



October 25, 2021

Rear Admiral Laura M. Dickey
Commander
Fifth Coast Guard District
431 Crawford Street
Portsmouth, VA 23704

Re: Draft Port Access Route Study for the Seacoast of New Jersey, Including Offshore Approaches to the Delaware Bay, Delaware, [Docket USCG-2020-0172](#)

Submitted via <http://www.regulations.gov>

Dear Admiral Dickey:

In response to the *Federal Register* notice¹ published on September 24, 2021, regarding the availability of the Draft New Jersey and Delaware Bay Port Access Route Study (NJ PARS), the American Clean Power Association² (ACP) appreciates this opportunity to comment. The American Wind Energy Association (AWEA), which commented during the NJ PARS comment period in 2020, merged into ACP on January 1, 2021.

Navigation safety is a priority of the U.S. offshore wind industry. ACP and our members strongly believe that offshore wind in the U.S. can be constructed and operated in ways that are compatible with mariner safety and safe vessel navigation. The ability to balance these interests, without sacrificing either, has been demonstrated globally.³

Executive summary

ACP appreciates the detailed analysis in the draft NJ PARS. As described in the comments that follow, ACP supports several recommendations in the draft report. However, we have clarifying questions about a few other proposed actions, and we oppose one as not justified by the vessel data analysis and as not representing a balance among reasonable uses of the waterway.

¹ <https://www.regulations.gov/document/USCG-2020-0172-0042>

² ACP is the national trade association representing the renewable energy industry in the United States, bringing together over 1,000 member companies and a national workforce located across all 50 states with a common interest in encouraging the deployment and expansion of renewable energy resources in the United States. By uniting the power of wind (both land-based and offshore), solar, storage, and transmission companies and their allied industries, we are enabling the transformation of the U.S. power grid to a low-cost, reliable, and renewable power system. The American Wind Energy Association (AWEA) merged into ACP on January 1, 2021. Additional information is available at <http://www.cleanpower.org>.

³ AWEA's comments filed during the earlier NJ PARS comment period in 2020 provided details on the global experience. Those comments are available at: https://downloads.regulations.gov/USCG-2020-0172-0011/attachment_1.pdf



As the draft study notes, the “primary purpose” of the coordination leading to a PARS is “to the extent practicable, to reconcile the need for safe access routes with other reasonable waterway uses.”⁴ ACP does not believe that all the proposed actions in the draft NJ PARS represent a reasonable balance but can with some clarifications and re-considerations.

ACP also notes that the New York Bight lease areas are divided between the Northern New York Bight PARS (NNYB PARS) and the NJ PARS study areas. Yet, the two documents do not align on key issues, such as setbacks from TSSs (discussed more in our comments below). ACP requests that the First and Fifth Districts coordinate to ensure consistency on recommendations that relate to both study areas.

A summary of the main points and recommendations ACP addresses in more detail in the balance of these comments follows:

- Demand drivers for offshore wind from the Biden Administration and various states necessitates additional lease area designations by the Bureau of Ocean Energy Management (BOEM) and, therefore, the need for the Coast Guard to identify solutions that represent a balance among reasonable waterway uses.
- ACP supports the following recommendations in the draft NJ PARS:
 - Modification of the route for the near shore Cape Charles to Montauk Point tug and tow lane and not expanding the width of this fairway.
 - Extending existing traffic separation schemes (TSSs) between lease areas
 - Utilization of project specific National Environmental Policy Act (NEPA)/Construction and Operation Plan (COP)/Navigation Safety Risk Assessment (NSRA) reviews of existing leases to develop Coast Guard recommendations on key issues rather than imposing one-size-fits-all solutions.
 - No specific routing measures for commercial fishing
- ACP requests clarification on the following issues in the final NJ PARS:
 - Final NJ PARS should clarify no additional setbacks from fairways will be sought.
 - Doing so is consistent with the establishment of fairway widths, which already include a safety buffer as described in the Atlantic Coast Port Access Route Study (ACPARS).
 - ACP requests that the First and Fifth Districts clarify the final route of the proposed Cape Charles to Montauk Point fairway in a way that does not overlap with the proposed Hudson North lease area.
 - The NJ PARS recommendation related to turbine layout in adjacent lease areas should not apply in cases like Hudson South where transit lanes or other safety measures are proposed between lease areas.

⁴ Draft NJ PARS at 7.



- The New Jersey to New York Connector Fairway vis-à-vis the Cape Charles to Montauk Point Fairway –
 - There appears to be overlap between these two routes. ACP requests clarification of which route is where, though we appreciate that both appear to avoid overlap with existing lease areas.
- Review inconsistencies between the Coast Guard and the Bureau of Ocean Energy Management’s (BOEM) assessment of commercial and recreational fishing navigation needs in and around the Hudson South lease areas.
- Reassess size of the proposed precautionary areas.
- ACP opposes the following recommendation in the draft NJ PARS:
 - Uniform two nautical mile (NM) setbacks from TSSs
 - A one-size-fits-all setback is inconsistent with international guidance, as noted in the draft Northern New York Bight Port Access Route Study (NNYB PARS).
- Additional ACP Recommendations and Observations:
 - ACP urges the Coast Guard to finalize the NJ PARS as soon as possible so it can inform BOEM’s final sale notice for the New York Bight
 - ACP recommends incorporating a mariner caution recommendation from the NNYB PARS in the final NJ PARS.
 - Potential radar related impacts expressed by some stakeholders are well-understood as are potential mitigation options and should not be a barrier to deployment.
 - Existing processes and recommendations are sufficient to address cable burial concerns expressed by some stakeholders.

Demand drivers for offshore wind reinforce the need to identify a balance among reasonable waterway uses

On March 29, 2021, President Biden set a goal of deploying 30 gigawatts (GW, or 30,000 megawatts/MW) of offshore wind by 2030.⁵ As the White House announcement noted, “Meeting this target will trigger more than \$12 billion per year in capital investment in projects on both U.S. coasts, create tens of thousands of good-paying, union jobs, with more than 44,000 workers employed in offshore wind by 2030 and nearly 33,000 additional jobs in communities supported by offshore wind activity. It will also generate enough power to meet the demand of more than 10 million American homes for a year, and avoid 78 million metric tons of CO₂ emissions.”

Among the steps the Biden Administration announced it was taking to achieve the 30 GW goal is to “advance new lease sales and complete review of at least 16 Construction and Operations Plans (COPs) by 2025, representing more than 19 GW of new clean energy for our nation.”⁶

⁵ <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/29/fact-sheet-biden-administration-jumpstarts-offshore-wind-energy-projects-to-create-jobs/>

⁶ Ibid.



Following on these earlier Administration actions, on October 13, 2021, the Secretary of the Interior Deb Haaland announced⁷ an “ambitious” offshore wind leasing strategy with up to seven new lease sales by 2025, including in the “Central Atlantic” off the coasts of New Jersey, Maryland, Delaware, and Virginia. According to the timeline released by BOEM, planning and analysis for the Central Atlantic is going on now and will result in a wind energy area designation in mid-2022 with a potential lease sale as early as the second quarter of 2023.⁸

In addition to the Biden Administration actions driving the need for build out in the existing lease areas as well as designation of additional lease areas, ACP notes state demand for offshore wind is driving the need for additional lease areas as well.

The BOEM Area Identification Memo⁹ for the New York Bight found state demand in the region that could conceivably be served by lease areas in the NJ PARS study area include New York (9 GW) and New Jersey (7.5 GW). In addition, state demand adjacent to the study area also includes Maryland (1.2 GW) and Virginia (5.2 GW).

Important additional context for the draft NJ PARS is that BOEM considered vessel navigation concerns when establishing the existing lease areas, as then-AWEA detailed in comments to the Fifth Coast Guard District last year during the earlier NJ PARS comment period. ACP will not repeat the points made in comments last year, we only want to add that in BOEM’s New York Bight Area Identification Memo, BOEM made clear that the final Hudson South Wind Energy Area was revised in direct response to Coast Guard concerns. The memo notes, “In consultation with the USCG, it is likely that even if it is possible to relocate portions of the proposed tug and barge safety fairway to deconflict the Hudson North and Fairways North and South areas, a portion of Hudson South would still be in conflict. As such, BOEM has removed the area of the Hudson South Call Area that conflicts with the proposed fairway.”¹⁰ It also indicates BOEM will consider buffers between lease areas and TSSs prior to lease auctions in the Hudson South lease area pursuant to Coast Guard input.

The Biden Administration and state demand for offshore wind cannot be met without additional designated lease areas. Given the presidential direction, state demand, and vessel navigation concerns were already considered to some extent in the original lease area designations and are undergoing project-specific evaluation as well, the Coast Guard should carefully consider with BOEM the need for additional lease areas when establishing

⁷ <https://www.doi.gov/pressreleases/secretary-haaland-outlines-ambitious-offshore-wind-leasing-strategy>

⁸ <https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/OSW-Proposed-Leasing-Schedule.pdf>

⁹ New York Bight Area Identification Memorandum Pursuant to 30 CFR 585.211(b), BOEM, March 26, 2021, page 8. Available at: <https://www.boem.gov/sites/default/files/documents/renewable-energy/Memorandum%20for%20Area%20ID%20in%20the%20NY%20Bight.pdf>

¹⁰ <https://www.boem.gov/sites/default/files/documents/renewable-energy/Memorandum%20for%20Area%20ID%20in%20the%20NY%20Bight.pdf>. At page 38.



new safety measures to provide a reasonable balance that supports the economic buildout of offshore wind while still preserving safe navigation.

ACP supports the following recommendations in the draft NJ PARS

ACP recognizes and appreciates the thoroughness of the underlying analysis in the draft NJ PARS and the grounding of many of the recommendations in the data and analysis. ACP concurs with much of the analysis and supports the following recommendations:

1. Modification of the route for the near shore Cape Charles to Montauk Point tug and tow fairway

As then-AWEA argued in comments last year, the vessel data available in the Mid-Atlantic Ocean Data Portal¹¹ appeared to support a shift in the Cape Charles to Montauk Point tug and tow fairway in a way that would avoid overlap with existing lease areas. ACP is pleased that the draft NJ PARS accommodates this recommendation.

2. Not expanding the width of the Cape Charles to Montauk Point tug and tow fairway

As then-AWEA also argued in comments last year, it appeared vessel data could potentially support a narrowing of the proposed Cape Charles to Montauk Point fairway. While the draft NJ PARS does not propose to narrow this fairway, ACP supports the analysis and recommendation to not expand the width of the fairway as some stakeholders proposed. As the draft NJ PARS notes, “AIS data shows an average of less than two vessels per day in 2019 in the offshore fairway proposal. Additionally, the data suggests more transits west (inshore off Maryland) of OCS-A 0490 (U.S. Wind). Using a closest point of approach at two NM, a five NM wide corridor along the NJ seacoast provides space for safe navigation of coastwise traffic.”¹²

The draft NJ PARS goes on to note, “Casualty analysis and discussions with a federal pilot and towing vessel operators during public meetings support this option. The Fifth Coast Guard District concludes a move of the coastwise fairway Cape Charles to Montauk Point westward at a width as proposed by the ANPRM, along the Maryland / Delaware coast, supports these traffic patterns. Local towing operators supported this modification during a roundtable held on March 9, 2021.”

ACP recognizes, appreciates, and supports the balance achieved with this recommendation.

3. Extending existing TSSs between lease areas

ACP supports the recommendation to extend both existing traffic separation schemes (TSSs) between offshore wind lease areas: the Delaware Bay Eastern Approach TSS Extension and the Delaware Bay Southeastern Approach TSS Extension. Facilitating traffic

¹¹ <https://portal.midatlanticocean.org/>

¹² Draft NJ PARS at 48.



convergence prior to or beyond (depending on whether the traffic is coming toward shore or away from shore) encountering fix structures on both sides makes sense and is supported by the vessel traffic data analysis.

4. Utilization of project specific NEPA/COP/NSRA reviews of existing leases to develop Coast Guard recommendations on key issues

As then-AWEA argued in our comments last year, utilizing project specific construction and operation plans (COP) and navigation safety risk assessments (NSRA) under the National Environmental Policy Act (NEPA) is consistent with the experience in Europe. As noted in the draft NJ PARS it is also consistent with the Coast Guard's Navigation and Vessel Inspection Circular 01-19.¹³ Among the measures developers may include in NSRAs and COPs that can facilitate safe navigation, and, therefore, should be considered by the Coast Guard and BOEM during the project reviews are:

- Turbine spacing
- Turbine layout (pattern, orientation)
- Buffers from navigation lanes
- Communications plans – frequent notices to mariners, utilization of fisheries liaisons and local fisheries representatives based in regional ports to facilitate communication etc.
- Transit speeds
- Deployment of AIS technologies
- Marine navigation lighting and marking
- Establishment of safety zones during construction
- Adherence to COLREGs and general safe navigation operational practices
- Cable burial depth and shielding
- Proper marking of turbines and cable routes on NOAA nautical charts
- Remote monitoring and control of project operations

5. No specific routing measures for commercial fishing

ACP agrees with the analysis and resulting recommendation in the draft NJ PARS that no specific routing measures are needed for commercial fishing. As the draft PARS notes, "This study confirmed significant activity along the seacoast of New Jersey and offshore in the study area; however, the Fifth Coast Guard District does not believe this data supports the establishment of any formal routing measures based on vessel size and frequency of transits."¹⁴

As described above, any project specific measures that may be needed to address commercial fishing navigation concerns can be considered during NSRA and COP development and agency review under NEPA.

¹³ <https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/5ps/NVIC/2019/NVIC%2001-19-COMDTPUB-P16700-4-dtd-01-Aug-2019-Signed.pdf?ver=2019-08-08-160540-483>

¹⁴ Draft NJ PARS at 40.



ACP requests clarification on the following issues in the final NJ PARS

1. Final NJ PARS should clarify no additional setbacks from fairways will be sought

Coast Guard staff has indicated on New York Maritime Technical Working Group calls that additional setbacks from fairways are not needed as the established fairway widths already account for navigation safety through the inclusion of an additional buffer for safety, which is consistent with the explanation in the final Atlantic Coast Port Access Route Study (ACPARS).¹⁵ However, nothing in the draft NJ PARS confirms this. ACP requests that in the final NJ PARS, the Coast Guard make clear that no additional setbacks will be requested from fairways.

2. Final route of the Cape Charles to Montauk Point tug and tow fairway through the New York Bight

The angle of the proposed fairway appears to continue to take it over the Hudson North lease area as originally proposed in the ACPARS. ACP understands that Hudson North lease area is outside the NJ PARS study area, but the draft NJ PARS report is silent on coordination with the First District and/or Headquarters on the route of this proposed fairway, which starts in the NJ PARS study area.

ACP supports the route adjustment from Coast Guard slides presented during the BOEM Intergovernmental Renewable Energy Task Force meeting for the New York Bight held in April 2021.¹⁶ A similar adjustment was proposed in a Coast Guard map included in the New Jersey Port Access Route Study docket.¹⁷

ACP made the same recommendation that the First District clarify the final route will not overlap the Hudson North lease area in comments on the draft NNYB PARS.

Revising the proposed route (1) Is consistent with the Coast Guard's vessel traffic analysis (2) Is consistent with International Maritime Organization (IMO) recommendations that fairways provide for limited turns and mostly straight-line navigation (or at least as consistent as the route proposed in the ACPARS advanced notice of proposed rulemaking) and (3) Better represents a balance among reasonable uses of the water way by providing for navigational safety while allowing leasing in the Hudson North lease area.

¹⁵ See, for example, Atlantic Coast Port Access Route Study, Final Report, July 8, 2015. "These efforts enabled the WG [ACPARS Working Group] to identify navigation safety corridors along the Atlantic Coast that combine the width necessary for navigation and additional buffer areas based on the planning guidelines." Page i. Available at: https://www.navcen.uscg.gov/pdf/PARS/ACPARS_Final_Report_08Jul2015_Executive_Summary.pdf

¹⁶ <https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/George-Detweiler-USCG.pdf> (map from p. 16 of the PDF; 3 other illustrative maps included)

¹⁷ <https://homeport.uscg.mil/Lists/Content/Attachments/65940/NJPARSRoutingCharts2.pdf>



3. Recommendation related to adjacent lease areas should not apply in cases like Hudson South where transit lanes or other safety measures are already proposed between lease areas

The draft NJ PARS says, “When multiple lease areas share borders, the Coast Guard recommends a common turbine spacing and layout throughout adjoining wind projects.”¹⁸ However, ACP believes in cases where transit lanes or other TSSs are established between lease areas, as BOEM has proposed in Hudson South, developers should be provided more flexibility on turbine spacing, orientation and layout. We encourage the Coast Guard to clarify this recommendation does not apply in cases where transit lanes or other safety measures are already provided between adjacent lease areas in the final NJ PARS.

4. The New Jersey to New York Connector Fairway vis-à-vis the Cape Charles to Montauk Point Fairway

The draft NJ PARS concludes an additional fairway is needed in the space between Ocean Wind and Atlantic Shores Offshore Wind (OCS-A 0498 and 0499) and the New Jersey Seacoast between the Delaware Bay and the approaches to New York harbor.

ACP is unclear how this proposed fairway is different than the Cape Charles to Montauk Point Fairway from the ACPARS¹⁹ that is also recommended in the draft NJ PARS, though adjusted slightly toward shore. Based on the map of the recommendations in the draft NJ PARS that is included in the Mid-Atlantic Ocean Data Portal, the New Jersey to New York Connector fairway appears to overlap the Cape Charles to Montauk Point fairway until they fork, with the former going into the Port of New York and the latter crossing the New York Bight. Please clarify in the final NJ PARS if this is the correct interpretation and, if not, how the two fairways differ.

That said, consistent with comments then-AWEA filed last year in the NJ PARS docket, the proposed route does not appear to overlap existing lease areas provided additional setbacks are not recommended. As noted above, the Coast Guard should clarify no additional setbacks are required or recommended from fairways since safety buffers are already built into fairway width calculations.

5. Review inconsistencies between the Coast Guard BOEM’s assessment of commercial and recreational fishing navigation needs in and around the Hudson South lease areas

The draft NJ PARS does not recommend any specific measures related to commercial or recreational fishing navigation through the lease areas proposed by BOEM. However, BOEM itself has proposed “transit corridors,” between some lease areas in Hudson South of 2.44 NM in width.²⁰

¹⁸ Draft NJ PARS at 45.

¹⁹ <https://downloads.regulations.gov/USCG-2019-0279-0007/content.pdf>

²⁰ Map of proposed corridors available at: https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/NY_Bight_Overview_Map.pdf



ACP is unclear on the rationale for the “transit corridors” given that the Coast Guard, the agency with the subject matter expertise and statutory responsibility for ensuring safe navigation, has not recommended them after detailed analysis in this draft PARS.

Further, ACP members have done various calculations based on vessel size etc. and cannot come up with a figure that justifies 2.44 NM for the width of a potential corridor. The BOEM calculation is more the double the traffic lane width included in the draft NJ PARS²¹ and nearly 2.5 times the NM turbine spacing (combined with uniform grid layouts in adjacent lease areas) the Coast Guard found sufficient for safe transit through lease areas in the final Massachusetts and Rhode Island Port Access Route Study (MARIPARS).

ACP urges the Coast Guard to assess BOEM’s proposal for transit corridors considering the proposed actions in the NNYB PARS and publish for public comment a draft assessment on whether such corridors are necessary to provide for safe navigation. The baseline for this assessment has changed since the Coast Guard has now proposed significant added navigation pathways through the draft NNYB PARS and NJ PARS. Additionally, the Department of Defense has proposed an exclusion area that would prohibit surface infrastructure in this same region, again adding to protected transit space. The Coast Guard should also assess the proposed width of 2.44 NM as compared to 1-2 NM corridors and consider whether turbine spacing, layout and/or orientation would eliminate any possible need for such corridors. This should be done soon to not delay publication by BOEM of the final sale notice for the New York Bight.

6. Reassess size of the proposed precautionary areas

The draft NJ PARS recommends “establishing additional precautionary areas where a wide variety of vessel traffic converges east of the proposed OREIs [offshore renewable energy infrastructure].”²² While ACP understands the rationale behind the establishment of precautionary areas in these areas, we are concerned about the size of the areas and cannot identify any specific analysis in the draft NJ PARS or supporting materials that support the specific size of the proposed areas. The Southeastern area is 1,048 square miles in size and the Eastern area is 447 square miles in size according to the Mid-Atlantic Ocean Data Portal.

As noted above, to meet the President’s offshore wind targets, additional planned leasing in the Central Atlantic, and state demand for offshore wind will require designation of additional wind energy areas and ultimately lease areas. ACP strongly encourages the Coast Guard to work with BOEM to find a balance between reasonable waterway uses, including planning for additional offshore wind leasing in areas that are economic to build in.

ACP opposes the following recommendation in the draft NJ PARS

1. Uniform two NM setbacks from TSSs

²¹ Draft NJ PARS at 44.

²² Draft NJ PARS at 53.



The draft NJ PARS says, “The Fifth Coast Guard District concludes a width of 4.8 NM is sufficient for port approaches with consideration that at least two NM distance should be maintained between the edge of the TSSs and any offshore structure.”²³ Similarly, the report says, “The Fifth Coast Guard District recommends, as a cooperating agency to BOEM, under the NEPA review for individual OREI projects, a layout design that facilitates a 2 NM distance between the boundary of a TSS or any other route and offshore structures.”²⁴ It is not clear to ACP what evidence supports this recommendation? Was it based on AIS data? Modeling? Simulation? What is the different in risk between one NM and two NM? What does the Coast Guard consider an acceptable risk?

Further, this recommendation is inconsistent with a response to comments elsewhere in the draft NJ PARS, where the report says, “The Fifth Coast Guard District does not intend to comment on OREI layout patterns in the context of NJPARS. These are addressed on a case by case basis through the NEPA review process. The Fifth Coast Guard District has received data from NMFS VMS, as well as AIS, for complete traffic analysis. The NJPARS will not specifically direct transit lanes or buffers but will encourage review under the NEPA process.”²⁵ (emphasis added)

A standard two NM setback is inconsistent with the position taken by the First District in the draft NNYB PARS. With respect to setbacks from TSSs, the First District concluded, “Marine Planning Guideline Criteria: There is no international standard that specifies minimum distances between shipping routes and fixed structures. However, it is widely accepted that fixed structures in the offshore environment should not interfere with navigation. The MPGs provide general guidelines for siting of multiple structures near shipping routes and established ships routing measures. Each project will be assessed during the BOEM NEPA process on a case by case basis using the MPGs.”²⁶

ACP supports the First District position and requests the Fifth District incorporate it into the final NJ PARS and remove the passages cited above that call for uniform two NM setbacks. A case-by-case approach is also consistent with the international experience as explained in detail in AWEA’s comments last year. We will not repeat all that content here since it is already in the docket record, but we will reiterate this point: “...the most common distance between a wind farm and shipping lane or transit route in Europe is approximately 1 nautical mile.”²⁷ To date, ACP is aware of no navigational incidents in which the 1 NM setback was a factor. In practice that distance has proven safe.

²³ Draft NJ PARS at 52.

²⁴ Draft NJ PARS at 53.

²⁵ Draft NJ PARS at 16.

²⁶ Draft NNYB PARS at 56.

²⁷ Shipping and Navigation Plan for the New York Offshore Wind Master Plan. Commissioned by NYSERDA. Prepared by the Renewables Consulting Group. Available at: <https://www.nyserda.ny.gov/-/media/Files/Publications/Research/Biomass-Solar-Wind/Master-Plan/17-25q-Shipping-and-Navigation.pdf>



Additional ACP Recommendations and Observations

1. ACP urges the Coast Guard to finalize the NJ PARS as soon as possible so it can inform BOEM's final sale notice for the New York Bight

BOEM is currently reviewing comments (which were due on August 13, 2021) on the proposed sale notice for the multiple lease areas in the New York Bight. During the April 2021 Intergovernmental Task Force meeting, BOEM indicated a schedule of publishing the final sale notice in the Fall of 2021, with a planned lease auction in late 2021 or early 2022.²⁸ Given the potential impact of Coast Guard decisions on the availability and viability of the Hudson South lease areas, ACP strongly urges the Coast Guard to finalize its recommendations in the draft NJ PARS as soon as possible in coordination with BOEM to provide as much certainty and transparency to developers and other stakeholders in the final sale notice and prior to any lease auction.

2. Incorporate a mariner caution recommendation from the NNYB PARS in the final NJ PARS

The draft Northern New York Bight (NNYB) PARS recommended the following: "Mariners transiting in or near leased or planned Wind Energy Areas (WEAs) in the New York Bight should use extra caution, ensure proper watch, proceed at a safe speed to avoid collision and be able to stop within a distance appropriate to the prevailing circumstances and conditions and assess all risk factors. Offshore renewable energy installations present new challenges to safe navigation, but proper voyage planning and access to relevant safety information should ensure that safety is not compromised."²⁹

ACP supported this recommendation in comments to the Coast Guard on the draft NNYB PARS and recommends its incorporation into the draft NJ PARS as well. It is consistent with the IMO Convention on the International Regulations for Preventing Collisions at Sea (COLREG).³⁰ Adherence to COLREGs (specifically, Rule 8) means vessel operators have an obligation to use all available means given prevailing conditions to determine if a collision risk exists and, if there is any doubt, take precautionary measures to avoid that risk, including maintaining a safe speed. A safe speed is determined considering visibility, traffic density, the state of the sea/currents, proximity of navigational hazards, and maneuverability and stopping distance for the vessel.

3. Potential radar related impacts are well-understood as are potential mitigation options and should not be a barrier to deployment

The draft NJ PARS acknowledges some stakeholder concerns regarding potential vessel marine radar interference, notes there is a federal interagency group considering this issue

²⁸ See slide 31 at: <https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/Luke-Feinberg-Outer-Continental-Shelf-Wind-Energy-Leasing.pdf>

²⁹ Draft NNYB PARS, page 5.

³⁰ Summary available at: <http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/COLREG.aspx>



as well as a National Academy of Sciences (NAS) Panel, and explains further consideration is beyond the scope of this study.

While ACP welcomes the interagency and NAS efforts, and we acknowledge the potential for interferences exists, the industry notes for the record that studies to date, including many from Europe, suggest the impacts are not significant, are well-understood and there are measures that can be implemented to reduce potential impacts. For example, the Coast Guard’s final MARIPARS³¹ concludes, “The UK studies also show that additional mitigation measures, such as properly trained radar operators, properly installed and adjusted equipment, marked wind turbines and the use of AIS, enable safe navigation with minimal loss of radar detection.”

The final MARIPARS discussion on radar issues is also consistent with the Coast Guard’s conclusions regarding the 130 turbine Cape Wind project.³² Notably, with respect to Cape Wind, the maximum distance between the turbines was 0.54 nm, which is narrower spacing than the projects with larger turbines being constructed today are proposing. Yet, even with this narrower turbine spacing, the Coast Guard found the impacts to marine radar were manageable and vessels could safely navigate within the vicinity of the wind farm. The Coast Guard position in 2009 applies just as well in 2021: “Affected waterways users may need to adjust somewhat to account for navigating within, and in the vicinity of, the proposed wind farm. Nevertheless, vessels operating within or near the proposed wind farm should be able to do so safely even in restricted visibility.”

Given what we already know, there is no reason for marine radar issues to impede offshore wind deployment.

4. Existing processes and recommendations are sufficient to address cable burial concerns

ACP notes concerns raised by stakeholders and referenced in the draft PARS regarding subsurface cables and the potential for fishing gear entanglement. ACP believes proper marking of cable paths on applicable navigation charts, as well as adherence to AWEA’s 2012 Offshore Compliance Recommended Practices³³ (includes recommendations related to installation, protection, burial etc.; the document is currently being updated), Bureau of Safety and Environmental Enforcement (BSEE) and BOEM commissioned reports on offshore cable burial³⁴ (where appropriate) and cable spacing³⁵ are adequate to address transmission compatibility with vessel navigation and safety.

³¹ Coast Guard, the Areas Offshore Massachusetts and Rhode Island Port Access Route Study, May 14, 2020, page 25. Available at: https://www.navcen.uscg.gov/pdf/PARS/FINAL_REPORT_PARS_May_14_2020.pdf

³² Available at: <https://www.boem.gov/sites/default/files/renewable-energy-program/Studies/USCGRADARfindingsandrecommendationsFINAL.pdf>

³³ <https://engage.cleanpower.org/Shop/product-catalog/Product-Details?productid=%7bc2db874fe-7ce7-e811-80fc-000d3a01109b%7d>

³⁴ <https://www.bsee.gov/sites/bsee.gov/files/tap-technical-assessment-program/final-report-offshore-electrical-cable-burial-for-wind-farms.pdf>

³⁵ <https://www.boem.gov/sites/default/files/renewable-energy-program/Studies/TAP/722AA.pdf>



With respect to burial, BOEM recommends a minimum burial depth of 3.28 feet (one meter) and at least a single layer for armor where there is the potential for damage from fishing vessel activity.

Conclusion

Thank you for your consideration of the issues raised in this letter. Please let ACP know if we can provide any additional information or clarifications on the points above.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vinson", written over a light gray rectangular background.

Tom Vinson
Vice President, Policy and Regulatory Affairs
American Clean Power Association