



City of Beacon – Conservation Advisory Committee
1 Municipal Plaza
Beacon, NY 12508



September 2, 2016

US Department of Homeland Security
United States Coast Guard
Waterways Management Branch (dpw)
408 Atlantic Ave
Boston, MA 02110
Docket ID: USCG-2016-0132

Submitted via: <https://www.regulations.gov/comment?D=USCG-2016-0132-0001>

Copy sent via email: craig.d.lapiejko@uscg.mil

US Army Corps of Engineers - New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch
Public Notice Number: NAN-2016-0067 4-WOM

Submitted via email: O'Meara, Melanie S NAN <Melanie.S.O'Meara@usace.army.mil>

Dear United States Coast Guard and US Army Corps of Engineers:

We represent the City of Beacon Conservation Advisory Committee. The City of Beacon Conservation Advisory Committee is charged with advising the Planning Board and the City Council on matters affecting the preservation, development and use of the natural and man-made features in the City. The Committee advises on major environmental threats and maintains an inventory of natural resources and an index of all open spaces.

We ask the USCG to deny the request for Newburgh anchorages proposed in USCG-2016-0132-0001 and we object to the USACE proposal of the installation of two (2) hopper barge moorings proposed in NAN-2016-00674-WOM. The Coast Guard received requests from 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 to consider establishing new anchorage grounds on the Hudson River. Carver Construction, has requested Department of the Army authorization for the installation of two (2) mooring buoys in the Hudson River, in the Town of Fishkill, Dutchess County, New York. Coincidentally, it is not clear to us why your agencies would consider dueling proposals where the proposed the anchorage and mooring locations geographically overlap.

The City of Beacon is a river town which has made great strides in preserving the natural beauty of the Hudson River and our City's Comprehensive Master Plan includes "protection of viewsheds, in particular views of the Hudson River, Mount Beacon and Fishkill Creek". Noted in our 2006 Opinion Survey showed that there is a broad consensus among City residents that environmental issues are important. Other public opinion information includes: "The visioning workshops conducted in June 2006 included

frequent references by participants to the importance of the natural environment for the participants. Beacon's location at the junction of two vast natural resources, the Hudson Highlands and the Hudson River, creates a strong sense of place and provides an abundance of outdoor recreation opportunities. Many workshop participants wanted the City to add to its current open space holdings."

Regarding the Environment and Safety:

- The recovery of a crude oil spill on the Hudson River would damage our environment even with proper emergency response resources immediately available. As per an article October 1995 article in the Journal of Waste Management and the Environment, "a review of past spills shows that rarely is more than 10% of spilled oil recovered from the sea surface."¹ It is also unknown where the closest appropriately equipped response team. We can say that we have limited access to skimmers and booms.
- Our Hudson River is also active with fishing and crabbing and one can see on any given day during the season of such activity at our Long Dock Park. We are rightly concerned with human activity such as anchor damage will have on the river which is a habitat for crabs, lined seahorses, northern pike, striped searobin, naked goby and sturgeons. You are kindly reminded that the shortnose sturgeon is officially listed as endangered.
- We will also note that while we cannot verify this claim, Union Pacific states that: "Shipping crude by rail is the safest mode of land transportation. Railroads deliver crude oil safely 99.999 percent of the time."²
- The areas in the proposal are within the habitat of our bald eagles. Bald Eagle "habitats are especially attractive during winter, when human activity is limited. Each year, bald eagles migrate from their northern nesting areas to New York's rivers and reservoirs in search of open water, food and roosting sites."³ This year, a new eagle blind was installed at Dennings Point⁴ which is directly within the influence of the areas of your proposed anchorages and moorings.
- PCB are known to be in sediment.⁵ The human activity described in your proposals would result in disturbing the sediments causing more resuspension and exposure.

¹ See *Containment & Recovery of Oil Spills at Sea. Methods and limitations* (1995) by Tim Wadsworth, Technical Support Coordinator;
http://www.itopf.com/fileadmin/data/Documents/Papers/Containment_RecoveryLimitations_Wadsworth_.pdf

² Union Pacific website "Working with First Responders" accessed on 9/1/2016:
<https://www.up.com/media/cbr/prevention/index.htm>

³ NYS DEC website "Bald Eagles of the Hudson River" accessed on 9/1/2016:
<http://www.dec.ny.gov/animals/9382.html>

⁴ *Highland Current* article "New Eagle Blind at Dennings Point" (February 15, 2016):
<http://highlandcurrent.com/2016/02/15/new-eagle-blind-at-dennings-point/>

⁵ PCB Contamination Of The Hudson River Ecosystem Compilation Of Contamination Data Through 2008 by the Hudson River Natural Resource Trustees (State Of New York, U.S. Department Of Commerce, U.S. Department Of The Interior (January 2013) <https://darrp.noaa.gov/sites/default/files/case-documents/PCBContamincationOfTheHudsonRiverEcosystem.pdf>

- Notably, the area being proposed for anchorages and moorings will impact two potential environmental justice areas by the US Census Bureau: the City of Beacon⁶; and the City of Newburgh⁷.
- The City of Beacon is a pledged New York State Climate Smart Community and is committed to making progress to meeting the program goals of reducing greenhouse gases and addressing climate change. Our objection to your proposals and their subsequent human activities is consistent with that commitment.

Regarding the local economy, tourism, and our community:

- The City of Beacon is currently experiencing a post-industrial revitalization and recovery. This experience is largely due to Beacon's commitment to preserving our natural environment which attracts tourism to the mountains, valleys and rivers⁸.
- We currently are home to businesses that are based on recreation views such as hiking, kayaking, sailing, and boat tours (including those to Bannerman Island which needs to traverse past the anchorage and mooring locations). Your proposed anchorages and moorings would restrict access to the Hudson River and negatively impact our businesses directly.
- Our businesses on Main St would be negatively impacted indirectly due to the suspected reduction in tourists that would visit Beacon. The success of our Main St businesses are dependent on a variety of options that can cater to both outdoors folk and non-outdoors folk alike.
- With the success of our river town, comes the positive benefits to our community such the enjoyment of views, stable property values, and continued fishing/crabbing. Also as stated earlier in this letter, our viewsheds are of high value to our residents.
- We don't anticipate any positive economic or social benefit that your anchorage or mooring proposals will have to our city. Both proposed proposals have negative cumulative effects thereof.

Lastly, we feel that your proposals are not consistent with the character, the peace, the love of the river. We currently already have mooring sites north of your proposed locations within the proximity of Beacon for recreational boats. Also note that your proposed anchorage and mooring locations are parallel to the longtime home of recently deceased Pete and Toshi Seeger who reignited a cultural revolution for the city and used influence and folk music in helping clean up the polluted Hudson waterways.

On behalf of the City of Beacon Conservation Advisory Committee, we respectfully submit our comments above. We again ask the USCG to deny the request for anchorages proposed in USCG-2016-0132-0001 and we object to the USACE proposal of the installation of two (2) hopper barge moorings proposed in NAN-2016-00674-WOM.

⁶ The potential environmental justice area within the City of Beacon:
http://www.dec.ny.gov/docs/permits_ej_operations_pdf/dutchessej.pdf

⁷ The potential environmental justice area within the City of Newburgh:
http://www.dec.ny.gov/docs/permits_ej_operations_pdf/orangeej.pdf

⁸ *The Culture Trip* article "10 Things To Do & See In Beacon, New York" (June 28, 2016):
<http://theculturetrip.com/north-america/usa/new-york/articles/10-things-to-do-see-in-beacon-new-york/>

Please kindly advise us of your response to our comments. Please also do not hesitate to contact us if you require additional information and/or clarification. Should you hold public hearings on these matter, we would request that you include holding public hearings in Beacon and we are available to assist you in reserving the venue for you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Antony Tseng', written in a cursive style.

Antony Tseng, Chair

City of Beacon Conservation Advisory Committe