

**Project: South Cove Jetty Decking
Replacement and Bracing
Restoration**

Date: November 2, 2018

**RE: Addendum #2
of Pages: 15**

The following information is provided in response to specific questions received by BPCA in connection with the South Cove Jetty Decking Replacement and Bracing Restoration Project. The submitted questions were either posed at the pre-proposal conference held on October 17, 2018 or received in writing by close of business on October 24, 2018.

Questions: (Answers to all question are shown in italics immediately after the question.):

1. Section 3.1 does not state what the time for completion is for this contract. Please give date or # of days.

RESPONSE: The approximate start date for the Project, the anticipated Contract term, and the construction schedule constraints for in-water work are provided in Sections III (A) and (B) of the RFP. Section VI (C)(6)(b) of the RFP requires the Proposer to submit a Project schedule showing completion dates for all Work.

2. Please confirm that the handrail to be removed and repainted involves the bridge and jetty only and does not include the landscaped Island' [sic] handrails.

RESPONSE: As per the Construction Documents (Exhibit G to the RFP), the handrail to be removed and repainted is for the bridge and jetty only.

3. Is the contractor to assume that the paint to be utilized will be the normal Rust-Oleum CV740 System DTM Alkyd Enamel primer and topcoat that is utilized on all of the parks other handrails?

RESPONSE: Proposers must quote the three coat system specified in the Construction Documents. If a Proposer would like to recommend a more durable paint product, BPCA is willing to consider the possibility of a substitution.

4. The contract drawings do not indicate that the contractor is to supply the HDG bracket that is used to tie the trellis supports in place. Please confirm that the necessary brackets are stored on site. If that is not the case, please provide a detail and spec for the brackets.

RESPONSE: All connections for the trellis supports are to be provided by the selected Proposer, and the connections shall replicate the existing connections as closely as possible. Connection hardware shall meet the specifications on drawing G-2 of the Construction Documents.

5. Can we please have a detailed structural drawing of the island including the concrete outer wall? We need elevations and sections of the six cross braces under the island to be replaced to make an accurate proposal.

RESPONSE: *See attached island drawings.*

6. Can you please supply a detail to the decking and subfloor of the jetty similar to the detail of the decking and subfloor of the pedestrian bridge on drawing S-4?

RESPONSE: *The selected Proposer is to replicate the existing decking and subfloor configuration for the jetty. The configuration is similar to the pedestrian bridge section (S-4), although there may be some variation in the spacing of the subfloor members.*

7. Can you please supply the US Army Corps of Engineers and NYSDEC Permits for this work?

RESPONSE: *See attached permit.*

By signing the line below, I am acknowledging that all pages of the addendum has been received reviewed and understood, and will be incorporated into the bid price submitted. This document must be attached to the proposal for consideration.

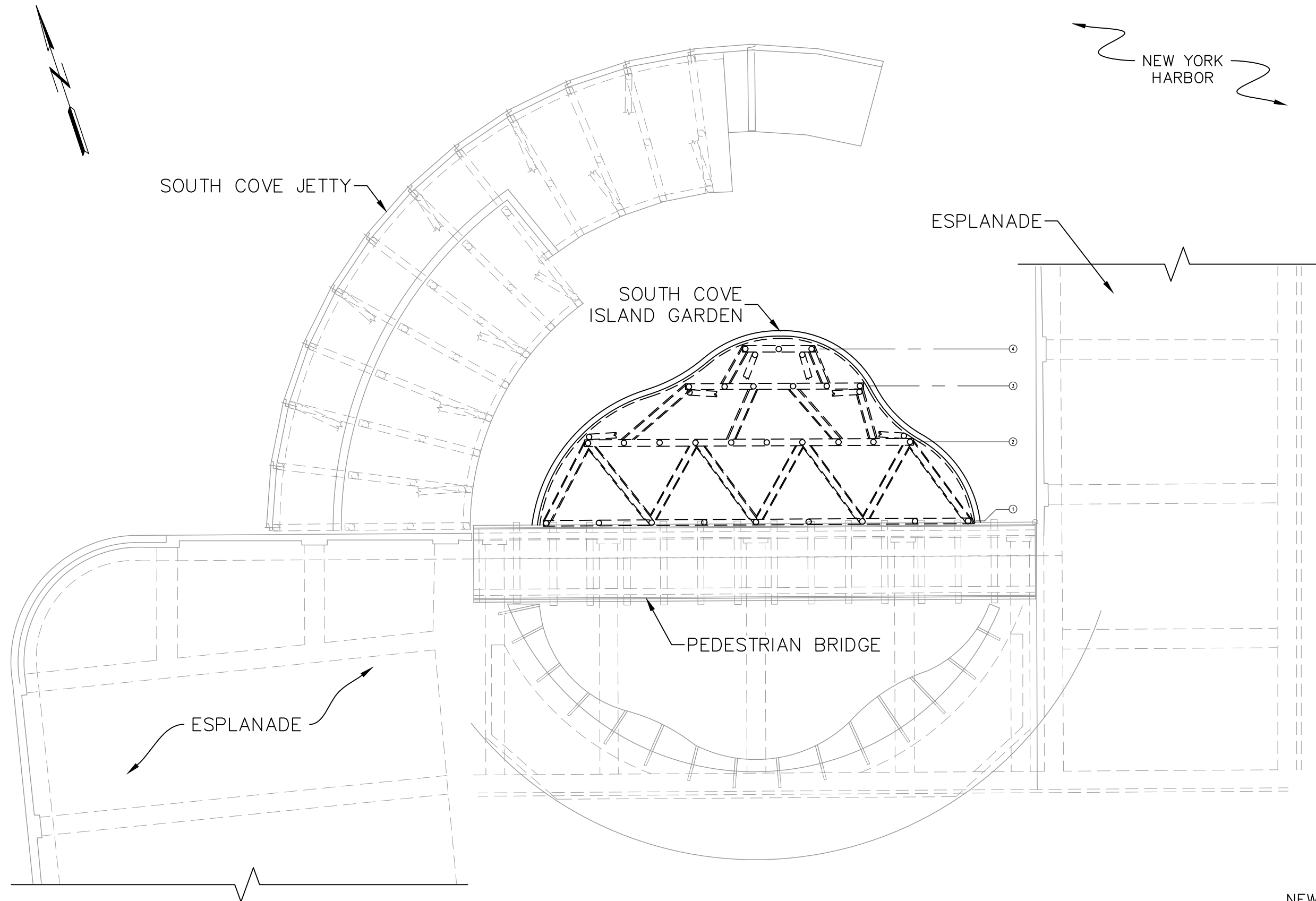
Print Name

Signature

Date

Number of pages received: _____<fill in>

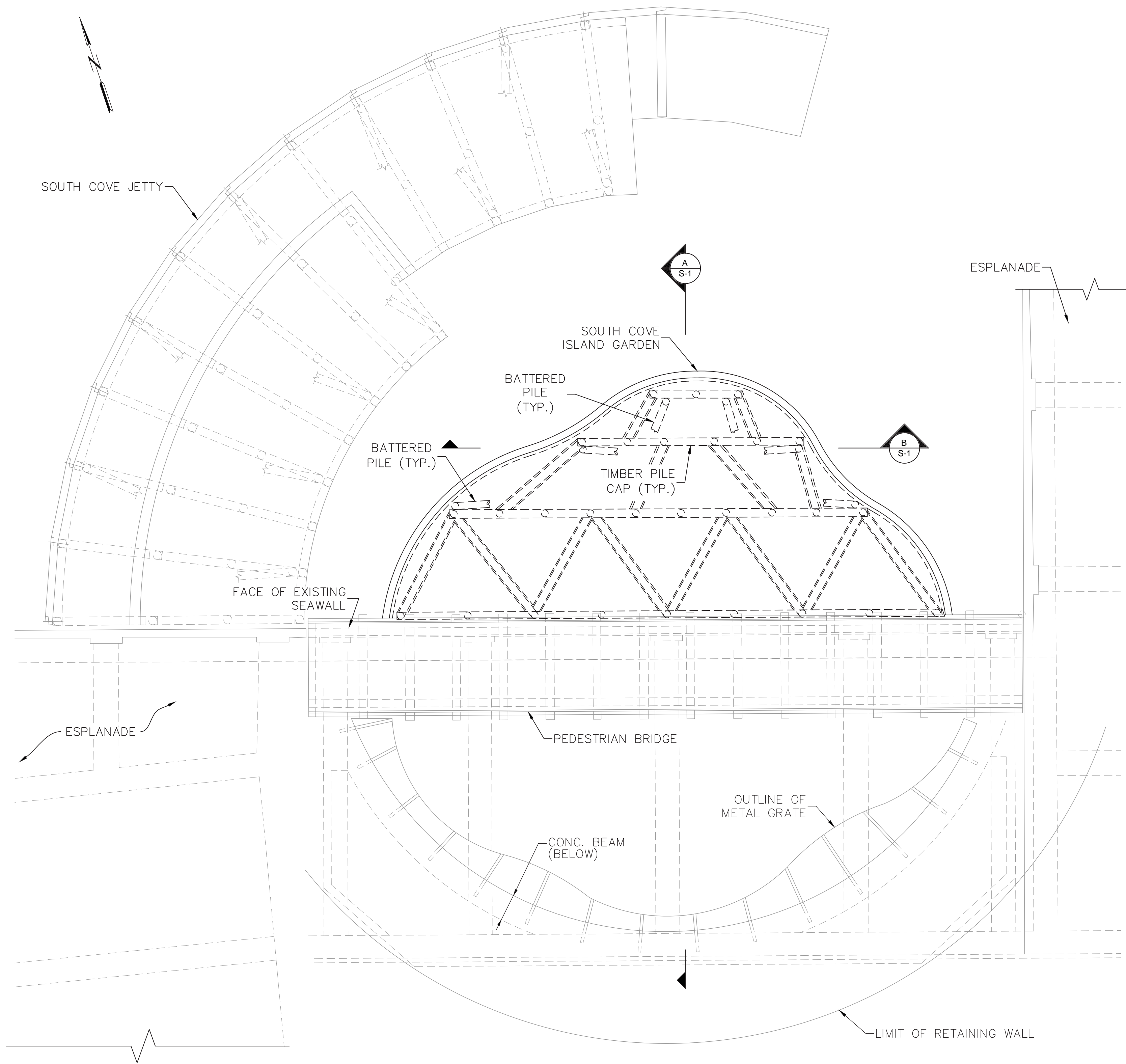
Distributed to: All present and all prospective Proposers



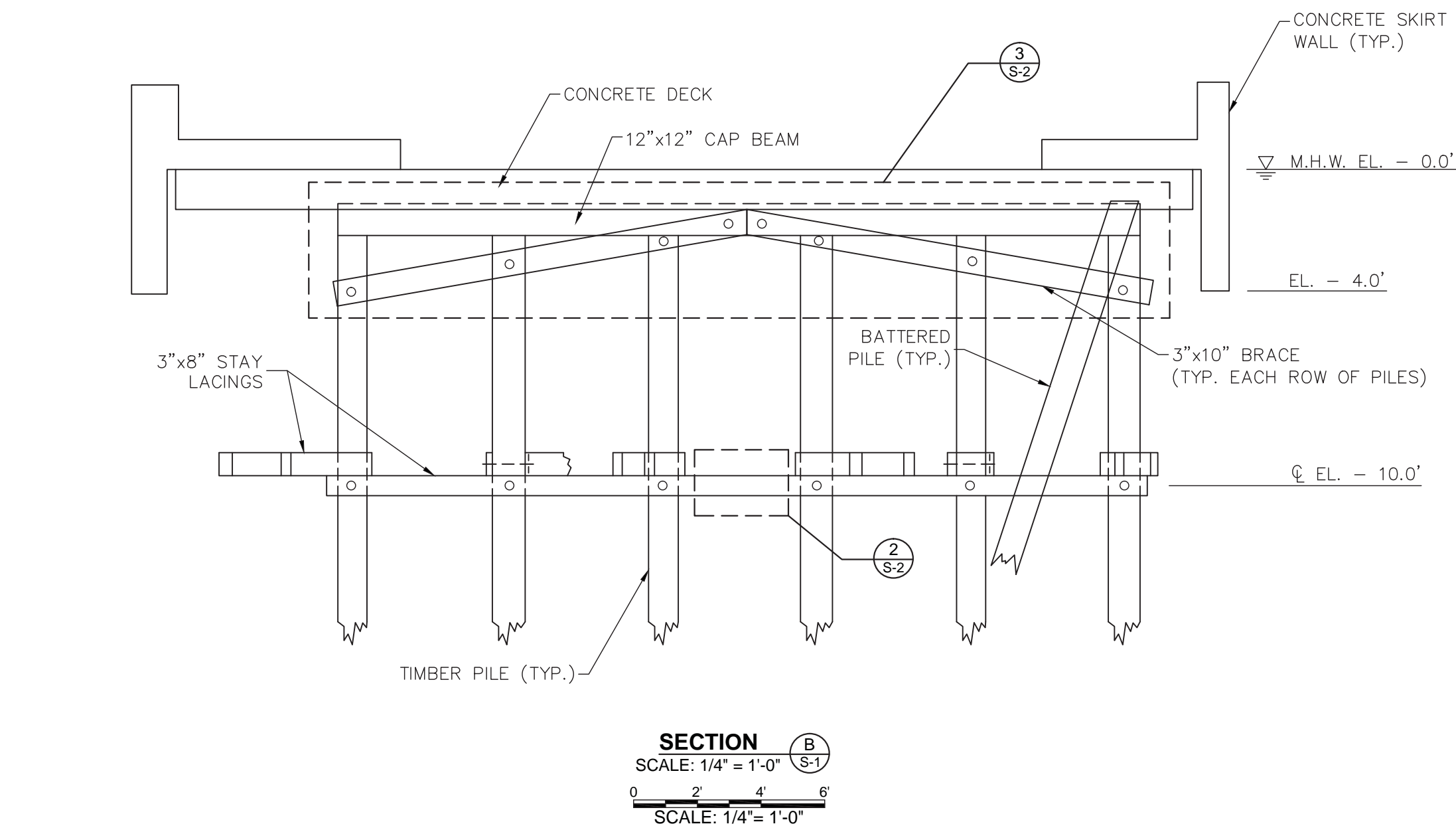
FACILITY PLAN

NEW YORK CITY
ECONOMIC DEVELOPMENT CORPORATION
SOUTH COVE GARDEN ISLAND
FACILITY PLAN

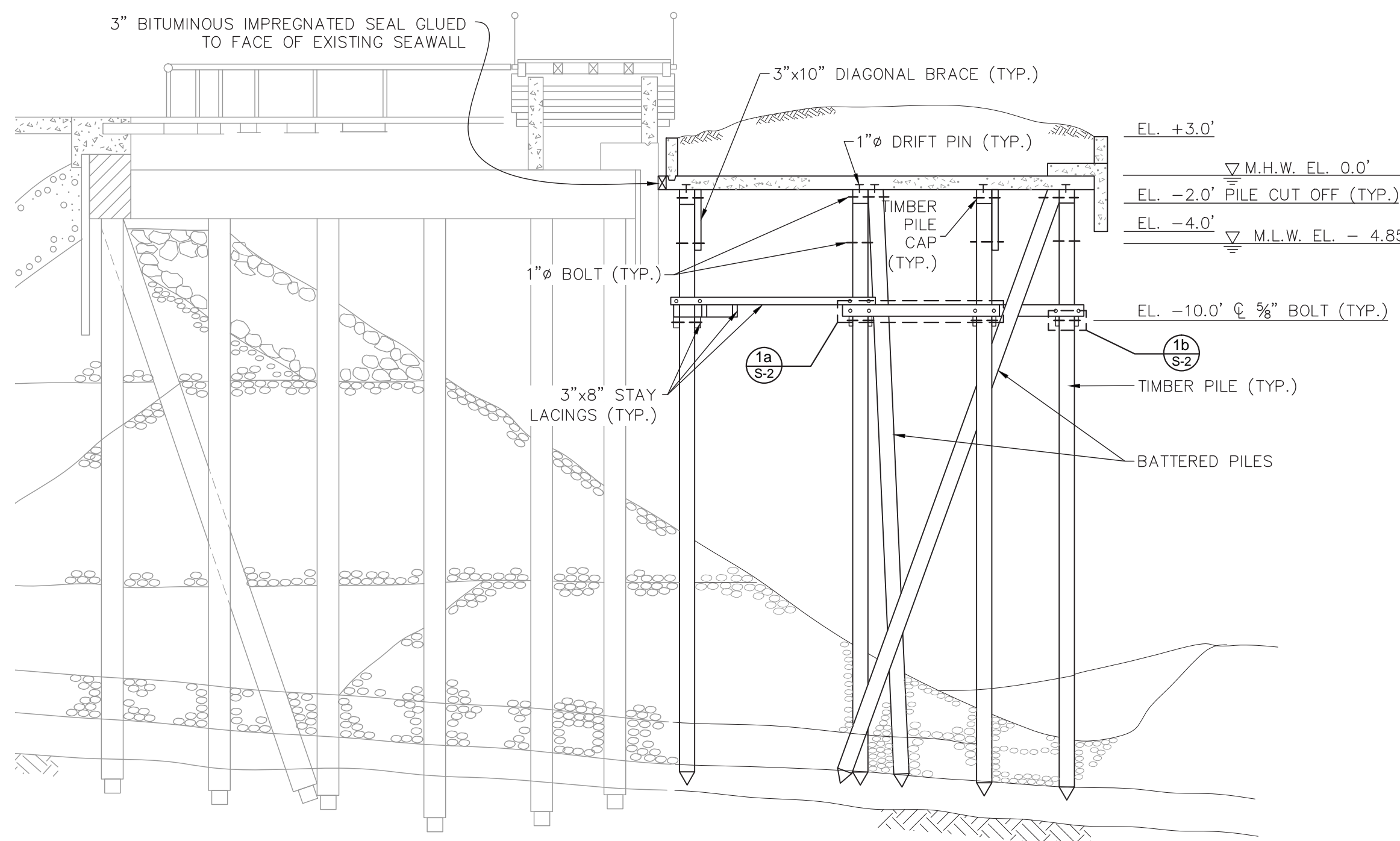
FIGURE 3
FACILITY PLAN



SITE PLAN
SCALE: 1/8" = 1'-0"
0' 2' 4' 8'
SCALE: 1/8" = 1'-0"



SECTION B-S-1
SCALE: 1/4" = 1'-0"
0' 2' 4' 6'
SCALE: 1/4" = 1'-0"



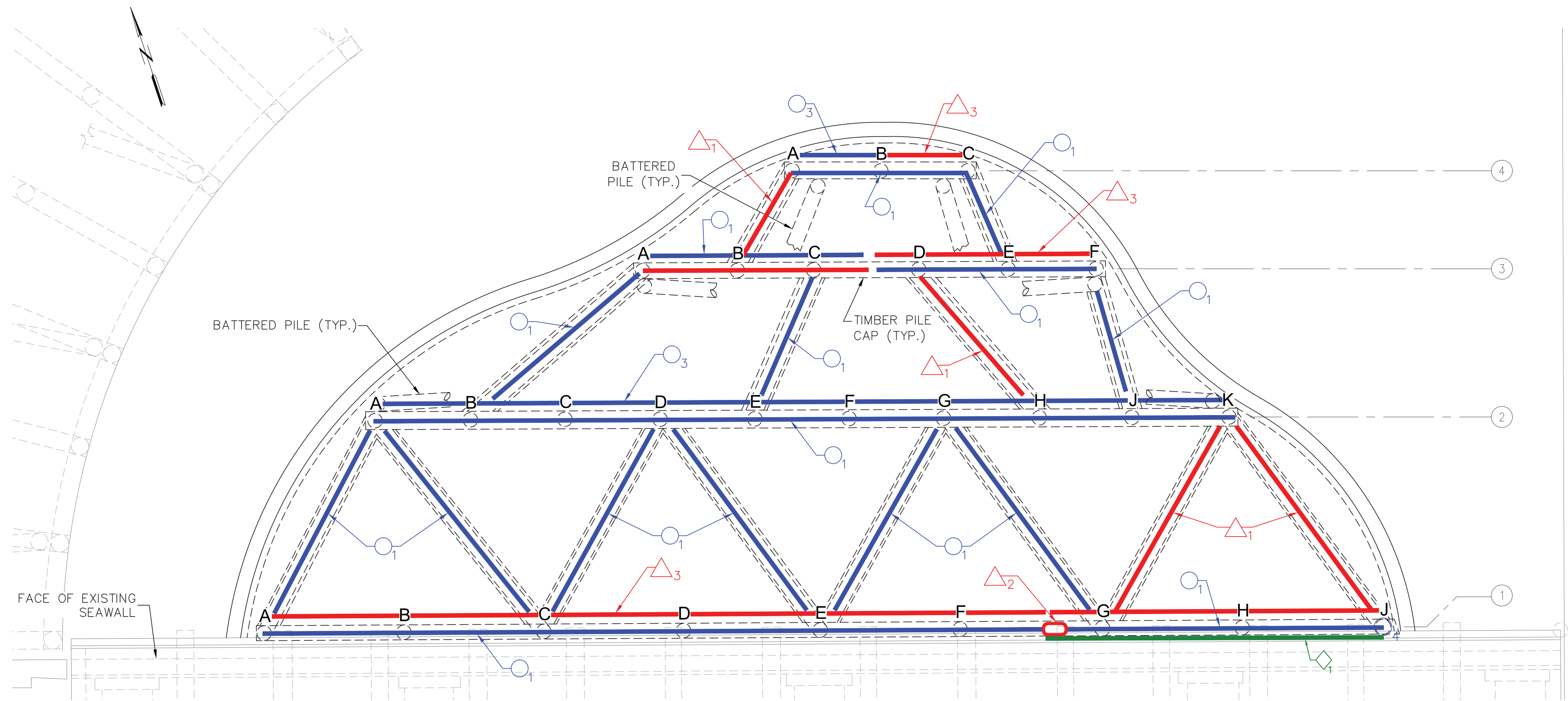
SECTION A-S-1
SCALE: 1/4" = 1'-0"
0' 2' 4' 6'
SCALE: 1/4" = 1'-0"

REVISIONS

DATE	DESCRIPTION
07/??/17	DRAFT REPORT

DRN BY: JKB
CKD BY: MJD
MSI PROJECT NO.: 03-17-009
FILENAME: MSI03-17-009.DWG

SHEET TITLE
SITE PLAN AND SECTIONS



REPAIR LEGEND

- ◆ IMMEDIATE ACTION
- △ PRIORITY ACTION
- ROUTINE ACTION

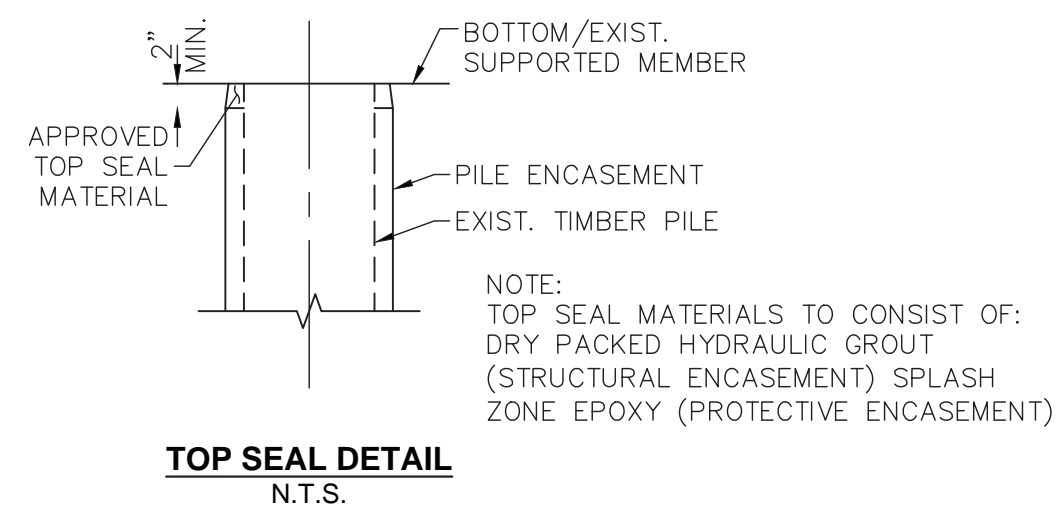
DEFICIENCY DESCRIPTION LEGEND

- ◆₁ LARGE TIMBER DEBRIS
- △₁ HORIZONTAL TIMBER STAY LACING WITH ADVANCED – SEVERE DETERIORATION
- △₂ HORIZONTAL TIMBER STAY LACING SPLICE WITH ADVANCED – SEVERE DETERIORATION
- △₃ DIAGONAL TIMBER STAY LACING WITH ADVANCED – SEVERE DETERIORATION
- ₁ HORIZONTAL TIMBER STAY LACING WITH MODERATE DETERIORATION
- ₂ HORIZONTAL TIMBER STAY LACING SPLICE WITH MODERATE DETERIORATION
- ₃ DIAGONAL TIMBER STAY LACING WITH MODERATE DETERIORATION
- ₄ TIMBER PILE WITH MODERATE DETERIORATION

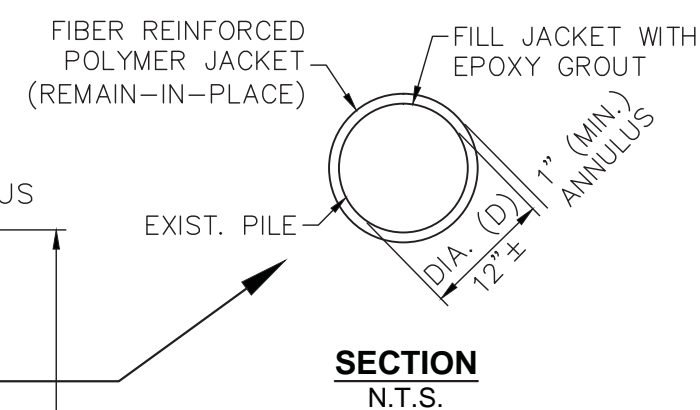
DEFICIENCY PLAN

SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"



TOP SEAL DETAIL
N.T.S.

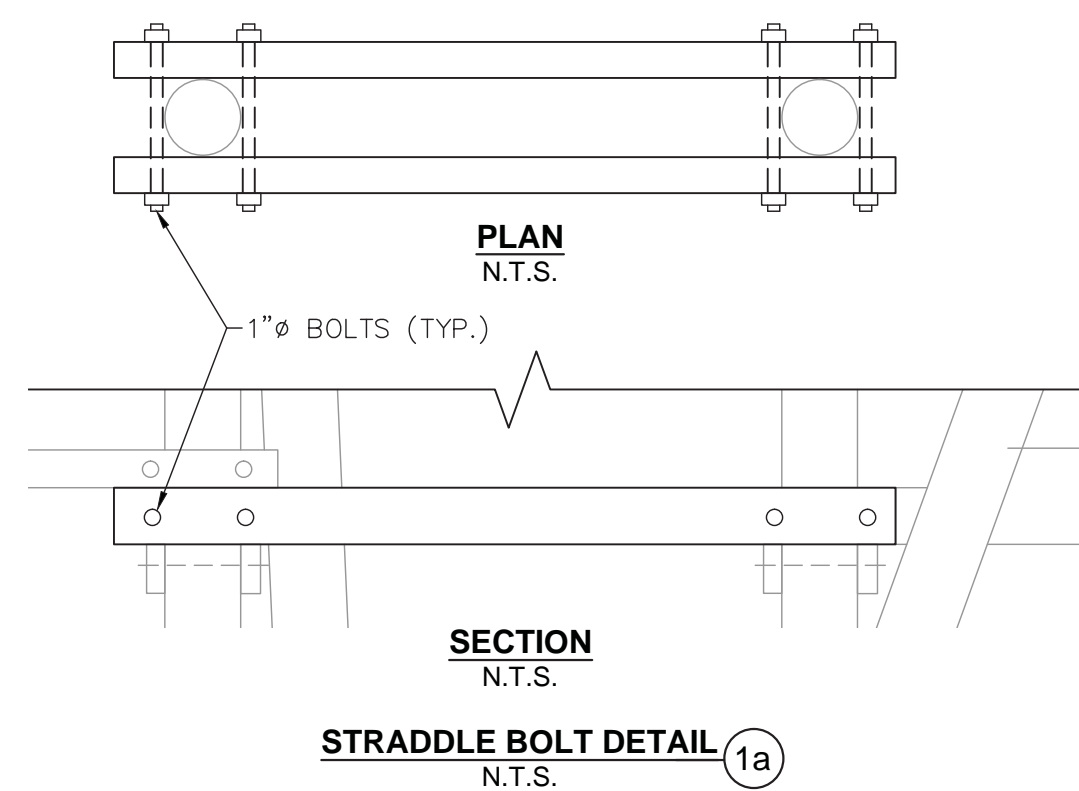


SECTION
N.T.S.

NOTES:

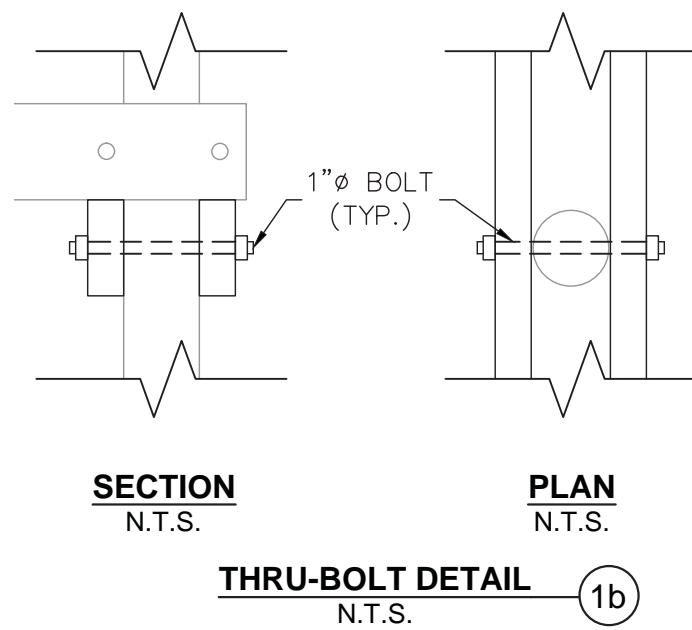
- WHERE JACKET WILL EXTEND BELOW THE MUDLINE OR RIPRAP EXCAVATE AS REQUIRED TO EMBED JACKET 2' IN MUDLINE. SHOULD EXCAVATION EXPOSE OLD TIMBERS OR OTHER DEBRIS LODGED BETWEEN PILES, THIS MATERIAL SHALL BE REMOVED AND PROPERLY DISPOSED OF AWAY FROM PROPERTY PRIOR TO INSTALLING JACKET.
- WHERE TOP OF JACKET IS WITHIN 2'-0" OF THE UNDERSIDE OF A TIMBER PILE CAP, EXTEND THE TOP OF JACKET TO 2" BELOW CAP OR EXTENSION AND COAT PILE SURFACE WITH SPLASH ZONE EPOXY OR APPROVED EQUAL.

TYPE 4 REPAIR -
PROTECTIVE ENCASEMENT REPAIR
OF DETERIORATED TIMBER PILE
N.T.S.



SECTION
N.T.S.

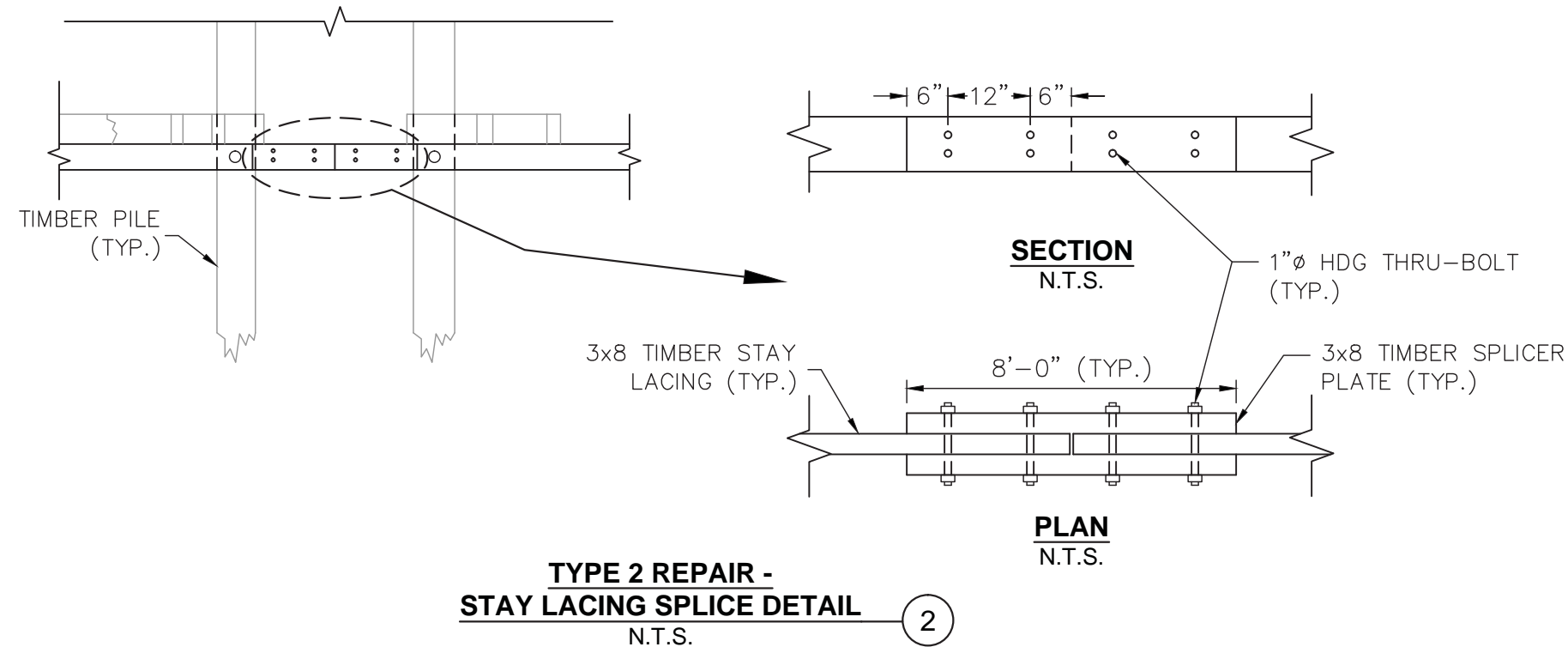
STRADDLE BOLT DETAIL
N.T.S.



SECTION
N.T.S.

THRU-BOLT DETAIL
N.T.S.

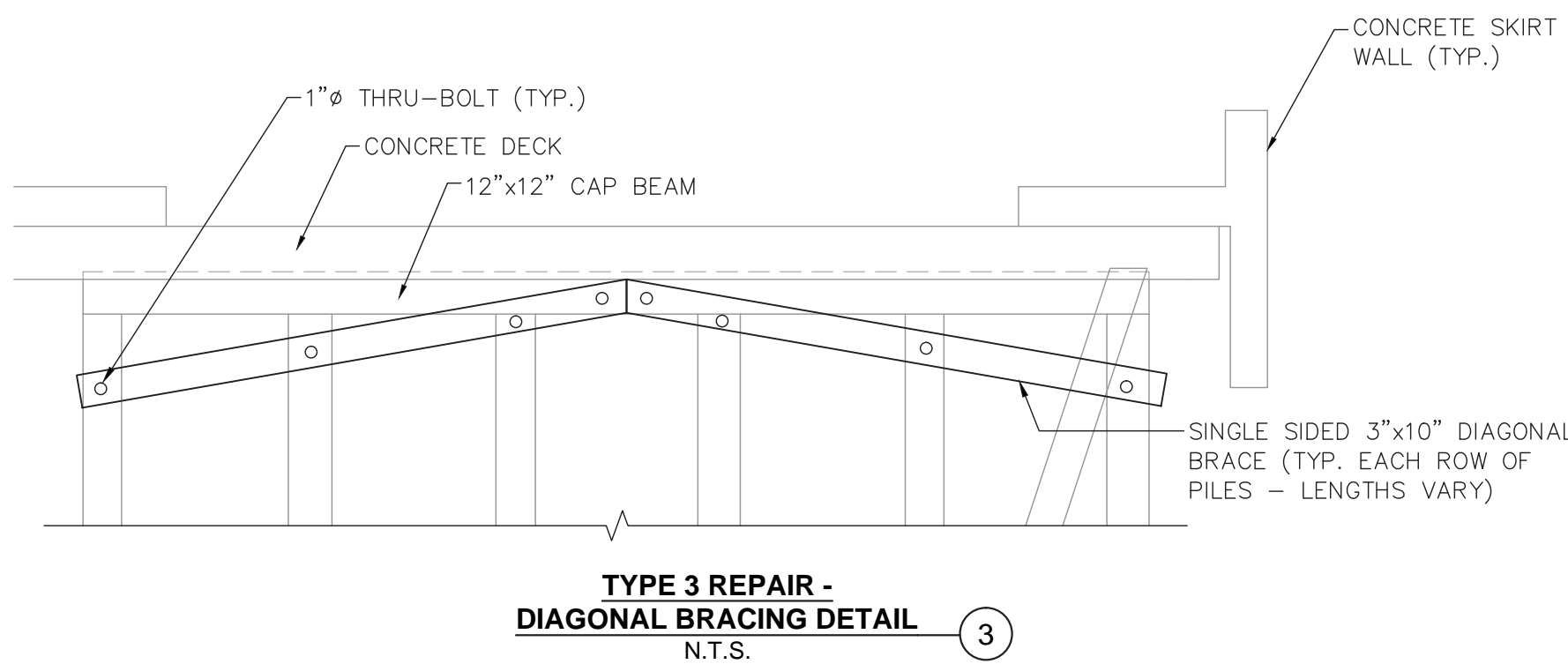
TYPE 1 REPAIR DETAILS
N.T.S.



SECTION
N.T.S.

PLAN
N.T.S.

TYPE 2 REPAIR -
STAY LACING SPLICE DETAIL
N.T.S.



TYPE 3 REPAIR -
DIAGONAL BRACING DETAIL
N.T.S.

McLAREN ENGINEERING GROUP
WEST NYACK, NEW YORK

SOUTH COVE PARK REPAIR

NEW YORK, NEW YORK

REVISIONS

DATE	DESCRIPTION
07/22/17	DRAFT REPORT

DRN BY: JKB
CKD BY: MJD
MSI PROJECT NO.: 03-17-009
FILENAME: MSI03-17-009.DWG

SHEET TITLE
CONDITION PLAN AND
REPAIR DETAILS

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.

