



Establishing Anchorage Grounds on the Hudson River

Report to Congress
February 28, 2023



U.S. Coast Guard

Foreword

February 28, 2023

I am pleased to present the following report, Establishing Anchorage Grounds on the Hudson River, as prepared by the U.S. Coast Guard.

The Elijah E. Cummings Coast Guard Authorization Act of 2020 directs the submission of a report containing the findings, conclusions, and recommendations from the vessel traffic study of the Hudson River.

Pursuant to Congressional requirements, this report is provided to the following members of Congress:



The Honorable Maria Cantwell
Chair, Senate Committee on Commerce, Science, and Transportation

The Honorable Roger Wicker
Ranking Member, Senate Committee on Commerce, Science, and Transportation

The Honorable Sam Graves
Chairman, House Committee on Transportation and Infrastructure

The Honorable Rick Larson
Ranking Member, House Committee on Transportation and Infrastructure.

I am pleased to answer any questions you may have, or your staff may contact my Senate Liaison Office at (202) 224-2913 or House Liaison Office at (202) 225-4775.

Sincerely,

A handwritten signature in blue ink that reads "L L Fagan".

Linda L. Fagan
Admiral, U.S. Coast Guard
Commandant



Establishing Anchorage Grounds on the Hudson River

Table of Contents

I.	Legislative Language	1
II.	Background	2
III.	Report.....	5
	A. Nature of Vessel Traffic on the Hudson River	6
	B. Risks and Benefits of Historic Practices for Commercial Vessel Anchoring on the Hudson River	7
	C. Risks and Benefits of Establishing Anchorage Grounds on the Hudson River	8
IV.	Conclusions.....	10
	Appendix: Abbreviations	11

I. Legislative Language

This report responds to the language set forth in Section 8437 of the Elijah E. Cummings Coast Guard Authorization Act of 2020 (Pub. L. No. 116-283), which reads:

SEC. 8437. ANCHORAGES

(a) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating shall suspend the establishment of new anchorage grounds on the Hudson River between Yonkers, New York, and Kingston, New York, under section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) or chapter 700 of title 46, United States Code.

(b) **RESTRICTION.**—The Commandant may not establish or expand any anchorage grounds outside of the reach on the Hudson River described in subsection (a) without first providing notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days prior to the establishment or expansion of any such anchorage grounds.

(c) **SAVINGS CLAUSE.**—Nothing in this section—

- (1) prevents the master or pilot of a vessel operating on the reach of the Hudson River described in subsection (a) from taking actions necessary to maintain the safety of the vessel or to prevent the loss of life or property; or
- (2) shall be construed as limiting the authority of the Secretary of the department in which the Coast Guard is operating to exercise authority over the movement of a vessel under section 70002 of title 46, United States Code, or any other applicable laws or regulations governing the safe navigation of a vessel.

(d) **STUDY.**—The Commandant of the Coast Guard, in consultation with the Hudson River Safety, Navigation, and Operations Committee, shall conduct a study of the Hudson River north of Tarrytown, New York to examine—

- (1) the nature of vessel traffic including vessel types, sizes, cargoes, and frequency of transits;
- (2) the risks and benefits of historic practices for commercial vessels anchoring; and
- (3) the risks and benefits of establishing anchorage grounds on the Hudson River.

(e) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the findings, conclusions, and recommendations from the study required under subsection (d).

II. Background

The Coast Guard’s statutory authority to establish, amend, and remove anchorage grounds is defined in Title 46, Section 70006 of the U.S. Code. The Code states the Secretary of Homeland Security is “authorized, empowered, and directed to define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation.” The Secretary has delegated this authority to the Commandant of the Coast Guard, who manages this authority through Title 33, Sections 109, 110, of the Code of Federal Regulations (CFR).

In general, the Coast Guard establishes two types of anchorages: Special Anchorage Areas and Anchorage Grounds. Special Anchorage Areas are principally used for recreational vessels and provide anchored vessels less than 65 feet in length are not required to display certain lights and day shapes, or produce sound signals otherwise required of anchored vessels by Navigational Rules of the Road. For larger, predominantly commercial vessels, the Coast Guard establishes anchorage grounds, and may also issue regulations governing use of anchorage grounds, including required arrival notices to the Captain of the Port and limitations on vessel size, type, cargo or duration of stay. Although authority to establish or modify an anchorage ground, or issue regulations for use thereof, is delegated to Coast Guard District Commanders, daily oversight and enforcement of regulations is a duty of the local Captain of the Port, who has broad authority to direct movement of vessels including to anchor, or not anchor, in a particular location.

Additionally, Coast Guard regulations, which vary from port-to-port, may provide vessels only anchor in established anchorage grounds. To ensure vessels do not anchor in a particular location, like the Straits of Mackinac, the Coast Guard can establish a Regulated Navigation Area (33 CFR Part 165) that can be tailored to vessel size, type, weather, or sea state conditions. Like anchorage regulations, Regulated Navigation Areas are established by the District Commander, but managed and enforced by the Captain of the Port.

Anchorage grounds are an essential part of navigational safety. Beyond providing a defined location for vessels to wait for an opening at a pier or sailing orders, they have known water depths, bottom types and pre-established spacing, which is vital for larger ships. Anchorage grounds provide great predictability to the waterway and mariners using them. To establish, modify or regulate an anchorage, the Coast Guard follows a notice-and-comment rulemaking process and must consider not only views of professional mariners, but myriad other interest groups including State and Federal agencies, the Department of Defense, Tribal Nations and environmental groups. Simply put, anchorages facilitate national economic efficiency, reduce the risks of harm to the marine environment, and bolster our national defense.

Anchorage grounds for the Hudson River are defined in 33 CFR 110.155(c) and are included with all anchorage ground regulations for the “Port of New York.” Under General Regulations subsection (33 CFR 110.155(l)), vessels are prohibited from anchoring, “in the navigable waters of the Port of New York,” outside of an established anchorage ground except in “great emergency.” In 2015, the Coast Guard received reports of commercial vessels—mostly tugs and barges—anchoring in the Hudson River between Yonkers and Albany, where there are almost no Coast Guard designated anchorage grounds. Although mariners were anchoring vessels in particular safe locations on the upper Hudson River for many years, the Captain of the Port responded by issuing

Marine Safety Information Bulletin (MSIB) 2015-14 to remind mariners of the requirement to only anchor in a designated anchorage and further informed them the Coast Guard intended to enforce the regulation.

The term “Port of New York” is important because its boundaries are not defined in regulation. At the time the MSIB was published by Sector New York, the “Port of New York” was viewed as synonymous with “Sector New York Captain of the Port Zone,” so the anchoring prohibition within the “Port of New York” was seen as applicable on the Hudson River to Albany, NY. MSIB 2015-14 implies the entirety of the Hudson River is within the “Port of New York,” while the anchoring prohibition in 33 CFR 110.155 is only applicable to the section of the Hudson River within the boundaries of “Port of New York.”

Shortly after the publication of MSIB 2015-14, the Coast Guard received a request from the Maritime Association of the Port of New York/New Jersey Tug and Barge Committee to establish “customary anchorage grounds” on the Hudson River as federally designated anchorage grounds. These professional mariners who knew the waterway proposed ten locations where anchorages could be designed to alleviate the situation. Recognizing the lack of designated anchorages over a very long reach of the Hudson River, the Coast Guard published an Advance Notice of Proposed Rulemaking (ANPRM), Docket USCG-2016-0132, seeking public comment on the need for new anchorage grounds in the locations proposed by the tug-and-barge pilots.

As part of the evaluation process, the Coast Guard analyzed the shipping traffic along the Hudson River to determine if the “customary anchorage grounds” described in the ANPRM were being used as anchorage grounds. The Coast Guard also included three previously established anchorage grounds for analysis. The Coast Guard reviewed Automatic Identification System (AIS) data for vessels operating on the Hudson River and considered vessels whose AIS transmission remained stationary for more than 6 hours to be at anchor. The analysis concluded vessels were anchoring in all but two of the requested “customary anchorage grounds.”

Coast Guard anchorage regulations are of local effect and typically draw minimal comment, however, the Coast Guard received over ten thousand comments in response to the Hudson River Anchorages ANPRM. Of the 10,212 comments received, 262 comments supported the proposal, 314 were neutral, and 9,636 were opposed to establishing new anchorages. Most opposing comments were submitted as a form letter citing environmental, economic, health, and view shed concerns. After a review of the comments, the Coast Guard suspended rulemaking and directed a formal risk identification and evaluation of the Hudson River through a Ports and Waterways Safety Assessment (PAWSA).

The Coast Guard conducted PAWSA workshops to assess navigation safety on the Hudson River in Poughkeepsie and Albany, New York in November 2017. PAWSA workshops provide a quantitative methodology for local participants to evaluate current waterway risks and prospective mitigation measures that may reduce risks to an acceptable level. Waterway users, professional mariners, environmental stakeholders, and members of the Hudson River community were brought together for collaborative discussions regarding the quality of vessels and crews that operate on the waterway; the volume of commercial, non-commercial and recreational small craft vessel traffic using the waterway, and the ability of the waterway to handle current and future increases in traffic volume levels. The goal of the Hudson River PAWSA workshops was to foster

improved coordination and cooperation among government and private sector stakeholders and provide waterway community members with an effective tool to evaluate risks to safe navigation.

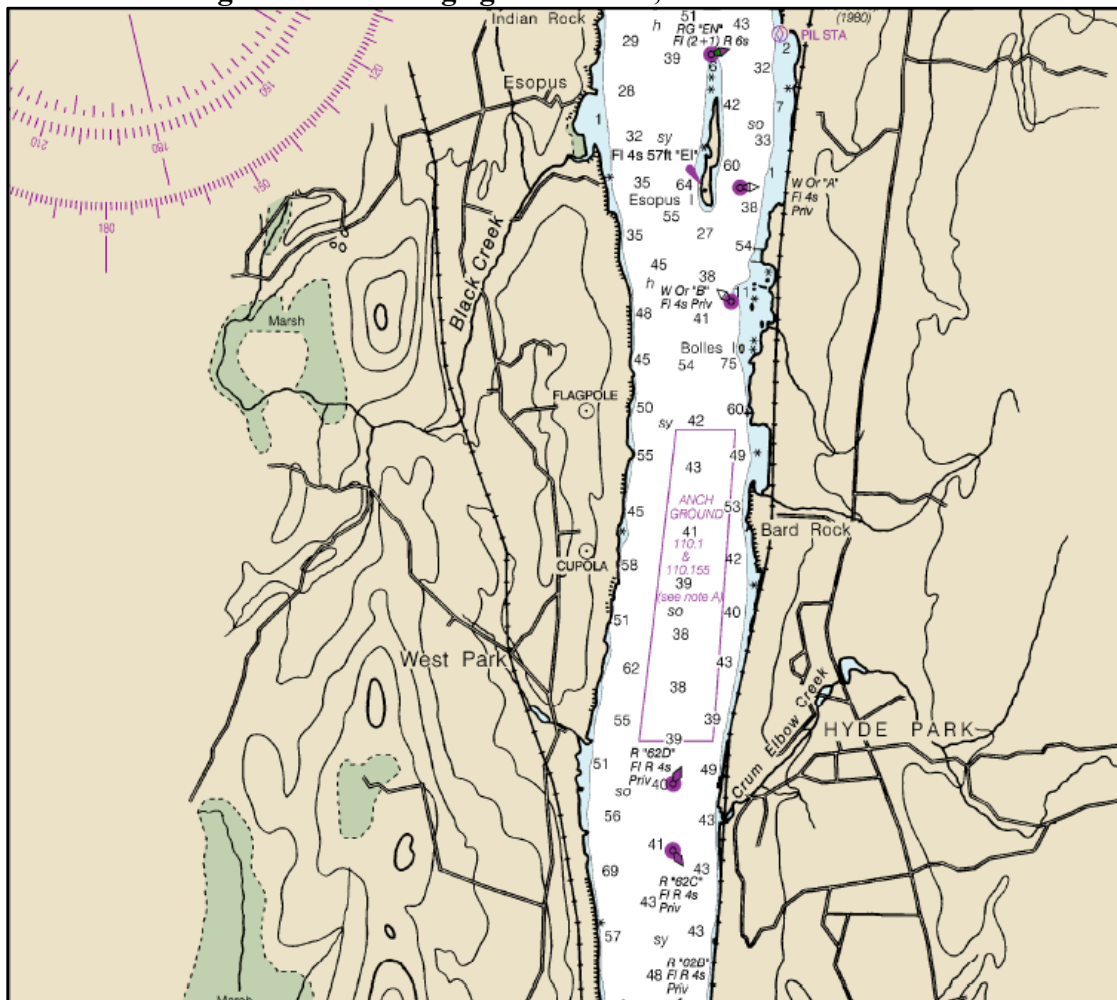
These workshops produced three key recommendations. First, the participants believed that the Coast Guard should facilitate the establishment of a Hudson River Safety Committee, like Harbor Safety Committees that operate in most coastal ports. Second, workshops requested the Coast Guard provide greater clarity to its regulation of Hudson River anchorages by creating new anchorage grounds with time limitations for their use codified in regulation. Third, the participants suggested the Coast Guard implement Regulated Navigation Areas to prohibit anchoring outside federally designated anchorages. The establishment of the Hudson River Safety, Navigation, and Operations Committee (HRSNOC) addressed the first recommendation.

III. Report

In consultation with the HRSNOC, the Coast Guard conducted a study of the Hudson River north of Tarrytown, NY, between January 2021 and September 2021 to examine: the nature of vessel traffic including vessel types, sizes, cargoes, and frequency of transits; the risks and benefits of historic practices for commercial vessels anchoring; and, risks and benefits of establishing new anchorage grounds on the Hudson River.

There is only one Coast Guard established anchorage ground on the Hudson River north of Tarrytown, NY. Anchorage Ground 19-A, located just west of Hyde Park, NY, 71 miles above The Battery, was established as a seasonal anchorage ground in 1998. 19-A provides a regulated anchorage ground for vessels greater than 65 feet in length to safely anchor from the last day in February to December 16 without permission from the Captain of the Port, New York.

Figure 1: Anchorage ground 19-A, NOAA Chart 12347



A. Nature of Vessel Traffic on the Hudson River

The Hudson River supports use by both recreational and commercial vessels. The U.S. Army Corps of Engineers (USACE) publishes statistics on the foreign and domestic waterborne commerce moved on U.S. waterways. On average, approximately 14 million short tons of commodities are transported along the Hudson River annually to include petroleum products, chemicals, manufactured goods, food and farm products, and sewage. Over 50 percent of the cargoes transported were hazardous materials such as petroleum and chemical products. Table 1 provides a breakdown of the past five calendar years of cargoes transported.

Table 1: Commodities Transported on the Hudson River

Commodity (Short Tons)	CY2019	CY2018	CY2017	CY2016	CY2015	5-Year Average
All Commodities	12,756,063	13,288,999	13,158,488	14,099,320	17,001,018	14,060,778
Petroleum and Petroleum Products	5,996,012	6,319,462	6,858,372	7,386,005	10,734,627	7,458,896
Chemicals and Related Products	803,674	781,486	962,398	1,029,207	567,963	828,946
Crude Materials, Inedible Except Fuels	4,469,561	4,831,602	3,812,433	3,518,627	4,247,319	4,175,908
Primary Manufactured Goods	953,842	808,980	904,325	1,302,611	776,452	949,242
Food and Farm Products	511,250	523,927	513,047	783,214	654,896	597,267
All Manufactured Equipment, Machinery and Products	1,861	16,545	29,720	13,551	8,831	14,102
Waster Material; Garbage, Landfill, Sewage Sludge, Waste Water	0	0	0	62,893	0	12,579
Unknown or Not Elsewhere Classified	19,863	6,997	78,193	3,212	10,930	23,839

In addition USACE statistics the HRSNOC provided the Coast Guard additional information from their Commercial Anchorage Research Working Group. Table 2 summarizes this information.

Table 2: Nature of Vessel Traffic and Locations along the Hudson River

<ul style="list-style-type: none"> - Year round commercial vessels: <ul style="list-style-type: none"> - Bulk cargo terminal locations include Haverstraw, Buchanan, Roseton, Cementon, Catskill, Hudson, Coeymans, Rensselaer, and Albany. - Petroleum cargo terminals located at Ossining, Haverstraw, Peekskill, Newburg, Roseton, New Hamburg, Poughkeepsie, Kingston, Athens, Rensselaer, and Albany. - General cargo facilities at Buchanan, Poughkeepsie, Coeymans, and Albany. - Seasonal traffic: <ul style="list-style-type: none"> - Commercial ferry traffic at Haverstraw, Ossining, West Point, Beason, and Newburgh. - Sightseeing commercial vessels in Kingston, Newburgh, and Peekskill. - Personal watercraft to include paddle self-propelled, high speed personal craft, power driven, and sailing vessels. - Areas of use for seasonal personal watercraft extends throughout region of Tarrytown, NY, to Kingston, NY. <ul style="list-style-type: none"> - 60 Marinas, 43 boat or kayak launch sites, and 9 shallow draft historical anchorage areas (not marked on the navigational charts) between Tarrytown, NY and Kingston, NY. - Historical personal vessel anchorage areas throughout the whole Hudson River north of Tarrytown: Nyack, Croton Harmon, Haverstraw, Topkins Cove, Jones Point, Iona Island, Pollepel Island/Newburgh, Norrie Point, Point Ewen, Saugerties, Catskill, Athens, Stockport, Cocksackie, and Houghtaling Island.

The State of New York requires certain commercial and recreational vessels to take a licensed Pilot when transiting north of Yonkers, NY, to navigate vessels to ports along the Hudson River. Vessel voyages with the Hudson River Pilots begin at the Yonkers Pilot Station for a 56 mile, approximately 5.5 hours, transit in the lower half of the Hudson River ending at the second pilot exchange station at Norrie Point (six miles north of anchorage ground 19-A). Continuing from the

Norrie Point Pilot Station for a 54 mile, approximately eight-hour, transit to Albany, NY. This portion of the transit is more challenging as the navigable channel north of Kingston, NY, considerably narrows. Total transit time from Yonkers, NY, to Albany, NY, could be as little as 11 hours or longer depending on traffic density, weather, and visibility. Table 3 details the State piloted vessel data for the Hudson River from 2011-2020 with related anchoring evolutions.

Table 3: 2011-2020 State Piloted Vessel Data for the Hudson River

	Amount	Average Size (ft)	Approx Cargo Amount	Frequency per Year	Average Vessel Cargo Capacity
Tanker	175	525 x 78	16,685,000 BBLS	17.5	160,000 BBLS
Bulk Carrier	484	600 x 106	8,284,500 Metric Tons	48.4	30K Metric Tons
Pulp Bulk	109	425 x 72	436,000 Metric Tons	10.9	8K Metric Tons
General Cargo*	292	425 x 78	87,600 Metric Tons	29.2	2 Crane Class
Tug and Barge **	165	400 x 78	4,950,000 BBLS	16.5	50,000 BBLS
Yachts	91	>150	N/A	9.1	N/A
Total Anchoring Evolutions Conducted	543				
Average Anchoring Evolutions/year	54				
Percentage of Vessel Transits Requiring Anchorage	18%				
*General vessel cargo amounts are relatively low in weight but very high in value per ton.					
** Tug and barge units which required or requested a state pilot.					

B. Risks and Benefits of Historic Practices for Commercial Vessel Anchoring on the Hudson River

Commercial vessels have historically anchored throughout the Hudson River without significant federal or state oversight. In reviewing this historic practice, the Coast Guard in consultation with the HRSNOC identified the following major risks and benefits.

Risks

Commercial vessels have anchored near municipal water intakes, which has a risk of compounding environmental/community damage should a significant marine casualty occur leading to an oil spill, hazardous chemical spill, or other contaminant discharge.

Commercial vessels have likely anchored in significant or sensitive habitats for coastal fish, or other wildlife or flora. Good historical data is unavailable, however, and the risk of damage to the environment through anchor scouring, light pollution, or a discharge has not been evaluated.

Without designated anchorage grounds over more than 100 nautical miles, commercial vessels have anchored in multiple locations throughout the study area. Anchoring has occurred within the navigation channel and in locations with restricted visibility or limited maneuverability, potentially increasing the risk of a marine casualty.

Commercial vessels have anchored near or within a national or state historic park or district, a residential community, or location that could potentially result in negative impacts on scenic view sheds, property values, and the tourism economy.

Commercial vessels have laid at anchor for varying periods of time, which tends to increase the risks noted above.

Benefits

The historic practice for commercial vessel anchoring left the determination of when, where and how to anchor to professional mariners. These individuals are the most knowledgeable about navigation risks and are responsible for the safety of their vessels. Historic anchoring practices have permitted commercial vessels to anchor safely for crew rest, to await better weather conditions, to avoid traffic congestion, and to correct mechanical issues.

Most commercial vessels are allowed to freely navigate the Hudson River, which includes anchoring in accordance with the rules of good seamanship. The Coast Guard is not aware of any incidents within the study area of collisions or other marine casualties related to imprudent commercial vessel anchoring.

These historic anchoring practices enable the marine transportation system to operate efficiently and safely, without government intervention, permitting just-in-time shipping and other supply-chain benefits that facilitate economic growth, reduction in shipping costs, and lower consumer prices.

Safe and efficient historic commercial navigation practices within the study area were a factor in the designation of the Hudson River as Marine Highway M-87. The Marine Highway program was established by Section 1121 of the Energy Independence and Security Act of 2007 to reduce landside congestion through the designation of Marine Highway Routes. Section 405 of the Coast Guard and Maritime Transportation Act of 2012 further expanded the scope of the program to increase the utilization and efficiency of domestic freight or passenger transportation on Marine Highway Routes between U.S. ports. Hudson River navigation practices resulted in relieving surface/road transportation congestion, a diverse and more resilient national transportation system, and improved environmental sustainability of the surface transportation system, including reduced per ton-mile energy consumption and emissions.

C. Risks and Benefits of Establishing Anchorage Grounds on the Hudson River

The Coast Guard in consultation with the HRSNOC identified the following risks and benefits associated with establishing anchorage grounds on the Hudson River.

Risks

The HRSNOC identified few risks associated with formally establishing anchorage grounds. Establishing anchorage grounds in regulation would remove the historic practice of allowing the professional mariner to determine when, where, and how to anchor. By establishing specified locations of where anchoring could occur, vessels may have to travel farther distances on the Hudson River before anchoring, which could potentially increase watch-stander fatigue. This risk could be mitigated, however, by establishing multiple anchorages throughout the Hudson River in locations that would minimize the potential fatigue.

Recreational boaters were concerned that established anchorages interfere with sailing regattas. This risk could be mitigated by considering the historical locations of the regattas and ensuring established anchorage grounds do not conflict with regattas.

Riverfront communities were concerned about the safety of the water supply and potential for vessels to anchor for long periods. Both concerns could be mitigated. Water supply safety would be considered during an environmental assessment prior to establishment of anchorage grounds, and the Captain of the Port, New York could restrict the time vessels are allowed to remain at anchor.

Benefits

All risks identified with historic anchoring practices can be alleviated with formally established and regulated anchorage grounds. Establishing an anchorage ground allows for an evaluation of the proposed area to ensure risks associated with the riverbed environment, marine species, pipelines, and utilities are mitigated or alleviated. The process provides for public participation, and collaboration with port partners and key stakeholders prior to establishing an anchorage ground.

By establishing anchorage grounds, vessels have designated areas to anchor throughout the Hudson River, thus preventing vessels from anchoring within the navigable channel and in locations with restricted visibility or limited maneuverability.

By consulting with local communities and national or state park services prior to establishing anchorage grounds, the Coast Guard can ensure any negative impacts on scenic view sheds, property values, and the tourism economy is minimized or avoided.

Anchorage grounds can provide safe areas for vessels to anchor near ports of call increasing marine transportation system and related supply line efficiency. These anchorage grounds provide options for multiple vessels to anchor in the case of unplanned berth unavailability or river closure. This would help keep local ports and terminals competitive and economically viable.

Establishing anchorage grounds provides mariners chartable and consistent areas for anchoring. Charting anchorages provides mariners awareness of where anchoring can occur, which enhances the safety of navigation throughout the waterway.

By establishing anchorage grounds, the Captain of the Port, New York can establish additional regulations to restrict the length of time a vessel can lay at anchor.

IV. Conclusions

The unique characteristics of the Hudson River present challenges to safe navigation. An abundance of shipping along the river, coupled with limited pier space, mean anchorage grounds are necessary to ensure the safety of navigation and the environment. Current anchorage capacity along the Hudson River north of Tarrytown, NY is inadequate. To address these issues, the Coast Guard intends to pursue the following.

Officially terminate the suspended rulemaking in Federal Register docket USCG-2016-0132 entitled “Anchorage Grounds, Hudson River; Yonkers, NY to Kingston, NY.” After a review of the comments, the Coast Guard “suspended” future rulemaking decisions but did not withdraw the rulemaking.

MSIB 2015-14 is misleading and will be canceled. Though never expressly stated, MSIB 2015-14 implies the entirety of the Hudson River is within the “Port of New York.” Additionally, as recommended by the PAWSA workshops, HRSNOC, and requested by all waterway stakeholders, the Coast Guard seeks to clarify and officially define the term, “Port of New York,” as used within 33 CFR 110.155. The Coast Guard will also consider relocating the regulation for anchorage ground 19-A from 33 CFR 110.155 to a new section within 33 CFR Part 110 specific to the Hudson River for anchorage ground 19-A and its associated regulations to manage its use.

Section 8437 of the Elijah E. Cummings Coast Guard Authorization Act of 2020 suspended the establishment of new anchorage grounds on the Hudson River between Yonkers, NY and Kingston, NY. Consequently, the Coast Guard has no legal authority to establish any new anchorages in this region without a change to current legislation. If the suspension was lifted, the Coast Guard would consider establishing a limited number of regulated anchorage grounds on the Hudson River as recommended by the HRSNOC and requested by various waterway stakeholders. The Coast Guard must consult the HRSNOC to identify a limited number of locations and then undertake a public notice and comment rulemaking to consider the establishment of anchorage grounds and their associated regulations to manage their use.

The Coast Guard will evaluate the potential for establishing a limited number of regulated navigation areas on the Hudson River to prohibit anchoring. The Coast Guard will work with the State of New York and the HRSNOC to undertake a public notice and comment rulemaking to consider establishment of regulations to prohibit anchoring of commercial vessels in specified zones except in exigent situations, with notice to the Captain of the Port.

As recommended by the PAWSA workshops and the HRSNOC, the Coast Guard will evaluate the need to expand the New York Vessel Traffic Service (VTS) from its current northern boundary at the Holland Tunnel Ventilator Shaft in Manhattan to the Troy Lock north of Albany, New York. Additional VTS monitoring may be necessary to enforce and monitor the proper use of anchorage grounds throughout the Hudson River.

The Coast Guard will continue to support the HRSNOC as a forum of all waterway users to evaluate risks and promote safety of navigation, property, the environment, and all persons using the Hudson River. The input provided by HRSNOC through their consultation proved invaluable throughout the study.

Appendix: Abbreviations

Abbreviation	Definition
AIS	Automatic Identification System
ANPRM	Advance Notice of Proposed Rulemaking
CFR	Code of Federal Regulations
HRSNOC	Hudson River Safety, Navigation, and Operations Committee
MSIB	Marine Safety Information Bulletin
PAWSA	Ports and Waterways Safety Assessment
USACE	United States Army Corps of Engineers
USCG	United States Coast Guard
VTS	Vessel Traffic Service