

Mr. Craig Lapiejko
Waterways Management Branch
Coast Guard First District
408 Atlantic Avenue
Boston, MA 02110

Re: Public Comment on United States Coast Guard's Proposed Action to Establish New Anchorage Grounds in the Hudson River from Yonkers to Kingston, New York.
(USCG-2016-0132)

Mr. Lapiejko,

As you are aware, the United States Coast Guard is entertaining the idea of establishing up to ten new anchorage sites along the Hudson River. The proposed sites are in consideration to accommodate the increase in exporting capabilities of domestic oil production by providing safe areas for crude oil carrying barges to anchor when they need to. While this is an important economic proposal, it cannot be looked at in a vacuum. These proposed anchorage sites are at the behest of the Maritime Association of the Port of NY/NJ Tug and Barge Committee, the Hudson River Port Pilot's Association, and the American Waterways Operators. These private maritime interests should not have an uncontested say in how the shorelines of the recovering Hudson River ought to be used. Therefore I am submitting this comment letter to highlight several concerns I have with the proposed plan.

Hudson River Valley

The Hudson River is one of the most iconic and historic rivers in the United States. It runs three hundred and fifteen miles from its' headwaters in the Adirondack Mountains through New York City and finally out into the Atlantic Ocean. This once extremely polluted river has bounced back and is now on the rise. In 1984 a two hundred mile stretch of the Upper Hudson River was placed on the National Priorities List (NPL) as a Superfund site¹. This was a result of General Electric discharging approximately 1.33 million pounds of Polychlorinated biphenyls (PCBs) into the river around Hudson Falls during a thirty-year stretch beginning in the late 1940's². Thanks to millions of dollars spent by liable polluters and other interests, the Hudson River is shifting towards becoming a healthier river. In fact, the Hudson River Valley is now listed as a Natural Heritage Area³. The Hudson River and its associated estuarine habitat are home to around 200 species of fish, including Lined Seahorses and the endangered Atlantic and Short-nosed Sturgeon⁴.

¹ <https://www3.epa.gov/hudson/actions.htm>

² *Id.*

³ <https://www.nps.gov/hurv/index.htm>

⁴ <http://www.dec.ny.gov/lands/74069.html>

The Hudson River supports nearly fifteen percent of the employment in the State of New York. Additionally, the Hudson River Valley consists of twelve counties that make up around fifteen percent of the State of New York population⁵. The Hudson River is used for canoeing, kayaking, recreational fishing, motor boating, jet skiing, bird watching, aesthetic pursuits, and other such recreational activities. This makes the health and characteristics of the Hudson River extremely important to the State of New York.

Potential Water Quality Impacts

The total area that would be used for anchorage areas is approximately two thousand acres. The anchorage sites themselves would range from depths of twenty one to sixty five feet⁶. This magnitude of construction would require dredging and a significant disruption of benthic habitat. The effects of their construction alone would create sedimentation issues from the dredging activities. This would visibly reduce the quality of water around and downstream of the construction sites. It could further leave sedimentation marks laden on shorelines as the river fluctuates with the tides. This sediment depositing could smother insect and crustacean life along the banks.

Another water quality impact to consider with this proposed project is the pollution and leakage from construction activities. There will likely be oil and gas sheers associated with construction equipment and vessels in the area. There will also be physical waste and scrap materials that are lost and find their way into the marine environment. With any major construction project, the area will become compromised, and while albeit only temporary, the associated pollution with this much dredging and marine construction must be considered.

The last, and most important water quality impact to consider is the increased risk of devastating oil spills in the area if the Coast Guard is to allow ten anchorage sites in a relatively small river for crude oil barges. The vessels that will be using these anchorage sites are large crafts that carry an almost equally large amount of crude oil. The increase in domestic oil for exportation is largely due to the increase in hydraulic fracturing and therefore a lot of the crude oil being transported through these proposed anchorage sites would be from these sources. That crude oil will therefore be entering the Hudson River Valley at greater rates because of an increased capacity for storage and export in the area. This increases the chances of an oil spill in the Hudson two-fold. First, there would be the increase in oil being shipped into and handled along the Hudson River. If the anchorage sites were to accommodate oil barges, there would presumably be an increase in train car tankers into the area along the Hudson. Then this oil would need to be loaded onto the barges in the surrounding area as well. During the loading process oil could be lost and find it's way directly or indirectly through run-off, into the Hudson River. The second factor accounting for the increase in oil exposure and risk to the region would be the actual barges themselves. If the anchorage sites were built as proposed there would be massive amounts of oil sitting on top of the Hudson in these anchored barges. If one

⁵ http://www.clearwater.org/epa/public-comment/HudsonR_Report_Final.PDF

⁶ <http://www.regulations.gov/document?D=USCG-2016-0132-0001>

of the barges were to spring a leak or wreck the damage could be devastating. The Hudson River is not a wide body of water such as the Gulf of Mexico or the Pacific Ocean, and instead is heavily populated along the shores and flows through the major metropolis of New York City. An average river barge can hold between ten thousand and thirty thousand barrels of oil⁷. If on barge were to have a catastrophic failure the river would be severely damaged and if not properly and immediately contained, oil would flow down through recovering estuary waters and into the Atlantic Ocean. Not only would an oil spill in the Hudson have dramatic ecological impacts, but from an operational stand point, your agency, the United States Coast Guard, would be tasked with much of the response. This response and clean up could become highly technical and difficult considering the amount of shoreline that would be inevitably affected.

Potential Recreation Impacts

From a recreational standpoint the proposed anchorage sites would have several negative effects. The overarching effect would be that there would be less space or degraded space for river recreation. The anchorage sites would remove areas along the banks of the Hudson that could be used water access, either for bank fishing or canoe and kayak portage. The anchorage sites themselves would remove areas of the water that could be used for canoeing, kayaking, jet skiing or motor boating. In addition to the anchorage sites, the increase in barge and tugboat traffic through this stretch of the Hudson River would also dampen the ability and safety of such watercraft recreation.

The community will be faced with obstructions in the river that make it difficult to enjoy relaxing cruises down the Hudson, or make it difficult to play around on say a jet-ski without having to constantly look over your shoulder. Smaller watercrafts such as kayaks are placed in danger of being struck due to their relative size in the water compared to an oncoming barge. The kayakers would be hard to spot by a barge operator and thus the increased traffic poses them a significant risk.

Aesthetic based activities will decline as well. Bird watching will become less enjoyable and productive if the banks of the Hudson become commercial crude oil shipping anchorage sites rife with human activity and large barges. The increase in human disruption will reduce the serenity for those out to enjoy nature either on a walk in the water. Further many vistas along the Hudson would be damaged by the unsightliness of the anchorage sites and their barge counterparts. This could affect regional hikers and their enjoyment of local nature trails and day hikes. This is especially true for the proposed sites at Tompkins Cove and Montrose Point, which are in the direct vicinity of Bear Mountain.

Potential Fisheries Impacts

⁷ <http://www.professionalmariner.com/December-January-2015/US-barge-operators-transport-domestic-crude-on-inland-rivers/>

One of the most important aspects to consider are the risks posed to the Hudson River fishery and aquatic community by the proposed anchorage sites. For starters, as I mentioned above the project will involve extensive dredging and marine construction, which in turn significantly disrupts the benthic environment of the Hudson River. This is a particularly dangerous result due to the sensitivity and fragility of the Hudson River populations of endangered Atlantic and Shortnose Sturgeon.

Currently, in the Hudson River there are estimated to be less than one thousand Atlantic Sturgeon⁸. These Atlantic Sturgeon were federally listed as an endangered species in 2012 and efforts to restore their populations have been underway. Dredging the Hudson River would damage feeding grounds for the bottom-feeding Sturgeon and may even result in direct fatalities to them. Even after the dredging, the construction activities that would occur during the actual installation of the anchorage sites would jeopardize their survival. The reason for this caution is supported by recent circumstantial observations surrounding construction activities for the Tappan Zee Bridge and Hudson River Sturgeon mortality. Major construction began on the Tappan Zee Bridge around 2013 and in the following years unprecedented levels of dead Sturgeon were being found washed ashore. Before the construction began the most dead Sturgeons reported in a year was seven. However, in 2013 there were twenty-five found dead, 2014 there were forty-three, and in 2015 there were forty-six⁹. No one knows for sure what has led to this increase in Sturgeon mortalities, but New York State Department of Environment Conservation records indicate that more than fifty percent of the dead Sturgeon had signs of trauma from vessel strikes¹⁰.

This is very alarming, and cause for much caution when considering any major marine construction projects in the Hudson River. What's especially troublesome is that the Tappan Zee construction site is located in the same stretch of the Hudson as the proposed anchorage sites. If more construction were to start the effects to the Sturgeon could potentially be irreversible. Female Sturgeon do not reach sexual maturity until they are about twenty years old¹¹, and therefore sturgeon populations are very fragile when they are at such low levels. Increasing boat traffic in this area, and subjecting the endangered species extensive construction activity in their habitat is a dangerous proposition and should not be taken lightly.

The final concern relating to Hudson River fisheries is that the increase and anchoring of barges and crude oil carrying vessels increases the risk of invasive species being introduced to the Hudson River via the vessel's ballast waters. This is also a serious issue and can cause significant damage to marine life and ecosystems.

⁸ <http://www.lohud.com/story/news/2015/10/14/hudson-river-murder-mystery-who-killing-sturgeon/72755738/>

⁹ <http://www.riverkeeper.org/news-events/news/preserve-river-ecology/fisheries-service-agrees-to-re-examine-tappan-zee-bridge-project-as-reports-of-dead-sturgeon-continue-to-mount/>

¹⁰ *Id.*

¹¹ <http://www.dec.ny.gov/lands/5084.html>

Unpopular with Local Communities

The last major consideration to take in reviewing this proposal is the opinion of the local communities situated along this stretch of the Hudson River. These are relatively small river communities that are beginning to reap the benefits of a cleaner and healthier Hudson River. I cannot speak for these residents, but I gather from various media outlets and through the statements of some of their elected officials that they are not pleased with this proposal¹².

These residents would have to endure a damaged aesthetic in essentially their backyard. Some of their shorelines will be reduced to anchorage sites for crude oil barges and their stretch of the river will see increased maritime traffic consisting of big commercial vessels. This will inevitably lead to an increase in noise and light pollution in these communities. Further they will be the first and primary victims if any major accident or attack were to happen on one of the oil barges. Any spill will be in their community and any explosions would place their family and loved ones in immediate danger.

Moreover, some of these affected towns along the Hudson River have already invested large sums of money in waterfront enhancement for recreation and enjoyment. For instance, Dobbs Ferry re-opened a waterfront park that they spent seven million dollars to renovate¹³. This renovation included the addition of a fishing pier and floating dock, and the community has noted an increase in water-based recreation due to these efforts. Construction anchorage sites for crude oil barges would undercut Dobbs Ferry's municipal initiatives.

In sum too much work has been put into restoring the historic Hudson River that it would be unwise to undermine the progress. Instead of re-commercializing the Hudson River we need to protect it's shores and its inhabitants.

¹² <https://www.workboat.com/news/coastal-inland-waterways/hudson-river-towns-push-back-on-new-anchorages/>; *See also* http://www.nytimes.com/2016/08/16/nyregion/plan-to-let-barges-park-on-the-hudson-meets-resistance-in-river-towns.html?smprod=nytcore-iphone&smid=nytcore-iphone-share&_r=0

¹³ *Id.*