

March 8, 2024

Maureen Kallgren
Marine Transportation Specialist
United States Coast Guard

Re: Notice of Intent to prepare a Programmatic Environmental Impact Statement

Submitted via Regulations.gov

Dear Ms. Kallgren,

American Clean Power¹ (ACP) appreciates the opportunity to comment on the Coast Guard's Notice of Intent (NOI) to prepare a Programmatic Environmental Impact Statement (PEIS) that will evaluate the potential environmental consequences of the Coast Guard's Proposed Action to establish shipping and safety fairways and other routing measures along the Atlantic Coast of the United States. ACP plans to submit detailed comments on the Proposed Action.

Introduction

On January 19 Coast Guard issued a Notice of Proposed Rule Making (NPRM) to establish shipping safety fairways and other routing measures along the Atlantic Coast (Proposed Action). On January 23 the Coast Guard issued a NOI to prepare a PEIS to evaluate the environmental consequences of its Proposed Action. Coast Guard notes that the PEIS is "intended to solicit feedback on preliminary alternatives to help the Coast Guard narrow the scope of the PEIS."² The NOI proposes seven alternatives ranging from "establishing no fairways at all to the extension of the proposed fairways to the outer limit of our authority on the OCS."³

The PEIS should include only alternatives that are considered in, or would be a logical outgrowth of the NPRM.

The PEIS should only consider alternatives that are consistent with the NPRM, or would be a logical outgrowth of the NPRM (such that any changes that may be made to the NPRM, and the alternatives included within would be covered by this analysis). Many of the proposed alternatives outlined in the PEIS are beyond the scope of the NPRM and include fairways that have not been fully mapped, or considered and as such are not ripe for environmental review. Moreover, including fairways outside the scope of the NPRM could lead to a PEIS that is overly burdensome and too broad in scope to meet environmental analysis needs of the NPRM.

¹ American Clean Power (ACP) is the leading voice of today's multi-tech clean energy industry, representing over 800 energy storage, wind, utility-scale solar, clean hydrogen and transmission companies. ACP is committed to meeting America's national security, economic and climate goals with fast-growing, low-cost, and reliable domestic power.

² 89 Fed. Reg. 4320 (January 23, 2024).

³ *Id.* at 4321.

Coast Guard should consider climate impacts in all proposed alternatives.

NEPA regulations require agencies, to the fullest extent possible to “[u]se the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment, such as alternatives that will reduce climate change-related effects.”⁴ NEPA regulations further require agencies to “[i]dentify the environmentally preferable alternative or alternatives. The environmentally preferable alternative will best promote the national environmental policy expressed in section 101 of NEPA by maximizing environmental benefits, such as addressing climate change-related effects.”⁵ Finally, in any effects analysis, NEPA requires agencies to identify “[p]ossible conflicts between the proposed action and the objectives of Federal, regional, State, Tribal, and local plans, policies, and controls for the area concerned, including those addressing climate change”⁶ and “[a]ny reasonably foreseeable climate change-related effects, including the effects of climate change on the proposed action and alternatives.”⁷

Clearly consideration of climate change must play a central consideration in any NEPA analysis and considered in each alternative. In the PEIS, Coast Guard should take care to assess the programmatic-level beneficial impacts of offshore wind, including the benefits of climate change mitigation and reduced air pollution from fossil fuel-based electric generation. Coast Guard must consider the impacts that proposed fairways may have on the ability of Offshore Wind projects to help meet federal and state climate goals, and to ‘reduce climate change related effects.’ In doing so, Coast Guard should recognize that restrictions to Offshore Wind development may mean that energy needs that could be met by these projects will otherwise be met by traditional fossil fuel sources. As such, Coast Guard should look at alternatives that can meet the safety needs of the proposed fairways, while at the same time ensuring they do not unnecessarily inhibit offshore wind expansion.

Conclusion

Thank you for the opportunity to comment on the NOI. ACP looks forward to engaging with Coast Guard on the NPRM.

Sincerely,

Anne Reynolds
Vice President, Offshore Wind
American Clean Power

⁴ Proposed 40 CFR § 1500.2, While the Phase II NEPA Regulations have not been finalized, they are likely to be finalized in April. Further, the Proposed Rule states that an agency may apply the regulations in this subchapter to ongoing activities and environmental documents begun before the effective date of the final rule. To ensure longevity of any PEIS, ACP recommends Coast Guard follow the proposed regulations.

⁵ Proposed §1502.14(f).

⁶ Proposed §1502.16(6).

⁷ Proposed §1502.16(7).