

Chapter 4 Coordination and Consultation

4.1 Scoping and Public Involvement

Scoping is an early and open process to determine the breadth of environmental issues and alternatives to be addressed in an environmental assessment. Through the scoping process, NPS sought to obtain input from staff, the public (including the City of Sausalito) government and regulatory agencies, and environmental organizations. The following is a summary of the scoping activities.

The public scoping process for the proposed project was initiated at the GGNRA Quarterly Open House on April 26, 2011, at Fort Mason. Notification for this meeting was sent out to agencies, organizations, and the public on the GGNRA mailing list. Comments were accepted at the public open house. All comments were recorded and considered. NPS received nine public scoping comments regarding the proposed project. The public scoping comments are primarily in support of the proposed project as it would enhance bicycle and pedestrian safety within the project area. One commentor stated that potential bicycle safety issues are caused by bicyclists riding illegally and that improvements to the Alexander Avenue shoulder are not necessary to improve bicycle safety through the project area. Additionally, one comment stated that reconfiguration of the Alexander Avenue and Danes Drive intersection warrants a signal light. Overall, comment letters demonstrated support for implementation of the proposed project. Information gained in this effort assisted the lead agencies in determining the scope of this document, clarifying the description of the proposed project, and identifying potential environmental impacts.

Internal scoping was conducted by the staff of the GGNRA. Resource specialists were contacted to determine what types of impacts the proposed project may have. On June 8, 2011, the proposed project was evaluated under the GGNRA's project review process. This interdisciplinary process reviewed and defined the purpose and need, identified potential actions to address the need, determined issues and impact topics to be addressed, and confirmed that the project would require an environmental assessment to determine whether the impact of the proposed action or no action alternative would be significant.

4.2 Regulatory Compliance

Compliance with applicable federal laws and associated State regulations is summarized below.

National Environmental Policy Act (Public Law [PL] 91-190, 83 Stat. 852, 42 United States Code [USC] §4341 et seq.). This Environmental Assessment/Initial Study (EA/IS) provides disclosure of the planning and potential environmental consequences of the two action alternatives and the No Action Alternative, as required by the National Environmental Policy Act (NEPA). The EA/IS will be made available for public review and comment for 30 days. Agency and public comments will then be considered and a determination will be made whether to further assess alternatives and impacts or to prepare a Finding of No Significant Impact which will respond individually or through summaries to all substantive comments.

Clean Air Act of 1972, as amended (42 USC §7401 et seq.). Section 176(c) of the Clean Air Act prohibits federal action or support of activities that do not conform to a State Implementation Plan. The proposed project is not expected to violate any standard, increase violations in the project area, exceed the U.S. EPA's general conformity de minimis threshold, or hinder the attainment of air quality objectives in the local air basin.

Clean Water Act of 1972, as amended (33 USC §1251 et seq.). The proposed project is in compliance with Section 401 of the Clean Water Act. The proposed project would not result in placement of fill material into waters of the United States, including wetlands.

Endangered Species Act of 1973, as amended (16 USC §1531 et seq.). NPS has determined that the proposed project is not likely to adversely affect any listed terrestrial species. NPS is requesting concurrence from the U.S. Fish and Wildlife Service (USFWS). Potential effects on the aquatic environment are being addressed through consultation with the U.S. Army Corps of Engineers (Corps).

Fish and Wildlife Coordination Act of 1958, as amended (16 USC §661 et seq.). Coordination with the USFWS under this act has been integrated throughout the preparation of the EA/IS. National Historic Preservation Act (NHPA) of 1966, as amended (16 USC 470). It has been determined that the proposed project would have no adverse effect on historic properties under Section 106 of the NHPA. The NPS cultural resources staff is reviewing this project for purposes of Section 106 under the park's 1992 Programmatic Agreement by the State Historic Preservation Office (SHPO) and Advisory Council on Historic Preservation (ACHP).

National Historic Preservation Act, Section 106. Section 106 of the NHPA of 1966 requires federal agencies to consider the effects of their undertakings on properties listed or potentially eligible for listing on the National Register of Historic Places. All actions affecting the parks' cultural resources must comply with this legislation.

Migratory Bird Treaty Act. The Migratory Bird Treaty Act (MBTA), which was first enacted in 1918, implements domestically a series of treaties between the United States and Great Britain (on behalf of Canada), Mexico, Japan, and the former USSR, which provide for international migratory bird protection and authorize the Secretary of the Interior to regulate the taking of migratory birds. The act makes it unlawful, except as permitted by regulations, "at any time, by any means, or in any manner, to pursue, take, or kill any migratory bird, or any part, nest or egg of any such bird, included in the terms of conventions" with certain other countries (16 USC 703). This includes direct and indirect acts, although harassment and habitat modification are not included unless they result in the direct loss of birds, nests, or eggs.