



Gulf Coast Research Center for Evacuation and Transportation Resiliency

LSU / UNO University Transportation Center

Incorporating Lower Mississippi River Port Assets into Emergency Preparedness and Response Initiatives

Final Report: February 2012

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Performing Organization

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GCCETR-11-07

by

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GULF COAST RESEARCH CENTER FOR EVACUATION AND TRANSPORTATION RESILIENCY

The Gulf Coast Research Center for Evacuation and Transportation Resiliency is a collaborative effort between the Louisiana State University Department of Civil and Environmental Engineering and the University of New Orleans' Department of Planning and Urban Studies. The theme of the LSU-UNO Center is focused on Evacuation and Transportation Resiliency in an effort to address the multitude of issues that impact transportation processes under emergency conditions such as extreme weather conditions causing evacuation, a national emergency or other major events. This area of research also addresses the need to develop and maintain the ability of transportation systems to economically, efficiently, and safely respond to the changing demands that may be placed upon them.

Research

The Center focuses on addressing the multitude of issues that impact transportation processes under emergency conditions such as evacuation and other types of major events as well as the need to develop and maintain the ability of transportation systems to economically, efficiently, and safely respond to the changing conditions and demands that may be placed upon them. Work in this area includes the development of modeling and analysis techniques; innovative design and control strategies; and travel demand estimation and planning methods that can be used to predict and improve travel under periods of immediate and overwhelming demand. In addition to detailed analysis of emergency transportation processes, The Center provides support for the broader study of transportation resiliency. This includes work on the key components of redundant transportation systems, analysis of congestion in relation to resiliency, impact of climate change and peak oil, provision of transportation options, and transportation finance. The scope of the work stretches over several different modes including auto, transit, maritime, and non-motorized

Education

The educational goal of the Institute is to provide undergraduate-level education to students seeking careers in areas of transportation that are critical to Louisiana and to the field of transportation in general with local, national and international applications. Courses in Transportation Planning, Policy, and Land use are offered at UNO, under the Department of Planning and Urban Studies. In addition to the program offerings at UNO, LSU offers transportation engineering courses through its Department of Civil and Environmental Engineering. The Center also provides on-going research opportunities for graduate students as well as annual scholarships.

Technology Transfer

The LSU/UNO UTC conducts technology transfer activities in the following modes: 1) focused professional, specialized courses, workshops and seminars for private sector entities (business and nonprofits) and government interests, and the public on transport issues (based on the LSU-UNO activities); 2) Research symposia; transport issues (based on the LSU-UNO activities); 3) Presentations at professional organizations; 4) Publications. The Center sponsors the National Carless Evacuation Conference and has co-sponsored other national conferences on active transportation

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16. Abstract The Lower Mississippi River (LMR) and its 5 deep water ports represent a significant national asset as well as a critical portion of a major transportation corridor from the heartland of the country to the Gulf of Mexico. The lower portion of the Mississippi River is particularly subject to major disruptions caused by both manmade and natural disasters. In light of recent events of national significance (Hurricane Katrina of 2005 and the Deepwater Horizon Oil Spill of 2010) researchers at UNOTI questioned: 1) what assets at the LMR ports are available to respond to these events; 2) what agreements either exist or are needed to access them during emergency or disaster situations. UNOTI conducted extensive on-site interviews with port officials to determine their existing assets and USCG officials to determine if these assets are included within their various plans for emergency or disaster response. What we discovered is that a variety of assets do exist but, to date, they are not an integral part of any regional or national response plan. In times of disaster affecting the LMR all assets may be called into service. Depending in the magnitude it the event, regardless of the specific plans being utilized, contingency measures call into play all conventional and unconventional assets to deal with the after effects. This was the case in both Hurricane Katrina and the Deepwater Horizon Oil Spill. The responses to these events can be used to improve our ability to respond in a more comprehensive and "all hands - all assets - all responses" manner. UNOTI's Appendix A provides the USCG and other organizations with a current inventory of port assets that can be incorporated into their emergency response plans, most specifically the USCG's Area Contingency Plan (ACP) and identifies what agreements currently exist to access these assets in times of disaster.					
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Executive Summary

The horror of 9/11 alerted the nation of the potential manmade threats to our nation's homeland security. It created a heightened security consciousness at all levels of government and in all modes of transportation. Extreme weather events such as Hurricane Katrina of 2005 and subsequent storms including Rita, Gustav and Ike have reinforced a basic fact in Southern Louisiana: we live in a region that is extremely vulnerable to major natural disasters. People who live and work along the Gulf Coast are subject to recurring storms with damaging and sometimes catastrophic results. The 2005 storms impacted 19 parishes in Louisiana and affected the entire Lower Mississippi River (LMR) corridor downriver from Baton Rouge to the Head of Passes. These two hurricanes impacted the 5 states that border the Gulf of Mexico and were the costliest disasters in the history of the United States.

The Deepwater Horizon Oil Spill in 2010 demonstrated the challenges our region faces when a manmade disaster strikes our off-shore energy fields. This oil spill impacted the entire Gulf Coast (5 states), the nation's and region's economy and our fragile coastal environment. It was the worst environmental disaster in the history of the United States.

These events point out our region's strengths and weaknesses when it comes to disaster preparedness and post-disaster recovery. **All sectors were involved in the response to these catastrophes. All available and appropriate assets were put to use during rescue and response activities.** In both disasters, natural and manmade, key roles were played by assets of our ports and our region's maritime sector. Appendix A identifies assets currently available at the LMR's five deep water ports that can be used in times of disaster, assesses their availability in these instances and under what terms and conditions.

In looking at the multiple issues involved in disaster response in South Louisiana, it becomes apparent that maritime assets comprise a small but important part of the solution for our region. To effectively confront these multiple threats, active participation and engagement needs to occur with a number of other affected entities and organizations including: the Governor's Office of Homeland Security; municipal organizations responsible for police, fire and emergency response personnel along the LMR corridor; volunteer fire brigades; industrial response teams; private sector salvage and firefighting contractors. In short, in our region we need "all hands / all assets / all response" to confront our multiple threats.

Post 9/11 and Hurricane Katrina many improvements have been made to our response and recovery abilities. New equipment, new operating policies / procedures, improved plans and additional resources are now in our region. What is lacking is an effective and overarching plan and process to effectively utilize these combined resources in times of disaster. This is currently being addressed by federal, state and local entities but much remains to be done to make their efforts a functioning reality. This initial research project is just the tip of the iceberg when it comes to disaster response and recovery in the LMR.

Research Questions

As both the hurricanes of 2005 and the 2010 Deepwater Horizon Oil Spill illustrate, the Lower Mississippi River (LMR) is repeatedly impacted by large-scale disasters, both natural and manmade. In many cases, assets of the (LMR) public ports from Baton Rouge to the Gulf of Mexico are routinely called into service. This is mandated more by necessity rather than by planning. The federally mandated USCG's Area Contingency Plan (ACP) was found to be incomplete and/or outdated according to the recent Deepwater Horizon ISPR. This situation is currently being addressed by USCG Sector New Orleans.

This research paper will address 2 fundamental questions: 1) What assets do the public deep water ports within the Lower Mississippi River (Baton Rouge to Head of Passes) possess that could be used during an emergency or maritime disaster? 2) Do agreements currently exist between the various ports, federal, state and local entities to access these assets in times of need?

1.1 Significant Findings

- Post-Katrina the Lower Mississippi River (LMR) corridor has greatly improved its ability to respond to disasters and emergencies with strategic acquisitions of equipment and related resources directed at disaster resilience, maritime security and communications. Funds were provided from multiple federal sources (DHS / FEMA).
- Facilities at the LMR ports continue to be improved, reconstructed and storm-proofed in preparation for future storms and related disasters.
- The LMR corridor (downriver from Baton Rouge to the Head of Passes at the Gulf of Mexico) is currently being connected with an integrated, interoperable and non-commercial communication system strategically deployed at the 5 deep water ports' Maritime Security Operations Centers (MSOC). These new operations centers are at various stages of completion but when they become fully operational they will greatly improve post-disaster communications and maritime security along the entire corridor.
- LMR ports have entered into multiple Memorandum of Agreements or similar legal documents to authorize use of selected port assets in times of emergency by federal, state and local entities. A broader and more overarching agreement should be developed to cover all ports and their individual assets.
- Several organizations have been formed Post-Katrina to address common concerns and acquire needed assets for disasters and emergencies. However, there is no overarching authority that manages their individual actions nor is charged with the over-all security of the corridor.
- The USCG Sector New Orleans Area Contingency Plan (ACP) is currently undermanned and under resourced, as was pointed out in the Deepwater Horizon

ISPR Final Report. Discussions are on-going with USCG District 8 and Sector New Orleans to rectify this deficiency.

- Industry led table top exercises are excellent tools for training in emergency preparedness and disaster response. Unfortunately, participation from parish officials, municipal fire fighters, and emergency response personnel is an ongoing problem.
- Participation in ACP meetings by ports, parish officials and emergency response personnel are infrequent and insufficient at best.

1.2 Recommendations

- The USCG Sector New Orleans ACP must be updated and maintained with current information, as recommended in the “Deepwater Horizon ISPR Final Report”.
- A senior member of USCG Sector NO needs to be assigned to the ACP with sole responsibility for its maintenance and update. In the recent past one LCDR was tasked with both Incident Response and the management of the ACP. This proved unworkable.
- The entire response community and the planning process it employs require a paradigm shift from being oil-spill centric into an “all-hazards” mindset.
- The existing USCG Sector New Orleans ACP process must be incentivized to assure the participation of all affected parties: particularly the ports, municipal officials and emergency response personnel. Table-top exercises, even informal and small scale, are invaluable to the planning process.
- Salvage and Marine Fire Fighting (SMFF) training needs to become a priority with USCG District 8 as well as Sector NO, the newly formed SMFF subcommittee of the ACP, at GOHSEP and similar offices at the municipal level. The focus of the ACP should be all hazards, not just oil spill-centric.
- With Salvage and Marine Fire Fighting as a new Annex to the ACP, the recently formed SMFF subcommittee has been reenergized to add their experience and expertise to the formulation and improvement of the overall ACP. Their initial focus should be on assessing and training appropriate personnel at all levels of government based on their current status.
- The State should assume a leadership role in building multijurisdictional partnerships for marine disaster / emergency response. GOSHEP and the LA Oil Spill Coordinators Office should coordinate this effort.

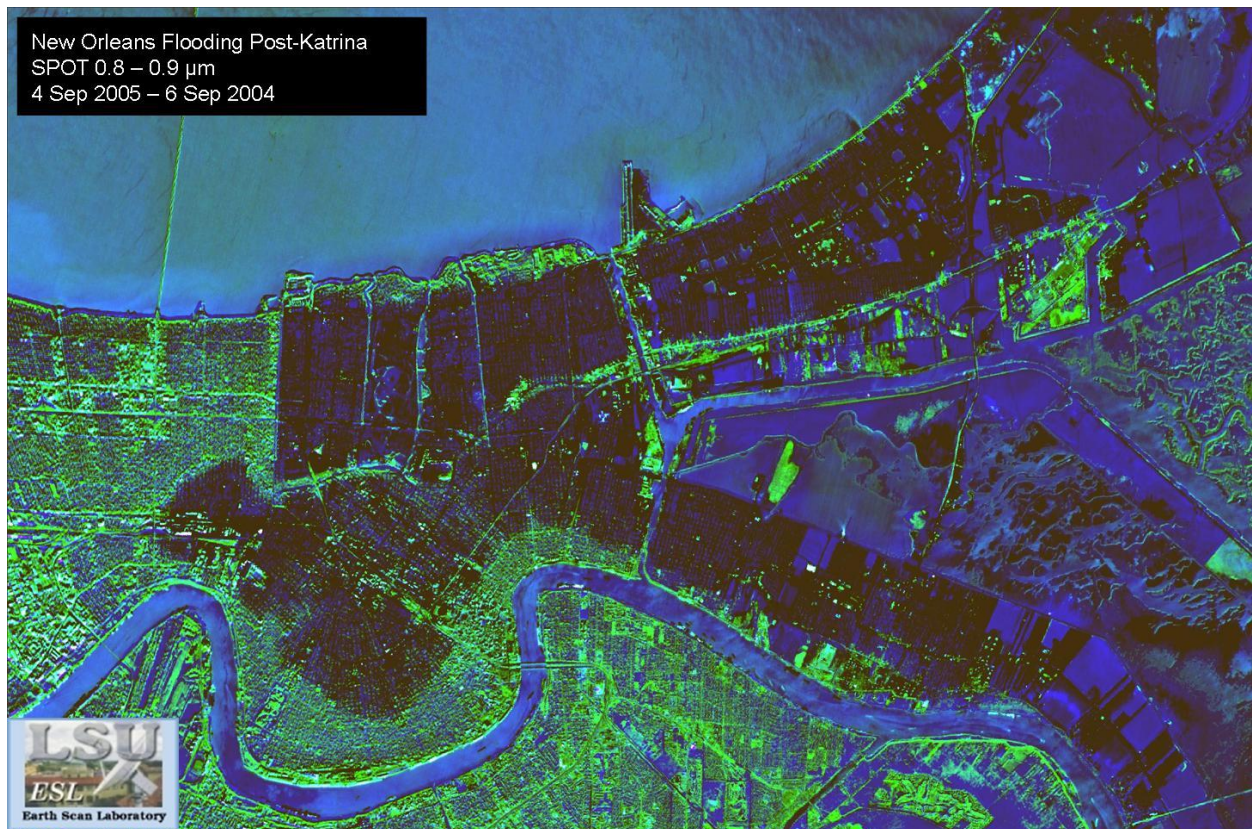
- DHS / FEMA recently presented a Congressional Justification for State and Local Programs. This document clearly points out that all assets in a region should be included in any and all emergency preparedness plans or procedures. (This has been the overriding philosophy behind this current UNOTI research project.) The specific language included in the presentation is included below:

“As part of the peer review process, all EMHS resources will be considered in the context of their availability and utility to multiple jurisdictions, regions and the nation. The peer review process will require that resources, regardless of funding source, are complementary and that mutual aid and similar agreements allow for their use across jurisdictional boundaries for a wide range of threats and hazards. This will aid in preventing the use of federal funds to replicate capabilities that are in close proximity. Jurisdictions must also maintain membership in the Emergency Management Assistance Compact (EMAC) to facilitate the mutual aid of capabilities in order to be eligible for funding.” (DHS/FEMA State and Local Programs 2013 Congressional Justification)

2.0 Recent Disasters Affecting the Lower Mississippi River, the New Orleans Region and the Central Gulf of Mexico Coast

2.1 Hurricane Katrina:

On August 29, 2005 Hurricane Katrina, the costliest disaster in US history, hit the Lower Mississippi River at Buras, LA. with a 22' storm surge. This wall of water virtually obliterated this small river town roughly 60 miles downriver of New Orleans while flooding 90% of Plaquemines Parish. Surges from the storm also caused horrific damage, destruction and death in New Orleans and surrounding parishes. Waters from the storm caused federal flood walls to fail (50 individual breaches) and levees to over top. In Louisiana, the magnitude of the storm affected hundreds of thousands of residents and caused billions of dollars of damage. Residents of New Orleans' East Bank were evacuees for months and in some cases years before returning to a forlorn and destitute shadow of their former city. Eighty percent of New Orleans was flooded. All municipal systems failed as did the communication network, which became a huge problem for all personnel engaged in disaster response. One-third of the Port of New Orleans was destroyed with over \$100M in damages to facilities. Their tenant losses were estimated at \$280 – \$300 M (New Orleans port is getting over Katrina – New York Times 2006/01/03). Post-Katrina, city officials admitted that Emergency Response Plans in New Orleans were in name only. They were neither actionable nor implementable.



*New Orleans Flooding Post-Katrina: Sept. 4, 2005
Map Credit: Earth Scan Laboratory at Louisiana State University*

Immediately after the winds subsided, maritime assets were used to save lives and begin the recovery of the City and the region. The Chalmette ferry and other vessels (198 total), safe harbored at the Port of St. Bernard's Chalmette Slip, transported thousands of residents to safety in Lower Algiers, an area of city on the West Bank, which did not flood. The "Cajun Navy", an all-volunteer flotilla from parishes west of the New Orleans, used recreational boats trailered to New Orleans to save more than one thousand stranded citizens post-Katrina.



The Chalmette Slip: Normal Operations
Photo Credit: Port of St. Bernard

The Mississippi River's main channel, once cleared of obstructions, became a virtual lifeline for New Orleans and the region. It provided a safe water route for vessels, first responders, critical military assets, civilian personnel, equipment, relief supplies, and cargoes. Two MARAD Ready Reserve ships, permanently moored at New Orleans' Poland Avenue Wharf, were immediately converted to multi-use disaster response centers. Trained crews (both military and civilian) used these vessels and numerous other ships as a base for operations and control centers. All these vessels provided vital housing, medical facilities and a host of related recovery uses in flood ravaged New Orleans. The amphibious assault ship USS Iwo Jima (LHD 7) was berthed in the city of New Orleans where it served as the command and control center for Joint Task Force Katrina, the combined military effort to provide aid for the areas hit by Hurricane Katrina.



*Military Support for Katrina Recovery on USS Iwo Jima
U.S. Navy photo by Photographer's Mate Airman Joshua T. Rodriguez*

All available maritime assets were put to use after the storm: vessels (military, commercial, industrial); berths and slips; wharves and warehouses; the Port of New Orleans' (PONO) Administrative Building, fireboats, administrative and emergency response personnel; etc. This was dictated by necessity, not according to any disaster plan at any level of government. At the Port of St. Bernard, Associated Terminals' warehouse and office building were converted to Camp Katrina, a staging area for rescue operations, a safe haven for evacuees and an operations base for some first responders. Parish first responders used refineries as a base of operations.



*Camp Katrina, Port of St. Bernard
Photo credit: Associated Terminals*

Hurricane Katrina also reinforced the importance of distant ports in overall disaster relief and response. The Port of Greater Baton Rouge, located roughly 100 miles upriver from New Orleans, became a hub of rescue and relief operations post-storm given its deep-water status and its connectivity to both highway and rail infrastructure. “The port was quickly inundated by diverted ships, residence ships and emergency supply ships. It became a staging area for emergency equipment, supplies, food, water and fuel being sent to the ports of New Orleans and St. Bernard and to Plaquemines Parish”. (Baton Rouge, LA. Boosts Interoperability with Regional Approach) Chandler Harris, 2008; Emergency)



*Baton Rouge MSOC
Courtesy: Port of Greater Baton Rouge*

However, the communication systems at the Port of Greater Baton Rouge were found wanting. To address this problem, the port recently completed a new \$3.3 M Maritime Security Operations Center that is available to federal, state and local agencies to respond to incidents on the Mississippi River within the port’s jurisdiction. This facility will also be able to work with sister ports located along the LMR using state-of-the-art non-commercial and interoperable communications systems “to insure that the operations and commerce on the Mississippi River is secured during emergency situations as well as strategic and industry assets are coordinated during maritime incidents.” When completed and fully operational, the MSOC system will cover the jurisdictions of the 5 deep water ports within the Lower Mississippi River.

Cooperative endeavors include Tri-Parish Mutual Aid Agreement and the Joint Task Force 7 (JTF7), a Counter Terrorism Task Force created by a MOU with the seven sheriff’s departments whose boundary lines border the Mississippi River. The Sheriff’s offices of Ascension, East and West Baton Rouge, Point Coupee, West Feliciana and Iberville parishes are current members. The purpose and goal of JTF7 is to protect life, vital infrastructure and fulfill government and industrial regulations mandated by the federal government. (Baton Rouge Planning Commission: 2011 Evaluation and Appraisal Report)

Similar multi-jurisdictional efforts have been created post-Katrina to address security issues faced by the individual ports, industrial facilities and municipal providers. According to The Lower Mississippi River Port Wide Strategic Security Council (PSSC), the “Maritime Transportation Security Act (MTSA) of 2002 added significant and specific documentation,

visitor identification, and self-protection responsibilities to ports and related facilities. It created Area Maritime Security Committees (AMSCs) that provide an industry/government mutual security framework under the direction of the (U.S. Coast Guard) Captain of the Port....During 2007 the five contiguous deep water ports of the Lower Mississippi River formed a consortium to compete for Port Security Grant Program funding as a region for the benefit of the entire state and river system by strengthening security for these core ports.” (PSSC White Paper, 2007) To date, PSSC has secured over \$130M in PSGP grants for a wide array of equipment, computer hardware, software enhancements as well as training exercises.



*Maritime Security Operations Center
Photo Credit: Port of St. Bernard*

The intent is to “create a barrier around the 300 mile port system as a cohesive security layer for this vital national port complex.” The envisioned result will enable “the Lower Mississippi River corridor to become the safest and most protected maritime complex in the world, with state of the industry security layers, processes, technology, and training. The coverage area will extend up to two miles on either side of the river. Over 200 Maritime Transportation Act (MTSA)-regulated facilities within the ports will be within the security layer.” (PSSC White Paper, 2007)

Post-Katrina, there has also been a concerted effort by LMR ports to stormproof their facilities. A recent addition is the Port of St. Bernard’s (PSB) 3 story Administrative and Security Complex, which opened in mid-2010. This building has been constructed to withstand hurricane force winds (140 mph) and its Maritime Security Operations Center (MSOC) is additionally

hardened with bullet resistant doors and concrete block walls. The building is equipped with a 500 KW Generator that can operate all functions of the third floor for a period of 96 hours without refueling. The building also contains bedding, food and water that will sustain 25 people for 3 weeks. A recent MOU with the USCG has resulted in the PSB being able to offer in safe-housing up to 15 members of the Port Assessment Team or other first responders. The MSOC is currently being upgraded and will serve as the nexus through which local, state and federal entities and their respective personnel can work together at a Command Center (accommodates 20 persons). This facility will serve as the communications portal between the USCG, the LMR ports and the maritime community. The recently completed MSOC at the Port of Greater Baton Rouge, which opened in December 2011, will become part of an interoperable non-commercial communications system, augmented with portable communications towers spanning the entire Lower Mississippi River. This will aid all entities engaged in maritime security, disaster response and recovery.

2.2 Deepwater Horizon:

On the evening of April 20, 2010, an explosion aboard British Petroleum's (BP) Deepwater Horizon off shore oil platform at the Macondo well resulted in the nation's largest oil spill. This monumental man-made disaster again required the mobilization of the region's and the Gulf Coast's maritime assets to avert an environmental catastrophe. These included vessels of all types, firefighting and oil spill personnel and equipment; response teams from the USCG and EPA; etc. In hindsight, it also highlighted both successes and failures in the nation's response to this manmade environmental disaster.



*BP Deepwater Horizon Fire
Photo Courtesy: Resolve Marine Group*

On June 14, 2010, the Coast Guard Commandant chartered an Incident Specific Preparedness Review for the response to the BP Deepwater Horizon oil spill. Specifics of this report are included in Appendix A, but the report specifically examined “the implementation and effectiveness of the preparedness and response to the BP Deepwater incident as it relates to the

National Contingency Plan, Area Contingency Plans, and other oil spill response plans” (Deepwater Horizon ISPR Final Report, pg. 1) Of particular note relative to this research project is the following: **“Although the approved response plan for the Macondo well was in compliance with Government standards for response capability to address a worst case discharge (WCD), there is a critical need to ensure that oil and gas facility response plans (OSRPs) and existing Area Contingency Plans provide for sufficient trained personnel, equipment, and response resources to address the WCD from any offshore drilling operation.”** (Deepwater Horizon ISPR Final Report Executive Summary Pg. 3)

Industry Led Initiatives:

Partnerships with local industry are also extremely valuable in pre-disaster planning and preparedness, particularly when they are staged as events impacting the Lower Mississippi River or the LA coastline abutting the Gulf of Mexico. In the spring of 2011, Marathon Petroleum Company LP conducted their annual Corporate Emergency Response Team Spill Management Team exercise (in New Orleans and Tampa simultaneously) over a three day period in April. This extensive table-top exercise, conducted as an NCP response by design, involved 4 separate incidents impacting 2 different environments: a portion of the Lower Mississippi River (in proximity to their LA refinery) and Tampa Bay, FL. Each participant was given a briefing packet per scenario that included: background information; business unit response plans; regional contingency plans; Marathon Emergency Preparedness Procedure and Plans; Public Response and CERT tools and toolboxes; Community Response; Applicable federal, state and local regulations. Over the duration of this exercise Marathon personnel worked with USCG officials and other federal, state and local response personnel in emergency management practices, plans and procedures. Although hypothetical, these events were meant to have the potential to disrupt and seriously impact Marathon’s operations, the surrounding communities, and the communities’ lifestyle. At the invitation of USCG LCDR Dietrich, members of the UNO Transportation Institute research team served as observers during the table-top exercise in New Orleans. As has been previously noted, it remains extremely difficult to engage local officials and emergency response personnel in these events but their participation is crucial. “Every effort should be made to secure the right folks to be at the table and stay to the end” according to Pat McCaffrey, Emergency Manager and Marathon’s Team Leader during the recent New Orleans exercise.



*Marathon Petroleum Industry Led Exercise
Hotel Intercontinental: April 12-14, 2011 New Orleans, LA*

3.0 Federal Framework for Disaster Preparedness and Response Affecting Marine Environments:

Multiple plans have been incorporated over the years into the Code of Federal Regulations (CFR) to address natural and manmade disasters affecting the maritime sector. They include the unique circumstances of oil spills and/or marine fire response and salvage. To date the emphasis at the federal level has been primarily on oil spill response.

40 CFR 300 to 399 (“Protection of Environment”) specifies the roles and responsibilities of federal agencies (USCG and EPA), the responsible party and related support resources that can be mobilized during a maritime disaster. These include the National Contingency Plan (NCP), the Regional Contingency Plan (RPC) and the Area Contingency Plan (ACP). In 2011, a Salvage Marine Fire Fighting Annex was added to the ACP but it remains in its infancy. None of these plans explicitly specify the role of public ports or their assets in any formalized contingency plan at any level. This is an error or oversight on the part of the federal government.

In addition, in 40 CFR 300.180 (see Appendix B) state and local officials involved in emergency preparedness and response, public health and the environment are encouraged to participate as part of the response structure as provided in the ACP. 40 CFR 300.185 (see Appendix C) further addresses the role of nongovernmental participants: specifically industry groups, academic organizations and others are encouraged to commit resources for response operations as identified in the ACP. However, as was noted in the Deepwater Horizon ISPR Final Report, the USCG Sector New Orleans’ ACP was found to be inadequate for this incident and deemed problematic due to numerous sections noted as “To Be Developed” (see Appendix A).

3.1 Historical Development of the Federal Framework:

The overall federal framework for maritime disaster preparation and response is established by 3 existing and overlapping laws: 1) The Ports and Waterways Safety Act (PWSA); 2) the Port and Tanker Safety Act of 1978 (PTSA); 3) the Oil Pollution Act of 1990 (OPA). The National Oil and Hazardous Substances Pollution Contingency Plan or National Contingency Plan (NCP) is the US government’s blueprint for responding to oil spills and hazardous substance releases within the US, its waters, waterways and adjacent to the its shores. The main intent of the NCP is to provide overall coordination among the multiple responders and contingency plans that exist within various federal entities including the USCG and USEPA, state and local governments, the private sector, and response contractors.

The first NCP, developed in 1968, provided a comprehensive system of accident reporting, spill containment and cleanup. It also established a response headquarters, a national reaction team, and regional reaction teams. Over the years the scope of the original NCP has been broadened to include hazardous substance spills as well as oil discharges, most recently in 1994, which addressed the oil spill provisions of the Oil Pollution Act (OPA) of 1990.

Area Contingency Plans have been developed for oil and hazmat spill responses as well as marine firefighting. They are jointly developed by Area Committees with federal, state, local, trustee, and industry responders for a specific geographic area and are required by the Oil Pollution Act of 1990 and the National Contingency Plan. OPA established 60 Coastal Area Committees, including 1 specific to New Orleans and the Lower Mississippi River. ACPs are

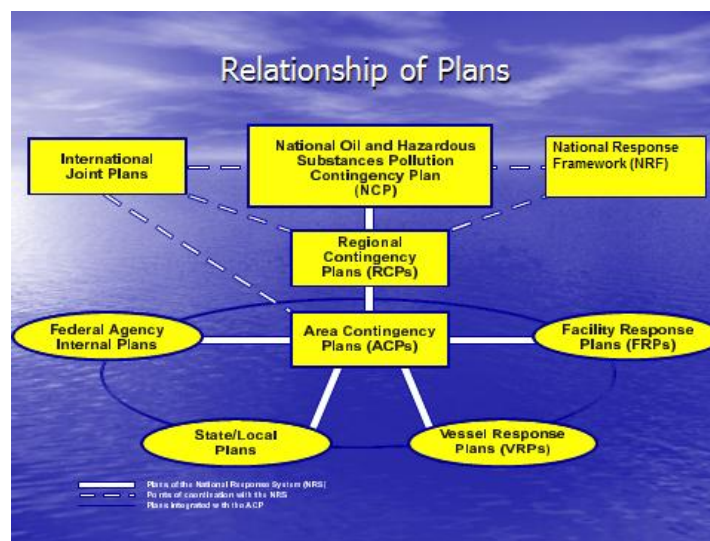
based upon the NCP and the RCP. The general format for the ACPs have been developed by USCG headquarters but each Federal On Scene Coordinator (FOSC) has a separate ACP whose Area Committee is required to exercise its plan under the guidance of the USCG every three years.

3.2 ACP Problem Areas:

As cited by numerous experts (Hammell and Jenson, 1998), the USCG has multiple units internal to their organization (oil spill, hazmat, salvage, firefighting, facility inspection, etc.) that have specific plans (i.e. NCP, RCP, ACP) and personnel assigned to them according to their area of responsibility. However, communications and coordination between these units are minimal or lacking. Complicating matters, at USCG Sector New Orleans, communications between the USCG and the individual ports within the Lower Mississippi River, who are part of the Area Committee, are inconsistent as are communications with the municipal entities charged with emergency preparedness and disaster response. (Mitch Smith @ PSL 7/14/2011 interview) A further problem, cited by the above mentioned experts, applies to ACP's across the country: ACP membership is ad-hoc and voluntary (Hammell and Jenson, 1998) which is a constant challenge for the USCG. "Getting the right people at the table, keeping them there and getting them to consistently participate" is an ongoing problem, according to LCDR Hannah, USCG Sector New Orleans. Having attended ACP meetings hosted by Sector New Orleans for the past year, I have observed that participation by parish officials, port personnel as well as emergency responders and municipal firefighters continues to be limited and inconsistent.

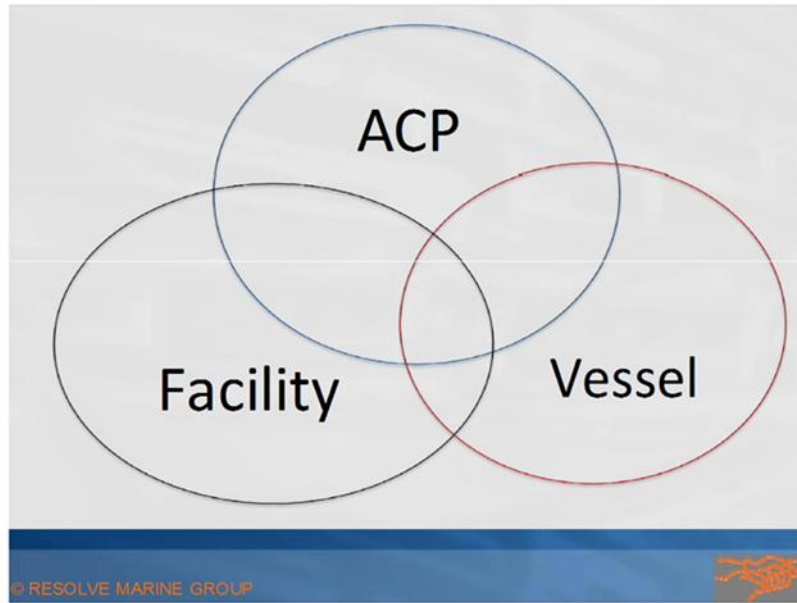
As noted by Marathon Petroleum's Pat McCaffrey, "Another problem area is inland rivers, which are managed by the USCG, but are technically under the jurisdiction of the USEPA. NOAA has developed detailed information for the USCG ACPs for coastal zones. However, when it comes to inland rivers, a similar effort is spotty, depending upon the particular region of the USEPA."

In an attempt to rectify some of these problem areas, the "One-Gulf Plan (OGP)" was presented by LCDR Bill Goetzee, USCG District 8 - New Orleans (deceased) as a Base Plan that incorporates Area Specific Plan information but one that "is better and easier to use". This plan includes 3 specific focuses: sensitive sites; communications & contacts; resources (OSRO/Salvage/Fire-Fighting). It aims to coordinate across AC boundaries to create regional consistency with specific benefits to the vessel, pipeline and OCS plan-holders and responders (public and private sector). According to LCDR Goetzee, OGP is "A better plan with less work". The OGP incorporates 6 separate FOSC areas from Corpus Christi to Mobile. In his slide presentation: "One Gulf Plan Overview" LCDR Goetzee illustrates the Area Committee Process and the relationship between various plans regarding maritime disasters, response and recovery activities.



*“The One Gulf Plan Overview” 2008
A Presentation by LCDR Bill Goetzee (deceased)
USCG District Eight - New Orleans*

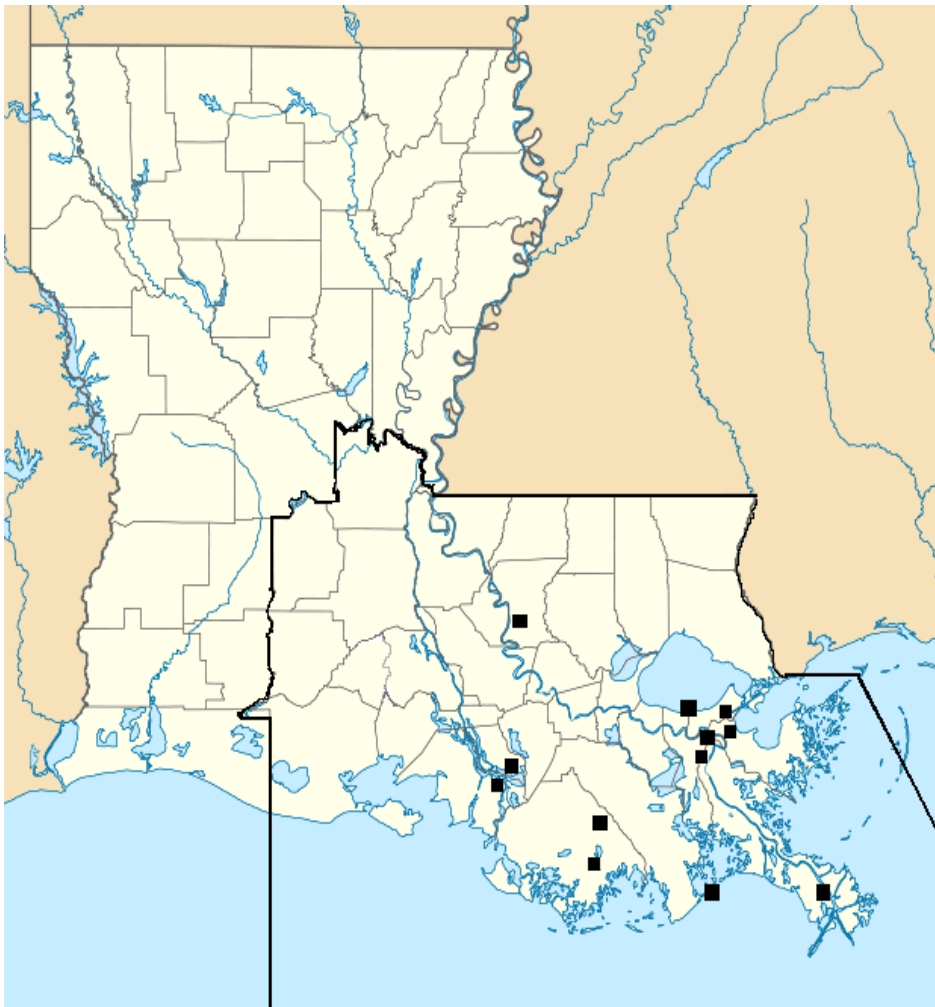
According to Captain of the Port Gautier (USCG Sector New Orleans), “This is more theory than reality”. In his opinion, if implemented, OGP could actually cause more redundancy among the individual ACPs. It also might not do what it intends to do. As an overarching concept, it has validity, but it needs to take into account the individual characteristics of each ACP; especially with regard to the Geographic Response Plans. These need to be very site specific and they require the input of local leaders (both public and private sectors), NGOs as well as DEQ and Fish and Wildlife. In the Deepwater Horizon ISPR, the lack of specificity of these plans was noted as a major weakness. Captain Gautier also remarked that in other areas of the country, state offices of Environmental Quality and /or Fish and Wildlife contribute significant amounts of time and efforts to the Geographic Response Plans. This is currently not the case in LA.



*Relationships of Various Response Plans
Credit: Resolve Marine Group*

In a recent interview with a member of the USCG Sector New Orleans SMFF subcommittee, it also was noted: “The LMR needs an ‘all hands - all hazards’ response. This is everyone’s desire, but it’s not reality yet.” (Matt Hahne Resolve Marine Group / New Orleans, Interview 12/29/2011). As the above diagram illustrates, there exists, in theory, a significant overlap between the ACPs, the Facility Response Plans, and the Vessel Response Plans. However, in reality, there is little or no overlap. This is another deficiency that must be addressed as SMFF becomes an added responsibility of the USCG.

4.0 USCG Sector New Orleans



Jurisdictional Boundaries

Credit: USCG



Individual Unit Locations

USCG Sector New Orleans is responsible for a vast amount of area onshore as well as a number of inland waterways including the total length of the Mississippi River within Louisiana's state boundaries as well as a portion of the coast of the Gulf of Mexico and its off-shore energy fields and soon all vessels traversing this area. The sheer size of their jurisdiction, its environmental diversity and the USCG's multiple and ever-growing responsibilities continue to present challenges which may or may not be achievable. This situation calls for an active and meaningful partnership with governmental entities at all levels, the private sector, and independent contractors charged with SMFF responsibilities to enable the USCG to partner and benefit from the resources of the private sector within their sphere of influence.

Appendix A:

LMR Port: Plaquemines Parish Port, 124 Edna LaFrance Road, Braithwaite, LA 70040

Jurisdiction: 0 AHP (Southwest Pass Buoy) to 81.5 AHP , Coterminous with Plaquemines Parish Boundaries **Memorandum of Understanding in Effect:** PSSC; CEA with Plaquemines Parish Sheriff Office (use of helicopter); Agreement with PSB for safe-harboring of Authority III for Cat. 2 Hurricane; Agreement with PSL for 1 50' vessel to moor at their facility

port assets	quantity	contact number	trailers	location	crew	speed	purpose
17' Diamondback Airboat (no phone)	1	NA	1	Belle Chase VFD	as needed	40 kts	Search & Rescue
18' Alumaweld Flatboat	1	NA	1	Belle Chase VFD	as needed	35 kts	Search & Rescue
50' fireboat (Authority I)	1	504-912-3991	na	Mile 75 AHP	2 persons 24/7	25 knots	Fire Fighting
50' fireboat (Authority II)	1	504-912-3981	na	USCG Station Venice	2 persons 24/7	25 knots	Fire Fighting
90' fireboat (Authority III)	1	504-715-6913	na	Mile 75 AHP	2 persons 24/7	18 knots currently; 23 knots when fully operational	Fire Fighting
30' rescue / fire boat	1			Mile 75 AHP Eastport	staffed as needed	40 knots	Fire Fighting (in shallow waters / trailerable)
30' rescue / fire boat	1			Mile 75 AHP Westport	staffed as needed	40 knots	Fire Fighting (in shallow waters / trailerable)
tilt-bed truck	1			Belle Chase VFD / Woodlawn			
Sunstrom 480B helicopter with cargo hook, Spectra Lab SX-5 searchlight; Gyrocam DS Infrared camera system	1			PP Sheriff Office			Incident Response
Mobile Communications and Surveillance Unit	1						
Pickup trucks	4						
80' mobile communications tower	1			Mile 75 AHP			Portable Communcation Tower (trailerable to site)

Plaquemines Parish Port, Page 2

pumps	eductor pumps	discharge lines	fire hoses	foam concentrate	dry chemical	diesel fuel	fire extinguishers	line throwing gun	defibrillator	stoke litters w/ backbone
na							yes			
na										
1,500 gals./min.	2 @ 750 gals./min.	4 - 2.5" for hoses	x	300 gallons		600 gallons	yes	1	1	2
1,500 gals./min.	2 @ 750 gals./min.	4 - 2.5" for hoses	x	300 gallons		600 gallons	yes	1	1	2
5,000 gals./min. thru 2 remote controlled 6" monitors mounted 38' above water: 2 remote controlled wharf monitors + 5 2" monitors manually operated			x	1,000 gallon on-board capacity: currently 500 gallons on-board		3900 gallons	yes	1	1	
575 gals./min. thru 2 monitors			1 2,000 gallon / min. (portable)	7,000 gallons						
575 gals./min. thru 2 monitors			1 2,000 gallon / min. (portable)	7,000 gallons						

Plaquemines Parish Port, Page 3

SCBA w/ spare tanks	communications	crane	on- board boat	equipment / additional information	personnel capabilities: 16 volunteers on hand for Hurricane Response	response / mobilization time
	1 Panasonic advanced hybrid telephone system		na	30KW Diesel Generator, 3 Coleman heat pump/air conditioning units		
			na			
5	cell phones; 700/800mhz radios; VHF radios					underway w/in 2-3 min. (24/7)
5	cell phones; 700/800mhz radios; VHF radios					underway w/in 2-3 min. (24/7)
7	cell phones; 700/800mhz radios; VHF radios	1 / 2500 lbs.	12' Zodiac hull w/ 25hp outboard			underway w/in 5-7 min. (24/7)
	CB radio; Marine VHF; Wi-Fi image transmission					

LMR Public Port: St. Bernard Port, 100 Port Boulevard, Chalmette, LA 70043							
Jurisdiction: 81.5 AHP to 91.5 AHP (Orleans Parish Line), Coterminous with St. Bernard Parish Boundaries							
Memorandum of Understanding in effect: USCG safe-housing for 15 Port Assessment Team members or emergency response personnel							
port assets	quantity	contact number	trailers	location	crew	speed	purpose
Administration and Security Complex (SBP has no vessels as they are within the jurisdiction of the PONO (daily patrol))	1	504-277-8418	na	89.5 ahp (Chalmette, LA)	na	na	office space + 20 person command center + 2000 sf secondary command center as required
Chalmette Slip offered natural safe harbor for 198 vessels during Hurricane Katrina; No access points or boom at SBP	1			90.7 ahp			
Tour Boat Dock @ Battlefield (Chalmette National Park)	1			90.0 ahp			Allows Paddlewheels to dock at Chalmette National Park
Passenger Barge for Paddlewheels at Battlefield	1			90.0 ahp			Allows passengers to visit the Chalmette National Park
Maritime Security Operations Center (MSOC) for St. Bernard / Plaquemines Parish	1	504-342-6289 (24/7/365)	na	89.5 ahp (Chalmette, LA)	na	na	Maritime security / communication hub serves as the portal between USCG, ports and maritime sector. Accommodates up to 9 Unified Commanders and up to 16 additional Officers/Personnel for up to 3 weeks without outside intervention
Chalmette Mid-Stream Mooring	1			89.5 ahp			
Meraux Mid-Stream Mooring F	2			86.5 ahp			
Underwater Inspection System	1			89.5 ahp	na	na	
Mobile Communications Tower (80') with generator on trailer	1	504-342-6289 (24/7/365)	1	89.5 ahp	na	na	

St. Bernard Port, Page 3

communications	crane	on-board boat	equipment / additional information	personnel capabilities	response / mobilization time
12 portable 700/800 MHz radios, T-1 internet			Construction completed in 2010. Designed to withstand 140 mph winds. Equipped with 500 KW Power Generator capable of operating all functions on the 3rd floor for 96 hours without refueling. Capable of housing and feeding 25 people for 3 weeks. Agreed to provide USCG safe-housing for 15 members of the Port Assessment Team or other responders as deemed appropriate		
connection and broadband connection					
			Hardened with level 3 bullet resistant doors and concrete block walls; Serves as the central point of communications for the maritime sector within the Lower Mississippi River		

LMR Public Port: Port of New Orleans, 1350 Port of New Orleans Place, New Orleans, LA 70130

Jurisdiction: 81.2 AHP to 114.9 AHP

Memorandum of Understanding in effect: With LA State Police for use of the Admin. Building; With NOPD to store up to 2 18 wheelers at Poland Street Wharf

port assets	quantity	contact number	trailers	location	crew	speed	purpose
PONO Administration Building	1	504-528-3251	no	95.7 ahp	na	na	office space, etc.
mobile command center; 45ftx34ft 2007 Freightliner, 56,00 lb. 300 H.P. turbo-charged diesel	1	504-891-7585	no	Julia Street Substation (95.4 ahp)	1 Driver	na	Command and Control
Capt. Kenneth H. Scarbrough 50x16 ft. Dauntless Class River Patrol Boat; Twin 5016-V 875 Caterpillar Diesels	1	504-891-7585	no	Harbor Police HQ (#1 Third St. Wharf; 98.0 ahp)	3	Max: 30 knots	Waterborne Patrols, Facility surveillance; Crime Interdiction /Emergency Response
Fire Boat Kelley (Multi-Purpose Public Safety Vessel; 95x26 ft. 7 ft. Draft; 3600 HP total (4 main engines)	1	504-897-6844	no	Harbor Police HQ (#1 Third St. Wharf; 98.0 ahp)	3	Max: 20+knots	Fire Fighting / Law Enforcement / Protocol
#5320 21' Boston Whaler with 200 hp outboard	1	504-891-7585	1	Julia Street Substation; 95.4 ahp	3	Max. 20 knots	Law Enforcement / Facility Inspection: During Katrina used for Search and Rescue in the Lower 9th Ward
#5310 16' flat boat with 90 hp outboard	1	504-891-7585	1	Julia Street Substation (95.4 ahp)	2	Max. 15 knots	Law Enforcement / Facility Inspection: During Katrina used for Search and Rescue in the Lower 9th Ward

Port of New Orleans, Page 2

pumps	eductor pumps	discharge lines	fire hoses	foam concentrate	dry chemical	diesel fuel	fire extinguishers	line throwing gun	defibrillator	stoke litters w/ backbone	SCBA w/ spare tanks
na	na	na	na	na							
na	na	na	na	na							
			yes				yes				
2 North American Model 16HJ3 three stage water jets, operated through diversion valve into water main system, variable PSI settings		4 Stang 2500 GPM fire monitors; 3 Stang 1000GPM under wharf fire monitors	yes various lengths and diameters	2000 gallons of Ansulite 3X3 Low Viscosity Alcohol Resistant AFFF Concentrate delivered from 2 2500 GPM fire monitors and/or 3 hose connections			yes			yes	yes

communications	crane	on-board boat	equipment / additional information	personnel capabilities	response / mobilization time
12 CO lines and 8 extension lines			1 Sony 32" flat screen HDTV, 4 15" flat panel TVs, 2 LCD flat screen monitors; 1 23" LCD flat panel TV, 1 14" TV/VCR/DVD TV, 1 DVD recorder, 1 Winegard omnidirectional antenna		
8 Panasonic telephone sets; 3 cellular phones, 4 mobile CB Radios; 3 VHF mobile marine radios; 4 Motorola Model XTL digital mobile radios			1 mobile roof-mounted satellite dish, 1 Pelcot Esprit mast-mounted color camera; 6 Dell Note Books Model Ispiron 6400, 1 Dell 964 All in One printer scanner copier		
2 VHF Marine radios; Motorola digital radios			Thermal imaging camera system, Closed circuit television with audio/video recorder, Portvision ASI/Vessel tracking system, Satellite television and telephone; Garmin GPS/Chart Plotters, 2 x-band marine radars, XM WX satellite weather receivers; 4 32" LCD computer display monitors; Full First Aid response package, Sea Rescue platform 8 feet deep X 25 feet wide, one foot above waterline; 1 3000lb capacity crane onboard;		
2 Motorola Model H 5058 R VHF radios Motorola digital radios	1 3000 lb. on-board	16' rescue boat	Storage space for 500 feet of oil containment boom		

LMR Public Port: Port of South Louisiana, 171 Belle Terre Boulevard, LaPlace, LA 70068

Jurisdiction: 114.9 AHP to 168.5 AHP

Memorandum of Understanding in effect: PSSC, JTF7

port assets	quantity	contact number	trailers	location	crew	speed	purpose
The John James Charles Fireboat, 80' x 16.5'	1	866-536-3678; 985-536-3678	na	164.0 ahp	3	12 knots	Fire Fighting / Multi-Purpose. Can be used as staging platform and transportation of additional Emergency Response Personnel and Equipment.
The Accardo; 49' Dauntless-class patrol boat	1	866-536-3678; 985-536-3678	na	138.0 ahp	3	Max: + 30 knots	Port Security / Search and Rescue / Fire Fighting (1500 GPM)
The PSL Responder Security Command Boat; 57' x 16' (4.5' draft)	1	866-536-3678; 985-536-3678	na	138.0 ahp	3	Max: + 30 knots; 1750 hp	Port Security / Command and Control / Limited Fire Fighting / Equipped with Echoscope 3D Sonar
Zodiac RHIB; 27' on trailer	1	866-536-3678	1	Reserve, LA	3 (6 passengers)	50+knots	SAR / Law Enforcement / Equipped with Echoscope 3D Sonar
Ford Expedition 4x4	1	866-536-3678; 985-536-3678	na	Reserve, LA	2	na	Control + Communications; Law Enforcement
Chevrolet 3500 Pickup	1	866-536-3678; 985-536-3678	na	Reserve, LA	1 driver; 3 passengers	na	Control + Communications; Law Enforcement
MSOC (under development)	1	985-536-3678					Maritime security, Operations, System-wide communications

Port of South Louisiana, Page 2

pumps	eductor pumps	discharge lines	fire hoses	foam concentrate	dry chemical	diesel fuel	fire extinguishers	line throwing gun	defibrillator	stoke litters w/ backbone	SCBA w/ spare tanks
<p>The John James Charles has a total pumping capacity of 5,500 gpm. Appropriate size suction and discharge hoses from 1.5 inch to 5 inch. Equipment includes eductors, fire extinguishers, SCBA's, defibrillators and personal protective equipment for assigned crew.</p>											
1,500 gpm capacity											
<p>The PSL Accardo has 1,500 gpm pumping capacity with appropriate suction and discharge hoses from 1.5 inch to 3.0 inch. Equipment includes eductors, fire extinguishers and personal protective equipment for assigned crew.</p>											
na											
na	na	na									

Port of South Louisiana, Page 3

communications	crane	on-board boat	equipment / additional information	personnel capabilities	response / mobilization time
800 / 700 MHz State System VHF-FM Marine Radio Cell Phone Sat Phone			PSL is on the state wide 800/700 MHz radio system capable of communicating with multiple response and law enforcement agencies; PSL maintains an 24/7/365 Communications and Response Capability	SAR, Marine Fire Fighting, Pollution and Hazmat Response; Law enforcement personnel also available to respond to specific incident or event	Immediate
Presently undergoing C+C equipment upgrades			(2) Icom VHF-FM marine radio; (2) Furuno Nav-Nat 24 mile radar with color display; AIS monitoring; Teledyne Solutions Interoperable Communications System with Wi-Fi, CCTV. Infrared cameras		
			available for deployment in area lakes, canals and bayous		
			8,000 lb. towing capacity / full array of communication systems		
			10,000 lb. towing capacity / full array of communications systems		
	700/800 MHz		The PSL maintains an annual contract with Southland Fire and Safety in Gonzales, LA to provide up to 10,000 gals. Of foam concentrate with a 2 hour delivery time within its jurisdictions 24/7/365.	Staffing varies per event. MSOC's are governed by and follow the command of the USCG Captain of the Port.	

LMR Public Port: Port of Greater Baton Rouge, 2425 Ernest Wilson Drive, Port Allen, LA 70767-6176

Jurisdiction: 168.5 AHP (Sunshine Bridge) to 253 AHP (ExxonMobil Refinery): includes the parishes of Ascension, East Baton Rouge, Iberville; and West Baton Rouge (85 miles total)

Memorandum of Understanding in effect: MSOC -- JTF7; Exxon-Mobil Refinery (Industry Partner)--incident specific response capability via Kirby Marine; On call as needed

moveable assets	quantity	contact number	trailers	location	crew	speed	purpose
Port of Greater Baton Rouge		225-342-5378					
MSOC--JFT7	1	TBD		229.0 ahp			port security / maritime operations / communications nexus
Exxon-Mobil Refinery fire barge: "The Volunteer"	1	225-931-3899	na	Exxon-Mobil Refinery Dock; N. Baton Rouge, LA	30 normal conditions	na	area-wide marine fire-fighting

Port of Greater Baton Rouge, Page 2

pumps	eductor pumps	discharge lines	fire hoses	foam concentrate	dry chemical	diesel fuel	fire extinguishers	line throwing gun	defibrillator	stoke litters w/ backbone
(2) 4000 gpm diesel firewater pumps; (1) 2000 gpm Patriot Monitor for water, foam or dry chemical delivery; (3) 1000 gpm Sharpshooter monitors; (3) 1250 portable monitors				2120 gallons Thunderstorm foam	900 lbs. Williams PKW Dry Chemical	620 gallons on-board				

Port of Greater Baton Rouge, Page 3

SCBA w/ spare tanks	communications	crane	on-board boat	equipment / additional information	personnel capabilities	response / mobilization time
	interoperable non-commercial systems			facility currently under construction		
	Privately-owned and operated radio system			Exxon Mobil is the only private facility that has their own FF equipment in Baton Rouge (the "Volunteer" fire barge) POC: Obie Combre @ E/M Dimensions: 52' x 150'. Includes a responder rehabilitation area, storage area for marine firefighting equipment, non-skid deck. Sixty employees are fully trained and USCG certified for Marine and Shipboard Fire Fighting (NFPA 1405). Kirby Marine is under contract to provide motive force for responses and training.		

Appendix B: Excerpts from Deepwater Horizon ISPR Final Report

B.1 “Area Contingency Plans

This report devotes a significant amount of attention to the state of Area Contingency Plans (ACPs) in the Gulf of Mexico. Overall, the team found these plans to be inadequate for this incident, and possibly for smaller, more localized incidents. The Coast Guard needs to provide service-wide direction to all Area Committees, develop minimum standards for contingency plans, and establish an oversight, review, and compliance program to ensure that minimum standards and consistency among plans are adequately addressed. It does not appear from research conducted by the team that this can be accomplished solely at the local (Sector) level, and may not be appropriate at the District level. The ACP development process has been ongoing for more than a decade. The team can find no reason to have critical gaps in any ACPs where some sections are noted as ‘To Be Developed.’

In the Gulf of Mexico or anywhere offshore oil production occurs, there must be direct linkage between the Oil Spill Response Plan (OSRP) and local ACPs. The ISPR Team found that not including worst case discharge (WCD) scenarios from offshore oil exploration, development, and production activities in ACPs for areas in which such activities are occurring was unacceptable. Both the Coast Guard and the Bureau of Ocean Energy Management, Regulation and Enforcement must be able to verify that those engaged in such activities have the trained personnel, equipment, and other resources to meet WCD plan requirements.

There are very few programs within the Coast Guard that facilitate direct communication and dialogue with State and local officials. The ACP development process is one of them. As evidenced by the last two major spill events, Cosco Busan and Deepwater Horizon, much of the external political pressure exerted upon the response organization was the direct result of not engaging local officials prior to and during the spill response. In the Deepwater Horizon incident, this was further complicated by a misunderstanding, or lack of knowledge of agencies’ responsibilities set forth in the National Contingency Plan (NCP). All of this could have been addressed, and possibly avoided, during the ACP development process. Until the Coast Guard takes proactive measures to bring State and local officials into this process, the Coast Guard should expect to have State and local politicians impacting response operations.” (pgs. 5-6)

B.2 “General Findings and Recommendations: Funding

The ISPR Team did not focus specifically on funding during the spill response. However, several recommendations within the report have potentially significant funding implications for both preparedness and response. These include additional funding for research and development, particularly as it relates to enhancing the means of locating, measuring, and removing oil, and alternative response technologies; incentives for local official and non-governmental organization participation in the ACP process; and others. . . . Regardless of the funding source, it

is imperative to understand that many of the recommendations provided in this report require additional or new funding. The Deepwater Horizon incident showed the response community and the public that a ‘business as usual’ approach will not carry the day in future spill events; neither will ‘funding as usual.’” (pg. 8)

B.3 “Area Committee Organization and Activity: Lessons Learned

The ISPR Team decided to add a focus area to the report that discusses lessons learned categorically. While each focus area has its own Lessons Learned section, there were many on the team who felt a need to look back to prior spill events and exercises to see which lessons learned were, in fact, not really learned prior to the Deepwater Horizon incident. This was also done, to a degree, in Phase Two of the Cosco Busan ISPR report, citing lessons learned (but not institutionalized) from the Cape Mohican spill 11 years earlier. It is evident to the team that many critical lessons learned are not addressed programmatically or implemented effectively and, as such, had little role in enhancing the Coast Guard’s planning, preparedness, and response programs. The preeminent objective of conducting reviews of large spill events, and the conduct of large spill exercises, is to provide the Coast Guard with road signs that enable the Coast Guard to alter direction and shorten the travel to the desired destination. The Coast Guard needs to formally address lessons learned, institutionalize them through programmatic changes, and in some cases, through cultural changes. The Coast Guard should draw from lessons learned in this report, and institute an autonomous program, not unlike a private sector quality control program to select, implement, and assess the outcome of lessons learned.” (pg. 10)

B.4 “Area Committee Organization and Activity: Discussion

Prior to the Deepwater Horizon incident, the Sector New Orleans Area Committee was scheduled to meet annually. However, over the past 10 years the Committee only met seven times. The Captain of the Port (COTP) for Sector New Orleans chairs the Area Committee meeting. The charter membership, as listed in the ACP, includes: The Coast Guard, the Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service (USFWS), the National Oceanic and Atmospheric Agency (NOAA), the Louisiana Department of Environmental Quality, the Louisiana Department of Wildlife and Fisheries, the Louisiana State Police’s Environmental Safety Section, the Louisiana Oil Spill Coordinator's Office, Mississippi Office of Pollution Control, Mississippi Bureau of Marine Resources, and Mississippi Emergency Management Agency. The attendance records show that, in addition to the charter members, there was consistent attendance from the former U.S. Mineral Management Service (now the Bureau of Ocean Energy Management, Regulation and Enforcement [BOEMRE]), the petroleum industry, and the OSRO community. There is no indication that representatives from any local government or NGOs were ever present. The most recent version of the ACP for this region is dated August 2009. During the interview process for this report, when local NGOs and

local government officials were asked if they were aware of the Area Committee and the ACP process, they stated that they were not aware of this planning body and had never been invited to attend or participate in any way. However, when State and Federal officials were asked the same question, they thought invitations had been sent to local government officials and that no one from the local governments had accepted the invitation and attended. One Sector relied on the State representative to provide local input, if any.” (pg. 13)

During the Deepwater Horizon incident, there was clear indication from individuals in local government that they were not familiar with oil spill response. Participation in the Area Committee planning process would have allowed local agencies to be much better informed about the process, and their presence would have strengthened the planning and preparedness throughout the Gulf region. (pg. 14)

B.5 Area Committee Organization and Activity: Lessons Learned

- Area Committees need to meet regularly and consistently to ensure that ACPs are up-to-date, complete, and reflect current policy and doctrine.
- The lack of local government participation in Area Committees had a negative effect on the Deepwater Horizon response due to limited understanding of the NCP, ACPs, and current response policy and doctrine on the part of representatives from the local government. Similarly, the establishment of an Area Committee outreach program would have enhanced preparedness in the Gulf region prior to the incident.
- The response organization needs to accommodate local government interests in order to maintain unity of effort and ensure a coordinated response.
- Formal minutes of Area Committees meetings will facilitate standardization of Area Committee deliberations and provide a record of Area Committee activities and discussions.” (pg. 14)

B.6 Area Contingency Plan Policy and Implementation: Lessons Learned:

- Although the NCP contains guidance for development of ACPs, additional policy guidance and protocol is necessary to assist Area Committees in developing comprehensive and functional ACPs.
- There is not a well-established and standardized process for the identification and prioritization of environmentally sensitive or economically important areas that might be impacted by a spill.
- Coast Guard Districts and Regional Response Teams should regularly participate in ACP review and approval in order to maintain consistency and effectiveness of plans for their particular geographic areas.

- ACPs should address critical elements of preparedness, including qualifications of personnel, training, exercises, and equipment; e.g., current inventory and availability of skimmers, boom, and other cleanup technologies.
- A more proactive approach to crisis management that emphasizes contingency planning as a core component is mandatory for improving the Coast Guard's preparedness program.

B.7 Area Contingency Plans: Recommendations:

- The Coast Guard should update its existing ACP policy guidance and provide increased oversight to ensure Area Committees are developing comprehensive and functional ACPs nationwide.
- The Coast Guard should ensure that critical ACP components required by the NCP and Coast Guard policy are incorporated into ACPs and clarified for Area Committees, including but not limited to WCD scenarios from OSRPs where appropriate; identification and prioritization of environmentally sensitive and economically important areas; near-shore containment strategies; offshore control and removal strategies; the identification of equipment, trained personnel, and response resources to implement the tactics and strategies for a WCD.
- The Coast Guard should request that the National Response Team review and revise the NCP as necessary to incorporate advances in response management and planning, including Incident Command System doctrine and prescribe mission assignments for a Spill of National Significance event.
- The Coast Guard should ensure that ACP policy provides for improved State and local participation in ACP development, including participation by industry and OSROs, and that it provides for familiarization of ACPs with senior officials in State and local governments.
- The Coast Guard should place more emphasis on contingency planning. It should be valued as a core component of successful crisis management and a means for maintaining a high level of preparedness. (pgs. 18-19)

Appendix C: Excerpts from “The Federal Code of Regulations” for Community Right-To-Know and Nongovernmental Participation

C.1 Title 40: Protection of Environment

CHAPTER I: ENVIRONMENTAL PROTECTION AGENCY SUBCHAPTER J:
SUPERFUND, EMERGENCY PLANNING, AND COMMUNITY RIGHT-TO-KNOW
PROGRAMS

PART 300: NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION
CONTINGENCY PLAN

Subpart B 300.180: Responsibility and Organization for Response

State and local participation in response.(a) Each state governor is requested to designate one state office/representative to represent the state on the appropriate RRT. The state's office/representative may participate fully in all activities of the appropriate RRT. Each state governor is also requested to designate a lead state agency that will direct state-lead response operations. This agency is responsible for designating the lead state response official for federal and/or state-lead response actions, and coordinating/communicating with any other state agencies, as appropriate. Local governments are invited to participate in activities on the appropriate RRT as may be provided by state law or arranged by the state's representative. Indian tribes wishing to participate should assign one person or office to represent the tribal government on the appropriate RRT.

(b) Appropriate local and state officials (including Indian tribes) will participate as part of the response structure as provided in the ACP.

(c) In addition to meeting the requirements for local emergency plans under SARA section 303, state and local government agencies are encouraged to include contingency planning for responses, consistent with the NCP, RCP, and ACP in all emergency and disaster planning.

(d) For facilities not addressed under CERCLA or the CWA, states are encouraged to undertake response actions themselves or to use their authorities to compel potentially responsible parties to undertake response actions.

(e) States are encouraged to enter into cooperative agreements pursuant to sections 104 (c)(3) and (d) of CERCLA to enable them to undertake actions authorized under subpart E of the NCP. Requirements for entering into these agreements are included in subpart F of the NCP. A state agency that acts pursuant to such agreements is referred to as the lead agency. In the event there is no cooperative agreement, the lead agency can be designated in a SMOA or other agreement.

(f) Because state and local public safety organizations would normally be the first government representatives at the scene of a discharge or release, they are expected to initiate public safety measures that are necessary to protect public health and welfare and that are consistent with containment and cleanup requirements in the NCP, and are responsible for directing evacuations pursuant to existing state or local procedures.

Subpart B 300.185: Nongovernmental participation

(a) Industry groups, academic organizations, and others are encouraged to commit resources for response operations. Specific commitments should be listed in the RCP and ACP. Those entities required to develop tank vessel and facility response plans under CWA section 311(j) must be able to respond to a worst case discharge to the maximum extent practicable, and shall commit sufficient resources to implement other aspects of those plans in accordance with the requirements of 30 CFR part 254, 33 CFR parts 150, 154, and 155; 40 CFR part 112; and 49 CFR parts 171 and 194.

(b) The technical and scientific information generated by the local community, along with information from federal, state, and local governments, should be used to assist the OSC/RPM in devising response strategies where effective standard techniques are unavailable. Such information and strategies will be incorporated into the ACP, as appropriate. The SSC may act as liaison between the OSC/RPM and such interested organizations.

(c) ACPs shall establish procedures to allow for well organized, worthwhile, and safe use of volunteers, including compliance with CFR 300.150 regarding worker health and safety. ACPs should provide for the direction of volunteers by the OSC/RPM or by other federal, state, or local officials knowledgeable in contingency operations and capable of providing leadership. ACPs also should identify specific areas in which volunteers can be used, such as beach surveillance, logistical support, and bird and wildlife treatment. Unless specifically requested by the OSC/RPM, volunteers generally should not be used for physical removal or remedial activities. If, in the judgment of the OSC/RPM, dangerous conditions exist, volunteers shall be restricted from on-scene operations.

(d) Nongovernmental participation must be in compliance with the requirements of subpart H of this part if any recovery of costs will be sought.