



SAVING THE LAND THAT MATTERS MOST

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Mr. Craig Lapiejko
Waterways Management Branch
Coast Guard First District

**Re: Docket No. USCG-2016-0132
Anchorage Grounds, Hudson River; Yonkers, NY to Kingston, NY
Advance Notice of Proposed Rulemaking**

Dear Mr. Lapiejko:

Scenic Hudson, Inc. (“Scenic Hudson”) urges the United States Coast Guard (“USCG”) to halt the proposed rulemaking to establish ten new anchorage grounds in the Hudson River between Yonkers, New York and Kingston, New York (Docket No. USCG-2016-0132). If, despite all the reasons set forth below, the USCG continues with the rulemaking process, it must conduct environmental review under the National Environmental Policy Act (“NEPA”), including preparation of an Environmental Impact Statement (“EIS”).

I. INTRODUCTION

Scenic Hudson is a non-profit environmental organization based in Poughkeepsie, New York, working to protect and restore the Hudson River and its majestic landscape as an irreplaceable national treasure and a vital resource for residents and visitors. A crusader for the valley since 1963, we are credited with saving fabled Storm King Mountain from a destructive industrial project and launching the modern grass-roots environmental movement. Today with more than 25,000 ardent supporters, we are the largest environmental group focused on the Hudson River Valley. Our team of experts combines land acquisition, support for agriculture, citizen-based advocacy and sophisticated planning tools to create environmentally healthy communities, champion smart economic growth, open up riverfronts to the public and preserve the valley’s inspiring beauty and natural resources. To date Scenic Hudson has created or

enhanced more than 65 parks, preserves and historic sites up and down the Hudson River and conserved almost 40,000 acres in the Hudson Valley.

Scenic Hudson submits this comment in response to the USCG's request for "comments and information about the operational need for new anchorages grounds" contained in the Advance Notice of Proposed Rulemaking. As detailed below, the USCG must terminate the rulemaking. However, if it decides to move forward, USCG must prepare a full environmental impact statement under NEPA.

II. BACKGROUND

a. USCG's Advance Notice of Proposed Rulemaking

On June 9, 2016, the USCG issued an Advance Notice of Proposed Rulemaking to establish new anchorage grounds in the Hudson River from Yonkers, NY to Kingston, NY (the "ANPRM").¹ The ANPRM was issued after receipt of requests from maritime industry representatives. The specific details of the location and size of the ten new anchorage grounds and 43 new anchorage berths proposed in the ANPRM is taken verbatim from a request letter from The Maritime Association of the Port of New York/New Jersey Tug & Barge Committee, dated January 21, 2016 (the "Maritime Association Letter.")²

Eight new anchorages are proposed in three new anchorage grounds that would make up what the Maritime Association Letter refers to as a "Kingston Hub."³ The "Kingston Flats South Anchorage Ground," as proposed by industry and included in the ANPRM, would be the northernmost new anchorage ground, covering an area of 279 acres located in the center of the River, just north of Kingston Point and Rhinecliff, to accommodate three new "long term stay"⁴ anchorages: two 1800' swing circles and one 1300' circle.⁵ The 46.84 acre "Port Ewen Anchorage Ground" would be located just south of the Rondout Creek lighthouse and opposite

¹ 81 Fed. Reg. 37168, Docket Number USCG-2016-0132, Anchorage Grounds, Hudson River; Yonkers, NY to Kingston, NY, June 9, 2016 ("ANPRM"), available at: <https://www.federalregister.gov/documents/2016/06/09/2016-13701/anchorage-grounds-hudson-river-yonkers-ny-to-kingston-ny#h-13>.

² Compare ANPRM to January 21, 2016 Letter to RDML Linda Fagan from The Maritime Association of the Port of New York/New Jersey Tug & Barge Committee ("Maritime Committee Letter"), available at: <https://www.federalregister.gov/documents/2016/06/09/2016-13701/anchorage-grounds-hudson-river-yonkers-ny-to-kingston-ny#h-13>.

³ See Maritime Committee Letter.

⁴ The terms "long term usage" and "long term stay" are not defined in the ANPRM.

⁵ See Maritime Committee Letter; ANPRM.

Rhinecliff, with room for one 1200' swing circle for short term stays.⁶ The third, "Big Rock Point Anchorage Ground," would cover 208 acres and allow anchorage in four 1200' circles for long term stays along the western shore of the River just south of Port Ewen and off of Big Rock Point, across from Sturgeon Point and the Wilderstein Historic Site. These three anchorages would be located substantially within Significant Coastal Fish and Wildlife Habitat ("SCFWH"), near drinking water uptakes, and visible within Scenic Areas of Statewide Significance ("SASS") and from National Register Historic Sites and Districts.⁷

Two additional anchorage grounds are proposed off of Milton and Marlboro. The "Milton Anchorage Ground" would cover 74 acres to allow two vessels in a swing radius of 1200' each for long term usage. The "Marlboro Anchorage Ground" would cover 154 acres for three vessels with a swing radius of 1800' each, also for long term usage, located just north of the mouth of the Wappinger Creek. Both of these anchorage grounds are located within a SCFWH.⁸

The "Newburgh Hub" as proposed by industry would consist of two anchorage grounds, both located to take advantage of existing onshore petroleum storage facilities. The "Roseton Anchorage Ground" would cover approximately 305 acres for up to three vessels, with a swing radius of 1,700' for each vessel, for long term usage. It is located near the hamlet of Chelsea and the Buckeye oil storage terminal at Roseton. Similarly, the "Newburgh Anchorage Ground" is located near the existing Global oil terminal facilities in Newburgh and New Windsor. This anchorage ground consists of a 445.34 acre area, with five 1,800' swing circles for long term usage. This huge area is located near the Newburgh waterfront, the Pete and Toshi Seeger Riverfront Park and Scenic Hudson's Long Dock Park in the City of Beacon, and Denning's Point. It is located partially within a SCFWH and a SASS, and would be visible from many points in the iconic Hudson Highlands "fjord," including Storm King Mountain, Breakneck Ridge, and Bannerman's Island.⁹

Two more anchorage areas are proposed to be located in the curve of the River between Stony Point and Cortlandt, just south of Peekskill and the Indian Point nuclear facility. The

⁶ *Id.*

⁷ Scenic Hudson, Proposed Hudson River Anchorages, Hudson Valley National Heritage Area, map annexed as Attachment A ("Attachment A").

⁸ Attachment A.

⁹ Attachment A.

“Tompkins Cove Anchorage Ground” would cover approximately 98 acres for long term usage by three vessels, with a swing radius of 1,200’ each. The “Montrose Point Anchorage Ground” would cover up to 127 acres for three vessels for long term usage, with a vessel swing radius of 1,400’ each. Both of these anchorages are located within a SCFWH and would be visible from many vantage points along the River, including Bear Mountain State Park.¹⁰

Finally, the largest proposed new anchorage ground, the “Yonkers Extension Anchorage Ground,” would cover approximately 715 acres along the iconic view of the Palisades across from the City of Yonkers waterfront in Westchester County, at the northern edge of a SCFWH.¹¹ This anchorage would be used by 16 vessels for long term usage, each with a swing radius of 1,200’.

The new anchorages would cover a total of 2,400 acres in the Hudson River, significantly impacting both environmental and economic resources.

b. The Resources at Risk – the Hudson River and its Valley

The Hudson River is an irreplaceable national treasure and a vital resource for residents and visitors, and is a major driver of the Hudson Valley region’s over \$5 billion tourism and recreation industry. The River has nationally important historical, cultural, ecological and aesthetic values. The estuarine portion of the river – that is, the portion of the River that is subject to tidal influence and upriver flow of salty ocean water - stretches for 153 miles from north of Albany to New York Harbor. It is one of the most productive and biologically diverse ecosystems in the nation.

The Hudson River estuary is home to more than 200 species of fish, including key commercial and recreational species such as striped bass, bluefish, and blue crab. The River also serves as a nursery habitat for fish species that migrate along other estuaries, bays and offshore areas of the Atlantic Ocean, and so performs a vitally important ecosystem function well beyond the borders of New York State. There are over 13,000 acres of tidal wetlands and vegetated shallow waters in the estuary – the largest and most productive assemblage of freshwater tidal habitats of any river system along the United States’ east coast. Tidal wetlands found in the

¹⁰ Attachment A.

¹¹ Attachment A.

Hudson are critically important habitats, providing nursery grounds for valuable fish species, filtration of pollutants, flood control, and opportunities for education and recreation.

The New York State Department of State (“NYSDOS”), working with the State Department of Environmental Conservation (“NYSDEC”), has delineated 40 SCFWH (Significant Coastal Fish & Wildlife Habitats) in the Hudson River estuary, comprising 42,825 acres of vitally important aquatic habitat. As discussed further below, five of these SCFWHs would be impacted by the proposed anchorages. These significant habitats have been so designated because they:

- are essential to the survival of a large portion of a particular fish and wildlife population (e.g., feeding grounds, nursery areas);
- support populations of species which are endangered, threatened or of special concern;
- support fish and wildlife populations having significant commercial recreational or educational value;
- are of a type which is not commonly found in the State or in a coastal region; or
- are to varying degrees difficult or even impossible to replace in kind.¹²

Additionally, the waters of the Hudson are home to two federally listed endangered species, the Atlantic and shortnose sturgeon. The Hudson is a seasonal home for the largest remaining stock of the endangered Atlantic sturgeon. New York State’s Hudson River Estuary Program promotes the enjoyment, protection and revitalization of the Hudson River and its valley.¹³

It is not only the River itself that is at risk from this proposal. Eighty-four waterfront communities are situated along the River’s shorelines, many of which rely on a clean river for drinking water, and all of which rely on a clean river for recreation. As one of only 49 National Heritage Areas in the country, the communities along the Hudson River have been designated by the U.S. Congress as a landscape with nationally unique natural, cultural, historic, and/or scenic resources. Federal actions that directly affect a National Heritage Area require consultation with

¹² New York State Coastal Management Program and Final Environmental Impact Statement (“NYSCMP”), available at: http://www.dos.ny.gov/opd/programs/pdfs/NY_CMP.pdf, at II-6, pp. 20-25.

¹³ New York State Department of Environmental Conservation, Hudson River Estuary Program, <http://www.dec.ny.gov/lands/4920.html>

the Secretary of the Interior and the Hudson River Valley Greenway Communities Council and Greenway Conservancy.

In 2000, the National Trust for Historic Preservation named the Hudson Valley one of America's "Eleven Most Endangered Historic Places." When announcing its selection, the National Trust characterized the region as "a mix of scenery and history that is unmatched anywhere else in the country".¹⁴ The Hudson River and its shores are also home to six SASSs (Scenic Areas of Statewide Significance).¹⁵

The following are just a few examples of landmarks that would be impacted by the proposed anchorages. All of these resources are within one mile of the proposed anchorage locations and would host a view of one or more of the proposed anchorages:

- **Hudson River Historic District** is the largest such district on the mainland of the contiguous United States. It is located on the east bank of the Hudson River between Staatsburg and Germantown in Dutchess and Columbia counties. This designation acknowledges that the historic resources in the heart of the Hudson Valley are of the highest national significance.
- **Stony Point State Park** is the site of one of the last Revolutionary War battles in the northeastern colonies. Among the many unique features of the park is the first and oldest lighthouse on the Hudson River.
- **Untermyer Park** is a National Historic Site boasting majestic vistas of the Palisades. It is also a City of Yonkers Park that is home to stunning gardens that attract over 50,000 visitors a year.
- **Palisades Interstate Park** is a National Historic Landmark and a National Natural Landmark, comprising the majestic and unique geological formation of the Palisades Cliffs. The Palisades are a prime recreational destination and renowned for their unspoiled viewshed north of the George Washington Bridge.
- **Old Croton Aqueduct** is a National Historic Landmark and a State Historic Park. It contains a popular trail for residents and visitors.

¹⁴ Silverman, Miriam D., Stopping the Plant: The St. Lawrence Cement Controversy and the Battle for Quality of Life in the Hudson Valley, 2006, at 37.

¹⁵ See New York State Department of State Scenic Areas of Statewide Significance Designations, July 1993, at 282, available at: <http://www.dos.ny.gov/opd/programs/HudsonSASS/Hudson%20River%20Valley%20SASS.pdf>.

Not surprisingly, given its historical and ecological legacy, the river and its communities are the focus of several federal programs that work towards its protection. As noted, the Hudson River Valley was designated as a National Heritage Area by Congress in 1996 to recognize the national importance of the Hudson Valley's history and resources. The Hudson River is one of only fourteen American Heritage Rivers in the entire nation, and the Hudson River National Estuarine Research Reserve protects four exemplary wetland sites on the estuary. In addition, the U.S. Army Corps of Engineers is working with local communities and not-for-profit organizations to create a comprehensive, federally-recognized Hudson River Restoration Plan, aiming to improve ecosystem function and health and also to enhance regional economic potential.¹⁶

The Hudson Valley's natural resource economy is thriving, making significant contributions to the region's quality of life and its ability to attract outside investment and create jobs. Investments made in the natural environment by federal, state and local governments for the past five decades have spurred an era of growth in this sector. There is now broad recognition of the inherent connection between the Hudson Valley's economy and its environment. Tourism remains a primary beneficiary of our healthy environment with the region contributing \$5.2 billion in economic activity in the Hudson Valley region annually¹⁷, including \$184 million alone from recreational boating in the Hudson River.¹⁸ Clean water, scenic views, natural habitat, public waterfronts and a healthy environment are the foundation of regional economic development. The Hudson Valley Economic Development Corporation has noted that natural resources and quality of life are principal drivers in corporate CEOs deciding to relocate their businesses to the region.

Green infrastructure provided by the Hudson River, defined as intact natural systems (open space, wetlands, beaches, etc.), provide a myriad of public benefits. For each \$1 million spent on water infrastructure, 26 jobs are created.¹⁹ Development of parks returns \$5 to the local

¹⁶ Hudson River Comprehensive Restoration Plan, <http://thehudsonweshare.org/>.

¹⁷ Hudson Valley Tourism, report prepared by Tourism Economics for Empire State Development, 2012.

¹⁸ SeaGrant New York report; Cornell University Dept. Natural Resources, available at: www.seagrant.sunysb.edu/nysportfishing/recboating

¹⁹ *Infrastructure Investment and Economic Growth*, Progressive Policy Institute, March 2014.

community for every \$1 invested²⁰, while the state's own Environmental Protection Fund has been shown to return \$7 to the economy for every \$1 invested in land and water conservation.²¹

Despite – or perhaps because of – its natural and cultural treasures and proximity to the largest metropolis in the United States, the Hudson has endured an unfortunate legacy of industrial pollution. Industrial development in the region changed the river basin's ecology and physical function, and compromised the economic, recreational and cultural activities associated with it.

Throughout much of the twentieth century, the Hudson endured enormous sewage discharges, the filling of wetlands and secondary channels, erosion of scenic vistas, fish kills in industrial cooling water intakes, and toxic chemicals that disrupted the food chain. During the 1960s, bacteria consumed so much oxygen that fish suffocated in the water. The most infamous toxic legacy in the Hudson River is polychlorinated biphenyls (“PCBs”), primarily from General Electric plants located on the Upper Hudson River. These toxic PCBs enter food webs in the River, leading the state to close most once robust commercial fisheries and the state Department of Health to issue fish consumption advisories aimed at recreational anglers.

The impacts of degraded habitats, hardened shorelines, reduced floodplains and the decline of a once thriving fishery earned the Hudson a reputation as a dirty, industrial river. The public stayed away, and the historical, cultural and scenic treasures of the Hudson Valley were all but forgotten.

Since the 1970s, however, through efforts of federal and state agencies, scientists, and citizens and vast investment of public and private funds²², water quality in the Hudson River has improved significantly. Many fish species are on their way to recovery, and commercially important species such as striped bass have increased more than tenfold since the 1980s. Since 2009, General Electric has been conducting a cleanup of PCB hotspots in the Upper Hudson River.

²⁰ The NYS Park System: An Economic Asset to the Empire State, Executive Summary, 2009.

²¹ The Economic Benefits of New York's Environmental Protection Fund, Trust for Public Land, 2012.

²² A sampling of public money invested in restoring the Hudson River and its shorelines through the Hudson River Estuary Program since the 1990s includes: more than \$72 million in water quality improvement projects; \$83 million in waterfront planning and development; \$12 million for conservation and river access; \$110 million for water quality and aquatic restoration projects; \$15 million for cleanup of contaminated sites on the riverfront; and \$11 million for planning and trail projects. *See* Hudson River Estuary Program Report, 2010.

The Hudson flows cleaner today than it has in many decades. On warm summer days, the river teems with recreational boaters, diners pack into waterfront restaurants, and visitors from across the nation come to take in the scenic beauty of the Hudson River from Walkway over the Hudson State Park. Tourism is the center of the Hudson Valley's economy. It is unthinkable that, as the Hudson is finally rebounding from its legacy of pollution, it has now come under threat from a visual blight and the potential of a crude oil spill that could erase the efforts of so many who fought to bring the River back to health.

III. USCG HAS THE AUTHORITY TO TERMINATE THE PROPOSED RULEMAKING PROCESS

“To move forward with a final rule, the agency must conclude that its solution will help accomplish the goals or solve the problems identified. . . . If the rulemaking record contains persuasive new data or policy arguments, or poses difficult questions or criticisms, the agency may decide to terminate the rulemaking.”²³ The docket record for this rulemaking already contains thousands of comments stating opposition to the proposal, including municipal resolutions objecting to the action on the basis of the numerous negative consequences to their natural and economic resources; comments showing evidence of the severe impact that it would have on endangered species habitat; and an expert report demonstrating that existing and anticipated commercial traffic on the River does not support the establishment of 43 new anchorages, among many others.²⁴ Significantly more evidence that the new anchorages will result in unacceptable negative impacts and risks will likely be submitted by the close of the comment period on December 6th.

The USCG itself has acknowledged that this rulemaking may be terminated. Its Memorandum to Coast Guard Docket Number USCG-2016-0132 memorializing its August 23, 2016, meeting with representatives of the NYSDEC and NYSDOS states that “If the [USCG] decided not to move forward to the next step of the rulemaking process for this ANPRM, the CG will give public notice of this decision.”²⁵ As demonstrated herein, the proposed rule establishing

²³ Office of the Federal Register's Guide to the Rulemaking Process, available at: https://www.federalregister.gov/uploads/2011/01/the_rulemaking_process.pdf.

²⁴ See 81 Fed. Reg 37168, June 9, 2016, Docket Number USCG-2016-0132, public comments, available at: <https://www.federalregister.gov/documents/2016/06/09/2016-13701/anchorage-grounds-hudson-river-yonkers-ny-to-kingston-ny#h-13>.

²⁵ Memorandum to Coast Guard Docket Number USCG-2016-0132 memorializing August 23, 2016, meeting, available at: <https://www.regulations.gov/document?D=USCG-2016-0132-3048>.

43 new anchorages on the Hudson River is beyond the authority of the USCG, would result in significant and unacceptable environmental and economic harm, conflicts with existing Federal, State and local policies in place to protect and enhance the natural and economic resources provided by the Hudson River, and cannot be certified as consistent with New York State Coastal Policies. Therefore, the USCG must terminate the rulemaking process.

IV. ESTABLISHMENT OF THE ANCHORAGES AS REQUESTED BY INDUSTRY IS BEYOND THE AUTHORITY OF THE USCG

The United States Coast Guard (“USCG”) has the authority to establish new anchorages “whenever it is manifest ... that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been recommended by the Chief of Engineers....”²⁶ Regulation likewise authorizes “the establishment of anchorage grounds for vessels in navigable waters of the United States whenever it is apparent that these are required by the maritime or commercial interests of the United States for safe navigation.”²⁷ Accordingly, the ANPRM states that USCG is seeking comments as to the “operational need” for the 43 new anchorages.²⁸

The Maritime Association Letter demonstrates, however, that the overriding purpose for its request is to promote and increase the transport and storage of crude oil on the environmentally sensitive and historically significant Hudson River:

For several years the United States of America has developed as a major energy producing nation and the great Port of Albany as a leading export port for Jones Act trade of American Bakken Crude Oil and Ethanol. Trade will increase on the Hudson River over the next few years with the lifting of the ban on American Crude exports for foreign trade and federally designated anchorages are the key to supporting trade.²⁹

To establish 43 new anchorages so that industry can capture market share and take advantage of pricing patterns through increased transport and long-term waterborne storage, now

²⁶ 33 U.S.C.S. § 371(a).

²⁷ 33 C.F.R. § 109.05(a).

²⁸ 81 Fed. Reg 37168, June 9, 2016, Docket Number USCG-2016-0132. Anchorage Grounds, Hudson River; Yonkers, NY to Kingston, NY, available at: <https://www.federalregister.gov/documents/2016/06/09/2016-13701/anchorage-grounds-hudson-river-yonkers-ny-to-kingston-ny>

²⁹ Maritime Association Letter, available at: <https://www.regulations.gov/document?D=USCG-2016-0132-0075>.

that the crude oil export ban has been lifted, is beyond the authority of the USCG. This does not constitute a valid “operational need” for the new anchorage grounds.³⁰

Nor is there evidence that the huge number of new anchorages, 42 out of 43 of them for “long term” usage (as requested by industry, but not defined), are needed for “safe navigation,” which is the sole ground on which the USCG may establish new anchorages under the law. Industry may state that this is simply a codification of “customarily” used (but illegal) anchorage areas on the Hudson River, but the sheer number, size and use of the vague “long term stay” verbiage in industry’s request belies this claim. Emergency anchoring provisions are already in place. If vessels need to stop temporarily outside of designated anchorage grounds for “safe harbor” purposes, such as to wait for tides, sit out fog situations, or avoid icing on the River, or to await empty berths, they may do so with permission from the proper authority.³¹

Indeed, the establishment of so many new anchorages on the River is likely to *increase* conflicts between recreational users and the additional commercial traffic. The Hudson River is home to numerous marinas and yacht clubs, rowing facilities, kayak launches, and other sources of recreational users. The potential for accidents between the industrial uses and recreational vessels will only be increased by the establishment of so many new anchorages. The proposal will also increase the risks of accidents among commercial vessels themselves, rather than promote safety. Because it would be beyond its authority to ensure “safe navigation,” the Coast Guard should not move forward with the proposed rulemaking.

V. THE USCG SHOULD HALT THE RULEMAKING PROCESS BASED ON OVERWHELMING SIGNIFICANT IMPACTS TO THE HUDSON RIVER AND ITS VALLEY

The unique ecological, scenic, historic, cultural and economic value of the Hudson River to one of the most densely populated areas in the country remains at risk if the rule as proposed in the ANPRM is adopted. There is too much at stake on the Hudson to allow it to turn into a storage depot for vessels carrying millions of gallons of explosive crude oil. Industry cannot be

³⁰ USCG must undertake a focused Waterways Analysis and Management System (WAMS) study prior to establishing new anchorages. Waterways Management (WWM): Anchorage Management Tactics, Techniques, and Procedures (TTP), p. 3-10, available at: https://www.uscg.mil/forcecom/ttp/pubs/CGTTP_3_71_2_WWM_Anchorages.pdf.

³¹ 33 C.F.R. § 110.155(l).

allowed to shift the economic risk of catastrophe from increased shipment and storage of crude oil onto the residents, visitors, and natural and cultural resources of the Hudson River Valley.

a. The Establishment of 43 New Anchorages in Ten New Anchorage Grounds on the Hudson River Would Increase Safety Risks

As discussed above, the sole stated justification for the need for the proposed anchorages is the “expected increase in crude oil transport...” on the Hudson River.³² The crude oil transported on the Hudson is Bakken crude, which originates from the Bakken Shale in North Dakota and is inherently more volatile than other crudes, with a flash point and vapor pressure similar to gasoline.³³ It is classified as a “light sweet” crude oil, and is a mixture of oil and highly volatile organic compounds that include propane, butane and ethane.³⁴ Compared to other crude oils, Bakken crude oil has a higher concentration of these light-end volatile compounds.³⁵ The Pipeline and Hazardous Materials Safety Administration (“PHMSA”) has confirmed that Bakken crude is far more flammable than other crudes.³⁶

Because of its unique characteristics, Bakken crude oil has a high tendency to burn and explode when spilled. Materials with high vapor pressures typically burn more violently, as has been demonstrated numerous recent rail incidents involving trains carrying Bakken crude. Disasters such as the oil spill and explosion in Lac-Megantic, Quebec on July 6, 2013 that killed forty-seven people are stark reminders of the consequence of transport of such volatile materials in heavily populated areas. On April 30, 2014, 17 cars of a train carrying Bakken crude oil derailed in Lynchburg, Virginia, bursting into flames and spilling oil into the James River. The threat of incidents like these is not limited to transport of crude oil by rail. As evidenced by the grounding of the very first voyage of a vessel carrying Bakken crude oil out of Albany, groundings and collisions are very real risks of transporting crude oil by barge or tanker.³⁷ When the tanker *Stena Primorsk* ran aground on December 21, 2012, its outer hull was punctured;

³² See Maritime Association Letter.

³³ NYS Div. of Homeland Sec. and Emergency Servs., et. al., *Transporting Crude Oil in New York State*, at 14, 2014.

³⁴ See Andrews, A., “Crude Oil Properties Relevant to Rail Transport Safety: In Brief,” Congressional Research Service, February 18, 2014.

³⁵ *Id.*

³⁶ “Operation Safe Delivery Update,” Pipeline and Hazardous Materials Safety Administration, at 16, available at: http://www.phmsa.dot.gov/pv_obj_cache/pv_obj_id_8A422ABDC16B72E5F166FE34048CCCBFED3B0500/filename/07_23_14_Operation_Safe_Delivery_Report_final_clean.pdf.

³⁷ See Grondahl, Paul, et. al., “Tanker’s Outer Hull Pierced”, *The Albany Times-Union*, December 21, 2012, available at: <http://www.timesunion.com/local/article/Tanker-s-outer-hull-pierced-4134866.php>

fortunately the vessel had a double hull and no oil was spilled.³⁸ However, a higher speed collision or grounding on a hard object could penetrate even a double hull.³⁹ These are nightmare scenarios for the Hudson Valley, where an oil spill and/or explosion from a vessel carrying Bakken crude could spoil the invaluable habitats in the Hudson River and threaten densely populated riverfront areas.

According to the ANPRM, 42 of the 43 proposed anchorages would be designated “long-term”, which is not defined. Based on USCG regulations, this means that generally, they would be allowed to anchor at these grounds for 30 days—or more with permission from the Captain of the Port.⁴⁰ Having vessels “parked” in the Hudson River as a long-term feature will have a serious impact on recreational boater safety. In fact, the Hudson River Boat and Yacht Club (“HRBYC”) submitted a letter on this docket expressing its strong opposition to this rulemaking.⁴¹ The HRBYC represents 35 boating or yacht clubs on the Hudson River, and according to its letter, every one of them is opposed to the anchorages proposal. These clubs represent boaters who recreate regularly on the Hudson River and know the risks and benefits of navigating on the waterway. The HRBYC, the New Hamburg Yacht Club, the Chelsea Yacht Club and the Minisceongo Yacht Club have all expressed serious concerns about the safety of recreational boaters if the high concentration of anchored barges contemplated in the ANPRM is allowed to take place.

Further, as many if not most of the anchored vessels would be carrying large volumes of explosive Bakken crude oil, the existence of several vessels carrying this dangerous cargo anchored in close proximity to one another for a long duration presents a significant terror threat. Increasing the gravity of this threat is the fact that two of the new anchorages—the Montrose Point and Tompkins Cove anchorages, together comprising six berths—lie within three miles of the Indian Point nuclear power plant. Since the average barge carrying crude on the Hudson can carry about 4 million gallons of oil⁴², 24 million gallons of volatile crude could be parked within

³⁸ *Id.*

³⁹ Charles R. Cushing, Ph.D., P.E., Report to Hudson River Waterfront Alliance Concerning Proposed Hudson River Anchorages, available at: <https://www.regulations.gov/document?D=USCG-2016-0132-4948>, at p. 60.

⁴⁰ 33 C.F.R. §110.155(l)(3).

⁴¹ See August 26, 2016 letter from Hudson River Boat and Yacht Club, available at: <https://www.regulations.gov/document?D=USCG-2016-0132-2180>.

⁴² See Viera, Al. “U.S. Barge Operators Transport Domestic Crude on Inland Rivers”, *The Professional Mariner*, December 5, 2014: “According to Rich Hendrick, the Port of Albany’s general manager, the growth in crude traffic at his port began in mid-2012. Now, one of two berths at the port is being used daily for loading crude onto barges . . .

three miles of an aging nuclear facility—a deadly prospect only 30 miles from our nation’s largest city.

b. The Anchorages Would Create Unacceptable Visual Impacts to the Scenic Resources of the Hudson Valley

Scenic Hudson has developed a map demonstrating the impact the proposed anchorages would have on a number of Hudson Valley resources, including SCFWHs, drinking water intakes, sites on the National Historic Register, and public or protected lands based on proximity (map annexed hereto as Attachment A). Also depicted on this map are the results of an analysis conducted to determine the areas within the Hudson Valley from which the proposed anchorages will be visible. We used elevation data from the National Elevation Dataset at 1/3 arc-second resolution (resampled to 30-foot cell resolution) to model the terrain of the valley. Using a Geographic Information System (“GIS”), we modeled all the areas where a 6 foot tall person would have a line-of-sight to any part of a proposed anchorage location. Tree cover and existing structures were not included in the analysis. Therefore, the areas represented on the map in Attachment A show the maximum possible area of visibility based on land forms, without considering obstructions from man-made structures or tree cover.

While the most significant visual impacts are likely to be close to shore as one might expect, the Scenic Hudson map demonstrates that viewsheds well off the waterfront also stand to be impacted. As discussed further below, these areas of visibility intersect with numerous sites on the National Historic Register, as well as parks and businesses that rely on bucolic Hudson River views to attract visitors and patrons. A single passing barge may not be a significant disruption to an otherwise unspoiled view, but the prospect of looking out at the River while enjoying dinner at a waterfront restaurant or taking a stroll at a riverfront park only to see numerous barges over 400’ long—up to 16 in Yonkers, and 5 in Newburgh—parked for a month or more at a time would clearly impair the enjoyment of these vistas. As discussed in Section II.b above, the scenic character of the Hudson Valley is a major driver of the region’s tourism economy and quality of life.

To demonstrate the impact the proposed anchorages would have on scenic resources within the valley, Scenic Hudson also commissioned visual simulations to depict what several of

Hendrick said Reinauer Transportation has the majority of the tug business at his port, transporting Global products by ATBs — likely 100,000-plus barrels per shipment [4.2 million gallons], he said.”

the proposed anchorages would look like from the shore (photo simulations are annexed hereto as Attachment B). Environmental Design & Research (“EDR”), a well-known firm with over 30 years of collective experience specializing in producing accurate visualizations, developed ten photo simulations showing the visual impacts of the proposed anchorages. EDR simulated the following views:

- The Kingston Flats South anchorage as viewed from Rotary Park in Kingston;
- The Big Rock Point anchorage as viewed from Presentation Catholic Church in Esopus;
- The Newburgh anchorage as viewed from Newburgh Ferry Terminal (night view);
- The Yonkers anchorage as viewed from MacEchron Park in Greenburgh (night view);
- The Yonkers anchorage as viewed from Palisades Parkway Overlook in Alpine, NJ⁴³;
- The Yonkers anchorage as viewed from Untermyer Park and Gardens in Yonkers⁴⁴;
- The Newburgh anchorage as viewed from the Beacon waterfront in Beacon;
- The Newburgh anchorage as viewed from Scenic Hudson’s Long Dock Park in Beacon;
- The Kingston Flats South anchorage as viewed from Dutchess Terrace in Rhinecliff; and
- The Kingston Flats South anchorage as viewed from Kingston Point Park in Kingston (night view).

EDR created three-dimensional computer models that accurately represent the size, shape and scale of the fully occupied anchorages, including photorealistic textures and surfaces. The photo simulations represent accurately what the human eye would see under the given conditions. The photo simulations in Attachment B make it strikingly clear that the anchorages would have a significant visual impact from key viewpoints within the Hudson Valley. As discussed further in Section VI, the Kingston Flats South, Port Ewen, Big Rock Point, Newburgh and Tompkins Cove anchorages would be visible from New York State designated SASSs.

c. The Anchorages Proposal Presents Unacceptable Risks to the Ecology and Habitat of the Hudson River

The Hudson River is vitally important habitat for numerous species, including the federally endangered shortnose and Atlantic sturgeon.⁴⁵ This habitat is threatened by both the bottom

⁴³ This viewpoint is located within a property on the National Register of Historic Places. It is also designated a National Natural Landmark and a National Historic Landmark.

⁴⁴ This viewpoint is on the National Register of Historic Places.

⁴⁵ See September 12, 2016, Letter to USCG from NOAA/NMFS in Docket Number USCG-2016-0132 (“NOAA/NMFS Letter”), available at: <https://www.regulations.gov/document?D=USCG-2016-0132-2751>

disturbances that would be caused by widespread, concentrated anchoring activities in the Hudson River and from the increased risk of an oil spill.

The Hudson River estuary boasts diverse habitats that are home to a wide range of species. Wetlands, submerged aquatic vegetation, the river bottom and the shoreline are all integral to the ecosystem as well as providing water quality and scenic and recreational value to people. The river bottom in particular provides habitat for many life stages of fish, shellfish and invertebrates that play an important role in the food chain. Tidal wetlands recycle nutrients, trap contaminants, and support countless forms of life. These habitats support extraordinary biological diversity and provide important benefits to humans.⁴⁶

The Hudson River is believed to be home of the largest riverine Atlantic sturgeon population.⁴⁷ Scientists from the NYSDEC, the Hudson River Foundation, Delaware State University and the University of Delaware have investigated the impact of existing Hudson River anchorage 19, located in Hyde Park, Dutchess County, not far from the proposed Kingston Flats, Big Rock Flats and Newburgh anchorages. These investigations determined that in the vicinity of the Hyde Park anchorage ground, there are noticeable river bottom disturbances that result from anchors dragging on the river bottom, creating “scars” to the river bottom.⁴⁸

Prominent Hudson River Atlantic Sturgeon researchers from Delaware State University and the University of Delaware have expressed their serious concerns about the disturbance in river bottom caused by existing anchorages in the Hudson River, and have found that the current anchoring activities at Hyde Park—which occurs on a dramatically smaller scale than what the Hudson faces under the instant USCG proposal—create significant disturbances in important habitat for that endangered sturgeon species.⁴⁹ The researchers state that anchorage grounds that are proximate to Atlantic Sturgeon spawning areas, such as the reach of the Hudson River between Newburgh and Kingston, “have the potential to negatively impact spawning Atlantic sturgeon by: (1) disrupting their spawning behavior; (2) causing injury/mortality of eggs and

⁴⁶ See NYSDEC, Aquatic Habitats of the Hudson River Estuary, available at: <http://www.dec.ny.gov/lands/87297.html>

⁴⁷ Kahnle et al., Status Review of the Atlantic Sturgeon, 2007.

⁴⁸ September 5, 2016, Letter from University of Delaware to Rear Admiral L.L. Fagan, Commander, in Docket Number USCG -2016-0132, available at: <https://www.regulations.gov/document?D=USCG-2016-0132-2500>.

⁴⁹ *Id.* at 3.

early larval life stages; and (3) adversely modifying bottom habitat for Atlantic sturgeon foraging.”⁵⁰

The National Marine Fisheries Service (“NMFS”), which oversees programs related to the Endangered Species Act (“ESA”), is considering a proposal to designate the Hudson River from River Mile 0 to the Troy Dam, which encompasses all of the proposed anchorages, as critical habitat for the endangered New York Bight population of the Atlantic sturgeon.⁵¹ Atlantic sturgeon can be found in the Hudson River as far north as the Troy Dam, but juvenile stages primarily use the estuary between the Tappan Zee—located just north of the proposed Yonkers Extension anchorage—to Kingston.⁵² Shortnose sturgeon occur throughout the Hudson River as far north as the Troy Dam. Both sturgeon species are bottom-dwellers, using the river bottom habitat to feed and as spawning grounds.⁵³ The proposed Milton anchorage ground is located in known Atlantic sturgeon spawning habitat and the proposed Tompkins Cove and Montrose anchorage grounds would impact sturgeon overwintering in Haverstraw Bay.

In addition to the impacts to habitat posed by the anchoring activities, the expected increase in crude oil barge traffic on the Hudson poses a risk of an oil spill or explosion on the River. The characteristics of the Hudson—heavy tidal exchange flowing both ways, shifting shoals, narrow navigational channels and unique habitat diversity—would make any spill response challenging. Due to the tidal nature of the estuary, oil could be quickly transported both up and downriver. Top speeds of the tidal flow of the Hudson River during ebb flow are approximately 2.4 knots (2.8 miles per hour). At that tidal velocity spilled oil could cross the entire width of the river within just a couple of hours. Because of the tidal nature of the estuary, surface and subsurface oil recovery would be extremely difficult, if not impossible, resulting in very low recovery rates—approximately 15-25% in a “successful” recovery operation, meaning at least 75% of the oil spilled would remain in the environment. The USCG’s Port of New York and New Jersey Area Contingency Plan (“ACP”) states that deploying booms at the location of a

⁵⁰ *Id.* at 4.

⁵¹ September 12, 2016, Letter to USCG from NOAA/NMFS in Docket Number USCG-2016-0132 (“NOAA/NMFS Letter”), available at: <https://www.regulations.gov/document?D=USCG-2016-0132-2751>; *see also* Endangered and Threatened Species; Designation of Critical Habitat for the Gulf of Maine, New York Bight, and Chesapeake Bay Distinct Population Segments of Atlantic Sturgeon, 81 Fed. Reg. 35701, <https://www.federalregister.gov/documents/2016/06/03/2016-12743/endangered-and-threatened-species-designation-of-critical-habitat-for-the-gulf-of-maine-new-york>.

⁵² NOAA/NMFS Letter. at 2.

⁵³ *Id.* at 3.

collision or grounding is generally ineffective due to the response time and channel currents.⁵⁴ This means that a crude oil spill in the Hudson River cannot be easily contained.

A spill of crude oil into the Hudson River ecosystem would cause long-lasting, if not permanent, damage to the estuary's populations of aquatic species and the entire ecosystem. Wave action, like that seen in the Hudson, causes emulsification, or a mixture of small droplets of oil and water, which hampers weathering and cleanup processes. These water-in-oil emulsions may linger in the environment for months or even years.⁵⁵

Even the methods used to respond to oils spills have negative impacts on aquatic ecosystems. The dispersants, surfactants, biological additives, bioremediation, in situ burning and dredging that are used during response can also have adverse effects on aquatic organisms.⁵⁶

Additionally, sections of the Hudson River often freeze completely during the winter. Due to snow and ice on the water, winter spills can be harder to detect and much more difficult to clean up. According to the U.S. Department of State, an oil spill during freeze up or ice breakup periods can result in ice being transported several miles under the ice or in broken ice before it can be contained. It can also be more difficult to detect oil under the ice and implement measures to recover spilled oil.⁵⁷

Oil causes harm to fish and wildlife through physical contact, ingestion, inhalation and absorption. Fish can be impacted directly through uptake by the gills, ingestion, or through the skin, and eggs and larval survival are significantly affected by changes in the ecosystem such as the presence of oil.⁵⁸ The egg and larval stages of organisms are impacted more quickly, and spills can wipe out entire age classes and cause population dips and cascading food chain impacts that have a lasting impact. It wasn't until four years after the 1989 Exxon Valdez oil disaster that the herring population collapsed; 25 years later, it still has not recovered.⁵⁹

⁵⁴ Port of New York and New Jersey – Area Contingency Plan 2016, p. 247.

⁵⁵ Global Marine Oil Pollution Gateway, Facts: What Happens to Oil in Water?, available at: <http://oils.gpa.unep.org/facts/fate.htm>.

⁵⁶ Ramachandran, Shahunthala D., "Oil dispersant increases PAH uptake by fish exposed to crude oil", *Ecotoxicology and Environmental Safety*, November 2004.

⁵⁷ Final EIS for Proposed Keystone XL Project, Section 3, Environmental Analysis 3.13-52.

⁵⁸ U.S. Fish and Wildlife Service, *Effects of Oil on Wildlife and Habitat*, June 2010.

⁵⁹ Exxon Valdez Oil Spill Trustee Council Pacific Herring Fact Sheet, available at: <http://www.evostc.state.ak.us/index.cfm?FA=status.herring>.

Adult fish may experience reduced growth, enlarged livers, changes in heart and respiration rates, fin erosion and reproductive impairment, as well as significant reproductive impacts from petroleum contamination.⁶⁰ Floating light oil such as Bakken crude can contaminate plankton, including fish eggs and larvae, and then fish feeding on these organisms can subsequently become contaminated through ingestion of contaminated prey or by direct toxic effects of oil.⁶¹ Crude oil has been detected in sediment more than thirty years after a spill.⁶² A spill of Bakken crude into the Hudson River would be devastating to the estuarine ecosystem.

d. The Anchorages Proposal Would Have Significant Impacts on the Hudson Valley's Historic, Cultural and Recreational Resources

As discussed in Section II.b., the Hudson Valley is home to a uniquely dense concentration of valuable historic, cultural and recreational resources. The region's economy relies on attracting visitors with its scenic splendor and recreational and cultural resources. Through GIS analysis, Scenic Hudson has identified 248 sites listed on the National Historic Register that would be within the visual impact areas identified in the map in Attachment A, as discussed in Section V.b above. If we conservatively limit the impact area to those places identified in our visual impact analysis and also within a 3-mile radius of the proposed anchorages, there are 44 sites on the National Historic Register that would be impacted. A table listing all 144 sites within the 3-mile radius viewshed and the number of acres impacted within each site is attached hereto as Attachment C (National Register of Historic Places, Properties Within Visual Impact Area and Within 3 Miles of Anchorage). The total impact on these historic resources is 6,616.92 acres across 8 counties and 46 municipalities.⁶³

These listed National Historic Sites include the Hudson River Historic Landmark District in Columbia and Dutchess counties, the Irvington Historic District in Westchester County, Palisades Interstate Park in New Jersey, the Old Croton Aqueduct in Westchester County, Storm King Highway in Orange County, the Stony Point Battlefield in Rockland County and Untermyer Park in Westchester County.⁶⁴ The historic nature of the Hudson Valley and consequent high concentration of properties protected by the National Historic Preservation Act

⁶⁰ U.S. Fish and Wildlife Service, *Effects of Oil on Wildlife and Habitat*, June 2010.

⁶¹ *Id.*

⁶² Woods Hole Oceanographic Institution, *Oil Found in Marsh Sediments 30 Years After Spill*, November 2002.

⁶³ Attachment C.

⁶⁴ *Id.*

along the Hudson riverfront means that every proposed anchorage would have an impact on numerous protected properties.

In addition to the federal historic sites in Attachment C, there are 164 New York State Office of Parks, Recreation and Historic Preservation parks, public lands or historic sites that would be impacted by the proposed anchorages (see Attachment D – Public Land Impacts). There are also 130 municipal parks and other municipal protected lands, 10 NYSDEC Unique Areas/Forests, and 24 other public holdings.⁶⁵ Among the impacted state parks are Storm King State Park, Hudson Highlands State Park, Bear Mountain State Park, Ogden & Ruth Livingston Mills State Park and many more.⁶⁶ The historic nature and visual character of the Hudson Valley is vital to maintaining the value of these state-designated historic sites and parks, and must be protected.

Finally, the Scenic Hudson Land Trust has protected 55 properties from which the proposed anchorages would be visible (see Attachment E hereto). These properties were protected in part to preserve important Hudson Valley viewsheds. Many of these properties provide public access to the riverfront, and several of them are parks specifically designed to facilitate the public’s enjoyment of bucolic natural views of the Hudson Valley. These parks include Esopus Meadows Point Preserve, Lighthouse Park and our newly-created High Banks Preserve in Esopus; Mount Beacon Park and Long Dock Park in Beacon; our flagship Poets’ Walk Park in Red Hook; Snake Hill Park in New Windsor; and iconic Storm King State Park in Orange County.⁶⁷

e. The Proposal Would Result in Unacceptable Light and Noise Pollution to Waterfront Communities

Numerous waterfront communities are located nearby the proposed anchorages and could be impacted the noise and light created by anchored vessels. Vessels can be the source of significant noise, including whistles or air horns, fog horns, or when anchored, bells and gongs. In addition, noise from the vessels’ diesel engines can be heard in some cases for miles away. When anchored, some vessels have generators that can run continuously.

⁶⁵ Attachment D

⁶⁶ Id.

⁶⁷ Attachment E.

The USCG requires vessels anchoring in federally designated anchoring grounds to display lights.⁶⁸ In vessels over 50 meters in length, which includes many of the barges operating on the Hudson River, masthead lights must be visible for at least 6 miles, at least four other types of lights must be visible for 3 miles, and a flashing light must be visible for 2 miles.⁶⁹ While such extensive lighting may not be required for the duration of an anchoring period, multiple white lights would still be required at a minimum.⁷⁰ As demonstrated by the visual simulations produced by EDR, such lights would be seen from multiple riverfront communities, and would especially be visible at night.⁷¹

f. The Proposal Would Threaten Drinking Water for Thousands of Hudson Valley Residents

A spill of crude oil from one of the anchored barges would threaten drinking water for several Hudson Valley municipalities. Even if an impacted drinking water intake was shut down in time to prevent contamination, municipalities would be burdened with significant cost to obtain alternate drinking water sources and to treat oil-contaminated water. Based on oil spills that have occurred in other riverine systems, drinking water intakes could be shut down for months.⁷²

Drinking water intakes in Rhinebeck, Dutchess County, and Port Ewen, Ulster County, are immediately proximate to the proposed Kingston Flats South and Big Rock Point anchorages, respectively.⁷³ Spilled oil could reach these intakes within minutes. Four other drinking water intakes are at locations 10-15 miles downstream that oil could reach in less than a few hours.⁷⁴ Further, the drinking water intake in Poughkeepsie is within three miles of the Milton anchorage, and given the tidal nature of the Hudson, a spill from this anchorage location could make its way upstream within minutes.⁷⁵

As demonstrated herein, the proposal to establish 20 new anchorages on the Hudson River would result in numerous unacceptable impacts to the residents and environment of the

⁶⁸ See 33 C.F.R. Part 83.

⁶⁹ *Id.*

⁷⁰ See *id.* at § 83.30.

⁷¹ Attachment B.

⁷² See “Drinking water measures could be in place for months due to oil spill”, Canadian Press, July 25, 2016. Available at: <http://globalnews.ca/news/2845661/oil-spill-triggers-prince-albert-sask-to-shut-down-water-intake/>

⁷³ Attachment A.

⁷⁴ *Id.*

⁷⁵ *Id.*

Hudson River Valley, including safety risks, visual impacts, impacts on wildlife and habitat, impacts on historic and public places, light and noise impacts, and threats to drinking water intakes. For this reason, USCG should not move forward with the rulemaking.

VI. THE PROPOSAL CONFLICTS WITH MANY OTHER FEDERAL, STATE AND LOCAL POLICIES FOR THE HUDSON RIVER

Executive Order 12866 provides:

Federal agencies should promulgate only such regulations as are required by law, are necessary to interpret the law, or are made necessary by compelling public need, such as material failures of private markets to protect or improve the health and safety of the public, the environment or the well-being of the American people. In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.⁷⁶

Executive Order 12866 also sets forth twelve “Principles of Regulation” that agencies must adhere to, including: “each agency shall identify the problem that it intends to address,” shall “consider... the degree and nature of the risks posed by various substances or activities within its jurisdiction,” shall “assess both the costs and benefits of the intended regulation,” shall “base its decisions on the best reasonably obtainable scientific, technical, economic and other information concerning the need for, and consequences of, the intended regulation,” shall “assess the effects of Federal regulations on State, local and tribal governments” and *shall “avoid regulations that are inconsistent [or] incompatible ... with its other regulations or those of other Federal agencies.”*⁷⁷

Under the Order, “significant regulatory actions,” defined as regulatory actions that may “adversely affect in a material way ... the environment, public health or safety, or State, local or tribal governments or communities” or may “create a serious inconsistency or otherwise interfere with an action taken or planned by another agency, must be reviewed by the Office of Management and Budget (“OMB”) for consistency with these principles.⁷⁸ OMB’s responsibility is to ensure that “each agency’s regulatory actions are consistent with applicable

⁷⁶ 58 Fed Reg 51735, Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, Section 1(a).

⁷⁷ Id. Section 1(b) (emphasis added).

⁷⁸ Id. Section 3(f), Section 6(b).

law, the President’s priorities, and the principles set forth in [Executive Order 12866] and *do not conflict with the policies or actions of another agency.*”⁷⁹

As demonstrated herein, the proposed rulemaking would materially affect the environment and the public health and safety of communities all along the Hudson River. For this reason, it must be reviewed by OMB.

The establishment of 2400 acres of new anchorage grounds for 43 berths to allow for increased transport and storage of crude oil on the Hudson River would also conflict with many other Federal designations, laws and policies that have been put in place to restore and protect the River, its wildlife and Hudson Valley residents. Therefore, OMB must review the action under Executive Order 12866 on this ground as well.

The Hudson River is designated as a National Heritage River, one of only 14 in the entire nation. The Hudson Valley is also a National Heritage Area, designated by Congress as a landscape with nationally unique natural, cultural, historic, and/or scenic resources. As demonstrated by the Attachments hereto, these important designations would be significantly impacted by the proposed anchorages. Further, as discussed in Section V.d above, the proposed anchorages would impact up to 248 sites protected by the National Historic Preservation Act and numerous sites protected by the New York State Historic Preservation Act. The area between Germantown and Hyde Park, on the east side of the Hudson River and in the vicinity of the proposed Kingston and Big Rock Flats anchorages, is designated a National Historic District, meaning the entire area has been deemed a historic resource of national significance. Under Section 106 of the National Historic Preservation Act, the USCG must consult with the State Historic Preservation Officer on any potential impacts to properties on the National Register of Historic Places.

Several New York State-designated Scenic Areas of Statewide Significance (“SASS”) would be impacted by the proposed anchorages.⁸⁰ Our visual impact analysis indicates that barges anchored at the proposed Kingston Flats South Port Ewen and Big Rock Point anchorages would be visible from locations within the Estates District SASS, located on the eastern shore of the Hudson River in the Towns of Germantown and Clermont, Columbia County, and in the

⁷⁹ *Id.* Section 6(b) (emphasis added).

⁸⁰ See New York State Department of State, Hudson River Valley Scenic Areas of Statewide Significance, July 22, 1993. Available at: <http://www.dos.ny.gov/opd/programs/HudsonSASS/Hudson%20River%20Valley%20SASS.pdf>

Towns of Red Hook, Rhinebeck and Hyde Park and the Villages of Tivoli and Rhinebeck in Dutchess County. The Ulster North SASS and Esopus-Lloyd SASS are located on the western shore of the Hudson River in Ulster County and would also be impacted by views of the anchored barges in the Kingston Flats South, Port Ewen and Big Rock Point anchorages. Finally, areas of the Hudson Highlands SASS would be impacted by views of barges at the Newburgh, Tompkins Cove and Montrose Point anchorages. The visual simulations in Attachment B show views from within the Estates District SASS (Dutchess Terrace in Rhinebeck, Viewpoint 34); Ulster North SASS (Rotary Park in Kingston, Viewpoint 2 and Kingston Point Park nightview, Viewpoint35); and the Esopus-Lloyd SASS (Presentation Catholic Church in Esopus, Viewpoint 5).

Nine of the 10 anchorages—comprising nearly 2100 acres—lie within five state-designated Significant Coastal Fish and Wildlife Habitats (“SCFWH”), including nurseries and breeding grounds for striped bass, shad and federally endangered sturgeon. These SCFWHs have been designated as irreplaceable aquatic habitat deemed essential to the survival of fish and wildlife populations, including federally endangered Atlantic and shortnose sturgeon as well as many other sensitive species that must be preserved under the tenets of New York’s Coastal Management Program (see Section VII, below, for further discussion of inconsistency with New York’s Coastal Management Program). These habitats comprise only 13.5% of the land area in New York, contains nearly 85% of the bird, mammal, reptile, and amphibian species found in the state

Portions of The Flats, Kingston-Poughkeepsie Deepwater, Hudson Highlands, Haverstraw Bay and Lower Hudson Reach SCFWHs are coincident with one or more of the proposed anchorages. Scenic Hudson’s analysis of the anchorages’ impact on SCFWH, attached hereto as Attachment F, shows that 1,150 total acres of SCFWH would be impacted by the proposed anchorages, including 229 acres of the most highly valued SCFWH in the Hudson River—Haverstraw Bay. A total of 524 acres of the Kingston-Poughkeepsie Deepwater SCFWH would be impacted by the proposed Big Rock Point, Port Ewen, Milton and Marlboro anchorages.

The proposed anchorages would also negatively impact two federally-listed endangered species protected by the ESA; the shortnose and Atlantic sturgeon. As discussed in Section V.c

above, and as stated in the letter from NMFS submitted to this docket, important habitat to both endangered sturgeon species would be impacted by the proposed anchorages.

The stretch of the Hudson River from New York Harbor to above Poughkeepsie is designated as Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act, for the Atlantic Butterfish, Bluefish and Summer Flounder.⁸¹ The Act requires the USCG to consult with the NMFS to evaluate the impacts on the identified habitat.⁸²

Under the provisions and principles of Order 12866, upon review, OMB may return the proposed rule to USCG for further consideration.⁸³ Based on OMB review, or at any time during the review process, an agency may choose to withdraw a rule and choose not to move forward with it.⁸⁴ A detailed review of the costs and benefits of the proposal will reveal that the natural resources and communities of the Hudson River Valley will bear all the risks of crude oil transport on the River, while industry will receive all of the benefit. Moreover, as demonstrated above, it would conflict with nearly every single policy in place to protect the Hudson River, the Valley and its natural, cultural, historic and economic resources. Therefore, USCG should not move forward with the proposed rulemaking under the principles of Executive Order 12866.

VII. THE PROPOSAL CANNOT BE CERTIFIED AS CONSISTENT WITH THE POLICIES IN THE NEW YORK STATE COASTAL MANAGEMENT PROGRAM

The USCG must also terminate the rulemaking process on the ground that establishment of 43 new anchorages would conflict with numerous policies under the federal Coastal Zone Management Act (“CZMA”) and the New York State Coastal Management Program (“NYSCMP”). Section 307 of the CZMA requires that “each Federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved state management programs.”⁸⁵ In New York, such federal activities must be consistent with 44 State Coastal Policies set forth in the NYSCMP, and the

⁸¹ 16 U.S.C. §§ 1801 et. seq.

⁸² 50 CFR § 600.920.

⁸³ *Id.* Section 6(b)(3).

⁸⁴ Office of Information and Regulatory Affairs, Office of Management and Budget, Regulations and the Rulemaking Process, FAQ, available at: <https://www.reginfo.gov/public/jsp/Utilities/faq.jsp>.

⁸⁵ 16 U.S.C.S. § 1456(c)(1)(A).

policies in any approved Local Waterfront Revitalization Program (“LWRP”).⁸⁶ Each of the 44 State Coastal Policies promotes the beneficial use of coastal resources, prevents their impairment, or deals with major activities that substantially affect numerous resources.⁸⁷

The NYSCMP provides that the “[e]xpansion, abandonment, [and] designation [of] anchorages” by the Coast Guard are subject to the consistency provisions of the CZMA, its implementing regulations, and the NYSCMP.⁸⁸ The new anchorages proposal is also subject to coastal consistency requirements under the “reasonably foreseeable effects” test in the CZMA. As noted, a federal action is subject to CZMA federal consistency requirements if the action will affect a coastal use or resource. The term “effect on any coastal use or resource” means any reasonably foreseeable effect on any coastal use or resource resulting from a federal agency activity or federal license or permit activity Effects are not just environmental effects, but include effects on coastal uses. Effects include both direct effects which result from the activity and occur at the same time and place as the activity, and indirect (cumulative and secondary) effects which result from the activity and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects are effects resulting from the incremental impact of the federal action when added to other past, present, and reasonably foreseeable actions, regardless of what person(s) undertake(s) such actions.⁸⁹ Here, it is more than “reasonably foreseeable” that the proposal for 43 new anchorages in 10 new anchorage grounds covering 2400 acres on the Hudson River between Kingston and Yonkers will have an effect on coastal uses and resources.

The term “consistent to the maximum extent practicable” used in the CZMA means “fully consistent with the enforceable policies of management programs unless full consistency is prohibited by existing law applicable to the Federal agency.”⁹⁰

⁸⁶ *Id.*; New York State Coastal Management Program and Final Environmental Impact Statement (“NYSCMP”), available at: http://www.dos.ny.gov/opd/programs/pdfs/NY_CMP.pdf; New York State Management Program Consistency Manual, A Practitioner’s Guide to Implementing New York’s Coastal Management Program Through Federal, State and Municipal Consistency Provisions, April, 2010, p. 17. A significant number of communities along the Hudson River that would be affected by the proposed anchorages have approved LWRPs, including the City of Beacon, Town of Esopus, Village of Haverstraw, City of Kingston, City of Newburgh, Village of Ossining, City of Peekskill, Town of Red Hook, Town of Rhinebeck, and Town of Stony Point.

⁸⁷ See NYSCMP, State Coastal Policies, p. 2.

⁸⁸ NYSCMP, Section II-9, Table 2, p. 17, available at: http://www.dos.ny.gov/opd/programs/pdfs/NY_CMP.pdf.

⁸⁹ 15 C.F.R. § 930.11(g).

⁹⁰ 15 C.F.R. § 930.32(a)(1).

The “consistent to the maximum extent practicable” standard is an important substantive standard. The CZMA and NYCMP requirement that a federal agency activity is to be undertaken in a manner consistent to the maximum extent practicable with all NYCMP policies is a requirement to be adhered to in addition to other existing federal agency statutory mandates, and is intended to cause substantive changes in federal Agency decisionmaking, so that multiple CZMA and State NYSCMP policy objectives are met, and advanced. . . . The CZMA “consistent to the maximum extent practicable” and NYCMP standards do not provide or allow for activities that are consistent with one or more NYCMP standards to override an activity’s inconsistency with one or more other NYCMP policies. Doing so undermines the basic purposes and objectives of the CZMA and NYCMP.⁹¹

Thus, under the CZMA and NYSCMP, activities must comply with and be conducted in a manner consistent with *all* applicable coastal policies, in order to “ensure that multiple coastal policies are advanced to achieve comprehensive benefits, rather than advancing one or more policies to the detriment of others.”⁹² “Activities that are not consistent with all applicable NYCMP policies are not consistent with the NYCMP. No policy is intended to be advanced to the detriment of another. If an activity is not consistent with one or more NYCMP policies, it is not consistent with the NYCMP.”⁹³

Because the proposed rulemaking to establish 43 new anchorages on the Hudson River is not consistent with all applicable State Coastal Policies in the NYSCMP, and in fact conflicts with many of the policies, the USCG cannot certify its action as such, and must terminate the rulemaking.⁹⁴

⁹¹ New York State Management Program Consistency Manual, A Practitioner’s Guide to Implementing New York’s Coastal Management Program Through Federal, State and Municipal Consistency Provisions, April, 2010, p. 24.

⁹² *Id.*, p. 15.

⁹³ *Id.*, p. 89.

⁹⁴ If the New York State Department of State objects to a federal agency’s consistency determination, the federal agency is not to proceed with the activity unless it can be determined that there are legal impediments to a “consistent to the maximum extent practicable” determination, or the federal agency has concluded its action is fully consistent despite the state’s objection. The federal agency must notify the state of its determination, so that the state can pursue judicial or other options to ensure consistency. 33 C.F.R. §§ 930.32; 36; 43.

Development Policies

*Policy 1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.*⁹⁵

Policy 4: Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

It must be recognized that revitalization of once dynamic waterfront areas is one of the most effective means of encouraging economic growth in the State, without consuming valuable open space outside of these waterfront areas. Waterfront redevelopment is also one of the most effective means of rejuvenating or at least stabilizing residential and commercial districts adjacent to the redevelopment.⁹⁶

Pursuant to Policy 1, many Hudson River waterfront communities have revitalized their waterfronts, creating spaces to work, live and recreate, with significant investment and resulting economic value. Accordingly, State and federal agencies must ensure that their actions further the revitalization of urban waterfront areas.”⁹⁷ Actions should “enhance existing and anticipated uses,” “have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base,” and “should improve adjacent and upland views of the water, and, at a minimum, must not effect these views in an insensitive manner.”⁹⁸ However, anchorage of crude oil carrying vessels off just off the shoreline of these areas will have significant visual, noise and air pollution impacts, carry risk of oil spills and contamination, and have a downward impact on the value of these areas. This would undermine and undo the great work that the municipalities themselves, along with groups like Scenic Hudson, have done to return the Hudson River back to its Valley’s residents. Clearly, the anchorages proposal conflicts with Policy 1 of the NYSCMP.

Under Policy 4, the economic contribution of the numerous smaller harbors along the Hudson River must be recognized and promoted. Therefore, efforts shall “center on promoting such desirable activities as recreational and commercial fishing, ferry services, marinas, historic preservation, cultural pursuits, and other compatible activities which have made smaller harbor

⁹⁵ NYSCMP, State Coastal Policies, p. 4.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.* p. 5

areas appealing as tourist destinations and as commercial and residential areas. Particular consideration will be given to the visual appeal and social benefits of smaller harbors which, in turn, can make significant contributions to the tourism industry.”⁹⁹ The establishment of 43 new anchorages will have negative impacts on these economically important smaller harbor areas in a manner similar to their impacts on revitalized waterfront areas.

Fish and Wildlife Policies

Policy 7: Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.

Policy 8: Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

Under Policy 7, “habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations.”¹⁰⁰ As demonstrated herein, several of the anchorages will be located directly within designated Significant Coastal and Wildlife Habitats.¹⁰¹ NOAA recently released rulemaking recently released a proposed rule to establish the entire stem of the Hudson River as habitat for endangered Atlantic sturgeon.¹⁰² In addition, the river has been designated as essential fish habitat under the Magnusen-Stevens Fishery Conservation and Management Act.¹⁰³ And Policy 8 is meant to coincide with strict regulation of the storage and transport of hazardous materials and pollutants.¹⁰⁴

Materials submitted into the record of this rulemaking demonstrate that the establishment of so many anchorages will have devastating impacts on the floor of the Hudson River, directly affecting fish and wildlife habitat.¹⁰⁵ The increase in the transport and storage of crude oil and

⁹⁹ *Id.*, p. 10-11.

¹⁰⁰ *Id.*, p.14.

¹⁰¹ Attachment A.

¹⁰² Endangered and Threatened Species; Designation of Critical Habitat for the Gulf of Maine, New York Bight, and Chesapeake Bay Distinct Population Segments of Atlantic Sturgeon, 81 Fed. Reg. 35701, <https://www.federalregister.gov/documents/2016/06/03/2016-12743/endangered-and-threatened-species-designation-of-critical-habitat-for-the-gulf-of-maine-new-york>.

¹⁰³ 16 U.S.C. §§ 1801 *et seq.*

¹⁰⁴ NYSCMP, State Coastal Policies p. 17.

¹⁰⁵ See September 5, 2016, Letter from University of Delaware to Rear Admiral L.L. Fagan, Commander, in Docket Number USCG -2016-0132, available at: <https://www.regulations.gov/document?D=USCG-2016-0132-2500>.

other petroleum products on the Hudson River will increase the risk of spills, which would be devastating and difficult to clean up. Clearly, the proposal conflicts with Policies 7 and 8.¹⁰⁶

Public Access and Recreation Policies

*Policy 19: Protect, maintain and increase the level and types of access to public water-related recreation resources and facilities.*¹⁰⁷

*Policy 20: Access to the publicly-owned foreshore and lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.*¹⁰⁸

*Policy 21: Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water related uses along the coast.*¹⁰⁹

Policy 22: Development, when located adjacent to the shore, will provide for water-related recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.

“Water-related recreation includes such obviously water-dependent activities as boating, swimming, and fishing, as well as certain activities which are enhanced by a coastal location and increase the general public’s access to the coast such as pedestrian and bicycle trails, picnic areas, scenic overlooks, and passive recreation areas that take advantage of the coastal scenery.”¹¹⁰ Under Policy 20, access is meant to “provide for walking along a beach or city waterfront or to a vantage point from which to view the seashore. Similar activities requiring access would include bicycling, bird watching, photography, nature study, beachcombing, fishing and hunting.”¹¹¹ Pursuant to Policy 21, actions that “would result in a barrier to the recreational use of a major portion of the community’s shore should be avoided as much as practicable.”¹¹² Under these policies and in association with waterfront revitalization efforts, great strides have been made in returning public access to the River, as well as providing increased recreational opportunities. The proposed anchorages would restrict and negatively impact both access to the River and recreation and create safety issues, and would impact the

¹⁰⁶ The anchorages proposal also conflicts with Policies 9 and 10, which are meant to promote recreational and commercial fishing. NYSCMP, State Coastal Policies pp. 17-18.

¹⁰⁷ NYSCMP, State Coastal Policies, p. 23-25.

¹⁰⁸ NYSCMP, State Coastal Policies, p. 25-27.

¹⁰⁹ NYSCMP, State Coastal Policies p. 28-29.

¹¹⁰ NYSCMP, State Coastal Policies p. 28.

¹¹¹ NYSCMP, State Coastal Policies, p. 25.

¹¹² NYSCMP, State Coastal Policies p. 28.

public's enjoyment of the State's coastal resources through visual, noise and other effects. Therefore, the proposed rule is inconsistent with Policies 19, 20, 21 and 22.

Historic and Scenic Resources Policies

*Policy 23: protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the state, its communities, or the nation.*¹¹³

*Policy 24: Prevent impairment of scenic resources of statewide significance.*¹¹⁴

*Policy 25: Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.*¹¹⁵

Policy 23 recognizes that “among the most valuable of the State's man-made resources are those structures or areas which are of historic, archaeological or cultural significance.”¹¹⁶ And policies 24 and 25 recognize the importance of natural scenic resources and viewsheds. In the Hudson River Valley, these resources are vitally important to its history, identity and economy. As demonstrated by visual impacts analysis mapping prepared by Scenic Hudson, the proposed anchorages will have significant visual impacts on both historic and natural resources, including a designated National Historic Landmark District and several scenic areas of statewide significance (SASSs).¹¹⁷ Therefore, the proposal is inconsistent with historic and scenic resources State Coastal policies 23, 24 and 25.

Water and Air Resources Policies

*Policy 36: Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.*¹¹⁸

Establishment of 43 new anchorages on the Hudson River for the purpose of increasing the transport and storage of crude oil and other petroleum products, which will only increase the risk of accidents and spills, clearly conflicts with Policy 36. As discussed herein, spills would be devastating to both natural and economic resources along the River, and could have serious

¹¹³ NYSCMP, State Coastal Policies, pp. 30-31.

¹¹⁴ NYSCMP, State Coastal Policies, p. 32-3.

¹¹⁵ NYSCMP, State Coastal Policies, p. 34.

¹¹⁶ NYSCMP, State Coastal Policies, p. 30.

¹¹⁷ Attachment A.

¹¹⁸ NYSCMP, State Coastal Policies, p. 44.

public health impacts if s drinking water intake were affected. Cleanup would be expensive and difficult.

*General Policy 18: To safeguard the vital economic, social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coasts.*¹¹⁹

Under this general policy, actions can only be taken in the coastal area “if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources. Because the proposal conflicts with so many of the State’s Coastal Policies, it is also inconsistent with Policy 18.

VIII. FULL ENVIRONMENTAL REVIEW UNDER NEPA IS REQUIRED

a. Use of the Categorical Exclusion Would be Inappropriate

For all of the reasons set forth in Sections III, IV, V, VI, and VII, *supra*, USCG should not proceed with this rulemaking. If, however, USCG decides to proceed with the rulemaking, it must conduct a full environmental review under NEPA, including preparation of an EIS.

The USCG has listed the establishment of anchorage grounds as an action subject to a “categorical exclusion” (“CE”) from NEPA review.¹²⁰ However, the U.S. Council on Environmental Quality (“CEQ”) regulations governing implementation of NEPA state that the use of a CE is inappropriate when “extraordinary circumstances” are present.¹²¹ “Extraordinary circumstances” are defined as circumstances “in which a normally excluded action may have a significant environmental effect that then requires further analysis in and EIS or if the agency is uncertain whether the impacts are potentially significant, in an EA.”¹²²

The parent agency of the USCG, the U.S. Department of Homeland Security (“DHS”), requires that if any extraordinary circumstances exist that may result in significant impacts, an action cannot be subject to a categorical exclusion and the agency must prepare an EIS, or if

¹¹⁹ NYSCMP, State Coastal Policies, p. 22.

¹²⁰ USCG Commandant Instruction M16475.1D, National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts at 2-27, Nov. 29, 2000 (hereinafter, USCG Instruction).

¹²¹ 40 C.F.R. 1508.4

¹²² *Id.*

environmental impacts may not be significant, an Environmental Assessment (“EA”).¹²³ Importantly, if an action involves *any* of the circumstances set forth in Section 20.b(2) of DOT Order 5610.1C, a CE *may not* be used and environmental review under NEPA *must* be undertaken.¹²⁴ These circumstances are: (1) significant impacts on the environment; (2) substantial controversy; (3) impacts which are more than minimal on properties protected by Section 4(f) and Section 106 of the Historic Preservation Act; or (4) inconsistencies with any Federal, State, or local law or administrative determination relating to the environment.¹²⁵ Because the instant proposal involves each and every one of these circumstances, as discussed further below, the USCG must conduct environmental review under NEPA.

1. Significant Impact on the Environment

As set forth in detail in Sections II.b and V above, and Attachment F, the proposed 43 new anchorages would have a significant impact on the environment. The anchorages, totaling 2400 acres in extent, would disturb prime benthic habitat for species including federally endangered Atlantic and shortnose sturgeon. In addition, the increased risk of a spill of dangerous Bakken crude oil would have a significant impact on the Hudson River ecosystem.

As demonstrated by Section V.d of this comment and Attachments A-E hereto, the anchorages would also have significant visual impacts on Hudson riverfront communities which rely on the beauty and tranquility of surrounding environment for their economic vitality. This visual impact would extend to state, municipal and Scenic Hudson parks.

2. Substantial Controversy

There is unquestionably substantial controversy surrounding the proposal outlined in the ANPRM. As of Monday, December 5, 2016, over 8,000 comments have been submitted on the docket for this proceeding, the vast majority of which are opposed to the establishment of 43 new anchorages. Both U.S. Senators from New York have expressed deep concerns about the proposed anchorages, as have U.S. Representatives Nita Lowey, Eliot Engel and Chris Gibson.

¹²³ DHS Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act at V-5 (hereinafter, “DHS Instruction”).

¹²⁴ See USCG Instruction at xx, “...The determination that a CE is inappropriate and more environmental analysis is needed, or that an EA or EIS is needed, must be based on the potential significance of the proposed action’s effects on the environment. The proposed action must be evaluated in its context (whether local, state, regional, tribal, national, or international) and in its intensity by considering the level of possible effects as listed in (1)-(10) above. **However, a CE may not be used if the proposed action is likely to involve any of the circumstances set forth in section 20.b.(2) of DOT Order 5610.1 series.**”

¹²⁵ USCG Instruction at 2-5 (emphasis added).

16 other public officials have submitted letters to the USCG opposing the anchorages, including New York State Senators George Amedore, David Carlucci, Eliot Engel, Brad Hoylman, Terence Murphy and Sue Serino and New York State Assemblymembers Didi Barrett, Sandra Galef, Ellen Jaffee and Frank Skartados. 23 municipalities have passed resolutions opposing the anchorages. Three counties have passed formal resolutions opposing the anchorages, with five counties total voicing their opposition to the proposal on the record to date.

3. Impacts Which are More than Minimal on Properties Protected by Section 4(f) and Section 106 of the Historical Preservation Act

As discussed in detail in Section V.d, above there are numerous significant impacts that could result on properties listed on the National Register of Historic Places. Such properties, along with those eligible for listing on the National Register, are protected by Section 4(f) and Section 106 of the Historic Preservation Act.¹²⁶

Scenic Hudson has identified through GIS analysis 248 properties on the National Register of Historic Places that are within the potential viewshed of one or more of the proposed anchorages (Section V.d). The Hudson River Historic District, Fort Tryon Park and the Cloisters, the Palisades Interstate Parkway are just a few examples of the total 10, 755 acres of National Register properties impacted.¹²⁷ As discussed above and in Attachment C hereto, if we conservatively take only those properties within visual impact areas that are also 3 miles or less from the proposed anchorages, there are 144 properties on the National Register impacted.¹²⁸

4. Inconsistencies with any Federal, State or Local Law or Administrative Determination Relating to the Environment

As discussed in Sections VI and VII, *supra*, the proposal is inconsistent with numerous federal and state laws, policies and administrative determinations. We will not repeat Sections VI and VII here, but the list of federal and state laws that are inconsistent includes: New York State's Coastal Management Program, pursuant to the federal Coastal Zone Management Act, including establishment of New York's Significant Coastal Fish and Wildlife Habitats, Scenic Areas of Statewide Significance and numerous Local Waterfront Revitalization Plans; the National Historic Preservation Act; the New York State Historic Preservation Act; the

¹²⁶ 54 U.S.C. § 306108.

¹²⁷ *See id.*

¹²⁸ *See id.*

Endangered Species Act; and the Magnuson-Stevens Fishery Conservation and Management Act.

Therefore, because the proposal is likely to involve the four circumstances discussed above, the USCG is required to conduct environmental review under NEPA and the inquiry need go no further. However, in situations where the four factors discussed above are not implicated, the USCG may consider the significance, context and intensity of potential impacts in its evaluation of whether “extraordinary circumstances” are present.¹²⁹ For this purpose, the USCG Instruction provides further guidance in the form of ten factors to consider in the form of an “environmental checklist”. While the USCG does not need to consider the below factors given implication of the four factors above, we will briefly discuss how each and every one of the ten factors to be considered in overcoming a categorical exclusion are present in a significant way in the anchorages proposal.

1. Is there likely to be a significant impact on public health or safety?

Yes. As discussed above in Sections II.b and V.a., stationing up to 43 barges carrying explosive Bakken crude oil throughout the Hudson River, in many locations near bustling waterfront cities or villages, puts the public at significant risk. The USCG’s own ACP makes clear the grave risks that could result from a collision or grounding of a vessel carrying Bakken crude oil. In addition, as discussed above, recreational boaters are placed at risk from the difficulties navigating around numerous barges parked in a staggered pattern.

2. Does the proposed action occur on or near a unique characteristic of the geographic area, such as a historic or cultural resource, park land, prime farmland, wetland, wild and scenic river, ecologically critical area, or property requiring special consideration under 49 U.S.C. 303(c)?

Yes. As described in Sections II, V and VI above, the Hudson River and Hudson Valley have earned numerous federal and state designations for their unique environmental, historic and cultural resources. These designations include an American Heritage River, a National Heritage Area, a National Historic District, a National Historic Landmark District and four Scenic Areas of Statewide Significance. Further, as set forth in Section V.d and Attachment D, 36 New York State parks and 130 municipal parks and other public lands could be impacted by the proposed anchorages. As for ecologically critical areas, the proposed anchorages would impact five

¹²⁹ USCG Instruction at 2-5.

SCFWHs, federally designated Essential Fish Habitat, and prime habitat for federally endangered Atlantic and shortnose sturgeon.

3. Is there a potential for effects on the quality of the environment that are likely to be highly controversial in terms of scientific validity or public opinion?

Yes. As discussed in detail in above, the ANPRM docket already has over 8,000 public comments, the vast majority of which are opposed to the establishment of 43 new anchorages.

4. Is there a potential for effects on the human environment that are highly uncertain or involve unique or unknown risks?

Yes. The true extent of impacts of a large spill or fire that could result with increased traffic of Bakken crude carrying vessels is uncertain.

5. Will the action set a precedent for future actions with significant effects or a decision in principle about a future consideration?

Yes. Given the unique setting of the Hudson River and its valley, and the numerous governmental designations it has earned as a result, allowing the establishment of anchorage grounds for 43 vessels over an 80-mile stretch of the Estuary would set a terrible precedent for other areas of the country that are protected by similar designation. This action could also set a precedent of the USCG acting on industry requests based on isolated commercial interests and without consideration to the greater economic, public safety and environmental consequences to the region.

6. Are the action's impacts individually insignificant, but cumulatively significant when considered along with other past, present and reasonably foreseeable future actions?

While the action's impacts are individually significant, considered in light of the seven existing anchorages in the river, a total of 50 anchorages would exist in the Hudson River. This magnifies the concern with the instant proposal even further.

7. Is the proposed action likely to have a significant impact on a district, site, highway, structure or object that is listed on or eligible for listing on the National Register of Historic Places, or to cause the loss or destruction of a significant scientific, cultural or historic resource?

Yes. As discussed in detail in Section V.d above, the proposed action could impact 248 sites that are listed on the National Register of Historic Places by disturbing the viewshed. The

144 sites on the National Historic Register that are within 3 miles of the proposed anchorages could also be impacted by the light and noise from the barges.

8. Will the proposed action have a significant effect on species or habitats protected by Federal law or Executive Order?

Yes. Important habitat for the federally endangered shortnose sturgeon would be impacted by the proposal, and NMFS' proposed critical habitat for the Atlantic sturgeon would be impacted. In addition, it will affect Essential Fish Habitat pursuant to the Magnuson-Stevens Fishery Conservation and Management Act.

9. Is there a potential for, or threatened violation of, a Federal, State, or local law or requirement imposed for the protection of the environment?

Yes. As described in detail above in Sections III, IV, VI, and VII the proposed anchorages would be inconsistent with numerous federal, state and local laws and policies.

10. Is the action likely to have some other significant effect on public health and safety or on any other environmental media or resources that are not specifically identified in the checklist?

Yes. As discussed in Sections II.b and V above, community character and waterfront recreation would be impacted, as well as light and noise.

b. The Environmental Impacts of the Proposal Will be Significant, Requiring Preparation of a Full Environmental Impact Statement

An EIS is the most detailed and comprehensive type of environmental review under NEPA.¹³⁰ An EIS is prepared when it is concluded that an action will have a "significant" environmental impact.¹³¹ Examples of actions that normally require the USCG to prepare an EIS include: (1) actions found to have a "significant environmental effect"; (2) actions which generate significant controversy because of effects on the human environment; and (3) actions that have a significant effect on endangered species and/or¹³² significant archaeological, cultural or historical resources. Based on all of the foregoing arguments in this comment, the proposal set forth in the ANPRM clearly implicates each and every one of the above examples.

¹³⁰ See Instruction at 2-8.

¹³¹ Id.

¹³² Id. at 2-9.

An EIS must include, at a minimum, analysis of the following potential environmental impacts, which will be significant, mandating preparation of a full EIS:

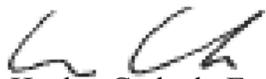
- Ecological Impacts on the Hudson River
- Historic Resources
- Visual Impacts; Light/Visual Pollution
- Crude Oil Spills
- Drinking water intakes
- Noise
- Air Quality
- Economic Impacts on revitalized waterfronts/recreation/tourism
- Safety; recreational boater safety
- Parks/parkland
- Several Anchorages will Impact the Hudson River National Historic Landmark District, Requiring Review under Section 106 of the Historic Preservation Act
- ESA Section 7 consultation

IX. CONCLUSION

In light of the foregoing, we request that the USCG end the proposed rulemaking, as it has significant unacceptable environmental impacts, is the subject of intense and widespread opposition, is not needed for navigational safety and is outside of the authority granted it to establish anchorages. However, in the event it does move forward, full review of the proposal under NEPA is required, including preparation of an EIS.

Thank you for the opportunity to submit these comments.

Respectfully submitted,



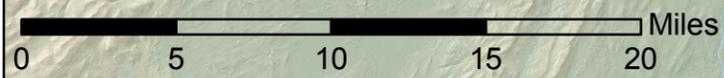
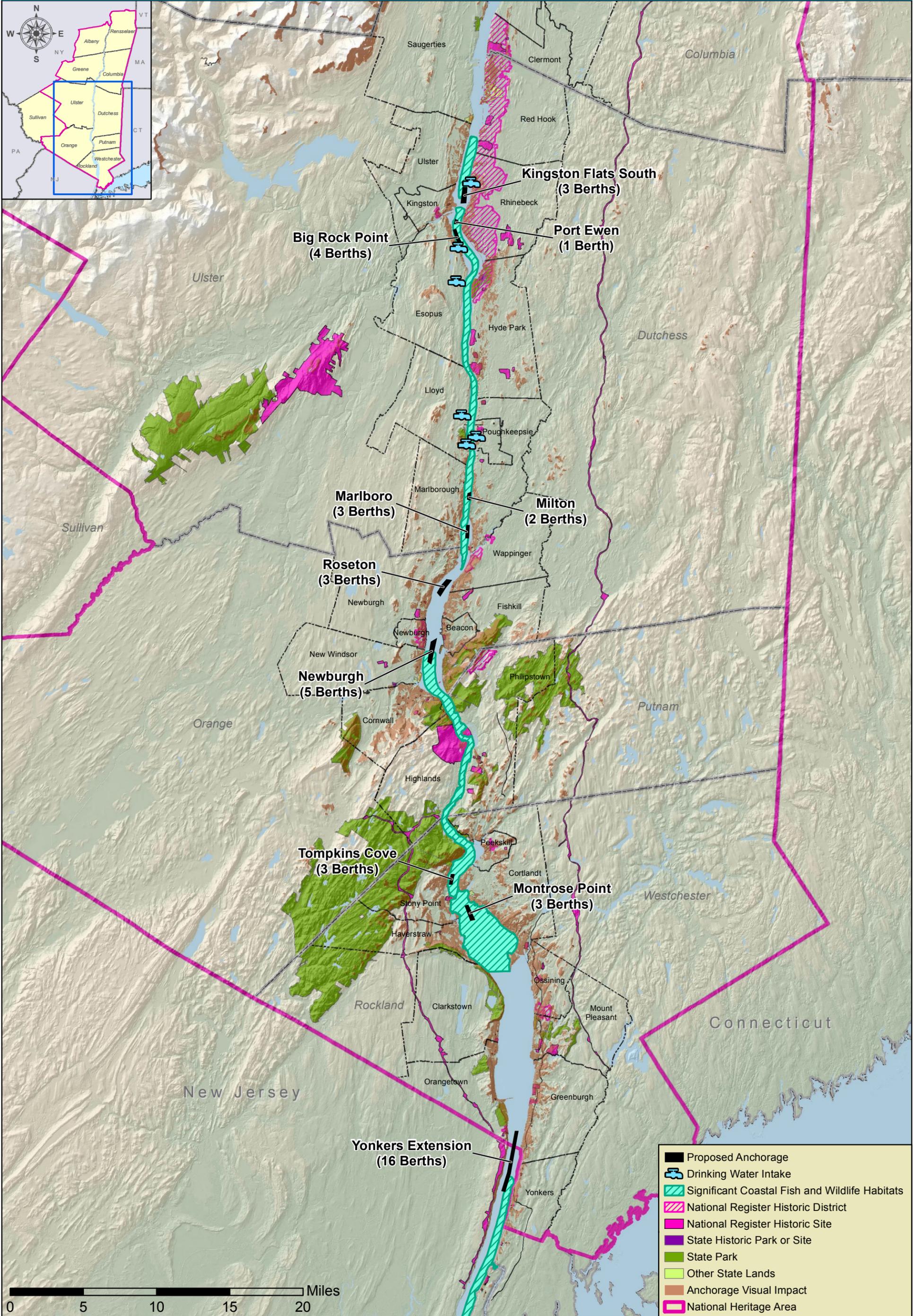
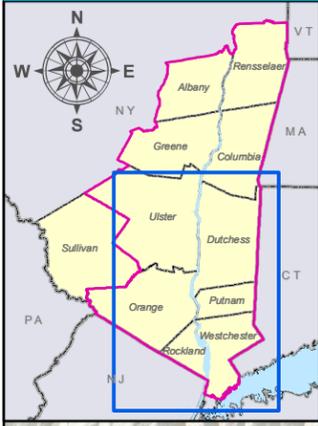
Hayley Carlock, Esq.
Director of Environmental Advocacy
Scenic Hudson, Inc.

ATTACHMENT A



Proposed Hudson River Anchorages

Hudson River Valley National Heritage Area



- Proposed Anchorage
- Drinking Water Intake
- Significant Coastal Fish and Wildlife Habitats
- National Register Historic District
- National Register Historic Site
- State Historic Park or Site
- State Park
- Other State Lands
- Anchorage Visual Impact
- National Heritage Area

ATTACHMENT B

Existing Conditions



Simulation Information

Photograph Data

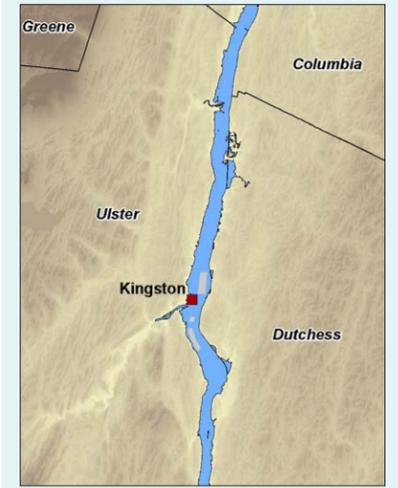
Date Taken: November 10, 2016
Time: 11:58 AM
Weather: Partly Cloudy

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Rotary Park, Kingston
Ulster County



■ Viewpoint Location ■ Proposed Anchorage Areas

Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley. Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 2: View from Rotary Park, Existing Conditions - Sailboats added for seasonal variation

December 2016

Simulation



Simulation Information

Photograph Data

Date Taken: November 10, 2016
Time: 11:58 AM
Weather: Partly Cloudy

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Rotary Park, Kingston
Ulster County



■ Viewpoint Location ■ Proposed Anchorage Areas

Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley. Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 2: View from Rotary Park, Simulation

December 2016

Sheet 2 of 20



Existing Conditions



Simulation Information

Photograph Data

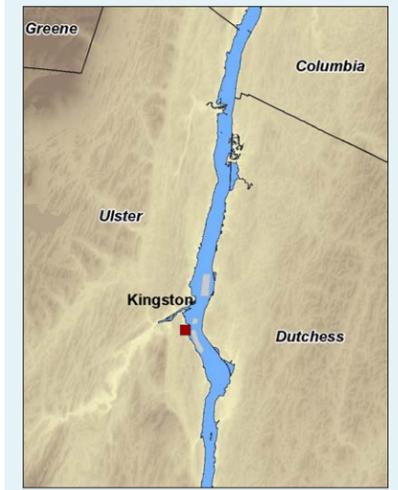
Date Taken: November 10, 2016
Time: 1:27 PM
Weather: Partly Cloudy

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Presentation Catholic Church, Esopus
Ulster County



■ Viewpoint Location ■ Proposed Anchorage Areas

Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley, Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 5: View from Presentation Catholic Church, Existing Conditions

December 2016



Simulation



Simulation Information

Photograph Data

Date Taken: November 10, 2016
Time: 1:27 PM
Weather: Partly Cloudy

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Presentation Catholic Church, Esopus
Ulster County



■ Viewpoint Location ■ Proposed Anchorage Areas

Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley, Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

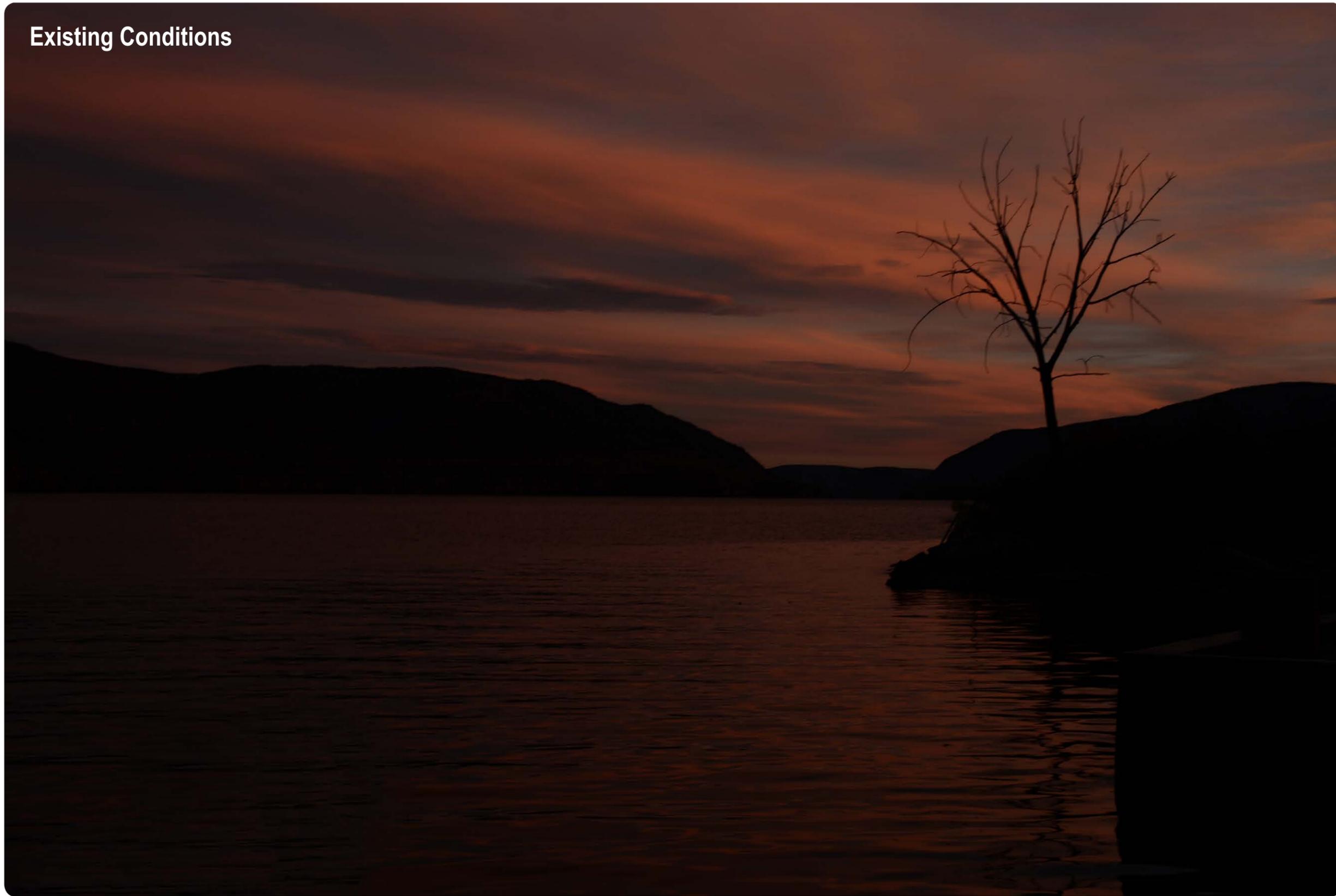
Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 5: View from Presentation Catholic Church, Simulation

December 2016

Existing Conditions



Simulation Information

Photograph Data

Date Taken: November 10, 2016
Time: 4:45 PM
Weather: Partly Cloudy

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Newburgh Ferry Terminal, Newburgh
Orange County



Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley, Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 10: View from Newburgh Ferry Terminal, Existing Conditions

December 2016

Simulation



Simulation Information

Photograph Data

Date Taken: November 10, 2016
Time: 4:45 PM
Weather: Partly Cloudy

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Newburgh Ferry Terminal, Newburgh
Orange County



Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley, Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 10: View from Newburgh Ferry Terminal, Simulation

December 2016

Sheet 6 of 20



Existing Conditions



Simulation Information

Photograph Data

Date Taken: November 10, 2016
Time: 8:59 PM
Weather: Clear

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Mac Echron Park, Greenburgh
Westchester County



Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley. Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 11: View from Mac Echron Park, Existing Conditions

December 2016

Simulation



Simulation Information

Photograph Data

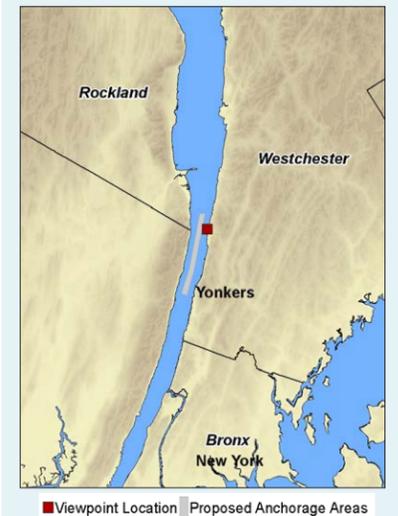
Date Taken: November 10, 2016
Time: 8:59 PM
Weather: Clear

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Mac Echron Park, Greenburgh
Westchester County



Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley. Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 11: View from Mac Echron Park, Simulation

December 2016

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Existing Conditions



Simulation Information

Photograph Data

Date Taken: November 11, 2016
Time: 8:36 AM
Weather: Hazy

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Palisades Parkway Overlook, State
Line Lookout, Alpine Borough
Bergen County



Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley, Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 19: View from Palisades Parkway Overlook, Existing Conditions

December 2016

Simulation



Simulation Information

Photograph Data

Date Taken: November 11, 2016
Time: 8:36 AM
Weather: Hazy

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Palisades Parkway Overlook, State
Line Lookout, Alpine Borough
Bergen County



Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley, Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 19: View from Palisades Parkway Overlook, Simulation

December 2016

Sheet 10 of 20



Existing Conditions



Simulation Information

Photograph Data

Date Taken: November 11, 2016
Time: 12:26 PM
Weather: Hazy

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Untermeyer Park and Gardens, Yonkers
Westchester County



Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley, Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 29: View from Untermeyer Park and Gardens, Existing Conditions

December 2016

Sheet 11 of 20



Simulation



Simulation Information

Photograph Data

Date Taken: November 11, 2016
Time: 12:26 PM
Weather: Hazy

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Untermeyer Park and Gardens, Yonkers
Westchester County



Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley, Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 29: View from Untermeyer Park and Gardens, Simulation

December 2016

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Existing Conditions



Simulation Information

Photograph Data

Date Taken: November 11, 2016
Time: 2:49 PM
Weather: Clear

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Beacon Waterfront, Fishkill
Dutchess County



■ Viewpoint Location ■ Proposed Anchorage Areas

Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley, Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 31: View from Beacon Waterfront, Existing Conditions

December 2016

Simulation



Simulation Information

Photograph Data

Date Taken: November 11, 2016
Time: 2:49 PM
Weather: Clear

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Beacon Waterfront, Fishkill
Dutchess County



■ Viewpoint Location ■ Proposed Anchorage Areas

Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley, Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 31: View from Beacon Waterfront, Simulation

December 2016

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Existing Conditions



Simulation Information

Photograph Data

Date Taken: November 11, 2016
Time: 3:26 PM
Weather: Clear

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Scenic Hudson Long Dock Park,
Beacon
Dutchess County



Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley. Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 32: View from Scenic Hudson Long Dock Park, Existing Conditions

December 2016

Simulation



Simulation Information

Photograph Data

Date Taken: November 11, 2016
Time: 3:26 PM
Weather: Clear

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Scenic Hudson Long Dock Park,
Beacon
Dutchess County



Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley, Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 32: View from Scenic Hudson Long Dock Park, Simulation

December 2016

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Existing Conditions



Simulation Information

Photograph Data

Date Taken: November 11, 2016

Time: 3:26 PM

Weather: Clear

Camera Information

Camera Make/Model: Nikon D7100

Sensor Dimensions: 35 mm

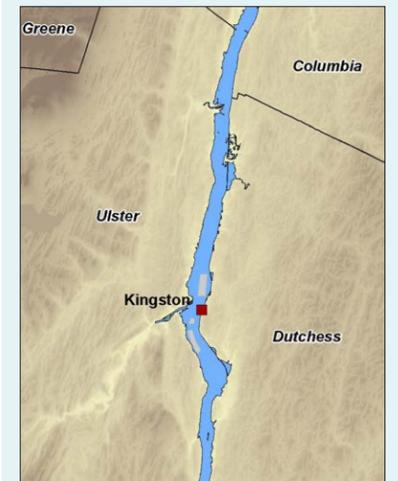
Lens Focal Length: 35 mm

Camera Height: 5'

View Location

Dutchess Terrace, Rhinebeck

Dutchess County



■ Viewpoint Location ■ Proposed Anchorage Areas

Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.

2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley. Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 34: View from Dutchess Terrace, Existing Conditions - Sailboats added for seasonal variation

December 2016

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Simulation



Simulation Information

Photograph Data

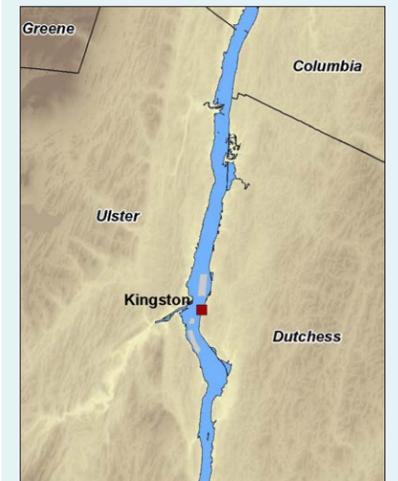
Date Taken: November 11, 2016
Time: 3:26 PM
Weather: Clear

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Dutchess Terrace, Rhinebeck
Dutchess County



■ Viewpoint Location ■ Proposed Anchorage Areas

Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley. Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 34: View from Dutchess Terrace, Simulation

December 2016

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Existing Conditions



Simulation Information

Photograph Data

Date Taken: November 11, 2016
Time: 5:25 PM
Weather: Partly Cloudy

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Kingston Point Park (Night View),
Kingston
Ulster County



Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley, Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 35: View from Kingston Point Park (Night View), Existing Conditions

December 2016

Simulation



Simulation Information

Photograph Data

Date Taken: November 11, 2016
Time: 5:25 PM
Weather: Partly Cloudy

Camera Information

Camera Make/Model: Nikon D7100
Sensor Dimensions: 35 mm
Lens Focal Length: 35 mm
Camera Height: 5'

View Location

Kingston Point Park (Night View),
Kingston
Ulster County



Visual Simulation Notes

1. Visual Simulation is based on 3D model data available at the time from specifications provided by US Department of Homeland Security USCG, and Scenic Hudson, Inc. Data is only as accurate as the original source and is not guaranteed by EDR.
2. This simulation depicts vessels associated with the anchorage areas, relative to the viewer position. Further, this simulation considers the full vessel capacity potential and anchor swing specifications.

Technical Information

Software: Autodesk AutoCad; 3ds Max; Adobe Photoshop CC; Digital elevation data source: NYSDEC and USGS LIDAR of the Hudson River Valley, Photoshop CC; Digital elevation data source: RIGIS 2011 LIDAR.

Proposed Hudson River Anchorages Visual Assessment

Hudson River, New York

Viewpoint 35: View from Kingston Point Park (Night View), Simulation

December 2016

ATTACHMENT C

National Register of Historic Places
Properties Within Visual Impact Area and Within 3 Miles of Anchorage

Total Impact: 6,616.92 acres across 8 counties within 46 municipalities

	Property Description	COUNTY	CITY	Area_Acres_GIS
1	Adams-Chadeayne-Taft Estate	Orange	Cornwall-on-Hudson	9.97962038
2	Armour-Stiner House	Westchester	Irvington	0.23746827
3	Balmville Cemetery	Orange	Balmville	1.21209861
4	Bannerman's Island Arsenal	Dutchess	Fishkill	11.2361824
5	Bear Mountain Bridge Rd.	Westchester	Cortlandt	0.87292227
6	Bell Place-Locust Avenue Historic District	Westchester	Yonkers	2.30955161
7	Bloomer-Dailey House and Balmville Tree	Orange	Balmville	0.34994787
8	Bogardus--DeWindt House	Dutchess	Beacon	0.44070448
9	Brewster, Oliver, House	Orange	Firthcliffe	2.41509773
10	Brooklyn & Queens Transit Trolley No. 1000	Ulster	Kingston	0.01118251
11	Brower, Abraham, House	Dutchess	New Hamburg	0.30386831
12	Brower, Adolph, House	Dutchess	New Hamburg	1.05774285
13	Camp Olmsted	Orange	Cornwall-on-Hudson	16.180209
14	Carman, Cornelius, House	Dutchess	Chelsea	10.1922037
15	CATAWISSA (Coastal Tugboat)	Ulster	Kingston	0.14960803
16	Chapel Hill Bible Church	Ulster	Chapel Hill	1.66289047
17	Chelsea Grammar School	Dutchess	Chelsea	0.23746827
18	Chestnut Street Historic District	Ulster	Kingston	16.9917876
19	Christ Episcopal Church	Ulster	Marlboro	2.56455314
20	Church of St. Barnabas	Westchester	Irvington	2.72215802
21	Clark House	Dutchess	Poughkeepsie	1.23616579
22	Cliffside	Rockland	Palisades	3.77023233
23	Collyer, Capt. Moses W., House	Dutchess	Chelsea	0.23746827
24	Copland, Aaron, House	Westchester	Cortlandt Manor	1.56552349
25	Cordts Mansion	Ulster	Kingston	8.9192614
26	Cornell Steamboat Company Machine Shop Building	Ulster	Kingston	0.67253895
27	Crawford, David, House	Orange	Newburgh	0.55996258
28	Cropsey, Jasper F., House and Studio	Westchester	Hastings-on-Hudson	0.05911951
29	Croton North Railroad Station	Westchester	Croton-on-Hudson	0.23746827
30	Delavan Terrace Historic District	Westchester	Yonkers	3.81794036
31	Draper, John W., House	Westchester	Hastings-on-Hudson	0.23746827
32	Drum Hill High School	Westchester	Peekskill	0.39093558
33	DuBois, Peter C., House	Dutchess	Beacon	2.7966161
34	Dubois-Sarles Octagon	Ulster	Marlboro	2.14951759
35	Dutch Reformed Church	Orange	Newburgh	0.94611377

36	Dutchess Manor	Dutchess	Fishkill	0.23746827
37	East End Historic District	Orange	Newburgh	300.340111
38	Echo Lawn Estate	Orange	Newburgh	9.77640671
39	Elliot-Buckley House	Ulster	Marlboro	2.79953343
40	Esopus Meadows Lighthouse	Ulster	Esopus	0.07307326
41	Eustatia	Dutchess	Beacon	9.68717533
42	Evergreen Lands	Dutchess	Rhinebeck	0.51665751
43	Firthcliffe Firehouse	Orange	Firthcliffe	1.5348E-07
44	Fitch Bluestone Company Office	Ulster	Kingston	0.1303204
45	Flagg, Ethan, House (Blessed Sacrament Monastery)	Westchester	Yonkers	1.67069428
46	Fonthill Castle and the Administration Building of the College of Mount St. Vincent	Bronx	New York	11.7620665
47	Fraser-Hoyer House	Rockland	West Haverstraw	0.23746827
48	Free Church Parsonage	Dutchess	Rhinecliff	0.72205154
49	Halcyon Place Historic District	Westchester	Yonkers	1.53976213
50	Haskell House	Orange	New Windsor	0.23746827
51	Heermance House and Law Office	Dutchess	Rhinecliff	1.23485271
52	Homestead	Rockland	Haverstraw	0.23746827
53	Hudson River Historic District	Columbia, Dutchess	Clermont, Hyde Park, Red Hook, Rhine	5253.11486
54	Hyatt-Livingston House	Westchester	Dobbs Ferry	0.23746827
55	Irving, Washington, Memorial	Westchester	Irvington	0.09617811
56	Irvington Historic District	Westchester	Irvington	59.4324198
57	Irvington Town Hall	Westchester	Irvington	0.23538067
58	K. WHITTELSEY (Tugboat)	Ulster	Kingston	0.02245217
59	Kings Daughters Public Library	Rockland	Haverstraw	0.23746827
60	Kingston/Rondout 2 Lighthouse	Ulster	Kingston	0.23746827
61	Kingston-Port Ewen Suspension Bridge	Ulster	Kingston and	0.29671874
62	Leffingwell-Batcheller House	Westchester	Yonkers	0.38475252
63	Lord and Burnham Building	Westchester	Irvington	0.5144015
64	M/V COMMANDER	Rockland	West Haverstraw	0.23746827
65	Main Street Historic District	Dutchess	New Hamburg	0.54397541
66	Maple Lawn	Orange	Balmville	0.23746827
67	McVickar House	Westchester	Irvington	0.05101103
68	Milton Railroad Station	Ulster	Milton	2.62568476
69	Morse, Samuel F. B., House (Locust Grove)	Dutchess	Poughkeepsie	0.39061129
70	Morton Memorial Library	Dutchess	Rhinecliff	0.28860433
71	Mount Beacon Fire Observation Tower	Dutchess	Beacon	0.91494511
72	Mount Beacon Incline Railway and Power House	Dutchess	Beacon/Fishkill	38.5204097

73	Mount Gulian	Dutchess	Beacon	11.1576672
74	National Biscuit Company Carton-Making and Printing Plant	Dutchess	Beacon	24.4569573
75	Neiderhurst	Rockland	Palisades	11.3795678
76	New Windsor Cantonment	Orange	New Windsor	0.24326904
77	Nuits	Westchester	Ardsey-on-Hudson	0.23746827
78	O'Brien General Store and Post Office	Dutchess	Rhinecliff	0.09127464
79	Old Croton Aqueduct	Westchester	Yonkers and	62.6587284
80	Old Town Cemetery and Palatine Church Site	Orange	Newburgh	2.71697147
81	Onderdonk House	Rockland	Piermont	0.2376593
82	Palisades Interstate Parkway	Orange	Fort Lee, NJ to Bear Mountain, NY	74.6935731
83	Peck, Henry M., House	Rockland	West Haverstraw	3.18167567
84	Peekskill Downtown Historic District	Westchester	Peekskill	2.02990333
85	Peekskill Freight Depot	Westchester	Peekskill	0.84815568
86	Peekskill Prsebyterian Church	Westchester	Peekskill	1.29814296
87	Philipsburgh Building	Westchester	Yonkers	0.26775139
88	Philipse Manor Hall	Westchester	Yonkers	0.80575199
89	Piermont Railroad Station	Rockland	Piermont	3.08153883
90	Ponckhockie Union Chapel	Ulster	Kingston	0.15864777
91	Powelton Club	Orange	Newburgh	13.2772447
92	Proctor's Theater	Westchester	Yonkers	0.60000844
93	Public Bath House No. 4	Westchester	Yonkers	0.22263513
94	Reformed Dutch Church of Fishkill Landing	Dutchess	Beacon	2.32859979
95	Rhinecliff Hotel	Dutchess	Rhinecliff	0.35997793
96	River View House	Orange	Cornwall	0.23746827
97	Riverside Methodist Church and Parsonage	Dutchess	Rhinecliff	0.32030176
98	Rockland Print Works	Rockland	GARNERVILLE	6.18228429
99	Rokeby	Dutchess	Barrytown	1.59207292
100	Rondout-West Strand Historic District	Ulster	Kingston	41.0517408
101	Rose, William H., House	Rockland	Stony Point	0.23746827
102	Saint Mark's Episcopal Church	Dutchess	Chelsea	0.23746827
103	Sands-Ring House	Orange	Cornwall	3.05154741
104	Scribner House	Orange	Cornwall	1.91577618
105	Seven Oaks Estate	Rockland	Palisades	0.61526985
106	Shay, William, Double House	Dutchess	New Hamburg	0.08823785
107	Shay's Warehouse and Stable	Dutchess	New Hamburg	0.08326054
108	South Presbyterian Church	Westchester	Dobbs Ferry	1.51865918
109	St. John's Protestant Episcopal Church	Westchester	Yonkers	1.47672865

110	St. Thomas Episcopal Church	Orange	New Windsor vicinity	1.78288824
111	Standard House	Westchester	Peekskill	0.02945515
112	Stone Street Historic District	Dutchess	New Hamburg	0.75783596
113	Stonecrest	Dutchess	Rhinebeck	8.59051934
114	Stony Kill Farm	Dutchess	Fishkill	21.976297
115	Stony Point Battlefield	Rockland	Stony Point	63.9425384
116	Stony Point Lighthouse	Rockland	Stony Point	0.23746827
117	Storm King Highway	Orange	Highlands	5.06468917
118	Sunnyside	Westchester	Tarrytown	48.6576725
119	Ten Broeck, Benjamin, House	Ulster	Ulster vicinity	0.38821904
120	The USCO Church		GARNERVILLE	0.12446836
121	Thompson, W. B., Mansion	Westchester	Yonkers	1.49346917
122	Tioronda Bridge	Dutchess	Beacon	0.04710038
123	Trevor, John Bond, House	Westchester	Yonkers	24.6034591
124	Union Chapel aka Quaker Meeting House	Orange	Cornwall on Hudson	0.04883758
125	Union Free School	Dutchess	New Hamburg	1.22668419
126	Untermeyer Park	Westchester	Yonkers	13.9996099
127	Upland Lawn	Orange	Cornwall	0.86418109
128	US Post Office--Dobbs Ferry	Westchester	Dobbs Ferry	0.26776126
129	US Post Office--Haverstraw	Rockland	Haverstraw	0.23746827
130	US Post Office--Newburgh	Orange	Newburgh	0.3757226
131	US Post Office--Peekskill	Westchester	Peekskill	0.1550722
132	US Post Office--Yonkers	Westchester	Yonkers	0.08589267
133	Valhalla Highlands Historic District	Putnam	Cold Spring	91.7878815
134	Villa Lewaro	Westchester	Irvington	0.211524
135	Walsh-Havemeyer House	Orange	New Windsor	1.11517161
136	Wappingers Falls Historic District	Dutchess	Wappingers Falls	2.84286378
137	Washington Spring Road--Woods Road Historic District	Rockland	Palisades	30.3517911
138	Washington's Headquarters	Orange	Newburgh	5.52457302
139	West Strand Historic District	Ulster	Kingston	0.23746827
140	Wheeler Hill Historic District	Dutchess	Wappinger	200.906331
141	Wyant-Talbot House	Orange	Cornwall	1.85383516
142	Yoemans, Moses, House	Ulster	Kingston	2.83870976
143	Yonkers Trolley Barn	Westchester	Yonkers	0.59604073
144	Zion Memorial Chapel	Dutchess	New Hamburg	0.21565482

ATTACHMENT D

Public Land Impacts

Properties Within Visual Impact Area and Within 3 Miles of Anchorage

7,697.36 acres impacted across 6 counties

130 Municipal Parks and Other Protected Lands

10 NYS DEC Unique Areas/Forests/Public Lands

64 NYS OPRHP Parks/Public Lands/Historic Sites

24 Other Public Holdings

Type of Protected Land	County	Area_Acres_GIS
Albright	Westchester	1.31199949
Balmville Tree	Orange	1.136843533
BAXTERTOWN WOODS WMA	Dutchess	1.723967927
Bear Mountain	Rockland	5.225036829
Bear Mountain	Rockland	730.5341324
County_Municipal	Westchester	10.70352265
County_Municipal	Ulster	27.46006174
County_Municipal	Westchester	19.66404886
County_Municipal	Dutchess	0.015395881
County_Municipal	Orange	0.017595194
County_Municipal	Westchester	96.08502553
County_Municipal	Westchester	18.18506648
County_Municipal	Westchester	0.199045471
County_Municipal	Westchester	2.316246898
County_Municipal	Westchester	1.274900551
County_Municipal	Orange	0.017595194
County_Municipal	Westchester	5.438123328
County_Municipal	Westchester	7.428341582
County_Municipal	Westchester	0.10100052
County_Municipal	Westchester	2.178322487
County_Municipal	Westchester	0.327691614
County_Municipal	Westchester	11.96651495
County_Municipal	Westchester	2.641305889
County_Municipal	Westchester	6.901330076
County_Municipal	Westchester	1.581864457
County_Municipal	Rockland	20.67717414
County_Municipal	Ulster	1.055036363
County_Municipal	Westchester	0.577946031
County_Municipal	Westchester	3.303973619
County_Municipal	Orange	4.554719431

County_Municipal	Westchester	3.000617587
County_Municipal	Westchester	0.759602789
County_Municipal	Westchester	3.504613145
County_Municipal	Westchester	26.73392804
County_Municipal	Orange	0.66289991
County_Municipal	Orange	14.48694046
County_Municipal	Westchester	4.842078105
County_Municipal	Rockland	18.1183737
County_Municipal	Westchester	0.502493875
County_Municipal	Westchester	156.3247624
County_Municipal	Westchester	35.54866374
County_Municipal	Dutchess	6.65732942
County_Municipal	Westchester	0.024482407
County_Municipal	Westchester	108.0192658
County_Municipal	Westchester	1.278861518
County_Municipal	Westchester	14.17355211
County_Municipal	Westchester	6.499086258
County_Municipal	Dutchess	2.767691915
County_Municipal	Orange	6.247646471
County_Municipal	Westchester	17.32296151
County_Municipal	Westchester	8.858106042
County_Municipal	Westchester	7.40572076
County_Municipal	Orange	7.606431631
County_Municipal	Westchester	0.355978545
County_Municipal	Orange	36.64779443
County_Municipal	Westchester	6.697316198
County_Municipal	Westchester	0.278639398
County_Municipal	Westchester	3.794482807
County_Municipal	Westchester	0.065722476
County_Municipal	Westchester	38.75472876
County_Municipal	Dutchess	31.33192169
County_Municipal	Westchester	2.757424881
County_Municipal	Orange	25.6584839
County_Municipal	Westchester	4.722509008
County_Municipal	Dutchess	28.25415337
County_Municipal	Westchester	0.068066088
County_Municipal	Orange	0.004512281
County_Municipal	Westchester	13.87126366
County_Municipal	Orange	53.47991116
County_Municipal	Dutchess	294.6085633
County_Municipal	Orange	7.606431631
County_Municipal	Westchester	13.77864622
County_Municipal	Westchester	7.657887796

County_Municipal	Westchester	1.474463431
County_Municipal	Orange	15.64577565
County_Municipal	Westchester	5.983737454
County_Municipal	Westchester	3.701105184
County_Municipal	Westchester	16.60054824
County_Municipal	Westchester	0.487104829
County_Municipal	Westchester	1.470263354
County_Municipal	Westchester	21.79044552
County_Municipal	Westchester	1.218482215
County_Municipal	Westchester	4.008951322
County_Municipal	Westchester	2.098854571
County_Municipal	Westchester	0.69055487
County_Municipal	Ulster	8.742556187
County_Municipal	Westchester	8.346889267
County_Municipal	Westchester	0.882975879
County_Municipal	Orange	13.30010975
County_Municipal	Westchester	0.377676153
County_Municipal	Westchester	1.143225644
County_Municipal	Rockland	6.847458464
County_Municipal	Orange	0.04482868
County_Municipal	Westchester	0.128094717
County_Municipal	Dutchess	6.353904543
County_Municipal	Westchester	13.94382728
County_Municipal	Westchester	1.981724172
County_Municipal	Westchester	2.439327702
County_Municipal	Westchester	0.760649724
County_Municipal	Westchester	1.229072462
County_Municipal	Dutchess	8.330573006
County_Municipal	Westchester	6.859190653
County_Municipal	Westchester	4.023785321
County_Municipal	Westchester	1.013716779
County_Municipal	Westchester	37.08071904
County_Municipal	Dutchess	199.9995018
County_Municipal	Westchester	3.589802314
County_Municipal	Orange	24.02587842
County_Municipal	Westchester	0.359129903
County_Municipal	Westchester	2.543423226
County_Municipal	Westchester	165.4218877
County_Municipal	Westchester	3.711948844
County_Municipal	Westchester	3.100478334
County_Municipal	Westchester	47.45235378
County_Municipal	Westchester	11.32035946
County_Municipal	Orange	53.79608088

County_Municipal	Westchester	0.018226354
County_Municipal	Westchester	217.5099968
County_Municipal	Westchester	1.082852125
County_Municipal	Westchester	15.47874706
County_Municipal	Dutchess	1.794676038
County_Municipal	Orange	1.117218111
County_Municipal	Westchester	5.310047478
County_Municipal	Westchester	0.142515518
County_Municipal	Orange	9.204217349
County_Municipal	Orange	13.30010975
County_Municipal	Westchester	4.678633362
County_Municipal	Orange	5.792020768
County_Municipal	Westchester	2.010875066
County_Municipal	Dutchess	0.111065775
County_Municipal	Westchester	2.115359462
County_Municipal	Westchester	216.1177343
County_Municipal	Westchester	4.699765633
County_Municipal	Westchester	0.384785154
County_Municipal	Westchester	48.2139397
County_Municipal	Westchester	3.835298277
DLC-0141	Dutchess	54.56308893
DLC-0284	Dutchess	2.309074172
Harding - Mabrey	Dutchess	2.950637642
Harriman	Rockland/Orange	364.1524018
Haverstraw Beach	Rockland	15.12491677
Haverstraw Beach	Rockland	7.576133986
High Tor	Rockland	79.26536909
Hook Mountain	Rockland	3.715650652
Hudson Highlands	Dutchess	35.33250534
Hudson Highlands	Dutchess	0.227165723
Hudson Highlands	Dutchess	0.500653208
Hudson Highlands	Westchester	0.088983557
Hudson Highlands	Westchester	10.2885597
Hudson Highlands	Putnam	7.538771085
Hudson Highlands	Westchester	4.110143388
Hudson Highlands	Dutchess	9.211605759
Hudson Highlands	Dutchess	57.07301684
Hudson Highlands	Westchester	0.029649464
Hudson Highlands	Dutchess	213.8550381
Hudson Highlands	Dutchess	1.472341506
Hudson Highlands	Dutchess	151.7357058
Hudson Highlands	Putnam	1717.85158
Hudson Highlands	Dutchess	2.584946811

Hudson Highlands	Dutchess	1.163933852
Hudson Highlands	Dutchess	10.49973703
Hudson Highlands	Dutchess	90.63515886
Hudson Highlands	Westchester	2.523301693
inholding	Dutchess	0.698329781
inholding	Dutchess	9.042604567
inholding	Dutchess	0.285717043
inholding	Rockland	0.619125319
inholding	Dutchess	0.355875114
Knox Headquarters	Orange	12.43265885
KOWAWESE UNIQUE AREA	Orange	0.554329488
KOWAWESE UNIQUE AREA	Orange	0.111614693
KOWAWESE UNIQUE AREA	Orange	46.28761725
KOWAWESE UNIQUE AREA	Orange	0.019083582
Margaret Lewis Norrie	Dutchess	21.82852234
MONTROSE POINT STATE FOREST	Westchester	4.173082719
Montrose Site - Kolping Society	Westchester	34.1950351
New Windsor Cantonement	Orange	0.346720993
Ogden & Ruth Livingston Mills	Dutchess	3.081195074
Ogden & Ruth Livingston Mills	Dutchess	6.760283927
Ogden & Ruth Livingston Mills	Dutchess	97.7515705
Ogden & Ruth Livingston Mills	Dutchess	106.8821297
Ogden & Ruth Livingston Mills	Dutchess	49.58466032
Old Croton Aqueduct	Westchester	37.2620083
Old Croton Aqueduct	Westchester	12.85866369
Old Croton Aqueduct	Westchester	0.091853191
Palisades	Rockland	24.46777477
Perl	Westchester	0.628713258
Philipse Manor Hall	Westchester	0.210510953
PIERMONT MARSH TIDAL WETLAND	Rockland	67.52754778
Prospect Hill I	Orange	7.157661279
Prospect Hill II	Orange	0.028925953
Randall	Westchester	2.239340919
Staatsburgh	Dutchess	0.180673242
Staatsburgh	Dutchess	62.38952372
Stony Point Battlefield	Rockland	21.0298187
Stony Point Battlefield	Rockland	44.67343401
Stony Point Battlefield	Rockland	0.138950666
STONYKILL ENVIRONMENTAL EDUCATION CENTER	Dutchess	32.82948455
Storm King	Orange	347.3866905
Tallman Mountain	Rockland	341.9101388
Verplank Landing - Mt. Gulian	Dutchess	11.17068101

Washington Trails - Cortlandt	Westchester	4.934830459
Washington's Headquarters	Orange	1.416608254
Washington's Headquarters	Orange	5.527184792
Washington's Lookout	Rockland	4.350631803
Weinstein	Westchester	10.31376844
Wilderstein Historic Site	Dutchess	4.21598908
Yablon - Irvington	Westchester	1.316399901
Public Holding	Dutchess	1.166819867
Public Holding	Dutchess	19.46733849
Public Holding	Orange	5.147002124
Public Holding	Dutchess	6.985803908
Public Holding	Orange	2.331646252
Public Holding	Orange	3.469189119
Public Holding	Putnam	2.791748783
Public Holding	Putnam	8.745910444
Public Holding	Orange	0.075383142
Public Holding	Dutchess	2.187855879
Public Holding	Orange	18.30430088
Public Holding	Orange	1.068062709
Public Holding	Dutchess	11.33011903
Public Holding	Dutchess	1.260379243
Public Holding	Dutchess	4.156770916
Public Holding	Ulster	13.44705249
Public Holding	Westchester	0.079372709
Public Holding	Westchester	34.01737376
Public Holding	Westchester	0.098288628

ATTACHMENT E

Scenic Hudson Protected Land Impacts

Protected Lands Within Visual Impact Areas and Within 3 Miles of Anchorage

2591 acres across 5 counties

23 Waterfront Communities

56 Parks/Waterfronts/Trails and Other Protected Lands

Property Description	Municipality	County	Area_Acres_GIS
The Locusts (The Willows)	Hyde Park	Dutchess	60.48505004
Southlands	Rhinebeck (T)	Dutchess	16.1243859
Rokeby Preserve	Red Hook	Dutchess	1.024249882
Hambley Scenic Road Easement	Rhinebeck (T)	Dutchess	1.75049114
Grutman Scenic Road Easement	Rhinebeck (T)	Dutchess	2.350944864
Maguire Scenic Road Easement	Rhinebeck (T)	Dutchess	6.70825659
Wappinger Creek Greenway	Wappingers Falls (V)	Dutchess	15.90117441
Mills State Park Buffer/Huntington	Hyde Park	Dutchess	56.34622412
Woodle Property	Fishkill	Dutchess	89.93121478
Madam Brett Park	Beacon	Dutchess	7.262387578
Long Dock Beacon	Beacon; Fishkil	Dutchess	89.33695062
Poets' Walk Park	Red Hook	Dutchess	18.65127241
Mt. Beacon	Beacon; Fishkill	Dutchess	227.5598751
Fishkill Ridge Conservation Area	Fishkill	Dutchess	168.0833904
LaForge	Rhinebeck (T)	Dutchess	1.110582545
Frost	Rhinebeck (T)	Dutchess	1.528503033
Doves Nest, LLC (Fallsburgh Creek)	Rhinebeck	Dutchess	6.730765244
Atalanta Sosnoff	Red Hook; Rhinebeck (T)	Dutchess	18.74899869
Atalanta Orchard Parcel	Red Hook; Rhinebeck (T)	Dutchess	8.192182583
Mt. Beacon Park	Beacon	Dutchess	15.102074
University Settlement Camp	Beacon; Fishkill	Dutchess	78.95335958
University Settlement Camp	Beacon	Dutchess	0.805258329
Cicccone	Fishkill	Dutchess	30.08150314
Gomez Mill House	Marlborough; Newburgh (T)	Orange	11.85009169
Five Points Mission - Donahue	Cornwall-on-Hudson (V)	Orange	34.17076095
Five Points Mission Camp	Cornwall-on-Hudson (V)	Orange	15.75442409
Five Points Mission - Santoro	Cornwall (T); Cornwall-on-Hudson (V)	Orange	4.412549991
Moodna Creek Mouth/Washburn	N. Windsor; Cornwall	Orange	0.014186995
Kowawese Unique Area/Sloop Hill	N. Windsor; Cornwall	Orange	46.15067253
Snake Hill	New Windsor	Orange	34.81757867
Storm King State Park	Highlands; Cornwall	Orange	338.3911714
Emiline Park (Palmieri)	Haverstraw (V)	Rockland	1.456498576

Piermont Marsh Estuarine Research Reserve	Orangetown	Rockland	927.7619575
Girl Scouts Heart of the Hudson Fee	Stony Point	Rockland	20.60906606
Richards Farm	Esopus	Ulster	1.157056836
Lighthouse Park	Esopus	Ulster	0.806188078
Lighthouse Bluff	Esopus	Ulster	9.691794201
Lyons Farm	Marlborough	Ulster	6.909520533
Patchoros	Esopus	Ulster	2.777174354
Milton Riverfront Park	Marlborough	Ulster	13.33057895
Esopus Lakes	Esopus	Ulster	38.82477806
Esopus Meadows Point Preserve	Esopus	Ulster	29.28070648
Bamer Associates LLC	Esopus	Ulster	3.999798167
Hudson River Maritime Museum	Kingston	Ulster	1.093732623
Gordon Tree Farm	Esopus	Ulster	1.103162227
Gordon Tree Farm	Esopus	Ulster	5.492110093
Sleightsburg Spit	Esopus	Ulster	80.16974186
Alpha Apple	Marlborough	Ulster	4.585685963
Belvedere	Tarrytown (V)	Westchester	0.481476141
Habirshaw	Yonkers	Westchester	2.056769111
Yonkers Waterfront Associates	Yonkers	Westchester	5.699271372
Peekskill Waterfront	Peekskill	Westchester	8.155477693
Irvington Waterfront	Irvington (V)	Westchester	11.44364879
Westwood D	Irvington (V)	Westchester	4.457450956
Westwood B2	Irvington (V)	Westchester	1.507887006

ATTACHMENT F

Significant Coastal Habitat Impacts

1,150 acres over 77 nautical miles

11 Counties from the Bronx to Red Hook

Proposed Anchorage	Anchorage Area (in Acres)	Significant Coastal Area	Habitat affected (in Acres)
Big Rock Point	195	KINGSTON- POUGHKEEPSIE DEEPWATER	185
Kingston Flats South	265	THE FLATS	69
Marlboro	298	KINGSTON- POUGHKEEPSIE DEEPWATER	197
Milton	97	KINGSTON- POUGHKEEPSIE DEEPWATER	97
Montrose Point	229	HAVERSTAW BAY	229
Newburgh	335	HUDSON HIGHLANDS	155
Port Ewen	45	KINGSTON- POUGHKEEPSIE DEEPWATER	45
Tompkins Cove	116	HUDSON HIGHLANDS	116
Yonkers Extension	720	LOWER HUDSON REACH	58