APPENDIX G

COMUSNAVCENT Modifications, Additions and Comments to the Findings of Facts of the Investigating Officer's Report
APPENDIX G

I. PRELIMINARY STATEMENT ON ADDITIONAL ENCLOSURES

Add enclosure 266: Joint Personnel Recovery Agency (JPRA) to Investigating Officer Request (9 February 16) for Reintegration Debriefing Materials Farsi Island Incident, dtd 4 March 2016. (U)

Add enclosure 267: The assorted JPRA requested documents, received by Commander, U.S. Naval Forces Central Command (NAVCENT) on 8 March 16. The assorted documents are mostly administrative in nature including Isolated Personnel Report (“ISOPREP”) cards of the Riverine Command Boat (RCB) Sailors, signed non-disclosure/confidentiality statements by the RCB Sailors, plus Evasion Plans for the RCBs. *(S)*

Add enclosure 268: COMFIFTHFLT 141630Z Jul 15, FIFTH FLEET COMMANDER DISCUSSION ON THE USE OF FORCE AND THE CONCLUSION OF P5+1 NEGOTIATIONS, to reflect COMFIFTHFLT guidance, specifically regarding Iranian Revolutionary Guard Corps Navy (IRGCN) interactions. This guidance was issued just weeks prior to the Remain in Place/Withdrawal of Authority (“RIP/TOA”) in August and should have been a passdown/turnover item from outbound Coastal Riverine Squadron (CRS) to in-bound CRS-3 (who assumed command as CTF-56.7). *(S)*

Add enclosure 269: Acting Commodore of CTF-56 email to CTF-56 Staff, Subj: FW; (S//) MOC UPDATE: COMFIFTHFLT 141630Z JUL 15 // FIFTH FLEET COMMANDER DISCUSSION ON THE USE OF FORCE AND THE CONCLUSION OF P5+1 NEGOTIATIONS, documenting Acting Commodore’s direction to his subordinate commanders to discuss the message with the OICs and crews.

Add enclosure 270: Voluntary Statement dtd 8 March 16 of *(b) (6)* (signed) (with Privacy Act Statement dtd 14 February 2016).

Add enclosure 271: COMFIFTHFLT Weekly Playbook (10-16 January), depicting ongoing operations during the week of the 12 January 2016 incident; the RCBs were noted as planned operations in the Northern Arabian Gulf (NAG), including with USCGC AQUIDINECK on 12 January 16 *(S)*

Add enclosure 272: COMFIFTHFLT Scheme of Maneuver (“SOM”), 12 January 2016, depicting ongoing and planned operations for 12 January 2016; the RCBs were noted as planned operations in the NAG. *(S)*

Add enclosure 273: COMUSNAVCENT-COMFIFTHFLT-CMF overview webpage, showing the normal CTFs breakdown and missions under FIFTH Fleet and CMF, dtd 12 March 2016 (U).

Add enclosure 275: Commodore CTF-56 email to COMUSNAVCENT of 11 February 2016 (reporting completion of the directed CTF-56 operational training and readiness stand-down).

Add enclosure 276: COMUSNAVCENT/COMFIFTHFLT Ltr Ser N00/S5025 dtd 28 February 2016 (post-receipt of the JAGMAN report, COMUSNAVCENT directed another operational stand-down, certification of CTF-56.7 forces by CTF-56 Commodore, and CTF-56 command climate survey).

Add enclosure 277: COMUSNAVCENT/COMFIFTHFLT Personnel Report spreadsheet for 11 January 2016 showing personnel under COMUSNAVCENT/COMFIFTHFLT cognizance (not including CMF foreign forces).

II. Additions to the Executive Summary (EXSUM)
Modify first sentence of the last paragraph at the bottom of page 10 of the Executive Summary to read, “While prior permission is not required, at 1527, RCB 802 and 805 unknowingly entered Saudi Arabian territorial seas without communication to higher authority.”
III. ADDITIONS, DELETIONS, AND MODIFICATIONS TO THE
FINDINGS OF FACT (U)

1. (U) Forw. Subject to the following comments, changes or modifications, the
findings of fact are hereby approved.

**RCB Manning: Training and Pre-Deployment (U)**

a. Modify Figure 4.8 (p.81):

b. Add Finding of Fact II.K.12: (U) An RCB with all weapons manned requires a minimum of
personnel – Boat Captain, Coxswain, Engineer, and gunners (including the
ROSAM). However, only two out of the ten RCB crew members attended school for the
ROSAM and even they were not comfortable with the operation and maintenance of the
ROSAM. Per the RCB 805 Boat Captain, the ROSAM was removed from RCB 802 and RCB
805 on the recommendation of the RCB 805 Boat Captain and with the knowledge of the RCB
802 Boat Captain. [Ref (p), Modified Figure 4.8] (Encls (6), (8), (9), (11), (177))

1 (U) The Remote Small Arms Mount (ROSAM) is a remote weapons system that is operated by an RCB crew
member located inside of the RCB Reusable Multifunctional Space (RMS).
CRS-3's Assumption of CTG-56.7 Duties (U)

e. Modify Finding of Fact III.A.9: (b) On 12 August 15, the CRS-3 Commanding Officer assumed duties as the Commander Task Group 56.7 (CTG-56.7), located in Jebel Ali, UAE, reporting directly to Commander CTF-56 located in Manama, Bahrain. Both the CRS-3 Commanding Officer and Executive Officer were located in Jebel Ali, UAE. [Encls (47), (130), (141)]

RCB Relocation to Kuwait (U)

d. Modify Findings of Fact, Opinions and Recommendations throughout: (U) Replace “Kuwait Naval Base Officer in Charge,” “CTG,” “Commanders” with “Kuwait Task Unit (CTU 56.7.3) Officer in Charge” and same for “Bahrain Task Unit (CTU 56.7.4).”

e. Modify Finding of Fact III.C.15: (U) Add a second sentence to read in full, “Morale from the perspective of the crew relocating to Kuwait was hurting due to sailors losing out on financial benefits of deployment such as per diem. CTG 56.7 personnel receive per diem in Bahrain and Jebel Ali, but not Kuwait.” [Encls (5), (9), (11), (61)]

f. Add Finding of Fact III.E.18: (U) When the CTG-56.7 Commander executed the move of RCBs 701, 802, and 805 from Bahrain to Kuwait Naval Base, the CTG-56.7 Executive Officer did not believe that appropriate steps were taken to “set the sailors up for success” at Kuwait Naval Base. [Encl (80)]

Commander, U.S. FIFTH Fleet’s Use of Force Guidance and CTF-56’s Dissemination (December and July messages) (U)

g. Add Finding of Fact III.F.12: (U) On 17 December 15, the CTF-56 Chief Staff Officer forwarded COMFIFTHFLT’s 17 December 15 guidance (with a request for acknowledgment) to all subordinate Task Group Commanders, including the CTG-56.7 Commander, and direction to “review and discuss with your crews.” [Encls (47), (67), (121), (128), (269)]

h. Add Finding of Fact III.F.13: (U) On 18 December 15, the CTG-56.7 Commander acknowledged receipt of this e-mail and advised the CTF-56 Chief Staff Officer that he forwarded the message and discussed with his Officers in Charge (OICs) [that should have included the OICs in Bahrain and Kuwait] and staff. [Encl (121)]

i. Add Finding of Fact III.F.14: (U) The CTF-56 Commodore stated that he had a meeting on 6 January 15 with CTG-56.7 to discuss Tactics, Training, and Procedures (TTPs) based on the 17 December message. [Encl (67), (271)]
j. Add Finding of Fact III.F.15: CTF-56 Commodore reported that in January 2016 he discussed with CTF-56 Pre-Planned Responses (PPRs), SCOF levels, SROE, the USS PUEBLO and the importance of rehearsing PPRs. [Encls (67), (271)]

k. Add Additional Finding of Fact III.F.16: On 14 July 15, Commander, U.S. FIFTH Fleet, issued updated guidance on the use of force in light of the signed Joint Comprehensive Plan of Action (JCPOA). This guidance specifically states, "Iranian naval forces will likely continue routine operations in and around the Arabian Gulf." [Encl (266)]

l. Add Finding of Fact III.F.17: On 15 July 15, the CTF-56 Chief Staff Officer (CSO), while serving as Acting Commodore, CTF-56, e-mailed all subordinate Commanders to "sit down with your teams" to discuss COMFIFTHFLT's 14 July 2015 guidance. [Encl (269)]

CTF-56 and No Overwatch Required

m. Add Finding of Fact IV.A.59: Although certain e-mails between CTF-56 state that breakdown Overwatch would be arranged, the CTF-56 Chief Staff Officer subsequently stated that "we did not coordinate for Overwatch because Overwatch was not required." Additionally, CTF-56 COPS stated that no Overwatch was required and there is no evidence that he followed through on his earlier e-mail that CTF-55 was assigning USS RAMAGE (DDG 61). [Encls (47), (78), (88), (113), (127)]

OPTASK RCB and Failure of CTF-56 MOCs and TOCs to Plot and Track RCB 802/805 (U)

n. Add Finding of Fact IV.A.60: During the RCB 802 and 805's transit from Kuwait to Bahrain, the CTF-56 Maritime Operations Center Director (MOC-D) did not plot RCB 802 and 805's Plan of Intended Movement (PIM), although there was a slide that only included a straight line from Bahrain to Kuwait without a rendezvous point with USCGC MONOMOY. [Encl. (77)]

o. Add Finding of Fact IV.A.61: The CTF-56 Battle Watch Captain did not request the PIM but, instead, "monitored" the POSREPs but never plotted the POSREPS. [Encl (78)]

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2 Enclosure 67 is the CTF-56 Commodore’s unsigned voluntary written statement dated 21 February 2016 and summary of interview notes reflecting his interview on 14 February 2016 with the Investigating Officer. Due to leave and TDY, the CTF-56 CDR’s statement was not signed by the time the investigation was complete on 28 February 2016. He signed the statement on 8 March 2016 and that signed voluntary written statement is additional enclosure 270.

3 "JCPOA" refers to the agreement regarding Iran’s nuclear weapons program.
p. Add Finding of Fact IV.A.62: (U) The OPTASK RCB envisioned that the RCBs could operate outside of 100 nm and conduct refueling-at-sea. [Encl (152)]

q. Add Finding of Fact IV.A.63: (U) According to the OPTASK RCB, “the Patrol Officer will develop a navigation plan for every underway patrol and will utilize paper/electronic charts and GPS during underway navigation.” [Encl (135)]

r. Add Finding of Fact IV.A.64: (U) The Commanding Officer, CTG.56.7 was conducting qualification boards while in theater; however, the RCB 802 Boat Captain and RCB 805 Boat Captain did not progress towards a Patrol Officer qualification in accordance with the governing OPTASK RCB. [Encl (6), (7), (23), (45), (75), (80), (81), (135), (152)]

FIFTH Fleet and CTF-56 Personnel and Force Laydown (U)

(b)(1) E.O. 13526 1.4(a)

The Use of the Term “Admin Move” (U)

s. Add Finding of Fact IV.B.28: (U) Although he later regretted using the term, the CTG-56.7 Commander viewed the transit mission of the RCBs from Kuwait to Bahrain, down the Arabian Gulf, on 12 January 16, as an “admin move.” The term “admin move” was also utilized by RCB 802 and 805 crewmembers to describe the transit from Kuwait to Bahrain. [Encl (6), (7), (61)]

Confusion in “Patrol Leader” and “Patrol Officer” Terminology (U)

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4 This does not include an additional number of vessels operating under the control of Combined Maritime Forces (CMF), a multi-national naval partnership in the NAVCENT/FIFTHFLT area of responsibility.

COMUSNAVCENT/COMFIFTHFLT also serves as Commander of the CMF. [b(b)(1) E.O. 13526 1.4(a)]

5 The 10 Task Forces: CTF-50 (CDG carrier strike group); CTF-51 (contingency response); CTF-52 (mine warfare); CTF-53 (logistics); CTF-54 (submarine); CTF-55 (surface); CTF-56 (expeditionary combat); CTF-57 (maritime patrol); and CTF-SBS (shore battlespace). On 12 January 2016, there was an additional Task Force, CTF-58 (HST carrier strike group). At the time, CTF-50 was the French CHARLES DE GAULLE Carrier Strike Group and CTF-58 was the HARRY S. TRUMAN Carrier Strike Group. [Encl (273)].
Modify IV.C.4: (U) Add additional information to state, “The RCB 805 Boat Captain was apparently not designated in writing as either a Boat Captain or Patrol Officer. The RCB 805 Boat Captain received an interim Boat Captain letter from the CRS-3 Commanding Officer dtd 20 March 15, but this expired 16 July 15. There is no evidence in the report that this interim designation was ever re-issued or finalized.” [Encl (243), Appendix (D)]

Modify IV.C.5: (U) Add additional information to state, “The RCB 802 Boat Captain was designated in writing as a Boat Captain by the CTG 56.7 Commanding Officer on 27 September 15, but was not designated in writing as a Patrol Leader.” [Encls (7), (247), Appendix (D)]

Command and Control (U)

Add Finding of Fact IV.C.7: (U) Within the COMFIFTHFLT OPORD 1000, CTF-56 exercises OPCON7 over Coastal Riverine Forces. [ref. 2]

Add Finding of Fact IV.C.8: (b) According to COMFIFTHFLT OPTASK Riverine Control Boat (OPTASK RCB), “the Patrol Officer holds TACON8 of RCBs while on mission.” OPTASK RCB does not use the term “Patrol Leader” or “Patrol Lead.” While the RCB crewmembers used the term “Patrol Leader,” the correct term in accordance with the OPTASK RCB is “Patrol Officer”. [Encl (152), (210)]

Add Finding of Fact IV.C.9: (b) OPTASK RCB applied to RCB 802 and RCB 805’s mission on 12 January 16. [Encl (152)]

Add Finding of Fact IV.C.10: (U) No crewmember on RCB 802 or RCB 805 was Patrol Officer qualified. [Encls (241)–(250), Appendix (D)]

Add Finding of Fact IV.C.11: (U) Commander, CTG 56.7 (Jebel Ali), provides command and control of CTU 56.7.4 (Bahrain) assigned Coastal Riverine personnel and craft. CTU 56.7.4 is under tactical control of CTG 56.7 unless TACON is shifted to another operational commander. [Encl (152)]

Blue Force Tracker (U)

Add Finding of Fact IV.E.67: (U) While the CTF-56 MOC in Bahrain had Blue Force Tracker capability, the CTF-56 MOC in Bahrain never plotted the RCB PIM, never had the

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7 (U) Operational Control (OPCON) is defined as the authority to perform those functions of command over subordinate forces involving organizing and employing commands and forces, assigning tasks, designating objectives, and giving authoritative direction necessary to accomplish the mission. [ref. (bb)]

8 (U) Tactical Control (TACON) is defined as the authority over a force that is limited to the detailed direction and control of movements or maneuvers within the operational area necessary to accomplish missions or tasks assigned. [ref. (bb)]
proper charts displayed in [b](1) E.O. 13526 1.4(a), and did not activate the proper display overlays (e.g., Farsi Island/Iranian territorial seas). [Encls (35), (77), (78), (80)]

c. Add Finding of Fact IV.E.68: (U) The CTG-56.7 MOC in Jebel Ali had Blue Force Tracker capability via [b](1) E.O. 13526 1.4(a) but did not activate the appropriate display overlays (e.g., Farsi Island/Iranian territorial seas). [Encls (35), (61), (62)]

d. Add Finding of Fact IV.E.69: (U) The CTU-56.7.3 Tactical Operations Center (TOC) in Kuwait lacked Blue Force Tracker capability. [Encls (59), (177)]

e. Add Finding of Fact IV.E.70: (U) At approximately 1530L/1630 (Jebel Ali), the CTG-56.7 Commander went to the CTG-56.7 MOC to check on the status of the RCBs and review their progress on [b](1) E.O. 13526 1.4(a) He looked at the RCB track according to Blue Force Tracker. At no time did he compare their progress on Blue Force Tracker to their approved PIM. [Encls (7), (11), (61)]

OPTASK RCB and Governing SCOIF/PPR Guidance

[1]. Modify Finding of Fact IV.H.41 to include the following language at the beginning of the FF:

"(b) The OPTASK RCB provides guidance on Seaward Continuum of Force (SCOIF). SCOIF levels are applicable to maritime security and High Value Asset operations. For approaching vessels whose intentions are unknown, if time and circumstances permit, boat crews will take SCOIF actions. Pre-planned responses (PPR) are protocols set out for air and surface contacts during independent and Riverine RCB missions." [b](1) E.O. 13526 1.4(a)

COMFIFTHFT's Search and Rescue Effort (U)

g. Add as new Finding of Fact IV.K.22: (b) (1)): At approximately 1915L, the USS ANZIO entered Iranian territorial seas around Farsi Island in order to conduct search and rescue operations as coordinated by CTF-58 and authorized by COMFIFTHFT. [Encls (28), (30), (31), (62), (184), and (187)]

hh. Add as new Finding of Fact IV.K.23: (b) (1)): At approximately 1915L, two FA-18 aircraft from the USS HARRY S. TRUMAN visually confirmed that two RCB craft were docked at Farsi Island. [Encls (25), (31), (62)]

ii. Add as new Finding of Fact IV.K.24: (b) (1)): At approximately 1943L, NAVCENT contacted the Iranian Coast Guard center at Bushehr and informed them of United States intention to conduct search and rescue operations in the vicinity of Farsi Island. [Encl (31)]

[b](1) E.O. 13526 1.4(a)
jj. Add as new Finding of Fact IV.K.25: At approximately 2045L, after repeated broadcasts by an E-2 conducting search and rescue operations, communication was established with an unknown Iranian who stated that [Iran] did not know the location of the RCBs and sailors. The Iranians later told the E-2 to leave the area or else some type of “tactical action” would be taken against them. The E-2 responded that it would remain and conduct the search and rescue mission. [Encls (25), (31), (62)]

kk. Add as new Finding of Fact IV.K.26: At approximately 2047L, USS ANZIO, while conducting search and rescue operations in the territorial seas around Farsi Island, was hailed by IRGCN and told to “depart [Iranian] territorial waters and proceed to international waters without hostile actions in order to preserve peace and security in the region.” [Encl (25), (28), (30)]

ll. Add as new Finding of Fact IV.K.27: At approximately 2115L, bridge-to-bridge communication was established between USS ANZIO and Iranian HOUDONG. The HOUDONG reported that the U.S. Sailors were in Iranian custody and that they were awaiting directions from higher authority. [Encls (25), (28), (30), (31)]

mm. Add as new Finding of Fact IV.K.28: At approximately 2145L, COMUSCENTCOM notified COMUSNAVCENT that the U.S. State Department was in communication with the Iranian Ministry of Foreign Affairs to discuss the Sailors’ release. To de-pressurize the situation and allow diplomatic efforts to proceed, at approximately 2145L, COMUSNAVCENT directed all U.S. forces to depart Iranian TFW and airspace IVO Farsi Island. [Encls (25), (31), (38)].

nn. Renumber current FF IV.22-25 to FF.IV.29-32.
The following are administrative corrections and/or modifications to the Findings of Facts and Opinions (including correction of proper Findings of Fact citation or additional Findings of Fact citation):

**IV. Additions to References**

1. Add reference (bb), Joint Publication 1-02, Department of Defense Dictionary of Military and Associated Terms

**V. Miscellaneous Administrative Changes**

Modify Finding of Fact II.F.16: Capitalize “Green” at start of the sentence.

Modify Finding of Fact IV.E.12: Change “0making way” to “making way.”

Modify the enclosure to FF IV.E.64: Add Enclosure “57,” delete Enclosure “58.”

Modify Finding of Fact IV.H.13: The IO did not include the Threat Triangle figure/slide. Therefore, delete the following (second sentence in the Finding of Fact) that refers to the missing slide: “The below figure is an excerpt of what was briefed to both Boat Captains regarding the ‘Threat Triangle.’”

Modify Finding of Fact IV.H.82: (U) “Change RCB 802 Gunner #2” to “RCB 805 Gunner #2” to read, “While kneeling and bound, as RCB 802 Gunner #1 was complying with the Iranians’ orders, the RCB 805 Gunner #2 activated the emergency position indicating radio beacon (distress signal), which the Iranians saw and confiscated.” [Encls (10), (13)]

Modify Footnote 40 to Finding of Fact IV.H.49: insert missing word “right” to read the “inherent right and obligation to exercise self-defense.”

Modify Opinion VI.A.1: Add II.D.9.


Modify Opinion VI.A.6: Delete II.F.6, II.F.7 from citation.


Modify Opinion VI.A.11: Delete II.G.5. and II.H.2.

App.G.10

Modify Opinion VI.A.14: Delete II.K.7 and II.K.8.

Modify Opinion VI.A.16: Delete II.B.7 from FF citation.

Modify Opinion VI.A.17: Delete II.B.7 from FF citation.


Modify Opinion VI.B.3: Add new FF III.E.13, FF III.E.18 and IV.A.64.


Modify Opinion VI.B.5: Add new FF IV.A.64.


Change III.G.22 to III.G.23.


Modify Opinion VI.B.15: Delete III.E.9, III.F.1, III.F.2 and add new FF III.E.18.


App. G. 11

(b)(1)(A)


Modify Opinion VI.C.9: Delete IV.A.52 from FF citation. Add new IV.A.63.


Modify Opinion VI.C.12: Delete IV.E.13 from FF citation.


Modify Opinion VI.C.20: Modify to read "...they would have likely been able to prevent the entry of both RCBs into Iranian territorial seas.” Add new FF IV.A.59-61.


Modify Opinion VI.D.16: Add new FF III.F.16.


Modify Opinion VI.D.25: Delete IV.E.37, IV.E.38, and IV.E.40 from FF citation.


Modify Opinion VI.D.27: Add IV.C.1, IV.C.3.


Modify Opinion VI.G. Surrender: The opinion incorrectly cited to enclosure (21). Substitute following correct citations: [FF (V.A.20)-(V.A.29), (V.B.1)-(V.B.11)].