

Town Of Esopus
Waterfront Advisory Board
PO Box 700
Port Ewen, NY 12466

August 16, 2016

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

Dear Mr. Lapiejko,

The Town of Esopus Waterfront Advisory Board (WAB) is a town appointed board that advises the town on issues associated with the Hudson River and its adjoining land. The Local Waterfront Revitalization Plan (LWRP) as approved by the NYS Department of State, serves as the document which sets direction regarding key issues we might be evaluating. It is in that capacity that we are contacting you regarding our concerns with Federal Notice #81FR37169 titled Anchorage Grounds, Hudson River, Yonkers, NY to Kingston, NY. We appreciate that the Coast Guard has given the towns an opportunity to provide feedback and is pursuing a methodical process to identify concerns municipalities and residents may have. We would like to reinforce an e-mail letter sent by Catherine Quick by June 30th, 2016 and a letter that was sent on July 21 by Town of Esopus Supervisor Diane McCord, which requested a public information meeting. It is our hope that the Coast Guard will honor our request for a public information session, so we might learn more details regarding the plans that might adversely affect the Hudson River in the Town of Esopus. The proposal calls for ten anchorage locations with 43 berths in the Hudson River. The three anchorages, eight berths and 540 acres of river which most affect our town include:

1. A Kingston Flats and Kingston Flats South anchorage ground, which would cover about 280 acres for up to three vessels with a draft of less than 22 feet for long term usage. It would provide a vessel swing radius of about 1,300 feet for one vessel and about 1,800 feet for two vessels.
2. A Port Ewen anchorage ground, which would cover about 50 acres for one vessel with a draft of less than 30 feet for short term usage. It would provide a vessel swing of about 1,200 feet.
3. The Big Rock Point anchorage ground, immediately south of Port Ewen, covering about 208 acres and accommodating up to four vessels with a draft of less than 35 feet for long term use.(Note: This is the anchorage ground closest to our town drinking water treatment plant.)

In the past, the Hudson River has been used as a commercial waterway without regard for its environment or that of the areas bordering the river. This is no longer the case and the river and its surroundings have begun to return to the natural beauty that once existed here leading to new uses. As with many New York

Hudson River waterfront towns, tourism is now a critical part of our local economy, (We do not have any major industry so it is our main economic engine) much of which is based on the Hudson. The beauty and ecological diversity of the river make our town a popular destination and host for kayaking, sailing, marinas, boating, crew teams, yacht clubs, sport fishing and stand up paddle boarding. There is also valuable real estate along the Hudson River waterfront. Additionally there is a fragile ecosystem that is slowly recovering from so many years of abuse. The Port Ewen & Rondout Creek areas are important habitats for Atlantic sturgeon, short nosed sturgeon and of course shad and striped bass that visit to spawn. It is our understanding that the anchored vessels will be barges and will likely contain highly volatile Bakkan crude oil or crude residue and that they will be accompanied by tugboats and their crews. Given this, we have outlined a number of concerns listed below:

- * As these barges pass through our town, we suspect that the town does not receive any economic benefit, however, it seems that the town may bear the burden should there be an accident or a spill. What is the plan and financial provisions to cover an accident or spill? Has there been a study on the cost to cover the immediate response, recovery and repairs to the shoreline and infrastructure? The Hudson has many marshes, creeks and heavy tidal flow. The scope of a spill will likely be immense and extremely expensive to remediate. Will the tug operators and ship owners be required to have adequate insurance covering a potential disaster and will our town be covered by their insurance? Are there limits of their policies which could have an impact the town?

- * In the event of a fire on the barges, who will be responsible for the training and equipment to put the fire out? Who bears the cost for training and equipment?

- * Will there be any record of use, fees or permits required? Will these records be public?

- * Some of these proposed anchorages are located very close to the Town of Esopus drinking water treatment plant, which provides drinking water for over 4,500 people. Given the tidal flow of the river, it would seem that there should be safety requirements as to the distance that a ship may anchor from a municipal water intake. Additionally there should be an associated disaster recovery plan should there be a spill. Who will bear the cost of pursuing a solution to the permanent contamination of our water source?

- * There is no mention of how long these barges can remain anchored. Is there a limit on the time these barges may remain anchored? If so, what is it? How will it be enforced? Is there anything to prevent oil companies from using these anchorages as floating crude oil storage tanks? This is of special concern regarding the anchorages close to our water plant.

- * We understand that moored barges will be accompanied by tugboats and their crews. What about the nightly light pollution that their running lights will cause? Who will enforce the No Discharge Zone rules for the tugboats that may be moored for long periods of time?

- * Some waterfront residents have been concerned with noise pollution, as the tugboats have had their generators going all night and the petroleum fumes are noticeable.

- * This area of the river contains a number of significant coastal zone habitats as identified by our Local Waterfront Revitalization Plan (LWRP) as approved the NYS Department of State Coastal Management Program. These include the Kingston Deepwater Habitat, the Poughkeepsie Deepwater Habitat, the RondoutCreek(including tidal flats), Esopus Meadows and the rocks of the Hudson used for

basking Map Turtles. It has been shown that the chain anchor drag disrupts the bottom of the river which is a habitat for Atlantic Sturgeon, shad and short nosed sturgeon. These significant coastal zones are protected with NYS guidance to disapprove proposed actions that would significantly alter or destroy a designated habitat. In addition, communities that have prepared Local Waterfront Revitalization Programs as part of the State Coastal Management Program, are required to protect designated significant habitats and are encouraged to use local land use controls for habitat protection. Finally, State agencies regulating those activities require an environmental impact statement to ensure that significant habitats will be protected from harm from such activities.

* A concern came up regarding the anchors and chains disrupting the sediment that has naturally been deposited covering the PCB deposits possibly mixing with the river flow.

* There is a concern regarding the moorings close to the Rondout Creek exit and the hazards they present to navigation. This is a major ingress and egress for a large number of commercial and recreational boats. This proximity increases the potential for a collision primarily at night due to low visibility and fog. Given the large number of vessels planned from Big Rock Point to the Rondout Creek, there is likely a significant restriction to line of site navigation capabilities.

* This part of the Hudson is a major recreational location for sailing, power boats, water skiing and kayaking. It is part of our local economy and what makes our town an attractive place to visit and to live. These barges significantly disrupt the wind flow and wind patterns, create nightlight pollution and are not visually attractive. Together, these factors can reduce the desirability of our town as a pristine waterfront community which will have a negative effect on our local economy.

* This area of the river has cable and gas line crossings. What provisions are in place to prevent accidents to this critical infrastructure?

* Given the rising concerns with Homeland Security, it seems that these barges laden with volatile fuel, represent a significant security challenge. Who is responsible to patrol and insure these ships do not become a target for an act of terror?

* Last is the impact on the view shed. The Town of Esopus Hudson River Waterfront is designated by New York State as a "Scenic Area of Statewide Significance". The view shed is an important element that we ask all new construction to address along the river, but this plan doesn't address that issue nor have we been given the authority to deal with it even though we are responsible to manage it. This could be a significant negative impact to the view shed.

It was stated that this request is being made for safety reasons. It is fully understandable that the Coast Guard can make provisions as it has in the past for barges to temporarily use these anchorages for safety purposes during extreme weather events or other emergencies. It is our understanding that these ships have never been denied safe haven when required. What new requirement is driving the creation of permanent anchorages? Can the need for moorings be addressed as it is today with temporary anchorages managed by the Coast Guard when weather conditions create the requirement?

The Hudson River is an important part of our town's overall ecosystem, both for its natural beauty, recreation opportunities and for the economic value it brings to the town and residents. The area is well on the way to recovery from the blight of commercial usage of the river in the past and we are very concerned

that this recovery as well as the revitalization of marine habitat will be negatively affected. We are looking forward to the public hearings and informational meetings which will allow our residents to learn more about the specific concerns they might have and we encourage any plans to be evaluated in conjunction with the NYSDEC, NYSDOS Coastal Management Program, US Environmental Protection Agency, and the National Oceanic and Atmospheric Administration.

We do appreciate the fact that the US Coast Guard is seeking input and concerns from local residents and municipalities. Again the Town of Esopus would be happy to host an informational meeting regarding this proposal when you are ready to make a presentation to the public.

Sincerely,

Catherine Q

Catherine L Quick, Chairman
Town of Esopus Waterfront Advisory Board
CQuick2121@aol.com

cc: L.L. Fagen, Rear Admiral; US Coast Guard; Commander, First Coast Guard District
Matthew B. Stuck, Chief Waterways Management Branch US Coast Guard
NY Governor Andrew Cuomo
US Senator Kirsten Gillibrand
US Senator Charles Schumer
US Congressman Chris Gibson
NY Senator George Amedore
NY Assemblyman Kevin Cahill
UC Executive Michael Hein
UC Legislator Carl Belfiglio