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BY ELECTRONIC MAIL

rachelle.axel@sfgov.org

May 15, 2017

Rachelle Axel
Director of Public & Private Partnerships
San Francisco Arts Commission
401 Van Ness Avenue, Suite 325
San Francisco, CA 94102

Re: City and County of San Francisco
NEA Grant 15-4292-7078

Dear Rachelle:

Please read this letter carefully. Although this letter requires no further action on the part of your organization, it contains information about your responsibilities under federal law that impact your organization's legal obligations.

In accordance with the National Historic Preservation Act ("NHPA"), a Federal agency, such as the NEA, must undertake a historic preservation review when an applicant seeks Federal funding for a proposed project that has the potential to alter, impact, or adapt for reuse a historic structure or site. The historic preservation review is set forth in Section 106 of the NHPA and the regulations to that Act, and for that reason is often called a "Section 106 Review." The National Environmental Policy Act (NEPA) has similar requirements for review of both environmental and historic resources, and the NEA integrates these reviews. Further information on NHPA can be found at <http://www.achp.gov/citizensguide.html>, and information regarding NEPA may be accessed at <http://www.epa.gov/Compliance/basics/nepa.html>. Likewise, a good guide to historic preservation can be found at www.nps.gov/tps/standards/rehabilitation/guidelines/index.htm.

The NEA has entered into a Programmatic Agreement with the Advisory Council on Historic Preservation ("ACHP") and the National Conference on Historic Preservation ("NCSHPO"), dated June 20, 2014 (the "Programmatic Agreement"). This Programmatic Agreement identifies certain activities and exempts them from Section 106 review (the "Exemptions"). Please review Exhibit A to this letter for a complete list of the Exemptions. The Programmatic Agreement is available in its entirety on the NEA's webpage at <http://arts.gov/sites/default/files/NEA-ACHP-NCSHPO-PA.pdf>.

The City and County of San Francisco's grant application requests funding for temporary public art and public events held on city streets in three locations of San Francisco, including Central Market (7th Street to 5th Street); Retail Heart (5th Street to 3rd St); and Embarcadero (Beale Street to Steuart Street). Temporary art and events are "prototypes" that include performance spaces, relaxation zones, educational spaces, green spaces and interactive art installations. Staging and chairs are temporary and

placed on hardscaped surfaces, requiring no ground disturbance. The NEA has determined that these activities qualify for one or more exemptions under the Programmatic Agreement.

We have determined that your activities qualify for the following exemption(s):

Exemption (please see Exhibit A for further detail):
2, 3, & 5

By submitting a request for payment or reimbursement, your organization will certify that the above listed exemption(s) constitute a true and accurate statement of your grant activities, and that no grant activity conducted by you exceeds the scope of the above exemption(s).

If your organization's use of grant funds extends beyond the listed exemption(s), contact us immediately at NEAHistoricreview@arts.gov, as we are required to conduct another level of review on your project activities. Failure to inform us of the true nature of your use of federal funds is a violation of federal law and the terms and conditions of the grant.

Additionally, you must notify the NEA immediately if you determine that your project touches upon the interests of any federally recognized Indian tribe.

If you are already working with your SHPO on this project, please send a copy of any relevant correspondence from the SHPO. Additionally, please ensure that requirements of NEPA, as well as the NHPA and local permitting rules, are considered and adhered to.

If you have any questions about either NHPA or NEPA and the NEA's involvement in the reviews associated with these acts, please do not hesitate to contact me at (202) 682-5584, or by email at NEAHistoricreview@arts.gov.

Sincerely,

Brian Lusher

Brian Lusher
Historic Preservation Officer

Cc: NEA Visual Arts
Julianne Polanco, California State Historic Preservation Office; julianne.polanco@parks.ca.gov

EXHIBIT A

The Exemptions under the Programmatic Agreement

(The Exemptions are also located on Attachment A of the Programmatic Agreement for your reference)

1. In-kind replacement or repairs within an existing facility that is not 50 years or older, determined to be eligible or listed individually or as a contributing element on the National Register of Historic Places.
2. Public events of a limited size and duration causing no permanent effect on locations that are listed or eligible for listing in the National Register of Historic Places (e.g., book festival on the National Mall, theater production in New York City's Central Park, dance workshop at the Log Cabin in the Presidio in San Francisco).
3. Structures and installations for outdoor art and cultural festivals with minimal to no ground disturbance that are carried out in such a manner that does not preclude returning the site to its original condition.
4. Outdoor murals and other art painted on, mounted on, or adjacent to a building that is not 50 years or older, determined to be eligible listed individually or as a contributing element on the NRHP;
5. Temporary public art such as sculpture, statuary, banners, mixed-media or painting - provided it is 100% reversible, and in no way damages or necessitates the installation of hardware on a resource determined to be eligible, listed individually or as a contributing element on the NRHP.
6. Permanent wayfinding signs and other similar artistic directional installations, provided they are not installed in a location that is listed or eligible for listing either individually or as a contributing resource on the NRHP or on a building that is 50 years old or older or determined to be eligible, listed individually or as a contributing element on the NRHP.
7. Small structures such as benches, bus shelters, produce stands and similar small structures, that do not require substantial ground disturbance to be installed, provided they are not attached to or dependent upon buildings or structures listed in or eligible for listing either individually or as a contributing resource on the NRHP and do not preclude the returning the site to its original condition.
8. Maintenance and rehabilitation of a landscape consistent with the site's existing purpose and use (e.g., community garden, urban park); if not located within a known archeological site. Creation of new community gardens or addition of large-scale landscape elements are not included in this exemption.
9. Projects and programs that support conceptual planning, design and research.
 - a. Examples include:

- i. Feasibility and planning studies;
- ii. Early design development work, such as conceptual drawings and renderings;
- iii. Design competitions;
- iv. Community workshops;
- v. Cultural asset mapping; and
- vi. Design charrettes.

b. This exclusion may not be applied if the project or program phase that is being supported:

- i. Will go beyond the planning, study, research or competition phase; or
- ii. Is an attempt to segment the project to avoid review and result in an actual selection or decision, that limits consideration of other reasonable alternatives.

10. Information gathering, data analysis and processing, information dissemination, review, interpretation and development of documents. Examples include but are not limited to : document mailings, publication and distribution, training and information programs, historical and cultural demonstrations, and public affairs actions, studies, reports, proposals, analyses, literature reviews and computer modeling.