

**U.S. Department of the Interior
National Park Service, Northeast Region**

FINDING OF NO SIGNIFICANT IMPACT

**Route 9 Conifer Barrier Replacement
Vanderbilt Mansion National Historic Site
Hyde Park, New York**

INTRODUCTION

The National Park Service (NPS) prepared an environmental assessment (EA) to evaluate alternatives for the removal and replacement of pine and hemlock trees present within the conifer barrier located along U.S. Route 9 at Vanderbilt Mansion National Historic Site in Hyde Park, New York. The purpose of replacing these trees is to improve public safety and restore the cultural landscape in a way that protects the park's resources and values and that enhances visitor enjoyment and interpretation of the park.

The conifer barrier was originally planted by Vanderbilt to create a visual barrier between the estate and the road, and to create an enclosure for open areas on the grounds. Currently, the age and size of the trees have resulted in the loss of most of the lower limbs, which reduces their screening capability. Therefore, the barrier is no longer serving its intended purpose. Further, the deteriorated condition of the trees increases the risk of limbs and whole trees falling into the adjacent roadway, creating safety concerns for traffic that uses the road. The replacement project is needed because the physical deterioration of the trees within the barrier has created public safety concerns, and the historic integrity of the barrier has degraded, which has resulted in an inaccurate portrayal of the historic landscape to the public.

The EA evaluated two action alternatives and the no action alternative, and analyzed the environmental consequences of the alternatives on a variety of resources. The EA was prepared in accordance with the National Environmental Policy Act of 1969, as amended (NEPA), its implementing regulations by the Council on Environmental Quality (40 CFR Parts 1500-1508), and Director's Order #12 and accompanying Handbook, *Conservation Planning, Environmental Impact Analysis, and Decision-making* (DO-12).

SELECTED ALTERNATIVE

The NPS has selected Alternative C – Partial Barrier Removal and Replacement, for implementation. At the time that the EA was released for public review and comment, the NPS had identified Alternative B: Complete Conifer Barrier Removal and Replacement as the preferred alternative. However, the NPS has revised its position and has decided to select Alternative C: Partial Conifer Barrier Replacement for implementation. The NPS reconsidered the preferred alternative based on the long-term impact of the project on the visiting public and surrounding community. Public input received demonstrated that many people were opposed to

such large scale landscape change. The NPS also considered as a contributing factor in revising its position the long period of time (several decades) that would be needed to reinstate the historic appearance of the tree barrier. The NPS believes that Alternative C will satisfactorily improve public safety by the removal of all severe risk and many high risk trees, while respecting the public's opinion that complete stand removal is too drastic of a change. The selected alternative will still allow the replanting of new trees to enhance the visual barrier.

As described on page 30 of the EA, under the selected alternative only those trees within the project area that are in the severe or high risk categories would be removed and replaced. This would include the removal of 312 pine and hemlock trees, representing 67 percent of the 462 trees in the project area. NPS intends to implement the selected alternative with a preliminary effort that will remove 13 severe-risk trees and up to 90 high-risk trees. Additional removals would take place in later years based on tree risk assessments.

After the removals, eastern white pine (*Pinus strobus*), western hemlock (*Tsuga heterophylla*) or a compatible species based on arborist and landscape architect recommendations will be planted in the following spring or fall. The planting stock could range from bare root stock up to 2 inch stems and be designed to replicate the original pine barrier planted by Vanderbilt in the early 1900s.

OTHER ALTERNATIVES CONSIDERED

The environmental assessment analyzed two other alternatives: the no action alternative (alternative A) and one other action alternative (alternative B – Complete Conifer Barrier Removal and Replacement).

The no action alternative is the management strategy currently implemented for the barrier. Under this approach, approximately 200 hazard trees have been removed by NPS since 2005. Under this alternative, the stand would continue its recent trend of decline. The no action alternative would not improve public health and safety due to the continuing safety concerns associated with the risk for tree falls. In addition, the continued degradation of the cultural landscape will impede the attainment of the park's desired future condition for cultural resources as identified in the General Management Plan. Therefore, the no action alternative was not selected because it does not meet the purpose and need of the project.

The EA also evaluated Alternative B –Complete Barrier Removal and Replacement, which was originally identified as the NPS preferred alternative. Under Alternative B, the entire stand of conifers would have been removed and replaced with new plantings of similar conifers. Alternative B would have essentially eliminated safety concerns due to tree falls and over time, would have restored the visual barrier; however, the cultural landscape would have been drastically altered and would have remained that way for the length of time needed for the new trees to reach a height at which the screening would be restored. Therefore, due to public opposition to such a drastic measure, this alternative was not selected.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

The NPS is required to identify the environmentally preferred alternative in its NEPA documents for public review and comment [DO-12 Handbook, Sect. 4.5 E(9)]. The environmentally preferred alternative is defined by the Council on Environmental Quality in their *NEPA's Forty Most Asked Questions*: "The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources" (Q6a).

After completing the environmental analysis, the NPS determined that Alternative B (complete barrier replacement) is the environmentally preferred alternative because it best meets the definition established by the U.S. Council on Environmental Quality. This alternative would provide improved visitor experience and park operations by addressing the deteriorated pine barrier. The environmentally preferred alternative would provide the most improvement in public safety and best protects and enhances the cultural resources in the area.

MITIGATION MEASURES

The NPS places a strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. To help ensure the protection of natural and cultural resources and the quality of the visitor experience, protective measures would be implemented as part of the selected alternative. The NPS would implement an appropriate level of monitoring throughout the conifer barrier replacement process to help ensure that protective measures are being properly implemented and are achieving their intended results. The mitigation measures are provided in attachment B.

WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As defined in 40 CFR § 1508.27, significance is determined by examining the following criteria:

Impacts that may have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts that require analysis in an Environmental Impact Statement (EIS). As described in the EA, several resource areas will experience both beneficial and adverse impacts as part of the conifer barrier removal and replacement. However, no significant adverse impacts were identified that will require analysis in an EIS. Impacts to these resources were assessed for both the construction and the operational phases of the project.

The degree to which public health and safety are affected. As described in the EA, the selected alternative will have a long term beneficial impact on public health and safety by reducing the hazards posed from falling limbs or trees. During construction, appropriate lane closures and

construction fencing to exclude the public from the construction area will be used to reduce impacts, resulting in short term negligible adverse impacts to public safety.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. No prime farmlands, ecologically critical areas, or wild and scenic rivers are within or adjacent to the project area. The project is located outside of the Federal Emergency Management Agency (FEMA) designated 100-year floodplain of the Hudson River. While a pond is present over 150 feet south of the project area, it will be protected from any potential water quality impacts due to erosion and siltation with the incorporation of soil mitigation measures.

No impacts to historic structures, ethnographic resources and museum collections will result from implementation of the selected alternative. During the removal action, the historic integrity of the barrier will be impacted. This impact to the cultural landscape will be short term, minor and adverse. However, after the in-kind replacements occur, the barrier will appear similar to the original design and will serve the purpose for which it was originally intended. The removals will also prevent the risk of damage to the historic ashlar masonry walls. Therefore, the result of the removal and replacement activities will be a long term beneficial impact on the cultural landscape.

The use of vehicles within the project area is likely to disturb soils and compact subsurface deposits. Root removal will result in substantial ground disturbance with the potential to impact archeological deposits. According to the mitigation measures provided in Appendix B, NPS will avoid impacts to two of the sites identified as contributing to the National Register listing. On August 31, 2011, the State Historic Preservation Office (SHPO) concurred that the preferred alternative in the EA would have no adverse effect on cultural resources. Subsequently, the NPS informed the SHPO of the intent to select Alternative C instead. On October 4, 2011, the NPS received concurrence from the SHPO on a finding of no adverse effect for Alternative C, the selected alternative.

The degree to which the effects on the quality of the human environment are likely to be highly controversial. The preferred alternative identified in the EA generated strong public opinion due to the scope of the landscape changes proposed. As a result of public input, the NPS has decided to implement Alternative C instead because Alternative C will cause less noticeable changes in the landscape while addressing public safety concerns.

The degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks. The effects of the selected alternative are relatively straightforward and easily predicted. No highly uncertain, unique, or unknown risks were identified either during preparation of the EA or through public comment.

The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. The selected alternative neither establishes a NPS precedent for future actions with significant effects nor represents a decision in principle about a future consideration.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Implementing the selected alternative will have no significant, cumulative impacts. The EA addressed cumulative impacts for each of the resources affected by the selected alternative. As described in the EA, future projects that could impact these resource areas include various historic structure and landscape rehabilitations, various structure improvements and repairs, along with roadway repaving projects. These projects will not affect public health and safety. The selected alternative will result in a barrier effect consistent with the original intent of this designed landscape feature. These actions will not diminish or detract from the overall integrity of the landscape and when combined with the impacts of future projects, will result in long and short term, minor, adverse and long term beneficial impacts on cultural landscapes. Cumulative impacts on archeological resources will be negligible to minor, short term, adverse and site-specific. Construction activities will have a short and long term, minor adverse and long term beneficial cumulative impact on visitor use and experience due the presence of construction equipment and temporary closures of certain areas in the park.

The degree to which the action may adversely affect historic properties in or eligible for listing in the National Register of Historic Places, or other significant scientific, archeological, or cultural resources. Implementation of the selected alternative will have no significant impacts to historic structures. As discussed in EA, the designed historic landscape of the VAMA meets Criterion C of the National Register because it embodies the distinctive characteristics of a type and period of American landscape architecture, because it possesses high artistic value, and because it is the work of a recognized master. During the removal action, the historic integrity of the barrier will be impacted. This impact to the cultural landscape will be short term, minor and adverse. However, after the in-kind replacements occur, the barrier will appear similar to the original design and will serve the purpose for which it was originally intended. The removals will also prevent the risk of damage to the historic ashlar masonry walls. Therefore, the result of the removal and replacement activities will be a long term beneficial impact on the cultural landscape.

The use of vehicles within the project area is likely to disturb soils and compact subsurface deposits. Root removal will result in substantial ground disturbance with the potential to impact archeological deposits. According to the mitigation measures provided in Appendix B, NPS will avoid impacts to two of the sites identified as contributing to the National Register listing. On October 4, 2011, the State Historic Preservation Office (SHPO) concurred that the project would have no adverse effect on cultural resources. A copy of the SHPO response is included in Attachment C.

The degree to which an action may adversely affect an endangered or threatened species or its habitat. In accordance with Section 7 of the Endangered Species Act, consultation letters were sent to the New York State Department of Environmental Conservation (NYSDEC) on December 28, 2009 and September 20, 2010 and to the U.S. Fish and Wildlife Service (USFWS) on August 25, 2010. After reviewing the USFWS provided list of species that may be present within Dutchess County, the NPS determined that the proposed project will not affect any federally listed species based on the lack of occurrence of the species from field surveys and the lack of suitable habitat present within the project area.

According to NYSDEC, there is an old or potential record for woodland agrimony (*Agrimonia rostellata*) in the vicinity of the project area from 1949. However, this species was not documented at the park during recent vegetation inventory or mapping projects (Sechler et al., 2009). According to the New York State Natural Heritage Program, Dutchess County is within the known or historic range of multiple state endangered or threatened wildlife. During surveys for reptiles, amphibians and birds conducted at the park, none of these state listed species were identified (NPS, 1992a; Faccio, 2007). A copy of the EA was sent to both USFWS and NYDEC as part of the public and agency review process.

Whether the action threatens a violation of federal, state or local law imposed for the protection of the environment. The selective alternative violates no federal, state, or local environmental protection laws. The proposed action will be consistent with all existing local, state, and federal regulations.

IMPAIRMENT OF PARK RESOURCES OR VALUES

By enacting the NPS Organic Act of 1916 (Organic Act), Congress directed the U.S. Department of Interior and the NPS to manage units “to conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such a manner and by such a means as will leave them unimpaired for the enjoyment of future generations” (16 USC § 1). Congress reiterated this mandate in the Redwood National Park Expansion Act of 1978 by stating that NPS must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress” (16 USC 1a-1).

NPS Management Policies 2006, Section 1.4.4, explains the prohibition on impairment of park resources and values:

While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the Nation Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

The NPS has discretion to allow impacts on Park resources and values when necessary and appropriate to fulfill the purposes of a Park (NPS 2006 sec. 1.4.3). However, the NPS cannot allow an adverse impact that will constitute impairment of the affected resources and values (NPS 2006 sec 1.4.3). An action constitutes an impairment when its impacts “harm the integrity of Park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values” (NPS 2006 sec 1.4.5). To determine impairment, the NPS must evaluate “the particular resources and values that will be affected; the severity,

duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts” (NPS 2006 sec 1.4.5). A determination on impairment for the selected alternative is provided in Attachment 1.

PUBLIC INVOLVEMENT

The NPS engaged in public scoping as part of the preparation of the EA. Public scoping for the project began on August 18, 2010 and concluded on September 30, 2010. A public meeting was held on August 19, 2010 at the park visitor center. A total of 32 individuals, including NPS participating personnel, were present for the open house type public information session. Notice of the public comment period was published in the Poughkeepsie Journal and Kingston Freeman on August 16, 2010. During the comment period, eight public comments were received.

In general, most commenters were against the removal and replacement of the trees in the project area. Many mentioned that they don’t perceive any risk posed by the trees. Several asked for consideration of an alternative that would include the removal of only the most high risk trees. A petition signed by approximately 340 individuals indicated that they oppose the removal of the trees, stating that the trees don’t appear to pose a safety risk and that the visual barrier would not be restored for many years after the replanting. Aware of the significant hazard posed by the trees and the desire to restore the historical context, two commenters agreed with the Preferred Alternative to remove and replace the trees within the project area.

Several commenters were concerned with the type of species that would be used for the replacements. Most were concerned with the potential impacts of wooly adelgid on the Eastern hemlock, and one commenter wanted a species other than Eastern white pine to be utilized. Differing opinions were provided about the size of the replanting stock to be used. Some wanted the largest replanting stock possible while others indicated concern over cost and survivability for the larger conifers. Based on the comments provided during the scoping, additional alternatives were considered during the preparation of the EA.

The Route 9 Conifer Barrier Replacement EA was released for a 30-day public review and comment period beginning June 24, 2011 and ending July 24, 2011. The EA was made available for public review on the NPS Planning, Environment, and Public Comment (PEPC) website (<http://parkplanning.nps.gov>). In addition, the NPS held an informational session about the project on Thursday July 14 from 4:30 to 6:30 PM. Five individuals attended the informational session; no written comments were provided by these individuals.

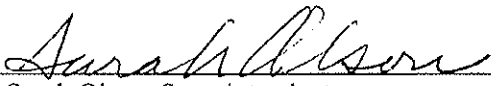
During the EA public comment period, the NPS received two public comment letters. Each comment provided was considered and reviewed by park staff. One commenter indicated that the implementation of the preferred alternative would provide low height density and would not provide visual roadside satisfaction for more than 10 years. The commenter also stated that Alternative C more closely follows the natural forestry progression. They went on to recommend for economic, soil erosion and visual quality issues, that the tree removals should be completed over a period of years.


As indicated previously, in consideration of input received from the public, NPS has identified Alternative C: Partial Conifer Barrier Replacement as the selected alternative.

FINDING OF NO SIGNIFICANT IMPACT

The NPS has selected Alternative C – Partial Barrier Replacement for implementation. The selected alternative is described on page 30 of the EA. The selected alternative will not constitute an action that normally requires preparation of an environmental impact statement (EIS). The selected alternative will not have a significant effect on the human environment. Negative environmental impacts that could occur are minor or moderate in intensity. There are no significant impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the selected alternative will not violate any federal, state, or local environmental protection law.

Based on the foregoing, it has been determined that an EIS is not required for this action and thus will not be prepared.

Recommended:  10/24/11
Sarah Olson, Superintendent Date
Vanderbilt Mansion National Historic Site

Approved:  11/2/11
Dennis R. Reidenbach, Regional Director Date
for Northeast Region, National Park Service

ATTACHMENT A
FINAL IMPAIRMENT DETERMINATION
Route 9 Conifer Barrier Replacement
Vanderbilt Mansion National Historic Site

The Prohibition on Impairment of Park Resources and Values

NPS Management Policies 2006, Section 1.4.4, explains the prohibition on impairment of park resources and values:

While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

What is Impairment?

NPS *Management Policies 2006*, Section 1.4.5, *What Constitutes Impairment of Park Resources and Values*, and Section 1.4.6, *What Constitutes Park Resources and Values*, provide an explanation of impairment.

Impairment is an impact that, in the professional judgment of the responsible National Park Service manager, will harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values.

The NPS has discretion to allow impacts on Park resources and values when necessary and appropriate to fulfill the purposes of a Park (NPS 2006 sec. 1.4.3). However, the NPS cannot allow an adverse impact that will constitute impairment of the affected resources and values (NPS 2006 sec 1.4.3).

Section 1.4.5 of *Management Policies 2006* states:

An impact to any park resource or value may, but does not necessarily, constitute impairment. An impact will be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park

- Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- Identified as a goal in the park's general management plan or other relevant NPS planning documents as being of significance.

An impact will be less likely to constitute an impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated.

Per Section 1.4.6 of *Management Policies 2006*, park resources and values that may be impaired include:

- the park's scenery, natural and historic objects, and wildlife, and the processes and condition that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structure, and objects; museum collections; and native plants and animals;
- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.

Impairment may result from NPS activities in managing the park, visitor activities, or activities undertaken by concessionaires, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park, but this will not be a violation of the Organic Act unless the NPS was in some way responsible for the action.

How is an Impairment Determination Made?

Section 1.4.7 of *Management Policies 2006* states, "[i]n making a determination of whether there will be an impairment, an NPS decision maker must use his or her professional judgment. This means that the decision-maker must consider any environmental assessments or environmental impact statements required by the National Environmental Policy Act of 1969 (NEPA); consultations required under Section 106 of the National Historic Preservation Act (NHPA); relevant scientific and scholarly studies; advice or insights offered by subject matter experts and others who have relevant knowledge or experience; and the results of civic engagement and public involvement activities relating to the decision.

Management Policies 2006 further define "professional judgment" as "a decision or opinion that is shaped by study and analysis and full consideration of all the relevant facts, and that takes into account the decision-maker's education, training, and experience; advice or insights offered by subject matter experts and others who have relevant knowledge and experience; good science and scholarship; and, whenever appropriate, the results of civic engagement and public involvement activities relation to the decision

Impairment Determination for the Selected Alternative

This determination on impairment has been prepared for the selected alternative described in this FONSI. An impairment determination is made for all resource impact topics analyzed for the selected alternative. An impairment determination is not made for visitor experience or public health and safety because impairment findings relate back to park resources and values, and these impact areas are not generally considered to be park resources or values according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values.

Impairment Determination for the Selected Alternative

This determination on impairment has been prepared for alternative C described on page 30 of the EA. An impairment determination is made for all resource impact topics analyzed for the preferred alternative. An impairment determination is not made for visitor experience, or public health and safety because impairment findings relate back to park resources and values, and these impact areas are not generally considered to be park resources or values according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values.

Findings on Impairment for Vegetation

Under the Selected Alternative, approximately 312 conifers within the 6.75 acre project area will ultimately be removed and replaced. The vegetation within the project area is part of a designed landscape and no locally rare species are present.

Although mitigation measures will be implemented, removal, breakage, or root damage from project staging could result in impacts to vegetation immediately outside of the removal area footprint. Mitigation measures will be implemented during the work to minimize the potential adverse impacts to vegetation. Such mitigation measures may include but are not limited to the following:

- Ensure that all protection measures are clearly stated in contract specifications, and that workers will be instructed to avoid conducting activities beyond the construction zone, as defined by the work zone fencing;

- Minimize trimming and removing vegetation to accommodate construction equipment ingress and egress; and
- Avoid collision of equipment with trees and other vegetation. Place protective fencing around tree trunks in close proximity to project activities to minimize potential adverse effects to bark or other tree attributes resulting from collision.

Considering that all conifers removed from the project area will be replaced with an equal or greater number of similar species of trees, the implementation of the Selected Alternative will result in short term, moderate adverse impacts to vegetation within the 6.75 acre area due to the eventual removal and replacement of up to 312 trees. Since the replanted species will be replacing those with declining health, long term impacts will be beneficial.

Implementation of the Selected Alternative will result in short term moderate adverse and long term beneficial impacts to vegetation due to the eventual removal and replacement of up to 312 trees. Because there will be no major adverse impacts to vegetation, this alternative will not result in impairment of park resources or values.

Findings on Impairment for Cultural Landscapes

The designed historic landscape of the VAMA meets Criterion C of the National Register because it embodies the distinctive characteristics of a type and period of American landscape architecture, because it possesses high artistic value, and because it is the work of a recognized master (NPS, 1992b). During the removal action, the historic integrity of the barrier will be impacted. This impact to the cultural landscape will be short term, minor and adverse. However, after the in-kind replacements occur, the barrier will appear similar to the original design and will serve the purpose for which it was originally intended. The removals will also prevent the risk of damage to the historic ashlar masonry walls. Therefore, the result of the removal and replacement activities will be a long term beneficial impact on the cultural landscape.

Since the purpose of the Vanderbilt Mansion National Historic Site “is to preserve and interpret the country estate of Frederick W. and Louise Vanderbilt as a premier example of an “American country place,” illustrating important economic, social, and cultural developments resulting from America’s industrialization following the Civil War” (NPS, 2010c), cultural landscapes are necessary to fulfill the purposes for which the park was established. Because the selected alternative will result in short term minor adverse impacts during the action and ultimately result in a long term beneficial impact on the cultural landscape, which is necessary to fulfill the purposes for which the park was established, no impairment of the park resources or values will occur.

Findings on Impairment for Archeological Resources

The Vanderbilt Mansion National Historic Site protects a historic legacy. The site is a premier example of an American country estate, containing a 54-room Beaux-Arts style mansion, formal

gardens and one of the most outstanding picturesque views of the Hudson River remaining today. An archeological survey undertaken by Gray & Pape, Inc. in 2010 resulted in the confirmation of several archaeological sites within the project area (Fugate 2010). The use of vehicles within the project area is likely to disturb soils and compact subsurface deposits. Root removal will result in substantial ground disturbance with the potential to impact archeological deposits. NPS will avoid impacts to all but two sites during this project. These remaining sites will undergo additional investigation to determine their significance and they will either be avoided or additional measures will be put in place to mitigate the adverse impacts.

Because mitigation measures will be in place, the selected alternative will have only localized negligible to minor short term adverse impacts on archeological resources, no impairment of the park resources or values will occur.

ATTACHMENT B
MITIGATION MEASURES
Route 9 Conifer Barrier Replacement
Vanderbilt Mansion National Historic Site

The mitigation measures described in the table below apply to the selected alternative.

General Mitigation Measures	<ul style="list-style-type: none"> • The NPS project manager will ensure that the project remains confined within the parameters established in the compliance documents and that the mitigation measures are properly implemented.
Vegetation Mitigation Measures	<ul style="list-style-type: none"> • Under the action alternatives, the areas will be replanted with species specified in the removal and replacement plans and specifications (NPS, 2011b). • Prior to being off-loaded in the Park, all equipment will be inspected by approved NPS staff to prevent possible means of non-native plant/plant seed introduction. • Invasive vegetation will not be introduced. Disturbed areas will be monitored for up to three years following conifer replacement to identify growth of noxious weeds or non-native vegetation. Treatment of non-native vegetation will be completed in accordance with NPS-13, Integrated Pest Management Guidelines. • Ensure that all protection measures are clearly stated in construction specifications, and that workers will be instructed to avoid conducting activities beyond the construction zone, as defined by the construction zone fencing; • Minimize trimming and removing vegetation to accommodate construction equipment ingress and egress; and • Avoid collision of equipment with trees and other vegetation. Place protective fencing around tree trunks in close proximity to construction activities to minimize potential adverse impacts to bark or other tree attributes resulting from collision.
Soil Mitigation Measures	<ul style="list-style-type: none"> • An appropriate Sediment and Erosion Control Plan will be implemented. • Sustainable best management practices will be utilized to control stormwater runoff. • A New York Stormwater Management Program General Permit for construction related stormwater discharges will be obtained. • A Storm Water Pollution Prevention Plan (SWPPP) will be implemented, as required under the New York Stormwater General Permit.

Cultural Resource Mitigation Measures	<ul style="list-style-type: none"> • If previously unknown archaeological resources are discovered during the project, an NPS archeologist will be contacted immediately. All work in the immediate vicinity of the discovery will be halted until the resources can be identified and documented and an appropriate mitigation strategy developed, if necessary. The significance of these finds will be assessed in consultation with the necessary organizations as dictated in 36 CFR 800.13, <i>Post Review Discoveries</i>. • In the unlikely event that human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during the project, provisions outlined in the Native American Graves Protection and Repatriation Act of 1990 (25 USC 3002) will be followed. All human remains, funerary objects, sacred objects, or objects of cultural patrimony will be left in place until the culturally affiliated tribe(s) can be consulted and an appropriate mitigation or recovery strategy developed between the affiliated tribes, SHPO, and the NPS. Inadvertent discovery of non-Native American human remains will be respectfully treated according to the relevant state and federal laws governing such remains.
Public Health and Safety Mitigation Measures	<ul style="list-style-type: none"> • Work zones outside of the existing disturbed area will be identified and fenced with construction fencing or some similar material prior to any project activity. The fencing will define the work zone and confine activity to the minimum area required for the project. • All protection measures will be clearly stated in the construction specifications and workers will be instructed to avoid conducting activities beyond the work zone, as defined by the construction zone fencing. This includes necessary temporary structures such as erosion control fencing.

ATTACHMENT C
AGENCY CONSULTATION
Route 9 Conifer Barrier Replacement
Vanderbilt Mansion National Historic Site



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

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

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

August 31, 2011

Sarah Olson, Superintendent
Roosevelt-Vanderbilt National Historic Sites
4097 Albany Post Road
Hyde Park, NY 12538

Re: **NPS**
Vanderbuilt Mansion NHS-NY 9
(conifer barrier replace/restore)
T/Hyde Park, Dutchess County
10PR00449

Dear Ms. Olson:

Thank you for continuing consultation with the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential 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).

Based upon our review of the submitted archeological evaluation for the preferred alternative (B – replace approximately 462 existing trees), the SHPO concurs with the findings of the report: both identified sites contribute to the National Register listing but the impacts, if any, resulting from the project should be minimal. The SHPO also concurs that the overall project will have No Adverse Effect upon properties in or eligible for inclusion in the National Register of Historic Places. This 'No Adverse Effect' determination is based upon the evidence presented in the submitted Environmental Assessment that documented the historic use of the barrier, its diminishment resulting from age, and, the state of irrecoverable decline many of the subject trees are in or are soon approaching.

If you have any questions regarding this letter or your project, please feel free to contact me. Ext. 3273.

Sincerely,

Kenneth Markunas
Historic Sites
Restoration Coordinator

Cc: Henry Van Brookhoven, Roosevelt-Vanderbilt NHS

"Markunas, Kenneth
(PEB)"
<Kenneth.Markunas@oprh
p.state.ny.us>

10/04/2011 08:53 AM

To "Dave_Hayes@nps.gov" <Dave_Hayes@nps.gov>

cc

bcc

Subject RE: Vanderbilt Mansion 10PR00449

Dave,

I will use your E-mail communication as official notification of a change & will issue a formal response that notes the work to be in keeping with the 'No Adverse Effect' already given for the project. No further communication is necessary.

Sincerely,

Ken Markunas
Historic Sites Restoration Coordinator
NYS Office of Historic Preservation

-----Original Message-----

From: Dave_Hayes@nps.gov [mailto:Dave_Hayes@nps.gov]

Sent: Monday, October 03, 2011 11:47 AM

To: Markunas, Kenneth (PEB)

Subject: Vanderbilt Mansion 10PR00449

Dear Ken,

Thank you for the prompt review of the project to replace/restore the conifer barrier at Vanderbilt Mansion NHS. However, since our initial SHPO consultation we have changed direction somewhat and want to keep you updated.

The NPS has selected Alternative C - Partial Barrier Removal and Replacement, for implementation. At the time that the EA was released for public review and comment, the NPS had identified Alternative B: Complete Conifer Barrier Removal and Replacement as the preferred alternative.

However, as a result of input received from the public, many of whom were opposed to such large-scale landscape change, the NPS has decided to select Alternative C: Partial Conifer Barrier Replacement for implementation. The NPS believes that Alternative C will satisfactorily improve public safety by the removal of all severe risk and many high risk trees, while respecting the public's opinion that complete stand removal is too drastic of a change. The selected alternative will still allow the replanting of new trees to enhance the visual barrier.

As described on page 30 of the EA, under the selected alternative only those trees within the project area that are in the severe or high risk categories would be removed and replaced. This would include the removal of 312 pine and hemlock trees, representing 67 percent of the 462 trees in the project

area.

NPS intends to implement the selected alternative with a preliminary effort that will remove 13 severe-risk trees and up to 90 high-risk trees. After the removals, Eastern white pine (*Pinus strobus*), Western hemlock (*Tsuga heterophylla*) or a compatible species based on arborist and landscape architect recommendations will be planted in the following spring or fall. The planting stock could range from bare root stock up to 2 inch stems and be designed to replicate the original pine barrier planted by Vanderbilt in the early 1900s. Removal and replanting of additional high-risk trees will be evaluated in future years after periodic hazard tree inspections.

In your opinion, is this a significant enough change to require an additional SHPO review, or are the differences between the projects slight enough for us to proceed? If the current documentation is adequate, an e-mail confirmation would be all that is needed for us to proceed. However, should you need NPS to re-submit our consultation I would be happy to prepare that. Thanks for your time.

Best Regards,

Dave Hayes
Natural Resource Program Manager
Roosevelt-Vanderbilt National Historic Sites
4097 Albany Post Rd.
Hyde Park, NY 12538

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