BEFORE THE NEW YORK STATE SENATE

PUBLIC HEARING

TO HEAR TESTIMONY ABOUT COAST GUARD'S CONTROVERSIAL PLAN TO CREATE TEN COMMERCIAL BARGE ANCHORAGES FROM YONKERS TO KINGSTON

Croton-on-Hudson Town Hall
1 Van Wyck Street
Croton-on-Hudson, New York 10520

October 19, 2016
7:00 p.m.

PRESIDING:

Senator Senator Terrence Murphy
Chair

Matt Slatter
Chief of Staff to Senator Murphy

PRESENT:

Senator David Carlucci

Senator Sue Serino

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MAYOR GREG SCHMIDT: I pledge allegiance to the United States of America, and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

Thank you. The door is open. How exciting.

So I am Dr. Greg Schmidt, the Mayor of the Village of Croton-on-Hudson, and I just want to thank everybody for coming here today, and I want to thank Senator Terrence Murphy for sponsoring this public hearing tonight. And I'm glad he came to Croton because Croton has been at the forefront, as many other river communities, in terms of helping to keep the Hudson River clean and viable and the economic resource that it really is. And the biggest thing that we've worked on for many, many years is to keep it clean.

Here in Croton, we've had the dump that was here from the early 1920s that finally shut down several years ago. So we have a long history here in Croton of the environmental damage that has been done to this river. So I'm very proud to see how many people have come out to really voice their concerns about this barge project.

We are going to be hearing from many eloquent people tonight to tell us their concerns, but for

now, I'm going to turn it over to my dear friend and I'm very happy that he has led the charge on this, Senator Terrence Murphy. Thank you very much.

SENATOR MURPHY: Thank you, Mayor.

[Applause]

Thank you so much, Mayor, and thank you everybody for coming out here to tonight's hearing on the U.S. Coast Guard's proposed federal rule that establishing 10 -- or excuse me -- 16 new anchorage sites from Yonkers up to Kingston. The Hudson River as we all know is one of the most cherished natural resources in the Hudson Valley. It is crystal clear the public needs abundantly answers that we must have, and that's what tonight is all about, is about transparency.

It was October -- I'm sorry, August 8 -- when we had our first press conference about finding out about these proposed anchorage sites, and we had immediately called the Coast Guard to find out what this was all about. And unfortunately, I'm not sure if we have a representative here tonight from the Coast Guard, but I do know they were invited.

We invited as many people as we could possibly do to get the answers that we are all concerned about.

I had the press conference on August 8, and I immediately put up a petition on my website, and within three weeks we had 1900 people sign up to figure out what this was all about.

And this is the reason why we are here tonight. Not only are we all looking for answers, and as your elected officials between the three of us represent close to 900,000 people within our districts combined.

These are extremely important issues. Senator Sue Serino here, Senator David Carlucci and myself, we all have part of this with regards to the Hudson Valley, and there are a tremendous amount of answers we are all concerned about.

I see a lot of elected officials here. County Legislator Testa, Mayor Catalina, Barbara Scuccimarra, Liam McLaughlin.

I'm looking for all your input tonight and actually the public's input, so I look forward to a robust conversation tonight. I do know we have a bunch of speakers.

First of all, and I would just like to -- I'm not sure where he went, but thank Mayor Schmidt for hosting us tonight. It is awful kind of him and we've had multiple conversations about this, and we

are here tonight to find out some answers.

So with all due respect, we are going to be on a tight timeframe, and I would just like to turn it over to my colleague Senator Sue Serino who came down here to be with us tonight.

Thank you, Sue.

SENATOR SERINO: Thank you Senator Murphy and Senator Carlucci.

I think it's so important for the public to have their voice heard.

Public comment gets lost under the radar so often, and you really need to have your questions answered.

I know myself, I had the opportunity to meet with the Coast Guard, and I can tell you, I have a lot more questions than I did before. So I just think that it's fair for the public to be able to have their time with the Coast Guard and ask those questions directly.

You know, as a mom, I worry about my children and my grandchildren having our beautiful majestic river to enjoy like I have for most of my life, boating on the river, and so many people rely on that resource.

So I just want to say thank you to everyone

that is here tonight, our other elected officials, and I look forward to hearing your thoughts.

Thank you.

SENATOR MURPHY: Thank you, Senator Serino.

Senator Carlucci, thank you for being here.

SENATOR CARLUCCI: Thank you, Senator Murphy, thank you, Senator Serino.

I want to thank everyone that's here, the elected officials. I know Assemblywoman Sandy Galef is here, Supervisor Monaghan from the Town of Stony Point. Thank you for being here.

And I thank each and every person for being here for this very important issue.

For decades now, many of the people in this room, environmental advocates, local government leaders, have been working to clean up from the mistakes of prior generations.

And that's why this hearing and this issue is so important because we've learned from the mistakes of the previous government, from the business interests that went up and down this river that we can't tread lightly on this issue.

We've got to make sure that every I is dotted. Every T is crossed. No stone is left unturned. Every question is answered.

That's why it really boils my blood that the Coast Guard is not here tonight at a Senate hearing to answer these important questions.

That's the big problem here. There is no transparency on this issue. When I'm walking down the street in my district, people are asking questions and rightfully so.

So I want to thank everyone that is here. I think together if we continue our vigilance that we've done over the past few decades that we can once again enjoy the majesty of the Hudson River.

And I have been working with the students at Ossining High School in collaboration with Riverkeeper, and we have been out there every week monitoring the river, testing the water quality of the river. And our goal, our mission is to reopen the beach in Ossining so that the residents of the community can enjoy the beauty of our river.

This river belongs to all of us. So we've got to protect it vigorously so that generations to come, they don't look back and say, "What did you do? What did you do?"

And that's why we deserve answers. We deserve every question to be answered, and I'm so grateful to everyone that's here tonight to make

sure we push, and we don't tread lightly on this very important decision. Thank you.

SENATOR MURPHY: Thank you Senator Carlucci.

Now I'd like to turn it over to my Chief of Staff Matt Slater who is going to introduce our guest speakers here tonight, and let us know that how we are doing.

MATT SLATER: I'm Matt Slater. I'm Senator Murphy's Chief of Staff. Thank you all for coming.

Just some ground rules for this evening. We do a very in-depth agenda with some fantastic speakers tonight.

We are asking for five minutes for testimony and questions and answers for five minutes. I do believe there is a timer here to keep us as best we can on time for everybody's sake.

So I'm going to begin with our first speaker. Our first speaker is not here yet, but we'll go with the next speaker who Liam McLauglin, President of the City of Yonkers.

LIAM McLAUGHLIN: Thank you, Matt.

Good evening, Senators. And first I would like to start off by saying thank you for holding this very important public hearing and listening to constituencies about this terribly crucial issue.

I would also like to take a second to thank everyone for being here. There's a very large crowd, a lot of people here showing how much the public cares about this issue.

As was stated, I'm the Yonkers City Council president, Liam McLaughlin.

Back in July, I was one of the first individuals to submit public comment against this proposal.

And the proposed rule the United States Coast Guard is considering establishing new long-term anchorages along the Hudson River estuary from Yonkers to Kingston. The Coast Guard is also contemplating a Yonkers anchorage extension that would cover approximately 715 acres for up to 16 vessels with a draft of less than 35 feet for long-term usage which commercial tankers would basically use for rest stops.

The rule would extend significantly the Hudson River anchorage grounds adjacent to the City of Yonkers and other locations in order to allow for increased shipping and on-river storage activities.

UNIDENTIFIED AUDIENCE MEMBER: No way.

LIAM HUDSON: Yes.

The proposal would effectively result in

continuous end-to-end barge traffic and parking along the entire-- nearly the entirety of our waterfront.

Yonkers is garnering national acclaim for the work we've accomplished in rehabilitating our waterfront.

In speaking to Yonkers residents, downtown business groups, environmental groups, residents, local marine pilots, marina users including paddlers, kayakers and rowers and members of the public who access our riverfront.

It is clear the proposed rule would severely diminish the progress we have made in recent years.

I'd like to get into the specifics of the proposed rule if I could. And I apologize, I'm going read this quickly because there are a lot of people here. But I think it's important stuff.

SENATOR MURPHY: Take your time.

LIAM McLAUGHLIN: Congress designated the Hudson River National Heritage Area Title IX of the Public Law 104-333 of 1996. The state's Hudson River Greenway administers the heritage area on behalf of the National Park Services.

As specified in the legislation, we recognize not only the history and importance of the river,

but the federal government assists the state and the communities of the Hudson River in protecting and preserving it for the benefit of the entire nation, especially through increased recreation and public access and regional intermunicipal and intergovernmental planning to increase economic development and vitality through tourism, not through industry.

The proposed rule is simply irreconcilable with the adopted Hudson River Valley National Heritage Area Management Plan approved by the United States Secretary of the Interior which provides a pertinent part for the recognition, interpretation and most importantly the preservation of sites along the Hudson River.

In fact, the rule flies in the face of the management plan's most important objective, which is to increase access to the river and provide long-term sustainable heritage tourism which has been a major economic engine for the City of Yonkers and the Hudson Valley and will be adversely impacted by these unsightly barges.

The Hudson River Greenway strategy to implement the plan centers on six areas and at least three of the strategies, resource preservation,

recreational uses and community impact have apparently failed to be considered by the Coast Guard.

One of the most important objectives of the heritage area is to increase public access, yet instead, the Coast Guard is seeking to increase private usage.

Further, Congress has also designated the Hudson River as a National Heritage river. It is one of only 14 National Heritage rivers in the entire country. The proposed rule again would seem incompatible with the allowed usage and regulations surrounding that area of federal law.

Locally there was no direct notification of the proposed rule made to the City of Yonkers, nor any of the affected communities along the length of the Hudson River as required by the federal Coastal Zone Management requirements. The Coast Guard knew or should have known about federal Coastal Management Zone consistency and consistency with National Heritage Area and Natural Heritage River laws and rules.

The proposed rules in direct conflict with 50 years of significant effort to clean up the Hudson River estuary and to restore its natural habitats by

all levels of local government and numerous regional and community-based organizations.

The said proposal would create navigational, health, environmental, homeland security, economic and quality of life problems for the City of Yonkers and should be rejected. This section of the river is an urban river not an industrial river.

Now, relative to navigation, these anchorage sites pose a navigational hazard to recreational and commercial boaters who will be forced to navigate around anchorages creating the risk of collision. I'm not a scientist, and I'm sure we'll hear from scientific experts tonight, but throughout the public comment period, I've learned that our fishery and wildlife habitat scientific research has demonstrated in other cases that habitats of some fish have been adversely affected by previous anchorage sites.

The pile moorings used to create long-term anchorages also pose an environmental risk by disturbing sediment along the riverbed and natural habitat of two Hudson River endangered species, the short nose and stake sturgeon.

Regarding environmental risks, there is a question of what the barges are transporting.

Vessels containing volatile crude oil and petroleum products pose a serious health risk whereby an anchor boat containing these hazardous materials could catch fire or spill toxic oil in the river.

Regarding Homeland Security, owing to the location in the largest metropolitan area in the United States, these anchorages would present an opportune target for terrorists, and the proposal provides no additional mechanism for funding or policing our waterfront.

Finally, in regard to light and noise pollution, the proposed anchorages would take a toll on the scenic beauty of our city and our waterfront revitalization and tourism.

Many residents in Yonkers are concerned about the impact, constant noise, as well as the light and smoke from anchored barges, and many of the proposed sites of nearby homes and local businesses.

The new expanded Yonkers anchorage ground would accommodate up to 16 vessels for long-term use stretching all the way up to the Hudson River from the downtown Yonkers train station and up into Hastings.

In Yonkers, we have begun an advocacy campaign opposing this proposal. The Yonkers City

Council unanimously passed a resolution opposing the rule in September, and we have joined all of our neighboring communities in what we are calling the Hudson River Waterfront Alliance. It is a group of elected leaders from Westchester riverfront towns and villages, and Yonkers is galvanizing their efforts collectively and locally to prevent additional anchorages from lining the shores of the Hudson River.

We have launched our own petition where the public can register their opposition to the proposal which will be delivered to the Coast Guard and which can be found at www.yonkersny.gov/ban/thebarges.

Yonkers is experiencing a revival, a true Renaissance. We have already over one billion dollars of economic development going on in our city, and that's in addition to the vast sums of money that have already been spent cleaning up and restoring our Hudson River.

The shores of the Hudson should be a place where the our residents and visitors can gather to live, work and play. Industry says that this dramatic expansion is necessary for safety, but it's really about their desire to expand their industrial use of the river, especially for crude oil

transport. Thank you.

In other major spills in the United States, it has been proven crude oil cannot be cleaned up or recovered. The environmental consequences are simply too dire to be ignored. This river belongs to all of us. It is not a parking lot and is not something the City of Yonkers will support.

I'm happy to answer any questions that you may have, and I truly appreciate your time tonight.

SENATOR MURPHY: First of all, Mr. President, thank you for being here, coming up from Yonkers. I have been down in Yonkers, and the revitalization of the waterfront is tremendous what you are doing down there.

Have you heard from the residents down there of -- are they afraid of this coming? And the second question I have, were you ever officially notified about any of this?

LIAM McLAUGHLIN: No. I will answer your second question first. We have never been officially notified by the Coast Guard, and that was something we really took offense to.

SENATOR MURPHY: Correct.

LIAM McLAUGHLIN: With waterfront efforts in the works for going on 20 years now, it is really

unbelievable that they wouldn't take the time to notify all the communities that would be affected.

As to the residents, particularly of that section of town, they're completely beside themselves. They've been drawn to that community because of the view, because of the vistas, our beautiful palisades. It is truly something that is unmatched, and the thought of having barges parked along long the entirety of our waterfront is something that they just simply cannot believe.

SENATOR MURPHY: Senator Carlucci, anything?

Thank you for coming up here out of your way to come up here tonight on this incredibly important issue.

LIAM McLAUGHLIN: Thank you.

[Applause]

MATT SLATER: Before we bring up our next speaker, I just want to acknowledge some of the elected officials that are in the room today. You are going to be hearing from quite a few of them, but just real quickly, we have County Legislator John Testa. John, thank you very much for being here today. Peekskill Mayor Pete Catalina. I know we already mentioned Assemblywoman Sandy Galef is here joining us. And we have Croton trustees

Ann Gallelli and Bob Anderson. I'm not sure where Bob is. Bob is in the back.

Next up, we are going to invite Jason Baker, Senior Assistant to the Mayor's Office of Yonkers, Mayor Michael Spano. Jason?

JASON BAKER: Thank you, Senator Murphy, Senator Serino, Senator Carlucci, and thanks to everybody who has come out tonight for being here to talk about this important issue.

Thank you also Council President Liam McLaughlin for your outstanding partnership in this important issue as well.

Thanks for providing me the opportunity to testify on behalf of Mayor Spano on the important issue impacting the entire Hudson region.

The anchorage expansion proposal put forth on behalf of the barge industry was done so without any prior notification nor any discussion with the City of Yonkers, the fourth largest city State of New York, nor other municipalities likely to be most impacted by this plan that seems to move our region's most prized natural resource on a pathway toward reindustrialization. That's why it's critical we make sure our concerns are heard through hearings like this, and that we also take the

necessary actions to organize and educate ourselves on what this proposal could mean for our communities, what it could mean for our environment, the justification for choosing the areas proposed for additional anchorage sites and what is driving the need to line our fragile river with barges.

Since learning of this proposal which includes the most amount of anchorages along the shores of the City of Yonkers, Mayor Mike Spano has organized the Hudson River Waterfront Alliance known as HRWA as Council President McLaughlin spoke to. It's a bipartisan coalition of local government leaders and advocacy organizations throughout Westchester County and beyond to unite in opposition to proposed anchorage expansion.

In an effort to better assist and better understand the process for rule making, facts and impacts with the anchorages and appeal the rights and actions our community may take, mayor Spano has obtained special council and experts in policy and procedure in relation to the issues presented by this proposal.

So tonight I would like to share with you what we know at this point, what we may not know yet, and the actions that HRWA is taking to protect

our communities in the Hudson River.

As mentioned already, the proposed anchorage expansion includes up to 16, possibly more new anchorage and barge sites on the Hudson from Yonkers to Kingston with the Yonkers extension encompassing approximately 715 acres for up to 16 vessels with a swing radius of 1200 feet per vessel.

This extension alone could result in continuous barge parking and traffic from the Yonkers' southern border to Dobbs Ferry.

The Montrose Point site would cover approximately 127 for up to three vessels with a swing radius approximately 1400 feet per vessel. So why here? Why are these anchorages sites necessary now. Barge industry has cited water safety but they have safe harbor options under maritime regulations.

If safety is a primary issue, why is it only an issue now? What is not being acknowledged by the barge industry advocates is the link to the recently lifted export ban on crude oil, nor is there acknowledgment of increased crude oil transport in the Hudson from terminals at the port of Albany.

Today it is estimated there is some 1500 annual one-way trips of vessels carrying crude oil on the Hudson, up 400 at the time the DEC permitted

the handling of crude oil at the global partners terminal.

The Hudson is becoming a major transportation route for crude oil, and it's crude transport that we feel is likely fueling the need for additional anchorages. What is the impact? Billions of dollars in economic development have been invested in waterfront communities like Yonkers along the river. There is little question that continuous barge traffic from Yonkers to Dobbs Ferry would alter the picturesque Hudson River and Palisades views from the waterfront.

While our experts are continuing to explore the levels of noise and light pollution from the barges that would result from the approval of this proposal, you only have to visit Yonkers waterfront in the evening when the barge is anchored along its shores to see firsthand the amount of light emitted from just one barge. In fact, I've seen it personally firsthand. I've taken pictures, and we are going to document what it looks like because there are still some questions as to exactly what it might look like with a line of barges along the river.

There is great concern about the threat to

marinas and recreational boating as well as the impact of future development and property owners. Even more critical is the impact this proposal could have on the health and efforts to protect the Hudson River. A 1.7 billion-dollar cleanup recently completed by G.E. and millions of additional dollars have been invested in restoring the health of the Hudson.

Some of the vessels traveling the river carry as much as 12 million gallons of crude oil. That's as much as the Exxon Valdez. In fact only a few years ago a vessel of this size ran aground near the port of Albany. Fortunately there was no leak but the possibility of a spill of this magnitude on the shallow Hudson waters is frightening and could potentially devastate the river. Anchoring aside, this issue alone should warrant extensive review and consideration.

Finally, there needs to be consideration of the placement of these anchorage sites and any impacts on human safety on shore. The sites selected under this proposal include the largest city in Westchester and the fourth largest city in the state where 200,000 people reside, as well as a site just outside of the nuclear power plant.

Now common sense would suggest placing millions of gallons of crude oil just outside of these locations could pose unthinkable safety concerns. And while advocates of this proposal might suggest the unlikeliness of any threat to civilian safety, history in New York alone would suggest the unthinkable tragedies do happen, and we should not be exposing ourselves to unnecessary risks.

The question of how these barges and how our communities would be protected must be answered.

So what have we done and what can we do? Since organizing in August, Mayor Spano and the Hudson River Waterfront Alliance have partnered with organizations included Riverkeeper, historic Hudson river towns, Hudson Valley Gateway Chamber of Commerce and recreation boating advocates. Launched a petition that has about 1500 signatures and launched advocacy campaigns requesting the Coast Guard extend the public comment period that was recently approved and extended 90 days to December 6. They've provided web and social media resources to each community to help in their own local advocacy efforts. HRWA will convene and we invite everybody to join the effort, sign the petition that

can be found and please submit your comments, your public comments to the Coast Guard before the end of the public comment period. Again that's December 6.

If you look around tonight, you will see the entire region united in opposition to this proposal, Democrats and Republicans, from Yonkers to Kingston, we stand united to protect our river and our communities. Thank you.

[Applause]

SENATOR MURPHY: Jason, thank you very much for coming up here and testifying and tell the mayor thank you very much for his support on this. I know this has been pushed out in one and one of the big reasons we are having this, when we reached out to the Coast Guard, our answer was we'll have our public hearing in the spring. Meanwhile public hearing comment is going to close in December. So this was important to get this done tonight, so I thank you guys for being part of, like you said, a bipartisan issue to do the right thing for our communities. Tell the mayor thank you very much.

JASON BAKER: Will do. Thank you very much for having us.

MATT SLATER: Next I'd like to invite Cortlandt Town Supervisor Linda Puglisi.

SENATOR MURPHY: Madam supervisor, welcome.

LINDA PUGLISI: Senator, thank you.

Senators, thank you very much for hosting this hearing and this forum and to the Village of Croton-on-Hudson for allowing us to use their village hall as well.

I am so delighted to see so many people here today as I know you are, also. We've been joining you at some of the press conferences, and we were down in Yonkers about a month ago with the mayor and members of his administration to form a coalition to fight this.

It seems like we are always fighting something, right? The gas line, you know, this. We are always fighting something. And I just want to echo what has been said before is that we in Cortlandt have not received any official notification from the Coast Guard.

Now, if any of us elected officials were considering a proposal or we were going to pass a local law or state law, we would send out notification, correct? They have not. They didn't ask any of us for our input, and that, in itself, is outrageous in my opinion.

As has been said, I want to reiterate it, the

Hudson River was designated an American Heritage River over a decade ago, and decades and decades of work by environmental groups and communities have gone into cleaning up the Hudson River.

We can't go backwards. It cannot become a parking lot. We don't even know is how long these barges would be allowed to anchor at these anchorages. That's a question to be asked of the Coast Guard.

Can you imagine, they could be there for a long period of time. The pollution would be amazing.

So for environmental reasons, economic, security reasons, my colleagues on the town board and I passed a resolution adamantly opposing this United States Coast Guard anchor project, and we will continue to fight it with all of you.

It's just a wonderful, bipartisan non-partisan coalition, and I know we will prevail.

The Town of Cortlandt adopted a targeted local waterfront revitalization Verplank waterfront area of Cortlandt in our master plan. The proposed anchors would not be consistent with this town's vision or its adopted goals and policies for the waterfront since the proposed anchors would be

located directly within the viewshed of the Cortlandt waterfront park and the segments of the historic Washington Rochambeau National Park Trail that was designated by the National Parks Department as you probably know.

The proposed anchorage off Montrose Point in Cortlandt would affect views down the Hudson River from the Westchester County from the Oscawana Island Park and George's Park where you held a press conference, Senator.

These waterfront parks are regional resources that offer picturesque views of the historic Hudson River and contain tidal wetlands, wooded trails and boat access to the Hudson River as well as nature study and family gatherings.

Since the proposed anchors are located directly offshore of Cortlandt's waterfront parks, the recreational, environmental and cultural values of these parks would be a negative impact.

In addition, the long-term anchoring of vessels carrying crude oil and other hazardous materials directly offshore of our community poses a significant safety and environmental risk to the community since the spill of crude oil or other hazardous materials into the river could devastate

the ecosystem, put people's health at risk and harm the regional economy.

In summary, the town is requesting that a full environmental review be undertaken of the proposed anchors and compliance with NEPA. The review must consider and respond to all the issues and questions raised by all of us as part of the public process, and that the U.S. Coast Guard hold public meetings in our community.

We oppose this ill-conceived proposal. We submitted our request to have the Coast Guard hold meetings in our area immediately once we found out about this proposal in the local newspapers.

Thank you all so much.

SENATOR MURPHY: Madam supervisor, thank you. I don't have any questions for you because we have talked numerous times about this already, but thank you for coming here tonight.

Senator Carlucci?

SENATOR CARLUCCI: Thank you for testifying, and something that you raised, the question of how long a length of stay would a barge stay, and that's a question that we have been trying to find the answer to. And as far as I know, really the only thing dictating that is the free market, right?

That if someone decides to park their cargo there, they can do that, and that's the uncomfortableness that we have that.

Okay, maybe commerce will dictate that nobody wants to park their cargo there, but what happens when they do?

LINDA PUGLISI: We are all for commerce. We just don't want a parking lot in our beautiful majestic Hudson River.

SENATOR CARLUCCI: Right. And what are the tools we have when a barge is parked out there staying there an absurd amount of time.

LINDA PUGLISI: We need help.

Thank you all so very much.

SENATOR MURPHY: Thank you, Madam Supervisor.

[Applause]

MATT SLATER: Next I'd like to invite Eoin Wrafter. Eoin, if would you like to come up.

Eoin is representing Dutchess County Executive Marcus Molinaro, and Eoin is the Commissioner of Planning and Development of Dutchess County.

EOIN WRAFTER: Good evening, Senators Murphy, Serino, Carlucci. Thank you for the opportunity to comment on the proposed rule establishing 10 new

anchors along the Hudson River between Yonkers and Kingston.

My name is Eoin Wrafter. I'm the Commissioner of Planning and Development for Dutchess County. I'm offering this testimony on behalf of County Executive Marcus Molinaro who unfortunately could not be here this evening due to a prior conflict.

The Hudson River with its beautiful waterfronts, irreplaceable ecosystems and rich history is a tremendous asset to Dutchess County, and part of what makes us distinctly Dutchess.

Seven of the proposed anchorages are in close proximity to Dutchess County, borders or within our borders. Hudson River is an irreplaceable part of our community.

The current proposal lacks sufficient detail necessary to make a fully informed decision. The proposal formalizes existing anchorage locations; however, it does not detail the types of ships that will use them, the cargo they will hold, the duration they will stay, or the frequency with which they will be used. All of these could and should be studied further to identify their impacts on the surrounding adjacent communities.

We join Scenic Hudson and others in expressing concerns regarding the potential environmental and community impacts of this proposed project, including the potential use of the proposed anchorage areas by vessels carrying crude oil or refined petroleum products.

These are concerns that must be mitigated, particularly the concern about the potential for an oil spill or exposure to pollutants.

The Hudson River is home to many precious species, and it must be demonstrated their aquatic habitats will be protected.

The Hudson River is also utilized for tourism and recreation throughout the Hudson Valley region. The increased number of commercial vessels could have a negative effect on the natural beauty of these areas and potentially change the viewshed of these iconic settings. Communities like Beacon, Poughkeepsie and Rhinebeck have made significant investments in their waterfronts to bring people and development back to the river, so it is critical that these communities and the public in general understand how these anchorages may or may not impact them.

We recognize that the Hudson River is a

significant economic engine, and the vessels traveling along it must be able to do so safely. We encourage efforts to improve transportation safety; however, the process to approve these anchorages has been disappointing at best.

The Coast Guard must take the time to better explain this proposal, provide education answer the questions and address concerns.

Clearly little has been done to engage in the necessary process of including stakeholders and the public at large, and this must be corrected.

The extended comment period and public opportunities for comments is an important step as the Coast Guard considers its final decision. It is vital that these concerns are addressed and responded to as part of an open and transparent process. Respectfully Marcus J. Molinaro, Dutchess County Executive.

Thank you.

SENATOR SERINO: Thank you, and actually, Eoin lives in my district, Dutchess County, and we have the beautiful walkway over the Hudson. Can you imagine if we had increased traffic?

We just hosted some officials from China today, and they loved the walk way over the Hudson.

And we have hundreds of thousands of people that come to see that as well as our many historic sites, Vanderbilt Mansion, FDR home, Mills Mansion along the river.

Thank you very much for coming tonight to represent our county executive.

EOIN WRAFTER: My pleasure.

SENATOR MURPHY: Please send regards to the county executive. He was at a few of our press conferences, and tell him thank you for the support.

EOIN WRAFTER: He regretted he couldn't come in person.

SENATOR MURPHY: I get it. Thank you for coming here.

MATT SLATER: Next I would like to invite Jim Monaghan who is the Supervisor of Stony Point.

SUPERVISOR MONAGHAN: Good evening. Senator Murphy, Senator Serino and Senator Carlucci. I commend you and thank you for holding these very important hearings.

And just for the people to know, Stony Point is across the river. It's an historic river town, it's home to the oldest lighthouse on the river. It's home to the historic Stony Point Battlefield.

The Town of Stony Point unanimously passed a

resolution opposing the establishments of the anchorage grounds in the Hudson River.

Haverstraw Bay and the vicinity stretching from the Tappan Zee Bridge to the Bear Mountain Bridge is the most active and congested recreational boating area on the Hudson with more than 35 yacht clubs, boat clubs, marinas, public boat ramps, serving at least 4,000 boats; the north end holding almost 200 of those slips within a mile of the proposed anchorage site.

Stony Point Bay Channel runs through very shallow waters serving several marinas and boat clubs. In Stony Point, there is a very busy marine fuel station that serves the high-speed ferries, police and fire boats. There is an active junior sailing camp at the Minisceongo Yacht Club in Stony Point and an adult sailing school out of the Haverstraw Marina.

The Hudson River Yacht Racing Association sponsors regular races and regattas. The immediate area surrounding the proposed Montrose site has recreational traffic perpendicular to the barge channel branching in all directions.

The underway barges would now be constricted in their maneuverability due to the proposed

anchorage.

The river narrows between Stony Point and Verplank Point to the north and Croton Point to the south and is used more like a tidal lake.

If there is an oil spill in this particular location, it will definitely spread into the tidal wetlands running from Stony Point Bay behind the Grassy Point along the Minisceongo Creek, and Cedar Pond Brook to Haverstraw Cove and Bow Line Point on the west. It would also threaten wetlands in George's Park to the east, Lent Cove to Annesville, Peekskill Bay and Iona Island area to the north and Croton River wetlands to the south.

In fact, these areas are essential to many fish, bird and other wildlife species.

Our river towns up and down the Hudson River are finally able to develop their waterfront with recreational parks and activities that draw tourists to the beautiful Hudson Valley. We must inspire to keep the rivers clean and beautiful for all our members of the community.

The Town, we also submitted questions that we are looking to be answered to the Coast Guard.

And once again I just want to thank you and commend you.

SENATOR MURPHY: I can't thank you enough for coming across the new Tappan Zee and being with us here tonight and shedding some light on it.

Senator Carlucci?

SENATOR CARLUCCI: Thank you for being here tonight, and for bringing up the point about the recoverability that's something that has been a pressing issue. We saw I believe it was a few years ago in the Mississippi River a bad spill, and a small percentage of the oil that spilled out was recoverable.

We don't know what will be in the barges but if it's bakken crude, we know the recoverability rate is so minimal, so to bring that up and the important wetlands we have along both sides of the Hudson is an important point to raise, and I appreciate you for doing that.

Thank you for being here.

MATT SLATER: Next I would like to invite Deborah Milone, Executive Director of the Hudson Valley Gateway Chamber of Commerce.

DEBORAH MILONE: Thank you, Senators, for asking me to be here tonight, and thank you very much for including the business community into this public hearing.

I just want to say that our chamber covers a small region. Where we serve Croton-on-Hudson, the Town of Cortlandt, towns, hamlets and villages, the City of Peekskill and the Town of Putnam Valley.

I'm going to read a statement that I provided to your office Senator Murphy.

The Hudson Valley Chamber of Commerce adamantly opposes the proposed Hudson River commercial anchorages from Yonkers to Kingston. Beside the obvious environmental and safety concerns, the barges would be a visual pollutant to our historic river at a time when we are positioning ourselves as a tourist destination.

The river is an important economic generator for local businesses in the Hudson Valley. Communities with river access and vistas promote the waterfront as a place to take in the breathtaking panoramic views of the majestic waterway. The river also serves as recreational resource for residents and visitors alike which fuels the local boating and watersports industries.

The Hudson is the centerpiece of our tourism efforts and attracts people from all over the world.

Now we are also a tourism information center, and we weekly receive visitors every week coming in

using -- looking for things to do along the river.

The City of Peekskill, I guess, Frank, how many months ago opened up the Riverwalk?

UNIDENTIFIED VOICE: One year ago.

DEBORAH MILONE: And people coming in, it's drawing more and more tourists and visitors from outside of our local communities to come and walk this beautiful river.

The tourist dollars benefit our hospitality, food and beverage industries, as well as other businesses that rely on visitors to survive. Here tonight is Lou Lanzer (ph) along with Diamond Brothers. They're redeveloping the Old Cove property previously known as Crystal Bay and will be reopening and renovating the Charles Point Marina.

SENATOR MURPHY: Awesome.

DEBORAH MILONE: In 2012, visitors spent $4.75 billion in the Hudson River Valley creating over 81,000 direct jobs and generating 318 million in local taxes benefiting small towns as well as larger cities.

The Hudson Valley is ranked number two by Lonely Planet in its top 10 travel destinations worldwide. I can attest to that. I get calls from all over the country, and because we are regional

chamber, I get calls from Europe and Europeans coming in because they want to visit the Hudson Valley region.

Mariners have been navigating the Hudson River for 400 years without the need for anchor barges. This ill-conceived concept by people who don't even live here is unfathomable at a time when the Hudson and its shoreline communities are making a comeback.

On behalf of our nearly 500 member businesses and organizations, please consider the economic environmental safety and esthetic impact this will have on our business and residential communities.

SENATOR MURPHY: Deb, thank you so much for coming here tonight, and thank you for all the work that you do.

This is part of the reason why we are having these public hearings is to figure out, there is a security issue, there is an environmental issue here. There is also an economic issue here, and this is the stuff that people are investing hundreds of millions of dollars on this waterfront, and they could be gone tomorrow. Thank you.

DEBORAH MILONE: You are welcome. I just want to add our chamber and the business council of

Westchester have come out to oppose this, and I hope other Chambers of Commerce along the Hudson River will come out and do the same.

SENATOR MURPHY: Thank you for being here tonight, Deb. Thank you.

[Applause]

MATT SLATER: I would like to invite Westchester County Executive Robert Astorino to come testify.

SENATOR MURPHY: Thank you, County Executive. You are under oath.

COUNTY EXECUTIVE ROBERT ASTORINO: Senator, thank you very much for hosting this. Senator Serino, good to have you here. Senator Carlucci and Senator Murphy, thank you very much. We appreciate this, you taking the lead on what is a very important issue and one that wouldn't have got the light of day if the three of you and others didn't start talking about this because, like a lot of things the federal government does in all of their overreach, they tend to do things quietly and in the dark so nobody understands what is really going on.

But this is a really important issue for -- and you just touched upon it: Environmental issues, for Westchester tourism issues, and public safety.

You know, that is a very big issue post-9/11.

I am dumbfounded. There are 2,800,000 federal employees, and they couldn't accepted one to Croton tonight to represent their point of view.

[Applause]

So a couple things I just wanted to touch upon. You know, the beauty of itself of George's Island or Croton Point Park or in Yonkers where they're redeveloping the waterfront, these proposals are one that would create, in my estimation -- you know, I'll start with national security issues.

You know, we have soft and hard targets in Westchester. One is pretty close to here, and that's Indian Point, but we also have bridges and tunnels and malls and many other areas that are considered to be targets. And we drill for that, and we understand what to do if we had to do something. But the thought of having barges moored along the Hudson River and the responsibility of now having new targets, soft targets, would create an additional layer of National Security and issues that we would have to deal with locally, and the response to that would be very difficult at best. You know, the proposal that is for Montrose and I know the supervisor is here, and I'm sure she will

talk and she has talked about this as well, supervisor and I both understand as do you that if you had these barges and that would be about 127 acres would be the area that they could moor as well as halfway across the Hudson River, you think about that just visually how big that would be.

Forget the visual blight, but as I said, the security issues are very, very grave or potentially as well as the environmental issues that come into effect here, too. So I know Yonkers and I think representative was here, Mr. McLaughlin.

So the one problem is when you look at the definition under the Federal Register of what they're trying to do, it's pretty disconcerting because they list this as long-term. There is no definition other than long-term being longer than 30 days. So it could be anywhere from 30 days to in perpetuity, and that's not just stopping by. That's moving in.

And so we have a big problem with the size and scope of this, and that is federal government vagueness at its worst. You cannot pin them down for what this actually would be. So I wanted to come here tonight. We've outlined this in letters to the Coast Guard. We in our press conferences

have talked about this, and I'm glad and really happy there is a full house here tonight because this is an important issue that stretches from Yonkers all the way up past our borders up through, you know, through Orange County and above, but that really will affect two parts of our county and everybody in between.

So I want to thank the three of you for taking the lead on this. To the Coast Guard and to the federal government, shame on you for not being here and defending your position. And though this might not technically be a public hearing to the federal government, the public is very much a part of this process whether they like it or not. And so thank you for putting the lights on in here, and they will hear from us not just from tonight but as we continue to go forward. So thank you.

SENATOR MURPHY: Listen, thank you so much for coming out of your busy schedule, being here tonight, and I know we've had a few press conferences together just to kind of pound the drum and make sure that people are aware of this.

The reality is that this was going underneath the table. This was flying low. I don't think they wanted anything to do with us knowing anything about

it. And I'm going to ask, were you ever officially notified by the Coast Guard that they were interested in doing this along our majestic Hudson River?

Madam supervisor back there, the lady who runs the town here, found out in the newspaper, disgraceful. Absolutely disgraceful. .

COUNTY EXECUTIVE ROBERT ASTORINO: Like many things the federal government does, and we have been dealing with Housing and Urban Development, a different agency, but it's very similar in the treatment that the federal government gives to state and local governments.

And in this country, the system of government we have is a balance, supposed to be a balance between the federal government and state and local. But the federal government runs roughshod over that all the time unless and until the citizens actually speak up and fight back. And so this is a perfect example of the big bad federal government actually being barked at and going to be bitten by the people who are affected by this. So thank you.

SENATOR MURPHY: The nice part about it is that the we did pound the drum and they extended the public comment.

COUNTY EXECUTIVE ROBERT ASTORINO: Yes, and that's important. I think people need to get on the record on something like this because if we don't, they're going say that this may not be a public hearing official, et cetera. It is really important that this go to them as part of the public record and that people, not just the elected officials, but average citizens affected by this write a letter and get in the public record.

SENATOR MURPHY: This is officially being videotaped by the New York State Senate, and they will be delivered a copy, I promise you.

COUNTY EXECUTIVE ROBERT ASTORINO: Great, let me point right at the camera and tell you to get the barges out of here.

SENATOR MURPHY: Thanks for coming down. Appreciate it.

[Applause]

MATT SLATER: Our next speaker for tonight is Ned Sullivan, president of Scenic Hudson.

Ned.

NED SULLIVAN: Good evening.

SENATOR MURPHY: Thank you for being here tonight.

NED SULLIVAN: Senator Murphy, Senator

Carlucci, Mayor Schmidt, thank you for convening this and being out late at night on an important night in this nation's history.

As everybody here has said, the Hudson River is our region's most important natural asset. It's vital to the environment, to the public health and a powerful engine for the economy and job creations. You've heard from elected officials from Westchester, and they and the state government, federal government agencies, private organizations like Scenic Hudson and others, partners have invested hundreds of millions of dollars in revitalizing our riverfronts and creating beautiful parks and restaurants and residential developments that bring people down to the Hudson, that make it an asset that we are all very proud of.

Scenic Hudson has created over 60 parks and preserves along the Hudson, here in Westchester. We have parks in Yonkers and Irvington and Peekskill. On the other side of the river in Haverstraw and all the way up the river through the Kingston-Rhinecliff area where the northern-most anchorages are proposed. All of these would be put at risk by this proposed rule making to park and warehouse huge barges carrying crude oil and other chemicals on the

river.

As everybody knows, everybody is familiar with the proposal, 43 berths, 10 locations. It's really crazy and something that we are adamantly opposed to and that we are hearing a unified chorus of opposition to. So I commend you all for your early action on this, for creating this opportunity, and we will all be working together to defeat this.

The industry sponsors of this have stated that 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 this trade.

So this is something that we are very, very concerned about. That they are anticipating this great increase in exports so we are going to be exploiting America's crude oil for export, and the Hudson would become the super highway for fossil fuels, endangering all the tremendous resources that we have, both natural and constructed along it.

So as you've heard, the proposal would encompass 2400 acres of the Hudson, exposing it to these industrial impacts to long-term storage of barges carrying crude and other products. We are

equally concerned, as the county executive just stated, about the length of time that is clearly an uncertainty, but the notion that they would be parked for 30 days or longer is unthinkable.

Each of these barges and tankers could measure up to 600 feet. They would be visible from homes along the river, bridges, local waterfronts, the national historic landmark district, as well as many popular destinations listed on the National Register of Historic Places.

The capacity of these is comparable to the Exxon Valdez, the tremendous devastating spill that ravaged the waterfronts and natural resources of Alaska.

One of these sites, of course, has been noted would be in close proximity to Indian Point. What are they thinking? What are they thinking?

[Applause]

So the proposal would jeopardize the valley's tremendous world-renowned scenery, the basis for a $4.7 billion tourism economy as we heard from the Gateway Chamber representative.

The Department of State has designated scenic areas of statewide significance. They're one of the only places in New York State that has these

designations because of the incredible beauty that we have. And these serve as the foundation, a regulatory foundation for protection of the natural historic and economic resources along the coast.

And these are -- New York State has delegated responsibility for protecting these coastal areas, so the New York Department of State has a very important role to play here.

As we've heard, the vessels parked along the river would bring unwanted light and noise pollution that we associate with industrial facilities, especially at night when deck and navigational lights would be needed for safety.

Many of these are powered by diesel generators that would be creating noise and air pollution. This would, you know, truly threaten the incredible tourism economy that is coming up. Just imagine sitting at one of the beautiful restaurants along the Hudson and Westchester as many of the finest and looking out on these barges and smell the exhaust.

How is that going to be for Friday night or Saturday night? I think it's going to be devastating for our tourism recreational destinations and will really just damage the quality

of life that we are coming to enjoy and relish, and that is such a magnet for tourists from all over the world.

Our natural resources are being put at risk. Hudson is home to over 200 species of fish including the endangered Atlantic and short-nosed sturgeon. The anchorages have been proposed in the Kingston-Poughkeepsie region, known spawning grounds for these majestic and iconic species.

They've also been, the anchorages have also been proposed for Haverstraw Bay, the most highly-rated significant coastal life wildlife habitat in the Hudson River and vital over wintering habitat for sturgeon.

So allowing the vast storage of container ships containing millions of gallons of volatile and harmful chemicals that are causing damage and explosions and spills all over the country, add to the dangers our communities face every day from the crude oil transported by trains in poorly-designed rail cars.

This is something that wasn't happening at all a few years ago, and there has been a massive increase. And the entire region absolutely lacks the safeguards to prevent and respond to spills.

The legislature and the governor have taken some action over the last several years. There have been budget allocations of a couple million dollars to plan for spill response and to coordinate with the federal agencies on the national contingency plan. But we know they're inadequate.

We know that the response, the Coast Guard response vehicles are based down in New York harbor and that it would take hours, hours for them to get to a spill upriver.

We know that the Hudson is tidal, so a spill would -- the product, the contaminants would go up and down with the tide, ebbing and flowing and contaminating one waterfront after another. We know that drinking water supplies, and there are at least half a dozen in the upper reaches of the Hudson, that are in the direct line, directly adjacent to the anchorage areas.

We are talking about beach, we are talking about water supplies, wetlands, aquatic life, you know, all the way from Albany to New York Harbor because of the flow of the river and of the tides.

So the proposed anchorage importantly is inconsistent with New York State's coastal management program, and there are specific policies

relating to aquatic habitat, to coastal development, to public access, to recreation and historic and scenic resources, to water and air resources, wetlands and others.

These are highly detailed rules that have been very important in stopping other ill-conceived proposals over the years.

So the Department of State plays an important role here. I personally briefed the Secretary of State on this matter, and I would encourage you to work with her and other D.E.C. and other state agencies on this. But the Coastal Zone Management rules are delegated to New York State, so these are federal and state rules that are brought into play here, and this is the area that we are going to be focusing on.

So in summary, Scenic Hudson opposes this proposal. We urge you to work with our U.S. Congressional and Senate representatives, the D.E.C., the Department of State and others to block this regulatory misstep.

We are heartened by instruction of legislation by Congressman Sean Patrick Maloney that would prevent the permitting of these anchorages along the Hudson and urge you to support this

initiative to try to get a Senate Bill that would enable us to move through the Congress as rapidly as possible.

And finally, it's important for everyone in the room to tell your friends about the December 6 deadline, and to file your comments and to take all possible actions to protect our river and valley from this dangerous proposal.

I've included with the testimony I gave you photo simulation that we've made of just four of, let's see, five of the barges parked on the Westchester waterfront. This would be kind of the northern area of the Yonkers extension. They're parked right in the middle of the river so I have provided them to you for your review.

You can just get a sense of what a bad idea this is and why we should all fight this with everything we've got. Thank you very much.

SENATOR MURPHY: Thank you, Ned.

[Applause]

MATT SLATER: Our next speaker is Edward Kelly. Ed is the Executive Director of the Maritime Association Port of New York and New Jersey.

SENATOR MURPHY: Thank you, Ed. Appreciate you coming tonight.

EDWARD KELLY: My pleasure. Good evening, Mr. Chairman, Senator Murphy, esteemed panelists, ladies and gentlemen.

My name is Edward J. Kelly, and I'm the Executive Director of the Maritime Association of the Port of New York and New Jersey. In coordination with the Hudson River Pilots Association and the American Waterways Operators, our Tug and Barge Committee is the one who made the proposal to the U.S. Coast Guard to establish new designated anchorages on the Hudson River that proposal has been published as U.S. Coast Guard Docket 2016-0132 as an advance notice of proposed rule making pertaining to the establishment of these designated anchorages.

We have submitted written testimony that will give some additional information pertaining to economic impacts, the thousands of jobs that are created literally billions of dollars of taxes paid by this industry to federal, state and municipal organizations. But we also would like to address, we are available to anyone who would like to talk to us about these facts about what these proposals mean and to certainly clarify and hopefully dispel the many misconceptions and misstatements that have been

made in regards to this proposal.

We have seen several published websites, et cetera, that contain erroneous information. We stand ready to meet with anybody who would like to meet with us. I have already met with Ulster county legislative groups, met with several people. Our name, address, telephone number and emailing listed on the proposal, and anyone who would like to meet with us further, I have a business card and would be more than happy to arrange a mutual time, date and flies have a discussion.

I started my day in Philadelphia this morning with another meeting. I think it's important enough I made it up here tonight to attend this hearing.

SENATOR MURPHY: Thank you.

EDWARD KELLY: We have very firm beliefs this is good for the economy, for the region, for security.

So if I could proceed just quickly. Our operators believe that we have a tremendous dedication and responsibility for the protection of human life, of property, and the ecology of this river and the ecosystem that it contains. We feel that these anchorages are all about safety. These anchorages, since this guy named Hudson stumbled

across this river 400 years ago, this river has been used for commercial navigation, and ships have regularly anchored in many of the areas that are currently proposed to be designated formally.

We are seeking formal designation because the river has become busier, and we would like to have designated, safe, supervised locations for anchorage so that people are not forced to operate in unsafe conditions.

If I could just run through a couple what have we believe are some of the facts involved in this, and then specifically a few things I've heard addressed tonight regarding sturgeon, long-term anchorages, et cetera. We would like to talk about how these anchorages will help to enhance the safety, security and environmental stewardship of the vessels and the waterways in which they operate.

Anchorages are good for safety. That's what this is all about. A safe place to anchor is essential to the safety of the crew, the vessels, other operators, property and cargoes as well as the health of the river environment itself. Vessels are forced to anchor for many safety reasons, including fog, weather conditions, equipment issues, ice and many other reasons.

Anchorages also allow vessels to wait to navigate at first light and at high tide when it is the safest potential to operate in the river. A safe place to anchor is essential to safety.

The proposed anchorage sites have been selected due to a variety of physical characteristics that facilitate safety including the depth of the water, shelter from currents, width of the river, the interval of spacing and the location of what have been usual and customary anchorage locations.

These proposed anchorages are intended to simply formalize decades, if not centuries, of safe industry practice and give the U.S. Coast Guard oversight of these anchorage areas.

We have heard about long-term parking lots. Anchorages are not parking lots. Vessels are typically anchored for very limited period of time, usually between four to six hours. They're always manned during this time and lit in accordance with U.S. Coast Guard regulations.

Anchorages do not require construction or placement of infrastructure in or around the river. The long-term expression is simply a Coast Guard expression that says it's not a temporary. In other

words, it's there. It will be designated on federal charts, navigational charts, and they will be there until change. It does not mean the vessels will stay there for long periods of time.

If anyone wants to find the truth, you follow the money. It makes absolutely no economic sense to store any type of product, especially barges, on a river location. The cost to do so is magnitude differences compared to storing it in shoreside facilities.

If you store any type of product, but a lot of people are talking about oil, and in particular oil. Barges have to be manned. Tugs have to be anchored to accompany them. Those crews have to be paid, the cost of the tug has to be paid. Barge hire has to be paid.

Transportation companies only make money when their vessels and cargoes are moving. It makes no sense to spend that kind of money to hold a product that could very easily have been held in storage facilities either downriver in the port or upriver in the various terminals and storage locations that are around the river. It makes no economic sense.

People will go out of business in a short period of time by trying to do ridiculous economic

things. There is no economic advantage.

Anchorages are good for the environment. The reason we say that is because environmentally, our industry is subject to numerous environmental regulations including Oil Pollution Act which as of last year and since last year has required all barges to be double hulled. The anchorage areas would further serve to protect the environment by allowing operators to avoid navigating during unsafe conditions that could lead to accidents and/or spills.

The environmental benefit of maritime transportation is supported by the industry's track record. The latest stat available from the U.S. Army Corps of Engineers shows there has been no oil leaked from tank barges into the Hudson since data tracking began with the Army Corps of Engineers. Water-borne transport reduces roadway congestion and emissions by reducing the need for truck transport.

The New York City Economic Development Corp did a study that found that in one single year, water-borne barge transportation eliminated 3.1 million truck trips within New York City alone. This is because the efficiency of maritime transportation, a typical inland barge, has the

capacity 15 times greater than one rail car and 60 times greater than one semitrailer truck.

By the way, I don't believe a 600-foot barge exists on this planet, but people keep talking about it.

Anchorages are good for security. From a security standpoint, vessels are required to comply with U.S. Coast Guard-approved security plans, and all professional Mariners are required to be U.S. citizens who are required to hold transportation worker identification credentials issued by the TSA which provide digital photo I.D. and require extensive criminal and drug background checks.

Additionally U.S. Coast Guard regulations require all water-borne crew to hold proper Coast Guard licenses, ratings and training certifications. These measures are intended to strictly control access to vessels at all times including while they're at anchor.

Anchorages are good for the economy. Economically commercial vessel are engaged in moving vital cargoes to communities along the Hudson. Most of the vessels that would use these anchorage areas are vessels already engaged in moving products directly to consumers. Refined oil products like

home heating oil, the gasoline that powers your car, the fuel that powers the power companies that make the electricity go on, and it also is in the best economic interest of maritime companies that vessels are engaged in transporting cargo, not waiting at anchor.

Other majority of the cargoes include aggregate which comes downriver, an export commodity moves from upstate New York to the lower place for road bed construction.

We heard there is a little bit of ice and snow upstate New York. We move sand and salt upriver. Construction materials move upriver, recyclables are moved up and down the river for more economic disposal.

Designation of anchorages by the Coast Guard will neither directly increase nor decrease cargo shipments on the river. Only the actual consumption of gasoline, heating oil, sand, construction materials, et cetera, by the region's residents will have an impact on the amount of cargo moving.

Based on that, it's clear that the creation of federally-designated anchorages under U.S. Coast Guard supervision is in the interest of all the parties. We would like to have support on this.

Our people have operated on this river for centuries. We have operated safely, economically, and we have moved the goods that provide the American way of life.

As long as people want to have home heating oil, as long as they want to have electricity, they need salt, sand and the other commodities these barges move, it makes sense to let them operate safely.

If you were driving down the road and you were faced by a very severe fog or extremely heavy thunderstorm, what do you do? Do you keep driving and just say I hope we don't hit anything and kill people, or do you look for a safe way to slow down and operate safely, pull off the road.

What if you had ice coming down the river facing you? You would want a safe place to pull out. That's what this is all about. We would be more than happy to address sturgeon. If anybody is interested, I have a copy and I have actually read the study that was commissioned by the New York State, the Hudson River Foundation and several other people. It's here. I've spoken to the authors. I'm not just listening to the buzz and misinformation.

This report does conclude that anchors make marks on the bottom, and it says the anchors silt over rather quickly because the river moves and the bottom shifts.

They have not proven this is detrimental. In fact, a quote from the author, and I will provide it to whoever would like it says at this point, we cannot say if there is any impact to the bottom habitat with regard to sturgeon, and we have been very careful to stay away from making these linkages. I hear people laughing. Here is the report with the quote from the authors.

This is what they allege they're talking about. I would like people to read this report, not just make distorted comments about it.

The Coast Guard procedures, we agree, are awkward at best. This is typical federal rule making procedures. All legislators do have staff that monitor the federal register. That's how you find out what these crazy feds are doing in your areas. They do not reach out to individual people. They expect that you should reach out to them. It's published in the Federal Register.

The typical pattern on this on any federal regulation whether you are dealing with the corps or

any agency, there is a public comment period. Because of the pushback and information that people are seeking, the public written comment period was extended.

On the conclusion of that, they will gather all of these. At last count I think it was 3600 public comments. They will sort them, evaluate them. Based on that they will determine, which in this case I'm sure they will, that they need to have public hearings.

They will publish the public hearing information in the Federal Register. They will not reach out to people. They don't reach out to me anymore than they reach out to you. There will be public hearings. There will be a series of these probably in the spring because the Federal Register has posting periods.

People will come out. We expect to have a full discussion. We would like to talk about facts, not misconceptions or distortions. We don't want to see websites showing 4500 TEU container ships that physically could not fit past the George Washington bridge and never would economically.

The Exxon Valdez. I knew the captain of the Exxon Valdez. I'm a maritime captain. I sail these

ships. Anything the size of the Exxon Valdez could never make it up the Hudson River. There is not enough depth. It would run aground long before it hit Yonkers. These things require deep draft. Misconceptions, distortion of fact.

I have a pocket full of business cards if anybody would like to have further discussions. I don't want to take up too much time. We are trying to keep it on schedule. I've made my notes, and I've seen quite a few things. There are no parking lots. It makes no economic sense. Long-term is just a definition the Coast Guard uses as opposed to like when we have the fourth of July fireworks, they establish temporary anchorages so that people can park their recreational boats and watch the fireworks. A long-term designation means it gets put on a chart.

So anyway, if anybody would like to further discuss this, we've got facts on this. We would be more than happy to meet with anybody that would ask. I have to say that no one has asked to meet with us. Anybody that has, we meet with them.

We are here tonight. We will be any place else that anybody wants us to be to further pursue this.

SENATOR MURPHY: Ed, thank you for coming up from Philadelphia and to this incredibly important meeting for our community.

EDWARD KELLY: Certainly.

SENATOR MURPHY: This is the first information that has ever been told to me. We have been trying to reach out. You just explained a lot of stuff that we've all had questions about, and there is going to be a bunch more trust me. There is going to be a bunch more. This isn't the end of it. You are the first representative to come up to answer some of the questions we've had. We can't get the Coast Guard here.

EDWARD KELLY: Likely you won't get the Coast Guard here.

SENATOR MURPHY: That's disturbing. Yet they're making the rules and regulations on our Hudson River for us to live by, for us business owners, for us constituents, for our people to live there yet they're not even coming to a meeting for us. That's unacceptable.

EDWARD KELLY: Senator, I agree federal procedures are awkward and annoying to everybody. Ourselves included. We deal with the Coast Guard, the Corps of Engineers and NOAA. We will hold

ourselves open as an industry to anybody that would like to meet with us. Any further hearing, if people, legislators or community groups wish us to sit down with them, that's what we do. That's what I will do. We will be there.

SENATOR MURPHY: I can't thank you enough for coming here and explaining some of this because we've had a heck of a lot of questions, and obviously, there are a lot more. But being here tonight, coming out of your way, this is a very, very, very important meeting to all three of us who represent close to a million people, and that's what we do. We represent the people. And when the Coast Guard can't get here to answer some of the questions for a million people that we represent, that's disturbing.

EDWARD KELLY: Yep. I agree, but on behalf of the industry that would use and need these anchorages, as I say, we are available if anybody would like to stop by. I have a pocket full of business cards and would be more than happy to arrange a drill down, talk about any of the facts.

We clearly understand communities have a very valid concerns. We need to discuss back and forth how to make this proposal work because the reality

is the business is moving on the river right now today, and we want to make sure it operates safely.

This is not a question of if they designate this, and again, there is nothing to build. It's just a designation on the chart. There is no infrastructure. It doesn't touch the bottom. There's nothing, just a designated to drop an anchor and some of the large areas don't mean the whole area will be used.

It means as we mentioned, the Hudson is tidal. The reason we want to establish anchorages so vessel owners/operators will know where it is safe so they can swing without hitting shallow ground causing spills, etc, and very frankly, we don't want to use these anchorages if we don't have to. We don't make money when the barges are not moving, so I don't want to take up too much time.

SENATOR CARLUCCI: I have a couple of questions. Thank you for being here, and thank you for your passion and your profession. I guess what I'm still unclear about, and I really appreciate you shedding some light is, what has changed?

We talk about centuries of maritime passing through the Hudson River, and we talk about the extremes. Of course, no one wants captains to be

sailing down the river when there is ice in the river, or there are storms. And I guess what I'm still uncomfortable about is what has changed? What have we done up until this point? And why not have any standards in terms of hey, when do you dock, or when do you lower the anchor, and how long you stay there.

I know you talk about economic sense, but being in the senate for six years, I've seen some things that might not make economic sense, but if we leave it solely up to the free market and to commerce to dictate what is done, it leaves us holding the bag in some circumstances.

So I can point to a few examples of that, and that's just where have I some problems, so maybe you could shed a little more light on what has changed and why now.

EDWARD KELLY: What has changed is we have had situations where there is a Champlain Hudson power exchange they're looking to lay a cable down the river. Unless there is a designated anchorage, we have no voice in saying don't put cables there. Cables could foul anchors. We could have problems with that. There is increased usage.

SENATOR CARLUCCI: Just to expand on that.

The Champlain Power Express, if we have this federal designation, they cannot build...

EDWARD KELLY: They can't build through an anchorage.

That anchorage would not be used, drop an anchor and pull a cable up and disrupt the power supplies. That's one of the considerations. Another consideration is by designating this on charts, all Mariners, recreational, commercial, know that that is a safe place to anchor, and there may be vessels there. They will be able to calculate the swing radius so they know the movement of vessels at anchor could be.

And we've worked with Sandy Galef to promote legislation in New York State to increase recreational boater education and awareness. We want these people responsible. We want them well educated. They need to understand charts and how this stuff works. So there is a lot of things.

What has changed? We need these because the river has had more usage. There are more recreational people out there. Some businesses increased, and we need to have a spot -- you can see with the push back we are getting right now, for basically what are established anchorages.

SENATOR CARLUCCI: That's the point I'm trying to understand.

SENATOR MURPHY: Excuse me. We are going respect everybody here tonight, okay? We'll let Mr. Kelly finish.

SENATOR CARLUCCI: That's the hard part I have communicating to residents is understanding and knowing tug boat captains that sail up and down the Hudson River, that what has changed?

Because in an emergency situation or when there is heavy fog or ice on the river, when it's unsafe, we expect them to anchor.

And we know, like you talked about the licensing and credentials that our captains need, that they would understand and know the Hudson River. So it is not all adding up to me in terms of if you can anchor now, what has changed, or can now anchor now? Are they doing it illegally maybe shed light on that.

EDWARD KELLY: In any emergency situation, you can anchor wherever you feel you have to anchor. The question is if you know there is a designated anchorage, say you have gear adjustments or things to make, these are designated spots that have proven to be safe.

SENATOR CARLUCCI: So we could expect, I guess that now with these designations, that this would be a destination for cargo traveling up the Hudson. So we could expect that they will be filled.

EDWARD KELLY: Not filled but they will be used. And these as I say, because of the geophysical characteristics of these particular locations that are being proposed, these are the places that are already currently in use because it is deep enough so that they don't run aground as they swing, where there is lesser impact to the current, where there is not a very narrow section of the river so it precludes other people getting around them.

There are a lot of factors that go into finding a good place to anchor without hurting the bottom, et cetera.

SENATOR CARLUCCI: As the regulations as we read them say three barges could be anchored at any one time.

EDWARD KELLY: Could be. In some of them there is space for one, some two, some four.

SENATOR CARLUCCI: The ones in this region in the Westchester-Rockland area, we are talking about

three each.

And so you don't see that now. We would only see one maybe sporadically anchored at a time?

EDWARD KELLY: And the provision that they exist does not mean that they will all be used. And to go back to the parking lot concept, it doesn't make economic sense.

SENATOR CARLUCCI: So why allow that in the regulations or put that in the regulations? Are they expecting some explosion in terms of travel along the Hudson?

Are they expecting, you know, we talk about the 600 foot barge, and I guess I might have read it wrong, but I thought the requirements or the regulations were allowing for a barge up to 600 feet to be parked.

EDWARD KELLY: Those are different types of vessels than are barges. There are barges that move and carry cement. There is a lot of cement that moves up here, again construction materials that move in what are called coastal vessels.

SENATOR CARLUCCI: So a coastal vessel up to 600 feet could be parked at one of these spots.

EDWARD KELLY: Yes. Depending on the amount of anchor swing and provision, how much space would

be needed.

SENATOR CARLUCCI: Another thing I have trouble with, caring deeply about the Hudson and wanting to preserve its integrity. You mention about oil spills or oil leakage in the Hudson, that none has been documented.

How far back are we talking about that documentation?

EDWARD KELLY: That goes back to the corps records which are not that far back. It goes back to about 2010.

SENATOR CARLUCCI: 2010.

EDWARD KELLY: Six years of impeccable safety record. It doesn't go back that long.

These are the same type of anchorages and the same type of commercial operations that are taking place in other federal navigable channels, the Mississippi, Columbia, so this is not unique to the Hudson Valley.

SENATOR CARLUCCI: I appreciate your answering these questions, and it is a delight for me to have someone who can answer these with integrity and authority. The other question I have is just that many of our elected officials and residents have brought up is the safety. And the

fact that we have to deal with the reality of soft targets in our community and just the advent of what type of materials are going to be transported along the river.

Is there any type of mechanism where local law enforcement, the community will be notified about what type of materials are being parked in their community? In terms of toxins or crude...

EDWARD KELLY: We can and do work with state and municipal entities, their abilities to deal with different issues, whether they be security based or environmentally based.

Our industry and Coast Guard and Corps of Engineers, we work extensively with security-related things. Obviously if we want to talk about security, I'm from New York City. We know about 9/11. We don't just talk about it, and we have existing security protocols that integrate local, municipal and state first responders, OEMs, et cetera.

If there are any failures on the part of communities or state issues to take a look and consider they ought to engage with people running and how can we best work together, this industry is working together. We have operators that work this

river work in New York City and the harbor. We are the people that lifted the people off Manhattan Island when the towers came down and it burned.

Bee don't want to talk about security. We'll show you security. We take it seriously in this business because we lived with it. We had to take those people off that burning island that day, and we have built that.

Captain Sully, those people didn't get off that plane by accident. It's because we have trained and worked and coordinated our commercial navigators with OEM, New York Department of Fire, police, all those people. That's how those people got off that plane because we drill and practice that, and your local communities should do it as well.

And frankly being very blunt, New York State in this area doesn't spend enough money on doing what they ought to do to do those things. We stand ready to work with people. We hope the communities will reach out to us and other organizations like us to enhance the security and ecology of this river. It's important to us. We hope it's also important to you. We don't talk about it. We live security.

SENATOR CARLUCCI: Well, I appreciate your

commitment to security and that's great to hear.

EDWARD KELLY: Every one of our professional Mariners as I've said is a U.S. citizen, they have extensive background checks. We have more background checks than you need to be a member of NYPD.

We are federal. It's done by TSA. We have transport worker identification credentials with embedded credentials, picture I.D.s.

We take this seriously. Every one of our Mariners has to be certified by Coast Guard. Every vessel has to have a vessel security plan. Every company has to have a company security plan. Every facility needs a facility security plan that is inspected physically in person by Coast Guard at least once a year. Our vessels are certified. We are willing to talk about any of this.

SENATOR CARLUCCI: I appreciate your commitment to safety and security. I think what would be, what is refreshing to hear is the commitment to work with local law enforcement to share that information with what is being stored out in the river.

EDWARD KELLY: Absolutely.

SENATOR CARLUCCI: Thank you.

Senator Serino.

SENATOR SERINO: Ed, I think you can understand our concern especially with the proximity to Indian Point nuclear power plant. I think you'll hear that from the crowd as we've spoken about tonight the crazy world we live in now, you never know what to expect so that is a verified fear that we all have.

Actually you've given us a lot more information tonight than we've heard and thank you for that. And I think that's what everybody feels the same way because we didn't have any answers. We didn't even have somebody to ask a question to. I actually did meet with the Coast Guard, and I asked them the question about having five barges like tied up or anchored together, and he couldn't answer yes or no because I don't think that they have a plan, and that's a huge part of the problem, and the unknown is really scaring the daylights out of everybody.

EDWARD KELLY: We can help you get to the right people in Coast Guard. Again, the people that just are the administrators and rule making are not the people that are waterways management security. So you might have gotten into the wrong people in

the Coast Guard. So we know there are people in Coast Guard that can and will respond to these types of questions.

SENATOR SERINO: As you mentioned that they don't notify us but, you know, they should have notified us so we could talk to the public, and let them know what we found out, or at least that there was a notification that this was even something that was on the radar.

EDWARD KELLY: Sure.

SENATOR SERINO: We didn't know about that.

EDWARD KELLY: They use the Federal Register.

SENATOR MURPHY: Three weeks, 2,000 people signed a petition. We got questions. We had to really kind of start saying -- they wanted to hold a public hearing in the spring, the Coast Guard.

EDWARD KELLY: Probably what will happen.

SENATOR MURPHY: In the spring. You know public comments ending December.

EDWARD KELLY: Public written comments and the Coast Guard procedures which are standard federal procedures, once the written comment period concludes, they evaluate the written comments. They put them in the proper piles and however they sort them out, and based on this, certainly on this

issue, they would say there is sufficient concern that they would schedule public hearings. They put that into the Federal Register to notify people. They pick out locations scattered throughout the region. They would establish, get places and they will be open for public hearings, but because of the public notice period through the Federal Register, I would expect the real public hearings would start in the spring.

SENATOR MURPHY: Ed, you know as well as I do, we are dealing with the federal government, and you know how that works. You know how that works.

EDWARD KELLY: Slowly but surely.

SENATOR MURPHY: I appreciate your coming out of your way and getting here. This is the most information that I've heard. We have been asking questions, and like Senator Serino said, we have had no one to ask the question to. You are the first person, you are the first person. We can't get in touch with the Coast Guard.

It's disgraceful that they're not here tonight. I have the ultimate respect for our military and Coast Guard. I respect them, but this doesn't hold water, so to speak. It doesn't hold water.

Thank you for being here.

EDWARD KELLY: Thank you. If anybody would like a followup, please.

MATT SLATER: Next we are going to be inviting county legislators John G. Testa and Barbara Scuccimarra. Barbara is representing MaryEllen Odell, County Executive of Putnam County.

SENATOR MURPHY: Excuse me, Ed, I know you are being bombarded. I don't mean to be disrespectful. I would like to keep this moving if we can go outside.

Thank you County Legislator Testa, County Legislator Scuccimarra. Thank you for being here.

LEGISLATOR BARBARA SCUCCIMARRA: Thank you for having this tonight.

SENATOR MURPHY: Excuse me, can we respect everybody's time here, please.

LEGISLATOR BARBARA SCUCCIMARRA: I appreciate you having this public hearing. I attended your August public hearing, and that was the first time I heard about this and my community. And on behalf Putnam County Executive MaryEllen Odell and the Putnam County Legislature, I stand with my community in opposition to the Coast Guard proposed rule.

The west side of Putnam county borders the

Hudson from Bear Mountain Bridge to Beacon, and although we are only a little bit in there, we value our river, and we value the river communities, and we have to stand together.

I've lived on the river for over 40 years. Or near the river. I overlook it. And I see barges all the time going up and down the river, and actually it's a lovely sight to see these barges. But what this gentleman is talking about, this increased amount of these barges, I think, is going to be problematic, no matter how you look at it.

And the fact that they're so increased and they're going to be parking in the middle of the river at times. And when you had your public hearing, we were in Verplank, and just looking out at the water, and I think one barge is too many barges.

You have to respect the people that live along the river. You have to. Parking acres of barges -- now first we heard 10 locations and now it's 16, would risk undoing environmental efforts which have transformed a sick, polluted river into a vibrant and beautiful ecological environment that continues to draw people. And that's what we have to focus on. We can't focus on the commerce. I'm

sorry. We have to focus on the people that live along the river and enjoy the river. The fishermen, the boaters. I can't even wrap my head around more barges on that river. I just can't do that.

Millions of gallons of bakken crude oil -- and Scenic Hudson touched on this -- are being transported by rail along the river. These trains lack any of the basic safety mechanisms and are a constant threat to all our communities. Bakken crude oil is a very heavy consistency that sinks, and it is very flammable.

Our communities along the river are not capable of fighting a fire of bakken crude. They're not. And by the time the Coast Guard gets there, it's going to be devastating.

SENATOR MURPHY: As he said.

LEGISLATOR BARBARA SCUCCIMARRA: A resolution has been drafted and sent in opposition to this proposed rule, and we are in communication with the governor and the Secretary of State to have this not move forward.

You know, again, I thank you all for having this, and I thank people like you for coming to this because these are the people that are going to stop this. These are the people.

I don't mean to date myself, but back in the 70s, they proposed a hydro electric plant on Storm King Mountain, and if it wasn't for Scenic Hudson and grassroots efforts, that mountain would have been destroyed. But it was stopped. So I'm hoping the same thing will happen here. Thank you so much.

SENATOR MURPHY: Thank you.

[Applause]

LEGISLATOR JOHN TESTA: Thank you for fitting me in with Barbara. This is a pleasure. And I really want to thank you, Senator Murphy, for spearheading this and the other senators for being a part of it and to really bring this to the public eye.

As you mentioned before, we would not have known about it, and we have known with the federal government, if you don't find out early enough in the process, you are not going to do anything about it. So by having the early warning signs and to have our voices heard early and now tonight to put them on notice again, I think is very, very important.

I was pleased to be able to bring a resolution to the Board of Legislators in Westchester, unanimously approved by all my

colleagues on both sides of the aisle. That resolution has been posted to the Coast Guard site so they know the County of Westchester as we know with the County Executive are against these, against this proposal.

And it seems to me after tonight, this is really a matter of volume. As Barbara said, we've always seen boats going up and barges and tug boats going up and down the Hudson. I grew up on Peekskill on the river. This is a volume problem and we have to think of it as the worst case scenario, as we do in government with all the things we plan. When you see a full contingent of barges parked in these areas, it's taking up the whole center of the river just about, and our area especially.

What I'm concerned about is the safety on all aspects that was mentioned tonight -- I'm not going to reiterate everything that has been said -- but just look what happened when the Tappan Zee Bridge started. There was one barge put there for the staging for the beginning of the construction, and there as was a fatal accident there with just one barge. Think of all the barges up and down the center of the Hudson what could happen for

recreational boaters. Who is this going to fall on? Is it going to fall on the counties and individual municipalities? Are they going to have to have maritime response teams? Are they going to have to expand their police force? Expand their fire departments? Millions and millions of dollars per community is going to be needed. Where that money going to come from? Is the federal government going to subsidize? I don't think so.

SENATOR MURPHY: Can you say unfunded mandate?

LEGISLATOR JOHN TESTA: Perfect. I won't get into my schoolteacher mode of historic lecture, but this area, the Verplank Montrose area, Stony Point and Heritage River, this is the cradle of our nation was formed there. People might not realize it, but it's the most historic area in our country as far as I'm concerned. Protecting West Point, the whole issue of the spies and Benedict Arnold, that has become a very popular narrative over the past few years. Books have been written about it movies made about it. TV shows have been made about it. This is where it happened. People come here just to see that area because that's where history began for our United States of America.

So to have barges all up and down the Hudson, people don't come to see barges. That's not what they are coming for. They're coming to enjoy the Hudson. Just in my lifetime so much has been tremendously done to improve the Hudson River. We used to go swimming even though we were told not to back in the day. Now it's not even a problem to go out there and jump in the river, and people do it all the time. It's going to change, and we can't let that change after all this hard work we've done. Thank you for letting us stay.

SENATOR MURPHY: Very briefly. You know, as a resident of Peekskill, you have been there a number of years, the former mayor of Peekskill you have been there a number of years, and now as the county legislator, you have seen drastic, drastic changes that have gone on there. That walkway is just absolutely beautiful what has gone on down there, and to turn around and start walking down that walk way and see niece anchorage sites and barges to be able to park there with the investment that some of your business owners put down there and it's just not right.

Barb, thank you for being there from day one.

LEGISLATOR BARBARA SCUCCIMARRA: Sure.

SENATOR MURPHY: You came to the first public comment period that we had, our press conference just to pound the drum on this and get it notified, you know, so I appreciate all that you do and thank you for you being you and representing the county executive up in Putnam County. So keep up the great work and thank you for being here tonight, and I'm sorry you had to wait for so long.

MATT SLATER: Next up we have John Cronin of the Pace University Environmental Law School.

John?

JOHN CRONIN: Good evening.

SENATOR MURPHY: Good evening, John. Thank you for being here.

JOHN CRONIN: Thank you. I appreciate each one of you holding this meeting tonight.

My name is John Cronin. I'm senior fellow for environmental affairs at the Pace University Academy for Applied Environmental Studies. I'm a resident of Cold Spring, New York.

And Senator Serino, when I was a commercial fisherman I lived on the docks in Nyack, New York.

Senator Murphy, I'm here tonight with my co-faculty Michelle Land from the Land Environmental Policy Clinic and students from the clinic where you

are our environmental hero for reasons that don't relate to even to the Coast Guard. The Elephant Protection Act which our students worked with you on, and you delivered for us in New York State Senate, and we are greatly appreciative of that.

I want to start out my comments by saying something about the Coast Guard. We throw the term Coast Guard around very loosely. Let's be clear about something. The rank and file of the Coast Guard is our front line of maritime defense for Homeland Security. They do drug interdiction, they do spilled response. The Coast Guard swimmers are amongst the bravest of those in the American service, and I have nothing but the greatest respect for the Coast Guard rank and file.

But as those in the maritime industry like to say, and they do, there are two Coast Guards. There is the rank and file Coast Guard who does everything that I told you about, and there is what they call the other Coast Guard. And I want to talk a little bit tonight about the other Coast Guard.

If you asked anyone five years ago to describe the maritime nexus for South Dakota, they probably would have said zero. The bakken oil fields have changed that dynamic dramatically as

tank barges move product to market. It is no coincidence that Senator Thune of South Dakota is chairman of the Senate Committee with oversight for the Coast Guard. South Dakota most certainly has a maritime nexus today.

Those are not my words. Those are the words of Admiral Paul, the head of the Coast Guard at the annual meeting of the American Waterways Operators last April.

He concluded his remarks by saying the Coast Guard will facilitate economic prosperity. Let's be clear that is not the Coast Guard's job. The Coast Guard's job is navigation. The Coast Guard's job is safety. The Coast Guard's job is the health of the environment. It is not to facilitate the commercial success of the oil industry. But that was the...

[Applause]

But that was the thrust of his remarks at the American Waterway operators last April at their annual meeting.

And why is this important? It's important because the special anchorage designation that the Coast Guard is asking for is exempt from the National Environmental Policy Act. A federal regulation that exempts the Coast Guard from having

to do an environmental impact statement under the National Environmental Policy Act because special anchorages are an exempt activity.

Now the problem with exempt activities is that they're pretty broad. Once you've got that power, you've got that power. You can declare a special anchorage, and you are exempt. You don't have to do an environmental impact statement.

I would argue that even if this is not -- does not fly in the face of the letter of the law, it does in the spirit. It is clear to me, and a lot of people have looked at this issue, that in fact this is about facilitating economic growth outside of New York State. It is not about navigation and safety. And I will get to some of those issues.

And let me just tell you for those of you who don't know. I've spent a lot of time on the Hudson River. I've worked on it for 43 years. I'm a former licensed Coast Guard captain. I was the Hudson Riverkeeper for 17 years. I was a commercial fisherman for three years on the Hudson River. I know my way around the river.

SENATOR MURPHY: I'm going to consider you an expert.

[Applause]

JOHN CRONIN: Better others say it than I, but -- and part of that experience is some pretty dramatic stuff. In 1977, I was one of the organizers of the bird cleaning station in Rockland county when the Ethel H. barge went up on Con Hook Reef and spilled over 640,000 gallons of fuel oil in the Hudson River, fuel oil that took over a year to dissipate.

I cleaned the birds. I watched the birds die. My brother helped us at the bird cleaning station. He euthanized the birds that couldn't make it anymore. We saw their dissolved internal organs from trying to preen themselves of the oil.

This is serious business when you are talking about the transport of oil. If we were doing an environmental impact statement on this proposal, I want you to consider what actually would be in writing right now because you said very rightfully, Senator Murphy, that we don't have enough information.

If there were an environmental impact statement, it would spell out the environmental impacts, the social impacts, the cultural impacts, the visual impacts, the economic impacts and any contributory impacts to climate change. It would

have to spell out alternatives to special anchorages including the no action alternative, and it would have to give all the reasons to defend every one of those alternatives.

Now by way of example, in Kingston, New York, the Hudson River pilots call Kingston, New York, the point of no return. They call it the point of no return because there is not room for more than one vessel. And once the vessel is committed up there, that vessel cannot turn around until it gets up to the point of Albany. They call it the point of no return.

SENATOR MURPHY: Didn't know that.

JOHN CRONIN: Here is the question that would have to be answered in an environmental impact statement. If above Kingston is such a narrow channel that it is the point of no return, why do we need 17 anchorages in Yonkers, New York?

It doesn't compute why we would need 17 anchorages in Yonkers, New York, when 70 miles upriver you can't squeeze more than one tug and barge on its way to the port of Albany.

Explaining that is important. We are not seeing those explanations, and I don't think we are going to. We are going see contested testimony in a

spring hearing. Were there an environmental impact statement, however, we would see all of this and more.

So what is the Coast Guard asking us to do? The Coast Guard is asking us to trust the Coast Guard. I trust the rank and file of the Coast Guard. My problem with is the decision makers. And let me give you a firsthand experience that I had.

In 1983, in my first year as Hudson Riverkeeper, I spent the summer training oil tankers up and down the Hudson River. They would anchor at the anchorage Port Ewen and anchor at the anchorage at Kingston. They would rinse themselves out, fill up with Hudson River water, they would bring the water to the island of Aruba. When they anchored at the village of Port Ewen, they discharged benzene, ethyl benzine, toluene and xylene 1500 feet from the drinking water intake of the village of Port Ewen. I personally did the sampling from the tanker, and we brought it to a laboratory.

We brought the information and the evidence to the United States Coast Guard, and this is what the United States Coast Guard said. We decline to investigate because this is part of the normal operations of the vessel.

Now were there an environmental impact statement, the issue of monitoring enforcement would also have to be addressed.

In 1990, there were what was called the high grade spill. It was A barge that went up on Diamond Reef, a kerosene spill that dumped 164,000 gallons of kerosene into the Hudson River. These reefs I'm talking about are well known navigation hazards on the Hudson.

The immediate Coast Guard response, and its public statement to the newspapers was, it was due to high winds and choppy water. The winds that night were 8 to 10 miles per hour with occasional gusts to 20. It was a clear night, and months after those public statements were made to the newspapers, "The New York Times," "The Times Herald Record," months after that an investigation was done, and the captain was suspended.

But the first inclination, the first response of the Coast Guard was it was the fault of the river. It was not the fault of the captain behind the wheel.

You can see this repeated in incident after incident. In the 1980s to 1990, there were over a period of one decade, there were 10 significant

spills by barges going up on reefs in the Hudson River. In June 5, 1991, there was a Congressional hearing held. I testified at this Congressional hearing. I had also testified at a Congressional hearing about navigation two years before the Merchant Marine Fisheries Committee. That doesn't exist anymore, but when they had the subcommittee at navigation and the Coast Guard. I proposed, and Congresswoman Nita Lowey proposed that any tug and barge that brought hazardous cargo up the Hudson River should have an independent Hudson River pilot aboard in addition to the captain to assure the safety of that tug and barge.

The reason for this is Hudson River pilots are required on board tankers, and you have to look long and hard to find a tanker accident on the Hudson River because the Hudson River pilots are on board. But guess what? The Coast Guard showed up at the hearing and testified against the idea. They said there was no evidence that there were safety problems. There were no evidence that there were accidents, and the commercial industry testified against it because they said it would increase their costs for navigating on the Hudson River.

Now mind you, every single one of these

spills had a licensed captain behind the wheel, but almost none of them had significant Hudson River experience. I'm replaying this history to you to explain to you in part the real world problems that we have had on the Hudson River when navigation and-- I take that back. The Coast Guard calls it incidents. They don't call them accidents and for good reason. When I trained for my Coast Guard license, what was drilled into me there is no such thing as an accident. There is somebody's fault and an act of God. That's all there is, and this is true. On the water, there is somebody's fault, and there is an act of God. There is no in between. That's the way it works, and not one of those barge incidents was due to an act of God.

Now when I look at this proposal, I look at other things as well. We have a rich history of having had a commercial fishery on the Hudson River. I was a commercial fisherman for three years, part of the time living in the back of a pickup truck on the Bird Street Dock working with the Gabrielson family.

We used to have hundreds of commercial fishermen on the Hudson River. And there is a sad story there. Striped bass and American eel were

banned from fishing in 1976. Sturgeon were banned from fishing in 1996. Shad was banned from fishing in 2010. The net commercial net fisheries no longer occupies the Hudson River. We wanted to some day, but a lot of these anchorages will be located in former commercial fishing locations. In other words, the federal government is giving up on the idea that we are going to have commercial fishermen again on the Hudson River.

To me, if nothing else, this is totally unacceptable. This is part of our working life on the Hudson, part of our culture and history, an economic safety net in times of economic duress for people who needed another income. This is important for us. Commercial fishermen are not the cause of any of them losing their jobs. The federal government has a lot to do with them losing their jobs.

And so let me turn my attention to that just for a moment before I conclude. The federal government has a lot to answer for on the Hudson River, and the Coast Guard proposal is the latest. Since the 1960s, citizens groups on the Hudson River, and this is no exaggeration, have spent tens of millions of dollars -- I suppose it has probably

reached close to $60 million to $70 million at this point fighting federal proposals.

Make no mistake. The Storm King Mountain proposal that Barbara Scuccimarra referred to, yes, it was a Con Ed proposal, a Federal Power Commission proposal in the exact same way the proposal in front of us tonight is not a proposal from American Waterway Operators. It's a proposal from the Coast Guard, because when we testified, when Congressman Lowey and I testified and went to the Coast Guard and said we want better safety measures in the pilot house, in those tugs, the Coast Guard didn't take our idea and publish it for everybody to comment on. The Coast Guard filtered it out. The Coast Guard publishes things it wants.

So make no mistake about it. This is in the Federal Register because the Coast Guard wants it. If the Coast Guard didn't want it, it would never see print, in the same way our request for requirement for pilots and better training for captains never saw print in the proposed regulation from the Coast Guard on the Hudson River.

The Hudson River Expressway that would fill in the shallows of the Hudson River in Westchester County, Westway, that would have filled in the

striped bass spawning wintering grounds off the coast of Manhattan, the PCB discharge permit given by the E.P.A. to General Electric in 1973 when the E.P.A. had in its hand a report that said it would result in the contamination of Hudson River striped bass.

I can go through a list of these, at least a dozen incidents and proposals by the federal government that we have had to fight over the last four to five decades to keep this Hudson River safe, this Coast Guard proposal is the latest.

Let me give you something to contrast this with. Does anybody here want to guess how much money Congress is going to spend on protection, restoration and rebuilding of Chesapeake Bay next year -- this year -- on the Chesapeake Bay estuary? They're going to spend $65 million restoring and protecting the Chesapeake Bay estuary in a special program for the Chesapeake Bay that has a permanent line item in the Congressional budget every single year.

There is no such line item for the Hudson River. We are here talking about a backroom fight to protect this river when we should be having a hearing about is how much money should the federal

government be investing in the restoration of the Hudson River and estuary?

[Applause]

Not fighting off yet another agency proposal. When is the commercial fishery coming back? When are the shores of our cities going to be rebuilt? Where are the docks for the tour boats that used to be the boast of the Hudson River that brought people up here by water?

Let's not bring oil up here by water. Let's bring people up here by water for God's sakes. That's what we should be doing on the Hudson River.

But most of all, I want to stress to you, and I implore you to make this request, and I invite the Maritime Association of the Port of New York and New Jersey to join us in a request that the Coast Guard do a full environmental impact statement with all the alternatives, all the impacts from social to economic to environmental so that we can examine this proposal and the kind of detail that it should be examined. And then let's start talking about the money we should be spending from the federal government on restoring this river, not creating anchorages for bakken oil from South Dakota because the senator from South Dakota is the chair of the

Coast Guard subcommittee.

JOHN CRONIN: Thank you very much.

[Applause]

SENATOR MURPHY: John, one second if you don't mind. Like I said, like I said, thank you. Thank you for being here tonight. You are a plethora of information. The stuff that you can dial in on, I would love to make sure that if you are available when we have more of these things because you know what we are up against. I love the analogy of the rank and file versus the really -- the kind of nonsense that we get put into. And when they do that E.I.S., it's going to be this big. It's going to be that big. It is going to be unbelievable, and I did not know that it was -- they did not -- it was the anchorage were exempt. I did not know that.

JOHN CRONIN: Special anchorages are exempt. It's a Coast Guard regulation.

SENATOR MURPHY: So I thank you for being here tonight. I know you have been at the press conferences, and you are an information source for myself that I can only just learn more from you and dial this in and we can fight it together.

So thank you for going out of your way and

I'm sorry we couldn't get you on earlier.

JOHN CRONIN: Let me ask one final thought before I walk away. If the Coast Guard does not -- refuses to do an E.I.S., our environmental policy clinic is in the midst of preparing a massive freedom of information request that goes back 30 years, trying to get the documentation that would show up in an E.I.S.

The December 6 deadline should be extended because we have to engage in our own process to collect the information. And they have 20 days to respond to the freedom of information request. It's going to take them probably two months to comply with it, and the hearing and notice, the comment period will be over.

This comment period should be extended and there should be -- the record should be open and included in the hearing that takes place in the spring. There is no reason to close the record now or any time between now and when the hearing takes place.

SENATOR MURPHY: Thank you very much.

[Applause]

MATT SLATER: Thank you, John.

Our next speaker is Betsy Garthwaite. She is

the Chairman of the Board for Clearwater.

Betsy?

BETSY GARTHWAITE: Good evening. Whoever's idea it was that I had to follow John Cronin --

[Laughter]

SENATOR MURPHY: A tough act to follow, huh.

BETSY GARTHWAITE: I want to thank the senators tonight and especially Senator Murphy for reaching out to Clearwater to ask us to participate this evening.

My name is Betsy Garthwaite, and I am the president of the Board of Directors of Hudson River Clearwater and also former captain of the Sloop Clearwater, and for the record as a United States Coast Guard captain, I have a deep respect for other maritime professionals and their concerns about safety.

As most everyone knows, the Sloop Clearwater was the brainchild of the late folk singer Pete Seeger. Pete had an idea to build a replica of the old Hudson River sailing vessels of 18th and 19th centuries not just as a nod to the valley's maritime history, but as a way to focus people's attention on what was then a very polluted Hudson River. And Pete's scheme worked.

That first summer in 1969, the sloop attracted many thousands of people in waterfront communities up and down the river. Today, nearly 50 years after Clearwater first sailed up the Hudson, the river is noticeably cleaner.

No one environmental organization, no one piece of clean water legislation, no one lawsuit can take credit for cleaning up the Hudson. It took many organizations and government leaders and concerned citizens coming together and working toward a common goal. And because of the efforts of people decades ago, and the ongoing efforts of people today, we live in one of the most beautiful regions in these United States.

The Hudson is no longer a place that people avoid. Rather, people flock to it. They swim in the river, fish in the river, canoe, kayak and wind surf, dine along the river's edge. You name it. Just about any recreational activity that can be done on the water or next to the water is happening up and down the Hudson.

Today, tourism is a multi-billion-dollar industry here in the valley, and it is growing with every year. But now the maritime ministry has requested 10 additional federally-designated

anchorages between Yonkers and Kingston with a total capacity up to 43 vessels. By its own admission, this request is being made due to the anticipated increase in traffic of bakken crude oil on the Hudson after the lifting of the crude oil export ban last December.

Our communities will be assuming a huge amount of risk with the promise of little to no reward from the increase in shipments of crude oil which, unlike the home heating oil that is transported upriver each winter, is not intended for our consumption. This oil will be headed overseas.

I believe that the Hudson River is New York State's greatest natural resource, and the Hudson has always had value to the people of New York and New Jersey as a shipping route. But those interests have got to be balanced with the many other interests that we, as residents of the valley, also hold dear and depend on.

I believe that additional anchorages are not in the best interest of Hudson River residents, and on behalf of the Clearwater organization, exempt or not, I am asking the Coast Guard for a full environmental impact statement.

Funny that John mentioned the ethyl h today.

I was going to bring it up myself. To this day, it is my understanding that it was the largest single crude oil spill to occur in the river north of New York Harbor, and the bird cleaning center that was set up operated around the clock for 10 days by volunteers and professionals caring for the captured birds.

Early attempts at using dish detergent to clean those birds proved ineffective, so a solvent made by the Shell Oil company was used which required the cleaners to don suits, gloves and respirators. The Coast Guard responded to the spill with a 300-person team. By their own estimate, they recovered less than 25% of the oil spilled. Of the hundreds or even thousands of birds that may have been contaminated, just 50 were captured, and one third of them did not survive.

This is a stark reminder that nearly 40 years later, our ability to clean up spills and save wildlife has not improved greatly. We can put a price on the value of a tanker full of crude oil. We can also put a price on the cost of an oil spill cleanup and resulting economic damage. These spills may be uncommon in part thanks to the professionalism of the Hudson River pilots and the

tug and barge captains and crew, but they do happen. And make no mistake, oil companies consider such spills part of the cost of doing business.

There is one thing, however, that we can't put a price tag on, and that's the quality of life we enjoy here in the Hudson Valley today, and I believe that quality of life is worth protecting.

[Applause]

SENATOR MURPHY: Betsy, I'm sorry had you to go after John, but thank you very much for being here tonight and testifying because this is all being recorded by the New York State Senate, and it's going to be distributed to the Coast Guard. And the E.I.S. is a great start.

[Applause]

BETSY GARTHWAITE: Thank you very much.

SENATOR SERINO: Thank you, Betsy. Thank you.

MATT SLATER: John Parker is with us. He is the Director of Legal Programs for Riverkeeper.

John, thank you for being here.

JOHN PARKER: Thank you, sir.

SENATOR MURPHY: Thanks, John.

JOHN PARKER: Thank you, Senators.

On behalf of Riverkeeper, its members and

constituents, we thank you for calling attention to the request for 10 new anchorage grounds with 43 berths in the Hudson River.

In the many concerns that have been expressed by numerous people today, I'm going to go through a couple of things again because I think it bears important merit to talk about some of the aspects of the claims with respect to the justification for these proposals and a little bit of the detail about the environmental impact statement process. So here we go.

SENATOR MURPHY: You're on.

JOHN PARKER: Thank you. Ready.

Riverkeeper opposes the proposed request for additional anchorages because it is clearly driven by a desire to vastly increase industrialization, reindustrialization of this river corridor, and because the industry has tied the need to increase safety, instead of the vast increase in crude oil transport to and from Albany.

The river has had its share of industry and industry impacts, and the public now with its overwhelming outpouring of concern, condemnation and critique, is pushing back to say no more.

The advanced proposed rule making requested

by the maritime industry to establish new anchorage grounds is particularly discouraging given the time that has been spent in the recovery of the river and the communities along it. They are finally rebounding from a legacy of its industrial past.

Our residents and communities appreciate the Hudson as a living river in ways that are much stronger today and much stronger than they've ever been before, and this understanding is increasing.

Riverkeeper's concerns about the proposed dramatic increase in anchorage grounds focuses on two core areas: First, the industry's claims regarding the need for additional anchorage grounds will go through now are unsubstantiated, and second, as we've heard discussed tonight, should this advanced proposal become an actual proposal, it must be subject to a full and comprehensive environmental impact statement, and that includes things like we are doing here tonight: Robust public participation and opportunity for those impacted to have their say before any decisions are made.

So are the increased number of anchorage grounds necessary? We say no. We say the facts say no.

The Coast Guard has the power to define and

establish anchorage grounds, and they have that power for over a century under existing law. The maritime industry on January 21 of this year claimed that the anchorages are, quote, critical to America's economy, navigational safety, environmental protection and energy independence.

There are many factual points that refute these claims. First, commercial vessels already have the ability to anchor in the event of any unexpected events or conditions which place them at risk, including mechanical failure or weather-related hazards.

Hurricane Sandy is an excellent example of the Coast Guard giving emergency and temporary authorization in times of trouble to multiple vessels in the harbor of New York.

In fact, these types of requests for authorization are always granted for safety. The industry lobbyists we've heard tonight have admitted such. Second, Riverkeeper's patrol boats and staff, some of which have spoken tonight, have patrolled the Hudson estuary and the river for thousands and thousands of miles and many, many years.

JOHN CRONIN: The industry's request for 43 berths in 10 areas does not appear to be related

to any demonstrated need. We have never witnessed within a half dozen commercial vessels anchored between the George Washington Bridge in Albany in the existing two authorized anchorage grounds.

In fact, only on the rarest of occasions are the existing Hyde Park and Yonkers anchorages full. Third, on closer examination, the fact that industry has requested eight berths at the Kingston hub which we have heard discussed tonight, and 16 additional berths at the existing Yonkers anchorage grounds, clearly show the true reason for the request. The Kingston hub is the Northern-most area of the river with swinging room for large vessels.

The Yonkers extension is the closest anchorage to the Port of New York and New Jersey. There is no possible safety-related scenario where eight additional vessels would need emergency anchorages in Kingston and where 16 additional vessels would be needed for emergency anchors off Yonkers. No possible scenario.

The industry representatives have made clear their security and security credentials that demonstrate there are few, in fact, few emergencies, and again, when and where they can anchor in those emergencies. Simply the proposal is an effort to

expand the ports of Albany and New York Harbor to relieve congestion and support an expansion of commercial transport of oil as we'll discuss.

It is not about recreational use increasing, and it's not about using traditionally-used anchorages.

Fourth, both the oil and maritime industries expect a significant increase in crude oil transport. This is tied to the 2015 federal government's action that lifted the ban on the export of oil to foreign nations.

The many millions gallons of crude that already travel this corridor will be dramatically increased, but for foreign markets.

Fifth, transport of crude oil on the Hudson Valley presents unacceptable threats to public health as we've heard tonight. For example, again, public drinking water supplies are along the Hudson River and use the Hudson River as that supply.

The shipment of crude oil on the Hudson River itself is a hazardous condition because spills are essentially unrecoverable. And it only takes one such spill to wreak havoc here. That needs to be stressed. It doesn't need to be multiple for us to get the point.

Bakken crude which has been discussed tonight from the midwest cannot be recovered in moving water bodies like the Hudson River. Burning bakken is left to burn itself out.

Again and again, we've seen examples where the fires are too hot to extinguish. It is the risk.

Further, the tar sand crude oil that might be coming as well in the future, if spilled, sinks to the bottom, not recoverable.

Despite industry claims that there is no need for the additional anchorages to support delivery of refined petroleum products -- sorry, excuse me. There is no need for additional barges to bring refined oil products to and from Albany.

For many, many decades, as we all know, the barges have gone to Albany, and they've come back and there has never been a concern. This is just a scare tactic. It's not real. It's not been witnessed ever.

Moving to the environmental impact statement, because I think it's important we discuss this, it's our position, and I think it's the position of many others, that there is a need for a comprehensive environmental impact statement.

We are not talking a comprehensive environmental assessment, and we are not talking about a comprehensive environmental review. We are talking about a comprehensive environmental impact statement.

You've heard others before me talk about the reasons, the comprehensive nature. The national environment policy act which would authorize such a comprehensive statement requires a comprehensive look at potentially-significant environmental impacts before decisions are made. And that is very important and it's very meaningful, particularly in this in case. And as we've also heard, there is a problem and it is not a small one.

This review of this expansion of anchorages is categorically excluded, but we have done work and we are convinced that there is and are bases that the substantial impacts we've identified and will discuss now provide the legal grounds for the Coast Guard to, in fact, go beyond the exclusion and prepare what we will ask you tonight and what you've discussed the need for the full impact statement. So we ask you and urge you to join us in that request.

The impacts are many. We've heard them

discussed tonight, and I'll summarize them as air, noise, light pollution, scarring and scouring of the Hudson River and its related impacts to the fish that call this place, this river, their home, and the associated impacts from the reindustrialization of the river corridor.

This proposal also creates a worst case scenario. As I mentioned earlier, it's the oil spill. There isn't going to be a response to the oil spill that's going to recover anything. It's just going to happen, and it's going to be over.

Thousands of public comments to date and dozens of town and elected officials and community leaders have demonstrated the clear opposition and concern.

The historical properties' impacts alone are significant. As we've heard and we agree, the Hudson River is American history. It's clear from the Battery to the Hudson Highlands, from West Point to the Erie Canal, it's all right here.

Finally, it's inconsistent with several environmental laws that the state implements and that the state has passed. These include the state's authority under the endangered species act. We've heard discussions about the Coastal Zone

Management Act that empowers local communities up and down the Hudson River to create a vision for their communities as the river is restored, for economic and ecological benefit and future economic growth, and very importantly, as we've just mentioned, the National Historic Preservation Act.

Any of these factors alone would be sufficient to prompt a full environmental review under the regulations of the Coast Guard.

That this proposal implicates all of them leads to the clear and undeniable conclusion that it must undergo full environmental review, but public support, public pressure, public officials, concerned community groups and everybody else is going to be necessary to make that happen.

The public deserves an opportunity to be heard on all of this. There needs to be extensive public hearings up and down the river in all of the communities impacted.

In conclusion, the proposal to establish new anchor grounds is being made to the federal government. It's a federal action. We've discussed this tonight. But it has tremendous and significant implications for our state, for our state's future, and for our community and its residents.

Hundreds of thousands of New Yorkers are relying on their state representatives, to you, to challenge this proposal, to raise these substantive and significant issues we've raised and to ensure that their voices are heard throughout the process.

Riverkeeper at our website Riverkeeper.org has taken extensive efforts to both identify and document from both our experience and others the multitude of issues we found community by community, resolution by resolution, along this entire valley and its corridor, and we encourage folks to use those resources, investigate them and help us understand better what is necessary to be done with respect to each individual community.

And in the end, we thank you, and we ask you and urge you to be part of our voice, all of our voices, as this proposal seems like it's going to advance.

So thank you very much.

SENATOR MURPHY: John, thanks for coming tonight. You know, this is the reason why we are here. We call this a federal issue. We are your state representatives. I don't see any one federal representative here tonight.

[Applause]

I don't know where they are, but they should be here. So we are pounding the drum on this, and this is what we are trying do is bring light to it and get the questions answered.

There is a tremendous amount of questions that we've had. We've said it over and over and over tonight. Thank you for being here.

This is something that Senator Serino and Senator Carlucci, who is coming back in right now, and myself, have been trying to make sure that we represent the people that put us in these leadership rolls and these elected position. That's what we are supposed to do, and that's why we are doing this tonight. And we have been here for what, three hours now and it's not going to be enough.

SENATOR CARLUCCI: Agreed, and as we mentioned, this is the beginning. Advanced notice.

We thank you for your continued support.

SENATOR SERINO: I believe Congressman Maloney has the bill against the barges. He made a statement.

But thank you very much.

[Applause]

MATT SLATER: Our next speaker is Frank Bergman. Is Frank here? There we go. Frank is the

president of the Hudson River Boat and Yacht Club Association.

Frank, thank you for joining us today.

[Applause]

FRANK BERGMAN: I represent Hudson River Boat and Yacht Club Association. And first of all, we want to thank you for holding this hearing.

Hudson River Boat and Yacht Club Association represents 31 boat clubs from Poughkeepsie, from Pirate Canoe Club down to Yonkers Yacht Club, and on the east shore, Marlboro Yacht Club, and down to north Jersey on the west shore.

We've got about 3,000 members and in 31 boat clubs. We are very concerned, and we're strongly opposed to the U.S. Coast Guard proposal to put barge anchorage sites along the Hudson River.

We consider the proposal for these anchorages seriously flawed. While the oil companies may benefit greatly from using the Hudson River as a parking lot, most others will surely see overwhelming disadvantages.

The Hudson River and the public are losers. Let's examine some reasons. All of the boat clubs in Hudson River Boat and Yacht Club Association are opposed to this proposal. Letters opposing it with

specific objections have been sent to the Coast Guard from New Hamburg Yacht Club, Chelsea Yacht Club, and Minisceongo Yacht Club.

Individual Hudson River Boat and Yacht Club Association members have also expressed their concerns.

New Hamburg Yacht Club is especially worried about water contamination, boater safety, noise, air and light pollution.

Chelsea Yacht Club is one of the worst affected. They're concerned about the dangers posed by the anchorage in Rosedon interfering with their mooring fields which New York State authorizes through a submerged land license.

The proposed anchorage would also obstruct the racing course and impede the safety of their boats, essentially fencing them off from the river at certain times if there are three barges across there swinging at anchorage.

Minisceongo has many environmental and safety boater interference concerns.

In addition, our association has received letters from Peekskill, Mountain and Yonkers Yacht Clubs expressing similar apprehensions. Many others have been vocal at our meetings about how this

proposal would, without a careful consideration of the damage that could be done, reverse all the progress made over the years, over recent years especially, to have the Hudson River keep its designation as a National Heritage River.

In addition, from an environmental standpoint, from the public record, the Hudson River Estuary Action Agenda published by the New York State D.E.C. and formulated by the Hudson River Estuary Management Advisory Committee cites six major benefits of a strong and vibrant Hudson River ecosystem.

It strives to achieve those benefits through action plans. Those benefits are: clean water, resilient communities, vital estuary ecosystems, estuary fish, wildlife and habitats, natural scenery, education, river access, recreation and inspiration.

Hudson River Estuary Management Advisory Committee has worked hard to achieve these goals over time. None of them is advanced by this U.S. Coast Guard proposal, and most of them are negated or harmed by it.

The consequences could be catastrophic.

For clean water, this proposal would

seriously open up the risks of spills and pollution. For resilient communities, it would bring in noise, light and air pollution. For vital estuary ecosystem protection, it would disturb the submerged aquatic vegetation beds so essential for a balanced and clean river.

For estuary fish, wildlife and habitats, the anchorages are in the spawning grounds of Atlantic sturgeon. They would scar the river bottom and destroy underwater vegetation.

For natural scenery, it would turn the river into a barge parking lot. For education, river access, recreation and inspiration, the anchorages would negate all of the progress that Hudson River Estuary Management Advisory Committee has achieved over the years.

These public and public concerns are very important and deserve thorough consideration.

Again, we urge the U.S. Coast Guard to hold accessible public hearings, not in New York City and Albany, but up and down the river communities that we represent, that they hold them up and down the river so that they may hear for themselves what this proposal will do to our magnificent National Heritage Hudson River.

We also respectfully request that a thorough environmental review be conducted to ensure that we do not undo all of the progress made in recent years to make the Hudson the public asset and jewel it is today.

Thank you.

[Applause]

SENATOR CARLUCCI: Thank you for being here, and I really appreciate your advocacy and particularly when you talk about boater safety.

And I know we've worked together and it was mentioned working with Assemblywoman Galef to actually pass a boater safety requirement in New York State, and we know we've got a long way to go. But that's something that I think really hasn't been talked about too much tonight. And something that should be highlighted is that now we did pass the legislation that we are phasing in, depending how old you are, who is required to take a basic boater safety education.

It was mentioned about some of the horrific accidents we've seen, the tragedies, the life that has been lost, and we know that that is a direct correlation to people that just did not have that basic safety education.

And so I appreciate you highlighting that, and I think that's something that as we have more barges on the river, even though it has been highlighted in the positive of doing this, that it could be more safe. We know that as a recreational user that it could be a hazard as well.

So I think that's another thing that we have to highlight and talk about in terms of how this could be a more dangerous circumstance given the lack of requirement in terms of who needs that basic boater safety education on the river, and the people that have testified that know how unique the Hudson River is and how education and experience is something that is extremely important.

FRANK BERGMAN: Right.

And we really appreciate the efforts that you and Sandy Galef have worked on for safety and boater education, and I've spoken at some of your news conferences about that as well.

SENATOR MURPHY: Frank, thank you for being here tonight. Thank you for coming out of your way.

FRANK BERGMAN: Thank you very much.

[Applause]

MATT SLATER: I would like to invite Emily Majer, who is the Deputy Mayor for the Village

of Tivoli, all the way up in northern Dutchess County.

Emily.

[Applause]

SENATOR SERINO: Emily, I want to say thank you because you have traveled even further than I have.

EMILY MAJER: It's an honor to be here.

SENATOR SERINO: So thank you. You are the last one to speak. Sorry you had to wait so long.

EMILY MAJER: That's okay. I'll make it brief. Thank you for doing this, and thank you for the invitation.

The Village of Tivoli adds our collective voice to the chorus expressing concern over the request from the Maritime Association of the Port of New York and New Jersey, the American Waterways Operators and other industry organizations to increase the number of federally-designated anchorages on the Hudson River between Yonkers and Kingston.

The Maritime Association of the Port of New York and New Jersey stated in their letter to the Coast Guard dated January 21, 2016, "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 Kingston hub of unofficial anchorages below -- just south of the Kingston-Rhinecliff Bridge at Kingston Flats, Port Ewen, and Big Rock Point, in addition to the existing designated berths at Hyde Park anticipate this increased trade.

There are certainly conversations to be had about larger issues, about the environmental costs of energy independence and how to plan for our future energy needs.

I'm not qualified to speak to those issues, but as a resident and representative of Tivoli, which is just north of a cluster of three proposed anchorage sites, I can talk about the impact that increased industrial traffic will have on one tiny village and the section of river that we call home.

Tivoli was active in maritime trade by the mid-18th century. Wharfs and warehouses lined the shore, but the construction of the railroad gradually choked out that business, and by the early 20th century, the riverfront was comparatively quiet, most businesses having moved a mile inland.

The waterfront, although currently undeveloped, is well used by fishermen, kayakers, and people, residents and visitors who come to admire the Hudson and the views of the Catskills.

Although there are no proposed anchorages within the Tivoli reach of the Hudson, the traffic that will be encouraged and enabled by this change will have immediate and dramatic physical impacts upon our waterfront.

Within yards of the channel, our shoreline is eroded by the wake of each tanker ship and barge that passes. Consistent with our local waterfront revitalization plan, the village has engaged the Department of State, D.E.C., Dutchess County Planning and Scenic Hudson to stabilize our shoreline with the goal of creating a public park to secure access to the water.

Along with this obvious immeasurable impact, we are concerned about the environmental effects. Legitimatizing the anchorages south of the Kingstone-Rhinecliff Bridge, in conjunction with future increased capacity at the Port of Albany, could potentially allow an endless, noisy diesel parade just off our shore. This would essentially cut off river access to those recreational boaters

and fishermen, diminish the quality of life of residents and visitors, and severely compromise the public's experience of this scenic area of statewide significance which is also within the Mid-Hudson Historic Shoreline Scenic District and the Hudson Valley Historic Landmark District.

Most worrisome and potentially disastrous is the effect that this would have on the coves and tidal marshes of the Tivoli Bay's Wildlife Management area and the furred, feathered, and finned inhabitants therein.

The Tivoli Bay's area is 1700 acres of tidal marsh and upland forest with hiking trails, boat launches and a bike path connecting the Village of Tivoli to Bard College.

The bays are a designated New York bird conservation area in recognition of its unique marsh bird community. Its importance as a staging area for migrating water fowl and migratory stopover habitat for warblers.

Furthermore, the area is a New York State Natural Heritage area recognized by the Department of Environmental Conversation to call attention to and protect the rare animals, rare plants and significant natural communities on the state-owned

land.

The bays are also part of the Hudson River Estuary and Research Preserve which provide field laboratories for estuary, research, stewardship and education by the D.E.C.

This unique and sensitive site is imperilled by every petroleum product-bearing tanker that passes by, and increasing the traffic increases the risk.

We are well aware that accidents or incidents do occur as evidenced by the running aground of a dirt-bearing barge on the rocks of Magdalene Island April 2013.

The impacts and dangers to Tivoli and other communities, especially the natural resources along the river that would be courted by allowing more federally-designated anchorages are undeniable, and in our estimation, the proposal is unsupportable.

SENATOR SERINO: Thank you very much, Emily.

[Applause]

Thank you, Emily, and you know what has been the greatest thing about tonight is this concern is not an R or a D situation. It is a quality of life. It would only take one accident because they are accidents that. You know, we have people that take

their drinking water out of the river. What do we do? This is about our children and our grandchildren having sustainability with our clean water because our river is getting cleaner. I water skied in that river for many years.

I thank you very much for traveling and for everyone that has come tonight and stayed tonight through the whole session. So thank you very much.

SENATOR MURPHY: Emily, thank you.

[Applause]

MATT SLATER: We have one last speaker not on the agenda tonight, Jerry -- I'm going to botch your name -- Faiella, from Hudson River Historic River Towns.

JERRY FAIELLA: Thank you very much. I appreciate the ability to put a comment on the record.

Senators Murphy, Carlucci, and Serino, thank you for putting organizing this event, and I apologize for not pre-registering. I appreciate the opportunity to speak.

I'm Jerry Faiella, the Executive Director of Historic Hudson River Towns. HHRT, we are a not-for-profit organization formed in 1984, and we are one of the intermunicipal organizations to help

the Hudson Valley riverfront communities build tourism, marketing, revitalization and downtown renewal.

We are very active with Hudson Valley Greenway, and we also have a seat on the Hudson River Estuary Management Advisory Committee, the D.E.C., something that Frank Bergman mentioned.

We are very committed to the region both for tourism and to the protection of the Hudson River. Our membership consists of 20 local jurisdictions on the lower Hudson Valley, both sides of the river from Yonkers to Beacon and from Nyack to Newburgh, and we have been working closely with the City of Yonkers and Riverkeeper on this endeavor.

I'm talking fast because the hour is late. I appreciate the time.

The direct impacts of the designated anchorage areas vary from community to community, and it is not HHRT's position to simply move the issue from one riverfront community to another. We think a reasonable solution needs to be developed that protects the community's waterfront which many communities consider now as their front door, something that is environmental sound and esthetically acceptable.

As such, the Coast Guard should recognize the need for an E.I.S. which you've heard tonight already, because this proposal should not be included in an categorical exemption normally bestowed upon the placement of anchorages.

You heard from Deb Malone tonight that tourism is a $4.7 billion industry in the region that employs 81,000 people. We should not lose sight of that as an economic driver when people talk about this as an economic driver.

Our fears rest with the underlying intention that has not been stated up front, but is clearly evident when you start to read between the lines of the letters that have been submitted in support of this proposal. And it comes from the Pilot's Association letter where they talk about this as supply chain management.

So when you think about supply chain management, you have to conclude that we are talking about the movement of 2.8 billion gallons of bakken crude oil through the Port of Albany a year. And most of this is not for domestic refineries since the Linden plant is at 85% capacity, but is predominantly targeted for foreign consumption now that the federal ban has been lifted.

We believe these anchorage locations will grow into floating storage facilities that will impede the growth of the tourism industry throughout the valley.

So HHRT, we have engaged the firm of Blanchard and Wilson to see what our legal rights are or for what the legal rights are for the jurisdictions in this proposal so we can have an impact on the outcome.

Now you've heard about the federal Coastal Zone Management Program. What that does is it provides local jurisdictions empowered through the New York State Department of State to adopt local waterfront revitalization plans, and these plans, once adopted, and approved by the New York Department of State and the federal government, requires all parties, governmental and private, that are putting forth an action, to be consistent, and we stress the word consistent -- you've heard that here tonight -- with the plan.

In addition, New York State law provides local jurisdictions with the authority to legislate land use issues and develop local zoning which you are all familiar with. The adoption of a comprehensive master plan gives the local

jurisdictions considerable authority in determining their overall development strategy.

We think understanding these two principles, which I think Ned Sullivan talked about, HRRT is developing for its member community a draft resolution that will initiative a systematic review of their LWRP and comprehensive land use plans, to incorporate the importance of maintaining river access to the navigable channel for commercial tourism use, address coastal uses within and immediately beyond their boundaries so as to not negatively impact passive recreational use of the waterfront, and to preserve the esthetic water quality for mixed-use development and protect the environmental features of the Hudson River and its estuaries to maintain a balanced ecosystem for water-related recreational use.

We think it's going to be imperative for the communities to move in that direction because that's going to give them standing here in this case.

We think it's imperative for the Coast Guard anchorage program to prove that it is consistent with the goals stated in these LWRPs and local land use comprehensive plans and use that as the objective to force the need for review that we are

talking about tonight.

Some argue that the rule making is exempt, but we think that, we believe that in this instance because consistency with the CZM, federal regulations will justify the preparation of an E.I.S and really address the potential impacts.

Without further knowledge of the actual terms and conditions of the rule making, it is difficult to further comment, but at this particular point in time, we are taking the position that we really want to see the E.I.S. developed.

Thank you very much for your time. Appreciate it.

[Applause]

SENATOR MURPHY: I believe that was our last speaker for the evening.

Senator Serino, do you want to say any closing words, then I'll go to Senator Carlucci.

SENATOR SERINO: I just want to say thank you. And I also believe -- I don't know if anyone is here from the Women's Council of Realtors or the Dutchess County Association of Realtors because they both came out in opposition.

I am a realtor myself in opposition of the barges, and thank you once again everyone for being

here this evening. Thank you.

SENATOR MURPHY: Senator Carlucci.

SENATOR CARLUCCI: I want to thank Senator Murphy and Senator Serino for being here and everyone that has testified and everyone that is here.

We've heard the reasons why this is so important. I also wanted to mention Councilwoman Elizabeth Feldman is here from Ossining who I forgot to announce earlier. Thank you. You have been here since the beginning and sat all the way through. We know you think this is very important.

And Jerry who spoke. We talked about tourism. One of the things we are working on and we believe is a reality is building a museum at Sing-Sing. And we talk about how, Jerry talked about that the river is the front door to many of the communities along the Hudson River, and it's something that we have to protect dearly. And we've heard so many great and enlightening words being spoken tonight. And the fact that we've got to make sure we don't tread lightly, that we leave no stone unturned, that we dot our Is and cross our Ts because if we learn anything from history, it's the mistake of past generations. And we can't allow

that mistake to happen again.

So I appreciate everyone, no matter what side of the issue you are on. All of us have to work together to make sure that we protect the integrity of the river and protect the quality of life of the residents living among the river.

So I look forward to working with all of you, everyone in this room and beyond, to make sure that the best decisions are being made for us currently and for future generations.

So thank you so much for being here. I look forward to working with everyone in the future. Thank you.

[Applause]

SENATOR MURPHY: I would just like to thank Mayor Schmidt. I'm not sure if he is still here, but he is the one who opened up his doors to allow us all to be here tonight.

And to the residents hanging in there with us for close to four hours, for being here tonight on this incredible, incredibly important topic.

To the 14 people who testified tonight.

And to Ed Cook for actually coming up and giving us a few answers. Ed, I know you traveled... you're a trooper. Thank you for coming up and

answering some of our questions. We truly appreciate it.

There is going to be much, much more, but this is a start in the right direction to figure out what we have to do.

The Hudson River is one of the most majestic places, I believe, in not only New York State but in the United States. Look at the foliage that is going on the foliage. It is absolutely beautiful. I'll put it up against anybody and any place in the United States.

Some of the stuff that we've talked about tonight, these LWRPs, these local waterfront revitalization plans, and these are important designations to our community and to the waterfront areas.

I personally over the past two years have passed 14 bills to designate some of our lakes and some of our estuaries to make sure that we can keep these places the beautiful little lakes and estuaries that they are.

This are stuff that Senator Serino said, there is no D on this. There is no R on this. There is no I on this. There is no C on this. This is the right thing to do for our environment, for

our kids, and for our future. And these are the reasons why we are having -- and we are going to continue beating the drum of having these public hearings. I'm not going to wait for the Coast Guard to show up, because they didn't.

[Applause]

They were invited. They were invited here and no one had the courtesy to show up on an important event, knowing that these anchorage sites that they're proposing, they won't even come and give us answers about. To me that's is graceful, and I -- don't get me wrong -- I hold them in high regard. They do wonderful work. And like Mr. Cronin said, there is the rank and file and then there is the administration, and the administration is again, like I said before, put the federal government in it and they can screw up anything. Okay.

So I thank you all for being patient here tonight. I thank you for participating, for the people who testified, for Senator Carlucci coming across from Rockland County. Thank you. It's always great working with you. For Senator Serino coming down from Dutchess County, and my colleagues, I appreciate the support here. This is something

that is vital to all of us.

Between the three of us, we represent close to a million people, and your voices are going to be heard through us. I can promise you that.

Thank you, and good night.

(Whereupon, the Hudson River Barge Public Hearing, concluded and adjourned.)

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