



WORLD SHIPPING COUNCIL
PARTNERS IN TRADE

Comments of the

World Shipping Council

Submitted to the

**Bureau of Ocean Energy Management, Regulation and
Enforcement**

In the matter of

**Commercial Leasing for Wind Power on the Outer
Continental Shelf (OCS) Offshore Maryland – Request
for Interest (RFI)**

Docket Number:
BOEM-2010-0038

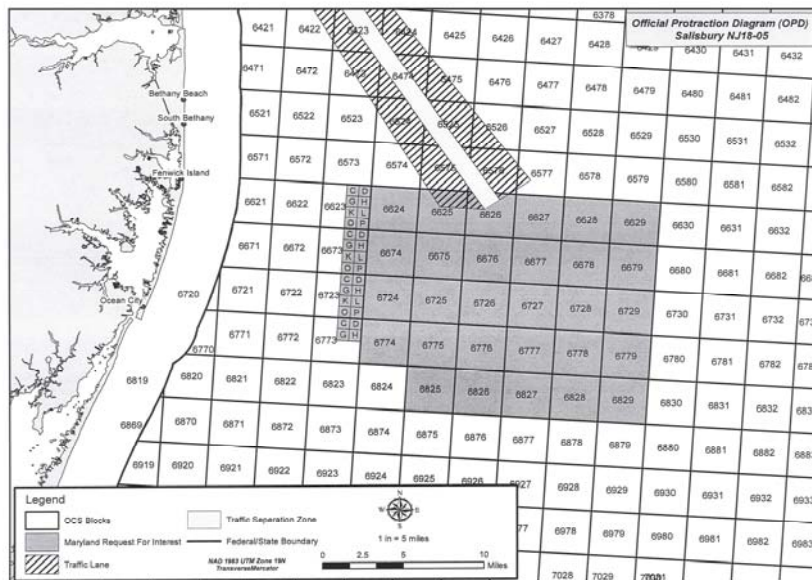
January 10, 2011

The World Shipping Council (WSC), a non-profit trade association that represents over twenty-nine liner shipping¹ companies that carry approximately 90% of U.S. international containerized trade, files these comments to the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) in response to the notice published on November 9, 2010, 75 Fed. Reg. 68824, which invites public comment on the Request for Interest (RFI) in obtaining commercial leases for the construction of wind energy projects on the Outer Continental Shelf (OCS) off the coast of Maryland.

We appreciate BOEMRE’s efforts to invite public comments on the process to consider leases for wind farms on the OCS. While WSC appreciates the desire to develop clean energy sources, such as wind power, on the OCS, such wind energy projects should not be sited in commercial shipping corridors or risk the safe navigation of vessels carrying America’s waterborne commerce.

1. RFI Areas Should Not Overlap with a Traffic Separation Scheme (TSS) or with the Approaches to a TSS

The area contained in the RFI (depicted on the chart below) comprises over 30 OCS blocks² that extend from approximately ten to thirty nautical miles offshore and run 15 nm from north to south. The obvious problem is that this area sits immediately south of and partially overlaps the southern terminus of the Delaware Bay Traffic Separation Scheme (TSS).



¹ Liner vessels operate on fixed schedules among pre-determined ports. The Council’s member lines operate containerships, roll-on/roll-off, and car carrier vessels. A list of the Council’s members may be found at www.worldshipping.org.

² According to BOEMRE officials, each OCS block is 3 miles long by 3 miles wide (9 square miles) and could contain up to 81 wind turbines.

Positioning fixed wind turbines in close proximity to significant maritime transportation corridors and in the pathway of oceangoing ships is not something that an RFI should allow to be contemplated. The environmental costs and damage of a single collision between a ship and a wind turbine, as well as the potential loss of life and property, could easily exceed any benefits of siting such turbines in the area. Safety of navigation dictates that there should be no circumstance where a lease should be invited in or near the approaches to a commercial shipping channel delineated by a TSS. We believe this is an appropriate policy for the following reasons:

- TSSs are vessel traffic management routing systems that are used to regulate busy U.S. Waterways serving America's ports and the nation's domestic and international commerce.
- The establishment of a TSS is an intensive, multi-year process that involves extensive consultation with mariners, federal, state and local agencies, and the approval of the International Maritime Organization (IMO).
- Once established, TSSs are depicted on charts and used to: 1) reduce the risk of collisions of large, deep-draft oceangoing commercial vessels that are approaching major port areas, and 2) facilitate the flow of maritime commerce in and out of those ports.
- At the approaches to TSSs, large commercial vessels (which require many miles to alter course and speed) vector in from the various compass headings they have been steering. These transition zones between open ocean and the fairways of the TSS already present significant navigational challenges, which would be made much more dangerous by the presence of wind turbines.

The RFI appears to recognize that most of these particular blocks off Maryland will have to deal with significant navigational restrictions and presumably cannot be appropriate locations for wind farms, yet BOEMRE nevertheless has included these areas in the RFI. A more deliberate process that more fully integrates the expertise, analysis, and advice of the U.S. Coast Guard before taking this step would be advisable. *We strongly recommend that BOEMRE adopt as a general policy that the agency will not invite interest in wind farm leases in areas that overlap with a TSS or to the approaches to a TSS.*

2. Safety of Navigation Exclusions Should Be Applied Before an RFI is Published

BOEMRE officials have stated that just because an area is part of an RFI does not mean any leases will be approved in that area. We believe a more prudent approach would be to apply safety of navigation exclusions for potential RFI areas before the RFI process is initiated and the

RFI is published in the Federal Register. In the case of the Maryland RFI area, we understand that Department of Defense exclusions have already been applied. We also understand that safety of navigation exclusions are to be determined and applied to candidate OCS lease areas by BOEMRE in consultation with the U.S. Coast Guard and the federal, state and local agencies participating in the designated state Renewable Energy Task Force (Task Force). We see no reason why these safety of navigation exclusion decisions should not be made before statements of interest in wind farm lease proposals are invited for a designated RFI area.

Dealing with navigational safety issues at the beginning of the process, rather than after seeking the level of interest in lease bids in an area, would be more logical and would also simplify and streamline the required environmental impact statement process. Finally, an added benefit of this approach – determining and applying safety of navigation exclusions before interest in lease proposals is invited – is that potential lease bidders will not waste their time considering bids for lease areas that will later be excluded for navigational safety reasons.

3. Analysis of Vessel Movement Information for Proposed RFI Areas

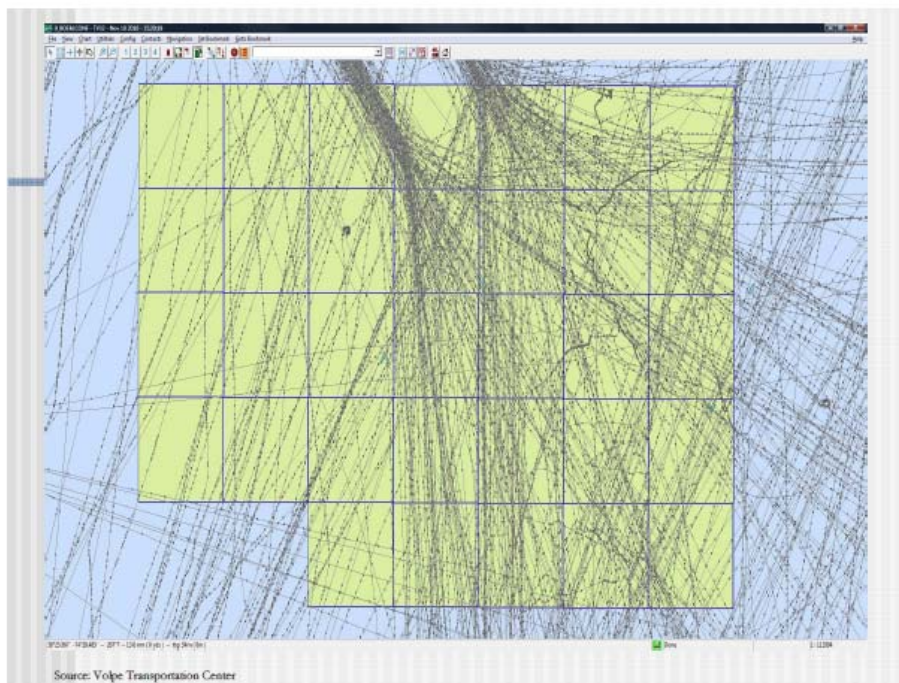
We understand that BOEMRE has contracted with the Volpe National Transportation Systems Center to obtain the Automated Identification System (AIS) data for vessels that operate in the proposed RFI area and to generate reports and charts (such as the one inserted on page 5). We also understand that BOEMRE will use this information, in consultation with the U.S. Coast Guard and the Task Force, to perform its analysis regarding what areas should be excluded from leases for navigational safety reasons and to avoid impacting the flow of maritime commerce to and from Delaware Bay and transiting along the U.S. East Coast.

While we fully support the use and analysis of AIS data to better understand the current vessel activity in the proposed RFI area, we strongly recommend that the primary analysis of the AIS information be performed by the U.S. Coast Guard. The safety and vessel management of U.S. waters is a Coast Guard responsibility. The Coast Guard established and now manages the U.S. AIS program, has access to additional ship movement information collected and managed by the National Vessel Movement Center (e.g. electronic Notices of Arrival/Departure and Long Range Identification and Tracking information), and is the lead enforcement and regulatory agency for ports and waterways safety and security. It is also imperative that the U.S. Coast Guard be given a reasonable amount of time to review the information compiled by Volpe, supplement that information with other Coast Guard data, and perform an analysis of the navigational safety and commerce implications of establishing wind farms in the proposed RFI area.

Given the number of pending and proposed RFI areas throughout the United States, we recommend that BOEMRE and the U.S. Coast Guard develop guidelines for determining

whether a given OCS block should be excluded from leasing activity based on traffic density or navigational safety reasons. Another approach might be to establish a narrative guideline such as, “OCS blocks should be excluded from OCS leases if oceangoing commercial vessels operate in the box with regularity”, and then develop the metrics defining what “with regularity” means. Using its expertise and data sources, the U.S. Coast Guard could develop guidelines that would expedite the analysis of possible lease areas to determine if they should be excluded.

Our initial analysis of the July 2010 AIS data, which has been mapped on top of the proposed RFI area in the chart below, is that the easternmost 25 blocks, which partially overlap the TSS and overlap the entire TSS approach zone, should probably be excluded from OCS leasing activity for navigational safety reasons. We encourage the completion of a more thorough analysis of the historic vessel movements in this area by vessel type, size and speed.



Finally, once a vessel movement analysis of a proposed OCS lease area has been completed and reviewed by BOEMRE and the Task Force, we encourage BOEMRE to post the results of the analysis on its website and then to solicit public comments via the docket and through in-person industry stakeholder sessions.

4. Complete Port Access Route Studies for Proposed RFI Areas

Port Access Route Studies (PARS) are analyses conducted by the Coast Guard, with the participation of federal, state and local private and public stakeholders, to study the potential traffic density and the need for safe access routes for vessels into and out of ports. PARS have been completed for many U.S. port areas and have studied many factors that could affect

vessel access to ports. Most recently, the Coast Guard completed PARS for most East Coast ports that were being evaluated for speed restrictions designed to reduce the risk of right whale ship strikes.

Given the fact that proposals to establish wind farms on the OCS have already been initiated and more are likely to follow, we recommend that the Coast Guard complete either a comprehensive PARS -- assessing all current and planned OCS wind farm sites along the U.S. East Coast -- or conduct a PARS for each proposed state RFI area. Since the scope is broader and more time is needed to conduct a PARS than the vessel movement/AIS analysis discussed in comment 3 above, we recommend that PARS be commenced as soon as practicable for all current and anticipated OCS wind farm lease areas.

5. Relationship to National Ocean Policy

In July, the Administration released the *Final Recommendations of the Interagency Ocean Policy Task Force*, established a National Policy for the *Stewardship of the Ocean, Coasts, and Great Lakes* (National Policy), and created a National Ocean Council. The National Policy identifies coastal and marine spatial planning as a priority, noting the importance of an integrated approach to planning and managing ocean uses and activities. It also noted the need to better coordinate federal, state, tribal, local, and regional management of the ocean, noting the need to improve coordination and integration across the federal government and, as appropriate, engage with the international community.

It is not clear how BOEMRE's wind farm planning process is integrated into the Administration's new ocean policy governance structure, as any proposal by the Department of the Interior to consider placing wind farms in known high-density navigational areas, overseen and regulated by the U.S. Coast Guard, appears to be a hurried, rather than an integrated and coordinated, proposal. The need for integrated and coordinated federal planning is certainly evident when one is considering the practicality of placing permanent structures in, or in close proximity to, the principal arteries of America's international and domestic commerce.

6. Conclusion

The World Shipping Council appreciates the opportunity to provide comments to BOEMRE on its request for interest in establishing wind farms in the Maryland OCS. The effort to site and deploy emerging, clean energy technologies on the OCS should not create risks to the safe transportation of America's waterborne commerce.

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