



NATIONAL PARK SERVICE

FINDING OF NO SIGNIFICANT IMPACT

**Lower East Side Tenement, National Historic Site
97 Orchard Street, New York City
General Management Plan/Environmental Assessment**

INTRODUCTION

In 2000, Public Law 105-378, "An Act to establish the "Lower East Side Tenement National Historic Site," (the Act) designated 97 Orchard Street in the City of New York an affiliated area of the national park system. The Act directed the Secretary of the Interior (Secretary), in consultation with the Lower East Side Tenement Museum, to develop a general management plan to define the role and responsibility of the Secretary with regard to the interpretation and the preservation of the historic site and to outline how the interpretation and programming of the site would be coordinated with the Statue of Liberty National Monument and Ellis Island, and Castle Clinton National Monument. The lower East Side Tenement Museum owns and manages the historic site

The Purpose of the Act was to ensure the preservation, maintenance and interpretation of the site and to interpret the themes of immigration, tenement life in the latter half of the 19th century and the first half of the 20th century, the housing reform movement, and tenement architecture in the United States.

A General Management Plan/Environmental Assessment (GMP/EA) was prepared to evaluate management alternatives for 97 Orchard Street. The GMP/EA was prepared in accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and its implementing regulations (40 CFR 1500-1508), and Director's Order #12, *Conservation Planning, Environmental Impact Analysis, and Decision Making*, and its accompanying Handbook, which are the NPS implementing regulations for NEPA.

While the Lower East Side Tenement Museum operates other facilities on Orchard Street, manages widespread programmatic activities, and has plans for significant expansion of facilities and programs at the national historic site and beyond its legislatively defined boundaries, the GMP/EA specifically addresses only resources directly related to 97 Orchard Street. The GMP/EA addressed the following goals and issues:

Goals

There are four goals related to the overall mission which were considered in the alternatives. The goals are as follows: **1. Resource Protection;** Significant architectural and cultural resources associated with 97 Orchard Street are protected and maintained in good condition; **2. Interpretation and Visitor Experience:** Visitors have an understanding of the human experience of those who owned, resided in, and/or worked at 97 Orchard Street and the conditions that led to the urban reform movement in New York City. Interpretation promotes understanding and tolerance for present day immigrant and migrant populations and provides a resource for research regarding the urban working class and contemporary



immigrant and migrant experiences. Visitors appreciate the site's many thematic connections to other historic sites and units of the National Park System. **3. Visitor Use and Facilities:** Visitors safely enjoy high-quality educational experiences accessible to all. The facility requirements of visitors, staff, and researchers are met or exceeded. **4. Cooperative Action:** Cooperation with public and private entities provides mutual benefits and cost effective impacts on resource protection, visitor services and interpretive programming.

Issues

1. How should the site be managed, and how can NPS best assist the Museum in protecting and managing it? How can the site's collections best be maintained? What role can the example of 97 Orchard Street play in helping to maintain the historic structures and streetscape that provide context for the site? 2. How given the limited capacity of 97 Orchard Street, can the Museum provide for the broadest scope of interpretation possible and reach larger audiences? 3. How can the Museum, given the limited space at 97 Orchard Street, best meet the needs for visitor use and services? How can the Museum, using its related plans and programs, best accommodate the need for support space including administration and operations? 4. How can the Museum maximize opportunities for partnerships with NPS and others to promote resource protection and interpretation?

SELECTED ALTERNATIVE

The GMP/EA examined two management alternatives: (A) *Continuation of Current Practices*; (B) *Expanded Partnerships with NPS and Others* (the selected alternative).

The selected alternative includes all of the actions in alternative A and also presents potential additional roles for the Secretary of the Interior and the NPS, increases partnerships between the Lower East Side Tenement Museum, NPS and others, and provides for additional Museum efforts to aggressively attract financial and technical assistance. Here is how Alternative B addresses the **Issues**:

Resource Protection

By focusing on its relationship with the Lower East Side Community Preservation project, a coalition of community leaders working to identify, restore, and interpret neighborhood sites, and the Lower East Side Business Improvement District, the Museum will increase efforts to help property owners understand the benefits of historic preservation, conduct community workshops and offer technical assistance. The Museum will also complete a cultural resources plan.

Interpretation and Visitor Experience

Increased resources and new partnerships will permit the Museum to conduct varied and more numerous programs and expand walking tours and other events to enhance public appreciation for the historic resources in the Lower East Side and the stories of immigration there. NPS assistance in the completion of a comprehensive interpretive plan will focus on interpretive techniques and media that maximizes public exposure to the site's stories and meanings.

Visitor Use and Facilities

More than 125,000 visitors from throughout the United States and beyond currently visit 97 Orchard Street in a year, and this number is projected to increase. Facility needs are for better access to the upper floors of the tenement (from an adjacent building), additional restoration and rehabilitation on the upper floor apartments for interpretation uses, and increases in both collection storage and visitor services.



Cooperative Action

Joint programs with the National Parks of New York Harbor (a collaboration among NPS units in the greater New York area) will be developed as well as efforts to collaborate on publicity and marketing activities. There will also be coordination and integration of interpretive and other educational programs with the NPS sites. The Museum will continue to collaborate extensively with the National Trust for Historic Preservation and the International Coalition of Historic Site Museums of Conscience. The Museum also works with historical societies and associations, immigrant services providers, museums, corporations, ethnic and religious organizations, universities, public and private schools systems, local community organizations, and others to further their mission. The NPS will assist the Museum to identify and secure new sources of funding from federal, state, and local agency grant programs and private philanthropic and corporate fund sources.

Based on the analysis presented in the EA, the NPS has selected Alternative B the preferred alternative, for implementation. The selected alternative is described on pages 28 and 29 of the GMP/EA.

OTHER ALTERNATIVES CONSIDERED

The other alternative that was considered was Alternative A – *Continuation of Current Practices* – the “no action” alternative. This alternative provided much of the basis for the preferred alternative, but Alternative B expanded the Museum’s partnerships to allow for greater efficiencies and, to open up opportunities for increases in resource dollars and a stronger network of support for interpretation, resource protection and visitor services.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

The NPS is required to identify the environmentally preferred alternative in its NEPA documents for public review and comment. The NPS, in accordance with the Department of the Interior policies contained in the Departmental Manual (516 DM 4.10) and the Council on Environmental Quality’s (CEQ) *NEPA’s Forty Most Asked Questions*, defines the environmentally preferred alternative (or alternatives) as the alternative that best promotes the national environmental policy expressed in NEPA (Section 101(b) (516 DM 4.10). In their *Forty Most Asked Questions*, CEQ further clarifies the identification of the environmentally preferred alternative, stating “Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources” (Q6a).

Alternative B is the environmentally preferred alternative because with additional technical support and financial resources it is most likely that the historic resources will be conserved both immediately at 97 Orchard Street and the contextual resources within the neighborhood. These are significant historical and cultural resources that are currently at risk, and under Alternative B will be better protected.

While Alternative A has similar goals as the preferred alternative, it is clear that time is often an issue when it comes to protecting these types of resources, and clearly through the expanded partnerships that are envisioned in Alternative B, these important nationally significant resources will be protected in a more timely fashion than in alternative A.

After a careful review of potential impacts to natural, historic and cultural resources, the visitor’s experience, site operations and socioeconomic resources, the preferred alternative strikes the optimum



balance between the necessities of protecting the area's resources with the need for enhancing the visitor's experience.

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

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

1) Impacts that may have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts that require analysis in an EIS.

There are no major adverse or beneficial impacts identified with the selected alternative that will require analysis in an environmental impact statement. The selected alternative will have moderate long-term beneficial impacts on historic structures and the cultural landscape.

Natural and ecological resources will not experience any adverse effects as a result of alternative B being implemented. Visitor experiences will have moderate long-term beneficial impacts in the selected alternative.

2) The degree to which public health and safety are affected.

Public health and safety could potentially be positively impacted by the selected alternative. By more quickly acquiring funds to purchase an additional building to relieve the congestion of visitors within the existing facility at 97 Orchard Street there would be positive impacts on people experiences and their health when visiting the site.

3) Any unique characteristics of the area (proximity to historic or cultural resources, wild and scenic rivers, ecologically critical areas, wetlands or floodplains, and so forth).

As described in the GMP/EA the historic structure of 97 Orchard Street will benefit through stabilization and the preserving of its historic character. In turn this will have beneficial effects on the context of the historic neighborhood that surrounds it. Topics eliminated from the GMP/EA were impacts on natural resources, threatened and endangered species and species of concern, air quality, climate change, hazardous materials, noise, sacred sites and Indian trust resources, and floodplains.

4) The degree to which impacts are likely to be highly controversial.

There were no highly controversial effects on the quality of the human environment identified during either scoping, preparation of the GMP/EA or the public review period.

5) The degree to which the potential impacts are highly uncertain or involve unique or unknown risks.

There were no highly uncertain, unique or unknown risks identified that would affect the quality of the human environment during the preparation of the GMP/EA or the public review period.

6) Whether the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.

The actions associated with the selected alternative will not establish a precedent for NPS future actions with significant effects nor represent a decision in principle about a future consideration.



7) *Whether the action is related to other actions that may have individual insignificant impacts but cumulatively significant effects. Significance cannot be avoided by terming an action temporary or breaking it down into small component parts.*

As described in the GMP/EA, there could be beneficial impacts from implementation of the preferred alternative related to visitor use and experience, historic preservation, site operations, and the socioeconomic environment. These could result in net minor to major beneficial cumulative impacts.

8) *The degree to which the action may adversely affect historic properties in or eligible for listing in the National Register of Historic Places, or other significant scientific, archeological, or cultural resources.* The site, 97 Orchard Street is a National Historic Landmark. Proposed restoration work to this property will have beneficial impacts. In addition, beneficial impacts will be realized from the assistance given to owners of adjacent buildings and storefronts to reverse the trend of threats to the historic character of the neighborhood. As stated in the GMP/EA: "...the SHPO will be consulted and a programmatic agreement will be developed that identifies the actions that will require further consultation during implementation..."

9) *The degree to which an action may adversely affect an endangered or threatened species or its habitat.* No adverse impacts on endangered or threatened species or their critical habitats were identified during the preparation of the GMP/EA, nor were any commented upon during the public review period.

10) *Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.*

Implementation of the preferred alternative is not expected to violate federal, state, or local environmental protection laws.

IMPAIRMENT

The National Park Service Organic Act of 1916, and related laws, mandate that the units of the national park system must be managed in a way that leaves them "unimpaired for the enjoyment of future generations", and Director's Order 12 states that environmental documents will evaluate and describe impacts that may constitute an impairment of park resources or values. However, the Lower East Side Tenement Museum is an affiliated area of the National Park Service, but is not a unit of the national park system. Therefore, no impairment determination is required.

PUBLIC INVOLVEMENT

A public scoping session was held at the Museum at 7:00 pm on June 14, 2000. In addition, numerous working meetings were held by Museum and NPS staff during scoping and the subsequent development of draft alternatives and assessment of impacts. Those meetings involved NPS park programming and operations staff as well as cultural resource specialists from both the local parks and NPS regional offices. An Open House was duly advertised in local newspapers and held on May 31, 2006 at the Lower East Side Tenement Museum Book Store to explain the alternatives included in the document and to solicit comments during the public review period for the GMP/EA.

The SHPO and the Advisory Council for Historic Preservation were notified of this planning process at the outset of public scoping. The U.S. Fish and Wildlife Service and the New York State Division of Fish, Wildlife and Marine Resources were contacted to determine the possibility of any impact upon threatened or endangered species. Also the New York State Office of Parks, Recreation and Historic



Preservation was contacted. NPS received a letter from the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP), dated June 28, 2006, in which it noted that the GMP/EA neglected to mention that there are two National Register historic districts in the area (Lower East Side Historic District and the Boundary increase, and Two Bridges Historic District) and that buildings in and contributing to those districts would be able to pursue Federal Rehabilitation Tax Credits. This Finding of No Significant Impact incorporates these comments as part of the GMP/EA, but this does not change the analysis of impacts or the selection of the preferred alternative. The letter also states, "Our office is impressed with your commitment to preservation and would like to be consulted as plans are developed." The GMP/EA contains provisions for continued consultation with the OPRHP in the implementation of the selected alternative.

The GMP/EA was released for a public review period from May 10 through June 20, 2006. The availability of the GMP/EA for public review was noticed in local newspapers along with the date, time and place for the open house discussed above. Copies were mailed to individuals, governments and organizations based on a mailing list maintained by the Lower East Side Tenement Museum. The GMP/EA was posted on the NPS Planning, Environment and Public Comment (PEPC) website where comments were accepted electronically. A link was provided to the PEPC website from the Lower East Side Tenement Museum website. Copies of the GMP/EA were additionally made available at the offices of the Museum to any party requesting same. All comments received at the open house and during the public comment period supported the selection of Alternative B as the preferred alternative.

FINDING OF NO SIGNIFICANT IMPACT

The NPS has selected Alternative B, *Expanded Partnerships with NPS and Others*, for implementation. The selected alternative is described on pages 28-29 of the GMP/EA. The selected alternative will not constitute an action that normally requires preparation of an environmental impact statement (EIS). The selected alternative will not have a significant effect on the human environment. Negative environmental impacts that could occur are minor or moderate in intensity. There are no significant impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the selected alternative will not violate any federal, state, or local environmental protection law.

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

Approved:

Mary A. Bomar
Regional Director, Northeast Region
National Park Service

8.22.06

Date



Bernadette Castro
Commissioner

New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

June 28, 2006

Linda McGrail
Project Manager
National Park Service
200 Chestnut Street, 3rd Floor
Philadelphia, PA 19106

Dear Ms. McGrail:

Re: Lower East Side Tenement Museum GMP
New York County
05PR05052

Thank you for requesting the comments of the State Historic Preservation Office (SHPO) for the General Management Plan (GMP) for the Lower East Side Tenement Museum. Because the project is affiliated with the National Park Service (NPS) and receives funding from NPS we have reviewed the GMP in accordance with Section 106 of the National Historic Preservation Act of 1966 and relevant implementing regulations.

Based upon our review, our National Register staff notes that the GMP did not mention the existence of two historic districts in the area. The GMP should note the National Register Listed Lower East Side Historic District and the Boundary Increase and the National Register Listed Two Bridges Historic District. Site maps for these two districts are attached for your use.

We further note that on page 13 one of the Mission goals includes the role of 97 Orchard Street in helping to maintain the historic structures and streetscapes that provide context for the site. Because there are two historic districts in the area, buildings in and contributing to these districts would be eligible to pursue Federal Rehabilitation Tax Credits. This project enables building owners to receive a 20% tax credit on certified rehabilitation expenses. Non-profit organizations that do not have a federal tax liability can syndicate (sell) these credits to a third party. We have enclosed a tax credit application and information package. Information is also available on the NPS's web site <http://www2.cr.nps.gov/tps/tax>. We hope you can use this information in your community outreach to assist in maintain the historic structures and streetscapes that provided context for the site.

It appears from the GMP that there are funds available to begin planning for a much needed structural stabilization project. Our office is impressed with your commitment to preservation and would like to be consulted as plans are developed.

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

Sincerely,

Beth A. Cumming
Historic Preservation Specialist – Technical Unit
e-mail: Beth.cumming@oprhp.state.ny.us

cc: R. Abram – Lower East Side Tenement Museum
enc: Lower East Side Historic District (Boundary Increase) map
Two Bridges Historic District map
Federal Rehabilitation Tax Credit Packet



United States Department of the Interior



FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045

March 22, 2005

Memorandum

To: Community Planner, National Park Service, Philadelphia, PA
From: Field Supervisor, Fish and Wildlife Service, Cortland, NY
Subject: Lower East Side Tenement National Historical Site, Manhattan, New York

This responds to your correspondence of March 4, 2005, requesting confirmation on the absence of endangered or threatened species in the vicinity of the Lower East Side Tenement National Historical Site in Manhattan, New York County, New York.

Except for the occasional transient individuals, no other Federally-listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. In addition, no habitat in the project impact area is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of Federally-listed and proposed endangered and threatened species in New York* is available for your information. If your project is not completed within one year from the date of this determination we recommend that you contact us to ensure that the listed species presence/absence information for your proposed project is current.

The above comments pertaining to endangered or threatened species under our jurisdiction are provided pursuant to the ESA. This response does not preclude additional U.S. Fish and Wildlife Service comments under other legislation.

If you require additional information or assistance please contact Jill Olin of our Long Island Field Office at (631) 581-2941.


David A. Stilwell

* Additional information referred to above may be found at our website at:
<http://nyfo.fws.gov/es/esdesc.htm>.

cc: NYSDEC, Long Island City, NY (Env. Permits)

**New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources**

New York Natural Heritage Program
625 Broadway, 5th floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • FAX: (518) 402-8925
Website: www.dec.state.ny.us



Erin M. Crotty
Commissioner

March 16, 2005

Linda McGrail
U.S. National Park Service
U. S. Custom House
200 Chestnut Street
Philadelphia, PA 19106

Dear Ms. McGrail:

In response to your recent request, we have reviewed the New York Natural Heritage Program databases with respect to an Environmental Assessment for the proposed Building Restoration - Lower East Side Tenement National Historic Site, site as indicated on the map you provided, located at 97 Orchard Street in Manhattan, New York.

We have no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site.

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

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

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

Sincerely,
Betty Ketcham
Betty A. Ketcham, Information Services
New York Natural Heritage Program

jkp

Enc.

cc: Reg. 2, Wildlife Mgr.