

Request for Proposals (“RFP”):

Date: October 24, 2025

Battery Park City Pile/Platform
Assessment and Remediation
Design Services

RE: Addendum # 2

of Pages: 34

A) BPCA’s RESPONSE TO SUBSTANTIVE QUESTIONS:

The following responses are provided to substantive questions received by Battery Park City Authority (“BPCA”) by October 15, 2025, in connection with this RFP. The Responses are provided in *red, italicized* print immediately following the Questions. Please note that all capitalized terms shall have the same definitions as provided in the RFP.

1. Is it possible to get a copy of the existing NYSDEC permit and an identification of previously negotiated fill volumes between the NYSDEC and BPCA?
The selected proposer would need to secure permits for the contemplated pile remediation work. Attached are the permits received for the prior pile remediation work, which contain the fill volumes.
2. Please confirm the scope includes inspection of all previous phases?
Confirmed.
3. Please confirm the required amount of concrete cores and if there is a requirement for which phase those are extracted from.
BPCA would look to the proposers to identify the approximate number of concrete cores required.
4. Please confirm that underdeck/topside/fascia elements are included in the inspection scope.
Confirmed, these should be included in the inspection scope.
5. Please confirm how many months should be included for construction administration in Exhibit D-2.
Response forthcoming in future addendum.
6. It is understood that the construction may be conducted in phases, but please confirm that only one set of Construction Documents (for the entire site) is required. Similarly, please confirm that the intent is to obtain permits using one set of drawings for the entire site.

Confirmed. There would be only one set of Construction Documents prepared and one set of drawings would be used to obtain permits.

7. Please confirm that this rehabilitation work is intended to repair the existing elements, not to upgrade their capacity to support additional loading (i.e. from resiliency projects).

That is correct. Any future upgrades would be undertaken in a future RFP.

8. Depending on availability of MWBEs and SDVOBs, will BPCA allow for alteration of the 15%/15%/6% goals to achieving the overall 36% disadvantaged businesses goal? If so, is any additional documentation required for this change?

No, the contract goals cannot be altered. You may work with the Diversity Department if you encounter issues subcontracting with MWBEs and SDVOBs. The Diversity Team will advise on the next steps or if a waiver is needed for the goals that cannot be met. The waiver process requires Good Faith Effort (GFEs) documentation supporting the waiver.

9. Please confirm that Inspection fee should be included in Design Development / Construction Documents in Exhibit D-2.

Yes, the inspection fee should be included.

10. Please confirm where the fee for Task C – Schedule should be included in Exhibit D-2.

Response forthcoming in future addendum.

11. For the Pile Testing task listed in Exhibit D-2, please confirm this is only the cost associated with extracting the concrete cores & associated lab testing?

Confirmed

12. On page A-2, please confirm that “devise an approach for implementing the Project’s design” is referring to implementing the pile remediation project and not the South or North/West Resiliency program.

Confirmed.

13. On page A-2, v): what is required for the “verification survey of the Project Area?”

As noted in the RFP, such survey must include:

a) Performance of a visual inspection, including necessary underwater diving services, of all piles included in the Project's designated locations as shown in Exhibit G.

b) Measurement of the length of the inboard and outboard face of each pile, and use of such information when helping to prepare the Construction RFP for this Project, as defined in item 5 (Bid Support) below; and,

c) Performance of a penetration probe at each pile to ascertain bottom composition.

14. Is it possible to provide the most recent DEC and USACE permits?

See response to Question 1.

15. Please confirm BPCA will have a resident inspection team and CA dives included in the proposal are only to intermittently monitor the construction.

Correct, when work is undertaken, BPCA will engage a CM who will conduct regular inspections.

Please ensure that all submissions include acknowledgment of this addendum.

The deadline for proposal submissions remains unchanged.

By signing the line below, I am acknowledging that all pages of this Addendum #2 have been received, reviewed and understood, and will be incorporated into the Proposal submitted. This document must be attached to the Proposal for consideration.

Print Name _____

Signature _____ Date _____

Date

Number of pages received: _____ <fill in>

Distributed to: All prospective Proposers



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

REGULATORY BRANCH

JUL 18 2018

SUBJECT: Permit Application File Number NAN-2018-00504-ESW by the Battery Park City Authority for Pile Maintenance in Hudson River at the Battery Park City, Borough of Manhattan, New York County, City of New York, New York

1. PERMITTEE:

Hugh L Carey Battery Park City Authority
200 Liberty Street, 24th Floor
New York, New York 10281
(212) 417-2000

2. On April 12, 2018, the New York District of the U.S. Army Corps of Engineers received a request for Department of the Army authorization from the Battery Park City Authority for the repair of approximately 7,400 linear feet of the esplanade which averages between 20-25 feet wide (approximately 170,200 square feet/3.9-acre) by encasing the severely deteriorated existing 20-inch square pre-cast concrete piles in 38-inch diameter concrete jackets with reinforcing bar and wire mesh. Minimally deteriorated piles will be encased in a 22-inch diameter jacket. The total amount of concrete epoxy grout in all of the pile jackets is approximately 607 cubic yards of discharge in an estimated footprint of 1,535 square feet. The substrate around the base of the pile would be removed by hand in order for the encasement to be buried below the mud line, and replaced to grade once the work on each pile is completed. The temporary sidecast would consist of approximately 2,264 square feet of fill. The regulated activities would be conducted in four phases over a period of four years and is located in the Hudson River at the Battery Park City, Borough of Manhattan, New York County, City of New York, New York.

3. The specific applicant-provided details are as shown on the attached permit drawings titled "Applicant: Battery Park City Authority", dated April 3, 2018, prepared by DKR Shores, Inc.

4. This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York District of the U.S. Army Corps of Engineers.

5. Based on the information submitted to this office and accomplishment of any required notification in accordance with the applicable federal requirements, our review of the subject work indicates that an individual Department of the Army permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number 3 MAINTENANCE, in accordance with Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344, as amended). The nationwide permits are prescribed as a Reissuance of Nationwide Permits in the Federal Register

REGULATORY BRANCH

SUBJECT: Permit Application File Number NAN-2018-00504-ESW by the Battery Park City Authority for Pile Maintenance in Hudson River at the Battery Park City, Borough of Manhattan, New York County, City of New York, New York

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dated January 6, 2017 (82 FR 1860). The subject work may be performed without further authorization from this office provided it complies with Sections A through D, Number 3 MAINTENANCE; New York District regional conditions; the following work-specific Special Conditions listed below; and any applicable regional conditions added by the State of New York.

6. Other than the work-specific Special Conditions listed below, the 2017 nationwide general permits in the State of New York, including their final regional conditions, water quality certifications, and coastal zone concurrence statements are available at:

www.nan.usace.army.mil/Portals/37/docs/regulatory/pub1icnotices/Regional%20Gen%20Permit/PN-RB%20NAN%20FinalRegionalConditionsWQC%20CZMforNYdated%2021-MAR-2017.pdf

If you require a specific paper copy, please contact our Regulator-of-the-Day at 917-790-8511 to request one be mailed to you. Please be sure to have the above eighteen-character file number readily available when you call.

7. Work-specific Special Conditions:

(A) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

(8) The permittee shall sign and submit the attached compliance certification form to this office **within 30 days of COMPLETION** of the regulated activity authorized by this permit and any mitigation work required by Special Condition.

(C) The permittee, and their agents, shall utilize best management practices to minimize turbidity during all in-water work activities as well as prevent construction materials, including debris from entering the waterway to become drift or pollution hazards.

(D) The permittee shall not conduct in-water work in shortnose sturgeon overwintering grounds from November 1-March 15 of any calendar year.

JUL 18 2018

SUBJECT: Permit Application File Number NAN-2018-00504-ESW by the Battery Park City Authority for Pile Maintenance in Hudson River at the Battery Park City, Borough of Manhattan, New York County, City of New York, New York

-3-

commencement of the authorized work you may request an approved JD, which may be appealed, by contacting the New York District, U.S. Army Corps of Engineers for further instruction. To assist you in this decision and address any questions you may have on the differences between preliminary and approved jurisdictional determinations, please review U.S. Army Corps of Engineers Regulatory Guidance Letter No. 16-01, which can be found at:

http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl_6-01_app1-2.pdf

9. This verification is valid until March 18, 2022, unless the nationwide permit is modified, reissued, or revoked. This verification will remain valid until March 18, 2022, if the activity complies with the terms of any subsequent modifications of the nationwide permit authorization. If the nationwide permits are suspended, revoked, or modified in such a way that the activity would no longer comply with the terms and conditions of a nationwide permit, and the proposed activity has commenced, or is under contract to commence, the permittee shall have twelve (12) months from the date of such action to complete the activity.

10. In order for us to better serve you and others, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

11. Any inquiries should be directed to our Regulator-of-the-Day at 917-790-8511. Please be sure to have the above eighteen-character file number readily available when you call.

£/!-

Ronald R. Pinz
Chief, Eastern Section

Enclosures (3)

1. Dated Permit Drawings
2. Completion Form
3. Preliminary JD

Copies furnished:

McLaren Engineering Group
Attn: Craig P. Plate
Attn: Kaitlyn McGrath
100 Snake Hill Road
West Nyack, New York 10994

NATIONWIDE GENERAL PERMIT **COMPLIANCE CERTIFICATION** **AND REPORT FORM**

Permit File Number: NAN-2018-00504-ESW

Permittee: Battery Park City Authority

Location: 40.71344167, -74.0162084 Battery Park City, Borough of Manhattan, New York County, City of New York, New York

Date Permit Letter Issued: JUL 18 2018

Within 30 days of the completion of the activity authorized by this nationwide general permit and any mitigation required in the verification letter, please sign this certification and return it to the address at the bottom of this form.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the permit's terms and conditions you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced nationwide general permit has been completed in accordance with the terms and conditions of said permit, and required mitigation was completed in accordance with the permit conditions.

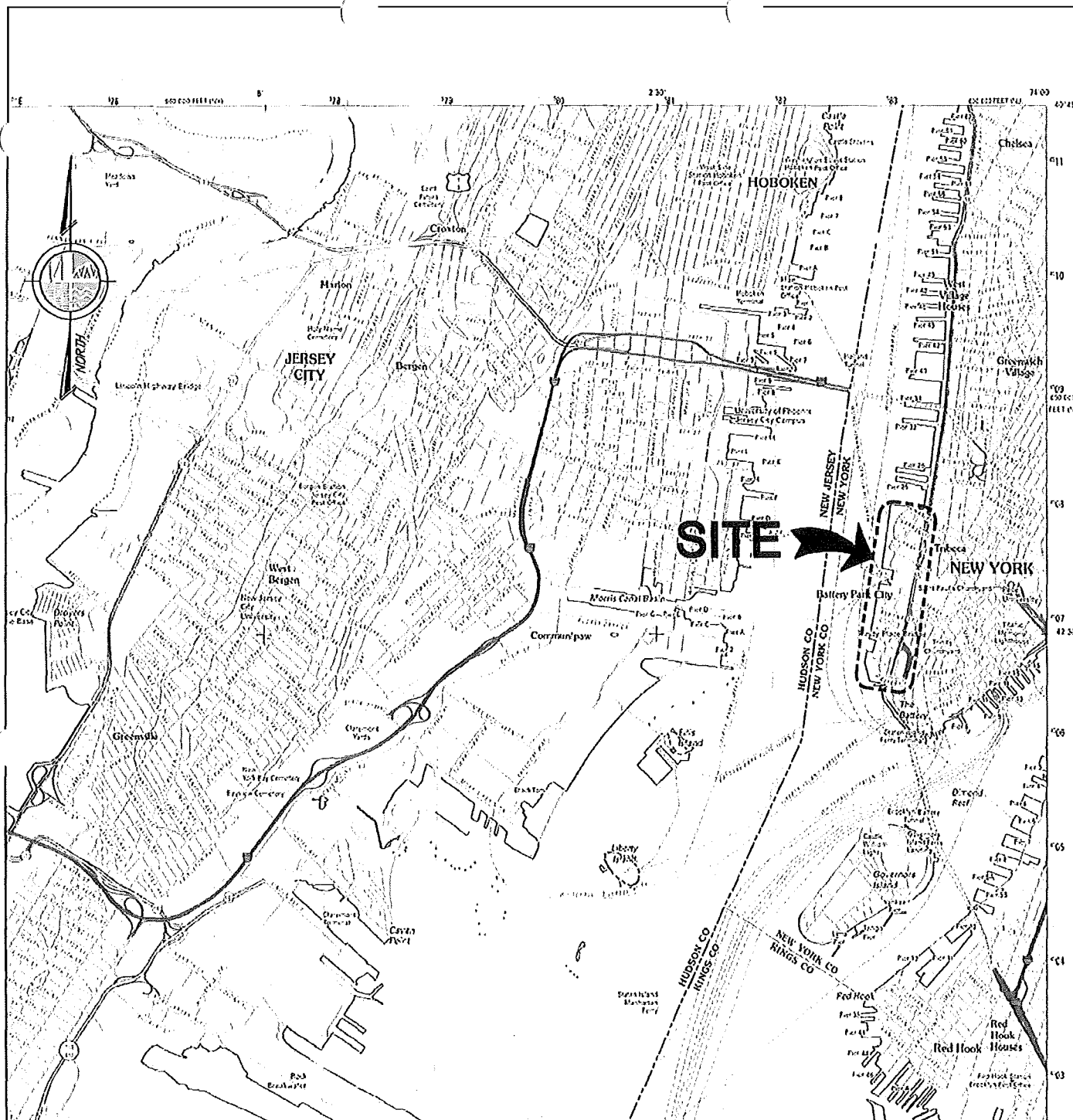
Signature of Permittee

Date

FOLD THIS FORM INTO THIRDS, WITH THE BOTTOM THIRD FACING OUTWARD.
TAPE IT TOGETHER AND MAIL TO THE ADDRESS BELOW OR FAX (212) 264-4260.

PLACE
STAMP
HERE

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT CORPS OF ENGINEERS
JACOB K JAVITS FEDERAL BUILDING
ATTN: CENAN-OP-RE
NEW YORK, NEW YORK 10278-0090



LOCATION MAP

N.T.S.

PURPOSE: ESPLANADE REPAIRS

DATUM: MHD

ADJACENT OWNERS:
SEE ATTACHED LIST.

BATTERY PARK CITY ESPLANADE PILE REMEDIATION PROGRAM

APPLICANT: HUGH L. CAREY
BATTERY PARK CITY AUTHORITY
200 LIBERTY ST., 24TH FLOOR
NEW YORK, N.Y. 10281

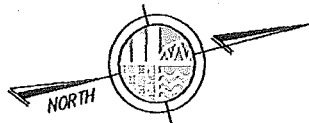
AGENT: M.G. McLAREN, P.C.
100 SNAKE HILL ROAD
WEST NYACK, N.Y. 10994

LOCATION MAP

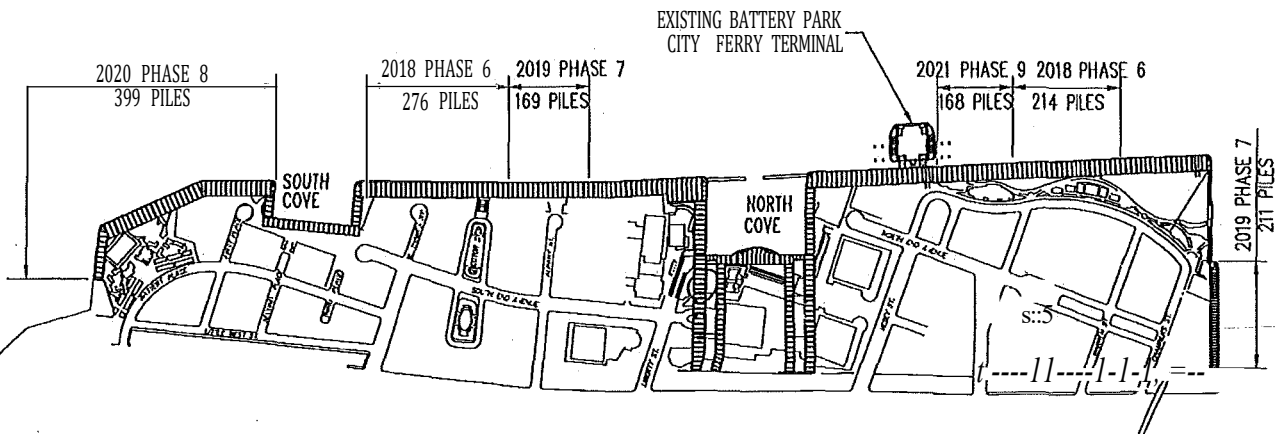
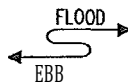
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AT: BATTERY PARK CITY
COUNTY OF: NEW YORK
STATE: NY

SHT *L* OF 1, 03/30/2018

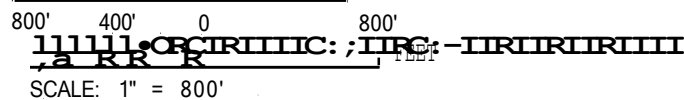
JUL 18 2018



HUDSON RIVER



OVERALL SITE PLAN



NOTE: AREA DESIGNATIONS TAKEN FROM AS-BUILT "BATTERY PARK CITY" DRAININGS DEVELOPED BY LIVESER, RUTLEDGE, WELFORTH, AND JOHNSTON CONSULTING ENGINEERS, DATED JUNE 17, 1974.

PURPOSE: ESPLANADE REPAIRS

DATUM: MHD

ADJACENT OWNERS:
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BATTERY PARK CITY ESPLANADE PILE REMEDIATION PROGRAM

APPLICANT: HUGH L. CAREY
BATTERY PARK CITY AUTHORITY
200 LIBERTY ST., 24TH FLOOR
NEW YORK, N.Y. 10281

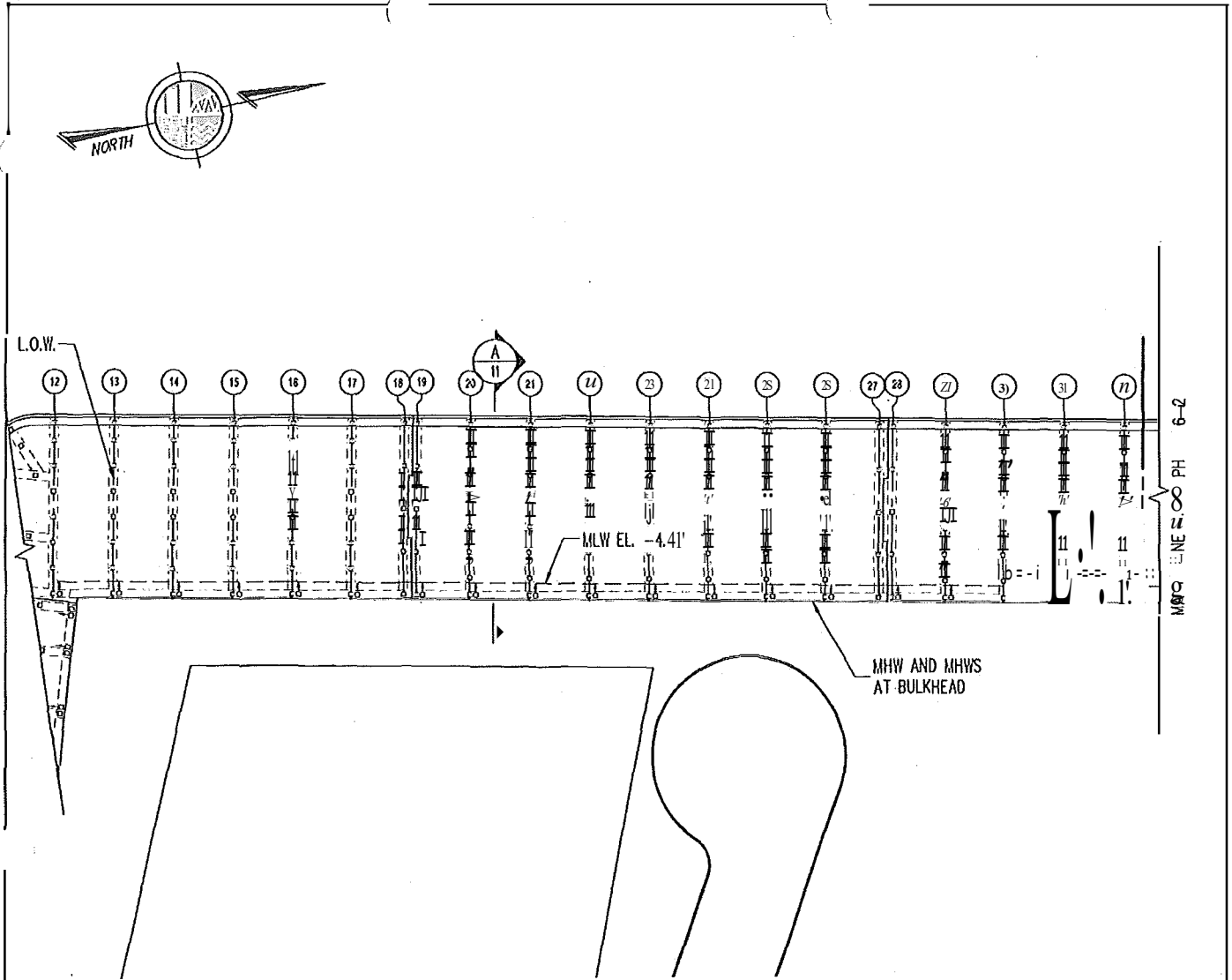
AGENT: M.G. McLAREN, P.C.
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OVERALL SITE PLAN

IN: MANHATTAN, NY
AT: BATTERY PARK CITY
COUNTY OF: NEW YORK
STATE: NY

SHT 1- OF 18 03/30/2018

JUL 18 2018



PHASE 6 - SHEET 1 OF 4



NOTE:
L.O.W. = UNIT OF WORK

LEGEND:

- o 20" x 20" SQUARE PRESTRESSED CONCRETE PILE
- 20" x 20" SQUARE PRESTRESSED CONCRETE BATTER PILE

PURPOSE: ESPLANADE REPAIRS

DATUM: MHD

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APPLICANT: HUGH L. CAREY
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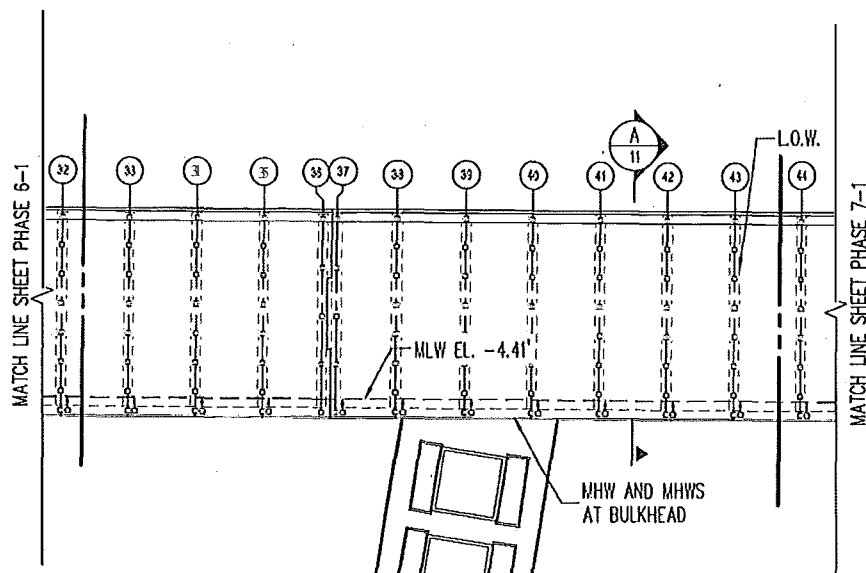
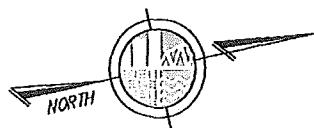
AGENT: M.G. McLAREN, P.C.,
100 SNAKE HILL ROAD
WEST NYACK, N.Y. 10994

2018 PHASE 6 SHEET 1 OF 4

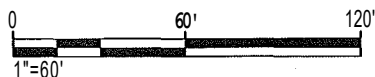
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AT: BATTERY PARK CITY
COUNTY OF: NEW YORK
STATE: NY

SHT **3** OF *Jr'* 03/30/2018

JUL 18 2018



PHASE 6 - SHEET 2 OF 4



NOIE:
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LEGEND:

- a 20' x 20' SQUARE PRESTRESSED CONCRETE PILE
- 6 20' x 20' SQUARE PRESTRESSED CONCRETE BATTER PILE

PURPOSE: ESPLANADE REPAIRS

DATUM: MHD

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BATTERY PARK CITY ESPLANADE PILE REMEDIATION PROGRAM

APPLICANT: HUGH L. CAREY
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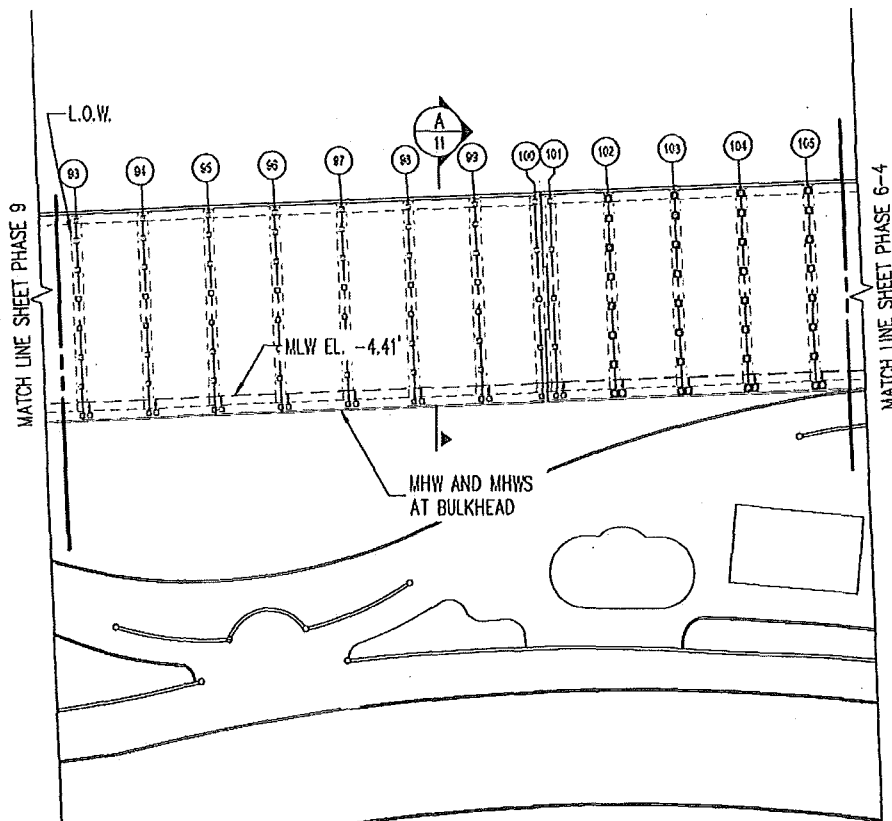
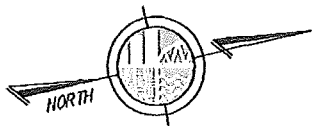
AGENT: M.G. McLAREN, P.C.,
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2018 PHASE 6 SHEET 2 OF 4

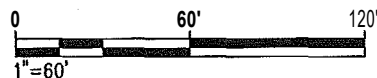
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AT: BATTERY PARK CITY
COUNTY OF: NEW YORK
STATE: NY

SHT 2 OF 4 03/30/2018

JUL 18 2018



PHASE 6 .. SHEET 3 OF 4



NOTE:
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PURPOSE: ESPLANADE REPAIRS

DATUM: MHD

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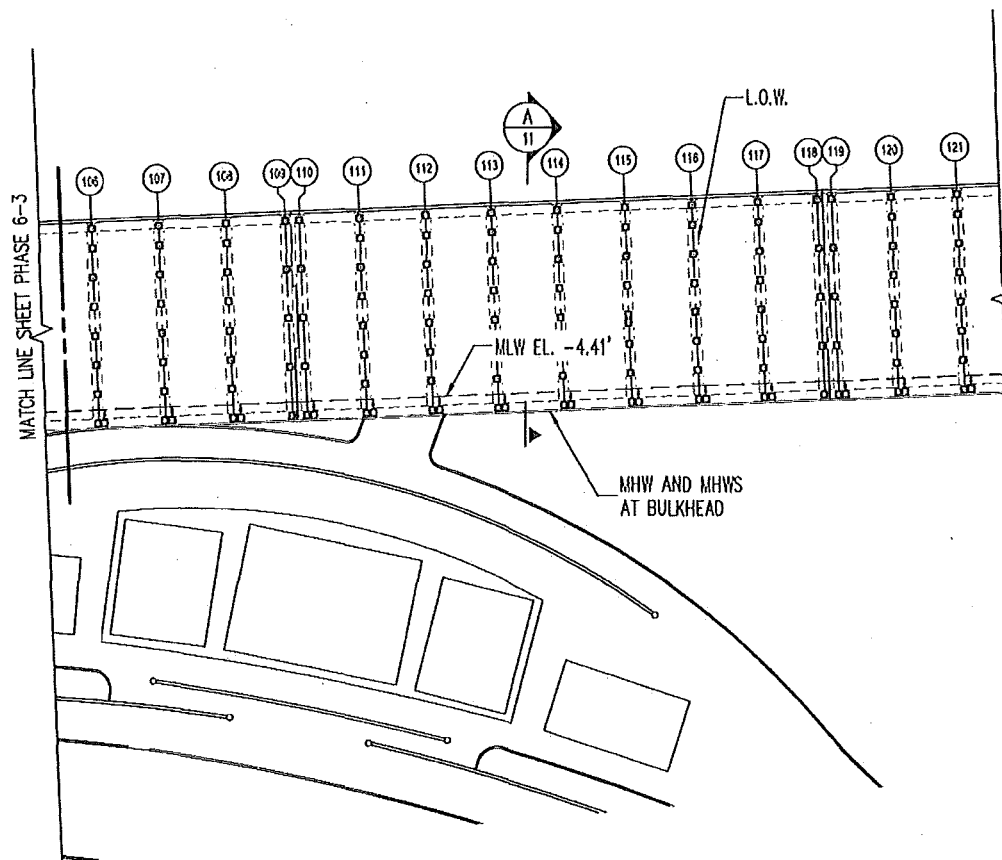
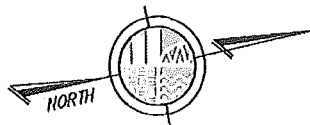
AGENT: M.G. McLAREN, P.C.
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2018 PHASE 6
SHEET 3 OF 4

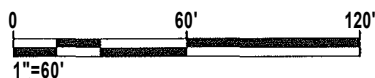
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AT: BATTERY PARK CITY
COUNTY OF: NEW YORK
STATE: NY

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JUL 18 2018



PHASE 6 - SHEET 4 OF 4



NOTE:
L.O.W. = LIMIT OF WORK

LEGEND:

- o 20' x 20' SQUARE PRESSESSED CONCRETE PILE
- 20' x 20' SQUARE PRESSESSED CONCRETE BATTER PILE

PURPOSE: ESPLANE REPAIRS

DATUM: MHD

ADJACENT OWNERS:
SEE ATTACHED LIST.

BATTERY PARK CITY ESPLANE PILE REMEDIATION PROGRAM

APPLICANT: HUGH L. CAREY
BATTERY PARK CITY AUTHORITY
200 LIBERTY ST., 24TH FLOOR
NEW YORK, N.Y. 10281

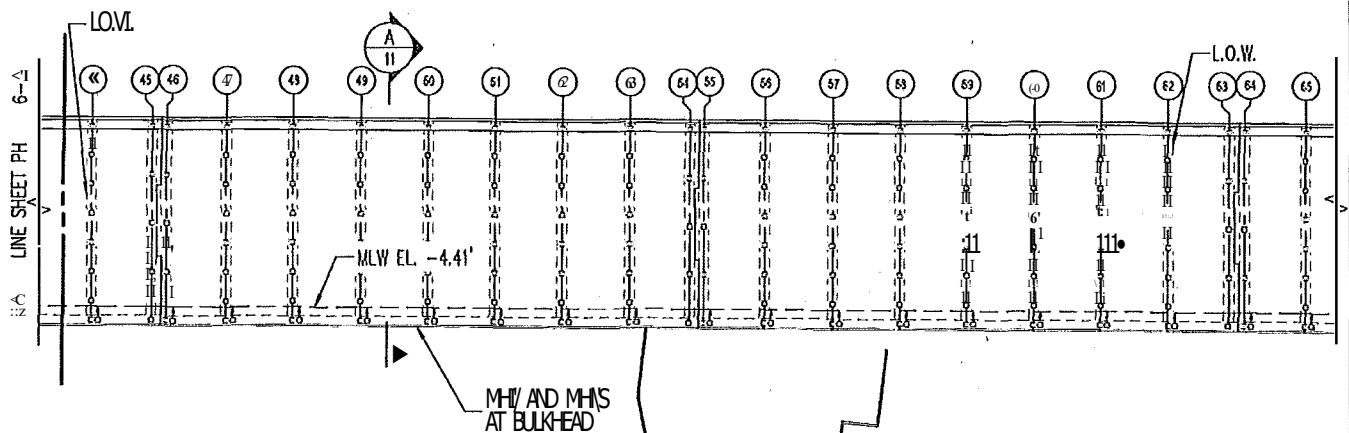
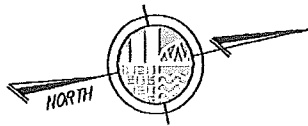
AGENT: M.G. McLAREN, P.C.
100 SNAKE HILL ROAD
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2018 PHASE 6 SHEET 4 OF 4

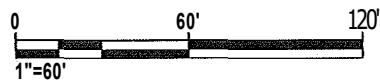
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AT: BATTERY PARK CITY
COUNTY OF: NEW YORK
STATE: NY

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JUL 18 2018



PHASE 7 - SHEET 1 OF 2



NOTE
L.O.W. = LIMIT OF WORK

LEGEND:

- a 20" x 20" SQUARE PRESTRESSED CONCRETE PILE
- ◆ 20" x 20" SQUARE PRESTRESSED CONCRETE BATTER PILE

PURPOSE: ESPLANE REPAIRS

DATUM: MHD

ADJACENT OWNERS:
SEE ATTACHED LIST.

BATTERY PARK CITY ESPLANE PILE REMEDIATION PROGRAM

APPLICANT: HUGH L. CAREY
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NEW YORK, N.Y. 10281

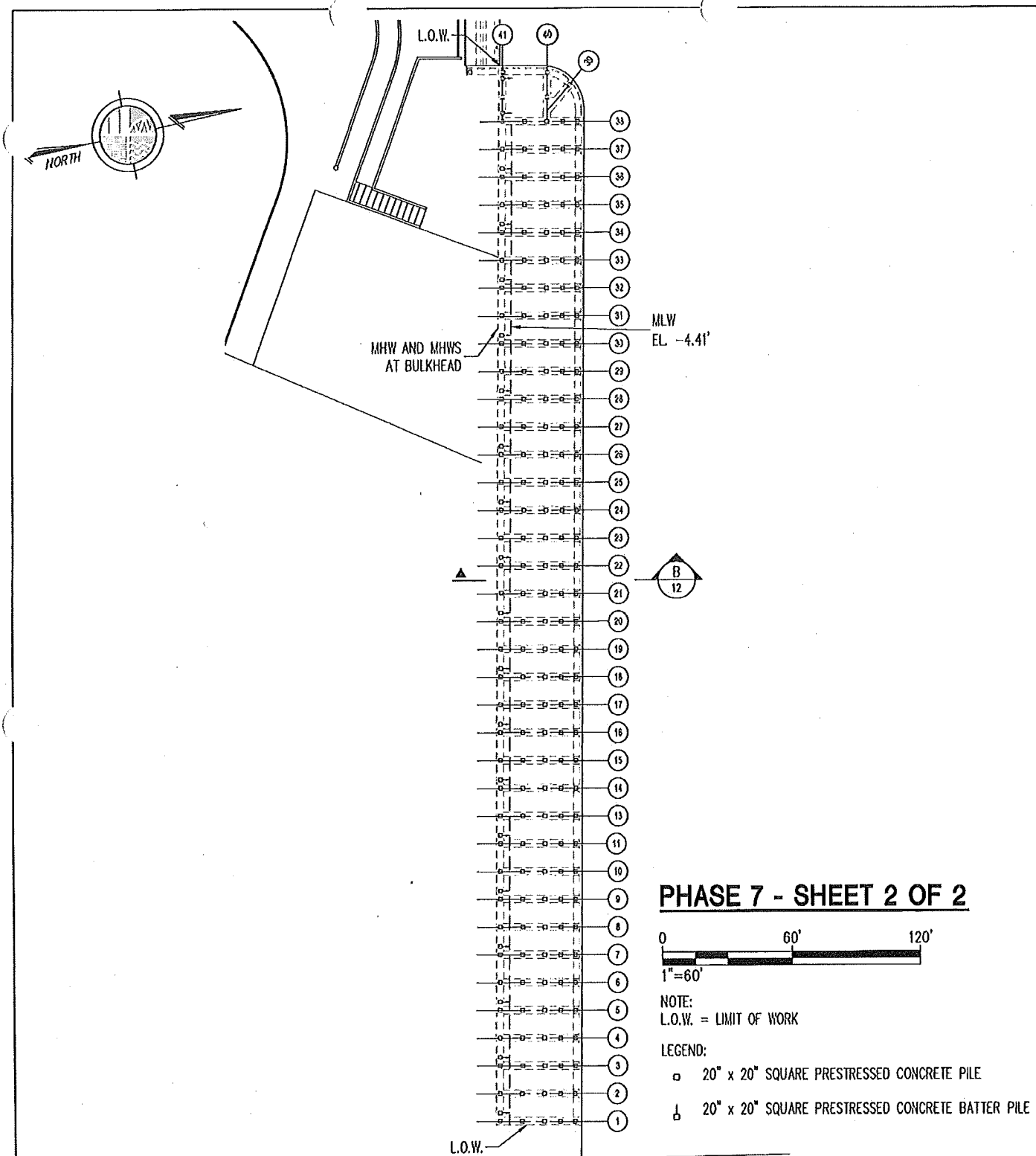
AGENT: M.G. McLAREN, P.C.
100 SNAKE HILL ROAD
WEST NYACK, N.Y. 10994

2019 PHASE 7
SHEET 1 OF 2

IN: MANHATTAN, NY
AT: BATTERY PARK CITY
COUNTY OF: NEW YORK
STATE: NY

SHT 1 OF 1 03/30/2018

JUL 18 2018



PURPOSE: ESPLANADE REPAIRS

DATUM: MHD

ADJACENT OWNERS:
SEE ATTACHED LIST.

**BATTERY PARK CITY ESPLANADE
PILE REMEDIATION PROGRAM**

APPLICANT: HUGH L. CAREY
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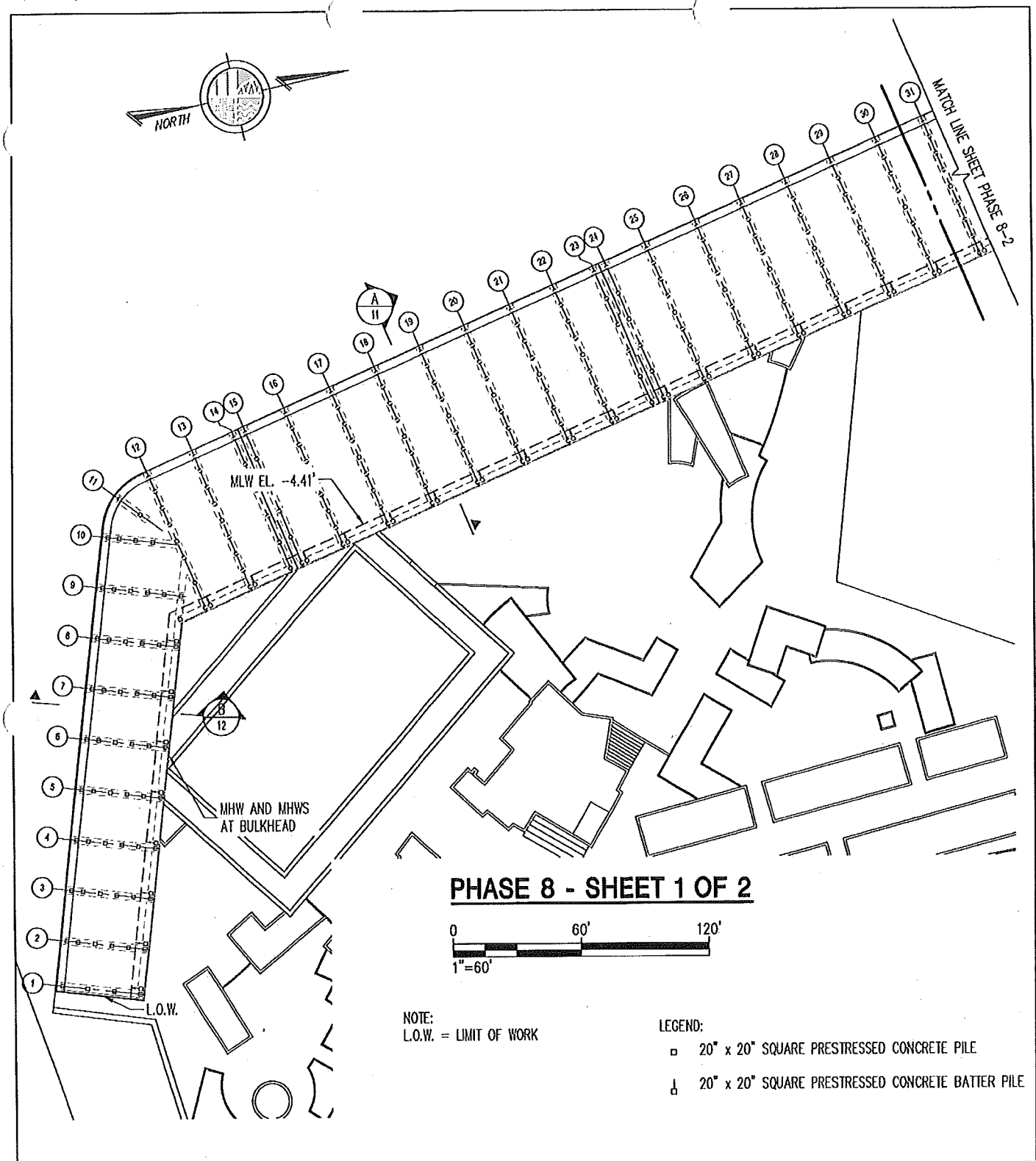
AGENT: M.G. McLAREN, P.C.
100 SNAKE HILL ROAD
WEST NYACK, N.Y. 10994

2019 PHASE 7
SHEET 2 OF 2

IN: MANHATTAN, NY
AT: BATTERY PARK CITY
COUNTY OF: NEW YORK
STATE: NY

SHT 8 OF 15 03/30/2018

JUL 18 2018



PURPOSE: ESPLANADE REPAIRS

DATUM: MHD

ADJACENT OWNERS:
SEE ATTACHED LIST.

**BATTERY PARK CITY ESPLANADE
PILE REMEDIATION PROGRAM**

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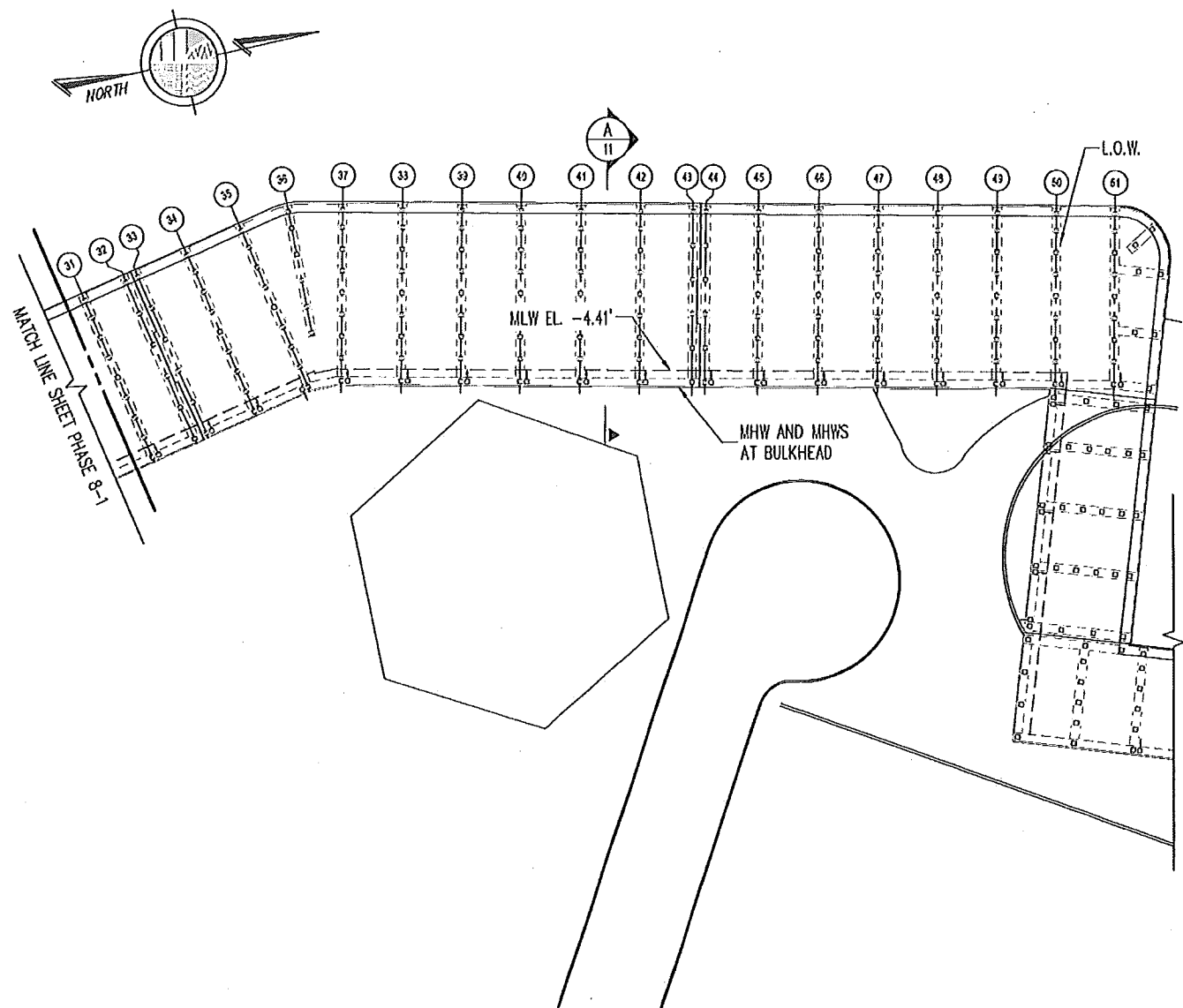
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**2020 PHASE 8
SHEET 1 OF 2**

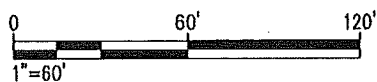
IN: MANHATTAN, NY
AT: BATTERY PARK CITY
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STATE: NY

SHT 1 OF 15 03/30/2018

JUL 18 2018



PHASE 8 - SHEET 2 OF 2



NOTE:
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LEGEND:

- 20" x 20" SQUARE PRESTRESSED CONCRETE PILE
- ⌏ 20" x 20" SQUARE PRESTRESSED CONCRETE BATTER PILE

PURPOSE: ESPLANADE REPAIRS

DATUM: MHD

ADJACENT OWNERS:
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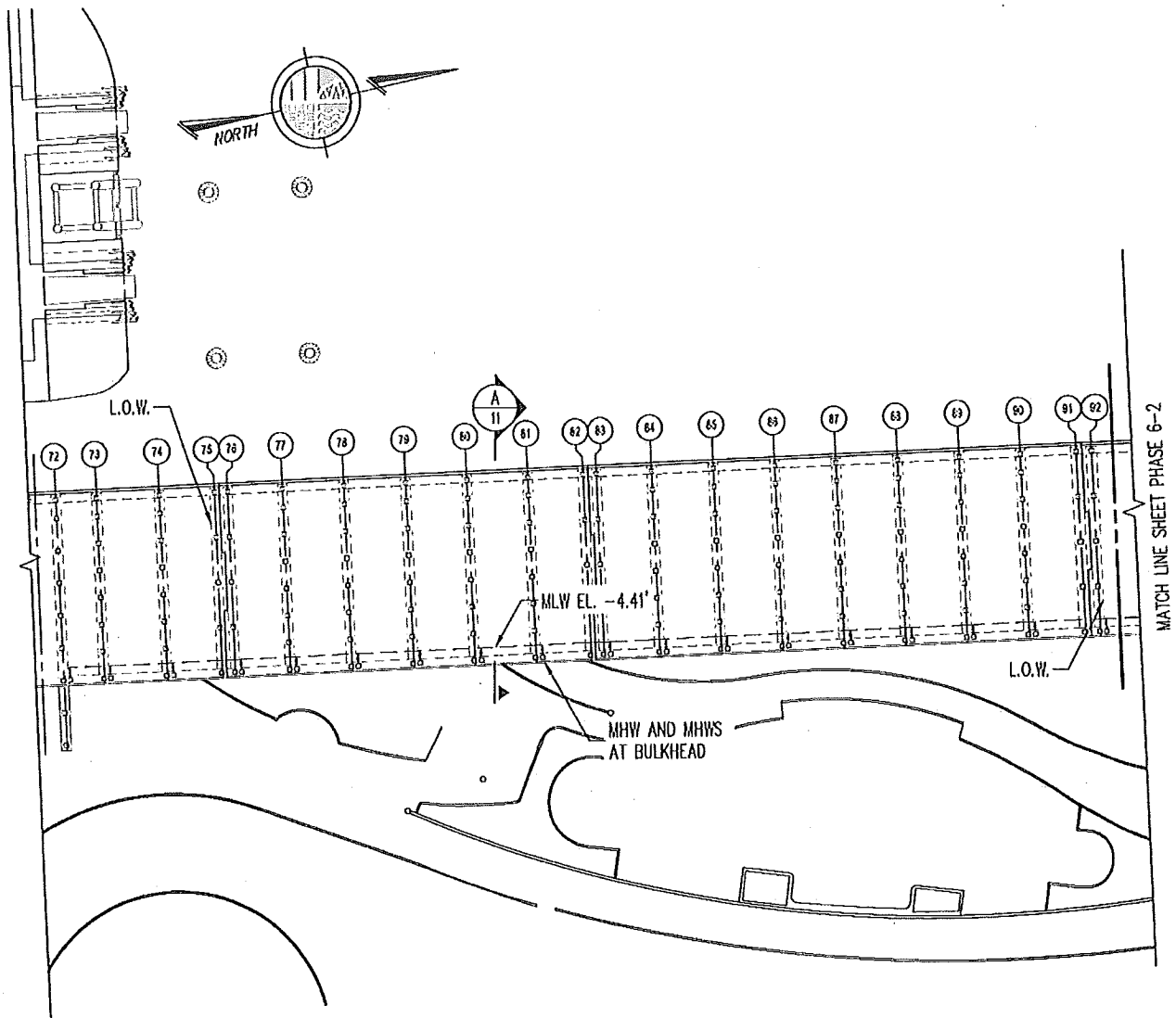
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2020 PHASE 8 SHEET 1 OF 2

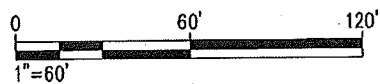
IN: MANHATTAN, NY
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COUNTY OF: NEW YORK
STATE: NY

SHT 10 OF 15 03/30/2018

JUL 18 2018



PHASE 9



NOTE:
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PURPOSE: ESPLANADE REPAIRS

DATUM: MHD

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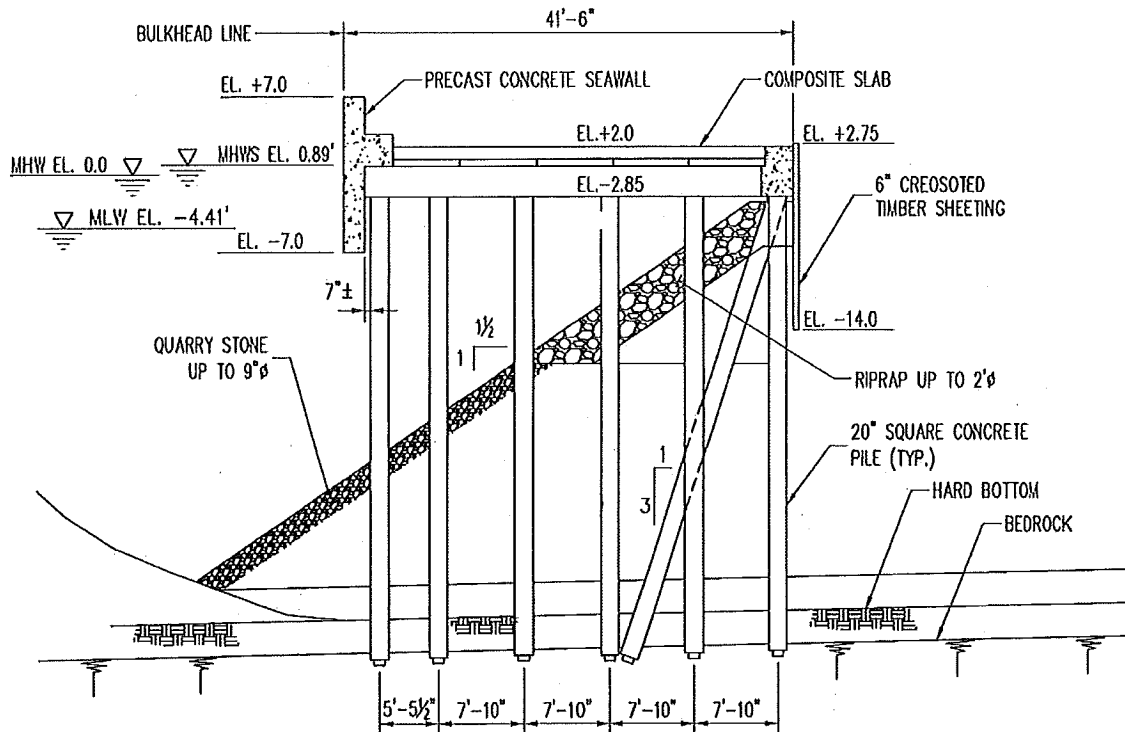
AGENT: M.G. McLAREN, P.C.
100 SNAKE HILL ROAD
WEST NYACK, N.Y. 10994

2021 PHASE 9

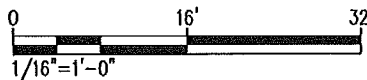
IN: MANHATTAN, NY
AT: BATTERY PARK CITY
COUNTY OF: NEW YORK
STATE: NY

SHT 11 OF 15 03/30/2018

JUL 18 2018



B TYPICAL EXISTING ESPLANADE SECTION



NOTE:
SUBSURFACE PROFILE TAKEN FROM AS-BUILT "BATTERY PARK CITY"
DRAWINGS DEVELOPED BY MUESER, RUTLEDGE, WENTWORTH, AND JOHNSTON
CONSULTING ENGINEERS, DATED JUNE 17, 1974.

PURPOSE: ESPLANADE REPAIRS

DATUM: MHD

ADJACENT OWNERS:
SEE ATTACHED LIST.

**BATTERY PARK CITY ESPLANADE
PILE REMEDIATION PROGRAM**

APPLICANT: HUGH L. CAREY
BATTERY PARK CITY AUTHORITY
200 LIBERTY ST., 24TH FLOOR
NEW YORK, N.Y. 10281

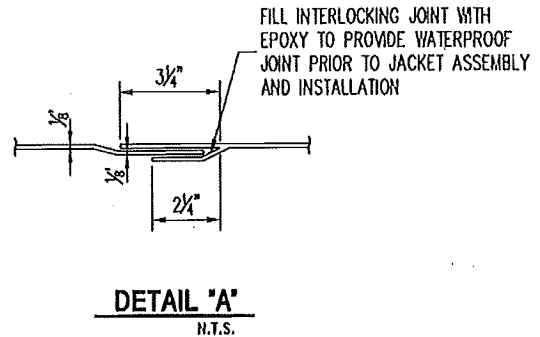
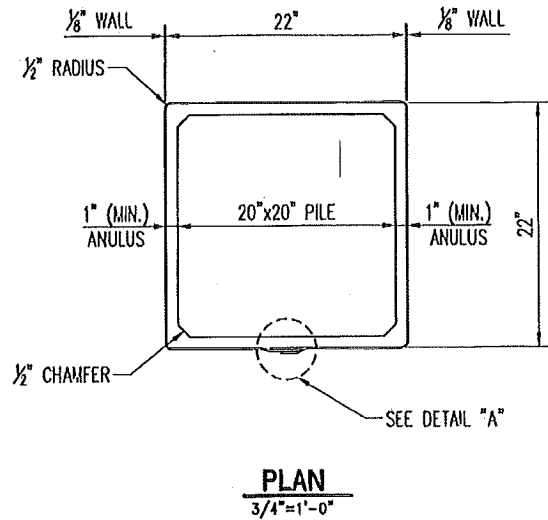
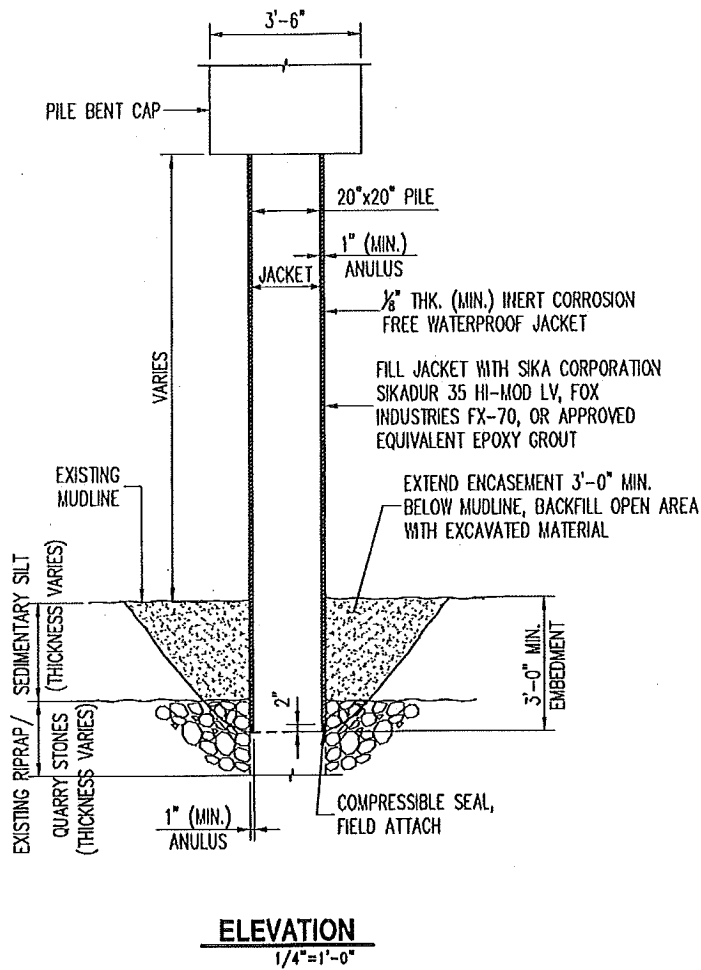
AGENT: M.G. McLAREN, P.C.
100 SNAKE HILL ROAD
WEST NYACK, N.Y. 10994

**TYPICAL EXISTING
ESPLANADE SECTIONS 2**

IN: MANHATTAN, NY
AT: BATTERY PARK CITY
COUNTY OF: NEW YORK
STATE: NY

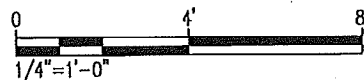
SHT 13 OF 15 03/30/2018

JUL 18 2018



EXPOXY GROUT PILE PROTECTION DETAILS

(SQUARE JACKET)



PURPOSE: ESPLANADE REPAIRS

DATUM: MHD

ADJACENT OWNERS:
SEE ATTACHED LIST.

BATTERY PARK CITY ESPLANADE
PILE REMEDIATION PROGRAM

APPLICANT: HUGH L. CAREY
BATTERY PARK CITY AUTHORITY
200 LIBERTY ST., 24TH FLOOR
NEW YORK, N.Y. 10281

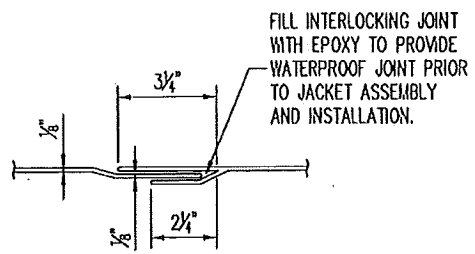
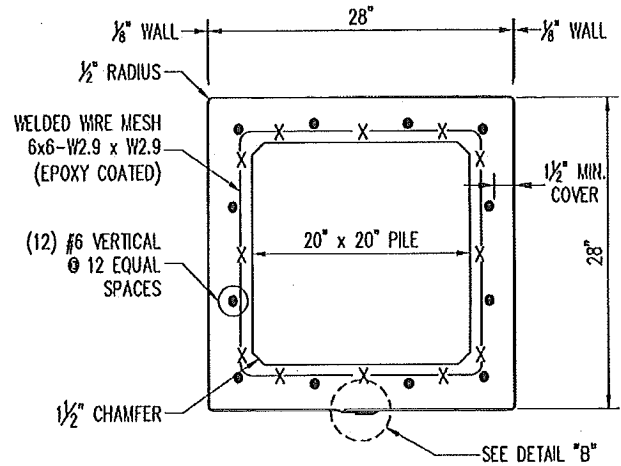
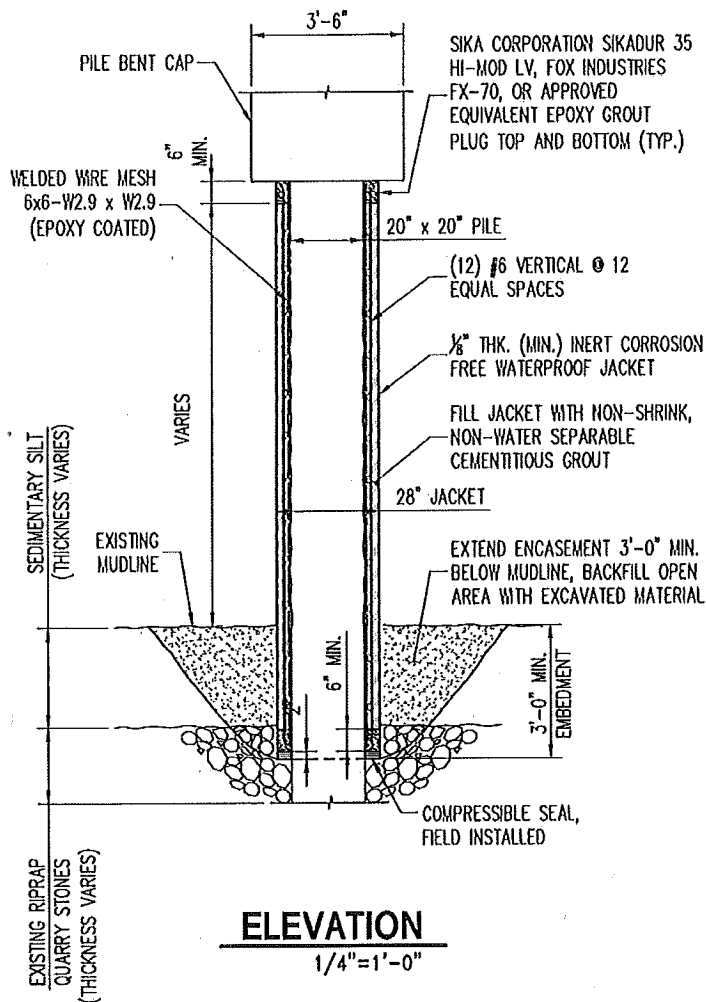
AGENT: M.G. McLAREN, P.C.
100 SNAKE HILL ROAD
WEST NYACK, N.Y. 10994

EPOXY GROUT
PILE PROTECTION

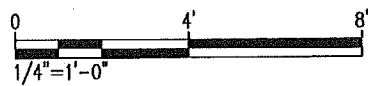
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AT: BATTERY PARK CITY
COUNTY OF: NEW YORK
STATE: NY

SHT 14 OF 15 03/30/2018

JUL 18 2018



CONCRETE PILE STRUCTURAL REPAIR DETAILS
(SQUARE JACKET)



PURPOSE: ESPLANADE REPAIRS

DATUM: MHD

ADJACENT OWNERS:
SEE ATTACHED LIST.

BATTERY PARK CITY ESPLANADE
PILE REMEDIATION PROGRAM
APPLICANT: HUGH L. CAREY
BATTERY PARK CITY AUTHORITY
200 LIBERTY ST., 24TH FLOOR
NEW YORK, N.Y. 10281

AGENT: M.G. McLAREN, P.C.
100 SNAKE HILL ROAD
WEST NYACK, N.Y. 10994

CONCRETE PILE
STRUCTURAL REPAIR
DETAIL

IN: MANHATTAN, NY
AT: BATTERY PARK CITY
COUNTY OF: NEW YORK
STATE: NY

SHT 15 OF 15 03/30/2018

JUL 18 2018

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: July 16, 2018

B. NAME AND ADDRESS OF PERSON REQUESTING PJD: BPCA 200 Liberty Street, 24th Floor New York, New York 10281

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: NY District, Battery Park City Authority, NAN-2018-00504-ESW

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: New York County/parish/borough: Manhattan City: New York

Center coordinates of site (lat/long in degree decimal format):

Lat.: 40.71344167 Long.: -74.0162084

Universal Transverse Mercator:

Name of nearest waterbody: Hudson River

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: July 16, 2018

☐ Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
1	40.71344167	-74.0162084	2 acres	non-wetland waters	10/404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: McLaren Engineering Group, dated March 30, 2018
- ☐ Data sheets prepared/submitted by or on behalf of the PJD requestor.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report. Rationale: _____
- ☐ Data sheets prepared by the Corps: _____
- ☐ Corps navigable waters' study: _____
- ☐ U.S. Geological Survey Hydrologic Atlas: _____
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
- ☐ U.S. Geological Survey map(s). Cite scale & quad name: _____
- ☐ Natural Resources Conservation Service Soil Survey. Citation: _____
- ☐ National wetlands inventory map(s). Cite name: _____
- ☐ State/local wetland inventory map(s): _____
- ☐ FEMA/FIRM maps: _____
- ☐ 100-year Floodplain Elevation is: _____ (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): _____
or ☒ Other (Name & Date): Existing conditions, April 2018
- ☐ Previous determination(s). File no. and date of response letter: _____
- ☒ Other information (please specify): Environmental Questionnaire, FCAF

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

REGAN.AMANDA.MICHELLE
LE.1384973287

Signature and date of
Regulatory staff member
completing PJD

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)¹

¹ Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 2

47-40 21ST Street, Long Island City, NY 11101-5407

Phone: (718) 482-4997 • Fax: (718) 482-4975

Website: www.dec.ny.gov



Joe Martens
Commissioner

January 9, 2015

John D. Francescon
Hatch Mott MacDonald
1400 Broadway, 30th Floor
New York, NY 10018

Re: DEC Permit No. 2-6200-00782/00001
Battery Park City Authority – General Permit for Waterfront Structure Repair
ECL Article 15 – Protection of Waters
ECL Article 25 – Tidal Wetlands
6 NYCRR Part 608 – Water Quality Certification
NOTICE OF PERMIT ISSUANCE

Dear Mr. Francescon:

Enclosed is your client's NYSDEC permit. Please have your client read it carefully, and ask its contractors to do the same. Compliance with all permit conditions is required.

If you have any questions, please call me at the number above, or e-mail me at john.cryan@dec.ny.gov.

Very truly yours,


John F. Cryan
Regional Permit Administrator

encl.



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

BATTERY PARK CITY AUTHORITY

24TH FL

1 WORLD FINANCIAL CTR

NEW YORK, NY 10281

(212) 417-2000

Facility:

BATTERY PARK CITY WATERFRONT
(ONLY)

HUDSON RIVER BETWEEN BATTERY PL ON
THE S AND CHAMBERS ST ON THE N
NEW YORK, NY 10280

Facility Location: in NEW YORK COUNTY **Village:** New York City

Facility Principal Reference Point: NYTM-E: NYTM-N:

Latitude: Longitude:

Project Location: Battery Park City waterfront

Authorized Activity: Maintenance of Battery Park City Authority-owned , legal waterfront structures, or elements thereof, as defined in the special conditions of this permit, by the Battery Park City Authority within lower Manhattan along the Hudson River between Chambers Street and Battery Place.

Permit Authorizations

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Permit ID 2-6200-00782/00001

New Permit

Effective Date: 1/9/2015

Expiration Date: 1/8/2025

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 2-6200-00782/00002

New Permit

Effective Date: 1/9/2015

Expiration Date: 1/8/2025

Tidal Wetlands - Under Article 25

Permit ID 2-6200-00782/00003

New Permit

Effective Date: 1/9/2015

Expiration Date: 1/8/2025

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: JOHN F CRYAN, Regional Permit Administrator

Address: NYSDEC REGION 2 HEADQUARTERS
47-40 21ST ST
LONG ISLAND CITY, NY 11101 -5407



Authorized Signature: _____

Date 01/09/2015

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following
Permits: EXCAVATION & FILL IN NAVIGABLE WATERS; WATER
QUALITY CERTIFICATION; TIDAL WETLANDS**

1. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Hatch Mott McDonald for Battery Park City Authority, and consist of an overall site plan dated 6/10/2014, and also additional plans to be submitted for each round of work under this special general permit (see special condition 5)..

2. Scope of General Permit Maintenance of legal waterfront structures, or elements thereof, owned by Battery Park City Authority.

-Piers, wharves, bulkheads, bridge piers, bridge/pier protection cells, ferry landing structures, and stone revetments involving the following elements:

- Piles (wood*, concrete, steel, concrete filled steel);
- Pile caps;
- Beams, fenders and walers;
- Decking;
- Gravity walls;
- Timber, vinyl or steel sheet pile bulkheads** (in-place reconstruction only)
- Relieving platforms;
- Cribbing;
- Spalled concrete surfaces (repair to be application of shotcrete or other method of pneumatically applied concrete or formed with cast-in-place concrete);
- Cathodic protection of metal surfaces;
- Storm water outfall(s) and tide gates - limited to in-place repair or replacement of an outfall(s) or tide gate due to deterioration or to maintenance of the waterfront structure of which it is a part;
- Repair or replacement of legal marine habitat enhancement structures (ie. reef balls, etc.) in-place due to deterioration or due to maintenance of the waterfront structure of which it is a part;
- Repair, replacement or relocation of impervious or pervious service roads located greater than thirty (30) feet landward of the tidal wetland boundary;



-In-place repair or replacement of boat ramps (for security and emergency use only with no asphalt) due to deterioration or due to maintenance of the waterfront structure of which it is a part;
-Aids to navigation - prior approval by and installed in accordance with the requirements of the U.S. Coast Guard.

*including wrapping of timber piles with plastic sheeting (a maximum increase of 6 inches in diameter) to prevent or minimize deterioration (including manual side casting and replacement of sediment at the base of pile to facilitate placement of sheeting below the mudline).

*concrete jacketing/encasement (limited to initial jackets/encasements with a maximum 8 inch increase in diameter) of damaged or deteriorated piles (also including manual side casting and replacement of sediment at the base of pile to facilitate placement of sheeting below the mud-line). Second generation jackets/encasements are not covered under the scope of this permit.

**excavation of incidental obstructions (rip rap, fill material, debris) from the base of deteriorated piles, bulkhead or other deteriorated retaining structures sections to facilitate maintenance work.

**replacement of rip rap provided it be underlain it with geo-textile fabric at base of repaired and/or reconstructed bulkhead sections or under or adjacent to piers and wharves to re-establish structural stability.

3. Definitions a) Maintenance: The repair or in-place replacement of any functional waterfront structure provided that the structure is not to be put to uses differing from lawfully allowed past uses or from those specified in prior permits. Minor deviations in the structure's configuration or filled area including those due to changes in materials, construction techniques, or current construction codes or safety standards which are necessary to make repair or replacement are permitted, provided the environmental impacts resulting from such repair are not significant.

b) Incidental: Occuring merely by chance or without intention or calculation, with minor consequence.

c) Minimal Impacts: Those that are consistent with a SEQR finding of no significant impacts.

d) Minor Deviations: Those changes to the in-place characteristics of the structure that are consistent with a SEQR finding of no significant impacts; 6 NYCRR Part 661.5 use category of GCP (generally compatible use-permit required); and applicable development restrictions contained in 6 NYCRR Part 661.6.

e) Repair: To bring back to or put back into a former or original state, including replacement in part or whole.

f) Replacement: The filling of a place once occupied by something lost, destroyed, deteriorated, or no longer usable or adequate.

g) Shotcrete: A quick setting mortar or concrete mix pneumatically conveyed through a hose and applied directly to vertical and overhead surfaces, being capable of supporting itself without sagging or sloughing: suitable for repair work and new construction.

4. Regulated Activities Authorized by this Permit This permit authorizes only those regulated



activities/structures identified in Natural Resources Permit Condition 2. NYSDEC does not issue after-the-fact or as-built permits. This permit does not authorize activities, or legitimize the existence of structures, which would have required a permit but for which no permit or other authorization has been granted by NYSDEC.

5. Notification to DEC and Authorization to Proceed Required For each project contemplated under this permit, the permittee shall follow the procedure below:

Not less than fifteen (15) days prior to the start of work, Battery Park City Authority must provide one copy of the following items to: NYSDEC Division of Environmental Permits, 47-40 21st Street, Long Island City, New York 11101 (Attention: Regional Permit Administrator) and one copy of the following to: NYSDEC Bureau of Marine Resources, 47-40 21st Street, Long Island City, New York 11101 (Attention: Marine Resources Program Manager).

a. Project Description

b. Work Schedule

c. Current color photographs showing the entire project site at low tide, including photo location/direction labeling plan.

d. Construction equipment to be used.

e. Project plans to scale which include the following:

1) Sediment/erosion controls methods/locations if any sediment/vegetation disturbance or fill placement is proposed.

2) Tidal wetland boundary, mean high water and mean low water line locations and elevations referenced to NAD 88.

3) Staging locations for storage of construction equipment/materials.

4) Temporary or permanent project limiting fence.

5) Access route for construction equipment

6) Type(s) and volume(s) and source(s) of fill to be used if applicable

7) North arrow

8) Property lines and names of adjacent landowners

9) Dimensions of the work areas and limits of disturbance

10) Name of preparer and date prepared

11) Type(s) and dimensions (in feet/inches) of material proposed

12) Existing and proposed grades

13) Dimensions/weights (in pounds) and amount(s) (in cubic yards) of rock rip rap if applicable.

Permittee shall not commence work until DEC has issued to permittee a written authorization to proceed with the work described in the documents listed above that permittee has submitted to DEC.

6. Notice of Intent to Commence Work At least 15 days prior to commencement of work, Permittee must complete and return the attached Notice of Intent to Commence Work to: NYSDEC Marine Resources, 47-40 21st Street, Long Island City, New York 11101 (Attention: Marine Resources Program



Manager). Such form may be included with the materials submitted as described in the previous special condition, Special Condition No. 5, above.

7. Post Permit Sign The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

8. Post Construction Photographs Within 30 days of the completion of work authorized by this permit, Permittee must submit post-construction photographs of the work area to: NYSDEC Bureau of Marine Resources, 47-40 21st Street, Long Island City, New York 11101 (Attention: Marine Resources Program Manager).

9. Best Management Practices Best management practices must be employed to prevent the loss of construction materials, debris and sediments from entering the wetlands or waterways. Such practices may include, but are not limited to, construction fencing, staked hay bales, silt fencing, floating platforms, netting, containment booms.

10. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

11. Concrete/Leachate Discharges Prohibited During construction, concrete or leachate must not escape or be discharged, and washings from transit mix trucks, mixers, or other devices must not enter tidal wetlands or protected buffer areas or waterways.

12. Storage of Construction Equipment and Materials The storage of construction equipment and newly delivered construction materials must be confined to within the project work site and upland areas greater than 50 linear feet from the tidal wetland boundary.

13. Excavation for Bulkhead/Structure Prior to any construction or removal of bulkheads and other shoreline stabilization structures all backfill shall be excavated landward of the structure and retained so as not to enter the waterway, tidal wetland or protected buffer area.

14. Complete Construction Before Backfilling Construction of all peripheral riprap berms, cofferdams, rock revetment, gabions, bulkheads, etc., shall be completed prior to placement of any fill material behind such structures.

15. Clean Fill Material Only All fill material must consist of "clean" sand, gravel, or soil. The use of material such as asphalt, slag, fly-ash, broken concrete, recycled concrete aggregate or demolition debris is strictly prohibited.

16. Installation of Pilings All pilings must be driven in place. The jetting of pilings is prohibited.

17. No Disturbance to Vegetated Tidal Wetlands is allowed. There will be no disturbance to vegetated tidal wetlands or tidal wetlands adjacent area protected buffer areas as a result of the permitted activity.

18. No Floats, Ramps in Vegetated Tidal Wetlands Floats and ramps may not rest on or be stored in any vegetated tidal wetland.



19. Debris Removal Should any demolition or construction debris fall into the waterway or enter the tidal wetlands, it must be removed immediately.

20. Debris Disposal All demolition and construction debris must be properly disposed of at a facility permitted to accept such materials.

21. De-Watering Prohibited De-watering is prohibited without prior written approval from NYSDEC.

22. No Construction Debris in Wetland or Adjacent Area Debris from the construction project permitted herein, and any excess construction materials, may not enter or be stored within regulated wetlands or adjacent areas. Such debris must be removed on a daily basis from the project site, and such excess materials must be removed before the end of construction.

23. In-Water Use of Wood Preservatives A. Pressure treated wood used for construction of in-water structures must have been treated with a preservative and must have undergone a treatment process approved (stamped or otherwise marked as certified) by the American Wood Preservative Association.

B. Wood treated with Pentachlorophenol (PCP) must not be used in wetlands or surface waters.

C1. [Existing Marinas]

Wood treated with creosote may only be used until January 1, 2010.

Any unused creosote treated wood must be disposed of in accordance with section 27-2505 of the Environmental Conservation Law at a specially authorized facility. The burning of creosote treated wood is strictly prohibited.

C2. [New Marinas]

The use of creosote treated wood is prohibited both in the water and in the upland areas.

D. Chromated Copper Arsenate (CCA) pressure treated wood must be clean and free of CCA surface deposits. Wood with surface deposits must be washed for at least 5 minutes under running water prior to use. (Note the following condition for the handling of wash water.)

E. Any wood debris such as sawdust or wash water must not enter any water body, including wetlands, or protected buffer areas.

24. Stabilize Disturbed Areas All areas of soil disturbance resulting from this project shall be stabilized immediately following project completion or prior to permit expiration, whichever comes first. The approved methodologies are as follows:

- a. Stabilization of the entire disturbed area with appropriate vegetation (grasses, etc.).
- b. Stabilized as per specifications identified on approved plans.
- c. Temporarily stabilized with straw mulch or jute matting or other similar natural fiber matting within 1 week of final grading. Temporary stabilization shall be maintained until a mature vegetative cover is established.

25. Minimize Adverse Impacts to Wetlands, Wildlife, Water All work must be performed in a



manner which minimizes adverse impacts to wetlands, wildlife, water quality and natural resources.

26. No Interference With Navigation There shall be no unreasonable interference with navigation by the work herein authorized.

27. Prior Approval of Changes If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the Department.

28. Failure to Meet Permit Conditions Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires.



Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 2 HEADQUARTERS
47-40 21ST ST
LONG ISLAND CITY, NY 11101 -5407

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Excavation & Fill in Navigable Waters, Tidal Wetlands, Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.



Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.