



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

JUN 04 2012

Regulatory Division

SUBJECT: File Number 2011-00057: 34th America's Cup; Section 106 Consultation

Ms. Caroline D. Hall
Assistant Director, Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 803
Washington, DC 20004

Dear Ms. Hall:

This is in response to your letter of April 26, 2012 regarding the Section 106 review process for the 34th America's Cup (AC34). From your letter, we understand you would like to know the following:

1. Our schedule and strategy for the necessary Section 106 review process;
2. Our plan to invite and encourage the participation of the SHPO, Indian tribes, local government, the 34th America's Cup organizers (the applicant), and other consulting parties in the Section 106 review process; and
3. Our plan to involve the public in the Section 106 review process.

Below are our responses to your concerns:

1. Schedule and strategy:

As you pointed out in your letter, the National Park Service (NPS) and the U.S. Coast Guard (USCG) are the co-lead agencies in the National Environmental Policy Act (NEPA) process. The U.S. Army Corps of Engineers (Corps) and the Presidio Trust are cooperating agencies in the NEPA process. The four agencies, with NPS and USCG as leads, have initiated a combined Environmental Assessment (EA), in accordance with the NEPA, for all the America's Cup (AC34) activities. Our common understanding from the beginning was that the agencies would jointly address any cultural resource impacts, and public involvement, through the NEPA document (the EA), but there would be no Section 106 lead agency. Each agency would independently fulfill its requirements for the Section 106 process, and coordinate their results in the final NEPA document.

Due to several schedule changes, the EA being produced by the NPS and the USCG will not be finalized for some time – possibly mid-summer this year. The Corps has determined that a

permit decision needs to be made before mid-summer in order to meet the proposed schedule of activities that are subject to Corps authorization. Therefore, the Corps has decided to produce a separate EA for the AC34 activities subject to Corps jurisdiction. This EA will be supplemented with the combined EA when it is completed.

The Corps' goal is to make a permit decision by mid-June so that work in Corps jurisdiction can begin shortly after the beginning of the environmental work window for dredging, which is June 1.

2. Participation of the SHPO and others:

The EA will include details of each agency's Section 106 process and that document will be used as a forum for the required public involvement in the Section 106 process. The agencies will make it clear in the EA, and in the noticing of it, that the document is a public forum for comment on the EA and its (the public's) involvement in the Section 106 process.

While the Corps' EA is being developed, we are initiating a Section 106 review with the State Historic Preservation Office (SHPO). The Corps had thought, as recently as April this year, that the Corps Section 106 review Memorandum of Agreement (MOA) and for the demolition of Pier 36 (Port of San Francisco) would be sufficient to address the AC34 activities. (The MOA between the Corps and the Advisory Council was signed in January 2012.) We have since learned that this MOA is not sufficient for the AC34 activities and the Corps has initiated a new Section 106 review for AC34.

3. Public involvement:

As part of the permit application review process, the Corps issued a Public Notice (PN) on May 16, 2012 for the AC34 activities subject to Corps jurisdiction. The PN includes a discussion of historic properties and cultural resources that might be affected by activities for which the applicant has requested a Corps permit. The PN is issued for 30 days during which the public is invited to comment on the proposed project and its potential impacts.

Additionally, at the advice of John Eddins, PhD we are providing a list of the activities for which the project proponent has requested a Department of the Army Permit:

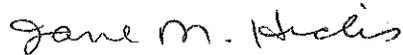
1. Dredging approximately 33,500 cubic yards of sediment from three locations that have previously been dredged in order to provide safe navigational depths for race vessels, and official and spectator craft.
2. The placement of temporary mooring anchors in these dredged areas.

3. The placement of temporary docks alongside six existing Piers, the gangways of which will be secured to the Piers. The docks will be held in place by pilings that will be placed for this purpose.
4. The placement of 4 or 5 cranes (total) on three piers in order to lower sailing vessels into the water and remove them as well. These cranes will either be fixed or mobile.

I trust that this response adequately addresses your concerns.

If you have further questions or concerns regarding this issue please contact Mr. Robert Lawrence of our staff by e-mail at robert.j.lawrence@usace.army.mil or by telephone at (415) 503-6808.

Sincerely,



Jane M. Hicks
Chief, Regulatory Division

Copies furnished:

Ms. Tia Lombardi, Presidio Trust, San Francisco, CA
Dr. Paul Scolari, National Parks Service, San Francisco, CA
Captain Matt Bliven, United States Coast Guard, San Francisco, CA
Mr. Milford Donaldson, State Historic Preservation Office, Sacramento, CA