

October 29, 2008

Craig Middleton
Executive Director
Presidio Trust
P. O. Box 29052
San Francisco, CA 94129-0052

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Re: Comments on the May 27, 2008 Presidio Trust Main
Post Undertaking NHPA Consultation Package

Dear Mr. Middleton:

On behalf of the National Trust for Historic Preservation (National Trust), thank you for the opportunity to provide comments regarding the “Presidio Trust Main Post Undertaking NHPA Consultation Package” dated 5/27/08 (*hereinafter* draft Finding of Effect or “dFOE”) prepared pursuant to Section 106 of the National Historic Preservation Act (NHPA)(16 U.S.C. § 470f).

Following are our concerns and requests for clarification with respect to both the dFOE and the Presidio Trust’s compliance process under the NHPA.

1. Irregularities in the Planning Process

As steward of a National Historic Landmark District (NHL), the Presidio Trust has the responsibility to “undertake such planning and actions as may be necessary to minimize harm to [the] landmark.” (16 U.S.C. § 470h-2(f).) The current Presidio Trust Management Plan (PTMP) does not allow for new construction at the Main Post of the scale and scope (nor, we would argue, of the design) that would be result from the implementation of the proposed “Main Post Update of the Presidio Trust Management Plan” (*hereinafter* Main Post Update) dated June 2008.

The Presidio Trust made a crucial misstep in November, 2007 when it issued a Request for Proposals (RFP) for a cultural institution at the head of the Main Parade Ground without adequately considering the impact of such a building on the Presidio’s historic buildings and landscape. The dFOE confirms this flaw by concluding that a large building located on this site will inevitably have an adverse effect on the Presidio NHL, as this area was primarily open space during the Period of Significance. Both proposals received in response to the RFP, Alternatives 2 and 3, would cause an adverse effect as they would

Western Office

5 Third Street, Suite 707
San Francisco, CA 94103
P 415.947.0692
F 415.947.0699
E wro@nthp.org
Serving: AK, AZ, CA, HI, ID, NV, OR, WA &
Pacific Island territories

National Office

1785 Massachusetts Avenue, NW
Washington, DC 20036
P 202.588.6000
F 202.588.6038
E info@nthp.org
www.PreservationNation.org

introduce “large visual elements that diminish the integrity of multiple significant historic features.” (dFOE at pp. 52, 72). (Obviously the degree of adversity would be much more extreme in Alternative 2 than it would be in Alternative 3 given the size and scale of the building, a difference that we ask the Presidio Trust to acknowledge.)

The planning that was necessary to minimize harm to the NHLD did not occur because the Presidio Trust initiated Section 106 consultation only after the RFP for the Main Post cultural institution was issued. This resulted in the improper exclusion of development proposals that that would have a lesser impact on the NHLD. The public should not be forced to choose between two alternatives in a flawed location. An important consequence of the failure to contemplate other sites is that the public is precluded from seriously considering whether an alternative site south of Moraga would have a lesser impact. For instance, had the RFP contemplated placement of a museum south of Moraga, a more thorough analysis could be done on the impacts to historic resources. The museum concept in Alternative 2A, however, is only minimally developed and fails to take advantage of opportunities to minimize adverse effects on the integrity of the Main Post. It is difficult to make an informed decision on the nature of its impact given the lack of information presented.

The June 30, 2008 “Interim Case Report” released concurrently with the dFOE indicates that 16 drafts were prepared of the dFOE. We question where in the sequence of drafts the current draft falls, and why it was not released to the public until August 8, 2008. Additionally, we request the Presidio Trust to undertake efforts to clarify these issues to the public.

Had the dFOE currently under review been released concurrently with the Draft Supplemental Environmental Impact Statement (dSEIS) as was initially planned (and as would have been completely feasible, as it is dated before the public release of the dSEIS), the public would not only have had a far better sense of the nature of the impacts of the proposed action, but the Section 106 consultation process could have moved well beyond the current discussion over the nature of the effects onto the extremely important work of exploring alternatives to avoid or reduce harm to the NHLD. A robust 106 consultation process, in turn, would facilitate more fully informed public comment on the dSEIS and ultimately could result in the development of a vastly superior final EIS alternative. That is how the NHPA and NEPA are supposed to work together.

Concurrent release of these documents would have highlighted the shortcomings of the dSEIS's analysis of the environmental impacts of the proposed action on historic and archeological resources. In addition, concurrent release would have led to an inescapable appearance of a planning process that is fundamentally flawed. These flaws, nonetheless, are evident to preservationists and those involved in the Section 106 consultation process.

The entire process began not with meetings of key stakeholders or scoping meetings, but rather with a press conference featuring major public figures announcing what was presented as a *fait accompli*. This was followed by the issuance of a request for proposals that specified a site for a building of up to 100,000 square feet—a site that historic preservationists (including the Presidio Trust's own Preservation Officer) have held from the outset could not accommodate a building of that scale without violating *the Secretary of the Interior's Standards for the Treatment of Historic Properties* and without resulting in an irreparable adverse effect on the Presidio NHL.

This poor planning and an opaque public process have made the nature of the Undertaking highly esoteric and extraordinarily difficult for the public to understand. This is largely because the planning documents that comprise the Undertaking have only been drafted to respond to specific opportunities.

A common misunderstanding is that the "Proposed Action" in the dSEIS (Alternative 2: Culture and Heritage Center) comprises the Undertaking. In fact, as we have only recently learned from Presidio Trust staff and Advisory Council for Historic Preservation staff, the actual Undertaking under review is not Alternative 2 (the "Proposed Action"), but rather the planning document that provides the justification for that alternative (i.e., the Main Post Update). Presidio Trust staff has further underscored that, while the dSEIS considers five alternatives, the Main Post Update is relevant to and intended to guide only the "Proposed Action."

Despite this assertion, the dFOE is organized to consider the effect not of the Main Post Update planning document, but rather the effects of the five alternatives described in the dSEIS. As a result, the dFOE fails to specifically assess the effects of the draft design guidelines incorporated into the Main Post Update. The omission of this discussion is a critical flaw.

The National Trust seeks clarification as to how the Presidio Trust envisions the Section 106 consultation process will continue after the conclusion of this Undertaking.

Given that the decision has been made that the Undertaking is a planning document intended to guide future development at the Main Post, it is unorthodox and confusing to the public that simultaneous to (but separate from) this consultation process, conversations are proceeding regarding the design of these future developments. Such design considerations should logically follow the close of consultation on the planning document, and not take place concurrently.

2. Additional Clarity on the Status of the PA Requested

We remain uncertain why the current proposals at the Main Post are subject to consultation under 36 C.F.R. 800.5 and not the terms of Stipulation X in the PA. The National Trust for Historic Preservation initially addressed these concerns in a letter to the Presidio Trust on August 8, 2008. We received a response on August 21, 2008, but it did not sufficiently respond to our concerns.

The Presidio Trust's August 21 letter explained that Section 106 consultation was initiated in this matter pursuant to Stipulations VII (A)(3), VII (B)(3&4) and IX(B&C). That letter did not explain how this conclusion was reached, particularly in regard to Stipulation IX. For instance, Stipulation IX(A), not mentioned in that letter, specifically applies to consultation with signatory and concurring parties "regarding the development of future planning documents, including possible district-level plans...and site-specific guidelines." The consultation procedure for these documents is outlined at Stipulation X. In contrast, Stipulations IX(B&C) apply when individual demolition or new construction projects are proposed which are not "proposed as part of a plan." Only then does the 36 CFR 800.5 process apply.

At the September 16, 2008 consultation meeting, it was clarified that the Undertaking is the "Draft Main Post Update," a planning document issued concurrently with the dSEIS in June. This Update is clearly a "future planning document" as it contains site-specific design guidelines for the Main Post Planning District and amends the 2002 Presidio Trust Management Plan. Under the rules of the PA, Stipulation IX(A) triggering Stipulation X should apply to this process.

As such, we must renew our objection under Stipulation XVIII of the Programmatic Agreement to request further clarification on why the consultation process has proceeded under 36 CFR 800.5.

The reason why this issue is so important is that Stipulation X in the PA requires more than 36 CFR § 800.5. The Parties to the 2002 PA agreed that the Presidio Trust would adhere to specific standards in the creation of future planning documents. These goals are unique to the Presidio National Historic Landmark District. Stipulation X(A) states:

The [Presidio] Trust “shall ensure that future planning documents conform to the [Secretary of the Interior’s Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings], [Presidio Trust Implementation Plan Planning Principles¹, and any applicable [Planning District Guideline] to the maximum extent feasible”

Stipulation X(B) also requires a “consensus” among signatory parties to the PA that draft planning documents meet these three identified standards. In contrast, 36 CFR 800.5 does not utilize these substantive and resource-specific standards that provide helpful guidance for minimizing harm to the NHLD as a whole. This is an essential issue to address in the Section 106 consultation.

3. Comments Pertaining to the Draft Finding of Effect

As noted above, while the Undertaking that is the subject of the current consultation process is the Main Post Update, which only applies to Alternative 2, the dFOE considers the effect not of that planning document, but rather the effects of the five alternatives described in the dSEIS. The comments that follow focus on the dFOE’s analysis of Alternative 2, the only of the five alternatives for which the Main Post Update is relevant. This by no means implies an endorsement of the dFOE’s analysis of effects of the remaining alternatives, but rather our belief that consideration of these effects should take place after there is agreement concerning the effects of the Undertaking (the planning document), as part of the exploration of alternatives to avoid and reduce harm to historic properties.

A. Executive Summary

The dFOE suffers from the lack of an executive summary. We see no reason

¹ We consider this to be Principles 1-15 in the Presidio Trust Management Plan, May 2002, pp. 5-30.

that the document's draft status should have precluded a succinct summary of the initial findings of effect. This would greatly assist the public in better understanding the proposed findings.

B. Summary of Section 106 Activities to Date

The next draft should incorporate an updated summary of 106 activities to date directly in the report.

C. Identified Historic Properties (including integrity assessment)

As we have previously commented, we concur that the Area of Potential Effect is the entire Presidio NHLD.

We find the description of the proposed project area to be adequate, though we believe that the history of the specific locations of the proposed new construction should be more fully explored. We understand that Presidio Trust staff has developed a building history timeline for both the proposed CAMP site and the proposed hotel site; such a timeline would be extremely helpful in understanding the evolution of these particular areas over time and in determining what sorts of new construction, if any, would be appropriate for these sites. We request that such documentation be included in the next draft.

While we concur that the Presidio NHLD retains a high level of integrity, there is no doubt that its integrity has been eroded over recent years, and that anticipated projects will continue to erode the NHLD's overall historic integrity. Any assessment of the effects of the current Undertaking on the integrity of the Main Post and the whole NHLD must be made in that context. Thus, the dFOE should contain a thorough assessment of cumulative impacts in light of recent impacts to the NHLD's integrity.

The Main Post assessment references the 1993 NHL Update, which notes that the Main Post has a concentration of architectural, landscape, and archeological resources representing most of the Post's principal periods of development, and furthermore states that "the Main Post site plan still conveys the entire developmental growth of the Presidio over its 230 year history" (p. 8.) Indeed, no other district of the Presidio reveals the evolution of the Presidio as fully as the Main Post; the next draft FOE should underscore the Main Post's unique stature among the Presidio's various districts.

We believe it is misleading to state that “changes to the Main Post after 1994...did not diminish the integrity of the landmark,” only to note in a footnote that in fact there are exceptions to this statement. (p. 7.) Those “exceptions” should be clearly articulated in the text.

The dFOE enumerates the ten thematic periods identified by the 2002 CLA that cover the full history of the Presidio since its founding in 1776. (p. 7.) While this timeline provides a useful framework to consider the entire history of the Presidio, it can lead to the inaccurate impression that each of these periods is of equal historical significance. We believe that the chief historical significance of the Presidio falls into three broad eras: The Spanish and Mexican eras, the Civil War era, and the Command for the U.S. Army in the Pacific. While all aspects of the Presidio’s history are important, it is essential that protecting the integrity of resources associated with these three eras should remain the highest priority.

We find the overall assessment of the seven aspects of integrity to be reasonably accurate and complete. (pp. 8-9.) We have doubts, however, regarding the statement that, “although the Army’s departure in 1994 reduced the daily level of activity at the Presidio, the Main Post historically had the feeling of a populated and bustling area, with residential, recreational and administrative activities running at all hours.”

While there is some truth to this statement, the levels of activity at the Presidio no doubt fluctuated significantly through the course of its history, and activity had already declined significantly prior to the Army’s departure in 1994. In any case, we are highly skeptical of using this as the argument for increasing the levels of activity in today’s Presidio as a goal worth pursuing in and of itself.

We do not support the notion that increased levels of automobile traffic, museum-going and other modern commercial and recreational uses, which would result from implementation of the Proposed Alternative, provide a meaningful simulacrum of historic activity at the Presidio. A crowd attending a modern art exhibition, for example, is qualitatively different from military drill exercises on an active parade ground, and any suggestion that such modern uses would reinforce the integrity of feeling or association of the Main Post are wrong.

This section concludes with a list of contributing resources. We have not checked this list for accuracy, and request that a map of the Main Post be

included in the next draft that notes both contributing and non-contributing resources.

D. Recent Efforts to Identify Resources

The dFOE references the 2002 Cultural Landscape Assessment for the Main Post and notes the assessment's recognition of a "Cold War and Base Closure" era (1946-1994.) The dFOE also notes that an NHL update effort is currently underway. The next draft of the FOE needs to incorporate the findings of the very latest draft 2008 National Historic Landmark (NHL) Update, which specifically explores the recent past of the Presidio.

We agree with the conclusion that 265,000 square feet of unforeseen new construction in the Main Post District, as analyzed in the dFOE, would have an "adverse effect." This impact, in our view, would be severe. It will be extremely challenging for the Presidio Trust to meet its mandate to minimize this harm since updated planning documents have been released concurrently with, instead of preceding, specific development proposals. To avoid and minimize the serious impacts that would result from this Undertaking, the Presidio Trust will need to work toward the substantial redesign and reduction in size of proposed new construction, and must fully evaluate alternate site locations.

Regarding archaeological resources, the dFOE concludes that "the fill used to level the stream ravine and create the Main Parade may have buried intact historic features from the 1870s or earlier within the ravine (Reese 2008)." (p. 22). It also concludes that this fill area is "highly sensitive for prehistoric archaeological resources." Yet this fill area is precisely where CAMP is to be located in the proposed action. More research should be conducted to study these archaeological features, particularly given the proposed underground garage at the museum.

E. Description of the Proposed Undertaking

The Presidio Trust needs to clarify how the Main Post Update fits in to its overall planning process. The dFOE states at page 27 that "due to the nature of the project, the Trust has undertaken an update to the section of the 2002 [PTMP] that describes actions planned for the Main Post Planning District." The dFOE should specify that the update is required because the projects as proposed cannot be justified under the existing PTMP. For instance, the amount of new construction proposed far exceeds that currently permitted.

It furthermore needs to be clarified that the Main Post Update is the Undertaking.

The dFOE at page 26 contains a list of objectives “derived from Presidio Trust Act findings and planning principles and policies set forth in PTMP,” and states that the updated planning concept for the Main Post should achieve (these) objectives to the fullest extent possible.”

Much of this language appears to be lifted directly from the dSEIS, and we will revisit these objectives in our review of that document. For the purposes of these dFOE comments, we note that the dFOE provides no indication regarding why these specific objectives were chosen, or how they comply with the Presidio Trust Enabling Legislation and the PTMP.

We recognize that they are derived in part from the 2002 PTMP Main Post Planning District Concepts & Guidelines (p. 64, figure 3.2) but there are significant differences and disparities. Among the new objectives are:

“Consider removing and/or replacing buildings at the Main Post as a management option in the administration of the Presidio”

and:

“Consider undertaking new construction at the Main Post to encourage reuse of historic buildings, reinforce historic character-defining features, and/or provide a rich visitor experience”

These do not strike us as *bona fide* planning objectives, and we are at a loss to understand what “achieving these objectives to the fullest extent possible” would look like. Instead, they appear to be outcome-driven objectives that were created in an effort to justify a particular project.

It is essential that the Presidio Trust abide by the fifteen planning principles enumerated in the PTMP (pp. 5-30). The Presidio Trust Act (16 U.S.C. § 460bb, Appendix) also contains a critical requirement at Section 104(c)(3) (not described in the dFOE), which includes a limitation on the size of new structures in the Presidio. The Act requires that the management program for the Presidio should limit new construction to “replacement of existing structures of similar size in existing areas of development.”

The dFOE outlines the Proposed Undertaking on pages 26-27. Again, we are struck by the fact that, while we have been told that the Undertaking is the

Main Post Update planning document, the dFOE includes that document as only one of five elements comprising the Undertaking.

F. Assessment of Effect

The discussion of “Application of the Criteria of Adverse Effect” appears to be accurate, though the reference in the second paragraph to integrity assessments is confusing. The intention is apparently to suggest that the assessments of current integrity form the baseline against which the effects of the proposed Undertaking should be measured.

This discussion also references the need to consult with any Indian tribe that attaches religious and cultural significance to identified historic properties. However, the dFOE contains no description of how the Presidio Trust elicited interest and participation of Native American tribes. The recent consultation process initiated by the Federal Highway Administration for the Doyle Drive replacement should serve as a guide. The PA developed in that case invited the Muwekma Ohlone Indian Tribe, the Amah Mutsun San Juan Bautista Tribe, and the other Ohlone individuals as concurring parties because of their interest in Native American history in the Presidio.

In its explanation of direct, indirect, and cumulative effects, the dFOE states that direct effects are ones that affect the physical material of a resource, while indirect effects relate to intangible elements of a resource. Specifically, throughout the dFOE, visual effects are deemed “indirect”, presumably using the rationale that the effects being described are not physically affecting buildings and structures. But the Presidio is in fact a cultural landscape, and almost any physical intervention in that landscape can result in a direct effect. There is nothing “intangible” about hundreds of thousands of square feet of new construction in the middle of an NHLD—the physical character of the district will be altered.

More importantly, the proposed definition of “direct” and “indirect” effects in the dFOE is inconsistent with the definition of those terms in the NEPA regulations issued by the Council on Environmental Quality (CEQ). The CEQ regulations distinguish between:

- (a) Direct effects, which are caused by the action and occur at the same time and place. [and]

(b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. 40 CFR § 1508.8.

In other words, the distinction between direct and indirect effects relates to timing, not degree of physical impact. All effects that are “caused by” the action and occur “at the same time and place” are direct effects. It is inconsistent with the regulations and incredibly confusing to the public for the Presidio Trust to try to create a new set of definitions for these terms.

The source cited in the dFOE for this attempt to rewrite the definitions of direct and indirect effects is a National Park Service publication entitled “NPS Cultural Resource management Guideline, chap. 5, at p.59 (1997) (cited in dFOE at pp. 29-30 nn. 20-21). However, as Elaine Jackson-Retondo stated at the September 2008 consultation meeting, this document simply does not support the proposed re-definition. The document states:

Effects may result not only from actions having a *direct physical impact* on cultural resources, but also from undertakings near or visible from an eligible property inside or outside a park boundary. . . *Indirect or less immediate effects* such as increased visitor use, vandalism, and daily wear are also considered. (Emphasis added.)

Clearly the term “indirect” effects in the NPS document is used in the sense intended by the CEQ regulations - effects that are “less immediate” in their manifestation, not effects that are less “physical.” For example, vandalism, which is clearly a physically destructive impact, is cited in the NPS document as an example of “indirect” effect because it would occur later in time and would be carried out by a third party, but would still be “reasonably foreseeable” as an effect. 40 C.F.R. § 1508.8(b).

In addition to our objections regarding the attempt to redefine direct and indirect effects, the dFOE’s discussion of types of adverse effects on page 30 also includes language to which we strenuously object. The dFOE suggests that, because the Presidio is a historic *district*, not all seven of the examples of adverse effects cited in 36 CFR 800.5(a)(2) need to be addressed. Instead, the dFOE suggests, only criteria (i), (iv), and (v) should be used to assess whether the Undertaking will have an “adverse effect.” This unprecedented

and unfounded interpretation would omit four of the seven cited criteria of adverse effect (which themselves do not form an exhaustive list).

Notably absent from consideration is the adverse effect that would occur under 36 CFR 800.5(a)(2)(ii): "Alteration of a property...that is not consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines." By excluding adverse effect criterion (ii), the Presidio Trust appears to be suggesting either that new construction need not be evaluated for consistency with the Secretary's Standards, or that historic districts are somehow exempt from the Standards. Indeed, the "Summary of Effect by Alternative" chart on page 34 claims "no adverse effect" across all five alternatives with regard to criterion (ii).

We disagree with any suggestion that the Secretary's Standards are not applicable criteria in the assessment of whether the Undertaking would result in an "adverse effect" on the NHLD. Indeed, as discussed above, the Presidio PA specifically identifies the Secretary's Standards and incorporates them as the applicable substantive measure by which to evaluate undertakings such as the present one. (PA, Stipulation X(A).)

The dFOE cites as the authority for refusing to consider the Secretary's Standards a web-page last updated on April 26, 2002 (prior to the adoption of the most recent Section 106 regulations), entitled "ACHP Section 106 Regulations, Section-by-Section Questions and Answers," which is found at www.achp.gov/106q&a.html#800.5. There are multiple flaws with this reasoning. The Presidio Trust has misinterpreted this guidance in an effort to eliminate any consideration of the Secretary's Standards in its analysis, even though the ACHP website itself clearly indicates that the Secretary's Standards must be met *in addition to* criteria (i), (iv), and (v). It states, "if none of these criteria are met, it is possible that new construction *that conforms to the applicable Secretary's Standards* could be treated as a no adverse effect situation."

Therefore, whether the proposed construction would meet the Standards is a relevant factor in determining whether there would be an adverse effect on the NHLD. In this case, the dFOE properly acknowledges that the proposed action *would* have an adverse effect under criteria (i), (iv), and (v). Therefore, according to the guidance on the ACHP website, it would *not* be "possible for new construction [here] to be treated as a no adverse effect situation," regardless of whether it conforms to the Secretary's Standards.

In any event, the website guidance does not address the application of the Secretary's Standards in a Historic Landmark District where individual buildings may be eligible in their own right. The Main Post District in particular contains its own exceptional historic buildings and landscapes that make it unique within the greater NHLD. Finally, since the dFOE acknowledges that the historic integrity of individual buildings with the Landmark District will be adversely affected by the proposal, the website guidance relating to districts in general is unhelpful.

Given this, in our view the proposed "no adverse effect" determination under criterion (ii) across all alternatives (p. 34) is indefensible. Under the proposed alternative, the property in question—the Presidio NHLD—would be extensively altered in a manner not consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines.

The failure to consider all possible adverse effects is not the only shortcoming of the dFOE's analysis. While we concur with the finding that all five alternatives would result in an adverse effect due to physical destruction or damage (criterion (i)) and removal (criterion (iii)), the chart on page 34 inaccurately suggests that the degree and severity of the adverse effects are equal across the alternatives. Likewise, the chart suggests that alternative 2 and 3 present equivalent adverse effects through the change of character (criterion 9iv)) and introduction of elements (criterion 9v)). In all of these cases, we believe that Alternative 2—the Proposed Action would result in significantly more severe adverse effects to both the Main Post and the Presidio NHLD as a whole.

Assessment of Effect of Proposed Alternative

As previously noted above, we are limiting our detailed comments to the dFOE's assessment of the Proposed Alternative only, as that is the only alternative guided by the Main Post Update, which is ostensibly the subject of the current consultation. In common with other Presidio Trust planning documents (including the Main Post Update and its dSEIS), the dFOE fails to provide adequate documentation regarding the proposed demolition. While the dFOE's list of contributing buildings proposed for demolition does at least provide building names to supplement the usual reference by building numbers only, the document lacks much-needed plans and photographs of affected individual properties to provide interested parties with an easy-to-grasp overview of what's proposed.

We concur with the dFOE's finding that demolition of three World War II barracks (buildings 3, 40, and 41) and the Red Cross Building (building 97) "would substantially diminish the integrity of the World War II era of the Presidio's period of significance." In fact, the demolition of these buildings would leave just one World War II-era building (building 37) at the Main Post that could convey this important era of the Presidio's history. The adverse effect is aggravated by the fact that so many World War II resources have already been lost at Crissy Field and elsewhere.

The Presidio Trust's analysis of new construction in the Proposed Action notes that the proposed CAMP structure (which is not explicitly named) would "introduce a large, non-historic structure into an area previously occupied by parking, recreation, or low-rise structures." We note that this area also contained open space for many years during the Period of Significance. To this extent the following statement in the dFOE is accurate: "the height and bulk of [CAMP] would interrupt visual connections between the south end of the Main Parade, its surrounding landscape and its built features." (p. 46.)

There has been some lack of clarity regarding the precise development history of the proposed CAMP building site, though the dFOE notes that historically the site was less than 20% covered by buildings. While we concur with the dFOE's suggestion that the proposed structure would represent a significant change from the historic character and use of the site, we believe it would be valuable for the Presidio Trust to provide more detailed documentation of the history of this part of the Main Post.

We furthermore request that the next draft of the dFOE include a comprehensive overview of the NHPA compliance for the demolition of building 92 and construction of the Bowling Alley (building 93.) We believe that such an overview would demonstrate that as a result of the consultation process, the bowling alley was built on a site 200 feet south from where it was initially proposed in order to reduce the negative effects on the historic landscape and building 100.

Likewise, the dFOE notes that the proposed hotel (again, not named) would be built on a site that "at the end of the period of significance, held a dispersed collection of one-two story barracks buildings." (p. 46.) Again, the public would benefit from greater documentation of the historic development of the proposed hotel site over time. The Presidio Trust has long used the argument that the proposed hotel would help to recreate historic patterns of development—that it would, in fact help the public understand the historic

development of the Main Post. It is incumbent upon the Presidio Trust to demonstrate that the proposed hotel would be consistent with historic development patterns, or the fundamental preservation rationale for considering new construction on the site is lost.

The dFOE goes on to state that the “total mass of new construction accumulated at the south and east sides (of the Main Parade) would create contemporary designed edges to the Main Parade that never existed historically.” (Id.) This is all true as far as it goes, but the next draft should acknowledge that the plan would be inconsistent with the Secretary’s Standards.

Contemporary Art Museum Analysis

Design, Materials, and Workmanship

The discussion of the design, materials, and workmanship of the CAMP proposal includes a reference and a lengthy footnote regarding Major Harts’ 1907 master plan for the Presidio. We are dismayed that references to this never-executed plan are routinely made in Presidio Trust planning documents and in public statements by Presidio Trust staff and project proponents. It is widely understood among historic preservation professionals that the mere existence of a historic plan that was never implemented or completed does NOT provide an argument for new construction. For example, the National Park Service’s Guidelines for the Treatment of Historic Landscapes explicitly cites as a *not*-recommended treatment: “constructing a feature that was part of the original design but was never executed” (p. 103, The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes, 1996.)

Despite the red herring of the Harts plan, the dFOE correctly states that “completing” the Main Parade’s south edge in a manner that never occurred historically “would be inconsistent with the Secretary’s Standards and would result in an adverse effect.” (p. 46.)

The dFOE also acknowledges that CAMP would directly impact individual buildings within the Landmark District: “the contemporary art museum at the bowling alley site would place a large mass of contemporary construction directly in front of building 100...in a manner inconsistent with the Secretary’s Standards, and result in an adverse effect.” (p. 47.)

Location and Setting

The dFOE correctly states that CAMP would “interrupt the rhythm of open space to built environment” in a manner “inconsistent with the Secretary’s Standards and result in a direct adverse effect on the Main Parade and surrounding contributing buildings.” (Id.) An adverse effect would also result from the fact that that no building or collection of buildings of a scale even approaching that of CAMP has ever existed on this site.

The dFOE outlines some keys ways that CAMP would visually intrude on the area of the Main Parade and points out that the introduction of such a visual element would be inconsistent with the Secretary’s Standards. This analysis is accurate as far as it goes, but we would underscore the severity of this visual intrusion on the location and setting of the Main Parade and surroundings. CAMP would in fact become the dominant visual element of the landscape and would severely undercut the NHLD’s ability to convey its historical significance.

Archaeology

While the dFOE correctly states that CAMP would destroy and preclude the ability to investigate significant archeological resources, this finding understates the adverse effect, as it is almost certainly based on incomplete and inadequate studies that underrepresent the extent of the El Presidio de San Francisco archaeological site and omit known Spanish-colonial, Mexican, and American period archaeological resources located in the extramural zones surrounding El Presidio de San Francisco’s quadrangle.

Lodge Analysis

Design, Materials, and Workmanship

The dFOE states that “the lodge would reestablish a street wall of buildings along approximately half of the eastern edge of the Main Parade, consistent with the design of that feature, and not result in an adverse effect.” We agree that the proposal would establish a street wall, but based on our understanding of the historic patterns of development on the site and the proposed construction, this new street wall would bear little resemblance in rhythm, scale, massing, and design to the edge that existed historically (indeed, the dFOE on page 49 states that the site was “once occupied by a

dispersed set of one-two story barracks buildings”). Unless the new hotel is dramatically redesigned and reduced in scale, we believe its construction would result in an adverse effect to the integrity of design, materials, and workmanship of the Main Post.

Location and Setting

The dFOE states that “the lodge buildings on the site proposed under Alternative 2 *could* conform to the Secretary’s Standards and result in *no* adverse effect,” but also, that the lodge “*could* result in a direct adverse effect.” (p. 49) (emphasis added.) It is unclear what the “could” is conditioned upon. While we believe that some new infill construction along the edge of the Main Parade could be acceptable, this 95,000-square-foot hotel would more than double the total square footage of the barracks buildings that originally stood at this site, which we believe could *not* conform to the Secretary’s Standards. The impact of such a large amount of new construction would clearly be inconsistent with historic patterns of development at the Main Post. The dFOE must make clear that this construction would have an adverse effect on the NHLD.

We believe that the close proximity between CAMP and the proposed hotel would magnify the effect of each project, and we concur that, by altering the historic setting of the Main Parade, the two projects would result in an adverse effect to that feature. We furthermore concur that the scale of the new construction is inconsistent with the Secretary’s Standards and would overwhelm buildings 86 and 87, but again we believe that, at the scale proposed, the direct adverse effect would be certain, not merely possible.

Archaeology

We concur that the proposed hotel’s underground parking garage would destroy a known archaeological feature, and its close proximity to El Presidio and other known archaeological features that contribute to the NHLD would be inconsistent with the Secretary’s Standards and would result in an adverse effect. As noted in the discussion of CAMP above, this finding understates the adverse effect, as it is almost certainly based on incomplete and inadequate studies that underrepresent the extent of the El Presidio de San Francisco archaeological site and omit known Spanish-colonial, Mexican, and American period archaeological resources located in the extramural zones surrounding El Presidio de San Francisco’s quadrangle.

Presidio Theatre Analysis

The dFOE states that the renovations and additions to the Presidio Theater “would conform to the Secretary’s Standards.” (p. 49-50.) However, the document lacks any analysis to support this conclusion. We remain concerned that the proposed division of the historic theater would, by eliminating a key character-defining feature (i.e., the intact auditorium), be inconsistent with the Secretary’s Standards. In addition, the proposed 20,000-square-foot addition to the theater would be 43 percent larger than the entire historic building itself, which is only 14,000 square feet.

Nonetheless, the dFOE asserts that the addition to the theater would be “*made to conform*” to the Secretary’s standards, and would therefore result in no adverse effect (p. 50) (emphasis added). In our view, consistency with the Secretary’s Standards would be extremely difficult to achieve for this proposed addition, and cannot simply be assumed in the absence of much more specific design information. The analysis of the theater addition needs to be substantially clarified in light of this very serious issue.

Parking & Circulation

As we stated at the September 2008 consultation meeting, we strongly disagree with the assertion in the dFOE that the construction of a number of parking lots would be designed according to the Secretary’s Standards, and therefore would have no adverse effect (p. 51). Some of these proposed parking lots would be located on the footprints of demolished contributing buildings, and a finding of consistency with the Secretary’s Standards would not be warranted. This portion of the assessment should be revised.

Archaeological Program

In addition, we raised a concern at the September meeting about the assertion throughout the dFOE that the archaeological resources at the Presidio are only considered eligible for the National Register under Criterion D (pp. 27, 40, 51, 62, 71, 82). Criterion D applies to sites that are only important because of the information they might yield (i.e., through excavation and data recovery), but have no “in-place” significance based on historical events or individuals. We are not aware of the source for the assumption about the archaeological resources at the Presidio being limited to eligibility under Criterion D, but we strongly disagree, and we urge the Presidio Trust to reevaluate this issue, pursuant to 36 C.F.R. § 800.4(c)(1)

(“The passage of time, changing perceptions of significance, or incomplete prior evaluations may require the agency official to reevaluate properties previously determined eligible or ineligible.”)

Based on the assumption that only Criterion D applies (which we believe is erroneous), the dFOE concludes that the archaeological program for all of the alternatives would have no adverse effect on archaeological resources. While we certainly support the proposed archaeological program, it is important for the Presidio Trust to evaluate the effects of the program in a way that reflects current thinking about archaeological excavation. In the preamble to the major revision of the Section 106 regulations in 2000, the ACHP explicitly recognized that “recovery of archeological data [is] an adverse effect, even if conducted in accordance with the Secretary’s Standards. This acknowledges the reality that destruction of a site and recovery of its information and artifacts is adverse.” 65 Fed. Reg. 77,697, 77,720 (Dec. 12, 2000). We ask that the Presidio Trust refine the analysis of effects regarding the archeological program to consider these important issues.

Determination of Effect on Presidio NHLD

Our review of the dFOE has revealed numerous inadequacies that we hope will be addressed in the next draft of the FOE. However, despite these shortcomings, at its core the dFOE presents a simple, inescapable conclusion. In the determination of effect of the proposed action on page 52, the Presidio Trust has acknowledged in one paragraph that which has been evident to preservationists, parks advocates, planners and the general public for some time: namely, that the Presidio Trust, the very agency that was charged by Congress to protect the Presidio from development and uses that would impair, or worse, destroy its scenic beauty and historic and natural character, has proposed actions that would adversely affect the National Historic Landmark District and the National Park in its care.

In other words, the dFOE finds that actions proposed by the Presidio Trust would result in an adverse effect to the Presidio National Historic Landmark District because they would alter the characteristics that qualify the district for inclusion in the National Register in a manner that diminishes the property’s integrity of location, design setting, materials, workmanship, feeling, and association.

The dFOE goes on to enumerate how the adverse effect on the NHLD would be brought about:

- ✓ demolition of eight contributing buildings (including all but one of the World War II-era structures at the Main Post);
- ✓ removal of portions of four contributing archaeological sites (including F1 - El Presidio, the site responsible for the original landmark designation);
- ✓ introduction of large amounts of new construction to a site that would change the character of physical features within the property's setting that contribute to its historic significance (including the Main Parade and building 100);
- ✓ introduction of large visual elements that would diminish the integrity of multiple significant historic features (buildings 50, 86, 87, 100, and the Main Parade).

As if this weren't damning enough, the dFOE then goes on to consider the cumulative effects of this undertaking with many other actions at the NHLD (either complete, in planning, or anticipated.) We once more concur with the fundamental conclusion that:

"The cumulative effects [of] changes to the historic landscape of multiple projects ...would lessen the ability to experience the historic setting and character defining features that support the integrity of the NHLD. The cumulative effects under [the proposed action] of new construction combined with demolition and loss of archeological resources would have an adverse effect on the NHLD" (pp. 54-55.)

"The cumulative effects [of] changes to the historic landscape of multiple projects ...would lessen the ability to experience the historic setting and character defining features that support the integrity of the NHLD, The cumulative effects under [the proposed action] of new construction combined with demolition and loss of archeological resources would have an adverse effect on the NHLD." (pp. 54-55.)

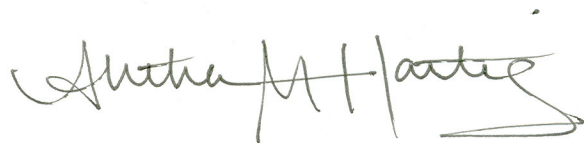
This acknowledgement is as startling as it is accurate, especially as it is found in a document that was drafted five months ago—five months during which the Presidio Trust has continued to pursue and process projects that it knows to run counter to both the spirit and the letter of the law. The Presidio Trust certainly has the expertise on staff to have anticipated the adverse effects of the various projects that it has proposed on the Main Post. This knowledge should have preempted the issuance of Requests for Proposals for projects that would inevitably harm the Presidio's historic character.

Unfortunately, precious time, resources, and good-will have been regrettably squandered chasing non-starter projects, and the Presidio Trust is now mired in a planning debacle of its own making. Getting out of the blind alley in which we all find ourselves will not be easy, but the future of the Presidio depends on a substantial change in the proposed plan.

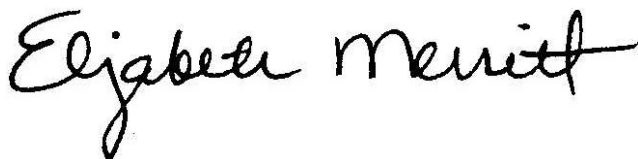
The National Trust's primary goal remains the long-term care and protection of the Presidio, a goal that we believe the staff and board of the Presidio Trust still share. We believe in the promise of sustainable stewardship, the power of adaptive reuse of buildings and landscapes, and the inclusion of well-designed and sensitively wrought new construction at the Presidio—all developed through a transparent, engaged public process. We are hopeful that the meetings with consulting parties currently underway to explore meaningful alternatives to the proposed action—alternatives that would be consistent with the Secretary's Standards—are an indication of a new direction and spirit of cooperation on the part of the Presidio Trust.

We remain committed to working with the Presidio Trust and all stakeholders to help assure that present and future generations can continue to enjoy, learn from, and be inspired by this national treasure.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthea Hartig". The signature is fluid and cursive, with a long horizontal stroke at the end.

Anthea Hartig, PhD, Director, Western Office

A handwritten signature in black ink, appearing to read "Elizabeth Merritt". The signature is cursive and somewhat stylized, with a prominent initial "E".

Elizabeth S. Merritt, Deputy General Counsel

cc:

Stephanie Toothman, National Park Service
Elaine Jackson-Retondo, National Park Service PWRO
Jon Jarvis, National Park Service PWRO
Paul Scolari, Golden Gate National Recreation Area
John Fowler, Advisory Council on Historic Preservation
Katherine Kerr, Advisory Council on Historic Preservation
(cont.)

Mr. Craig Middleton
October 29, 2008
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cc: (cont.)

M. Wayne Donaldson, CA SHPO

M. Bridget Maley, San Francisco Landmarks Preservation Advisory Board

Brian O'Neil, Golden Gate National Recreation Area

Michela Alioto-Pier, San Francisco Board of Supervisors

Boyd de Larios, Descendents of Anza Portola Expeditions

Gary Widman, Presidio Historical Association

Amy Meyer, People for a Golden Gate National Recreation Area

Becky Evans, Sierra Club

Neal Desai, National Parks Conservation Association