



Captain J. Stuart Griffin, Chairman

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Captain Joseph F. Bradley, Honorary Chairman

August 22, 2019

Acting Director Dr. Walter Cruickshank  
Bureau of Ocean Energy Management  
1849 C Street, NW  
Washington, DC 20240

Dear Dr. Cruickshank:

The Mariners' Advisory Committee for the Bay and River Delaware (MAC), which is the Harbor Safety Committee for the Ports along the Delaware River, has been engaged with the Bureau of Ocean Energy Management (BOEM), United States Coast Guard (USCG), Army Corps of Engineers, and the National Oceanic and Atmospheric Administration (NOAA) for many years as the dialog surrounding offshore wind energy installations and maritime commerce off the US East Coast has advanced. The MAC enjoys a healthy, collaborative relationship with our federal partners, as well as with regional wind developers. The rapid advancement of offshore wind development in the Mid-Atlantic which has the potential to conflict with maritime commerce raises concerns among the MAC that we need to develop a more functional path forward for coexistence.

The Mariners' Advisory Committee requests that BOEM not approve the Construction and Operations Plan for either the Skipjack WEA (Ørsted) or the Maryland WEA (US Wind) until the proposed rulemaking by the USCG for the "Indian River Anchorage" has concluded. We respectfully request that the proposed deep-draft vessel anchorage remain intact and unobstructed by submarine power cables. The details of this request and issues of concern for our mariners and industry are outlined below.

The proliferation of offshore wind leases issued by BOEM in the Mid-Atlantic OCS region has made it very clear that efforts are urgently needed to improve and accelerate the aforementioned dialog and focus on emerging conflicts in the near-coastal space. Those of us who work to ensure the safe movement of deep-draft vessels, coastwise tug and barges, and other commercial vessel traffic into and out of our nation's ports are quickly learning of the need to both de-conflict consequences of decisions made in the early days of BOEM's offshore wind energy leasing and approvals processes, but also help find a more functional path forward for future offshore energy development.

240 Cherry Street, Philadelphia, PA 19106, (215)-925-1524  
Administrative Assistant Scott Anderson [administrator@macdelriv.org](mailto:administrator@macdelriv.org)  
Or visit our website [www.macdelriv.org](http://www.macdelriv.org)



In 2017, 90.4 million tons of cargo moved through terminals along the Delaware, creating nearly 21,000 direct jobs and \$3.7 billion in direct business revenue, leading to \$77.6 billion in total economic activity and \$2.6 billion in state and local taxes. It is against this backdrop of maritime commerce on the Delaware River that we confront the urgent need to ensure that our port complex continues to function in a safe, efficient, and resilient manner.

Working towards engagement, BOEM has made some strides with the maritime industry including hosting an information-sharing forum in February 2018 to bring together federal partners, industry stakeholders, and BOEM staffers to address interagency communication and stakeholder engagement. This forum followed some early fumbles, such as proposing wind energy lease blocks that directly conflicted with internationally recognized sea lane approaches to the Ports along the Delaware, including Wilmington, Delaware and Philadelphia.

As Chairman of the Mariners' Advisory Committee, I appreciate BOEM staff attendance and engagement at our quarterly Harbor Safety Committee meetings, as well as the attendance of both U.S. Wind and Ørsted, whom are developing Wind Energy Areas in direct proximity to the sea lane approaches (Traffic Separation Schemes-TSS) entering the Delaware Bay. The MAC has participated directly with recommendations and follow-on comment with the aforementioned offshore wind developers on their Navigational Safety Risk Assessments, an important part of their BOEM approvals process.

To date, the prime focus of the MAC has been to help guide the planning of the developers regarding placement of turbine structures in a way that minimizes the risks to safe navigation. This includes the risks of vessel collisions caused by new, more constrained traffic patterns and also the proximity of turbine structures to the edges of Traffic Separation Schemes (sea lane approaches). Cumulative impacts of multiple wind energy areas and offshore routing are emerging as other areas demanding stakeholder attention. We hope as these discussions continue that engagement with the MAC will be a priority.

With the current focus on turbine placement and the permitting process structure, BOEM and offshore wind developers are not taking a comprehensive view of the impacts projects have on the maritime industry. For example, the MAC and the USCG learned recently that BOEM previously signed off on Site Assessment Plans for both U.S. Wind and Ørsted to survey and ultimately lay their primary export cables (submarine cables that carry the turbine-generated power ashore for grid connection) directly across a proposed anchorage that both the MAC and the USCG have discussed with BOEM on the record dating back as early as 2011 (*see item 1 in appendix illustrating proposed anchorage location and boundaries*). Consequently, both developers spent survey monies and have planned to lay export cables that are in direct conflict with this proposed offshore anchorage that is of critical importance to future port operations.

The proposed offshore anchorage is important for a number of reasons: Historically, vessels calling on ports along the Delaware anchor in the near-offshore space north of the "Delta" buoy at the terminus of the southeastern Traffic Separation Scheme (sea lane). This anchorage space is regularly used by ships awaiting dock space in Wilmington, Marcus Hook, Philadelphia, or other Ports along the Delaware, conducting Certificate of Compliance inspections with the USCG, or making other logistical preparations for a port call on the Delaware. It is not



uncommon to see six, eight, or even more ships anchored in this vicinity. The diversity of cargo and vessel types calling the Delaware and utilizing the historical offshore anchorage area include crude oil tankers, gas carriers, ultra large container vessels, car carriers, bulk carriers, and others. This dense mix of cargos, many of which are hazardous, further necessitates safe near-shore anchorage space as a critical part of the safe, efficient operation of the port ecosystem. The proposed Indian River anchorage provides relative ease of connection via offshore launch service (small vessels which ferry crew, supplies, and officials to anchored ships) for vessel inspections, repairs, etc., as well as a reasonable transit time to begin their voyage up the Delaware to their respective docks/berths(see item 2 in appendix showing current typical use of offshore anchorage space).

The Skipjack Wind Energy Area lease issued by BOEM encompasses this historical unofficial offshore anchorage space in its entirety, and hence the vessels who currently anchor there regularly will be displaced in the near future by turbine structures. The port ecosystem is a complex environment of vessel movements, overlapping schedules, and logistical challenges that necessitate offshore anchorage space availability. Anticipating development in the offshore space, my predecessors in the MAC made direct outreach to BOEM and the USCG to preserve a new anchorage space, just south of the southeastern Traffic Separation Scheme (sea lane approach) (*see historical anchorage documentation in the appendix*). They entered this necessity into the record in writing and were diligent in continuing to follow the early development of the offshore wind industry in the U.S. The challenge of this situation is that we have accommodated an emerging industry by giving up our historic anchorage area with the idea that we would have the anchorage proposed back in 2011 for future maritime use. However, the anchorage outlined in 2011 now has conflicts due to the proposed WEA export cable routes that cannot be mitigated as presently proposed by the developers. We at the MAC and within the Port were willing to compromise but are now placed in an unfair position for the future of our mariners, ports, and overall industry.

The reality of the current export cable plan (*see item 3 in appendix*) is that large ships will be anchoring in the open-ocean environment in extremely close proximity to high power submarine cables (red lines crossing proposed anchorage) which are grid-connected. These vessels will drag anchor at times due to weather exposure, and the consequences will be costly due to damage to the cable structures from vessel anchors, if not catastrophic. Vessels dragging into one another or across active sea lanes due to fouled anchor chains are one possible example of such a potentially catastrophic scenario.

On a conference call in mid-May of 2019, attended by personnel from USCG, NOAA, BOEM, Department of the Interior, the State of Maryland, the Mariners' Advisory Committee, and both Ørsted and US Wind (offshore wind developers) possible options were discussed to de-conflict the issue. At that time, the developers asserted that based on BOEM-granted approvals to their Site Assessment Plans, they had already conducted survey work in anticipation of the cable runs at their expense and were not keen to consider relocating their export cables. Since that time conference calls have continued, with de-confliction efforts ongoing. Currently, the USCG is preparing an Advanced Notice of Proposed Rulemaking to officially designate the "Indian River Anchorage" in its original 2010/2011 dimensions. The rulemaking process will force the official deconfliction of the proposed anchorage space. But a larger question also remains – is this how

federal agencies and industry are going to continue moving forward with each offshore wind lease area? Time, money, and efficiency for all industries could be solved with advanced planning and de-confliction conversations.

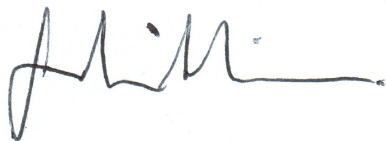
**In the meantime, the Mariners' Advisory Committee requests that BOEM not approve the Construction and Operations plan for either the Skipjack WEA (Ørsted) or the Maryland WEA (US Wind) until those plans include shore-bound export cable routes that do not conflict with the proposed "Indian River Anchorage," leaving the original proposed deep-draft vessel anchorage intact and unobstructed by submarine power cables.**

In addition to the necessary de-confliction of the immediate anchorage issue at hand, this situation provides an opportunity to set new maritime industry engagement standards for BOEM going forward. At a minimum, when BOEM is considering the placement and approval of any structures in the near-coastal environment, they should first ensure that the developers have made direct outreach and obtained written comment from both local and regional (neighboring) navigation safety experts, such as Harbor Safety Committees, as well as the USCG. BOEM could then use this stakeholder and regulatory commentary to consider the impact on safety of navigation and port operations before approving developers' survey plans. This includes the consideration of turbines, export cables, interconnection cables, and any other new structures that developers plan to introduce to the offshore space.

The Mariners' Advisory Committee for the Bay and River Delaware remains committed to the safe movement of commerce on the Delaware and looks forward to helping BOEM adapt their approval and regulatory processes to be more responsive to the navigational needs of our nation's economy-driving ports.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Stuart Griffin", with a long horizontal line extending to the right.

Captain J. Stuart Griffin  
Chairman