

1 **PROGRAMMATIC AGREEMENT**
2 **AMONG THE SAN FRANCISCO MARITIME NATIONAL HISTORICAL PARK,**
3 **NATIONAL PARK SERVICE,**
4 **THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,**
5 **AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER**
6 **REGARDING**
7 **OPERATIONAL AND MAINTENANCE ACTIVITIES IN**
8 **SAN FRANCISCO MARITIME NATIONAL HISTORICAL PARK**
9

10 WHEREAS, San Francisco Maritime National Historical Park (Park), a unit of the
11 National Park Service (NPS), located in San Francisco City and County in California, operates,
12 manages, administers, maintains, preserves, and interprets the historic properties of the Park to
13 leave them unimpaired for the enjoyment of future generations; and,
14

15 WHEREAS, pursuant to Public Law 100-348 (June 27, 1988), Congress established the
16 Park to preserve and interpret the history and achievements of seafaring Americans and of the
17 Nation's maritime heritage, especially on the Pacific coast; and
18

19 WHEREAS, the Superintendent of the Park is the responsible agency official as defined
20 in 36 CFR 800.2(a) for purposes of Section 106 compliance of the National Historic Preservation
21 Act (NHPA), and for the implementation of this Programmatic Agreement (PA); and
22

23 WHEREAS, execution and implementation of this PA will supersede the Park's 1997
24 *Programmatic Agreement Among the National Park Service, San Francisco Maritime National*
25 *Historical Park (SAFR), the California State Historic Preservation Officer (SHPO), and the*
26 *Advisory Council on Historic Preservation (Council) Regarding the General Management*
27 *Plan/Environmental Impact Statement, San Francisco Maritime National Historical Park,*
28 *California; and*
29

30 WHEREAS, Section II.F. of the 2008 *Programmatic Agreement Among the National*
31 *Park Service (U.S. Department of the Interior), the Advisory Council on Historic Preservation,*
32 *and the National Conference of State Historic Preservation Officers for Compliance with Section*
33 *106 of the National Historic Preservation Act* (the NPS Servicewide PA, see Appendix A)
34 encourages development of supplementary programmatic agreements; and
35

36 WHEREAS, the operation, management, and administration of the Park involves
37 undertakings that may affect historic properties (as defined in 36 CFR Part 800.16.(1)), which are
38 therefore subject to review under applicable sections of the NHPA as amended (16 USC 470 et
39 seq.), such as 106, 110(f), 111(a), and 112, and the regulations of the Advisory Council on
40 Historic Preservation (36 CFR Part 800); and
41

42 WHEREAS, the Park has consulted with the California State Historic Preservation
43 Officer (SHPO) regarding development of this PA pursuant to 36 CFR Part 800; and
44

1 WHEREAS, the Advisory Council on Historic Preservation (ACHP) has chosen to
2 participate in this consultation and development of this PA; and
3

4 WHEREAS, the purpose of this PA is to establish a Park-wide Program for compliance
5 with Section 106 of the NHPA and set forth a streamlined process when agreed upon criteria are
6 met and procedures are followed (the Program), and to supplement the existing NPS Servicewide
7 PA; and
8

9 WHEREAS, the Park will be guided by planning and management documents listed in
10 Appendix B; and
11

12 WHEREAS, the Park holds a long term, 57 year, lease with Wildcats Owner, LLC, A
13 Delaware limited liability company, in which the Argonaut Hotel is required to maintain the
14 Haslett Warehouse building in accordance with an approved Preservation Plan (listed in
15 Appendix B) and annually submits a report and meets with the park on planned maintenance
16 activity; and
17

18 WHEREAS, the Park has a staff of specialists who meet the *Secretary of the Interior's*
19 *Historic Preservation Professional Qualifications Standards* appropriate to the historic
20 properties in the Park to carry out the Park's Program, and may call on other NPS qualified staff
21 as needed; and
22

23 WHEREAS, the Park has a staff who are specialists in traditional maritime trades
24 including but not limited to: historic ship rigging; historic ship carpentry; traditional steam
25 operation; and
26

27 WHEREAS, the Park has determined that the implementation of this Program may
28 affect properties within the Park that are listed in or eligible for listing in the National Register of
29 Historic Places (NRHP); and
30

31 NOW, THEREFORE, the Park, ACHP, and SHPO agree that the PA shall be
32 implemented in accordance with the following stipulations and processes in order to take into
33 account the effects of the Park's undertakings on historic properties.
34

35 I. CONSULTATION

36 A. Public Comment

- 37
38
39 1. For undertakings that do not qualify for the streamlined review process as set forth in
40 Section II of this PA and Section III of the NPS Servicewide PA, the Park will
41 consult with interested parties and members of the public through regular public
42 meetings, informational mailings, and use of the Planning, Environment and Public
43 Comment (PEPC) website to meet its obligation for public input under 36 CFR 800.
44

2. The Park Superintendent will consult with members of the public interested in the Park's cultural resources and in proposed NPS actions that might affect those resources, and provide them with the opportunities to learn about and comment on those resources and planned actions.
3. For undertakings that do not qualify for the streamlined review process, the Park will initiate consultation with consulting parties on undertakings at the beginning of a planning effort, and shall make clear any rules, processes, or schedules applicable to the consultation. The Park shall actively seek the views and comments of local governments and certified local governments when an undertaking has the potential to affect historic properties and to acknowledge and understand others' interests. Those seeking Federal assistance, licenses, permits, or other approvals are entitled to participate as a consulting party as defined in 36 CFR 800.2(c)(4) and will be consulted as applicable early in the planning process.

II. STREAMLINED REVIEW PROCESS

Repetitive, Low Impact Activities

Repetitive, low impact activities defined in Appendix C will be undertaken with no additional review by SAFR cultural resources staff. The project proponent shall maintain records of actions for inspection and supply a list of activities undertaken per historic resource to the SAFR compliance team annually. This list will be included in the park's annual report to the SHPO.

A. Criteria for Using the Streamlined Review Process

1. In accordance with Stipulation I.A.5 – 7 and I.B.1 – 2 of the NPS Servicewide PA, the Superintendent has designated a Cultural Resource Management (CRM) Team with expertise and meeting the qualifications to fulfill and implement the requirements of the NPS Servicewide PA.
2. If a property that was not formally listed or determined eligible for the National Register is found by the CRM Team to be potentially eligible, the park shall consult with the SHPO for a determination of eligibility in accordance with NHPA Section 110(f).
3. The CRM Team will implement the streamlined review process in Section III.B in the NPS Servicewide PA.
4. The CRM Team will review projects for compliance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (36 CFR 68), and treatment recommendations, and *The Secretary of the Interior's Standards for Historic Vessel Preservation Projects with Guidelines for Applying the Standards* cited in baseline cultural resources publications in Appendix A.

5. The Park will follow the Standard Review Process in 36 CFR 800.3-800.6 for undertakings that do not meet the streamlined review criteria, such as those projects having an adverse effect, or which are not specific project types qualified for streamlined review as mentioned in Section II of this document or in the NPS Servicewide PA, section III.
6. An annual report of all undertakings reviewed using the Streamlined Review process will be prepared by the Park Section 106 Coordinator, and a hard copy will be transmitted to the SHPO. The report will include a list of the qualified staff members of the CRM Team.

B. Undertakings Eligible for Streamlined Review

In accordance with stipulations III.D of the NPS Servicewide PA, the list of undertakings eligible for streamlined review in stipulation III.C is amended to include:

1. Preservation Maintenance (cleaning, routine maintenance, cyclic maintenance, Stabilization and building monitoring) consisting of:
 - a. Repair of roofing material from the period of significance or replacement in-kind if it is deteriorated beyond repair;
 - b. Grading of terrain adjacent to a building to achieve positive water run-off provided that previous cultural resource studies indicate that no historic properties would be adversely affected;
 - c. Maintenance, repair, rehabilitation, and restoration of historic vegetation, vistas, and small-scale features. Addition of non-historic landscape features must meet the *Secretary of the Interior's Standards for the Treatment of Historic Properties*;
 - d. Routine sand management and annual beach sand relocation.
2. Ship Preservation Maintenance (cleaning, routine maintenance, cyclic maintenance, Stabilization and ship monitoring) consisting of:
 - a. Cleaning and stabilizing of historic ships, elements of ships, rigging, decking, and mechanical equipment, using treatment methods that do not alter or cause damage to historic materials.
 - b. Repainting in the same color as existing, or in similar colors or historic colors based upon an approved historic structure report or a historic paint color analysis.
 - c. In-kind repair and limited replacement of deteriorated ship elements including decking, hull planks or plates, port holes, frames, ceilings, wasted metal, rivets,

- 1 wooden features, rigging elements and mechanical equipment. Limited in-kind
2 replacement refers to the replacement of only those elements of the features that are
3 too deteriorated to enable repair, consistent with the Standards.
4
- 5 d. Substitution of different types of wood, fasteners, coatings, etc. per the Standards
6 when materials to match the original deteriorated fabric are not obtainable or no
7 longer legally allowed.
8
- 9 3. Rehabilitation and restoration of historic ships. Rehabilitations and restorations will
10 conform with the *Secretary of the Interior's Standards for Historic Vessel Preservation*
11 *Projects with Guidelines for Applying the Standards* and will be informed by historic
12 structures reports (HSRs)
13
- 14 a. Replacement of non-historic components of historic ships including rigging, deck
15 equipment, and mechanical equipment, with components that have been
16 documented to be more historically accurate.
17
- 18 b. Restoration of areas of a ship to an approved historic period.
19
- 20 4. Rehabilitation of non-public areas of historic buildings that involve the removal,
21 installation, or relocating of non-historic doors, walls, cubicles and other operations-
22 related infrastructure and that do not adversely affect historic fabric.
23
- 24 5. Projects within the Haslett Warehouse (Argonaut Hotel, Retail Spaces and Courtyard)
25 that conform with the *Secretary of Interior's Standards for the Treatment of Historic*
26 *Properties* and are related to build-out or removal of hotel or subtenant improvements
27 that affect non-historic fabric installed by the Hotel and its subtenants and do not
28 adversely affect historic fabric as identified in the Haslett Warehouse Historic
29 Preservation Plan;
30
- 31 6. Signage upgrade and replacement projects on the exterior of the Haslett Warehouse
32 (Argonaut Hotel, Retail Spaces and Courtyard) that conform to the approved signage plan
33 for the building.
34
- 35 7. Removal of both natural and man-made surface debris following a major weather or
36 geologic event such as a tsunami or an earthquake, provided an AMA has been
37 completed prior to any ground disturbing activity;
38
- 39 8. Sustainable energy improvements made according to the *Secretary of the Interior's*
40 *Standards for the Treatment of Historic Properties* and the *Secretary of the Interior's*
41 *Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating*
42 *Historic Buildings* (2013), and informed by HSRs, CLRs, and archeological reviews;
43
- 44 9. Maintenance or replacement of non-historic utility lines, transmission lines, and fences

on historic properties if performed in a manner that does not adversely affect above- or below-ground historic properties;

10. Installation of new signs that meet the park Sign Plan, referenced in Appendix A, and in areas previously surveyed with no archaeological sensitivity;

11. Projects to provide accessibility for buildings, ships and landscapes if proposed in a sensitive way that protect historic properties, and that follow guidance from *NPS Preservation Brief 32, Making Historic Properties Accessible*; recommendations from cultural landscape reports and historic structures reports; and which meet the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and *The Secretary of the Interior's Standards for Historic Vessel Preservation Projects*, avoid adverse effects, and take Section 110(f) of the NHPA into account for NHLs. Projects should be compliant with standards outlined in the *Architectural Barriers Act Accessibility Standards* (ABAAS), *Accessibility Guidelines for Outdoor Recreation Areas* (AGODA) published by the U.S. Access Board, and *Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines* (ADAABAAG), and avoid adverse effects;

12. Undertakings, such as art exhibits, that affect a historic property, regardless of their temporary or reversible nature, must avoid adverse effects to character defining features and the design, materials, location, association, and workmanship of historic fabric. If there is no adverse effect to historic fabric, feeling and setting may be altered, for a period not to exceed one year for these purposes. Subsequent art exhibits must not be placed in the same view shed until a period of time has elapsed equal in length to the previous installation.

III. NATIONAL HISTORIC LANDMARKS

A. The Park shall, to the maximum extent possible, undertake planning and actions necessary to minimize harm to any National Historic Landmark (NHL) that may be directly and adversely affected by an undertaking as required by Section 110(f) of the National Historic Preservation Act and 36 CFR § 800.10.

B. Where the other criteria as listed in Stipulation III of the NPS Servicewide PA, and Stipulation II above are met, proposed undertakings that may affect a designated NHL may follow the Streamlined Review Process. Where preliminary planning activities indicate that a proposed undertaking has the potential to have an adverse effect on an NHL, prior to initiating a formal consultation process, the Superintendent will initiate an internal review process in accordance with NPS Management Policies to determine alternatives to avoid or minimize the adverse effects and to assess the possibility of impairment.

IV. INADVERTENT DISCOVERIES OR UNANTICIPATED EFFECTS

1 A. If historic properties are discovered or unanticipated effects on historic properties are
2 found after the Park's approval of the undertaking and after construction has commenced,
3 the Park shall implement any post review discovery plan developed pursuant to this PA.
4 If such a plan is not in effect, the Park will stop construction activities in the area of the
5 discovery, take reasonable efforts to avoid or minimize effects to historic properties,
6 consult with SHPO within 48 hours of the discovery. As a result of the consultation, the
7 Park will document any effects to such properties, and, in consultation with the SHPO,
8 determine reasonable actions that can be taken to avoid, minimize or mitigate any adverse
9 effects.

10
11 1. The notification shall describe the Park's assessment of the NRHP eligibility of the
12 property, describe the effects, and propose actions to resolve adverse effects. The
13 SHPO shall respond within 2 business days of the notification. The agency
14 official/superintendent shall take into account their recommendations regarding
15 NRHP eligibility and the proposed actions, and then carry out appropriate actions.
16 The agency official/superintendent shall provide the SHPO with a report of the
17 actions within 30 days of completion.

18
19 2. The Park, in consultation with the SHPO, may assume a newly discovered property
20 to be eligible for the National Register for purposes of the current undertaking and
21 shall specify the National Register criteria used to assume the property's eligibility.
22

23 **V. EMERGENCY ACTIONS**

24
25 A. Immediate rescue and salvage operations conducted to preserve life or property
26 temporarily supersedes the provisions of Section 106 and this PA. Examples include
27 earthquake, tsunami, and/or fire.
28

29 B. In the event the Park Superintendent deems an action necessary as an essential and
30 immediate response to a disaster or emergency declared by the President or the Governor
31 of a State or another immediate threat to life or property, the Park shall:
32

33 1. Notify, within 24 hours of declared emergency or as soon as conditions permit,
34 the SHPO and afford them an opportunity to comment within 24 hours of
35 notifications. If the Park determines that circumstances do not permit 24 hours
36 for comment, the agency official/superintendent shall notify the SHPO and invite
37 comments within the time available. The Park shall take into account any
38 comments received in reaching decisions on how to proceed with the emergency
39 undertaking.
40

41 2. These emergency procedures apply only to undertakings that will be implemented
42 within 30 days after the disaster or emergency has been formally declared by the
43 appropriate authority. The Park may request an extension of the period of
44 applicability from the SHPO prior to the expiration of the 30 days.

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2 **VI. DISPUTE RESOLUTION**
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4 A. Should the SHPO or Council object at any time to any actions proposed, or the manner in
5 which the terms of this PA are implemented, the Park shall consult with the objecting
6 party(s) to resolve the objection. If the Park or objecting party determines that such
7 objection(s) cannot be resolved through this consultation, the Park will:
8

- 9 1. Forward all documentation relevant to the dispute to the ACHP in accordance
10 with 36 CFR Section 800.2(b)(2). Upon receipt of adequate documentation, the
11 ACHP shall review and advise the Park on the resolution of the objection within
12 30 days. Any comment provided by the ACHP, and all comments from the
13 parties to the PA, will be taken into account by the Park in reaching a final
14 decision regarding the dispute.
15
16 2. If the ACHP does not provide comments regarding the dispute within 30 days
17 after receipt of adequate documentation, the Park may render a decision regarding
18 the dispute. In reaching its decision, the Park will take into account all comments
19 regarding the dispute from the parties to the PA.
20
21 3. The Park's responsibility to carry out all other actions subject to the terms of this
22 PA that are not the subject of the dispute remain unchanged. The Park will notify
23 all parties of its decision in writing before implementing that portion of the
24 undertaking subject to dispute under this stipulation. The Park's decision will be
25 final.
26

27 **VII. TERMINATION**
28

29 A. If any signatory to this PA determines that its terms will not or cannot be carried out, that
30 party shall immediately consult with the other parties to attempt to develop an
31 amendment per Section VIII, below. If within 30 days (or another time period agreed to
32 by all signatories) an amendment cannot be reached, any signatory may terminate the PA
33 upon written notification to the other signatories.
34

35 B. Once the PA is terminated, and prior to work continuing on an undertaking, the Park
36 must either (a) execute a Memorandum of Agreement pursuant to 36 CFR § 800.6, or (b)
37 request, take into account, and respond to the comments of the ACHP under 36 CFR §
38 800.7. The Park shall notify the signatories as to the course of action it will pursue
39

40 **VIII. AMENDMENTS**
41

42 This PA may be amended when such an amendment is agreed to in writing by all signatories.
43 The amendment will be effected on the day the copy is signed by all the signatories is filed
44 with the ACHP.

1
2 Appendices may be revised with the written agreement of the signatories without a revision
3 being made to the underlying PA. Any such change will be documented in the Park's annual
4 report in accordance with stipulation I.A.6
5

6 **IX. DURATION**

7

8 This agreement will terminate 20 years from the date of its execution. Twelve months prior to
9 such time, the Park may consult with the other signatories to reconsider the terms of the
10 agreement and revise or amend the document.
11

12 The NPS will convene a meeting of the signatories to this PA within two (2) years of execution
13 of this PA, and every two years thereafter, to review implementation of the terms of this PA.
14

15 EXECUTION of this Programmatic Agreement by the Park, the SHPO, and ACHP, and
16 implementation of its terms evidence that the National Park Service has taken into account the
17 effects of this undertaking on historic properties and afforded the ACHP an opportunity to
18 comment.
19

20 **SIGNATORIES:**

21 **National Park Service**

22
23
24 _____ Date
25 **Kevin Hendricks, Superintendent, San Francisco Maritime National Historical Park**
26
27

28 **California State Historic Preservation Officer**

29
30
31
32 _____ Date
33 **Carol Roland-Nawi, Ph.D. State Historic Preservation Officer**
34
35

36 **Advisory Council on Historic Preservation**

37
38
39
40 _____ Date
41 **John M. Fowler, Executive Director, Advisory Council on Historic Preservation**
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Appendix A
Place holder for NPS Servicewide PA

DRAFT

Appendix B
San Francisco Maritime National Historical Park
Cultural Resources Publications
Baseline Documentation and Treatment Recommendations

Parkwide

Aquatic Park Cultural Landscape Report, 2010

Aquatic Park Cultural Landscape Inventory, 2004

Aquatic Park National Register/NHL Form 1986

Museum Building Limited Scope Historic Structures Report (doors, windows, and roofs), 2002

Maritime Museum Building Accessibility Improvements Focused Historic Structure Report, 2006

Aquatic Park Amphitheater Focused Historic Structure Report, 2005

Scow Schooner *Alma* National Register Form, 1975, NHL 1988

Sailing Ship *Balclutha* National Register Form, 1976, NHL 1985

Sailing Ship *Balclutha* Historic Structure Report – Draft 2015

Schooner *C.A. Thayer* National Register Form, 1966, NHL 1966

Ferryboat *Eureka* National Register Form, 1973, NHL 1985

Tugboat *Hercules* National Register Form, 1975, NHL 1986

Tugboat *Hercules* Historic Structure Report, 1990

Scow Schooner *Alma* Historic Structure Preservation Guide, 1990

California Fruit Cannery Association Warehouse (Haslett Warehouse) National Register Form, 1975

Haslett Warehouse Historic Structure Report, 1986

Haslett Warehouse Historic Preservation Plan, 2003

Lewis Ark National Register Form, 1979

1 Tubbs Cordage Company Office Building National Register Form, 1979

2
3 Victorian Park Determination Of Eligibility Report (not eligible) 2007

4
5 Beyond the Golden Gate, A Maritime History of California, Historic Resources Study, 2012

6
7 San Francisco Maritime Administrative History (underway 2015)

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9
10
11 Fort Mason

12
13 Fort Mason Cultural Landscape Report, Treatment (2012)

14
15 Fort Mason Cultural Landscape Report, Part II: Treatment Fort Mason Center (2009)

16
17 Fort Mason Cultural Landscape Report (2004)

18
19 Cultural Landscape Inventory, Fort Mason (2004)

20
21 Fort Mason National Register Form (1979)

22

Appendix C
Repetitive, Low Impact Activities

The following classes of undertaking are considered exempt from further review or consultation under the terms of this Agreement. NPS staff members are not required to notify or consult with SAFR cultural resource staff about these classes of undertakings unless the project proponent has reason to believe that a specific exempt undertaking may adversely affect historic properties.

1. Routine preservation maintenance of historic ships which is based on approved Historic Structure Reports or preservation plans and includes:
 - a. Washing down the decks
 - b. Oiling the decks
 - c. Polishing metal
 - d. Varnishing bright work
 - e. Limited deck caulking repairs (less than 1 square foot per location)
 - f. Maintenance of working boiler/steam equipment
 - g. Paint touch up, matching color (less than 1 square foot per location)
2. Routine grounds maintenance and preservation which follows recommendation in the Aquatic Park Cultural Landscape Report and includes:
 - a. Mowing and edging of the lawns
 - b. Repair of damaged components of the irrigation system
 - c. Herbicide application per IPM plan
 - d. Graffiti removal and prevention measures that follow guidance of *Preservation Brief 38 – Removing Graffiti from Historic Masonry*.
 - e. Beach sand clean up from the grounds
 - f. Replacement in kind of deteriorated or dead shrubs and groundcover
 - g. Annual tree trimming, following certified arborist recommendations
3. Routine building maintenance and preservation which follows recommendations in an approved HSR or preservation plan, and includes:
 - a. Stripping and waxing of terrazzo floors
 - b. Replacement of UV film on windows
 - c. Graffiti removal and prevention measures that follow guidance of *Preservation Brief 38 – Removing Graffiti from Historic Masonry*.
 - d. Re-grouting damaged areas of tile floors