

communication with the mariner requesting assistance (see listing in Paragraph 4.B.6.a. above), as updated by subsequent communications checks. Loss of or lack of effective direct communications may increase the level of apprehension. The definition of the ALERT emergency phase is again referred to, with its key word "apprehension." It should be considered that the situation may be causing apprehension in the mind of the mariner, especially if the mariner so indicates. Any action to alleviate that stress may be instrumental in preventing the situation from deteriorating. The greater the level of apprehension, the shorter the "reasonable period of time."

- (g) **Simultaneous Arrival.** *To minimize conflict, if an Auxiliary facility under orders or a Coast Guard resource arrives on scene nearly simultaneously with a commercial provider, it shall report to the SMC, remain on scene until it is confirmed the provider is capable of providing the required assistance and safely completing the case, then clear the area, and take no further part in the incident.*
- (h) **Mariner May Decline Offered Assistance.** To a limited extent, the mariner requesting assistance has the option to refuse offered assistance. If the requester refuses offers of assistance from a Good Samaritan or an Auxiliarist, another MARB may be issued or the SMC may decide to intervene and dispatch a different Auxiliary facility or a Coast Guard resource. The mariner may also elect to contact a commercial provider on a commercial channel.
- (i) **Commercial Assistance Declined.** A more difficult situation may arise if the mariner requesting assistance rejects the first arriving commercial assistance. Coast Guard Auxiliary or Coast Guard units should not assist in these cases so long as the situation remains classified below the DISTRESS phase. Nevertheless, the mariner may be assisted in finding alternatives. Upon notification that the mariner does not desire the assistance offered by the commercial provider, the Coast Guard may, upon the mariner's request, broadcast one additional MARB. The Coast Guard may also provide the telephone numbers of other commercial providers in the area so that the mariner can call them through the Marine Operator. If this is successful, it is the responsibility of the mariner, not the Coast Guard, to negotiate who provides the service. *If unsuccessful, and so long as the original commercial provider is on scene, the SMC may maintain a listening watch for the vessel, but must make it clear that neither Coast Guard nor Auxiliary units will be dispatched.* Should the commercial provider abandon the case, the SMC may dispatch a Coast Guard or Auxiliary unit or issue an additional MARB, as appropriate. The principle that governs further action by the SMC is that once a responder has arrived on scene, the level of apprehension regarding the case is probably significantly reduced. Further dealings between the requester and the responder are not Coast Guard responsibility. Additional services provided to the mariner requesting assistance would be provided only on a not-to-interfere basis so long as the level of apprehension remains low.
- (j) **If Situation Deteriorates.** The SMC should normally dispatch Coast Guard resources at any time the circumstances in a case threaten to deteriorate into a DISTRESS situation that exceeds the capability of the assisting resource.

4.1.6.4 Cases Discovered By Auxiliary Facility. 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, the Auxiliarist will 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 onboard. If the Auxiliary vessel cannot safely tow a disabled vessel that is standing into danger, it may endeavor to remove the persons from the threatened vessel and stand by until a more capable resource arrives on scene.

NOTE: Cases discovered by the Auxiliary are a particularly sensitive section of the policy. How the situation is dealt with is the end product of sustained negotiations and compromise effort on the part of all concerned parties. It intends that the Auxiliarist, not the SMC, will make the judgment as to whether the Auxiliarist can safely assist. When Auxiliarists notify the SMC that they intend to assist the vessel, they are not “asking for permission”. They have already determined they can safely provide assistance. The notification to the SMC is a courtesy. This policy does not reduce the operational commander's authority and responsibility to exercise command and control over all assigned forces, including Auxiliary vessels on ordered patrols. The operational commander may override the Auxiliarist's decision if warranted by an evaluation of the circumstances. However, unless there is a specific reason to do so, such as an indication of unusual risk or hazard, or an operational need to assign the Auxiliary vessel to a higher priority mission, the decision to assist should be left to the Auxiliarist.

- 4.1.6.5 Safe Haven Considerations.** In cases involving towing by the Coast Guard or Coast Guard Auxiliary, the vessel being assisted will normally be taken to the **nearest** safe haven that has an available means of communication, normally a telephone. Coast Guard or Auxiliary resources should not tow the vessel beyond the nearest safe haven when there are commercial resources that could perform this function. Exceptions to this policy may be made in specific cases if, in the judgment of the SMC, they are warranted by humanitarian or other concerns. When determining the suitability of a potential safe haven, the SMC should be sensitive to the reluctance of some private firms and yacht clubs to accept a disabled or damaged vessel and the attendant potential liability.
- 4.1.6.6 Relief of Tow.** In cases involving towing by the Coast Guard or Coast Guard Auxiliary where no emergency exists, the assisted vessel **may** be released to another provider who appears capable, provided that:
- (a) The SMC and coxswain of the assisting vessel determine that a hand-off can be carried out safely; and either
 - (b) Alternative assistance is desired and arranged by the operator of the vessel being assisted; or
 - (c) The operational commander has a higher need for the Coast Guard resource or Auxiliary facility.