



May 11, 2010

Hon. Peter S. Loomis
Chief Administrative Law Judge
NYSDOT Office of Proceedings
50 Wolf Road
Albany, NY 12232

Re: Case #33012 Ferry Road Closure Hearing, Stuyvesant, Columbia County, New York.

Dear Judge Loomis:

Riverkeeper regrets being unable to attend the Ferry Road Closure Hearing for Case #33012 but respectfully requests to be treated as an interested party for purposes of this hearing and requests that our comments be entered into the official public record.

Riverkeeper is a non-profit, environmental watchdog organization that protects and safeguards the ecological integrity of the Hudson River, its tributaries, and the New York City Watershed. Riverkeeper was founded more than 40 years ago as a blue collar coalition of commercial and recreational fishermen, factory workers, laborers, and others whose lives and livelihood depended on the Hudson River. The members of the Hudson River Fishermen's Association (as Riverkeeper was then called) banded together to fight back against polluters who threatened their River. Since our founding a core element of Riverkeeper's mission has been to protect and safeguard the public's right to access their Hudson River.

On behalf of our members throughout the state, the residents of the Town of Stuyvesant, residents of Ferry Road, and the citizens of Columbia County Riverkeeper strongly opposes the closure of Ferry Road and the resulting loss of access by the public to this important section of the Hudson River.

Ferry Road provides the only vehicular public access to an important fishing site and hand launch for small boats at Nutten Hook. For decades this site has been used regularly by members of the public for fishing, boating, and other recreation. The public's loss of this access to the Hudson River would be tragic and unacceptable.

In addition to concerns over the loss of public access Riverkeeper believes that the closure of Ferry Road and the resulting loss of public access to Nutten Hook would be a violation of New York State Coastal Policy 19, whose goal is to "protect, maintain, and increase the level and types of public access to public water-related recreational resources and facilities." Any State agency action and/or action utilizing federal funding must be certified to the Department of State to be consistent with New York State Coastal Policies promulgated under the Federal Coastal Zone Management Act (CZMA). The guidelines to Policy 19 state that "existing access from adjacent

or proximate public lands or facilities to public water related recreation resources and facilities shall not be reduced.” As an agency of New York State and as a project utilizing federal stimulus funding the New York State Department of Transportation’s actions must be consistent with New York State’s Coastal Management Policies and must be certified as such to the Department of State. Given that the closure of Ferry Road will eliminate access to a critical water related recreational resource it is Riverkeeper’s belief that this action cannot be consistent with Coastal Policy 19.

The New York State Department of Transportation has deemed the Ferry Road crossing unsafe because of its proximity to Route 9J. Riverkeeper takes no position as to the accuracy of this assertion, but firmly believes that alternatives to the closure of Ferry Road exist that would correct any unsafe conditions as determined by the Department and retain public access to Ferry Road and Nutten Hook. Whether through the installation of a timed traffic signal designed to stop traffic when a train passes the crossing or another technical or engineering solution Riverkeeper believes that the Department must utilize a solution that maintains public access to Ferry Road and Nutten Hook and is not in violation of Coastal Policy 19.

Riverkeeper appreciates this opportunity to voice our concerns and strong objection to the closure of Ferry Road. If I may provide any additional information or clarification of my comments please don’t hesitate to contact me at 914-478-4501 x247 or jverleun@riverkeeper.org. Thank you for your consideration.

Sincerely,

/Joshua Verleun/

Joshua S. Verleun, Esq.
Staff Attorney & Chief Investigator
Riverkeeper, Inc.