

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

**FINDING OF NO SIGNIFICANT IMPACT  
SECONDARY SCREENING FACILITY**

**Statue of Liberty National Monument  
New York**

**INTRODUCTION**

The National Park Service (NPS) proposes to construct a secondary security screening facility on Liberty Island to replace the existing security screening tent. The security screening facility will better protect the 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, 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) by adding a temporary secondary screening tent to the main mall. 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 prepared an environmental assessment (EA) that examined 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. The *Statue of Liberty Secondary Screening Facility Environmental Assessment/Memorandum of Agreement* was prepared in accordance with the National Environmental Policy Act; the regulations of the Council on Environmental Quality (40 Code of Federal Regulations [CFR] 1500–1508); and NPS Director’s Order 12: *Conservation Planning, Environmental Impact Analysis, and Decision-making* (2011) and its accompanying handbook (2015).

During preparation of the environmental assessment, the National Park Service consulted with federal, state and New York City agencies, tribes, interested and affected parties, and the general public. The NPS also used the 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 environmental assessment was made available for a 30-day review period. Three public comments were received. None of the comments were substantive; thus, no changes were made to the alternatives or impact analysis presented in the EA; nor were any changes made to the Memorandum of Agreement.

**DECISION (SELECTED ACTION)**

The NPS has selected alternative 2: New Secondary Security Screening Facility Construction—East of the Monument Entrance for implementation. The selected action will provide 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. The new building will be approximately 100 feet by 38 feet (3,800

square feet) and house two magnetometers. The finished floor level will be 15 feet above sea level. Visitors will queue for screening along the side of the building separated from the internal path.

Across the internal path, NPS will construct approximately 400 lockers and stroller parking in a paved area approximately 40 feet by 40 feet. Existing electric, water, and wastewater utilities will be extended to service the screening building. Site grading will be necessary to accommodate the structures and drainage. Concessions will no longer be linked to the screening building, but will be available in other existing locations on the island.

Finally, after construction, NPS will remove the screening tent, replace the security fence surrounding the entrance plaza with one that is more compatible with its surroundings, and repair or replace the main mall pavers beneath the screening tent.

## **MITIGATION MEASURES**

The selected action incorporates the mitigation measures and best management practices listed in attachment A of this document.

## **FINDING OF NO SIGNIFICANT IMPACT**

As described in the environmental assessment, both adverse and beneficial impacts on park resources will occur as a result of implementing the selected action. However, no significant, adverse impacts were identified that would require analysis in an environmental impact statement.

Constructing a secondary screening facility on Liberty Island will introduce a new structure into the pending Statue of Liberty National Monument – Liberty Island Historic District (hereafter referred to as the Historic District)<sup>1</sup> and have a direct, adverse impact on the landscape and character of the site, altering the setting and feeling of the overall Historic District. This impact will be substantially lessened because the new facility will be relocated to a secondary circulation route, screened by landscaping, and use appropriate design features. At the same time, removing the tent from a primary designed view, replacing the existing security fence with one more in keeping with the historic setting, and repairing the main mall paving will greatly improve the existing conditions of fundamental views within the Historic District.

Providing a separate locker facility with more lockers and operating a more efficient security screening facility on Liberty Island will 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 will improve aesthetics and the view of the Monument and will 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.

The cumulative impacts of the selected action and the construction of the new museum were examined in the EA. The selected action contributes some adverse impacts to the historic district because it is a new structure but also helps to offset some of the adverse impacts of the museum because of the improvements to the historic setting and views. The selected action also results in cumulative benefits to visitors in combination with the museum because of the greatly enhanced services and experience.

In summary, the selected action will result in adverse impacts on the Historic District and on visitor use and experience but no potential for significant adverse impacts was identified. No highly uncertain or controversial impacts, unique or unknown risks, significant adverse cumulative effects, or elements of

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<sup>1</sup> The proposed Statue of Liberty National Monument – Liberty Island Historic District is pending final approval/signature by the Keeper of the National Register.


precedence were identified. Implementation of the selected action will not violate any federal, state, or local environmental protection law.


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


#### DECISION REACHED AND RATIONALE

Alternative 2, the selected action, best meets the project objectives while minimizing new impacts and reducing existing impacts to the cultural resources within the Historic District. Although both action alternatives meet project objectives by moving the secondary screening facility out of a fundamental designed view, and reducing conflicts between visitors waiting to be screened and other pedestrians, alternative 3 would have more impacts on known archeological resources, views and grounds.

For these reasons and in consideration of the likely environmental impacts described in this Finding of No Significant Impact, I have decided to select alternative 2 for implementation.

Recommended:  6/15/17  
John Piltzecker, Superintendent  
Statue of Liberty National Monument Date

Recommended:  6.15.17  
Joshua Laird, Commissioner  
National Parks of New York Harbor Date

Approved:  6-16-2017  
Cynthia Macleod, Acting Regional Director  
Northeast Region, National Park Service Date

- Attachment A Mitigation Measures
- Attachment B Agency and Tribal Consultation
- Attachment C Non-Impairment Determination



# **ATTACHMENT A**

## **MITIGATION MEASURES**

### **MITIGATION MEASURES**

To prevent and minimize potential adverse impacts associated with the selected action, best management practices and mitigation measures will be implemented during the construction and post-construction phases of the project. Specific mitigation measures that will be applied are described below.

#### **Natural Resources**

- The removal of any trees that may provide nesting habitat for migratory birds will not occur between April 1 and July 31.
- During site preparation, existing vegetation will be removed only as required and to the limits necessary to construct the proposed project.
- Final site restoration will include the revegetation or other surface treatment of areas previously disturbed by construction activities.
- Plant materials approved by NPS staff will be used for rehabilitating and revegetating disturbed areas.
- Erosion and sediment control measures will 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 will result in a finding of *adverse effect* on historic properties under section 106 of the National Historic Preservation Act. The NPS has entered into a memorandum of agreement with the New York and New Jersey State Historic Preservation Officers, interested tribes, and other consulting parties. The memorandum of agreement outlines a process for avoiding, minimizing, or mitigating any adverse effects.
- The fence around the entrance plaza will be replaced with a fence that is more compatible with the Monument.
- The main mall pavers will be repaired after the removal of the existing screening tent.
- Landscaping will 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 will remain open to the public and access into the Monument will be maintained for the duration of construction.
- Public information will be made available on the park website and on signs in the park to inform visitors about the construction.
- Visiting hours will be considered when scheduling construction activities.



## **ATTACHMENT B AGENCY AND TRIBAL CONSULTATION**

### **SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT**

The National Park Service engaged the New York State Historic Preservation Officer, New Jersey Historic Preservation Officer, Delaware Tribe, Delaware Nation, Stockbridge-Munsee Community and the New York City Landmarks Preservation Commission early in the design process. This engagement was essential for siting the facility in its proposed location and came out of previous consultation that requested the removal of the tent from the main mall. The National Park Service asked the public to comment on the effects that the project may have on historic properties during scoping, and after determining that the project would have an *adverse effect* on Statue of Liberty National Monument – Liberty Island Historic District (hereafter referred to as the district), the National Park Service consulted with the New York and New Jersey State Historic Preservation Offices, the New York City Landmarks Preservation Commission, the Stockbridge-Munsee Tribe, and the Delaware Nation to minimize the adverse effect and develop a memorandum of agreement to mitigate the adverse effect. The National Park Service, the New York and New Jersey State Historic Preservation Offices, the Delaware Nation, the New York City Landmarks Preservation Commission, and The Statue of Liberty – Ellis Island Foundation signed this memorandum of agreement that went into effect on May 17, 2017. The memorandum of agreement can be found on the park’s website at [https://parkplanning.nps.gov/STLI\\_SecondaryScreeningMOA](https://parkplanning.nps.gov/STLI_SecondaryScreeningMOA).

### **COASTAL ZONE MANAGEMENT ACT**

Pursuant to the Coastal Zone Management Act of 1972, the National Park Service determined that the selected action will be conducted in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Department of State Coastal Management Program and the New York City Waterfront Revitalization Program. The New York State Department of State concurred with the findings in a letter dated April 27, 2017.

### **WORLD HERITAGE**

The Statue of Liberty National Monument is a World Heritage site, and in accordance with the 1972 World Heritage Convention, the National Park Service submitted an abbreviated Heritage Impact Assessment to the World Heritage Committee for review on October 20, 2016. In the assessment, the National Park Service identified the grounds of and views within Liberty Island as assets conveying the Outstanding Universal Value of the Monument that could be impacted by the project and concluded that because of the siting of the new facility and the removal of the tent and improvement of the main mall, that the impact of the new building would be slight with an overall improvement over current conditions.

On January 12, 2017, ICOMOS recommended that NPS consider the symmetry of the Beaux Arts circulation system in its deliberation. On January 19, 2017, NPS responded that a full range of alternatives was investigated. Those alternatives that would build two buildings on either side of the Monument entrance were considered and rejected because that configuration would have greater impacts on known archeological resources and the historic district views and grounds.





## **ATTACHMENT C**

### **NON-IMPAIRMENT DETERMINATION**

By enacting the National Park Service (NPS) Organic Act of 1916 (Organic Act), Congress directed the US Department of Interior and the National Park Service to manage units “to conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such a manner and by such a means as will leave them unimpaired for the enjoyment of future generations” (54 United States Code [USC] § 100101). Congress reiterated this mandate in the Redwood National Park Expansion Act of 1978 by stating that the National Park Service must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress” (54 USC 100101).

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

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

The National Park Service has discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of a park (*NPS Management Policies 2006*, section 1.4.3). However, the National Park Service cannot allow an adverse impact that would constitute impairment of the affected resources and values (section 1.4.3). An action constitutes an impairment when its impacts “harm the integrity of Park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values” (section 1.4.5). To determine impairment, the National Park Service must evaluate “the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts” (section 1.4.5).

This determination on impairment has been prepared for the selected action (alternative 2) described in this Finding of No Significant Impact. This impairment determination is made for the Historic District resource type. An impairment determination does not address visitor use and experience because impairment findings relate specifically to park resources and values, and this impact area is not generally considered to be a park resource or value according to the Organic Act and cannot be impaired in the same way that an action can impair park resources and values.

### **HISTORIC DISTRICT**

Constructing a new screening facility on Liberty Island under the selected action will have an adverse impact on the Historic District by introducing a new structure. The new facility will slightly alter the setting and feeling of the overall district, and while it is not possible to avoid an adverse impact, the National Park Service has engaged in extensive consultation with the New York and New Jersey State Historic Preservation Offices, the New York City Landmarks Preservation Commission, the Delaware Nation and Stockbridge-Munsee Tribe, and made a conscious effort to minimize the adverse impact. The adverse impacts of the screening facility will be minimized by locating it along a secondary interior path

and using compatible color, textures, and landscaping in the design. Additionally, removing the existing tent from the main mall, replacing the security fence with a more compatible fence and fixing the mall paving will greatly improve a primary viewshed within the Historic District. Construction of the screening facility will not diminish the integrity of the Historic District to the point of making it not eligible for listing on the National Register and will improve the existing conditions of important resources. Therefore, the pending Historic District will not be impaired because the adverse impacts on the Historic District will be limited in nature and will not preclude it from being eligible to be listed on the National Register.