

1           BEFORE THE NEW YORK STATE SENATE

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3                           PUBLIC HEARING

4           TO HEAR TESTIMONY ABOUT COAST GUARD'S CONTROVERSIAL

5           PLAN TO CREATE TEN COMMERCIAL BARGE ANCHORAGES FROM

6                           YONKERS TO KINGSTON

7           -----

8                           Croton-on-Hudson Town Hall  
9                           1 Van Wyck Street  
10                          Croton-on-Hudson, New York 10520

11                          October 19, 2016  
12                          7:00 p.m.

13           PRESIDING:

14                          Senator Senator Terrence Murphy  
15                          Chair

16                          Matt Slatter  
17                          Chief of Staff to Senator Murphy

18           PRESENT:

19                          Senator David Carlucci

20                          Senator Sue Serino

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

5           Thank you. The door is open. How exciting.

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

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

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

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

4 SENATOR MURPHY: Thank you, Mayor.

5 [ Applause ]

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

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

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

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

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

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

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

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

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

1 are here tonight to find out some answers.

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

6 Thank you, Sue.

7 SENATOR SERINO: Thank you Senator Murphy and  
8 Senator Carlucci.

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

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

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

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

25 So I just want to say thank you to everyone

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

3 Thank you.

4 SENATOR MURPHY: Thank you, Senator Serino.

5 Senator Carlucci, thank you for being here.

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

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

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

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

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

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



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

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

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

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

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

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

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

3                SENATOR MURPHY: Thank you Senator Carlucci.

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

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

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

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

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

21               LIAM McLAUGHLIN: Thank you, Matt.

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

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

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

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

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

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

23 UNIDENTIFIED AUDIENCE MEMBER: No way.

24 LIAM HUDSON: Yes.

25 The proposal would effectively result in

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

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

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

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

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

18 SENATOR MURPHY: Take your time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

10 We have launched our own petition where the  
11 public can register their opposition to the proposal  
12 which will be delivered to the Coast Guard and which  
13 can be found at [www.yonkersny.gov/ban/thebarges](http://www.yonkersny.gov/ban/thebarges).

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

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

1 transport. Thank you.

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

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

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

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

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

23 SENATOR MURPHY: Correct.

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

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

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

11               SENATOR MURPHY: Senator Carlucci, anything?

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

15               LIAM McLAUGHLIN: Thank you.

16               [ Applause ]

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

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

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

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

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

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

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

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

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

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

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

1 our communities in the Hudson River.

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

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

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

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

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

1 the handling of crude oil at the global partners  
2 terminal.

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

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

25 There is great concern about the threat to

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

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

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



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

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

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

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

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

9 [ Applause ]

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

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

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

1           SENATOR MURPHY: Madam supervisor, welcome.

2           LINDA PUGLISI: Senator, thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 Thank you all so much.

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

19 Senator Carlucci?

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

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

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

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

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

13 LINDA PUGLISI: We need help.

14 Thank you all so very much.

15 SENATOR MURPHY: Thank you, Madam Supervisor.

16 [ Applause ]

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

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

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

1 anchors along the Hudson River between Yonkers and  
2 Kingston.

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

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

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

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



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

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

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

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

25          We recognize that the Hudson River is a

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

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

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

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

19 Thank you.

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

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

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

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

7 EOIN WRAFTER: My pleasure.

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

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

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

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

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

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

25 The Town of Stony Point unanimously passed a

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

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

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

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

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

1 anchorage.

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

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

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

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

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

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

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

4           Senator Carlucci?

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

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

18           Thank you for being here.

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

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

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

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

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

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

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

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

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

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

4 UNIDENTIFIED VOICE: One year ago.

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

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

16 SENATOR MURPHY: Awesome.

17 DEBORAH MILONE: In 2012, visitors spent  
18 \$4.75 billion in the Hudson River Valley creating  
19 over 81,000 direct jobs and generating 318 million  
20 in local taxes benefiting small towns as well as  
21 larger cities.

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



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

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

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

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

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

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

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

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

6 [ Applause ]

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

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

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

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

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

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

5 [ Applause ]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 SENATOR MURPHY: Thanks for coming down.  
17 Appreciate it.

18 [ Applause ]

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

21 Ned.

22 NED SULLIVAN: Good evening.

23 SENATOR MURPHY: Thank you for being here  
24 tonight.

25 NED SULLIVAN: Senator Murphy, Senator

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

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

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



1 river.

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

9 The industry sponsors of this have stated  
10 that trade will increase on the Hudson River  
11 significantly over the next few years with the  
12 lifting of the ban on American crude exports for  
13 foreign trade and federally-designated anchorages  
14 are key to supporting this trade.

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

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

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

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

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

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

18              [ Applause ]

19              So the proposal would jeopardize the valley's  
20      tremendous world-renowned scenery, the basis for a  
21      \$4.7 billion tourism economy as we heard from the  
22      Gateway Chamber representative.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 SENATOR MURPHY: Thank you, Ned.

20 [ Applause ]

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

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

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

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

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



1 made in regards to this proposal.

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

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

15 SENATOR MURPHY: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 things. There is no economic advantage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

1 any agency, there is a public comment period.

2 Because of the pushback and information that people  
3 are seeking, the public written comment period was  
4 extended.

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

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

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

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

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

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

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

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

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

4           EDWARD KELLY: Certainly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 SENATOR CARLUCCI: Just to expand on that.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

1 three each.

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

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

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

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

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

22 SENATOR CARLUCCI: So a coastal vessel up to  
23 600 feet could be parked at one of these spots.

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

1 be needed.

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

7 How far back are we talking about that  
8 documentation?

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

12 SENATOR CARLUCCI: 2010.

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

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

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

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

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

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

13 Our industry and Coast Guard and Corps of  
14 Engineers, we work extensively with security-related  
15 things. Obviously if we want to talk about  
16 security, I'm from New York City. We know about  
17 9/11. We don't just talk about it, and we have  
18 existing security protocols that integrate local,  
19 municipal and state first responders, OEMs,  
20 et cetera.

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

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

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

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

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

25 SENATOR CARLUCCI: Well, I appreciate your

1 commitment to security and that's great to hear.

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

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

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

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

24 EDWARD KELLY: Absolutely.

25 SENATOR CARLUCCI: Thank you.

1 Senator Serino.

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

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

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



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

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

10 EDWARD KELLY: Sure.

11 SENATOR SERINO: We didn't know about that.

12 EDWARD KELLY: They use the Federal Register.

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

17 EDWARD KELLY: Probably what will happen.

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

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

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

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

13 EDWARD KELLY: Slowly but surely.

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

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

1 Thank you for being here.

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

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

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

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

14 LEGISLATOR BARBARA SCUCCIMARRA: Thank you  
15 for having this tonight.

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

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

25 The west side of Putnam county borders the

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

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

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

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

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

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

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

16             SENATOR MURPHY: As he said.

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

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

1           I don't mean to date myself, but back in the  
2           70s, they proposed a hydro electric plant on Storm  
3           King Mountain, and if it wasn't for Scenic Hudson  
4           and grassroots efforts, that mountain would have  
5           been destroyed. But it was stopped. So I'm hoping  
6           the same thing will happen here. Thank you so much.

7           SENATOR MURPHY: Thank you.

8           [ Applause ]

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

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

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

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

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

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

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

10 SENATOR MURPHY: Can you say unfunded  
11 mandate?

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



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

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

24           Barb, thank you for being there from day one.

25           LEGISLATOR BARBARA SCUCCIMARRA: Sure.

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

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

11           John?

12           JOHN CRONIN: Good evening.

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

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

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

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

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

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

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

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

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

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

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

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

17 [ Applause ]

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

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

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

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

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

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

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

25 [ Applause ]

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

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

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

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

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

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

13 SENATOR MURPHY: Didn't know that.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

25 Now mind you, every single one of these

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 [ Applause ]

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

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

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

1 Coast Guard subcommittee.

2 JOHN CRONIN: Thank you very much.

3 [ Applause ]

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

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

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

25 So thank you for going out of your way and



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

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

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

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

22 SENATOR MURPHY: Thank you very much.

23 [ Applause ]

24 MATT SLATER: Thank you, John.

25 Our next speaker is Betsy Garthwaite. She is

1 the Chairman of the Board for Clearwater.

2 Betsy?

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

5 [ Laughter ]

6 SENATOR MURPHY: A tough act to follow, huh.

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

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

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

1           That first summer in 1969, the sloop  
2           attracted many thousands of people in waterfront  
3           communities up and down the river. Today, nearly  
4           50 years after Clearwater first sailed up the  
5           Hudson, the river is noticeably cleaner.

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

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

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

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

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

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

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

25               Funny that John mentioned the ethyl h today.

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

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

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

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

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

8               [ Applause ]

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

15              [ Applause ]

16              BETSY GARTHWAITE:   Thank you very much.

17              SENATOR SERINO:   Thank you, Betsy.   Thank  
18       you.

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

21              John, thank you for being here.

22              JOHN PARKER:   Thank you, sir.

23              SENATOR MURPHY:   Thanks, John.

24              JOHN PARKER:   Thank you, Senators.

25              On behalf of Riverkeeper, its members and

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

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

12 SENATOR MURPHY: You're on.

13 JOHN PARKER: Thank you. Ready.

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

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

25 The advanced proposed rule making requested

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

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

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

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

25 The Coast Guard has the power to define and



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

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

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

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

24           JOHN CRONIN: The industry's request for  
25 43 berths in 10 areas does not appear to be related

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           We are not talking a comprehensive  
2 environmental assessment, and we are not talking  
3 about a comprehensive environmental review. We are  
4 talking about a comprehensive environmental impact  
5 statement.

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

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

25           The impacts are many. We've heard them

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

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

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

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

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

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

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

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

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

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

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

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

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

19          So thank you very much.

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

25          [ Applause ]



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

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

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

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

18 We thank you for your continued support.

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

22 But thank you very much.

23 [ Applause ]

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

1 president of the Hudson River Boat and Yacht Club  
2 Association.

3 Frank, thank you for joining us today.

4 [ Applause ]

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

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

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

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

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

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

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

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

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

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

20 Minisceongo has many environmental and safety  
21 boater interference concerns.

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

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

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

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

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

24 The consequences could be catastrophic.

25 For clean water, this proposal would

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

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

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

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

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

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

6           Thank you.

7           [ Applause ]

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

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

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

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

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

15          FRANK BERGMAN: Right.

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

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

22          FRANK BERGMAN: Thank you very much.

23          [ Applause ]

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

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

3 Emily.

4 [ Applause ]

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

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

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

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

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

22 The Maritime Association of the Port of  
23 New York and New Jersey stated in their letter to  
24 the Coast Guard dated January 21, 2016, "Trade will  
25 increase on the Hudson River significantly over the



1 next few years with the lifting of the ban on  
2 American crude exports for foreign trade, and  
3 federally-designated anchorages are key to  
4 supporting trade."

5 The Kingston hub of unofficial anchorages  
6 below -- just south of the Kingston-Rhinecliff  
7 Bridge at Kingston Flats, Port Ewen, and Big Rock  
8 Point, in addition to the existing designated berths  
9 at Hyde Park anticipate this increased trade.

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

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

20 Tivoli was active in maritime trade by the  
21 mid-18th century. Wharfs and warehouses lined the  
22 shore, but the construction of the railroad  
23 gradually choked out that business, and by the early  
24 20th century, the riverfront was comparatively  
25 quiet, most businesses having moved a mile inland.

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

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

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

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

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

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

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

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

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

1 land.

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

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

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

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

19 SENATOR SERINO: Thank you very much, Emily.

20 [ Applause ]

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

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

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

9 SENATOR MURPHY: Emily, thank you.

10 [ Applause ]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 jurisdictions considerable authority in determining  
2 their overall development strategy.

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

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

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

1 talking about tonight.

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

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

12 Thank you very much for your time.  
13 Appreciate it.

14 [ Applause ]

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

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

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

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

1 here this evening. Thank you.

2 SENATOR MURPHY: Senator Carlucci.

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

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

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

1 that mistake to happen again.

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

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

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

14 [ Applause ]

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

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

22 To the 14 people who testified tonight.

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

1       answering some of our questions. We truly  
2       appreciate it.

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

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

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

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

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

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

6 [ Applause ]

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

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

1 that is vital to all of us.

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

5 Thank you, and good night.

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

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