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Brian W. Vahey
Vice President – Atlantic Region

January 17, 2023

Ms. Jessica Stromberg
Project Coordinator
Office of Renewable Energy Programs
Bureau of Ocean Energy Management
45600 Woodland Road, VAM-OEP
Sterling, Virginia 20166

Re: Notice of Availability of a Draft
Environmental Impact Statement for
Empire Offshore Wind, LLC's Proposed
Wind Energy Facility Offshore New York
(Docket No. BOEM-2022-0053)

Dear Ms. Stromberg:

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 domestic maritime 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 Draft Environmental Impact Statement (DEIS) for Empire Wind, LLC's proposed wind energy facility offshore New York.

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 do 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 (BOEM) and the U.S. Coast Guard on previous requests for comment on wind energy projects offshore the Atlantic and Pacific coasts.

We appreciate BOEM seeking stakeholder feedback on the placement of undersea power cables. AWO members have long recognized that these cables represent a “hidden” hazard to navigation. Indeed, there have been past instances of vessels striking undersea cables either during routine or emergency anchoring. These strikes and snares are a major safety risk for vessels and their crews and have done millions of dollars’ worth of damage to the cables.

We understand that BOEM, after consulting the U.S. Coast Guard and the U.S. Army Corps of Engineers, is recommending burying the Empire Wind power cable along the shallow waters of the Gravesend Bay anchorage area (Option II) instead of burying the cable in the Ambrose navigation channel (Option I). Given the inherent risks that cables present to vessel operators, AWO does not believe that *either* of the proposed options will facilitate navigation safety or protect the cables. Burying the cable inside the portion of the Ambrose channel will increase safety risk for vessels needing to anchor in the channel in an emergency situation and burying the cable in a federally designated anchorage area will make it riskier for vessels routinely anchoring there.

We urge BOEM to work with the Army Corps to more seriously evaluate whether an option exists to minimize the cable’s contact with the Ambrose Channel while avoiding the anchorage area altogether. We understand that it is a best practice to bury cables perpendicularly across a navigable channel, minimizing the area of overlap between the cable and the channel and greatly reducing the likelihood of an accidental anchor strike. If such an option is available here, we ask BOEM to consider it.

Between the two options that BOEM has proposed, we concur with the Coast Guard and the Corps that it is preferable to bury the cable in the Gravesend Bay anchorage area. The shallow area along the perimeter of the anchorage is used less frequently, and a cable buried there is less likely to pose a safety risk for vessel operators – provided that the cable is buried a minimum of 15 feet. We also urge the Corps to ensure that the cable retains its depth. Gravesend Bay is a dynamic environment with uncertainties relating to water flow, sand erosion, storms, and other naturally occurring phenomena that might cause the burial depth to change or the cable’s location to shift.

Additionally, we urge BOEM to bury the cable further to the east, along the defined perimeter of the anchorage, in order to maximize anchoring space. The Gravesend Bay anchorage area is used by a variety of vessels, including towing vessels. Ferries and other passenger vessels occasionally transit through the Bay, and tankers conduct lightering and bunkering operations in the anchorage. While the shallow portions of the anchorage are used less frequently, they provide a natural harbor for smaller craft to anchor in times when the anchorage is crowded. To ensure safe operations, it is critical that vessels have full use of federally defined anchorages.

Docket No. BOEM-2022-0053

January 17, 2023

Page 3

AWO values our partnership with BOEM and appreciates the agency's commitment to safety and environmental protection. 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 a light grey or blue color.

Brian W. Vahey
Vice President – Atlantic Region