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December 6, 2016

Dear Admiral L.L. Fagan, Commander  
First Coast Guard District  
United States Coast Guard  
408 Atlantic Avenue  
Boston, MA 02110

Docket ID: USCG-2016-0132

Dear Admiral Fagan,

Thank you for the opportunity to comment on the Coast Guard (USCG) Proposed Rule: Anchorage Grounds, Hudson River; Yonkers, NY to Kingston, NY. Audubon New York is the state's leading voice for the conservation and protection of natural resources for birds. Integrating science, conservation, policy and education, Audubon's mission is to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitat for the benefit of humanity and the earth's biological diversity. With 50,000 members and 27 affiliated chapters state-wide, Audubon New York oversees seven sanctuaries and centers, from Long Island to western New York, and protects priority habitats, including more than 130 Important Bird Areas identified as critical for the conservation of birds.

A letter to you dated January 21, 2016 from The Maritime Association of the Port of NY/NJ Tug and Barge Committee, states that trade of Bakken crude oil is expected to significantly increase on the Hudson River, and these newly designated anchorages are key in supporting the growth of oil transportation on the Hudson River. We are gravely concerned that the expected increase in barge traffic and oil storage carries an accompanying higher risk of accidents and oil spills that would irreparably damage critical wildlife habitats and restoration efforts that have been undertaken over the course of several decades within the Hudson River Estuary.

Audubon New York has identified six significant Hudson River shoreline habitats as

Important Bird Areas (see map below), including the shoreline of the Lower Hudson for recovering populations of breeding and overwintering Bald Eagles, and multiple tidal wetlands that must be protected from disruptions associated with anchorages and potential oil spills.

Tidal wetlands are fundamentally important in supporting the River's rich biodiversity as they are essential habitat for migratory waterfowl and breeding marsh birds, including the State-threatened Least Bittern. They serve as nursery and refuge areas for fish and other

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wildlife, host rare plants such as golden-club and spongy arrowhead, dissipate wave energy, buffer waterfront communities from flood events, remove pollutants, sequester carbon and oxygenate the water. Furthermore, these shoreline habitats provide significant recreational opportunities for people to observe and enjoy wildlife.

Following a 100 year absence, breeding Bald Eagles returned to the shores of the Hudson River in 1997, and by 2010, 27 pairs had established breeding territories. The recovery of Bald Eagles to the Hudson River is due to a long-term project initiated by New York State in 1976. Yet, despite improved conditions of bald eagle populations in New York, they remain on the state's list of threatened species.

To ensure their continued success and recovery, careful consideration must be made to assure that human disturbances within critical wintering sites and breeding areas, like those found in the Lower Hudson River and the subject of this proposal are avoided. Repeated disturbance by humans not only have the potential to result in nest failure, nest abandonment, and even territory abandonment but would also contravene the intent of the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act and Environmental Conservation Law of New York.

The proposed anchorages also have the potential to degrade foraging sites for migratory waterfowl, for which the Lower Hudson is a critical stopover habitat on the Atlantic Flyway. Large numbers of waterfowl depend on the fish, submerged aquatic vegetation and other aquatic life in the River to sustain them during migration. The hulls, anchor chains and bilge water of stationary barges and ships can harbor invasive plants and animals, which could further degrade environmentally sensitive ecosystems, which these birds and other wildlife depend on.

Also of concern is the potential that increased lighting of barges at night may have an impact on migratory songbirds. Artificial lighting can disorient migrating birds and increase the likelihood of collisions with man-made structures, resulting in unnecessary injuries and mortality.

Additionally, much effort is being devoted into monitoring and restoring sturgeon and other atrisk fish populations in the estuary. The Hudson River hosts important populations of Atlantic and Shortnose Sturgeon. Both are listed as Federally Endangered species (the New York Bight Distinct Population Segment of Atlantic Sturgeon, and the Shortnose Sturgeon across its entire range). There is evidence that dragging barge anchors can scar the riverbed and may disturb sturgeon foraging and breeding habitat, as well as stir up settled contaminants, releasing them back into the water column. Likewise, the State of New York has committed significant resources to the protection and enhancement of Striped Bass spawning, nursery and overwintering areas in the Hudson, in addition to restoring American Shad and river herring, species of concern

throughout their range. These fish populations, as well as the New York State managed Atlantic Blue Crab, are valuable recreationally, commercially and ecologically, and need to be carefully considered.

“Long-term” anchoring of barges or ships can also result in ancillary pollution from detergents, paint, solvents, lubricants and other materials commonly used in operation and maintenance.

The Proposed Rule: Anchorage Grounds, Hudson River; Yonkers, NY to Kingston, presents a number of high cost environmental threats to our state’s most iconic and arguably significant water bodies. In summary, we respectfully request that this proposal be withdrawn or, in the very least, a full Environmental Impact Statement be developed so that the proposal’s full impacts can be assessed in a transparent and participatory process.

Should you have any questions, please do not hesitate to contact me at [ecrotty@audubon.org](mailto:ecrotty@audubon.org) or 518-869-9731.

Sincerely,



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## Hudson River Shoreline Important Bird Areas

