



COMDTPUB P16700.4
NVIC 9-02 Change 3
29 April 2008

NAVIGATION AND VESSEL INSPECTION CIRCULAR (NVIC) NO. 9-02, Change 3

Subj: GUIDELINES FOR DEVELOPMENT OF AREA MARITIME SECURITY COMMITTEES
AND AREA MARITIME SECURITY PLANS REQUIRED FOR U.S. PORTS

- Ref:
- (a) Marine Safety Manual (MSM) Volume VII, Port Security, COMDTINST M16000.12 (series)
 - (b) Magnuson Act and Executive Order 10173, as amended
 - (c) Ports and Waterways Safety Act (PWSA) of 1972
 - (d) Risk-Based Decision-Making, COMDTINST 16010.3 (series)
 - (e) Presidential Decision Directive(PDD)-63 Critical Infrastructure Protection
 - (f) Homeland Security Presidential Directive (HSPD)-3 Homeland Security Advisory System
 - (g) DOT Report to Congress, "An Assessment of the U.S. MTS" dated Sept. 1999
 - (h) Navigation and Vessel Inspection Circular No. 1-00, Guidance for the Establishment and Development of Harbor Safety Committees Under the Marine Transportation System (MTS) Initiative, COMDTPUB P16700.4
 - (i) Navigation and Vessel Inspection Circular No. 10-04, Guidelines for Handling of Sensitive Security Information (SSI), COMDTPUB P16700.4
 - (j) Guidance for Coast Guard Coordination of MTS Improvement Efforts at the Regional and Local Level, COMDTINST 16010.9 (series)
 - (k) Interagency Commission on Crime and Security in U. S. Seaports, August 2000
 - (l) Contingency Planning and Preparedness Manual (CPPM), Volume III; Exercise Policy COMDTINST M3010.13 (series)
 - (m) Homeland Security Exercise and Evaluation Program (HSEEP), Vol. I-III
 - (n) National Response Framework, January 2008
 - (o) Maritime Transportation Security Act, Public Law 107-295; 46 USCA §§ 70101 et. seq.
 - (p) 33 CFR Subchapter H, Parts 101-106
 - (q) Alignment with the National Incident Management System and National Response Framework, COMDTINST 16000.27
 - (r) Security and Accountability For Every Port Act of 2006 (SAFE Port Act), Public Law 109-347; 46 USCA §§ 70101 et. seq, as amended
 - (s) U.S. Coast Guard Incident Management Handbook, COMDTPUB P3120.17 (series)
 - (t) Homeport Policy Guidance (MPS Policy Letter 01-05)

DISTRIBUTION – SDL No. 148

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NON-STANDARD DISTRIBUTION: Ba: Commandant (CG-5441). Distributed by electronic means only.

- (u) Freedom of Information and Privacy Acts Manual, COMDTINST M5260.3
- (v) Information and Life Cycle Management Manual, COMSTINST M5212.12 (series)
- (w) Classified Information Management Program, COMDTINST M5510.23
- (x) Recovery of the Marine Transportation System for Resumption of Commerce, COMDTINST 16000.28 (series)
- (y) Operations Security, COMDTINST M5510.24(series)
- (z) Physical Security Program, COMDTINST M5530.1(series)

1. PURPOSE. The purpose of this Circular is to 1) provide guidance to field commanders on the development and maintenance of Area Maritime Security (AMS) Committees and AMS Plans; 2) provide guidance on the responsibilities of the Captain of the Port (COTP) acting as the Federal Maritime Security Coordinator (FMSC); 3) provide a common template for AMS Plans; 4) address port security issues that are the shared responsibility of the port stakeholders and AMS Committees; and 5) promote unity of effort among all stakeholders with maritime security interests at the port level.
2. ACTION. COTPs will give the guidance in this circular the widest dissemination to the maritime community and AMS Committee members. AMS Committees and AMS Plans should follow the guidance provided in Enclosures (1) through (6). This Circular will be distributed by electronic means only. It is available on the World Wide Web at <http://uscg.mil/hq/g-m/nvic> and at <http://homeport.uscg.mil>. Distribution may be made by any practical method.
3. DIRECTIVES AFFECTED. NVIC 9-02, Change 2 has been revised to provide guidance on the Maritime Transportation Security Act (MTSA) of 2002 as amended by the Security and Accountability For Every Port Act of 2006 (SAFE Port Act), lessons learned relative to recovery of the Marine Transportation System (MTS) from transportation disruptions, development of the National Response Framework (NRF) and supporting documents, and other developments in maritime security policy. Enclosures (1) through (4) have been revised. Enclosure (5) is a new addition and provides template guidance for facilitating recovery of the MTS. Enclosure (6) is also new and provides template guidance for the development of the Salvage Response Plan (SRP) required as an annex to each AMS Plan by Reference (r).
4. BACKGROUND.
 - a. The terrorist attacks of September 11, 2001, substantially changed the risk profile of the Nation's ports, waterways, coastal areas, MTS, and Maritime Critical Infrastructure and Key Resources (CI/KR). The Coast Guard responded by re-evaluating and strengthening its abilities to protect these assets from possible terrorist attack. On November 25, 2002, the President signed into effect the Maritime Transportation Security Act (MTSA) of 2002, Public Law 107-295, reference (o). This Law mandated the development of a new maritime security regime including a regulatory scheme for vessel and facility security. Final Regulations, reference (p), were published on October 22, 2003 implementing the MTSA requirements. Since then, numerous reports and studies continue to identify the ports, waterways and coastal areas as being particularly vulnerable. On October 13, 2006, the President signed into effect the SAFE Port Act, Public Law 109-347, reference (r). This Act expanded the maritime security regime required by federal law.
 - b. International trading partners are an integral part of U.S. security solutions. The international security code, the International Ship and Port Facility Security Code (ISPS) and a new Chapter XI-2 of the International Convention for the Safety of Life at Sea, 1974, entitled Special Measures to Enhance Maritime Security, were adopted.

The Coast Guard created an International Port Security Program to assess antiterrorism measures at foreign ports and also to collaborate with other federal agencies to help ensure the security of the cargo supply chain.

- c. MTSA mandated Coast Guard-coordinated, port community-oriented maritime antiterrorism preplanning of joint deterrence efforts for Transportation Security Incidents (TSIs). MTSA further required designation of areas for which AMS Plans were required to be prepared and a Coast Guard official to serve as the FMSC for each area. The FMSC is required to consult with Area Maritime Security Advisory Committees (that were also authorized by the MTSA – commonly referred to as Area Maritime Security Committees) on matters pertaining to the security of the port.
- d. AMS Plans are required to be integrated with required facility and vessel security plans, and to be adequate to deter a TSI when implemented in conjunction with the National Maritime Transportation Security Plan. The SAFE Port Act expanded mandatory content of AMS Plans to include a Salvage Response Plan (SRP) to ensure that waterways are cleared and that commerce through the Nation's ports is reestablished as efficiently and quickly as possible following a TSI. AMS Plan content requirements established by reference (r) include the requirements mandated by the MTSA as well as other security matters consistent with authority provided under references (b) and (c) for which maritime community engagement is essential.

5. DISCUSSION.

- a. NVIC 9-02, Change 1 provided guidance to FMSCs on how to bring existing Port Security Committees (PSCs) and Port Security Plans (PSPs) into compliance with Title 33 Code of Federal Regulations (CFR) Subchapter H, which pertains to the establishment of AMS Committees and AMS Plans. Since June 1, 2004, AMS Committees have been established throughout the nation.
- b. NVIC 9-02, Change 2, revised NVIC 9-02, Change 1, to provide guidance on the Final Rules published for Title 33 CFR Subchapter H and the Maritime Transportation Security Act of 2002 and their associated revisions to Enclosures (1) and (2). Change 2 also provided new guidance on the AMS Exercise Program.
- c. NVIC 9-02, Change 3 is provided to further expand and update this guidance to reflect new requirements from reference (r), and additional security requirements that have emerged.
- d. The FMSCs are responsible for establishing and maintaining AMS Committees that advise on the development of an AMS Plan for each COTP Zone. The AMS Committees also develop methods to identify risks, communicate threats to affected stakeholders, coordinate resources, and mitigate threats and consequences. Enclosure (1) provides guidelines for the AMS Committee members to follow.

- e. The AMS Plans and AMS Committees are cornerstones in bolstering the lines of defense of our Nation's ports. Their importance cannot be over emphasized. Collaborative planning, coordination, open lines of communication, working relationships and unity of effort are essential to providing layered security and effective measures across all segments of the MTS.
- f. Enclosure (2) provides guidelines for FMSCs in the development and maintenance of the AMS Plans and provides the standard AMS Plan Template. The AMS Plan Template is correlated with the content requirements of reference (p).
 - (1) The AMS Plan provides a strategy for coordinated and scalable actions to detect, deter, and prevent threats at varying threat levels throughout the COTP Zone.
 - (2) The AMS Plan provides coordinated security measures and procedures to deter and/or respond to TSIs and other security events. AMS Plans also serve as coordinating plans for preplanning of joint deterrence measures within the AMS community. They provide linkages to emergency response plans and associated organizations. They also serve as antiterrorism supporting plans to these tactical response activities during incident management.
 - (3) The AMS Plan should also provide for facilitating the recovery of the MTS from TSIs, and must include a SRP component. AMS Plans should be compatible across all forms of Transportation Disruptions, as defined by references (o) and (r), with special attention to MTS recovery and salvage response procedures.
 - (4) The use of the AMS Plan Template is expected. The FMSC and AMS Committees contribute to the Maritime Common Operating Picture (MCOP) that permits critical decision makers to have access to vital information. The AMS Plan is essential to the MCOP as it represents coordinated planning as a joint venture between many departments of the government and civilian community at the port level.
- g. AMS preparedness stages.
 - (1) The first stage of the AMS Plan process begins with a security assessment of the port area conducted by the FMSC and AMS Committee. Enclosure (3) describes the process and discusses conducting the security assessments using the Maritime Security Risk Analysis Model (MSRAM) that was developed by the Coast Guard. Further information on risk-based decision-making is available in reference (d).

- (2) The second stage of the preparedness process includes the actual planning and coordination amongst stakeholders to mitigate or minimize the risks identified through the port security risk assessment.
 - (3) The third and following stages in the preparedness cycle include exercises, evaluations, and amendments. Enclosure (4) provides guidance on the AMS Exercise and Training Program (AMSTEP). Recommendations on port security training are also included in Enclosure (4); however, training should be considered an ongoing evolution existing in all stages of the preparedness process.
- h. AMS Plans will contain Sensitive Security Information (SSI) and it is anticipated that AMS Committee members will need to access or produce information that is designated as SSI. Each Plan is required to be designated as SSI in accordance with references (i) and (p) and must be marked accordingly. Paragraph marking will be used to clearly identify the security designation of information contained in each paragraph (SSI, For Official Use Only (FOUO), or Unclassified (U)). However, SSI information may be redacted from the AMS Plan. A redacted plan must be marked as such in accordance with reference (i). The redacted AMS Plan may be shared with the port community consistent with access regulations applicable to its remaining content. Thus, if a redacted AMS Plan contains information designated as FOUO, then the applicable access requirements apply. Additional guidance is provided in references (i) and (w) and the AMS Plan Template in Enclosure (2) regarding the handling, dissemination, and protection of SSI portions of the AMS Plan and AMS Committee meeting minutes.
 - i. AMS Plan content responds to specific statutory and regulatory requirements and discretionary authority available to the Coast Guard. Therefore, AMS Plans should not be expanded to include emerging issues without the concurrence of the AMS Program Manager in coordination with Coast Guard District and Area Commands. Emerging initiatives often involve a level of detail or issues that are more suitable as field-level best practices, job aids, or templates for tactical operations for incident-specific adaptation and local approval, for example, by an Incident Commander. Such materials may be incorporated by reference in AMS Plans where appropriate to meet AMS content requirements, and in certain cases, as annexes as described in Enclosure (2).
6. IMPLEMENTATION.
- a. Coast Guard Area and District Commanders are requested to work with FMSCs to establish scalable port security measures based upon the input received from the AMS Committees. These measures may include Regulated Navigation Areas with a port security component, security zones activated only during heightened threat conditions, or other combinations of field regulations issued under 33 CFR Part 165 and would be established after undergoing proper rulemaking. Ultimately, these preplanned port security measures will allow for quick implementation when Maritime Security (MARSEC) levels are raised. At

no time, however, will these security measures prevent a COTP from taking more extensive measures, pursuant to existing authority, within their port in times of national emergency or imminent attack.

b. COTP/FMSC Responsibility

- (1) COTPs/FMSCs should use the enclosed guidelines to develop and maintain AMS Committees that conform to 33 CFR Subchapter H.
- (2) Each COTP/FMSC should use the enclosed guidelines to develop and maintain an AMS Plan and an associated exercise program. These plans may include geographic sub-plans as annexes as long as the entire COTP Zone is covered. Separate AMS Plans may be prepared for individual ports in those instances where there are compelling reasons to do so subject to the concurrence of the AMS Plan approving authority.
- (3) COTPs/FMSCs should use the Maritime Security Risk Analysis Model (MSRAM) process described in Enclosure (3) when conducting the security assessment required by regulation.
- (4) AMS Plans should be submitted by the COTP/FMSC in an electronic format to their District Commander for review in accordance with District direction and Section 8000 of Enclosure (2) of this document.

c. District Responsibility

- (1) District Commanders should engage with COTPs/FMSCs to ensure timelines are met. In doing so, they will provide any technical or drafting assistance needed at the field level.
- (2) District Commanders should review all AMS Plans within their District based on the criteria found in enclosure (2), and forward the plans to the cognizant Area Commander based upon their direction.

d. Area Responsibility

- (1) Area Commanders should review and approve all AMS Plans in accordance with the criteria found herein, and forward approved AMS Plans to Commandant (CG-532, Office of Counterterrorism and Defense Operations).

e. Commandant Responsibility

- (1) Commandant (CG-5441, Domestic Ports Division) shall establish and review the policy and doctrine governing the AMS Committees. Commandant (CG-532, Office of Counterterrorism and Defense Operations) shall establish and review policy and doctrine governing AMS Plans and work with Commandant (CG-535, Office of Contingency Exercises) to establish and review policy and doctrine governing AMS Exercises.

f. Submissions and Approvals Schedules

- (1) The AMS Plan update and review schedule will be in accordance with references (o), (p), and (r) and as per guidance promulgated by the Plan Approval Authority.

7. DISCLAIMER.

- a. This guidance is not a substitute for applicable legal requirements, nor is itself a rule. It is not intended to nor does it impose legally-binding requirements on any party. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other federal and state regulators, in applying statutory and regulatory requirements. You can use an alternative approach for complying with these requirements if the approach satisfies the requirements of the applicable statutes and regulations. If you want to discuss an alternative approach (you are not required to do so), you may contact the Domestic Ports Division (Commandant CG-5441) at Coast Guard Headquarters, which is responsible for implementing this guidance.

8. ENVIRONMENTAL ASPECTS/CONCERNS. Environmental considerations were examined in the development of this NVIC and have been determined to be not applicable.

9. FORMS/REPORTS. None

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Assistant Commandant for Marine Safety,
Security, and Stewardship

- Encl: (1) Guidance for Development and Management of AMS Committees
(2) Guidance for Development and Management of AMS Plans
(3) Port Level AMS Assessments (MSRAM)
(4) Guidance for Development and Management of an AMS Exercise Program
(5) MTS Recovery Plan Template
(6) Salvage Response Plan Template

ENCLOSURE (1) TO NVIC 9-02 CHANGE 3

**GUIDANCE FOR DEVELOPMENT AND MANAGEMENT OF
AREA MARITIME SECURITY (AMS) COMMITTEES**

1. PURPOSE.

- a. This enclosure provides information on the purpose, structure, and conduct of Area Maritime Security Committees (AMSCs) and is intended to assist the Federal Maritime Security Coordinators (FMSCs) in establishing and maintaining the AMSCs.

2. BACKGROUND.

- a. Over the last decade, the COTPs have established a broad spectrum of port committees, including Port Readiness Committees, Harbor Safety Committees, Area Committees for Oil and Hazardous Materials Response, Heavy Weather Committees, and other Federal, State, and Local committees, to facilitate coordinated response to specific incidents within the maritime domain.
- b. COTPs were directed to establish Port Security Committees (PSCs) pursuant to reference (e). Since that time, the Maritime Transportation Security Act (MTSA) was signed into law, and the Coast Guard issued implementing regulations on Area Maritime Security in 33 CFR Subchapter H. The regulations also implemented a change in terminology from “Port Security” to “Area Maritime Security” for both plans and committees.
- c. Although the MTSA specifically waives the application of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. Sec. 14, to the formation of AMSCs, each AMSC is required to conform to certain provisions in the MTSA, and the procedures established in 33 CFR 103.300. In particular, 103.300 mandates a written charter for the formation of AMSCs.

3. DISCUSSION.

a. Establishment of AMSCs

- (1) The Coast Guard’s Ports, Waterways and Coastal Security (PWCS) mission is to deter, detect, prevent and respond to attacks against U. S. territory, population, and critical maritime infrastructure. The mission can best be accomplished through interagency, intergovernmental, and public/private sector cooperative efforts. As the Lead Federal Agency for Maritime Homeland Security, the Coast Guard will accomplish its mission in part through AMSCs that provide a framework to communicate threats, identify risks, and coordinate resources to mitigate threats and vulnerabilities.

b. Purpose and responsibilities of the AMSCs.

- (1) The purpose of the AMSC is to assist and advise the FMSC in the development, review, and update of an AMS Plan for its COTP Zone. It is essential that the AMSC, working with the FMSC, develop a plan that

contemplates attacks upon the COTP Zone's particular infrastructure that would most likely create a Transportation Security Incident (TSI). In doing so, the AMSC should consider the Marine Transportation System (MTS) infrastructure defined in "An Assessment of the U. S. Marine Transportation System," and in Presidential Decision Directive 63, "Critical Infrastructure Protection."

- (2) The AMSCs support the information-sharing framework established by HSPD-7 and the National Infrastructure Protection Plan. AMSCs should employ Homeport, the Coast Guard's public internet portal, to improve communication and information sharing and should encourage the use of programs to raise the security awareness of port community stakeholders and facilitate threat reporting through America's Waterway Watch. 33 CFR 103.310 directs the AMSCs to act as a link in communicating threats and changes in MARSEC levels, a measure meant to address concerns voiced by industry and the boating public about how security and threat information will be communicated and protected. The Communications Section of the AMS Plan Template in Enclosure (2) is intended to serve as a guide to the COTPs/FMSCs in the development of communications plans that address those concerns, and in identifying the role of the AMSC in the communications process.
- (3) Ports and Waterways Coastal Security (PWCS) encompasses national security objectives pertaining to the MTS, including the need to support military operations conducted through the ports by the Department of Defense (DoD). The AMSC is responsible for planning and coordinating security procedures. Although the AMSC is not a response entity for the purposes of crisis management, it may be asked to provide subject matter expertise to advise the COTP/FMSC. The links between the AMSC and response-driven entities, such as the DoD, the Area Committee for Oil and Hazardous Materials Response, and other existing port committees, are crucial to improving overall preparedness. Just as jurisdictions in the ports are overlapping, some committee responsibilities may overlap. The need for coordination has been directly addressed by the Port Readiness Committees (PRCs) and the National Port Readiness Network (NPRN).

c. Organization of AMSCs.

- (1) When developing the local membership and organization of the AMSCs, COTPs/FMSCs should take into account all aspects of the MTS in each port area and its adjacent waterways and coastal/shoreside areas. The AMSCs should be comprised of Federal, State, and Local agencies, law enforcement and security agencies, and port stakeholders. Representatives for each aspect of the MTS and those charged with its regulation or enforcement should be encouraged to participate. For example, AMSC membership could include, but should not be limited to, representatives from the following:

(a) Federal Agencies:

- US Coast Guard in addition to Sector (e.g., Integrated Support Commands, Vessel Traffic Service, Maritime Safety and Security Teams, Coast Guard Auxiliary);
- Department of Defense (DoD);
- Nuclear Regulatory Commission (NRC);
- US Department of Agriculture (USDA);
- Environmental Protection Agency (EPA);
- Occupational Safety and Health Agency (OSHA);
- Federal Bureau of Investigation (FBI);
- Federal Emergency Management Agency (FEMA);
- Bureau of Customs and Border Protection (BCBP);
- Bureau of Immigration and Customs Enforcement (BICE);
- Transportation Security Administration (TSA);
- U.S. Army Corps of Engineers (USACE);
- US Transportation Command (TRANSCOM);
- Military Sealift Command (MSC);
- Military Surface Deployment and Distribution Command;(SDDC);
- Animal and Plant Health Inspection Service (APHIS);
- Maritime Administration (MARAD);
- Research and Special Programs Administration (RSPA);
- Federal Railway Administration (FRA);
- Federal Highway Administration (FHWA);
- Federal Transit Administration (FTA);
- Other government representatives, where appropriate.

(b) State and Local agencies:

- National Guard;
- Marine Police;
- Port Authority Police and/or security forces;
- Fire Departments;
- Civil Defense;
- City Government officials;
- Transportation agencies;
- Fish and Wildlife marine units;
- Health agencies;
- Occupational safety agencies;
- Terminal/facility security forces;
- Other State, Local and City Government representatives;
- State Department of Natural or Environmental Resources marine units;
- Other environmental agencies;
- Regional development agencies/metropolitan planning organizations.

(c) Tribal Governments:

(d) Industry-related agencies:

- Vessel Agents
- Cargo Owners
- Facility owners/operators;
- Terminal owners/operators;
- Trade organizations;
- Recreational boating organizations (yacht clubs, rowing clubs);
- Railroad companies;
- Trucking companies;
- Shipyards;
- Tow-boat operators;
- Marine exchanges;
- Industry organizations; Marine Pilots;
- Organized labor;
- Commercial fishing industry;
- Waterborne vendors & service providers (Harbor Tugs, Launch Services, Line Handlers, small ferry operators, water taxis).

(2) The MTSA, at 46 USCA 70112(3), requires that before appointing a member to a position on an AMSC, notice soliciting nominations for membership shall be published in the Federal Register. Accordingly, Coast Guard Headquarters will publish notice each December. Interested parties will be directed to the nearest FMSC to apply. FMSCs shall ensure membership elections and appointments are timed in accordance with the Federal Register Notice each year. It is not expected that every AMSC will have a vacancy in every year. If, after the solicitation/application process is complete, a FMSC becomes aware of other individuals or sectors of the port industry that he/she believes should be part of an AMSC, it is up to the FMSC to solicit representation from those individuals or sectors. This may be done without any further requirement to publish a notice in the Federal Register. For example, it may be appropriate for the FMSC to solicit Federal Agency representatives outside the Federal Register process to ensure strong agency representation on an AMSC. Also, for those members who may have already been designated in writing by the FMSC as members of an AMSC, it is not necessary for these members to reapply for their positions. A template Federal Register Notice is included as Tab A of Enclosure (1).

(3) 33 CFR 103.305(b) requires that at least seven of the members of each AMSC each have five years of experience related to maritime or port security operations within the area. The FMSC shall use his/her best judgment in selecting individuals that are best suited as members of the AMSC, and in determining if each member's qualifications meet the intent of the regulations.

- (4) In accordance with 33 CFR 103.305, each member of the AMSC shall be appointed for a term of not more than five years. The FMSC shall designate membership terms to ensure that all memberships do not expire within the same year. As such, when establishing an AMSC, some members may be designated for only three years, vice five, to provide for continuity of AMSC operations. Appointment as a AMSC member should be made by formal written document. Sample Invitation, Designation and Acceptance letters are provided at TABs B, C, and D.
- (5) In addition to AMSC members designated under 33 CFR 103.305, the FMSC may allow participation on the AMSC by observers from other government agencies and by “associate” or “at-large members,” as per each specific AMSC’s charter. These participants may include subject matter experts whose input is necessary in the development of the AMS Plan and other activities. At the discretion of the FMSC, these individuals may participate in the activities of the AMSC, sub-committees, and/or working groups.
- (6) At the discretion of the FMSC, non-U.S. citizens may serve as AMSC members or participate as observers or subject matter experts if they are representatives of foreign governments or lawful permanent residents of the United States. All foreign disclosure restrictions on the sharing of classified information and Sensitive Security Information (SSI), including the TSA terrorist screening check required in paragraph 3(d)(2) of this section apply.
- (7) Each AMSC shall elect one of its members as the Chairperson and one of its members as the Vice Chairperson. The Vice Chairperson shall act as Chairperson in the absence or incapacity of the Chairperson, or in the event of a vacancy in the office of the Chairperson. Because the AMSC is established and maintained under the FMSCs direction, the FMSC may chair the AMSC. Nevertheless, some ports may find that, under their existing committee structure, it is more effective for industry representatives to chair the AMSC. Either method of chairing the AMSC is acceptable under the provisions of 33 Code of Federal Regulations (CFR) Part 103.
- (8) The FMSC shall designate a member of his/her staff as the Executive Secretary of the AMSC. The Executive Secretary shall be responsible for the administrative duties of the AMSC, such as maintaining current designation letters, publishing meeting agendas, recording meeting minutes, and maintaining current editions of the AMS Plan, including digital versions. It is also the responsibility of the Executive Secretary to ensure that all committee records are properly safeguarded and maintained in accordance with reference (x) and designated as SSI where appropriate.
- (9) 46 United States Code (USC) 70112(f) states that a member of a Committee established under this section, when attending meetings of the Committee or when otherwise engaged in the business of the Committee (including AMSCs

and the National Maritime Security Advisory Committee, NMSAC) is entitled to receive compensation and travel or transportation expenses. The Commandant has determined that compensation for participation on AMSCs shall be set at zero. For travel and transportation costs, the Coast Guard has determined that a rate of \$1 will apply to members of AMSCs, as the AMSCs will meet locally. FMSCs may include in the AMSCs' charters a statement that members will forego transportation, travel and compensation costs associated with participation on the AMSC, and all members shall sign the charter to acknowledge the waiver of travel fees and compensation. If the FMSC determines that, due to unusual circumstances, it is necessary to pay travel for designated AMSC members, the FMSC may authorize travel expenses from within current unit operating budgets.

- (10) At a minimum, 33 CFR 103.300(b)(4) requires that each AMSC meet at least once in a calendar year, or when requested by a majority of the AMSC members. Meetings need not take place in person, and FMSCs may take advantage of telephone and video conferencing when in-person meetings are impractical.

d. Sensitive Security and Classified Information.

- (1) Much of the work of the AMSC will involve handling Sensitive Security Information (SSI). Once developed, the AMS Plan shall be designated SSI and marked and handled in accordance with Coast Guard procedures for handling SSI. These standards are published in COMDTINST 5510.5, Security Classification and Designation Policy for Port Security Assessments (PSA), Critical Infrastructure (CI) Listings, and Port Security Assessment Tools (PSRAT). Policy guidance on designation and handling of SSI for the AMS Plan and AMSC is in reference (j) of this NVIC. The FMSC, in conjunction with the AMSC, is responsible for developing procedures to protect both SSI and classified information that is developed and used by the Committee. Once portions of the AMS Plan or its annexes are designated as SSI, each paragraph shall be identified as containing SSI material or information (e.g. U, SSI, or FOUO). These paragraph markings will aid the FMSC should it become necessary to redact SSI information to broadly share with the port community those portions of the AMS Plan that are not SSI. If the FMSC needs to release unclassified (i.e. non-SSI or FOUO) portions of the AMS Plan, the FMSC shall ensure the redacted AMS Plan information is marked as having been redacted (see NVIC 10-04).
- (2) Revisions to 33 CFR Part 103.305(c) grant the Coast Guard authority to request a Transportation Security Administration (TSA) name-based terrorist check on all AMSC members if it is determined by the FMSC that they will need access to SSI. FMSCs will provide the information required for name based terrorist checks to TSA via Coast Guard Headquarters. The TSA name based terrorist check is required unless the member possesses a federally

issued security clearance, is a credentialed Federal, State, or Local official, holds a Transportation Worker Identification Credential (TWIC), or has passed a comparable security threat assessment. All new AMSC members needing a name-based terrorist check will be screened against the terrorist watch list prior to having access to SSI. All AMSC members currently having access to SSI will continue to do so while the name-based terrorist check is being performed. If a FMSC has not received written notification that an AMSC member is barred from access to SSI after 30 days from submitting their name, the FMSC may assume that any name submitted was cleared and is acceptable for the purposes of access to SSI. In addition, the FMSC must determine that, prior to discussing or distributing SSI with AMSC members, those members are “Covered Persons” with a “need to know,” and have signed a non-disclosure agreement. Guidance on “Covered Persons” and “need to know” is provided in reference (j).

- (3) The MTSA explicitly states in 46 USCA 70103 (d) that, “notwithstanding any other provision of law, information developed under this chapter is not required to be disclosed to the public, including (1) facility security plans, vessel security plans, and port vulnerability assessments; and (2) other information related to security plans, procedures, or programs for vessels or facilities authorized under this chapter.” Therefore, facility and vessel security plans developed under 33 CFR Parts 104, 105, and 106 for COTP Zones that are under the control of the FMSC are designated as SSI, and restricted from public access. General information dealing with the port or infrastructure topics should be made available to all members of the AMSC with a “need to know.” However, FMSCs are instructed to discuss proprietary information, and other sensitive information, such as vulnerabilities and protective strategies included in security assessments and plans, only with designated law enforcement, AMSC Subcommittees or select AMSC members so as to ensure proper safeguarding of the information, and to instill confidence in maritime stakeholders that sensitive information relating to their individual facilities will be afforded the utmost protection from unnecessary disclosure.
- (4) AMSC meeting minutes and records that are not designated as SSI may be made available to the public pursuant to the Freedom of Information Act. However, FMSCs shall ensure that all material designated as SSI, and all records of discussions of material designated as SSI, are protected from disclosure to the public. Reference (j) of this Circular provides additional guidance on the handling of SSI materials.
- (5) It is not anticipated that AMSCs or AMS Plans will regularly discuss or contain information classified above the SSI designation. Classified materials incorporated into the AMS Plan should be prepared as separate documents, referenced in the unclassified plan, and handled and stored in accordance with proper security procedures outlined in the Classified Information Management

Program, COMDTINST M5510.23 (series) reference W. However, if the need arises to discuss information classified as Secret with members of the AMSC, the FMSC may request security clearances for those AMSC members with whom the FMSC intends to share the information. The Coast Guard is permitted to sponsor and grant clearances for a select number of AMSC members. Specific procedures are found in Chapter 6 of the Personnel Security and Suitability Program Manual (COMDTINST M5520.12 (series)).

TEMPLATE FEDERAL REGISTER NOTICE

DEPARTMENT OF HOMELAND SECURITY

4910-15-U

Coast Guard

[insert district docket number]

Area Maritime Security Advisory Committee (AMSC) [insert name of port, or other geographic qualifier]

AGENCY: Coast Guard, DHS.

ACTION: Solicitation for Membership.

SUMMARY: This notice requests individuals interested in serving on the Area Maritime Security Committee (AMSC) [**insert name of port**] submit their applications for membership to the Captain of the Port (COTP) [**insert name of port**].

DATES: Requests for membership should reach the U.S. Coast Guard COTP [**insert name of port**] [insert date at least 30 days after date of publication in the Federal Register].

ADDRESSES: Applications for membership should be submitted to the Captain of the Port at the following address: [**insert address**].

FOR FURTHER INFORMATION CONTACT: For questions about submitting an application or about the AMSC in general, contact [**insert the name of a person with their phone number**].

SUPPLEMENTARY INFORMATION:

Authority

Section 102 of the Maritime Transportation Security Act (MTSA) of 2002 (Pub. L. 107-295) added section 70112 to Title 46 of the U.S.Code, and authorized the Secretary of the Department in which the Coast Guard is operating to establish Area Maritime Security

Advisory Committees for any port area of the United States. (See 33 U.S.C. 1226; 46 U.S.C.; 33 CFR 1.05-1, 6.01; Department of Homeland Security Delegation No. 0170.1). The MTSA includes a provision exempting these AMSCs from the Federal Advisory Committee Act (FACA), Public Law 92-436, 86 Stat. 470(5 U.S.C. App.2). The AMSCs shall assist the Captain of the Port in the development, review, update, and exercising of the AMS Plan for their area of responsibility. Such matters may include, but are not limited to: Identifying critical port infrastructure and operations; Identifying risks (threats, vulnerabilities, and consequences); Determining mitigation strategies and implementation methods; Developing strategies to facilitate the recovery of the MTS after a Transportation Security Incident; Developing and describing the process to continually evaluate overall port security by considering consequences and vulnerabilities, how they may change over time, and what additional mitigation strategies can be applied; and Providing advice to, and assisting the Captain of the Port in developing and maintaining the Area Maritime Security Plan.

AMSC Membership:

Members of the AMSC should have at least 5 years of experience related to maritime or port security operations. The **[insert name of port]** AMSC has **[insert number]** members. We are seeking to fill **[insert number of vacancies]** with this solicitation. Applicants may be required to pass an appropriate security background check prior to appointment to the committee. Members' terms of office will be for 5 years; however, a member is eligible to serve additional terms of office. Members will not receive any salary or other compensation for their service on an AMSC. In support of the USCG

policy on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

Request for Applications:

Those seeking membership are not required to submit formal applications to the local Captain of the Port, however, because we do have an obligation to ensure that a specific number of members have the prerequisite maritime security experience, we encourage the submission of resumes highlighting experience in the maritime and security industries.

Dated: XXXXXXXX.

I. M. Commander,
Captain, U.S. Coast Guard, Federal Maritime Security Coordinator [City]

U.S. Department of
Homeland Security

United States
Coast Guard



[Insert Command]
United States Coast Guard

[Insert street address]
[Insert City, State, Zip Code]
Staff Symbol: [Insert staff symbol]
Phone: [Insert phone number]
Fax: [insert fax number]

16001_____

Dear _____:

It is a great pleasure to invite you to serve as a member on the Area Maritime Security (AMS) Committee [or Executive Steering Committee, or relevant committee] for [insert name of AMS Committee or other committee as appropriate, e.g., USCG 8th District]. You were chosen based upon your skills, experience and expertise in the maritime field, and the vital service your participation will contribute to the safety and security of the National ports and waterways.

Although I hope you will consider it an honor to be chosen, the appointment will demand a significant commitment of your time. Furthermore, this appointment is not funded and, therefore, you will receive no monetary compensation for your participation. Before accepting, I encourage you to review the Code of Federal Regulations, Title 33, Part 103, particularly Sections 300, 305, and 310, which describe the establishment, composition and responsibilities of all AMS Committees, and which will provide the foundation for the [name of Committee] upon which you will serve if you accept the appointment.

By accepting the appointment, you will be committing to abide by the rules in Title 33 of the Code of Federal Regulations, Parts 101 and 103, by the Committee's charter, and to act in good faith and to the best of your abilities in the application of the policies and procedures established by the [name of the Committee]. If you choose to accept this invitation, your appointment to the _____ Committee will be for [# of years].

To accept this appointment, please complete and return to me at your earliest convenience [or some specific period of time] the enclosed Acceptance of Appointment letter with your signature indicating that you understand and accept your commitment and responsibilities as a member of the [Name] AMS Committee. Upon receipt of your acceptance letter, you will be sent a Letter of Appointment and further information regarding your future participation.

I look forward to hearing from you and serving with you on the AMS Committee in the immediate future.

Sincerely,

Captain, U.S. Coast Guard
Federal Maritime Security Coordinator

Enclosure: Acceptance of Appointment Letter

Copy: _____ Committee
Commander, _____ Coast Guard District [insert staff symbol]

TAB C to Enclosure (1) to NVIC 9-02, Change 3

Acceptance of Appointment

to the

_____ **Committee**

I hereby accept an appointment to serve on the _____ Committee, for a period to be designated by the Federal Maritime Security Coordinator, and pledge to be bound by the Code of Federal Regulations, Title 33, Parts 101 and 103, and the _____ Committee Charter, and to act in good faith and to the best of my abilities in the application of the policies and procedures established by the _____ Committee in accordance with all applicable laws and regulations.

I understand that I am not authorized to deputize others to attend meetings in my place. I further understand that the Federal Maritime Security Coordinator may revoke my appointment at any time he or she determines it is necessary for the efficient and effective functioning of the Committee. By signing below, I further acknowledge that I will not be entitled to any compensation or reimbursement of expenses connected with my participation on the _____ Committee.

This ____ day of _____, 20__.

[Appointee's Name]

U.S. Department of
Homeland Security

United States
Coast Guard



[Insert Command]
United States Coast Guard

[Insert street address]
[Insert City, State, Zip Code]
Staff Symbol: [Insert staff symbol]
Phone: [Insert phone number]
Fax: [insert fax number]

16001_____

Letter of Appointment to the _____ AMS Committee

Dear _____:

It is my pleasure to appoint you as a member of the Area Maritime Security (AMS) Committee *[or Executive Steering Committee, or relevant Committee]* for *[insert name of AMS Committee or other committee as appropriate]*. This appointment is effective [insert date] and shall expire on *[insert date]*.

I have enclosed a copy of the *[insert official name of AMS Committee]* AMS Committee Charter. It describes in detail the Committee's purpose, membership rules, and other important information essential to your service on the Committee. Please contact _____ of my staff at your earliest convenience regarding the upcoming schedule of *[AMS/Executive Subcommittee]* meetings.

Thank you for your service to your community and the Nation. I look forward to seeing you at our next Committee meeting.

Sincerely,

Captain, U.S. Coast Guard
Federal Maritime Security Coordinator

Enclosure: Committee Charter

Copy: _____ Committee Chair
Commander, _____ Coast Guard District *[insert staff symbol]*

ENCLOSURE (2) TO NVIC 9-02 CHANGE 3

**GUIDANCE FOR DEVELOPMENT OF
AREA MARITIME SECURITY (AMS) PLANS**

GUIDANCE FOR DEVELOPMENT OF AREA MARITIME SECURITY (AMS) PLANS

1. PURPOSE.

- a. This enclosure provides guidance to Federal Maritime Security Coordinators (FMSCs) on the preparation and maintenance of Area Maritime Security (AMS) Plans. The AMS Committee (AMSC) is charged with advising the FMSC on maritime security matters, including the initial development and continual review of the AMS Plan. The AMSC's input is considered vital to the planning process as the Coast Guard seeks to build on Port Security Assessments to develop deterrence, protection, security response and recovery strategies and procedures for Transportation Security Incidents (TSI) and threats thereof and for other maritime security needs, and to heighten the level of security in the Nation's ports and coastal waterways.

2. BACKGROUND.

- a. The Ports, Waterways, and Coastal Security (PWCS) mission is an all hands evolution. No single entity has adequate resources to completely protect port areas and the associated Marine Transportation System (MTS) from Transportation Security Incidents (TSIs); thus, it is essential that DOD, other Federal, State and Local agencies, and private industry voluntarily contribute resources to plan and implement deterrence, protection, security response, and recovery strategies and AMS support for first response activities.
- b. The first step in developing the AMS Plan is the completion of a Port Security Assessment using the Maritime Security Risk Analysis Model (MSRAM), which was designed to internally assess threats, consequences, & vulnerabilities based on national security priorities. In creating or updating its AMS Plan, each AMSC should have reviewed and commented upon the most current MSRAM data, and any other relevant assessments that may have been done. Building upon these nationally focused assessments, the Port Security Assessment for a particular COTP Zone should maintain a local emphasis and focus on priorities set by the community. Each COTP/FMSC should consider the most current MSRAM data and accompanying risk analysis, available intelligence assessments, and facility risk profiles when developing strategies for employing resources within his or her Zone and in developing TSI scenarios. The annual MSRAM assessment update and resulting analysis will facilitate adjusting the AMS Plan based on changing security needs and threats.
- c. The primary composition of the AMS Plan involves a tiered planning structure based on the Maritime Security (MARSEC) Threat levels. The AMS Plans must include strategies for each MARSEC level, including pre-determined security measures to be implemented at each MARSEC Level by the Coast Guard, other members of the AMSC, and by facilities and vessels subject to provisions of 33 Code of Federal Regulations (CFR) Chapter I, Subchapter H, Parts 101-106.

Security measures may include deployment of a variety of security and response teams that are pre-approved by providing organizations and triggered by changes in the MARSEC level, including Coast Guard Boarding Teams and Coast Guard Maritime Safety and Security Teams. It may also include development and implementation of regulated navigation areas, security zones, Naval Vessel Protection Zones, and U.S. Army Corps of Engineers (USACE) restricted areas.

- d. The Maritime Transportation Security Act of 2002 (MTSA) defines the term “facility” as any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the United States. This broad definition of facilities in 33 CFR Chapter I, Subchapter H, Part 101.105 was carried forward in 33 CFR Part 105 for the purpose of regulating, under the MTSA, those facilities determined by the Secretary of DHS most likely to be involved in a TSI (excluding Department of Defense facilities). For facilities within his or her COTP Zone that do not fit the description provided in Part 105, the FMSC is directed to evaluate the risks and vulnerabilities to those excluded facilities. The results of this evaluation should be reflected in the AMS Plan.
- e. The MTSA does not provide COTPs the authority to impose additional requirements on vessels or facilities.
 - (1) Implementation of the MTSA and SAFE Port Act through 33 CFR Chapter I, Subchapter H, Parts 101-106, effected a change in COTP authority only to the degree that it imposes additional enforcement authority and responsibilities on the COTP, in addition to existing marine safety and environmental protection enforcement responsibilities.
 - (2) If the COTP determines it necessary to impose additional requirements on vessels or facilities in his or her COTP Zone, the COTP may do so only if the authority arises pursuant to either the Magnuson Act or the Ports Waterways Safety Act (PWSA), which provide that, in order to require additional security measures, the COTP must find the measures to be “necessary” in order to prevent damage. Moreover, the COTP may not issue COTP Orders to require non-105 facilities to comply with portions of 33 CFR Chapter I, Subchapter H, or make categorical decisions about any particular type of facility, e.g., a nuclear power plant or a railroad bridge, without a specific or individual finding of necessity. The use of a COTP Order without such a finding would not comply with the Administrative Procedure Act, and would likely be viewed as an illegal regulation. Accordingly, COTPs must avoid issuing COTP Orders that are not linked to specific information and findings that the Orders are “necessary” to prevent damage. For example, if the Commandant raised the threat level to MARSEC Level Two and the information that led to that elevation was based on a threat to bridges, it may be determined that a COTP Order for security patrols on and around bridges over shipping channels is found necessary.

- f. COTPs/FMSCs, in collaboration with the AMSCs, will identify in the AMS Plan the security measures to be implemented. The benefit of this approach cannot be overstated. It is through the sharing of information regarding security policies and procedures that gaps in security will best be identified and corrected. Furthermore, once identified, gaps in security should provide the basis for implementing security measures linked to MARSEC Levels. Additionally, COTPs/FMSCs and the AMSCs should coordinate with other Federal, State, and Local agencies that have simultaneously developed security standards for other critical infrastructure identified in the Port Security Assessment. A good example is the work of the Nuclear Regulatory Commission in its development of security measures for nuclear power plants and Research & Special Programs Agency's (RSPA) Department of Transportation security regulations.
- g. COTPs/FMSCs, in collaboration with the AMSCs, will identify measures to be implemented to facilitate recovery of the MTS in the AMS Plan, including salvage response, following a TSI. Through the sharing of information regarding recovery policies and procedures, gaps in recovery responsibilities and capabilities and corrective actions can be identified. Furthermore, once identified, gaps in recovery coverage should provide the basis for supporting recovery measures during incident management. Additionally, COTPs/FMSCs and the AMSC should coordinate with other Federal, State, and Local agencies that have simultaneously developed recovery standards and procedures for other critical infrastructure identified in the Port Security Assessment.
- h. The final stage in the preparedness cycle is the training, exercising and evaluation phase. In order for a plan to be useful, it must be practical. Each entity with assigned plan responsibilities must understand its role and how to communicate effectively with other members of the team. The evaluation and exercise phase is part of an iterative process aimed at familiarizing participants with their roles and responsibilities, and continuously improving and updating the AMS Plan. The exercise phase, in conjunction with plan development, provides means to develop and build cooperative, mutually supporting maritime security and MTS recovery relationships.

3. DISCUSSION

- a. The AMS Plan developed by the COTP/FMSC and the AMSC must address the entire COTP Zone, but the FMSC has discretion on how to present the geographic area(s) covered within the Plan, subject to the concurrence of the approving authority. This flexibility is necessary since it may be that different geographic areas within the COTP/FMSC Zone have significantly disparate security concerns and protection strategies. In those cases, the COTP/FMSC may elect to complete the template provided in this enclosure for each geographic region within the Zone. If the COTP/FMSC prepares multiple plans, the standard template and numbering system will still apply, and multiple geographic plans will be brought under the cover of a single AMS Plan. Conversely, in some cases there may be a need for a distinctly separate plan for a portion of the area, for example, to reflect

a significantly different local stakeholder composition. Some COTPs/FMSCs may also determine that certain areas within his or her COTP Zone have such similar security concerns and protection strategies to merit combining the different areas under one regional AMS Plan.

- b. The AMS Plan is a coordination tool for the port community; as such, certain sections of the Plan must remain available to all law enforcement and port agencies with port security responsibilities. Accordingly, COTPs/FMSCs and AMSCs must remain cognizant of the methods by which SSI and other sensitive information in the Plan will be protected from unauthorized or unnecessary disclosure.
- c. The AMS Plan Template provided herein establishes a standard format for the development of the Plan, and is intended to assist COTPs/FMSCs in ensuring that all applicable requirements of the MTSA and SAFE Port Act are addressed in their completed Plans. It builds on the template that was provided in Navigation and Vessel Inspection Circular 9-02, Changes 1 and 2, Guidelines for Area Maritime Security Committees and Area Maritime Security Plans required for U.S. Ports. Additional sections were added to the Template to address the requirements of 33 CFR Chapter I, Subchapter H on Area Maritime Security, specifically Part 103.505. Guidance is provided throughout the template to assist in the development of the Plan. Bracketed text in small capitals within the Template indicates the information that should be provided in each section. Text shown in italics is suggested narrative for inclusion in the Plan.
 - (1) COTPs/FMSCs are allowed the discretionary use of appendices as addendums to the Plan, which is intended to afford flexibility in its development, provided that all such appendices are consistent with specific statutory and regulatory requirements and discretionary authority available to the Coast Guard and associated AMS policy and AMS Plan content requirements.
 - (2) Maritime security issues and initiatives continue to emerge for inclusion in or correlation with AMS Plans. The level of detail or issues may be more appropriately addressed as field-level best practices, job aids, incident action plan templates, or templates for tactical operations for incident-specific adaptation and local approval, for example, by the COTP as Incident Commander for Unified Command response. Therefore, COTPs/FMSCs should not expand AMS Plans to include such items without the concurrence of the Domestic Ports (CG-5441) and the Maritime Security (Antiterrorism) (CG-5322) Divisions and in coordination with Coast Guard District and Area Commands. Such materials may be incorporated by reference in AMS Plans where appropriate. Examples of initiatives that are suitable for preparedness planning using AMS planning processes and incorporation by reference are port-level Underwater Terrorism Preparedness Plans (UTPP) and Preventive Rad/Nuc Detection (PRND) protocols under development by the Department of Homeland Security.

- (a) UTPP. The underwater terrorism threat vector is unique to the maritime domain and requires special consideration in maritime security planning. UTPPs for community-based security response may be established for each COTP Zone. The objective of the UTPP is to provide a means to develop underwater deterrent measures and to provide procedures for determining if mines or underwater improvised or other explosive devices are present, but not to render-safe suspicious objects that are located. The UTPP content is limited to coordination, prevention, detection, identification, protection, safety and security procedures, protocols for requesting render-safe support from qualified responders, and on-scene support for tactical response activities. The AMS planning process may be used by COTPs/FMSCs, in consultation with AMSCs, to facilitate the UTPP development using a template and introductory workshops sponsored by the Coast Guard. A UTPP should normally be a standalone plan for incident or threat-specific local adaptation and approval by the COTP. COTPs/FMSCs, at their discretion, may include a UTPP as an annex to the AMS Plan where one of the most probable TSI types includes an underwater terrorism threat vector.
- (b) Radiological/Nuclear (RAD/NUC) Detection. COTPs/FMSCs may be requested to facilitate and assist the Department of Homeland Security's Domestic Nuclear Detection Office (DNDO) in the development of Preventative Radiological/Nuclear (Rad/Nuc) Detection (PRND) plans for certain port areas. Requests to COTPs/FMSCs for AMS support to DNDO will normally be a coordinated action through Commandant (CG-5322 and CG-5411)). Other requests should be referred to Commandant (CG-5322) for program coordination.
 - 1. PRND roles and responsibilities for coordinating and conducting a port-partner unified approach and a PRND plan template are administered by DNDO. The AMS planning process may be used by COTPs/FMSCs, in consultation with the AMSCs, to facilitate PRND development for MTS-related Rad/Nuc threats. This is an AMS support activity rather than a lead activity. A tactical response rather than deterrence procedure is anticipated for PRND events. PRND plans are anticipated to extend beyond the scope of AMS Plans, and may be incorporated by reference, but should not be included as annexes to the AMS Plan. PRND plans, where developed, should be considered a standalone plan for incident or threat-specific local adaptation and approval by appropriate authority.
- (3) All appendices and annexes included in an AMS Plan become part of the AMS Plan for which the COTP/FMSC is responsible. All applicable information security, consultation, review and approval procedures will apply.
- d. The consistent use of the template will allow for consolidation of MARSEC strategies on a regional and national level. The standardized template will also ensure that certain sections of the AMS Plan, for example MARSEC level 2 strategies, can easily be located in all AMS Plans. The AMS Plans are considered

to be a fundamental part of the Maritime Domain Awareness Program's Maritime Common Operating Picture (MCOP).

- e. The AMS Plan is primarily considered an awareness, preparedness, prevention, security, response and recovery coordination and procedures plan. Where overlaps occur with contingency, emergency response, preparedness or incident management plans, linkages and references should be made in the AMS Plan.
- f. The AMS Plan is a supporting plan to the National Response Framework (NRF). COTPs/FMSCs are required by COMDTINST 16000.27(series) to ensure that the AMS Plan aligns with the NRF. The NRF is the base plan that addresses all hazards and contingencies. The NRF also ensures coordination at all levels of government - Local, State, Tribal, and Federal - and cooperation with the private and public sectors in order to bring the full range of the nation's capabilities to bear in protecting the homeland. Finally, the NRF ensures that the Federal government works effectively and efficiently with Tribal, State and Local agencies to prevent, prepare for, respond to, and recover from domestic incidents by establishing a common response framework using the National Incident Management System (NIMS) protocols.
- g. 33 CFR Chapter I, Subchapter H, Part 103 requires an AMSC to identify mitigation strategies and implementation methods for use to ensure continued marine operations at an acceptable risk level. For planning purposes, the COTPs/FMSCs and the AMSCs should identify, at a minimum, three Transportation Security Incident (TSI) scenarios within the Zone, and develop security response procedures for these scenarios. A minimum of three TSI scenarios developed using the following guidelines will provide a broad base for planning the development and exercise of maritime emergency response capabilities within the COTP Zone. For large port complexes and waterway systems, additional scenarios may be needed to sufficiently address security concerns.
 - (1) The purpose of the TSI scenarios is to create a planning balance between the highest risk, most likely, highest consequence scenarios and the inclusion of the broadest cross-section of port stakeholders. Scenarios should assist in preparing the AMSC's planning, training and overall preparedness efforts directed towards mission requirements of actual security incidents.
 - (2) The selection of Transportation Security Incident (TSI) scenarios should be guided by the output of the MSRAM results, evaluation and analysis for the COTP Zone, taking into account the scenarios with the highest risk, highest consequence and/or most likely to occur. Critical Infrastructure and Key Resources (CI/KR) and maritime systems can be grouped into broad categories (e.g., bridges and tunnels, high capacity passenger vessels, waterfront facilities, Oil/HAZMAT, etc.). These groupings may be adapted from the MSRAM. The highest risk target classes, events or transits per

MSRAM for each broad category of CI/KR should be selected as the theme for the TSI scenario development for the AMS Plan.

- h. The level of security response planning in the AMS Plan should be general in nature, focusing on the following three elements: 1) who has jurisdiction over the response; 2) how the command and control structure will be assembled including a determination of roles; and 3) what security resources will be brought to bear.
- i. For planning purposes, unless an increase in threat levels resulted in a pre-incident shift to unified incident command processes, COTPs/FMSCs and AMSCs should assume that when an incident occurs, first responders and emergency service providers will initially react and function in accordance with their respective authorities and jurisdictions through established processes and communications. They should also assume for planning purposes that incident management will be shifted to unified incident command structure as appropriate to the incident when the situation clarifies or stabilizes sufficiently to enable the shift without loss of incident management continuity.
- j. As the lead DHS Agency for maritime homeland security and the designated Sector Specific Agency (SSA) for the Maritime Transportation Sector, the Coast Guard is responsible to accomplish the effective management and dissemination of critical security data. Accordingly, all efforts to compile security plan data in an electronic format should be made. The Coast Guard's Homeport portal will serve as a primary medium for sharing security plan data.
- k. The areas of the AMS Plan that are deemed most critical are:
 - The Area Maritime Security Committee Charter;
 - Area Maritime Security Assessments;
 - Roles, Resources, Authorities and Responsibilities
 - Communications Plan;
 - MARSEC Levels and Implementation Directives;
 - Control and Dissemination of Sensitive Security Information;
 - Security Response Procedures for Incident Management; and
 - Facilitation of MTS Recovery (including salvage response).
- l. Recommended Practices:
 - (1) Security Information. Should access to proprietary information become necessary for MTS recovery planning, such information should be handled outside of the AMS Plan with provisions for appropriate levels of information protection.
 - (2) Terminology: As a general rule, the AMS Plan should avoid the use of agency specific acronyms or jargon and should use instead, use "Clear Text" whenever possible. Use standard maritime terminology when referring to

maritime specific types of practices, equipment and people only when the meaning of the terminology is clear.

- (3) Measurements: Use Standard English units of measurement for:
- Weight: Ounces, Pounds, Tons;
 - Liquids: Ounces, Pints, Quarts, Gallons, Barrels;
 - Speed: Miles per hour, knots;
 - Distance: Feet, Yards, Miles, Nautical Miles;
 - Time: Seconds, Minutes, Hours (24 hour time system).
- (4) Locations: Always include the Map/DNC Name, Series, Sheet, Number, DATUM, manufacturer and year published. If using a GPS, take the coordinate at the main entrance to the physical structure (front door of a building regardless of cardinal direction), and always state what model/make and what DATUM the GPS is using. Use only geo-coordinates in Latitude and Longitude.
- (5) Data Format and Medium: Use standard word processing programs and, if at all possible, save and format into Adobe and PDF files. Digital and electronic formatting will simplify updating and dissemination.
- (6) Photography: If photographs are used with the Plan, use digital photography or digitize (scan) standard film photographs. Save them as JPEG files to use less digital space.
- (7) Imagery: If imagery is used in the AMS Plan, it is best to use ortho-rectified (direct overhead) photos. This will permit the introduction of Geographic Information System (GIS) data as overlays in the future.

ATTACHMENT

Area Maritime Security Plan Template

AREA MARITIME SECURITY PLAN TEMPLATE

[TEMPLATE COMPLETION INSTRUCTIONS ARE SHOWN IN ITALICIZED SMALL CAPS. “CUT AND PASTE” TEXT IS SHOWN IN regular FONT. SUGGESTED TEXT IS SHOWN IN italics. TABLES, WHEN USED TO CONSOLIDATE INFORMATION, SHOULD BE REFERENCED IN THE APPROPRIATE SUBSECTION. EACH PARAGRAPH MUST BE MARKED AT THE BEGINNING OF THE PARAGRAPH WITH THE APPROPRIATE CLASSIFICATION LEVEL (E.G. (U), (SSI)). FOR THOSE PARAGRAPHS WHERE THE CLASSIFICATION LEVEL IS DETERMINED AT THE LOCAL LEVEL, EMPTY PAREHNTHASIS HAVE BEEN PLACED INTO THE TEMPLATE AS PLACEHOLDERS TO FACILITATE THIS PROCESS.]

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1000 (U) AREA MARITIME SECURITY PLAN

1100 (U) Purpose

(a) (U) The Federal Maritime Security Coordinator (FMSC), in consultation with the Area Maritime Security (AMS) Committee, for *[INSERT THE NAME OF THE LOCAL COTP ZONE]*, has created this AMS Plan. It is designed to deter, to the maximum extent possible, a Transportation Security Incident (TSI). This plan also covers security responses for TSIs, linkages to first response entities and plans, and facilitation of recovery of the Marine Transportation System (MTS) following a TSI or threat thereof. This Plan will define Federal State and Local governments' obligations, and the contributions and responsibilities of other port stakeholders, to the Maritime Homeland Security (MHS) mission.

(b) (U) The purpose of this Plan is to ensure effective governmental and private sector measures to deter, detect, disrupt, respond to, and recover from a TSI or threat thereof across the inter-modal MTS with specific port areas.

(c) (U) A primary objective of the AMS Plan is to provide a framework for communication and coordination amongst port stakeholders and law enforcement officials, and to identify and reduce vulnerabilities to security threats in and near the Marine Transportation System (MTS). The AMS Plan is designed to encourage collaboration among port stakeholders and seeks to capture information necessary to coordinate and communicate security procedures at each MARSEC Level. The Plan complements and encompasses facility and vessel security plans within its particular Coast Guard Captain of the Port (COTP) Zone, ultimately to be integrated with implementation of the National Maritime Transportation Security Plan (NMTSP). Pursuant to the AMS Plan, MTS stakeholders will take certain actions contingent upon changes in MARSEC Levels and develop unified preparedness strategies to deter, respond to, and recover from TSIs and other security incidents, which include the credible threat of a TSI that necessitates prevention and protection measures and precautionary security responses.

(d) (U) A TSI is defined in the Maritime Transportation Security Act of 2002 (MTSA) as "a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area. A TSI is also included as a type of transportation disruption as defined by the Security and Accountability For Every Port Act of 2006 (SAFE Port Act). Examples of a TSI may include:

(1) (U) An incident affecting a particular mode of transportation or inter-modal structure that significantly disrupts normal operations or may result in closure for a significant time period of a key terminal, waterway, or part of the MTS;

(2) (U) An actual incident, such as an explosion, MTS blockage, release of a Weapon of Mass Destruction (WMD), hijacking, etc.

(e) (U) Not every threat or incident that violates a security plan, process or perimeter, will necessarily result in a TSI. In creating an AMS Plan, efforts will focus on identifying and implementing measures designed to prevent the occurrence of a TSI. Threats and violations need to be evaluated on a case-by-case basis and responded to accordingly. It is the COTP/FMSC's responsibility to determine if and when an incident occurring in his or her Zone is severe enough to warrant designation as a TSI. It is also the COTP/FMSC's responsibility to determine if and when the credible threat of a TSI is severe enough to warrant enhanced prevention as well as precautionary security responses, and the associated recovery measures that will be needed to restore port operations and cargo flow once a threat diminishes.

1200 (U) Captain of the Port (COTP) Letter of Promulgation

1210 (U) Record of Changes

1300 (U) Authority

(a) (U) Section 102 of the Maritime Transportation Security Act of 2002 (MTSA), P.L. 107-295, codified at 46 USC §§ 70101 –70117, mandates the development of a National Maritime Transportation Security Plan, Area Maritime Security Plans, and Facility and Vessel Security Plans. The Security and Accountability For Every Port Act of 2006 (SAFE Port Act), Public Law 109-347; 46 USCA §§ 70101 et. seq, established a requirement for inclusion of a Salvage Response Plan in each AMS Plan. The Coast Guard is designated as the Lead Federal Agency (LFA) responsible for implementation of the MTSA. The COTPs, acting as Federal Maritime Security Coordinators (FMSCs) pursuant to 33 CFR Chapter I Subchapter H Part 103, are responsible for developing AMS Plans with advice from AMS Committees.

(b) (U) AMS plan content requirements, in addition to those mandated by MTSA and the SAFE Port Act, include other security matters consistent with authority provided under the Magnuson Act and Executive Order 10173, as amended, and the antiterrorism and other security provisions of the Ports and Waterways Safety Act (PWSA) of 1972 for which maritime community engagement is essential.

1310 (U) Federal Maritime Security Coordinator (FMSC)

(a) (U) The COTP, as the FMSC, *[LIST USCG UNIT AND AREA/ZONE FOR THIS PLAN]* has the responsibility of establishing an AMS Committee and developing an AMS Plan. These security responsibilities are in addition to key responsibilities for traditional Coast Guard missions and are fundamental to the success of the maritime homeland security program. To accomplish the goals

outlined in the Coast Guard's Maritime Strategy for Homeland Security, the FMSC must rely on fellow Federal, State, Tribal and Local representatives, and other maritime area partners to assist whenever possible.

1400 (U) Scope

(a) (U) The AMS Plan by its nature is very broad in scope, encompassing the whole of the maritime domain within a given COTP Zone, and absorbing the individual assessments and planning efforts of facilities and vessels operating within that Zone. The scope of each AMS Plan will be determined by evaluating the waterways, facilities, vessels, and adjacent areas that may be involved in, or affected by, a TSI in its Zone.

(b) (U) The plans required by 33 CFR Parts 104, 105 and 106 will provide the foundation of the overarching AMS Plan. However, the AMS Plan must extend beyond the required facility and vessel security plans, and develop strategies to reduce the vulnerabilities of the weakest elements of the port, including those vessels, facilities and infrastructure that are not regulated under 33 CFR Parts 104, 105 and 106.

1500 (U) Assumptions

(a) (U) The following suppositions provide the foundation for the Coast Guard's approach to its MHS mission and successful implementation of the MTSA:

(1) (U) Ports are very open and may be susceptible to a TSI, which may occur at any time with little or no warning.

(2) (U) Protection of human life and health are the most important considerations in AMS Plan development and execution.

(3) (U) Maintaining continuity of operations and facilitating commerce in the port area are critical considerations.

(4) (U) Area maritime security must be maintained during the response and recovery phases of TSIs as well as other transportation disruptions.

(5) (U) It is in the best interest of the United States to increase port security by establishing and improving communications among law enforcement officials and port stakeholders responsible for port security.

(6) (U) Each entity directly or indirectly involved with the MTS will participate with the AMS Committee to increase awareness and enhance prevention of illegal acts.

(7) (U) The National Oil and Hazardous Material Contingency Plan, National Response Framework, and other response plans may be activated for the purpose of response and crisis management following a TSI.

(8) (U) All port areas are vulnerable to airborne attack.

(9) (U) There will be competition for security, response and recovery resources as incidents and threat levels increase in scope, scale and complexity.

(10) (U) HOMEPORT will be used as a primary medium for security communications with stakeholders.

(11) (U) *[LIST OTHER ASSUMPTIONS, IF ANY]*

1600 (U) Situation

[THIS SECTION RESPONDS TO THE REQUIREMENT IN U.S.C. § 70103(B)(2)(B) TO DESCRIBE THE AREA AND INFRASTRUCTURE COVERED BY THE PLAN, INCLUDING THE AREAS OF POPULATION OR SPECIAL ECONOMIC, ENVIRONMENTAL, OR NATIONAL SECURITY IMPORTANCE THAT MIGHT BE DAMAGED BY A TSI.]

(a) (U) The complexity, scope, and potential consequences of a terrorist threat or TSI occurring within the MTS requires that there be a coordinated effort between all MTS users and law enforcement agencies. This effort requires open communication, enhanced awareness of potential threats and coordinated procedures for preparedness, prevention, protection, response and recovery. It will require those involved to fully understand their roles in enhancing security. The MARSEC Levels developed by the Coast Guard are an essential tool for achieving optimum coordination, and are more fully discussed in section 3440 of this Template.

1610 (U) Physical Characteristics.

(a) () *[DESCRIBE THE BOUNDARIES OF THE COTP ZONE, OR AREA, THAT THE AMS PLAN COVERS. INCLUDE THE FOLLOWING ITEMS.]*

(1) () *Description of identifiable bodies of water and rivers, surrounding waterfronts and significant navigable waterways in the port areas [COVER ALL PORTS LISTED ON THE PORTS CRITICALITY LIST PUBLISHED ANNUALLY BY COMDT (CG-544) INCLUDING RIVER PORTS AND OTHER PORTS IDENTIFIED BY THE PLAN APPROVING AUTHORITY OR COAST GUARD OPERATIONAL COMMANDER];*

(2) () *Description of the MTS infrastructure, both physical features (piers, docks, wharves) and information systems;*

(3) () *Description of the vessel, cargo and facility interfaces and associated*

waterfront areas;

(4) () *Description of vessel traffic in the port (type and volume);*

(5) () *Description of other ports within the COTP Zone*

(6) () *Description of port operations critical to significant local area non-maritime functions, services or activities [E.G., VESSEL DELIVERY OF FEED STOCKS FOR INDUSTRIAL PRODUCTION; FERRY OPERATIONS THAT TRANSPORT MAJOR SEGMENTS OF THE LOCAL WORK FORCE];*

(7) () *Description of non-maritime Critical Infrastructure/Key Resources (CI/KR) within the COTP Zone for which waterside security is an issue; and*

(8) () *Description of areas of population or special economic, environmental, or national security importance that might be damaged by a TSI.*

(b) () *[DESCRIPTIONS MAY BE GRAPHICALLY DEPICTED ON MAPS AND INCLUDED IN THE PLAN AS APPENDICES. REFER TO THESE MATERIALS HERE.]*

1620 (U) Economic and Supply Chain Characteristics

[DO NOT INCLUDE IN THE AMS PLAN ANY PROPRIETARY INFORMATION OR ANY INFORMATION THAT IS DESIGNATED BY THE TRANSPORTATION SECURITY ADMINISTRATION AS PROTECTED CRITICAL INFRASTRUCTURE INFORMATION (PCII) UNDER 6 CFR PART 29.]

(a) () *[BRIEFLY DESCRIBE MAJOR ECONOMIC ELEMENTS OF THE RELEVANT COTP ZONE, INCLUDING PORT ACTIVITIES, STADIUMS, NATIONAL ICONS, LARGE CONFERENCE CENTERS, POPULATION DENSITIES, INDUSTRIES, AND PRODUCTS FOR THE PORT]:*

(1) () *Types of industry.*

(2) () *Major inter-modal connectors.*

(3) () *Major cargos and major cargo streams including those that involve regional or national economic implications if disrupted (i.e. “downstream” effects).*

(4) () *Recent economic data.*

(b) () *[PROVIDE OVERVIEW OF MTS-RELATED INTERDEPENDENCIES ACROSS CI/KR WITHIN THE AOR, SUCH AS VESSEL DELIVERY OF BULK FUEL TO A LOCAL POWER PLANT THAT SUPPLIES ELECTRICITY TO MARINE TERMINALS IN THE PORT AREA . CI/KR-SPECIFIC INFORMATION SHOULD BE ASSEMBLED OUTSIDE OF THE AMS PLAN TO FACILITATE INFORMATION PROTECTION, UPDATING, AND ADAPTATION TO THE INCIDENT-SPECIFIC SITUATION.]*

1630 (U) Port Charts and Maps.

[INCLUDE PORT CHARTS AND MAPS. THESE MATERIALS SHOULD BE INCLUDED IN APPENDICES WHERE THEY WOULD BE INDIVIDUALLY ACCESSIBLE TO SUPPORT INCIDENT MANAGEMENT.]

2000 (U) AREA MARITIME SECURITY COMMITTEE

2100 (U) Introduction

(a) (U) The Commandant has determined that AMS Committees are essential tools for the development and execution of AMS Plans, and for achieving an enhanced level of security within the maritime domain.

(b) (U) The COTP/FMSC has established and convened an AMS Committee to advise the Coast Guard on maritime security matters pursuant to 33 C.F.R. § 103.300.

2200 (U) Purpose and Objectives

(a) (U) The AMS Committee brings together appropriately experienced representatives from a variety of sources in its Zone to continually assess security risks to the ports, determine appropriate risk mitigation strategies, and develop, revise, and implement the AMS Plans. The AMS Committees also serve as a mechanism by which security threats and changes in MARSEC Levels are communicated to port stakeholders.

(b) (U) The objectives of the AMS Committee include:

(1) (U) Assisting in the development, review, and update of the AMS Plan, aimed at maintaining acceptable risk levels during normal operations and during times of heightened threats. The AMS Plan will outline scalable security procedures to be taken by regulated entities at each MARSEC Level. The procedures will meet consolidated requirements of all agencies having jurisdiction.

(2) (U) Assisting with a comprehensive AMS Assessment. These assessments must detail the threats, vulnerabilities, and consequences associated with each port area within a COTP Zone. This requirement may be met using the Risk-Based Decision-Making methodologies developed by the Coast Guard and other appropriate Risk-Based Decision Making Tools.

(3) (U) Integrating and/or amending existing security assessments of maritime facilities using agreed upon criteria.

(4) (U) Developing information sharing procedures for threat warnings, security response, intelligence gathering, threat assessment among public and

private entities, and facilitation of MTS recovery.

(5) (U) Soliciting stakeholder recommendations for continuing improvements of AMS measures.

(6) (U) Developing and maintaining an AMS Exercise Program.

(7) (U) Promoting effective security measures that maintain or enhance operational efficiencies and minimize impact to legitimate trade.

(8) (U) Advising, consulting with, and reporting to the COTP/FMSC on matters relating to maritime security.

(9) (U) Assisting the COTP/FMSC with the communication of security information to the port and waterway stakeholders.

2300 (U) Charter

[INSERT A COPY OF THE AMS COMMITTEE'S OFFICIAL CHARTER IN AN APPENDIX AND INCORPORATE BY REFERENCE HERE.]

(a) (U) Each AMS Committee is established under the terms of a written charter in accordance with 33 CFR 103.300(b). AMS Committee members should be familiar with Encl (1) of NVIC 9-02.

2310 (U) Committee Structure and Procedural Rules

[THIS SECTION DESCRIBES AMS COMMITTEE STRUCTURES AND PROCEDURES. STANDING PROCEDURES, SUCH AS REQUIREMENTS FOR A QUORUM, RAISING MOTIONS, RECORD KEEPING, VOTING, TERMS OF OFFICE, DUTIES AND RESPONSIBILITIES AND PARLIAMENTARY PROCEDURES SHOULD BE DOCUMENTED IN THIS SECTION. INCLUDE A LINE DIAGRAM OF THE AMS COMMITTEE'S ORGANIZATIONAL STRUCTURE.]

(a) (U) Each AMS Committee will elect one of its members as the Chairperson and one of its members as the Vice-Chairperson. The Vice-Chairperson will act as Chairperson in the absence or incapacity of the Chairperson, or in the event of a vacancy in the office of the Chairperson.

(b) (U) The COTP/FMSC will designate a member of his/her staff as the Executive Secretary of the AMS Committee. The Executive Secretary will be responsible for the administrative duties of the Committee, such as the designation of members, publishing meeting agendas, taking of meeting minutes, and maintaining current editions of the AMS Plan, including digital versions. The Executive Secretary is also responsible for ensuring that all committee records are properly maintained and designated as SSI as appropriate, and is responsible for participation in the State, Local and Industry clearance process. The Executive Secretary is also responsible for ensuring that any information made available for

AMS use and designated as PCII is properly maintained and safeguarded.

(c) (U) Standing Committees will be designated in the charter and ad hoc committees may be developed on an as-needed basis.

(d) (U) The AMS Committee will meet at least once in a calendar year, when requested by the COTP/FMSC, or when requested by a majority of AMS Committee members. Records of these meetings may be made available to the public upon request. However, COTPs/FMSCs will ensure that all material designated as SSI or PCII is protected from disclosure to the public.

(e) (U) Only those members who have been determined by the COTP/FMSC to be "Covered Persons" with a "need to know" will be provided access to AMS Committee records that contain SSI material. Access and handling of SSI materials will conform to 49 C.F.R. § 1520 and be guided by the provisions of NVIC 10-04 and Enclosure (3) to NVIC 03-07 which requires name-based checks for AMS Committee members. COTPs/FMSCs will limit access to PCII materials in accordance with applicable requirements. PCII material, business confidential material, and proprietary information must not be included in the content of AMS Plans.

(f) (U) The COTP/FMSC may nominate State, Local, and Industry members of the AMS Committee for a Security Clearance, sponsored by CG Headquarters (CG-5441). The COTP/FMSC is responsible for determining a "need to know", the assembling and forwarding of the personnel security investigation package, and all required training.

2320 (U) Relationship to Other Committees

(a) (U) The AMS Committee may be related to other committees. *[INCLUDE A BRIEF DESCRIPTION OF PORT READINESS COMMITTEE (PRC) ACTIVITIES/CHARTERS AND THEIR RELATIONSHIP TO AMS COMMITTEES]*

(1) (U) *Port Readiness Committees (PRC).*

(2) (U) *Harbor Safety Committee (HSC).*

(3) (U) *MTS Committees.*

(4) (U) *Area Committees (AC).*

(5) (U) *Other committees as appropriate.*

3000(U) AWARENESS

3100 (U) Introduction

[INCLUDE AN EXPLANATION OF MARITIME SITUATIONAL AWARENESS. EXPAND AS APPROPRIATE FOR LOCAL SITUATION.]

(a) (U) This AMS Plan is intended to be the fundamental element in building vigilant situational awareness, and is key to the successful development of a maritime domain awareness program. It will serve to assist the United States Department of Homeland Security (DHS) in producing a Common Operational Picture (COP) of the maritime environment. The AMS Plan will afford critical decision makers within each COTP Zone rapid access to vital information during routine and crisis maritime situations.

(b) (U) Situational awareness developed through the AMS Plan is complemented by citizen-based vigilance through citizens watch programs such as the America's Waterway Watch (AWW) and similar regional or local maritime domain awareness initiatives.

3200 (U) Federal, State & Local Security & Law Enforcement Agency Jurisdiction

[THE AMS PLAN WILL SHOW THE JURISDICTIONAL BOUNDARIES OF FEDERAL, STATE, & LOCAL SECURITY AND LAW ENFORCEMENT AGENCIES WITHIN THE COTP ZONE. USE OF A TABLE FORMAT IS RECOMMENDED FOR MAP AND COORDINATE LOCATIONS. THESE MATERIALS MAY BE INCLUDED AS AN APPENDIX TO FACILITATE ACCESSIBILITY DURING INCIDENT MANAGEMENT.]

(a) (U) Federal, State and Local security and law enforcement jurisdictional boundaries and areas of responsibility. *[WHEN DEPICTING FEDERAL, STATE AND LOCAL SECURITY AND LAW ENFORCEMENT JURISDICTIONAL BOUNDARIES AND AREAS OF RESPONSIBILITY, FIRST, SECOND AND THIRD TIER RESPONSE AGENCIES WILL BE ADDRESSED SEPARATELY IN THE AMS PLAN. A DESCRIPTION OF EACH AGENCY'S INDIVIDUAL LOCATION AND CAPABILITY WILL GREATLY ENHANCE THE COMMITTEE'S ABILITY TO DETERMINE WHICH RESOURCES WITH WHAT CAPACITIES, AND HOW MANY OF EACH, MAY RESPOND TO A TSI.]*

(b) (U) Agencies are tiered as follows:

(1) (U) First tier agencies are those such as police, fire and emergency medical units who are normally dispatched thru the emergency 911-call system.

(2) (U) Second tier agencies are those with special recovery and containment capabilities for dealing with hazardous materials, rough terrain, or underwater search and recovery, and other agencies having excavation or heavy equipment capabilities (e.g., mobile heavy-lift cranes).

(3) (U) Third tier agencies are the National Guard, military reserve, and other national level response elements.

(c) (U) Where a Geographic Information System (GIS) already exists; it is recommended that separate agency jurisdictional boundaries be portrayed on maps or charts in an overlay fashion. If possible, the portrayal should extend outside the AMS Committee's COTP Zone to reveal other neighboring agencies or elements that may be involved in both routine and crisis situations.

3300 (U) Area Maritime Security (AMS) Assessment

[IDENTIFY THE ASSESSMENT METHODOLOGY INFORMATION AS: WHO, WHERE, WHEN AND RESULTS.]

(a) (U) This AMS Plan is prepared based on an AMS Assessment, which is a risk-based analysis of the port or ports. The Coast Guard has developed a process consisting of five steps that are discussed in greater detail in Enclosure (3).

(b) (U) The steps are:

(1) (U) Identify critical operations and infrastructure;

(2) (U) Develop attack scenarios;

(3) (U) Conduct consequence and vulnerability assessments for each scenario;

(4) (U) Categorize and prioritize scenarios; and

(5) (U) Develop mitigation strategies.

3310 (U) Maritime Security Assessment Report

[THIS SECTION REFERENCES THE COTP ZONE MARITIME SECURITY ASSESSMENT, AND BRIEFLY SUMMARIZES THE FINDINGS IN THE ASSESSMENT REPORT. SUGGESTED WORDING IS SHOWN BELOW.]

(a) (U) *A maritime security assessment was conducted by_____, in _____, using the Coast Guard's Maritime Security Risk Analysis Model (MSRAM) tool. Vulnerabilities included: _____, _____, _____, and _____. Risk reduction strategies were: _____, _____, _____, and _____.]*

3400 (U) Communications

(a) (U) Effective communication is vital to pre- and post-incident response and recovery. An understanding of communication methodology, programs,

processes, and physical attributes is essential to all personnel involved in the security process.

(b) (U) *[THE AMS PLAN MUST IDENTIFY HOW AND WHEN THE COMMITTEE WILL MEET IF CALLED UPON TO ADVISE AND ASSIST THE COTP/FMSC IN THE COMMUNICATION OF SECURITY AND RECOVERY INFORMATION, WHAT KIND OF ASSISTANCE IT WILL PROVIDE, AND HOW IT WILL PROVIDE IT.]*

(c) (U) *[THE AMS PLAN MUST ALSO IDENTIFY REDUNDANT METHODS FOR COMMUNICATING VITAL INFORMATION TO ENSURE ALL APPROPRIATE FACILITIES, VESSELS, MARITIME STAKEHOLDERS, RECREATIONAL BOATERS, AND OTHER PERTINENT ENTITIES ARE NOTIFIED.]*

(d) (U) *[THE AMS PLAN SHOULD ADDRESS THE BENEFITS OF COMMUNICATING WITH THE PUBLIC, AND THE VALUE OF ENCOURAGING CITIZEN PARTICIPATION IN AMERICA'S WATERWAY WATCH (AWW) AND SIMILAR LOCAL OR REGIONAL PROGRAMS, AND ESTABLISHING SIMILAR PROGRAMS WATCH PROGRAMS WHERE NONE ARE PRESENT. PROGRAMS OF THIS NATURE HAVE BEEN FOUND TO BE VERY BENEFICIAL IN RAISING PUBLIC AWARENESS, GARNERING COMMUNITY INVOLVMENT IN ENHANCING SECURITY AND DETERRING POTENTIAL PERPETRATORS.]*

3410 (U) Communication of Area Maritime Security Information.

3410.1 (U) Communication with the Public

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (Q). THE PLAN WILL DOCUMENT WHAT MEANS OF COMMUNICATIONS WILL BE USED IN EMERGENCY AND NON-EMERGENCY SITUATIONS TO COMMUNICATE SECURITY AND THREAT INFORMATION RELATED TO THE MARITIME ENVIRONMENT WITH THE GENERAL PUBLIC.]

(a) (U) The public as a whole must be notified of possible threats, actions or operations that might affect it. There are a variety of systems that may be used to communicate information on restrictions, closures, and activities that are exclusionary or restrictive in nature, including the Emergency Broadcast System, Community Awareness and Emergency Response (CAER) network, and State and Local emergency management offices. *The AMS Committee will designate a sub-committee or working group to develop this communication process and facilitate the exchange of security, response and recovery information.*

(b) (U) Community Liaison. *[AN IMPORTANT ELEMENT OF COMMUNICATING TO THE VARIETY OF PORT PARTNERS AND STAKEHOLDERS IS THE LIAISON OFFICER. THE AMS COMMITTEE MAY DESIGNATE SEVERAL REPRESENTATIVES TO PERFORM THE ROLE AS LIAISON OFFICERS DURING AN INCIDENT WHO ARE CHARGED WITH DEVELOPING AND COMMUNICATING SECURITY, RESPONSE AND*

RECOVERY INFORMATION TO THE VARIOUS PORT STAKEHOLDERS. THESE REPRESENTATIVES SHOULD DEVELOP AND MAINTAIN A COMPREHENSIVE LIST OF COMMUNITY LEADERS, EMERGENCY MANAGERS, AND INDIVIDUALS ASSIGNED AS POINTS OF CONTACT WHO WILL IMPLEMENT COMMUNICATION PROTOCOLS.]

(c) (U) COTPs/FMSCs will appropriately disseminate cleared threat information directly to State, Local, or private sector officials in accordance with applicable DHS and Coast Guard policy. That policy requires organizations within the DHS to communicate threats outside of DHS through the Office of Infrastructure Protection (OIP) Directorate. As such, the Secretary of DHS, or his approved designee, will approve all analytical conclusions involving threats of terrorism or WMD prior to dissemination to State, Local, or private sector officials. This policy permits direct communication if the Commandant or his designees (COTPs/FMSCs) determine that exigent circumstances require communication to prevent, preempt, or disrupt an imminent threat. COTPs/FMSCs should refer related policy issues or questions to COMDT (CG-5441) through the Coast Guard chain of command.

(d) (U) COMDTINST 3820.14, entitled “Policy for Dissemination and Use of Intelligence Information,” provides guidance to Coast Guard units for dissemination and use of intelligence information in support of Coast Guard objectives. It bars the COTP/FMSC from using classified intelligence as a basis for a COTP Order or regulatory enforcement action (including Maritime Security Directives) without authorization from COMDT (CG-2).

3410.2 (U) Communications with Waterway Users

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (L). THE PLAN WILL DOCUMENT WHAT MEANS OF COMMUNICATION WILL BE USED TO PROVIDE SECURITY INFORMATION TO WATERWAY USERS IN EMERGENCY AND NON-EMERGENCY SITUATIONS AND HOW NOTIFICATIONS WILL BE MADE.]

(a) (U) Communicating security information to waterway users will include many of the processes currently used to identify hazards to navigation or safety related concerns of the MTS. The specific methods that could be used to communicate to waterway users include Notice to Mariners, navigation publications, marine exchanges, vessel traffic services, and State and Local threat warning systems.

3410.3 (U) Communications with Commercial Vessels

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (L), (O), (P) AND (W). THE PLAN WILL DOCUMENT WHAT MEANS OF COMMUNICATION WILL BE USED TO COMMUNICATE SECURITY INFORMATION TO COMMERCIAL VESSELS AND

VESSEL SECURITY OFFICERS (VSOS). THIS WILL INCLUDE HOW THE COTP/FMSC WILL ENSURE THAT ALL INBOUND AND OUTBOUND VESSELS ARE IDENTIFIED AT ANY GIVEN TIME, AND WHAT ROLE THE FACILITIES AND SHIPPING AGENTS WILL PLAY IN ENSURING THAT ALL VESSELS ARE NOTIFIED OF RELEVANT SECURITY INFORMATION. THE PLAN WILL ALSO DOCUMENT HOW RECEIPT OF SECURITY INFORMATION WILL BE VERIFIED AND DOCUMENTED.]

(a) (U) Communicating with commercial vessels will require a number of systems that will provide linkages to the large variety of vessels operating within the MTS. The following are examples of existing and proposed systems:

(1) (U) Rescue 21. Rescue 21 will ensure continuous, enhanced radio coverage out to 20 nautical miles from shore. Rescue 21 is powerful enough to capture the low-powered (1-watt) marine radios transmitting from 20 nautical miles offshore. Higher-powered radios may be captured even farther offshore.

(2) (U) The Global Maritime Distress and Safety System (GMDSS). The GMDSS is an internationally established distress and safety system, which provides automatic identification of a caller and the location of a vessel in distress.

(3) (U) Automatic Identification System (AIS). The version of AIS required by 33 CFR Parts 26, 161, 164, and 165 automatically broadcasts vessel and voyage-related information that is received by other AIS-equipped vessels and shore stations. In the ship-to-shore mode, AIS enhances Maritime Domain Awareness (MDA) and allows for the efficient exchange of vessel traffic information that previously was only available via voice communications with a Vessel Traffic Service (VTS). In the ship-to-ship mode, AIS provides essential information to other vessels, such as name, position, course, and speed that is not otherwise readily available onboard vessels. In either mode, AIS enhances mariners' situational awareness, makes possible the accurate exchange of navigation information, mitigates the risk of collision through the use of reliable passing arrangements, and facilitates vessel traffic management while simultaneously reducing voice radio telephone transmissions.

(4) (U) Ship Security Alert System (SSAS). SOLAS Regulation XI-2/6 requires certain vessels to be outfitted with a SSAS, which allows the vessel to covertly signal a competent authority that the security of the ship is under threat or has been compromised. Contracting Governments of foreign-flagged vessels are required to immediately forward all SSAS transmissions from vessels within, or bound for, U.S. waters to the U.S. Coast Guard. Notifications to Federal, State and Local law enforcement agencies may be the primary response to a

ship security alert. See Section 5430 for notification and response procedures to a SSAS alert.

3410.4 (U) Communications with Facilities

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (L) AND (W). THE AMS PLAN SHALL INCLUDE A LIST OF FACILITY SECURITY OFFICERS (FSOs) LOCATED WITHIN ITS DESIGNATED AREA, INCLUDING 24-HR CONTACT INFORMATION FOR EACH FSO. THE AMS PLAN WILL ALSO IDENTIFY WHAT MEANS OF COMMUNICATION WILL BE USED TO PASS GENERAL AND EMERGENCY SECURITY INFORMATION TO FSOs, INCLUDING THE PASSAGE OF SSI. IN ADDITION, THE AMS PLAN WILL IDENTIFY WHAT MEANS OF COMMUNICATION WILL BE USED TO VERIFY RECEIPT OF THE PASSED INFORMATION.]

(a) (U) Communication of security information with regulated and non-regulated facilities within the COTP/FMSC's Zone will be undertaken using prearranged methods that incorporate communication procedures and methods identified in individual facility security plans approved by the COTP/FMSC.

(b) (U) The AMS Committee must design a procedure that will efficiently communicate security information pertinent to a single facility, a class of facilities, or all facilities within a geographic area.

3410.5 (U) Communicating with Companies

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (L),(O), (P) AND (W). THE AMS PLAN WILL CONTAIN A LIST OF COMPANY SECURITY OFFICERS (CSO) RESPONSIBLE FOR THE REGULATED VESSELS THAT NORMALLY OPERATE AT OR WITHIN THE COTP/FMSC ZONE, INCLUDING 24-HOUR CONTACT INFORMATION FOR EACH CSO, AND WILL IDENTIFY WHAT MEANS OF COMMUNICATION WILL BE USED TO PASS SECURITY INFORMATION TO CSOs.]

3410.6 (U) Use of HOMEPORT for Communications

(a) (U) *[INSERT PROCEDURES FOR USING THE COAST GUARD'S HOMEPORT PORTAL TO AMS COORDINATION AND COMMUNICATION.]*

3420 (U) Security Reporting

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (K) AND (R). THE AMS PLAN MUST INCLUDE MEASURES TO ENSURE THAT ALL INDIVIDUALS MAKING REPORTS ARE INFORMED OF THEIR RESPONSIBILITY TO CONTACT THE NATIONAL RESPONSE CENTER AND LOCAL AUTHORITIES TO ENSURE THE APPROPRIATE RESPONSE TO A SECURITY THREAT.]

(a) (U) The National Response Center (NRC) will act as the fusion center for all

security information required by 33 CFR 101.305, and serve as a conduit of information to and from consequence mitigation and law enforcement organizations. This includes reports of suspicious activity and actual security breaches that do not result in a TSI, which normally will require simultaneous notification to local law enforcement authorities. In addition, facilities or individuals may contact the COTP/FMSC directly with such information. The reports and information garnered as a result of follow-on investigations will formulate intelligence and threat information that may be used to adjust security conditions throughout the country.

(b) (U) America's Waterway Watch (AWW) is a national awareness program that asks those who work, live, or recreate on or near the water to be aware of suspicious activity that might indicate threats to our country's homeland security. The program urges anyone witnessing suspicious activity to report the incident to the National Response Center at 800-424-8802 or 877-24WATCH, and to report any immediate danger to life or property by calling 911. More information can be found on the program's website at <http://www.americaswaterway.org>.

3420.1 (U) Procedures for reporting suspicious activity

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (R). THE AMS PLAN WILL DOCUMENT THE PROCEDURES FOR REPORTING SUSPICIOUS ACTIVITY WITHIN THE MARITIME DOMAIN.]

(a) (U) Quick Response Cards (QRCs) may be used as an effective and efficient tool to collect important information, including reports of suspicious activities, during periods of heightened awareness, security breaches, and potential or actual TSIs. When used properly, a QRC eliminates confusion and ensures all necessary information is captured. The subject matter covered, or title, may be kept general, but specificity should be included in the body of the document. QRCs should be tailored to fit the needs of the user, but at a minimum, must include a brief introduction or instructions, ample space to collect all appropriate information, and important points of contact, incident follow up procedures, and applicable references.

3420.2 (U) Procedure for reporting breaches in security

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (G). THE AMS PLAN WILL IDENTIFY METHODS FOR COMMUNICATING BREACHES OF SECURITY. THE AMS ASSESSMENT WILL DETERMINE WHAT METHODS OF COMMUNICATION ARE AVAILABLE AT ALL MARSEC LEVELS AND BUILD REDUNDANCIES INTO THE SYSTEM. THE PLAN WILL ALSO DOCUMENT THE PROCEDURES FSOs AND VSOs WILL USE TO REPORT BREACHES OF SECURITY.]

3430 (U) MARSEC Directives

(a) (U) MARSEC Directives permit the Coast Guard to provide Sensitive Security Information (SSI) to the maritime industry while protecting it from full public disclosure. As provided in 33 CFR 101.405, the Coast Guard may issue MARSEC Directives that provide vessels and facilities nationwide with mandatory security measures in the form of objective performance standards related to such security concerns as access control and handling of cargo. By designating MARSEC Directives as SSI, the Coast Guard may communicate objective performance standards to specific individuals or entities without subjecting the information to full public disclosure.

(b) (U) MARSEC Directives also allow the Commandant to ensure consistency among COTPs/FMSCs as they enforce the provisions of the MTSA in their individual Zones. Additionally, MARSEC Directives allow the Coast Guard flexibility in tailoring objective performance standards to the prevailing threat environment or industry segment.

(c) (U) MARSEC Directives will not impose new requirements, but will provide direction to the industry on how to meet the performance standards already required by the MTSA. The directives will only be issued by the Commandant, and only after consultation with other interested Federal agencies within the Department of Homeland Security.

3430.1 (U) Procedures for communicating MARSEC Directives.

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (b). THE AMS PLAN WILL INCLUDE DETAILED PROCEDURES ON THE DISSEMINATION OF MARSEC DIRECTIVES, INCLUDING WHO WILL GRANT ACCESS TO MARSEC DIRECTIVES, TO WHOM MARSEC DIRECTIVES WILL BE ISSUED, AND A MEANS FOR TRACKING WHICH PERSONS HAVE BEEN GIVEN ACCESS TO WHAT MARSEC DIRECTIVES.]

(a) (U) When a new MARSEC Directive is issued, the Coast Guard will publish a notice in the Federal Register and announce through other means (e.g., HOMEPORT, local Notices to Mariners, and press releases) that it has issued a new MARSEC Directive.

(b) (U) The MARSEC Directives will be individually numbered, and will be assigned to a series that corresponds with the Part of 33 CFR subchapter H to which the MARSEC Directive refers. For example, the first MARSEC Directive addressing a new requirement for vessels regulated under Part 104 of 33 CFR subchapter H would be identified as “MARSEC Directive 104-01.”

(c) (U) Upon receiving notice that a new MARSEC Directive has been issued, affected entities must contact or be contacted by their local COTP/FMSC (or, if appropriate, their District Commander) to receive a

copy of the MARSEC Directive. The COTP/FMSC or District Commander will confirm, prior to distributing the MARSEC Directive, that the requesting entity is a “Covered Person” with a “need to know.” The requesting entity must confirm to the COTP/FMSC through the use of a standard non-disclosure form that they will safeguard the MARSEC Directive as SSI. A standard non-disclosure form is provided in TAB A.

3430.2 (U) Procedures for responding to MARSEC Directives

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (B). THE AMS PLAN WILL IDENTIFY PROCEDURES FOR RECEIVING NOTICE OF COMPLIANCE WITH MARSEC DIRECTIVES, AND FOR VERIFYING THAT ALL ENTITIES AFFECTED BY THE MARSEC DIRECTIVES ARE IN COMPLIANCE. ADDITIONALLY, THE PLAN WILL INCLUDE GENERAL PROCEDURES FOR DEALING WITH ENTITIES THAT REQUEST EQUIVALENT SECURITY MEASURES OR WAIVERS.]

(a) (U) Once a MARSEC Directive has been issued, it is the responsibility of the affected entities to confirm compliance with the Directive to the local COTP/FMSC or District Commander, as appropriate, and specify the methods by which the mandatory measures in the directive have been, or will be, met. In some cases, recipients may elect to submit proposed equivalent security measures to the local COTP/FMSC or District Commander, as appropriate.

3430.3 (U) Role of the Area Maritime Security (AMS) Committee

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.310(B) AND 103.505 (B). THE PLAN WILL IDENTIFY THE ROLE OF THE AMS COMMITTEE IN COMMUNICATING MARSEC DIRECTIVES.]

(a) (U) 33 CFR 103.310 directs the AMS Committee to serve as a link for communicating threats and changes in MARSEC Levels, and disseminating appropriate security information to port stakeholders. Accordingly, the FSMC may from time to time and to different degrees, require the AMS Committee to assist in the distribution of MARSEC Directives.

(b) () *[IN ANTICIPATION OF PROVIDING ASSISTANCE IN THE DISTRIBUTION OF MARSEC DIRECTIVES, THE AMS COMMITTEE SHOULD DEVELOP PROTOCOLS AND PROCEDURES ADDRESSING HOW IT WILL ENSURE THAT DIRECTIVES ARE RECEIVED IN A TIMELY MANNER, AND THE MEANS BY WHICH IT WILL DOCUMENT COMPLIANCE WITH ALL MARSEC DIRECTIVES.]*

3440 (U) MARSEC Levels

[AMS PLANS MUST CLARIFY THE RELATIONSHIP BETWEEN THE MARSEC LEVELS AND

*THE HOMELAND SECURITY ADVISORY SYSTEM (HSAS) THREAT CONDITIONS,
AND WHO SETS THE MARSEC LEVEL.]*

(a) (U) The Coast Guard has developed a three tiered system of MARSEC Levels that is similar but not identical to the Department of Homeland Security's HSAS. The international community also uses a three-tiered advisory system that is consistent with the MARSEC Levels used by the Coast Guard.

(b) (U) MARSEC Levels were designed to provide a means to easily communicate pre-planned scalable responses to increased threat levels. MARSEC Levels may be set commensurate with the HSAS. Because of the unique nature of the maritime industry, the HSAS threat conditions and MARSEC Levels will align closely, though they will not correlate directly:

(1) (U) MARSEC Level 1 will normally apply when HSAS Threat Conditions Green, Blue, and Yellow are set.

(2) (U) MARSEC Level 2 normally corresponds to HSAS Threat Condition Orange.

(3) (U) MARSEC Level 3 normally corresponds to HSAS Threat Condition Red.

(c) (U) The Secretary of the DHS sets the HSAS threat condition and only the Commandant will have the authority to change MARSEC Levels to match the HSAS. An exception is provided which allows a COTP/FMSC to temporarily raise the MARSEC Level in his/her COTP Zone to address a threat to the MTS when the immediacy of the threat or incident does not allow time to notify the Commandant.

(d) (U) The COTP/FMSC will only exercise this authority under the most urgent circumstances. Such circumstances would include an incident where immediate action to save lives or mitigate great property or environmental damage that would result in a TSI is required, and timely prior notification to the Commandant is not possible. If such a circumstance does arise, the COTP/FMSC must inform the Commandant via the Coast Guard chain of command as soon as notification is possible. The heightened MARSEC Level will continue only as long as necessary to address the threat which prompted raising the level.

(e) (U) MARSEC changes will be triggered under limited circumstances and usually in conjunction with elevation of HSAS levels, such as when the threat that prompted a change in the HSAS Threat Condition also imperils a component of the MTS. However, there will also be instances where the HSAS Threat Condition is elevated for threats unrelated to the MTS, or where, after the HSAS Threat Condition is elevated, it becomes clear that the MTS is not a target. In these instances, the Commandant may set MARSEC Levels below the equivalent HSAS Threat Condition. Furthermore, the Commandant may choose to raise the

MARSEC Level at only specific ports in response to the elevated HSAS Threat Condition instead of requiring all ports nationwide or on a particular coast to elevate their protective measures. An example of where this might occur includes ports where military load-outs occur or at ports that are considered strategically important.

3440.1 (U) Procedures to Communicate Changes in MARSEC Levels

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.310(B) AND 103.505 (B) AND (H). PROCEDURES FOR PROVIDING NOTIFICATION OF CHANGES IN MARSEC LEVELS WILL INCLUDE DETAILS SUCH AS EXPECTED TIMEFRAMES FOR RESPONDING TO SECURITY THREATS AND MEASURES TO ENSURE THAT VESSELS, FACILITIES, AND OPERATIONS THAT ARE NOT COVERED BY 33 CFR PARTS 104, 105, AND 106 ARE INFORMED OF CHANGES IN MARSEC LEVELS.]

(a) (U) Because of the uniqueness of ports and their operations, the AMS Committee may choose a particular means of communication or a combination of means to inform all port users that there has been a change in the MARSEC Level. Changes in MARSEC Levels are not considered SSI and can be disseminated by any means available.

(b) (U) Changes in MARSEC Levels will be announced and obtained in the most expeditious means possible, preferably through a Broadcast Notice to Mariners or other existing mechanisms of communication (e.g., maritime exchanges, VTS, VTIS programs). Whatever means used must be sufficient to provide timely and adequate notice to vessels and facilities regulated by 33 CFR Part 104, 105, and 106.

3440.2 (U) Notification of MARSEC Level Attainment

[PLANS MUST PROVIDE DETAILED PROCEDURES FOR CONFIRMING COMPLIANCE WITH CHANGES IN MARSEC LEVEL, AND THE CORRESPONDING PRESCRIBED SECURITY MEASURES. ADDITIONALLY, THE PLAN WILL INCLUDE GENERAL PROCEDURES FOR DEALING WITH ENTITIES THAT CANNOT, OR DO NOT, COMPLY WITH THEIR SECURITY PLANS WHEN A CHANGE IN MARSEC LEVEL OCCURS.]

(a) (U) 33 CFR Part 104, 105, and 106 require that regulated entities confirm receipt of notice of changes in MARSEC Level, and that they have implemented the corresponding measures in accordance with their individual plans, as well as the AMS Plan. This can place a large burden on the communication systems of most COTP/FMSCs. The COTP/FMSC will give careful consideration to determining which communication method will be used to receive notifications, including the use of facsimile or email.

3440.3 (U) Role of the Area Maritime Security (AMS) Committee

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.310 (B). THE AMS PLAN WILL INCLUDE DETAILS OF HOW AMS COMMITTEE MEMBERS SHALL ASSIST IN COMMUNICATING CHANGES IN MARSEC LEVELS.]

3500 (U) Sensitive Security Information

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (M). THIS SECTION GOVERNS THE MAINTENANCE, SAFEGUARDING, AND DISCLOSURE OF AMS PLAN INFORMATION, AND OTHER RECORDS AND INFORMATION, THAT HAVE BEEN DESIGNATED AS SENSITIVE SECURITY INFORMATION (SSI), AS DEFINED BY 49 C.F.R. 1520 AND NVIC 10-04. THIS SECTION DOES NOT APPLY TO THE MAINTENANCE, SAFEGUARDING, OR DISCLOSURE OF CLASSIFIED NATIONAL SECURITY INFORMATION, AS DEFINED BY EXECUTIVE ORDER 12958, OR TO OTHER SENSITIVE UNCLASSIFIED INFORMATION THAT IS EXEMPT FROM PUBLIC DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT (5 USC §552), PRIVACY ACT (5 USC §552(A)), OR OTHER APPLICABLE LAW AND REGULATIONS. REFERENCES (W) AND (Z) TO NVIC 9-02, CHANGE 3, ALSO PROVIDE ADDITIONAL GUIDANCE ON THE HANDLING AND SAFEGUARDING OF CLASSIFIED AND SENSITIVE UNCLASSIFIED INFORMATION.

HANDLING PROCEDURES FOR SSI, REDACTED SSI MATERIAL, BUSINESS CONFIDENTIAL AND PROPRIETARY INFORMATION SPECIFIED BY ENCLOSURE (2), PARAGRAPH 5.G. SHOULD BE PLACED IN SECTION 3500. SEE SECTION 3800 BELOW FOR PCII CONTENT GUIDANCE.]

3600 (U) Maritime Security Training

(a) (U) Each member of the AMS Committee is responsible for ensuring that those members of their Committee directly affected by the execution of the AMS Plan are sufficiently trained to execute their roles in implementing the AMS Plan.

3700 (U) Security Resources

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (T). THE AMS PLAN WILL INCLUDE A SECTION THAT LISTS THE SECURITY RESOURCES THAT ARE NORMALLY AVAILABLE WITHIN THE AMS AOR FOR INCIDENT RESPONSE, THEIR CAPABILITIES, AND WHAT THEIR ESTIMATED TIMEFRAME IS FOR THE DISPATCH OF RESPONDING UNITS. CORRELATE THIS SECTION WITH SECTION 5520 (PROCEDURES FOR RESPONDING TO A TSI). RESOURCES INFORMATION MAY BE PLACED IN A CONSOLIDATED APPENDIX.]

3800 (U) Protected Critical Infrastructure Information

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505.]

(a) (U) This section governs the acquisition, maintenance, safeguarding, and

disclosure of information that has been designation as Protected Critical Infrastructure Information (PCII), as defined in 6 U.S.C. 131(3), Section 212(3) of the Homeland Security Act, and which may be important or essential to planning recovery of maritime CI/KR. PCII information will not be included in this AMS Plan and will be maintained separately. Access to PCII will be limited to the purpose for which PCII was obtained and voluntarily provided by owners of such materials.

[DO NOT INCLUDE PCII INFORMATION IN THE AMS PLAN. MAINTAIN PCII INFORMATION SEPARATELY. LIMIT ACCESS TO AND USE OF PCII INFORMATION IN STRICT ACCORDANCE WITH APPLICABLE RULES AND REGULATIONS.]

4000 (U) PREVENTION

4100 (U) Introduction

(a) (U) The COTP/FMSC, in consultation with the AMS Committee, will plan and pre-designate appropriate preventive and protective postures to be assumed according to each MARSEC Level.

(b) (U) The COTP/FMSC, in consultation with the AMS Committee, will plan and pre-designate appropriate preventive and protective postures to be continued and adjusted during incident management to aid in stabilizing the situation and to prevent subsequent incidents.

(c) (U) The COTP/FMSC, in consultation with the AMS Committee, will, as a security contingency, plan and develop procedures for addressing preventative and protective postures for vessels and cargo flow redirected to the COTP/FMSC Zone as a consequence of a TSI or significant security issue at other locations.

4200 (U) Maritime Security (MARSEC) Level Planning

4210 (U) Procedures to Be Used When a Vessel and a Facility Are At Different MARSEC Levels

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (o). THE AMS PLAN WILL IDENTIFY THE COTP/FMSC PROCEDURES TO ENSURE AN INBOUND OR MOORED VESSEL IS INSTRUCTED TO RAISE ITS MARSEC LEVEL, AND WILL DESCRIBE WHAT NOTIFICATIONS ARE REQUIRED TO BOTH VESSELS AND THE COTPs/FMSCs WHEN A FACILITY RECEIVES INFORMATION THAT A VESSEL IS OPERATING AT A LOWER MARSEC LEVEL THAN THE FACILITY. THE AMS PLAN WILL ALSO DESCRIBE THE CORRECTIVE ACTION THAT MUST BE TAKEN IN THAT INSTANCE.]

(a) (U) When a vessel is operating at a higher MARSEC Level (as defined by the ISPS Code) than the facility or port of destination, (e.g., when it has been directed to a higher level by its flag state or at the discretion of the vessel owner), the port

and its facilities may remain at their existing MARSEC Level. However, if the port or facility is at a higher MARSEC Level than the arriving or moored vessel per Commandant or COTP/FMSC direction, the vessel must attain the corresponding MARSEC Level as directed by the AMS Plan or the COTP/FMSC prior to arriving at the port or while moored at the facility.

4220 (U) Procedures for Requesting Equivalencies and Waivers to MARSEC Directives

[DESCRIBE PROCEDURES FOR REQUESTING EQUIVALENCIES AND WAIVERS FOR SPECIFIC MEASURES REQUIRED BY THE MARSEC LEVEL. EXPLAIN HOW THE COTP/FMSC WILL CONVEY APPROVAL OF EQUIVALENCIES.]

(a) (U) MARSEC Directives will set mandatory measures that all defined entities must meet in a specified time period. These entities will also be required to confirm to the COTP/FMSC receipt of the MARSEC Directive, as well as specify the method by which the mandatory measures have been (or will be) met. Pursuant to 33 CFR 101.130, owners or operators may propose to the local COTP/FMSC equivalent security measures that have been approved by Commandant (CG-54) as meeting or exceeding the effectiveness of the required measure.

(b) (U) In addition, 33 CFR §§ 104.130, 105.130, and 106.125 state that vessel or facility owners or operators may request waivers for any requirement of Parts 104, 105, or 106 that the owner or operator considers unnecessary in light of the nature and operating conditions of the vessel or facility. The request must be submitted in writing to the Commandant and include justification as to why the specific requirement(s) are unnecessary for that particular owner's or operator's vessel or facility or its operating conditions. In the case of facilities regulated under 33 CFR 105, the application must be made prior to operating.

4300 (U) MARSEC Level 1

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (A)]

4310 (U) Roles, Resources, Authorities, and Responsibilities

[DESCRIBE HOW, AND BY WHOM, SECURITY PROCEDURES WILL BE IMPLEMENTED.]

4320 (U) Standard Security Procedures for MARSEC Level 1

[THE AMS PLAN WILL SPECIFY THE COTP/FMSC REVIEW PROCESS FOR MARSEC LEVEL 1 REQUIREMENTS IN CURRENT AREA OPERATIONS PLAN (OPLAN) AND/OR OPERATIONAL ORDERS (OPORD) AND EXECUTE ORDERS (EXORD).]

4330 (U) Physical Security Measures

[THE AMS PLAN WILL CONSIDER THE FOLLOWING PHYSICAL SECURITY MEASURES WHERE APPROPRIATE FOR MTSA-REGULATED VESSELS AND FACILITIES, AND VESSELS AND FACILITIES NOT REGULATED UNDER 33 CFR PARTS 104, 105, OR 106.]

(a) (U) Fixed Security Zones and Regulated Navigation Areas (RNA). *[DISCUSS THE PLANNING PROCESS FOR AND ESTABLISHMENT OF FIXED SECURITY ZONES AND RNAs, AND SPECIFYING WHO IS GOING TO ENFORCE THEM]*

(b) (U) Security Duties and Responsibilities of Port Personnel. *[INCORPORATE SECURITY ELEMENTS INTO THE DUTIES AND RESPONSIBILITIES OF ALL PORT PERSONNEL.]*

(1) () *[DEFINE SECURITY ELEMENTS. THIS MAY INCLUDE ROUTINE DUTIES, SUCH AS OBSERVING AND REPORTING MALFUNCTIONING SECURITY EQUIPMENT AND SUSPICIOUS PERSONS AND OBJECTS.]*

(c) (U) Restricted Areas. *[INCLUDE PROCESS FOR ESTABLISHING RESTRICTED AREAS TO CONTROL ACCESS.]*

(1) (U) Definition of Restricted Areas. *[DEFINE RESTRICTED AREAS. THIS MAY INCLUDE CARGO AND SHIP STORES TRANSFER AREAS, PASSENGER AND CREW EMBARKATION AREAS, AND LOCATIONS WHERE SHIPS RECEIVE PORT SERVICES.]*

(2) (U) Marking. *[DISCUSS MARKING OF RESTRICTED AREAS.]*

(3) (U) Access Control. *[SPECIFY RESTRICTED AREA ACCESS CONTROL POLICIES. PHYSICAL MEANS SUCH AS BARRIERS AND FENCES SHOULD BE CONSIDERED.]*

(4) (U) Monitoring. *[DISCUSS MONITORING OF RESTRICTED AREAS. THIS MAY INCLUDE LOCKING OR SECURING ACCESS POINTS, USING SURVEILLANCE EQUIPMENT OR PERSONNEL, USING AUTOMATIC INTRUSION DETECTION DEVICES, AND ISSUING OF MARITIME WORKER CREDENTIALS.]*

(5) (U) Access Points. *[IDENTIFY ACCESS POINTS TO THE PORT, INCLUDING WATERWAYS, RAIL LINES, ROADWAYS, WALKWAYS, ELECTRONIC INFORMATION SYSTEMS, AND ADJACENT STRUCTURES.]*

(6) (U) Control Measures. *[DESCRIBE CONTROL MEASURES FOR ACCESS POINTS, INCLUDING IDENTIFICATION, VERIFICATION, AND FREQUENCY OF APPLICATION.]*

(d) (U) Procedures for notifying vessels and facilities in the COTP Zone that MARSEC Level 1 has been set.

(e) (U) Designated areas where control measures shall be implemented.

(f) (U) Access denial to anyone refusing to submit to security verification.

(g) (U) Monitoring the port, including during the hours of darkness and other times of poor or restricted visibility.

(h) (U) Procedures for identifying and reporting any threatening acts.

(i) (U) Supervision of the handling of cargo and ship's stores. *[THIS MAY INCLUDE CARGO SECURITY PROCEDURES TO PREVENT TAMPERING, OR INVENTORY CONTROL PROCEDURES AT ACCESS POINTS.]*

(j) (U) Security Review Support. *[INCLUDE PROCESS THAT WILL BE USED FOR OFFERING TO REVIEW PHYSICAL SECURITY PLANS AND PROCEDURES FOR FACILITIES NOT REGULATED UNDER 33 CFR 105 OR 106, E.G., ELECTRICAL TRANSMISSION LINES, COMMUNICATION TRANSMITTERS, BRIDGES, TUNNELS, MASS TRANSIT BRIDGES/TUNNELS, STADIUMS, AQUARIUMS, AMUSEMENT PARKS, WATERFRONT PARKS, MARINE EVENTS, NUCLEAR POWER PLANTS, AND MARINAS.]*

4340 (U) Operational Security (OPSEC) Measures

[THIS SECTION IMPLEMENTS IN PART, 33 C.F.R. § 103.505 (M). THE CLASSIFIED INFORMATION MANAGEMENT PROGRAM, COMDTINST M5510.23 OUTLINES OPSEC PLANNING AND IMPLEMENTATION IN DETAIL.]

(a) (U) Operations Security is defined as a systematic and analytical process by which the U.S. Government and its supporting contractors can deny potential adversaries information about capabilities and intentions by identifying, controlling, and protecting evidence of planning and execution of sensitive activities and operations. *[SEE REFERENCE (Y) TO NVIC 9-02, CHANGE 3.]*

(b) (U) The information about Coast Guard intentions, capabilities, or activities is known as "critical information". Since the compromise of this critical information may allow a terrorist to gain a significant advantage, its protection involves all personnel, including active duty, reserve, auxiliary, civilian and contractors. A concerted effort must be made to ensure that all personnel are aware that the threat is real and active in all aspects of Coast Guard missions.

4400 (U) MARSEC Level 2

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (B).]

4410 (U) Standard Security Procedures for MARSEC Level 2

[THE AMS PLAN WILL SPECIFY THE COTP/FMSC REVIEW PROCESS FOR MARSEC LEVEL 2 REQUIREMENTS IN CURRENT AREA OPLAN AND/OR OPORD AND EXORD.]

4420 (U) Roles, Resources, Authorities, and Responsibilities

[DESCRIBE HOW, AND BY WHOM, SECURITY PROCEDURES WILL BE IMPLEMENTED.]

4430 (U) Physical Security Measures

(a) (U) The AMS Plan will consider the following physical security measures where appropriate for MTSA regulated vessels and facilities, and vessels and facilities not regulated by 33 CFR Parts 104, 105 or 106:

- (1) (U) Enhancement of security procedures identified for MARSEC Level 1;
- (2) (U) Review of security roles and responsibilities;
- (3) (U) Controlling access to restricted areas to allow only authorized personnel;
- (4) (U) Inclusion of mechanisms to ensure that regulated vessels and facilities:
 - a. (U) Increase the frequency and detail of monitoring of restricted areas;
 - b. (U) Limit (or further limit) the number of access points, e.g., implement the use of physical means, such as barriers, fencing and personnel;
 - c. (U) Increase control of access points, e.g., assigning additional security personnel;
 - d. (U) Increase detail and frequency of monitoring, including inspection of individuals, personal effects, and vehicles;
 - e. (U) Increase frequency of supervised handling of cargo and ship's stores.
- (5) (U) Consideration will be given to requiring additional security measures for facilities not regulated under 33 CFR 105 or 106, e.g., electrical transmission lines, communication transmitters, bridges, tunnels, mass transit bridges/tunnels, stadiums, aquariums, amusement parks, waterfront parks, marine events, nuclear power plants, and marinas.

4440 (U) Operations Security Measures

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (M).]

(a) (U) Within four hours of receiving reports of MARSEC Level 2 attainment, the COTP/FMSC will conduct spot checks of OPSEC measures employed by vessels and facilities, and vessels and facilities not regulated under 33 CFR parts 104, 105, and 106, and immediately advise owners/operators of any concerns.

(b) (U) *[DETAIL ADDITIONAL PROCEDURES FOR VERIFYING ATTAINMENT OF MARSEC*

LEVEL 2 OPSEC MEASURES. GIVE CONSIDERATION TO REQUIRING ADDITIONAL OPSEC MEASURES FOR SAFEGUARDING INFORMATION RELATED TO VESSEL ARRIVALS, DEPARTURE, SHIFTINGS, AND CARGOES.]

4500 (U) MARSEC Level 3

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (B) AND (H).]

4510 (U) Standard Security Procedures for MARSEC Level 3

[THE AMS PLAN WILL SPECIFY THE COTP/FMSC REVIEW PROCESS FOR MARSEC LEVEL 3 REQUIREMENTS IN CURRENT COAST GUARD AREA OPLAN AND/OR OPORD AND EXORD.]

4520 (U) Roles, Resources, Authorities, and Responsibilities

[DESCRIBE HOW, AND BY WHOM, SECURITY PROCEDURES WILL BE IMPLEMENTED.]

4530 (U) Physical Security Measures

[THE AMS PLAN MUST CONSIDER THE FOLLOWING PHYSICAL SECURITY MEASURES WHERE APPROPRIATE FOR MTSA REGULATED VESSELS, FACILITIES, AND VESSELS OR FACILITIES NOT REGULATED IN 33 CFR PARTS 104, 105 OR 106.]

(a) (U) Continuation and enhancement of security procedures required at MARSEC Levels 1 and 2;

(b) (U) Identification and employment of mechanisms to ensure that regulated vessels and facilities:

(1) (U) Monitor restricted areas to protect against an imminent security incident, e.g., secure all access points, prohibit storage of vehicles, cargo and ship's stores, and maintain continuous patrols;

(2) (U) Control access, e.g., enhance the security presence at closed access points, provide escorts, and take measures, where practicable, to secure choke points and locations that can be used to observe facility or vessel operations;

(3) (U) Protect against an imminent security incident, e.g., inspect all persons, personal effects and vehicles.

(c) (U) Consideration will be given to requiring additional security measures for facilities not regulated under 33 CFR 105 or 106, e.g., electrical transmission lines, communication transmitters, bridges, tunnels, mass transit bridges/tunnels, stadiums, aquariums, amusement parks, waterfront parks, marine events, nuclear power plants, and marinas.

4540 (U) Operations Security Measures

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (M). THE AMS PLAN WILL REQUIRE VERIFICATION OF MARSEC LEVEL 3 OPSEC MEASURES, AND MAY GIVE CONSIDERATION TO REQUIRING ADDITIONAL OPSEC MEASURES FOR SAFEGUARDING INFORMATION RELATED TO VESSEL ARRIVALS, DEPARTURES, SHIFTINGS AND CARGOES.]

(a) (U) Within one hour of receiving reports of MARSEC Level 3 attainment, the COTP/FMSC will begin checks of OPSEC measures employed by MTSA regulated vessels and facilities, and vessels and facilities not regulated under 33 CFR 104, 105 and 106, and immediately advise the owner/operator of any violations.

(b) (U) Consideration may be given to requiring additional OPSEC measures for safeguarding information related to vessel arrivals, departures, shifting berths and cargoes.

(c) (U) *[DETAIL ADDITIONAL PROCEDURES FOR VERIFYING ATTAINMENT OF MARSEC LEVEL 2 OPSEC MEASURES. GIVE CONSIDERATION TO REQUIRING ADDITIONAL OPSEC MEASURES FOR SAFEGUARDING INFORMATION RELATED TO VESSEL ARRIVALS, DEPARTURE, SHIFTING BERTHS, AND CARGOES.]*

4600 (U) Public Access Facility

[THIS SECTION IMPLEMENTS, IN PART, 33 C.F.R. § 103.505 (W). THE PURPOSE OF THIS GUIDANCE IS TO PROVIDE INSTRUCTION FOR COTPs/FMSCs AND FACILITY OWNERS OR OPERATORS REGARDING APPLICATION, REVIEW, AND GRANTING PUBLIC ACCESS FACILITY (PAF) EXEMPTIONS PER 33 CFR 105.110(D). DESIGNATION AS A PAF DOES NOT CONSTITUTE TOTAL EXEMPTION OF 33 CFR PART 105. TO ENSURE NATIONAL CONSISTENCY, COTPs/FMSCs SHALL INCORPORATE THIS GUIDANCE WHEN CONSIDERING DESIGNATION REQUESTS.]

4610 (U) Designation of Public Access Facilities (PAF)

[THE PLAN WILL LIST (1) ALL DESIGNATED PUBLIC ACCESS FACILITIES (PAF) WITHIN THE AREA; (2) THE SECURITY MEASURES THAT MUST BE IMPLEMENTED AT THE PUBLIC ACCESS FACILITY AT VARIOUS MARSEC LEVELS; AND (3) WHO IS RESPONSIBLE FOR IMPLEMENTING THE MEASURES AND HOW TO CONTACT THEM, INCLUDING 24-HOUR CONTACT INFORMATION.]

(a) (U) An owner or operator of a facility seeking exemption of 33 CFR 105 may request of the cognizant COTP/FMSC, designation as a Public Access Facility (PAF). As per 33 CFR 101.105, the definition of a PAF is an area with public access that is primarily used for recreation or entertainment purposes, and which primary purpose does not include receiving or servicing vessels regulated under 33 CFR 104. This may include a public pier, wharf, dock, waterside restaurant or

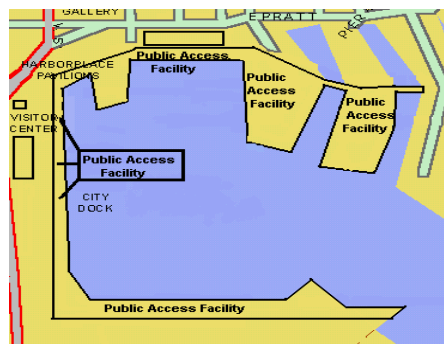
marina that contains minimal infrastructure, such as only bollards, cleats, or ticket booths. Tab B has been developed to aid in determining PAF exemption applicability. Tab C provides a sample PAF designation request letter.

(b) (U) Before granting the PAF designation, the COTP/FMSC will consider the results of the AMS Assessment. The COTP/FMSC will notify the facility in writing whether its request for designation as a PAF has been approved or disapproved.

(c) (U) If the designation is granted, the facility is not relieved from all security responsibilities, and may be required by the COTP/FMSC to implement specific security measures as a condition of the designation. The COTP/FMSC may also require a written agreement from the owner or operator of the PAF indicating that adequate security will be provided at the facility during periods of heightened MARSEC Levels. For example, the COTP/FMSC may consider requiring the facility owner or operator to provide additional guards to monitor the PAF at MARSEC Levels 2 or 3, or during special events. This written agreement does not limit the COTP's/FMSC's authority to require the implementation of additional security measure, to deal with specific security concerns as they arise.

(d) (U) Figure 1 is an example of how the boundaries of a Public Access Facility could be designated. Typically, the perimeter has no physical barriers, allowing unimpeded access to the facility.

Figure 1. Public Access Facility



4620 (U) Review and Evaluation of Request

(a) (U) The COTP/FMSC will conduct a complete review and evaluation of the PAF designation request. This review and evaluation should also consider the results and impacts related to the AMS Assessment.

(b) (U) To assist the COTP/FMSC with considering this request, an on-site evaluation may be necessary to verify PAF designation applicability.

4630 (U) Establishment of Conditions

(a) (U) Once PAF applicability has been determined, the COTP/FMSC should coordinate with the owner or operator of the facility to establish conditions for which this designation is granted. Tab D provides required and additional security measures the COTP/FMSC may impose. To ensure consistency the additional security measures should be limited to those listed in the “Additional Requirements to Review for Applicability” column.

(b) (U) Tab D was developed considering the existing Facility Security regulations. The tool provides required and recommended security measures. The “Required Measures” are the minimal security measures applicable to all PAFs. The “Additional Requirements to Review for Applicability” listed in the tool must be considered and shall be implemented as necessary based on COTP port assessments.

4640 (U) Issuance of Designation Letter

(a) (U) After a complete evaluation of the facility has been conducted and security conditions have been established, the COTP/FMSC shall issue a PAF Designation Letter. Tab E provides a sample designation letter. At a minimum, the designation letter shall include a list of established security conditions that shall be implemented at the PAF. Security conditions shall be included as an enclosure to the designation letter and considered SSI. See Section 3500 of this NVIC for further guidance on the handling of SSI. The PAF owner/operator shall acknowledge and accept these conditions in writing.

(b) (U) A copy of the designation letter and acknowledgement shall be kept on file with the AMS Plan for as long as the designation is valid.

(c) (U) Appropriate MISLE entries, including Facility Identification Number and 24-hour contact number of the individual with security responsibilities shall be completed.

(U) Note: PAFs should be designated in MISLE as a “MTSA Facility – No Plan Required – Public Access Facility”.

4650 (U) Vessel Responsibilities When Calling at a PAF

(a) (U) General Responsibilities.

(1) (U) The Vessel Security Plan must address security concerns while at the PAF, per 33 CFR 104.292(d).

(2) (U) The vessel security officer is responsible for implementing all appropriate security measures while at the PAF, however, they may liaison with the PAF’s Individual with Security Responsibilities to determine who will actually perform security activities.

(3) (U) At MARSEC Level 1, the vessel owner/operator, VSO or CSO should contact the Individual with Security Responsibilities at the PAF prior to their first visit to determine security measures that will be in place at the PAF. The appropriate Area Maritime Security Plan includes a list of PAFs, their designated Individuals with Security Responsibilities and COTP requirements.

(4) (U) The VSO of a vessel that frequently interfaces with the same PAF should also contact the Individual with Security Responsibilities at the PAF when there is a significant change in operations.

(5) (U) If the vessel's VSO is unable to contact the PAF's Individual with Security Responsibility prior to arrival, the VSO will perform all security activities and notify the COTP/FMSC.

(6) (U) At MARSEC Level 2, the vessel owner/operator, VSO or CSO must contact the Individual with Security Responsibilities at the PAF and execute a Declaration of Security (DoS) prior to each visit to determine security measures that will be in place at the PAF.

(7) (U) The VSO of a vessel that frequently interfaces with the same PAF may execute a continuing DoS for multiple visits with an effective period of not more than 30 days.

(8) (U) If the VSO is unable to contact the PAF's Individual with Security Responsibility prior to arrival, the VSO must perform all security activities and notify the COTP/FMSC.

(9) (U) At MARSEC Level 3, the vessel owner/operator, VSO or CSO must contact the Individual with Security Responsibilities at the PAF and execute a Declaration of Security (DoS) prior to each visit to determine security measures that will be in place at the PAF.

(10)(U) If the VSO is unable to contact the PAF's Individual with Security Responsibility prior to arrival, the VSO must perform all security activities and notify the COTP/FMSC.

4660 (U) Compliance

(a) (U) Owners/Operators, whose facilities are operating under an approved FSP, that wish to have the facility considered for designation as a PAF, must submit a request to the COTP/FMSC at least 60 days prior to the requested designation date.

(b) (U) Owners/Operators of facilities not in operation that wish to be considered for designation as a PAF must submit a request for Designation as a Public

Access Facility to the COTP/FMSC no later than 60 days prior to beginning operations.

(c) (U) Owners/Operators of facilities requesting designation as a PAF must comply with the Facility Security Plan submission requirements in 33 CFR 105.410(b) {i.e. 60 days prior to beginning operations} until such time as the PAF designation is granted.

(d) (U) If a PAF has a change in ownership, the Individual with Security Responsibilities must submit updated contact information to the COTP/FMSC. The owner/operator of the PAF shall conduct a review of the PAF designation and conditions and notify the COTP/FMSC of any changes to the facility's operations that may affect security requirements. The new owner/operator or Individual with Security Responsibilities must sign an acknowledgement of the designation of the facility as a PAF and the specific requirements to be met.

(e) (U) After receiving a request for PAF designation, the COTP/FMSC will either:

(1) (U) Approve it with conditions via a PAF Designation Letter.

(2) (U) Request additional information prior to making a determination.

(3) (U) Disapprove it, with a letter restating requirements under 33 CFR 105 (or stating that the facility does not meet requirements of 33 CFR 105).

(f) (U) The PAF designation and COTP/FMSC conditions will be evaluated annually to ensure the designation remains appropriate. Any changes to the operations or description of the facility must be immediately reported to the COTP/FMSC.

4670 (U) Enforcement Actions

[DO NOT INCLUDE SPECIFIC ENFORCEMENT ACTIONS IN THE AMS PLAN, INCLUDE ONLY A GENERAL DISCUSSION THAT ENFORCEMENT ACTIONS WILL BE TAKEN WHEN COTP/FMSC DEEMS NECESSARY.]

(a) (U) Three anticipated types of non-compliance:

(1) (U) Incorrect contact information for the Individual with Security Responsibilities.

(2) (U) PAF will only be temporarily out of compliance with COTP/FMSC Conditions.

(3) (U) Permanent or frequent non-compliance.

(b) (U) Possible enforcement actions:

- (1) (U) Informal request for immediate correction/update for administrative discrepancies.
- (2) (U) COTP/FMSC letter request for correction/update within a specified/reasonable timeframe.
- (3) (U) COTP Order suspending operations with 104 vessels until in compliance.
- (4) (U) Consider civil penalty action.
- (5) (U) Revocation of designation as PAF, require full compliance with 33 CFR Part 105, and consider issuing a COTP Order with conditions under which the facility may be allowed to operate until their FSP is approved.

Note: When a designation has been withdrawn from a facility that receives vessels regulated under 33 CFR Part 104, the facility will be required to comply with the requirements of 33 CFR Part 105.

4700 (U) Maritime Worker Credentials (reserved)

5000 (U) SECURITY RESPONSE

[RESPONSE IN THE CONTEXT OF THIS SECTION IS PRIMARILY DESIGNED TO GUIDE A COORDINATED SECURITY RESPONSE DURING PERIODS OF HEIGHTENED THREATS AND FOR POST-INCIDENT CONSEQUENCE MITIGATION. IT IS INTENDED TO MAINTAIN AN APPROPRIATE LEVEL OF MARITIME SECURITY DURING THE INITIAL PHASES (FIRST RESPONSE) OF A TSI OR THREAT OF TSI, AND TO GUIDE UNIFIED RESPONSE MEASURES TO SET THE STAGE FOR THE POST-INCIDENT RECOVERY OF THE MTS.]

THE AMS PLAN FOCUSES ON INTER-ORGANIZATIONAL COORDINATION AND PROCEDURES, AND IS NOT INTENDED OR AUTHORIZED TO SERVE AS AN OPERATIONS PLAN OR A FIRST RESPONDER PLAN. TACTICAL RESPONSE OPERATIONS WILL BE CONDUCTED BY INDIVIDUAL ORGANIZATIONS CONSISTENT WITH THEIR EXISTING JURISDICTION, AUTHORITIES, AND CAPABILITIES, AND THROUGH A UNIFIED COMMAND WHEN ESTABLISHED UNDER THE AUSPICES OF THE COTP. THE AMS PLAN SHOULD LINK TO AND GUIDE STAKEHOLDER MARITIME SECURITY MEASURES THAT SUPPORT FIRST RESPONSE AND EMERGENCY SERVICES AND INCIDENT MANAGEMENT. THEREFORE, AMS COMMITTEES SHOULD CONSIDER INCORPORATION OF PORT/AREA CONTINGENCY AND RESPONSE PLANS BY REFERENCE.

THIS SECTION MUST INCLUDE, AT A MINIMUM, THE FOLLOWING ELEMENTS:

- *THE AMS COMMITTEE'S ROLE RELATIVE TO SECURITY RESPONSE.*

- *PROCEDURES FOR CHANGING MARSEC LEVELS;*
- *PREVENTIVE MEASURES THAT SHOULD BE CONTINUED DURING RESPONSE (TO STABILIZE THE SITUATION AND PREVENT FURTHER DAMAGE AND DETER SUBSEQUENT INCIDENTS);*
- *PROTECTIVE MEASURES (FOR THE MTS AND MARITIME CI/KR);*
- *SECURITY RESPONSES BELOW THE LEVEL OF A TSI;*
- *TSI PLANNING SCENARIOS;*
- *NOTIFICATION AND RESPONSE PROCEDURES FOR A TSI;*
- *NOTIONAL INCIDENT MANAGEMENT STRUCTURE; AND*
- Measures needed to set the stage for MTS recovery.]

5100 (U) Introduction

(a) (U) Section 5000 of the Area Maritime Security (AMS) Plan has been developed by the [NAME GEOGRAPHIC AREA] COTP, in consultation with the [NAME PORT AREA] AMS Committee, and is based on an Assessment completed [DATE] and meets the provisions of 33 CFR Ch. I, Subchapter H, Part 103.400.

(b) (U) Due to the range of possibilities of a TSI and or threats of TSI, this section is primarily designed to guide the coordinated security response for post-incident consequence mitigation among the area/port stakeholders, to maintain an appropriate level of maritime security during the initial phases (first response) of an incident, and to guide coordinated response measures that are needed for post-incident recovery of the MTS.

(c) (U) AMS Relationship to Resumption of Trade. For the purposes of the AMS Plan, security response to support resumption of trade consists of those measures, operations, and activities in incident areas that are needed to set the stage for MTS recovery activities as described in Sections 5640 and 6000.

5110 (U) Changing MARSEC Levels

[THIS SECTION IMPLEMENTS 33 CFR CH. I, SUBCHAPTER H, 103.505 (B) FOR MARSEC LEVELS 2 AND 3 AS THE RESULT OF A THREAT OF A TSI OR TSI. SPECIFY MEASURES AND PROCEDURES THAT WILL BE USED. CROSS REFERENCE TO SECTION 3440. INCLUDE ANY ADDITIONAL GUIDANCE FOR THE RESPONSE PHASE.]

(a) (U) The procedures for MARSEC level changes specified in Section 3440 (MARSEC Levels) will apply during incident management, inclusive of response and recovery phases.

(b) () *[INSERT THE COTP/FMSC'S LOCAL PROCEDURES FOR MARSEC CHANGES DURING THE RESPONSE PHASE.]*

[IN THE SUBSECTIONS THAT FOLLOW, DESCRIBE AND DISCUSS AMS MEASURES THAT ASSIST IN STABILIZING THE SITUATION, SUCH AS PREVENT FURTHER DAMAGE OR THREATS, PROTECT PRE-IDENTIFIED CI/KR, ASSESS DAMAGES TO THE MTS, SET THE STAGE FOR MTS RECOVERY, AND SUPPORT THE RESUMPTION OF TRADE. CROSS REFERENCE TO SECTION 3000 AND 4000 ELEMENTS WHERE APPROPRIATE.]

5200 (U) Preventive Measures

(a) (U) Prevention activities specified in Section 4000 of this Plan remain in effect during response and recovery phases of an incident. The additional protective measures and procedures in the following subsections apply.

5210 (U) Dangerous Substances and Devices

(a) (U) Measures to prevent the introduction of dangerous substances and devices into designated restricted areas within the port.

[THIS SUBSECTION IMPLEMENTS 33CFR CH. I, SUBCHAPTER H, 103.505 (E). SPECIFY MEASURES AND PROCEDURES THAT WILL BE USED.]

5220 (U) Unauthorized Access

(a) (U) Measures to prevent unauthorized access to designated restricted areas within the port.

[THIS SUBSECTION IMPLEMENTS 33CFR CH. I, SUBCHAPTER H, 103.505 (F). SPECIFY MEASURES AND PROCEDURES THAT WILL BE USED.]

5300 (U) Protective Measures

[INCLUDE IN THIS SECTION PROCEDURES FOR ACTIVE MEASURES TO PROTECT THE AOR BEYOND PREVENTION MEASURES USED FOR BASIC DETERRENCE DURING MARSEC LEVEL 1.]

5310 (U) Procedures for Vessel Quarantine or Isolation

[THIS SECTION IMPLEMENTS, IN PART, 33CFR CH. I, SUBCHAPTER H, 103.505 (G). INCLUDE IN THIS SECTION, OR INCORPORATE BY REFERENCE, THE PROCEDURES THAT MAY BE USED FOR VESSEL QUARANTINE OR ISOLATION, AND IF NECESSARY, RESPONSE TO ADDRESS PUBLIC HEALTH (E.G. PANDEMIC FLU) OR OTHER BIOLOGICAL ISSUES (E.G. AGRICULTURAL BIOLOGICAL THREAT) THAT ALSO RAISE SECURITY CONCERNS. IN GENERAL, THE APPROPRIATE APPROACH IS TO LINK TO EXISTING VESSEL QUARANTINE AND ISOLATION PLANS AND PROCEDURES. REFERENCE THE MOU BETWEEN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF HOMELAND SECURITY DATED OCTOBER 12, 2005.]

5320 (U) Procedures for Security Segregation of Vessels

[THIS SECTION IMPLEMENTS, IN PART, 33CFR CH. I, SUBCHAPTER H, 103.505 (E), (F) AND (G). INCLUDE IN THIS SECTION THE PROCESSES THAT WILL BE USED TO IDENTIFY LOCATIONS TO SEGREGATE A VESSEL OR VESSELS THAT RAISE SECURITY CONCERNS. ALSO INCLUDE OR INCORPORATE BY REFERENCE PROCEDURES FOR COORDINATING MANAGEMENT OF THE SITUATION.]

PRE-DESIGNATION OF LOCATIONS WITHIN OR ADJACENT TO ANY GIVEN PORT ENVIRON SHOULD REFLECT THE POTENTIAL DEMANDS OF THE CIRCUMSTANCES OR THREATS ASSOCIATED WITH A VESSEL BORNE MARITIME THREAT. A REMOTE LOCATION OR ONE THAT AFFORDS SAFE DISTANCE FROM POPULATED AREAS AND OTHER VESSELS SHOULD BE FACTORED INTO THE IDENTIFICATION PROCESS. THE COTP/FMSC AND AMS COMMITTEE SHOULD CONSIDER RISK, OFFLOADING RESOURCES, LIABILITY, CAPABILITIES OF FEDERAL, STATE, COUNTY, AND LOCAL LAW ENFORCEMENT AGENCIES, CONSEQUENCE MITIGATION RESOURCES IN DETERMINING WHICH AGENCY OR AGENCIES WILL RESPOND, AND OTHER PERTINENT ISSUES. SUGGESTED CORE TEXT PROVIDED BELOW.]

(a) (U) Identification of Prospective Segregation Locations. *The COTP/FMSC, in consultation with the AMS Committee, will identify prospective anchorages and mooring facilities within the AOR sufficient for the purpose of segregating a vessel or vessels due to security concerns regarding the vessel's cargo or crew.*

[DEVELOP A LIST OF PROSPECTIVE LOCATIONS WITH SUPPORTING DETAIL. THE LIST MAY BE INCLUDED AS AN APPENDIX, MAINTAINED SEPARATELY WITH AN APPROPRIATE LEVEL OF INFORMATION SECURITY, OR INCORPORATED AS A REFERENCE WHERE AN EQUIVALENT LIST IS AVAILABLE.]

(1) (U) *The need for vessel-specific segregation will be assessed at the time of the event by the COTP to determine if segregation or isolation is appropriate, the location that will be used, and any other precautions that may be appropriate.*

(2) (U) *Predetermined anchorages or facilities may be employed for vessels inbound, outbound, or for vessel(s) already present in the port that are directed to move there by the COTP.*

(3) (U) *Coordination of Security Segregation. [INSERT OR INCORPORATE COORDINATION PROCEDURES BY REFERENCE.]*

(b) (U) Procedures for Cargo Inspection. *The need for cargo operations, such as container removal or offloading of bulk cargo, to investigate safety or security concerns, will be assessed at the time of the event to determine an appropriate approach and precautions that may be appropriate to the situation.*

5330 (U) Procedures for Port Evacuation

[THIS SECTION IMPLEMENTS 33CFR CH. I, SUBCHAPTER H, 103.505 (I). IDENTIFY IN THIS SECTION PROCEDURES THAT WILL BE USED TO IDENTIFY THE NEED FOR AND, IF NECESSARY, CONDUCT AN EVACUATION. INCLUDE WHICH ENTITIES ARE RESPONSIBLE FOR ASSESSING AND DETERMINING WHEN AN EVACUATION OF THE PORT, A SECTION OF THE PORT, OR PORT AREA (INCLUDING SURROUNDING POPULATED AREAS THAT MIGHT BE THREATENED) IS NEEDED AS A RESPONSE TO SECURITY THREATS OR BREACHES OF SECURITY. ALSO IDENTIFY WHICH ENTITIES ARE RESPONSIBLE FOR ORDERING AND COORDINATING AND CONDUCTING THE EVACUATION.]

THE PRINCIPAL FOCUS SHOULD BE ON VESSELS AND FACILITIES THAT ARE COVERED BY THE AMS PLAN. HOWEVER, THE FULL AMS AOR MUST BE ADDRESSED. THEREFORE, THE AMS PLAN MUST ALSO ADDRESS THE SITUATION IN WHICH AN EVACUATION MAY BECOME NECESSARY AS A SECURITY OR EMERGENCY RESPONSE TO SPILLOVER EFFECTS FROM A MARITIME SECURITY INCIDENT OR ACTUAL OR POTENTIAL EFFECTS TO THE MTS FROM A NON-MARITIME SECURITY INCIDENT.

THE COTPs/FMSCs AND AMS COMMITTEE SHOULD CONSIDER THE JURISDICTIONAL, GEOGRAPHIC, AND RESOURCE CAPABILITIES OF FEDERAL, STATE, COUNTY, AND LOCAL LAW ENFORCEMENT ENTITIES AND CONSEQUENCE MITIGATION RESOURCES IN DETERMINING WHICH ENTITIES WILL COORDINATE AND CONDUCT EVACUATIONS. THE COTPs/FMSCs, IN CONSULTATION WITH THE AMS COMMITTEE, MAY FACILITATE PREPARATION AND POPULATION OF AN INCIDENT ACTION PLAN TEMPLATE OR JOB AID. SUCH MATERIALS, IF PREPARED, MAY BE INCORPORATED BY REFERENCE IN THIS SUBSECTION, AN APPENDIX, OR INCORPORATED AS AN AMS PLAN ANNEX.]

5400 (U) Security Responses to Threats Below the Level of a TSI

[THIS SUBSECTION IMPLEMENTS IN PART 33CFR CH. I, SUBCHAPTER H, 103.505 (G). INCLUDE GENERAL PROCEDURES OR APPROACHES FOR ADDRESSING THREATS THAT DO NOT RISE TO THE LEVEL OF A TSI. LIST A FEW EXAMPLES OF NON-TSI EVENTS IN THE AMS AOR (E.G., QUARANTINE, SEGREGATION OR ISOLATION OF A VESSEL OR CARGO DUE TO A SAFETY OR SECURITY ISSUE) SUITABLE FOR SECURITY RESPONSE CONTINGENCY PLANNING WITH THE AMS COMMITTEE.]

COTPs/FMSCs MAY, IN CONSULTATION WITH AMS COMMITTEES, OTHER GOVERNMENTAL AGENCIES, AND OTHER PERTINENT ENTITIES, DEVELOP AND POPULATE INCIDENT ACTION PLAN (IAP) TEMPLATES OR CONTINGENCY PLANS FOR UNIFIED, PRE-INCIDENT SECURITY RESPONSES TO THREATS THAT ARE BELOW THE LEVEL OF A TSI. THE COTPs/FMSCs MAY INCORPORATE SUCH MATERIALS BY REFERENCE IN THIS SUBSECTION. APPROVAL AND ACTUAL IMPLEMENTATION OF IAPS OR CONTINGENCY PLANS MAY BE UNDER MEMORANDUM OF AGREEMENT OR OTHER SUITABLE VEHICLE WITH ENTITIES TO WHICH A PRE-INCIDENT IAP APPLIES, OR OBSERVING ICS PRINCIPLES IF IMPLEMENTED UNDER A UNIFIED COMMAND.]

(a) (U) There will be threats, causes for concern, and violations of existing security plans that are worth investigation, but do not rise to the level of a TSI. This could be due to simple miscommunication, lost credentials, an innocent person unaware of entry restrictions or perimeters, etc. In most of these cases, resolution of the problem or referral to appropriate authorities is the only action needed. In other cases, a law enforcement or security response may be required. Incidents that reveal serious discrepancies or weaknesses within required plans should be reported to the COTP/FMSC.

(b) () *[INSERT GENERAL PROCEDURE OR APPROACH FOR ADDRESSING THREATS THAT DO NOT RISE TO THE LEVEL OF A TSI.]*

5410 (U) Procedures for responding to suspicious activity

[THIS SECTION IMPLEMENTS IN PART 33CFR CH. I, SUBCHAPTER H, 103.505 (G). INCLUDE IN THIS SECTION THE RESPONSE PROCEDURES THAT WILL BE IMPLEMENTED IN THE EVENT OF A REPORT OF SUSPICIOUS ACTIVITY WITHIN THE COTP/FMSC AOR. INCLUDE EXPECTED TIMEFRAMES FOR RESPONDING TO SECURITY THREATS OR BREACHES OF SECURITY, INCLUDING PROVISIONS FOR MAINTAINING INFRASTRUCTURE AND OPERATIONS IN THE PORT. THE CONTENT FOR THIS SUBSECTION MAY BE INCLUDED IN A SEPARATE APPENDIX, FOR EXAMPLE, TO ADDRESS AND PROVIDE INFORMATION SECURITY FOR LAW ENFORCEMENT SENSITIVE INFORMATION.]

(a) (U) Reporting of suspicious activity will be in accordance with the information and procedures listed in Section 3420 of this plan.

(b) () *[INSERT PROCEDURES FOR REPORTING SUSPICIOUS ACTIVITY TO THE COTP/FMSC.]*

5420 (U) Procedures for Responding to Breaches of Security

[THIS SECTION IMPLEMENTS, IN PART, 33CFR CH. I, SUBCHAPTER H, 103.505 (G). INCLUDE IN THIS SECTION ENTITIES RESPONSIBLE FOR RESPONDING TO BREACHES OF SECURITY. THE AMS COMMITTEE WILL CONSIDER JURISDICTIONAL AND GEOGRAPHIC CAPABILITIES OF FEDERAL, STATE, COUNTY, AND LOCAL LAW ENFORCEMENT AGENCIES AND CONSEQUENCES MITIGATION RESOURCES IN DETERMINING WHICH AGENCY OR AGENCIES WILL RESPOND TO BREACHES OF SECURITY AT HIGH CONSEQUENCE TARGETS. THE CONTENT FOR THIS SUBSECTION MAY BE INCLUDED IN A SEPARATE APPENDIX, FOR EXAMPLE, TO ADDRESS AND PROVIDE INFORMATION SECURITY FOR LAW ENFORCEMENT SENSITIVE INFORMATION.]

(a) (U) Pursuant to 33 CFR 101.105, a “Breach of Security” is defined as “an incident that has not resulted in a transportation security incident, in which security measures have been circumvented, eluded or violated.”

(b) () *[INSERT PROCEDURES FOR RESPONDING TO BREACHES OF SECURITY.]*

5430 (U) Procedures for responding if a Ship Security Alert System (SSAS) has been activated within or near a port.

[THIS SUBSECTION IMPLEMENTS 33 CFR CH. I, SUBCHAPTER H, 103.505 (P). INSERT PROCEDURES THAT MAY BE USED IF A SSAS HAS BEEN ACTIVATED. CROSS REFERENCE TO PARAGRAPH 3410.3(A)(4). REFERENCE THE USCG MARITIME LAW ENFORCEMENT MANUAL. THE CONTENT FOR THIS SUBSECTION MAY BE INCLUDED IN A SEPARATE APPENDIX, FOR EXAMPLE, TO ADDRESS AND PROVIDE INFORMATION SECURITY FOR LAW ENFORCEMENT SENSITIVE INFORMATION.]

5500 (U) Transportation Security Incident Planning Scenarios

[THIS SECTION WILL DESCRIBE THE TYPES OF TSIs MOST LIKELY TO OCCUR IN THE AMS AOR, AND THE PROCEDURES AND STEPS THAT WILL BE TAKEN TO RESPOND. BECAUSE EACH PORT AREA HAS UNIQUE CHARACTERISTICS, DIFFERENT TYPES OF TSIs ARE LIKELY TO OCCUR MORE FREQUENTLY IN ONE PORT AREA THAN ANOTHER. COTPs/FMSCs SHOULD USE THE RESULTS OF THE AMS ASSESSMENT TO IDENTIFY THE THREE TYPES OF TSIs MOST LIKELY TO OCCUR WITHIN HIS OR HER ZONE.

TSI SCENARIO DEVELOPMENT IS GUIDED BY ENCLOSURE (2) TO NVIC 9-02 (SERIES). SCENARIO DEVELOPMENT SHOULD ALSO CONSIDER THREATS TO THE COMMON INFRASTRUCTURE, GENERAL PORT THREATS, AND THOSE THREATS THAT AFFECT OTHER REGULATED VESSELS OR FACILITIES, AND SEVERAL TYPES OF SCENARIOS TO ENSURE MOST PORT STAKEHOLDERS ARE INVOLVED IN PLANNING EFFORTS. ACCORDINGLY, OPTIONAL SCENARIOS MAY BE DEVELOPED FOR TSIs THAT ARE LESS LIKELY TO OCCUR SO THAT THERE IS AT LEAST ONE SCENARIO INVOLVING A VESSEL, ONE FOR A WATERFRONT FACILITY, AND ONE FOR A COMMON INFRASTRUCTURE, SUCH AS A BRIDGE, TUNNEL, DAM, LOCK, OR OTHER SIGNIFICANT STRUCTURE.

TSI TYPES AND ASSOCIATED SCENARIOS MAY PUSH THE LIMITS OF LOCALLY AVAILABLE RESOURCES AND CAPABILITIES, BUT ARE NOT REQUIRED TO CORRESPOND TO THE ORDER OF MAGNITUDE OF IMPACTS AND EFFECTS THAT WOULD BE ASSOCIATED WITH NATIONAL-LEVEL CATASTROPHIC SCENARIOS.

FOR AMS PLAN UPDATES, IT IS NOT ENVISIONED THAT THIS SECTION WILL REQUIRE THE LEVEL OF DETAIL NECESSARY IN DRAFTING AN INCIDENT ACTION PLAN (IAP). THE AMS PLAN SHOULD TAKE THE AMS COMMUNITY TO THE POINT AT WHICH INCIDENT MANAGEMENT IS ACCOMPLISHED THROUGH A UNIFIED COMMAND PROCESS AND THE USE OF IAPs AS APPROPRIATE. AMS PLANS SHOULD PROVIDE FOR CONTINUED PREVENTION AND SECURITY RESPONSE DURING INCIDENT MANAGEMENT INsofar AS IS PRACTICABLE, CONSISTENT WITH THE RISKS AND PRIORITIES ESTABLISHED FOR FIRST AND EMERGENCY RESPONSE ISSUES.

COTPs/FMSCs MAY ALSO, IN CONSULTATION WITH AMS COMMITTEES, OTHER GOVERNMENTAL AGENCIES, AND OTHER PERTINENT ENTITIES, DEVELOP IAPs,

PROTOCOLS OR CONTINGENCY PLANS FOR UNIFIED RESPONSES TO SECURITY SITUATIONS THAT DO NOT RISE TO THE LEVEL OF A TSI.]

(a) (U) Since it is impossible to plan for every scenario, COTPs/FMSCs and AMS Committees were instructed to plan for a minimum of three scenarios that require exercise of command and control procedures, communications, and the initial response to be taken by port agencies. This Plan may be viewed as unofficial Memorandums of Agreement (MOAs) within the port to ensure key players understand what activities each agency will take, and what resources each will bring for the given scenario.

[COTPs/FMSCs MAY, AT THEIR DISCRETION, INCLUDE MORE THAN THREE TSI TYPES, BUT THESE SHOULD BE BASED ON THE RESULTS OF THE AMS RISK ASSESSMENT PROCESS AND IN CONSULTATION WITH THE AMS COMMITTEE.]

5510 (U) TSI Scenarios

5511 () TSI Scenario One *[INSERT TSI SCENARIO]*

5512 () TSI Scenario Two *[INSERT TSI SCENARIO]*

5513 () TSI Scenario Three *[INSERT TSI SCENARIO]*

5514 () TSI Scenario Four *[DISCRETIONARY]*

[INSERT ADDITIONAL DISCRETIONARY SCENARIOS IF NECESSARY TO ADEQUATELY COVER AMS PREPAREDNESS OR INCLUDE MOST PORT STAKEHOLDERS IN PLAN DEVELOPMENT.]

5520 (U) Procedures for responding to a TSI

[THIS SECTION IMPLEMENTS 33CFR CH. I, SUBCHAPTER H, 103.505 (T) AND 103.505 (U). FOR EACH OF THE THREE REQUIRED SCENARIOS, THE AMS PLAN WILL INCLUDE A NOTIONAL INCIDENT COMMAND SYSTEM FLOW CHART AND RESOURCE LIST IDENTIFYING THE ASSIGNED ROLES OF THE PRIMARY RESPONDERS TO THE INCIDENT AND IDENTIFY THE JURISDICTION OF THOSE RESPONDING, WHAT RESOURCES THEY WILL PROVIDE, AND THEIR RESPECTIVE CAPABILITIES. THESE DOCUMENTS CAN BE INCLUDED IN THE SCENARIOS ABOVE. CORRELATE PROCEDURES WITH SECTION 3400 (COMMUNICATIONS) AND SECTION 3700 (SECURITY RESOURCES). USE OF AN APPENDIX IS SUGGESTED TO FACILITATE MODIFICATIONS WHEN THERE ARE SIGNIFICANT CHANGES IN PROSPECTIVE INCIDENT RESPONSE RESOURCES.]

5530 (U) Linkage with Applicable Federal, State, Port, & Local Plans

[FOR EACH OF THE THREE REQUIRED TSI TYPES, IDENTIFY WHAT OTHER RELEVANT FEDERAL, STATE AND LOCAL PLANS MAY BE IMPLEMENTED AS A RESULT OF THE SCENARIO. MAY BE PREPARED AS A TABLE IN LIEU OF SEPARATE PARAGRAPHS.]

5531 (U) Underwater Terrorism Preparedness Plans (UTPPs)

[IF AN UNDERWATER TERRORISM PREPAREDNESS PLAN (UTPP) IS AVAILABLE FOR THE SECTOR OR FOR CERTAIN PORTS WITHIN THE SECTOR, THE UTPP MAY BE INCORPORATED HERE. THE UTPP SHOULD NORMALLY BE ESTABLISHED AS A STANDALONE PLAN FOR INCIDENT OR THREAT-SPECIFIC LOCAL ADAPTATION AND APPROVED BY THE COTP OR INCIDENT COMMANDER. COTPs/FMSCs, AT THEIR DISCRETION, MAY INCLUDE A UTPP AS AN ANNEX TO THEIR AMS PLAN, FOR EXAMPLE, WHERE ONE OF THE MOST PROBABLE TSI TYPES INCLUDES AN UNDERWATER TERRORISM THREAT VECTOR.

IF PROCEDURES FOR AN UNDERWATER THREAT ARE NOT EXPLICITLY ADDRESSED IN THE AMS PLAN, OR IF A UTPP HAS NOT BEEN DEVELOPED FOR THE AOR, THEN INSERT THE FOLLOWING PLACEHOLDER TEXT: Measures for underwater terrorism will be coordinated by the COTP/FMSC in consultation and coordination with the AMS Committee as appropriate to the situation.]

5532 (U) Preventative Radiological/Nuclear (RAD/NUC) Detection Plans (PRND)

[THE COTPs/FMSCs MAY BE REQUESTED TO FACILITATE AND ASSIST THE DEPARTMENT OF HOMELAND SECURITY'S DOMESTIC NUCLEAR DETECTION OFFICE (DNDO) IN THE DEVELOPMENT OF PREVENTIVE RADIOLOGICAL/NUCLEAR (RAD/NUC) DETECTION (PRND) PLANS FOR CERTAIN PORT AREAS. PRND PLANS ARE ANTICIPATED TO EXTEND BEYOND THE SCOPE OF AMS PLANS. THEREFORE, THE AMS COMMITTEE'S/PLAN'S ROLE IS SUPPORT RATHER THAN LEAD. COTPs/FMSCs MAY, IN CONSULTATION WITH AMS COMMITTEES, USE THE AMS PLANNING PROCESS TO FACILITATE PRND DEVELOPMENT FOR MTS-RELATED RAD/NUC THREATS.

IF A PREVENTIVE RADIOLOGICAL/NUCLEAR (RAD/NUC) DETECTION (PRND) CONTINGENCY PLAN OR PROTOCOL HAS BEEN DEVELOPED FOR THE AMS AREA OR FOR CERTAIN PORTS WITHIN THE SECTOR, INCORPORATE IT BY REFERENCE HERE.

IF A PRND PLAN OR PROTOCOL HAS NOT BEEN DEVELOPED, THEN INSERT THE FOLLOWING PLACEHOLDER TEXT: Preventive Radiological/Nuclear (Rad/Nuc) Detection (PRND) measures, when necessary, will be coordinated by the COTP through the Department of Homeland Security's Domestic Nuclear Detection Office (DNDO). The COTP/FMSC will facilitate PRND activities for MTS-related Rad/Nuc threat and consult with the AMS committee as appropriate to the situation.]

5600 (U) Transportation Security Incident (TSI) Management

[CHARACTERIZE A PLAUSIBLE EXAMPLE(S) OF A TSI EVENT FOR THE PORT/REGION COVERED BY THIS PLAN AND PROSPECTIVE EFFECTS. PROVIDE A SUMMARY OF THE

GENERAL MANNER IN WHICH THE INCIDENT WILL BE MANAGED. SUGGESTED CUT AND PASTE CORE TEXT IS SHOWN BELOW.]

5610 (U) Incident Management Framework

(a) (U) Unified incident management and engagement of pertinent stakeholders should begin as soon as practicable following a TSI or threat of a TSI. If an incident occurs without warning, incident management will be initiated using processes, communications procedures and protocols in effect at the time of the incident (i.e., "steady-state operations"). Incident Management will be supplemented by implementation of AMS security response procedures and available first response and contingency plans by the plan owner(s) or by parties designated in the individual plans as appropriate to the situation. Incident management will transition to a unified incident command structure as appropriate to the incident when the situation clarifies or stabilizes sufficiently to enable the transition without loss of incident management continuity.

(b) (U) The procedures and inter-organizational coordination protocols in this AMS plan are designed to take the AMS community to the point at which incident management is accomplished through a Unified Command process following the National Incident Management System (NIMS) protocols. Once a Unified Command has been established, the AMS Plan becomes a supporting document to the Unified Command. The AMS Plan will be used to provide links to and guide stakeholder maritime security measures that support first response and emergency services and incident management. All tactical response operations will be conducted by individual organizations consistent with their jurisdiction, authorities, and capabilities, and through the Unified Command's Incident Action Plan when implemented.

(c) (U) The AMS Plan may be used to guide coordinated security response for post-incident consequence mitigation, maintain an appropriate level of maritime security during response and recovery phases, guide security response measures needed to set the stage for post-incident recovery of the MTS, and to facilitate recovery of the MTS.

(d) (U) Prevention and protection measures will be continued during response and recovery insofar as is practicable, consistent with the risk and priorities established for first and emergency response issues and actions.

(e) [ADD FMSC AND AMSC INCIDENT MANAGEMENT INTENT AS APPROPRIATE.]

5620 (U) Procedures for Notification

[THIS SECTION IMPLEMENTS 33 CFR CH. I, SUBCHAPTER H, 103.505 (K). DESCRIBE SPECIFIC NOTIFICATION PROCEDURES IN THIS SUBSECTION. ENSURE THAT THE PROCEDURES CONFORM WITH 33 CFR CH. I, SUBCHAPTER H, 101.305.]

(a) (U) Notification Requirements and Sequence. *Notifications for a TSI or suspected TSI will conform with requirements of 33 CFR Ch. I, Subchapter H, 101.305. The sequence of notifications will depend upon the circumstances. In general, the incident will be reported to the appropriate first response and emergency services providers to protect and ensure human health and safety. Notifications will also be made without delay to the COTP/FMSC, Coast Guard District Commander, and/or the National Response Center as required by regulation. Notification procedures in vessel and facility security plans will be executed.*

(b) (U) TSI Notification Procedures. *[INSERT]*

(c) (U) Contact List. *[INSERT CONTACT INFORMATION WITH PHONE NUMBERS OR INCLUDE IN AN APPENDIX OR ATTACHMENT.]*

5630 (U) Incident Command Activation

[THIS SECTION OF THE AMS PLAN WILL ADDRESS THE STEPS NECESSARY TO ACTIVATE A CRISIS MANAGEMENT COMMAND OPERATIONS CENTER SUPPORTED BY ESTABLISHED MEMORANDUM OF UNDERSTANDING (MOU).]

(a) (U) The COTP/FMSC, normally in consultation with partner agencies, will determine whether there is a need to establish a Unified Command structure for a particular incident. If established, the Unified Command will follow the guidance and procedures in the National Response Framework (NRF) and NIMS for the Incident Command System (ICS).

(b) (U) Effects of a major TSI/MTS incident outside of the AMS area might impact port operations and security within the area covered by this Plan. Additional maritime security measures and support may be necessary as diverted cargo is processed through the AMS area. The COTP/FMSC may consult with partner agencies regarding the establishment of a Unified Command to support the increased tempo of operations and security measures.

(c) (U) Incident Command Activation Procedures. *[INSERT LOCAL ACTIVATION PROCEDURES.]*

(d) (U) Performance of the Unified Command will be guided by applicable NIMS Incident Command System (ICS) principles.

5640 (U) Incident Commander

(a) (U) The COTP has lead Federal responsibility for determining restrictions on port operations, and authorizing movement of vessels, during and following an emergency affecting the port community.

(b) (U) As a planning supposition, for TSIs in or near ports or coastal areas generally involving vessel and maritime cargo movement, the COTP will normally serve as the Incident Commander for the Federal Government. COTPs, pursuant to the Safe Port Act, are normally required to serve as the Federal Government's Incident Commander for TSIs where joint command centers have been established.

5650 (U) Incident Action Plans (IAPs)

(a) (U) IAPs will be prepared by the Unified Command as appropriate to the situation and in accordance with NIMS ICS protocols.

(b) (U) Pre-Incident IAP templates may be developed, adapted, and applied, as available and appropriate to the incident.

[INCORPORATE BY REFERENCE IAP TEMPLATES WHERE AVAILABLE.]

5660 (U) Marine Transportation System Recovery Unit (MTSRU)

[COTPs/FMSCs, IN CONSULTATION WITH AMS COMMITTEES, SHOULD PROVIDE PROCEDURES FOR ESTABLISHING AND STAFFING A MTSRU, AND FOR OBTAINING ADVICE FROM THE AMS COMMITTEE AND STAKEHOLDERS IN SUPPORT OF MTSRU FUNCTIONS. COTPs/FMSCs SHOULD PROVIDE THE OPPORTUNITY FOR ORGANIZATIONS REPRESENTED ON THE AMS COMMITTEE AND OTHER MARITIME/MARINE INDUSTRY ADVISORY GROUPS AND STAKEHOLDERS TO PROVIDE ADVISORY SERVICE IN SUPPORT OF THE MTSRUs AND THE UNIFIED COMMAND, AND MAY ALSO CONSIDER MEANS, SUCH AS AN AMS SUBCOMMITTEE OR PORT COORDINATION COMMITTEE, TO FACILITATE BROAD ACCESS TO AND ANALYSIS OF TRANSPORTATION DISRUPTION INFORMATION ABOUT INCIDENT EFFECTS ON CI/KR AND CARGO FLOW.]

(a) (U) The Coast Guard has adopted inclusion of a MTSRU in the planning section of a Unified Command structure (Recovery of the Marine Transportation System for Resumption of Commerce, COMDTINST 16000.28 (series)). MTSRU roles and tasks during an incident are identified in the USCG's Incident Management Handbook, COMDTPUB P3120.17 (series), and discussed further in Section 6000 of this Plan.

(b) (U) The MTSRU will be established as quickly as practicable by the COTP/FMSC during incident response so that the unit is available to identify and assist in populating the Essential Elements of Information (EEI) needed for MTS recovery assessments. Advisory support will be coordinated with port stakeholders commensurate with the situation.

(c) (U) Procedures for establishing the MTSRU. *[INSERT LOCAL PROCEDURES OR INCORPORATE BY REFERENCE.]*

(d) (U) Measures to set the stage for facilitation of MTS recovery.

[BRIEFLY DESCRIBE, OR INCORPORATE BY REFERENCE, THE INFORMATION NEEDED DURING RESPONSE TO SUPPORT RECOVERY ASSESSMENTS, RESPONSIBILITIES FOR PROVIDING AND OBTAINING INFORMATION, PROCEDURES FOR DETERMINING IMPACTS, AND THE COORDINATION AND DISSEMINATION OF THE INFORMATION. CONSIDER THE FOLLOWING LISTED ITEMS AND TASKS LISTED FOR MTS RECOVERY PLANNING IN THE USCG INCIDENT MANAGEMENT HANDBOOK IN SCOPING MTSRU INITIAL WORK LIST.]

(1) () *[INSERT MEASURES NEEDED TO SET THE STAGE FOR RECOVERY PLANNING (E.G. BASIC SERVICES TO SUPPORT MTSRU FUNCTIONS, LOGISTICS, SAFETY, AND FORCE PROTECTION.)]*

(2) () *[INSERT RESPONSIBILITIES FOR PROVIDING AND OBTAINING INFORMATION DURING FIRST LOOK DAMAGE AND IMPACT ASSESSMENTS.]*

(3) () *[INSERT DESCRIPTION OF BASIC INFORMATION NEEDED TO SUPPORT RECOVERY ASSESSMENTS SUCH AS INFRASTRUCTURE IMPACTS AND TRANSPORTATION DISRUPTIONS, THEIR IMPLICATIONS FOR RESPONSE OPERATIONS AND RECOVERY PLANNING, AND DISRUPTION OF TRADE.]*

(4) () *[INSERT PROCEDURES FOR IDENTIFYING POSSIBLE OR PROBABLE IMPACTS FROM FIRST LOOK ASSESSMENTS FOR MORE THOROUGH INVESTIGATION DURING RECOVERY.]*

(5) () *[INSERT PROCEDURES FOR COORDINATION AND DISSEMINATION OF RECOVERY INFORMATION.]*

(6) () *[INSERT PROCEDURES FOR DETERMINING MTSRU STAFFING NEEDS.]*

(7) () *[INSERT PROCEDURES TO INITIATE IDENTIFICATION OF SUPPLY CHAIN INTERDEPENDENCIES ACROSS CRITICAL INFRASTRUCTURE SECTORS.]*

6000 (U) FACILITATION OF MARINE TRANSPORTATION SYSTEM (MTS) RECOVERY

[THE AMS PLAN LAYS THE FOUNDATION FOR AND SUPPORTS FACILITATION OF MTS RECOVERY BUT RELIES ON THE ICS PROCESS FOR PLANNING AND CONDUCTING ACTUAL RECOVERY OPERATIONS. THE AMS PLAN SHOULD ALSO ADDRESS PROCEDURES FOR FACILITATING RESUMPTION OF NORMAL MTS AVAILABILITY AND TRADE FLOW FOR THREATS OF A TSI THAT NECESSITATED MARSEC 2 AND/OR 3 SECURITY MEASURES, AND FOR ADDRESSING MARITIME SECURITY AND OTHER SERVICES FOR CARGOES REDIRECTED AS THE RESULT OF A TSI.]

AMS SPECIFIC RECOVERY PROCEDURES SHOULD CORRESPOND WITH MTS RECOVERY PROCEDURES FOR OTHER TRANSPORTATION DISRUPTIONS ACROSS ALL HAZARDS,

CONSISTENT WITH THE OVERARCHING RESPONSIBILITIES TO DETER AND MITIGATE THE EFFECTS OF A TSI.

CORE RECOVERY CONCEPTS AND PROCEDURES SHOULD BE INCLUDED IN THE MAIN BODY OF THE AMS PLAN. A SEPARATE MTS RECOVERY ANNEX MAY BE USED FOR DETAILED PROCEDURES THAT WILL BE USED IN SUPPORT OF RECOVERY PLANNING AND OPERATIONS. COTPs/FMSCs, AT THEIR DISCRETION, MAY INCORPORATE BY REFERENCE OR MULTI-TITLE A CROSS-CONTINGENCY MTS RECOVERY PLAN THAT SATISFIES THE CONTENT SPECIFIED HEREIN. THIS APPROACH IS INTENDED TO FACILITATE THE UPDATING OF PERISHABLE INFORMATION, INTEGRATION OF EXISTING AMS-RELATED MTS RECOVERY AND PORT REOPENING PLANS, AND THE USE OF A COMMON FRAMEWORK FOR RECOVERY ACROSS CONTINGENCIES, INSOFAR AS PRACTICABLE. THIS APPROACH IS ALSO INTENDED TO PROVIDE CONSISTENCY NATIONWIDE FOR CORE ELEMENTS OF MTS RECOVERY WHILE PROVIDING FLEXIBILITY TO COTPs/FMSCs AND AMS COMMITTEES FOR ADAPTING AND INTEGRATING EXISTING MTS RECOVERY WORK PRODUCTS.

ENCLOSURE (5) TO NVIC 9-02 SERIES PROVIDES AN OPTIONAL TEMPLATE FOR ADAPTATION AS A MTS RECOVERY ANNEX OR PLAN. THE FOLLOWING TEXT SHOULD BE INCLUDED IN THE MAIN AMS PLAN.]

6100 (U) Introduction

(a) (U) Background. Recovery of the MTS and restoration of the system's ability to support the resumption of commerce achieve multiple objectives and are widely shared responsibilities. These responsibilities involve both incident and non-incident areas and necessitate broad, cooperative engagement across the AMS and inter-modal communities. MTS recovery at the port level contributes to DHS' national goals, and is guided by national policies and priorities as well as local and regional needs determined through preparedness planning and incident management. The MTS Recovery Plan for Sector _____ is included as Annex __[OR INCORPORATE A STANDALONE PLAN BY REFERENCE].

(b) (U) Plan Recovery Content. AMS Plan recovery content covers MTS recovery concepts, roles, authorities, responsibilities, capabilities, coordinating arrangements, and procedures. The AMS Plan takes the COTP/FMSC and AMS Committee from joint preparedness planning for recovery up to the point at which implementation of incident-specific MTS recovery planning and operations is conducted through ICS structures and processes. Upon establishment of a Unified Command, the AMS Plan becomes a supporting plan to the Incident Action Plan and the Unified Command's response objectives. The MTS recovery section identifies the role of the AMS Committee in providing pre-incident preparedness and post-incident prioritization advice and support to assist in incorporating MTS recovery into recovery planning and operations and addressing stakeholder concerns and issues.

(c) (U) Authority. Facilitation of MTS recovery is included as an element of the AMS Plan pursuant to requirements of 33 CFR Subchapter H, Part 103 to include procedures for facilitation of MTS recovery and requirements of the SAFE Port Act to include a Salvage Response Plan. The enabling authorities did not provide authority or funding mechanisms for performing MTS recovery or salvage response operations. Facilitation of MTS recovery is a coordination and reporting role, and does not impart responsibility for actual restoration of commercial or private infrastructure, functions or services.

(d) (U) Functional Concept. The AMS Plan provides a coordination and procedural foundation that identifies and relies on existing authorities, funding mechanisms, and capabilities of stakeholders and others and supports development of incident action plans when MTS recovery becomes necessary to facilitate return of the MTS to an operational status. The overarching objective is to ensure that ports and waterways are reopened, that the ability of maritime commerce to flow through the United States ports is reestablished as efficiently and quickly as possible after a maritime TSI (or threat of a TSI), and that there is a coordinated approach for restoring the MTS.

(e) (U) Recovery Alignment. The AMS Plan MTS recovery section aligns with and supports the following:

- NRF and NIMS ICS incident management structures and principles.
- The National Maritime Transportation Security Plan (NMTSP) for mitigating the effects of a TSI;
- Maritime Infrastructure Recovery Plan (MIRP) port-level cargo flow restoration recommendations;
- Strategy to Enhance International Supply Chain Security (DHS, 2007) and the U.S. Coast Guard Strategy for Maritime Safety, Security, and Stewardship (USCG, 2007) as they pertain to recovery of the MTS from TSIs;
- National Infrastructure Protection Plan (NIPP) for Transportation Sector, Maritime Transportation Sub-sector CI/KR.
- Recovery of the Marine Transportation System for Resumption of Commerce, COMDTINST 16000.28(series).

(f) (U) Recovery Definitions. (See Recovery of the Marine Transportation System for Resumption of Commerce, COMDTINST 16000.28; Strategy to Enhance International Supply Chain Security (DHS, 2007); Enclosure (6) to NVIC 09-02, Change 3.)

[RECOVERY CONCEPTS CONTINUE TO EVOLVE, AND SPECIFIC RECOVERY DEFINITIONS ARE MORE LIKELY TO CHANGE THAN FUNCTIONAL DEFINITIONS. THEREFORE, SPECIFIC RECOVERY DEFINITIONS ARE NOT INCLUDED IN THIS VERSION OF THE TEMPLATE. THE APPLICABLE DEFINITIONS ARE THOSE IN THE STRATEGIES, GUIDELINES, AND DIRECTIVES THAT THE AMS PLAN SUPPORTS. COTPS/FMSCs MAY INCLUDE RECOVERY

DEFINITIONS IN THIS SECTION IF NEEDED TO ENHANCE CLARITY OF DISCUSSION, CONSISTENT WITH THE AFOREMENTIONED DEFINITIONS. THE FOLLOWING CORE TERMS ARE SUGGESTED:

- *RESPONSE*
- *RECOVERY*
- *RESTORATION*
- *RESUMPTION OF COMMERCE*
- *TRANSPORTATION DISRUPTION*
- *MTS RECOVERY ASSIST TEAM (MTSRAT)*
- *MTS RECOVERY UNIT (MTSRU)*
- *INCIDENT AREA*
- *NON-INCIDENT AREA*
- *ESSENTIAL ELEMENTS OF INFORMATION (EEI)]*

(g) (U) Guiding Principles.

(1) (U) Recovery applies to the process of recovering from an incident within an incident area.

(2) (U) Facilitation of MTS recovery in the AMS Plan correlates with measures that are needed to provide short-term recovery and to provide the basis to facilitate restoration and mitigation activities where appropriate.

a. (U) Short-term Recovery: Activities, policies or mitigation strategies aimed at recovery of the MTS, that are normally achievable in 3 - 90 days, during which time the impacted maritime infrastructure (e.g. navigation and waterway systems) and activities that this infrastructure within the incident area would generally have regained basic functionality and become capable of operations or service at some level.

b. (U) Long-term Recovery/Restoration of Commerce: Restoration activities, policies or mitigation strategies that may take longer than 90 days and may be associated with NRF Emergency Support Function #14 (long-term community recovery). Maritime infrastructure and supporting activities are returned to pre-incident conditions or service or to the capacity or capability to operate or provide service at pre-incident levels.

(3) (U) An incident or incidents can potentially have profound effects on trade patterns and business interests. A return to pre-incident operational capability of the MTS does not necessarily mean that there will be a corresponding return to pre-incident trade patterns and conditions, although facilitation of the latter is a goal. Therefore, restoration refers to the extent to which the MTS has recovered (correlated with EEIs) or the extent to which trade has recovered and which can be characterized as the level of restoration, expressed as a percentage or other suitable metric of pre-incident conditions

or service, or as the capacity to operate or provide service at pre-incident levels, as appropriate.

6200 (U) Roles, Authorities, Responsibilities, and Funding Streams

[IDENTIFY PRINCIPAL AGENCIES, ROLES, AUTHORITIES, RESPONSIBILITIES AND FUNDING STREAMS. DETAIL SHOULD BE INCORPORATED IN THE MTS RECOVERY ANNEX OR SEPARATE MTS RECOVERY PLAN THAT IS INCORPORATED BY REFERENCE.]

6300 (U) Pre-Incident MTS Recovery Preparedness

[SUMMARIZE PREPAREDNESS NEEDED TO FACILITATE MTS RECOVERY FOLLOWING A TSI. ADDRESS ESSENTIAL ELEMENTS OF INFORMATION (EEI) AND HOW THIS INFORMATION WILL BE OBTAINED, PROCESSED AND MAINTAINED; PROCEDURES FOR PRIORITIZATION OF MARITIME INFRASTRUCTURE RECOVERY ACTIONS ACCORDING TO THEIR IMPORTANCE IN MAINTAINING THE CONTINUITY OF OPERATIONS OF THE PORT AND DOWNSTREAM/INTERMODAL EFFECTS (TO THE EXTENT KNOWN OR DEVELOPED); PROCEDURES FOR MAINTAINING INFRASTRUCTURE INTEGRITY; PROCEDURES FOR PROVIDING AMS COMMITTEE AND STAKEHOLDER ADVISORY SUPPORT FOR ESTABLISHMENT OF AN MTS RECOVERY UNIT (MTSRU) IN THE UNIFIED COMMAND STRUCTURE; PROCEDURES FOR ESTABLISHING AND STAFFING THE MTSRU (LINK BACK TO SECTION 5640); AND, PROCEDURES FOR COORDINATION WITH OTHER PORT-LEVEL ADVISORY BODIES, INCLUDING THE AREA COMMITTEE AND/OR PORT SAFETY COMMITTEE. PREPARATION OF AN INCIDENT ACTION PLAN TEMPLATE FOR RECOVERY ISSUES MAY ALSO BE ADDRESSED.]

AT A MINIMUM, EEIS FOR THE AMS AREA MUST INCLUDE THOSE PRESCRIBED BY RECOVERY OF THE MARINE TRANSPORTATION SYSTEM FOR RESUMPTION OF COMMERCE, COMDTINST 16000.28, AND ANY REQUIRED BY THE COAST GUARD AREA COMMANDER AS THE AMS PLAN APPROVING AUTHORITY. ALSO INCLUDE ANY LOCAL AND REGIONAL EEI DETERMINED BY THE COTP/FMSC IN CONSULTATION WITH THE AMS COMMITTEE.]

6400 (U) Procedures for Recovery of the MTS

[SPECIFY THE PROCEDURES THAT WILL BE USED FOR EFFICIENT RECOVERY OF THE MTS AND FOR REOPENING PORT(S), AND AFFECTED WATERWAYS, AND/OR PROVIDE LINKAGES TO PORT PLANS FOR RECOVERY OF THE MTS THAT INCLUDE THIS DETAIL. THE DETAIL MUST SPECIFICALLY ADDRESS RECOVERY OF THE NAVIGATION AND WATERWAYS INFRASTRUCTURE AND ASSOCIATED EEI SPECIFIED BY THE RECOVERY OF THE MARINE TRANSPORTATION SYSTEM FOR RESUMPTION OF TRADE, COMDTINST 16000.28.]

PROVIDE OR LINK TO STATUS DETERMINATION AND REPORTING PROCEDURES FOR MARITIME CI/KR CATEGORIES AND TARGETS OF HIGH INTEREST WITHIN THOSE CATEGORIES THAT ARE INCLUDED IN THE AMS ASSESSMENT. CORRELATE STATUS

REPORTING FOR MARITIME CI/KR TO THE MAXIMUM EXTENT THAT IS PRACTICABLE WITH EEIs.]

(a) (U) Normally, recovery of the MTS after a TSI will be coordinated with the COTP/FMSC, other government agencies, and relevant portions of the private sector. Strategic recovery planning and associated coordination will normally be conducted through a Unified Command, when established for incident management.

(b)(U) General priorities for recovery are listed below. These priorities are an initial planning guide, and will need to be adjusted according to incident area needs and conditions, cargo flow considerations, and national priorities.

- (1) (U) Major transportation routes needed for first response and emergency services including evacuation routes, tunnels, bridges, and key waterways;
- (2) (U) Main shipping channels critical for homeland security and homeland defense operations;
- (3) (U) Port areas and channels critical for military traffic or out-loads;
- (4) (U) Main shipping channels critical to major commercial operations;
- (5) (U) Other critical maritime infrastructure, operations, and structures critical to operation of the port/waterway identified by the AMS Assessment;
- (6) (U) Secondary bridges and tunnels;
- (7) (U) Secondary commercial waterways;
- (8) (U) Public/recreational waterways.

6410 (U) Recovery/Restoration of Commerce Following a Threatened TSI

[SUMMARIZE PROCEDURES TO BE USED TO FACILITATE THE RESTART OF THE NORMAL FLOW OF COMMERCE FOLLOWING THE THREAT OF A TSI FOR WHICH MARSEC 2 OR 3 SECURITY PROCEDURES WERE IMPLEMENTED. THE PROCEDURES MAY INCLUDE OPTIONAL ESTABLISHMENT OF A UNIFIED COMMAND AND MTSRU. IDENTIFY ROLE OF THE AMS COMMITTEE IN PROVIDING ADVISORY SUPPORT.]

6420 (U) Post-Incident Recovery

[SUMMARIZE POST-INCIDENT PROCEDURES NEEDED TO FACILITATE MTS RECOVERY FOLLOWING A TSI. THE SUMMARY SHOULD ADDRESS THE FOLLOWING NON-INCLUSIVE LIST OF ISSUES THAT MERIT CONSIDERATION DURING MTS RECOVERY. DETAIL SHOULD BE INCORPORATED IN AN APPENDIX, THE MTS RECOVERY ANNEX, OR A SEPARATE MTS RECOVERY PLAN THAT IS INCORPORATED BY REFERENCE.]

- *RECONSTITUTION/CONTINUITY OF OPERATIONS;*
- *ESTABLISHMENT OF AN MTSRU [CROSS REFERENCE WITH SECTION 5640];*
- *COORDINATION WITH THE AMS COMMITTEE AND OTHER STAKEHOLDERS (E.G. HOMEPORT LINKS, CONFERENCE CALLS);*
- *MTS RECOVERY PLANNING PROCESS;*
- *OTHER PLANS WITH ELEMENTS PERTINENT TO MTS RECOVERY (E.G. AREA CONTINGENCY PLANS);*
- *RECOVERY ADVISORY AND STAFFING SUPPORT TO THE UNIFIED COMMAND AND MTSRU;*
- *MTS FUNCTION AND CONDITION INFORMATION SHARING;*
- *MTS STATUS DETERMINATIONS (ATON, NAVIGATION CHANNEL, VESSEL TRAFFIC SERVICES/VESSEL TRAFFIC MANAGEMENT, MARITIME CI/KR;*
- *STATUS OF NON-MARITIME INFRASTRUCTURE NEEDED TO SUPPORT MTS FUNCTIONS;*
- *INCIDENT EFFECTS/DAMAGE AND TRANSPORTATION DISRUPTION ASSESSMENTS;*
- *CARGO STREAM, PASSENGER FLOW AND ECONOMIC EFFECTS ASSESSMENTS;*
- *CRITICAL CARGO IDENTIFICATION; AND*
- *DOCUMENTATION AND REPORTING, INCLUDING CONDITION CHANGES CORRELATED WITH EEIs.*
- *IMPLEMENTATION OF THE AMS SALVAGE RESPONSE PLAN (SRP).*

THE FOLLOWING TEXT IS SUGGESTED.]

(a) (U) Reconstitution/Continuity of Operations. [Insert brief summary and/or incorporate by reference.]

(b) (U) MTS Recovery Planning Process.

(1) (U) Marine Transportation System Recovery Unit (MTSRU). An MTSRU will be normally be established by the Coast Guard during response (see Section 5640) if circumstances allow, or as soon thereafter as is practicable when needed to support short-term recovery planning.

(2) (U) Unified Recovery Planning. MTS recovery planning and associated coordination will be placed within the Planning Section of the Unified Command, when established for incident management.

(3) (U) Advisory Support. AMS Committee participating organizations and other stakeholders, as available, may be requested to provide advisory support in support of MTS recovery activities.

(4) (U) Updating/Validation of EEIs. [INSERT OR INCORPORATE BY REFERENCE THE PROCESS THAT WILL BE USED TO UPDATE/VALIDATE EEIs.]

(5) (U) Implementation of the AMS Salvage Response Plan. [REFER TO SECTION 6500 BELOW.]

(c) () [INSERT ADDITIONAL SUB-SECTIONS AS APPROPRIATE, OR LINK TO AN APPLICABLE MTS RECOVERY PLAN BY REFERENCE. IF DETAIL IS INCORPORATED BY REFERENCE, INSERT A BULLET LIST HERE OF MAIN ITEMS THAT ARE COVERED IN THE REFERENCED ANNEX OR PLAN.]

6500 (U) Post-Maritime TSI Salvage Response

[THIS SUBSECTION ADDRESSES THE SALVAGE RESPONSE PLAN REQUIRED BY THE SAFE PORT ACT. INCLUSION OF A SALVAGE RESPONSE PLAN WITHIN THE AMS PLAN IS REQUIRED BY STATUTE. THE SALVAGE RESPONSE PLAN IS A SUPPORTING PLAN TO MTS RECOVERY AS DESCRIBED IN SECTION 6000 ABOVE. PRELIMINARY PLANNING TO ADDRESS OBSTRUCTIONS TO WATERWAYS AND MONITORING ASSOCIATED IMPLEMENTATION ARE CONSIDERED TO BE TASKS THAT ARE APPROPRIATE FOR THE MTSRU. ESTABLISHMENT OF A SALVAGE RESPONSE/MARINE SERVICES MANAGEMENT TEAM MAY BE NECESSARY AND APPROPRIATE TO DEVELOP AND IMPLEMENT INCIDENT- AND SITE-SPECIFIC SALVAGE RESPONSE AND MARINE SERVICES TO ADDRESS OBSTRUCTIONS TO THE PORT NAVIGATION SYSTEM.

THE SCOPE OF THE SALVAGE RESPONSE PLAN IS MARINE SALVAGE AND SIMILAR MARINE SERVICES NEEDED TO CORRECT PHYSICAL IMPEDIMENTS TO NAVIGATION AND THEREBY RE-OPEN NAVIGABLE WATERWAYS TO MARITIME COMMERCE FOLLOWING TSIs. THE PLAN IS INTENDED TO CONCURRENTLY SUPPORT SALVAGE RESPONSE AND MARINE SERVICES FOR OTHER TRANSPORTATION DISRUPTIONS ACROSS ALL HAZARDS, CONSISTENT WITH THE OVERARCHING RESPONSIBILITIES TO DETER AND MITIGATE THE EFFECTS OF A TSI.

COTPs/FMSCs SHOULD INCORPORATE ENCLOSURE (6) TO NVIC 09-02 SERIES AS THE SALVAGE RESPONSE PLAN (SRP). IT SHOULD BE INCORPORATED INTO THE AMS PLAN AS AN ANNEX TO FACILITATE ACCESS AND USE DURING INCIDENT MANAGEMENT. THE TEMPLATE IS INTENDED TO PROMOTE CONSISTENCY NATIONWIDE FOR CORE ELEMENTS OF POST-MARITIME TSI SALVAGE RESPONSE WHILE ALSO PROVIDING FLEXIBILITY TO COTPs/AMSCs AND AMS COMMITTEES IN ADDRESSING LOCAL SALVAGE NEEDS AND ISSUES.

LOCAL SALVAGE AND MARINE SERVICES CALL UP NUMBERS, CAPABILITY AND RESOURCE LISTS, AND PROCEDURES SHOULD BE ADDED AS TABS TO THE ANNEX. THE SALVAGE CONTENT OF AREA CONTINGENCY PLANS (ACPs) MAY BE INCORPORATED BY REFERENCE, BUT DOES NOT SUBSTITUTE FOR THE REQUIRED SALVAGE RESPONSE PLAN AS PART OF THE AMS PLAN.

THE FOLLOWING TEXT SHOULD BE INCLUDED IN THE MAIN AMS PLAN.]

(a) (U) Applicability. The Salvage Response Plan (SRP) for Sector _____ is incorporated as Annex ____.

(1) (U) The Salvage Response Plan (SRP) is a supporting element of the AMS Plan pursuant to the SAFE Port Act for coordinating post-maritime TSI salvage to reopen ports to maritime commerce. Authority and funding mechanisms for performing marine salvage or marine service operations were not included in the SAFE Port Act.

(2) (U) The objective of the SRP is to ensure that navigable waterways are cleared of wrecks, obstructions and similar impediments to maritime transportation in order to support the reestablishment of capability of the MTS to support the flow of maritime commerce through the ports as practicably as possible after a maritime TSI.

(3) (U) SRP content is designed to be compatible with all forms of transportation disruptions, consistent with the overarching responsibility of AMS Plans to deter and mitigate the effects of a TSI. The Salvage Response Plan should be used to guide planning in those cases in which optimization of salvage resources across multiple salvage needs is appropriate.

(4) (U) The SRP is intended to support salvage and similar marine services during the short-term recovery phase of incident management once first response and emergency operations have been completed or are winding down. However, plan content may be used as a reference to salvage response planning for emergency operations to save life and/or other salvage and physical impediment issues affecting waterways or navigable water bodies.

(b) (U) General Content.

(1) (U) The Salvage Response Plan provides a coordination and procedural framework for access to existing marine salvage authorities and resources. It identifies and relies on existing authorities and funding mechanisms of Federal agencies and stakeholders with a marine salvage or marine services nexus. The plan also supports unity of effort when marine salvage response or marine services becomes necessary to facilitate resumption of trade and to assist in restoring functional capability of the MTS.

(2) (U) The SRP identifies marine salvage equipment and resources that are nominally located within the COTP/FMSC Zone and which are capable of being used to restore operational trade capacity of the MTS. The plan also addresses national salvage capabilities.

(3) (U) The Salvage Response Plan identifies the role of the AMS Committee in providing pre-incident preparedness and post-incident prioritization advice and support to assist in incorporating salvage response into recovery planning and operations.

(c) (U) Concept of Salvage Response. The SRP takes the COTP/FMSC, AMS Committee and AMS process from preparedness planning up to the point at which incident-specific planning and operations are initiated to address physical impediments to navigation in the waterway.

(1) (U) Upon establishment of a Unified Command, the Salvage Response Plan becomes a supporting plan and informs salvage response and similar marine services planning by the Unified Command's Planning Section, supported by the MTSRU as appropriate, and by a salvage response/marine services management team, if established. It will be used to provide coordination links to marine salvage resources.

(2) (U) All salvage response and marine services operations will be conducted by individual organizations consistent with their jurisdiction, authorities, funding sources, and capabilities, and through the Unified Command when implemented.

(3) (U) Salvage and marine services issues beyond the scope of the Salvage Response Plan will be referred to the Unified Command for consideration, as appropriate.

7000 (U) COMPLIANCE MEASURES

(a) (U) The MTSA regulations rely on existing COTP authority to implement compliance measures. The control and compliance measures contained in 33 CFR § 101.410 provide the COTP with a large degree of flexibility in rectifying non-compliance of vessels and facilities regulated under 33 CFR Parts 104, 105, and 106. Guidance on using control measures is contained in the Marine Safety Manual (MSM), Volume I, Chapter 4, and should be considered in determining appropriate compliance measures. In some cases, a violation may carry both civil and criminal penalties. In cases where evidence exists that a major violation has occurred, the matter may be referred to the District Commander in accordance with MSM Vol. I, 4.D.2.d.

8000 (U) AREA MARITIME SECURITY PLAN AND ASSESSMENT SYSTEM MAINTENANCE

(a) (U) The goal of this section is to clearly establish baseline procedures and timelines for the regular review, amendments, and approval of AMS Assessments and AMS Plans. The following are the minimum standards for the maintenance of the AMS Plans and AMS Assessments. COTP/FMSCs are encouraged to

establish additional procedures to ensure a robust review program to maintain the desired level of preparedness.

8100 (U) Procedures for the Regular Review and Maintenance of the AMS Assessments

(a) (U) Quinquennial Area Maritime Security Assessment (Five-Year Cycle).

(1) (U) Every 5 years, the AMS Committee will conduct a formal risk-based assessment for the entire area over which it has responsibility.

(2) (U) The risk assessment will be completed with sufficient time to ensure that any changes prompted by the assessments are addressed in the quinquennial submission of the AMS plan.

(b) (U) Annual Validation of the Area Maritime Security Assessment.

(1) (U) Current AMS assessments will be evaluated at least annually to review their adequacy, feasibility, consistency, and completeness to identify gaps in security.

(2) (U) Annual reviews should be completed prior to an AMS exercise.

(3) (U) Changes or adjustments to the assessments do not require formal review by the District or Area Commanders. However, COTPs/FMSCs must inform their respective chains of command when significant changes do occur.

(c) (U) Immediate Changes of the Area Maritime Security Assessment.

(1) (U) There may be occasions for an immediate change to an assessment. For example, new threat products or intelligence may cause an aspect of the port infrastructure to be a known target. In those circumstances, COTPs/FMSCs should follow the same procedures as for the annual validation noted in section (b) above.

8200 (U) Procedures for the Regular Review and Maintenance of the AMS Plan

8210 (U) Quinquennial AMS Plan Review and Approval (Five-Year Cycle)

(a) (U) A formal update of the AMS Plan will be performed at least once every five years. Changes in AMS Plan content requirements may at times necessitate updating at a shorter interval.

(b) (U) Every 5 years, the AMSC will conduct a detailed review of the AMS plan. This formal review should focus on the results of the Quinquennial Area Maritime

Security Assessment and how the findings of the assessment affect the AMS plan. In particular, the AMSC and COTP/FMSC should account for changes in port infrastructure and critical port operations.

(1) (U) Once the AMS Plan has been reviewed by the AMS Committee, the AMS Committee Chairperson will inform the COTP/FMSC of its recommendations to change the plan in accordance with findings from the assessments.

(2) (U) Once AMS Plan amendments are made, the COTP/FMSC will ensure that the amended plan is forwarded to the cognizant Coast Guard District Commander.

(c) (U) The Coast Guard District Commander, as AMS Plan Reviewing Authority pursuant to 33 C.F.R. § 103.510, will coordinate with the COTP/FMSC to ensure that any changes or amendments recommended by the District are completed and posted. The District Commander will then complete the plan approval process according to guidance provide by the Coast Guard Area Commander as AMS Plan Approving Authority pursuant to 33 C.F.R. § 103.510.

8220 (U) Annual Validation of the Area Maritime Security Plans

(a) (U) The COTP/FMSC and AMS Committee will evaluate AMS plans at least annually for adequacy, feasibility, consistency, completeness and to identify gaps in security.

(b) (U) Annual reviews should be completed prior to conducting an AMS exercise per program guidelines contained in Enclosure (4) to NVIC 9-02 series. Changes or adjustments to the Plans do not require formal review by the Districts or Areas. However, the COTPs/FMSCs must inform their respective chain of command when significant changes do occur.

8230 (U) Immediate Changes of the Area Maritime Security Plans

(a) (U) There may be occasions for immediate changes to the AMS Plan. The following are some examples of information that would warrant immediate changes:

(1) (U) Change of emergency points of contact by name and number;

(2) (U) Any changes that alter the communications or notification plan;

(3) (U) Any changes in jurisdictional or response capabilities; or

(4) (U) Any physical changes that alter avenues of access to the port.

(b) (U) For immediate changes to Plans, the COTP/FMSC will follow the same procedures as for the annual validation as noted in Section 8220 above.

9000 (U) APPENDICES [REQUIRED AND OPTIONAL AS INDICATED]

[AN APPENDIX CONTAINING A GLOSSARY IS REQUIRED. OTHER APPENDICES ARE OPTIONAL AT THE DISCRETION OF THE COTP/FMSC AND AMS COMMITTEE. USE OF APPENDICES IS SUGGESTED FOR PROCEDURES AND CHECKLISTS TO FACILITATE THE USE OF THIS INFORMATION DURING INCIDENT MANAGEMENT.]

THE AMS PLAN CONTAINS SOME INFORMATION THAT IS INTENDED TO REACH A BROAD ARRAY OF MARITIME INTERESTS WHILE OTHER PORTIONS OF THE AMS PLAN WILL BE DESIGNATED AS SENSITIVE SECURITY INFORMATION (SSI). AS SUCH, SOME INFORMATION CONTAINED IN THE PLAN IS BETTER SUITED FOR INCLUSION IN AN APPENDIX OR ANNEX DUE TO THE SIZE OR SENSITIVE NATURE OF THE INFORMATION. FOR EXAMPLE, SOME INFORMATION, ALTHOUGH NOT SSI, WOULD BE EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO 5 USC 553 (B). THE FOLLOWING INSTRUCTIONS APPLY.

- *AN APPENDIX TO AN AMS PLAN IS AN ORGANIC PART OF THE PLAN. APPENDICES MAY, HOWEVER, BE MAINTAINED SEPARATELY, FOR EXAMPLE, WHEN THEY CONTAIN SSI INFORMATION.*
- *ALL AMS APPENDICES MUST INCLUDE PARAGRAPH MARKINGS SO THAT THE DESIGNATION OF ALL INFORMATION IN EACH PARAGRAPH IS READILY APPARENT.*
- *COTPs/FMSCs AND AMS COMMITTEES ARE ENCOURAGED TO USE APPENDICES FOR SSI INFORMATION, WHERE APPROPRIATE.*
- *SSI INFORMATION MAY BE REDACTED FROM AN AMS PLAN. THE REDACTED AMS PLAN MUST BE MARKED AS REDACTED IN ACCORDANCE WITH APPLICABLE REDACTING REQUIREMENTS PRIOR TO DISSEMINATION, AS DISCUSSED IN SECTION 3500.*

EXAMPLES OF APPENDICES ARE LISTED BELOW.]

9100 (U) Area Maritime Security (AMS) Committee Members

[INSERT ANY INFORMATION TABLES CONTAINING CONTACT AND AGENCY NAMES, PHONE NUMBERS, EMAIL ADDRESSES, AND/OR OTHER SPECIFIC INFORMATION PERTAINING TO COMMITTEE MEMBERS.]

(a) (U) *[DUE TO THE NATURE OF THE INFORMATION CONTAINED IN THIS APPENDIX, SOME INFORMATION MAY BE EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO 5 U.S.C. 553. APPLY SECURITY DESIGNATIONS AS APPROPRIATE.]*

9200 (U) Charts and Maps of Port Areas

[INSERT ANY CHARTS, SATELLITE PHOTOGRAPHS, MAPS, OR OTHER SPATIAL DATA DEFINING COTP ZONE BOUNDARIES FOR A GIVEN PORT.]

(a) (U) *[DUE TO THE NATURE OF THE INFORMATION CONTAINED IN THIS APPENDIX, SOME INFORMATION MAY BE EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO 5 U.S.C. 553.]*

9300 (U) Port Operations and Infrastructure

[INCLUDE PORTIONS OF THE AMS ASSESSMENT THAT LIST OR DETAIL CRITICAL PORT OPERATIONS AND/OR INFRASTRUCTURE FOR A GIVEN COTP ZONE.]

(a) (U) *[DUE TO THE NATURE OF THE INFORMATION IN THE AMS ASSESSMENT, THIS APPENDIX WILL BE DESIGNATED SSI AND MAINTAINED SEPARATELY FROM THE AMS PLAN IN ACCORDANCE WITH 49 C.F.R. PART 1520. INCORPORATE IT BY REFERENCE HERE. A SUMMARY, IF INCLUDED, MUST BE MARKED WITH THE APPROPRIATE SECURITY DESIGNATION.]*

9400 (U) Risk-Based Scenarios

[INSERT RESULTS OF THE RISK-BASED AMS ASSESSMENT PERTAINING TO THE IDENTIFICATION OF THREAT SCENARIOS SPECIFIC TO A GIVEN COTP ZONE]

(a) (U) *[DUE TO THE NATURE OF THE INFORMATION IN THE AMS ASSESSMENT, THIS APPENDIX WILL BE DESIGNATED SSI AND MAINTAINED PROTECTED FROM RELEASE IN ACCORDANCE WITH 49 CFR PART 1520. INCORPORATE IT BY REFERENCE HERE. A SUMMARY, IF INCLUDED, MUST BE MARKED WITH THE APPROPRIATE SECURITY DESIGNATION.]*

9500 (U) Dangerous Cargoes for Security Planning

[DANGEROUS CARGOES ASSOCIATED WITH MARITIME COMMERCE IN THE AMS AREA MAY MERIT SPECIAL ATTENTION IN AN APPENDIX.]

9600 (U) Glossary of Terms

[INCLUDE A GLOSSARY OF TERMS IN AN APPENDIX. THE APPENDIX SHOULD INCLUDE THE ACRONYMS IDENTIFIED IN APPENDIX G TO ENCLOSURE (6) TO NVIC 9-02, CHANGE 3, AND ANY ADDITIONAL TERMINOLOGY INCLUDED IN THE AMS PLAN.]

10000 (U) ANNEXES [REQUIRED AND OPTIONAL, AS INDICATED]

[AN AMS PLAN ANNEX IS PART OF THE AMS PLAN, BUT IS PUBLISHED AS A SEPARATE, STANDALONE DOCUMENT OR SUPPORTING PLAN. THE REVIEW AND APPROVAL THAT APPLIES TO AN AMS PLAN ALSO APPLIES TO AN AMS PLAN ANNEX. MARITIME SECURITY ISSUES AND INITIATIVES MAY EMERGE FOR WHICH INCLUSION IN OR CORRELATION WITH AMS PLANS IS SUGGESTED OR SOUGHT. THE LEVEL OF DETAIL OR ISSUES MAY BE MORE APPROPRIATELY ADDRESSED AS FIELD-LEVEL BEST PRACTICES, JOB AIDS, INCIDENT ACTION PLAN TEMPLATES, OR TEMPLATES FOR TACTICAL OPERATIONS FOR

INCIDENT-SPECIFIC ADAPTATION AND LOCAL APPROVAL, FOR EXAMPLE, BY AN INCIDENT COMMANDER OR BY UNIFIED COMMAND. ONCE MATERIAL BECOMES AN ANNEX TO THE AMS PLAN, THE COTPs/FMSCs ARE RESPONSIBLE FOR OBTAINING THE NECESSARY REVIEW AND APPROVALS, AND FOR MAINTAINING THE ANNEX.

A MULTI-PARTY PLAN OR OTHER DOCUMENT THAT IS RELEVANT TO AMS AND WHICH IS SPONSORED BY AN ENTITY OTHER THAN THE COAST GUARD MAY BE BEST SUITED FOR AND SHOULD BE INCORPORATED BY REFERENCE.

COTPs/FMSCs ARE NOT AUTHORIZED TO EXPAND AMS PLAN CONTENT TO INCLUDE ADDITIONAL ANNEXES WITHOUT THE CONCURRENCE OF THE COMMANDANT (CG-53) AS THE AMS PROGRAM MANAGER IN COORDINATION WITH THE COAST GUARD DISTRICT AND AREA COMMANDER. THIS GUIDANCE IS NECESSARY TO ENSURE THAT AMS PLAN CONTENT CONFORMS WITH 33 C.F.R. § 103 AND DOES NOT COMMIT THE COAST GUARD, COTP/FMSC, OR AMS COMMITTEES TO OBLIGATIONS OUTSIDE THE SCOPE OF AMS ROLES AND RESPONSIBILITIES. THE FOLLOWING ARE PRE-AUTHORIZED ANNEXES FOR THE AMS PLANS: PORT-SPECIFIC ANNEXES WITHIN A SPECIFIC AMS AREA (E.G. WESTERN RIVERS PORT AREA ANNEXES); MTS RECOVERY PLAN; SALVAGE RESPONSE PLAN; UTPP; AND PORT EVACUATION.]

10100 (U) Marine Transportation System (MTS) Recovery Plan

[A MTS RECOVERY PLAN MAY BE INCLUDED AS AN ANNEX TO THE AMS PLAN. ENCLOSURE (5) TO NVIC 9-02, CHANGE 3, PROVIDES AN OPTIONAL TEMPLATE THAT MAY BE ADAPTED FOR THIS PURPOSE.]

10200 (U) Salvage Response Plan

[A SALVAGE RESPONSE PLAN IS REQUIRED AS PART OF THE AMS PLAN BY THE SAFE PORT ACT. THE SALVAGE RESPONSE PLAN IS A SUPPORTING PLAN TO MTS RECOVERY AS DESCRIBED IN SECTION 6000. SALVAGE RESPONSE PLANNING IS CONSIDERED TO BE A TASK THAT IS APPROPRIATE FOR THE MTSRU. COTPs/FMSCs SHOULD POPULATE AND INCORPORATE ENCLOSURE (6) TO NVIC 9-02, CHANGE 3, AS THE SALVAGE RESPONSE PLAN.]

10300 (U) Underwater Terrorism Preparedness Plan (UTPP)

[A UTPP MAY BE INCLUDED AS AN ANNEX TO THE AMS PLAN, FOR EXAMPLE, WHERE ONE OF THE MOST PROBABLE TSI TYPES INCLUDES AN UNDERWATER TERRORISM THREAT VECTOR (SEE SECTION 5531).]

10400 (U) Port Evacuation

[PORT EVACUATION PROCEDURES MAY BE INCLUDED AS AN ANNEX TO THE AMS PLAN, FOR EXAMPLE, WHERE A DETAILED PLAN HAS BEEN COORDINATED WITH PORT AND CIVIL AUTHORITIES (SEE SECTION 5330).]

(U) AMS Plan Template Tab Index

- TAB A: (U) SSI Non-Disclosure Agreement
- TAB B: (U) Definition of Public Access Facility
- TAB C: (U) Sample Letter from Industry
- TAB D: (U) Public Access Facility Requirements
- TAB E: (U) Sample Letter to Industry

DEPARTMENT OF HOMELAND SECURITY
NON-DISCLOSURE AGREEMENT

I, _____, an individual official, employee, consultant, or subcontractor of or to _____ (the Authorized Entity), intending to be legally bound, hereby consent to the terms in this Agreement in consideration of my being granted conditional access to certain information, specified below, that is owned by, produced by, or in the possession of the United States Government.

(Signer will acknowledge the category or categories of information that he or she may have access to, and the signer's willingness to comply with the standards for protection by placing his or her initials in front of the applicable category or categories.)

Initials:	Protected Critical Infrastructure Information (PCII)
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I attest that I am familiar with, and I will comply with all requirements of the PCII program set out in the Critical Infrastructure Information Act of 2002 (CII Act) (Title II, Subtitle B, of the Homeland Security Act of 2002, Public Law 107-296, 196 Stat. 2135, 6 USC 101 et seq.), as amended, the implementing regulations thereto (6 CFR Part 29), as amended, and the applicable PCII Procedures Manual, as amended, and with any such requirements that may be officially communicated to me by the PCII Program Manager or the PCII Program Manager's designee.

Initials:	Sensitive Security Information (SSI)
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I attest that I am familiar with, and I will comply with the standards for access, dissemination, handling, and safeguarding of SSI information as cited in this Agreement and in accordance with 49 CFR Part 1520, "Protection of Sensitive Security Information," "Policies and Procedures for Safeguarding and Control of SSI," as amended, and any supplementary guidance issued by an authorized official of the Department of Homeland Security.

Initials:	Other Sensitive but Unclassified (SBU)
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As used in this Agreement, sensitive but unclassified information is an over-arching term that covers any information, not otherwise indicated above, which the loss of, misuse of, or unauthorized access to or modification of could adversely affect the national interest or the conduct of Federal programs, or the privacy to which individuals are entitled under Section 552a of Title 5, as amended, but which has not been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept secret in the interest of national defense or foreign policy. This includes information categorized by DHS or other government agencies as: For Official Use Only (FOUO); Official Use Only (OUO); Sensitive Homeland Security Information (SHSI); Limited Official Use (LOU); Law Enforcement Sensitive (LES); Safeguarding Information (SGI); Unclassified Controlled Nuclear Information (UCNI); and any other identifier used by other government agencies to categorize information as sensitive but unclassified.

I attest that I am familiar with, and I will comply with the standards for access, dissemination, handling, and safeguarding of the information to which I am granted access as cited in this Agreement and in accordance with the guidance provided to me relative to the specific category of information.

I understand and agree to the following terms and conditions of my access to the information indicated above:

1. I hereby acknowledge that I have received a security indoctrination concerning the nature and protection of information to which I have been provided conditional access, including the procedures to be followed in ascertaining whether other persons to whom I contemplate disclosing this information have been approved for access to it, and that I understand these procedures.
2. By being granted conditional access to the information indicated above, the United States Government has placed special confidence and trust in me and I am obligated to protect this information from unauthorized disclosure, in accordance with the terms of this Agreement and the laws, regulations, and directives applicable to the specific categories of information to which I am granted access.
3. I attest that I understand my responsibilities and that I am familiar with and will comply with the standards for protecting such information that I may have access to in accordance with the terms of this Agreement and the laws, regulations, and/or directives applicable to the specific categories of information to which I am granted access. I understand that the United States Government may conduct inspections, at any time or place, for the purpose of ensuring compliance with the conditions for access, dissemination, handling and safeguarding information under this Agreement.

4. I will not disclose or release any information provided to me pursuant to this Agreement without proper authority or authorization. Should situations arise that warrant the disclosure or release of such information I will do so only under approved circumstances and in accordance with the laws, regulations, or directives applicable to the specific categories of information. I will honor and comply with any and all dissemination restrictions cited or verbally relayed to me by the proper authority.

5. (a) For PCII - (1) Upon the completion of my engagement as an employee, consultant, or subcontractor under the contract, or the completion of my work on the PCII Program, whichever occurs first, I will surrender promptly to the PCII Program Manager or his designee, or to the appropriate PCII officer, PCII of any type whatsoever that is in my possession.

(2) If the Authorized Entity is a United States Government contractor performing services in support of the PCII Program, I will not request, obtain, maintain, or use PCII unless the PCII Program Manager or Program Manager's designee has first made in writing, with respect to the contractor, the certification as provided for in Section 29.8(c) of the implementing regulations to the CII Act, as amended.

(b) For SSI and SBU - I hereby agree that material which I have in my possession and containing information covered by this Agreement, will be handled and safeguarded in a manner that affords sufficient protection to prevent the unauthorized disclosure of or inadvertent access to such information, consistent with the laws, regulations, or directives applicable to the specific categories of information. I agree that I shall return all information to which I have had access or which is in my possession 1) upon demand by an authorized individual; and/or 2) upon the conclusion of my duties, association, or support to DHS; and/or 3) upon the determination that my official duties do not require further access to such information.

6. I hereby agree that I will not alter or remove markings, which indicate a category of information or require specific handling instructions, from any material I may come in contact with, in the case of SSI or SBU, unless such alteration or removal is consistent with the requirements set forth in the laws, regulations, or directives applicable to the specific category of information or, in the case of PCII, unless such alteration or removal is authorized by the PCII Program Manager or the PCII Program Manager's designee. I agree that if I use information from a sensitive document or other medium, I will carry forward any markings or other required restrictions to derivative products, and will protect them in the same matter as the original.

7. I hereby agree that I shall promptly report to the appropriate official, in accordance with the guidance issued for the applicable category of information, any loss, theft, misuse, misplacement, unauthorized disclosure, or other security violation, I have knowledge of and whether or not I am personally involved. I also understand that my anonymity will be kept to the extent possible when reporting security violations.

8. If I violate the terms and conditions of this Agreement, such violation may result in the cancellation of my conditional access to the information covered by this Agreement. This may serve as a basis for denying me conditional access to other types of information, to include classified national security information.

9. (a) With respect to SSI and SBU, I hereby assign to the United States Government all royalties, remunerations, and emoluments that have resulted, will result, or may result from any disclosure, publication, or revelation of the information not consistent with the terms of this Agreement.

(b) With respect to PCII I hereby assign to the entity owning the PCII and the United States Government, all royalties, remunerations, and emoluments that have resulted, will result, or may result from any disclosure, publication, or revelation of PCII not consistent with the terms of this Agreement.

10. This Agreement is made and intended for the benefit of the United States Government and may be enforced by the United States Government or the Authorized Entity. By granting me conditional access to information in this context, the United States Government and, with respect to PCII, the Authorized Entity, may seek any remedy available to it to enforce this Agreement including, but not limited to, application for a court order prohibiting disclosure of information in breach of this Agreement. I understand that if I violate the terms and conditions of this Agreement, I could be subjected to administrative, disciplinary, civil, or criminal action, as appropriate, under the laws, regulations, or directives applicable to the category of information involved and neither the United States Government nor the Authorized Entity have waived any statutory or common law evidentiary privileges or protections that they may assert in any administrative or court proceeding to protect any sensitive information to which I have been given conditional access under the terms of this Agreement.

11. Unless and until I am released in writing by an authorized representative of the Department of Homeland Security (if permissible for the particular category of information), I understand that all conditions and obligations imposed upon me by this Agreement apply during the time that I am granted conditional access, and at all times thereafter.

12. Each provision of this Agreement is severable. If a court should find any provision of this Agreement to be unenforceable, all other provisions shall remain in full force and effect.

13. My execution of this Agreement shall not nullify or affect in any manner any other secrecy or non-disclosure Agreement which I have executed or may execute with the United States Government or any of its departments or agencies.

14. These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958, as amended; Section 7211 of Title 5, United States Code (governing disclosures to Congress); Section 1034 of Title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); Section 2302(b)(8) of Title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 USC 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including Sections 641, 793, 794, 798, and 952 of Title 18, United States Code, and Section 4(b) of the Subversive Activities Act of 1950 (50 USC 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive Order and listed statutes are incorporated into this agreement and are controlling.

15. Signing this Agreement does not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

16. I represent and warrant that I have the authority to enter into this Agreement.

17. I have read this Agreement carefully and my questions, if any, have been answered. I acknowledge that the briefing officer has made available to me any laws, regulations, or directives referenced in this document so that I may read them at this time, if I so choose.

DEPARTMENT OF HOMELAND SECURITY
NON-DISCLOSURE AGREEMENT

Typed/Printed Name:	Government/Department/Agency/Business Address	Telephone Number:
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Acknowledgement

I make this Agreement in good faith, without mental reservation or purpose of evasion.

Signature:

WITNESS:

Typed/Printed Name:	Government/Department/Agency/Business Address	Telephone Number:
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Signature:

This form is not subject to the requirements of P.L. 104-13, "Paperwork Reduction Act of 1995" 44 USC, Chapter 35.

DEFINITION OF PUBLIC ACCESS FACILITY (PAF)

1. In order to be considered a Public Access Facility, the Facility must fall under the requirements of 33 CFR 105.105 (a)(2).

A facility that falls under any other paragraph of the 105 applicability would not be able to meet the definition of a Public Access Facility because those facilities would handle cargo. According to the comments section of the Federal Register, “We have not allowed public access facilities to be designated if they receive vessels such as cargo vessels because such cargo-handling operations require additional security measures.”

2. In order to be considered a Public Access Facility, the facility must meet the definition outlined in Part 101.105.

Under the Public Access Facility definition, there are 3 paragraphs. A facility must meet all 3 paragraphs to meet the definition.

3. 33 CFR 101.105, definition of Public Access Facility, Paragraph (1) talks about a facility being used “primarily for purposes such as recreation, entertainment, retail, or tourism.”

Does this apply to a commuter ferry dock or landing, which receives vessels that carry passengers and may also be used for recreation purposes, such as people fishing off the dock? Yes, if the Public has access to the dock, they may use the dock at any time for recreation; therefore the ferry does not have exclusive use of the dock. The dock is multi-use, has public access, minimal infrastructure, and there does not seem to be a need to apply all of 105 to this dock. The sentence says “such as”, so the four purposes listed are examples, and are not all-inclusive.

4. 33 CFR 101.105, definition of Public Access Facility, Paragraph (1) says that the dock may not be primarily used for receiving vessels subject to part 104.

A dock that exists solely for the purpose of receiving a 104 vessel cannot be considered a Public Access Facility. An example of this is as follows: A hotel has a dock that receives a 104 vessel. The dock has minimal infrastructure, but the public does not have access to the dock. The hotel restricts access to the dock to only those going aboard the vessel for a tour. Since the dock is only there because it is used to receive the 104 vessel, it falls under the requirement of 105, and cannot be considered a Public Access Facility.

5. If a Public Access Facility shares a boundary with a mall, hotel, stadium, or other such structure (that falls under the definition of facility in 101.105), the facility should coordinate security with that entity.

To minimize potential security gaps, for protection of the 104 vessel calling on the PAF, the facility should maintain an open dialogue with the adjoining structure. The PAF may need to know what security measures are in place at the adjacent facility.

6. The boundaries of where to apply PAF security measures will be defined on a case by case basis in conjunction with the COTP/FMSC.

If a city riverfront dock is two miles long, and the 104 vessel only ties up to 100 feet of the riverfront, you may not necessarily need to apply the security to the entire two miles. The COTP/FMSC has the discretion to delineate the boundaries.

7. Some marinas could be considered a PAF.

If the marina dock receives a 104 vessel, and is not subject to 33 CFR 154, then it could meet the PAF definition. However, if the marina restricts access to their dock, then the dock does not have public access, and would not meet the definition of PAF but would be required to submit a facility security plan in accordance with 33 CFR Part 105 before receiving a vessel subject to part 104.

8. A restaurant with a dock that receives a 104 vessel could be a PAF.

9. City docks, city walk, river walk, inner harbor and other downtown waterfront areas typically meet the definition of PAF.

10. A facility, which only receives small passenger vessels (T-boats), and does not receive 104 vessels, is not a 105 facility, and therefore is not considered a PAF.

These facilities will fall under the requirements of 101 and 103.

11. A facility that receives cruise ships, car ferries or passenger vessels regulated under SOLAS cannot be designated as PAF's, according to the PAF definition.

These facilities will fall under the requirements of 105.

12. If a location only receives a vessel one time, ever, this location would not be designated as a PAF. An example of this scenario would be a wedding at a backyard pier.

When a vessel goes to a dock only for a one-time event, such as a wedding, the facility should not be required to have a Facility Security Plan. At the same time, it is not feasible to designate the location as a PAF because the dock should not have to maintain these requirements all the time – the vessel is only going to be there once. Plus, if the dock is someone's private dock, and it is only a one-time visit, can the facility reasonably be expected to request a PAF designation? Will they even know about the requirements? The responsibility for security should fall on the vessel. For cases such as these, the vessel should request permission from the COTP to tie up at a non-105 regulated facility by requesting a one-time waiver of the 105 facility regulations. The District Commander may grant a waiver of the 105 facility security regulations with input from the COTP on a

one-time basis only. Any subsequent requests for waiver at the same facility must be forwarded to the Commandant (G-MP) for determination.

13. If a vessel makes a stop at a location with no infrastructure, this is not a PAF.

The example for this topic is a 104 vessel which stops at a riverbank and ties up to a tree stump. Another example would be a 104 vessel driving up on the beach. The definition of a facility is “any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction....” At a tree stump or on the beach, there is no structure. Since this is not a facility, it cannot be considered a PAF. The vessel should be held responsible for their security at this location. All of the elements of a DOS must be addressed by the vessel, since there is no “facility” there to cover any of the security measures. Even though a DOS is not required, the vessel shall still document the fact that they arrived at this location. This can be addressed in the Vessel Security Plan, or in the Area Maritime Security plan. The COTP can spell out what security measures must be implemented at these locations, if needed.

14. A cruise ship arrives in a port and anchors away from the dock. The cruise ship uses their tender to ferry passengers back and forth to the dock, so that passengers may temporarily go ashore and return to the cruise ship. The dock has public access and has minimal infrastructure. Can the location be a Public Access Facility?

No, because the definition of a Public Access Facility says that these locations may not receive passenger vessels subject to SOLAS Chapter XI. The facility must be regulated under 33 CFR 105 and must submit a Facility Security Plan to receive SOLAS vessels. Or as an alternative, if they hire a local ferry or T-boat to shuttle passengers back and forth to the shore or PAF, the SOLAS tender will not arrive at the dock, and the 105 regulations will not apply. In this case, the vessel must ensure appropriate security measures are in place to ensure appropriate screening occurs when the passengers return. In regulating these 105 facilities, consideration should be given to waiving certain portions of the 105 requirements that relate to access control.

Company Letterhead

Date

U.S. Coast Guard
 Marine Safety Office (Name)
 Attn: Captain of the Port
 Address
 City, State, Zip

Dear Captain of the Port:

We request an exemption from the requirements of 33 CFR § 105. We believe our facility meets the definition of “public access facility” under 33 CFR § 101.105.¹ *[Describe why your facility meets the definition of a “public access facility”: type of facility, primary use of facility, type and frequency of vessels subject to 33 CFR § 104 that use facility]*

For your reference, we have conducted an abbreviated facility security assessment. *[Include results, which could consist of the following:*

Enclose diagram showing access points, both land and water

Enclose map of area showing highways, railroads, etc.

Security measures you and/or vessels will take during facility-vessel interface

Enclose photos of facility and surrounding area]

We will implement the following security measures at the various MARSEC levels: *[List security measures the facility will follow at MARSEC Levels 1, 2, and 3].*

¹ § 101.105 Definitions.

Public access facility means a facility—

- (1) That is used by the public primarily for purposes such as recreation, entertainment, retail, or tourism, and not for receiving vessels subject to part 104;
- (2) That has minimal infrastructure for servicing vessels subject to part 104 of this chapter; and
- (3) That receives only:
 - (i) Vessels not subject to part 104 of this chapter, or
 - (ii) Passenger vessels, except:
 - (A) Ferries certificated to carry vehicles;
 - (B) Cruise ships; or
 - (C) Passenger vessels subject to SOLAS Chapter XI

The following personnel are responsible for implementing security measures: [*Detail primary and alternate points of contact and twenty-four hour contact phone number, fax, and email information*].

I understand that under 33 CFR § 105.110, the Captain of the Port (COTP) may establish conditions for facility exemption from the requirements of 33 CFR § 105 to ensure adequate security is maintained. I further understand that under 33 CFR § 105.110, the COTP may withdraw the exemption for a public access facility at any time the owner or operator fails to comply with any requirement of the COTP as a condition of the exemption or any measure ordered by the COTP [pursuant to existing COTP authority].

Thank you for your consideration. If you have any further questions, you can reach me at [*your contact information*].

Sincerely,

/J. Smith/
Security Officer

PUBLIC ACCESS FACILITY REQUIREMENTS	Required	Additional Requirements to Review for Applicability
Designate, in writing, by name or by title, an Individual with Security Responsibilities and identify how the officer can be contacted at any time	X	
Operate in compliance with the approved PAF requirements.	X	
Report to the COTP within 12 hours of notification of an increase in MARSEC Level, implementation of the additional security measures required for the new MARSEC Level	X	
Determine locations where restrictions or prohibitions to prevent unauthorized access to facility and vessel are to be applied for each MARSEC Level.	X	
Document means of enforcement for each identified restriction or prohibition each MARSEC level	X	
Report of all breaches of security, suspicious activities and transportation security incidents IAW AMS plan, Security Incident Procedures and to the National Response Center	X	
Document security incident procedures	X	
Document baseline facility security	X	
An owner or operator whose facility is not in compliance with the requirements of the designation PAF letter must inform the COTP and obtain approval prior to interfacing with a vessel or continuing operations	X	
Maintain ability to have effective communications with MTSA regulated vessels to use facility.	X	
Identify procedures for overnight security to accommodate unattended 104 vessels.		X
Conduct a Facility Security Assessment (FSA) if PAF was identified as location for potential TSI in AMS Assessment.		X
Establish parking procedures and identify designated parking areas, restricting passenger vehicle access to mooring areas.		X
Individual with Security Responsibilities		
Possess knowledge of general vessel and facility operations and conditions	X	
Possess knowledge of vessel and facility security measures, including the meaning and the requirements of the different MARSEC Levels	X	
Possess knowledge of emergency response procedures	X	
Possess knowledge of methods of facility security surveys and assessments		X
Possess knowledge of handling sensitive security information and security related communications	X	
Possess knowledge of and must have ability to coordinate security services in accordance with the approved PAF requirements	X	

MARSEC I		
Maintain baseline security	X	
MARSEC II (When 104 regulated vessel at facility)		
Continue MARSEC I requirements	X	
Notify all facility personnel about identified threats and emphasize reporting procedures and stress the need for increased vigilance.	X	
Implement security requirements for restricted areas.	X	
Ensure the execution of Declarations of Security with Masters, Vessel Security Officers or their designated representatives	X	
Increase security personnel from baseline.		X
Limit the number of access points to the facility by closing and securing some access points and providing physical barriers to impede movement through the remaining access points		X
Limit access to restricted areas by providing physical barriers		X
Ensure adequate security sweeps are conducted to detect dangerous substances or devices.		X
MARSEC III (When 104 regulated vessel at facility)		
Continue MARSEC II requirements	X	
Implement security requirements for restricted areas.	X	
When MTSA regulated vessel is at the facility be prepared to implement additional measures including: (1) the use of waterborne security patrols, (2) use of armed security personnel to control access to the facility and to deter, to the maximum extent practical, a transportation security incident, and (3) examination of piers, wharves, and similar structures at the facility for the presence of dangerous substances or devices underwater or other threats	X	
Ensure the execution of Declarations of Security with Masters, Vessel Security Officers or their designated representatives	X	X
Suspending access to the facility		X
Evacuating the facility		X
Restricting pedestrian or vehicular movement on the grounds of the facility		X
Increasing security patrols within the facility.		X
Declaration of Security (DOS)		
Each facility owner or operator must ensure procedures are established for requesting a DoS and for handling DoS requests from a vessel.	X	
The effective period of a continuing DoS at MARSEC Level 1 does not exceed 90 days.		X
The effective period of a continuing DoS at MARSEC Level 2 does not exceed 30 days.		X
When the MARSEC Level increases beyond that contained in the DoS, the continuing DoS is void and a new DoS must be executed.	X	

Maintain a copy of each single-visit DoS and a copy of each continuing DoS for at least 90 days after the end of its effective period	X	
Neither the facility nor the vessel may embark or disembark passengers, nor transfer cargo or vessel stores until the DoS has been signed and implemented.	X	
The COTP may require, at any time, at any MARSEC Level, any facility subject to this part to implement a DoS with the VSO prior to any vessel-to-facility interface when he or she deems it necessary.		X

SENSITIVE SECURITY INFORMATION *(when completed)*U.S. Department of
Homeland SecurityUnited States
Coast GuardCaptain of the Port
U. S. Coast Guard
Marine Safety OfficeXXXXXX
XXXXXX
XXXXXX
FAX: (xxx) xxx-xxxx16600
DateFacility Owner/Operator
Address
State

SUBJECT: PUBLIC ACCESS FACILITY DESIGNATION

(COMPANY NAME, FIN, MISLE ID #)

I have received your letter of dd/mm/yyyy requesting an exemption from the security regulation contained in 33 CFR 105 and designation as a Public Access Facility. Taking into account the provisions of these regulations that allow for certain exemptions, and after evaluating your facility, I have determined that xxxx qualifies for designation as a Public Access Facility. This designation is granted subject to continuing compliance with the conditions outlined below:

- Provide this office appropriate information for contacting the designated individual with security responsibilities for the Public Access Facility at all times (24-hour contact information);
- Comply with any Maritime Security (MARSEC) measures described in the Area Maritime Security Plan, all measures described in enclosure (1), and any Captain of the Port Orders requiring additional security measures, and
- Report immediately any suspicious activities to the National Response Center at 1-800-424-8802.

As per 33 CFR Part 105.110(d)(3), the Captain of the Port may withdraw the designation as a Public Access Facility at any time the owner or operator fails to comply with any requirement established as a condition of the designation, or any measure ordered by the Captain of the Port.

You must be in full compliance with the above required measures by July 01, 2004. This designation will be evaluated annually to ensure the designation remains appropriate. If there are any changes to the use or description of your facility you may be required to prepare and implement a Facility Security Plan in accordance with 33 CFR Part 105.

I commend your continuing involvement with the Area Maritime Security Committee and the efforts you have undertaken to ensure the security of the port and the citizens of xxxxx. Please don't hesitate to contact xxx, of my staff, for any assistance.

Sincerely,

COTP Name
Rank, U.S. Coast Guard
Captain of the Port
Port Name

SENSITIVE SECURITY INFORMATION *(when completed)*

Encl: (1) Required Security Measures for Public Access Facility X [*List Specific Requirements*]

PUBLIC ACCESS FACILITY DESIGNATION

XXXX Facility

I acknowledge and accept the conditions of the designation of XXXX facility as a Public Access Facility and the exemption from the provisions of 33 CFR Part 105 documented in the Coast Guard Captain of the Port letter of xx/xx/xx. I will immediately inform the Captain of the Port of any changes of the operations at this facility that may affect this exempt status.

Signed: _____
Public Access Facility Owner/Operator

Signed: _____
Individual with Security Responsibilities

24 Hour contact information: _____

Date: _____

ENCLOSURE (3) TO NVIC 9-02 CHANGE 3

PORT SECURITY ASSESSMENT

PORT SECURITY ASSESSMENT

1. PURPOSE

- a. The Area Maritime Security Committee is required by 33 Code of Federal Regulations (CFR) § 103.400 to ensure that a risk-based Port Security Assessment is completed according to the criterion specified therein and meets specified requirements of 33 C.F.R. § 101.501 and 33 C.F.R §103.310.
- b. This enclosure provides guidance to support implementation of this regulatory requirement.

2. BACKGROUND

a. Risk-Based Decision Making.

- (1) It is generally agreed that risk-based decision-making is one of the best processes to complete a security assessment and to determine appropriate security measures at a port.
- (2) Risk-based decision-making is a systematic and analytical process to consider the likelihood that a security breach will endanger an asset, individual, or function and to identify actions to reduce the vulnerability and mitigate the consequences of a security breach.

- b. Risk Concept. Conceptually, risk can be represented as the product of the probability and consequence of a given security breach. This is represented by:

$$R = P * C$$

Where:

R = risk score for a given security breach

P = probability - probability of a security breach. The probability of a security breach can further be defined as the product of threat (T) and vulnerability (V).

C = consequence - the sum of possible consequences associated with a successful security breach. Consequences may be based on impacts to life, economic security, symbolic value, and national defense.

c. Risk Management Principles.

- (1) Risk management principles acknowledge that while risk generally cannot be eliminated, it may be reduced by adjusting operations to reduce consequence (C↓), threat (T↓), or vulnerability (V↓). Generally it is easier to reduce vulnerabilities than to reduce consequences or threats.

- (2) The final goal of risk management is to achieve an adequately low and consistent level of risk.
- (3) The goal for maritime security is to ensure that if the level of threat increases ($T\uparrow$), either the consequences ($C\downarrow$) or vulnerabilities ($V\downarrow$) decrease to offset that increase. For example, a port may decide to increase security checks ($V\downarrow$) after receiving a bomb threat ($T\uparrow$). In another case, a vessel may be required to shift to a berth further away from buildings ($C\downarrow$) during a shortage of security personnel ($V\uparrow$).

3. MARITIME SECURITY RISK ANALYSIS MODEL (MSRAM).

- a. In 2006, the Coast Guard created and implemented the Maritime Security Risk Analysis Model (MSRAM), a risk tool designed to facilitate vulnerability assessment and risk analysis. This tool is the next generation of the Port Security Risk Assessment Tool and represents a significant leap forward in risk analysis. The MSRAM identifies and ranks facilities, critical infrastructure, key assets/key resources, high consequence maritime events, and vessel transits carrying hazardous cargoes in proximity to high population density areas by relative risk within ports using a common taxonomy, methodology, and metrics.
- b. The MSRAM directly feeds various Coast Guard operational initiatives and has become the core of Coast Guard port security risk management. MSRAM data can be used to better inform Risk Managers and Decision Makers and assist in the development of National, Regional, & Port Specific Risk Based Strategies which enable the informed allocation of resources according to risk. MSRAM has helped and continues to help pave the way for the Coast Guard's all-hazard risk management system by aligning and integrating data elements of MSRAM into the Coast Guard Unified Performance Logic Model and by supporting Strategic and Operational risk based decision making efforts by Coast Guard senior leadership.

4. DISCUSSION

- a. MSRAM calculates relative risk as a product of Threat x Vulnerability x Consequence based on the Coast Guard Risk Based Decision Making (RBDM) methodology as presented above. Each of these components is broken down into multiple benchmarks with associated weighted numerical values.
- b. The threat component is provided from the Intelligence Coordination Center and broken down by the intent and capability of the adversary for each target/attack-mode pairing. Consequence is computed considering the Primary Consequence & Secondary Economic Impact of an attack associated with the effects of the attack from the following factors: death & injury, primary economic impact, symbolic effect, national security, environmental impact, response capabilities of the owner/operator, local first responders and the Coast Guard, recoverability, redundancy, and secondary economic impact. Vulnerability is computed by analyzing the achievability of the attack, system security of

the owner/operator, local law enforcement agencies and the Coast Guard, and the target hardness.

- c. USCG Sector personnel, along with AMSC members score consequence and vulnerability based on historical port knowledge, stakeholder input, Area Wide Security Measures, and Area Wide Response Capabilities. The result of the MSRAM analysis is a scenario based Risk Index Number (RIN) that can be used to risk rank assets within a port or jurisdiction. To assist COTPs in comparing the relative risk of scenarios across Sectors and show the risk density to critical infrastructure/critical scenarios across ports, regionally and nationally; the Sectors' MSRAM results are then compiled and reviewed at the Districts, Areas and Headquarters levels.
- d. The selection of Transportation Security Incidents (TSI) scenarios specified in Enclosure (2) to this NVIC for use in conjunction with revising and updating AMS Plans should be guided by the output of the MSRAM results, evaluation and analysis for the COTP Zone, taking into account the scenarios with the highest risk, highest consequence and/or those most likely to occur.
 - (1) Critical Infrastructure and Key Resources (CI/KR) and maritime systems can be grouped into broad categories (e.g., bridges and tunnels, high capacity passenger vessels, waterfront facilities, Oil/HAZMAT, etc.). These groupings can be adapted from the MSRAM analysis tool.
 - (2) The Highest Risk target classes, events or transits per MSRAM for each broad category of CI/KR should be selected as the theme for the TSI scenario development for the AMS Plan.
- e. The purpose of the TSI scenarios are to create a planning balance between the highest risk, most likely, and highest consequence scenarios and the inclusion of the broadest cross-section of port stakeholders.
 - (1) TSI scenarios should assist in preparing the AMSC's planning, training and overall preparedness efforts directed towards mission requirements of actual security incidents.
 - (2) A minimum of three TSI scenarios following the above guidelines will provide a broad base for planning the development and exercising of maritime emergency response capabilities within the COTP Zone.
 - (3) For large port complexes and waterway systems, additional scenarios may be needed to sufficiently address security concerns.
- f. The MSRAM process features a port risk assessment cycle to ensure the port risk assessment analysis is conducted annually based on current risk information and enable a roll-up of local data to provide a nationwide port risk profile. The annual MSRAM assessment update and resulting analysis will facilitate adjusting the AMS Plan based on

changing security needs or threats and developing or revising strategies for deploying resources within the Sector Area of Responsibility.

- g. Detailed information on use of the MSRAM tool can be found in the MSRAM User's Guide and within the MSRAM community on USCG Homeport Internet Portal. Homeport Login Page: <http://homeport.uscg.mil/mycg/portal/ep/home.do>.
- h. For further information or assistance, please contact the MSRAM Helpdesk at MSRAMhelp@uscg.mil.

ENCLOSURE (4) TO NVIC 9-02 CHANGE 3

AREA MARITIME SECURITY EXERCISE PROGRAM GUIDANCE

ENCLOSURE (4) TO NVIC 9-02 CHANGE 3

AREA MARITIME SECURITY EXERCISE PROGRAM GUIDANCE

References

- (a) 33 C.F.R. §103
- (b) Navigation and Vessel Inspection Circular No. 9-02, Change 2, Guidelines for Development of Area Maritime Security Committees and Area Maritime Security Plans Required for U.S. Ports, COMTPUB P16700.4
- (c) National Maritime Transportation Security Plan (NMTSP)
- (d) Homeland Security Exercise and Evaluation Program (HSEEP), Volumes I, II and III
- (e) COMDT (CG-3RPE) Guidance Letter 04-07, Homeland Security Exercise and Evaluation Program (HSEEP) Compliance, Serial 3500, dated 7 Sep 07
- (f) Contingency Preparedness Manual Volume III, Exercise Policy, COMDTINST M3010.13(series)
- (g) COMDT (CG-RPE) Guidance Letter 03-06, Exercise Design, Development, Execution and Evaluation Expectations for Port Community Exercises, Serial 3500, dated 8 Sep 06
- (h) COMDT (CG-3RPE) Guidance Letter 05-07, Discussion-Based Security Exercises, Serial 3500, dated 10 Sep 07
- (i) COMDT (CG-RPE) Guidance Letter 01-06, Coast Guard Exercise Support Team (EST), Serial 3500, dated 19 Jul 06
- (j) COMDT (CG-RPE) Guidance Letter 02-06, Use of Homeport in Exercise Design & Development Involving Sensitive Security Information, Serial 3500, dated 19 Jul 06
- (k) 49 C.F.R. §1520
- (l) Navigation and Vessel Inspection Circular No. 10-04, Guidelines for Handling of Sensitive Security Information (SSI), COMDTPUB P16700.4
- (m) Department of Homeland Security, Ports, Waterways, and Coastal Security (PWCS) Security Classification Guide, DHS SCG USCG 001.1 (PWCS), dated 28 Feb 07
- (n) COMDT (CG-3RPE) Guidance Letter 03-07, Credit for Security Events in Lieu of Area Maritime Security Exercises, Serial 3500, dated 30 Jan 07
- (o) COMDT (CG-3RPE) Guidance Letter 01-07, After Action Report Timeline, Serial 3500, dated 15 Dec 06
- (p) COMDT (CG-3RPE) Guidance Letter 02-07, After Action Reporting of Exercise Requirements and Objectives, Serial 3500, dated 15 Dec 06

1. PURPOSE.

- a. This enclosure provides updated guidance to Coast Guard Captains of the Port (COTPs)/Federal Maritime Security Coordinators (FMSCs) and Area Maritime Security Committees (AMSCs) in carrying out their collective responsibility to conduct or participate in exercises to test Area Maritime Security Plans.

- b. Baseline AMS exercise program standards should be exceeded when circumstances and conditions so warrant.

2. BACKGROUND.

- a. Coast Guard COTPs and AMSCs are required by reference (a), §103.515, to ensure that exercises to test the effectiveness (including the ability to implement) of the AMS Plan are carried out once each calendar year, with no more than eighteen months between exercises. As a critical element in the Plan-Resource-Train-Exercise-Evaluate-Improve preparedness cycle, these exercises are a mechanism by which COTPs/FMSCs and AMSCs continually enhance preparedness and assess the validity of the AMS Plan. The exercises provide a principal means for validating information and procedures in the AMS Plan, identifying weaknesses (to correct in subsequent versions of the AMS Plan), identifying strengths (to share as best practices), and practicing command and control within an incident command/unified command framework.
- b. AMS exercises provide an opportunity for AMS partners and stakeholders, at their discretion, to assess their capabilities relative to the Department of Homeland Security's Target Capabilities List (TCL). Development of an AMS-specific Mission Essential Task List (METL) is envisioned as a future activity as the TCL concept matures.
- c. Reference (a) established the AMS exercise requirement, and specified that the annual exercise was to be conducted as a Field Training Exercise (FTX), a Tabletop Exercise (TTX), or a combination. Implementation guidance, Enclosure (4) to Reference (b), aligned this requirement with the Coast Guard's contingency exercise program and a three year exercise planning and funding cycle. An FTX was considered to be a functional equivalent to a Full Scale Exercise (FSX) and each AMS Plan was required to be tested through an FTX once every three years. Exercises conducted in the non-triennial FTX years were required to be TTXs, but could be upgraded to a higher level exercise. When possible, AMS exercises were authorized to be conducted in conjunction with a larger regional or national exercise (such as National Maritime Transportation Security Plan (NMTSP)(reference (c), National Preparedness for Response Exercise Program (PREP), Spill of National Significant (SONS), or Top Officials (TOPOFF) exercise).
- d. Initial versions of the AMS Plans were completed in the spring of 2004. For the first round of exercise requirements, AMSCs were required to conduct or participate in an AMS exercise prior to December 31, 2005. Subsequent exercises (or credit for actual security activities in lieu of exercises) were required to comply with the provisions of reference (a).
- e. The Department of Homeland Security promulgated and now requires alignment with the Homeland Security Exercise and Evaluation Program (HSEEP), reference (d). Reference (e) formalized the Coast Guard's compliance with reference (d), Volumes I-III. Reference (a) is being revised through rulemaking to align terminology with reference (d).

- f. Results of AMS exercises have demonstrated that a three-year exercise provides insufficient time to effectively test the full suite of AMS Plan elements.

3. DISCUSSION.

- a. Exercise Policy. This enclosure provides programmatic guidance and expectations specific to planning and conducting AMS exercises. It also discusses training concepts to be contemplated and incorporated by AMSCs and COTPs/FMSCs in the AMS preparedness cycle. This enclosure is written for AMSCs, COTPs/FMSCs and their staffs, as well as exercise planners at sector/port level.
- b. Preparedness. AMS preparedness involves a continuous process beginning with the port risk assessment, continuing with planning and exercises through development of valuable observations and best practices and improving plan content, to implementing and monitoring plan application to actual security needs. AMS exercises provide a primary means to determine if the AMS Plan adequately addresses the maritime security needs of the port relative to the occurrence of Transportation Security Incidents (TSI). These exercises test procedures and measures for the prevention, protection, security response, and recovery of the Marine Transportation System (MTS) from plausible risk-based Transportation Security Incident (TSI) scenarios. Lessons learned are used to improve AMS Plans, and best practices are shared with other ports as a resource for improving maritime security.
- c. Exercise Development. This enclosure, in conjunction with references (d), (e), (f), (g) and (h), will be used to guide the development and execution of the AMS exercises. These documents shall be referenced for development of an AMS exercise program, and throughout the exercise design process. This will facilitate the alignment of the AMS Exercise Program with reference (d) and (f) to better support partner and stakeholder participation.
- d. Regulatory Compliance. Pending completion of rulemaking, for the purposes of compliance with Part 103.515(b) of reference (a), a TTX will be considered to be synonymous with a discussion-based exercise and an FTX will be considered to be synonymous with an operations-based exercise as defined in reference (d). The practical application of discussion-based and operations-based exercises for testing AMS Plans is guided by this enclosure and references (d), (e) and (h).

4. AMS EXERCISE PROGRAM.

- a. AMS Exercise Alignment. AMS exercises are an integral part of a coordinated, comprehensive homeland security exercise program. Therefore, AMS exercises will align with and support the National Preparedness Goal, the National Response Plan (NRP) (and its planned successor, the National Response Framework (NRF)), NMTSP (reference (c)), National Incident Management System (NIMS), National Exercise Program, National Infrastructure Protection Plan (NIPP), Maritime Modal Annex to the Transportation Sector Specific Plan, Maritime Infrastructure Recovery Plan (MIRP), and

the Department of Homeland Security Strategy to Enhance International Supply Chain Security.

- b. National Exercise Guidance. National Guidance relevant to AMS exercises continues to evolve. As policy and guidance documents are finalized, they will continue to set expectations and standards by which homeland security preparedness will be measured.
- c. AMS Exercise Program Goals. The overall goals of the AMS Exercise Program are to test the effectiveness of and support the ability to implement and improve AMS Plans. Supporting goals are identified below.

(1) Improve the capability to:

- (a) Deter Transportation Security Incidents (TSI);
- (b) Implement and conduct coordinated interagency command and control operations in accordance with the National Incident Management System (NIMS);
- (c) Effectively communicate between various federal, state, and local agencies as well as industry stakeholders, across all affected modes of transportation (while engaged in the prevention of, response to, or recovery from a TSI);
- (d) Facilitate sharing, correlating, and disseminating information and intelligence (including Sensitive Security Information (SSI)) amongst the members of the AMSC to prevent or effectively respond to an act of terrorism;
- (e) Attain MARSEC levels as directed;
- (f) Implement prevention and protection procedures;
- (g) Prepare appropriate stakeholders in the FMSC's Area of Responsibility to respond to and mitigate a TSI, including linkages to appropriate incident management and response plans; and
- (h) Facilitate recovery from a TSI and support restoration of key transportation services and critical infrastructure within the affected port.

(2) Validate:

- (a) Port security risk assessments;
- (b) Identification of and security procedures for critical infrastructure within the port; and
- (c) TSI planning scenarios.

(3) Improve compatibility of procedures used for TSIs with those used for other categories of Transportation Disruptions.

- d. AMS Exercise Requirements. The following program standards for AMS exercises are intended to provide a nationwide baseline while also providing flexibility to AMSCs and COTPs/FMSCs in planning, designing and executing exercises that best suit the needs of the port, as well as to facilitate combining exercises with those of other contingencies, agencies or entities.
- (1) Regulatory Requirements. 33 CFR 103.515 requires that each AMS Plan must be exercised at least once each calendar year, with no more than 18 months between annually required exercises. For exercise types see paragraph 2.c above.
 - (a) The scope, scale and level of complexity of AMS Plans exceed the capability of one exercise to effectively test the entire plan; therefore, a multi-year exercise cycle consistent with reference (d) is established. Validation of AMS Plan elements will be performed over five years using a series of annual exercises as described below. The five-year exercise cycle correlates with the statutory requirement to update the AMS Plan every five-years, and be based upon the original plan approval date as specified by the AMS Plan Approving Authority.
 - (2) Annual Exercises. Each AMS Plan will be exercised at least once each year with no more than 18 months between exercises, in compliance with reference (a).
 - (a) Where a region-wide AMS Plan has been established and major sub-areas are addressed using plan annexes, the annual exercise requirements apply to the AMS Plan annex (e.g., Western Rivers AMS plan annexes).
 - (b) The AMS Plan Approval Authority, in consultation with the Coast Guard Headquarters AMS Plan Program Manager, will maintain and publish a current list of AMS Plans and Plan Annexes to which this testing requirement applies.
 - (c) Any discussion-based or operations-based exercise described in reference (d), or a combination, may be used. See also references (e) and (h).
 - (d) At least twice during each five-year cycle the AMS Plan must be an operations-based exercise (as defined by reference (d)) that includes (1) activation of an incident command/unified command structure, and (2) an increase in MARSEC level in response to MARSEC level changes, a TSI, the threat of a TSI, or a combination thereof.
 - (c) Port Area Inclusion in AMS Exercises.
 1. Each principal port within each AMS Plan coverage area must be included in an AMS exercise at least once every five years. This standard applies to all ports listed on the Ports Criticality list (published annually by COMDT (CG-544) and other principal ports within the AMS Area identified by the Plan Approving Authority or Coast Guard Operational

Commander. The AMS Plan Approval Authority is responsible for maintaining a current list of ports or port areas to which this testing requirement applies.

2. Each port area (in addition to the principal ports discussed above) within the AMS Plan coverage area must be covered by at least one exercise during the five-year cycle.
3. Ports and port areas that are included in individual exercises should be determined by the COTPs/FMSCs in coordination with AMSCs based on their collective assessment of how best to test plan effectiveness.

(d) Plan Elements to be Tested.

1. The AMS Plan is broad in nature; it addresses topics from awareness and prevention through protection, security response and recovery. Thus, an AMS exercise may be very comprehensive and broad in scope, or it may be limited to focus on very specific plan elements and associated exercise objectives.
2. All main elements of the AMS Plan identified in Tab A to this enclosure must be tested not less than the frequency indicated. If an AMS Plan is updated during the five year exercise cycle, then the updated element(s) should be validated as soon as practicable in an AMS exercise.

(e) Exercise Objectives.

1. Exercise objectives will be based on the AMS Plan elements that are to be tested and other supporting needs as determined by the COTPs/FMSCs and AMSCs. A non-all-inclusive, list of objectives is included as Tab B to this enclosure for discretionary use.
2. AMS awareness should be accomplished as a continuing activity through periodic drills and outreach. Improving awareness should also be a supporting element of all AMS exercises.

(f) Exercise Scenarios.

1. Exercises must correlate with a TSI or the threat of a TSI.
2. Each of the three primary TSI planning scenarios in the AMS Plan must be used at least once during each five-year exercise cycle as a core theme for an AMS exercise.
3. MARSEC changes will not be used as exercise scenarios. MARSEC changes are security responses to a TSI or threat of a TSI, and are not scenarios. For example, a credible threat may necessitate a security

response in the form of an increase in the MARSEC level. Restoration of cargo flow would constitute recovery from the threat, not from the security procedures imposed in response to the threat.

- (g) Multiple Contingency Exercises. AMS exercises may be integrated with contingency or response exercises in which maritime security or MTS recovery is relevant. The security elements of the exercise must, at the minimum, satisfy the AMS exercise program standards specified by this enclosure. For example, some National Preparedness for Response Exercise Program (PREP) exercises and the Spill of National Significance (SONS) 2007 have addressed Area Maritime Security and MTS recovery issues.
 - 1. A significant attribute of AMS Plans is that they link to other applicable federal, state, and local response and recovery plans with respect to reacting to transportation security incidents. This recognizes that security incidents and/or terrorism events will likely cause secondary impacts (e.g., oil spills, hazardous materials releases, mass casualties) which require specialized contingency response actions along with the implementation of protective security measures, and subsequent recovery operations. The ability to execute these plans simultaneously and in a coordinated fashion is an important concept that needs to be part of the overall AMS exercise and preparedness program. AMSCs and COTPs/FMSCs are encouraged to exercise multiple plans/contingencies in this fashion as part of the AMS exercise program. In these instances, there must be a critical focus on the exercise planning effort and true integration of objectives needed to address the Plan elements, so as not to have so many objectives that they lose focus or are not fully addressed.
 - 2. Multiple contingency exercises integrating PREP and AMS operations-based exercise requirements should be coordinated with the pertinent Coast Guard Area, District, and Exercise Support Team (see reference (i)). Contracted or Coast Guard organic AMS exercise support, if available, may be integrated with other staff supporting an exercise as appropriate to implementation needs. Multiple contingency exercises that test the AMS Plan and contingencies other than Oil and Hazardous Substance spill response are coordinated between the appropriate Area and District program managers.

e. AMS Exercise Roles and Responsibilities.

(1) Institutional Roles and Responsibilities.

- (a) The Coast Guard Area Commanders (as the AMS Plan Approving Authority), District Commanders, COTPs/FMSCs and other Coast Guard organization entities are responsible for administering and conducting AMS exercises in conformance with this enclosure.

- (b) The Coast Guard will at all times, serve institutionally as the sponsor of AMS exercises or AMS exercise components of other exercises. Other institutional roles and responsibilities will vary by exercise scope, scale, complexity, institutional level of participation (e.g. local, regional, national, DOD), and other factors.
 - (c) The Sponsor, Director, Design and Evaluation Team Coordinator for each AMS exercise will be determined by the AMS Plan Approving Authority, unless otherwise specified by the CGHQ AMS Plan Program Manager.
 - (d) The COTPs/FMSCs will normally be responsible for staffing and administration of design, control and evaluation teams and providing and arranging subject matter expert support for exercise design in cooperation with AMSCs, partners, and other port stakeholders.
- (2) Preparedness Engagement.
- (a) The AMSC will be heavily involved in ensuring all phases of the AMS preparedness cycle. It is strongly recommended that AMSCs establish Exercise Subcommittees to focus on scheduling, planning, conducting, and evaluating exercises to support the AMS Plan and to help guide overall port security preparedness efforts. Members of an AMS Exercise Subcommittee, where established, should be well versed in homeland security preparedness doctrine as well as exercise program management principles.
 - (b) Training should be conducted on an ongoing basis to enhance and sustain readiness for actual incidents. The AMSC and FMSC will identify training necessary to enhance specific community, as well as individual, knowledge and skills as these relate to AMS Plan elements. Additional training guidance is provided as Tab D.
- (3) AMS Exercise Design. The AMSC and COTP/FMSC are responsible for performing a needs assessment to determine where attention needs to be focused to improve the AMS risk assessment, AMS Plan, and preparedness to implement the Plan. The results of this assessment will in turn dictate specific plan elements that need to be tested during a particular AMS Exercise. Objectives will then be developed to drive the scope of the exercise, as well as the level of participation. Exercise scenarios should be developed to correlate with the Plan elements to be tested.
- (a) Needs Assessment. Before the exercise development may begin, the AMSC must determine its needs and capabilities. This determination may be met by a formal or informal capabilities or readiness assessment. Other factors that must be considered before commencing the exercise planning include, but are not limited to: available funds, available space, geographical or climatic influences, scheduling conflicts/ participant availability, last review date of

the plan, mandated exercise requirements, and rotation or influx of new personnel and stakeholders.

(b) AMS-Specific Exercise Planning Considerations.

1. AMS Exercise Program Goals. AMS Exercises will be designed to achieve the exercise program goals as specified in this enclosure.
2. Readiness of the AMSC and the Port Community. AMS Exercises should consider the status of AMS Plan development as well as the state of the AMSC. If the AMS Plan recently underwent a significant update, and the AMSC would benefit from improved familiarity with plan elements, a discussion-based exercise(s) may be the best option. This would lay the foundation for functional and operations-based exercises in subsequent years. This concept reinforces the training aspect of exercises, and recognizes the value in a progressive approach to build plan familiarity and associated teamwork, skills and capabilities.
3. Participation (Industry, Special Response Assets). The AMS Plan elements included in the exercise and exercise objectives will determine the appropriate level and type of participation. It is important for the AMSC and COTP/FMSC to consider industry participation in the very early phases of exercise planning, and to gain voluntary participation as appropriate.
4. Private Sector Requirements for Exercising Own Security Plans. If the AMSC desires industry participation in an AMS Exercise, expectations must be clear in terms of the ability of the exercise to fulfill requirements for testing both the AMS Plan and the pertinent industry plan(s). For instance, vessels and facilities regulated by reference (a) Parts 104, 105, or 106 hold individual security plans and are required to exercise those plans in accordance with these regulations. These exercises required by these Parts, must involve implementation of the specific vessel/facility security plan, must fully test the security program, and must include substantial and active participation of relevant company, vessel and facility personnel. Thus, the fact that a Facility Security Officer or Vessel Security Officer observed a discussion-based AMS exercise would not be sufficient to meet the FSP/VSP exercise requirement but may meet a facility or ship quarterly drill requirement if the elements of their security plan are tested in the AMS exercise.
5. Exercise Participation by Specialized Entities. Participation by specialized units (e.g. special teams, Deployable Operations Group (DOG), Marine Safety and Security Teams (MSST)) may also be appropriate depending on the exercise objectives and scenario. Participation by these types of assets must be requested through the

appropriate Coast Guard chain of command. Normally, however, the AMS exercises should focus on local resources as the baseline for assessing the level of supplemental support in any given scenario.

6. Comprehensive Port Exercise Concept. The concept of a comprehensive port level exercise entails the implementation of the AMS Plan as well as several individual vessel/facility security plans in response to a scenario. While high on the complexity scale, such a concept bears consideration as it provides a unique opportunity to support validation of preparedness of the port community as a whole.
7. Use of HOMEPORT during Exercise Design. Use of the Coast Guard's HOMEPORT portal in support of exercise design is encouraged. Reference (j) provides guidance for using HOMEPORT to manage exercise information that is designated Sensitive Security Information (SSI). The provisions of references (k), (l) and (m) also apply.

f. AMS Exercise Scheduling.

- (1) Correlation with Homeland Security Exercises. Many agencies and entities, at all levels of government and the private sector, have become involved in the development and execution of homeland security exercises and exercise programs. Many of these exercises involve the participation of AMSC members, partners and stakeholders. In order to achieve economies of scale, and best use scarce resources, AMS exercises are encouraged to take advantage of opportunities, where appropriate, to pool resources to combine and conduct homeland security exercises.
- (2) Use of Contingency Preparedness System (CPS). COTPs/FMSCs will conform with the requirements of reference (f).

g. Identification of Resources.

- (1) Sources of Exercise Resources. Whenever possible, AMSCs should investigate and consider all sources of funding and resources to support the AMS Exercise Program, consistent with applicable rules and regulations. AMSCs are encouraged to routinely review the National Exercise Schedule to take advantage of opportunities to participate in other exercises and to avoid conflicts with other scheduled exercises.
- (2) Coast Guard Exercise Funding. Coast Guard funding for exercises involving AMS plans will be in accordance with reference (f).

h. Exercise Support. Support for AMS exercises is offered through Coast Guard Exercise Support Teams. See reference (i).

i. Exercise Development. Exercise development will observe the planning principles contained in references (d), (f), (g) and (h).

- j. Public Affairs. COTPs/FMSCs should consult with their AMSCs and with their Coast Guard District Public Affairs staff to determine the best strategy for media coverage of AMS exercises, taking into consideration that Sensitive Security Information must be protected from unauthorized disclosure at all times.
- k. AMS Exercise Credit for Other Exercises and Actual Security Operations.
 - (1) AMS exercises and AMS exercises conducted in conjunction with or as an element of other exercises that are entered into the Coast Guard's Contingency Planning System (CPS) automatically receive credit upon entry of complete After Action Reports in CPS. A separate AMS exercise request for credit is not required.
 - (2) Credit towards fulfillment of AMS exercise requirements may be also considered and when appropriate, granted by the cognizant AMS Plan Approving Authority (i.e., Coast Guard Area Commander) pursuant to Part 103.515(c) of reference (a). Actual security operations or the circumstances of other exercises must correspond with elements of the AMS plan at a suitable level of effort to qualify for credit. Examples of actual events may include MARSEC level increases as a result of threat increases; AMS Plan implementation in response to activities associated with a National Special Security Events (NSSE) such as the G8 Summit and national political conventions; or major sporting events that necessitate port security measures.
 - (3) COTPs/FMSCs, when requesting credit through the pertinent Coast Guard District to the AMS Plan Approving Authority, must document the circumstances sufficiently to substantiate that their request satisfies the AMS program criteria for credit specified in Tab C to this enclosure. This documentation should include a description of the AMS Exercise Program Standards and AMS Plan elements tested, a short synopsis of the event and a recommendation of the AMSC. Additional guidance is found in reference (n), which is scheduled for updating to reflect the revised exercise guidance that is in this enclosure.
- l. AMS Exercise Control and Evaluation.
 - (1) Control and Evaluation Process. Exercise control and evaluation will be guided by References (d), (f) and (g).
 - (2) Evaluation Criteria. Specific evaluation criteria for an AMS exercise will be generated during the development of the Evaluation Plan, and must be based on the AMS Plan elements being testing and associated exercise objectives.
- m. Documentation of AMS Exercises.
 - (1) After Action Reports (AAR). The COTP/FMSC is responsible for completing the exercise AAR within 60 days of exercise completion, and will follow the provisions of references (o) and (p). AAR content should be coordinated with the AMSC.

- (2) Security Vulnerabilities. If items in AARs or lessons learned (LL) identify security vulnerabilities, it is imperative that such items be designated as SSI, using the protocols found in references (j), (k), (l) and (m).

n. Exercise Relationship to AMS Plan Improvements.

- (1) Section 8000 of the AMS Plan template addresses procedures for continuous review and update of AMS Plans at the port level.
- (2) Following AMS Exercises, pertinent updates to the AMS Plan should be completed within 90 days. Items requiring immediate update will be completed as soon as possible. If critical areas of the AMS Plan are updated, the Plan must be submitted to the District and Area for review and approval. Critical areas are those defined as such on the Area Maritime Security Plan Checklist. Major changes to AMS policy at the national level may necessitate the concurrent updating of all AMS Plans.

TAB A TO ENCLOSURE (4) TO NVIC 9-02, CHANGE 3

AREA MARITIME SECURITY (AMS) EXERCISE

PROGRAM STANDARDS

1. This Tab outlines in the table below the baseline Program Standards for testing of AMS Plan elements through the AMS Exercise Program. A principal objective is to test the plan using the core AMS Plan elements as the basis for development of exercise objectives and scenarios.
2. Although all AMS plan elements should be covered during each five-year AMS cycle, plan elements that are specified by 33 C.F.R. § 103.505 must be included within the AMS cycle to satisfy the regulatory testing requirement.
 - a. Plan elements have been organized into natural groupings to encourage group testing where practicable.
 - b. The frequency at which plan elements should be included in an exercise is indicated in the table.
 - c. Communications and information security AMS Plan elements should be integrated into each annual exercise.
 - d. The number of replications for line items shown as multiple frequency emphasis is at the discretion of the COTP/FMSC in consultation with the AMS Committee according to local needs. An asterisk in the frequency emphasis column indicates that testing may, at the discretion of the AMS Plan Approval Authority, be accomplished in conjunction with annual AMS Plan review by the COTP/FMSC and AMS Committee.
 - e. Corresponding elements located in different sections of the AMS Plan may be consolidated to conserve and optimize exercise planning and resources. For example, procedures for raising Maritime Security (MARSEC) levels prepared during the prevention phase and raising MARSEC levels as a security response may be exercised concurrently.
 - f. A double asterisk indicates items that are suitable for supporting play (or simulation) to address issues that would normally involve interaction with special communities (e.g. intelligence), higher institutional levels (e.g., changes in Maritime Security levels), or regional ICS structures.
3. Exercise objectives must be designed to effectively test AMS plan elements.
4. AMS exercise objectives may also be used to concurrently support other preparedness needs as determined by the COTP/FMSC and AMS Committee.

AREA MARITIME SECURITY (AMS) PROGRAM STANDARDS FOR TESTING AMS PLAN ELEMENTS				
Item	AMS Plan Section or Sub- Section	33 CFR § 103 Requirement	Plan Element	Frequency Emphasis
AWARENESS				
1	3200 (See also 5520)	103.505 (s)	Jurisdiction of Federal, State, Tribal, and local government agencies and law enforcement entities over area security related matters	Multiple*
2	3400 (less 3420)		Communication of AMS Information	Annual
	3410	103.310(b) 103.505 (l)	<ul style="list-style-type: none">Communications with Port Stakeholders	
	3410	103.505 (q)	<ul style="list-style-type: none">Communications with the public	
	3430	103.505(b) 103.505(h)	<ul style="list-style-type: none">Communication of MARSEC Directives	
	3440	103.310(b) 103.505(b) 103.505(h)	<ul style="list-style-type: none">Communication of Changes in MARSEC Levels	
3	3420		Security Reporting Procedures	Annual*
	3420	103.505(r)	<ul style="list-style-type: none">Reporting suspicious activity	
	3420	103.505 (g)	<ul style="list-style-type: none">Reporting breaches of security	
4	3500/3800		Information Security	Annual
	3500	103.505 (m)	<ul style="list-style-type: none">Sensitive Security Information	
	3800	103.505 (m)	<ul style="list-style-type: none">Protected Critical Infrastructure Information	
PREVENTION				
5	4200-4500		Maritime Security Level Procedures	Multiple*
	4210	103.505 (o)	<ul style="list-style-type: none">Vessel at a higher security level than the facility or port it is visiting	
	4300	103.505(a)	<ul style="list-style-type: none">MARSEC level 1 operational and physical measures	
	4400	103.310 (b) 103.505 (b)	<ul style="list-style-type: none">MARSEC Level 2 security measures	
	4500	103.310 (b) 103.505 (b)	<ul style="list-style-type: none">MARSEC Level 3 Security measures	
	4300 4400 4500	103.505 (n)	<ul style="list-style-type: none">Security measures for MTS infrastructure and activities not otherwise covered by a Vessel or Facility Security Plan, approved under 33 C.F.R. § 104, 105 or 106.	
6	4600	103.505(w)	Public Access Facility Security Measures	Once per cycle*

AREA MARITIME SECURITY (AMS) PROGRAM STANDARDS FOR TESTING AMS PLAN ELEMENTS				
Item	AMS Plan Section or Sub- Section	33 CFR § 103 Requirement	Plan Element	Frequency Emphasis
SECURITY RESPONSE (Prevention)				
7	3440 4300 4400 4500 5110	103.310 (b) 103.505(a) 103.505(b)	Increase MARSEC Levels **	Multiple
8	5200	103.505(g)	Preventive Measures during Security Response	Multiple
	5210	103.505(e)	<ul style="list-style-type: none">Dangerous Substances and Devices in restricted areas	
	5220	103.505 (f)	<ul style="list-style-type: none">Unauthorized access to designated restricted areas	
SECURITY RESPONSE (Protection)				
9	5300		Protect Port from Vessel-Specific Security Threats **	Once per cycle
	5310	103.505(g)	<ul style="list-style-type: none">Procedures for Vessel Quarantine or Isolation	
	5320	103.505(e) 103.505(f) 103.505(g)	<ul style="list-style-type: none">Procedures for Security Segregation of Vessels	
10	5330	103.505 (i)	Procedures for Port Evacuation	Once per cycle
11	5400		Respond to Security Threats below the Level of a TSI	Multiple
	5400	103.505(g)	<ul style="list-style-type: none">General procedures	
	5410	103.505(g) 103.505(r)	<ul style="list-style-type: none">Respond to Suspicious Activity	
	5420	103.505(g)	<ul style="list-style-type: none">Respond to Breaches of Security	
	5430	103.505(p)	<ul style="list-style-type: none">Respond to Activation of a Vessel Security Alert System (SSAS) on board a Vessel within or near the Port **	
SECURITY RESPONSE (Response)				
12	3700 5500		TSI Planning	Multiple <i>(Use each of the three primary TSI planning scenarios at least once as a core theme of an exercise during the 5-year cycle)</i>
	5510	103.505(u)	<ul style="list-style-type: none">TSI Scenarios	
	3700 5520	103.505(t) 103.505 (u)	<ul style="list-style-type: none">Procedures for Responding to TSI	
13	5530	103.505(s)	Linkages with Other Plans	Multiple*

AREA MARITIME SECURITY (AMS) PROGRAM STANDARDS FOR TESTING AMS PLAN ELEMENTS				
Item	AMS Plan Section or Sub- Section	33 CFR § 103 Requirement	Plan Element	Frequency Emphasis
14	5600		Transportation Security Incident Management **	Multiple
	5610 5630 5640	103.505(c) 103.505(u)	<ul style="list-style-type: none"> Incident Command Structure and Activation 	
	5620	103.505(k)	<ul style="list-style-type: none"> Notification of TSIs 	
15	5650	103.505(u)	Incident Action Plans	Discretionary
16	5660	103.505(v)	MTS Recovery Unit (Activation of core staff)	Multiple
FACILITATION OF MARINE TRANSPORTATION SYSTEM (MTS) RECOVERY				
17	6100-6300		MTS Recovery Planning	Multiple*
	6100 6200 6300	103.505(v)	<ul style="list-style-type: none"> MTS Recovery Framework Recovery Roles, Authorities, Responsibilities, and Funding Streams MTS Recovery Preparedness 	
18	6400-6500		MTS Recovery Process (Implementation) **	Multiple
	6410 6420	103.505(v)	<ul style="list-style-type: none"> Restoration of Commerce Following Threatened TSI Post-Incident Recovery (Short-term) 	
	6500	103.505 (v)	<ul style="list-style-type: none"> Post-Maritime TSI Salvage Response (Removal of Obstructions to Navigation) 	

TAB B TO ENCLOSURE (4) TO NVIC 9-02, CHANGE 3

SAMPLE AREA MARITIME SECURITY EXERCISE OBJECTIVES

FOR DISCRETIONARY USE

This Tab identifies the Major Areas of Emphasis, along with supporting objectives that COTPs/FMSCs and Area Maritime Security Committees (AMSCs) may use when planning and executing AMS Plan exercises. The use of these objectives will align the 5 year AMS Planning Cycle with the Homeland Security Exercise and Evaluation Program's (HSEEP's) preparedness continuum of awareness-prevention-protection-response-recovery. The exercise objectives should be based on the AMS plan elements that are to be tested and other supporting needs as determined by the COTP/FMSC and AMSC.

MAJOR AREAS OF EMPHASIS

AWARENESS: The COTP/FMSC and AMSC should evaluate their ability to maintain overall maritime situational awareness of the port. This evaluation should include validation of risk assessments, jurisdictional, and resource information that underpins security prevention and response planning and testing of communication of security related information to include threat information, Maritime Security (MARSEC) level changes, and MARSEC Directives. This major objective may be accomplished through outreach activities, periodic drills, and as a supporting activity in conjunction with other major objectives.

Awareness Sample Objectives

- Test communication of appropriate security and threat information with waterway users (to include Company Security Officers, Vessel Security Officers and Facility Security Officers) in non-emergency and emergency situations.
- Test notification process for communicating security information, MARSEC directives, and/or changes in MARSEC Levels to appropriate entities.
- Test communication of security and threat information to the Public in non-emergency and emergency settings.
- Test the expected timeframes for communicating, responding to, and tracking attainment of changes in MARSEC level.
- Test procedures to inform vessel and/or facilities operators not covered by 33 CFR Parts 104, 105, and 106 of changes in MARSEC Levels.
- Test procedures for addressing situations when entities cannot, or do not, comply with their security plans when a change in MARSEC Level occurs.
- Test procedures for identification of inbound/outbound commercial vessels.

- Test procedures used to verify and document receipt of security information.
- Verify list of Facility Security Officers (FSO) located within the COTP Zone, including 24-hr contact information for each FSO.
- Verify list of Company Security Officers (CSO) responsible for the regulated vessels that normally operate at or within a port, including 24-hr contact information for each CSO.
- Test procedures for FMSC to conduct spot-checks of Operational Security (OPSEC) measures (within four hours of receiving reports of MARSEC Level 2 attainment) employed by vessels and facilities and immediately advise owners/operators of any concerns.
- Test/verify OPSEC measures established in the port for each MARSEC Level.
- Test procedures to outline how the FMSC will conduct checks of OPSEC measures (within one hour of receiving reports of MARSEC Level 3 attainment) employed by vessels and facilities and immediately advise owners/operators of any concerns.
- Test ability to properly handle and safeguard sensitive security information (SSI)

PREVENTION: Test the ability of the FMSC/AMSC/Port Community to effectively implement security procedures, physical security measures, OPSEC measures, and Command, Control, and Communications (C3) during steady state/MARSEC 1 conditions. Validate risk mitigation strategies, including assessing the appropriateness and effectiveness of pre-designated preventive security measures. Validate roles, responsibilities, resources and authorities for prevention activities.

Prevention Sample Objectives

- Assess physical security measures and mitigation strategies to be implemented in the port at each MARSEC Level.
- Validate roles, responsibilities, resource availability and authorities, organizational structures, coordination arrangements, and communications appropriate for prevention activities.
- Validate security measures identified to be implemented at the Public Access Facilities at various MARSEC Levels.
- Test the ability of the COTP/FMSC to ensure identified security measures at Public Access Facilities are implemented.
- Evaluate procedures for the handling reports from the public and the maritime industry regarding suspicious activity.
- Evaluate procedures for handling reports from the public and the maritime industry regarding breaches in security.

- Evaluate procedures that non-33 CFR Part 104/5/6 regulated vessels and facilities use to report breaches in security.
- Test/evaluate measures to prevent unauthorized access to designated restricted areas within the port
- Validate roles, responsibilities, authorities, and available resources to implement protective measures at each MARSEC level.
- Validate the role that facilities and shipping agents play as communicators of security information.
- Evaluate the ability to implement appropriate OPSEC measures at each MARSEC level.
- Test procedures to ensure an inbound vessel is instructed to raise its MARSEC Level.
- Evaluate procedures to take when a vessel is at a higher security level than the facility or port it is visiting.
- Test procedures to notify vessels and the FMSC, when a facility receives information that a vessel is arriving operating at a lower MARSEC Level than the facility, and the corrective actions that are taken.
- Evaluate the ability to establish an appropriate incident command or unified command structure, using National Incident Management System (NIMS) protocols, and participation by appropriate agencies and stakeholders.

PROTECTION: Test the ability of the FMSC/AMSC/Port Community to effectively implement enhanced security procedures, physical security measures, OPSEC measures, and C3 as a result of MARSEC level changes or receipt of threat information. Validate risk mitigation strategies, including assessing the appropriateness and effectiveness of pre-designated protective security measures. Validate roles, responsibilities, resources and authorities for protection activities.

Protection Sample Objectives

- Validate roles, responsibilities, resource availability and authorities, organizational structures coordination arrangements, and communications appropriate for protection activities.
- Assess physical security measures and mitigation strategies to be implemented in the port at MARSEC Levels Two and Three.
- Evaluate procedures for and implementation and verification of increases in MARSEC levels and MARSEC level attainment.
- Assess roles, responsibilities, authorities, and available resources to implement protective measures at each MARSEC level.

- Assessment of procedures to respond to a report of suspicious activity within the port and the timeframes for such a response.
- Assessment of procedures for evacuation within the port in case of security threats or breaches of security.
- Assessment of pre-incident or post-incident protection activities in response to threats including increases in the MARSEC levels, or to Transportation Security Incidents (TSIs).
- All Response core subobjectives.

SECURITY RESPONSE: Test the ability of the FMSC/AMSC/Port Community to: respond to suspicious activity, breaches of security, and transportation security incidents (TSI); organize response activities using the incident command system in accordance with NIMS protocols; conduct security responses, implement linkages with appropriate federal, state, and local response plans; and maintain MARSEC level operations while simultaneously conducting response operations. Validate roles, responsibilities, authorities and resources for response activities.

Security Response Sample Objectives

- Validate roles, responsibilities, resource availability and authorities, organizational structures coordination arrangements, and communications appropriate for response activities.
- Evaluate procedures for and reporting of a TSI, including notification of the National Response Center and appropriate local authorities.
- Evaluate procedures for and implementation of increases in MARSEC levels.
- Evaluate the ability to establish an appropriate incident command or unified command structure, including use of the NIMS and participation by appropriate agencies and stakeholders.
- Validate procedures for developing an incident action plan for maritime security responses.
- Evaluate procedures to respond to a report of a suspicious activity or a breach of security within the port and timeframes for such a response.
- Validate most probable TSIs likely to occur in the port AOR.
- Validate linkages to appropriate federal, state, and local response plans in reaction to a TSI.
- Validate incident action plan templates and functional plans for AMS contingencies.
- Validate and test resources required to respond to a TSI, and who will provide.

- Test the ability and adequacy of resources to conduct simultaneous protective security and response operations.
- Evaluate/ test links and common objectives between AMSP and National Maritime Transportation Security Plan and the National Response Plan (soon to be replaced by the National Response Framework).

MARINE TRANSPORTATION SYSTEM RECOVERY: Test the ability of the FMSC/AMSC/Port Community to facilitate recovery of the MTS functions and resumption of trade post-incident following a TSI, the threat of a TSI that necessitates significant enhanced security measures, or TSI-generated transportation disruption. Validate maritime critical infrastructure and key resources recovery. Validate the process for prioritizing of maritime critical infrastructure and key resources recovery. Validate roles, responsibilities, resources, and authorities and coordination arrangements for recovery activities.

Facilitation of MTS Recovery Sample Objectives

- Validate roles, responsibilities, resource availability and authorities organizational structures, coordination arrangements, and communications appropriate for MTS recovery activities.
- Evaluate the ability to establish an appropriate incident command or unified command structure, using NIMS protocols and participation by appropriate agencies and stakeholders.
- Validate procedures and preparedness to establish, support and advise an MTS Recovery Unit.
- Validate procedures for developing an MTS recovery plan.
- Validate Essential Elements of Information (EEI) needed to support MTS recovery.
- Validate procedures for determining Area Maritime Security measures needed during and in support of MTS recovery activities.
- Evaluate/ test links and common objectives between the AMS Plan and the Maritime Infrastructure Recovery Plan (MIRP).
- Validate and test procedures for assessing damage to MTS infrastructure and the post-incident functional capabilities of the MTS, and for tracking MTS recovery status (e.g., levels of functional restoration by EEI category).
- Validate procedures for determining local-area restoration capabilities and identifying support needed from others (e.g. FEMA Stafford Act mission assignments).

- Validate setting and adjustment of priorities for MTS recovery of maritime Critical Infrastructure/Key Resources (CI/KR), including essential cargo flow/resumption of trade.
- Validate process for determining and prioritizing “downstream” economic effects to interdependent CI/KR sectors.
- Test/validate baseline incident effects of a threat of a TSI on inter-modal transportation and supporting infrastructure serving a port complex.
- Test/validate procedures for coordination and/or resumption of trade/marine commerce, and associated vessel transits within ports, waterways and access routes.
- Test/evaluate procedures to provide post-incident security for vessels regulated under 33 CFR 104.
- Test/evaluate procedures to provide post-incident security for facilities regulated under 33 CFR 105 and 106.
- Test/evaluate procedures to provide post-incident security for infrastructure, special events, vessels, passengers, cargo and/or cargo handling facilities within the port not regulated under 33 CFR 104, 105 or 106 but which impact the MTS (e.g. electrical transmission lines, communication transmitters, bridges, tunnels, mass transit bridges/tunnels, stadiums, aquariums, amusement parks, waterfront parks, marine events, nuclear power plants, power plants, and marinas).
- Evaluate procedures and criteria for determining when and how much to reduce the security posture post-incident.

TAB C TO ENCLOSURE (4) TO NVIC 9-02 CHANGE 3

PROCEDURES FOR REQUESTING

AREA MARITIME SECURITY EXERCISE CREDIT

FOR OTHER EXERCISE AND ACTUAL SECURITY OPERATIONS

REF: (a) 33 C.F.R. § 103.515(c)
(b) Navigation and Vessel Inspection Circular 09-02, Change 3, AREA MARITIME SECURITY EXERCISE PROGRAM GUIDANCE, COMTDPUB P16700.4
(c) COMDT (CG-3RPE) Guidance Letter 03-07, Credit for Security Events in Lieu of Area Maritime Security Exercises, Serial 3500, dated 30 Jan 07

1. DISCUSSION

- a. The guidance in this Tab applies to exercises and actual security operations that are not entered as AMS exercise or AMS exercises conducted in conjunction with or as an element of other exercises in the Coast Guard's Contingency Planning System (CPS). AMS exercises scheduled in CPS administratively receive AMS exercise credit upon entry of complete After Action Reports in CPS. A separate AMS exercise request for credit is not required.
- b. Elements of other exercises and actual security operations such as MARSEC level increases as a result of threat increases, National Special Security Events (NSSE), and Department of Defense (DOD) military exercises may correlate with and adequately test procedures and measures that are elements of the AMS Plan.
- c. Reference (a), as amplified by Enclosure (4) to reference (b), authorizes the pertinent Coast Guard Area Commander (i.e., AMS Plan Approving Authority) to consider, and when appropriate, allow credit towards fulfillment of AMS exercise requirements. The circumstances of actual security operations or other exercises correspond with elements of the AMS plan must be at a suitable level of effort and satisfy the AMS program exercise standards. Additional guidance is found in reference (c), which is scheduled for updating to reflect the revised exercise guidance that is in this enclosure.

2. PROCEDURE FOR REQUESTING EXERCISE EQUIVALENCY CREDIT

- a. Coast Guard Captains of the Port (COTP), in their role as Federal Maritime Security Coordinators (FMSC), may request equivalency credit for fulfillment of AMS exercise requirements.
- b. Requests for exercise credit must be made in writing, signed by the COTP/FMSC, and submitted through the pertinent Chain of Command to the AMS Plan Approving Authority.
- c. The request must document the circumstances sufficiently to substantiate the request.

- d. The AMS exercise program is intended, in part, to provide partners and stakeholders an opportunity to assess their capabilities to implement procedures contained in AMS Plans. Other exercises or actual security operations may or may not provide an equivalent opportunity for this purpose, the Coast Guard level of engagement notwithstanding. Therefore, the request for credit must include the written recommendation of the AMS Committee.

3. GUIDELINES AND CRITERION FOR EQUIVALENCY CREDIT

- a. The AMS Plan Approving Authority may consider authorizing exercise equivalency credit if the following minimum circumstances exist:
 - (1) The AMS Plan was implemented in response to actual threats, real world events, or security or recovery exercises conducted with other government, state or local agencies. This must involve, at a minimum, a significant increase in security or recovery planning coordination and activity that would be applicable to a Transportation Security Incident (TSI) as a type of transportation disruption.
 - (2) Appropriate members of the AMS Committee were involved in response to the actual threat, real world event, or security or recovery exercise conducted with other government, state or local agencies.
 - (3) The event/exercise was consistent with AMS Plan program standards for testing the AMS Plan.
 - (4) The effectiveness of the AMS plan elements or strategies actually implemented were evaluated and were relevant to the AMS Plan.
 - (5) The response or recovery was adequately documented and there is a favorable AMS Committee recommendation for allowing credit.

4. DOCUMENTATION

- a. A letter request for credit must provide the following information and data:
 - (1) The type of event and exercise for which credit is requested.
 - (2) Date and time of the event or exercise.
 - (3) Description of the event or exercise.
 - (4) The objectives met in the event or exercise.
 - (5) The sections of the AMS Plan that were used.
 - (6) Lessons learned including an AMS Committee analysis of the response or recovery compared to procedures and measures included or incorporated in the AMS Plan.
 - (7) A statement verifying that the After Action Report and lessons learned were completed in the Coast Guard Contingency Planning System (CPS) within the timeframe specified in Enclosure 4 to reference (b).

- (8) The sections of the AMS Plan that require improvements including best practices.
 - (9) A timeline for AMS Plan improvements or documentation for immediate corrective actions implemented with approval of the FMSC.
 - (10) Person(s) responsible for updating the AMS plan if critical changes are to be made.
 - (11) Supporting Data. Enclosures should include copies of all SITREPS and other incident and/or Maritime Security (MARSEC) level increase documentation.
 - (12) The recommendation of the AMS Committee.
- b. Documentation for all requests for exercise equivalency credit must conform to applicable security classification or security designation requirements.

TAB D TO ENCLOSURE (4) TO NVIC 9-02, CHANGE 3

AREA MARITIME SECURITY EXERCISES

CAPABILITIES DEVELOPMENT AND TRAINING CONSIDERATIONS

1. DISCUSSION

- a. Area Maritime Security (AMS) exercises are intended to test AMS plan elements that are, in effect, mission essential tasks for joint measures to deter, respond to, and when necessary, recover from the effects of a Transportation Security Incident (TSI) or threat of a TSI. They also provide opportunities for development of capabilities that are important to the AMS mission.
- b. AMS exercises provide opportunities for participants to practice and improve knowledge, skills and abilities and to assess and improve organizational capabilities.
- c. AMS exercises also provide an opportunity to schedule AMS related training events to help prepare the AMS partners and stakeholders with AMS roles and responsibilities.

2. CAPABILITY DEVELOPMENT. Areas to improve capabilities and associated considerations include those listed below.

- a. Command and Control.
 - (1) *ICS Capabilities.* Opportunities to practice command and control sustain skill proficiency for incident managers, leaders, staffs, and individual community members. Common NIMS ICS skills and those particular to specific NIMS ICS positions can be reinforced. AMS incident management provides an opportunity for each echelon to respond to the needs of higher, lower, adjacent, and temporarily present elements. Doctrine and supporting materials for command and control include such items as scenarios, simulation models, and recommended task lists. The AMS Committee can adapt these materials to address its unique capabilities assessment.
 - (2) *Teamwork.* To best manage security preparedness, all elements of the AMS Committee (AMSC) must be integrated and need to function effectively within their roles during periods of heightened threats. Critical decision makers must be competent in their command and control tasks. Unified commands must be proficient in executing staff planning responsibilities to achieve full integration of supporting elements and services. Training and practice that enhances these skills should receive emphasis at the AMSC level and above.
 - (a) Unified Command Training. Develops the proficiency of individual staff members and molds them into trained, cohesive teams that can

effectively manage and coordinate all systems to support the incident management process.

- (b) Survivability Training. Ensures proficiency during intense and continuous heightened periods of threat. It ensures that individuals and teams can operate effectively in a variety of situations. It involves those routine tasks that communities must perform well to ensure their survival. Examples include:

- Operations in radiological, nuclear, biological, or chemical environments.
- Operations in hostile takeovers or indiscriminant targeting (snipers).
- Operations using various command post (CP) configurations.
- Procedures for succession of command.
- Limited visibility operations.
- Activation of alternate communication methods.
- Activation of alternate command posts.
- The hand-off between command posts (tactical CP to main CP).
- Local security.

- (c) Systems Integration.

- Intelligence and information sharing.
- Information technology and information/knowledge management.
- Waterways management.

- b. Operational (Tactical) Doctrine and Skills for Field Forces. Although AMS Plans are not operations plans, the procedures and measures that are incorporated rely on the performance of tactical operations by partners and stakeholders. These operations initially are controlled by the partners and stakeholders under the operational protocols that are in place at the time an incident occurs. Overall incident management shifts to a Unified Command, when established. A specified intent of the AMS Plan is to provide jointly developed procedures that include the roles and application of resources by each of the different agencies, which, as AMS partners and stakeholders, may provide field forces. An AMS exercise provides the opportunity to consider differing tactical or operational policies, identification of common practices and procedures for joint operations

and to deconflict procedures to harmonize capabilities and preclude mutual interference. Examples of areas where capabilities development for these purposes are listed below.

- (1) Enforcement of waterside security zones.
- (2) Enforcement of restricted areas landside.
- (3) Multi-Agency Vessel Boardings.
- (4) Use of Force.

ENCLOSURE (5) TO NVIC 9-02 CHANGE 3

**MARINE TRANSPORTATION SYSTEM (MTS)
RECOVERY PLAN SAMPLE TEMPLATE**

ENCLOSURE (5) to NVIC 09-02, Change 3

**MARINE TRANSPORTATION SYSTEM (MTS)
RECOVERY PLAN SAMPLE TEMPLATE**

[THIS TEMPLATE PROVIDES A COMMON, ALL-HAZARDS FRAMEWORK FOR FACILITATION OF RECOVERY OF THE U.S. MARINE TRANSPORTATION SYSTEM (MTS) FOLLOWING A TRANSPORTATION DISRUPTION, INCLUDING TRANSPORTATION SECURITY INCIDENTS (TSI).

ADAPTATION AND USE OF THIS TEMPLATE OR TEMPLATE CONTENT IS AT THE DISCRETION OF EACH COAST GUARD CAPTAIN OF THE PORT.

THE CONTENT OF THIS TEMPLATE IS ALIGNED WITH THE MTS RECOVERY ASPECTS OF AREA MARITIME SECURITY (AMS) PLANS, THE NATIONAL MARITIME TRANSPORTATION SECURITY PLAN (NMTSP), THE MARITIME INFRASTRUCTURE RECOVERY PLAN (MIRP), THE NATIONAL INFRASTRUCTURE PROTECTION PLAN, THE TRANSPORTATION SECTOR SPECIFIC PLAN (TSSP), THE DEPARTMENT OF HOMELAND SECURITY'S STRATEGY TO ENHANCE INTERNATIONAL SUPPLY CHAIN SECURITY (JULY, 2007), THE NATIONAL RESPONSE FRAMEWORK (NRF), AND THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS). THIS TEMPLATE ALSO INCORPORATES AREA CONTINGENCY PLANS (ACP) BY REFERENCE FOR OIL AND HAZARDOUS MATERIALS RESPONSE AND MITIGATION ACTIVITIES ASSOCIATED WITH A TSI.]

WHEN USED IN CONJUNCTION WITH AMS PLANS AS THE MTS RECOVERY PLAN FOR TRANSPORTATION SECURITY INCIDENTS, INCLUDE PARAGRAPH MARKING FOR SECURITY DESIGNATIONS.

*TEXT SHOWN AS ITALICIZED SMALL CAPS PROVIDE INSTRUCTIONS FOR USING THIS TEMPLATE. " CUT AND PAST" TEXT IS SHOWN IN **regular** FONT. SUGGESTED TEXT IS SHOWN IN *italics*.]*

COMMANDER
COAST GUARD SECTOR
(address)

(date)

COMMANDER, SECTOR _____ (U)
MARINE TRANSPORTATION SYSTEM RECOVERY PLAN

(U) REFERENCES

- (a) An Assessment of the U.S. Marine Transportation System: A Report to Congress, U.S. Department of Transportation (Sep, 1999)
- (b) Maritime Transportation Security Act of 2001 (MTSA)
- (c) Security and Accountability for Every Port Act of 2006 (SAFE Port Act)
- (d) 33 CFR Chapter I, Subchapter H, Parts 101, 103
- (e) National Infrastructure Protection Plan (NIPP)
- (f) Executive Order 2005-06
- (g) Executive Order 91-09
- (h) National Maritime Transportation Security Plan (NMTSP)

- (i) Maritime Infrastructure Recovery Plan (MIRP)
- (j) Transportation Sector Specific Plan (TSSP), Maritime Modal Annex
- (k) Strategy to Enhance International Supply Chain Security, Department of Homeland Security, July 2007
- (l) Recovery of the Marine Transportation System for Resumption of Commerce, COMDTINST 16000.28(series).
- (m) Navigation and Vessel Inspection Circular 09-02, Change 3
- (n) National Response Framework (NRF), Critical Infrastructure and Key Resources (CI/KR) Annex
- (o) Sector _____Area Maritime Security Plan
- (p) _____ Area Contingency Plan
- (q) National Incident Management System
- (r) USCG Incident Management Handbook, COMDTPUB P3120.17(series)
- (s) 42 U.S.C. §5121 et. seq. as amended, the Robert T. Stafford Disaster Relief Act

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1. (U) SITUATION

a. (U) General.

(1) (U) Purpose.

- (a) (U) This plan provides an all-hazard operational framework for facilitating the recovery of the U.S. Marine Transportation System (MTS) (as described by reference (a)) in the Captain of the Port (COTP) _____ Zone. It also provides for the establishment of an MTS Recovery Unit (MTSRU) by the COTP that functions within the Planning Section of the Unified Command structure to plan and support coordinated recovery activities and operations.
- (b) (U) Applicable provisions of references (b) through (m) are implemented through provision of unified procedures, policies, and an incident management structure for all hazards to facilitate recovery of the MTS infrastructure.
- (c) (U) This plan serves concurrently as an MTS recovery contingency plan in support of references (n), (o) and (p).
- (d) (U) Paragraph 3.b. below and Appendix __ of this plan provides procedures for establishing, staffing, and obtaining stakeholder informational and advisory support for the MTSRU.

b. (U) Background.

(1) (U) MTS Characterization.

- (a) (U) The MTS is an integral part of the global, national, regional, and local supply chains and economies. The MTS is characterized by substantial interdependencies across Critical Infrastructure and Key Resource (CI/KR) Sectors. (See references (a), (e), (j) and (k).)

(2) (U) MTS Infrastructure.

- (a) (U) The MTS consists of waterways, ports including waterfront facilities, inter-modal connections, vessels, vehicles, and system users. Each component is a complex system within itself and is closely linked with the other components. The MTS is primarily an aggregation of state, local, and/or privately owned facilities and companies, with decentralized management, financing, and operations. Each organization or entity is responsible for its own operational and/or business continuity.

(3) (U) Transportation Disruption Effects.

- (a) (U) When a transportation disruption occurs, even if a temporary incapacitation, there can be dramatic impacts throughout the region and the nation. Establishing an effective and efficient MTS recovery framework to facilitate and support restoration of functional capability, cargo flow and the international supply chain is vital to the local, regional, and national economic, security and defense interests. (See references (i) and (k)).
- (4) (U) Historical Approach to Recovery Planning.
 - (a) (U) Prior to Hurricane Katrina in 2005, recovery planning was situational in character, albeit under a framework provided by the Federal Response Plan, predecessor to the National Response Plan (which was replaced by the National Response Framework and National Incident Management System (NIMS) (references (n) and (q)).
 - (b) (U) In response to the catastrophic effects of Hurricanes Katrina and Rita, the Coast Guard chartered a Maritime Recovery and Restoration Task Force (MR2TF) to examine how to best reconstitute the MTS after a large-scale disaster with area-wide effects, identify long-term concerns, and resolve interagency issues. The task force recommended incorporation of MTS recovery procedures into the Coast Guard's contingency planning and incident management policy and procedures. Key elements of the recommended approach included in this MTS recovery plan are the establishment of an MTSRU in the planning section of the Unified Command, and pre-incident preparedness through development and population of MTS Essential Elements of Information (EEI).
- c. (U) Objectives.
 - (1) (U) The overall objective of this plan is to facilitate MTS recovery, including restoration of functional capabilities and the resumption of trade. Supporting objectives include, but are not limited to:
 - (a) (U) Mitigation of the impacts of the incident on the MTS, trade, and the economy (see references (a) through (l));
 - (b) (U) Embedding a focus on MTS infrastructure recovery into the incident management organization by establishing an MTSRU that functions within the Planning Section of the Incident Command System (ICS) structure (see references (l), (m) and (o));
 - (c) (U) Identifying resources, agencies involved, incident effects, and courses of action for the recovery of public maritime infrastructure such as ATON, communications systems, and federal channels (see references (h) through (o));

- (d) (U) Prioritizing MTS recovery operations, including aids to navigation (ATON) and waterways, as appropriate (see references (h) through (m), (o) and (p));
- (e) (U) Identifying and prioritizing cargo streams and efforts to aid in the recovery of maritime CI/KR (per reference (j)), and supporting maritime infrastructure (consistent with definitions in paragraph 101.105 of reference (c));
- (f) (U) Coordination of salvage response and marine debris removal (see references (c), (m), (o) and (p));
- (g) (U) Development, preparation and maintenance of Essential Elements of Information (EEI) and any other appropriate measures needed to support recovery planning and operations (see references (m), (o) and (p));
- (h) (U) Tracking and reporting the status of MTS infrastructure recovery through the use of consistent EEIs; and
- (i) (U) Facilitation of a return of the MTS to pre-incident operational capabilities. An incident or incidents may have profound effects on trade patterns and business interests. A return to pre-incident operational capability of the MTS does not necessarily mean that there will be a corresponding return to pre-incident trade patterns and conditions, although facilitation of the latter is a goal of this plan.

d. (U) Applicability.

- (1) (U) This plan applies to the U.S. MTS (reference (a)) and Transportation Disruptions (as defined by reference (c)) within incident areas.
 - (a) (U) Restoration of MTS cargo flow outside of incident areas will normally be accomplished through existing (“steady state”) communications, organizational structures, and prevention activities.
 - (b) (U) This plan may be adapted for use in non-incident areas, for example, when complexity or the operations tempo necessitates unified coordination.
- (2) (U) This plan is for use during the short-term recovery phase, considered to be up to 90 days following an incident. This plan is also intended to support preparations for and transition to the long-term recovery phase and associated restoration activities during that phase which are conducted separately under reference (n).

e. (U) Area of Concern.

- (1) (U) Area of Responsibility (AOR). The land, waters, and airspace of the _____ Captain of the Port Zone, as defined in 33 Code of Federal Regulations _____.

(2) (U) Area of Interest (AOI).

(a) (U) Principal Area of Interest: The COTP Zone.

(b) (U) Area Maritime Security AOI: The COTP Zone and areas of population or special economic, environmental or national security importance that could be damaged by a Transportation Security Incident (TSI) pursuant to reference (b).

(3) (U) Area of Operations (AOO). All federal waters within the COTP/FMSC Zone which covers *[ADD NARRATIVE DESCRIPTION]*. *The AOO includes all waterways, waterfront facilities, and offshore facilities over which the COTP has jurisdiction within the area of responsibility defined above.*

f. (U) Incident/Incident Impact.

(1) (U) Any incident or a combination of incidents that results in or threatens to cause a transportation disruption that is characterized by significant delay, interruption, or stoppage in the flow of trade; a significant loss of life; environmental damage; economic disruption in a particular area, or other significant disruption of the MTS.

(2) (U) Incident causes may include TSIs, natural disasters, heightened threat level, an act of terrorism, technological disasters, spills of oil or hazardous materials, and/or man-made disasters.

g. (U) Pre-Incident Conditions.

(1) (U) Preparedness. The following pre-incident preparations and actions will be implemented to support recovery planning and activities during incident management.

[USE THIS SECTION TO LIST ADVANCE PREPARATIONS NEEDED TO FACILITATE MTS RECOVERY AND REFER TO CORRESPONDING APPENDIXES IN THE PLAN.]

(a) (U) Preparation of Personnel. As designated by the COTP, appropriate personnel should become familiar with MTS recovery policies, procedures, and EEIs. Designated personnel should be prepared to establish an MTSRU and to integrate it into incident command in response to an incident that meets one or more of the criteria specified in paragraph f.1. *[ADD REFERENCES () AND () AND OTHER PERTINENT REFERENCES].*

(b) (U) Advisory Committee Relationships. Coordinate mutually supporting relationships with the Area Committee (AC), and the Area Maritime Security Committee (AMSC).

[ADD OTHER COMMITTEES AND STAKEHOLDERS AS APPROPRIATE. SECTORS WITH PORT COORDINATION TEAMS OR OTHER ADVISORY BODIES MAY REFERENCE THEM HERE.].

- (c) (U) MTSRU Staffing Procedures. Establish procedures for establishing and staffing the MTSRU and obtaining advisory support. Coordinate MTSRU subject matter expert, advisory, and staffing support needs with existing bodies including Area Committees, Harbor Safety Committees and AMSCs.

[PROVIDE THE OPPORTUNITY FOR ORGANIZATIONS REPRESENTED ON THE AMSC, AREA COMMITTEE, AND OTHER MARITIME ADVISORY GROUPS AND STAKEHOLDERS TO PROVIDE ADVISORY SERVICE IN SUPPORT OF THE MTSRUS AND UNIFIED COMMAND. FMSCs MAY ALSO CONSIDER MEANS, SUCH AS AN AMS SUBCOMMITTEE OR PORT COORDINATION COMMITTEE, TO FACILITATE BROAD ACCESS TO AND ANALYSIS OF TRANSPORTATION DISRUPTION INFORMATION ABOUT INCIDENT EFFECTS ON CI/KR AND CARGO-FLOW.]

- (d) (U) EEIs. Develop and populate EEIs in order to provide baseline MTS infrastructure information needed to initiate recovery planning during incident management. At a minimum, EEIs will include those prescribed by reference (l) and any required by the Coast Guard Area and District Commander. Local and regional EEIs may be added at the discretion of the COTP/FMSC in consultation with the AMS Committee, Area Committee, and other maritime advisory groups.

[FMSC SHOULD PROVIDE THE OPPORTUNITY FOR ORGANIZATIONS REPRESENTED ON THE AMS COMMITTEE, AREA COMMITTEE, AND OTHER MARITIME ADVISORY GROUPS AND STAKEHOLDERS TO ASSIST WITH DEVELOPMENT OF AREA SPECIFIC EEIS AND A CONCEPTUAL APPROACH FOR VALIDATING AND UPDATING EEIS AS SOON AS PRACTICABLE AFTER A TRANSPORTATION DISRUPTION OCCURS. INCLUDE AN APPENDIX LISTING EEIS AND HOW THIS INFORMATION WILL BE OBTAINED, PROCESSED AND MAINTAINED. REFERENCE AMS PLAN.]

- (e) (U) Stakeholder EEI Liaison. Liaise with EEI stakeholders to develop baseline expectations of MTS productivity and functionality under normal operating conditions.

[ADDRESS UNDER EXECUTION AND INCIDENT MANAGEMENT SECTIONS OF THIS PLAN AS APPROPRIATE.]

- (f) (U) National Level Needs. Determine baseline needs for national defense, the economy, and national infrastructure (such as the energy sector and defense industrial base) through pre-incident outreach. Prepare to determine new and revised needs through outreach to other governmental agencies and industry during the incident response phase.

[INCORPORATE INTO EEIs OR MAINTAIN AS SEPARATE SUPPORTING MATERIAL. IF THE LATTER, INCORPORATE BY REFERENCE. APPLY APPROPRIATE SECURITY DESIGNATIONS.]

- (g) (U) Prospective Major Immediate Impacts. Assess the major immediate impacts if an incident were to occur.

[ASSESS/GAME PROSPECTIVE MAJOR IMMEDIATE IMPACTS FOR ONE OR MORE PLAUSIBLE NOTIONAL TRANSPORTATION DISRUPTION SCENARIOS. INCLUDE A NOTIONAL TSI SCENARIO IF THIS PLAN IS USED AS AN ANNEX TO AN AMS PLAN. SUMMARIZE HERE, INCLUDE IN AN APPENDIX OR INCORPORATE BY REFERENCE, AS AVAILABLE.]

- (h) (U) Prospective Impact Timelines for Major Secondary Effects. Develop a prospective timeline for the onset of secondary effects for the notional transportation disruption scenario(s) selected in the preceding subparagraph.

[DETERMINE HOW LONG BEFORE MAJOR SECONDARY EFFECTS OCCUR FOLLOWING A NOTIONAL TRANSPORTATION DISRUPTION, FOR EXAMPLE, SHUTDOWN OF INDUSTRIAL PLANTS DUE TO EXHAUSTION OF FEEDSTOCK. DETERMINE PROSPECTIVE RESTART TIMEFRAMES, CONSIDERING LOCALLY AVAILABLE RESOURCES, SEASONAL VARIATIONS, AND ALTERNATIVE INTER-MODAL CONNECTIONS. CATEGORIZE BY EEI. SUMMARIZE HERE, AND INCLUDE IN AN APPENDIX OR INCORPORATE BY REFERENCE, AS AVAILABLE.]

- (i) (U) Maintaining Infrastructure Integrity. Identify procedures for maintaining infrastructure integrity during MTS recovery. *[Reference AMS Plan.]*

[INCORPORATE THE AMS PLAN, AREA CONTINGENCY PLAN AND OTHER PERTINENT PLANS, AGREEMENTS, ETC., BY REFERENCE.]

- (j) (U) Resources Needed to Facilitate MTS Recovery and Resumption of Trade.

[SCOPE/ASSESS PROSPECTIVE RESOURCES NEEDED TO FACILITATE MTS RECOVERY AND RESUMPTION OF TRADE FOR THE ABOVE NOTIONAL TRANSPORTATION DISRUPTION(S). CONDUCT OR INCORPORATE BY REFERENCE A GAP ANALYSIS. SUMMARIZE RESULTS HERE, INCLUDE DETAILS IN AN APPENDIX OR INCORPORATE BY REFERENCE, AS AVAILABLE. THESE DATA SETS MAY BE USEFUL INFORMATION RESOURCES WHEN SEEKING ADDITIONAL RESOURCES AND SHOULD BE PERIODICALLY REFINED AS EXPERIENCE IS GAINED THROUGH EXERCISES AND ACTUAL EVENTS.]

- (k) (U) Communications. Develop coordination and communication arrangements for recovery planning and operations including use of the Coast Guard's HOMEPORTR portal, conference calls, advisory group meetings, and other methods.

[INCORPORATE IN THE AMS PLAN, AREA CONTINGENCY PLAN AND OTHER PERTINENT PLANS BY REFERENCE.]

(l) (U) MTS Recovery Plan Validation.

[VALIDATE/ASSESS/TEST MTS RECOVERY PLAN THROUGH EXERCISES AND AFTER ACTION ASSESSMENTS FROM ACTUAL OPERATIONS.]

- i. (U) Incorporate MTS recovery planning and activities including MTSRU coordination with other agencies, partners and stakeholders in the COTP's contingency preparedness and AMS exercise programs.
- ii. (U) Use actual recovery events to validate MTS recovery plan elements and sub-elements.

(m)() *[LIST OTHER LOCAL PREPARATIONS AS APPROPRIATE.]*

(2) (U) Priorities.

(a) (U) General Recovery Priorities.

[DEVELOP OR INCORPORATE BY REFERENCE A GENERAL RECOVERY PRIORITIZATION OF MTS INFRASTRUCTURE AND CARGO FLOW TO SERVE AS A PLANNING BASELINE FOR RECOVERY PLANNING PURPOSES. SEE COMDTINST 16000.28]

- (b) (U) Prioritization Protocols. Develop prioritization protocols for MTS infrastructure and cargo flow in consultation with existing advisory bodies including Area Committees, Area Maritime Security Committees, and Harbor Safety Committees. Adapt prioritization protocols to incident conditions.

[INCLUDE AN APPENDIX LISTING PROCEDURES FOR PRIORITIZATION OF MARITIME INFRASTRUCTURE RECOVERY ACTIONS ACCORDING TO THEIR IMPORTANCE IN MAINTAINING THE CONTINUITY OF OPERATIONS OF THE PORT AND DOWNSTREAM/INTERMODAL EFFECTS (TO THE EXTENT KNOWN OR DEVELOPED AS DESCRIBED IN PREPAREDNESS SUBSECTION ABOVE).]

h. (U) Support from Other Agencies/Organizations Involved.

[SUMMARIZE ROLES AND RESPONSIBILITIES (SEE SUGGESTED TEXT BELOW). INCLUDE AS AN APPENDIX OR INCORPORATE BY REFERENCE DETAILS COVERING ROLES, RESPONSIBILITIES, AUTHORITIES, CAPABILITIES, FUNDING, PROSPECTIVE RECOVERY RESOURCES AND ASSETS, AND OTHER PERTINENT INFORMATION.]

(1) (U) Federal/State/Local Agencies and Tribal Governments.

- (a) (U) *All agencies (federal, state, local) and Tribal Government entities listed in maritime security, response and contingency plans may be able to contribute*

information pertinent to recovery planning and activities during incident management activities and may engage in recovery operations. Since different agencies normally assist or partner with the Coast Guard in responding to and recovering from incidents, based on the incident itself, it is impractical to list them all here; they may be identified by reference to other plans.

(2) (U) Industry.

- (a) (U) *All maritime industry stakeholders, while too extensive to list here, will be valuable resources of information regarding incident effects, and the post-incident performance levels and implications for the national security and defense, economy, and CI/KR sectors. Vessel and facility operating companies will be principally engaged in restoring their infrastructure. Industry will typically leverage resources to assist in recovery effort.*

(3) (U) Local Support.

[SUMMARIZE LOCAL SUPPORT THAT THE SECTOR/COTP/FMSC CONSIDERS IMPORTANT TO HIGHLIGHT FOR MTS RECOVERY, AS APPROPRIATE.]

i. (U) Assumptions.

[INSERT ASSUMPTIONS OF CONDITIONS OVER WHICH THE PLAN WRITERS HAVE NO CONTROL. ALSO INCLUDE CONDITIONS THAT, IF THEY DO NOT OCCUR AS EXPECTED, WILL INVALIDATE OR SUBSTANTIALLY ALTER THE PLAN AND NECESSITATE A CHANGE TO THE WAY MTS RECOVERY WILL BE PLANNED OR CONDUCTED. SUGGESTED GENERAL ASSUMPTIONS ARE LISTED BELOW.]

- (1) (U) *The threat of a Transportation Security Incident (TSI) that causes an increase to Maritime Security (MARSEC) Level Three and associated security measures will necessitate coordinated recovery measures among stakeholders to facilitate restoration of cargo flow.*
- (2) (U) *Most transportation disruptions will occur with little to no warning, except for tropical weather systems for which prediction capabilities will provide advance indicators.*
- (3) (U) *Cargo diversions from other areas impacted by a large-scale transportation disruption will necessitate surge prevention and security measures.*
- (4) (U) *Large-scale cargo diversions may necessitate reallocation of available Federal agency resources and policy and regulatory waivers to support reestablishment of trade.*
- (5) (U) *A catastrophic event will seriously degrade Coast Guard Sector and stakeholder resources, necessitating reconstitution and large-scale support from resources outside the affected area in order to support and sustain first response and to set the stage for recovery activities.*

(5) () *[ADD PERTINENT LOCAL ASSUMPTIONS, AS APPROPRIATE.]*

j. (U) Legal Considerations.

[LIST SIGNIFICANT LEGAL AUTHORITIES ON WHICH RECOVERY PLANNING AND OPERATIONS ARE BASED. LIST APPLICABLE MEMORANDUMS OF AGREEMENT.]

(1) (U) This Plan is developed and maintained pursuant to references (b), (c), and (d).

(2) (U) Memorandums of Agreement (MOA)

[IDENTIFY AND SUMMARIZE APPLICABLE MOA. INCLUDE COPIES OF PERTINENT MOAs AS ATTACHMENTS.]

k. (U) Definitions.

[LIST THE TERMINOLOGY FOR DEFINITIONS WHICH WOULD BENEFIT THE TEXT. PUT THE DEFINITIONS IN AN APPENDIX WITH SOURCE IDENTIFICATION, AND REFERENCE THE APPENDIX HERE. CORE TERMS ARE SHOWN BELOW. PRIMARY SOURCES FOR DEFINITIONS ARE REFERENCES (B), (C), (D), (J), (K), (L), AND (N).]

(1) (U) Essential Element of Information (EEI).

(2) (U) Marine Transportation System (MTS).

(3) (U) Marine Transportation System Recovery Unit (MTSRU).

(4) (U) Maritime Critical Infrastructure and Key Resources (CI/KR).

(5) (U) Response.

[NOTE: FOR THE PURPOSES OF THIS PLAN PER REFERENCE (K), RESPONSE TO SUPPORT RESUMPTION OF TRADE CONSISTS OF THOSE MEASURES, OPERATIONS AND ACTIVITIES IN INCIDENT AREAS THAT ARE NEEDED TO SET THE STAGE FOR RECOVERY ACTIVITIES.]

(6) (U) Recovery.

(a) (U) Short-term Recovery. *[NOTE: FOR THE PURPOSES OF THIS PLAN, CONSIDERED TO BE SYNONYMOUS WITH “INITIAL” RECOVERY.]*

(b) (U) Long-Term Recovery.

(7) (U) Restoration.

(8) (U) Transportation Disruption.

(9) (U) Transportation Security Incident (TSI).

(10) () *[INCLUDE OTHER DEFINITIONS AS APPROPRIATE.]*

2. (U) MISSION

Facilitate short-term recovery of the U.S. Marine Transportation System (MTS) in the Captain of the Port (COTP) _____ Zone from all hazards that result in transportation disruptions in support of references (a) through (p) and support an orderly transition to long-term recovery measures.

3. (U) EXECUTION

a. (U) Concept of Operations.

(1) (U) Maritime Incident Commander's Intent. Provide a coordinated, cooperative, and to the extent feasible, mutually supporting recovery framework and strategy for MTS stakeholders. Initiate unified incident management, recovery assessments and planning, and engagement of pertinent stakeholders as soon as practicable following an incident or threat of an incident which results in a significant transportation disruption. Facilitate the safe, secure, and efficient short-term recovery of the MTS, including partial restoration of critical functions and services. Incident communications, coordination, requests for support, infrastructure liaison, and similar needs and issues will be guided by the National Response Framework (soon to be replaced with the National Response Framework).

(a) (U) MTS recovery planning will be informed by references (f) through (q) and (r).

(b) (U) MTSRU functions will be guided by references (i) through (m), (o), and (r).

(c) (U) The Coast Guard COTP/FMSC will work in conjunction with other agencies, advisory groups, partners, and stakeholders through the NIMS to coordinate and facilitate recovery of the MTS following an incident that necessitates execution of this plan. The establishment of a MTSRU will be a critical component of this coordinated effort.

(d) (U) A principal focus will be to reopen ports and waterways to support response and recovery operations, and the resumption of maritime commerce.

(2) (U) General.

(a) (U) Initial actions will be taken by stakeholders under their existing contingency, continuity of government, and/or continuity of operations plans, as appropriate.

- (b) (U) Sector _____ will establish an MTSRU as soon as practicable after incident response has been initiated and the Incident Commander has identified significant impact(s) to the MTS. The MTSRU will be guided by references (l), (o), and (r).
- (c) (U) The MTSRU will establish contact and liaise with stakeholders identified in the EEIs as soon as possible to conduct a first-look post-incident assessment of incident impact against baseline performance and functional information.
- (d) (U) The MTSRU will identify post-incident needs and expectations for national security and defense, CI/KR sectors and the economy and determine gaps between those needs and post-incident performance and functional capability. The relative importance of filling those gaps within practicable time and effect windows will help the MTSRU determine critical recovery pathways, (i.e. what facilities need to recover operations first, and consequently what infrastructure should be repaired, what waterways should be cleared of obstructions and/or oil/hazmat contamination, etc.) and other factors to facilitate MTS recovery. Consultations and coordination with other agencies, partners, and stakeholders will be principal resources for post-incident recovery planning.
- (e) (U) The MTSRU will forward recovery assessment and analysis information to the Incident Commander/Unified Command with recommendations on where to focus operational efforts. The Incident Commander/Unified Command will use these inputs as resources for coordinating recovery efforts through its Operations Section.
- (f) (U) Feedback about implementation of MTS recovery measures and resulting effects on performance and functionality will be considered in forming subsequent MTSRU recommendations.
- (3) (U) Deployment. Resource deployments will be conducted by participating organizations according to their procedures and will be coordinated through the Unified Command, when established.
- (4) (U) Employment.
 - (a) (U) Self-Preservation. Prior to rendering aid to local or state agencies, all Sector units, partners and stakeholders will act to ensure the survivability and protection of their own assets and personnel and continuity of operations. This responsibility does not preclude coordination and communication with other agencies.
 - (b) (U) Life Saving. Initial response activities should focus on saving or protecting lives, including evacuating people from the impacted areas.

- (c) (U) Reconstitution. The Coast Guard, other agencies, partners and stakeholders will, if necessary, reconstitute their functional capabilities and resources according to their respective continuity of operations and/or business continuity plans.
- (d) (U) Statutory and Regulatory Responsibilities. Certain statutory responsibilities of the Coast Guard and other agencies will need to be maintained or addressed following an incident. Adjustments may be made consistent within the limits of discretionary authority and available resources to maintain vital functions and services, insofar as practicable. Policy and regulatory waivers will be addressed according to need.
- (e) (U) Short-term Recovery Planning and Operations. Coast Guard, partner, and stakeholder resources should be employed as available and appropriate to execute the tasks identified in this plan and recovery elements of the Incident Action Plan prepared for incident management. This plan provides a framework and foundation for recovery planning.
- (f) (U) Safety. Each participating organization is responsible for complying with applicable safety rules and regulations and incident-specific and site-specific safety measures or precautions promulgated by proper authority. All recovery activities will be coordinated with the Unified Command, when established, and other participating entities as appropriate to avoid mutual interference.
- (g) (U) Force Protection. Each participating organization is responsible for its own force protection measures. Force protection will be coordinated through the Unified Command, if established.
- (h) (U) Security of Recovery Resources. Each organization is responsible for security of its own recovery resources (e.g. pre-staged equipment, food, emergency potable water, portable generators, and medical supplies). Security needs that exceed an entity's own capabilities will be brought to the attention of the Unified Command.
- (i) (U) Demobilization. Resources employed for response and short-term recovery should be released as soon as practicable. For planning purposes, infrastructure restoration will progress sufficiently so as to enable a transition from short-term recovery to long-term recovery. The MTSRU, to the extent practicable, will assist in preparing for this transition and will identify and document long-term MTS recovery issues. Prior to its demobilization, the MTSRU will prepare, as part of its demobilization report to the Incident Commander/Unified Command, a list of issues impacting MTS restoration. The report will include, to the extent practicable, the recovery status including level of restoration by EEI, a list of legal, regulatory, or policy issues that need attention to address the outstanding MTS infrastructure issues, and a list of stakeholder concerns regarding infrastructure restoration.

b. (U) Tasks.

[CORE SHORT-TERM MTS RECOVERY TASKS ARE LISTED BELOW. PLANNING TASKS WILL BE PERFORMED BY THE MTSRU. ELABORATE AS APPROPRIATE TO THE LOCAL SITUATION. INCLUDE SUPPORTING APPENDIXES WHERE APPROPRIATE. INCORPORATE BY REFERENCE MTS RECOVERY SECTIONS OF THE USCG INCIDENT MANAGEMENT HANDBOOK, RELEVANT JOB AIDS, ETC. AS APPLICABLE. INCLUDE AS TABS LOCALLY PREPARED JOB AIDS, CHECK LISTS, ETC.]

- (1) (U) Upon initiation of a Unified Command response to an incident, an MTSRU that functions with the Planning Section of the incident command structure should be established.
 - (a) (U) Provide procedures for establishing the MTSRU. *[REFER TO AND INCLUDE AN APPENDIX WITH LOCAL PROCEDURES]*
 - (b) (U) Arrange for and supplement MTSRU resources as necessary.
 - (c) (U) Verify/identify resources needed to accomplish the mission, and coordinate with other government agencies and port stakeholders to identify available resources.
 - (d) (U) Coordinate advisory support with port stakeholders commensurate with the situation. Use the Coast Guard HOMEPORT portal as a primary coordination medium, if available.
 - (e) (U) Assess MTS recovery needs and issues and formulate the results into recommendations presented to the Incident Command/Unified Command via the NIMS planning process.
 - (f) (U) Assist the Planning Section in developing MTS recovery elements of the IAP.
- (2) (U) Identify measures needed to set the stage for facilitation of MTS recovery during the response phase. Provide input to the Incident Command/Unified Command through the Planning Section.

[BRIEFLY DESCRIBE, INCLUDE AS AN APPENDIX, OR INCORPORATE BY REFERENCE, THE INFORMATION NEEDED DURING RESPONSE TO SUPPORT RECOVERY ASSESSMENTS, RESPONSIBILITIES FOR PROVIDING AND OBTAINING INFORMATION, PROCEDURES FOR DETERMINING IMPACTS, AND THE COORDINATION AND DISSEMINATION OF THE INFORMATION. CONSIDER THE FOLLOWING LISTED ITEMS AND TASKS LISTED FOR MTS RECOVERY PLANNING IN THE USCG INCIDENT MANAGEMENT HANDBOOK IN SCOPING MTSRU INITIAL WORK LIST.]

- (a) () *[INSERT MEASURES NEEDED TO SET THE STAGE FOR RECOVERY PLANNING (E.G. BASIC SERVICES TO SUPPORT MTSRU FUNCTIONS, LOGISTICS, SAFETY, FORCE PROTECTION, SECURITY FOR RECOVERY RESOURCES.)]*

- (b) () *[INSERT RESPONSIBILITIES FOR PROVIDING AND OBTAINING INFORMATION DURING FIRST-LOOK DAMAGE AND IMPACT ASSESSMENTS.]*
- (c) () *[INSERT DESCRIPTION OF BASIC INFORMATION NEEDED TO SUPPORT RECOVERY ASSESSMENTS SUCH AS INFRASTRUCTURE IMPACTS AND TRANSPORTATION DISRUPTIONS, THEIR IMPLICATIONS TO RESPONSE OPERATIONS AND RECOVERY PLANNING, AND DISRUPTION OF TRADE.]*
- (d) () *[INSERT PROCEDURES FOR IDENTIFYING POSSIBLE OR PROBABLE IMPACTS FROM FIRST LOOK ASSESSMENTS FOR MORE THOROUGH INVESTIGATION DURING RECOVERY.]*
- (e) () *[INSERT PROCEDURES FOR COORDINATION AND DISSEMINATION OF RECOVERY INFORMATION.]*
- (f) () *[INSERT PROCEDURES TO INITIATE IDENTIFICATION OF SUPPLY CHAIN INTERDEPENDENCIES ACROSS CRITICAL INFRASTRUCTURE SECTORS.]*
- (3) (U) Establish communications framework and connectivity with partners and stakeholders._
- (4) (U) Attain and maintain situational awareness.
- (5) (U) Determine and report MTS status and impacts using EEIs that concisely quantify the status of the MTS, including apparent effects/damage and disruption of marine and inter-modal transportation.
- (6) (U) Determine and report MTS supply chain, cargo stream (including critical cargo), passenger flow, and economic impacts.
- (7) (U) Determine and report status of other infrastructure needed to support MTS functions/recovery as defined by paragraph 101.105 of reference (d).
- (8) (U) Determine needs for follow-up damage and impact assessments.
- (9) (U) Develop MTS recovery priorities and recommendations, correlated with national-level priorities.
- (10) (U) Develop an MTS recovery plan as a supporting document for the IAP.
- (11) (U) Determine access and mobility needed for key personnel.
- (12) (U) Identify and report need for policy and regulatory waivers to support resumption of trade.
- (13) (U) Determine needs, arrange for, and coordinate provisions of salvage response using the AMS Salvage Response Plan for Sector _____

[INSERT REFERENCE] and Area Contingency Plan (ACP) *[INSERT REFERENCE]* salvage provisions, as appropriate. These plans may be adapted for use during all forms of transportation disruptions affecting marine transportation infrastructure or the flow of maritime trade through the AMS area. The overarching objective of salvage response is to ensure that ports and waterways are cleared, facilitating the reestablishment of the flow of maritime commerce through the ports as efficiently and quickly as possible after a TSI.

- (a) (U) Upon establishment of a unified command, the AMS Salvage Response Plan and ACP will become supporting plans for incident management.
 - (b) (U) The SAFE Port Act, reference (c), which requires the AMS Salvage Response Plan, does not provide authority or funding mechanisms for performing salvage operations. The Salvage Response Plan will be used as a coordination and procedural medium to support identification and application of existing salvage authorities and funding mechanisms when salvage response becomes necessary to facilitate resumption of trade and to assist in restoring functional performance of the MTS.
 - (c) (U) The ACP will be used to guide salvage operations conducted as elements of oil and hazardous materials response activities.
- (14) (U) Implementation of recovery strategy.
- (a) (U) Monitor the impact of MSTRU Recommendations on MTS Recovery.
 - (b) (U) Measure the effectiveness of the recovery actions and adjust as necessary.
 - (c) (U) Industry stakeholders will advise the MTSRU of their progress in increasing productivity to meet critical needs. Stakeholder progress will validate the MTSRU recommendations and projections of future productivity/functionality will shape future MTSRU recommendations, creating a feedback loop.
- (15) (U) Coordinate with the Infrastructure Liaison Officer (ILO) at the Joint Field Office (JFO) (if established) for recovery support, including identification of recovery issues for which Federal Emergency Management Agency (FEMA) mission assignments under Stafford Act disaster declarations (reference (s)) may be appropriate.
- (16) (U) Determine maritime security measures needed to support MTS Recovery.
- (17) (U) Prepare Demobilization report. Upon demobilization, the MTSRU will submit a demobilization report to the Incident Command/Unified Command. This report will include a list of recommendations of interagency or higher

authority actions pertaining to MTS restoration. As restoration to 100% pre-incident productivity/functionality is often beyond the capabilities of the incident command, this MTSRU report will be beneficial in guiding action long after incident command is stood down.

c. (U) Coordinating Instructions.

[INCLUDE AND REFERENCE AN APPENDIX WITH MORE DETAILED COORDINATING INSTRUCTIONS, AS APPROPRIATE.]

- (1) (U) The Coast Guard's Sector Specific Agency (SSA) responsibilities for security of maritime CI/KR per reference (j) will function concurrently with incident management activities.
- (2) (U) The MTSRU is authorized direct liaison with all port stakeholders, industry, government agencies as necessary in the performance of its assigned functions while performing under this plan.
- (3) (U) Coordination with the AMSC, Area Committee, and other stakeholders will be primarily through the use of the Coast Guard's HOMEPORTR portal. Conference calls, meetings, and other communications and coordination methods may also be used as appropriate to the situation.
- (4) (U) MTS function and condition information will be shared among stakeholders as necessary to facilitate MTS recovery.
- (5) () *[ADD LOCAL COORDINATION INSTRUCTIONS AS APPROPRIATE.]*

d. (U) Reporting Requirements.

- (1) (U) MTS recovery information and assessments will be reported consistent with applicable requirements. Reports will include condition changes and will be correlated with EEIs.

[INCLUDE AND REFERENCE AN APPENDIX WITH MORE DETAILED REPORTING INSTRUCTIONS AND FORMATS, AS APPROPRIATE.]

4. (U) ADMINISTRATION AND LOGISTICS

[WHEN USING THIS TEMPLATE IN DEVELOPING AN APPENDIX OR ANNEX TO AMS PLANS, REFER TO THE APPLICABLE SECTIONS OF THE AMS PLAN FOR INCIDENT MANAGEMENT WHERE AVAILABLE. WHEN USING THIS TEMPLATE TO DEVELOP A STANDALONE MTS RECOVERY PLAN THAT IS INCORPORATED BY REFERENCE INTO AMS PLANS, INCLUDE THE FOLLOWING SECTIONS.]

a. (U) Concept of Support.

- (1) (U) All organizations participating in MTS recovery are responsible for their own administration and logistics. Participating organizations, at their discretion, may report critical needs that exceed their organic capabilities to the incident command for consideration of possible alternative support options.
 - b. (U) Logistics.
 - (1) (U) Per Paragraph 4.a. *[INCLUDE ADDITIONAL GUIDANCE AS APPROPRIATE TO LOCAL SITUATION. LINK TO UNIFIED COMMAND ORGANIZATION.]*
 - c. (U) Personnel.
 - (1) (U) Per Paragraph 4.a. *[INCLUDE ADDITIONAL GUIDANCE AS APPROPRIATE TO LOCAL SITUATION. LINK TO UNIFIED COMMAND ORGANIZATION.]*
 - d. (U) Funding.
 - (1) (U) Per Paragraph 4.a. *[INCLUDE ADDITIONAL GUIDANCE AS APPROPRIATE TO LOCAL SITUATION. LINK TO UNIFIED COMMAND ORGANIZATION AND GUIDANCE FOR SPECIAL FUNDING SOURCES, E.G. STAFFORD ACT DECLARATIONS.]*
 - e. (U) Public Affairs.

[INCLUDE ADDITIONAL GUIDANCE AS APPROPRIATE TO LOCAL SITUATION. LINK TO UNIFIED COMMAND ORGANIZATION.]
 - f. (U) Civil Affairs.

[INCLUDE GUIDANCE AS APPROPRIATE TO LOCAL SITUATION. LINK TO UNIFIED COMMAND ORGANIZATION.]
 - g. (U) Meteorological and Oceanographic Services.

[INCLUDE GUIDANCE AS APPROPRIATE TO LOCAL SITUATION, SUCH AS COORDINATION WITH THE U.S. ARMY CORPS OF ENGINEERS AND NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION REGARDING CHANNEL SURVEYS.]
 - h. (U) Administrative Reports.
 - (1) (U) As required by individual organizations and as specified by the Unified Command, when established. *[INCLUDE ADDITIONAL GUIDANCE AS APPROPRIATE TO LOCAL SITUATION.]*
5. (U) INCIDENT MANAGEMENT (Command and Signal)

[WHEN USING THIS TEMPLATE IN DEVELOPING AN APPENDIX OR ANNEX TO AMS PLANS, REFER TO THE APPLICABLE SECTIONS OF THE AMS PLAN FOR INCIDENT MANAGEMENT. WHEN USING THIS TEMPLATE TO DEVELOP A STANDALONE MTS RECOVERY PLAN THAT IS INCORPORATED BY REFERENCE INTO AMS PLANS, INCLUDE THE FOLLOWING SECTIONS.]

a. (U) Incident Command System Relationships/Organizational Relationships.

[SUMMARIZE. INCLUDE APPENDIX AS APPROPRIATE.]

b. (U) Incident Command Posts and Headquarters.

[SUMMARIZE. INCLUDE APPENDIX AS APPROPRIATE.]

c. (U) Succession to Incident Command.

[IDENTIFY PRIMARY, DEPUTY AND ALTERNATES AS APPROPRIATE.]

d. (U) Incident Command, Control, and Communications.

[SUMMARIZE. INCLUDE APPENDIX AS APPROPRIATE.]

ENCLOSURE (6) TO NVIC 9-02 CHANGE 3

SALVAGE RESPONSE PLAN TEMPLATE

ENCLOSURE 6 to NVIC 09-02, Change 3

SALVAGE RESPONSE PLAN TEMPLATE

[THIS TEMPLATE IS PROVIDED FOR DISCRETIONARY USE BY COTPs/FMSCs TO ASSIST IN PREPARATION OF THE SALVAGE RESPONSE PLAN REQUIRED BY THE SECURITY OF EVERY PORT ACT (SAFE PORT ACT) OF 2006. THIS TEMPLATE PROVIDES A RECOMMENDED AREA MARITIME SECURITY STANDARD FRAMEWORK FOR COORDINATING SALVAGE RESPONSE IN SUPPORT OF RECOVERY OF THE U.S. MARINE TRANSPORTATION SYSTEM (MTS) AND RESUMPTION OF COMMERCE FOLLOWING A TRANSPORTATION SECURITY INCIDENT (TSI). THE TEMPLATE DESIGN PRESUMES SALVAGE RESPONSE ACTIVITIES WILL BE PLANNED USING A COMMON COORDINATION FRAMEWORK THAT IS APPLICABLE ACROSS ALL FORMS OF TRANSPORTATION DISRUPTIONS (INCLUDING TSIs). THE FOCUS OF THIS PLAN IS MARINE SALVAGE AND SIMILAR MARINE SERVICES NEEDED TO REOPEN NAVIGABLE WATERWAYS TO MARITIME COMMERCE DURING THE SHORT-TERM RECOVERY PHASE OF INCIDENT MANAGEMENT.]

THIS GUIDANCE INCORPORATES THE REQUIREMENTS SET FORTH BY THE SAFE PORT ACT. IT DOES NOT CREATE NEW POLICY OR CHANGE EXISTING SALVAGE RESPONSE POLICY NOR IS IT A SUBSTITUTE FOR EXPERIENCE AND FAMILIARITY WITH THE WIDE RANGE OF LAWS, POLICIES, AND FUNDING MECHANISMS APPLICABLE TO VARIOUS SITUATIONS. IT IS INTENDED TO SERVE AS A COORDINATION PLAN FOR SALVAGE RESPONSE TO A TSI. NOTE THAT OUTSIDE THE SCOPE OF THIS PLAN, THE CG AND OTHER FEDERAL AGENCIES HAVE ROLES AND RESPONSIBILITIES THAT PERTAIN TO OBSTRUCTIONS TO NAVIGATION, WRECKS, DEBRIS, MARKING, REMOVAL, AND VESSEL CASUALTY AND POLLUTION RESPONSE ACTIVITIES. THESE RESPONSIBILITIES STILL APPLY WITHIN THE CONTEXT OF A TSI.

THIS TEMPLATE IS INTENDED TO PROMOTE CONSISTENCY NATIONWIDE FOR POST-MARITIME TSI SALVAGE RESPONSE. IT ALSO PROVIDES A FRAMEWORK FOR THE COAST GUARD CAPTAIN OF THE PORT (COTP), AS THE FEDERAL MARITIME SECURITY COORDINATOR (FMSC), AND THE AREA MARITIME SECURITY (AMS) COMMITTEES TO ADDRESS LOCAL SALVAGE NEEDS AND ISSUES, INCLUDING THE POTENTIAL NEED TO ADDRESS MULTIPLE SALVAGE NEEDS DURING A TSI.

THE SALVAGE RESPONSE PLAN (SRP) IS INCORPORATED BY REFERENCE IN SECTION 6000 OF THE AREA MARITIME SECURITY (AMS) PLAN TEMPLATE (ENCLOSURE 2 TO NVIC 09-02, CHANGE 3). THE COTP MAY INCORPORATE A COMPLETED SRP TEMPLATE AS AN ANNEX TO THE AMS PLAN TO COMPLY WITH THE SAFE PORT ACT. WHEN USED AS THE REQUIRED SALVAGE RESPONSE PLAN ELEMENT OF AMS PLANS, INCLUDE PARAGRAPH MARKINGS FOR SECURITY DESIGNATIONS.

THE SALVAGE RESPONSE PLAN SHOULD BE CONSIDERED A SUPPORTING PLAN FOR THE MTS RECOVERY PLANNING PROCESS ESTABLISHED DURING A UNIFIED COMMAND RESPONSE TO AN INCIDENT. THE PLAN SHOULD BE USED TO IDENTIFY SALVAGE RESOURCES AND POST INCIDENT PROCEDURES FOR ESTABLISHMENT AND CONDUCT OF A SALVAGE OPERATIONS FOLLOWING A TSI.

MARITIME SALVAGE AND WRECK AND DEBRIS REMOVAL PRESENT COMPLEX AND CHALLENGING OPERATIONAL, POLICY, LEGAL AND FUNDING ISSUES. EACH OF THESE ACTIVITIES REQUIRES TIME AND EFFORT TO SUCCESSFULLY ADDRESS. IT IS NEITHER POSSIBLE NOR PRACTICAL TO DEVELOP CONTINGENCY PLANS FOR THE ENTIRE RANGE OF POSSIBLE SITUATIONS, SO AWARENESS OF GENERAL

PRINCIPLES HELPS THE COTP/FMSC PREPARE FOR A RANGE OF EVENTS. IN THESE SITUATIONS, OPERATIONAL OBJECTIVES INCLUDE, BUT ARE NOT LIMITED TO SAFETY OF LIFE AND PROPERTY, PROTECTION OF THE ENVIRONMENT, REMOVAL AND MITIGATION OF HAZARDS TO NAVIGATION, AND THE FUNCTIONALITY OF THE MTS.

ALL COAST GUARD (CG) OPERATIONS ARE PREDICATED ON HAVING PROPER AUTHORITY AND CAPABILITY (BE MINDFUL THAT OTHER FEDERAL AND STATE AGENCIES, AS WELL AS VESSEL OWNERS AND SALVORS BEAR CERTAIN RESPONSIBILITIES DEPENDING ON THE SITUATION). FOR VESSELS AND DEBRIS IN OR NEAR A WATERWAY THAT DO NOT POSE A POLLUTION THREAT OR CREATE A HAZARD TO NAVIGATION, THERE MAY BE NO FEDERAL RESPONSIBILITY. WHILE THE CG HAS RESPONSIBILITIES TO PROTECT LIFE AND PROPERTY, IT MUST BE CAREFUL TO NOT INFRINGE UPON OTHER AGENCY PREROGATIVES OR RESPONSIBILITIES. THE COAST GUARD ALSO SHOULD NOT UNDULY IMPEDE CONTRACTUAL SALVAGE ARRANGEMENTS OR LEGAL RIGHTS AND RESPONSIBILITIES OF PARTIES WITH AN INTEREST IN A VESSEL OR CARGO, IF THOSE PRIVATE PARTIES ARE ADEQUATELY ADDRESSING ITEMS IN THE PUBLIC INTEREST.

TEXT SHOWN AS ITALICIZED SMALL CAPS PROVIDE GUIDANCE FOR USING THIS TEMPLATE. RECOMMENDED "CUT AND PASTE" TEXT IS SHOWN IN regular FONT. SUGGESTED TEXT IS SHOWN IN italics]

COMMANDER
COAST GUARD SECTOR
(address)

(date)

ANNEX [], SECTOR (Enter Sector Name here) area MARITIME SECURITY PLAN (U)
SALVAGE RESPONSE PLAN FOR TRANSPORTATION SECURITY INCIDENTS

References:

- (a) Assessment of the U.S. Marine Transportation System: A Report to Congress, U.S. Department of Transportation (Sep, 1999)
- (b) Security and Accountability for Every Port Act of 2006 (SAFE Port Act)
- (c) 33 C.F.R. §103.505
- (d) Sector (enter Sector Name here) Area Maritime Security Plan (AMS PLAN)
- (e) National Response Framework, January 2008
- (f) Strategy to Enhance International Supply Chain Security, Department of Homeland Security (DHS), July 2007
- (g) Area Contingency Plan for (Enter plan name here)
- (h) Memorandum of Agreement (MOA) between the Department of the Army and U.S. Coast Guard, October 1985
- (i) Title 42 U.S.C. §5121 et. seq. as amended, the Robert T. Stafford Disaster Relief Act
- (j) Recovery of Marine Transportation System for Resumption of Commerce, COMDTINST 16000.28
- (k) USCG Incident Management Handbook (IMH), COMDTPUB P3120.17(series)

- (l) Abandoned Vessels, COMDTINST M16465.43
- (m) 33 CFR 245, United States Army Corps of Engineers (USACE), Removal of Wrecks and Other Obstructions
- (n) 33 CFR 64, USCG Marking of Obstructions
- (o) 33 CFR 2.63, USCG Jurisdiction (Navigable waters)
- (p) Interagency Agreement (IAA) between the United States Navy and the United States Coast Guard for Cooperation in Oil Spill Clean-up Operations and Salvage Operations dated 15 SEP 1980

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1. (U) SITUATION

a. (U) General

(1) (U) Purpose. This plan provides a post-Transportation Security Incident (TSI) planning and coordination framework for salvage response activities needed to facilitate the recovery of the United States (U.S.) Marine Transportation System (MTS), as described by reference (a), and to support the clearing of the port navigation system in waterways to enable the resumption of maritime commerce in the Captain of the Port (COTP) _____ Zone in compliance with the requirements of references (b) and (c). These references do not create any new authorities or funding sources, so plans must be developed within the constraints of existing laws and policies.

(a) (U) Pursuant to references (b) and (c), this plan identifies and relies on existing authorities, procedures, policies, funding mechanisms, and sources of technical expertise and salvage resources for incident management activities and operations needed to facilitate resumption of maritime commerce following a TSI or threat of a TSI during the short-term recovery phase of incident management. This plan serves as an annex to Sector _____'s Area Maritime Security Plan, reference (d). This plan does not create new policy or change existing salvage response policy, nor does it in any way substitute for the laws, regulations, maritime salvage precedents, and funding mechanisms that may apply in a given situation.

(b) (U) This plan aligns with and supports reference (e) and Emergency Support Functions (ESFs) 1 (Transportation), 3 (Public Works and Engineering), and 10 (Oil and Hazardous Substances) with regards to salvage response activities.

(c) (U) This plan serves concurrently as a salvage response framework in support of reference (f) and it incorporates reference (g) by reference for such salvage as may be necessary to respond to spills of oil or hazardous materials as a consequence of a TSI.

(d) (U) This plan anticipates the establishment of a Unified Command (UC) under the National Incident Management System protocols and the use of a common salvage response coordination framework for all forms of transportation disruptions. This plan may be adapted and used for other transportation disruptions, consistent with the overarching responsibilities of the AMS Plan to deter and mitigate the effects of a TSI.

(e) (U) This plan incorporates coordination between the AMS Committee (AMSC), Area Committee for response to spills of oil and hazardous materials in the marine environment, and other advisory bodies in providing pre-incident preparedness and post-incident prioritization advice and support to assist in incorporating salvage response activities into the UC's Incident Action Plan.

b. (U) Background

- (1) (U) Marine salvage currently lacks a comprehensive framework for coordinating marine salvage across all hazards and all forms of marine transportation disruptions. Typically, there are many authorities and funding streams that may be applied to resolve incidents involving marine salvage or similar marine services (e.g. for removal of wet debris). The principal pathways for salvage authority and funding are summarized in the subparagraphs below and in Appendixes B, C, D and F. To achieve the plan's intent of restoring the MTS's ability to support the resumption of commerce, the UC must ensure planning and operations are aligned with the appropriate policy and funding mechanisms. Marine salvage may encompass the formal definition of salvage (i.e. rescuing something of value from peril) as well as wreck, obstruction and debris removal and each related activity may have different authorities, funding sources, and levels of Federal agency involvement.
- (a) (U) Salvage is typically conducted at the local level on a case-by-case basis, and is normally the responsibility of vessel owners or operators, underwriters, or the parties responsible for other obstructions to navigation.
- (b) (U) Salvage is a required element of Area Contingency Plans (ACPs) for response to oil and hazardous substance spills in the marine environment. Salvage conducted under the auspices of the Oil Pollution Act of 1990 (OPA 90), addresses the threat of pollution and does not necessarily result in removal of the obstruction once the pollution threat has been resolved. Although the salvage-related activities vary between ACPs, a generic Federal-On-Scene-Coordinator's (FOSC) job aid is available from the Coast Guard.
- (c) (U) When there is a non-pollution event in which a vessel or other obstruction is creating a hazard to navigation within federally defined navigable waters, the U.S. Army Corps of Engineers (USACE) serves as the lead Federal agency for ensuring either removal of the obstruction from or immediately adjacent to the Federal channel by the owner, operator, or lessee, or by effecting removal using hired labor forces or a contractor. In the latter case, the USACE then seeks reimbursement from the identified owner, operator, or lessee for justified and documented removal expenditures. The USCG and the USACE cooperate in the removal of hazards to navigation in accordance with the provisions of reference (h).
- (d) (U) The National Response Framework (NRF), through the use of Emergency Support Functions (ESFs), provides a pathway for coordinating the Federal Emergency Management Agency's (FEMA) Mission Assignments (MAs) for nationally declared disasters that fall under the provisions of the Stafford Act (reference (i)), such as debris removal following a hurricane making landfall. FEMA MAs involving salvage support are coordinated through ESFs 1, 3 and 10.

1. (U) The scope of authority and funding found in reference (i) does not extend to all potential salvage needs. Funding through reference (i) is only accessible when there has been a Presidential Disaster Declaration.
 2. (U) During 2005, Hurricanes Katrina and Rita demonstrated that preparedness for and coordination of salvage response activities was not fully developed for large-scale incidents. Subsequently, pre-scripted FEMA MAs related to salvage were developed and included in ESFs 1, 3 and 10.
- (e) (U) Unusual incidents have resulted in use of alternative authorities and funding sources such as highway funds, special authorizations, and appropriations by Congress (e.g., U.S. Department of Transportation-provided funding for the Interstate 35 (I-35) Highway Bridge collapse over the Mississippi River). In unusual situations, COTPs/FMSCs should seek program and legal guidance.
- (2) (U) Reference (b) required that AMS Plans include a SRP. However, it did not provide additional authority or funding mechanisms to perform salvage. The requirement for the AMS Plans to address TSIs was not changed.
- c. (U) Objectives
- (1) (U) To provide a coordinated salvage response framework to ensure that waterways are cleared and the ability of the MTS to support the resumption of the flow of commerce through U.S. ports is reestablished as efficiently and quickly as possible following a TSI *or other transportation disruption*.
 - (2) (U) To identify locally available salvage equipment capable of supporting the restoration of operational trade capacity within the MTS.
 - (3) Supporting objectives include, but are not limited to:
 - (a) (U) Establish a common notional framework for salvage response that is compatible with salvage coordination for other forms of transportation disruptions.
 - (b) (U) Identify available salvage response authorities, funding, and resources that may be necessary individually, or in combination, to resolve a transportation disruption as a consequence of a TSI.
 - (c) (U) Identify local, regional, and national salvage industry resources.
- d. (U) Applicability
- (1) (U) This SRP is incorporated as Annex ____ to the _____ AMS Plan.

- (2) (U) This SRP provides a notional framework for salvage response planning, coordination and support during the short-term recovery phase of incident management for a TSI once first response and emergency operations have been completed or are winding down. The SRP applies to vessels, wrecks, obstructions, and marine debris that are a physical impediment to the port navigation system within the waterway and are thereby preventing, interrupting, or otherwise impeding the flow of maritime commerce.

e. (U) Area of Concern

- (1) (U) Area of Responsibility (AOR). The land, waters, and air space of the _____ Captain of the Port Zone, as defined in 33 Code of Federal Regulations (CFR) _____. *[CONSIDER ADDING GRAPHIC SHOWING AREA OF RESPONSIBILITY OR REFER TO AMS PLAN, AS APPROPRIATE.]*

- (2) (U) Area of Interest (AOI).

(a) (U) Principal AOI: the port navigation system within the COTP Zone.

f. (U) Incident/Incident Impact

- (1) (U) Incident. A transportation disruption caused by a TSI and resulting in a physical obstruction to the port navigation system within the waterway.

- (2) (U) Incident Impact. The following plausible notional impacts are anticipated as a consequence of a TSI for which salvage response becomes necessary.

(a) (U) Commercial navigation within a waterway is significantly or totally obstructed, or is threatened by effects or potential effects of other obstructions in navigable waters (e.g. unstable debris field, obstructions causing adverse alterations of water flow or level, etc).

(b) (U) MARSEC levels and associated security measures are increased as necessary to counter continuing or secondary threats.

(c) (U) Localized intermodal, labor, supply chain, and economic effects will build relative to the severity of the transportation disruption.

(d) (U) Secondary intermodal, supply chain and economic effects will vary, but will progressively increase toward levels of regional or national significance, depending on the overall circumstances of the incident.

(e) (U) *[ADD PROSPECTIVE LOCAL IMPACTS AS APPROPRIATE.]*

g. (U) Pre-Incident Conditions

- (1) (U) Preparedness. The following pre-incident preparations and actions will be implemented to support salvage response planning and activities during incident management.

[USE THIS SECTION TO LIST ADVANCE PREPARATIONS NEEDED TO FACILITATE MARINETransportation System (MTS) SALVAGE AND REFER TO CORRESPONDING APPENDICES IN THE PLAN.]

- (a) (U) Identify coordinating procedures for obtaining salvage subject matter expertise and obtaining information. Coordinate salvage Subject Matter Expert (SME), information, and staffing support needs with existing bodies including Area Committees, Harbor Safety Committees and AMSCs.

[PROVIDE OPPORTUNITY FOR ORGANIZATIONS REPRESENTED ON THE AMSC, AC, AND OTHER MARITIME ADVISORY GROUPS AND STAKEHOLDERS TO PROVIDE ADVISORY SERVICE IN SUPPORT OF THE MARINETransportation System Recovery Unit (MTSRU) AND UNIFIED COMMAND (UC). ALSO CONSIDER MEANS, SUCH AS AN AMSC SUBCOMMITTEE OR PORT COORDINATION COMMITTEE, TO FACILITATE BROAD ACCESS TO AND ANALYSIS OF TRANSPORTATION DISRUPTION INFORMATION ABOUT INCIDENT EFFECTS ON CRITICAL INFRASTRUCTURE/KEY RESOURCES (CI/KR) AND CARGO FLOW. A JOINT AMS PLAN/ACP SALVAGE RESPONSE SUBCOMMITTEE IS SUGGESTED TO FACILITATE SALVAGE PREPAREDNESS. PERSONNEL DESIGNATED IN ADVANCE TO SERVE IN AN MTSRU SHOULD BECOME GENERALLY FAMILIAR WITH WRECK, OBSTRUCTION, SALVAGE RESPONSE AND MARINE DEBRIS REMOVAL AND DISPOSITION RULES, REGULATIONS, POLICIES, AND PROCEDURES, AND MUST BE PREPARED TO ASSIST WITH THE INTEGRATION OF SALVAGE RESPONSE PLANNING AND COORDINATION INTO THE INCIDENT MANAGEMENT PROCESS.]

- (b) (U) Coordinate mutually supporting relationships with the Area Committee, and the AMSC.

[ADD OTHER COMMITTEES AND STAKEHOLDERS AS APPROPRIATE. SECTORS WITH PORT COORDINATION TEAMS OR OTHER ADVISORY BODIES MAY REFERENCE THEM HERE.]

- (c) (U) Establish location of Salvage Response planning functions for incident management. The Salvage Response planning functions may be assigned to a Maritime Transportation System Recovery Unit (MTSRU) established per references (d), (f), (j) and (k) or, if an MTSRU is not implemented, placed within the Planning and Operations Sections of the Unified Command structure as appropriate.

- (d) (U) Develop and populate salvage-specific Essential Elements of Information (EIs) in order to provide baseline salvage response information needed to initiate salvage planning during incident management. EIs will, at a minimum, include the salvage capability information required by reference (b). EIs should identify potential choke points (e.g. bridges, pipeline crossings) and owners and operators

with points of contact and call-up numbers. They should also support EEI requirements of reference (j).

[THE COTP/FMSC SHOULD PROVIDE OPPORTUNITY FOR ORGANIZATIONS REPRESENTED ON THE AMSC, AC, AND OTHER MARITIME ADVISORY GROUPS AND STAKEHOLDERS TO ASSIST WITH DEVELOPMENT, VALIDATING, AND UPDATING OF EEIS AS SOON AS POSSIBLE FOLLOWING A TRANSPORTATION DISRUPTION. RELEVANT EEIS MAY BE INCORPORATED BY REFERENCE, FOR EXAMPLE, BY LINKING TO AMS PLANS.]

- (e) (U) Identify coordination and communications systems and capabilities that are available for salvage response planning, coordination, and operations, including use of the Coast Guard's HOMEPORTR portal, conference calls, advisory group meetings, and other methods as appropriate.

[INCLUDE ABOVE IN THIS PLAN OR INCORPORATE BY REFERENCE AS AVAILABLE FROM THE AMS PLAN, ACP AND OTHER PERTINENT PLANS.]

- (f) (U) Identify procedural framework for prioritizing salvage, wreck and debris removal in consultation with existing advisory bodies including Area Committees, AMSCs, and Harbor Safety Committees.

[DEVELOP PROCEDURES FOR PRIORITIZATION OF SALVAGE RESPONSE FOR WRECKS, OBSTRUCTIONS, AND MARINE DEBRIS REMOVAL ACTIONS ACCORDING TO THEIR IMPORTANCE IN RESUMING MARITIME COMMERCE, TAKING INTO CONSIDERATION THE CONTINUITY OF THE PORT NAVIGATION SYSTEM, PORT FUNCTIONS, AND DOWNSTREAM/INTERMODAL EFFECTS. SUGGEST INCLUDING THIS INFORMATION IN AN ADDITIONAL APPENDIX TO FACILITATE REVISIONS.]

- (g) (U) Describe procedures for facilitating salvage response.

[DESCRIBE PROCEDURES FOR FACILITATING SALVAGE RESPONSE WHEN UNDER MARSEC LEVELS 2 AND 3.]

- (h) (U) *[LIST OTHER LOCAL PREPARATIONS AS APPROPRIATE.]*

2. (U) ROLES AND RESPONSIBILITIES

a. (U) General Roles and Responsibilities

- (1) (U) Roles and responsibilities for salvage response will depend upon the circumstances of the incident.

- (2) (U) Primary Responsibility.

- (a) (U) Under normal operating conditions, primary responsibility for taking or arranging action to resolve an obstruction or other impediment to navigation is the

identified owner, operator, or lessee of a sunken or grounded vessel or wreck; or, the owner, operator or lessee of other obstructions in the waterway such as structures, train cars, and vehicles. Where a discharge of oil, hazardous substance release or threat thereof is involved, primary responsibility belongs to the Responsible Party as defined by the Oil Pollution Act of 1990.

- (b) (U) The identified owner, operator, or lessee of a sunken or grounded vessel or wreck bears lead responsibility in the event that the USACE and the USCG jointly determine that such vessel or wreck is a hazard to navigation and must be removed expeditiously.
- (3) (U) The following summary identifies general institutional roles and responsibilities. More detailed information about Federal agency roles and responsibilities is provided in Appendix B.

b. (U) Federal

- (1) (U) U.S. Coast Guard (USCG). The USCG works closely with the US Army Corps of Engineers (USACE) to ensure a coordinated approach to maintaining safety and the functionality of the port navigation system in U.S. ports and waterways. The USCG serves as the Federal Government's primary agency for responding to threatened or actual pollution incidents in the coastal zone. The USCG is one of two primary agencies for Emergency Support Function (ESF) #10 (Oil & Hazardous Materials Response), which includes mission-specific salvage response. The Coast Guard, upon the request of FEMA, may provide management and contract administration for certain MAs under the authority and funding of reference (i). The COTP, as FMSC, is responsible for maintaining and implementing this SRP. Immediately upon discovery of an obstructing vessel or object, the USCG has responsibilities for marking, and notification as required by references (l), (m), (n) and (o).
- (2) (U) Department of Defense (DOD)/USACE. The USACE serves as the Federal Government's primary agency for maintaining the navigability of federal channels in domestic ports and waterways. The USACE arranges for and conducts hydrographic surveys, assessments of navigation conditions, and dredging. The USACE also has authority that may be applicable for removing wrecks from federal navigable channels, and more limited authority to address obstructions that pose hazards to navigation as discussed in references (l), (m), and (o). The USACE is one of two primary agencies for ESF #3 (Public Works & Engineering), and may provide engineering management and contract administration, at the request of the FEMA, for salvage-related MAs under authority and funding of reference (i).
- (3) (U) DOD/U.S. Navy Supervisor of Salvage and Diving (SUPSALV). SUPSALV is the Department of Defense's principal source of salvage expertise. SUPSALV, upon request, may provide federal-to-federal support for salvage response. SUPSALV and the USCG cooperate in oil spill clean-up and salvage operations in accordance with the provisions of reference (p). SUPSALV can provide expertise and conduct/support

specialized salvage/wreck removal operations. SUPSALV is able to quickly draw upon the extensive resources of the commercial salvage industry through its competitively awarded standing salvage support contracts. In addition, SUPSALV maintains an extensive inventory of government owned assets that are pre-positioned for immediate deployment. SUPSALV can also access the Navy's hydrographic survey assets/capabilities and can provide in-office technical support. However, there must be a funding stream identified to allow access to SUPSALV or their capabilities.

- (4) (U) Department of Commerce/National Oceanic and Atmospheric Administration (NOAA). NOAA provides aerial and hydrographic survey support and expertise. NOAA also administers the Abandoned Vessel Program (AVP). The main objective of this program is to investigate problems posed by abandoned and derelict vessels in U.S. waters. The program maintains various information resources.
 - (5) (U) Environmental Protection Agency (EPA). The EPA serves as the Coordinator and as one of two Primary Agencies for ESF #10 (Oil & Hazardous Materials Response).
 - (6) (U) Federal Emergency Management Agency (FEMA). FEMA is the Federal lead for MAs under reference (i) authority and funding. FEMA is one of two primary agencies for ESF #3 (Public Works & Engineering). FEMA also serves as the coordinator and primary agency for ESF #14 (Long-Term Community Recovery & Mitigation).
 - (7) (U) U.S. Department of Transportation (DOT). DOT serves as coordinator and primary agency for ESF #1 (Transportation).
 - (8) (U) National Transportation Safety Board (NTSB). The NTSB has authority and responsibility for investigation of major transportation incidents and may engage in preservation of evidence and safety investigation in conjunction with salvage operations that have not been determined to be as a result of an act of terrorism.
 - (9) (U) Federal Bureau of Investigation (FBI). The FBI has law enforcement investigation responsibility for acts of terrorism and may engage in preservation of evidence and law enforcement investigation in conjunction with salvage operations that are in response to acts of terrorism.
- c. (U) State and Local Governments.
- (1) (U) State and local governments have an important and concurrent role to play in helping to determine priorities and in developing a rational coordination of efforts/assets to accomplish rapid marine survey, salvage, wreck/debris removal in waters within, or adjacent to, their jurisdictions. State governments also have a role in the determination of local sponsors and cost share criteria for FEMA MAs for marine debris removal.

- (2) State and local jurisdictions have certain responsibilities for removal of obstructions and debris that are outside of federal defined navigable waters and do not create hazards to navigation.
- (3) Some states have established abandoned and derelict vessel programs for their waters to address removal of abandoned vessels that do not pose a risk that would cause Federal agencies to fund or initiate removal. States that have such programs or statutes that pertain to salvage of recreational vessels include California, Florida, Louisiana, Maryland, Mississippi, Oregon, South Carolina, Virginia and Washington. Some programs are consistently funded and others rely on grant support. States with legislation but without programs in place include Alabama, Alaska, Connecticut, Delaware, Georgia, Hawaii, Illinois, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin. (See Review of State Abandoned Derelict Vessel Programs (NOAA, 2006)). Additional legislation may exist in other states.

d. (U) Industry

(1) (U) National Salvage Capabilities

- (a) (U) American Salvage Association. Refer to www.americansalvage.org for details.

(2) (U) Local and Regional Salvage Capabilities

[LIST OR INCLUDE AN APPENDIX IDENTIFYING LOCAL AND REGIONAL SALVAGE RESOURCES, POINTS OF CONTACT, AND CALL-UP NUMBERS.]

(3) (U) Vessel and Cargo Owners/Operators and Insurers

- (a) (U) For vessels and cargos, the owners/operators (and also those that underwrite their property) retain the primary responsibility for obtaining salvage assistance when needed. Under references (m) and (n), the owners retain responsibility for marking and removal of their vessel and or cargo even if it has no more value. COTPs must give the owners reasonable opportunity to comply with appropriate legal requirements while protecting the value of their property. For vessels that are required to have Vessel Response Plans (VRPs), COTPs should ensure that owners adhere to their VRPs, especially with respect to using their listed salvors.
- (b) (U) The above notwithstanding, the COTP must balance the ability of the responsible party to take appropriate action in a timely fashion. Delay in salvage or inappropriate initial action may worsen the situation, increasing impact on the transportation system, the environment, and/or overall cost. The COTP should not hesitate, if in doubt, to seek advice from the organizations listed in Appendix B.

- (c) (U) Relationships between the USCG, owners, underwriters and salvors may become very complex. It is recommended that COTPs immediately seek the guidance of the district legal office if questions regarding legal authorities, responsibilities etc arise.

3. (U) ASSUMPTIONS

[INSERT ASSUMPTIONS OF CONDITIONS OVER WHICH THE PLAN WRITERS HAVE NO CONTROL. ALSO INCLUDE CONDITIONS THAT, IF THEY DO NOT OCCUR AS EXPECTED, WILL INVALIDATE OR SUBSTANTIALLY ALTER THE PLAN AND NECESSITATE A CHANGE TO THE WAY MTS RECOVERY WILL BE PLANNED OR CONDUCTED. UNIVERSAL ASSUMPTIONS FOR NATIONWIDE CONSISTENCY ARE LISTED BELOW.]

a. (U) Reconstitution

- (1) (U) Functional capabilities and resources sufficient to support salvage response will be sufficiently restored before salvage response operations commence.

b. (U) Salvage during Environmental Response

- (1) (U) Salvage, when necessary for response to incidents involving the spill of oil and hazardous materials or threat thereof, will be initiated during the response phase under Area Contingency Plans to prevent or mitigate environmental consequences.

c. (U) Initiation of Salvage Response

- (1) (U) Deployment of salvage response resources to assist in reopening waterways to commerce will occur after emergency life saving and other first response operations have been completed and the security situation has been stabilized.

d. (U) Local Assumptions

[ADD PERTINENT LOCAL ASSUMPTIONS, AS APPROPRIATE.]

4. (U) LEGAL CONSIDERATIONS

[LIST SIGNIFICANT LEGAL AUTHORITIES UPON WHICH SALVAGE RESPONSE PLANNING AND OPERATIONS ARE BASED. LIST ANY APPLICABLE MEMORANDUMS OF AGREEMENT AND MEMORANDUMS OF UNDERSTANDING.]

- a. (U) This SRP does not in any way modify existing laws, policies, regulations or agreements regarding salvage, wreck and debris removal. Nothing in this SRP alters the rights of owners, operators, lessees, or Responsible Parties from recovering their property expeditiously.

- b. (U) This SRP does not provide authority to contract for or conduct salvage operations nor does it provide a coordination and procedural framework for access to salvage resources, consistent with existing authorities, policy and funding.
- c. (U) This SRP identifies and relies on existing salvage authorities and funding mechanisms of Federal agencies and stakeholders with a salvage nexus for salvage response tactical planning and operations.
- d. (U) Appendix B includes a listing of pertinent Memorandums of Agreement (MOA) and Memorandums of Understanding (MOU).
- e. (U) Appendix C lists principal Federal Authorities that pertain to salvage response. Appendix D describes Funding Considerations related to salvage response.

5. (U) DEFINITIONS

- a. (U) Definitions used in this plan are included as Appendix A. The definitions are general guides, and are not substitutes for definitions contained in law, regulation, or official Coast Guard policy.

6. (U) MISSION

- a. (U) Coordinate the application of salvage response where necessary during the short-term recovery phase after a TSI *or other transportation disruption* to ensure that the port navigation system within the waterways is cleared sufficiently so that the flow of commerce through U. S. ports can be reestablished as efficiently and quickly as possible; support references (d) through (f). Correlate and provide coordinated salvage response with salvage activities conducted in support of reference (g). Assist in planning for and implementing an orderly transition into the long-term recovery phase for salvage response and similar marine services that extend beyond the short-term recovery phase and are needed to restore full functionality of the port navigation system.

7. (U) EXECUTION

- a. (U) Concept of Operations

(1) (U) Incident Commander's Intent

- (a) (U) To support short-term MTS recovery by implementing flexible framework to plan for, arrange, and engage marine salvage response capabilities within existing authorities, policy and funding, to clear the port navigation system sufficiently for maritime commerce.
- (b) Initiate salvage response assessments and planning, and coordination with pertinent stakeholders and salvage response providers, as soon as practicable following an incident.

- (c) Determine appropriate pathways for authorities, funding, and resources to conduct salvage response to reopen channels and access routes within waterways and connecting channels that support maritime commerce.
 - (d) Identify salvage needs of MTS infrastructure salvage beyond the scope of this SRP and refer for consideration for FEMA MAs or long-term recovery support through ESFs 1, 3 and/or 10, as appropriate.
 - (e) Support marine salvage operations through the UC structure.
- (2) (U) Concept of Salvage Response Planning and Operations
- (a) (U) The procedures in this SRP cover salvage preparedness planning up to the point at which incident-specific salvage response planning and operations are initiated. The plan also provides coordination links to salvage resources.
 - (b) (U) Initial environmental response and MTS recovery actions and identification of prospective salvage response needs will be taken by stakeholders under their existing operations protocols and contingency plans. Salvage issues identified will be referred to the COTP, and through the COTP to the UC, when implemented.
 - (c) (U) Upon establishment of a UC, the SRP becomes a supporting plan and informs salvage response planning by the MTSRU and by salvage subject matter experts that are engaged during incident management. Activities of the MTSRU will be guided by the MTS Recovery Plan for the COTP Zone. If there is a large-scale salvage response need, a separate salvage response unit may be established. In the latter case, MTSRU and salvage response planning will be closely coordinated.
 - (d) (U) Salvage issues beyond the scope of the SRP will be referred to the appropriate ESF(s) through the UC for consideration.
 - (e) (U) Feedback about implementation of salvage response measures and resulting effects on performance and functionality of the port navigation system will be considered in forming MTS recovery and salvage response recommendations.
- (3) (U) Deployment
- (a) (U) All salvage response operations will be conducted by individual organizations consistent with their jurisdiction, authorities, capabilities, and funding availability.
 - (b) (U) Salvage equipment and resources based within the COTP Zone which are capable of being used to restore the MTS may not be available. Likewise,

national and/or regional salvage capabilities identified in this plan may not be available.

(4) (U) Employment

- (a) (U) Self-Preservation. All salvage response forces will act to ensure the survivability and protection of their own assets, personnel and continuity of operations consistent with prevailing conditions.
- (b) (U) Life Saving. Safety of life takes precedence over salvage response. Salvage response operations will be suspended as necessary if life saving operations becomes necessary at or in proximity to the salvage site.
- (c) (U) Reconstitution. See Assumptions.
- (d) (U) Statutory and Regulatory Responsibilities. Certain statutory responsibilities of the USCG, USACE, modal agencies of DOT, NOAA, NTSB, and other agencies will need to be maintained or performed in conjunction with or support of salvage response operations. The MTSRU and salvage team members designated by the UC will assist in identifying which statutory and regulatory responsibilities are applicable to the situation and advise regarding their employment.
- (e) (U) Salvage Response Planning and Operations. The salvage team is responsible for developing a salvage operations plan for assigned salvage work. Salvage considerations should be included as an element of the Incident Action Plan (IAP) prepared for UC.
- (f) (U) Safety. Safety will be the primary consideration in planning salvage response operations. Salvage is often complex and always dangerous. All applicable safety rules and regulations must be observed and hazards must be properly identified. Only personnel who are properly equipped and trained should be allowed to participate in salvage operations. A site safety plan must be developed, and operations conducted in accordance with the plan and under the supervision of a qualified safety officer. The development of a site safety plan should be coordinated with the UC (if established) as part of the Incident Action Plan.
- (g) (U) Force Protection. Each participating organization is responsible for determining and implementing appropriate force protection measures. Force protection will be coordinated through the UC, when required.
- (h) (U) Security of Salvage Response Resources. Each organization is responsible for security of its own recovery resources (e.g. pre-staged equipment, food, emergency potable water, portable generators, medical

supplies). Security needs that exceed capabilities will be brought to the attention of the UC.

- (i) (U) Demobilization. Salvage response resources will be released as soon as practical. For planning purposes, once clearing of the port navigation system enables the resumption of the flow of maritime commerce, salvage response will transition from short-term recovery to long-term recovery under FEMA. The MTSRU will assist the salvage team in preparing for the transition. The MTSRU will identify and document long-term salvage recovery issues to aid in this process. Prior to its demobilization, the MTSRU will prepare, as part of its demobilization report to the Incident Command/Unified Command (IC/UC), a list of unresolved salvage response and marine debris issues. The report will include the salvage response status and a list of stakeholder concerns regarding wrecks, obstructions and marine debris.

b. (U) Tasks.

- (1) (U) During the incident response phase the identification of measures needed to set the stage for salvage response as a supporting activity for facilitating MTS recovery should be initiated. Development of salvage and MTS recovery specific tasks should be done as part of the IAP planning process in accordance with NIMS ICS protocols.

[BRIEFLY DESCRIBE, INCLUDE AS AN APPENDIX, OR INCORPORATE BY REFERENCE, THE INFORMATION NEEDED TO IDENTIFY SALVAGE RESPONSE NEEDS AND THE COORDINATION AND DISSEMINATION OF INFORMATION. CONSIDER THE FOLLOWING LISTED ITEMS IN SCOPING AN INITIAL SALVAGE RESPONSE PLANNING WORK LIST.]

- (a) (U) *[INSERT MEASURES NEEDED TO SET THE STAGE FOR SALVAGE RESPONSE OPERATIONS (E.G. BASIC SERVICES TO SUPPORT SALVAGE PERSONNEL, LOGISTICS, SAFETY, FORCE PROTECTION, SECURITY FOR SALVAGE RESOURCES.)]*
- (b) (U) *[INSERT RESPONSIBILITIES FOR PROVIDING AND OBTAINING INFORMATION DURING FIRST-LOOK DAMAGE AND IMPACT ASSESSMENTS.]*
- (c) (U) *[INSERT DESCRIPTION OF BASIC INFORMATION NEEDED TO SUPPORT SALVAGE RESPONSE PLANNING INCLUDING WRECKS, OBSTRUCTIONS TO NAVIGATION AND MARINE DEBRIS THAT ARE PREVENTING OR INTERFERING WITH THE FLOW OF MARITIME COMMERCE IN THE PORT NAVIGATION SYSTEM.]*
- (d) (U) *[INSERT PROCEDURES FOR IDENTIFYING POSSIBLE OR PROBABLE IMPACTS FROM FIRST LOOK ASSESSMENTS FOR MORE THOROUGH INVESTIGATION DURING SALVAGE RESPONSE PLANNING.]*
- (e) (U) *[INSERT PROCEDURES FOR COORDINATION AND DISSEMINATION OF SALVAGE RESPONSE INFORMATION.]*

- (f) (U) *[INSERT PROCEDURES TO INITIATE IDENTIFICATION OF RESPONSIBLE PARTIES FOR WRECKS AND OBSTRUCTIONS TO NAVIGATION.]*
- (2) (U) Determine needs, arrange for, and coordinate provision of salvage response using this plan for Sector _____ *[INSERT REFERENCE]* and ACP _____ *[INSERT REFERENCE]* salvage provisions, as appropriate.
- (a) (U) Assess the scope of the salvage response needed, including aerial surveys to assist in identifying salvage issues and hydrographic survey of critical waterways/channels. Appendix E provides guidance to assess salvage response needs.
- (b) (U) Use the SRP as a coordination and procedural medium to support identification and application of existing salvage authorities and funding mechanisms when salvage response becomes necessary to facilitate resumption of trade and to assist in restoring functional performance of the MTS. Appendix F provides general SRP considerations. Appendix G provides SRP-related acronyms.
- (c) (U) Use the ACP to guide salvage operations conducted as elements of oil and hazardous substance environmental response activities.
- (d) (U) Identify owners, operators, lessees, and Responsible Parties (RPs) to determine intentions for developing and executing a removal/salvage plan and for assembling the required assets.
- (e) (U) Assess and recommend priorities for salvage response needed to reopen the port navigation system to commerce.
- (f) Coordinate with the Infrastructure Liaison Officer (ILO) at the Joint Field Office (JFO) (if established) for recovery support, including identification of recovery issues for which Federal Emergency Management Agency (FEMA) MAs under Stafford Act disaster declarations may be appropriate.
- (g) (U) Coordinate with the USACE for removal of hazards to navigation by the party with primary responsibility or by the USACE if ownership cannot be determined or removal by the party with primary responsibility cannot be accomplished in a timely manner.
- (h) (U) Coordinate with ESFs #1, 3, and 10 through the JFO (when established) as necessary and appropriate to arrange for salvage response services.
- (i) (U) Consistent with reference (n), identify and coordinate the marking of obstructions and hazards to navigation by the owner, or if they fail to act, the US Coast Guard and USACE.

- (j) (U) Coordinate the establishment of a salvage response team with subject matter expertise to conduct site-specific assessments of obstructions to navigation and salvage needs and to develop and implement salvage plans to resolve the obstruction(s) to navigation.
- (k) (U) Identify hazards to navigation that require removal. Coordinate with the USACE for removal of hazards to navigation by the identified owner or by the USACE if ownership cannot be determined or removal by owner cannot be done in a timely manner.
- (l) (U) Identify available public and commercial salvage assets when the owner or RP cannot be identified or cannot respond in a timely manner.
- (m)(U) Monitoring impact of recommendations on MTS Recovery.
- (n) (U) Documenting salvage response activities and operations.

8. (U) ADMINISTRATION AND LOGISTICS

[REFER TO THE APPLICABLE SECTIONS OF THE AMS PLAN FOR INCIDENT MANAGEMENT AS APPROPRIATE. SUPPLEMENT HERE AS APPROPRIATE.]

a. (U) Concept of Support

- (1) (U) All providers are responsible for determining and establishing the adequacy and appropriateness of the authorities and funding under which they will provide salvage response.
- (2) (U) All organizations participating in salvage response are responsible for coordinating their own administration and logistics until unified coordination of administration and logistics is implemented by the UC.
- (3) (U) Participating organizations should expeditiously report essential needs that exceed their organic capabilities to the UC.

b. (U) Logistics

[INCLUDE ADDITIONAL GUIDANCE AS APPROPRIATE TO LOCAL SITUATION. LINK TO UC ORGANIZATION.]

c. (U) Personnel

[INCLUDE ADDITIONAL GUIDANCE AS APPROPRIATE TO LOCAL SITUATION. LINK TO UC ORGANIZATION.]

d. (U) Funding

[INCLUDE ADDITIONAL GUIDANCE AS APPROPRIATE TO LOCAL SITUATION. LINK TO UC ORGANIZATION AND GUIDANCE FOR SPECIAL FUNDING SOURCES, E.G. STAFFORD ACT DECLARATIONS.]

e. (U) Public Affairs

[INCLUDE ADDITIONAL GUIDANCE AS APPROPRIATE TO LOCAL SITUATION. LINK TO UC ORGANIZATION.]

f. (U) Civil Affairs

[INCLUDE GUIDANCE AS APPROPRIATE TO LOCAL SITUATION. LINK TO UC ORGANIZATION.]

g. (U) Meteorological and Oceanographic Services

[INCLUDE GUIDANCE AS APPROPRIATE TO LOCAL SITUATION, SUCH AS COORDINATION WITH THE USACE AND NOAA REGARDING CHANNEL SURVEYS.]

h. (U) Administrative Reports

1. (U) As required by individual organizations and as specified by the UC, when established.

[INCLUDE ADDITIONAL GUIDANCE AS APPROPRIATE TO LOCAL SITUATION.]

9. (U) INCIDENT MANAGEMENT (COMMAND AND SIGNAL)

[WHEN USING THIS TEMPLATE IN DEVELOPING AN APPENDIX OR ANNEX TO THE AMS PLAN, REFER TO THE APPLICABLE SECTIONS OF THE AMS PLAN FOR INCIDENT MANAGEMENT. IF PROCEDURES DIFFER FROM THOSE IN THE AMS PLAN, LIST EXCEPTIONS BELOW.]

a. (U) ICS Relationships/Organizational Relationships

[SUMMARIZE. INCLUDE APPENDIX AS APPROPRIATE.]

b. (U) Incident Command Posts (ICPs) and Headquarters

[SUMMARIZE. INCLUDE APPENDIX AS APPROPRIATE.]

c. (U) Succession to Incident Commander

[IDENTIFY PRIMARY, DEPUTY AND ALTERNATES AS APPROPRIATE.]

d. (U) Incident Command, Control, and Communications

[SUMMARIZE. INCLUDE APPENDIX AS APPROPRIATE.]

APPENDIXES

- A: Salvage Response Plan Definitions
- B: Federal Agency Salvage-related roles and responsibilities
- C: Federal Authorities Related to Salvage
- D: Funding Considerations Relating to Salvage Response
- E: Guidance to Assess Salvage Response Needs
- F: Notional Salvage Response Framework
- G: Glossary
- H: Local Marine Salvage Capabilities

[ADD AN APPENDIX WITH LOCAL SALVAGE CAPABILITIES PER REQUIREMENTS OF THE SAFE PORT ACT.]

APPENDIX A TO ENCLOSURE (6) TO NVIC 9-02 CHANGE 3

SALVAGE RESPONSE PLAN DEFINITIONS

1. (U) General. The definitions included in this appendix are general guides, and are not substitutes for definitions contained in law, regulation, or official Coast Guard policy. As informally used, the term “salvage” encompasses a broad range of topics including true salvage, wreck, obstruction and debris removal, and aspects of spill response.
2. (U) Definitions.
 - a. (U) Hazard to Navigation: An obstruction, usually sunken, that presents sufficient danger to navigation so as to require expeditious, affirmative action such as marking, removal, or redefinition of a designated waterway to provide for navigation safety. (Title 33 - Navigation and Navigable Waters Chapter II - Corps of Engineers, Department of the Army, Department of Defense Part 245—Removal of Wrecks and Other Obstructions)
 - b. (U) Debris: The definition of debris in various forms (e.g. construction and demolition debris, general debris, marine debris, wet debris) may vary between jurisdictions and legal authorities. For the purposes of this plan, the applicable definition must be determined by the facts pertaining to each incident. When dealing with debris issues, the COTP and any other involved party must ensure they have the authority and funding to act in a specific instance. The following general definitions are included as information resources to support incident-specific determinations.
 - (1) (U) Construction and Demolition Debris. Damaged components of buildings and structures such as lumber and wood, gypsum wallboard, glass, metal, roofing material, tile, carpeting and floor coverings, window coverings, pipe, concrete, fully cured asphalt, equipment, furnishing, and fixtures. (*Public Assistance: Debris Management Guide, FEMA-325, July 2007.*)
 - (2) (U) Debris (Stafford Act). Items and materials broken, destroyed, or displaced by a natural or man-made federally declared disaster. Examples of debris include, but are not limited to, trees, construction and demolition material, and personal property. Materials classified as debris under the Stafford Act will vary by incident. (*Public Assistance: Debris Management Guide, FEMA-325, July 2007.*)
 - (3) (U) Marine Debris/Floatable Debris. There is no definition that can be universally applied. In general, marine debris is typically characterized as trash consisting of floatable materials and saturated floatable materials that have become suspended or have sunk to the bottom. Marine debris may potentially include (1) floatable materials/floatable debris including trash (see subparagraph 2.b.(5) below), and (2) derelicts – lost, abandoned, or discarded property (e.g. abandoned sunken vessels without salvage value, lost or abandoned fishing gear, abandoned submerged vehicles or equipment).

- (4) (U) Post-Disaster Waterway/Marine Debris: Included, but was not limited to all manner of vegetation, building material, recreational and commercial vessels, and all manner of other items that threatened the environmental and navigation safety of the navigable waters. (U.S. Navy Salvage Report Hurricanes Katrina and Rita, January 2007)
- (5) Floatable Materials. The BEACH Act defines floatable materials to mean any foreign matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood products, bottles, and paper products. (*Assessing and Monitoring Floatable Debris, EPA, August 2002.*)
- c. (U) Marine Salvage. Service/assistance that is rendered voluntarily to a vessel and/or her cargo to save the vessel or cargo in whole, or in part, from impending marine or maritime peril, or in recovery such property from actual maritime peril or loss, with contribution to the success by the service that was rendered by the salvor. Marine peril typically increases with time.
- d. (U) Obstruction: Anything that restricts, endangers, or interferes with navigation. (Title 33--Navigation and Navigable Waters Chapter II - Corps of Engineers, Department of the Army, Department of Defense Part 245 – Removal of Wrecks and Other Obstructions). (See also reference (h).) Obstructions can be authorized man-made structures such as bridges, pierheads, offshore towers, etc., or unexpected interferences which must be assessed as to their effect on navigation (*USACE/USCG MOA, October 1985*).
- e. (U) Port Navigation System: Federally constructed and/or maintained channels and anchorages that are within the geographical limits of the port as defined by the COTP/FMSC (pursuant to 33 C.F.R. § 103.300 (b) (1), and may include the transportation and/or utility structures above or below the water surface that cross or are adjacent to such channels and anchorages. Also included in the meaning of the port navigation system are the services aiding vessel navigation on the waterway such as pilotage, tug/towing services, navigation aids, harbormaster services, vessel traffic services, and police or fire services on the waterway.
- f. (U) Responsible Party: Under the Oil Pollution Act of 1990, the term Responsible Party refers to the persons owning, operating or chartering a vessel by demise; the owner or operator of a facility from which oil is discharged; owners and operators of pipelines; the licensees of Deepwater Ports; and, the persons leasing, permittee of, or holder of a right to use or easement for an area in which an offshore facility is located. The Responsible Party is liable for the costs associated with the containment or cleanup of the spill and any damages resulting from the spill. The EPA's and Coast Guard's first priority is to ensure that responsible parties pay to clean up their own oil releases. However, when the responsible party is unknown or refuses to pay, funds from the Oil Spill Liability Trust Fund can be used to cover removal costs or damages resulting from discharges of oil or threat of a discharge of oil, subject to the rules and procedures that apply (Pub. Law. No. 101-380, 104 Stat. 486, 33 U.S.C.A. 2701).

- g. (U) Salvage Award: The reward or compensation allowed by maritime law for service rendered in saving maritime property, at risk or in distress, by those under no legal obligation to render it, which results in benefit to the property, if eventually saved. Source: 46 U.S.C. Prec. 721, note 4.
- h. (U) Security. The term “security” as used in marine salvage normally pertains to financial risk rather than prevention, protection, and maritime security measures. During a TSI that involves salvage response, the context in which the term is used needs to be clearly articulated to avoid misunderstanding with salvors.
 - (1) (U) Area Maritime Security. As characterized by 33 C.F.R. Part 101-103.
 - (2) (U) Security (Salvage): An escrowed financial reserve, irrevocable letter or credit, of the like from a customer, underwriters, or both that is sought to provide a financial refuge for collecting payment for services when salvage values are questionable.
- i. Towage/Towing Service. Towing service that is motivated for convenience, not safety, in the absence of peril. Rescue towing or other salvage towing service that is conducted in conjunction with marine salvage is not considered to be towage or towage service.
- j. (U) Transportation Disruption: Per Security and Accountability For Every (SAFE) Port Act of 2006, Public Law 109-347.
- k. (U) Transportation Security Incident: Per 33 C.F.R. §101.105.
- l. (U) Wreck: A sunken or stranded ship, or any part thereof, or any object that is lost at sea from a ship that is stranded, sunken or adrift, or any of the above that may reasonably be expected to sink or strand where activity to assist the ship or property is not underway.
- m. (U) *[ADD OTHER DEFINITIONS AS APPROPRIATE.]*

APPENDIX B TO ENCLOSURE (6) TO NVIC 9-02 CHANGE 3

FEDERAL AGENCY SALVAGE-RELATED ROLES AND RESPONSIBILITIES

1. (U) GENERAL. This appendix provides additional detail about major Federal organizations participating in salvage-related activities.
2. (U) UNITED STATES COAST GUARD (USCG)
 - a. (U) National Strike Force (NSF)
 - (1) (U) The NSF may be able to assist the Sector Commander / Captain of the Port (COTP) in the below listed areas. Current NSF doctrine and policy should be consulted for available support and equipment:
 - Perform site characterization, damage assessment, take samples and mitigate release.
 - Develop safety plan for salvage operations.
 - Review commercial dive plans and monitor commercial dive operations.
 - Develop/review salvage plan.
 - Conduct vessel damage assessment.
 - Develop transfer plan including termination plan, for use in final product removal.
 - Perform basic damage control.
 - Monitor/conduct dewatering, de-ballasting, and lightering operations.
 - Assist in development/review of dewatering, de-ballasting, and lightering plans.
 - (2) (U) NSF Equipment
 - Salvage Assessment Kit: Designed for determining fluid levels of watertight compartments. The kit may also help distinguish separate fluid levels within a tank or vessel such as water in petroleum products.
 - Enhanced Viscous Oil Pumping System: Designed to be incorporated into, and enhance an existing offloading pumping system. It is designed to be used when the oil characteristics to be pumped create higher frictional hose resistance than either the pump or the hose system can handle in the form of discharge pressure. Innovative manifold design enables pumping system to be used as a standard pump, cold water injected pump for viscous oils or hot water injected pump for extremely viscous products up to 200 centistokes.
 - Large Pumping System: The large pumping system is designed for lightering oil tankers and cargo vessels. The pumps incorporated in the ready load (submersible and non-submersible), are capable of pumping a wide range of petroleum products, mild acids, corrosives, and water. The pumping system is pre-staged on a trailer and palletized into four segments, ready for rapid deployment by aircraft or tractor trailer.

(3) (U) National Strike Force (NSF) assistance. Coast Guard Sector Commander/COTPs should call the Coast Guard Strike Team in their AOR or the National Strike Force Coordination Center (NSFCC) directly.

(4) (U) Source for additional information: www.uscg.mil/hq/nsfweb/index.html.

b. (U) Marine Safety Center (MSC)

(1) (U) The MSC is an engineering technical office of approximately 50 military and civilian personnel located in the Jemal Riverside Building in Washington, D.C. The MSC works directly with the marine industry, the Commandant, and Coast Guard field units in the evaluation and approval of commercial vessel designs, development of safety standards and policies, and oversight of delegated third parties in support of the Coast Guard's marine safety and environmental protection programs.

(2) (U) In 1990, the MSC created the SERT in order to support Coast Guard efforts with several major marine casualties. Team membership is a voluntary collateral duty for a small number of staff engineers. SERT members are naval architects trained to conduct technical analyses in the areas of vessel stability and structural integrity. The team's members have strong technical credentials such as engineering masters degrees, professional engineering licenses, and experience in commercial vessel design. The SERT can assist with marine casualties involving vessel groundings, collisions, fires, and similar emergencies. For example, the SERT's salvage engineers can provide force to free estimates in cases of commercial vessel groundings, review damage stability and/or structural calculations submitted by a commercial salvage company, and assist a COTP with the review of a salvage plan.

(3) Additional Information: Visit the Marine Safety Center site at <http://homeport.uscg.mil> or call (202) 475-3401.

(4) Activating the SERT: To contact the SERT, fill out a Rapid Salvage Survey form found on the MSC's site in Homeport. E-mail it to the SERT duty account below and follow-up with a phone call to the SERT duty officer.

(5) SERT 24 x 7 Contact Info:
SERT Duty Officer cell phone: (202) 327-3985
Duty e-mail: SERT.Duty@uscg.mil

3. (U) UNITED STATES ARMY CORPS OF ENGINEERS (USACE)

a. (U) The USACE works with the COTP on a routine basis. The USACE has District offices that are assigned to all major ports and Federal channel projects. The following are USACE Points of Contacts (POCs):

(1) (U) Emergency POCs:

- (a) (U) District Emergency Operations Center: _____
 - (b) (U) District Commander: _____
 - (c) (U) Operations Division Chief: _____
 - (d) (U) Chief of Navigation: _____
 - (e) (U) Local Project Operator: _____
- b. (U) Each District office will have capabilities in place as required for their specific mission. Each District can provide the information about the following capabilities:
- Surveys
 - Emergency dredging
 - Contracts for vessel and obstruction removal
 - Spill kits
- c. (U) Navigation Charts. The USACE publishes paper navigation charts and Inland Electronic Navigation Charts (INEC) that contain information about structure and utility crossings of navigable waterways. This information may be useful in itemizing pertinent information about these structures and utilities in relation to prospective salvage operations.
- d. (U) Funding. For large-scale disasters, natural or man-made, some of the funding for USACE activities including salvage response and debris removal operations is typically provided through supplemental appropriations.
- e. (U) Additional Information:
- www.englishlink.usace.army.mil
 - www.usace.army.mil/cw
 - www.usace.army.mil/public.html

4. (U) UNITED STATES NAVY SUPERVISOR OF SALVAGE (SUPSALV)

- a. (U) The mission of the Office of the Supervisor of Salvage and Diving, SUPSALV or NAVSEA 00C, is to provide technical, operational, and emergency support to the Navy, DoD, and other Federal agencies, in the ocean engineering disciplines of marine salvage, pollution abatement, diving, diving system certification, and underwater ship husbandry. SUPSALV regularly works with the USCG SERT Team to assist with Program of Ship Salvage Engineering (POSSE) consultations and operational support.
- b. (U) SUPSALV is nationally recognized as an U.S. Government national resource for salvage and oil spill response in part from operations in support of events such as the Exxon Valdez clean-up and the Ehime Maru recovery. SUPSALV is also the Navy Technical Authority for Salvage and Diving, Diving Systems Safety Certification, and Underwater Ship Husbandry.

- c. (U) SUPSALV is a lean organization, leveraging response through contractor support and using commercial assets through standing, open, and competitively bid salvage contracts and while providing efficient on-site project management capabilities. SUPSALV maintains the Emergency Ship Salvage Material (ESSM) System which is a managed network of facilities and emergency response stockpiles pre-positioned to support and augment capabilities in the areas of salvage, diving, pollution response, and underwater ship husbandry. Various customers include the Navy fleet, NAVSEA Program Executive Officers (PEO), NAVAIR, SPAWAR, DoD, USCG, NTSB, NASA, NOAA, and the FBI, among others. SUPSALV is listed as a support agency within the National Response Framework under ESF 3 and 10.
 - d. (U) Additional Information: For additional information, including SUPSALV points of contact, capabilities and equipment, visit www.supsalv.org. The SUPSALV main telephone line is (202) 781-1731.
5. (U) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)
- a. (U) Office of Coast Survey
 - (1) (U) Navigation Response Teams (NRT)
 - (a) (U) In any given year, a variety of man-made and natural events affect U.S. waterways, ports and harbors. These changes require rapid investigation to keep maritime vessel traffic navigating safely for the nation's economic welfare.
 - (b) (U) NOAA's NRTs are mobile emergency response teams equipped and trained to survey ports and near-shore waterways immediately following incidents such as a maritime accident, or a major storm that causes the sea bottom or submerged obstructions to shift. NRTs have the ability to be transported by trailer over land from one location to another for quick response and have become a crucial part of reopening ports and shipping lanes after a hurricane.
 - (c) (U) Examples of NRT Responses:
 - NRTs from across the country responded to the catastrophic impact caused by Hurricanes Katrina and Rita. Within a matter of days, shipping channels were able to be reopened with confidence that all obstructions had been identified and located due in part to NRT work.
 - In 2004, Athos-I Tanker grounded and spilled oil in Delaware Bay. An NRT was called in to assist in the investigation and search for obstructions.
 - An NRT surveyed to clear the waterway after the South Padre Island Bridge in Texas was struck by a tow in 2001, causing large quantities of debris to fall into the channel.

- NRTs have responded to clear affected ports after many hurricanes including Hurricanes George, Frances, and Ivan.
- (d) (U) When not responding to emergencies, the NRTs check the accuracy of nautical charts and help address priority needs of mariners. Up-to-date nautical products reduce risk in transits and increase economic benefits to ports and the commercial vessel traffic that transport billions of dollars of goods and energy products into and out of the country. NRT surveys allow pilots to transit areas in varying weather and sea conditions with confidence that the charted positions of features critical to safe navigation are highly accurate.
- (e) (U) In order to locate hazardous submerged obstructions, NRTs are equipped with state of the art hydrographic equipment. Every team has side scan sonar to provide photograph-like imagery of the entire seafloor and half the teams have multi-beam sonar to generate a three dimensional view of what lies below the surface.
- (f) (U) NRT Resources. NOAA maintains six teams – two each on the East/West Coasts, one on the Gulf Coast and one in the Great Lakes
- (2) (U) Navigation Managers.
- (a) (U) The Office of Coast Survey’s representatives in the field help decide its future activities. They serve as ambassadors to the maritime community. Maintaining a distributed presence for its customers, Coast Surveys Navigation Managers help identify the challenges facing marine transportation in general, directly supporting the NOAA strategic goal to “promote safe navigation.” These agents assist the Coast Survey in overseeing the National Oceanic and Atmospheric Administration’s nautical chart data collection and information programs, helping to meet constituent needs.
- (b) (U) Coast Survey programs provide coastal navigation services and new electronic technologies to help mariners and pilots significantly reduce the risk of accidents and spills. In general, these representatives focus primarily on resolving charting and navigation questions, educating constituents on emerging charting technologies and their uses, and soliciting feedback on NOAA’s navigation products and services from the commercial maritime industry.
- (c) (U) Activities include:
- meeting with local port authorities and harbormasters
 - meeting with local marine pilots
 - identifying locations requiring priority hydrographic surveying
 - providing liaison on other NOS issues such as predicted tides/currents and PORTS
 - addressing geographic information system needs

- providing outreach activities with the maritime community
- maintaining dialogue with oil companies, fishermen, commercial shippers and other commercial mariners
- improving and customizing nautical charts to satisfy specific regional needs
- providing expert opinion towards resolution of local navigation safety issues that affect several agencies
- partnering with local maritime professionals for updating the Coast Pilot
- working with regional constituents to define new navigation products such as the electronic nautical chart, raster nautical chart and “print on demand” charts.

(3) (U) Additional Information:

- www.nauticalcharts.noaa.gov
- www.response.restoration.noaa.gov
- www.noaa.gov/wx.html

6. (U) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

- (U) ESF #3 - Public Works and Engineering - and ESF # 10 - Oil and Hazardous Material Response - perform debris-related activities under FEMA Mission Assignments. USACE is the lead agency for ESF #3. EPA is the lead agency for ESF #10.
- (U) Technical Assistance Mission Assignments are available when the State, tribe, or local community lacks technical knowledge or expertise to accomplish an eligible task. Technical assistance may be authorized in anticipation of a declaration of a major disaster or emergency. Technical Assistance is provided at 100 percent Federal share.
- (U) Direct Federal Assistance Mission Assignments allow a Federal agency to perform debris activities on behalf of the State or applicant. Direct Federal Assistance Mission Assignments apply only to Emergency Work (debris removal and emergency protective measures) and must meet the general FEMA eligibility criteria for Emergency Work. Federal agencies must comply with all applicable regulations, laws, policies, requirements, and procedures.

7. (U) NATIONAL TRANSPORTATION SAFETY BOARD (NTSB)

- (U) A TSI may involve circumstances that would result in on site safety investigation by the NTSB to identify causal factors and systemic safety issues. Salvage response may therefore need to be correlated with NTSB investigations to insure that evidence is preserved insofar as practicable consistent with prevailing conditions, safety, and other pertinent factors.

8. (U) INTERAGENCY AGREEMENTS (IAA), MEMORANDUM OF AGREEMENT (MOA)/MEMORANDUM OF UNDERSTANDING (MOU)

- a. (U) Memorandum of Agreement between the Department of the Army and U.S. Coast Guard (October 1985). The MOA defines each agency's respective authorities for the marking and removal of sunken vessels and other obstructions to navigation. The MOA provides procedures on coordination to determine whether an obstruction is a hazard to navigation and procedures to determine the appropriate corrective actions to be taken by both parties.
- b. (U) Interagency Agreement (IAA) Between the United States Navy and the United States Coast Guard for Cooperation in Oil Spill Clean-Up Operations and Salvage Operations, 1980. The IAA established procedures for requesting and providing assistance between the two agencies and established reimbursement procedures and policies. The Supervisor of Salvage and Diving is the Navy's designated point of contact for other agencies concerning salvage in US waters (see paragraph 4 of this appendix).
- c. (U) Memorandum of Understanding between the American Salvage Association and U.S. Coast Guard executing Marine Salvage and Firefighting Partnership, June, 2007. The purpose of the partnership is to strengthen the communication and working relationship between the Coast Guard and the marine and firefighting industry in part to enhance national maritime security preparedness and response and to promote timely, responsible and professional salvage response to marine casualties. The parties agreed to promote the partnership within their respective organizations and, as may seem best, involve their representatives at all levels in steps to be taken at the national, regional, or local levels. The parties agreed to interpret and implement the MOU so as to supplement and not adversely affect regulatory relationships.
- d. (U) *[ADD OTHER MOAs AND MOUs AS APPROPRIATE.]*

APPENDIX C TO ENCLOSURE (6) TO NVIC 9-02 CHANGE 3

FEDERAL AUTHORITIES RELATED TO SALVAGE

1. (U) GENERAL. This appendix summarizes salvage-related authorities of some Federal organizations, but should not be considered a complete list. Authorities shown are subject to change and interpretation. Consultation through the pertinent ICS structures and participating agencies may be necessary to determine which authorities are applicable for the circumstances associated with the incident.
2. (U) UNITED STATES ARMY CORPS OF ENGINEERS (USACE)
 - Authorized by Section 202 of Water Resources Development Act (WRDA) of 1976 (PL 94-587) to develop projects for the collection and removal of drift and debris from publicly maintained commercial boat harbors and from land and water areas immediately adjacent thereto.
 - WRDA 1976 provides general authority for development of drift and debris removal projects. The Department of the Army does not currently support authorization of or budgeting for such projects.
 - Specific and limited local programs for continuing debris collection and disposal have been authorized by Congress for New York, Baltimore, and Norfolk Harbors; Potomac and Anacostia Rivers in the Washington, D.C. Metropolitan area; and San Francisco Harbor and Bay, California. These authorizations are on an individual basis, and the work is carried out as authorized at each locality as a separate, distinct project.
 - Sections 15, 19, and 20 of the River and Harbor Act of 1899, as amended. These sections authorize the USACE to remove sunken vessels or similar obstructions from navigable waterways. A navigable waterway is one that has been authorized by Congress and which the USACE operates and maintains for general (including commercial and recreational) navigation.
 - Flood Control and Coastal Emergencies (PL 84-99). Authority to provide assistance for debris removal from flood control works (structures designed and constructed to have appreciable and dependable effects in preventing damage by irregular and unusual rises in water level). This law requires that an applicant for assistance be an active participant in its PL 84-99 Rehabilitation and Inspection Program at the time of the disaster to be eligible for assistance.
 - USACE, under the National Response Framework, is designated the lead coordinator for ESF #3 Public Works and Engineering. Under ESF #3, FEMA tasks the USACE to perform debris removal operations at the request of a State. This can include debris in the water outside the federally-maintained channel if FEMA declares it to be eligible.

3. (U) UNITED STATES NAVY SUPERVISOR OF SALVAGE (SUPSALV)

- The Salvage Facilities Act (10 USC § 7361 *et seq.*) gives the Navy broad discretion to provide necessary salvage facilities for both public & private vessels. This authorizes the provision of salvage facilities and services directly by Navy or via lease, sale or other contractual arrangement, which implies a standing role for SUPSALV as the “national salvage advisor.”
- SUPSALV works on a reimbursable basis and is postured to accept all forms of government funding.

4. (U) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

- FEMA is authorized in Sections 403, 407 and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide assistance to eligible applicants to remove debris from public and private property or waters following a Presidential disaster declaration, when in the public interest.
- Removal must be necessary to eliminate immediate threats to lives, public health and safety; eliminate immediate threats of significant damage to improved public or private property or waters; or ensure the economic recovery of the affected community to the benefit of the community-at-large. The debris must be the direct result of the disaster and located in the disaster area, and the applicant must have the legal responsibility to remove the debris.

APPENDIX D TO ENCLOSURE (6) TO NVIC 9-02 CHANGE 3

FUNDING CONSIDERATIONS RELATED TO SALVAGE RESPONSE

1. (U) GENERAL. This appendix gives some funding considerations for salvage-related activities.
2. (U) UNITED STATES ARMY CORPS OF ENGINEERS (USACE)
 - Funding for operation and maintenance of these "Federal" waterways is through USACE's Operations and Maintenance General Appropriation each year.
3. (U) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
 - FEMA will (1) reimburse applicants to remove eligible debris, or (2) through a mission assignment to another Federal agency (and upon request of the State) - provide direct Federal assistance or technical assistance when it has been demonstrated that the State and Local government lack the capability to perform or contract for the requested work.
 - Assistance will be cost-shared (at no less than 75% Federal and 25% non-Federal). In extreme circumstances, FEMA will provide up to 100% funding for a limited period of time.
4. (U) UNITED STATES COAST GUARD
 - a. (U) Funding streams are available for only a limited range of scenarios. CG units should ensure that the responsible party or vessel owner assumes responsibility for salvage costs when appropriate. Large commercial vessels and barges typically have Protection and Indemnity (P&I) Insurance to cover instances that result in salvage. This insurance provides coverage to shipowners and charterers against third-party liabilities encountered in their commercial operations. Responsibility for damage to cargo, for pollution, for the death, injury or illness of passengers or crew, and for damage to docks and other installations are examples of typical exposures under P & I insurance. However, there are times when the CG must take responsibility to rectify a waterway. In such instances, possible funding sources include:
 - The Oil Spill Liability Trust Fund (created by the Oil Pollution Act of 1990) - for spills or threats of spills of oil or petroleum products.
 - CERCLA- for hazardous substance releases or threats of release.
 - Stafford Act- pursuant to a disaster declaration.
 - Agency Funding in accordance with existing legislation.
 - b. (U) In some instances, there may not be authority or funding for the CG to take action. In those cases, COTPs should make every effort to engage either the private entities or agencies that do have the authority and capability to act.

APPENDIX E TO ENCLOSURE (6) TO NVIC 9-02 CHANGE 3

GUIDANCE TO ASSESS SALVAGE RESPONSE NEEDS

1. (U) GENERAL. This appendix provides some general guidance considerations for determining what is needed for response in a particular salvage situation. The authorities and responsibility for a given situation will be largely determined by answers to the following questions.
2. (U) INCIDENT-SPECIFIC PLANNING. Incident-specific salvage response plan should address the following at a minimum:
 - **What:** Is it a vessel, debris, bridge, structure, or other? What kind of vessel? Is there oil/hazmat, dangerous cargo on board, Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) involved and how severe?
 - **Where:** Navigable waters, pier side, adjoining waterway, or other? In a Federal channel or not? Does it pose a hazard to navigation? Does it impede maritime commerce within the navigable waterway?
 - **When:** Are you operating under a Stafford Act declaration? Will investigators need access during response operations?
 - **How:** Is it structural collapse, demolition, explosion, or is terrorism suspected? Do responders need to be concerned about secondary explosions/hazards? Identification, collection and preservation of evidence?
 - **Who:** Who owns the vessel/cargo/object? Is terrorism or criminal activity suspected? Has anyone claimed responsibility? Identification of witnesses or suspects? Is the owner attempting to salvage, or has it been abandoned? Is a salvor or other interested party attempting to salvage it?
 - **Why:** Is terrorism or criminal activity suspected? Negligence? Natural or Man-made disaster?

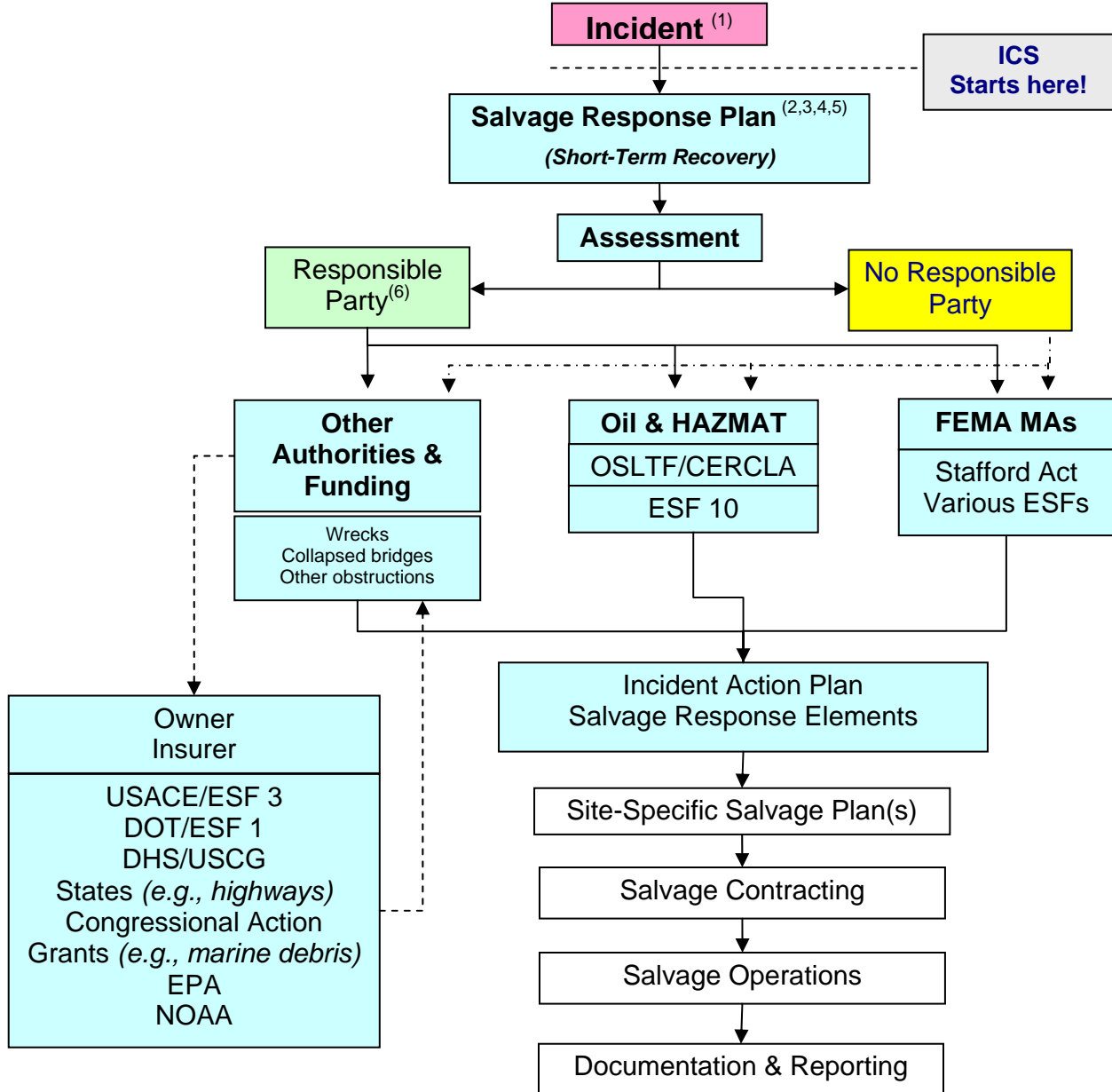
APPENDIX F TO ENCLOSURE (6) TO NVIC 9-02 CHANGE 3

NOTIONAL SALVAGE RESPONSE FRAMEWORK

1. (U) GENERAL. This appendix provides a notional salvage response framework for determining and developing site-specific salvage plans. This appendix covers only some of the possible salvage-related scenarios, and does not create new requirements or Coast Guard policy with respect to salvage. Each situation is different, and may or may not fall within the scope of this appendix. Further, each salvage response is unique and requires flexibility and good communication between all participants to ensure success.
2. (U) NOTIONAL FRAMEWORK. The following narrative explains the diagram on the following page.
 - a. (U) Any salvage response will be characterized by the type of incident that requires it. The framework assumes that the Incident Command System (ICS) will be implemented for the incident as indicated in the diagram, and that salvage response needed to ensure that waterways can support maritime commerce is a post-incident activity after first response has been completed. Salvage response operations for planning purposes are considered an element of the short-term recovery phase (3-90 days post-incident).
 - b. (U) The following progression provides an orderly approach:
 - (1) (U) Step 1. Perform an assessment to determine what has happened and what is needed (if anything) in terms of a salvage response.
 - (2) (U) Step 2. Primary responsibility for salvage response belongs to the Responsible Party (RP), and through the RP, to insurance underwriters. Determine if there is a RP or not, and whether or not the RP has accepted responsibility and is capable of performing the necessary salvage response within an acceptable period, as determined by applicable rules and regulations. If so, then determine oversight responsibility within the UC and coordinate oversight and support as may be appropriate, consistent with applicable jurisdiction and authority. If not, or there is no responsible party, then proceed to Step 3.
 - (3) (U) Step 3. Determine the appropriate authority and funding source or combination of authority and funding sources that is/are available and will be needed to perform essential salvage response. Determine federal lead and supporting roles, and transitions in roles and responsibilities when multiple authorities and funding streams will be needed to complete salvage response. Once Authority and Funding are identified, a salvage plan specific to the incident should be developed (see appendixes B through E). The incident specific salvage plan should be prepared by technical specialists with the subject matter expertise necessary to conduct site-specific salvage assessments and to develop and implement procedures to resolve the obstruction(s) to navigation.

- (4) (U) Step 4. Arrangement for salvage support (e.g. for Federal to Federal salvage operations) or contracting of commercial salvors to perform the salvage operation (or marine service providers for removal operations when marine salvage protocols are not applicable, such as for removal of marine debris).
- (5) (U) Step 5: The salvor will mobilize salvage response operations and conduct the necessary salvage operations. The UC's technical specialists will provide oversight of RP salvage activity or manage salvage operations as appropriate to the situation.
- (6) (U) Step 6: Plan and conduct documentation and reporting to provide a record of salvage response and to track and monitor costs incurred by the Government. Periodic reporting will be required to keep the Unified Command posted on developments, and will follow the reporting schedule and protocols established for the incident.

NOTIONAL SALVAGE RESPONSE FRAMEWORK



Notes:

1. Transportation Security Incident/other Transportation Disruption (e.g., manmade event, natural disaster).
2. Supporting plan to MTS Recovery during short-term recovery phase.
3. Relies on existing authorities & funding.
4. Applies to removal of obstructions to navigation from federally defined navigable waters.... "To ensure that the waterways are cleared and the flow of commerce through the United States ports is reestablished as efficiently and quickly as possible after a maritime transportation security incident ..." per the SAFE Port Act.
5. Will be structured for all-hazard and all transportation disruption compatibility.
6. For the purpose of this notional diagram, Responsible Party includes the responsible party as defined by the Oil Pollution Act of 1990; the identified owner, operator, or lessee of a sunken or grounded vessel or wreck; and, the owner, operator or lessee of other obstructions in the waterway such as structures, train cars, and vehicles.

APPENDIX G TO ENCLOSURE (6) TO NVIC 9-02 CHANGE 3

ACRONYMS

1. (U) This appendix lists SRP-related acronyms.

AC	Area Committee
ACP	Area Contingency Plan
AMS	Area Maritime Security
AMSC	Area Maritime Security Committee
AMS Plan	Area Maritime Security Plan
AOI	Area of Interest
AOR	Area of Responsibility
AVP	Abandoned Vessel Program
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CG	Coast Guard
CI/KR	Critical Infrastructure/Key Resources
COTP	Captain of the Port
DHS	Department of Homeland Security
DOD	Department of Defense
DOT	Department of Transportation
EEI	Essential Element of Information
ESF	Emergency Support Function
ESSM	Emergency Ship Salvage Material
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
FMSC	Federal Maritime Security Coordinator
FOSC	Federal On Scene Coordinator
FRP	Federal Response Plan
IAA	Interagency Agreement
IAP	Incident Action Plan
IC	Incident Command
ICP	Incident Command Post
ICS	Incident Command System
ILO	Infrastructure Liaison Officer
IMH	Incident Management Handbook
IMO	International Maritime Organization
JFO	Joint Field Office

MA	Mission Assignment
MTS	Marine Transportation System
MTSRU	MTS Recovery Unit
NAVAIR	Naval Air System Command
NAVSEA	Naval Sea Systems Command
NIMS	National Incident Management System
NOAA	National Oceanic and Atmospheric Administration
NRF	National Response Framework
NRP	National Response Plan
NTSB	National Transportation Safety Board
NSFCC	National Strike Force Coordination Center
OSLTF	Oil Spill Liability Trust Fund
PEO	Program Executive Officer
POSSE	Program of Ship Salvage Engineering
RP	Responsible Party
SAFE Port Act	Security and Accountability for Every Port Act of 2006
SERT	USCG Marine Safety Center's Salvage Engineering Response Team
SME	Subject Matter Expert
SPAWAR	Space and Naval Warfare
SRP	Salvage Response Plan
SUPSALV	Supervisor of Salvage and Diving
TSI	Transportation Security Incident
UC	Unified Command
US	United States
USACE	United States Army Corps of Engineers
USCG	United States Coast Guard

APPENDIX H TO ENCLOSURE (6) TO NVIC 9-02 CHANGE 3

LOCAL MARINE SALVAGE CAPABILITIES

[PREPARE AND INSERT A LIST OF LOCAL MARINE SALVAGE CAPABILITIES. THIS LIST IS A MANDATORY REQUIREMENT OF THE SAFE PORT ACT AND MUST BE INCLUDED.]