



TP 14707E
(12/2024)

NATIONAL PLACES OF REFUGE CONTINGENCY PLAN (NPORCP)

SECOND EDITION
DECEMBER 2024



<p>Responsible Authority</p> <p>The Executive Director, Navigation Safety and Pilotage is responsible for this document, including any change, correction, or update.</p>	<p>Approval</p>
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Original Date Issued:

Date Revised:

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PREFACE

Under the International Maritime Organization (IMO), a “place of refuge” is defined as “a place where a ship in need of assistance can take action to enable it to stabilize its condition and reduce the risks to navigation, and to protect human life and the environment. It may include a port, a place of shelter near the coast, an inlet, a lee shore, a cove, a fjord, a bay and beaching site.” Canada is committed to following the *International Maritime Organization Guidelines on Places of Refuge*¹.

The National Places of Refuge Contingency Plan is a guideline for Transport Canada, Marine Safety and Security (TC MSS) officials and the Canadian Coast Guard’s (CCG) Marine Communications and Traffic Services (MCTS) and Marine Environmental and Hazards Response (MEHR) program to facilitate the decision-making process on a place of refuge. This plan establishes a nationally consistent management process places of refuge while respecting the regional differences.

This plan applies mainly to a situation in which a large commercial vessel “is in need of assistance” (e.g., could give rise to a loss of the vessel or an environmental or navigational hazard) inside Canadian waters or offshore, request and requires a place of refuge in Canada. It does not address the issue of operations for the rescue of persons at sea.

However, any marine occurrence pertaining to search and rescue, and environmental or hazards response, or a defect/deficiency, including a maritime casualty as defined in the Nairobi International Convention on the Removal of Wrecks, 2007 which has been incorporated by reference in Schedule 1 of the Wrecked, Abandoned or Hazardous Vessels Act, regardless of the risk level, may trigger, at any stage of the marine occurrence, the implementation of this plan for the purposes of a place of refuge as defined in this document.

Part 1 of this document outlines roles and responsibilities of federal departments and other partner agencies involved in places of refuge, including their legislative authorities.

Part 2 includes the federal government’s operational guide for risk evaluation and real-time maritime incidents assessment to support a place of refuge decision-making with use of the Decision Support Tool (DST) and the Enhanced Maritime Situational Awareness (EMSA) web platform.

Part 2 also addresses places of refuge under the International Maritime Organization’s definition and international policy framework. It does not cover routine deficiencies, which are considered of lower risk, and should be addressed under the regional duty officer standard operating procedures.

TC MSS regions, in consultation with its marine partners², have developed Regional Annexes with pre-identified geographical areas where vessels in need of assistance may be directed to under the auspices of this plan. These Regional Annexes can be found as addenda to this document as referenced under

¹ IMO Resolution A.1184(33) *GUIDELINES ON PLACES OF REFUGE FOR SHIPS IN NEED OF ASSISTANCE*

² Marine partners consist of (but not limited to) Indigenous partners and other levels of government (Canadian Coast Guard, Environment Canada, Port and Pilotage Authorities, provinces and territories, municipalities). The Regional Annexes attached to this document are not restricted to other areas that may be identified for future consideration.

Part 5, or on the regional place of refuge web application page in EMSA. Optional places of refuge not referenced under Regional Annexes may be considered and/or identified on an ad-hoc basis.

PART 1: NATIONAL PLACES OF REFUGE CONTINGENCY PLAN

AUTHORITIES, ROLES, AND RESPONSIBILITIES'

VESSEL MASTER

The [Canada Shipping Act, 2001](#) (CSA 2001) Part 4, Subsection 109(1), outlines the responsibility of the master regarding safety of the vessel and of persons who are on board, the master :

- Is responsible for requesting a place of refuge by notifying MCTS about any reportable incident
- Remains in command of the vessel even when a salvage operation is underway, until such time that the master has relinquished command, and the vessel becomes the responsibility of the salvor
- Informs the company/ship manager of any incident which occurs at sea
- Evaluates the vessel's condition and provides this information to federal authorities (TC and/or CCG)
- Mitigates the vessel's condition and follow directions from federal authorities (TC and/or CCG)

TRANSPORT CANADA (TC) MARINE SAFETY AND SECURITY (MSS) HEADQUARTERS

- Based on the *Memorandum of Understanding (MOU) between TC and the Department of Fisheries and Oceans (CCG)* respecting roles and responsibilities regarding Canada's marine safety and security system:
 - TC and CCG will work with relevant stakeholders and Indigenous partners, and the master of the vessel to decide whether a vessel needs a place of refuge (as defined under the International Maritime Organization) or whether not to grant the place of refuge
- Make arrangements for notifying and consulting applicable United States (US), Danish, and French authorities when dealing with incidents in boundary waters or where the outcomes could have an impact on the US, Greenland or St. Pierre and Miquelon
- Develops and administers all national policies and procedures for places of refuge and ensure this Plan is implemented nationally
- The Executive Director of Navigation Safety and Oversight Standards consults with TC's regional offices and the CCG (including MCTS and Marine Environmental and Hazards Response) to update the national place of refuge plan
- Develops and conducts training for the implementation of the National Places of Refuge Contingency Plan, the Decision Support Tool and EMSA

- Plans and organizes national exercise annually on places of refuge response ³

TRANSPORT CANADA (TC) MARINE SAFETY AND SECURITY (MSS) REGIONAL OFFICES

- Implements and activates the National Places of Refuge Contingency Plan
- Decides whether a vessel is seaworthy for the transit to sheltered location and specifies any conditions
- Reviews the salvage operations plan, emergency lightering or discharging the vessel's cargo
- Keeps Flag States informed on the progress of any incidents that involve their vessels
- Work together with CCG to make decisions and take action during a place of refuge request/direction, including appointing and authorizing Marine Safety Inspectors who will work on the incident and protect the marine environment
- Maintains reports and updates to senior management on the progress of the incident
- Develops After Action Report (Lessons Learned)
- Develops and maintains Regional Annexes by engaging with Indigenous partners and other stakeholders
- Maintains oversight of any regional issues. Responsibilities include updating existing Regional Annexes, developing new ones, and incorporating the information into the regional web application of EMSA
- Marine Safety and Security's Regional Directors (MSS RDs) request and maintain EMSA registration and make sure that all Marine Safety Inspectors dealing with a place of refuge situation are trained and can access the platform and/or other supporting systems/platforms as applicable
- Develops and conducts annual exercise focused on regional specifications (e.g., regional annexes, stakeholders) for the implementation of the National Places of Refuge Contingency Plan, the Decision Support Tool, and EMSA regional web application

The experience from a real case POR request that occurred in the region within the year, involving any external stakeholder (i.e., port authority, pilotage authority, any area or facility operator/owner, first nations) can serve as an alternative to an annual exercise

- Ensures all relevant regional Marine Safety Inspectors attend the exercise provided by HQ on National Places of Refuge Contingency Plan requirements and the Incident Command System

TRANSPORT CANADA (TC) CORPORATE AND REGIONAL COMMUNICATIONS

- TC Corporate Communications assist the program with delivering accurate, clear, timely up-to-date information on place of refuge request/direction that may attract media attention, and whereby the Minister of Transport may require a response
- When a place of refuge requires a ministerial response, or a news release, the Regional Communications group will work with a Joint Information Centre (JIC) with other communications staff from partner organizations, for coordinating media relations activities

³ TC MSS can alternatively substitute exercises with participation in regional and international CCG or the Department of National Defence exercises that have a place of refuge component. These exercises will alternate between full-scale simulations and table-top exercises.

with DFO/CCG Communications in support of the federal government response to a place of refuge request/direction

- Liaise with external authorities, including Indigenous partners, to unify public communications efforts, verify accuracy, and avoid conflicting reporting

FISHERIES AND OCEANS CANADA (DFO)/CANADIAN COAST GUARD (CCG)

- Based on the Memorandum of Understanding (MOU) between TC and the Department of Fisheries and Oceans (CCG) respecting roles and responsibilities regarding Canada's marine safety and security system:
 - Under Canada Shipping Act, 2001, Parts: 5,8 CCG is the primary organization responsible for the following operational matters: Marine Pollution Response; response to hazardous and wrecked vessels; Maritime Search and Rescue; services for the safe, economical, and efficient movement of ships in Canadian waters.
- Leads integrated marine response planning which takes into account Place of Refuge requirements.
- Develops regional and area response plans that references this plan and its implementation.
- Based on a formal agreement between TC and DFO/CCG those departments will:
 - work collaboratively to decide whether a vessel can be given a place of refuge
 - work together to respond to deficient, and damaged or hazardous vessels
- The CCG leads the federal response to marine pollution, and hazardous and wrecked vessels.
- The Joint Rescue Coordination Centre (JRCC) leads the federal search and rescue response.
- The CCG has responsibilities in circumstances when the Canada-United States Joint Marine Pollution Contingency Plan is activated
- Participate in annual POR exercises
- The CCG MCTS issues clearances to any vessel transiting Canadian waters (entering or proceeding within vessel traffic services zones), consulting with TC when needed.
- In consultation with TC or at the request of the Minister of DFO, CCG-MCTS may direct vessels to leave a VTS zone, leave or refrain from entering an area within a VTS zone, or proceed to or remain at a location.

MARINE ENVIRONMENTAL AND HAZARDS RESPONSE INCIDENT MANAGEMENT CONSTRUCT

- The Canadian Coast Guard will apply the Incident Command System as its standard incident response methodology for all marine pollution incidents.
- Depending on the nature, scope and complexity of an incident, either a Single Command or a Unified Command construct may be established to conduct the incident response effort, hereinafter referred to as the incident management team.
- If a marine incident has a place of refuge requirement, TC/CCG will automatically activate this National Place of Refuge Contingency Plan

The incident management team will manage the incident from a designated incident command post.

PILOTAGE AUTHORITIES

- In Canadian waters designated “compulsory pilotage areas,” certain vessels are required to have onboard a licenced pilot, or pilotage certificate holder, that will take the conduct of the vessel when transiting the area
- In a compulsory pilotage area, whenever the situation permits, a pilot will embark on a vessel requesting or being directed to a place of refuge.

Pilotage Authority may, on application, waive compulsory pilotage in respect of a vessel entering the compulsory pilotage area for the purpose of seeking refuge. ([Reference: Regulations Amending the General Pilotage Regulations: SOR/2022-114](#))

PORT AUTHORITIES

- The port authority has the power to operate a port, i.e., to engage in port activities related to shipping, navigation, etc.
- Due to the powers given to different port authorities and jurisdictions under Canadian law, it is possible that vessels will receive conflicting instructions for a given port between TC and the Port Authority
- In these cases, TC and the Port Authority must agree on a course of action, however, TC has the overriding authority to direct a Port Authority to authorize a vessel to proceed to a place selected by TC according to the CSA 2001, subsection 111(3) and section 189

PROVINCIAL /TERRITORIAL GOVERNMENT

- Each province and territory’s Ministry of Environment represent and protect provincial interests for vessel incidents that occur within or threaten provincial shores, lands, and waters
- May supply personnel with relevant knowledge to the Risk Assessment Team to help make decisions
- May act as the provincial representative in the incident management team

INDIGENOUS PARTNERS

- Under Section 35 of the [Constitution Act, 1982](#), Indigenous partners have potential or established Aboriginal rights on their traditional lands, including certain marine areas. They also have laws, customs and traditions that hold them responsible for protecting, managing, and overseeing these marine areas
- May supply personnel with relevant knowledge to the Risk Assessment Team to help make decisions
- May participate in the incident management team

LOCAL / MUNICIPAL AUTHORITIES

- Responsible for lands and their use that may be affected by a POR decision
- May supply personnel with relevant knowledge to the Risk Assessment Team to help make decisions
- May participate in the incident management team

FLAG STATE

- Cooperate with TC and CCG throughout the place of refuge process
- Provide specific information on the vessel's certificates and any other relevant documentation (in other words: safety and preventing pollution)
- Share any information on Emergency Response Services (for example: technical information from the class on the remaining hull strength and stability, limits of navigation, etc.)

DESIGNATED PERSON ASHORE/COMPANY/SHIP MANAGER

- Liaises and coordinates with TC and CCG and other relevant authorities/agencies
- May provide further technical information, can be retrieved within the company's own technical department – i.e., stability issues, and equipment capacities on board, access to software programs that are vessel specific
- Ensures Emergency Response Services information is shared between TC, CCG, and the Classification Society
- Can approve any of the master's intended actions like resuming the voyage or moving to a place of refuge. A master can override the Designated Person's authority.

CLASSIFICATION SOCIETY

- Provides expertise during a place of refuge request/direction, including rapid technical assistance or assessing the structural integrity and the damage stability of a vessel

SALVOR

- Keeps TC and CCG fully informed on the condition of the vessel and progress of the salvage operation
- Cooperates fully with TC and CCG to protect the vessel, the marine environment, and people onboard or responding to the incident
- Submits a salvage plan to TC and CCG for review
- If Emergency Response Services are in place, the salvors must provide regular updates to the Classification Society as the situation progresses
- The duties of the salvor are set out in Article 8 of *the International Convention on Salvage 1989* and Schedule 2 of the *Wrecked, Abandoned or Hazardous Vessels Act*.

PROTECTION AND INDEMNITY INSURANCE

- May send a marine subject matter expert to the scene to observe the response and make sure that costs are contained in the chosen course of action selected
- Provide different types of guarantees on behalf of the shipowner/vessel to the ports or any other affected parties.

INTERNATIONAL COLLABORATION

- Canada works in collaboration with other countries when responding to incidents in waters adjacent to neighboring countries.
- As per the International Maritime Organization, Resolution A.949 (23), Section 3, maritime authorities, port authorities, authorities responsible for shore safety and all other authorities concerned must make sure there is an appropriate system for information-sharing as well as communications and alerting procedures (contact persons, telephone numbers, etc.), as appropriate.
- In situations where place of refuge decisions on waters or territory of interest of both Canadian and US jurisdiction, management of the incident will take into consideration the Canada-US Joint Marine Pollution Contingency Plans under the direction of the Canadian and US Coast Guards.

NATIONAL ENVIRONMENTAL EMERGENCY CENTRE (NEEC)

- Environment and Climate Change Canada's National Environmental Emergency Centre provides 24/7 scientific and technical advice to Incident Commanders and lead agencies for environmental emergencies. They work with partners to provide a wide range of services including, but not limited to, trajectory modeling, plume modeling, mass balance of contaminants, fate and effects of hazardous substances, sensitivity mapping, and site-specific weather forecasts.

NATIONAL PLAN AND REGIONAL ANNEXES

This national contingency plan sets a nationally consistent process for:

- gathering all essential information for a place of refuge requests
- creating a Risk Assessment Team
- communicating with key partners
- assessing risks, and
- making timely decisions

The Regional Annexes include:

- comprehensive reviews, characteristics, and considerations on **Potential Place of Refuge (PPOR)**
- an incident notification process, based on each region's unique needs

Local emergency response, Indigenous partners and marine stakeholders' contact information should be maintained in the Regional Annexes. No direct names should be given, only title positions will be listed for privacy reasons.

The Regional Annexes must be created in accordance with the **Place of Refuge Regional Annexes Standard Requirement**: [RDIMS#19104602](#) (only available to TC)

The contents of a Regional Annexes will also change over time, therefore will require a review and update on an annual basis and following an incident.

POTENTIAL PLACE OF REFUGE

To make quick decisions during an incident, it is important to plan ahead. Make sure to get input from key partners, stakeholders, Indigenous partners, and local communities.

The pre-assessment of PPOR should include:

- navigational challenges (prevailing wind, tide, current, weather, traffic, depth of water and clarity, sea bottom type, ice, pilotage, hazards, charts and local knowledge)
- nearest distance to populated areas and industrial areas, including their size and density
- local logistical support: number of tugs (range of power, 24/7 availability), lightering availability, access by land, water and air, response/operations personnel, booms, facilities, etc.
- technical details on available repair facilities and dockyards
- any reception facilities for harmful and dangerous cargoes
- availability of surveyors and technical experts
- availability of spare parts or other supplies
- emergency plans (list of local partners responding to emergencies, list of local first responder contact, etc.)
- environmental and cultural species of conservation, marine/coastal plants, spiritual places, historic villages
- socio-economic and other commercial uses of land and water (fishing, tourism)
- potential use conflicts
- any other relevant characteristics

While this is not a comprehensive list, it should provide an idea of the factors to consider when assessing options. Whichever option is chosen, should have the lowest risk and highest chance of success.

The following TC templates must be used to collect information on Potential Places of Refuge to ensure national consistency:

- [RDIMS-#15162054-v1- Pre-identification of Potential Places of Refuge Guide \(Internal TC documentation\)](#)

- [RDIMS-#15333749- Matrix to Assist with the Pre-Identification of Potential Places of Refuge \(Internal TC documentation\)](#)

[The Matrix to Assist with the Pre-Identification of Potential Places of Refuge](#) should also be used in situations where the potential places of refuge identified in the Regional Annexes and in EMSA are not suitable for directing the vessel to. The matrix provides criteria for determining alternative potential places of refuge.

PART 2: RESPONDING TO A PLACE OF REFUGE REQUEST

In [Part 4](#), a checklist, flow chart, forms and information sheets are there to help to respond to a place of refuge request.

Within Transport Canada Marine Safety and Security group, the Regional Manager of Compliance and Enforcement is the designated regional responsible position in charge of the response during a place of refuge request or direction. Depending on the Region, a different position could be in charge as identified in the regional annex duty officer standards operating procedures.

A VESSEL REQUESTING A PLACE OF REFUGE

A vessel's master, agent, owner/ship manager, or salvor must contact MCTS to request a place of refuge.

Routing all communications through MCTS provides better situational awareness for the other agencies involved. If the initial request is sent directly to the TC MSS Regional Standby Duty Officer, it should be forwarded to MCTS.

When a vessel needs a POR but hasn't yet asked for one, both regional TC MSS and CCG must evaluate the situation in consultation with the master, agent, owner, or salvor to determine whether a POR is necessary to prevent a problem from getting worse.

In general, marine emergencies fall under one of three scenarios: search and rescue, environmental and hazards response, and/or request for place of refuge.

If either officer is concerned that the situation may require a search and rescue or environmental response, then they will contact the CCG Regional Operations Centre and the Joint Rescue Coordination Centre to assess the situation and determine next steps. This discussion is a key step in making sure that all marine safety authorities fully understand the nature of the incident and can coordinate.

STEP 1 - GET THE VESSEL'S INFORMATION

- 1.1 Upon receiving a request for a place of refuge, the MCTS Officer will collect all relevant information, complete the MCTS Marine Occurrence Report, and notify all relevant agencies in accordance with standard protocols.

The MCTS Officer will then send an initial Marine Occurrence Report with details of the place of refuge situation to TC's SitCen, who will forward it to the TC Marine Safety and Security (TC MSS) Regional Duty Officer and CCG MEHR Duty Officer.⁴

- 1.2 The TC MSS Regional Duty Officer will immediately inform and confirm the place of refuge situation with the TC MSS Regional Manager of Compliance and Enforcement.
- 1.3 After the TC MSS Regional Manager of Compliance and Enforcement receives the Marine Occurrence Report and confirmation that the incident requires a place of refuge, they will inform both the Regional Director of Marine Safety and Security and the Regional Manager of Technical Services.
- 1.4 The TC Regional Duty Officer will immediately direct the master through MCTS (with the assistance of the company and/or salvor) to send [Form A - Information on the vessel and its status⁵](#), followed by [Form B – Formal Place of Refuge Request Form](#). This information will be redirected to the TC MSS Regional Duty Officer.

[Form A](#) provides critical information (including from external sources, such as the classification society or shipping company/ship manager) not captured in the Marine Occurrence Report but required to efficiently deal with a POR request. Any other information that TC might require to ensure compliance with local legislation, including cargo manifests, stowage plans and the salvor's outline salvage plan, should also be forwarded as supporting documentation. The gathering of this information is essential to effectively carrying out the next steps.

Note:

The salvor, master, or designated person ashore (DPA)/ship manager, may rely on the Classification Society's recommendations in urgent situations where the vessel's on-board stability and damage assessment tools do not provide enough information.

STEP 2 - ASSESS THE PLACE OF REFUGE REQUEST

When considering a place of refuge request, key factors include:

- the situation aboard the vessel (including the health, safety, and wellbeing of persons onboard) and what kind of help is required
- the vessel's size, type, and condition, including ballast water, sewage, and grey water
- current, tide, drift rate and sea state, forecasted weather and ice conditions at the scene

⁴ Other government departments, agencies and stakeholders may be contacted as required.

⁵ Form A can be sent directly to the vessel for the master or other authorized representative (AR) to fill out.

- navigational criteria, including maneuvering limitations stemming from the problem onboard
- local environmental considerations, and sensitivities
- local fisheries, fisheries habitats, and marine protected areas, any action that could impact the livelihood of nearby communities, and cultural sensitivities for nearby communities and Indigenous partners in accordance with the Regional Annexes (Part 5) that have been developed with Indigenous partners
- Response resources required
- Estimated time of arrival to the vessel and place of refuge

In the event of a dangerous/hazardous goods incident, the Canadian Transport Emergency Centre (CANUTEC) must be contacted by TC or CCG, they provide timely and free service in handling dangerous/hazardous goods emergencies on a 24/7 basis.

CANUTEC contact details:

Telephone: 1-888-CAN-UTEC (226-8832)

Email: canutec@tc.gc.ca

Website: <https://tc.canada.ca/en/dangerous-goods/canutec>

2.1 Access the Place of Refuge application in EMSA

Transport Canada's Enhanced Maritime Situation Awareness (EMSA) web platform provides accessible and near real-time maritime information and a common operating picture for coastal communities. It also supports local and collaborative planning, analysis, and decision-making.

The TC MSS Regional Duty Officer should log in to the regional place of refuge web application page in EMSA through their personal account.

Use the EMSA web platform page to track the vessel and access relevant information such as:

- Regional Annexes and DST
- the vessel's location, status, distance from shore, and drift rate and direction (if applicable)
- surrounding traffic
- nearby environmental sensitivities

This information will help determine the incident's risk level.

2.2 Determine Level of Risk

TC MSS Regional Duty Officer and CCG MEHR Duty Officer will undertake the initial assessment and will work together with TC's Regional Manager of Compliance and Enforcement, CCG's Superintendent of Marine Environmental and Hazards Response and other members of the incident management team and stakeholders, as necessary.

Use [the Risk Determination Diagram](#) in Part 4 to decide whether the incident is low or high risk.

Determining an incident's risk level at the beginning will help ensure an accurate and effective response. Regional MCTS Officer will be informed of incident's risk level by TC/CCG, as agreed between them.

Low Risk

If an incident is "low risk" there is no need to follow the remaining steps listed in this plan. That being said, low risk incidents still need to be processed using the TC MSS Regional Duty Officer standard operating procedures.

High Risk

High risk incidents are complex situations whereby there is a greater risk to the vessel, the crew, marine navigation, communities, and/or the environment. Therefore, risk assessments are required to better determine the situation at hand including the different options and consequences involved.

Other authorities with jurisdiction (i.e., CCG, port authority, seaway management, pilotage authorities, local, municipal authority, Indigenous partners, National Environmental Emergency Centre, etc.) if time allows, may be invited to participate in the Risk Assessment Team when and where applicable.

Based on the information available (Marine Occurrence Report, [Forms A](#) and [B](#)), TC MSS Regional Duty Officer and CCG MEHR Duty Officer will evaluate the vessel's situation and decide, in consultation with TC's Regional Manager of Compliance and Enforcement and CCG's Superintendent of Marine Environmental and Hazards Response if any immediate action is necessary. This includes:

- instructing the vessel, e.g., diverting the vessel to allow time to better understand the situation
- directing the master to keep vessel more than, e.g., 200/100/50/25/12 nautical miles from the nearest shore (under the CSA 2001)
- directing the vessel's master to create a towage or salvage agreement
- notifying other vessels in the area
- Instructing the vessel to provide SITREP (situational report) at fixed intervals on specific details (e.g., cargo status, water ingress, vessel stability, etc.)

2.3 Management and Leadership Structure – TC/CCG

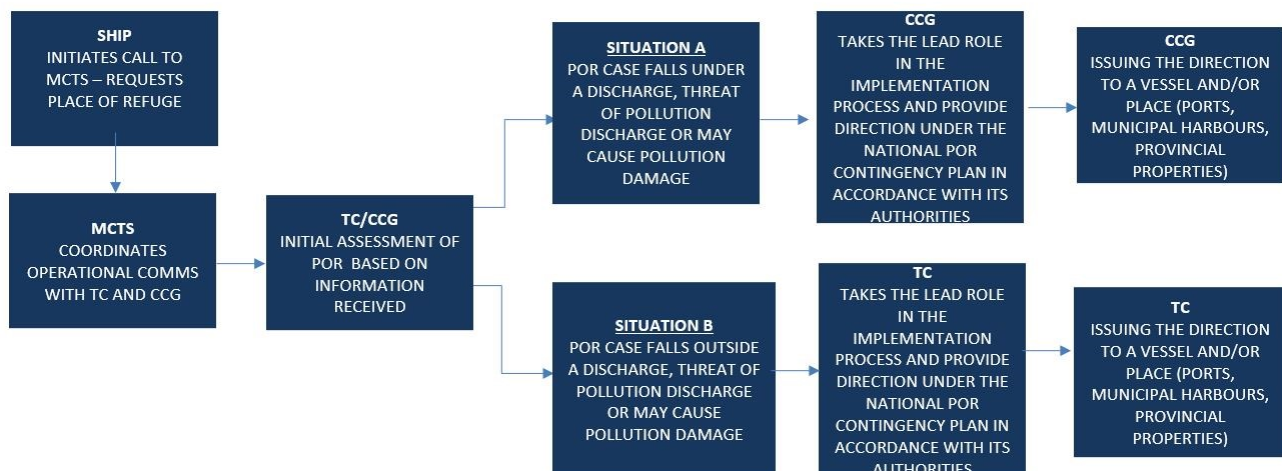
- When facing a request for a POR, one of the following two streams applies:
 - If a Places of Refuge case falls under a discharge, threat of pollution discharge or may cause pollution damage, **the CCG takes the lead role** in the implementation process and providing direction under the National Places of Refuge Contingency Plan in accordance with its authorities.
 - If the Places of Refuge case falls outside a discharge, threat of pollution discharge or may cause pollution damage, **TC takes the lead role** in the implementation process and

providing direction under the National Places of Refuge Contingency Plan in accordance with its authorities.

- Leadership Structure:
 - A leadership role with respect to a Places of Refuge response, would include issuing the direction to a vessel and/or place (ports, municipal harbours, provincial properties).
 - Each Department would be consulted on a Places of Refuge decision. **Nevertheless, when a consensus cannot be reached, the lead department makes the ultimate decision on the Places of Refuge determination.**

Flowchart POR Operational Decision-Making

FLOWCHART POR OPERATIONAL DECISION-MAKING



Note: Neither department would exercise its ministerial authority and issue a directive in situations where the vessel is compliant, and an agreement is reached between the vessel and the place of refuge.

STEP 3 – GATHER TEAMS

3.1 TC's Regional Manager of Compliance and Enforcement and the CCG Superintendent of Marine Environmental and Hazards Response will assemble a Risk Assessment Team based on the needs of the incident.

The team will meet by telephone or video conference ASAP, or meet in-person, if time allows.

Members of the Risk Assessment Team should include:

- TC's Regional Manager of Compliance and Enforcement
- TC's Regional Manager of Technical Services (as needed)
- TC's Marine Safety Inspectors (nautical, machinery and hull)
- TC, MSS (as needed)
- CCG Superintendent of Marine Environmental and Hazards Response
- CCG Manager of Compliance and Enforcement
- SAR (as needed) for situational awareness

The Risk Assessment Team may also include experts and advisors from:

- Other federal, territorial, provincial, municipal departments, and/or indigenous partners
- Port and Pilotage authorities
- National Environmental Emergencies Centre
- Affected Indigenous partners
- Vessel Master, Shipowner, Charterers, Cargo interest
- Classification Society
- Salvors
- Vessel Flag State
- Industry
- Any other relevant parties specializing in incident management

3.2 Onboard Assessment Team

At the same time, an Onboard Assessment Team should be created. This team can be made up of TC Marine Safety Inspectors and CCH MEHR personnel, as required. Other subject matter experts can also be present, if needed.

This team will:

- safely board the vessel, if possible assess and validate information from the Designated Person Ashore, Master, Authorized Representative, Classification Society, Salvor, and/or
- collect other data to assess and to support decision-making

The input and the analysis from this team is key to the next steps in the decision-making process. They may continue to provide advice, report on actions the vessel or salvor is taking, and to help monitor the condition of the vessel.

Reasons to **not** inspect a vessel include:

- absence of a safe way to embark the vessel
- the vessel is inaccessible due to its considerable distance from the shore or too remote.
- severe weather conditions
- the presence of dangers on board such as fire, risk of loss of stability, hazardous substances, etc.

STEP 4 – DECISION SUPPORT TOOL (DST)

A thorough risk assessment must be made by the Risk Assessment Team. The process compares the potential risks the vessel might pose if it remains at sea or is directed to a place of refuge, including:

- Safeguarding of human life at sea
- Safety of persons at the place of refuge and its industrial, urban environment, small communities (risk of fire or explosion, toxic risk, etc.)
- Risk of pollution (particularly in designated areas of environmental sensitivity)
- If the place of refuge is a port, risk of disruption to the port's operation (channels, docks, equipment, other installations)
- Evaluation of the consequences if a request for place of refuge is refused, including the possible effect on neighbouring States.
- Preservation of the hull, machinery, and cargo of the vessel in need of assistance, as well as possible risks to navigation.
- An alternative place of refuge

4.1. A “Decision Support Tool” (DST) RDIMS#[18629726](#) has been developed to help with the risk assessment process.

DST Tab 1: TC's Regional Duty Officer should begin filling out the **DST Tab 1 “*Situation Particulars*”** with information about the incident. This information will support the risk assessment. Both the DST and the Regional Annexes can be accessed via the regional place of refuge web platform in EMSA, which assists in developing and maintaining situational awareness in near real-time.

The TC's Regional Manager of Compliance and Enforcement and regional CCG Superintendent of Marine Environmental and Hazard Response to ensure their teams are well versed in the use of EMSA and the DST because of their requirement to lead the process including assisting others through the steps.

4.2 The Risk Assessment Team will proceed with the DST.

The team will use the existing Regional Annexes for pre-identified places of refuge information in conjunction with the DST.

The determination of the DST's success and risk factors can be derived from either the Regional Annexes or different data layers in EMSA.

Information contained in the Regional Annexes on pre-identified PORs is integral to the decision-making process⁶. In cases where a Regional Annex has not been developed (and where time permits), it is essential that experts and representatives of potential sites be requested to participate in the risk assessment process.

4.3 The Risk Assessment Team will list the options of a course of action based on the vessel's situation and needs, and the applicable surrounding areas. The options will include pre-identified places of refuge from Regional Annexes, any other potential places of refuge, and refusing a place of refuge

⁶ The TC Decision Support Tool is modeled from the Pilotage Risk Management Methodology and adapted specifically for calculating the risk for a place of refuge or a course of action.

<http://publications.gc.ca/site/fra/9.693193/publication.html>

(where the vessel will remain at sea). Refusing a place of refuge always needs to be included in the analysis and is a mandatory field in the DST.

4.4 **DST Tab 2:** The team will complete the “*Course of Action*” in the top section/ list of the names/elaboration. Up to six courses of action can be entered.

4.5 The team will rate each course of action against Feasibility/Suitability subcategories (geography, navigation, response, and resources) and the Risk Factors subcategories (Material, Human Health, Living Resources, Livelihood and Cultural) by inserting "✓" positive/ success factors or "X" negative values/impact.

At the bottom of **Tab 2**, the Feasibility/Suitability and Risk Factors total scores are automatically calculated according to the percentage of "✓" and "X" factors. A Ratio of Risk/Success is automatically calculated as an indicator of the balance of Risk vs Success. Course of action with small ratios are the most suitable ones.

For any course of action in which the "Space and Depth" are insufficient, an automatic "X" is filled in the **NO-GO** tab at the bottom of **Tab 2**.

4.6 Using the overall assessment, the Risk Assessment Team will select the most viable option for each course of action by indicating “**GO/NO-GO**”.

Only the GO course(s) of action will be considered as the risk assessment continues in Tab 3.

4.7 **DST Tab 3:** The course of action that was identified as **GO** in Tab 2 will automatically be calculated and carried over to **Tab 3 “Risk Assessment”**.

At this point, the Risk Assessment Team will need to select the level of probability and consequence for each risk assessment categories (spill contained/disruption of maritime activity, vessel sinking/grounding, and major spill/explosion/vessel emitting toxic fumes). A “probability and consequence” legend is incorporated as guidance to facilitate the gradation process.

The Risk Score for each of the three Risk Assessment categories are automatically calculated (the risks scores are the results of Probability x Consequence, see RISK MATRIX on the right to determine the risk level: Low; Medium or High).

The Success and Risk Factors scores, and the Risk/Success ratio are automatically brought forward from **Tab 2** into **Tab 3** to allow further comparison with the Risk Scores of the three Risk Assessment categories (see Score Summary/Dashboard).

The Best Option is selected by the Risk Assessment and Onboard Assessment Teams: which course of action offers the best chance of Success with the lowest Risk.

Space is provided at the bottom of **Tab 3** to insert clarifying or explanatory comments regarding the Best Option selected and to insert details of mitigation or control measures to be taken to reduce the risk to as low as reasonably practicable for the chosen course of action, or to record key factors if Refuse POR is the chosen course of action.

STEP 5 – DECISION MAKING AND IMPLEMENTATION

The decision to grant or refuse a place of refuge will be deliberated amongst the Risk Assessment Team members involved in the process.

However, if a consensus cannot be reached among the members of the Risk Assessment Team, the operational lead TCMSS or CCG has the overriding authority on the final place of refuge decision.⁷

To Refuse a Place of Refuge, move directly to Step 5.8

GRANTING A POR

The Risk Assessment Team will:

5.1 Consult with the Onboard Assessment Team prior to deliberating and deciding on the best course of action. The course of action must hold the lowest percentage of risk and the highest percentage of success, based on the probability and level of consequences chosen for each course of action. Granting access to a place of refuge includes assessing the reduced risk as low as reasonably possible and is clearly lower than if the vessel were to remain at sea.

5.2 Advise the vessel master or the Incident management team (if applicable) of their decision to grant a place of refuge including a summary rationale, via conference call or telephone and will follow up with an email for record keeping purposes. (*Note: The Incident management team can decide to either re-task the Risk Assessment Team to carry out an additional assessment or accept the proposal*).

5.3 Direct or inform, the case may be, the vessel to the place of refuge and the person in charge of a port authority or place, to authorize the vessel together with mitigation measures, as required by participating parties, including:

- use of tugs
- pilots
- alternate routes
- temporary repairs
- cargo transfer/lightering
- use of pollution response equipment
- restrictions on access and sea areas
- contingency plans
- special conditions
- operational procedures

⁷ 2.3 Management and Leadership Structure – TC/CCG

To note, neither department would exercise its ministerial authority and issue a directive in situations where the vessel is compliant, and an agreement is reached between the vessel and the place of refuge.

The form [Place of Refuge Decision](#) should be used when directing a vessel, Port Authority or a person in charge of place of refuge.

5.4 Request the vessel to prepare an action plan, including a passage plan to the designated place of refuge, and the required control/mitigation measures⁸.

5.5 Examine the passage plan submitted by the vessel to ensure it is acceptable for the intended voyage, including its responsibility to engage with neighboring states where the casualty vessel may have to pass through or transit near those states' jurisdiction⁹.

5.6 Immediately notify all stakeholders involved in the process and include any practical requirements set as a condition of entry to the place of refuge.

5.7 The Risk Assessment team will continue to monitor the situation until the ship's is stabilized, at which time the team and support staff will disband.

REFUSING A POR

5.8 The Risk Assessment Team will communicate, through the Regional Director of MSS or the regional CCG Superintendent of Marine Environmental and Hazards Response, to the vessel its decision (and rationale) to refuse a POR based on the following:

- safety of persons on board and risks to public safety on shore
- environmental sensitivities
- lack of availability of suitable resources at desired POR
- concern over structural stability and ability for vessel to make successful safe transit to POR
- prevailing and forecast weather conditions, i.e., lack of sheltered area for proposed works
- physical limitations and constraints including bathymetry, navigational characteristics
- foreseeable consequences of escalation, i.e., pollution, fire, toxics, and explosion risk
- any other applicable reason

The refusal should be followed by the form [Place of Refuge Decision](#)

5.9 Immediately notify the Incident management team (if applicable) of their decision to refuse a place of refuge, including a summary rationale.

5.10 Immediately notify all parties/stakeholders involved in the process of the decision to refuse a place of refuge.

⁸ The vessel's action plan must include status updates/position reports at regular intervals and TC MSS and CCG MEHR Duty Officer or CCG Incident Commander should be immediately notified via MCTS should there be any changes in the vessels condition.

⁹ United States of America, Denmark, France

5.11 The team will disband and will formally (verbally and via email confirmation) transfer monitoring and communication activities over to CCG MCTS.

STEP 6 – MONITORING, COMMUNICATION, AND RECORDKEEPING

6.1 TC MSS regional office, through MCTS will maintain in close communication with the vessel's master and monitor the situation closely to deal with any changes that would increase the risks. If the situation changes either onboard the vessel or due to other factors such as deterioration in the weather, CCG MCTS in collaboration with TC MSS will provide an update to the Incident management team (if applicable) on any updates and additional recommendations.

6.2 Under an Incident Command System, the Liaison Officer will ensure information flow and exchange between all participating departments.

6.3 The TC's Regional Manager of Compliance and Enforcement will engage with all participants post incident to seek and record their feedback, and where appropriate, make recommendations to TC MSS HQ and the Marine Safety and Security Executive Committee for potential amendments to the plan.

6.4 For high-risk place of refuge cases, TC MSS region will complete a debrief and an After-Action Report to be saved for future reference.

6.5 The TC's Regional Manager of Compliance and Enforcement will ensure all the forms and reports on the place of refuge decision-making process are saved in the National SharePoint folder dedicated to POR under the following structure:

- Each Place of Refuge request has its own folder
- Folders naming convention: POR REQUEST - REGION NAME - VESSEL NAME - (POR request) YEAR-MONTH-DAY.
- Preserve all relevant documents related to that request within the respective folder.

PART 3 – PROGRAM REVIEW

LESSONS LEARNED

TC MSS region and CCG are responsible for holding a debrief session to managers from HQ and the regions after a POR request. Debriefs should consider the incident background and response factors (e.g., coordination, communications, risk assessment, decision-making, and any other aspects considered relevant to it), review what went right and wrong and share opportunities for improvement.

Depending on the nature of the incident, a general debrief should be given to all authorities and stakeholders involved or to a targeted smaller subgroup with a focus on specific aspects of the incident. Where appropriate, neighboring, or other regional coastal states should be invited to participate.

Lessons learned will be considered into revisions/updates to the national plan as part of continuous improvement.

NPORCP REVIEW AND UPDATE

TC MSS regions will work with CCG to review the National Places of Refuge Contingency Plan (in coordination with TC HQ), Regional Annexes, EMSA, and contact lists on a regular basis (once a year).

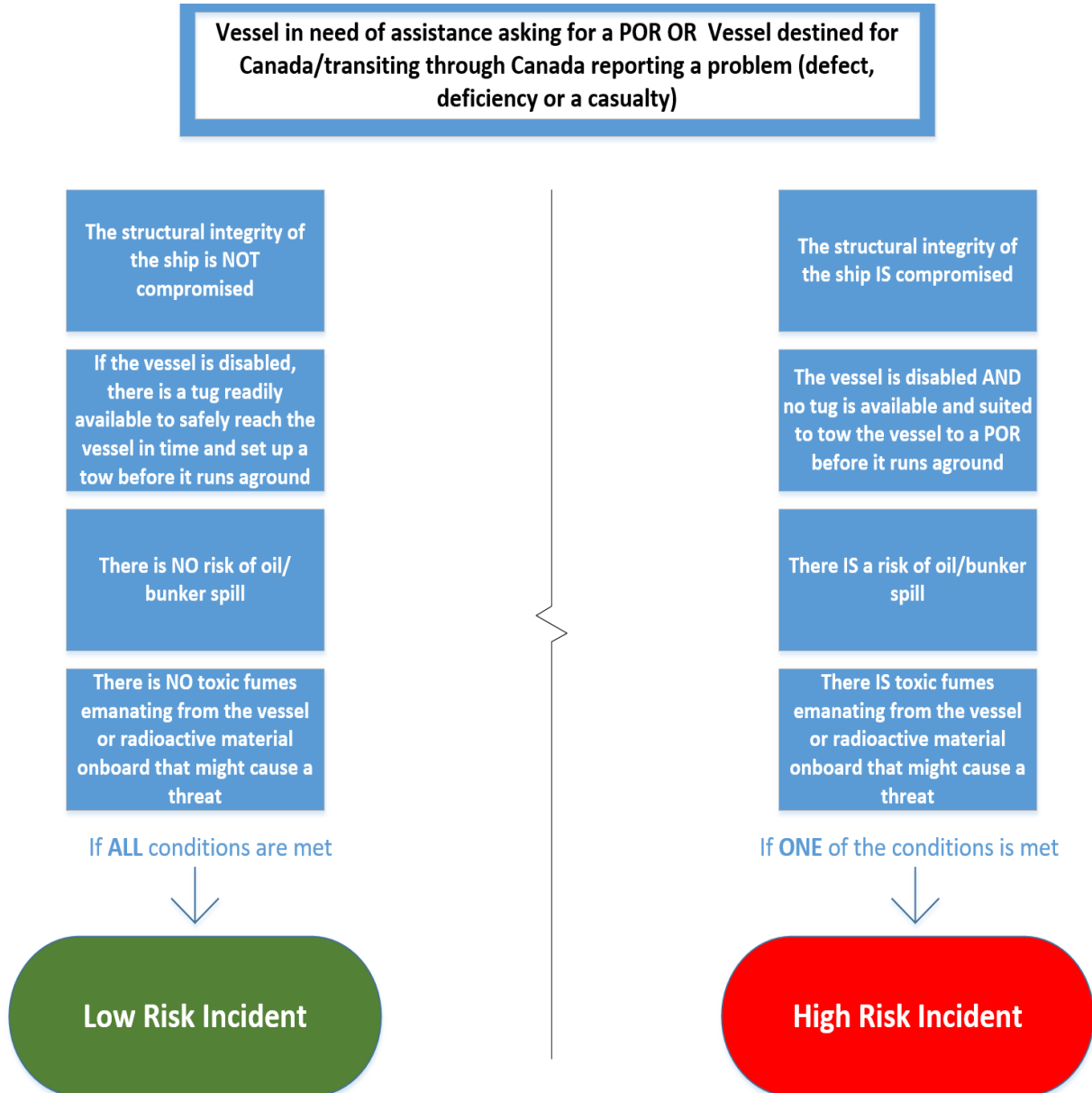
Feedback received from TC MSS (Regions and HQ), CCG, The Risk Assessment Team, and stakeholders after an actual place of refuge request should be considered during the review.

PART 4 – CHECKLISTS, FLOW CHART, FORMS, PLACE OF REFUGE DECISION

- [Places of Refuge Contingency Plan Checklist \(Gov of Canada internal use only\)](#)
- [Form A - Information on the vessel and its status](#)
- [Form B – Formal Place of Refuge Request Form](#)
- [Form C – Coastal State Handover Coordination](#)
- [Place of Refuge Decision \(Gov of Canada internal use only\)](#)

RISK DETERMINATION DIAGRAM

Vessel in need of assistance asking for a POR OR Vessel destined for Canada/transiting through Canada reporting a problem (defect, deficiency, or a casualty)



PART 5 - REGIONAL ANNEXES

This section is intended to provide links to existing Regional Annexes once the document is approved and ready for publication.

Regional Annexes

Pacific Annexes: In progress: (In progress)

[Places of Refuge Contingency Plan Pacific Region](#)

Atlantic Annexes: In progress: (In progress)

[Places of Refuge Contingency Plan \(Atlantic Region\)](#)

Québec Annexes: In progress: (In progress)

Ontario Annexes: In progress: (In progress)

[Places of Refuge Contingency Plan Ontario Region](#)

PNR Annexes: In progress: (In progress)

PART 6 – KEY REFERENCES AND LEGISLATIONS

- [IMO Guidelines on Places of Refuge \(Resolution A.1184\(33\)\)](#)
- [Sub-Committee on Navigation, Communications and Search and Rescue \(NCSR\), 9th session, 21-30 June 2022](#)
- [MOU TC/DFO\(CCG\) \(1996\) respecting Marine Transportation Safety and Environmental Protection](#)
- MOU TC/DFO(CCG) (2022) respecting roles and responsibilities regarding Canada's Marine Safety and Security System
- MOU TC/DFO(CCG) (2022) Annex A Marine Incident Management
- [Canada Shipping Act \(2001\)](#)
- [Canada Marine Act \(1998\)](#)
- [Canada Marine Liability Act \(2001\)](#)
- [Canada Oceans Act \(1996\)](#)
- [Canada Pilotage Act \(1985\)](#)
- [Wrecked, Abandoned or Hazardous Vessels Act \(2019\)](#)
- [Arctic Waters Pollution Prevention Act \(AWPPA\)](#)
- [CCG Marine Spills Contingency Plan – National Chapter](#)
- [Canada-US Joint Marine Pollution Contingency Plan \(JCP\)](#)
- [British Columbia Unified Command for Spill Response](#)