

Comments of Fran Allen, Chair of the Waterfront Advisory Committee of the Village of Croton-on-Hudson, New York, on the Millennium Pipeline Project; November 13, 2002 Public Hearing

My name is Fran Allen. I chair the Waterfront Advisory Committee (WAC) for the Village of Croton on Hudson and have held this position since the WAC was established in 1992 as part of our Local Waterfront Revitalization Program (LWRP). Our LWRP, an approved component of the federal and NY State Coastal Zone Management Program, applies to the entire Village of Croton. The WAC's role is to review actions within the Village for consistency with our LWRP and, by extension, with the Coastal Zone Management Act.

We were the group charged with leading Croton's assessment of Millennium's proposed actions in our Village. And we are the group that found these actions inconsistent with our program. The New York State Department of State (DOS) upheld us. And we are here today to ask the Department of Commerce to uphold us in our fight against an egregious, illegal incursion into federally protected areas of our little Village.

As part of this hearing today you have heard about Haverstraw Bay, the Village Wellfields, the Arboretum, and the Trails, all protected areas but not, by any means the complete list. Let's look at Croton's boundaries. Our western boundary is half way across Haverstraw Bay. Our boundary to the east includes a part of the Croton River to its high water mark on the opposite bank. To the southeast it includes Croton Point Park and a large section of Croton Bay. The proposed Pipeline crosses the Croton River as it leaves the wellfield area then goes up a very steep wooded hillside on the far bank of the River.

The Croton River and Bay are designated Significant Coastal Fish and Wildlife Habitats under the state's CZM Program. In fact, the USFWS (US Fish & Wildlife Services) designates the area as one of the Significant Habitats and Habitats Complexes of the New York Bight Watershed and the NMFS (National Marine Fisheries Service) identifies it as a component of the Haverstraw Bay/Lower Hudson River Essential Fish Habitat. Our LWRP protects it. In other words this system is ecologically significant and well protected by US law.

But Millennium will put the Croton River and Bay at significant risk. The Croton River Gorge is a steep sided gorge that funnels water from the spills and releases of the upstream New Croton Dam as well as from an extensive water shed. Millennium crosses the Village Wellfields, a large floodplain that unpredictably and rapidly changes from a quiet vegetated area to a raging stream carrying everything in its wake.

Several times a year Village residents observe floods that can fill the entire gorge area. If a major storm were to occur during Millennium operations in the Gorge, hazardous substances such as fuel, chemicals, and blasting materials could be swept downstream. The Croton River, Bay, and the Village's aquifer could be contaminated. Even lesser storm events could cause severe erosion from the cleared pipeline route and the large work areas on both shores. The release of large quantities of silt and sediment into the downstream portions of the Croton River and Bay would severely impact protected habitat.

The Village passed a law protecting its wellfield area from all incursions because it understood what could happen there. And we developed the LWRP because we understood the importance of our complex ecosystem and how vulnerable it is. Millennium has chosen not to understand. Worse yet it has shown little interest in mitigating against the consequences of their actions. They prefer to appeal than to deal with the reality of the CZMP.

On behalf of the Village of Croton and the WAC, I ask you to uphold our case. Millennium can move its route; Croton can't move its protected assets.

Thank you,

Fran Allen, Chair of the Waterfront Advisory Committee