

## B.J. Jones

President and Chief Executive Officer

### Battery Park City Authority

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June 29, 2022

Dear Battery Park City Neighborhood Association,

Thank you for your email from the night of June 14, 2022. The execution of the South Battery Park City project, as well as the other projects that the Lower Manhattan Coastal Resiliency effort comprises, is of critical and urgent importance to protect our 36 acres of parks and public spaces and the inhabitants of the 120 buildings and 13,800 residential units in the Battery Park City floodplain — you and your neighbors, included. On behalf of the Authority, this letter groups your questions by theme and provides responses accordingly.

### Community Engagement

*2.5 ASK: Please provide information regarding discussions with commercial, private or public property owners regarding the needs, methods, and costs that this protection plan and the alternatives presented.*

*5.1 ASK: Please provide all information regarding discussions, analysis and determination of coordination with other resiliency projects under way or consideration. Specifically projects such as the LESCRP, that impact the entire Lower Manhattan community.*

*8.1 ASK: Please provide an accounting of all feedback submitted by the community during five years of meetings and in hundreds of emails. Please provide access to those documents, broken down by meeting and source.*

*8.2 ASK: Please share the specific responses to community feedback received by BPCA from its engineers, AECOM, and other parties. Your response should include whether a community member's feedback item was marked "resolved," "incorporated" and/or "ignored." These responses would be important in educating the public, providing basic transparency, and reassuring the public that their voices were heard. In the absence of providing this detailed reconciliation, the project lacks credibility and only demonstrates "engagement" as one way, top-down communication. We have asked for this information in CB1 meetings that BPCA has attended, and we understand CB1 has also asked for this detailed resolution/inclusion of ideas and feedback.*

To quote Manhattan Community Board 1's Chair, Tammy Meltzer, "Engagement on the BPCR projects with the Battery Park City Authority (BPCA) and the public has been substantial. CB1 has spent countless hours in earnest review for the BPCA resiliency projects including plans for the South Battery Park [City] Resiliency Project (SBPCR)." Authority staff and other members of the project team have participated in each of the 34 public meetings Chair Meltzer mentions in her letter, engaged in productive, two-way dialogue on these important issues. To suggest otherwise — that public engagement on this project has been "predominantly one-way dialogues presenting a summary of top-down decisions to a small segment of the community" — is both inaccurate and, based on the ample evidence to the contrary, misleading.

From the outset, BPCA has made the conscious decision to engage with the public in dialogue through Community Board 1, which is an advisory body with a formal role designated by the City Charter in matters such as land use, determining local budget priorities, and monitoring service delivery. However, our public engagement has not been limited to only the Community Board. In addition to elected officials' convened meetings, like the one we all attended the week before last, the BPCA-hosted public meetings on the South Battery Park City Resiliency Project were advertised widely. Invitations were distributed through local organizations, elected officials' offices, and Battery Park City building managers, as well as through direct emails from our organization. The meetings themselves have been dynamic and collaborative. Though our team certainly presented proposals to demonstrate progress in developing the designs responsive to community feedback, much of the sessions have been devoted to soliciting ideas, responding to questions, and listening to additional feedback on the project. As shared with you



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previously, and for the benefit of others, below is an incomplete list of public meetings held on the South Battery Park City Resiliency project, with video recordings of the meetings to show the productive dialogue we had with your neighbors.

- [Community Meeting \(November / December 2016\)](#)
- [Community Meeting \(March / April 2017\)](#)
- [Manhattan CB 1 Waterfront, Parks & Resiliency Committee \(June 2017\)](#)
- [Executive Summary – Wagner Park Site Assessment & South BPC Resiliency Plan \(July 2017\)](#)
- [Public Meeting \(November 2018\)](#)
- [Public Meeting \(March 2019\) | Video](#)
- [Public Meeting \(April 2019\) Video](#)
- [Public Meeting \(June 2019\) | Video](#)
- [Manhattan CB1 Environmental Protection Committee \(October 2019\)](#)
- [Public Meeting \(January 2020\) | Video | Follow Up Q&A | Scaled Plans](#)
- [“Deployables Workshop” with Manhattan CB1 \(May 2020\)](#)
- [Update to Manhattan CB1 \(June 2020\)](#)
- [Update to Manhattan CB1 \(February 2021\)](#)
- [Update to Manhattan CB1 \(April 2021, Revised\)](#)
- [LMCR Update to Manhattan CB1 \(June 2021\)](#)
- [EIS Scoping Meeting \(October 2021\) | Video](#)
- [Update to Manhattan CB1 \(March 2022\) | Video](#)
- [Draft Environmental Impact Statement Public Hearing \(May 2022\) | Video | Transcript](#)

We have endeavored to meet the highest standards for transparency over the course of this project in reporting on the development of the designs and reflecting back to the public the feedback we have received as a result of our engagement with them. It would be impractical to aggregate all elements of feedback received over the course of the five-plus years working on this project, or our collaboration with those entities working to protect the balance of Lower Manhattan’s coastline, assets, and residents. Designing a project of this magnitude requires the partnership of numerous stakeholders. With regards to government partners alone, our work has involved the New York City Mayor’s Offices of Climate and Environmental Justice and People with Disabilities; the City Departments of Transportation, Small Business Services, Education, and Environmental Protection; FDNY; NYPD; the Economic Development Corporation; the Public Design Commission; the State Departments of Environmental Conservation and Transportation; the State Historical Preservation Office; the United States Army Corps of Engineers; and others. Illustrative of the Authority’s engagement with stakeholders adjacent to the project area and most directly impacted by the Project, the Authority has engaged in focused dialogue with leadership of the Museum of Jewish Heritage regarding the Museum’s design, architectural, and operational needs and concerns, and has also engaged with PS/IS276 on matters of park use and construction impacts, given the schools’ proximity to Wagner Park and their regular use of the public space. Particularly regarding communication with CB1, dialogue was oftentimes informal, ongoing and iterative, with CB1 leadership discussing and brainstorming with the Authority and its design team how best to address community concerns and incorporate, where possible, input provided in public sessions and via other means. Though not a complete compendium of all feedback received, as noted above, results of our web survey and the data we solicited from the public during the Community Meetings can be found [here](#).

Again, we would recommend that you watch the videos of those public sessions, which demonstrate that the communication was a two-way dialogue. However, to provide a few specific and granular examples of feedback that were incorporated in the designs, please see below:

- [Pavilion Street Side Design and Pavilion Service Entrance](#) – Community Board 1 stated that the minimalist look of the dark stone cladding and flush detailing was undesirable and cold, the service entrance was too big, the x-tend mesh guardrail felt “cheap”, and that the team needed to soften the look and feel of the entry areas through the use of finishes and added vegetation in a manner that was still compatible with the design of the pavilion overhead. In response to community comments, a dedicated

meeting was scheduled with CB1 leadership to solicit and explore additional ideas for addressing these concerns. Subsequently, as a result of the comments received and the alternatives discussed, the point of intersection of the arched allees has been shifted further south-east in order to divide the service entrance doors, with one door located on each side. This eliminates the appearance of a singular wall crowded with doors. The dark stone cladding was eliminated, and the material was changed to a warm red concrete, consistent with the rest of the Pavilion, to soften the perceived coldness of the façade. The design of the guardrail was revised to be consistent with the character of other picket guardrails currently in use and proposed for Pier A Plaza and Wagner Park. The guardrail material will be high quality, durable stainless steel that is in keeping with the high level of finish of the surrounding community and is appropriate to the marine environment.

- Pier A Plaza - CB 1 was concerned that, following the design team's initial analysis, only 1 option was presented to the community for consideration. Community members had also expressed concern with the height of the flip-up gates that the initial design would require in the Plaza. In response, the Authority requested that the design team consider and evaluate other design options for Pier A Plaza. The additional design studies resulted in the formulation of a new bi-level design approach that provides risk reduction for, not only major storm events, but also more frequent nuisance flooding, while also reducing the required height of the flip-up gates. In addition, BPCA was asked for and provided additional refinement of seating logistics and paving materiality.
- Maximize Sustainability – The SBPCR Project team is pursuing International Living Futures Institute ("ILFI") Zero Carbon and Waterfront Edges Design Guidelines ("WEDG") certifications, and promoting best practices across all aspects of the project, as well as achieving a 37% reduction in EUI over the similar baseline, and a 37% reduction in embodied carbon for the building materials. CB 1 had requested that the Authority design the new Pavilion to Passive House standards, and, in response, the Authority requested the design team to perform an analysis to consider the relative advantages and costs associated with Passive House design standards versus other sustainability-focused design standards and certifications, including ILFI. The results of its analysis demonstrated that the incremental benefits associated with Passive House design for a building of the small size and use types characteristic of the new Pavilion would not justify the associated cost and operational restrictions. Instead, the design team recommended, and the Authority approved, the integration of International Living Futures Institute ("ILFI") Zero Carbon standards into the Pavilion design. The SBPCR Project team is pursuing these standards and WEDG certifications, and promoting best practices across all aspects of the project, as well as achieving a 37% reduction in EUI over the similar baseline, and a 37% reduction in embodied carbon for the building materials. The site is fully electrified, and the design will also reduce total water use, including irrigation demand by 40%, with rainwater harvesting and water efficiency measures throughout. This analysis and its findings were subsequently communicated to CB1. All site features will inform educational programming on sustainability and resiliency by BPCA.
- Shade in the Amphitheatre – Community members expressed concern about the lack of shade for the water-facing seating at the event terrace. In response, the design team ensured that there are large shady trees at the outer edges of the seating to provide natural shading; however, the desire for increased shading at this location had to be balanced with the priority of maintaining view corridors from the Pavilion and the lawn to the Harbor and the Statue of Liberty. The resulting alteration was shown in the February 2021 update to Manhattan CB1.
- Alternatives to storage of soil and compost, including using the space under the lawn – The presence of a short-term storage and staging for the BPCA Parks maintenance team at the west edge of Wagner Park was questioned at a community meeting. It was clarified that composting will not be conducted in the external holding yard and that the BPCA storage area at the lower level of the Pavilion will house much-needed facilities for the maintenance team as originally contemplated. The small holding yard (480sf) in question is a short-term storage area for tools and plants for quick access to BPCA staff working in the proximate area. Other locations were considered for this need, but the design team and BPCA concluded that this location, being largely out of public view and not posing any obstruction to pedestrian circulation,



was the least impactful alternative. Additional materials were presented in February 2021 to help better communicate the context and details of this location.

- Access at Pier A inlet – The community requested that we devise a means of directly experiencing the water at the Pier A inlet. This objective has been consistently featured in the Pier A Inlet design as it has evolved over time.
- Scaled drawings – As mentioned above, printable scaled plans, sections and elevations of the entire project site were initially provided to CB1 in February 2020.
- Salvage – In response to Manhattan CB1’s comments, and in keeping with the Battery Park City Sustainability Plan, material and plant salvage is being maximized across the whole of the project site. The February 2021 update to Manhattan CB1 identified what building and landscape materials are being reused in the new design (and not just salvaged), and explained that the Project team is working closely with BPCA’s horticulture team, as well as the Battery Conservancy, to salvage and reuse as many plants as possible – both within the project site and in neighboring park areas. Based on recent conversations, BPCA all will be working more broadly with the State’s and City’s Parks Departments to salvage and reuse plants.
- Picnic Terraces – Two small lawn spaces were carved out of the performance garden zone as potential waterside picnic locations in response to a request by then-Manhattan CB1 Vice-Chair (and current Chair) Tammy Meltzer during the prep session for the January 2020 community update. Feedback from the January 2020 meeting itself suggested this lawn space was not close enough to the water. Additional options were then presented in June 2020, from which Option 1 was selected by Manhattan CB1 leadership. An additional rendered view was requested, which was presented to Manhattan CB1 in February 2021.

With regards to our ongoing approach to soliciting public feedback for our resiliency projects, we invite you to attend the upcoming North/West BPC Resiliency Open House on Wednesday, June 29, 2022, between 4p and 8p, which will feature easeled boards with the different potential flood alignments, paired with accompanying panels that describe the boards. Attendees will be encouraged to share comments about the potential alignments by placing sticky notes on the boards. Each board will be assigned a dedicated team member who can answer questions about the board or encourage participants to submit the question for further consideration. Project team members will circulate the room to hear participant comments and answer general project questions. We will also be providing a virtual option on our website where members of the public can view the same materials as the meeting on 6/29 and provide comments through July 15<sup>th</sup>. We encourage you to participate in this event, building on the two prior community meetings and two “walkshops” specifically on the N/WBPCR project, and also to watch the videos from previous public sessions to learn how similar sessions with your neighbors have informed the development of the final designs of SBPCR.

## Coastal Modeling

*1.1 ASK: Please provide the actual data, assumptions and models that were used to justify this project's scale and scope including any sensitivity or regression analysis used to validate your models.*

*1.2 ASK: Please provide information on the source of the model, reviews of the model including information regarding alternative expert interpretation of real world data, and predictive modeling.*

*2.2 ASK: Please provide a detailed report and detailed data models (in an Excel file or with software access) so that our community can understand and engage with the data, come up with questions and prompt answers from the BPCA. Please include all information on any damage sustained by BPCA buildings, structures and parks during both Superstorm Sandy and Hurricane Irene.*

*2.3 ASK: Please provide information regarding the impact of the BPC resiliency projects on all adjacent areas throughout Lower Manhattan. For example, we would like to see the impact to Tribeca and FiDi specifically, if we make high ground higher under different storm scenarios.*

Please see AECOM's Coastal Modeling Study linked [here](#). Regarding third-party review, please note that BPCA retained Dewberry Engineers to provide peer review services for SBPCR, verifying the adequacy, accuracy, efficacy, constructability, and cost effectiveness of the designs developed for the project at various stages of their advancement. In addition, because SBPCR is intended to be capable of future connection with other waterfront flood barrier systems in Lower Manhattan, Dewberry has been tasked with verifying and ensuring the compatibility of their assumptions, targets, approaches, and designs with each other and with the projects currently being developed by the City of New York as part of its Lower Manhattan Coastal Resiliency ("LMCR") project. The ultimate design storm for both the South and North/West BPC Resiliency Projects (2050s 100-year storm) was selected to be consistent with the targets that had been selected and the sea level rise projections for the LMCR projects. The sea level rise projections utilized for the BPC projects are consistent with projections published by the New York City Panel on Climate Change in its periodic climate change reports, most recently updated in the 2019 Report (NPCC3).

Regarding damage and repairs during Superstorm Sandy (a storm that created storm surge levels significantly below the predicted levels forming the design basis for current Lower Manhattan resiliency projects) , below is a list of activities and repairs to BPCA property necessitated by that storm event, which also took the lives of 44 New York City residents.

### Pier A Building:

- Debris removal and disposal.
- Mold assessments/microbial investigations.
- Removal of existing mold and damaged elements to the first floor.
- Rental of generators to provide temporary heat for 1st – 4th floors.
- Emergency damage assessment for Pier A
- Emergency underwater inspection.
- Installation of dry wall, insulation and "Henry Blue Skin" vapor barrier throughout first floor; and replacement of sprayed-on foam insulation on columns.
- Mill down and replacement of concrete slab.
- Replacement of wiring, and junction boxes throughout first floor.
- Replacement in kind of 41 exterior doors, 7 windows, 42 light fixtures on the first floor
- Restored the Main Electric Service and repaired the elevator, replacing major components.
- Replaced all the damaged plumbing.
- Replaced 1,600 SF of decorative sheathing on columns.
- Replaced the Fire Alarm Control Panel in kind.
- Replaced the 12' x 60' construction trailer and removed the destroyed trailer.



#### Site 1 Ballfield Electrical:

- Removed and replaced damaged concrete pads and electrical equipment; including conductors, lighting panels, conduits, and other electrical components.
- Installed 1,500 CF of platforms and equipment supports
- Excavated 300 SF to repair grounding, and install 2 SF of grounding for fence enclosure.

#### Site 2 BPC Esplanade:

- Repaired and/or replaced damaged electrical utilities and other components; including bonding conductor and terminals in 135 inground splice boxes.
- Cleaned out dirt and debris from inground splice boxes, light pole bases
- Vacuumed out, disconnected, and/or removed existing conduit, and repaired connections to existing light fixtures.
- Completed 13 terminations and tested the system.

#### Site 3: Liberty St. & South End Ave.:

- Removed and replaced damaged electrical utilities; including pumps, valves, gages, controls, lighting fixtures, electrical boxes, and panels.
- Repaired conductors and transformers in the underground electrical service vaults.

#### Site 4: South Cove

- Replaced damaged woodwork, metalwork, asphalt pavers, and granite coping.
- Removed damaged conductors, dry out and clean existing conduit, and installed new gaskets at junction boxes as needed.
- Removed, refurbished and replaced 24 lights.

#### Community Center Building:

- Debris removal and disposal.
- Removal of affected existing materials and elements.
- Drying of affected areas, including dehumidifiers, air mover, and air filtration devices.
- Debris removal to prevent mold from spreading.
- Temporary heat to allow for work on the building.
- Remove and replace woodwork throughout the building.
- Remove and replace sheet rock on the first floor and lower levels.
- Remove and replace insulation contained in walls of the cellar and subcellar.
- Replaced damaged conduit and wiring in exercising, multipurpose, boiler, pool pump, and switchgear rooms.
- Replaced 12 pump motors and seals in the cellar and subcellar.
- Replaced electric outlets, light switches, transformers and other damaged electrical equipment.
- Replaced stainless steel roll up metal door at the facility ramp.
- Repaired the cellar foundation which was saturated by contaminated salt water.
- Replacement and test of fire alarm system, and key card security system.
- Repaired sprinklers and copper water supply line.
- Delivery and setup of new exercising devices and accessories.
- Replaced irrigation system
- Repair Elevator and replace major components

#### Ballfields:

- Emergency assessment of the condition of the ball field.
- Removal and disposal of existing damaged artificial turf, and remove and clean brock padding.
- Performance of water infiltration and environmental tests.
- Installation of 400 lf of slit fencing and reinstallation of brock padding, repair of backstops, and installation of new synthetic turf.



- Replacement of damaged panels.
- Additional security services utilized while the repairs were being made to the facility.
- Emergency protective measures to reduce flooding.
- Repairs to remove contaminated water at the bottom of the elevator shaft.

## Design Development

*8.3 ASK: Please explain why your documents indicate that your decision to expand commercial space over greenspace was based on 31 survey respondents. Please break down how many of these 31 respondents from five years ago were BPC residents. Additionally, please provide all information collected in regards to a community needs assessment prior to design consideration, including surveys, focus groups, envisioning sessions or other community outreach efforts.*

The survey you are referring to was conducted in connection with a 2016 assessment project that, among other things, solicited helpful public input from residents of BPC and surrounding neighborhoods, as well as other visitors to and users of Wagner Park, regarding ways in which the Park and the Pavilion were then used, along with any preferences or priorities for the future of the Park. The assessment project was then followed in 2018 by the South Battery Park City Resiliency Project Design Phase, which utilized the findings of and concepts formulated during the assessment project as a starting point for the development of a detailed and implementable resiliency program and design for the area surrounding Wagner Park. The project site, elements, design principles and design concepts were refined as the design phase of the project got underway. A few months thereafter, the design team conducted a workshop and survey that was advertised and noticed widely to the public (links [here](#), with video [here](#)), to supplement the information gleaned from the 2016 survey to which your request refers. The feedback from the 75 additional participants in the workshop and web survey, (results linked again [here](#)), largely aligned with what we'd heard previously. Aside from survey results, BPCA and the project design team regularly received and discussed comments and feedback from community members regarding Wagner Park and the Pavilion both informally and at multiple project-related community meetings in 2018 and 2019.

All that said, the Authority did not decide to expand commercial space over green space; to the contrary, the retention of green space and planted areas has been a major design objective of the South BPC Resiliency Project since its inception. The new Wagner Park Pavilion's footprint is comparable to the existing Pavilion's footprint. Consequently, no significant amount of green space was sacrificed in order to accommodate the Pavilion's programmed areas, which include – in addition to a restaurant that replaces the restaurant in the existing Pavilion – public restrooms, a community room and maintenance/storage space required by BPCA Parks Operations. The lawn space in the new park design is smaller in order to accommodate the increased elevation needed for the flood barrier system, but it is well-positioned and designed to accommodate the broad array of community uses accommodated by the existing lawn. The reduction in the size of the lawn is largely compensated for by an increase in the amount of planted garden space within the new park. Of note, many community residents have made clear how much they value the garden spaces within the existing park. Videos of the workshops held with community stakeholders regarding needs assessments, which were noticed and open to the general public, are available at the links referenced and include above, as well as on BPCA's website.

At the June 2019 public meeting, AECOM presented the following 5 “Key Design Principles”:

- 1) Maximize protected area
- 2) Maximize public space
- 3) Maintain design legacy
- 4) Maintain views and access to waterfront
- 5) Create an adaptable site

We believe the project's final designs achieve these objectives.

## Final Designs

2.6 ASK: Please provide the final design plans including architectural diagrams with measurements. The images in the postcards are different from the online version, which is different from the PowerPoints, which is different from the 3D model, etc.

3.1 ASK: Please provide a detailed diagram of the final design plan with measurements and square footage on each subsection where there is green grass in your image. In addition, we would like to see this on the image posted on your signs.

3.2 ASK: Similarly, please take a diagram from the same angle of the existing Wagner Park and write the measurements and square footage on each green space. If we are spending hundreds of millions of dollars on development, we expect significantly more usable green space than our current amount.

The architectural drawings for the Wagner Park Pavilion and the Wagner Park/Museum of Jewish Heritage Site Work are available at the following links, respectively [here](#), and [here](#). These documents, along with the project specifications and other exhibits to the Requests for Proposal and in addition to the RFPs and accompanying addenda themselves — are also available on [bpca.ny.gov](http://bpca.ny.gov). These documents will be made public for the Pier A/Battery and Interior Drainage components of the project when the procurement process begins for those elements of the project in the weeks ahead. Lawn measurements are available on the diagrams linked [here](#).

## Design Alternatives

2.1 ASK: Please provide all information on alternative proposals considered, any analysis on those proposals, and the rationale for the selection of the current plan.

2.4 ASK: Please provide information regarding analysis and estimates on alternative protection schemes, including but not limited to the protection methods used by other commercial and public infrastructure throughout Lower Manhattan.

2.7 ASK: Please provide any information on the decision to demolish the existing pavilion as well as the rationale for replacing and increasing the scale of a new structure, plus any information regarding solicitation for community input into the use, scale and design of the replacement structure.

Section 2 of the [Draft Environmental Impact Statement](#) (pages 70 – 102), titled “Project Alternatives,” describes the overall design alternatives for five sections in great detail, including 1st Place; the Museum of Jewish Heritage; Wagner Park; including the Pier A inlet; Pier A Plaza; and the project area in The Battery.

*You wrote, “Any project of this scale and impact requires consideration of real alternatives with a detailed analysis of pros and cons as well as economic and community impact. This information should also be part of a robust two-way community discussion, not a one-way dialogue. To date, there have been no meaningful alternatives provided with enough detail to assess them. Instead, we have seen that nearly all analysis is used to justify the current plan.”*

Though the first two statements here are accurate, the third and fourth are, demonstrably, not. One example of the discussions around the flood alignment alternative options, as well as a discussion about the future of the pavilion structure, is at our March 12, 2019 public meeting (video [here](#)). Though the entire discussion is certainly worth watching, the discussion of the Wagner Park alignment options begins at around minute 45. A feedback activity regarding the future uses of Wagner Park and the Pavilion are available at the April 15, 2019 meeting (video [here](#)). Slides on the Pavilion Studies (*Note: not the final design of the Pavilion*) are available starting on slide 81 of the June 24, 2019 presentation (presentation [here](#), video [here](#)), and in the meetings since. Furthermore, Appendix B of the Draft Environmental Impact Statement (linked [here](#)) provides further analysis and a supplemental study regarding the Pavilion, its potential relocation, and other alternatives.



## Project Funding

*6.1 ASK: Please provide a detailed description of sources and uses of funds for the entire ~\$1B project (Excel file). This information should include sources, assumptions and use of funds for each phase of the project, with details on how much of the project is currently funded versus how much is unfunded.*

*7.1 ASK: Please provide explanations as to why no Federal Funding was sought given that the U.S. Senate Majority Leader is our very own hometown Senator Chuck Schumer who recently led the passage of a \$1.9 trillion dollar infrastructure plan. Additionally, please provide what, if any, requests for funding from any city or state agency were pursued.*

Pursuant to its enabling legislation, BPCA has the ability to issue its own debt to fund its capital needs. As with the rest of BPCA's capital plan, the resiliency projects will be funded by that mechanism. With the support and sponsorship of Assembly Members Yuh-Line Niou and Deborah Glick and State Senator Brian Kavanagh, in 2019 the State legislature passed legislation to provide a one-time increase to BPCA's bonding capacity from \$350M to \$850M to fund the resiliency projects. A link to the recent 2019 bond offerings, which describe the mechanism and uses of the funds in great detail, is available here ([Series A, B, and C](#); [Series D](#)).

Notably, regarding our capital plan, the City of New York (Comptroller and, through OMB, the Mayor's Office), have approval rights over BPCA's capital plan. We secured that approval for an additional tranche of funding earlier this year. The Authority's project estimates include \$221,053,925.01 for SBPCR and, given its early design phase, a preliminary estimate of \$630,624,000 for the N/WBPC Resiliency Project.

While BPCA would qualify as a local government under 42 U.S.C. § 5122(8), applicable guidance related to the potential for award of federal funds for our resiliency projects provides scarce reason to believe that an application from BPCA for federal funding would be worthwhile. Such guidance suggests that the projects would be deemed ineligible for federal funding since the requested funding would be considered a duplication of benefits ("D.O.B.") by FEMA. The guidance specifies that Building Resilient Infrastructure and Communities (BRIC) funds cannot duplicate funds received by or reasonably available to applicants, sub applicants, recipients, or sub-recipients from other sources for the same purpose. This eligibility restriction would apply to BPCA, since we have bonding capacity. Federal funding is always considered "the funding of last resort," so this award would be considered a D.O.B unless we lose our ability to bond, or unless the City were to exercise its repurchase option of Battery Park City. When a D.O.B. occurs, the entity must pay back FEMA or any federal agency in full for the amount of the D.O.B.

New York City's Economic Development Corporation (EDC) published the Lower Manhattan Climate Resilience Study in March 2019. That report read, in part, "After Sandy, climate resilience initiatives and the investment of community stakeholders led New York City to successfully receive funds to mitigate coastal storm surge flood risks in Two Bridges through the federal National Disaster Resilience Competition. Although the rest of Lower Manhattan was not prioritized for funding from the federal government based on their criteria for post-Sandy recovery – targeting residential populations and low- and moderate income households – the City allocated \$100 million of City capital to projects south of the Brooklyn Bridge (in the Community Board 1 district), as well as \$8 million specifically to a project in the Battery." As mentioned previously, Battery Park City residents and property owners are fortunate to live in a community that has a dedicated funding source to meet its operating and capital needs, whereas other communities across the City must vie for project funding and prioritization. Additionally, BPCA's high credit rating and bond authorization enables us to finance our projects quickly.



## Project Timing

*5.2 ASK: Please provide an answer to the simple question of how long Wagner Park will be closed along with the best case and worst case scenarios for project completion.*

*5.3 ASK: Please provide details on when any part of the park is scheduled to be closed to the public leading up to full park closure.*

Project construction for SBPCR is projected to commence after Labor Day in September 2022, and last for 24 months. There are no plans to close the park prior to construction commencement, as it is our goal to ensure public access to our parks and public spaces as much as possible. Any additional site condition testing to be performed in the months ahead will be temporary and limited to a small area that will not impede access to the park.

## Environmental Impacts

*4.1 ASK: Please provide a more comprehensive and independent review of the environmental impacts associated with this project including more sampling and details on soil quality to ensure the safety of the kids at the nearby school, community and animals that use this park.*

Please review Appendices A – F of the Draft Environmental Impact Statement, as well as [the DEIS itself](#). Additional information regarding soil sampling is available in BPCA's June 7, 2022 response to Manhattan Community Board 1, linked [here](#).

- [Appendix A – Project Related Correspondence](#)
- [Appendix B – Cultural Resources](#)
- [Appendix C – Coastal Zone Assessment](#)
- [Appendix D – Remedial Action Plan](#)
- [Appendix D A1 Phase I Environmental Site Assessment](#)
- [Appendix D A2 Geotechnical Report](#)
- [Appendix D A3 Phase II Limited Site Investigation Report](#)
- [Appendix D B Draft Construction Health and Safety Plan](#)
- [Appendix E – Water and Sewer Analysis](#)
- [Appendix F – Noise Analysis](#)

## Permitting

*5.4 ASK: Please share the permits if you have filed them, or please confirm you will share them the same day you file them.*

We will comply with all local, state, and Federal laws, rules, and regulations regarding permitting for the project, including the posting of such permits at the construction site before construction commences. Many of the permits issued will be available on the issuing agencies' respective websites—NYS Department of Environmental Conservation on their DART system, the US Army Corps of Engineers through Permit Finder, and NYC Department of Buildings on DOB NOW. Please note that, as part of the work performed by the construction manager procured for this project, BPCA will have a dedicated community liaison, Rick Fogarty, assisting in our efforts to ensure stakeholders remain informed of construction-related impacts and changes.

Thank you again for your email and your interest in this important project.

Sincerely,




**Battery Park  
City Authority**