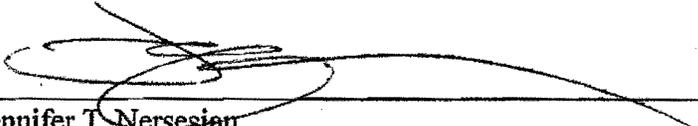

**U.S. Department of the Interior
National Park Service**

**Gateway National Recreation Area
New Jersey and New York**

General Management Plan and Environmental Impact Statement

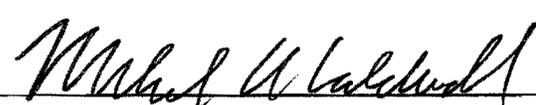
Record of Decision

Recommended:



Jennifer T. Nersesian
Superintendent, Gateway National Recreation Area

Approved:



Michael Caldwell
Regional Director, Northeast Region

6/11/14

Date

**UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE**

RECORD OF DECISION

**GENERAL MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT
Gateway National Recreation Area
New Jersey and New York**

INTRODUCTION

The Department of the Interior, National Park Service (NPS), has prepared this Record of Decision (ROD) for the Gateway National Recreation Area General Management Plan and Environmental Impact Statement (GMP/EIS). This ROD states what the decision is, identifies the other alternatives considered and the environmentally preferable alternative, discusses the basis for the decision, lists measures to minimize environmental harm, and briefly describes public and agency involvement in the decision-making process. The Non-Impairment Determination for the Selected Action, mitigation measures and the Final Section 106 Programmatic Agreement are attached to this ROD.

PURPOSE OF AND NEED FOR A NEW GMP

Gateway was established in 1972 with the dream of bringing a National Park Service (NPS) experience to the New York metropolitan area. Gateway's first GMP was finished in 1979. Thirty-five years later, the world is a different place, with constantly changing ideas and expectations for leisure services and information. New studies have led to a better understanding of the significance of Gateway's natural and cultural resources and current threats. In addition, the needs of visitors are very different today than they were a generation ago. The U.S. population is growing older and more diverse, children are spending less time outdoors, and technology is bringing rapid changes. The increasing body of scientific information regarding climate change and projections of sea level rise, coupled with recent events such as Hurricane Sandy describe a new reality and urgency to find ways to protect, improve, and sustain the park's natural and cultural resources while still providing a great place to relax and have fun. New opportunities to work cooperatively with New York City have emerged and the value of parks in urban areas to enhance quality of life is finally being recognized.

Gateway needs a new GMP now because new issues and ideas have emerged in recent years that the 1979 GMP does not address because they were not anticipated when the plan was prepared. Many of the 1979 GMP's recommendations were implemented, others are no longer appropriate because of changing conditions and circumstances, and some have not been implemented due to funding limitations. None of the recent NPS policies related to management and planning for all national park units are reflected in the 1979 GMP.

DECISION (SELECTED ACTION)

The National Park Service will implement Alternative B: Discovering Gateway, which was identified as the agency's preferred alternative in the final GMP/EIS. The complete description of the selected alternative can be found in chapter 2 of the final GMP/EIS in the following sections: *Management Concepts for Each Alternative, Management Zones, Desired Conditions Common to Both Alternatives and Alternative B: Discovering Gateway*. A summary of the key points of the selected alternative is provided below.

A New Vision for Gateway

Under the selected alternative, the NPS will provide the widest range of activities and most recreation opportunities in dispersed locations throughout the park. New connections will be forged with park lands and communities adjacent and nearby Gateway. This alternative will offer the most instructional programming and skills development and draw people into the park to increase awareness and enjoyment of Gateway's historic resources and the natural environment. More convenient and affordable park access will be developed through trail connections, bicycle infrastructure, public transit, and waterborne transportation. This alternative prioritizes joint management and operations for visitor services, orientation, programs, and facilities with New York City and other partners.

There are a number of overall desired future conditions and management approaches that will guide actions taken by NPS staff on such topics as natural and cultural resource management, park facilities, and visitor use management. In addition, there are desired conditions specific to the Jamaica Bay, Sandy Hook and Staten Island units.

Improving Visitor Experience

The selected alternative will improve the visitor experience at Gateway in several ways. There will be an emphasis on improving communication, promotion, and wayfinding in order to raise the visibility of Gateway, to recruit new audiences and to improve visitors ability to navigate to and through the park. Additionally, the selected alternative expands on existing park experiences by providing more opportunities for multi-day excursions and overnight stays within the park. The selected alternative proposes different types of camping and lodging, varied use levels, and a range of supporting facilities. In the future, Gateway will work with partners to explore and offer a variety of overnight accommodations such as camping, youth and elder hostels, eco-friendly lodges and small inns, where appropriate and feasible at each unit.

Cooperative Stewardship and Marine Resources

Two-thirds of Gateway is covered by water—more than 17,500 acres of bay and oceanic waters that are part of larger systems influenced by land uses and activities taking place outside the park. The long-term management of natural resources and ecological processes within these waters will not be sustainable without the control of contaminant inputs and other human-caused disturbances. Gateway will take the lead in calling for reductions and elimination of these sources of contamination. Primary actions should include decreasing contaminants and nutrients from wastewater treatment plant effluents, decreasing input of contaminated surface runoff from the Jamaica Bay and Raritan Bay watersheds, cessation of sewage discharge from combined

sewer outfalls, decrease air pollution to lessen contaminant deposition, and restoration of clean freshwater sources feeding into the bay.

A more natural shoreline that maximizes ecosystem functions such as habitat for wildlife, connectivity between the bay and upland habitats, and natural processes such as sediment transport and shoreline migration will be Gateway's goal. Achieving this goal will require the removal of hard structures wherever possible and restoration of natural shoreline features, including salt marsh, estuarine beach, and freshwater wetlands. In addition, alternative "soft" solutions will be identified and implemented in areas where shoreline protection is necessary. The primary focus for softening of the shoreline should occur on NPS and private property within park boundaries. Partnerships will also be advanced to soften shorelines along the primary creeks and bay shoreline that is not within park boundaries.

Gateway will adopt shared goals for marsh preservation, restoration and the elimination/management of anthropogenic causes of marsh loss, working with residents, organizations and partner agencies. The park will continue to work with academic partners on research to understand and eliminate and/or manage human-related stressors and causes of marsh loss. Gateway will develop a science-based plan to identify baseline and desired conditions to improve management of fish and shellfish resources, submerged aquatic vegetation and marine species, working closely with state, local and federal partners and the public. The plan will evaluate user capacity and identify types and levels of marine recreational uses necessary to improve the quality of park resources, reduce crowding and conflicts between uses, and provide a full range of visitor experiences.

Cultural Resource Management

Gateway has over 330 structures and associated landscapes that are contributing resources to the park's nine National Register Districts. The selected alternative describes the process created to evaluate and prioritize these resources which will inform future preservation efforts, funding, and business leasing efforts. In the selected alternative, finding viable contemporary uses for historic structures and cultural landscapes will be a priority preservation strategy for Gateway. The park will pursue public-private partnerships that assist with the preservation and reuse of these places for a wide variety of uses including visitor services, administrative and partner needs, recreational business opportunities or compatible private use.

Responding to Climate Change

The selected alternative describes the approach that the park will take to mitigate and adapt to the effects of climate change. Specific options to protect Gateway's resources include integrating long-term planning into park operations, monitoring observed and projected climate trends, conducting climate-related vulnerability assessments for fundamental resources and values, monitoring climate sensitive species, and implementing a range of adaptive management actions.

Coastal resiliency will be incorporated into any new developed areas and adaptively reused structures and facilities. While the selected alternative proposes a range of facility additions and renovations to expand recreational opportunities, proposed facility investments will be evaluated prior to project approvals to ensure the long-term sustainability of these investments. These

analyses will influence the type, design, location, and ultimate feasibility of park facilities and developments.

Park staff and partners will assist in reducing visitor greenhouse gases by providing opportunities for alternative transportation options. The park will reduce the CO₂ emissions of NPS and partner operations, increase the use of renewable energy and other sustainable practices, and reduce visitor emissions by lessening dependency on personal automobiles.

As detailed in the final GMP/EIS, Gateway will use an adaptive management framework to respond to the effects of climate change. The park will use and promote innovation, best practices, and partnerships to respond to the challenges of climate change and its effects on park resources. The park staff will interpret climate change science and develop management strategies, which may include predicting and projecting expected changes. The park staff will coordinate with other agencies in developing tools and strategies to help identify and manage climate change impacts.

Temperature and precipitation changes may require that the park manages for native biodiversity and ecosystem function instead of managing for natural communities. In most cases park managers will allow natural processes to continue unimpeded, except when public health and safety or the park's fundamental resources and values are threatened. The park staff will coordinate with neighboring communities while implementing adaptation strategies that support the protection, preservation, and restoration of coastal wetlands and coastal processes, and can serve as vital tools in buffering coastal communities from the effects of climate change and sea level rise.

Gateway will continue to collaborate with a variety of academic and scientific institutions, non-profit organizations and agencies on research and projects to find creative solutions for the long-term preservation of natural and cultural resources. NPS and its partners will use education and interpretive programs to engage visitors on the topic of climate change, provide the latest park research and monitoring data and trends, inform the public about what response is being taken at the park, and inspire visitors to aid in that response.

Jamaica Bay Unit

Under the selected alternative, Jamaica Bay will be a premier outdoor recreation destination. The park lands at Jamaica Bay will provide an unmatched variety of recreational, interpretive and educational opportunities for New York residents and park visitors. New activities, programs and enhanced facilities will attract users of all neighborhoods, backgrounds, and ages, drawing a diverse audience of local residents, national and international visitors to enjoy all of the park's offerings. Areas within the Jamaica Bay Unit including Floyd Bennett Field and the Rockaway peninsula parks (Jacob Riis Park, Fort Tilden, and Breezy Point Tip) will emerge as destinations for daily use and multiple day experiences.

In partnership with New York City and other groups, the NPS will attract neighborhood, regional and distant visitors with new and improved amenities and recreation facilities (e.g., trails, camp sites); improved community-based recreation such as sports leagues and event spaces; and greatly expanded interpretive and environmental educational programming. With development of water trails, water skills programming, equipment rentals, and the expansion of beach access, the

Jamaica Bay Unit will be established as a recreation destination for water-based activities. The existing trail system will be greatly expanded and will provide paved as well as soft-surface trail experiences. The extensive network of trails will provide connections from adjacent parks and neighborhoods by tying into the Jamaica Bay Greenway. Through improved bike infrastructure, public transportation, and park shuttles, access to and within Jamaica Bay will be made affordable and convenient to more people. The Jamaica Bay park lands and surrounding communities will also be connected via a system of land-based shuttles as well as water trails, water taxis and ferry service.

Under this alternative, the park lands will provide opportunities for youth and families to experience nature and to develop the skills and knowledge that would foster lifelong enjoyment of the outdoors. Improved and expanded facilities including trails, overlooks, viewing blinds, kayak launch sites, indoor and outdoor classrooms and campsites will provide more convenient access to natural areas and facilitate the exploration of Gateway's varied natural environments. These resource-based experiences will be complemented by opportunities to experience and learn about history and the park's significance through guided interpretive activities, interpretive media, and educational programming.

New multiple day experiences will be developed and promoted on NPS and New York City park lands throughout Jamaica Bay. A variety of camping options from special programs in unique locations to tent, structural and RV sites will enhance the national park experience. Lodging accommodations in historic buildings and associated support areas will be explored.

NPS will continue cultivating and leveraging partnerships to accomplish natural resource objectives. Improving water quality within Jamaica Bay will be prioritized along with restoring marine resources and degraded stretches of coastal habitats. Natural resource protection and restoration efforts in the Jamaica Bay Unit will focus on softening hardened coastal edges, restoring wetland and coastal habitats, and creating additional freshwater wetlands. Increased use will be balanced with additional monitoring and management of wildlife and habitats. NPS will work closely with New York City and other landowners to build the resiliency of coastal habitat and to improve conditions along the entire Rockaway coastline. Conservation measures for threatened and endangered species, such as providing symbolic fencing with posts and signs around nesting birds, establishing buffer zones, and prohibiting certain recreational activities during breeding season will continue, as needed.

Select historic structures and landscapes will be stabilized, and preserved for recreation, visitor or commercial services, education, and sustainable energy. Creative solutions will be considered to continue use and adapt to future flooding, storms and other climate change related events. Mobile technology and other innovative media will enrich communication about the park land's history and significance.

Sandy Hook Unit

Sandy Hook will remain a popular beach recreation destination where visitors find a variety of opportunities to have fun and enjoy the natural environment. New and expanded trails, boating launch sites, camping facilities and interpretive programs will facilitate the coastal experience. Connections with neighboring communities including orientation, land and water trail systems,

and linkages to related interpretive sites will provide for a richer experience at Sandy Hook. Active beach recreation, including swimming on lifeguarded beaches, will continue. The location and size of these areas could change in the future depending on changes along Sandy Hook's Atlantic coastline. Visitor services and facilities will be redesigned to be more resilient to storms and flooding.

The Kingman and Mills batteries area will be developed as a recreation activity center. Trails will extend from the batteries allowing for exploration of the bayside shoreline and inland natural environments. The batteries will also serve as a launch site for water-based exploration with equipment rentals, instructional programming and launch sites. Additional camping opportunities will be explored at several locations.

With its lighthouse, lifesaving station, fortifications, Officers Row and long coastline, Sandy Hook will emerge as Gateway's focal point for coastal defense and maritime heritage interpretation. The preservation of these iconic structures along with expanded programming, activities, and interpretive media will engage visitors in the park's history.

Protection and restoration of the beach dune community as well as forest, shrub and wetland habitats at Sandy Hook will be increased in this alternative. To reduce impacts on these sensitive and rare habitats, access will be tightly controlled and restricted in some cases. Aggressive control of invasive species, strengthening healthy communities and repairing beach erosion will be management priorities. Additionally, research and monitoring of the unit's habitats will be increased. Preservation and protection of threatened and endangered species will continue through monitoring and enforcement and will be balanced with additional recreational opportunities. The monitoring and conservation measures for threatened and endangered species will continue to be a priority.

A variety of transportation systems will be developed to increase access to the Sandy Hook peninsula. Water-based access such as seasonal water ferry/taxi connection will be explored from other communities and NPS sites as well as opportunities to provide private/transient water access and dockage. Bike access will be encouraged to/from and within Sandy Hook, with bike rental stations at parking facilities near the park entrance and within the park. With partners, Gateway will explore extending public transit service into Sandy Hook, and initiate a transit shuttle to connect the neighboring communities. Parking options will be evaluated for remote intercept parking lot(s) outside of the Sandy Hook boundary with transit shuttle and/or bicycle connections provided into the park.

Staten Island Unit

Improved trailheads and more miles of trail within and between the Staten Island sites as well as picnic areas, camping facilities, and interpreted historic sites will create more recreation opportunities. Opportunities to access and experience Gateway waters will also be increased. Water trails, interpretive boat tours, launch sites, and expanded beach and fishing access will encourage exploration of the coastline and New York Bay. These water trails and guided tours will facilitate paddling from Fort Wadsworth and down the coast to Miller Field and Great Kills Park. The NPS will evaluate the possibility of developing overnight accommodations and expanding the locations and types of camping available throughout the Staten Island Unit.

Habitats and current natural resource practices will be maintained including controlling invasive species, planting trees and monitoring beach erosion. Cultural resources will be preserved, stabilized and maintained, where appropriate.

Improved public transportation and an expanded greenway, as well as, shuttles between the sites will make access more convenient. Also, bike infrastructure will be developed throughout the unit including a bike-sharing system, maps, and convenient bike parking to encourage more bike use at the parks and provide convenient connections with other Staten Island trail systems.

Changes Between Draft and Final

As a result of public comment and consultation with the U.S. Fish and Wildlife Service during public and agency review of the draft GMP/EIS, changes were made to the NPS preferred alternative presented in the final GMP/EIS which have been incorporated into the selected alternative. The majority of these changes are revisions to management zones in various park areas in order to increase protection of sensitive resources while still allowing for the intended uses envisioned in the selected alternative. Maps for each park unit found in chapter 2 of the final GMP/EIS reflect relevant management zoning revisions as well as descriptions of the park areas from pages 77-99.

Changes to management zoning in the selected alternative are summarized below:

In the Jamaica Bay Unit:

- Plumb Beach – Recreation Zone along the shoreline changed to Natural Zone
- Bergen Beach – Recreation Zone in northern section changed to Natural Zone
- Floyd Bennett Field area – Recreation Zone around the marina was reduced and Natural Zone increased
- Jamaica Bay Wildlife Refuge – Natural Zone on Canarsie Pol and Ruffle Bar changed to Sensitive Resource Subzone; some areas of Natural Zone along the shoreline changed to Sensitive Natural Subzone; Sensitive Natural Resource Subzone changed to Natural Zone west of New York City’s Sunset Park
- Silver Gull Beach Club and Breezy Point Surf Club – changed Active Beach Subzone to Recreation Zone
- Breezy Point Tip – increased Sensitive Resource Subzone and decreased Natural Zone

In the Sandy Hook Unit:

- North Tip- Natural Zone decreased and Sensitive Resource Subzone increased over vast majority of area
- North Beach/Fort Hancock Parade Ground area – increased Historic Zone; modified Recreation Zone; decreased Active Beach Subzone
- Maritime Holly Forest - Sensitive Resource Subzone increased between Nike Missile sites
- Spermeceti Cove – Natural Zone changed to Sensitive Resource Subzone
- Beach Area B – shoreline south of area B changed from Recreation Zone to Natural Zone
- Developed Zone – increased multiple areas to reflect maintenance areas and water/sewage treatment facilities

In the Staten Island Unit:

- Hoffman Island – Natural Zone changed to Sensitive Resource Subzone

- Great Kills Park – Sensitive Resource Subzone added along northern shoreline; Recreation Zone replaced with Natural Zone along Hylan Boulevard and Ranger Station

MITIGATION MEASURES/MONITORING

During the preparation of the plan, the planning team identified measures to minimize and/or mitigate negative impacts of the desired conditions and potential actions. The mitigation measures to be implemented as part of the selected alternative are described in Attachment B. Due to the programmatic nature of the plan, additional mitigation strategies may be required as specific actions are proposed under the selected alternative and will be identified as part of planning for these future actions in compliance with the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and other applicable laws and policies prior to implementation.

Park staff will continue general monitoring of use levels and patterns throughout Gateway. In addition, park staff will monitor user capacity indicators as described in chapter 2 of the final GMP/EIS. The development of specific monitoring protocols may be developed in the future as part of a detailed monitoring plan. The rigor of monitoring the indicators (e.g., frequency of monitoring cycles, amount of geographic area monitored) may vary considerably depending on how close existing conditions are to the standards. If the existing conditions are far from exceeding the standard, the rigor of monitoring may be less than if the existing conditions are close to or trending toward the standard.

The initial application of the indicators and standards will determine whether the indicators are accurately measuring the conditions of concern and if the standards truly represent the minimally acceptable condition of the indicator. Park staff may decide to modify the indicators or standards and revise the monitoring program if better ways are found to measure changes caused by visitor use. If use levels and patterns change appreciably, the park may need to initiate additional monitoring of new indicators to ensure that desired conditions are protected.

OTHER ALTERNATIVES CONSIDERED

Alternative A: No Action

Under alternative A, continuation of current management (no-action alternative), the NPS would continue to manage Gateway's resources and visitor use as it does today, with no major change in management direction. Decisions would be based on existing conditions and available information; there would be no comprehensive planning framework to address the full range of contemporary and potential future issues. The park's enabling legislation, the management direction established in the 1979 GMP, the Foundation Document, federal laws, NPS policies, and other approved plans and projects would continue to guide management of resources, visitor use, facilities, and operations.

Under alternative A, visitor experience would remain segmented, with each of the three units independently serving local residents and visitors at specific locations. Existing interpretive, educational, and management programs providing a range of services to visitors would continue. Visitors would continue to enjoy traditional beach-oriented and other recreational activities at open areas.

Gateway would continue to provide comfort stations, lifeguards, food and beverage service, camping, and ferry operations where those services currently exist. Improvements and expansions to trail systems and camping areas would continue under existing management guidelines. Funded projects for additional planning for trails and expanded camping opportunities would continue. The visitor centers at Sandy Hook, Jamaica Bay Wildlife Refuge, and Floyd Bennett Field would continue to provide orientation, information, interpretive programs, and exhibits and serve as both destinations and points of departure for day visitors, tours, and school groups.

Natural resource management programs would continue, many in partnership with federal, state, and local agencies, academic institutions, and non-governmental organizations (NGOs). Existing programs would focus on protecting special-status species, monitoring conditions, mitigating external threats, controlling nonnative species, and restoring habitats impacted by manmade structures or human activities.

Historic structures, cultural landscapes and archeological sites would continue to be managed through maintenance and repair where feasible and when funding becomes available. Existing programs providing basic protection to the park's cultural resources would continue to operate in a manner consistent with applicable federal and state laws and NPS policies. Vegetation would continue to be removed from some coastal defense fortifications on a limited basis, while others would continue to decay by natural processes. Many vacant buildings throughout Gateway would continue to deteriorate. The Sandy Hook Lighthouse, Battery Weed, and select fundamental coastal defense and maritime structures would be preserved.

Existing operation and transportation infrastructure would be maintained at current locations. Maintenance functions, equipment, and facilities damaged as a result of Hurricane Sandy would continue to be evaluated and possible replacement and relocation explored. Gateway visitors would continue to be automobile dependent and people without cars would continue to be reliant on limited direct bus and ferry service.

Alternative C: Experiencing Preserved Places

This alternative would provide the most opportunities for independent exploration and “wild” experiences that would immerse visitors into natural areas and historic sites and landscapes. This alternative would increase the visibility, enjoyment, and protection of coastal resources and would focus resource management on beach and dune ecosystems and coastal defense landscapes. New recreational programming would emphasize low-impact activities that highlight preservation efforts as part of interpretation and education activities and would promote hands-on learning and outdoor skills. This alternative would maximize sustainable operations and concentrates activities, access, and facilities in distinct locations.

Visitors would find open, protected natural areas where one could retreat into natural environments; experience the sounds, smells, and views; and learn about healthy habitat remnants that are unique within the New York City metropolitan area. Clusters of recreation facility development throughout the park lands including trail networks, campgrounds, and observation platforms would encourage independent discovery and facilitate outdoor recreation. This alternative would focus on engaging visitors, communities, and partners in participatory

science, education, and natural resource stewardship while creating opportunities for self-guided exploration of the area's natural environmental and historic settings. The NPS and partner stewardship programming would harness volunteer energy and work toward improving water quality and habitat conditions.

Under alternative C, natural resource restoration projects would be widespread throughout the park. Ongoing restoration, research, and environmental protection projects would be broadened, expedited and strengthened by outside funding, and the involvement of additional partners and the broader scientific community. Management would focus on protecting and restoring natural conditions throughout the park and improving water quality in adjacent waters. The protection, preservation, and interpretation of the park's coastal defense fortifications, maritime resources, aviation structures, and cultural landscapes would be substantially increased.

BASIS FOR DECISION

The NPS selected alternative is the alternative that the NPS believes will best accomplish the park's purpose and significance. The NPS identified Alternative B: Discovering Gateway as its selected alternative because it best promotes a national park experience in ways that best meet the needs and expectations of a highly urbanized visitor base, provides a diversity of resource-based recreational opportunities that would not otherwise be readily available, and meets the NPS' stewardship responsibilities by balancing use with protection of the park's fundamental resources and values.

The enabling legislation and park purpose identified in the final GMP/EIS were given the highest consideration as the basis for selecting Alternative B. The selected alternative provides for the greatest diversity of outdoor recreation and access to park shorelines for water-based activities – primary reasons for which Gateway was established as the first NPS urban national recreation area. In addition, the selected alternative emphasizes new physical and programmatic connections with adjacent communities and local government park systems to further increase opportunities for park access to populations that have not been closely connected to a national park experience in the past. The selected alternative focuses on the preservation and interpretation of the key resources mentioned in the park's legislation including natural areas, coastal defense and maritime resources at Sandy Hook. The selected alternative emphasizes new partnerships with New York City and adjacent communities that will greatly enhance the park's ability to fulfill the intent of the enabling legislation and to support and enhance targeted resource protection goals.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The environmentally preferable alternative is the alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources. The environmentally preferable alternative is identified upon consideration and weighing by the Responsible Official of long-term environmental impacts against short-term impacts in evaluating what is the best protection of these resources. In some situations, such as when different alternatives impact different resources to different degrees, there may be more than one environmentally preferable alternative (43 CFR 46.30). The environmentally preferable alternative(s) must be identified in a Record of Decision; however, it

is not necessary that the environmentally preferable alternative(s) be selected in the record of decision (43 CFR 46.450).

Alternative C was identified as the environmentally preferable alternative based on the analysis of impacts, which identified it as least damaging to the biological and physical environment and best at protecting and enhancing natural and cultural resources. Specifics are outlined below.

Alternatives B and C both propose additional access and activities at many park sites, and this increase in use has the potential for damage to wildlife habitat—including that used by species of special concern—to vegetation, and to soils. However, each alternative also includes measures that would particularly enhance biological resources and that are absent from the no-action alternative. These measures include a commitment to using expanded partnerships with academics, agencies, private entities, and NGOs to jointly research the causes of loss of saltmarsh island habitat and how best to restore it and water quality in the Jamaica Bay; working with neighboring landowners to remove impediments to natural coastal sand transport processes; creating freshwater and saltwater wetlands and open water areas in conjunction with a new wetlands center; and holistically planning and implementing freshwater wetland restoration at multiple locations. Alternative B has substantially greater development of some park sites than alternative C for camping, trails, and visitor recreational facilities and amenities. Particularly at Sandy Hook, and to a lesser extent at Fort Tilden, current unique or undisturbed areas used by imperiled vegetation associations or plant or wildlife species of concern, or by many thousands of individual wildlife such as migrating birds, for example, could be affected by this development and by the presence of humans.

In addition to a smaller scope of development in alternative C, visitor use–related equipment or facilities would be sustainable and easy to remove following the summer season, restoring relatively undisturbed conditions for the remainder of the year. Alternative C also includes additional closures and protection of sensitive or unique habitat at Sandy Hook, Breezy Point, and Fort Tilden, including vegetative communities found only at these sites in the New York City or Monmouth County area, nesting by several species of shorebirds listed as federally or state endangered or threatened, vegetation associations considered globally imperiled, and important migratory bird resting and feeding habitat. Each is used by birds for feeding, resting, or nesting; alternative C would therefore do a superior job of protecting, preserving, and enhancing this biological resource.

Both action alternatives are considerably more beneficial than no action (alternative A) for historic structures, historic districts and cultural landscapes, and museum collections. Reuse would not be nearly as extensive under the no-action alternative as for either action alternative, and because reuse requires restoration of historic sites which in turn may contribute to historic districts, it has an important beneficial impact on cultural resources. Of the two action alternatives, alternative B offers the widest variety of potential adaptive reuses, particularly in the Sandy Hook Unit. Use of Fort Tilden and Fort Wadsworth in either alternative B or C would also help in stabilizing these districts. Formalizing current policies of allowing some batteries and other damaged or deteriorating structures to continue to decay by applying a Ruins Subzone would have the potential for adverse impacts in alternatives B and C. Historic resources affected are primarily associated with military history and the coastal defense of New York Harbor. Conversely, application of a Historic Zone would help in protecting and preserving cultural resources. This zone is slightly larger in alternative C than alternative B (and is not part of

alternative A). Both action alternatives are equally beneficial in finding a safe area to maintain the park's museum collections. The no-action alternative is environmentally preferable in protecting buried archeological resources, as development of trails, roads, visitor facilities, and other infrastructure is minimal. On balance, because activities in alternatives B and C are so similar, the application of a larger Historic Zone in alternative C makes it slightly environmentally preferable for cultural resources.

PUBLIC AND AGENCY INVOLVEMENT

Overview

The planning process for the GMP/EIS was conducted with extensive public and agency involvement that included multiple newsletters, workshops, meetings, briefings, a formal public comment process, and agency and tribal consultation. A brief summary of public involvement activities and agency and tribal consultation is provided below. A detailed discussion was presented in the final GMP/EIS in Chapter 5, "History of Community Participation".

A total of 715 pieces of correspondence about the draft GMP/EIS were received from individuals, organizations, and agencies. A summary of public and agency comments received with NPS responses was provided in the final GMP/EIS as Chapter 6: *Comments and Responses to Comments on Draft Plan*. Copies of agency correspondence were provided as Appendix C of the final GMP/EIS.

As a result of public comments and agency consultation, the NPS made changes to its preferred alternative, alternative B, between the draft and final GMP/EIS. The majority of these changes are revisions to management zones in various park areas. Maps provided in Chapter 2 of the final GMP/EIS for each park unit reflect relevant management zoning revisions as well as descriptions of the park areas from pages 77-99. Other changes consisted of factual corrections and clarifications to the document.

Public Scoping

The public involvement process began with a "Notice of Intent" to prepare an environmental impact statement for the general management plan; this notice was published in the Federal Register in July 2009. In July 2009, the first GMP newsletter was introduced and more than 7,000 copies sent out to the park's mailing list. Copies of the newsletters were posted on the park's website and distributed at visitor contact stations or by staff throughout the park. In addition, the newsletter was translated and printed in Mandarin Chinese, Russian and Spanish.

Gateway hosted eleven open houses at various park areas to provide people information about the GMP planning process and opportunities to participate, including an invitation to attend future public open house workshops. Members of the park's planning and civic engagement team, rangers, and other staff were on hand to share information and answer questions about the GMP process. Comments were received by mail, electronic mail and through the NPS Planning, Environment, and Public Comment (PEPC) website. Almost a thousand people participated in these combined forums, which resulted in hundreds of comment sheets and thousands of individual comments.

Preliminary Alternatives Open Houses and Review

In the fall 2010, the Gateway planning team presented three preliminary alternative concepts and requested community input. Over 7,000 copies of the second GMP newsletter were sent to the park's mailing list. The newsletter was also posted on the park's website and distributed at visitor contact stations or by staff throughout the park. The newsletter provided a summary of the three alternative concepts, as well as an update on the planning process, the foundation for planning, a summary of ideas from the 2009 scoping meetings, and the planning challenges.

In November 2010, the NPS hosted 9 public open houses at locations in the park and adjacent communities to gather public comment on a range of preliminary alternative concepts for future management of the park. An additional three meetings were held in March 2011 at New Jersey locations including Monmouth Beach and Highlands Borough to discuss the future preservation of Fort Hancock and Sandy Hook. Many of the comments received indicated that all three of the alternative concepts would indeed help Gateway carry out its purpose. In general, comments favored the concepts (or elements of the concepts) fairly equally; there was not a concept that was clearly preferred by a majority.

Draft Management Alternatives Open Houses and Review

In July 2012, NPS released the third newsletter for public comment at a press conference announcing the signing of a cooperative management agreement between New York City and Gateway. Over 3,000 copies of the third GMP newsletter were sent to the park's mailing list. The newsletter was also posted on the park's website and distributed at visitor contact stations or by staff throughout the park. NPS hosted six outdoor information sessions and public open house meetings at multiple park locations to gather comments on the four draft management alternatives. Hundreds of comments were received and showed a strong preference for Alternative C: Experiencing Preserved Places.

Draft GMP/EIS Open Houses and Review

The draft GMP/EIS was released for public review on August 2, 2013. Information about the comment period was sent out to the park's GMP mailing list and posted on the park's website and Facebook page. NPS hosted five public open house meetings to provide information and answer questions on the draft GMP/EIS, distribute copies of the document and gather public comments. In September 2013, the park held two stakeholder meetings. The review period was 90 days and ended on October 22, 2013.

The NPS also received many comments regarding park management and how it should be directed, including: prioritizing protection of resources or open space; prioritizing preservation and protection of wildlife and habitat at Sandy Hook; maintaining Jamaica Bay in an undisturbed state free from active recreation and development; applying lessons learned from Hurricane Sandy; protecting threatened or endangered species; eliminating, reducing, balancing or increasing active recreation in the park; and prioritizing and reducing protection of historic structures. Other comments received included comments on transportation issues, planning suggestions, costs, safety issues, community involvement and specific community concerns.

A majority of the comments received stated a preference for, or opposition to, one alternative or another, which the NPS acknowledged and has considered. A number of comments addressed

very specific concerns, made very specific suggestions or asked for more detail. If, in the future, implementing the selected approach for the GMP will result in site specific environmental impacts, the NPS will conduct appropriate site specific planning and compliance at that time.

Briefings to Elected Officials

Throughout this GMP process, the park superintendent and other staff have met with members of Congress and their staffs to discuss the planning process. During these visits, information about the preliminary and draft alternatives, the draft GMP/EIS, community outreach, and future park development was presented and discussed.

Section 106 Consultation

Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties listed on or eligible for listing on the National Register of Historic Places and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings. The Section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties (36 CFR Part 800).

Section 106 consultation for the GMP and the alternatives proposed, including the preferred alternative, was initiated in March 2012 with the New York and New Jersey Historic Preservation Officers (New York and New Jersey SHPOs) and the ACHP and included consultation on the GMP's broader concepts and the development of the alternatives. In late March 2012, an on-site meeting was held with the New York and New Jersey SHPOs briefing them on the scope of the draft management alternatives. The New York and New Jersey SHPOs and the ACHP were updated on the status of the GMP and its Section 106 process in early June 2013. Additionally, the NPS sent letters to the New Jersey and New York SHPOs and the ACHP in July 2013 to update them in more detail on the GMP process and provide the draft GMP for review and comment.

While the GMP was provided to the SHPOs, the ACHP and many others for review and comment, during the Draft GMP/EIS public comment period, further Section 106 consultation, including more detailed Section 106 Assessment of Effects to historic properties, continued as the GMP proceeded.

In October 2013 the NPS invited the New Jersey and New York SHPOs, the ACHP, the Delaware Nation, Delaware Tribe of Indians, and the Stockbridge-Munsee Community to participate in consultation on the development of a Section 106 Programmatic Agreement that outlines how Section 106 will conclude for the GMP and how it will proceed as the GMP is implemented. The draft Programmatic Agreement was included as Appendix C of the final GMP/EIS and was also made available for public comment in February 2014. The executed Programmatic Agreement is attached to the GMP/EIS Record of Decision, concluding the Section 106 process for the GMP.

Implementation of the actions described in the GMP's selected alternative will require further Section 106 consultation. Future Section 106 consultation for individual actions will follow the process outlined within the executed Programmatic Agreement and includes working with the New Jersey and New York SHPOs and other consulting parties, as appropriate.

Tribal Consultation

Federally-recognized Indian Tribes with possible interest in sites within Gateway were invited to consult regarding the draft GMP/EIS. While no pre-contact and historic period archeological sites with Native American components have been identified in the park, an invitation to consult was extended to the Delaware Nation, Delaware Tribe of Indians and the Stockbridge-Munsee Community in June 2013. The draft GMP/EIS was provided to these tribes in July 2013 and they were invited to participate in the development of the Section 106 Programmatic Agreement.

In October 2013, the NPS invited the Delaware Nation, Delaware Tribe of Indians and the Stockbridge-Munsee Community, along with the New Jersey and New York SHPOs and the ACHP, to participate in the development of the Section 106 Programmatic Agreement described above. Although the tribes did not choose to participate in the development of the programmatic agreement, they will continue to be included in future Section 106 consultations as the GMP is implemented.

Section 7 Consultation

Section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 USC 1531 et seq.) requires all federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) to ensure that any action authorized, funded, or carried out by the agency does not jeopardize the continued existence of listed species or critical habitat. NPS management policies also require cooperation with appropriate state conservation agencies to protect state-listed and candidate species of special concern within park boundaries.

The park corresponded with the Long Island Field Office (LIFO) and the New Jersey Field Office (NJFO) of the U.S. Fish and Wildlife Service to inform them of the GMP process and verify the federally-listed species. During previous joint LIFO/NJFO coordination, review of similar compliance documents was conducted jointly, with consolidated comments and advice to NPS on Section 7 consultation requirements handled by one of the field offices.

The draft GMP/EIS was sent to the LIFO and NJFO for review and comment in August 2013. The park received comment letters on the draft GMP/EIS from the NJFO on November 1 and from the LIFO on December 13. Both letters expressed concerns about proposed activities in the preferred alternative that may affect federally listed species. Between November 2013 and February 2014, NPS and USFWS staff held multiple meetings and conference calls to clarify comments, discuss concerns, and propose revisions to text and management zoning maps in the final GMP/EIS. In March 2014, NPS provided an effects analysis to USFWS pursuant to Section 7 of the Endangered Species Act (ESA).

The NPS and USFWS initially agreed that review of the GMP for effects to federally listed species would be conducted through informal consultation under Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) Section 7(a)

(2) of the ESA requires consultation on all Federal agency actions may affect listed species. However, upon completing USFWS review of the draft GMP/EIS and the NPS's effects analysis, USFWS concluded that review under Section 7(a)(1) of the ESA was more appropriate. USFWS policy allows for the use of a 7(a)(1) programmatic review when there is insufficient project-specific information on an agency program or management plan to support a proper effects analysis. Based on their review of the revised GMP and the effects analysis, the USFWS concluded that the NPS's proposed adoption of the new GMP falls into this category (i.e., of insufficient information) and, therefore, was more appropriately addressed by a Section 7(a)(1) programmatic review which outlines a "blueprint for conservation activities" during implementation of the GMP.

On March 10, the USFWS sent a letter to NPS concluding the Section 7 (a)(1) review of the GMP and providing the conservation framework for subsequent, project-specific 7(a)(2) consultation that will be conducted on all GMP implementation activities proposed at Gateway. A copy of the consultation letters is provided in Appendix C on pages 627-664.

In order for the GMP to be adaptive to changing conditions, the NPS will regularly review the status of threatened and endangered species and revise conservation measures as needed. Any plans or actions that include changes to the types, levels or locations of visitor use that may cause (or contribute to cumulative) impacts to Threatened and Endangered Species will be subject to consultation with USFWS. Future implementation projects resulting in site specific plans, such as expanded camping and transportation infrastructure, will include conservation measures for threatened and endangered species, following appropriate review and consultation with USFWS. Conservation measures will include, but not be limited to, those identified in this plan (e.g., see Common to Both Action Alternatives, page 62, camping, page 70 and references to Shoreside Plan throughout). Future implementation of the GMP involving change in management practices or policies will also undergo review and consultation to avoid and minimize adverse effects to threatened and endangered species.

CONCLUSION

The above factors and considerations warrant implementing Alternative B: Discovering Gateway as described and analyzed in the final GMP/EIS for Gateway National Recreation Area and this Record of Decision. All practical means to avoid and minimize environmental harm from implementation of the selected alternative have been incorporated, as described in the final GMP/EIS and this Record of Decision. The alternative selected for implementation will not impair park resources or values and will allow the NPS to preserve park resources and provide for their enjoyment by future generations.

ATTACHMENT A
NON- IMPAIRMENT DETERMINATION FOR THE SELECTED ALTERNATIVE
Gateway National Recreation Area General Management Plan/EIS

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

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

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

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

This determination on impairment has been prepared for the selected alternative described in the Final General Management Plan/EIS and in this ROD. An impairment determination is made for all resource impact topics analyzed for the selected alternative. An impairment determination is not made for visitor experience, socioeconomics, public health and safety and park operations because impairment findings relate back to park resources and values, and these impact areas are not generally considered to be park resources or values, and cannot be impaired in the same way.

Soils and Geology

Soils are important to all ecosystems and coastal processes and are an essential piece of beach, dune, and maritime influenced shrublands and forests. Soils at Gateway have been impacted from the extensive use of artificial fill material to fill in marshes for development; contamination of some of these artificial soils and of benthic soils such as those in Jamaica Bay from pollutants and waste streams; reduced infiltration related to hardened trails, roads, parking lots, and facilities; and the interruption of natural offshore sediment transport processes that supply sand for park beaches.

The selected alternative will increase more permanent visitor and recreation facilities and therefore more likely to add adverse impacts by further reducing infiltration from hardened surfaces or loss of soils through excavating, grading and/or erosion. These impacts are small in scale and not considered significant, at least in part because soil itself is not named as a fundamental or unique resource at the park. Because soils are fills, fly ash and rubble at Floyd Bennett Field, the area where the most extensive development is planned, excavating, filling or paving over them would result in no adverse impacts to natural soils. No impact on geology from the selected alternative is expected. Therefore, neither geology nor soils will be impaired because the impacts to soils are small and localized and the proposed visitor and recreation facilities are targeted for areas already developed and with limited natural soils.

Restoring dunes at park sites and particularly any successful effort to remove groins, jetties, or other structures that inhibit natural sand transport and deposition, would have area-wide beneficial impacts in the selected alternative. If successful, this action has the potential for significant and widespread beneficial impacts to beach and dune systems, which are named as fundamental to the park purpose and significance, as well as intertidal areas, mudflats and even more inland soils.

Air Quality

The park is located in an air basin shared with a highly urbanized area. Of the pollutants regulated by the Clean Air Act, the basin is out of compliance for ozone and small particulates. The NPS also measures and assesses ozone, as well as acid deposition and visibility at parks, and has determined that air quality for these three factors at Gateway is not meeting recommended desired conditions. While park-related emissions come from both day-to-day operations and from mobile sources such as cars driven by visitors, the contributions are imperceptible compared to emissions from all mobile and stationary sources affecting the air basin. Construction related to adding visitor amenities or restoring structures could result in some short-term increases in emissions from heavy equipment with temporary adverse impacts to air quality in the selected alternative; however, these impacts are not significant and the overall effect would be imperceptible. Therefore, these impacts would not result in impairment. Further, the selected alternative would seek to reduce greenhouse gas emissions by increasing alternative and public transportation options both to access the park and move between park sites as well as by adopting measures such as purchase of renewable energy for day-to-day operations.

Water Resources

Groundwater and surface water in or feeding the park has been diverted and used for drinking water, commercial and industrial operations. Most freshwater sources in the watersheds surrounding the park have been filled, diverted into the storm sewer system, or altered by

channelization. Hydrology in the surrounding marine or estuarine environments including Raritan Bay and Jamaica Bay has been altered by deep dredging and other engineering modifications. Water quality in Raritan and Sandy Hook bays is better than in Jamaica Bay because these areas receive freshwater from the Hudson and Raritan Rivers. Freshwater input to Jamaica Bay is nearly completely composed of effluent from wastewater treatment plants and the combined stormwater/sewer overflow.

The selected alternative would result in some adverse impacts on water resources from the development of additional visitor facilities and amenities; increased visitor use, including camping and a wider network of trails; and construction activities needed to create wetlands at Floyd Bennett Field. However, water resources would not be impaired because any adverse impacts from the selected alternative would be localized, limited in extent, and minimized through site planning and design and the implementation of erosion control measures, and would not substantially change the existing conditions with regard to water resources within the park. Further, the selected alternative contains measures to help improve the conditions with regard to water resources both inside and outside Gateway.

Gateway would work with partners to support a cooperative stewardship approach to promote holistic management of federal, state, and city wetland and water resources, protection of natural habitats and wetlands, and shoreline protection and erosion control projects that would provide widespread beneficial impacts to water resources. Such benefits would include increased water quality and clarity, improved coastal resiliency, and more natural sediment transport dynamics. Collaborative efforts to improve water quality, restore saltmarshes, control runoff, and mitigate coastal erosion would contribute scientific understanding to inform effective public policy and natural resource management practices, adding an appreciable beneficial increment to the cumulative adverse impacts.

Wetlands and Floodplains

Wetlands and floodplains are both located in low-lying areas of Gateway. Floodplains at the park are primarily coastal habitats. Saltmarsh, estuarine and freshwater wetlands at Gateway provide habitat, open spaces for recreation and opportunities for science education, contribute to outstanding natural beauty and scenic views, and perform a variety of ecosystem services, such as storing floodwaters. Although the area in which the park is located was once much more abundantly covered in wetlands, many have been filled and developed, their water supplies channelized, infested by non-native invasive species or polluted. At least 95 percent of freshwater wetlands have been lost and protection of wetland resources at Gateway is a top priority for federal, state, and local stakeholders.

The selected alternative proposes to continue and improve visitor activities and facilities in coastal areas such as Atlantic Ocean beaches and the shorelines of Jamaica and Lower New York bays. Improvements to these park sites where wetlands exist now may bring trampling of vegetation by increased visitors, an adverse impact. Protective zoning is identified over most wetland areas and floodplains, except for the most intensive beach-related activities and facilities which occur in the same areas as they do today. The selected alternative also includes plans to restore or rehabilitate some buildings and infrastructure as well as adding new facilities or amenities in the coastal zone. To the extent these efforts maintain fundamental or otherwise important park assets in an area where they are subject to repeated damage and loss from coastal

flooding, there will be adverse impacts are on floodplains. However, since most wetlands and floodplains will remain intact and protected either through zoning that restricts access or through careful design and planning of facilities that minimize and/or mitigate adverse impacts, the selected alternative will not impair wetlands or floodplains.

The park and other agencies work together to restore saltmarsh habitat in Jamaica Bay and this effort has and would continue to have significant benefits for wetlands under the selected alternative. Increasing this collaborative effort to include additional agency, non-governmental organizations, academia, and private partners and expanding its scope to include combined research on restoration and joint stewardship of Jamaica Bay marshes and water quality would result in significant additional benefits for wetlands at the park. new wetland habitats could be created, this action would help reverse erosion of shorelines at several park sites. Each of these actions would be highly beneficial for wetlands and could provide significant positive impacts.

The selected alternative includes building partnerships to manage area wetlands holistically that could result in significant widespread benefits for wetlands in the selected alternative, in part because wetlands are rare and important in the functioning of entire ecosystems like Jamaica Bay, but also because of a holistic management approach. Zoning areas with wetlands to allow managers to allocate funds and staff to protect or restore them, creating educational and stewardship opportunities at a new wetlands center, and creating both saltmarsh and freshwater wetlands at Floyd Bennett Field could each have substantial and potentially significant localized beneficial impacts on wetlands at the park. Protecting fringe wetlands or removing invasive vegetation from marshes at several smaller park sites could have localized substantial benefits. Dune protection, beach erosion control, and efforts to create a positive sediment budget at several coastal park sites, particularly to restore natural sand transport processes and build protective foredunes, could have substantial beneficial localized impacts by lowering the risk of damage from coastal flooding. If successful, this could restore beaches and dunes, which could in turn stabilize over time as they become vegetated with native species. This could be a significant benefit in reducing the impact of strong coastal flooding.

Marine Resources

Oceans, brackish bays, as well as intertidal beaches and foredunes comprise marine resources at Gateway. Soils, vegetation, water and wildlife are individual components of these marine resources and were analyzed separately in the final GMP/EIS. The final GMP/EIS assessed impacts on these systems as a whole.

Increased visitor use, improvement of existing facilities for water-based recreation, and the development of new small-scale recreation amenities at some park sites in the selected alternative would have adverse localized impacts to components of these marine systems, particularly from increased visitor use. Monitoring and managing visitor use to avoid rare or integral components of the beach and dune communities would mitigate these impacts. These actions would not affect entire marine systems. Therefore, because the adverse impacts are localized, and not significant to marine systems, these resources would not be impaired.

Substantial localized benefits to mudflat or other intertidal marine systems would come from the increased coordination and application of research to Jamaica Bay and to beach and foredune

communities along the Rockaway Peninsula from efforts to holistically manage coastal resources to improve resiliency. Planning to improve water quality or habitat conditions to restore marine vegetation or wildlife, or to allow shellfishing may rely on some of this coordinated research, and could provide additional benefits for marine resources.

Vegetation

Much of the vegetation at the park is human altered in some way; of the 465 identified plant species, 33 to 50 percent are nonnative. Many of the park's upland forest and grassland sites are artificial, and are the result of filling former freshwater wetlands, saltmarsh, and intertidal mudflats. Floyd Bennett Field and Great Kills Park are examples of park sites underlain by mostly or nearly all fill materials. Gateway is home to nine vegetation associations considered rare in New York and/or New Jersey as well as four considered globally rare (American holly forest is all three). It also contains important bird habitat for over 300 species, including more than 60 breeding birds, and 35 different vegetation associations. Recognizing the importance of these vegetative associations, these resources are identified primarily in the Natural Zone and Sensitive Resources Subzone in the selected alternative which restricts visitor activities and access and promotes the highest levels of stewardship and restoration.

The selected alternative proposes improving or developing recreation amenities and/or accompanying increases in visitor use at most sites in the park while protecting sensitive resources in the most critical areas through protective zoning. The areas for recreation improvements or developments are in places already designated for intense visitor use and have already been impacted from roads, hardened surfaces, sports fields and landscape modifications. The siting of trails, primitive camping and wildlife observation amenities in natural areas are designed to facilitate enjoyment of the environment while controlling visitor use and impacts, especially at Fort Tilden and Sandy Hook. Additional use or improvements at these sites, such as camping areas or installation of bird blinds or observation areas could lead to trampling or removal of some vegetation. Impacts from the loss of native vegetation through development of visitor-related amenities or use could be substantial and adverse, although they would also be localized and small in scale. While there may be adverse impacts, these impacts would not result in impairment because the duration of these impacts would be short and the majority of native vegetation in the park would be protected through restricted access and by directing visitor use to areas that do not threaten the most sensitive vegetation.

The selected alternative also contains actions to improve existing conditions with regard to vegetation. The NPS will work with adjacent landowners to remove impediments to natural sediment transport processes at several park sites, an action that could dramatically improve beach and dune habitat for vegetation associations requiring this habitat. Controlling beach erosion at multiple sites would have potential localized beneficial impacts, as could better delineation of paths through upland vegetation to the beach. Restoring and/or building wetlands at Floyd Bennett Field could have significant beneficial impacts on vegetation, as could potentially recreating natural freshwater wetlands in the West Pond area at Jamaica Bay Wildlife Refuge, because freshwater wetlands are so rare. Increasing partnering for research and applying findings to jointly restore marsh islands could have widespread and substantial benefits for saltmarsh. Careful site analysis and planning, as well as further compliance and consultation, would be undertaken to avoid impacts on rare vegetation.

Wildlife

Gateway has more than 300 bird species, 100 fish species, 30 mammal species, 25 reptile and amphibian species, and over 500 invertebrates, including aquatic macro invertebrates, butterflies, moths, dragonflies, beetles, and other insects. The grasslands at Floyd Bennett Field and Fort Tilden are particularly beneficial for wildlife, including ground nesting birds and migrating raptors.

The selected alternative proposes increases in visitor-related facilities for activities such as camping and outdoor education, and will include the reuse of existing buildings. These changes would both directly impact wildlife species by removing habitat and indirectly affect them by increasing noise and human activity and would have the potential for adverse localized impacts on wildlife. While there may be adverse impacts, these impacts would not result in impairment because the duration of these impacts would be short and the majority of wildlife in the park would be protected through restricted access and by directing visitor use to areas that do not threaten the most sensitive habitat. Measures such as buffers and closures during nesting would substantially mitigate these impacts.

Closures and restrictions on access where sensitive species nest and maintenance of large habitats would provide substantial benefits for many species of wildlife, particularly those that nest on saltmarsh and wooded islands in Jamaica Bay (closed to the public), listed shorebirds, and associated beach wildlife and grassland nesting birds. Because freshwater wetlands were once an integral part of the ecosystem in the region but are now quite rare, holistic planning to create freshwater wetlands at several park sites, including West Pond, as well as the creation of built freshwater wetlands at Floyd Bennett Field as part of the wetlands center in the selected alternative could result in significant localized benefits for freshwater-dependent wildlife species. Additional localized benefits from continuing to manage existing natural areas at Great Kills Park, northern Sandy Hook, and Breezy Point Tip and from the possible restoration of natural sand transport processes at Rockaway Peninsula and Staten Island park sites are also anticipated in the select alternative.

Species of Special Concern

Gateway provides habitat for plants and animals that are listed under the federal Endangered Species Act as well as by statutes in both New York and New Jersey. Maintaining the integrity of local populations of state and federally-listed species and their habitat, is important because listed species are rare, have specialized habitat requirements, and because the park serves as a refuge from surrounding habitat loss and alteration due to development pressure in the region.

Adverse effects would come from continued visitor use, which is unrestricted in some areas where listed species habitat exist, and from increases in trails or other small-scale visitor amenities. In the selected alternative, visitor use could result in trampling of plants or harassment, energy losses, and reduced nesting success in shorebirds where visitors do not follow restrictions or are allowed in park sites where nesting could take place. Substantial facility development and increased visitor use under the selected alternative would have the potential for adverse localized impacts on listed species.

Access to shoreline for enjoyment and water-based recreation is a fundamental value and one of primary reasons for establishing the urban national recreation area. The selected alternative restricts access to sensitive habitat in natural areas through protective zoning. For shoreline and beach areas, the park will continue already established conservation measures that limit visitor use and access during the most critical nesting season from March 15 – September 1. Known nesting areas or other habitats used by listed species or species of management concern will be protected through closures, fences, buffers, and other means. Beneficial impacts to listed species or species of management concern from actions in the selected alternative would come from restoring natural sand transport processes, creating wetland or open water habitat, working with partners to research and apply results to create saltmarsh habitat and restore water quality, mowing to maintain an existing large grassland, and continuing restrictions and protection of listed species through fencing, buffers, and closures. Restoring habitat and protecting listed species from disturbance or direct loss would have significant benefits. If additional recreational opportunities are proposed, these measures would be enhanced with additional mitigation or monitoring to continue to protect these species. With implementation of the conservation measures described above plus any additional mitigation measures, the selected alternative will not impair special-status species or their habitat.

Cultural Resources – Historic Districts and Structures

Nine historic districts have been recorded inside the park boundaries and historic structures included in these districts include buildings, forts and other manufactured objects that extend the limits of human capability. Park resources are associated primarily with military history and the coastal defense of New York Harbor. Many of these structures were inherited in poor condition.

Permanent adverse impacts resulting from the designation of fundamental and other cultural resources as part of a Ruins Subzone (unmanaged, expected to deteriorate) or ruins band are also expected for historic districts and structures under the selected alternative. In the latter situation, portions of historic districts would be unmanaged and resources (historic structures) allowed to decay naturally. The loss of fundamental resources under the selected alternative would have the potential to affect the National Register listing (contributing properties, integrity, etc.) of historic districts of the park.

In addition, the selected alternative would offer a variety of beneficial impacts on historic districts and historic structures resulting primarily from the maintenance, stabilization, and preservation of historic districts' resources, the adaptive reuse of historic structures, and the preservation of cultural landscapes. The selected alternative would offer the widest variety of potential adaptive reuses of historic park structures and landscapes. Long-term, direct benefits are related to preservation, research, and interpretation of fundamental coastal defense and maritime resources proposed by the Fort Hancock 21st Century Advisory Committee, the removal of invasive vegetation threatening coastal batteries and other fundamental cultural resources, the stabilization of certain fundamental resources, the rehabilitation and reuse of historic structures (e.g., Fort Tilden, Floyd Bennett Field), the protection afforded by the designation of fundamental and other cultural resources as part of a Historic Zone, and the protection of select historic structures from threats of future storm surges and flooding.

While the selected alternative established a “ruins” concept that has been determined to have an adverse effect on historic properties, the effects of the selected alternative on historic properties

cannot be fully evaluated at this time and will require further evaluation and consultation as the GMP is implemented. The Programmatic Agreement (PA), included as an attachment to this ROD, will guide the Section 106 process as the selected alternative is implemented and as the decisions regarding management of historic properties designated as ruins are made. Upon approval of the selected alternative in this Record of Decision, the park will initiate consultations with the NY and NJ SHPOs, and interested federally-recognized tribes to complete the Section 106 process for implementation of the ruins concept. This process will formalize and document the decisions made regarding the treatment of specific historic properties designated as ruins. Treatments resulting in further damage or loss of historic properties, such as natural decay and demolition, will be mitigated by such efforts that might include documentation, interpretation or other measures to be determined during the consultation process. Although impacts may be significant to historic resources in the park, the selected alternative will not result in impairment of historic districts and structures because this is only a small percentage of the historic resources throughout the park, many of these resources are already deteriorated beyond reasonable repair or would require substantial alteration affecting integrity, and those effects will be mitigated by implementing the PA and mitigation measures.

Cultural Resources – Archeological Resources

Historical archeological sites recorded in the park include remnants of structures related to residential housing, military activities (forts, etc.), homesteads, and commercial activities; middens/refuse deposits; and transportation rights-of-way.

The selected alternative will result in some adverse impacts on archeological resources through ground disturbance related to facility development and removal of impervious surfaces. Beneficial impacts from visitor restrictions included in the selected alternative, coupled with mitigation measures currently in place for adverse activities, would help promote the park's ability to expand its knowledge of the archeological record for the area. Implementation of mitigation measures will effectively minimize adverse effects of the selected alternative on archeological resources. Thus, the selected alternative will not impair archeological resources because known archeological sites will be avoided for the most part and unavoidable adverse effects will be mitigated by data recovery to collect and preserve the important information associated with these sites.

Cultural Resources – Museum Collections

Gateway manages a variety of museum objects and archival materials that have been collected in the park, as well as some acquired through donations, purchases, and transfers. Museum holdings include significant cultural collections associated with local military, aviation, and maritime history; pre-contact artifacts dating back to the Woodland period; archive and manuscript collections (NPS management records, rare books); and natural history collections. The museum collection for the park is housed at Fort Wadsworth. The collection at the Sandy Hook Unit was judged to be at risk from future flooding and is the process of being moved to Fort Wadsworth; crowding has exacerbated an already substandard situation at Fort Wadsworth as a result.

The selected alternative anticipates finding a suitable and sufficient archival facility that meets standards and guidelines for housing the entire Gateway museum collection. This would further the goal of preservation, restoration, and interpretation of important park resources, as defined

under Gateway's enabling legislation. At the same time, it would achieve the goal of identifying and providing adequate and appropriate collection storage areas for the park's collections. For these reasons, the selected alternative will not result in impairment of museum collections.

ATTACHMENT B
MITIGATION MEASURES
Gateway National Recreation Area General Management Plan/EIS

Natural Resources

Air Quality

- If an anaerobic digester is built, consider housing it or otherwise filtering stack emissions to reduce methane.

Vegetation

- Site-specific information on vegetation associations should be collected at Fort Tilden and Sandy Hook and used in siting camping and other recreation facilities.
- Rare or imperiled vegetation associations should be fenced or otherwise protected from visitor use at Fort Tilden and Sandy Hook.

Wildlife

- Identify and consider imposing a buffer of approx. 300 feet around Hoffman Island and saltmarsh islands in Jamaica Bay to protect nesting wading birds, including herons, from visitors in boats.
- Consider limiting visitor access at Plumb Beach during new moon and full moon high tides during May and June to protect horseshoe crab spawning.

Species of Special Concern

- Identify and consider imposing a buffer around osprey nests that would be in force during the April through August nesting season to ensure continued nesting success despite more intense or concentrated visitor use.
- Continue to close Breezy Point Tip, Sandy Hook north area, and portions of Sandy Hook beaches to visitor access to protect piping plover nesting mid-March through September.
- Consider working with USACE to realign the navigation channel into Great Kills Harbor to prevent the loss of horseshoe crab habitat from dredging to maintain the channel.
- Future implementation projects resulting in site specific plans, such as expanded camping and transportation infrastructure, would adhere to conservation measures for threatened and endangered species. Camp sites would be appropriately sited to avoid impacts to threatened and endangered species. Access and trails to/from camp site areas would be defined, controlled, and signed, to limit disturbance to threatened and endangered species and other resources.
- Continue to collect baseline data regarding disturbance to threatened and endangered species, such as data on disturbance levels from authorized activities, unauthorized intrusions, visitation levels, staffing levels.
- Continue with monitoring and conservation measures for threatened and endangered species, such as providing symbolic fencing with posts and signs around nesting birds, predator removal, closures, buffer zones, prohibition of certain recreational activities during breeding season (kite flying, kite surfing, fireworks) and visitor education.

- Continue to review the effectiveness of conservation measures for threatened and endangered species and adapt and revise the conservations measure as conditions change.
- Continue to consult with USFWS on conservation measures for threatened and endangered species for site specific planning efforts and natural resource management plans.
- Continue to work with USFWS to update resource management plans for threatened and endangered species (such as the Shoreside Plan) as needed to reflect changing conditions.

Cultural Resources

- Continue to complete research, risk assessments and inventories for park historic resources including archeological resources, historic structures, cultural landscapes, ethnographic resources, and museum collections to better understand and manage the resources. Continue to complete necessary National Register evaluations and documentation. Incorporate the results of these efforts into the park’s resource stewardship strategy and site-specific planning and compliance documents. Continue to manage cultural resources following federal regulations and NPS guidelines and policy, such as Director’s Order 24: *NPS Museum Collections Management*, Director’s Order 28: *Cultural Resource Management*, and NPS 28A: *Cultural Resource Management Guideline* (NPS 2008, 1998a, 1998c), and the Secretary of the Interior’s *Standards for the Treatment of Historic Properties* (NPS 1992).
- Where demolition or neglect of a historic property is proposed, the final treatment of any effected resource will be determined through consultation as outlined in the Section 106 Programmatic Agreement. Adverse effects will be mitigated through a variety of measures that might include (but not be limited to) graphic and photographic documentation, Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscape Survey (HABS/HAER/HALS) documentation, and/or the Secretary’s Standards and Guidelines for Historical and Archaeological Documentation. The level of this documentation, which includes photography, archeological data recovery, and/or a narrative history, would depend on significance (national, state, or local) and individual attributes (an individually significant structure, individual elements of a cultural landscape, etc.) and be determined through the Section 106 process. When demolition of a historic structure is proposed, , architectural elements and objects may be salvaged for reuse in rehabilitating similar structures or they may be added to the park’s museum collection. Documentation of demolished resources may also be incorporated into interpretive displays.
- Through the park’s interpretive programs, visitors will be encouraged to respect the park’s coastal defense and maritime resources and to leave undisturbed any closed and/or inadvertently encountered historic and/or cultural resources.
- In the event of new cultural resource discoveries made during the implementation of the GMP, the park will initiate consultation with the appropriate SHPO in compliance with Section 106 of the National Historic Preservation Act.
- Should human remains or funerary or sacred objects be encountered, work will immediately cease and the park staff will notify and consult with appropriate American Indian Tribes as required under the Native American Graves Protection and Repatriation Act of 1990 (NPS 2003c, 51–52).
- Unless otherwise stated, the Secretary of the Interior’s Standards (NPS 1992) will guide work affecting any historic properties.
- Where they exist (also see the “Affected Environment” chapter), cultural landscape reports will be used to provide guidance for work in historic districts / cultural landscapes. These

reports contain treatment guidelines for all aspects of the cultural landscape, including spatial organization, natural systems and features, land use, circulation, topography, buildings and structures, vegetation, and small-scale features.

- Decisions regarding treatment of cultural landscapes and historic structures that may be left unmanaged and expected to deteriorate and decay will be made through consultation as outlined in the Section 106 Programmatic Agreement. Appropriate mitigation measures that might include thorough documentation will be determined through the consultation.

Visitor Safety and Visitor Experiences

- Visitor safety concerns would be integrated into NPS interpretive and educational programs. Directional signs would continue to orient visitors, and education programs would continue to promote understanding among visitors.
- Measures to reduce adverse effects of construction and building rehabilitation on visitor safety and experience would be implemented, including project scheduling, a traffic control plan, and best management practices.
- An accessibility study will be conducted to understand barriers to park programs and facilities. Based on this study, a strategy will be implemented to provide the maximum level of accessibility.
- “Managed ruins” sites will be fenced off, signposted, and or/obscured from view to reduce the temptation for unsanctioned and unsafe access.

Soundscapes

- Facilities would be located and designed to minimize objectionable noise.
- Standard noise abatement measures would be followed during construction, including a schedule that minimizes impacts on adjacent noise-sensitive resources, the use of the best available noise control techniques wherever feasible, the use of hydraulically or electrically powered tools when feasible, and the location of stationary noise sources as far from sensitive resources as possible.
- Options to reduce the sounds of maintenance equipment will be explored.

Visual Quality / Scenic Resources

- Where appropriate, facilities such as trails and fences would be used to route people away from sensitive natural and cultural resources while still allowing access to important viewpoints.
- Facilities would be designed, sited, and constructed to avoid or minimize visual intrusion into the natural environment or cultural landscapes.
- Vegetation screening would be provided, where appropriate.

Socioeconomic Environment

- During the future planning and implementation of the approved management plan for the park, NPS staff would work with local communities, New York City, and Monmouth County to further identify potential impacts and mitigation measures that would best serve the interests and concerns of both the NPS and the local communities.
- Partnerships would be pursued to improve the quality and diversity of community amenities and services.

Transportation

- When the parking lots at Jamaica Bay Wildlife Refuge, Miller Field, or other park sites where space is often inadequate fill, redirecting traffic elsewhere would avoid exceeding the site's carrying capacity, as directed by NPS *Management Policies 2006* (NPS 2006a).
- Transportation infrastructure projects would be sited in areas, to the greatest extent possible, that were previously disturbed, to minimize impacts to resources. Trails would be defined, controlled, and appropriately signed to lead people away from threatened and endangered species locations. The initial proposed infrastructure options (ferry, shuttle, multi-use pathways), would require further analysis, site planning, consultation and compliance.

ATTACHMENT C
SECTION 106 PROGRAMMATIC AGREEMENT
Gateway National Recreation Area General Management Plan/EIS

**PROGRAMMATIC AGREEMENT AMONG THE
NEW YORK STATE HISTORIC PRESERVATION OFFICE,
NEW JERSEY STATE HISTORIC PRESERVATION OFFICE
AND
GATEWAY NATIONAL RECREATION AREA,
NATIONAL PARK SERVICE
FOR IMPLEMENTATION OF THE GENERAL MANAGEMENT PLAN**

WHEREAS, the National Park Service (NPS) manages and administers the Gateway National Recreation Area (GATE) as a unit of the National Park System and is responsible for preserving, restoring, maintaining, and interpreting the historic properties of the park unimpaired for the enjoyment of future generations; and

WHEREAS, GATE includes the Jamaica Bay and Staten Island units of the park in Queens, Richmond and Kings Counties in New York and the Sandy Hook unit in Monmouth County, New Jersey. Historic sites within New York include Ft. Tilden, Floyd Bennett Field, Jacob Riis Park and Miller Army Air Field National Historic Districts along with Battery Weed, Fort Tompkins Quadrangle, the Endicott Era Batteries at Fort Wadsworth, and the USCG Station Far Rockaway, among others. Historic sites within New Jersey include the Fort Hancock and Sandy Hook Proving Ground National Historic Landmark District, Sandy Hook Light National Historic Landmark, and the Fort Hancock Life Saving Station, among others; and

WHEREAS, the National Historic Preservation Act of 1966 (as amended) governs the treatment of archeological and historic properties; that NPS recognizes its responsibilities in executing provisions of Sections 110 and 106 of that Act; and that *Director's Order 28* outlines NPS policy in regard to the preservation and treatment of archeological, cultural and historic properties within the park; and

WHEREAS, in 2008 the National Park Service entered into a Nationwide Programmatic Agreement (Nationwide PA) with the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers to carry out its Section 106 responsibilities with respect to the management of park areas; and

WHEREAS, the Nationwide PA encourages development of park-specific programmatic agreements to supplement the provisions of the Nationwide PA; and

WHEREAS, the NPS is currently preparing a General Management Plan/Environmental Impact Statement (GMP/EIS) for GATE; and

WHEREAS, the effects of the GMP/EIS on historic properties cannot be fully evaluated at this time and will require further evaluation and consultation as the GMP/EIS is implemented, though the GMP/EIS preferred alternative establishes a "ruins" concept and GATE has determined implementation of the ruins concept will have an adverse effect on historic properties and this PA will guide the Section 106 process as the GMP/EIS is implemented and as the decisions regarding management of historic properties designated as ruins are made; and

WHEREAS, the NPS has consulted with the New York State Office of Parks, Recreation and Historic Preservation (NY SHPO) and the New Jersey Department of Environmental, Historic Preservation Office (NJ SHPO) and they have agreed to participate in the development and execution of this PA; and

WHEREAS, the NPS has invited the Delaware Nation, Delaware Tribe of Indians and Stockbridge-Munsee Community and to participate in the development of this PA, and while they are not participating in the development of the PA the NPS will continue to consult with them during implementation of the GMP; and

WHEREAS, the NPS has consulted with the Advisory Council on Historic Preservation (ACHP) and invited them to participate in the development of this PA. and they have declined to participate; and

WHEREAS, the NPS has informed the public throughout the development of the GMP/EIS and made the draft GMP/EIS available to the public for review and comment and will provide additional opportunities for public input through the Section 106 process as the GMP/EIS is implemented, and

WHEREAS, the NPS, in consultation with the NY and NJ SHPOs, will identify additional consulting parties for inclusion in the Section 106 process as the GMP/EIS is implemented; and

NOW, THEREFORE, GATE, the NY SHPO, the NJ SHPO mutually agree that the NPS will carry out its Section 106 responsibilities with respect to implementation of the GATE GMP/EIS in accordance with the following guidelines:

STIPULATIONS

I. REVIEW OF UNDERTAKINGS: During the implementation of the GATE GMP/EIS, GATE will follow the Section 106 review process described in the Nationwide PA, particularly sections III and IV. Undertakings will be reviewed according to one of two processes: Streamlined Review or Standard Review.

A. Streamlined Review:

1. In order to qualify for streamlined review, undertakings must meet three criteria:
 - a) The undertaking must fall under one of the sixteen categories of activities eligible for streamlined review, listed in section III C of the Nationwide PA.
 - b) Identification and evaluation of properties within the undertaking's area of potential effect (APE) must have already occurred, and the SHPO(s) must have concurred with all eligibility/ineligibility determinations.
 - c) GATE's Section 106 coordinator, in consultation with the park CRM team, as defined in section I B of the Nationwide PA, must review the undertaking and the determination of effect must be no adverse effect upon properties listed on or eligible for the National Register of Historic Places (historic properties).
2. If the undertaking meets all of these criteria, GATE will document compliance with the Nationwide PA and report on the actions in the annual report to each SHPO required by section III B (5)(d) of the Nationwide PA.
3. Actions that do not meet all three criteria will follow the standard review process.

B. Standard Review:

1. The standard review process is described in 36 CFR Parts 800.3 through 800.6.
2. As appropriate, GATE will work with the NY SHPO and/or NJ SHPO to identify parties other than those who are signatories to this agreement that may have an interest in properties that could be affected by undertakings undergoing the standard review process.

II. TREATMENT OF HISTORIC PROPERTIES IDENTIFIED AS RUINS: Within the designated Ruins Subzones and through the priority banding, the GATE GMP/EIS identifies certain resources as "ruins." Within the GMP/EIS, properties designated as ruins are defined as "Structures in poor condition... that may be removed or fenced off to keep from being a safety hazard; no work will be done to better the condition of the resources." These structures, and in some cases their associated landscapes, will be allowed to decay naturally, be stabilized for safety, fenced off to limit public access, or demolished. Cumulatively, and in most cases individually, these actions will have an adverse effect upon historic properties.

- A. Upon execution of this PA and completion of the GMP/EIS Record of Decision (ROD) process, GATE will initiate consultations with the NY and NJ SHPOs, and interested federally-recognized tribes to complete the Section 106 process for implementation of the ruins concept. This process will formalize and document the decisions made regarding the treatment of specific historic properties designated as ruins.
- B. GATE will work with the NY and NJ SHPOs to identify additional consulting or interested parties as appropriate and establish a process for public involvement.
- C. Consultation on the treatment of historic properties designated as ruins will include input on final decisions regarding which properties will be designated as ruins. As stated in the GMP/EIS the priority banding (including the "ruins" designation) may be updated as the result of new or better information and further consultation.
- D. Consultations on the ruins concept will be initiated within one year of the ROD and will be organized in three efforts corresponding to GATE's three units. While consultation efforts will pertain to the three units of GATE separately, final decisions regarding treatment of historic properties will need to incorporate decisions being made across the park.
- E. Treatment decisions for historic properties identified as ruins may include demolition, natural decay, minor stabilization, fencing the properties, or other viable options identified during consultation.
- F. Treatments resulting in further damage or loss of historic properties, such as natural decay and demolition, will be mitigated by such efforts that might include documentation, interpretation or other measures to be determined during the consultation process.
- G. No historic property designated as a ruin will undergo demolition or destructive action prior to consultation regarding the treatment of that particular property.

III. ADMINISTRATIVE STIPULATIONS:

- A. **Amendment:** At any time, signatories to this Agreement may determine whether revisions or amendments to this Agreement are needed. If signatories to this Agreement determine that revisions or amendments are needed, the signatories will consult to consider such amendment, and upon the unanimous decision of all signatories, such amendments will be implemented.
- B. **Failure to Carry Out Terms of this Agreement:** In the event that NPS does not carry out the terms of this Agreement, GATE will comply with the terms of the Nationwide PA, or 36 CFR Section 800.3 through 800.6 as applicable with regard to individual undertakings that otherwise would be covered by the terms and provisions of this Programmatic Agreement.
- C. **Termination:** Signatories to this agreement may request termination of this agreement by providing ninety (90) calendar days' notice to all signatory and concurring parties, provided that the parties will consult during the period prior to termination to seek agreements on amendments or other actions that would avoid termination. In the event of termination, the NPS will follow the procedures in the Nationwide PA or 36 CFR Section 800.3 through 800.6.
- D. **Duration:** This agreement will terminate 20 years from the date of its execution. During the term of the PA, the NPS will review the PA every 5 years and consult with the signatories of the PA to evaluate the progress and effectiveness of the PA.
- E. **Anti-Deficiency:** All actions taken by GATE in accordance with this PA are subject to the availability of funds, and nothing in this PA shall be interpreted as constituting a violation of the Anti-Deficiency Act.

Execution of this PA by GATE and the NY and NJ SHPOs and implementation of its terms evidence that GATE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

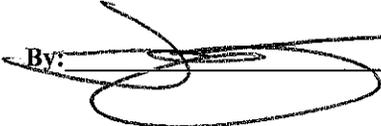
NEW YORK STATE HISTORIC PRESERVATION OFFICE

By: Ruth A. Pierpont Date: 5/23/14

NEW JERSEY STATE HISTORIC PRESERVATION OFFICE

By: _____ Date: _____

NATIONAL PARK SERVICE, GATEWAY NATIONAL RECREATION AREA

By:  Date: 3/25/2014

Execution of this PA by GATE and the NY and NJ SHPOs and implementation of its terms evidence that GATE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

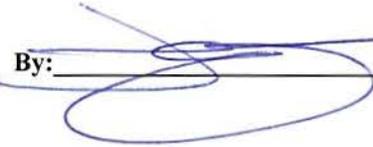
NEW YORK STATE HISTORIC PRESERVATION OFFICE

By: _____ Date: _____

NEW JERSEY STATE HISTORIC PRESERVATION OFFICE

By:  Date: 3/28/14

NATIONAL PARK SERVICE, GATEWAY NATIONAL RECREATION AREA

By:  Date: 3/25/2014