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Brian Vahey
Senior Manager – Atlantic Region

December 28, 2015

Ms. Abigail Ross Hopper
Director
Bureau of Ocean Energy Management
1849 C Street, NW
Washington, DC 20240

Re: Request for Information on
the State of the Offshore
Renewable Energy Industry –
Request for Feedback;
MMAA104000 (Docket No.
BOEM–2015–0091)

Dear Director Hopper:

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 state of the Bureau of Ocean and Energy Management's Renewable Energy Program.

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 members are committed to the goal of zero harm from our industry's operations – to human life, to the environment and to property. To realize this goal, AWO looks forward to continuing to work with BOEM, other government stakeholders, and industry partners to minimize safety risks posed by offshore wind energy projects.

AWO requests that BOEM wait for the completion of the Atlantic Coast Port Access Route Study (ACPARS) before proceeding with competitive sale leases for all future Wind Energy

Areas (WEAs). ACPARS will ensure that commerce continues to move unimpeded by poorly-sited offshore WEAs by enabling the U.S. Coast Guard to identify and establish fairways to ensure that offshore wind projects and other structures will not produce navigational hazards that put vessels and crews at risk, or obstruct the vital movement of goods to and from ports. When competitive sale leases are held or scheduled prior to navigation safety issues being resolved, it leads to a greater risk of collisions, allisions and groundings in areas that are critical to maritime commerce along the Atlantic coast. BOEM can address these safety concerns by ensuring that the Renewable Energy Program is informed by ACPARS.

Recognizing the importance of completing ACPARS, AWO partnered with the Coast Guard last year to establish a *Safe Navigation Around Structures Quality Action Team (QAT)* to examine the safety, economic, and environmental factors that affect the safe operations of tugboats and barges off the Atlantic coast. The QAT developed Atlantic Towing Guidelines to inform where offshore wind projects and other structures should be located, and proposed a Safe Navigation Corridor to preserve vital shipping lanes and prohibit offshore wind development in these areas. Both the Atlantic Towing Guidelines and the Safe Navigation Corridor were incorporated into the ACPARS report, which the Coast Guard is expected to release for comment in January 2016.

Without a completed ACPARS, the towing industry and the Coast Guard have only been able to provide analysis on the navigation risks posed by individual WEAs. As a result, the collective navigation safety concerns created by multiple WEAs have not been examined to determine how maritime traffic up and down the Atlantic coast will be impacted. ACPARS has been developed through the close coordination of the towing industry and the Coast Guard to provide more comprehensive information about the navigation safety risks posed by proposed WEAs. It is critical that BOEM suspend the granting of all future wind energy leases until after ACPARS is completed and the results are analyzed by and discussed with the navigation industry and the Coast Guard.

BOEM's decision to move ahead with competitive sale leases for a number of WEAs before the completion of ACPARS means that BOEM has chosen to defer the process for addressing navigation safety issues to the Construction and Operations Plan (COP) phase of several of these projects, when lessees are required to site specific navigational risk assessments. BOEM has thus created a situation where leases to offshore wind developers are made prior to addressing navigation safety concerns that could eventually alter the size and scope of areas that lessees are able to develop. BOEM's unwillingness to address navigation safety issues up front has made the towing industry concerned that the agency will be reluctant to modify the dimensions of WEAs after lessees have begun the planning process for developing specific areas of a WEA that later may be deemed hazardous to navigation.

BOEM did not adequately consult with the towing industry on navigation safety risks presented by the WEAs planned in Maryland, Delaware and New Jersey, and decided to proceed with competitive sale leases for these WEAs before the completion of ACPARS. As a result, the increased vessel traffic stemming from these WEAs will force towing vessels to

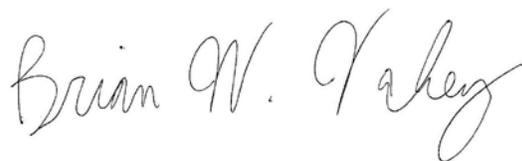
operate in the same areas as faster, deep-draft vessels, increasing the risk to the waterways environment and to human life.

The planning process for the North Carolina WEA was the only instance in which BOEM consulted with stakeholders to identify areas that will present the fewest conflicts for towing vessel operators. Although AWO would have preferred for BOEM to wait for the completion of ACPARS before moving ahead with plans for the North Carolina WEA, we appreciate that BOEM worked proactively with AWO, regional stakeholders and the Coast Guard early on in the process to determine the best locations for the Kitty Hawk and Wilmington East WEAs. AWO recommends that BOEM incorporate into its Renewable Energy Program this process of early consultation with the Coast Guard and the maritime industry, informed by the results of ACPARS, at the beginning of a proposed project and before a competitive sale lease for a WEA is held.

Waiting for the completion of ACPARS and working with industry early in the development process are two simple steps that will help the Administration and the private sector explore the advantages of offshore wind energy development in a manner consistent with the Administration's "Smart from the Start" initiative. It is impossible to facilitate the responsible development of offshore wind energy projects without coordinating with the maritime industry on the safety risks associated with their siting. ACPARS and early industry engagement are two important ways to ensure that WEAs are built in the right way and in the right places. We urge BOEM to incorporate these steps into all future planning projects.

Thank you again 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 above the typed name and title.

Brian W. Vahey
Senior Manager – Atlantic Region