Comments of the

World Shipping Council

Submitted to the

Bureau of Ocean Energy Management

Department of the Interior

In the matter of

Potential Commercial Leasing for Wind Power on the Outer Continental Shelf (OCS) Offshore California—Request for Interest

Docket Number:

BOEM-2016-0051

September 19, 2016
The World Shipping Council (WSC) is a non-profit trade association that represents twenty-five liner shipping\(^1\) companies that carry over 90% of U.S. international containerized trade. WSC’s member companies operate more than 5,000 ocean-going liner vessels -- mostly containerships -- of which approximately 1,500 vessels make more than 27,000 calls at ports in the United States each year.

The WSC files these comments with the Bureau of Ocean Energy Management (BOEM) in response to the Request for Interest published on August 18, 2016 (81 Fed. Reg. 55228), which invites public comment on potential commercial leases for development of floating wind energy facilities on the Outer Continental Shelf (OCS) off the coast of California.

The WSC has filed multiple comment submissions with BOEM regarding OCS wind energy development, all of which have articulated the critical need for wind energy projects to be sited a safe distance from established commercial shipping routes. Allowing the placement of wind energy facilities too close to maritime traffic routes would risk the safe navigation of vessels carrying America’s waterborne commerce and could result in substantial environmental harm. 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 wind turbines in the area.

We respectfully offer the following comments to BOEM on the above-referenced action.

1. **The Proposed Wind Energy Area Conflicts with Established Maritime Traffic Routes and Navigation Safety Corridors Off the California Coast**

   The proposed wind energy project area offshore California is situated approximately 15 nautical miles offshore Point Piedras Blancas. There is significant commercial shipping activity in the area, including deep-draft oceangoing cargo vessels, passenger ships and coastal tug and barge traffic.

   The screen-shot below from the National Oceanographic and Atmospheric Administration’s (NOAA) Marine Cadastre site contains AIS vessel track line data in the vicinity of the proposed wind energy area. (The proposed wind energy area is displayed in green near the middle of the picture).

---

\(^1\) Liner vessels operate on fixed schedules among pre-determined ports. WSC’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](http://www.worldshipping.org).
This image illustrates that the proposed wind energy area sits on top of an established maritime traffic route (indicated by the yellow line) between Los Angeles and San Francisco Bay and lies between two other maritime traffic routes – a higher-density traffic route to the west and a lower-density traffic route to the east.

If the wind energy area were placed in the location proposed, the vessels that currently operate in the traffic route on which the area sits would be forced to move either further offshore, where they could create potential navigational safety conflicts with larger, and typically faster, oceangoing commercial vessels. Alternatively, displaced vessels could move further inshore, where they could create navigation safety conflicts with coastal tug and barge, fishing and recreational vessels.

We also note that the proposed wind energy project area sits directly on top of the Monterey Bay National Marine Sanctuary (MBNMS) Recommended Tracks for vessels 300 gross tons and above. These Recommended Tracks were formally adopted by the International Maritime Organization (IMO) in 2000 after being developed by a stakeholder group (which included representatives from the U.S. Coast Guard (USCG), NOAA, the State of California, environmental organizations and the shipping industry) with the goal of reducing the risk of vessel collisions or allisions and the resultant environmental damage to the Sanctuary from an oil spill.

The proposed wind energy area conflicts with existing commercial vessel traffic routes and with the long-standing IMO MBNMS Recommended Tracks. It would have been preferable for BOEM to have considered these obvious conflicts with the proposed wind energy area before inviting interest in the area. At a minimum, BOEM should have raised these issues for comment.
Given the fact that the proposed wind energy area conflicts with the MBNMS Recommended Tracks and with existing commercial vessel traffic routes, we recommend that BOEM not approve the placement of a floating wind energy lease area in the proposed location.

If BOEM wishes to proceed with development of a proposed wind energy area off the California coast between San Francisco and Los Angeles, we recommend it do so only after the USCG completes a navigational safety risk assessment of this area and after BOEM has implemented the recommendations from the USCG’s navigational safety risk assessment.

2. The Proposed Wind Energy Lease Area Conflicts with the USCG Marine Planning Guidelines

In February 2016, the USCG published Marine Planning Guidelines (MPG) that were specifically developed to guide offshore developers and marine planners as they consider the navigational safety impacts of offshore projects with multiple permanent fixed structures. The MPG consider the sea space needed for ships to maneuver safely, and they contain recommended minimum separation distances for the siting of offshore structures near shipping routes.

The proposed wind energy area location poses conflicts with several of the USCG’s MPG recommendations, including:

a) For coastwise or coastal shipping routes:
   - Nearer-to-shore traffic routes should not be displaced further offshore; and
   - Vessels should not be displaced where it will result in mixing of vessel types (e.g. mixing tug and barge traffic with deep-draft oceangoing vessels).

b) No offshore development should be considered in Navigation Safety Corridors.

(WSC Note: As already noted, the MBNMS Recommended Tracks have, since December, 2000, been the Navigation Safety Corridors for vessels transiting along the coast of California offshore of the MBNMS. The proposed wind energy lease area sits directly on top of the MBNMS Recommended Tracks.)

c) The minimum planning distances between a maritime traffic route and a fixed structure are 2 nm from the parallel outer or seaward boundary of a traffic lane and 5 nm from the entry/exit of a traffic lane.

(WSC Note: While these planning distances are recommended for port approaches and traffic separation schemes, they are relevant because they provide minimum suggested

---

2 The USCG Marine Planning Guidelines may be found in Enclosure 2 to the ACPARS final report, which is available at: [https://www.regulations.gov/document?D=USCG-2011-0351-0144](https://www.regulations.gov/document?D=USCG-2011-0351-0144)
distances between maritime traffic routes and fixed structures to allow large vessels sufficient room to maneuver in emergency situations).

The conflicts with the USCG MPG discussed above make it clear that the location of the proposed wind energy area poses tangible risks to the safe navigation of vessels along the California coast between San Francisco and Los Angeles. These risks apply equally to the safe operation of wind turbines in the proposed area.

The WSC recommends that BOEM take no further action to develop the proposed wind energy area until and unless the conflicts with the MPG and any other conflicts identified in a USCG navigational safety risk assessment have been properly addressed to the satisfaction of the USCG.

3. **Navigational Safety Exclusions Must Be Applied as Early as Possible in the Wind Energy Lease Area Development Process**

Dealing with navigation safety issues at the beginning of the wind energy lease area development process would simplify and streamline the required environmental impact statement (EIS) process. An added benefit of this approach is that OCS developers would not waste their time submitting bids for wind energy areas that must later be excluded from further consideration due to navigational safety reasons.

The publication of this Request for Interest, which fails to include any mention of the facts: (1) that the proposed lease area sits on top of the MBNMS Recommended Tracks, (2) that there is significant commercial vessel traffic in the proposed wind energy area, and (3) that the USCG MPG will need to be applied to the proposed area, demonstrates why all parties would benefit if BOEM sought to address navigational safety issues at the beginning of the development process.

In addition, incorporating navigational safety exclusions before soliciting statements of interest from the public is required by the National Environmental Policy Act (NEPA). Regulations promulgated by CEQ under 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 here, because safety of navigation and protection of the ocean and coastal environment dictate that fixed structures must not be sited near maritime traffic lanes. The sooner that is made clear, the more efficient the rest of the wind energy area siting process will be.

We recommend that BOEM incorporate the following practices into its renewable energy lease area development process:

a) Apply the USCG MPG to all existing and proposed wind energy areas and not invite interest in wind farm leases in areas until conflicts with the MPG have been addressed;
b) Apply the recommendations from USCG navigational safety risk assessments of current and proposed wind energy areas as soon as the Coast Guard provides such recommendations and before inviting further interest in the affected lease areas; and

c) Remind potential wind energy lease area bidders that construction of production facilities in a given lease area is not approved until the full EIS, which is required by NEPA to include an assessment of navigational safety risks, has been completed and contains a favorable determination for lease development.

4. **Conclusion**

The WSC appreciates the opportunity to provide comments to BOEM on the California Request for Information. The siting of fixed structures on the OCS should not create risks to the safe transportation of America’s waterborne commerce. Sound marine planning requires the application of appropriate navigational safety exclusions to proposed wind farm lease areas.

# # #