

Savannah Bar Pilots, Inc
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The Savannah Pilots Association strongly opposes the Notice of Proposed Rulemaking that will place North American Right Whale (NARW) speed restrictions on our pilot vessels and significantly alter the speed restriction's navigation safety deviation clause.

Speed restrictions placed on all vessels 35 feet long and greater:

Since the promulgation of the seasonal speed restrictions aimed at the protection of the NARW imposed via 50 CFR 224.105, the Savannah Pilots, along with most other East Coast pilot organizations, have altered their pilot boat fleet to only utilize boats that are less than 65 feet in length. Boats greater than 65 feet are most certainly safer and more efficient for our operations, but to comply with the NAWR speed restrictions, we have purpose-built vessels that are 64.5 feet long. We took delivery of our 1st NAWR compliant boat in 2012, the 2nd in early 2022, and are currently completing a build for our 3rd boat in early 2023. Within 6 months our entire pilot boat fleet will have been replaced to comply with the existing NARW regulations at a total cost of roughly \$18 million. If the proposed rule passes as written, these boats will be virtually useless as they cannot safely operate as pilots' delivery platforms at 10kts. At 64.5 feet long and constructed on planing hulls, these boats were designed and built to deliver and recover our pilots at a safe and efficient speed. Planing hulls, by definition, are designed to ride "on top of the water". This contrasts with displacement hull boats that displace water as it travels through it. Planing hulls cannot safely operate at 10 knots unless the wind sea and currents are nearly calm. It is also worth noting that our pilot boats are jet driven boats. They have no propellers to cause injury to a whale. Has there been any discussion on exempting either planing hulls that operate with very little actual hull in the water, and/or exempting boats that operate via jet drive and have no propellers to cause damage to whales? These pilot boats are also manned by USCG Licensed Captains who are extremely cognizant of the right whale rules and are diligent in looking out for the safety of the whales. It would be of great detriment to the safety and wellbeing of mariners, primarily professional mariners, if these speed restrictions were to be imposed on smaller vessels. By limiting the speed of smaller vessels, you would create two unsafe conditions. Vessels under 65' are, obviously, drastically more impacted by sea state than larger vessels. Commercial mariners operating vessels under 65' in length (fisherman, salvage professionals, survey vessels, pilots, etc) would be forced to conduct their business at slower speeds, regardless of sea state. This certainly has the potential to put the mariners in a position of reduced stability and maneuverability. It also would greatly increase the fatigue on the mariners and increase the likeliness of vessel casualties. The other option would be for the professional mariners to rely on smaller vessels

to ensure they can operate at higher speeds. Vessels under 35' in length are wholly unsuitable to operate in an offshore environment. It would be impossible to deliver pilots to large ships in 35' boats. Either scenario puts the mariner in position where they are required to operate their vessels in unsafe conditions or at unsafe parameters.

Updates to the Safety Deviation requirement:

On a daily basis, the river pilots on the Savannah River pilot 1200 -1300 foot long vessels, that are up to 174' wide through the 570' wide channel that extends more than 16 nautical miles off shore. Transiting this channel with ships of that size at speeds under 10 knots is nearly impossible unless the wind and sea states are dead calm, and you are experiencing a favorable river current. We rely on the deviation to ensure these ships remain in the channel and safely transit to the Port of Savannah. This provision is essential to the safe navigation of all vessels. As vessels become larger, the consequences of vessel casualties also increase. The Port of Savannah hosts the largest container vessels calling on the East Coast of the US. It is imperative that these vessels are afforded the ability to operate at a speed necessary to safely transit into and out of the vital port of Savannah. It should be noted that the Port of Savannah utilizes 2-way traffic, making the ability to navigate safely, or failure to do so, even more consequential. A vessel grounding or collision with another vessel in the in the Port of Savannah, or the approaches to the port, could results in an absolutely devastating environmental catastrophe. With each container vessel routinely carrying over 3 million gallons of fuel, an oil spill from a vessel casualty would be devastating to the marine ecosystem, erasing all the good the speed rule changes have provided.

The new proposed rules do still allow for deviations but place the onerous task of requiring an online report validating and "proving" that the deviation was justified. Aren't the operational decisions made by the vessel master and professional pilot enough justification to utilize the deviation? No one knows the tides, currents, and other navigational nuances of the Savannah River better than the Savannah Pilots. Additionally, the rule suggests potential criminal charges if a deviation is used and is not adequately justified by a NOAA employee sitting in an office in Silver Springs, Maryland. The threat, or fear of criminal charges to a ship captain and or pilot will undoubtedly create a challenging working environment between the ship's Master and the pilot. If the pilot states he/she needs to use the deviation, yet the ship's Master is fearful of criminal repercussions, the safety of the ship, crew and environment are immediately placed in jeopardy. Additionally, the online report that will be required by NOAA is to be filled within 48 hours of utilizing the deviation. At that point, the pilot is no longer onboard the ship, and the ship's Master may or may not remember the details or decisions the pilot was required to make to safely transit the 570' wide channel. The Master could easily say, the pilot made that decision and provide little justifying and valid reasons why the decision was made. Please let the professional mariners do their job and safely navigate their vessels as they are trained, tested, and licensed to do.

Recommendations:

We request that pilot delivery boats be exempt from these new speed restrictions. There are less than 30 dedicated pilot boats on the U.S. East Coast and all of them are crewed by licensed, professional Merchant Mariners. There has never been a documented strike of a North American Right Whale by a pilot boat. Exempting pilot boats is a very simple and effective means of allowing our pilots and boat crews to operate in a safe manner.

We also request that federally maintained channels be exempt from these speed restrictions for commercial vessels. As the ships calling on our ports grow larger, we must do everything in our power to ensure they get to and from their East Coast destinations as safely as possible. The last thing we need is speed restrictions that put safe navigation in jeopardy. Excluding federal channels from these speed restrictions will allow for safe and efficient shipping to our vital ports.

Respectfully Submitted,



Robert "Trey" Thompson, III

President and Master Pilot