

<b>USCG/ECOLOGY MOA</b>	<b>Protocols Manual</b>	Procedure: 5 Page: Page 1 of 7 Revision: 06/26/2007
<b>Investigations</b>		

## 1. PURPOSE/SCOPE

The purpose of the Investigations Protocol is to coordinate investigative operations to maximize the effectiveness of coordinated U.S. Coast Guard District Thirteen (“USCG”) and the Washington State Department of Ecology (“Ecology”) resources devoted to safe marine transportation and environmental protection. This protocol will bring the diverse expertise of USCG and Ecology investigators together to better determine the circumstances and underlying causes of oil spills and marine accidents that pose a substantial threat of spills.

Instructions contained in this procedure apply to investigations involving vessels and facilities in spills or incidents posing a substantial threat of a spill to navigable waters of the state of Washington. In instances where the USCG and Ecology undertake an investigation of the same spill or incident posing a substantial threat of a spill from a vessel and facility, they will, to the extent possible, coordinate their investigations, relative to gathering of information, obtaining statements, and conducting interviews. Each agency will independently develop case conclusions and recommendations.

## 2. AUTHORITY/REFERENCES

Memorandum of Agreement on Pollution Prevention and Response between the Commander, Thirteenth Coast Guard District and the state of Washington executed on June 26, 2007.  
Section VIII- Investigations and Enforcement:

*A. Subject to the requirements and limitations of applicable state and federal law, the Parties agree to cooperate in marine casualty investigations and pollution investigations including, but not limited to timely sharing of information.*

*1. The Parties agree to collaborate as appropriate on investigations of oil spills and other vessel and facility incidents of mutual interest that affect State waters to make best use of limited resources.*

*2. Each Party recognizes the importance of developing “lessons learned” from investigations of vessel and facility incidents, and developing these lessons through collaborative information gathering and analysis.*

*B. Enforcement action undertaken by each of the Parties must occur independently in accordance with applicable laws and regulations. The Parties agree to inform each other of intended enforcement actions in significant cases of mutual interest.*

**Investigations**

***Ecology***

Statutes

*RCW 43.211.005*

*RCW 43.211.030*

*RCW 43.211.040*

*RCW 88.46.921*

*RCW 88.46.170*

*RCW 90.56.270*

*RCW 90.56.350*

*RCW 90.56.400*

*RCW 90.56.410*

*Findings*

*Administrator's Powers*

*Authority to administer oaths and issue subpoenas*

*Office of Marine Safety Abolished*

*Field Operations Program*

*Enforcement of Contingency Plans*

*Investigation, Removal, Containment, Treatment, or Dispersal of Oil and Hazardous Substances*

*Department Investigation of Circumstances of Entry of Oil...*

*Right of Entry and Access to Records Pertinent to Investigations*

Regulations

*None*

Documents/Forms

*Incident Report Form & Recommendation for Investigation*

*Incident Investigation Summary Form*

*Investigation Findings/Findings of Fact*

*Spill Incident Report Workbook (ECY 050-41)*

***USCG***

Statutes

*14 USC 89*

*14 USC 93 (e)*

*14 USC 141*

*46 USC 6101*

*46 USC 6301*

*46 USC 6304*

*46 USC 6305*

*46 USC 6308*

*46 USC 3315*

*Law Enforcement*

*Commandant, General Powers*

*Cooperation with Other Agencies*

*Marine Casualties and Reporting*

*Investigation of Marine Casualties*

*Subpoena Authority*

*Reports of Investigations*

*Information barred in legal proceedings*

*Disclosure of defects and protection of informants*

<p align="center"><b>USCG/ECOLOGY MOA</b></p>	<p align="center"><b>Protocols Manual</b></p>	<p>Procedure: <b>5</b> Page: <b>Page 3 of 7</b> Revision: <b>06/26/2007</b></p>
<p align="center"><b>Investigations</b></p>		

Regulations

<i>33 CFR 151.07 (d)</i>	<i>COTP/OCMI Subpoena authority</i>
<i>49 CFR 1.46 (uu) (4)</i>	<i>Delegations to the Commandant of the Coast Guard- Marine Casualties</i>
<i>46 CFR 4.03-30</i>	<i>Investigating Officer</i>
<i>46 CFR 4.07-1</i>	<i>Commandant or District Commander to order investigation</i>
<i>46 CFR 4.07-5</i>	<i>Investigating Officers, Powers of</i>
<i>46 CFR 4.07-10</i>	<i>Report of Investigation</i>

Documents/Forms

<i>Form CG-2692</i>	<i>Report of Marine Accident, Injury or Death</i>
<i>Form CG-2692A</i>	<i>Barge Addendum</i>
<i>Form CG-2692B</i>	<i>Report of Required Chemical Drug and Alcohol Testing Following a Serious Marine Incident</i>

**3. EFFECTIVE DATE/POINTS OF CONTACT**

This protocol will become effective upon signature of both parties.

The following persons will serve as points of contact for questions concerning this protocol and its implementation:

**Ecology**

**Investigation Coordinator, Spills Program**

Phone: 360-407-7482  
 Fax: 360-407-7288  
 Mailing Address: Washington Department of Ecology, Spills Program, P.O. Box 47600, Olympia, WA 98504-7600

**USCG**

**Sector Portland**

**Senior Investigating Officer (SIO)**

Phone: 503-240-9312  
 Fax: 503-240-9345

**Chief, Incident Management Division (IMD)**

Phone: 503-240-2566  
 Fax: 503-240-9345  
 Mailing Address: USCG Sector Portland, 6767 N. Basin Ave., Portland, OR 97217

<b>USCG/ECOLOGY MOA</b>	<b>Protocols Manual</b>	Procedure: 5 Page: Page 4 of 7 Revision: 06/26/2007
<b>Investigations</b>		

**Sector Seattle**

**Senior Investigating Officer (SIO)**

Phone: 206-217-6250

Fax: 206-217-6213

**Chief, Incident Management Division (IMD)**

Phone: 206-217-6214

Fax: 206-217-6345

Mailing Address: USCG Sector Seattle, 1519 Alaskan Way S., Bldg.4,  
Seattle, WA 98134-1192

**4. POLICIES**

It is the policy of the USCG and Ecology:

- To coordinate investigations of vessel and facility spills and substantial threats of spills when both agencies are investigating the same spill or incident to avoid duplication of effort to the maximum extent possible.
- To treat any evidentiary information or materials collected and shared as sensitive investigative materials, and to the extent practicable protect same against premature public disclosure that might compromise either agency's ongoing investigation or enforcement action.
- That evidence will be shared pursuant to the Disclosure of Records protocol.
- To promptly share evidence collected during investigations.
- To coordinate initial and followup interviews and site visits during the course of an investigation, to the extent practicable.
- That collection and analysis of evidence and samples will be jointly coordinated to reduce redundancy, especially when there is a likelihood of potential criminal prosecution of a case.
- To communicate during the course of investigations to share observations and areas of mutual concern.
- To promptly share investigation reports on cases of common interest and findings once an investigation is complete.

<b>USCG/ECOLOGY MOA</b>	<b>Protocols Manual</b>	Procedure: 5 Page: Page 5 of 7 Revision: 06/26/2007
<b>Investigations</b>		

- To regularly review causal data identified during investigations for the purposes of identifying unsafe practices commonly encountered, and to jointly bring these unsafe practices to the inspection programs of their respective organizations.
- To respond in writing to written recommendations made by one organization to the other.

## 5. STANDARD OPERATING PROCEDURES

### *Operational Task Summary Matrix*

Key: P = Primary Responsibility, A = Assist

Task	USCG*		ECOLOGY	
	Incident Mgmt Branch Chief / SIO	Pollution Investigator/ Investigating Officer	Invest. Coord.	Investigator
A. Sharing of evidence during investigations	A	P	A	P
B. Coordinate initial and followup interview and site visits during investigations	A	P	A	P
C. Share observations and concerns during investigations	A	P	A	P
D. Share investigation reports upon completion of investigation	P		P	
E. Meet at least twice a year to review investigation results and causal data	P		P	
F. Bring unsafe practices (causal factors) to the attention of respective inspection programs and monitor protocol effectiveness	P	A	P	A

\* The marine investigations function may be split between the Incident Management Branch and the Investigations Branch within each USCG Sector. Typically, Pollution Investigators are assigned to Incident Management Branch and have sole responsibility for pollution investigations not involving USCG inspected vessels and/or documented/licensed mariners Whereas, Investigating Officers assigned to the Investigations Branch are responsible for some aspects of pollution investigations involving USCG inspected vessels and personnel, as well as the conduct of investigations of other marine accidents which may not have resulted in a pollution incident.

### *Frequency of Communication*

- Appropriate USCG Branch Chiefs and Investigation Coordinator transmit respective investigation reports (in mutually agreeable form) upon completion of investigation where both parties are investigating.
- Appropriate USCG Branch Chiefs and Investigation Coordinator meet twice a year to review causal data identified during investigations for the purposes of identifying unsafe practices commonly encountered and to jointly bring these unsafe practices to the inspection programs of the organizations.

<b>USCG/ECOLOGY MOA</b>	<b>Protocols Manual</b>	Procedure: 5 Page: Page 6 of 7 Revision: 06/26/2007
<b>Investigations</b>		

- C. Appropriate USCG Branch Chiefs and Investigation Coordinator discuss protocol effectiveness annually. This may be conducted in conjunction with previously listed meetings.

***USCG Task Detail***

The Appropriate USCG Branch Chiefs will oversee the following tasks:

- A. Information collected by Pollution Investigators/Investigating Officers during the course of joint investigations is transmitted to Ecology investigators.
- B. Investigation reports are transmitted to Ecology's Investigation Coordinator upon completion of the investigation.

***Ecology Task Detail***

The Investigation Coordinator will oversee the following tasks:

- A. Information collected by investigators during the course of joint investigations is transmitted to appropriate USCG Sector Branch Chiefs.
- B. Investigation reports are transmitted to appropriate USCG Sector Branch Chiefs upon completion of the investigation.

**6. MEASURES OF EFFECTIVENESS**

***Partnership Measures***

- Number of investigations jointly coordinated where concurrent jurisdiction exists.
- Number of successful joint investigations.

<b>USCG/ECOLOGY MOA</b>	<b>Protocols Manual</b>	Procedure: 5 Page: Page 7 of 7 Revision: 06/26/2007
<b>Investigations</b>		

*Environmental Protection/Prevention Measures*

- Number of marine accidents resulting in spills. Goal: Reduce by 20% over five-year period.

**7. APPROVAL**



W. T. DEVEREAUX  
Captain, U. S. Coast Guard  
Thirteenth Coast Guard District  
Chief, Prevention Division



DALE JENSEN  
Program Manager  
Spill Prevention, Preparedness, and  
Response Program  
Washington Department of Ecology

DATE: 26 JUN 2007

DATE: 6-26-07

