Comments of the

World Shipping Council

Submitted to the

Bureau of Ocean Energy Management

Department of the Interior

In the matter of

Commercial Leasing for Wind Power on the Outer Continental Shelf in the New York Bight—Call for Information and Nominations

Docket Number:
BOEM-2018-0004

July 30, 2018
The World Shipping Council (WSC) is a non-profit trade association that represents twenty liner shipping 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 28,000 calls at ports in the United States each year.

WSC files these comments with the Bureau of Ocean Energy Management (BOEM) in response to the Call for Information and Nominations published on April 11, 2018 (83 Fed. Reg. 15602), which requests public comments and information from interested and affected parties about site conditions, resources, and multiple uses in close proximity to, or within, the call areas for commercial wind leasing in the New York Bight.

The WSC has filed multiple comment submissions with BOEM regarding offshore wind energy development off New York and other locations along the U.S. East Coast. Our comments have consistently emphasized the point that wind energy projects must be sited a safe standoff distance from areas of high-density commercial vessel traffic. The Call for Information for the New York Bight, however, once again proposes the placement of fixed structures too close to, on both sides of, and between the Traffic Separation Schemes (TSS) that were established through regulation to ensure the safe transport of large commercial ships into the Port of New York/New Jersey.

Allowing the placement of fixed wind turbines in close proximity to the TSSs that route oceangoing commercial vessel traffic into and out of the Port of New York/New Jersey, or any other U.S. port, would risk the safe navigation of these vessels by forcing other traffic into already congested ocean and would present substantial risks to the environment should vessels collide with one another or allide with a fixed wind turbine.

Detailed comments in response to the Call for Information follow.

1. **BOEM’s Proposed Wind Energy Lease Areas Conflict with the U.S. Coast Guard’s Atlantic Coast Port Access Route Study and Marine Planning Guidelines**

In March 2016, the U.S. Coast Guard (USCG) announced the availability of the Final Report of the Atlantic Coast Port Access Route Study (ACPARS), which evaluated existing vessel traffic flows and densities for vessels operating on the waters of the U.S. East Coast and contains recommendations to reduce navigation safety risk. Enclosure 2 of the ACPARS Final Report contains 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.

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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).

2 Copies of WSC’s comments on proposed wind energy areas may be found at: [http://www.worldshipping.org/public-statements/regulatory-comments/united-states](http://www.worldshipping.org/public-statements/regulatory-comments/united-states)
The ACPARS summary and conclusion notes the importance of using the MPG during the planning phase of wind farm development to address navigation safety risks:

“If the Planning Guidelines are used in all stages of the identification of wind energy areas, the risk of a project being found unacceptable due to navigation safety risk would be significantly lowered. The guidelines have the benefit of providing general guidelines as a starting point, while also explaining the various criteria necessary to determine whether the guidelines would be sufficient, whether they could be relaxed, or whether additional separation distance may be warranted based on site specific conditions. The Coast Guard continues to recommend that significant navigational conflicts be addressed in the Planning Phase of the leasing process.” (ACPARS page 13; Emphasis added.)

The MPG contain guidelines applicable to various types of offshore vessel operations. With respect to offshore deep draft routes, the MPG state that planners should “avoid creating an obstruction or hazard on both sides of an existing route” and “the longer the distance of obstructions along a route, the greater the risk (emphasis added).” With respect to the siting of offshore structures near designated shipping routes (i.e. TSS lanes), the MPG establishes minimum separation distances between the shipping routes and the offshore structures. Those minimum separation distances are 2 nautical miles (nm) from the parallel outer or seaward boundary of a traffic lane and 5 nm from the entry/exit (terminations) of a TSS.

We note that none of the wind farm development areas proposed in the New York Bight Call for Information meet the above-discussed USCG MPG. The proposed wind energy areas’ non-conformities with the USCG MPG follow:

- The buffer zones between all proposed New York Bight wind energy areas and adjacent TSS lanes are 1 nm, instead of the USCG recommended minimum of 2 nm.
- The “Fairways North” and “Hudson North” proposed wind energy areas sit on both sides (i.e. to the north and south) of the inbound and outbound lanes of the Nantucket to Ambrose TSS.
- The “Fairways South” proposed wind energy area sits in the separation zone located between the inbound and outbound lanes of the Nantucket to Ambrose TSS.
- The “Hudson North” and “Hudson South” proposed wind energy areas sit on both sides (i.e. to the northeast and southwest) of the inbound and outbound lanes of the Ambrose to Hudson Canyon TSS.
- The “Fairways South” and “Hudson North” wind energy areas sit on both sides of the outgoing (eastbound) Nantucket to Ambrose TSS lane for a distance of approximately 40 nm.
• The “Fairways North” and “Fairways South” wind energy areas sit on both sides of the incoming (westbound) Nantucket to Ambrose TSS lane for a distance of approximately 30 nm.

• The “Hudson North” and “Hudson South” wind energy areas sit on both sides of the Ambrose to Hudson Canyon TSS lanes for a distance of approximately 30 nm.

BOEM’s Call for Information provides no explanation for why BOEM did not adopt the USCG’s recommendations during the area identification phase. The Call for Information simply states that navigational risks can be addressed at a later date following the lessee’s submission of a required navigational safety risk assessment.

We question the logic of not following the marine planning recommendations of the U.S. Coast Guard – the lead maritime safety agency in the United States – to await the completion of a navigation safety risk assessment to be completed by a third party on behalf of a prospective lessee.

We urge BOEM to modify the proposed New York Bight wind energy areas so they align with the USCG MPG. To that end, we recommend the following modifications to the proposed wind energy areas:

a. **Fairways North**: Remove blocks that are within 2 nm of the westbound Nantucket to Ambrose TSS lane.

b. **Fairways South**: As noted above, this proposed wind energy area, which sits in the separation zone between the eastbound and westbound lanes of the Nantucket to Ambrose TSS, poses several conflicts with the MPG. Furthermore, placing a wind energy area in the separation zone between inbound and outbound TSS lanes should not be allowed because this zone is a safe area to which inbound or outbound commercial vessels may divert if they encounter a problem that presents a risk to safely operating within the TSS lane. We therefore recommend that the Fairways South proposed energy area be excluded from further wind farm development.

c. **Hudson North**: Remove blocks that are within 2 nm of the northbound Hudson Canyon to Ambrose TSS lane.

d. **Hudson South**: Remove blocks that are within 2 nm of the southbound Ambrose to Hudson Canyon TSS lane and the northbound Barnegat to Ambrose TSS lane.

2. **Why Buffer Zones Between Wind Energy Areas and Maritime Traffic Lanes Should Be at Least 2 Nautical Miles Wide**
The Call for Information notes that the proposed wind farm development areas sit one nautical mile from the boundaries of the TSSs that they abut. TSS lanes were established in Federal regulations to keep large, deep-draft, oceangoing commercial vessels separated to reduce the risk that incoming vessels and outgoing vessels will collide.

To reduce the risk of collision between vessels maneuvering in or near the traffic lanes and, just as critically, to reduce the risk of allision between vessels operating in or near the traffic lanes and fixed wind turbines sited along the edge of the traffic lanes, appropriate buffer zones must be established from the edge of the traffic lanes to the edge of the boundary of the wind farm lease area.

Buffer zones are essential to safe navigation because they provide an area of open water to which transiting ships can divert if the ship loses power, loses steering, or suffers some other engineering casualty that forces the vessel to quickly depart the maritime traffic lane. Once they have diverted from the traffic lane, the vessel could then conduct an emergency anchoring or remain in position while it works to solve the problem that prevented it from continuing to operate in the traffic lane. Weather conditions can also force vessels to seek refuge from traffic lanes in a buffer zone.

Buffer zones must be wide enough to allow the diverting vessel to get out of the flow of vessel traffic without causing the vessel to allide with a wind turbine located on the opposite side of the buffer zone. The ever-increasing size and limited maneuverability of oceangoing commercial ships provide some indication of how wide buffer zones should be. For example, containerships and roll-on/roll-off ships that call at U.S. ports often range from 800 feet to well over 1,000 feet long and require many lengths of the ship to alter course or to come to a complete stop. Once anchored, such vessels must have sufficient room to safely swing in a circle around the anchor and chain that the vessel must release to secure the vessel to the ocean bottom.

We surveyed our Member companies to obtain vessel masters’ views regarding liner vessel maneuvering characteristics and how wide buffer zones should be. The responses were provided from masters of large containerships that displace more than 100,000 tons fully loaded. These vessels make regularly scheduled calls at multiple U.S. ports during each voyage to the United States, including to the Port of New York/New Jersey.

The majority of vessel masters stated that 2 nautical miles (nm) should be the minimum buffer zone between commercial vessels and wind farm lease areas. Vessel masters indicated that a 2 nm buffer would provide satisfactory maneuvering room to address the most likely contingencies -- loss of steering or propulsion -- and should provide space for the vessel to anchor in an emergency. Vessel masters also commented that buffer zones should generally increase in width as vessel operating speeds increase to allow for the additional space required for the vessel to slow down or maneuver. While liner vessels operating near to shore at speeds between 10 and 15 knots may require a 2 nm buffer zone, vessels operating offshore at speeds in excess of 20 knots may require a buffer zone of 3 nm or more.
WSC strongly recommends that BOEM establish -- for all existing and future wind farm development projects -- buffer zones not less than 2 nautical miles wide between wind energy areas and areas of high density maritime traffic.

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

The U.S. Coast Guard’s ACPARS contains clear recommendations and Marine Planning Guidelines to locate wind farm developments in areas that would not compromise the navigational safety of the commercial vessels operating along the Atlantic Coast. Applying navigational safety exclusions at the beginning of the wind energy lease area development process (i.e. prior to publishing a call for information and nominations for a given development area) would ensure not only that navigational safety risks are identified and addressed upfront, but would also simplify and streamline the required environmental impact statement (EIS) process. Applying navigational safety exclusions upfront would also prevent wind farm developers from wasting time submitting bids for wind energy areas that must later be excluded from further consideration for navigational safety reasons.

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 navigational safety recommendations from the U.S. Coast Guard’s ACPARS and Marine Planning Guidelines to all wind farm development areas as early in the development process as possible and prior to inviting interest in the potential lease areas (i.e. prior to publishing a call for information and nominations).

b) Apply any other U.S. Coast Guard navigational safety recommendations as soon as possible and prior to inviting further interest in the potential 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**

WSC appreciates the opportunity to provide comments to BOEM on the New York Bight Call 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 spatial planning requires the application of appropriate navigational safety exclusions to proposed wind farm lease areas.

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