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Lynn M. Muench
Senior Vice President - Regional Advocacy

July 14, 2009

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

Re: Comments on the Pre-Application Document (PAD);
Comments on Scoping Document 1; Identification of
Issues and Associated Study Requests for Commencement
of Licensing Proceeding for: Greenville Bend
Hydrokinetic Project No. 12829-001, Scotlandville Bend
Hydrokinetic Project No. 12861-001, Kempe Bend
Hydrokinetic Project No. 12921-001, Ashley Point
Hydrokinetic Project No. 12930-001, Hope Field Point
Hydrokinetic Project No. 12938-001, Flora Creek Light
Hydrokinetic Project No. 12915-001, and McKinley
Crossing Hydrokinetic Project No. 12912-001

Dear Ms. 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 shipdocking. Thank you for the opportunity to comment on the Federal Energy Regulatory Commission's (FERC) integrated licensing of Free Flow Power Cooperation's (FFP) seven proposed lead projects at Greenville Bend, Scotlandville Bend, Kempe Bend, Ashley Point, Hope Field Point, Flora Creek Light and McKinley Crossing, as well as the opportunity to comment generally on the Pre-Application Document (PAD), the Scoping Document 1 (SD1) and FERC's process for licensing alternative energy projects.

Barge transportation is the cleanest and most efficient mode of freight transportation, and thus is one of the solutions to reducing greenhouse gas emissions. AWO supports other solutions that combat climate change, such as the development of alternative energy resources by companies like FFP. However, it is critical that such projects do not produce navigational hazards that put vessels and their crews at risk, or obstruct the movement of goods to and from ports on which the nation's economy depends. AWO

members are concerned that the installation of the turbines and associated equipment by FFP in and by the Mississippi River could impede navigation and interrupt the flow of essential waterborne commerce.

Therefore, AWO urges FERC to consider the following suggestions regarding: 1) the process and study needs for alternative energy projects located in rivers; and, 2) specific concerns with FFP's application, including its proposed lead sites and other sites.

Process for Reviewing Proposed Projects and Study Needs

In order to ensure that proposed alternative energy projects do not pose risks to vessels, it is absolutely critical that FERC set up a formal process to coordinate with experts on navigation, safety and the environment from industry, the U.S. Coast Guard, and the U.S. Army Corps of Engineers (Corps) when projects are proposed for review. At this time, it is not clear whether FERC or FFP have reached out to the navigation specialists in the Corps, a step essential for this process, as is outreach and coordination with the Coast Guard and the maritime industry.

AWO appreciates FERC's early acknowledgment of commercial navigation as a national resource and endorses most of FERC's SD1 environmental and navigation issues put forward to be addressed in the upcoming Environmental Impact Statement (EIS). AWO agrees with FERC that FFP is incorrect to state in the PAD Section 6.2(i) that "No study [is] needed" for impacts on navigation because FFP "will work with the Army Corps of Engineers."

Before a company is licensed to install alternative energy projects on or near the river, FERC should require the company to submit a detailed plan for how it will build and maintain the structures without interfering with the safety or movement of commercial vessels. In addition, the process must allow ample time for the public review of, and comment on, each site once the schematics are available. For example, AWO cannot fully and adequately evaluate the navigational impacts of FFP's proposed turbines because detailed drawings of their location and relationship to river bottoms, fleets and dock structures, and resulting impacts on under-keel clearance and current eddies, are not yet available.

Before a license is issued, FFP or any future license holder should fully describe how maintenance of projects will be handled to avoid navigation delays or closures. To plan for unforeseen but inevitable delays and accidents, the license should also address how commercial vessel owners would be compensated for delays, lost-opportunity costs and vessel damage caused by turbines and associated equipment. In addition, AWO strongly agrees with the PAD in Section 6.2 (c) that FFP should develop an emergency response and salvage plan. The plan needs to be capable of immediate implementation and provide for outreach to the Corps, Coast Guard and towing industry immediately after an event.

The approval process should also require that turbines and associated equipment be sited in areas below the Low Water Reference Plane (LWRP) or 200-year low river level, whichever is lowest, with a minimum 15-foot clearance between equipment and towboats and barges. The Corps is directed by Congress to maintain a channel depth of 45 feet south of Baton Rouge, and a nine-foot channel north of Baton Rouge for navigation. This depth must be validated by scientific study and also practical knowledge from the towing industry.

Project approval should require the marking of all sites with an electronic Automatic Identification System (AIS) signature which can be read on an electronic navigation chart. Working with the Coast

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Guard and industry to establish this requirement will greatly enhance the ability of vessels to safely navigate around turbines and other structures in the river.

Since the river is ever-changing, all studies should be site-specific and cumulative. Each study should be reviewed individually as projects are added and the river changes based on the projects and on Mother Nature. The analysis should review the shifting of the navigation channel and bank-to-bank changes from year to year and throughout each year and assess the impact the turbines and associated equipment would have on the integrity of structures, including revetments, that maintain the navigation channel and protect against flooding. It should also include an evaluation of resultant scouring and silting in the channel and potential damage to all engineering structures and navigation, dredging, dredge material disposal, bank erosion and sediment transport.

Each site should be required to produce of an individual Environmental Impact Statement (EIS). No site or situation has the same mix of navigation or other factors. An assessment conducted for one site cannot realistically or fairly be considerable transferable to another site.

Each study should carefully review the spatial needs of inland tows. A typical towboat hauling multiple barges is over 200 feet wide and over 1,000 feet long, with barges loaded to 10-12.5 feet deep. When two tows meet or pass in the river, they need from 800 to 1,000 feet of width to do so safely. If two tows meet in a bend, in which case the southbound tow slides around the bend nearly sideways, the needed space increases up to 2,000 feet.

The studies should verify that electrical current that the projects will create in the river is not potentially harmful to vessel personnel and cargo. AWO suggests that FERC review carefully the man-overboard studies done on the electric fish barrier on the Illinois Waterway that clearly state that, given certain circumstances, a very small electrical current in the water can cause injury or death.

FFP's Application: Specific Concerns

AWO has a number of concerns about FFP's specific project applications. Currently, FERC is allowing FFP to use the upcoming studies of its seven proposed lead sites as a representative sample for its other 48 proposed sites. AWO strongly opposes this, as the problems highlighted in this preliminary assessment of both lead and other pending turbine unit sites demonstrates a wide range of undesirable navigation and logistical issues inherent to many of FFP's proposed sites. **AWO urges FERC to require FFP to examine the operational realities of the barge industry and take them into consideration during the review of each proposed project.** Each site may be impacted by the location of fleeting areas, rapid currents or velocity changes influenced by bridges or other naturally occurring or manmade structures and narrow bends and a variety of other unique river challenges.

Finally, AWO has specific concerns with four of FFP's lead sites and three of its other sites:

Proposed Lead Sites

1. Scotlandville Bend (P-12861), FFP Site # 28 (Area of concern, Wilkinson Point): During low water, operators navigate deep into the bend area, lining up to run through the Baton Rouge East 190 Span. The installation and maintenance of turbine units and associated equipment in this area may impede traditional

navigation routes under the upper bridge location, creating serious delays and unsafe navigation conditions for towboats approaching the bridge.

2. Kempe Bend (P-12921), FFP Site # 32: Kempe Bend is a very narrow channel during low water, with a mid-channel area of about one to two acres and an average depth of 30 to 50 feet. According to PAD diagrams, vessels would be forced to run directly above turbine units and there is concern that the horsepower (hp) of vessels operating in this area, which ranges anywhere from 1,800 to 10,500 hp, could create strong enough suction to dislodge turbines and associated equipment. Additionally, commercial traffic in this area would come to a complete halt during the installation and maintenance of turbine units and associated equipment.

3. Ashley Point (P-12930), FFP Site # 41: This area is very shallow during low water periods and it is not unusual to have numerous groundings above this location in the Buck Island area at Mile Marker (MM) 700. This area tends to build up heavy silt in mid-channel. Captains normally run vessels deep in the channel to allow safe passage and ensure that they have sufficient depth. Walnut Bend, better known to operators as the Battle Axe, has a very swift current at certain times of the year and is located in a narrow channel. Several barges have sunk in this location. Towboat groundings in the upper portion of this bend have caused tows to break apart, sending barges drifting into areas where PAD diagrams display the locations of proposed turbine sites.

4. Hope Field Point (P-12938), FFP Site # 42: Better known as the Memphis Bridge/Vice Presidents Island, this is a very hazardous location with terminals located just a few miles downriver. Current flows are very strong at certain river stages, strong enough to move sunken barges or turbine units down river, lodging them into unknown areas.

Other Proposed Sites

1. Walker Bend (P-12926), FFP Site # 38 (Revetments of concern, Vaucluse Bar and Island 84): This location is just above the Old Bridge at Greenville, MS. Over the past 10 years, the Corps has placed trail dikes along the shoreline's right descending bank, down to about one-and-a-half miles above the Old Bridge sight. The dikes maintain adequate channel depth around the bendway and utilize the current flow by scouring the channel out. During low water, river flow slows down, causing sandbars to build up at the upper end of the bend, requiring dredge work. Placing turbines and their associated equipment in this area will act as a barricade, causing sand to accumulate on the upper side and resulting in a channel blockage.

2. Little Prairie Bend (P-12936), FFP Site# 46: The Robinson Bayou area is, in reality, a constructed channel with dikes running along the right and left bank from MM 851.9 to MM 846.5 and two lower dikes extending outward from the right and left bank, creating a gate opening mid-channel. This produces a continuous scouring effect for a short distance. In the past 10 years the Corps has monitored this location, considering it a work in progress. The siting of turbines and associated equipment here would likely cause problems during low water.

3. Hickman Bend (P-12933), FFP Site # 49: This bend poses several safety risks as it is a narrow channel which continuously shifts and has a number of submerged objects. During the low water of 1988, an old rigging flat and a sunken barge at mid-channel were discovered in this area. There are routine reports of vessels striking unknown objects in this vicinity during low water. The siting of turbines and associated

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equipment here would likely cause problems during low water. Additionally, commercial traffic in this area would come to a complete halt during the installation and maintenance of turbine units and associated equipment.

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 to the left of the printed name.

Lynn M. Muench