



Making San Francisco Bay Better

B. O'Neill
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SUPERINTENDENT'S OFFICE

January 25, 2005

United States Department of the Interior
National Park Service
Golden Gate National Recreation Area
Fort Mason, Building 201
San Francisco, California 94123

ATTENTION: Mr. Brian O'Neill, General Superintendent

SUBJECT: BCDC Consistency Determination No. CN 11-04; Fort Baker Reuse Plan, near the City of Sausalito, Marin County

Ladies and Gentlemen:

On November 23, 2004, the National Park Service submitted a revised consistency determination to implement the Fort Baker Reuse Plan with some program alterations, and requested that the Commission concur that the proposed project, as revised, is consistent with the Commission's Amended Coastal Zone Management Program for the San Francisco Bay segment of the California coastal zone. The Commission concurs with the determination of the National Park Service that the revised project is consistent with the Commission's Amended Management Program for the San Francisco Bay.

The Commission's Conditional Letter of Concurrence for the subject consistency determination is attached. If you should have any questions regarding the attached Conditional Letter of Concurrence or need any further assistance, please contact Andrea M. Gaut of my staff at (415) 352-3618.

Sincerely,

WILL TRAVIS
Executive Director

WT/AG/ra

Enc.



Making San Francisco Bay Better

**LETTER OF CONCURRENCE FOR
CONSISTENCY DETERMINATION NO. CN 11-04**

January 25, 2005

United States Department of the Interior
National Park Service
Golden Gate National Recreation Area
Fort Mason, Building 201
San Francisco, California 94123

ATTENTION: Mr. Brian O'Neill, General Superintendent

Ladies and Gentlemen:

I. Concurrence

- A. The San Francisco Bay Conservation and Development Commission concurs with the determination of the National Park Service (NPS) that the project, further described below in Sections I-B and I-C, located in Fort Baker on the northern end of the Golden Gate Bridge, in the Golden Gate Recreation Area, near the City of Sausalito, Marin County, is consistent with the Commission's Management Program for the San Francisco Bay segment of the California coastal zone, subject to the NPS's acceptance of the condition contained in Section II below and the incorporation of that condition into the project. If the NPS fails to agree to the condition and fails to incorporate the condition into the project, the NPS should treat this conditional concurrence as an objection and should notify the Commission immediately. If this conditional concurrence is converted into an objection, the provisions of 15 Code of Federal Regulations Sections 930.43, 930.44, and 930.45 shall apply.
- B. **Overall reuse plan at the project site.** The NPS proposes to transform Fort Baker from a military installation to a part of the National Park System. The proposed action includes the following elements:
1. Enhance and restore 42 acres of habitat;
 2. Improve pedestrian and bicycle trails and circulation, including the creation of the Battery Duncan loop trail and the partial closure of Conzelman Road to private vehicles. Reconfigure East Road by re-striping existing paving to slow traffic, provide safer pedestrian connections, and provide overflow parking capability;
 3. Restore the historic parade ground and rehabilitate 28 historic structures that surround it for a conference and retreat center. The center would include conference and meeting rooms, food service, a maximum of 225 rooms for guest accommoda-

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tions, and other support spaces. Construct three new structures including a dining facility of up to 8,000 square feet and a meeting facility of up to 20,000 square feet, within locations where historic buildings were either planned but never built, or were built but later demolished. Remove three existing garages and provide parking for a maximum of 455 cars in previously disturbed areas that would not be visually obtrusive;

4. In the Capehart area (non-historic, former military residences), remove six, non-historic structures to restore the historic setting. Rehabilitate the remaining structures for employee housing and conference and retreat facilities or remove and replace with new buildings for these purposes. Rehabilitate four historic structures, including the chapel, for conference and retreat center use;
5. Retain and expand the existing Bay Area Discovery Museum. Provide new program, classroom, and exhibit space in approximately 25,000 square feet of new structures and approximately 10,000 square feet within existing structures. Relocate 240 parking spaces to permit safer pedestrian movement and minimize visual intrusion near the museum;
6. Retain and expand the existing Coast Guard Station by approximately 1,500 square feet; and
7. Rehabilitate and use other historic buildings at the site for an NPS visitor center, public restrooms, a maintenance facility, and a park stewardship program.

The consistency determination describes the portions of the project for which the NPS seeks conceptual approval, but for which further project details will be submitted as part of a future consistency determination prior to implementation at a later date. These conceptual elements include:

C. Future Concurrence, in the Bay and in the 100-foot shoreline band:

1. Convert the existing marina facilities (currently the Presidio Yacht Club) into a public facility. Reconfigure the existing marina to provide a combination of slips and mooring buoys for up to 60 boats and five NPS/Coast Guard slips;
2. Rehabilitate the existing historic boat shop and use it for public activity space, visitor information, food and beverage service, a general store, and bicycle rentals;
3. Along the waterfront and at the existing fishing pier, remove the wooden bulkhead and riprap, create a beach, relocate a road and parking spaces, create a 6-acre natural meadow, install a boardwalk, and create a picnic area. In addition, retain the existing boat ramp and improve the existing fishing pier with fish cleaning stations, railings, benches, and informational plaques. Provide restrooms at a site along the waterfront and approximately 170 parking spaces in three locations (two existing) to serve waterfront users; and
4. Install Bay Trail improvements from Lime Point to East Road and elsewhere along the waterfront.

- D. This agreement is given based on the information submitted by or on behalf of the NPS in its letter dated November 22, 2004, and all subsequently submitted information and exhibits, particularly the letter from the NPS dated January 12, 2005 amending its consistency determination.

II. Condition

In selecting the developer and operator for the proposed conference and retreat center component of the Proposed Action, the NPS shall establish competitive selection criteria to solicit a bid that incorporates the smallest possible economically feasible facility that meets the objectives of the project including minimizing impacts on the site and its surroundings. In addition, as stated in its January 12, 2005 letter to the Commission, the NPS shall limit the retreat and conference center to no more than 225 guest lodging units. In the event that the NPS is unable to meet that limit, the NPS shall return to the Commission with a new consistency determination.

This condition is based on representations made in the final environmental document for the Fort Baker Reuse Plan, the consistency determination submitted to the Commission, and the letter from the NPS dated January 12, 2005 amending its consistency determination.

If the NPS does not agree with this condition or fails to incorporate it into the project, the Service shall notify the Commission immediately of its refusal to agree or to incorporate the condition into the project and this conditional concurrence shall become converted to an objection. The NPS shall also immediately notify the Commission if the Service determines to go forward with the project despite the Commission's objection.

III. Findings and Declarations

This concurrence is given on the basis of the Commission's findings and declarations that the work authorized herein is fully consistent with the McAteer-Petris Act and the San Francisco Bay Plan for San Francisco Bay for the following reasons:

- A. **Project Description.** The proposed project will result in the approval and partial implementation of the NPS Fort Baker Reuse Plan, which will convert Fort Baker from a military installation into part of the Golden Gate National Recreation Area. The Reuse Plan consists of the following components: (1) habitat enhancement and/or restoration of approximately 40 acres of open space; (2) development of public access improvements along the waterfront, including the removal of 20,000 cubic yards of Bay fill (an existing bulkhead) and the restoration of a beach and adjoining meadow; (3) use of an historic boat shop for public meeting space, restrooms, and food service; (4) conversion of an existing marina into a public facility accommodating up to 60 boats; (5) improvements to the existing fishing pier with fish cleaning stations, railings, and benches; (6) retention of the Bay Area Discovery Museum and the conversion of existing, historic buildings for additional museum space, as well as the construction of 25,000 square feet of new museum structures for classroom meeting and exhibit space; (7) retention and a potential 1,500-square-foot expansion of the existing Coast Guard facility; (8) rehabilitation of the historic structures surrounding the parade ground for use as a retreat and conference center with up to 225 guestrooms. Several non-historic buildings will likely be used for the conference center, military residences may be reused, and three new buildings, totaling about 30,000 square feet, may be constructed; (9) stabilization, preservation, and interpretation of batteries and other historical fortifications for visitors; and (10) relocation of roads and parking away from the central waterfront and improvements to circulation through and around the site.

Future Concurrence. Once more detailed information is available, the NPS has agreed to submit separate consistency determinations for the implementation of the following aspects of the overall proposed plan that will be approved by or on behalf of the Commission: (1) the bulkhead removal, beach restoration, and landscaping; (2) the public

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access and Bay Trail improvements along the waterfront, including reuse of the boat house; (3) the marina reconstruction and reuse; and (4) any future dredging. Thus, these components of the Fort Baker Reuse Plan will be implemented at a later date after further review and approval by or on behalf of the Commission.

The Commission finds that once the additional consistency determinations are submitted by NPS for projects located in the Commission's Bay and shoreline band jurisdictions, the staff will complete analyses of these projects' consistency with Bay Plan policies such as those on fill, dredging, public access, and fish and wildlife.

Activities Completed at the Project Site. Since the original consistency determination was issued nearly four years ago (CN 2-00), the following activities have been completed at Fort Baker:

1. The NPS and Bay Area Discovery Museum (Museum) have executed a new 20-year Cooperative Agreement and the Museum has completed the first phase of its planned improvements, including design and construction of a new auditorium building and an outdoor exhibit area. The Museum element of the Fort Baker Reuse Plan has widespread support, including support from the City of Sausalito. The City entered into an agreement with the Museum under which the City agreed that it would not seek to prevent the Museum from proceeding with its planned campus renovations;
2. The NPS has completed over 17 acres of mission blue butterfly habitat restoration (coastal grassland) and over 3 acres of other natural habitat restoration;
3. The NPS has constructed the new "Chapel Trail", extending the one-way Battery Duncan Trail to the Chapel at the rear of the retreat and conference center area, providing a loop trail that offers views of the Bay and discourages off-trail use, thereby protecting adjacent sensitive habitat;
4. The NPS has initiated utility rehabilitation and construction projects using special funds appropriated by Congress for this purpose;
5. Other mitigation measures from the environmental document have been completed, including Interim Special Park Uses (event) Guidelines, and a Fort Baker Traffic and Circulation Monitoring Program, both prepared in consultation with the City of Sausalito, and a Transportation Demand Management Plan for the Marin Headlands and Fort Baker; and
6. The NPS has completed a competitive solicitation process to select a retreat and conference center operator most qualified to carry out the vision of the retreat and conference center expressed in the final environmental document and Record of Decision (ROD). Through the competitive solicitation process, the NPS has followed through on the final environmental document's requirement to "establish competitive selection criteria to solicit the smallest possible economically viable facility that meets the objectives of the project including minimizing impacts on the site and its surroundings". These processes also assured that the goal to assure a strong, park-related program element is addressed. NPS has selected the Fort Baker Retreat Group LLC as the proposed operator of the retreat and conference center and is currently in exclusive negotiations with the Fort Baker Retreat Group to realize the vision for the center as set forth in the Final Environmental Impact Statement and ROD.

B. Consistency with Recreation Policies

1. **Background.** On May 18, 2000, the Commission voted unanimously to concur with the NPS consistency determination that the Fort Baker Reuse Plan was consistent with the federally approved management program for the San Francisco Bay segment of the California Coastal Zone (management program). The NPS has submitted this revised consistency determination not because the project has changed in any way, but in response to a decision issued by the United States Court of Appeals for the Ninth Circuit on October 20, 2004.

The Ninth Circuit invalidated the original NPS consistency determination. In its original determination, the NPS stated that a major investment of resources was needed to address the historic preservation and public use goals that significantly exceeded the amount of funding available through federal funds. The NPS proposed to generate these funds through the use of a conference and retreat center. However, the NPS recognized that the proposed retreat and conference center might not be fully consistent with a recreation policy note to Bay Plan Map No. 4 in effect at the time, which stated that there should be "[n]o commercial uses [at Fort Baker] except for the convenience needs of park visitors." The NPS argued that even if the proposed conference center and retreat were not fully consistent with the Bay Plan Map policy note, it was consistent to the maximum extent practicable because of the NPS's need to raise funds to fully implement the Reuse Plan. The Ninth Circuit invalidated the NPS's consistency determination because the Coastal Zone Management Act and its implementing regulations at 15 C. F.R. 930.32(a)(3) explicitly forbid a federal agency from using a lack of funding as a criterion for finding a project consistent. The Commission's May 2000 Letter of Agreement for the Fort Baker Reuse Plan was based on this now invalid NPS consistency determination.

On November 22, 2004, following the Ninth Circuit's decision, the NPS submitted a new consistency determination to the Commission. In its revised determination, the NPS stated that the Commission can now find the project fully consistent with its laws and policies because the recreation policies and the Bay Plan Map policy note relating to Fort Baker have been revised since May 2000. On October 17, 2002, the Commission adopted Bay Plan Amendment No. 1-02, which, among other things, rescinded the policy note to Bay Plan Map No. 4 that was addressed in the Ninth Circuit's ruling and adopted new recreation findings and policies particular to bayfront military installations, including Fort Baker. Although these revised policies have been approved by the Office of Administrative Law and thus are "enforceable" state law, they have not been approved as a "routine program implementation" of the Commission's management program for the Bay. The National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management (OCRM), has declined to approve the revised policies regarding bayfront military installations stating that these policies are not rules of general application, but instead apply exclusively to federal property. Thus, not only is the language approved under Bay Plan Amendment No. 1-02 not enforceable policies of the Bay Plan for purposes of the federal consistency requirement in Section 307(c)(1) of the federal Coastal Zone Management Act (16 U.S.C. Section 1456(c)(1)), but those portions of the recreation policies that were rescinded under state law are also no longer "enforceable" under federal law. Thus, the recreation policy note in Bay Plan Map

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No. 4 stating that there should be “[n]o commercial uses [in waterfront parks] except for the convenience needs of park visitors” has been deleted from both state and federal law.

The NPS believes the project is consistent with the recreation policies retained under the existing approved management program for the Bay. In particular, the NPS believes that the Fort Baker Reuse Plan is fully consistent with the general recreation policies of the Bay Plan that remain enforceable for federal consistency purposes, as well as all other applicable Bay Plan policies discussed in the original consistency determination.

2. **The Existing, Federally Approved Management Program.** As stated above, the Commission must use only the applicable portions of the existing, federally approved management program in its review of this consistency determination. The Commission cannot use the state policies that have not been incorporated into the management program in its review of the NPS consistency determination.

The Bay Plan policies on recreation that are part of the management program state, among other things, the need to focus shoreline park planning on docking and picnic facilities for boaters, the opportunity to view nature and open space without adversely affecting habitat, and access to the Bay through waterfront trails, views, and fishing facilities. The Bay Plan policies on recreation also state, in part, that “[...]limited commercial recreation facilities, such as small restaurants, should be permitted within waterfront parks provided they are clearly incidental to the park use, are in keeping with the basic character of the park, and do not obstruct public access to and enjoyment of the Bay. Limited commercial development may be appropriate (at the option of the park agency responsible) in all parks shown on the Plan maps except where there is a specific note to the contrary”.

- i. **General Recreation Amenities.** As outlined in the project description, the proposed reuse plan for Fort Baker will provide a great improvement in public access at the site and create a unique shoreside park with a variety of recreational amenities. Under the Fort Baker Plan, a new shoreline park will be created providing small-scale water-oriented recreation facilities, including a restored beach and adjacent dune and meadow area with picnic facilities and improvements to an existing fishing pier currently used for recreational fishing. A 60-boat public marina with short-term mooring for visitors and some long-term mooring for program-related boats will remain in the existing marina location. The historic boat shop will provide for visitor services including program space, restrooms and food service. The existing boat ramp will be retained for public and agency use, and launching access for kayaks, outrigger canoes, and sailboards will be retained. Roads and parking in the central waterfront will be relocated to less sensitive and visually intrusive sites, including parking for boaters and other waterfront users in the east and west waterfront lots. Pedestrian and bicycle trail improvements will be implemented and the waterfront restoration program will convert this area to a pedestrian-oriented shoreline park. Siting, design, and management will be compatible with and will prevent significant adverse effects on Bay resources, as outlined in the final environmental document and Record of Decision. The Fort Baker Reuse Plan will provide for installation of directional

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signage and exhibits interpreting the site's resources and, consistent with Bay Plan policies, will make the marina, beach, fishing pier, and boat ramp easily accessible from designated public parking.

- ii. **"Limited Commercial Recreation" and "Limited Commercial Development"**. As before, the critical question of the Fort Baker Reuse Plan's consistency with the Bay Plan's Recreation policies revolves around the retreat and conference center. One of the Commission's biggest challenges in the May 2000 consistency determination was reconciling the retreat and conference center with the Bay Plan Map No. 4 policy note that prohibited commercial uses at Fort Baker unless they were for the "convenience needs of park visitors". However, the Commission has deleted this policy note from Bay Plan Map No. 4, so it is no longer an enforceable policy under federal law. Consequently, the Commission focuses on the following two sentences in Recreation Policy No. 5-(a)(5), which states, "[l]imited commercial recreation facilities, such as small restaurants, should be permitted within waterfront parks provided they are clearly incidental to the park use, are in keeping with the basic character of the park, and do not obstruct public access to and enjoyment of the Bay. Limited commercial development may be appropriate (at the option of the park agency responsible) in all parks shown on the Plan maps except where there is a specific note to the contrary."

The proposed project will include certain limited commercial recreational facilities, such as food and beverage service, a small convenience store, and bicycle rentals. These facilities will be in restored historic buildings and thus will be compatible with the site's historic character.

It is unclear whether the retreat and conference center should be considered "limited commercial recreation" or "limited commercial development". But the Commission finds that the retreat and conference center is consistent with the policies that apply to both categories of use.

- (1) **Is it "limited"?** Whether the retreat and conference center is considered "commercial recreation" or "commercial development", it must, according to the Bay Plan policy, be limited in nature. The retreat and conference center will be limited in nature for several reasons:
 - (a) **Smallest possible economically viable facility.** A mitigation measure within the final environmental document limits the size of the retreat and conference center by requiring that when "selecting the developer and operator for the proposed retreat and conference center...the NPS would establish competitive selection criteria to solicit the smallest possible economically viable facility that meets the objectives of the project including minimizing impacts on the site and its surroundings". If the NPS implements this mitigation measure, the facility will be limited in size. In addition, in an effort to meet this mitigation measure, the NPS has proposed to limit the maximum number of guest lodging units to 225, a significant reduction from the maximum of 350 rooms described in the Fort Baker Plan;
 - (b) **Footprint.** The final environmental document describes the retreat and conference center project site and the site will be limited to use of the parade-ground related buildings, as they were historically used by the

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military. The total area of the retreat and conference project area will be approximately 30 acres (8.95 percent of total 335-acre Fort Baker planning area), excluding the adjacent 10-acre historic parade ground, but including the center's parking areas and landscaped zones adjacent to the center's buildings;

- (c) **Operational restrictions.** The center will also be limited through various operational restrictions (such as traffic restrictions including traffic demand management), will be designed to minimize adverse impacts, as required by the final environmental document, and will not impair use and enjoyment of Fort Baker's natural resources and setting, according to NPS standards and program objectives; and
 - (d) **Historic structures identified in the National Register of Historic Structures.** The center will also be limited by historic preservation laws. The NPS has indicated that it is required by federal law and policy to preserve historic structures identified in the National Register of Historic Structures through uses that serve the public. All rehabilitation of historic structures, as well as any new construction, will require approval by the NPS in accordance with recognized NPS standards and program objectives related to historic preservation, natural resource compliance, and sustainable design practices.
- (2) **"Commercial Recreation".** Bay Plan policy 5(a)(5) states that the limited commercial recreation facilities should be clearly incidental to park uses and should be "...in keeping with the basic character of the park, and...not obstruct public access to and enjoyment of the Bay."
- (a) **Incidental.** The Commission finds the retreat and conference center will be incidental to park uses because, as described below, it will not in any way impede with, detract from, or otherwise diminish the existing, or proposed additional, recreational opportunities at Fort Baker.
 - (b) **Basic character of the park.** The Commission finds that the retreat and conference center will be park-related in that: (a) the center will provide public access to the building exteriors and to interiors where appropriate; (b) the center will utilize historic structures and the setting will continue to feel like the old fort within a natural setting; (c) shuttle service from the center will provide access to other GGNRA areas; (d) the center will host a Program Institute that will be designed to convene meetings and conferences tied to NPS's overall conservation mission at below-market rates; and (f) the center will rely on the park setting and contemplative atmosphere as a setting for its meetings and retreats.

In addition, the Commission finds that the retreat and conference center at Fort Baker will be in basic character with the park, in part because conference and retreat center programming will serve the public. The NPS intends to create an institute that will be housed at Fort Baker and be staffed by a small professional group that will create a core set of programs and activities related to NPS mission and goals. The NPS states that "[i]t is anticipated that a significant number of the center's programs would focus on park-related themes such as the environment, culture and

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community, and sustainable design, technologies and operations....The ambiance of the center would be inspired by the great national park lodges and retreat centers around the country, and the facility would be open not only to conference attendees but also to members of the public." The institute's programs will be partly supported by a required set-aside of reservations at below market rates and, thus, will be affordable to institutions such as non-profits, public agencies, and academic organizations. Initially, however, a majority of total use will be on a first come, first serve basis at market rates. Yet, as soon as sufficient income is generated by the center, the NPS will increase the reservations available at below-market rates to accommodate a broader range of users.

Finally, the NPS states that its extensive experience with park management will aid in the success of integration of the retreat and conference center into the park setting. The NPS stated in its consistency determination that, "[a]s the steward of more than 670 historic structures, the Golden Gate National Recreation Area has a 32-year track record of providing for public access and programs through compatible re-use of historic buildings in the park, using a public-private partnership model—"park partners." This successful approach has brought public serving park partners who further the NPS mission, including Fort Mason Center, Hosteling International, Bay Area Discovery Museum, US Coast Guard, Headlands Institute, Headlands Center for the Arts and the Golden Gate National Parks Conservancy, which provides visitor-serving facilities in partnership with NPS including the Crissy Center and the Crissy Field Warming Hut. The Fort Baker Plan continues in that partnership tradition to preserve natural and historic resources and provide public access and programs that are compatible with the special character of Fort Baker. Ongoing maintenance and operation of most of Fort Baker will continue to be the responsibility of the NPS, as will the visitor center and park stewardship center." The Commission agrees with the NPS's conclusion that its experience with park management will facilitate the integration of the retreat and conference center into the park setting.

- (c) **Not obstruct public access or enjoyment of the Bay.** The Commission finds that the center will not obstruct public access to the Bay nor the public's enjoyment of the Bay. In fact, the retreat and conference center will enhance the recreational setting and improve safety by rehabilitating vacant, deteriorated structures. The NPS states that the center will be located a considerable distance from the shoreline and all recreational activities located there. The nearest rehabilitated historic building (Bldg 407) in the retreat and conference center area will be approximately 625 feet from the shoreline, the nearest new construction (the proposed meeting/assembly building at the RFP "New Building Site 1") will be approximately 852 feet from the shoreline, and the nearest new construction replacing demolished Capehart (military) housing units (current location of Bldg 500) will be more than 1,100 feet from the shoreline. In addition to having access to the extensive recreational amenities of the rest of Fort Baker, pedestrians will continue to have essentially unimpeded recreational access to the streets, sidewalks, and open space surrounding

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and within the retreat and conference center project area, such as the historic parade ground. Public access to exteriors of these structures will be provided in a welcoming way to all park visitors, and will be provided to building interiors, where appropriate. Interpretive displays will be programmed to enrich the experience of the visiting public.

- (3) **“Commercial Development”**. The Bay Plan policy above states that the limited commercial development “...may be appropriate (at the option of the park agency responsible) in all parks shown on the Plan maps except where there is a specific note to the contrary.” In this case, the NPS believes that the center is appropriate at Fort Baker as a means of preserving and reusing historic structures. In addition, under the Commission’s management program, there is no Bay Plan Map note stating that commercial development is inappropriate.

The Commission finds that the Fort Baker Reuse Plan is conditionally consistent with the Bay Plan policies on recreation because the proposed reuse plan for Fort Baker will provide a great improvement in public access at the site and create a unique shoreside park with a variety of recreational amenities. The Commission also finds that the expansion of the Bay Area Discovery Museum is fully consistent with the Bay Plan recreation policies in that it promotes recreational activities for children in a park-like setting.

In addition, the Commission finds that, whether or not the retreat and conference center is considered a “limited commercial recreation” facility or “limited commercial development”, the center is limited in nature for the following reasons: (1) the center is the smallest possible economically viable facility that meets the objectives of the project, as conditioned herein; (2) the center’s footprint is limited in size and will occupy a small percentage of the Fort; (3) the center must operate under restrictions designed to minimize adverse impacts, such as traffic demand management and habitat plans, as required by the final environmental document and NPS standards and program objectives; and (4) the center will be limited by historic preservation laws because the NPS is required to preserve the National Register of Historic Structures through uses that serve the public.

The Commission finds that to the extent the retreat and conference center is a “commercial recreation” facility, the Fort Baker Reuse Plan is conditionally consistent with the Bay Plan policies on recreation because the center: (1) is incidental to park uses in that it will not in any way impede, detract from, or otherwise diminish the existing, or proposed additional, recreational opportunities at Fort Baker; (2) is in keeping with the basic character of the park in that the center’s users will be guests to the park, the center will utilize historic structures, the setting will continue to feel like the old fort within a natural setting, the center’s programming will serve the public, and the NPS has extensive, proven experience with the successful integration of commercial uses into park settings; and (3) will not obstruct public access to and enjoyment of the Bay because public access users will continue to have access to the recreational amenities at the rest of Fort Baker, the center will be located away from the shoreline, and pedestrians will continue to have access around and through the center.

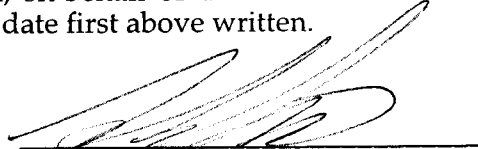
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Finally, the Commission finds that to the extent that the retreat and conference center is "commercial development", the Fort Baker Reuse Plan is conditionally consistent with the Bay Plan policies on recreation because the NPS has determined that the center is appropriate to the site and, under the coastal management program, there is no Bay Plan Map note stating that commercial development is inappropriate at Fort Baker.

- C. **Project Inconsistency with the Approved Management Program for the Bay Requiring Conditional Concurrence.** Whether the retreat and conference center included in the Fort Baker Reuse Plan is a "commercial recreation" facility or "commercial development" it must be "limited" in nature to be consistent with Bay Plan Recreation Policy No. 5-(a)(5) which is part of the Commission's approved amended coastal zone management program. The Commission finds that for the retreat and conference center to be limited in nature, and thus consistent with the Bay Plan Recreation Policy 5(a)(5), the NPS must limit the retreat and conference center to no more than 225 guest lodging units, as stated in its January 12, 2005 letter to the Commission, and in the event that the NPS is unable to meet that limit, the NPS shall return to the Commission with a new consistency determination. In addition, the NPS shall implement the mitigation measure included in the final environmental document for the Fort Baker Reuse Plan, which requires the establishment of competitive selection criteria "...to solicit the smallest possible economically feasible facility [retreat and conference center] that meets the objectives of the project including minimizing impacts on the site and its surroundings." This condition should result in the implementation of the smallest facility possible, with the smallest number of rooms, which would minimize any potential impacts to the surrounding park.
- D. **Conclusion.** The Commission, pursuant to the Coastal Zone Management Act of 1972, as amended (16 USC Section 1451), and the implementing Federal Regulations in 15 CFR Part 930, is required to review Federal projects within San Francisco Bay and agree or disagree with the Federal agency's determination that the project is consistent with the Commission's amended coastal zone management program for San Francisco Bay. The Commission finds and certifies that the work proposed by the NPS, as described herein and in the information submitted to the Commission, affects the coastal zone and is fully consistent with the coastal management program for San Francisco Bay, as approved by the Department of Commerce as long as, but only as long as, the NPS complies with the condition contained in Section II of this conditional concurrence.

Executed in San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.



WILL TRAVIS
Executive Director
San Francisco Bay Conservation and
Development Commission

WT/AMG/ra

cc: U.S. Army Corps of Engineers, Attn: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn: Certification Section
Environmental Protection Agency, Attn: Mike Monroe, WTR-8



United States Department of the Interior

NATIONAL PARK SERVICE
Golden Gate National Recreation Area
Fort Mason, San Francisco, California 94123

IN REPLY REFER TO:

L76 (GOGA-PLAN)

JAN 12 2005

Will Travis, Executive Director
San Francisco Bay Conservation
and Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111

Dear Mr. Travis:

We are writing to supplement our letter of November 23, 2004, in which the National Park Service (NPS) provided a revised consistency determination for the Fort Baker Plan. This consistency determination (designated no.11-04) was heard by the Commission at its December 16, 2004 meeting and is scheduled for a Commission vote on January 20, 2005.

The purpose of this supplement is to address concerns raised by the City of Sausalito at the December 16, 2004 meeting and to provide further information about the size of the retreat and conference center approved in the Fort Baker Plan.

As we explained in our previous letters to the Commission, the Fort Baker Plan calls for the development of a retreat and conference center, not to exceed 350 lodging units, with a clear commitment to achieve a much smaller facility if possible. The Fort Baker Plan contains two overriding limitations: (1) a commitment to develop the retreat and conference center within the footprint and historic scale of the Parade Ground/Capehart area - the developed "core" of the Fort Baker National Register Historic District; and (2) a commitment to develop the smallest possible economically feasible retreat and conference center that meets the objectives of the project, including minimizing impacts on the site and its surroundings. NPS evaluated the 350 lodging units limit based on feasibility analysis and to ensure that maximum environmental impacts (in terms of traffic and other potential environmental effects) would be evaluated. However, we believed that the project would be substantially smaller, in light of the above limitations, and have worked hard to achieve that goal.

The planning and contract activities conducted since the approval of the Fort Baker Plan have confirmed our original understanding. After plan approval, NPS issued a Request for Proposals (RFP) for the retreat-and-conference center. NPS received a set of proposals ranging in size between 156 units and 225 units. Thereafter, NPS entered an exclusive negotiating agreement with the Fort Baker Retreat Group (FBRG), the entity with the smallest-sized proposal. In light of those proposals and our continuing subsequent

negotiations with FBRG, we are confident that we will be able to develop a retreat and conference center with no more than 225 guest lodging units.

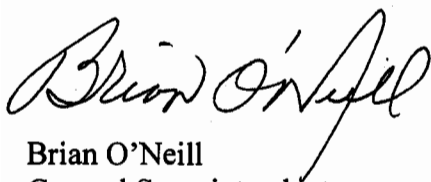
We understand that the City of Sausalito supports the proposal and subsequent plans developed by FBRG, but remains concerned about the potential size of the retreat and conference center in the event NPS and FBRG are unable to reach final agreement. We also understand that continued uncertainty jeopardizes the ability of the FBRG to obtain financing for its proposal and thus proceed toward final agreement with NPS.

Accordingly, in recognition of the widespread support for the FBRG proposal and in the spirit of continuing to build good will for this important project, establishing the support of the City of Sausalito, and enabling all parties to proceed on a project to which there is no disagreement, NPS hereby represents, (1) that it will limit the retreat and conference center to no more than 225 guest lodging units; and (2) that, in the event NPS is unable to meet that limit, NPS will return to the Commission with a new consistency determination

Please understand that the above commitments are only for purposes of the consultation requirement under the Coastal Zone Management Act, 16 U.S.C. § 1456(c) (1) (C). In making these commitments, we are not formally amending the Fort Baker Plan or departing from our previous determination that the Plan is fully consistent with the Bay Plan. Rather, by modifying the description of the Fort Baker Plan (as above) and asking the Commission to concur at this time only with the Plan so modified, we hope to clear a path for consensus in the present proceedings, while preserving the rights of all parties in any future proceedings before the Commission.

We understand that this additional information will not alter the timing of the Commission's consideration of this matter and we look forward to a favorable vote from the Commission on January 20.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian O'Neill". The signature is written in a cursive, flowing style.

Brian O'Neill
General Superintendent



United States Department of the Interior

NATIONAL PARK SERVICE
Golden Gate National Recreation Area
Fort Mason, San Francisco, California 94123

IN REPLY REFER TO:

L76 (GOGA-RMPPC)

NOV 23 2004

Will Travis, Executive Director
San Francisco Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, California 94111

Re: Revised Consistency Determination for the Fort Baker Plan

Dear ^{W:11}Mr. Travis:

Pursuant to the Coastal Zone Management Act (CZMA), 16 U.S.C. Section 1456(c)(1)(C), and 15 CFR, Part 930, the Department of Interior, National Park Service (NPS) is submitting to the San Francisco Bay Conservation and Development Commission (BCDC) a revised consistency determination for the Fort Baker Plan. On June 9, 2000, NPS completed a Record of Decision (ROD) approving the October 1999 Fort Baker Plan and Final Environmental Impact Statement (FEIS). NPS originally submitted a consistency determination for the Fort Baker Plan by letter dated March 23, 2000. After a public hearing on May 18, 2000, BCDC Commissioners voted unanimously to concur in the NPS determination that the Fort Baker Plan was consistent with the Amended Coastal Zone Management Program for San Francisco Bay. BCDC issued a formal "Letter of Agreement for Consistency Determination No. CN 2-00" on May 23, 2000.

This revised consistency determination is submitted in response to an opinion issued by the United States Court of Appeals for the Ninth Circuit on October 20, 2004, which invalidated NPS's original consistency determination for the Fort Baker Plan in one respect. See Sausalito v. O'Neill, --- F.3d ---, 2004 WL 2348385 (9th Cir. Oct. 20, 2004). In particular, the Ninth Circuit held: (a) that the planned development of a retreat and conference center at Fort Baker was not fully consistent with a recreation policy note to Bay Plan Map No. 4, which stated that there should be "[n]o commercial uses," in waterfront parks "except for the convenience needs of park visitors," and (b) that, to find the retreat and conference center consistent with this policy note "to the maximum extent practicable," the NPS improperly "relied on the need to generate funds for the Fort Baker complex, even though lack of funds is explicitly forbidden as a criterion for finding consistency under 15 C.F.R. Section 930.32(a)(3)."

On October 17, 2002 -- before the Ninth Circuit's ruling -- BCDC adopted Bay Plan Amendment No. 1-02, which, among other things, rescinded the policy note to Bay Plan Map No. 4 that was addressed in the Ninth Circuit's ruling and adopted new recreation findings and policies particular to Fort Baker. Bay Plan Map No. 4 now contains a new policy note (note 31), which states, among other things, that "[d]evelopment upland of shoreline band should be consistent with recreation policy 5-c," a recreation policy adopted for "[f]ormer military installations designated for waterfront park use." Recreation policy 5-c provides that "to assist in generating the revenue needed to preserve historic structures . . . uses other than water-oriented recreation, commercial recreation and public assembly facilities may be authorized on former military installations designated . . . for waterfront park uses," provided that such uses do not diminish recreation opportunities or the park-like character of the site, preserve historic buildings for compatible new uses, and have no significant adverse effects on fish and wildlife.

We understand that the National Oceanic and Atmospheric Administration Office of Ocean and Coastal Resource Management (OCRM) has not approved Recreation Policy 5-c and other parts of Bay Plan Amendment No. 1-02 that apply to former bayfront military installations, on the grounds that such policies are not rules of general application but instead directly target federal activities. Consequently, Recreation Policy 5-c is not an "enforceable" policy of the Bay Plan for purposes of the federal consistency requirement in 16 U.S.C. Section 1456(c)(1)(A). Nevertheless, OCRM's decision not to approve Recreation Policy 5-c as an "enforceable" policy does not undermine Recreation Policy 5-c as a statement of the Commission's goals for Fort Baker, nor does it alter the rescission of the former policy note (*supra*) as a matter of California law. Indeed, according to OCRM, because the note to Bay Plan Map No. 4 has been rescinded as a matter of California law, it also is not an "enforceable" policy of the California's federally approved coastal program for consistency purposes. (See letter from Amy Carter, OCRM to Joseph LaClair, BCDC (June 27, 2003)).

Therefore, NPS has determined that the Fort Baker Plan as originally described in the NPS consistency determination, dated March 23, 2000, and as originally approved by BCDC, is fully consistent with the enforceable Bay Plan policies as approved by OCRM. In particular, NPS has determined that the Fort Baker Plan is fully consistent, with the general recreation policies of the Bay Plan (in Recreation Policy 5-a) that remain enforceable for federal consistency purposes, as well as all other applicable Bay Plan policies discussed in the original consistency determination. NPS has also determined that the Fort Baker Plan is fully consistent, as a matter of California law, with the policy goals set out by the Commission for Fort Baker in Recreation Policy 5-c.

Consequently, NPS is writing to obtain BCDC's concurrence that the Fort Baker Plan without change is fully consistent with the Bay Plan as amended.

Below, we have provided a plan overview, followed by an update to account for changes in circumstances over the past four years, and discussion of the specific applicable policies supporting our determination.

Fort Baker Plan Overview and Coastal Effects

The Fort Baker Plan and the accompanying October 1999 FEIS and June 2000 ROD provide the vision for transformation of Fort Baker from a military installation into its new role as part of a unit of the National Park System. The Fort Baker Plan identifies site improvements, and land uses for the 335-acre parcel. We have included Figure 2-2a and 2-2b of the FEIS for your reference, as well as a CD of the FEIS, and copies of the ROD, RFQ, RFP and the Fort Baker Plan summary booklet for your use in considering this consistency determination.

Approximately 85% of the site's 335 acres are currently open space and would remain as such under the Plan. The remaining 15% comprises the developed area established by the military, which includes a collection of historic and non-historic buildings, a waterfront area with a marina and fishing pier, and coastal fortifications.

The Plan will preserve and significantly enhance Fort Baker's rich cultural and natural resources, its scenic vistas, and its recreational values. Under the Plan, the site's open space is preserved, and restoration or enhancement of more than 40 acres of natural habitat would be implemented, including restoration of 20 acres of habitat for the federally endangered mission blue butterfly.

The waterfront would be transformed into a natural, pedestrian-oriented area. Existing roadways and parking would be removed from the central waterfront and relocated to less sensitive previously disturbed areas, including east and west waterfront lots. The wooden bulkhead and associated rip-rap as well as 20,000 cubic yards (cy) of bayfront fill would be removed and 800 linear feet of beach restored. A six acre meadow, a picnic area, and a trail would be provided near the beach to enhance public access to the waterfront and the water's edge. The Plan also calls for the implementation of an eelgrass protection and enhancement program within Horseshoe Bay.

The historic boat shop adjacent to the marina would be used as a public center with meeting and program space and supporting park visitor amenities, including restrooms and food service. The existing marina would be converted to a public facility accommodating up to 60 boats through a combination of moorings and slips for day or overnight use. Docks would continue to be provided for the Coast Guard to use for mooring of disabled/rescued vessels and for other NPS programs. Improvements to the fishing pier would include the addition of fish-cleaning stations, railings and benches.

The United States Coast Guard, an existing park partner, would remain and would continue to provide critical 24-hour search and rescue operations from its station at Fort Baker. Under the Plan, the Coast Guard may implement a modest expansion (1,500 sf) for meeting/training space or staff quarters.

The Bay Area Discovery Museum (Museum), also an existing park partner, provides interactive learning programs for children and their families. The Museum's curriculum focuses on the theme "My Place by the Bay" and includes environmental and cultural exhibits and activities. Under the Plan, the Museum would be retained and additional exhibit storage

and program space would be provided in rehabilitated historic buildings, as well as 25,000 sf of new, compatibly-designed structures within its existing campus. As noted below, the first phase of this work has been completed.

Three historic buildings near the site's center would be rehabilitated for use as an NPS visitor center, a park stewardship center, and an NPS maintenance building.

The historic coastal fortifications, including Battery Duncan and Battery Yates would be stabilized, preserved, and interpreted. An interpretive trail (the San Francisco Bay Trail) would be created from Lime Point along the waterfront and it would continue to East Road, Battery Duncan and the Chapel.

Other site-wide improvements include public restrooms in convenient locations; pedestrian and bicycle improvements; rehabilitation of historic landscape features such as the Parade Ground, stone retaining walls, the tennis court, walkways and roads; improvements to circulation systems and parking arrangements, with sufficient, unobtrusive parking around the site; rehabilitation of deteriorated roads, improvements to circulation routes and repair/replacement of utilities with sustainable systems that meet or exceed building and energy codes.

The National Register Historic District buildings surrounding and north of the parade ground would be rehabilitated for use as a retreat and conference center. Non-historic buildings in the Capehart housing area could also be used for the center. Limited new construction (30,000 sf) would be allowed at "infill" sites along the parade ground (vacant sites where military buildings were either once located and now removed, or where buildings were proposed but never constructed). New buildings would be of the same scale as the adjacent historic buildings and would be designed to be compatible with the historic setting. New space is allowed in order to provide open meeting areas and dining facilities which cannot be accommodated in existing historic buildings without adversely altering the historic fabric and interior spaces. Six non-historic "Capehart" military houses north of the parade ground would be removed to restore the historic setting, and the remaining Capehart structures could be rehabilitated for retreat and conference center use, replaced with new construction for that purpose, or used to provide employee housing. Existing parking would be removed from the roadway around the historic parade ground (and relocated to a less sensitive area) to create a pedestrian-oriented space and improve the scenic and visual connection to the restored waterfront area.

The retreat and conference center would serve visitors to the park. The Fort Baker FEIS (Section 2.2. 1) states that "A program element would be developed to create a distinct identity for the retreat and conference center that would strengthen the relationship of uses of the center's facilities to national park purposes. The program element of the retreat and conference center has two components: a required set-aside of rooms at below market rates (affordable to institutions including non-profits, public agencies, academic organizations, etc.); and a Program Institute. The Program Institute is an NPS-sponsored entity that would

be established to attract and host programs at the center that relate to the national park mission.

It is anticipated that a significant number of the center's programs would focus on park-related themes such as the environment, culture and community and sustainable design technologies and operations. Programs would be designed to attract diverse audiences from the Bay Area and beyond. Many of the programs conducted as part of the program element would be at below-market rates (affordable to institutions including non-profits, public agencies, academic organizations, etc.).

Although the FEIS analyzed a retreat and conference center of 350 guest rooms, the FEIS and Record of Decision (ROD) included a mitigation measure aimed at reducing the size of the center. The FEIS stated that when "selecting the developer and operator for the proposed retreat and conference center ... the NPS would establish competitive selection criteria to solicit the smallest possible economically viable facility that meets the objectives of the project including minimizing impacts on the site and its surroundings" (FEIS 2.6.6).

As the steward of more than 670 historic structures, the Golden Gate National Recreation Area has a 32-year track record of providing for public access and programs through compatible re-use of historic buildings in the park, using a public-private partnership model - "park partners." This successful approach has brought public serving park partners who further the NPS mission, including Fort Mason Center, Hosteling International, Bay Area Discovery Museum, US Coast Guard, Headlands Institute, Headlands Center for the Arts and the Golden Gate National Parks Conservancy, which provides visitor-serving facilities in partnership with NPS including the Crissy Center and the Crissy Field Warming Hut. The Fort Baker Plan continues in that partnership tradition to preserve natural and historic resources and provide public access and programs that are compatible with the special character of Fort Baker. Ongoing maintenance and operation of most of Fort Baker will continue to be the responsibility of the NPS, as will the visitor center and park stewardship center.

Project Update

Since the original consistency determination was issued nearly four years ago, we want to update you on relevant changes that have occurred at Fort Baker.

- The United States Department of Defense transferred the remaining land under military ownership at Fort Baker to the NPS on August 1, 2002 to become part of Golden Gate National Recreation Area.
- The NPS and Bay Area Discovery Museum (Museum) have executed a new 20-year Cooperative Agreement, and the Museum has completed the first phase of its planned improvements, including design and construction of a new auditorium building and an outdoor exhibit area. The Museum element of the Fort Baker Plan has widespread support, including support from the City of Sausalito. The City entered into an agreement with the Museum under which the City agreed that it would not seek to prevent the Museum from proceeding with its planned campus renovations.

- The NPS has completed over 17 acres of mission blue butterfly habitat restoration and over 3 acres of other natural habitat restoration, and has constructed the new “Chapel Trail”, extending the one-way Battery Duncan trail to the Chapel at the rear of the retreat and conference center area, providing a loop trail that offers spectacular views of the bay and discourages off-trail use, thereby protecting adjacent sensitive habitat.
- NPS has initiated utility rehabilitation and construction projects using special funds appropriated by Congress for this purpose.
- Other FEIS mitigation measures have been completed, including Interim Special Park Uses (event) Guidelines, and a Fort Baker Traffic and Circulation Monitoring Program, both prepared in consultation with the City of Sausalito, and a Transportation Demand Management Plan for the Marin Headlands and Fort Baker.
- Through a Request for Qualifications (RFQ) and Request for Proposals (RFP) NPS completed a competitive solicitation process to select a retreat and conference center operator most qualified to carry out the vision of the retreat and conference center expressed in the FEIS and ROD.

Through the RFQ and RFP process, NPS has followed through on the FEIS requirement to “establish competitive selection criteria to solicit the smallest possible economically viable facility that meets the objectives of the project including minimizing impacts on the site and its surroundings” (FEIS 2.6.6). These processes also assured that the goal to assure a strong, park-related program element is addressed.

The RFQ issued by NPS in October 1999 sought qualified partners who were invited to submit proposals to the NPS to operate the center. A program element was included in the Fort Baker Plan to strengthen the relationship of the retreat and conference center to national park purposes. A Program Institute has been defined as the mechanism for achieving this component. The RFQ stated that the Program Institute’s “...office would be housed at Fort Baker and staffed by a small professional group to develop and conduct its programs. The institute's purpose is to create a core set of programs and activities that establish a national park identity for the retreat and conference center and attract national leaders and broad public audiences. A series of program activities would relate directly to the NPS mission and its environmental, social and cultural sustainability goals.” (RFQ p. 14).

In June 2000, NPS selected four of eight RFP respondents as qualified to submit responses to a detailed Request for Proposals (RFP), issued in April 2001. The RFP required specific responses to NPS programmatic requirements, including historic preservation, sustainable design, support for the Fort Baker Institute, and ability to meet the mitigation requirements of the FEIS. For the Program Institute, the RFP required respondents to allocate at least 10 percent of available rooms as a “set aside” available at below-market rates (the federal per diem) for use by NPS and the Program Institute for program-oriented meetings and conferences. Additionally, one of the selection criteria used to evaluate the RFP responses was “the scale of the conference center reflects the smallest possible economically feasible facility that meets the objectives of the Fort Baker Plan and FEIS including minimizing impacts on the site and its surroundings.” (RFP, p. 29). NPS also organized public presentations of the proposals, held in Sausalito at the Bay Model Visitors’ Center, to solicit public comment as part of the evaluation and selection process.

Of the three RFP respondents, NPS selected the Fort Baker Retreat Group LLC as the proposed operator of the retreat and conference center. NPS is currently negotiating with the Fort Baker Retreat Group to realize the vision for the center as set forth in the FEIS and ROD.

Consistency With San Francisco Bay Plan

The NPS believes that the Fort Baker Plan is fully consistent with policies set forth in the Bay Plan (as described below) and that implementation of the Plan would enhance and preserve the open space and scenic and natural values at Fort Baker while providing public access to the water's edge. The Fort Baker FEIS and ROD contain over 70 mitigation measures that assure environmental impacts of the project are avoided or minimized (FEIS 2.6).

Fill

The Fort Baker Plan is consistent with the Bay Plan's policies regarding fill of the Bay. Implementation of the proposed bulkhead removal and beach restoration component of the Fort Baker Plan would result in the removal of approximately 800 linear feet of bulkhead, 3,600 CY of riprap and 20,000 CY of fill from Horseshoe Bay, to restore approximately 800 linear feet of natural beach. Rehabilitation of the marina docks and slips would not increase fill associated with these facilities.

Dredging

The Fort Baker Plan is consistent with the Bay Plan's policies regarding dredging practices in San Francisco Bay. Under the Fort Baker Plan, dredging would be restricted to those activities necessary to maintain US Coast Guard and marina operations. The existing marina operator and US Coast Guard currently implement periodic, small-scale dredging in Horseshoe Bay. This dredging occurs approximately every 10 years for the marina (roughly 800 CY), and every 5-7 years for the Coast Guard (roughly 15,000 CY – scheduled to take place in summer 2005). The FEIS includes several mitigation measures that would be implemented to minimize future environmental effects associated with dredging (Refer to Section 2.6.3 and 2.6.4 of the FEIS). These measures include minimizing dredging, maximizing beneficial reuse of dredged material (wherever possible), seasonal restrictions necessary to protect biological resources during dredging operations, and other measures that were developed consistent with the San Francisco Bay Plan policies for dredging and the preferred alternative identified in the LTMS Program for Disposal of Dredged Materials in the San Francisco Bay Region.

General Recreation Policies

Consistent with the Bay Plan's policies for recreation applicable to this project (1, 2, 3, 4a and b, e, f, g, 5a, b and d), the Fort Baker Plan would provide a variety of recreational activities for the public. Under the Fort Baker Plan, a new shoreline park would be created providing small-scale water-oriented recreation facilities, including a restored beach and adjacent meadow area with picnic facilities and improvements to an existing fishing pier currently used for recreational fishing. A 60-boat public marina with short-term mooring for visitors and some long-term mooring for program-related boats would remain in the existing marina location. The historic boat shop would provide for visitor services including program space, restrooms and food service. The existing boat ramp would be retained for public and agency use, and launching access for kayaks, outrigger canoes and sailboards would be retained. Roads and parking in the central waterfront would be relocated to less sensitive sites, including parking for boaters and other waterfront users in the east and west waterfront lots. Pedestrian and bicycle trail improvements would be implemented and the waterfront restoration program would convert this

area to a pedestrian-oriented shoreline park. Siting, design and management is compatible with and will prevent significant adverse effects on Bay resources, as detailed in the FEIS and ROD. The Fort Baker Plan provides for installation of directional signage and exhibits interpreting the site's resources and park partners (FEIS Figure 2-3), and, consistent with the Bay Plan's policies, makes the marina, beach, fishing pier and boat ramp easily available from designated public parking.

Recreation Policy 5-c

As noted above, while Recreation Policy 5-c is not an "enforceable" policy for purposes of 16 U.S.C. Section 1456(c)(1)(A), it remains a valid statement of BCDC's policy goals for the use of Fort Baker. The Fort Baker Plan is fully consistent with those goals.

First, consistent with Recreation Policy 5-c(i), the Fort Baker Plan preserves and enhances existing trails and vistas between upland areas and the shoreline, and enhances habitat corridors for Bay-related wildlife. Removal of visually distractive elements such as non-historic structures, deteriorated surfaces and asphalt paving, selective removal of non-native plant materials, relocation of obtrusive parking, improvements to the trails including the Bay Trail, provision of new or improved overlooks, and the improvements to the shoreline all contribute to improved physical and visual access (FEIS 4.2.10). Habitat restoration for the mission blue butterfly connects existing habitats to allow greater dispersal of butterflies between breeding areas (FEIS 4.2.4.3). The FEIS concluded that there would be no significant impacts to fish and wildlife (FEIS 4.2.4).

Second, consistent with Recreation Policy 5-c(ii), the Fort Baker Plan provides for the preservation of all historic structures and districts listed on the National Register of Historic Places at Fort Baker. For example, historic coastal fortifications would be preserved and interpreted, other historic buildings would be rehabilitated and adaptively reused as a visitor center and for other visitor-serving uses, and the historic buildings around the Parade Ground would be rehabilitated and adaptively reused as a retreat and conference center. The retreat and conference center will result in the restoration of the historic Parade Ground landscape and in the rehabilitation and stabilization of historic buildings that are currently vacant and in a deteriorating condition. A Memorandum of Agreement (MOA) between the State Historic Preservation Office (SHPO) and NPS was developed to address the effects of the Fort Baker Plan on all contributing elements to the Fort Baker Historic Property and to assure the preservation of the National Register Historic District contributing elements. Under the Fort Baker Plan, the historic structures, landscape features and archeological resources of the Fort Baker Historic District would remain in federal protection and would be rehabilitated, preserved, and, where possible, enhanced to return missing character-defining elements (FEIS 4.2.5.7). Also consistent with Recreation Policy 5-c(iii), the Fort Baker Plan will provide public access to the exteriors (and to a large extent the interiors) of all historic buildings.

Third, consistent with Recreation Policy 5-c(iii), the Fort Baker Plan, and specifically the retreat and conference center, will not diminish recreation opportunities or the park-like character of the site, will preserve historic buildings for compatible new uses, and will not significantly adversely affect fish, aquatic life, wildlife, or their habitats.

Finally, consistent with policy note 31 and as explained further below, all buildings associated with the retreat and conference center are located more the 600 feet from the shoreline, well

beyond the 100-foot “shoreline band” that constitutes the jurisdictional coastal-zone for BCDC’s permit authority. See Cal. Govt. Code Section 66610(b).

Recreation Policy 5-a

Recreation Policy 5-a(6) provides that “[l]imited commercial recreation facilities, such as small restaurants, should be permitted within waterfront parks provided they are clearly incidental to the park use, are in keeping with the basic character of the park, and do not obstruct public access to and enjoyment of the Bay.” The same recreation policy also states that “[l]imited commercial development may be appropriate (at the option of the park agency responsible) in all parks shown on the Plan except where there is a specific note to the contrary.” Neither statement precludes “commercial” uses. Rather, the two statements provide alternate paths by which “commercial” uses may be allowed. The first statement encourages certain types of limited commercial *recreational* uses that enhance recreational enjoyment of a park. The second statement permits any limited commercial use (recreational or otherwise) deemed appropriate by the responsible agency, where there is no specific policy note to the contrary.

Certain limited commercial recreational facilities will be made available at Fort Baker, such as at the marina where docks and slips, food and beverage service, a small convenience store and bicycle rentals would be provided. These facilities will be in restored historic buildings and thus will be compatible with the site’s historic character.

To the extent that the retreat and conference center is considered a “commercial” use, it too is permissible under either one or both of these policy statements. As the Commission recognized in its May 23, 2000 concurrence letter (p. 4), “whether or not the conference and retreat center is a commercial use [for purposes of the Bay Plan policies] is not entirely clear.” The retreat and conference center is park-related in that its guests will be visitors to the park; it will host a Program Institute that is designed to convene meetings and conferences tied to NPS’s overall conservation mission at below-market rates; it provides public access to the building exteriors and to interiors where appropriate; shuttle service from the retreat and conference center will provide access to other GGNRA areas; and it relies on the park setting and contemplative atmosphere as a setting for its meetings and retreats (FEIS 2.2.1). As such, the retreat and conference center may not be purely “commercial” for purposes of Recreation Policy 5-a(6).

Nevertheless, should the retreat and conference center be considered “commercial,” NPS believes it is fully consistent. The two conditions within the second sentence of Recreation Policy 5-a(6) are that the commercial use must be “limited” and not inconsistent with any policy note. As explained above, given Bay Plan Amendment 1-02, the retreat and conference center is not inconsistent with any current recreational policy note to Bay Plan Map No. 4. Further, the retreat and conference center is fairly described as a “limited” commercial use, because it is limited in scale by the FEIS mitigation measure requiring that when “selecting the developer and operator for the proposed retreat and conference center ... the NPS would establish competitive selection criteria to solicit the smallest possible economically viable facility that meets the objectives of the project including minimizing impacts on the site and its surroundings” (FEIS 2.6.6). It is also limited within the site: it is well within the limited portion of the site that is the footprint of the historic (military) use of the parade-ground related buildings. The total area of the retreat and conference project area is approximately 30 acres (8.95 percent of total 335-acre Fort Baker planning area), excluding the adjacent 10-acre historic parade ground but including the center’s parking areas and landscaped zones adjacent to the center’s buildings (RFQ, p. 18). It is also limited through various operational restrictions (such as traffic restrictions including

traffic demand management - see FEIS 2.6.6), is designed to minimize adverse impacts, and does not impair use and enjoyment of Fort Baker's natural resources and setting. All rehabilitation of historic structures, as well as any new construction, is also limited because it will require approval by NPS in accordance with recognized NPS standards and program objectives related to historic preservation, natural resource compliance, and sustainable design practices.

As described above, the retreat and conference center at Fort Baker does not in any way impede with, detract from, or otherwise diminish the existing recreational opportunities at Fort Baker or the proposed recreational improvements of the Fort Baker Plan. In fact, it will enhance the recreational setting and improve safety by rehabilitating vacant, deteriorated structures. The retreat and conference center is also located a considerable distance from the shoreline. The nearest rehabilitated historic building (Bldg 407) in the retreat and conference center area is approximately 625 feet from the shoreline, the nearest new construction (the proposed meeting/assembly building at the RFP "New Building Site 1") is approximately 852 feet from the shoreline, and the nearest new construction replacing demolished Capehart housing units (current location of Bldg 500) is in excess of 1,100 feet from the shoreline. For comparison, the nearest new Museum construction is approximately 440 feet from the shoreline.

In addition to access to the extensive recreational amenities of the balance of Fort Baker, pedestrians will continue to have essentially unimpeded recreational access to the streets, sidewalks and open space surrounding and within the retreat and conference center project area, such as the historic parade ground. Public access to exteriors of these structures is provided in a welcoming way to all park visitors, and is provided to building interiors where appropriate.

Public Access

Consistent with Bay Plan's policies regarding public access, the Fort Baker Plan would provide a multitude of opportunities for the public to access and enjoy the entire site and its scenic and natural values as described above. Access to the waterfront and throughout the upland areas of Fort Baker would be enhanced through the improvement of trails (pedestrian and bicycle), including extension of the San Francisco Bay Trail through the site. Trails would be located and designed to minimize the environmental impact to adjacent resources and to maximize the scenic, recreational, and interpretative experience of visitors. Scenic overlooks and public restrooms would also be provided at key locations. Unobtrusive and accessible parking would be provided, and roadways would be improved to enhance circulation and traffic safety.

"Public Access" was also specifically addressed in the RFP for the retreat and conference center – "NPS seeks to maximize and broaden public access to Fort Baker, including the [retreat and conference center] Project. While NPS understands that most of the Project's facilities cannot be accessible to non-guests (e.g., meeting and lodging rooms), NPS expects that creative approaches will be proposed to welcome the general public to the Project and provide educational experiences about its sustainable design, rehabilitation and construction, technologies and operations." (RFP p. 16). Public access will be provided to the interior spaces of selected retreat and conference center buildings where appropriate, and NPS expects that the operator of the project will develop a regular schedule of facility tours available to the general public.

Appearance, Design, and Scenic Views

Consistent with the Bay Plan's policies regarding appearance, design, and scenic values (2, 4, 14, and 15), the Fort Baker Plan would improve existing views, and scenic and natural values of the site. Relevant Plan components include the restoration and enhancement of 40 acres of natural

habitat, removal of the existing bulkhead and rip-rap and restoration of the beach and 6-acre meadow. These would improve both the scenic and natural values of this public waterfront space, and would enhance views from the historic parade ground (upland) towards the bay and from the water to the site. Rehabilitation of historic structures, consistent with the Secretary of the Interior's Standards for Rehabilitation, and restoration of the historic landscape would further enhance the site's appearance and character.

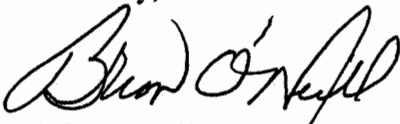
Conclusion

Based on a review of the San Francisco Bay Plan and its relevant policies, the National Park Service has determined that the Fort Baker Plan is fully consistent with the Commission's Amended Coastal Zone Management Program for San Francisco Bay. We request your concurrence with this determination.

Although we do not expect to submit individual consistency determinations for projects consistent with the approved plan, and for which coastal effects were evaluated in the consistency determination and FEIS, future project details for individual projects within the 100 foot shoreline area will be coordinated with BCDC staff – a commitment NPS made to BCDC as part of our May 2000 consistency determination. These will include the beach restoration (removal of fill) and changes in the boat shop/marina and waterfront area, including the fishing pier.

Thank you for your consideration of this revised consistency determination. Please contact Nancy Hornor (415-561-4937) if you have any questions or require additional information.

Sincerely,



Brian O'Neill
General Superintendent

Enclosures:

- FEIS Figures 2-2a and 2-2b
- FEIS –CD
- Record of Decision
- Request for Qualifications
- Request for Proposals
- Fort Baker Plan summary booklet