



The American Waterways Operators

www.americanwaterways.com

801 North Quincy Street
Suite 200
Arlington, VA 22203

PHONE: (703) 841-9300
FAX: (703) 841-0389

Nicole deSibour
Vice President – Atlantic Region

June 25, 2010

Maureen A. Bornholdt
Program Manager
Office of Offshore Alternative Energy Programs
Bureau of Ocean Energy Management, Regulation and Enforcement
381 Elden Street
Mail Stop 4090
Herndon, VA 20170

RE: Commercial Leasing for Wind Power on the Outer
Continental Shelf Offshore Delaware — Request for
Interest [Docket ID No. MMS–2010–OMM–0017]

Dear Ms. Bornholdt:

The American Waterways Operators (AWO) is the national trade association for the tugboat, towboat and barge industry. AWO's 350 member companies operate on the coasts, the inland rivers and the Great Lakes, safely and efficiently moving more than 800 million tons of cargo per year critical to the U.S. economy. AWO members also provide essential escort and shipdocking services in our nation's ports and harbors. AWO members are proud to be part of an industry that is the safest and most fuel-efficient, and has the smallest carbon footprint, of any transportation mode. AWO members also have a deep commitment to safety, having adopted in 1994 the Responsible Carrier Program, a code of safe practice and environmental stewardship that is a condition of membership in the association.

Many AWO member companies operate tugboats and manned tank barges offshore of Delaware and New Jersey, and AWO supports the development of alternative energy resources by innovators like Bluewater Wind Delaware LLC. 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 to and from ports on which the nation's economy depends. Thank you for the opportunity to comment on the Request for Interest (RFI) on the proposal to lease areas in Delaware Bay for the construction of wind energy projects on the Outer Continental Shelf (OCS).

Previous Involvement

AWO has closely followed the progress of the Minerals Management Service, now the Bureau of Ocean Energy Management, Regulation and Enforcement (BOE), offering of five, five-year interim policy leases for the siting of meteorological data collection towers (MDCT) seven to 18 miles offshore of Delaware and New Jersey to collect data for the eventual construction of wind turbines. AWO's initial interest in these projects was triggered by the proposed MDCT site Fisherman's Energy 1, which fell within traditional tugboat and barge navigation routes. After a series of discussions, AWO, the Mariners' Advisory Committee for the Bay & River Delaware, the New

York Tug and Barge Committee and the U.S. Coast Guard negotiated an agreement with Fisherman's Energy to move the problematic MDCT site away from any marine transit routes. Additionally, AWO secured a pledge from the U.S. Army Corps of Engineers to include a specific project requirement to notify AWO and the Coast Guard 60 days prior to any project construction.

Project Concerns

A recent survey of AWO members that operate tugboats and barges along the Five Fathom Bank-Cape Henlopen and Cape Henlopen-Delaware two-way traffic lanes and northbound and southbound navigation routes revealed serious navigation and safety risks and potential detrimental effects to the environment resulting from this additional use of the proposed area of interest. AWO asks BOE to consider the following impediments:

- **A barrier to navigation:** Construction of any MCDT or wind turbines within one of the most congested maritime navigation areas along the east coast would directly impact tugboat and barge navigation and maritime commerce.

Northbound and southbound tugboat traffic connecting New York to Norfolk, VA frequently navigates through the proposed area of interest to reduce vessel congestion along other navigation routes, fuel consumption, air emissions, and journey time. **Consequently, the proposed area of interest would act as a barrier to traditional navigation routes and have a negative impact on the environment.**

In addition, tugboats regularly set anchor in the proposed area of interest while they await orders to proceed into Delaware Bay. **Should BOE proceed with leasing this location, AWO recommends that an anchorage area continue to be maintained with an adequate amount of buffer space and safe access points between the anchorage area and proposed area of interest.**

- **An obstruction to safety:** The Coast Guard's proposed Traffic Separation Scheme (TSS) Buffer, which would require an initial buffer of 500 meters from the edge of a traffic separation zone, is not enough to ensure the safe operations of the towing industry and its customers.

While tugboats and barges normally operate within the traffic safety zones, it is common for tugboats to be pushed to the outside edges by the navigation needs of larger vessels, placing them directly in the TSS, adjacent to the proposed area of interest. **AWO recommends that the Coast Guard expand the proposed TSS from 500 meters to at least 800 meters.**

Northbound and southbound tugboat and barge traffic would presumably be diverted east of the proposed area of interest in order to safely navigate around MCDT or wind turbines. However, between the months of September and May, eastern navigation routes on the OCS can have volatile weather and sea conditions. To avoid such navigational hazards, vessels would presumably have to be diverted west; further contributing to the high levels of maritime traffic congestion, impacting other vessel operators and increasing hazardous navigation conditions.

Bad weather can also force tugboats and barges navigating northbound and southbound close to shore to divert further east, offshore toward the proposed area of interest, in order to provide a greater margin of safety between the vessel and the shoreline. Therefore, **any additional impediment to these vessels' navigation in adverse weather conditions poses an additional safety risk.**

AWO believes that development of the proposed area of interest would increase barriers to navigation and obstruct safety, enhancing the overall likelihood for an accident, which could include crewmember injury or fatality, damage to a vessel or environmental damage.

Recommended Next Steps

AWO urges BOE to consider the following recommendations:

- BOE should halt the lease issuing process for the proposed area of interest and relocate the wind turbine project to a less congested area given the serious impediment to navigation, safety risks and detrimental environmental impacts stated above. However, should BOE proceed, AWO urges BOE to assess the practicality of developing this area for wind energy projects given the current multiple uses of this particular area of the Bay and the above-stated concerns.
- As BOE prepares its National Environmental Policy Act analysis for public review and conducts consultations with federal and state agencies, BOE should make certain to engage and consult with interested maritime transportation stakeholders, including AWO.
- BOE should determine if issuing a lease for the proposed area of interest would significantly affect the quality of the human environment and begin the process of preparing an Environmental Impact Statement to analyze the effects of issuing the leases with focus on space-use conflicts and impacts to safe navigation.

Thank you for the opportunity to comment. AWO would be pleased to answer any questions or provide further information to assist BOE in its RFI review.

Sincerely,



Nicole deSibour