



Commandant  
United States Coast Guard

US Coast Guard Stop 7516  
2703 Martin Luther King JR Ave SE  
Washington DC 20593-7516

COMDTINST M16465.6A  
29 JUL 2021

COMMANDANT INSTRUCTION M16465.6A

Subj: NATIONAL INCIDENT COMMANDER’S (NIC) MANUAL FOR SPILL OF NATIONAL SIGNIFICANCE (SONS) MANAGEMENT

- Ref:
- (a) National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR Part 300)
  - (b) Emergency Management Manual, Volume IV: Incident Management and Crisis Response, COMDTINST M3010.24 (series)
  - (c) Clean Water Act (CWA); 33 U.S.C. §1251 *et seq.* (1972)
  - (d) Implementation of Section 311 of the Federal Water Pollution Control Act of October 18, 1972, as amended, and the Oil Pollution Act of 1990, Executive Order 12777
  - (e) Homeland Security Presidential Directive-5: Management of Domestic Incidents, February 28, 2003
  - (f) Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 745 (Nov. 25, 2002), as codified in 6 U.S.C. § 295 *et seq.*
  - (g) Oil Pollution Act of 1990 (OPA 90), Pub. L. No. 101-380 104 Stat.484 (Aug. 18, 1990)
  - (h) Department of Homeland Security Delegation 0170.1: Delegation to the Commandant of the U.S. Coast Guard
  - (i) Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. § 9601 *et seq.*)
  - (j) Superfund Implementation, Executive Order 12580 (Jan. 23, 1987)
  - (k) Federal Interagency Operational Plan – Response and Recovery, Oil/Chemical Incident Annex, 02 June 2016
  - (l) U.S. Coast Guard Marine Environmental Response and Preparedness Manual, COMDTINST M1600.14A
  - (m) Spill of National Significance (SONS) Exercise and Training Program and 2012-2014 Concept of Exercise Memorandum signed February 17, 2012
  - (n) Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L No. 100-707 102 Stat. 4689 (codified as 42 U.S.C. 5121 *et seq.*)

DISTRIBUTION – SDL No. 170

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A																										
B											X															
C																										
D																										
E																										
F																										
G																										
H																										

NON-STANDARD DISTRIBUTION:

1. PURPOSE. This Manual provides information to the members of senior Coast Guard leadership who have the potential of being assigned to lead a spill response when a discharge of oil or release of hazardous substances becomes a SONS. This policy governs the procedural transition to a SONS and the policy on roles and functions of the added layer of the response organization—namely, the NIC staff—that is brought into play throughout the SONS event. This Manual is intended to augment the policy in Reference (1), which governs oil spill response more broadly.
2. ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, area commanders, deputy/assistant commandants, and chiefs of headquarters staff elements must comply with the provisions of this Manual. Internet release is authorized.
3. DIRECTIVES AFFECTED. Spill of National Significance (SONS) Response Management, COMDTINST M16465.6, is hereby canceled.
4. DISCUSSION. The Deepwater Horizon (DWH) event and response marks the only time in U.S. history that an oil spill was declared a Spill of National Significance (SONS). This declaration brought on-line a cadre of upper-echelon emergency managers to facilitate an added degree of national-level support, led by the NIC. During a SONS, interagency coordination and involvement of senior officials is key to assuring Congress and the public that the Federal Government is taking all appropriate action to mitigate the adverse impacts to public health, the environment, and the economy. This Manual recognizes the complexities of a SONS response and its organization through an explanation of the NIC's roles and responsibilities.
5. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide operational guidance for Coast Guard personnel and is not intended to nor does it impose legally-binding requirements on any party outside the Coast Guard.
6. MAJOR CHANGES. This Manual provides: updates to reference materials, the addition of SONS background information, updates to and expansion of USCG response authorities, the addition of the Department of Homeland Security (DHS) roles and responsibilities during a response, the inclusion of the DHS National Operations Center (NOC) and the NOC's role within a SONS, updates to SONS declaration and designation procedures, the addition of NIC prerequisite requirements, updates to roles of the NIC staff, and updates to the enclosures.
7. IMPACT ASSESSMENT. This new task will not require additional personnel or funding resources. The NIC Manual for SONS Management is designed to assist the NIC to organize and execute a whole of government response to a SONS event. No additional training costs are required.
8. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.
  - a. Commandant CG-47 reviewed the development of this Manual, and the general policies contained within it, and determined that this policy falls under the Department of Homeland Security (DHS) categorical exclusion A3. No further environmental analysis is necessary in accordance with the U.S. Coast Guard Environmental Planning Policy, COMDTINST 5090.1 (series).

- b. This Manual will not result in any substantial change to existing environmental conditions or violation of any applicable federal, state, or local laws relating to the protection of the environment. It is the responsibility of the action proponent to evaluate all future specific actions resulting from this policy for compliance with the National Environmental Policy Act (NEPA), other applicable environmental mandates, and the U.S. Coast Guard Environmental Planning Policy, COMDTINST 5090.1(series).
9. DISTRIBUTION. No paper distribution will be made of this Manual. An electronic version will be located on the following Commandant (CG-612) web sites:  
  
Internet: [www.dcms.uscg.mil/directives/](http://www.dcms.uscg.mil/directives/), and  
CGPortal: <https://cg.portal.uscg.mil/library/directives/SitePages/Home.aspx>.
9. RECORDS MANAGEMENT CONSIDERATIONS. Records created as a result of this Instruction, regardless of format or media, must be managed in accordance with the records retention schedules located on the Records Resource Center CGPortal site:  
[cg.portal.uscg.mil/units/cg61/CG611/SitePages/Home.aspx](http://cg.portal.uscg.mil/units/cg61/CG611/SitePages/Home.aspx).
10. FORMS/REPORTS. None
11. REQUEST FOR CHANGES. Recommendations for changes or improvements to the NIC Manual for SONS Management, COMDTINST M16465.6A, are welcome and should be submitted in memo format via the chain of command to the Office of Marine Environmental Response Policy (Cg-MER), HQS-DG-1st-CG-MER@uscg.mil.

/KARL L. SCHULTZ/  
Commandant, U. S. Coast Guard



## TABLE OF CONTENTS

CHAPTER 1.	BACKGROUND	1-1
	A. SONS Definition.	1-1
	B. Oil Spill and Hazardous Substance Release Response Authorities.	1-1
CHAPTER 2.	SONS DECLARATION AND NIC DESIGNATION PROCEDURES	2-1
	A. Declaring a Spill as a SONS.	2-1
	B. Designating a NIC.	2-1
CHAPTER 3.	NIC ROLES AND RESPONSIBILITIES	3-1
	A. Definition of NIC	3-1
	B. Response Coordination.	3-1
	C. External Responsibilities.	3-3
	D. Interagency Communications and Responsibilities.	3-3
	E. Coordination Responsibilities.	3-4
CHAPTER 4.	ROLES AND RESPONSIBILITIES OF NIC STAFF	4-1
	A. NIC Staff Positions.	4-1
	B. Pre-designated NIC Staff Position Responsibilities.	4-1
CHAPTER 5.	OTHER CONSIDERATIONS	5-1
	A. Critical Resources.	5-1
	B. Information Management.	5-2
	C. Strategic Planning Considerations.	5-2
	D. Document Preservation.	5-3

## LIST OF TABLES

Table 1-1.	Major Differences between the NCP and NRF	1-2
Table 4-1.	NIC Pre-Designated Staff Positions	4-1

ENCLOSURES	(1) SONS Designation Memo	
	(2) NIC Designation Message	
	(3) Federal On-Scene Coordinator Designation Memo	
	(4) Jones Act Waiver Process Diagram	
	(5) Acronym List	

THIS PAGE INTENTIONALLY LEFT BLANK

## CHAPTER 1. BACKGROUND

### A. SONS Definition.

1. A Spill of National Significance (SONS) is a spill that, due to its severity, size, location, actual or potential impact on the public health and welfare of the environment, or the scope of the response effort, is so complex that it requires extraordinary coordination of federal, state, local, and tribal governments and responsible party (RP) resources to contain and clean up the discharge. Pursuant to References (c), (d), (g), (i), and (j), the National Contingency Plan (NCP) serves as the blueprint for response to oil spills and hazardous substance releases and provides the Federal On-Scene Coordinator (FOSC) with the authority to ensure effective and immediate removal of a discharge of oil or release of hazardous substances. The NCP was amended in 1994 to incorporate provisions of Reference (g). This amendment included the classification of a SONS and designation of a NIC. The Coast Guard developed a SONS Exercise and Training Program in 1994 to test and refine SONS and NIC doctrine. The outcome of these exercises were used as basis for conducting the 2010 Deepwater Horizon SONS response. This Manual incorporates lessons learned from that response.
2. A SONS is different from other oil spill and hazardous substance release response operations. This document describes what is different, and how to manage this type of event. This document also provides the policy for the additional staff that are not involved with other oil spill responses, but who may be employed to support the NIC. Coast Guard policy for the responders to spills not classified as a SONS can be found in Reference (l).

### B. Oil Spill and Hazardous Substance Release Response Authorities.

1. The National Response System (NRS) is the government's mechanism for organizing emergency responses to all hazards, including response to discharges of oil and the releases of chemicals into the navigable waters or environment of the United States and its territories. It is the system for coordinating response actions by all levels of government. The NRS functions through a network of interagency and intergovernmental relationships that were formally established and described in the NCP.
2. Under Reference (c) and (g), an owner, operator, or other Responsible Party (RP) participates in removal actions in accordance with the NCP. The CWA also provides the President with very broad removal authorities. As codified in § 311(c) and (e) of the CWA, the President is empowered to ensure effective and immediate removal of a discharge by:
  - c. Directing federal, state, and private sector response removal actions.
  - d. Issuing administrative orders that may be necessary to protect public health and welfare.
3. Under the CWA and Federal Water Pollution Control Act (FWPCA), the President delegated authority within the coastal zone, and without abdication, to the Secretary of the Department in which the Coast Guard is operating. These authorities were further delegated to the Coast Guard Commandant and to Coast Guard field commanders serving as the Federal On Scene Coordinator (FOSC) for an oil spill or hazardous substance release per Reference (h) and 33 CFR § 1.01-80.

4. Under the CWA, the Secretary of Homeland Security may exercise key CWA § 311(c) and (e) authorities during a SONS. The Secretary is also designated as the Principal Federal Official (PFO) for domestic incident management under Homeland Security Presidential Directive (HSPD)-5. These authorities are complementary, but separate, since the exercise of CWA authorities ensures an effective and coordinated response under the NCP and, through the National Response Team (NRT), will typically achieve the goals of HSPD-5 and the Homeland Security Act of 2002. Throughout the SONS response, the NIC should confer regularly with the Secretary to ensure alignment between national goals and objectives, the actions of the federal interagency, and the needs of the FOOSC in directing the response.
5. For National Response Framework (NRF) operational mechanisms and Emergency Support Function (ESF) support, NCP operations are not mutually exclusive per the Federal Interagency Operational Plan (FIOP) – Response and Recovery, Oil/Chemical Incident Annex. (NCP with ESF support). The main differences between the NCP and NRF/Stafford Act spill response authorities are listed in the Table 1-1.

NCP	NRF/Stafford Act
The EPA or the Coast Guard is the lead agency for the response.	FEMA is the lead agency for the response.
The federal government makes an independent evaluation of the need for federal response.	Requests for federal assistance from state, local, and tribal governments need to be made from the state governor.
The federal government may, and in some circumstances must, lead the response.	The federal government plays a supporting role to the state, local, tribal, territorial, or insular government.
The federal government has tactical, on-scene command authorities.	The arrangements by which departments and agencies participate are defined in the ESF Annexes and are coordinated through pre-scripted mission assignments. <sup>1</sup>
The federal government has enforcement authorities over the parties responsible for oil discharges and hazardous substance releases (or substantial threats of discharge/ release), and will seek cost recovery.	The Act does not directly address the liability protections or immunities for responsible parties.
No state cost share for emergency responses.	A state cost share may be required.

Table 1-1: Major Differences between the NCP and NRF

---

<sup>1</sup> Source: Federal Emergency Management Agency, (Oct 2019). “National Response Framework, Fourth Edition.” p. 41. <https://www.fema.gov>



**CHAPTER 2. SONS DECLARATION AND NIC DESIGNATION PROCEDURES****A. Declaring a Spill as a SONS.**

1. Who Declares a Spill a SONS? Reference (a) establishes a provision for the Coast Guard Commandant to designate an incident within a coastal zone as a SONS if it is anticipated that the response effort needed, or the threat to public health and welfare, requires extraordinary coordination of federal, state, local, and tribal governments and RP resources (40 CFR § 300.323(a) and § 300.5 of Reference (a)).
2. What are the Triggers for a SONS Declaration? The following factors, alone or in combination, may justify declaring a spill and/or hazardous substance release a SONS:
  - a. The actual or potential worst case discharge in the Area Contingency Plan (ACP) or Oil Spill Response Plan (OSRP) for offshore facilities is met or exceeded;
  - b. Multiple FOSC zones, Districts, or international borders may be affected;
  - c. Significant impact or substantial threat to public health and welfare, natural and cultural resources, economy, and/or property over a broad geographic area;
  - d. Protracted period of significant or substantial discharge and/or expected cleanup;
  - e. Significant public concern and demand for action;
  - f. A potential for an unusually high level of national political, media, and public interest; and/or
  - g. Additional ongoing incidents or disasters seriously degrading response capability.
3. What is the Benefit of Doing This? Classifying an oil spill as a SONS provides additional support to the FOSC to manage national, political, and policy level issues that result from a catastrophic spill or release.

**B. Designating a NIC.**

1. Who Designates the NIC? The Commandant in consultation with the Secretary of Homeland Security.
  - a. Pursuant to References (b), (c), and (d), the Secretary of Homeland Security has CWA § 311 (c) and (e) authorities to oversee and direct response actions in the coastal zone. Reference (e) designates the Secretary as the PFO for domestic incident management.
  - b. The Commandant, subject to the Secretary of Homeland Security's oversight, direction, and guidance, may declare a SONS and designate a NIC. DHS, and when necessary, Presidential endorsement of the SONS declaration and NIC appointment will ensure clarity of roles and full Executive Branch support needed to conduct the response successfully per Reference (f).

2. Coast Guard Procedures for Classifying a SONS and Designating the NIC.
  - c. In consultation with the NRT and the Area Commands, Atlantic Area (LANTAREA) and Pacific Area (PACAREA), the Deputy Commandant for Operations (CG-DCO), informed by the Director, Emergency Management, Commandant (CG-5RI), must draft and route a decision memo recommending the classification of a SONS and requesting a NIC designation from the Coast Guard Commandant. (Enclosure 1 is an example provided from the Deepwater Horizon spill that can be used as a template.)
  - d. The Commandant will coordinate the NIC designation with the Secretary of Homeland Security, and the President when appropriate.
  - e. Upon a SONS declaration, the USCG National Command Center (NCC) must send a notification message to the NRC and the Area Commands—LANTAREA and PACAREA, and the DHS National Operations Center (NOC) Watch conveying the SONS classification and designation, and listed authorities of the NIC (Enclosure 2).
  - f. The NCC must notify the PFO of the SONS declaration and NIC designations through the DHS NOC. The NOC must use an interagency notification process for all SONS events in order to meet the requirements outlined under the HSPD-5, as per Reference (e).
  - g. Coast Guard Public Affairs, Commandant (CG-0922), and the on-scene Joint Information Center (JIC) must process initial information and provide public announcements on the SONS declaration and NIC designation, in coordination with the DHS Office of Public Affairs (OPA) and the White House Office of Communications (WHOC).
3. Guidance to Determine the Selection of the NIC. In recommending a NIC candidate in accordance with the process described in paragraph 7(b) of this Manual, Commandant should be guided by the following considerations:
  - a. The NIC is a full-time position. As such, any individual designated as the NIC will normally relinquish all other Coast Guard responsibilities while serving in that capacity.
  - b. The NIC will likely be a Coast Guard Flag Officer/Senior Executive Service (SES) corps member and will be assigned full time to the response.
  - c. Candidates should have:
    - (1) The ability to effectively communicate complex issues and possess extensive experience interacting with national media;
    - (2) A thorough knowledge of References (a) and (b) and practical experience with the national response organizations;
    - (3) The experience and knowledge of oil spill response authorities, policy, doctrine, and capabilities, including knowledge of the Oil Spill Liability Trust Fund (OSLTF) access and limits;

- (4) The reputation as a renowned leader within the response community;
- (5) Exceptional political acumen; and
- (6) Established relationships and trust within DHS, the interagency, the White House, and Congress.

4. Training/Prerequisite Requirements for a NIC.

- a. Per Reference (m), the SONS Exercise and Training Program requirements pertaining to executive level participation in SONS exercises and seminars must serve as the prerequisite training requirements for a NIC.
- b. Senior leader candidates for appointment as a NIC should have participated in a SONS exercise or seminar within the last four years. SONS exercises and seminars are typically conducted every two years and are coordinated by the Director, Emergency Management, Commandant (CG-5RI).
- c. Participation enables an appointed NIC to be well versed and familiar with current challenges regarding incident management issues pertaining to national strategic policy issues. Additionally, participating in these exercises will provide the appointed NIC the opportunity to build interagency relationships with senior officials prior to a SONS event occurring.

THIS PAGE INTENTIONALLY LEFT BLANK

## CHAPTER 3. NIC ROLES AND RESPONSIBILITIES

### A. Definition of NIC.

1. Once a SONS is designated, the Commandant may designate a NIC pursuant to 40 CFR § 300.323 of Reference (a). The NIC will assist the FOSC in communicating with affected parties and the public, and coordinating federal, state, local, tribal, and international resources at the national level. The NIC's role in strategic coordination and policy concerns will involve, as appropriate, the White House, DHS senior leadership, the NRT, affected Regional Response Team (RRT), the governor(s) of impacted state(s), and the mayor(s) or chief executive(s) of local and tribal governments.
  - a. The NIC will require CWA § 311(c) and (e) authorities to carry out his or her responsibilities. These authorities can be delegated by the Commandant and will allow the NIC to legally direct RP actions, authorize removal actions, and approve expenditures against the OSLTF. Currently, these authorities are not automatically delegated to a NIC when designated, but should be delegated simultaneously with the NIC designation. The use of these authorities allows the NIC to assist other agencies in carrying out their authorities in directing the RP to execute activities associated with the response (such as well control).
  - b. Upon initial NIC designation, the NIC and the PFO must verify their roles and responsibilities, and identify who must be the "face" and "voice" of the response and serve as the primary federal spokesperson for matters of national importance. The role of the principal spokesperson for the response and "unity of effort" must be augmented by the FOSC, Subject Matter Experts (SMEs), and designated spokespersons, as circumstances dictate.
  - c. Upon initial NIC designation, the FOSC and NIC must verify their roles and responsibilities, and identify needs of the field to avoid overlap in response efforts. For example, the NIC must handle national impacts due to surging and equipment surge risks, allowing the FOSC to focus on the area of responsibility (AOR) of the incident, rather than addressing concerns from outside of the event. (Enclosure 3 is an example provided from the Deepwater Horizon spill that can be used as a template).

### B. Response Coordination.

1. The primary responsibility of the NIC is to assist the FOSC in resolving national level policy issues, in consultation with the Secretary of Homeland Security, as appropriate. The NIC interacts with the FOSC and Unified Area Command (UAC) as follows:
  - a. The FOSC/Incident Commander (IC) is responsible for the execution of all tactical operations and coordination, sets incident-specific objectives, and manages incident specific response operations and support.
  - b. Similar to a NIC, the UAC role is also strategic in nature, but does not involve strategic coordination and policy solutions at a national level. A UAC typically oversees the management of an incident, focusing primarily on strategic assistance/direction, and resolving competition for scarce response resources. A UAC is structured to bring together "Area Commanders" of all major organizations that have jurisdictional authority for the

incident to coordinate an effective response while carrying out their own organizations' jurisdictional responsibilities.

- c. The NIC provides the FOSC and the UAC with national level strategic oversight and management though neither NIC nor the UAC is responsible in any way for tactical operations. Where the UAC brings together "commanders" of all major organizations with jurisdiction in the incident, the NIC brings together national strategic coordination and communication through all PFO and political senior leaders while helping address the national level needs of the FOSC. Though the NIC and the UAC provide differing levels of strategic support to the FOSC, neither is an operational or tactical entity within a SONS. To reinforce this point of strategic focus, neither the NIC nor the UAC has an Operations Section within its organizational construct.
  - d. The NIC and the FOSC should conduct regular meetings to de-conflict their planned activities and to ensure continuous alignment between the two roles throughout a response.
2. A SONS declaration and NIC designation should relieve subordinate units of certain functions to allow the units to focus on operational and tactical level activities. Therefore, the NIC must provide:
    - a. A national JIC with delineated points of contacts;
    - b. A national level spokesperson capable of instilling confidence in the "whole of government" response and effectively communicating to a national audience;
    - c. A staff that produces high quality and relevant strategic communications products in a timely manner;
    - d. A mechanism for receiving public input and resolving public information policy issues;
    - e. A capacity to respond quickly and effectively to national level media inquiries; and
    - f. A capacity to effectively align messaging up and down the response organization.
  3. The NIC coordinates for SONS event management as follows:
    - a. The NIC staff will normally be located in Washington, D.C. to coordinate communications with the White House, Congress, and executive branch departments and agencies of the federal government. If needed, the NIC may deploy a staff element to the UAC for additional coordination.
    - b. The NIC will coordinate with DHS senior leadership as per Reference (e). Upon a SONS declaration and NIC designation, the NIC will coordinate with the DHS NOC to initiate notifications across the federal interagency senior leadership by using the SONS call procedures outlined by DHS. In addition to the services of the DHS NOC, the Coast Guard National Command Center may also be called upon to assist with internal Coast Guard call logistics if necessary.

- c. The NIC will coordinate within Coast Guard Headquarters for initial staffing and support.

C. External Responsibilities.

1. Interface with senior federal, state, tribal, and local officials and RP leadership regarding the overall federal incident management strategy and execution.
2. Promote collaboration for resolving federal interagency issues that may arise at the national level by leveraging the relationship with the NRT.
3. Monitor the need for and support the deployment and application of national assets and resources through the UAC in support of the FOSC and in collaboration with other federal officials identified in existing plans.
4. Coordinate international resources, as appropriate, to support the response.

D. Interagency Communications and Responsibilities.

1. DHS National Operations Center (NOC). The NOC is the primary national-level entity tasked with ensuring situational awareness and a common operating picture for the federal, state, local, tribal and territorial governments and private-sector partners, and serves as the primary operations center for DHS. DHS Office of Operations Coordination (OPS) and the NOC fulfill a unique response and facilitation role within DHS by serving as the bridge for sharing critical information between DHS components, across the interagency community, and among state and local partners.
  - a. A SONS Strategic Coordination Call (SSCC), via the NOC, serves as the interagency communications and coordinating mechanism to assist response agencies and interagency partners in meeting their requirements under HSPD-5 during a SONS.
  - b. The intent of the SSCC is for the Principals of involved agencies to obtain quick information and situational awareness, develop national-level strategic coordination for the response efforts, and to communicate any national-level decisions and/or guidance made at the headquarters level.
2. Federal Emergency Management Agency (FEMA) National Response Coordination Center (NRCC). The NRCC is a multiagency center that coordinates the overall federal support for major incidents and emergencies. The NRCC coordinates with the affected region(s) and provides resources and policy guidance in support of an incident. NRCC staff consists of FEMA personnel, appropriate Emergency Support Functions (ESFs) from various federal agencies, and other appropriate personnel/agencies. The staff specifically provides emergency management coordination, planning, and resource deployment, and collects and disseminates disaster information as it builds and maintains situational awareness all at the national-level.
3. Utilization of the NOC and NRCC as Communication Mechanisms. During a SONS, the DHS NOC can utilize pre-existing coordination mechanisms within the NRCC to access and mobilize ESF support for the NIC. Reference (k) further explains how operational support for NCP and

NRF responses are not mutually exclusive and explains how the NRCC can be utilized to access ESF support for an NCP response.

4. National Response Team (NRT). The NRT is a multiagency body having authority under 40 CFR § 300.110 of Reference (a) and Reference (j) for national oil spill and hazardous substance release strategic planning and coordination. The Environmental Protection Agency (EPA) chairs the NRT and the Coast Guard serves as vice-chair. During periods of NRT activation for a coastal zone spill, the Coast Guard chairs the NRT for an incident-specific NRT. The NRT is a technical advisory body that can assist the NIC in interagency coordination to address spill related operational and national policy issues.
5. How the NIC Interacts with the NRT. The Coast Guard must notify the NRT regarding the SONS declaration and NIC designation, and Commandant (CG-5RI/MER) must assume the role as NRT Chair during the response. NRT activation as an “emergency response team” per Reference (a) should be requested by the NIC during a SONS.
  - a. Pursuant to 40 CFR § 300.110(k), the NRT may monitor and evaluate reports, and recommend actions to combat the discharge or release; request other federal, state, local, or private agencies to provide resources under their existing authorities; and coordinate the supply of equipment, personnel, or technical advice to the affected region from other regions.
  - b. The NIC may request the NRT to address specific interagency issues. This enables the coordinated implementation of activities using existing agency authorities and, on behalf of the NIC in concert with the FOSC, helps embed other functions independent of the NCP for a “whole of government” response approach. Many of these specific interagency requests of the NRT will focus on obtaining real time response science to help drive operations in support the FOSC.
  - c. The incident-specific NRT, in accordance with its bylaws, may establish and manage national incident-specific NRT workgroups to address issues referred to it, such as a sciences workgroup, or a flow rate technical group. The incident-specific NRT acts on behalf of its respective agencies in support of the NIC and the Coast Guard, as the incident-specific chair of the NRT.
6. Coordination for Response Actions Other Than Removal. The NIC, at the national level, will coordinate with other federal agencies regarding funding for and execution of these “other than removal” activities. In accordance with 40 CFR § 300.335(d) of Reference (a), response actions other than removal, such as scientific investigations or law enforcement actions related to the incident, must be provided by the agency with legal responsibilities for those specific actions.

E. Coordination Responsibilities.

1. The NIC must provide and maintain a national level strategic and communications plan that provides ESF #15 support. The NIC must fulfill the following communication and coordination responsibilities:



- a. Act as the primary national spokesperson for the response to brief senior governmental leaders and the national media who then communicate with the public. These national level communications must be executed in consultation with the PFO.
  - b. Serve as the primary point of contact for the response for the Administration, as well as for Congress and participating agency leadership.
  - c. Ensure strategic coordination with the NRT, RRTs, the governors of affected states, other government and agency executives, and the RP's corporate offices.
  - d. Coordinate with the FOSC to maintain a common operating picture and maintain situational awareness.
2. The NIC must engage in strategic and response communications.
- a. Strategic Communications.
    - (1) Strategic communication, for the purpose of a SONS, is defined as the effort to understand and engage key audiences to create, strengthen, or preserve conditions favorable to the successful execution of a "whole of government" response for which a NIC has been designated.
    - (2) Strategic communication requires the synchronization of crucial themes, messages, images, and activities in support of the response. Consistent with the "unity of effort" and "whole of government" philosophy, the NIC and the NIC public affairs staff are responsible for achieving this synchronization throughout the response organization. The NIC public affairs staff must be prepared to harmonize the organizational structures created to sustain communication efforts between the field and national level.
    - (3) The public information roles of the NIC, FOSC, and other personnel should be defined within the first 24 hours of activation. Effective and timely public information requires all levels of response officials to communicate in an aligned manner about their roles and activities.
  - b. Response Communications.
    - (1) The nature of a SONS produces extraordinary demands for timely, accurate, and detailed information on the response. Using the procedures described in the knowledge management Section below, NIC, UAC, and Incident Command Post (ICP) planning staffs must establish an incident-specific information flow battle rhythm that communicates information on the response at least once daily through formally established channels for dissemination. This information should be centralized at the UAC, which serves as the source for all levels of the response for consolidating and verifying information to avoid a plethora of reports generated unnecessarily in different locations with differing information. National level communications flow, as specified to meet HSPD-5 requirements, must be established through use of the NOC, as outlined by DHS.

- (2) The NIC should initiate a routine conference call to governors or their delegated representatives of impacted states to ensure alignment and timely updates are provided. Although governors are represented in the response by their State On-Scene Coordinators (SOSCs) at the UAC and ICPs, these routine conference calls provide a conduit for state interests to be represented and addressed at the national level. This call should be chaired by the NIC and attended by the UAC, Unified Incident Command, and SOSCs to ensure discussions can be incorporated into response objectives, strategies, and priorities.

## CHAPTER 4. ROLES AND RESPONSIBILITIES OF NIC STAFF

### A. NIC Staff Positions.

1. The NIC staff is a scalable entity that reports directly to the NIC and represents the key initial positions to be filled. Table 4-1 lists the NIC pre-designated staff positions and the offices responsible for identifying the sources of these positions. These are full-time positions and staff, and their day-to-day chain of command should be cognizant of the commitment that the NIC staff assignment entails. Consideration should be given to senior inter-agency officials regarding the appointment of NIC staff positions in order to best incorporate/reflect a “whole of government” response.

<b>Position</b>	<b>Initial Source</b>
National Incident Commander	Appointed by CCG in consultation with S1
Deputy National Incident Commander	Appointed by NIC
Chief of Staff	Appointed by NIC
Executive Assistant	Appointed by NIC
Strategic Advisor	Commandant (CG-5RI)
External Affairs Officer	Appointed by NIC
Public Information Officer	Commandant (CG-092)
NIC Press Secretary	Appointed by NIC
Information Requirements Manager	Commandant (CG-761)
Documentation Preservation Officer	Commandant (CG-094)
Strategic Planning Chief	Commandant (CG-5RI)
State/Local Governmental Affairs Officer	DHS
Congressional Affairs Officer	Commandant (CG-0921)
Interagency Affairs Officer	DHS
Logistics/Finance Section Chief	DCMS/DOL/CG-8
Critical Resources Unit Leader	Commandant (CG-5RI)/NSFCC
Senior Science Advisor	NOAA
Legal Officer	Commandant (CG-094)
OSLTF Strategic Advisor	NPFC
Responsible Corporate Officer for RP (virtual)	Responsible Party

Table 4-1. NIC Pre-Designated Staff Positions

### B. Pre-designated NIC Staff Position Responsibilities.

1. The **Deputy NIC** operates under the authority and direction of the NIC and manages the NIC staff on behalf of the NIC to achieve established strategic objectives. This enables the NIC to interact with senior leadership and the media, and to be available to communicate at critical times and places when necessary.

2. The **Chief of Staff** assists the NIC with the myriad of duties and responsibilities associated with the “whole of government” response effort. The Chief of Staff is responsible for directing, managing, and overseeing daily operations and staff activities for the NIC and the Deputy NIC, including coordination and support of SSCCs with the NOC.
3. The **Executive Assistant (EA)** will maintain and organize the NIC’s schedule and serve as the NIC’s logistical “gatekeeper.”
4. The **Strategic Advisor** provides strategic programmatic guidance and executive level support to the NIC. The Strategic Advisor is responsible for advising on planning priorities, providing programmatic SMEs on SONS, coordinating national and interagency planning efforts, and evaluating/assessing national strategies to include risk, effectiveness, and performance of those strategies.
5. The **External Affairs Officer (EAO)** provides the overall strategic direction for external communication and outreach, including engagement with federal, state and local elected officials and their staff, community leaders and stakeholders, traditional and social media outlets, and other stakeholders. This position is responsible for maintaining favorable public perceptions by creating positive public awareness, understanding and support for plans and initiatives, and effectively managing the organizations reputation. This position requires coordination of multiple staff within the response as well as external inter-agency coordination during high profile and sensitive issues. Typical duties and responsibilities of the EAO are as follows: Build and maintain collaborative relationships with government officials, government staff and community stakeholders. Develop and direct effective community outreach programs. Develop and implement strategic communication and public affairs programs. The External Affairs Officer should be a Flag or SES level appointed by the NIC.
6. The **Public Information Officer (PIO)** will be responsible for creating and enabling communication between the “whole of government” response and both news media outlets and the general public. The PIO ensures any statements released to the press and the public follow agency and incident specific guidelines set by the NIC, are accurate, and adhere to official policy and laws. Typical duties and responsibilities of the PIO are as follows: communicate critical information effectively to the public; write press releases and prepare information for distribution by media outlets; draft speeches and arrange interviews for government officials; respond to requests for information from media outlets; and help maintain and uphold a certain image and identity for government officials or organizations within the NIC. The PIO will also ensure external coordination among inter-agency partners throughout the response. The PIO should be filled by an O5 or O6 (or General Schedule (GS) equivalent) with a completed tour as a Public Affairs Officer (PAO) at the District, Area, or Headquarters level, or similar experience if sourced from other than the Coast Guard.
7. The **NIC Press Secretary** should be filled by an experienced public affairs professional with at least one completed tour as a PAO at the District, Area, or Headquarters level, or equivalent experience if sourced from other than the Coast Guard. The NIC Press Secretary is responsible for facilitating communications by the NIC with the media on local (i.e. the incident AOR), regional, national, and international levels. The Press Secretary advises the NIC on the condition of the information environment, provides feedback on previous communication efforts, provides

counsel on areas of communication emphasis, and advises on latent or active issues in the information environment that the NIC should be prepared to address. The Press Secretary is responsible for ensuring alignment of prepared public affairs materials with DHS OPA and WHOC.

8. The **Information Requirements Manager (IRM)** serves to identify and maintain a national interagency data repository system, as well as data management and information collection policy/procedures for the “whole of government” response. The IRM will ensure that individuals specialized in command and control systems, remote sensing systems, business intelligence systems, and enterprise information systems are assigned to the Planning Section of each subordinate command staff. The IRM must establish a common information management process for Command and Control, Information Management, and Remote Sensing Data. The IRM must coordinate with Commandant (CG-094), as well as the Documentation Preservation Officer, to establish response data preservation requirements. Viable options for such systems and procedures must be identified prior to the occurrence of a spill event and the Oil Spill Liability Trust Fund cannot financially support these efforts. Any information data collection system selected by the IRM must be compliant with the requirements of Department of Defense Electronic Records Management Software Applications Design Criteria Standard, DoD 5015.02-STD.
9. The **Documentation Preservation Officer** will be the single point-of-contact for documentation preservation and will institute procedures to ensure that all information, including electronically stored information, and materials generated during the response are preserved and properly archived at all levels of the response organization. The Documentation Preservation Officer will coordinate with the UAC and field level Documentation Unit Leaders—typically Coast Guard Type 1 Documentation Unit Leaders from Commandant (CG-LCL) (Response Documentation Specialists)—as appointed by the FOSC to ensure that a process is established to capture detailed records, including minutes and notes of NIC/UAC/UIC(s) activities from the field, at the start of the standup team and during a SONS incident.
10. The **Strategic Planning Chief** manages NIC information requirements, strategic planning efforts, and critical resource needs, as well as develop a battle rhythm for the NIC and the NIC staff members supporting the UAC planning cycle. Additionally, major oil spill and/or hazardous substance response efforts will often trigger environmental planning requirements under numerous laws (Endangered Species Act, National Historic Preservation Act, etc.). The Strategic Planning Chief will coordinate with the science advisor and Commandant (CG-47) as necessary to comply with applicable environmental compliance requirements.
11. The **State/Local Governmental Affairs Officer** serves as a conduit for information between key state and local officials and the NIC, as well as provide the NIC with background on any political considerations associated with the incident. In conjunction with the FOSC Liaison staff, this officer will ensure timely responses to state, local, territorial, and tribal governmental inquiries. This officer should normally have prior governmental affairs experience and preferably knowledge of the affected AOR.
12. The **Congressional Affairs Officer** serves as a conduit between the NIC and federal officials, as well as provide background on important political issues at the federal level associated with the

incident. The Congressional Affairs Officer is also responsible for establishing an organization to respond to “whole of government” congressional inquiries, prepare for congressional requests for briefings and hearings, and to coordinate with the NIC Press Secretary and Commandant (CG-0922) to manage all public announcements.

13. The **Interagency Affairs Officer** serves to coordinate and advance the NIC’s interaction with federal, state, local, tribal, and territorial agencies that are assisting with the response effort.
14. The **Logistics/Finance Section Chief** serves to communicate and coordinate logistical requirements for the NIC and NIC staff and work to facilitate any NRT requests for assistance. In addition, this officer will track the NIC and the NIC staff costs.
15. The **Critical Resources Unit Leader** serves as the conduit to access inventories of critical resources and international offers of assistance, coordinate with the UAC, Commandant (CG-DCO-I), and the Department of State (DOS), and serve as the arbitrator of resources aligned with IC operational objectives and NIC/UAC strategic guidance.
16. The **Senior Science Advisor** is the principal advisor to the NIC for scientific issues.
17. The **Legal Officer** provides specialized legal assistance and support to the NIC on matters including, but not limited to: applicable laws and regulations, legal authorities and responsibilities, relevant statutes, Executive Orders, and guidance on operational legal decisions, non-operational legal decisions, and emergency legal rule making.
18. The **OSLTF Strategic Advisor** will be the principal advisor to the NIC on OSLTF matters.
19. The **Responsible Corporate Officer for the RP**. This person is the direct conduit between the NIC and the RP company/corporate headquarters and possesses decision making authority on behalf of the RP. This member of the NIC staff will be selected and assigned by the RP in coordination with the NIC. This person must understand and emphasize that the RP is not in charge of the response, but rather is carrying out its response and fiduciary responsibilities within the Unified Command per Reference (a).

## CHAPTER 5. OTHER CONSIDERATIONS

### A. Critical Resources.

1. For a SONS event, all critical resources must be aggressively sourced to exceed stated requirements established in ACPs and OSRPs. There is no maximum requirement for these resources. While it is imperative to focus efforts on maximizing critical resource availability for meeting the current requirements, staffs should prepare for unseen contingencies and the inevitable attrition of equipment through normal use and required downtime for maintenance and renewal.
2. If necessary, the NIC Critical Resources Unit (CRU) should be divided into two divisions: an International Offers of Assistance Branch and a National Resources Acquisitions Branch.
  - a. International Offers of Assistance: When considering international offers of assistance, additional coordination is required to ensure that applicable legal issues are vetted prior to acceptance of those resources. The NIC CRU will coordinate with the UAC CRU and the DOS to manage and track offers of resources and equipment from foreign governments, regions, international bodies, and private entities. In some cases, a Jones Act waiver (Enclosure 4) or exemption may be necessary to allow foreign-flagged vessels and skimmers to participate in a SONS response. All international offers of assistance should be coordinated with DOS prior to consideration.
  - b. National Resource Acquisitions Branch: This entity will coordinate with the NRT and national Oil Spill Removal Organizations (OSROs) to identify and source resources and personnel required by the UAC CRU.
3. International Offers of Assistance may be classified in the following manner:
  - a. Government to Government: A foreign government is making an offer directly to the U.S. Government.
  - b. Government Facilitated: A foreign government is representing a company or entity in their country.
  - c. Private: A private company or entity has submitted their product and/or services through their government.
4. The RP may also contract directly with private contractors and foreign companies.
5. All government-to-government, government facilitated, or international response organization offers will either be accepted or rejected within three days, or suitable time period determined by the CRU Leader. Whether rejected or accepted, they must be cataloged so that they can be quickly reevaluated in the event operational objectives or on-scene conditions change. If rejected, the specific reason for rejection must be documented in the letter to the offeror, along with a statement that the offer may be reconsidered if operational needs change.

B. Information Management.

1. Communications: All communications capabilities (voice, data, video) provided by the Communications Unit Leader in the Logistics/Finance Section must be aligned with the command and control hierarchy identified by the Information Requirements Manager.
2. File Management: Permanent records must be maintained in accordance with the IRM's requirements and must transfer, in appropriate format and in a timely manner, to the Documentation Preservation Officer/Documentation Preservation Unit (DPU). Ultimately, after the response and utility of the DPU ends, the IRM must transfer permanent records to the National Archives in accordance with National Archives and Records Administration requirements.

C. Strategic Planning Considerations.

1. Regional and International Impacts.

- a. In coordination with the NRT, the NIC Strategic Planning Division will proactively monitor regional and international impacts caused by a SONS. If appropriate, the Division will develop a variety of high-level strategic plans and associated contingencies. These plans may address a variety of topics including international engagement, international shoreline impact, waste stream management, national and international response resource allocation, funding and claims, public health, economic impacts, fisheries management and seafood safety, Natural Resource Damage Assessments (NRDA), etc.
- b. The objective of NIC-level regional and international impacts strategic planning is to provide the NIC and UAC/ICs, as well as other governmental agencies and private stakeholders, actionable strategies to enable synchronization and coordination at all levels and across all boundaries. In addition, these high-level strategic plans will facilitate the evolution of the organization and response effort complementary to the NCP with a continually adaptive and capable response construct.

2. Severe Weather Planning.

- a. The severe weather contingency plan provides contingencies for directing the timely and effective suspension of response operations, relocation of response assets, and the reconstitution of those assets thereafter. The plan establishes severe weather preparedness and response guidelines for personnel, equipment, and resources assigned to support the oil spill response and is designed to encompass all Coast Guard, RP, direct hire contractors, and other military and civilian personnel under the direction of, or collocated with, the UAC.
- b. Due to the possibility of a non-SONS related incident (discharge of oil or release of hazardous substance) resulting from a severe weather event and mixing with SONS oil or hazardous substance, the cleanup process after a storm may require a comprehensive post-storm assessment and spill sampling plan to ensure that accountability and chain of custody are maintained. The sampling process should be conducted as quickly as possible to identify the source of the oil (or if applicable, hazardous substance). Continuous coordination between the ICPs, UAC, and the FEMA Regional Response Coordination Center must be



maintained to ensure cleanup costs after a severe weather incident are correctly allocated to the RP or the appropriate federal emergency funds.

3. Stafford Act. If other events occur that warrant an emergency declaration by the President, FEMA administers the funding necessary for disaster response efforts in accordance with Reference (n). If an emergency declaration due to a natural disaster occurs concurrently with an ongoing SONS response, both response organizations must continue operations under their own authorities per References (a) and (n).
4. Air Space Control. During a SONS, there may be hundreds of daily public, private, and military flights within and near the response area. Therefore, aviation coordination for large contingencies is vital. The FOSC should consider establishing an Area Control Center (ACC) for the effective command and control of the airspace. This will enable safe, effective and efficient air operations to meet the priorities of the UAC. The NIC should be prepared to support the UAC in establishing the ACC by resolving matters arising in obtaining Federal Aviation Administration or U.S. Air Force support for the ACC.
5. NIC/SONS Response Organization Transition/Demobilization. The demobilization of the NIC and the other response organizations should be a conditions-based decision. Conditions could include: the risk of additional discharge has been eliminated; there is no recoverable oil in the water; no new shoreline impacts have been observed for a certain period of time; a structure has been created to assume recovery and restoration efforts; national level issues can be assumed by permanent bodies; and national level media and political interest have significantly diminished. As these conditions occur, the need for a NIC with a full staff will be greatly diminished and should trigger the transition from a national level effort to a traditional regional oil spill response.

#### D. Document Preservation.

1. In accordance with 40 CFR § 300.315, all OSLTF users need to collect and maintain documentation to support all actions taken under the CWA. In general, documentation must be sufficient to support full cost recovery for resources used and must identify the source and circumstances of the incident, the RP or parties, and the impacts and potential impacts to public health and welfare and the environment.
2. While Reference (a) requires OSTLF users (i.e. FOSC, NIC) to collect and preserve all response data and documentation to support its actions and subsequent claims, the documentation effort also supports resulting litigation. The efforts to collect and preserve documentation must extend from the highest to the lowest levels of the organization. Within the first hours of the incident, all levels of command should communicate the duty to preserve response documentation in an orderly manner among all personnel involved in the response and quickly establish methods to enact and enforce this preservation.
3. The FOSC/NIC must coordinate with the Judge Advocate General and Chief Counsel Commandant (CG-094) to address all Coast Guard units that support the response but are located outside the UAC/NIC structure. Commandant (CG-094) and the FOSC/NIC must appoint Document Preservation Officers at each unit (District) who will train and reemphasize preservation methods, maintain the necessary archives, and act as POC for DPU.

THIS PAGE INTENTIONALLY LEFT BLANK

**SONS DESIGNATION MEMO**

U.S. Department of  
Homeland Security



United States  
Coast Guard

Commandant  
United States Coast Guard

2100 2nd ST SW STOP 7363  
Washington, DC 20593-7363

Staff Symbol: CG-533  
Phone: (202) 372-2234

16451  
22 Apr 2010

**MEMORANDUM**

From: Sally Brice-O'Hara, RADM  
Commandant (CG-DCO)

Reply to: Commandant (CG-53)  
Attn of: RADM Zunkunft  
2-2011

To: CCG

Subj: SPILL OF NATIONAL SIGNIFICANCE (SONS) CLASSIFICATION AND  
NATIONAL INCIDENT COMMANDER (NIC) DESIGNATION

Ref: (a) National Oil and Hazardous Substances Pollution Contingency Plan (NCP)  
(40CFR300)  
(b) Critical Incident Communications, COMDTINST 3100.8 (series)  
(c) Spill of National Significance (SONS) Response Management Policy,  
COMDTINST 16465.1A (DRAFT)

1. **ISSUE:** This memo requests your decision to classify the continuous release of crude oil from the Mobile Offshore Drilling Unit DEEPWATER HORIZON occurring at Mississippi Canyon Block 252, about 52 miles southeast of Venice, Louisiana, as a Spill of National Significance (SONS) and to designate a National Incident Commander (NIC) or retain the duty for this incident.

2. **BACKGROUND:**

a. Reference (a) defines a SONS as a spill that due to its severity, size, location, actual or potential impact to public health and welfare or the environment, or the necessary response effort, is so complex that it requires extraordinary coordination of federal, state, local, and responsible party resources to contain and cleanup the discharge. Some potential triggers for SONS consideration include:

- (1) The Unified Area Command(s) (UAC) requests the assistance of a NIC to communicate national level issues.
- (2) Critical Incident Communications (CIC) procedures in Reference (b) are initiated due to a significant oil spill.
- (3) The worst case discharge in the Area Contingency Plan (ACP) is met or exceeded.
- (4) The oil spill is reported on a national media outlet.
- (5) The oil spill threatens or impacts an International border.
- (6) One or more UAC is established.
- (7) There is significant political interest.
- (8) The potential significant threat to environmental, cultural and economic resources.

3. **DISCUSSION:**

a. Reference (a) establishes that for a SONS in the coastal zone, the Commandant of the Coast Guard (CCG) *may* name a NIC. Reference (c) pre-designates LANT/future OPCOM as the NIC and establishes roles and responsibilities for this position. Once named in this memo, the NIC will assume the roles and responsibilities as indicated in Reference (c).

4. **RECOMMENDATION:**

a. Recommend CCG classify the major oil spill off the (*insert name of incident*) as a SONS.

_____	_____
Concur	Non-concur

b. Recommend CCG name a NIC for this incident.

_____	_____
Concur	Non-concur/CCG assumes NIC roles and responsibilities.

#

**NIC DESIGNATION MESSAGE**

SUBJ: Declaration of Spill of National Significance (SONS) and Designation of a National Incident Commander (NIC)

(a) National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR Part 300)

(b) National Incident Commander's (NIC) Instructions for Spill of National Significance (SONS) Management, COMDTINST M16465.6A

1. Pursuant to ref (a), the XXX incident has been declared a SONS.
2. Per ref (b), YYY has been designated as the National Incident Commander, assuming the role immediately.
3. In order to fully undertake the role and responsibilities of the NIC, YYY has also been designated as a Federal On-Scene Coordinator (FOSC) for this response. IAW ref (b), the NIC must assist the operational level FOSC in communicating with affected parties and the public, and coordinating federal, state, local, tribal, and international resources at the national level. The NIC's role in strategic coordination and policy concerns will involve, as appropriate, the White House, DHS senior leadership, the National Response Team, affected Regional Response Team(s), the governor(s) of impacted state(s), and the mayor(s) or chief executive(s) of local and tribal governments.

THIS PAGE INTENTIONALLY LEFT BLANK

**FEDERAL ON-SCENE COORDINATOR DESIGNATION MEMO**

U.S. Department of  
Homeland Security



Commandant  
United States Coast Guard

2100 2nd ST SW STOP 7363  
Washington, DC 20593-7363  
Staff Symbol: CG-533  
Phone: (202) 372-2234

United States  
Coast Guard

16451  
23 Mar 2010

**MEMORANDUM**

From: Sally Brice-O'Hara, RADM  
Commandant (CG-DCO)

Reply to Commandant (CG-53)  
Attn of: RADM Zunkunft  
2-2011

To: CCG  
Thru: VCG

Subj: FEDERAL ONSCENE COORDINATOR DESIGNATION FOR EIGHTH DISTRICT  
COMMANDER

Ref: (a) National Oil and Hazardous Substances Pollution Contingency Plan (NCP)  
(40CFR300)

1. **ISSUE:** This memo requests your decision to designate the Commander, Eight Coast Guard District as the Federal On Scene Coordinator for the DEEPWATER HORIZON accident response.

2. **BACKGROUND:**

a. Reference (a) defines a SONS as a spill that due to its severity, size, location, actual or potential impact to public health and welfare or the environment, or the necessary response effort, is so complex that it requires extraordinary coordination of federal, state, local, and responsible party resources to contain and cleanup the discharge. Some potential triggers for SONS consideration include:

- (1) The Unified Area Command(s) (UAC) requests the assistance of a NIC to communicate national level issues.
- (2) Critical Incident Communications (CIC) procedures in Reference (b) are initiated due to a significant oil spill.
- (3) The worst case discharge in the Area Contingency Plan (ACP) is met or exceeded.
- (4) The oil spill is reported on a national media outlet.
- (5) The oil spill threatens or impacts an International border.
- (6) One or more UAC is established.
- (7) There is significant political interest.
- (8) The potential significant threat to environmental, cultural and economic resources.

3. **DISCUSSION:**

a. Reference (a) establishes that for a SONS in the coastal zone, the Commandant of the Coast Guard (CCG) may name a NIC. Reference (c) pre-designates LANT/future OPCOM as

the NIC and establishes roles and responsibilities for this position. Once named in this memo, the NIC will assume the roles and responsibilities as indicated in Reference (c).

4. **RECOMMENDATION:**

- a. Recommend CCG classify the major oil spill off the coast of Venice, Louisiana as a SONS.

\_\_\_\_\_  
Concur

\_\_\_\_\_  
Non-concur

- b. Recommend CCG name RDML James Watson as the NIC for this incident.

\_\_\_\_\_  
Concur

\_\_\_\_\_  
Non-concur/CCG assumes NIC roles and responsibilities.

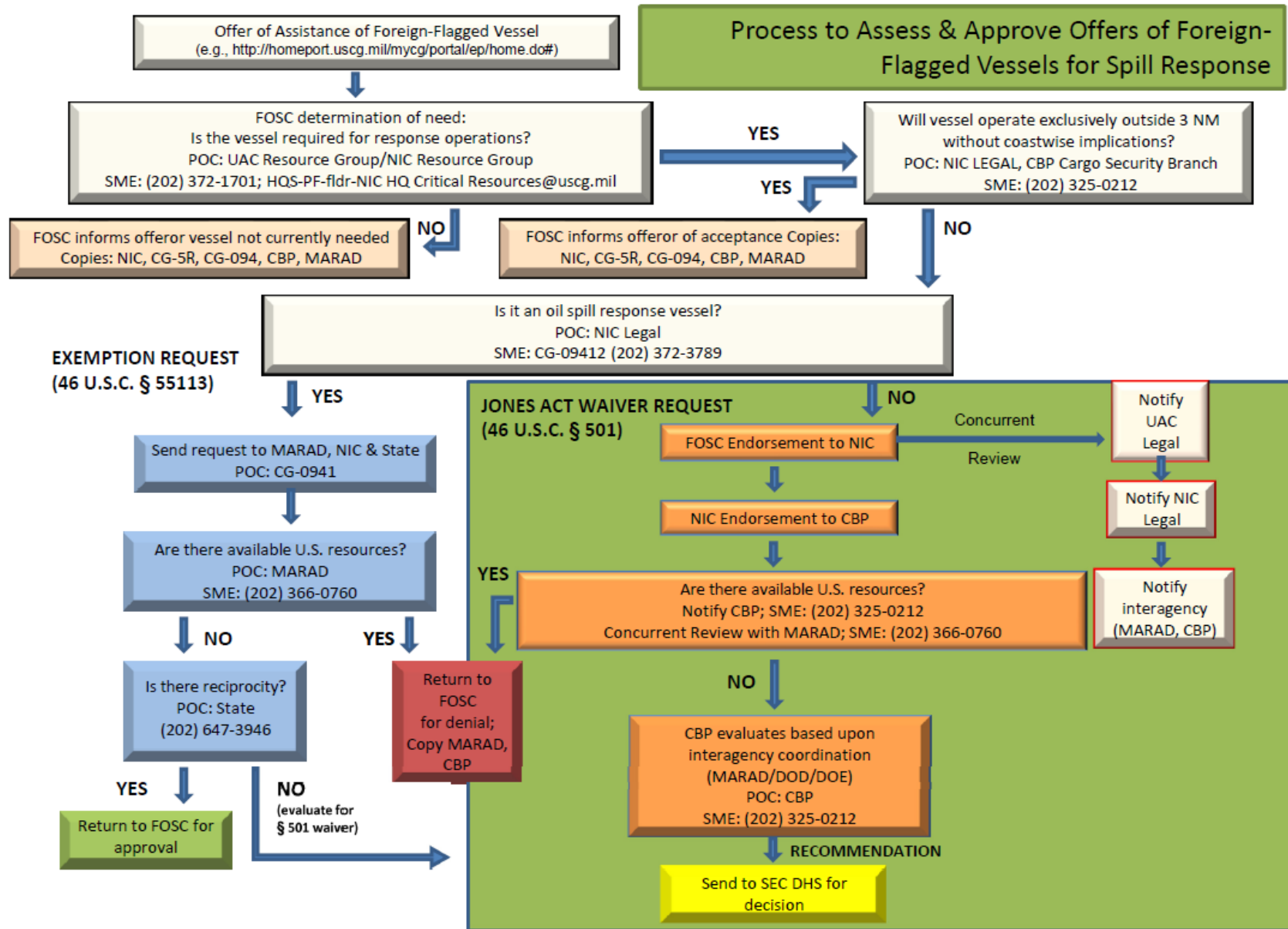
- c. Due to multiple Coast Guard Sectors being affected by the oil spill, Commander, Eighth Coast Guard District has been designated as the Federal On-Scene Coordinator for this incident. Sector Commanders for Mobile and New Orleans retain Federal On-Scene Coordinator Representative authority for their respective Areas of Responsibility.

\_\_\_\_\_  
Concur

\_\_\_\_\_  
Non-concur



### JONES ACT WAIVER PROCESS DIAGRAM



THIS PAGE INTENTIONALLY LEFT BLANK

**ACRONYM LIST**

ACC	Area Control Center
ACP	Area Contingency Plan
AOR	area of responsibility
CE	categorical exclusion
CFR	Code of Federal Regulations
Commandant (CG-0922)	Coast Guard Public Affairs
Commandant (CG-094)	Judge Advocate General
Commandant (CG-5R)	Assistant Commandant for Response Policy
Commandant (CG-5RI)	Director, Emergency Management
COMDTINST M	Commandant Instruction Manual
CRU	Critical Resources Unit
CWA	Clean Water Act
DHS	Department of Homeland Security
DOS	Department of State
DPU	Documentation Preservation Unit
EA	Executive Assistant
EAO	External Affairs Officer
EPA	Environmental Protection Agency
ESF	Emergency Support Function
FEMA	Federal Emergency Management Agency
FIOP	Federal Interagency Operational Plan
FOSC	Federal On-Scene Coordinator
FWPCA	Federal Water Pollution Control Act
HSPD	Homeland Security Presidential Directive
IC	Incident Commander
ICP	Incident Command Post
IRM	Information Requirements Manager
JIC	Joint Information Center
LANTAREA	Atlantic Area
NARA	National Archives and Records Administration
NCC	National Command Center
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NEPA	National Environmental Policy Act
NIC	National Incident Commander
NOAA	National Oceanic and Atmospheric Administration
NOC	National Operations Center
NRCC	National Response Coordination Center
NRDA	Natural Resource Damage Assessment

NRF	National Response Framework
NRS	National Response System
NRT	National Response Team
OPA	DHS Office of Public Affairs
OPA 90	Oil Pollution Act
OPS	DHS Office of Operations Coordination
OSLTF	Oil Spill Liability Trust Fund
OSRO	Oil Spill Removal Organization
OSRP	Oil Spill Response Plan
PACAREA	Pacific Area
PAO	Public Affairs Officer
PFO	Principal Federal Official
PIO	Public Information Officer
RP	Responsible Party
RRT	Regional Response Team
SES	Senior Executive Service
SME	subject matter expert
SONS	Spill of National Significance
SOSC	State On-Scene Coordinators
UAC	United Area Command
WHOC	White House Office of Communications