



Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

Peter A. DeFazio  
Chairman

Sam Graves  
Ranking Member

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July 6, 2022

Admiral Linda Fagan  
Commandant, United States Coast Guard  
USCG Headquarters  
2703 Martin Luther King Jr. Ave. SE  
Washington, DC 20020

Dear Admiral Fagan:

We are writing to express concern with the perceived lack of United States Coast Guard (USCG or Coast Guard) involvement and action in the offshore leasing process at the Bureau of Ocean Energy Management (BOEM). As you know, the Coast Guard plays an integral role in the leasing and development process of offshore wind farms. The Coast Guard also holds sole responsibility for ensuring safety in U.S. waters and must therefore work in conjunction with BOEM from the earliest stages of the permitting process.<sup>1</sup>

The Ports and Waterways Safety Act (PWSA) (P.L. 95-474, 33 U.S.C. 1223(c)) requires the Coast Guard to conduct a Port Access Route Study (PARS) before establishing new, or adjusting existing, fairways or traffic separation schemes. Despite this statutory requirement, the Coast Guard has failed to deliver an updated PARS for the Atlantic Coast prior to BOEM's approval of leases for some of the largest offshore wind operations in the United States.

In 2019, the Coast Guard's Notice of Availability of the Massachusetts and Rhode Island Port Access Route Study (MARIPARS) failed to incorporate findings and comments provided by the fishing community that highlight safety and transiting concerns.<sup>2</sup> These concerns went beyond the general siting of offshore energy leasing areas, touching on navigational safety (including the potential for increased future traffic volumes, which was not fully reviewed), search and rescue capabilities, and the effect that turbine arrangements are known to have on radar interference. Last month, some unanswered concerns in the MARIPARS were reiterated to the USCG in the initial comment period for the Maine, New Hampshire, and Massachusetts PARS.<sup>3</sup>

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<sup>1</sup> See 14 U.S.C.102; 14 U.S.C. 70003(a).

<sup>2</sup> United States Coast Guard. *Port Access Route Study: The Areas Offshore of Massachusetts and Rhode Island (84 FR 11314)*, available at <https://www.federalregister.gov/documents/2019/03/26/2019-05730/port-access-route-study-the-areas-offshore-of-massachusetts-and-rhode-island>. March 26, 2019.

<sup>3</sup> Responsible Offshore Development Alliance. *Re: Port Access Route Study: Approaches to Maine, New Hampshire, and Massachusetts; Docket No. USCG-2022-0047*. Federal Register, available at <https://www.regulations.gov/comment/USCG-2022-0047-0007>. May 12, 2022.

We have also been alerted to similar patterns on the Pacific Coast, where BOEM is conducting leasing processes for floating offshore wind. We have heard from stakeholders who have specific concerns about the two Call Areas offshore the State of Oregon.<sup>4</sup> As you know, it is critical that navigation safety is at the forefront from the earliest stages of these Pacific Coast leasing processes.

Unfortunately, the indication we have received from stakeholders is that the USCG has become less responsive over time to questions and suggestions on these issues and has instead allowed BOEM to drive the planning process.<sup>5</sup> It is not enough for the USCG to oversee safety measures after transit areas are established with other parameters in mind; therefore, we respectfully remind you that it is the Coast Guard's duty to assert itself as the entity responsible for determining how transiting routes are laid out so that maritime space is safe for all users for the foreseeable future. As such, we request that you use your authority under section 46 U.S.C. 70003(a), to ensure the paramount use of areas designated as port access routes is navigation.

As we continue our oversight of the Coast Guard, we thank you in advance for your consideration and your dedication to keeping our waters safe and navigation lanes open. If you have questions please contact Matt Dwyer, Democratic Staff Director, Subcommittee on Coast Guard and Maritime Transportation at (202) 225-4472, and John Clark Rayfield, Republican Staff Director, Subcommittee on Coast Guard and Maritime Transportation at (202) 225-3372.

Sincerely,



Peter A. DeFazio  
Chair



Sam Graves  
Ranking Member

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<sup>4</sup> Battaglia, Roman. *Oregon Fishermen Protest Offshore Wind Farm Proposal in Coos Bay*. Jefferson Public Radio, available at <https://www.ijpr.org/environment-energy-and-transportation/2022-05-10/oregon-fishermen-protest-offshore-wind-farm-proposal-in-coos-bay>. May 10, 2022.

<sup>5</sup> United States Coast Guard. *Port Access Route Study: Approaches to Maine, New Hampshire, and Massachusetts*. Regulations.gov, available at <https://www.regulations.gov/document/USCG-2022-0047-0002/comment>. March 31, 2022.