

1 [Urging GGNRA to delay leash enforcement]  
2 Resolution requesting the National Park Service to delay  
3 enforcing, in the San Francisco parks situated in the  
4 GGNRA, 36 C.F.R. 2.15, requiring pets to be on leash in  
5 national parks, until the ANPR process has been completed.  
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7 WHEREAS, In 1975, the City and County of San Francisco  
8 transferred Fort Funston and other City-owned park lands to  
9 the federal government to be included in the Golden Gate  
10 National Recreation Area (GGNRA), to be administered by the  
11 National Park Service (NPS); and,

12 WHEREAS, The statute creating the GGNRA (16 U.S.C.  
13 Section 460bb) specifically states that the GGNRA was  
14 established to provide for the maintenance of needed  
15 recreational open space necessary to the urban environment  
16 and planning and requires that the Secretary of the  
17 Interior "utilize the resources in a manner which will  
18 provide for recreation and educational opportunities  
19 consistent with sound principles of land use planning and  
20 management;" and,

21 WHEREAS, Former Charter section 7.403-1(a), as  
22 approved by the voters, required that the deed transferring  
23 any City-owned park lands to the NPS include the  
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25 Mark Leno, Gavin Newsom, Chris Daly, Leland Yee, Tony Hall, Matt Gonzalez,  
Sophie Maxwell, Gerardo Sandoval, Jake McGoldrick  
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1 restriction that said lands were to be reserved by the Park  
2 Service "in perpetuity for recreation or park purposes with  
3 a right of reversion upon breach of said restriction;" and,

4 WHEREAS, When Fort Funston and other City-owned parks  
5 were transferred to the federal government, a federal  
6 regulation existed requiring all pets to be on leash in  
7 federal parks, yet the NPS chose not to enforce this  
8 regulation in the San Francisco City parks; and,

9 WHEREAS, In April 1978, the GGNRA stated its position  
10 that "the ordinary guidelines outlined in the Code of  
11 Federal regulations do not really apply in an urban area,"  
12 and that "people and their animals have been visiting the  
13 park for too long to apply an all-inclusive arbitrary  
14 policy;" and,

15 WHEREAS, The Superintendent of the GGNRA in the spirit  
16 of this statement developed a draft pet policy and  
17 submitted it to the GGNRA Advisory Committee for further  
18 review and public hearings; and,

19 WHEREAS, In September of 1978, after extensive public  
20 hearings and public surveys, the Advisory Commission  
21 proposed guidelines for a pet policy for the San Francisco  
22 Unit of the GGNRA, designating Fort Funston, Lands End,  
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1 Ocean Beach, Fort Miley, Baker Beach, and Crissy Field for  
2 continued off-leash recreation; and,

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4 WHEREAS, On October 6, 1978, GGNRA General  
5 Superintendent Lynn Thompson accepted these designations  
6 with the following comment: "As you know, the Advisory  
7 Commission approved the proposed guidelines for a pet  
8 policy in the San Francisco Unit of the GGNRA at their  
9 September 27 meeting," and she continued "We are accepting  
10 in total the Commissions recommendations for each of these  
11 areas;" and,

12 WHEREAS, On February 24, 1979, the GGNRA finalized the  
13 pet policy for both San Francisco and Marin County,  
14 establishing areas where pets could be exercised off-leash;  
15 and,

16 WHEREAS, In 1982, the 1979 Pet Policy was  
17 incorporated into the GGNRA Natural Resources Management  
18 Plan as Appendix C; and,

19 WHEREAS, On July 8, 1992, NPS Western Regional Director  
20 Stanley Albright assured U.S. Senator John Seymour that "there  
21 is no change in the 1979 Pet Policy which provides the visitor  
22 of walking one's dog off leash"; and,

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1           WHEREAS, By letter dated July 8, 1992, Western Regional  
2 Director Stanley Albright also assured U.S. Senator Cranston  
3 that there would be no change in the 1979 Pet Policy; and,

4           WHEREAS, On February 5, 1999, Pacific Western Regional  
5 Director John Reynolds assured U.S. Senator Dianne Feinstein  
6 that the "GGNRA has adopted a pet policy that is more liberal  
7 than the regulations enforced at other national park sites  
8 throughout the United States, where pets are required to be  
9 leashed at all times and are, for the most part, excluded from  
10 all but developed areas," and the letter continued

11 "[The] GGNRA has, with the assistance of the park's Advisory  
12 Commission, established a pet policy that allows some  
13 opportunity for visitors to enjoy a few designated areas... as  
14 voice control areas where pets are allowed off-leash;" and,

15           WHEREAS, On March 19, 1999, GGNRA Superintendent Brian  
16 O'Neill stated to U.S. Congresswoman Nancy Pelosi, the "GGNRA  
17 has adopted a pet policy that is more liberal than pet  
18 regulations at other national park sites throughout the  
19 country... Certain areas of the park have been designated as  
20 voice control areas where pets are permitted off-leash;" and,

21           WHEREAS, In November of 2000, the GGNRA Advisory Committee  
22 attempted to revoke the 1979 Pet Policy, but failed due to a  
23 point of order; and,

24           WHEREAS, On January 23, 2001, over 1,500 people attended  
25 the GGNRA Advisory Committee meeting to protest revocation of

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1 the 1979 Pet Policy, Nine San Francisco supervisors spoke, and  
2 both Senator Speier and Assemblyman Shelly sent letters to be  
3 read by their representatives; and,

4 WHEREAS, The Advisory Committee recommended that the GGNRA  
5 hold meetings with stakeholder groups within the next 120 days  
6 to resolve the issue, and to not change leash enforcement for  
7 this period; and,

8 WHEREAS, The Advisory Committee at this meeting did not  
9 vote on the Pet Policy; and,

10 WHEREAS, Rather than hold stakeholder meetings, the GGNRA  
11 received permission from Washington for a more formal process  
12 called Advance Notice of Proposed Rulemaking (ANPR), but this  
13 process has not begun; and,

14 WHEREAS, In November, 2001, the GGNRA began to aggressively  
15 enforce the leash requirement at Fort Funston, sending teams of  
16 law enforcement rangers for 2 to 3 hour segments, and issuing  
17 tickets for walking dogs off-leash without initiating the ANPR  
18 process in good faith with the public; and,

19 WHEREAS, Off-leash recreational users believe that off-  
20 leash recreation is legal at Fort Funston, and they agreed to go  
21 through the ANPR process and further rulemaking in order to  
22 obtain a special rule for the GGNRA that specifically recognizes  
23 that off-leash dog-walking is permissible in certain GGNRA  
24 parks; and,  
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1           WHEREAS, The Board of Supervisors of the City and County of  
2 San Francisco finds that the recent enforcement of 36 C.F.R.  
3 2.15 is in contravention to the representations made to the  
4 public at the Citizens Advisory Committee meeting on January 23,  
5 2001; now, therefore, be it

6           RESOLVED That the Board of Supervisors of the City and  
7 County of San Francisco hereby requests the National Park  
8 Service not to enforce, in the GGNRA parks which were donated to  
9 the federal government by the City and County of San Francisco,  
10 36 C.F.R. 2.15, which requires that all pets be on leash in  
11 federal parks, until the ANPR process has been satisfactorily  
12 completed; and, be it

13           FURTHER RESOLVED, That the Board of Supervisors of the City  
14 and County of San Francisco hereby requests the NPS to advise  
15 the Board as to the status of the ANPR process; and, be it

16           FURTHER RESOLVED, That the Clerk of the Board of  
17 Supervisors shall send copies of this resolution to the offices  
18 of United States Senator Dianne Feinstein, United States Senator  
19 Barbara Boxer, Congresswoman Nancy Pelosi, Congressman Tom  
20 Lantos, State Senator John Burton, State Senator Jackie Speier,  
21 Assemblywoman Carole Migden, Assemblyman Kevin Shelley, GGNRA  
22 Superintendent Brian O'Neill and the National Parks Service.

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City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tails

Resolution

File Number: 012146

Date Passed:

Resolution requesting the National Park Service to delay enforcing, in the San Francisco parks situated in the GGNRA, 36 C.F.R. 2.15, requiring pets to be on leash in national parks, until the ANPR process has been completed.

December 10, 2001 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee

Absent: 1 - Newsom

File No. 012146

I hereby certify that the foregoing Resolution was ADOPTED on December 10, 2001 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young  
Clerk of the Board

DEC 21 2001

Date Approved

Mayor Willie L. Brown Jr.