

MTSA/MARSEC 2 & 3 Support Guidelines Report

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MTSA/MARSEC 2 & 3 Support GUIDELINES REPORT

TABLE OF CONTENTS

I.	OVERVIEW:	1
II.	MARITIME TRANSPORTATION SECURITY ACT (MTSA):.....	1
III.	STUDY METHODOLOGY:	5
IV.	INFORMATION RECEIVED:	5
V.	CONCLUSIONS:	6
VI.	RECOMMENDATIONS:	7
VII.	SUMMARY:.....	9

MTSA/MARSEC 2 & 3 Support Guidelines

I. Overview:

The purpose of this study was to present specific National guidelines for Auxiliary support of MTSA/MARSEC activities. It was determined early in the study that the two separate studies (MTSA support and MARSEC 2 & 3 support guidelines) were actually almost one in the same. This conclusion is based on the fact that MARSEC is an integral part of MTSA and is defined and addressed in 33 CFR 101. As a result, there will be two reports submitted, this one on MTSA/MARSEC 2 & 3 Support Guidelines, and another on OPR and MARSEC Preparedness Planning and Exercises.

The proposals that will be presented in this report can be used at any Sector Command¹. There are some very interesting conclusions from the responses that were received that will need further evaluation and possibly require program changes that may include educational programs for both the Auxiliary and the Sectors.

It should be noted that during the course of this project the new Maritime Law Enforcement Manual (COMDINST M16247.1D) was implemented. In many areas this caused a change in what activities Auxiliarists were allowed to participate and/or how they were allowed to participate. In some areas, all land-based patrols by Auxiliarists were cancelled. In others, patrols continued, but could not be recorded as the District/Area determined that armed Boarding Team Members/Officers with a minimum of one-year experience must conduct all "patrols". In still others, all patrols were considered law enforcement activities and Auxiliarists were prohibited from participation due to the Auxiliary being prohibited from participating in direct law enforcement. It was beyond the scope of this project to determine whether or not these results were due to local interpretation of the new manual, or whether there are other issues involved.

II. Maritime Transportation Security Act (MTSA)

The Maritime Transportation Security Act of 2002 (MTSA), as codified in 46 U. S. C. Chapter 701, was written in response to security issues occurring after the attacks of 9/11/2001. This act required, among other various items, establishment of security regulations to increase the security of the

¹ Due to Sectorization being completed within the next year to year and a half, the term Sector will be used to refer to all units – Sectors, Groups, MSOs, etc.

nation's ports. As a result, the Code of Federal Regulations was modified to include security requirement for "vessels, structures, and facilities of any kind, located under, in, on, or adjacent to waters subject to the jurisdiction of the U.S."²

Regulations are published under 33 CFR 101 (Maritime Security: General), 33 CFR 103 (Maritime Security: Area Maritime Security), 33 CFR 104 (Maritime Security: Vessels), 33 CFR 105 (Maritime Security: Facilities), and 33 CFR 106 (Maritime Security: Outer Continental Shelf Facilities). These regulations may be found in their entirety on the Internet at <http://www.gpoaccess.gov/fr/index.html>. The purpose of these regulations is to align requirements of domestic maritime security regulations with the international maritime security standards in the International Convention for Safety of Life at Sea, 1974 (SOLAS Chapter XI-2) and the International Code for the Security of Ships and of Port Facilities, parts A and B, adopted on 12 December 2002; to ensure security arrangements are as compatible as possible for vessels trading internationally; to emphasize cooperation and coordination with local port community stakeholders, based on existing domestic standards as well as established industry security practices; and requires assessments and plans intended for use in implementing security measures at various MARSEC levels.

Further guidance to help achieve compliance with these regulations was then published in various Navigation and Vessel Inspection Circulars (NVICs). While most of these circulars are published on the web at <http://www.uscg.mil/hq/g-m/nvic> some are considered Sensitive Security Information and are available only to those with need for the information and are not available on the web. These NVICs may be obtained from COTP offices.

Description of Regulations

33 CFR 101 provides general information such as applicability of the regulations, definitions, descriptions of MARSEC levels, etc. 33 CFR 103 describes requirements for Area Maritime Security. This designates the Captain of the Port (COTP) as the Federal Maritime Security Coordinator (FMSC) and details authority for that position. It also requires establishment of Area Maritime Security Committees and directs them to develop Area Maritime Security Assessments and Area Maritime Security Plans. This part also requires exercises to be held at least once each calendar year to test

² 33 CFR 101.110

the effectiveness of the plan. This exercise may be a tabletop exercise, field training exercise, or combination.

33 CFR 104 defines what vessels are subject to the security requirements of MTSA and details those requirements. In general, this section applies to any Mobile Offshore Drilling Unit, cargo or passenger vessel subject to the International Convention for Safety of Life at Sea 1974, (SOLAS), Chapter XI, foreign cargo vessel greater than 100 gross register tons, self-propelled US cargo vessel greater than 100 gross register tons (except commercial fishing vessels inspected under 46 CFR 105), passenger vessels certified to carry more than 150 passengers, passenger vessels carrying more than 12 passengers including at least one passenger-for-hire that is engaged on an international voyage, barges that carry Certain Dangerous Cargo (as defined in 33 CFR 126) and towing vessels greater than 8 meters engaged in towing a barge or barges subject to this part. Foreign vessels carrying on board a valid International Ship Security Certificate that certifies that the verifications required by part A of the International Ship and Port Security (ISPS) Code are deemed to be in compliance. It does not apply to warships, naval auxiliaries, or other vessels owned or operated by a government and used only on government non-commercial service.

This section goes on to detail security training requirements, drill and exercise requirements, record keeping requirements, and requirements for communications. It also details requirements for access control, security systems and maintenance, handling cargo at various MARSEC levels and details security incident reporting requirements, security assessments and vessel security plans.

33 CFR 105 covers requirements for facilities. Facilities subject to these requirements are generally those receiving vessels subject to part 104. These include cruise ship terminals, ferry terminals, barge fleeting areas, designated dangerous cargo waterfront facilities, hazardous gas facilities, oil facilities, and facilities that receive foreign cargo vessels greater than 100 gross register tons. The requirements for facilities mirror those applying to vessels.

33 CFR 106 pertains to Outer Continental Shelf Facilities. These are fixed or floating facilities operating on the outer continental shelf for the purpose of engaging in the exploration, development, or production of oil, natural gas or mineral resources. They must also host more than 150 people for 12 or more hours each 24-hour period, product more than 100,000 barrels of oil per day or more than 200 million cubic feet of natural gas per day. Requirements are similar to vessels and other facilities.

Requirements for Drills and Exercises

The MTSA Regulations require Area Maritime Security Committees to hold exercises once every calendar year with no more than 18 months between exercises. Any actual increase in MARSEC level or any implementation of increased security measures as designated in the Area Maritime Security Plan meets these requirements.

Vessels and facilities must hold drills which exercise at least one section of their Security Plan at least once every 3 months and must participate in an exercise at least once each calendar year with no more than 18 months between exercises. Again, any increase in MARSEC level or implementation of increased security measures designated in their approved security plan meets these requirements as long as they report attainment of this increased security level.

There is no requirement for an increase in the number or type of drills at various MARSEC levels. When the MARSEC level is increased, each facility and/or vessel must make notification to the Captain of the Port that they are in compliance with their security plan for that MARSEC level within 12 hours. Also, there is no requirement for response units, such as the Coast Guard Auxiliary, to hold or participate in any drills or exercises.

Other requirements, such as increases in patrols, are determined for individual areas based on that area's unique conditions. The specifics of these requirements are considered classified and Auxiliarists in that area will be given the specific tasking necessary to meet these requirements. They may or may not be given the reasons for the tasking.

Auxiliary Participation in Exercises

It is essential, at this point, to state that each Sector/Group/MSO utilizes the Auxiliary differently based on the needs of the unit and the capabilities of the Auxiliary in that specific area. Some areas rely heavily upon the Auxiliary to perform on the water and land patrols, perform and/or assist with security compliance checks, assist with commercial vessel inspections, fill ICS positions, etc. Other units limit the Auxiliary to more traditional roles. Exercises developed specifically for the Auxiliary may be appropriate for one area but not for another.

The Coast Guard periodically exercises its surge capabilities. The Auxiliary is already included in these exercises based on how each Sector/Group/MSO has the Auxiliary included in its plans. The Auxiliary may or may not even be aware of the exercise due to the security of the event. They will simply be requested to perform specific activities.

Many Captains of the Port have appointed Auxiliaries to the Area Maritime Security Committees (AMSC).³ In these areas, the Auxiliary has the opportunity to either, participate in, facilitate, or act as auditor for the required Area Security Exercises. They may also have the opportunity to do the same for individual vessel or facility exercises. These exercises must test specific portions of the approved security plan for the area, vessel or facility.

In addition to the above exercise opportunities, the Auxiliary needs to develop exercises to test their own knowledge and capabilities. These exercises or drills should be specific to the needs and capabilities of the particular unit.

III. Study methodology:

The team assigned to this project consisted of three members from the Operations Department and three members from the Marine Safety and Environmental Department and was led by the Marine Safety and Environmental Protection Department. Team members were asked to survey their respective DSO counterparts regarding current MTSA support and anticipated support at increased MARSEC levels. Team members were to summarize information received and provide recommended guidelines based on information received. The questions were sent out with specific timelines for responses in place.

IV. Information Received:

MTSA Support

Information received via the Aviation community indicated only one District reported assisting with Automated Identification System (AIS) testing. The Area or Sector Commercial/High Interest/Passenger vessel tracking and reporting and observation of facilities provided the most common activities reported.

The Surface Operations community did not report any participation in MTSA/MARSEC support, other than drill participation. It is known that Auxiliary facilities assist with numerous Safety/Security zones which may be

³ Areas where Auxiliaries serve on AMSCs known at this time include LA/Long Beach, Tampa, San Francisco Bay, St Louis, Peoria, Quad Cities, St. Paul, Portland, ME, Kansas City, Houston, Chicago, and Providence

MTSA related. Many, if not most, patrols are multi-mission in nature and include MTSA activities.

The Marine Safety and Environmental Protection community provided information regarding MTSA support. Many areas utilize Auxiliarists as force multipliers for facility and/or vessel security teams. Some areas use Auxiliary-only air, land and water patrols as "eyes & ears" patrols to report non-compliance with security plans. Other areas are using Auxiliarists to assist with port security vulnerability assessments. Auxiliarists are also assisting with mandatory drills/exercises for facilities and/or vessels. Many areas have Auxiliarists as members of Area Maritime Security Committees. Several areas have Auxiliarists trained to work as vessel screeners.

MARSEC 2 & 3 Support

Very few districts indicated specific plans for Auxiliary support during increased MARSEC levels. Whether this is because the Auxiliary has not been included in Sector plans or because the Auxiliary has not been made aware of those plans is unknown.

Most indicated that the Auxiliary would increase MDA patrols in case of an increase in MARSEC level. Some indicated that, due to higher law enforcement efforts at higher MARSEC levels, Auxiliarists would be used to backfill positions to allow more Active Duty/Reserve members to be in the field. The most common response was that the Auxiliary "wouldn't be used differently, just more."

One Sector has an extensive plan for Auxiliary utilization, including specific billets to be manned by Auxiliarists and a training plan to ensure a pool of Auxiliarists to fill those billets.

V. Conclusions:

There is no consistency in how the Auxiliary is utilized between Sectors. While many units have Auxiliarists perform some type of land patrol, some require at least one Active Duty or Reserve member on the team, others allow Auxiliary-only patrols. One district indicated that the Auxiliary was not used in MTSA support.

There appears to be resistance in some units to use volunteers who they perceive they have little to no control over. Training is also an issue. Who

trains the Auxiliaries, what is the quality of that training (which varies greatly between sectors), and the time required are all issues.

It became obvious during this project that many Auxiliaries do not understand what MTSA or MARSEC are. Educational efforts are needed to educate Auxiliary members about these areas. Several of the DSOs contacted their Active Duty counterparts to ensure they were including all pertinent information. A few of them included observations about how Auxiliaries are viewed in their unit. These comments ranged from "many in our unit view Auxiliaries as 'old and useless'" to "we can't do our job without them." Obviously, more needs to be done to increase awareness of the Auxiliary's capabilities and professionalism in some areas.

VI. Recommendations:

1. Further study is needed regarding the new Maritime Law Enforcement Manual and its interpretation and impact on Auxiliary activities. Current interpretation in some areas is reducing opportunities for Auxiliary participation and some currently approved PQSs have become unattainable.
2. Educational efforts are needed for both the Auxiliary membership and Sectors as to what the Auxiliary is permitted to do based on all current COMDINSTs. There are apparent conflicts between the new Maritime Law Enforcement Manual and the new Auxiliary Operations Policy Manual and Auxiliary Manual.
3. It is strongly recommended that Sectors include the Auxiliary in their area contingency plans, and let the Auxiliary know what is expected of them.
4. Begin with relationship-building. Fulfill one request and more relationships and requests follow. Be sure that proper authority is obtained before taking action.
5. Encourage a direct relationship between a single Auxiliary and the Sector Command. Currently this Auxiliary is referred to by several designations, including Sector Coordinator, Senior Auxiliary and Auxiliary Sector Liaison Officer. Whatever the designation, this person should have passion and enthusiasm for the job, and time to do it. This can be a time-consuming job, and it requires someone with tact, persistence, a proactive style, and an understanding of

the “New Auxiliary”. Granted, it should be someone who either has or can build respect among fellow Auxiliarists, but a current Rear Commodore or Commodore is unlikely to have sufficient time available, and a recently retired one may be somewhat burned out and not have the energy and enthusiasm required.

6. The Auxiliarist referred to in 3 above should have a one-on-one relationship with the top unit command and department heads. But in addition, having another senior officer as the unit’s liaison to the Auxiliary, is invaluable for brokering issues that inevitably arise, assisting with etiquette, and making other suggestions.
7. Networking is just as important in the Coast Guard as in business. Attend staff meeting, all-hands meeting, and changes of command, wetting-downs, and all other occasions that are possible and appropriate. Whenever possible, make announcements about availability of Auxiliarists and ask for assignments.
8. NEVER turn down a reasonable direct support request. Did we think an assignment that would require 20% of our membership and extensive planning and coordination (RBF) would be difficult? Of course. Did we flinch when we realized all the ramifications and the work required? Of course. Did a few people think it was too much to take on? Yes. Did we back away? NO. Do we have all the kinks worked out? Not yet, but we’re getting there. If MARSEC III were declared tomorrow, could we do it? Of course. Would it be perfect? No. Would the Coast Guard regret asking us? No. Their response won’t be perfect, either.
9. Always be sure a request by a lower-level Coast Guard member is supported by the command. Don’t swing into action based solely on a hallway conversation with a petty officer.
10. Ensure that all Auxiliarists who work with the Gold Side are briefed on etiquette and wear correct uniforms. They should know how to sign e-mails, and the difference between v/r and V/R. Uniforms should be worn, be correct, and as nearly as possible, present a “military appearance”. Active duty and reserves will not criticize or correct us, but they do notice and discuss it among themselves. Our success requires their respect, so we need to do things correctly.
11. Finally ... share information.

VII. Summary:

In summary, each Sector utilizes the Auxiliary differently to meet the needs of the particular unit. The release of the new Maritime Law Enforcement Manual has changed the way many units work and more information is needed to determine the full impact on how the Auxiliary is able to work as a force multiplier. This must be determined before any substantive recommendations can be made for guidelines. If Auxiliaries are not allowed to participate where Coast Guard members are armed, they will not be able to work as additional members of Facility or Vessel inspection teams, or perform harbor patrols with Active Duty personnel. Also, the ability to use Auxiliary facilities as platforms for Boarding Teams will be impacted.

Once the impact of the Maritime Law Enforcement Manual has been determined, educational efforts are needed within the Auxiliary to educate members on terminology and areas for involvement. In addition, efforts need to be made to educate the Active Duty on the resource available in the Auxiliary.

In order to determine this impact, the following Action Plan is proposed.

Action Item	Proposed Completion Date	Status
1. Obtain copy of MLE Manual	31 May 05	Completed
2. Review Manual	15 June 05	In Process
3. Contact areas reporting problems for additional details	15 June 2005	
4. Contact sample of areas not reporting problems	15 June 2005	
5. Review concerns with G-MO staff	17 June 2005	
6. Headquarters review of concerns	TBD by Headquarters	
7. Develop guidelines for Auxiliary support	30 July 2005	

Based on ALCOAST 033/06, COMDTNOTE 3120, SUBJ: CLARIFICATION OF AUXILIARY ROLES IN HOMELAND SECURITY and the results of the Auxiliary MTSA/MARSEC 2 & 3 Support Guidelines Study the following guidelines are recommended.

Guidelines for Auxiliary Support of MTSA/MARSEC 2 & 3

1. Auxiliary support of MTSA/MARSEC 2 & 3 will be strictly Non-Law Enforcement in nature and will only be Maritime Domain Awareness Missions in nature, not Ports Waterways and Coastal Security Missions (PWCS). **NO Auxiliarist or Auxiliary facilities will be used for the PWCS missions.**
2. Auxiliary facilities may be used to conduct Maritime Observation Missions (MOMs), formerly described as PWCS in the Auxiliary Operations Policy Manual COMDTINST M16798.3E, section 4.A.8.B. This is a Non-Law Enforcement mission whose primary purpose is to provide increased Maritime Domain Awareness by observing areas of interest and reporting findings to the Operational Commander while maintaining the safety of Auxiliary personnel. This should include but not be limited to:
 - Recording information about ships, facilities, and critical infrastructure as directed by cognizant Coast Guard authority.
 - Identifying hazards or potential hazards in a port or waterway.
 - Reporting any port, waterway, or coastal activity/incident that affects the safety of the area or jeopardizes the critical infrastructure.

Should Auxiliarists observe anything suspicious during the course of normal multi-mission patrols, they are to record and report the same immediately via means other than VHF if at all feasible and take NO additional action.

3. Auxiliarists may support Marine Safety Compliance visits and/or spot checks to shoreside Marine Facilities or support other missions for which they are QUALIFIED.
4. Educational efforts are needed for both the Auxiliary membership and Sectors as to what the Auxiliary is permitted to do based on ALCOAST 033/06, COMDTNOTE 3120.

5. It is strongly recommended that Sectors include the Auxiliary in their area contingency plans, and let the Auxiliary know what is expected of them.
6. Begin with relationship-building. Fulfill one request and more relationships and requests follow. Be sure that proper authority is obtained before taking action.
7. Encourage a direct relationship between a single Auxiliarist and the Sector Command. Currently this Auxiliarist is referred to by several designations, including Sector Coordinator, Senior Auxiliarist and Auxiliary Sector Liaison Officer. Whatever the designation, this person should have passion and enthusiasm for the job, and time to do it. This can be a time-consuming job, and it requires someone with tact, persistence, a proactive style, and an understanding of the "New Auxiliary". Granted, it should be someone who either has, or can build, respect among fellow Auxiliarists, but a current Rear Commodore or Commodore is unlikely to have sufficient time available, and a recently retired one may be somewhat burned out and not have the energy and enthusiasm required.
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