

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSIONTHIRTY VAN NESS AVENUE, SUITE 2011
SAN FRANCISCO, CALIFORNIA 94102-6080
PHONE: (415) 557-3686

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April 21, 1993

Michael L. Marlaire
Chief, External Affairs
Ames Research Center
Moffett Field, CA 94035SUBJECT: Deactivation of Moffett Field — Federal Consistency
with San Francisco Bay Management Plan

Dear Mr. Marlaire:

In your letter of February 12, 1993, to the members of the Regional Airport Planning Committee (RAPC), you indicated that NASA is the host agency at the Naval Air Station at Moffett Field, and will be responsible for making space at the facility available to other federal agencies. In view of your role in the deactivation of Moffett, we believe it would be helpful to give you some background on BCDC's jurisdiction and involvement in closing federal facilities located around the Bay. Briefly, under federal law, the disposition of Moffett must be consistent with the Bay Plan.

Under California's McAteer-Petris Act, the Commission has jurisdiction over San Francisco Bay, salt ponds, managed wetlands that have been diked off from the Bay, certain tributary waterways, and a 100-foot shoreline band around the Bay. A permit from the Commission is required for any fill, extraction of materials, or substantial change in use of any water, land, or structure in the Commission's jurisdiction. BCDC is guided by the policies of the San Francisco Bay Plan in making its permit decisions. The Bay Plan includes policies on protection of the Bay's economic and natural resources, and designates shoreline regional priority use areas.

The federal Coastal Zone Management Act (CZMA) encourages coastal states and territories to develop coastal management programs that advance national coastal management objectives. One of the incentives offered by Congress to encourage states to participate in this voluntary program is commonly referred to as "federal consistency." Under the provisions of federal consistency, if a coastal state develops a coastal management program that meets federal standards, federal agencies are required to comply with the state program policies. In 1977, the United States Department of Commerce (the federal agency which administers the CZMA) approved the coastal management program for the San Francisco Bay segment of the California coastal zone, which is based on the policies of the McAteer-Petris Act and the San Francisco Bay Plan.

The coastal zone for the Bay segment is defined as all the area within BCDC's permit jurisdiction. Under the federal CZMA, any federal projects or activities that affect the coastal zone must be consistent with the coastal management program even if the projects or activities occur inland of the coastal zone. As a result, BCDC's federal authority extends inland beyond the 100-foot shoreline band to encompass the priority use areas designated in the Bay Plan.

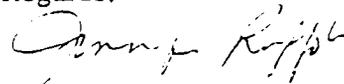
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Under the CZMA, federal agencies are required to carry out their activities and programs affecting the coastal zone in a manner "consistent" with the Commission's coastal management program. The State's policy has been that a change in use of federal property cannot take place if it would result in a use that is inconsistent with the Bay Plan's priority use areas. A consistency determination is required even if the proposed use of a property is clearly consistent with the management program.

The Bay Plan currently designates the Naval Air Station at Moffett Field as a priority use area that should be evaluated for aviation use when no longer needed by the Navy. The Regional Airport System Plan is being updated, and when the updated Plan is adopted as an amendment to the Bay Plan, the designation of Moffett may be somewhat different. Despite this uncertainty surrounding Moffett's designation, we wanted to notify you of the federal consistency determination requirement so that you can incorporate it into your planning for Moffett.

The consistency determination is processed much like other permits. Please contact Steve McAdam, our Assistant Executive Director for Regulatory Affairs, when you are ready to begin the consistency determination process. If you have any questions regarding the Bay Plan designation of the Naval Air Station at Moffett or the federal consistency determination process, please do not hesitate to call me at (415) 557-3686.

Regards,



JENNIFER RUFFOLO

Assistant Executive Director for Government Affairs

JR/gg

cc: Ben Williams, Office of Planning and Research

File: RAPC Correspondence