

RESPONSE TO COMMENTS

4. Responses to Comments

4.2 EIS PROCESS (EP)

CONTENTS

Compliance with NEPA

- EP-1. *General Compliance with NEPA*
- EP-2. *Propriety of Tiering the PTMP EIS from the GMPA EIS*
- EP-3. *Objectivity of the Trust's Process and Outreach*
- EP-4. *Revisions to References to Scoping Comments*
- EP-5. *Resolution 99-11 to NEPA Review*

Evaluation of Alternatives

- EP-6. *Evaluate a Reasonable Range of Alternatives*
- EP-7. *Eliminate Minimum Management Alternative*
- EP-8. *Include an Alternative with Less Square Footage than No-Action Alternative*
- EP-9. *Process for Excluding Alternatives from Further Consideration*
- EP-10. *Consistency and Specificity of the Description of Alternatives*
- EP-11. *Tabular Comparison of Alternatives by Economic Efficiency*
- EP-12. *Environmental Impacts of the Sustainable Community Alternative*
- EP-13. *Revise the Resource Consolidation Alternative*
- EP-14. *Correct the No Action Alternative (GMPA 2000)*
- EP-15. *Identify the Environmentally Preferred Alternative*

Analysis of Letterman Digital Arts Center

- EP-16. *Treatment of the LDAC Project*
- EP-17. *Continuing Validity of the Letterman Complex EIS*
- EP-18. *Include a "No-Build" Alternative for the 23-Acre Letterman Site*
- EP-19. *Inclusion of the LDAC Project in the No Action Alternative (GMPA 2000)*
- EP-20. *Consideration of LDAC Effects*
- EP-21. *Detail on the LDAC Project*

Impact Assessment

- EP-22. *Programmatic Level of Analysis*
- EP-23. *Impact Methodologies*
- EP-24. *Analysis of Impacts Outside of Area B*
- EP-25. *Summary Table & Baseline of Comparison*
- EP-26. *Significance Thresholds*
- EP-27. *Inaccuracies & Inconsistencies between Plan and EIS*

Mitigation

- EP-28. *Effectiveness and Impact Assessment of Proposed Mitigation*
- EP-29. *Mitigation to Avoid Adverse Impacts*
- EP-30. *Procedural vs. Substantive Mitigation Measures*

Make Explicit

- EP-31. *EIS Assumptions*
- EP-32. *Provide Background Documentation for Attachment A to Appendix J*

Recirculation

- EP-33. *Recirculation of the EIS*

Record of Decision

- EP-34. *Record of Decision*

COMPLIANCE WITH NEPA

EP-1. *General Compliance with NEPA*

One commentor asks how the PTMP and EIS follow all NEPA regulations, mandates, and case law. (More specific comments addressed to the Trust's obligations under NEPA are addressed below.)

Response EP-1 – As is more particularly discussed in the responses to other more specific comments, the PTMP and the EIS were compiled in full

RESPONSE TO COMMENTS

4. Responses to Comments

compliance with NEPA and its regulations and case law. Indeed, the Trust has made every effort to ensure that the NEPA process it has observed with respect to PTMP has been and is a model of NEPA compliance. NEPA directs that a federal agency examine the environmental impacts of official policy, formal plans, adoption of programs, and approval of specific projects it undertakes. If the agency determines that the action may have a significant impact, the agency must prepare an EIS. The EIS must discuss the environmental impacts of the proposed action as well as reasonable alternatives and their impacts. The agency must prepare and circulate a Draft EIS to other federal and state agencies and to the public for comment for a period of not less than 45 days. The agency must then respond to these comments in preparing a Final EIS. In so doing, the agency must either incorporate suggestions or explain its reasoning for its different approach. The Trust has followed these procedures. Again, for the reasons set out in the responses to the following specific comments, the Trust believes that it has acted in full compliance with NEPA, with the government-wide Council on Environmental Quality (CEQ) NEPA regulations, and with the Trust's own NEPA implementing regulations.

EP-2. *Propriety of Tiering the PTMP EIS from the GMPA EIS*

Various commentors infer that the PTMP EIS should not tier from or supplement the GMPA EIS, but rather be a new and separate EIS. The NRDC believes that to properly tier under NEPA, the Trust must go from a broader EIS to a narrower EIS but does just the opposite, moving from a very specific GMPA EIS to a much broader EIS. The NRDC further maintains that the Trust cannot rely upon the earlier GMPA EIS as the basis for valid predictions because the GMPA has been unilaterally adjusted by the Trust. The CCSF Planning Department believes that it is improper to prepare a supplemental EIS on Area B alone when the 1994 GMPA addressed the entire Presidio and that the alternatives developed for the PTMP have little in common with and do not “flow down” from the 1994 GMPA EIS. A neighborhood organization asks “you have inferred that at a future date you will have further EIR [sic] for the programmatic elements of the Plan? Is this not Peacemealing [sic] a project? Peacemealing does not follow NEPA standards – how can you justify this methodology?” And: “In this implementation plan and EIS you are ambiguous. You infer that this is a supplemental EIS to the 1994

implementation plan and EIS and you infer that is a separate Implementation plan and EIS. You cannot have it both ways? Which one are you using?”

Response EP-2 – Tiering is a process which agencies are encouraged to use to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for discussion. In the CEQ's words, “Tiering is a procedure which allows an agency to avoid duplication of paperwork through the incorporation by reference of the general discussions and relevant specific discussions from an environmental impact statement of broader scope into one of lesser scope or vice versa” (CEQ, “Forty Most Asked Questions Concerning CEQ's NEPA Regulations,” Q. 24c, 46 Fed.Reg. 18026 (Mar. 23, 1981) (“Forty Questions”). Tiering may also be appropriate at different stages of actions (40 CFR Section 1502.20).

It was the purpose of the NPS' EIS on its GMPA to evaluate the environmental impact of its proposed plan for the future of the Presidio. The Trust's PTMP EIS is similarly intended to evaluate the environmental impact of its own proposed Plan for Area B of the Presidio. Although there are differences, the Trust's Plan is derived in substantial part from the NPS' earlier plan. Indeed, Congress has mandated that the Trust in its planning adhere to the “general objectives” of the earlier NPS plan (Trust Act, Section 104 (a)). PTMP is not a wholly new plan for Area B. The PTMP reflects many of the GMPA's foundations and builds upon the GMPA while also taking into account the Trust's mandates, policies, and approaches and building in a measure of flexibility not contemplated in the GMPA. It is precisely this sort of circumstance in which tiering is especially useful. Rather than discarding the earlier analysis by the NPS, the Trust incorporates it and builds on it. That, in turn, alleviates the need to redo what the NPS has already done – in CEQ's words such tiering enables the Trust “to eliminate repetitive discussions of the same issues” (40 CFR Section 1502.20).

Some commentors suggest that it is somehow improper to tier other than from a broader EIS to a more specific one. That assertion confuses the usual with the necessary and applies judgments to the two EIS documents (“broader,” “specific”) that are entirely unwarranted. As CEQ stated in the guidance quoted above, tiering may be from an EIS of broader scope to one of lesser scope “or vice versa.” As such, tiering often takes place, as here, at different

RESPONSE TO COMMENTS

4. Responses to Comments

stages of an action (40 CFR Sections 1502.20, 1508.28 (b)). Here the planning process for the future of the Presidio, commenced by the NPS, has reached a later stage, now undertaken by the Trust. In the future, further, more specific plans and actions will occasion the preparation of still further NEPA documents tiered from the earlier ones. The evolution of Presidio planning lends itself particularly aptly to the tiering process.

As it was perfectly proper to tier from the earlier GMPA EIS, it was similarly appropriate to supplement it (40 CFR Section 1502.9 (c)). This Section provides that substantial changes or significant new circumstances or information relevant to environmental concerns provide the occasion for mandatory supplementation of an earlier EIS. Those criteria are satisfied here. The regulations further allow supplementation when the purposes of NEPA will be furthered by doing so, another criteria which the Trust believes has been met here.

By suggesting that the GMPA EIS was “more specific” than the Draft EIS, the commentor appears to be implying that because PTMP itself is a more flexible or general document than its predecessor, the associated EIS is somehow general or unspecific about potential impacts. This is not the case. The PTMP EIS looks quite specifically at a range of alternatives by assessing the impacts associated with the maximum level of activity possible under each alternative and an assumed palate of land uses in future year 2020. This is a conservative approach – because 100 percent occupancy of Presidio buildings may take longer under all alternatives – and results in a very specific list of impacts and mitigations. These impacts and mitigations are fully detailed in the text of the Final EIS (Volume 1). In comparing these to the GMPA EIS, it is difficult to see how one could be called more or less “specific” than the other.

With respect to the statement, which is accurate, that the GMPA covered both Areas A and B of the Presidio, while the Plan covers Area B, that reference is to the Congressional determination in the Trust Act to assign responsibility for Area B to the Presidio Trust while retaining Area A in the NPS’ jurisdiction. As such, the 1994 GMPA remains the plan for Area A while PTMP, implementing the “general objectives” of GMPA, will be the Plan for Area B. The PTMP and the PTMP EIS make clear this division of responsibility. No NEPA requirement limits tiering to instances where the latter document is

jurisdictionally coextensive with the former document as distinct from being jurisdictionally encompassed within the former document. This is similar to the City’s exercise under the California Environmental Quality Act (CEQA) to prepare a supplemental or subsequent Environmental Impact Report (EIR) for the Mission Bay development plan, even though the former EIR examined an area with different geographic boundaries.

With respect to the assertion of one commentor that since future specific proposals at the Presidio will themselves be the subject of further NEPA analysis, this constitutes illegal piecemealing: that assertion is simply wrong. Future specific proposals will be subject to NEPA analysis, which will be tiered from the PTMP EIS. That is a completely appropriate process, encouraged by the CEQ NEPA regulations, which will ensure that future specific projects will be analyzed under NEPA when they have developed into “proposals” (NEPA Section 102 (2)(C)), that are ripe for decision.

EP-3. *Objectivity of the Trust’s Process and Outreach*

The NRDC, Sierra Club and several others believe that the Trust did not objectively prepare the EIS but rather “slanted” it in favor of the Trust’s Draft Plan Alternative over other reasonable alternatives. Commentors suggest the Trust should not have inappropriately promoted the Draft Plan alternative at the expense of other alternatives by publishing a separate volume devoted to it, seeking public input through a mailer, offering outreach activities in connection with the planning effort, burying other alternatives on its website, and structuring the GMPA 2000 alternative to be at a financial disadvantage. The NRDC asserts that, rather than ensuring “a level playing field” for all alternatives, the Trust “engaged in an aggressive and highly problematic effort to promote its own preferred alternative at the expense of all others, including the GMPA 2000 alternative.” The NRDC continues: “Indeed, throughout this campaign, the Trust has made it difficult for people to even learn about any option other than its preferred PTIP plan.” The NRDC believes that the Trust made it difficult to learn about alternatives other than the Draft Plan Alternative. The Sierra Club notes that the Draft Plan was the subject of a “150-page book” and the other alternatives “get only 5 pages.” The NRDC asserts that other agencies, such as the NPS and U.S. Forest Service, do not publish their own preferred plans at the inception of the planning. In addition,

RESPONSE TO COMMENTS

4. Responses to Comments

they and another individual commentors allude to a “full color mailer” sent out by the Trust to promote “support for the Trust’s desired outcomes,” which, in their beliefs, was more “appropriate for a political campaign, but not this planning process.” They, and another individual, infer that the Trust “engaged in improper outreach activities,” such as making presentations about the proposed plan at community groups. The individual expresses concern that Trust staff, at these presentations and elsewhere, only presented “positive-sounding” facts about the Draft Plan. The NRDC also feels “troubled by the Trust’s website” because “Visitors have to dig deeply in the site to find any mention of alternatives.”

Response EP-3 – Certain of the comments misconceive the NEPA process. That process does not require that agency decision makers be without preferences among alternatives. Quite to the contrary, the CEQ NEPA regulations encourage the agency to be candid and specifically state what the agency’s preferred alternative is at the Draft EIS stage (40 CFR Section 1502.14 (e)). CEQ has stated that “if an agency has a preferred alternative at the Draft EIS stage, that alternative must be labeled or identified as such in the Draft EIS” (CEQ, Forty Questions, Q. 4(b)). That identification is made so the agencies and the public can understand the lead agency’s orientation (CEQ, Forty Questions, Q. 4(a)). The CEQ regulations go on explicitly to require the agency to identify its preferred alternative at the Final EIS stage (unless a specific law prohibits a given agency, such as an independent regulatory agency, from doing so.) (40 CFR Section 1502.14 (e)). NEPA, in short, does not require an agency to be without preferences among alternatives. What NEPA does require is that: (1) alternatives be presented in comparative form to provide bases for choice by decision makers and the public (40 CFR Section 1502.14); (2) that “substantial treatment” be devoted to each alternative considered in detail to enable reviewers to evaluate the comparative merits of each alternative (40 CFR Section 1502.14 (b)); and (3) that during the course of the NEPA process no actions go forward that have adverse environmental impacts or that would limit the choice of reasonable alternatives (unless they are themselves the subjects of separate NEPA processes) (40 CFR Section 1506.1).

The Trust followed these requirements precisely in the Draft EIS. The Trust labeled its proposed alternative the “Draft Plan Alternative” and identified it

publicly as the Trust’s proposed Plan. The Trust also set out in detail in the Draft EIS (pages 15 through 69) the comparison of alternatives required by NEPA Section 102 (2)(C)(iii) and Section 1502.14 of the CEQ NEPA regulations in a manner designed to ensure “substantial” treatment for each of the six alternatives. Each is described and compared in terms of the “concept” underlying the particular alternative, land and building uses, the built environment, open space and natural resources, cultural resources, the visitor experience, recreation, community/housing, transportation, infrastructure and utilities, and finance. This complete treatment in the required “comparative form” facilitates the reader’s making comparisons among the alternatives. Each alternative is accompanied both by a colored map showing the different land uses (Figures 3, 5, 7, 9, 11, 13 in the Draft EIS) and by a black and white map illustrating building use preferences and setting out the square footage of built space proposed for each of seven different areas within Area B of the Presidio (Figures 4, 6, 8, 10, 12, 14 in the Draft EIS). As a further aid to the reviewers, the various alternatives are compared in tabular form in the Draft EIS (Table 1). To further facilitate comparisons among alternatives, specific sections of the Draft EIS discuss both those features that the different alternatives have in common (Draft EIS, Section 2.3) and those features that represent the key differences between the alternatives (Draft EIS, Section 2.4). Finally, the chapter of the Draft EIS that analyzes environmental impacts, the Environmental Consequences chapter (which is the most detailed chapter in the Draft EIS), analyzes each type of impact (e.g., natural resources, cultural resources, cumulative impacts), evaluating and comparing the impact of each of the six alternatives.

Presenting the alternatives in this way was both objective and accorded substantial treatment to each of the alternatives. The EIS was prepared so as to fully comply with NEPA’s requirements. Finally, insofar as some comments were directed at other, non-NEPA documents, NEPA regulates what is presented in the EIS. It does not regulate other documents prepared by the lead agency in fulfillment of its other statutory responsibilities. The PTIP itself, referred to by one commentor, is the Draft Plan that is the subject of the Draft EIS. That Draft Plan, not multiple plans, constitutes the Trust’s “proposal,” which is then analyzed under NEPA in the Draft EIS.

RESPONSE TO COMMENTS

4. Responses to Comments

Addressed below are responses to the more specific claims made by commentors concerning the objectivity of the Trust's process:

Publishing a Draft Plan Volume – It is completely proper for an agency to publish its preferred plan in non-final form while the NEPA process is under way. The Trust did so by publishing the Draft PTIP together with a Draft EIS analyzing not only the Draft Plan but also five other plan alternatives. NEPA itself requires an EIS on each “proposal” for a major federal action significantly affecting the quality of the human environment (NEPA Section 102 (2)(C)). The Draft PTIP was the Trust's “proposal,” which is the subject of NEPA compliance in the PTIP Draft EIS. Indeed, CEQ commends the very practice employed here. In its Forty Questions, CEQ notes with respect to U.S. Forest Service EISs for forest management plans:

The EIS identifies the agency's preferred alternative, which is developed in detail as the proposed management plan. The detailed proposed plan accompanies the EIS through the review process, and the documents are appropriately cross-referenced. The proposed plan is useful for EIS readers as an example, to show how one choice of management options translate into effects on natural resources (CEQ, Forty Questions, Q. 21).

The CEQ guidance additionally notes that this process saves time by permitting concurrent review of the proposed forest plan.

The assertion of two commentors that other agencies do not follow such practices is not accurate. In addition to the U.S. Forest Service example commended by CEQ, the Federal Aviation Administration routinely prepares and publishes its Airport Layout Plans (ALPs) for concurrent review with the NEPA documents that analyze them. Local to San Francisco, the U.S. Navy in partnership with the City prepared and circulated a draft reuse plan for Hunters Point Shipyard long before the Draft EIS regarding that plan was circulated for comment. The NPS also circulated its Draft GMPA, which devoted over 100 pages to “The Proposal,” when it issued its Draft EIS in October 1993 (the discussion of alternatives in the Draft GMPA was limited to one page in Appendix B).

The assertion by one commentor that options to the preferred plan are not discussed is similarly without foundation. As discussed above and in

Response EP-6, five other alternative plans are evaluated in the Draft EIS in a manner comparable to the preferred plan – the GMBA 2000 alternative (which is also the “No Action” Alternative required by NEPA), the Resource Consolidation alternative, the Sustainable Community Alternative, the Cultural Destination Alternative and the Minimum Management Alternative. Then the alternatives are compared in detail by type of impact in the Environmental Consequences chapter (Draft EIS, pages 219-398.) Refer to the discussion above and Response EP-6.

Seeking Public Input through a Mailer – NEPA and the CEQ regulations encourage agencies to enable public participation (40 CFR Section 1506.6). Specifically, agencies are directed to “[m]ake diligent efforts to involve the public in . . . implementing their NEPA procedures” (40 CFR Section 1506.6(a)), to provide public notice of hearings, meetings, and documents (40 CFR Section 1506.6(b)), to “hold or sponsor public hearings or public meetings” (40 CFR Section 1506.6(c)); and to “[s]olicit information from the public” (40 CFR Section 1506.6(d)). The Trust's own NEPA regulations echo the commitment to public involvement (see 36 CFR Section 1010.12).

The Trust has made every effort to involve the public, not only those whose immediate proximity assures interest or whose long involvement illustrates their commitment to participate, but also that far larger segment of the public whose interest in their park is yet to be kindled. The Presidio is, after all, a park for the whole American public. The Trust has committed, is committing, and will commit resources to informing the public about the splendor of the Presidio and about the specifics of the planning process and the NEPA process now under way to safeguard its future.

Certain of the comments criticize the Trust for publicity designed to make more members of the public aware of the Presidio's planning process and to involve them in it. The document the Trust prepared to comply with NEPA (the Draft EIS) does inform the public regarding NEPA compliance and the range of alternatives being assessed. The Trust distributed about 620 copies of the Draft Plan, about 440 copies of the Draft EIS, and about 300 CD copies of both documents. Also, both documents were posted in full on the Trust's website at ptip@presidiotrust.gov and announced in its monthly newsletter,

RESPONSE TO COMMENTS

4. Responses to Comments

the Presidio Post. In addition, the Trust purchased advertising space in the local newspapers, inviting the public to participate in the planning process, and published legal notices announcing the availability of the Draft Plan and EIS. The scope of this distribution was not, however, the only means used by the Trust to invite public involvement in activities at the Presidio. The Trust regularly offers a continuing series of public meetings, its monthly newsletter, open houses, and numerous project-specific activities, all designed to ensure an open and public governance of the Presidio.

Distribution of the mailer referred to in comments was yet another means to widen the public audience to the Trust's planning process. It was part of a planned outreach effort near the release of the Draft Plan and EIS to raise awareness about the Presidio and to invite community members to participate in the planning process, including those who had never before been involved in Presidio planning. It was distributed to about 170,000 residents of San Francisco in areas beyond the neighborhoods immediately adjacent to the park. Contrary to commentors' assertions, it was designed to do nothing more than instill an interest in the planning process and get more people involved. The mail-back comment card with check-off items was a means for the Trust to identify additional persons who might have an active interest in the Presidio and who could be added to the Trust's mailing list, now at about 12,000. The comments received were not intended for or in fact used as substantive comments on the Draft Plan or any other alternative.

Not all commentors agree that the Trust's public outreach has been troublesome. The U.S. Environmental Protection Agency, which reviews EISs for adequacy under Clean Air Act Section 309 authority, notes that the Trust has provided a model for public participation. EPA's comment letter states, "The Trust has provided extensive opportunities for the public and interested parties to participate in the discussion and planning of land use and facilities management in the Presidio. Substantive information was provided to the public during the scoping process, and numerous public meetings have been held to get input on the Draft Plan."

Engaging in Improper Outreach Activities – As a generality, the Trust does not agree with the comment that the Trust is seeking too much public input, whether by affirmatively involving community groups or by invitations to

involvement in the PTMP process widely communicated through the Trust's website and through mailers. The Trust is proud of its efforts to more comprehensively involve the public. The NRDC asserts that it is not aware of community outreach in which federal agencies affirmatively go out to the public rather than passively waiting to be asked to involve the public. Many agencies, of which the Federal Highway Administration is a conspicuous example, affirmatively reach out to involve the public by requesting opportunities to make presentations to civic and neighborhood groups. The Trust, too, believes active outreach is proper, appropriate, and an acceptable practice.

One of the benefits of the mailer was to identify persons and groups interested in small group interactions with the Trust about the planning process. The Trust received 1,300 response cards from the direct mailing, and 36 indicated an interest in hosting a small meeting of friends and neighbors or a neighborhood "coffee" where those who attended could meet with Trust staff and ask questions about the park planning process and the Presidio generally. Several commentors suggest that verbal summaries of the Draft Plan by Trust staff at informational meetings were incomplete and omitted information on potential negative environmental impacts. The Trust acknowledges that the primary purpose of outreach was to engender interest in finding out more about the Presidio planning process. In every instance, Trust staff made every attempt to be fair in the presentation of summary information, and the Trust can assure that in every instance, meeting attendees were informed of how they could get more complete information, a copy of the Draft Plan and Draft EIS, and become more involved in the public input process. It is true that most expressions of public interest at public gatherings concerned the Draft Plan rather than any of the other alternatives under consideration, so presentations, particularly those limited to only a few minutes, tended to focus on key highlights and characteristics of the Draft Plan Alternative. Nevertheless, when Trust representatives made presentations at organized or informal neighborhood group meetings, critics of the Trust's Plan were frequently also present to offer opposing information or points of view or to ask pointed questions that inherently balanced any potential for a one-sided presentation.

RESPONSE TO COMMENTS

4. Responses to Comments

Objectivity of Website – In general, the Trust made its best efforts to provide the widest variety of options for obtaining complete and accurate information about the PTMP planning process. The Trust’s website was yet one more option among many, and was designed with the goal of improving and expanding opportunities for public information access. The Trust made available complete versions of the Draft Plan, its short Overview/Executive Summary, and Draft EIS on its public website, and firmly believes it was equally easy to access and review the Draft EIS, including all of the alternatives, as to access the other documents.

Creating a Financial Disadvantage – With respect to commentors’ concerns with bias in the financial comparison of alternatives, the No Action Alternative (GMPA 2000), favored by these commentors, included assumptions that tracked as closely as possible to the actions and timing of the 1994 GMPA and resulted in this alternative meeting the statutory condition of financial self-sufficiency by 2013. It has thus been considered fully and fairly along with the other five alternatives as part of the PTMP planning process. For detailed responses to commentors’ financial concerns, please refer to Responses FI-15 through FI-23.

EP-4. Revisions to References to Scoping Comments

One individual asks the Trust to revise descriptions on pages 407 and 408 of the Draft EIS that characterize the Draft Plan as responsive to scoping comments and to change the characterization from “several” to a “large number of environmental, neighborhood, and preservation groups and the majority of individuals” who asked the Trust to consider “a financially viable GMPA alternative.” The same individual also takes issue with the Draft EIS’ assertion that the Draft Plan Alternative is responsive to the majority of scoping comments.

Response EP-4 – In response to this comment, the description of the Scoping Alternative on page 407 of the Draft EIS has been revised to delete the numeric characterization of comments concerning a “financially viable GMPA alternative.” The sentence in the Final EIS now reads “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.” Also in response

to this comment, the first sentence of the first paragraph on page 408 of the Draft EIS referring to a “new scoping alternative” has been revised. The sentence in the Final EIS now reads “In response, the Trust chose to present a new alternative, which the Trust believed to be responsive to scoping input, as the Draft Plan Alternative in the Draft EIS.”

Although the commentor disputes that the Draft Plan Alternative was responsive to scoping comments, it nevertheless was the product of discussions with a number of interested groups, including neighborhood and environmental groups, as well as individuals, during the scoping period. These discussions resulted in the Trust significantly modifying the proposal it originally intended to introduce as its Draft Plan Alternative. Thus, the Trust both modified the No Action Alternative (GMPA 2000) to meet the request of scoping commentors for a “financially viable GMPA alternative” and developed a new alternative as its Draft Plan, reconfigured in ways to address concerns articulated in scoping comment letters and meetings. For further response to this comment, refer to Response AL-4 and Final EIS, Section 5.1.2.

EP-5. Resolution 99-11 and NEPA Review

One commentor requests that the Trust either amend Resolution 99-11, Statement of General Objectives of the GMPA (as part of the PTMP process) to more accurately and fully state the central objectives of the 1994 GMPA, or subject the resolution to a separate public review under NEPA. Another commentor asks how the 1994 Final GMPA, Resolution 99-11, and the No Action Alternative (GMPA 2000) are different and similar.

Response EP-5 – The current planning process would result in the Trust’s adoption of policies, and it is being subjected to the NEPA process, of which this Final EIS is the manifestation. The Trust’s task in implementing the congressional command to follow the “general objectives” of the GMPA was not to create and adopt a policy, but rather the more ministerial function of distilling and enumerating the principal objectives from an already adopted plan, which had itself been the subject of an EIS. As such, additional NEPA compliance was not required.

RESPONSE TO COMMENTS

4. Responses to Comments

There is no reason to amend the General Objectives in Resolution 99-11. As is also discussed in Response VI-5, the term “general objectives” of the GMPA as enacted as part of the Trust Act was not precisely identified either by Congress or within the text of the GMPA. It therefore fell to the Trust to interpret the provisions of its authorizing statute. Construction of a statute, which is open to interpretation, by an executive agency charged with implementing its provisions is a basic maxim of administrative law. The Trust engaged in a process that ensured the identification of a comprehensive set of objectives that were not only true to the spirit of the GMPA, but also consistent with congressional guidance for the management of the Presidio and with the meaning of the term as used in the Trust Act.¹

Despite the ministerial nature of the Trust’s resolution to distill and enumerate the “general objectives” from an already adopted plan, the substance of that resolution is included in two places within the Draft PTIP, and thus was available for and generated public comment during review of the Draft Plan. See Response VI-5 for more discussion.

¹ The General Objectives as identified by the Trust are similar to an earlier statement of Presidio-wide goals prepared by NPS. In a 1994 NPS Request for Qualifications for the Letterman Complex, the NPS stated that programs and activities should support park-wide goals to the fullest extent possible. These “park-wide goals,” said the NPS, “are summarized below, and are more fully described in the Draft General Management Plan Amendment: promote environmental stewardship and sustainability, encourage cross-cultural and international cooperation; provide community service and restoration; promote health and scientific discovery.” Each of the NPS “park-wide goals” for the Presidio has been adopted, almost verbatim, as part of the General Objectives of the GMPA adopted by the Trust in Resolution 99-11, as have other objectives gleaned from the GMPA as a whole.

EVALUATION OF ALTERNATIVES

EP-6. Evaluate a Reasonable Range of Alternatives

Several commentors maintain that the Trust should have evaluated a fuller range of alternatives as required by NEPA, and should not have constructed alternatives that had so many common features.

Response EP-6 – The Trust fully recognizes and understands its obligations under NEPA to examine a reasonable range of alternatives. As CEQ pointed out, however, in its Supplementary Information accompanying publication of its regulations, there is no requirement “that an infinite or unreasonable number of alternatives be analyzed” (43 Fed. Reg 55983 (Nov. 29, 1978)). A certain amount of informed judgment goes into what range of alternatives to consider, bearing in mind the purpose and need as set out in the EIS and the actual historical and physical circumstances that shape the options for the future.

The Draft EIS itself summarizes the reasoning behind why certain factors were assumed to be common to all (or most) of the alternatives. The reasoning became one step in the Trust’s process of delineating the range of alternatives analyzed. The Draft EIS explained:

All alternatives share some common features or were assumed to result in common outcomes. The common features arise from a mix of circumstances. Some (e.g., LDAC, Doyle Drive improvements, the Mountain Lake enhancement project, the Vegetation Management Plan, the Trails and Bikeways Master Plan) reflected projects that have been the subject of independent planning and environmental review proceedings separately, sometimes under an alternate authority or jurisdiction. Others reflect prior or existing contractual commitments, requirements of the Trust Act, or requirements of other laws, which are consistent with all planning options (e.g., existing long- or short-term leases, building rehabilitations, environmental remediation activities, establishment of the William Penn Mott, Jr. Visitor Center, NPS law enforcement and interpretive roles). Some reflect policies and actions from the GMPA that the Trust has been implementing and

RESPONSE TO COMMENTS

4. Responses to Comments

believes remain viable (e.g., provision of transportation demand management approaches, removal of Wherry housing units, targeting housing to Presidio-based employees). (These policies and actions would only be minimally addressed under the Minimum Management Alternative.) (Draft EIS, pages 16-17.)

The Trust continues to believe that these factors are valid ones to assist in delineating a reasonable range of alternatives. It must be borne in mind that the PTMP EIS is tiered from the earlier GMPA EIS and that Congress has directed the Trust to follow the “general objectives” of the GMPA. Those objectives and the earlier EIS have served to focus the alternatives considered in this EIS.

As the Trust considered common elements, issues where important differences could exist among the alternatives at this programmatic level became clear, and different approaches to these issues were developed for analysis in the EIS. The Draft EIS lists these important program-level differences:

- amount and type of open space;
- retention or loss of dwelling units;
- total building square footage and land-use emphasis, including variances in type, density, level of potential demolition, and possible replacement construction;
- level of resource enhancement;
- population and job totals;
- total capital improvements;
- timing of completion of capital improvements and time required to set aside financial reserves; and
- extent of park programming and approach to achieving park programs (Draft EIS, pages 18-19).

In accordance with the mandate of the CEQ NEPA regulations, the Trust has focused on the significant environmental issues set out above in the PTMP planning process (see 40 CFR Sections 1502.1, 1502.2 (b), 1500.4). In the case of the ongoing NEPA and planning process for the Presidio, this EIS represents one “tier” of an ongoing process (i.e., it is tiered from the earlier GMPA and Letterman EISs) and does not exhaust either planning at the Presidio or the NEPA obligations and opportunities associated with it. As the Draft EIS made clear, it is “a broad, program-level document that evaluates overall concepts for change, . . .” (Draft EIS, page S-2). The Draft EIS continued, “More detailed and site-specific plans would be developed in the future based on the direction established in the selected alternatives. Future activities would be subject to NEPA and National Historic Preservation Act (NHPA) reviews, involve coordination with the NPS and other agencies as necessary, and provide opportunities for additional public participation” (page S-2). The Trust may tier future projects from this PTMP EIS (page S-2).

Several commentors note transportation issues as illustrative of an allegedly undue commonality. One of those, Transportation Demand Management (TDM), was specifically addressed in the Draft EIS, which started by saying that TDM was called for in the GMPA (from which this planning process is tiered) and is currently under way and would continue. Four of the six alternatives would then go further with an enhanced TDM Program (Draft EIS, page 17) and one (Minimum Management) would not include a TDM program at all. Parking, on the other hand, has been addressed at a general level with overall parking running from a reduced 7,810 spaces under one alternative to a maximum of 11,210 under another (Table 1, Final EIS). The specifics of parking are in large part not addressed at this stage of planning, but will be addressed in subsequent planning.²

EP-7. *Eliminate Minimum Management Alternative*

Several commentors claim that the Minimum Management Alternative is an unreasonable alternative and should be eliminated from further consideration

² Underground structured parking is not proposed nor analyzed as part of this PTMP EIS.

RESPONSE TO COMMENTS

4. Responses to Comments

in the PTMP EIS. The NPS identifies various weaknesses in the Minimum Management Alternative, including its inability to meet the project objectives. The U.S. Fish and Wildlife Service (USFWS) notes that the alternative would “severely constrain or eliminate future large-scale habitat restoration and preclude recovery of listed species,” and asks for further clarification as to why, for purposes of NEPA, it is evaluated in detail in the EIS. On the other hand, one commentor concludes that the financial summaries for the six alternatives show that the Minimum Management Alternative is “far and away the best plan” for complying with the Trust Act requirement to reduce expenditures and increase revenue to the federal government.

Response EP-7 – The Trust believes retention and evaluation of the Minimum Management Alternative provides valuable comparative information and is therefore important to the PTMP planning and decision-making process. NEPA does not require consideration of this alternative, but it nonetheless represents an important baseline for comparison. CEQ has explained, the “No Action” alternative in the context of lands subject to an ongoing management plan is the continuation, without change, of that management system (CEQ Forty Questions, Q.3). Therefore, in the context of this planning process, the GMPA 2000 Alternative represents the “no-action” alternative (i.e., the continuation of the ongoing management system, the 1994 GMPA) to the maximum extent feasible, given the changes imposed by Congress and other changes due to the passage of time.

Although it has, as some comments point out, some policy weaknesses compared to other alternatives, the Minimum Management Alternative represents a form of minimum intervention that the Trust believes is important to consider within the mix of alternatives. First, it is an alternative that evaluate the effects of a minimum amount of physical change, including no new construction and no demolition. Furthermore, it looks at the minimum amount of active intervention to control land use, and in this way minimizes costs over time. Lastly, it manages the existing built, natural, and cultural landscapes to the minimum extent needed to meet basic legal requirements.

Commentors seem to have misunderstood the Minimum Management Alternative. It is not the complete absence of management. It is the minimum level of management needed to meet the Trust Act and other legal

requirements. It further represents an alternative with a minimum level of physical change from existing conditions, and in this respect represents a form of minimal “development.” While the NPS’ comments point to the potential weaknesses of the Minimum Management Alternative, the Trust is not proposing that it be adopted, only that its presence as an alternative provides a point of comparison which is useful. It is not improper to include an alternative even though it may not fully satisfy all project objectives. In this instance, understanding the environmental effects of a minimum amount of physical change is, in the Trust’s view, important information that could be helpful to decision-makers in selecting a Final Plan. For example, the alternative informs decision-makers of the financial effects of assuming all leasing for “highest and best” use (i.e., to maximize revenues). Furthermore, its analysis illuminates the environmental effects of an alternative that proposes no new construction or building demolition. It also analyzes the financial and biological effects of retaining Wherry Housing. Inclusion of this alternative does not mean the Trust favors these options or this alternative. It does not. For further discussion of the Minimum Management Alternative, refer to Response AL-6. In response to these comments, the descriptions of the Minimum Management Alternative in the Final EIS (Summary Chapter and Chapter 2) have been refined to further clarify the issues discussed above.

EP-8. *Include an Alternative with Less Square Footage than No-Action Alternative*

The NPS encourages the Trust to modify an alternative to have a lesser level of development than the No-Action Alternative. (“This would provide a more reasonable range of alternatives for public consideration.”)

Response EP-8 – The Trust disagrees with NPS that a reasonable range of alternatives in this planning context must include an alternative with less square footage than the GMPA. The Trust is updating the NPS’ 1994 Plan. Alternatives were considered in the NPS planning process that would have reduced square footage below the 5.0 million square feet provided by the GMPA. Now NPS suggests that the Trust should reconsider alternatives as though NPS had never considered an overall plan for the Presidio. The Trust does not agree that it must start Presidio planning from scratch and essentially redo the 1994 GMPA planning process; rather, the Trust is appropriately

RESPONSE TO COMMENTS

4. Responses to Comments

tiering its consideration of alternatives from the existing GMPA and GMPA EIS.

That said, in an effort to be as responsive as possible to NPS and other commentors, the Trust has developed and analyzed a variant to the Final Plan, based upon suggestions made by the Sierra Club's comment letter, that evaluates a set of alternative actions under the Final Plan that result in less square footage than under the 1994 GMPA adopted by NPS. By assuming a slightly more aggressive program of building demolition than under the Final Plan and no new replacement construction, the Final Plan Variant results in a total of 4.7 million square feet of built space, about 300,000 square feet less than the 1994 GMPA. For further discussion of the Final Plan Variant, refer to Response AL-5.

EP-9. Process for Excluding Alternatives from Further Consideration

The CCSF Planning Department asks whether the Trust “developed a list of feasibility factors based on cost, logistics, social, environmental or legal factors” to screen and eliminate alternatives from the ‘reasonable range.’

Response EP-9 – The Trust’s approach to developing a reasonable range of alternatives included consideration of three primary elements: (1) required elements of all alternatives (i.e., screening criteria); (2) common planning assumptions for all alternatives; and (3) key variables of the alternatives. The “screening criteria” are in effect the “feasibility factors” referred to by the City. For any alternative to be considered minimally viable, it had to meet the following minimum criteria: (a) be consistent with the Presidio Trust Act and meet the Act’s financial mandate, i.e., be capable of achieving financial self-sufficiency no later than 2013 and be financially sustainable over the long term; (b) encompass Area B only, but be consistent with the GMPA for Area A; (c) meet the General Objectives of the GMPA as required by Congress and adopted by the Trust Board in Resolution 99-11; (d) preserve the Presidio as a park; and (e) meet the proposed planning principles.

The Trust considered but rejected certain alternatives because they failed to meet one or more of the screening criteria. For example, the Trust considered developing an alternative with more square footage than currently exists within Area B. This alternative was screened out as unreasonable because the

proposed square footage falls outside the Trust Act’s limits on the maximum amount of allowable square footage within Area B.

EP-10. Consistency and Specificity of the Description of Alternatives

Several commentors state that the Final EIS should provide greater specificity and consistent detail in the description of alternatives to compare and contrast relative similarities or differences among alternatives. The NPS suggests that the Trust describe the desired future conditions for each planning area, historic structures that would be considered for demolition, specific uses for specific structures, and areas where new construction would likely be sited. Finally, to effectively compare and contrast alternatives, the Draft EIS summary should include a table that compares the critical components of each alternative (level of demolition, new construction, overall square footage).” The USFWS points out that the “level of detail and analysis for all reasonable alternatives evaluated should be similar to that of the proposed alternative and in proportion with the importance of their environmental consequences.” They recommend that “potential individual projects be carried through summary tables, descriptions of alternatives, and discussion of environmental consequences consistently,” and “using consistent language, style, and perspective when evaluating comparable environmental consequences in the EIS, to avoid the unintended appearance of bias.”

Response EP-10 – Consistent with Section 1502.14 of the CEQ Regulations implementing NEPA, the Draft EIS provides a comprehensive description for all alternatives, devoting substantial treatment to each. This description includes a quantitative comparison of existing built space, maximum allowable construction and demolition, proposed land uses, acreage of open space, native plant community restoration, and forests. Quantitative information is supplemented with a narrative and graphic representation of each alternative. Refer to Response EP-3 and Final EIS Chapter 2. However, in response to these and other related public comments, additional specificity has been incorporated into the Final Plan and EIS. This supplemental information is provided on a planning district basis with additional detail for issues that were of concern to the public (e.g., housing). Providing a prescriptive, building-by-building definition of use, however, is contrary to the very essence of the PTMP. As discussed in Chapter 1 (Purpose & Need)

RESPONSE TO COMMENTS

4. Responses to Comments

of the Final EIS and in numerous places within this Response to Comments volume of the Final EIS, the intent of the PTMP is to establish an updated land-use policy framework which is necessary to respond to the new requirements of the Trust Act and conditions which have changed since the 1994 GMPA was adopted. Essential to its success must be an element of flexibility which allows the Trust to be responsive to resource protection requirements as well as financial mandates. Refer to Type of Plan responses.

Contrary to the suggestion by the USFWS, the Trust believes that the EIS also provides a comparable level of analysis for all alternatives. Various computer models and other quantitative analyses were applied consistently for all alternatives to ensure that an equal level of study was achieved. In instances where alternatives would have similar environmental impacts, the EIS notes this similarity and references prior discussion as a means to reduce repetitive text. This approach is consistent with CEQ Regulation Section 1500.4(a), which encourages agencies to reduce the length of environmental impact statements. The Trust does not believe that this constitutes a “bias” towards any one of the alternatives. Refer to Response EP-3, which further addresses the issues raised by the USFWS.

EP-11. *Tabular Comparison of Alternatives by Economic Efficiency*

The USFWS recommends that the Final EIS include a tabular comparison of alternatives that specifies the degree to which each alternative meets the criterion for economic self-sufficiency.

Response EP-11 – The Trust agrees, and the financial planning analysis conducted for the EIS includes baseline tables showing the relative economic efficiency of the different planning alternatives requested by the USFWS. As the Financial Analysis Technical Memorandum in the Final EIS, Appendix K explains in more detail, the EIS financial analysis was designed as a comparative model. It uses a conservative but optimistic set of planning assumptions. The relative strength or weakness of the alternatives in comparison to one another can be and has been evaluated and tabulated. The Financial Analysis Technical Memorandum describes this comparative analysis in detail. Further, Attachment E of Appendix K (Summary Financial Results: Baseline Scenario) includes summary financial tables showing the comparative financial results of the different planning alternatives. For each

alternative, the baseline tables show: (a) a FY 2013 snapshot, indicating whether the planning alternative could, given the specific set of assumptions made across the alternatives, achieve financial self-sufficiency (whether revenues cover all assumed expenses) by the congressionally determined deadline year of 2013; and (b) a project summary table, indicating for each alternative the comparative capital costs, the projected year that capital projects could be completed, and the year financial reserves could be fully funded.

EP-12. *Environmental Impacts of the Sustainable Community Alternative*

Two commentors ask why the Sustainable Community Alternative, which sounds appealing, in practice has the worst air quality, highest noise levels, and highest traffic levels.

Response EP-12 – When the Trust developed the Sustainable Community Alternative, it did so with a concept in mind, and a mix of uses consistent with the concept was developed. Specifically, the concept of sustainability dictated that a high percentage of people live close to their workplace to minimize traffic and auto trips. As a result, this alternative included a higher percentage of office, residential and retail uses than other alternatives. The Trust did not presuppose the environmental outcome of this use mix, and it did not become apparent until the evaluation of the alternative in the Draft EIS that this mix of uses resulted in relatively high levels of traffic, air quality impacts and noise.

EP-13. *Revise the Resource Consolidation Alternative*

The USFWS recommends that the Resource Consolidation Alternative be revised to minimize cultural resource impacts based on the alternative’s greater overall resource benefits when compared to the No Action Alternative (GMPA 2000).

Response EP-13 – As described in the EIS (Chapter 2, Alternatives), the underlying concept behind the Resource Consolidation Alternative is to enhance and expand open space and natural values. As inferred by its name, this alternative proposes to achieve this concept by providing a more or less contiguous area of natural/open space along the park’s southern boundary, clustering development in the north. The alternative proposes removal of

RESPONSE TO COMMENTS

4. Responses to Comments

buildings in various areas, including Wherry Housing, the Public Health Service Hospital, and East and West Washington housing areas. These concepts are also captured in varying degrees by other alternatives evaluated in the EIS. For example, all of the other alternatives, with the exception of the Minimum Management Alternative propose removal of Wherry Housing to provide for native plant community restoration (consistent with the Draft Recovery Plan for Coastal Plants of the San Francisco Peninsula, USFWS 2002). The Cultural Destination Alternative also proposes removal of the East and West Washington housing. The concept not captured by the other alternatives is the removal of the PSHH complex. To remove this concept from the alternative in order to minimize impacts to cultural resources would essentially dilute the comparison and weaken the diversity upon which the range of alternatives was built. The Trust believes that range of alternatives evaluated in the EIS provides a sound basis for weighing the multiple and sometimes competing resource needs at the park. Refer to Response EP-6 for additional information on this subject.

EP-14. *Correct the No Action Alternative (GMPA 2000)*

The CCSF Planning Department and one individual state that the GMPA 2000 Alternative is not the No Action Alternative. The commentors suggest that the 1994 GMPA, the current adopted plan for the Presidio, offers a meaningful comparison with the other alternatives, and should be described and analyzed as the No Action Alternative. (“The full range of options for implementing the GMPA vision is not assessed under the alternatives. The conceptual alternatives formulated in November 2000 take integral components of the GMPA, separate them, and then set them up as separate organizing principles for each individual alternative. The Plan and EIS should have formulated, analyzed, and tested options for implementing the full range of the GMPA vision within the Presidio Trust constraints of financial self-sufficiency.”) According to the one individual, the No Action Alternative should: (1) retain the vision and objectives of the 1994 plan; (2) not assume the Letterman Digital Arts Center project; (3) project costs in accordance with the 1994 assumptions regarding numbers of visitors and employees; (4) eliminate new construction; (5) demolish non-historic housing (rehabilitating historic housing); and (6) meet the financial mandate of the Presidio Trust Act.

Response EP-14 – The Trust disagrees that the GMPA 2000 Alternative is not an accurate presentation of the No Action Alternative as required by NEPA for the following reasons. As is also noted in Response EP-7, CEQ has explained that the “No Action” alternative in the context of lands subject to an ongoing management plan is the continuation, without change, of that management system (CEQ Forty Questions, Q.3). Therefore, in the context of this planning process, the GMPA 2000 represents the No Action Alternative (i.e., the continuation of the ongoing management system, which is the 1994 GMPA). The Plan as it was adopted in 1994 cannot be fully implemented exactly as it was written. Changes imposed by Congress under the Trust Act, physical changes in land uses and building treatments, amendment of the 1994 GMPA as a result of supplemental environmental reviews (e.g., the Crissy Field Environmental Assessment, the Presidio Fire Station Environmental Assessment, and the Letterman Complex EIS), and other changes during the eight years since the NPS’ plan became final make implementing the 1994 GMPA precisely in the form it was adopted impossible.

The GMPA 2000 Alternative is the No Action Alternative because it adheres as closely as possible to the specifics of the 1994 plan approved by NPS. For example, its vision (i.e., as a global center to house organizations dedicated to addressing the world’s most critical environmental, social, and cultural challenges), its tenant selection approach (i.e., seeking and selecting mission-based tenants), its approach to programming (i.e., programs provided by mission-based tenants), its plan for housing (i.e., removal and substantial reduction of the existing housing stock within the Presidio), and its other key land use and policy elements have been incorporated into and analyzed as part of the No Action Alternative (GMPA 2000). Indeed, in response to comments, the Trust has reviewed the land use designations of the No Action Alternative (GMPA 2000) and made corrections to a few of the land use assumptions to more accurately reflect the specific uses called for in the 1994 GMPA. For example, for the No Action Alternative (GMPA 2000), the overall amount of the Main Post’s cultural/educational land use has been increased and office use decreased from what was presented in the Draft EIS to reflect the 1994 GMPA’s designation of the Montgomery Street Barracks as the location for cultural/educational uses rather than office use.

RESPONSE TO COMMENTS

4. Responses to Comments

Furthermore, despite the commentator's assertion otherwise, the Trust believes it has formulated and analyzed an adequate range of alternatives. The purpose of the PTMP planning process is to evaluate options for changing certain aspects of the 1994 GMPA that may not be well-suited to the Trust Act's varied mandates (e.g., tenant selection, financial, resource protection and preservation). To say that the Trust was required, as the comment suggests, to evaluate only alternatives that encompass the GMPA vision (i.e., the creation of a global center leased to predominantly mission-based tenants dedicated to addressing critical world problems) would not have served the purpose and need for the 1994 GMPA update. The Trust is required only to develop and consider reasonable alternatives and can screen out others that are unreasonable on the grounds that they fail to meet the proposed purpose and need.

In response to the commentator who suggests specific changes to the No Action Alternative (GMPA 2000), the Trust offers these explanations:

- 1) As explained above, the Trust's No Action Alternative does indeed retain the vision and objectives of the 1994 plan to the maximum extent feasible.
- 2) The Letterman Digital Arts Center is included in the No Action Alternative (GMPA 2000) because it represents an amendment to the 1994 plan approved pursuant to a previously completed Letterman Complex EIS and is now being implemented. See also Responses EP-16 to EP-21.
- 3) The commentator suggests that the Trust should presuppose the visitor and employee projections of the No Action Alternative and project costs based upon these visitor and employee numbers; that would be improper. The PTMP EIS impacts analysis for the No Action Alternative (GMPA 2000) updates the visitor and employee projections reported in the 1994 GMPA EIS for the preferred alternative. The PTMP EIS applies updated land use assumptions and improved assessment methodology to provide current and more reasonable predictions of future employee and visitor count. Refer to Responses HO-3 and VE-1. Furthermore and more importantly, visitor counts and employee projections are not a financial variable affecting the comparative efficiency of the No Action Alternative

(GMPA 2000) with respect to financial self-sufficiency. The Trust performed a sensitivity analysis of the effects of varying operating costs on the efficiency of the No Action Alternative (GMPA 2000), but this variable had little if any effect on the efficiency with which financial self-sufficiency can be achieved under the alternative.

- 4) The Trust does not eliminate new construction in the No Action Alternative (GMPA 2000) because the 1994 GMPA called for new construction totaling 215,000 square feet, in addition to new construction proposed at the Letterman Hospital site. Thus, the No Action Alternative's (GMPA 2000) inclusion of 170,000 square feet was derived from the 1994 GMPA, acknowledging some new construction undertaken by the NPS prior to the Trust assuming jurisdiction. Eliminating all new construction would therefore be inconsistent with the 1994 GMPA.
- 5) The No Action Alternative provides for demolition of all non-historic housing called for in the 1994 GMPA and building treatments consistent with the other 1994 GMPA assumptions for achieving a reduced stock of housing units.
- 6) The financial analysis of the No Action Alternative indicates that it is capable of achieving financial self-sufficiency and financial sustainability over time.

EP-15. *Identify the Environmentally Preferred Alternative*

The CCSF Planning Department asserts that the environmentally preferable alternative must be identified in the Final EIS, and recommends that such an alternative include: no more than 5.1 million sf of building space in both Areas A and B; no new construction; phased demolition called for in the GMPA; provide no more housing units than currently exist with the same proportion of single family units to SROs provided through reconfiguration and subdivision of existing buildings limit cultural and educational space to the 1994 GMPA amount; and limit retail tenants to those that would support park programs and services as envisioned in the 1994 GMPA. The USFWS asks the Trust to explain why components of the environmentally preferred alternative are not part of the Trust's preferred alternative.

RESPONSE TO COMMENTS

4. Responses to Comments

Response EP-15 – Pursuant to Section 1505.2 (b) of the CEQ Regulations implementing NEPA, the Trust will identify the environmentally preferable alternative(s) in the Record of Decision. There is no requirement to identify it in the Draft or Final EIS. While the Trust appreciates the City’s suggestions as to the components of the environmentally preferable alternative, NEPA requires that an agency identify which of the alternatives considered (i.e., the range of alternatives evaluated in the EIS) constitutes the environmentally preferable alternative(s) rather than constructing a new alternative. With respect to the USFWS inquiry as to why components of the environmentally preferable alternative are not part of the Trust’s preferred alternative, as previously stated the environmentally preferable alternative has yet to be identified for this project.

ANALYSIS OF LETTERMAN DIGITAL ARTS CENTER

EP-16. Treatment of the LDAC Project

A number of commentors refer to the treatment of the Letterman Digital Arts Center (LDAC) project within the EIS. The CCSF Planning Department suggests that segregating environmental documentation of the LDAC “has the appearance of piecemeal development within Area B.” (“It is difficult to analyze the effects of development of Area B without consideration of the Letterman Center, which lies within Area B,... since development in all parts of the Presidio is inescapably connected.”) One individual poses the following: “The Letterman Traffic studies were not integrated into this EIS? How are you going to mitigate the noted increases in noise, air and transportation with the Letterman figures? How do you justify the cumulative of Letterman, the 1994 GMPA and the current EIS? What are your mitigations? How will they work?” The Pacific Heights Residents Association suggests: “Total impact studies...” of the Draft Plan alternative plus LDAC should have been prepared so that the “total impact of all the development could have been assessed.” Another individual recommends that the Trust not allow construction to begin on the LDAC site until the PTMP planning and environmental review process is completed. (“The purpose of the plan is to guide development decisions; it would violate due process to proceed with a specific development before approving the guiding document.

The final site plan is not yet approved, and we are hopeful that the Trust may reduce the size of the project.”)

Response EP-16 – The LDAC represents a decision which has been made. This PTMP EIS accepts that and moves on to examination of alternative futures for the balance of the Presidio’s Area B.

When Congress enacted the Presidio Trust Act, it created the Presidio Trust and mandated that the Trust achieve financial self-sustainability by 2013 and thereafter or the park would be closed and the property sold off for development (Trust Act Section 104 (o)). The Trust was confronted with a deadline and presented with a cluster of buildings within the Letterman Complex whose future was unclear. The NPS had hoped that these buildings would be leased by the University of California (UC) as a medical center, but UC decided to go elsewhere. Both the NPS and the Trust then sought a comparable medical research tenant, but none responded to the public invitation.

With that background, and considering that the hospital and research buildings were both large and of an architectural style at odds with all the other buildings in the Presidio as well as the fact that those buildings were not earthquake safe and would have needed massive expenditures to make them safe, the Trust requested proposals from lessors who could approximate the research and office functions envisioned for the UC facility, which would contribute significantly to the congressional self-sufficiency goal, and which would blend harmoniously with the other parts of the Presidio’s built environment. The Trust went through a full NEPA process including preparation of a Final EIS that compared alternative proposals for the future of a 23-acre site within the Letterman Complex. The public was heavily involved, commenting at length in both written submittals and public hearings that the Trust conducted. That NEPA process ultimately concluded with a Record of Decision (ROD), which selected the LDAC as the developer/tenant for the 23-acre site. The Trust negotiated and entered into a development agreement with the proponent of the LDAC (Letterman Digital Arts, Ltd.); the existing hospital and research buildings have since been demolished (rendering moot any alternative futures for them); construction preparations are well under way, and the decision to proceed with the LDAC project is

RESPONSE TO COMMENTS

4. Responses to Comments

considered final. The current PTMP EIS is tiered in part from the earlier Trust EIS on the future of the 23-acre site within the Letterman Complex. The decision as to the future of the LDAC was, in short, made in another, earlier NEPA process, and is now part of the background of the current PTMP process.

Indeed, it was the public comments on the Letterman Complex that contributed significantly to the decision to undertake the PTMP and its accompanying EIS. While acknowledging the statutory impetus for the LDAC decision and the importance of prompt and visible progress toward financial self-sufficiency, a number of commentors at that time suggested that the Trust should take a broader look at the overall concepts for the Presidio, including the extent to which the GMPA retained its validity and the extent to which updated plans were needed. The Trust was persuaded and agreed with those comments. In response, the Trust began the PTMP process, of which this EIS is the NEPA component. This document is tiered from both the NPS' GMPA EIS and the Trust's own Letterman Complex EIS. The LDAC represents an earlier decision already being implemented. There is no reason to revisit that decision, and the project and all of its components are assumed in the PTMP EIS analysis. Refer also to Response EP-20.

Commentors who express anxieties regarding the combined impacts from the LDAC project and the current planning effort may be assured that these are described in the PTMP EIS. All EIS alternatives assume LDAC, along with its employment, traffic, and other effects. Thus, the Presidio-wide information on employment, transportation, and other EIS topics presented includes the LDAC project's contributions. Specific examples include the following:

- the projected numbers of residents, employees, and visitors (provided in the Final EIS Section 2.0 and Section 4.0) include the projected 2,500 LDAC employees;
- the traffic analysis presents total traffic volumes, including traffic from LDAC, the rest of the Presidio, and all locations that experience growth before the analysis year of 2020; and
- the projections of energy use, water demand, and other service needs includes LDAC in addition to the rest of the Presidio.

Please refer to individual sections of the EIS and cumulative analysis for more information.

EP-17. Continuing Validity of the Letterman Complex EIS

The Sierra Club questions the validity of the previous Letterman Complex EIS due to “significant differences that exist today from those assumed during the entire Letterman EIS process.” (“In particular, there are extremely different financial circumstances, an entirely different set of assumptions for other areas of the park, including total building space, allocation among uses and planning districts, employment and visitation.”)

Response EP-17 – The generic relationship between the Letterman Complex EIS and this EIS has been discussed in Response EP-16 above. With respect to the issue raised in these comments concerning subsequent developments, the premises underlying the comments are not accurate. While with passage of time there are always conditions that shift and assumptions that evolve, there are no significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts that provide the regulatory criteria for a supplemental document as set out in Section 1502.9 (c) of the CEQ NEPA regulations. While the Trust continues to develop and to make public ever more extensive information, including that pertaining to finances, the basic underlying consideration with respect to the Letterman Complex and the future of the Presidio remains unchanged – that the leasing arrangements to replace the two massive Letterman buildings are a substantial contributor to the Trust's statutory mission to achieve financial self-sufficiency by 2013. Also refer to Response FI-28.

EP-18. Include a “No-Build” Alternative for the 23-Acre Letterman Site

The Sierra Club requests that the Final EIS should consider an alternative that analyzes the impact of not building at the Letterman Complex and recommends returning the site to open space. They believe that the benefits would be “obvious,” the costs “not clear,” and “as long as construction has not started,” and a “definitive lease and site plan has not been agreed upon,” its “size, shape and function, its very existence, should not be left out of consideration in the park-wide management plan.” The Marina Civic Improvement and Property Owners Association suggests that if a lease for the

RESPONSE TO COMMENTS

4. Responses to Comments

LDAC is signed prior to the ROD on the PTMP, it would “irretrievably commit federal resources (the Letterman site) to private hands, thereby prejudicing the selection of alternatives by negating the possibility of the selection of the “No New Construction” or the 1994 GMPA alternatives.

Response EP-18 – As outlined in Response EP-16, the Letterman Complex EIS process has concluded and the LDAC project is appropriately assumed in all PTMP alternatives, including the “no action” alternative (GMPA 2000). In the Letterman Complex EIS, as required by law, the Trust did present, compare, and evaluate a no build alternative. There is no necessity for revisiting that decision now. The comments, presumably in recognition that there is no legal obligation to reopen the Letterman process and reexamine a Letterman “no-build” alternative, suggests that such a course of action should be undertaken as a matter of public policy. The Trust understands and appreciates this suggestion, but has determined not to revisit these previously resolved issues but rather to move on to planning for the future of the Presidio and the many decisions which are either now ripe for discussion or which will become so in the future. See Response FI-28 regarding financial benefits of the LDAC project.

EP-19. Inclusion of the LDAC Project in the No Action Alternative (GMPA 2000)

The Sierra Club believes that the No Action Alternative (GMPA 2000) “improperly” includes full demolition and build out of the LDAC and that the “properly constructed” base case should be as identified in the 1994 GMPA (“only 475,000 sf included for LAIR office space in the Letterman Complex, and 500,000 demolished for the hospital”)

Response EP-19 – The larger question of what was resolved in the Letterman Complex EIS is discussed in Response EP-16, and the overall definition of the No Action Alternative in Response EP-14. With specific reference to this comment, the author notes the 1994 GMPA proposed reuse of one of the Letterman buildings and demolition of the other. As discussed in the Letterman Complex EIS, however, the GMPA EIS recognized the option of and the Letterman Complex EIS envisaged new construction such that the square footage of the Letterman Complex prior to the various NEPA evaluations would be maintained after these evaluations. As discussed in the

Letterman Complex EIS, a viable alternative future for the Letterman Complex necessitated retention of both buildings and no proponent proposed their retention. Such an alternative then became unsupported, unrealistic, and speculative. Whether a non-historic building is retained or demolished and replaced with structures of comparable size does not affect the overall impact (except insofar as high-rise, massive buildings that clashed with their Presidio surroundings are to be replaced with low-rise buildings designed to fit more harmoniously into the park). There is no reason for revisiting in the PTMP NEPA process that which was earlier resolved in the Letterman NEPA process. Finally, as noted above, the Trust observes that following the Letterman Complex EIS and ROD, both Letterman buildings have been demolished.

EP-20. Consideration of LDAC Effects

The Sierra Club contends that the Letterman Complex EIS did not analyze the “cumulative impacts of the entire park; nor does the Draft PTIP EIS in that it excludes the Letterman site project.” The NRDC also maintains that the Draft EIS did not include and analyze the direct and cumulative effects of the LDAC. (The letter states that the Trust improperly obscured the environmental effects of the project on the overall park plan by assuming the project is already built.) An individual tells the Trust “You did not include the Letterman square feet in the Trust Draft Plan but do include it in the others. If you are going to take it out, do it for all alternatives.” Another individual asks whether the Trust plans to build “2.199 million square feet of new replacement construction in Area B (Lucas 1.489 million square feet with underground parking garage and Trust Plan 710,000).”

Response EP-20 – Commentors misunderstand and misinterpret the Draft EIS with respect to the LDAC project and its environmental effects. The project itself has been included within every alternative. Both the direct and cumulative effects of the LDAC project are included in the Draft EIS. As addressed in Response EP-16, above, Section 2.3 of the EIS makes clear that the LDAC project is included as a common feature of every alternative because it has already been the subject of independent planning and environmental review, in this case the Letterman Complex EIS, and a final decision has been made and approved in the Record of Decision of May 2000.

RESPONSE TO COMMENTS

4. Responses to Comments

The Letterman Complex EIS amended the GMPA EIS to include the LDAC project, and the PTMP EIS tiers from the GMPA EIS. It is therefore both proper and necessary to include the LDAC project as a common element of all alternatives.

For all impact topics where LDAC contributes to the future baseline condition, its environmental components are included in the impact topic base assumptions, and all additions to the baseline associated with LDAC are assumed as of full build-out of the project to ensure that its effects are fully captured in the PTMP EIS analyses. For example, the traffic trips associated with full build-out of LDAC are included in the traffic growth assessed in the traffic impacts analysis. Similarly, the water, electric, gas and other utilities demands and usage are also included in those impact topics. For every impact topic where LDAC would have a quantitative operational effect or qualitative effect at build-out, its characteristics have been included in the baseline assumptions, and in so doing, the full effects of the LDAC project are included in the EIS' analyses of direct effects. Similarly, the LDAC project is included in the PTMP EIS' analysis of cumulative effects. For additional information related to this subject, refer to Responses TR-2 and CI-1.

Several comments seem to suggest that the Trust should have treated the Letterman Complex project as though no earlier EIS had been prepared, no decision has been made, and implementation has not already begun. Despite these comments, having assessed environmental conditions for each alternative assuming LDAC build-out was both the proper and reasonable approach. If the EIS had assumed LDAC to be nothing more than a proposal, the PTMP EIS would have reanalyzed environmental impacts already fully analyzed as part of the preceding, separate, and final Letterman Complex EIS. It is simply unnecessary to reanalyze a project that has already been fully considered, and nothing in NEPA requires that the Trust do so.

Some commentators seemed confused by the Draft EIS' treatment of square footage associated with the LDAC project. The commentator who suggests that some alternatives include LDAC square footage while others do not is mistaken. Consistent with the approach of including LDAC as of its build-out, the total square footage associated with LDAC is included in the totals for the Letterman district and in the overall total square footage for each

alternative. Furthermore, it would have been inconsistent and misleading to include this same square footage in the demolition and new construction totals because it would overstate the physical change allowed under each alternative. It was not necessary to include or to analyze the effects of the 900,000 square feet of building demolition on the Letterman 23-acre site, because the effects of this action have already been analyzed under the earlier Letterman Complex EIS and are assumed as part of the baseline of the affected environment. Nor is it necessary to re-analyze the effects of 900,000 square feet of new replacement construction associated with LDAC, because the effects of this action also has been previously analyzed. The Trust is not required to look back, assume decisions already made never occurred, and re-analyze them.

The Final Plan allows for up to 710,000 square feet of new replacement construction in Area B. New construction could take the form of a building addition, an annex adjacent to an existing building, infill buildings set within an existing building cluster, or stand-alone structures in developed areas to replace square footage removed in that location or elsewhere. See responses to comments on new construction for further discussion.

EP-21. Detail on the LDAC Project

An individual requests detail on the LDAC project, including agreements, lease terms, and square footage. He inquires whether a list of all agreements between the Trust and the proponent of the LDAC project, with dates and length, be disclosed and copies included in the Final EIS.

Response EP-21 – The LDAC Development Agreement between the Trust and Letterman Digital Arts, Ltd. has been available for inspection and copying in the Trust's library since November 5, 2001. Copies can also be requested and purchased from Kinko's (located at 3225 Fillmore Street). These documents are accompanied by a LDAC Transaction Summary to assist the public reviewer in understanding their content. In addition, the Trust issued a press release at the time the LDAC development agreement was finalized, posted the press release on the Trust website, and announced the agreement in a Presidio Post newsletter article distributed to the Trust's mailing list of approximately 12,000,

RESPONSE TO COMMENTS

4. Responses to Comments

IMPACT ASSESSMENT

EP-22. Programmatic Level of Analysis

Several commentors, including two agencies and two environmental organizations, address the programmatic nature of the EIS and Plan. The NPS recommends that various elements of the Plan and EIS be modified to include additional specificity, and questions a statement in the Draft EIS regarding implementation of future projects following completion of the PTMP process. The CCSF Planning Department, while acknowledging that a programmatic document is appropriate at this juncture, expresses concern related to the “strongly-conceptual” nature of the document. The Sierra Club states that the “vague nature of the EIS in many areas makes it impossible for the Trust to conduct... proper environmental analysis, and prevents the public from considering the direct and cumulative impacts.” The NRDC echoes a similar comment, and provides specific examples from the EIS. The NRDC also states that the Plan is vague and non-specific and it cannot substitute for review of the site-specific impact of any site-specific project.

Response EP-22 – The PTMP and EIS are first and foremost programmatic documents that have been prepared and analyzed at an appropriate level of specificity. In response to comments, the Plan and EIS presentation have been made more clear by drawing out specific assumptions embedded in the Draft EIS analysis. See also Response TP-1. The NPS recommends that the EIS include the upper and lower limits of a reasonable range of demolition, new construction and restoration and the corresponding location of each. The Draft EIS quantified and evaluated the maximum allowable demolition and new construction for each alternative. This information was provided on a Presidio-wide basis (refer to Table 1 in the Draft and Final EIS), and was supplemented by information on a planning district by planning district basis (in both the Plan and EIS). The latter was presented in the form of total existing built space (i.e., square footage) followed by the total proposed built space. In response to these comments, the maximum allowable new construction and demolition is specifically called out by planning district. See Chapter Three of the Final Plan, and Section 4.2 (Land Use) of the Final EIS. The Trust also modified and shifted the location of proposed construction

under the Final Plan in response to public comment (i.e., the Final Plan proposes less new construction for Crissy Field than the Draft Plan).

It is assumed that the type of “restoration” referenced in the NPS’ comment letter relates to natural habitat restoration. The Draft (and Final) EIS quantify proposed restoration activities (in acres) in Table 1, and the location of these areas are provided on the color land use maps in Chapter 2 of the EIS. The land use maps delineate the proposed location of “native plant communities” and “forest” to be rehabilitated, enhanced and restored. The GMPA and VMP (adopted by the NPS and Trust in 2001) served as the guiding documents in defining the location and extent of proposed restoration activities.

The NPS questions the Draft EIS statement that some projects will proceed directly to leasing and implementation following plan adoption indicating this combines a “. . . programmatic general plan with the authority for implementation of unlimited, and currently unspecified, actions.” This interpretation of the statements provided in the Draft EIS is inaccurate, and the Trust provides the following clarification. Section 1.1 (Scope and Type of EIS) of the Draft (and Final) EIS establishes the framework in which the EIS was prepared, and outlines the scope and intended use of the EIS by the Trust in the future. The NPS correctly notes that in this section of the EIS, the Trust discloses that some projects will proceed immediately following completion of the PTMP process. This statement, however, does not provide for “unlimited, and currently unspecified, actions” as suggested by the NPS. On the contrary, the EIS specifically states that following completion of NEPA review, some projects that are determined to be consistent with PTMP may proceed. The EIS provides examples of the type of projects that would be considered under this category, including cultural programs, special events, historic building stabilization, certain environmental remediation activities, long-term leases that do not involve new construction and that are consistent with the preferred land uses described in the Final Plan, and natural resource restoration providing such actions are consistent with the VMP and PTMP. The EIS goes on to state that major projects and follow-on plans, including any district plans prepared, would be subject to additional NEPA review and public involvement. The EIS specifically states that future NEPA review would be required for future proposals involving new construction or

RESPONSE TO COMMENTS

4. Responses to Comments

demolition. Also refer to Response PI-9 for additional discussion on this subject.

In the context of the above comments, the NPS also makes the following recommendations for changes to the Plan and EIS: include specific goals and objectives that support the plan vision, provide additional specificity on future planning, and more detail to allow for assessment of impacts to park resources and to discern the character of the planning districts. The Trust believes that sufficient detail is provided in the Plan and EIS to “discern the character” of districts and fully assess impacts on park resources. Nonetheless, in response to these recommendations, the following changes to the Final Plan and Final EIS have been made. The Final Plan has been refined to more clearly present its vision as well as the planning principles and district guidelines (goals and objectives) that will guide future implementation of the Final Plan. This refinement was done in part with input provided by the NPS and other commentors. Refer to Response VI-1 for additional discussion of this subject. At the request of the NPS and others, additional specificity on implementation activities and opportunities for public input was also incorporated into Chapter 4 of the Final Plan. Also see Response PI-2. Also in response to the NPS’s request, additional information on future uses and the character of the various planning districts was incorporated into the Final Plan. See Chapters Two and Three, and the Final EIS, Section 3.4.1. The NPS comments on the level of detail provided in the impact analyses are addressed below.

The CCSF Planning Department states that in comparison to the GMPA EIS, the PTMP EIS is “strongly-conceptual” and questions the ability of the Trust decision-makers to make fully informed decisions and the public to have timely input into those decisions. The NPS, Sierra Club and NRDC express similar concern regarding the level of specificity provided in the environmental impact analysis. The Trust strongly disagrees with the City’s assessment and comparison with the GMPA. The GMPA and GMPA EIS were in fact the models used by the Trust in preparation of the PTMP and PTMP EIS. Although the PTMP does not identify proposed uses on a building-by-building basis, it does provide a level of specificity that allows the Trust to adequately consider and evaluate the physical changes and subsequent environmental effects that would occur from implementation of the various alternatives. The EIS analysis is very specific and identifies total

square footage (and/or acreage) of proposed land uses on a planning district basis, including maximum allowable new construction and building demolition, as well as the extent and location of proposed open space expansion and natural resource restoration. This information was used to inform the impact analysis, and the PTMP EIS quantifies wherever possible the environmental changes that would occur (beneficial and adverse) for all of the EIS alternatives. Examples of how the EIS quantifies these changes include the detailed transportation analysis which evaluates the future levels of service (LOS) at 37 different intersections within and adjacent to the Presidio. Dispersion modeling, relying on the Caltrans-approved CALINE4 model as well as guidance from the BAAQMD, was conducted for all EIS alternatives to evaluate localized concentrations of carbon monoxide (CO) at various intersections. For water supply and wastewater generation, the Presidio Water Balance model was used to predict future demands for each alternative. Other topics where the EIS provides a quantitative assessment of effects include housing demand, demand for school services, open space expansion and natural resource restoration, energy demand, effects on storm drainage system, financial/operations, and changes in the existing noise environment. These issues were quantified and assessed in a manner similar to the GMPA EIS, and in some instances the PTMP EIS provides an additional level of detail.

Where quantification of a particular effect was not possible, the EIS provides a qualitative assessment to ensure that these values are given appropriate consideration in the decision-making process and that the public is afforded an opportunity to provide meaningful review and input into that process. Overall, the Trust has made a good faith effort to fully evaluate the environmental effects of the PTMP alternatives and believes that the EIS appropriately and adequately analyzes these effects. The Trust also believes that the future, site-specific planning efforts will provide important additional opportunities for environmental review and on-going public involvement in the decision-making process. The review of future site-specific projects will be tiered from this EIS. See Section 1.1 of the EIS.

The NRDC specifically references two statements from the Draft EIS to demonstrate how it believes the EIS analysis is problematic. The first example relates to the assessment of effects on the National Historic

RESPONSE TO COMMENTS

4. Responses to Comments

Landmark District. This issue is addressed in Responses HR-22 and HR-24. The second example relates to the analysis of biological resources, and the NRDC provides the following quote from the Draft EIS: “The precise effect of the landscape and institutional/residential uses would depend on the type and extent of development proposed within each of these areas...” The NRDC offers this as an example that “direct and indirect impacts cannot be predicted...” This quote was taken out of context. With supporting text, the Draft EIS states:

“Under the Draft Plan alternative, the PSH parking area and Nike Missile Site (above the Nike swale) would be used for landscape vegetation and institutional/residential uses, respectively. This area is proposed for native plant habitat restoration under the GMPA 2000 alternative. *The precise effect of the landscape and institutional/residential uses would depend on the type and extent of development proposed within each of these areas*, with the Nike Missile Site being less sensitive, as described below. The surrounding area contains jurisdictional wetlands and populations of the federally-endangered San Francisco lessingia. Possible effects could include increased threat of non-native invasive plant species, introduction of structures that would obstruct wind fetch from Baker Beach (necessary for viable San Francisco lessingia habitat), and a possible reduction and re-configuration in the size and/or function of an existing jurisdictional wetland habitat (riparian and fresh water marsh vegetation). As a secondary effect of the potential change in hydrology of the wetland, it is possible that the existing adjacent early successional native vegetation could be converted to more shrubby vegetation assemblages. Other potential effects include the possible reduction in annual plant species richness and available habitat for San Francisco lessingia. Future activities would be subject to the mitigation measures presented in this EIS, as well as site-specific planning and environmental review. The mitigation measures identified in this EIS require use of buffer areas to protect sensitive species, restrictions on the use of non-native invasive plant species, and implementation of best management practices. In addition, the Trust would require that any use proposed on the existing parking area be designed to avoid obstruction to wind fetch from Baker Beach. Any proposed landscape construction and operations in this area

would also be designed or otherwise conditioned to minimize changes in the local hydrology such that the surrounding native vegetation would not be adversely affected...”

The above analysis identifies and evaluates potential direct and indirect effects of the proposed land uses (i.e., increased threat of non-native plant species, possible interference with wind fetch/indirect effect on San Francisco lessingia, and changes in the hydrology of a nearby wetland), identifies mitigation to minimize possible impacts to adjacent biological resources (which would be applicable to any future use of these areas), and is not vague or without specificity in its disclosure of potential direct and indirect effects resulting from this proposed change in land use. Please note that in response to public comment regarding these proposed land uses, the Trust has revised the Final Plan to redesignate the parking lot area from landscaped vegetation to native plant community. As a result, the corresponding impact analysis in the Final EIS has been updated and no longer appears as shown above. Refer to Response WR-7 for additional discussion of this issue.

EP-23. Impact Methodologies

The Cow Hollow Neighbors in Action (CHNA) and NPS request that the EIS include a discussion of the methodology used in assessing the various impact topics. The CHNA also requests that any statistics or background information that corresponds to this information be provided in the EIS.

Response EP-23 – A discussion of methodology is provided at the beginning of each impact section in Chapter 4 of the EIS. In instances where the analyses involve complex methodologies and have corresponding background documents which support the EIS text, the EIS provides a general summary of the methodology and a cross reference to the relevant background document. In response to comments, the Trust reviewed and refined the discussion of methodology in the Final EIS. With respect to the comment on statistics or background information, the EIS either directly incorporates relevant data (in text or in the technical appendices) or references the source data. No specific mention of which “statistics or background information” that appear to be absent was provided, and none was evident to the Trust in reviewing the EIS.

RESPONSE TO COMMENTS

4. Responses to Comments

EP-24. Analysis of Impacts Outside of Area B

Several commentors state that the EIS should analyze the effects of the proposed PTMP beyond Area B of the Presidio, with an emphasis on traffic and parking effects. The NPS requests that the EIS assess the impacts on Area A and in particular on Crissy Field (traffic, parking, cultural resources and visitor experience). The CCSF Planning Department states that the EIS does not adequately address impacts on the City areas adjacent to the Presidio, City agencies, and the City as a whole. The City also states that the cumulative analysis is vague and inadequate, and that tenant agreements should be structured to ensure transit over vehicle use (not only within the park but as a means to get there). The Marina Civic Improvement and Property Owners Association endorses the City's comment letter, and one individual states that the EIS does not adequately address the impact of the proposed cultural and educational programs within the Presidio or within the already congested surrounding neighborhoods.

Response EP-24 – The EIS analyses in fact considers the impact of the various alternatives on Area A, in surrounding parts of the City, and on City agencies both in the project-specific analyses and also in the cumulative analysis. With respect to transportation impacts on areas outside Area B, 17 of the 33 study intersections analyzed in the Draft EIS are outside of the Presidio. As discussed in Response TR-6, the Final EIS has also been revised to include three additional intersections outside the Presidio in its analysis. The analysis includes consideration of all proposed land uses (for each PTMP alternative), including cultural/educational uses.

As stated in Response PK-1, the Trust's TDM Program goal is to minimize the transportation impacts of building occupancy and visitation at the Presidio as a whole by encouraging alternative modes to the automobile. The Trust believes that the TDM Program is the most effective way to minimize traffic and parking effects on Area B as well as Area A and surrounding residential neighborhoods. However, the Trust recognizes the potential parking demand impacts in Area A due to the Trust's TDM program, and as noted in Response TDM-4, realizes that coordinating the Trust's TDM Program with the NPS' TDM measures for Crissy Field (as described in the Crissy Field Plan EA, 1996) will be necessary to minimize any impacts on Area A. The Trust's

TDM Program will help to minimize effects of additional traffic on surrounding neighborhoods, but some intersections may require physical changes to the intersections. As explained in Response TR-16, the mitigation measures described in the EIS would ensure that the operation of the intersections is maintained at an acceptable level of service and that delays are not excessive as determined by the CCSF Planning Department. The cumulative traffic analysis accounts for regional non-Presidio related growth at these study intersections. In response to the CCSF Planning Department assertion that the cumulative analysis is vague and inadequate, refer to Response TR-2. Based on more specific comments provided by the CCSF Planning Department, the PTMP Background Transportation Report has been revised to include more explanation of the cumulative transportation analysis.

With respect to the CCSF Planning Department's recommendations related to tenant lease agreements, the Trust concurs, as described in the proposed PTMP TDM Program. See Appendix D of the Final Plan. The park's non-residential tenants are already required to participate in the Trust's TDM program through their lease agreements, with specific TDM activities/programs required of all tenants. Tenant TDM activities must achieve the minimum standards established by the Trust for non-auto use, and each tenant is required to submit a TDM plan, which must detail how the tenant will achieve the minimum standard. Tenant employees will be surveyed periodically to ensure that incremental changes are made as necessary to meet the Trust's standards.

As far as impacts on cultural resources, the cultural resources analysis does consider the NHLD as a whole and thus inherently considers Area A resources. None of the PTMP alternatives would directly impact Area A cultural resources, and it is not clear what further effect, if any, the NPS is referencing. In response to other comments, the Trust has increased its commitment to preservation of the NHLD and made it a central feature of the Final Plan. The EIS analysis of cultural resources has been adjusted accordingly. Refer to the responses to comments regarding Historic Resources.

Other examples of how the EIS considers offsite impacts, including effects on City agencies, are provided in Section 4.4.2 (Socioeconomic Issues/Housing

RESPONSE TO COMMENTS

4. Responses to Comments

Supply), which evaluates future employment and housing demands and the relative effect on the region. Section 4.4.3 (Schools) quantifies projected future demand for schools and evaluates this demand within the context of existing San Francisco Unified School District public school capacity. Section 4.6.2 (Wastewater) identifies projected future demand for treatment and disposal services, including an expanded discussion of the City's current system and corresponding flow volumes that was provided in the Final EIS in response to comments. Section 4.3.4 (Air Quality) evaluates localized concentrations of carbon monoxide at intersections outside of the Presidio (Area B) that would be affected by vehicles trips associated with the PTMP alternatives. Section 4.5 (Transportation & Circulation) considers and evaluates the effect on outside transit agencies by projecting future demand for transit service including Muni and Golden Gate Transit.

EP-25. Summary Table & Baseline of Comparison

Several commentors, including USFWS, NPS, NRDC, and individuals, comment on the Summary Table presented in the Draft EIS. The USFWS comments primarily relate to the definition and use of the "baseline." The NPS states that the analysis should use the GMPA 2000 alternative as the baseline and that the Summary Table should not conflict with the Environmental Consequences chapter of the EIS. The NRDC questions the accuracy of several of the statements presented in the Summary Table. An individual recommends that the Summary Table be revised to clarify the references to mitigation measures.

Response EP-25 – In response to these comments, the Summary Table was reviewed and updated in the Final EIS. A footnote was also incorporated into the table to make clear that the Summary Table is provided as an aid to reviewers and that the table should be read in conjunction with the text of the Final EIS, Chapter 4. The footnote explains that the Summary Table attempts to summarize complex information into short statements, and that if discrepancies between the table and Chapter 4 occur, the information in Chapter 4 prevails. The footnote also refers the reader directly to Chapter 4 for a complete description of the mitigation measures referenced in the Summary Table.

The NRDC specially questions the validity of several Summary Table conclusions which state that the Draft Plan would have "similar" impacts as described for the GMPA 2000 alternative. In particular, the NRDC lists the conclusion statements provided under cultural landscape, archaeological resources, native plants, wildlife, water quality, visual resources, and "general construction/demolition emissions" and questions how the Draft Plan, which proposes more new construction and total built space, less demolition, more parking spaces and more daily visitors, could have "similar impacts." In an attempt to provide a succinct description of effects, the Summary Table relies on relative comparison to other alternatives where appropriate. In review of the referenced impact conclusion statements, the Trust notes that all but two provide supplemental text which was not mentioned by the NRDC but which the Trust believes is critical to the review and interpretation of the Summary Table. For example, the NRDC cites "archeological resources" as a topic for which the EIS concludes that the impact would be similar to the GMPA 2000 alternative. As presented in the Draft EIS, the Summary Table actually stated "Similar to GMPA 2000 alternative, with higher overall potential to adversely affect archaeological resources based on greater amount of new (replacement) construction. In particular, there would be greater potential for impacts in the East Housing Planning District where replacement housing may occur within the Tennessee Hollow riparian corridor." The Trust believes that this comparison, particularly given its location within the Summary Table, is appropriate and accurate. However, in response to the concerns expressed by the NRDC, NPS and USFWS, the Trust has reviewed and refined the Summary Table in the Final EIS with these comments in mind.

The NRDC also states that there is "...so little specific information" provided about the alternatives (including the Draft Plan) that "...the majority of the impact analyses are qualitative, not quantitative" and that there is no way for the reader to understand the conclusions that are made. The Trust disagrees with the NRDC's characterization of the impact analysis as predominately qualitative. Refer to Response EP-22 for a further discussion of this issue.

The USFWS notes that the "...benchmark for comparison shifts between existing conditions, GMPA 2000, and the Draft Plan alternative . . ." in the Summary Table. Although the USFWS correctly notes that the Summary Table often references other alternatives, these references were provided as a

RESPONSE TO COMMENTS

4. Responses to Comments

means to quickly and succinctly compare and contrast impacts as explained above. Use of this comparison should not be confused with use of a baseline. The Alternatives section in the Summary Chapter and Sections 2.1 and 4.1.1 of the Draft (and Final) EIS explain that the EIS analyzes the GMPA 2000 Alternative as the No Action Alternative pursuant to 40 CFR 1502.14(d), and that this is the baseline with which all alternatives are compared. Throughout Chapter 4 (Environmental Consequences), the analysis relies on the GMPA 2000 Alternative as the baseline and provides a sharp comparison between the effects of the various action alternatives and the GMPA 2000. In response to public comments, the Final EIS has been revised to further clarify that the GMPA 2000 Alternative is the No Action Alternative. With respect to the use of existing conditions, the EIS does periodically include reference to existing conditions. This information is provided for the reader's benefit, however, and is not used as a substitute for the baseline comparison to the No Action Alternative (GMPA 2000). The following is an example of how existing conditions are referenced in the EIS. In describing the increase in open space under a particular alternative, the EIS analysis may state that existing open space would be increased from "X" acres to "Y" acres; however, this would be a reduction in open space when compared to the No Action Alternative (GMPA 2000), which would provide "Z" acres.

EP-26. Significance Thresholds

The NPS recommends that significance thresholds be incorporated into the methodology section of the EIS, and notes that "Of the 37 impact topics listed in the Summary Table, thresholds are provided for only 4 topics . . ." The USFWS notes that the EIS provides little or no explanation about why environmental impacts are significant or not, and states that this is particularly relevant for the analysis of endangered species and related habitat. The USFWS concludes that "...without specific explanation of how the Trust evaluates the weight of impacts, it may be difficult to understand how alternative plans are justified.

Response EP-26 – When a federal agency has decided to prepare an EIS, further "thresholds of significance" are not relevant or required under NEPA. The Trust has prepared the PTMP EIS, rendering the thresholds question irrelevant. Some explanation is necessary, particularly since another (state)

law, the California Environmental Quality Act (CEQA) imposes somewhat different requirements that implicate such thresholds, and these may be familiar to agency reviewers. Developments under NEPA and CEQA, although the latter is patterned on the former, have diverged in several respects. One of these is that, while both laws require scrutiny of alternatives and mitigation in the pursuit of less environmentally intrusive ways of doing things, NEPA has come to place more emphasis on the rigorous examination of alternatives, while CEQA has come to emphasize mitigation. Under CEQA, even if an environmental impact report (EIR) is being prepared because there is a significant environmental impact, there is an obligation to mitigate each significant environmental impact to the extent feasible or to adopt a statement of overriding considerations as to why such an impact should be overridden if it cannot be feasibly mitigated or avoided. Thresholds of significance, therefore, assume a recurrent and pervasive importance under CEQA. NEPA imposes no such obligation. Significance of environmental impacts is, under NEPA, the principal criterion for whether an EIS is to be prepared (NEPA Section 102 (2)(C), 40 CFR Section 1508.27). If there is significance, one must be prepared; if not, no EIS is required. As such, when a NEPA environmental assessment (EA) is prepared (40 CFR Section 1501.4, 1508.9), the question of significance is usually the dominant one determining whether or not an EIS is required. But, once an EIS is determined to be needed, the question of significance is no longer relevant (except insofar as the more significant the impact, the more study and analysis is apt to be required). The U.S. Supreme Court has held that mitigation is not required by NEPA (unlike, for instance, CEQA) (*Robertson v. Methow Valley*, 49 U.S. 332 (1989)). Therefore, while under CEQA any impact found to be significant must be mitigated, under NEPA no such obligation attaches, removing the need for a post-EA significance determination and therefore for "thresholds of significance."

In drawing attention to the Supreme Court's holding, the Trust intends in no way to diminish the importance it attaches to mitigation and the importance of discussing it in the EIS (40 CFR Section 1502.14 (f), 1502.16 (h), and 1508.20), and of the requirement set by the Court of Appeals for the Circuit within which the Presidio is located, which provides that if mitigation is adopted by the agency, it is enforceable (*Tyler v. Cisneros*, 136 F.3d 603 (9th Cir. 1998)).

RESPONSE TO COMMENTS

4. Responses to Comments

In brief, while impacts are to be discussed in proportion to their significance – which the Trust believes it has done – there is no requirement under NEPA, once the decision has been made to prepare an EIS, to establish thresholds for significance. See CEQ, Forty Questions, Q. 19a; mitigation obligations not dependent upon significance of impacts.

In response to these comments, additional explanation of the factors used in evaluating the relative significance of various impact topics have been incorporated into the methodology sections of the Final EIS, as appropriate. In particular, the methodology section provided in Section 4.3.1 (Biological Resources) has been expanded in response to the USFWS' request. The Trust believes that a description of these factors in the methodology section is appropriate and improves the Final EIS, and appreciates the USFWS careful review of the Draft EIS. This expanded discussion does not, however, constitute the formal definition of “significance thresholds,” which is not required under NEPA as described above.

With regard to the NPS's comment on the summary table, the following clarification is provided. The NPS notes that of the 37 impacts identified in the Summary Table, only four (wastewater, natural gas, energy conservation and Trust operations) identify “thresholds.” Indeed the Summary Table provides quantification of the four referenced impact topics, however, there is no mention of “thresholds” and it is assumed that the NPS is instead referring to the quantification of the effect. The Draft EIS version of the Summary Table actually quantified a number of additional impact topics that were not mentioned by the NPS, including but not limited to the summary statements for air quality, noise, transportation (i.e., local roadway congestion, parking demand and supply, pedestrian and bicycle facilities, transit demand), socioeconomic/housing, schools, and solid waste.

EP-27. Inaccuracies & Inconsistencies between Plan and EIS

Several commentors state that “inaccuracies” or “inconsistencies” are presented in the Draft EIS. The NPS states that the level of detail in the impact analysis does not reflect the specific information and assumptions expressed in other parts of the Plan and EIS. The CCSF Planning Department generally states that there are inconsistencies and data errors in the Draft EIS and directly references one example of an inconsistency between the GMPA

transportation report and the PTMP transportation report. The NRDC and PAR both note that the Draft EIS appears to give more specific details on certain aspects of the Draft Plan than does the Plan document, creating “confusion” as to what would be decided if both documents were approved in their present form. The NRDC notes that readers are not told which of the two documents is controlling. The NRDC also points out three inconsistencies within the Draft EIS related to air quality analysis, water demand, and presentation of cultural/educational square footage.

Response EP-27 – Commentors correctly note that in some cases a greater level of detail is provided in the Draft EIS than in the Draft Plan. The Plan document is intended to serve as an updated land use policy framework for Area B. As such, it provides the vision statement for Area B and corresponding goals and guidelines that will be used by the Trust to implement the Plan over time. In the EIS, the Trust analyzed and quantified, to the greatest extent possible, the environmental effects of the Plan and a reasonable range of alternatives. The approach used was to develop land-use (such as future vehicle trips) assumptions based on full implementation for each of the alternatives and to conduct specific – and mostly quantitative – assessments based on these assumptions. Similar to the process used for the GMPA EIS, the Trust made a variety of land-use assumptions for each alternative not only to enable the effects to be quantified, but also to provide for an equal level of analysis for each of the alternatives, and thus allow the public and Trust decision-makers to compare and contrast the various alternatives. Also see Response EP-22 and EP-31.

The NRDC identifies two areas where the Draft Plan proposes different land uses than the No Action Alternative (GMPA 2000), and notes that “...it is the EIS, not the plan” which reveals this difference. The EIS reveals this difference through the environmental evaluation of the alternatives, which the Trust believes is the appropriate location for this discussion to occur. The two areas in question (an existing parking lot and the former Nike Missile site) are located near the PHSH, and based on their proximity to a nearby wetland and special status plants, were called out in the EIS analysis of biological resource effects. The EIS appropriately identifies the potential indirect impacts associated with the changed land use as compared to the No Action Alternative (GMPA 2000). All of the PTMP alternatives propose differing

RESPONSE TO COMMENTS

4. Responses to Comments

land uses in the PSHH area, and thus the analysis compares and contrasts these differences. Please note that through the public review process, the Trust received feedback from the public regarding these proposed land uses and in response to public concern has modified the Final Plan. Refer to Response WR-7. It was in fact the Draft EIS's disclosure of this difference and subsequent environmental effects that prompted the public comment and thus the refinement of the proposed action. The Trust believes this is good NEPA practice.

With respect to the question of which document would be the "controlling" document, the following clarification is provided. The proposed action is the PTMP, as described in the Final Plan. The EIS is the review document which evaluates the environmental impacts associated with the Final Plan and a range of alternatives. The Trust Board of Directors will review and consider the contents of both documents in their decision-making. If the Trust Board of Directors determines that the Final EIS is adequate and complete, it may take action on the Final Plan. If the Board adopts the Final Plan, then the Plan will be the "controlling document" along with any adopted mitigation measures. An explanation of this decision would be provided in the Record of Decision in the future. Refer to Response EP-34. The NRDC concludes its comments on this subject with a statement indicating that the "lack of notice and explanation" regarding which document is controlling has compromised the ability of the public to comment. The cover sheet, Summary Chapter, Chapter 1 (Purpose & Need), and Chapter 2 (Alternatives) of the Draft EIS are all explicit in their discussion of the relationship of the Draft Plan and Draft EIS. The EIS is straightforward in its description of the function of the EIS as an environmental review document analyzing the impacts of the proposed action (Draft Plan) and a range of alternatives. With respect to providing adequate notice and opportunities for the public to comment, the Trust conducted a six-month public scoping process (including four public workshops), followed by a voluntarily extended three-month public comment period during which the Trust held two public hearings on the Draft Plan and Draft EIS; and a third hearing was held by the GGNRA Citizen's Advisory Commission. All of these activities were adequately noticed using a variety of means including but not limited to the Federal Register, posting on the Trust's website, formal mailing, advertisement in the Presidio Post (which

has a mailing list of more than 12,000 people, organizations and agencies interested in the Presidio), and other methods.

In its comment letter, the CCSF Planning Department specifically references an inconsistency between the Draft EIS transportation analysis and the 1994 GMPA Transportation and Planning Analysis Technical Report. This issue has been addressed in Response TR-11. The CCSF Planning Department also makes a general reference to other inconsistencies, but does not provide any other examples and instead defers to various attachments. The attachments to the CCSF Planning Department letter have been reviewed and are responded to throughout this volume of the Final EIS in a manner similar to the Response TR-11 referenced above.

The NRDC also cites three apparent inconsistencies within the Draft EIS text. The first relates to the air quality analysis and assessment of consistency with the Clean Air Plan (CAP), comparing statements from the Summary Table and the cumulative impact analysis (Section 4.8). The conclusion that the potential increase in air emissions would be a significant and unavoidable cumulative impact is not inconsistent with the Summary Table because the purpose of the Summary Table is to address PTMP impacts only. The Summary Table does not summarize cumulative impacts, which are discussed in Section 4.8 of the EIS. In the analysis of the cumulative effects, the Trust conservatively assumed a significant and unavoidable cumulative impact. This conclusion was based on the fact that other regional growth, land use trends, and transportation projects that are outside the control of the Trust must be considered in conjunction with the PTMP-related growth. Section 4.8 of the Final EIS was revised to make this more explicit.

The second inconsistency cited by the NRDC relates to projected water demand. The NRDC correctly notes that there was an inconsistency between Section 4.6.1 and Appendix G in the Draft EIS. Section 4.6.1 correctly stated that the Draft Plan would have approximately 2 percent lower projected water demand than the No Action Alternative (GMPA 2000). Appendix G (which provides the backup calculations for future demands), however, shows that the No Action Alternative (GMPA 2000) would have a lower water demand than the Draft Plan. The discrepancy is based on an error that was made in Appendix G. As shown in Table 1 of Appendix G, the water

RESPONSE TO COMMENTS

4. Responses to Comments

demands associated with residential use were accidentally marked “na” under the No Action Alternative (GMPA 2000), which is incorrect because approximately 1,660 residents would be living in Area B under the No Action Alternative (GMPA 2000). In response to other public comments on the analysis of water demand and supply, this section and the corresponding appendix have been updated and refined in the Final EIS. Through this refinement, the No Action Alternative (GMPA 2000) was found to have slightly lower water demands than the Final Plan. Refer to Response UT-1 and Final EIS Section 4.6.1 and Appendix H (Water Demand) for additional information.

The third inconsistency noted by the NRDC relates to the amount of cultural/educational uses proposed under the Draft Plan. The NRDC correctly notes that Table 1 and Attachment A of Appendix J in the Draft EIS show differing square footages for this proposed land use. Appendix J presents technical background on the assumptions that were used in the preparation of the financial model and assumed inputs to the model. Attachment A (from Appendix J) shows a lower total amount of square footage for cultural/educational uses under the Draft Plan than does Table 1 of the EIS. The reason for the difference is that the square footage assumptions presented in Appendix J remove space that is assumed to be used by the NPS or Trust for cultural/educational purposes as these uses would not generate revenue in the form of rent, and thus should not be calculated as revenue generating in the financial analysis.

MITIGATION

EP-28. Effectiveness and Impact Assessment of Proposed Mitigation

Several commentors request additional information on the EIS mitigation measures, question their relative effectiveness, or state that the associated impacts are ignored in the EIS. The CCSF Planning Department states that the EIS should consider the economic, environmental, logistical, technological, legal, and social feasibility of each mitigation measure and identify the secondary environmental effects that might occur from implementation of the mitigation measures. The CCSF Planning Department also states that mitigation measures presented in the Draft EIS are “...vague, rely on compliance with existing regulations, and monitoring at some future

time or development of specific mitigation programs at a future date...” and provides several specific examples related to transportation mitigation. Both the CCSF Planning Department and the NRDC are critical of the EIS’s identification of mitigation measures that are outside the jurisdiction of the Trust. The NRDC states that many of the mitigation measures “...will themselves have environmental impacts, those impacts are ignored” and specifically references the water recycling project and use of cogeneration for energy production. One individual asks the Trust to clarify what Trust-funded mitigation measures would be both within and outside the park, and the timeframe and cost for each mitigation. The Cow Hollow Neighbors in Action asks how the Trust plans to mitigate impacts.

Response EP-28 – As a preface, the Trust believes that some explanation is necessary, particularly since another (state) law, CEQA, imposes somewhat different requirements related to mitigation and the Trust suspects that some of the commentors are more familiar with practice under CEQA than under NEPA. Developments under NEPA and CEQA, although the latter is patterned on the former, have diverged in several respects. One of these is that, while both laws require scrutiny of both alternatives and mitigation in the pursuit of less environmentally intrusive ways of doing things, NEPA has come to place more emphasis on the rigorous examination of alternatives while CEQA has come to emphasize mitigation. Under CEQA, even if an environmental impact report (EIR) is being prepared because there is a significant environmental impact, there is an obligation to mitigate each significant environmental impact to the extent feasible or to adopt a statement of overriding considerations as to why such an impact should be overridden if it cannot be mitigated or avoided. NEPA imposes no such obligation. The U.S. Supreme Court has held that mitigation is not required by NEPA (unlike, for instance, CEQA) (*Robertson v. Methow Valley*, 49 U.S. 332 (1989)). Therefore, while under CEQA any impact found to be significant must be mitigated, under NEPA no such obligation attaches. In drawing attention to the Supreme Court’s holding, the Trust intends in no way to diminish the importance it attaches to mitigation and the importance of discussing it in the EIS (40 CFR Section 1502.14 (f), 1502.16 (h), and 1508.20), and to the requirement set by the Court of Appeals for the Circuit within which the Presidio is located, which provides that if mitigation is adopted by the agency, it is enforceable (*Tyler v. Cisneros*, 136 F.3d 603 (9th Cir. 1998)).

RESPONSE TO COMMENTS

4. Responses to Comments

EISs are required to include discussions of mitigation by one of several means – inclusion in the proposed action, inclusion in alternatives to the proposed action, consideration as part of the alternatives section of the EIS, or consideration as part of the environmental consequences section (40 CFR Sections 1502.14 (f), 1502.16 (h)). Potential mitigation measures run a gamut from avoidance to compensation (40 CFR Section 1508.20). At the end of the NEPA process in Records of Decision (RODs), agencies considering mitigating measures are either to adopt them along with appropriate monitoring and enforcement measures or to explain why they did not do so (40 CFR Sections 1505.2 (c), 1505.3). The Supreme Court has made clear that NEPA does not require an agency to adopt, as distinguished from consider, any mitigation. As required by law, the Trust has in fact devoted considerable effort and attention to mitigation measures. Going beyond what is required by law, the Trust is prepared actually to adopt needed mitigation and the means to monitor and enforce it. The Trust is fully committed to implementing all of the mitigation described in Chapter 4 of the Final EIS, and as is customarily the case, the ROD will provide the occasion for doing so.

At the end of each impact analysis in Chapter 4 of the Draft (and Final) EIS, the Trust presents mitigation measures that it proposes to implement in order to avoid or reduce the environmental effects associated with the various PTMP alternatives. As shown in each mitigation section, the Trust first reviewed and incorporated all relevant mitigation measures from the GMPA EIS, and then identified additional measures that could be implemented to further reduce potential impacts on the human environment (see the “Mitigation Measures” discussion presented at the end of the following EIS sections: 4.2.1 (Historic Architectural Resources and the Cultural Landscape), 4.2.2 (Archaeology), 4.3.1 (Biological Resources), 4.3.2 (Water Resources), 4.3.3 (Visual Resources), 4.3.4 (Air Quality), 4.3.5 (Noise), 4.4.1 (Land Use), 4.4.2 (Socioeconomic Issues/Housing Supply), 4.4.3 (Schools), 4.4.4 (Visitor Experience), 4.4.5 (Recreation), 4.4.6 (Public Safety), 4.5 (Transportation and Circulation), 4.6.1 (Water Supply and Demand), 4.6.2 (Wastewater Treatment and Disposal), 4.6.3 (Storm Drainage), 4.6.4 (Solid Waste), 4.6.5 (Energy Consumption and Distribution), and 4.7 (Presidio Trust Operations)).

With respect to comments related to the mitigation measures themselves creating environmental impacts, the following response is provided. For mitigation measures that involve activities that could potentially themselves generate environmental effects beyond those described in the EIS, the Trust would conduct the necessary environmental review. The NRDC specifically references the proposed water recycling project and the use of cogeneration technologies. The Trust has already prepared and released for public review and comment a separate Environmental Assessment (EA) which analyzes the environmental effects (adverse and beneficial) associated with the proposed water recycling project. The use of recycled water was originally identified in the 1994 GMPA, and the water supply and demand analysis presented in the Final EIS therefore assumed the use of recycled water at the Presidio. The GMPA assumed that recycled water would be provided by the City and County of San Francisco. Since release of the GMPA, however, the City’s plans to construct and operate a regional water recycling plant have not moved forward. In preparing an EA for the project, the Trust has ensured that the associated environmental effects are fully disclosed, given due consideration by the public and Trust decision-makers, and will play a role in the decision-making process. Refer to Responses UT-1 and UT-5 for additional information on this subject. With regard to future proposals associated with the cogeneration, the Trust would similarly conduct necessary environmental review at the time such projects are proposed for implementation. Like the water recycling project, this review would be done in accordance with NEPA, the CEQ’s Regulations implementing NEPA (40 CFR 1500 through 1508), and the Presidio Trust Environmental Quality Regulations (36 CFR Part 1010).

The CCSF Planning Department and NRDC’s criticism of the EIS’ identification of mitigation measures that are outside of the Trust’s jurisdiction is at odds with CEQ’s direction concerning mitigation. CEQ states “All relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies, and thus would not be committed as part of the RODs of these agencies” (CEQ, Forty Questions, Q. 19). The effect can be to alert the agencies or officials who can implement these extra measures and encourage them to do so (Id.). The EIS and ROD should, as part of this, indicate the likelihood that any mitigation recommended will be enforced (Id.).

RESPONSE TO COMMENTS

4. Responses to Comments

The practice of identifying mitigation measures regardless of the agency with jurisdiction is common in a CEQA as well as a NEPA context, and the City's recent EIR regarding the Mission Bay project includes many examples.

With respect to the CCSF Planning Department's specific comments on transportation mitigation, please refer directly to Response TR-5, which addresses this issue. With respect to the inquiry regarding mitigation funding and timing, the Trust has not prepared detailed cost estimates for the mitigation measures. Although many of the measures are explicit about the timing for implementation (i.e., prior to construction, or during design review, etc.), others are not. Through the forthcoming Record of Decision document, the Trust will establish the timing for all adopted mitigation measures.

EP-29. Mitigation to Avoid Adverse Impacts

The NRDC asserts that the Trust erred in using proposed mitigation to, in the commentor's terms, mask proposed impacts.

Response EP-29 – The comment betrays a misunderstanding of what mitigation is. Putting aside the pejorative term “mask,” it is the alleviation of adverse impacts that is the very essence of mitigation. The term includes avoidance of impacts, minimizing impacts, rectifying the impacts, reducing or eliminating the impact over time, and compensation for impacts by replacing or providing substitute resources or environments (40 CFR Section 1508.20). The Trust is explicitly required to consider such mitigation (40 CFR Sections 1502.14(f), 1502.16 (h)).

The Draft EIS impact analysis discloses the environmental effects of each alternative *before* mitigation. A summary of relevant mitigation measures is provided at the end of the analysis of each alternative. See Response EP-28. This discussion focuses on the measures that would be implemented by the Trust to minimize or avoid the impacts discussed, and serves as introduction to the subsequent mitigation section. This summary is not used as a substitute for the disclosure of impacts or to replace the list of mitigations, merely an aid to the reader.

The NRDC provides specific examples from the Draft EIS in asserting that the Trust uses mitigation to “mask” impacts. The Trust carefully reviewed each

example, and provides the following clarifications. The first example listed by the NRDC relates to the analysis of cumulative effects on historic resources and the cultural landscape. The NRDC questions how the Draft EIS can conclude that the cumulative impact of new construction would be less than significant based on the following: (1) the analysis relies on the “cap” of square footage which the NRDC states may be exceeded according to the Draft Plan (pg. 141); (2) a commitment to enforce planning principles and planning guidelines is described but the NRDC notes that these provide “no protection” and “contain few real limitations or constraints” listing specific examples from the PSHS principles and guidelines; and (3) the NRDC states that consultation under the National Historic Preservation Act is just that – consultation and that it does not guarantee that adverse impacts will not occur.

In response to this and other public comment, the discussion of the “cap” on square footage was revised in the Final Plan to state that the maximum square footage would be 5.6 million *or less*. Please refer to Chapter Four of the Final Plan, and Response NC-8 for further discussion. This “cap” – and for that matter the “cap” of 5.96 million square feet provided by the Trust Act – is sufficient to ensure no substantial impacts due to new construction when viewed together with the other constraints provided by the Trust Act and the Plan. These include the commitment to protecting the integrity of the NHLD, the requirement that new construction only occur to replace building square footage that is removed, and only occur in already developed areas in accordance with the planning guidelines and procedures articulated in the Final Plan.

With respect to the NRDC's comments on the planning principles and planning guidelines, the Trust believes that conformance to these guidelines will reduce the impact of future rehabilitation and reuse of historic buildings and new construction. The planning guidelines were specifically developed to conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties and with Guidelines for the Treatment of Cultural Landscapes. For a discussion of issues related to the development and specificity of the planning guidelines. See Response PG-1. The Trust concurs with the NRDC's statement that consultation under the National Historic Preservation Act in itself does not guarantee avoidance of adverse impacts. The section of the Draft EIS quoted by the NRDC does not make this

RESPONSE TO COMMENTS

4. Responses to Comments

statement; rather it references Section 106 consultation as one of several actions that will be taken by the Trust. Also refer to Response EP-30 which discusses the role of consultation can play in mitigating impacts.

The second example provided by the NRDC relates to the analysis of visual character. The NRDC provides an excerpt from the Draft EIS which states “cultural resources mitigation measures adapted from the GMPA EIS would ensure that development would be compatible with the character of existing historic structures in the Presidio and that the visual character of the Presidio would not be substantially altered.” This statement was taken from the analysis of visual character, and the word “Furthermore,” precedes the statement shown above. The NRDC goes on to state that the measures referenced do not in fact require protection of the Presidio’s fabric. On the contrary, the mitigation identifies compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties as provided in the Final PA. Concern related to the use of the phrase “maximum extent feasible” in this context was raised by other commentors, and a detailed response is provided in Response HR-3. With respect to the analysis of visual character, the Trust believes that implementation of the mitigation measures presented in the Cultural Resources section as well as conformance to the Secretary of the Interior’s Standards would be effective in preserving the visual character of the Presidio. The NRDC also discusses the use of the Transportation Demand Management Program as an assumption in the analysis of traffic effects. Again, this issue was raised by others, and a comprehensive response is provided in Response TDM-11 and the Final EIS was updated accordingly.

EP-30. Procedural vs. Substantive Mitigation Measures

The USFWS states that even in program EISs, mitigation measures should focus on real, causal relationships between physical or biological impacts and efforts to avoid, minimize, or offset them. The USFWS concludes that indefinite and purely procedural mitigation measures should not be proposed in lieu of substantive mitigation measures. For example, Mitigation Measure NR-4 relies on “review” or “focus” of future planning to “ensure consistency with” endangered species recovery plans. In contrast, Mitigation Measure NR-5 and UT-1 refer to a suite of specific, substantive actions which can be

evaluated in terms of appropriateness and effectiveness at addressing their relevant impacts.

Response EP-30 – There is nothing in NEPA or in the CEQ Regulations that implement it that bar or even discourage “procedural” as distinct from “substantive” mitigation. The basic and critical question is whether the measure will mitigate the impact.

Procedural mitigation is both common and commendable. A recurrent example involves historic preservation and potential archaeological sites. Beyond near-surface sampling on the site of proposed construction, there may be no means of knowing whether artifacts will be uncovered during excavation until the excavation actually takes place (i.e., until the project has been approved and construction has begun). The usual means of mitigation is for the historic preservation agencies and the lead agency to enter into a memorandum of agreement in advance of project approval that sets out the procedural mechanisms for consultation and possible recovery should artifacts be found during excavation and construction. In sum, procedural mechanisms have historically provided valuable mitigation mechanisms.

The Trust believes it has in the Final EIS set out the proposed mitigation measures with a degree of specificity appropriate for this program EIS (from which other site-specific NEPA documents will be tiered).

With respect to the USFWS’s specific comment, the full text of the referenced mitigation measure (NR-4) states:

“NR-4 *Special – Status Species*. Rare or endangered plant species, including any federal- and state-listed threatened and endangered species that are found to occur in the Presidio, would be monitored annually and protected. Identified actions would be taken to recover these species, and their habitats would be enhanced. Any future rare or endangered species found on the Presidio would also be afforded the same protection and restoration measures. All special-status wildlife would be inventoried and monitored, and habitat would be protected and restored. Restoration activities would focus on actions identified in USFWS Recovery Plans necessary to recover the five federally-listed plant

RESPONSE TO COMMENTS

4. Responses to Comments

species found on the Presidio, and restore their associated habitat in compliance with the FESA. During future site-specific planning and environmental review, the Trust would review future projects to ensure that proposed uses and activities are consistent with and help further the recovery objectives stated in the adopted Recovery Plans.”

This is only one of many measures listed in the EIS, and the Trust believes that consistency with relevant Recovery Plans and protection of special status, species is important and should be directly discussed in the EIS. The Trust’s efforts to work cooperatively with the USFWS to anticipate the boundaries of the Draft Recovery Plan for Coastal Plants of the San Francisco Peninsula, which was not released until well after the Draft Plan and Draft EIS, further demonstrates this commitment.

MAKE EXPLICIT

EP-31. EIS Assumptions

Several commentors ask questions related to the assumptions made in defining alternatives for the purposes of the EIS analysis, and how these assumptions relate to the Plan. SPUR notes that, as is typically done, the Draft EIS has conducted some very detailed analyses (e.g., traffic) based on assumptions developed for the Draft EIS and recommends that these assumptions be transferred from the appendices to the project description. The NRDC states that the Trust should provide building-specific information in the EIS, and notes that this information is necessary to enable reviewers to understand and evaluate the actual “on the ground” character of each alternative. The Cow Hollow Neighbors in Action inquire as to the specific assumptions made for each existing building use, square footage, parking, potential visitors, number of workers and vehicles, delivery trucks, buses, and construction vehicles. The CHNA also asks if these assumptions represent a worst-case scenario, and if so, what the Trust will do to mitigate cumulative noise impacts. The Neighborhood Association for Presidio Planning questions how the totals for overall building square footage were generated and how such numbers could be provided without a specific idea of what would be built and how the existing buildings might be used.

Response EP-31 – The Trust has analyzed and quantified, to the greatest extent possible, the environmental effects of the various programmatic EIS alternatives. This approach provides the Trust decision-makers and the public with a comprehensive assessment of environmental effects, and ensures that this information is considered in the PTMP decision-making process. In order to translate the Plan – a land use policy framework similar to a general plan – into a project description that provides adequate specificity to allow the Trust to quantify environmental impacts, assumptions related to the square footage of various land uses were made. These assumptions represent hypothetical reasonable possibilities, and it should be understood that there are many alternative ways in which the land use mix for each alternative could reasonably be achieved.

Commentors suggest that the Trust used building-specific information to prepare the EIS and should therefore convert these assumptions into decisions about building-specific uses and treatments. In the course of developing PTMP’s general land-use framework, Trust staff did indeed consider the number, size, layout and other characteristics of buildings within each planning area in order to develop rational assumptions about the overall land use possibilities within an area and the square footage framework. This type of information had to be taken into account because the Trust is constrained under the terms of the Trust Act to a Presidio-wide square footage cap and each planning alternative itself was also constrained by its own square footage cap. So that each planning alternative remained within its square footage constraint or within the overall Presidio-wide square footage cap, the Trust had to make assumptions, not decisions, about the potential treatment of buildings or building clusters. In most cases, many such assumptions were made or possible within the district-wide land use totals, and any building-specific assumptions that may have been made for purposes of the various EIS analyses or for purposes of generating reasonable aggregate values are merely that – working assumptions based on staff’s educated estimates – which do not, however, purport to prejudge the Trust Board’s decision-making when site-specific plans or projects become ripe for decisions.

In other words, no single set of underlying assumptions, even if made for purposes of the EIS analysis, represents or should be construed as actual building-specific or site-specific land use decisions that will, with certainty, be

RESPONSE TO COMMENTS

4. Responses to Comments

implemented by the Trust. Instead, decisions about specific building treatments will be made on the basis of financial evaluations that address real world proposals, consistent with the overall land use plan and policy objectives established in PTMP. Also refer to Responses IM-1 and EP-30 for additional discussion.

In response to comments, the Trust has incorporated additional specificity into the Final Plan and clarified the information included in the Final EIS. In addition to the tables and figure provided in Chapter 2 (Alternatives) of the Draft EIS, the Final EIS was modified to include two additional tables. See Section 4.4.1 (Land Use). One presents proposed land uses for each alternative on a planning district basis, and the other shows proposed new construction and demolition also on a planning district basis for each alternative. These tables are derived from tables included in the financial appendix of the Draft EIS and better articulate underlying land use assumptions of the EIS analysis.

With respect to additional items listed by the CHNA (i.e., number of workers, etc.), please refer to Table 1 (Chapter 2), and Appendix G of the Final EIS, and the PTMP Background Transportation Report (Wilbur Smith Associates, 2002). The CHNA also inquires as to whether the assumptions made in preparing the EIS represent a “worst case” scenario and if so, what will be done to mitigate cumulative noise impacts. As described above, the assumptions, while hypothetical, represent a reasonable best guess. A prior CEQ Regulation requiring analysis of the “worst case” was repealed by CEQ, and that repeal was upheld by the Supreme Court. Agencies are now required to take a “hard look” at the consequences of the proposed actions, focusing on reasonably foreseeable impacts. The intent is “...to generate information and discussion on those consequences of greatest concern to the public and of greatest relevance to the agency's decision,” rather than distorting the decision-making process by overemphasizing highly speculative harms (Robertson v. Methow Valley Citizens Council, 490 U.S. 332 (1989) and Cohen, M. William, 2001). With regard to mitigation of noise effects, please refer directly to the mitigation measures at the end of Section 4.3.5 in the Final EIS.

EP-32. Provide Background Documentation for Attachment A to Appendix J

The NPS requests an explanation describing the development of building caps, demolition caps, etc. in Appendix J. The CCSF Planning Department asserts that all the alternatives in the Draft EIS rely on Attachment A to Appendix J, a chart containing square footage subtotals for different categories of use in different areas of the Presidio, and further asserts that Attachment A is completely conclusory. The CCSF Planning Department states that the Draft EIS failed to include any background documentation on the development of Attachment A, and failed to indicate which buildings were used to make up the different category subtotals. They maintain that without detailed information to support the square footage calculations, no verification is possible, and the Draft EIS conclusions on square footage cannot be cross-referenced to particular buildings.

Response EP-32 – The Presidio Trust Act establishes the overall building cap for Area B of the Presidio. Each of the PTMP alternatives propose varying levels of building space, demolition and new construction. As such, they provide the public and decision-makers with a range of alternative to consider, ranging from the Final Plan Variant that proposes no new construction, and a total of 4.7 million square feet of built space to the Minimum Management and Cultural Destination Alternatives that propose the maximum allowable built space of 5.96 million square feet. Refer to Responses EP-31 and NC-8 for additional information on this subject.

The CCSF Planning Department correctly notes that the hypothetical land use assumptions used in the financial model were also the basis for assumptions used in other EIS topics that quantitatively analyzed effects (i.e., traffic, air quality, noise, energy demand, etc.). In many instances, the assumptions presented in Attachment A (of Appendix J) had to be refined when used for purposes other than the financial model. For example, the assumption related to the amount of cultural/educational square footage in the financial model was lower than the square footage of this use assumed in other EIS topics. It was lower because some non-revenue generating space is not factored into the financial analysis but would be assumed for purposes of other impact topics. For example, in assessing projected future water demands, vehicle trips or

RESPONSE TO COMMENTS

4. Responses to Comments

other operational effects, non-revenue generating built space was necessarily added back and factored into the analyses. The EIS and/or supporting technical appendices provide the background calculations and input used in predicting quantifiable impacts.

With respect to the CCSF Planning Department’s statement that without building-specific information it would be impossible at this stage to definitively determine precisely which buildings would be expanded, renovated or demolished, the Trust concurs. The intent of the PTMP is not to provide a prescriptive building-by-building treatment for each of the buildings within Area B. The intent is to update the land use policies for Area B and establish a policy framework for future actions and proposals. As such, the PTMP establishes the overarching planning concepts for each planning district within Area B, and supplements these concepts with detailed planning guidelines. The planning guidelines conform to the Secretary of the Interior’s Standards for the Treatment of Historic Properties and will be used to guide future land uses along with subsequent site-specific planning and environmental review processes. In many ways, the PTMP is similar to the City’s *San Francisco General Plan*. Not only would it be impracticable, but also unreasonable to establish on a building-by-building basis the treatment of every structure within the City limits in the San Francisco General Plan. Attachment A of Appendix J requires no “background documentation” because it is merely a set of assumptions – not decisions – and the square footages it includes could be derived in a number of ways. See Response EP-31.

RECIRCULATION

EP-33. *Recirculation of the EIS*

A few commentors request that the Trust undertake to supplement the Draft EIS and recirculate it before proceeding to a Final EIS and Record of Decision. They state that the Draft EIS should be reissued with an additional period of time for public comment and public hearings, and that the Presidio Trust Board should have more public hearings on the Draft EIS.

Response EP-33 – The CEQ NEPA Regulations set out the criteria for supplementing or recirculating the EIS. None apply here. With respect to

supplementing the EIS, such action is required if the agency makes “substantial changes in the proposed action that are relevant to environmental concerns” (40 CFR Section 1502.9 (c)(1)(i)) or if there are “significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts” (40 CFR Section 1502.9 (c)(1)(ii)). None of those criteria apply here. While the comment process assumes a responsiveness to comments and changes to the proposal, all such changes are anticipated to be well within the bounds of what has already been evaluated in the NEPA process. Similarly, while circumstances always change with time and more information always becomes available, nothing has happened to require starting anew under the criteria set out in the CEQ Regulations.

With respect to recirculation, when a Draft EIS “is so inadequate as to preclude meaningful analysis,” the agency is to prepare and recirculate a revised draft of the appropriate portion (40 CFR Section 1502.9 (a)). The PTMP EIS is thorough and has elicited incisive and meaningful comment – exactly what it was supposed to do. The meaningful comments that have been made rebut the assertion that it was so inadequate as to preclude them.

In preparation of the EIS, the Trust conducted an extensive public outreach and involvement. At the request of the public, the Trust provided additional public workshops/hearings and an extended, six-month scoping period. During the review of the Draft Plan and EIS, the public requested additional time to review and comment on the draft documents. In response, the Trust extended the original 60-day review comment period to a full three months (90 days), again going well beyond legal requirements. In addition to accepting written comments, the Trust conducted two public hearings to solicit oral comments on the draft documents and participated in a third hearing hosted by the GGNRA Citizens’ Advisory Commission. Refer to Section 5.1 of the Final EIS for additional discussion on the history of public involvement in the PTMP planning and environmental review process. Also refer to Response EP-3, and the responses under Public Involvement.

RESPONSE TO COMMENTS

4. Responses to Comments

RECORD OF DECISION

EP-34. Record of Decision

The Planning Association for the Richmond requests clarification on “what is to be decided in the future Record of Decision.” The NPS states that the Draft EIS should include a discussion of how the various alternatives meet the project objectives as presented in the EIS.

Response EP-34 – Federal agencies prepare a Record of Decision (ROD) at the conclusion of the EIS process. The ROD provides a concise public record

of the decision including a statement of what the decision was. In the case of the PTMP, this would be adoption of the Final Plan or another alternative and/or the conditional adoption of a particular alternative. RODs also provide a description of the range of alternatives considered in reaching this decision (including specification of an environmentally preferable alternative(s)), relevant factors which were balanced in reaching the decision, including the ability of the various alternatives to satisfy the project objectives and a statement disclosing whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted (including a description of the monitoring and enforcement program), and if not, why they were not (CEQ Regulations Section 1505.2).