



The American Waterways Operators
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Lynn M. Muench
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November 30, 2009

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC 20426

Re: Proposed Study Plan Comments for Integrated Licensing
Process (ILP) Projects: P-12829, P-12861, P-12921, P-12930,
P-12938, P-12915 and P-12912

Dear Secretary Bose:

The American Waterways Operators (AWO) is the national trade association for the inland and coastal tugboat, towboat and barge industry. Hundreds of AWO members operate thousands of vessels on the inland river system, transporting key commodities such as grain and petroleum, and providing essential harbor services such as fleeting and ship assist. AWO members provide the nation with a safe, secure, efficient and environmentally-friendly means of transportation for America's domestic commerce. AWO thanks the Federal Energy Regulatory Commission (FERC) for the opportunity to comment on Free Flow Power Corporation's (FFP) Proposed Study Plan (PSP) of its seven proposed lead projects at Greenville Bend, Scotlandville Bend, Kempe Bend, Ashley Point, Hope Field Point, Flora Creek Light and McKinley Crossing and for the opportunity to comment on the scoping and public hearing process and make general comments below.

Scoping and Public Hearing Process

- AWO has closely followed FFP's progress throughout the scoping process and has recently observed that during the PSP public meetings there has been a stronger shift in FFP's support for installing permanently anchored fleets of barges mounted with hydrokinetic turbines over underwater mounted hydrokinetic turbines. **AWO requests that FFP ensure the PSP analyzes the entire range of possible impacts on navigation attributed to installing barges mounted with hydrokinetic turbines.**
- **AWO appreciates FERC's acknowledgment of commercial navigation as a national resource and for its recognition and incorporation of AWO's July 14 comments** into the revised Scoping Document 2 (SD2), which substantially expands its description of the navigation, geomorphology, river control and engineering issues that are to be studied in the upcoming Environmental Impact Statement (EIS); highlights AWO's licensing recommendations as potential recommendations for future license conditions; and, directly incorporates many of AWO's proposed navigation study recommendations.

- **The inclusion of the U.S. Coast Guard, U.S. Army Corps of Engineers and the maritime industry throughout the process remains essential to ensure that complete and reliable information is the basis for all decisions.**
- **AWO asks FERC to reconsider its position on not requiring all proposed project sites to have site specific studies including an individual EIS.** While AWO agrees with FERC that the overall cumulative effects need to be studied along with the appropriate measures to address them, AWO firmly stands by its position that no site or situation has the same mix of features that impact the safety of navigation. An assessment conducted for one site cannot realistically or fairly be considerable transferable to another site.

FFP PSP Recommendations

FFP has responded to some but not all of the navigational and safety concerns raised by AWO including impacts on existing large barge fleeting activities. **AWO urges FERC to consider the following suggestions.**

- **AWO supports the FFP PSP proposal to site all underwater infrastructures South of Baton Rouge at a minimum depth of 45 feet below the Low Water Reference Plane (LWRP).** AWO has serious concerns with the FFP PSP proposal to site all underwater infrastructures north of Baton Rouge at a minimum depth of 15 feet below the LWRP. **Based on industry knowledge and experience, AWO recommends that 20 feet is the minimum depth to safely site underwater infrastructures -- the same recommendation that is found in the U.S. Army Corps of Engineers' PSP comments.**
- **As the PSP Navigation Study proposes, AWO requests involvement during discussions and plans that will cause navigation restrictions and as channel marking measures are considered during the construction and maintenance of proposed project sites.** AWO appreciates FFP's commitment to work in cooperation with the towing industry to minimize or avoid any interference to commercial navigation and costs associated with potential navigation restrictions or delays.
- **AWO strongly suggests that FFP work with the industry to develop a list of agreed upon PSP terms and phrases in order to avoid any future misunderstandings or misinterpretations concerning purpose or intent.** At a minimum, AWO seeks clarification of the following phrases and terms: adverse effects on navigation, minimum interference with navigation, interference with navigation, appropriate margin of safety, relevant safety or operational concerns, minimum bottom clearances, associated costs, navigation restrictions and navigation delays.
- **AWO requests FFP establish guidance for what qualitative and quantitative factors it believes characterizes an acceptable threshold of interference with commercial navigation, specifically during the construction and maintenance of project sites.**
- The PSP proposes an economic analysis of the costs associated with the construction, operation and maintenance of proposed project sites, and would analyze the associated costs of potential navigation restrictions or delays. **AWO requests the economic impact on towing companies' fleets, terminals and the industries that rely on their services be included in the study.** The study should specifically determine the annual and ongoing projected economic impact. This assessment should include delays in traffic, any lost opportunity costs and possible vessel damage caused by turbines and associated equipment.

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- **Finally, AWO requests that it be involved in the development of contingency plans for recovering damaged or abandoned turbines.** As stated in the PSP, unrecovered, loose turbines may adversely impact equipment used for commercial channel maintenance, dredging and other navigation-related uses of the river.

Thank you for the opportunity to comment. AWO would be pleased to answer any questions or provide further information to assist FERC as it reviews FFP's proposed projects and future alternative power projects.

Sincerely,

A handwritten signature in cursive script that reads "Lynn M. Muench". The signature is written in black ink and is positioned above the printed name.

Lynn M. Muench