



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

OPNAVINST 4740.2H
OPNAV N3/N5
07 Jan 2021

OPNAV INSTRUCTION 4740.2H

From: Chief of Naval Operations

Subj: SALVAGE AND RECOVERY PROGRAM

Ref: (a) SECNAVINST 4740.1C of 17 Apr 2019
(b) NWP 4-12 of November 2008
(c) OPNAVINST 3150.27C of 24 Jun 2016
(d) OPNAVINST 3500.39D of 29 Mar 2018
(e) OPNAV M-5090.1 of September 2019
(f) OPNAVINST 3750.6S of 13 May 2014
(g) DoD Directive 3025.18, Defense Support of Civil Authorities (DSCA), December 2010
(h) DoD Instruction 3025.21, Defense Support of Civilian Law Enforcement Agencies, February 2013
(i) JP 3-28 of October 2018
(j) JAGINST 5800.7F
(k) SECNAVINST 5360.6

1. Purpose.

a. To provide implementation policy for salvage and recovery operations involving U.S. government ships, cargo, aircraft and other objects, such as space vehicles, nose cones, ordnance and weapons.

b. To provide implementation policy for salvage and recovery services provided to, or received from, foreign governments and other parties, as appropriate.

c. To assign responsibilities for executing this policy.

d. This instruction is a complete revision and should be reviewed in its entirety. The changes in subparagraphs 1d(1) through 1d(7) have been implemented.

(1) Realigned reporting and requesting responsibilities based on Office of Chief of Naval Operations (OPNAV) reorganization.

(2) Clarified rules and references regarding defense support of civil authorities (DSCA) in subparagraph 7c(3).

(3) Clarified criteria for providing salvage support to private and commercial entities in subparagraph 7c(5).

(4) Updated the information on Remains Recovery to align with reference (k) Human Remains Associated with Sunken Military Craft, in subparagraph 7c(6).

(5) Shifted responsibility for establishing the Salvage Executive Steering Committee (SESC) from the fleet to Chief of Naval Operations (CNO) in subparagraph 8a(2).

(6) Added the responsibility of a periodic review and assessment of Navy salvage capability and force requirements for Deputy, Operations and Plans (CNO N3/N5) in subparagraph 8a(2).

(7) Added a salvage reporting requirement for Navy Salvage Forces in paragraph 10.

2. Cancellation. OPNAVINST 4740.2G.

3. Scope and Applicability. The policies, responsibilities and procedures given here apply to all salvage and recovery operations conducted by the Department of the Navy (DON). Additionally, this instruction contains specific actions for CNO; Commander, U.S. Fleet Forces Command (USFLTFORCOM); Commander, U.S. Pacific Fleet (PACFLT); Commander, Naval Sea Systems Command (NAVSEASYS COM); and Commander, Naval Education and Training Command (NETC).

4. Background. The Navy's Salvage Program stems from 10 U.S.C. §8701-8704 (Salvage Facilities Act) which authorizes the Secretary of the Navy to provide necessary salvage facilities for public and private vessels and to settle claims for salvage services rendered by the Navy. This authority allows for the maintenance of a national salvage capability for use in peacetime, war and national emergency. To this end, the Navy maintains a small number of ships and personnel trained in and capable of salvage and ocean towing, which may be augmented in time of war or national emergency. Salvage operations are unique tasks that require specialized equipment and systems, as well as highly trained personnel. These operations range from routine and emergency vessel tows, to dive tasks at shallow depths, to more demanding missions such as refloating sunken or stranded ships, raising submarines, clearing wrecks from obstructed waterways, oil pollution response and recovering objects from the deepest depths of the oceans. For the remainder of this instruction, the term "salvage" is meant to be inclusive of these capabilities. The accomplishment of these tasks requires that the Navy:

- a. maintains worldwide salvage and recovery facilities and capability.
- b. maintains a training school for diving and marine salvage.
- c. maintains plans for expanding the Navy's salvage and rescue tow facilities and capability

through government and civilian augmentation in time of war or emergency.

5. Information. Salvage response poses unique operational, legal, safety and environmental challenges. References (a) through (k) provide guidance and policy concerning these challenges.

a. Reference (a) delegates Secretary of the Navy authority to provide necessary salvage facilities for public and private vessels.

b. Reference (b) is a single source planning document detailing doctrine and operational concepts for planning and executing Navy salvage operations between Navy salvage forces and joint forces.

c. Reference (c) establishes policy and assigns responsibility for the Navy Diving Program and applies to all diving, diver training and manned hyperbaric systems operations conducted by the Navy afloat and ashore, including all diving performed by DON civil service employees.

d. Reference (d) establishes operational risk management policies, guidelines, procedures and responsibilities applicable to all Navy activities, commands, personnel and contractors under the direct supervision of government personnel.

e. Reference (e) implements the Environmental Readiness Program and includes guidance concerning oil and hazardous substance (OHS) spill response, sunken Navy vessels and afloat operations.

f. Reference (f) establishes the Naval Aviation Safety Program and provides guidance on the recovery of aircraft wreckage in support of a mishap investigation.

g. References (g) and (h) establish policy and assign responsibilities for DSCA, also referred to as civil support.

h. Reference (i) provides overarching guidelines and principles to assist commanders and their staffs in planning, conducting and assessing DSCA.

i. Reference (j) provides guidance on affirmative action claims relating to salvage.

j. Reference (k) establishes policy for human remains associated with sunken military craft and requires notification and consultation with the Naval History and Heritage Command prior to taking action that may affect human remains on sunken military craft lost for more than 1 year.

6. Policy.

a. The Navy will maintain a core level of forces and assets necessary to accomplish required

salvage, towing and recovery actions. In addition, the Navy will maintain commercial worldwide salvage and recovery contracts to allow for flexibility and augmentation of salvage forces to meet emergent mission requirements.

b. The authority of the Secretary of the Navy under the Salvage Facilities Act, 10 U.S.C. §8701-8704, as delegated within the U.S. Navy by reference (a), to salvage public and private vessels does not imply a Navy commitment to maintain salvage facilities in excess of Navy requirements, nor to render salvage assistance on all occasions or in response to all requests.

c. Requests from federal and civil authorities for salvage and recovery assistance will be evaluated for accomplishment with Navy assets. If such assets are not readily available or are beyond mission capability, commercial salvage and recovery contracts may be used per reference (a).

d. Salvage assistance requests by private entities must be evaluated per paragraph 7. The Navy's longstanding policy to avoid competition with commercial entities mandates that before starting any salvage effort in support of a private party, a determination be made that the salvage response is in the public interest and that adequate commercial salvage services or facilities, private salvage services, or both, are not reasonably available to render similar services within the requisite time frame.

e. Navy salvage forces are organized and equipped to provide forces on demand globally to support operations across the spectrum of conflict. Key planning considerations include safety and environmental protection.

(1) Diving operations by qualified DON personnel must be conducted in compliance with reference (c), the Navy Diving Program. Diving operations for the Navy conducted by other Service diving units or commercial divers under diving and salvage contracts must adhere to their standards and regulations.

(2) Salvage and recovery operations are inherently dangerous. Compliance with reference (d) will reduce mishaps and optimize operational readiness and mission success.

(3) The Navy is committed to operating successfully in a manner compatible with the environment while upholding its warfighting mission. Salvage operations carry a risk of release of oil and hazardous materials or harm to natural resources. Therefore, operations must adhere to reference (e).

7. Procedures.

a. Emergent or Urgent Salvage and Calls of Distress. No portion of this instruction limits or alters the responsibility of a commanding officer or ship's master to provide assistance to persons, ships and aircraft in distress as specified under U.S. Navy Regulations, article 0925, and

as agreed to in international conventions.

b. Technical Assistance and Advice. NAVSEASYSCOM (00C) Supervisor of Salvage and Diving (SUPSALV) is the Navy's salvage and diving technical authority. Information about salvage and recovery operations, including information on the general capabilities of both U.S. Navy and commercial assets, may be obtained directly from SUPSALV. Operations and Plans division (OPNAV N3) is the point of contact for salvage requests sent to the CNO and can provide advice on the procedures in this paragraph.

c. Requests for U.S. Navy Salvage and Recovery Assistance.

(1) Naval Operating Forces. Salvage and recovery of Navy and Marine Corps assets (e.g., landing craft, aircraft) is the responsibility of the fleets. When fleet resources are not readily available or mission capability is exceeded, the cognizant echelon 2 fleet commander may request assistance to CNO N3/N5 by naval message. The request must include as Director, Expeditionary Warfare (OPNAV N95); Director, Undersea Warfare (OPNAV N97); NAVSEASYSCOM (00C); Military Sealift Command; and Navy Expeditionary Combat Command as "information only" recipients. Requests for assistance in aircraft salvage and recovery operations that exceed fleet resource availability or mission capability must also inform Commander, Naval Air Systems Command (NAVAIRSYSCOM), and Director, Air Warfare (OPNAV N98). See subparagraph 9c for further guidance concerning aircraft mishaps.

(2) Other Navy or DoD Requests. Forward requests for salvage of non-operational Navy assets or requests originating within DoD (non-Navy) to CNO N3/N5 by the most expeditious means available, followed by a naval message describing the request to CNO N3/N5, with the cognizant echelon 2 fleet commander and the officies identified in subparagraph 7c(1) as "information only" recipients.

(3) Federal Agencies and Civil Authorities. Requests for assistance from persons or organizations outside DoD must be made per references (g), (h), and (i). All requests received by local commanders from federal agencies or civil authorities, or both, must be forwarded to the cognizant echelon 2 fleet commander by the most expeditious means available and followed by a message or letter. Include NAVSEASYSCOM (00C) as an "information only" recipient. Requests for assistance from other federal agencies and civil authorities will be submitted to the Executive Secretary of the Department of Defense for approval.

(4) National Response. Specific salvage support is not pre-approved by any agreement. The National Response Framework, memorandums of understanding, memorandums of agreement, interagency agreements, emergency plans and contingency plans aid in defining the scope of support and roles and responsibilities of participants. Regardless of the operational environment, executing salvage services requires approval of CNO N3/N5. Actions taken under an existing immediate response authority, which is defined in reference (g), and response to distress situations as explained in subparagraph 7a are the only exceptions.

(5) Private or Commercial Interests. Requests received from private or commercial entities for Navy salvage or recovery assistance will not normally be approved absent the possibility of saving lives. Navy assistance in a non-life threatening scenario requires a 3-prong determination that: (1) an immediate salvage response is needed (e.g., to preclude an imminent environmental crisis, obstruction to navigation or significant loss of property); and (2) adequate commercial or private salvage services or facilities are not reasonably available to render similar services within the requisite time frame; and (3) Navy salvage assets are reasonably available. Emergent salvage conducted on behalf of private or commercial interests creates an affirmative right to recover costs and salvage awards under reference (j). All salvage recovery efforts must be reported to SUPSALV Admiralty Counsel for affirmative claim review.

(6) Remains Recovery. The Navy respects the sanctity of human remains and recognizes the sea as a fit and final resting place so generally will not conduct operations for the primary purpose of recovering human remains. Contact CNO N3/N5 for guidance and assistance before responding to requests to recover remains and comply with reference (k) for human remains that are associated with sunken military craft lost for more than 1 year.

(7) Requests from and to Foreign Governments. Some treaties and international agreements allow for waiver of salvage claims between governments under certain circumstances. The signatories recognize that it is often in their interest to render salvage assistance without expectation of remuneration. Each salvage operation is unique and international agreements differ. Therefore, each salvage operation within the scope of this subparagraph must be examined to determine whether a waiver is applicable. Refer questions regarding applicability of waiver of maritime salvage claims to SUPSALV Admiralty Counsel.

(a) Requests for U.S. Navy salvage assistance from foreign governments are typically submitted to the appropriate U.S. Embassy or office of the Department of State for coordination. The United States Defense Attaché Office will then forward the request to the respective combatant commander for further coordination. Unless tasked from higher authority, approval authority for salvage support to foreign governments will be as directed by CNO N3/N5.

(b) CNO generally will request salvage assistance from foreign governments through established diplomatic or military channels in coordination with the appropriate combatant commander and the Department of State.

d. U.S. Naval Vessel Requirements for Emergency Salvage and Other Services.

(1) Safety of ship and crew is paramount. No portion of this instruction should be construed to prohibit, restrict or relieve the commanding officer or ships master from taking the immediate and necessary actions to preserve safety of ship and crew.

(2) In situations where the commanding officer or ships master determines that safety of ship or personnel requires immediate salvage or towing services and U.S. Navy assets or

SUPSALV contracted support are not reasonably available, then arrangements for private commercial services should be made on a fixed price per day or “time and materials” basis.

(a) In the event that required private commercial services are only available under a standard form of salvage agreement, a notation must be made on the form or provided on a separate addendum document stating: "I do not believe I have the authority, under U.S. law, to commit the U.S. Government to the Arbitration or Governing Law provisions of this document or contract, or both." This notation will then be signed by the commanding officer or master of the naval vessel.

(b) Immediately provide the circumstances surrounding the agreement with the private commercial salvors to CNO N3/N5; Office of the Judge Advocate General, Admiralty and Maritime Law (Code 11); Office of General Counsel; and SUPSALV, and inform the chain of command.

8. Action.

a. The CNO must:

(1) establish the position of SUPSALV within NAVSEASYSCOM.

(2) through CNO N3/N5:

(a) Adjudicate request for salvage support received per the procedures of subparagraph 7c.

(b) Establish a SESC to address salvage related mission functions. This should include a periodic review and assessment of Navy salvage capability and force requirements with input from key stakeholders (i.e., SUPSALV, Military Sealift Command and Navy Expeditionary Combat Command (NAVEXPDCMBTCOM)).

(3) through the Director, Fleet Readiness OPNAV N83, validate with resource sponsors the operational requirements for Navy Mobile Diving and Salvage Unit, underwater search and recovery programs.

(4) through OPNAV N95, provide policy and programming concerning the Navy Salvage Program with regard to outfitting of Navy salvage forces within NAVEXPDCMBTCOM.

(5) through OPNAV N97:

(a) establish policy and operational requirements for Navy Diving.

(b) establish policy and procedures for employment of manned deep submergence

underwater search, location and recovery operations.

(c) be responsible for coordinating manned deep submergence operations and all diving within DON and between other DoD offices, other federal agencies and foreign governments.

(6) through the Director, Strategic Mobility and Combat Logistics (OPNAV N42), provide policy and programming concerning the Navy Salvage Program with regard to the operation, maintenance, outfitting and training of salvage ships and platforms.

(7) through the Director, Energy and Environmental Readiness (OPNAV N45), establish operational requirements and policy for response to OHS releases associated with salvage operations.

b. Echelon 2 fleet commanders must:

(1) develop salvage force level requirements to support peacetime and wartime mission assignments.

(2) ensure assigned ship commanding officers and masters are familiar with this instruction.

(3) schedule and conduct salvage operations using available fleet assets as assigned by higher authority. If required resources are not available or the requirement exceeds the assigned forces capabilities, the cognizant echelon 2 fleet commander must refer the requirement to CNO N3/N5 via the chain of command.

(4) when requesting salvage assistance for situations that exceed the capability or capacity of assigned assets, identify a funding source and specify the command and control relationship for the augmenting salvage force.

c. USFLTFORCOM and PACFLT must provide salvage forces with adequate resources, training and equipment necessary to fulfill mission requirements for salvage and recovery in addition to the responsibilities listed in subparagraph 8b.

d. NAVSEASYSCOM must:

(1) direct SUPSALV to execute the responsibilities outlined in reference (a) including providing, by contract or otherwise, necessary salvage facilities for both public and private vessels determined to be in the best interests of the United States.

(2) Through SUPSALV, execute the specific responsibilities detailed in subparagraph 8.d(2)(a) through (q):

- (a) Carry out the delegated Secretarial authority of the Salvage Facilities Act.
- (b) Provide technical direction and policy guidance for the Navy Salvage and Recovery Program.
- (c) Maintain commercial contracts to supplement the Navy's salvage, search, and recovery capabilities when necessary.
- (d) Through the SUPSALV Admiralty Counsel assert, consider, ascertain, adjust, determine, compromise, settle and receive payment for claims for salvage services provided by the DON, referring such cases as necessary to the Department of Justice for litigation or arbitration. Claims received for salvage services provided to the DON must be referred to the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), OJAG (Code 11).
- (e) Provide for procurement, maintenance and distribution of salvage and related pollution abatement material to the emergency ship salvage material (ESSM) storage facilities. Equipment distribution outside the continental U.S. will be coordinated with the appropriate echelon 2 fleet commander.
- (f) Upon request and consistent with asset availability, provide echelon 2 fleet commanders with equipment and systems to assist in the accomplishment of salvage and recovery missions from the ESSM system.
- (g) Maintain and operate deep ocean search and recovery assets with global full ocean depth capability down to 11,000 meters (36,000 feet) sea water.
- (h) Serve as the Navy's technical authority for all technical matters concerning salvage, towing, heavy lift, search and recovery.
- (i) Consult and provide information to CNO on matters that impact Navy salvage and recovery programs and notify CNO of all instances in which operations are contemplated that vary from established naval policy.
- (j) Develop salvage, towing and search and recovery systems and equipment consistent with operational requirements.
- (k) In coordination with CNO and echelon 2 fleet commanders, develop and maintain plans for expanding the Navy's salvage, rescue towing and deep ocean search and recovery capabilities.
- (l) Support fleet and other operational commanders when tasked.
- (m) Conduct and exercise project management oversight of salvage operations as

directed by the CNO.

(n) Support the Director, Naval Nuclear Propulsion (NAVSEA 08) and provide technical assistance for salvage or recovery operations involving nuclear powered ships.

(o) Maintain familiarity with the commercial salvage industry and its capabilities; evaluate the salvage industry ability to augment Navy's capability in support of national defense; enter into and administer contracts with private enterprise for salvage, search and recovery services for public and private vessels and aircraft consistent with reference (a); and process and settle claims for salvage, search and recovery services rendered by naval activities to non-Navy activities.

(p) Consistent with reference (e), provide capability for response to OHS releases on the open ocean or incident to salvage operations.

(q) Inform CNO N3/N5 whenever Navy salvage assets are employed under the terms of a support agreement and coordinate all new salvage support agreements with CNO N3/N5.

e. NETC must ensure training curricula and infrastructure is in place to support a cadre of trained personnel for salvage response, OHS response and deep ocean search and recovery operations that meets fleet and Operational Plan (OPLAN) requirements. NETC must coordinate with SUPSALV, NAVEXPDCMBTCOM and MSC as training requirement sponsors to develop and update curricula, as required. Any disagreement amongst requirement sponsors on training issues will be adjudicated by the SESC.

9. Funding.

a. Echelon 2 fleet commanders are responsible for funding all costs related to salvage or recovery of fleet assets under their cognizance.

b. SUPSALV salvage and recovery services are provided on a reimbursable basis, except when otherwise directed by CNO N3/N5.

c. NAVAIRSYSCOM is responsible to fund, as coordinated with Commander, Naval Air Forces, search and recovery services in support of aircraft mishap investigations, per reference (f).

d. Other federal agencies or civil authorities requesting Navy salvage and recovery operations within the scope of this instruction ordinarily must arrange for a citation of funds, cash deposit or "promise to pay" before the commencement of any operation. If support is provided in which an existing agreement does not apply, charges for salvage services by naval forces are limited to costs incurred. If litigation against a private party to recover costs is expected, full per diem rates apply. Contractor services are provided at full contract rates.

e. Salvage of foreign public vessels and aircraft may be subject to treaties and agreements that affect the charges made for salvage services. Per subparagraph 7c(7), agreements are not uniform, thus a payment determination must be made on a case-by-case basis.

f. The Navy may claim a voluntary salvage award for salvage services to private interests following well-settled rights under general maritime law. Alternatively, the Navy may charge per diem rates. Billing on a per diem basis for salvage operations is solely within the discretion of DON. The Navy does not waive or surrender the right to bring a salvage claim under the general maritime law. Per diem billing is made on the express condition that the bills are paid promptly. Until receipt of full payment, all salvage rights are reserved.

10. Salvage Reports. Navy salvage forces must submit a Post-Salvage Operations Report to SUPSALV. In the instances Navy salvage forces render salvage and recovery assistance to private entities, commercial entities or to foreign governments, a Post-Salvage Operations Report must be submitted by the operational commander of the salvage operation to SUPSALV, with CNO N3/N5 as an “information only” recipient. Post-Salvage Operations Reports are independent of an Admiralty Letter Report (ALR) that may be required in appropriate cases by chapter 12 of reference (j).

11. Restrictions. This instruction is issued to provide operational policy and guidance and implies no conclusions regarding the scope of the law of salvage or legal rights and obligations arising from admiralty or salvage law. Neither is it intended to apply to the property of a foreign government, unless a request for assistance from the personnel manning the craft or other authorized representatives of that government has first been received.

12. Records Management.

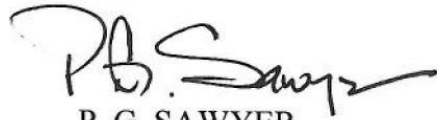
a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned per the records disposition schedules located on the Department of the Navy/Assistant for Administration, Directives and Records Management Division portal page at <https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx>.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact the local records manager or the OPNAV Records Management Program (DNS-16).

13. Review and Effective Date. Per OPNAVINST 5215.17A, CNO N3/N5 will review this instruction around the 5-year anniversary of its issuance date to ensure applicability, currency and consistency with Federal, Department of Defense, Secretary of the Navy and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be in effect for 10 years, unless revised or cancelled in the interim, and will be reissued by the 10-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST

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5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the need for cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.

A handwritten signature in black ink, appearing to read 'P. G. Sawyer', with a stylized flourish at the end.

P. G. SAWYER
Deputy Chief of Naval Operations
for Operations, Plans, and Strategy

Releasability and distribution:

This instruction is cleared for public release and is available electronically only via Department of the Navy issuances Web site, <https://www.secnav.navy.mil/doni/default.aspx>.