



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 Massachusetts – Request for Interest (RFI)

Docket Number:
BOEM-2010-0063

March 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 December 29, 2010, 75 Fed. Reg. 82055, 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 Massachusetts.

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. Wind Farm Leases Should Not Be Invited in Areas That Overlap with Traffic Separation Schemes (TSS) or the approaches to a TSS (including Precautionary Areas Connecting TSSs)

The area contained in the RFI (depicted on the chart below) comprises over 300 OCS blocks² that fill in most of the area between Martha's Vineyard and Nantucket Island and the two major shipping corridors in the area – the Boston Harbor Traffic Lane (to the east of the RFI area) and the Nantucket to Ambrose Traffic Lane (to the south of the RFI area). The problem is that the proposed RFI area overlaps more than 320 square miles (31 full blocks and 19 partial blocks³) of the Nantucket to Ambrose traffic lane, which is the main east-west TSS used by vessels on transatlantic voyages and by vessels transiting between New York and Boston. The proposed RFI area also overlaps part of the Precautionary Area⁴ that lies between this lane and the Boston Harbor traffic lane.

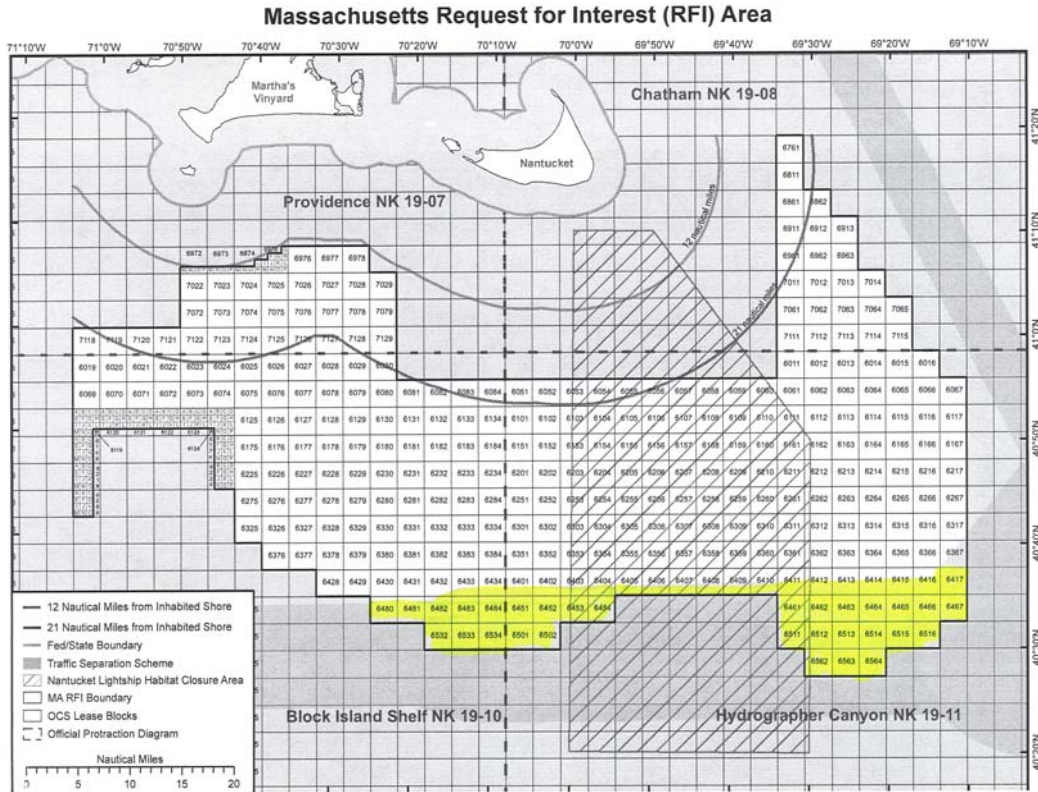
¹ Liner vessels operate on fixed schedules among pre-determined ports. The Council's member lines operate containerhips, roll-on/roll-off, and car carrier vessels. A list of the Council's members may be found at www.worldshipping.org.

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

³ Blocks 6480-6484, 6451-6454, 6532-6534, 6501, 6502, 6461-6467, 6417, 6511-6516, and 6562-6564 fully overlap the Nantucket to Ambrose traffic lane. Blocks 6432-6434 and 6401-6416 partially overlap the Nantucket to Ambrose traffic lane.

⁴ Note B "Precautionary Areas" on NOAA Chart 13200 states: "Traffic within the Precautionary Areas may consist of vessels operating between Boston Harbor, New York Harbor and one of the established traffic lanes. Mariners are advised to exercise extreme care in navigating within this area."

The overlapping blocks are highlighted in yellow on the inserted chart below. In the highlighted section to the left on the chart, blocks overlap the entire width of the westbound traffic lane. In the highlighted section to the right on the chart, blocks overlap the entire westbound traffic lane, approximately half of the eastbound traffic lane, and approximately 20 square miles of the Precautionary Area. We strongly recommend that BOEMRE exclude all blocks that overlap with the TSS and with the Precautionary Area from OCS leasing activity due to navigational safety reasons.



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 allision 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 or in the Precautionary Areas connecting TSSs. 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.
- In Precautionary Areas, which are established where two TSSs connect, vessels are adjusting their courses to transition from one TSS to another while other vessels are entering and exiting the TSSs.

The RFI appears to recognize that these particular blocks in the Massachusetts RFI area will have to deal with significant navigational safety restrictions and presumably cannot be appropriate locations for wind farms, yet BOEMRE nevertheless has included these blocks 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 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 (including Precautionary Areas connecting TSSs).*

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. The Department of Defense, for example, has routinely communicated national security exclusions to BOEMRE on potential RFI areas and BOEMRE has applied these exclusions to proposed areas before the RFIs were published. 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.

In addition to putting the steps in the RFI development process in the correct logical order, incorporating navigational safety exclusions before soliciting statements of interest from the public is required by law. Regulations promulgated by the Council on Environmental Quality under the National Environmental Policy Act (NEPA) require that: *“Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts.”* 40 C.F.R. § 1501.2. The rationale behind that requirement applies with particular force here, because safety of navigation and protection of the ocean and coastal environment dictate that traffic lanes must remain free of fixed obstructions. The sooner that is made clear, the more efficient the rest of the wind turbine siting process will be.

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 made plans to obtain Automated Identification System (AIS) data for vessels that operate in the proposed RFI area. We also understand that BOEMRE will use this information, in consultation with the U.S. Coast Guard and the Task Force, to perform an analysis regarding what areas should be excluded from leases for navigational safety reasons and to avoid impacting the flow of maritime commerce in the affected traffic lanes.

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 AIS information acquired by BOEMRE, 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 consider developing 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.

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 2010, the President signed Executive Order 13547, which adopted the *Final Recommendations of the Interagency Ocean Policy Task Force*, established a National Policy for the *Stewardship of the Ocean, Coasts, and Great Lakes* (Policy), and directed the development of coastal and marine spatial plans. The Policy establishes coastal and marine spatial planning as a priority, noting the importance of an integrated and comprehensive approach to planning and managing ocean uses and activities. The Policy also cites 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 Massachusetts 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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