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COMDT (CG-MER)

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To: Distribution

Subj: MER POLICY LETTER 01-17: 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

1. PURPOSE. This policy letter provides the maritime industry with guidance on developing and submitting alternative planning criteria (*alternatives*) 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 initial submissions and renewals. The CG may require additional measures specific to the area covered by the *alternative*.

3. DIRECTIVES AFFECTED. CG-543 Policy Letter 09-02: Industry Guidelines for Requesting Alternate Planning Criteria Approval, One Time Waivers and Interim Operating Authorization, dated 12 August 2009 is cancelled.

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 and hazardous substance 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 (QIs), 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.

a. 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 are categorically excluded (CE) under current USCG CE # 33 from further environmental analysis, in accordance with Section 2.B.2. and Figure 2-1 of the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series).

b. This policy letter will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this policy letter must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), Department of Homeland Security (DHS) and CG NEPA policy, and compliance with all other environmental mandates.

7. PROCEDURES.

a. Definitions. Terms italicized throughout this document are defined below.

- (1) Alternative Planning Criteria Administrator. *Alternative Planning Criteria 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, *Alternative Planning Criteria 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 that are accepted by the CG 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 *Alternative Planning Criteria 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/O’s 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 “Alternative Planning Criteria Administrators” should submit any significant change that affects the information included in the accepted *alternative(s)* 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. CG confidence in the ability to achieve proposed milestones may affect the period of acceptance for the *alternative(s)*. Achievement of *build-out plan* milestones will be considered in the renewal review.
- (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 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 be part of the Preparedness Assessment Visit (PAV) program managed by the National Strike Force Coordination Center (NSFCC).
- (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) Period of Acceptance. *Alternatives* may be accepted for up to five years, but may be accepted for shorter periods. VRPs and *alternatives* may have different renewal dates; if this is the case, different renewal dates should be addressed by annual reviews and annotated in the VRP's record of changes.

8. REQUESTS FOR CHANGES. Questions or comments regarding this policy can be directed to CG-MER via [vrp@uscg.mil](mailto:vrp@uscg.mil).

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COTPs  
VRP Preparers/Authorized Agents (SMTs and *Alternative Planning Criteria Administrators*)

