

Chapter 5 – Consultation and Coordination

This page intentionally left blank.

5.1 Public Involvement and Scoping

During a series of scoping meetings, the NPS requested input from the public, from federal, state, and local agencies, and from park resource specialists on fire management concerns, the types of issues that should be addressed in the EIS, and the range of fire management alternative strategies that should be considered. Public scoping for the FMP EIS began on August 8, 2003, with publication in the Federal Register of the Notice of Intent to Prepare an Environmental Impact Statement for the Golden Gate National Recreation Area Fire Management Plan. In addition to the Federal Register notice, the scoping period was publicized through a mass mailing to the public that included background information on the FMP and a notice of scoping workshops. Scoping comments were solicited from August 8, 2003, to December 5, 2003.

Three public scoping open house meetings were held for the GGNRA FMP. The open house meetings featured displays and offered attendees the opportunity to discuss the planning process with staff. Park staff made a presentation on the FMP and oral comments were received from the public and recorded by a court reporter at each of the three meetings. The first and third meetings were part of regularly scheduled bimonthly GGNRA public meetings. The first meeting was held in Pacifica at the Pacifica City Council Chambers on September 16, 2003. The second public scoping meeting focused solely on the FMP and was held at the U.S. Army Corps of Engineers, Bay Model Building Meeting Room on September 24, 2003. The third meeting was held November 18, 2003, at Fort Mason, Building 201 in San Francisco.

On August 5, 2003, and on August 14, 2003, internal scoping sessions were conducted to identify staff issues and concerns. These meetings were attended by an interdisciplinary group of resource and fire specialists from GGNRA and PRNS staff. On October 10, 2003, the NPS presented an overview of the scope of the FMP to local fire management agencies in Marin County as part of the FIRESafe Marin meeting. Following the presentation, NPS staff consulted on issues and concerns about the plan with the attendees.

Among the major issues raised during the scoping meetings were the need for monitoring fire management activities and the use of wildland fire and pesticides as fire management tools. In addition, the development of an education component for fire hazard reduction in adjacent communities was mentioned. Other concerns raised at the meetings included ongoing changes in land use as they relate to fire; the potential for changes in wind patterns and wind strength due to tree removal; public access limitations; use of native plant species to restore habitat; changes to visitor experience and aesthetics; increased fire risk and life safety; and effects on cultural resources, vegetation, wildlife, hydrology, water quality, soils, and air quality. These comments are previously described in more detail in Chapter 1, Section 1.5, under the heading of Issues and Concerns Raised During Scoping Relevant to the FMP EIS.

A notice of availability for the DEIS was published in the Federal Register and the document made available for public review and comment on March 21, 2005. The NPS also provided the notice of availability of the DEIS through a direct mailing and posting on the park's web site. The DEIS was made available for review at park headquarters, park visitor centers, local and regional libraries, and on the park's website. The Federal Register noticed a 60-day public comment period ending on May 17, 2005 but this was extended to May 27, 2005 to ensure adequate review time. Notification to the public of the

extended deadline was made on the park website and through announcements at public presentations. The NPS made two public presentations to provide an informational overview about the DEIS to the public. Twelve comment letters were received and they are addressed in Appendix H - Response to Comments on the Draft Environmental Impact Statement.

5.2 Compliance Status

Documentation of NPS compliance with federal and state laws and regulations is incorporated into the text of the FEIS. Compliance with ten of the major federal laws, executive orders, and associated state regulations is summarized here.

National Environmental Policy Act (NEPA) of 1970 (PL 91-190, 83 Stat. 852, 42 USC §4341 et seq.)

The FEIS provides disclosure of the planning and potential environmental consequences of the proposed action and alternatives, as required by NEPA. A Notice of Availability for the DEIS was published in the Federal Register and the document made available for public review and comment on March 18, 2005. The NPS also provided the Notice of Availability of the DEIS through a direct mailing and posting on the park's web site. The DEIS was made available for review at park headquarters, park visitor centers, local and regional libraries, and on the park's website. The Federal Register noticed a 60-day public comment period ending on May 17, 2005 but this was extended to May 27, 2005 to ensure adequate review time. Notification to the public of the extended deadline was made on the park website and through announcements at public presentations.

Agency and public comments were reviewed, considered, and the DEIS was revised in light of those comments. The Fire Management Plan FEIS responds to all substantive comments (Appendix H). An alternative is also identified as preferred in the FEIS. A Record of Decision will be published 30 days following publication of the Notice of Availability for the FEIS in the Federal Register. The selected alternative will be identified in the Record of Decision and will define the overall strategy for the park's new FMP. The FMP will be supplemented by operational procedures and plans such as preparedness plans, preplanned dispatch plans, prescribed fire plans, and prevention plans. The FMP will be a separate stand-alone document that will be completed following selection of the preferred alternative in the Record of Decision.

Endangered Species Act of 1973 as amended (PL 93-205, 87 Stat. 884, 16 USC §1531 et seq.) The Endangered Species Act protects threatened and endangered species, as listed by the U.S. Fish and Wildlife Service (USFWS), from unauthorized take, and directs federal agencies to ensure that their actions do not jeopardize the continued existence of listed species. Section 7 of the act defines federal agency responsibilities for consultation with the USFWS and National Oceanic and Atmospheric Administration (NOAA) Fisheries and requires preparation of a Biological Assessment to identify any threatened or endangered species that are likely to be affected by the proposed action.

The NPS initiated informal consultation with the USFWS on June 18, 2003. Upon request, the USFWS sent the NPS a species list, dated July 2, 2003, for the GGNRA FMP covering Marin, San Francisco, and San Mateo counties, as well as for the specific United States Geological Survey (USGS) quads within those counties in which NPS fire management activities will take place. The NOAA sent a list (dated

February 27, 2003) of threatened and endangered fish under its jurisdiction that may be affected by the FMP. These lists include plant and animal species that may occur within, or be affected by activities within, the FMP area.

The NPS sent a biological assessment to the USFWS on March 16, 2005 to determine if formal consultation under Section 7 of the Endangered Species Act would be required for the GGNRA FMP. In the assessment, the NPS asked the USFWS to concur with its conclusions on the potential effect of the FMP on federally-listed species. The USFWS issued a Final Biological Opinion on the GGNRA FMP on October 7, 2005 (see Appendix K). In the Final Biological Opinion, the FWS concurred with the NPS that FMP actions are not likely to adversely affect the salt marsh harvest mouse, tidewater goby, California brown pelican, the San Bruno elfin butterfly, northern spotted owl, marbled murrelet, and the Pacific Coast population of the western snowy plover due to one or more of the following:

1. the mitigation measures included in the FMP EIS would avoid the effect;
2. the FMP planning area is outside of the range of the particular species; or,
3. the FMP planning area, though within the range of the species, does not contain suitable habitat for the particular species.

The USFWS concluded that “take” of the mission blue butterfly, California red-legged frog, and the San Francisco garter snake may be unavoidable in implementing FMP projects and has issued “incidental take” permits to the NPS for the GGNRA FMP. “Take” is defined in the Endangered Species Act as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. “Incidental take” is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the Endangered Species Act, [Section 7(b)(4) and Section 7(0)(2)], taking that is incidental to and not intended as part of the agency action is not considered to be prohibited if the agency is conforming to the conditions of an incidental take permit. In the Biological Opinion, the USFWS explains that issuing a permit for incidental take is a conservative approach as it may be difficult to verify whether take of these three species has occurred during an action due to their elusive nature, relatively small size, and cryptic coloration which make the finding of a dead specimen unlikely. The USFWS concluded that mitigation measures proposed by the NPS and additional mandatory measures in the Biological Opinion would substantially reduce the incidence or occurrence of take but could not fully eliminate the potential.

The USFWS concluded that implementation of Alternative C, the preferred alternative, is not likely to jeopardize the continued existence of the mission blue butterfly, California red-legged frog, the San Francisco garter snake, Raven's manzanita, San Francisco lessingia, Presidio clarkia, and the Marin dwarf flax. The proposed project is not likely to destroy or adversely modify proposed California red-legged frog critical habitat. Critical habitat has not been designated or proposed for mission blue butterfly, San Francisco garter snake, Raven's manzanita, San Francisco lessingia, Presidio clarkia, and the Marin dwarf flax, therefore, none will be affected.

Chapter 5 – Consultation and Coordination

The NPS is continuing informal consultation with NOAA Fisheries and completion of the consultation will be documented and included in the Record of Decision for the FMP EIS.

The Magnuson-Stevens Fishery Conservation and Management Act as amended by the Sustainable Fisheries Act of 1996 (PL 104-267). This requires all federal agencies to consult with NOAA Fisheries on all actions or proposed actions permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). NOAA Fisheries would provide recommendations to conserve EFH to federal or state agencies for activities that would adversely affect EFH. Consultation with NOAA Fisheries is still underway and will be completed concurrent with the preparation of the Record of Decision.

Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403). All proposed work and/or structures extending bayward or seaward of the line on shore reached by (1) mean high water in tidal water, or (2) ordinary high water in nontidal waters designated as navigable water of the United States must be authorized by the U.S. Army Corps of Engineers pursuant to Section 10 of the Rivers and Harbors Act. Section 404 of the Clean Water Act establishes a program to regulate the discharge of dredged and fill material into waters of the United States, including wetlands. The NPS intends to avoid impacts on waters that would be considered jurisdictional by the U.S. Army Corps of Engineers. In response to a request from the NPS for comments on the FMP, the Corps of Engineers sent a letter dated August 27, 2003, stating that the project may involve impacts on a water of the U.S. and that the Corps of Engineers will need to review portions of the project. If impacts cannot be avoided, the NPS will work with the Corps of Engineers to obtain a general or individual permit for project activities within waters of the U.S. and receive authorization under Section 10 if necessary.

Archeological Resources Protection Act of 1979 (PL 96-95, 93 Stat. 712, 16 USC §470aa et seq. and 43 CFR 7, subparts A and B, 36 CFR). This act secures the protection of archeological resources on public or American Indian lands and fosters increased cooperation and exchange of information among the private, government, and professional community in order to facilitate the enforcement and education of present and future generations. It regulates excavation and collection on public and American Indian lands. It requires notification of American Indian tribes who may consider a site of religious or cultural importance prior to issuing a permit. The NPS will meet its obligations under this act in all activities proposed in the FMP FEIS.

National Historic Preservation Act of 1966 as amended (PL 89-665, 80 Stat. 915, 16 USC §470 et seq. and 36 CFR 18, 60, 61, 63, 68, 79, 800). The National Historic Preservation Act requires agencies to take into account the effects of their actions on properties listed in or eligible for listing in the National Register of Historic Places. The Advisory Council on Historic Preservation has developed implementing regulations (36 CFR 800) that allow agencies to develop agreements for consideration of these historic properties. The NPS, in consultation with the California State Historic Preservation Officer (SHPO), has developed a Programmatic Agreement (see Appendix J – Programmatic Agreement) for the FMP based upon an existing draft Department of the Interior Fire Management Plan Programmatic Agreement. The NPS invited the participation of the Advisory Council, affected American Indian tribes, and the public in

this consultation process. This Programmatic Agreement provides a process for compliance with the National Historic Preservation Act and includes stipulations for identification, evaluation, treatment, and mitigation of adverse effects for actions affecting historic properties. The NPS initiated consultation on the GGNRA FMP by letter to the SHPO dated May 23, 2003. Consultation was completed with the signing of the Programmatic Agreement on September 30, 2005.

American Indian Religious Freedom Act (PL 95-341, 92 Stat. 469, 42 USC §1996). This act declares policy to protect and preserve the inherent and constitutional right of the American Indian, Eskimo, Aleut, and Native Hawaiian people to believe, express, and exercise their traditional religions. It provides that religious concerns should be accommodated or addressed under NEPA or other appropriate statutes. The NPS, as a matter of policy, will be as nonrestrictive as this act in permitting American Indian access to and use of an identified traditional sacred resource for traditional ceremonies.

Executive Order 11988: Floodplain Management. This executive order requires federal agencies to avoid, to the extent possible, adverse impacts associated with the occupancy and modification of floodplains, and to avoid development in floodplains whenever there is a practical alternative. If a proposed action is found to be in the applicable regulatory floodplain, the agency shall prepare a floodplain assessment, known as a Statement of Findings. All of the actions evaluated in the FMP DEIS are consistent with this executive order.

Executive Order 11990: Protection of Wetlands. This executive order established the protection of wetlands and riparian systems as the official policy of the federal government. It requires all federal agencies to consider wetland protection as an important part of their policies; to take action to minimize the destruction, loss, or degradation of wetlands; and to preserve and enhance the natural and beneficial values of wetlands. All of the actions evaluated in the FMP FEIS are consistent with this executive order.

Executive Order 13112: Invasive Species. This executive order prevents the introduction of invasive species and directs federal agencies not to authorize, fund, or carry out actions that they believe are likely to cause or promote the introduction or spread of invasive species. Actions evaluated in the FMP FEIS include measures to prevent the introduction and spread of invasive species.

California Coastal Zone Management Act. This act protects coastal environments. While the act transferred regulatory authority to the states and excluded federal installations from the definition of the “coastal zone,” it requires that federal actions be consistent with state coastal management plans. Activities taking place within the coastal zone under the definition established by the California Coastal Management Plan require a federal consistency determination. The FMP FEIS will be submitted to the California Coastal Commission for federal consistency determination.

5.3 List of EIS Preparers and Contributors

Core Team Preparers

Alex Naar, GGNRA Fire Management Officer
FMP Programmatic Lead
B.S., Environmental Science; J.D., - Law Degree

Chapter 5 – Consultation and Coordination

Carey Feierabend, Carey Feierabend Consulting
Planner, Project Coordinator
B.S., Architecture; M.Arch., Architecture

Wendy Poinsot, NPS Planner, Wildland Fire Program
NEPA Compliance Project Lead, Purpose and Need, Project Setting, Visitor Experience and Visitor Use
(Environmental Consequences), Air Quality, Human Health and Safety
B.A., History and Outdoor Recreation

Susan L. Fritzke, GGNRA Supervisory Vegetation Ecologist
Project Lead for ESA Compliance, Vegetation and Special Status Species; Biological Assessment
B.A., Environmental Studies and Geography; M.S., Physical Geography and Plant Ecology

Stephen A. Haller, GGNRA Park Historian
Project Lead for NHPA Compliance, Cultural Resources, Programmatic Agreement
B.A., American History

Technical Experts and Contributors

Hans Barnaal, GGNRA GIS System Specialist
Mapping
B.A. Biology

Chris Blaylock, GGNRA Fire Information Specialist
GIS Mapping, Graphics, Fire Hazard Model
B.A., Psychology

Laura Castellini, GGNRA Environmental Protection Specialist
Watershed Processes, Wetlands
B.S., Zoology; M.A., Biology

Alanna Donahoe, GGNRA Fire Management Assistant
Public Involvement, Administrative Record
B.A., English

Darren Fong, GGNRA Aquatic Ecologist
Fish and Amphibians for Wildlife and Special Status Species
B.A., Environmental Science; M.S., Wildland Resource Science

Craig A Glassner, GGNRA Park Ranger, Interpretation
Visitor Use and Visitor Experience
B.G.S., History and Political Science

Mark Grupé, GGNRA GIS Specialist
Graphics, Fire Hazard Model
B.A., Communication; M.A., Geography

Daphne Hatch, GGNRA Chief of Natural Resource Management & Science
Quality Control for Alternatives, Biological Environment, Mitigation Measures
B.S., Botany; M.S., Range Management

Kevin McKay, GGNRA Film and Events Specialist
Fire Management Strategy for Muir Woods NM
B.A., Economics; J.D., Law Degree

William W. Merkle, GGNRA Wildlife Ecologist
Wildlife and Special Status Wildlife Species
B.A., Economics and Political Science; Ph.D., Environmental, Population, and Organismic Biology

Steve Ortega, GGNRA Environmental Protection Specialist
Cumulative Actions
B.S., Rangeland Science

Steve Provencher, NPS Cultural Landscape Specialist
Cultural Landscape Identification
B.S., Cultural Geography; M.A., Historic Preservation

Paul Reeberg, NPS Fire Ecologist
Climate, Topography, Fire Regime, Fire History
B.S., Ecology and Systematic Biology

Jordan Reeser, NPS Fire Specialist
Prescribed Fire/Fuels Treatment
B.S., Forestry and Natural Resources

Craig Scott, GGNRA GIS Specialist
Mapping
B.A. Geography

Tamara Williams, GGNRA Park Hydrologist
Geology and Seismicity, Watershed Processes and Wetlands
B.S., Geology

List of Consultants

Sharon Farrell, May and Associates, Inc.

Biological Assessment

B.A., Chemistry with Minor in Park Management/Outdoor Recreation

M.S., Park Management

Brian Mitchell, NPS Environmental Protection Specialist

Natural Resources Program Center, Air Resources Division

Policy and Regulatory Review

B.S. Chemistry; M.E., Environmental Engineering

Naomi Porat, Porat Consulting

Socioeconomic Analysis

Aaron Worstell, NPS Environmental Engineer

Natural Resources Program Center, Air Resources Division

Air Quality Modeling

B.S., Chemical Engineering

5.4 Participating Agencies

The following are agencies and organizations to whom copies or notice of the FEIS are being sent.

Federal Agencies

Federal Emergency Management Agency

Presidio Trust

U. S. Army Corps of Engineers

U. S. Coast Guard

U.S. Environmental Protection Agency

U. S. Department of Commerce, NOAA Fisheries

U. S. Geological Survey

U. S. Fish and Wildlife Service

U. S. Department of Agriculture, Forest Service

U. S. Department of Agriculture, Natural Resources Conservation Service

Federal Advisory Groups

Advisory Council for Historic Preservation

Elected Officials

U. S. Senator Barbara Boxer

U. S. Senator Dianne Feinstein

Representative Lynn Woolsey, District 6

Representative Nancy Pelosi, District 8
Representative Tom Lantos, District 12
Representative Anna Eshoo, District 14
State Senator Carol Migden, District 3
State Senator Jackie Speier, District 8
State Senator Joe Simitian, District 11
State Assembly Member Joe Nation, District 6
State Assembly Member Leland Yee, Ph.D., District 12
State Assembly Member Mark Leno, District 13
State Assembly Member Gene Mullin, District 19
State Assembly Member S. Ira Ruskin, District 21
City of San Bruno, Mayor, Larry Franzella
City of Pacifica, Mayor Julie Lancelle
City and County of San Francisco Office of the Mayor, Attn: Mayor Gavin Newsom
Town of Woodside, Mayor Paul Goeld
Marin County Board of Supervisors, Attn: Harold C. Brown, Jr., President
San Mateo County Board of Supervisors, Attn: Richard S. Gordon, President
San Francisco County Board of Supervisors, Attn: Aaron Peskin, President

State Agencies

Bay Area Air Quality Management District
California Coastal Commission
State of California Department of Environmental Science
State of California Department of Fish and Game
State of California Department of Parks and Recreation
State of California Department of Transportation
State of California Office of Planning and Research, State Clearinghouse
State Historic Preservation Officer

Regional, County, and Municipal Agencies

Marin County Community Development Agency
Marin County Fire Department
Marin County Cultural Services Department
Marin County Parks and Open Space Department
Marin County Public Works Department
Marin County Sheriff's Office
Marin County Resource Conservation District
Marin Municipal Water District
San Francisco Environment Department
San Francisco Fire Department
San Francisco Mayor's Office of Community Development
San Francisco Open Space Advisory Committee

Chapter 5 – Consultation and Coordination

San Francisco Planning Department
San Francisco Sheriff's Department
San Mateo Environment and Land Use Department
San Mateo Sheriff's Department
San Francisco Regional Water Quality Control Board

American Indian Tribes

Federated Indians of Graton Rancheria
Various nonrecognized Ohlone tribes and individual descendants

A complete list of names, including nongovernmental organizations, nonprofit organizations, and interested citizens, is in the project file and is available from the NPS. A notice will be mailed to all individuals who have indicated interest in GGNRA planning and management activities.

Libraries

The following is a list of libraries where the public can review the FEIS onsite:

San Francisco

Civic Center Branch, San Francisco Public Library
Marina Branch, San Francisco Public Library
Merced Branch, San Francisco Public Library
Richmond Branch, San Francisco Public Library
Sunset Branch, San Francisco Public Library

Marin County

Bolinas Branch, Marin County Free Library
Civic Center Branch, Marin County Free Library
Marin City Branch, Marin County Free Library
Mill Valley Public Library
Fairfax Branch, Marin County Free Library
Point Reyes Station Branch, Marin County Free Library
San Geronimo Valley Branch, Marin County Free Library
Sausalito Public Library
Stinson Beach Branch, Marin County Free Library

San Mateo County

John D. Daly Branch, Daly City Public Library
Westlake Branch, Daly City Public Library
Half Moon Bay Branch, San Mateo County Library
Pacifica Library
San Mateo County Library

East Bay

Berkeley Public Library

Oakland Public Library

The FEIS will be placed on the PEPC website at <http://parkplanning.nps.gov/goga>