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**PROGRAMMATIC AGREEMENT
AMONG THE PRESIDIO TRUST, NATIONAL PARK SERVICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE PRESIDIO TRUST MANAGEMENT PLAN
AND
VARIOUS OPERATION AND MAINTENANCE ACTIVITIES
FOR AREA B OF
THE PRESIDIO OF SAN FRANCISCO NATIONAL HISTORIC LANDMARK DISTRICT,
GOLDEN GATE NATIONAL RECREATION AREA
SAN FRANCISCO, CALIFORNIA**

13 **WHEREAS**, the Presidio Trust (the Trust), pursuant to the Presidio Trust Act, Title I of Public Law 104-
14 333, was established as a wholly owned government corporation to manage a portion of the Presidio of
15 San Francisco (Presidio); and

16
17 **WHEREAS**, pursuant to Public Law 104-333, administrative jurisdiction was transferred to the Trust on
18 July 1, 1998 for approximately 80% of the Presidio that was depicted as Area B on the map entitled
19 "Presidio Trust Number 1," dated December 7, 1995, (see Appendix C) which may be amended from
20 time to time, and which serves as the area of potential effect (APE) for this undertaking; and

21
22 **WHEREAS**, the entire Presidio is within the Golden Gate National Recreation Area (GGNRA) and is a
23 designated National Historic Landmark District (NHLD) representing 218 years of military history, is
24 listed on the National Register of Historic Places (NRHP), and contains individually eligible NRHP
25 historic properties that are both prehistoric and historic; and

26
27 **WHEREAS**, the Trust, in order to uphold its Congressionally mandated requirement of preserving Area
28 B of the Presidio as part of GGNRA and of financial self-sufficiency, carries out a variety of
29 undertakings subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16
30 U.S.C. § 470f, and its implementing regulations, 36 C.F.R. Part 800, including but not limited to
31 maintenance, rehabilitation, repair, moving, interim and long-term leasing, construction and demolition of
32 buildings, structures, and roads, and work regarding grounds and associated landscaping as proposed
33 under the Presidio Trust Management Plan (PTMP, 2002 with updates), or proposed under the direct or
34 indirect jurisdiction of the Trust including undertakings proposed by the Trust's permittees, federal or
35 non-federal tenants, or other parties; and

36
37 **WHEREAS**, the Trust has determined that these undertakings may have an effect upon historic
38 properties listed in or eligible for listing in the NRHP, including properties that contribute to the NHLD,
39 and has consulted with the Advisory Council on Historic Preservation (ACHP) and California State
40 Historic Preservation Officer (SHPO) pursuant to 36 C.F.R. Part 800; and

41
42 **WHEREAS**, the Trust has notified the Secretary of the Interior (SOI) in accordance with 36 C.F.R. §
43 800.10(c), and the National Park Service's (NPS) Pacific West Regional Office and the GGNRA are
44 representing the SOI, and have been invited to sign this Programmatic Agreement (PA) as an invited
45 signatory, and that both the Pacific West Regional Office and GGNRA will receive information and
46 participate in consultations, and that the Pacific West Regional Office will be the signatory authority for
47 NPS; and

48
49 **WHEREAS**, the Trust has identified and notified parties as consulting parties (Appendix G); and
50

51 **WHEREAS**, the Trust has invited the National Trust for Historic Preservation (NTHP) and the Presidio
52 Historical Association (PHA) to sign this PA as concurring parties; and

53
54 **WHEREAS**, in July and November 2013 the Trust notified the public through its regular “eNews”
55 electronic mail distribution list of the consultation for the development of this PA, and afforded them the
56 opportunity to comment; and

57
58 **WHEREAS**, the Trust has made a good faith effort to locate federally recognized Indian tribes that may
59 attach religious and cultural significance to properties under the administrative jurisdiction of the Trust or
60 with which the Trust could consult under the Native American Graves Protection and Repatriation Act
61 (NAGPRA); and the Trust has determined that there are no such federally recognized tribes; and

62
63 **WHEREAS**, in accordance with 36 C.F.R. § 800.6(a)(1), the Trust has notified the Advisory Council on
64 Historic Preservation (ACHP) of its effect determination providing the specified documentation, and the
65 ACHP has chosen to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii) (the Trust,
66 SHPO, and the ACHP are each a “Signatory,” and the NPS is an “Invited Signatory” to the PA and,
67 hereafter are “Signatories”); and

68
69 **WHEREAS**, the remaining area of the Presidio depicted as Area A on “Presidio Trust Number 1,” dated
70 December 7, 1995,(see Appendix C) remains under the administrative jurisdiction of the NPS and is not
71 subject to this PA; and

72
73 **WHEREAS**, the San Francisco National Cemetery remains under the administrative jurisdiction of the
74 United States Department of Veterans Affairs and is not subject to this PA; and

75
76 **WHEREAS**, the undertakings contemplated under the Main Post Update (MPU), adopted by the Trust in
77 2011, are not subject to this PA, but are within the scope of the *Programmatic Agreement Among the*
78 *Presidio Trust, the California State Historic Preservation Officer, the National Park Service, and the*
79 *Advisory Council on Historic Preservation for the Main Post Update to the Presidio Trust Management*
80 *Plan, Presidio of San Francisco National Historic Landmark, San Francisco, California (PA-MPU,*
81 *2011); and*

82
83 **WHEREAS**, the undertakings contemplated under the *Programmatic Agreement Among the Presidio*
84 *Trust, the Advisory Council on Historic Preservation, the National Park Service and the California State*
85 *Historic Preservation Officer Regarding Deconstruction, New Construction, and the Execution of*
86 *Associated Leases at the Letterman Complex, Presidio of San Francisco, California (LDA PA, 2000)*
87 have been completed and according to Stipulation XIII of the LDA PA the signatory parties have agreed
88 to terminate the PA; and

89
90 **WHEREAS**, the PTMP is a comprehensive programmatic plan developed by the Trust to guide the
91 management of Area B and is a programmatic document that presents a range of preferred land uses,
92 Planning Principles (Principles), and Planning District Guidelines (PDG) for identified planning districts
93 within Area B of the Presidio; the Principles and PDG are intended as a policy framework to guide the
94 Trust’s future activities as well as further project-specific and/or district-level planning prior to building
95 demolition or new construction with the potential to adversely affect historic properties; and

96
97 **WHEREAS**, the Trust, SHPO, NPS, and the ACHP consulted on the PTMP, including its Principles and
98 PDG, and executed an agreement document in 2002, which the NTHP and PHA signed as concurring
99 parties, that expires on April 30, 2014, or upon execution of this PA; and

101 **WHEREAS**, the Trust will employ the 2013 Council for Environmental Quality (CEQ) and ACHP
102 guidance for coordinating its agency procedures and mechanisms (including mechanisms under the
103 National Environmental Policy Act (NEPA)) to fulfill their consultation requirements as found in the
104 "NEPA and NHPA: Handbook for Integrating NEPA and Section 106 Reviews" (CEQ/ACHP Guidance);
105 and

106
107 **WHEREAS**, the Trust and NPS have conducted numerous surveys and evaluations to identify NRHP-
108 eligible and NHLD-contributing properties for the entire Presidio NHLD, including archaeological
109 surveys, and regardless of administrative jurisdiction; the most complete survey to date is the 1993
110 NHLD update; the Trust is currently determining if there are additional properties in Area B not
111 previously listed or determined eligible for listing on the NR or as contributors to the NHLD via the 2008
112 NHLD update, which considers eligibility of post-1945 resources, but does not re-evaluate resources
113 listed in the 1993 NHLD update; and

114
115 **WHEREAS**, the Trust has secured a commitment from the Federal Highways Administration (FHWA)
116 through the *Programmatic Agreement among the Federal Highway Administration, the California*
117 *Department of Transportation, the San Francisco County Transportation Authority, the Presidio Trust,*
118 *the National Park Service, the Department of Veterans Affairs, the California State Historic Preservation*
119 *Officer, the Advisory Council on Historic Preservation, and the San Francisco County Recreation and*
120 *Parks Department for the South Access to the Golden Gate Bridge, Doyle Drive Replacement Project,*
121 *San Francisco, California* (Doyle Drive PA, 2008) to comprehensively update the NHLD forms again at
122 the conclusion of the Doyle Drive/Presidio Parkway construction project (estimated 2016); and

123
124 **WHEREAS**, the Trust shall strive to manage and preserve the integrity of that portion of the NHLD in
125 Area B through planning, research, and specific undertakings consistent with good historic preservation
126 management and stewardship, the goals of the NHPA and related regulations, standards, and guidelines;
127 these efforts are with the objective of remaining in compliance with the applicable provisions of the
128 NHPA and the Presidio Trust Act; and

129
130 **WHEREAS**, the Trust as the federal agency with administrative jurisdiction for Area B is the responsible
131 agent for design consistency, conformance with building codes, life/safety and accessibility standards,
132 conformance with sustainability guidelines and goals, and integration and operation of infrastructure
133 systems such as electricity, water, and sewer and has developed a Tenant Handbook and other such
134 descriptive materials to guide this responsibility; and

135
136 **WHEREAS**, the Trust has consulted with the SHPO, NPS and the ACHP regarding ways to ensure that
137 the Trust's operation, management, and administration of the NHLD provides for management of the
138 Presidio's historic properties in accordance with the relevant sections of the NHPA; and

139
140 **NOW, THEREFORE**, the Trust, NPS, SHPO, and ACHP agree that the undertakings shall be
141 implemented in accordance with the following stipulations in order to take into account the effect of the
142 undertaking on historic properties.

143 **STIPULATIONS**

144
145
146 The Trust shall ensure that the following measures are carried out:

147
148 **I. ROLES AND RESPONSIBILITIES**

149
150 A. The Trust

151
152 1. The Trust’s Executive Director shall be the designated Federal Preservation
153 Officer (FPO) and shall be responsible for funding the agency’s preservation program
154 and assigning qualified staff and other resources to carry out identification and
155 management responsibilities effectively. The FPO will have sufficient authority and
156 control over internal processes to ensure that decisions made pursuant to this PA are
157 carried out.

158
159 2. The FPO shall designate a Deputy Federal Preservation Officer (DFPO) who
160 shall be responsible for coordination of the preservation program and implementation of
161 the terms of this PA. The DFPO shall meet the requirements for a Preservation Officer as
162 defined in “The Secretary of the Interior’s Standards and Guidelines for Federal Agency
163 Historic Preservation Programs Pursuant to the National Historic Preservation Act,” have
164 five years or more experience in historic preservation and meet the professional
165 qualifications for Archaeologist, Historian, Architectural Historian or Historic Architect
166 included in “The Secretary of the Interior’s Historic Preservation Professional
167 Qualification Standards.” The DFPO shall coordinate with the NEPA Compliance
168 Manager and N² Compliance Coordinator in carrying out the provisions of Stipulations
169 IV and V.

170
171 3. All work pursuant to this PA regarding historic properties will be performed by,
172 reviewed by, or under the supervision of, a person or persons having five years or more
173 experience in historic preservation and meeting the professional qualifications for
174 Archaeologist, Historian, Architectural Historian, or Historic Architect included in “The
175 Secretary of the Interior’s Historic Preservation Professional Qualification Standards.”
176

177 4. The Trust shall ensure that the agency’s operation, management, and
178 administration of the Presidio’s historic properties are carried out in accordance with
179 Section 112 of the NHPA.

180
181 B. SHPO, NPS, and the ACHP

182
183 1. The SHPO and the NPS will review and comment on undertakings in accordance
184 with Stipulations IV, V, VI, VII and VIII may raise and resolve objections according to
185 Stipulation IX, and may amend or terminate this agreement according to Stipulations X
186 and XI.

187
188 2. The ACHP may raise and resolve objections according to Stipulations IV and IX
189 and may amend or terminate this agreement according to Stipulations X and XI.

190
191 C. Concurring Parties

193 1. Concurring parties may review and comment on undertakings pursuant to
194 Stipulation IV, VI, and VII and may raise objections according to Stipulation IX.

195
196 D. The Public

197
198 1. The public may participate in public comment periods and review undertakings
199 according to Stipulation IV, and review and comment on the Trust’s annual report in
200 accordance with Stipulation XIV.

201
202 **II. CONTINUING EDUCATION**

203
204 A. The Trust shall provide ongoing and appropriate training to Trust personnel involved in
205 the maintenance, repair, and rehabilitation of historic buildings, structures and housing units, and
206 for all personnel responsible for making decisions regarding maintenance, repair, and
207 rehabilitation at the Presidio.

208
209 B. The Trust shall regularly organize, facilitate, or partner with outside organizations to
210 provide specialized crafts training programs in practical application of “The Secretary of the
211 Interior’s Standards for the Treatment of Historic Properties” (Secretary’s Standards) and other
212 subject matter related to management of the NHLD to applicable Trust staff.

213
214 C. The Trust shall provide training in conservation practices as applied to historic structures
215 and archaeological sites to Trust personnel for work at the Presidio.

216
217 D. The Trust shall develop and implement an in-house training program to advise Trust
218 personnel of this PA and procedures, techniques, and related matters regarding the preservation of
219 the historic properties located within Area B within six months of execution of this PA. The
220 training will be repeated every other year thereafter.

221
222 E. The Trust shall provide guidance and available research materials, reports, NRHP forms,
223 condition assessments, the Tenant Handbook, design standards, and all such materials in its
224 possession that will assist tenants or other parties in designing projects that may affect historic
225 properties at the Presidio, including the following:

226
227 1. Provide guidance in Presidio design and construction standards as indicated in
228 the Tenant Handbook and other verbal and written guidance materials.

229
230 2. Provide guidance in the professional areas of historic preservation, architecture,
231 engineering, fire and life/safety, security, building construction, materials conservation,
232 historic architecture, historic landscape architecture, archaeology, and history as
233 appropriate.

234
235 3. Provide ongoing review in the disciplines of historic architecture, historic
236 landscape architecture, and archaeology, on historic building and landscape rehabilitation
237 designs, and advise project proponents as designs progress and on modifications to
238 scopes of work that will bring them into compliance with the Secretary’s Standards.

239
240 F. The Trust shall detail the scope of professional development undertaken each year as part
241 of the Trust’s annual report in accordance with Stipulation XIV.

242

243 **III. DOCUMENTATION, IDENTIFICATION, EVALUATION & ANALYSIS OF HISTORIC**
244 **PROPERTIES**

245 A. Documentation, Identification & Evaluation of Historic Properties
246

247
248 1. Evaluation of buildings or structures shall be conducted within the framework of
249 the National Historic Landmarks Criteria, the NRHP Criteria, and the “National Register
250 of Historic Places Registration Forms for the Presidio of San Francisco National Historic
251 Landmark District” (1993, or subsequent updates). If properties are found that date to
252 either before or after the period of significance (such as prehistoric) or do not fit the NHL
253 criteria, those properties will be individually evaluated under NRHP criteria.
254

255 2. If a property in Area B that was not previously listed as a contributor to the
256 NHLD or determined eligible for listing on the NRHP is determined by the Trust to be
257 eligible, the Trust shall treat that property as eligible for purposes of this PA. The Trust
258 shall consult on such decisions with the NPS and SHPO. Consultation on these decisions
259 should not exceed 30 days unless another time period is agreed to by the signatories. Any
260 such consultations will be documented in the Trust’s annual report in accordance with
261 Stipulation XIV below, and according to appropriate documentation protocols determined
262 in consultation with SHPO and the NPS.
263

264 3. If the Trust determines that a property not previously listed or evaluated does not
265 contribute to the NHLD or is not eligible for listing on the NRHP, the Trust shall consult
266 with the SHPO and NPS on such decisions. Consultation on these decisions should not
267 exceed 30 days unless another time period is agreed to by the signatories. Such
268 consultations will be documented in the Trust’s annual report in accordance with
269 Stipulation XIV below, and according to appropriate documentation protocols determined
270 in consultation with SHPO and the NPS.
271

272 4. The Trust shall evaluate, or cause to be evaluated, the significance of and apply
273 NHL and NRHP criteria to archaeological properties that have not previously been
274 evaluated for contributing to the NHLD or determined eligible for listing on the NRHP.
275 The Trust shall consult with the SHPO and NPS on such decisions. Consultation on these
276 decisions should not exceed 30 days unless another time period is agreed to by the
277 signatories. Such consultations will be documented in the Trust’s annual report in
278 accordance with Stipulation XIV below, and according to appropriate documentation
279 protocols determined in consultation with SHPO and the NPS.
280

281 5. If the Trust, NPS, and SHPO disagree about a property the Trust has determined
282 eligible or ineligible, the Trust will submit the matter to the Keeper of the National
283 Register in accordance with 36 C.F.R. Part 63(d).
284

285 6. Should a concurring party to this PA or a member of the public believe that a
286 property found ineligible under this stipulation is eligible as a contributor to the NHLD or
287 for listing in the NRHP, that party or person may contact the Trust, SHPO, and NPS to
288 request consultation on the determination. Consultation should not exceed 30 days.
289 Should the consultation fail to reach concurrence on the determination, that party or
290 person may contact the Keeper of the National Register and request a determination of
291 eligibility under 36 C.F.R. § 63.4.
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7. Ten years following the acceptance by the NPS of the NHLD update that will be completed by FHWA in accordance with the Doyle Drive PA, the Trust shall initiate the next comprehensive update to the NHLD.

B. Analysis of Historic Properties

1. The Trust may, at its discretion, prepare analysis documents and issue-oriented plans in order to inform maintenance plans or consultation around rehabilitation or management strategies for historic properties. These documents shall include, but not be limited to, sub-district or site-specific design guidelines, historic structure reports (HSRs), cultural landscape reports (CLRs), or issue-oriented plans (e.g., Vegetation Management Plan, Historic Forest Character Study).

a) The Trust shall prepare CLRs according to the format recommended by Chapter 7 (Management of Cultural Landscapes) of *NPS 28: Cultural Resource Management Guideline*.

b) All HSRs shall be written in accordance with the standards established in *Preservation Brief 43: The Preparation and Use of Historic Structure Reports* (NPS, 2005). The HSRs will include a history of the property/building, construction history, archaeology, architectural evaluation, conditions assessment, maintenance requirements, recommendations for proposed work, copies of original drawings and specifications (if available), current drawings if different from the original, and historic and current photographs.

c) Sub-district or site-specific design guidelines shall remain consistent with applicable Principles and PDGs to the maximum extent possible.

2. The Trust shall notify parties of its intent to prepare a document under this stipulation via electronic mail once a project has been initiated.

a) Upon completion of a first draft, the DFPO shall provide copies of the document to signatory and concurring parties for a 30 day review and comment period, unless another time period is agreed to by the signatories, prior to finalization. Documents will be sent in electronic or hard copy according to the recipient organization’s requirements.

b) Comments received within the comment period will be considered in the finalization of the documentation.

c) The DFPO will circulate a summary of all comments received during the review period and the Trust’s responses along with final copies of the documents.

d) Final copies of the documents shall be posted to the Trust’s website and described in the Trust’s annual report in accordance with Stipulation XIV.

341 3. Completion of an analysis document that contains treatment recommendations
342 shall not substitute for review of an undertaking involving applicable historic properties
343 under Stipulation IV. Rather, the documents prepared under this stipulation are intended
344 to inform the Trust's and consulting parties' ability to assess and reach determinations of
345 effect for undertakings reviewed under Stipulation IV.
346

347 **IV. REVIEW OF UNDERTAKINGS**

348 **A. Determine the Undertaking**

349 1. Early in the planning process, consistent with 36 CFR 800.1(c), the DFPO shall
350 determine if a proposed project, which may originate from the Trust, Trust's permittees,
351 federal or non-federal tenants, or other parties, constitutes an undertaking.
352
353

354 a) If the DFPO determines the proposed project has no potential to cause
355 effects to historic properties, then the Trust has no further obligations under this
356 Stipulation.
357

358 b) If the DFPO determines the proposed project is an undertaking with the
359 potential to cause effects on historic properties, the DFPO will proceed to the
360 next step in the review process in accordance with Stipulation IV(A)(2).
361

362 2. The DFPO shall assign one of the following categories to the undertaking.
363

364 a) Undertakings that are repetitive and low impact in nature (as described in
365 Appendix A; to be reviewed in accordance with Stipulation IV(A)(3)).
366

367 b) Undertakings that relate to the ongoing operation and maintenance of the
368 Presidio that include, but are not limited to the following: maintenance,
369 rehabilitation, repair, moving, interim and long-term leasing, road modifications
370 or improvements, and work regarding grounds and associated landscaping, traffic
371 and parking improvements, utility and infrastructure work, natural resource
372 restoration, environmental remediation and forestry work, permits, leases, or
373 other agreements issued by the Trust. These undertakings will be reviewed
374 through the N² process that includes joint NHPA and NEPA (at the Categorical
375 Exclusion, or CE, level) in accordance with Stipulation IV(C)(1).
376

377 c) Undertakings that relate to stand-alone new construction, substantial
378 additions to historic buildings or landscapes, partial or full demolition of historic
379 properties, a rehabilitation that includes any of the previous actions as part of its
380 scope, or undertakings that are not associated with the PTMP, an issue oriented
381 plan, or site specific design guidelines, within Area B. These undertakings will
382 be reviewed by coordinating NHPA and NEPA (at the Environmental
383 Assessment/Environmental Impact Statement (EA/EIS) level in accordance with
384 Stipulation IV(C)(2)).
385

386 d) Undertakings that seek to obtain certification under the Federal Historic
387 Preservation Tax Incentives Program (known as Tax Credit Reviews), and
388 reviewed in accordance with Stipulation V.
389

390

391 e) Undertakings that may affect historic properties, but do not fit into one of
392 the above categories listed in Stipulation IV(A)(2)(a) through (d) shall be
393 reviewed in accordance with 36 C.F.R. § 800.
394

395 3. If the DFPO determines the undertaking is an activity that is listed in Appendix
396 A, the DFPO will document this determination for inclusion in the Trust's annual report
397 (Stipulation XIV), and the Trust has no further obligations under this Stipulation.
398

399 4. If the DFPO determines the undertaking is not an activity that is listed in
400 Appendix A, the DFPO will continue on in the analysis and review process, beginning
401 with Stipulation IV(B).
402

403 B. Define the Area of Potential Effects and Identify Historic Properties
404

405 1. The DFPO shall determine and document the undertaking's APE taking into
406 account direct, indirect, and cumulative effects.
407

408 2. The DFPO will identify historic properties within the APE using the 1993
409 Update, the 2008 Update, subsequent NHL updates, or additional surveys if warranted. If
410 there are unevaluated properties in the APE that may be eligible individually or as
411 contributors to the NHL, the Trust shall consult with the SHPO and NPS according to
412 Stipulation III.
413

414 3. If the DFPO determines that the APE contains no contributing or eligible
415 resources, the DFPO shall consider the effect the project may have on the NHL as a
416 whole. If the DFPO determines that the NHL or other historic properties will not be
417 affected, this determination shall be documented for inclusion in the Trust's annual report
418 (Stipulation XIV).
419

420 4. If the DFPO identifies a historic property that may be directly, indirectly, or
421 cumulatively affected within the APE, the DFPO will continue on in the review process.
422

423 C. Assessment of Effects from the Undertaking and Resolution of Adverse Effects
424

425 The DFPO will assess the effects of the proposed undertaking, including cumulative effects, on
426 historic properties using the criteria of adverse effects (36 C.F.R. § 800.5(a)(1)) and the Trust will
427 complete the review process using one of the following compliance pathways.
428

429 1. N² Review Process
430

431 a) The Trust will assign a responsible project manager (PM) for each
432 undertaking. The PM, who will represent the Trust, Trust's permittees, federal or
433 non-federal tenants, or other parties, shall submit a package describing the
434 proposed undertaking to the N² Compliance Coordinator for review by the DFPO
435 and Trust NEPA Compliance Manager. The package will consist of a project
436 summary document (known as a "Project Screening Form"), plans, drawings,
437 specifications, photos, and any other information useful for describing the
438 proposed undertaking.
439

- 440 b) The DFPO shall add a description of the APE, in accordance with
441 Stipulation IV(B)(1), to the Project Screening Form.
442
- 443 c) The DFPO shall add identified historic properties, in accordance with
444 Stipulation IV(B)(2), to the Project Screening Form.
445
- 446 d) If necessary, the DFPO shall consult with the PM and other staff
447 qualified according to Stipulation I(A)(3) in order to ensure that the undertaking
448 can achieve a finding of no adverse effect.
449
- 450 e) In collaboration with the Trust's Principal Archaeologist, Archaeologist
451 or other qualified archaeologist, the DFPO shall ensure that an appropriate level
452 of archaeological identification, assessment, or monitoring is performed for
453 undertakings on top of or in proximity to archaeological areas of the NHLD (see
454 Appendix D), in accordance with an Archaeological Management Assessment
455 (AMA) prepared for the undertaking in accordance with Stipulation VI.
456
- 457 f) The DFPO shall make one of the following determinations (see
458 Appendix E for a flow chart of the below steps):
459
- 460 (1) **Historic Property Affected, No Adverse Effect** - If the above
461 process results in the DFPO determining there is no adverse effect, the
462 DFPO will document that finding in the undertaking's administrative
463 record, along with stipulations to ensure that any unanticipated adverse
464 effects are avoided, and ensure that the finding is included within the
465 Trust's annual report in accordance with Stipulation XIV, and the
466 undertaking may be implemented
467
- 468 (2) **Historic Property Affected, No Adverse Effect through**
469 **Conditions** - If the above process results in the DFPO's finding that the
470 proposed undertaking will have no adverse effect on historic properties
471 with conditions, the DFPO will place the item on the agenda for the
472 weekly N² review, which will consist of the following:
473
- 474 (a) The DFPO will prepare a project summary for
475 circulation via electronic mail to qualified Trust staff that will
476 participate in the review, signatory parties, except the ACHP,
477 and concurring parties no later than the Monday before the
478 regular Thursday morning meetings (occurring each week at
479 10:00 am Pacific Time). The project summary shall include
480 information describing how the undertaking has been designed to
481 avoid adverse effects. Hard copies of the Project Screening
482 Form and supporting materials will also be made available in the
483 Trust library, located at 103 Montgomery Street, for review and
484 comment by the public.
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(b) Signatory, concurring parties and the public may submit comments or questions about the project ahead of the Thursday meetings; signatory and concurring parties may also attend the meeting in person. Trust staff qualified under Stipulation I(A)(3) will review the project documents ahead of time and be present at the meeting to contribute to the discussion and development of conditions.

(c) Trust compliance staff will document meeting minutes and conditions required to support the no adverse effect determination, and circulate these draft minutes to signatory and concurring parties via electronic mail for comment or questions within five (5) business days of the meeting. The minutes and conditions shall reflect input from the DFPO and qualified Trust staff, as well as comments received from signatory and concurring parties or the public.

(d) Within five (5) business days following circulation of the meeting minutes and project conditions, the DFPO will distribute final minutes via electronic mail and then prepare a Certificate of Compliance (CoC) and Categorical Exclusion (CE) to be included in the undertaking's administrative record.

(e) The Trust will include the project description and finding in the Trust's annual report in accordance with Stipulation XIV and make the finding available upon request to any party or the public.

(f) Following the issuance of the CE and/or CoC, and absent objection by any consulting party or member of the public who has requested a copy of the finding, the undertaking may proceed without further review per this Stipulation.

(g) Because the Trust coordinates its NEPA and NHPA review, projects may appear on the N² agenda that have only NEPA implications (e.g. approval of new herbicides for use in Area B), and do not constitute an undertaking. In these cases, the Trust will note on the agenda that the project has no potential to affect historic properties and thus will not be subject to NHPA review.

(3) **Historic Property Affected, Adverse Effect** - If the DFPO finds that the proposed undertaking will have an adverse effect on historic properties, the DFPO shall consult with the NPS and SHPO to determine if the adverse effect may be avoided.

532 (a) Where the Trust, SHPO, and the NPS agree on measures
533 to avoid adverse effects, they shall document their agreement in
534 the administrative record for the project, and include a summary
535 of avoidance measures for the undertaking in the annual report in
536 accordance with Stipulation XIV. The undertaking may proceed
537 without further review per this Stipulation.
538

539 (b) If the DFPO finds the proposed undertaking will result
540 in an adverse effect and consults with NPS and SHPO but fails to
541 reach agreement pursuant to paragraph IV(C)(1)(f)(3)(a) above,
542 then the DFPO shall also consult with ACHP and the concurring
543 parties to resolve the adverse effect in accordance with 36 CFR
544 800.6.
545

546 2. Coordination with an Environmental Assessment or Environmental Impact
547 Statement Process
548

549 a) If the Trust is preparing an EA or an EIS for NEPA it shall follow
550 recommendations in the CEQ/ACHP Guidance, Section IV “Road Map for
551 Coordination,” relative to development of a comprehensive communication plan,
552 creation of an integrated strategy for completing studies to fill data gaps that
553 meet information standards and timing requirements for both NEPA and NHPA
554 processes, and – where appropriate – descriptions of mitigation commitments in
555 the decision record. The Trust will include a project-specific description of its
556 intended “Road Map for Coordination” as part of the scoping notice for NEPA
557 and initiation of NHPA consultation under this stipulation.
558

559 b) The Trust shall ensure that the undertakings reviewed under this
560 compliance pathway conform to the Secretary’s Standards, the Principles, and
561 any applicable PDG to the maximum extent possible.
562

563 c) First Consultation Package - In coordination with the opening of public
564 scoping for the NEPA process and consistent with 36 CFR 800.1(c), the Trust
565 shall provide the SHPO, the NPS, and concurring parties with an initial
566 consultation package.
567

568 (1) The First Consultation Package shall include the following: a
569 determination of the project to be an undertaking (Stipulation IV(A)(2)),
570 a graphic and written justification for the proposed APE and list of
571 historic properties identified in the proposed APE (Stipulation IV(B)(1)
572 and (2)), and a preliminary assessment of effect based on the
573 undertaking’s consistency with the Secretary’s Standards, Principles, and
574 relevant PDGs.
575

576 (2) Provided the purpose and need describes a project that has been
577 determined to be an undertaking (in accordance with Stipulation
578 IV(A)(2)), the preliminary assessment of effect shall be one of the
579 following: (1) Historic Property Affected, No Adverse Effect, (2)
580 Historic Property Affected, No Adverse Effect through Conditions, or (3)
581 Historic Property Affected, Adverse Effect. The comment period on this
582 consultation package shall be coordinated with the NEPA scoping
583 period, and will be specified in the cover letter. The comment period
584 shall not be fewer than thirty (30) days.

585
586 d) Second Consultation Package & Process - In coordination with the
587 release of a draft EA/Finding of No Significant Impact (FONSI) or draft EIS, the
588 Trust will distribute to the SHPO, the NPS, and concurring parties for comment a
589 second consultation package.
590

591 (1) For undertakings with a preliminary finding of “historic property
592 affected, no adverse effect” or “historic property affected, no adverse
593 effect through conditions”, the Second Consultation Package will contain
594 the following: a final APE, summary of scoping comments and the
595 Trust’s responses, and a determination of effect regarding the
596 undertaking on historic properties. The Trust will include supplemental
597 information in the second consultation package that describes the historic
598 properties and an analysis of how the undertaking will affect them. The
599 package will also contain a request for a consultation meeting among the
600 signatory parties in order to discuss the Trust’s finding and seek a
601 consensus that the undertaking will not adversely affect historic
602 properties, conforms to the Secretary’s Standards, the Principles and any
603 applicable PDGs to the maximum extent possible.
604

605 (a) The concurring parties will have thirty (30) days
606 following the date of receipt of the second consultation package
607 to provide written comments to the Trust for the signatory
608 parties’ consideration during this consultation. The Trust shall
609 provide these comments to the signatory parties.
610

611 (b) The signatory parties will have thirty (30) days
612 following the date of receipt of the second consultation package
613 to provide written comments to the Trust regarding the
614 determination of effect and changes, if any, that are needed for
615 the undertaking to avoid adverse effects, meet the Secretary’s
616 Standards, the Principles and applicable PDGs.
617

618 (c) The consultation meeting to discuss these comments will
619 be held in person or by telephone within ten (10) days of the
620 close of the thirty (30) day comment period described under
621 Stipulation IV(C)(2)(e)(1), or from the close of any extended
622 comment period. The Trust shall provide a summary of all
623 comments from the public gathered via review of the draft EA or
624 EIS to the signatory parties prior to the consultation meeting.
625 The signatory parties may decide to forego the consultation
626 meeting if they have indicated concurrence with the Trust's
627 findings in their comments.

628
629 (d) If the Trust modifies the undertaking in response to
630 comments received from the SHPO and NPS in order to achieve
631 concurrence on a finding of no adverse effect, or the signatory
632 parties concur with the findings or decline to comment, the Trust
633 shall document these modifications, finalize the EA/EIS and
634 revised description of the undertaking, and immediately provide
635 each of the other parties with copies of the final materials. The
636 Trust shall document this determination for inclusion in the
637 Trust's annual report (Stipulation XIV), and the Trust has no
638 further obligations under this Stipulation.

639
640 (2) For undertakings with a preliminary finding of "historic property
641 affected, adverse effect", the Second Consultation Package will contain
642 the following:
643 a final APE, summary of scoping comments and the Trust's responses,
644 and an assessment of the undertaking's effects on historic properties. The
645 Trust will include supplemental information in the second consultation
646 package that describes the historic properties and an analysis of how the
647 undertaking will affect them. The package will also contain a request for
648 a consultation meeting among the signatory parties in order to discuss the
649 Trust's finding and seek a consensus on avoidance measures.

650
651 (a) The concurring parties will have thirty (30) days
652 following the date of receipt of the second consultation package
653 to provide written comments to the Trust for the signatory
654 parties' consideration during this consultation.

655
656 (b) The signatory parties will have thirty (30) days
657 following the date of receipt of the second consultation package
658 to provide written comments to the Trust regarding the
659 assessment of effect and comment on ways the undertaking
660 could be modified to avoid adverse effects, meet the Secretary's
661 Standards, the Principles and applicable PDGs.

662

663 (c) The consultation meeting to discuss these comments will
664 be held in person or by telephone within ten (10) days of the
665 close of the thirty (30) day comment period described under
666 Stipulation IV(C)(2)(e)(1), or from the close of any extended
667 comment period. The Trust shall provide a summary of all
668 comments from the public gathered via review of the draft EA or
669 EIS to the signatory parties prior to the consultation meeting.
670

671 (d) Where the Trust, SHPO, and the NPS agree on how to
672 avoid adverse effects, they shall document their agreement in the
673 administrative record for the undertaking, the Trust may finalize
674 the EA/EIS to include the revised description of the undertaking
675 and immediately provide each of the other parties with copies of
676 the final materials. The Trust shall document this determination
677 for inclusion in the Trust's annual report (Stipulation XIV), and
678 the Trust has no further obligations under this Stipulation.
679

680 (e) If the DFPO consults with NPS and SHPO but fails to
681 reach agreement, then the DFPO shall also consult with ACHP
682 and the concurring parties to resolve the adverse effect in
683 accordance with 36 CFR 800.6.
684

685
686 3. Failure of NPS, SHPO, ACHP, or the concurring parties to comment within the
687 timeframes established by this stipulation or within timeframes otherwise agreed to by
688 those parties on any document submitted for review pursuant to this stipulation will be
689 deemed a waiver of the opportunity to comment, and the Trust may proceed without
690 considering comment(s) that might otherwise have been made. However, the Trust shall
691 consider the reasonable request via written or electronic mail of any signatory party for a
692 modification of the timeframes established by this stipulation.
693

694 **V. Coordination with the Federal Historic Preservation Tax Incentives Program**

695

696 This stipulation applies to all undertakings in Area B proposed by tenants or others (hereby
697 referred to as Applicants) seeking to participate in the Federal Historic Preservation Tax
698 Incentives Program. It defines steps and responsibilities for coordinated Section 106 consultation
699 and Certified Rehabilitation review so that the regulatory objectives of both processes may be
700 met, and so that the Trust's role as the long-term manager of properties in Area B is supported.
701

702 A. Applicants seeking to participate in the Federal Historic Preservation Tax Incentives Program for
703 a historic property or properties located in Area B shall follow the process delineated in 36 CFR
704 Part 67. For Tax Incentive project review, applicants are encouraged to engage in early
705 conversations and coordination with the SHPO. Applicants will be responsible for submitting
706 two copies each of Parts One, Two, and Three applications and amendments to SHPO for review
707 and approval.
708

709 B. The Trust shall accomplish Section 106 review for all Tax Incentive projects proposed by an
710 Applicant through the processes described in Stipulation IV above. Consultation under
711 Stipulation IV will address direct, indirect and cumulative effects. The Trust shall supplement
712 consultation packages described under subparts IV(C)(1)(f)(2)(a) and IV(C)(2)(c) and (d) with

713 information from the Parts One and Two submittals that may assist in the review and comment of
714 participating parties.

- 715
- 716 1. If the Applicant receives Part Two approval from the NPS-Technical Preservation
717 Services (NPS-TPS) without conditions, the rehabilitation described in the Part Two
718 application will be considered to conform to the Standards; and if Section 106 review
719 under Stipulation IV results in no adverse direct, indirect, or cumulative effects from the
720 undertaking, and Section 106 consultation under Stipulation IV will be concluded.
721
 - 722 2. If conditions are placed on the Part Two approval, the Applicant shall be obligated to
723 comply with those conditions.
724
 - 725 i. The conditions may be resolved through compliance with the condition(s) or a
726 Part Two amendment submitted to SHPO for review and approval. If the
727 conditions are met and/or the amendment approved, the rehabilitation described
728 in the Part Two application will be considered to conform to the Standards; and if
729 the Section 106 review under Stipulation IV results in no adverse direct, indirect
730 or cumulative effects from the undertaking, , and Section 106 consultation under
731 Stipulation IV will be concluded.
732
 - 733 ii. In the event that the Applicant cannot or will not modify the project to comply
734 with the conditions, the Applicant may abandon the project or complete Section
735 106 review solely in accordance with Stipulation IV.
736
 - 737 3. SHPO and NPS shall be responsible for coordinating comments on consultation packages
738 submitted during the 106 review with comments on tax credit submittals among the
739 separate reviewing offices (e.g., NPS-PWRO and NPS-TPS).
740
- 741 C. In addition to coordinating review under Stipulation IV(C), the Trust shall perform the following
742 tasks in support of Tax Incentive projects:
743
- 744 1. The Trust will preliminarily review copies of Applicants' Parts One, Two and Three
745 applications, and amendments to Part Two applications, prior to submittal to SHPO. The
746 Trust will review these documents for their accuracy and consistency with Trust codes,
747 regulations, planning documents, guidelines and general design direction as described in
748 the Tenant Handbook and other such descriptive materials adopted or produced by the
749 Trust for Area B. The Trust shall review these documents for no more than fifteen (15)
750 calendar days and submit comments to the Applicant in writing prior to the Applicant's
751 submittal of final documents to SHPO.
752
 - 753 2. The Trust shall assist the Applicant in making a determination regarding Functionally
754 Related Structures (FRS) according to 36 CFR 67.6(b)(4), and ensure the Applicant
755 submits adequate documentation to NPS-TPS to confirm the determination in conjunction
756 with the Part One application submittal.
757
 - 758 i. If the NPS-TPS confirms that the tax credit project is an FRS, any other work
759 within the complex of historically functionally related buildings that is not
760 subject to the tax credit project must be submitted to the Trust for Section 106
761 review through Stipulations IV or V and demonstrated to meet the

Standards. Such determinations will be documented in the Trust's annual report in accordance with Stipulation XIV below.

ii. If NPS-TPS confirms that there are no FRS because there is no historic functional relationship among the structures, a certification decision will be made for the tax credit project only. Any other work must be reviewed separately.

3. The Trust shall monitor the construction phase of a Tax Incentive project for compliance with any stipulations established through the Certified Rehabilitation process. The Trust shall also monitor the five (5) year recapture period after the Applicant's completion of the rehabilitation beginning from the date when the building or buildings associated with the Certified Rehabilitation is/are placed into service.

i. The DFPO shall employ the review process described under Stipulation IV for any substantive actions proposed involving a Certified Rehabilitation during the five (5) year recapture period.

ii. The DFPO shall direct the applicant to notify SHPO in writing to describe the nature of the proposed undertaking and request comment as to its appropriateness according to terms established via the Certified Rehabilitation. SHPO may consult with NPS-TPS as appropriate on the proposed additional work.

iii. The DFPO shall ensure that the additional work is carried out according to direction from the SHPO and NPS-TPS

iv. The DFPO shall document the work, along with the rest of the undertaking, in the Trust's annual Section 106 report in accordance with Stipulation XIV.

VI. ARCHAEOLOGY

The Trust shall take all reasonable measures to protect archaeological sites and features identified inside the NHL. To accomplish this and inform the design process, an AMA shall be prepared by a qualified archaeologist for all undertakings that involve ground-disturbing activities within or adjacent to archaeologically sensitive areas (Stipulation IV(A)(2)(b-d)). All other ground disturbing activities are subject to archaeologist review via the Trust's dig permit process. The Trust's qualified archaeologist shall include copies of completed AMA's in the Trust's annual report in accordance with Stipulation XIV. Based on the Trust's assessment under Stipulation IV(C)(1)(e), the AMA will outline a course of action for the projects. This course of action shall include one or more of the following:

A. The Trust shall develop a project-specific monitoring plan for those projects that are not anticipated to have an adverse effect, or that have been designed to avoid adverse effect during design development but that nonetheless are in or adjacent to identified or predicted archaeological areas (in accordance with Stipulation IV(C)(1)(f)(1) or IV(C)(1)(f)(2)). The monitoring plan will describe measures to protect archaeological features and will include the proposed location and frequency of monitoring along with required documentation procedures. Measures to identify, assess, and determine the appropriate treatment of archaeological features should they be encountered will be consistent with the discovery protocols (Appendix B).

809 B. The Trust shall develop a project-specific treatment plan at the completion of the
810 schematic phase for projects that may have an adverse effect as determined under Stipulation
811 IV(C)(1)(f)(2) but that require further identification to understand the content and dimensions of
812 the features, to assess the nature and extent of the effect, and/or to guide continuing efforts to
813 avoid the adverse effect. For the purposes of the undertaking, the Trust may assume NRHP
814 eligibility for archaeological features identified. Identification will further refine
815 recommendations in the AMA and may lead to a monitoring or treatment plan so that adverse
816 effects will be avoided.

817
818 C. The Trust shall develop a project-specific treatment, monitoring, or other plan for those
819 projects that have unavoidable adverse effects and where existing identification is sufficient to
820 proceed with a treatment plan, or for which further identification is incorporated within the
821 treatment plan. If this determination is reached through Stipulation IV(C)(1)(f)(3), the Trust shall
822 consult with NPS and SHPO on the proposed treatment plan according to the terms of that
823 Stipulation. The proposed plan will include a description of protection measures for unaffected
824 archaeological features, relevant research questions to be answered, methods for data recovery,
825 monitoring during construction, responsibilities and coordination, and the interpretation and
826 curation of recovered materials. The plan will describe the mitigation sufficiently to serve as a
827 scope of work and for the purpose of developing a budget. These reports will be summarized in
828 the Trust's annual report in accordance with Stipulation XIV.

829
830 D. All material remains and associated records generated by such projects, and not subject to
831 NAGPRA, will be accessioned, catalogued, and managed in accordance with 36 C.F.R. Part 79,
832 "Curation of Federally-Owned and Administered Archaeological Collections," the Trust's
833 *Archaeological Collections Policy* and the *Archaeological Collections Management Guidelines*.
834 According to 36 C.F.R. Part 79 "material remains" means artifacts, objects, specimens and other
835 physical evidence that are excavated or removed in connection with efforts to locate, evaluate,
836 document, study, preserve or recover a prehistoric or historic resource.

837 838 **VII. UNANTICIPATED EFFECTS & POST REVIEW DISCOVERY**

839
840 A. If after completion of an undertaking's review pursuant to Stipulation IV(C)(1) through
841 (3), or if during the implementation of any previously reviewed undertaking, the Trust finds it
842 necessary to modify the project scope or construction documents, the DFPO shall determine the
843 necessary compliance pathway to address this modification in accordance with Stipulation IV(C).

844
845 B. The Trust shall utilize its Standard Archaeological Discovery Protocol (see Appendix B)
846 for projects without any anticipated effects; this will be the only condition required prior to
847 implementation. In the event of an archaeological discovery the Trust may assume eligibility for
848 the purposes of treatment for the current undertaking. Should circumstances arise where the Trust
849 cannot address discoveries in a manner consistent with the protocol, the Trust shall notify the
850 SHPO and NPS of the discovery and any project-related time constraints, then agree upon
851 reasonable time frames for consultation. The Trust shall take into account any timely comments
852 prior to making a final decision on treatment. This protocol will describe the Trust's methods to
853 comply with the Archaeological Resources Protection Act (ARPA) and NAGPRA for
854 discoveries.

855 856 **VIII. EMERGENCY RESPONSE**

858 A. In the event that an emergency occurs at the Presidio that affects historic properties, the
859 Trust may take actions without consultation to preserve life or property.

860
861 1. Trust will notify SHPO and NPS within 24 hours of the emergency or as soon as
862 conditions permit.

863
864 2. The Trust will notify the SHPO and NPS of any actions taken to preserve life or
865 property within five days of completing the action.

866
867 3. The Trust will include a summary of the emergency and any actions taken in the
868 Trust's annual report in accordance with Stipulation XIV.

869
870 B. In the event of a disaster or emergency declared by the President or the Governor of
871 California, the Trust can undertake actions involving historic properties to prevent further damage
872 within thirty (30) days from the declaration of the disaster or emergency.

873
874 1. Emergency response work will be conducted in a manner that avoids or
875 minimizes effects on historic properties and, where possible, such emergency measures
876 will be undertaken in a manner that does not foreclose future preservation or restoration.

877
878 2. The Trust shall notify the NPS and SHPO of the emergency within two (2) days
879 of the declaration and include the steps being taken to address the emergency, and shall
880 provide on-site monitoring of emergency response work by qualified personnel (safe
881 working conditions permitting). NPS and SHPO may comment on the proposed steps in
882 order to facilitate the Trust's emergency response plan while also avoiding adverse
883 effects to affected properties.

884
885 3. The Trust will include a summary of the emergency and response taken in the
886 Trust's annual report in accordance with Stipulation XIV.

887
888 4. This timeframe may be extended with approval of the NPS and SHPO.

889
890 C. Actions as part of the recovery of a disaster or emergency shall be reviewed in
891 accordance with Stipulation IV.

892
893 **IX. DISPUTE RESOLUTION**

894
895 Should any signatory or concurring party to this PA object at any time to any actions proposed or the
896 manner in which the terms of this PA are implemented, the Trust shall consult with such party to resolve
897 the objection. If the Trust determines that such objection cannot be resolved, the Trust will:

898
899 A. Notify signatory and concurring parties of the intent to resolve a dispute through the
900 involvement of the ACHP, and forward all documentation relevant to the dispute, including the
901 Trust's proposed resolution, to the ACHP. The ACHP shall provide the Trust with its advice on
902 the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior
903 to reaching a final decision on the dispute, the Trust shall prepare a written response that takes
904 into account any timely advice or comments regarding the dispute from the ACHP, signatories
905 and concurring parties, and provide them with a copy of this written response. The Trust will then
906 proceed according to its final decision.

908 1. If the ACHP does not provide its advice regarding the dispute within the thirty
909 (30) day time period, the Trust may make a final decision on the dispute and proceed
910 accordingly. Prior to reaching such a final decision, the Trust shall prepare a written
911 response that takes into account any timely comments regarding the dispute from the
912 signatories and concurring parties to the PA, and provide them and the ACHP with a
913 copy of such written response.
914

915 2. The Trust's responsibility to carry out all other actions subject to the terms of this
916 PA that are not the subject of the dispute remain unchanged.
917

918 **X. AMENDMENTS**

919
920 A. This PA may be amended when such an amendment is agreed to in writing by all
921 signatories. The amendment will be effective on the date a copy signed by all of the signatories is
922 filed with the ACHP.
923

924 B. Appendices A, B, C or D may be revised with the written agreement of the Trust, SHPO,
925 and NPS without a revision being made to the underlying PA in accordance with an MOA and
926 filed with the ACHP. Any such change will be documented in the Trust's annual report in
927 accordance with Stipulation XIV.
928

929 **XI. TERMINATION**

930
931 A. Only a signatory party may terminate this PA. If any signatory party proposes
932 termination of this PA, the signatory party proposing termination shall notify all other signatories
933 in writing, explain the reasons for proposing termination, and consult with the other signatories
934 for no more than thirty (30) days to seek alternatives to termination. Should such consultation
935 result in an agreement on an alternative to termination, then the signatories shall proceed with an
936 amendment to the agreement.
937

938 B. If within thirty (30) days (or another time period agreed to by all signatories) an
939 amendment cannot be reached, any signatory may terminate the PA upon written notification to
940 the other signatories.
941

942 C. Once the PA is terminated, and prior to work continuing on an undertaking, the Trust
943 must either (a) execute a Memorandum of Agreement pursuant to 36 C.F.R. § 800.6, or (b)
944 request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7.
945 The Trust shall notify the signatories as to the course of action it will pursue.
946

947 **XII. DURATION**

948
949 A. This PA shall become effective upon execution by the Trust, the SHPO, the NPS, and the
950 ACHP and shall remain in effect until December 31, 2024, or unless terminated prior to that time
951 in accordance with Stipulation XI, or unless it is extended for an additional period of time by
952 mutual written agreement of the signatory parties.
953

954 **XIII. DEFINITIONS**

956 A. The definitions of terms appearing at 36 C.F.R. § 800.16 are incorporated by reference
957 into this PA.

958
959 **XIV. ANNUAL REVIEW AND MONITORING**
960

961 A. On or before January 31st of each year so long as this PA is in effect, the Trust shall
962 prepare and provide to all parties an annual report describing how the Trust is carrying out its
963 responsibilities under this PA.

964
965 B. The Trust shall ensure that the Report is made available to the public and that potentially
966 interested persons and members of the public are invited to provide comments to the SHPO, NPS,
967 and the ACHP as well as to the Trust. At the request of the SHPO, NPS, or the ACHP, the Trust
968 shall supplement this process through meeting(s) to address comments and/or questions.

969
970 C. The Report shall include, at a minimum:

- 971
972 1. A list of all undertakings reviewed under Stipulation IV.
973
974 2. Efforts to identify and/or evaluate potential historic properties, monitoring
975 efforts, AMA or research designs, and treatment of historic properties.
976
977 3. Reports of any training given to Trust personnel pursuant to Stipulation II,
978 identification of current Trust points of contact, and notification of any qualified
979 personnel changes.
980
981 4. Any recommendations to amend this PA or improve communications among the
982 parties.

983
984 D. The SHPO and NPS may monitor activities carried out pursuant to this PA, and the
985 ACHP will review such activities if it deems necessary or is so requested. The Trust shall
986 cooperate with the SHPO, NPS and the ACHP in carrying out their monitoring and review
987 responsibilities.
988


989 **EXECUTION** of this PA by the Trust, SHPO, NPS, and the ACHP and implementation of its terms
990 evidence that the Trust has taken into account the effects of this undertaking on historic properties and
991 afforded the ACHP an opportunity to comment.

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**PROGRAMMATIC AGREEMENT
AMONG THE PRESIDIO TRUST, NATIONAL PARK SERVICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE PRESIDIO TRUST MANAGEMENT PLAN
AND
VARIOUS OPERATION AND MAINTENANCE ACTIVITIES
FOR AREA B OF
THE PRESIDIO OF SAN FRANCISCO NATIONAL HISTORIC LANDMARK DISTRICT,
GOLDEN GATE NATIONAL RECREATION AREA
SAN FRANCISCO, CALIFORNIA**

SIGNATORY PARTY:

THE PRESIDIO TRUST

Name: 

Title: Executive Director

Date: April 23, 2014

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**PROGRAMMATIC AGREEMENT
AMONG THE PRESIDIO TRUST, NATIONAL PARK SERVICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
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FOR AREA B OF
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GOLDEN GATE NATIONAL RECREATION AREA
SAN FRANCISCO, CALIFORNIA**

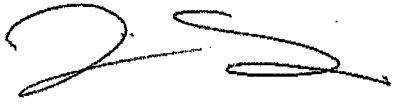
SIGNATORY PARTY:
NATIONAL PARK SERVICE: PACIFIC WEST REGION

Name: *Cristina D'Amico - Christine Lehmann*
Title: *Reg. Dir. DMRCB*
Date: *4/24/2014*

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PROGRAMMATIC AGREEMENT
AMONG THE PRESIDIO TRUST, NATIONAL PARK SERVICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
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FOR AREA B OF
THE PRESIDIO OF SAN FRANCISCO NATIONAL HISTORIC LANDMARK DISTRICT,
GOLDEN GATE NATIONAL RECREATION AREA
SAN FRANCISCO, CALIFORNIA

SIGNATORY PARTY:
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER



Name: Jenan Saunders
Title: Deputy State Historic Preservation Officer
Date: April 25, 2014

1063 PROGRAMMATIC AGREEMENT
1064 AMONG THE PRESIDIO TRUST, NATIONAL PARK SERVICE,
1065 THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
1066 AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
1067 REGARDING THE PRESIDIO TRUST MANAGEMENT PLAN
1068 AND
1069 VARIOUS OPERATION AND MAINTENANCE ACTIVITIES
1070 FOR AREA B OF
1071 THE PRESIDIO OF SAN FRANCISCO NATIONAL HISTORIC LANDMARK DISTRICT,
1072 GOLDEN GATE NATIONAL RECREATION AREA
1073 SAN FRANCISCO, CALIFORNIA
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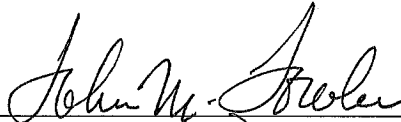
1076 SIGNATORY PARTY:

1077
1078 ADVISORY COUNCIL ON HISTORIC PRESERVATION
1079

1080
1081
1082
1083 Name:

1084 Title:

1085 Date:



EXECUTIVE DIRECTOR

4/29/14

1086 **APPENDIX A**

1087 **REPETITIVE OR LOW IMPACT ACTIVITIES**

1088 The following projects are exempt from further review or consultation with the SHPO, NPS, and the
1091 ACHP under the terms of this PA.

- 1092
- 1093 A. Maintenance of contributing buildings and structures which includes:
- 1094
- 1095 1. Housekeeping, routine maintenance, building monitoring, and other such actions
1096 (such as repair/replacement of light switches, and rewiring existing fixtures in existing
1097 conduit, replacement of window putty) that do not damage historic fabric.
- 1098
- 1099 2. Painting of historic structures (exterior and interior) to match existing color,
1100 consistent with approved Residential Paint Palette, or based on paint analysis by an
1101 architect or exhibit specialist.
- 1102
- 1103 B. Maintenance operations for non-contributing buildings and structures in a historic
1104 district, except excavations and borings in archaeologically sensitive areas.
- 1105
- 1106 C. Painting of non-historic buildings and structures (exterior and interior).
- 1107
- 1108 D. Maintenance and repair or replacement of roofs or parts of a roof on historic and non-
1109 historic structures that are deteriorated beyond repair, when replacement matches existing or
1110 original material and design, and the Secretary’s Standards, or maintenance scope of work that
1111 does not alter the integrity of the historic material.
- 1112
- 1113 E. Grading of terrain adjacent to a building to achieve positive water runoff in areas not
1114 designated as archaeologically sensitive or having vegetation or other characteristics which
1115 contribute to the cultural landscape and would be affected by grading.
- 1116
- 1117 F. Routine grounds maintenance such as grass cutting and treatment, maintenance of shrubs,
1118 and tree trimming, provided these activities are consistent with the Vegetation Management Plan
1119 and preservation of the cultural landscape.
- 1120
- 1121 G. Maintenance of existing roads or existing parking areas, including repaving and grading,
1122 within previously disturbed areas, where the work does not affect the historic integrity and
1123 character defining features of roads that are historic properties.
- 1124
- 1125 H. Rehabilitation, maintenance, or replacement of utility lines, transmission lines, and non-
1126 historic fences and walls within previously disturbed areas, not including known archaeological
1127 sites.
- 1128
- 1129 I. Health and safety activities such as non-destructive testing for radon gas, asbestos, lead-
1130 based paint, lead pipes, and hazardous materials and wastes.
- 1131
- 1132 J. Conducting non-ground disturbing elements of the applicable Integrated Pest
1133 Management program for control of pests such as termites, insects, and rodents.
- 1134

- 1135 K. Maintenance of existing facilities that does not involve new or additional ground
1136 disturbance (e.g., maintenance or replacement of guard rails, barriers, traffic control devices, light
1137 fixtures, non-historic curbs and sidewalks).
1138
- 1139 L. Maintenance (that does not change the configuration or appearance of the existing
1140 facilities) of existing electronic communication sites involving no ground disturbance.
1141
- 1142 M. Drilling test wells outside the boundaries of known archaeological sites for such purposes
1143 as water, slope stability, and detection of contaminants when continuous core sample is submitted
1144 to archaeology lab.
1145
- 1146 N. Mitigation or abatement of hazardous materials where this can be accomplished without
1147 impact to historic integrity or character-defining features of historic properties in situations such
1148 as the following:
1149
- 1150 1. Removal of asbestos insulation from piping and around duct work in open areas;
1151
 - 1152 2. Removal of damaged asbestos floor tile and replacement with similar non-
1153 asbestos tile;
1154
 - 1155 3. Carpeting over damaged asbestos floor tiles which do not contribute to the
1156 historic significance of a structure;
1157
 - 1158 4. Encapsulation of lead-based paint in window trim and molding where there is no
1159 change to appearance.
1160
- 1161 O. Conducting small-scale and select destructive testing in contributing buildings to expose
1162 and assess concealed structural conditions (such as removal of small areas of plaster wall finish)
1163 and/or to assess material capacities (such as masonry push testing or concrete slab coring) when
1164 performed in areas that are easily repairable or otherwise inconspicuous.

1165 **APPENDIX B**

1166 **STANDARD ARCHAEOLOGICAL DISCOVERY PROTOCOL**

1167
1168
1169
1170 A. There are three types of discoveries that are covered by this protocol:

- 1171
1172 1. Human remains of Native American or other derivation.
1173
1174 2. Cultural resources that have the potential to be significant.
1175
1176 3. Cultural resources not requiring further consideration.
1177

1178 B. An unanticipated discovery refers to any situation where previously unidentified
1179 archaeological resources or human remains are encountered during ground-disturbing activities.
1180 Unanticipated discovery protocols apply to those archaeological finds that are exposed during
1181 construction or construction-related activities whether an archaeologist is present or not. All
1182 contractors will immediately report to the Trust archaeologist if archaeological materials are
1183 uncovered during construction activities. All contractors must cease operations within the vicinity
1184 of the find until the Trust archaeologist is consulted. Cultural materials should be avoided by all
1185 future project activities and protected in place until a decision about their potential significance
1186 can be made. The Trust may assume NHL or NRHP eligibility of inadvertently discovered
1187 archaeological features for purposes of this treatment. All materials are property of the Trust and
1188 are not to be taken for personal use or display. The removal of artifacts from federal land is a
1189 federal offense and can result in substantial fines and/or imprisonment.
1190

1191 C. Archaeological resources include, but are not limited to, stone, brick, and concrete
1192 building foundations, isolated historic artifacts, historic privy pits and household waste deposits,
1193 and items of Native American derivation such as stone tools, shell and animal bone waste, shell
1194 beads, and habitation areas. A more detailed list follows:

- 1195
1196 1. Human remains;
1197
1198 2. Concentrations of rock, ash, animal bone or shell;
1199
1200 3. Buried layers containing a dark, almost black or very dark brown soil often
1201 containing charcoal and shell fragments;
1202
1203 4. Concentrations of artifacts such as stone bowls, arrowheads, bone tools, shell
1204 beads, etc.;
- 1205
1206 5. Architectural foundations made of stone, brick, wood, or concrete;
1207
1208 6. Architectural fabric;
1209
1210 7. Concentrations or historic material such as fragments of glass bottles, ceramic
1211 dishes, old cans, metal hardware, or other obvious trash dumps;
1212
1213 8. Pockets of debris containing food remains (e.g. cut bone, seeds, pits); and
1214

1215 9. Other materials that do not qualify as archaeological resources might also be
1216 encountered. These include: subsurface utilities such as water or sewer lines, materials
1217 manufactured after 1950, and small concentrations of broken concrete, broken asphalt,
1218 modern aluminum cans or beer bottles, and/or unmarked, unmortared bricks that have
1219 been deposited as fill, if no other cultural materials are present. These are generally not
1220 considered significant finds but should be brought to the Trust archaeologist's attention to
1221 inform future oversight.

1222
1223 D. Human Remains

1224
1225 1. All project-related ground-disturbing activities at the Presidio are designed to
1226 avoid human remains. If human remains, funerary objects, sacred objects, or objects of
1227 cultural patrimony are inadvertently discovered they shall be protected in place and
1228 avoided by all project activities. Ground disturbing work in the vicinity of the find must
1229 immediately cease and the Trust archaeologist must be contacted. Presidio Archaeology
1230 Lab staff will notify the Trust's DFPO. If necessary, the Trust will notify the San
1231 Francisco Medical Examiner of the inadvertent discovery of human remains.

1232
1233 2. The immediate protection of human remains at the site shall be accomplished by
1234
1235 a) keeping any discovery confidential, and
1236
1237 b) securing the location to prevent disturbance of the remains and any
1238 associated materials.

1239
1240 3. The Trust archaeologist shall determine whether NAGPRA applies to the
1241 discovery and will ensure that the finds are treated in compliance with all requirements
1242 outlined at 43 C.F.R. § 10.4. Any materials not subject to NAGPRA will remain under
1243 Federal control.

1244
1245 4. The Trust archaeologist shall determine whether the human remains are a single
1246 isolated burial or are potentially part of a cemetery or a larger archaeological site. This
1247 may necessitate the involvement of a consulting physical anthropologist. Articulated
1248 human remains, either as part of a single burial or larger cemetery, will be protected in
1249 place and avoided by all project activities. This may involve abandonment or redesign of
1250 the project.

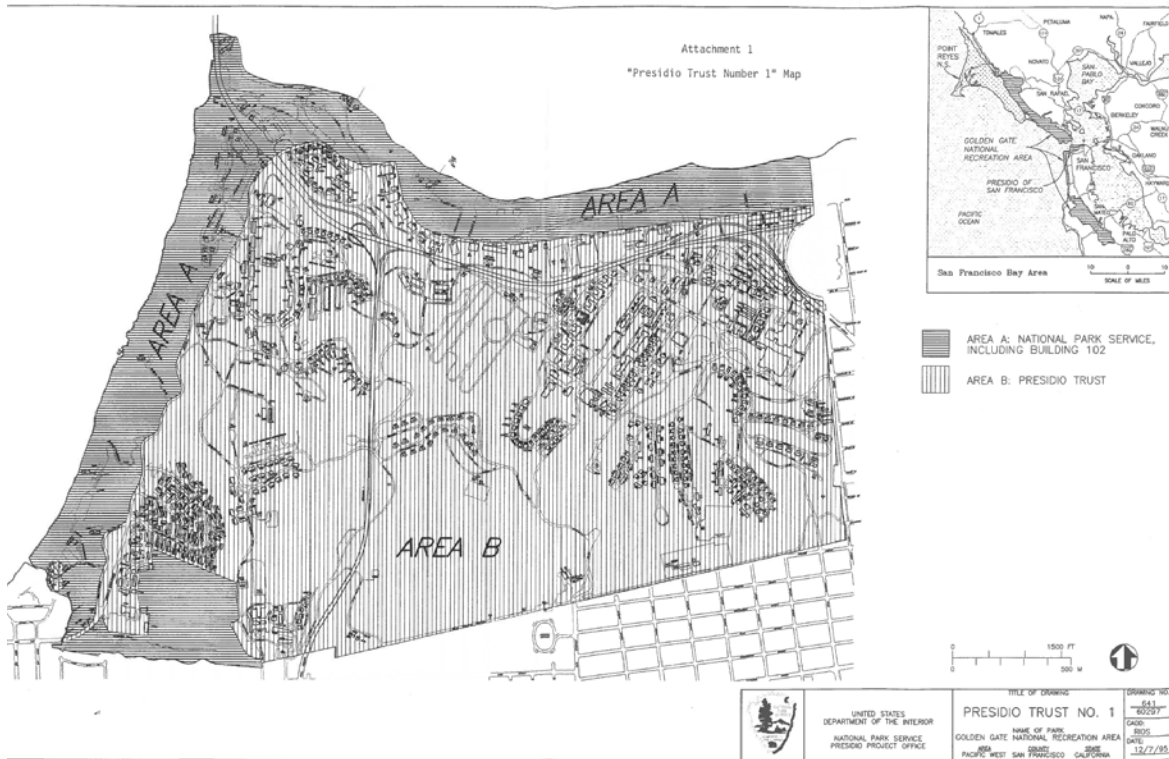
1251
1252 5. If the discovery is limited to disarticulated human remains, the Trust
1253 archaeologist or a consulting physical anthropologist will direct necessary collection
1254 efforts. Further identification work may be necessary to determine the frequency of
1255 disarticulated human remains in the project area, and to determine an appropriate course
1256 of action. Any disarticulated remains collected from the site will be stored in archival
1257 boxes in a secure location until appropriate re-interment can take place. No human
1258 remains will be accessioned into the Presidio Trust Archaeological Collections.

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APPENDIX C

AREA OF POTENTIAL EFFECT

“Presidio Trust Number 1,” dated December 7, 1995



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APPENDIX D

ARCHAEOLOGICAL AREAS OF THE NHLD

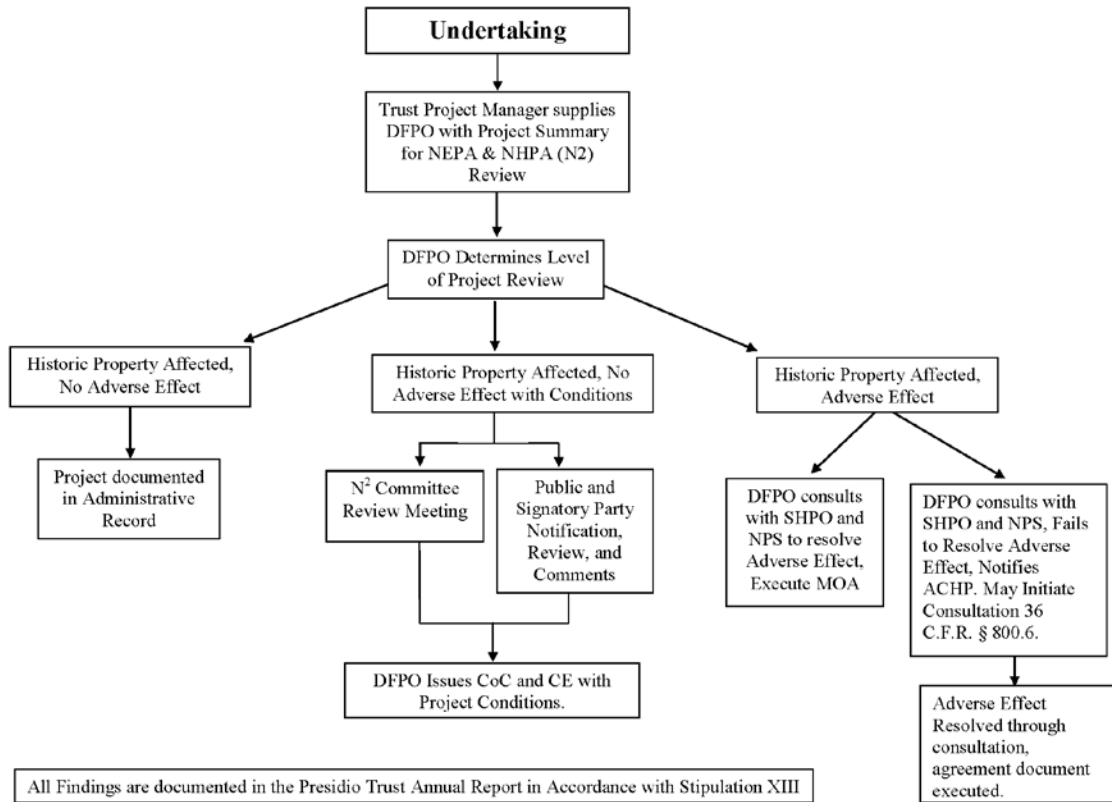


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APPENDIX E
N² REVIEW PROCESS

The Presidio Trust N² Process



1285

APPENDIX F

LIST OF PARTIES NOTIFIED DURING THE CONSULTATION PROCESS (May – December 2013)

- 1286
- 1287
- 1288
- 1289
- 1290
- 1291 **Concurring Parties to the 2002 PTPA, notified, comments requested on May 24, 2013 and**
- 1292 **November 15, 2013:**
- 1293 National Trust for Historic Preservation
- 1294 Presidio Historical Association
- 1295
- 1296 **Participating Parties to the 2011 Main Post Update PA, notified and invited to participate August**
- 1297 **26, 2013:**
- 1298 National Trust for Historic Preservation
- 1299 Presidio Historical Association
- 1300 San Francisco Architectural Heritage
- 1301 People for a Golden Gate National Recreation Area
- 1302 National Parks Conservation Association
- 1303 Sierra Club
- 1304 Decendants of the de Anza and Portola Expedition
- 1305 Neighborhood Associations for Presidio Planning
- 1306 Cow Hollow Association
- 1307 Laurel Heights Improvement Association
- 1308 Marina Community Association
- 1309 San Francisco Film Society
- 1310 Interfaith Center at the Presidio
- 1311
- 1312 **eNews Announcements to 9,000 subscribed members of the public on July 12, 2013 and November**
- 1313 **20, 2013, notifying them of the process and inviting comment**
- 1314