

**MaryJane Shimsky****Legislator, 12<sup>th</sup> District**

Chair, Committee on Infrastructure



Committee Assignments:  
Environment & Health  
Legislation  
Litigation  
Seniors & Constituencies

August 30, 2016

Mr. Craig Lapiejko  
Waterways Management Branch  
Coast Guard First District  
408 Atlantic Avenue  
Boston, MA 02110  
[Craig.d.lapiejko@uscg.mil](mailto:Craig.d.lapiejko@uscg.mil)

Re: Docket Number USCG-2016-0132  
Anchorage Grounds, Hudson River; Yonkers, NY to Kingston, NY

Dear Mr. Lapiejko,

I am writing to express my grave concerns about the above proposal for designating additional anchorage areas within the Hudson River.

The largest of these anchorages runs directly in front of the shorelines of two Villages in my legislative district, Hastings-on-Hudson and Dobbs Ferry; and is in close proximity to the waterfront of the Village of Irvington, which I also represent. These three communities are part of Westchester County, which with nearly 950,000 inhabitants has a larger population than several states.

Many millions of dollars, and nearly a generation of effort, have already been invested in turning the abandoned, former industrial shorelines of each of these Villages into the kind of mixed-use recreational and commercial developments that will sustain our economies and communities in a post-industrial era. The funding sources have included local governments, private citizens as well as State and Federal agencies. Through their funding and regulatory decisions, multiple levels of government, and the private sector, have determined that recreation, restaurants, shopping and other non-industrial commercial enterprises were the most appropriate uses for their respective sites.

At this stage in the redevelopment of these waterfronts, these Villages have enjoyed a great deal of private development. Each waterfront houses two or more restaurants, all of which count on the scenic vistas of the Hudson River as an attraction. Some of these attract patrons from many miles around, in no small part because of the river's natural beauty. Also along the river are a tennis club in Hastings-on-Hudson and a collection of shops and offices in Irvington. Moreover, redevelopment plans are continuing. For example, environmental cleanup plans (to remove the last century's industrial pollution from our shores) are going through the approval process in Hastings-on-Hudson, and major private investment is anticipated once those plans move forward.

Public investment has also been extensive, with each Village enjoying beautiful, reclaimed parkland. All of these parks are connected with each other and with similar parks along the river by a trail along the shoreline funded by a consortium of government agencies and private philanthropists. We are close to having a Riverwalk that connects all of Westchester County's river communities with a greenway system of parks in New York City. Kayakers and other boaters also enjoy embarking from our parkland onto the river.

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Turning these lovingly redeveloped shorelines into moorings for more barges will put the progress of our communities in jeopardy. An increased barge presence will endanger our recreational boaters; the presence of volatile oil, in an emergency situation, will despoil our land and water, and put our people at risk; the ruining of our scenic vistas will make the area less attractive for recreation and ruin one of our parks' and businesses' main selling points. Massive investments in our communities, by both the public and private sector, will go to waste.

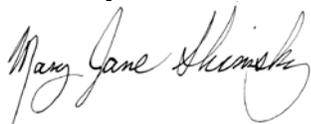
The increased risk of collisions, explosions and other emergencies on the river as a result of the moorings will strain public safety resources in the Villages I represent. In emergency situations, regardless of which State or Federal agency has jurisdiction, local first responders must often respond first, and assist as response efforts proceed. Our Village governments lack the staffing and technical equipment to respond effectively to large-scale marine or environmental emergencies: each of these Villages range in population from six to eleven thousand residents; each Village police force has fewer than two dozen members; and all three Villages have volunteer fire departments equipped to handle mainly residential blazes and traffic accidents on our roads.

There are other serious environmental, public safety and other concerns associated with the increased barge presence off of our Village waterfronts, including but not limited to the increased risk of disturbing existing PCB contamination; shoreline contamination and cleanup costs from petroleum leaks; compromised view sheds well beyond the waterfronts themselves; and homeland security concerns. The view shed issue alone is a compelling one; just consider the broad-based coalition that quickly united to overturn a decision to allow construction of an office tower next to the Palisades. These issues have been addressed by resolutions passed by the Board of Trustees of each of the three Villages I represent, copies of which I have attached to this letter; and in letters by Hastings-on-Hudson Mayor Peter Swiderski and by Mr. Karl Coplan of the Pace University Environmental Litigation Clinic, both of which already have been submitted to your office.

Balanced against the unquestioned harm to the redevelopment efforts undertaken by the River communities I represent, is the questionable need for re-industrializing these waterfronts in the first place. With barge traffic decreasing, not increasing, along the Hudson, the safety arguments seem questionable, if not outweighed by the risks to recreational boaters. Furthermore, with at least one analysis suggesting that the economics of delivering crude oil from North Dakota and other inland points to northeast points is "highly unfavorable for the foreseeable future" ("Company's case for proposed New York 'Pilgrim' pipelines undermined by data," Oil Change International, Jan. 25, 2016), there remains doubt as to whether the oil industry needs these moorings, much less whether their needs should outweigh the needs of the people in our region. There must be a full, open and transparent process to determine what the benefits of this proposal actually are; who exactly stands to benefit; and the costs and risks to the communities on whom the additional moorings are being imposed.

Given the real economic harm, and the serious environmental and public safety concerns, that this proposed mooring change will cause to our River communities, any further consideration of this proposal must include a full review with briefings to elected officials; public hearings; and comprehensive cost-benefit analyses that value our communities as much as the oil industry in far-away states.

Sincerely,

A handwritten signature in cursive script, reading "MaryJane Shimsky".

MaryJane Shimsky

Docket Number USCG-2016-0132  
Anchorage Grounds, Hudson River; Yonkers, NY to Kingston, NY  
August 30, 2016  
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encl.



**VILLAGE OF DOBBS FERRY**  
112 Main Street  
Dobbs Ferry, New York 10522  
TEL: (914) 231-8500 • FAX: (914) 693-3470

**RESOLUTION 19-2016**

**RESOLUTION OF THE VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES  
OPPOSITION TO PROPOSED RULE 2016-13701**

WHEREAS, The Coast Guard is considering establishing new anchorage grounds in the Hudson River from Yonkers, NY to Kingston, NY; and

WHEREAS, the Coast Guard proposed a rule establishing new anchorage grounds in the Hudson River from Yonkers, NY to Kingston, NY; and

WHEREAS, the contemplated Yonkers Extension Anchorage Ground would cover 715 acres for up to 16 vessels with a draft of less than 35 feet for long term usage; and

WHEREAS, the Yonkers anchorage is the largest of the proposed sites affecting Yonkers, the Village of Hastings and the Village of Dobbs Ferry; and

WHEREAS Scenic Hudson, Riverkeeper, the City of Yonkers and many others have voiced their concern and opposition to the establishing new anchorage grounds; and

WHEREAS, Village of Dobbs Ferry Local Waterfront Revitalization Program, passed by the Village of Dobbs Ferry Board of Trustees on August 9, 2005, approved by New York Secretary of State on November 1, 2006 and concurred by the US Office of Ocean and Coastal Resource Management on November 19, 2007 includes the Federal Coastal Zone Management Act (CZMA) requirements; and

WHEREAS, one of the requirements of the CZMA mandates that each Federal agency activity within or outside the coastal zone that affects any; and or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent, to the maximum extent as practicable, with the enforceable policies of approved LWRP's Procedures for LWRP consistency review and determination of direct actions and permit actions of federal agencies are coordinated by the New York Department of State (DOS); and

WHEREAS, all documentation from federal agencies regarding consistency determination of a federal action will be received and forwarded by the DOS and the municipality for review and recommendation regarding consistency will be received and forwarded by the DOS to the local municipality; and

WHEREAS, the only notification that has been made by the Coast Guard is through the publication in the Federal Register allowing a 35 day comment period; and

WHEREAS, the Village of Dobbs Ferry, DOS and all other municipalities affected from Yonkers to Kingston have not been individually notified; and

WHEREAS, views of the Hudson will be disturbed for the City of Yonkers, the Village of Hastings and the Village of Dobbs Ferry; and

WHEREAS, the proposed anchorage site abuts the main shipping channel of the river, which will increase congestion and may lead to collisions; and

WHEREAS, recreational boaters will be required to navigate either in the main channel used by large commercial vessels or bypass the anchorage to the west in shallow waters; and

WHEREAS, large anchoring equipment used by commercial vessels disturbs bottom sediments and can damage wildlife habitats, including those of endangered species residing in the river; and

WHEREAS, the value of property in the Village of Dobbs Ferry, as with other river municipalities, relates directly to the views of the Hudson River; and

WHEREAS, the Village of Dobbs Ferry in conjunction with the County of Westchester and residents of Dobbs Ferry have rebuilt an underutilized waterfront park to what is now a vibrant, active and beautiful location for jazz festivals, July 4th celebrations, picnics and various active and passive recreational activities; and

WHEREAS, the anchoring of unmanned, unlit barges potentially carrying large amounts of fuel is a health, safety and welfare concern with the possibilities of spillage, homeland security issues and aesthetic concerns; and

WHEREAS, the Village of Dobbs Ferry lacks the marine resources to adequately patrol and protect our waterfront from the additional threats to our health, safety and welfare caused by these new anchorage grounds; and

WHEREAS, the foregoing impacts of the new anchorage grounds have not been adequately studied; indeed, not all impacts have been identified; now therefore be it

RESOLVED that the Board of Trustees of the Village of Dobbs Ferry notes that proposed rule 2016-13701 was not promulgated in accordance with proper Federal, State and Local regulations and is therefore should be considered null and void; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Dobbs Ferry does hereby register its strongest possible opposition to proposed rule USCG 2016-13701 and urge its disapproval; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Dobbs Ferry urge residents to voice their concerns on the proposed new anchorage locations identified as USCG-2016-0132 at <http://www.regulations.gov> by September 7, 2016; and

BE IT FURTHER RESOLVED that this resolution be distributed to Senator Charles Schumer, Senator Kirsten Gillibrand, Congresswoman Nita Lowey, Congressman Eliot Engel, Governor Cuomo, Secretary of State Rossana Rosado, Senator Andrea Stewart-Cousins, Assemblyman Thomas Abinanti.

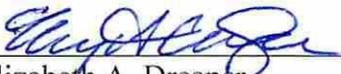
Motion By: Trustee Cassell

Seconded by: Trustee Corrales

Vote:

Mayor Hartley Connett	<input checked="" type="radio"/>	N	A	Absent
Deputy Mayor Victor Golio, Jr.	<input checked="" type="radio"/>	N	A	Absent
Trustee Donna Cassell	<input checked="" type="radio"/>	N	A	Absent
Trustee Anna-Lisa Corrales	<input checked="" type="radio"/>	N	A	Absent
Trustee William Flynn	<input type="radio"/>	N	A	<u>Absent</u>
Trustee Vincent Rossillo	<input checked="" type="radio"/>	N	A	Absent
Trustee Larry Taylor	<input checked="" type="radio"/>	N	A	Absent

I hereby attest that the above Resolution was approved by the Board of Trustees at its August 9, 2016 meeting, and that I have been authorized to sign this Resolution by decision of the Board of Trustees.

  
\_\_\_\_\_  
Elizabeth A. Dreaper  
Village Clerk

8-9-2016  
\_\_\_\_\_  
Date



**VILLAGE OF HASTINGS-ON-HUDSON**

Municipal Building

7 Maple Avenue

Hastings-on-Hudson, New York 10706

**48:16 OPPOSITION TO PROPOSED ANCHORAGES IN THE HUDSON RIVER**

On motion of Trustee Lemons seconded by Trustee Walker, the following Resolution was duly adopted upon roll call vote:

**WHEREAS,** the Coast Guard is considering establishing new anchorage grounds in the Hudson River from Yonkers, NY, to Kingston, NY and has proposed a rule establishing new anchorage grounds in the Hudson River from Yonkers, NY to Kingston, NY; and

**WHEREAS,** the applicant's stated reason for establishing new anchorages is to accommodate the needs of the oil industry, whose products are toxic to the Hudson River environment and most complicit in climate change; and

**WHEREAS,** the contemplated Yonkers Extension Anchorage Ground would cover 715 acres for up to 16 vessels with a draft of less than 35 feet for long term usage; and

**WHEREAS,** the Yonkers anchorage is the largest of the proposed sites affecting Yonkers, the Village of Hastings-on-Hudson and the Village of Dobbs Ferry, with eight of these anchorage sites located directly to the west of Hastings-on-Hudson; and

**WHEREAS,** Scenic Hudson, Riverkeeper, the City of Yonkers, Dobbs Ferry and many others have voiced their concern and opposition to the establishing new anchorage grounds; and

**WHEREAS,** the Village of Hastings-on-Hudson has completed a Comprehensive Plan in 2011 that repeatedly acknowledges the importance of the Hudson River to Hastings-on-Hudson, including the views, passive recreational uses, active boating uses, and view corridors enjoyed by thousands; and

**WHEREAS,** the Village of Hastings-on-Hudson is engaged in a restoration of its waterfront, working with the Riverkeeper and BP Arco to ensure that the heavily contaminated waterfront is restored to full use and to the highest standards, including the remediation of the waterfront river bottom directly in front of the former industrial lands referred to by the NY State Department of Environmental Conservation in the Consent Order governing the cleanup of PCBs in this area as Operating Unit 2; and

**WHEREAS,** the clean-up of these offshore, underwater areas will involve a substantial industrial-scale effort with deployment of barges, dredges, test platforms, boats and the other equipment and facilities necessary to effectuate such a clean-up for several years commencing in 2017 and would be in direct conflict with the mooring uses proposed along the river and the section designated as Operating Unit 2; and

**WHEREAS,** the presence of parked barges directly adjacent to the remediation will pose unacceptable risks to the clean-up crews needing to navigate this section as they carry out remediation activities and also pose the risk of collisions with said barges, resulting in potential releases of fuel oils and other contaminants in the midst of a major remediation effort; and

**WHEREAS,** those seeking to navigate the Hudson River in this scenario would be facing parked barges and a major industrial remediation occupying a significant portion of the Hudson River at this point making such navigation potentially treacherous; and

**WHEREAS,** this clean-up effort is intended to remediate the site so it can be enjoyed by thousands as parkland and for the passive and active waterfront uses which would be restricted and otherwise deleteriously affected by the many barges that would be parked in front of the restored waterfront; and

**WHEREAS,** the Village of Hastings-on-Hudson has paid a steep price for the industrial use of its waterfront and waterways, seeing the direct results that pollution has had on its enjoyment of that said waterfront and believes that parking barges, including those containing oil and oil by-products risks further contamination of an area that the Village is seeking to see remediated after a century of abuse; and

**WHEREAS,** the proposed anchorage site abuts the main shipping channel of the river, which will increase congestion and may lead to collisions; and

**WHEREAS,** recreational boaters will be required be required to navigate either in the main channel used by large commercial vessels or bypass the anchorage to the west in shallow waters; and

**WHEREAS,** large anchoring equipment used by commercial vessels disturbs bottom sediments and can damage wildlife habitats, including those of endangered species residing in the river; and

**WHEREAS,** views of the Hudson River, the heart of the Hudson River Valley National Heritage area, will be disturbed for the City of Yonkers, the Village of Hastings and the Village of Dobbs Ferry, and the value of property in the Village of Hastings, as with other river municipalities, relates directly to the views of the Hudson River, especially as this portion of the Hudson River has views of the Hudson River Palisades, a national landmark preserved into perpetuity by the creation in 1900 of the Palisades Interstate Park on the western shore, creating a unique environment prized by many; and

**WHEREAS,** the anchoring of unmanned, unlit barges potentially carrying large amounts of fuel is a health, safety and welfare concern with the possibilities of spillage, home land security issues and aesthetic concerns; and

**WHEREAS,** the Village of Hastings-on-Hudson lacks the marine resources to adequately patrol and protect our waterfront from the additional threats to our health, safety and welfare caused by these new anchorage grounds; and

**WHEREAS,** all documentation from federal agencies regarding consistency determination of a federal action will be received and forwarded by the Department of State and the municipality for review and recommendation; and

**WHEREAS,** the only notification that has been made by the Coast Guard is through in the Federal Register allowing a 35-day comment period; and

**WHEREAS,** the Village of Hastings-on-Hudson and all other municipalities affected from Yonkers to Kingston have not been so contacted and so we believe that proposed rule 2016-13701 was not promulgated in accordance with proper Federal, State and Local regulations and is therefore should be considered null and void; and

**WHEREAS,** the foregoing impacts of the new anchorage grounds have not been adequately studied and therefore not all impacts have been identified, especially the impact on the waterfront remediation process the Village will face, and the risks from national security threats including terrorism; now therefore be it

**RESOLVED:** that the Board of Trustees of the Village of Hastings-on-Hudson does hereby register its strongest possible opposition to proposed rule USCG 2016-13701 and urges its disapproval; and that this resolution be distributed to Senator Charles Schumer, Senator Kirsten Gillibrand, Congresswoman Nita Lowey, Congressman Eliot Engel, Governor Andrew Cuomo, Secretary of State Rossana Rosado, State Senator Andrea Stewart-Cousins, Assemblyman Thomas Abinanti, the United States Coast Guard, the Hudson River Waterfront Alliance, Riverkeeper, and Scenic Hudson.

<b>ROLL CALL VOTE:</b>	<b>AYE</b>	<b>NAY</b>
Trustee Meg Walker	X	
Trustee Nicola Armacost	Absent	
Trustee Daniel Lemons	X	
Trustee Walter Stugis	X	
Mayor Peter Swiderski	X	

#### CERTIFICATION

I, Susan Maggiotto, Village Clerk of Hastings-on-Hudson, do hereby certify that I have compared the foregoing copy of the Resolution adopted at a Regular Meeting of the Board of Trustees on Aug. 23, 2016, with the original now remaining on file at this office and that the same is a correct transcript therefrom and of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Village of Hastings-on-Hudson this 26<sup>th</sup> day of August, 2016.

  
\_\_\_\_\_  
Susan Maggiotto, Village Clerk

**RESOLUTION 2016-109**

**RESOLUTION IN OPPOSITION TO U.S. COAST GUARD PROPOSED RULE 2016-0132**

Mayor Smith offered the following resolution, which was seconded by Trustee Silverberg and adopted:

**WHEREAS** the U.S. Coast Guard is considering establishing new anchorage grounds in the Hudson River from Yonkers, NY, to Kingston, NY pursuant to proposed rule 2016-0132; and

**WHEREAS** such rule would extend significantly the Hudson River Anchorage Ground adjacent to the City of Yonkers, Village of Hastings-on-Hudson, Village of Dobbs Ferry, and other locations in order to allow for increased shipping and on-river storage activities; and

**WHEREAS** numerous identified impacts exist, including the potential for harm to river bottom habitat, harm to protected species, impact on the value of waterfront property, reduction of business activity from tourism, loss of tax revenues, hazards to recreational boaters, the presence of volatile cargo, and the placement of a potential terrorist target adjacent to significant populations; and

**WHEREAS** the proposal is in direct conflict with 50 years of significant effort to clean up the Hudson River and restore its natural habitats by all levels of government and numerous regional and community-based organizations; and

**WHEREAS** there was no direct notification of the proposed rule made to the Village of Irvington nor any of the affected communities along the length of the Hudson River as required by Federal Coastal Zone Management requirements; now therefore be it

**RESOLVED** that the Board of Trustees of the Village of Irvington strongly opposes the adoption of U.S. Coast Guard proposed rule 2016-0132 for the reasons cited above; and

**FURTHER RESOLVED** to urge a comprehensive briefing of elected and public safety officials from all affected river communities in Westchester, such briefing to include additional technical details of the proposal, timelines, and the status of the environmental review under NEPA; and

**FURTHER RESOLVED** that this resolution be distributed to Senator Charles Schumer, Senator Kirsten Gillibrand, Congresswoman Nita Lowey, Congressman Eliot Engel, Governor Andrew Cuomo, Secretary of State Rossana Rosado, State Senator Andrea Stewart-Cousins, State Assemblyman Thomas Abinanti, County Executive Robert Astorino, and County Legislator Mary Jane Shimsky.

The foregoing resolution was adopted upon roll call as follows:

**AYES:** Mayor Smith  
Trustee Gilliland  
Trustee Kehoe  
Trustee Silverberg

**NAYS:** None

**ABSENT:** Trustee Giliberti

The undersigned hereby certifies that set forth is a true and correct resolution of the Board of Trustees of the Village of Irvington, New York adopted on August 15, 2016; and that such resolution has not been amended as of the date of this certificate.

  
Brenda M. Jeselnik