

APPENDIX A: CONSULTATION AND CORRESPONDENCE

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United States Department of the Interior

NATIONAL PARK SERVICE
Statue of Liberty National Monument
Liberty Island
New York, New York 10004

IN REPLY REFER TO

In reply refer to:
H4217- STLI
(DSC – STLI 155066B, 15567, 160644)

March 11, 2010

Sherry White, Tribal Historic Preservation Officer
Tribal Historic Preservation Office
Stockbridge-Munsee Community
P.O. Box 70
W13447 Camp 14 Road
Bowler, WI 54416

RE: 09PR01721

Section 106 Consultation – Statue of Liberty National Monument Project to Implement
Life and Safety Upgrades

Dear Ms. White:

The National Park Service (NPS) wishes to initiate formal consultation with the Stockbridge-Munsee Community under Section 106 of the National Historic Preservation Act (NHPA) on implementation of proposed life and safety improvements at the Statue of Liberty. This proposed action is an undertaking in accordance with 36 CFR 800.3 of the regulations of the Advisory Council on Historic Preservation (ACHP).

Project Overview

The Statue of Liberty National Monument (Park) consists of Liberty Island and Ellis Island. The Statue of Liberty Enlightening the World (Statue) is located on Liberty Island. Designed by Auguste Bartholdi and dedicated in 1886, the Statue has a copper outer shell with interior steel supports and reaches a height of 305 feet above the ground. It stands on a granite and concrete pedestal designed by Richard Morris Hunt. This pedestal rises 89 feet above the original 11-point star walls of Fort Wood, which was constructed from 1807 to 1811 and clad in granite in 1844. The Statue, pedestal, and Fort Wood are collectively called the Monument.

Liberty Island was listed on the National Register on May 19, 1981 as nationally significant. Its period of significance is 1883 to 1957. It became a World Heritage Site in 1984. The Statue and pedestal are listed on the NPS List of Classified Structures (LCS) and the Park's list of Historic Structures (HS) as LCS 001321 and HS 01. Fort Wood is listed as LCS 040500 and HS 67.

The Monument has undergone several previous modifications to repair deteriorated elements or to improve safety of visitors and staff. A large preservation and restoration effort was conducted in 1985 to 1986 in preparation for the 100th anniversary of the Statue's dedication.

The Park is one of the most popular national tourist destinations. Liberty Island is visited by nearly 4,000,000 people each year, 1,092,000 of whom have access to the Monument, and 87,000 of whom have access to the Statue's crown. The Monument, however, is not compliant with life safety and accessibility codes. Action is needed to upgrade infrastructure, circulation, and egress to make the Monument as close to compliant as possible and achieve an adequate level of emergency response capability.

This project will continue implementation of life safety improvements that are needed for safe visitor and employee access to the Monument. Proposed improvements include fire protection, lighting, mechanical, and structural upgrades for egress from the Monument in an emergency. The most significant code deficiencies relate to the protection of vertical openings in the pedestal's interior and the means of egress from the levels designated 4P, 5P, 6P, 7P, and the crown (Figure 1). The project is limited to safety and code compliance and will not have a significant impact on the Monument or visitor experience.

Area of Potential Effect

The Area of Potential Effect consists of all of Liberty Island (Figure 2). Some work will be centered on the auxiliary pier on the eastern side of Liberty Island. Within the Monument, some of the planned improvements will be in the "Shell Space" indicated on Figure 1. Proposed actions include the following modifications to the Monument:

1. Provide smoke compartment separation between levels 6P and 7P and, if necessary, remove the emergency elevator above level 6P to provide smoke separation.
2. Provide smoke compartment separation at levels 0P, 1P, and 2P.
3. Provide two enclosed /remote exit stairs in the pedestal discharging to the outside at levels 3P, 2P, or 0P.
4. Provide access to both enclosed stairs from levels 4P, 5P, 6P and direct entry into one enclosed exit stair at level 7P.
5. Install mechanical pressurization systems for the two enclosed stairs.
6. Modify the ramp to the existing Sally Port exit from Fort Wood to meet code dimension requirements.
7. Install ceiling level smoke exhaust from level 2P for the lobby.

8. Provide Architectural Barrier Act Accessibility Standards (ABAAS) compliant men's and women's restrooms on level 2P.
9. Provide a temporary visitor access tower to the crown during construction, if needed.
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11. Replace the emergency elevator (ALIMAK) in the Statue.
12. Replace the main elevator to level 5P.
13. Replace/upgrade the domestic water holding tank outside Fort Wood.
14. Remove the exterior wooden exit stairs leading from the terreplein to the ground.

Proposed Compliance Actions


The NPS has begun to develop an Environmental Assessment (EA) for the project under the National Environmental Policy Act (NEPA). It is the intention of the NPS to use the section of the ACHP regulations "Protection of Historic Properties" (36 CFR Part 800) that permits the substitution of an EA/Finding of No Significant Impact (FONSI) to comply with Section 106 of the NHPA in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. A draft EA will be prepared in full compliance with the requirements of NEPA, the Council on Environmental Quality Regulations (40 CFR Parts 1500 through 1508), and NPS Director's Order 12 (NEPA Compliance Guidelines).

The NPS has also formulated a plan to consult with the public, in accordance with 36 CFR 800.3(e), through the Planning, Environment, and Public Comment (PEPC) website. This outreach tool will accommodate both the NEPA and Section 106 processes. A draft copy of the scoping public announcement is enclosed with this letter. Because of the timing of this project and the fact that a Historic Structures Report will be available only after the anticipated EA public review period, the NPS will prepare a draft Programmatic Agreement (PA) to be included for public review in the EA. In accordance with the regulations issued pursuant to the National Historic Preservation Act of 1966, as amended, we are inviting the Stockbridge-Munsee Community to participate in the consultations on the PA.

Pursuant to 36 CFR 800.5(a), if there are interested persons who should be notified, please let the Park know. We appreciate your comments on this project. If you have any questions or concerns, or require additional information, please contact Diana Pardue of the Park's staff at (212) 363-3206 x150 or diana_pardue@nps.gov.

The NPS is committed to historic preservation. Your office's participation will result in better protection of the Park's resources. Thank you for your continuing assistance to the Park.

Sincerely,



David Luchsinger
Superintendent

Enclosures

Cc:

Louise Brodnitz
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW Suite 809
Washington, DC 20004

Dan Saunders
Acting Administrator and Deputy State Historic Preservation Officer
Historic Preservation Office
501 Station Plaza
Building 5 — 4th floor
Box 404
Trenton, New Jersey 08625-0404

Carol Ash
State Historic Preservation Officer
New York State Historic Preservation Office
Peebles Island Resource Center
Delaware Avenue
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March 11, 2010

Delaware Tribe
Brice Obermeyer
Department of Sociology and Anthropology
Emporia State University
1200 Commercial St., Box 4022
Butcher Education Center, RM 115D
Emporia, KS 66801

RE: 09PR01721
Section 106 Consultation - Statue of Liberty National Monument Project to Implement
Life and Safety Upgrades

Dear Mr. Obermeyer:

The National Park Service (NPS) wishes to initiate formal consultation with the Stockbridge-Munsee Community under Section 106 of the National Historic Preservation Act (NHPA) on implementation of proposed life and safety improvements at the Statue of Liberty. This proposed action is an undertaking in accordance with 36 CFR 800.3 of the regulations of the Advisory Council on Historic Preservation (ACHP).

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Proposed Compliance Actions

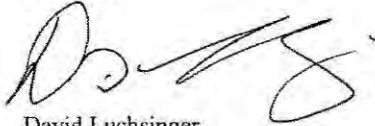
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Sincerely,



David Luchsinger
Superintendent

Enclosures

Cc:

Louise Brodnitz
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW Suite 809
Washington, DC 20004

Dan Saunders
Acting Administrator and Deputy State Historic Preservation Officer
Historic Preservation Office
501 Station Plaza
Building 5 — 4th floor
Box 404
Trenton, New Jersey 08625-0404

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(DSC – STLI 155066B, 15567, 160644)

March 11, 2010

Tamara Francis
Delaware Nation
NAGPRA/Cultural Preservation
P.O. Box 825
Anadarko, OK 73005

RE: 09PR01721
Section 106 Consultation – Statue of Liberty National Monument Project to Implement
Life and Safety Upgrades

Dear Ms. Francis:

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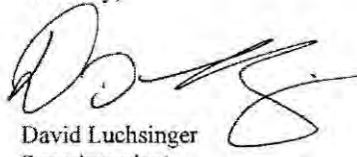
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RE: 09PR01721
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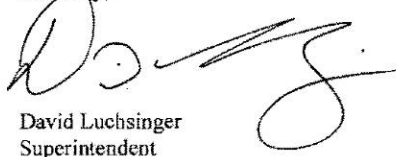
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March 11, 2010

Ms. Carol Ash
State Historic Preservation Officer
New York State Historic Preservation Office
Peebles Island Resource Center
Delaware Avenue
Cohoes, NY 12047

Attention: Beth Cumming

RE: 09PR01721

Section 106 Consultation – Statue of Liberty National Monument Project to Implement
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2. Provide smoke compartment separation at levels 0P, 1P, and 2P.
3. Provide two enclosed /remote exit stairs in the pedestal discharging to the outside at levels 3P, 2P, or 0P.
4. Provide access to both enclosed stairs from levels 4P, 5P, 6P and direct entry into one enclosed exit stair at level 7P.
5. Install mechanical pressurization systems for the two enclosed stairs.
6. Modify the ramp to the existing Sally Port exit from Fort Wood to meet code dimension requirements.
7. Install ceiling level smoke exhaust from level 2P for the lobby.
8. Provide Architectural Barrier Act Accessibility Standards (ABAAS) compliant men's and women's restrooms on level 2P.
9. Provide a temporary visitor access tower to the crown during construction, if needed.

10. Replace mechanical ventilation/cooling utilities at level 7P to support visitation to the crown.
11. Replace the emergency elevator (ALIMAK) in the Statue.
12. Replace the main elevator to level 5P.
13. Replace/upgrade the domestic water holding tank outside Fort Wood.
14. Remove the exterior wooden exit stairs leading from the terreplein to the ground.

Proposed Compliance Actions

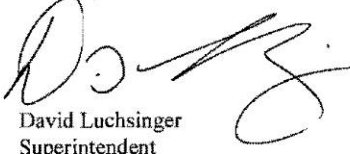
The NPS has begun to develop an Environmental Assessment (EA) for the project under the National Environmental Policy Act (NEPA). It is the intention of the NPS to use the section of the ACHP regulations "Protection of Historic Properties" (36 CFR Part 800) that permits the substitution of an EA/Finding of No Significant Impact (FONSI) to comply with Section 106 of the NHPA in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. A draft EA will be prepared in full compliance with the requirements of NEPA, the Council on Environmental Quality Regulations (40 CFR Parts 1500 through 1508), and NPS Director's Order 12 (NEPA Compliance Guidelines).

The NPS also plans to consult with the public, in accordance with 36 CFR 800.3(e), through the Planning, Environment, and Public Comment (PEPC) website. This outreach tool will accommodate both the NEPA and Section 106 processes. A copy of the scoping announcement is enclosed with this letter. Because of the timing of this project and the fact that a Historic Structures Report will be available only after the anticipated EA public review period, the NPS will prepare a draft Programmatic Agreement to be included for public review in the EA.

Pursuant to 36 CFR 800.3(f), if there are interested persons who should be notified, please let the Park know. If you have any questions or concerns, or require additional information, please contact Diana Pardue of the Park's staff at (212) 363-3206 x150 or diana_pardue@nps.gov.

The NPS is committed to historic preservation. Your office's participation will result in better protection of the Park's resources. Thank you for your continuing assistance to the Park.

Sincerely,



David Luchsinger
Superintendent

Enclosures

Cc:
Louise Brodnitz
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW Suite 809
Washington, DC 20004

Dan Saunders
Acting Administrator and Deputy State Historic Preservation Officer
Historic Preservation Office
501 Station Plaza
Building 5 — 4th floor
Box 404
Trenton, New Jersey 08625-0404



United States Department of the Interior

NATIONAL PARK SERVICE
Statue of Liberty National Monument
Liberty Island
New York, New York 10004

IN REPLY REFER TO

In reply refer to:
H4217- STLI
(DSC – STLI 155066B, 15567, 160644)

March 11, 2010

Dan Saunders
Acting Administration And Deputy State Historic Preservation Officer
Historic Preservation Office
501 Station Plaza
Building 5 – 4th Floor
Box 404
Trenton, New Jersey 08626-0404

RE: 09PR01721-
Section 106 Consultation – Statue of Liberty National Monument Project to Implement
Life and Safety Upgrades

Dear Mr. Saunders:

The National Park Service (NPS) wishes to initiate formal consultation with the Stockbridge-Munsee Community under Section 106 of the National Historic Preservation Act (NHPA) on implementation of proposed life and safety improvements at the Statue of Liberty. This proposed action is an undertaking in accordance with 36 CFR 800.3 of the regulations of the Advisory Council on Historic Preservation (ACHP).

Project Overview

The Statue of Liberty National Monument (Park) consists of Liberty Island and Ellis Island. The Statue of Liberty Enlightening the World (Statue) is located on Liberty Island. Designed by Auguste Bartholdi and dedicated in 1886, the Statue has a copper outer shell with interior steel supports and reaches a height of 305 feet above the ground. It stands on a granite and concrete pedestal designed by Richard Morris Hunt. This pedestal rises 89 feet above the original 11-point star walls of Fort Wood, which was constructed from 1807 to 1811 and clad in granite in 1844. The Statue, pedestal, and Fort Wood are collectively called the Monument.

Liberty Island was listed on the National Register on May 19, 1981 as nationally significant. Its period of significance is 1883 to 1957. It became a World Heritage Site in 1984. The Statue and

pedestal are listed on the NPS List of Classified Structures (LCS) and the Park's list of Historic Structures (HS) as LCS 001321 and HS 01. Fort Wood is listed as LCS 040500 and HS 67.

The Monument has undergone several previous modifications to repair deteriorated elements or to improve safety of visitors and staff. A large preservation and restoration effort was conducted in 1985 to 1986 in preparation for the 100th anniversary of the Statue's dedication.

The Park is one of the most popular national tourist destinations. Liberty Island is visited by nearly 4,000,000 people each year, 1,092,000 of whom have access to the Monument, and 87,000 of whom have access to the Statue's crown. The Monument, however, is not compliant with life safety and accessibility codes. Action is needed to upgrade infrastructure, circulation, and egress to make the Monument as close to compliant as possible and achieve an adequate level of emergency response capability.

This project will continue implementation of life safety improvements that are needed for safe visitor and employee access to the Monument. Proposed improvements include fire protection, lighting, mechanical, and structural upgrades for egress from the Monument in an emergency. The most significant code deficiencies relate to the protection of vertical openings in the pedestal's interior and the means of egress from the levels designated 4P, 5P, 6P, 7P, and the crown (Figure 1). The project is limited to safety and code compliance and will not have a significant impact on the Monument or visitor experience.

Area of Potential Effect

The Area of Potential Effect consists of all of Liberty Island (Figure 2). Some work will be centered on the auxiliary pier on the eastern side of Liberty Island. Within the Monument, some of the planned improvements will be in the "Shell Space" indicated on Figure 1. Proposed actions include the following modifications to the Monument:

1. Provide smoke compartment separation between levels 6P and 7P and, if necessary, remove the emergency elevator above level 6P to provide smoke separation.
2. Provide smoke compartment separation at levels 0P, 1P, and 2P.
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7. Install ceiling level smoke exhaust from level 2P for the lobby.
8. Provide Architectural Barrier Act Accessibility Standards (ABAAS) compliant men's and women's restrooms on level 2P.
9. Provide a temporary visitor access tower to the crown during construction, if needed.
10. Replace mechanical ventilation/cooling utilities at level 7P to support visitation to the crown.
11. Replace the emergency elevator (ALIMAK) in the Statue.
12. Replace the main elevator to level 5P.
13. Replace/upgrade the domestic water holding tank outside Fort Wood.
14. Remove the exterior wooden exit stairs leading from the terreplein to the ground.

Proposed Compliance Actions

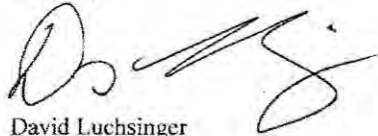
The NPS has begun to develop an Environmental Assessment (EA) for the project under the National Environmental Policy Act (NEPA). It is the intention of the NPS to use the section of the ACHP regulations "Protection of Historic Properties" (36 CFR Part 800) that permits the substitution of an EA/Finding of No Significant Impact (FONSI) to comply with Section 106 of the NHPA in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. A draft EA will be prepared in full compliance with the requirements of NEPA, the Council on Environmental Quality Regulations (40 CFR Parts 1500 through 1508), and NPS Director's Order 12 (NEPA Compliance Guidelines).

The NPS has also formulated a plans to consult with the public, in accordance with 36 CFR 800.3(e), through the Planning, Environment, and Public Comment (PEPC) website. This outreach tool will accommodate both the NEPA and Section 106 processes. A draft copy of the scoping public announcement is enclosed with this letter. Because of the timing of this project and the fact that a Historic Structures Report will be available only after the anticipated EA public review period, the NPS will prepare a draft Programmatic Agreement (PA) to be included for public review in the EA. In accordance with the regulations issued pursuant to the National Historic Preservation Act of 1966, as amended, we are inviting the Stockbridge-Munsee Community to participate in the consultations on the PA.

Pursuant to 36 CFR 800.5(a), if there are interested persons who should be notified, please let the Park know. We appreciate your comments on this project. If you have any questions or concerns, or require additional information, please contact Diana Pardue of the Park's staff at (212) 363-3206 x150 or diana_pardue@nps.gov.

The NPS is committed to historic preservation. Your office's participation will result in better protection of the Park's resources. Thank you for your continuing assistance to the Park.

Sincerely,



David Luchsinger
Superintendent

Enclosures

Cc:

Louise Brodnitz
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW Suite 809
Washington, DC 20004

Dan Saunders
Acting Administrator and Deputy State Historic Preservation Officer
Historic Preservation Office
501 Station Plaza
Building 5 — 4th floor
Box 404
Trenton, New Jersey 08625-0404

Carol Ash
State Historic Preservation Officer
New York State Historic Preservation Office
Peebles Island Resource Center
Delaware Avenue
Cohoes, NY 12047

Section 106 Correspondence Enclosure



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Statue of Liberty National Monument
Liberty Island
New York, New York 10004

PUBLIC ANNOUNCEMENT

The National Park Service (NPS) proposes to improve the public safety and accessibility of the Statue of Liberty National Monument (Park) in a manner that preserves its historic character and the visitor experience. An important national symbol, the Statue of Liberty (consisting of the Statue itself, a granite and concrete pedestal on which it stands, and Fort Wood, which contains a museum) is one of the most popular tourist destinations in the United States. Liberty Island is visited by nearly 4,000,000 people each year, 560,000 of whom have access to the pedestal and museum, and 87,000 of whom have access to the Statue's crown.

Before re-opening the crown on July 4, 2009, the NPS completed several life safety improvements, including installation of handrails along the helical staircases and rehabilitation of doors to improve visitor access and meet some safety codes. The Statue, however, is not currently compliant with life safety and accessibility codes. Action is needed to upgrade infrastructure, circulation, and emergency egress in order to improve code compliance and achieve an acceptable level of emergency response capability.

The improvements proposed in the current project include repairs and upgrades to various fire protection, lighting, mechanical, and structural components, and provisions for safe egress from the Statue in an emergency. Proposed actions will be substantially limited to the pedestal and Fort Wood. Improvements proposed in the current project are being addressed in an Environmental Assessment (EA) and Assessment of Effect (AoE) document, in compliance with the National Environmental Protection Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA).

By implementing the range of proposed actions, the NPS wishes to achieve the following objectives:

1. Improve public safety in the Statue by addressing life safety and accessibility code issues.
2. Implement infrastructure improvements to enable efficient emergency egress from the Statue.
3. Minimize disruption to visitor use and experience.
4. Preserve the integrity of the historic resources within the Statue and on Liberty Island.

The NPS welcomes your comments, which are needed for the EA/AoE and the development of plans for the proposed actions. The NPS will carefully consider public comments and use them to inform project planning and alternatives development. However, the NPS will not respond directly to individual comments. Please submit your comments by April 12, 2010 at the NPS Planning, Environment, and Public Comment (PEPC) website (<http://parkplanning.nps.gov/STLI>). You may also submit written comments to The Statue of Liberty National Monument, Ellis Island Receiving Office, Jersey City NJ 07305, attn: Park Planning. We appreciate your interest in this process and look forward to your comments.

Sincerely,

David Luchsinger
Superintendent
Statue of Liberty National Monument
National Park Service
Liberty Island

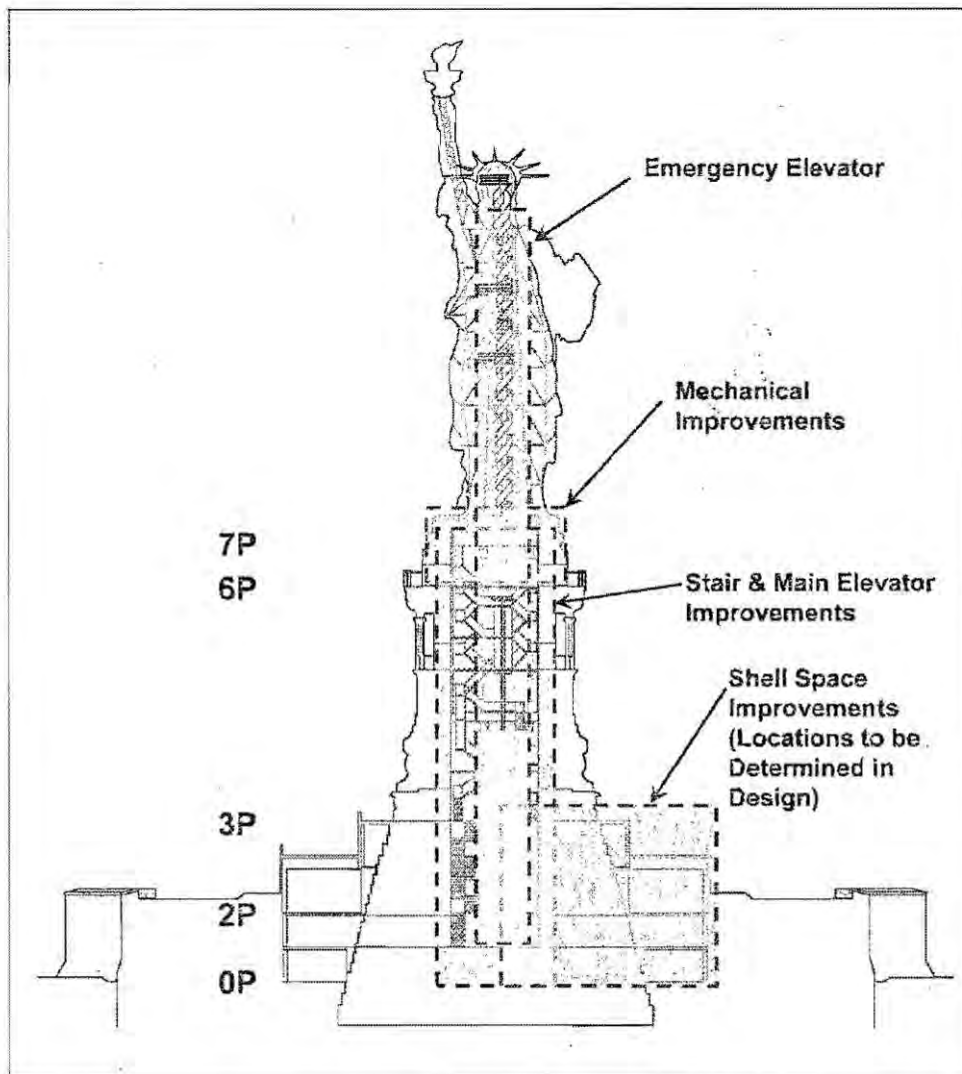


Figure 1: Statue of Liberty National Monument Environmental Assessment to Implement Life and Safety Upgrades Proposed Actions.

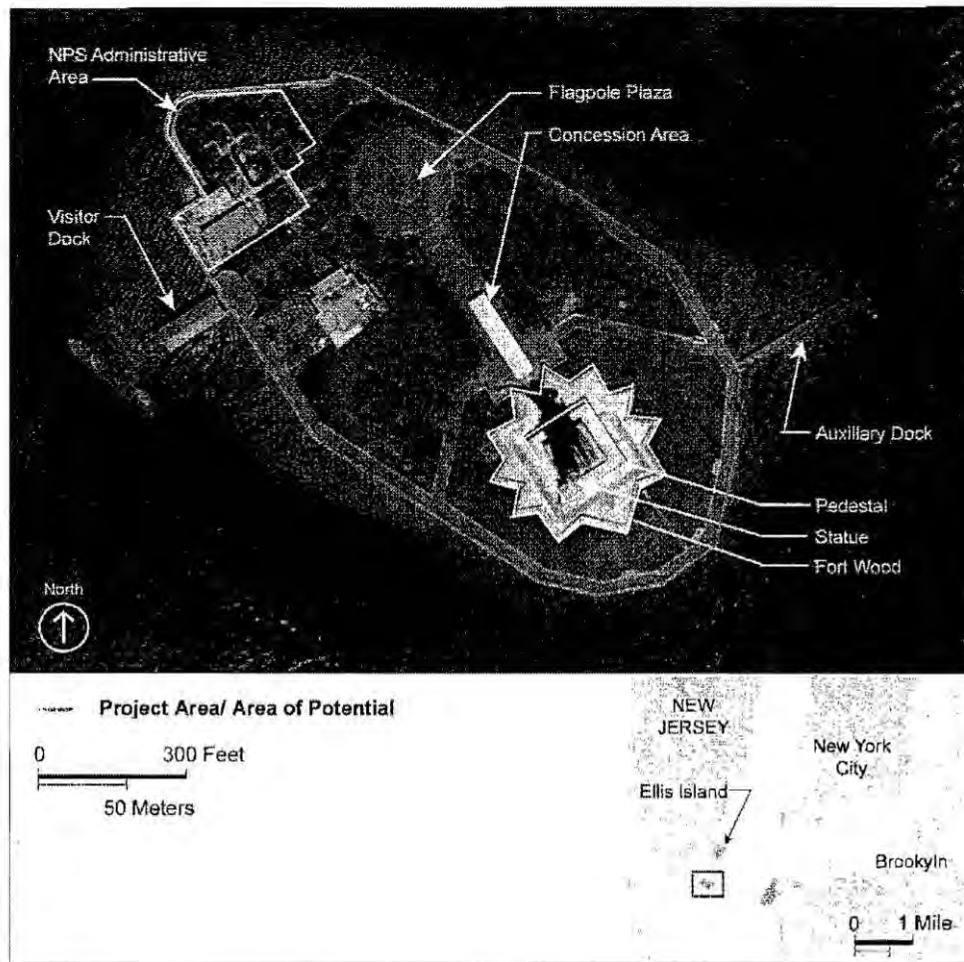


Figure 2: Statue of Liberty National Monument Environmental Assessment to Implement Life and Safety Upgrades Area of Potential Effect.



United States Department of the Interior

NATIONAL PARK SERVICE
Statue of Liberty National Monument
Liberty Island
New York, New York 10004

IN REPLY REFER TO:

March 11, 2010

Clifford Day
Supervisor, New Jersey Field Office
U.S. Fish and Wildlife Service
927 N. Main Street, Building D
Pleasantville, NJ 08232-1454

Dear Mr. Day,

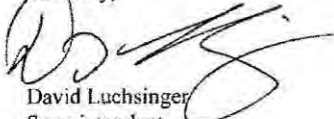
The National Park Service (NPS) is preparing an Environmental Assessment (EA) for the Statue of Liberty National Monument Project to Implement Life and Safety Upgrades in accordance with the National Environmental Policy Act (NEPA) of 1969 as amended.

In advance of re-opening the Statue's Crown on July 4, 2009, the NPS completed several life safety improvements, including the installation of handrails along the helical staircases within the Statue and rehabilitation of doors to improve visitor access and meet some safety codes. The improvements proposed in the current project include repairs and upgrades to various fire protection, lighting, mechanical, and structural components, and provisions for safe egress from the Statue during emergencies. The proposed actions are substantially confined to the interior of the Statue, with the exception of the replacement of a domestic water holding tank outside of Fort Wood, located on the west side of Liberty Island and the addition or elimination of exterior stairways leading from the terreplein to the ground outside Fort Wood. None of the proposed actions will affect New York Harbor or any waters of the United States.

We are writing you to request a list of federally listed species that may be impacted by this proposed project, and to initiate informal Section 7 consultation. Because the majority of the proposed actions are confined to the interior of the Statue, it is unlikely that this project will affect any federally listed or locally sensitive species. We would, however, appreciate written confirmation from your office. A letter is also being sent to the National Oceanic and Atmospheric Administration, National Marine Fisheries Service and the New York Department of Environmental Conservation to solicit their input.

If you have any questions or require additional information, please contact me by phone at (212) 363-3206 extension 150, or by email at Diana_Pardue@nps.gov. Thank you in advance for your assistance.

Sincerely,



David Luchsinger
Superintendent

Enclosure

cc. Jill Cavanaugh, The Louis Berger Group, Inc.



United States Department of the Interior

NATIONAL PARK SERVICE
Statue of Liberty National Monument
Liberty Island
New York, New York 10004

IN REPLY REFER TO:

March 11, 2010

Peter Nye
NYS Dept of Environmental Conservation
Division of Fish, Wildlife and Marine Resources
625 Broadway 5th Floor
Albany, NY 12233-4750

Dear Mr. Nye,

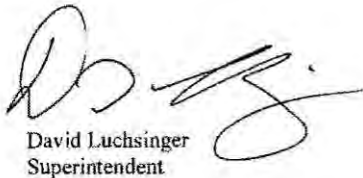
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Sincerely,



David Luchsinger
Superintendent

Enclosure

cc. Jill Cavanaugh, The Louis Berger Group, Inc.



United States Department of the Interior

NATIONAL PARK SERVICE
Statue of Liberty National Monument
Liberty Island
New York, New York 10004

IN REPLY REFER TO:

March 11, 2010

Dave Jenkins
New Jersey Division of Fish and Wildlife
P.O. Box 400
501 E. State Street, 3rd Floor
Trenton, NJ 08625-0400

Dear Mr. Jenkins,

The National Park Service (NPS) is preparing an Environmental Assessment (EA) for the Statue of Liberty National Monument Project to Implement Life and Safety Upgrades in accordance with the National Environmental Policy Act (NEPA) of 1969 as amended.

In advance of re-opening the Statue's Crown on July 4, 2009, the NPS completed several life safety improvements, including the installation of handrails along the helical staircases within the Statue and rehabilitation of doors to improve visitor access and meet some safety codes. The improvements proposed in the current project include repairs and upgrades to various fire protection, lighting, mechanical, and structural components, and provisions for safe egress from the Statue during emergencies. The proposed actions are substantially confined to the interior of the Statue, with the exception of the replacement of a domestic water holding tank outside of Fort Wood, located on the west side of Liberty Island and the addition or elimination of exterior stairways leading from the terreplein to the ground outside Fort Wood. None of the proposed actions will affect New York Harbor or any waters of the United States.

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If you have any questions or require additional information, please contact me by phone at (212) 363-3206 extension 150, or by email at Diana_Pardue@nps.gov. Thank you in advance for your assistance.

Sincerely,

David Luchsinger
Superintendent

Enclosure

cc. Jill Cavanaugh, The Louis Berger Group, Inc.



United States Department of the Interior

NATIONAL PARK SERVICE
Statue of Liberty National Monument
Liberty Island
New York, New York 10004

IN REPLY REFER TO:

March 11, 2010

Peter Colosi
Division Chief, Northeast Regional Office
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
One Blackburn Drive
Gloucester, MA 01930

Dear Mr Colosi,

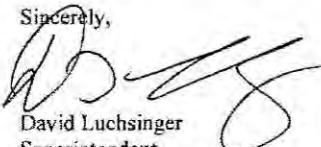
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We are writing you to request a list of federally listed species that may be impacted by this proposed project, and to initiate informal Section 7 consultation. Because the majority of the proposed actions are confined to the interior of the Statue, it is unlikely that this project will affect any federally listed or locally sensitive species. However, we would appreciate written confirmation from your office. A letter is also being sent to the U.S. Fish and Wildlife Service and the New York Department of Environmental Conservation to solicit their input.

If you have any questions or require additional information, please contact me by phone at (212) 363-3206 extension 150, or by email at Diana_Pardue@nps.gov. Thank you in advance for your assistance.

Sincerely,



David Luchsinger
Superintendent

Enclosure

cc. Jill Cavanaugh, The Louis Berger Group, Inc.



**New York State Office of Parks,
Recreation and Historic Preservation**

Historic Preservation Field Services • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

March 11, 2010

David Luchsinger
National Park Service
Statue of Liberty National Monument
Liberty Island
New York, NY 10004

Re: Statue of Liberty
Safety Improvements
New York County
09PR01721

David A. Paterson
Governor

Carol Ash
Commissioner

Dear Mr. Luchsinger:

Thank you for including the New York State Historic Preservation Office (SHPO) in the January 29, 2010 meeting regarding the proposed Safety Improvements within the Statue of Liberty. We have reviewed the information presented in accordance with the provisions of Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to the Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

We understand that the NPS has been evaluating options for improving the Safety and Emergency Management of access to the Crown at the Statue of Liberty (the Statue). The proposed interior options will be further discussed in April at a Value Analysis Workshop and we will wait until after this meeting for further comment on these proposed changes.

The purpose of this letter is to raise our concerns over the proposed Temporary Access options presented for use while upgrades to the Fort Wood and Pedestal sections of the Statue are under construction. We have reviewed the drawings and renderings for Options 1, 2A, 2B, 3A and 3. According to the Secretary of the Interior's Standards "New additions, exterior alterations, or related new construction shall not destroy historic materials, features and spatial relationships that characterized the property." In addition they state that "the historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided." Using these standards it is our opinion that if any of the proposed options are chosen they would constitute an Adverse Effect to this historic resource. Clearly there would be adverse physical effects to the historic fabric of the Statue/Fort Wood and adverse effects to the spatial relationships within New York Harbor that, while temporary, would be inappropriate to this significant historic resource.

We appreciate the efforts and understand the pressures the NPS is under due to their desire to keep "the Crown" open at all times. However, we can not support the proposed options as they would harm the historic resource. Keep in mind that the Statue of Liberty was designated a New York City Landmark in 1976, a U.S. National Monument in 1924, a

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World Heritage Site in 1984, and was listed on the National Register of Historic Places in 1966 the year the register was created. Over the years the Statue has continued to be worthy of preservation and closing of the monument for a short period of time for safety upgrades should not be cause for extreme measures that could have long term negative effects.

Thank you for your request. If you have any questions, I can be reached at (518) 237-8643, ext. 3282. Please refer to the SHPO Project Review (PR) number in any future correspondences regarding this project.

Sincerely,



Beth A. Cumming
Historic Site Restoration Coordinator
e-mail: Beth.cumming@oprhp.state.ny.us

CC: Dan Saunders – NJSHPO



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Acting Commissioner

Division of Fish and Wildlife

David Chanda, Director

P.O. Box 400

Trenton, New Jersey 08625-0400

609-292-9410 Tel.

609-292-8207 Fax

Visit our website: njfishandwildlife.com

March 24, 2010

Mr. David Luchsinger, Superintendent
United States Department of the Interior
National Park Service
Statue of Liberty National Monument
Liberty Island
New York, New York 10004

RE: National Park Service
Environmental Assessment
Statute of Liberty
National Monument Project
Liberty Island

Dear Mr. Luchsinger:

We received your request for endangered/threatened species information at the above mentioned location. The Natural Heritage Database, administered by the Office of Natural Lands Management within the Division of Parks and Forestry is the Department's source for location-specific endangered and threatened species information. To obtain information you will need to complete and submit a Natural Heritage Data Request Form, which you may obtain by contacting the Office of Natural Lands Management at the address below or by downloading the form at: <http://www.nj.gov/dep/parksandforests/natural/heritage/index.html>. Contact information for the New Jersey Natural Heritage Program is provided below:

Office of Natural Lands Management
Natural Heritage Program
PO Box 404
Trenton, NJ 08625-0404
Tel: 609-984-1339
<http://www.nj.gov/dep/parksandforests/natural/heritage/index.html>

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Mr. Luchsinger
Page 2

We also urge you to consult the Department's Landscape Project maps for information about wildlife species. The Landscape Project is a Geographic Information Systems (GIS) approach to imperiled species protection. The project uses GIS to identify, delineate and ultimately protect habitat critical to the long-term survival of New Jersey's wildlife. You can learn more about the Landscape Project as well as download the data layers from our website: <http://www.state.nj.us/dep/fgw/ensp/landscape/index.htm>, or they can be viewed through the Department's interactive mapping application: <http://www.state.nj.us/dep/gis/depsplash.htm#>

With regard to anticipated affects of your proposal project on any endangered or threatened species as you may determine occur on or near the site, we will only evaluate such impacts in the context of review of a permit application made to the Department of Environmental Protection and referred to our office for review and comment.

Regards,

A handwritten signature in black ink, appearing to read "C. David Jenkins, Jr.", written in a cursive style.

C. David Jenkins, Jr. Chief
Endangered and Nongame Species Program

FOR JOHN H.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

MAR 26 2010

David Luchsinger, Superintendent
US Department of the Interior, National Park Service
Statue of Liberty National Monument
Liberty Island
New York, New York 10004

Re: Statue of Liberty – Life and Safety Upgrades

Dear Mr. Luchsinger,

This is in response to your letter dated March 11, 2010 regarding the National Park Service's (NPS) preparation of an Environmental Assessment (EA) for the Statue of Liberty National Monument Project to Implement Life and Safety Upgrades. The improvements proposed in the current project include repairs and upgrades to various fire protection, lighting, mechanical, and structural components, and provisions for providing safe egress from the Statue during emergencies. The proposed actions are substantially confined to the interior of the Statue, with the exception of the replacement of a domestic water holding tank outside Fort Wood and the addition or elimination of exterior stairways leading from the terreplein to the ground outside Fort Wood. According to your letter, none of the proposed actions will affect New York Harbor or any waters of the United States. Your letter requests information on the presence of any species listed by NOAA's National Marine Fisheries Service (NMFS) as threatened or endangered in the vicinity of the proposed action.

A population of federally endangered shortnose sturgeon (*Acipenser brevirostrum*) occurs in the Hudson River and several species of listed whales and sea turtles occur seasonally in waters off of New York. However, as the proposed action is limited to upland areas, no NMFS listed species occur in the action area. As such, no further coordination between the NPS and NMFS is necessary. Should you have any questions regarding this correspondence, please contact Julie Crocker of my staff (978-282-8480 or by e-mail: Julie.Crocker@noaa.gov).

Sincerely,

Mary A. Colligan
Assistant Regional Administrator for
Protected Resources

File Code: Sec 7 No Species 2010



FOR JOHN H.
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, Albany, New York 12233-4757
Phone: (518) 402-8935 • FAX: (518) 402-8925



March 29, 2010

David Luchsinger
U S Dept. Interior - Nat'l Park Service
Statue of Liberty - Liberty Island
New York City, NY 10004

Dear Mr. Luchsinger:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Safety Improvements Project at the Statue of Liberty, in advance of re-opening of the Statue's Crown, plus Replacement of a Domestic Water Holding Tank outside of Fort Wood, site as indicated on the map you provided, located on Liberty Island, New York Harbor.

We have no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site. concerns about any potential impacts from this project.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

Tara Salerno
Tara Salerno, Information Services
NY Natural Heritage Program

cc: Reg. 2, Wildlife Mgr.
Reg. 2, Fisheries Mgr.



March 31, 2010

Mr. David Luchsinger
Superintendent
National Park Service
Statue of Liberty National Monument
Liberty Island
New York, NY 10004

**REF: *Proposed Life and Safety Improvements at the Statue of Liberty
New York, NY***

Dear Mr. Luchsinger:

On March 16, 2010, the Advisory Council on Historic Preservation (ACHP) received your documentation for the referenced project. Unfortunately, the background documentation included with your submission does not meet the specifications listed in Section 800.11(e). We, therefore, are unable to determine whether Appendix A of the regulations, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, applies to this undertaking. Accordingly, we request that you submit the following information so that we can determine whether our participation is warranted.

- A description of the undertaking's effects on historic properties,
- An explanation of why the criteria of adverse effect were found applicable or inapplicable; and
- Copies or summaries of any views provided by consulting parties and the public, including comments from Indian tribes and the New York State Historic Preservation Officer (SHPO).

Upon receipt of the additional information, we will notify you within 15 days of our decision. If you have any questions or require further assistance, please contact Louise Brodnitz at 202-606-8527, or via email at lbrodnitz@achp.gov.

Sincerely,

Raymond V. Wallace
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION
1100 Pennsylvania Avenue NW, Suite 803 Washington, DC 20004
Phone: 202-606-8503 Fax: 202-606-8647 achp@achp.gov www.achp.gov

From: [Diana Pardue](#)
To: [Margo Davis/DENVER/NPS@NPS](#); [John Hnada](#)
cc: [Richard Holmes](#)
Subject: Fw: Statue Of Liberty National Monument Project - life and safety upgrades
Date: 04/06/2010 03:16 PM
Signed by: CN=Diana Pardue/OU=STLI/O=NPS

Diana Pardue
Chief, Museum Services Division
Statue of Liberty NM & Ellis Island
tel: 212-363-3206 x150
fax: 212-363-6302
diana_pardue@nps.gov

Before printing, think about the environment!

----- Forwarded by Diana Pardue/STLI/NPS on 04/06/2010 05:15 PM -----

"Jason Ross" <JRoss@delawarenation.com>

04/05/2010 05:37 PM

To: <diana_pardue@nps.gov>

cc

Subject: Statue Of Liberty National Monument Project - life and safety upgrades



Hello Ms. Pardue,

The Delaware Nation has received correspondence regarding section 106 consultation – Statue of Liberty National Monument Project to Implement Life and Safety Upgrades.

*The Delaware Nation will
be a consulting party
on the project.*

*Please forward plans to
our office as necessary
and anything
involving
ground disturbance
please notify us as soon
as possible.*

Please contact us if you have any questions.

Thank you for your attention in this matter and consulting with the Delaware Nation,

Jason Ross
Museum/Section 106 Assistant
Cultural Preservation Department
The Delaware Nation
P.O. Box 825
Anadarko, OK 73005
PH# 405) 247-2448
FAX# 405) 247-8905
www.delawarenation.com

Margo Davis/DENVER/NPS

04/08/2010 10:27 AM

To lbrodnitz@achp.gov

cc Diana Pardue/STLI/NPS@NPS, John
Hnedak/STLI/NPS@NPS, Richard Holmes/STLI/NPS@NPS,
Elaine Rideout/DENVER/NPS@NPS, Hugh
Duffy/DENVER/NPS@NPS, Cherie
Shepherd/DENVER/NPS@NPS

Subject STLI 155066 155567 160644 Statue of Liberty Life Safety
t Projects--ACHP participation

Dear Louise:

Thanks for talking to me today. My understanding of our conversation is that the ACHP feels that they don't have enough information at this time to determine whether or not to participate in the Programmatic Agreement (PA) currently under development. As a result, we will write the ACHP into the draft PA that will go on public review this summer as part of the Environmental Assessment (EA) for this project. The EA should have much of the information requested in your letter--although we still feel we may not have all the information at that point to make a finding, which is why we are working on a PA. After the public review period, we will provide you with a copy of comments received about the project and proof of our tribal consultation and you will make a decision at that time of whether or not to participate in the signing of the PA.

I appreciate you taking the time to call me between your trips! We look forward to providing you with more information in the future.

Margo

Margo Muhl Davis
Cultural Resource Specialist
Denver Service Center
Line Item Construction
12795 W. Alameda Parkway
P.O. Box 25287
Denver CO, 80225-0287
Phone: 303-987-6642
Fax: 303-969-2930

2010-03-25 13:51

STLI Museum

2123636302 >>

NPS

P 2/2



United States Department of the Interior
FISH AND WILDLIFE SERVICE

New Jersey Field Office
927 North Main Street, Building D
Pleasantville, New Jersey 08232
Tel: 609-646-9310 Fax: 609-646-0352
<http://www.fws.gov/northeast/njfieldoffice>



MAR 17 2010

IN REPLY REFER TO:
2010-I-0194

The U.S. Fish and Wildlife Service (Service) is unable to respond to your recent request for project or site review pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA) because your submission did not follow the procedures on our web site at

<http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html>

In particular, your submission was lacking the following information.

- ☐ A map of the project site.
- ☐ The name(s) of any Federal or non-Federal agency authorizing or funding the project.
- ☐ For communication towers, indication why the project is not eligible for a categorical determination of "not likely to adversely affect" as provided by the document *Communication Tower and Antenna Consultation in New Jersey*, available on our web site.
- ☐ A brief description of the proposed project, and project plans if available.
- ☐ Pictures of the project area.
- ☒ Indication of which federally listed species under Service jurisdiction may occur in the action area (i.e., the project's impact area), based on the municipality list on our web site **AND** an assessment of habitats in the vicinity of the project site.
- ☐ A copy of any field surveys or environmental evaluations.
- ☐ For projects in municipalities with known or potential occurrence of the Indiana bat (*Myotis sodalis*), indication whether tree clearing is proposed and, if so, the number or acres of trees proposed for removal and indication whether tree clearing will be seasonally restricted according to the dates on our web site.
- ☐ Proposed measures to avoid impacts to federally listed species.
- ☐ An assessment of direct, indirect and cumulative impacts to federally listed species from proposed project activities, and a preliminary determination of whether federally listed species will be adversely affected.
- ☐ Other:

Staffing constraints currently limit the Service's New Jersey Field Office to reviewing only those projects that *may affect* federally listed species. The *may affect* determination is made by the Federal action agency or non-Federal project proponent using the information and instructions on our web site. Service concurrence with a *no effect* determination is not required under the ESA and will not be provided by the New Jersey Field Office. If the proposed project *may affect* federally listed species, please follow the instructions on our web site and resubmit your request with the information indicated above.

Please refer to our web site for current lists of federally listed and candidate species in New Jersey, the National Bald Eagle Management Guidelines, and contacts for obtaining current information regarding State-listed and other species of concern from the New Jersey Natural Heritage and Endangered and Nongame Species Programs.

Authorizing Supervisor:

Ron Popowski

Supervisory Fish and Wildlife Biologist

return form.doc 06/02/2009



United States Department of the Interior

NATIONAL PARK SERVICE
Statue of Liberty National Monument
Liberty Island
New York, New York 10004

IN REPLY REFER TO:

IN REPLY REFER TO:
H4217 - STLI

May 27, 2010

Sherry White, Tribal Historic Preservation Officer
Tribal Historic Preservation Office
Stockbridge-Munsee Community
P.O. Box 70
Bowler, WI 54416

FILE

Subject: 09PR01721
Section 106 Consultation—Draft Programmatic Agreement Review
Statue of Liberty National Monument Project to Implement Life Safety Upgrades

Dear Ms. White:

The purpose of this correspondence is to convey to your office, for your review and comment, the draft programmatic agreement (PA) for the undertaking to implement life safety improvements at the Statue of Liberty (Monument). In a letter to your office dated March 11, 2010 we indicated that because of the timing of this project and the fact that a historic structures report will be available only after compliance with the National Environmental Protection Act needs to be completed, the NPS would prepare a programmatic agreement for compliance with S106 of the National Historic Preservation Act. We hope to include the draft programmatic agreement in the environmental assessment that will go on public review during summer 2010 in accordance with public involvement requirements outlined in 36 CFR 800.8 (c)(1)(iv).

This undertaking will continue implementation of life safety improvements that are needed for safe visitor and employee access to the Monument. Proposed improvements include fire protection, lighting, mechanical, and structural upgrades for egress from the Monument in an emergency. The most significant code deficiencies relate to the protection of vertical openings in the pedestal's interior and the means of egress from the levels designated 4P, 5P, 6P, 7P, and the crown (Figure 1). The project is limited to safety and code compliance and will not have a significant impact on the Monument or visitor experience. A complete list of proposed projects can be found in Appendix 1 of the PA.

The majority of the proposed work, including staging, will take place within the statue, pedestal, Fort Wood and the terreplein. The only work to take place outside of this area would be the replacement of a buried domestic water holding tank. The exact location of the replacement tank is still to be determined.

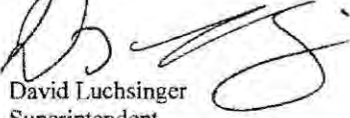
Please review the draft and provide any comments back within 30 days to help us meet our deadline for preparing a draft document for public review. Should you have any questions about

the proposed undertaking or the draft programmatic agreement, please contact Diana Pardue, Park 106 Coordinator, at (212) 363-3206 extension 150 or Margo Muhl Davis, National Park Service, Denver Service Center at (303) 987-6642. Comments may also be submitted by mail to:

David Luchsinger, Superintendent
Statue of Liberty National Monument and Ellis Island
Liberty Island, New York, NY 10004

The NPS is committed to minimizing or mitigating adverse effects to historic properties and believes that your office's continued participation in the development of a programmatic agreement will result in better protection of cultural resources at Statue of Liberty National Monument. Thank you for your assistance and I look forward to hearing from you.

Sincerely,


David Luchsinger
Superintendent

Enclosures:

Draft PA

Figure 1 (Statue of Liberty National Monument Terminology/Levels)

cc: with copy enclosures

Beth Cumming

New York State Historic Preservation Office

New York State Office of Parks, Recreation and Historic Preservation

P.O. Box 189

Waterford, NY 12188-0189

bcc:

NPS-NERO-David Uschold, Regional Section 106 Coordinator



United States Department of the Interior

NATIONAL PARK SERVICE
Statue of Liberty National Monument
Liberty Island
New York, New York 10004

IN REPLY REFER TO:

IN REPLY REFER TO:
H4217 - STLI

May 27, 2010

Brice Obermeyer
Delaware Tribe
Department of Sociology and Anthropology
Emporia State University
1200 Commercial St., Box 4022
Butcher Education Center, RM 115D
Emporia KS 66801

FILE

Subject: 09PR01721
Section 106 Consultation—Draft Programmatic Agreement Review
Statue of Liberty National Monument Project to Implement Life Safety Upgrades

Dear Mr. Obermeyer:

The purpose of this correspondence is to convey to your office, for your review and comment, the draft programmatic agreement (PA) for the undertaking to implement life safety improvements at the Statue of Liberty (Monument). In a letter to your office dated March 11, 2010 we indicated that because of the timing of this project and the fact that a historic structures report will be available only after compliance with the National Environmental Protection Act needs to be completed, the NPS would prepare a programmatic agreement for compliance with S106 of the National Historic Preservation Act. We hope to include the draft programmatic agreement in the environmental assessment that will go on public review during summer 2010 in accordance with public involvement requirements outlined in 36 CFR 800.8 (c)(1)(iv).

This undertaking will continue implementation of life safety improvements that are needed for safe visitor and employee access to the Monument. Proposed improvements include fire protection, lighting, mechanical, and structural upgrades for egress from the Monument in an emergency. The most significant code deficiencies relate to the protection of vertical openings in the pedestal's interior and the means of egress from the levels designated 4P, 5P, 6P, 7P, and the crown (Figure 1). The project is limited to safety and code compliance and will not have a significant impact on the Monument or visitor experience. A complete list of proposed projects can be found in Appendix 1 of the PA.


The majority of the proposed work, including staging, will take place within the statue, pedestal, Fort Wood and the terreplein. The only work to take place outside of this area would be the replacement of a buried domestic water holding tank. The exact location of the replacement tank is still to be determined.

Please review the draft and provide any comments back within 30 days to help us meet our deadline for preparing a draft document for public review. Should you have any questions about the proposed undertaking or the draft programmatic agreement, please contact Diana Pardue, Park 106 Coordinator, at (212) 363-3206 extension 150 or Margo Muhl Davis, National Park Service, Denver Service Center at (303) 987-6642. Comments may also be submitted by mail to:

David Luchsinger, Superintendent
Statue of Liberty National Monument and Ellis Island
Liberty Island, New York, NY 10004

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Sincerely,


David Luchsinger
Superintendent

Enclosures:

Draft PA

Figure 1 (Statue of Liberty National Monument Terminology/Levels)

cc: with copy enclosures

Beth Cumming

New York State Historic Preservation Office

New York State Office of Parks, Recreation and Historic Preservation

P.O. Box 189

Waterford, NY 12188-0189

bcc:

NPS-NERO-David Uschold, Regional Section 106 Coordinator

Figure 1. Statue of Liberty National Monument Terminology/Levels



IN REPLY REFER TO:

IN REPLY REFER TO:
H4217 - STLI

May 27, 2010

Tamara Francis
Delaware Nation
NAGPRA/Cultural Preservation
P.O. Box 825
Anadarko, OK 73005

Attention: Jason Ross

Subject: 09PR01721
Section 106 Consultation—Draft Programmatic Agreement Review
Statue of Liberty National Monument Project to Implement Life Safety Upgrades


Dear Ms. Francis:

I understand that the Delaware Nation wishes to be a consulting party on this undertaking from an email received from Jason Ross on April 5, 2010. The purpose of this correspondence is to convey to your office, for your review and comment, the draft programmatic agreement (PA) for the undertaking to implement life safety improvements at the Statue of Liberty (Monument). In a letter to your office dated March 11, 2010 I indicated that because of the timing of this project and the fact that a historic structures report will be available only after compliance with the National Environmental Protection Act needs to be completed, the NPS would prepare a programmatic agreement for compliance with S106 of the National Historic Preservation Act. We hope to include the draft programmatic agreement in the environmental assessment that will go on public review during summer 2010 in accordance with public involvement requirements outlined in 36 CFR 800.8 (c)(1)(iv).

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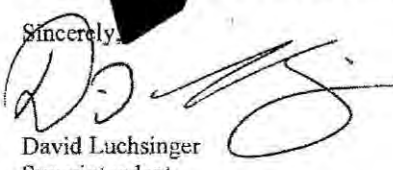
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 David Luchsinger, Superintendent
Statue of Liberty National Monument and Ellis Island
Liberty Island, New York, NY 10004

The NPS is committed to avoiding or mitigating adverse effects to historic properties and believes that your office's continued participation in the development of a programmatic agreement will result in a better protection of cultural resources at Statue of Liberty National Monument. Thank you for your assistance and I look forward to hearing from you.

Sincerely,


David Luchsinger
Superintendent

Enclosures:

Draft PA

Figure 1 (Statue of Liberty National Monument Terminology/Levels)

cc: with copy enclosures

Beth Cumming

New York State Historic Preservation Office

New York State Office of Parks, Recreation and Historic Preservation

P.O. Box 189

Waterford, NY 12188-0189

bcc:

NPS-NERO-David Uschold, Regional Section 106 Coordinator

Figure 1. Statue of Liberty National Monument Terminology/Levels



United States Department of the Interior

NATIONAL PARK SERVICE
Statue of Liberty National Monument
Liberty Island
New York, New York 10004

IN REPLY REFER TO:

IN REPLY REFER TO:
H4217 – STLI

May 27, 2010

Ruth Pierpont, Director
New York State Historic Preservation Office
New York State Office of Parks, Recreation and Historic Preservation
P.O. Box 189
Waterford, NY 12188-0189

FILE

Attention: Beth Cumming

Subject: 09PR01721
Section 106 Consultation—Draft Programmatic Agreement Review
Statue of Liberty National Monument Project to Implement Life Safety Upgrades

Dear Ms. Pierpont:

The purpose of this correspondence is to convey to your office, for your review and comment, the draft programmatic agreement (PA) for the undertaking to implement life safety improvements at the Statue of Liberty (Monument). In a letter to your office dated March 11, 2010 I indicated that because of the timing of this project and the fact that a historic structures report will be available only after compliance with the National Environmental Protection Act needs to be completed, the NPS would prepare a programmatic agreement for compliance with S106 of the National Historic Preservation Act. We hope to include the draft programmatic agreement in the environmental assessment that will go on public review during summer 2010 in accordance with public involvement requirements outlined in 36 CFR 800.8 (c)(1)(iv).

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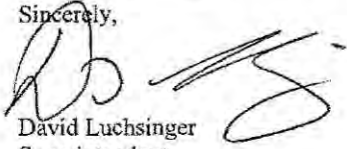
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Please review the draft and provide any comments back within 30 days to help us meet our deadline for preparing a draft document for public review. Should you have any questions about the proposed undertaking or the draft programmatic agreement, please contact Diana Pardue, Park 106 Coordinator at (212) 363-3206 extension 150 or Margo Muhl Davis, National Park Service, Denver Service Center at (303) 987-6642. Comments may also be submitted by mail to:

David Luchsinger, Superintendent
Statue of Liberty National Monument and Ellis Island
Liberty Island, New York, NY 10004

The NPS is committed to avoiding or mitigating adverse effects to historic properties and believes that your continued participation in the development of a programmatic agreement will result in a better protection of cultural resources at Statue of Liberty National Monument. Thank you for your assistance and I look forward to hearing from you.

Sincerely,



David Luchsinger
Superintendent

Enclosures:

Draft PA

Figure 1 (Statue of Liberty National Monument Terminology/Levels)

cc: with copy enclosures

Carol Ash, Commissioner

New York State Office of Parks,

Recreation and Historic Preservation

Empire State Plaza

Agency Building 1

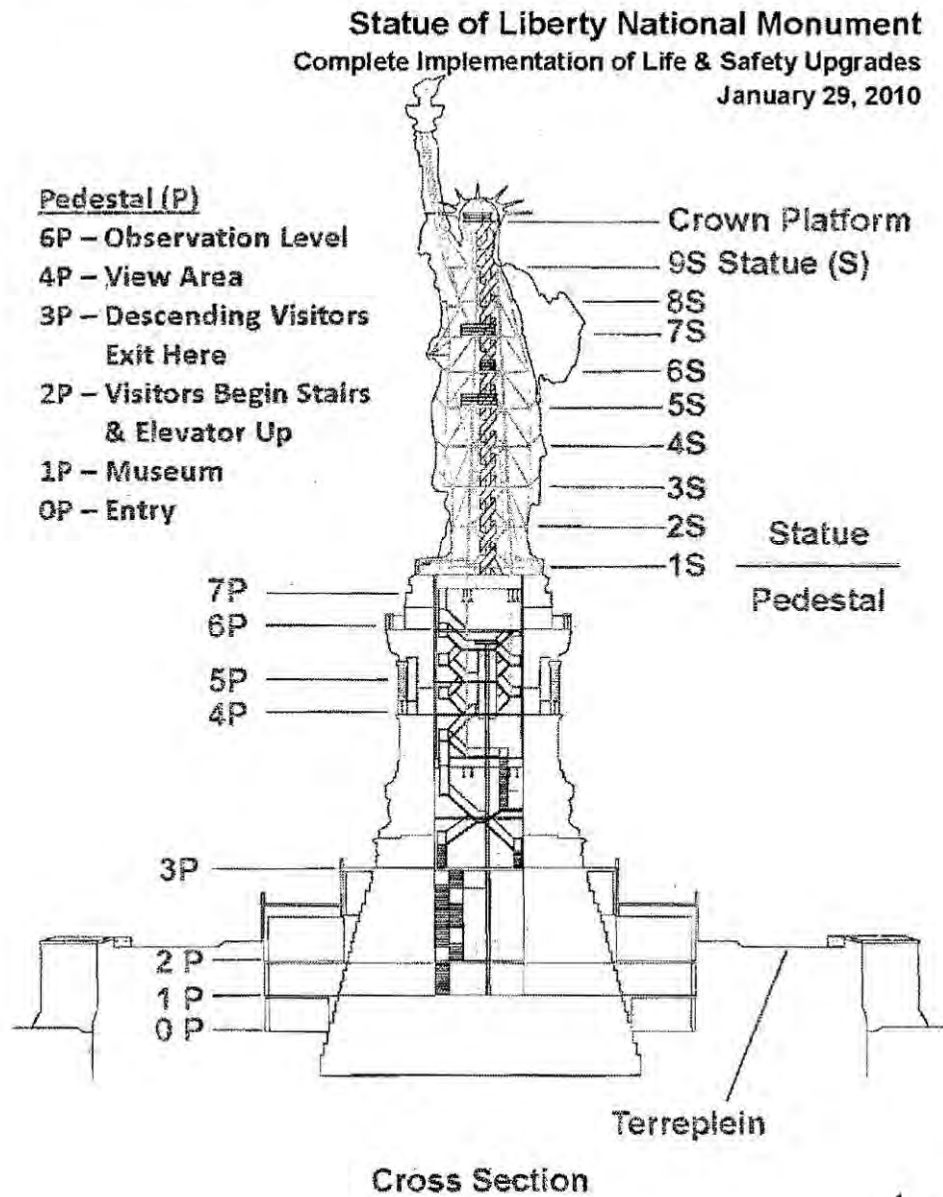
Albany, NY 12238

bcc:

NPS-NERO-David Uschold, Regional Section 106 Coordinator

Section 106 May 27, 2010 Correspondence Enclosure

Figure 1. Statue of Liberty National Monument Terminology/Levels



"Brice Obermeyer"
<bobermey@emporia.edu>

To<diana_pardue@nps.gov>

cc

06/17/2010 05:28 PM

SubjectStatue of Liberty H4217-
STL1

Dear Diana,

We've reviewed the Draft Programmatic Agreement for the Statue of Liberty Project and we have no objections/suggestions.

Thanks for being included as consulting parties.

Best,
Brice

Stockbridge-Munsee Tribal Historic Preservation Office

Sherry White - Tribal Historic Preservation Officer

W13447 Camp 14 Road

P.O. Box 70

Bowler, WI 54416

7/6/10

TENS#

PROJECT #

COMPANY NAME

09PR 01721
Natural Park Service

ADDITIONAL INFORMATION NEEDED

Site visit by Tribal Historic Preservation Officer

Archeological survey, phase 1

Literature/record search including colored maps

Pictures of site

SHPO report

X Project does not appear to endanger archaeological sites of interest to the Stockbridge-Munsee Tribe.

Out of area

Has site been previously disturbed? Yes No

If yes, to what extent and when?

Will the proposed action adversely affect properties listed, or eligible for, listing on the National Register of Historic Places? (buildings, archaeological sites; objects of significance to a Tribe including graves, funerary objects, and traditional cultural properties)

Yes No

Should this project inadvertently uncover a Native American site, even after an archaeological survey or if there is a change to the project, we ask that you halt all construction and notify the Stockbridge-Munsee Tribe immediately.

Sincerely,

Sherry White

Sherry White

Tribal Historic Preservation Officer

(715) 793-3970

Email: sherry.white@mohican-nsn.gov



**New York State Office of Parks,
Recreation and Historic Preservation**

Historic Preservation Field Services • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

July 9, 2010

David Luchsinger
National Park Service
Statue of Liberty National Monument
Liberty Island
New York, NY 10004

Re: Statue of Liberty
Safety Improvements
New York County
09PR01721

David A. Paterson
Governor

Carol Ash
Commissioner

Dear Mr. Luchsinger:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO) for the Safety Improvements within the Statue of Liberty. We have reviewed the Draft Programmatic Agreement (PA) provided with your letter of May 27, 2010 in accordance with Section 106 of the National Historic Preservation Act of 1966.

Based upon our review, we have one comment from Douglas Mackey of our Archeology Unit. He notes, "the Shinnecock have recently (June 13) received federal recognition and now have all the same rights/privileges under 106 that the Mohican and Delaware have and they have expressed an interest in the islands and NYC to our office." Otherwise, we have no substantive comments at this time.

Thank you for your request. If you have any questions, I can be reached at (518) 237-8643, ext. 3282. Please refer to the SHPO Project Review (PR) number in any future correspondences regarding this project.

Sincerely,

Beth A. Cumming
Historic Site Restoration Coordinator
e-mail: Beth.cumming@oprhp.state.ny.us

CC: Dan Saunders – NJSHPO (via e-mail)
D. Pardue – NPS (via e-mail)
M. Muhl Davis – NPS (via e-mail)
D. Uschold – NPS (via e-mail)

An Equal Opportunity Employer/Affirmative Action Agency

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