Frequently asked questions about the
USCG Area Contingency Plans (ACPs) – July 22, 2020

1. The NWACP has worked for nearly three decades, why are things changing now?

After the DEEPWATER HORIZON oil spill, the response community nation-wide, and USCG specifically for the Coastal Zones, took a hard look at contingency planning and committed to improving ACPs. The corresponding Incident Specific Preparedness Report (ISPR) evaluated the implementation, integration, and effectiveness of national, regional, and local oil spill response plans to provide an assessment of major response along with recommendations for improvement. The ISPR showed the Coast Guard needs to provide service-wide direction to all Area Committees, develop minimum standards for contingency plans, and establish an oversight, review, and compliance program to ensure that minimum standards and consistency among plans are adequately addressed. This consistency will also benefit resources (people) that cascade into a zone from other parts of the country to assist in responding to oil spills in Coastal Zone areas of responsibility to include worst-case discharge (WCD) responses.

1. What are USCG Sectors and COTP doing nationwide?

The Captain of the Port (COTP) is the Federal On-Scene Coordinator (FOSC) in their AOR, per 33 CFR Part 300 – National Oil and Hazardous Substances Pollution Contingency Plan (NRP). FOSCs were given Headquarters’ directives based on the Incident Specific Preparedness Review (ISPR) nation-wide lessons learned recommendations on the DEEPWATER HORIZON oil spill, that, among other things, all Sectors that do not have a stand-alone ACP were directed to create ACPs for their specific area of responsibility (AOR). All other USCG Sectors and their respective area committees across the nation have already shifted their plan structure. Consistent with Sectors nationally, the two COTPs for Sector Puget Sound (SPS) and Sector Columbia River (SCR) have overseen the development of ACPs and have established Area Committees (ACs).

1. Why are the Sectors doing this?

33 CFR Part 300 – National Oil and Hazardous Substances Pollution Contingency Plan (NRP) is the federal law that requires development of contingency plans for oil spills and hazardous materials clean up by the USCG and EPA. Based on the DEEPWATER HORIZON ISPR, the USCG FOSCs were directed to adhere to its interpretation of the NCP, that is, each COTP/FOSC must have a standalone own ACP to ensure that each FOSC has positive control of the plans and to ensure consistency in planning and response across all Coastal Zones. In 2016, USCG FOSCs were given Headquarters’ directives that each COTP/FOSC must have a standalone ACP consistent with 33 CFR Part 300 and that each Coastal Zone ACP must follow a consistent format.

To support the 2016 USCG Headquarters’ directives, the USCG established a process by which each stand-alone Sector ACP must be reviewed by a National Review Panel to ensure they are complete and consistent across the country. The ACPs for SPS and SCR will be reviewed by the National Review Panel in 2021. In 2019, the District provided direction and a timeline for the Sectors to complete the ACPs in time for this review.

1. What will happen to the NWACP?

The two Sectors in the Pacific Northwest, SPS and SCR, are scheduled to have the Coastal Zone ACPs reviewed by the National Review Panel in the summer of 2021. Following an initial draft, review by stakeholders, and incorporation of feedback that was received, the first versions were signed by the COTPs/FOSCs in the spring of 2020. Consequently, and as a result of having Coastal Zone ACPs, the COTPs/FOSCs will not sign the NWACP in the winter of 2020. The USCG is working with our response partners at the federal, state, local, and tribal level to determine how the NWACP will be adapted to acknowledge and address the existence of these stand-alone Coastal Zone ACPs. Currently, the NWACP is a combined plan that serves as the Federal ACP for the two COTPs in the Coastal Zone and the ACP for the EPA in the inland zone, and the Region 10 Regional Response Team Regional Contingency Plan (RCP). The NWACP also serves as the states’ plan for Washington and Oregon and the State of Idaho signs the NWACP. Once the COTPs sign the ACP for the Coastal Zone, the NWACP will no longer serve as the Federal ACP in the Coastal Zones, but will continue to serve as the ACP for EPA’s inland zone, the RRT10 RCP, and State plans for Oregon and Washington. RCPs provide region-wide policies such as in-situ burning and dispersant use guidance and regional guidance to affiliated Area Committees.

1. What are the benefits of having the Sector ACPs?

The ACPs are operational response plans that can be modified quickly through the Area Committees and lessons learned from responses and/or exercises. The ACPs are designed to be maintained by the FOSC and the associated Area Committee. Thus, it provides a powerful tool for front line responders to have direct impact on the contingency plan and response.

The Coastal Zone ACP format is consistent across the USCG. The current NWACP is a combined plan, not consistent with the ACP framework used throughout the rest of the country, and does not follow the format of other Coastal Zone ACPs. In addition, the USCG ACP format is consistent with the Incident Command System (ICS) and USCG Incident Management Handbook (IMH). The NWACP is also consistent with ICS, providing a degree of contingency plan alignment in the region with the Coastal Zone ACPs. FOSC/COTP specific Coastal Zone ACPs ensure that if there is a major incident and resources (people) must cascade into the Pacific Northwest to assist, those individuals and Oil Spill Response Organizations (OSROs) can quickly and easily use the ACPs.

1. What else are the Sectors doing?

In conjunction with the Coastal Zone ACP, the FOSCs/COTPs are required to have separate Area Committees (ACs) to support the development and updates of the associated ACPs. The FOSCs/COTPs and their staffs have hosted AC meetings for the past year and are expanding local responder/stakeholder involvement. Many attendees at these Coastal Zone specific ACs are new and were not involved in the NW Area Committee because of geographical constraints, topics/issues not pertinent to their needs, and fiscal constraints.

Formalizing Area Committees specific to the Coastal Zone provides more frequent meetings annually, to more Coastal Zone communities, and as a result, provides more opportunities to address local issues, and improve response networking and participation with stakeholders. The public may participate in any area committee meetings, including Coastal Zone AC or NWAC meetings, and provide input. Stakeholders in a Coastal Zone will set/inform the agenda for their needs, drive local exercises, and focus on local response issues. The FOSCs/COTPs are also working to revise/bolster elements of the Coastal Zone ACPs, review local comments received on the ACPs that weren’t included in the first version of the ACP, and address CG HQ requirements.

1. How will the signing of the ACP effect Facility Response Plans and Vessel Response Plans that are regulated by the USCG?

Each Facility and Vessel Plan holder which has a response plan in accordance with Federal regulations 33 CFR 154 and 33 CFR 155 must be consistent with the applicable Federal ACP, as appropriate. We understand that there are overlapping jurisdictions, thus each plan holder will need to review which jurisdictional requirement(s) they must meet and reference the appropriate Coastal Zone ACP(s), Inland Zone ACP, or State Response Plan(s). Facility Response Plan owners within Sector Puget Sound and/or Sector Columbia River Area of Responsibility should update their Facility Response Plan to account for the new Coastal Zone ACP during their normal plan update cycle. The Vessel Response Plan office at USCG Headquarters is aware of the new ACPs. The USCG Vessel Response Plan Program is responsible for all Vessel Response Plan reviews/approvals and will work with plan owners to ensure they reference the appropriate ACP(s), Inland and Coastal Zones as needed.