Maritime Emergency Response Guide

March 2015
This document is designed as a reference guide for emergency management professionals involved in waterway and port facility response activities and contingency operations.
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**Section 1 – Introduction**

The opening of a domestic port or waterway after a natural or human caused disaster is a complex challenge with a wide range of variables and coordination needs. Many departments and agencies at all levels of government play a role in port and waterway restoration. The authorities and procedures they use to accomplish this challenging task are outlined in multiple laws and separately developed protocols and plans. In recognition of the fact that no single document exists to consolidate these authorities and plans, the Administrator of the Federal Emergency Management Agency (FEMA), in coordination with leadership from the U.S. Army Corps of Engineers (USACE) tasked the Emergency Support Function Leadership Group (ESFLG) membership to develop a guide to fill that gap.

This Maritime Emergency Response Guide (MERG) is the result of a collaborative effort across eight Federal departments and agencies and major programs that support maritime response. Developed jointly by the Primary and Supporting Agencies of Emergency Support Function 1 (ESF-1) Transportation, led by the U.S. Department of Transportation (DOT), the MERG is designed to help response personnel more easily understand the Federal resources available to expedite the restoration and reopening of domestic ports and waterways. The MERG primarily focuses on the response phase. However, it should be noted that activities in the preparedness and recovery phases are imperative to a successful response.

The guide is divided into five sections and two appendices:

- **Section 1, Introduction**, provides a broad context for the document
- **Section 2, Federal Organizations Involved in Maritime Response Operations**, provides an overview of the maritime organizations involved in restoration activities, including roles and authorities
- **Section 3, Waterway and Port Facility Restoration**, outlines activities to be undertaken during a response phase
- **Section 4, Coordination Process for Maritime Assets**, describes the coordination process of maritime assets following an emergency or disaster
- **Section 5, MERG Implementation and Maintenance**, describes the MERG’s applicability and how it will be kept current
- **Appendix A, List of Authorities**, provides a summary and weblinks of the authorities referenced in the guide
- **Appendix B, List of Acronyms**, provides a list the acronyms used in the guide
The MERG does not create new authorities or plans, but instead consolidates key information from existing Federal guidance and doctrine into a single location, explaining the regulatory and policy authority of each agency that has major equities in ports and waterways. Nothing in the MERG is intended to alter or impede current laws or regulations of the U.S. or directives of any department or agency.

To ensure that the statutory authorities and roles of all stakeholders involved in successful maritime mission management are considered, procedures outlined in this guide should be aligned with other established Federal, State, Local, Tribal, and Territorial (SLTT), and private sector protocols.

This document is intended to provide officials with the most current technological and programmatic developments and information regarding port and waterway restoration activities. Therefore, this document will be periodically reviewed and updated as appropriate under the direction of the ESFLG.
Section 2 – Federal Organizations Involved in Maritime Response Operations

In this section you will find:

• An overview of the Federal maritime organizations involved in waterway and port facility restoration activities and maritime contingency operations after an emergency or disaster;

• An explanation of the mission and specific capabilities of each organization;

• References to legal authorities that enable these organizations to participate in port and waterway restoration activities; and

• A contact list of Federal maritime-related operations centers.

Quick List: Federal Organizations in this Section

Depending on the location of the incident, there are eleven (11) separate organizations within four Federal departments that may be involved in domestic port and waterway restoration activities:

Department of Commerce
   National Oceanic and Atmospheric Administration

Department of Defense
   U.S. Army Corps of Engineers
   U.S. Navy - Supervisor of Salvage and Diving
   U.S. Northern Command
   U.S. Pacific Command
   U.S. Transportation Command

Department of Homeland Security
   Federal Emergency Management Agency
   U.S. Coast Guard

Department of Transportation
   Maritime Administration
   Office of the Secretary, National Response Program
   Saint Lawrence Seaway Development Corporation
DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

The Department of Commerce’s (DOC) National Oceanic and Atmospheric Administration (NOAA) National Ocean Service (NOS) provides maritime-specific navigation, observation, and positioning services. NOS builds and maintains the Nation’s suite of nautical charts, the National Water Level Observation Network, and the National Spatial Reference System and has extensive expertise in hydrographic surveying and shoreline mapping. NOAA is also the Scientific Support Coordinator to the U.S. Coast Guard (USCG) for marine oil and hazardous material spills/releases, including providing modeling and trajectory forecasts of where a spill is headed. NOS maintains several mobile navigation response teams that can be pre-positioned or quickly dispatched to conduct hydrographic surveys to locate obstructions to navigation following a major disaster. NOS also has the capability to conduct rapid response remote sensing missions (e.g., aerial imagery, airborne light, and detection ranging (LiDAR)) to support emergency response, damage assessment, and recovery actions. NOS provides these services for waterway and port facility restoration activities after an emergency or disaster.

Authorities
- Coast and Geodetic Survey Act of 1948
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
- Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990 (OPA)
- Hydrographic Services Improvement Act of 1998
- Integrated Coastal and Ocean Observation Systems Act of 2009
- Marine Debris Act
- National Weather Service Act
- Ocean and Coastal Mapping Integration Act

DEPARTMENT OF DEFENSE

Defense Support of Civil Authorities

The U.S. Armed Forces have a historic precedent and enduring role in supporting civil authorities during times of emergency, and this role is codified in the national defense strategy as a primary mission for the Department of Defense’s (DoD). The Defense Support of Civil Authorities (DSCA) is support provided by Federal military forces, National Guard forces, DoD civilians, contract personnel and components in response to
requests for assistance from civil authorities. DSCA support is particularly valuable in large or catastrophic incidents that affect multiple jurisdictions and/or require response across multiple lines of operations.

Once a requirement is identified by a civil authority and approved by FEMA, U.S. Northern Command (USNORTHCOM), in coordination with DoD, will evaluate available assets, delivery locations, and the required delivery timeline to determine the most effective and efficient approach to meet specific operational needs.

DSCA support of disaster operations may include aircraft, vessels, and crews for the movement, staging, and distribution of personnel, survivors, and commodities. For example, a Marine Expeditionary Unit could provide generators, fuel, and helicopter lift capability to assist with port recovery efforts. DoD’s contributions to a maritime response may include:

- Bulk fuel/water delivery and limited distribution of fuel and water, using organic or attached maritime assets (including inland waterway or river offload and delivery);
- Transportation of disaster response personnel and equipment (sea, air, and ground transportation as required);
- Emergency first-aid, transportation, and limited medical support including limited medical berthing for affected disaster responders or survivors;
- Limited berthing and meals capability for disaster responders and survivors;
- Evacuation, monitoring, and light airlift capabilities provided by Civil Air Patrol and Air Force Auxiliary;
- Explosives or munitions emergency response;
- Urban search-and-rescue (USAR);
- Chemical, Biological, Radiological, Nuclear, and High-Yield Explosive (CBRNE) consequence management; and
- Public affairs assistance.

DoD forces will always serve under the operational control of DoD commanders, even when operating in support of a Unified Command or other Incident Command System entity. Absent additional guidance provided by the Secretary of Defense, DoD resources employed in support of domestic civil authorities will normally be under the command and control of:

- Commander, USNORTHCOM for responses in the Continental United States, Alaska, Puerto Rico, the Bahamas, the U.S. Virgin Islands, and the District of Columbia; or
- Commander, U.S. Pacific Command (USPACOM) for Hawaii and the Pacific
U.S. territories, possessions, and protectorates in the USPACOM Area of Responsibility.

Authorities
- DoD Directive 3025.18 – Defense Support of Civil Authorities
- DoD Instruction 3003.01 – DoD Support to Civil Search and Rescue
- DoD Unified Command Plan
- Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act)

U.S. Army Corps of Engineers
The USACE is responsible for ensuring Federal navigational channels are operational and maintained at their authorized or appropriate depth. The USACE also operates and maintains authorized navigation projects, to include locks, dams, port turning basins, and coastal structures such as breakwaters, jetties, and groins. Also, in close coordination with the USCG, the USACE is responsible for the removal of debris causing obstructions to maritime vessel travel within a Federal navigation project channel. Following an emergency or disaster that impacts ports and waterways, the USACE must provide these same services on an expedited basis.

Authorities
- Rivers and Harbors Act
- Removal of Wreckage and Other Obstructions (33 Code of Federal Regulations (CFR) Part 245)

U.S. Navy - Supervisor of Salvage and Diving
The U.S. Navy is the Federal governmental agency possessing expertise in ship salvage and salvage related operations and is charged by Congress to maintain that proficiency for the national good. The Secretary of the Navy has delegated this responsibility to the Supervisor of Salvage and Diving (SUPSALV). Under the Salvage Facilities Act, SUPSALV provides, by contract or otherwise, necessary salvage facilities for public and private vessels. SUPSALV is designated as a special team in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and has an extensive salvage/search and recovery equipment inventory with the requisite knowledge and expertise to support operations conducted under the NCP. SUPSALV typically deploys for both the NCP and Stafford Act responses under existing Memorandums of Agreement with the USACE and the USCG. Additionally, SUPSALV can be deployed under DSCA authorities using the Mission Assignment (MA) process.
Authorities

- CERCLA
- FWPCA, as amended by OPA
- Salvage Facilities Act

U.S. Northern Command/U.S. Pacific Command

USNORTHCOM and USPACOM are U.S. Geographic Combatant Commands. The USNORTHCOM and USPACOM Commanders conduct DSCA operations in support of a designated government Primary Agency to preserve human life, prevent human suffering, and reduce significant infrastructure damage.

When directed by the Secretary of Defense in support of civil authorities, USNORTHCOM and USPACOM leverage the capabilities of Service component commands to provide port and waterway restoration capabilities including, but not limited to:

- Technical assistance and/or personnel to assist in port restoration activities after an emergency or disaster;
- Joint Logistics Over the Shore operations that include offshore loading and unloading of strategic ships when fixed port facilities are unavailable due to an incident;
- Temporary port opening capability for sea and air; and
- Strategic air, sea, and ground lift capabilities for deployment and sustainment purposes.

U.S. Transportation Command

U.S. Transportation Command (USTRANSCOM) is a U.S. Functional Combatant Command that provides support to the eight other U.S. combatant commands, the military services, defense agencies and other government organizations. USTRANSCOM's Joint Task Force - Port Opening (JTF-PO) Sea Port of Debarkation (SPOD) provides a joint expeditionary capability to assess, rapidly establish, and initially operate a SPOD to facilitate port throughput and establish in-transit visibility for cargo in support of DoD executed contingencies. The need for a JTF-PO SPOD must be identified by a civil authority, approved by FEMA, and requested by a supported DoD Combatant Commander (USNORTHCOM/USPACOM).
DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency
FEMA is the lead Federal agency that coordinates the response to a Presidentially-declared disaster or emergency under the Stafford Act that has occurred in the U.S.

FEMA provides funding for response activities through MAs under the Stafford Act. FEMA can also issue MAs for maritime response work that is not covered under other agency authorities. For example, after a state indicates a lack of capability for dredging, FEMA could issue an MA for emergency dredging in areas outside of Federal channels to expedite response and recovery efforts. This would be executed through the USCG and USACE.

FEMA also manages the Incident Management Assistance Teams. These teams are full-time, rapid-response teams with dedicated staff able to deploy within two hours of activation and arrive at an incident within 12 hours to support the local incident commander. The teams support the initial establishment of a Unified Coordination Group (UCG) and provide situational awareness for Federal and state decision makers throughout the response and recovery phases.

For waterway and port restoration activities during a Stafford Act response, FEMA is the lead in providing national-level strategic transportation coordination, movement planning, and tracking of Federal partner resources (commodities, personnel, and equipment) into the incident area through the Transportation Management Coordination Group (TMCG).

Authorities
• Stafford Act

U.S. Coast Guard
The USCG is responsible for safeguarding the Nation's maritime interests and environment around the world. The USCG is the Nation’s only Federal law enforcement agency that is also a military service, and, as such, has a unique ability to establish and enforce standards, reduce risk, control activities, and respond to emergencies in the maritime domain.

The USCG’s three primary roles include maritime safety, security, and stewardship. To execute these roles the USCG developed a comprehensive Maritime Transportation System Recovery (MTSR) program to facilitate recovery of the Maritime Transportation System (MTS) and resumption of commerce. The USCG MTSR program includes:
National-level coordination of effort through the FEMA National Response Coordination Center;

USCG and Customs and Border Protection (CBP) Joint Protocols for the Expeditious Recovery of Trade. The purpose of these protocols is to establish national-level processes by which the USCG, CBP, and other Federal agencies will provide a forum for joint intergovernmental dialogues and joint government/private sector dialogues to identify and act on important issues to facilitate rapid MTS recovery and resumption of commerce. The protocols also assist senior-level decision makers by providing a process to collect and disseminate information to understand the status of the national MTS and to facilitate joint decision-making. Utilization of the USCG/CBP joint protocols further assists senior-level decision makers by providing recommendations for national-level priorities for recovery of the MTS and resumption of trade. The priorities may include cargo or vessel priorities, or strategic actions necessary to facilitate rapid recovery of the MTS and resumption of trade; and

Captains of the Port (COTPs) positions, usually USCG Sector Commanders, who possess broad authorities within their areas of responsibility for the enforcement of port safety, security, and marine environmental protection regulations. COTPs may control waterway navigation and port operations subsequent to an emergency or disaster.

The COTPs serve as the Federal Maritime Security Coordinators (FMSCs) for their respective COTP zones described in 33 CFR Part 3, including all ports and areas located therein. The COTP serving as the FMSC is authorized to implement the Area Maritime Security Plan (AMSP) when deemed necessary due to security concerns related to the port and/or the critical infrastructure located within the port. The AMSPs are designed to prevent, protect against, respond to, and recover from transportation security incidents as defined in the Maritime Transportation Security Act (MTSA) of 2002. The Security and Accountability for Every Port (SAFE Port) Act of 2006 mandated that each AMSP include procedures to facilitate recovery of the marine transportation system, and a salvage and response plan.

Each COTP Zone has a Maritime Transportation System Recovery Unit (MTSRU), comprised of experts in maritime mobility, incident response, and port operations, who work with stakeholders to restore basic functionality of the marine transportation system following a natural or manmade disruption; and the National Response Center, which is the sole U.S. Government point of contact for reporting all discharges of oil, chemical, radiological, biological, and etiological discharges into the maritime environment anywhere in the United States and its territories.
With the approval of the Secretary of Defense, the USCG can assume tactical control of certain DoD personnel, advice, information, and facilities (14 United States Code (U.S.C.) 141 (b)) during a maritime response as set forth in the Memorandum of Agreement between the Department of Defense and the Department of Homeland Security for Department of Defense Support to the United States Coast Guard for Maritime Homeland Security, signed April 5, 2006. The following DoD capabilities may be appropriate and desirable for use under certain circumstances in support of the USCG when conducting Maritime Homeland Security operations:

- Improvised explosive device disposal;
- Mine countermeasures;
- Intelligence, surveillance, and reconnaissance activities;
- Operational logistics and personnel support;
- CBRNE defense and consequence management.

In addition, the USCG administers Maritime Security (MARSEC) Levels 1, 2, and 3 as a means to reflect the prevailing threat environment to the maritime elements of the national transportation system, including ports, vessels, facilities, critical assets, and infrastructure located on or adjacent to waters subject to the jurisdiction of the United States.

The MARSEC Level that is specified by the Commandant, triggers implementation of predetermined, and if necessary, supplemental protective measures by the USCG and maritime stakeholders. The USCG may consult with industry consistent with the situation and urgency, regarding prospective effects, resumption of trade, and dependency/interdependency implications. This is normally accomplished pre-incident at the port level where basic dependency and interdependency information is developed through AMSP development, associated development of Essential Elements of Information for all-hazard-compatible MTS recovery plans.

The situation is continuously monitored by the USCG to ascertain when it would be prudent to reduce MARSEC Levels in whole or in part. The decision to reduce MARSEC levels is vested in the Commandant in consultation with the Secretary of Homeland Security. Due to the additional security activities required during enhanced MARSEC levels, MARSEC levels 2 and 3 may pose challenges to an expedient response and recovery of the basic functions of the MTS.

**Authorities**

- CERCLA
- FWPCA, as amended by OPA
- Magnuson Act of 1950
• MTSA of 2002
• Ports and Waterways Safety Act (PWSA) of 1972
• Protection and Security of Vessels, Harbors, and Waterfront Facilities (33 CFR Part 6)
• SAFE Port Act

DEPARTMENT OF TRANSPORTATION

Maritime Administration
The Maritime Administration (MARAD) handles programs that promote the use of waterborne transportation and its seamless integration with other segments of the transportation system, and the viability of the U.S. Merchant Marine. MARAD works in many areas involving ships and shipping, shipbuilding, port and intermodal development, vessel operations, national security, and safety.

MARAD maintains a fleet of cargo ships in reserve to provide surge sealift during war and national emergencies. With DoD concurrence, MARAD can make available the government-owned vessels, equipment, personnel, and expertise of the National Defense Reserve Fleet (NDRF) and its component, the Ready Reserve Fleet (RRF). These vessels can serve as command and control platforms to provide communications, medical support, berthing, and accommodations. Ships can provide bunks and provisions for emergency responders and refugees, and make cargo deliveries of food, water, relief supplies, and equipment to an affected area. If tasked and subject to available funding, MARAD can charter commercial vessels or procure maritime industry resources. Other commercial maritime industry emergency-related capabilities include evacuation services, commercial and medium- and small-sized passenger vessels for a variety of purposes, and barge bridges. MARAD can requisition vessels in a national emergency. In addition, if authorized, MARAD can issue priority orders requiring acceptance of contracts for the priority use of all forms of civil maritime transportation resources to promote the national defense (including disaster response).

MARAD can also provide technical assistance and – in the event Congress appropriates relief funding – has authority to award grants to improve port infrastructure. In addition, MARAD has a Port Infrastructure Development Fund that can accept funds from Federal, non-Federal, and private entities in cases where multi-sourced funding is necessary for infrastructure projects or recovery. These and other products and services are part of the Agency’s StrongPorts Program. In addition, through its Gateway Offices in major port areas, MARAD takes an active role in emergency response planning. This includes work through local MTSRUs to plan for recovery following natural or man-made disasters.
Authorities
- Defense Production Act of 1950
- Merchant Ship Sales Act of 1946

Office of the Secretary, National Response Program
The National Response Program (NRP), located in the Office of the Secretary of Transportation’s Office of Intelligence, Security, and Emergency Response, is responsible for coordinating the Department’s preparedness, response, and recovery activities in all-hazard incidents and supports the Secretary's responsibilities under the National Response Framework (NRF), ESF-1 Transportation. Under the NRF, the NRP is responsible for monitoring and reporting on the status of and damage to the transportation system and infrastructure, including the maritime domain.

Saint Lawrence Seaway Development Corporation
The Saint Lawrence Seaway Development Corporation (SLSDC) operates and maintains the U.S. lock infrastructure and waters of the Saint Lawrence Seaway by providing a safe, secure, reliable, efficient, and competitive deep-draft international waterway, in cooperation with the Canadian Saint Lawrence Seaway Management Corporation.

The SLSDC establishes, operates, and maintains vessel traffic services that may include, but are not limited to: reporting and operating requirements; surveillance and communications systems; and marine inspection activities. During incident response, the SLSDC supports USCG COTP/Federal On-Scene Coordinator (FOSC) activities and works closely with the USCG in reopening the waterway.

Authorities
- Canada Marine Act
- PWSA of 1972
- Wiley-Dondero Act
Figure 2.1 Maritime Organizations Operations Centers Contact List

<table>
<thead>
<tr>
<th>Organization</th>
<th>Operations Center</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOC/NOAA</td>
<td>National Ocean Service Chief of Staff</td>
<td>301-713-3074</td>
</tr>
<tr>
<td>DHS/FEMA</td>
<td>National Watch</td>
<td>202-646-2828</td>
</tr>
<tr>
<td>DHS/USCG</td>
<td>National Command Center</td>
<td>202-372-2100</td>
</tr>
<tr>
<td>DoD</td>
<td>National Military Command Center</td>
<td>703-692-4595</td>
</tr>
<tr>
<td>DoD/USACE</td>
<td>USACE Operations Center</td>
<td>202-761-1001</td>
</tr>
<tr>
<td>DOT/MARAD</td>
<td>MARAD Command Center Watch</td>
<td>202-366-8211</td>
</tr>
<tr>
<td>DOT/SLSDC</td>
<td>DOT Crisis Management Center</td>
<td>202-366-1863</td>
</tr>
</tbody>
</table>
Section 3 – Waterway and Port Facility Restoration

In this section you will find:

- A definition of waterways and port facilities pertaining to this guide; and

- A list of the waterway and navigation system and port facility and operations restoration activities to be undertaken by Federal maritime organizations.

The following assumptions for this section include:

- The cognizant USCG COTP directs, controls, and restricts vessel movement, waterway access, and facility operations;

- The USCG coordinates vessel and cargo movement;

- FEMA coordinates the Federal response under the Stafford Act;

- Activities listed may require an MA from FEMA;

- The sequencing of activities assumes a no-notice incident (i.e., personnel and equipment are not pre-deployed and pre-positioned for the incident; and

- Activities listed may not occur in the exact order listed and may occur simultaneously.

A Mission Assignment is a work order issued by FEMA to another Federal agency, with or without reimbursement, directing completion of a specific task, and citing funding, other managerial controls, and guidance.
## Quick List: Response and Recovery Stages

**Restore Waterway and Navigation Systems**

1. Deploy resources
2. Assess the waterway and navigation system
3. Clear waterway
4. Open for limited operations or open with no restrictions

**Restore Port Facility and Operations**

1. Deploy resources
2. Assess the operations/facilities
3. Restore operations
4. Reopen the port facility and resume operations

### Restore Waterway and Navigation Systems

**Definition of Waterway:** Those waters that are subject to the ebb and flow of the tide or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

#### 1. Deploy resources

- Activate MTSRU to facilitate compiling timely, accurate, and relevant information regarding waterway status (USCG).
- Deploy a mobile Navigation Response Team (NRT) to establish hydrographic survey vessels and other survey assets (NOAA and/or USACE).
- Mobilize teams, tools, and resources to support debris clearance, removal, and disposal operations, including the removal of debris in the waterways that affects channel, harbor, and port operations (USACE).
- Deploy a regional navigation manager to the incident area (as a member of the USCG MTSRU) to lead the NOAA or USACE coordination and provide technical expertise to facilitate the planning and management of hydrographic survey operations (NOAA or USACE).
Identify and mobilize resources that will be employed to conduct post-disaster hydrographic surveys to assess the physical conditions of Federal waterways relative to depth and obstructions (USACE).

Deploy command/operational mobile facilities, contracted support ships, cranes, barges and tugs, and engineering and technical support (SUPSALV; requested by USCG/USACE).

Provide on-site and off-site technical advice and support in ship salvage, diving, and oil spill response (SUPSALV and Marine Safety Center Salvage Engineering Response Team (MSC SERT); requested by USCG/USACE).

If applicable, deploy larger NOAA Fleet vessels to support the response effort, and mobilize airborne surveying assets for aerial imagery (NOAA).

Control waterway access and port operations via promulgation of limited access area regulations, such as regulated navigation areas, safety, and security zone field-level regulations (USCG).

2. Assess the waterway and navigation systems

Provide assessments of overall damage to port waterways, anchorages, aids to navigation, water hazards, and port interface infrastructure (USCG or USACE).

Issue Notice to Mariners regarding the status of the waterway (USCG).

Provide Navigation Notices for Federally-authorized channels and projects (USACE).

Coordinate with the USCG and other agencies to perform a rapid assessment of the operational condition of the waterway (USACE).

Conduct hydrographic surveys to identify possible submerged obstructions, debris, and shoaling in the priority areas (USACE/NOAA).

Conduct underwater search and survey operations (SUPSALV; requested by USCG/USACE).

Provide observational data, modeling, forecast, and warning capabilities to ensure the safety of response, including airborne imagery and LiDAR surveys (NOAA or USACE).

Perform oil and chemical hazard assessments and trajectories (NOAA).

Perform natural resource damage assessments (NOAA).

Provide assessment results to USCG to assist with decisions related to opening, closing, and restricting waterways (USACE).

Assess any vertical or lateral land movement that may have resulted, and re-establish geodetic control in the impacted area (earthquake scenario)
- Provide information associated with the economic importance of the affected waterways (MARAD).
- Update nautical charts, map marine debris, and document other changes to the National Shoreline and impacts to coastal infrastructure (NOAA).
- Provide/sustain support of the recovery of the MTS and prolonged management via the MTSRU until waterway and commerce are restored (USCG).

3. Clear waterway

- Conduct restoration of fixed and floating aids to navigation structures, including electronic/automated Vessel Traffic Systems where applicable (USCG).
- Conduct channel clearance operations, including ship salvage, diving, and oil spill response operations (USCG/SUPSALV; requested by USCG/USACE).
- Remove sunken vessels or other obstructions from navigable waterways (USACE).
- Conduct dredging operations to restore and maintain the waterways to make them suitable for navigation and other purposes (USACE).

4. Open for limited operations or open with no restrictions

- COTP, in coordination with the MTSRU, issues port opening information (USCG).
- Provide port readiness conditions (USCG).
**Restore Port Facility and Operations**

**Definition of Port Facility:** Any structure and improved property, including services connected therewith, whether located on the waterfront or inland, which are used or intended for use in developing, transferring, or assisting maritime commerce and water dependent industries, including, but not limited to, piers, wharves, yards, docks, berths, aprons, equipment used to load and discharge cargo and passengers from vessels, dry and cold storage spaces, terminal and warehouse buildings, bulk and liquid storage terminals, tank farms, multimodal transfer terminals, transshipment and receiving stations, marinas, foreign trade zones, shipyards, industrial property, fishing and aquaculture structures, mixed use waterfront complexes, connecting channels, and port landside transportation access routes.

1. **Deploy resources**

   - Activate MTSRU to facilitate compiling timely, accurate, and relevant information regarding port facility status (USCG).
   - Activate initial response resources and provide technical support to USCG COTP/FOSC efforts within the Unified Incident Command System.
   - Coordinate with the State(s) to designate port(s) to be used as Incident Support Bases (ISB) and/or as a Sea Port of Embarkation/Debarkation (SPOE/D) (FEMA).
   - Deploy a mobile NRT to the incident area (NOAA).
   - Provide mobile facilities and engineering and technical support (SUPSALV; requested by USCG/USACE).
   - Deploy teams, tools, and resources to support temporary emergency power needs and removal of debris on land that affects port operations (USACE).
   - If applicable, activate and deploy NDRF assets, including RRF or chartered commercial vessels (MARAD).
   - Deploy a regional navigation manager to the incident area (as a member of the USCG MTSRU) to lead the NOAA coordination and provide technical expertise to facilitate the planning and management of hydrographic survey operations (NOAA).

2. **Assess the operations/facilities**

   - Facilitate compiling timely, accurate, and relevant information regarding the overall port and trade status (USCG/MTSRU/MARAD).
• Conduct oil and hazardous material release assessments (USCG)
• Coordinate with USCG and other agencies to perform a rapid assessment of the general condition of the port facility (USACE).
• Provide information associated with the economic importance of the affected ports (MARAD).
• Conduct salvage surveys of ships blocking piers and loading facilities (SUPSALV and MSC SERT; requested by USCG/USACE).
• Assist the Unified Incident Command in terms of defining what maritime resources are needed/available to support critical response operations as well as commercial services to reopen the MTS rapidly (MARAD).

3. Restore operations

• Provide short-term MTS recovery support until basic functionality of the MTS has been restored (USCG).
• Provide generator assistance until the power grid is restored (USACE).
• Provide removal of debris on land that affects port operations (USACE).
• Conduct oil booming, oil and/or water pumping operations, and ship-raising (SUPSALV; requested by USCG/USACE).
• Assist with prioritization of vessel movements for resumption of commerce (MARAD).

4. Open the port facility and resume operations

• The COTP, with advice and recommendations from the MTSRU, in conjunction with the local port stakeholders and port authorities, opens the port and resumes operations (USCG).
• Provide port readiness conditions (USCG).
Figure 3.1 Maritime Organization Restoration Activities for Waterway and Navigations Systems and Port Facility and Operations

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<tr>
<th>Organization</th>
<th>Waterway and Navigation Systems</th>
<th>Port Facility and Operations</th>
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<td>Deploy</td>
<td>Assess</td>
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<td>USDOT/MARAD</td>
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Figure 3.2 Maritime Organization Response and Recovery Activities for Waterway and Navigations Systems and Port Facility and Operations

<table>
<thead>
<tr>
<th>Organization</th>
<th>Immediate Response/Activation Deployment (0-24 Hours)</th>
<th>Sustained Response (24-72 Hours)</th>
<th>Short Term Recovery (0-3 Months)</th>
<th>Long Term Recovery (3+ Months)</th>
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<tr>
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<td>DOC/NOAA</td>
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<td>DOD/USACE</td>
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Section 4 – Coordination Process for Maritime Assets

Section 4 explains the process for coordination of maritime assets after a Stafford Act emergency or disaster.

**Figure 4.1 Coordination Process for Maritime Assets**

The coordination process includes:

1. The State and FEMA designate port(s) to be used as ISB and/or as a SPOE/D;
2. The USCG issues a Local Notice to Mariners;
3. The USCG MTSRU establishes the capacity and berthing ability for the arriving maritime resources (commodities, personnel, and equipment);
4. The UCG sets priorities for maritime resources (commodities, personnel, and equipment);
5. The Movement Control Group (MCG) manages and controls the flow of resources (commodities, personnel, and equipment) and requirements into the incident area;
6. The TMCG provides national level strategic transportation coordination, movement planning, and tracking of Federal partner resources (commodities, personnel, and equipment) into the incident area with the MCG; and

7. Maritime resource priorities (in/out) are communicated from the MCG to the COTP or Port Authority for commercial and military vessels.
Section 5 – Guide Implementation and Maintenance

This MERG does not alter or impede Federal, SLTT, or private sector entities’ abilities to carry out their specific authorities or perform their responsibilities under all applicable laws, executive orders, regulations, and directives. Nothing in this guide is intended to interfere with the authorities of any department or agency with regard to the direction, conduct, control, planning, organization, equipping, or training for exercises or other activities. The MERG is applicable to Federal departments and agencies providing support under the Stafford Act, as well as certain non-Stafford Act support, and it is intended to be consistent with U.S. laws, policies, and other related requirements. This document does not and is not intended to create any right or benefit, substantive or procedural, enforceable at law or equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

The MERG will be reviewed at least annually and updated as needed to ensure that the goals, objectives, and provisions of the Guide are kept current. The review and update will provide an opportunity to evaluate factors that affect the status quo, because plans should evolve as lessons are learned, as new information and insights are obtained, and priorities are updated. Practical considerations may include but are not limited to:

- A change in operational resources (e.g., policy, personnel, organizational structures, management processes, facilities, or equipment);
- Lessons learned from major incidents, exercises, or training events;
- A formal update of Federal planning guidance, standards, or authorities;
- A change in the jurisdiction’s demographics or hazard or threat profile;
- A change in the acceptability of various risks; and
- The enactment of new laws or ordinances.

FEMA and/or DOT will lead this effort with input from other Federal departments and agencies and public and private sector partners with final concurrence from the ESFLG. Questions and/or concerns may be addressed to Jeremy Greenberg, Manager of the National Response Program in the Office of Intelligence, Security, and Emergency Response at the DOT at Jeremy.Greenberg@dot.gov.
Appendix A – List of Authorities

- **Canada Marine Act, S.C. 1998, c. 10., as amended.** - Act to make the system of Canadian ports competitive, efficient, and commercially oriented. This Act provides for the establishment of port authorities, the divestment of certain harbors and ports, and the commercialization of the Saint Lawrence Seaway and ferry services. Further, the Act addresses other matters related to maritime trade and transport and amends the Pilotage Act which amends and repeals other Acts as a consequence. [http://laws-lois.justice.gc.ca/eng/acts/c-6.7/](http://laws-lois.justice.gc.ca/eng/acts/c-6.7/)


- **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601 et seq.** - A principal authority for Federal response to releases of hazardous substances, pollutants, or contaminants. This Act provides broad Federal authority to remove or arrange for the removal, or take any other response measures consistent with the NCP when: (a) any hazardous substance is released or there is a substantial threat of such a release into the environment, or (b) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare. [http://www.epw.senate.gov/cercla.pdf](http://www.epw.senate.gov/cercla.pdf)

- **Defense Production Act of 1950, 50 U.S.C. App. § 2061 et seq. (2014), as amended.** - The Defense Production Act (DPA) is the President’s primary authority to ensure timely availability of private sector resources for national defense. In addition to military and energy activities, the definition of “national defense” includes emergency preparedness activities conducted pursuant to Title VI of the Stafford Act and the protection and restoration of critical infrastructure. Under Title I of the DPA, the President has authority to require the acceptance and prioritization of contracts and orders -- and to allocate materials, services, and facilities -- in support of the national defense. Under Section 201 of Executive Order 13603, the President has delegated these prioritization and allocation authorities to specific Federal agencies. Title VII, specifically Section 708, of the DPA authorizes voluntary agreements and plans of action for preparedness programs. This allows for the
execution of voluntary agreements among business competitors to cooperate for disaster planning and response and provides antitrust protection for actions taken pursuant to such voluntary agreements.


- **DoD Instruction 3003.01 – DoD Support to Civil Search and Rescue** - This directive establishes policies and assigns responsibilities for DoD civil SAR activities in support of domestic civil authorities. The instruction directs DoD entities to provide civil SAR services to the fullest extent practicable on a non-interference basis with military duties and to be responsive to requests for SAR assistance from the Secretary of Homeland Security or other designated Federal or State officials in the event of an incident of significant magnitude or incident associated with a Presidential declaration of a disaster or emergency.


- **DoD Directive 3025.18 – Defense Support of Civil Authorities** - This directive provides guidance for the execution and oversight of DSCA when requested by qualifying entities and approved by the appropriate DoD official, or as directed by the President. DoD support may be provided when requests are submitted in writing to the Executive Secretariat of DoD and includes a commitment of reimbursement. The directive also authorizes local military commanders and responsible DoD civilian officials to provide support to civil authorities, when requested, in order to save lives, protect property, and prevent suffering under imminently serious conditions when time does not permit approval from higher authority.


- **DoD Unified Command Plan** - This plan establishes geographic areas of responsibility, assigns missions, and formalizes planning, training and operational objectives for DoD Combatant Commands.


- **The Economy Act of 1932, 31 U.S.C. § 1535 et seq.** - The Act permits Federal Government agencies to purchase goods or services from other Federal Government agencies or other major organizational units within the same agency. An Economy Act purchase is permitted only if: (1) amounts for the purchase are actually available, (2) the purchase is in the best interest of the Federal Government, (3) the ordered goods or services cannot be provided by contract from a commercial enterprise, i.e., the private sector, as conveniently or cheaply as by the Federal Government, and (4) the agency or unit to fill the order is able to provide or get by contract the ordered goods or services. In relation to DSCA, the Act mandates cost reimbursement to DoD by the Federal agency requesting support.


- **Federal Water Pollution Control Act, 33 U.S.C. Ch. 26** - The FWPCA, commonly known as the Clean Water Act, is a principal Federal authority for Federal response to
discharges of oil and certain hazardous substances into navigable waters and adjoining shorelines and certain other waters of the U.S., or affecting natural resources under U.S. jurisdiction. The Act provides broad Federal authority to: (a) remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, at any time; (b) direct or monitor all Federal, state, and private actions to remove a discharge; and (c) remove and, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available. The Act contains other provisions to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.


- **Homeland Security Presidential Directive-5** - Homeland Security Presidential Directive (HSPD)-5, Management of Domestic Incidents, dated February 28, 2003, required the creation of a National Response Plan to integrate Federal Government prevention, preparedness, response, recovery, and mitigation plans into one all-discipline, all-hazard approach to domestic incident management. The HSPD-5 provides “a consistent nationwide approach for Federal, State, and local Governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents…to provide for interoperability and compatibility among Federal, State, and local capabilities.” The National Response Plan was a United States national plan to respond to emergencies such as natural disasters or terrorist attacks. It came into effect in December 2004,[1] and was superseded by the National Response Framework on March 22, 2008.

- **Hydrographic Services Improvement Act of 1998, 33 U.S.C. § 892 et seq.** - Act to clarify some of NOAA’s responsibilities and authorities for navigation services, as provided under the Coast and Geodetic Survey Act. The Act reinforces NOAA’s broad authorities for its nautical charting, tides and currents, geodetic, and other geospatial programs and activities. The Act directs NOAA to acquire and disseminate hydrographic data, provide hydrographic services, and promulgate standards for such data and services. It gives NOAA specific authority to acquire hydrographic data and provide hydrographic services to save and protect life and property and support the resumption of commerce in response to emergencies, natural and man-made disasters, and homeland security and maritime domain awareness needs, including obtaining mission assignments.

http://www.law.cornell.edu/uscode/text/33/892

- **Integrated Coastal and Ocean Observation System Act of 2009, 33 U.S.C. §§ 3601 et seq.** - Act that authorizes the establishment of a National Integrated Ocean

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Observing System (U.S. IOOS) and codifies a governance structure within which the System will operate. The Act vests authority in NOAA as the lead Federal agency for implementation and administration of the System and charges NOAA to establish a U.S. IOOS Program Office. In addition, the Act identifies the Interagency Ocean Observation Committee (IOOC) as a point of coordination and decision among Federal agencies and requires NOAA to carry out its responsibilities in consultation with the IOOC and regional partners.

http://www.ioos.noaa.gov/about/governance/authority.html

- **Magnuson Act of 1950, 50 U.S.C. § 191 et seq.** - Act that authorizes the President of the U.S. to protect vessels, harbors, ports, and waterfront facilities from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature. It allows the USCG to establish areas to inspect and search; prohibit entry or remove from, any unauthorized person or vessel; supervise and control the movement of any vessel; take possession and control of any vessel; and prohibit any person from boarding, or taking or placing any article or thing on board any vessel or waterfront facility.


- **Marine Debris Research, Prevention, and Reduction Act, 33 U.S.C. § 1951 et seq.** - This Act establishes within NOAA a Marine Debris Prevention and Removal Program to reduce and prevent the occurrence and adverse impacts of marine debris on the U.S. economy, the marine environment, and navigation safety through identification, determination of sources, assessment, prevention, reduction, and removal of marine debris.

http://www.gpo.gov/fdsys/pkg/BILLS-112hr1171eh/html/BILLS-112hr1171eh.htm

- **Maritime Infrastructure Recovery Plan** - This plan is one of eight plans supporting the National Strategy for Maritime Security. It was developed in collaboration with public- and private-sector stakeholders, as directed by National Security Presidential Directive-41/ HSPD-13 Maritime Security Policy. The plan is intended to protect the U.S. economy by facilitating the restoration of passenger and cargo flow, specifically container cargo, in the event of an attack or similarly disruptive event. Container cargo is more likely to hold perishable items in immediate need of unloading, or items that are key components in the production of consumer goods.

sectors of the maritime industry to implement security measures designed to protect U.S. ports and waterways from a terrorist attack.


- **Merchant Ship Sales Act of 1946, 50 U.S.C. App. § 1735 et seq.** - This Act authorizes MARAD to maintain ships in a NDRF, to acquire and dispose of NDRF vessels, and to break out and operate such ships for the account of the Federal Government during periods of national emergency. It also authorizes MARAD to charter government-owned ships to private operators when it is determined that privately owned tonnage is not available at reasonable rates. Originally, it authorized the sale of government-owned ships, but that authority expired (see Section F, the Shipping Act, 1916). The RRF is a part of the NDRF and provides sealift vessels to support defense mobilization on 4, 5, 10, or 20 days’ notice.


- **National Weather Service Act, 15 U.S.C. § 312 et seq.** - Assigns weather and meteorological reporting/forecasting responsibilities to the Secretary of Commerce, mandates monitoring and recording climatic conditions and the purchasing of Atmospheric Wind Data. Authorizes NOAA to provide agricultural and silvicultural weather services to Federal, State, and private efforts.


- **Occupational Safety and Health Act of 1970, 29 U.S.C. § 651 et seq. (1970)** - This Act was enacted to assure safe and healthful working conditions for working men and women, including response workers in maritime emergencies. 29 CFR 1915, 1917, and 1918 are specific safety and health standards related to the maritime industry, but general industry, construction, agriculture, and recordkeeping standards may apply depending upon the situation.


- **Ocean and Coastal Mapping Integration Act, 33 U.S.C. §§ 3501 et seq.** - Requires an Interagency Committee on Ocean and Coastal Mapping and coastal states to establish a program to develop a coordinated and comprehensive national ocean and coastal mapping plan for the Great Lakes and coastal-state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States.

http://www.whitehouse.gov/sites/default/files/microsites/ostp/NSTC/2009-10_nstc_oceanmapping.pdf

- **Oil Pollution Act of 1990, 33 U.S.C. § 2701 et seq.** - Act to establish limitations on
liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes (includes amendments to the Federal Water Pollution Control Act).
http://www.epw.senate.gov/opa90.pdf


- **Protection and Security of Vessels, Harbors, and Waterfront Facilities, 33 CFR Part 6** - Allows for the enforcement for the COTP to: 1) prevent access of persons, articles, or things to vessels or waterfront facilities; 2) establish security zones; 3) inspect or search, at any time, any vessel, waterfront facility, or security zone; 4) conduct visitation, search, and removal; 5) take possession and control of vessels; and 6) enlist the aid and cooperation of Federal, State, county, municipal, and private agencies to assist in the enforcement of regulations. http://www.gpo.gov/fdsys/pkg/CFR-2012-title33-vol1/pdf/CFR-2012-title33-vol1-part6.pdf

- **Rivers and Harbors Act, 33 U.S.C. Ch. 1** - Administered by the USACE, this Act allows exceptions for the improvement of navigable waters or construction of public works, considered necessary and proper by the United States officers supervising such improvement or public works; allows the Secretary of the Army to permit the deposit of any waste in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and whenever any permit is granted any violation of the conditions are unlawful. http://www.law.cornell.edu/uscode/text/33/407


- **Salvage Facilities Act, 10 U.S.C. § 7361 et. seq.** - The Salvage Facilities Act allows SUPSALV, via delegation of authority from the Secretary of the Navy, to provide, by contract or otherwise, necessary salvage facilities for public and private vessels. The
term “salvage facilities” includes equipment and gear used to prevent, abate, or minimize damage to the environment, i.e., pollution response equipment. The Salvage Facilities Act, allows SUPSALV to foster (but not subsidize) the commercial salvage industry and allows the Navy to render salvage services to private vessels when commercial salvors are not available, charging for those services to support the Navy's Salvage facilities.

http://www.gpo.gov/fdsys/granule/USCODE-2010-title10/USCODE-2010-title10-subtitleC-partIV-chap637-sec7361

- **Security and Accountability For Every Port Act of 2006 Title I:** Security of United States Seaports - Subtitle A: General Provisions - (Sec. 101) Amends the MTSA of 2002 to require area maritime transportation security plans to include a salvage response plan to identify equipment capable of restoring operational trade capacity and to ensure that waterways are cleared as quickly as possible after a maritime transportation security incident (defined as a security incident resulting in significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area).  

- **Subtitle V Merchant Marine of Title 46 (46 U.S.C. § 50101 et seq.)** - Identifies the rules, regulations, and general policy for the United States Merchant Marine.  

- **Wiley-Dondero Act, 33 U.S.C. § 981 et seq.** - This Act created the SLSDC under the direction and supervision of the Secretary of Transportation.  
  http://www.law.cornell.edu/uscode/text/33/981

- **Removal of Wreckage and Other Obstructions, 33 CFR Part 245.** - Describes administrative procedures and policy used by the USACE in exercising its authority for wreck removal within the navigable waters of the United States. Procedures are intended to insure that the impacts of obstructions are minimized, while recognizing certain rights of owners, operators and lessees. Does not apply to the summary removal or destruction of a vessel by the USCG under authority of the Clean Water Act (33 U.S.C. 1321), or to any removal actions involving obstructive bridges that are subject to separate regulation under part 114 of Title 33. For vessels that were sunk or wrecked prior to November 17, 1986, the statutory obligation for wreck removal belongs solely to the owner (not the operator or lessee).  
### Appendix B – List of Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>AMSP</td>
<td>Area Maritime Security Plan</td>
</tr>
<tr>
<td>CBP</td>
<td>Customs and Border Protection</td>
</tr>
<tr>
<td>CBRNE</td>
<td>Chemical, Biological, Radiological, Nuclear, and High-Yield Explosive</td>
</tr>
<tr>
<td>CERCLA</td>
<td>Comprehensive Environmental Response, Compensation, and Liability Act</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Register</td>
</tr>
<tr>
<td>COTP</td>
<td>Captain of the Port</td>
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<tr>
<td>DHS</td>
<td>Department of Homeland Security</td>
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<td>DOC</td>
<td>Department of Commerce</td>
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<td>DoD</td>
<td>Department of Defense</td>
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<tr>
<td>DOT</td>
<td>Department of Transportation</td>
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<tr>
<td>DSCA</td>
<td>Defense Support of Civil Operations</td>
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<tr>
<td>ESF</td>
<td>Emergency Support Function</td>
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<td>Emergency Support Function Leadership Group</td>
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<td>FEMA</td>
<td>Federal Emergency Management Agency</td>
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<td>FMSC</td>
<td>Federal Maritime Security Coordinators</td>
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<td>FOSC</td>
<td>Federal On Scene Coordinator</td>
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<td>FWPCA</td>
<td>Federal Water Pollution Control Act</td>
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<td>IOF</td>
<td>Initial Operating Facility</td>
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<td>ISB</td>
<td>Incident Support Bases</td>
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<td>JFO</td>
<td>Joint Field Office</td>
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<td>Joint Task Force-Port Opening</td>
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<tr>
<td>LiDAR</td>
<td>Light Detection and Ranging</td>
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<td>MA</td>
<td>Mission Assignment</td>
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<td>Maritime Administration</td>
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<td>Maritime Security</td>
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<td>MCG</td>
<td>Movement Control Group</td>
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<td>MERG</td>
<td>Maritime Emergency Response Guide</td>
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<td>Marine Safety Center</td>
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<td>Maritime Transportation System Recovery Unit</td>
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<td>Maritime Transportation System</td>
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<td>National Oil and Hazardous Substances Pollution Contingency Plan</td>
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<td>NDRF</td>
<td>National Defense Reserve Fleet</td>
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<td>NOAA</td>
<td>National Oceanic and Atmospheric Administration</td>
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<td>National Response Program</td>
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<td>Saint Lawrence Seaway Development Corporation</td>
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<td>SLTT</td>
<td>State, Local, Tribal, and Territorial</td>
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<td>SPOE/D</td>
<td>Sea Port of Embarkation/Debarkation</td>
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<td>SUPSALV</td>
<td>Supervisor of Salvage and Diving</td>
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<td>TMCG</td>
<td>Transportation Management Coordination Group</td>
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<td>UCG</td>
<td>Unified Coordination Group</td>
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<td>Urban Search-and-Rescue</td>
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<td>U.S. Coast Guard</td>
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<td>USNORTHCOM</td>
<td>U.S. Northern Command</td>
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