
Regional Response Team (RRT) 6

USCG Eighth District
Natural Disaster Pollution Response
Guidance for the Coastal Zone

Annex 19

June 2022

Record of Changes

| Change Number | Change Description | Section Number | Change Date | Name |
|----------------------|---------------------------|-----------------------|--------------------|-------------|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |
| 8 | | | | |
| 9 | | | | |
| 10 | | | | |

Table of Contents

| | |
|---|----|
| 1000 Introduction..... | 1 |
| 1100 Purpose | 1 |
| 1200 Background..... | 1 |
| 2000 Funding | 3 |
| 2100 FEMA Mission Assignments..... | 3 |
| 2200 Oil Spill Liability Trust Fund (OSLTF) | 4 |
| 2300 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)..... | 4 |
| 3000 Natural Disaster Response Process..... | 4 |
| 3100 Hurricane Season Preparedness | 4 |
| 3200 Pre and Post-Storm/Natural Disaster Pollution Assessment, Targeting and Mitigation Coordination: | 6 |
| 3201 Coordination Calls: | 6 |
| 3201.1 Sample Agendas:..... | 6 |
| 3201.2 Potential Participants:..... | 7 |
| 3201.3 Pollution Preparedness and Response/MER Email Template for Pre and Post-Storm Communications from USCG Field Command to CGD 8 DRAT and IMPA:..... | 7 |
| 3300 Post-Storm/Natural Disaster All Hazards/Port Assessments..... | 9 |
| 3301 Louisiana/Mississippi/Alabama/Florida..... | 9 |
| 3302 Texas | 10 |
| 3400 Post-Storm/Natural Disaster MER/NCP mission | 10 |
| 3500 Data Management..... | 13 |
| 4000 Considerations for Stafford Act/ESF-10 Mission Assignment..... | 16 |
| 4100 Cost share | 16 |
| 4200 Unified Command (UC) | 16 |
| 4300 Stafford Act Funding for Commercial Pollution Sources | 17 |
| 4400 Target Identification and Management Process..... | 18 |
| 5000 Roles and Responsibilities | 18 |
| 5100 Field Unit (Sectors and Marine Safety Units with COTP Authority)..... | 18 |
| 5200 District | 19 |
| 5201 District Mission Assignment Action Officer (MAAO):..... | 19 |
| 5202 Incident Management and Preparedness Advisor (IMPA):..... | 19 |
| 5203 District Response Advisory Team (DRAT):..... | 19 |
| 5204 Emergency Preparedness Liaison Officer (EPLO): | 19 |
| 5205 Liaison Officer (LNO): | 19 |
| 5300 National Strike Force (NSF)..... | 20 |
| 5400 National Pollution Funds Center (NPFC)..... | 20 |
| 5500 USCG’s Director of Logistics (DOL-92) | 20 |
| 5600 Lead State Agencies | 20 |

| | |
|--|----|
| 6000 Key Distinctions: National Contingency Plan (NCP) vs National Response Framework (ESF-10) | 21 |
| 7000 Environmental and Historical Compliance | 23 |
| 7100 Environmental | 23 |
| 7200 Historic Preservation | 23 |
| 8000 Federal lands | 24 |
| 9000 History..... | 24 |
| 9100 Hurricane Harvey (2017, Texas) | 24 |
| 9200 Hurricane Michael (2018, Florida panhandle)..... | 24 |
| 9300 Hurricane Laura (2020, Louisiana)..... | 25 |
| 9400 Hurricane Sally (2020, Alabama and Florida panhandle) | 25 |
| 9500 Hurricane Ida (2021, Louisiana)..... | 26 |
| 10000 References..... | 26 |

List of Tables

| | |
|---|----|
| Table 1: MER Status Definitions..... | 14 |
| Table 2: Key differences between Stafford Act responses and NCP responses | 22 |

1000 Introduction

1100 Purpose

This annex describes, in chronological order, the differences between normal daily operations under the National Contingency Plan (NCP), operations as they progress into post natural disaster responses under the National Contingency Plan, and performing post presidential disaster declaration operations based on a Mission Assignment (MA) issued by the Federal Emergency Management Agency (FEMA) at the request of a state(s) through the Stafford Act.

It also provides U.S. Coast Guard (USCG), as well as other federal, state, and local entities a succinct overview of the existing pollution preparedness and response/Marine Environmental Response (MER) guidance to include Stafford Act Emergency Support Function 10 (ESF-10) MAs, including recommendations based on recent incidents.

The Eighth Coast Guard District Incident Management and Preparedness Advisor (IMPA) and District Response Advisory Team (DRAT) will maintain this annex. To ensure awareness and consistency throughout the Eighth District coastal zone area of responsibility, the annex will reside on the Regional Response Team 6 (RRT-6) website and be incorporated by reference into each of the six coastal zone Area Contingency Plans. Eighth Coast Guard District coastal zone field commands **shall** review this annex annually, and incorporate into annual pre-hurricane season training, discussions, and exercises.

1200 Background

Given the differences between historical post storm responses and differences between state(s) needs for assistance through the Stafford Act ESF-10 MA, there is often times confusion in process and details of how to best enact an efficient, effective response in a post natural disaster environment under the NCP or under an ESF-10 MA process.

The USCG was significantly challenged during the 2017 hurricane season (Harvey, Irma, and Maria). As a result, the USCG employed unique strategies and updated business practices to overcome the many challenges. Key recommendations are included in this annex to ensure the USCG, as well as interagency partners, implement these lessons learned.

The 2020 hurricane season brought a total of eight named storms (seven landfalls) into the Eighth Coast Guard District coastal zone. These storms resulted in only one ESF-10 MA to the USCG (Laura; Louisiana).

In 2021 Hurricane Ida again tested USCG and state response capabilities, which resulted in impacts spanning across two Captain of the Port zones in Louisiana. This post storm response brought about many lessons to consider and are the foundation for updating this document in 2022.

This annex previously highlighted the lead-up to and conducting post natural disaster response with an ESF-10 MA. After Hurricane Sally (2020) and Ida responses, where no ESF-10 MA was requested, the concept of how the USCG provides post storm response for the pollution preparedness and response/MER mission is being refined to clarify expectations and allow more

flexibility. Although an ESF-10 MA provides for an efficient post disaster response process, the USCG does not “need” to be requested by a state(s) under an ESF-10 MA to fulfill its statutory and regulatory pollution response responsibilities. The USCG retains its own authority and has access to the Oil Spill Liability Trust Fund (OSLTF) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to mitigate oil discharges/hazardous substance releases and substantial threats of discharge or release, deemed by the FOSC.

- **Note:** Following a natural disaster, vessels and containers, etc. that are simply displaced, with no other indication of imminent discharge/release, are not automatically deemed a substantial threat (see Section 3400).

If an ESF-10 MA is requested, the USCG FOSC will likely still be engaged in coordinating pollution responses under the NCP. These responses will likely include commercial entities such as commercial vessels (i.e., Certificate of Inspection, Certificate of Documentation, and Certificate of Financial Responsibility), designated waterfront facilities, and the oil and gas industry to include pipelines. These commercial pollution sources, termed “Big C” in the Eighth Coast Guard District, typically are not included in the ESF-10 MA scope of work because states do not want to incur a cost share to mitigate pollution originating from a commercial source. These “Big C” entities have vessel or facility response plans to guide them through an effective pollution response. The term “Little C” is also a term used in the Eighth Coast Guard District and refers to commercial entities such as Fishing Vessels, which are commercial in nature, but do not typically carry any type of response plan. These entities may be requested as part of an MA by the state, but not always. Please also see Sections 4300 and 6000.

ESF-10 operations differ significantly from the NCP, as the federal entity supporting the state is provided direction within an MA Scope of Work and conducts operations in conjunction with state authorities. Activities directed under an MA may include activities not normally completed/approved by the USCG under NCP Federal On-Scene Coordinator (FOSC) authorities (e.g., destruction of vessels, salvage or removal of vessels to pre-determined staging areas, etc.). It is extremely important to understand state authorities. It is recommended that District Legal be engaged early to help interpret state authorities (e.g., legal timelines, removal authorities, destruction authorities, impacts of insurance, etc.). If a necessary mitigation action is required, not previously addressed in an MA, the ESF-10 Incident Commander can request an MA Task Order (MATO) from FEMA to document approval of the response actions taken under the unique circumstance.

In addition to ESF-10, there may be instances where the state does not have the capability to manage the debris removal portion of the incident (e.g., displaced, abandoned or derelict vessels). Debris removal is not within the concept of operations for ESF-10. Instead, ESF-3 (Public Works and Engineering) may be used with close coordination between the U.S. Coast Guard, FEMA, the U.S. Army Corps of Engineers (USACE) and the state. In these cases, ESF-3 may be used to manage vessel removal, significant marine debris removal, and hydrographic surveys to effect the rapid recovery and reconstitution of critical waterways, channel, and ports (*federally maintained*).

- **Note:** The Department of Defense (DoD)/U.S. Army Corps of Engineers (USACE) is the primary agency for providing ESF #3 technical assistance, engineering, construction management resources and support during response activities. DHS/FEMA is the primary agency for providing ESF #3 recovery resources and support, to include assistance under the DHS/FEMA Stafford Act Public Assistance Program. The Public Assistance Program provides supplemental federal disaster grant assistance for debris removal and disposal; emergency protective measures; and the repair, replacement, or restoration of disaster-damaged public facilities and the facilities of certain qualified private nonprofit organizations.

Any *comingled oily debris* would normally be covered under an ESF-10 MA. Any requests for an ESF-3 MA to the USCG ***must*** be discussed with the district IMPA, district Mission Assignment Action Officer (MAAO), and the Staff Judge Advocate.

State and USCG personnel should anticipate active involvement from FEMA Public Assistance (PA) Specialists throughout the post-storm assessment phase when an ESF-10 MA is active. These PA Specialists will ensure pollution targets are vetted against existing Stafford Act funding provisions prior to recovery or removal operations. Please see the [FEMA Public Assistance Program and Policy Guide \(PAPPG\)](#), Reference (h) for additional details.

2000 Funding

2100 FEMA Mission Assignments

When a natural disaster is of such magnitude that a state government's resources are overwhelmed, the state may request federal response assistance to supplement ongoing disaster relief activities. The reimbursement of federal agency expended funds in support of FEMA disaster relief efforts is permitted when support is provided under a Mission Assignment (MA). An MA is a work order issued to a federal agency by FEMA directing the completion of a specific task, and citing funding, management controls, and guidance. Although most agencies assigned an MA will be reimbursed for their efforts, the possibility exists under the Stafford Act that FEMA can task agencies without expectation of reimbursement. MAs are directives issued by FEMA; they are not contracts or Interagency Agreements (IAAs) but they are an agreement between FEMA and the responding agencies. In most cases, MAs are issued only for assistance under the Stafford Act, not for assistance provided that would normally fall under an agency's independent authorities or responsibilities. For example, the Coast Guard would not receive an MA for search and rescue activities conducted offshore after a hurricane because this would be a mission conducted under the Coast Guard's statutory authority.

MAs are typically assigned by FEMA to address actions required under one of the 15 different Emergency Support Functions (ESFs) described in the [NRF](#). The NRF establishes a comprehensive all-hazards approach to enhance the ability of the federal government to manage domestic incidents. Consequently, the ESFs are categorized around the major response and recovery functions associated with an incident, such as ESF-1 – Transportation, ESF-9 – Search and Rescue, and ESF-10 – Oil and Hazardous Materials Response. The Coast Guard is listed as a primary agency for ESF-9 and ESF-10. Additionally, the Coast Guard may receive tasking by

FEMA under several MAs for different ESFs; e.g., an air station launches a helicopter to provide transportation (ESF-7 Logistics) for disaster personnel and supplies.

2200 Oil Spill Liability Trust Fund (OSLTF)

The OSLTF pays for removal costs and damages resulting from oil discharges or substantial threats of oil discharges to navigable waters of the United States. The OSLTF is used for costs not directly paid by the polluter, referred to as the responsible party (RP). Responsible parties are liable for all removal costs incurred by the federal government. The fund is also used to pay costs for "mystery spills" in which the source has not been identified. All removal costs must be consistent and aligned with the NCP in order to be payable from the OSLTF. FOSCs are responsible for exercising effective financial management and operations utilizing the OSLTF to ensure verification of removal costs are aligned with the NCP. It is likely responsible parties, natural resource trustees and other third parties will submit claims against the OSLTF after the storm.

2300 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

CERCLA enables federal agencies to respond immediately to hazardous substance releases and contamination problems that pose a substantial threat to public health and the environment. Threats include releases from chemical facilities, chemical transfer facilities, and various other facilities that use, produce, transport, or have a supply of hazardous substances. Orphaned containers that are displaced, but otherwise intact and not releasing hazardous substances are not considered substantial threats. Many of these containers will include owner information, which will be retrieved by the RP upon notification. CERCLA was designed to address discrete incidents and not multiple chemical releases across a large region. Hence, the full impact of hazardous substances to the public and the environment cannot be ascertained in totality with limited CERCLA funding.

The highest priority HAZMAT/hazardous substance targets will be those that are actively leaking, an imminent threat to public health or welfare, and/or have actual or potential impact to a navigable waterway. Where the responsible parties are known, an effort initially shall be made, to the extent practicable, to determine whether they can and will perform the necessary removal action promptly and properly. Local and state agencies normally lead these efforts.

3000 Natural Disaster Response Process

3100 Hurricane Season Preparedness

An annual email will be sent by the Eighth District to all coastal zone major commands and sub-units as a reminder to review this annex as well as identify POCs for each Sector/MSU who will be responsible for engaging in D8 pre-storm coordination calls with federal and state partners in preparation for an imminent event. USCG units will provide D8 with updated contact information for these POCs.

USCG unit POCs will also be responsible for updating pollution preparedness and response/MER operations pre and post-storm in an email to D8 (see [Section 3201.3](#)).

USCG units should work with their NOAA SSC to ensure readiness of Emergency Response Management Application (ERMA) and the ESRI-based collection tool also known as ArcGIS Collector Application, which will be referred to as a “database collection tool” hence forth, and ensure target types/statuses are updated as needed. ERMA is NOAA’s GIS platform, which provides a common operating picture for the Unified Command and can be viewed by IMT personnel who have an ERMA account. For users, ERMA serves as a viewer only application and requires modifications be made by ERMA staff or a database collection tool. Targets can be created and modified throughout the response. Often targets other than pollution targets are added to display a more all-hazards picture of the waterway. Other types of targets can include marine casualties with no pollution or waterways management impacts, along with others.

NOAA recommends having an annual training for units on utilizing the database collection tool. This training can also be incorporated into hurricane preparedness training and exercises. Consider inviting National Strike Force (NSF) personnel to these events as they are typically initial surge staff following a natural disaster. Units should work closely with their SSC to request this training.

USCG unit personnel should work with their Intel staff to ensure areas of concern (all-hazards) are updated, if needed, to ensure effective overflight imagery of data (Big Pipe is only available to federal agencies) following an event. Predesignated flight patterns and specific areas can be uploaded for both pre and post-storm imagery to highlight timely differences following a disaster. These sites are often large facilities, fleeting areas, large marinas, offshore oil and gas installations, near shore oil fields, etc.

- **Note:** Big Pipe is a video streaming system that provides real time imagery to federal agency personnel during overflights. This imagery is provided virtually to agency personnel, thus relieving the need for overflight riders. Areas of particular importance are pre-loaded annually -- before hurricane season. These pre-loaded areas are targeted flight paths for initial overflights following a storm event. All Big Pipe activities are coordinated through the Eighth District Intel staff and in close coordination with field command Intel officers.

USCG unit personnel will need to evaluate lodging options for both displaced permanently assigned staff and potential surge staff that will need to be close to the area impacted by a storm/natural disaster. Typically, large tents are utilized to house forward operating bases, but proper facilities must be well thought out and account for interruptions in local services.

Day-to-day USCG pollution preparedness and response (Incident Management Division / MER) operations, regardless of hurricane season, are conducted in accordance with the [NCP](#). These responses are typically conducted one at a time or a few at a time during busier periods. The resources and capabilities to manage these responses is manageable due to known annual stats on average responses and the alignment of appropriate resources (i.e., billeted personnel). Managing a post natural disaster event is not calculated into those “day-to-day” resources, which requires surge staffing to assist with larger events. Although surge staffing can assist with emergent operations following a natural disaster under the NCP, there are limitations. Those limitations often are associated with how responses are funded. There is no described mechanism to continue and grow surge staffing expenditures, as the OSLTF is a strict liability and cost recovery fund,

which requires an RP to refund the OSLTF. Following a natural disaster there may be many RPs, which can lead to funding errors and complications when attempting to manage personnel orders, Pollution Removal Funding Authorizations (PRFAs), and resources needed for multiple pollution targets. In order to best manage these complicated accounting strings, *with no ESF-10 MA*, focus must be placed on actual discharges and releases or those truly substantial threats of discharge or release (substantial threats that rise to the use of OSLTF should be documented via decision memo). By ensuring personnel understand this concept; prior to a natural disaster, it will facilitate an efficient shift from day-to-day operations into a post natural disaster response using established status definitions for the database collection tool (See Table 1, Section 3500).

3200 Pre and Post-Storm/Natural Disaster Pollution Assessment, Targeting and Mitigation Coordination:

When there is a pending storm system with a known track threatening a Gulf Coast state/D8 Unit, the D8 IMPA/DRAT will coordinate with federal and state agencies on need/time to schedule pre storm coordination calls. These calls may begin broad (e.g., multiple states/units) and become more focused as the storm path becomes more defined.

3201 Coordination Calls:

3201.1 Sample Agendas:

| Pre-Landfall | Post Landfall |
|--|--|
| <ul style="list-style-type: none"> • Welcome and roll call • Purpose • D8 update • USCG field unit(s) update <ul style="list-style-type: none"> ▪ Port and Waterway closures ▪ OSRO force laydown/posture ▪ Ongoing pollution incidents or concerns • Other federal and state updates • Open discussion • Path forward (including next call) • Action items • Adjourn | <ul style="list-style-type: none"> • Welcome and roll call • Purpose • D8 update • USCG field unit(s) update: <ul style="list-style-type: none"> ▪ Number of actual oil discharges, including any OSLTF use (provide cost ceiling) <ul style="list-style-type: none"> a. # with RP identified and RP-led response b. # mystery (unknown RP) and government-led ▪ Number of hazardous substance releases, including any CERCLA use (provide cost ceiling) ▪ Estimate of additional (not captured in above) pollution targets <ul style="list-style-type: none"> a. Highlight those that are a substantial threat ▪ Staffing at your unit (personnel dedicated to pollution assessment, tracking and mitigation) ▪ Outside support requested/received? NSF, other? ▪ Overall thoughts, issues and concerns • Other federal and state updates • Open discussion • Path forward (including next call) • Action items • Adjourn |

3201.2 Potential Participants:

1. State Primary:
 - a. Texas Commission on Environmental Quality (TCEQ)
 - b. Texas General Land Office (TGLO)
 - c. Louisiana Department of Environmental Quality (LDEQ)
 - d. Mississippi Department of Environmental Quality (MDEQ)
 - e. Alabama Department of Environmental Management (ADEM)
 - f. Florida Department of Environmental Protection (FDEP)
2. State Secondary:
 - a. Louisiana Oil Spill Coordinator's Office (LOSCO)
 - b. Louisiana State Police (LSP)
 - c. Florida Fish and Wildlife Conservation Commission (FWC)
3. Federal:
 - a. EPA Region 6
 - b. Bureau of Safety and Environmental Enforcement (BSEE)
 - c. USCG (various components, including but not limited to below)
 - D8 Incident Management and Preparedness Advisor (IMPA) and District Response Advisory Team (DRAT)
 - Representatives from USCG units in storm path
 - D8 Emergency Preparedness Liaison Officers (EPLOs)
 - D8 Outer Continental Shelf Division
 - d. D7 IMPA/DRAT/EPA Region 4 if potential impact cross both areas
 - e. NOAA Scientific Support Coordinator (SSC)
4. Pollution preparedness and response/MER operations emails may be requested by D8, typically coincides with pre-storm coordination call. Cycle and time of emails will be determined on a case-by-case basis.

3201.3 Pollution Preparedness and Response/MER Email Template for Pre and Post-Storm Communications from USCG Field Command to CGD 8 DRAT and IMPA:

Subj: Pollution Preparedness and Response/MER –Update 1

Good day,

BLUF: No changes to readiness – one member has evacuated the immediate area and remains in Ridgeland, MS. The division remains postured for post-storm assessments and response operations.

Current Posture: Incident Management Division (IMD) Duty Team (FOSCR & PR) will continue to investigate and assess all reports of pollution and HAZMAT releases – documentation & notifications will be conducted in accordance with standard IMD protocols, and the Incident Management Team (IMT) will be briefed in accordance with critical information requirements (CIRs).

MER Division post-storm staffing:

- 3 personnel on stand-by to support post-storm assessment ops.
- 2 personnel dedicated to ERMA data entry/target tracking.

- Remaining IMD personnel (FOSCRs/PRs) on standby for emergency response ops.
- Gulf Strike Team on standby to support Request for Forces (RFF).

Post-Storm Incident Action Plan (IAP) prep:

- ICS-234 inputs complete.
- MER 204 complete.

Industry Outreach & Coordination:

- Near-shore oil & gas industry completed shut in of fields and platform evacuations in prep for storms on 23 Aug.
- OSROs' equipment & personnel remain relocated/pre-staged in prep for post-storm response.

Federal/state Partner outreach & coordination (BSEE/EPA/NOAA):

- Pre-landfall coordination call held on 23 Aug – NSTR: no Stafford Act discussions; agencies briefed out pre-storm preparation activities & anticipated post storm posture.

Post-Storm Maritime Domain Awareness:

- Post-storm overflight planning – priority MER targets provided to OSC on 24 Aug.
- Potential pollution targets/AOR hot spots provided to unit Intel staff (Big Pipe).
- ERMA will be used as the primary COP for post-storm target tracking.
- Port assessment teams are utilizing the database collection tool for real time updates to ERMA.
- NESDIS will provide post-storm satellite imagery of AOR.

On-going Emergency Response Activities:

- Facility X – NSTR, clean-up completed 22 Aug and equipment demobilizing date x
- Platform Y failure – NSTR, tank remains empty & submerged w/ no pollution threat.
- NOAA's ERMA/database collection tool program capabilities: ERMA and collection tool used together provide units with a quick viable solution for gathering and communicating, real time, all-hazards threats following a natural disaster. Units work with the NOAA SSC to identify areas needed during initial port assessments, based off known storm track or highest probability for impacted area. Port assessment teams/aerial observers/Big Pipe observers should have access to the database collection tool for input of all-hazards targets.
- Prep all-hazards port assessment teams for shore/aerial/Big Pipe patrols. Ensure these teams have the most up to date database collection tool and understanding and are fully aware of target types to include status definition of pollution targets.
- Be prepared to deploy Liaison Officers (LNOs) to county/parish Emergency Operation Centers (EOCs) as requested; deploy LNOs to state EOCs, as requested. Depending on the scope and duration of the disaster, state EOC LNOs *may be* filled by Emergency Preparedness Liaison Officers (EPLOs) and/or National Strike Force (NSF) personnel (closely coordinated with district).
- Build personnel requests using the ICS-213 RR. Admin/Direct Access Mobility (DA Mob) Cell enters the request into DA Mob both for pre and post-storm personnel support needs. The DA Mob number is entered onto the ICS-213 RR and routed to D8 Surge Staffing.

Note: Colored text should be utilized for updates during pre and post-storm operational update email.

3300 Post-Storm/Natural Disaster All Hazards/Port Assessments

3301 Louisiana/Mississippi/Alabama/Florida

Sector Commanders and Commanding Officers of Marine Safety Units with Captain of the Port authority typically deploy port assessment teams via shore side/aerial overflights to assess area of responsibility (AOR) for marine transportation system (MTS), pollution, and marine casualties. These teams will evaluate the areas impacted over 24-72 hours. Teams will have the ability to upload all-hazards targets into the database collection tool, which will be populated on ERMA as the common operating picture (COP) in near real time. Care should be given to separate MER type targets from MTS and non-MER type targets as MER targets may continue long after other mission concerns have been resolved. MER targets will be represented differently than non-MER targets (work with your SSC and DRAT to ensure proper delineation between target types, i.e., MER and non-MER).

Data entry can also come from USCG Intel's virtual overflight platform, Big Pipe, which conducts initial overflights, with air crew only. Units can request certain portions of their AOR be assessed during this overflight before a storm event. Work within your USCG unit's Intel staff to create/update areas of heightened concern for these overflights. As a best practice, having a well versed Marine Science Technician (MST) (Waterways Management (WWM), Facilities, Port State Control, IMD) virtually observing the initial overflights through Big Pipe will ensure the best depiction of potential targets (all-hazards) that can be placed in the database collection tool and subsequently displayed/viewed within ERMA. The initial aerial patrols will offer a broad picture of storm impacts, but more detailed assessments will have to be conducted by vessel and shore-side personnel. After the initial aerial common operating picture is built, the detailed vessel and shore-side assessment teams will follow-up on those targets to provide for more granular target creation and/or modification within the database collection tool.

NOAA has access to several different forms of imagery following a natural disaster. One of these is Marine Pollution Surveillance Report (MPSR) provided by the National Environmental Satellite, Data, and Information Service (NESDIS). These are often provided to the Coast Guard on a day-to-day basis (as needed) and IMD personnel should be familiar with these reports. Following a storm event, the unit(s) may receive multiple MPSRs that will require investigation to determine point sources. NESDIS also has the capability to produce "no oil" reports if required. The "no oil" report might be utilized in cases that are hard to gain access to following a storm in an effort to verify other reporting sources.

- **Note:** NOAA also has access to post storm imagery that is collected immediately following a disaster (not associated with any pollution mission). Assessing the imagery results for potential pollution targets comes at a cost and cannot be paid for by the OSLTF for NCP Phase I activities. This resource can be utilized for Phase II activities. This imagery is better suited for conducting ESF-10 MA work where there is a clear scope of work identified, which defines what targets are -- in detail. If this resource is requested and granted during traditional OPA/MER responses utilizing the OSLTF, there must be great care taken to clearly identify targets for the NOAA contractor analysts, as actual discharges of oil or those perceived to be truly substantial threats.

If the number of oil discharges/hazardous substance releases or substantial threats (*not all displaced vessels are true substantial threats*) appear to overwhelm organic unit capabilities, request surge staffing early. Permanently assigned and surge staff personnel may find it difficult to return home or find adequate housing in the areas hit hardest. Work with Logistics to identify lodging options. During the initial surge of personnel, forward operating bases may need to be established. Communication will be key during this time.

- **Recommendation:** Ensure Deputy Operations Section Chief or Branch Director is co-located with any established Forward Operating Base.

Consider different structures to meet USCG MER/NCP operational needs. In past events, creating an Incident Specific (IS) FOSC/FOSCR might be utilized when multiple COTP/FOSC zones are impacted, or if the Stafford Act and ESF-10 MA is requested/issued very early-on (Hurricane Harvey). This is the recommended best practice for these situations. In lieu of an early ESF-10 MA, the FOSC may choose to retain their authority and surge staff within the Sector/MSU to manage MER/NCP targets. This may be the best option initially to create greater understanding of the potential pollution targets that fall within traditional FOSC authorities (e.g., active discharges with or without an RP) and potential ESF-10 MA type targets, which historically have been non-commercial displaced vessels and orphaned containers. Additionally, both structures may be utilized in parallel due to having MER/NCP targets that fall outside the ESF-10 scope of work. If salvage, with no pollution nexus is ongoing and separate, ensure proper liaison for flow of communication.

- **Best Practice:** If the Incident Specific FOSC/FOSCR model is utilized, ensure the IC or Deputy IC is filled, if possible, by the unit's IMD Chief or MSSR CWO. This will ensure the appropriate level of communication with the unit and District staff as well as full understanding of the AOR, state(s) and industry partnerships.
- Maximize joint overflights (USCG led or state agency led). Work with state partners to ensure that state pollution targets and USCG/federal targets are aligned. Working within the same layer in ERMA/database collection tool will also assist target de-confliction between state and federal.

3302 Texas

Within Texas, there's a well-developed and agreed upon process to manage pollution incidents resulting from a disaster declaration. This process is the Natural Disaster Operational Workgroup (NDOW). Annual training and frequent exercises are conducted to ensure federal and state agencies maintain readiness to implement the NDOW protocols. Given disaster response is led/managed at the local and state level, USCG units within TX, if requested by the state to provide support under an ESF-10 MA, are expected to work within the NDOW protocols -- within a unified command structure. The Eighth District fully supports the use of NDOW protocols, as intended. For more information related to NDOW, please see the [NDOW Website](#).

3400 Post-Storm/Natural Disaster MER/NCP mission

As the unit moves from initial post storm all hazard assessments it becomes crucial that organic staff stay engaged in the MER mission. Surge staff should be sought in support of organic staff, but having a rotation of permanent staff will ensure effective communication with state partners,

AOR knowledge, knowledge of OSROs and industry particulars. Ideally, a few key IMD members would rotate within the surge staff to ensure FOSC expectations are addressed for post natural disasters within D8. This is true for both IS FOSC Incident Management Teams (IMTs) and surge staff in support of an impacted unit's IMT.

It is important to **not assume** an ESF-10 MA will be requested by the state or granted by FEMA. Conducting the MER/NCP mission without an ESF-10 MA will be significantly different than day-to-day operations. During day-to-day operations an IMD may deal with a few pollution targets, but in a post storm environment there may be hundreds of potential pollution targets and/or threats that will require some level of effort to assess. With no ESF-10 MA, units must focus on actual discharges/releases and those *truly* substantial threats that if not mitigated in a timely fashion will become actual discharges *very* soon (i.e., within a day, but no more than a few days). Reports for actual discharges/releases will come from multiple sources and may need to be redirected for proper NRC notifications for consistent communication among state and federal partners as well as internal Coast Guard tracking. Below is an FOSC Directive that was used during Hurricane Ida to align surge staff with operating parameters for managing expectations given no ESF-10 MA and solely working within the confines of the NCP (OPA/OSLTF).

Directive: When the USCG becomes aware of an active discharge (and RP has not been identified, or is not taking actions to mitigate in a timely manner per the NCP), the USCG will access the OSLTF (open FPN for a specific target) and hire an OSRO to mitigate. The OPA is a strict liability statute, and as such, any OSLTF expenditures will result in the NPFC seeking cost recovery from a RP. Please ensure that all state agencies acknowledge this important fact (strongly encourage they brief agency heads, the Governor's staff, and recommend state officials brief their congressional delegation). Doing so now will alleviate surprises in the future – when their constituents potentially call to complain and/or ask questions.

During the assessment phase, and throughout the USCG's involvement, USCG personnel will identify targets that are deemed a substantial threat of discharge. Although there will be several USCG personnel in the field assessing, etc., the IS FOSC intention is that all USCG personnel (the "one" designated IS CGIC/FOSC/R and additional designated IS FOSCRs) follow below. Individual designated IS FOSCRs **must** submit **any** requests for target identification as a substantial threat of discharge to the one IS CGIC/FOSCR for their consideration and potential formal adoption.

Post major disaster declaration, it's anticipated that very few targets will be determined to be a substantial threat of discharge. This is a result of the number of potential pollution targets (hundreds) versus what the USCG deals with on a normal day – outside a major disaster declaration. Several factors are considered before identifying a particular target (vessel or otherwise) as a substantial threat of discharge. Please see below.

- Material condition of the target. For all targets, including vessels, the structural integrity and likelihood for an "imminent" discharge. Given the number of targets, being designated as a substantial threat of discharge is reserved for those "truly" substantial threats (i.e., a discharge is imminent if quick action is not taken). Again, based on previous storms over the course of many years, the USCG anticipates the vast majority of targets not being in such a condition that would warrant the USCG designating as a substantial threat of discharge. These non-designated targets will be the responsibility of the relevant state agency(ies) to monitor and ensure final acceptable resolution.

- Location of the target. If an imminent discharge requires FOSC/R action and that action could result in adverse impacts to federally listed threatened or endangered (T & E) species, or designated critical habitat? If the answer is yes, the FOSC/R is required to initiate communication (notification), coordination, and potential emergency consultation with the applicable federal or state agency under (1) Endangered Species Act, (2) Essential Fish Habitat, and (3) National Historic Preservation Act statutes and regulations (ensure you are communicating with your SSC first). Details for all environmental consultations is contained within the applicable Area Contingency Plan (*link can be provided*). Additional guidance can be obtained by engaging the D8 DRAT and IMPA.
- Quantity of product. The estimated quantity and type of product within each target is an important data point, but cannot – on its own – result in the FOSC designating a particular target as a substantial threat of discharge.

Work closely with state agencies to include them within the UC, ensuring access and availability of the Common Operating Picture, which will ultimately keep all parties aligned. Those targets deemed not to be a substantial threat, but displaced, will be moved to the state’s oversight. Early understanding of each other’s statutory and regulatory responsibilities will enhance target lists and understanding of current and future operations.

USCG units managing post natural disaster oil discharges and substantial threats should consider the different types of pollution threats and commit to manage in the most efficient and effective way possible. Examples of pollution target types and management styles are:

- RP with actual discharge/release actively cleaning up or planning cleanup, would best be managed by occasional Coast Guard presence and daily follow-up calls to ensure updates on status (not if classified as Major or Medium discharge/release).
- Discharge or release with no known RP or RP unable to conduct proper cleanup, would best be managed by use of the OSLTF/CERCLA with assigned FOSCR managing BOA contractor.
- Substantial threat with potential to discharge or release in the very near future (near imminent), would best be managed very similar to an actual discharge/release as depicted above.

Additionally, during a post natural disaster event, there may be discharges/releases of a significant threat (i.e., Actual/Potential Major/Medium discharges/releases). These events may best be managed separately (IS FOSCR), but still working directly for the MER Branch/FOSC. Examples of these events might be a large waterfront facility or foreign freight/tank ship with catastrophic damage. Events of this nature have often been assigned to USCG NSF personnel acting on behalf of the FOSC. Designation of these personnel will need to be drafted and signed by the FOSC if coming from outside the unit (NSF personnel have no inherent FOSC authority and must be designated if filling this role).

In an effort to ensure actual discharges/releases and *truly* substantial threats are addressed appropriately, it is important to not become immersed in the hunt for all possible targets (e.g., displaced vessels, displaced or orphaned containers, etc.). Displaced objects are prevalent after a natural disaster, but that does not make them a substantial threat. Furthermore, there is no need to

build a queue of potential ESF-10 MA targets. If potential ESF-10 MA targets (e.g., displaced vessels/containers/etc. with no actual discharge or substantial threat) are identified in the course of other activities (e.g., overflights, initial all-hazard assessments, etc.) a queue can be built within ERMA for potential ESF-10 MA, if requested from a relevant state agency. There is no need to go look for these types of targets.

3500 Data Management

Data management is crucial during a post natural disaster event. Several platforms exist to aid in tracking pollution targets and status (Response Manager, Survey 1-2-3, **NDOW – in Texas**). NOAA can provide the database collection tool/ERMA platform, which is easily accessible for organic staff immediately following a natural disaster. Work closely with your SSC to utilize this resource prior to and immediately following a storm. The other target tracking systems will require expenditure of funds for their services through a PRFA or MA and may require field techs to operate applications. NOAA also has access to aerial overflight imagery immediately following a natural disaster. Use of this imagery falls under Phase I activities of the NCP and therefore cannot be paid for by the OSLTF. It is also recommended that if this resource is utilized it is only done so after an ESF-10 MA is requested and granted -- and after close coordination with the state requesting the MA.

- **Alert:** Prior to having an ESF-10 MA and while still conducting the MER/NCP mission, requesting/funding the NOAA data team to scrutinize the imagery can inadvertently place importance on hunting for *potential* targets over focusing on actual *known* oil discharges and *truly* substantial threats. If this is being considered ensure close collaboration with both D8 DRAT/IMPA and NPFC. Proper care in detailing the scope of work will ensure the right data is being captured (e.g., the scope of work for ESF-10 MA or actual discharges of oil and perceived truly substantial threats of oil discharge for MER/NCP).

Data processing during a post natural disaster event becomes crucial during tracking and managing pollution threats/targets. Below MER / database collection tool status definitions are provided as recommended best practice for proper entry into the database collection tool application. This information was developed and refined during Hurricane Sally in 2020 and Ida in 2021. Although **not** an all-inclusive list, Table 1 does represent an excellent broad range (*nearly all-inclusive*) of pollution target status and definitions for use in a post disaster environment. Table 1 is currently structured for *a' la carte* use – selecting those that are relevant for your particular response. Long-term, the Eighth District will continue to work with NOAA and USCG headquarters to build an all-inclusive list that can effectively serve the needs nationwide.

The definitions in Table 1 are best utilized with **Commercial** and **Non-Commercial** being the overarching categories; structuring this way will ease the burden of separating targets if an ESF-10 MA is received. With multiple reports coming from different sources such as shore-side patrols, multiple aerial observations, etc., the pollution targets may be duplicated. The operations section, working closely with the data management team, will reduce duplicative targets and allow for a clear depiction of potential pollution targets for the common operating picture. Additionally, taking pictures of pollution threats and attaching them to the target in the database collection tool will allow for greater de-confliction by the data management team. If the pollution threat is from

a vessel or any other entity that displays identification name or numbers, be sure to include them in the target description within the database collection tool.

| Table 1: MER Status Definitions | | | | | | | |
|--|--|---|--|---|---|---------------------------------------|---|
| Not Assessed: | Targets that have no information in ERMA will initially have this status. After an in-person visit this status will change in accordance with the outcome of the assessment. | | | | | | |
| Assessed, Threat (Mitigate): | <p>Targets which the USCG has determined to be (1) actively discharging, or (2) a substantial threat of discharge. Both of these designations <u>apply only to those targets that do not have a viable RP</u> (or the RP is unwilling or unable to conduct an effective, timely response). As such, the USCG FOSC will conduct appropriate Phase III oil removal actions on these targets through the use of BOAs and/or OSROs. If the FOSC (or IS FOSC) requires funding from the OSLTF, a unique FPN <u>will be created for each target unless</u> otherwise authorized by the NPFC. The below subsets further define this status.</p> <ul style="list-style-type: none"> • Target Currently has USCG Hired Resources • Target poses a substantial threat of discharge into navigable waters or adjoining shoreline within the coastal zone. | | | | | | |
| Assessed, Threat (Monitor): | Targets that are (1) NOT actively discharging and/or (2) NOT deemed a substantial threat of discharge by the FOSC (or IS FOSC). As such, these targets <u>do not</u> fall within the USCG jurisdiction for continued monitoring and/or oversight – with the exception of appropriate level of periodic federal oversight of <u>RP-led cleanup actions involving active discharges</u> (see below). These include targets that <i>may need</i> future local and/or state oversight of RP-led response action, or targets that the local and/or state agency has an interest in. The relevant local and/or state agency can request USCG support on any target that does become an active discharge or warrants being designated as a substantial threat of discharge in the future. The below subsets further define this status. | | | | | | |
| | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">RP Led Action:</td> <td>Includes targets with active discharge in which RP is taking appropriate action under the NCP.</td> </tr> <tr> <td>RP Identified/Potential Future Threat:</td> <td>Target may pose a future threat (but not deemed a substantial threat of discharge) and an RP has been identified; local and/or state monitoring of RP-led mitigation.</td> </tr> <tr> <td>No RP/Potential Future Threat:</td> <td>Target may pose a future threat (but not deemed a substantial threat of discharge) and no RP has been identified; local and/or state monitoring and pursuit of viable RP.</td> </tr> </table> | RP Led Action: | Includes targets with active discharge in which RP is taking appropriate action under the NCP. | RP Identified/Potential Future Threat: | Target may pose a future threat (but not deemed a substantial threat of discharge) and an RP has been identified; local and/or state monitoring of RP-led mitigation. | No RP/Potential Future Threat: | Target may pose a future threat (but not deemed a substantial threat of discharge) and no RP has been identified; local and/or state monitoring and pursuit of viable RP. |
| | RP Led Action: | Includes targets with active discharge in which RP is taking appropriate action under the NCP. | | | | | |
| | RP Identified/Potential Future Threat: | Target may pose a future threat (but not deemed a substantial threat of discharge) and an RP has been identified; local and/or state monitoring of RP-led mitigation. | | | | | |
| No RP/Potential Future Threat: | Target may pose a future threat (but not deemed a substantial threat of discharge) and no RP has been identified; local and/or state monitoring and pursuit of viable RP. | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Target Not Found: | Upon initial visit utilizing overflight data, the target is no longer present. This status should only be selected after an in-person assessment is conducted. | | | | | | |
| No USCG Action, Leave in Place: | Targets deemed to not be actively discharging or a substantial threat of discharge into or on navigable waters or adjoining shoreline within the coastal zone. USCG has no jurisdiction or authority to take action. | | | | | | |

Table 1: MER Status Definitions

| | | |
|--|--|---|
| <p>USCG Action Complete, Leave in Place</p> | <p>The USCG provided funding (OSLTF) and oversight to mitigate the (1) active discharge, or (2) substantial threat of discharge. Authorized OPA removal operations completed; no further actions from USCG. The target is no longer (1) actively discharging, or (2) a substantial threat of discharge.</p> | |
| <p>Target Removal Complete</p> | <p>The USCG completed an in-person assessment. The target is no longer a pollution threat. The RP, or other entity, removed either the pollution threat or the target. The existing status would be changed to this status once the pollution threat is mitigated. The below subsets further define this status.</p> | |
| | <p>Target Removal Complete (other): RP:</p> | <p>The RP mitigated the pollution threat or removed the source of pollution.</p> |
| | <p>Target Removal Complete (other): Municipality:</p> | <p>The municipality mitigated the pollution threat or removed the source of pollution.</p> |
| | <p>Target Removal Complete (other): State</p> | <p>The state mitigated the pollution threat or removed the source of pollution.</p> |
| | <p>Target Removal Complete (other): County/Parish:</p> | <p>The county/parish mitigated the pollution threat or removed the source of pollution.</p> |
| | <p>Target Removal Complete (other): Unknown:</p> | <p>It is unknown who mitigated the pollution threat or removed the source of pollution.</p> |

- Note:** As previously stated, the status definitions provided represent a *nearly all-inclusive list* of possible statuses needed following a natural disaster. The use of all definitions may not be needed, but the above are provided based on past responses. The above definitions represents a menu of options available and can be updated as needed. It is also important to understand that these definitions are happening over time, i.e., overflights and satellite imagery are some of the initial data being captured, and the follow-up to these will be field assessments where targets can be further assessed and communicated with the definitions above.

If there is a request for an ESF-10 MA while the USCG is conducting MER/NCP responses, care should be given to separate pollution targets based on MA scope of work language. Traditionally, ESF-10 pollution targets have included recreational vessels, orphaned containers, oiled debris, oiled structures, and possibly commercial fishing vessels (termed “little c”). Preliminary MA coordination with the state is vital – in advance of the USCG actually receiving the MA. Additionally, open dialogue should take place when standing up an IMT to support the ESF-10 MA. If the state requests a smaller more focused approach (i.e., smaller list of targets) then that IMT footprint should be agreed upon *before* ordering resources.

- **Reminder:** If a state requests USCG support under an ESF-10 MA, the USCG **must** work closely with the lead state agency to ensure an efficient and effective federal support structure is established. For example, a 25-60 person USCG IMT may fulfill the state needs for one incident where a ~15 person IMT may work for others. It's not a one size fits all approach; each incident must be tailored to the specific request of a state. Only after having a transparent dialogue with the state can the USCG move forward with staffing with the appropriate resources. The MER/NCP targets may need to be separated based off the state's request. Additionally, the lead state agency may choose to utilize a different data management tool to track and mitigate ESF-10 pollution targets. Working closely with the NOAA data team, this information should be moved to the state requested database if required.

4000 Considerations for Stafford Act/ESF-10 Mission Assignment

4100 Cost share

While exceptions may be granted, the standard state cost share for all direct federal assistance (DFA) MAs is 25 percent. State leadership need to be aware of this. The USCG also needs to be keenly aware of this, as cost share agreements between the state and federal government can have significant impacts on scope of work for USCG MAs.

Depending on severity and other factors, each state may attempt to negotiate a reduced cost share with FEMA.

- **Note:** The USCG has absolutely no role or function in this potential conversation – it's strictly between the state government, FEMA, and The White House. For example, during Hurricane Harvey in 2017, Texas negotiated a zero percent state cost share for the first 30-days and 10 percent state cost share thereafter for ESF-10 MA.

4200 Unified Command (UC)

Per the National Response Framework, the EPA is the ESF-10 coordinator – always. The USCG can serve as a primary agency, depending on the impacted area (USCG would be a primary agency for impact within the coastal zone).

Since Hurricane Harvey in 2017, the USCG has received its own ESF-10 MA. FEMA and USCG headquarters documented this process (and intent) in the [Penn-Tulis memo](#) dated 22 Feb 2019.

Although the USCG will be receiving its own ESF-10 MA, the USCG is not in competition with the EPA; rather, the USCG is fully committed to working in close coordination with the EPA – and the relevant state agencies involved in the ESF-10 pollution mitigation mission. Our goal is to work within a unified command, in person or virtually, and ensuring we deliver the most efficient support to the requesting state.

In response to a Stafford Act/ESF-10 MA request from the state and granted by FEMA, the FOSC must consider how to best meet the ESF-10 MA needs and manage other ongoing MER related

responses not covered by the MA. Also, there may be a combined effort between USCG and EPA if the state has requested an MA for inland zone pollution targets. Ideally, this is best managed by working with the state agencies to understand their capabilities and capacity to manage or work within multiple IMTs. In previous years the Incident Specific FOSC/IC model has been utilized to streamline efficiencies directed toward conducting work related to ESF-10 MA scope of work.

One example to consider where the IS FOSC/IC model may over burden state resources is if a storm/natural disaster were to impact two or more distinct COTP zones and an ESF-10 MA is requested. The state may be spread thin by each of the individual USCG unit established IMTs supporting the MER/NCP mission for the two (or more) COTP zones and the IMT supporting the IS FOSC IMT. For example, Hurricane Harvey (2017) impacted three COTP zones within Texas. As a result, when Texas approached the EPA and USCG to discuss requesting both agencies to provide support to the state (EPA requested by TCEQ; USCG requested by TGLO) under an ESF-10 MA, the Eighth Coast Guard District employed an efficient and effective management structure. This streamlined structure alleviated USCG overhead for the requesting state agency and thus reducing the overall cost. See Section 9100 for an overview.

- **Reminder:** Within the USCG, any MA is between FEMA and the USCG – not a particular field command. The vast majority of MAs (including ESF-10) are accepted at the District level.

4300 Stafford Act Funding for Commercial Pollution Sources

The Stafford Act “can” fund any pollution mitigation efforts – no matter the source – as long as the discharge/release (or the substantial threat of) is the result of the disaster that receives a presidential disaster declaration. However, the expectation, *with limited exception*, is that pollution mitigation involving commercial entities **will not** be funded via the Stafford Act (ESF-10).

Commercial entities as described within “Key Distinctions” (see Section 6000) are responsible, *with limited exception*, for their own pollution planning, preparedness, response and mitigation activities – no matter the circumstance. These commercial entities, termed “Big C”, have existing oil spill response plans (facility or vessel) that outline their response posture. Following are examples of *potential* commercial pollution sources:

- Designated waterfront facility (regulated by USCG, EPA, or both)
- Freight ship (foreign or US flagged)
- Tank ship (foreign or US flagged)
- Towing vessel (inspected and possibly uninspected)
- Barges (tank or freight; possibly deck barges also)
- Pipelines and flow lines (regulated by PHMSA or state)
- Commercial fishing vessels (valid Certificate of Inspection (COI) or Certificate of Documentation (COD))

The state (responsible for cost share determined by FEMA) *may* choose to include a commercial entity within the ESF-10 MA. One potential example is pollution mitigation of a commercial fishing vessel. Although the fishing vessel is clearly in commercial service, the state *may* deem it in their best interest to mitigate an actual or potential pollution threat originating from a commercial fishing vessel.

4400 Target Identification and Management Process

Similar to conducting MER/NCP response operations, target identification and management will be a crucial component of conducting ESF-10 MA operations. If MER/NCP target management is conducted properly at the onset of the response, moving ESF-10 targets that fall within the ESF-10 MA scope of work will be a much smoother process.

Equally important to identifying the lead state agency for ESF-10 activities, it's also extremely important to know what system will be used to identify and manage pollution targets after a presidential disaster declaration.

Each state likely has different assessments, processes, and protocols for pollution target management. For example, Texas has developed, implemented, and refined a thorough process managed by their Natural Disaster Operational Workgroup (NDOW). The NDOW protocols consist of numerous forms and SOPs that ensure an efficient and repeatable process. Notwithstanding exercises, the NDOW protocols were most recently used during the Hurricane Harvey response in 2017. A core component of their system is the EPA Region 6's Response Manager viewer.

5000 Roles and Responsibilities

5100 Field Unit (Sectors and Marine Safety Units with COTP Authority)

Understand the key difference in operating under an MER/NCP context vs. a Stafford Act ESF-10 MA and ensure that IMD and post natural disaster assessment team personnel are aware of and have understanding of this document. Communicate early with the IMPA if state partners are interested or seeking ESF-10 MA.

Direct any incoming, surge staff, to review this document prior to engaging in any part of response or data management. Personnel who respond to these incidents often have different backgrounds and understandings of how this mission is carried out. This document is meant to ensure all parties are working toward a common goal.

Be prepared to support both an MER/NCP IMT and an ESF-10 MA IMT. This is best completed by having a few key personnel in appropriate positions to ensure consistency with this document and overarching alliance with the FOOSC and District (e.g., IMD Chief/MSSR as IC or Deputy).

5200 District

5201 District Mission Assignment Action Officer (MAAO):

- Mission Assignments are between FEMA and the USCG (not a particular USCG field command).
- The district has assigned the Chief, Response Division (dr) as the MAAO. The MAAO is the approving official for any FEMA MA that impacts any district-managed unit or resource.

5202 Incident Management and Preparedness Advisor (IMPA):

- Serves as the lead district representative for all ESF-10 related issues and actions.
- Is the primary connection with the FEMA Regional Response Coordination Center (RRCC), the district assigned Emergency Preparedness Liaison Officer (EPLO) and the district MAAO. The IMPA will work closely with the EPLO(s) to ensure the entire process (Resource Request Form to MA) is efficient.
- The IMPA will coordinate draft MA review with D8 legal staff.
- The IMPA will ensure the MAAO is aware of (and approves) any MA before FEMA actually completes/assigns.
- Facilitates ESF-10/pre and post-storm coordination calls with relevant entities (EPA, state(s), USCG field unit(s), NSF, etc.) as necessary.

5203 District Response Advisory Team (DRAT):

- The DRAT works closely with the IMPA, field unit(s), and District Force Readiness Branch (dxr) to support overall pollution mitigation efforts (ESF-10 and those involving commercial entities), including personnel support requests via DA Mob and ICS-213 RR process.

5204 Emergency Preparedness Liaison Officer (EPLO):

- The district has reserve officers assigned to each FEMA Region to serve as a conduit from FEMA RRCC activities and the district.
- Upon direction from FEMA, the EPLO will be activated (funded by FEMA) to report to the RRCC to support potential follow-on USCG MAs. In addition to potential MA processing, the EPLO also serves as a vital resource to ensure situational awareness. As we experienced in 2020 and 2021, an EPLO can also be activated and provide support virtually.
- The assigned EPLO sits at the ESF-9/10 desk at the RRCC (or supports virtually) and works closely with the assigned EPA personnel on processing state requests for federal assistance (specifically USCG).
- The EPLO closely coordinates all activities with the IMPA.

5205 Liaison Officer (LNO):

- Depending on the scope/duration of the event, the district may choose to deploy one or more LNOs to facilitate effective communication at the state EOC level.

5300 National Strike Force (NSF)

The NSF serves as the primary source for initial post landfall resource organization structure (personnel). Since the 2017 hurricane season, the NSF has led the MER/NCP/ ESF-10 mitigation efforts for the USCG in the incident command post (ICP) and in the field (assessing pollution targets and actual mitigation efforts). This is not to say that other USCG entities cannot lead/manage the MER/NCP/ESF-10 mission, but the NSF has proven their highly trained, skilled workforce is a definite value-added asset.

Depending on the scope of the disaster and anticipated pollution targets, consider assigning a senior NSF member (O4-O5) to serve as incident-specific USCGIC (Request through D8/LANT-35 and approved by NSFCC). Unit personnel (from impacted COTP zone) must always be involved in the process throughout the pollution mitigation efforts.

Maintain suitable NSF presence throughout; however, work with unit(s) and district(s) to ensure other viable/qualified USCG personnel are employed as appropriate.

- **Note:** All personnel requests must be submitted using the ICS-213 RR and DA Mob. It is imperative D8 Surge Staffing be included for coordination of mobilization and demobilization as appropriate. The ICS-213 RR information and DA Mob routed to LANT for initial sourcing must include the DA Mob number, TONO and LOA information. (See LANTAREAINST 3121.2 for further RFF instructions).

5400 National Pollution Funds Center (NPFC)

NPFC is responsible for reconciliation of ESF-10 MA cost documentation packages. Effective communication must be established early to ensure accurate/timely cost documentation.

5500 USCG's Director of Logistics (DOL-92)

The USCG's Director of Logistics (DOL-92) will play a vital role in an efficient ESF-10 operation. Based on recent lessons learned and best practices, the DOL-92 contracting officer will usually hire one "prime contractor" (a contractor with salvage and removal experience and has the proper insurance levels. This contractor will work with the state and USCG to develop appropriate equipment packages to mitigate pollution, including potential target removal) to lead the overall ESF-10 pollution mitigation effort. The prime contractor (under a BOA) will subcontract/hire additional OSROs and/or local companies to the maximum extent practicable (according to applicable contracting protocols) to ensure the most efficient and effective pollution mitigation response. The USCG (DOL-92) will provide justification where local subcontractors are not available.

5600 Lead State Agencies

It is important to understand and document the organization and division of labor within each state. For example, although not all inclusive of potential pollution sources, the following state agencies are the lead ESF-10 agency for pollution:

- Texas Commission on Environmental Quality (TCEQ)
- Texas General Land Office (TGLO)
- Louisiana Department of Environmental Quality (LDEQ)

- Mississippi Department of Environmental Quality (MDEQ)
- Alabama Department of Environmental Management (ADEM)
- Florida Department of Environmental Protection (FDEP)
- Florida Fish and Wildlife Conservation Commission (FWC)
- **Note:** States typically have separate agencies that respond to oil discharges and hazardous substance releases respectively, unlike the EPA and USCG who respond to both. Likewise, some states may only delegate ESF-10 mission assignment request capability to one of these state agencies. While the Federal On-Scene Coordinators are assessing both oil and hazardous substance targets, it will be important that all state agencies (as applicable), regardless of the agency delegated to request an MA, be informed of all potential targets regardless of oil vs. hazardous substances.

6000 Key Distinctions: National Contingency Plan (NCP) vs National Response Framework (ESF-10)

- The Oil Pollution Act of 1990 (OPA) mandates cost recovery when Oil Spill Liability Trust Fund (OSLTF) funds are used; Stafford Act does not. As such, any USCG use of the OSLTF will result in the National Pollution Funds Center (NPFC) seeking cost recovery from the responsible party (i.e., owner or operator).
- FEMA normally assigns a state cost-share to requests for federal assistance by state/tribe (normally 25 percent). Ultimately, the President of the United States (POTUS) assigns the actual state cost share – or sets other terms/conditions.
- Commercial entities (designated waterfront facilities, vessels with a Certificate of Inspection [COI] and/or Certificate of Documentation [COD], Certificate of Financial Responsibility [COFR], etc.) would not typically be eligible for mitigation under an ESF-10 MA. These entities are expected to use existing pollution response protocols, including their VRP or FRP, to effectively mitigate any discharge (or substantial threat of) or hazardous substance release (or substantial threat of) versus having taxpayers fund the response. Ultimately, the state has the authority to request help with anything impacting state jurisdictional boundaries.
- Neither the OSLTF nor CERCLA permit pre-staging resources, including the NSF resources in advance of a disaster.
- The USCG National Strike Force Coordination Center (NSFCC), under USCG Atlantic Area, can expend their own funds to pre-stage National Strike Force (NSF) resources in advance of hurricane landfall.
- The USCG will respond to active discharges or releases and substantial threats of discharges or releases post natural disaster, with no expectation of an ESF-10-MA. If an ESF-10 MA is requested, care will be given to move that assigned work to a different IMT to ensure an effective, efficient response and clear separation of funding and objectives. Coordination between the two IMTs should be closely coordinated to reduce potential target duplication or operational impacts to each other's MER pollution mission.
- If a state requests federal (USCG) assistance post hurricane landfall (or other relevant disaster), the USCG will work closely with the appropriate state agency (agencies) to determine the most efficient response structure and protocols (it's not an all or nothing

proposition). This structure could look any number of ways depending on the storm’s impact, structure/resiliency of the state, etc. The USCG must remember that efficiency and close coordination with other federal, state, and response resources will be vital.

- If a state does not request USCG support under an ESF-10 MA, the USCG will perform their statutory mission as identified in OPA (and the Comprehensive Environmental Response, Compensation, and Liability Act, CERCLA). Specifically, the USCG will respond to reports of pollution and ensure a prompt, effective cleanup is undertaken by the responsible party. If no responsible party is identified, or they are unable or unwilling to conduct an appropriate response, the USCG will access the OSLTF and hire an oil spill removal organization (OSRO) to mitigate any (1) active oil discharge or (2) any FOSC determined truly substantial threat of an oil discharge (i.e., if no action is taken, actual discharge is imminent). As necessary, the USCG will access CERCLA funding to (1) mitigate a hazardous substance release, or (2) any FOSC determined truly substantial threat of release.
- **Note:** The response limits of OPA and CERCLA shall apply.

Table 2: Key differences between Stafford Act responses and NCP responses

| Stafford Act | NCP |
|--|--|
| Lead agency: FEMA | Lead agency: EPA or USCG |
| <ul style="list-style-type: none"> • Request for federal support must be made by state (governor) or tribe (chief executive), except for certain emergencies involving primary federal responsibility | <ul style="list-style-type: none"> • Federal Government makes independent evaluation of need for federal response • State/tribal requests for help do not have to come from governor/chief executive level |
| <ul style="list-style-type: none"> • Federal role is to support states/tribes | <ul style="list-style-type: none"> • Federal Government may, and in some cases must, lead the response • Federal Government has on-scene, tactical command authority |
| <ul style="list-style-type: none"> • Does not directly address liability protections or immunities for responsible parties | <ul style="list-style-type: none"> • Federal government has enforcement authorities over responsible parties |
| <ul style="list-style-type: none"> • State cost share may be required (usually 25 percent) • No cost recovery provision against owner/operator | <ul style="list-style-type: none"> • No state cost share for emergency responses • OPA mandates cost recovery against the responsible party (owner/operator) |

7000 Environmental and Historical Compliance

7100 Environmental

During a post natural disaster event when the USCG is conducting MER/NCP or ESF-10 response operations it is also required to ensure all associated pollution mitigation response actions are compliant with federal environmental laws and regulations. These include, but are not limited to, the Endangered Species Act, Section 7 (ESA); National Historic Preservation Act, Section 106 (NHPA); and Essential Fish Habitat (EFH). Similar to day-to-day pollution removal response actions, the USCG, as the Action Agency, is responsible for initiating emergency, post spill, informal and/or formal consultation with the following, as appropriate:

- for ESA (sea turtles, marine mammals - except manatees) and EFH, the DOC/National Marine Fishery Service;
- for ESA, the DOI/U.S. Fish and Wildlife Service; and
- for NHPA, the State Historic Preservation Officer and/or Tribal Historic Preservation Officer. Depending on the circumstances, the USCG might also engage CG-MER to request consultation with the Advisory Council on Historic Preservation (ACHP).

The NOAA SSC may assist in facilitating required consultation efforts, but it is the FOSC's responsibility – not NOAA – to initiate and document all mandated environmental consultations involving any pollution response actions. This includes sending emails, memos, documenting USCG time/costs associated with environmental consultations. All of these efforts are the responsibility of the USCG/FOSC. The Eighth Coast Guard District has a prescribed consultation process that shall be followed. This process is outlined in [Annex 29](#) of the Region 6 Regional Contingency Plan.

When conducting ESA Section 7 emergency consultation in accordance with [Annex 29](#) in a post natural disaster environment, there may be opportunities to combine targets if similar tactics are being utilized in the same area. (e.g., stinging tanks of multiple sunken vessels in a marina, or lifting multiple vessels from a single marina). Work with the NOAA SSC, the IMPA and/or DRAT, and the Services to identify the most efficient process that also meets the intent of ESA Section 7 emergency consultation requirements.

The USCG, working with the lead state agency, is required to inform FEMA on all environmental consultation requirements. FEMA must incorporate estimated time and cost into any ESF-10 MA for the USCG. Please note that time estimates may significantly exceed the pollution mitigation timeframe.

7200 Historic Preservation

The State Historic Preservation Officers (SHPOs) are an excellent resource when conducting operations in areas known to have historic value. Even when working in areas that are not known or do not appear to have historic value, SHPOs can guide operations in this regard to ensure National Historic Preservation Act, Section 106 is being adhered to.

Federally recognized Native American Tribes may also have sites of significant historic and cultural value in/near areas of operation; work with the DOI and IMPA to ensure proper notifications are completed if working in or near these sites. Often these sites are not known or publicized, so as a best practice engage the DOI early to better characterize the sites of operation. For more information see the Fish and Wildlife and Sensitive Environments Plan (FWSEP), [Annex 28](#).

8000 Federal lands

The Stafford Act does not pay for any pollution mitigation efforts on federal lands. The state and USCG must ensure they identify any federal lands that might be impacted by a presidential disaster declaration.

Federal agencies are responsible for pollution mitigation on federally owned/maintained lands. Refer to [Reference \(f\)](#) for further guidance.

9000 History

9100 Hurricane Harvey (2017, Texas)

- Given the uniqueness of this CAT 4 hurricane (impacted three COTP AORs spanning nearly the entire coastal portion of TX; extreme rain producer), the Eighth District Commander designated the USCG Eighth District Chief, Response Division (dr) as the incident-specific FOSCR for all ESF-10 Harvey-related pollution targets. In turn, USCG D8 (dr) designated a NSF Commander as the incident-specific USCGIC for all ESF-10 Harvey-related pollution targets. He filled this role for the duration of the ESF-10 mission. NSF provided the vast majority of USCG personnel for this mission; some USCG Auxiliary personnel were used; each of the three COTPs provided staff to support the mission as well.
- Although this strategy was unique, it provided for the most efficient and effective pollution response for the State of Texas. USCG D7 employed this same approach during Hurricane Irma.
- The IMPA worked closely with all involved to ensure smooth communication, facilitating an almost daily ESF-10 coordination call with all entities.
- At the request of the Texas Commission on Environmental Quality, FEMA R6 issued an ESF-10 MA to EPA R6.
- At the request of the Texas General Land Office, FEMA R6 issued an ESF-10 MA to the USCG.
- The DRAT maintained and published daily executive summaries to ensure chain of command visibility.

9200 Hurricane Michael (2018, Florida panhandle)

- This CAT 5 hurricane impacted four coastal counties within the panhandle (within USCG D8 / Sector Mobile AOR).

- The Sector Mobile Commander designated a NSF Commander as incident-specific USCGIC responsible for all ESF-10 Michael-related pollution targets. The incident-specific USCGIC position changed several times during the response. NSF provided the vast majority of USCG personnel for this mission; COTP/FOSC Mobile provided staff to support the mission as well.
- At the request of the Florida Fish and Wildlife Conservation Commission, FEMA R4 issued an ESF-10 MA to the USCG.
- The State of Florida did not request federal support from the EPA.
- The IMPA worked closely with all involved to ensure smooth communication, facilitating an almost daily ESF-10 coordination call with all entities.

9300 Hurricane Laura (2020, Louisiana)

- This CAT 4 hurricane impacted the southwest Louisiana portion of the Marine Safety Unit (MSU) Port Arthur AOR; Lake Charles was heavily impacted.
- The MSU Port Arthur Commanding Officer designated a NSF Commander as incident-specific USCGIC responsible for all ESF-10 Laura-related pollution targets. NSF provided the vast majority of USCG personnel for this mission; some ably supported virtually due to the ongoing COVID-19 pandemic. Local USCG personnel from MSU Port Arthur and MSU Lake Charles provided staff to support the mission as well.
- At the request of the Louisiana Department of Environmental Quality (LDEQ), FEMA R6 issued an ESF-10 MA to the USCG.
- The State of Louisiana did not request federal support from the EPA under an ESF-10 MA.
- The IMPA worked closely with all involved to ensure smooth communication, facilitating several ESF-10 coordination calls with all entities.
- FEMA Public Assistance Specialists were very involved throughout the pollution mitigation evolution; specifically focused on ensuring that FEMA's Public Assistance Program and Policy Guidance (FP 104-009-2) June 2020, also referred to as PAPPG, was accurately interpreted and applied.

9400 Hurricane Sally (2020, Alabama and Florida panhandle)

- This CAT 2 hurricane impacted five coastal counties within two states in the Sector Mobile AOR.
- The Sector Mobile Commander designated a NSF Commander as incident-specific USCG FOSCR responsible for all Hurricane Sally-related pollution targets.
- Neither state requested USCG support under an ESF-10 MA.
- All pollution response and recovery efforts were completed under OPA. The USCG accessed the Oil Spill Liability Trust Fund to fund appropriate level of USCG response and mitigation efforts; e.g., actions to mitigate active discharges and those the FOSC/R determined to be a substantial threat where the responsible party was not taking action.
- USCG actions under OPA occurred over a four-week period. Upon completion of USCG required efforts, each state continued to work with locals, counties, marinas, and responsible parties over the course of three months to ensure the more than one thousand identified pollution targets were mitigated.

9500 Hurricane Ida (2021, Louisiana)

- This CAT 4 hurricane impacted South-central and Southeast Louisiana.
- Sector New Orleans and MSU Houma FOSCs designated the USCG Eighth District Chief, Response Division (dr) as the Incident Specific FOSC. The D8 (dr) subsequently designated a NSF Commander as Incident Specific IC/FOSCR.
- No ESF-10 mission assignment was requested from the state.
- Due to widespread damage throughout the Houma and New Orleans AOR, the MER pollution response mission was ran out of Sector Houston-Galveston with forward operating components in New Orleans and Houma.
- Six federal projects were opened under the OPA/NCP post natural disaster mission.
- The responses were done at the same time the Coast Guard was transitioning from one financial management system to another, causing many issues with funding and completion of required federal case packages to the NPFC.
- MER IMT assessed over 2,500 potential pollution targets, of which only a few were mitigated through use of the OSLTF. Remaining displaced vessels and other targets not deemed a substantial threat were turned over to Louisiana to monitor and manage.

10000 References

- (a) [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#), Public Law 93-288, as amended, 42 U.S.C. 5121 et seq., and Related Authorities
- (b) National Contingency Plan, [40 CFR part 300](#)
- (c) USCG Marine Environmental Response and Preparedness Manual, [COMDTINST M16000.14A](#) (series)
- (d) [USCG Headquarters \(CG-MER\) Emergency Support Function 10 \(ESF-10\) Operations Guidance and Best Practices](#) dated Dec 2020
- (e) [National Response Framework](#), 4th edition dated Oct 2019
- (f) [Emergency Support Function #10 – Oil and Hazardous Materials Response Annex](#)
- (g) [National Response Team Abandoned Vessel Authorities and Best Practices Guidance](#) dated July 2020
- (h) [FEMA Public Assistance Program and Policy Guidance](#) (FP 104-009-2), PAPPG, dated Jun 2020
- (i) [FEMA Oil and Chemical Incident Annex to the Response and Recovery Federal Interagency Operational Plan](#) dated Feb 2021
- (j) [Penn-Tulis Memo](#) dated 22 Feb 2019
- (k) [Essential Fish Habitat Guidance](#)
- (l) [Endangered Species Act Guidance](#)
- (m) [Marine Debris Guidance](#)