

19 August 2016

To: Whom It May Concern

Subject: Comments and Concerns Regarding Advanced Notice of Proposed Rulemaking; Proposed Anchorages along the Hudson River in New York State; Docket Number USCG-2016-0132; Federal Register 2016-13701 of 9 June 2016

Dear Sir/Madam:

The purpose of this letter is to provide my comments on the new commercial vessel anchorage areas being proposed for the Hudson River in the State of New York. I base my comments on my experience as a sea-going commissioned officer of the U.S. Navy, as a former fleet-qualified destroyer type officer-of-the-deck/conning officer, and as a former port security planner and operations officer for the Port of New York/New Jersey, including most of the Hudson River area encompassed in the proposed rule. While it would be inappropriate for me to comment on the various specific proposed anchorage sites (i.e., I neither reside nor work along the Hudson River area), I feel justified in providing general comments based on my past working knowledge of the river and the port areas from an operations planning perspective.

I have objections to the proposed rule and anchorages based on significant concerns in the following areas: marine safety, marine security, and environmental protection. Some of these concerns are derived from potential or hypothetical adverse scenarios, but some are also based on the past history of this particular waterway from the standpoint of its commercial use and recreational use, as well as the marine accidents that have occurred in this region.

In terms of marine safety, it is certainly not clear from the current wording of the proposed rule how many barges are to be allowed at each proposed point of anchorage, and my concern is that commercial maritime interests could interpret the rule to allow for multiple barge lash-ups at each anchorage point, which would greatly reduce the amount of available sea room for passing ship and boat traffic. It is my opinion that no more than one to two barges at most should be allowed to be anchored at each location, and within each swing circle. The current rule wording is also not clear as to what "long term" means, again with the potential for commercial operators to moor barges for indeterminate periods of time with no intention of immediate or near-term use. The result could be the unintended creation of a "boneyard" for unneeded barges that would ultimately present a safety hazard if left unattended. There is also the problem of wintertime river ice and icing over, which would very definitely present a serious danger to any barges left in long term anchorage on the river during the winter periods. Finally, I have concerns over how these barges would be marked to allow safe nighttime navigation around them. As you are already aware, there have been problems with the proper lighting and moorage of barges being used in the construction of the new Tappan Zee Bridge.

In terms of marine security, there are definite concerns I have over who exactly would become responsible for ensuring the security of any anchored barges, particularly if left unattended. Although the area of responsibility for local U.S. Coast Guard forces extends the length of the river up to the Port of Albany, it is clear that, from an asset availability perspective, the Hudson River is seriously lacking in Coast Guard asset coverage except for the Aids to Navigation Team at Saugerties, and the 65ft. harbor tug that is kept berthed there. These resources would be totally inadequate for effective and continuous anchorage patrols. The various local municipal/county/state law enforcement agencies along the river are not adequately staffed, resourced, or legally empowered to provide effective anchorage security, particular during the busy summertime recreational boating season.

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In terms of environmental protection, it should be mandatory that only double-hulled barges be allowed to use the anchorages. Moreover, if barges are kept unattended at anchor for “long term” periods, it should be mandatory that they be surrounded by protective booms to prevent the spread of any inadvertent releases of cargo liquids. It is also not clear to me that there would be adequate, locally-available, marine pollution response assets positioned along the Hudson River to provide a quick, immediate and effective response in the event of any spills or accidental releases of liquid cargoes. Such assets would be vitally important to ensure a timely and effective response, and to prevent the rapid spread downriver of any accidental pollutants. Also critically important to the decision-making on this proposed rule is the availability of a complete environmental assessment, including what the proposed pollution response process and assets would be, so that a properly informed decision can be made. To allow this rulemaking to proceed without the completion of a full assessment would be at odds with the very definite environmental sensitivity of the entire Hudson River area.

Thank you for the opportunity to comment on this proposed rule, and I will be happy to provide additional comments and/or information if requested.

Sincerely,

A handwritten signature in blue ink that reads "TR Dring". The signature is written in a cursive, slightly slanted style.

Timothy R. Dring; CDR, USNR-Retired

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