

As Riverkeeper's Patrol Boat Captain, I would like to express the serious concerns I have over the proposal to add 43 designated anchorages for commercial vessels on the Hudson River. Please accept the following comments.

I appreciate that the Coast Guard has brought this request by industry to the public for comment. In my patrols on the Hudson River over the last 16 years, I have very rarely seen even a half-dozen commercial vessels anchored at one time between the George Washington Bridge and Albany. Now industry is asking for 43 berths in ten different areas of the Hudson River Estuary. What is driving this? If it could "support," as industry [has stated](#), an anticipated, enormous increase in crude oil transport south from Albany, we at Riverkeeper must oppose this anchorage request. We will oppose any effort to increase the volume of crude oil moving on the Hudson. It has been demonstrated in numerous accidents already that crude oil, if spilled, cannot be recovered from a moving river. The Hudson River will not become Galveston.

The Hudson has given enough to industry: Rail lines run along both shorelines, cutting off marshes. Tributaries were dammed to power mills. Dredge and fill projects in the upper Hudson, to make the Port of Albany deeper, caused the loss of 60 percent of upriver shallow water habitat. Both the upper Hudson and the Mohawk River were dammed and re-engineered into canals for commerce. There are power cables, pipelines and power plants that use river water for cooling, killing countless billions of fish. Coal tar contamination persists at the manufactured gas terminals in many communities. And pollution persists from a long list of businesses, like Anaconda in Hastings, GM in Tarrytown, GE and its PCB poison, which made the Hudson the largest Superfund site in the nation. And countless, heavily contaminated shoreline areas remain in New York Harbor, dating back to the start the industrial revolution. The New York State Department of Health's ["advice about eating Hudson River fish"](#) recommends that [women under 50 and children under 15 should not eat any fish from the Hudson River](#). This is a terrible indictment of the historical impacts of industry on the Hudson River.

We will not repeat the past. The appreciation of the Hudson as a living body, and as vital to the quality of life in all our communities is much, much stronger today than ever before – and rising.

My concerns fall into four categories:

1. Re-industrialization of the Hudson Valley – and specifically, the threat presented by crude oil to the river and our communities.

This request by industry is only part of an emerging trend which threatens to dramatically increase industrial activity in the Hudson Valley.

Several projects are in the works to expand the Port of Albany and the Port of Coeymans, for example, and increase the carrying capacity of the crude oil rail line from Buffalo down the Mohawk and Hudson valleys. And the Global oil terminal in Albany is fighting to gain permission to heat Alberta tar sands crude for transport down the Hudson.

If we look at just this anchorage proposal, we're only looking at part of the story. If we look at just the proposed expansion of the Port of Albany, we're only looking at part of the story. To protect the Hudson and ourselves, we need to know the whole story – and how the various pieces of it may leverage others.

Not all commercial cargoes are equally dangerous to the Hudson. If we were only talking about the movement of crushed stone, for example, there would be much less urgency. The cargo of greatest risk to the Hudson is petroleum. For decades and decades, refined petroleum products like gasoline, heating oil and diesel have traveled north to the Port of Albany. But starting in 2012, crude oil produced in North Dakota began arriving by train down the Champlain and Mohawk valleys. And the oil that does not continue south by rail is being loaded onto barges and ships and carried south along the Hudson to refineries on the coast.

In its [January 21, 2016, letter \(click for PDF\)](#) asking the Coast Guard to authorize additional anchorages, the Maritime Association of the Port of NY/NJ Tug and Barge Committee noted Albany's role as an ["export port ... of Bakken Crude Oil and Ethanol."](#)

The industry emphasizes one commercial incentive in particular in its request: ["Trade will increase on the Hudson River significantly over the next few years with the lifting of the ban on American Crude exports for foreign trade and federally designated anchorages are key to supporting trade."](#)

The risk of a crude oil spill to the Hudson – already a serious threat due to the surge in barge and train shipments of Bakken crude oil since 2012 – will rise even further if new anchorages are granted to facilitate the movement of more oil.

And is the transport of more crude all we face if these anchorages are authorized?

In other parts of the country, [crude oil is being stored in vessels until prices rebound](#). Is that what we face here? Is that why so many anchorage locations are being requested? Or will the next request be a proportional increase in oil handling facilities in the Port of Albany to eliminate the current gridlock in the port and facilitate the movement of additional vessels?

More oil on the Hudson equals more risk of spills.

Despite good-faith efforts by the Coast Guard and the state Department of Environmental Conservation to better prepare for oil spill response, one thing is clear and undisputed: In the event of an oil spill, only a tiny fraction of oil is ever recovered from the river. After a [Mississippi River oil spill](#) in February 2014, for example, 34,000 gallons were spilled, and only 95 gallons were recovered.

Riverkeeper is working to reduce the ever-expanding threat of a crude oil spill. A release of toxic Bakken oil could cause drastic, long-lasting damage to the Hudson. If industry succeeds in shipping heavy “tar sands” oil along the Hudson, the stakes are even higher. That oil sinks if spilled, and is essentially unrecoverable.

2. “Scarring” of the river bottom by anchors and anchor chains.

The river bottom is disturbed by the anchor and chain that barges use. [Scientists using side-scan sonar have documented anchor “scarring” of benthic \(bottom\) habitat](#) used by federally endangered sturgeon at the existing Hyde Park anchorage and at the unauthorized Port Ewen anchorage that was used until the fall of 2015.

Two endangered species, shortnose and Atlantic sturgeon, live in the Hudson. The river off Hyde Park, for example, may have the highest concentration of Atlantic sturgeon on the entire Eastern seaboard at spawning time in early summer. The area off Kingston, and “Sturgeon Point” across the way in Rhinecliff – is an important area for shortnose sturgeon. And both species of sturgeon overwinter near the proposed anchorages at Tompkins Cove and Montrose. As with the issue of light and noise pollution, which could vary from one area to another, the negative impacts to sturgeon may not be the same for all anchorage grounds. So it is clear that before ANY additional anchorage grounds are approved, research must determine to what degree anchor scarring damages sturgeon habitat.

[Click here to download a PDF of the letter from researchers Dewayne Fox, PhD, and John Madsen, PhD, to the Coast Guard, commenting on the potential impact that anchorages could have on Atlantic sturgeon riverine habitats.](#)

3. Noise and light pollution.

Members of some river communities have already spoken out against the bright lighting and engine noise that certain barges generate around the clock.

At the Kingston hub, between Port Ewen and Rhinecliff, for example, the shorelines are sparsely developed, nighttime is dark, peaceful and quiet. Crude oil barges began anchoring there around late 2012 using bright deck lighting, through the night, and the sound of their generators could be heard in homes near the shores.

4. The anchorages are not necessary for safety.

Some of the arguments being offered by the industry are blatant falsehoods. Some examples:

CLAIM: Permanent, authorized anchorages are needed for safety. Vessel operators need a place to stop in the event of fog and ice – or [as the Coast Guard told the New York Times, to “park and catch up on rest and then move on.”](#)

RESPONSE: This is a problem that doesn't need to be fixed. Commercial vessels already have emergency anchoring privileges. To our knowledge, the Coast Guard has never denied commercial vessel operators the ability to anchor when needed due to safety concerns. In fact, all of the areas proposed as new anchorages were used during Superstorm Sandy. The Coast Guard specifically directed vessels to anchor upriver, out of New York Harbor. When vessel operators need to anchor on an emergency basis, all they need to do is call the Coast Guard.

CLAIM: This is nothing new. Vessel operators have been anchoring informally at these sites for years. Since Henry Hudson, actually.

RESPONSE: Not to this degree, not by a long shot. In our patrols over 15 years, we've never seen even a half-dozen commercial vessels anchored between the George Washington Bridge and Albany. There are only two existing authorized anchorage grounds, at Yonkers and Hyde Park. In addition to these two locations, for about three years, until the fall of 2015, tugs and barges also used an unauthorized anchorage off Port Ewen near Kingston.

[The proposal seeks to add ten more anchorage grounds](#), with room for 43 vessels – a drastic increase.

CLAIM: 'Don't you need gas for your car and oil to heat your home?'

RESPONSE: Refined products, like gasoline and heating oil, have been shipped from coastal refineries north up the Hudson to Albany for decades. That won't change, and that's not the issue. The barges that have been anchoring in the Hudson since 2012, when North Dakota crude oil production started, have rarely been barges transporting heating oil or gasoline. In most cases, they are barges that transport crude oil. The great majority are anchoring because their loading terminals in Albany are at capacity. It's disingenuous and dishonest to raise the specter of heating oil and gasoline delivery problems in this conversation.

As the industry itself says, "Trade will increase on the Hudson River significantly over the next few years with the lifting of the ban on American Crude exports for foreign trade and federally designated anchorages are key to supporting trade." ([See the Jan. 21, 2016, letter from the Maritime Association of the Port of NY/NJ Tug and Barge Committee to U.S. Coast Guard.](#)) During the peak crude oil years of 2013-14, we saw tremendous volume of crude oil traveling down the Hudson Valley: two trains a day, 3 million gallons each; a barge a day, with approximately 4 million gallons; and the tanker Afrodite, doing a round trip from Albany to New Brunswick every eight days carrying 8 million gallons. That enormous volume was limited by what the coastal refineries could receive. But now that the United States has lifted its export ban on crude oil, industry predicts that we will see an enormous increase in volumes transported on the Hudson. Now, global market forces are the only limit.

CLAIM: The three anchorages in the "Kingston Hub" are essential because the upriver section should be navigated only during daylight. Otherwise it is unsafe.

RESPONSE: The barges anchored near Kingston weren't waiting for daylight, they were waiting for dock space in the Port of Albany.



Loaded crude oil barges routinely travel south through the Port of Albany, through this “narrow, dangerous” reach at all hours. Above is a photo of a barge carrying crude oil, southbound at Poughkeepsie (just south of Kingston), in ice, in winter, in the dark – meaning it transited the upper river from Albany in the middle of the night.

But let’s suppose for a minute that industry’s assertion is correct – that the Kingston-to-Albany reach IS dangerous at night. If that’s so, the Coast Guard should act upon that information and prohibit transits of loaded vessels north of Kingston at night.

Additionally, let’s suppose that the Kingston-to-Albany reach should be done in daylight. The existing Hyde Park anchorage is about 7 miles south of the eight berths that industry wants in Kingston. Why don’t they use the Hyde Park anchorage to capacity? That 7 additional miles would not preclude a daylight run to Albany.

CLAIM: Tugs and barges haven’t used the existing authorized anchorages at Hyde Park because they “defer” to large ships stopping to exchange pilots at Hyde Park.

RESPONSE: In reality, large ships that use pilots NEVER anchor to switch pilots at Norrie Point / Hyde Park, or at the pilot station in Yonkers, or offshore in the approaches to New York Harbor. In addition, barges do sometimes use the Hyde Park anchorage. Below is a photo.



CLAIM: These products need to be transported by water. Maybe you'd prefer them sent up by rail or pipelines running through your backyards?

RESPONSE: The maritime industry suggests that shipping oil by barge will prevent construction of a pipeline. The pipeline industry says that if we have a pipeline, we won't need barges. And the rail industry says it's the safest means of transport of all. They're all wrong.

Having barges won't prevent pipelines, and having pipelines won't prevent barges, and transport by rail won't prevent either of the others. None of these industries has made a compact with the others, saying, "If you move the oil, we'll back out of the business."

CLAIM: Vessels will only anchor for a few hours – "short term."

RESPONSE: Fact is, barges often anchor for several days on end. And while industry is adamant that the anchorages are for short term use, [in the Federal Register, the Coast Guard defines 42 of the 43 proposed berths as "long term."](#)

CLAIM: The only barges coming south are empty.



RESPONSE: That's blatantly untrue. Loaded crude oil barges travel south, day and night. Above is a photo of the tanker Afrodite loading in Albany, and a barge headed south with crude oil.

CLAIM: Industry says that anchored crude oil barges only show 360 degree white anchor lights.

RESPONSE: That's not at all the case. Many shoreline residents documented the reality:

Petroleum barges are lit up like "baseball diamonds" at night.

Here is a photo.



CLAIM: The barges are “mute” – they have no machinery, they’re quiet at night.

RESPONSE: The truth is that petroleum barges have generators mounted on deck that power equipment such as fuel transfer pumps and deck lighting. Residents report hearing barge generators in their living rooms in the summer when windows and doors are open.

CLAIM: The anchorages have been chosen so that barges can anchor “out of the current.”

RESPONSE: This statement represents gross ignorance of river conditions. Anywhere the river is deep enough for these vessels, there is also tidal current.