[Urging GGNRA to delay leash enforcement]

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.

WHEREAS, In 1975, the City and County of San Francisco transferred Fort Funston and other City-owned park lands to the federal government to be included in the Golden Gate National Recreation Area (GGNRA), to be administered by the National Park Service (NPS); and,

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

WHEREAS, Former Charter section 7.403-1(a), as approved by the voters, required that the deed transferring any City-owned park lands to the NPS include the

Mark Leno, Gavin Newsom, Chris Daly, Leland Yee, Tony Hall, Matt Gonzalez, Sophie Maxwell, Gerardo Sandoval, Jake McGoldrick
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restriction that said lands were to be reserved by the Park
Service “in perpetuity for recreation or park purposes with
a right of reversion upon breach of said restriction;” and,

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

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

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

WHEREAS, In September of 1978, after extensive public
hearings and public surveys, the Advisory Commission
proposed guidelines for a pet policy for the San Francisco
Unit of the GGNRA, designating Fort Funston, Lands End,

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Ocean Beach, Fort Miley, Baker Beach, and Crissy Field for continued off-leash recreation; and,

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

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

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

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

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

WHEREAS, On February 5, 1999, Pacific Western Regional Director John Reynolds assured U.S. Senator Dianne Feinstein that the "GGNRA has adopted a pet policy that is more liberal than the regulations enforced at other national park sites throughout the United States, where pets are required to be leashed at all times and are, for the most part, excluded from all but developed areas," and the letter continued "[The] GGNRA has, with the assistance of the park’s Advisory Commission, established a pet policy that allows some opportunity for visitors to enjoy a few designated areas... as voice control areas where pets are allowed off-leash;” and,

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

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

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

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

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

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

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

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

WHEREAS, Off-leash recreational users believe that off-leash recreation is legal at Fort Funston, and they agreed to go through the ANPR process and further rulemaking in order to obtain a special rule for the GGNRA that specifically recognizes that off-leash dog-walking is permissible in certain GGNRA parks; and,

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WHEREAS, The Board of Supervisors of the City and County of
San Francisco finds that the recent enforcement of 36 C.F.R.
2.15 is in contravention to the representations made to the
public at the Citizens Advisory Committee meeting on January 23,
2001; now, therefore, be it

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

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

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

Mark Leno
BOARD OF SUPERVISORS
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

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

Date Approved

Mayor Willie L. Brown Jr.