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ATTN: RPEC-SFWS
(Via email: SFWFRS@usace.army.mil)



RE: Comments on USACE’s Draft Integrated Feasibility Report and Environmental Impact Statement and Proposed Section 106 Programmatic Agreement

On behalf of the Telegraph Hill Dwellers (“THD”), we offer our comments on the U.S. Army Corps of Engineers’ (“USACE”) Draft Integrated Feasibility Report and Environmental Impact Statement (“DEIS”) for the Draft San Francisco Waterfront Coastal Flood Study (“Draft Plan”) published on January 26, 2024. As a consulting party in the Programmatic Agreement (“PA”) under Section 106 of the National Historic Preservation Act (“Section 106”), this letter also includes our preliminary comments on the draft PA.

The USACE, in collaboration with the City of San Francisco, is conducting the Draft Plan to analyze and manage the risks of coastal flooding and climate-related sea level rise on waterfront lands under the jurisdiction of the Port of San Francisco (“Port”). The Draft Plan is intended to show where and how coastal defenses will be built to guard against future sea level rise. The proposed Tentatively Selected Plan (TSP) in the Draft Plan, toward which our comments refer, is estimated to cost approximately \$13 billion. If approved by Congress, the Federal government may pay up to 65% of the construction cost.

Of the four “reaches” comprising the 7.5-mile Port waterfront addressed in the Draft Plan, we focus our comments primarily on Reach 2, which aligns most closely with THD’s Northeastern Waterfront neighborhoods and includes the Embarcadero National Register Historic District. In addition to concerns related to adequacy of the Draft Plan and DEIS to address the potentially significant impacts to historic resources from the implementation of the TSP, we also include comments addressing general overall issues, as well as important environmental impacts.

We acknowledge and appreciate the substantial effort that the USACE, the Port, the cooperating and participating agencies, and others have invested in the development of those draft documents, with their dozens of appendices and thousands of pages. Based on our review to date of those documents, we offer the following comments:

I. The Draft Plan And DEIS Are Too High-Level – Future Focused Federal-Level Environmental Review Is Required.

The DEIS is so general and at such a high level that it is at best a programmatic EIS. It does not include as many potentially critical details and analyses of potentially significant environmental impacts as are necessary for an adequate and complete environmental impact analysis under the National Environmental Policy Act (“NEPA”). Overall, the DEIS seems to be at the 100,000-foot level. When asked for essential details, the response has seemed to be that details do not need to be assessed yet, that there will be plenty of time for that during future project-level engineering and design, perhaps 5 to 10

years from now. And, yet, it is those details that will most fully inform decision makers and the public now about impacts on the quality of life in adjacent neighborhoods – the purpose of the DEIS.

During construction, for example, there will be ongoing noise and vibration from pile driving of dozens, maybe hundreds of piles or more, and local streets will be filled with thousands of cars diverted into adjacent neighborhoods during the realignment of the Embarcadero roadway. Impacts such as these will continue, likely over a period of years. For the DEIS to be adequate for informed decision making and meaningful public comment, many more details about how the TSP will affect adjacent neighborhoods are needed before this DEIS is finalized.

An adequate and complete DEIS must include sufficiently detailed analyses (e.g., impacts on historic resources, construction noise, traffic diversion) for informed review and decision making regarding the TSP. Because it is clear from the DEIS that details of the TSP's project-specific implementation are not yet known, the USACE should at a minimum, develop and analyze a suitable range of plausible hypothetical scenarios that would give decision makers and the public at least a sense of the magnitude and significance of potential impacts and the nature of possible mitigation measures. Perhaps a blend of programmatic and project-specific impacts and mitigation measures is possible at this time.

When engineering designs are closer to completion, we ask that the USACE commit now, as a part of this DEIS, to perform future focused federal-level environmental review(s) to evaluate the impacts for each reach of the proposed project or major project area prior to their implementation.

II. Include In The DEIS A More Detailed Description And Fuller Assessment Of The Impacts To Historic Resources.

A more detailed description and fuller assessment of the impacts of the Draft Plan and TSP on historic resources should be included in the DEIS sufficient to assess the threat to the integrity of each individual resource, together with analysis of whether the Embarcadero National Register Historic District will remain eligible for listing following implementation of the project. In this regard, we urge the USACE to include the following:

- ***Ferry Building and Agriculture Building:*** The DEIS does not adequately describe and evaluate the impact of the proposed plan with respect to how the historic Ferry Building and Agriculture Building would be treated. A fuller description, quantification, and evaluation of the impacts of construction options on the Ferry Building (e.g., lifting the building vertically, lateral movements to enable foundation, wharf and seawall construction) is needed. As one of the City's most iconic and visible historic buildings, we need to ensure that the Ferry Building work is done carefully. As a critically important part of the waterfront revitalization, the detailed plan for its preservation should be included as a part of the TSP and analyzed in the DEIS. How will the Secretary of the Interior's Standards for the Treatment of Historic Properties be applied to mitigate the impacts to the Ferry Building and Agriculture Building? The DEIS should more fully assess the threat to the integrity and stability of these significant historic structures.
- We urge you to include for consideration in the Draft Plan the Port's recommendation that the coastal flood defense structure be realigned adjacent to the bayside edge of the Ferry Building and Agriculture Building and that the structures be raised in place with a basement structure or some solid fill underneath. The Port appears to believe that this approach may be preferable from a cost and engineering perspective. Would it also be preferable from a historic preservation perspective?

- **Historic Bulkheads.** The Draft Plan and DEIS do not adequately describe, quantify and evaluate the impact on the historic bulkhead buildings of the proposal in the TSP to lift the buildings vertically, move them laterally to enable foundation, wharf and seawall access and reconstruction, and then move them back into place at a higher elevation. How does this proposed construction comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties? The Draft Plan and DEIS should more fully assess the threat to the integrity and stability of these significant historic structures.
- **Historic Finger Piers:** The TSP would leave finger piers at their current elevation with "short flood walls" (e.g., a bathtub approach) to temporarily protect the historic pier sheds. As stated in the DEIS, these proposed "short flood walls" are not intended to defend the piers against water levels that exceed pier deck elevations, but are only intended to extend their life. To assist with planning and financing of projects to raise individual piers, the DEIS should estimate how many more years the short flood walls will protect each finger pier from inundation. As 18 of the 29 historic finger piers and sheds are significant features of the Embarcadero NR Historic District, how does this proposed method comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties? Are costs required for raising and preserving historic finger pier sheds considered Qualified Rehabilitation Expenditures (QREs) eligible for federal historic tax credits? How will leaving the finger piers at their current elevation and/or potentially the loss of the historic finger piers and sheds impact the overall integrity of the NR historic district? How can this potential loss be mitigated? Raising the historic piers along with the bulkhead buildings should be included as a part of the TSP and DEIS.

Given their significance to the National Register historic district and the impact of the potential loss of the finger piers to its overall integrity, we urge you to consider (1) how the Port can utilize public-private partnerships to raise and rehabilitate the piers before, concurrent with, or after implementation of the TSP, and (2) including in the Draft Plan full pier rehabilitation and/or replacement for at least a limited number of pier structures to ensure their preservation and use through the end of their useful life.

- **Historic Seawall:** We note that the historic seawall to be replaced as a part of the TSP is an important part of the Embarcadero NR District as it unifies the entire district. How will its removal and reconstruction affect the integrity of the district? This impact on the district should be evaluated in the DEIS.
- **Reach 1 Modification:** We agree with the Port's recommendation that the structural measures utilized for Reach 2 be extended several hundred feet into Reach 1 to provide similar historic preservation, life safety, inland drainage, and flood risk reduction benefits (e.g., from Pier 27 to Pier 35).
- **Pier 70 Historic Resources:** The TSP currently includes the demolition of two significant historic buildings in the Embarcadero Historic District and Union Iron Works Historic District. THD supports the Port in urging you to develop approaches to avoid these demolitions, including adjusting the alignment of coastal berm features in this area to avoid demolition of historic resources.
- **Federal Tax Act Projects for Public-Private Partnerships:** An analysis should be conducted to determine whether replacing the seawall, wharves and piers, while retaining the bulkhead buildings and protecting the pier sheds only temporarily with short flood walls, pursuant to the TSP, would be consistent with Secretary of the Interior Standards for Treatment of Historic Properties and remain eligible for federal historic tax credits pursuant to the *National Park*

*Service (NPS) Guidelines On Flood Adaptation For Rehabilitating Historic Properties.*¹ To further public-private partnerships for the rehabilitation of the Port's historic resources, including raising the pier sheds, consultation with the NPS should occur now as a part of the Draft Plan to determine whether Part 1 approvals for tax credit projects could be obtained from the NPS prior to full design of the flood control projects. If the implementation of the Draft Plan would result in the loss of the integrity of individual historic resources or the historic district as a whole, federal tax credits would no longer be available.

III. Overall Issues And Important Environmental Impacts Should Be Addressed In The DEIS.

Please consider the following additional comments:

1. The DEIR does not provide sufficient detail and meaningful analysis of project impacts, especially during construction. More details and analyses are needed to fully assess the project's environmental impacts and their significance. Among other things, the DEIS needs more systematic uncertainty analysis, definition and analysis of alternative mitigation and implementation options (even if such alternatives are hypothetical, so long as they are realistic), along with more complete identification and analysis of mitigation measures.

2. Quantification and evaluation of the multiple-year impacts of Reach 2 construction on adjacent neighborhoods are needed, including identification and analysis of possible mitigation strategies (e.g., vibratory pile driving). The DEIS must adequately analyze such environmental effects as:

- Traffic redirection into adjacent neighborhoods during Embarcadero roadway realignment construction that will likely take years. During that time, a major volume of traffic (commuter, tourist, and otherwise) will have to be diverted into other routes. Such redirection will almost certainly cause significant disruption in adjacent neighborhoods.
- Noise from pile driving equipment and other construction activities.
- Air quality impacts from construction-related criteria pollutant and air toxic emissions (e.g., diesel exhaust particulate matter), particularly from equipment used in pile driving and construction of the realigned Embarcadero roadway. Relevant air concentrations and cancer and noncancer health risks should be quantified, especially for the most impacted persons in adjacent neighborhoods.
- Impact of vibration on nearby buildings and on Telegraph Hill given its history of rockslides and landslides.

3. The study area and area of potential effects ("APE") should be expanded to include Telegraph Hill and other neighborhoods that would be substantially affected by the impacts listed above. We note that some important impacts (e.g., congestion from traffic diversion during construction) will likely extend outside, perhaps well outside, the Draft Study's current APE.

4. Additional more intuitive and user-friendly ways are needed to communicate the Draft Plan and its impacts. The Draft Plan is complex, massive, and will span decades. Decision makers and the public need to be able to anticipate and understand the activities involved in the implementation of the Draft Plan and how they will be experienced by the public, both during construction and after completion. The

¹ *National Park Service (NPS) Guidelines On Flood Adaptation For Rehabilitating Historic Properties* (<https://www.nps.gov/orgs/1739/upload/flood-adaptation-guidelines-2021.pdf>)

Port's interactive web-based visualization tool is a very good beginning. Additional such tools are needed, perhaps using interactive 3D modelling.

5. Further analysis and more systematic evaluation of the magnitude and significance of key uncertainties is needed. Among the most significant of these is the amount and timing of sea level rise (using alternative forecasts such as those identified in the DEIS). Additional sensitivity analyses should be conducted to consider alternative scenarios, mitigation options, etc. that, while hypothetical, are realistic. Further analysis of the effects of such key uncertainties on plan design, construction, and operation is warranted.

6. More detailed analyses focused on Reach 2 are warranted. Reach 2 is among the area most heavily impacted by the TSP, yet sea level rise vulnerability in much of that area (from approximately Broadway northward) is forecast to be among the lowest (e.g., see Figure 3-6, San Francisco Sea Level Vulnerability Zone, p. 3-5, Draft Appendix B.1.1 – Coastal Extreme Water Levels and High Tide Flooding). The DEIS does not consider this disparity enough, nor does it consider and evaluate impacts in sufficient depth.

7. Description of how public outreach will be managed over the many years of this project is needed. Public outreach will be essential for communication, consultation, problem identification and solutions, particularly during construction. This outreach is even more complex and essential because it will need to be ongoing over many years. A community communication and coordination group should be established, comprised of stakeholders, including the USACE, the Port, contractor representatives, police and fire representatives, nearby residents and businesses, community groups, and other interested parties. While primarily needed during construction, earlier input during project-level design could be also be helpful.

IV. Proposed Section 106 Programmatic Agreement Needs More Detail.

The USACE, and the Port have proposed a Programmatic Agreement (“PA”) for the Draft Plan pursuant to the requirements of Section 106 of the NHPA, which requires a federal agency, such as the USACE, to account for and mitigate the effects of their actions on properties listed in or eligible for listing in the National Register (“NR”) or California Register of Historic Resources (“CRHR”) and to consult with state and local agencies organizations, Tribes, and the public. Programmatic Agreements play a critical role in documenting a federal agency's commitment to carry out their responsibilities under Section 106. How the requirements of Section 106 will be implemented by the USACE in carrying out this project on San Francisco's historic waterfront is particularly important, given how closely it is being watched for its precedence by many others similarly situated elsewhere throughout the country.

As further described below, the PA for the proposed project should enact, clarify, and codify policy recommendations in *ACHP's 2023 Climate Change Policy Statement*², including proactive identification of known historic resources within the APE, robust and ongoing community consultation, and flexible application of guidance on treatment of historic properties threatened by climate change to allow resiliency investments (i.e., raising finger piers) to qualify for federal historic tax credits. As drafted, the USACE's proposed PA is primarily a "boiler-plate" that needs more information and detail to show how Section 106 responsibilities will be carried out.

² *ACHP's 2023 Climate Change Policy Statement* ([Climate Change Policy Statement-final_0.pdf \(achp.gov\)](#))

As a consulting party to the development and implementation of the PA, we offer the following preliminary comments on the draft PA and look forward to working with the USACE and the other consulting parties on its development.

- ***Identity of Historic Properties.*** The first policy principle of ACHP’s Climate Change Policy Statement is for “[p]ublic-serving institutions [to] work collaboratively to assemble information about previously designated or documented historic properties and to identify previously undesignated or undocumented historic properties, with priority on areas with the highest potential for climate impacts.” With respect to the proposed project, the PA should identify all known historic resources within the APE, which have been extensively documented. Listing the known historic properties in the preamble or stipulations (or in an appendix if the list is extensive) sets the framework for assessing the undertaking’s effects, and prevents future misunderstandings or disagreements about what is covered in the PA. As currently drafted, the PA assumes that historic resources have not yet been identified, which is inaccurate. Please include in an appendix to the PA a list of the resources that have identified (see pages 3-54 and 3-55 of Appendix D to the DEIS) as being listed in or eligible for listing in the NRHP and the CRHR, along with the map of the well-known historic resources in the APE included as Figure 4-3 of Appendix D.

As to the Embarcadero NR Historic District, for example, we encourage you to reference the NR nomination and refer you to the detailed information contained in Michael R. Corbett’s *Port City, The History and Transformation of the Port of San Francisco 1848-2010*, published by San Francisco Architectural Heritage. Similar reference should be made to the NR nomination for the Union Iron Works NR Historic District.

We acknowledge that additional historic resources not yet listed or determined eligible for listing may be identified by the USACE in the future pursuant to the process provided in the draft PA. However, reference to the currently known historic resources should be made throughout the relevant provisions of the PA.

- ***Use of Qualified Professionals.*** The NHPA requires federal agencies to demonstrate their responsible care of historic properties by a commitment to use professionals qualified in the field of historic preservation in carrying out their projects. We urge the USACE to include in the PA a commitment to use qualified preservation professionals in the evaluation of additional historic resources, in the detailed design process and assessment of effects on historic resources, and in the development of the Programmatic Historic Management Plan (“PHMP”) and any necessary Treatment Plan required for mitigation or avoidance of impacts on historic resources.
- ***Procedures for Monitoring and Reporting on PA Implementation.*** Given the current lack of detailed engineering and design details, we urge the USACE to include in the PA a process for periodic consultation, monitoring and reporting with the consulting parties, especially during the Preconstruction Engineering and Design Phase and the preparation of the PHMP and any Treatment Plan, in order to provide the consulting parties an opportunity to participate in and assess the progress of USACE’s fulfilment of its responsibilities under the NHPA.
- ***Guidelines for Acceptable Treatments of Historic Buildings.*** The USACE should develop and include guidance for acceptable treatments of the historic resources in the APE. In its June 16, 2023 “Climate Change and Historic Preservation Policy Statement, the Advisory Council on Historic Preservation states that “the federal government should expand and more flexibly apply its guidance on the treatment of historic properties threatened by climate change. [...] The federal

government should accelerate the development of additional guidance for acceptable treatments of historic buildings, sites, and landscapes facing climate risks.”

- **30 calendar day deadlines.** Absent meaningful participation by the consulting parties in the preparation of the PHMP and any necessary Treatment Plan, it seems that 30 calendar days in which to provide a written response to these important documents is too short. Is it possible to lengthen these deadlines to a minimum of 60 days?
- **Duration of the PA.** The draft PA provides that it will remain in effect for to be for a period of 15 years from the date of execution, and that if there are no objections, will continue for another 15 years. Given the estimated time for completion of engineering and design, and the many years of anticipated construction activities necessary to implement the Draft Plan, is 30 years sufficient? Can it be extended further?

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It has been said that this project is on a historic, once-in-a-lifetime scale. We agree. Which is why we, and all of you, want this to be a historic, once-in-a-lifetime success.

Thank you very much for the opportunity to comment on these important documents. Note that, given limits on the available review time and the extensive length and complexity of the documents, we reserve the right to expand or supplement our comments as appropriate.

Sincerely,

Stan Hayes
President

Nancy Shanahan
Historian

Telegraph Hill Dwellers

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