



United States Department of the Interior

NATIONAL PARK SERVICE
SAN FRANCISCO MARITIME NATIONAL HISTORICAL PARK
BUILDING E, LOWER FORT MASON, ROOM 265
SAN FRANCISCO, CALIFORNIA 94123

IN REPLY REFER TO:

H4217 (GOGA-CRMM)

May 14, 2012

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

Dear Ms. Hall:

We are sending this letter in reply to your letter of April 16, 2012 concerning the Section 106 review process that the National Park Service (NPS, Golden Gate National Recreation Area and San Francisco Maritime National Historical Park) is conducting for the proposed 34th America's Cup (AC34) planned for San Francisco Bay in 2012 and 2013. In your letter, you state that you have some familiarity with the National Environmental Policy Act (NEPA) process that is being conducted by the federal agencies involved in planning activities related to AC34, and you ask us to provide you with information about how the NPS is conducting Section 106 review on AC34, and coordinating Section 106 review with the NEPA process. You ask specifically about the schedule and strategy for the Section 106 review process and about plans to coordinate with potentially interested parties and to involve the public.

At the outset of planning for AC34, in March and April of 2011, we participated in a series of communications with the California State Historic Preservation Office (SHPO), some of which your office participated in, including one interagency conference call and a number of written communications that included the Presidio Trust, with whom we co-manage the Presidio of San Francisco National Historic Landmark district, on the topic raised in your recent letter (e.g., how would the federal agencies involved in AC34 carry out Section 106 review). One of the key questions put before the federal agencies was whether they would designate a lead agency and carry out a multi-agency Section 106 review effort, or if they would each carry out independent, yet coordinated, Section 106 review processes addressing their respective Section 106 responsibilities.

The NPS answered this question by stating that for us, the AC34 undertaking was defined by those activities permitted by NPS to accommodate the AC34 event on parklands. The Area of Potential Effect (APE) was consequently established as those NPS-owned and -managed lands and waters that could potentially be affected by AC34 activities. In these early communications

we stated that we would carry out Section 106 review independently, and with respect to historic resources on NPS lands, as our permitting action would not affect historic resources outside the park boundaries. This included assessment of cumulative effects on the entire Presidio of San Francisco, parts of which are managed by the NPS and parts of which are managed by the Presidio Trust. Like the NPS, the Presidio Trust is carrying out Section 106 review for that portion of the Presidio that it solely manages. As detailed in the remainder of this letter, and as explained to the SHPO at various points along the way, this is indeed the strategy that we have pursued in satisfying our Section 106 review responsibilities relative to AC34.

As we examined how our AC34 permit could potentially affect historic resources on NPS lands, we concluded that there were two types of AC34 activities that could result in effects. First, effects could ensue if the parks were used to accommodate AC34 venues where non-historic elements were introduced into historic settings or where historic properties were used to accommodate AC34 uses. Second, effects could ensue through crowding and trampling of historic resources should park visitors seek to view AC34 races from vantage points within the park that provide good views of the San Francisco Bay race locations.

Based upon the undertaking and its potential to affect historic resources, we concluded for the following reasons that carrying out Section 106 review under our park Programmatic Agreements (PA, Golden Gate Park-wide PA, Golden Gate Presidio PA, and SF Maritime PA) was appropriate for AC34: 1) the PAs are being employed solely for the NPS undertaking, not for a multi-agency undertaking; 2) our parks commonly accommodate large-scale events; 3) effects to historic resources from AC34 are anticipated to be not adverse, and the scale and types of AC34 activities planned for parklands are allowed under our PAs; 4) because effects are anticipated to be minimal and AC34 planning and activities can be overseen by the cultural resource staffs of the parks, it is appropriate to employ the streamlined process and reserve the full consultation process, which takes up greater staff time from all our organizations, for undertakings that pose greater threats to historic resources; 5) we could accomplish public involvement and agency coordination through the NEPA process, which is being carried out concurrently, and in tandem with, the Section 106 process.

By now the NPS has done substantial work to advance the Section 106 process according to this strategy. At the start of planning, project funds were secured to hire ESA, an environmental firm that from experience we knew had strong staffing in cultural resources management. ESA was hired to carry out the key elements of the Section 106 process under oversight from the cultural resource staffs at the parks. Regulatory steps accomplished to date are as follows: the APE relative to the NPS undertaking has been established; historic properties within the APE had been previously identified, and these have now been identified and documented in the context, and for the purposes of, AC34; review of AC34 activities within the APE for the purpose of assessing potential effects to historic resources and reducing these effects to the no adverse effect level has been carried out on an ongoing basis by the cultural resource staffs of the parks with a preliminary finding that AC34 activities will not have adverse effects on historic resources (building use effects will be minimal to negligible and conform to the *Secretary's Standards*, introduction of non-historic elements into historic settings will be non-destructive and temporary, measures have been established to protect historic resources from harm due to crowding).

Further, these Section 106 review activities have been closely coordinated with the preparation of an Environmental Assessment (EA) under NEPA. Scoping, involving agency, organization, and public participation, and including NPS cultural resources staff and information about NPS cultural resources and the Section 106 process, has provided a broad forum for the discussion of historic resource and Section 106 issues. Currently, an EA, which includes detailed historic resources information and analysis and spells out the NPS Section 106 process for the public, is under preparation.

Carried out under the direction of an interagency team comprised of all the agencies involved in AC34, the EA process is the nexus for coordination amongst the agencies on a range of regulatory responsibilities, including the Section 106 process. Based on interagency communications, it is our understanding that at this time all agencies involved in AC34 are in the process of conducting Section 106 review for their respective undertakings. We anticipate release of the AC34 EA by mid-June, 2012. After a period of public comment it is anticipated that the NEPA process can be concluded by the end of July, 2012. Our Section 106 process has advanced to the point where we believe that it can be concluded in advance of the conclusion of the NEPA process.

We appreciate your concern for the historic resources that we manage and for the integrity of the Section 106 review process that we are involved in for AC34. We believe this letter answers the questions you asked in your letter of April 16, 2012. Should you wish to follow up on any of the matters discussed in this letter please contact Paul Scolari at Golden Gate National Recreation Area (paul_scolari@nps.gov, 415-561-4963) or Robbyn Jackson at San Francisco Maritime National Historical Park (robbyn_1_jackson@nps.gov, 415-561-7019).

Sincerely,



Frank Dean
General Superintendent
Golden Gate NRA



Craig Kenkel
Superintendent
San Francisco Maritime NHP

cc:

Presidio Trust
United States Coast Guard
United States Army Corps of Engineers
California State Historic Preservation Office