



RIVERKEEPER[®]

Spring 2008

Defending the Hudson. Protecting Our Communities.

SPECIAL REPORT: HUDSON RIVER FISH IN PERIL

- Investigating the Decline of Our Fish
- Land Acquisition in the Watershed:
An Update
- Riverkeeper's Legislative &
Policy Agenda for 2008



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DEAR FRIENDS,

The story of the Hudson is the story of a majestic river that was ravaged and pillaged for nearly two centuries before being rescued by a community of determined citizens – citizens who understood the role the river plays in the life of the valley and stepped up to defend her against all despoilers.

This citizens' "uprising" took hold in the mid-1960s, initially to stop Con Edison's proposed hydroelectric facility on Storm King Mountain in the heart of the Hudson Highlands. The epic "Storm King" victory, led by Scenic Hudson and Riverkeeper, is credited with sparking the modern environmental movement and helping spur Congress to enact a spate of environmental laws to protect our air, water and open space.

The river has made a dramatic comeback since those days and is viewed around the globe as a model for river restoration. Water quality in the Hudson has improved significantly – thanks to the Clean Water Act and investments in sewage treatment infrastructure – and fish like the striped bass have rebounded after reaching dangerously low numbers in the early 1970s.

But as years pass, the progress we've made is starting to unravel. Sewage treatment facilities and our sewage delivery infrastructure – now over 30 to 40 years old – are starting to fail, sending raw sewage into the river at an increasing rate. At the same time, an estimated seventeen thousand new homes are planned for the Hudson River waterfront, which will add to an already overburdened system. While it is still safe to swim in the Hudson on most days, along most stretches of the river, public concern over water quality is growing.

Despite good news regarding population numbers for striped bass, bluefish and the lesser known spottail shiner, a new Riverkeeper study shows that most of the Hudson's signature fish species are in various states of long-term decline.

None are in deeper trouble than the American shad, a legendary fish whose numbers have dropped precipitously over the last 20 years. In the late 1980s, the spring run of American shad was an estimated four million fish; by the late '90s, it had fallen to a mere 400,000 – a distressing 90% drop.

The New York State Department of Environmental Conservation (DEC) has imposed an emergency restriction on the Hudson's commercial fishery – forcing the few fishermen who are left to cut their annual take by 60 percent. While we support the measure, the state must go much further in addressing the problem – starting with using its membership in the Atlantic States Marine Fisheries Commission to press for restrictions or outright bans on off-shore shad fishing – whether taken directly or as "bycatch" in other fisheries.

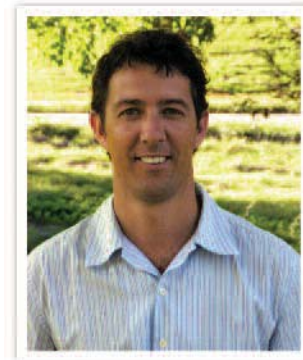
Unfortunately, our state government, despite clear warning signs, has once again waited until an environmental problem becomes a crisis before taking decisive action. But it's not too late to rescue the shad – along with the other species like white perch, river herring, and American eel – so long as we are all willing to step up and take such action now.

Riverkeeper has launched a new campaign not just to rescue the Hudson's signature fish, but to restore the integrity of the very ecosystem on which they depend.

As with all our campaigns, we are counting on you and our other members to help us apply pressure on policy makers to adopt an aggressive Hudson River fish recovery plan.

Thanks, in advance, for joining and supporting our efforts.

— Alex Matthiessen, Hudson Riverkeeper & President



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Riverkeeper is the official publication of Riverkeeper, Inc., an independent, member-supported environmental organization. Founded in 1966 by fishermen and community members to confront polluters for control of the Hudson River, Riverkeeper has investigated and successfully prosecuted hundreds of environmental lawbreakers and has guided the establishment of 177 Waterkeeper programs around the world. Riverkeeper is a registered trademark and service mark of Riverkeeper, Inc. All rights reserved.

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HUDSON RIVER PROGRAM

Riverkeeper Envisions Hudson River Preserve

BY JOHN LIPSCOMB &
ALEX MATTHIESSEN

To commemorate the upcoming 400th anniversary of Henry Hudson's voyage up the Hudson River, Riverkeeper has proposed that the state of New York create the **Hudson River State Park and Preserve**.

When Henry Hudson arrived in 1609, the Hudson River and its valley teemed with life.

That any of it remains today is a credit to the ardent environmentalists and visionary political and philanthropic leaders who set aside land before it could be developed to establish places like Adirondack State Park, Catskill Mountain Preserve, Bear Mountain State Park, and Palisades Interstate Park.

By the 1960s, the Hudson River was so contaminated by the profligate dumping of chemical pollutants and untreated human sewage that it was often designated as an "industrial waste conveyance." Riverkeeper was launched in 1966 by local citizens determined to reclaim and return the Hudson to the public, its rightful owner.

Ironically, our success in cleaning up the river has renewed interest among a new generation of profit-seekers who wish to exploit the river for their own gain. With the industries that once clogged the shoreline gone, the gold rush to redevelop the waterfront is on. Left unchecked, developers

will gobble up every remaining parcel of undeveloped land they can. According to Scenic Hudson, over 17,000 new housing units are planned for the waterfront from Yonkers to Albany.

If we do not act quickly to protect the remaining undeveloped stretches of shoreline, soon there will be nothing left to preserve. While numerous existing parks dot the Hudson corridor already, they tend to be small and isolated. These parks are not managed in a coordinated fashion that looks at the Hudson River Estuary as the wonderfully complex and rich ecosystem it is. If we hope to preserve the rich biodiversity and human use of the Hudson,

The Hudson River program team serves as the public's investigator, scientist, lawyer, lobbyist and public relations agent for the Hudson River and its tributaries



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Raw Sewage Troubles Capitol Region

BY REBECCA TROUTMAN

Combined sewage overflows (CSOs) aren't just a problem in New York City – they're a plague on the Hudson River. In the Capitol District area, there are 92 CSOs in Albany, Cohoes, Watervliet and Green Island. By discharging raw sewage during storms, these CSOs and the area's aging sewer plants have prevented safe swimming in the Hudson for decades.

As in New York City, Riverkeeper is advocating for the adoption of green infrastructure solutions to CSOs and aging sewer systems in the Capitol District. Further, Riverkeeper is closely observing the Department of Environmental Conservation's (DEC's) legal action on this



ALBANY, NEW YORK

PHOTO COURTESY GILES ASHFORD 2007

problem. In December 2007, Riverkeeper submitted comments to the agency urging that strict and enforceable terms be used in discharge permits for two Albany sewage treatment plants.

In 2004, the State of New

York set a goal for a swimmable upper Hudson River by 2009. The adoption of stricter discharge permits and the incorporation of green infrastructure requirements are keys to achieving that goal. ■

we must manage the entire river as a single, interdependent system.

Riverkeeper's proposed Hudson River State Park and Preserve would provide the imperative to work together to safeguard the river for all time. It would initially be comprised of the parks that already exist along the Hudson River waterfront from New York City to Albany, with new parcels of undeveloped land added over time. The various state agencies and land trusts which currently own the existing parks would retain ownership, but would manage the individual units within the Preserve as part of a joint commission charged with managing the entire system to meet the needs of both people and wildlife.

Our aim is to have the state add a few priority parcels of land to the preserve in time for a ribbon cutting in 2009.

There are few places in America that provide a richer palette of natural beauty, cultural heritage and historic significance than the Hudson River Valley. Establishing a park the length of the Hudson would honor that rich heritage and establish a true legacy for future generations of New Yorkers.

When history books are written 100 years from now, all will recognize the creation of a world class state park befitting the inspiring and unique role the Hudson has played in our nation's history. ■

FUNDS AWARDED FOR BROWNFIELDS PLANNING



PHOTO COURTESY OF BASIL SEGOS

Riverkeeper, Greenpoint Manufacturing Design Center and Newtown Creek Alliance were awarded a \$625K grant from the NY Department of State to conduct a community-driven study of contamination in and around Newtown Creek in Queens and Brooklyn. The "Brownfields Opportunity Area" program grant will be used to create a vision for the future of this once neglected waterway based on input from residents, businesses, and government officials. ■

Some Progress on PCB Cleanup

BY ROBERT GOLDSTEIN

Riverkeeper continues its leadership on the decades-old fight to force General Electric to remove its Polychlorinated Biphenyls (PCBs) from the Hudson River and its communities. The big issue, dredging PCBs from 40 miles of the river, has not yet begun. Prior to 2007, the delay was due primarily to foot dragging on the part of General Electric. Now, logistical problems have stretched the time horizon. Nevertheless, efforts to develop the on-land dredging infrastructure and finalize dredging contracts have been proceeding apace.



GE'S PLANTS HAVE CONTAMINATED GROUNDWATER WITH PCBs, TETRACHLOROETHYLENE, TRICHLOROETHYLENE (TCE), 1,1,1-TRICHLOROETHANE, 1,1-DICHLOROETHANE, TRANS-1,2-DICHLOROETHANE AND VINYL CHLORIDE. OFF-SITE RESIDENTIAL WELLS HAVE BEEN CONTAMINATED BY PCBs. AN OFF-SITE PLUME OF TCE HAS BEEN IDENTIFIED.

The Town of Fort Edward was once home to one of GE's PCB-producing factories and will soon house the facility where dredged sediment will be dewatered. Our campaign in support of its citizens (see *Unsung Heroes* p.39) has made some significant advances. Responding to requests for action by Riverkeeper, representatives of both the Departments of Environmental Conservation and Health met with Riverkeeper to plan ways to help residents residing over the toxic plume that emanates from GE's Fort Edward plant.

Members of both departments pledged to work closely with Riverkeeper to clarify the situation for residents. The agencies will also confer with state regulators regarding the obligations of local banks that have allegedly "redlined" the neighborhood, preventing homeowners (and potential buyers) from obtaining financing. In addition, the agencies will customize the installation in residences of ventilation devices to ensure their efficacy in lowering volatilized trichloroethylene (TCE), a solvent that was used at the plant. The state is considering designing an appropriate health study of the plume area residents. Federal legislation is also in the works to lower the threshold for TCE in residences.

On the political front, Mitchell Suprenant, former police chief, was elected town supervisor of Fort Edward, defeating longtime dredging opponent Merrilyn Pulver. This represents a sea change within the community and the upriver legacy of General Electric. ■

A Greener New York City Makes for a Cleaner Harbor

BY BASIL SEGGOS

Riverkeeper's 2007 "Sustainable Raindrops" report on combined sewage overflows (CSOs) into New York Harbor helped launch a progressive approach to stormwater in New York City.

New York, like many older cities, has a system which combines stormwater from streets with sewage for treatment at one of 14 sewage plants citywide. The problem with the combined system is its inability to handle the amount of stormwater that gets in the system – only one-tenth of an inch of rain can trigger an overload. As a result, storms cause more than 30 billion gallons of raw sewage and polluted stormwater to overflow out of more than 460 overflow valves around New York Harbor and the Hudson River each year. Raw sewage endangers human and environmental health and limits the uses of the harbor. Until recently, the city was committed only to partial fixes at the end of the pipe, such as holding tanks and bigger sewer lines. These are expensive and ultimately of limited efficacy.

Riverkeeper's report presented a hybrid alternative to typical end-of-pipe sewage treatment: capture stormwater where it falls and put it to use in an increasingly vegetated city. Under this approach, more stormwater would be prevented from entering the sewage system and triggering overflows in the first place. Instead,

it would be utilized in an expanded network of parks, street trees, and green roofs as well as absorbed into the ground through permeable pavement.

Such green infrastructure strategies may be far more cost-effective at reducing sewage overflows than end-of-pipe tanks. And a strategically "greened" city confers substantial benefits that traditional controls do not: cooler street temperatures, more energy efficient buildings, and more livable neighborhoods. The Environmental Protection Agency (EPA) recognized our report in its January 2008 publication on stormwater.

Following the release of our "Sustainable Raindrops" report, Mayor Michael Bloomberg adopted several of our recommendations in his long-term sustainability plan. The newly created Stormwater Infrastructure Matters (S.W.I.M.) Coalition (swimmablenyc.info), of which Riverkeeper is a founding member, then began working with the city to enact legislation directing the city to create a sustainable stormwater management plan. This legislation was signed into law by Mayor Bloomberg in February.

While continuing our work in the city, Riverkeeper is now exporting these lessons to other CSO-burdened municipalities on the Hudson River, including Yonkers, Newburgh, and Albany.

Greener cities may well be the key to cleaner waterways. ■



The *R. Ian Fletcher* and its Captain

BY RENEE CHO

Riverkeeper boat captain John Lipscomb logs 6,000 miles per year on the Hudson River, patrolling its stretches in even the harshest of conditions, serving as the organization's ambassador to river communities. Riverkeeper's steady boat, the *R. Ian Fletcher*, and its captain, are Hudson River fixtures.

"I've been with her over seven years and we've run together almost 45,000 nautical miles – which is like going twice around the globe," remarked Lipscomb. "She has never let me down."

The *Fletcher's* toughness is owed to its heavily built construction of white cedar planking, white oak frames, solid white oak keel and a hardworking Volvo diesel engine. Built on the common "deadrise" design in the 1980s by a company in Bivalve, New Jersey, the boat was intended to patrol commercial shellfish beds in Delaware Bay. The boat wasn't built for longevity – workboats usually have a short, hard life.

To run a wooden boat like the *Fletcher*

ten months of the year, a great deal of winter maintenance and repair is required, much of which Lipscomb does himself while the boat is out of the water. Between late December and early March, one can find him toiling away at Petersen's Boat Yard in Upper Nyack. Each of the major repairs and upgrades requires weeks to complete.

Then there is the regular annual winter service: propeller reconditioning and bottom painting and caulking. And working in the cold with freezing hands makes the work particularly difficult. Lipscomb uses heat lamps during winter repairs because all the wood must be dry and every product – glue, paint, epoxy – must be heated before use and during cure.

Maintenance is required during the patrol season as well. Every 200 engine hours, Lipscomb changes the engine oil and all filters, and performs a check of all mechanical systems. Once during the summer, he and boatyard mechanics perform three days of service, cleaning the heat exchangers, removing and replacing injectors, setting valve clearances, and servicing pumps and belts. In addition, in summer, the boat is hauled out for a week to paint the topsides, the part of the hull that rises from the water up to the deck. And of course, there are the never ending minor – and sometimes not so minor – equipment failures.

The anatomy of the *Fletcher* accounts for some of the maintenance burden. The boat was constructed with dry fit joints – no sealant was used where individual pieces of wood meet. Instead, the whole deck, cabin, and wheelhouse were sheathed with a layer of fiberglass cloth to keep water out of the joints. Even before Lipscomb became Riverkeeper's boat captain in 2000, the fiberglass sheathing was becoming brittle and cracking. Now, it's a perpetual problem. The sheathing expands and contracts in the summer sun, causing the material to crack. Water then penetrates these cracks, migrates to the dry joints and leaks into the boat.

Lipscomb has been patching these leaks for years, especially when water starts dripping on his bunk. This winter, however, he stripped the fiberglass off the entire forward half of the port side deck, removed and repaired a joint that rotted from the leaks, glued up the other joints, resealed the deck and cabin side with epoxy resin, and painted it. "It is now one hundred percent watertight," said Lipscomb with a grin.

Keeping the *Fletcher* running – to allow Riverkeeper to conduct its invaluable enforcement efforts – is a considerable amount of work.

Lipscomb doesn't mind. "I appreciate this boat very much," he says.

But because Lipscomb is increasingly involved with many aspects of Riverkeeper's work, he feels pressured by the burden of maintenance. "I wish there were a way to maintain this boat without losing two months each year," he said. "I could be patrolling right now and supporting the work of our legal team."

Lipscomb is beginning to think about the next generation Riverkeeper boat, one as tough as the *Fletcher* but requiring less time off the river. Until then, the two will be inseparable, each working hard to keep the river clean.

"John might be the hardest working employee at Riverkeeper," remarked Riverkeeper President Alex Matthiessen. "But the *Fletcher* is a close second." ■

patrol boat log

Riverkeeper boat captain John Lipscomb reports from the river

PHOTOS COURTESY OF MELISSA BROWN

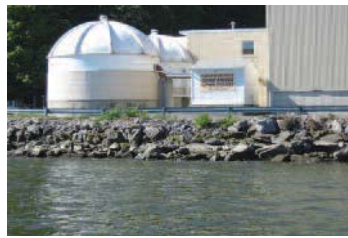


PHOTOS COURTESY OF JOHN LIPSCOMB



8.16.07

There are millions of these beautiful little clams in the sediment in Haverstraw Bay. They are a brackish water mollusk called "Rangia cuneata," native to the Gulf of Mexico. They either invaded or recolonized the lower Hudson in the 1980s. Rangia are harvested in some parts of the eastern U.S. and Gulf of Mexico, but eating them here might be risky. Riverkeeper/Lamont-Doherty sampling periodically finds violation levels of sewage related microbes in Haverstraw Bay and the local tributaries.



9.17.07

Drinking water intake at Port Ewen, just south of Kingston. A number of Hudson Valley communities take in, filter and disinfect river water for their municipal water supply, including Poughkeepsie. Water quality isn't just important for the fish.



9.27.07

Patrolling Piermont Marsh with (l to r) Bill Herguth, owner of Paradise Kayak Rentals in

Piermont, Rockland County Legislator Connie Coker and Po Bauer of the Rockland County Sheriff Marine Unit. Riverkeeper is leading an effort to have the creeks within the marsh designated as "no wake" zones to prevent boating accidents and to protect wildlife and habitat.



10.19.07

Philip Orton of Lamont-Doherty Earth Observatory with his ADCP (Acoustic Doppler Current Profiler) which we'd just retrieved from the bottom of the Tappan Zee. It's been measuring and recording current direction and speed at all depths for over a month.



When we pick equipment off the bottom we usually get some hitchhikers. This little sand or shore shrimp is NOT happy.



10.25.07

Riverkeeper's Alex Matthiessen with Ned Sullivan of Scenic Hudson and Jeff Rumpf of Clearwater aboard for an early morning patrol on Rondout Creek. These distinguished shipmates lead the Hudson's oldest and most influential environmental organizations.



10.27.07

A massive discharge from a Combined Sewer Overflow (CSO) in Troy under the Route 7 Bridge. We often see locals fishing at this location. Riverkeeper is working with local municipalities, the New York State Department of Environmental Conservation (DEC) and local sewer plants to reduce sewage overflows and install proper disinfection systems at plants in Albany, Troy and Rensselaer (see article titled *Raw Sewage Troubles Capitol Region*, pg. 5).

This sign in Troy represents a NY State PERMIT TO POLLUTE. These signs are all up and down the Hudson.



11.21.07



Why not? This sign is on the beach at a public park at Haverstraw. Too bad. I bet there are lots of local kids who would love to have a swim on a hot summer day.



Riverkeeper provides boat support for "Keep Rockland Beautiful" staff and volunteers for shore cleanups where there is no road access to haul away the trash. This site is just south of Haverstraw.



This is Anthony Accomando with our "catch of the day." Most of what we pick up is plastic drink bottles. Could we just enact that "Bigger Better Bottle Bill" please?

12.6.07

On patrol near Saugerties. Engine tachometer/ hour meter reads 6060.0 engine hours. When I started running the *Fletcher* for Riverkeeper in September 2000, the new engine had only 60 hours. This moment marks our 6000-hour anniversary. So many hours together and I still love her. I baked us a cake.



12.16.07

Another PERMITTED pollution discharge. This CSO is on the Manhattan side of the Harlem River. The discharge water is steaming and gulls are eating the floating solids coming out of the sewer pipe.



Last full patrol day for 2007. Running south for the Tappan Zee Bridge and New York Harbor with freezing rain and snow. We hauled out the *Fletcher* on 12.20.07.

For regular updates on our Hudson River patrols visit our blog at: www.rianfletcher.blogspot.com/

What We Do and How You Can Help

Founded in 1966 by fishermen and community members to confront polluters for control of the Hudson River, Riverkeeper has investigated and successfully prosecuted hundreds of environmental lawbreakers. We are credited with leading the battle to defend the Hudson River and protect New York City's drinking water supply.

Riverkeeper has helped to establish globally recognized standards for waterway and watershed protection and serves as model and mentor for the growing Waterkeeper movement that includes 177 Keeper programs around the world. For more information visit us online at www.riverkeeper.org.

How We Operate

Riverkeeper uses a variety of tools to carry out its mission as environmental watchdog and advocate. These tools include:

- Enforcement & Litigation
- Public Policy & Government Affairs
- Watchdog Programs
- Development Review & Smart Growth Initiatives
- Grassroots Organizing & Activism
- Research
- Education & Outreach

With these methods, and the support and collaboration of the Environmental Law Clinic at Pace University under the leadership of Robert F. Kennedy, Jr. and Karl S. Coplan, Riverkeeper has successfully challenged the illegal activities of some of the largest and most notorious polluters, including: General Electric, ExxonMobil, Consolidated Edison, the City of New York, the Metropolitan Transit Authority and the NY State Department of Transportation.

Ways to Contribute

Become a Member, Make a Donation

By joining Riverkeeper, you become part of a community of people fighting to protect the Hudson River from pollution and harmful development. Send your donation today using the envelope enclosed or visit us online at www.riverkeeper.org.

Gifts of Stock

Gifts of appreciated securities are an effective way to help Riverkeeper and realize significant tax advantages at the same time.

Charitable Estate Planning

If you wish to ensure the protection of the Hudson for future generations, consider

remembering Riverkeeper in your will. The proper designation is: "To Riverkeeper, Inc., a not-for-profit, tax-exempt organization incorporated by the laws of the state of New York in 1983, having as its address 828 South Broadway, Tarrytown, New York 10591-6602. I hereby give and bequeath _____ to be used for Riverkeeper's general purposes."

For additional information about giving opportunities, contact Allison Chamberlain in our Development Office at (914) 478-4501, ext. 232, or visit us online at www.riverkeeper.org.

Volunteer

At Riverkeeper, we appreciate and depend on the ongoing support of our volunteers. A variety of opportunities exist for you to contribute to our continued success. Join our Watchdog or Construction Watch programs and oversee the health of your local tributary. Educate others about the Hudson River Valley's unique ecosystem and the challenges it faces. Or help with a fundraising and publicity event.

For details on our current volunteer opportunities, contact Heartie Look at (914) 478-4501, ext. 252, or email hlook@riverkeeper.org.

staff news & honors

Robert Goldstein recognized for his contributions to environmental law

Robert Goldstein, Riverkeeper General Counsel and Director of Enforcement Programs, has been awarded The Nicholas A. Robinson Environmental Award this year. The award, established in 2005 in honor of Robinson who founded the Pace Law School's Environmental Law Program and Environmental Litigation Clinic, is given in recognition of significant contributions to environmental law by a Pace Law School graduate. When Pace established the first Doctor of Juridical Science (SJD) program in the nation, Robert Goldstein was its first SJD candidate. He became Director of Pace's Environmental Law Program in 1996. While at Pace, Dr. Goldstein was internationally recognized for

his innovative initiatives to use environmental law to protect human rights; created the Virtual Environmental Law Library; founded the *Journal of the Pace Center for Environmental Legal Studies*, the Pace-Brazil Program, and a joint degree program with Yale University. Dr. Goldstein's involvement with Riverkeeper began when he was director of Pace's Environmental Law Program, and he became Riverkeeper's Hudson River program head in 2005.

Josh Verleun selected as an environmental leader

Riverkeeper investigator Josh Verleun was chosen to be part of the New York City Environmental Law Leadership Institute (NYCELLI). NYCELLI is an annual seminar for a select group of new environmental attorneys from private, government and non-profit practice who are committed to leadership in the field and improving the

city's environment. Only a maximum of 15 participants are chosen. The institute explores the laws, history and policy considerations behind the city's environmental challenges, and connects participants with the city's environmental law practitioners, agencies and organizations, to encourage innovative solutions and cross-sector collaboration. Participants are encouraged to develop a project to improve the New York City environment which can take the form of scholarly writing, recommendations for legal reform, organizational development, education campaigns or pro bono work for an environmental organization. NYCELLI is sponsored by The Environmental Law Committee of the New York City Bar Association, the Environmental Law Section of the New York State Bar Association and the Environmental Law Institute. ■

Cover Story

By **Victor Tafur**

with contributions from
Basil Seggos and Josh Verleun

SPECIAL REPORT: HUDSON RIVER FISH IN PERIL

INVESTIGATING THE DECLINE OF OUR FISH

The shocking decline of Hudson River fish, revealed in an exhaustive report commissioned by Riverkeeper, belies most assumptions about the recovery of the river's ecosystem from the bygone days of rampant pollution.

People today see a cleaner river, its water quality greatly improved, its waterfront no longer dominated by smoke-belching factories, its islands once again home to nesting bald eagles. The shoreline, once avoided, is now

(Continued on page 12)



FISH IMAGES ORIGINALLY PREPARED BY ELLEN EDMONSON AND HUGH CHRISP AS PART OF THE 1927-1940 NEW YORK BIOLOGICAL SURVEY. PERMISSION FOR USE GRANTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

SPECIAL REPORT

(Continued from page 11)

buckling under an onslaught of high-end residential development. The perception is that since water quality in the Hudson has improved, fish populations must have followed in step. But below the water's surface and out of sight, a different picture is emerging.

Entergy, the owner of the Indian Point nuclear station, recently applied for a twenty-year extension of its operating licenses. Indian Point uses a once-through cooling system, which uses river water to cool its reactors and then discharges the heated water back to the river. This system kills billions of fish per year. Entergy nonetheless claims that Indian Point causes no adverse impact on Hudson River fish and that "the Hudson River estuary has a healthy and robust fish population."

To explore this statement and to understand the true state of Hudson fish populations, Riverkeeper hired Pisces Conservation, Ltd. in the United Kingdom to analyze the underlying studies that purportedly sustain Entergy's claims.

Pisces' report, *The Status of Fish Populations and The Ecology of the Hudson* (Pisces Report) has triggered a paradigm shift in our understanding of fish populations in the river. Of the thirteen major Hudson fish species studied, ten are in significant decline. Decades of damage from power plants, habitat loss, ocean bycatch, and overfishing have taken a toll on the estuary's fish populations.

A number of the Hudson River's signature fish could be a thing of the past unless aggressive measures are undertaken.

A River Once Teeming with Fish

The Hudson River is regarded as one of the richest water bodies on earth, producing more fish per acre and more biomass per gallon than any of the other major estuaries in the North Atlantic.

In *The Hudson, An Illustrated Guide to a Living River*, the authors describe historical accounts of the Hudson River's once thriving fish populations. American shad were once so plentiful that writers described schools of migrating shad "as ruffling the water like a breeze, though the air was calm." The *Illustrated*

Guide also describes early accounts of Hudson River sturgeon in such multitudes that natives would spear them by torchlight. Even after European settlers had fully inhabited the Hudson Valley, sturgeon were still so plentiful and sought after that they were referred to as "Albany Beef." The Hudson River is critical habitat not only for the fish that call it home, but for the entire Atlantic coast because it serves as a nursery and spawning ground for many species of fish that migrate along the eastern seaboard. One of these species, the American shad, is anadromous, meaning that it spends most of its adult life in the ocean but spawns in



HOGCHOKER LARVAE



STRIPED BASS AND WHITE PERCH LARVAE



MYSID SHRIMP LARVAE

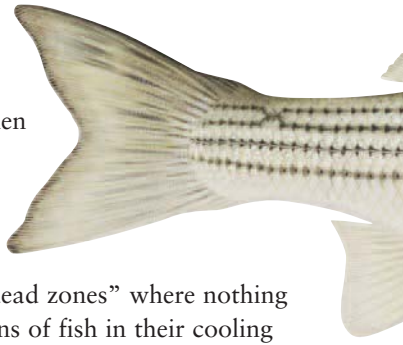


EARLY LIFE STAGES OF HUDSON RIVER FISH AND SHELLFISH.

fresh water. American shad migrate as part of a larger school that moves up the East Coast to the Bay of Fundi to spawn in an annual cycle. As they reach the Hudson River, they leave the larger school and head upriver to reproduce. After the first few months of their lives, the juvenile shad will head to the ocean to join the larger adult schools.

Not surprisingly, the historic abundance of fish in the Hudson River attracted a large fishing community. When Dutch settlers arrived in the Hudson Valley in the 17th century, Native Americans were already fishing for shad, herring, and sturgeon. Soon, large commercial and recreational fisheries became common on the Hudson River. A hundred years ago, more than 4,000 commercial shad fishermen set their nets between New York City and Albany. (According to New York State, there are only about ten “serious” commercial shad fishermen today).

By the 1960s, the Hudson River was dying. Factories, sewage treatment plants, and other industry polluted the river, creating large “dead zones” where nothing survived. Power plants killed billions of fish in their cooling water intakes (and still do). Significant spawning habitat was lost due to the destruction of wetlands. With the Hudson River having become an “open sewer,” a group of commercial and recreational fishermen banded together to save their livelihoods, their fish, and their river.



PISCES STUDY: METHODOLOGY

Pisces analyzed data collected by the Hudson River power plants since the early 1970s that quantify the populations of about a dozen fish species. These species were identified by the Department of Environmental Conservation (DEC) as being vulnerable to power plants on the Hudson River. To obtain an estimate of the number of fish in the Hudson in any year requires three separate surveys: the Long River Survey (LRS), the Fall Juvenile Survey (FJS), and the Beach Seine Survey (BSS). A series of indices derived from these surveys is used to combine the data into a single value, indicating the population size.

Gathering and processing fish sampling data is not a straightforward procedure. The number of fish actually caught is adjusted in each life stage to a number representing the number caught under some standardized sampling effort. Riverkeeper asked Pisces to present the results of their analysis in a way the lay person could understand. Pisces plotted the information in graphs, which are depicted in Figures 1 and 2, where the left axis represents an index of fish abundance trends and the horizontal axis represents the time (in years, from the 1970s to date).

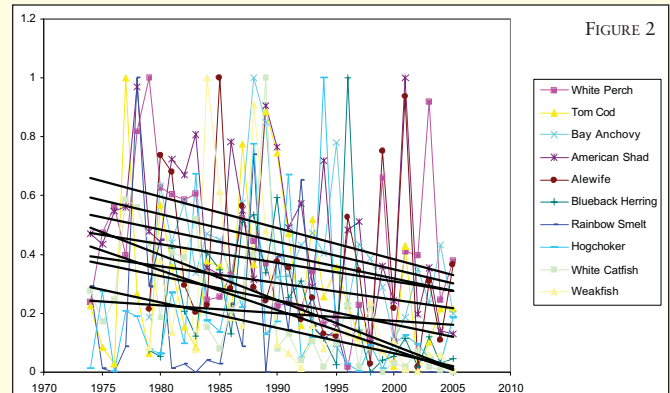
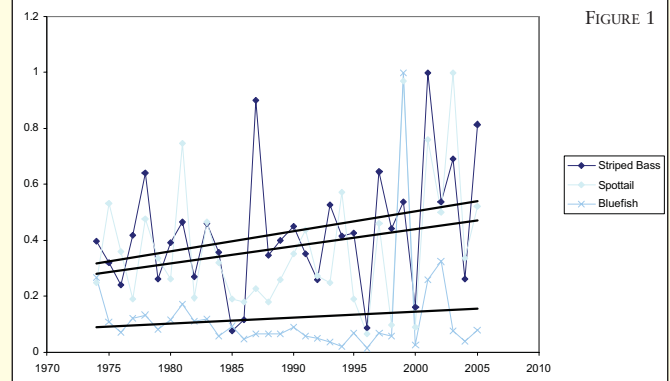
“Spawning” a Movement

The Hudson River’s plight spurred its commercial fishermen to action. Their early court battles in the 1960s forced regulators and polluters to consider and mitigate fish impacts. In the process of saving the Hudson River’s fish, the fishermen helped launch the modern environmental movement.

The seminal environmental court battle over the Consolidated Edison (Con Ed) Storm King project turned on the issue of Hudson River fish populations. In 1965, rejecting the approval of a license granted by the Federal Power Commission to Con Ed for the construction of a pump storage hydroelectric facility in the Hudson Highlands, a panel of federal judges required a thorough analysis of the project’s environmental impacts. The Court of Appeals for the Second Circuit directed the commission to consider the whole fisheries question before deciding whether the Storm King project was to be licensed. The court’s ruling later became the template for the National Environmental Policy Act, which mandates an environmental impact review for any major federal action significantly affecting the human environment.

The following year, the Hudson River Fishermen’s Association (which later became Riverkeeper) was established. During the second round of hearings on Storm King, the group joined as an

(Continued on page 14)



COMPARING "ONCE-THROUGH" TO "CLOSED-CYCLE" COOLING

HERRING TRAPPED AT
POWER PLANT INTAKE.



Once-through cooling technology, though antiquated, is still used to cool many of the Hudson River power plants. These systems draw water from the Hudson. The water absorbs heat, and then is discharged back into the river at an elevated temperature. This technology requires billions of gallons of river water per day, and can kill billions of fish that are impinged on the plant's intake screens or entrained when drawn through cooling systems.

Impingement occurs when larger fish are trapped against

the screens that filter large debris from the plant's cooling water intake structures. Many fish are unable to free themselves from this deadly current while others are simply too fragile to survive the onslaught of water.

Entrainment takes place when small organisms, such as eggs and larvae, are sucked into a plant's cooling system along with the massive withdrawal of cooling waters from the river. This results in an almost 100 percent mortality rate.

Closed-cycle cooling with wet/dry (hybrid) towers – imagine a car radiator – use about 95 percent less water, thus killing far fewer fish than once-through cooling systems. The installation of closed-cycle cooling with dry towers – imagine an air conditioner – virtually eliminates water use and fish kills. A once-through cooling plant using 400 million gallons per day (mgd) would use only 8 mgd with hybrid towers and only 0.16 mgd with dry towers. The Bethlehem Energy Center south of Albany uses hybrid towers; the Athens facility in Athens, NY, utilizes dry towers.

SPECIAL REPORT

(Continued from page 13)

intervenor. The fish mortality issue had become a nightmare for Con Ed. It was clear that the combined impacts of Indian Point (which was then run by Con Ed) and Storm King would be catastrophic for both the Hudson River and the Atlantic Coast fisheries.

The issue of fish impacts helped defeat the Storm King proposal. But the fish issue became more and more pressing as Indian Point and other power plants employing once-through cooling began to expand their operations. The power plant's owners were required to annually survey the Hudson fish populations and file those surveys with the state environmental agency.

The Long Steady Decline

The Pisces Report shows that the Hudson River's fish populations are in crisis. Examining thirty years of power plant surveys (*see Pisces Methodology sidebar*), the Pisces Report shows a statistically significant downward trend, indicating that the majority of the fish species they studied are in long-term decline (*See figure 2*). Figure 1 shows the three species whose numbers are improving: striped bass, spottail shiner, and bluefish. Figure 2 shows that all the other ten species are in decline. American shad, for example, show an abysmal decreasing trend in abundance, the lowest in recorded history. In addition, the Pisces Report notes that other species not sampled by the power plants are also showing long-term declines in abundance. One of those, the American eel, is in free fall.

Causes and Culprits

The power industry would have the public believe that the fish populations in the Hudson "remain healthy and robust" and that



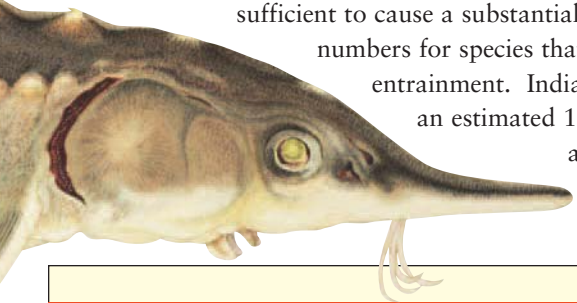
FISH LARVAE SAMPLING ABOARD RIVERKEEPER'S PATROL BOAT.

any observed changes in the system are attributable to causes other than the operation of its once-through cooling systems.

To be sure, the Pisces report finds that fish populations in the Hudson River are under stress from several factors. Pisces identifies overfishing, ocean bycatch, habitat destruction, the colonization of the invasive zebra mussel, a decrease in dissolved oxygen levels and an increase in average water temperature. (*See sidebar on threats to Hudson River fish.*) Yet, it is abundantly clear, as Pisces concludes, that the power plants are significantly impacting fish stock. Billions of fish, larvae, and eggs are killed each year in the power plants that use once-through cooling systems and discharge their heated water back to the river (*See sidebar on comparing cooling technologies*).

The Department of Environmental Conservation (DEC) has issued similar findings. In 2003, the DEC warned that several species of fish in the Hudson River estuary, such as American shad, white perch, Atlantic tomcod and rainbow smelt were showing trends of declining abundance. More recently, in its comments on Indian Point license renewal application, DEC stated that

once-through cooling impacts from power plant mortality are sufficient to cause a substantial reduction in adult numbers for species that are vulnerable to entrainment. Indian Point alone kills an estimated 1.2 billion fish eggs and larvae each year.



THREATS TO HUDSON RIVER FISH

Power plants with once-through cooling: See sidebar on cooling.

Ocean bycatch: occurs when an ocean fishery, directed to catch a certain species of fish, inadvertently catches another type of fish in its nets. Further study is needed to determine the extent and location of fisheries that catch Hudson River fish species as bycatch.

Habitat/spawning grounds have been lost: Much of the native habitat and spawning ground for Hudson River fish species has been lost due to the dredging of the shipping channel and the filling of coastline and wetlands by the US Army Corps of Engineers and railroads.

The river is warming: Increased average temperatures may advance or delay breeding seasons, encourage breeding in the wrong place, inhibit fish migration, and even jeopardize the existence of certain species, such as the Atlantic tomcod and the rainbow smelt.

Overfishing: occurs when the number of fish taken from a given population exceeds the stock's ability to replenish itself. Continued overfishing on the river and in the ocean causes a population to decline towards extinction.

The invasive zebra mussel: The zebra mussel is blamed for having changed the food web within the Hudson River, resulting in reduced food resources.

Low dissolved oxygen: Oxygen levels in the Hudson River are decreasing, because of increases in temperature and other nonnatural causes.

These alarming findings have been echoed by prominent biologists, including Doctors Jeffrey S. Levinton and John R. Waldman, editors of the most recent compilation of scientific papers on the Hudson River Estuary. Waldman and Levinton express grave concern with the decrease in populations of certain species. The duo wrote that once-through cooling systems on the Hudson River “have caused considerable mortality of young life stages of Hudson River fishes,” and that closed-cycle cooling “should reduce these effects.”

An Alarm Bell

Bold leadership is needed from the State of New York if the damage to Hudson River fish is to be reversed. Several immediate actions must be taken. First, the DEC must mandate the installation of closed-cycle cooling at every Hudson River power plant, not just at Indian Point. Closed-cycle cooling uses 95 percent less river water and, as a consequence, kills far fewer fish. This type of cooling is the best technology available, something the law (actually) requires.

Second, New York must spearhead the fight to ensure that the Atlantic States Marine Fisheries Commission (ASMFC) takes the necessary measures to prevent the bycatch of Hudson River fish in ocean fisheries. New York, as a member state of the ASMFC, can play a crucial role to ensure that funding is dedicated for observers to study and enforce fishing limits.

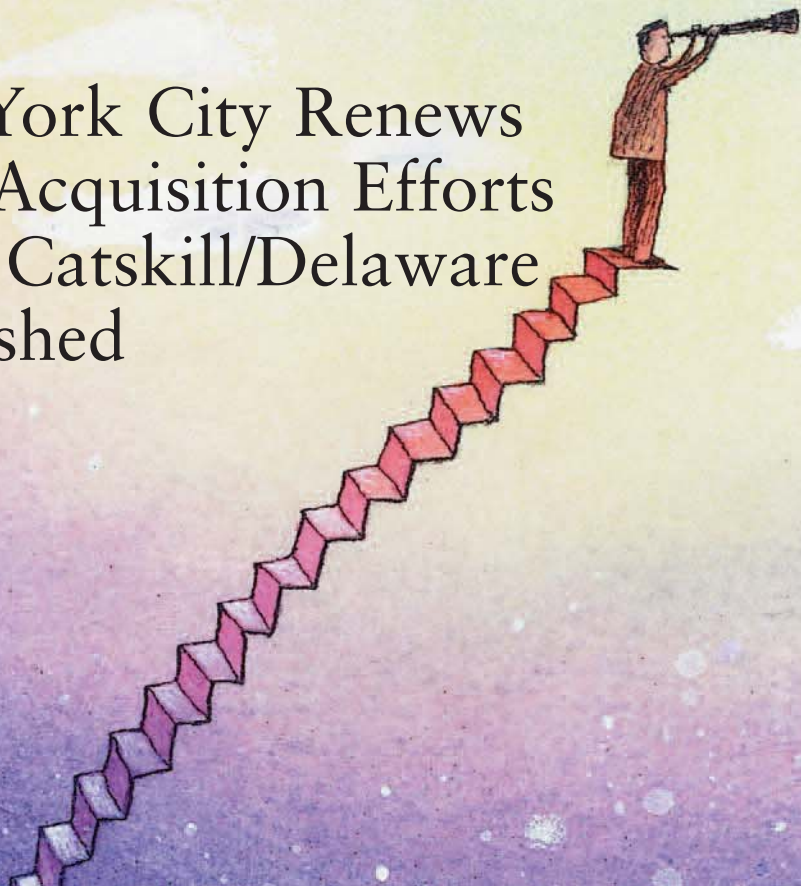
Third, New York must dedicate funding to further study the reasons for the decline of many of the Hudson's fish species, restore and monitor lost habitat and spawning grounds, and continue the Hudson River Estuary Monitoring Program.

Finally, New York must implement regulations to limit the fishing of American shad, which is the last remaining commercial fishery on the river. Because of the historical importance of this fishery, which has existed since Dutch settlers arrived in the Hudson Valley, the state must strive to preserve the traditional skills and culture of the remaining commercial fisherman while simultaneously helping the species rebuild its stocks.

The Pisces Report is the river's alarm bell, signaling not the first indication of a problem, but perhaps the loudest and most critical call for action. Whether officials respond to the alarm or allow fish populations to fully collapse will determine whether the Hudson River's ecological integrity, and not just its aesthetic beauty, can be restored. ■



New York City Renews Land Acquisition Efforts in the Catskill/Delaware Watershed



Watershed news is an update of Riverkeeper's efforts to protect the drinking water supply of New York City and the lower Hudson Valley

Looking Back: The First 10 Years of the Land Acquisition Program

BY LEILA GOLDMARK
AND JAY SIMPSON

Federal law requires filtration of all surface drinking water supplies. In limited circumstances however, it allows for a filtration waiver where a long-term watershed protection program meets the requirements of the Surface Water Treatment Rule. In order to avoid spending \$8 billion to filter high quality water from the Catskill/Delaware Watershed, New York City sought such a waiver, resulting in the historic 1997 Watershed Memorandum of Agreement (MOA), negotiated by New York City, New York State, the U.S. Environ-

mental Protection Agency, watershed municipalities, and five environmental groups: Riverkeeper, New York Public Interest Research Group (NYPIRG), The Catskill Center for Conservation and Development, Trust for Public Land and Open Space Institute. The MOA provides the framework for long-term watershed protection that enables the city to meet its filtration waiver requirements. It is divided into three components: 1) watershed regulations, 2) land acquisition, and 3) partnership programs.

To maintain its filtration waiver, the Safe Drinking

Water Act requires that the city "demonstrate control over all human activities that could adversely impact water quality" through ownership or control of adequate buffer lands. To meet this requirement, the city established the Land Acquisition Program (LAP) to purchase property or conservation easements within the watershed. Under this program, the New York City Department of Environmental Protection (DEP) must solicit land purchases from willing sellers, rather than relying on its powers of eminent domain. The DEP is required to consult with local towns or villages to ensure that the city is aware of and considers local interests in establishing the future use of

acquired lands, and is required to pay local taxes on the land it owns. The city must also allow opportunities for economic growth and development in existing municipal centers, and thus, watershed communities may exempt certain areas from solicitation.

The MOA established priority acquisition areas for the LAP. This tiered system is based on a number of factors, including proximity to reservoirs, reservoir intakes, and the city's distribution system. In the Catskill/Delaware Watershed, prioritized land must satisfy additional criteria. For example, eligible land in the highest priority areas must be at least one acre in size, while land in the lower priority areas must be at least ten acres in size; land must also be free of existing structures.

Overall, the LAP has been a very successful program in the Catskill/Delaware Watershed. The MOA committed the city to provide \$250 million for land acquisition, and solicit purchase of 355,050 of the 777,000 privately owned acres in the watershed. In 1997, the city owned 36,047 acres of land in the Catskill/Delaware Watershed, and in over ten years has met its solicitation targets and nearly tripled its holdings, with the majority of acquisitions made in high priority areas that would have been prime targets for development. Now, approximately 33 percent of the watershed is controlled and permanently protected by city, state, and local governments, or private conservationists.

Looking Forward: The LAP Through 2017

With the renewal of the city's filtration waiver in 2007, the city made a strong showing of commitment to watershed protection by committing to fund the LAP for a ten-year period (instead of the typical five-year duration of the filtration waiver). It also replenished the drained LAP budget, committing an additional \$241 million to the LAP, thus bringing the total available to \$300 million. While Riverkeeper had advocated for \$300 million for a five-year period, we are pleased by the city's longer-term commitment to the program, and we will continue to advocate for additional

funding as needs arise.

The city will also undertake efforts to improve LAP processes and performance. The Clean Drinking Water Coalition (CDWC) – which includes Riverkeeper, The Catskill Center, and NYPIRG – has suggested for many years that the city significantly increase its coordination with local land trusts and other non-governmental organizations that can permanently purchase and protect lands in the watershed. Now, the city has heeded this call and in November 2007, issued its programmatic strategy for increasing the participation of these groups. The CDWC will soon convene a conference with regional and local land trusts to examine the city's proposed strategy, and based on this invaluable feedback from expert organizations, will issue findings and recommenda-

tions to guide this important program as it moves forward.

In addition, while the city has previously purchased conservation and forestry easements through the LAP, it will also pursue conservation easements through the Watershed Agricultural Council (WAC). While WAC works with local farms and foresters to implement Best Management Practices to protect water quality, DEP will now provide \$6 million in LAP funding to WAC so that it may undertake a pilot program for acquisition of conservation easements on forested portions of non-agricultural lands. Riverkeeper believes that because WAC has a history of successfully providing assistance to and developing positive relationships with local landowners, it will be able to successfully solicit and acquire additional easement lands. ■

FUNDING FOR CROTON SYSTEM TAPPED OUT

In contrast to the LAP in the Catskill / Delaware Watershed, efforts in the Croton Watershed suffer from a significant lack of funding. Although the city did not seek a filtration waiver for the Croton Watershed, the MOA and LAP established priority acquisition areas in this system. The MOA committed the city to provide \$10 million for acquisition, and over time, that fund was increased to \$38.5 million. However, land acquisition in the Croton Watershed will soon come to a grinding halt as nearly all of that money has been spent or committed. As of February 2008, DEP has acquired 23 properties (1,620 acres), with two additional properties (286 acres) under contract. With high interest from potential sellers, the city has secured other properties, bringing the total to 2,694 acres, using other sources of Croton system funding (for example, the Water Quality Infrastructure Program). While these additional acquisitions will help protect water quality, they come at the cost of other equally important watershed protection programs.

The Croton Watershed has suffered an onslaught of development, and interest in preserving the remaining open space lands is high. Thus, it is a travesty that while there are willing sellers, land acquisition by the

city will stop for lack of funding. Given the high cost of real estate in this downstate area, many acquisitions can only be made with combined funding from numerous parties, including local, city, county, and state governments, land trusts, and private donors. The fact that the city will construct a filtration plant in Van Cortlandt Park must not be an excuse to relinquish successful watershed protection efforts. Although this water will be filtered for city residents, many residents in Putnam and Westchester Counties are served by withdrawals made before filtration will occur, and continued development and degradation of the water supply could one day threaten public health.

Riverkeeper acknowledges that it is not solely the city's responsibility to fund land acquisition in the Croton Watershed. Watershed municipalities must take responsibility for their own land use planning, open space preservation, and protection of their local water supplies. Just as the state must also bear responsibility for protecting the city's water supply, which serves nearly half the population of the state, New York City must continue doing its fair share to replenish badly needed funding for the Croton Watershed, and continue this critical program. ■

Fighting Sprawl in the NYC Watershed

Belleayre Resort at Catskill Park, Town of Shandaken & Town of Middletown

2007 Agreement in Principle (AIP) Sets New Course for Lower Impact Development and Watershed Protection

Following many years of adjudication and nearly nine months of negotiations that were mediated through the governor's office, Riverkeeper and six other environmental groups signed an Agreement in Principle (AIP) regarding the Belleayre Resort at Catskill Park in September 2007. Riverkeeper believes that through the AIP, we were able to realize many positive environmental benefits unavailable through the State Department of Environmental Conservation (DEC) adjudicatory hearings or subsequent litigation. The lower-impact project now proposed preserves over two-thirds of the land included in the original development proposal as "forever wild" lands that will be incorporated into the Catskills Forest Preserve. It also ensures that any development on the remaining land will be as environmentally friendly and energy efficient as possible.

The scale and design of the project, as originally proposed, was out of context with the rural Catskills communities. Now, the overall size and ecological impact of the redesigned ski resort has potentially been significantly reduced. Permanent preservation of sensitive land, reduction in the building footprint and area of disturbance, and reconfiguration of golf course layout and building structures have recreated a project that incorporates Low-Impact Design (LID) principles and structural practices. The entire eastern side of the project has been eliminated and more than 1300 acres of forested watershed lands will be permanently preserved. A new conservation cluster design reduces total acreage to be developed by 52% and total impervious surface area by 59%. If built, the project must maintain operation of an organic golf course and green landscaping program. In addition, Wildacres Resort, Highmount Spa, the two Highmount multi-unit lodging buildings, and all detached lodging units must achieve the Green Building Council's Silver LEED Standards.

The project footprint has been reconfigured to protect environmental resources, wetlands, and steep slopes. Additional protocols for stormwater management, road construction, and well pump testing will ensure that construction practices and mitigation efforts are implemented with success. An Independent Monitor will be required to be on-site at all times to ensure that Best Management Practices are implemented and successfully main-

tained. Reached as a result of in-depth negotiations, many of these agreed-upon practices provide more stringent environmental protection than what would be required under applicable laws and regulations alone.

While the Belleayre project has been significantly downsized, there is no denying that it is still a large project that will draw people to the region. Therefore, it is vital that current and future growth and economic development be balanced and well-planned. Recognizing this need, the AIP also commits the state to encourage and provide funding for new regional planning and smart growth initiatives along the Route 28 Corridor, including promotion of passive recreational tourism, the Central Catskill Mountain Smart Growth Program, and public transportation improvements.

Riverkeeper will Vigorously Pursue Additional Safeguards to Ensure Watershed Protection through the Ongoing State Environmental Quality Review Act Process

Riverkeeper's support of the AIP must not be misconstrued as overall support for the proposed project. Signing the AIP does not commit us to supporting every aspect of the current proposal in full – in the AIP we agreed that the lower-impact alternative is preferable to that originally proposed. We continue to share ongoing community concerns about specific issues – including viewshed impacts and the number of ridgeline units – and will continue to closely monitor and actively participate in the ongoing environmental review of the revised project contemplated in the AIP. Nor should the AIP be misconstrued as granting "approval" of the project – the AIP requires that the lower-impact alternative will be the subject of continued State Environmental Quality Review Act (SEQRA) review with full opportunity for public review and comment.

Consistent with the AIP, in November 2007, the DEC issued a Positive Declaration for the lower-impact alternative Belleayre project, and determined that this action may have a significant effect on the environment. Accordingly, a Supplemental Draft Environmental Impact Statement (SDEIS) will be prepared. Quite significantly, the DEC also issued a Draft Scope for the proposed Unit Management Plan (UMP) for the state-owned Belleayre Mountain Ski Center expansion, which will now undergo simultaneous SEQRA review. In January 2008, Riverkeeper submitted detailed comments on the Draft Scope for both projects. The Final Scope was released in February and Riverkeeper anticipates that the SDEIS will be released later in the year.

To learn more about the details of the revised project proposal, the parameters of the AIP, and the history of adjudication and new SEQRA review of the lower-impact project, see Riverkeeper's website: www.riverkeeper.org/campaign.php/watershed_development/we_are_doing/1217.

Route 22 Expansion, Town of Southeast

In 2007, the New York State Department of Transportation (DOT) revived its unpopular proposal from 2001 to widen a 3-mile stretch of Route 22 in the Town of Southeast. In November 2007, Riverkeeper met with the new Region 8 DOT Commissioner and urged DOT to consider an alternative project that is in keeping with the recommendations of the 2003 stakeholder report prepared by the Consensus Building Institute. At our meeting, DOT indicated that the project is again “on hold,” as DOT now plans to conduct a regional land use assessment of the Route 22 corridor (as we have long suggested). While DOT asserts that it cannot require regional planning, this new approach should strongly encourage the participation of local watershed communities. Riverkeeper has continuing concerns regarding increases in impervious surfaces, stormwater and wetlands impacts, and phosphorus-laden runoff from the project site. We will oppose any widening in the proximity of the Bog Brook and East Branch Reservoirs and ensure that the land use study includes concrete recommendations for capped/controlled growth along Route 22.

Westchester County Airport Deicing Facility, Westchester County

The Westchester County Airport is located only 750 feet from the sensitive Kensico Reservoir – a location that would never be selected today. Thus, Riverkeeper’s primary

goals are to ensure environmentally sensitive management of all airport operations, and prevent any expansion of the airport footprint. First proposed in 1999, plans resurfaced in 2007 to build permanent deicing facilities to replace and consolidate existing, temporary facilities.

Riverkeeper believes that it is important to find a permanent solution for safe deicing that reduces the potential for contaminating stormwater runoff from glycol-based aircraft deicing fluid. However, we continue to have concerns about the potential to facilitate growth, the size of the proposed facilities, disposal of captured stormwater runoff, and consideration of alternative deicing technologies.

Riverkeeper submitted comments on the Draft Scope for the project in December and we anticipate that the Draft Environmental Impact Statement (DEIS) will be released later this year.

Seven Springs, Towns of Bedford, New Castle and North Castle

For many years, Riverkeeper has tracked applications by Donald Trump seeking approval to build on a 103-acre parcel in the towns of Bedford, New Castle and North Castle. Portions of this property drain to the NYC Watershed, and others to the Long Island Sound, with immediate runoff flowing into Byram Lake, which supplies drinking water for areas in the Village of Mt. Kisco and Town of Bedford. The original proposal was for a golf course resort, and Riverkeeper objected to the use of novel treatment systems to capture and treat stormwater that would be laden with chemicals from intensive golf course maintenance. In 2004, this proposal was withdrawn, and instead, a proposal for 17 residential estates was proposed. While a DEIS was prepared over the course of several years, it was never finalized or released for public review. In addition, a legal dispute over road access to the North Castle portion of the property caused further delay and withdrawal of the North Castle portion of the proposal, leaving a proposal for seven estate homes in Bedford on the table. However, following a February ruling by the Supreme Court Appellate Division that returns the access issue to the lower court, Trump has again declared his intention to develop the North Castle site, this time envisioning a 40-home subdivision. Riverkeeper will continue to monitor plans and advocate for permanent preservation of these sensitive parcels, which buffer drinking water supplies and provide a critical link between adjacent parks and conservation land. ■



ESOPUS CREEK. PHOTO COURTESY OF MICHELLE RODDEN © 2001.

UPDATED CASES



ExxonMobil Oil Spill (Greenpoint, Brooklyn) Riverkeeper's citizen suit against ExxonMobil for Clean Water Act and Resource Recovery and Conservation Act violations stemming from the 17-million-gallon oil spill in Greenpoint, Brooklyn remains in the discovery phase of the case. Riverkeeper is represented in this case by the Pace Environmental Litigation Clinic. In January 2007, Riverkeeper filed a second notice of intent to sue ExxonMobil based on its failure to renew its Clean Water Act discharge permit for the company's remediation system. Riverkeeper did not have to sue on this failure. Instead, our pressure resulted in the company's reapplication for a permit. The company released a draft of the permit in December 2007. In the most significant development in the case since Riverkeeper's original filing, New York State Attorney General Andrew Cuomo filed a lawsuit against ExxonMobil in 2007. The state's case is now on a parallel track to Riverkeeper's.



U.S. Supreme Court: Riverkeeper v. U.S. Environmental Protection Agency On April 14, 2008, the United States Supreme Court granted petitions for certiorari of several utilities, including Entergy Corp., from the 2007 decision of the United States Court of Appeals for the Second Circuit that ruled in favor of Riverkeeper, finding that the U.S. Environmental Protection Agency's regulations dealing with water impacts of existing power plants were not in compliance with the federal Clean Water Act Section 316(b). The court's review will be limited to the following question: Whether Section 316(b) of the Clean Water Act authorizes the Environmental Protection Agency (EPA) to compare costs with benefits in determining the "best technology available for minimizing adverse environmental impact" at cooling water intake structures. The court's limiting of the question upholds the remainder of the Second Circuit's decision, and means that the EPA will still be required to undertake a new rule-making process to respond to that ruling. The Supreme Court will likely hear the case in the fall of 2008.



New York Court of Appeals Decision: Riverkeeper v. Town of Southeast (Meadows at Deans Corners)

While we fight our hardest to win every case, we must occasionally report a disappointing loss. After many years of litigation, the Court of Appeals reversed the Appellate Division decision that had been a win for Riverkeeper in our challenge to the proposed Meadows at Deans Corners development project. This subdivision proposal consists of 104 homes to be built on approximately 309 acres in Southeast, located in the heart of the NYC Watershed.

In 2002, Riverkeeper, together with local citizens' groups, Concerned Residents of Southeast, Croton Watershed Clean Water Coalition, Putnam County Coalition to Preserve Open Space, and individual residents of Southeast, filed companion lawsuits against the Southeast Planning Board and the developer, Glickenhau Brewster Development. We argued that changes in the development plans, the natural environment, and applicable regulations that had been made since the environmental review for the project was concluded in 1991, necessitated preparation of a Supplemental Environmental Impact Statement (SEIS) for this long-dormant project.

The Appellate Division ruled in our favor, requiring preparation of an SEIS. While the Appellate Division denied the town and developer's requests for leave to appeal to the Court of Appeals in 2006, the high court subsequently granted the appeal. In October 2007, Riverkeeper defended its Appellate Division success before the New York Court of Appeals. The New York State Attorney General's Office submitted an amicus brief and participated in oral arguments, sharing Riverkeeper's concern that the project threatens the already impaired Muscoot Reservoir, and that the environmental review did not adequately address required phosphorous-loading reduction requirements.



New York State Supreme Court, Putnam County: Riverkeeper v. NYCDEP (Kent Manor) In August 2007, Riverkeeper filed suit against the New York City Department of Environmental Protection (DEP) and project proponents RFB, LLC and Kent Acres Development Co., Ltd., alleging that the DEP failed to take a "hard look" at phosphorus loadings and other impacts during its review of the Kent Manor project, a proposed 113-acre development consisting of 273 townhouses in the Town of Kent. We are also seeking reversal of the DEP's decision to include Kent Manor in the now expired Phosphorous Offset Pilot Program (POPP), the success of which was called into question by DEP's assessment report. The DEP's analysis of the POPP was not, but should have been, considered as part of the Kent Manor review, yet the DEP rushed to close the review process the day before this controversial pilot program expired.

UPDATED CASES

In early 2008, on the same date that Riverkeeper's briefs were due, the Supreme Court ruled in favor of the DEP and the developers in a similar case brought by the Croton Watershed Clean Water Coalition and the Putnam County Coalition to Preserve Open Space. After issuing this decision, the court requested that all parties in the Riverkeeper case appear for settlement negotiations in March. One week later, the court again found in favor of the DEP and the developers. Riverkeeper continues to maintain that the DEP, the city agency tasked with protecting the city's water supply, has conducted a hasty, inadequate review of this outdated project. Currently, we are considering our options for appeal and also pursuing a settlement agreement that will truly protect the water supply for local and city consumers.



New York Supreme Court, Westchester County: Riverkeeper v. Town of North Salem (Comprehensive Plan Update) In April 2007, Riverkeeper filed a lawsuit seeking annulment of the Town of North Salem's Comprehensive Plan Update (CPU). While the CPU included some progressive environmental and zoning policies, the town failed to conduct any baseline assessment of environmental conditions prior to making rezoning recommendations for the town. In addition, the rezonings recommended were not townwide, but rather served to accommodate a handful of existing development proposals. If we are to see forward-thinking, low-impact development proposals in the NYC Watershed, we must have environmentally protective zoning and planning policies in place.

Similar lawsuits were filed by the Concerned Residents of North Salem and other private landowners, and positive settlement negotiations between all parties have led to an extended briefing schedule. During this time, there has also been a welcome shift in the political climate and makeup of the North Salem Town Board, which now desires to directly address our concerns. In February 2008, the new town board passed a resolution recalling the challenged CPU – the result we ultimately sought through litigation. While we are considering legal options to close out the case, we look forward to working cooperatively with the town in coming months as it undertakes additional environmental study and reopens the CPU process.



HOTLINE CALLS

BY JOSH VERLEUN

Each month, Riverkeeper receives dozens of reports of possible environmental violations. Riverkeeper staff determines whether the matter should be dispatched to one of our Watchdogs or attorneys for further investigation, referred to federal, state or local authorities, or become the subject of citizen investigation and enforcement action by Riverkeeper. Riverkeeper staff can be reached at 914-478-4501 ext. 242 or by sending an email to watchdog@riverkeeper.org. The following are samples of reports received by our hotline:

- Riverkeeper received an anonymous email that a power plant upriver was discharging red liquid into the Hudson River. With the help of a concerned Watchdog, Riverkeeper launched an investigation, obtaining photographic and other evidence which showed that the discharge had been the result of a one-time plant malfunction. Riverkeeper worked closely with the Department of Environmental Conservation to ensure that the plant had not violated its operating permit and will continue to monitor this plant's operations.
- A concerned citizen called Riverkeeper about the reconstruction of River Road in Grandview-on-Hudson, having received information that Rockland County intended to fill in a portion of the Hudson River shoreline to support the road. Riverkeeper contacted the county highway department for a full update on the project and learned that the project is still in a preliminary design phase.
- A concerned resident of Yonkers emailed Riverkeeper with a report that Kimber Manufacturing (a gun manufacturer) was actively pumping what appeared to be machine oil into a storm drain. Riverkeeper referred the investigation of this incident to the Westchester County Police Department's Director of Environmental Security.
- A Riverkeeper Watchdog reported that residents of a Croton-on-Hudson housing development observed petroleum seeping into the Hudson River. Riverkeeper's Josh Verleun investigated the site to gather photographic evidence and is currently exploring possible links between this seep and others in the area.
- A citizen reported seeing a ship traveling back and forth, north and south, by the Rhinecliff Bridge at least five times per day. This ship appeared to be discharging large volumes of liquid into the Hudson River. This report was referred to Riverkeeper patrol boat captain John Lipscomb whose investigation revealed that the ship was conducting a permitted dredging project and was discharging Hudson River water which was being used to lubricate and cool dredge machinery.

Report A Polluter! Call us at 800-21-RIVER (800-217-4837) or email watchdog@riverkeeper.org.

Clean Water & Healthy Communities

Riverkeeper's Legislative & Policy Agenda for 2008

BY LISA RAINWATER AND JENNIFER KAHAN

Riverkeeper's new Policy Department has enabled us to conduct a comprehensive analysis of state and federal legislative and policy initiatives that have an impact on clean water in New York State. Below, our Policy Team briefly describes Riverkeeper's priorities for the 2008 legislative season. We invite our readers to visit our new Government Affairs website www.riverkeeper.org/policy.php to learn more about each legislative and policy issue. In the coming months, we'll be asking you to participate in our actions to protect New York's water. Join our Clean Water Community at www.riverkeeper.org

LONG-TERM POLICY INITIATIVES

Establishing a Clean Water National Trust Fund

Federal funding for clean water and wastewater infrastructure *decreases* every year, while the needs continue to *increase*. Currently, we have a national funding deficit of approximately \$22 billion a

year. Clean water and wastewater infrastructure is of vital importance to our nation's economic prosperity, public health and environmental integrity. The U.S. Environmental Protection Agency, Government Accountability Office, and Congressional Budget Office estimate that our nation will need approximately \$300-500 billion over

the next twenty years to improve our nation's wastewater treatment and drinking water systems. Riverkeeper advocates for a Clean Water National Trust Fund that is funded by the same mechanisms as the Highway Trust Fund and the Harbor Maintenance Trust Fund, whereby users (in this case, users of public water supplies) must

The Government Affairs team works to strengthen the laws and regulations that impact New York's water resources

The U.S. Environmental Protection Agency, Government Accountability Office, and Congressional Budget Office each estimate that our nation will need approximately \$300-500 billion over the next twenty years to improve our nation's wastewater treatment and drinking water systems.

pay a fee or an excise tax for water used. This model would not contribute to the national debt and would not unduly burden households already paying residential sewer or water bills. In the coming months, Riverkeeper will be hard at work campaigning for the establishment of a Clean Water National Trust Fund. We are joined by a broad-based coalition of local elected officials, drinking water and wastewater service providers, state environmental and health administrators, engineers and environmentalists nationwide.

Encouraging Smart Growth

Launched in 2005, Riverkeeper's Smart Growth Campaign began with an investigation of the many negative impacts of unchecked development in the East-of-Hudson Watershed. In 2008, Riverkeeper will release *Save It! – Volume 2*, as a follow-up to our first report, *Pave It... Or Save It? Volume 1*, which has proven to be an invaluable asset to local governments and concerned citizens in exploring the root causes and impacts of sprawl. In *Volume 2*, we will identify viable solutions for local governments and citizens that address and help minimize the impacts of sprawl.

In December 2007, New York State announced the formation of a Smart Growth Cabinet, a group of state officials that will work with local municipalities to encourage and advise on best practices to handle increasing growth and development while protecting New York's environment. Following the state's lead, Riverkeeper will intensify its efforts to promote smart growth solutions by working with state and municipal agencies, local governments, businesses and citizen advocates throughout the Hudson Valley and develop groundbreaking policy initiatives that seek long-term, sustainable development for the region. In launching these new policy initiatives, Riverkeeper will continue to advocate for cooperative regional planning and sustainable, low-impact development that prioritizes reinvestment in existing infrastructure, often located in city centers and downtown areas in need of economic and social revitalization.

PRIORITIES FOR FEDERAL ACTION

Riverkeeper strongly believes that the establishment of a Clean Water National Trust Fund is the only viable, long-term solution to fix our country's failing, antiquated, and inadequate clean water infrastructure. However, until Congress enacts Clean Water Trust Fund legislation, Riverkeeper fully supports clean water legislative initiatives that increase and secure federal monies

to improve our clean water infrastructure. While they by no means solve the myriad crises facing local communities across the country, these bills provide an interim solution to an ever growing crisis.

Restoring the Nation's Clean Water Laws

The Hudson River watershed and New York City drinking water supply watersheds remain under intense pressure from increased suburban development, stormwater runoff and point source pollution. Riverkeeper supports **The Clean Water Restoration Act of 2007 (H.R.2421/S.1870)**, which seeks to restate and clarify the jurisdictional scope of the Clean Water Act in the wake of two recent, highly controversial Supreme Court decisions and the ensuing federal agency rollbacks they have triggered.

Bringing Funds to Communities in Need

In 2007, New York State identified 148 clean water infrastructure projects in need of a total \$3.8 billion, yet received only \$118.1 million for the Clean Water State Revolving Fund (i.e., federal loans for water infrastructure needs). For 2008, New York has identified 392 projects in need of a total \$3.97 billion. However, because federal appropriations for the Clean Water State Revolving Fund were dramatically slashed this year (\$394.7 million below FY 2007 enacted levels), New York can expect to receive an even lower level of federal loan assistance for water infrastructure projects for 2008 than it received in 2007. This dire funding gap leaves innumerable projects unfunded and communities without clean water. Riverkeeper supports **The Water Quality Financing Act of 2007 (H.R.720)**, which seeks to amend the Clean Water Act to authorize appropriations for the Clean Water State Revolving Loan Fund program in the total amount of \$14 billion over a four-year period. This legislation also requires that a study be conducted into potential funding mechanisms and sources of revenue for a Clean Water National Trust Fund.

Combating Raw Sewage Discharges Into New York's Waterways

About half the time it rains in New York City, raw sewage and polluted runoff combine in sewer pipes and overflow – *without treatment* – into the city's surface waters and discharge into New York Harbor. This results in beach closures (or illness to those exposed to the bacteria), contamination of fish and shellfish, reduced ability of the ecosystem to support aquatic life, damage to the aesthetic and recreational qualities of the river, and limitations for economic vitality in regions reliant upon tourism. Riverkeeper supports **The Water Quality Investment Act of 2007**



While the Department of Environmental Conservation fails to uphold the tenets of the Clean Water Act, pollution continues to spill – unchecked – into New York’s waterways.

(H.R.569/S.836), which seeks to amend the Clean Water Act to authorize appropriations for sewer overflow control grants in the amount of \$1.7 billion over a five-year period, and **The Raw Sewage Overflow Community Right to Know Act (H.R.2452/S.2080)**, which seeks to amend the Federal Water Pollution Control Act to require operators of sewage treatment plants to develop a notification system to alert local health officials and the public at large of sewer overflows within twenty-four hours.

Nuclear Oversight

Riverkeeper supports **The Nuclear Power Licensing Reform Act of 2007 (H.R.2162)**, which seeks to amend the Atomic Energy Act to require the Nuclear Regulatory Commission (NRC) to consider security vulnerabilities as well as the viability of evacuation plans for the population living within 50 miles of a nuclear power plant during the relicensing review process. It would also require that any license renewal meet the same criteria that an initial application would have to meet. Riverkeeper supports the **Independent Safety Assessment at Indian Point (H.R.994/S.649)** legislation, which would require the NRC to conduct an Independent Safety Assessment of vital systems at Indian Point. The bill also would require the NRC and the Federal Emergency Management Agency (FEMA) to detail the facts they relied upon in approving Indian Point’s emergency plans, despite the findings of the 2003 Witt Report which concluded that the plans are inadequate to protect people from an “unacceptable dose of radiation.”

PRIORITIES FOR STATE ACTION

Protecting Our State’s Wetlands

Currently, New York’s Freshwater Wetlands Law only protects freshwater wetlands that are 12.4 acres or larger, or those that have been designated by the Department of Conservation (DEC) as being of “unusual, local importance.” Wetlands smaller than 12.4 acres *used* to be protected under federal law. But today, they are no longer guaranteed protections due to recent federal rollbacks to the Clean Water Act. Healthy, functioning wetlands are of vital importance to the health of New York’s water supply and natural environment. Riverkeeper supports **The Clean Water Protection and Flood Prevention Act (A.7133 and S.3835)**, which would redress this regulatory gap by amending current New York State law to ensure that wetlands one acre or larger receive state protection.

Protecting Our Drinking Water

The current enforcement provisions of the Public Health Law (PHL) are severely outdated, (having last been revised in 1909) and as such, provide for exceedingly low penalties in disparity with other federal and state law. Effective pollution enforcement requires updated penalties that use the full force of our state and

federal law. Polluters should be required to pay the full price for their actions that contaminate the public water supply. Riverkeeper supports **Increased Penalties for Violation of Watershed Rules and Regulations (A.8131)**, which seeks to amend the PHL to increase the penalty for contamination of a public water supply in violation of New York State’s Watershed Rules and Regulations and certain other state sanitary codes from \$200 up to \$25,000 per day.

Bringing Clean Energy to New York

Since 2003, New York State has been without a power plant siting bill, which adversely affects the state’s current and future energy supply. The Executive Office and the New York State Legislature need to pass a new **Article X** bill that focuses on a streamlined siting process for clean energy projects, while forcing the dirtiest forms of energy production such as nuclear, waste-to-energy, and coal to undergo the state’s normal and more rigorous environmental review. In particular, Riverkeeper advocates for an **Article X** bill that requires closed-cycle cooling for all energy generating facilities. Closed-cycle cooling systems can reduce fish kills caused by entrainment and impingement by 97%. Currently, five major plants located on the Hudson River kill billions of Hudson River fish annually through the use of outdated once-through cooling systems. The **Article X** bill must also ensure that protections are in place to avoid disproportionate siting and permitting of power generating facilities in low-income communities and communities of color, many of which are already overburdened with power plants and other polluting facilities.

Encouraging Smart Energy Production – Net Metering

A 2008 report rated U.S. state statutes on solar installation capacity and regulations. New York received a “D,” while neighboring New Jersey and Pennsylvania received “A’s” and Connecticut a “B.” New York is one of only two states in the country that does not have a net metering law allowing business and commercial property owners to sell unused power back to the electrical utility for a profit. Currently, the state limits net metering to photovoltaic (PV) systems up to 10 kilowatts (KW) – lessening incentives for larger installations on business complexes that use far more energy than residential and small business owners. Riverkeeper supports expansion of the current net metering laws to increase the eligibility of solar PV systems to 25KW for residential and 2 megawatts for commercial customers and increase the overall net metering limits to allow for maximum generation.

Encouraging Smart Energy Use – Smart Metering

Current methods of tracking energy use in homes and businesses do not provide customers critical information on what is the best time to be using energy-intensive appliances. With that knowledge, customers could make wise energy decisions, lessen demands on

the grid during peak times of day, and potentially save money while doing it. Smart metering technologies are on the market and slowly becoming available through pilot programs. The Public Service Commission is leading the state's current initiative to encourage the development and deployment of smart metering. Riverkeeper supports **Assembly bill A.08739** which seeks to amend the Public Service Law in order to allow customers greater control of their energy use by the installation of real time smart meters and sets out to establish a pilot smart metering plan in Westchester County.

Empowering Citizens

It is imperative that private citizens be given the full opportunity to have their cases heard before a court of law when they suffer harm from certain environmental violations. Individuals, *not* just groups, represent a constituency for effective safeguarding of our state's environmental laws. Currently, private citizens are denied standing to bring legal actions alleging violations of SEQRA's environmental quality review provisions when their alleged injury does not differ from the injury that would be suffered by the public at large. Riverkeeper supports the **Environmental Access to Justice Act (A.1435/S.5182)**, which seeks to amend Article 8 of the Environmental Conservation Law, more commonly referred to as the State Environmental Quality Review Act (SEQRA) by expanding the rights of private citizens to bring legal actions alleging violations of SEQRA.

Enforcing Pollution Permits

Due to years of understaffing and underfunding, the New York Department of Conservation (DEC), the agency designated by the Environmental Protection Agency (EPA) with full responsibility for the enforcement of the provisions of the Clean Water Act in New York State, has an abysmal record of enforcement and pollution control, particularly in regulating the State Pollutant Discharge Elimination System (SPDES). Under the Clean Water Act, facilities are required to have permits that set stringent limits on the amount and type of pollutants that can be legally discharged. These permits are supposed to undergo a rigorous review every five years. Yet because of the DEC's highly flawed permitting practices, 90 percent of these facilities are not receiving the requisite technical scrutiny required under the Clean Water Act. While the DEC fails to uphold the tenets of the Clean Water Act, pollution continues to spill – *unchecked* – into New York's waterways. Riverkeeper will continue to aggressively report SPDES violations and advocate for legislative and regulatory solutions to the current enforcement crisis at the DEC.

WORKING IN COALITION WITH OUR NY PARTNERS

Riverkeeper is proud to be a coalition partner in many policy and legislative endeavors spearheaded by our sister environmental organizations in New York State. We stand united in our support of protected, permanent, and increased funding for the Environmental Protection Fund, an expansion of the current bottle deposit law to include noncarbonated beverages, a statewide bill to preserve community character, and the financing of sustainable stormwater management practices. ■

Restoring the Clean Water Act

BY JENNIFER KAHAN

Exciting CWRA Update!

On April 16, Hudson Riverkeeper and President Alex Matthiessen testified before the House Transportation and Infrastructure Committee on the importance of the Clean Water Act in New York State – and urged Congress to pass the Clean Water Restoration Act (CWRA) in order to ensure that all of our nation's vital water resources receive full protection under federal law.

Background on CWRA

In recent years, the scope of Clean Water Act jurisdiction has been in an unfortunate state of grave confusion, resulting in large part from two sharply divided, controversial Supreme Court decisions, Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers ("SWAANC") in 2001 and Rapanos et ux., et al. v. United States ("Rapanos") in 2006. Collectively, these two decisions have opened the flood gates for opponents of strong water pollution controls, including the Bush Administration, to instigate federal agency rollbacks limiting the effectiveness of the Clean Water Act.

CWRA (H.R.2421/S.1870) is a vital piece of federal legislation which seeks to reaffirm and restate the intended scope of the Clean Water Act to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters" and make our nation's treasured waters fishable and swimmable once again. Passage of the CWRA will ensure that all of our nation's vital water resources, including wetlands, headwater streams and creeks, and tributaries receive full Clean Water Act protection.

Led by Chairman James L. Oberstar, the House of Representatives Committee on Transportation and Infrastructure and Subcommittee on Water Resources and Environment have listed CWRA as one of this year's top goals in the 2008 agenda for the second half of the 110th Congress.

Stay tuned for more updates!

Our Shared Nature

BY LISA RAINWATER

The Transformational Ecology Compact for the Hudson was released on Earth Day in 2007. In signing the compact, over two hundred people and communities of faith have committed to transforming their lifestyles in order to preserve and restore the Hudson Valley and its river for the bountiful life forms – small and large – that call this sacred place home.

Spring in the Hudson Valley is one of the most wondrous on Earth. As Riverkeeper embarks on its third year of fruitful collaboration with spiritual and environmental communities in the Hudson Valley, we invite our members to reflect on the myriad ways you are stewards of the Hudson. With life returning in exuberant exultation, we encourage you to visit a favorite spot on the Hudson River and reflect on the beauty and wonder this world-renowned resource has given to peoples from all reaches of the world. Invite a friend, a child, a companion, a colleague, a neighbor and spend time thinking of all those who came before you, all those who will follow in your footsteps, and the important role of the river and its environs on generations of peoples and wildlife. Hear the sound of birds chattering away the chills of winter; feel the lapping of the warming river against the rocky shores; smell the blossoming fragrance of life forcing its way to the tips of trees and stems; taste the exhalation of the soil's hibernation by experiencing the delicacies produced by local, sustainable farms.

When you travel to your favorite place, we suggest that you bring the *Compact* with you. Read it aloud – quietly, loudly, passionately – and commit to transforming your lifestyle in the year to come. It doesn't take one person, or two people, or even three people to protect the river. It takes all of us making new, contemplative, and conscious decisions in our homes, our businesses, our places of worship, to make a meaningful and lasting difference.

It is our shared nature that brought us to this place. It is our shared nature that will bring us to a sustainable, higher ground.



In this issue, we are introducing a new section called Hudson Reflections which will highlight photography, artwork, poetry, or prose that celebrates or contemplates the Hudson River in any of its many moods. Literary entries must be under 1000 words and submitted by email to reflections@riverkeeper.org. Please submit artwork in high resolution pdf, jpg or tif formats on a CD to the address listed below. We cannot be responsible for original artwork and submitted work will not be returned.

If you would like to submit your work for consideration, please send it to: Riverkeeper Hudson Reflections, 828 South Broadway, Tarrytown, NY 10591. Please note that submission is no guarantee that your work will be published.

suddenly there's poughkeepsie

by Grace Paley

what a hard time
the Hudson River has had
trying to get to the sea

it seemed easy enough to
rise out of Tear of
the Cloud and tumble
and run in little skips
and jumps draining
a swamp here and
there acquiring
streams and other smaller
rivers with similar
longings for the wide
imagined water

suddenly
there's Poughkeepsie
except for its spelling
an ordinary town but
the great heaving
ocean sixty miles away is
determined to reach
that town every day
and twice a day in fact
drowning the Hudson River
in salt and mud
it is the moon's tidal
power over all the waters
of this earth at war with
gravity the Hudson
perseveres moving down
down dignified
slower look it has
become our Lordly Hudson
hardly flowing
and we are
now in a poem by the poet
Paul Goodman be quiet heart
home home
then the sea.

Grace Paley was an acclaimed writer of short stories and a social activist. She published three volumes of widely praised stories, and completed "Fidelity," a poignant collection of poems, just before her death in 2007.

"Suddenly There's Poughkeepsie" from FIDELITY by Grace Paley. Copyright © 2008 by The Estate of Grace Paley. Reprinted by permission of Farrar, Straus and Giroux, LLC.



PHOTO © CAROLYN MARKS BLACKWOOD

A TRANSFORMATIONAL ECOLOGY COMPACT FOR THE HUDSON

We, the people of the Hudson River Valley, believe that we are called to a mutually enhancing relationship with Earth and all communities of life. We know that we must change our actions as human beings and communities to protect the fragile environment we love and share. This is the only way to preserve and restore the bioregion we call home for future generations and all life.

This is an urgent call for visionary sustainability from the precipice of potential extinction. While we continue to grieve the loss of our fragile environment to human acts of devastation, over-consumption, pollution, global warming and climate change, we choose to have a new vision of

hope. We believe that destructive human behaviors can be transformed.

As members of diverse religious and environmental communities of the Hudson River Valley, over 300 miles from headwaters to ocean, we are united in our awe of life. Our survival as a species depends on a renewed understanding of Earth based on interdependence.

Therefore, we declare that the land and waters of the Hudson River Valley bioregion are unique, precious and irreplaceable. We actively commit to preserving, protecting and restoring this region. Individually and collectively, we agree to live and act according to the following principles:

- 1** The Earth is a sacred trust.
- 2** We rely on the resources of Earth for our lives.
- 3** Earth does not belong to

humans alone. We are but temporary stewards of the communities of life.

- 4** We will change our dominating relationship to Earth to one of respect and interdependence.
- 5** We will review and evaluate our actions to see how our lifestyles impact our home and our world.
- 6** We commit to an ethical and equitable rule of life to guide us to share resources more sustainably and seek justice.
- 7** We will shift our daily actions and financial practices to be environmentally responsible, acknowledging they may require more effort in our day-to-day lives.
- 8** We agree to build a society that will sustain the whole Earth community in health, abundance and safety,

without further sacrificing the natural world.

- 9** We will join local citizen networks and dedicate ourselves and our communities to consistent, positive social, spiritual and environmental change.
- 10** We seek to be part of a movement of humans uniting on behalf of the Earth community to build a local and global vision of sustainability.
- 11** We agree to seek what has been lost, restore our natural resources and maintain our communities, wasting nothing.
- 12** We will celebrate all efforts already underway and support the continuing creation of new networks and collaborations.

Riverkeeper Begins Legal Battle to Stop Indian Point Relicensing

BY PHILLIP MUSEGAAS

The epic Hudson River battle that's been nearly forty years in the making is finally here, and it pits Riverkeeper, New York State and a host of smaller citizens' groups against a multi-billion dollar corporation, an arrogantly self-assured federal agency, and a public relations machine that targets everyone from Yankee fans to Westchester small business owners with a unique combination of greenwashing and fear mongering. The bottom line? Riverkeeper is in the biggest fight of its forty-year life, battling to retire perhaps the most infamous nuclear power plant in the U.S. next to Three Mile Island.

Consider the pros and cons, and you'll be amazed at what is at stake. On the pro side, electricity — not clean, not cheap, and definitely not green — going into the deregulated market to be resold by Con Ed to Westchester County and New York City. On the con side, risk and environmental degradation — every day that Indian Point operates it poses the risk of a catastrophic radiological release, caused by accident or terrorist attack that could devastate the New York region and the U.S. economy. Indian Point is forty miles from midtown Manhattan, in the midst of twenty million people. You've probably heard this pitch before, but it's worth thinking about again. Ask yourself: is it worth the risk to have this electricity going into the grid? If we can get the same power from somewhere else, or conserve the same amount of power through individual action, why don't we? Risk vs. consequence: running our air conditioner full blast in the summer vs. living in a Federal Emergency Management Agency (FEMA) trailer. Add to that environmental degradation in many forms: one, the steady, unseen destruction of Hudson River fisheries caused by Indian Point's intake of 2.5 billion gallons of water a day to cool the plant and make electricity: two, the steady,

silent leaching of toxic radioactive waste into the Hudson from leaking spent fuel pools.

Either we believe we can do better, and move past this dangerous and polluting technology, or we agree with the defeatists on the pro-Indian Point side who admit they don't like it, but consider it a necessary evil. Is it necessary? It is to Entergy



Ask yourself: is it worth the risk to have this electricity going into the grid? If we can get the same power from somewhere else, or conserve the same amount of power through individual action, why don't we?

Nuclear, the company that makes record profits every year, in large part because it avoids the cost of newer technologies that would eliminate the fish kills and make the plant safer, passing the resulting higher dividends on to its shareholders. It is to the Nuclear Regulatory Commission, or NRC, the federal agency whose future largely depends on keeping existing plants running until the oft-promised 'nuclear renaissance' gets off the ground. That is an open question, given the hesitancy of Wall Street to commit financing, the critical shortage of nuclear engineers, and the pushback against egregious federal subsidies that

future reactors can't be built without. It is to the Washington lawyers who depend on Entergy and its controversial power plants to generate controversy and litigation in addition to electricity. Is it necessary to the rest of us, who live and work in the Hudson Valley? Look at the issues, and the pros and cons, and decide for yourself.

The breadth and depth of opposition to Indian Point is truly historic, signifying both the level of public and political concern directed at the plant's future, and the precedent setting nature of this battle. The NRC and the nuclear industry want to maintain their perfect record of relicensing old plants, regardless of their history or proximity to high populations. In many ways, the ability of the industry to build new reactors depends on keeping the old reactors going strong. This would be the best evidence that nuclear power is safe, viable and necessary to fight global warming. On the flip side, preventing Indian Point's relicensing would embolden opponents of the remaining fifty-odd plants that will undergo relicensing, and would weaken the argument that nuclear is the power source of the future.

Riverkeeper filed its petition to intervene in the Indian Point relicensing proceeding on November 30, 2007. In order to put forth the best case possible, we hired Diane Curran, a nationally recognized attorney with extensive experience in nuclear energy law as outside counsel. We also retained expert support from fisheries biologists from the UK who have worked with Riverkeeper for fifteen years, as well as a retired nuclear engineer, a security and risk analysis expert, and an expert in computer modeling from the Union of Concerned Scientists. All of our technical and environmental experts have extensive experience and are well prepared to support our case.

We were joined by New York State Attorney General Andrew Cuomo and the New York Department of Environmental

Conservation (DEC), filing a unified New York State petition. New York is the first state to openly oppose the continued operation of a nuclear power plant in decades. We were also joined by Westchester County, Connecticut Attorney General Richard Blumenthal, the Town of Cortlandt, Clearwater, and several smaller citizens' groups from New York and Connecticut, all of whom filed their own formal petitions to intervene in this process. In all, nine petitioners filed nearly one hundred sixty contentions raising safety, security and environmental concerns.

Riverkeeper challenged the failure of Entergy's relicensing application to properly address the following:

- Assess the risks and potential environmental impacts of a terrorist attack or accident in the spent fuel pools that could result in a spent fuel fire and catastrophic release of radiation. Entergy also refuses to consider a simple mitigation measure: lowering the density of spent fuel in the fuel pools by moving most of the old fuel to dry cask storage.
- Accurately assess the environmental impacts of the spent fuel pool leaks of tritium, strontium-90 and cesium-137 on the groundwater and Hudson River ecosystem.
- Accurately assess the adverse impacts of Indian Point's cooling water intake system on Hudson River fisheries caused by entrainment, impingement and heat shock (thermal discharge). Riverkeeper and New York State agree that the "Best Technology Available" to reduce fish kills is the installation of cooling towers at Indian Point. This would virtually eliminate Entergy's destructive use of billions of gallons of Hudson River water daily, and the discharge of superheated water that harms fish and adversely affects the ecosystem.
- Provide plans for managing the degradation of critical plant components caused by "metal fatigue" and

Either we believe we can do better, and move past this dangerous and polluting technology, or we agree with the defeatists on the pro-Indian Point side who admit they don't like it, but consider it a necessary evil.

"corrosion" that could compromise the safe operation of the plant if not properly inspected and repaired.

- Conduct an accurate cost-benefit analysis of plant upgrades that could lower the risk of a "Severe Accident" by deliberately underestimating the true costs in human life and property damage that would result if such an accident occurs.

New York State's petition raised thirty-two contentions based on a range of safety and environmental concerns. Safety concerns included metal fatigue, corrosion and deterioration of electrical cables, and the embrittlement of the reactor vessel. The state is also challenging Indian Point's ability to withstand an earthquake, based on newly updated seismic data for this region that raise serious questions about the seismic standards used when Indian Point was built in the 1970s. New York also submitted contentions on the security of the spent fuel pools, the impacts of the once-through cooling system and the spent fuel pool leaks, and Entergy's completely inadequate analysis of energy alternatives for Indian Point. Clearwater raised concerns about fish kills, spent fuel pool leaks and environmental justice issues.

On January 22nd, Entergy and the NRC staff attorneys filed answers to our petitions. Not surprisingly, Entergy opposed all of the petitioners' contentions. NRC staff counsel flip-flopped, first not opposing Riverkeeper and New York's con-

tentions challenging Entergy's assessment of Indian Point's once-through cooling system on Hudson River fisheries, and the challenge to Entergy's plan for managing "metal fatigue." Then, after reading Entergy's replies to our petitions, the NRC attorneys abruptly changed their minds and lined up with their comrades in united opposition. Only a New York State contention challenging Entergy's analysis of energy alternatives to Indian Point remained unopposed by staff counsel. However, the NRC staff does not have the last word as to what issues are litigated, or even if Riverkeeper or the other petitioners are granted a hearing. That power lies with the administrative law judges on the Atomic Safety and Licensing Board Panel (Licensing Board), who will eventually decide who, if anyone, will be granted a hearing, and what issues will be litigated.

The next phase of the proceedings took place the week of March 10-14 at the county courthouse in White Plains, when the petitioners had the opportunity to present oral argument on their contentions to the Licensing Board. The petitioners' counsels made statements regarding their contentions to the judges, who had the freedom to interrupt and ask questions at any time. Following the conclusion of oral arguments, the board rules on the contentions and hearing request within one to two months. Riverkeeper anticipates a decision by the board in May.

The NRC's review of Indian Point's environmental impacts continues on a parallel track, with the draft Supplemental Environmental Impact Statement for Indian Point scheduled to be finished by the NRC and released for public comment in July 2008. Riverkeeper will follow the environmental review process throughout this proceeding, filing comments and challenging the NRC staff to conduct the most in-depth review of Indian Point's environmental impacts possible. ■

fi·as·co (fē-ās'kō, -ä'skō) n. pl. fi·as·coes or fi·as·cos

The Oxford English dictionary defines “fiasco” as “a ludicrous or humiliating failure or breakdown; an ignominious result.” The roots of the word are thought to have arisen from 19th century Italian slang for the theater, in which a “fiasco” was the result of a complete breakdown in a performance.

The Fiasco Continues: IP Replacement Sirens Face Mounting Problems

BY PHILLIP MUSEGAAS

For our purposes, “fiasco” seems the perfect word to describe Entergy’s continuing failure to install a new siren system at Indian Point over the last four and a half years, since the blackout of 2003 revealed that Indian Point’s warning sirens could not be sounded if the plant lost power from the grid. This failure is all the more spectacular because less than a year ago, everyone thought the siren problems were a thing of the past.

Last year, Entergy tried and failed to meet a January 31, 2007 deadline for the new siren system to be installed and operational. By the time Entergy failed to meet its second deadline in April, even the Nuclear Regulatory Commission (NRC) had reached the end of its rope, finally fining the company \$130,000 for missing both deadlines without showing “good cause.” While the NRC finally seemed willing to enforce its own regulations, Riverkeeper strongly objected to the minimal size of this fine, arguing it would not provide an incentive for Entergy to get its act together and meet the next deadline, August 24, 2007.

In the meantime, Entergy had given the Federal Emergency Management Agency (FEMA) a new report outlining its plan to have the system up and running by August. To the embarrassment of Entergy and NRC, FEMA’s technical review of Entergy’s plans found the sirens lacking in several critical respects – they weren’t loud enough, they didn’t sound long enough, tree limbs were in the way... the list



INDIAN POINT SIREN IN PEEKSKILL, NY.

PHOTO COURTESY OF GWENDOLYN CHAMBERS

continued. The bottom line was the same, however. FEMA refused to approve the new sirens until the tests showed improvement. In response, the NRC issued a Formal Order requiring Entergy to come into compliance by August 24, 2007, hinting that “Violations of this Order will result in additional enforcement action.” By the middle of August, it was apparent that Entergy would once again fail to meet its own deadline, so the company requested another extension from the NRC. The NRC refused, and the back-and-forth continued with the NRC citing Entergy in a “Notice of Violation” (NOV) on August 30, this time without any financial penalty attached. The NRC repeated its threat of further enforcement action, including imposing daily civil penalties. By law, the NRC could fine Entergy up to \$130,000 a day for each day of a continuing violation. By this time, Entergy had been in violation of the original January 31, 2007 siren order for over a year and a half.

Things were quiet until January 9, 2008 when Entergy submitted a revised plan to

FEMA for completing the new siren system. The newest deadline? August 14, 2008 – nearly two years after the sirens were required to be installed. For its part, the NRC was forced to face the fact that its enforcement decisions up to that point had clearly failed. Entergy seemed no closer to finishing the sirens than they had been in April 2007, and the NRC was no closer to figuring out an enforcement strategy that would compel Entergy to finish the job.

On January 24, citing Entergy’s “inadequate actions in support of FEMA’s review... and inadequate management oversight,” the NRC issued a second NOV to Entergy, this time with a \$650,000 fine attached. While Riverkeeper was pleased with the escalated enforcement action, we remain skeptical that anything short of the maximum fine will change Entergy’s lackadaisical approach to solving this problem. The NRC would be completely within its rights to fine Entergy upwards of \$17 million dollars – \$65,000 a day for nearly three hundred straight days of violation.

To add insult to injury, Entergy reported on January 21 that a number of the new sirens appeared to be corroding, due to the “corrosive atmosphere...coming off the Hudson River.” Apparently the siren company used the wrong “gel” to weatherproof the sirens. It seems no one told them the Hudson was nearby. And so 2008 begins, as 2007 did, without a proper emergency warning system at Indian Point. The fiasco continues...

Celebrating the River

By TERESA WALSH

A warm autumn sun greeted participants at this year's 2nd Annual Riverkeeper Water Fest in October. Bringing together amateur and elite water athletes and thousands of spectators, the day broke records, championed the tides of New York City waters and celebrated Riverkeeper's work protecting the city's most precious natural resource – the Hudson River.

The 2007 event once again featured elite kayakers battling for the New York City Kayak Championship race title. Nearly 100 participants embarked on the 26-mile journey from the North Cove Marina around Manhattan, braving the notoriously rough NY harbor tides.



Corporate Kayak Challenge winners from the Yonkers Paddling & Rowing Club

PHOTO COURTESY MELISSA BROWN

Herman Chalupsky from South Africa won the title with a time of 3:14:45. The two-time Olympic Gold Medalist and 2006 Mayor's Cup Champion Greg Barton came in second, followed by Zsot Szadovszky and Ian Gray.

Four teams raced in Water Fest's first Riverkeeper Cup

Corporate Kayak Challenge, a six-mile kayak race from Pier 96. The legendary four-person team from the Yonkers Paddling and Rowing Club captured the first win of the Corporate Kayak Challenge in 46 minutes, 40 seconds.

Lending his support to Riverkeeper's Water Fest for the second year, Mike Richter, retired legendary New York Ranger goalie and Riverkeeper board member, paddled along with over 150 participants in the five-mile Big Apple Splash raft flotilla.

Winners and finishers alike celebrated after the competitions with lunch, live entertainment from Water Fest favorite Stuntditch and Brooklyn's Don McCloskey on the North Cove Marina site. Against a picture perfect Hudson River sunset, Hudson Riverkeeper Alex Matthiessen and Mike Richter presented the 2007 race winners with accolades and prizes at the Water Fest awards ceremony.

Riverkeeper's Water Fest aims to raise awareness about the importance of the Hudson River to New York's history, commerce, arts and culture.

News about Riverkeeper events, volunteers, donors and staff

PHOTO COURTESY ALAN WEISS



PHOTO COURTESY MELISSA BROWN



PHOTO COURTESY ALAN WEISS

Clockwise from top: Over 90 kayakers registered in 2007 for the 2nd Mayor's Cup Kayak Championship Race.

Big Apple Splash bright rafts spot the Hudson River.

WNBC 4 Weatherwoman Sally Ann Mosey, Alex Matthiessen and Riverkeeper communications coordinator Renee Cho enjoy an early morning laugh at the live broadcast of the 2007 Riverkeeper Water Fest.

Halloween Fun for Riverkeeper Supporters

On October 30, 2007, *Esquire Magazine* hosted “Mischief Night: A Masquerade,” a fabulous benefit party for Riverkeeper held at Esquire House North. Perched on the northern border of Central Park at 111 Central Park North, this sleek terraced apartment afforded spectacular views of the park twinkling against the gorgeous New York City skyline. The party was attended by a crush of beautiful people, decked out in elaborate costumes (everything from mermaids to Nacho Libre), enjoying cocktails and hors d’oeuvres, and learning about Riverkeeper’s work. Robert F. Kennedy, Jr. gave a rousing speech encouraging party goers to learn more about the Hudson River and New York City’s drinking water. Lorraine Bracco, who has been a Riverkeeper board member for more than 10 years, was “encouraged that being environmentally aware has actually become a way of life for so many people.” Also enjoying the green Halloween revelry were New York Rangers legend Mike Richter who was prepping for the upcoming New York Marathon, Veronique and Bob Pittman, George Hornig, Ann Colley, Moby, Summer Rayne Oakes, and Nicole Miller. Alex Matthiessen, sporting a jaunty green hat, commented, “With *Esquire* as host, we were able to throw a fabulous party in a unique space, with Grandmaster Flash spinning records. It was a great way for Riverkeeper to reach a new crowd that will help protect New York water resources.”



Photo top: Legendary DJ Grandmaster Flash spins guests through the evening.
 Photo middle: Party reveler at Mischief Night.
 Photo bottom: Robert F. Kennedy, Jr., Summer Rayne Oakes and Alex Matthiessen walk the green carpet.

PHOTOS COURTESY MELISSA BROWN

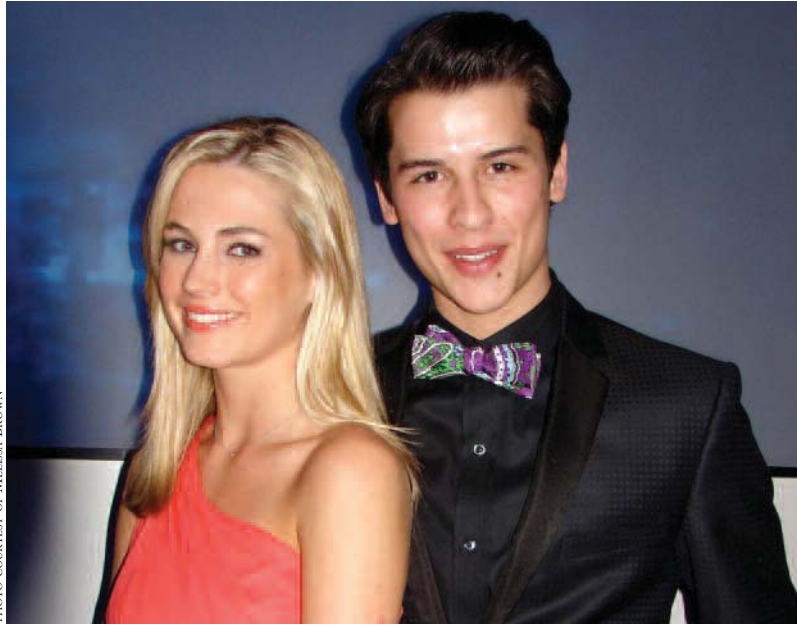


PHOTO COURTESY OF MELISSA BROWN

Riverkeeper Junior Council members Amanda Hearst and Luigi Tadini

Welcoming the Next Generation of Environmentalists

On March 6, Riverkeeper Junior Council founders Amanda Hearst and Luigi Tadini hosted a cocktail party to benefit Riverkeeper. The event took place on the 44th floor of the Hearst Tower – the first occupied green office building to achieve the Gold LEED rating in New York City – which offers spectacular views of the city skyline and the Hudson River. Hearst and Tadini created the Junior Council in 2006 as a means to educate young people about Riverkeeper and the importance of protecting our water resources. Of course, the event was as green as possible, with organic and local appetizers and goodie bags comprised of Whole Foods totes, eco-friendly light bulbs and a pin from Bicycle for a Day.

Dinner with a Message

Riverkeeper would like to thank Dan and David Barber of Blue Hill for hosting an intimate and delicious evening for Riverkeeper supporters at their Blue Hill Restaurant in New York City. Nearly fifty guests braved the blustery February evening’s weather to enjoy Barber’s exquisite cuisine, prepared with locally grown ingredients from Blue Hill at Stone Barns in Westchester. The evening, hosted by Alex Matthiessen and Robert F. Kennedy, Jr., marked a merging of missions – to protect our water and value our gardens and pastures. Special thanks to our generous supporters and attendees of the evening.

Riverkeeper Welcomes New Board Members



JOHN ADAMS is the Founding Director and former President of the Natural Resources Defense Council. He co-founded the NRDC in 1970, a non-profit organization of public interest lawyers focused on the formation and enforcement of emerging environmental laws. Since then, NRDC has become a national and international force, with more than 1.2 million members and online activists nationwide.

John has a B.A. in History from Michigan State, an L.L.B. from Duke University Law School and an honorary doctor of laws from Duke University.

Prior to NRDC, John worked as the Assistant U.S. Attorney for the Southern District of New York. John serves as Chairman of the Board of the Open Space Institute. He is also on the boards of the League of Conservation Voters, Center for American Progress, Woods Hole Research Center and Duke University's Nicholas School of the Environment and Earth Sciences. John has also served on the Pew Oceans Commission, the President's

Council on Sustainable Development and the Environmental Protection Agency's Common Sense Initiative.

Throughout John's career, he has been recognized by a number of organizations for his work and has received several honors, including the Wilderness Society's Robert Marshall Award; the Judge Lumbard Cup for public service from the United States Attorney's Southern District of New York; the Frances K. Hutchinson Conservation Award from the Garden Club of America; Duke University's Distinguished Alumni Award and Duke University Law School's Charles J. Murphy Award.

John lives in upstate New York with his wife Patricia. They and their three grown children and four grandchildren enjoy spending time at their home in the Catskills on the Beaverkill River.



JED ALPERT is founder and CEO of Mobile Commons, the leading mobile technology company focusing on cause-related marketing, campaigns and advocacy. Mobile Commons customers include Aveda,

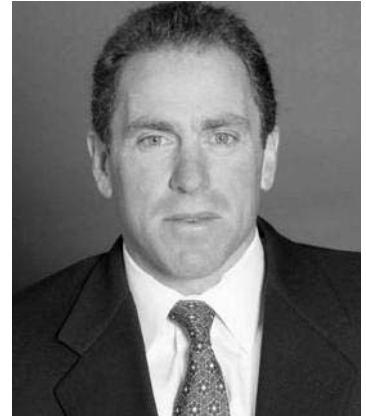
CREDO, Democratic Congressional Campaign Committee, Natural Resources Defense Council, the National Alliance for Hispanic Health, the United Nations, Save Darfur, People for the American Way and the American Civil Liberties Union. Other customers have included Visa, Pepsi, Britney Spears and Justin Timberlake. In 2007, *Fast Company* magazine placed Mobile Commons on its "Fast 50" list of the world's most innovative companies.

Prior to founding Mobile Commons Jed served as President of Sunshine Amalgamedia, a technology-driven entertainment company. He created innovative marketing and sponsorship programs. Sunshine partners and clients have included Microsoft, Oracle, and Scripps Howard.

Before joining Sunshine, Jed practiced entertainment and media law. As a partner at Rudolph and Beer, and an associate at Paul Weiss, he represented films such as "Slingblade," "Hurricane Streets," "Sunday," "Fear and Loathing in Las Vegas," "The Cruise," "Next Stop Wonderland," "Three Seasons" and "Star Maps."

Jed has produced numerous feature films including "Sunday," winner of the 1997 Sundance Film Festival Grand Jury Prize. He has served on the boards of a number of film festivals and arts organizations, including Genart, The Newport Film Festival and Thread Waxing Space.

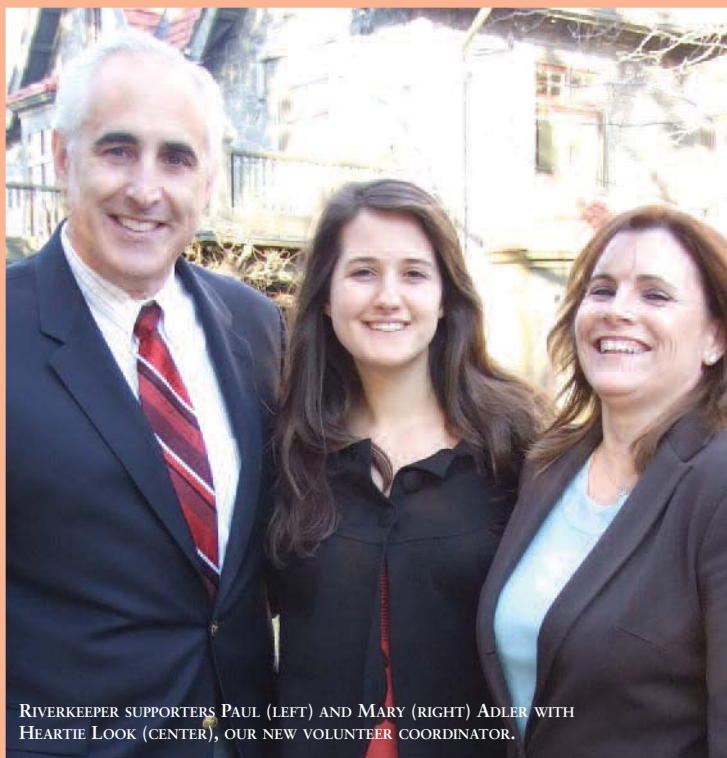
Jed holds a B.A. from Connecticut College and a J.D. from Cardozo School of Law.



JEFF RESNICK is a Managing Director at Goldman Sachs. He is Global Head of Risk Management and Trading for Goldman's Commodities and Money Market Businesses. He is a member of the firm's Finance and Divisional Risk Committees.

Prior to joining Goldman Sachs in 1993, Jeff worked for Chevron Corporation in San Francisco and Houston. He earned a B.S. in Chemical Engineering from Cornell University in 1981.

Jeff, his wife Debbie, and two sons live in Irvington, NY. They love all athletic outdoor activities.



RIVERKEEPER SUPPORTERS PAUL (LEFT) AND MARY (RIGHT) ADLER WITH HEARTIE LOOK (CENTER), OUR NEW VOLUNTEER COORDINATOR.

Riverkeeper adds “Volunteer Coordinator” Thanks to Donors

Thanks to a generous donation from Paul and Mary Adler, Riverkeeper was able to hire Heartie Look, our first-ever Volunteer Coordinator. This is a new and important position for Riverkeeper because we are so dependent on the time our volunteers dedicate to major events like Shad Fest and Water Fest. The Adlers have pledged to contribute a fixed sum over the next three years in order to support this position. As Volunteer Coordinator, Heartie will be assisting in the coordination of events and communicating to the public about Riverkeeper activities by maintaining relationships with both new and current volunteers.

Heartie, a native New Yorker, developed her interest in environmental and social issues while pursuing a degree in Environmental Studies and Sociology at Pitzer College in Claremont, CA. “I am thrilled to be a part of the Hudson Riverkeeper team,” said Heartie. “I’m eager to increase awareness of the importance of the Hudson and the organization that protects it.” Her interest in the health of the Hudson River and its constituents blossomed while writing a paper on the Croton River Aqueduct system for an Environmental Sociology class. And it was after participating in an ecology program in Costa Rica where she tested primary and secondary sources of water, that she was able to understand the link between the quality of water and the communities dependent on it. Riverkeeper is excited to have Heartie on board and is grateful to Paul and Mary Adler for their kind gift that enables us to support this essential position.

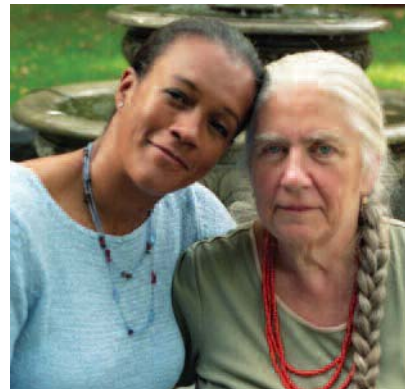
SPOTLIGHT ON... Mary Calder Rower

It is with pride and gratitude that we salute Mary Calder Rower this spring as one of our greatest allies in the fight to close Indian Point. Mary is an ardent and passionate supporter, and through the years, her efforts to help raise awareness – and funds – has made her one of our most important and prominent friends.

Mary learned of our IP Campaign at a Riverkeeper outreach event in NYC. “I had no idea,” notes Mary, “just how close Indian Point was to New York City until I heard Bobby and Alex speak that night. I remember Bobby telling us that there’s no no-fly zone over Indian Point. That is absurd! By the end of the evening, my hair was standing on end, and I remember thinking, ‘I need to do something – now!’”

Since then, Mary has done something – a lot of somethings.

Having been with Patch Adams on trips to Russia visiting children in hospitals, Mary saw firsthand the effects of radiation exposure, as many of the children were sick from the Chernobyl accident. Concerned for her children and two grandchildren, Mary learned as much as she could about IP’s risks. She embarked on a Hudson River boat patrol with Riverkeeper Captain John Lipscomb to see for herself “just how lax the security on water really is.” She has financially contributed to our campaign and has called on friends and relatives to chip in. She has donated several artworks by her father, Alexander Calder, and asked her daughter-in-law, Maria Robledo, to donate one of her photographs to our art auction.



Mary Calder Rower (right) with her friend, Anita Otey-Grumberg

Mary Calder Rower is not just a friend and supporter of Riverkeeper. Her dedication to a civil society in which democracy flourishes, citizens are safe and protected, and our environment is clean, reaches far outside New York’s borders: she is a supporter of Democracy Now and was a supporter for America Coming Together, a board member of the Threshold Foundation, a Trustee of Putney School, and she was the former Chairman of the Board for the One-Ring School House of the Big Apple Circus. Most recently, she has embarked on a new project that thrills her – singing background vocals on a couple of songs on Peter Yarrow’s new CD being recorded with his daughter Bethany and her musical partner Rufus Cappadocia, yet to be released.

An advocate at heart, she hung a Close Indian Point poster on the back of her door, so that anyone that enters or leaves her Manhattan house is reminded that Indian Point continues to operate thirty-five miles north. “And if they don’t know what it is,” Mary explains, “I tell them!” That Mary’s adopted Riverkeeper’s Indian Point Campaign as one of her own projects, makes us – and the twenty million people that live near Indian Point – truly fortunate.

Riverkeeper Kids

Fun and Facts for our Young Environmentalists

1 This is the light mast for signal lights, radar transceiver, and VHF radio antenna.

6 This is called the starboard side – the right side of the boat when you are facing forward.

4 This is called the stern frame or gantry. It's made of aluminum and is used to lift and lower heavy and/or bulky equipment, mostly for science.



2 This is the anchor and anchor line on the deck of the boat.

9 This is called the bow of the boat – the wood timber forming the very front is called the "stem".

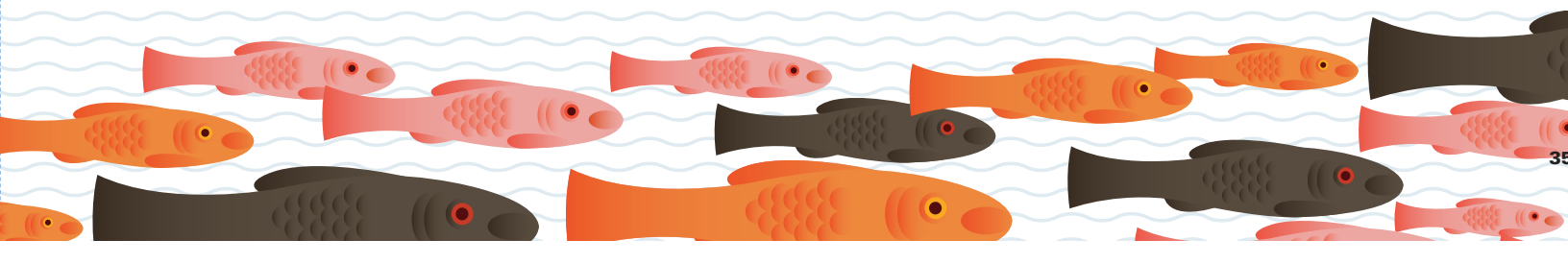
8 This is the cabin with three portholes. The boat's captain sleeps aboard here 10 weeks out of the year.

5 This is called the port side – the left side of the boat when you are facing forward.

3 This is the patrol boat's tender – it is used to get into shallow areas and creeks. It's aluminum and has oars and a small outboard motor.

7 This is the wheelhouse, where the crew works.

10 This is called the stern, which is the back of the boat.



How long has the boat been patrolling the river?

Riverkeeper started intensive patrols in the fall of 2000.

How long is the boat?

36 feet long by 11.5 wide.

How many miles has the boat gone?

We don't have an exact measure – that requires a speedometer with a “sum log.” But we run an average of about 900 engine hours per year and our patrol speed is 7 knots (one knot equals 1.15 miles per hour). Since 2000, we've traveled about 43,470 miles, the equivalent of going around the earth twice!

Where is the boat docked when it is not in use?

We keep her at Petersen’s Boatyard in Upper Nyack in Rockland County on the part of the Hudson estuary called the Tappan Zee.

How did you acquire the boat?

Riverkeeper bought the boat in 1990 from a commercial shellfish company on Delaware Bay.

How did she get the name R. Ian Fletcher?

She was rechristened the ‘R. Ian Fletcher’ in 1999. Dr. Fletcher was a

Q&A with the Boat Captain

fun patrol boat facts

noted expert on the effects of power plants on fish and was a key element in Riverkeeper’s ongoing effort to force Hudson River power plants to stop killing the river’s fish.

How many people fit on the boat?

The boat has had 15 aboard but that’s too crowded. We try to hold the limit at 10.

Where does the boat patrol?

From NY Harbor to Troy and Waterford, which are just north of Albany and which is where the Mohawk River meets the Hudson. That is about 160 miles.

How old is the boat?

She was built in Bivalve, NJ in 1983.

How fast can the boat go?

She can run at about 16 knots / 18.4 mph but we very seldom push her that hard.

What is the coolest thing you’ve ever found in the river?

I work with the State Fisheries team and the coolest thing I’ve ever seen is the giant 7 to 9-foot-long Atlantic sturgeon that they catch and tag and release. These fish are truly majestic and it is so rare to see them. Mankind has almost exterminated them because we harvested them for their eggs – caviar.

What is the grossest thing you've ever seen in the river?

The grossest thing I’ve seen is the raw human waste that often overflows into the river after heavy rains overload the sewer system at many villages, towns and cities from Albany to NY. The grossest thing I ever found was an entire portable restroom floating off Beacon. It must have blown or washed into the river during a storm. I picked it up with the stern gantry and took it ashore. That was gross.

How often do you sleep on the boat?

Each month I sleep aboard about six nights. So about 60 days a year. I love it, it’s much nicer than sleeping ashore. Even when it’s cold.

Riverkeeper Kids Word Scrambler

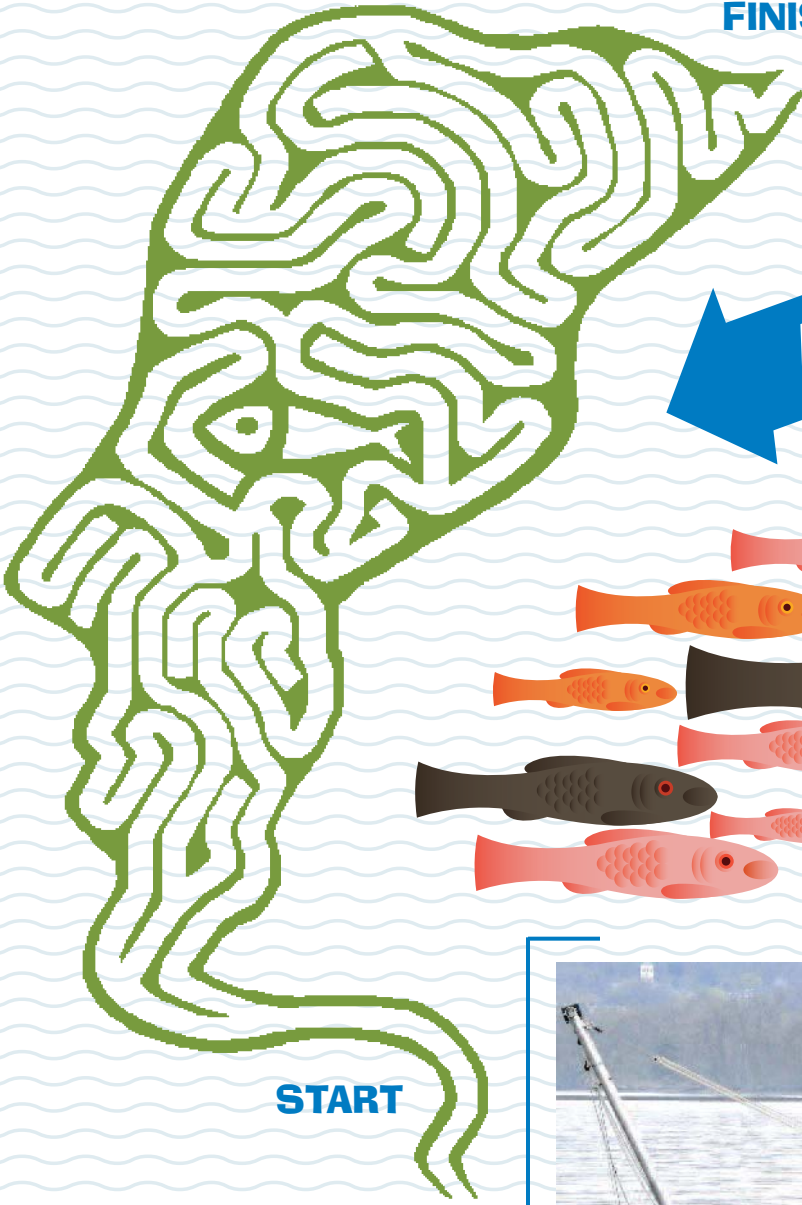
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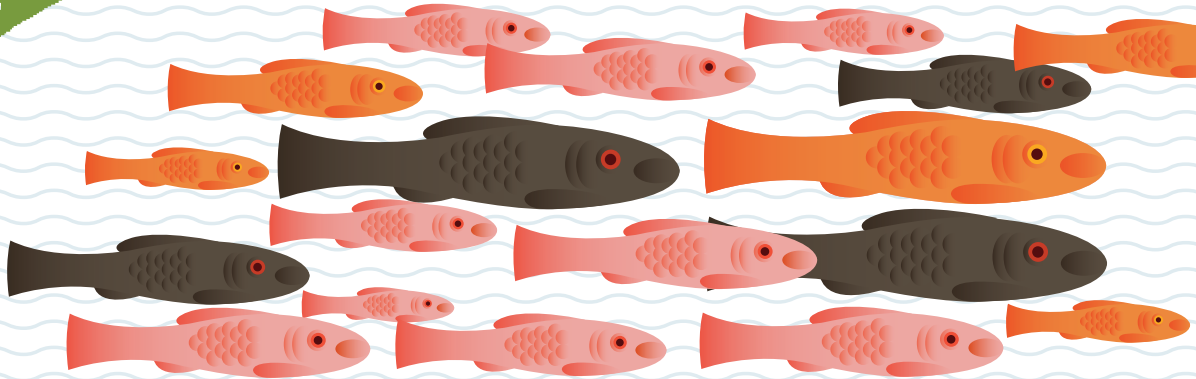
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FINISH

A-MAZE YOURSELF!



START



Can you find and circle the 8 differences between these two pictures?





Riverkeeper
Kids

Tee-Shirt Contest

Design a tee-shirt to celebrate Riverkeeper's Tap Water Campaign!



Become part of our campaign to help people understand the importance of drinking tap water and protecting the source of our drinking water – the watersheds. Two winners will be chosen. The winning designs will be made into tee-shirts and sold at Riverkeeper's Water Fest in NYC this fall. All submissions must be received by August 15, 2008.

Please submit your design on 8½" x 11" paper to:
Allison Chamberlain
Riverkeeper
828 South Broadway, Suite 101
Tarrytown, NY 10591

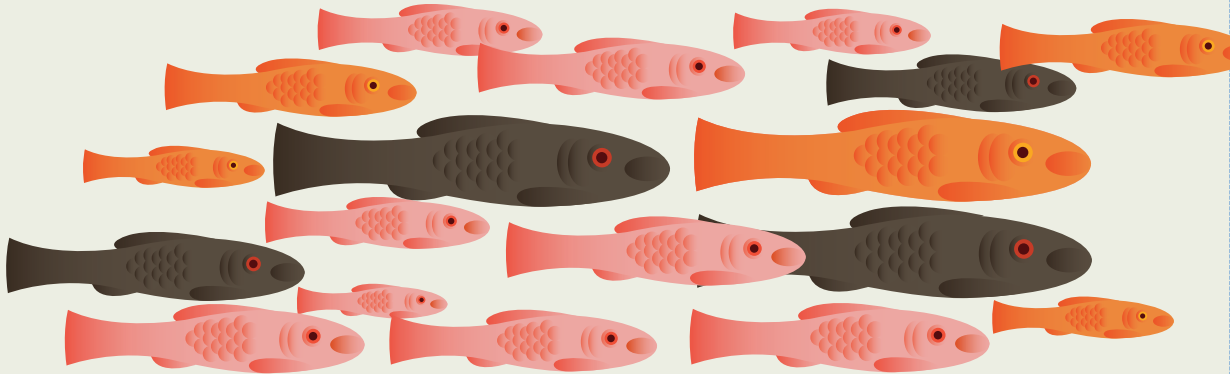
Here are some possible concepts to get you started:

- Water from a mountain stream to your tap
- The Catskill/Delaware Watershed area
- Ban plastic water bottles



Be sure to include your name, address, and phone number. Original art work will not be mailed back, but will be displayed at Water Fest where you can pick up your design at the end of the day to take home. We will send you an invitation to Water Fest as a confirmation of receiving your design. Have fun and good luck!

FUN FISH FACTS



- All fish are cold-blooded, which means their internal body temperature changes as the surrounding temperature changes.
- Fish have been around for 500 million years!
- All fish have a backbone.
- There are about 25,000 different species of fish alive today.
- There are three classes of fish: bony, jawless, and cartilaginous.
- The oldest salmon fossil found is 50 million years old.
- Some fish, like sharks, don't possess an air bladder to help keep them afloat, so they must either swim continually or rest on the bottom.
- Some species of fish can fly (glide) and others can skip along the surface and others can even climb rocks.
- The largest fish is the great whale shark, which can reach up to fifty feet in length.
- The smallest fish is the Philippine goby – it is less than 1/3 of an inch when fully grown.

UNSUNG THE TOWN OF FORT EDWARD HEROES

Located at ground zero of the Hudson River PCB Superfund site, the historic Town of Fort Edward has endured decades of pollution at the hands of the General Electric Company. To the east lies the river laden with sediments that remain laced with polychlorinated biphenyls (PCBs) until their removal (hopefully soon) under order of the federal Environmental Protection Agency. Looming across a residential street to the north is the GE Fort Edward Capacitor Plant. And underneath the residents' homes, hidden from sight, is a plume of toxic chemicals that has destroyed their water supply and may threaten their health.

In 2000, the New York State Department of Environmental Conservation (DEC) had estimated that 144,000 gallons of PCBs and TCE had collected in a geological depression under the parking lot of the GE plant, creating a toxic plume over 500 feet wide that migrated to the south under the neighborhood.

In that toxic plume are PCBs as well as trichloroethylene (TCE), a probable carcinogen, used as a solvent at the plant. And in December 2005, TCE vapors were found to be emanating from this plume, infiltrating into homes, and potentially endangering the health of approximately 400 residents. GE, under the supervision of the DEC, offered the residents ventilation devices that were designed to reduce exposure to TCE vapors indoors to "acceptable levels." Many of the residents feel that the remedies GE has instituted to deal with these TCE vapors are wholly inadequate and struggle to deal with the continuing toxic vapor intrusion.

The newly formed New York State



PHOTO COURTESY OF SABRINA WELLS.

GE's Hudson Falls plant upriver from Fort Edward.

Vapor Intrusion Alliance is an organization that is trying to get elected officials to pass legislation requiring landlords to notify prospective tenants about buildings with a history of toxic vapor intrusion. It also supports federal efforts to make TCE vapor exposure rules stricter and lower TCE safety levels.

Because of the stigma of contamination, homes in the area have been rendered unmarketable. Banks won't foreclose for fear that they will end up with tainted property that will ultimately be an environmental liability. To add insult to injury, Fort Edward town residents' property taxes have been raised repeatedly to meet the increasing burden of GE paying less property tax. For example, in 2006, GE's property was assessed at 40 percent less than its average assessment between 1988 and 1996. GE actually claimed its property should be further reduced because its property was contaminated! To make up for the town's revenue shortfall, many residents' tax valuations went up between 200 to 329 percent in 2006 though many of their homes are certainly worth much less due to contamination.

Dennis Prevost has documented the history of the community's travails in the face of GE's legacy of pollution in the area. Prevost, a retired Army officer and vice president of the community group Hudson River CARE, has been helping families residing in the neighborhood dispute their tax assessments in court. They won every case, securing 20-33% reductions in tax valuations. Prevost grew up in Fort Edward. After seeing a number of relatives and friends who lived on his street die of cancer, Prevost himself suffered a stroke in 2004 that left him unable to read.

For years, concerned Town of Fort Edward residents felt impotent against GE and entrenched elected officials who opposed the dredging, and contended that the PCB problem would remedy itself. Activists in the community educated themselves about the issues, and reached out to Robert Goldstein, Riverkeeper's general counsel and director of enforcement programs, who was deeply involved in the Superfund case. These activists organized, generating a positive spirit in the community.

These citizens, along with a new slate of elected town officials, members of the locally-based group Hudson River CARE, and Riverkeeper, are now working together to help the Town of Fort Edward face these challenges. While there are monumental challenges ahead, simply because of their activism, the Town of Fort Edward is fighting for a brighter future.

It has taken a great deal of public courage for this community, already so damaged by PCBs, to organize and press its case for changes to the laws that have allowed this situation to continue without recourse against GE. The people of Fort Edward are truly unsung heroes.



Getting in touch with Riverkeeper . . .

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1-800-21RIVER

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White Plains Office

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