



## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[Docket No. USCG-2023-0928]

### Shipping Safety Fairways Along the Atlantic Coast; Draft Programmatic Environmental Impact Statement and Overseas Environmental Impact Statement

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of Availability of a Draft Programmatic Environmental Impact Statement/Overseas Environmental Impact Statement for Establishing Shipping Safety Fairways and Associated Vessel Routing Measures Along the Atlantic Coast; and request for comments.

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**SUMMARY:** The Coast Guard, as the lead agency, announces the availability of the draft Programmatic Environmental Impact Statement/Overseas Environmental Impact Statement (draft PEIS/OEIS) for Establishing Shipping Safety Fairways and Associated Vessel Routing Measures Along the Atlantic Coast. The Proposed Action for purposes of this draft PEIS/OEIS would establish vessel routing measures along the Atlantic Coast, from the United States-Canada maritime border in the Gulf of Maine to Miami, Florida, including the establishment of one fairway anchorage near Delaware Bay. This notice of availability announces the start of the public review and comment period on this draft PEIS/OEIS. After the Coast Guard considers the comments provided, the Coast Guard will publish a final PEIS/OEIS.

**DATES:** Comments must be postmarked or received by the Coast Guard on or before [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may submit comments identified by docket number USCG-2023-0928 at [www.regulations.gov](http://www.regulations.gov). See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** For information about this document, call or email either Maureen Kallgren, Coast Guard (telephone 571-608-5384, email [Maureen.R.Kallgren2@uscg.mil](mailto:Maureen.R.Kallgren2@uscg.mil)) or Kevin Lind, Coast Guard (telephone 571-607-2734, email [Kevin.E.Lind@uscg.mil](mailto:Kevin.E.Lind@uscg.mil)).

## **SUPPLEMENTARY INFORMATION:**

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### **I. Abbreviations**

ANPRM	Advance notice of proposed rulemaking
CFR	Code of Federal Regulations
DHS	Department of Homeland Security
EEZ	Exclusive Economic Zone
EIS	Environmental Impact Statement
FR	<b>Federal Register</b>
NEPA	National Environmental Policy Act
NM	Nautical mile
NOI	Notice of intent
NPRM	Notice of proposed rulemaking
OEIS	Overseas Environmental Impact Statement
PEIS	Programmatic Environmental Impact Statement
U.S.C.	United States Code

### **II. Background**

This notice of availability briefly summarizes the Proposed Action evaluated in the draft PEIS/OEIS. With it, the Coast Guard would establish vessel routing measures

along the Atlantic Coast from the U.S.-Canada maritime border in the Gulf of Maine to Miami, FL, including one fairway anchorage near Delaware Bay. This Proposed Action encompasses three areas. First, the fairways and other vessel routing measures from Long Island, New York to St. Lucie, Florida and one fairway anchorage near Delaware Bay as proposed in the January 19, 2024 notice of proposed rulemaking (NPRM) titled “Shipping Safety Fairways Along the Atlantic Coast” (89 FR 3587). Second, potential fairways and other vessel routing measures in the Gulf of Maine described in the advance notice of proposed rulemaking (ANPRM) titled “Shipping Safety Fairways in the Gulf of Maine” (89 FR 91296). Third, a zone in which the Coast Guard may, in the future, consider establishing additional routing measures off the coasts of South Carolina, Georgia, and Florida (the “Southeast Zone”). The draft EPIS/OEIS also evaluates the purpose and need for the Proposed Action, potential impacts, and a reasonable range of alternatives and will inform the Coast Guard’s decision-making, including any related future rulemaking actions arising from the NPRM and ANPRM referenced in the analysis (89 FR 3587; 89 FR 91296).

As required by the National Environmental Policy Act (NEPA), a Federal agency must prepare an Environmental Impact Statement (EIS) if it is proposing a major Federal action that has a reasonably foreseeable significant effect on the quality of the human environment (42 U.S.C. 4321 et seq.). For this action, the Coast Guard has determined that a Programmatic Environmental Impact Statement (PEIS) is the most appropriate type of environmental review because of the large geographic footprint of the proposed routing measures, and the potential for future similar projects in the action area. The Coast Guard published a notice of intent (NOI) to prepare a PEIS on January 23, 2024 (89 FR 4320). The NOI formally announced a 45-day scoping period to receive comments. The Coast Guard hosted three in-person meetings and one virtual public meeting during the scoping period. The Coast Guard received a total of eight comments

and posted all to the docket. The Coast Guard considered these comments to develop the draft PEIS and to revise alternatives within the PEIS.

The area potentially impacted by the Action Alternatives (the Proposed Action and Alternative 2, see **Section V. Alternatives**) includes marine waters along the U.S. Atlantic Coast within the Coast Guard's Northeast District (previously District One), East District (previously District Five), and Southeast District (previously District Seven).

### **III. Purpose and Need for the 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. economic prosperity and national security. Facilitating safe and efficient commercial shipping traffic through various vessel routing measures along the U.S. Atlantic Coast 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 creates a need to establish a resilient system of access to the major ports of the U.S. Atlantic Coast to ensure the Nation's economic prosperity. The Coast Guard believes this need is best served by establishing consistent and well-defined vessel routing measures and a fairway anchorage.

### **IV. Scope of the Action**

The area considered as part of the scope of the action (the Study Area) includes coastal and offshore waters along the U.S. Atlantic Coast, inclusive of the territorial sea, and extending offshore to the eastward limit of the U.S. Exclusive Economic Zone (EEZ). NEPA is applicable to actions with effects located within the jurisdiction of the United States (42 U.S.C. 4336e (10)(B)(vi)). The Coast Guard prescribes jurisdictional limits in 33 CFR part 2, delineating "territorial sea" to mean the waters, 12 nautical miles (NM) wide, adjacent to the coast of the United States (33 CFR 2.22(a)(1)).

Executive Order 12114 (Environmental Effects Abroad of Major Federal Actions) (44 FR 1957, January 9, 1979) requires an Overseas Environmental Impact Statement (OEIS) for proposed Federal actions significantly affecting the environment outside the geographical boundaries of the United States (that is, beyond the 12 NM U.S. territorial sea) to the borders of the EEZ. However, Executive Order 12114 limits the evaluation to the natural and physical environment. In other words, it excludes social, economic, and other environments. This draft PEIS/OEIS assesses the potential physical, biological, economic, historic, and cultural effects that could result from implementation of the Coast Guard's proposed establishment of vessel routing measures and one fairway anchorage along the U.S. Atlantic Coast.

This PEIS/OEIS was done with cooperating agencies, the National Oceanic and Atmospheric Administration, the U.S. Navy, the U.S. Army Corps of Engineers, the U.S. Air Force, the Bureau of Ocean Energy Management, the Maritime Administration, and the Bureau of Safety and Environmental Enforcement.

## **V. Alternatives**

This draft PEIS/OEIS evaluates three alternatives:

*No Action*, under which the Coast Guard would not establish any new fairways, traffic separation scheme extensions, new or modified precautionary areas, or fairway anchorages along the U.S. Atlantic Coast;

*Alternative 1* (the Proposed Action), under which the Coast Guard would establish the vessel routing measures along the Atlantic Coast from the United States-Canada maritime border in the Gulf of Maine to Miami, Florida, including the Delaware Bay Fairway Anchorage. These routing measures are described in the NPRM titled "Shipping Safety Fairways Along the Atlantic Coast" (89 FR 3587 Jan. 19, 2024); and potential vessel routing measures in the Gulf of Maine described in the separate ANPRM, "Shipping Safety Fairways in the Gulf of Maine" (89 FR 91296). The draft PEIS/OEIS

also evaluates, for programmatic NEPA purposes, a zone in which the Coast Guard may, in the future, establish additional routing measures off the coast of South Carolina, Georgia, and Florida (termed the “Southeast Zone”); and

*Alternative 2*, under which the Coast Guard would establish the vessel routing measures and the one fairway anchorage proposed in Alternative 1 (the 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 would begin at Cape Fear, North Carolina.

## **VI. Findings of the Draft PEIS**

The draft PEIS analyzes the potential impacts associated with the No Action Alternative, the Proposed Action, and Alternative 2. Effects include ecological impacts (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems (42 U.S.C. 4321 et seq.)), as well as aesthetic, historic, cultural, economic, social, or health effects within the 12 NM U.S. territorial sea. Executive Order 12114 requires the identification and evaluation of impacts outside the geographical boundaries of the United States (that is, beyond the 12 NM U.S. territorial sea) to the borders of the EEZ. Unlike NEPA, Executive Order 12114 applies only to the natural and physical environment—it excludes social, economic, and other environments. Under the Proposed Action (Alternative 1), 11 percent of the proposed areas would be located within the 12 NM U.S. territorial sea, while 89 percent would be located beyond the 12 NM U.S. territorial sea but within the EEZ.

Under the No Action Alternative, ongoing activities would continue to adversely impact physical, biological, economic, cultural, and historic resources. These ongoing activities are expected to include, but would not be limited to, coastal development including port development and dredging, offshore energy and infrastructure development, maritime transportation activities, mineral extraction, commercial fishing,

and recreation. Under the No Action Alternative, the Coast Guard does not expect any additional environmental impacts beyond those resulting from ongoing and future activities.

Neither of the Action Alternatives is expected to change the total number of vessels or vessel trips in the Study Area. Under both Alternative 1 (the Proposed Action) and Alternative 2, the Coast Guard anticipates that vessels shifting into the proposed routing measure areas from adjacent areas would cause modest localized increases in both vessel nautical mileage and use intensity within the proposed routing measure areas, with corresponding decreases in adjacent areas. The Coast Guard also anticipates that the area of the proposed Delaware Bay Fairway Anchorage would experience a localized increase in anchorage use, with a corresponding decrease in anchoring in adjacent areas.

In this draft PEIS/OEIS, the Coast Guard analyzes the potential impacts of the Action Alternatives relative to the No Action Alternative, on physical, biological, economic, cultural, and historic resources. Resources evaluated in detail under NEPA include geology and substrates, air quality, water quality, biological resources, maritime commerce, public health and safety, commercial fisheries, ocean aquaculture, offshore energy development, marine minerals, recreation and tourism, coastal communities and economies, and cultural and historic resources. Based on its analyses, the Coast Guard does not anticipate that either Action Alternative would cause any significant permanent or long-term impacts to these resources under NEPA.

Resources evaluated in detail under Executive Order 12114 include geology and substrates, air quality, water quality, and biological resources. Based on its analysis, the Coast Guard does not anticipate that either Action Alternative would cause any significant harm to these resources under Executive Order 12114.

## **VII. Anticipated Permits and Authorizations**

The Coast Guard is pursuing applicable environmental compliance actions concurrently with this draft PEIS/OEIS, including coordinating and consulting with multiple Federal and State agencies to avoid, minimize, or mitigate the potential impacts of the Proposed Action. The Coast Guard is coordinating with agencies and, when required, is preparing consultations in accordance with the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, Marine Mammal Protection Act, Coastal Zone Management Act, Migratory Bird Treaty Act of 1918, Fish and Wildlife Coordination Act, Bald and Golden Eagle Protection Act, National Historic Preservation Act, Clean Water Act, Rivers and Harbors Act, National Marine Sanctuaries Act, and Clean Air Act, as applicable to the Proposed Action and alternatives.

#### **VIII. Associated Notices of Proposed Rulemakings**

The Coast Guard published the NPRM titled “Shipping Safety Fairways Along the Atlantic Coast” on January 19, 2024 (89 FR 3587) and the ANPRM, “Shipping Safety Fairways in the Gulf of Maine” on November 19, 2024 (89 FR 91296). In the NPRM, the Coast Guard indicated its intent to prepare a draft EIS. We committed to reopening the public comment period, allowing the public to comment on the alternatives, contents, recommendations, and impact of the analysis in the proposed rule. Please refer to docket number USCG-2019-0279 for the notice that reopens the NPRM comment period concurrently with this comment period for the draft PEIS/OEIS. You may submit comments related to the NPRM at [www.regulations.gov](http://www.regulations.gov) using the docket number USCG-2019-0279. Please do not resubmit comments. Any comments submitted during the original comment period of the NPRM will still be considered.

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

We encourage you to submit comments or related material on the NEPA process. We will consider all relevant submissions and may adjust our final action based on your comments. If you submit a comment, please include the docket number for this notice,

indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

*Submitting comments.* We encourage you to submit comments at [www.regulations.gov](http://www.regulations.gov). To do so, go to [www.regulations.gov](http://www.regulations.gov), type USCG-2023-0928 in the search box and click “Search.” Next, look for this document in the **Search Results** column, and click on it. Then click on the **Comment** option. If your material cannot be submitted using [www.regulations.gov](http://www.regulations.gov), contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. For more about privacy and submissions in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

*Viewing material in docket.* To view documents mentioned in this notice as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the Frequently Asked Questions webpage, available at [www.regulations.gov/faq](http://www.regulations.gov/faq). The draft PEIS/OEIS is also available for viewing at the Coast Guard Office of Environmental Management webpage at <https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-Engineering-Logistics-CG-4-/Program-Offices/Environmental-Management/Environmental-Planning-and-Historic-Preservation/>.

*Personal information.* We accept anonymous comments. Comments we post to

www.regulations.gov will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020)

*Public meeting.* We do not plan to hold a public meeting but we will consider doing so if we determine from public comments that a meeting would be helpful. We would issue a separate **Federal Register** notice to announce the date, time, and location of such a meeting.

**Kevin E. Lunday,**

*Admiral, U. S. Coast Guard,*

*Commandant.*

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