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Brian W. Vahey  
Director – Atlantic Region

June 24, 2022

Ms. Bridgette Duplantis  
Office of Leasing and Plans  
Bureau of Ocean Energy Management  
1201 Elmwood Park Boulevard  
New Orleans, LA 70123

Re: Call for Information and  
Nominations – Commercial  
Leasing for Wind Power  
Development on the Central  
Atlantic Outer Continental Shelf  
(Docket No. BOEM-2022-0023)

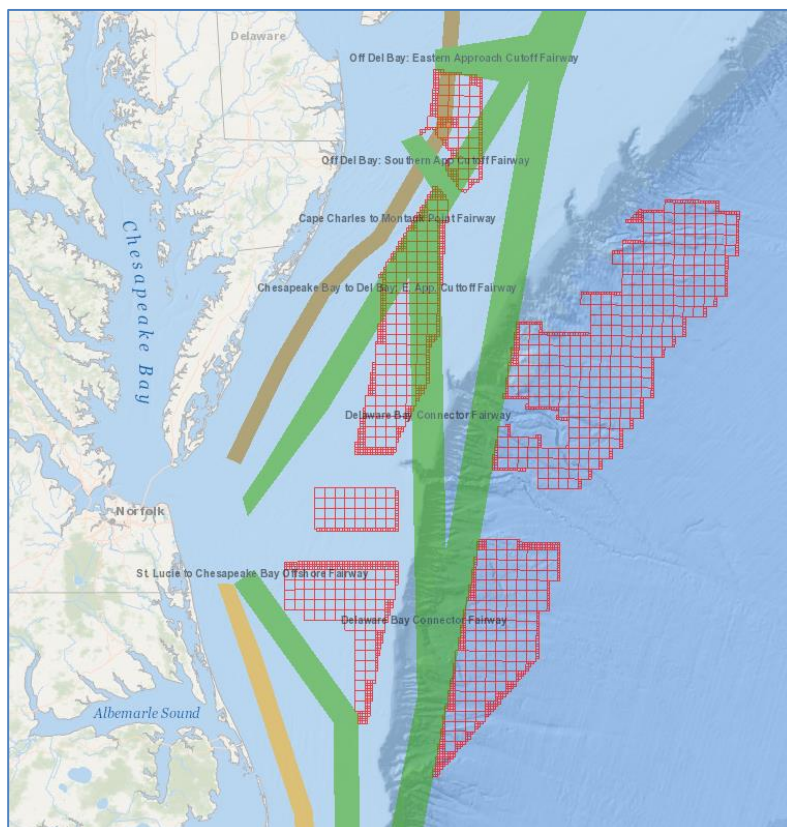
Dear Ms. Duplantis,

The American Waterways Operators (AWO) is the tugboat, towboat and barge industry's advocate, resource, and united voice for safe, sustainable, and efficient transportation on America's waterways, oceans, and coasts. Our industry is the largest segment of the nation's 40,000-vessel Jones Act fleet and moves 665 million tons of cargo each year safely and efficiently. On behalf of AWO's more than 300 member companies, we appreciate the opportunity to comment on this Call for Information and Nominations for wind energy leases on the Central Atlantic Outer Continental Shelf.

AWO members lead the maritime industry in safety, security, and environmental stewardship. We are committed to working with federal and state agencies to advance these shared objectives. Our commitment to environmental stewardship includes strong support for renewable 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 have worked closely with the U.S. Bureau of Ocean Energy Management and the U.S. Coast Guard on previous requests for comment on wind energy projects offshore the Atlantic and Pacific coasts.

AWO shared its navigation safety concerns with the Coast Guard during the development of the Atlantic Coast Port Access Route Study (ACPARS) and we have advocated for that study to serve as the guiding document for the development of fairways offshore the Atlantic Coast.

The Coast Guard published its advance notice of proposed rulemaking for Atlantic nearshore and offshore fairways in 2020, and the agency’s work to identify the precise width and placement of these fairways is ongoing. The most difficult part of this process has been in reconciling the safety recommendations in ACPARS with the often-conflicting financial commitments offshore wind developers have already made through their work with BOEM. We do not believe it is in anyone’s best interests – from vessel operators to wind developers – for BOEM to move forward expeditiously with the creation of still more call areas before the Coast Guard has had an opportunity to finalize its fairway rulemaking. However, just going by the original ACPARS proposals, it is clear that Central Atlantic Call Areas A and B (in the top-center and center of the image below), both conflict with two of the proposed fairways:



It is important to note that in addition to the location of these fairways, the Coast Guard is also considering stakeholder feedback on the appropriate width. ACPARS recommended a 9 NM fairway width to accommodate vessels transiting abreast during a variety of sea states. This width gives operators more time to adhere to the Navigation Rules and react in the case of an unforeseen safety incident. A width of 9 NM allows vessels moving in both directions to safely navigate past one another while also avoiding deep draft vessels transiting across the fairway. AWO endorses this proposal and has urged the Coast Guard to establish a 9 NM nearshore fairway.

While the proposed fairways have yet to be codified into regulation, it is likely that at the very least Call Area B will create a major conflict with navigation safety. And it is important to remember that the other fairways in this area are subject to movement and expansion in the final rule. When establishing the final lease areas, overlaps between proposed fairways and lease areas should be avoided to minimize the chances of offshore wind developers purchasing the rights to areas where they will not be allowed to build. BOEM should also keep in close contact with the Coast Guard as that agency develops its final rule for navigation safety fairways along the Atlantic Coast.

AWO values our partnership with the Coast Guard and BOEM, and none of us want to see the placement of offshore wind farms make coastal navigation more treacherous for the men and women of the maritime industry. However, we have already seen that as call areas are approved and as winning bids for these areas are finalized, the Coast Guard loses much of the flexibility it would have otherwise had to make regulatory decisions based on safety while protecting the supply chain and ensuring transit to and from the wind energy installations for construction and maintenance. Safety is paramount, and giving the Coast Guard time to finalize its fairways regulation before committing developers to future wind energy areas will ensure that the towing industry and the offshore wind industry can exist harmoniously and work together for the best interests of the nation.

Thank you again for the opportunity to comment. I would be pleased to provide additional comments or further information as you see fit.

Sincerely,

A handwritten signature in cursive script that reads "Brian W. Vahey". The ink is dark and the signature is fluid and legible.

Brian Vahey  
Director – Atlantic Region