

PUBLIC NOTICE

US Army Corps of Engineers New York District Jacob K. Javits Federal Building New York, N.Y. 10278-0090 ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: NAN-1998-00290

Issue Date: 2 January 2018 Expiration Date: 1 February 2018

To Whom It May Concern:

The New York District, Corps of Engineers has received a request to modify Department of the Army (DA) permit number NAN-1998-00290 pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

APPLICANT:

Hudson River Park Trust

Pier 40, 2nd Floor 353 West Street

New York, New York 10014

ACTIVITY:

Construct Pier 55 as a Replacement for Former Pier 54

WATERWAY:

Hudson River

LOCATION:

Foot of West 12th Street, Borough of Manhattan, New York County, New York

City, New York

A detailed description and plans of the permittee's activity are enclosed to assist in your review.

The decision whether to authorize the activity in the request to modify DA permit number NAN-1998-00290 will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny the activities in the request to modify DA permit number NAN-1998-00290. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

CENAN-OP-RE
PUBLIC NOTICE NUMBER: NAN-1998-00290

00290 MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, OTHERWISE, IT WILL BE PRESUMED THAT THERE ARE NO OBJECTIONS TO THE ACTIVITY.

Comments submitted in response to this notice will be fully considered during the public interest review for this request to modify DA permit number NAN-1998-00290. Comments provided will become part of the public record for this request to modify DA permit number NAN-1998-00290. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this request to modify DA permit number NAN-1998-00290. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the decision process and bears the same weight as that furnished at a public hearing.

Previous consultation with the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), which was completed on 26 March 1999, concluded that the currently authorized activities may affect, but are not likely to adversely affect, listed species. Subsequent to the listing of the Atlantic Sturgeon, this office conducted additional consultation on activities authorized in the issued permit that were under construction at that time. For the currently proposed pier replacement work, the District Engineer has made a preliminary determination that the pier replacement work may affect, but is not likely to adversely affect any Federally endangered or threatened species or their critical habitat. Consultation with the National Marine Fisheries Service is ongoing with respect to this request to modify DA permit number NAN-1998-00290.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA/NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various life stages of some EFH-designated species as a result of a temporary increase in turbidity during construction. The New York District has completed consultation with the National Marine Fisheries with respect to the currently authorized activities on 26 March 1999. Further consultation with NOAA/NMFS regarding EFH impacts and conservation recommendations being conducted by this office for the proposed pier replacement will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are known sites eligible for, or included in, the Register within the permit area. A Programmatic Agreement with the New York State Office of Parks, Recreation, and Historic Preservation (NYSHPO) was signed on 3 May 2000 and made part of the issued permit. This office will consult with the NYSHPO to determine if an amendment to the Programmatic Agreement is required in accordance with the terms and conditions of the original permit.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the permittee has certified in the request to modify DA permit number NAN-1998-00290 that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or

waiver of the permittee's certification. No decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the permittee's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the permittee's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

It should be noted that currently on-going and completed work on the site of the project proposed in this Public Notice has included minor maintenance and repair activities, related to the remediation and prevention of weather-related damage, on forty-six (46) 24-inch-square precast concrete piles. This specific work was authorized in Department of the Army Permit No. NAN-1998-00290-M27, dated November 21, 2017. This work involved activities regulated by this office pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344)(specifically the discharge of grout into the closed annular spaces between the piles and their exterior casings). The concrete piles that were the subject of this particular work are integral parts of the project proposed herein. Accordingly, the review of the project proposed in this Public Notice will include the consideration of the impacts of these minor maintenance and repair activities, in the context of the project proposed herein and as parts of that project, to insure consistency with the evaluations within the environmental assessment and Section 404(b)(1) guidelines analysis that have been previously done for the permit and its modifications.

In addition to any required coastal zone management program concurrence, the permittee has obtained or requested the following governmental authorization for the activity under consideration:

• New York State Department of Environmental Conservation Permit (Issued)

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this request to modify DA permit number NAN-1998-00290, you may contact this office at (917) 790-8618 and ask for Amanda Regan.

In order for us to better serve you, please complete our Customer Service Survey located at http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx.

For more information on New York District Corps of Engineers programs, visit our website at http://www.nan.usace.army.mil.

Stephan A. Ryba

For Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The Hudson River Park Trust has requested, for a third time, authorization to construct Pier 55 [See Enclosure 1].

Pier 55 was first authorized by this office for construction on April 25, 2016 [See Enclosure 1]. Litigation ensued challenging both the State and Corps of Engineers approvals. Following the conclusion of litigation, the Hudson River Park Trust submitted revised construction plans that no longer included fill material subject to Section 404 of the Clean Water Act. Pier 55 was authorized for construction by this office a second time on May 30, 2017 [See Enclosure 1]. Under the second authorization, construction started with the installation of 46 pilings to support the two (2) access walkways from dry land out to the new pier platform. A second lawsuit was filed challenging the second authorizations. Consequently, the primary anticipated funding source was withdrawn, stopping construction. Because the 46 pilings were not complete before construction stopped, they were subject to water and ice intrusion which caused cracking which is now being repaired by jacking the damaged piles with encased concrete grout.

Subsequently, according to media sources, government officials in Albany and New York City were able to facilitate an agreement among the Non-Government parties to allow for construction to restart. Because the two prior Corps of Engineers authorizations (April 25, 2016 and May 30, 2017) no longer exist; the Hudson River Park Trust has again requested authorization to construct Pier 55 in the same configuration as previously authorized on May 30, 2017[See Enclosure 1].

Replacement Pier 55's structure would be constructed between the existing former Pier 54 pile field and former Pier 56 pile field in the Hudson River at the foot of West 12th Street within the Hudson River State Park, New York City, Borough of Manhattan, New York County, and New York State.

Pier 55 would consist of an elevated, approximate 320-foot-wide by 320-foot-long, irregularly shaped pile-supported main deck structure supported by 275 36-inch-diameter precast concrete piles and accessed from dry land by two pile supported ramp accessways. Pier 55 would extend approximately 130 feet offshore from the line of Mean High Water along the existing bulkhead. A total of forty-six (46) existing 24-inch-square precast concrete piles and an existing 0.04-acre irregularly shaped south balcony platform at the existing shoreline would be maintained and repaired as previously constructed under previous authorization, but not completed when financing was temporarily withdrawn. Specifically, the 46 piles consist of 26 piles to supporting the north accessway and 20 piles to support the south accessway. The southern accessway would be an approximately 28-foot-wide by 188-foot-long access ramp platform on top of the repaired existing pilings, starting at the existing irregular landing balcony platform at the shoreline. The northern accessway would be an approximately 25-foot-wide by 321-foot-long "L" shaped access ramp platform on top of the repaired existing pilings.

At the navigation channel's edge, approximately 795 linear feet from the line od Mean High Water at the edge of the existing dry land, the permittee will construct eight (8) batterpile protection dolphins consisting of nineteen (19) piles EACH, made up of sixteen (16) 12-inch-diameter timber piles and three (3) 16-inch-diameter hollow steel piles.

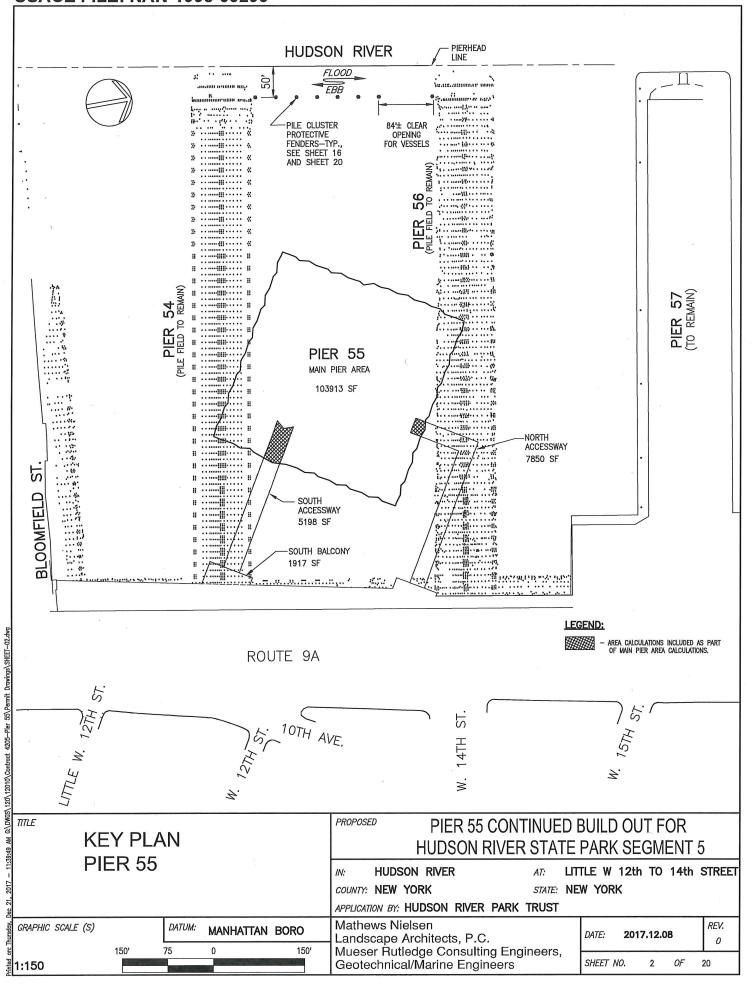
The total amount of piles required for the construction of the Pier 55 structure and associated elements is still 488 piles, which would support the approximate total footprint over the river, including main deck, two accessways, and eight protective river dolphins.

Pier 55 would have elevations varying from 10.79 feet (North American Vertical Datum, 1988) up to 63.65 feet (North American Vertical Datum, 1988) at the western channelward edge. The main deck of the Pier 55 would be landscaped as shown in Enclosure 1. The vegetated areas would be primarily created by adding foam and soil on and above the basic pier deck. The hills of the landscape would be created by occasional columns and roofing supporting the hills above the main pier deck. The space within the landscaped hill is known as the "interstitial space" and it would contain public bathrooms, and park service area.

The Hudson River Park Trust's stated purpose for Pier 55 is to replace Pier 54 within Hudson River Park, as authorized by, and in accordance with, the Hudson River Park Act, as a public park pier that will provide high quality open space parkland, replacing the loss of the public open space for recreation and cultural events provided by the former Pier 54, in a manner that accommodates the goals of: (1) allowing for multiple experiences on the pier at the same time; (2) providing a diversity of performance environments; (3) optimizing access to public transportation to and from the project site; (4) allowing for a secondary means of egress during event conditions especially; and (5) providing educational opportunities and low-cost, high-quality entertainment to the public.

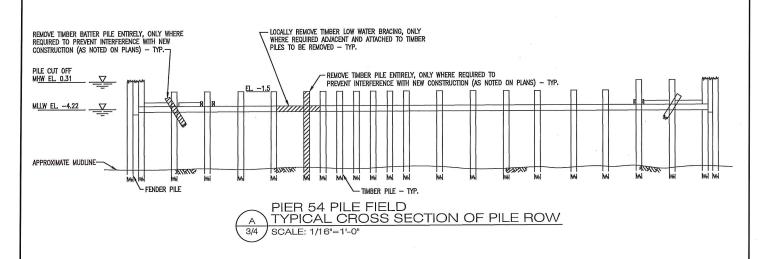


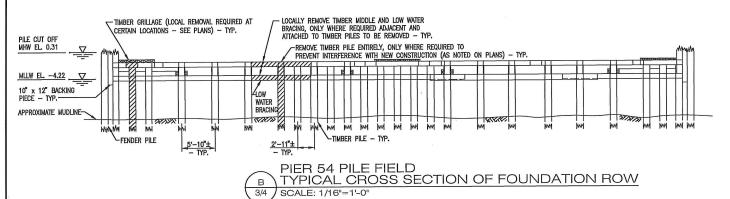
USACE FILE: NAN-1998-00290 MANH TOLL PIER 55 CONTINUED BUILD OUT FOR **VICINITY MAP HUDSON RIVER STATE PARK SEGMENT 5 PIER 55** HUDSON RIVER LITTLE W 12th TO 14th STREET COUNTY: NEW YORK STATE: NEW YORK APPLICATION BY: HUDSON RIVER PARK TRUST Mathews Nielsen REV. GRAPHIC SCALE (S) DATUM: MANHATTAN BORO DATE: 2017.12.08 Landscape Architects, P.C. 0 Mueser Rutledge Consulting Engineers, Geotechnical/Marine Engineers 2000 2000' 1000' SHEET NO. 1"=2000'



USACE FILE: NAN-1998-00290 PIER 55 MAIN PIER AREA LIMITS OF PIER 55 DECK ABOVE MAINTAIN AS PREVIOUSLY COMPLETED LEGEND: TIMBER PILE TO REMAIN - TIMBER PILE TO BE REMOVED ENTIRELY (EXTRACTED) TO PREVENT INTERFERENCE WITH NEW CONSTRUCTION. -SOUTH BALCONY G:\DWGS\120\12010\Contract TITLE PROPOSED PIER 55 CONTINUED BUILD OUT FOR LIMITED PILE **HUDSON RIVER STATE PARK SEGMENT 5 REMOVALS FROM** HUDSON RIVER LITTLE W 12th TO 14th STREET PIER 54 PILE FIELD COUNTY: NEW YORK STATE: NEW YORK APPLICATION BY: HUDSON RIVER PARK TRUST Mathews Nielsen REV. GRAPHIC SCALE (S) DATUM: MANHATTAN BORO DATE: 2017.12.08 Landscape Architects, P.C. 0 Mueser Rutledge Consulting Engineers, 1:60 Geotechnical/Marine Engineers SHEET NO. 3 0F

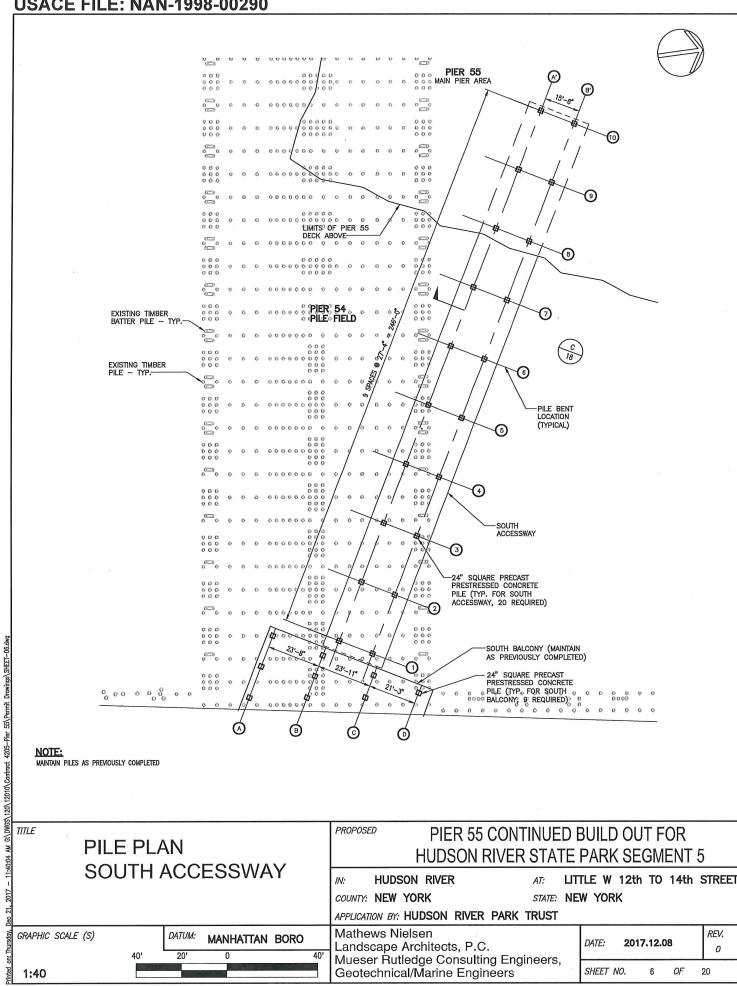
USACE FILE: NAN-1998-00290 PIER 55 MAIN PIER AREA PIÊR 56°°° NOTE: PILE FIELD MAINTAIN AS PREVIOUSLY COMPLETED LEGEND: • - TIMBER PILE TO REMAIN. TIMBER PILE TO BE REMOVED ENTIRELY (EXTRACTED) TO PREVENT INTERFERENCE WITH NEW CONSTRUCTION. NORTH ACCESSWAY G:\DWGS\120\12010\Contract 4205-Pier 55\Permit Drawings\SHEET-04.dwg TITLE PROPOSED PIER 55 CONTINUED BUILD OUT FOR LIMITED PILE **HUDSON RIVER STATE PARK SEGMENT 5 REMOVALS FROM** HUDSON RIVER LITTLE W 12th TO 14th STREET PIER 56 PILE FIELD COUNTY: NEW YORK STATE: NEW YORK APPLICATION BY: HUDSON RIVER PARK TRUST Mathews Nielsen REV. DATUM: GRAPHIC SCALE (S) MANHATTAN BORO DATE: 2017.12.08 Landscape Architects, P.C. 0 Mueser Rutledge Consulting Engineers, 1:60 Geotechnical/Marine Engineers SHEET NO. OF

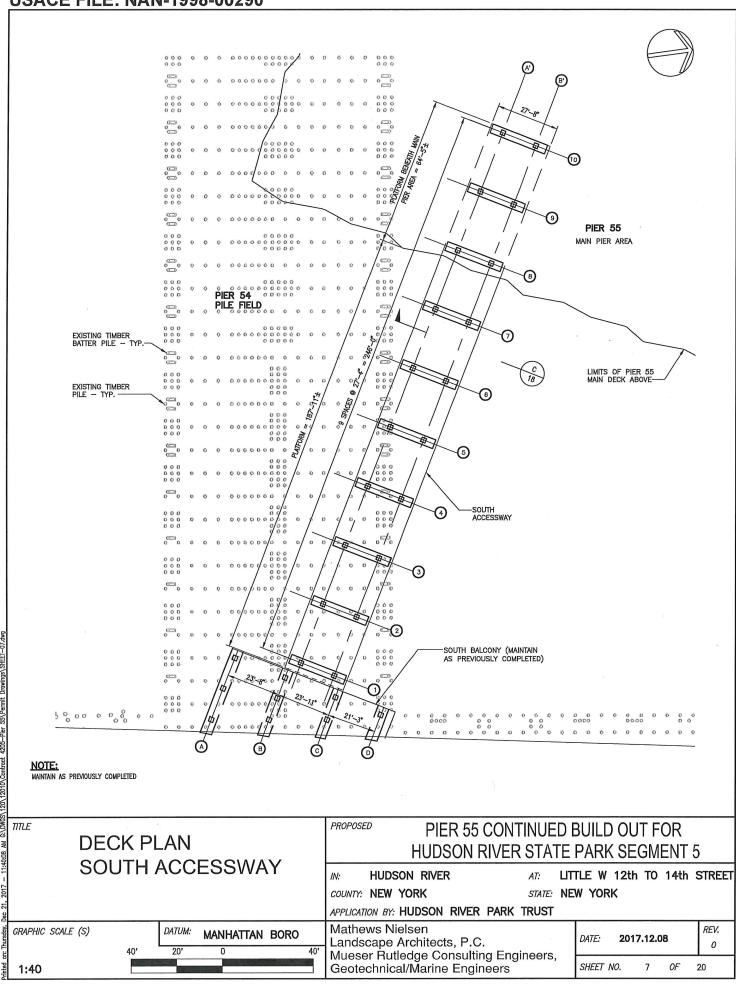




NOTE: MAINTAIN AS PREVIOUSLY COMPLETED

G:\DWGS\120\12010\Contract 4205-Pier 55\Permit Drawings\SHEET-05.dwg TITLE **PROPOSED** PIER 55 CONTINUED BUILD OUT FOR LIMITED PILE REMOVALS **HUDSON RIVER STATE PARK SEGMENT 5 SECTIONS - PIER 54 PILE** LITTLE W 12th TO 14th STREET HUDSON RIVER **FIELD** COUNTY: NEW YORK STATE: NEW YORK APPLICATION BY: HUDSON RIVER PARK TRUST Mathews Nielsen REV. GRAPHIC SCALE (S) DATUM: MANHATTAN BORO DATE: 2017.12.08 Landscape Architects, P.C. 0 16' 8' n Mueser Rutledge Consulting Engineers, 1/16"=1'-0" Geotechnical/Marine Engineers SHEET NO. 5 0F 20





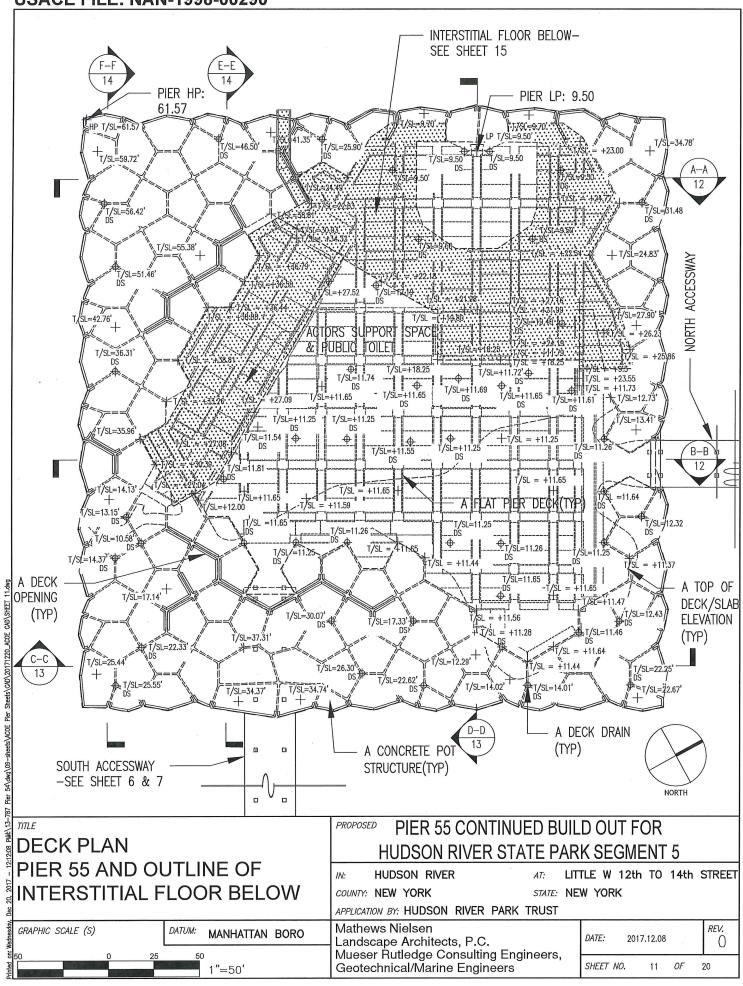
USACE FILE: NAN-1998-00290 PIER 55 MAIN PIER AREA 24" SQUARE PRECAST © PRESTRESSED CONCRETE PILE (TYP. FOR NORTH ACCESSWAY, 26 REQUIRED) Pier 56 Pile Field LIMITS OF PIER 55 MAIN DECK EXISTING TIMBER PILE — TYP. EXISTING PLATFORM NOTE: MAINTAIN PILES AS PREVIOUSLY COMPLETED TITLE **PROPOSED** PIER 55 CONTINUED BUILD OUT FOR PILE PLAN **HUDSON RIVER STATE PARK SEGMENT 5 NORTH ACCESSWAY** HUDSON RIVER LITTLE W 12th TO 14th STREET COUNTY: NEW YORK STATE: NEW YORK APPLICATION BY: HUDSON RIVER PARK TRUST

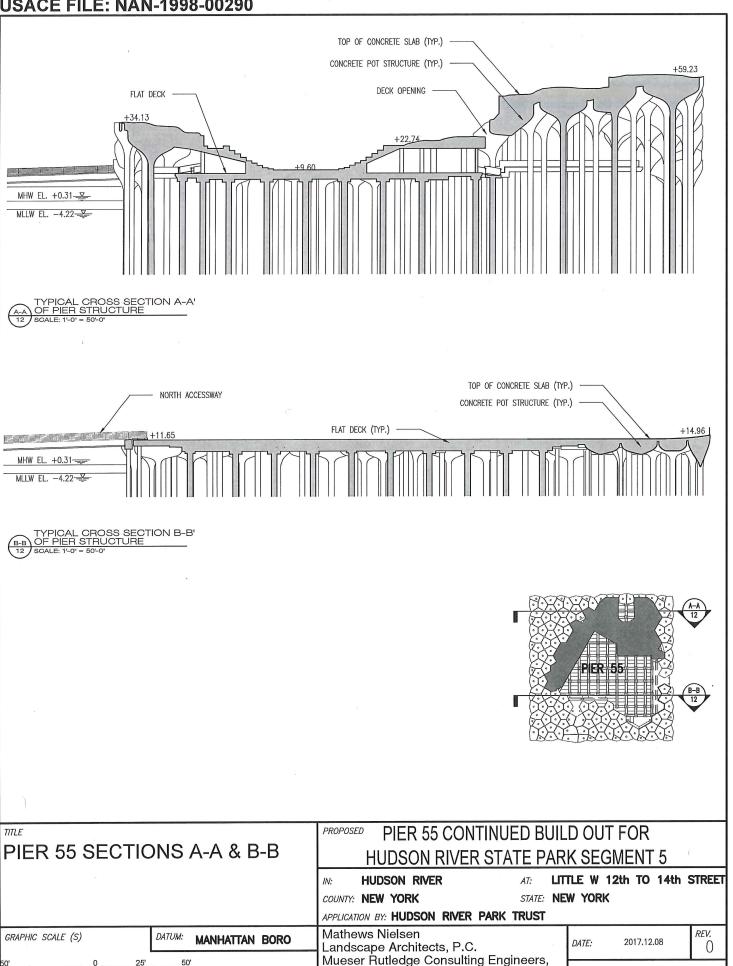
Mathews Nielsen REV. GRAPHIC SCALE (S) DATUM: MANHATTAN BORO DATE: 2017.12.08 Landscape Architects, P.C. 0 40' 20' Mueser Rutledge Consulting Engineers, Geotechnical/Marine Engineers SHEET NO. 20 8 1:40

USACE FILE: NAN-1998-00290 PIER 55 MAIN PIER AREA LIMITS OF PIER 55 MAIN DECK NORTH ACCESSWAY EXISTING TIMBER PILE — TYP. 2 EXISTING PLATFORM NOTE: MAINTAIN AS PREVIOUSLY COMPLETED PROPOSED TITLE PIER 55 CONTINUED BUILD OUT FOR **DECK PLAN HUDSON RIVER STATE PARK SEGMENT 5 NORTH ACCESSWAY** HUDSON RIVER LITTLE W 12th TO 14th STREET IN: COUNTY: NEW YORK STATE: NEW YORK APPLICATION BY: HUDSON RIVER PARK TRUST Mathews Nielsen REV. GRAPHIC SCALE (S) DATUM: MANHATTAN BORO 2017.12.08 DATE: Landscape Architects, P.C. Mueser Rutledge Consulting Engineers, SHEET NO. OF 1:40 Geotechnical/Marine Engineers 9 20

USACE FILE: NAN-1998-00290 HUDSON RIVER 0 PIER 55 MAIN PIER AREA 0 0 0 0 0 0 0 0 ACCESSWAY 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 -36" DIA. SOLID PRECAST PRESTRESSED CONCRETE PILE (TYP. FOR PIER 55) 55\Permit Drawings\SHEET-10.dwg 0 0 O SQUARE PRECAST PRESTRESSED CONCRETE PILE 0 0 0 -36" DIA. HOLLOW PRECAST PRESTRESSED CONCRETE CYLINDER PILE (TYP. FOR PIER 55) -SOUTH ACCESSWAY <u>LEGEND:</u> 1 - 24" SQUARE PRECAST PRESTRESSED CONCRETE PILE
 2 - 36" DIA. PRECAST PRESTRESSED CONCRETE CYLINDER PILE
 WITH CONCRETE PLUG ABOVE EL. +0.9 G:\DWGS\120\12010\Contract • - 36" DIA. PRECAST PRESTRESSED SOLID CONCRETE PILE **PROPOSED** PIER 55 CONTINUED BUILD OUT FOR TITLE PILE PLAN **HUDSON RIVER STATE PARK SEGMENT 5 PIER 55** HUDSON RIVER LITTLE W 12th TO 14th STREET COUNTY: NEW YORK STATE: NEW YORK APPLICATION BY: HUDSON RIVER PARK TRUST

Mathews Nielsen REV. DATUM: GRAPHIC SCALE (S) MANHATTAN BORO DATE: 2017.12.08 Landscape Architects, P.C. 0 50' 50' 25' Mueser Rutledge Consulting Engineers, SHEET NO. 0F 1:50 Geotechnical/Marine Engineers 10 20





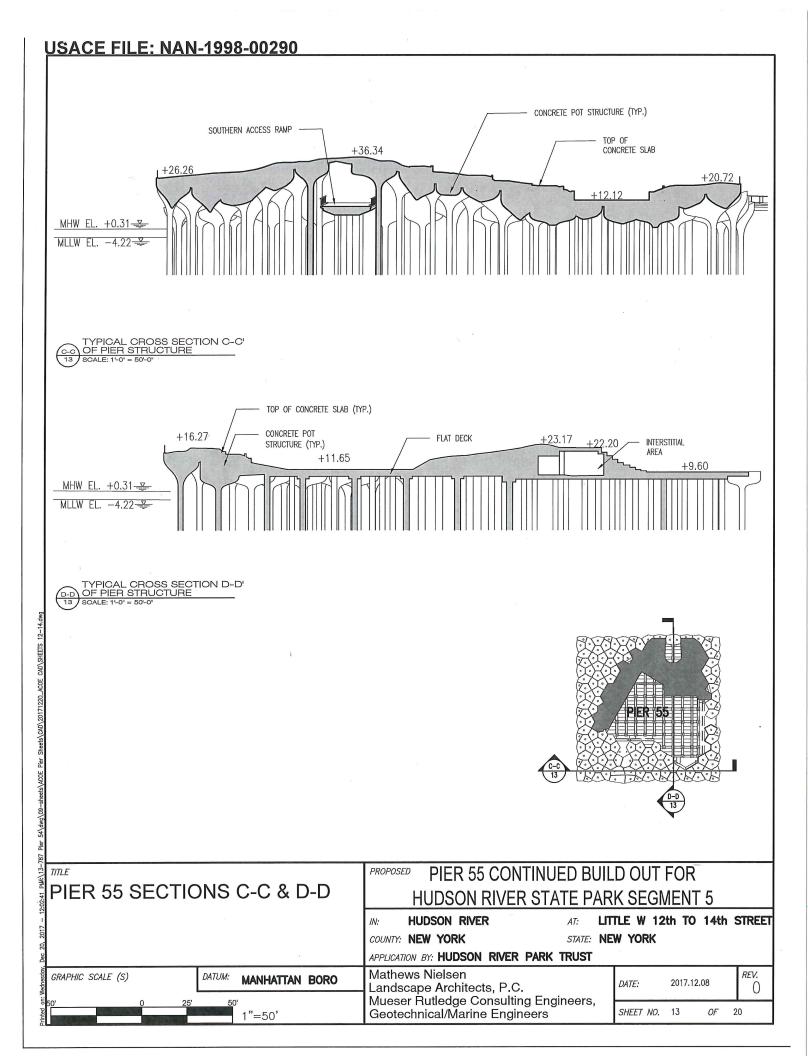
Geotechnical/Marine Engineers

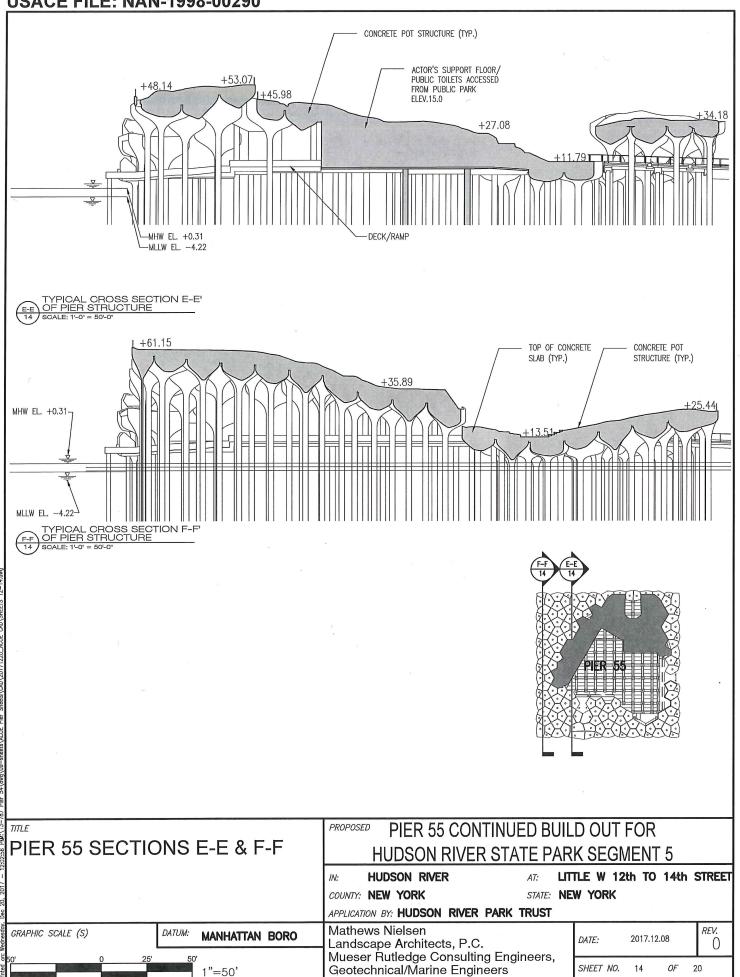
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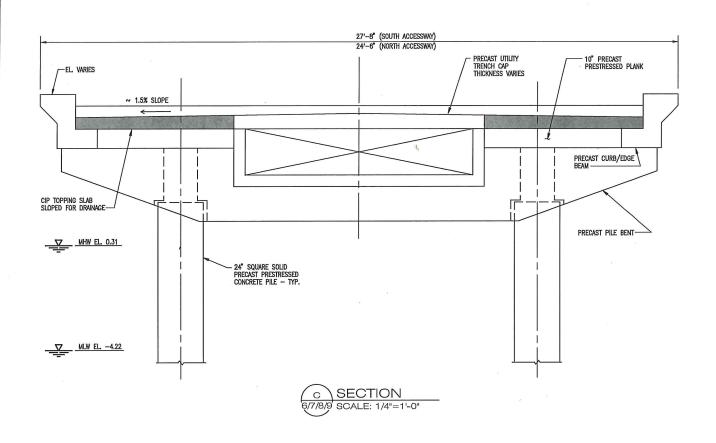
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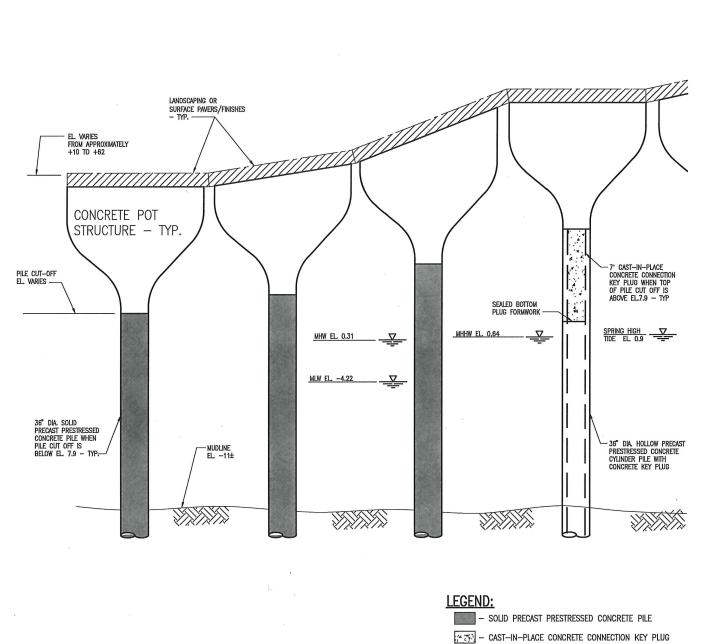


USACE FILE: NAN-1998-00290 EDGE OF DECK 0 0 0 0 0 24" SQUARE PRECAST PRESTRESSED CONCRETE PILE EL. 11.25 (ABOVE) O O 0 O 0 0 O 0...0 0 O INTERSTITIAL FLOOR-0 ACTORS SUPPORT SPACE-CELEVATION 15.0 20.040 SF TOTAL 0 0 0...0 0...0...0 EL. 9.5± 0 0 O FINISH ELEO 15.0 TOP OF STRUCTUREO ELEV. 11.73 PIER 55 0 Ó PUBLIC TOILET ACCESSED FROM PUBLIC PARK ELEVATION 15.0 O O O 0 0 **LEGEND** INTERSTITIAL FLOOR PIER 55 CONTINUED BUILD OUT FOR PROPOSED TITLE PILE PLAN **HUDSON RIVER STATE PARK SEGMENT 5** PIER 55 -HUDSON RIVER LITTLE W 12th TO 14th STREET IN: INTERSTITIAL FLOOR COUNTY: NEW YORK STATE: NEW YORK APPLICATION BY: HUDSON RIVER PARK TRUST Mathews Nielsen REV. GRAPHIC SCALE (S) DATUM: MANHATTAN BORO 2017.12.08 DATE: Landscape Architects, P.C. 0 25' Mueser Rutledge Consulting Engineers, Geotechnical/Marine Engineers SHEET NO. 15 1:50

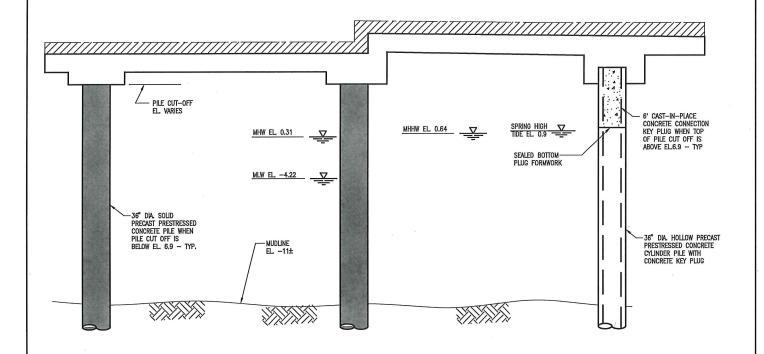


11:40:39 AM G\DWGS\120\12010\Contract 4205-Pier 55\Permit Drawings\SHEET-17.dwg PIER 55 CONTINUED BUILD OUT FOR PROPOSED **BOTH ACCESSWAYS -HUDSON RIVER STATE PARK SEGMENT 5** SECTION C LITTLE W 12th TO 14th STREET HUDSON RIVER COUNTY: NEW YORK STATE: NEW YORK APPLICATION BY: HUDSON RIVER PARK TRUST Mathews Nielsen REV. GRAPHIC SCALE (S) DATUM: MANHATTAN BORO DATE: 2017.12.08 Landscape Architects, P.C. 0 Mueser Rutledge Consulting Engineers, 1/4"=1'-0" Geotechnical/Marine Engineers SHEET NO. 17 0F

on: Thursdoy, Dec 21, 2017 — 11:40:41 AM G\DWGS\120\12010\Contract 4205-Pier 55\Permit Drawings\SHEET-18.dwg



PIER 55 - (TYPICAL PILE TO POT CONNECTION DETAIL)		PROPOSED PIER 55 CONTINUED BUILD OUT FOR HUDSON RIVER STATE PARK SEGMENT 5						
		IN: HUDSON RIVER AT: LITTLE W 12th TO 14th STREET COUNTY: NEW YORK STATE: NEW YORK APPLICATION BY: HUDSON RIVER PARK TRUST						
GRAPHIC SCALE (S) N.T.S.	DATUM: MANHATTAN BORO	Mathews Nielsen Landscape Architects, P.C. Mueser Rutledge Consulting Engineers, Geotechnical/Marine Engineers DATE: 2017.12.08 REV. 0						



LEGEND:

- SOLID PRECAST PRESTRESSED CONCRETE PILE

- CAST-IN-PLACE CONCRETE CONNECTION KEY PLUG

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