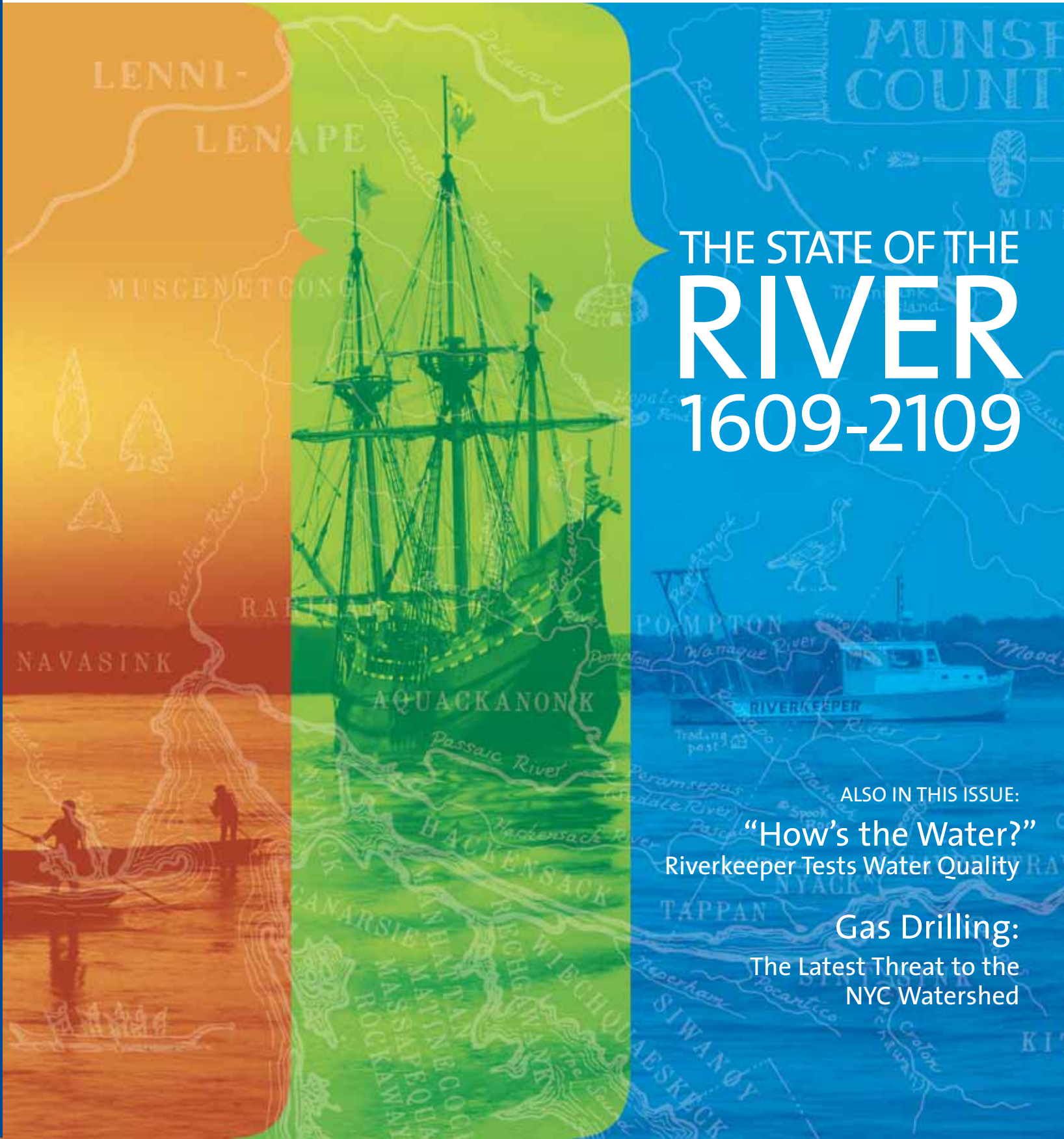


RIVERKEEPER®

Spring 2009

New York's Leading Clean Water Advocate



THE STATE OF THE RIVER 1609-2109

ALSO IN THIS ISSUE:

“How’s the Water?”
Riverkeeper Tests Water Quality

Gas Drilling:
The Latest Threat to the
NYC Watershed

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DEAR FRIENDS,

2009 is a year of milestones.

This September marks the 400th anniversary of Henry Hudson's voyage up the majestic river that bears his name – the river that has been a lifeline to generations, from Native Americans, to the Dutch, to commercial fishermen and to others whose livelihoods depend on a healthy Hudson.

Beginning next month and throughout the summer, Riverkeeper will commemorate this quadricentennial anniversary with a touring exhibit, “A Hudson River Journey: 1609-2109,” which will appear in approximately 15 cities and towns. *(Please see the back of this journal for a partial schedule and come out and join us!)*

The quadricentennial is just one of the milestones Riverkeeper is celebrating this year.

For the first time in our 43-year history, Riverkeeper brought a seminal case against the power plant industry and the Bush EPA that made its way to the U.S. Supreme Court. While the Supreme Court ultimately ruled against us on a narrow issue related to the EPA's use of cost benefit analysis, the Court nonetheless upheld the rest of the lower court decision that sided with Riverkeeper on every aspect of the case, delivering a major victory to environmentalists who have long fought to stop the needless slaughter of fish at our nation's power plants. Per the Court's order, the EPA must scrap the Bush regulations governing cooling water intake structures and start again. We are confident that the Obama-Jackson EPA will issue a new regulation that adheres to Congress' original intent to “minimize adverse environmental impacts.”

This spring, we will begin the second phase of a landmark water quality testing program where we sample and analyze the entire estuary and make our results available to the public on our website. And, in the latest effort to protect our drinking water, Riverkeeper was the first among a coalition of environmental groups to call for a ban on natural gas drilling in the NYC Watershed.

We also recently launched a tap water campaign to educate New Yorkers about the superior quality of their drinking water and the serious economic and environmental consequences of consuming bottled water. Finally, General Electric's PCB clean up is scheduled to begin in May. While we will be relieved to see the clean up finally underway, we will have to remain ever vigilant to make sure GE finishes the job.

Clearly, we have much to celebrate during this quadricentennial year. Not only have we made great strides in improving water quality locally, but we have a new administration in Washington that takes seriously the rule of law and recognizes the importance – to our health and economic prosperity – of protecting our environment.

And yet, there is no getting around these tough economic times, which make things difficult for non-profits like Riverkeeper and give industry an excuse for not investing in pollution abatement.

That's why we are counting on you for your continued support. If we let down our guard now, we will quickly lose ground on the many gains we've made since the Clean Water Act was passed nearly 40 years ago. But, if we redouble our efforts to strengthen our environmental laws, while reinvesting in our infrastructure and greening the economy, then 2109 will be the year when our great grandchildren celebrate the work we did and the river we left them.

— Alex Matthiessen, Hudson Riverkeeper & President



Riverkeeper's mission is to protect the ecological integrity of the Hudson River and its tributaries, and to safeguard the drinking water supply of New York City and the lower Hudson Valley.

> Get Involved!

And know that your investment in Riverkeeper will make a real difference for the health of our waterways and the people and wildlife that depend on them.

Membership

Become a member today by making an online donation at www.riverkeeper.org, mailing in a check, or calling us at (914) 478-4501 x232.

Personal Fundraising Pages/ Membership Drives

Create a personal fundraising page online—the most eco-friendly way to make a difference. Celebrate a special occasion or champion a group of co-workers, students or community organizers to become Riverkeeper members. Visit www.riverkeeper.org to get started.

Special Events

Riverkeeper connects with its members and supporters throughout the year with one-of-a-kind events. Visit our calendar at www.riverkeeper.org or sign up for our e-newsletter to learn about upcoming events.

Sponsorship

Strategic philanthropy benefits Riverkeeper and affords sponsorship partners with unequalled community relations and visibility. Contact Brian Wiley to learn more at bwiley@riverkeeper.org.

Volunteering

Riverkeeper depends on gifts of time and talent from volunteers to carry out our mission. See "Volunteer Corner" in the back of this journal for specific opportunities and contact Heartie Look at 914-478-4501 x238 or hlook@riverkeeper.org.

Sustainer Giving

Use your credit card to spread your donation into monthly installments. Sustainers allow us to reduce mailing and administrative costs. Join online.

Employee Campaigns

Designate Riverkeeper as the recipient of your company's United Way or Earth Share campaign contributions.

Tribute/Memorial Gifts

Honor friends or family members on a special occasion with a Tribute Gift. Honor the memory of a loved one with a Memorial Gift.

Major Gifts – Designated Campaign Gift

Riverkeeper will use your gift to meet our greatest needs, or you can choose to designate your gift to a preferred campaign. Gifts of stock can be made by contacting National Financial Services at (800)752-7053, DTC 0226 Account # KPA-163759.

Planned and Estate Giving

Name Riverkeeper as a beneficiary of your estate, trust or other planned giving options and know that your generosity sustains our mission and builds a lasting legacy to your memory.

For additional information on getting involved, contact Brian Wiley, Development Director, at 914-478-4501 x238 or bwiley@riverkeeper.org.



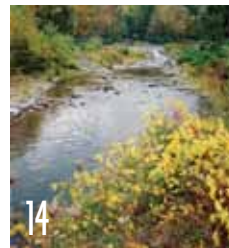
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www.riverkeeper.org

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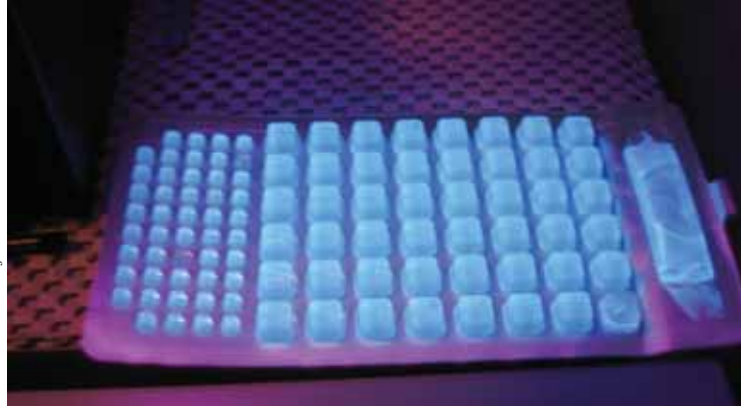


Cover art © Kim Barron

patrol boat log

**Riverkeeper boat captain
John Lipscomb reports
from the river**

PHOTOS COURTESY OF JOHN LIPSCOMB



5/17/08 ▲

This is a microbial sample tray viewed under UV light after incubating 24 hours. All the fluorescent wells are alive with *Enterococcus* bacteria, an indicator of untreated human waste. A strong result such as this one indicates a cell count GREATER than 24,000 entero cells per 100 milliliter sample. Federal guidelines recommend closure of beaches at 104 cells per 100ml and above. So this is really bad water.



5/17/08 ▲

In 2008, we were repeatedly harassed by the naval militia at Indian Point. On this particular day, we were conducting fish larvae trawls with partners from SUNY Stony Brook to measure the quantity of larvae being sucked through Indian Point and cooked with the two billion gallons of river water they use daily. The U.S. Department of Homeland Security crew is blocking our sample run, even though they had to come OUT of the security zone to do so. See the guy with the automatic rifle? Are we really that great a threat? I guess so. We reported the incidents to the U.S. Coast Guard, which interceded on our behalf. No more problems.



PHOTO CREDIT DAVE CONOVER

Summer 2008 ▲

This photo of an Atlantic sturgeon "young of year" says it all. At the hand of fishermen they have been almost eliminated from the Hudson for their flesh and their eggs (caviar). And by the hand of man they may be restored. The spawning run today is estimated to include fewer than 300 females. A few centuries ago their numbers were thought to be "countless." We fished them down to the brink before the fishery was closed in 1996. Riverkeeper assists the DEC Fisheries team with their Atlantic sturgeon monitoring program. Time will tell whether we stopped the harvest in time. This little fish will have to survive until she is almost 20 before she returns to her natal river to spawn for the first time. She is hope for the future.

6/30/08

Riverkeeper has been conducting a water quality survey since the fall of 2006. These photos show why. People are swimming everywhere in the Hudson and in NY Harbor. We believe that the public has a right to know if the water they swim in is safe. It SHOULD be safe 37 years after passage of the Clean Water Act. But that's often not the case. We hope our data will encourage the public to become more engaged and demand water quality information from NY State and county health departments.

◀ Kids swimming in the Hudson from a boat club in Westchester, and in the Harlem River at High Bridge.



7/08/08 ▲

Pace Environmental Litigation Clinic showing their LEGAL MUSCLE after an outing to the Tappan Zee Bridge. The Pace students, supervised by Professors Karl Coplan (standing on the rail in a green shirt – professors should always stand higher than students), Dan Estrin and Robert F. Kennedy Jr., take on a number of Riverkeeper cases each semester. This relationship is enormously important to Riverkeeper. They've handled many, many cases over the years – and they WIN!



8/7/08 ▲

Giant home in Hyde Park across from new giant under construction in West Park.

There is intense development throughout the Hudson Valley. The large, visible developments sometimes get the public's attention and spark debate, but single homes are popping up all over and are below everyone's radar. They cause fragmentation of open space, scenic corridors and wildlife habitat. Preservation of undeveloped open space and wildlife habitat is more critical than ever. The remaining unprotected parcels are under development pressure NOW.



10/21/08 ▲

Scientist Andy Juhl and assistant Carol Knudson from Lamont-Doherty Earth Observatory processing samples. We "cook" the microbial samples for 24 hours at 41 degrees centigrade in our onboard incubator. This equipment allows us to sample day after day on patrol without having to return to the Lamont lab every evening.

10/22/08 ▼

Rondout Creek is heavily used by fishermen, recreational boaters, kayakers and swimmers.



Collecting a sample directly from the outfall of the Kingston sewage treatment plant, which discharges into Rondout Creek in downtown Kingston.

We sample at three locations during every patrol. Some days the cleanest water we find is at the sewage treatment plant discharge. That means that raw untreated sewage is entering the creek at other locations. The local health department does not test in Rondout Creek and posts no warnings for the public. Meanwhile, the DEC renews permits to the City of Kingston for raw sewage overflows and Kingston plans to build a few thousand new housing units which will tap into the existing sewage treatment system.

BUSTED ▶

These photos were taken at an industrial site north of Saugerties, where industrial by-products have been illegally discharged for years into a large secluded fresh water wetland, which flows into the Hudson. The pH of the effluent is 12.3, which is close to the pH of Clorox! The wetland is completely dead. This case started with a tip from a local resident in 2005. We conducted multiple boat and aerial patrols, which turned up TWO separate industrial pollution sources. Details are omitted here because these cases are active and being



monitored by Riverkeeper. But you'll be pleased to know that both polluters were BUSTED. Both discharges have been stopped and the wetland will be restored.

To view more patrol boat photography visit: www.flickr.com/hudsonriverkeeper

HUDSON RIVER PROGRAM

The Hudson River program team serves as investigator, scientist, lawyer, lobbyist and public relations agent for the Hudson River and its tributaries

“How’s the Water?”

Riverkeeper Launches Water Quality Testing Program

In a dramatic break from current water testing practices, Riverkeeper has launched a program to take samples the length and breadth of the Hudson – at deep-water sites, boat launches, public piers, swimming beaches, mouths of tributaries, and off wastewater treatment plants – and then bring the results to you, the public.

Up until now, water testing hasn’t happened very often; usually, samples were taken from the middle of the river, results were expressed in averages and general trends, and it was hard for the public to get hold of the information. If you wanted to know how safe the water was in a certain area on a certain day, you had no way of knowing.

“Old sampling programs were okay when the water was horrific and no one was going in it,” says Riverkeeper boat captain John Lipscomb. “Now people are getting back into and on the river, and they aren’t doing it in an ‘average’ day or a trend – they’re swimming and boating at specific times and locations. Water quality testing and reporting standards for the Hudson need to be updated to reflect its true use as a recreational resource. It’s a matter of public safety and common sense.”

Riverkeeper’s *Swimmable River Campaign* began with a study of the river’s water quality, launched with our partner, Lamont-Doherty Earth Observatory of Columbia University (LDEO) in 2006. Using its 36-foot patrol boat, Riverkeeper and the team of LDEO

researchers have tested 876 samples from 80 locations to date and published the findings online at www.riverkeeper.org. This expanded study has been funded by a generous grant from the Wallace Research Foundation.

Ours is the first study to regularly test Hudson River water from south of New York Harbor to north of the dam at Troy, and it’s created a new model for analyzing the river: one that produces real-time snapshots of the many factors – temperature, sewage, bacteria, salinity, algae, oxygen, and nitrogen – affecting the estuary’s health.

What have we found? The river’s water quality varies widely, depending on where, when and how often we sample. While mid-channel water

was usually acceptable during periods of dry weather, after heavy rains and particularly near shore we found counts of the sewage-indicating bacteria *Enterococcus* that often far surpassed federal and state standards for swimming. And at some locations, levels were still high even three or more days after a storm.

“Everyone assumes that the waters around NYC are going to be the worst after a rain, and sometimes it is very bad,” Lipscomb observes. The city’s aging and broken sewage treatment infrastructure can’t handle heavy rains and subsequent surges of stormwater. “But what is surprising is that there are locations far from large urban centers which are chronically contaminated, such as Sparkill Creek, Rondout Creek



Scientist Greg Mullan (left) and boat captain John Lipscomb collecting a water sample.

TAPPAN ZEE BRIDGE UPDATE



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We'll Cross That Bridge (After We Build It!)

By Robert Goldstein

Early last year, after Riverkeeper's well-received comments challenging the procedure instituted by the New York State Department of Transportation (DOT) were filed, the process seemed to grind to a halt. Our objections were more than merely procedural, of course. They were geared toward preventing the DOT from dividing and diluting the enormous project into smaller, less threatening, and thus, possibly more palatable segments. However, 2008 ended with news that the DOT had decided what they were going to build (a replacement bridge or more precisely "bridges"), what the transit options would be (bus rapid transit and commuter rail), and how they would continue the procedure (with segmentation). They did not, however, identify who would pay for it.

Currently on the table is a proposal that will dwarf the earlier iterations in cost as well as in folly. They have decided on replacing the bridge with two, or possibly three, parallel spans that would be built to accommodate both means of transit. Though the transit, sadly, will not be guaranteed, the bridge will have the capacity for its installation sometime in the future. The funding for the bridge itself, now estimated to be around \$6 billion, is somehow being handled distinctly from the money for the transit mode, which would add billions more to the final price tag.

If this approach to bridge building seems a bit disingenuous, we can hearken back to the addition of a lower deck on the George Washington Bridge, built for mass transit.

But back to the process. The first segment of environmental review will seemingly cover the bridge itself and the selection of transit options, and the second segment will cover the details about the transit infrastructure. The review process for the bridge will be completed and construction of it will begin during the process to assess the transit system details. What if those details reveal serious flaws in the proposal, with difficult or impossible to avert, damaging impacts to the affected communities and the environment? What if there is no later funding for the mass transit implementation? The DOT seems to be saying: "We'll cross that bridge when we come to it." ■

In 2004, former New York Governor George Pataki called on the state to make the Hudson swimmable by 2009. Now that 2009 is here, the question is: *how swimmable is the river?*

and Catskill Creek." There, smaller local sewer systems are also inadequate and outdated; our testing shows sewage overflows dumping unprocessed human waste throughout the estuary.

Riverkeeper is making its data available to the public within days of testing. "The state and local health departments should be doing this work," Lipscomb comments. "We hope that our sampling data, and the ability to look at water quality in greater detail, will empower the public to demand better testing, which will lead to better pollution enforcement and sewage infrastructure repairs."

In 2004, former New York Governor George Pataki called on the state to make the Hudson swimmable by 2009. Now that

2009 is here, the question is: how swimmable is the river? The only way to answer that question is through a testing program like Riverkeeper's. Our partner researchers are developing a model of the complex system that is the Hudson River Estuary. As the dataset continues to grow, patterns could emerge, which could let the public receive warnings and get meaningful advice on water quality at specific times and locations. That, in turn, will lead to more people getting out on the Hudson and enjoying it with greater peace of mind.

While the Hudson is healthier than it has been in generations, that's not the end of the story. In fact, with Riverkeeper's *Swimmable River Campaign*, a new chapter is just beginning. ■

GENERAL ELECTRIC PCB DREDGING UPDATE

General Electric (GE) is scheduled to begin the first phase of its EPA-ordered polychlorinated biphenyls (PCB) cleanup this spring. The dredging will remove PCB-contaminated sediments from toxic hot spots in the upper Hudson River north of Albany, which have been a continuing source of pollution throughout the Hudson Valley.

Riverkeeper has fought long and hard to force GE to clean up its toxic mess and will continue to closely monitor every aspect of this Superfund remediation.

PCBs are dangerous to human health and the environment. The Hudson River cannot clean itself of the PCBs; therefore, active PCB removal by dredging is essential to safeguard the health of the region's residents and ecosystems. ■

Riverkeeper Goes to the Supreme Court

On December 2, 2008, the Riverkeeper legal team climbed the steps of the Supreme Court of the United States. For the first time in Riverkeeper's history, the nation's highest court would hear our case that Hudson River power plants must use the best technology available to prevent their cooling intakes from killing massive numbers of fish, larvae and eggs. It has taken us 40 years to get this far.

Many say that the 1960s battle to save Storm King Mountain spawned the modern environmental movement. It erupted over Con Edison's plan to decapitate Storm King Mountain and replace it with a reservoir to generate electricity. The issue coalesced the region's environmental groups around the potential damage to the striped bass fishery and the destruction of a beloved valley.

The Storm King legal decision supported (and enabled) the public's right to litigate environmental issues, but the settlement also allowed power companies to avoid their obligations, under the fledgling Clean Water Act.

As a result, although the Environmental Protection Agency (EPA) ordered Indian Point, Roseton and Bowline to reduce their impact on the Hudson River fish by installing closed-cycle cooling systems, the power plants have spent more than three decades using every tactic at their disposal to sidestep that obligation.

Riverkeeper was lucky to have a top-rate team of attorneys representing us in this case. Reed Super, a former Riverkeeper senior attorney, argued our winning case in the Second Circuit. Georgetown law professor Richard Lazarus,



Riverkeeper's legal team: (l to r) Reed Super, Alex Matthiessen, and Richard Lazarus

a veteran of the Supreme Court Bar, argued on behalf of Riverkeeper before the High Court. And we had the help and support of attorneys general from several states, including New York and Rhode Island.

Basically, the argument was over the meaning of specific language in the Clean Water Act. Congress mandated that cooling water intake structures shall "reflect the best technology available for minimizing adverse environmental impact." Riverkeeper maintained that should include a limited consideration, but not the complex requirements of cost-benefit analysis. The government and the power plant owners strained logic to justify decades of delay; their argument claimed the law places cost above clean water.

Requiring power plants to install technology like closed-cycle cooling moves us toward the goal of the Clean Water Act: protecting marine life—not just a few plankton, but the billions of fish that are decimated annually. Today,

despite the profound improvement in the Hudson's water quality, the decline in most fish species is well documented. And that destruction has significant consequences for all of us.

The real problem here is that the power plants have had a free ride for decades. It's corporate welfare, and it's time they were weaned off it. Let them install the best technology, internalize their costs, and stop deceiving the public.

As this Journal was going to press, the U.S. Supreme Court ruled that the Clean Water Act provision that governs cooling water intake structures does not categorically forbid cost-benefit analysis. At the same time, the court ruled that the EPA has the authority to decide not to engage in such analysis. It is now up to the Obama-Jackson Environmental Protection Agency (EPA) to decide whether and how to compare costs to benefits when it issues a new regulation for existing power plants. ■

UPDATE

HUDSON FISHERIES DEFENSE CAMPAIGN

Following the release of our Pisces Report in May 2008, Riverkeeper has kept close track of state and federal fisheries regulations and management plans that impact Hudson River fish species. We have submitted legal comments urging the Atlantic States Marine Fisheries Commission (which administers coast-wide fisheries management plans) and the NY State Department of Environmental Conservation (DEC) to address the multiple causes of the decline of signature fish species in the Hudson River and along the East Coast. These causes include offshore bycatch, invasive species, habitat loss, overfishing, and industrial cooling water intakes. Riverkeeper commented on new, stricter regulations for the American shad fishery and coast-wide management plans for shad and river herring, and it has provided support to DEC fisheries who are currently working to restore species such as American shad and Atlantic sturgeon, using radio tagging to study spawning behavior and population.

The Battle is Joined

BY PHILLIP MUSEGAAS

Our campaign to prevent Indian Point's relicensing continues to gather momentum. The past year has been a milestone in Riverkeeper's efforts to halt the licensing renewal of the aging, polluting facility, which continues to put the public and the environment as a whole at grave risk.

Late in 2007, we launched our formal legal challenge to Indian Point's license renewal. We were joined by a historic coalition of state and local governments and environmental groups, including New York State, the Connecticut attorney general's office, Westchester County, the town of Cortlandt and the Hudson River Sloop Clearwater. Together, we raised a record number of legal challenges, spotlighting Entergy's failure to properly address technical, safety and environmental concerns. Technical and environmental experts, including nuclear engineers and fisheries biologists, supported our petitions opposing a veritable army of Entergy's private industry experts.

On July 31, 2008, following nine months of deliberation, the three-judge panel granted Riverkeeper, Clearwater and New York State a record 15 contentions and tentatively scheduled a hearing for Spring 2010.

Yet, the licensing board's decision was a mixed bag. Admitting Riverkeeper's contentions regarding metal

fatigue, pipe corrosion and the fuel pool leaks, the board rejected our challenges relating to spent fuel pool risks and the impact of Indian Point's cooling system on Hudson River fish populations. Meanwhile, the board admitted New York State's contentions on a wide range of issues, including buried pipes and cables, reactor embrittlement, changes in land use, and Entergy's failure to fully consider energy conservation and renewables as replacements for Indian Point.

In response, Entergy mounted repeated challenges – with little success. In its first appeal, Entergy noted that it had drained the IP1 pool: supposed proof that the leak problem was fully “remediated.” While Entergy finally did drain a fuel pool in November, this did nothing to alleviate the toxic strontium-90 and cesium-137 that has been leaking into the groundwater and the Hudson River since the 1990s. In fact, before emptying the last pool, Entergy was leaking approximately 70 gallons of radioactive water per day. The licensing board rejected Entergy's argument.

Entergy filed a second appeal, fervently insisting the leak issue was irrelevant, since the IP1 pool was empty. Riverkeeper vigorously opposed this. On March 5, the Nuclear Regulatory Commission (NRC) commissioners rejected Entergy's appeal, thereby allowing Riverkeeper's leak challenge to continue to the hearing.

Major Victory in Indian Point Permitting Battle

By Phillip Musegaas

In a critical legal decision released on August 15, 2008, the Department of Environmental Conservation (DEC) determined that Indian Point's cooling water intake system causes adverse environmental impacts on Hudson River fish. The DEC will now move to require closed-cycle cooling, which would reduce water usage and fish kills by 95 percent or more. Hearings on the new draft permit for the plant, which will now mandate closed-cycle cooling, are tentatively scheduled for 2010.

In October 2008, Entergy filed a lawsuit challenging DEC's determination. Riverkeeper and Scenic Hudson have filed a motion to have Entergy's suit dismissed on the grounds that the claims are premature, and that DEC established “adverse environmental impact,” in large part, by relying on Entergy's data.

PHOTO CREDIT: JOHN LIFSCOMB



Up until now, the licensing board has only allowed “informal” hearing procedures that restrict petitioners' ability to obtain information from nuclear plant operators. But recognizing the complexity of the issues, the board, for the first time, has given Riverkeeper and the other petitioners the opportunity to ask for formal hearing rights, such as cross examination and depositions, which would help us to develop a more extensive factual record in our case against Indian Point. A pre-hearing conference was held on January 14, 2009 and the parties are now proceeding with discovery.

Riverkeeper has successfully

forced Entergy and the NRC to consider nearly every aspect of the plant's operation before making a decision on license renewal. While no one can predict the ultimate outcome, we are in the process of presenting our best arguments against relicensing. And we will continue to explore political and legislative solutions to our concerns about Indian Point's safety, security and environmental problems. We're confident that the public will continue to oppose Indian Point's operation; and that, in the not too distant future, this threat to our health and safety will be shut down for good. ■

For updates on Hudson River Program cases and campaigns visit www.riverkeeper.org

NEW CASES



Lehigh Northeast Cement Company (Cementon, NY) On September 10, 2008, the state Department of Environmental Conservation (DEC) ordered a halt to the illegal discharge of landfill leachate into wetlands and the Hudson River from Lehigh Northeast Cement Company's closed cement kiln dust landfill in Catskill NY. DEC fined the company \$50,000 and ordered it to restore affected wetlands. DEC's action follows Riverkeeper's discovery of these discharges, a two year investigation, and our July 2008 filing of a Notice of Intent to Sue (NOIS) Lehigh for violations of the Clean Water Act (CWA) and Resource Conservation and Recovery Act (RCRA).



NYCON Supply Corporation (Newtown Creek, Brooklyn, NY) On November 6, 2008, Riverkeeper and NYC Councilman Eric Gioia (D-Queens) commended DEC for halting concrete manufacturer NYCON Supply Corporation's illegal discharge of concrete waste into a tributary of Newtown Creek. DEC's complaint stems from a Riverkeeper investigation. In September, Riverkeeper filed a NOIS NYCON for illegal discharges under the CWA and RCRA.



United Water Desalination Proposal (Rockland County, NY) On July 9, 2008, Riverkeeper submitted comments to New York State on the potential impacts of a proposed desalination plant that would withdraw water from the Hudson to provide drinking water to Rockland County. Riverkeeper called on the state to ensure the highest scrutiny of alternative supply sources, as well as conservation and mitigation measures. The DEC has now required the applicant to provide substantially more information on their proposal and to consider water conservation in the environmental review process.

UPDATED CASES



Esopus Creek (Catskill Mountains, NY) As a result of Riverkeeper's federal Clean Water Act victory against the city of New York in the landmark case of Catskill Mountains Chapter of Trout Unlimited et al. v. city of New York (*see "Saving Esopus Creek" on p. 15*), New York City must now obtain a state Clean Water Act permit for its discharge of turbidity from the Shandaken Tunnel into Esopus Creek. During the state administrative permit process, Riverkeeper argued that the draft permit was illegal because it included numerous exemptions, which allowed for violations of state water quality standards. The state rejected Riverkeeper's claims and issued the draft permit. Riverkeeper then sued the DEC and in August 2008, the NY State Supreme Court, Ulster County, granted Riverkeeper's petition against the DEC, finding that the Shandaken Tunnel permit exemptions were illegal. The court ordered the current permit to be vacated. New York City's appeal of this decision is pending.



ExxonMobil Oil Spill (Greenpoint, Brooklyn, NY) Riverkeeper's citizen suit against ExxonMobil for Clean Water Act and Resource Recovery and Conservation Act violations stemming from the 17 million gallon oil spill in Greenpoint, Brooklyn, remains in the discovery phase of the case. Riverkeeper is represented in this case by the Pace Environmental Litigation Clinic. New York State Attorney General Andrew Cuomo filed a lawsuit against ExxonMobil in 2007. The state's case is now on a parallel track to Riverkeeper's.



Hudson River PCB Superfund Case (Fort Edward, NY) In a big victory for Riverkeeper and the Community Advisory Group for the Hudson River Superfund Site, General Electric has agreed to reimburse the US Environmental Protection Agency (EPA) for certain costs related to ensuring safe drinking water to communities at risk for PCB contamination, due to the upcoming dredging of the Hudson River.



Kent Manor (Putnam County, NY) In August 2007, Riverkeeper filed suit against the NYC Department of Environmental Protection (DEP) and two developers, alleging that DEP failed to take a "hard look" at phosphorus loadings and other impacts during its review of the Kent Manor project, a proposed 113-acre development consisting of 273 townhouses in the Town of Kent. In March 2008, the New York Supreme Court, Putnam County, ruled in favor of DEP and the developer. In December 2008, Riverkeeper appealed this decision to the Appellate Division, Second Department. The law firm of Teitler & Teitler is representing Riverkeeper pro bono in this matter, which is pending.



Millen's Scrapyard (Kingston, NY) After Riverkeeper's two-year investigation of the highly polluted Millen's Scrap Yard, DEC issued a detailed finding that the owner's failure to meet the requirements of a 1998 Order on Consent now constitutes a violation of that order. The scrap yard has long been an environmental blight, contaminated with petroleum compounds, heavy metals, and PCBs.



Quality Concrete (Newtown Creek, Brooklyn, NY) Shortly after Riverkeeper filed a Notice of Intent to Sue the company under the Clean Water Act in 2003, the Brooklyn district attorney served a 42-count indictment against Quality Concrete and its vice president, Constantine Quadrozzi, for criminal negligence and violations of the New York State Environmental Conservation Law. After a disappointing decision by the NY State Supreme Court dismissing the indictment, the state Appellate Division Court reversed the lower court and reinstated the indictment. The court's reinstatement of the charges represents another victory in Riverkeeper's continued efforts to clean up Newtown Creek.

UPDATED CASES



St. Lawrence Cement (Cementon, NY) The Department of Environmental Conservation (DEC) entered into two settlement agreements with St. Lawrence Cement (SLC), fining the company more than \$77,000 for violations of petroleum bulk storage regulations, state solid waste regulations, and its Clean Water Act State Pollution Discharge Elimination System (SPDES) permit. The settlement orders a halt to all violations and details a schedule for SLC to come into compliance with the law. DEC also approved design plans to alter a permitted discharge outfall that had contributed to the turbid discharges into the Hudson, which informed Riverkeeper's 2006 Notice of Intent to Sue. DEC's actions go a long way towards addressing Riverkeeper's concerns about the facility.



U.S. EPA Water Transfers Rule Challenge (USA) In June 2008, The US Environmental Protection Agency (EPA) issued its rule on water transfers. The rule, which runs contrary to numerous judicial holdings (including the Second Circuit's decision in the Catskill Mountains case), states that transfers of polluted water between distinct waterbodies do not require Clean Water Act permits. In response, Riverkeeper, along with the original plaintiffs in the Catskill Mountains case, sued EPA, claiming the new rule is contrary to the Clean Water Act and represents an abuse of discretion by the agency. Riverkeeper is again being represented by staff and students of the Pace Environmental Litigation Clinic, who filed suit in both district and circuit courts. Nine states, including New York, and the Canadian province of Manitoba, also filed suits against EPA.

OTHER RIVERKEEPER ADVOCACY



Albany Pool Combined Sewage Overflow (CSO) Abatement and Water Quality (Albany, NY) As a member of the Long Term Control Plan Advisory Committee, Riverkeeper continues to monitor and comment on the design and implementation of the plan to abate sewage overflows into the Hudson in the Albany area.



Belleayre Resort (Catskill Mountains, NY) Since 2000, Riverkeeper has participated in the environmental review of the proposed Belleayre Resort at Catskill Park. The initial project was to be located on 1,960 acres in the Towns of Shandaken and Middletown, NY, adjacent to the Belleayre Mountain Ski Center. In 2007, Riverkeeper joined with several other environmental groups and signed an Agreement In Principle with the developer and New York State. This agreement commits all signing parties to support a modified project that was designed to address the original project's environmental impacts by creating a lower-impact, alternative development proposal. Among other things, this agreement ensures the protection of 1,200 acres that were originally part of the proposed development.



DEC Petroleum Bulk Storage Advisory Council Riverkeeper attorney Rebecca Troutman was appointed to the DEC's advisory council, which is advising on the development of regulations to improve protection of New York soil and waters from petroleum contamination.



Hudson Heritage Park (Poughkeepsie, NY) Riverkeeper submitted written legal comments on concerns about the 156-acre proposed development and called for careful study of the potential impacts to the Hudson.



Marx Properties Riverfront Development (Rensselaer, NY) Riverkeeper submitted comments on a variety of concerns, including the potential impacts to the Hudson from the proposal's unnatural engineered shoreline. The Final Environmental Impact Statement (FEIS) Scope responded to several of Riverkeeper's remarks and proposed considerations for alternative construction.



New York City Clean Harbor Taskforce (New York City, NY) As a member of the NYC Clean Harbor Taskforce, Riverkeeper has joined with NY/NJ Baykeeper, the Environmental Crimes Unit of the Brooklyn District Attorney's Office, The NYC Dockmasters Unit, The National Park Service, the state DEC, US Coast Guard, NYC Parks Department, NYC Police Department, and other agencies to investigate and prosecute polluters and remove abandoned and derelict vessels from New York Harbor.



NYC Combined Sewage Overflow (CSO) Abatement and Water Quality (New York City, NY) As a member of the Storm Water Infrastructure Matters ("S.W.I.M.") coalition, Riverkeeper is addressing the ongoing pollution caused by New York City's CSOs and promoting the use of green infrastructure to address the problem. S.W.I.M. is working to shape the city's implementation of Local Law 5, legislation that requires the city to develop a plan utilizing "sustainable" and "green" techniques to manage excess stormwater, as set forth in the city's Sustainable Stormwater Management Plan, as well as the water quality component of PlaNYC. The latter is Mayor Bloomberg's plan for the city's sustainable future concerning land, air, water, energy and transportation.



Struever Fidelco Cappelli (SFC) and Alexander Street Redevelopment (Yonkers, NY) Riverkeeper submitted written legal comments on the proposed SFC and Alexander Street redevelopment proposals. Riverkeeper's comments focused on the lack of adequate sewage infrastructure, stormwater management, CSOs, and remediation of historic contamination.



HOTLINE CALLS

BY JOSH VERLEUN

Each month, we receive dozens of reports of possible environmental violations. Riverkeeper staff determines whether the matter should be dispatched to one of our watchdogs or attorneys for further investigation, referred to federal, state or local authorities, or become the subject of citizen investigation and enforcement action by Riverkeeper. The following are samples of reports received by our hotline.

- **Croton-on-Hudson, NY:** Riverkeeper received an anonymous report of an oil spill at Metro North's Harmon railroad yard. The reporter stated that approximately 17,000 gallons of fuel spilled when the system used to refuel locomotives failed. Riverkeeper reported this spill to the Department of Environmental Conservation (DEC) spills hotline and the Westchester County Police Department's Director of Environmental Security, who launched a full investigation. This investigation led to the filing of criminal charges against Metro North Railroad Company and a senior manager. Metro North later reached a plea agreement with the Westchester County District Attorney's office and paid a fine to settle all charges.
- **Columbia County, NY:** A concerned citizen reported the existence of a dump at the site of an old factory situated on a major tributary of the Hudson River. According to the report, the factory buildings had been demolished, leaving behind piles of debris, old oil tanks, and garbage, some of which has been falling into the creek. Riverkeeper has requested documents on the site's history through the Freedom of Information Law and continues to investigate the situation.
- **Yonkers, NY:** A concerned resident of Yonkers e-mailed Riverkeeper to report that a company doing duct cleaning work at the Pier View Restaurant in Yonkers was dumping garbage cans full of brown liquid directly into a storm drain. Riverkeeper referred this report to the Westchester County Police Department's Director of Environmental Security, who issued a misdemeanor ticket to the company for an illegal discharge into the waters of New York State.
- **Poughkeepsie, NY:** A concerned citizen reported to Riverkeeper that a yellow sediment containment boom had broken free from the Delaval brownfield remediation site in Poughkeepsie and was stuck on an ice flow in the Hudson River. Riverkeeper reported the situation to DEC, which is overseeing the site's remediation, and to the Coast Guard, who could warn boaters of this hazard to navigation. DEC instructed the contractor working at the site to retrieve the boom.
- **Kingston, NY:** Riverkeeper received a report that toxic heavy metals are seeping from an old industrial site into a wetland area and tributary of Rondout Creek. Riverkeeper is currently investigating and analyzing site contaminant test results obtained through a Freedom of Information Law request.

To report a pollution violation contact us at watchdog@riverkeeper.org or call 914-478-4501 x247

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Current Priorities

Policy Updates

Section 316b of the Clean Water Act (CWA) requires power plants to use the best technology available to protect fish and other aquatic life. The U.S. Supreme Court ruled that cost-benefit analysis is not categorically forbidden by the Clean Water Act (CWA) provision governing cooling water intake structures, but also that Environmental Protection Agency (EPA) has the authority to decide not to engage in such analysis. The court, therefore, left it to the Obama-Jackson EPA to decide whether and how to compare costs to benefits when it issues a new regulation for existing power plants. Riverkeeper will monitor EPA's drafting of a new rule to ensure that it adheres to the goals of the Clean Water Act, that America's waterways are once again fishable and swimmable.

CWRA – The Clean Water Restoration Act of 2007 (H.R.2421/S.1870) intends to reaffirm the goals of The Clean Water Act, which the Bush administration narrowly interpreted to mean “navigable waters” only, putting all other waters, including precious wetlands, at risk. If passed, the act would amend the CWA by replacing the term “navigable waters” with “waters of the United States,” assuring the protection that Congress intended when it passed the CWA in 1972. Congress has been holding hearings, and on April 16, 2008, Hudson Riverkeeper and President Alex Matthiessen testified before the House Committee on Transportation and Infrastructure in support of the act.

The Bigger Better Bottle Bill (BBBB) (A.6069/S.3272) seeks to expand the current bottle deposit law to include non-carbonated beverages. If passed, the bill would help reduce the piles of bottles in landfills and earn up to \$100 million annually for the state. It also would direct revenue to the Environmental Protection Fund, which supports the protection and preservation of New York's air, water and land.

Environmental Access to Justice Act (A.1435/S.5182) would expand private citizens' rights to sue over violations of the State Environmental Quality Review Act (SEQRA). Currently, those rights are limited, but the Environmental Access to Justice Act would allow individuals to be litigants in such cases. The act overwhelmingly passed the New York State Assembly, and Riverkeeper urges the New York Senate to pass the bill.

Ban on Gas Drilling in NYC Watershed is critical, as oil and gas companies target the Marcellus Shale mineral reserve in the New York City Watershed for industrial gas drilling. Such drilling would wreak havoc on the environment, contaminating surface and groundwater supplies, and damaging the watershed. With these hazards in mind, Governor Paterson ordered the state Department of Environmental Conservation (DEC) to review the risks that gas drilling poses. DEC could exclude the New York City watershed from industrial gas drilling, a solution that Riverkeeper is fighting for.

The Clean Water Protection and Flood Prevention Act (A.7133/S.3835) addresses a regulatory gap in New York's Freshwater Wetlands Law, which currently only protects freshwater wetlands 12.4 acres or larger, or that DEC has designated as being of “unusual, local importance.” New York cannot afford to lose any more wetlands, which are critical to the health of its water supply and natural environment. If passed, the act would amend current state law, assuring state protection of wetlands as small as one acre. The NYS Assembly has twice passed A.7133, most recently in April 2008. The Senate version, S.3835, remains in committee.

The New York State Environmental Protection Fund (EPF) provides funding needed for state agencies, local governments and nonprofits to carry out environmental clean-up and restoration programs. New York State needs more than \$1 billion annually for such efforts, including the Hudson River Estuary Program (HREP), which is working to clean and restore the Hudson, so the public may use and enjoy it. Riverkeeper is pushing for increased EPF funding to ensure the survival of successful environmental programs, which protect the environment and health of all New Yorkers.

Riverkeeper works to strengthen the laws and regulations that impact our water resources.

INDUSTRIAL GAS DRILLING

Latest and Biggest Threat to the New York City Watershed

BY JAY SIMPSON

The prospect of industrial gas drilling across a large portion of New York, including the New York City Watershed and the Marcellus Shale mineral reserve, is progressing at an unexpected pace. Geologists have known about the Marcellus Shale for decades, but drilling companies have only recently developed techniques to extract natural gas from it.

Ending our dependence on dirty coal and foreign oil could make natural gas a necessary but not long-term option. Industrial gas drilling in the New York City Watershed could contaminate surface and groundwater supplies, damaging the watershed and its communities. The risk of harming the unfiltered water supply for half of New York State is too great to justify even limited industrial gas drilling in an area with no history of drilling activity.

The Marcellus Shale is a very large, deep mineral reserve stretching across West Virginia, Pennsylvania, New York and Ohio. At 54,000 square miles, it is approximately the size of Florida; New York's share of the Marcellus Shale is roughly 18,750 square miles. According to the New York State Department of Environmental Conservation (DEC), the entire West-of-Hudson portion of the NYC Watershed sits on top of the Marcellus Shale. This represents only 8 percent of New York's portion.

Hydraulic fracturing is the technique used to extract natural gas from the shale.

It involves injecting millions of gallons of water, sand and toxic chemicals into horizontal wells more than a mile below ground. This high-pressure injection fractures the shale, allowing gas to seep out. The water and chemicals are then recovered and delivered to a treatment center. The gas is collected and sent to a distribution pipe, such as the Millennium Pipeline.

Industrial gas drilling could not be less consistent with watershed protection. It requires a web of pipelines and noisy compressors to push gas from wells through the pipeline system; the construction of large drilling pads capable of handling several wells; open ponds to hold produced water and fracking fluids; and, hundreds of tanker trucks to haul in water and remove wastewater. This upheaval would occur in a region already infamous for heavy flooding, where all surface runoff flows into the city's unfiltered water supply. Industrial gas drilling

would also defy the social character and agrarian nature of the watershed towns, dampening tourism and recreation.

State Environmental Review

These potential impacts moved Governor David Paterson on July 23, 2008, to direct DEC to update its Generic Environmental Impact Statement (GEIS) under the State Environmental Quality Review Act (SEQRA), and to study all consequences associated with hydraulic fracturing. On October 6, 2008, DEC released a draft scope for this review. Riverkeeper identified several deficiencies in this draft scope (available on our website) and urged DEC to study extensively the prospect of banning industrial gas drilling from the watershed. DEC issued the final scoping document on February 6, 2008. We expect DEC to release a draft GEIS sometime this spring or summer. Riverkeeper will review it and continue to monitor this issue closely. ■

Watershed news is an update of Riverkeeper's efforts to protect the drinking water supply of New York City and the lower Hudson Valley

PHOTO CREDIT: JAY SIMPSON



DEC Map Depicting New York's Portion of the Marcellus Shale.

MAP PROVIDED BY NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION. ALL RIGHTS RESERVED.



SAVING ESOPUS CREEK

Discharges from the Shandaken Tunnel muddy a pristine trout fishing stream

BY CRAIG MICHAELS

Esopus Creek is a world-renowned rainbow trout stream that runs through the heart of the Catskill Mountains before emptying into the Hudson River near Kingston, NY. For more than a century, the surrounding hills and crystal clear water of Esopus Creek have provided the ideal backdrop for generations of fly fishermen. Since the 1920s, the Esopus has also played a critical role in the New York City drinking water supply system, funneling water from the Schoharie Reservoir into the

Ashokan Reservoir, where the water then travels through a series of aqueducts before reaching the taps of New York City faucets. Unfortunately, the creek's important function in the New York City water supply has also served as the death knell to the creek's rainbow trout fishery.

Since the Schoharie Reservoir is not hooked up to a water supply aqueduct, New York City needed a way to get its water to the Ashokan Reservoir. In 1924, the city began operating the Shandaken Tunnel, which transfers water from the Schoharie 18 miles underground before it ends up in Esopus Creek. From there, it flows into the Ashokan and down to New York City. While this operation does not appear problematic on paper, the muddy discharges from the Shandaken Tunnel have all but decimated the Esopus rainbow trout population, and turned a once-pristine stream into a muddy river that locals now call "Yoo-hoo Creek."

The red clay dirt from the Schoharie Reservoir often muddied Esopus Creek, but settled out in the Ashokan Reservoir before entering the water supply system. But in the mid 1990s, torrential rains and floods sent hillsides of silt and clay into the Schoharie, burying the Shandaken Tunnel's intake pipe below mountains of dirt and sediment. Since then, a once-thriving recreational fishery continues to be buried in mud.

When two years of talks with state and city officials failed in 2001, Riverkeeper, Catskill Mountains Chapter

of Trout Unlimited, Theodore Gordon Flyfishers, and other environmental groups filed a federal Clean Water Act citizen suit against New York City. The central issue in the case was whether or not New York City needed a Clean Water Act permit to operate the Shandaken Tunnel. Represented by students and staff at the Pace Environmental Litigation Clinic, Riverkeeper argued that the unpermitted discharge of mud and turbidity from the Shandaken Tunnel into Esopus Creek violated the Clean Water Act. The city claimed that no permit was required since it was transferring already polluted water from the Schoharie into the Esopus as part of its management of a municipal water supply system, and the discharges did not represent an "addition" of a pollutant under the Clean Water Act. The district court sided with the city and dismissed the case.

But the Second Circuit Court of Appeals reversed the district court's decision, holding that the transfer of polluted water from one body of water to another required a Clean Water Act permit. After remanding to the lower court for a trial to determine penalties, the district court levied one of the highest Clean Water Act penalties against a municipality, fining the city \$5.7 million.

Despite the Second Circuit's first ruling, the city appealed the \$5.7 million judgment. Fortunately, the Second Circuit did not buy New York City's "warmed up" arguments and upheld its prior ruling. The city then petitioned the U.S. Supreme Court to hear the case, but the

petition was denied, effectively ending the federal litigation.

New York City must now obtain a state Clean Water Act permit for its Shandaken Tunnel discharge. During the state administrative permit process, Riverkeeper argued that the draft permit was illegal because it included numerous exemptions which allowed for violations of state water quality standards. The state Department of Environmental Conservation rejected Riverkeeper's claims and issued the draft permit. Riverkeeper then sued the DEC and, in August 2008, the Supreme Court, Ulster County, sided with Riverkeeper, finding that the permit illegally allowed for exemptions and needed to be re-drafted to uphold state water quality standards.

Unfortunately, the turbidity from the Shandaken Tunnel still empties into the Esopus. Fishermen continue to avoid wading in the muddy waters and the trout population continues to suffer. Environmental groups have long advocated for the construction of a multi-level intake structure in the Schoharie Reservoir that would help reduce the turbidity in the water traveling through the Shandaken Tunnel into Esopus Creek. Every other NYC reservoir that is hooked up to a tunnel or aqueduct has a multi-level intake structure, with the glaring exception of the Schoharie. While the city claims the cost of a multi-level intake structure is too great, reducing turbidity in the city's drinking water and returning a once great rainbow trout stream to its former glory are well worth the cost. ■

PREPARING TO REPAIR: The Continuing Saga of the Delaware Aqueduct Leak

PHOTO CREDIT: PAMELA PINTO

BY JAY SIMPSON

More than nine million people living in New York City, Westchester, Putnam, Orange and Ulster Counties enjoy clean, unfiltered drinking water from the Croton, Catskill and Delaware Watersheds. The 6,000-mile network of pipes, shafts and subterranean aqueducts carries approximately 1.2 billion gallons of pristine water each day from 19 upstate reservoirs. It is a remarkable engineering achievement and the single largest man-made financial asset in New York State. But, today the city's reservoir infrastructure is in serious trouble, as is its ability to continue supplying New Yorkers with water.

In July 2001, Riverkeeper released *Finger in the Dike, Head in the Sand: DEP's Crumbling Water Supply Infrastructure*, a landmark report (available on our website), exposing institutional problems within the New York City Department of Environmental Protection (DEP) and highlighting its aging water supply infrastructure, including leaks in the Delaware Aqueduct.

The Delaware Aqueduct provides approximately 55 percent of the more than one billion gallons of water New York City uses daily. It delivers water collected in the Cannonsville,

Pepacton, Neversink and Rondout Reservoirs to the Hillview Reservoir in Yonkers, where it enters the city's water supply distribution system. At 84 miles, the aqueduct is the longest continuous tunnel in the world. Water flows through it via gravity on an estimated 2 percent grade, crossing the Hudson River 350 feet below its bottom.

The aqueduct actually consists of three distinct pressure tunnels through bedrock, built from 31 vertical shafts at depths from 300 to 1,550 feet below the surface. The Rondout-West Branch tunnel (RWB tunnel) is the aqueduct's centerpiece and conveys water from Rondout Reservoir in Ulster County, NY, under the Hudson River, to the West Branch Reservoir in Putnam County, NY.

The RWB Tunnel has been leaking for decades. For more than 20 years, DEP has known about the leaks. DEP's own investigations show that the RWB tunnel has been leaking up to 35 million gallons of water daily.

In 2007, the New York State Comptroller's Office released a scathing audit report of DEP's Delaware Aqueduct System leak detection and repair program. The report blasted DEP for not: monitoring the extent or nature of the leaks; repairing the RWB tunnel; ensuring

the safety and welfare of city residents and other communities that rely on the Delaware Aqueduct System; and, not establishing an emergency plan in the event of a sudden and unexpected loss of water from the aqueduct.

The comptroller reported that the RWB tunnel's continued leak would cost \$66,000 to \$77,000 daily, or \$24 million to \$28 million annually, values that are much higher in today's depressed economy.

DEP maintains the amount of water lost is normal. Riverkeeper disagrees. Although DEP has a very active and expensive water conservation program, it's hypocritical, for it wastes millions of gallons daily.

At long last, DEP has taken steps to address the Delaware Aqueduct leaks. Last year, DEP began a five-year, \$240 million project to prepare to repair these leaks. DEP shut down the Delaware Aqueduct for approximately four weeks so it could begin this preparatory work before repairing the leaks. This work focuses on replacing a valve at Shaft 6 so DEP can drain the RWB Tunnel to the Hudson River, and ensuring that the tunnel itself will not collapse once drained. This complex job occurred at the bottom of the 700 foot shaft, with six deep-sea divers living underground

for more than a month. During this time, DEP diverted water from the city's Croton system to consumers throughout New York City.

After growing complaints from residents in towns like Warwarsing, NY, where the aqueduct leak is linked to the flooding of homes, DEP contacted the United States Geological Survey to determine whether the leaking aqueduct is causing this flooding and contaminating local well water. In the meantime, DEP has agreed to provide ultra-violet treatment for Wawarsing resident's drinking water, as well as bottled water and sump pumps to drain their basements.

While the city speculates that 2011 is the earliest it will be able to empty the tunnel, it is also exploring the idea of building a bypass tunnel, which would likely take decades.

While Riverkeeper recognizes the complex engineering required to fix the city's crumbling infrastructure, we continue to urge quick action, from researching to repairing the problems.

In March 2009, Riverkeeper released *Preparing to Repair: The Delaware Aqueduct Leak and New York City's Efforts to Repair It*, available online at www.riverkeeper.org/resources_reports.php. ■

RIVERKEEPER CALLS ON NEW YORKERS TO TAKE BACK THE TAP!

By Andrea Kott

The drinking water from the NYC Watershed supplies nine million residents of New York City and five upstate counties with some of the highest-quality drinking water in the world. To spread the word, Riverkeeper, the leading protector of this pristine water supply, has teamed up with Food & Water Watch for *Take Back the Tap New York*—a campaign aimed at getting New Yorkers to kick the bottled water habit and drink the water from their tap instead.

In addition to educating citizens about their tap water, *Take Back the Tap New York* is calling on state and local government, restaurants and large institutions to drastically reduce their consumption of bottled water and increase the availability of tap water.

The campaign is also teaching New Yorkers about the social, economic, and environmental problems associated with bottled water. New Yorkers consumer over one billion bottles of water a year—that’s more than 125 bottles for every man, woman, and child in the state.

Although it’s marketed as being purer than tap water, up to 40 percent of bottled water (including the popular brands *Dasani* and *Aquafina*) are tap water. In fact, bottled water escapes the strict and frequent testing that municipal water undergoes. The Food and Drug Administration doesn’t test bottled water for the chemical Diethyl phthalate (DEP), a potential carcinogen used in the production of water bottles, which can leach into bottled water.

Producing, transporting and storing bottled water wastes energy, pollutes the environment, and escalates global warming. Disposal of all these water bottles also degrades the environment, since less than 15 percent are recycled. The rest pile up in landfills, clog waterways, and when incinerated, poison the air

PHOTO COURTESY DOROTHY HANDELMAN



Riverkeeper attorney Jay Simpson and Executive Director of Food and Water Watch Wenonah Hauter, fill up at Water Fest.

with toxic clouds of chlorine gas and heavy metal laden ash.

Consumers of bottled water pay a hefty price—\$0.89 to \$8.26 per gallon for bottled water instead of \$0.002 per gallon for water from the tap—or \$1,400 a year for the recommended eight glasses a day, versus a mere 49 cents.

Take Back the Tap New York wants New Yorkers to know they have some of the best tasting and safest water in the world, thanks to decades of Riverkeeper’s success in safeguarding the New York City Watershed.

Now we are asking one million citizens and 100 restaurants to pledge to stop using bottled water. Early signatories to the restaurant pledge include Gemma, Il Buco, Bobo, Pure Food & Wine, Gust Organics, Broadway East, Del Posto, Angelica Kitchen, Jimmy’s No. 43, the Diner, and Marlow and Sons. These environmentally responsible restaurants are featured as “water conscious” in the Eat Well Guide, a free online directory found at <http://www.eatwellguide.org>

Please join this campaign today! Sign the Tap Water Pledge online at www.riverkeeper.org/campaign.php/watershed_tapwater



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PAST

More than 10,000 years ago, when much of the earth's water was locked up in glaciers, the coast of what we now call New York extended miles farther out to sea, and on its frozen shores, humans hunted walrus.

They dressed in furs and carried spears and sharpened rocks. On a boulder in what we now call the Bronx, they chipped the outline of a turtle; on another, in what we now call Westchester, the outline of a bear. They lived in a wilderness – absolute attention to nature necessary if they were going to survive.

In the thousands of years since, as melting glaciers cut the river's present channel, people continued to live by its shores – and continued to depend on its abundance. Bands of Lenape, speaking a dialect of the Eastern Algonquian Delaware language, spent spring to fall along the estuary. They harpooned whale and porpoise in New York's deep water harbor. They wove nets out of tree fiber and strung them in the river's bays. They felled tulip trees with controlled fires, hollowed them with sharpened rocks, and paddled them – 20 men and women per long canoe – from shore to shore.

By the year 1 A.D., the Lenape were making pottery with elaborate designs. During each spring's massive run of shad, sturgeon, and striped bass, men would bring their catch to the shore, and women would dry the surplus on heated stones, then store the fish in clay pots: provisions against the coming winter.

In the river's floodplains, where spring melt-off deposited rich black soil, the Lenape had learned to clear the young saplings and plant fields of maize. The crop ripened during the hot valley summers, while children swam in the shallows, and

families feasted on fresh-water clams and oysters “the size of dinner plates.” Along with preserved fish and deer meat, the maize helped the Lenape survive the harsh winter. They'd travel inland then, behind the mountains, where the wind didn't bite quite as hard. In 60-foot longhouses, a dozen families might live together in the smoky, half-dark.

It wasn't an easy life: infant mortality was high, and most Lenape didn't live more than 35 or 40 years. An estimated 6,000 to 12,000 inhabited the valley.

There was no formal government, but the



Munsee Nation Map (above and on cover) courtesy of The Saloman Collection, Claire Tholl, illustrator, The Historical Society of Rockland County

small communities of 300 or so respected each other's fishing and hunting grounds and traded amongst themselves and with outside tribes.

Lenape religion declared that all forms of life – animal, plant, and human – had spirits. The natives of the valley didn't hunt or fish for sport. Their homes made of wood and bark eventually dissolved back into the forest floor. During an annual, 12-day festival, they danced, sang, played flutes made of heron bones, and offered the first fruits of the hunt and harvest as a tribute to this

spirit world. One of their gods, Mësingw, was their Keeper of the Game. With his face half black, half red, he balanced the human being's need for food with the fish and animal's need to survive.

In 1609, when the Lenape spotted the sails of *The Half Moon*, thousands of years in the region had taught them how to live in harmony with the river: dependent on its natural cycles, thankful for its bounty. Now, the new stewards had arrived, and all that was about to change.

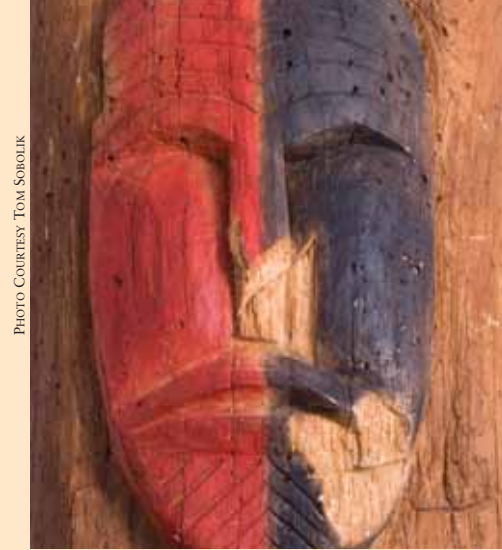


PHOTO COURTESY TOM SOBOLIK

Lenape mask courtesy of Lenape Lifeways

PRESENT

Four hundred years ago, Henry Hudson sailed into a deep estuary studded with rocky islands, fringed by marshland, and crisscrossed by Native Americans in dugout canoes.

Hudson dropped anchor in “Ozie ground,” as one shipmate wrote, “and saw many Salmons, and Mulletts, and Rayes very great.” The lands, the shipmate continued, were “pleasant with Grasse and Flowers, and goodly Trees... and very sweet smells come from them.”

If we call this a discovery, what Hudson discovered was a functioning ecosystem, complete with the river's first keepers. And the report back to his European sponsors was, in essence, a State of the River, 1609.

Entering New York Harbor in 2009, overwhelmed by skyscrapers, bridges and the constant buzz of activity, a visitor still feels the deep roll of the living waters. Here, 300 miles of river bump up against the swells of the Atlantic Ocean.

New York's natural harbor helped the city grow into a metropolitan center for 18 million people. Along with that growth came an immense strain on the river. A moderate rain can overwhelm the city's antiquated infrastructure, and plumes of untreated sewage pour out: an estimated 27 billion gallons each year. Decades of dredging and filling have all but destroyed the natural habitat along the city's 650 miles of navigable waterfront. And indus-

trial pollution has turned places like Newtown Creek into fetid symbols of our mistreated waterways.

Still, pods of porpoise, flocks of merganser, and the occasional harbor seal find their way to the estuary — just as increasing numbers of New Yorkers find their way down to the waterfront. With the support of citizens like these, Riverkeeper is fighting a number of battles to restore the harbor. Legal action against ExxonMobil will hopefully force a clean up of the company's massive, decades-old oil spill in Greenpoint, Brooklyn. The “Sustainable Raindrops” report is sparking cost-effective, green alternatives to help solve the problem of sewage overflows. And while the patrol boat's regular presence helps deter would-be polluters, increased waterfront access lets boaters once again feel the pull of the harbor.

Just north of the George Washington Bridge, the great stone cliffs of the Palisades stand as a prime example of successful preservation. The opposite shore is marked by a mix of abandoned power stations, refurbished riverfront towns, and more than a century of suburban development. Early observers described the extraordinary abundance of Tappan Zee and Haverstraw Bay. Today, cormorant dive off Piermont Pier, and shad pulse upriver in the spring. The shallow, fertile bays have made a comeback and water quality has improved since the passage of the Clean Water Act in 1972.

But the aging curve of the Tappan Zee Bridge testifies to a new, ironic threat: as

the river has gotten cleaner, it has attracted developers from Tarrytown to Haverstraw, Croton and beyond. Riverkeeper is working to make sure that walls of high-priced condominiums don't block riverfront access and contribute to more run-off and pollution. Scientists are using the Riverkeeper patrol boat to test water quality and monitor fish populations. That pulse of migrating shad – America's “founding fish” – dropped by 90 percent in the previous decade. And many other river species are also in decline.

Just before the entrance to the Hudson Highlands, the aging Indian Point power plant sits on the east bank, leaking radioactive waste and drawing into its cooling system some 2.5 billion gallons of river water a day; that's more than twice the daily amount consumed by all of New York City. Each year, Indian Point kills an estimated 1.2 billion adult fish, larvae and eggs. On the opposite bank, the removal of the coal-burning Lovett station gives hope

(continued on page 20)

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PRESENT (continued from page 19)

that soon all out-of-date, destructive power plants will be replaced with sustainable alternatives.

The winding, mountainous section of the river called the Highlands has inspired visitors for hundreds of years. This is a birthplace of not only the Hudson Valley School of romantic painting but the modern environmental movement. At its north end, after the river has cut its way through the ancient mountain range, Storm King presents its harsh, relatively untouched face. The fight to prevent Con Edison from blasting this mountainside and putting in a mammoth power plant gave birth to the Hudson River Fishermen's Association, Riverkeeper's predecessor. Today, though the occasional McMansion defaces the shoreline, snapping turtles crawl up from Constitution Marsh to lay eggs, and great schools of striped bass gather in the shadows of the mountains.

For generations, the landscapes of the mid-Hudson region seemed to be the private property of the mansions that overlooked the river: Clermont, Springwood, Olana. But the mid-Hudson shoreline is also marked by working towns like Newburgh and Beacon, Poughkeepsie and Kingston. These prospered thanks to waterfront commerce, their broad main streets open to the river.

Now, they face the challenge of switching from an industrial and manufacturing base that almost destroyed the river to one that will help revitalize their economies without adding to yesterday's problems. Kingston, for example, is the proposed site of a 1,600-unit development, the largest north of New York City. Meanwhile, smaller and more sensible growth is already happening. Factories are turning into museums; warehouses have been converted into research facilities for alternative energy; loading docks are home to river-view restaurants; and fishing, sailing, and scenic cruises have become primary attractions.

The wedge of salt water pushed up the channel from the Atlantic ends just below this region. Above that line, towns use the

Hudson as a primary source of drinking water. Riverkeeper checks discharges from businesses, as well as overflows from sewage systems that date back to the early 20th century. Regular monitoring of water quality sets a baseline not only for humans who use the river, but for the Atlantic sturgeon – a species that spawns in these waters and, after 40 million years of existence, faces extinction.

North of Athens and the town of Hudson, the river narrows and divides. Small islands interrupt the current. The train tracks run further inland here, and whole stretches of the shoreline are still fringed by marshland: green sponges of cattail and wild rice, nurseries for small-



PHOTO CREDIT JOHN LIPSCOMB

mouth bass and rainbow smelt. In these backwaters, the Hudson can almost look like a bayou – and then a huge ocean-going tanker powers past. Maintaining this deep-water channel threatens the unique landscape: dredge “spoil” has been dumped between islands and piled up on the shore.

Still, there's an untouched quality to much of this area that makes it a prime candidate for an extended park and preserve. The bald eagle has come back in the last decade and nests here. So do the cerulean warbler and the blue heron. Otters run along the mud banks. Muskrats drop into the still water, leaving a few bubbles behind. Now and then a kayaker paddles where Native Americans once steered their canoes. Riverkeeper, meanwhile, makes sure that squatters don't chainsaw protected

forests and campers leave no trace.

Albany is the lower river's terminal in more than one sense. This is where the *Half Moon* ran aground and turned back. Now, thanks to a network of canals, highways, and railroads, the river has become what Hudson was searching for: part of a trade route between world markets. The river at Albany is still tidal, still only three feet above sea level, but from here north it's blocked by locks and dams. That cuts off the run of herring and other fish, depleting the upper river's ecosystem. Disturbing drops in the estuary's oxygen level are partly caused by invasive species: water chestnut forming dense mats and Zebra mussels fouling intake pipes.

Each year, 500 pounds of PCB's spill over the federal dam at Troy, pushing levels in fish above the threshold for safe sale and consumption. Until GE finishes its long-delayed cleanup, commercial fisheries will remain closed. And subsistence fishermen – who, like the Lenape, supplement their diets with catfish and perch — will continue the unwitting poisoning of their families.

A former trading post, the estuary's terminus, Albany is best known today as the state capitol. Riverkeeper comes here often to remind our representatives that current environmental laws need to be

enforced and new laws enacted. One we spearheaded, the 1997 Watershed Agreement, protects 2,000 square miles of land and stream that provide New York City with its drinking water. Today, the creative thinking that spurred that agreement is needed again: to address sprawl, governmental neglect, and polluters who impinge on every citizen's right to clean, safe water.

As the river is constantly changing, so are the forces that threaten it. The state of the Hudson in 2009 is plain: a great resource is struggling to recover from 400 years of brutal damage. In its dark water and along its undeveloped shore, there's still a wildness that we're only beginning to understand. In that sense, the river is as open to discovery as it ever was.

FUTURE

Given the millions of years that the Hudson Valley has been forming and the thousands of years since the river cut through it, the next hundred amounts to no more than a ripple. With a lot of hard work and a little luck, the river will be healthier in 2109 than it is today.

The average temperature of the Hudson has been increasing over the last seven decades. That could have a catastrophic effect on the ecosystem. If we still have large, centralized power plants 100 years from now, they won't be fossil-fuel burning or nuclear-powered. With river water no longer used as coolant, young-of-the-year herring, shad, and eel will swim past tomorrow's renewable power sources unmolested.

Solar and geo-thermal energy will supply some of the valley's needs. More importantly, retrofits and highly efficient new designs will make wasteful energy consumption obsolete. Instead of condominium sprawl eating up open acres, smart growth will return us to the towns and cities we already have: remaking them as more self-sufficient, sustainable communities. Strip malls and over-developed office parks will be a thing of the past. All along the river, sewage and water systems will have been updated. And, the transportation infrastructure will serve a stabilized population that does more work locally. When we do travel, it will be in vehicles that use non-polluting, renewable fuels.

In New York City, the skyline will have turned green. Rooftop gardens will absorb snow and rain. Instead of flushing out overburdened storm and sewer systems, the water will feed vegetables and flowers, keeping buildings cooler and electricity bills lower. And the shoreline will have softened, too. Waterways abandoned to polluters – Newtown Creek, the Gowanus Canal, the marshes across the way the marshes along the Jersey side of the Hudson – will once again be viable, hosting industry and waterfront parks without destroying

habitat. The harbor's once great oyster beds will flourish in a clean harbor.

With new generations who understand our need for a healthy river, the Hudson will continue its astonishing recovery. Restored tributaries will feed fresh water into the system each spring. Shorelines will include more set-aside, preserved land. Under an agreement establishing sensible limits on off-shore fishing, shad, herring, and blue crab will have returned in large numbers: the river will be approaching the productivity it had before Hudson's discovery. A carefully managed commercial fishery will not only boost river economies and provide fresh, healthy, local food but preserve traditional skills. A kid growing up in the valley will once again know how to fish for shad and set crab traps.

More people will be using the river with less impact. Small boats will be a regular sight in New York Harbor. Swimming beaches will dot the Hudson shoreline from Staten Island to north of Hudson Falls. Eco-cruises through the Highlands and into the mid-Hudson will be a growing source of local income. With General Electric's PCB mess finally cleaned up, the commercial and recreational fisheries for striped bass, shad, perch and eel will be thriving, stimulating the economies of towns and cities all along the river.

From above Albany down through the islands and marshes that reach to Tivoli Bay, the river will look almost as it did before 1609. Osprey will nest in protected marshlands. Campers will be able to help scientists with annual fish counts: their seines gleaming with shrimp, hog chokers, shiners, and pipe fish. From inland acres protected to guarantee clean drinking water, deer and bear and the reintroduced cougar will make their way to the shores of the river. Otters will be plentiful, and 12-foot long sturgeon will break the surface of the water.

It may be optimistic to think that four centuries of damage can be healed in a quarter of that time. But one of the lessons learned since Riverkeeper was founded is the estuary's startling ability to rejuvenate itself. Our job as stewards is and will be to protect it, to give it a chance to come back, to recognize that our future is inextricably entwined with the river's. ■



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member news

News about
Riverkeeper events,
volunteers, donors
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PHOTO COURTESY OF DOROTHY HANDELMAN



PHOTO COURTESY: TOM RUPOLO

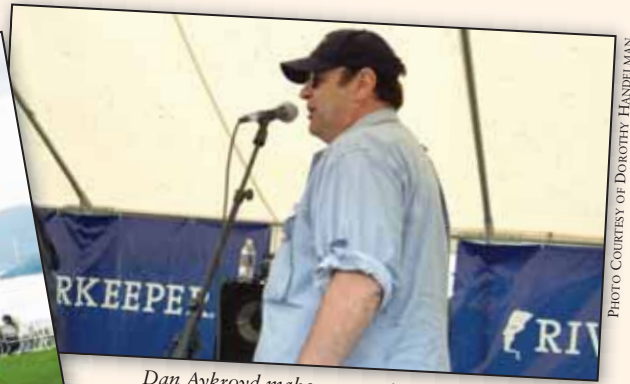


PHOTO COURTESY OF DOROTHY HANDELMAN

FISHERMAN'S BALL

Riverkeeper honored tennis great John McEnroe and his wife Patty Smyth for their environmental advocacy work at its annual Fisherman's Ball, which took place at Pier 60 on Tuesday, May 13th, 2008. Sportscaster Bob Costa emceed the gala event, whose theme was "Go Fish."

Hudson Riverkeeper Alex Matthiessen, board co-chair Robert F. Kennedy Jr. and the board of directors welcomed 650 guests to Chelsea Piers, including Larry David, Bette Midler, Chevy Chase, Glenn Close, and Art Garfunkel. It

SHAD FEST

It was an unusually cool and rainy day in May when Riverkeeper's supporters gathered for Shad Fest 2008. Nearly 1,000 members, supporters and guests enjoyed panoramic views of the Hudson River from the grounds of Boscobel in Garrison.

In typical Shad Fest fashion, there was something for everyone: storytelling, arts and crafts, tree climbing, our first "green tent" and "wellness tent," and the kids' favorite – up close wildlife experiences with birds

of prey, farm animals and more. Shad Fest honored Hudson River fishermen Bob Gabrielson, John Mylod, Steve Nack, Hudson River Project's Reverend Patty Ackerman and the Croton Watershed Clean Water Coalition's Dr. Marian Rose.

In the light but steady rain, guests stayed dry beneath the large food tent and stage area, where they enjoyed delicious food courtesy of Whole Foods Market and music by featured performers, the Bacon Brothers band.



PHOTO COURTESY OF CHRIS RIBEIRO

was an exceptional evening, with the sun setting over the Hudson River, throwing shimmering light into the reception and dining halls. After dinner, Smyth and Scandal wowed the crowd with their all time favorite hits, a fitting tribute to the success of the night, which raised more than \$1.6 million for Riverkeeper's environmental mission.



PHOTO COURTESY OF CHRIS RIBEIRO

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Hudson Riverkeeper and President,
Alex Matthiessen



From left to right: Alex Matthiessen, Kick Kennedy, Deborah Harry and Robert F. Kennedy Jr.

REFLECTED LIGHT IV

On a clear January night, art lovers and Riverkeeper aficionados gathered for Reflected Light IV, an auction of art and unique experiences. More than 450 guests and volunteers attended the bi-annual event, chaired by board member and renowned photographer William Abranowicz and Andrea Raisfeld, held at the Frank Gehry designed

IAC building on the West Side Highway.

As they browsed the silent auction, which offered works by Jacques Lowe, Giles Ashford, Tod Wison and Alexander Calder, among others, guests sipped wine, and nibbled on hors d'oeuvres and delectables from a fresh oyster bar. Anticipation mounted as auctioneer Sebastian Clarke joined Matt Dillon,

Richard Gere, Gloria Rueben, Richard Belzer and Lauren Hutton onstage to get bidding started at the live auction.

The evening raised more than \$200,000 for Riverkeeper's vital work and closed with an intimate performance by pop icon Deborah Harry, who thrilled guests with an acoustic set of her favorite Blondie hits.

PHOTOS COURTESY DOUGGOODMAN.COM



Deborah Harry performs at the auction



Howard Rubin, Madison Battaglia and Heidi Battaglia participate in the auction.

PHOTO COURTESY DOUGGOODMAN.COM



Matt Dillon and Gloria Reuben

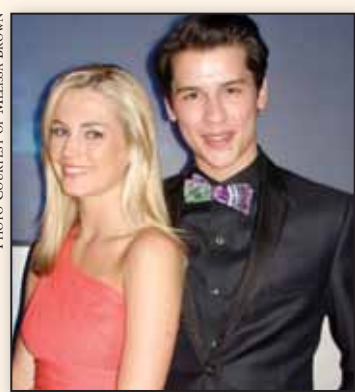
JUNIOR COUNCIL

Junior Council co-chairs Amanda Hearst and Luigi Tadini hosted a holiday shopping benefit for the group's young environmental advocates at the SoHo Polo Ralph Lauren store in December.

More than 200 guests enjoyed the warm hospitality that Polo Ralph Lauren provided, while they shopped for holiday gifts, knowing that 15 percent of the evening's revenues would benefit Riverkeeper. The Junior Council's leadership committee, along with Bobby

Kennedy III and avid supporter David Lauren, were on hand to share with shoppers their favorite items for the season, along with great eco tips.

PHOTO COURTESY OF MELISSA BROWN



Junior Council co-chairs Amanda Hearst and Luigi Tadini.

WATER FEST

Riverkeeper's 4th annual Water Fest offered more than a glorious October day on the Hudson River. It kicked off *Take Back the Tap New York (TBTTNY)*, our campaign to encourage New Yorker's to choose tap over bottled water.

The weather couldn't have been better on Sunday, October 23, 2008, where Water Fest activities at Pier 96 included the Big Apple Splash, Water Fest's signature rafting experience, the new Paddle Rally, which featured the kayaking events Poker Run and Floating Meditation.

More than 150 on-water participants safely worked with the Hudson's tides, harnessing all their strength and skill to arrive at Battery Park City, where hundreds awaited. Guests at Riverkeeper's land based festival, "Water City,"

enjoyed a tasty barbeque lunch, live entertainment and rousing talks by Hudson Riverkeeper Alex Matthiessen, Food and Water Watch's Wenonah Hauter and Robert F. Kennedy, Jr.

To garner support for TBTTNY, Riverkeeper made Water Fest NYC's its first "bottled water free" event and provided fresh, cool tap water along with reusable water bottles and biodegradable drinking cups.



PHOTO COURTESY DOROTHY HANDELMAN

Water Fest participants enjoy rafting on the Hudson.

Join our Riverkeeper Facebook Group at www.facebook.com

With Gratitude and Appreciation

Riverkeeper would like to thank all of our supporters, too numerous to list here. Without your generous support we would not be able to continue to carry out our important work on behalf of the Hudson River, the NYC Watershed and the communities that depend on their continued health and protection. We hope you will take pride in all that we have accomplished together in 2008 and plan to accomplish in 2009.

Riverkeeper gratefully acknowledges the generous contributions of our private corporate and public supporters and members, who number more than 5,000 a year. Space limitations and eco-wise production standards allow us to present donors of \$500 and greater in this presentation. This listing reflects contributions received between July 1st, 2007 and June 30th, 2008.

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SPECIAL THANKS TO ANN COLLEY

EXECUTIVE DIRECTOR OF THE MOORE CHARITABLE FOUNDATION

Ann Colley, a Riverkeeper board member who serves on the Executive Committee, is a true Hudson River hero.

Ann is the Executive Director of the Moore Charitable Foundation (MCF), founded by one of Riverkeeper's staunchest supporters, Louis Bacon.

Thanks to the generosity of Mr. Bacon, Ann and MCF have had a profound impact in advancing critical environmental work in our region and beyond. In addition to supporting key campaigns at Riverkeeper, the foundation was a founding funder of the Waterkeeper Alliance and supports many 'keeper' programs throughout the country. Ann serves as a Waterkeeper Alliance Trustee.

As chair of our nominating committee, Ann has brought to the Board an impressive new group of Riverkeeper champions. In 2000, she was instrumental in bringing in new leadership that has helped the organization experience tremendous growth over the last decade. When Riverkeeper honored Louis Bacon in 2001, Ann helped orchestrate our most successful annual dinner to date.

Riverkeeper is supremely grateful for Ann's ongoing commitment to our work and for the tremendous energy and talents she brings to helping us advance our mission, making her a true hero of the Hudson for all New Yorkers.

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- Ms. Virginia Sarvalon
- Mr. David Scherff
- Ms. Frances Schultz
- Ms. G. Lynn Shostack
- Ms. Maria Shriver
- Mr. Todd Slotkin
- Ms. Connie Steensma and Mr. Richard Prins
- Mr. David Stone
- Ms. Dana Stuart-Bullock
- Mr. Jack Swain III
- Ms. Kathleen Tait
- Mrs. Frederick Tanne
- Mr. Mark Tarantina
- Dr. Robert Tash
- Mr. and Mrs. Mark Taylor
- Ms. Julie Taymor
- Mr. Roy Thinner
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- Mr. Tim Wallach
- Mr. William Walsh
- Mr. Alan Wanzenberg
- Mr. Peter Wege

- Ms. Lucy Winton
- Ms. Nancy Woods
- Mr. Richard Ziegelasch

\$500 AND GREATER

- ABC Home & Planet Foundation
- The Alexander Family Foundation
- Audrey & Martin Gruss Foundation
- AXA Foundation
- Citizens Energy Corporation
- DJ McManus Foundation
- Edward B. Whitney Fund
- Garrison Station Plaza Inc.
- Lavori Sterling Foundation
- Mathis Pfohl Foundation
- Scarborough Presbyterian Church
- Sorenson Family Foundation
- The Tony Bennett 1994 Family Trust

- Mr. and Mrs. John Adams
- Ms. Jane Alexander and Mr. Edwin Sherin
- Mr. and Mrs. Brian Appel
- Mr. R. Scott Asen
- Mr. Greg Barber
- Mr. Scott Barringer
- Mr. Christopher Bartle and Mrs. Eva Gartner
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- Mr. Jon Beyman
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- Mr. Terence Boylan and Ms. Illiana Van Meeteren
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- Ms. Alisha Goldstein
- Mr. Gary Goldstein
- Mr. and Mrs. Mark Gormley
- Ms. Patricia Grady
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- Ms. Holiday Hayes
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- Ms. Alecia Wesner
- Mr. Edward Whitney
- Mr. Arden Wohl
- Mr. Peter Wolf
- Mr. Michael Young
- Mr. Nicholas Zocchi

Every effort has been made to ensure the accuracy of donor names and contributions. To advise of corrections, please call Allison Chamberlain at 914-478-4501, ext. 232.

RIVERKEEPER NEWS

Member Communications Go Green

Riverkeeper has been working hard to reduce our carbon footprint. To that end we are making the following changes:

- **One Riverkeeper Journal:** we will now print one *Riverkeeper Journal* a year, instead of two, on recycled paper, naturally.
- **Fewer Member Mailings:** we are cutting back drastically on the number of mailings we send to your home. Please read them when you see them as each will include timely updates on our work.
- **More Online:** we have been improving our website to include more options for our members to manage their preferences, take actions and stay current. You can also keep up on Riverkeeper news and events on Facebook and MySpace.

Special Riverkeeper Events in 2009

- **Quadricentennial Events:** 2009 offers many opportunities to gather in honor of the 400th Anniversary of Henry Hudson's arrival on our

shores. Riverkeeper will be participating in these events, sharing an exhibit on the Hudson River with communities throughout the Hudson Valley. Check our website for an updated calendar of our appearances and please come out to see us!

- **Waterkeeper Alliance (WKA) Conference:** this year New York City has the honor of hosting the annual WKA Conference, which brings together 185 waterway protectors from six continents. Riverkeeper and our other two area hosts, NY/NJ Baykeeper and Long Island Soundkeeper, will hold a picnic in June to bring our members together with this interesting group of environmental leaders.
- **Shad Fest:** in light of the many extra events added to our calendar this year, we will not have our traditional Shad Fest celebration. We plan to bring back Shad Fest in 2010. We hope to see you at the WKA picnic and elsewhere throughout the year.

VOLUNTEERS NEEDED

Riverkeeper would not be as effective in protecting the Hudson River and the NYC Watershed were it not for the talents and enthusiasm of hundreds of individuals who generously donate their time and energy.

Here are a few ways to begin or continue volunteering:

- **Become a Riverkeeper Docent** – share the Riverkeeper story with school and community groups.
- **Work at a Riverkeeper Event** – join the team of volunteers who make our events run smoothly.
- **Take Back the Tap** – meet fellow New Yorkers and encourage them to kick the bottled water habit at one of our Tap Campaign events.
- **Intern with our Legal Team** – lawyers and law students support our staff attorneys on case work during semester long internships.
- **Support our Operations** – skilled volunteers are needed for grant research, mailings and other important office support roles.
- **“Ring Up the River”** – join our new phone bank program, speaking directly to people like yourself on the issues you care about.
- **Clean up the River or Plant a Tree** – come out and help with clean ups and planting of buffers zones, reducing the amount of trash in our waterways.

Contact Heartie Look at 914-478-4501 x252 or hlook@riverkeeper.org to get involved.



Volunteers running a blind tap water taste test at Water Fest.

PHOTO COURTESY DOROTHY HANDELMAN



PHOTO COURTESY OF MELISSA BROWN

KAREN KELLY KLOPP

Among Riverkeeper's hardest working volunteers are our board members. They support us through thick and thin, bringing to the organization a wide range of skills and contributions. One such talented and dedicated board member has been Karen Kelly Klopp.

Karen is an accomplished

filmmaker, author and entrepreneur who has contributed substantially to our growth and success. After more than a decade of service as a Riverkeeper director, Karen has retired from the board this year to devote her full attention to launching a new business venture.

Karen leaves Riverkeeper a stronger organization, better equipped to protect our region's water resources than at any time in our history. We are grateful to Karen for her many contributions during her time with Riverkeeper and are proud to be able to still count her as an ardent supporter and friend.

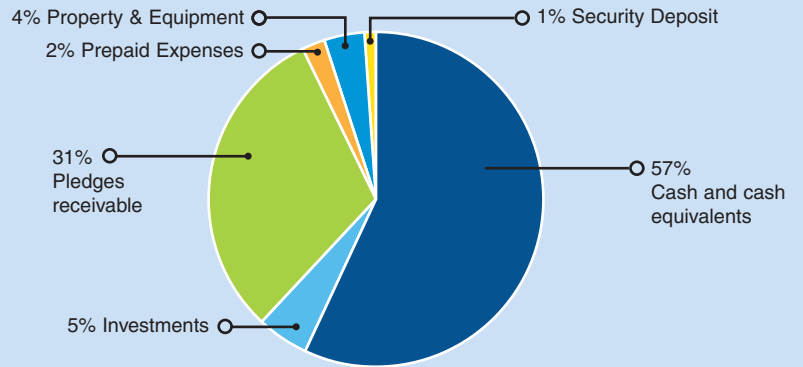
Visit www.riverkeeper.org and sign-up for our E-Newsletter and E-Alerts to stay current on news and events.

BALANCE SHEET

As of June 31, 2008

ASSETS

Cash and cash equivalents	\$ 1,423,070	57%
Pledges receivable	\$ 806,728	31%
Investments	\$ 132,289	5%
Property and Equipment (net)	\$ 113,824	4%
Prepaid expenses	\$ 61,988	2%
Security deposit	\$ 24,467	1%
Total Assets	\$ 2,562,366	

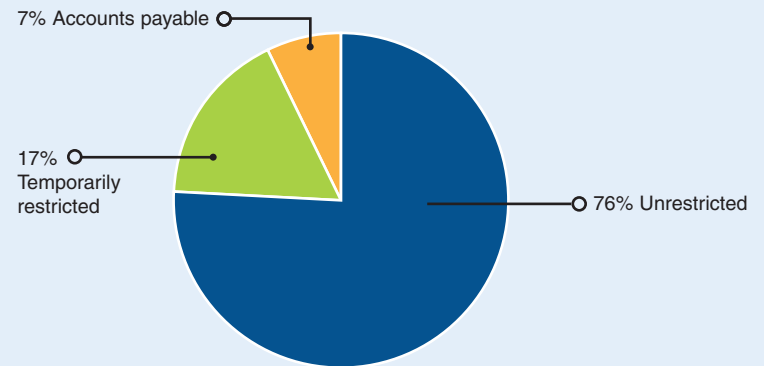


LIABILITIES

Accounts payable	\$ 185,437	7%
Total liabilities	\$ 185,437	

NET ASSETS

Unrestricted	\$ 1,942,983	76%
Temporarily restricted	\$ 433,946	17%
Total Net Assets	\$ 2,376,929	
Total Liabilities and Net Assets	\$ 2,562,366	

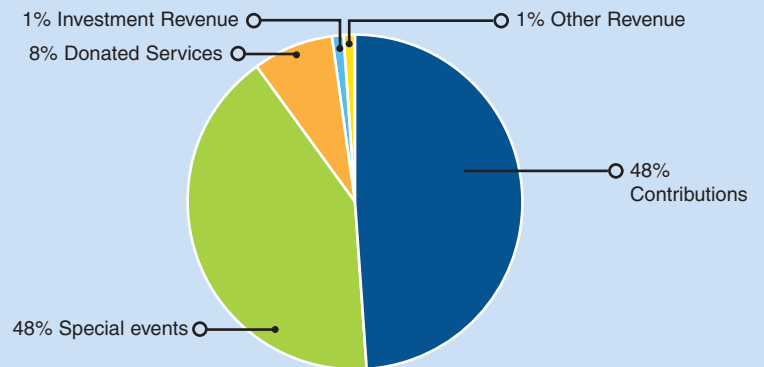


STATEMENT OF FINANCIAL POSITION

Year ended June 31, 2008

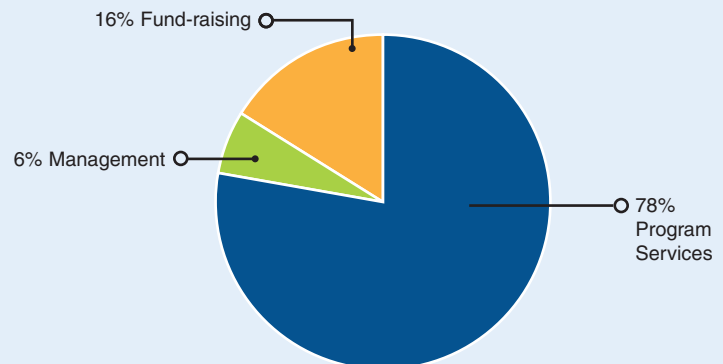
SUPPORT AND REVENUE

Contributions	\$ 2,171,307	48%
Special events	\$ 1,805,207	48%
Donated legal services	\$ 373,175	8%
Investment revenue	\$ 32,474	1%
Other revenue	\$ 41,999	1%
Total support and revenue	\$ 4,424,162	



EXPENSES

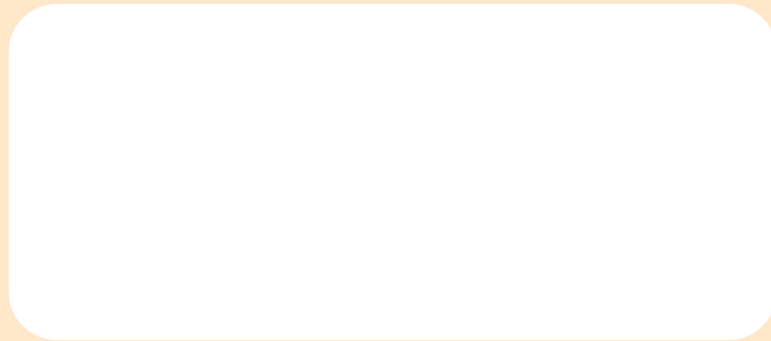
Program services	\$ 3,272,881	78%
Fund-raising	\$ 667,734	16%
Management	\$ 236,678	6%
Total Expenses	\$ 4,177,293	
Surplus/Increase in Net Assets	\$ 246,869	



RIVERKEEPER

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TARRYTOWN, NY 10591

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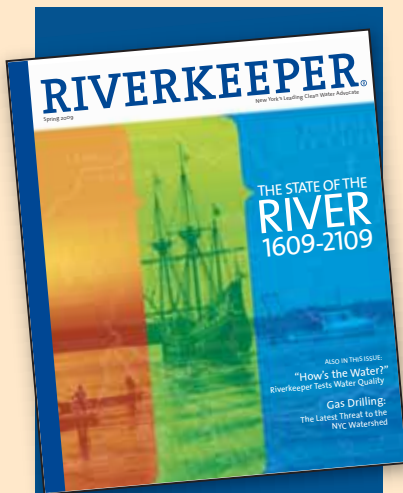
Getting in touch
with Riverkeeper

Address
828 SOUTH BROADWAY
TARRYTOWN, NY 10591

Phone
914.478.4501 / 1-800-21RIVER

Website
WWW.RIVERKEEPER.ORG

E Mail
INFO@RIVERKEEPER.ORG



Ads now
available in
*Riverkeeper
Journal*

Please contact
us for more
information at
info@riverkeeper.org

2009 Events Calendar

April — September

April 24 – 25	Grand Central Earth Day	Grand Central Terminal, NYC
May 29	Mountain Jam Music Festival	Catskills, NY
June 5 – 13	Hudson River Day Celebration & Relay Flotilla	Starting in Battery Park, NYC with stops in river towns to Albany
June 7	Hudson River Fest Celebration	Lyndhurst, Tarrytown, NY
June 20 – 21	Clearwater River Festival	Croton Point Park, Croton, NY
June 27	Waterkeeper Alliance Picnic	TBD
July 25 – 26	The Namesake Celebration	Halfmoon Waterfront Park, Hudson, NY
Sept. 1 – 15	Henry Hudson 400 Celebration	New York Harbor
Sept. 9 – 10	H209 Forum / Water Conference	Liberty Science Center, Elizabeth, NJ
Sept. 24 – 25	Albany Riverfront Festival	Albany Riverfront Park, Albany, NY

Visit www.riverkeeper.org for updates on times and locations