

USCG Pacific Area/Pacific States/BC Oil Spill Task Force
Area Plan Annex for Places of Refuge
December, 2004

Purpose

1. To incorporate the International Maritime Organization (IMO) Guidelines on Places of Refuge for Ships in Need of Assistance into an Annex for the _____ Area Plan;
2. To provide a decision making process for response to requests for places of refuge;
3. To provide a template for Area Committees to inventory information on possible places of refuge within their region and do other advance planning; and
4. To apply existing procedures for coordinated transboundary and trans-jurisdictional decision-making when necessary in responding to a request for a place of refuge.

Introduction

A ship in need of assistance may require a temporary place of refuge with adequate water depth for lightering or repairs in order to protect the marine environment. Ships may need to be brought into a harbor, anchored or moored in protected waters, or temporarily beached in order to safely make repairs and stop the loss of oil or other hazardous substances. Disabled ships need to be repaired in order to resume safe navigation and prevent a shipwreck resulting in the loss of fuel or cargo. If leaking ships are not repaired, spilled oil and hazardous substances may affect the public health, environmental resources, and shorelines.

There is no single place of refuge for all ships and all situations. Decisions relating to places of refuge encompass a wide range of environmental, social, economic, and operational issues that vary according to each situation, including the environmental sensitivity of the areas within or adjacent to a potential place of refuge. The initial decision to permit a ship to seek a place of refuge, as well as the decisions and actions implementing that decision, are inherently based upon an assessment of the risk factors involved and the exercise of sound judgment and discretion.

Places of refuge are sites that could potentially be used for a disabled or damaged ship needing shelter for repairs. While information on potential sites may be pre-inventoried, this does not imply that any of these sites will be the location of choice in a future event. Selection of a place of refuge by the US Coast Guard Captain of the Port in consultation with other agencies and stakeholders will always be made on a case by case basis. If time allows, the Captain of the Port will activate a Unified Command under the Incident Command System (ICS) to address a request for a place of refuge.

When a Place of Refuge incident occurs that involves, or may involve, the international border, a response will be activated as per the appropriate Joint Canada/US or Joint Mexico/US Response Plan. Similarly, if a Place of Refuge incident is likely to involve more than one Area Plan, existing cross-jurisdictional protocols will be activated.

This area plan annex incorporates a decision-making process and recommended procedures for appropriate authorities and vessel masters to use when requesting a place of refuge. The guidelines in this annex incorporate the *Guidelines on Places of Refuge for Ships in need of Assistance* adopted by IMO, and assume use of the Incident Command System to manage the incident.

When safety of life is involved, existing search and rescue conventions and protocols should be used. When a ship is in need of assistance but safety of life is not involved, these guidelines should be followed to evaluate whether a ship should remain in the same position, continue on its voyage, be brought into a place of refuge, taken out to sea, or intentionally scuttled in deep water.

Definitions

Ship in need of assistance means a ship in a situation, apart from one requiring rescue of persons on board, which could lead to loss of the vessel or an environmental or navigational hazard.

A *ship* is defined as any vessel (self propelled or non self propelled) that can be used for the commercial carriage of cargo or passengers, as well as non-commercial applications, including but not limited to freight ships, tank ships, deck barges, tank barges, and large yachts.

Place of refuge means a place where a ship in need of assistance can take action to stabilize its condition and reduce the hazards to navigation, and to protect human life and the environment. Places of refuge can be man-made harbors, ports, natural embayments, or offshore waters.

MAS means a Maritime Assistance Service, as defined in the International Maritime Organization's resolution. PLEASE NOTE: In the US and Canada, the United States Coast Guard and the Canadian Coast Guard respectively are the agencies responsible for receiving reports and serving as the point of contact for the shipmaster while notifying other agencies in the event of an incident.

Guidelines mean each of the decision-making guidelines and matters set forth above and below. Notwithstanding any such words as "may", "should", "will", "must", or "shall", these guidelines are intended solely as factors that may be considered with respect to the exercise of judgment in deciding whether, where, and when to direct or permit a ship to

seek a place of refuge, as well as considered during the execution and implementation of any such decisions.

Jurisdiction

The US Coast Guard has authority to represent and protect federal government interests for incidents within federal waters, which includes all Navigable Waters of the United States (33 CFR 2.05-25). Under 33 CFR 6.04, the US Coast Guard Captain of the Port (COTP) has authority to order ships into and out of ports, harbors and embayments in order to protect the public, the environment and maritime commerce. The COTP is the designated Federal On-Scene Coordinator for the U.S. coastal zone per the National Contingency Plan (40 CFR 300)(a)(1). There may be some maritime homeland security situations where the COTP, acting as the Federal Maritime Security Coordinator, may have access to Sensitive Security Information (SSI) and/or classified information - not readily shareable with other stakeholders - that may impact on the final disposition of a vessel requesting "Force Majeure" or permitting a vessel to seek a place of refuge or approval of a salvage plan.

The State of _____ has authority to represent and protect the State's interest for incidents within State waters. The State has jurisdiction on state-owned shoreline and in nearshore waters out to the 3-mile limit. (Insert equivalent statement for the Province of BC). The (insert appropriate state agency name) designates the State On-Scene Coordinator.

Local governments or port authorities may have authority over near shore waters including ports and harbors. If so, a local government or port representative may serve as the Local On-Scene Coordinator per the _____ Area Plan.

Resource agencies have authority to manage their lands, wildlife, habitat, and resources as mandated in their laws. Resource agencies fill positions in the Incident Command System and provide resource information to the Unified Command.

Tribal governments may own land that could be impacted by a ship seeking a place of refuge. If so, a tribal government representative may serve as the Local On-Scene Coordinator per the _____ Area Plan.

The master of the ship has control of the ship and is responsible for requesting a place of refuge to the Captain of the Port. The master provides details on the status of the ship and justification for needing a place of refuge per the IMO Guidelines on Places of Refuge.

Management Structure to address Places of Refuge

If time allows, the Captain of the Port should consult with appropriate federal, state and local stakeholders to address a request for a place of refuge. A Unified Command may be activated as required. The Unified Command should provide an opportunity for consultation with resource agencies, tribal governments, local authorities, and other stakeholders as appropriate. Technical specialists, such as marine engineers, maritime pilots, vessel inspectors/surveyors, or salvors may be activated to assist in managing the incident. The Unified Command should utilize the decision checklists provided in this annex, based on pre-identified information whenever available, to determine the risks associated with the request. Once identified, an analysis should be performed balancing the public and environmental risks with the risks to the ship and the ship/cargo owner in order to decide if and where to move a ship in need of assistance.

If there is not time to activate a Unified Command, the Captain of the Port should make the decision whether to grant or deny the request for a place of refuge. To the extent possible, the Captain of the Port should use the check-lists provided in this annex, and reference pre-identified information on potential places of refuge for the immediate area in order to select an appropriate site. Following the decision, the Captain of the Port should immediately notify appropriate stakeholders.

Appendix I contains a list of potential stakeholders in (insert name of jurisdiction covered by area plan) for ships requiring a place of refuge.

Appendix II provides pre-identified information to support the decision-making checklists below, consistent with sections 3.5-3.6 of the IMO Guidelines on Places of Refuge for Ships in Need of Assistance.

Decision-making Process

To the extent possible, the COTP/Unified Command should perform an objective analysis of the advantages and disadvantages of allowing or not allowing a ship in need of assistance to proceed to a place of refuge. This analysis should identify the locations that meet the operational requirements of the ship and identify the potential environmental, social, economic, and security impacts at each site. The decision-makers will consider these multiple factors to determine the appropriate course of action to prevent and mitigate the short- and long-term impacts to public health and the environment, local commerce, the ship, and the ship/cargo owners.

Decision-makers should evaluate consequences to the vessel and the environment:

- If the ship remains in the same position;
- If the ship continues on its voyage;
- If the ship reaches a place of refuge;
- If the ship is taken out to sea; or

- If the ship is intentionally scuttled in deep water.

The decision-making process should evaluate each of these options using the following steps to determine if a ship in need of assistance should be granted a place of refuge. These steps are not in prioritized order, but should be addressed as part of a total assessment for each of the five options above.

Step 1

The master of the ship, or his/her representative (the operating company and/or salvor), should request a place of refuge from the appropriate Captain of the Port of the US Coast Guard (or appropriate Canadian authority). The master should provide as much information as possible, including:

- The status of the ship, crew, passengers, and weather;
- Medical issues, deaths, or need for evacuation of crew and/or passengers;
- The reasons the ship needs assistance and the specific assistance required;
- Intended actions and potential consequences if the request for a Place of Refuge is denied;
- If the ship is flooding, whether the pumping system is operable and is keeping up with the flooding rate;
- Status of vessel steering, propulsion, and firefighting capability;
- The steps already taken to mitigate the problem, and results;
- What needs or requirements will the ship have once in a place of refuge; and
- Status of notifications completed by master: i.e. owners/operators/agents/Qualified Individuals/class society, etc.

Step 2

When time allows, the Captain of the Port should consult with appropriate agencies to address the issue, and activate a Unified Command when the situation dictates.

If there is not time to consult with partner agencies, the Captain of the Port should grant or deny the request for a place of refuge, and inform the State or Province, other concerned agencies, and appropriate stakeholders at the earliest time to determine if any protective measures are required.

Step 3

In either case, the Captain of the Port or Unified Command should:

- Require the vessel master or owner/operator to contract with a salvor and oil spill response organization (OSRO) if this has not already been done;
- As the situation dictates, establish a command post and prepare to initiate a response;
- If the vessel is drifting, determine its trajectory to shore and potential impact sites;
- Notify the Federal Bureau of Investigation (FBI) or the Department of Homeland Security (DHS) to determine the level of security concern, if any;
- When appropriate and if time allows, dispatch an inspection team with expertise

appropriate to the situation to board the ship and evaluate conditions;

- Confer with the US Coast Guard MSC Ship Salvage Group; and
- Evaluate the following factors to determine if the ship in need of assistance should remain in the same position, continue on its voyage, be taken out to sea, intentionally scuttled, or be directed to a place of refuge.

Human Health & Safety

- Safety and condition of those on board as well as risks to public safety

Environment

- The environmental consequences of staying put, continuing on its voyage, being taken out to sea, being intentionally scuttled in deep water, or going to a place of refuge (reference Step 5 below)

Ship Status and Risk Factors

- The kind and size of the ship
- The status/seaworthiness of the ship, in particular buoyancy, stability, structural integrity, availability of propulsion and power generation, docking ability, progressive deterioration, etc.
- Types, quantities, hazards, and condition of petroleum products, hazardous substances, and/or other cargo onboard
- The impending threat to the ship or its product
- Weather conditions and forecasts
- The master's ability to navigate the ship or need for a pilot
- Distance and estimated time to reach a place of refuge
- Vessel traffic in the area where the ship is currently located
- Mitigation measures already taken

Response & Salvage Resources

- Availability of rescue tugs/tow vessels of sufficient size and power to aid the ship in distress
- Salvage and spill response resources on-scene with the ship and available during transit
- Vessel traffic in the potential destination area
- Access to a pier or dock with repair facilities
- Whether salvage and lightering can safely be performed at each alternative location

Other Command Management Factors

- Provisions of financial security and insurance by the ship owner/operator
- Agreement by the master and owner/operator of the ship to the proposals of the COTP/Unified Command

- Public expectations and media outreach

Step 4

If the Captain of the Port/Unified Command determines that the risks are generally acceptable to direct a ship into a place of refuge, the following factors should be further evaluated to determine a specific place:

Human Health & Safety

- Assessment of human factors, including crew fatigue
- Safety of persons at or near the place of refuge with regard to risks of explosion, fire and pollution
- Security concerns associated with a port or harbor area
- Available emergency response capabilities and evacuation routes and facilities
- Available fire-fighting and police capabilities

Environment

- Potential environmental and cultural impacts of pollution (reference Step 5 below) or the response to a pollution incident; and
- Existing resource protection strategies and availability of response resources to implement the strategies

Port or Anchorage Area Criteria

- The type and size of the ship in relation to the size of the place of refuge
- Adequate water depth to accommodate the ship
- Navigational approach, including vessel traffic and associated risks
- Pilotage requirements
- Tides and currents
- Seasonal conditions such as ice
- Anchoring ground or suitable docking facilities
- Availability of repair facilities such as dry docks, workshops, and cranes
- Availability of facilities which can handle dangerous cargo
- Military operations in vicinity
- Availability of cargo transfer and storage facilities
- Land and/or air access
- Weather and sea state including prevailing winds
- Requirements from port authorities, area landowners/managers

Beaching Site Criteria

- Depth of water, not covering vessel deck
- The type of shore bottom
- Navigational approach and pilotage requirements

- Seasonal conditions such as ice
- The openness of the site to ocean waves/currents
- Land and/or air access
- Prevailing wind patterns and forecasts
- Tidal range
- Vessel stability and structure for beaching

Economy

- Potential economic impacts of pollution
- Potential disruptions to other port operations or marine commerce
- Potential impacts on local fisheries, commercial fisheries, and/or natural resources exposed on the transit route
- Economic impact of the decision on the ship operator/owners and the cargo owner

Response, Salvage, and Repair Resources

- Available salvage and spill response resources
- Availability of appropriate and compatible lightering equipment and receiving vessels
- Availability of product storage (e.g., tank barge, shore-side storage tank, or other ships)
- Availability of skilled labor and trained personnel
- Access to repair equipment and facilities
- Availability of cargo reception and storage facilities
- Salvage and response vessel access to the "place of refuge"

Other Command Management Factors

- Liability, insurance, and compensation issues and limits
- Requirements of jurisdictional authorities for financial responsibility and bonding
- Required notifications such as maritime pilots, Immigration, Customs, and security
- Transnational or trans-jurisdictional coordination agreements/plans, if applicable
- Public expectations and media outreach

Step 5

To protect environmental, historic, and cultural resources, the Captain of the Port/Unified Command should determine the presence of, and proximity to the following for any potential refuge locations:

- Resources at risk such as threatened or endangered species, seasonal breeding locations, or designated critical habitat

- Essential fish habitat
- Mariculture/aquaculture facilities
- Other priority sensitive areas, including cultural and historic properties
- Other resources, lands and/or waters with special designations
- Offshore fisheries
- Nearshore fisheries
- Subsistence use patterns and treaties
- Recreation/tourism information
- Spill Trajectories

Step 6

After the final analysis has been completed and a decision made, the COTP or Unified Command, through a formal document (such as a Decision Memo), should ensure that other authorities and stakeholders listed in Appendix 1 are appropriately informed.

Appendix I
Statewide List of Potential Stakeholders
For Incident-Specific Consultation
Regarding Places of Refuge

The Area Planning Committee should ensure that 24/7 contact information is maintained for all categories listed below:

Federal On-Scene Coordinator

State On-Scene Coordinator

Local On-Scene Coordinator

Trustee land managers

Federal Natural Resource Trustees (list)

State Natural Resource Trustees (list):

Federally-Recognized Tribes or First Nations (list):

Land Owners/Land Managers in addition to trustees identified above (examples follow):

- Local (e.g., borough/municipal) governments
- Potentially impacted facility owners
- Port Authorities

Other Stakeholders or Agencies (examples follow):

- Regional Citizens Advisory Councils or other appropriate public interest groups
- Harbor Safety Committees
- Selected commercial operators (e.g., fish hatcheries, mariculture sites)
- Immigration, Customs, the Federal Bureau of Investigation, the Department of Homeland Security, and the Federal Emergency Management Agency
- Maritime pilot groups serving the area

Appendix II

Template for Pre-identifying Information Necessary for Responding to Requests for Places of Refuge

Introduction

Area Planning Committees should gather information on all potential Places of Refuge in their regions. This appendix provides a template for the collection of general information on the planning region as well as specific information on sites such as docks and piers, anchorages and moorings, and possible beaching sites. The checklists in this template support the decision-making checklists in the Places of Refuge Annex by providing for the advance collection of information and are therefore crucial to expediting a Place of Refuge decision-making process.

While information on possible sites may be pre-inventoried, this does not imply that any of these sites will be the location of choice in a future event. Selection of a place of refuge by the US Coast Guard Captain of the Port in consultation with other agencies and stakeholders will always be made on a case-by-case basis.

Area committees may want to establish a workgroup to identify potential places of refuge. The workgroup should include representatives of the US Coast Guard, the state environmental agency, appropriate federal and state natural resource trustees, local environmental and natural resource agencies, and marine pilots associations. In addition, native tribes and other of interested and knowledgeable stakeholders should be invited to participate.

I. General Information for region of Area Plan

- Casualty risks associated with the routine vessel traffic routes in the planning area
- Availability of rescue tugs/tow vessels of sufficient size and power to aid the vessel in distress and predicted arrival times
- Salvage, lightering, and spill response resources available to this jurisdiction, including delivery times
- Transnational or trans-jurisdictional coordination agreements/plans, if applicable
- Shorelines likely to be impacted either during transits to a place of refuge or if refuge is denied:
 - Shoreline names and locations as appropriate
 - Shoreline types and generally acceptable cleaning methods
 - Description of sensitive resources/areas along the coastlines likely to be impacted, including fisheries, aquaculture sites, cultural and historic sites, Threatened and Endangered species, subsistence use, recreation/tourism, or specially designated lands or waters

- Existing resource protection strategies
- General wind/wave/current information and source for real-time tide/wind/wave/current information
- Seasonal conditions, such as ice
- Potential risks to populations along the coasts with regard to explosion, fire and pollution; availability of evacuation routes
- General information on coastal vessel traffic patterns
- Other pertinent information

II. Descriptions of Potential Places of Refuge

A. Docks and Piers

For each site:

- Site number [to correspond to map showing location]
- Site name
- Site location (descriptive and latitude/longitude coordinates)
- Water depths at mean low tide
- Beach/shoreline types and generally accepted cleaning methods
- Bottom types
- General wind/wave/current information
- Openness of the site to ocean waves/currents
- Source for real-time tide/wind/wave/current information
- Seasonal conditions, such as ice
- Standard navigational approach, including vessel traffic patterns and associated risks
- Pilotage requirements
- Nearby port operations and potential impacts
- Brief description of port facilities
- Brief description of repair facilities/capabilities/skilled labor
- Availability of cargo transfer and storage facilities
- Land and/or air access
- Risks to persons at or near the location with regard to explosion, fire and pollution; availability of evacuation routes
- Description of sensitive resources/areas at the site and along potential access routes to that site, including fisheries, aquaculture sites, cultural and historic sites, Threatened and Endangered species, subsistence use, recreation/tourism, or specially designated lands or waters
- Existing resource protection strategies
- Availability of salvage, spill response, and emergency response resources including police and firefighting
- Security measures in place
- Requirements for permission from area landowners/managers
- Financial assurance requirements of port authorities

- Liability and compensation issues and limits
- Required notifications such as Immigration or Customs
- Identification of stakeholders including 24/7 contact information
- Other pertinent information

B. Anchorages and Moorings

For each site:

- Site number [to correspond to map showing location]
- Site name
- Site location (descriptive and latitude/longitude coordinates)
- Water depths at mean low tide
- Beach/shoreline types and generally accepted cleaning methods
- Bottom types
- General wind/wave/current information
- Openness of the site to ocean waves/currents
- Source for real-time tide/ wind/wave/current information
- Seasonal conditions, such as ice
- Standard navigational approach, including vessel traffic and associated risks
- Pilotage requirements
- Nearby port operations, if any, and potential impacts
- Brief description of facilities (if any)
- Availability of cargo transfer and storage vessels
- Land and/or air access
- Risks to persons at or near the location with regard to explosion, fire and pollution; availability of evacuation routes
- Description of sensitive resources/areas at the site and along potential access routes to that site, including fisheries, aquaculture sites, cultural and historic sites, Threatened and Endangered species, subsistence use, recreation/tourism, or specially designated lands or waters
- Existing resource protection strategies
- Availability of salvage, spill response, and emergency response resources including police and firefighting, and their potential access to the site
- Security measures in place
- Requirements for permission from area landowners/managers, if applicable
- Financial assurance requirements of local port authorities, if applicable
- Liability and compensation issues and limits
- Required notifications such as Immigration or Customs
- Identification of stakeholders including 24/7 contact information
- Other pertinent information

C. Beaching Sites

For each site:

- Site number [to correspond to map showing location]
- Site name
- Site location (descriptive and latitude/longitude coordinates)
- Water depths at mean low tide
- Beach/shoreline types and generally acceptable cleaning methods
- Bottom types
- General wind/wave/current information
- Openness of the site to ocean waves/currents
- Source for real-time tide/wind/wave/current information
- Seasonal conditions, such as ice
- Standard navigational approach, including vessel traffic and associated risks
- Pilotage requirements
- Nearby port operations, if any, and potential impacts
- Brief description of facilities (if any)
- Availability of cargo transfer and storage vessels and their potential access to the beaching site
- Land and/or air access
- Risks to persons at or near the location with regard to explosion, fire and pollution; availability of evacuation routes
- Description of sensitive resources/areas at the site and along potential access routes to that site, including fisheries, aquaculture sites, cultural and historic sites, Threatened and Endangered species, subsistence use, recreation/tourism, or specially designated lands or waters
- Existing resource protection strategies
- Availability of salvage, spill response, and emergency response resources including police and firefighting, and their potential access to the beaching site
- Security measures in place
- Requirements for permission from area landowners/managers, if applicable
- Financial assurance requirements of local port authorities, if applicable
- Liability and compensation issues and limits
- Required notifications such as Immigration or Customs
- Identification of stakeholders including 24/7 contact information
- Other pertinent information

[Attach charts showing potential places of refuge locations]