

APPENDIX G:

AC34 NEPA SECTION 106 CORRESPONDENCE



16475

06 March 2012

Mr. Milford Wayne Donaldson
State Historic Preservation Officer (SHPO)
Department of Parks and Recreation
1416 9th Street, Room 1442
Sacramento, California 95814

Dear Mr. Donaldson:

The U. S. Coast Guard (USCG) proposes to issue a marine event permit, establish a Special Local Regulation (SLR) and establish safety zones in the Central San Francisco Bay for the 34th America's Cup (AC34) sailing races. The USCG has determined that these actions would not result in an adverse effect on any historic property. Pursuant to 36 Code of Federal Regulations 800, implementing Section 106 of the National Historic Preservation Act, I request your concurrence with the Coast Guard's determination.

In December 2010, the City of San Francisco was chosen as the location to host the AC34 sailing races. The AC34 race events are proposed to take place in Summer/Fall 2013, with preliminary "World Series" races in Summer/Fall 2012. Several of the sites proposed for the AC34 spectator areas and events include national park areas and facilities subject to the authority of the National Park Service (NPS), and maritime waters subject to the USCG authority. In addition, in-water construction and dredging are proposed along the San Francisco waterfront which would be subject to U.S. Army Corps of Engineers authority. Roads and access under the authority of the Presidio Trust could also be affected.

Pursuant to the National Environmental Policy Act (NEPA, 42 USC 4332(2)(C)), the NPS and the USCG, in cooperation with the U.S. Army Corps of Engineers and the Presidio Trust, are preparing an Environmental Assessment (EA) to analyze the potential effects of the AC34 sailing races on the lands and waters administered by the federal government. Each of the agencies is responsible for consulting with the regulatory agencies for their respective actions. Please refer to Enclosure (1) for more details of the USCG's proposed regulated area.

The USCG proposes to take the following temporary federal actions associated with the AC34:

- *Issue a Marine Event Permit.* The USCG proposes to issue a marine permit for proposed AC34 marine events including sailing races and fireworks displays. Fireworks displays are proposed to take place during opening and closing ceremony near Pier 29 in 2013.
- *Establish Special Local Regulation (SLR).* The USCG proposes to establish special local regulations in conjunction with AC34 races to insure public safety, vessel traffic

safety, and protection of the environment on waters in the regulated area of the Central San Francisco Bay.

- *Enforcement Actions Regarding Foreign Flag Vessels.* USCG has issued a Marine Event of National Significance (MENS) designation for the 34th America's Cup. This designation allows certain foreign flagged or foreign constructed vessels participating in the event to apply for a special permit to carry passengers-for-hire during the event.
- *Establish Safety Zones as necessary during the event.* In addition to the SLR, the USCG proposes to establish Safety Zones (SZ) if and when necessary to assure safety for mariners and spectator boats during AC34 events.

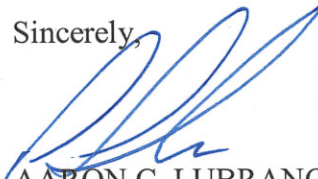
There will be no construction or alteration related to any of these USCG activities.

There are no known listed or eligible resources within the USCG action areas. There are several nearby designated National Historic Landmark, National Historic Districts and National Register properties; however, USCG actions would not affect these resources. These resources are within NPS jurisdiction and NPS will separately evaluate potential effects to these resources.

The USCG has determined pursuant to 36 CFR § 800.4(d)(1) that there are no historic properties present within its jurisdiction that could be affected, and that the proposed undertaking will have no effect on any historic property.

Should you have any questions, please contact LCDR Aaron Lubrano at (415) 399-3446 or Mr. Yvan Le at (510) 637-5524.

Sincerely,



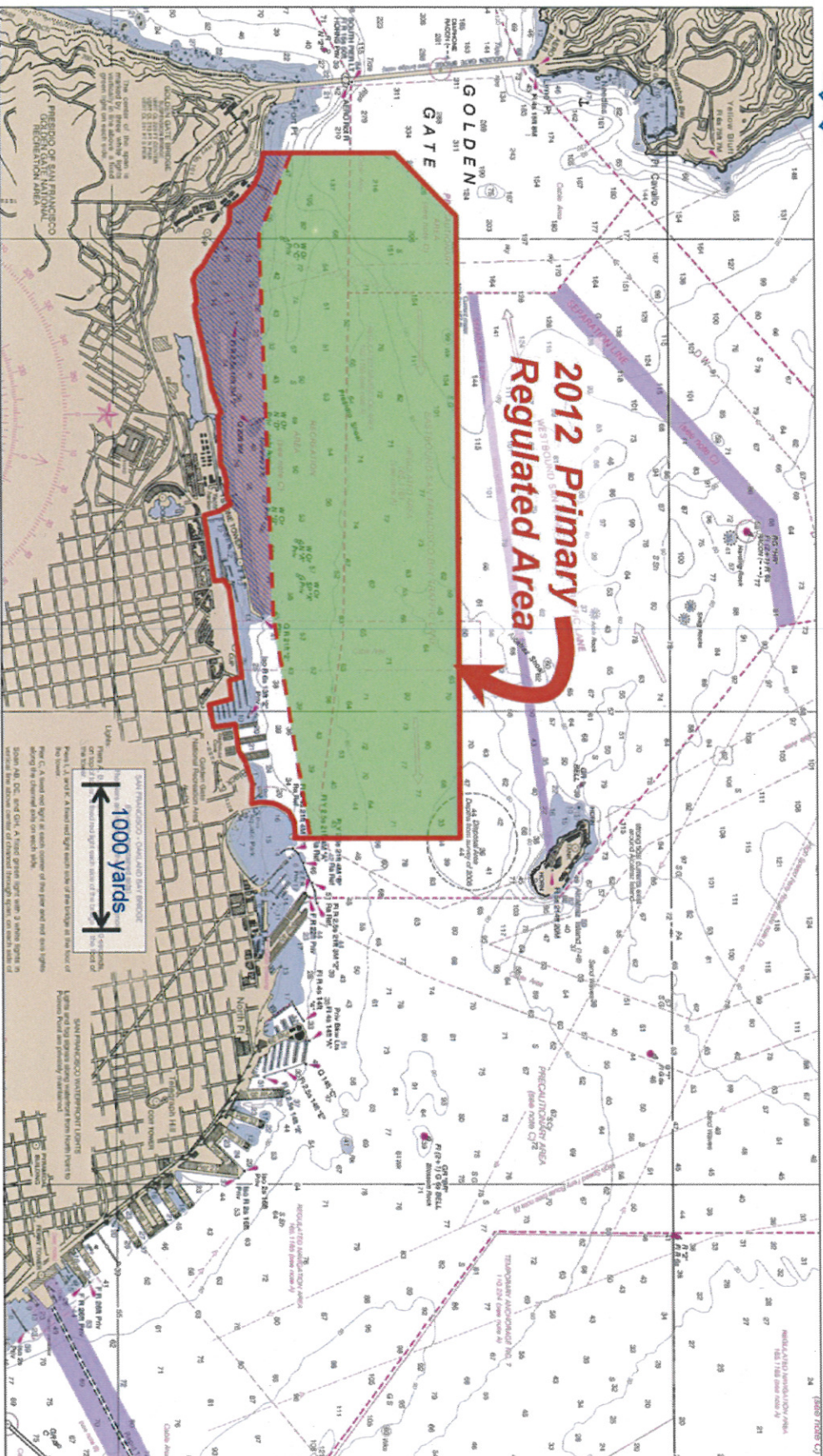
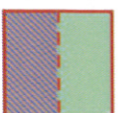
AARON C. LUBRANO

Lieutenant Commander, U.S. Coast Guard
Sector San Francisco



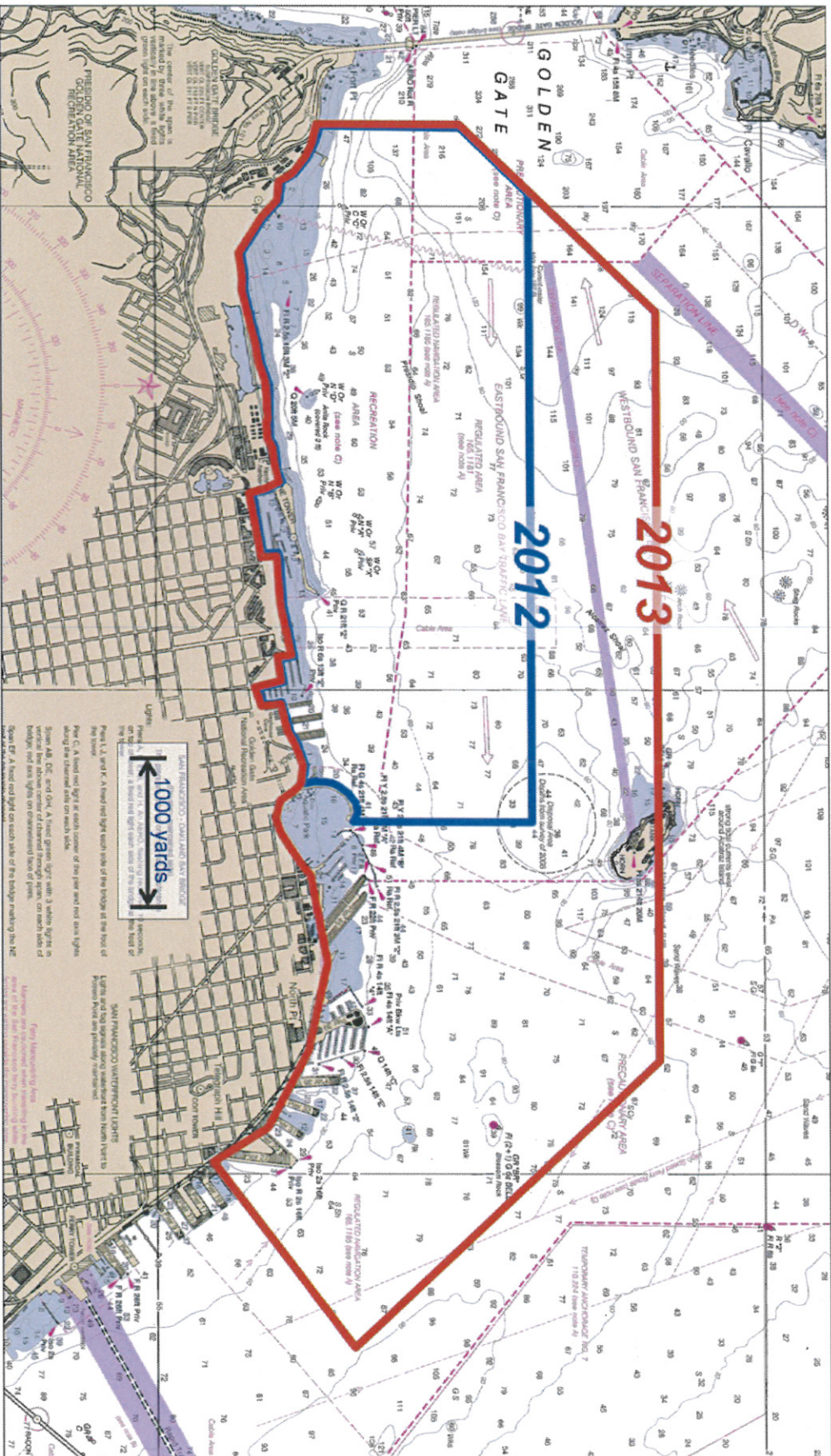
Proposed USCG Regulated Area for 2012 America's Cup Races

Race Area
Non-Motorized Vessels (<20 ft)





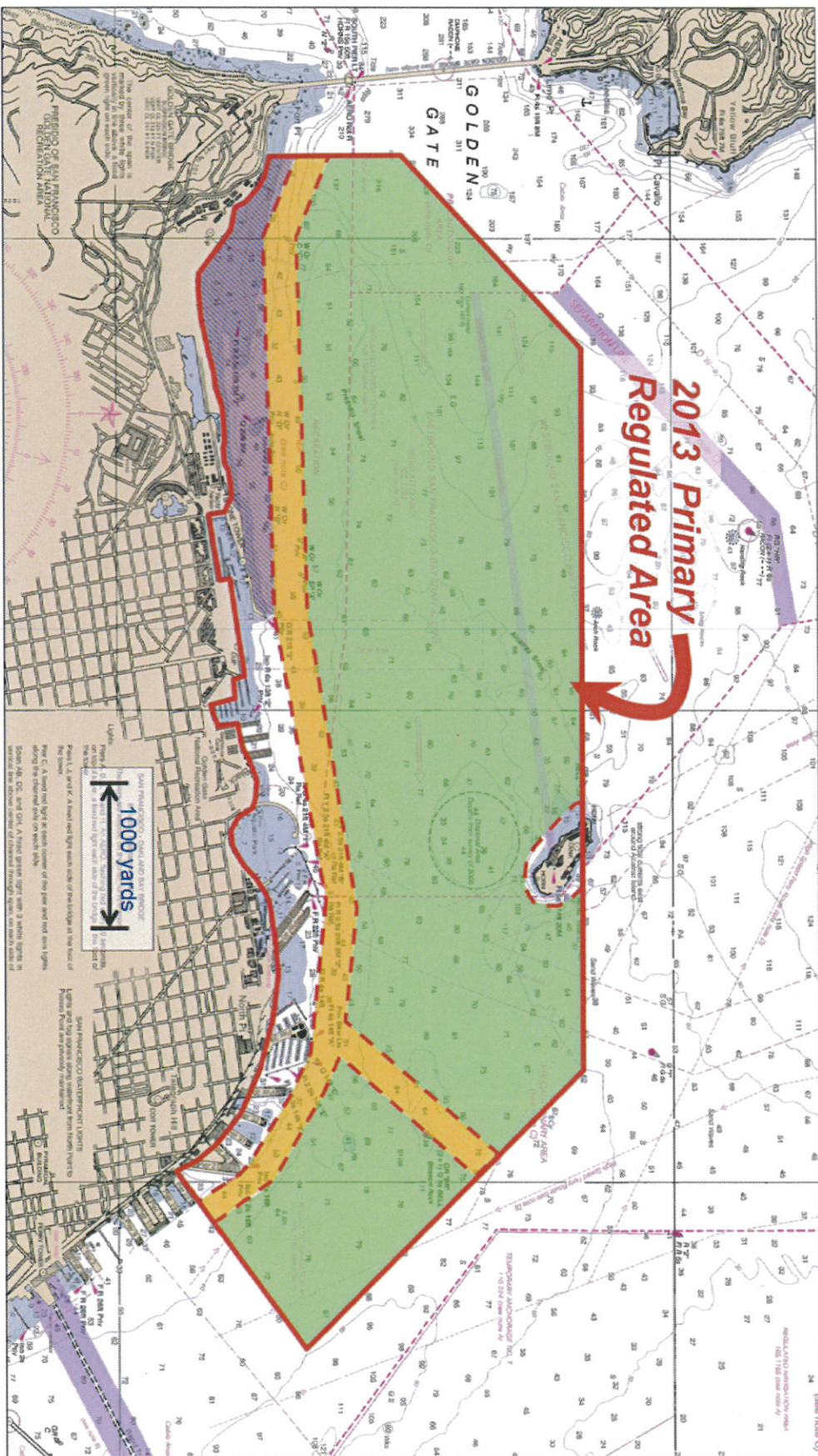
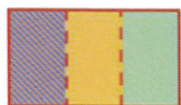
Proposed USCG Regulated Areas for America's Cup Races





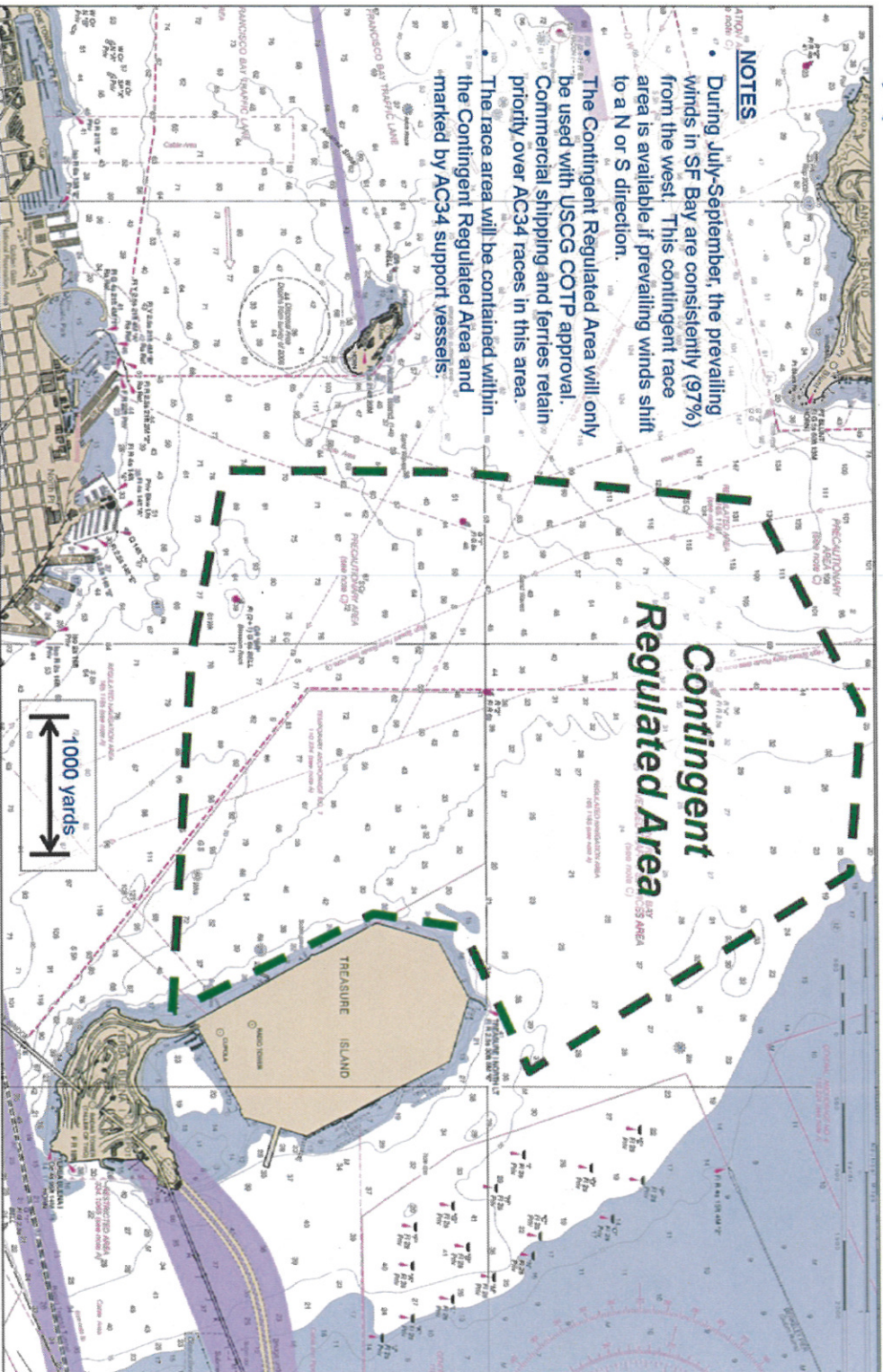
Proposed USCG Regulated Area for 2013 America's Cup Races

Race Area
Transit Zone
Non-Motorized Vessels (<20 ft)





Proposed USCG Contingent Regulated Area for America's Cup Races





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

May 25, 2012

Regulatory Division (1145b)

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

Milford Wayne Donaldson
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, California 95816

Dear Mr. Donaldson:

The U.S. Army Corps of Engineers, San Francisco District (Corps), in accordance with 36 C.F.R. § 800, requests your comment on a proposed Department of Army permit that would authorize selected activities in San Francisco Bay associated with the 34th America's Cup sailing races (AC34). The Corps' authorization is under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The location of the Corps' undertaking spans multiple piers along the San Francisco Bay waterfront in the vicinity of the San Francisco-Oakland Bay Bridge (Bridge) crossing, and at Pier 80 located at the Islais Creek Channel, approximately 1.5 miles south of the Bridge crossing. A copy of the Corps' Public Notice for the proposed project is included for your reference (Enclosure 1).

The Corps' undertaking includes work situated within the Port of San Francisco Embarcadero Historic District (Historic District). The Historic District consists of three miles of waterfront including over 20 piers and warehouses, remnants of piers, 21 sections of the waterfront seawall and bulkhead wharf system, the Ferry Building, the Agriculture Building, and a collection of smaller buildings. The Historic District is listed in the National Register of Historic Places under the criteria a, b, and c, significant during the period of 1878-1946, due to its contribution to the history of government, transportation, and commerce, and for its engineering and architectural qualities associated with the development of the San Francisco waterfront.

The work that would be authorized by a Corps' permit consists of maintenance dredging and construction of temporary structures connected to piers, some of which are contributing elements of the Historic District:

(a) Dredging: The Corps' permit would authorize maintenance dredging at three sites to provide sufficient water depth to accommodate the temporary berthing of race, race support, and spectator vessels. The proposed dredging areas were previously dredged, which removed the original Bay mud to a depth of approximately -15 feet mean lower low water. The material to be removed would total about 33,500 cubic yards of sediment that has shoaled in the previously dredged areas. The AC34 dredging would not reach the originally established depths, and, therefore, this type of dredging is maintenance dredging, which would be done by clamshell bucket and barge. The dredging areas are situated at Piers 9, 14, and 32-36 (Enclosure 1). There would be no new dredging of undisturbed Bay sediments.

(b) Construction: The construction is for installation of temporary gangways and floating docks, placement of cement and helical screw mooring anchors, and cranes temporarily mounted on existing piers. Gangways for floating docks would be attached to piers 9, 23, 27, 29, and 32, contributing elements of the Historic District. The gangway attachment points would be temporary and removable, and their design would follow the Secretary of the Interior's Standards for Treatment of Historic Properties (36 C.F.R. Part 67 and Part 68). All of the features and structures are temporary and would be removed following completion of the AC34 event in 2013.

Delineation of an Area of Potential Effects (APE) for the undertaking was done in accordance with 36 C.F.R. § 800.16 (y). The APE for archaeological resources consists of the three non-contiguous dredging zones situated adjacent to piers, and for architectural and engineering values, the APE is equivalent to the piers and seawall sections within the Historic District and Pier 80. Pier 80 is a 69-acre cargo terminal, built by filling of the Bay in 1967 and 1970 (Enclosure 1)


The permit applicants, the Port of San Francisco and the America's Cup Event Authority, conducted a records search with the Northwest Information Center and the State Lands Commission which showed a lack of recorded historic properties, or submerged archaeological resources such as remains of wrecked vessels, in the dredging areas. Because the areas were dredged in the past and the currently proposed dredging would not extend into old Bay mud, the possibility that dredging would encounter submerged archaeological resources is considered remote. The Corps' therefore would implement protocols to follow in the event of an accidental archaeological discovery, including measures mandated by State law if human remains are exposed (Enclosure 2).

Based upon the absence of recorded submerged archaeological resources and implementation of precautionary mitigation measures for dredging, and the construction of temporary structures with adherence to the Secretary's Standards for the gangways and floating docks, the Corps determined that no historic properties would be affected by the proposed undertaking, a finding made pursuant to 36 C.F.R. § 800.4(d)(1). In accordance with 36 C.F.R. § 800.3(g), we request your concurrence under expedited consultation, noting that the Corps and permit applicants have provided the public with an adequate opportunity to comment on the AC34 event.

Should you have any questions regarding this matter, please contact Robert Lawrence of our staff at 415-503-6808 or by email at Robert.J.Lawrence@usace.army.mil.

Sincerely,



 Jane M. Hicks
Chief, Regulatory Division

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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April 03, 2012

Reply in Reference To: USCG120309A

Lt. Commander Aaron C. Lubrano
U.S. Coast Guard
Sector San Francisco
1 Yerba Buena Island
San Francisco, CA 94130-5000

Re: Section 106 Consultation for America's Cup 34 Safety and Regulation Permits, San Francisco, CA

Dear Lt. Commander Lubrano:

Thank you for initiating consultation regarding the United States Coast Guard's (USCG) efforts to comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f), as amended, and its implementing regulation found at 36 CFR Part 800.

In preparation for America's Cup 34, the USCG is proposing to issue a Marine Event Permit, establish special local regulations to insure public and vessel safety, perform enforcement actions on foreign flag vessels, and establish safety zones as required.

- 1) I concur that the APE has been properly determined and documented pursuant to 36 CFR Parts 800.4 (a)(1) and 800.16(d).
- 1) It is my understanding that USCG actions for America's Cup 34 will be limited to permitting, safety zone establishment and regulation enforcement and that no construction is associated with proposed activities
- 2) It is my understanding that the National Park Service will be conducting separate consultation with my office regarding their stewardship of historic properties located within the race and spectator areas.
- 3) The USCG is requesting my concurrence with their determination of no historic properties affected. After reviewing your letter and the accompanying maps, I concur with this finding pursuant to 36 CFR Part 800.4 (d)(1) and that the documentation supporting this finding had been provided pursuant to 36 CFR Part 800.11(d).
- 4) Please be advised that under certain circumstances, such as an unanticipated discovery or a change in project description, you may have future responsibilities for this undertaking under 36 CFR Part 800.


03 April 2012

USCG120309A

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Thank you for seeking my comments and considering historic properties as part of your project planning. If you have any questions or concerns, please contact Ed Carroll of my staff at (916) 445-7006 or at email at ecarroll@parks.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Susan H. Stratton for".

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Confidential

THE 34TH AMERICA'S CUP

SAN FRANCISCO, CALIFORNIA

Cultural Resources Condition Assessment / Section 106 Report

Prepared for the
U.S. Department of the Interior
National Park Service
Golden Gate National Recreation Area
San Francisco Maritime National Historic Park

June 2012

Prepared by
Heidi Koenig M.A. RPA



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STATEMENT OF CONFIDENTIALITY

Cultural resources are nonrenewable, and their scientific, cultural, and aesthetic values can be significantly impaired by disturbance. To deter vandalism, artifact hunting, and other activities that can damage cultural resources, the locations of cultural resources should be kept confidential. The legal authority to restrict cultural resources information is in California Government Code Section 6254.10 and the National Historic Preservation Act of 1966, as amended, Section 304.

This report contains confidential cultural resources location information; report distribution is restricted to those with a need to know. Please contact the Golden Gate National Recreation Area Public Affairs Office at (415) 561-4700 for contact information regarding report distribution.

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