

HUDSON RIVER SLOOP
CLEARWATER, INC.



November 13, 2002

Hudson River Sloop Clearwater, Inc., comment before the U. S. Department of Commerce hearing on Millennium's appeal of the New York State, Department of State objection to the Consistency Certification for the Millennium pipeline.

Comment submitted by Timothy Sweeney, Environmental Associate, on behalf of Hudson River Sloop Clearwater, Inc.

The Hudson River Sloop Clearwater, (Clearwater) is a Hudson River based environmental education and advocacy organization with approximately 8,000 members.

Clearwater operates a replica of the sailing sloops that once plied the waters of the Hudson delivering cargo throughout the valley. Now each year, as part of our education program, the Sloop Clearwater brings thousands of school children sailing on the Hudson to discover the dynamics of the river's ecosystem. One of the lessons learned aboard Clearwater is the importance of protecting the Hudson river estuary. A vital part of that estuarine environment is Haverstraw Bay.

Haverstraw Bay has the distinction of being a very large, relatively shallow reach of the Hudson River estuary. In the bay salt water from the Atlantic and fresh water from the north co-mingle to create the brackish water conditions upon which so many aquatic species rely.

The Haverstraw Bay serves as a feeding ground and nursery for many Atlantic species, important from both a commercial and recreational point of view. Among the species that thrive in the bay are striped bass, American shad and blue claw crab. Furthermore, the endangered short-nose sturgeon is known to frequent Haverstraw Bay, which exemplifies the unique character of this habitat.

In accordance with New York's Coastal Management Plan, Haverstraw bay has been designated as a Significant Coastal Fish and Wildlife Habitat; in fact it has been documented as irreplaceable.

Policy 7 of the New York State Coastal Management Plan states: Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats. (emphasis added).

Policy 7 further states that: Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are particularly critical to the maintenance of a given population and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics:

- (a) are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas);
support populations of rare and endangered species;
- (c) are found at a very low frequency within a coastal region;
support fish and wildlife populations having significant ^{commercial} ~~commercial~~ and/or recreational value; and
- (e) would be difficult or impossible to replace.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions destroy or significantly impair the viability of an area as a habitat... (emphasis added). It is clear that the proposed crossing of Haverstraw Bay by the Millennium ^{pipeline} is exactly the type of development and injury to habitat that Policy 7 of the Coastal Management Plan is intended to address.

The dredging and blasting required for the proposed crossing of Haverstraw Bay by the Millennium pipeline would result in permanent and irreparable damage to arguably the most significant estuarine habitat in all of New York State. Clearly, this flies in the face of the previously stated provisions of Coastal Management Plan Policy 7.

There is no doubt that allowing this irreplaceable resource to fall victim to ill advised and irresponsible development is contrary to the Coastal Management Plan, is contrary to the will of the people of New York State, and is contrary to common sense reasoning.

It is for these reasons that Clearwater urges the Department of Commerce to deny Millennium's appeal of the Department of State's objection to the consistency certification.

Thank you for this opportunity to provide our comments.