

**BOEM's Scoping Comments on
Port Ambrose Deepwater Port Application
(Docket # USCG-2013-0363)**

The Bureau of Ocean Energy Management (BOEM) appreciates the opportunity to offer scoping comments on the proposed Port Ambrose Deepwater Port Application. BOEM has worked closely with the U.S. Coast Guard (USCG) on marine safety and navigation issues related to offshore leasing activities, particularly for wind power development offshore the Atlantic seaboard. Our staff at the Office of Renewable Energy Programs can be available to meet with the USCG and the Maritime Administration to discuss any issues related to this project and the proposed wind power facility offshore Long Island, New York. For information regarding BOEM's renewable energy leasing activities offshore New York, please contact Dr. Andrew Krueger at (703) 787-1554, or visit BOEM's webpage at <http://www.boem.gov/Renewable-Energy-Program/State-Activities/New-York.aspx>

BOEM anticipates being a cooperating agency in the preparation of the Environmental Impact Statement (EIS) that the USCG is preparing, following the framework described in the 2004 Memorandum of Understanding on Deepwater Port Licensing.

Volume 1—Section 12.3

§ 148.105(k)(3) Present and Planned Use of Lease Block(s)

In this section of its application, Liberty references the New York Power Authority's (NYPA) lease application filed with BOEM in September 2011 to construct an offshore wind facility in Federal waters offshore Long Island, New York. Liberty's Port Ambrose Project would fall directly inside of NYPA's proposed lease area. Liberty offers the following points on this potential conflict:

- NYPA's application to BOEM outlines a proposed 127 square mile lease area, but it is not clear in NYPA's application how and to what extent the lease blocks would be utilized;
- The LNG project footprint only occupies 0.3 square miles for each buoy system, or less than 1% of NYPA's total proposed area; and
- Liberty believes its project is small enough to have minimal effect on the proposed wind power project, and that the two projects are compatible.

Update on BOEM Leasing Process offshore New York

On September 8, 2011, BOEM received an unsolicited request for a commercial lease from NYPA. The NYPA, Long Island Power Authority, and Consolidated Edison worked together to propose an offshore wind power project south of Long Island, approximately 13 miles off Rockaway Peninsula. The proposal includes the installation of up to 194, 3.6 megawatt (MW) wind turbines, yielding a potential 700 MW of wind energy generation - enough electricity to power an estimated 245,000 homes. BOEM has been working with the New York Intergovernmental Task Force to identify potential environmental and use conflicts in the proposed lease area. BOEM coordinates Outer Continental Shelf renewable energy activities offshore New York through the Task Force with its federal, state, local, and tribal government partners. The USCG is represented on the Task Force and has participated in multiple meetings regarding offshore renewable energy leasing activities.

On January 4, 2013, BOEM issued a Request for Interest (RFI) in the *Federal Register* under Docket ID: BOEM-2012-0083 to assess whether there are other parties interested in developing commercial wind facilities in the same area. Two additional companies submitted nominations expressing interest: Fishermen's Energy, LLC and Energy Management, Inc. Both companies have been legally, technically, and financially qualified to hold a lease by BOEM. Because there is competitive interest in the area, BOEM is initiating the competitive leasing process offshore New York pursuant to 30 CFR 585.210. BOEM will work with the Task Force to develop a Call for Information and Nominations, with the goal of holding a future lease sale for wind power development offshore New York.

In addition to inquiring about competitive interest, BOEM also sought public comment on the proposal, its potential environmental consequences, and the use of the area in which the proposed project would be located. BOEM received comments from multiple parties, including the USCG and Liberty Natural Gas (submitted through its counsel, Holland & Knight). While the USCG's comments do not discuss the Port Ambrose proposal, Liberty states in its comments that it believes a wind power project and a LNG project are compatible uses and can co-exist with proper mitigation or avoidance measures.

Navigational Safety Issues

BOEM is particularly concerned about navigational safety issues resulting from large LNG vessels operating in close proximity to offshore wind turbines and requests that these issues are thoroughly considered and analyzed in the Environmental Impact Statement. BOEM is concerned that the proposal to construct a LNG Port in the same area proposed for a large wind facility could result in serious conflicts—or at the minimum, complicating factors—that may impact the overall viability of one or both projects.

While Liberty is aware that BOEM has been processing NYPA's application for offshore leasing, Liberty has not approached BOEM to discuss its LNG proposal or to engage in dialogue with our respective agencies concerning the compatibility of the two projects. Also, it is unclear from Liberty's application whether they have reached out to NYPA to discuss the compatibility of their projects. In general, we find that the application glosses over potential conflicts that could exist between a LNG Port and a large wind power project operating in the same area, and includes minimal discussion on strategies for minimizing such potential conflicts.

The area proposed by NYPA is 127 square miles (81,120 acres or 32,832 hectares). Liberty states that the LNG project footprint "only occupies 0.3 square miles for each buoy system, or less than 1% of NYPA's total proposed area," (pg 27) and that it believes its project is small enough to have minimal effect on any proposed wind power project. BOEM believes a more thorough analysis is prudent. NYPA's and Liberty's proposals are located between two Traffic Separation Schemes (TSS) for vessels transiting into and out of the Port of New York and New Jersey. We know that large vessels traverse the area and that certain safety measures will be necessary to ensure that the risk of collisions with wind turbines is minimized. Because of its close proximity to shipping lanes, the U.S. Coast Guard has initially recommended that a buffer zone—a minimum 1 nmi setback line from the adjacent TSS—be applied to the area for purposes of reducing the risk of allision of vessels with wind turbines. Liberty's statement that its LNG Port would have only a "minimal effect" on the proposed wind facility needs further examination given that LNG vessels are up to 300 m in length and that such vessels themselves require special safety considerations, such as safety zones that are extended out to 1500+ meters during offload procedures (which Liberty has indicated could take up to 17 days to complete, with 40+ deliveries occurring each year).

The EIS should also consider the accessibility of the proposed Port in emergency situations, if a wind facility would be constructed.

Environmental Information and Issues

In its analysis of cumulative effects, USCG should also consider the effects of renewable energy activities offshore New Jersey and the adjacent states, including physical and biological surveys.

BOEM suggests the USCG consider, as a mitigation measure, construction windows that avoid peak migratory periods of protected species.

In response to BOEM's RFI, stakeholders provided baseline environmental data that should be included in the EIS. In addition, some of the environmental issues identified in the comments may be applicable to the proposed Port Ambrose Deepwater Port. The comments can be accessed at:

<http://www.regulations.gov/#%21docketDetail;D=BOEM-2012-0083>.

New York Proposed Lease Area

