UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

NOV - 4 2015

Colonel David A. Caldwell
U.S. Army Corps of Engineers
New York District
Jacob K. Javits Federal Building
New York, NY 10278-0090

Dear Col. Caldwell:

The U.S. Environmental Protection Agency (EPA) has reviewed Public Notice number NAN-1998-00290 regarding the request from the Hudson River Park Trust (Trust) to replace Pier 54 with a new structure in a new location. We are aware that the February 2015 Joint Application (Pier 54 and Pier 54 Pile Field Request for Modification of U.S. Army Corps of Engineers (USACE) Permit 1998-00299) submitted by the Trust contains additional information and we based our review in part on that information. The U.S. Environmental Protection Agency (EPA) has determined that the project may result in substantial and unacceptable impacts to an aquatic resource of national importance. In order to thoroughly review all available project information, we will undertake an additional 25-day review of the application as provided under Part IV 3(a) of the 1992 Section 404(q) Memorandum of Agreement between our two agencies.

USACE issued the original permit to the Trust in 2000 for various projects related to the Hudson River Park development. As per the process established in the original permit, as features (e.g., piers) of the park are funded and designed, the applicant must request authorization from USACE to construct those individual features. If USACE authorizes the feature, it will issue a permit modification, including any special conditions.

EPA is generally concerned about the impacts of this project as well as the propriety of constructing completely new structures for non-water dependent purposes, such as entertainment and recreation, in the Hudson River. In light of rising seas due to climate change, further development of shorelines poses increased risks to the public and the environment. The net effect of these actions may be greater cumulative impacts to the Hudson River and all of our coastal waters.

The EPA regards the segment of the Hudson River waterway within the New York-New Jersey Harbor estuary as an aquatic resource of national importance as described in the revised 404(q) Memorandum of Agreement. The importance of the New York/New Jersey Harbor Estuary ecosystem was recognized by EPA when it was designated an Estuary of National Significance in 1987 and included in the National Estuary Program. Unnecessary damage to the estuary should be avoided.

This letter satisfies Part IV 3(a) of the 1992 Section 404(q) Memorandum of Agreement, which requires that we will notify you within 25 days with our opinion regarding whether a substantial and unacceptable impact to an aquatic resource of national importance will result from this project. If you have any questions regarding this matter, please contact me at (212) 637-5000, or have your staff call Mr. Richard P. Balla, Chief of EPA's Watershed Management Branch, at (212) 637-3788.

Sincerely,

Judith A. Enck

Judith A. Enck
Regional Administrator