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August 18, 2020

Rear Admiral Richard Timme
Assistant Commandant for Prevention Policy
U.S. Coast Guard
2703 Martine Luther King Jr. Ave. SE
Washington, DC 20020

Re: ANPRM for Shipping Safety
Fairways Along the Atlantic Coast
(Docket No. USCG-2019-0279)

Dear RDML Timme,

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 760 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 other important bulk commodities transported in U.S. coastal waters. On behalf of AWO's more than 300 member companies, we appreciate the opportunity to comment on the Advance Notice of Proposed Rulemaking for Shipping Safety Fairways Along the Atlantic Coast.

AWO members lead the maritime industry in safety, security, and environmental stewardship. We are committed to working with government to advance these shared objectives. Our 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 commodities on which the nation's economy depends.

It is with these concerns in mind that we worked closely with the U.S. Coast Guard and other stakeholders to provide towing vessel navigation information to inform the development of the Atlantic Coast Port Access Route Study (ACPARS). That study, finalized in 2017, recommended protecting historical maritime navigation routes from offshore structures by creating navigation fairways for towing and deep draft vessels. The publication of this Advance Notice of Proposed Rulemaking is an essential next step in ensuring the continued safety of Atlantic Coast navigation for generations to come. We applaud the Coast Guard for the efforts it has made to work with the towing industry to get this important regulation right, and it is in the spirit of continued partnership that we provide the following comments.

The creation of an Atlantic Coast fairway for towing vessels has long been among AWO's top navigation safety priorities, and we appreciate the Coast Guard's willingness to listen to industry perspective and to include our recommendations in the ACPARS final report. The ANPRM recommends the creation of two general "types" of fairways: offshore fairways for deep draft vessels and nearshore fairways for towing vessels. (As towing vessel operators would not generally use the deep draft fairways for coastal transits, our comments in this letter pertain exclusively to the proposed nearshore towing vessel fairways).

AWO supports the recommendations of this ANPRM that are consistent with ACPARS, but there are specific elements of the proposed fairway that do not track with the recommendations of the prior study and we will address these discrepancies below. We will focus our comments specifically on three key areas of the proposal: (1) the proposed fairway widths; (2) the proposed fairway routes; and, (3) inshore towing vessel transit patterns where additional navigation assessment is warranted.

Fairway Width

In 2014, the Coast Guard-AWO Safety Partnership's Atlantic Region Quality Steering Committee established the Safe Navigation Around Structures Quality Action Team. The QAT was tasked with identifying the appropriate width for a towing vessel navigation fairway based on long-standing operator safety practices. In its report, the QAT recommended the creation of a nine-nautical-mile-wide towing vessel Safe Navigation Corridor: 5NM for the tugboat navigation route plus a 2NM "safety buffer" on either side of the navigation route. This recommendation was included in ACPARS.

The most glaring discrepancy between the recommendations in ACPARS and the recommendations in the ANPRM concerns the proposed width of the nearshore towing vessel fairways. Except for the portion of the Cape Charles to Montauk Point Fairway cutting across the New York Bight, the proposed nearshore fairway is never more than 5NM wide at any point.

The reason vessel operators recommended a 9NM fairway width was detailed in the QAT report and included in ACPARS: a safe coastwise sea lane would need to potentially accommodate three towing vessels abreast of each other while accounting for cross track error, closest point of approach, and sea state conditions. Our industry firmly believes that an offshore towing vessel fairway must provide operators with 9NM of sea space to ensure safe transit.

The Coast Guard has recognized the importance of the safety corridors not just in the ACPARS final report, but within the ANPRM as well: a minimum 4NM safety corridor (2NM on either side of the proposed route) is factored into every fairway width calculation where it would not create a conflict with a wind energy planning area. Safe navigation corridors are essential to giving operators the space they need to transit safely under every possible condition; they should not be added to the fairway width only when it is convenient to do so.

As vessel traffic density along the coast increases, and as the size of wind energy turbines increase, a fairway width that does not give towing vessel operators the distance they need to transit safely now will prove even less adequate in the years to come.

AWO therefore urges the Coast Guard to allocate 9NM for all sections of the proposed nearshore fairway as recommended in the ACPARS final report by establishing a two-nautical-mile buffer on each side of the recommended transit route.

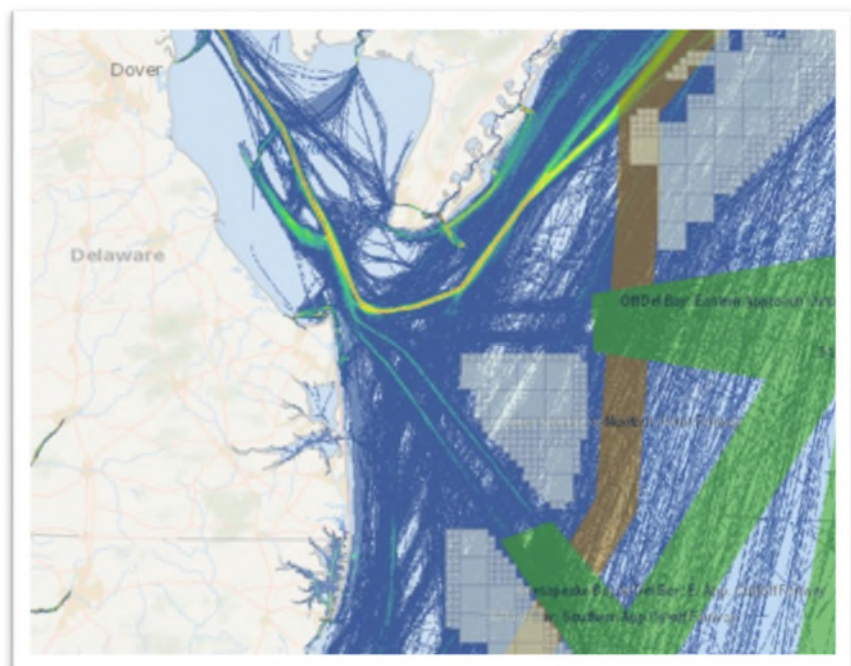
Fairway Routes

During the development of ACPARS, the Coast Guard studied AIS vessel tracks and sought to align the proposed fairways with traditional towing and deep draft vessel routes. Although ACPARS did not analyze transit routes in either the waters of the New York Bight or off the Florida Coast, the Coast Guard has identified and included in this ANPRM fairway routes for these areas using what appears to be the same reliable methodology.

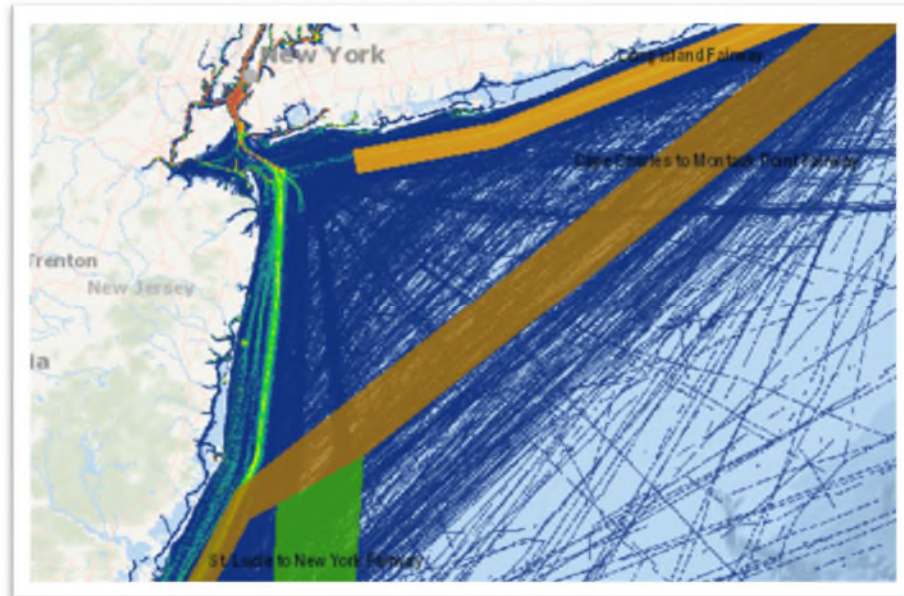
The routes delineated in this ANPRM are consistent with the ACPARS recommendations and would protect traditional offshore towing vessel transit routes along the Atlantic Coast. We recognize that sections of the proposed fairway routes conflict with BOEM wind energy lease and planning areas. AWO members do not take these conflicts lightly. We support wind energy development and many of our members have begun to invest in equipment to support wind turbine installation. However, the safety of our vessels and crews must take precedence over other considerations. We encourage the Coast Guard to codify the proposed fairway routes into regulation as proposed.

Further Protection for Inshore Vessel Routes

While the proposed towing vessel fairways align closely with nearshore transits, most tugboat operators prefer to use traditional inshore routes. In some instances, the use of these routes is stipulated by the vessel's customer. Looking at the Mid-Atlantic Data Portal's information on tugboat transits from 2017 and 2019, it is clear that in areas like the waters at the mouth of the



Delaware Bay, there is significant towing vessel traffic moving outside of the proposed fairway routes. This is not unique to the Delaware Bay area. Nearshore towing vessel routes along the coast of Northern New Jersey and into (and out of) New York Harbor are not protected by a proposed fairway.



It would be a mistake to assume that these areas will never be impacted by wind development. The Coast Guard should act to protect high density traffic areas from obstructions now, rather than to act only after wind area planning has already begun.

The Coast Guard has worked with industry to codify some of these inshore routes. Towing vessel transits offshore Delaware Bay, for instance, have been included on NOAA charts and in the Coast Pilot. We strongly encourage the Coast Guard to consider other steps the agency can take to protect these routes from future wind development and stand ready to assist with such efforts in any way we can.

The Fairways Must Prioritize Navigation Safety

AWO appreciates the effort the Coast Guard has undertaken to protect vessel navigation routes through the creation of coastal fairways. While the location of the proposed nearshore fairways is consistent with the recommendations of ACPARS, the proposed widths are not. If the fairway does not provide operators with enough distance to transit safely under a variety of possible sea states, then it has failed to serve its core objective. We again urge the Coast Guard to increase the width of the towing vessel nearshore fairway to 9NM.

We also reiterate our desire to work with the Coast Guard to identify and protect high traffic density inshore navigation lanes. We believe that the productive collaborative work that has led to this fairway proposal can also be used to protect traditional inshore navigation routes,

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and we urge the Coast Guard to explore these routes under the auspices of this rulemaking. We look forward to the opportunity to continue this collaboration.

Thank you for the opportunity to comment. We 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 ink is dark and the signature is centered horizontally.

Brian Vahey
Senior Manager – Atlantic Region