



Captain of the Port Orders Tactics, Techniques, and Procedures (TTP)



Force Readiness Command
(FORCECOM)

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COAST GUARD TACTICS, TECHNIQUES, AND PROCEDURES 3-71.3

Subj: CAPTAIN OF THE PORT (COTP) ORDERS

- Ref:
- (a) Marine Safety Manual, Volume VI, Ports and Waterways Activities, COMDTINST M16000.11 (series)
 - (b) Vessel Traffic Management, Vessel Traffic Services, 33 CFR Part 161, Subpart A
 - (c) Delegation of Authority, 33 CFR Part 1, Subpart 1.01
 - (d) Federal Maritime Security Coordinator (FMSC) Designation and Authorities, 33 CFR Part 103, Subpart B
 - (e) Saving Life and Property, 14 U.S.C. § 88
 - (f) Ports and Waterways Safety, 33 CFR Part 160
 - (g) Protection and Security of Vessels, Harbors, and Waterfront Facilities, 33 CFR Part 6
 - (h) Magnuson Act of 1950, 50 U.S.C. §§ 191 and 192
 - (i) Adjustment of Civil Monetary Penalties for Inflation, 33 CFR Part 27

1. **PURPOSE.** To provide district, sector and marine safety unit (MSU) personnel with Coast Guard tactics, techniques, and procedures (CGTTP) on the proper application, drafting, and processing of COTP orders, to include fundamental principles of authorities, considerations, and documentation.
2. **ACTION.** This CGTTP publication applies to sector prevention, response, and command center personnel, and provides instructions on the proper use of COTP orders supporting marine safety, enforcement, and incident management activities. Internet release is authorized.
3. **DIRECTIVES/TTP AFFECTED.** None.
4. **DISCUSSION.** A COTP order is one of several tools available to district commanders, sector commanders, and commanders of MSUs with delegated COTP authority, and used to impose operational controls over a vessel, facility, or person, when an emergent situation develops that, in the opinion of the COTP, poses an unacceptable safety, security, or the environmental risk within the COTP's area of responsibility. COTP orders are also used, when necessary, to gain compliance with applicable regulations. This CGTTP provides novice personnel with the foundational and practical knowledge necessary to understand COTP orders and how they are applied. It also provides experienced personnel with a means of referencing current best practices, and addresses common COTP Order issues across the Coast Guard: standardization of use, exercising the right authority, COTP order accuracy, and proper documentation.

5. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is itself a rule. It provides guidance for Coast Guard personnel and does not impose legally-binding requirements on any party outside the Coast Guard.
6. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. While developing this publication, integrated process team (IPT) members examined environmental considerations under the National Environmental Policy Act (NEPA) and determined they are not applicable.
7. DISTRIBUTION. FORCECOM TTP Division posts an electronic version of this TTP publication to the CGTTP Library on CGPortal. In CGPortal, navigate to the CGTTP Library by selecting **References > Tactics, Techniques, and Procedures (TTP)**. FORCECOM TTP Division does not provide paper distribution of this publication.
8. RECORDS MANAGEMENT CONSIDERATIONS. Integrated Process Team (IPT) members thoroughly reviewed this publication during the TTP coordinated approval process and determined there are no further records scheduling requirements per Federal Records Act, 44 U.S.C. Chapter 31 § 3101 et seq., NARA requirements, and Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This publication does not have any significant or substantial change to existing records management requirements.
9. FORMS/REPORTS. None.
10. REQUEST FOR CHANGES. Submit recommendations for TTP improvements or corrections via email to FORCECOM-PI@uscg.mil or through the TTP Request form on CGPortal. In CGPortal, navigate to the TTP Request form by selecting **References > Tactics, Techniques, and Procedures (TTP) > TTP Request**.

Send lessons learned applicable to this TTP publication via command email to FORCECOM TTP Division at CMD-SMB-CG-FORCECOM.

PATRICK J. SHAW
Commander, U.S. Coast Guard
Acting Chief, FORCECOM TTP Division (FC-P)
By Direction of Commander,
Force Readiness Command

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Chapter 1: Introduction

Introduction

This chapter overviews the contents of this tactics, techniques, and procedures (TTP) publication. It also defines the use of notes, cautions, and warnings in TTP publications.

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Section A: Introduction

A.1. Purpose

A Captain of the Port (COTP) Order is one of several tools available to district commanders, sector commanders, and commanding officers of marine safety units (MSU) designated as COTP, to provide operational controls over an emergent situation that poses safety, security, or environmental risks to the COTP's area of responsibility (AOR). A COTP Order can be used to order a vessel to operate in a particular manner, such as anchor to await repairs of critical equipment. It can also be used to direct a shoreside facility to take certain actions regarding handling of dangerous cargo if there is a danger to the safety, security, or environment of the port. Issue COTP Orders under direct authority and knowledge of the COTP. Sector and MSU personnel should use appropriate tools, such as CG-835s, to obtain routine regulatory compliance.

This TTP instructs sector and MSU personnel on proper drafting and issuing of COTP Orders, to include authorities, application guidance, considerations, drafting process, and documentation.

A.2. Audience and Scope

This TTP publication aids prevention departments, response departments, and command centers in properly issuing COTP Orders to support marine safety, enforcement, and incident management activities.

The COTP Order process begins when a situation or incident arises involving a vessel, facility, or individual requiring operational control. The process concludes following best management practices of tracking and monitoring compliance with the COTP Order, rescinding the order, and documenting the action in the Marine Information for Safety and Law Enforcement (MISLE) database.

Section B: Notes, Cautions, and Warnings

B.1. Overview The following definitions apply to notes, cautions, and warnings found in TTP publications.

NOTE: **An emphasized statement, procedure, or technique.**

CAUTION: **A procedure, technique, or action that, if not followed, carries the risk of equipment damage.**

WARNING: *A procedure, technique, or action that, if not followed, carries the risk of personnel injury or death.*

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Chapter 2: Fundamental Principles

Introduction

Per reference (a), COTP Orders issued under 33 CFR 160 allow field-level control over risk management decisions within a port. This chapter explains COTP authorities and jurisdictions as they relate to issuing orders, how they relate to the other authorities sector commanders have within their COTP zone, and COTP Order applicability, considerations, and documentation.

In This Chapter

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Section A: Sector Commander Authorities

A.1. Overview

The sector commander has a wide range of authorities and responsibilities under Federal law. Consider the five authorities of the sector commander and the variety of tools available to gain compliance before using a COTP Order. Often times a letter of concern or a CG-835 is the practical tool.

- Captain of the port (COTP).
- Federal on-scene coordinator (FOSC).
- Federal maritime security coordinator (FMSC).
- Officer in charge, marine inspections (OCMI).
- Search and rescue mission coordinator (SMC).



Understand authorities associated with each title and ensure the United States Coast Guard (USCG) has jurisdiction before taking enforcement action. [Appendix B: Sector Commander Title Toolkit](#) lists common compliance tools used in conjunction with these regulatory titles. In addition, nine sectors have vessel traffic services (VTS) that issue measures to control vessel traffic as discussed in reference (b). These measures only apply to the VTS operating area, which is typically a small part of the COTP AOR.

A.2. COTP Authority As noted in reference (c), COTPs and their representatives enforce port safety and security and marine environmental protection regulations within their respective AORs, including regulations for protection and security of vessels, harbors, waterfront facilities, and waterways. Representatives evaluate vessel, facility, and cargo-related compliance with USCG and local standards. The COTP cannot delegate the authority to ensure order compliance. Execute all COTP orders with the knowledge and permission of the COTP.

A.3. Other Authorities The following are additional regulatory titles of the sector commander, but are not used to issue COTP Orders.

A.3.a. FOSC Regulations in reference (c), §§ 70-90, outline FOSC authorities to direct response, mitigation, and/or recovery actions for incidents involving the release of hazardous substances, pollutants, or contaminants. This authority stems from several laws:

- The response to oil discharges comes from the Federal Water Pollution Control Act and the Oil Pollution Act of 1990.
- The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 provides authority for the response to a release of hazardous substances, pollutants, or contaminants.

A.3.b. FMSC Reference (d), §§ 200 and 205, identify the COTP as the FMSC and authorize the FMSC to establish an area maritime security (AMS) committee, appoint members to the AMS committee, develop an AMS plan, and implement the AMS plan.

A.3.c. OCMI Reference (c), subpart 1.01-20, defines OCMI and gives the OCMI authority to ensure United States (U.S.) flagged vessels comply with construction, manning, and operational requirements; conduct investigations of casualties and accidents; and ensure oversight of U.S. licensed merchant marine officers and seaman.

A.3.d. SMC

SMC is not a regulatory authority, but a responsibility mandated by law. Reference (e), states that the USCG:

- Performs any and all acts necessary to rescue and aid persons and protect and save property.
- Takes charge of, and protect, all property saved from marine or aircraft disasters, or floods, at which the USCG is present.
- Furnishes clothing, food, lodging, medicines, and other necessary supplies and services to persons succored by the USCG.
- Destroys or tows into port sunken or floating dangers to navigation.

District commanders have the responsibility to manage search and rescue cases. They in turn, designate SMCs at sectors. If a search and rescue case becomes too complicated, the district might assume SMC.

Section B: Application

B.1. Authorities The two authorities used to issue COTP Orders are the Ports and Waterways Safety Act and the Magnuson Act.

B.1.a. Ports and Waterways Safety Act The Ports and Waterways Safety Act is a source of authority for issuing COTP Orders.

It does not matter whether the concern is for safety, security, or the environment. Review these regulations thoroughly to determine when to issue a COTP Order using these regulations. Most COTP Orders cite a section of reference (f), and list it as the statutory authority.

B.1.b. Magnuson Act Reference (g), provides broad authority for COTPs to direct or control port activities (vessels, persons, or facilities) for security-related concerns. The Magnuson Act is codified in Title 50 of the United States Code (U.S.C.), which covers the subject of War and National Defense.

This section of law only activates by Presidential proclamation or executive order recognizing that the security of our nation is threatened. President Harry S. Truman signed Executive Order 10173 on October 18, 1950 authorizing “*regulations relating to safeguarding of vessels, harbors, ports, and waterfront facilities, under a finding that the security of the U.S. is endangered by reason of subversive activity.*” Executive Order 10173 is still in effect, and as such, regulations in 33 CFR 6 can address a wide range of possible threats to our nation’s defense capabilities (critical infrastructure like factories, bridges, or waterways), or resources for national defense (naval vessels or dignitaries).

NOTE: **Issuing COTP Orders under the correct authority is very important to ensure our actions are legally sufficient.**

B.1.c. Applicability Reference (f), outlines the applicability of these authorities:

- Any vessel on the navigable waters of the U.S. except on the St. Lawrence Seaway, when in innocent passage, or when transiting through an international strait.
- Any bridge or other structure on or in the navigable waters of the U.S.
- Any land structure or shore area immediately adjacent to the navigable waters of the U.S.

B.2. Regulations	Reference (f), and reference (g), provide authority for COTP Orders.
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B.2.a. 33 CFR 6	<p>Reference (g), provides for protection and security of vessels, harbors, and waterfront facilities.</p> <ul style="list-style-type: none">• Under 33 CFR 6.04-1 and 6.04-8, the COTP controls the movement of vessels, within the assigned zone, whenever such action is necessary to prevent damage or injury to a vessel, facility, or waters of the U.S.• 33 CFR 6.04-5 allows the COTP to prevent access of persons, articles, or things to vessels or waterfront facilities. 33 CFR 6.04-7 authorizes the COTP to search and remove any person, article, or thing from vessels or waterfront facilities. <p>Remember, these regulations are for national security related concerns.</p>
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B.2.b. 33 CFR 160	<p>Reference (f), sections 160.101 through 160.115 implement portions of the Ports and Waterways Safety Act by delegating to district commanders and captains of the port the authority to handle emergency or temporary situations. These regulations provide field-level controls, which if not applied when necessary, might result in an unacceptable hazard to the port or the environment. Examples include:</p> <ul style="list-style-type: none">• 160.107 permits a district commander or captain of the port to deny entry for any vessel not in compliance with the Port and Tanker Safety Act, or regulations issued thereunder.• 160.109 authorizes use of COTP Orders on a waterfront facility to direct the handling, loading, unloading, storage, and movement (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances.• 160.111 provides broad authority to issue COTP Orders to vessels when the district commander or captain of the port has reasonable cause to believe a vessel does not comply with regulations, laws, or treaties.• 160.113 provides authority to control vessel cargo operations based on vessel history of accidents, pollution incidents, repair problems, and other areas of concern to the district commander or COTP.
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B.2.c. Other Situations	<p>During routine events such as a facility or vessel inspection, USCG teams use appropriate statutes and regulations to note deficiencies and set compliance time frames. Use COTP Orders when faced with an emergent concern for safety, security, or environmental protection of a COTP's AOR.</p>
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B.3. Jurisdiction	The COTP can exercise authority over the following: <ul style="list-style-type: none">• Vessels.• Facilities.• Persons.
B.3.a. Vessels	Reference (a) authorizes the use of COTP Orders to “ <i>temporarily control a vessel in hazardous areas or during hazardous circumstances, and to direct the movement of a vessel when necessary to prevent damage to, or by, that vessel.</i> ”
B.3.b. Facilities	Reference (f) authorizes COTP Orders to “ <i>direct the handling, loading, unloading, storage, and movement (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in 46 U.S.C. 2101 on any structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; ...</i> ”
B.3.c. Persons	Issue a COTP Order to a person under the authority of references (f) and (h) to address safety, security, or environmental concerns of the COTP.
B.4. Appeals	Any COTP Order issued under the Ports and Waterways Safety Act can be appealed. In each COTP Order, include a written sentence notifying the individual, facility, or vessel of their opportunity to appeal the order.
B.4.a. Reconsideration	Reference (f), section 160.7 allows that any person directly affected by an order or direction issued under this subchapter can request reconsideration by the official who issued it or in whose name it was issued. This request can be oral or written and the decision of the official rendered orally or written.
B.4.b. COTP Actions on Appeal	If the COTP disagrees with the appeal, forward the appeal to the district commander with the COTP’s position on the matter. If the COTP agrees with the appeal, he or she cancels or modifies and re-issues the COTP Order.

NOTE:

Contact your chain of command or servicing legal representative if you have questions or concerns regarding the applicability of a COTP Order to a specific situation.

Section C: Considerations

C.1. Scope A COTP Order must always be reasonable, objective, concise, and tailored to address the specific emergent issue that creates the safety/security risk.

C.2. Shoreside Jurisdiction Per reference (f) and reference (h), COTP Orders are also for shore areas immediately adjacent to navigable waters, but consider consulting your servicing legal representative before issuing one.

NOTE:

Since the USCG's authority foundation is for maritime-related activities, each COTP Order has a maritime nexus. Even when ashore, make sure there is maritime concern. Discuss questions with the chain of command or servicing legal office.

C.3. Environmental When authoring a COTP Order, consider environmental effects, including potential alternatives to reduce risk. While a COTP Order is technically exempt from considering environmental impacts due to its focused nature and purpose of addressing emergency safety, security, or environmental concerns, doing so is a best practice that avoids unacceptable risk.

C.4. Persistence If the COTP Order is to carry through on the vessel's voyage to the next port, contact the next COTP zone — before the vessel's departure from your COTP zone — to discuss requirements and gain concurrence.

C.5. Leveraging OGA Authorities Consider alternative actions and other agency assistance such as overlapping authorities to address emergent issues. Use COTP Orders in conjunction with other, independent actions that fall under other legal authorities (i.e., customs, etc.) when applicable.

C.6. Political Affairs If a controversy arises, or is anticipated, with a COTP Order that garners political attention, brief the chain of command, and consult with your district staff either before issuing or immediately after issuing the order.

C.7. Public Affairs If controversy arises, or is anticipated, with a COTP Order that garners media attention, brief your chain of command, and consult with your district staff for media relations guidance.

Section D: Drafting and Documentation

D.1. General Drafting Guidance, Best Practices

Be careful of pre-formatted, “standard” COTP Orders ready to modify for each event. Review each COTP Order thoroughly for correct information (date, vessel name, official number, and regulatory and statutory citations).

When issuing a COTP Order for a unique situation, form a think tank, with appropriate skill sets, to ensure the COTP Order addresses the COTP’s concerns and provides carefully written corrective requirements. Write corrective actions so the vessel or facility has choices in how to meet requirements of the COTP Order.

As an example: Before arrival, the T/V CRUDE QUEEN notifies the sector that their inert gas system is not working, but it is not required because the tanker is carrying #6 oil. Three days after arrival, while the T/V CRUDE QUEEN is at anchor, a USCG team detects flammable vapors coming from the cargo tanks. The COTP issues a COTP Order requiring the vessel to inert its tanks within 24 hours or depart the port. The vessel appeals the order, stating that the inert gas system is still not operating. The COTP replies that the COTP Order did not specify that the vessel’s inert gas system needed to be operational, but only specified that the tanks needed to be inerted. The vessel could reasonably accomplish this by hiring another vessel to provide inert gas for the tanks or purchasing inert gas (CO₂, argon, neon, etc.). The vessel purchased CO₂ to inert their tanks.

Analysis: The COTP Order requirement was specific – inert the tanks. This was a reasonable requirement to meet the COTP’s concern for the safety hazard this tankship presented to the port. The COTP Order also left room for vessel operators to make choices relating to economic impacts.

**D.2. Verbal
COTP Orders**

In extremis, or with an emergent event, issue a verbal COTP Order, but always follow up as soon as possible with a written order signed by the COTP. As an example, the petty officer in charge of an explosive handling supervision team, if authorized, issues a verbal COTP Order if he or she believes there is a severe concern that threatens safety. Similarly, response personnel, such as patrol commanders or FOSC representatives, issue verbal COTP Orders for emergent safety or security concerns. For situations like these, authorized personnel receive training to understand and execute the process, including unit notification.

NOTE:

Issue verbal COTP Orders only after briefing and obtaining permission to do so from the COTP.

D.3. Tracking

Understand unit administrative procedures for tracking and filing COTP Orders. Each sector has a COTP Order numbering system for status control and tracking, as well as enforcement (do not duplicate or skip numbers). Some allow COTP Order issuance at department or division levels, but brief all COTP Orders to the COTP, or acting COTP, before issuing.

D.4. MISLE

Upload the signed COTP Order as an attachment in MISLE. Issuing a COTP Order is rarely a stand-alone event. It most likely is part of a control action related to an activity, like a report of a damaged vessel, facility accident, or vessel escort.

Chapter 3: COTP Order Process

Introduction

Issue COTP Orders to a vessel, facility, or person for port safety, port security, or marine environmental protection related concerns. During routine events like a facility or vessel exam, USCG teams note deficiencies and use appropriate regulations to establish compliance deadlines. COTP Orders exist to address an emergent concern for the safety, security, or environmental protection of the COTP's AOR. When writing a COTP Order, understand the authority you are using, and be objective and reasonable with requirements or directions you issue.

In This Chapter

This chapter contains the following sections:

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C	COTP Order Scenarios	3-6

Section A: Process Guide

A.1. COTP Order Process	The following is the general process for compelling compliance using a COTP Order.
A.1.a. Awareness	The COTP Order process begins when a situation or incident arises involving a single vessel, facility, or individual requiring quick activation of operational controls, and a COTP Order is deemed the best tool for gaining compliance.
A.1.b. Draft/Sign COTP Order	Draft the COTP Order and complete unit checklist as required. Conduct internal unit briefs through the chain of command to the COTP. Once signed, issue the COTP Order.
A.1.c. Issue COTP Order	Only issue a COTP Order to one vessel, facility, or individual. Refer to Section B: Format Guide for information to include. The COTP Order can be issued to the vessel master (in many cases through the ship's agent) or to the facility owner/operator using a person in a position of responsibility (general manager, safety officer, or security officer).
A.1.d. Confirm Receipt	Get confirmation of receipt with the person's name, date, and signature. Consider including a pre-printed receipt with the COTP Order.
A.1.e. Notification	Notify stakeholders and partners (local/state/pilots) of imposed operational controls. Notify the sector at the next U.S. port of call of any continuing requirements to coordinate enforcement or obtain concurrence.
A.1.f. Appeals Process	Process an appeal request by rapidly notifying the chain of command. Prepare a reply to the requestor.
A.1.g. Monitor and Track	Monitor the situation in accordance with unit standard operating procedures. Coordinate with the sector command center, which monitors and tracks the current status of active COTP Orders.
A.1.h. Close Action	Notify the chain of command once COTP Order requirements are met and recommend rescinding the COTP Order. (Depending on how it is written, the COTP Order might be self-closing.)
A.1.i. Documentation	Include COTP Order issuance and compliance details in the MISLE activity report as required.

Section B: Format Guide

B.1. Content Requirements	There is no mandated format for COTP Orders. Many sectors use a letter format and others use a message or telex to notify a vessel of a COTP Order. For standard letter COTP Orders, identify and include the following information.
B.1.a. Contact Information	Name and contact information for recipient of the order (vessel, facility, or person).
B.1.b. Authority	Under what authority does the COTP issue this order? Include both regulatory and statutory authority.
B.1.c. Situation Statement	Explain the triggering event and the risk it creates or poses. For example: “At 0915 today my office was notified that (<i>situation or condition</i>). I have determined that this situation presents a safety hazard to the port.”
B.1.d. Order Requirements	Explain what action is required or the result desired. For example, if you do not want a vessel to leave anchorage until class approves repairs, state it clearly. Give the recipient an understanding of what constitutes compliance and how to communicate compliance back to your office. “Therefore, under the authority of the Ports and Waterways Safety Act, 33 U.S.C. 1221 et. Seq., and the regulations issued thereunder in 33 CFR § 160.111, I hereby order the following concerning the operations of the M/V... ” (<i>complete with detailed requirements being issued</i>). or “Therefore, under the authority of the Magnuson Act, 50 U.S.C. 191 et. Seq., and the regulations issued thereunder in 33 CFR 6, I hereby order the following concerning the operation of the M/V...” (<i>complete with detailed requirements being issued</i>).

B.1.e. Penalty
Provisions

Use the following language to convey penalty provisions for failure to comply with a COTP Order.

For COTP Orders under the authority of the Magnuson Act, 50 U.S.C. § 192 provides that:

“If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000.”

For COTP Orders using authority under the Ports and Waterways Safety Act, 33 U.S.C. § 1232 states that:

“(1) any person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated this chapter or a regulation issued hereunder shall be liable to the United States for a civil penalty, not to exceed \$25,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require. (2) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section. (3) If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General of the United States, for collection in any appropriate district court of the United States.”

NOTE:

Reference (i), Adjustment of Civil Monetary Penalties for Inflation, 33 CFR 27, provides a table of USCG related U.S.C. cites with a listing of increased penalties as adjusted for inflation. The current maximum civil penalty for violation of any regulation issued under the Ports and Waterways Safety Act is \$40,000.

B.1.f. Appeal
Procedure

Explain available appeal procedures. For example:

“If you feel aggrieved by this order, you may follow procedures outlined in 33 CFR 160.7 and request the COTP reconsider his order, or file an appeal in writing to the district commander (*include complete supporting documentation and evidence that you wish to have considered*). If the delay in presenting a written appeal would have significant adverse effect on you, your appeal may be made orally to this office but a written submission is still required within 5-days of the oral presentation.”

Explain whether the action is stayed or the order remains in effect while the appeal is pending.

B.1.g. Provisions
for Rescinding
COTP Orders

Describe rescission provisions of the COTP Order. For example:

“This order will remain in effect until rescinded by the COTP when all requirements have been satisfied. If you have questions, or if conditions change, please contact the sector command center at (###) ###-####.”

Rescission provisions are not always required since some COTP Orders automatically expire once the vessel or facility is in compliance, and in those cases, you only need to notify the command center or the chain of command. For example:

“This order is in effect until the COTP is notified, in writing, that all requirements have been satisfied. If you have questions please contact the sector command center at (###) ###-####”

Some vessels, facilities, or persons may request a documentation of the rescission of the COTP Order. In these situations, a basic letter reply is appropriate.

When drafting rescissions to COTP Orders, other suitable terms similar to the word “rescind” include “cancel”, “release”, “clear”, or “lift”.

B.1.h. Signature

Signature with printed name, and regulatory title.

Section C: COTP Order Scenarios

- C.1. Scenario 1** Situation: A vessel requests to conduct maintenance on its engines while at anchorage. The vessel expects to be without main engines for at least 6 days. There is a low-pressure area building in the ocean that might affect the port in 3 to 4 days.
- Control: A COTP Order might establish requirements for the vessel to have tugs alongside if the weather deteriorates or direct the vessel to a pier if it still wants to overhaul its engines during this port visit. See [Appendix C: Scenario 1 COTP Order Example](#).
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- C.2. Scenario 2** Situation: A vessel has submitted an advance notice of arrival (NOA) to enter the port. An analysis of the vessel’s inspection history reveals that the vessel is due for a Port State exam.
- Control: A COTP Order might order a vessel to remain offshore, outside of 12 miles, or anchor near shore, pending the completion of a Port State examination. See [Appendix D: Scenario 2 COTP Order Example](#).
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- C.3. Scenario 3** Situation: A vessel has submitted an advance notice of arrival to enter the port. An analysis of the vessel’s previously visited ports reveals that the vessel requires a security boarding.
- Control: A COTP Order might require a vessel to remain offshore (outside of 12 miles or at an offshore anchorage) until after a security boarding. See [Appendix E: Scenario 3 COTP Order Example](#).
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- C.4. Scenario 4** Situation: During a facility inspection, an inspector discovers a damaged container containing dangerous cargo on the facility.
- Control: A COTP Order might require evaluation of a damaged container containing dangerous cargo. If the cargo is particularly dangerous, like compressed bottles of cyanide gas, the COTP Order can require the facility to temporarily stop operating, establish a safety perimeter, and hire a certified response company to evaluate if the cargo is damaged or leaking. See [Appendix F: Scenario 4 COTP Order Example](#).
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- C.5. Scenario 5** Situation: A vessel scheduled to enter the port has provided advance notice that its radar is not operating properly.
- Control: A COTP Order might be issued to outline conditions for the vessel to enter port (2-miles visibility and during daylight only). If you authorize an escort vessel with working radar (like a tug or the pilot vessel) keep in mind that you are now creating an operational event and need to notify all parties of their responsibilities. See [Appendix G: Scenario 5 COTP Order Example](#).
-

Appendix A: Acronyms

AMS	Area maritime security.
AOR	Area of responsibility.
CFR	Code of Federal Regulations.
COTP	Captain of the port.
FMSC	Federal maritime security coordinator.
FOSC	Federal on-scene coordinator.
MISLE	Marine Information for Safety and Law Enforcement.
MSU	Marine safety unit.
OCMI	Officer in charge, marine inspection.
SMC	Search and rescue mission coordinator.
TTP	Tactics, techniques, and procedures.
U.S.C.	United States Code.
USCG	United States Coast Guard.
U.S.	United States.
VTS	Vessel traffic service.

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Appendix B: Sector Commander Title Toolkit

Title	IF you need to gain compliance regarding:	THEN pursue:	References
COTP	Person or vessel movement control or operations	COTP Order	33 CFR 6 33 CFR 160 Subpart B MSM Volume VI 1.E MLEM 1.A.3.f
COTP	Emergency/emergent facility operations or controls	COTP Order	33 CFR 6 33 CFR 160.109 MSM Volume VI 1.E MLEM 1.A.3.f
COTP	Facility inspection deficiency	CG-835	33 CFR 105, 126, 127, 154, 156
COTP	Permit vessel to transit port without navigation safety equipment	Letter of Deviation	33 CFR 164.55
COTP	Control transfers of oil or hazardous materials	Suspension order	33 CFR 156.112 33 CFR 156.120
FOSC	Direct oil response actions to the responsible party	Administrative order	40 CFR 300 specific for oil under the Clean Water Act.
FOSC	Direct hazardous substance response actions to responsible party	Administrative order	40 CFR 300 specific for hazmat incident under CERCLA.
COTP	Control or direct vessel(s) in a VTS operating area	VTS Measure or VTS Direction	33 CFR 161.11 MSM Volume VI, 1.E.2.g
OCMI	Deficiency with material condition or lifesaving equipment on an inspected U.S. flag vessel	CG-835	46 CFR 1-199 MSM Volume II

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Appendix C: Scenario 1 COTP Order Example

U.S. Department of
Homeland Security
United States
Coast Guard



Commander
United States Coast Guard
Sector Hiatusport

Bldg 4, Thumbs Point
Hiatusport, DE 00111
Phone: (555) 123-4567
Fax: (555) 765-4321
Email: scchiat@uscg.mil

16200
July 12, 2015

Master of M/V KILLIAN
Attn: Nored Shipping Agents, Inc
532 1st Avenue, Suite 8C
Hiatusport, DE 00111

CAPTAIN OF THE PORT ORDER 0122-15: KILLIAN/20000717/DK

This office was notified on this date of your vessel's intention to remain in anchorage Alpha without main propulsion for approximately six days while conducting maintenance work on the vessel's main engine. As Captain of the Port I consider a vessel at anchor without available propulsion to be a risk to the safety of the port, particularly during heavy weather.

Therefore, by order of the Captain of the Port of Hiatusport, under the authority of Title 33 Code of Federal Regulations, Part 160.111 (c) you are hereby directed to:

- 1) Arrange for two tugs to be on call at all hours for the period while the main engines are unavailable. Each tug must have at least 10,000 shaft horsepower. These tugs shall be activated by the Coast Guard Command Center Hiatusport if winds are predicted to exceed 35 knots or when the vessel master feels it is necessary.

Notify the Sector Command Center at (718) 354-4125 or via channel 16 VHF-FM of the name of the tug company you have retained so we can obtain confirmation of your compliance with this order.

This order is issued under the authority of the Ports and Waterways Safety Act (33 USC 1221 *et. seq.*) and the regulations promulgated there under (33 CFR 160). In accordance with 33 USC 1232, failure to comply with this Captain of the Port Order is punishable by a civil penalty of not more than \$40,000 for each day the vessel is in violation. Willful and knowing violation of this order is a class D felony, punishable by up to six years in prison (18 USC § 3581) or fines of no more than \$250,000 for an individual or \$500,000 for an organization (18 USC § 3571).

Should you be aggrieved by this order, you may request reconsideration of this order to me directly. If I do not rescind this order based on your request, you may appeal my decision to the Commander, Third Coast Guard District. While any request or appeal is pending, all provisions of this order remain in effect. All reconsideration requests or appeals must follow the procedures prescribed in 33 CFR 160.7.

Please contact the Captain of the Port Hiatusport via telephone (555) 123-4411 with any questions.

If you have any questions or comments, you can contact the Waterways Division during the hours of 7:00 AM to 4:00 PM local time at (555) 123-1239 or by fax (555) 123-4455, or e-mail us at www@hiatusport@uscg.mil. After 4:00 PM, you can contact the Sector Command Center at (555) 123-1111, by fax (555) 123-5544, or e-mail scchiatusport@uscg.mil.

Sincerely,

K. A. Arnold
Captain, U.S. Coast Guard
Captain of the Port
Hiatusport, DE

Copy: PSC, SCC, Pilots, Agents

NOTE: There are variations that allow the vessel to use two anchors to provide the desired safety parameters.

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Appendix D: Scenario 2 COTP Order Example



Commander
United States Coast Guard
Sector Hiatusport

Bldg 4, Thumbs Point
Hiatusport, DE 00111
Phone: (555) 123-4567
Fax: (555) 765-4321
Email: scchiat@uscg.mil

16200
July 12, 2015

Mr. Ray Donovan
Owner Tug Vega 2
62 Derelict Road
Hiatusport, DE 00111

CAPTAIN OF THE PORT ORDER 0098-15: VEGA/118442/US

The subject vessel is due to call on the Port of New York and New Jersey on or about 0500 on July 16th, 2015. Your vessel has been screened through the Port State Control Matrix and identified as a Priority 1. This condition poses a potential hazard to the Port of Hiatusport and requires a Port State Control examination prior to entering the port.

Therefore, by order of the Captain of the Port of Hiatusport, under the authority of Title 33 Code of Federal Regulations, Part 160.11 l(c) the subject vessel shall remain offshore in Anchorage "D" and await a Coast Guard Port State examination team.

This order is issued under the authority of the Ports and Waterways Safety Act (33 USC 1221 *et seq.*) and the regulations promulgated thereunder (33 CFR 160). In accordance with 33 U.S.C. 1232, failure to comply with this Captain of the Port Order is punishable by a civil penalty of not more than \$40,000 for each day the vessel is in violation. Willful and knowing violation of this order is a class D felony.

Following a satisfactory Coast Guard Port State examination, this order may be considered rescinded.

Should you be aggrieved by this order, you may request reconsideration of this order to me directly. If I do not rescind this order based on your request, you may appeal my decision to the Commander, Third Coast Guard District. While any request or appeal is pending, all provisions of this order remain in effect. All reconsideration requests or appeals must follow the procedures prescribed in 33 CFR 160.7.

If you have questions or comments, you can contact the Port State Control Division during the hours of 7:00 AM to 4:00 PM local time at (555) 123-1236 or by fax (555) 123-4455, or e-mail at pschiatusport@uscg.mil. After 4:00 PM, you can contact the Sector Command Center at (555) 123-1111, by fax at (555) 123-5544, or e-mail scchiat@uscg.mil.

Sincerely,

T. E. Parra
Captain, U.S. Coast Guard
Captain of the Port
Hiatusport, DE

Copy: CCGD3, SCC, Pilots, Agent

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Appendix E: Scenario 3 COTP Order Example



Commander
United States Coast Guard
Sector Hiatusport

Bldg 4, Thumbs Point
Hiatusport, DE 00111
Phone: (555) 123-4567
Fax: (555) 765-4321
Email: scchiat@uscg.mil

Master, M/V ELIZABETH
Attn: Nored Shipping Agents, Inc
532 1st Avenue, Suite 8C
Hiatusport, DE 00111

16200
July 12, 2015

CAPTAIN OF THE PORT ORDER 098-15: M/V ELIZABETH 19981013/US

The Coast Guard has determined that your vessel requires a security boarding prior to entry into port. Therefore you are directed to remain offshore in Anchorage D until a security boarding is complete. During the boarding all man-sized spaces are subject to inspection by the boarding team. Once the security boarding has been completed, and your vessel has been found satisfactory, the Coast Guard Boarding Officer will clear your vessel to transit and operate within the port of Hiatusport.

This order is issued under the authority of the Ports and Waterways Safety Act (33 USC 1221 *et seq.*) and the regulations promulgated there under (33 CFR 160). In accordance with 33 USC 1232, failure to comply with this Captain of the Port Order is punishable by a civil penalty of not more than \$40,000 for each day the vessel is in violation. Willful and knowing violation of this order is a class D felony, punishable by up to six years in prison (18 USC § 3581) or fines of no more than \$250,000 for an individual or \$500,000 for an organization (18 USC § 3571).

This order will remain in effect until cancelled by me following the successful completion of the security boarding.

Should you be aggrieved by this order, you may request reconsideration of this order to me directly. If I do not rescind this order based on your request, you may appeal my decision to the Commander, Third Coast Guard District. While any request or appeal is pending, all provisions of this order remain in effect. All reconsideration requests or appeals must follow the procedures prescribed in 33 CFR 160.7.

If you have any questions or comments, you can contact the Port State Control Division during the hours of 7:00 AM to 4:00 PM local time at (555) 123-1236 or by fax (555) 123-4455, or e-mail us at pschiatusport@uscg.mil. After 4:00 PM, you can contact the Sector Command Center at (555) 123-1111, by fax (555) 123-5544, or e-mail scchiatusport@uscg.mil

Sincerely,

L. M. Brooks
Captain, U.S. Coast Guard
Captain of the Port
Hiatusport, DE

Copy: CCGD3, SCC, Pilots, Agent

NOTE: The use of 33 CFR 6.04.8 would be acceptable as the authority for this COTP Order if the Captain of the Port felt this ship presented a risk to national security. This might occur if Hiatusport had a large naval presence, or there was a special event like mobilization outload or presidential visit.

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Appendix F: Scenario 4 COTP Order Example



Commander
United States Coast Guard
Sector Hiatusport

Bldg 4, Thumbs Point
Hiatusport, DE 00111
Phone: (555) 123-4567
Fax: (555) 765-4321
Email: scchiat@uscg.mil

Mr. James Fielding, Supervisor
International Terminal
101 Terminal Blvd
Hiatusport, DE 00111

16200
July 12, 2015

CAPTAIN OF THE PORT ORDER 0098-15: M/V DAIBHI 19901101/US

At approximately 2115 this evening, you notified the Sector Hiatusport Command Center of an accident at the subject facility involving a container loaded with compressed bottles of cyanide gas. You reported the container being accidentally release from the crane and free-falling an estimated 75 feet to the dock. At the time of your report, you refused to initiate any action for the response to this incident. I consider this incident a high risk to the safety of the port area and am therefore issuing the following COTP Order under the authority of Title 33 CFR part 160.109:

1. Cease all cargo operations at your terminal until the safety of this container has been determined.
2. Establish a conservative safety perimeter around the container and ensure all facility personnel and ship crew persons remain outside of the safety perimeter.
3. Coordinate with the shipper to hire a Level 'A' certified Chemical Response Organization to evaluate the condition of the bottles of cyanide gas.
4. Secure any leaks and submit a plan to arrange for transshipment of the cyanide gas.
5. Provide updates to the Sector Hiatusport Command Center as each item on this order is completed.

This order is issued under the authority of the Ports and Waterways Safety Act (33 USC 1221 *et seq.*). In accordance with 33 USC 1232, failure to comply with this Captain of the Port Order is punishable by a civil penalty of not more than \$40,000 for each day the vessel is in violation. Willful and knowing violation of this order is a class D felony, punishable by up to six years in prison (18 USC § 3581) or fines of no more than \$250,000 for an individual or \$500,000 for an organization (18 USC § 3571).

Should you be aggrieved by this order, you may request reconsideration of this order to me directly. If I do not rescind this order based on your request, you may appeal my decision to the Commander, Third Coast Guard District. While any request or appeal is pending, all provisions of this order remain in effect. All reconsideration requests or appeals must follow the procedures prescribed in 33 CFR 160.7.

If you have any questions or comments, you can contact the Sector Command Center at (555) 123-1111, by fax (555) 123-5544, or e-mail scchiatusport@uscg.mil.

Sincerely,

E. G. LeBlanc
Captain, U.S. Coast Guard
Captain of the Port
Hiatusport, DE

Copy: CCGD3, Del State OEM; Hiatusport City OEM; EPA Region 3

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Appendix G: Scenario 5 COTP Order Example



Commander
United States Coast Guard
Sector Hiatusport

Bldg 4, Thumbs Point
Hiatusport, DE 00111
Phone: (555) 123-4567
Fax: (555) 765-4321
Email: scchiat@uscg.mil

16601
July 16, 2015

Master, M/T TARA HARBOUR (IMO 0713280)
c/o Mrs. Michelle O'Brien
Inchcape Shipping Services
48 Onion Wharf
Portland, ME 04101

USCG CAPTAIN OF THE PORT ORDER 103-15: M/T TARA HARBOUR (IMO 0713280)

On July 15, 2015 the U.S. Coast Guard received notice that your vessel is due to transit Cape Cod Canal on or about July 17, 2015 and has an inoperable X-BAND RADAR. Therefore, I have determined that your vessel, M/T TARA HARBOUR (IMO 0713280), poses a threat to the vessel, crew, and/or marine environment. Unless otherwise authorized by me, your vessel may not transit the Cape Cod Canal unless the following conditions are met:

1. Transit during daylight hours, with a minimum visibility of two miles.
2. All other navigational equipment is in good working order.

This order is issued under the authority of the Ports and Waterways Safety Act (33 USC §1221 *et. seq.*) and the regulations promulgated thereunder (33 CFR §160). In accordance with 33 USC §1232, failure to comply with this Captain of the Port Order is punishable by a civil penalty of not more than \$40,000 for each day the vessel is in violation. Willful and knowing violation of this order is a class D felony, punishable by up to six years in prison (18 USC § 3581) or fines of no more than \$250,000 for an individual or \$500,000 for an organization (18 USC § 3571).

If you feel aggrieved by this order, you have the right to appeal this action in accordance with 33 CFR §160.7. However, all conditions of the order remain in effect while such appeal is being processed unless specifically stated by the Commander, First Coast Guard District. The appeal must be sent through me to: Commander (dp), First Coast Guard District, Captain Joe Harbour Building, 408 Atlantic Avenue, Boston, MA 02110-3350.

If you have any questions regarding this order or the operation of the vessel, please contact the Sector Command Center at 508-555-3211.

Sincerely,

J. R. Mitchell
Capt., U.S. Coast Guard
Captain of the Port
Hiatusport, DE

Encl: (1) Acknowledgement of Receipt

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