

January 28, 2020

Rear Admiral Keith M. Smith, U.S. Coast Guard
Commander, Fifth Coast Guard District
431 Crawford Street
Portsmouth, VA 23704

Comments of the American Wind Energy Association on U.S. Coast Guard “Notice of inquiry; request for comments” Anchorage Grounds; Delaware Bay and Atlantic Ocean, Delaware (Docket No. USCG-2019-0822)

Dear Admiral Smith,

The American Wind Energy Association (“AWEA”)¹ appreciates the opportunity to comment on Docket No. USCG-2019-0822, the U.S. Coast Guard’s (“Coast Guard’s”) “notice of inquiry, request for comments” (“Notice”) on Anchorage Grounds.

AWEA thinks it is premature for the Coast Guard to consider a proposed rulemaking to establish additional regulated anchorage grounds in the Delaware Bay and Atlantic Ocean. The information provided in the Notice does not lend itself to offer informed recommendations on the questions listed in the Notice. In addition, the stakeholder proceedings that apparently informed the questions in the Notice did not include a sufficiently robust cross section of interested parties, including any representatives from the offshore wind industry. Therefore, AWEA encourages the Coast Guard to withdraw this Notice, hold further public meetings on this issue² and, if need be, issue a subsequent notice in the Federal Register incorporating feedback from these meetings, providing further clarification regarding the issues discussed herein and providing enough time for comment thereon (*i.e.*, 60 days).

Prior to issuing the subsequent notice, AWEA makes the following recommendations and seeks clarification on the following issues:

1. The 2016 Atlantic Coast Port Access Route Study (“ACPARS”) already addressed the very concerns this Notice seeks to address. The Notice indicates that this docket was initiated to address “requests suggesting additional anchorage grounds are necessary to accommodate current and future vessel traffic [and] improve navigation safety. . . .”³ However, one of the purposes of the ACPARS was also to “[d]etermine whether the Coast Guard should initiate actions to modify or create safety fairways, Traffic Separation Schemes (“TSSs”) or other routing measures.” That study already determined additional anchorage grounds were not necessary, based on the substantial

¹ AWEA is a national non-profit trade association representing over a 1,000 member companies with a common interest in encouraging the deployment and expansion of wind energy resources in the United States, including project developers, project owners and operators, financiers, utilities, marketers and customers. AWEA prioritizes the safety of workers at member companies and encourages the local economic development of communities.

² Specifically, AWEA requests that the Coast Guard host public meetings in sufficient numbers and locations to facilitate a fuller discussion among a broader cross section of stakeholders, including the wind energy community and environmental advocacy organizations.

³ 84 Fed. Reg. 65727 (Nov. 29, 2019).

evidence in the record. In addition, ACPARS did not make mention of the need for additional anchorage grounds.

- a. Given the fact that ACPARS did not identify the need for additional anchorage areas in the Delaware Bay and Atlantic Ocean, what is the current evidence that additional anchorage grounds are necessary for future vessel traffic?
 - b. If the Coast Guard now feels that there is a need to update the ACPARS study given changed circumstances, it should state so and provide the evidence to support that claim.
 - i. If the need is due to lack of sufficient berths, pier space, or other infrastructure restrictions within Delaware Bay, the Coast Guard should state what is being done to address these root causes?
 - c. To what extent would the anchorages that are proposed in the Notice improve navigation safety?
 - i. If a new study is needed to support that conclusion, AWEA recommends that the study consult all interested stakeholders.
2. As a result of siting the proposed Skipjack offshore wind farm (“Skipjack”) and the US Wind, Inc. (“US Wind”) offshore wind farm, the Bureau of Offshore Energy Management (“BOEM”) approved plans for the export cable routes from the Skipjack and US Wind offshore wind farms to the Delaware coast. AWEA is concerned that the planned export cable routes are expected to run through an anchorage ground discussed in the Notice (namely, Anchorage D—Indian River (“Anchorage D”)), especially if vessels will drag anchor in that area. In addition, the Coast Guard developed the TSS in response to vessel traffic in the Delaware Bay and Atlantic Ocean, which accommodates the development of the Delaware Wind Energy Area. Nevertheless, Anchorage D overlays the TSS for the Delaware Bay and Atlantic Ocean.
 - a. We encourage the Coast Guard to consider an adjustment of the location or design of Anchorage D to avoid these known conflicts.
3. The Delaware Bay Anchorage Regulations at 33 CFR 110.157 were last revised in November 2016. Neither the notice of proposed rulemaking nor the final rule related to those regulations (Docket USCG-2016-0110) reference offshore wind energy as a factor in revising the Delaware Bay anchorage regulations; indeed, the final rule determined that the revisions would “provide additional usable [anchorage] grounds to support *current and future port demands* [emphasis added] and enhance the overall navigation safety” of the Bay’s marine transportation system.
 - a. What information does the Coast Guard now have that indicates the size of available anchorage grounds will decrease?

In conclusion, AWEA and other interested stakeholders need more information to help inform the basis for the Coast Guard's consideration of establishing new anchorage grounds in the Delaware Bay and Atlantic Ocean. This will help inform comments on the questions posed in the Notice and, in turn, support a more robust record for the Coast Guard to decide upon. With this end in mind, AWEA requests the withdrawal of the Notice, further public meetings on this issue and, if need be, a subsequent notice on this issue before the Coast Guard moves forward with a rulemaking process related to this issue.

Sincerely,

Laura Smith Morton

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