



**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**[Docket No. USCG–2019–0862]**

**Port Access Route Study: Approaches to the Chesapeake Bay, Virginia**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of study; request for comments.

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**SUMMARY:** The Coast Guard is conducting a Port Access Route Study (PARS) to determine whether existing or additional vessel routing measures are necessary in the approaches to the Chesapeake Bay, VA. This PARS will consider whether existing or additional routing measures are necessary to improve navigation safety due to factors such as planned or potential offshore development, current port capabilities and planned improvements, increased vessel traffic, changing vessel traffic patterns, weather conditions, or navigational difficulty. Vessel routing measures are measures aimed at reducing the risk of casualties and include among others, traffic separation schemes, two-way routes, recommended tracks, deep-water routes, precautionary areas, and areas to be avoided. The recommendations of the study may lead to future rulemakings or appropriate international agreements.

**DATES:** Comments and related material must be received on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Requests for a public meeting must be submitted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATIN IN THE FEDERAL REGISTER].

**ADDRESSES:** You may submit comments identified by docket number USCG-2019-0862 using the Federal eRulemaking Portal <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTAL INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice or study, call or email Mr. Jerry Barnes, Fifth Coast Guard District (dpw), U.S. Coast Guard; telephone (757) 398–6230, email [Jerry.R.Barnes@uscg.mil](mailto:Jerry.R.Barnes@uscg.mil); or Mr. Matt Creelman, Fifth Coast Guard District (dpw), U.S. Coast Guard; telephone (757) 398–6225, email [Matthew.K.Creelman2@uscg.mil](mailto:Matthew.K.Creelman2@uscg.mil).

SUPPLEMENTARY INFORMATION:

### **I. Public Participation and Request for Comments**

We encourage you to participate in this study by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

*A. Submitting Comments:* If you submit comments to the online public docket, please include the docket number for this rulemaking (USCG-2019-0862), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. We accept anonymous comments.

To submit your comment online, go to <http://www.regulations.gov>, and insert “USCG-2019-0862” in the “search box.” Click “Search” and then click “Comment Now.” We will consider all comments and material received during the comment period.

*B. Public Meetings:* The Coast Guard may hold public meeting(s) if there is sufficient public interest. You must submit a request for one on or before [INSERT

DATE 30 DAYS AFTER DATE OF PUBLICATIN IN THE FEDERAL REGISTER].

You may submit your request for a public meeting online via <http://www.regulations.gov>.

Please explain why you believe a public meeting would be beneficial. If we determine that a public meeting would aid in the study, we will hold a meeting at a time and place announced by a later notice in the **Federal Register**.

*C. Viewing Comments and Documents:* To view the comments and documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, click on the “read comments” box, which will then become highlighted in blue. In the “Keyword” box insert “USCG-2019-0862” and click “Search.” Click the “Open Docket Folder” in the “Actions” column.

*D. Privacy Act:* We accept anonymous comments. All comments received will be posted without change to <https://www.regulations.gov> and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS’s Correspondence System of Records notice (84 FR 48645, September 26, 2018). Documents mentioned in this notice as being available in the docket, and all public comments, will be in our online docket at <https://www.regulations.gov> and can be viewed by following that website’s instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

## **II. Background and Purpose**

*A. Requirements for Port Access Route Studies:* Under Section 70003 of title 46 of the United States Code, the Commandant of the Coast Guard may designate necessary fairways and traffic separation schemes (TSSs) to provide safe access routes for vessels

proceeding to and from U.S. ports. The designation of fairways and TSSs recognizes the paramount right of navigation over all other uses in the designated areas.

Before establishing or adjusting fairways or TSSs, the Coast Guard must conduct a PARS, i.e., a study of potential traffic density and the need for safe access routes for vessels. Through the study process, the Coast Guard must coordinate with Federal, State, and foreign state agencies (as appropriate) and consider the views of maritime community representatives, environmental groups, and other interested stakeholders. The primary purpose of this coordination is, to the extent practicable, to reconcile the need for safe access routes with other reasonable waterway uses such as construction and operation of renewable energy facilities and other uses of the Atlantic Ocean in the study area.

In addition to aiding the Coast Guard in establishing new or adjusting fairways or TSSs, the PARS may recommend establishing or amending other vessel routing measures. Examples of other routing measures, among others, include two-way routes, recommended tracks, deep-water routes (for the benefit primarily of ships whose ability to maneuver is constrained by their draft), precautionary areas (where ships must navigate with particular caution), and areas to be avoided (for reasons of exceptional danger or especially sensitive ecological and environmental factors).

*B. Previous Port Access Route Studies:* The Coast Guard last studied the approaches to the Chesapeake Bay, VA in 2002, and published the final results in 2004 (69 FR 3869, January 27, 2004). The study was conducted in response to the slow, continuous southward movement of the Nautilus Shoal and primarily examined the location of the Eastern Approach to determine a location that would better accommodate

vessels. Study available at

[https://www.navcen.uscg.gov/pdf/PARS/CHESAPEAKE\\_BAY\\_PARS.pdf](https://www.navcen.uscg.gov/pdf/PARS/CHESAPEAKE_BAY_PARS.pdf).

*C. Need for a New Port Access Route Study:* In 2016, the Coast Guard published a notice of its Atlantic Coast Port Access Route Study (ACPARS) (81 FR 13307, March 14, 2016) that analyzed the Atlantic Coast waters seaward of existing port approaches within the U.S. Exclusive Economic Zone and announced the report as final in 2017 (82 FR 16510, April 5, 2017). This multiyear study, began in 2011, included public participation, and identified the navigation routes customarily followed by ships engaged in commerce between international and domestic U.S. ports. Study available at <https://navcen.uscg.gov/?pageName=PARSReports>.

In 2019, the Coast Guard announced a new study of routes used by ships to access ports on the Atlantic Coast of the United States (84 FR 9541, March 15, 2019). This new study of routes supplements and builds on the ACPARS. As part of the study, the Coast Guard will conduct several PARS to examine ports along the Atlantic coast that are economically significant, support military operations or critical national defense and related international entry and departure transit areas that are integral to the safe and efficient and unimpeded flow of commerce to/from major international shipping lanes.

The purpose of this notice is to announce commencement of the PARS to examine the approaches to the Chesapeake Bay, VA, in conjunction with the implementation of recommendations of the ACPARS, and to solicit public comments. We encourage you to participate in the study process by submitting comments in response to this notice. Comments should address impacts to navigation in the approaches to the Chesapeake Bay resulting from factors such as planned or potential

offshore development, current port capabilities and planned improvements, increased vessel traffic, changing vessel traffic patterns, weather conditions, or navigational difficulty. Similar to the ACPARS, the PARS will use AIS data and information from stakeholders to identify and verify customary navigation routes as well as potential conflicts involving alternative activities, such as wind energy generation and offshore mineral exploitation and exploration.

### **III. Chesapeake Bay PARS: Timeline, Study Area, and Process**

The Fifth Coast Guard District and Coast Guard Sector Hampton Roads will conduct this PARS. The study will commence upon publication of this notice and may take 12 months or more to complete.

The study area is described as an area bounded by a line connecting the following geographic positions:

- 38° 16' N            71° 16' W;
- 35° 19' N            71° 16' W;
- 35° 19' N            75° 21' W;
- 36° 56' N            76° 03' N;
- 38° 16' N            75° 16' W.

This area extends approximately 220 nautical miles seaward of the Chesapeake Bay, between Ocean City, MD, and Cape Hatteras, NC. An illustration showing the study area is available in the docket where indicated under **ADDRESSES**. Additionally, the study area is available for viewing on the Mid-Atlantic Ocean Data Portal at <http://portal.midatlanticocean.org/visualize/>. See the “Maritime” portion of the Data Layers section.

The PARS will analyze navigation routes to/from the Chesapeake Bay, VA, to the proposed fairways outlined in the ACPRS as well as international routes to/from the

United States. Current capabilities and planned improvements to handle maritime conveyances will be considered. Analyses will be conducted in accordance with COMDTINST 16003.2B, Marine Planning to Operate and Maintain the Marine Transportation System (MTS) and Implement National Policy. Instruction available at [https://media.defense.gov/2019/Jul/10/2002155400/-1/-1/0/CI\\_16003\\_2B.PDF](https://media.defense.gov/2019/Jul/10/2002155400/-1/-1/0/CI_16003_2B.PDF).

We will publish the results of the PARS in the **Federal Register**. It is possible that the study may validate the status quo (no additional fairways or routing measures) and conclude that no changes are necessary. It is also possible that the study may recommend one or more changes to address navigational safety and the efficiency of vessel traffic management. The recommendations may lead to future rulemakings or appropriate international agreements.

This notice is published under the authority of 5 U.S.C. 552(a).

Dated: November 21, 2019.

Keith M. Smith,

Rear Admiral, U.S. Coast Guard,

Commander, Fifth Coast Guard District.

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