

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 2

47-40 21st Street, Long Island City, NY 11101

P: (718) 482-4997 | F: (718) 482-4975

www.dec.ny.gov

December 26, 2019

Michael Nevins  
Langan Engineering  
300 Kimball Drive, 4th Floor  
Parsippany, NJ 07054-2172

Re: NYSDEC Permit No. 2-6204-01651/00013  
Roosevelt Island Operating Corporation  
Southpoint Open Space Park Rip Rap Revetment  
**ECL Article 25 - Tidal Wetlands**  
**ECL Article 15 – Excavation & Fill in Navigable Waters**  
**6 NYCRR Part 608 – Water Quality Certification**  
**NOTICE OF PERMIT MODIFICATION**

In response to your request, please be advised that the above referenced permit has been modified to allow for the replacement of the existing seawall with a rip rap revetment. Please read it carefully. Compliance with permit conditions is required.

Please note that Natural Resources Condition 3 of the permit requires submittal of the attached "Notice of Intent to Commence Work" at least 5 days prior to start of the permitted activity.

If you have any technical questions please contact the Division of Marine Resources at (718) 482-6464. If you have any administrative questions please contact me at (718) 482-4841.

Sincerely,



DJ Klaczko  
Environmental Analyst



Department of  
Environmental  
Conservation



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**

ROOSEVELT ISLAND OPERATING CORP  
  
591 MAIN ST  
NEW YORK, NY 10044-0002

**Facility:**

SOUTHPOINT OPEN SPACE - ROOSEVELT  
ISLAND  
N OF FDR-FOUR FREEDOMS PARK  
NEW YORK, NY 10044

**Facility Location:** in NEW YORK COUNTY **Village:** Manhattan

**Facility Principal Reference Point:** NYTM-E: 587.88 NYTM-N: 4511.777

Latitude: 40°45'08.1" Longitude: 73°57'32.3"

**Project Location:** Southpoint Park, Roosevelt Island, New York

**Authorized Activity:** The project involves the removal of approximately 1,600 linear feet of seawalls and replacement with a new rip rap revetment along the eastern and western East River waterfront areas of Southpoint Park on the southern end of Roosevelt Island. The project will result in 1,300 cubic yards of fill.

Mod #1 - Permit renewal.

Mod #2 - Replacement of seawall with rip rap revetment.

The project involves mitigation for the referenced fill as follows:

A NYSDEC permit (2-6204-00048/00006) issued for the construction of FDR Four Freedoms Park resulted in a net fill removal of 8,825 cubic yards below MHW.

This permit, NYSDEC ID# 2-6204-01651/00013, will result in a net fill of 1,300 cubic yards below MHW, which requires mitigation at a 1:1 ratio due to its proximity and conditions associated with the Four Freedom Park project.

This project will use 1,300 cubic yards of the available 8,825 cubic yards of mitigation credit from the Four Freedoms Park project. The remaining Roosevelt Island Operation Corporation mitigation credit from 2-6204-00048/00006 is 7,525 cubic yards, which will be available for possible future use.



**Permit Authorizations**

**Tidal Wetlands - Under Article 25**

Permit ID 2-6204-01651/00013

New Permit	Effective Date: <u>4/7/2015</u>	Expiration Date: <u>12/31/2017</u>
Modification # 1	Effective Date: <u>12/11/2017</u>	Expiration Date: <u>12/31/2022</u>
Modification # 2	Effective Date: <u>12/26/2019</u>	Expiration Date: <u>12/31/2022</u>

**Water Quality Certification - Under Section 401 - Clean Water Act**

Permit ID 2-6204-01651/00014

New Permit	Effective Date: <u>4/7/2015</u>	Expiration Date: <u>12/31/2017</u>
Modification # 1	Effective Date: <u>12/11/2017</u>	Expiration Date: <u>12/31/2022</u>
Modification # 2	Effective Date: <u>12/26/2019</u>	Expiration Date: <u>12/31/2022</u>

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

Permit ID 2-6204-01651/00015

New Permit	Effective Date: <u>4/7/2015</u>	Expiration Date: <u>12/31/2017</u>
Modification # 1	Effective Date: <u>12/11/2017</u>	Expiration Date: <u>12/31/2022</u>
Modification # 2	Effective Date: <u>12/26/2019</u>	Expiration Date: <u>12/31/2022</u>

**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: TAMARA A GRECO, Deputy Regional Permit Administrator

Address: NYSDEC Region 2 Headquarters  
47-40 21st St  
Long Island City, NY 11101 -5401

Authorized Signature: \_\_\_\_\_

Date 12/26/2019

**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: TIDAL WETLANDS; WATER QUALITY CERTIFICATION;  
EXCAVATION & FILL IN NAVIGABLE WATERS**

**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 the entities described and cited in Natural Resources permit condition 2.

**2. Conformance with Plans - Addenda** In addition to plans referenced in the Condition titled "Conformance with Plans," the activities authorized by this permit must be in strict conformance with the following approved plans and/or submissions made as part of the permit application:

A. Plans prepared by Langan Engineering, Environmental, Surveying and Architecture, D.C.P., titled "Joint Permit Application Set, Southpoint Park Seawalls Reconstruction, Roosevelt Island, New York County, New York", including drawings: CV-1, dated November 15, 2013 and received by NYSDEC on November 26, 2013.

B. Plans prepared by Langan Engineering, titled Southpoint Open Space Park, drawing numbers C-100, C-101, C-102, C-103, C-104, C-200, C-201, C-300, C-301, C-302, C-400, C-500, C-501, DM-100, G-002, L-100, L-101, VT-100, with revision date 10/11/19, received by NYSDEC on October 17, 2019.

C. Letter from Michael Nevins of Langan Engineering, pages 1-6, dated 15 October 2019, received by NYSDEC on October 17, 2019.

**3. Notice of Intent to Commence Work** At least five (5) days prior to the start of work. Permittee must complete and submit the attached Notice of Intent to Commence Work form to the NYSDEC Bureau of Marine Resources, 47-40 21<sup>st</sup> Street, Long Island City, New York 11101.

**4. Posting of NYSDEC Permit Sign** The attached NYSDEC permit sign shall be posted, protected from the weather, in a conspicuous outdoor location at the project site. This sign is to be posted for the duration of work authorized by this permit.

**5. 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.

**6. Permit and All Reference Documents Available at Project Site at All Times** A copy of this permit, including all maps and drawings mentioned in the special conditions, is to be available on the project site at all times. Failure to produce a copy of the permit upon request by a DEC representative is a violation of this permit and is sufficient ground for an order to immediately cease all work.

**7. 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.



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

**9. Excavate Backfill Prior to Removal of Seawalls** Prior to any construction or removal of bulkheads and other shoreline stabilization structures all backfill will be excavated landward of the bulkhead and retained so as not to enter the waterway, tidal wetland or protected buffer area.

**10. Erosion/Sediment Control**

All areas of soil disturbance resulting from this project will 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 or hay mulch or jute matting or other similar natural fiber matting within 1 week of final grading. Temporary stabilization will be maintained until a mature vegetative cover is established.

**11. Contain Stockpile and Disturbed Areas** All disturbed areas where soil will be temporarily exposed or stockpiled for longer than one (1) week will be contained by a continuous line of staked hay bales/silt curtain (or other NYSDEC approved method) placed on the seaward side between the fill and wetland or protected buffer area. Tarps are authorized to supplement these approved methods.

**12. Excavate Backfill Prior to Removal of Shoreline Stabilization Structures** Prior to any construction or removal of bulkheads and other shoreline stabilization structures all backfill will be excavated landward of the bulkhead and retained so as not to enter the waterway, tidal wetland or protected buffer area.

**13. Construct Shoreline Stabilization Structures Prior to Fill Placement** All peripheral berms, cofferdams, rock revetments, seawalls, gabions, bulkheads, etc. will be completed prior to placement of any fill material behind such structures.

**14. Grading Bank** The existing bank will be graded and shaped to receive the revetment or other shoreline stabilization structure so that the final toe of slope extends no further to the tidal wetlands than the existing toe of slope.

**15. No Discharge into Tidal Wetlands** There will be no discharge of runoff or other effluent over or through any bulkhead or shoreline stabilization structure or into any tidal wetland or tidal wetlands adjacent area (unless specifically authorized herein).

**16. Concrete or Leachate Must Not Be Discharged** During construction, concrete or leachate will not escape or be discharged, nor will washings from transit mix trucks, mixers, or other devices enter tidal wetlands and or protected buffer areas.

**17. Removal of Debris and Excess Material** Any debris or excess material from construction of this project will be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in tidal wetlands or tidal wetlands adjacent area or protected buffer areas.



**18. Clean Fill Material Only** All fill will consist of clean sand, gravel, or soil. The use of material such as asphalt, slag, fly-ash, recycled concrete aggregate (RCA), broken concrete, or demolition debris is strictly prohibited.

**19. Post Construction Photographs** Post-construction photographs of the work area must be submitted to the NYS DEC Bureau of marine Resources, 47-40 21st Street, Long Island City, New York, 11101, within 30 days of the completion of work.

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

**21. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

**22. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

**23. 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.

**24. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

## WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

**1. Water Quality Certification** The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also



comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

**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, NY11101 -5401

**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.

NOTICE OF INTENT TO COMMENCE WORK

Date: \_\_\_\_\_

NYSDEC Natural Resources  
Attn. Habitat Supervisor  
N.Y.S.D.E.C Region 2 Office  
47-40 21st Street  
Long Island City, N.Y. 11101

Re: NYSDEC Permit No. 2-6204-01651/00013  
Roosevelt Island Operating Corporation  
Southpoint Open Space Park Rip Rap Revetment

Dear NYSDEC Natural Resources Supervisor:

In accordance with Natural Resource Condition 3 of the referenced permit, I hereby serve notice to commence work on \_\_\_\_\_, 20\_\_\_\_\_.

This is also to certify that, having read this entire permit, I am fully aware of and understand the general and natural resource conditions therein, and agree to comply with all such conditions further understand that prior to undertaking any modification to the subject work, I must seek and receive written approval of the NYSDEC Regional Permit Administrator.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Signature of Contractor

\_\_\_\_\_  
Name of Permittee (please print)

\_\_\_\_\_  
Name of Contractor (please print)

\_\_\_\_\_  
Street Address of Contractor

\_\_\_\_\_  
City, State, & Zip Code of Contractor

\_\_\_\_\_  
Telephone Number of Contractor

WARNING

**The permittee and his contractor (if any) are required to follow all permit conditions. Violations of the permit may lead to legal action, including the imposition of substantial monetary fines and corrective work.**

cc: Environmental Permits

New York State  
Department of Environmental Conservation



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Departmental conditions on it, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Permit Number 2-6204-01651/00013

Expiration Date 12/31/2022

Regional Permit Administrator

Stephen A. Watts III  
47-40 21<sup>st</sup> Street  
LIC, NY 11101  
(718) 482-4997

NOTE: This notice is NOT a permit