



Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*
Malcolm D. Woolf, *Director*

June 23, 2011

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

MARYLAND RECOMMENDATION FOR CALL FOR INFORMATION AREA

Maryland Recommendation to BOEMRE State/Federal Renewable Energy Task Force and U.S. Department of Interior Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Office of Offshore Alternative Energy Programs

Dear Ms. Bornholdt,

The Maryland Energy Administration (MEA) submits this recommendation to the BOEMRE State/Federal Maryland Offshore Renewable Energy Task Force (Task Force) after consultation with State agencies and stakeholders.

Under the Energy Policy Act of 2005 (Pub. L. 109-58) and 30 CFR Part 285, the Task Force is responsible for coordination with affected State, local, and tribal governments and relevant Federal agencies for the purpose of planning for the leasing of areas of the Outer Continental Shelf (OCS) for renewable energy deployment. After consideration of comments from several stakeholders and in coordination with Task Force representatives, Maryland agencies offer this recommendation to the Task Force and the BOEMRE Office of Offshore Alternative Energy Programs to support the development of State and Federal renewable energy goals while making specific modifications to preserve the safety of marine transportation, navigation and commerce.

The basis for this recommendation is the BOEMRE Request for Interest for Commercial Leasing for Wind Power on the Outer Continental Shelf Offshore Maryland, published in the Federal Register, Vol. 75, No. 216 on Tuesday, November 9, 2010. This RFI area contained several OCS blocks adjacent to an existing Traffic Separation Scheme (TSS) serving the southern approaches to the Delaware Bay. Several comments from stakeholders raised concerns that this presented challenges to safe and efficient navigation of vessel traffic within the TSS and in areas offshore Maryland utilizing the TSS.

BOEMRE has presented potential scenarios that accommodate extension of the TSS in the future and preserve safety setback areas buffering the routes that such extensions would be likely to follow. The Maritime Safety Council of the International Maritime Organization establishes a TSS, upon



recommendation by the U.S. Coast Guard (USCG), to facilitate safe passage for vessels as they enter and exit shipping channels. Additionally, these scenarios present for discussion the removal from consideration of certain areas in the southern part of the RFI area due to indications of high volumes of vessel traffic.

At this time, the USCG has not made official recommendations regarding the extension of the southern TSS serving the Delaware Bay. However, on May 11, 2011, USCG announced the initiation of a Port Access Route Study (PARS) to evaluate the continued applicability of, and the need for modifications to, current vessel routing measures along the Atlantic Coast between Maine and Florida. The USCG indicates that data gathered during this Atlantic Coast PARS may result in the establishment of one or more new vessel routing measures or modification of existing routing measures to reconcile navigational safety with “other reasonable waterway uses such as the leasing of outer continental shelf blocks for the construction and operation of offshore renewable energy facilities.” (76 FR 27288)

MEA has engaged stakeholders representing maritime navigation and safety and presented a discussion draft that included an extension of the existing TSS serving the Delaware Bay as well as a safety setback of 500m (approximately ¼ nm) buffering this extension. This 500m threshold was determined to be consistent with the current status of leasing in the Delaware Proposed Lease Area.

http://www.boemre.gov/offshore/RenewableEnergy/PDFs/stateactivities/DE/DEProposedLeaseArea_RFCL.pdf

On May 11, 2011, MEA conducted a stakeholder outreach meeting and solicited feedback on this proposal. Responses from stakeholders indicated that a 500m threshold would be inadvisable in light of the high volume and nature of marine traffic in the area and that a setback of at least ½ nautical mile (nm) would be necessary, pending further review and a final decision by BOEMRE.

Therefore, we recommend that all areas of the RFI, including certain areas in the southern region of the RFI area should be included in the CFI with the following exceptions:

- 1) Exclusion of an area that would be the likely extension of the southern TSS serving the Delaware Bay.**
- 2) Exclusion of all the RFI area to the east of the above potential TSS extension.**
- 3) Exclusion of, on a provisional basis, all of the RFI area within ½ nm of the potential TSS extension, for illustrative purposes, recognizing that the final TSS buffer width is still to be determined.**

The above recommendations are reflected in the attached map.

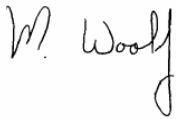
We look forward to the outcome of the PARS and the development of further routing measures and policies that preserve maritime safety and navigation in the context of development of offshore renewable energy. The above recommendations reflect both a focus on preserving flexibility in planning for offshore renewable energy in order to meet State and Federal renewable energy goals and a desire to ensure consistent marine safety policies among various offshore wind energy planning areas. As further study informs the development of new standards, if a consistent policy is developed regarding setback areas from a TSS or a potential TSS, such a policy should be applied to areas considered for development of wind energy areas offshore Maryland.



Ultimately, designation of CFI areas and leasing of OCS areas offshore Maryland pose no risk to navigation and safety since any project's Construction and Operations Plan will be subject to a full Environmental Impact Statement that will evaluate impacts on existing uses. In that comprehensive analysis phase, BOEMRE will be able to develop restrictions on projects with access to data currently being developed through the PARS and other studies. Exclusion of OCS areas from the Maryland CFI should serve to preserve USCG's ability to conduct the PARS without concern that it would be likely to result in routing measure recommendations that are contrary to then-existing grants of BOEMRE leases. The above exclusion recommendations achieve that goal without unnecessarily removing areas from further study.

We appreciate the Task Force's consideration of this recommendation.

Sincerely,

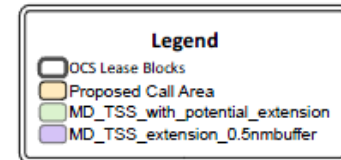
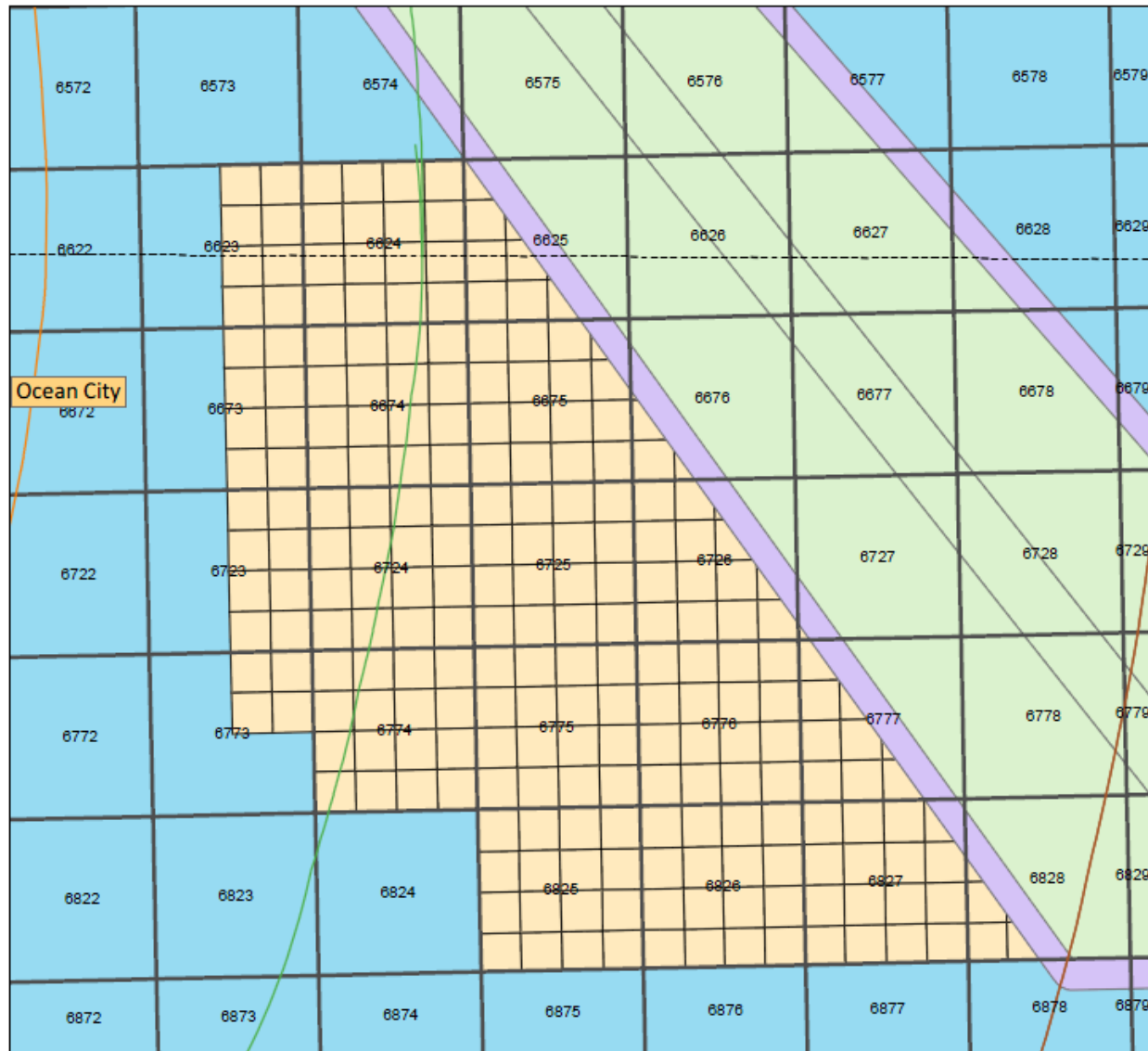
A handwritten signature in black ink that reads "M. Woolf". The signature is written in a cursive style with a large, looped initial "M" and a long, sweeping tail on the "f".

Malcolm Woolf, Director

Maryland Energy Administration



Maryland CFI Area Recommendation



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June 21, 2011

