



July 21, 2017

Via Electronic Mail

Rear Admiral Steven Poulin
Commander of the First Coast Guard District
408 Atlantic Avenue
Boston, MA 02110
HudsonRiverPAWSA@uscg.mil

***RE: RIVERKEEPER, INC.'S REQUEST TO PARTICIPATE IN THE HUDSON RIVER PORTS
AND WATERWAYS SAFETY ASSESSMENT***

Dear District Commander Poulin:

Riverkeeper, Inc. respectfully requests to be included in the Hudson River Ports and Waterways Safety Assessment (“PAWSA”) process. Riverkeeper is a member-supported watchdog organization dedicated to defending the Hudson and its tributaries. We also monitor and protect the drinking water supply of nine million Hudson Valley and New York City residents.

Riverkeeper appreciates the United States Coast Guard’s (“USCG’s”) decision to suspend the proposal to establish new anchorage grounds on the Hudson River.¹ The unprecedented public outcry in response to the Advance Notice of Proposed Rulemaking (“ANPRM”) made it clear that there are serious and substantiated concerns about establishing 10 new anchorage grounds, with 43 berths, occupying over 2,400 acres on the Hudson River. Moreover, the response to the ANPRM demonstrated that citizens, nonprofit organizations, and municipalities are already engaged with safety issues on the waterway and that they have relevant skills, data, and energy to be indispensable to the USCG’s assessment of the Hudson River. Moving forward, we urge the USCG to make every effort to meet its stated goal of “build[ing] a team that helps ensure that diverse concerns conveyed in the ANPRM are represented through the PAWSA risk analysis process.”²

¹ Anchorage Grounds, Hudson River; Yonkers, NY to Kingston, NY, 81 Fed. Reg. 37168 (proposed June 9, 2016).

² United State Coast Guard, ID: USCG-2016-0132-10219, Coast Guard Announces Ports and Waterways Safety Assessment on Hudson River (June 29, 2017).

Riverkeeper’s long-running advocacy for the Hudson River and the expertise of our staff on issues related to the environment and navigational safety will be highly relevant to the Hudson River PAWSA.³ The PAWSA Workshop Guide expressly recommends that environmental organizations participate in the PAWSA Process.⁴ The USCG also recognizes that “it is almost always preferable to have regional, local experts attend the workshop to give their more focused input.”⁵ In addition, the PAWSA panel should collectively “[r]epresent a broad cross-section of the local community that can speak as reliable and respected representatives of others engaged in similar work, or having similar interests.”⁶ Finally, according to the PAWSA Workshop Guide, the ideal participants are those who have a long history with the local area and regular professional involvement with waterway navigation.⁷

In light of this guidance, it is clear that Riverkeeper should be included as a participant in the Hudson River PAWSA. Our combined on- and off-water expertise puts us in the unique position to bridge the divisions between advocate, scientific monitor, waterway user, and stakeholder. Riverkeeper is the region’s premier environmental organization dedicated to clean water advocacy, with more than 50 years of experience working on environmental issues related to the Hudson River. As a member-supported organization that engages with a broad constituency of citizens, communities, and partners, Riverkeeper is a respected voice for thousands in the Hudson Valley who are interested in protecting and restoring the Hudson River. Furthermore, through the work of the Riverkeeper Boat Program, headed by Vice President for Advocacy John Lipscomb, we have a deep understanding of navigational issues and concerns on the Hudson River.

I. Riverkeeper is the Hudson Valley region’s premier environmental organization dedicated to clean water advocacy.

Riverkeeper has been advocating for the Hudson River for over 50 years. Beginning as the Hudson River Fishermen’s Association in 1966, Riverkeeper strives to achieve a fishable, swimmable Hudson River, healthy aquatic ecosystems, and safe drinking water. We seek to accomplish these goals by, *inter alia*, patrolling the River and its tributaries, engaging and educating communities and government officials, advocating for policy solutions, conducting and supporting scientific research which could benefit the Hudson, and holding polluters and regulators accountable in court.

Thanks to our broad base of members, volunteers, and partners, Riverkeeper provides a voice for thousands of citizens interested in protecting and restoring the Hudson River. We have nearly 4,000 dues-paying members and 1,900 volunteers, the vast majority of whom reside in the Hudson Valley. Through our active social media presence and outreach efforts, we engage with over 70,000 constituents. We also partner with countless grassroots organizations, communities, municipalities, citizen scientists, researchers, and other stakeholders that share our goals of protecting and restoring the Hudson.

³ See Coast Guard Announces Ports and Waterways Safety Assessment (stating that the PAWSA discussions “will help promote navigational safety and environmental protection.”).

⁴ See United State Coast Guard, Ports and Waterways Safety Assessment Workshop Guide, Ch. 4 at 4-2 (Jan., 2010) [hereinafter PAWSA Guide]; see also PAWSA Guide, Ch. 4, app. B at 1.

⁵ PAWSA Guide, Ch. 4, app. B at 1.

⁶ PAWSA Guide, Ch. 4 at 4-1.

⁷ See PAWSA Guide, Ch. 4 at 4-1.

Riverkeeper's presence spans the length of the Hudson River. For example, our Water Quality Program partners with CUNY Queens College, Columbia University's Lamont Doherty Earth Observatory, SUNY Cobleskill, Sarah Lawrence College, and over 165 community scientists. Together, we perform water quality sampling monthly at over 400 locations in the Hudson River and its tributaries, from the New York Harbor to Mount Marcy in the Adirondacks to the Mohawk River. Additionally, Riverkeeper's patrol boat is on the water from April to December of every year, patrolling the Hudson from the New York Harbor to Troy, and the Mohawk from Cohoes to Rome. Our Community Engagement Program also reaches from New York City to the Adirondacks, as exemplified by our annual Riverkeeper Sweep, which this year brought more than 1,700 volunteers to 102 stream cleanup and tree planting sites along the River.

In Riverkeeper's storied 50-year history, we have been involved in addressing some of the most pressing environmental challenges facing our region. In 2017, Riverkeeper was instrumental in achieving a \$2.5 billion-dollar investment in clean water infrastructure from New York State. Also, after decades of campaigning and litigation, we succeeded in securing a closure agreement for Indian Point, an aging nuclear power plant that does unmeasurable damage to the River's aquatic ecosystems and threatens the safety of waterway users as well as Hudson Valley and New York City residents. In addition, we are continuing our years-long fight to hold General Electric accountable for cleaning up PCB contamination along the 197-mile stretch of the River that constitutes the nation's largest Superfund site. Riverkeeper also effectively identified flaws in the tug and barge industry's request to greatly expand the number of anchorage grounds on the Hudson River, which was based in part on an anticipated increase in crude oil transport.

Riverkeeper's efforts to protect and restore the Hudson River are further documented in our 2017 Annual Journal (Attachment A), our How's the Water? 2015 Report (Attachment B), and at our website, www.riverkeeper.org.

II. Riverkeeper understands the importance of navigational safety on the Hudson River.

Riverkeeper's boat patrol dates back nearly 35 years. The Boat Program is critical to our work, allowing us to identify polluters, conduct water quality sampling, support other scientific endeavors involving the Hudson, and give various stakeholders the opportunity to travel the River itself.

John Lipscomb, Riverkeeper's Vice President for Advocacy and Boat Captain, has engaged many aspects of vessel operation, maintenance, and navigational safety in a professional capacity for over 40 years. Mr. Lipscomb has patrolled the Hudson River as a member of Riverkeeper's staff for 17 years, since 2000. From April to December of each year, Mr. Lipscomb travels approximately 4,000-5,000 nautical miles aboard the R. Ian Fletcher, a 36-foot Chesapeake Bay style wooden vessel. His standard patrol extends along the Hudson River Estuary from New York Harbor to Troy, plus the entirety of the East River. Every other month, Mr. Lipscomb patrols as far north as the head of navigation on the upper Hudson/Champlain Canal to Fort Edward. On alternate months, he patrols the Mohawk River/Erie Canal to the head of navigation at Rome. Many government officials have joined Mr. Lipscomb on his patrols to advance issues of navigational safety. For example, USCG and New York State Department of

Environmental Conservation (“DEC”) officials have been aboard to travel the entire length of the Hudson River Estuary to discuss the NY/NJ Area Contingency Plan, inform booming strategies, and identify staging areas for new, updated geographic response plans.

As an experienced and tested expert on Hudson River navigation and stewardship, Mr. Lipscomb is a member of the NY/NJ USCG Area Committee and has attended Area Committee meetings for the past five years. He is also a member of the Regional Response Team II, which brings together U.S. Environmental Protection Agency, U.S. Department of Homeland Security, DEC, USCG, and several other agencies to address issues of spill response, hazard mitigation, and preparedness. Furthermore, in 2016, Mr. Lipscomb completed a three-day Oil Spills Strategies and Tactics course at the Ohmsett Facility, receiving a certificate in the operation of skimmers and other recovery apparatuses. His extensive experience also includes participating in spill response exercises with the USCG and DEC, advocating for live and unannounced government-initiated exercises for vessels underway, and organizing field meetings with DEC and local responders to develop and implement booming strategies.

Prior to joining Riverkeeper, Mr. Lipscomb was the General Manager of Petersen’s Boatyard in Nyack, NY. He is a lifelong Hudson Valley resident.

Mr. Lipscomb’s relevant skills and experience are further documented in Attachment C.

Riverkeeper looks forward to contributing our expertise as an active participant in the PAWSA workshop. Please feel free to contact Erin Doran at (914) 422-4228 or edoran@riverkeeper.org if you have any questions or require any additional information. Thank you.

Sincerely,



Paul Gallay
President and Hudson Riverkeeper