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Mr. Craig Lapiejko, Waterways Management Branch at Coast Guard First District.

USCG comments regarding Hudson River anchorage review and promulgation:

Dear Mr. Lapiejko:

As a Reinauer Captain regularly pushing 4.2 million gallons, using the Hudson River for over 34 years (amongst many other waterways up and down the east coast) I would like to share my practical interpretation of the law as it actually pertains to operations in the Hudson River in comparison to how it is enacted elsewhere in the country,

It is difficult to believe that the intent of a regulation would allow so few anchorages along a 125 mile waterway! Currently from the GW Bridge north to Yonkers it has only 3 designated anchorages (17, 18 and 19A) to use for vessels of the size that routinely transit and do business there. By my counting there are approximately 9 specific areas in the River that are practical anchorages (which ARE used regularly) and would need inclusion if more 'official' anchorages are deemed necessary. These would be: Stony Point; Tomkins Cove; Newburgh (north and south of the Bridge); Lange Rack and Poughkeepsie (north and south of the poorly lit, and poor radar target railroad bridge); Port Ewen; and Cementon. For practical purposes the entire river (subject to cable and pipeline crossings and blind corners) is subject to anchorage use. Fog sets in, schedules change, tides turn. All of these are reasons a vessel anchors and waits for favorable conditions. None of these reasons should need special permission to anchor.

For years the Government had National Maritime prepositioning anchorages located on some of these same locations I mentioned earlier. Tomkins Cove and Newburgh had anchorages with literally hundreds of ships anchored for 10 to 15 years after WW2.

Even the current Coast Pilot 2; pg 373 PPg16 refers to:
> "Vessels proceeding from New York to Albany
> occasionally anchor overnight in the vicinity of Kingston,
> 79 miles above The Battery and 47 miles below Albany, to
> await daylight hours for passing through the constricted
> part of the river."

Some people view the river north of Yonkers as being a 'no stop zone' with no ability to anchor except at Hyde Park. In ice season, it is doubly impracticable to not be able to stop at the half way point (Kingston) to convoy to Albany. This is also folly to have any restriction on Hyde Park (Coast Pilot) closed from December 16 to February 28! It would appear that for ease of writing the regulations the entire Hudson River was included in the 'Port of New York' anchorage regulations when this was written. Now would be the time to make the distinction between the 'Port' and the Hudson River.

If in fact the paragraph 110.155(l)(2) is found to mean: "No anchoring during the normal operations of vessel use in the area outside designated anchorages" then I believe the USCODE needs to be re written to end the 'Port Of New York' definition as far as the Hudson River is concerned at (approximately) the

Tappanzee Bridge. This way the river anchorage bottoms can be used as needed for traffic, industry and growth. It seems that the original intent of anchorages was to give a mariner a place to anchor while awaiting business that a vessel was 'safe' in, and could be left unmolested and not be required to move. Understanding that the use of anchorage outside a Designated Anchorage is understood to be 'move on demand' to commerce is taken into consideration when anchoring outside designated anchorages. To put an entire 125 mile waterway with so little available anchorage area is impractical for both business and safety with only an anchorage at the beginning and a very small one in the center. There are literally dozens of ports, docks, terminals, shipyards and slips along the river that conduct business. To expect vessels to not stop (especially for weather/visibility) or just scheduling is not appropriate.

This regulation 110.155(l)(2) is one long run on sentence. I believe it is written poorly, and actually excuses anchoring outside the channel, as long as vessels do not block other vessel or terminal, or the COTP orders a vessel to move.

Interestingly, while perusing the CFRs for anchor regulations in other districts, it is apparent that slight differences in interpretation and implementation are in evidence.

Looking further in the code there is already acknowledgement that vessels do anchor outside anchorages, and direction of how and where to anchor : CFR33 110.155 (l)(7) Any vessel anchoring under circumstances of great emergency outside of the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases, or upon notification by the Captain of the Port.

Solution: Using this previous (7) example, I would suggest adding another regulation that more closely resembles this paragraph (but with the 'Great Danger" part out of the equation.) EG: General Regulation (l)(15) "North of the Tappanzee Bridge, any vessel anchoring outside of the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away as soon as practical, or upon notification by the Captain of the Port."

It would appear to me that interested outsider(s) has/have an axe to grind with all these "ugly tugboats" which regularly ply the Hudson River and anchor awaiting berths in the procession of doing business, commerce and providing for the countries wellbeing. These peoples seasonal, recreational interest should not trump the year round commercial use of a Navigable waterway. Further, the mention of pollution and effects of commercial vessels on the waterway are laughable. The inland towing fleet is subject to more EPA stringent discharge requirements than the very towns along the river that regularly dump roadside runoff, unburned auto petroleum and fertilizer pesticides in this river they are decrying the use of for commercial use. I know that on MY particular towing vessel we maintain a -0- discharge status from entering the Hudson river at the Battery, for the ENTIRE time while in the river. I dare the local communities to check and compare the yachts and municipal runoff to our standards. There are no noted fisheries being impacted by using the proposed locations for anchoring. There are no commercial entities being impacted by vessels anchoring in the waterways. The only people decrying the use are NON commercial waterway users.

In closing, it is apparent that the NIMBY crowd demand for not wanting to 'see' commercial vessels in the river is being seriously considered as the deciding factor in controlling industry. (at least they think it should be!) It is hoped that more rationale opinions would prevail to enhance vessel safety, shorten transit times of the river, and ease congestion on the river for commercial users to lessen the chance of incident by having the ability to anchor at will, as needed, as judged by the vessel operator. Commercial

users should receive the same attention and acceptance from this process. There IS different wording in other COTP zones which allow waterways to be used by all. Why not adopt other wording to allow commercial use to coincide with private use?

Respectfully,
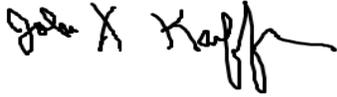
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P.S. One final thought. Where are these critics in January when we are doing our utmost to deliver in a timely fashion their heating oil and gas? I don't seem to hear the litany of condemnation when people need to keep warm! Or could it be that then is when they don't use the river, and don't care who else uses it?