



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

300 Westgate Center Drive  
Hadley, MA 01035-9589



In Reply Refer To:  
FWS/Region 5/WSFR

WSFR – New York

**JUL 08 2015**

Melinda Scott, Deputy Commissioner  
Finance and Administration  
New York State Office of Parks, Recreation & Historic Preservation  
625 Broadway  
Albany, New York 12207

Dear Ms. Scott:

Enclosed is a report prepared by Al Ortiz, Division of Wildlife and Sport Fish Restoration, regarding a site visit to a Boating Infrastructure project in New York. If you have any questions regarding the report, please contact Mr. Ortiz at 413-253-8406.

Sincerely,

  
for Colleen Sculley  
Chief, Division of Wildlife  
and Sport Fish Restoration

Enclosure

cc: Catherine Class, New York Parks, Recreation & Historic Preservation  
Joseph Grimaldi, New York Parks, Recreation & Historic Preservation  
Colleen LaFarr, New York Parks, Recreation & Historic Preservation

**Division of Wildlife and Sport Fish Restoration**  
**Trip Report and Progress Update**  
**Dyckman Landing Marina**  
**June 10, 2015**

**Purpose:** To conduct a site visit of the project area for Grant F11AP00748 (Y-16-D-1) "Dyckman Landing Marina," funded under the FY 2011 Tier II, Boating Infrastructure Federal Grant Program (BIG).

**Attendees:** Joseph Grimaldi and Colleen LaFarr, New York State Office of Parks, Recreation & Historic Preservation; Al Ortiz and Sadie Stevens, Division of Wildlife and Sport Fish Restoration, U.S. Fish and Wildlife Service; Nate Grove, City of New York Parks and Recreation; and Jerald Tenenbaum, Dyckman Landing Marina and the Manhattan River Group.

**Summary Finding from Field Visit:**

On June 10, we visited the Dyckman Landing Marina to see the site and review performance and construction progress of the funded facility.

We met at the entrance of the Restaurant and Marina at 348 Dyckman Street, Manhattan. Mr. Tenenbaum led the group to see the funded area. Mr. Tenenbaum and Mr. Grove gave us some background and history of the site and explained what NYC Parks and Recreation does in regards to marinas and to the lease of the Dyckman Landing site. We walked through what Mr. Tenenbaum indicated was the marina "walkway" which was partially funded by the BIG grant. When asked, he indicated that access to the marina's basic facilities and services (i.e., restrooms, street) was through that "walkway" that is used also for music venues and events. We saw the funded docks from the marina grounds and proceeded to look at the restroom building, also partially funded by the grant. It was evident and confirmed by Mr. Tenenbaum that the approved restrooms were open to anyone and to all employees, although at that point they were blocked off and a signed displayed "For Employees Only." The shower room was closed initially and also displayed a signed "For Employees Only." When the door was opened, we found that it was being used as a storage area. The laundry room has not been built yet. The marina's hours of operation where neither displayed anywhere nor clearly explained. The sewage system already reimbursed by NYS Parks and Recreation seems to be for pumping sewage from the whole facility and not just for boats only. In addition, the security system for the docks that was also reimbursed was not installed. Other funded amenities such as construction of dinghy dock, electric and water hook ups on the transient docks, and installation of the moorings for transient vessels have not been done yet.

## **Project Update and Recommendations:**

The Dyckman Landing Marina project was awarded funding in August of 2011 with an effective period of August 5, 2011 to December 31, 2013. The grant period was extended once in January of 2013 to end December 31, 2015.

The U.S. Fish and Wildlife Service is concerned about various aspects of the project that seem to have deviated from the approved project objectives and purpose of the Program. We have discussed these with Mr. Grimaldi and Ms. LaFarr and agreed on them and their expected outcome. These concerns and expected remedies are:

- Access to street and the funded restrooms: operators of recreational transient vessels using the funded facility must be allowed and guaranteed access to and from the street for recreational opportunities as well, and to the funded restrooms, shower and laundry rooms. The sub-grantee must propose an accessibility route plan to be reviewed by the State and the Service. Special events held in the area of the restrooms building must not interfere with this access. Access to the restaurant, music venues, and other activities and parts of the facility outside of the boat marina is not required.
- Use of restrooms, shower and laundry rooms: these facilities were fully funded through the grant, with the approved purpose of serving only slip holders. The budget for this building was prorated and approved as 80% transients' use and 20% other slips holders' use. Therefore, restrooms, shower and laundry must be locked and restricted just for the use of marina docks' patrons and the occasional marina hand, and not by the general public or other employees. Access to this building for transient users must be separated from music venues or other activities when those are being held.
- Hours of operation: the hours of operation of the transient slips and marina must be displayed clearly once the project is completed.
- Sewage pumpout system: a boat pumpout system must be installed without using BIG funds to complete the sewage system already installed. Funding from the CVA Pumpout Program may be pursued. Installation of this system must be completed by project's end.
- Security system for boaters and lighting: the proposed and approved security system must be installed at the entrance of the docks or gate before the project is completed. The lighting system approved for the marina part of the property must also be completed by project's end.
- Dinghy dock: the dinghy dock proposed and approved must be constructed before project completion.
- Electric and water hook ups: these utilities must be installed at the docks as proposed. That is, 1 pedestal for every 2 slips.
- Mooring field: 53 moorings proposed and approved must be installed by project's end.

Also, while Mr. Grimaldi was waiting for the group to meet, he was informed that the boat marina area was closed up due to an event being held in the restaurant. Although okay to limit

access to the marina to other users, it seems as though the marina was closed due to the event. When the project is completed, the facility must be open for transients use during normal hours of operation and can't be closed for special events.

Based on this site visit and conversation with Mr. Tenenbaum, we recommend using caution in drawing down the remaining funds balance for reimbursement of project expenditures, and also recommend addressing all of our concerns with the remedies indicated above. Failure to meet the grant objectives as approved by the Service and satisfactorily address the issues discussed above will result in grant disallowed costs as well as the initiation of grant closure and recovery of grant funds obligated to your agency.

I would like to extend my appreciation to Joseph and Colleen for their ongoing efforts to administer the BIG Federal grants with strict standards for ensuring that both Federal and State requirements are met, and for facilitating effective communication between us and the partners in the project.

Prepared by:



Al Ortiz  
Boating Infrastructure Grants Regional Coordinator

Date

7/2/15

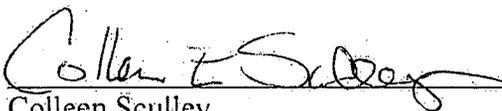


Sadie Stevens  
Lands and Water Division Supervisor

Date

7/2/15

Approved by:



Colleen Sculley  
Wildlife and Sport Fish Restoration Chief

Date

7/2/15



Perry, Bill &lt;bill\_perry@fws.gov&gt;

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**Fwd: FW: FWS/Region 5/WSFR Dyckman Landing Marina Project**

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**Grimaldi, Joseph (PARKS)** <Joseph.Grimaldi@parks.ny.gov>

Wed, Nov 4, 2015 at 12:34 PM

To: "Ortiz, Alberto" &lt;alberto\_ortiz@fws.gov&gt;

Cc: Bill Perry &lt;bill\_perry@fws.gov&gt;, "LaFarr, Colleen (PARKS)" &lt;Colleen.LaFarr@parks.ny.gov&gt;

I did have a chance to read this. We've been asking them for a spreadsheet showing their pro-ration of all expenses, but that hasn't come yet.

I'm not totally satisfied with their answers, so we should discuss soon.

**From:** Ortiz, Alberto [mailto:[alberto\\_ortiz@fws.gov](mailto:alberto_ortiz@fws.gov)]**Sent:** Wednesday, November 04, 2015 12:12 PM**To:** Grimaldi, Joseph (PARKS)**Cc:** Bill Perry; LaFarr, Colleen (PARKS)**Subject:** Fwd: FW: FWS/Region 5/WSFR Dyckman Landing Marina Project

Hi Joe,

I hope you are feeling much better or are mended already. Here is the letter that I understand you guys received a week or so back. Once you have a chance to review and discuss it in your shop, let us know when you want to talk and we can do a conference call to see how we will proceed from here.

I am also attaching a photo that I received late in September of a sea plane using the docks (although I think they could be using one of their "seasonal" slips).

Take care and stay healthy,

AI

----- Forwarded message -----

**From:** JTenenbaum <[gerald@m-t-law.com](mailto:gerald@m-t-law.com)>**Date:** Mon, Nov 2, 2015 at 10:34 AM**Subject:** FW: FWS/Region 5/WSFR Dyckman Landing Marina Project**To:** "Ortiz, Alberto" <[alberto\\_ortiz@fws.gov](mailto:alberto_ortiz@fws.gov)>

Mr. Ortiz,

Pursuant to our brief discussion this morning, please find attached the letter we distributed on October 20. Please feel free to contact me directly should you have any questions at all.

Best regards,

Jerald Tenenbaum

**Morrison Tenenbaum | Attorneys**

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Alberto Ortiz

CVA & BIG Programs Regional Coordinator

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MANHATTAN RIVER GROUP, LLC  
348 DYCKMAN STREET NEW YORK NY 10034

October 16, 2015

***VIA E-MAIL & REGISTERED MAIL***

New York State Office of Parks, Recreation & Historic Preservation  
Attn: Melinda Scott  
Deputy Commissioner  
Finance and Administration  
625 Broadway  
Albany, New York 12207

Re: FWS/Region 5/WSFR  
Dyckman Landing Marina Project

Dear Ms. Scott:

This letter is in response to the report prepared by Mr. Al Ortiz, Division of Wildlife and Sport Fish Restoration, dated as of July 8, 2015, following his visit to the Dyckman Marina, the location of a newly constructed marina using funds received pursuant to the Tier II, Boating Infrastructure Federal Grant Program. We have done our best to address each of Mr. Ortiz's recommendations as completely as possible.

Please note that the newly rebuilt marina shares a site with an operating restaurant and event venue facility, and that much of the infrastructure is shared between these businesses. In our requests for reimbursement, we have only reported costs related to marina infrastructure servicing boaters that are eligible under the grant. We have not reported costs where no reimbursement is being sought.

- 1. "Access to street and the funded restrooms.... The sub-grantee must propose an accessibility route plan to be reviewed by the State and the Service."**

Access Generally. Access to the street and funded facilities will not be blocked to transient customers at any time, including when special events are taking place. When no special events are taking place, transient customers will have full, unimpeded access to the bathrooms, washing machines, showers and other services. When special events are ongoing, transient customers will be given a temporary permit card (similar to a credit card), which will allow the customer access to all public areas of the property. The machine for creating these cards on the spot has already been purchased, and staff are being trained in these procedures.

Signage. Temporary signage attached to moveable barricades has been removed and will be replaced by permanent signage indicating which facilities are designated for boating customers. We anticipate creating and posting the following signs before commencement of the 2016 boating season:

Dock Gate Mounted

- “Access for Boating Customers Only” (restricting entrance)
- Hours of Operation
- “Marina Facilities →”
- “← Restaurant & Public Restrooms”

Piling Mounted

- Large “Transient Dockage” [with VHF channel]
- Source of Funding
- “Dinghy Area”

Keypad Access. Both the docks and transient customer shower facility will be protected by keypad entrance. Upon arrival and check-in, transient customers will be provided with current access codes.

Marina Shower. We will remove the incorrectly placed “Employees Only” sign on the grant-funded shower / bathroom, and replace that sign with a “Marina Customers Only” sign. This shower room will not be used for storage.

Access Map. Find attached an access map for your review.

## **2. “Use of restrooms, shower and laundry rooms....”**

It is important to note that the building in which transient customer restrooms and shower are located was funded *in part* through the grant and *in part* through the use of private funds. The funded facilities comprise 7 WC fixtures out of a total of 15 fixtures. We have sought reimbursement only for the original 7-fixture build, and not any portion of the increase in size and fixture count of the building. In addition, we have not sought reimbursement for architecture fees, permitting fees or any other costs related to the expansion of this structure.

While the facilities are considered ‘shared’ in terms of their funding, in practice, the general public is restricted from using this building 95% of the time (based on reporting between the New York City Department of Parks and Recreation and Manhattan River Group, LLC, which operates the facility pursuant to a License Agreement with the City of New York). Thus, at almost any given time, the structure’s sole use is for marina customers and not for general public access, which remains restricted. At all times that these facilities are shared, access by transient boating customers will be guaranteed (see Access Generally, above).

Finally as has been previously noted, the funded facilities share a 3 acre site with a restaurant and lounge, which is visited by almost every transient customer who has pulled up to our dock (both prior to and following restoration). The restaurant and lounge has two separate restroom areas with a total of more than 14 additional fixtures. Pursuant to a Sharing and Access Agreement between the Restaurant Concession and the Marina Concession, solely for the accommodation and convenience of marina customers, they are granted full use of all restaurant facilities without reciprocity to restaurant customers for the marina facilities, which remain off limits the majority of the time.

We hope this helps clarify how the grant-funded upland facilities are being used

### **3. “Hours of Operation....”**

Hours of operation will be listed on a signage at the dock entrance. This information will also be included amongst the physical materials provided to customers upon check-in and on the LaMarinaNYC.com/boating website.

### **4. “Sewage pumpout system....”**

No BIG TIER II grand funds will be used to pay for a boat pumpout system. A system is currently on order, but will not be paid for using funds made available through the grant (or any grant).

### **5. “Security system for boaters and lighting....”**

Security features to restrict access to the docks, and for protecting the property of boaters, is being installed this winter. These features include an 8-foot iron fence and installation of a keypad access lock for entering the dock. In addition to the keypad entry system, we have already put in place a significant system of cameras and lighting. Cameras record all dock access and lighting illuminates the path to the street and other parts of the facility.

### **6. “Dinghy dock....”**

The docks were designed such that the northeastern-most slip serves as the dinghy dock. We will include signage on the piling indicating that this area is designated for “Dinghies Only”.

### **7. “Electric and water hook ups....”**

Pedestals will not be installed. FWS may not be aware that ice build-up in the Hudson River requires us to dry-store the docks in the winter. While we originally planned to run electric across the entire dock, the logistics and cost of developing a water-tight electrical system that can be disassembled every winter when the docks are taken out of the water has proven far too costly. Any segmented electrical connection we would seek to develop will furthermore be susceptible to corrosion due to the low freeboard / proximity to salt water, and thus an unwarranted risk for customers. Transient customers will have access to electric and water located at the immediate entrance to the dock. We are also planning to install a water connection this winter to extend water service onto the dock.

## 8. “Mooring field....”

We currently have seven new moorings and four old moorings. Our plan is to add new moorings based on demand. We anticipate that it will take several years before we fill our current capacity. Notwithstanding the current supply far outstripping demand for transient dockage in our area, we will be purchasing an additional five moorings this winter. We have also received assurances from our designated vendor, Sea Spike Marine in Staten Island, that the lead-time on moorings is very short should we find that demand increases unexpectedly.

## CONCLUSION

FWS can be assured that all BIG TIER II grant proceeds have been appropriately used to fund boating infrastructure in an area of New York City where boating access has been severely depleted by decades of underinvestment in facilities. By offering free transient dockage, and a high-quality experience for boaters, Dyckman Marina has quickly established itself as a welcome and well-utilized feature of Manhattan’s waterfront landscape, the very outcome intended in our proposal. Despite the purely operational challenges identified in the above referenced report, transient customers are universally pleased with our facilities, access and services.

We plan to submit a revised spreadsheet following this letter to clarify some items that were denied in our last submission. We also hereby request an extension of five months (until May 31, 2016) to complete the grant work and finalize our submissions.

Thank you in advance for your attention to this matter.

Sincerely,

Manhattan River Group, LLC



Jerald M. Tenenbaum  
Managing Member

Cc: J. Grimaldi [Joseph.Grimaldi@parks.ny.gov]  
B. Gamache [Beatrice.Gamache@parks.ny.gov]  
J. DelBelso [James.DelBelso@parks.ny.gov]  
N. Grove [Nate.Grove@parks.nyc.gov]

