

## 5. CONSULTATION AND COORDINATION

### 5.1 HISTORY OF PUBLIC INVOLVEMENT

The Presidio considers public involvement and comment to be critical in shaping the updated vision for the Presidio's future. The following section describes the public involvement program for the Presidio Trust Management Plan (PTMP) and EIS, as well as background on the applicability of various laws, executive orders and other regulations. Information on the persons and agencies consulted in the preparation of the EIS and a list of EIS authors is also provided.

#### 5.1.1 PUBLIC REVIEW OF DRAFT EIS AND DRAFT PLAN

##### *Inviting Public Comment*

The Trust released the Draft Plan and Draft EIS for public review and comment on July 25, 2001. On that date, the Trust held a widely noticed public meeting to brief the public on the contents of the Draft Plan and Draft EIS, and to encourage participation in the review process. Copies of the documents were distributed at the July 25 meeting, as well as information on the upcoming public hearings, the closure date for the comment period, and other pertinent information. The Environmental Protection Agency (EPA) published a notice of availability for the Draft EIS in the Federal Register on July 27, 2001 (66 FR 39161). The Trust also published a notice of availability in the Federal Register on July 26, 2001 (66 FR 39058-59) and announced through other means the availability of the Draft EIS, where and how it could be reviewed, and the date and location of public hearings to comment on the document. An announcement was also provided in the Presidio Post (the Trust's monthly publication which has a mailing list of approximately 9,000 persons and organizations) and on the Trust's web site ([www.presidiotrust.gov](http://www.presidiotrust.gov)).

The Presidio Trust initially identified a 60-day comment period for the Draft EIS ending September 25, 2001. In response to several requests from commenting organizations and other parties, the Trust elected to extend this period by 30 days to October 25, 2001 (66 FR 46296). The Trust provided the

longer 90-day review period to further enhance the opportunities for public and agency participation in the NEPA process.

More than 700 Draft EISs were distributed to interested agencies, organizations and individuals. The Draft EIS was also made available for review at the Presidio Trust library, park headquarters, local libraries, the William Penn Mott Visitor Center, and on the Presidio Trust's website ([www.presidiotrust.gov](http://www.presidiotrust.gov)).

##### *Public Hearings*

Members of the public interested in making oral comments for the record were provided that opportunity at three public hearings: a Golden Gate National Recreation Area Citizens' Advisory Commission meeting held on behalf of the Presidio Trust on August 28, 2001; a Presidio Trust Board of Directors meeting on September 17, 2001; and a Presidio Trust public hearing on October 16, 2001 (official transcripts from the three formal meetings are available for review in the Presidio Trust library). In addition, the Presidio Trust held a number of informal meetings with various government agencies, organized interest groups, and neighbors to provide information, answer questions, and encourage written comments.

##### *Public Comment on the Draft EIS and Draft Plan*

During the extended 90-day public review and comment period, the Trust received a total of 264 comment letters, 135 e-mails, and 2,657 electronic form letters on the Draft EIS and Draft Plan. In addition, oral comments were provided at the three public hearings held during the review period. Comments ranged from individual recommendations, opinions or preferences for the various alternatives to criticism of the Draft Plan and Draft EIS. All of the comments were carefully reviewed by the Trust, and Volume II of the Final EIS (Response to Comments)<sup>1</sup> is dedicated to addressing these comments. In responding to public comments, the Trust made several refinements to the Plan and EIS, and an overview of the primary changes is

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<sup>1</sup> Refer to the cover page of this document for information on how to obtain a copy of the Responses to Comments document (Volume II of Final EIS).

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provided in the Introduction to the Final EIS. For a detailed discussion of the public comments, responses, and changes made to the Plan and EIS, please refer directly to the Response to Comments Volume.

## **5.1.2 PUBLIC SCOPING**

The following summarizes the planning and environmental review process leading up to release of the Draft Plan and Draft EIS in July 2001.

### ***Federal Register Notices and Scoping Period***

Planning officially began on June 30, 2000, with a Federal Register notice of intent to prepare a Supplemental EIS for the Draft Plan, and to hold two public scoping meetings to determine the scope of impact topics and alternatives to be addressed in the Draft EIS (65 Fed. Reg. 40707-08). On October 11, 2000, the Trust published in the Federal Register a second notice to add a third public scoping meeting, to make factual corrections, and to extend the previously announced scoping period from November 15, 2000 to December 8, 2000 (65 Fed. Reg. 60477-60478). In response to several requests from commenting organizations and members of the public, the Trust announced in a third Federal Register notice an additional extension of the public scoping period to January 15, 2001, to enable the public to review and comment on the alternatives prior to their being analyzed in the Draft EIS (65 Fed. Reg. 67783).

### ***Public Workshops***

To ensure that the full range of issues and alternatives related to the Draft Plan and Draft EIS were identified and addressed, the Trust invited all persons affected by or otherwise interested in the updated plan to participate in determining the scope and significance of issues to be analyzed in the Draft EIS by submitting written comments, or by attending one or more of four community workshops. During the extended 6-month scoping period, about 470 people attended the workshops, many of whom provided written and oral comments during the meetings. The Trust announced the times and locations of the workshops in a variety of media, including publication in the Federal Register and the Presidio Post (the Trust's monthly publication), notification to persons on the Trust's mailing list (approximately 9,000 persons and organizations at that time) and those that called or wrote requesting notice of

subsequent events concerning the planning process, and posting on the Trust's web site ([www.presidiotrust.gov](http://www.presidiotrust.gov)).

At the first scoping meeting, held on July 12, 2000, the Trust made available information summarized from past planning workshops and other public outreach sessions, and sought the public's input on topics including Planning Principles, Presidio programs, transportation, housing, visitor services, and land use for purposes of both developing a reasonable range of alternatives, and identifying specific impacts to be evaluated in the Draft EIS. During the second workshop, held on September 13, 2000, the Trust focused on the Trust Act's financial self-sufficiency mandate, and introduced the financial modeling approach to be used to compare the planning alternatives. At that workshop, the Trust summarized and solicited comments on financial modeling concepts that would be used to assess, confirm and compare the financial viability of each alternative evaluated in the Draft EIS. After the July and September workshops, the Trust distributed mailers seeking public comments on both workshop topics, and provided a summary of public comments from the July workshop.

Using the information from the first two workshops and other public input, the Trust presented for public comment proposed conceptual alternatives to be addressed in the EIS, and proposed visions for the Presidio's future at a third workshop held on November 15, 2000. The fourth and final workshop during public scoping was hosted on December 13, 2000, at which time the Trust responded to clarifying questions and listened to comments on the information that had been presented to date. The Trust made available for public review and inspection complete transcripts and copies of the materials from the September, November, and December workshops on the Trust's website and at the Trust's library.

### ***Conceptual Alternatives Workbook***

As part of the third scoping workshop, the Trust released the Conceptual Alternatives Workbook to summarize the information presented at the November 15, 2000, workshop. The purpose of the workbook was to seek public input on topics that would form the foundation of the plan update and environmental review. The first part of the workbook summarized information about the planning process and context. Next, key elements of the plan update – the Trust's proposed vision statement and Planning

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Principles – were presented for public review and comment. Finally, five preliminary conceptual plan alternatives were presented. The workbook also included a response form for use by the public to evaluate the concepts presented, select ideas they believed to be best for incorporation into the Draft EIS alternatives, and to describe their own concept of a plan alternative if not already represented among the alternatives proposed.

In presenting the conceptual alternatives for public consideration, the Trust, using a 20-year financial model common to all alternatives, provided a preliminary financial analysis for each alternative. To fully explain the summary financial results, the Trust also provided financial spreadsheets detailing the financial inputs, and made publicly available a compendium of all financial assumptions, together with supporting documents, used in assessing the financial viability of each alternative. Each of the detailed preliminary financial summaries was made publicly available prior to the final public scoping workshop. By this means, as part of scoping, the Trust received and considered comments on the approach to the financial comparison of alternatives.

## ***Agency Participation***

In November 2000, the Trust provided background information regarding the planning and environmental review process for the Draft Plan, including the Conceptual Alternatives Workbook, to federal, state, regional, and local agencies as part of a request to participate in the plan update. Of the 37 agencies invited to comment, 5 agencies responded. The following is a brief summary of the comments received during consultation.

- Federal Agencies (National Park Service [NPS], U.S. Environmental Protection Agency [EPA], U.S. Fish and Wildlife Service [USFWS])

Comments focused on the needs for: the Crissy Marsh and Tennessee Hollow enhancements (NPS); consideration of an economically viable GMPA alternative (NPS); a commitment to protect cultural resources given the amount of proposed demolition and new construction (NPS); a vision that reflects the purpose for all national parks and the Presidio specifically (NPS); demolition of Wherry housing to support *Lessingia germanorum* recovery (NPS, USFWS); and sustainable transportation approaches (EPA).

- Regional Agencies (San Francisco Bay Conservation and Development Commission [BCDC])

The BCDC stated that the plan update could affect the coastal zone. The primary concerns were whether the Draft Plan would be consistent with the BCDC's Park Priority Use designation for the Presidio; and whether sufficient public access would be provided through the Presidio and from destinations within the Presidio, to the shoreline.

- Local Agencies (City of San Francisco)

The City expressed a preference for an alternative that supports a jobs/housing balance, minimizes housing demolition, and relies on public transit. The City also requested compensation for any services provided (e.g., transportation, water, sewer).

## ***Consultation under the National Historic Preservation Act***

The Trust initiated National Historic Preservation Act (NHPA) compliance early in the planning process, and has been in ongoing consultation under Section 106 of the NHPA with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) to develop a Programmatic Agreement covering operations, maintenance, leasing, and rehabilitation activities as well as a framework for addressing future planning efforts following from the Plan, once adopted. Since release of the Draft EIS, a Programmatic Agreement has been finalized and signed (see Volume III of the Final EIS, Appendix D).

## ***Coordination with NPS***

During the course of the planning and environmental review process leading up to the Draft Plan and Draft EIS, the Trust held regular coordination meetings with the NPS. The intent of the meetings was to exchange information on key issues of interest to both agencies. The Trust provided funding support for a planning liaison within the NPS. The liaison coordinated input to the Trust from all NPS branches, and helped identify and address key Plan issues that would affect Area A of the Presidio.

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NPS reviewed and provided comments on the Trust's written scoping materials, including the Conceptual Alternatives Workbook summarizing proposed alternatives for study. After the close of scoping, the Trust held several focused sessions to review how the Trust was addressing NPS' scoping comments and comments on the EIS alternatives and on preliminary draft sections of the Plan. Trust staff with specific technical expertise met with counterpart staff within NPS to ensure technical and factual information was reviewed and adjusted. The Trust also hosted several focused sessions with NPS on the following topics: open space/natural resources, interpretation/programs, transportation and parking management, cultural resources, and sustainability. Each of the sessions included informal presentations, review of existing policies and proposed principles, and discussions on the subjects. Further meetings with NPS focused on receiving comments on the internal administrative review draft of the Draft Plan and the Draft EIS.

## *Scoping Report*

Once the 6-month scoping period closed, the Trust made available for public review in the Trust Library a complete set of all written scoping comments. Also available in the Library and on the Trust's web-site were copies of workshop transcripts that recorded oral comments received during the various scoping workshops. The Trust prepared a post-scoping document that summarizes scoping comments and input. The report describes and summarizes the issues identified in 600 written and oral responses.

The following describes the key issues raised during the scoping period, and considered by the Trust to be principal areas for study and analysis in the Draft EIS. This section explains key differences between the scoping alternatives and the alternatives analyzed in the Draft EIS, and describes how these issues were addressed in the Draft Plan and the Draft EIS.

- **Compatibility with and Relationship of the Plan to the GMPA**

A number of scoping commentors did not want to see any change in the GMPA vision and questioned the need for and purpose of an updated Plan. Many of these commentors noted concerns that the Trust's planning proposals were a rejection of the GMPA, and commentors sought to retain many specific GMPA elements. Some commentors

requested clarification of the relationship between the GMPA and the Plan. In response, the Purpose and Need discussion in the Draft EIS and Chapter 1 (Introduction) of the Draft Plan set out the underlying need and objectives in proposing that the 1994 GMPA be modified and updated. These sections also described the relationship between the GMPA and the Plan in greater detail than was offered in the Trust's scoping materials.

Since its inception, the Trust has carried out the mandates of the Trust Act by looking to the GMPA as the foundational plan that guides the Trust's planning and decision-making. Consequently, the Draft Plan and alternatives for Area B were not developed from a blank slate. The Draft Plan and alternatives retained elements of the GMPA that had already been carried out or that did not warrant change. They incorporate many of the GMPA's foundations and concepts through the Planning Principles, which will become the specific goals and objectives for managing Area B in the future. At the same time, the Draft Plan and alternatives built in modifications to the GMPA to obtain a measure of flexibility not contemplated in the GMPA, and to better reflect the Trust's differing mandate, policies, and approaches. The Plan, once adopted by the Trust Board of Directors, will become the Plan governing the Trust's future management and implementation in Area B, and the GMPA will continue to govern NPS's management of Area A.

- **Level of Demolition and New Construction**

Various commentors raised concerns during the scoping period about the proposed levels of demolition and new construction within the conceptual alternatives. They expressed concern that high levels of demolition and new construction would impair the NHLD.

The Trust addressed this scoping period concern by modifying the alternatives presented in the Draft EIS and by including policies governing historic resource protection that were applicable to all alternatives. Each of the scoping alternatives reported an additional amount (900,000 sf) of demolition and new replacement construction associated with the 23-acre Letterman Digital Arts Center (LDAC) project. The addition of this square footage to the total allowable demolition and new construction for each scoping alternative created confusion by overstating the actual levels being proposed in the plan

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update. The LDAC project was previously analyzed under a separate EIS (Letterman Complex EIS), and the proposed programmatic planning update for Area B was tiering from not only the GMPA EIS but also the Final Letterman Complex EIS. All elements of the 23-acre LDAC project were included within the baseline conditions of the Draft EIS alternatives, and consequently it was unnecessary to reanalyze the LDAC project as a proposal because its effects were already captured in each alternative's baseline condition. Each of the Draft EIS alternatives were therefore clarified by reducing the allowable totals across all Draft EIS alternatives for future park-wide demolition and new construction by the 900,000 square feet already analyzed under the Final Letterman Complex EIS. After the LDAC project square footage correction was made, the Draft EIS alternatives correctly reported the proposed levels of demolition and new construction, which represented the outer bounds for what could be proposed as part of future implementation of the plan update. Proposed demolition levels in the Draft EIS alternatives were developed assuming largely the demolition of non-historic structures, such as removal of Wherry housing.

The Trust is charged with managing the NHLD under its jurisdiction in a manner consistent with the Trust Act and the NHPA. To address scoping commentors concerns that the status of the NHLD is not impaired during future implementation of the Plan, the Draft Plan and Draft EIS articulated policies to adhere to a number of substantive and procedural safeguards. Planning Principles related to cultural resources were set forth in Chapter 2 of the Draft Plan to guide future plans and projects. In addition, new construction would be subject to the planning guidelines for each planning district set forth in Chapter 5 of the Plan and would have to comply with Section 106 of the NHPA.

- Historic Resource Protection Concerns

Closely related to the scoping comments concerning proposed levels of demolition and new construction were various comments requesting that the Trust underscore the importance of protecting historic resources in the NHLD. The Planning Principles governing cultural resource management set forth in Chapter 2 of the Draft Plan, defined policies that applied to all of the alternatives. These policies, together with proposed cultural resource mitigations, the process provided under what was then

the draft Programmatic Agreement for compliance with federal historic preservation laws, and the application of planning district guidelines would ensure that the NHLD would not be impaired and individual resources would be preserved to the maximum extent feasible.

- Comprehensive Management Program

Scoping comments sought clarification on how and when the Trust would comply with the Trust Act Section 104(c). The Act requires the Trust to develop a comprehensive program for management of Area B. The management program would consist of evaluating each structure identified for demolition in the GMPA to determine whether rehabilitation and reuse of the structure would be cost-effective, evaluating for possible demolition the buildings in categories 2 through 5 of the 1985 Historic American Buildings Survey (HABS) Report, considering opportunities for new construction within existing areas of development, and addressing administrative management issues.

The Section 104(c) management program is an ongoing endeavor, and will not be addressed by a single document or plan. PTMP is the foundation of the program and establishes the framework within which the more specific evaluations and decisions under Section 104(c) will proceed in the future. PTMP is not and need not be the complete Section 104(c) management program. The program consists of the Trust's administrative management procedures and policies, options for which have been considered in the PTMP planning process. The ongoing evaluations and future decisions related to specific building reuse, rehabilitation, demolition, and new construction that will follow from PTMP's land use and square footage framework, area-wide planning principles, and character-defining features of each planning district will build upon the foundation established by PTMP to round out the program.

- Open Space

A number of scoping comments focused on the need for the Trust to better define what was encompassed within the open space designation ("green space") depicted as part of the proposed conceptual plan alternatives presented in the November 15 Conceptual Alternatives Workbook. In response to these scoping comments, the Trust used the

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designations of the Vegetation Management Plan (VMP), developed and prepared by the NPS in cooperation with the Trust, as the framework for future resource management actions within open space areas of the Presidio. Using the categories of the VMP, the alternatives in the Draft EIS provided detailed open space definition, consisting of native plant communities, forest, and landscape vegetation as the basis for the alternatives analysis. The differences among the Draft EIS alternatives with respect to open space were arrayed in Draft EIS Table 1 and described in the alternatives descriptions. The Draft EIS also analyzed these differences as potential impacts on natural resources, land use, and visitor experience.

- Delete the Minimum Management Alternative

During the scoping period, several commentors suggested that the Minimum Management alternative (formerly referred to in the Conceptual Alternatives Workbook as the “Existing Conditions” alternative) should be screened out as unreasonable because it failed to make a commitment to remove Wherry housing to assure the recovery of the endangered San Francisco *Lessingia germanorum*. The Trust elected to study one alternative (the Minimum Management alternative) that retained Wherry housing indefinitely in order to assess the potential effects of this alternative on the San Francisco *Lessingia*, and to have a base of comparison to other alternatives that propose the removal of Wherry housing. The Trust believed this approach would provide useful biological and financial information with which to compare the different alternatives, and to consider during the decision-making process. Consequently, the Minimum Management alternative was retained for study.

- Habitat and Resource Enhancements

Many scoping comments sought specific habitat enhancement commitments, including the restoration of the Tennessee Hollow riparian corridor and the expansion of the Crissy Field Marsh. With respect to Tennessee Hollow, each of the alternatives (except for Minimum Management) in the Draft EIS made a policy commitment to the restoration and enhancement of the Tennessee Hollow riparian stream corridor and acknowledged that the extent of the restoration would be

subject to future site-specific implementation planning following adoption of a final plan. See Common Features and alternatives descriptions in Chapter 2 the Draft EIS and the Draft Plan Planning Principles related to Natural Resources (Chapter 2).

In the Draft EIS, the Crissy Field Marsh expansion was included as a component of two alternatives (GMPA 2000 and Resource Consolidation) and would be subject to further study and environmental review under the other Draft EIS alternatives. These alternatives did not propose to decide the question about marsh expansion; instead, they did not preclude the possibility, while committing to further study, of the feasibility and efficacy of further marsh expansion.

- Programs

Various scoping comments questioned the Trust’s program delivery proposal and the financial modeling assumptions made with respect to park program funding. In response, the Trust provided more detailed explanation of the different program delivery approaches, and modified the financial assumptions to better evaluate the issue in the Draft EIS.

Some scoping commentors stated a preference to have the Trust exclusively select tenants with a business-mission related to park program themes, and have those tenants deliver and pay for park programs. This issue was discussed in the Draft Plan, Presidio Programs (Chapter 3) and in the Draft EIS. Chapter 3 of the Draft Plan acknowledged that the Trust sought a broader visitor experience, an expanded variety of programs, and greater assurance that the Presidio’s programmatic goals be achieved more consistently than was envisioned in the GMPA. A strong collaborative effort and a set of partnerships involving the Trust, NPS, tenants, philanthropic organizations, cultural institutions, and community volunteers was proposed to meet this need.

To better evaluate the different methods of program delivery, the Trust modified the assumptions of the financial model across the alternatives in the Draft EIS to reflect key differences in program delivery. The Draft Plan alternative was assumed to deliver cultural and educational programs predominantly through Trust-sponsored programs and partnerships, with the possibility that some programs could be delivered by mission-based

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tenants. This approach was intended to ensure a high-quality, consistent and long-tenure programming component despite inevitable fluctuation in tenant mix. The Draft Plan alternative's definition of programs was very broad (see Chapter 3 of the Draft Plan) to address all aspects of a successful visitor experience, encompassing such things as enhanced interpretation programs; museums and institutes (including Fort Scott); exhibitions, events, and cultural programs; community stewardship; sustainability and resource education programs; and Presidio community activities. For financial comparison purposes only, the Draft Plan alternative assumed just under 1 million square feet (about 26 percent of total non-residential square footage) in cultural/educational program use. For financial modeling only, the rental rate for this space was assumed at \$9/sf/year. The financial modeling of the Draft Plan alternative also assumed expenditure of \$10 million per year for this amount of cultural/educational programming.

In contrast, the No Action Alternative (GMPA 2000) was structured to deliver cultural and educational programs through mission-based tenants as was contemplated under the 1994 GMPA. For financial comparison, this alternative assumed about 340,000 square feet in cultural/educational uses and about another 850,000 for reduced rate office space for mission-related tenant uses. For financial modeling only, cultural/ educational expenditures were assumed to be about \$2 million/year under the No Action Alternative (GMPA 2000). By varying the approach in this way among the alternatives, different approaches to programming were evaluated in the Draft EIS. Under the No Action Alternative (GMPA 2000), space would be provided to mission-related tenants who would provide public programs predominantly at the tenant's own expense, while under the Draft Plan alternative, financial resources were assumed to go directly to delivery of park programming.

- Financial Model

Various scoping commentors requested that the Trust critically review and revisit certain assumptions of the financial model used to evaluate and compare the financial viability of the Draft EIS alternatives. In response to these scoping comments, the Trust revised a number of financial modeling assumptions from those relied upon when the scoping alternatives (and accompanying preliminary financial analysis) were

presented in November 2000. In general, the changed modeling assumptions lowered the capital costs and shortened the time to completion of the capital program for all the Draft EIS alternatives, and improved the financial performance of the No Action Alternative (GMPA 2000). The following summarizes the specific issues raised during the scoping period, and provides an overview of how the Trust responded and/or an explanation as to why a change in the financial model was not made.

*Program Expenditures* – The financial comparison of the alternatives varied the projected level of program expenditure (from \$2 million to \$10 million annually) to reflect differences in the method of delivery and level of programming anticipated in different Draft EIS alternatives. (See “Programs” discussion immediately above).

*Timing of Wherry Housing Demolition* – The timing of the demolition of Wherry housing was adjusted in response to scoping comments. The Trust modified the No Action Alternative (GMPA 2000) to assume retention and leasing of Wherry housing until its demolition at the end of the GMPA planning period (between 2010-2012) rather than early in the GMPA planning period (by 2004). Scoping comments also indicated strong support for delaying the demolition of Wherry housing so that its revenues could be used to fund other operating expenses and capital improvements. Therefore, the Draft Plan Alternative assumed that Wherry housing would be demolished in phases over a 30-year period (one-third by 2013, one-third by 2020, and one-third by 2030) and other alternatives assumed that Wherry housing would be demolished in phases over a 20-year period (one-third by 2013 and the remaining two-thirds by 2020). Because the financial model in the Draft EIS extended over 20 years rather than the full 30 years planned for the phased demolition of Wherry housing removal in the Draft Plan Alternative, the financial analysis treated the Draft Plan and other alternatives, except the No Action Alternative (GMPA 2000) similarly.

*Underground Parking Garage* – In response to several scoping commentors who were strongly opposed to the assumption of an underground parking garage to replace spaces lost due to the restoration of the Main Post parade ground, the assumed underground parking garage was eliminated from the Draft Plan and the Draft EIS. Consideration of

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options for providing parking within Area B was deferred to future planning.

*Parking Fees* – A few scoping comments suggested that the Trust include parking fees among the anticipated revenues from Trust operations. The financial model retained the assumption that Trust-sponsored transit expenses and costs associated with parking supply and management issues would offset any parking revenues. This assumption was made to retain conservatism in the financial assumptions and was considered reasonable because excess revenues received from parking management are expected to be reinvested in additional transportation management and transit programs at the Presidio. An explanation of the rationale supporting this assumption was added to the Financial Model Assumptions and Documentation binder detailing the financial modeling assumptions, and Appendix J in the Draft EIS.

*Philanthropy* – Scoping commentors suggested that the Trust should assume a level of philanthropic funding in the financial modeling of alternatives. Basing financial performance on receipt of donations, when there is no actual commitment of funds, would be fiscally imprudent and inconsistent with the guiding principle of a conservative financial analysis. Although the Trust fully intends, as part of its future implementation efforts to seek and accept philanthropic donations to assist in funding programs, activities and park needs, the financial model was not modified to include a specific dollar assumption for future philanthropic funding.

*Trust as Master Developer versus Third-Party Developers* – Financial modeling at the time of scoping assumed that the Trust financed all development, including new construction projects. Several scoping commentors noted that the Trust acting as master developer for all projects was unrealistic, and biased the alternatives in favor of higher capital costs and more development. In response, the Trust modified this assumption such that all Draft EIS alternatives assumed third-party financing of all new construction projects. This change substantially lowered the total capital costs, and shortened the time to completion of capital projects and reserve funding for all alternatives.

*Operating Costs* – Several scoping commentors suggested that the Trust must indicate variations in operating costs among the different alternatives. The estimated operating costs relied upon in the financial model are based upon at least three years of actual operating experience of the Trust. They were not adjusted relative to the differing amount of building space proposed among the six alternatives. This approach was based upon several factors. First, the financial model was created as a planning tool to compare the relative financial performance of different land use scenarios. Its utility lies primarily in its capacity to indicate the revenue-generating potential of different alternatives relative to one another. It was not designed to accurately or precisely predict long-term operating costs or other financial variables over the extended 20-year planning horizon assumed in the Draft EIS. Assuming variable operating expenses for different alternatives would have made it more difficult for public reviewers to compare one alternative to another.

Second, many of the Presidio's operating costs are nondiscretionary and therefore do not vary in direct proportion to changes in the built environment's square footage total. The difference in building space between the largest and smallest alternative studied was about 1 million sf or just over 15 percent. Thus, even if a building is removed, there are other offsetting operating costs, including some additional expenses associated with the management and maintenance of the newly created open or unbuilt space (e.g., landscaping costs, costs of maintaining open space). Third, adjustment of operating costs to reflect actual variability was considered too speculative over a 20-year planning horizon and would have suggested that the model was or could be used as a more sophisticated financial forecasting tool, which it is not. Lastly, the financial model does account for variation in operating expenses over time, but does so in a manner more consistent with the purposes of the model.

*Subsidized Space for Mission Related Tenants* – At the time of scoping, no financial provision was made to reflect mission-related tenants. In response to scoping commentors seeking tenant subsidies and program delivery through program enhancing mission-based tenants, the financial assumptions for the No Action Alternative (GMPA 2000) were modified to reflect differences in the method of program delivery among the

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alternatives. The No Action Alternative (GMPA 2000) was revised in the Draft EIS to assume that programs would be delivered and paid for predominantly by park tenants, and the provision of these services was reflected in leasing a percentage of the non-residential space to mission-based tenants.

*Capital Replacement Reserves and Steady-State Cash Flow* – The concept of capital replacement reserves was retained in the financial analysis, but was no longer presented in the spreadsheets as an accrued deficit because of the confusion it created during scoping. Instead, the concept was presented as a target date by which reserve funds would be available for the repair and replacement of all capital improvements under each of the Draft EIS alternatives.

Past financial spreadsheets also reported an estimate of steady-state cash flow, which are excess funds available over and above operating expenses once the capital costs and capital reserves have been fully funded. Given the speculative nature of projections extending beyond the financial modeling horizon, this figure was also eliminated in favor of the estimated date by which reserve funds would be available.

### ***Development of New Scoping Alternative***

Among the key comments received during the scoping period were requests that the Trust develop and study a new alternative in the Draft EIS. Scoping comment letters asked the Trust to consider a “financially viable GMPA alternative,” i.e., a new alternative patterned on the GMPA, but modified in only those ways necessary to make the alternative financially viable.

To better understand and clarify the request, the Trust met with the requesting groups to discuss the issues of importance, and to clarify the characteristics of the requested alternative. In response, the Trust both modified the “GMPA alternative” and developed an alternative with lower costs and less development than was proposed by the Trust as its preferred plan (i.e., the Draft Plan Alternative).

Changes to the No Action Alternative (GMPA 2000) in response to scoping comments converted this alternative into the one requested by commentors. Specifically, by modifying assumptions regarding the timing of demolition of

Wherry housing and changes in circumstances since the GMPA was adopted, the No Action Alternative (GMPA 2000) was made to “work” from a financial perspective in that it would achieve self-sufficiency by 2013. It was patterned on the GMPA, but modified in only those ways to make the alternative financially viable. The alternative was carried forward in the Draft EIS and provides a viable option for decision-makers.

The Trust had also developed an alternative with minimal to no new construction (except the Letterman 23-acre project), measures to enhance and increase open space, low capital costs, and programs provided and paid for primarily by mission-related tenants, as was envisioned in the GMPA. This alternative was ultimately eliminated from consideration as being duplicative in some aspects with other alternatives and not as responsive to scoping commentors’ requests as the modified No Action Alternative (GMPA 2000) described above.

In addition to addressing scoping commentors’ request for financially viable GMPA alternative, a new alternative, based on scoping comments and pre-publication consultation with commentors, was developed and included in the Draft EIS as described below. Several months prior to the release of the Draft Plan and Draft EIS, the Trust began a series of pre-publication consultation meetings to preview its proposed Draft Plan to key stakeholder groups and individuals. At the time of these meetings, the Trust was actively considering the Cultural Destination Alternative as its Draft Plan Alternative. The initial Draft Plan Alternative maximized total square footage, allowed for the highest level of demolition and new construction of all alternatives, and increased housing stock above currently existing levels. During consultation meetings, commenting groups urged the Trust to consider a smaller Draft Plan Alternative emphasizing the use of existing and reconfigured housing units and less new development.

In response, the Trust chose to present a new alternative, which the Trust believed to be responsive to the scoping input, as the Draft Plan Alternative in the Draft EIS. The Draft Plan Alternative was patterned more closely upon the land use elements of the GMPA, and incorporated the essential land use components requested by the scoping comment letters. It retained the land use pattern of the GMPA by removing Wherry housing (although over a longer period of time as requested by the commentors) and retained a majority of East and West Washington housing for rehabilitation and reuse. It also

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retained the Public Health Service Hospital Complex for potential residential campus and educational uses. It increased the size and quality of the Presidio's open space and ensured the recovery of the endangered *Lessingia* through the removal of Wherry housing, but phased the demolition over an economically practicable period so that revenues could be generated in the interim to pay for other park improvements and upgrades. The Draft Plan Alternative allowed for a limited amount of new infill construction at appropriate locations. The alternative placed more emphasis on the rehabilitation and reuse of existing buildings, and on achieving a favorable jobs/housing balance through the rehabilitation, conversion and reconfiguration of existing residential units. The Draft Plan Alternative also committed to resource enhancements including the restoration and expansion of a viable riparian corridor in Tennessee Hollow and a commitment to study the feasibility of further expansion of the Crissy Field Marsh. All of these elements were among the attributes of the new alternative that scoping commentors requested the Trust to develop and study.

To the extent that elements of the Trust's Draft Plan Alternative were not fully consistent with scoping commentors' preferences, these elements were being studied as part of the No Action Alternative (GMPA 2000) or other Draft EIS alternatives.

## 5.2 COMPLIANCE WITH RELEVANT ENVIRONMENTAL LAWS AND EXECUTIVE ORDERS

Documentation of Trust compliance with federal environmental review laws and regulations is incorporated into the text of this Final EIS. Compliance with key executive orders and federal laws is summarized here.

### 5.2.1 EXECUTIVE ORDERS

#### *Executive Order 12898 (Environmental Justice)*

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," directs federal agencies to assess whether their actions have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

As shown in Table 61, based on the 2000 Claritas, Inc. data, the distribution of population within the City of San Francisco is as follows: 36 percent White, 36 percent Asian, 17 percent Hispanic, 10 percent Black and less than 1 percent Other. Claritas, Inc. reports that the median household income in San Francisco was \$53,630 in 2000.

The population distribution within the census tracts that surround the Presidio ranges from nearly 84 percent white to just under 37 percent white. Median household incomes in these tracts range from a high of over \$140,000 to a low of \$52,000. While a number of tracts have significant minority populations, these high-minority tracts also have household incomes above the city median. Given this information, the neighborhoods that surround the Presidio cannot be characterized as predominantly low-income or minority.

None of the proposed alternatives would create any adverse impacts on minority or low-income communities. Rather, the proposed alternatives would expand recreational and educational opportunities for the general population, including adjacent neighborhoods.

#### *Executive Order 11988 (Floodplain Management)*

Executive Order 11988 directs federal agencies to enhance floodplain values, to avoid development in floodplains, whenever there is a practicable alternative, and to avoid to the extent possible adverse impacts associated with occupancy or modification of floodplains.

None of the alternatives would support or allow incompatible development within a regulated floodplain. Should it be determined that a specific development project within Crissy Field/Area B would result in an unacceptable risk of flood loss and human safety based on the best information available during subsequent environmental review, the Trust would consider practicable alternatives or not construct the new structures and facilities within this area. In such cases, design would be governed by consideration of probabilistic estimates of risk of damage, and design and siting evaluations would consider the extent of this hazard to identify and implement appropriate flood protection measures.

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**Table 61: Race and Income in Census Tracts Surrounding the Presidio**

Tract	Median HH Income	White	Black	American Indian	Asian	Other	Hispanic
127	\$52,335	82.0%	0.4%	0.3%	12.3%	0.0%	5.0%
128	\$83,480	82.3%	1.1%	0.1%	12.6%	0.1%	3.7%
132	\$108,941	83.6%	0.7%	0.1%	11.4%	0.2%	4.0%
133	\$96,726	77.7%	2.7%	0.2%	13.6%	0.2%	5.8%
134	\$76,452	77.5%	5.6%	0.2%	10.4%	0.1%	6.2%
401	\$64,234	41.6%	2.1%	0.2%	50.0%	0.1%	6.1%
402	\$67,184	42.2%	1.2%	0.2%	52.7%	0.2%	3.5%
426	\$61,797	39.3%	1.4%	0.1%	53.0%	0.1%	6.0%
427	\$54,271	36.6%	1.9%	0.3%	54.3%	0.2%	6.7%
428	\$144,388	70.4%	0.5%	0.1%	24.6%	0.2%	4.2%
San Francisco	\$53,630	36.3%	9.9%	0.3%	36.1%	0.2%	17.2%

Source: Claritas, Inc; Bay Area Economics, 2001.

### ***Executive Order 11990 (Protection Of Wetlands)***

Executive Order 11990 directs federal agencies to enhance wetlands values, to avoid development in wetlands, whenever there is a practicable alternative, and to avoid to the extent possible adverse impacts associated with occupancy or modification of wetlands. The Clean Water Act regulatory process requires compliance with Federal “no net loss of wetlands” policies, and includes a public and agency review process and a Clean Water Act Section 404 (b)(1) alternatives analysis that would in practice be likely to require avoidance of impacts on aquatic habitats or compensation for losses in extent and values.

The Presidio contains a variety of hydrologic resources, including wetlands, streams, groundwater infiltration areas, and associated freshwater marsh, seep, and riparian vegetation. The PTMP alternatives would, to the extent possible, restore natural habitat, including wetlands and stream corridors, which would increase the amount and quality of water resources.

### ***Executive Order 11593 (Historic Properties)***

Executive Order 11593 and Section 110 of the National Historic Preservation Act of 1996 (NHPA) provide direction for inventorying and evaluation of historic properties, and for initiating measures and procedures to provide for the maintenance, through preservation, rehabilitation, or restoration, of federally owned and registered sites at professional standards prescribed by the Secretary of the Interior

The Presidio has been systematically surveyed for historic resources as part of a 1993 revision of the nomination form for NHL status. As a result, buildings have been added to the list of contributing structures. As part of future project proposals and planning efforts, contributing buildings and structures would be proposed for preservation, rehabilitation, and re-use in accordance with *The Secretary of the Interior’s Standards for the Treatment of Historic Properties* and *Standards for the Rehabilitation of Historic Properties*. Demolition of contributing buildings could have an adverse effect on the NHL. The extent of demolition is not known at this time. However, when buildings are proposed for demolition, full consultation would be undertaken pursuant to

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Section 106 of the NHPA and proposals would be considered in accordance with the provisions of Section 104(c) of the Trust Act.

### ***Executive Order 13123 (Efficient Energy Management)***

Development activities at the Presidio must adhere to Executive Order 13123, which mandates an energy use reduction of 35 percent below 1985 levels by 2010. Total energy usage under the Draft Plan alternative is projected to reach 444,158 MMBTU, or 79,314 BTU per square sf. This energy consumption represents a 39 percent reduction from 1990 levels, consistent with Executive Order 13123. Under the PTMP, energy consumption would be further reduced with implementation of conservation measures.

### ***Executive Order 13101 (Waste Reduction)***

Federal Waste Reduction Policy is articulated in Executive Order 13101. Under this policy, federal agencies are guided to incorporate waste reduction into daily operations, to work to increase markets for recovered materials, and to prevent pollution. As of FY2000, the Presidio diverted approximately 25 percent of materials from the waste stream annually as a result of waste reduction efforts. The Trust has a goal of diverting 50 percent of the waste stream.

The practices that are being implemented by the Trust to meet waste reduction goals include recycling, salvage programs, and composting. The Trust is building infrastructure and programs to maximize the capability to handle materials on-site in a closed-loop system. Whenever possible, materials are reused or recycled on-site, minimizing disposal, handling, and transport. Asphalt and concrete are recycled from roadwork, and concrete from building deconstruction will be recycled and reused on site.

The Trust is working closely with tenants to provide waste reduction education. The San Francisco Conservation Corps (SFCC) operates a community recycling center in the Presidio and conducts school education programs, youth job training, and waste reduction outreach. The Presidio composting program collaborates with SFCC and conducts additional education programs for local schools, summer camps, and the general public.

### ***Executive Order 13112 (Invasive Species)***

Executive Order 13112 recognizes the ecological impacts of invasive species, discusses control measures to be taken to prevent the introduction of invasive species, and outlines the duties of each federal agency whose actions could affect the status of invasive species. It essentially directs federal agencies to prevent the introduction of potentially invasive exotic species, and to control invasive exotics on lands for which they are responsible. The rapid spread of invasive exotic plant species is one of the most critical threats to the viability of the Presidio's native flora.

Mitigation measures identified in this EIS would protect native plant communities from new development, and also call for preparation and implementation of site-specific native revegetation plans. To minimize impacts related to infrastructure development and building rehabilitation, areas of temporary disturbance would be revegetated as quickly as possible with appropriate locally native plant species and non-native species be controlled. These measures would also minimize the impact of invasion by non-native species.

### ***Executive Order 12873 (Federal Acquisition, Recycling, and Waste Prevention)***

The Trust complies with the Green Building Guidelines and Executive Order 12873 (Federal Acquisition, Recycling, and Waste Prevention) by incorporating a comprehensive, integrated, and cost-effective approach to waste reduction. See "Solid Waste Disposal Act," below.

### ***Executive Order 13007 (Indian Sacred Sites)***

Executive Order 13007 requires federal agencies, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, to (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites, and where appropriate, agencies shall maintain the confidentiality of sacred sites. No sacred sites were identified in the GMPA and neither the Trust nor the NPS has been advised of any new information about sacred sites since the publication of the GMPA.

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### ***Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)***

Executive Order 13175 requires federal agencies to consult with federally recognized tribes. Although the Ohlone are the most likely descendants of the former indigenous population they are not federally recognized at this time.

### **5.2.2 FEDERAL LAWS**

#### ***Americans with Disabilities Act of 1990***

Federal guidelines published in accordance with the Americans With Disabilities Act (ADA) define specific requirements for disabled access to parking facilities, pathways, and buildings. The accessibility requirements apply to private entities that provide public accommodations (Title III of ADA) and to government facilities (Title II of ADA). The Trust requires full compliance with the ADA.

#### ***Clean Air Act***

Section 118 of the Clean Air Act requires that federal facilities comply with existing federal, state, and local air pollution control laws and regulations. The Trust must ensure that activities within its administrative jurisdiction meet existing laws and regulations, and that external sources of air pollution are controlled or mitigated to the extent possible to protect the air quality and resource values.

Federal actions that cause emissions of nonattainment pollutants are required to complete a formal conformity determination when total direct and indirect emissions caused by the action exceed specified thresholds (40 CFR 51.853). The conformity analysis evaluates whether a proposed action conforms to the State Implementation Plan (SIP) for a particular pollutant. The general conformity rule applies to any federal action in the Bay Area causing more than 100 tons per year ROG, NO<sub>x</sub>, or CO. The analysis considers only those emissions that are reasonably foreseeable and that the Trust can practicably control through a continuing program responsibility (40 CFR 51.852).

Because the PTMP would allow future activities that could result in indirect emissions, the Trust would maintain an ability to control certain future

emissions through oversight activities (e.g., requiring emissions control during construction or demolition through contract terms, limiting other new sources through long-term lease agreements). Emissions that are not fully caused by the PTMP would not be within the control of the Trust, and are not included in the conformity analysis (Federal Register 1993).

At this time, none of the future emissions associated with implementation of the programmatic PTMP meet the dual criteria of being reasonably foreseeable and within the control of the Trust. Within any alternative, emissions related to demolition or construction activities associated with any of the alternatives could occur on varying schedules and at varying levels of intensity throughout the life of the plan. Because the scheduling and phasing of demolition or construction activities are not known, quantification of these emissions would be speculative.

However, based on the scale of the proposed demolition and construction activities, it is highly unlikely that the 100-ton threshold would be exceeded by construction activities during any single year of the phased build-out. Future stationary and area sources that could be associated with the proposed uses in some alternatives would, in general, not be likely to cause substantial emissions (examples of these sources would be heating facilities for housing, office space, visitor services, and cultural/educational uses and landscaping equipment). Furthermore, stationary sources would be subject to the permitting regulations and requirements of the Bay Area Air Quality Management District (BAAQMD), and as such, would be exempt from the conformity analysis. Because emissions from mobile sources and motor vehicle trips associated with some alternatives would be affected by regional accessibility, ultimate trip origins or destinations, and other factors, they are not fully caused by the PTMP, and would not be within the continuing control of the Trust. As a result, they are not included in the general conformity analysis.

#### ***Noise Control Act***

The federal Noise Control Act of 1972 requires compliance with state and local requirements respecting control and abatement of environmental noise and provision of an environment free from noise that jeopardizes health or welfare. Federal management of highway noise is subject to Federal Highway Administration (FHWA) regulations. Federal or federally aided highway

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projects, and construction of highway projects, must conform with the FHWA noise standards.

Current Trust practice responds to existing excessive noise conditions when appropriate. During construction, contractors and other equipment operators would be required to comply with the San Francisco Noise Ordinance. To protect new development from unacceptable exterior noise environments, new multifamily residential units (lodging, apartments, or other attached dwellings) within the Presidio would be constructed according to standards equivalent to Title 24 of the California Code of Regulations. Implementation of these standards would provide suitable insulation to protect dwelling interiors from excessive exterior noise.

### ***Clean Water Act***

The State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Board (RWQCB) are responsible for ensuring implementation and compliance with the provisions of the federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act. Along with the SWRCB and RWQCB, water quality protection is the responsibility of numerous water supply and wastewater management agencies, as well as city and county governments, and requires the coordinated efforts of these various entities.

A Section 401 CWA Water Quality Certification or waiver from the RWQCB is required before a Section 404 permit becomes valid. [An analysis of CWA Section 404 compliance is provided in the discussion under Executive Order 11990 (Protection of Wetlands), above.]

The Presidio is obtaining its National Pollutant Discharge Elimination System (NPDES) permit, and meanwhile adheres to its existing Stormwater Management Plan (1994), which was designed and written to follow NPDES requirements. The goal of the program is to enhance the quality of storm water discharging to Crissy Field Marsh, San Francisco Bay, or the Pacific Ocean. Additionally, the Trust is planning upgrades to the storm water collection system in the Main Post Planning District. These upgrades will include the upgrade to the inlet grates and replacement of crushed pipe segments. These repairs will help prevent system blockages and conveyance of storm water from this area.

In accordance with the NPDES program, new site development activities would be required to implement a Stormwater Pollution Prevention Plan (SWPP) that prescribes Best Management Practices (BMPs) to control erosion and runoff during construction and operation. Ongoing erosion and pollutant control measures would be incorporated into "as-built" plans outlining maintenance schedules for sediment control. The Trust would require park tenants and contractors to apply BMPs to their facilities and operations. Therefore, the proposed action would be consistent with CWA requirements pertaining to storm water management.

### ***Coastal Zone Management Act and Estuary Protection Act***

The Coastal Zone Management Act of 1972 addresses actions affecting coastal zones and requires that federal actions be consistent with state coastal zone management plans. Lands held in the public trust are subject to these requirements. Federal actions must be consistent with the California Coastal Act and Local Coastal Plan. The Estuary Protection Act requires federal agencies, in planning for the use of development of water and related land resources, to give consideration to estuaries and their natural resources.

### ***Bay Conservation and Development Commission (BCDC)***

The Trust met with BCDC staff in November 2001 and February 2002 to review their concerns regarding Trust programs and activities that could affect the coastal zone management program, and to be apprised of a proposed amendment of the Bay Plan recreation findings and policies pertaining to decommissioned military base lands (including the Presidio) along the Bay shoreline. It is the Trust's intent to comply with and conduct the PTMP in a manner which is consistent with the Bay Plan to the maximum extent practicable. To this end, the Trust prepared the following consistency determination related to the PTMP alternatives. The Commission may review the consistency determination and either concur with or object to it.

The PTMP alternatives, if implemented, would be consistent with the BCDC's coastal management program by increasing open space and recreational opportunities, preserving historic resources, rehabilitating native vegetation and riparian areas, preserving and enhancing Bay views, protecting water quality, establishing a network of trails and bikeways through the Presidio and encouraging public transportation demand management strategies. The PTMP

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alternatives would provide for public access through the Presidio from both surrounding neighborhoods and from areas within the park to the Bay, and protect view and wildlife corridors to the Bay. The limited cultural, educational, recreation and lodging facilities (including museums, restaurants, cafes, and bed and breakfast accommodations) would be viewed as appropriate in the Presidio under the San Francisco Bay Plan, since they are clearly incidental to park use, and would not obstruct public access to or enjoyment of the Bay. Under each of the alternatives, the planning principles and planning guidelines in the PTMP would promote the design of such facilities such that they would not result in visual or physical barriers to the Bay, in adverse impacts on sensitive Bay-related habitats or species, or on recreational uses of the Bay shoreline. In addition, the PTMP's commitment to improve the long-term health and quality of Crissy Marsh through appropriate alternatives, including expansion, would provide substantial public benefits. Finally, restoration of Tennessee Hollow, a proposed project under PTMP, would increase fresh water inflows to help support a variety of aquatic life and wildlife in and around Crissy Marsh and the Bay.

## ***Endangered Species Act***

Section 7 of the Federal Endangered Species Act (FESA) of 1973 directs all federal agencies to further the purposes of the Act. Federal agencies are required to consult with the U.S. Fish and Wildlife Service (USFWS) to ensure that any action authorized, funded, or carried out by the agency does not jeopardize the continued existence of listed species or critical habitat. While Section 7, and the prohibition against Federal actions jeopardizing endangered species, reduce the chances of extinction, the Trust has an affirmative conservation obligation given the preeminent role of endangered species recovery as a central goal of the ESA. It should be noted that the 1988 amendments to ESA stressed the primacy of the ecosystems on which endangered species depend. The Presidio provides a variety of habitats which support federally listed species which are protected pursuant to the ESA. Implementation of the PTMP may result in adverse effects to these species. Section 7 consultation with the USFWS was initiated and a Biological Assessment was submitted to the USFWS on November 26, 2001. The USFWS' regulations require that a Biological Opinion be issued within 135 days which would have been April 21, 2002. The Trust is currently awaiting response from the USFWS.

## ***Migratory Bird Treaty Act***

The Migratory Bird Treaty Act of 1918 makes it unlawful to "take" (i.e., kill, harm, or harass) any migratory bird listed in 50 CFR 10, including their nests, eggs, or products. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, and many others. The Migratory Bird Executive Order of January 11, 2001, directs executive departments and agencies to take certain actions to further implement the Migratory Bird Treaty Act, and defines the responsibilities of each federal agency taking actions that have, or are likely to make, a measurable affect on migratory bird populations. All project actions within the Presidio must comply with this act; therefore, they cannot result in unauthorized take of migratory birds. The PTMP, in combination with mitigation measures identified in this Draft EIS, would require preconstruction surveys during the nesting season, would prohibit disturbance of active nests, and would ensure that protected bird species that are nesting would not be destroyed or disturbed by clearing, demolition, or construction activities.

## ***National Historic Preservation Act***

Section 106 of the NHPA requires that a federal undertaking that could affect a property listed on the National Register of Historic Places or eligible for listing on the register be evaluated, with the participation of preservation agencies and the public. This law requires the agency responsible for the proposed undertaking to take historic properties into account, but it does not prohibit the agency from damaging or destroying the resources. All demolition and construction would be conducted in accordance with Section 106.

## ***Archaeological Resources Protection Act***

The Archaeological Resources Protection Act of 1979 defines archaeological resources; requires federal permits for excavation; provides for curation of materials, records, and other data; provides for confidentiality of archaeological site locations; and, in the 1988 amendment, requires the inventorying of public lands for archaeological resources. In addition, Section 110 of the NHPA specifies that archaeological resources must be taken into consideration before implementing any federal action.

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Direct effects on archaeological resources would be avoided to the extent possible through consultation between the project managers and the Trust's archaeological staff. If significant archaeological sites could not be avoided, a decision would be made to abandon or redesign the proposed project to protect the archaeological site, proceed with the project under the terms of Stipulation XIII (Archaeology) of the Programmatic Agreement (see Appendix D), or to consult with the state historic preservation officer to develop mitigating measures such as data recovery through archaeological excavation and recordation of sites. If previously unknown resources were discovered during construction subsequent to inventory efforts using best available technology, the Trust would comply with applicable provisions of the Programmatic Agreement (Appendix D at Stipulation XIV, Discoveries).

No archaeological resources would be excavated without proper permits. Unauthorized excavation, removal, damage, alteration, or defacement of archaeological resources would be prohibited. All archaeological site data would remain confidential.

### ***American Indian Religious Freedom Act***

The American Indian Religious Freedom Act of 1979 (PL 95-341) directs that Native American groups who might use or have direct or indirect interest in the Presidio be invited to participate in the planning process. In addition, Section 103(c)(6) of the Trust Act requires the Trust Board to provide opportunities for public comment regarding planning issues. Copies of this DEIS have been sent to the Native American Heritage Commission and 8 American Indian tribes.

### ***Native American Graves Protection And Repatriation Act***

The Native American Graves Protection and Repatriation Act of 1990 (PL 101-601; 104 Stat. 3049) as amended, outlines the federal government's responsibility for the treatment and ultimate disposition of human burials and grave-related materials. The Act requires consultation with certain Native American communities if circumstances regarding human remains, associated artifacts, or objects of cultural patrimony arise.

### ***Comprehensive Environmental Response, Compensation and Liability Act***

The Trust's environmental cleanup responsibilities for the Presidio are set forth in the "Memorandum of Agreement Regarding Environmental Remediation at the Presidio of San Francisco" among the U.S. Army, NPS, and the Trust ("the Presidio MOA"), and the related "Memorandum of Agreement for Environmental Remediation of Presidio of San Francisco" between the Trust and NPS ("Area A MOA"). The Trust's cleanup of nonpetroleum substances, pollutants, and contaminants on the Presidio is addressed through environmental data collection, analyses, remedial design and implementation, and reporting and documentation requirements, separate from the PTMP EIS. The data collection, analyses, and cleanup efforts are being managed in accordance with federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and through regulations set forth in Title 40 of the Code of Federal Regulations (CFR). Cleanup of petroleum contamination is governed by Title 23 of the California Code of Regulations, California Health and Safety Code Chapters 6.5 and 6.8, and the National Oil and Hazardous Substances Contingency Plan (Title 40 CFR, Part 300). The overall cleanup of the Presidio is regulated by the State of California and the U.S. Environmental Protection Agency (EPA). Within the State, the California EPA (Cal-EPA) Department of Toxic Substances Control (DTSC) has oversight authority and jurisdiction over the non-petroleum CERCLA sites and locations subject to Health and Safety Code requirements. DTSC consults with EPA as necessary. The Cal-EPA Regional Water Quality Control Board is the lead on the cleanup of petroleum-contaminated sites.

### ***Solid Waste Disposal Act***

Under the Solid Waste Disposal Act, a federal agency disposing of waste at a permitted waste disposal sites must comply with all appropriate state and local laws. The Trust handles solid waste disposal through contracts with private haulers. Solid waste generated at the Presidio is disposed of in Contra Costa County waste disposal. The California Integrated Waste Management Act of 1989 requires cities and counties to divert solid waste from the waste stream, which can be achieved through a reduction in materials use, reuse, and recycling. Please see the discussion under Executive Order 13101 (Waste Reduction) for additional information.

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Tamara Williams, Hydrologist  
Howard Levitt, Chief of Interpretation  
Daphne Hatch, Wildlife Biologist

Peter Brastow, Coordinator for Crissy Field  
Rick Foster, Transportation Planner  
Mary Scott, Assistant Superintendent, Operations, GGNRA

### *United States Park Police San Francisco Field Office*

Captain Noel Inzerille, Commander  
Captain Robert Kass, Assistant Commander for Administration  
Major Gretchen Merkle, Assistant Commander for Operations  
Lieutenant Christine Hodakievic, Administrative Lieutenant  
Captain Robert Kass, Assistant Commander for Administration

### *Presidio Fire Department*

Fire Chief Tim Phipps  
Assistant Fire Chief Curtis Troutt  
Assistant Fire Chief Bill Delaplaine

### *Agencies, Organizations, and Others*

Paul Fassinger, Research Director, Association of Bay Area Governments  
Dr. Peter Baye, Botanist, U.S. Fish and Wildlife Service  
Juan Miller, Account Services, Pacific Gas and Electric  
Robert Pallone, Education Specialist, United States Department of Education  
Laura Castellini, San Francisco State University Student

## **5.6 AGENCIES AND ORGANIZATIONS TO WHOM COPIES OF THE DRAFT EIS WERE SENT**

### *Federal Agencies*

Department of the Army, Corps of Engineers  
Department of Energy, Oakland Office  
Department of Commerce  
National Marine Fisheries Service-Southwest Region  
Department of the Interior, Office of Environmental Policy and Compliance  
U.S. Fish and Wildlife Service  
National Park Service, Pacific West Region  
Environmental Protection Agency-Region Nine

# CONSULTATION AND COORDINATION

Department of Transportation  
Federal Highway Administration, California Division Office  
Federal Transit Administration, Region Nine

## ***Federal Advisory Groups***

Advisory Council on Historic Preservation  
Golden Gate National Recreation Area Citizens Advisory Committee

## ***State Agencies***

California Coastal Commission  
California Highway Patrol  
Caltrans, District 4, Office of Transportation Planning  
Department of Conservation  
Department of Fish and Game, Region 3  
Department of Parks and Recreation  
Department of Toxic Substances Control  
Native American Heritage Commission  
Office of Historic Preservation  
Office of Planning and Research  
Regional Water Quality Control Board, Region 2  
Resources Agency  
State Clearinghouse  
State Lands Commission

## ***Regional, County, and Municipal Agencies***

Bay Area Air Quality Management District  
City and County of San Francisco  
Golden Gate Bridge, Highway and Transportation District  
Metropolitan Transportation Commission  
Public Utilities Commission  
San Francisco Municipal Railway  
San Francisco County Transportation Authority  
San Francisco Unified School District

## ***American Indian Tribes***

Amah Band of Ohlone/Costanoan Indians  
Costanoan Band of Carmel Mission Indians  
Costanoan Ohlone Rumsen-Mutsun Tribe  
Costanoan-Rumsen Carmel Tribe  
Federated Coast Miwok  
Indian Canyon Band of Costanoan/Mutsun  
Muwekma Indian Tribe  
The Ohlone Indian Tribe

## ***Libraries***

Marin Community Library  
San Francisco Main Library  
San Francisco Presidio Branch Library  
San Francisco State University Library

## ***Organizations***

American Institute of Architects, San Francisco Chapter  
American Planning Association, Northern California Chapter  
American Society of Landscape Architects, San Francisco Chapter  
Audubon Society, Golden Gate Chapter  
California Historical Society  
California Native Plant Society, Bay Chapter  
California Heritage Council  
Center for Citizen Initiatives  
Council on America's Military Past – U.S.A.  
Cow Hollow Association  
Cow Hollow Neighbors in Action  
Exploratorium  
Fort Mason Foundation  
Food, Land & People  
Fort Point and Presidio Historical Association  
Golden Gate National Parks Association  
Interfaith Center at the Presidio  
Lake Street Residents Association  
League of Women Voters, San Francisco

## CONSULTATION AND COORDINATION

Marina – Cow Hollow Neighbors and Merchants  
National Parks Conservation Association  
Natural Resources Defense Council  
National Japanese American Historical Society  
Neighborhood Association for Presidio Planning (NAPP)  
Pacific Heights Residents Association  
Pedal Power  
People for the Presidio  
Planning Association for the Richmond  
Presidio Alliance  
Presidio Challenge  
Presidio Heights Association of Neighbors (PHAN)  
Presidio Nonprofits Association  
Presidio Performing Arts Foundation  
Presidio Tenants Council  
Residential Mayors  
San Francisco Beautiful  
San Francisco Bicycle Association  
San Francisco Bicycle Advisory Committee

San Francisco Chamber of Commerce  
San Francisco League of Conservation Voters  
San Francisco Planning and Urban Research Association (SPUR)  
San Francisco State University History Department  
San Francisco Tomorrow  
San Francisco Waldorf School  
Sierra Club Presidio Committee  
State of the World Forum  
Swords to Plowshares Veterans' Academy  
Tenants Council Steering Committee  
Tenderloin Neighborhood Development Corporation  
Transit First Market Street Alliance  
Treasure Island Museum  
University of California San Francisco (UCSF) Campus Planning  
University of San Francisco (USF)  
Urban Watershed Project  
Wally Byam Caravan Club International (Northern California Unit)  
Wilderness Society  
World Jurist Association

**CONSULTATION AND COORDINATION**