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TP 14707E  
(03/2009)

# PLACES OF REFUGE CONTINGENCY PLAN

(Pacific Region)

EDITION 1  
6 MARCH 2009



TC – 1003644



Canada

<p><b>Responsible Authority</b></p> <p>The Regional Director Marine Safety, Pacific Region is responsible for this document, including any change, correction, or update.</p>	<p><b>Approval</b></p> <hr/> <p>James Lawson Regional Director, Pacific Region Marine Safety</p>
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## **SECTION 1**

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### **NATIONAL PLACES OF REFUGE CONTINGENCY PLAN**

The *Places of Refuge Contingency Plan (PORCP)* applies to all situations where a ship is in need of assistance and requests a place of refuge within Canadian waters. This includes Canada's internal waters, territorial sea and the Exclusive Economic Zone (EEZ).

The PORCP also applies in the case where a ship is destined for Canada and has reported a problem (a defect, deficiency or a casualty).

The PORCP does not apply to distress situations where the safety of life is involved. In such cases, established search and rescue procedures shall be followed.

TP 14707E "The National Places of Refuge Contingency Plan" is available at the following link:

<http://www.tc.gc.ca/eng/marinesafety/tp-tp14707-menu-1683.htm>

## **SECTION 2**

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### **PLACES OF REFUGE CONTINGENCY PLAN – PACIFIC REGION**

#### **PURPOSE**

The *Pacific Regional Places of Refuge Contingency Plan* includes regional measures to complement the *National Places of Refuge Contingency Plan (PORCP)*. It establishes a regional framework to provide for an effective and efficient response to requests from ships in need of assistance seeking a place of refuge.

#### **AUTHORITY FOR DIRECTING SHIPS – TRANSPORT CANADA**

*Canada Shipping Act, 2001*, Part 1 – General, section 11, stipulates the appointment of marine safety inspectors and authorizations for them to exercise any powers or perform any duty or function of the Minister under the Act, including inspections respecting the protection of the marine environment for the purpose of Part 9 (Pollution Prevention – Department of Transport).

*Canada Shipping Act, 2001*, Part 9 – Pollution Prevention – Department of Transport, section 189, provides powers to marine safety inspectors to direct a ship.

*Canada Shipping Act, 2001*, Part 11 – Enforcement – Department of Transport, sub-section 211 (3), provides power to marine safety inspectors to direct the master of a ship to stop the ship or proceed to the place that the inspector may select, and to moor, anchor or remain there for any reasonable period that the inspector may specify.

## **RESPONSIBILITY FOR DECISIONS**

Transport Canada is the lead agency for decisions related to a ship in need of assistance and requesting a place of refuge. As such, Transport Canada is responsible for ensuring the IMO Guidelines are taken into account and implemented to the extent possible.

The Transport Canada - Regional Director Marine, in collaboration with the Canadian Coast Guard - Director of Maritime Services, in the Pacific Region, is responsible for the decision to grant or deny access to a place of refuge, the selection of the place of refuge and any operational instructions and conditions given to the master or salvors related to the decision.

In cases where the Transport Canada Situation Centre is activated such as when the overall risk level is determined to be high, decisions will be subject to approval through the Transport Canada Crisis Management Structure and the Crisis Management Team.

Decisions involving other authorities with jurisdiction (i.e., port authority, local municipal authority) will be subject to approval by the relevant authority.

## **SECTION 3**

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### **PRE-DESIGNATION OF PLACES OF REFUGE**

The most suitable place of refuge can only be determined after the details of the specific incident are known and thoroughly considered. To pre-designate places of refuge may be of limited value, as the limitations, operational considerations, hazards and associated risks will vary greatly with each incident. Experience in Canada has shown that because no two incidents, and the circumstance surrounding the incident, are very similar, the value of pre-planning lies primarily in ensuring information will be readily available (i.e., nautical charts and publications, port information, environmental and sensitivity data), along with the relevant specialists.

There are no pre-designation of places of refuge in the Pacific Region.

### **OPERATIONAL PROCEDURES**

1. Generally, for any deficiencies report, or a place of refuge request, the ship, ship's agent or ship's owner will contact the Regional Marine Information Centre (RMIC), a.k.a. MCTS, VTS by various means, e.g. telephone, fax, email.
2. RMIC will disseminate the information to various concerned departments or organizations, including Transport Canada.
3. During office hours (0800 – 1600 hours), RMIC will contact Transport Canada Marine Reception Desk at 1 - (604) 666 – 5300, and the Reception Desk will contact a Marine Safety Inspector (MSI) in accordance with an internal roster.
4. Outside office hours, RMIC will contact Transport Canada standby duty MSI directly.
5. Depending on the issue involved, the MSI will deal with the issue as per the "Guidance on Safety Measures for Inbound/Outbound Deficient Vessels".
6. For a ship in need of assistance and requests a place of refuge, the MSI will immediately inform the Manager of Compliance and Enforcement (TME).
7. The Manager of Compliance and Enforcement will assemble the Risk Assessment Team and also advise Transport Canada – Regional Director Marine of the situation.
8. Depending on the nature of the incident, Transport Canada Marine and Canadian Coast Guard will inform or consult any concerned parties or stakeholders.



9. The Risk Assessment Team will follow Transport Canada's National Places of Refuge Contingency Plan and the above reference documents including the use of the attached Checklist and Contact List when making the decision.
10. The decision will be made jointly by Transport Canada – Regional Director Marine and Canadian Coast Guard – Director of Maritime Services.
11. After the incident is over, a de-brief will take place to improve future planning.

## **SECTION 4**

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### EXTRACT FROM *CANADA SHIPPING ACT, 2001*

#### **Inspections by Marine Safety Inspectors and Others**

##### Appointment of marine safety inspectors

11. (1) Marine safety inspectors are appointed or deployed under the *Public Service Employment Act*.

##### Authorizations

11. (2) The Minister of Transport may authorize a marine safety inspector to exercise any power or perform any duty or function of the Minister under this Act, including quasi-judicial powers and the administration of examinations referred to in subsection 16(2), or to carry out inspections under section 211, including the following:

- (a) inspections of hulls;
- (b) inspections of machinery;
- (c) inspections of equipment;
- (d) inspections respecting the protection of the marine environment for the purpose of Part 9 (Pollution Prevention — Department of Transport); and
- (e) inspections of cargo.

#### **Directions to Vessels**

##### Powers in case of discharge

189. If the Minister believes on reasonable grounds that a vessel may discharge, or may have discharged, a prescribed pollutant, the Minister may:

- (a) direct a vessel, if it is about to enter or is within waters to which this Part applies, to provide the Minister with any information that the Minister considers appropriate for the administration of this Part;
- (a.1) direct a vessel that is required to have a shipboard oil pollution emergency plan under the regulations to provide him or her with any information concerning it and its implementation;

(b) direct a vessel that is required to have on board a declaration described in paragraph 167(1)(b) to provide information concerning it;

(c) direct a vessel that is within or about to enter waters in respect of which this Part applies to proceed through those waters by the route and in the manner that the Minister may specify; and

(d) direct the vessel to proceed to the place that the Minister may select, by the route and in the manner that the Minister may specify, and to:

(i) unload the pollutant, or

(ii) moor, anchor or remain there for any reasonable period that the Minister may specify.

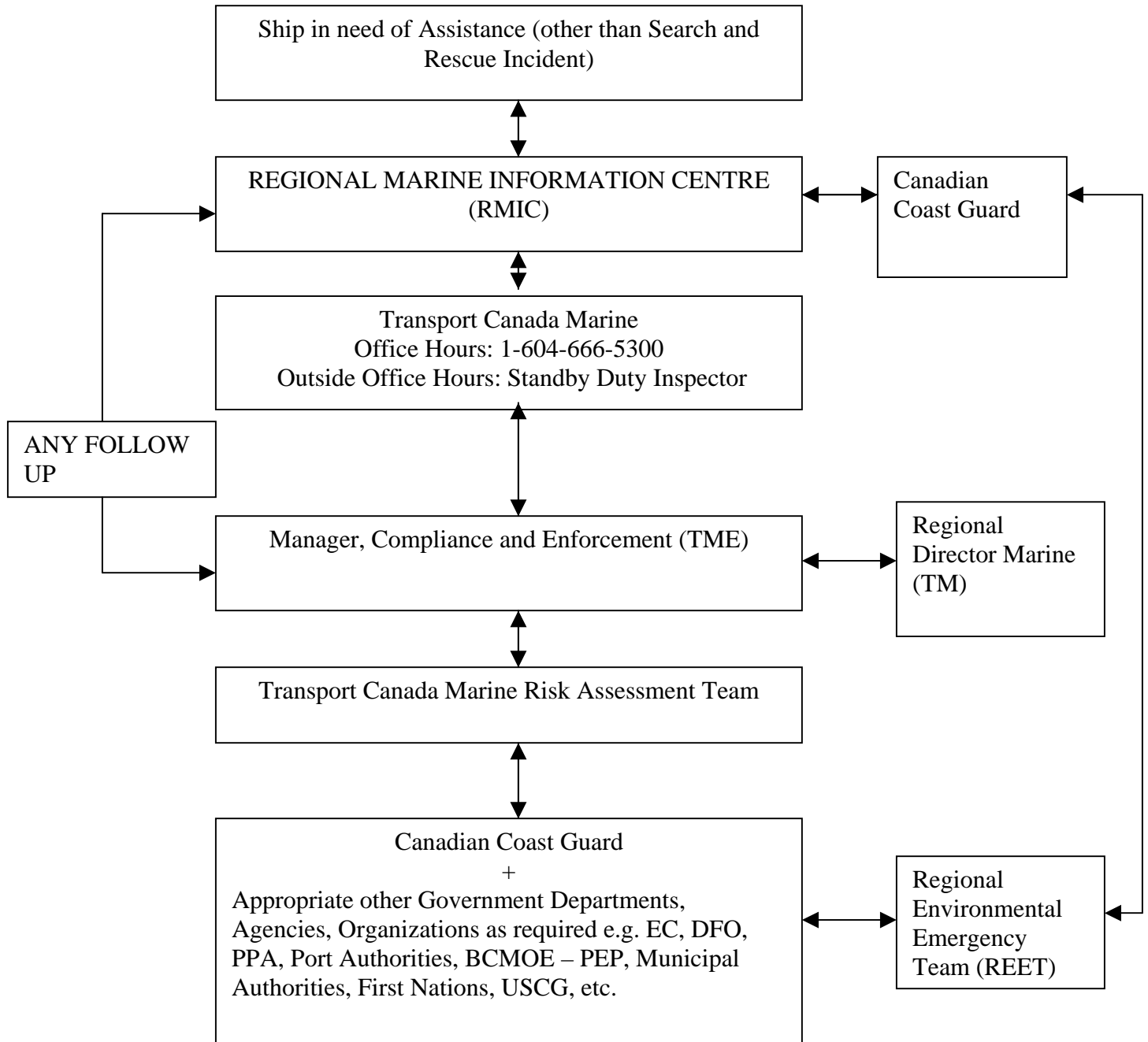
## **Inspections**

### **Stopping a vessel**

211. (3) For the purpose of carrying out an inspection, a marine safety inspector may direct the master of a vessel to stop the vessel or proceed to the place that the inspector may select, and to moor, anchor or remain there for any reasonable period that the inspector may specify.

## **SECTION 5**

### **COMMUNICATIONS FLOW – TRANSPORT CANADA MARINE / CANADIAN COAST GUARD**



[illegible]

## **SECTION 7**

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### **GUIDANCE ON SAFETY MEASURES FOR INBOUND/ OUTBOUND DEFICIENT VESSELS**

#### **Objective**

To provide guidance to Port State Control Officers in the Compliance and Enforcement Division (TME) and “standby” Marine Safety Inspectors in Vancouver Office on safety measures for inbound/outbound deficient vessels while transiting in Canadian waters, particularly in Juan de Fuca Strait, Haro Strait, Boundary Pass, Strait of Georgia and waters in their vicinity.

#### **General**

When a deficiency report of an inbound/outbound vessel is received from the Marine Communications and Traffic Services (MCTS), the appropriate Transport Canada Marine (TCM) Port State Control Officer (PSCO), or Marine Safety Inspector (MSI) shall give direction to the Master of the vessel through MCTS without delay.

In determining the appropriate direction to the inbound/outbound deficient vessel, the PSCO or MSI shall take the following factors into account:

1. the nature of the defect, deficiency, damage, failure or breakdown of the vessel, machinery or navigational/radio equipment,
2. the type of vessel, its cargo and fuel,
3. the effectiveness of radio communication (English Language),
4. vessel location and proximity to land or other navigational hazards,
5. vessel's draught in relation to the available depth of water,
6. weather, visibility, tide, current, wind and sea state,
7. the time of the day, i.e. daylight or darkness,
8. the traffic density, and
9. the maneuverability of the vessel.

Despite the guidance in this document, depending on any special circumstances, the PSCO or MSI may use his/her discretion to impose other appropriate safety measures to the deficient vessel. If in doubt, he/she shall seek advice from the appropriate Manager immediately.

In all cases, the PSCO or MSI shall inform the Master of the inbound/outbound deficient vessel via MCTS that “ the Master is fully responsible for the safety of the vessel and should only proceed if the Master considers it is safe to do so”.

Authority:

Transport Canada Marine Safety Inspectors who have been authorized by the Minister of Transport to carry out inspections respecting the protection of the marine environment for the purpose of Part 9 (Pollution Prevention – Department of Transport) of the *Canada Shipping Act, 2001*.

“The Master is fully responsible for the safety of the vessel and should only proceed if the Master considers it is safe to do so”

**Inbound - Deficient Vessels**

Deficiencies	Safety Measures
1. damage – integrity of hull	<ul style="list-style-type: none"> <li>inform TME</li> <li>direct Master to keep vessel more than 200/100/50/25/12 miles from the nearest land, or assign vessel a place of refuge</li> <li>direct agent to arrange ‘class’ surveyor or competent person to assess damage and provide a report</li> <li>TCM/CCG/USCG teleconference</li> <li>prepare Briefing Note</li> </ul>
2. propulsion, or steering failure	<ul style="list-style-type: none"> <li>direct Master to take the closest suitable tug(s) of appropriate size and power to be effective</li> <li>direct Master to take precautionary action, such as both anchors ready to let go, towlines rigged fore and aft, etc.</li> <li>if appropriate, direct Master to anchor vessel in one of the six designated positions shown A to F on the CHS Chart # 3440, in Royal Roads (48° 25’N 123° 28’W, off Esquimalt / Victoria) to rectify deficiency</li> <li>advise the Manager, Victoria District Office to inspect the vessel before allowing it to proceed inbound</li> </ul>
3. twin screws – one failure	<ul style="list-style-type: none"> <li>Master to confirm operation and maneuverability – if no adverse effect, no restriction</li> </ul>
4. cruise ship – one of the two Azipods disabled	<ul style="list-style-type: none"> <li>ship must not use Inside Passage</li> <li>if necessary, ship to change routing to avoid restricted waters, narrow channels, navigational hazards, etc.</li> </ul>
5. only one steering pump operative, or loss of a required vessel’s generator	<ul style="list-style-type: none"> <li>require the closest suitable tug(s) of appropriate size and power to be effective to escort in Canadian waters</li> <li>rectify deficiency before leaving port</li> </ul>
6. only one anchor is available	<ul style="list-style-type: none"> <li>Master to confirm available windlass and anchor in efficient working order</li> <li>rectify deficiency before leaving port</li> <li>(if in doubt about availability of any anchor, require the closest suitable tug(s) of appropriate size and power to be effective to escort in Canadian waters, and rectify deficiency before leaving port)</li> </ul>

7. loss of all radars	<ul style="list-style-type: none"> <li>when visibility is less than 3 miles, direct Master to seek first available anchorage</li> <li>transit in daylight only with visibility of at least 3 miles</li> <li>additional navigating officer on bridge</li> <li>rectify deficiency before leaving port</li> </ul>
8. automatic radar plotting aid (ARPA) failure	<ul style="list-style-type: none"> <li>additional navigating officer on bridge to assist manual radar plotting</li> <li>rectify deficiency before leaving port</li> </ul>
9. gyro failure	<ul style="list-style-type: none"> <li>ensure Master to confirm magnetic compass working satisfactory</li> <li>ensure Master to confirm that it is safe to proceed inbound with magnetic compass only</li> <li>additional navigating officer on bridge</li> <li>rectify deficiency before leaving port</li> </ul>
10. VHF / INMARSAT / AIS / VDR / speed log / echo sounder / nav. aids	<ul style="list-style-type: none"> <li>rectify deficiency before leaving port</li> </ul>
11. missing navigational charts	<ul style="list-style-type: none"> <li>contact agent to supply charts at entrance of Juan de Fuca, or Victoria Pilot Station, as appropriate</li> </ul>
12. English language difficulty	<ul style="list-style-type: none"> <li>on arrival port, require English-speaking crew to carry out radio communication test with MCTS</li> <li>Master to undertake that at least one English-speaking crew to be on bridge at all times during transit in Canadian waters, or to employ interpreter(s)</li> </ul>

**Outbound - Deficient Vessels**

Defects/Deficiencies	Safety Measures
1. propulsion failure	<ul style="list-style-type: none"> <li>direct vessel to anchor if appropriate</li> <li>rectify deficiency and engine trial before leaving port</li> </ul>
2. repeated propulsion failure	<ul style="list-style-type: none"> <li>direct vessel to anchor if appropriate</li> <li>rectify deficiency and engine trial before leaving port</li> <li>require the closest suitable tug(s) of appropriate size and power to be effective to escort in Canadian waters</li> </ul>
3. gyro / radar / nav. aids failure	<ul style="list-style-type: none"> <li>on a case by case basis, may require rectification of deficiency before leaving port</li> </ul>



Remarks:

SOLAS, Chapter V Safety of navigation, Regulation 16 Maintenance of equipment, paragraph 16.2 states “Except as provided in regulations I/7(b)(ii), I/8 and I/9, while all reasonable steps shall be taken to maintain the equipment required by this chapter in efficient working order, malfunctions of that equipment shall not be considered as making the ship unseaworthy or as a reason for delaying the ship in ports where repair facilities are not readily available, provided suitable arrangements are made by the master to take the inoperative equipment or unavailable information into account in planning and executing a safe voyage to a port where repairs can take place”.

In short, SOLAS’s stipulation means PSCO or MSI shall not detain or delay a vessel with certain malfunctions of the shipborne navigational equipment unreasonably. However, it does not preclude PSCO or MSI from imposing appropriate safety measures on such vessel leaving a port, such as tug(s) of appropriate size and power to be effective to escort, and/or daylight transit. Daylight transit may be imposed on part or all of the Canadian waters.

**SECTION 8****DECISION MAKING PROCESS - CHECKLIST**

Date / Time Started:

Date / Time Completed:

Ship's Name:

IMO #:

Call-sign:

Flag:

Step	Action	Yes	No
1	Obtain the necessary ship information (Annex 1)		
2	Describe the problem and associated issues (Annex 1)		
3	• Identify risk assessment team (TC, CCG, EC, USCG, etc.) (Annex 1, 2)		
	• Identify interested stakeholders (PPA, FOC, PC, PEP, etc.) (Annex 1, 2)		
4	Preliminary analysis of current situation (Annex 1)	- - -	
	• Risks		
	• Decide immediate action		
	• Decide inspection team deployment		
5	• Identify the options (Annex 6)		
	• Identify feasible places of refuge (Annex 3)		
	• Review risk assessment team and interested stakeholders		
6	Estimate the risk for each option (Annex 6)	- - -	
	• Risk scenarios (Annex 4)		
	• Risk level (risk matrix) (Annex 5)		
	• Risk control measures and their impact		
7	Evaluate and compare the options		
8	Decision – grant or deny access to a place of refuge, specify control measures		
9	• Review and agree on ship's proposed action plan		
	• Monitor implementation of action plan		
10	Obtain feedback and de-brief		

Remarks:

Completed by:

Sighted by:

\_\_\_\_\_  
(Print Name: \_\_\_\_\_ )  
Senior Marine Inspector

\_\_\_\_\_  
(Print Name: \_\_\_\_\_ )  
Manager, Compliance and Enforcement

## **SECTION 9**

### **PLACES OF REFUGE CONTINGENCY PLAN - CONTACT LIST**

#### Transport Canada Contacts

<b>Position</b>	<b>Name</b>	<b>Work number</b>	<b>Cell number</b>
Regional Director General	Mike Henderson	1-604-666-5849	1-604-862-9240
Regional Director Marine	James Lawson	1-604-666-5470	1-604-323-6408
Manager Compliance & Enforcement	John Yeung	1-604-666-9179	1-604-312-0497
Manager Cargo Services	Mike Ghoshal	1-604-666-4277	1-604-312-0492
Manager Technical Services	Mak Chowdrey	1-604-666-5450	1-604-202-5320
Manager Inspection Services	Aloak Tewari	1-604-666-4684	1-604-809-2379
Manager Victoria TCC	George Karras	1-250-363-0271	1-250-208-4454
Manager Prince Rupert TCC	Russ Dillon	1-250-627-3050	1-250-600-1110
Manager Nanaimo TCC	Sultan Virani	1-250-754-0244	1-250-741-4614
Manager Security Operations	Will Keenlyside	1-604-666-6850	1-604-315-3817
Acting Manager, Security Ops.	David Lee	1-604-666-1518	1-604-817-5929
Marine Security Inspector	24/7	1-604-666-4765	
MSOC Esquimalt	24/7	1-250-363-7567	

#### Other Canadian Federal and Provincial Government Department Contacts

<b>Position</b>	<b>Name</b>	<b>Work number</b>	<b>Cell number</b>
Vancouver Traffic (RMIC)	MCTS Vancouver	1-604-666-6012	
CCG Assistant Commissioner	Via Pourks	1-604-775-8810	
CCG Director Marine Programs	Susan Steel	1-604-775-8852	
CCG Superintendent ER	Don Rodden	1-604-270-3273	1-604-250-2296
DFO Radio Room (Search and Rescue)	Duty Officer (24/7)	1-800-567-5111	
DFO Director	Chris Dragseth	1-604-666-4313	
Environment Canada	Duty Officer (24/7)	1-604-666-6100	
EC Director Enforcement	Martin Pomeroy	1-604-666-0002	
EC Emergency Branch	Fred Beech	1-604-666-0370	
EC CWS Wildlife	Dave Smith	1-604-940-4656	
EC CWS Manager	Saul Schneider	1-604-940-4727	
EC CWS Manager	Blair Hammond	1-604-940-4658	
BC PEP	Duty officer (24/7)	1-800-663-3456	
BC Environment	Graham Knox	1-250-356-8383	
DND Operation Centre	DND Marpac	1-250-363-2425	

DND Queens Harbour Master	DND Esquimalt	1-250-363-2165	
DINA Environment Manager (Department of Indian and Northern Affairs)	Bob Hart	1-604-666-9332	
Pacific Regional Office Public Health Program (Sanitation)	Duty officer	1-604-219-2224	
Public Health Manager	Kevin Carlisle	1-604-666-0263	1-604-318-8391
Parks Canada DG (Calgary)	Bill Fisher	1-403-292-6491	
Pacific Rim National Park	Wardens office (Day time only)	1-250-726-7721	
<b>United States Contacts</b>			
USCG Sector Seattle	USCG (24/7)	1-206-217-6200 Direct 1-206- 217-6050/6152	
Marine Safety, Juneau	USCG (24/7)	1-907-463-2000 1-907-463-2001	
<b>Harbour Masters and Wharfingers contacts</b>			
Harbour Master	Port Metro Vancouver (operations and security)	1-604-665-9086	After PM call directed to VTS to duty Harbour Master
Harbour Master	Prince Rupert port	1-250-627-8899	1-250-624-1258
Harbour Master	Victoria	1-250-363-3578	AOH 1-250- 388-6275 (pager 1312)
Harbour Master	Nanaimo port	1-250-755-3787	(Pager)
Harbour Master, Port Alberni	Mark Braithwaite (24/7)	1-250-731-5437	Alternate: 1-250-723-7922 1-250-723-7923
Wharfinger	Kyuquot-Houpsitas	1-250-332-5259 (day time only)	
Wharfinger	Bamfield	1-250-728-3301	Five Western University Research
Wharfinger	Port Hardy (24/7)	1-250-949-0336	1-250-949-6332
Wharfinger	Ahousat (24/7)	1-604-666-4875	
Wharfinger	Zaballos	1-250-761-4094	
Wharfinger	Winter Harbour	1-250-969-4444	
Wharfinger	Quatsino	1-250-949-6870	

Wharfinger	Queen Charlotte city	1-250-559-4650	
<a href="http://www.haabc.bc.ca">www.haabc.bc.ca</a> contains telephone numbers of small harbours			

## Stakeholder Contacts

Position	Name	Work number	Cell number
Burrard Clean	Office Emergency (24/7)	1-604-294-6001 1-604-294-9116	1-604-988-5138
Burrard Clean - President	Kevin Gardner	1-604-294-6001 EXN 204	1-604-788-5138
Pacific Pilotage Authority	Kevin Obermeyer	1-604-666-6771	
BC Coast Pilots	(24/7)	1-604-880-5083 (Answering Machine)	
Chamber of Shipping	Stephen Brown	1-604-681-2351	1-604-603-4182
Marine exchange of Puget Sound	24/7	1-206-443-3830	
Council of Marine Carriers	Phil Nelson	1-604-687-9677	
Smit tugs	Dispatch	1-604-255-1113	
Seaspan tugs	Dispatch	1-604-988-3111	
Island Tug and Barge	Dispatch (Day)	1-604-873-4312	AOH will give duty person
North Arm Transportation	Dispatch	1-604-321-9171	

## **SECTION 10**

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### **REFERENCE DOCUMENTS**

1. *Transport Canada's National Places of Refuge Contingency Plan (PORCP)*, TP 14707E.
2. Pacific Regional Procedures and Arrangements – Places of Refuge Contingency Plan.
3. IMO Resolution A.949(23) – *Guidelines on Places of Refuge for Ships in need of Assistance*.
4. IMO Resolution A.950(23) – *Maritime Assistance Services (MAS)*