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April 13, 2016

Docket Management Facility (M-30)
U.S. Department of Transportation
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Re: Request for Comment on the
ACPARS Final Report
(USCG-2011-0351)

Dear Sir or Madam:

The American Waterways Operators is the national trade association for the U.S. tugboat, towboat, and barge industry. Our industry is the largest segment of the nation's 40,000-vessel Jones Act fleet and moves more than 800 million tons of cargo each year safely and efficiently. This includes more than 80 percent of New England's home heating oil, 60 percent of U.S. export grain, and significant bulk commodities transported along the Atlantic Coast. On behalf of AWO's 350 member companies, we appreciate the opportunity to comment on the Atlantic Coast Port Access Route Study (ACPARS) Final Report.

AWO members lead the maritime industry in safety, security, and environmental stewardship. We are committed to working with government partners to advance these shared objectives. AWO's Responsible Carrier Program, the safety management system with which all AWO members must comply as a condition of association membership, highlights AWO member commitment to safety and environmental protection. AWO is committed to the goal of zero harm from our industry's operations – to human life, to the environment and to property. AWO's commitment to environmental stewardship also includes support of alternative energy resources. However, it is critical that such projects not produce navigational hazards that put vessels and their crews at risk, or obstruct the movement of goods on which the nation's economy depends. AWO looks forward to continuing to work with the Coast Guard, the Bureau of Ocean Energy Management, other government stakeholders and industry partners to minimize the potential navigation safety risks posed by offshore obstructions.

It was with this safety goal in mind that the Coast Guard-AWO Safety Partnership's Atlantic Region Quality Steering Committee developed the *Safe Navigation Around Structures Quality Action Team* in 2014. The QAT was tasked with establishing basic safety practices to allow the Coast Guard and the towing industry to make better-informed recommendations on the siting of offshore structures. The work also took into account how towing vessel navigation routes and best practices are likely to evolve in the future. Through this comprehensive effort, the Coast Guard and industry were able to develop Marine Planning Guidelines for Towing Vessels to inform where offshore wind projects and other structures could be safely located. These guidelines include a nine-mile Safe Navigation Corridor to preserve vital shipping lanes by prohibiting construction of offshore obstructions in these areas. AWO's Counsels Working Group has further validated the work of the QAT by concluding that the Safe Navigation Corridor would not present any additional liability concerns for towing operators as long as the corridor is developed as a voluntary routing measure.

AWO applauds the Coast Guard's recommendations to incorporate the QAT's Marine Planning Guidelines into policy and to apply the QAT-identified navigation corridor during marine planning activities. We strongly support the Coast Guard's decision to implement these recommendations into policy and urge the Coast Guard to do so without further delay. AWO recommends that the Coast Guard take the following steps to ensure swift implementation of these recommendations.

Issue the Notice of Study Results and codify the ACPARS recommendations into a NVIC as soon as possible. The planning guidelines and navigation corridor have been developed through the applied experience of both the Coast Guard and the maritime industry, and AWO strongly believes that the Coast Guard has all the information it needs to move forward with policies to enhance navigational safety along the Atlantic Coast. The Coast Guard should ensure that the final NVIC is consistent with the ACPARS recommendations and continue to work with maritime stakeholders as it develops this guidance.

Once the NVIC has been published, issue a Commandant Instruction empowering Districts One, Five and Seven to create safety fairways based on the Marine Planning Guidelines included in ACPARS. The most reliable way to protect the safety of navigation along the Atlantic Coast is to develop navigation safety fairways that will legally prohibit the development of obstructions within critical maritime waterways. It is imperative that the Coast Guard develop safety fairways now, before any more offshore construction projects are planned. By clearly defining which waters are part of the safe navigation corridor, the Coast Guard can minimize future impacts to the maritime industry, energy developers, and other stakeholder groups. The Coast Guard developed safety fairways in the Gulf only after substantial offshore construction projects had already been completed, much to the detriment of navigation safety. The Coast Guard must actively avoid a repeat of this situation on the Atlantic Coast.

Use the ACPARS recommendations to disqualify proposed Wind Energy Areas that the report has demonstrated to pose navigational risks. AWO has serious concerns with several proposed WEAs with which BOEM decided to proceed while ACPARS was still under

development. The final report reasserts the Coast Guard's recommendation that significant navigational conflicts should be addressed in the planning phase of the WEA leasing process. Unfortunately, BOEM did not adequately consult with the maritime industry on navigation safety risks presented by several WEAs, including those being planned off the coasts of Maryland, Delaware, and New Jersey, and decided to proceed with competitive sale leases for these WEAs before the completion of ACPARS.

AWO remains concerned about the cascading effect that the Maryland, Delaware, and New Jersey WEAs will have in increasing navigation risks near the entrance to Delaware Bay. Together, these WEAs will result in a greater risk of collisions, allisions, and groundings in an area that is critical to maritime commerce along the Atlantic coast. The report confirms that the proposed WEAs at the entrance to Delaware Bay would force tugs and barges approximately 35 miles offshore and into routes used by larger deep-draft vessels, increasing traffic density and weather related casualty risks. AWO is confident that the completion of ACPARS will provide the Coast Guard with the ability to assert its authority over these types of significant navigation safety issues, which BOEM has thus far chosen to ignore. In particular, AWO supports the ACPARS call for "Alternative 1" in the Maryland WEA. In New Jersey, we urge the Coast Guard to develop an inside track to prevent the northern extent of the proposed siting area from cutting off the emerging ATB routes from Delaware to Montauk.

Incorporate the Atlantic Region Quality Steering Committee into the standing marine planning workgroup to assist the Coast Guard with the implementation of ACPARS. The collaboration between the Coast Guard and industry in developing the *Safe Navigation Around Structures QAT* demonstrates the value and the ongoing need for a forum to share information and expertise on industry safety challenges posed by offshore obstructions. The Atlantic RQSC played a valuable role in providing input for the final report and should serve as the foundation for this marine planning workgroup. The RQSC is well positioned to provide feedback to the Coast Guard on measures to assist the implementation of ACPARS, from the documentation of traditional maritime routes to needed changes in Coast Guard processes to determine the suitability of proposed WEA siting locations. The Coast Guard should work with the Atlantic RQSC in the short-term to establish the role of this standing working group.

Avoid additional fact gathering measures that would further delay the implementation of the ACPARS recommendations – or that would undermine the spirit of safety collaboration that informed the final report. The Marine Planning Guidelines included in ACPARS are the result of hundreds of hours of consultation with seasoned ship captains and state-of-the-art quantitative analysis by Coast Guard and industry experts. While AWO does not oppose the development of a modeling tool as a means of supplementing the ACPARS recommendations, it should not come at the expense of the swift promulgation of policy. The Coast Guard has had several years to collect data, and the difficulty in developing a modeling tool ultimately forced the Coast Guard and industry to jointly develop planning guidelines and the navigation corridor that are built on proven safe operational practice. Even if it is possible to develop such a tool, AWO strongly believes that it will take too long to be of any near term use because WEAs will already be constructed by the time the tool is completed. Opportunities to

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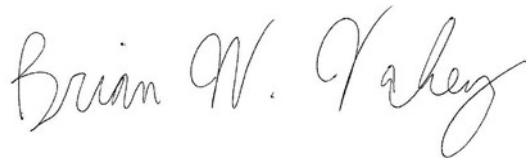
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strengthen the findings and recommendations of the ACPARS final report should be primarily coordinated through the standing marine planning working group as discussed above.

We applaud the Coast Guard again for working with the maritime industry to develop an ACPARS final report that will, once implemented, enhance navigational safety on the Atlantic Coast. The good work of this report further validates the spirit of coordination and collaboration that exists between the Coast Guard and the navigation industry to further enhance maritime safety and environmental protection.

Thank you for the opportunity to comment. AWO would be pleased to answer any questions or provide further information as the agency sees fit.

Sincerely,

A handwritten signature in cursive script that reads "Brian W. Vahey". The signature is written in black ink and is positioned below the word "Sincerely,".

Brian W. Vahey