



16000/17-055
21 Jun 2017

MEMORANDUM

From: CGD One (dpw) *[Signature]*
 To: CGD One (dp)
 Subj: HUDSON RIVER ANCHORAGE GROUNDS ADVANCE NOTICE OF PROPOSED RULEMAKING COMMENTS SUMMARY
 Ref: (a) Anchorage Grounds, Hudson River; Yonkers, NY to Kingston, NY, 81 FR 37168

1. D1 elected to promulgate reference (a), an optional pre-rulemaking Advance Notice of Proposed Rulemaking (ANPRM), on 09 Jun 2016 to seek public comment regarding whether new anchorage grounds were needed to improve navigation safety on the Hudson River. The comment period was extended once, on 07 Sep 2016, and closed 06 Dec 2016.
2. In total, the ANPRM received 10,212 comments/submissions; of those, 262 comments were positive, 314 were neutral, and 9636 were opposed as summarized in the following table:

	Support	Oppose	Neutral	Total
Comment Count	262	9636*	314**	10,212
% of Total	3%	94%	3%	100%
Individual comments	149	6878	314	7341
Mass Mailing (Subset of total comments)	113	2758	0	2871
Mass Mailing (count of mailings)	4	46	0	50

*Seven 'Oppose' comments were separate petitions totaling 6,896 signatures
 **One 'Neutral' comment came from NOAA re: consultation on their Sturgeon critical habitat NPRM

3. Over 500 towns and cities were listed in approximately 3300 comments (not all comments completed this field). Most of the towns and cities in close proximity to the potential anchorages were represented. Comments were also received from across the state, including New York City and Upstate. The cities represented with the most oppose comments were Mahopac (689, primarily from a Mass Mailing), Hastings on Hudson (471), Beacon (124), Dobbs Ferry (91), and Kingston (88). The 10,212 comments represented a wide array of environmental and historical non-profits, industry stakeholders, academic institutions, recreation boating clubs, and elected officials from federal, state, county and local municipal governments. Notable organizations include Hudson River Waterfront Alliance (comprised of municipalities bordering the Hudson River lead by the City of Yonkers Mayor represented by the law firm of Sive Paget & Riesel P.C and the consulting firm of C. R. Cushing Co.), BoatUS, Scenic Hudson, Riverkeepers, Sierra Club, and Pace University.
4. About half of the "Oppose" comments cited interest in the public engagement process and requests for increased transparency (e.g. requests for public meetings, NEPA requirements). These comments emphasized environmental concerns, in particular the dichotomy between using the Hudson River as a major fossil fuel transport hub when millions of dollars have been invested to restore the river over the past 50+ years. The primary issues and observations included:

- a. Overall concern for transport of crude oil on Hudson, and opposition to long term petrochemical storage.
 - b. Potential environmental damage the and/or stymieing of Hudson River watershed recovery progress.
 - c. Perceived prioritization of commercial interests on the river over environmental/local interests.
 - d. Concern for possible negative impacts to human environmental health, notably potential for oil spill and safety of clean water supply.
 - e. Potential for harmful effects to fish (specifically Atlantic Sturgeon habitat).
 - f. Consideration for scenic viewshed disruptions and property value impacts.
 - g. Possible adverse impacts to economic revitalization efforts of waterfronts, including loss of tourism revenue.
5. A sample of representative quotes included:
- a. "...you want to park millions of gallons of [oil] in one of the most scenic corridors in New York State."
 - b. "...why ...damage [the Hudson] to put more money in the pockets of multi-billion dollar corporations?"
 - c. "...the danger of spills affecting Port Ewen drinking water is much too high..."
 - d. "...scarring ...by anchors ... poses a threat to the habitats of endangered species such as the sturgeon."
 - e. "...this proposal threatens to undermine years of work and money spent toward cleaning the Hudson..."
 - f. "...the fact remains that the life-blood of this area depends on tourism."
 - g. "...will not provide any tax revenue which we sorely need, and obstruct views and decrease property values."
6. Other issues that were raised include: the Hudson River congressionally designated American Heritage River, EPA designated Superfund sites, and potential environmental justice concerns with several locations. Finally, several comments implied that the CG was in the "back pocket" of industry as such a proposal would only benefit corporations rather than local populations. The following are representative quotes:
- a. "...brass should be ashamed of themselves to have not denied this request at the outset, for an industry that has proven time and time again that they are incapable of protecting their assets."
 - b. "...I would think people who want to guard the coastlines ... would also want to protect our precious resources..."
 - c. "... people are fed up with Government disregard for the people they are supposed to serve!"

7. Almost all of the comments supporting additional anchorages emphasized improving navigation safety as reasons for support, especially in impaired weather conditions which limits visibility. Also noted was that the Hudson River is a longstanding significant maritime highway for transportation of vital commodities, such as home heating oil to New England. Comments also stated that the proposed anchorages would codify existing practices. The following are representative quotes:

- a. "...areas have been in use for many years and are a very important tool for Merchant Mariners."
- b. "...can't imagine not having these anchorages for a bailing out option."
- c. "...areas [are] used for anchoring by various types of vessels safely transporting different types of cargo..."
- d. "...as a mariner ...no commercial gain ...[is] a safety issue, to have the assurance of a safe charted anchorage..."
- e. "...if we want our goods and fuel delivered, so must we share the river."

8. Neutral comments wanted to see more information and requested a public meeting/hearing to understand the situation and why ten anchorages are needed. The following are representative quotes:

- a. "... public hearing... to understand fully what the impacts of these proposed sites will have..."
- b. "...significant questions and concerns relating to impacts on ecology, boating, aesthetics, scenery, ..."
- c. "...so that the public can be fully informed and weigh in on this important issue."
- d. "...highly incumbent ... to hold at least some public meetings prior to making drastic changes in long-standing local maritime practices on the river."

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