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The National Oceanic and Atmospheric Administration (NOAA) Proposed Rule: [Proposed Rule to Eliminate the Expiration Date Contained in the Final Rule to Reduce the Threat of Ship Collisions with North Atlantic Right Whales](#)

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I am commenting on behalf of the 79 member pilots of the United New York and New Jersey Sandy Hook Pilot's Benevolent Associations. The Sandy Hook Pilots are responsible for the safe passage of over 5000 ships annually into and out of the Port of New York and New Jersey via Ambrose and Sandy Hook Channels. The current version of the Right Whale speed rule, 50 CFR 224, establishes a seasonal Speed Management Area effective from November 1 through May 30 from the COLREGS Demarcation Line seaward out 20 miles. This SMA imposes a 10 knot speed restriction and encompasses the entire pilot boarding area, Ambrose Channel from its' entrance to just inshore of buoys 5 & 6 and Sandy Hook Channel from its entrance to midway between buoys 5 & 6 and buoys 7 & 8. Sandy Hook Channel is particularly narrow, is subject to severe cross current and wind, and is primarily used by petroleum carrying and USNS vessels.

Although the rules contain a navigation safety deviation clause when a vessel's maneuverability is severely restricted, our experience has been that shipping companies and ship's masters are extremely reluctant to apply the deviation even when the assigned pilot believes it appropriate for vessel safety. NOAA and Coast Guard enforcement tactics and actions certainly do not encourage the use of this deviation which is contrary to both agencies' missions. Maneuvering on pilot station and safe embarkation and disembarkation of pilots is affected and the master-pilot exchange and the pilot-bridge team relationship is often strained, a situation that can have a profound impact on navigation safety.

For these reasons, the Sandy Hook Pilots recommend NOAA modify the present rules by specifically excluding federal dredged channels and charted pilot boarding areas from the speed restrictions. For those pilot boarding areas, such as New York's, that are marked on the chart by a single point, we propose that the restrictions be eliminated within a 3 – 5 mile radius of that point. The areas we are asking be exempted cover a miniscule portion of the overall whale management areas on the East Coast while the resulting increases in navigational safety would be significant.

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