

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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January 3, 1994

Ms. Sandra Olliges
NASA Ames Research Center
Safety, Health, and Medical Services
M/S 218-1
Moffett Field, CA 94035-1000

SUBJECT: Draft Moffett Field Comprehensive Use Plan

Dear Ms. Olliges:

Thank you for the opportunity to comment on the draft Moffett Field Comprehensive Use Plan. As the Commission has not reviewed the draft Plan, these comments reflect the view of the staff only.

We have one specific comment on the Comprehensive Plan—it should include the Commission's federal authority under the Coastal Zone Management Act in the section describing constraints on development. As described in the following paragraphs, the Bay Plan's airport priority use designation restricts activities at Moffett to aviation and related activities.

Under California's McAteer-Petris Act (Government Code Sections 66600 et. seq.), 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. Moffett Field is designated as an airport priority use area in the Bay Plan, which restricts permissible activities to aviation and related support and ancillary services.

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

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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 McAtter-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*.

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. Therefore, NASA should submit a consistency determination to the Commission for the Comprehensive Use Plan.

The consistency determination is processed much like other permit applications. BCDC's concurrence on the consistency determination should be obtained before adopting a final Comprehensive Use Plan for Moffett Field. 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 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

BCDC File: Airports - Moffett Field
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