



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

OPNAVINST 3440.16E
N31
18 May 2016

OPNAV INSTRUCTION 3440.16E

From: Chief of Naval Operations

Subj: NAVY DEFENSE SUPPORT OF CIVIL AUTHORITIES PROGRAM

Ref: (a) National Response Framework of May 2013
(b) DoD Directive 3025.18 of 29 December 2010
(c) DoD Instruction 3025.16 of 8 September 2011
(d) DoD Directive 5100.46 of 6 July 2012
(e) OPNAVINST N3040.5E (NOTAL)
(f) OPNAVINST 3440.15C
(g) DoD Instruction 3025.21 of 27 February 2013
(h) SECNAVINST 5820.7C
(i) OPNAVINST F3100.6J (NOTAL)
(j) USPACOM CONPLAN 5001-13 of 19 December 2013 (NOTAL)

1. Purpose

a. To establish policy, planning guidance and operational structure, and assign responsibilities to implement Navy defense support of civil authorities (DSCA) as directed in references (a) through (c). This instruction is a complete revision and should be reviewed in its entirety.

b. Summary of changes include new and updated guidance in the areas of the Department of Defense (DoD) complex catastrophe initiative; Navy regions re-alignment; support to U.S. Northern Command (USNORTHCOM) and U.S. Pacific Command (USPACOM); Commander, Navy Installations Command (CNIC) Navy emergency preparedness liaison officer (NEPLO) requirements; reporting criteria on Navy DSCA support; and NEPLO selection criteria.

2. Cancellation. OPNAVINST 3440.16D.

3. Background

a. Per reference (a), the Nation's domestic incident management landscape encompasses a broad spectrum of threats and hazards, both man-made and natural. Efforts to anticipate, respond to, and recover from these varied threats and hazards

evolved over the last half of the 20th century; plans were developed for different jurisdictions, disciplines, contingencies, and phases of incident management. To respond to the emerging threats of the 21st century, the Nation must embrace a unified and coordinated approach to incident management. The Homeland Security Act of 2002, Presidential Policy Directive-8 (PPD-8), National Preparedness, issued in March 2011, and the Homeland Security Presidential Directive-5 (HSPD-5), Management of Domestic Incidents, issued in February 2003, set forth the mission for this new national approach to domestic incident management. Accordingly, the Secretary of Defense has directed the Services to develop plans for conducting DSCA for domestic incidents.

b. Per reference (b), DSCA is defined as support provided by U.S. Federal military forces, DoD civilians, DoD contract personnel, DoD component assets, and National Guard forces (when the Secretary of Defense, in coordination with the governors of the affected States, elects and requests to use those forces in section 709 of title 32, United States Code (U.S.C.) status) in response to requests for assistance from civil authorities for domestic emergencies, law enforcement support, and other domestic activities, or from qualifying entities for special events.

4. Applicability

a. This instruction applies to all Navy activities and commands in both the United States and United States territories or possessions.

b. Foreign disaster assistance is not covered by this directive. The Department of State determines whether DoD assistance will be required in support of foreign disaster relief operations. Reference (d) provides further guidance.

c. Nuclear accidents are also excluded from coverage under this directive. References (e) and (f) provide further guidance.

d. Military support for civil disturbances, counter-drug, counter-terrorism, and sensitive support operations are outside the scope of this instruction. Further guidance can be found in references (g) and (h).

5. Policy

a. An all-hazards approach to DSCA response, to include chemical, biological, radiological, nuclear (excluded in subparagraph 4c), and high yield explosives, is required.

b. It is Federal Government policy to assist civil authorities in coping with incidents that exceed their response capability.

c. Conforming to the intent of section 1385 of title 18, U.S.C., Navy personnel assisting civil authorities in coping with civil emergencies must not enforce civil law, except as provided in references (g) and (h), or otherwise permitted by law or regulation.

d. The Navy's primary objective is to protect and restore mission capabilities. However, with consideration of Navy mission priorities, Navy commanders (at all levels) should be prepared to employ Navy resources, under their cognizance, to support civil authorities, as outlined in references (a) through (e). The term "Navy resources" in this context includes personnel, forces, equipment, supplies, and facilities owned or controlled by, or under the jurisdiction of, the Department of the Navy (DON).

e. Navy commanders are authorized to provide immediate response to requests from the civil sector pursuant to reference (b) in order to save lives, prevent human suffering, and to mitigate great property damage. Immediate response by commanders must not supersede their mission-related duties, or the survival of their personnel or facilities. Per reference (i), Navy commanders acting under immediate response authority must report, via operations report (OPREP)-3 procedures, the request, the nature of the response, and any other pertinent information to their chain of command and the National Military Command Center (NMCC). Notification should reach the NMCC within 2 hours of the decision to provide immediate response. While immediate response should be provided to civil agencies on a cost-reimbursable basis, per reference (b), it should not be delayed or denied because of the inability or unwillingness of the requester to commit to reimbursing the Navy. An immediate response must end when the necessity giving rise to the response is no longer present, or when directed by higher authority. The

Navy commander directing a response under immediate response authority will reassess whether there remains a necessity for a response under this authority as soon as practicable, but not later than 72 hours after the request for assistance, if response activities have not yet ended.

f. In support of the DSCA Program, Navy commanders may also respond to civil emergencies based upon lawful memorandums of understanding (MOU), memorandums of agreement (MOA), mutual aid agreements (MAA), inter-Service support agreements, executive orders or other plans; though this instruction does not constitute authority to enter into such agreements. Emergency response and recovery operations involve the principle of mutual assistance. Navy commanders should be prepared to both aid civil authorities and request assistance, if needed, from other Services, Federal agencies, and State and local civil authorities within their area.

g. Except as provided for under immediate response circumstances, or subparagraph 5f, Navy resources will be provided in support of civil authorities only upon approval of the Secretary of Defense or his or her delegated representative.

h. Navy services and resources will be provided on a cost reimbursable basis per reference (b). Authority to waive reimbursement rests with the Secretary of Defense or his or her delegated representative.

i. Per Joint Publication 1-02, DoD Dictionary of Military and Associated Terms, of 8 November 2010 (as amended through 15 February 2016), the DoD-approved definition of "complex catastrophe" is "any natural or man-made incident, including cyberspace attack, power grid failure, and terrorism, which results in cascading failures of multiple, interdependent, critical, life-sustaining infrastructure sectors and caused extraordinary levels of mass casualties, damage, or disruption severely affecting the population, environment, economy, public health, national morale, response efforts, and/or government functions." All Navy DSCA planning must include complex catastrophe considerations.

j. In support of the DSCA Program, Navy must maintain a NEPLO program.

(1) The minimum NEPLO billets are: one assigned in each state, with two assigned to the disaster prone States Florida, Texas and California; two assigned in each Federal Emergency Management Agency (FEMA) region and FEMA national, respectively; two assigned at CNIC; one assigned at each Navy region command; two assigned at Office of the Secretary of Defense; one assigned in Guam, Virgin Islands, and Puerto Rico, respectively; six assigned at Commander, U.S. 3rd Fleet (COMTHIRDFLT); one assigned at U.S. Fleet Forces Command (USFLTFORCOM) and U.S. Naval Forces Northern Command (NAVNORTH); and one assigned at U.S. Pacific Fleet Command (PACFLT); one assigned at USNORTHCOM; one assigned at U.S. Army Pacific; and one assigned at U.S. Army Northern Command (ARNORTH).

(2) Specific NEPLO requirement waiver and exception requests will be submitted to the Deputy Chief of Naval Operations for Operations, Plans and Strategy (CNO N3/N5) for review. Waivers will be submitted by CNIC in coordination with USFLTFORCOM, NAVNORTH, and PACFLT.

(3) Integrated Command and Control Alerting Tool Suite (IC2ATS) is the Web-based approved readiness, planning, tracking and reporting system for NEPLOs and the NEPLO program manager to use in the USFLTFORCOM and PACFLT DSCA area of responsibility (AOR).

6. Organizational Structure

a. Navy principal planning agents (PPA) are USFLTFORCOM, NAVNORTH, and PACFLT. As such, they are the supporting Navy component commander to USNORTHCOM and USPACOM, respectively, and are responsible for planning, coordinating, and executing Navy DSCA operations within their assigned geographic areas.

b. Navy regional planning agents (RPA) are the designated Navy region commanders of their respective PPA for planning, coordinating, and executing Navy DSCA operations within a specific geographical area, and for ensuring that subordinate organizations have an effective standing program to support civil authorities.

c. NEPLOs are senior Navy Reserve officers assigned to represent and support Navy PPAs and RPAs in coordinating and executing Navy DSCA plans and responsibilities.

7. Responsibilities

a. Per references (b) and (c), Office of the Chief of Naval Operations (OPNAV) Director, Operations and Plans (OPNAV N31) will:

(1) Act as the principal point of contact within the DON with the Office of the Deputy Assistant Secretary of Defense for Homeland Defense Integration and DSCA, and the Joint Directorate of Military Support regarding Navy policies pertaining to the management of the Navy DSCA Program.

(2) Serve as the principal point of contact to the Assistant Secretary of Defense for Homeland Defense and Global Security on matters relating to the NEPLO Program.

(3) Provide oversight of the NEPLO billets, with regard to both number and distribution, to ensure Navy meets the requirements of reference (c).

b. OPNAV Director, Shore Installation Readiness Division, (OPNAV N46) will:

(1) Program to equip each NEPLO with appropriate information technology equipment configured for remote access, including technical support, training, repair, update, and replacement in order to meet the requirements of USNORTHCOM and USPACOM commanders.

(2) Program temporary additional duty travel funding for those Navy region headquarters staffs responsible for DSCA.

c. USFLTFORCOM and NAVNORTH will:

(1) Serve as the lead PPA for the continental United States (CONUS), Alaska, Puerto Rico, and U.S. Virgin Islands for all Navy DSCA operations and have operational control (OPCON) of region commanders in support of DSCA operations.

(2) Designate Navy region commanders as RPAs to support Navy DSCA planning and execution in CONUS, Alaska, Puerto Rico, and U.S. Virgin Islands consistent with the region commander's area of operations outlined in figure 1.

(3) Act as maritime planning agent in support of DSCA operations in the USNORTHCOM AOR.

(4) Serve as lead PPA and establish operational and training requirements, equipment, and readiness standards to meet the specific service requirements contained in references (b) and (c) in coordination with PACFLT and CNIC.

(5) Issue implementing directives, planning guidance, and execution orders as necessary to ensure readiness to provide command and control of Navy DSCA support.

(6) Coordinate Navy role and participation in local, state, national, and USNORTHCOM DSCA related exercises.

(7) Provide support (including NEPLO augmentation) to PACFLT for DSCA operations and exercises within the USPACOM area of operations when requested via the maritime operation center battle watch.

(8) As NAVNORTH, exercise OPCON of NEPLOs supporting DSCA operations in the USNORTHCOM AOR.

(9) Coordinate with CNIC for manpower and funding support for all NEPLO requirements.

(10) Coordinate with CNIC regarding NEPLO requirement waiver and exception request.

d. PACFLT will:

(1) Serve as PPA for the State of Hawaii, U.S. territories of Guam, American Samoa, Jarvis Island, Wake Atoll, Midway Atoll, Johnson Atoll, Baker Island, Howland Island, Palmyra Atoll, Kingman Reef, and the Commonwealth of the Northern Marianas Islands (CNMI) for all Navy DSCA operations. Maintain OPCON of region commanders in support of DSCA operations.

(2) Support USFLTFORCOM and NAVNORTH in DSCA planning and execution within the USNORTHCOM AOR as directed.

(3) Designate Navy region commanders as an RPA to support Navy DSCA planning and execution in the USPACOM area of operations with the region commander area of operations outlined in figure 1.

(4) Designate COMTHIRDFLT as maritime planning agent in support of DSCA operations in applicable portions of USPACOM and USNORTHCOM AORs. Provide direct liaison authority between USFLTFORCOM and NAVNORTH, PACFLT, and COMTHIRDFLT for DSCA operations in the USNORTHCOM AOR.

(5) Designate Commander, U.S. 7th Fleet as maritime planning agent in support of DSCA operations in applicable portions of USPACOM's AOR.

(6) Issue an implementing directive, planning guidance and execution orders as necessary to carry out the Navy DCSA Program.

(7) Coordinate Navy participation in local, state, national, and USPACOM DSCA related exercises, and Pacific region phase 0 interagency preparedness engagement venues.

(8) Exercise OPCON of NEPLOs supporting DSCA operations in the USPACOM AOR.

(9) Exercise command and control of the Guam defense coordinating officer (DCO) - West; the Guam defense coordinating element (DCE) - West; and task force (TF) - West, per reference (j).

(10) Coordinate with CNIC for manpower and funding support for all NEPLO DCO and DCE - West and TF - West requirements.

(11) Coordinate with CNIC regarding NEPLO requirement waiver and exception requests.

e. CNIC will:

(1) Ensure RPAs are funded for DSCA plans and requirements consistent with PPA guidance.

(2) Designate an individual to manage the CNIC Phase 0 Shore DSCA and NEPLO Programs. Duties must include: the development and submission of program objective memorandums; coordination of reserve orders and resource funding; coordination of Navy's participation and attendance of the NEPLO Proficiency Course; and coordination of Navy's participation and attendance to the annual national and regional emergency preparedness liaison officer (EPLO) and operational support officer conferences and workshops.

(3) In the event a NEPLO is unable to continue in the assignment, in coordination with appropriate RPA and Commander, Naval Reserve Forces Command (COMNAVRESFORCOM), select a qualified individual to serve until the next NEPLO administrative selection board is convened.

(4) Ensure Navy RPA staffs are trained annually in DSCA requirements and operations.

(5) Act as a supporting commander to USFLTFORCOM, NAVNORTH, and PACFLT for support of the Navy's overall DSCA Program as directed.

(6) Program sufficient funding to support phase 0 and Reserve personnel operations and maintenance. Establish policies and procedures to fulfill the phase 0 and NEPLO Program requirements for equipping, resourcing, training, professional development, exercise participation, planning activities, activation, and other employment activities.

(7) Provide OPNAV N31 with an annual program assessment of Navy region DSCA and NEPLO operations by 15 December, with information copies to USFLTFORCOM, NAVNORTH, and PACFLT.

(8) Use IC2ATS to manage all NEPLO training, readiness, and DSCA reporting.

(9) Use IC2ATS to track and report all phase 0 DSCA MOU and MOA responses to include immediate response.

(10) Submit NEPLO requirement waiver and exception requests to CNO N3/N5.

f. RPAs will:

(1) Develop a region plan for providing DSCA consistent with the guidance provided by the PPAs.

(2) Designate a DSCA coordinator, O-6 or civilian equivalent, to coordinate planning and execution of the Navy DSCA Program in coordination with the region DSCA and NEPLO commander. The DSCA coordinator must attend the annual national EPLO conference or workshop.

(3) Coordinate the Navy response, within their assigned regions as outlined in figure 1, to assist in emergency response as directed by USFLTFORCOM and NAVNORTH or PACFLT. Be prepared to coordinate (or support) Navy DSCA operations in adjacent regions as necessary.

Commander, Navy Region (CNR) Alignment

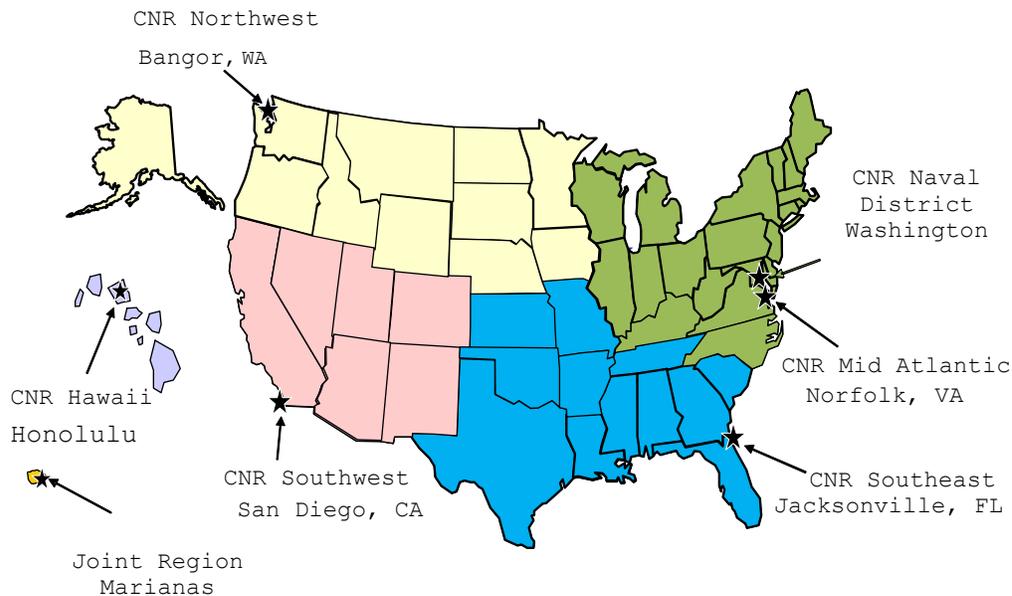


Figure 1: Navy Region Alignment

(4) Provide guidance and assign responsibilities to NEPLOs supporting military and civil authorities.

(5) Coordinate with respective PPA, and other agencies as required, regarding NEPLO support of DSCA exercises.

(6) Provide CNIC, by 15 October, an annual DSCA and NEPLO program assessment covering, at a minimum, an overview of the prior fiscal year (FY) DSCA responses, training, and NEPLO supported operations. Additionally, provide current FY mission essential equipment requirements, training, funding, and readiness status of assigned NEPLOs.

(7) Assume custody, as well as ownership, maintenance, and management, of mission essential equipment provided to NEPLOs.

(8) Exercise DSCA program coordination with USFLTFORCOM, NAVNORTH, and PACFLT, as appropriate.

g. COMNAVRESFORCOM, in coordination with Navy Personnel Command, will ensure officers with appropriate NEPLO experience are assigned as voting members of the apply board, ensuring representation in the unrestricted line panels, which have billets available for selection.

(1) Select highly qualified senior-level Reserve officers (typically O-5 and O-6).

(2) Have a mandatory retirement date sufficient to serve an initial 2-year tour.

(3) Individuals selected for state or territory NEPLO billets should be a resident of and reside within the state or territory and have at least a final secret clearance. The residency consideration is especially important for geographically isolated locations such as Hawaii, Guam, and CNMI. The Guam island NEPLO must reside on the island. NEPLOs selected for FEMA billets should maintain primary residency within 400 miles of the assignment. Office of the Secretary of Defense NEPLOs must maintain a top secret clearance. Region DSCA and NEPLO commanding officers should live in their region. Other specific requirements may be determined by the PPA and RPA or by individual billet requirements.

(4) Selected individuals must be able to assume the duties of the assigned billet on 1 December of the year selected.

h. NEPLOs will:

(1) Perform duties as assigned by the RPA or PPA and those specified in references (b) and (c).

(2) Serve as the primary interface between the Navy RPA, PPA, and the assigned command or agency.

(3) Be prepared to utilize inactive duty training periods to respond proactively to potential local DSCA incidents and report back with situation reports to the RPA or PPA, as appropriate. Be prepared to execute, on short notice, when ordered by the Navy RPA or PPA. Once identified, serve as the Navy PPA's or RPA's representative in the DoD response to a civil emergency. NEPLOs will keep their RPA and PPA informed when they will not be available at their normal recall location for more than 48 hours.

(4) Meet the requirements of subparagraphs 7g(1) through 7g(4) before applying for NEPLO billets.

(5) Complete the ARNORTH DSCA Phase 1 and 2 Courses and the NEPLO Proficiency Course, which are required phase 0 training. NEPLOs will also attend and participate in the annual national, regional, and joint EPLO preparedness workshops, national level exercises, and Navy citadel series exercises.

(6) Annually brief Navy installations on DSCA, to include a review and cataloging of MOUs, MOAs, and MAAs and the base support installation and incident support base surveys in IC2ATS.

8. Waiver. Authority to waive the requirements levied by this instruction is held by the CNO N3/N5.

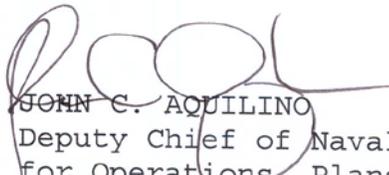
9. Changes. Submit change requests for this instruction to Director, Operations and Plans (OPNAV N31), 2000 Navy Pentagon, Washington, DC 20350-2000 (Attention: DSCA coordinator (OPNAV N31)).

10. Records Management. Records created as a result of this instruction, regardless of media and format, must be managed per Secretary of the Navy Manual 5210.1 of January 2012.

11. Information Management Control

a. OPNAV RCS 3440-7 has been assigned to annual NEPLO program assessment contained in subparagraph 7e(7) and to annual DSCA and NEPLO program assessment contained in subparagraph 7f(6).

b. OPNAV RCS 3440-8 has been assigned to annual DSCA installation brief contained in subparagraph 7h(6).



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