



AMERICAN PILOTS' ASSOCIATION

INCORPORATED

499 SOUTH CAPITOL STREET, S.W., SUITE 409
WASHINGTON, D.C. 20003

PHONE: 202-484-0700

FAX: 202-484-9320

www.americanpilots.org

CAPTAIN MICHAEL R. WATSON
PRESIDENT

CAPTAIN WHIT SMITH
SECRETARY-TREASURER

PAUL G. KIRCHNER
EXECUTIVE DIRECTOR-GENERAL COUNSEL

CLAYTON L. DIAMOND
DEPUTY DIRECTOR-ASSOCIATE GENERAL COUNSEL

LISA E. POWELL
OPERATIONS DIRECTOR

COMMENTS OF THE AMERICAN PILOTS' ASSOCIATION ON THE PETITION FOR RULEMAKING TO EXCLUDE FEDERALLY-MAINTAINED DREDGED ENTRANCE CHANNELS AND PILOT BOARDING AREAS FOR PORTS FROM NEW YORK TO JACKSONVILLE FROM VESSEL SPEED RESTRICTIONS [NOAA-NMFS-2014-0013/RIN 0648-XD103]

February 29, 2014

The American Pilots' Association (APA) appreciates the National Oceanic and Atmospheric Administration's (NOAA) serious consideration of our most recent comments (dated July 31, 2013) on the North Atlantic Right Whale speed restriction areas along the U.S. East Coast. We are particularly pleased that NOAA has published APA's suggestion to exclude federally-maintained dredged channels (and pilot boarding areas and the immediately adjacent waters) from the Right Whale speed restrictions as a petition for rulemaking under the Administrative Procedure Act.

As discussed in our comments, we continue to have serious navigation safety concerns with these blanket regulatory-mandated slower speeds along the U.S. East Coast – particularly in areas encompassing narrow, federally-maintained dredged channels where two-way traffic and cross currents, seas and winds greatly impact safe navigation. It is vital that pilots maintain operational flexibility and have available the full-range of shiphandling options, especially in these challenging waterways. The APA's navigational safety concerns are well-documented and have been supported by shipping associations and validated by the U.S. Coast Guard and U.S. Army Corps of Engineers, as well as by private academic and research authorities.

In our July 2013 submission, we indicated that our suggested adjustment to the speed management area would remove approximately 15 square miles from the overall coverage area, or less than one tenth of one percent of the entire protective zones. We have noted that some submissions to the docket for this petition suggest that APA's proposal lacks specificity as to the size and location of the areas to be excluded from the speed restriction zones.

CAPT. ERIC A. NIELSEN
VICE PRESIDENT
NORTH ATLANTIC STATES

CAPT. JORGE J. VISO
VICE PRESIDENT
SOUTH ATLANTIC STATES

CAPT. MICHAEL C. TORJUSEN
VICE PRESIDENT
GULF STATES

CAPT. MICHAEL E. ROONEY
VICE PRESIDENT
GULF STATES - LOUISIANA

CAPT. PETER MCISAAC
VICE PRESIDENT
PACIFIC STATES

CAPT. DANNY H. GALLAGHER
VICE PRESIDENT
GREAT LAKES

The precise coordinates for these federal navigational channels are clearly shown on nautical charts, and described in various publications, produced by NOAA's Office of Coast Survey. The area of the channels APA is proposing for exclusion from the speed management areas is 6.7 square miles. The pilot boarding areas (1,500 yard semicircles at the end of each of these channels) encompass another 8.6 square miles. This provides a total area to be exempted from the speed management zones of merely 15.3 square miles out of more than 17,000 square miles of protected area. The Charleston Branch Pilots' Association will submit to the docket detailed calculations for the proposed area to be excluded.

In closing, we again thank NOAA for taking the navigational safety concerns of professional maritime pilots into account and giving the APA proposal due consideration. We urge NOAA to approve this petition and move forward with a rulemaking to give effect to our suggested minor adjustment to the Right Whale speed management areas. We look forward to continuing to work cooperatively with NOAA as we seek to advance our shared conservation and navigation safety objectives.