

**ADDENDUM TO THE RECORD OF DECISION AND LEAD AGENCY
FINDINGS STATEMENT FOR THE WORLD TRADE CENTER MEMORIAL
AND REDEVELOPMENT PLAN**

The Lower Manhattan Development Corporation ("LMDC") hereby supplements its Record of Decision and Lead Agency Findings Statement for the World Trade Center Memorial and Redevelopment Plan ("ROD"), dated June 2004, by adding a new Addendum D-1 to Appendix D of the ROD. LMDC has determined that it can achieve improved environmental and sustainable attributes in the design, construction and operation of the World Trade Center Memorial and Redevelopment Plan (the "Selected Project") by creating an alternative compliance path to achieve the goals of the *Sustainable Design Guidelines*, as defined in section 1.3.10 and Appendix D of the ROD, for the commercial towers to be constructed at the World Trade Center Site. This alternative compliance path (the "*LEED Gold Alternative Path*," described in Addendum D-1 attached hereto), will permit the developer of any commercial building the option to meet the goals of the *Sustainable Design Guidelines* by designing for and attaining Gold certification from the U.S. Green Building Council under the Leadership in Energy and Environmental Design ("LEED") system and completing the additional enhancements beyond LEED Gold requirements set forth in Addendum D-1.

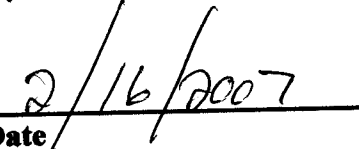
LMDC has determined that the *LEED Gold Alternative Path* achieves the same environmental benefits as the *Sustainable Design Guidelines* and will not result in any significant adverse environmental impacts not previously disclosed in the ROD or the Final Generic Environmental Impact Statement for the Selected Project. In accordance with 40 CFR § 1505.2, LMDC has adopted all practicable means to avoid or minimize environmental harm from the Selected Project and has adopted monitoring and enforcement programs as described in the ROD and Addendum D-1.

This Addendum to the ROD was adopted by the Board of Directors of the Lower Manhattan Development Corporation on February 14, 2007.



Kevin M. Rampe
Chairman/President
Lower Manhattan Development Corporation

Date



2/16/2007

**ADDENDUM D-1 TO APPENDIX D OF THE
WORLD TRADE CENTER MEMORIAL AND REDEVELOPMENT PLAN
RECORD OF DECISION AND LEAD AGENCY FINDINGS STATEMENT**

The *LEED Gold Alternative Path* has been developed to provide an alternative path to achieve the goals of the *Sustainable Design Guidelines*¹ (“SDGs”) for the WTC commercial and open spaces.

The *LEED Gold Alternative Path* can be adopted on a building-by-building basis.

Developers of commercial office towers at the Project Site shall inform the LMDC in writing prior to the completion of the Design Development design phase of the developer’s respective project if the developer opts to proceed under the *LEED Gold Alternative Path*.

Requirements of the *LEED Gold Alternative Path*

For each building for which the *LEED Gold Alternative Path* is followed, the developer shall design for and attain LEED Gold certification from the U.S. Green Building Council. For commercial office buildings, the LEED-CS system (Core and Shell) may be used.

In addition, the developer shall complete the following enhancements beyond the requirements for LEED Gold certification:

1. Implement all construction-period environmental protection measures identified in SEQ-5, including the use of ultra low-sulfur diesel and adoption of EPA diesel retrofit recommendations, in addition to all applicable Environmental Performance Commitments promulgated by the Lower Manhattan Recovery Project Sponsors.
2. Achieve net zero CO₂ emissions for all base building electricity consumption via commercially purchased wind certificates for 100% of purchased electricity.
3. Reduce energy costs 20% beyond American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 90.1-1999, as defined in EEQ-3, and reduce whole building energy consumption by 20% relative to levels required by the New York Energy Conservation Construction Code, as required by Executive Order-111 (“EO-111”).

¹ The *Sustainable Design Guidelines* are set forth in Appendix D to the Record of Decision and Lead Agency Findings Statement for the World Trade Center Memorial and Redevelopment Plan.

4. Satisfy all indoor air quality requirements of EO-111 and IEQ-3, including requirements for indoor air quality monitoring, commissioning and air quality management.
5. For each commercial office building that implements LEED-CS, construct a 1,500 square foot exemplar space that satisfies the requirements, other than square footage, set forth in the *Sustainable Design Guidelines*.
6. For each commercial office building where the *LEED Gold Alternative Path* has been adopted, supply part of the energy required for the commercial office building by fuel cells built into the towers.
7. Create and execute the following management plans: Construction Storm Water Pollution Prevention Plan (SEQ-6); Construction Waste Management Plan (MEQ-2); Indoor Air Quality Management Plan (IEQ-1); Construction IAQ Management Plan (IEQ-5); and Integrated Pest Management Plan (IEQ-9).

If a developer fails to attain LEED Gold certification or fails to satisfy any elements listed above for any building for which the *LEED Gold Alternative Path* has been adopted, the developer shall, subject to approval by LMDC, promptly identify and diligently carry out, at its expense, such alternative mechanism and actions as are required to satisfy the goals of such unsatisfied elements of the *LEED Gold Alternative Path*.

Achievement of Sustainable Design Guideline Goals

Each building for which the *LEED Gold Alternative Path* has been adopted shall achieve the substantive goals of the *Sustainable Design Guidelines*. For each such building, a Construction Environment Plan (“CEP”) as required by SEQ-5 and a Comprehensive Material Management Plan (“CMMP”) as required by MEQ-1 need not be prepared, although all substantive requirements of SEQ-5 and MEQ-1 shall be met.

Interim Reporting

During the design and construction phases of each commercial office building, at each major project milestone (i.e., Schematic Design, Design Development, Construction Documents), the developers of that building shall submit commensurate plans and specifications documentation to the Port Authority, in accordance with the Port Authority’s tenant construction application process, to demonstrate conformance with the environmental measures (consistent with the requirements of the Port Authority Manual) and shall simultaneously furnish LMDC with copies of such plans and specifications. For each building for which the *LEED Gold Alternative Path* has been adopted, this documentation shall describe the progress in achieving the requirements of the *LEED Gold Alternative Path* (including a LEED point checklist and associated narrative). This documentation shall also describe the progress in meeting the substantive requirements of SEQ-5 and MEQ-1.