



U. S. COAST GUARD MARITIME SAR ASSISTANCE: CLARIFICATION OF A SENSITIVE POLICY

BACKGROUND. The existing Maritime SAR Assistance Policy (MSAP), is the result of an effort which began as an authorization bill enacted by the 97th Congress in 1982. It directed the Commandant to "review Coast Guard policies and procedures for towing and salvage of disabled vessels in order to further minimize the possibility of Coast Guard competition or interference with...commercial enterprise." The review was directed because of congressional concern that Coast Guard resources were being used unnecessarily to provide nonemergency assistance to disabled vessels -- a task that could be adequately performed by the private sector. The current MSAP represents a decade-long series of compromises between the Coast Guard, the Congress, the commercial towing industry, and the Coast Guard Auxiliary. The MSAP is a compromise in the strictest sense of the word, for no single entity is completely satisfied. It is probably because of this, not despite it, that the policy works.

For the typical field operator, whether Coastie, commercial provider, or Auxiliarist, the history behind the MSAP is not particularly of great importance. In most cases, a good working knowledge of the EXISTING policy will suffice. However, in order to fully understand and accept the wording of it, one must understand how it evolved. We all recognize that the MSAP is not a perfect document. In many areas it is purposely ambiguous, but that is simply reflective of the compromises that have taken place through ten years of policy evolution. Problems often arise when individuals or groups interpret

the MSAP to fit their own particular situation or personal agenda. This, of course, contradicts the aim of the policy and creates unnecessary conflict between those for whom it was intended to serve. It is important to remember that there is only one policy and, consequently, only one correct interpretation of its aim.

The desires of those who use and implement the policy are somewhat in conflict; i.e., while each desires that service to the mariner be maximized, each has a different perspective on how this can be done. As a consequence, each iteration of the MSAP has received unusually close scrutiny from all involved. It has been a give-and-take process that has culminated in a policy that, although not universally liked, is generally accepted as a fair and workable concession, i.e., no clear winners, no clear losers. The bottom line, occasional complaints notwithstanding, is that the Commandant is satisfied that the existing MSAP policy works, that it is fair, and that it is the best possible compromise between three groups with conflicting ideas and/or agendas. Therefore, there are no immediate plans to change it. The current policy is contained in Chapter 3 of the COAST GUARD ADDENDUM TO THE NATIONAL SEARCH AND RESCUE MANUAL (COMDTINST M16130.2A). The last major revision of the MSAP was in 1988.

NONEMERGENCY SAR: THE "DISCOVERY CLAUSE"

By far, most inquiries/complaints received regarding MSAP abuses deal

with nonemergency SAR situations. Most recently, several field commanders and Auxiliarists have asked for clarification and/or revision of Section A.5.d. of the MSAP. This section deals with Auxiliary vessels who "discover" disabled vessels while on routine patrols. Specifically, the policy states that:

"...When an Auxiliary vessel on routine safety patrol or otherwise on orders discovers a vessel requesting assistance, but not in radio contact with the Coast Guard, it should relay the request for assistance to the Coast Guard operational commander and MAY undertake to provide assistance if capable. If a tow is undertaken, the Auxiliary vessel is required to notify the operational commander of the identity of the vessel, the location of the vessel, and the destination to which the vessel is being towed. No Auxiliary vessel may undertake the tow of another vessel unless the Auxiliarist is reasonably assured of the safety of both vessels and the persons on board..."

The above section of the policy is particularly sensitive, and is the end product of a sustained negotiation/compromise effort on the part of all concerned parties. Essentially, this section authorizes the Auxiliary, in "discovery" cases only, to undertake tows in nonemergency situations. Coast Guard operational commanders dislike it because they feel, as SMC, that they are left out of the decision making process on determining whether or not an Auxiliary vessel is "capable" and whether or not her crew "may" render assistance. The commercial towing industry dislikes it for obvious reasons, i.e., they

feel that they are being "robbed" of a potential customer.

This "loophole" was negotiated, it is intentional, and it is a measure that the Auxiliary worked long and hard to achieve. Where SAR cases are "discovered" by Auxiliary facilities, the MSAP intends that the Auxiliarist, not the SMC, will make the judgment as to whether he/she can safely assist. Once the Auxiliarist has evaluated the situation, section A.5.d. of the MSAP requires that he/she inform the Coast Guard unit controlling operations about the situation and intended actions. Permission to undertake those actions is NOT required; the MSAP places that decision making authority with the Auxiliarist. Remember, however, that we (i.e., the Coast Guard and the Auxiliary) are bound by the policy to deliver a towed vessel, with or without direction from the SMC, to the NEAREST safe haven -- and ONLY to the nearest safe haven. If a boater wishes to have his/her vessel towed elsewhere, he/she will have to negotiate such services with a friend, good samaritan, or a commercial provider of his/her choice.

Having said the above, we - Regular and Auxiliarist - are one Coast Guard family. Our aim in all missions should be the same. Group Commanders and Auxiliarists need to be sensitive to each others concerns. If there are abuses, each entity has a hammer to use. For example, Group Commanders can, and will, withhold patrol orders for Auxiliarists who intentionally ignore or abuse the MSAP policy. Conversely, Coast Guard operational commanders and commercial towing providers will also be held accountable, in different ways, for abuses of the policy on their part. The key is to follow the policy as it is intended, to seek clarification where necessary, and to collectively ensure that the disabled mariner gets fair, reasonable, and CONSISTENT service throughout the United States.

OPERATIONAL SAR STATISTICS.

During FY92, the Coast Guard received 52,645 calls for assistance. Of course, 42,797 were non-distress cases. The number of calls for assistance, as well as the ratio of distress/non-distress calls, have been consistent for several years. Almost 96% of all cases occurred within

20 nautical miles of the coast or on the Great Lakes and Inland waters.

The Coast Guard Auxiliary continues to play a vital role on search and rescue activities during FY92, performing 6,672 sorties (7.5% of the total) during 6,498 cases.

Because there are no reporting requirements, tracking of those cases handled by commercial providers is difficult. Only those calls for assistance that were initially made to the Coast Guard and later handled by a commercial assistance provider are captured by our SARMIS data base. We have no way to track cases otherwise handled by commercial assistance providers. However, unofficial surveys with commercial providers indicate that they may handle between 30,000 and 35,000 cases per year.

Inquiries concerning the Maritime Search Assistance Policy should be directed to: Commandant (G-NRS-1), 2100 Second St. SW, Washington, DC, 20590-0001. □

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CHIEF DIRECTOR'S COMMENT

Thanks are in order to LCDR Lee of the Search and Rescue Division for a concise, comprehensive and well written article on a subject of interest to us all.

It continues to be important to emphasize what was said in the article - The Maritime SAR Assistance Policy is a product of many compromises between the commercial towing industry, the Auxiliary, the Congress and others. None of

us are happy with the policy but it is the policy we must live with.

LCDR Lee is sincere in his offer to answer your questions and to respond to any comments you may have on the Coast Guard's Search and Rescue policies. Take him up on the offer and, if they are of general interest, we will have them printed in future editions of THE NAVIGATOR.

