



## Statue of Liberty National Monument

### Statue of Liberty Secondary Screening Facility Environmental Assessment/Memorandum of Agreement February 2017





## PROJECT SUMMARY

The National Park Service (NPS) is proposing to construct a secondary security screening facility on Liberty Island to replace the existing security screening tent. The security screening facility would contain four (4) screening lanes and be located east of the entrance plaza aligned with the eastern internal path. Lockers for personal items not allowed in the Statue of Liberty (back-packs, large purses, diaper bags, strollers, etc.) would be constructed on the opposite side of the internal path at the southern edge of the northeast lawn.

In response to the events of 9/11, Statue of Liberty National Monument expanded security screening for all visitors entering Fort Wood, the Statue of Liberty or its pedestal (known collectively as the Monument). The screening tent detracts from the view toward the back of the Monument. Additionally, its configuration limits the number of people who can be screened at any one time, resulting in congestion between screening lines and pedestrians on the main mall. Finally, the tent must be repaired on a regular basis and vibrations caused by wind lead to service outages and longer wait times. A replacement facility is needed to protect the equipment, improve the cultural landscape and visitor experience and reduce maintenance requirements.

The NPS has prepared this environmental assessment to assist in the decision-making process. This environmental assessment examines three alternatives: a no-action alternative (alternative 1), the proposed action to construct a more resilient secondary security screening facility east of the Monument entrance (alternative 2), and an alternative to construct two screening buildings, one on either side of the Monument entrance. Implementation of the proposed action would result in a combination of adverse and beneficial impacts on the pending Statue of Liberty National Monument – Liberty Island Historic District (historic district) and beneficial impacts on visitor use and experience.

This environmental assessment has been prepared in accordance with the National Environmental Policy Act and its implementing regulations (40 CFR 1500–1508) and Director’s Order 12: *Conservation Planning, Environmental Impact Analysis, and Decision-making* (NPS 2011) and its accompanying handbook (NPS 2015a) to assess the alternatives and their impacts on the environment. The NPS is also using this environmental assessment to coordinate public review of a memorandum of agreement (MOA) developed with the New York and New Jersey State Historic Preservation Officers and consulting parties in accordance with the implementing regulations for Section 106 of the National Historic Preservation Act. The draft MOA can be found in appendix A.

### **Note to Reviewers and Respondents:**

If you wish to comment on this environmental assessment or on the attached MOA, you may mail comments within 30 days to the address below or you may post them electronically at [http://parkplanning.nps.gov/Liberty\\_Island\\_Secondary\\_Screening\\_EA](http://parkplanning.nps.gov/Liberty_Island_Secondary_Screening_EA). Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask in your comment to withhold your personal identifying information from public review, the NPS cannot guarantee that it will be able to do so.

Statue of Liberty National Monument  
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## TABLE OF CONTENTS

<b>CHAPTER 1: PURPOSE AND NEED .....</b>	<b>1</b>
Purpose of and Need for Action.....	1
Project Objectives.....	1
Project Area .....	3
Issues and Impact Topics .....	4
Issues and Impact Topics Analyzed in this Environmental Assessment.....	4
Issues Considered But Dismissed from Further Analysis .....	4
<b>CHAPTER 2: ALTERNATIVES.....</b>	<b>6</b>
Introduction.....	6
Alternative 1: No Action.....	7
Alternative 2: Proposed Action – New Secondary Security Screening Facility Construction – East of the Monument Entrance.....	7
Alternative 3: New Secondary Security Screening Facility Construction – East and West of the Monument Entrance.....	7
Alternatives/Elements Considered but Dismissed from Further Analysis.....	11
Single Building/Replace Existing .....	11
Two Buildings/Half in Entrance Plaza, Half in Lawns .....	11
Single Building/Lawn East of and Aligned to Entrance Plaza .....	11
Single Building/Lawn West of and Aligned to Entrance Plaza.....	11
Single Building/Lawn West of and Divorced from Entrance Plaza .....	12
Screening in the Monument Lobby .....	12
Mitigation Measures Incorporated into the Proposed Action .....	14
Natural Resources.....	14
Cultural Resources .....	14
Visitor Use and Experience .....	14
<b>CHAPTER 3: AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES .....</b>	<b>17</b>
General Methodology for Analyzing Impacts .....	17
Cumulative Impacts Analysis Method .....	17
Historic District.....	18
Affected Environment .....	18
Environmental Consequences .....	22
Impacts of Alternative 1: No Action .....	22
Impacts of Alternative 2: Proposed Action – New Secondary Security Screening Facility Construction – East of the Monument Entrance.....	23
Impacts of Alternative 3: New Secondary Security Screening Facility Construction – East and West of the Monument Entrance .....	24
Visitor Use and Experience .....	25
Affected Environment .....	25
Environmental Consequences .....	27
Impacts of Alternative 1: No Action .....	27

Impacts of Alternative 2: Proposed Action – New Secondary Security Screening Facility Construction – East of the Monument Entrance.....	27
Impacts of Alternative 3: New Secondary Security Screening Facility Construction – East and West of the Monument Entrance.....	28
<b>CHAPTER 4: CONSULTATION AND COORDINATION.....</b>	<b>31</b>
List of Agencies and Tribes Consulted.....	31
Public Involvement.....	31
<b>CHAPTER 5: ACRONYMS.....</b>	<b>33</b>
<b>CHAPTER 6: REFERENCES .....</b>	<b>35</b>

## LIST OF FIGURES

Figure 1-1. View from Main Mall to the Back of the Monument .....	2
Figure 1-2. Project Location.....	3
Figure 1-3. Project Area .....	3
Figure 2-1. Alternative 1: No Action – Existing Security Screening Facility.....	8
Figure 2-2. Alternative 2: Proposed Action – New Secondary Security Screening Facility Construction – East of the Monument Entrance .....	9
Figure 2-3. Alternative 3: New Secondary Security Screening Facility Construction – East and West of the Monument Entrance .....	10
Figure 2-4. Alternatives/Elements Considered but Dismissed from Further Analysis.....	13
Figure 3-1. Circulations System and Plantings .....	19
Figure 3-2. Identified Primary and Secondary Views .....	20
Figure 3-3. Sensitive and Non-Sensitive Archeological Areas within the Project Area .....	21
Figure 3-4. Existing Security and Visitor Circulation.....	26
Figure 3-5. Alternative 2 and alternative 3 – Before and After View from the main mall .....	29

## LIST OF TABLES

Table 3-1. Annual Visitation from 2008–2015 .....	25
Table 3-2. Monthly Visitation Recorded for 2015 .....	25

## APPENDIX

Appendix A: Draft Memorandum of Agreement

## CHAPTER 1: PURPOSE AND NEED

### INTRODUCTION

The National Park Service (NPS) is proposing to construct a secondary security screening facility on Liberty Island within the Statue of Liberty National Monument (the park) to replace the existing security screening tent. The security screening facility would contain four (4) screening lanes and be located east of the Monument entrance plaza aligned with the eastern internal path. Lockers for personal items not allowed in the Statue of Liberty (back-packs, large purses, diaper bags, strollers, etc.) would be constructed on the opposite side of the internal path.

This document has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality (CEQ) “Regulations for Implementing the Procedural Provisions of NEPA” (40 Code of Federal Regulations [CFR] 1500–1508), and NPS Director’s Order 12: *Conservation Planning, Environmental Impact Analysis, and Decision-making* (NPS 2011) and its accompanying handbook (NPS 2015a) to assess the alternatives and their impacts on the environment.

Compliance with Section 106 of the National Historic Preservation Act (NHPA) is being coordinated with the NEPA process through ongoing consultation with the New York State Historic Preservation Office (NYSHPO), the New Jersey State Historic Preservation Office (NJSHPO), park-affiliated American Indian tribes, and the city of New York. A draft memorandum of agreement (MOA) resulting from consultation to date can be found in Appendix A of this document. It is open for public review and comment along with this environmental assessment (EA).

### PURPOSE OF AND NEED FOR ACTION

The purpose of this project is to provide a storm resistant structure to protect expensive and sensitive security screening equipment, reduce operations and maintenance costs, allow for more efficient screening, promote better pedestrian circulation, and improve important views within the cultural landscape on Liberty Island.

In response to the events of 9/11, the park expanded security screening for all visitors entering Fort Wood, the pedestal or the Statue of Liberty (the Monument). The screening tent, envisioned as a short-term security solution, is located on the main pedestrian mall. The tent is unsightly and detracts from the view toward the back of the Monument, which was designed as a focal point within the cultural landscape (see figure 1-1). Additionally, the layout of the pre-fabricated tent limits the number of people who can be screened at any one time. As a result, the main mall is congested by visitors navigating around the tent and long security lines. Finally, the tent fabric and elevated wooden floor degrade in the salt air of New York Harbor and must be repaired on a regular basis and movement and vibrations caused by wind leads to service outages and longer wait times. A replacement facility is needed to protect the equipment, improve the cultural landscape and visitor experience and reduce maintenance requirements.

### Project Objectives

- Provide protection and resiliency for infrastructure and equipment
- Maintain adequate security screening
- Improve security screening efficiency

- Restore major views within the cultural landscape
- Site the new buildings in less visible areas
- Relieve pedestrian congestion
- Avoid archeological sites



**FIGURE 1-1. VIEW FROM MAIN MALL TO THE BACK OF THE MONUMENT**

## PROJECT AREA

The project would occur on Liberty Island, a 14.1-acre island in New York Harbor located approximately 1.6 miles southwest of Manhattan (see figure 1-2). The project area includes a portion of the south end of the main mall, sections of the internal paths, and the immediately adjacent Liberty Island grounds (see figure 1-3).

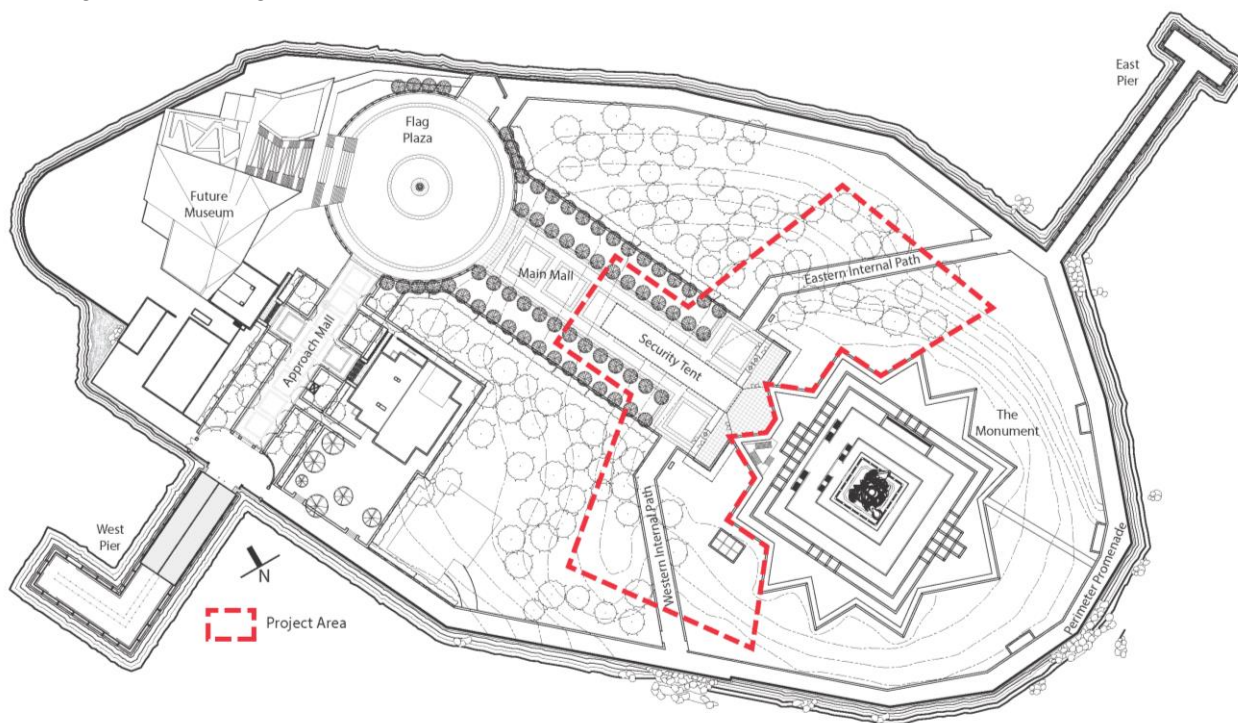


FIGURE 1-2. PROJECT LOCATION

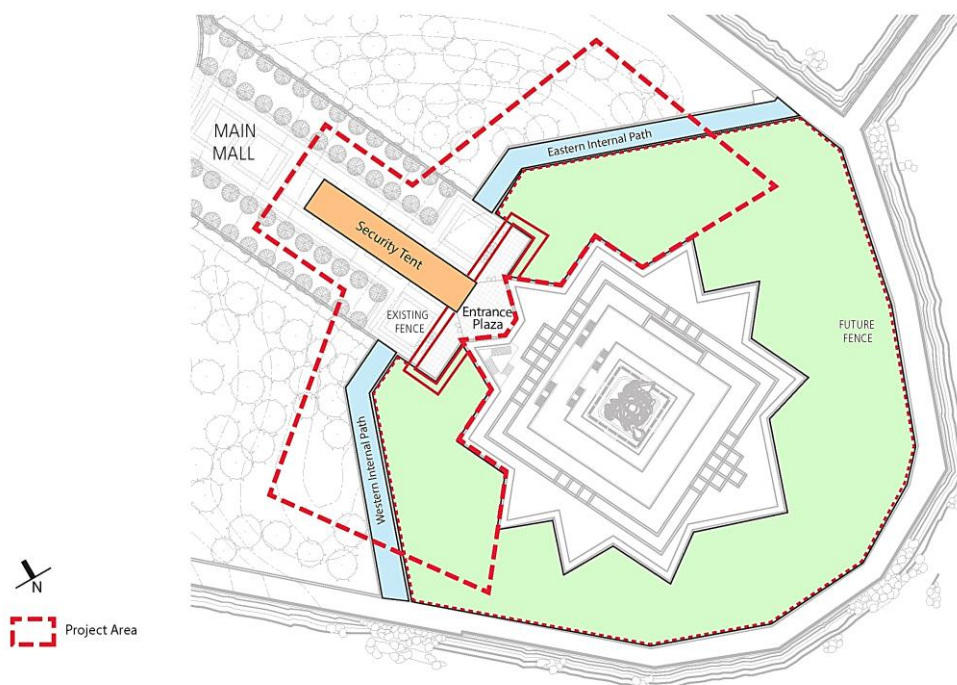


FIGURE 1-3. PROJECT AREA

## ISSUES AND IMPACT TOPICS

### Issues and Impact Topics Analyzed in this Environmental Assessment

An NPS interdisciplinary planning team, the public, and other agencies identified environmental issues (issues) during the scoping process. Issues are environmental problems, concerns, and opportunities regarding the proposal to construct a new secondary security screening facility on Liberty Island or with alternatives to the proposal. The issues describe the relationship between the actions in the proposal and alternatives and the specific resources that would be affected by those actions. In order to better understand the environmental impacts of the alternatives being considered, the NPS organizes the discussions of affected environment and environmental consequences by “impact topics,” which are headings that represent the affected resources associated with the issues that are analyzed in detail. The issues and corresponding impact topics retained for analysis in this environmental assessment are presented below.

- The proposed resilient security screening facility on Liberty Island would be built within the pending Statue of Liberty National Monument – Liberty Island Historic District (hereafter referred to as the historic district), which is listed on the National Register of Historic Places (national register), and is a New York City Landmark. The alternatives would restore a major view within the cultural landscape, but would still result in potential adverse impacts due to the addition of new structures within the public areas of the historic district. This issue is addressed under the “historic district” impact topic.
- The existing pre-fabricated security screening tent is unsightly and detracts from visitors’ views from the main mall to the back of the Monument. Additionally, the layout of the tent limits the number of people who can be screened at any one time. As a result, the main mall is congested by visitors navigating around the tent and long security lines. The proposed action and alternatives would change these conditions in different ways, including how people access the Monument entrance. This issue is addressed under the “Visitor Use and Experience” impact topic.
- Archeological sites from the military occupation and early Native American use of Liberty Island are known to be within the direct impact area of alternative 3. Because these sites could be impacted by the construction of the new facility, this issue is addressed under the “historic district” impact topic.

### Issues Considered But Dismissed from Further Analysis

- The World Heritage Convention of 1972, recognizes properties of “Outstanding Universal Value” (OUV) that are considered of global significance and should be preserved for future generations. Not everything within a World Heritage site contributes equally to its OUV; however, those attributes that do contribute must be protected appropriately, and an impact assessment must be conducted when development is proposed on a World Heritage site. For its artistic and engineering achievements and symbolism, the World Heritage Committee recognized the Statue of Liberty and Liberty Island as a World Heritage site in 1984. Attributes contributing to the OUV that would be potentially affected by the new screening facility include views of the Monument from the main mall, and the grounds. These attributes are medium to high in their importance in conveying the OUV of the Statue of Liberty. The project would impact the OUV both positively and negatively. Conditions overall would improve because the tent would be removed from a primary view shed and the new facility would be much smaller and in a less visible location; however, a new building would be added to the grounds in a public area and would obscure a small portion of the walls of Fort

Wood. Because these impacts would be slight to moderate, with an overall improvement to existing conditions, this issue was dismissed from further analysis in this environmental assessment. However, in compliance with the World Heritage Convention, the NPS has prepared a separate heritage impact analysis following the 2011 guidance on Heritage Impact Assessments (ICOMOS 2011) and submitted it to the World Heritage Centre for review during scoping for this EA. The assessment can be found on the park PEPC website for review.

- Executive Order 11988, “Floodplain Management,” requires the NPS and other federal agencies to evaluate the likely impacts of their actions in floodplains. The northern half of Liberty Island is within the 100-year (base) floodplain. However, the alternative sites for the new resilient secondary screening facility on Liberty Island are all located outside of the 100-year floodplain (FEMA 2015). The design of the screening building will conform to the requirements of Executive Order 13690 “Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input,” and the associated Federal Flood Risk Management Standard (FFRMS) that require the first floor elevation to be 2 feet above the base flood elevation. This floodplain is used in order to accommodate potential current and future flood risks and uncertainties associated with climate change as described under the Federal Flood Risk Management Standard Freeboard Value Approach and ensure that proposed actions would not increase the flood risk. The lockers will not be 2 feet above the base elevation, and are a minimal investment that could be repaired or replaced if necessary. Mitigation measures such as silt fencing to prevent sedimentation from construction site runoff would be employed to avoid indirect adverse effects to floodplain resources or functions. Therefore, the issues of adverse impacts to floodplains values or increased flood risks were dismissed from further analysis.
- The Clean Air Act General Conformity regulations serve to implement the Clean Air Act requirement of consistency between federal decision making and air quality plans. General Conformity potentially applies to all federal actions other than those subject to transportation conformity (e.g., Federal Highway Administration/Federal Transit Administration highway/transit projects and transportation plans). The General Conformity rule (40 CFR Part 93, Subpart B) requires a conformity determination for each criteria pollutant or precursor where the total of direct and indirect emissions of the criteria pollutant or precursor in a nonattainment or maintenance area caused by a federal action would equal or exceed certain *de minimis* thresholds. If the action will cause emissions above the *de minimis* rates and the action is not otherwise exempt, “presumed to conform,” or included in the existing emissions budget of the State Implementation Plan, the agency must conduct a conformity determination before it takes the action. The purpose of such a determination is to prevent the air quality impacts of the action from causing or contributing to a violation of the National Ambient Air Quality Standards or interfering with the purpose of a State Implementation Plan. The proposed new security screening facility would not have any new permanent sources of emissions. The construction and dismantling of the existing screening tent and the transportation of materials to and from Liberty Island to construct the new security screening facility would result in mobile source air emissions. Liberty Island, New York, is part of New York County, which the US Environmental Protection Agency has designated as a nonattainment area for 8-hour ozone and particulate matter 10 microns or less in diameter (PM<sub>10</sub>), and as a maintenance area for carbon monoxide and particulate matter 2.5 micrometers or less in diameter (PM<sub>2.5</sub>). Therefore, a general conformity applicability analysis is required for the following pollutants: volatile organic compounds (an ozone precursor pollutant), nitrogen oxide (a precursor pollutant for both ozone and PM<sub>2.5</sub>), PM<sub>10</sub>, carbon monoxide, PM<sub>2.5</sub> and sulfur dioxide (a PM<sub>2.5</sub> precursor pollutant).

A general conformity applicability analysis for the new museum on Liberty Island was conducted in September 2016. That analysis concluded that the resulting annual construction and operation emissions for the same applicable pollutants and precursor pollutants as noted above will be well below the General Conformity *de minimis* thresholds. The construction for the new museum will entail a longer construction period, more equipment, and greater numbers of material deliveries than what would be required to construct the much smaller and less complex proposed security screening facility. Therefore it is expected that the applicable pollutants and precursor pollutants will be well below the General Conformity *de minimis* thresholds and a General Conformity determination is not required.

- The Department of the Interior requires its bureaus to specifically discuss and evaluate the impacts of their actions on minority and low-income populations and communities, as well as the equity of the distribution of the benefits and risk of implementing the decision (NPS 2015a). There are no residents on Liberty Island. Local communities are far enough removed from the island such that these populations would not be particularly or disproportionately affected by activities associated with the construction of the alternatives. Additionally, moving the screening facility does not change the existing practice of screening all visitors, and there are no economic implications for minority or low-income populations from changing the screening location. Therefore, the issue of environmental justice was dismissed from further analysis.
- The Department of the Interior requires its bureaus to explicitly consider effects of its actions on Indian Trust resources in environmental documents (NPS 2015a). The federal Indian Trust responsibility is a legally enforceable obligation on the part of the United States to protect tribal lands, assets, resources, and treaty rights, and it represents a duty to carry out the mandates of federal laws with respect to Native American tribes. No Indian Trust resources are located in the project area, and the lands comprising the park are not held in trust by the Secretary of the Interior for the benefit of Indians due to their status as Indians. Therefore, the issue of Indian Trust resources was dismissed from further analysis.
- Construction activities would temporarily impact the aesthetics of Liberty Island. Construction noise would also be potentially disruptive to the visitor experience. In addition, visitor accessibility and circulation would be disrupted because either the eastern or western internal paths would be temporarily closed during construction. However, the majority of the main mall and the remainder of the island would still be available for visitation, the primary view points of the Statue would still be accessible, concession availability would not be affected, and access into the Statue for visitors with tickets would be maintained. Because there would be limited short-term impacts on visitors during construction activities, the issue of construction-related impacts on visitor use was dismissed from further analysis.

## CHAPTER 2: ALTERNATIVES

### INTRODUCTION

The alternatives analyzed in this document are the result of internal scoping, public scoping, and agency consultation. The NPS explored and objectively evaluated a range of alternatives. After evaluation, three alternatives were carried forward for analysis: the no-action alternative, the proposed action to construct a single screening building adjacent to the eastern internal path (the preferred alternative), and a proposal to build two screening buildings on either side of the Monument entrance.

## **ALTERNATIVE 1: NO ACTION**

The no-action alternative represents a continuation of the existing visitor experience and security screening on Liberty Island. Security screening for those holding crown or pedestal reservations would occur in the white tent located on the main mall in front of the Monument entrance (see figure 2-1). The tent would house three screening lanes and 230 lockers for personal items not allowed in the Monument and concessions.

## **ALTERNATIVE 2: PROPOSED ACTION – NEW SECONDARY SECURITY SCREENING FACILITY CONSTRUCTION – EAST OF THE MONUMENT ENTRANCE**

The proposed action would construct a new four-lane screening building aligned with the eastern internal path and set back from the paved entrance plaza immediately in front of the Monument entrance (see figure 2-2). The new building would be approximately 100 feet by 38 feet (3,800 square feet) and house two magnetometers. The building would be constructed with a finished floor level at an elevation of 15 feet above sea level. Visitors would queue for screening along the side of the building separated from the internal path.

Across the internal path, approximately 400 lockers and room for stroller parking would be constructed in a paved area approximately 40 feet by 40 feet. Existing electric, water, and wastewater utilities would be extended to service the screening building. Construction would also include site grading to accommodate the structures and for drainage. Concessions would no longer be linked to the screening building, but would be available in other existing location on the island.

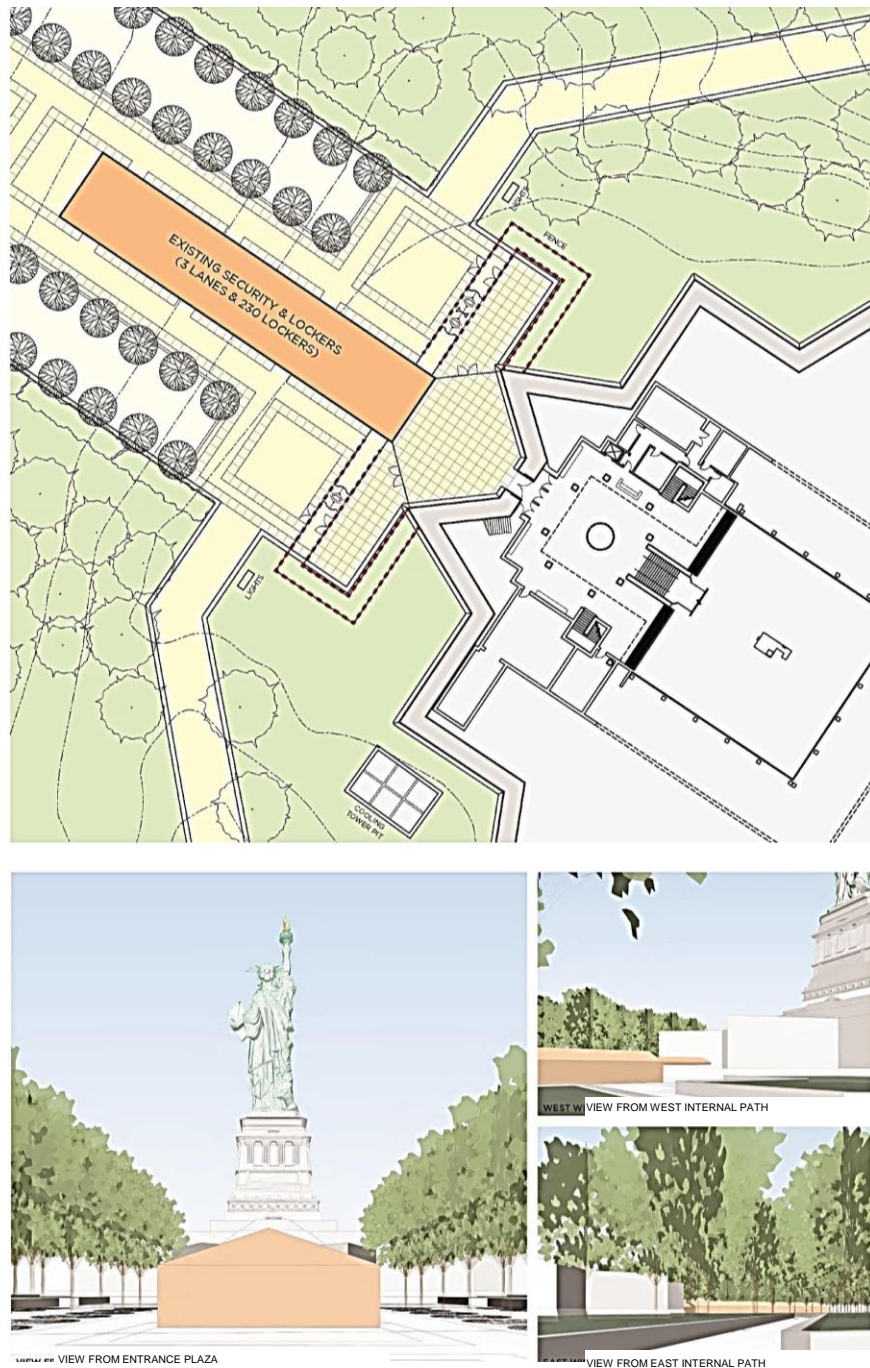
Finally, the tent would be removed, security fence surrounding the entrance plaza would be replaced with one that is more compatible with its surroundings, and the main mall pavers currently covered by the screening tent would be repaired.

## **ALTERNATIVE 3: NEW SECONDARY SECURITY SCREENING FACILITY CONSTRUCTION – EAST AND WEST OF THE MONUMENT ENTRANCE**

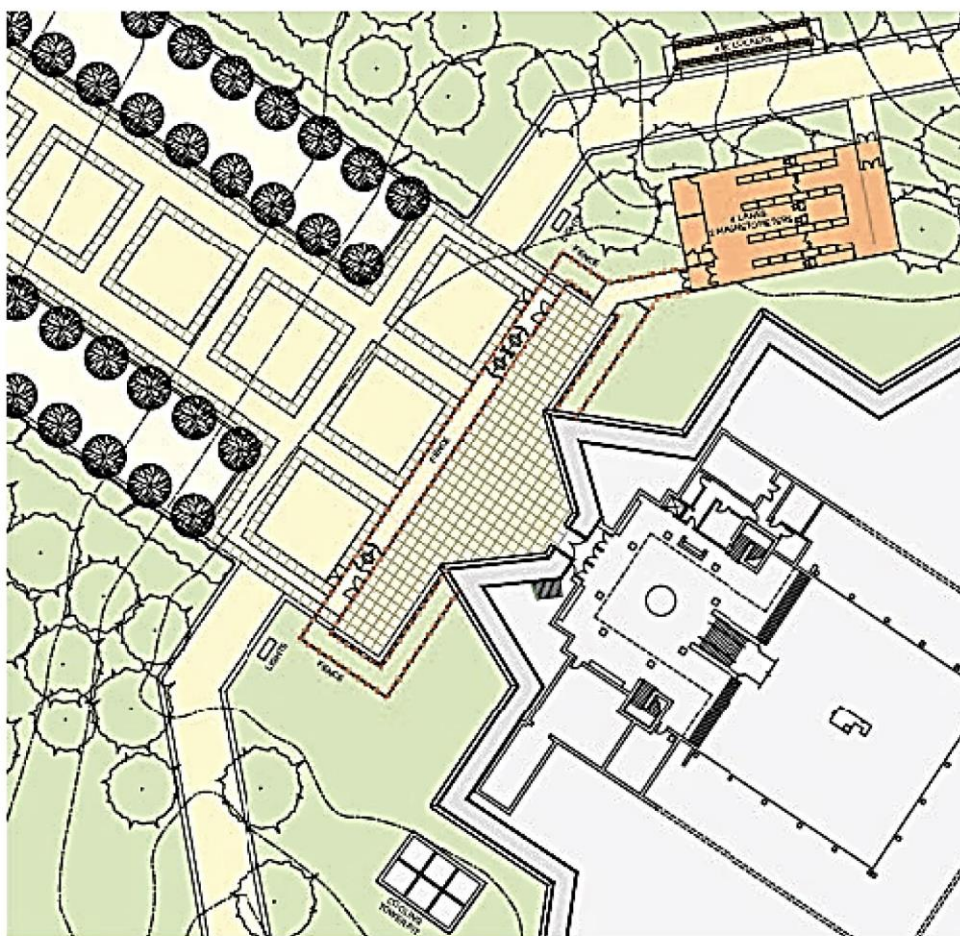
Alternative 3 would construct two three-lane screening buildings, one east and one west of the Monument entrance plaza (see figure 2-3). The new buildings would be approximately 100 feet by 28 feet (2,800 square feet each) and house two magnetometers each. The buildings would be constructed with a finished floor level at an elevation of 15 feet above sea level. Visitors would queue for screening along the internal paths.

Approximately 400 lockers and room for stroller parking would be divided between two small plazas, one across the internal path from each building. Existing electric, water, and wastewater utilities would be extended to service the screening building. Construction would also include site grading to accommodate the structures and for drainage. Concessions would no longer be linked to the screening building, but would be available in other existing location on the island.

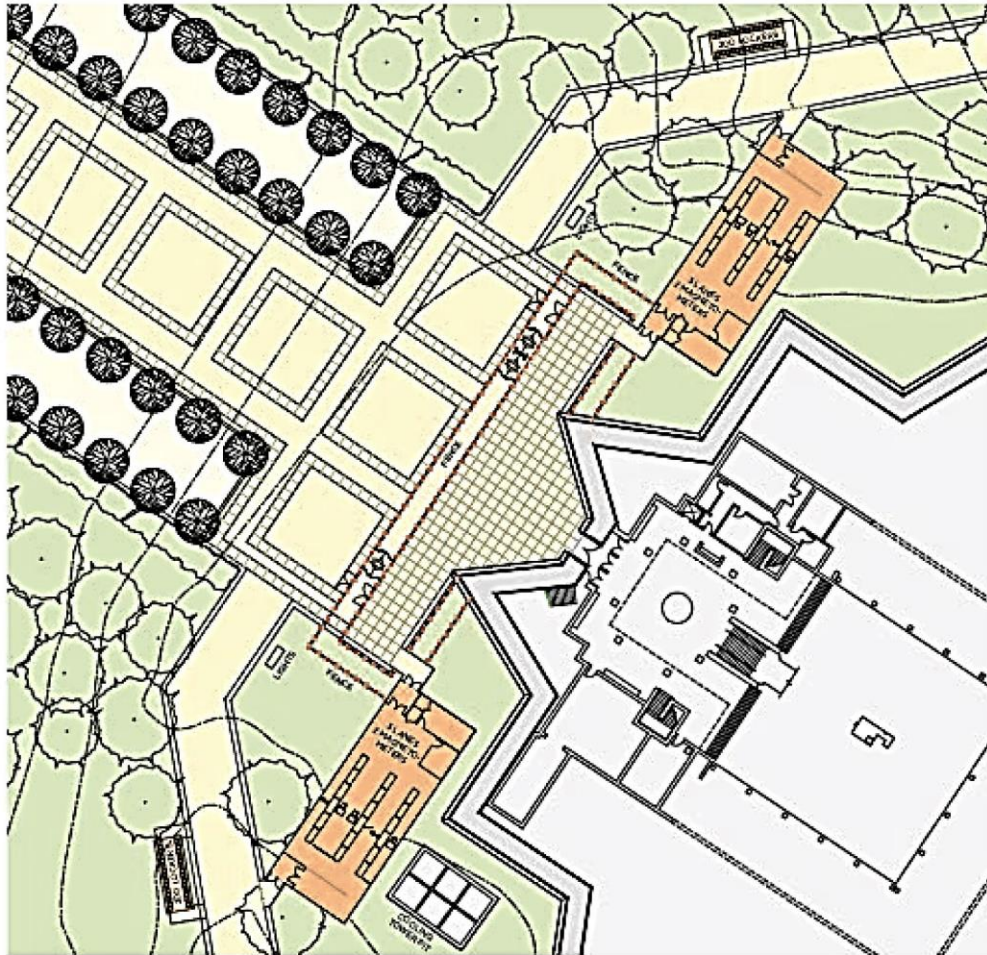
Finally, the tent would be removed, security fence surrounding the entrance plaza would be replaced with one that is more compatible with its surroundings, and the main mall pavers currently covered by the screening tent would be repaired.



**FIGURE 2-1. ALTERNATIVE 1: NO ACTION – EXISTING SECURITY SCREENING FACILITY**



**FIGURE 2-2. ALTERNATIVE 2: PROPOSED ACTION – NEW SECONDARY SECURITY SCREENING FACILITY CONSTRUCTION – EAST OF THE MONUMENT ENTRANCE**



**FIGURE 2-3. ALTERNATIVE 3: NEW SECONDARY SECURITY SCREENING FACILITY CONSTRUCTION – EAST AND WEST OF THE MONUMENT ENTRANCE**

## **ALTERNATIVES/ELEMENTS CONSIDERED BUT DISMISSED FROM FURTHER ANALYSIS**

Several alternatives or alternative elements were identified during the design process and internal and public scoping. These alternatives were determined to be unreasonable or resulted in fewer benefits or greater adverse impacts than similar options included in the analysis and were therefore not carried forward for analysis in this environmental assessment (see figure 2-4).

### **Single Building/Replace Existing**

Early in the planning process, NPS considered locating a single, four-lane screening building on the main mall in the location of the existing tent with freestanding lockers on either side. Although the building would be much smaller than the tent and would allow for faster screening of visitors, it would still intrude on a major designed view and cause pedestrians to choose to go one way or the other before they reached the internal paths. Additionally, to meet the requirements of Executive Order 13690 “Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input”, it would need to be raised up to be resilient, thus further impacting the designed view. Finally, locating lockers on the main mall would create circulation bottlenecks for people navigating around the facility. Because the alternative did not meet the purpose and objectives of the project, this alternative was dismissed from consideration.

### **Two Buildings/Half in Entrance Plaza, Half in Lawns**

This alternative would build two, three-lane buildings on either side of the Monument entrance each extending from the lawns immediately east or west of the entrance plaza into the plaza. Lockers would be placed across the internal paths from each building. These buildings would encroach on the major view shed from the main mall, but would be less visible than the current tent. Additionally, the building and lockers on the west side would be placed within archeologically sensitive areas. Because this alternative would have duplicated the functions of alternative 3, but would have had more impacts on the historic district and archeological sites, this alternative was dismissed from consideration.

### **Single Building/Lawn East of and Aligned to Entrance Plaza**

The design team considered locating a single building adjacent to the western internal path with lockers on the opposite side of the internal path. Although this location would have been within an area of low archeological sensitivity, it would have been more visible from the main mall than the preferred alternative location. Because this alternative duplicated the function of the preferred alternative, but impacted resources to a greater extent, it was dismissed from consideration.

### **Single Building/Lawn West of and Aligned to Entrance Plaza**

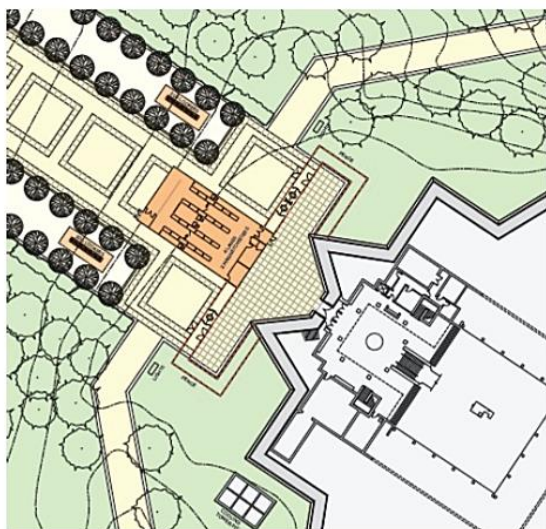
The mirror image of previous alternative was also proposed. The building would be substantially out of the major view from the main mall, but it would be located within an area of archeological sensitivity. This alternative would have duplicated the same functions as the preferred alternative, but with more impact to archeological sites. As a result, this alternative was dismissed from consideration.

### **Single Building/Lawn West of and Divorced from Entrance Plaza**

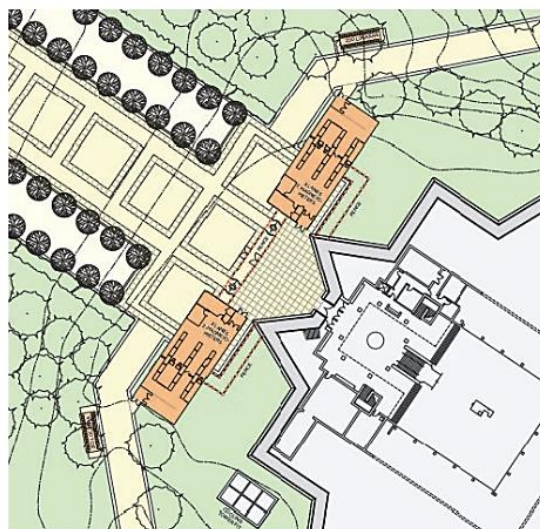
During scoping a related alternative that mimicked the proposed action but placed the building on the west side of the entrance plaza was proposed. However, the proposed location would have had potentially greater impacts on archeological sites than the alternative that aligned the building with the west side of the entrance plaza. As a result, this alternative was also dismissed from consideration.

### **Screening in the Monument Lobby**

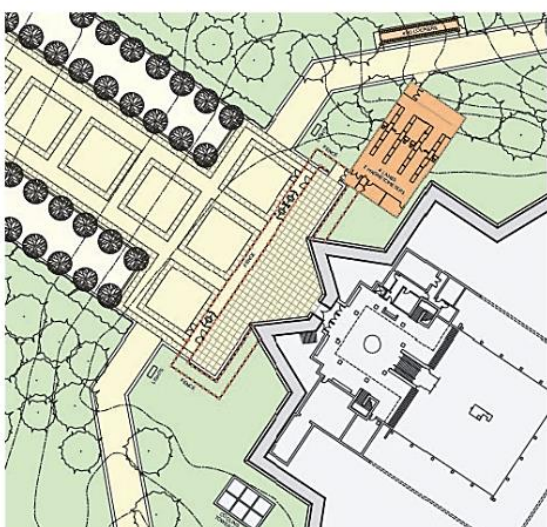
NPS also considered moving screening operations into the Monument lobby. The risk to the Monument, however, increases if people are not screened before entering. Additionally, the space would need extensive changes to make it suitable for use, including changes to historic fabric. Because of these reasons, the alternative was dismissed from consideration.



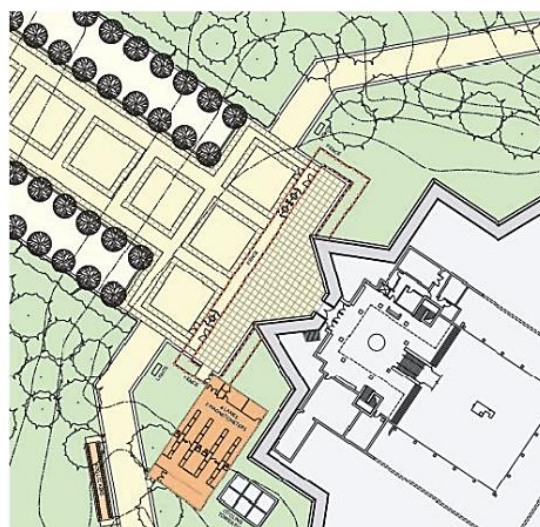
Single Building/Replace Existing



Two Buildings/  
Half in Entrance Plaza, Half in Lawns



Single Building/  
East of and Aligned to Entrance Plaza



Single Building/  
West of and Aligned to Entrance Plaza

**FIGURE 2-4. ALTERNATIVES/ELEMENTS CONSIDERED BUT DISMISSED FROM FURTHER ANALYSIS**

## MITIGATION MEASURES INCORPORATED INTO THE PROPOSED ACTION

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, the following protective measures would be implemented as part of the proposed action. The NPS would implement an appropriate level of monitoring throughout the construction process to help ensure that protective measures are being properly implemented and achieving their intended results.

### Natural Resources

- The removal of any trees that may provide nesting habitat for migratory birds would not occur between April 1 and July 31.
- During site preparation, existing vegetation would be removed only as required and to the limits necessary to construct the proposed project.
- Final site restoration would include the revegetation or other surface treatment of areas previously disturbed by construction activities.
- Native plant seed mixtures and plant materials approved by NPS staff would be used for rehabilitating and revegetating disturbed areas.
- Erosion and sediment control measures would be designed in accordance with federal, state, and local regulations, requirements, and codes and the specifications of best management practices. Examples include silt fences, inlet protection, sediment basins, vegetative buffers, swales, flow diversions, and dams/barriers (NYS DEC 2005).

### Cultural Resources

- The proposed action would result in a finding of *adverse effect* on historic properties under section 106 of the National Historic Preservation Act. The NPS would enter into a memorandum of agreement with the New York and New Jersey State Historic Preservation Offices, interested tribes, and other consulting parties. The memorandum of agreement would outline a process for avoiding, minimizing, or mitigating any adverse effects. A draft of the memorandum of agreement for public review and comment can be found in appendix A. If the NPS and the consulting parties deem it appropriate, monitoring for archeological resources may be conducted during ground-disturbing activities associated with the construction of the new screening facility.
- The fence around the entrance plaza would be replaced with a fence that is more compatible with the Monument.
- The main mall pavers would be repaired after the removal of the existing screening tent.
- Landscaping would be used to make the new facility less intrusive on views from the Fort Wood parapet.

### Visitor Use and Experience

- The majority of Liberty Island would remain open to the public and access into the Monument would be maintained for the duration of construction.

- Public information would be made available on the park website and on signs in the park to inform visitors about the construction.
- Visiting hours would be considered when scheduling construction activities.



## CHAPTER 3: AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This chapter of the environmental assessment describes existing environmental conditions in the areas potentially affected by the alternatives evaluated and the environmental impacts associated with each alternative.

### GENERAL METHODOLOGY FOR ANALYZING IMPACTS

In accordance with CEQ regulations, direct, indirect, and cumulative impacts are described (40 CFR 1502.16) and the impacts are assessed in terms of context and intensity (40 CFR 1508.27). Where appropriate, mitigating measures for adverse impacts are also described and incorporated into the evaluation of impacts.

#### Cumulative Impacts Analysis Method

Cumulative impacts are defined as “the impact on the environment which results from the incremental impact of the action when added to other past, present, or reasonably foreseeable future actions regardless of what agency (federal or nonfederal) or person undertakes such other actions” (40 CFR 1508.7). The temporal scale for the cumulative impacts analysis includes past actions since Hurricane Sandy through reasonably foreseeable future actions. Because of the isolated nature of Liberty Island, the geographic scale considered for cumulative impacts is Liberty Island.

Cumulative impacts are determined for each impact topic by combining the impacts of the alternative being analyzed and other past, present, and reasonably foreseeable actions that also would result in beneficial or adverse impacts on the same resources. Because some of these actions are in the early planning stages, the evaluation of cumulative impacts is based on a general description of the projects. Other past, present, and reasonably foreseeable actions located on Liberty Island to be included in the cumulative impacts analysis were identified through the internal and external project scoping processes and are summarized below.

- **Tree Replacement and Paver Projects.** There are several ongoing landscaping projects at Liberty Island. Many trees and shrubs on the island are dead or in declining health as they reach the end of their lifespan or as a result of damage from the salt intrusion caused by Hurricane Sandy storm surge. Trees and stumps will be removed from several locations on the island, including the facilities area, approach mall, northeast lawn, and southeast lawn. Salt-tolerant replacement tree species will be planted along the approach mall and main mall. Hedges and lawn areas disturbed during the tree replacement projects will also be replaced. In addition to tree replacement, proposed tree panel rehabilitation will include soil improvement, removal of steel edging around trees, and installation of new irrigation and drainage systems. Pavers on the approach mall and main mall will also be replaced.
- **New Fence around Fort Wood.** Currently, the pedestrian barrier around the Fort Wood lawn area consists of temporary crowd control fencing that is not compatible with the setting for the Statue of Liberty. Permanent fencing along the existing knee wall is proposed to protect the lawn and irrigation repairs made following Hurricane Sandy. The fencing would consist of metal mesh with three gates for access to the lawn and the Sally Port Plaza. A gravel mow strip would facilitate lawn maintenance.
- **Construction of New Museum.** The NPS in cooperation with its partner, The Statue of Liberty Ellis Island Foundation, will construct an approximately 20,000-square-foot museum

in the northwest portion of Liberty Island adjacent to the Administration Building that will be able to accommodate up to 500 visitors at any one time.

Once the museum exhibit is moved out of the Statue's Pedestal, a portion of the existing museum space in the Pedestal will be repurposed to house interpretive exhibits for the public, while the main museum exhibit area will be converted back into administrative space.

## HISTORIC DISTRICT

### Affected Environment

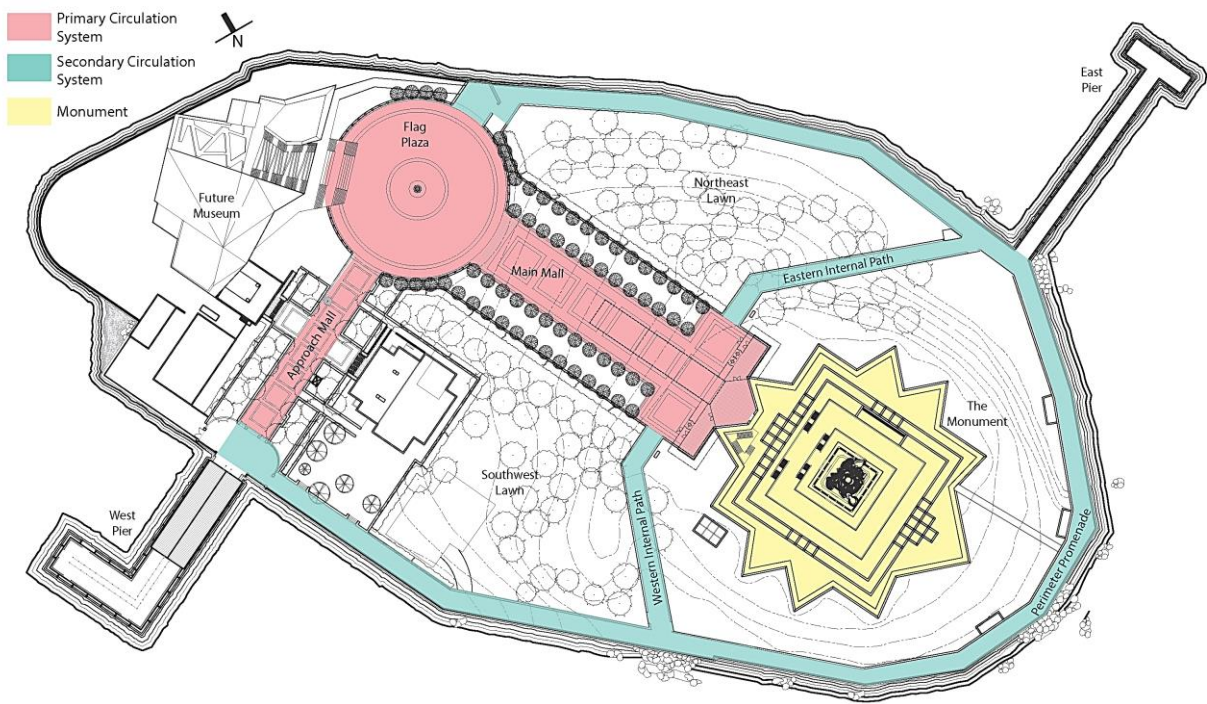
Statue of Liberty Enlightening the World, located in New York Harbor, is listed in the national register as a single property encompassing the Monument. Its associated cultural landscape and support buildings and structures, are eligible for listing in the national register as part of a pending historic district encompassing all of Liberty Island and is considered as listed for this analysis. The Monument and island together are also designated a New York City Landmark. The island as a whole constitutes the affected environment.

The Monument, consisting of the copper statue of *Liberty Enlightening the World*, its pedestal, and the Fort Wood walls, is the historic district's most important resource. The grounds and support buildings are of secondary importance to the Monument, but provide an appropriate setting that has gained significance over time.

Frederic-Auguste Bartholdi, the Statue's sculptor, originally envisioned the Monument rising up out of a park-like setting surrounded by trees. This concept was realized during the partial implementation of Norman Newton's master plan between 1939 and 1957 (NPS 2015b). Newton's plan laid the framework for directing circulation, creating distinct use zones, and controlling vistas of the Statue and New York Harbor in order to heighten a visitor's experience of the Monument (NPS 2010).

Elements of the historic district that could be affected by the project include:

- Primary circulation system
- Secondary circulation system
- Views
- Plantings
- Archeological sites



**FIGURE 3-1. CIRCULATIONS SYSTEM AND PLANTINGS**

### ***Primary Circulation System***

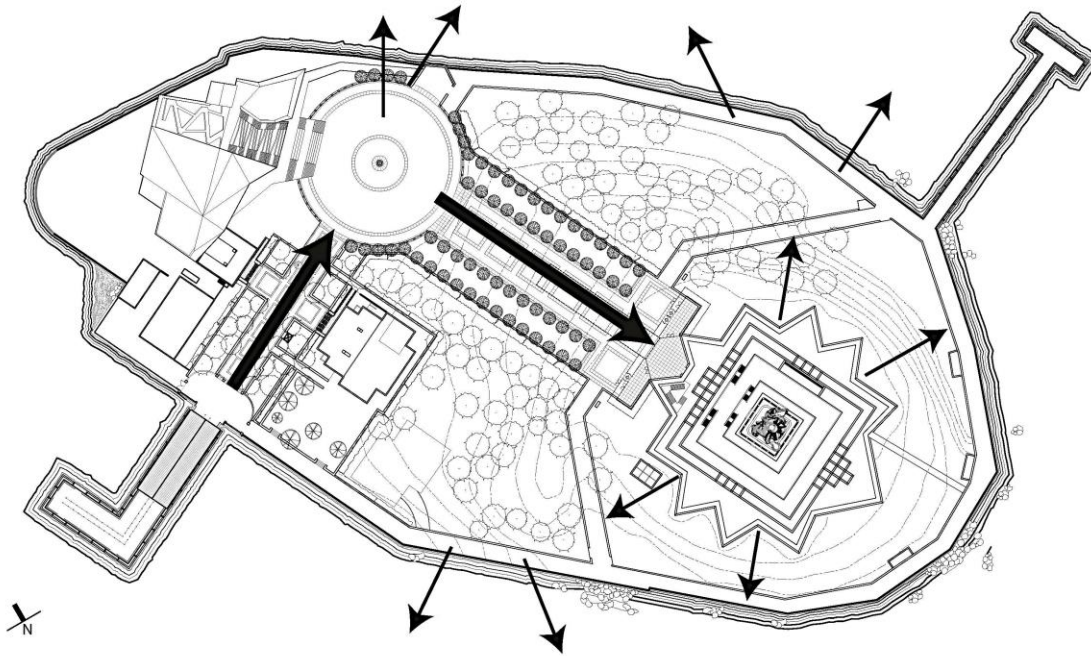
The primary circulation system forms the on-island component of the arrival sequence that NPS planners conceived in 1939, slightly altered in the 1940s and 1950s, and made major modifications to in 1986 (see figure 3-1). It consists of six elements: arrival plaza, approach mall, flag plaza, flag pole, main mall, and entrance plaza. The primary circulation system was intended to conduct visitors from their arrival point at the west pier to the main entrance of the Monument. The 1986 modifications changed the basic design intent which originally emphasized the process of procession towards the Monument to one where the flag plaza serves as a gathering place, creating a piazza-like setting. The 1986 changes, which included the resurfacing of the malls with brick, widening the pedestrian malls, enlarging and changing the shape of the flag plaza and planting an allee of London plane trees along the main mall, lessened the physical integrity of the primary circulation system; however it is still important as a remnant of Newton's original vision.

### ***Secondary Circulation System***

The secondary circulation system consists of the perimeter promenade and interior paths (see figure 3-1). The perimeter promenade is an approximately 20-foot-wide footpath that begins on the south side at the arrival plaza, runs along the seawall around the south end of the island, and ends at the scenic overlook on the northeast side of the island. Two internal paths were constructed in 1941 to provide an alternate route to the Monument entrance from the perimeter promenade. They run east-west across the island from the perimeter promenade to meet in the middle at the entrance plaza. The internal paths are lined with stone-capped brick seat walls.

## Views

The 1999 draft Cultural Landscape Report for Liberty Island identified four major groupings of important views (Berg 1999). These include views from the island outward, and views within the island (see figure 3-2). Additionally a sequence of views guides the visitor through the experience of the Statue.



**FIGURE 3-2. IDENTIFIED PRIMARY AND SECONDARY VIEWS**

The view along the main mall from the flag plaza toward the Statue was designed as the visitor's first unobstructed view of the Monument. A visitor was intended to debark from the ferry, walk down the approach mall while viewing the New York skyline and then turn right at the flag plaza to see the back of the Monument framed by a wide pedestrian mall lined with trees (Berg 1999). Although the main mall and flag plaza leading to it were reconfigured, enlarged, and resurfaced in 1986, the experience remains largely the same. However, when visitors turn at the flag plaza, their view now includes a large white security tent at the base of the Monument.

In contrast, views from the internal paths have not been identified as important since the internal paths are surrounded by trees and are intended to lead visitors to open views of New York City and New York Harbor. Uninterrupted views of the city and harbor are also found from the Fort Wood terreplein.

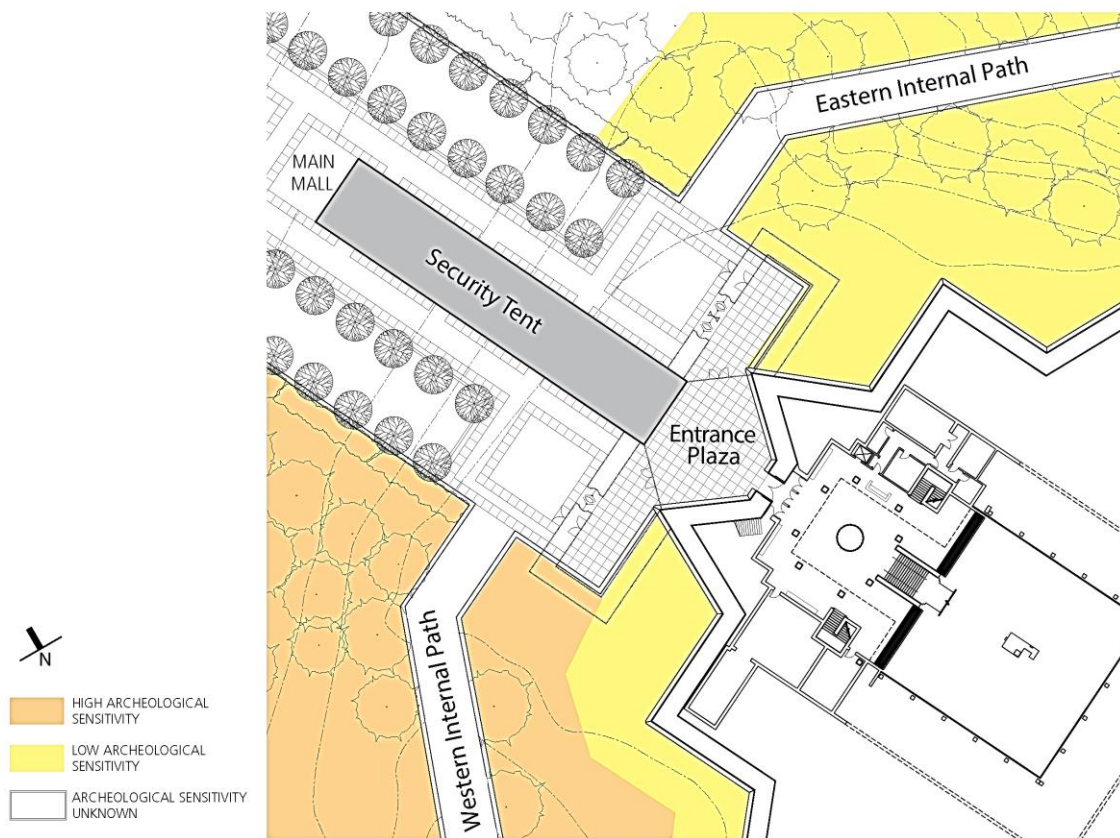
## Plantings

Bartholdi originally developed the idea for integrating wooded lawns into the landscape (see figure 3-1). He intended them to provide a respite to visitors from the more active areas around the island. The concept was carried over to include the lawns, trees, and hedges that were identified in the 1939 master plan and added to the Liberty Island Grounds between 1939 and 1957.

The grass lawns are slightly raised above the malls and paths that define their edges. The southwest and northeast lawns are located in the center of the island on the east and west sides of the Main Mall. The Main Mall is lined with yew hedges and London plane trees that serve to screen the mall from the lawns. The south lawn surrounds the walls of Fort Wood on the south end of the island and is bounded by the interior paths on the north and the Perimeter Promenade on the south. The northeast and southwest lawn includes shade trees retained from the Fort Wood plantings that grew between the buildings, including horse chestnut, oak, maple, and London plane trees. The National Park Service added rows of London plane trees during the 1950s to fill the lawn area and line the Main Mall and added a grove of London planes to commemorate the events of 9/11. Many of the London plane trees died or have suffered as a result of Hurricane Sandy inundation.

### *Archeological sites*

There are two known archeological sites that could be affected by the proposed project. Both sites are listed as contributing to the historic district (see figure 3-3).



**FIGURE 3-3. SENSITIVE AND NON-SENSITIVE ARCHEOLOGICAL AREAS WITHIN THE PROJECT AREA**

The Shell Midden Site is located immediately northwest of Fort Wood and west of the main mall and spanning both sides of the western internal path. The site, which covers approximately 200 sq. m, comprises a shell midden and underlying pit feature. Based on the recovered cultural material and radiocarbon samples collected from the pit feature, the deposit is believed to date to the late Middle to Late Woodland periods (ca. A.D. 1000), with possible overlap into the Contact period when European colonizers first arrived.

The Historic Midden #1 Site located northwest of the Monument and overlying the Shell Midden Site, was formed by military personnel stationed on the island before the construction of Fort Wood, c. 1794–1811. The historic midden remains occurred in 12 separate strata in nine excavations units across an area measuring roughly 60 m north–south and 45 m east–west, and yielded a range of late eighteenth- to early nineteenth-century ceramic types as well as a fairly large and diverse faunal assemblage.

## **Environmental Consequences**

### ***Methodology and Assumptions***

This analysis assesses the impacts of the alternatives on the historic district. Adverse impacts are those that alter character-defining features of a historic property or district in a way that could change its character or eligibility for listing in the national register. Beneficial impacts are those that promote the retention of important characteristics or settings associated with a historic property or district.

### ***Study Area***

The study area for this project includes all of Liberty Island, with direct impacts limited to the main mall, internal paths and area on either side, entrance plaza, and the lawn areas on either side of the entrance plaza.

## **Impacts of Alternative 1: No Action**

### ***Analysis***

Under alternative 1, the secondary security screening procedures would not change. The tent on the main mall would remain. Although there would be no changes to existing conditions as a result of the alternative 1, the security tent appreciably degraded important views of and from the Monument when it was constructed. It would continue to physically impact the main mall and obscure the view of Fort Wood and the Monument entrance. Pedestrians would need to choose to go to the left or the right half way down the main mall instead of walking down the center to take best advantage of the designed view. The view from the terreplein would also continue to be impacted. This impact would be increased because the tent's design is incompatible with the historic character of its surroundings and degrades quickly in the salt air. The stark white color and flapping panels of the tent prevent it from receding from view.

Because there would be no new construction, no changes would be expected to the internal paths or archeological sites.

The overall impact of alternative 1 would be long-term and adverse.

### ***Cumulative Impacts***

Planting salt-tolerant tree species on the island to replace the London planes that have died would improve the overall condition of the Monument grounds and historic district. Similarly, replacing temporary barriers around the lawns with a permanent fence would ensure the lawn stays in good condition and improve the overall condition of the grounds by removing unsightly temporary barriers. The construction of a new museum would adversely impact the historic district by adding a large building into the historic district. The impact of the new museum would be lessened by the fact that it would occur within a part of the island that is designated for infrastructure and visitor services and has been designed to be compatible in color and material with the historic district. Because the fence and museum are properly located and designed to blend into the historic district, the adverse impact caused by these projects would be noticeable, but relatively small

The alternative 1 adds a large increment to the cumulative adverse impacts because, in addition to the new museum and fence, the screening tent will continue to be a very noticeable intrusion on the views.

### ***Conclusion***

The alternative 1 would continue to have a long-term adverse impact on the historic district due to its prominent location along the main mall, its interference with a designed view, and its inappropriate design. It would add substantially to cumulative adverse impacts because the screening tent would remain a noticeable intrusion into the views in combination with the smaller intrusions of the new museum and fencing which have been lessened through appropriate placement and design.

## **Impacts of Alternative 2: Proposed Action – New Secondary Security Screening Facility Construction – East of the Monument Entrance**

### ***Analysis***

Constructing a new facility east of the Monument entrance and divorced from the entrance plaza would improve existing conditions within the historic district by removing the incompatible screening tent from the main mall and building a smaller replacement facility along the east internal path, which is outside of important designed views. The new facility would have color schemes that would help it to blend into the surroundings and a living roof that would make the building less visible from the terreplein. Because the building would be tucked next to the Fort Wood walls, it would be out of the travel path of many people and much less conspicuous. The lockers built on the other side of the internal path would be visible to visitors using the primary and secondary circulation systems, but being built of compatible materials and masked by additional trees, visitors' attention would not be drawn to the lockers. The only effect on the internal path itself would be breaks in the seat wall to allow visitors to access the lockers and the building.

The lockers would intrude into the northeast lawn, however, trees would be planted to screen the locker area and retain the feeling of a wooded lawn.

Replacement of the current security fence around the entrance plaza would also be beneficial and help the fence be less visually distracting.

No archeological sites would be affected by alternative 2.

Although there is a small adverse effect from adding a new facility into the historic district, overall the choice of materials and colors and the removal of the tent from and repair of the main mall paving the alternative would have a long-term, noticeable improvement on the historic district over existing conditions.

### ***Cumulative Impacts***

The impacts of other actions on the historic district are the same as described for alternative 1.

Construction of the screening facility when combined with the Tree Replacement and Paver projects and the New Fence around Fort Wood project would greatly improve appearance and quality of the vegetation of the historic district grounds. The removal of the tent from a primary view shed would provide a substantial part of this improvement. Despite the mitigation measures that reduce its impact the new museum would adversely affect the museum grounds. As a result, the overall cumulative impact would be adverse because of the scale of the new museum project.

### ***Conclusion***

Alternative 2 would add a beneficial, long-term impact to the historic district by removing an incompatible structure from the main mall and building structures that will better blend with the landscape in a less visible location. Alternative 2 would add a substantial beneficial impact to the overall long-term adverse cumulative impact caused by the construction of the new museum.

### **Impacts of Alternative 3: New Secondary Security Screening Facility Construction – East and West of the Monument Entrance**

#### ***Analysis***

Alternative 3 would construct two three-lane screening buildings and two locker areas, one on each side of the entrance plaza. As with alternative 2, the buildings and locker areas would be constructed out of compatible materials with living roofs and would be out of the primary view along the main mall. The historic district would be improved by the replacement of the white tent with smaller buildings in a more appropriate location. The addition of two facilities would emphasize the symmetry of the main mall, but would also be more visible than a single new building in the landscape.

Both internal paths would be slightly impacted by breaks in the seat walls to allow visitors to access the lockers and the buildings.

The lockers would intrude into both the northeast and southwest lawns, however, trees would be planted to screen the locker areas and retain the feeling of wooded lawns.

Construction west of the entrance also has a high probability of impacting both known archeological sites. Although a portion of this area has been disturbed by the construction and removal of buried tanks in the past, the locker areas and excavation needed for foundations would likely impact these sites.

Although there is a small adverse effect from adding a new facility into the historic district, the overall impact of alternative 3 would be a long-term improvement of views, with potential long-term adverse impacts to archeological sites within the historic district.

#### ***Cumulative Impacts***

The impacts of other actions on the historic district are the same as described for alternative 1.

Construction of the screening facility when combined with the Tree Replacement and Paver projects and the New Fence around Fort Wood project would greatly improve appearance and quality of the vegetation of the historic district grounds. Although the doubling of the number of buildings and impacts to archeological sites are adverse, alternative 3 and specifically the removal of the tent from a primary view shed would provide a substantial part of the improvement to the historic district grounds, although less than if alternative 2 were implemented. The overall cumulative impact would be adverse because of the adverse impacts from the scale of the new museum project.

### ***Conclusion***

Alternative 3 would add a beneficial, long-term impact to the historic district by removing an incompatible structure from the main mall and building structures that will better blend with the landscape in less visible locations. However the addition of two buildings into the landscape and adverse impacts expected to archeological sites, would lessen the overall beneficial impacts of this alternative in comparison with alternative 2. Alternative 3 would add a substantial beneficial impact to the overall long-term adverse cumulative impact, but it would be smaller than the beneficial

increment from alternative 2 because of the potential adverse impact to archeological sites and its higher visibility in general.

## VISITOR USE AND EXPERIENCE

### Affected Environment

As a universal icon of freedom and democracy, the Monument has become a popular national and international tourist destination, attracting several million visitors annually. As a result, the park places great value on visitor use and experience. Visitor use and experience encompasses the way in which people use, participate in, and perceive the facilities and amenities within Liberty Island. Table 3-1 presents annual visitation statistics for Liberty Island from 2008 to 2015. Average visitation to the park over the last 5 years from 2011–2015 was 3,487,071 people. Monthly visitation recorded in 2015, presented in table 3-2, illustrates the seasonal nature of visitation with peak attendance during the summer months.

**TABLE 3-1. ANNUAL VISITATION FROM 2008–2015**

Year	Number of Visitors	Year	Number of Visitors
2015	4,279,020	2007	3,394,470
2014	4,198,833	2006	3,275,494
2013	1,883,544	2005	3,307,689
2012	3,315,056	2004	2,901,127
2011	3,758,906	2003	2,560,722
2010	3,833,556	2002	2,682,274
2009	3,829,711	2001	3,397,062
2008	3,565,500	2000	4,366,455

Source: NPS 2016

**TABLE 3-2. MONTHLY VISITATION RECORDED FOR 2015**

Month	Number of Visitors	Month	Number of Visitors	Month	Number of Visitors
Jan	135,389	May	456,962	Sep	373,881
Feb	112,500	Jun	494,904	Oct	355,219
Mar	244,725	Jul	608,261	Nov	256,916
Apr	377,152	Aug	587,099	Dec	276,012
<b>Total</b>	<b>4,279,020</b>				

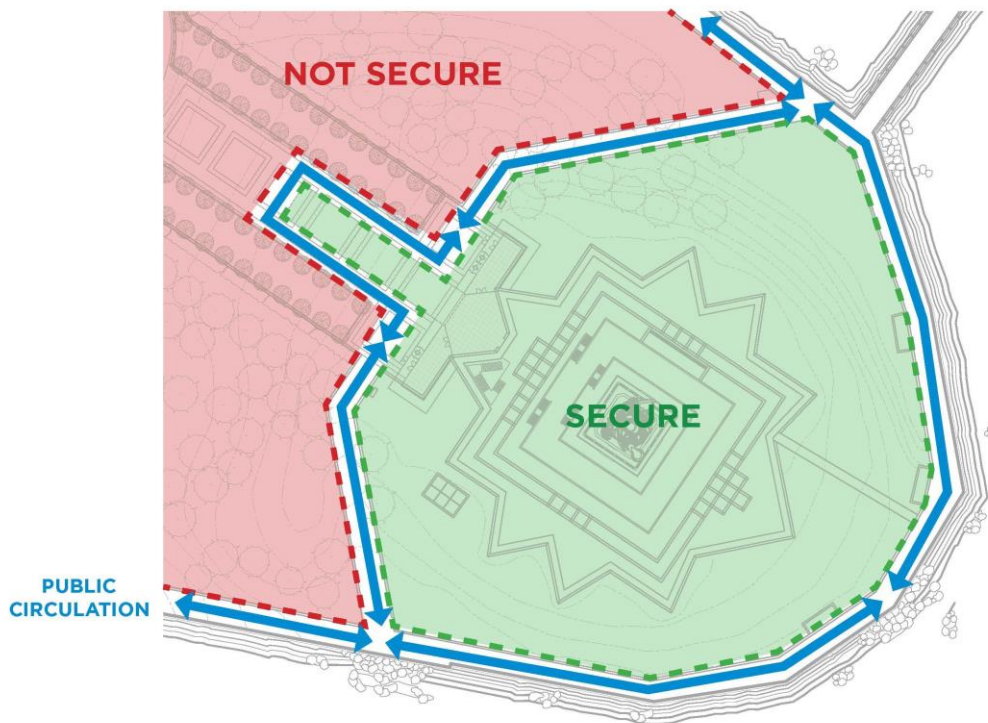
Source: NPS 2016

Access to the Monument requires advance ticket reservations for either the pedestal or crown and is not available to visitors with a grounds-only ticket. Due to occupancy constraints, 3,940 visitors daily (between 15%–20% of visitors during peak summer attendance) are allowed to reserve a ticket to the pedestal in addition to the 500 Crown visitors for a daily total of 4,440. This number falls to 3,565 in the off season with 3,160 Pedestal and 405 Crown visitors.

The main mall is a component of the primary visitor circulation system on the island. Although no formal study has documented the pedestrian flow patterns on the island, anecdotal evidence indicates that most visitors, after leaving the ferry, disembark from the pier and head north toward the flag and then east on the main mall toward the Monument. Views from the main mall to the back of the Monument are an important aspect of the visitor experience. All visitors have access to the east and western internal paths that are components of the secondary circulation system which encircle the northwest portion of the Monument grounds and provide pedestrian connections between the main mall and the perimeter promenade.

The existing security screening tent is located on the main pedestrian mall and extends into the entrance plaza in front of the Monument entrance (see figure 3-4). For visitors to Liberty Island with tickets into the Monument, the secondary level of security screening is implemented with magnetometers, x-ray machines, and an air puffer to test if explosive residues are present. No backpacks, strollers, luggage, or parcels are allowed inside the Monument due to security concerns. Lockers for storage of prohibited items are located within the security screening tent as are concession souvenirs sales.

Maximum visitation into the Monument, and thus peak visitor screening, occurs year round except during February. The layout and visitor flow through the security tent limits the number of people who can be screened at any one time, often creating long lines of visitors stretching down the mall. Exacerbating this condition are confused visitors without Monument tickets mistakenly getting into the line. Other visitors on the south end of the main mall must navigate around the tent and these long security lines to approach the Monument and access the internal paths.



**FIGURE 3-4. EXISTING SECURITY AND VISITOR CIRCULATION**

## **Environmental Consequences**

### ***Methodology and Assumptions***

This analysis assesses the impacts of the alternatives on visitor use and experience in and around the study area. To determine impacts, current access and visitor experience was considered and the potential impacts from the proposed alternatives on visitor experience and use were analyzed.

### ***Study Area***

The study area for visitor use and experience includes the main mall, the internal paths, and the immediately adjacent Liberty Island Grounds.

## **Impacts of Alternative 1: No Action**

### ***Analysis***

Alternative 1 would continue existing conditions in and around the study area without any changes to the location or operation of the secondary security screening facility or pedestrian circulation on the main mall or internal paths. The tent detracts from the view of the back of the Monument, which was designed as a focal point within the cultural landscape. Visitors would also continue to experience long security lines and waiting times to enter the Monument, congested conditions on the south end of the main mall, and bottlenecks while bypassing the tent and security lines to approach the Monument and access the internal paths. With limits on the number of visitors to Liberty Island including those with tickets to the Monument, no new or increasing impacts on visitor use and experience are expected. Thus, there would be no changes to the visitor experience or use.

### ***Cumulative Impacts***

Because there would be no changes to the visitor experience or use under alternative 1, there would be no cumulative impacts.

### ***Conclusion***

Under alternative 1, the location and operation of the secondary security screening facility and pedestrian access or circulation on the main mall or internal paths would be unchanged. Therefore, the existing experience for visitors to the monument would remain as it is now

## **Impacts of Alternative 2: Proposed Action – New Secondary Security Screening Facility Construction – East of the Monument Entrance**

### ***Analysis***

The layout, flow, and additional security screening lanes within the new security screening building would allow the screening process to operate more efficiently, which would reduce waiting times and minimize long lines for visitors with entrance tickets into the Monument. A separate locker structure with increased numbers of lockers would be more convenient for visitors and avoids congestion within the screening building. Designated security screening queuing areas would be sited to avoid interference with pedestrian circulation along the eastern internal path.

Relocation of the security building from the main mall to the lawn east of the entrance plaza would alleviate congestion on the south end of the mall. Visitors would no longer have to navigate around the security building and security lines. Unimpeded circulation and visitor flow within that part of the main mall and access to the internal paths would be improved.

Siting the new security facilities in a less visible location within the landscape and using appropriate colors, materials, and exterior textures would help blend the building into its surroundings, minimize interference with views on and from the island, and maintain the central focus on the Monument. Although the security fence would be extended across the entrance plaza, the removal of the large white security tent from the main mall and plaza would improve the aesthetics and open up and appreciably improve the view from the main mall of the back of the Monument and the Fort Wood entrance. The security fence would be designed to be compatible with the historical setting.

The overall impact of alternative 2 on visitor use and experience would be long-term and beneficial.

### ***Cumulative Impacts***

Tree replacement and paving projects are ongoing, and a permanent fence along the existing knee wall around the Monument is proposed to protect the lawn and replace the existing temporary crowd control fencing that is not compatible with the setting for the Monument. These current and future projects will enhance visitor amenities and aesthetics, restore function to visitor amenities, and generally repair features destroyed by Hurricane Sandy. Replacement of damaged or dying trees and vegetation helps maintain the original vision of the Monument rising above the tree covered island. The new Liberty Island museum would improve the visitor experience on the island and would provide long-term, beneficial impacts on visitor use and experience by introducing new exhibits, opportunities, and user comforts that would enhance the depth of the visitor experience. While construction activities associated with these projects would be noticeable and would close portions of the island to visitors, the impacts on visitors and their experience would be temporary, and at no point would the entirety of Liberty Island be closed to visitors. Long term, these projects would provide noticeable improvements to the visitor experience at Liberty Island. When combined with the beneficial impacts of the new security screening facilities under alternative 2, cumulative impacts on visitor use and experience at Liberty Island would be long term and beneficial.

### ***Conclusion***

Providing a separate locker facility with more lockers and operating a more efficient security screening facility on Liberty Island would reduce congestion, security lines and waiting times for visitors with entrance tickets into the Monument. Removal of the existing security tent from the main mall would improve aesthetics and the view of the Monument and would reduce congestion and confusion caused by visitors having to maneuver around the tent and security lines to proceed through the mall and access the internal paths. Alternative 2 would enhance the visitor experience and would contribute noticeably to the overall beneficial cumulative impacts.

## **Impacts of Alternative 3: New Secondary Security Screening Facility Construction – East and West of the Monument Entrance**

### ***Analysis***

The beneficial impacts of alternative 3 would be similar to those for alternative 2. The new security screening facilities would reduce waiting times and minimize long lines for visitors with entrance tickets into the Monument, reduce congestion within and around the new facilities and on the south end of the main mall, and improve aesthetics, pedestrian circulation, and views from the mall of the back of the Monument. The capacity of the security screening facility would be increased to three lanes in two separate building, however waiting times for visitors entering the Monument are unlikely to be noticeably different from alternative 2 because visitors have timed entry tickets. Locating separate screening buildings and lockers on both sides of the entrance plaza could increase the potential for confusion and circulation bottlenecks; However, the park's website and signage on

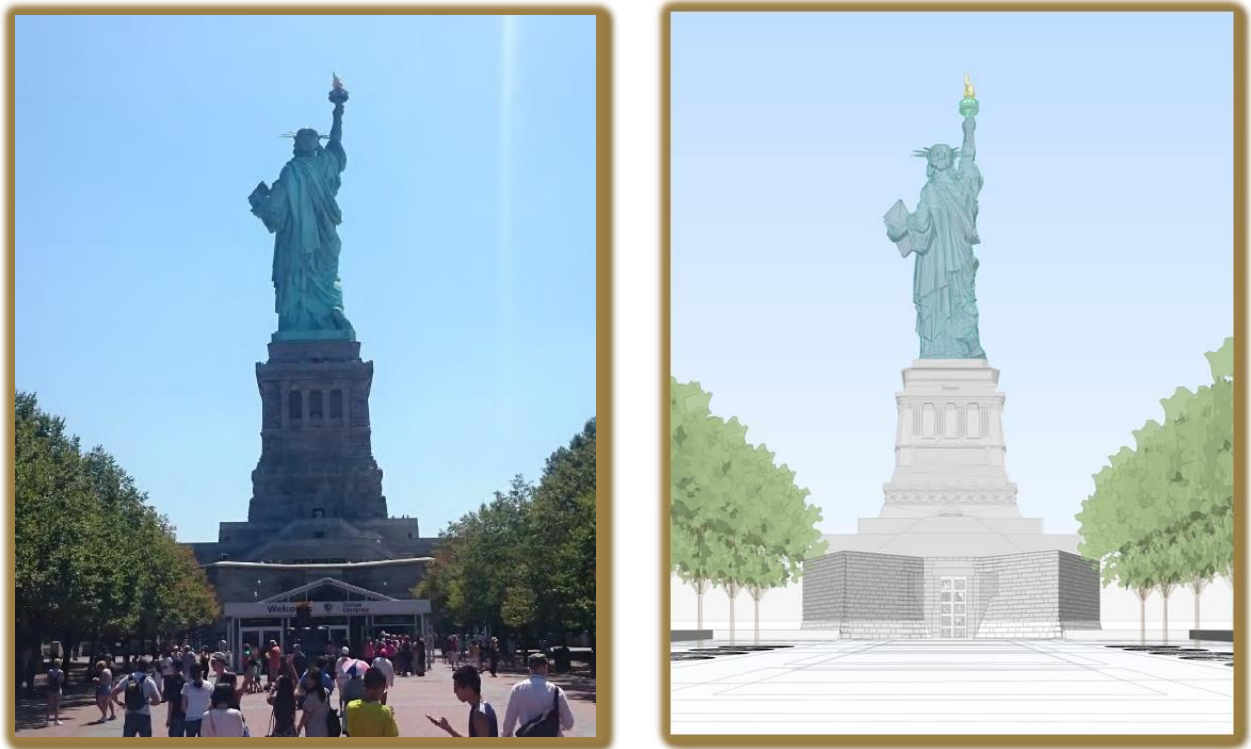
Liberty Island would provide information to adequately direct visitors. The overall impact of alternative 2 on visitor use and experience would be long-term and beneficial.

### ***Cumulative Impacts***

Past, present, and reasonably foreseeable future actions that would contribute to cumulative impacts on visitor experience and use would be the same as those described under alternative 2. Those projects, along with alternative 3 would improve the overall visitor experience resulting in a long-term, beneficial cumulative impact.

### ***Conclusion***

The long-term beneficial impacts of alternative 3 would be similar to those for alternative 2. There would be a negligible difference decrease in wait times compared with alternative 2. Although separate facilities on each side of the entrance plaza could increase the potential for confusion and circulation bottlenecks, this impact would be mitigated by providing visitors with adequate directional information. Alternative 3 would enhance the visitor experience and would contribute noticeably to the overall, beneficial cumulative impacts.



**FIGURE 3-5. ALTERNATIVE 2 AND ALTERNATIVE 3 – BEFORE AND AFTER VIEW FROM THE MAIN MALL**



## **CHAPTER 4: CONSULTATION AND COORDINATION**

This chapter provides a detailed list of the various consultations initiated and public involvement during the development of the environmental assessment.

### **LIST OF AGENCIES AND TRIBES CONSULTED**

Agency and tribal consultation began early in the environmental assessment process and is ongoing to ensure that all relevant agencies are informed of any NPS planning actions. The following agencies and tribes have been or are being consulted:

- Advisory Council on Historic Preservation
- Delaware Nation
- Delaware Tribe
- National Marine Fisheries Service
- New Jersey Department of Environmental Protection
- New Jersey Historic Preservation Office
- New York City Department of City Planning
- New York City Landmarks Preservation Commission
- New York State Department of Environmental Conservation
- New York State Department of State
- New York State Office of Parks, Recreation, and Historic Preservation
- Stockbridge-Munsee Community
- United Nations Educational, Scientific and Cultural Organization World Heritage Committee
- United States Army Corps of Engineers

### **PUBLIC INVOLVEMENT**

To inform the public of the scoping process, a presentation describing the background, purpose, and need for the new secondary screening facility and how to comment was made available on the NPS Planning, Environment, and Public Comment website. This presentation described the project and project area; provided the purpose, need, and objectives for the project; provided illustrated preliminary design concepts; and outlined the regulatory processes for the National Environmental Policy Act and Section 106 of the National Historic Preservation Act. In order to reach a broad audience, the presentation and information about public scoping were shared with the public in a variety of ways. Scoping letters were mailed or e-mailed to interested parties and agencies on October 17, 2016. A press release announcing public scoping, which received coverage from a variety of news media and advocacy organizations. Social media, including Facebook and Twitter, were also used during the scoping period to inform the public about the planning effort. Members of the public were asked to share their thoughts, concerns, and ideas for the new Liberty Island secondary security screening facility between October 17, 2016, and November 16, 2016. During the public scoping period, a total of 6 individual correspondences were received. Most commenters responded that they had no concerns or were not aware of other natural resource issues or historic properties and many

stated agreement that the proposed area of potential effect was sufficient. One member of the public suggested placing the facility west of but divorced from the entrance plaza in a mirror image of the proposed action and including rooftop interpretive gardens for school groups.

## CHAPTER 5: ACRONYMS

Code of Federal Regulations	(CFR)
Council on Environmental Quality	(CEQ)
Federal Flood Risk Management Standard	(FFRMS)
Leadership in Energy and Environmental Design	(LEED)
memorandum of agreement	(MOA)
National Environmental Policy Act	(NEPA)
National Park Service	(NPS)
national register	(National Register of Historic Places)
Park	(Statue of Liberty National Monument)



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- 2016 Recreation Visitors by Month Statue Liberty National Monument. Accessed on January 15, 2016. [https://irma.nps.gov/Stats/SSRSReports/Park Specific Reports/Recreation Visitors by Month \(1979 - Last Calendar Year\)?Park=STLI](https://irma.nps.gov/Stats/SSRSReports/Park%20Specific%20Reports/Recreation%20Visitors%20by%20Month%20(1979%20-%20Last%20Calendar%20Year)?Park=STLI).

New York State Department of Environmental Conservation (NYS DEC)

- 2005 New York State Standards and Specifications for Erosion and Sediment Control. [http://www.dec.ny.gov/docs/water\\_pdf/bluebook.pdf](http://www.dec.ny.gov/docs/water_pdf/bluebook.pdf).



## **APPENDIX A: DRAFT MEMORANDUM OF AGREEMENT**

This MOA is a draft based on the proposed action described in this EA. Should the NPS select a different alternative to implement as a result of public input, the MOA would be updated to reflect those changes.

Public comment on the stipulations of the MOA is encouraged.



**MEMORANDUM OF AGREEMENT  
AMONG THE NATIONAL PARK SERVICE, STATUE OF  
LIBERTY NATIONAL MONUMENT;  
NEW YORK STATE HISTORIC PRESERVATION OFFICER;  
NEW JERSEY STATE HISTORIC PRESERVATION  
OFFICER;  
REGARDING THE PROPOSED CONSTRUCTION OF A  
SECONDARY SCREENING FACILITY ON LIBERTY  
ISLAND IN NEW YORK**

WHEREAS the National Park Service (NPS), Statue of Liberty National Monument (Park) proposes to construct a new secondary screening facility on Liberty Island (undertaking) pursuant to the 1916 National Park Service Organic Act, the NPS Management Policies (2006), and applicable NPS Directors Orders; and

WHEREAS, the undertaking consists of the removal of a temporary screening tent, the design and construction of a four-lane screening building and 400 lockers as described as the proposed action in the *Statue of Liberty Screening Facility Environmental Assessment* (February 2017); and

WHEREAS, the Park has defined the undertaking's area of potential effect (APE) as the entire Liberty Island with a smaller direct impact area as shown on the map in appendix A; and

WHEREAS the NPS has conducted an archeological survey to determine the likelihood of there being archeological sites within the direct impact area and has determined that there are none, but that there are two archeological sites adjacent to the direct impact area including a Native American shell midden dating to A.D. 1000 and a military era midden site dating to c.1794-1811; and

WHEREAS, the Park Superintendent has determined that the undertaking may have an adverse effect on the Statue of Liberty Enlightening the World (#66000058), which is listed in the National Register of Historic Places (NRHP), and the associated cultural landscape and support buildings and structures, which are eligible for listing in the NRHP as part of a pending NRHP nomination update, and has consulted with the New York and New Jersey Historic Preservation Officers (SHPOs) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

WHEREAS, the Park has notified and invited the Delaware Nation, the Delaware Tribe of Indians, and Stockbridge-Munsee Community, for which archaeological sites in the APE have religious and cultural significance, to participate in the Section 106 consultation; the Delaware Tribe and Stockbridge-Munsee Community have participated; and the Superintendent of the Park has invited them to sign this Memorandum of Agreement (MOA) ; and the Delaware Tribe has agreed to sign whereas the Stockbridge-Munsee has decided not to participate further; and

WHEREAS, the Park has consulted with the New York City Landmarks Preservation Commission, which has designated the Statue as a New York City Landmark regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as a concurring party; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the Park has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect finding with specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS collectively, the New York SHPO, New Jersey SHPO, Delaware Tribe, and New York City Landmarks Preservation Commission will be referred to as consulting parties (The Parties) in this document; and

WHEREAS, the Park has coordinated the Section 106 review of the undertaking with the preparation of an Environmental Assessment pursuant to the National Environmental Policy Act (NEPA), and made its finding of adverse effect and proposed resolution of adverse effects available for public comment concurrently with the Environmental Assessment; and

WHEREAS, construction of the secondary screening facility will allow the removal of the temporary screening facility that has been a visual and physical intrusion on the landscape of main mall for the past 15 years; and

WHEREAS, the *Programmatic Agreement Among the National Park Service, ACHP, and National Conference of Historic Preservation Officers (NCSHPO) for Compliance with Section 106 of the NHPA* (Nationwide PA) was executed in 2008; and the 2008 Nationwide PA defines responsibilities and qualifications of NPS staff contributing to Park's compliance with Section 106 for this undertaking (CRM Team); and the operation and maintenance of the new screening facility will be subject to compliance with the 2008 Nationwide PA; and

WHEREAS, the NPS prepared and submitted to the US Committee of the International Council on Monuments and Sites (ICOMOS), pursuant to the World Heritage Convention, a Heritage Impact Analysis, which considered the substance of the Section 106 consultation regarding the undertaking in its findings that the Outstanding Universal Values (OUVs) of the Statue of Liberty World Heritage Site would be minimally impacted or improved by the undertaking; and

NOW, THEREFORE, the Park, New York SHPO and New Jersey SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

## STIPULATIONS

The Park Superintendent shall ensure that the following measures are carried out:

### I. DESIGN REVIEW

- A. The Park will ensure that “environmentally sensitive areas,” are clearly designated in the construction drawings to prevent unwanted construction activities in archaeological sites and, that construction specifications outline other protective measures, which will be monitored and enforceable by the construction manager.
- B. The Park shall provide the consulting parties with regular updates on design progress on the new facility and engage the The Parties in discussion to identify ways to minimize the adverse effect prior to producing construction drawings.
- C. The Park shall provide the New York SHPO, the New Jersey SHPO and The Parties with the 50% drawings and draft construction drawings for the new facility.
  - i. Within thirty (30) days of receipt of updates or drawing, The Parties may provide comments to the Park.

- ii. The Park will consult with The Parties to resolve any identified concerns regarding the effective avoidance and minimization of adverse effects to historic properties.
- D. Once identified concerns are resolved, the Park Superintendent may approve the construction drawings and proceed with permitting the construction of the undertaking.
- E. Should design changes become necessary during construction, the Park Superintendent may consult with the Park's CRM Team to determine if the proposed design changes are minor in nature. If the changes are considered minor in nature by the CRM Team, the Superintendent may approve such minor changes. If the CRM Team determines that the proposed design changes are neither minor nor meet the SOI's Standards, the Park shall notify and provide documentation (including drawings, renderings, or specifications, as needed) to The Parties and an assessment of whether the proposed changes alter the adverse effect finding for the undertaking.
  - i. The Park may convene a meeting(s) on site, in person, or otherwise to discuss the proposed design changes with The Parties.
  - ii. Within thirty (30) days of receipt, or other mutually agreeable timeframe, The Parties may provide comments to the Park on the proposed design changes and assessment of any change to the adverse effect finding for the undertaking.
  - iii. The Park Superintendent will consult with The Parties to resolve any identified concerns before approving the design changes.
  - iv. Should The Parties determine that additional mitigation measures are necessary to resolve increased adverse effects as a result of the design changes, the parties may amend this MOA in accordance with Stipulation VIII.

## II. MINIMIZATION & MITIGATION MEASURES

- A. The following measures have been identified as ways to minimize the effect of the new facility and will be incorporated into the design for review by The Parties:
  - i. Minimize the scale of the building as much as possible, including roof overhangs
  - ii. Camouflage lockers from Fort Wood parapet views through the use of appropriate material, colors, and vegetative screening
  - iii. Provide landscaping to minimize the visibility of the new screening facility
- B. The following measures have been identified as ways to mitigate the impacts of the project and will be carried out by NPS with review by The Parties:
  - i. Removal of the temporary screening facility on the main mall.
  - ii. Repair of the main mall pavers after the removal of the existing screening tent so that they match other recent main mall repairs
  - iii. Design and replace the security fence enclosure to blend better with Fort Wood and the setting.

## III. ARCHAEOLOGICAL MONITORING AND DOCUMENTATION

- A. The NPS will conduct archaeological monitoring for any construction activities reaching depths more than 115 cm within in areas that have not been substantially disturbed by the previous removal of tanks to prevent the disturbance of archaeological sites.
- B. Should new archaeological sites be identified or new effects to a known archaeological site occur, the Park will implement the Discovery Plan in stipulation V below.

- C. The NPS will assemble all field records, including field notes compiled by the archaeologists, site sketches, and reports and accession them into the Park's museum collection. Final reports will be added to the NPS' Technical Information Center.
- D. The NPS will provide copies of all monitoring in relation to this project to the New York SHPO, New Jersey SHPO, and New York Landmarks Preservation Commission, the Stockbridge-Munsee Community, and the Delaware Tribe within one (1) year of the completed construction of the undertaking.

#### IV. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, Park may consult with the other signatories to reconsider the terms of the MOA and to amend it in accordance with Stipulation VIII below.

#### V. POST-REVIEW DISCOVERIES

If a potential historic property is discovered or an unanticipated effect on a historic property is found during the implementation of this MOA, the Park shall implement the following Discovery Plan:

- A. The Park will provide documentation of the discovery including an account of how it happened; drawings, map, and photographs, as appropriate; and proposed avoidance, minimization, investigation, and/or recordation to the consulting parties within two (2) days of discovery.
- B. Should the discovery involve human remains or other artifacts protected by the Native American Graves Protection and Repatriation Act (NAGPRA), the Park will coordinate its responsibilities under this MOA with applicable law enforcement policies and/or NAGPRA compliance and commit to following the procedures outlined in the Delaware Tribe of Indians' and the Stockbridge-Munsee Community's Policy for Treatment and Disposition of Human Remains and Cultural Items That May be Discovered Inadvertently during Planned Activities, which have been uploaded to NPS website Planning, Environment and Public Comment, under project 64375 for staff reference.
- C. The Park may convene a meeting(s) on site, in person, or otherwise to discuss the discovery and proposed avoidance, minimization, investigation, and/or recordation with the consulting parties.
- D. Within seven (7) days of receipt, or other mutually agreeable timeframe, the consulting parties may provide comments to the Park on the proposed design changes and assessment of any change to the adverse effect finding for the undertaking.
- E. The Park Superintendent will consult with the consulting parties to resolve any identified concerns prior to approving avoidance, minimization, investigation, and/or recordation.
- F. Should the parties determine that additional mitigation measures are necessary to resolve an increased adverse effect as a result of the discovery, the parties may amend this MOA in accordance with Stipulation VIII.

#### VI. PERFORMANCE OF THE MOA

Each one (1) year following the execution of this MOA until it expires or is terminated or the project is completed (including all aspects of this MOA), the Park shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in Park's efforts to carry out the terms of this MOA.

**VII. DISPUTE RESOLUTION**

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the Park shall consult with such party to resolve the objection. If the Park determines that such objection cannot be resolved, the Park will:

- A. Forward all documentation relevant to the dispute, including the Park's proposed resolution, to the ACHP. The ACHP shall provide the Park with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Park shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The Park will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the Park may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Park shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.
- C. The Park's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

**VIII. AMENDMENTS**

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy is signed by all of the signatories is filed with the ACHP.

**IX. TERMINATION**

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VIII, above. If within thirty (30) days or another time period agreed to by all signatories an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, the Park must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The Park shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the Park, New York SHPO, New Jersey SHPO, and the ACHP and implementation of its terms evidence that the NPS has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**MEMORANDUM OF AGREEMENT  
AMONG THE NATIONAL PARK SERVICE, STATUE OF  
LIBERTY NATIONAL MONUMENT;  
NEW YORK STATE HISTORIC PRESERVATION OFFICER;  
NEW JERSEY STATE HISTORIC PRESERVATION  
OFFICER;  
REGARDING THE PROPOSED CONSTRUCTION OF A  
SECONDARY SCREENING FACILITY ON LIBERTY  
ISLAND IN NEW YORK**

SIGNATORY:  
NATIONAL PARK SERVICE

STATUE OF LIBERTY NATIONAL MONUMENT

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John Piltzecker, Superintendent

Date

**MEMORANDUM OF AGREEMENT  
AMONG THE NATIONAL PARK SERVICE, STATUE OF  
LIBERTY NATIONAL MONUMENT;  
NEW YORK STATE HISTORIC PRESERVATION OFFICER;  
NEW JERSEY STATE HISTORIC PRESERVATION  
OFFICER;  
REGARDING THE PROPOSED CONSTRUCTION OF A  
SECONDARY SCREENING FACILITY ON LIBERTY  
ISLAND IN NEW YORK**

SIGNATORY:

NEW YORK STATE HISTORIC PRESERVATION OFFICER

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Michael F. Lynch, P.E., AIA, Deputy SHPO  
New York State Historic Preservation Office

Date

**MEMORANDUM OF AGREEMENT  
AMONG THE NATIONAL PARK SERVICE, STATUE OF  
LIBERTY NATIONAL MONUMENT;  
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REGARDING THE PROPOSED CONSTRUCTION OF A  
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ISLAND IN NEW YORK**

SIGNATORY:

NEW JERSEY STATE HISTORIC PRESERVATION OFFICER

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Katherine J. Marcopul, Deputy SHPO and Administrator  
New Jersey Historic Preservation Office

Date

**MEMORANDUM OF AGREEMENT  
AMONG THE NATIONAL PARK SERVICE, STATUE OF  
LIBERTY NATIONAL MONUMENT;  
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NEW JERSEY STATE HISTORIC PRESERVATION  
OFFICER;  
REGARDING THE PROPOSED CONSTRUCTION OF A  
SECONDARY SCREENING FACILITY ON LIBERTY  
ISLAND IN NEW YORK**

SIGNATORY:  
DELAWARE TRIBE OF INDIANS

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Chester Brooks, Chief

Date

**MEMORANDUM OF AGREEMENT  
AMONG THE NATIONAL PARK SERVICE, STATUE OF  
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NEW JERSEY STATE HISTORIC PRESERVATION  
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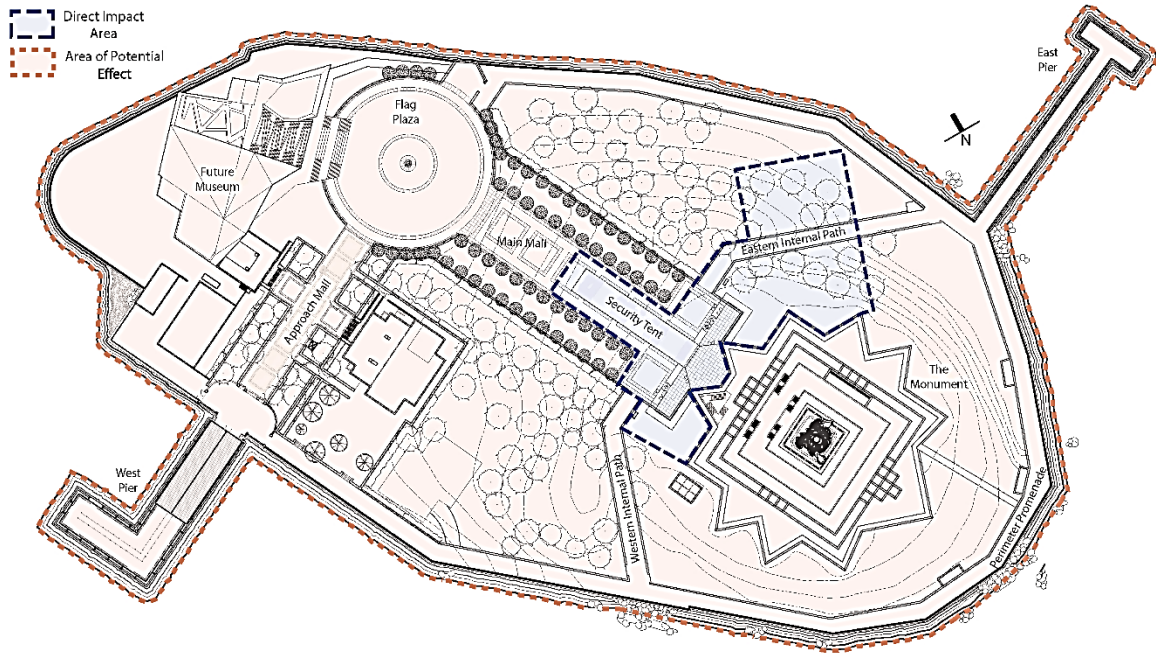
CONCURRING PARTY:  
NEW YORK CITY LANDMARKS PRESERVATION COMMISSION

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Meenakshi Srinivasan, Chair

Date

# APPENDIX A: AREA OF POTENTIAL EFFECT





As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering wise use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historic places, and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people. The department also promotes the goals of the Take Pride in America campaign by encouraging stewardship and citizen responsibility for the public lands and promoting citizen participation in their care. The department also has major responsibility for American Indian reservation communities and for people who live in island territories under US administration.

STLI 356/135181 February 2017

United States Department of the Interior – National Park Service