U.S. Department of Homeland Security
United States Coast Guard

Commandant
United States Coast Guard

2703 Martin Luther King Jr. Ave
Washington, DC 20593-7516
Staff Symbol: CG-MER
Phone: (202) 372-2234
Email: vrp@uscg.mil

16450
March 24, 2023

Alaska Chadux Network (ACN)
Attn: Buddy Custard, CEO
2347 Azurite Court
Anchorage, AK 99507

Subj: EXPIRATION STATUS OF APD&T ALTERNATIVE PLANNING CRITERIA (APC) FOR TANK BARGES OPERATING IN ALASKA

Ref: (a) Title 33, Code of Federal Regulations (CFR), Part 155
(b) APD&T APC for Tank Barge Transport of Non-Persistent Oil in Alaska (Rev. 4) - Accepted by CG-MER on December 10, 2015

Dear Mr. Custard:

This is to inform you of a recent change to CG-MER Policy Letter 01-17, *Alternative Planning Criteria National Guidelines for Vessel Response Plans*, contained as Enclosure (1). The primary change in the updated policy was the removal of the five-year period of acceptance for APCs that have been accepted by CG-MER. Therefore, the *Alaska Petroleum Distributors and Transporters (APD&T) APC for Tank Barge Transport of Non-Persistent Oil in Alaska (Rev. 4)*, accepted by CG-MER on December 10, 2015, has **no expiration date**, effective March 15, 2023. This APC may continue to be referenced by owners or operators of such tank barges when submitting Vessel Response Plans (VRP) for approval.

Additionally, in accordance with reference (a) and Enclosure (1), this APC is subject to conditions of acceptance such as annual reviews and specific planned milestones to increase response capacity delineated in the build-out plan. Thus, adherence to these conditions by all parties is paramount. Any changes to the subject APC, such as, but not limited to procedures, methods, equipment standards, and prevention and mitigation strategies are to be submitted to the cognizant COTP for endorsement prior to routing for review and acceptance by CG-MER. Operating without an accepted APC invalidates the owner and operator's VRP. Tank barges using the APD&T APC in reference (b), must ensure compliance with this APC when operating in the Captain of the Port (COTP) zones of Western Alaska, Prince William Sound, and Southeast Alaska.

In closing, please remind those vessel owners and operators implementing this APC that they must use the version accepted by CG-MER. Vessels found not using the APC in reference (b) while operating in these COTP zones may be subject to penalties and operational control actions by the cognizant COTP. I highly encourage you to continue working with the cognizant COTP in identifying ways to improve prevention and mitigation measures and eventual expansion of response capabilities.

Should you or your staff have additional questions, please do not hesitate to contact myself or Commander Roberto Rivera, Industry Preparedness and Incident Coordination Division Chief, at (202) 372-2131 or Roberto.Rivera3@uscg.mil.

Sincerely,

WIRTH.TRACY.L.1240645838 Digitally signed by WIRTH.TRACY.L.1240645838 Date: 2023.03.24 14:02:53 -04'00'

T. L. WIRTH
Captain
Chief, Office of Marine Environmental Response Policy
U.S. Coast Guard

Enclosure: (1) CG-MER Policy Letter 01-17 (Change 1)

Copy: CG Pacific Area (PACAREA 3IM, 54)
CG Seventeenth District (dp, dr)
CG Sector Anchorage
CG Sector Juneau
CG Marine Safety Unit Valdez

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CG-MER Policy Letter
01-17 (Change 1)
15 Mar 2023

WIRTH.TRACY.L.1240645838 Digitally signed by WIRTH.TRACY.L.1240645838 Date: 2023.03.18 12:09:12 -04'00'

From: Trey L. Wirth, CAPT
COMDT (CG-MER)

To: Distribution

Subj: CHANGE 1 TO ALTERNATIVE PLANNING CRITERIA NATIONAL GUIDELINES FOR VESSEL RESPONSE PLANS

Ref: (a) Title 33, Code of Federal Regulations (C.F.R.) § 155.1065
(b) Title 33, C.F.R. § 155.5067
(c) U.S. Coast Guard Marine Environmental Response and Preparedness Manual, COMDTINST M16000.14A

1. PURPOSE. This policy letter provides the maritime industry with guidance on developing and submitting alternative planning criteria (APC) in accordance with references (a) and (b).

2. ACTION.

   a. This policy letter applies to vessel owner or operators (VO/Os) who believe the national planning criteria (NPC) are inappropriate for the areas in which their vessel(s) intends to operate and wish to submit proposed alternatives with their Vessel Response Plans (VRPs). Tank and nontank vessels meeting the applicability elements in 33 C.F.R. § 155.1015 and § 155.5015, including vessels operating within 200 nautical miles (nm) of the U.S. baseline and not engaged in innocent passage, are required to meet applicable VRP requirements.

   b. The U.S. Coast Guard (CG) will use this guidance when evaluating an initial submission of an APC or a submission to update an APC currently accepted by CG-MER. The CG may require additional measures specific to the area covered by the alternative.

3. DIRECTIVES AFFECTED. CG-MER Policy Letter 01-17 "Alternative Planning Criteria National Guidelines for Vessel Response Plans," issued on October 12, 2017, and CG-MER Memo 16455, Interim Procedures for USCG Management of Alternative Planning Criteria (ACP), dated March 11, 2021 are cancelled. Furthermore, this policy letter is intended to take the place of the previous version of MER Policy Letter 01-17 wherever referred to in reference (c).

4. DISCUSSION. Pursuant to 33 C.F.R. part 155, VO/Os are required to prepare VRPs with Geographic Specific Appendices (GSAs) for each Captain of the Port (COTP) zone in which a vessel intends to operate. VRPs cover an extensive list of planning requirements for oil clean-up, including salvage and marine firefighting capabilities. If a VO/O believes the planning requirements are inappropriate for their vessel operations, they may cite CG accepted alternatives in applicable VRP GSAs, or propose an alternative.

   In certain regions or situations, alternatives may be part of a long-term solution. The CG views the placement of additional response resources to be a positive incremental step to increasing overall response readiness. Alternatives in VRPs provide Qualified Individuals (Qls), Spill Management Teams (SMTs), response resource providers, and COTPs with a clear understanding of available response resource capabilities and a proactive plan to build out response readiness.

5. DISCLAIMER. The information provided within this document is not a substitute for applicable legal requirements, nor is it itself a rule. Nothing in this policy limits COTP authority to enforce compliance with existing federal regulations.

6. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. The development of this policy letter, and the general policies contained within it, have been thoroughly reviewed by the originating office in conjunction with the Office of Environmental Management and determined that this policy falls under the Department of Homeland Security (DHS) categorical exclusion A3. This policy letter will not result in any substantial change to existing environmental conditions or violation of any applicable federal, state, or local laws relating to the protection of the environment. It is the responsibility of the action proponent to evaluate all future specific actions resulting from this policy for compliance with the NEPA, other applicable environmental requirements, and the U.S. Coast Guard Environmental Planning Policy, COMDTINST 5090.1 (series).

7. PROCEDURES.

   a. Definitions.

      (1) APC Administrator. APC Administrators are agents that are contracted by VO/Os to manage the development and administration of alternatives. Services may include, but are not limited to: defining areas where NPC are not appropriate to vessel operations, identifying response resources for contract to support alternatives, maintaining applicable prevention strategies, overseeing build-out plans, etc. Contracts, or other approved means, associated with alternatives are generally between VO/Os and response resource providers. However, APC Administrators may contract on behalf of a VO/O if they are an authorized agent or have power of attorney for the VO/O.

      (2) Alternatives. Alternatives are response strategies to meet specific VRP requirements where the NPC are inappropriate. Alternatives may change the criteria used in the

calculations to determine the scale of planning standards and response resources. VRP requirements remain the same; alternatives are not replacements for VRPs or GSAs.

(3) Build-Out Plan. Build-out plans provide descriptions of actions the submitter plans to take to increase response capability. These plans establish:

(a) Goals/milestones which demonstrate progress towards compliance with NPC.

(b) Economic justification for the build-out.

(c) If applicable, prevention measures to mitigate risks where gaps exist.

(4) Equivalent. Equivalent means that the alternative provides planning, response, and pollution mitigation capability for the effective removal of spilled oil as would be calculated using the NPC.

(5) National Planning Criteria (NPC). NPC are the regulatory requirements in 33 C.F.R part 155. To determine the appropriate scale of planning standards and response resources required for VRPs, the NPC uses calculations based on: vessel type, oil type(s), oil volume(s), and where the vessel intends to operate.

(6) Remote. Where a vessel intends to operate is considered remote if one or both of the following conditions exist:

(a) Potential response operations would be outside of the planning standard response timeframe.

(b) Sustainment of response operations is challenging due to limited local infrastructure. Area Contingency Plans may provide lists of potentially available resources for assessing this situation.

(7) Response Resources. Response resource categories include: shore-based management, on-water oil recovery (i.e., containment boom, daily recovery capacity, and temporary storage capacity for planning scenarios), aerial tracking, sustainment of initial responders, salvage services (i.e., for assessment and survey, stabilization, and special operations), marine firefighting services, dispersants, shoreline protection, and shoreline cleanup.

b. Submission Process.

(1) VO/Os or APC Administrators, prepare alternative proposals in accordance with references (a) and (b), and in consideration of these guidelines. Proposals are submitted to the cognizant COTP per references (a) and (b).

(2) COTPs should endorse the proposed alternative and forward to Commandant Office of Marine Environmental Response Policy (CG-MER) through the cognizant CG District and Area staff offices. In consideration of its endorsement, COTPs may seek input from the Area Committee(s) applicable to the COTP zone(s) listed in the proposed alternative.

(3) CG-MER is the final decision authority for alternative proposals. A determination of "accepted" or "rejected" will be returned to the submitter in writing by CG-MER. Once accepted, VO/Os may cite alternatives in a VRP.

(4) Due to the complexity of proposals, review timelines may exceed 90 days. Therefore, it is recommended that submitters allow at least 180 days for review.

(5) VO/Os or APC Administrators must submit any change or update that affects the information included in the APC accepted by CG-MER to the cognizant COTP. COTPs should endorse the proposed alternative and forward to CG-MER through the cognizant CG District and Area staff offices.

c. Conditions of Acceptance. To facilitate timely CG reviews, submissions should address the following:

(1) Vessel Details. Tank vessel and nontank vessel alternatives should be submitted separately. Alternatives may cover a single vessel or a fleet of vessels and should state the vessel type(s) and oil volumes by type.

(2) Geographic Areas. Proposals for alternatives are specifically bounded by geographic areas where the vessel(s) intends to operate and where NPC are inappropriate. The geographic area may be a subset of the COTP zone, such as a remote region. The proposal should include specific geographic and operating environment details, and a general description of the intended vessel operations (i.e., tracklines and/or intended routes).

(3) Alternatives. Identify the specific NPC that are inappropriate and explain how the alternatives will provide an equivalent oil spill removal capacity. Discuss the resulting calculation changes.

(4) Identification of Required Response Resources. Document the specific response resource requirements for the vessels detailed in the plan as calculated per the NPC. These calculations may be found in the existing VRP(s) maintained by the VO/O(s).

(5) Build-Out Plan. Specific planned milestones to increase response capacity. In alignment with annual VRP review requirements in accordance with 33 C.F.R. § 155.1070(a) and 33 C.F.R. § 155.5070(a), VO/Os must include their APCs accepted by CG-MER as part of this annual requirement and address the progress of any proposals to improve response capability included in an alternative. Failure to do so,

may subject a currently accepted APC to CG-MER's reevaluation for determination (e.g., acceptance, acceptance with conditions, or rejection).

(6) Economic Assessment. Provide a discussion that details the cost of complying with NPC compared to the cost of utilizing and maintaining the alternative(s). The assessment may include, contracts, retainers, user fees, or additional capital costs incurred. Include associated build-out plan costs in the assessment.

(7) Environmental Assessment. Provide a discussion that details the potential impact of using the alternative(s) during a response, highlighting sensitive areas from the applicable Area Contingency Plan(s).

(8) Equipment Inspections. Alternatives are subject to the equipment inspection requirements listed in 33 C.F.R. part 155, including § 155.1062 and § 155.5062. COTPs may conduct an inspection prior to endorsing and forwarding a proposal. To facilitate CG inspections, it is recommended that response resources be entered into the CG Response Resource Inventory, which is available at https://cgrri.uscg.mil/. Inspections may be part of the Preparedness Assessment Visit (PAV) program managed by the CG National Strike Force Coordination Center (NSFCC).

(9) Personnel Training. Alternatives are subject to the training requirements listed in 33 C.F.R. part 155, including § 155.1055 and § 155.5055. COTPs may verify training records prior to endorsing and forwarding a proposal. Verifications may also be part of the PAV program.

(10) Exercises. Alternatives are subject to the internal and external exercise requirements listed in 33 C.F.R. part 155, including § 155.1060 and § 155.5060. For questions regarding exercise scheduling, consult with CG-MER.

(11) Review after Acceptance: All VRPs must be reviewed annually under 33 C.F.R. part 155, including § 155.1070 and § 155.5070. APCs that form part of a VRP must be reviewed to satisfy this requirement. Additionally, APCs are subject to annual review to verify compliance with conditions of approval like the annual build-out plan discussed in section 7.c.(5) of this policy letter. All annual reviews must be recorded in the VRP's record of changes.

Alternatives forming part of a VRP are also subject to revision under § 155.1070 and § 155.5070 when it is determined the alternative in a plan does not meet the requirements of § 155.1065 and § 155.5067 or this policy letter.

Any change or update to an accepted APC must follow the submission process from section 7.b. of this policy letter before being referenced or included in a VRP.

8. REQUESTS FOR CHANGES. Questions or comments regarding this policy can be directed to CG-MER via vrp@uscg.mil.

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Distribution: Commandant Office of Commercial Vessel Compliance (CG-CVC)
NSFCC
CG Atlantic Area Operations and Preparedness Divisions (LANT-3 and LANT-5)
CG Pacific Area Operations and Preparedness Divisions (PAC-3 and PAC-5)
CG District Response and Prevention Divisions (dp and dr)
COTPs
VRP Preparers/Authorized Agents (SMTs and APC Administrators)