



5090
September 8, 2025

Maine Department of Marine Resources
Maine Coastal Program
Attn: Erin Wilson, Federal Consistency Coordinator
32 Blossom Lane
Augusta, Maine 04333-5780

Dear Ms. Wilson:

This document provides the State Coastal Management Program Managers with the U.S. Coast Guard's (the Coast Guard) consistency determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and 15 CFR Part 930, subpart C for Establishing Shipping Safety Fairways and Associated Vessel Routing Measures Along the Atlantic Coast. The information in this Consistency Determination is provided pursuant to 15 CFR Section 930.39 and Section 930.36(e).

The Coast Guard is providing this regional consistency determination to the following coastal states bordering the U.S. Atlantic Ocean: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida, and is requesting concurrence with this regional consistency determination for the Proposed Action and alternatives. The Coast Guard prepared a Draft Programmatic Environmental Impact Statement/Overseas Environmental Impact Statement (PEIS/OEIS) to evaluate the Proposed Action and alternatives for establishing vessel routing measures and a fairway anchorage along the Atlantic Coast of the United States (Establishing Shipping Safety Fairways and Associated Vessel Routing Measures Along the Atlantic Coast). The Draft PEIS/OEIS includes a detailed description of the Proposed Action and alternatives as well as detailed analyses of potential impacts of the actions on physical, biological, economic, and cultural, and historic resources.

The Draft PEIS/OEIS is anticipated to be published in the Federal Register in approximately September 2025 and will be open for a public comment period of 45 days. For additional information about the Proposed Action and alternatives, please see the Draft PEIS/OEIS as published in the Federal Register at docket number USCG-2023-0928.

I. PROPOSED ACTION

The purpose of the Proposed Action is to preserve safe and reliable transit of vessels along historic critical shipping routes essential for U.S. maritime economic prosperity and national security. Facilitating safe and efficient commercial shipping traffic through various vessel routing measures along the Atlantic Coast of the U.S. ensures consistent and secure access to major ports of the U.S. Marine Transportation System, which includes federal channels, internal waterways, marine terminals, and naval facilities. The Coast Guard recognizes that increasing

interest in new and innovative uses of the Outer Continental Shelf (OCS) creates a need to establish a resilient system of access to the major ports of the Atlantic Seaboard to ensure the Nation's economic prosperity. The Coast Guard believes this need is best served by the establishment of consistent and well-defined vessel routing measures and a fairway anchorage.

In addition to evaluating the effects of a No Action Alternative, the Coast Guard is considering the following alternatives to achieving the purpose and need for this action. The full details of the Proposed Action and Alternative 2 are presented in Enclosure 1, which also highlights areas that intersect state waters. These alternatives are as follows:

No Action Alternative: The No Action Alternative assumes that no new fairways, Traffic Separation Scheme (TSS) extensions, new or modified precautionary areas, or anchorages would be established along the U.S. Atlantic Coast. Any potential environmental and economic benefits and impacts associated with the establishment of these routing measures would not occur. All existing routing measures would remain unchanged. In addition, all other existing or other reasonably foreseeable future activities within the Study Area would continue. Current resource conditions, trends, and impacts from ongoing activities under the No Action Alternative serve as the baseline against which the direct and indirect impacts of all Action Alternatives are evaluated.

Alternative 1—Establishing Fairways Along the Full Length of the U.S. Atlantic Coast (Proposed Action): Alternative 1 would establish vessel routing measures along the Atlantic Coast, from the U.S.-Canada maritime border in the Gulf of Maine to Miami, Florida. It would also establish a fairway anchorage off Delaware Bay.

This alternative would include (1) the vessel routing measures and one fairway anchorage described in the Notice of Proposed Rulemaking (NPRM), “Shipping Safety Fairways Along the Atlantic Coast” (89 FR 3587); (2) vessel routing measures in the Gulf of Maine described in the Advanced Notice of Proposed Rulemaking (ANPRM) “Shipping Safety Fairways in the Gulf of Maine” (89 FR 91296); and (3) a zone in which Coast Guard may, in the future, establish additional routing measures off the coastline of South Carolina, Georgia, and Florida.

Alternative 2—Alternative 1 plus Extensions to Exclusive Economic Zone (EEZ) for Specific Fairways: Alternative 2 would establish the vessel routing measures and fairway anchorage as proposed in Alternative 1 (Proposed Action) and would also include several extensions of selected east-west port-approach fairways out to the limit of the EEZ. The northernmost extension would begin at Portland, Maine, and the southernmost extension beginning at Cape Fear, North Carolina.

This alternative is supported by public comments on the Notice of Intent to prepare a Programmatic Environmental Impact Statement/Overseas Environmental Impact Statement (PEIS/OEIS) and on the NPRM. Further, by preventing interference with users of the EEZ and surrounding waters in addition to the coastal routing measures, this alternative could enhance the ability of the United States Marine Transportation System to ensure safe and efficient maritime transportation throughout the Atlantic Coast and therefore would fulfill the purpose and need of the Proposed Action.

The Coast Guard anticipates that the Proposed Action would have the following effects.

- i. Although neither of the Action Alternatives is expected to change the total number of vessels or vessel trips in the Study Area, the Action Alternatives would likely affect some vessel voyage plans (i.e., routing) and anchorage locations.
- ii. The Proposed Action may result in small shifts of current vessel traffic into designated routing measure areas from nearby areas outside of these areas. Most proposed routing measures, as well as the proposed fairway anchorage, would be located in federal waters (i.e., beyond 3 nautical miles [NM]).
- iii. The only routing measures proposed within state waters are “fairways,” which are defined as a lane or corridor in which no artificial island or fixed structure, whether temporary or permanent, will be permitted. However, for the purpose of Coast Guard regulations, structures are prohibited in a fairway only if they interfere with or restrict marine navigation. The Coast Guard does not consider fishing gear to meet the definition of fixed structures and thus does not anticipate that the restriction would preclude any commercial fishing activities or gear types. The Coast Guard does not believe there is any conflict between seabed or buried cables under proposed routing measures.
- iv. There are no fairway anchorages proposed in state waters.
- v. The Proposed Action intersects state waters of six states along the Atlantic Coast: Maine, Massachusetts, New York, New Jersey, Delaware, and Maryland. The approximate overlap of the proposed fairways with state waters is presented in Table 1.

The Coast Guard anticipates that Alternative 2 would have the following effects.

- i. Alternative 2 would have similar impacts as the Proposed Action: vessel traffic would increase locally by 8 percent in proposed routing measure areas inside the 12 NM U.S. territorial sea, while vessel traffic would increase by 10 percent in proposed routing measure areas beyond the 12 NM U.S. territorial sea.
- ii. These increases in vessel traffic in proposed routing measure areas would result from localized shifts in traffic from adjacent areas rather than an overall increase.
- iii. The anchorage area and Southeast Zone would be the same under Alternative 2 as under the Proposed Action, as would associated impacts on vessel activities.

Table 1. Overlap of the Routing Measures with State Waters Along the U.S. Atlantic Coast under the Proposed Action and Alternative 2

State	Overlap of Proposed Routing Measures with State Waters (area, NM ² [km ²])
Maine	33 (113)
New Hampshire	0
Massachusetts	47 (161)
Rhode Island	0
Connecticut	0
New York	98 (336)
New Jersey	31 (106)
Delaware	8 (27)
Maryland	10 (34)
Virginia	0
North Carolina	0
South Carolina	0
Georgia	0
Florida	0

II. REGIONAL CONSISTENCY DETERMINATION WITH STATE COASTAL MANAGEMENT PROGRAM'S APPLICABLE ENFORCEABLE POLICIES

This is a regional consistency determination, in accordance with 15 CFR § 930.36(e), because the geographic extent of the Study Area is regional in scope, including the waters off the U.S. Atlantic Coast between Maine and Florida. The majority of proposed routing measure areas would be located in federal waters, with the exception of small areas that would overlap with state waters of six states (Table 1).

The following sections address the potential coastal effects, management implications, and enforceable policies common to some or all of the affected states, as well as unique state policies.¹ The Draft PEIS/OEIS provides detailed analyses of the effects of the Proposed Action and alternatives on physical, biological, economic, and cultural, and historic resources.

¹ The term “enforceable policy” means State policies which are legally binding through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions, by which a State exerts control over private and public land and water uses and natural resources in the coastal zone (16 U.S.C. § 1453(6a)).

A. Coastal Effects and Management Implications

The Coast Guard has determined that the Proposed Action would affect water uses² (also referred to as coastal uses) in the 14 states along the U.S. East Coast, with respect to vessel traffic and operations. The Proposed Action would not have any physical impacts on the coastal zone's land component, including port facilities, beaches, wetlands, or other natural coastal resources.

The Proposed Action would establish vessel routing measures and a fairway anchorage area along the Atlantic Coast (see Enclosure 1). The purpose of the Proposed Action is to ensure safe and reliable transit of vessels along historic and critical shipping routes. While use of the proposed routing measures would be voluntary, they are intended to ensure that traditional navigation routes are kept free from fixed structures that could impact navigation safety. No physical structures are being added as part of this action. Most proposed routing measures would be located in federal waters (beyond 3 nautical miles (NM)).

Our analysis indicates that the Proposed Action may result in small shifts of current vessel traffic into designated routing measures from nearby areas outside of the routing measures. Using conservative assumptions (i.e., more likely to overstate than understate impacts), the Coast Guard analyzed vessel traffic patterns and calculated that, relative to the No Action Alternative, vessel-NM (daily or annual number of nautical miles transited by vessels within each proposed routing measure) could increase locally by 8 percent under the Proposed Action in the proposed routing measure areas within the 12 NM U.S. territorial sea. The Coast Guard expects that increases within routing measures would be accompanied by a corresponding decrease in traffic volume in the adjacent areas relative to the No Action Alternative. Vessel port destinations would not be affected. In general, localized shifts in vessel traffic would not affect the overall volume of traffic in the coastal zone. Over the past two decades, vessel traffic along the U.S. Atlantic Coast has steadily increased, driven by growth in international trade and domestic economic activity. Any localized increases in traffic volume resulting from vessels shifting into the routing measures would occur in addition to increases associated with this trend. The Proposed Action would ensure consistent and secure access to major ports of the U.S. Marine Transportation System in light of these ongoing trends and uses.

The proposed fairway anchorage, located 18.5 NM (34 km) from the nearest point on shore and outside of state waters, is already used by some commercial vessels, and we anticipate that this area would likely experience more anchorage events per year than would be the case under the No Action Alternative. However, the increase in annual anchorage events within the proposed fairway anchorage would represent a shift of anchorage locations within the Study Area rather than an overall increase in anchorage events. Because of this and because the anchorage is so far

² The term “water use” means a use, activity, or project conducted in or on waters within the coastal zone, as defined in CZMA § 304(18) (16 U.S.C. § 1453(18)).

offshore, the establishment of the proposed fairway anchorage is not anticipated to have impacts on the coastal zone.

Due to the scale of the expected vessel traffic and anchorage shifts and the offshore location of these shifts, the Coast Guard anticipates impacts on aesthetic resources associated with the Action Alternatives would be negligible.

A detailed evaluation of the impacts of the Proposed Action can be found in Chapter 3 of the Draft PEIS/OEIS.

B. Consistency with State CZMA Enforceable Policies

The reasonably foreseeable potential effects of the Proposed Action on the coastal uses and resources included in and protected by the enforceable policies of the 14 coastal states along the Atlantic Coast were evaluated for this regional federal consistency determination. The 14 states that may be affected by the Proposed Action and that are included in this regional consistency determination are Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida. The Coast Guard reviewed the enforceable policies under the 14 State Coastal Management Programs and assessed the Proposed Action for consistency with the applicable enforceable policies. As such, the Coast Guard grouped enforceable policies common to some or all 14 states into categories for assessment of federal consistency. The potential impacts of the Proposed Action on coastal resources and uses, as described in the State Coastal Management Programs' enforceable policies, include protected species conservation and management; fisheries and coastal resource conservation and management; public access for recreation; ports, harbors, piers, and related facilities; waterways, navigable waters, and right of passage; air quality; and historic resources.

Federal consistency with state enforceable policies that are common to some or all 14 states along the U.S. Atlantic Coast are described below.

1. Enforceable Policies Common to Some or All of the Affected States

a. Protected species conservation and management

The proposed routing measures would be consistent with state policies regarding federally and state-listed threatened and endangered species because they would not result in an increase in vessel activity in U.S. Atlantic waters from the shoreline out to the EEZ. Potential shifts in vessel traffic may result in localized increases in use intensity in proposed routing measures, but there would be a corresponding decrease in use intensity outside the proposed routing measures.

Birds and Bats, Coastal Habitats, and Sea Turtles. The distance of the proposed routing measures to the shoreline also precludes adverse impacts to coastal species and habitats, including habitats used by birds and sea turtles for nesting, resting, feeding, and roosting. Impacts from vessel wakes become almost negligible beyond a (horizontal) distance of approximately 0.43 NM (800 m) from source vessels, almost independently of the starting magnitude of the wake disturbance (Scarpa et al. 2019). There is one instance where the proposed routing measures occur within 0.43 NM (800 m) of land (Mount Desert Rock, ME), which is located 18 NM from Mount Desert Island, ME. Mount Desert Rock, an isolated granite

island with minimal soil and vegetation, is characterized by a high wind and wave energy environment, and any impacts from vessel wakes, relative to current usage, would be insignificant. Shifts in vessel traffic would be minor such that any resulting impacts on listed and non-listed birds, bats, sea turtles, finfish, and marine invertebrates from vessel light, vessel noise, or vessel movements would also not be significant.

Marine Mammals. Vessel noise and vessel movement (and associated strike risks to individuals) pose considerable threats to marine mammals—particularly the North Atlantic right whale, which is the only marine mammal species with designated critical habitat in the Study Area. However, the traffic in North Atlantic right whale seasonal management areas (SMAs) and critical habitat that would be affected by the Proposed Action already occur within these sensitive habitat areas under the No Action Alternative. In addition, in the southeast US, the proposed routing measures adjacent to critical habitat for calving grounds of the North Atlantic right whale may result in a shift of some vessels out of critical habitat and into less sensitive areas. Other listed and non-listed cetaceans, including baleen whales, toothed whales, and pinnipeds do not have designated management areas where they are known to concentrate and have more expansive distributions than that of the North Atlantic right whale. As such, adverse impacts to these species may be uncertain, but the Coast Guard anticipates that they would be similar or less than those to North Atlantic right whales, because other species are more widely distributed and only minor shifts in vessel traffic into the proposed routing measures from adjacent areas are likely. As such, any resulting impacts from these vessel traffic shifts on marine mammals associated with localized vessel noise and vessel movement would be minor.

Federally Listed Species. The Coast Guard is consulting with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act (ESA) to evaluate effects of the Proposed Action on ESA-listed species and critical habitat. Consultations are ongoing, but the Coast Guard does not expect adverse impacts to ESA-listed species as a result of establishing proposed routing measures.

b. Fisheries and coastal resource conservation and management

The proposed routing measures would be consistent with Atlantic coastal state policies that emphasize the importance of fisheries and coastal resource conservation and management. As noted above, the Coast Guard does not consider fishing gear to meet the definition of fixed structures and thus does not anticipate that the restriction would preclude any commercial fishing activities or gear types. Further, the Coast Guard does not anticipate that the designation of new vessel routing measures would result in significant changes to commercial fishing behavior. This is because existing patterns of fishing vessel activity suggest that commercial fishing activities do not typically follow published navigation routes, as observed in the NMFS Vessel Monitoring System and Vessel Trip Report datasets. Fishing locations also do not appear to be influenced by the presence of general commercial traffic routing measures. Localized increases in use intensity in certain vessel routing measure areas could result in some additional competition for space use with commercial vessel traffic. However, the Coast Guard expects impacts on competition to be limited given relatively low commercial vessel use intensity under both the No Action Alternative and Proposed Action in proposed routing measure areas.

Recreational fishing occurs on private vessels and on for-hire charters in both state and federal waters. Recreational boating activities are more highly concentrated nearer to shore, where

proposed routing measures are generally not located. In the limited areas where routing measures extend to state waters, localized commercial vessel traffic is expected to increase minimally. For example, areas south of Long Island and off the coast of New Jersey, including the Long Island Fairway (ID Code: K), and the New Jersey to New York Connector Fairway (ID Code: O) are popular areas for recreational boating. The Coast Guard expects localized vessel traffic within these areas to increase by 4 percent and 12 percent, respectively, corresponding with minimal expected localized increases in commercial vessel use intensity. Therefore, the Coast Guard does not anticipate that recreational users would experience a noticeable increase in competition with commercial transit activities in these fairways relative to the No Action Alternative. As such, the Coast Guard does not expect that the Proposed Action would cause permanent or long-term impacts such as widespread displacement of visitors or disruptions to normal tourism and recreation operations, including recreational fishing.

As noted above, most of the proposed routing measures would be in federal waters. Thus, impacts to shoreline features, coastal habitat, and coastal species from the establishment of the Proposed Action would be negligible due to the distance of the majority of the proposed routing measures to the shoreline of coastal states. Although commercial vessel traffic may shift from adjacent areas into proposed routing measures, the distance of these routing measures from shore would preclude shoreline impacts from the horizontal movement of vessel wakes associated with shifts in vessel traffic. As such, the Coast Guard does not anticipate the Proposed Action to cause shoreline erosion and degradation of coastal habitats such as subaqueous and tidal wetlands, coral and oyster reefs, and submerged aquatic vegetation (SAV), or substantial adverse effects on species that depend on these habitats.

NMFS has concurred with the Coast Guard that any impacts to Essential Fish Habitat (EFH) from use of the proposed routing measures, relative to current usage, would be insignificant and that any impacts to EFH from use of the proposed fairway anchorage would be minimal. NMFS did not offer any EFH conservation recommendations under the Magnuson-Stevens Act or Fish and Wildlife Coordination Act.

c. Public access for recreation

The proposed routing measures would be consistent with Atlantic coastal state policies regarding public access for recreation because they would not impede access to federal waters for public recreation. Recreational boating activities are more highly concentrated nearer to shore, where proposed routing measures are generally not located. As such, the Coast Guard expects limited competition for use of ocean space between recreation vessels and commercial traffic in proposed routing measure areas. The Proposed Action could also adversely affect future recreational fishing and/or diving activities if the proposed routing measure areas preclude the placement of new, shallow artificial reefs around which diving and fishing activities are planned. However, generally, facilities that are completely submerged and at depth are less likely to interfere with or restrict marine navigation than those that are higher in the water column or at the sea surface. Under the No Action Alternative, the Coast Guard would already disallow placement of artificial reefs that interfere with or restrict marine navigation near shipping lanes under the Coast Guard's existing authority to designate port access routes (46 U.S. Code (U.S.C.) § 70003). Because the Coast Guard has not identified existing structures targeted or used by recreators, particularly artificial reefs, as interfering with or restricting marine navigation, the Proposed Action is unlikely to affect these existing structures. The Coast Guard

does not expect that the Proposed Action would cause permanent or long-term impacts such as widespread displacement of visitors or disruptions to normal tourism and recreation operations, including recreational fishing, recreational boating, cruise-based tourism, and recreational diving.

d. Ports, harbors, piers, and related facilities

The proposed routing measures would be consistent with Atlantic coastal state policies regarding ports, harbors, piers, and related facilities. Establishing proposed routing measures would not interfere with the operation of existing ports, harbors, piers, and related facilities or the creation of new facilities. As noted above, for the purpose of Coast Guard regulations, structures are prohibited in a fairway only if they impede safe navigation. The Coast Guard does not believe there is any conflict between seabed or buried cables under proposed routing measures. Further, directing commercial shipping traffic through various routing measures along the U.S. Atlantic Coast ensures safe and secure access to major ports of the U.S. Marine Transportation System, including federal channels, internal waterways, marine terminals, and naval facilities.

e. Waterways, navigable waters, and right of passage

The proposed routing measures would be consistent with Atlantic coastal state policies regarding the right of use of all navigable waterways because they would not restrict access to navigable waters. As noted above, for the purpose of Coast Guard regulations, structures are prohibited in a fairway only if they impede safe navigation. The purpose of the proposed routing measures is to preserve safe and reliable transit of vessels along historic and critical shipping routes.

The proposed routing measures would also be consistent with Atlantic coastal state policies regarding overlapping or competing uses, including commercial fishing, aquaculture, offshore energy development, and marine minerals. The Proposed Action would prevent fixed structures from being built in the proposed routing measures. “Structures” are any fixed or floating obstruction, whether temporary or permanent, intentionally placed in the water which may interfere with or restrict marine navigation. “Obstruction” means anything that restricts, endangers, or interferes with navigation (33 CFR § 64.06). The Coast Guard does not anticipate that artificial reefs, submerged cables, or submerged pipelines would interfere with or restrict marine navigation. Temporary underwater obstacles may be permitted under certain conditions described for specific areas (33 CFR § 166.105(a)).

The Proposed Action would not preclude extraction or transport of marine minerals in proposed routing measures; result in changes to commercial fishing behavior; or affect the sector-wide planning, construction, or operation of offshore energy projects in these areas. Through consultations with NOAA, we have learned of multiple potential offshore aquaculture facilities in or near the action area that are still in the conceptual phase with no firm designs or applications pending approval. If the Coast Guard establishes routing measures as proposed, some of these aquaculture proponents may need to redesign or relocate potential projects to ensure they would not interfere with marine navigation. Where water depths allow, aquaculture facilities affixed to the seabed or suspended in the water column would likely not affect marine navigation and would therefore not be prohibited by Coast Guard regulations. Moving forward, the Proposed Action would benefit ocean aquaculture as developers could more easily identify

and avoid the routing measure areas, saving time and resources associated with developing plans for projects in locations that the Coast Guard would ultimately have disapproved.

f. Air quality

The proposed routing measures would be consistent with Atlantic coastal state policies addressing air quality. A fraction of the proposed routing measures would overlap with state waters where coastal nonattainment and/or maintenance areas occur, including the following states: Massachusetts, New York, New Jersey, Delaware, and Maryland. Under the Proposed Action, some vessel traffic would likely shift into the proposed areas from adjacent areas. However, this traffic would already occur under the No Action Alternative and would generally not represent new emissions, though minor localized increases may occur. Total net emissions increases associated with the Proposed Action would remain below applicable General Conformity *de minimis* thresholds. Therefore, pursuant to the Clean Air Act, a Conformity Determination for the Proposed Action is not required and the proposed routing measures would remain consistent with state air quality standards as enforced by state coastal management programs.

g. Historic resources

The proposed routing measures would be consistent with Atlantic coastal state policies protecting historic resources. Most historic resources found in state waters are located outside of the areas of the proposed routing measures. The Coast Guard does not anticipate any permanent or long-term impacts to cultural, historic, or Tribal resources under the Proposed Action, which include historic shipwrecks, submerged aircraft, archaeological sites, and traditional uses of offshore and coastal areas. The Proposed Action has the potential to affect cultural or historic resources located on the seabed in areas sufficiently shallow to be affected by vessel traffic on the surface. Localized increases in use intensity within shallow (less than 66 ft [20 m]) waters could result in localized increases in bottom disturbance, with associated increases in turbidity and sedimentation, which have the potential to affect cultural, historic, and Tribal resources that may be located on the seabed. However, these areas are already heavily used by commercial vessel traffic, and the expected incremental changes in use intensity and disturbance are localized and small. The Coast Guard is consulting under Section 106 of the National Historic Preservation Act with State Historic Preservation Offices with a finding that any historic resources in state waters will not be adversely affected by the Proposed action. The four states that may have historic resources within shallow waters include New York, New Jersey, Delaware, and Maryland. Consultation has concluded with these four states; Maryland and New York have concurred with this finding, while concurrence is being assumed for New Jersey and Delaware per 36 CFR 800.3(c)(4). As noted above, the anchorage area is located 18 miles offshore and outside of state waters.

2. Unique State Policies

Pursuant to 15 CFR § 930.36(e)(2), enforceable policies unique to individual states other than those which fall into the common categories in section B.1 and which may apply to the Proposed Action and Alternatives have been identified through conversations with State Coastal Zone Managers and a review of policies. These unique policies are described below.

a. Rhode Island's Areas of Particular Concern, 650-RICR-20-05-11

This policy under the Rhode Island Ocean Special Area Management Plan (RI Ocean SAMP) aims to protect areas that have high conservation value, cultural and historical value, or human use value from large-scale offshore development; this is achieved by designating Areas of Particular Concern (APCs) in state waters. While the Proposed Action would not include any Rhode Island state waters, the Ocean SAMP applies to activities in federal waters through the CZMA federal consistency provision.³ Pursuant to § 11.10.2(C) of the RI Ocean SAMP (650-RICR-20-05-11), APCs include areas important to navigation, including the existing IMO-approved precautionary area southeast of Block Island.⁴ While the Proposed Action would not intersect this precautionary area, two proposed fairways (i.e., the Long Island Fairway [ID Code: K] and the Barnegat to Narragansett Fairway [ID Code: L]; Enclosure 1) would terminate at this precautionary area/APC. The Proposed Action would remain consistent with RI Ocean SAMP because the Proposed Action would not affect existing uses of the APC, which is used for navigation. The Proposed Action is consistent with the aim of this policy to maintain areas that have high human use value, including shipping lanes and recommended vessel routes.

b. Connecticut's National Interest Facilities and Resources, CGS Section 22a-92(a)(10)

Connecticut's National Interest Facilities and Resources policy aims to adequately plan for facilities and resources in Connecticut state waters which are in the national interest (as defined in CGS Section 22a-93(14)) and to ensure that restrictions or exclusions of these facilities or uses are reasonable. Facilities that are in the national interest as defined in CGS Section 22a-93(14) include energy facilities.⁵ The Proposed Action would occur outside of the Connecticut coastal boundary and would not affect the establishment of energy facilities within Connecticut state

³ "The Ocean SAMP is a planning and regulatory component for the State of Rhode Island and is incorporated into the NOAA-approved Rhode Island Coastal Resource Management Program. As such, in order to meet the CZMA's definition of "enforceable policy" and NOAA's corresponding regulations, the Ocean SAMP only applies to state waters (out to 3 nautical miles). The enforceable policies, APCs and Areas Designated for Preservation (ADPs) in the NOAA-approved Ocean SAMP apply to activities in federal waters through the CZMA federal consistency provision." (650-RICR-20-05-11.4E).

⁴ "The Council recognizes that the waters south of Brenton Point and within the 3 nautical mile boundary surrounding Block Island are heavily-used recreational areas and are commonly used for organized sailboat races and other marine events" (650-RICR-20-05-11.9.5D).

⁵ "Facilities and resources which are in the national interest" means: (A) Adequate protection of tidal wetlands and related estuarine resources; (B) restoration and enhancement of Connecticut's shellfish industry; (C) restoration, preservation and enhancement of the state's recreational and commercial fisheries, including anadromous species; (D) water pollution control measures and facilities consistent with the requirements of the federal Clean Water Act, as amended; (E) air pollution control measures and facilities consistent with the requirements of the federal Clean Air Act, as amended; (F) continued operations of existing federally-funded dredged and maintained navigation channels and basins; (G) energy facilities serving state-wide and interstate markets, including electric generating facilities and facilities for storage, receiving or processing petroleum products and other fuels; (H) improvements to the existing interstate rail, highway and water-borne transportation system; (I) provision of adequate state or federally owned marine-related recreational facilities, including natural areas and wildlife sanctuaries and (J) essential maintenance and improvement of existing water-dependent military, navigational, resource management and research facilities.

waters. Potential impacts to offshore energy facilities are further described in the Draft PEIS/OEIS under Section 3.4.7 Offshore Energy Development and Infrastructure Activities.

III. CONCLUSION

Pursuant to the CZMA, the Coast Guard has determined that the Proposed Action will be conducted consistent to the maximum extent practicable with the federally approved enforceable policies of the potentially affected states' Coastal Zone Management Programs.

Pursuant to 15 CFR Section 930.41, Coastal Zone Management Programs have 60 days from the receipt of this letter in which to concur with or object to this consistency determination, or to request an extension under 15 CFR Section 930.41(b). The state's concurrence will be presumed if a response is not received by the Coast Guard on the 60th day from receipt of this consistency determination. The states' responses should be sent to: Kevin Lind at Kevin.E.Lind@uscg.mil.

For any questions regarding this letter or the attached documentation, please contact Kevin Lind at Kevin.E.Lind@uscg.mil or 571-607-2734. We appreciate your feedback and look forward to your response.

Sincerely,

CAPT Loan O'Brien

Loan T. O'Brien
Captain, U.S. Coast Guard
Chief, Office of Navigation Systems

Enclosure: (1) Maps of Proposed Action Alternatives

ENCLOSURE 1. MAPS OF ACTION ALTERNATIVES

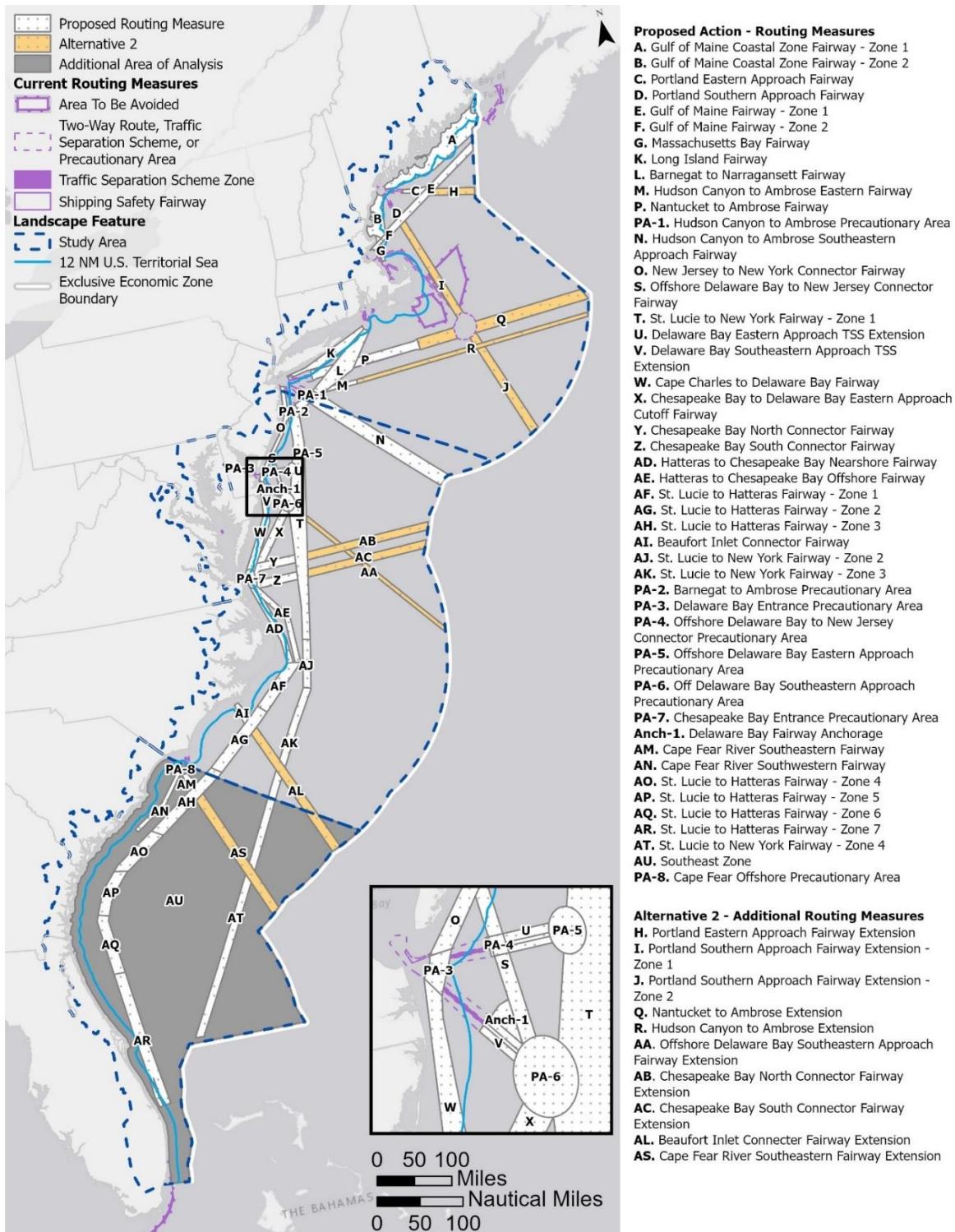


Figure 1. Proposed Action Alternatives

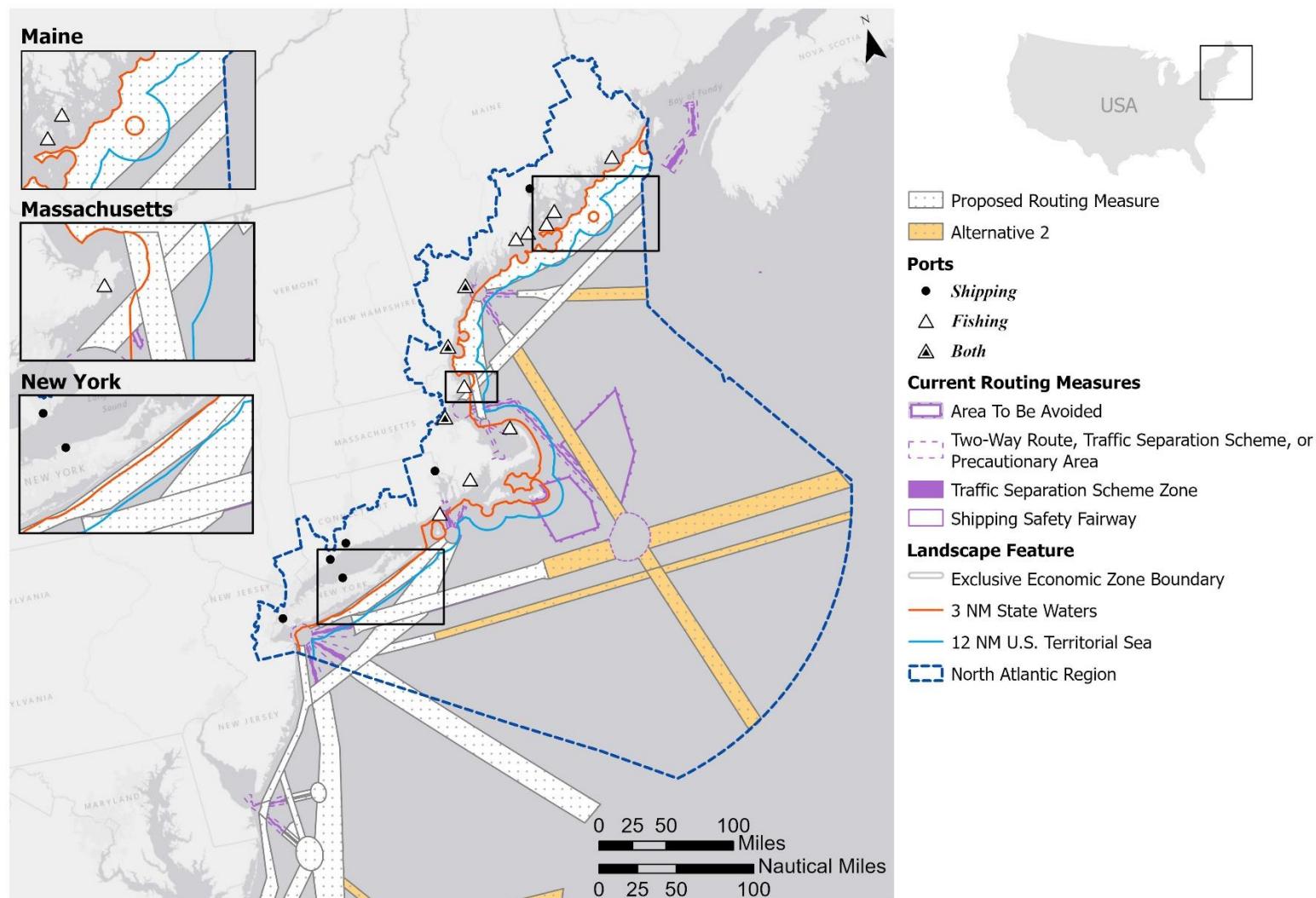


Figure 2. Proposed Action Alternatives: North Atlantic Region (highlighting overlap with state waters using orange line)

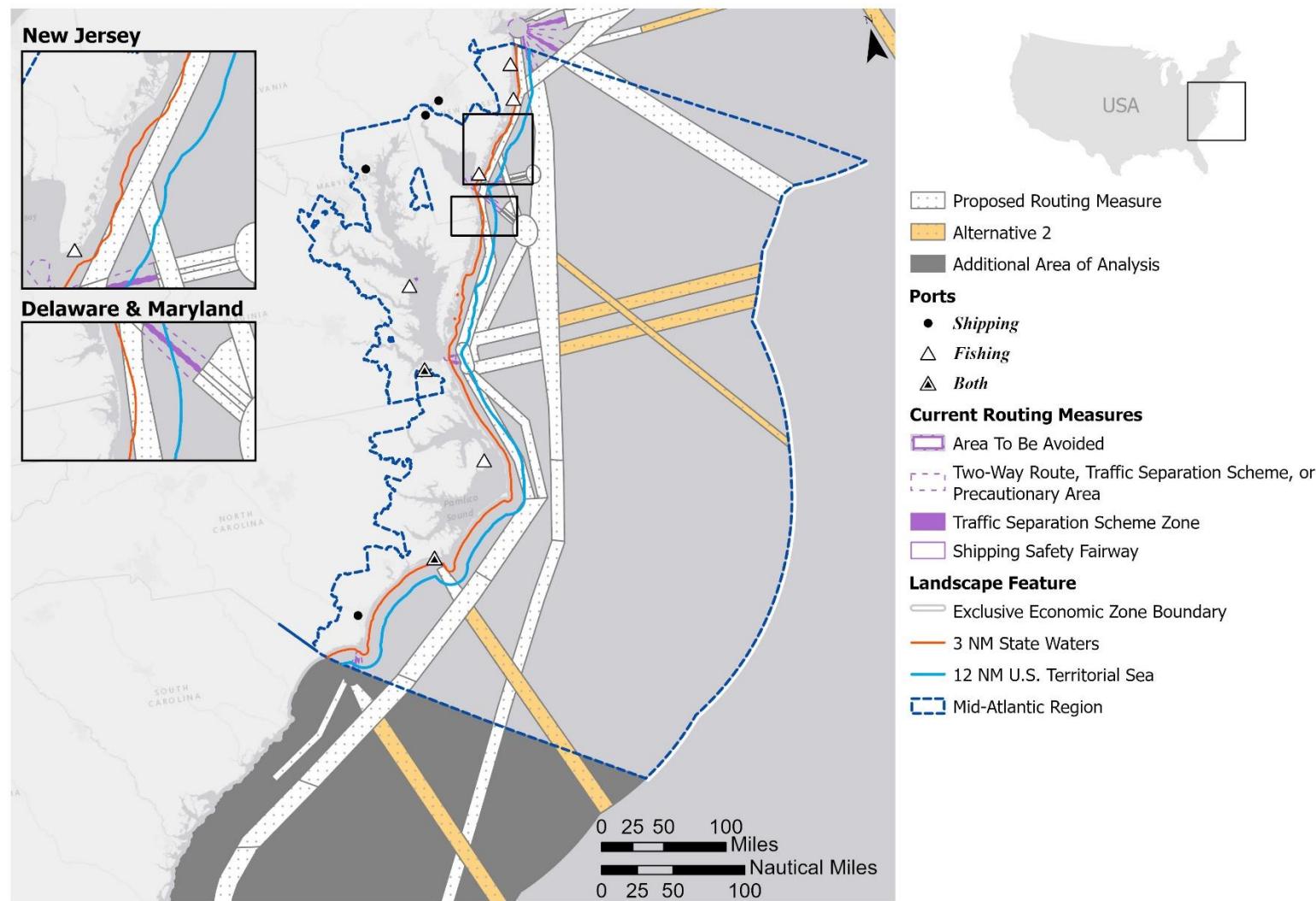


Figure 3. Proposed Action Alternatives: Mid-Atlantic Region (highlighting overlap with state waters using orange line)

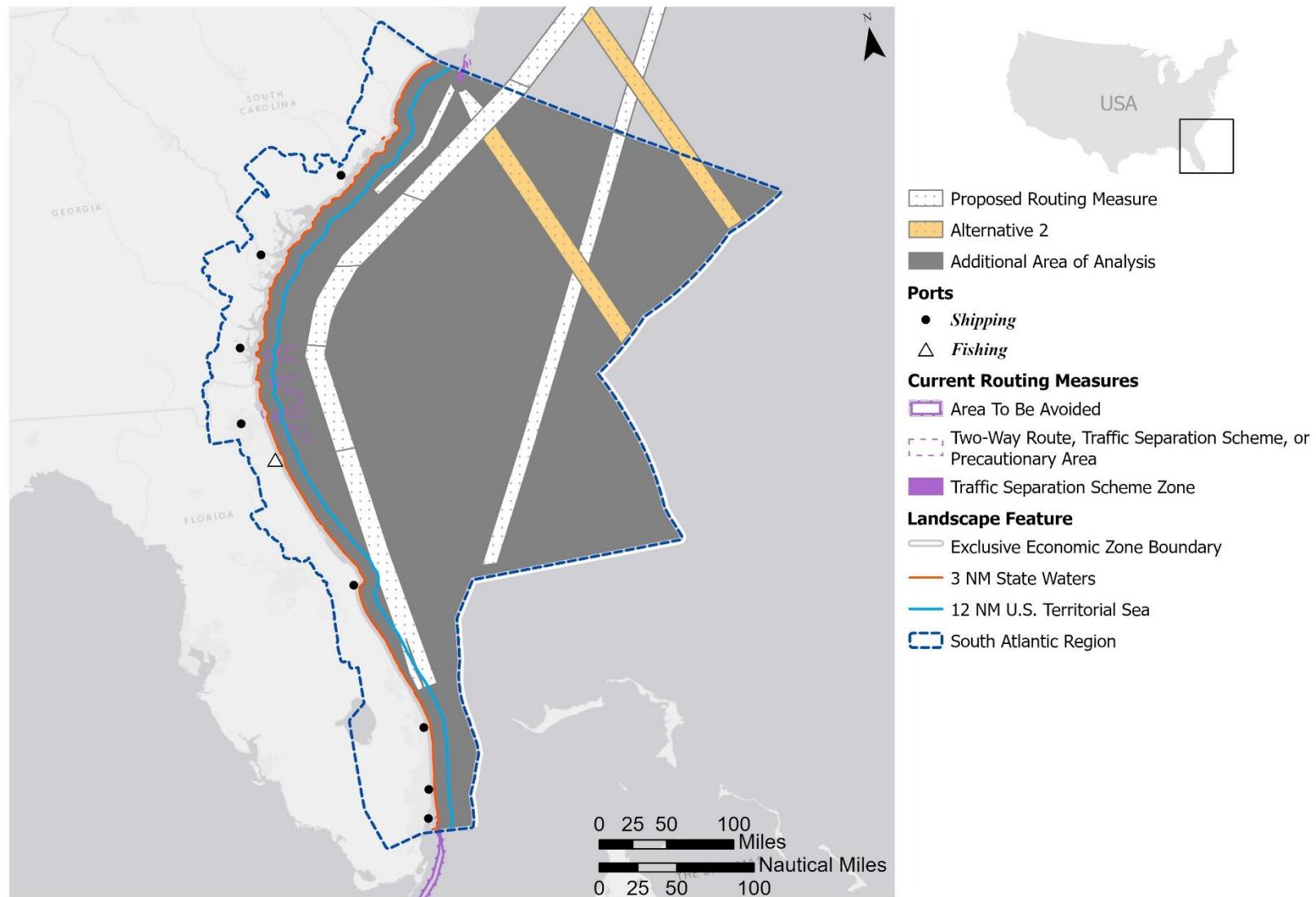


Figure 4. Proposed Action Alternatives: South Atlantic Region (no state waters)