

4.3 PUBLIC INVOLVEMENT (PI)

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PUBLIC PARTICIPATION PROCESS

PI-1. Clearly Defining the Public's Role in NEPA and NHPA

San Francisco Architectural Heritage and others suggest that the public would be better served if the Section 106 process, the NEPA review procedures, and the public opportunities afforded by each were clearly described. They ask that the Trust demonstrate by example when and how public participation would be accommodated.

Response PI-1 – NEPA directs that a federal agency examine the environmental impacts of any major action it undertakes. Public involvement is one of the most important parts of the NEPA process (40 CFR Section 1506.6). Its importance is embedded in the Trust's NEPA regulations, which state "The Trust will make public involvement an essential part of its environmental review process" (36 CFR Section 1010.12).

The Trust's environmental review process starts with a preliminary screening of all Trust projects to determine NEPA's applicability to a proposed action. If an action is not categorically excluded or otherwise exempt, then the Trust prepares a study known as an environmental assessment (EA) to evaluate whether the proposed action is likely to cause significant environmental effects. This determination allows the Trust to proceed to the next phase of project review, either preparing an environmental impact statement (EIS) or a finding of no significant impact (FONSI). In appropriate cases, like this PTMP planning process, the Trust bypasses the preparation of an EA and immediately prepares an EIS.

At a minimum, the Trust will involve the public as set forth in both the CEQ and Trust NEPA regulations (40 C.F.R Section 1506.6 and 36 CFR Section 1010.12). The process in NEPA and its regulations set out numerous opportunities for persons or organizations to submit comments on proposed federal actions, opportunities that are designed to provide an interactive process and allow the public to communicate with the Trust and influence the outcome of Trust actions.

Under the CEQ NEPA regulations, for example, the Trust must provide a public scoping process (40 CFR Section 1501.7), provide public notice of the availability of a Draft EIS to interested persons and agencies (40 CFR Section 1506.6(a), (b)), provide notice to those who have requested it for an individual action (40 CFR Section 1506.6(b)(2)), provide public notice mechanisms for actions of primarily local concern (40 CFR Section 1506.6(b)(3)), and may provide a public hearing on a Draft EIS (40 CFR Section 1506.6(c)). The Trust regulations go beyond what is required of federal agencies generally and contain a commitment to hold public scoping meetings and public workshops on projects subject to an EIS (36 CFR Section 1010.12). The regulations also allow for a public scoping meeting prior to the determination of whether an

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EIS is required (36 CFR Section 1010.5), and the Trust must give public notice once it has made the determination to prepare an EA (36 CFR Section 1010.11(a)). As noted in the Trust NEPA regulations, “[p]ublic notice of anticipated Trust actions that may have a significant environmental impact, opportunities for involvement, and availability of environmental documents will be provided through announcements in the Trust’s monthly newsletter, postings on its website (www.presidiotrust.gov), placement of public notices in newspapers, direct mailings, and other means appropriate for involving the public in a meaningful way.”

In practice, the Trust goes beyond the minimum regulatory requirements for public involvement. Many other public involvement opportunities both formal and informal supplement NEPA’s requirements and the additional requirements in Section 1010.12 of the Trust’s NEPA regulations. For example, consistent with the Trust Act and its Public Outreach Policy (Board Resolutions 97-3 and 98-16) for sharing information with the public and seeking public comment, the Trust Board holds public Board meetings to provide information and to listen to public opinion and concerns. Trust staff have coordinated innumerable workshops and public input sessions on diverse topics; the Trust publishes a monthly newsletter with a mailing list of about 12,000 interested parties and prepares fliers or notices on issues of special interest. Trust staff initiate and participate in regular discussions with neighborhood, community, environmental and business organizations. The Trust maintains an informative website, and an extensive public library of relevant documents, including NEPA environmental documents.

In addition to the Trust’s compliance with NEPA’s public review process, compliance with the NHPA is central to any project that may have an effect on the National Historic Landmark District. Section 106 of the NHPA requires federal agencies to take into account the effects of their actions on historic properties and to consult with the an independent reviewing agency, the Advisory Council for Historic Preservation (ACHP) regarding the agencies’ proposed actions. The revised regulations of the ACHP (Title 36 of the Code of Federal Regulations at Part 800) provide the methodology for assessing these effects on historic resources and detail the requirements of the consultation process. These regulations further encourage federal agencies to “consider their section 106 responsibilities as early as possible in the NEPA

process and plan their public participation, analysis, and review in such a way that they can meet the purposes of both statutes (NHPA and NEPA) in a timely and efficient manner” (36 CFR Section 800.0).

When a project is complex and is expected to continue over time, the regulations allow development of a Programmatic Agreement (PA) that governs ongoing and future activities undertaken as part of the project or program it addresses. The Trust has finalized a PA (EIS Appendix D), and its implementation satisfies the agency’s obligations under Sections 106 and 110(f) of the NHPA.

The Trust will target its outreach to those interested in historic preservation to keep them informed regarding Trust activities and ensure their participation and input at the earliest stages of planning regarding those projects that may adversely affect a historic feature. Elements of this outreach will include:

1. Pre-scoping and scoping notices for Trust projects that would be subject to EAs or EISs;
2. Making documents related to the projects described in such scoping notices available for review in the Presidio Trust library;
3. Providing agendas (via email) of regularly scheduled NEPA/NHPA review meetings that describe Trust projects that are being considered for a Categorical Exclusion under NEPA; and
4. Providing summary results of the NEPA/NHPA review meetings (via email) upon request.

For more discussion on public involvement in planning and implementation decisions, see Chapter Four, Figure 4.3 of the Final Plan.

PI-2. *Clearly Defining the Public’s Role in Trust’s Future Decisions and Park Management*

The NRDC letter states that the PTMP lacks clarity about the role of the public in future decision-making. The commentors note that because the Presidio is a park, the Trust is obligated to involve the public in its

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management. (“When multiple planning options are identified as preferences, the Plan is silent on the process to be used to make choices between these options. A process that allows the public meaningful review and comment on these choices should be provided.”)

Response PI-2 – The Trust is committed to public participation during Plan implementation. NEPA’s procedures provide the foundation that the Trust will use to make choices between planning options. While NEPA does not require the Trust to involve the public in every management decision, the Trust agrees that NEPA provides a required baseline for involving the public in decisions that may have a significant impact on the Presidio.

In response to these and other comments, the Trust has provided greater specificity in the Plan about the public’s role in the Trust’s future decisions regarding Plan Implementation. Figure 4.3 (Public Involvement in Implementation Decisions) has been added to the Final Plan and outlines anticipated public participation during Plan implementation for different Trust projects and activities. Figure 4.3 indicates that there will be opportunities for meaningful public input, often including public review and comment, before important Plan implementation decisions are made and that the actual process will vary depending upon the magnitude and potential effects of the proposal. The public can expect to be involved generally as outlined in Chapter Four’s section on Public Involvement and Partnerships and in Figure 4.3, consistent with the NEPA and NHPA public involvement standards and further voluntary public outreach described above in Response PI-1.

PUBLIC PARTICIPATION ON PTMP

PI-3. Effect of Specificity on Public’s Ability to Comment

The Trust notes with appreciation the comment made by NRDC, joined by NPCA, the San Francisco League of Conservation Voters, and the Wilderness Society:

“At the outset, we wish to express our appreciation to the [Trust] Board for its willingness to take into account the views of the public so far in the PTIP process as evidenced most recently by the extension of the comment period. We recognize that a great deal of

work has gone into the process to date. What is more, we acknowledge specifically the willingness of Trust staff to meet with us throughout the PTIP process to hear our concerns and their positive responses to many of our information requests. Further, we acknowledge that a number of the requests we made during the scoping stage, including our request that background studies being used in the PTIP process be made available to the public, [footnote omitted] were responded to positively.”

NRDC, the Sierra Club and other commentators go on to express concern that the lack of specifics in the PTMP has prevented the public from participating in any meaningful way. They argue informed public participation is not possible without a clear statement of what the Trust seeks to accomplish and why, along with an equally clear description of how it intends to achieve its stated purposes. One commentator laments “It’s hard to comment on the plan unless something specific is outlined.” This sentiment is echoed by another: “Trust representatives have . . . solicited from the participants specific ideas, specific criticisms, specific evaluations. As a layperson, it is difficult for me to see how such specific commentary can be rendered, when there is little specific to respond to.”

Response PI-3 – The comment from several members of the public that they have been prevented from meaningful participation due to a lack of specificity in the Plan reflects a lack of recognition of the Trust’s programmatic approach under the Plan. A programmatic approach is an appropriate and widely employed approach to planning. Under NEPA, a programmatic plan and EIS is typically used for a broad geographic area and emphasizes policy-level alternatives, cumulative impacts, and program-level mitigation measures. The most commonly known type of programmatic plan is a city’s general plan, which establishes a broad policy and land use framework within which more specific decisions will be made. In the Trust’s judgment, the programmatic approach taken under the PTMP is better suited to the Trust’s long-term management of the Presidio than the site-specific type plan many commentators would have preferred. The PTMP looks comprehensively at all of Area B and establishes a broad land use and policy framework.

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Electing to prepare a programmatic plan and EIS has in no way prevented meaningful or informed public participation. On the contrary, commentors ably provided thousands of meaningful and thoughtful comments on the full range of policy and land use issues, and many of these comments have led the Trust to change and improve the Plan and EIS. As an example, in response to the call for a more specific and clear statement of what the Plan seeks to accomplish, the Trust now more clearly states in the Plan its overall land use goals of achieving approximately 75 percent open space and 25 percent built space. The Plan further articulates that within the built environment, approximately one-third will be for public-serving uses, another third will provide residences largely to Presidio-based employees, and the last third will be for office space for a diverse group of tenants from the public, private, and non-profit sectors.

Two commentors who claimed that informed public participation was not possible offered collectively more than 90 pages of comments, not including appendices and attachments to their comment letters. Indeed, had the lack of specifics prevented or caused real difficulty for commentors, the Trust would not have received 3,090 comment letters and communications from 2,989 individuals, 91 organizations, and 10 agencies, in 49 of the 50 states (and from foreign countries as well).

The programmatic nature of the Plan and EIS, did not deter many commentors from making very specific comments about specific sites and specific uses of specific buildings. Indeed, the Sierra Club, which claimed that “the public has no way of participating in any meaningful way,” offered comments that included a complete building-specific planning proposal for Area B, which the Trust used to develop the conceptual variant to the Draft Plan that has been analyzed as part of the Final EIS. Thus, the Trust will be using even these specific comments to inform its decision-making about the general land uses and policies of the Plan.

PI-4. Oral Comment During Public Meetings

One individual who spoke at all of the public meetings (and submitted multiple written comment letters) complains that the two minutes allotted to each speaker at the PTMP public hearings precluded meaningful dialogue, and

requests that the Trust allow more ample time for speakers in all future public hearings.

Response PI-4 – Throughout the PTMP planning process, the Trust has offered the public many ways to participate. The history and scope of public involvement is provided in Section 5.1 of the Final EIS. In order to make public input as easy and convenient as possible, the Trust invited comment in a variety of forms – letters, telefax, email, telephone, guided questions, workbook responses, oral comment at public hearings, and at one public meeting even handwritten notes on “Post-it” paper that could be appended to the Trust’s graphic displays. The Trust has never placed any limitations on the nature and scope of written public comment and input, other than imposing specified and publicized comment deadlines.

At every PTMP public workshop and at every PTMP public hearing, the Trust provided an opportunity for interested members of the public to make oral comments. Because Trust public meetings tend to be well-attended, the Trust imposed a reasonable time constraint on public speakers in order to give all who wished to make oral comments a chance to speak. To the extent a commentor may have felt shortchanged by this reasonable time limit, the Trust was assiduous in explaining that further comment would be welcomed through other means. Nearly all of those who spoke publicly at Trust workshops and hearings also submitted comments in some other form, often reiterating and expanding on what was said publicly at the meeting.

To the extent public speakers wished for meaningful dialogue, Trust representatives at workshops and hearings regularly answered those questions that could be answered (i.e., generally, the Trust answered comments or questions seeking factual information and clarification about Trust proposals and activities). Response at public hearings to public comment on ultimate planning decisions would have been improper under the NEPA process as the statute requires an agency to consider all comments prior to making a final decision. The Trust therefore could not respond at public hearings and instead took oral comments under advisement as part of the Trust’s decision-making process. As required by NEPA, the Trust is responding to both oral and written comments that it received regarding the Draft Plan and EIS in this Final EIS.

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PI-5. Public Perceptions

One individual expresses dismay about Trust Board members “inappropriate remarks” to the local press about public comments received, and cites one Board member as saying that most public comments have been “vague” while another Board member attributed public concerns about PTMP to “NIMBYism.” She is concerned about the mixed message to the public. (“Make specific comments, and you are labeled a NIMBY. Make less specific comments, and your comments are dismissed as vague.”) Another commentor asserts that the public has proved that the Presidio can be self-sufficient by 2004, and accuses the Trust of wrongfully and intentionally providing “false information to disinform the public.”

Response PI-5 – The Trust cannot control the accuracy with which the media reports statements that may be made by Trust representatives, and regrets any reported comments, whether accurate or not, that may have caused offense.

The Trust welcomes comments from all persons. The Trust has not dismissed any comments as “vague” nor prejudged comments based on the nature of the comment or the identity of the commentor. At times, the Trust has encouraged commentors to offer comments on the Plan and EIS that are as specific as possible so that the Trust can consider changes to a specific area of concern rather than having to interpret a general opinion.

At no time in the PTMP process has the Trust undertaken to misinform the public. Some members of the public, in their passion to protect the Presidio, have put their own information or interpretation forth that has been presented as true and accepted by others. The commentor has misinterpreted some of this outside information to conclude that the EIS alternatives and analysis presented by the Trust are intentionally false. The Trust encourages this commentor and the public generally to consider the whole record, including these responses to comments, before assigning shortcomings to the Trust’s information.

EXPANSION OF PUBLIC OUTREACH

PI-6. Building Trust and Identifying/Reaching the Affected Public

The Trust received various comments about the need to “build better trust” with the public. Most commentors recommend that the Trust should develop broad support for the planning process and should encourage the public to participate in the planning decisions that will follow. (“As written, the PTIP creates fear, uncertainty, and suspicion that will develop into an adversarial process for every future decision” and “the Trust has some major work to do to improve the PTIP prior to any acceptance by the public.”) One commentor states that a key challenge for the Trust is to build trust with its surrounding neighbors. Another feels that the Trust should encourage the involvement and support of local businesses in the planning process. Yet another commentor’s personal observation is that the commentary on the Plan originates predominately from immediate neighbors (the closest having the keenest interest), and a broader perspective of the Presidio as a national park could be achieved with more outreach to the City and Bay Area at large.

Response PI-6 – The Trust understands the importance of building relationships with the many Presidio stakeholders. The best way to “build better trust” is to provide opportunities for the constructive exchange of information. The Trust believes that the NEPA process and the public’s key role in that process provides a foundation on which the Trust can and must build. In addition, the Trust has and will continue to pursue and expand regular outreach to a wide variety of interest groups and stakeholders. The Trust regularly meets and interacts with neighborhood associations, natural resource conservation organizations, historic preservation groups, and San Francisco planning and civic organizations. That said, the number of interest groups is large and diverse, and the Trust’s plans and policy choices will inevitably not please or fully satisfy every group or individual. The Trust’s goal, however, is to provide clear information so that the public understands the basis for the Trust’s choices.

PI-7. Establishing a Formal Relationship with the City

The CCSF Planning Department seeks a formally recognized relationship with the Trust to minimize policy differences regarding future development,

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particularly for park issues that may have an effect on bordering neighborhoods, such as land use, transportation, housing, public services and utilities, and fiscal impacts. Other commentors raise the issue of the importance of a partnership between the Trust and the City. San Francisco Planning and Urban Research Association suggests that the Trust create an “implementation team” composed of Trust, City and community members. A Presidio advocacy group asks the Trust to specify whether development would be managed differently than activities within the City.

Response PI-7 – The Trust acknowledges the importance of good working relationships with other governments and agencies, such as the City and County of San Francisco, but a formal legal relationship is unwarranted. The Presidio has always been a federal enclave, under the Army, the NPS, and now the Trust. As a federal enclave, it is exempt from the administrative jurisdiction of any other level of government. The Trust Act itself defines certain legal limits with respect to the City and County of San Francisco: “The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the state of California, and its political subdivisions, including the city and county of San Francisco.”

Nevertheless, because the park adjoins the City, the Trust shares the City’s interest in the effects of the Presidio on the larger urban environment. In some areas there is a need for closer coordination than in others. The City does not provide many of the necessary public services within the Presidio, such as police and fire service. In other areas, such as sewer service and some potable water supply, the Trust pays the City for any service it provides. The housing policies of the PTMP have the benefit of minimizing the effect of Presidio activities on the City’s limited housing supply. Furthermore, the Trust coordinates regularly with the City on transportation issues, and is working to strengthen coordination in this important area. The Trust will continue to improve and maintain effective relations with the City and to further an understanding of mutual benefits.

With respect to whether development would be managed differently than activities within the City, the Trust has a different set of statutory regulations that guide rehabilitation of existing buildings and new construction. The Trust follows all applicable building and life/safety codes, laws and Trust policies,

including those reflected in the PTMP. Nevertheless, as discussed above, the Trust will coordinate with the City on key development issues that would affect City government or residents.

PI-8. Projects Proceeding Directly from PTMP

A number of commentors request that the Trust should state which reasonably foreseeable projects would proceed directly from the PTMP. Commentors are concerned with the statement in the EIS that some projects consistent with the PTMP, such as long-term leases, could proceed immediately without further environmental review, and seek clarification as to what types of projects have been adequately assessed and could be implemented. Several commentors, including the NPS and the Neighborhood Association for Presidio Planning (NAPP), request a list and rough schedule of expected future planning to assess the level of public participation required. Another individual questions the Trust’s commitment to future planning due to the range of actions that would not require public review.

Response PI-8 – The PTMP is a programmatic management plan for Area B. Since implementation of the Plan is affected by market forces, it is not possible to state with certainty at this stage of planning which projects will proceed directly from the PTMP. The overall implementation strategy for the Plan is to carry out projects that advance the Trust’s preservation and financial goals. In undertaking many of these projects, the Trust will engage the public in more site-specific decision-making for the park’s future. The Trust understands that this programmatic approach followed by unspecified future planning and public process does not satisfy some members of the public. Nevertheless, the Trust can provide a general understanding of its approach and relevant examples of the type of project that may proceed directly from the PTMP without more detailed planning or formal public process. The critical factor is whether the environmental impacts of such projects were evaluated in this (or another) NEPA document.

In general, leasing/tenant selection decisions that involve little to no physical change to the Presidio’s resources and landscape and that are consistent with the land uses identified under the PTMP are the type of projects likely to proceed from the PTMP without further formal public process. This is because the potential environmental impacts of such projects will have already been

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analyzed in the EIS. For example, it is likely that leasing of historic structures for uses consistent with the Plan, and the associated rehabilitation of such structures in accordance with historic preservation standards, will proceed directly from the PTMP. No lease, however, will be proposed without public notice either through the lease offering itself or through other general public notice. Other projects that would have the potential to bring about significant physical changes to Presidio resources or landscapes are likely to be subject to further planning and public input because the specific impacts of such projects may not have been analyzed in the EIS, thereby necessitating supplemental environmental analysis.

In an effort to address NPS' and NAPP's request to "assess the level of public participation" that is more likely than not to attend specific types of Trust activities and to provide these commentors and the public with a better idea of the general nature of future decision-making processes, the Trust added Figure 4.3, Public Involvement in Implementation Decisions to the Final Plan, and its accompanying text. This figure describes briefly the range of actions anticipated in the future and the nature of further planning, and public involvement.

In response to the request to provide a list and rough schedule of expected future planning, the Trust added Figure 4.2A, Near-Term Implementation Activities and Figure 4.2B, Long-Term Implementation: Generalized Timeline and accompanying text (pages 146-150) to the Final Plan. Figure 4.2A identifies some near-term planning and projects anticipated following adoption of the Final Plan (e.g., Main Post Landscape, Parking, and Circulation Changes; West Crissy Field Feasibility Study; Recycled Water and Water Conservation; etc.). Because the timing of individual improvements and leasing, even in the near term, depends to a large extent on market conditions and other uncertain factors, the Trust did not consider greater specificity or a more precise schedule of possible planning activities as being practical. The Trust will forecast more specific planning and project priorities through its annual budget and work programming process and multiple-year strategic planning. Once final, these documents will be made public.

The precise scope and timing of long-term planning activities are even more difficult to predict. Nevertheless, Figure 4.2B gives commentors an overview of long-term implementation actions (e.g., demolish one-third of Wherry Housing for habitat restoration, invest in subdividing and converting existing buildings to replace lost housing units, etc.). The identified actions in Figure 4.2B are by no means comprehensive of all Trust activities in the long-term over time, the Trust will propose more specific planning activities and projects (e.g., site improvements, landscape changes, building rehabilitation and reuse, area plans and topical plans, possible replacement construction), most of which are likely to require further public involvement, as described in Figure 4.3.

PI-9. *Committing to Future Plans with Greater Specificity*

Many commentors ask the Trust to engage in additional future planning and environmental analysis. In general, these commentors would like the Trust to specify the future planning process, including future plans, actions, and decisions to be made. According to the GGNRA Citizens' Advisory Commission, future plans should "determine where and how much space should be devoted to conference and lodging, museum and cultural/education activities, what buildings are suitable for conversion to residential use and which residential buildings might be subdivided into additional dwelling units." The Sierra Club and others, including the GGNRA Citizens' Advisory Commission and Fort Point and Presidio Historical Association, request that the Trust complete park-wide "issue-oriented" plans (such as housing, lodging, conference, cultural/educational, and parking) prior to any implementation actions under the Final Plan or before any demolition or new construction is proposed, and commit to public hearings on these plans before any building is put out for bid or any lease signed. The Sierra Club states "Without a park-wide plan for each use, district plan evaluation is meaningless."

In addition to issue-oriented plans, many commentors suggest that site-specific and district-level plans be developed. These plans would specify which buildings would be removed or retained, the amount, location and size of replacement construction, the uses or alternative use for each of the buildings and the treatment of landscaped open space in the area. District

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planning would also include specific requirements and methodologies for public input, review and comment as well as an established dialogue to facilitate response to public comment. They recommend that district plans be completed prior to committing to long-term leases throughout the district. They also request that the Trust not make final decisions on the maximum allowable density of an area before detailed studies as part of the individual district plans are conducted.

Response PI-9 – PTMP sets out the Presidio-wide conceptual plan for land uses, including each of the land-use topics about which some commentors expressed particular concern. In response to public comments, the Trust has made the Final Plan more specific in a number of ways – e.g., housing proposals have been made more specific, cultural space has been disaggregated from educational space, and preferences have been identified for cultural use of specific buildings. The Trust has also added greater specificity to the Final Plan regarding large-scale demolition proposals – 463 units in Wherry Housing, more than 60 units in Tennessee Hollow, and a few units in East and West Washington – for habitat restoration and additional open space. The Trust will undertake more specific planning that will involve the public, as it progresses into implementation of the PTMP. Some of this planning will take the form of an area-specific proposal within a planning district, some may take the form of a district-level proposal, and some may be building-specific projects. For example, the Trust intends to develop and analyze alternatives for Main Post landscape, circulation, and parking following the adoption of the Final Plan. This planning proposal, which combines the issue-specific approach with an area-level plan, will be fully vetted through public review and input. Other projects within a district that may receive the Trust’s attention in the near term include West Letterman buildings and streetscapes and West Crissy Field (Area B) building reuse and rehabilitation. Refer to Figure 4.2A. More specific future proposals will be consistent with the framework and outer bounds or “envelopes” defined by PTMP. If future proposals depart from or are inconsistent with the PTMP land-use framework, they will be subject to supplemental environmental analysis and public input. The nature of public participation likely to accompany a variety of the Trust’s possible future activities is summarized in Figure 4.3, Public Involvement in Implementation Decisions in the Final Plan.

Comments suggesting that the Trust engage in an almost endless process of follow-on planning after PTMP (e.g., separate building-specific park-wide plans for housing, lodging, conference, cultural/educational uses and more), while deferring leasing and before taking any implementation actions, are impractical. Given the Trust’s need to preserve rapidly deteriorating historic structures and to achieve financial self-sufficiency by 2013, a Presidio-wide building-specific plan for each land-use topic (e.g., housing, lodging, conference, educational, cultural uses) is untenable. Such an approach would be too inflexible to allow the Trust to respond to changing market conditions and manage uncertainties inherent in leasing and financing of the rehabilitation of Presidio buildings.

The Trust understands that for some commentors, the call for building-specific district-level and issue-oriented plans grows out of the desire for more certainty and the concern that PTMP does not specify, in some instances, exactly which buildings would be removed or retained or the exact location and size of any replacement construction. Beneath this concern is the fear that the Trust will act – for example, will demolish existing buildings or construct replacement structures – without further opportunity for the public to influence the Trust’s decisions. This will not occur. Figure 4.3, Public Involvement in Implementation Decisions, summarizes the opportunities for the public to participate in the decision-making process. Activities such as the proposed demolition of an historic structure and proposals for free-standing new construction or a significant addition to an existing structure would be publicly announced and would involve review and public process under NEPA and the NHPA.

The Trust must reserve the ability to undertake implementation of the PTMP in a variety of ways as described above, each with an appropriate level of public process. Refer to Figure 4.3 and Responses PI-1 and PI-10.

PI-10. Committing to Future Public Input and Environmental Review

In addition to wanting detailed future planning for a wide array of Trust actions, many commentors want assurance of full public participation at every stage in the Trust’s future planning and decision-making. To do so, said the NRDC letter, would help assure the utility of the PTMP and allow the public to participate in this planning process in a meaningful way. They, and others

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such as NAPP and the Fort Point and Presidio Historical Association, request that the Trust establish a public process by which the public can have input into a wide range of Trust activities (e.g., leasing, rehabilitation of existing buildings, use of facilities, transportation, significant infrastructure improvements and demolition). One individual would like to see processes established “through which the public and key organizations and volunteer communities will be able to advise on tenant selection, program, and district planning in the future.”

The NPS and others also seek further clarification to establish when public environmental review would be triggered by Trust actions. Some commentors ask the Trust to be specific about what projects and programs will require additional review. The Sierra Club comments that the Trust’s commitment to future plans is weak because it provides for a range of actions that will not require public review. The Sierra Club claims that the Trust has excluded from review over 1 million square feet of nonresidential space that currently remains unleased and that “the process for public involvement in Trust major decisions affecting use of existing buildings, demolition and new construction is not assured.” The NPS comments that it appears opportunities for public involvement would be curtailed in the future even for important demolition and new construction decisions. Historic preservation groups such as the San Francisco Architectural Heritage and other organizations want the opportunity to comment on site-specific demolition and new construction at the time proposals are brought forward.

The Fort Point and Presidio Historical Association and the Planning Association for the Richmond (PAR) urge that the Trust’s budgeting process be made a public process. The GGNRA Citizens’ Advisory Commission recommends that the Trust should commit to a one-, two- and five-year budget that provides an opportunity for public comment. The Commission further suggests that each year before the Trust finalizes its report to Congress that sets out its vision and work program for the coming year, it should provide an opportunity for public comment.

Response PI-10 – The perception that a wide range of Trust actions will not require public review is simply inaccurate. As illustrated in the Final Plan’s Figure 4.3, Public Involvement in Implementation Decisions, the vast

preponderance of Trust actions will proceed with some level of public scrutiny. The requirements of NEPA will determine the specific process for public input, depending upon the potential effects of the proposed action. This means that district plans and site-specific project proposals that have the potential to create significant environmental impacts (and that have not been analyzed in this or another NEPA document) will be subject to NEPA and its public process. While it is impossible to know now the precise timing or nature of environmental review (e.g., environmental impact statement, environmental assessment) that will be appropriate or required in general projects that have the potential for causing significant environmental impacts that have not been previously analyzed in the EIS or other environmental document (e.g. the GMPA EIS), will trigger further public process under NEPA.

NEPA provides the clear threshold and standards for when environmental review is triggered and the foundation for ongoing public involvement in the Trust’s decision-making process. Refer to Response PI-1, for a description of how the public can use NEPA to utilize opportunities for public input to the public’s best advantage. Response PI-1 also sets out ways in which the Trust will go beyond the public process requirements of NEPA to ensure that the public has meaningful opportunities to participate in planning and decision-making.

Contrary to some assertions, opportunities for future public input – especially on decisions such as replacement construction, which was cited by NPS as a particular concern – will not be curtailed. As shown in Figure 4.3 of the Final Plan, projects involving building demolition and proposed new construction will involve extensive public process. Furthermore, a Programmatic Agreement crafted under Section 106 of the NHPA has been signed by the Trust, NPS, ACHP and the California State Historic Preservation Office. The execution of this Programmatic Agreement signifies that each of the signing agencies endorses the protective process that the Agreement specifies will precede decisions that could potentially cause adverse effects to the historic landmark district. That process provides individuals and groups concerned about historic preservation with the opportunity to comment on site-specific demolition and new construction at the time the proposals are brought

RESPONSE TO COMMENTS

4. Responses to Comments

forward. A more detailed description of the nature of public process around proposals like these is provided in Response PI-1.

Those commentors who assert that the Trust has excluded from public review the reuse of over 1 million square feet of non-residential building space fail to recognize that the land use decisions for building space at the Presidio have been proposed, analyzed, and vetted through the PTMP (and before this, the Letterman) public process. These commentors desire assurance that the Trust will provide the public with the opportunity to comment on virtually all of the Trust's future decisions. Future leasing proposals must be consistent with the Final Plan's land use framework. If not, they will be subject to further environmental review and public input. Certain implementation decisions, however, such as tenant selection consistent with the Final Plan and the rehabilitation of historic structures consistent with the Secretary of Interior's standards, are within the management discretion of the Board, and, will not be generally subject to further public comment.

The Trust similarly regards decisions about work priority and allocation of resources to be within its management discretion. Indeed, NEPA does not require that a government entity analyze or review its budget for potential environmental effects (40 CFR Section 1508.17; *Andrus v. Sierra Club*, 442 U.S. 347 (1979)). The Trust is, however, weighing the GGNRA Citizens' Advisory Commission suggestion to provide public notice of its work program for the coming year prior to finalizing it in the annual report to Congress. The Trust has made no policy decision on whether or how to allow public review of the Trust's proposed annual work priorities; no decision is required before finalizing the PTMP.

PI-11. Committing to Working with Interest Groups

A number of commentors ask that the Trust continue working with the Sierra Club and other groups to arrive at a community consensus on a preferred alternative for the Presidio. ("Due to the great diversity of opinions voiced by the many non-governmental organizations and political groups in the area some means of quantifying the citywide consensus should be developed.") Commentors also request that the Trust should continue to work with the GGNRA Citizens' Advisory Commission on PTMP projects that involve Area A.

Response PI-11 – The Trust acknowledges the importance of public dialogue, and the role of public input in future decision-making is clearly articulated in Chapter Four of the Final Plan. The role of agency consultation and participation by the GGNRA Citizens' Advisory Commission is also addressed. The suggestion that "consensus" should be the goal of the planning process appears to be at odds with the "diversity of opinions" also cited. As mentioned elsewhere in the Response to Comments (see Section 3.1 above), 83 percent of the comments on the Presidio's future came from outside of San Francisco. Because of this diversity, and because of its obligations under the Trust Act, consensus cannot be the Trust's primary objective. Instead, Chapter One of the Plan, which includes incorporation of public input, articulates the goals of the planning process.