

DEED

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, the first party, pursuant to Ordinance No. 64 - 75 , adopted by its Board of Supervisors on February 24, 1975, and approved by the Mayor on February 26, 1975 , hereby grants without warranty to THE UNITED STATES OF AMERICA, the second party, the following described real property situated in the City and County of San Francisco, State of California:

BEGINNING at a point on the easterly boundary line of Lincoln Park, said point being also the westerly terminus of the northerly line of El Camino del Mar, as said line of said street is shown on that certain map entitled, "Map Showing the Extension of El Camino del Mar from Present Westerly Termination to Lincoln Park", recorded July 25, 1929 in Book "M" of Maps at page 16 in the office of the Recorder of the City and County of San Francisco; thence deflecting 106°06'33" to the left from said easterly line of Lincoln Park and proceeding southwesterly, a distance of 52.821 feet; thence deflecting 20°05'57" to the left, a distance of 50.945 feet; thence deflecting 14°38'30" to the left, a distance of 50.272 feet; thence deflecting 8°27'54" to the right, a distance of 14.849 feet; thence deflecting 100°23'48" to the right, a distance of 39.279 feet; thence deflecting 37°36'39" to the left, a distance of 121.615 feet; thence deflecting 0°17'03" to the right, a distance of 164.917 feet; thence deflecting 21°01'30" to the left, a distance of 172.370 feet; thence deflecting 24°16'42" to the left, a distance of 71.216 feet; thence deflecting 17°18'00" to the right, a distance of 240.234 feet; thence deflecting 3°25'13" to the right, a distance of 85.316 feet; thence deflecting 39°29'00" to the left, a distance of 90.928 feet; thence deflecting 63°00'48" to the right, a distance of 173.723 feet; thence deflecting 5°26'42" to the left, a distance of 106.595 feet; thence deflecting 8°03'06" to the left, a distance of 107.103 feet; thence deflecting 9°21'27" to the left, a distance of 106.061 feet; thence deflecting 6°45'54" to the left, a distance of 110.324 feet; thence deflecting 15°22'23" to the left, a distance of 64.320 feet; thence deflecting 16°55'15" to the left, a distance of 58.321 feet; thence deflecting 3°06'22" to the left, a distance of 201.257 feet; thence deflecting 11°14'30" to the right, a distance of 46.470 feet; thence deflecting 56°28'48" to the right, a distance of 135.146 feet; thence deflecting 17°12'15" to the right, a distance of 158.818 feet; thence deflecting 40°44'00" to the right, a distance of 227.901 feet; thence deflecting 67°00'54" to the left, a distance of 198.123 feet; thence deflecting 35°05'12" to the left, a distance of 128.173 feet; thence deflecting 15°43'18" to the left, a distance of 339.860 feet; thence deflecting 39°37'00" to the left, a distance of 173.225 feet; thence deflecting 44°05'45" to the right, a distance of 533.528 feet; thence deflecting 91°13'06" to the left, a distance of 520 feet, more or less, to a point on the northerly boundary line of Fort Miley, said point being distant

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thereon westerly 815 feet, more or less, from the northeasterly corner of said Fort Miley; thence westerly and along said northerly boundary line of Fort Miley, a distance of 735 feet, more or less, to the northeasterly corner of that parcel of land quitclaimed to the City and County of San Francisco by the United States of America by that certain deed recorded July 7, 1966 in Book B 64 of Official Records, at page 754 ff., in the office of the Recorder of the City and County of San Francisco; thence at a right angle southeasterly and along the easterly boundary line of said parcel of land, a distance of 38.19 feet; thence deflecting $70^{\circ}12'$ to the right, a distance of 26.57 feet; thence deflecting $0^{\circ}38'$ to the left, a distance of 54.42 feet; thence deflecting $7^{\circ}52'$ to the left, a distance of 29.53 feet; thence deflecting $45^{\circ}00'$ to the right, a distance of 20.88 feet; thence deflecting $61^{\circ}42'$ to the left, a distance of 18.38 feet; thence deflecting $22^{\circ}40'15''$ to the left, a distance of 60.54 feet; thence deflecting $14^{\circ}20'45''$ to the right, a distance of 58.60 feet; thence deflecting $24^{\circ}07'40''$ to the right, a distance of 116.85 feet; thence deflecting $34^{\circ}13'35''$ to the right, a distance of 60.23 feet; thence deflecting $4^{\circ}01'22''$ to the left, a distance of 225.45 feet; thence deflecting $76^{\circ}26'53''$ to the left, a distance of 93.36 feet; thence deflecting $36^{\circ}01'35''$ to the left, a distance of 39.31 feet; thence deflecting $24^{\circ}43'35''$ to the right, a distance of 90.77 feet; thence along the arc of a curve to the left, tangent to the preceding course, with radius of 70.00 feet, central angle of $58^{\circ}38'15''$, a distance of 71.64 feet; thence southeasterly tangent to the preceding curve, a distance of 80.08 feet; thence along the arc of a curve to the left, tangent to the preceding course, with a radius of 80.00 feet, central angle of $48^{\circ}52'22''$, a distance of 68.24 feet; thence northeasterly tangent to the preceding curve, a distance of 80.80 feet; thence deflecting $104^{\circ}15'07''$ to the right from the preceding course, a distance of 426.11 feet; thence deflecting 90° to the right from the preceding course, a distance of 575.00 feet to the westerly line of 48th Avenue, as said line of said avenue is shown on that certain map entitled, "Map Showing the Opening of Seal Rock Drive from Forty-Fifth Avenue to El Camino del Mar; and Alta Mar Way from Seal Rock Drive to Point Lobos Avenue", recorded September 13, 1939, in Book "N" of Maps at page 82, in the office of the Recorder of the City and County of San Francisco; thence southerly along said westerly line of 48th Avenue, produced southerly, a distance of 100 feet to the northerly line of Seal Rock Drive; thence westerly along said northerly line of Seal Rock Drive, produced westerly, a distance of 156.411 feet; thence deflecting $112^{\circ}55'$ to the left from the preceding course, a distance of 294 feet, more or less, to the northerly line of Point Lobos Avenue; thence westerly along said northerly line of Point Lobos Avenue, a distance of 329.313 feet to the first angle point westerly of the westerly line of 48th Avenue, as shown on that certain map entitled, "Map Showing the Opening of Merrie Way Northerly from Point Lobos Avenue. West of Forty-Eighth Ave.", recorded September 17, 1921 in Book "J" of Maps at page 9, in the office of the Recorder of the City and County of San Francisco; thence deflecting $28^{\circ}45'$ to the left from the preceding course and proceeding westerly along said northerly line of Point Lobos Avenue, a distance of 416.69 feet; thence continuing westerly along said northerly

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line of Point Lobos Avenue and deflecting 22°15' to the right, a distance of 154.83 feet; thence deflecting 16° to the right, a distance of 33.87 feet; thence leaving said northerly line of Point Lobos Avenue and deflecting 73°31'-1/2' to the right, a distance of 45.43 feet; thence deflecting 90°03'-1/2' to the right, a distance of 135.40 feet; thence deflecting 90°15'30" to the right, a distance of 33.522 feet; thence along the arc of a curve to the left, whose tangent deflects 101°16'17" to the left from the preceding course, with radius of 300 feet, an arc distance of 36.54 feet; thence northeasterly tangent to the preceding curve, a distance of 27.33 feet; thence along the arc of a curve to the left, whose tangent deflects 0°01'30" to the left from the preceding course with radius of 85 feet, an arc distance of 105.10 feet; thence northwesterly tangent to the preceding course, a distance of 331.531 feet to a point on the southerly boundary line of Parcel 2 of that certain deed from the City and County of San Francisco to the State of California, recorded December 31, 1956 in Book B6981 at page 284 in the office of the Recorder of the City and County of San Francisco; thence deflecting 131°48' to the right, a distance of 148 feet, more or less, to the westerly line of Merrie Way, as said line of said way is shown on the certain map entitled, "Map Showing the Opening of Merrie Way Northerly from Point Lobos Ave. west of Forty-Eighth Ave.", recorded September 17, 1921 in Book "J" of Maps at page 9 in the office of the Recorder of the City and County of San Francisco; thence northerly and along said westerly line of Merrie Way, a distance of 837.362 feet to its northerly terminus; thence deflecting 70°08' to the right and proceeding along the northerly terminal line of Merrie Way, and its prolongation easterly, a distance of 119.43 feet; thence deflecting 0°45' to the left, a distance of 33.76 feet; thence deflecting 127°03'45" to the left, a distance of 86.77 feet; thence deflecting 85°28'16" to the left, a distance of 33.00 feet; thence deflecting 90° to the right, a distance of 70.50 feet; thence deflecting 90° to the right, a distance of 38.75 feet; thence deflecting 68°19'37" to the left, a distance of 11.25 feet; thence northeasterly along the arc of a curve to the right, tangent to the preceding course, with radius of 50 feet, central angle of 65°07'37", a distance of 56.83 feet; thence northeasterly along the arc of a compound curve to the right, with radius of 400 feet, central angle of 21°36'50", a distance of 150.89 feet; thence deflecting 8°46'44" to the left from the tangent to the preceding curve, a distance of 211.35 feet; thence deflecting 31°15'31" to the left, a distance of 314.62 feet; thence deflecting 73°25'14" to the left, and proceeding northwesterly to a point on that line designated "North 49°45' East, fifteen hundred and forty (1540) feet" in the description of Parcel 2 of that certain deed from George W. Merritt and wife to City and County of San Francisco, recorded May 26, 1920 in Book 108 of Official Records at page 310 in the office of the Recorder of the City and County of San Francisco, said point being distant northeasterly thereon 380 feet, more or less, from the southwest-erly terminus of said line; thence deflecting 72°04'40" to the right and proceeding northeasterly along the course referred to immediately hereinabove, a distance of 1160 feet, more or less, to its northeasterly terminus; thence deflecting 20° to the right, a distance of 293.04 feet; thence deflecting

81°30' to the left, a distance of 314.16 feet; thence deflecting 110° to the right, a distance of 1087.68 feet; thence deflecting 12° to the right, a distance of 180 feet; thence deflecting 39° to the left, a distance of 599.94 feet; thence deflecting 29°30' to the left, a distance of 108.90 feet; thence deflecting 123° to the right, a distance of 155.76 feet; thence deflecting 55°33' to the left, a distance of 1180 feet to a point on the northerly boundary line of Lincoln Park, distant thereon 610 feet, more or less, westerly from the easterly boundary line of Lincoln Park; thence easterly along said northerly boundary line, a distance of 90 feet, more or less, to the westerly corner of Parcel 1 in the deed from George Merritt and wife hereinabove referred to; thence along the northerly boundary of said Parcel 1 the following courses and distances to the easterly boundary line of Lincoln Park: deflecting 34°12'20" to the left from the northerly boundary line of Lincoln Park, 90 feet; thence deflecting 27° to the left, a distance of 298.98 feet; thence deflecting 145° to the right, a distance of 250.14 feet; thence deflecting 88°21' to the left, a distance of 192.06 feet; thence deflecting 27°54' to the left, a distance of 90.12 feet. Thence southerly along said easterly line of Lincoln Park, a distance of 235 feet, more or less, to the point of beginning.

Including all of the City's right, title, and interest in and to that land lying between the northerly boundary line of the parcel hereinabove described and the mean high water line of the Pacific Ocean and between the westerly line of 48th Avenue, produced northerly, and the easterly boundary line of Lincoln Park, produced northerly.

RESERVING therein those portions of a subsurface right-of-way for a sewer tunnel lying within the above described parcel. Said right-of-way being more particularly described as follows:

Beginning at the point of intersection of the former northerly line of Clement Street, as said line of said street existed prior to the vacation of a portion thereof by Resolution No. 26764, adopted by the Board of Supervisors of the City and County of San Francisco on January 31, 1927, with the former westerly line of 48th Avenue, as said line of said Avenue existed prior to the vacation of a portion thereof by Resolution No. 268-75, adopted by the Board of Supervisors of the City and County of San Francisco on March 31, 1975; thence proceeding northerly along said former westerly line of 48th Avenue, a distance of 1440 feet, more or less, to the line of high tide of the waters of the Golden Gate; thence northeasterly along said line of high tide for a distance of 100 feet, more or less, to the former easterly line of 48th Avenue, as hereinabove referred to, produced northerly; thence southerly along said northerly production and said former easterly line of 48th Avenue, a distance of 1515 feet, more or less,

to the former northerly line of Clement Street, as herein-
above described; thence proceeding westerly along said
former northerly line of Clement Street, a distance of
70 feet to the point of beginning.

TO HOLD only so long as said real property is reserved and
used for recreation or park purposes.

IN WITNESS WHEREOF, the said first party has executed this
conveyance this 22nd day of May, 1975.

APPROVED:

CITY AND COUNTY OF SAN FRANCISCO,
a municipal corporation

Wallace Hartman
Director of Property

By Joseph L. Alioto
Mayor

FORM APPROVED:

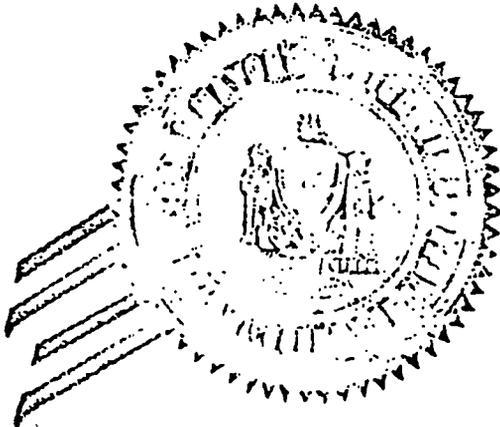
THOMAS M. O'CONNOR,
City Attorney

By [Signature]
ACTING Clerk of the Board of Supervisors

By [Signature]
Deputy City Attorney

DESCRIPTION

Checked [Signature] 5/1/75
Approved



FILE NO 64-75
ORDINANCE NO 64-75

1 7-PLANNING AGREEMENT BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO
2 AND THE UNITED STATES OF AMERICA RELATIVE TO TRANSFER OF PARK LANDS
3 OWNED BY THE CITY AND COUNTY OF SAN FRANCISCO TO THE UNITED STATES
4 OF AMERICA FOR INCLUSION IN THE GOLDEN GATE NATIONAL RECREATION AREA
5 AND AUTHORIZING TRANSFER OF CERTAIN OF SAID LANDS TO THE UNITED STATES
6 OF AMERICA.

7
8 Be It Ordained by the People of the City and County of San Francisco
9 Section 1. The agreement between the City and County of San Francisco
10 Francisco and the United States of America relating to certain rights
11 and duties of both parties, in regard to city-owned park lands being
12 transferred to the United States of America for inclusion in the
13 Golden Gate National Recreation Area, a copy of which agreement is
14 on file with the Clerk of the Board of Supervisors, is hereby ap-
15 proved, and the Mayor and the Clerk of the Board of Supervisors are
16 authorized and directed to execute said agreement.

17 Section 2. Pursuant to the provisions of United States Public
18 Law 92-582 and San Francisco Charter Section 7.403.1 and subject
19 to execution by the United States of America of the agreement re-
20 ferred to in Section 1 herof, the Mayor and the Clerk of the Board
21 of Supervisors, on behalf of the City, be and they are hereby
22 authorized to execute, and the Director of Property shall deliver
23 a deed or deeds to a portion of Land's End and Fort Miley as shown,
24 on Engineering Drawing 89-075-74-1, a copy of which drawing is on
25 file with the Clerk of the Board of Supervisors. Said deed or deeds
26 shall be without warranty and be subject to the restrictions,
27 reservations and right of reverter therein contained.

28 The City Planning Commission, on December 5, 1974 has reported
29 that this project is in conformity with the Master Plan.
30 The Recreation and Park Commission of the City and County of San
31 Francisco has reported that this project is in conformity with the
32 Master Plan.

1 Francisco has, by a resolution adopted December 12, 1974, agreed
2 to the transfer of said land.

3 APPROVED AND RECOMMENDED:

4 *William H. Johnson*
5 Director of Property

6 FORM APPROVED:

7 THOMAS H. O'CONNOR, City Attorney
8 By *Thomas H. O'Connor*
9 Deputy City Attorney

10 CHIEF ADMINISTRATIVE OFFICER

11 RECREATION AND PARK COMMISSION

12 BY *William H. Johnson*
13 Director of Property

14 FOR RESOLUTION NO 64-75
15 *William H. Johnson*
16 Director of Public Works

17 Passed for Second Reading
18 Board of Supervisors, San Francisco

19 FEB 18 1975

20 Ayes: Supervisors Dubogaich, Feinstein, Fran-
21 co, Conzalez, Kopp, Mendelsohn, Melnick, Nel-
22 son, Pridal, Semara, Van Herkingsdorp.

23 Absent: Supervisors

24 Absent: Supervisors

25 *RESTORADO*
26 Clerk

27 120-75
28 115.16.1975
29 Approved

30 Read Second Time and Finally Passed
31 Board of Supervisors, San Francisco

32 FEB 23 1975

33 Ayes: Supervisors Dubogaich, Feinstein, Fran-
34 co, Conzalez, Kopp, Mendelsohn, Melnick, Nel-
35 son, Pridal, Semara, Van Herkingsdorp.

36 Absent: Supervisors

37 I hereby certify that the foregoing ordinance was
38 duly passed by the Board of Supervisors of the
39 City and County of San Francisco.

40 *RESTORADO*
41 Clerk
42 *Joseph L. White*
43 Mayor

44 443

FOFUAR00563

GGNRA007304

STATE OF CALIFORNIA }
CITY AND COUNTY OF SAN FRANCISCO } ss.

On the *22nd* day of *May*, 1975,
before me, _____, County Clerk of the City
and County of San Francisco, and ex officio Clerk of the Superior
Court of the State of California, in and for the City and County of
San Francisco, personally appeared *Joseph L. Alioto*
Mayor of the City and County of San Francisco, a municipal corporation,
and *Gilbert H. Doreman* Clerk of the Board of Supervisors
of the City and County of San Francisco, known to me to be the
Mayor and the Clerk
of the Board of Supervisors of the municipal corporation described in
and who executed the within instrument and also known to me to be the
persons who executed it on behalf of the municipal corporation therein
named, and they and each of them acknowledged to me that such municip-
al corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal at my office in the City and County of San
Francisco, State of California, the day and year in this certificate
first above written.

X78792

REC'D 24 PAGE 438

Robert J. Flare

County Clerk of the City and County
of San Francisco, State of California
and ex officio Clerk of the Superior
Court of the State of California,
in and for the City and County
of San Francisco.

RECORDED AT REQUEST OF
FILE INCLUSIVE
At 2 Min Past 2 PM
JUN 10 1975

City & County of San Francisco, Calif.
L. J. LECUENNEC
RECORDER

FOFUAR00564

GGNRA007305

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DEED

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, the first party, pursuant to Ordinance No. 287-75, adopted by its Board of Supervisors on June 23, 1975, and approved by the Mayor on June 26, 1975, hereby grants without warranty to THE UNITED STATES OF AMERICA, the second party, the following described real property situated in the City and County of San Francisco, State of California:

PARCEL ONE

Beginning at a point on that certain course in the westerly boundary line of that certain 150.29 acre parcel of land which bears North 16° 29' 00" West 2292.58 feet as described in the deed from Spring Valley Company to United States of America, recorded August 7, 1917, in Book 1028, page 119 of Deeds, in the office of the Recorder of the City and County of San Francisco, State of California, distant thereon from the northerly extremity of said course South 16° 29' 00" East 784.670 feet, said point being on the mean high water line of the Pacific Ocean and also being the southwesterly corner of that certain 115.6105 acre parcel of land quitclaimed to the City and County of San Francisco by the United States of America, recorded May 18, 1962, in Book A-423, Page 314 of official records, in the office of said Recorder; running thence along the southerly and easterly boundary lines of last said Parcel the following courses and distances: North 53° 47' 45" East 971.327 feet; South 87° 12' 15" East 579.730 feet to a point; northerly on an arc of a curve to the right the center of which bears North 64° 12' 04" East from last mentioned point with a radius of 650 feet, a central angle of 28° 38' 41", a distance of 324.964 feet; North 2° 50' 45" East tangent to the preceding curve 130.23 feet to a point; northerly on an arc of a curve to the right the center of which bears North 86° 23' 43" East from last mentioned point with a radius of 1060 feet, a central angle of 1° 11' 25", a distance of 22.02 feet; North 2° 24' 52" West tangent to the preceding curve 481.82 feet; northwesterly on an arc of a curve to the left tangent to the preceding course with a radius of 940 feet, a central angle of 26° 59' 44", a distance of 442.89 feet; North 29° 35' 40" West 321.42 feet; North 35° 56' 50" West 411.204 feet and northwesterly on an arc of a curve to the right tangent to the preceding course with a radius of 1350 feet, a central angle of 17° 34' 48", a distance of 414.219 feet; thence leaving said easterly boundary line of said 115.6105 acre parcel and running North 18° 22' 02" West 122.132 feet; thence northerly on an arc of a curve to the right tangent to the preceding course with a radius of 996.54 feet, a central angle of 17° 39' 45", a distance of 307.202 feet; thence northwesterly on an arc of a reverse curve with a radius of 178 feet, a central angle of 53° 24' 49", a distance of 165.939 feet; thence North 54° 07' 06" West tangent to the preceding curve 562.23 feet; thence northwesterly on an arc of a curve to the right tangent to the preceding

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course with a radius of 1071 feet, a central angle of 48° 00' 00", a distance of 897.24 feet; thence North 6° 07' 06" West tangent to the preceding curve 941.63 feet; thence north-westerly on an arc of a curve to the left tangent to the preceding course with a radius of 1929 feet, a central angle of 5° 10' 29", a distance of 174.22 feet; thence North 11° 17' 35" West tangent to the preceding curve 367.36 feet; thence north-easterly on an arc of a curve to the right tangent to the preceding course with a radius of 871 feet, a central angle of 21° 47' 40", a distance of 331.32 feet; thence North 11° 57' 12" East 493.17 feet to a point; thence northerly on an arc of a curve to the left the center of which bears North 79° 22' 18" West from last mentioned point with a radius of 804.22 feet a central angle of 15° 05' 08", a distance of 211.745 feet; thence North 4° 27' 26" West tangent to the preceding curve 100.07 feet; thence North 85° 32' 34" East 11 feet; thence North 4° 27' 26" West 245.118 feet to a point on the westerly extension of the southerly line of Wawona Street distant thereon 283.403 feet westerly of the easterly line of Great Highway; thence North 4° 27' 26" West 7557.572 feet; thence North 4° 27' 55" West 11.904 feet to a point on westerly extension of the northerly line of Lawton Street distant thereon 276.379 feet westerly of the easterly line of La Playa; thence North 4° 27' 55" West 2525.421 feet; thence northwesterly on an arc of a curve to the left tangent to the preceding course with a radius of 3593.67 feet, a central angle of 1° 51' 03", a distance of 116.09 feet; thence South 83° 41' 02" West 1 foot to a point; thence northeasterly on an arc of a curve to the right the center of which bears North 83° 41' 02" East from last mentioned point with a radius of 270.78 feet, a central angle of 22° 01' 00", a distance of 104.05 feet; thence northerly on an arc of a reverse curve with a radius of 719.68 feet, a central angle of 19° 53' 00", a distance of 249.75 feet; thence North 4° 10' 58" West tangent to the preceding curve 1960.04 feet; thence northeasterly on an arc of a curve to the right tangent to the preceding course with a radius of 153.86 feet, a central angle of 28° 56' 30", a distance of 77.72 feet; thence northerly on an arc of a reverse curve with a radius of 244.93 feet, a central angle of 28° 52' 42", a distance of 123.21 feet; thence North 4° 07' 10" West 2051.58 feet; thence northwesterly on an arc of a curve to the left tangent to the preceding course with a radius of 248.36 feet, a central angle of 41° 55' 00", a distance of 181.70 feet; thence North 46° 02' 10" West tangent to the preceding curve 104.39 feet; thence northwesterly on an arc of a curve to the right tangent to the preceding course with a radius of 397.68 feet, a central angle of 3° 44' 48", a distance of 26.00 feet to a point on a line parallel with and perpendicularly distant 6 feet southerly of the northerly line of Anza Street distant thereon 887.96 feet westerly of the westerly line of 48th Avenue; thence North 34° 31' 13" West 296.69 feet; thence North 52° 48' 55" West 130.164 feet to an existing City monument; thence due West to the mean high water line of the Pacific Ocean; thence southerly along the mean high water line of the Pacific Ocean to the point of beginning.

Reserving unto the City and County of San Francisco an easement for the construction, installation, maintenance, repair, alteration, replacement, reconstruction and use of sewer and drainage facilities within the following described parcels all within the above described PARCEL ONE:

Parcel A

A strip of land 20 feet in width the center line of which bears South 44° 37' West from the northeasterly corner of the above described Parcel One to the westerly boundary line of said Parcel One.

Parcel B

A strip of land 20 feet in width the center line of which bears North 82° 53' West from a point on the easterly boundary line of the above described Parcel One perpendicularly distant 445 feet northerly of the northerly line of Balboa Street, produced westerly, to the westerly line of said Parcel One.

Parcel C

A strip of land 1,000 feet in width the center line of which being also the center line of Fulton Street produced westerly and running westerly from the easterly boundary line of the above described Parcel One to a line parallel with and perpendicularly distant 450 feet westerly of the westerly line of La Playa.

Parcel D

A strip of land 50 feet in width the center line of which being also the center line of Fulton Street produced westerly and running westerly from the westerly boundary line of above described Parcel C to the westerly line of above described Parcel One.

Parcel E

A strip of land 1800 feet in width the center line of which being also the center line of Lincoln Way produced westerly and running westerly from the easterly boundary line of the above described Parcel One to a line parallel with and perpendicularly distant 400 feet westerly of the westerly line of La Playa.

Parcel F

A strip of land 50 feet in width the center line of which is parallel with and perpendicularly distant 335 feet northerly of the center line of Lincoln Way produced westerly and running westerly from the westerly line of above described Parcel E to the westerly line of above described Parcel One.

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Parcel G

A strip of land 1500 feet in width the center line of which being also the center line of Vicente Street produced westerly and running westerly from the easterly boundary line of the above described Parcel One to a line parallel with and perpendicularly distant 410 feet westerly of the easterly line of the Great Highway.

Parcel H

A strip of land 50 feet in width the center line of which being also the center line of Vicente Street produced westerly and running westerly from the westerly line of above described Parcel G to the westerly line of above described Parcel One.

Parcel I

A strip of land 50 feet in width the center line of which bears North 83° 47' West from a point on the easterly boundary line of the above described Parcel One perpendicularly distant 450 feet southerly of the southerly line of Wawona Street, produced westerly, to the westerly boundary line of said Parcel One.

Parcel J

A strip of land 200 feet in width the center line of which bears South 62° 13' West from a point on the easterly boundary line of the above described Parcel One distant thereon 190 feet northerly from the southerly extremity of that certain course which bears North 6° 07' 06" West, 941.63 feet, to the westerly line of said Parcel One.

Parcel K

A strip of land 50 feet in width the center line of which is parallel with and perpendicularly distant 20 feet southerly of the center line of Lincoln Way produced westerly and running westerly from the westerly line of above described Parcel E to the westerly line of above described Parcel One.

Reserving also unto the City and County of San Francisco an easement along and adjacent to the easterly line of Parcel One for the installation, maintenance, repair, alteration, replacement, reconstruction and use of street lighting facilities.

Reserving also unto the City and County of San Francisco the right to construct subsurface sewer tunnels running in a northerly direction within the southerly portion of above described Parcel One.

10/1/54

PARCEL TWO

Beginning at the point of intersection of the Southerly line of Geary Boulevard, produced westerly, with the Westerly line of Forty-eighth Avenue; running thence Southerly along said Westerly line of Forty-eighth Avenue 916.92 feet more or less to a point distant thereon 363.08 feet Northerly from the point of intersection of said Westerly line of Forty-eighth Avenue with the Northerly line of Balboa Street; thence deflecting to the right $93^{\circ} 23' 8''$ and running Westerly 310.54 feet to the Westerly line of La Playa at a point distant thereon 381' 5" Northerly from the point of intersection of said Westerly line of La Playa with the Northerly line of Balboa Street; thence deflecting to the right $5^{\circ} 21' 52''$ and running Westerly $143' 4\text{-}1/2''$, said last course making an angle of $98^{\circ} 45'$ with the aforesaid Westerly line of La Playa; thence deflecting to the right $85^{\circ} 02' 30''$ and running Northerly 197' 1"; thence deflecting to the left 90° and running Westerly 5 feet; thence deflecting to the right 90° and running northerly 49 feet; thence deflecting to the left 90° and running Westerly $330' 4\text{-}3/16''$ more or less to the Northeasterly boundary line of the Great Highway, which boundary line is a curve with a radius of 849.32 feet, and a tangent to which curved line at this point of intersection deflects to the right from the last above described course $43^{\circ} 26' 43''$; thence Northwesterly along said Northeasterly line of the Great Highway 128.38 feet more or less on a curve to the left with a radius 849.32 feet to the point of intersection of the said Northeasterly line of the Great Highway with the Northeasterly line of Point Lobos Avenue; thence deflecting to the right $31^{\circ} 28' 22''$ from a tangent to the said Northeasterly line of the Great Highway at its point of intersection with the said Northeasterly line of Point Lobos Avenue; and running Northwesterly along said Northeasterly line of Point Lobos Avenue 249.943 feet more or less to an angle point in said Northeasterly boundary line of Point Lobos Avenue, which angle point is marked by an iron monument set on a line bisecting the angle in Point Lobos Avenue at this point and distant 115 feet Southwesterly, measured at a right angle from said Northeasterly line of Point Lobos Avenue; thence continuing along said Northeasterly line and the Southeasterly and Southerly line of Point Lobos Avenue, deflecting to the left $30^{\circ} 45'$ and running Northwesterly 132.045 feet; thence deflecting to the right 29° and running Northwesterly 261.899 feet; thence deflecting to the right $50^{\circ} 30'$ and running Northeasterly 32.083 feet; thence deflecting to the right $53^{\circ} 15'$ and running Easterly 134.260 feet; thence deflecting to the right 16° and running Easterly 114.588 feet; thence deflecting to the left 16° and running Easterly 199.822 feet; thence deflecting to the left $22^{\circ} 15'$ and running Northeasterly 409.234 feet; thence deflecting to the right $28^{\circ} 45'$ and running Easterly 334.927 feet to the point of intersection of the said Southerly line of Point Lobos Avenue with the Westerly line of Forty-eighth Avenue; thence deflecting to the right, $91^{\circ} 27' 20''$ and running Southerly along said Westerly line of Forty-eighth Avenue 312.360 feet to the point of beginning.

22490

To hold only so long as said real property is reserved and used for recreation or park purposes and in addition as to Parcel 2, to hold only so long as said herein described Parcel 2 shall be forever held and maintained as a free public resort or park under the name of Sutro Heights, pursuant to the condition contained in the deed of George W. Merritt and Emma L. Merritt recorded May 26, 1920 in Book 109, Page 308 of Deeds.

IN WITNESS WHEREOF, the said first party has executed this conveyance this 17th day of September, 1975.

APPROVED:

Wallace Hartman
Director of Property

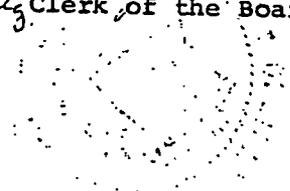
CITY AND COUNTY OF SAN FRANCISCO,
a municipal corporation

By Joseph L. Alioto
Mayor

FORM APPROVED:

THOMAS M. O'CONNOR, City Attorney
By Danielle Auguste Chouteau
Deputy City Attorney

By Margaret B. Maguire
City Clerk of the Board of Supervisors



DESCRIPTION
Checked G.W. 9/4/75

22190

1 AUTHORIZING TRANSFER OF ADDITIONAL LANDS TO THE UNITED STATES OF
2 AMERICA FOR INCLUSION IN THE GOLDEN GATE NATIONAL RECREATION AREA.

3
4 Be It Ordained by the People of the City and County of San Francisco
5 Section 1 to the provisions of United States Public Law 92-569 and
6 San Francisco Charter Section 7.403.1 and subject to the agreement re-
7 ferred to in Ordinance No. 64-75, adopted by the Board of Supervisors
8 on February 26, 1975, and approved by the Mayor on February 26, 1975,
9 the Mayor and the Clerk of the Board of Supervisors, on behalf of the
10 City, be and they are hereby authorized to execute, and the Director
11 of Property shall deliver a deed or deeds to a portion of Ocean Beach,
12 Suto Heights and Fort Funston as shown on Department of Public Works
13 Engineering Drawing RP-098-75-1 sheets 1 and 2, copies of which are on
14 file with the Clerk of the Board of Supervisors. Said deed or deeds
15 shall be without warranty and be subject to the restrictions, reser-
16 vations and right of reverter therein contained.

17 The City Planning Commission on March 13, 1975, reported that this
18 transfer is in conformity with the Master Plan. The Recreation and
19 Park Commission of the City and County of San Francisco has, by their
20 Resolution No. 9356 adopted February 13, 1975, agreed to the transfer of
21 said land.

22 APPROVED AND RECOMMENDED:
23 THOMAS M. O'CONNOR, City Attorney

24 *Thomas M. O'Connor*
25 *Thomas M. O'Connor*
26 Deputy City Attorney

27 Chief Administrative Officer

28 *John P. ...*
29 Director of Public Works

30 RECREATION AND PARK COMMISSION

31 By *Joseph R. ...*
32 Board of Supervisors

33 Passed for Second Reading
34 Board of Supervisors, San Francisco

JUN 16 1975

Ayes: Supervisors Imberger, Feinstein, Fran-
cois, Gonzalez, Kopp, Mendicino, Molinari, Nel-
ser, Pardo, Tanaka, von Rosenberg.

35 None-Supervisors

36 Absent: Supervisors ...

37 Absent: Supervisors ...

38 I hereby certify that the foregoing ordinance was
39 duly passed by the Board of Supervisors of the
40 City and County of San Francisco.

41 *Joseph R. ...*
42 Clerk

43 20-257-2 JUN 26 1975
44 File No. Approved

45 Read Second Time and Finally Passed
46 Board of Supervisors, San Francisco

JUN 23 1975

Ayes: Supervisors Balseguita, Feinstein, Fran-
cois, Gonzalez, Kopp, Mendicino, Molinari, Nel-
ser, Pardo, Tanaka, von Rosenberg.

47 None-Supervisors

48 Absent: Supervisors ...

49 I hereby certify that the foregoing ordinance was
50 duly passed by the Board of Supervisors of the
51 City and County of San Francisco.

52 *Joseph R. ...*
53 Clerk

54 *Joseph R. ...*
55 Mayor

STATE OF CALIFORNIA)
CITY AND COUNTY OF SAN FRANCISCO) ss.

On the 17th day of September, 1975,

before me, **CARL M. OLSEN**, County Clerk of the City and County of San Francisco, and ex officio Clerk of the Superior Court of the State of California, in and for the City and County of San Francisco, personally appeared *Joseph L. Alioto* Mayor of the City and County of San Francisco, a municipal corporation, and *Margaret G. McGuire* Clerk of the Board of Supervisors of the City and County of San Francisco, known to me to be the Mayor and the *Acting* Clerk of the Board of Supervisors of the municipal corporation described in and who executed the within instrument and also known to me to be the persons who executed it on behalf of the municipal corporation therein named, and they and each of them acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the City and County of San Francisco, State of California, the day and year in this certificate first above written.

Y22490

Carl M. Olsen

County Clerk of the City and County of San Francisco, State of California and ex officio Clerk of the Superior Court of the State of California, in and for the City and County of San Francisco.

10/22
[Circular Seal]
[Signature]
[Text]

RECORDED AT REQUEST OF
TITLE INSURANCE & TRUST CO.
At 12 Min Past 3 P M
SEP 24 1975

City & County of San Francisco, Calif.
L. J. LEGUENEC
RECORDER GGNRA007313

22490

FOU NOA + beard

FOFUAR00573

GGNRA007314

AGREEMENT

THIS AGREEMENT, made the 29th day of April, 1975, between the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation (hereafter referred to as the CITY), and the UNITED STATES OF AMERICA (hereafter referred to as the UNITED STATES), acting through the Department of Interior, National Park Service, witnesseth:

WHEREAS, the Congress of the United States of America has enacted into law Public Law 92-589, an Act to Establish the GOLDEN GATE NATIONAL RECREATION AREA (hereafter referred to as GGNRA) in the State of California; and

WHEREAS, the GGNRA has been created to preserve for public use and enjoyment areas possessing outstanding natural, historic, scenic and recreational values and to provide open space necessary to urban environment and planning; and

WHEREAS, the Secretary of the Interior is charged with management of GGNRA and mandated to utilize the resources of the GGNRA in a manner which will provide for recreational and educational opportunities consistent with sound principles of land use, planning and management, and to preserve the GGNRA in its natural setting and protect it from development and uses which would destroy the scenic beauty and natural character of the area; and

WHEREAS, section 2(a) of said Act provides that any lands within the GGNRA owned by the State of California or any political subdivision thereof may be acquired by the federal government only by donation; and

WHEREAS, the CITY owns lands, or an interest therein, which lie within the boundaries of the GGNRA and which are commonly known as: Fort Funston, Ocean Beach, Seal Rocks, Sutro Heights, Land's End, Phelan Beach, Baker Beach Access, Yacht Harbor, Marina Green, Municipal Pier and Aquatic Park, said lands to be more particularly described in the various deeds of transfer which may be executed by the CITY in favor of the federal government subsequent to this Agreement; and

WHEREAS, the CITY is considering the transfer of certain of said lands and interests in land upon certain reservations, restrictions, conditions, and rights of reverter; and

WHEREAS, the federal government will receive title to said lands subject to such reservations, conditions and rights of reverter as the deeds may contain without payment of consideration to the CITY; and

WHEREAS, the CITY will be relieved of the responsibility and expense of administering said lands and the UNITED STATES shall assume the responsibility and expense and shall administer the conveyed lands in accordance with the requirements of the GGNRA Act and National Park Service standards.

NOW, THEREFORE, it is mutually agreed as follows:

1. DESIGNATION OF AGENT. The Regional Director of the National Park Service designates the General Superintendent of the GGNRA and Point Reyes National Seashore (hereafter referred to as General Superintendent) as his agent, and the CITY designates its Department of City Planning as its agent for performance and enforcement of the respective rights and duties contained in this Agreement.

2. NOTICE OF PLANNED DEVELOPMENT. The General Superintendent will consult with the Department of City Planning on all planning matters relating to construction on the lands transferred by the CITY. This will be done in order to ensure that the Department of City Planning will be involved and informed during all stages of the planning process and in particular during the conceptual planning stage where potential conflicts can be resolved prior to the development of specific plans.

As any planning process moves from the conceptual stage to that of proposed construction plans, the General Superintendent shall formally notify and consult with the Department of City Planning on all proposed construction plans of any building, roadway, parking lot or facility, pier, or any structure or substantial alteration of the natural environment of the above mentioned lands. The Department of City Planning shall review said proposed construction plans for

conformance to the Master Plan of the CITY and possible adverse effect on traffic patterns and traffic safety on public streets of the CITY. After receiving the advice of the General Manager of the Recreation and Park Department and the Director of Public Works, the Department of City Planning shall report its findings to the Planning Commission which shall convey its agreement, disagreement or suggested modification of the proposed construction plans to the General Superintendent. The General Superintendent shall make every effort to accommodate the CITY's recommendations.

The National Park Service, acting through the General Superintendent, agrees to utilize the resources of the GGNRA in a manner which will provide for recreational and educational opportunities consistent with sound principles of land use, planning and management, to preserve the GGNRA in its natural setting and protect it from development and uses which would destroy the scenic beauty and natural character of the area, and to maintain the transferred premises in a good and sightly condition; and

3. FEES. Where not inconsistent with law and where within its discretion, the National Park Service shall not charge any fee for admission to or use of any open space within the lands transferred.

4. TRANSIT SYSTEM. The General Superintendent shall consult with the Planning Commission prior to instituting a transit system which operates on the streets of the CITY, and shall give good faith consideration to any recommendation made by the Planning Commission relative to said system.

5. SAND INCURSION. Subject to the availability of funds and within a reasonable time not to exceed eight (8) years, the UNITED STATES shall in good faith take reasonable measures to prevent the incursion of sand upon roadways adjacent to lands transferred by the CITY. Should this good faith effort fail to succeed the UNITED STATES will in no way be obligated in the future to share in the costs with the CITY for removal of sand from the Upper Great Highway.

6. PEDESTRIAN TUNNELS. Subject to the availability of funds, the CITY and the UNITED STATES shall cooperate in the maintenance of existing pedestrian tunnels and construction of additional tunnels beneath the Great Highway. Both the CITY and the UNITED STATES recognize the importance of providing access to the Ocean Beach lands via tunnels beneath the Great Highway.
7. LATERAL SUPPORT. The UNITED STATES will grant the CITY the right to enter upon the transferred lands for the purpose of maintaining lateral support for the CITY's roads and bridges. The UNITED STATES does reserve the right to approve the CITY's proposed measures or remedies in regards to the maintenance of lateral support. In an extreme emergency, after notifying the General Superintendent, the CITY shall be entitled to enter upon the lands transferred and take such temporary action as is necessary for the immediate preservation of a roadway or bridge. Nothing herein shall limit or waive any legal remedy which the City may otherwise have in regard to maintenance of lateral support by the federal government.
8. POINTS OF HISTORICAL INTEREST. The UNITED STATES shall, in accordance with applicable law, maintain points of historical interest within the transferred lands.
9. APPLICATION TO LANDS TRANSFERRED. The provisions of this agreement shall apply to only those lands in fact transferred by the CITY to the UNITED STATES.
10. RESERVATIONS, ETC. This agreement does not alter the reservations, conditions, restrictions and rights of reverter contained in the deeds of transfer to be executed.
11. NOTICE RE DEVELOPMENT ON PARKS LANDS NOT ACQUIRED FROM CITY. The General Superintendent shall notify the Department of City Planning of any planned construction upon GGNRA lands within the boundaries of the CITY even though said construction is upon property not acquired from the CITY. The General Superintendent shall give good faith consideration to any objections which the Planning Commission shall pose to said construction.

Joseph R. Blewett

Mayor

William J. ...

General Superintendent
Golden Gate National Recreation
Area and Point Reyes National
Seashore

W. T. ...

Clerk of the Board of Supervisors

Howard H. Chapman

Regional Director, National Park
Service, Western Region

APPROVED AS TO FORM:

THOMAS M. O'CONNOR, City Attorney

By *Paul Auguste Chouteau*
Deputy City Attorney

APPROVED:

Katherine ...
Recreation and Park Commission
Resolution 424 9586

68 1

D E E D

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, the first party, pursuant to Ordinance No. 287-75, adopted by its Board of Supervisors on June 23, 1975, and approved by the Mayor on June 26, 1975, hereby grants without warranty to THE UNITED STATES OF AMERICA, the second party, the following described real property situated in the City and County of San Francisco, State of California:

PARCEL ONE

Beginning at a point on that certain course in the westerly boundary line of that certain 150.29 acre parcel of land which bears North 16° 29' 00" West 2292.58 feet as described in the deed from Spring Valley Company to United States of America, recorded August 7, 1917, in Book 1627, page 119 of Deeds, in the office of the Recorder of the City and County of San Francisco, State of California, distant thereon from the northerly extremity of said course South 16° 29' 00" East 784.670 feet, said point being on the mean high water line of the Pacific Ocean and also being the southwesterly corner of that certain 115.6105 acre parcel of land quitclaimed to the City and County of San Francisco by the United States of America, recorded May 18, 1952, in Book A-423, Page 314 of official records, in the office of said Recorder; running; thence along the southerly and easterly boundary lines of last said Parcel the following courses and distances: North 53° 47' 45" East 971.327 feet; South 87° 12' 15" East 579.730 feet to a point; northerly on an arc of a curve to the right the center of which bears North 64° 12' 04" East from last mentioned point with a radius of 650 feet, a central angle of 28° 38' 41", a distance of 324.954 feet; North 2° 50' 45" East tangent to the preceding curve 130.23 feet to a point; northerly on an arc of a curve to the right the center of which bears North 86° 23' 43" East from last mentioned point with a radius of 1050 feet, a central angle of 1° 11' 25", a distance of 22.02 feet; North 2° 24' 52" West tangent to the preceding curve 481.82 feet; northwesterly on an arc of a curve to the left tangent to the preceding course with a radius of 940 feet, a central angle of 26° 59' 44", a distance of 442.89 feet; North 29° 35' 40" West 321.42 feet; North 35° 56' 50" West 411.204 feet and northwesterly on an arc of a curve to the right tangent to the preceding course with a radius of 1350 feet, a central angle of 1° 34' 48", a distance of 414.219 feet; thence leaving said easterly boundary line of said 115.6105 acre parcel and running North 18° 22' 02" West 127.132 feet; thence northerly on an arc of a curve to the right tangent to the preceding course with a radius of 936.54 feet, a central angle of 17° 39' 45", a distance of 367.282 feet; thence northwesterly on an arc of a reverse curve with a radius of 178 feet, a central angle of 53° 24' 49", a distance of 165.939 feet; thence North 54° 07' 06" West tangent to the preceding curve 562.23 feet; thence northwesterly on an arc of a curve to the right tangent to the preceding

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SECTION 68 PAGE 2

course with a radius of 1071 feet, a central angle of $48^{\circ} 00' 00''$, a distance of 897.24 feet; thence North $6^{\circ} 07' 06''$ West tangent to the preceding curve 941.63 feet; thence north-westerly on an arc of a curve to the left tangent to the preceding course with a radius of 1929 feet, a central angle of $5^{\circ} 10' 29''$, a distance of 174.22 feet; thence North $11^{\circ} 17' 35''$ West tangent to the preceding curve 367.36 feet; thence north-easterly on an arc of a curve to the right tangent to the preceding course with a radius of 871 feet, a central angle of $21^{\circ} 47' 40''$, a distance of 331.32 feet; thence North $11^{\circ} 57' 12''$ East 493.17 feet to a point; thence northerly on an arc of a curve to the left the center of which bears North $79^{\circ} 22' 13''$ West from last mentioned point with a radius of 804.22 feet a central angle of $15^{\circ} 05' 08''$, a distance of 211.745 feet; thence North $4^{\circ} 27' 26''$ West tangent to the preceding curve 100.07 feet; thence North $85^{\circ} 32' 34''$ East 11 feet; thence North $4^{\circ} 27' 26''$ West 245.118 feet to a point on the westerly extension of the southerly line of Wawona Street distant thereon 283.403 feet westerly of the easterly line of Great Highway; thence North $4^{\circ} 27' 26''$ West 7557.572 feet; thence North $4^{\circ} 27' 55''$ West 11.904 feet to a point on westerly extension of the northerly line of Lawton Street distant thereon 276.379 feet westerly of the easterly line of La Playa; thence North $4^{\circ} 27' 55''$ West 2525.421 feet; thence northwesterly on an arc of a curve to the left tangent to the preceding course with a radius of 3593.67 feet, a central angle of $1^{\circ} 51' 03''$, a distance of 116.09 feet; thence South $83^{\circ} 41' 02''$ West 1 foot to a point; thence northeasterly on an arc of a curve to the right the center of which bears North $83^{\circ} 41' 02''$ East from last mentioned point with a radius of 278.78 feet, a central angle of $22^{\circ} 01' 00''$, a distance of 104.05 feet; thence northerly on an arc of a reverse curve with a radius of 719.68 feet, a central angle of $19^{\circ} 53' 00''$, a distance of 249.75 feet; thence North $4^{\circ} 10' 58''$ West tangent to the preceding curve 1960.04 feet; thence northeasterly on an arc of a curve to the right tangent to the preceding course with a radius of 153.86 feet, a central angle of $28^{\circ} 56' 30''$, a distance of 77.72 feet; thence northerly on an arc of a reverse curve with a radius of 244.93 feet, a central angle of $28^{\circ} 52' 42''$, a distance of 123.21 feet; thence North $4^{\circ} 07' 10''$ West 2051.58 feet; thence northwesterly on an arc of a curve to the left tangent to the preceding course with a radius of 248.36 feet, a central angle of $41^{\circ} 55' 00''$, a distance of 181.70 feet; thence North $46^{\circ} 02' 10''$ West tangent to the preceding curve 104.39 feet; thence northwesterly on an arc of a curve to the right tangent to the preceding course with a radius of 397.68 feet, a central angle of $3^{\circ} 44' 48''$, a distance of 26.00 feet to a point on a line parallel with and perpendicularly distant 6 feet southerly of the northerly line of Anza Street distant thereon 887.96 feet westerly of the westerly line of 48th Avenue; thence North $34^{\circ} 31' 13''$ West 296.69 feet; thence North $52^{\circ} 48' 55''$ West 130.164 feet to an existing City monument; thence due West to the mean high water line of the Pacific Ocean; thence southerly along the mean high water line of the Pacific Ocean to the point of beginning.

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BOOK C 68 PAGE 3

Reserving unto the City and County of San Francisco an easement for the construction, installation, maintenance, repair, alteration, replacement, reconstruction and use of sewer and drainage facilities within the following described parcels all within the above described PARCEL ONE:

Parcel A

A strip of land 20 feet in width the center line of which bears South 44° 37' West from the northeasterly corner of the above described Parcel One to the westerly boundary line of said Parcel One.

Parcel B

A strip of land 20 feet in width the center line of which bears North 82° 53' West from a point on the easterly boundary line of the above described Parcel One perpendicularly distant 445 feet northerly of the northerly line of Balboa Street, produced westerly, to the westerly line of said Parcel One.

Parcel C

A strip of land 1,000 feet in width the center line of which being also the center line of Fulton Street produced westerly and running westerly from the easterly boundary line of the above described Parcel One to a line parallel with and perpendicularly distant 450 feet westerly of the westerly line of La Playa.

Parcel D

A strip of land 50 feet in width the center line of which being also the center line of Fulton Street produced westerly and running westerly from the westerly boundary line of above described Parcel C to the westerly line of above described Parcel One.

Parcel E

A strip of land 1800 feet in width the center line of which being also the center line of Lincoln Way produced westerly and running westerly from the easterly boundary line of the above described Parcel One to a line parallel with and perpendicularly distant 400 feet westerly of the westerly line of La Playa.

Parcel F

A strip of land 50 feet in width the center line of which is parallel with and perpendicularly distant 335 feet northerly of the center line of Lincoln Way produced westerly and running westerly from the westerly line of above described Parcel E to the westerly line of above described Parcel One.

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BOOK 68 PAGE 4

Parcel G

A strip of land 1500 feet in width the center line of which being also the center line of Vicente Street produced westerly and running westerly from the easterly boundary line of the above described Parcel One to a line parallel with and perpendicularly distant 410 feet westerly of the easterly line of the Great Highway.

Parcel H

A strip of land 50 feet in width the center line of which being also the center line of Vicente Street produced westerly and running westerly from the westerly line of above described Parcel G to the westerly line of above described Parcel One.

Parcel I

A strip of land 50 feet in width the center line of which bears North 83° 47' West from a point on the easterly boundary line of the above described Parcel One perpendicularly distant 450 feet southerly of the southerly line of Wawona Street, produced westerly, to the westerly boundary line of said Parcel One.

Parcel J

A strip of land 200 feet in width the center line of which bears South 62° 13' West from a point on the easterly boundary line of the above described Parcel One distant thereon 190 feet northerly from the southerly extremity of that certain course which bears North 6° 07' 06" West, 941.63 feet, to the westerly line of said Parcel One.

Parcel K

A strip of land 50 feet in width the center line of which is parallel with and perpendicularly distant 20 feet southerly of the center line of Lincoln Way produced westerly and running westerly from the westerly line of above described Parcel E to the westerly line of above described Parcel One.

Reserving also unto the City and County of San Francisco an easement along and adjacent to the easterly line of Parcel One for the installation, maintenance, repair, alteration, replacement, reconstruction and use of street lighting facilities.

Reserving also unto the City and County of San Francisco the right to construct subsurface sewer tunnels running in a northerly direction within the southerly portion of above described Parcel One.

68 PAGE 5

PARCEL TWO

Beginning at the point of intersection of the Southerly line of Geary Boulevard, produced westerly, with the Westerly line of Forty-eighth Avenue; running thence Southerly along said Westerly line of Forty-eighth Avenue 916.92 feet more or less to a point distant thereon 363.08 feet Northerly from the point of intersection of said Westerly line of Forty-eighth Avenue with the Northerly line of Balboa Street; thence deflecting to the right $93^{\circ} 23' 8''$ and running Westerly 310.54 feet to the Westerly line of La Playa at a point distant thereon 381' 5" Northerly from the point of intersection of said Westerly line of La Playa with the Northerly line of Balboa Street; thence deflecting to the right $5^{\circ} 21' 52''$ and running Westerly $143' 4\text{-}1/2''$, said last course making an angle of $98^{\circ} 45'$ with the aforesaid Westerly line of La Playa; thence deflecting to the right $85^{\circ} 02' 30''$ and running Northerly 197' 1"; thence deflecting to the left 90° and running Westerly 5 feet; thence deflecting to the right 90° and running northerly 49 feet; thence deflecting to the left 90° and running Westerly $330' 4\text{-}3/16''$ more or less to the Northeasterly boundary line of the Great Highway, which boundary line is a curve with a radius of 849.32 feet, and a tangent to which curved line at this point of intersection deflects to the right from the last above described course $43^{\circ} 26' 43''$; thence Northwesterly along said Northeasterly line of the Great Highway 128.38 feet more or less on a curve to the left with a radius 849.32 feet to the point of intersection of the said Northeasterly line of the Great Highway with the Northeasterly line of Point Lobos Avenue; thence deflecting to the right $31^{\circ} 28' 22''$ from a tangent to the said Northeasterly line of the Great Highway at its point of intersection with the said Northeasterly line of Point Lobos Avenue; and running Northwesterly along said Northeasterly line of Point Lobos Avenue 249.943 feet more or less to an angle point in said Northeasterly boundary line of Point Lobos Avenue, which angle point is marked by an iron monument set on a line bisecting the angle in Point Lobos Avenue at this point and distant 115 feet Southwesterly, measured at a right angle from said Northeasterly line of Point Lobos Avenue; thence continuing along said Northeasterly line and the Southeasterly and Southerly line of Point Lobos Avenue, deflecting to the left $30^{\circ} 45'$ and running Northwesterly 132.045 feet; thence deflecting to the right 29° and running Northwesterly 261.899 feet; thence deflecting to the right $50^{\circ} 30'$ and running Northwesterly 32.083 feet; thence deflecting to the right $53^{\circ} 15'$ and running Easterly 134.260 feet; thence deflecting to the right 16° and running Easterly 114.588 feet; thence deflecting to the left 16° and running Easterly 199.822 feet; thence deflecting to the left $22^{\circ} 15'$ and running Northeasterly 409.234 feet; thence deflecting to the right $28^{\circ} 45'$ and running Easterly 334.927 feet to the point of intersection of the said Southerly line of Point Lobos Avenue with the Westerly line of Forty-eighth Avenue; thence deflecting to the right, $91^{\circ} 27' 20''$ and running Southerly along said Westerly line of Forty-eighth Avenue 312.360 feet to the point of beginning.

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BOOK C 68 PAGE 6

To hold only so long as said real property is reserved and used for recreation or park purposes and in addition as to Parcel 2, to hold only so long as said herein described Parcel 2 shall be forever held and maintained as a free public resort or park under the name of Sutro Heights, pursuant to the condition contained in the deed of George W. Merritt and Emma L. Merritt recorded May 26, 1920 in Book 109, Page 308 of Deeds.

IN WITNESS WHEREOF, the said first party has executed this conveyance this 17th day of September, 1975.

APPROVED:

Wallace Hartman
Director of Property

CITY AND COUNTY OF SAN FRANCISCO,
a municipal corporation

By Joseph L. Alioto
Mayor

FORM APPROVED:

THOMAS M. O'CONNOR, City Attorney

By Danielle Auguste Chouteau
Deputy City Attorney

[Signature]
Board of Supervisors

OF SAN FRANCISCO
Checked G.W. 9/2/75

BOOK C 68 PAGE 8

STATE OF CALIFORNIA)
CITY AND COUNTY OF SAN FRANCISCO) ss.

On the 17th day of September, 1975

before me,
CARL M. OLSEN, County Clerk of the City
and County of San Francisco, and ex officio Clerk of the Superior
Court of the State of California, in and for the City and County of
San Francisco, personally appeared Joseph L. Alinto
Mayor of the City and County of San Francisco, a municipal corporation,
and Margaret G. McGuire Clerk of the Board of Supervisors
of the City and County of San Francisco, known to me to be the
Mayor and the Acting Clerk

of the Board of Supervisors of the municipal corporation described in
and who executed the within instrument and also known to me to be the
persons who executed it on behalf of the municipal corporation therein
named, and they and each of them acknowledged to me that such municip-
al corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal at my office in the City and County of San
Francisco, State of California, the day and year in this certificate
first above written.

Y22490

BOOK C 68 PAGE 1



10/10

Carl M. Olsen

County Clerk of the City and County
of San Francisco, State of California
and ex officio Clerk of the Superior
Court of the State of California,
in and for the City and County
of San Francisco.

DOCUMENTARY TRANSFER TAX None
CALCULATED ON FULL VALUE OF PROPERTY CONVEYED, OR
AS OTHERWISE PROVIDED BY THE TEST ACT AND SUPPLEMENTAL
ACTS THEREON.
Robert J. Leguennec
Recorder of Deeds and Assessor of Property Tax - Item Name

RECORDED AT REQUEST OF
TITLE INSURANCE & TRUST CO.
AT 2:44 PM - PAGE 3 - M
SEP 24 1975

FOFUAR00585

City & County of San Francisco, Calif.
L. J. LEGUENNEC
RECORDER

GGNRA007326

REPLY TO:

SACRAMENTO OFFICE
STATE CAPITOL
SACRAMENTO, CALIF. 95814
(916) 445-8077

DISTRICT OFFICE
515 VAN NESS AVENUE
SAN FRANCISCO, CALIF. 94102
(415) 557-0784

Assembly
California Legislature

COMMITTEES

Elections and
Reapportionment
Environmental Quality
Planning and Land Use

MEMBER

California Commission on
Aging

WILLIE L. BROWN, Jr.
MEMBER OF THE ASSEMBLY, EIGHTEENTH DISTRICT
SAN FRANCISCO
CHAIRMAN
ASSEMBLY WAYS AND MEANS COMMITTEE

24 August 1973

Robert J. Dolan, Clerk
Board of Supervisors
235 City Hall
San Francisco, Ca. 94102

Dear Mr. Dolan:

I would like to have my name added to those endorsing the charter amendment to be on the November ballot which would authorize the city to transfer land to be included in the Golden Gate National Recreation Area.

Please include my name in the Voter's Handbook.

Sincerely,

WILLIE L. BROWN, JR.

WLB/mbm

cc: PFGGNRA ✓

FOFUAR00586

GGNRA007327

10/73

City and County of San Francisco

Candidates Propositions together with Arguments and Statements of Controller

Relating to Costs

To be voted on at

**GENERAL MUNICIPAL
ELECTION**

NOVEMBER 6, 1973



Registrar of Voters

Published under provisions of Sections 9.105 and 9.112 of the
Charter of the City and County of San Francisco.

IMPORTANT NOTICE

In order to avoid congestion and possible delay at the polls
on election day voters are urged to:

1. KEEP THE SELECTION CARD ENCLOSED HERewith.
MARK YOUR CHOICES FOR THE VARIOUS OFFICES AND
PROPOSITIONS. TAKE THE CARD WITH YOU TO THE
POLLS AND YOU CAN COMPLETE YOUR VOTING IN LESS
THAN TWO MINUTES.

2. Vote early, if possible.

Registrar of Voters.

Permanent registration is maintained by VOTING.

FOFUAR00587

GGNRA007328

Endorsed by:

Joseph L. Alioto, Mayor
Civil Service Association—Local 400, SEIU (AFL-CIO)
Hospital and Institutional Workers' Union, Local 250, AFL-CIO
Civil Service Per Diem Men's Association of San Francisco
Civil Service Building Maintenance Union, Local No. 66A, AFL-CIO
Retired Employees of the City and County of San Francisco, Inc.
San Francisco Labor Council, AFL-CIO
John F. Crowley, Secretary-Treasurer, San Francisco Labor Council
Municipal Improvement League
San Francisco Fire Fighters Local 798
Jerry Crowley, President, San Francisco Police Officers Association
Retirement Board, City and County of San Francisco
Frank Roberts Havenner Democratic Club
Terrance Ryan, Member: 23rd Assembly District,
San Francisco Democratic County Central Committee

Adopted, Board of Supervisors, San Francisco, Sep. 11, 1973.

Ayes: Supervisors Barbagelata, Feinstein, Francois, Kopp, Mendelsohn, Molinari, Pelosi, Tamaras, von Beroldingen.

I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

ROBERT J. DOLAN, Clerk

**CONTROLLER'S STATEMENT PURSUANT TO
CHARTER SECTION 9.112
PROPOSITION "E"**

Amends Section 8.509 and adds Section 8.536: Provides for an increase in certain retirement allowances of miscellaneous employees.

Should the proposed charter amendment be adopted, in my opinion, based on a report submitted by the Retirement System, the cost of government of the City and County of San Francisco would be increased by approximately \$7,636,640 annually. Based on the 1973-1974 assessment roll, this estimated annual increase is equivalent to thirty and three tenths (\$.303) cents in the tax rate.

NATHAN B. COOPER, Controller
City and County of San Francisco

PROPOSITION F

Adds Section 7.403.1: Authorizes transfer of City and County real property to Federal Government for inclusion in Golden Gate National Recreation Area.

**CHARTER AMENDMENT
PROPOSITION F**

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by adding Section 7.403.1 thereto, relating to the transfer of park and other lands to the National Park Service of the United States Department of the Interior for inclusion in the Golden Gate National Recreation Area.

The Board of Supervisors of the City and County of San Francisco

hereby submits to the qualified electors of said city and county at an election to be held therein on November 6, 1973, a proposal to amend the Charter of said city and county by adding Section 7.403.1 thereto, so that the same shall read as follows:

7.403.1 Transfer of Park and Other Lands to the National Park Service of the United States Department of the Interior

(a) Upon approval by the recreation and park commission, the board of supervisors may by ordinance authorize transfer by deed to the National Park Service of the United States Department of the Interior for inclusion in the Golden Gate National Recreation Area as presently defined and delimited by Public Law 92-589; 86 Stat. 1299, of any interest which the City and County of San Francisco has in lands restricted to use for recreation or park purposes or otherwise under the exclusive control, management or direction of the recreation and park commission, except the premises and grounds of the Palace of the Legion of Honor and Lincoln Park Golf Course, provided that said deed shall be executed under the restriction that said lands be reserved by the National Park Service of the United States Department of the Interior in perpetuity for recreation or park purposes with a right of reversion upon breach of said restriction, and provided further that said transfer shall be executed under such conditions and restrictions as shall prevent the reversion of any portion of said lands to any person or entity other than the City and County of San Francisco.

(b) Upon approval of the officer, board or commission in charge of the department responsible for the administration of any interest which the City and County of San Francisco has in property not referred to in subsection (a), the board of supervisors may by ordinance authorize transfer of such interest by deed to the National Park Service of the United States Department of the Interior for inclusion in the Golden Gate National Recreation Area as presently defined and delimited by Public Law 92-589; 86 Stat. 1299, provided that said deed shall be executed under the restriction that said lands be reserved by the National Park Service of the United States Department of the Interior in perpetuity for recreation or park purposes with a right of reversion upon breach of said restriction, and provided further that said transfer shall be executed under such conditions and restrictions as shall prevent the reversion of any portion of said lands to any person or entity other than the City and County of San Francisco.

Ordered submitted: Board of Supervisors, San Francisco, Sep. 4, 1973.

Ayes: Supervisors Barbagelata, Chinn, Feinstein, Francois, Gonzales, Kopp, Mendelsohn, Molinari, Pelosi, Tamaras, von Beroldingen.

I hereby certify that the foregoing Charter amendment was ordered submitted by the Board of Supervisors of the City and County of San Francisco.

ROBERT J. DOLAN, Clerk

ARGUMENT FOR PROPOSITION F

Vote Yes on Proposition F

This Charter Amendment, Proposition "F," is a technical resolution allowing the City and County of San Francisco to transfer city

lands to the Golden Gate National Recreation Area (GGNRA).

The GGNRA is a national urban park established in 1972 by Congress to preserve 34,000 acres of land and water in San Francisco and Marin for recreational use by all citizens. However, to manage this park well, it must be under one jurisdiction. By unifying all these lands under one agency, a superb twelve mile waterfront can be managed by the National Park Service for San Franciscans and all Americans.

Will Not Raise Your Taxes

This Amendment:

Will not affect Golden Gate Park in any way; it will continue to be managed by the San Francisco Recreation and Park Department.
Will not raise your taxes.

Will not affect the administration of the U.S. Sixth Army's Presidio.

Support a National Recreation Area on your doorstep! Vote for improved park maintenance, better park facilities, better park protection, and better parks in our neighborhoods. Vote Yes on Proposition "F."

This Amendment is vigorously supported by the following individuals and groups representing the broadest spectrum of political opinion.

Endorsed by:

Joseph L. Alioto, Mayor
Congressman Phillip Burton
Congressman William S. Mailliard
Thomas J. Mellon
Senator Milton Marks
Senator George R. Moscone
Willie L. Brown, Jr., Assemblyman
John L. Burton, Assemblyman
John Francis Foran, Assemblyman
Leo T. McCarthy, Assemblyman
Ronald Pelosi, President, Board of Supervisors
John L. Molinari, Member, Board of Supervisors
Recreation and Park Commission
Loris De Grazia, President
Carmen J. Dominguez, Vice President
Eugene L. Friend, Member
C. R. Johnson, Member
Mrs. J. Eugene McAteer, Member
Elvin C. Stendell, Member
George P. Thomas, Member
Joseph Caverly, General Manager, Recreation and Park Department
Marina Civic Improvement & Property Owners Association
✓ Lt. General William F. Train
✓ Dr. Harry B. Hambly
Virginia Fusco
People for a Golden Gate National Recreation Area
Edgar Wayburn, M.D., Chairman
Amy Meyer, Co-Chairman
Diane Hunter, San Francisco Chairman
San Francisco Bay Area Council
San Francisco Bay Chapter of the Sierra Club
✓ San Francisco Building and Construction Trades Council
San Francisco Tomorrow
✓ Yerba Buena Democratic Club
✓ Joseph K. P. Armin, President, S. F. Junior Chamber of Commerce
Ruth Asawa
Earl M. Blauner
William M. Brinton

101-7-2

Agripino R. Cerbatos
 Lambert Choy
 ✓ William K. Coblenz
 N. Arden Danekas, President, Planning Association for the Richmond
 Margot Patterson Doss
 Rebecca Evans
 William D. Evers
 Phoebe Galgiani
 Louis Garcia
 Kenneth Hunter
 Roger W. Hurlbert
 David Jenkins
 John A. Kidder, Director of Research, California Labor Federation, AFL-CIO
 Robert C. Kirkwood
 John C. La Boyteaux III
 Robert A. Lurie
 Martin L. MacIntyre
 ✓ Cyril Magnin
 J. Max Moore, Chairman, Republican County Central Committee of S. F.
 Connie Parrish, California Representative, Friends of the Earth
 Lloyd E. Scott
 Edison Uno
 James L. Weinberger
 ✓ Morris Weisberger, Secretary-Treasurer, Sailors' Union of the Pacific
 Evelyn R. Williams
 Joseph B. Williams
 Dorothy W. Erskine
 Richard N. Goldman
 Ben Elkus
 ✓ Frieda Klussmann
 ✓ Downtown Association of San Francisco
 ✓ Republican County Central Committee of San Francisco
 Dianne Feinstein, Member, Board of Supervisors
 Yerba Buena Democratic Club

Adopted, Board of Supervisors, San Francisco, Sep. 11, 1973.

Ayes: Supervisors Feinstein, Francois, Kopp, Mendelsohn, Molinari, Pelosi, Tamaras, von Beroldingen.

I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

ROBERT J. DOLAN, Clerk

PROPOSITION G

Adds Section 7.308: Authorizes issuance of bonds to provide funding of loan program to assist property owners to rehabilitate property in designated rehabilitation assistance areas.

CHARTER AMENDMENT PROPOSITION G

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding Section 7.308 thereto, relating to bonds for residential rehabilitation assistance.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on November 6, 1973, a proposal to

Fund Reports

S.F. Spending On Ballot Issues

By Jerry Burns

Financial reports released yesterday disclosed a wide divergency of support for various measures on the San Francisco ballot.

They showed that the city's business community is providing the campaign funds for the school bond issues, the legal community is financing the Hall of Justice bond issue and city employees are paying the bills to support a measure that would improve their retirement benefits.

Propositions A and B, which would finance earthquake-proofing construction at the schools, both reported widespread business support and each spent \$17,081.

JOINT

A joint campaign is promoting the two school bond issues and it split its total cost of \$34,162 between Proposition A, which would spend \$37.8 million on the schools, and Proposition B, which would spend \$2.4 million on the child care centers.

Proposition A, which needs only a majority to pass, reported contributions of \$19,399, including the legal maximum contribution of \$500 from many of the city's largest banks, manufacturers, utility companies and insurance companies.

Proposition B, which needs two-thirds to win, reported total contributions of \$16,450 from many of the same firms, up to the \$1500 allowable for measures that need two-thirds.

COURTROOMS

Supporters of Proposition C, which would add seven new courtrooms to the Hall of Justice at a cost of \$4.6 million, raised \$18,810 and spent of \$11,065.

S.F. Chronicle
Saturday November 3,

According to its campaign statement, Proposition C (which also needs two-thirds to pass) received contributions of \$500 and \$1000 from a number of large law firms in the city. It also received more modest donations of \$25 and \$50 from many of the city's judges.

The fourth most expensive campaign among the ballot measures was reported for Proposition E, which would boost retirement benefits for city workers by 20 per cent.

Its supporters, most present and retired city workers — contributed \$13,000 and spent \$9271 in its behalf by November 1.

OTHERS

On Proposition K, which would carve the city into 11 supervisorial districts, supporters reported income of \$10,836 and expenses of \$9676, while opponents took in \$6010 and spent \$4546.

On Proposition L, which would require a 30-hour work week with 40-hour pay, supporters took in \$5629 and spent \$5579, while opponents gathered \$7531 and spent \$4528.

Other reports showed that opponents of Proposition D, which would create a runoff for mayor, got \$380 (from Sheriff Richard Hongisto and his staff) and spent \$300. There was no report from supporters.

They also showed that supporters of Proposition F, to allow city lands to become part of the Golden Gate National Recreation Area, gathered \$819 and spent \$694, and that supporters of Proposition M, a policy statement favoring more child care centers, took in \$215 and spent zero.

The expense and income reports for all candidates and measures on next Tuesday's ballot will be available for public inspection today at the Main Library from 10 a.m. to 5 p.m.

Comments

San Francisco Nov. 1973

*S.F. Chronicle
Wed. Nov 7, 1923*

S.F. Propositions

A	School building bonds. majority vote for passage.	YES NO	121,394 65,006
B	Children's center bonds. 2/3 vote for passage.	YES NO	117,862 66,595
C	Hall of Justice bonds. 2/3 vote for passage.	YES NO	94,442 84,863
D	Runoff election for Mayor.	YES NO	92,893 63,275
E	Retirement benefits, city employees.	YES NO	89,178 88,011
F	Transfer of city park land.	YES NO	180,919 43,433
G	Residential rehabilitation assistance.	YES NO	102,903 67,349
H	Retirement benefits, city fireboat.	YES NO	110,222 61,106
I	Revise civil service procedures.	YES NO	100,683 61,992
J	School paraprofessionals, civil service exemption.	YES NO	92,917 69,304
K	District election of Supervisors.	YES NO	61,737 112,099
L	30-hour week for 40 hours' pay.	YES NO	38,437 144,774
M	Child care centers policy declaration.	YES NO	96,210 79,965

S.F. Voters Approve Transfer of Park Lands

San Francisco swapped pieces of city park land along the beach yesterday for a foothold in the vast Golden Gate National Recreation Area.

The land involved in the transfer includes the city owned portions of Fort Funston, Ocean Beach, Seal Rock, Sutro Heights Park, Lands End, Fort Milley, Lincoln Park (excluding the museum and golf course), the Marina Green, Marina Small Craft Harbor and Aquatic Park.

In return, federal park authorities will operate and improve the land for recreational purposes, freeing city

San Francisco swapped pieces of city park land along the beach yesterday for a foothold in the vast Golden Gate National Recreation Area.

Voters approved Proposition F, authorizing the transfer to the National Park Service of scattered property in a 12-mile strip from Fort Funston on the south to the Marina Green on the north.

In return, federal park authorities will operate and improve the land for recreational purposes, freeing city

park funds for investment in other areas of the city park system.

The land involved in the transfer includes the city owned portions of Fort Funston, Ocean Beach, Seal Rock, Sutro Heights Park, Lands End, Fort Milley, Lincoln Park (excluding the museum and golf course), the Marina Green, Marina Small Craft Harbor and Aquatic Park.

If the land ceases to be used for park purposes, it will revert to the city.

FOFU - SF Supr.

FOFUAR00594

Board of Supervisors
City and County of San Francisco



Chair, Housing and Social
Policy Committee
Vice Chair, Rules Committee

RECEIVED
OCT 13 2000
SUPERINTENDENT'S OFFICE

SUPERVISOR MABEL TENG
三藩市參議員鄧式美

cy: C. Powell
R. Scott
H. Scott
N. Walthall
Gordon Reetz

September 27, 2000

Superintendent Brian O'Neill
Golden Gate National Recreation Area
Bay and Franklin Streets
Building 201, Fort Mason
San Francisco, CA 94123

Dear Mr. O'Neill:

I am writing out of a sense of deep concern regarding the most recent closures at Fort Funston. I have watched the developments unfold over the course of the year with increasing dismay and disappointment in the Golden Gate National Recreation Area's handling of the Fort Funston closures. I oppose the closures that have taken away precious recreational space for San Franciscans, particularly given the lack of public input.

I must remind you that the GGNRA has responsibilities to the people and city of San Francisco. Before any closures are imposed, the GGNRA must consult with the community and with the city that gave the GGNRA its authority to maintain Fort Funston as a public park for open recreation.

I strongly believe that San Francisco needs to preserve recreational areas for residents to enjoy with their pets. I urge you to work with the community, seek public comment on future actions, and act responsively with regard to Fort Funston.

Sincerely,

Mabel Teng

Mabel Teng
Chair, Housing and Social Policy Committee
San Francisco Board of Supervisors

This was faxed to Gordon 10/19. He said it didn't look like it needed to be suspended for a response. It would be up to us. Gordon felt she was just giving us her opinion of how she felt.

FOFUAR00595

JT



United States Department of the Interior

NATIONAL PARK SERVICE
Golden Gate National Recreation Area
Fort Mason, San Francisco, California 94123

IN REPLY REFER TO:

N16 (GOGA-PASE)

SEP 13 2000

Leland Y. Yee, Supervisor
San Francisco
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco CA 94102

Dear Supervisor Yee:

This is sent as follow up to your fax indicating that you intend to hold a public hearing regarding Fort Funston on Wednesday, September 20 at 11:30 a.m. The following responses address the topics for discussion as noted in your correspondence.

1. Is the NPS in violation of its agreement with the City of San Francisco?

Response: We are unaware of any agreement with the city regarding uses and management of former city lands located at Fort Funston. At time of transfer to the federal government, there were no limitations to fee title of the property, and no memorandums or agreements with the city. If you are aware of any, could you please provide a copy.

2. Does the NPS have a current strategic plan for Ft. Funston?

Response: We have a 1980 General Management Plan, which addresses Fort Funston. Further, we have NPS Management Policies and regulations (36CFR) that apply to all national parklands.

3. Has the NPS sought information from park users and organizations concerned with the park?

Response: A 12-acre year round closure project for Fort Funston is currently available for public comment. The public comment period closes October 6, 2000. Comments may be made in writing and addressed to Superintendent, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, CA 94123. A public meeting on the proposed closure was held on August 29, and extensive public comment was received at that time. Written comment received to date reflects strong and varying views on the proposed closure, which will be considered in any final decision.

FOFUAR00596

GGNRA007337

4. *Is the NPS committed to reopen lands previously closed to park users?*

Response: The current closure is contained within the project undergoing public comment. The prior "closure" to the north has always and continues to permit access through it, via dogs on leash and on trail. The closure immediately north of Battery Davis is closed due to ongoing slope erosion.

We would very much appreciate the opportunity to provide an in-depth briefing before the hearing. Unfortunately, I am out of town this week, but will be available to brief the supervisor on Monday or Tuesday, September 18, 19. To make arrangements for a briefing, please call Roger Scott in the Office of Public Affairs at (415) 561-4731.

Thank you for your interest in Golden Gate National Recreation Area.

Sincerely,


Brian O'Neill
General Superintendent

INTRODUCTION FORM

By a member of the Board of Supervisors or the Mayor

RECEIVED
AUG 28 2000
BY: _____
Time Stamp or Meeting Date

I hereby submit the following item for introduction:

- _____ 1. For reference to Committee:
An ordinance, resolution, motion, or charter amendment.
- _____ 2. Request for next printed agenda without reference to Committee
- 3. Request for Committee hearing on a subject matter.
- _____ 4. Request for letter beginning "Supervisor _____ inquires..."
- _____ 5. City Attorney request.
- _____ 6. Call file from Committee.
- _____ 7. Budget Analyst request (by motion).
- _____ 8. Legislative Analyst request (by motion).

*to Finance
+
Labour
okay!*

[Note: For the Imperative Agenda (a resolution not on the printed agenda, use a different form.)

Sponsor(s): Supervisor Leland Y. Yee, Ph.D.

SUBJECT: Closure of Portions of Fort Funston

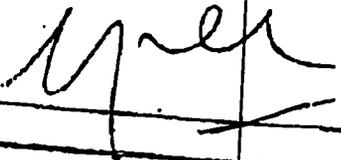
The text is listed below or attached:

The subject of this hearing is the National Park Services closure of open space at Fort Funston which has resulted in a reduction in land available for dog walking and other recreational use by residents.

This hearing will include the following:

- 1. Is the National Park Service in violation of its agreement with the City of San Francisco?
- 2. Does the National Park Service have a current strategic plan for Fort Funston?
- 3. Has the National Park Service sought information from Park users and organizations concerned with the Park?
- 4. Is the National Park Service committed to reopen lands previously closed to park users?

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only: _____



FAX from ...

Senator Dianne Feinstein

of California

525 Market Street
Suite 3670
San Francisco, CA 94105
Tel: (415) 536-6868
Fax: (415) 536-6841

DATE: 10/25

TIME: _____

TO: ROGER SCOTT

FROM: DEBBIE MESWIT

COMMENTS:

ROGER SCOTT
FILE - DEBBIE

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 4

NOTE: The information contained in this facsimile is confidential. If you receive this transmission in error, please notify the sender immediately.



SUPERVISOR MABEL TENG
Member, San Francisco Board of Supervisors

Fax Cover Sheet

To: Chief of Staff
Office of Senator Dianne Feinstein

From: Sandra Lee

Fax number : 536-6841

Date : 10/19/00

Re : Fort Funston resolution

**Pages
(including cover) :** 3

Comments :

Please be advised that Supervisor Teng will be introducing on Monday, October 23rd, a resolution urging San Francisco's Congressional representatives to take action regarding Fort Funston. The second page of this transmission is a draft of the Board of Supervisors resolution.

*- Board will vote this coming Monday / * letter*

1 Dr. Carlton B. Goodlett Place • Room 244 • San Francisco, California 94102-4689
(415)554-4981 • FAX (415) 554-4985 • TDD/TTY (415) 554-5227
Mabel_Teng@ci.sf.ca.us

FILE NO. _____

RESOLUTION NO. _____

1 [Fort Funston]

2 URGING SAN FRANCISCO'S CONGRESSIONAL DELEGATION, INCLUDING
3 REPRESENTATIVES NANCY PELOSI AND TOM LANTOS AND SENATORS BARBARA
4 BOXER AND DIANNE FEINSTEIN, TO LOOK INTO THE GOLDEN GATE NATIONAL
5 RECREATION AREA'S HANDLING OF THE FORT FUNSTON CLOSURES AND TO TAKE
6 ACTION TO PRESERVE RECREATIONAL AREAS FOR SAN FRANCISCANS.

7 WHEREAS, Fort Funston is a unique and beloved recreational park
8 enjoyed by neighbors, dog owners and residents throughout the San
9 Francisco Bay Area; and,

10 WHEREAS, In addition to acres of hiking trails, beaches, ocean
11 view bluffs, and plant and bird habitats, Fort Funston is also the
12 largest off-leash areas for dogs and their owners; and,

13 WHEREAS, Earlier this year, 10 acres of Fort Funston were closed
14 to park users by the Golden Gate National Recreation Area (GGNRA),
15 which has authority over Fort Funston; and,

16 WHEREAS, The GGNRA initiated the closures, purportedly to
17 protect the endangered bank swallows, without justifying the need for
18 such extensive closures, without notifying the City and County of San
19 Francisco, and without the requisite public notice and hearings; and,

20 WHEREAS, In April 2000, a U.S. District Court judge ruled that
21 the National Park Service violated its own rules in unlawfully
22 fencing off 10 acres without public hearings in a manner showing "an
23 intent . . . to railroad through the closure, to maintain secrecy, to
24 unleash the fencing with lightning speed. . . ."; and,

25

SUPERVISOR TENG
BOARD OF SUPERVISORS

FILE NO. _____

RESOLUTION NO. _____

1 WHEREAS, Subsequent to the court ruling, the GGNRA opened up a
 2 comment process, then returned with a more ~~restrictive~~ plan of
 3 closing 12 acres rather than 10 acres and permanently rather than
 4 seasonally; and,

5 WHEREAS, The GGNRA is a part of the National Park Service which
 6 is a branch of the federal Department of Interior; now, therefore, be
 7 it

8 RESOLVED, That the Board of Supervisors of the City and County
 9 of San Francisco hereby urges San Francisco's Congressional
 10 delegation, including Representatives Nancy Pelosi and Tom Lantos and
 11 Senators Barbara Boxer and Dianne Feinstein, to look into the Golden
 12 Gate National Recreation Area's ~~shutdown~~ of the Fort Funston closures
 13 and to take action to preserve recreational areas for San
 14 Franciscans.

*original closure was 12
 acres
 → gates -
 - November 25*

SUPERVISOR TENG
BOARD OF SUPERVISORS

Board of Supervisors
City and County of San Francisco



Chair, Housing and Social
Policy Committee
Vice Chair, Rules Committee

RECEIVED
OCT 13 2000
SUPERVISOR'S OFFICE

SUPERVISOR MABEL TENG
三藩市參議員鄧式美

cy: C. Powell
R. Scott
H. Scott
N. Walthall
Gordon Reetz

September 27, 2000

Superintendent Brian O'Neill
Golden Gate National Recreation Area
Bay and Franklin Streets
Building 201, Fort Mason
San Francisco, CA 94123

Dear Mr. O'Neill:

I am writing out of a sense of deep concern regarding the most recent closures at Fort Funston. I have watched the developments unfold over the course of the year with increasing dismay and disappointment in the Golden Gate National Recreation Area's handling of the Fort Funston closures. I oppose the closures that have taken away precious recreational space for San Franciscans, particularly given the lack of public input.

I must remind you that the GGNRA has responsibilities to the people and city of San Francisco. Before any closures are imposed, the GGNRA must consult with the community and with the city that gave the GGNRA its authority to maintain Fort Funston as a public park for open recreation.

I strongly believe that San Francisco needs to preserve recreational areas for residents to enjoy with their pets. I urge you to work with the community, seek public comment on future actions, and act responsively with regard to Fort Funston.

Sincerely,

Mabel Teng

Mabel Teng
Chair, Housing and Social Policy Committee
San Francisco Board of Supervisors

This was faxed to Gordon 10/19. He said it didn't look like it needed to be suspended for a response. It would be up to us. Gordon felt she was just giving us her opinion of how she felt.

FOFUAR00603

GGNRA007844

余胤良博士



Leland Y. Yee, Ph.D.
Board of Supervisors
City and County of San Francisco

三藩市市參事

Mary S. your ca

Rick

cc'd

Brian Markus Amy Meyer

Chair, Finance and Labor Committee
Vice-Chair, Public Utilities and Deregulation Committee
Member, Transportation and Land Use Committee

財政及勞工委員會主席
公共事務及法例副委員會副主席
交通及土地運用委員會委員

DATE: 11/17

TIME: _____

FAX TRANSMITTAL

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THE FOLLOWING CONTAINS _____ PAGES, INCLUDING COVER SHEET.

TO: Rick Weideman
NPS

FAX NUMBER: 561-4710

FROM: LELAND Y. YEE, PH.D.

FAX NUMBER: (415) 554-7751

COMMENTS:

had

FOFUAR00604

IF YOU DID NOT RECEIVE ALL MATERIALS DESCRIBED ABOVE OR HAVE ANY OTHER QUESTIONS, PLEASE CALL ME AT (415) 554-7752.

One Dr. Carlton B. Goodlett Place, Room 244 • San Francisco, CA 94102-4689
(415) 554-7752 • Fax (415) 554-7751 • TDD/TTY (415) 554-5227

RECEIVED
OCT 30 2000
BY: _____

Time Stamp or Meeting Date

INTRODUCTION FORM

By a member of the Board of Supervisors or the Mayor

I hereby submit the following item for introduction:

- _____ 1. For reference to Committee:
An ordinance, resolution, motion, or charter amendment.
- X 2. Request for next printed agenda without reference to Committee
- _____ 3. Request for Committee hearing on a subject matter.
- _____ 4. Request for letter beginning "Supervisor _____ inquires...".
- _____ 5. City Attorney request.
- _____ 6. Call file from Committee.
- _____ 7. Budget Analyst request (by motion).
- _____ 8. Legislative Analyst request (by motion).

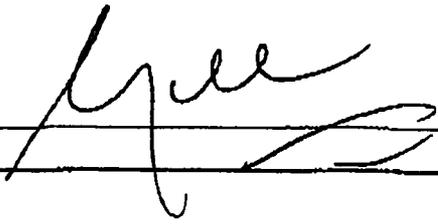
[Note: For the Imperative Agenda (a resolution not on the printed agenda, use a different form.)

Sponsor(s): Supervisor Leland Y. Yee, Ph.D.

SUBJECT: Resolution requesting the City Attorney to write the National Park Service to instruct the National Park Service to:

- 1. submit plans to Planning Department for review, comment, and approval
- 2. provide access to disabled park users
- 3. provide an explanation for the previous closures and proposed twelve-acre closure

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only:

FILE NO.

RESOLUTION NO.

[Urging the National Park Service to provide an explanation of Fort Funston Closures]

Resolution requesting the City Attorney contact the National Park Service reminding the National Park Service of its obligation to submit its construction plans to the City for review, seeking an explanation of how the past and proposed closures serve a recreation or park purpose and inquiring how the National Park Service will provide disability access in light of its removal of a paved path.

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 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, The deed transferring these City-owned park lands to the NPS contains the following restriction: "to hold only for so long as said real property is reserved and used for recreation and park purposes; and

Leland Y. Yee, Ph.D.
BOARD OF SUPERVISORS

FOFUAR00606

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GGNRA007347

1 WHEREAS, A contemporaneous agreement ("Agreement") concerning the rights and
2 duties of the parties requires the NPS, among other things, to submit its plans for construction
3 on the park lands or changes in the natural environment of these properties to the City's
4 Planning Department for review and comment in order to ensure that the Department of City
5 Planning will be informed and involved during all stages of the planning process and in
6 particular during the conceptual planning stage where potential conflicts can be resolved prior
7 to the development of specific plans; and

8 WHEREAS, The City Attorney has concluded that the City and County of San
9 Francisco has a right to bring legal action against the NPS in the event the NPS breaches the
10 deed restriction and agreement; and

11 WHEREAS, Since 1991, the NPS has closed heavily-used portions of Fort Funston for
12 the avowed purpose of habitat protection and native plant restoration, thereby precluding any
13 recreational use, without notifying the City and County of San Francisco; and

14 WHEREAS, The NPS now proposes permanent closure of an additional twelve acres
15 of prime recreation space at Fort Funston, without notifying the City and County of San
16 Francisco; now, therefore, be it

17 RESOLVED, That Board of Supervisors of the City and County of San Francisco
18 requests that the City Attorney write to the NPS reminding the NPS of its duty to submit to the
19 San Francisco Planning Department for review, comment, and approval plans for construction
20 at Fort Funston, including plans to install or maintain fencing at Fort Funston which precludes
21 recreational use by park visitors; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors requests the City Attorney to
23 write to the NPS to ask them to provide access to people with disabilities and to explain their
24 plans for resurfacing the previously paved Sunset Trail; and, be it

FOFUAR00607

Leland Y, Yee, Ph.D.
BOARD OF SUPERVISORS

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GGNRA007348

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FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco hereby requests the City Attorney write a letter to the NPS requesting the NPS to explain how the closures that have been effected at Fort Funston since 1991, including the proposed twelve-acre closure, comply with the deed restriction requiring that Fort Funston be used only for recreation or park purposes.

Leland Y. Yee, Ph.D.
 BOARD OF SUPERVISORS

CLIFF Recovery C9 2000

FOFUAR00609

Author: Howard L. Levitt at NP-GOGA

Date: 1/4/01 12:04 PM

Normal

TO: Kevin C. TurnerTO: Bob HollowayTO: George DurgerianCC: Mary Gibson ScottSubject: Cliff
Rescue - Fort Funston----- Message Contents

Kevin and staff: Way to go! HL

I want to express my thanks and gratitude for the excellent support and assistance Kevin Turner and the interpretive staff at Fort Funston have extended to protection rangers performing cliff rescues at Fort Funston. They have been invaluable in helping to set-up anchors and rigging and especially helpful in crowd control. Kevin has led by example and his teamwork and cooperation are to be commended.

THANK YOU!

Steve Prokop

FOFUAR00610

GGNRA007351

Author: Stephen B. Prokop at np-goga
Date: 12/30/00 2:18 PM
Normal

TO: Mary Gibson Scott at np-gogaTO: Yvette Ruan at np-gogaTO: Richard G. Danielsen at NP-G
OGA-MAHESubject: Funston Dóg Rescue - Possible Video----- M
essage Contents

On 12/30 I was contacted at the Funston R.O. by a woman who told me her dog(50-lbs boxer) was stranded on the cliffs 50-feet from the top. I responded with Sam Eddy and we set-up for a technical cliff rescue. There was a professional video person on his day off who happened to be visiting the area and he had a cam-corder. He videotaped the entire rescue. I asked him if he could provide a copy of the tape and he agreed. He will stop by later next week to deliver it. I'll let you know when I receive the tape.

Happy New Year,

Steve Prokop

FOFUAR00611

GGNRA007352

Cliff Rescues at Fort Funston for calendar year 2000

DATE	LOCATION	CASE #	Ranger	INJURIES
No incidents occurred for the month of <i>January</i> .				
No incidents occurred for the month of <i>February</i> .				
March 23, 2000	Dog rescue north of Deck	2497	Ehmann	none
March 25, 2000	Dog rescue above FOFO sewer	2530	Airey	Dog
April 01, 2000	Dog Rescue near B. Davis	2763	Sherman	Ranger
April 07, 2000	Dog Rescue north of Deck	3002	Airey	none
April 09, 2000	Dog Rescue B. Davis	3090	McFarland	none
April 16, 2000	Dog Rescue Sunset T.	3268	Beckert	Dog
May 29, 2000	Dog Rescue B. Davis	4637	Beckert	none
June 10, 2000	Dog + Human Rescue	5083	Heeren	none
July 23, 2000	Dog Rescue B.Davis	6629	Prokop	none
August 10, 2000	Dog Rescue B. Davis	7169	Airey	none
September 03, 2000	Dog + Human Rescue	7878	Ehmann	none
September 05, 2000	Dog Rescue near Deck	7954	Ehmann	none
October 24, 2000	Dog Rescue Sunset Trail	9698	Lopez	Ranger
November 26, 2000	Dog Rescue Sunset Trail	10870	Lopez	none
December 30, 2000	Dog Rescue near Deck	11938	Prokop	none

FORT FUNSTON CLIFF RESCUE TOTALS:

15 Dogs Rescued (2 dogs injured)

2 Humans Rescued

2 Rangers Injured (arm scrape + shoulder/back injury)

FOFUAR00612

GGNRA007353

CLIFF RESCUES IN SAN FRANCISCO for 2000 (Excluding Fort Funston)

DATE	LOCATION	CASE #	RANGER	INJURIES
March 03, 2000	Dog Rescue at Sutro Baths	1819	Eddy	none
April 14, 2000	Dog Rescue at FOMA	3206	Eddy	Dog
June 7, 2000	Human Rescue at Baker Beach	4990	Heeren	Lifeguard

CLIFF RESCUE TOTALS (SF, excluding Ft Funston)

1 Human rescued

2 Dogs rescued (1 dog injured)

1 NPS lifeguard injured (Poison Oak)

These totals do not include cliff incidents from the North Unit or Case #'s that may have been taken by USPP units in SF.

received by Steve Prokop, 1/4/01

FOFUAR00613

GGNRA007354

FORM 10-343
Rev. (1/76)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Finch

CASE INCIDENT RECORD

1. ORGANIZATION CODE 1 8 1 4 0		2. ORGANIZATION (PARK) NAME GGNRA South Unit			3. LOCATION CODE 0 7 0 4		4. CASE/INCIDENT NO. 0 1 1 9 3 8		
5. LOCATION OF INCIDENT Fort Funston				6. WHEN DID IT OCCUR? MO. 1 2 DAY 3 0 YR. 0 0		24 HOUR TIME 1 0 5 0		7. DAY OF WEEK 7	
8. OFFENSE/INCIDENT CODE		9. NATURE OF INCIDENT Land Rescue-Cliff Rescue			10. HOW REPORTED Park Visitor				
11. REPORTED BY Park Visitor				12. ADDRESS N/A		13. PHONE H N/A B N/A			
14. RECEIVED BY Park dispatch				15. WHEN RECEIVED DATE 12/30/00		16. TIME BROADCAST 1050		17. WHEN INVESTIGATED DATE 12/30/00 TIME 1050	
18. INVESTIGATED BY Stephen Prokop				19. OFFICER/RANGER NO. 0 9 2 6		20. WHEN CLEARED DATE 12/30/00 TIME 1200		DISPOSITION 21.	

22. INVOLVED PERSONS	23. ADDRESS	24. PHONE	25. SEX	26. RACE	27. AGE	28. DATE OF BIRTH
1	[REDACTED]	[REDACTED]	F	W		[REDACTED]
2						/ /
3						/ /
4						/ /

29 DETAILS OF INCIDENT

On 12/30/00 at 1050 [REDACTED] contacted ranger Prokop at the Fort Funston Ranger Station and advised him that her dog was stranded on the cliffs near the Hanglider Deck. Rangers' Prokop, Eddy, and interpretive ranger Turner responded and discovered a 50-lbs boxer stranded on the cliff, 50-feet from the top, approximately 200 yards south of the Hanglider Deck. Prokop took over as incident commander and Eddy was the rescue climber. Maintenance worker Brown and Turner were assigned as belayers. Eddy was lowered over the cliff on two safety ropes and secured the dog. A Z-Rig Hauling Device was set-up and Eddy and the dog were safely raised to the cliff top. USPP Battles assisted with the rescue and with crowd control. Eddy issued a verbal warning to Brant about restraining her dog. Cleared at 1200.

30. QUANTITY	31. PROPERTY STOLEN OR DAMAGED	32. ESTIMATED VALUE	RECOVERED	
			33. DATE	34. VALUE
			/ /	
			/ /	
			/ /	
			/ /	
35. PROPERTY CODE OF HIGHEST VALUE		36. TOTAL	00	37. TOTAL
INVESTIGATED BY (Signature and Date) <i>Stephen Prokop</i> 12/30/00		APPROVED BY (Signature and Date)		

FOFUAR00614

GGNRA007355

**BATES RANGE
FOFUAR**

01182 TO 01900

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BEFORE THE
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Meeting of the
ADVISORY COMMISSION
for the
GOLDEN GATE NATIONAL RECREATION AREA
and
POINT REYES NATIONAL SEASHORE

GGNRA Park Headquarters
Building 21, Fort Mason
San Francisco, California

Tuesday, November 28, 2000

REPORTER: JAMES W. HIGGINS, CVR

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GOLDEN GATE NATIONAL RECREATION AREA
AND POINT REYES NATIONAL SEASHORE

- - -

ADVISORY COMMISSION MEETING

- - -

TUESDAY, NOVEMBER 28, 2000

- - -

GGNRA Park Headquarters
Building 201, Fort Mason
San Francisco, California

The meeting was convened, pursuant to
Notice, at 7:30 p.m., Chairman Richard Bartke presiding.

COMMISSIONERS PRESENT:

- RICHARD BARTKE, Chair
- AMY MEYER, Vice Chair
- MICHAEL ALEXANDER
- SUSAN GIACOMINI ALLAN
- GORDON BENNETT
- ANNE-MARIE BOOTH
- BETSEY CUTLER
- REDMOND KERNAN
- DOUG NADEAU

1 COMMISSIONERS PRESENT (Cont.:

2 TRENT ORR

3 LENNIE ROBERTS

4 DENNIS J. RODONI

5 FRED RODRIGUEZ

6 DOUGLAS L. SIDEN

7 JOHN SPRING

8 EDGAR WAYBURN, M. D.

9 ALSO PRESENT:

10 For the Golden Gate National Recreation Area:

11 BRIAN O'NEILL, General Superintendent

12

13 FOR THE PRESIDIO TRUST:

14 CRAIG MIDDLETON

15

16 STAFF LIAISON:

17 MICHAEL FEINSTEIN

18

19

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P R O C E E D I N G S

7:30 P.M.

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CHAIRMAN BARTKE: The meeting will come to order.

This is the meeting of the Advisory Commission to the Golden Gate National Recreation Area and the Point Reyes National Seashore.

There are still some seats over here, to the other side, if you can't find chairs. There are also agendas at the back, by the door, where you came in. If you need an agenda, you can follow along.

As you can see, this is one of our heavier agendas, tonight, so we want to move with some alacrity in order to get through it before midnight, if possible.

The first item on the agenda is the approval of the minutes of the October 17 and October 21 meetings. Last month, we had two meetings: One here and one at Point Reyes. Those minutes were mailed to the Commission Members a couple of weeks ago.

Do we have any comments on either of those sets of minutes?

COMMISSIONER WAYBURN: I move for the approval of both sets of minutes.

COMMISSIONER RODONI: Second.

CHAIRMAN BARTKE: They've been moved and

1 seconded that both sets be approved, as submitted. Is
2 there any comments or questions?

3 (No response.)

4 CHAIRMAN BARTKE: All in favor say aye.

5 [Members voted unanimously in favor of the
6 motion.]

7 CHAIRMAN BARTKE: Opposed say no.

8 (No response.)

9 CHAIRMAN BARTKE: Those minutes are adopted.

10 As a matter of introduction, the members of the
11 Commission, that are seated up here, each have their names
12 in front of them, so I won't introduce them all. They are
13 appointed by the secretary of the Interior to give advice
14 to the Park Service. The Commission Members are not paid;
15 they're volunteer citizens, as most of you are. They've
16 been appointed because they have some experience in local
17 government, or public affairs of some kind. The
18 Commission members range all the way from service of just
19 a couple of months, all the way to a couple of decades.

20 The two gentlemen on my immediate left are
21 employees. Brian O'Neill is the General Superintendent of
22 Golden Gate National Recreation Area. Craig Middleton is
23 representing the Presidio Trust this evening. We'll be
24 getting reports from them later.

25

1 The next item on the agenda is the Fort Funston
2 Closure Notice, and it's going to take a couple of
3 minutes, but I want to set this into context in order to
4 explain to people who are here what it is that the
5 Commission has dealt with, with this issue.

6 First of all, in the area of public comment,
7 this Commission has had four sessions in which public
8 comments were received: January 18, March 21, July 18,
9 and August 29. Then, we even heard from a few on
10 September 26, who had been missed on August 29. But, on
11 August 29, the public hearing was closed. So I hope that
12 everybody understands that tonight is not a public
13 hearing; it's already been closed.

14 However, there was an eight-week public comment
15 period. During that period of time, we received a number
16 of written communications. I've been told that the
17 estimate is something like 1,500 written communications,
18 and that included significant amounts of material from SF
19 Dog, the SPCA, and Habitat Restoration.

20 Next, at the request of members of the public,
21 we reviewed the transfer from the city of San Francisco to
22 the Park Service of the area now known as Fort Funston.
23 That included — we all have copies of the voter pamphlet,
24 the ballot arguments and Proposition F of October 1973,
25 the late but emphatic endorsement of Willie Brown. We

1 have a bit on the spending, in which this proposition
2 spent less than anything else on the ballot, less than
3 \$700. Yet, it passed with the highest number of votes of
4 anything on the ballot on the November 6, 1973 election,
5 getting over 75 percent of the vote.

6 We've also reviewed the agreement that was
7 signed between the City and the Park Service on April 29,
8 1975. There's two deeds, May 22, 1975, and September 17,
9 1975, that we have copies of.

10 As far as planning documents go, we've reviewed
11 the San Francisco Master Plan, the San Francisco comments
12 to our General Management Plan, and Golden Gate's General
13 Management Plan of 1980, which was adopted after I don't
14 know how many hearings. Just in San Francisco alone,
15 there were over 100 hearings before that Master Plan was
16 adopted, General Management Plan.

17 We've also reviewed federal laws and
18 regulations, which included the National Park Service's
19 Organic Act; the 1978 Amendment to the National Park
20 Service General Authorities Act; Director's Order No. 55;
21 the Code of Federal Regulations, specifically 36.2.15;
22 and, specifically having to do with Golden Gate, Public
23 Law 92-589, which established Golden Gate; the Advisory
24 Commission's Pet Policy, which was adopted on September
25 27, 1978; the Code of Federal Regulations Compendiums —

1 there's three of them — dated July 8, 1996, December 19,
2 1997, and August 24, of this year.

3 We've also reviewed the findings and order from
4 the Federal District Court, dated April 26, of this year.
5 In fact, I went so far as to look up the cases that were
6 cited by Judge Alsop in that, all of which had to do with
7 Park Service closures: Henderson v. Stanton; Mausoff v.
8 Babbitt; and Spiegel v. Babbitt. It was interesting that,
9 on appeal, in all three of those the Park Service
10 prevailed.

11 We also checked with other federal court cases
12 that had to do with closures, one of which, in fact,
13 involved Golden Gate, Bicycle Trails Council v. Babbitt in
14 1996, in which this Commission was involved. That case
15 held two things: One was that all units of the Park
16 Service are treated the same; there's no difference
17 between National Parks in urban areas, and National Parks
18 in rural areas. The second is, quote:

19 "As long as the evidence supports the Park
20 Service determination, the court is not free to
21 substitute its judgment for that of the
22 agency."

23 The members of the Commission also made site
24 visits to Fort Funston, and, of course, have available
25 their own contacts with members of the public and their

1 own opinions.

2 If you're looking for copies of the summary
3 report, there are some at the back table; but it know
4 comes to the Commission for action. And, so, that's where
5 we are right now. The chairman of our San Francisco
6 Committee is Jack Spring. Jack, were you going to pass
7 this off to someone else?

8 COMMISSIONER SPRING: Well, I was going to give
9 you my report from our last meeting, which was November 7.
10 At the start of that, we were updated on the Camera
11 Obscura and the nominating of that for the National
12 Historic Register. Then we went into the Fort Funston
13 Closure Notice, for about the fourth meeting in a row.
14 There was a great deal of discussion. The result of that
15 discussion was that we should suggest to the Commission a
16 series of resolutions to stimulate discussion and
17 modification or change by the members of the Commission,
18 who have not had the opportunity to participate in these
19 kinds of discussions.

20 So, in the fact that there are three
21 resolutions that are drafted very roughly, and by only a
22 few of us, so that they need a lot of polishing, and Amy
23 Meyer has agreed to introduce these and talk about these
24 resolutions and make some changes, and so forth.

25 COMMISSIONER MEYER: Okay. I'm going to

1 present the first resolution with regards to the closure
2 of 12 acres. This is the issue which brought matters to a
3 head. I'm going to read the resolution into the record.
4 All the Commissioners have it; it's the top sheet among
5 the sets of papers that you have:

6 "WHEREAS, The Golden Gate National Recreation
7 Area (GGNRA) is part of the National Park
8 System and subject to its policies and
9 regulations as well as to federal law, and

10 "WHEREAS, the GGNRA has proposed to close 12
11 acres of Fort Funston to

12 "Reduce cliff and bluff failure

13 "Encourage the restoration of natural
14 habitat

15 "Protect the lives and habitat of bank
16 swallows, a species listed as 'threatened'
17 by the State of California Endangered
18 Species Act

19 "Assure the safety of visitors and pets, and

20 "WHEREAS, the naturally eroding cliffs of Fort
21 Funston have lost many feet of land since the
22 GGNRA was established, exacerbating loss of
23 species habitat and creating safety issues, and

24 "WHEREAS, this Commission has, during an
25 extended comment period between January and

1 October 2000, heard testimony from park users
2 and other interested parties on four occasions
3 and has received approximately 1,500 written
4 comments, and

5 "WHEREAS, this Commission, in part at the
6 request of the Fort Funston dog walkers, has
7 reviewed applicable National Park Service law,
8 including the GGNRA enabling legislation, the
9 hearing record on that legislation, the House
10 and Senate Committee Reports on that
11 legislation, National Park Service regulations
12 including Title 36, Chapter I, Part 2, Sec.
13 2.15, 'Pets,'..."

14 The sentence I would particularly call out of
15 that is Section 2:

16 "(a) The following are prohibited:

17 "(2) Failing to crate, cage, restrain on a leash
18 which shall not exceed six feet in length, or
19 otherwise physically confine a pet at all
20 times."

21 "... the National Park Service Director's Order
22 No. 55 of September 8, 2000, and the September
23 15, 2000 'Notice of New Policy Interpreting the
24 National Park Service (NPS) Organic Act, the
25 results of the 1973 election at which 66.8

1 percent of San Francisco voters approved the
2 transfer of lands from the jurisdiction of the
3 city to the GGNRA, the 1975 agreement between
4 the city of San Francisco and Federal
5 Government for the transfer of the city lands
6 to the National Park Service, the 1977 City
7 Planning Commission 'Staff Response to GGNRA
8 [Management Plan] Alternatives,' the General
9 Management Plan for the GGNRA approved in 1980
10 after Bay Area-wide public hearings, the city
11 of San Francisco's Westside Plan ...

12 And the pertinent section reads, in part:

13 "Policy 1, Fort Funston: Maximize the natural
14 qualities of Fort Funston, conserve the ecology
15 of the entire fort and develop recreational
16 uses which will have only minimal effect on the
17 natural environment."

18 "... the results of several court cases [cited
19 by Mr. Bartke] regarding NPS land and resource
20 management, and the sustainability plan of the
21 city of San Francisco, now, therefore, be it

22 "RESOLVED, that the decision of the GGNRA
23 superintendent to close twelve acres of Fort
24 Funston to dogs is appropriate and necessary,
25 and be it further

1 RESOLVED, that, in preference to permanent
2 closure, the Commission requests the
3 superintendent consider removing the fences and
4 having a trail through the area accessible to
5 dogs on leash."

6 CHAIRMAN BARTKE: Any comments?

7 COMMISSIONER MEYER: Well, I think I would just
8 present that one straightforward.

9 CHAIRMAN BARTKE: All right. It's now open to
10 Commission or question on the proposed resolution, as
11 drafted by, I think, a couple of members of our
12 Commission.

13 Redmond.

14 COMMISSIONER KERNAN: I have a concern that we
15 haven't recognized that the plan for Fort Funston is
16 somewhat old, in that: It's 20 years, or more, I think,
17 in age and should be updated. I would suggest a further
18 resolve, which would be that this Commission request that
19 the National Park Service, as early as practicable, update
20 the General Management Plan for Fort Funston; and, in that
21 process, work with neighbors and user groups to see that
22 that plan reflects not only conservation, but how people
23 fit into that plan, which, by just emphasizing the
24 conservation aspects, doesn't indicate how people fit
25 there. One could fence off the entire park, for

1 conservation.

2 So, I think the plan needs to be revisited.
3 And I would suggest adding that further resolve.

4 COMMISSIONER MEYER: All right.

5 CHAIRMAN BARTKE: I would like to point out
6 that the Chair has not accepted a motion or a second.

7 COMMISSIONER MEYER: That's right.

8 CHAIRMAN BARTKE: And we have not — therefore,
9 we don't have to put this in the form of an amendment to
10 the motion because we don't have a motion. It's open,
11 wide open, for discussion.

12 COMMISSIONER KERNAN: Well, I move the
13 resolution with my addition to it.

14 CHAIRMAN BARTKE: I was actually encouraging to
15 not do that until —

16 COMMISSIONER KERNAN: Okay.

17 CHAIRMAN BARTKE: — we get a lot of ideas on
18 the floor; and, then, maybe somebody can frame a single
19 motion.

20 COMMISSIONER KERNAN: But you want more
21 discussion, okay.

22 CHAIRMAN BARTKE: No, we're going to discuss
23 with a motion, for awhile, at least.

24 Speaking only for myself, I certainly
25 sympathize with what you've said. When I brought it up

1 myself a couple of weeks ago, I was told that that would
2 raise false expectations because there is no money in this
3 budget, or next budget, or the next budget, to do that
4 kind of a plan — which is regrettable. I'm not sure
5 that that should stop us from saying what we want to say,
6 but the reality is that the plan isn't going to get done
7 very soon.

8 COMMISSIONER MEYER: Well, Rich, I also think
9 that this is a highly focused resolution. There are other
10 resolutions here. There is no reason why what you say
11 can't be a separate resolution. But this resolution is
12 specifically to deal with the closure of 12 acres of Fort
13 Funston, which became the subject of a court case. And I
14 would hope we would stick to that one subject in this
15 resolution.

16 COMMISSIONER KERNAN: I would only suggest that
17 we consider the subject I mentioned because I'm not sure
18 there will ever be money requested unless there is a need
19 to update the plan; and, therefore, money will be
20 requested at the point there is a recognized need. So I
21 think it may help to get it on record. Whether it's
22 separate or this resolution, I don't care. But I think —
23 I feel one of the issues is operating without a plan
24 that's current enough that people that it represents the
25 wishes of all those involved.

1 CHAIRMAN BARTKE: Okay. Hold that thought.

2 Fred?

3 COMMISSIONER RODRIGUEZ: I just wanted to draw
4 attention to the, or to ask a question concerning the last
5 clause about the area being accessible to dogs on leash in
6 the trail there. Is — and this is silent with respect to
7 the rest of Fort Funston. It's my understanding that,
8 notwithstanding the federal legislation, there really
9 isn't an enforcement of the dog-on-leash in the other
10 areas within Fort Funston. Is it — is there going to be
11 any change with respect to that?

12 COMMISSIONER MEYER: Do you want me to take it?

13 CHAIRMAN BARTKE: Yes.

14 COMMISSIONER MEYER: We have a series of
15 resolutions here. It seemed wise to start with the one
16 that spoke specifically to the matter that went to court.
17 We've had to handle this ourselves. Because of the nature
18 of it, this has been handled within the members of the
19 Commission. Usually, when we work on resolutions, we work
20 with the staff and the language sometimes gets smoothed.
21 But, in this case, this is a separate resolution to hang
22 by itself. That topic will be taken up in another
23 resolution.

24 COMMISSIONER RODRIGUEZ: Okay.

25 CHAIRMAN BARTKE: But the question specifically

1 is, Fred, as I understand it, was not necessarily the fact
2 that there not be a permanent closure, and that there be
3 leashes; but whether or not the enforcement would follow,
4 either whether that was done or not done.

5 Trent?

6 COMMISSIONER ORR: I don't have any —
7 actually, I like this quite a bit; but I have a correction
8 at this point. I may have some discussion a bit later.
9 It's a technical matter. In the long "Whereas," three
10 lines from the bottom, the name of that document is not
11 the Westside Plan; it's the Western Shoreline Area Plan.

12 COMMISSIONER MEYER: Oh, sorry.

13 COMMISSIONER ORR: It's an area plan, and this
14 is a specific subset of the general plan. It's
15 incorporated as part —

16 CHAIRMAN BARTKE: We don't have the need for
17 that many words.

18 [Laughter.]

19 COMMISSIONER ORR: That's my only comment, for
20 right now.

21 CHAIRMAN BARTKE: Do you want to make anymore?

22 COMMISSIONER ORR: No. I'll wait and here more
23 of the discussion.

24 COMMISSIONER MEYER: Actually, I heard what
25 Fred said better after I listened to Rich's comment. I

1 think what you seem to be saying, Fred, about that last
2 resolve is the Commission requests the Superintendent to
3 consider removing the fences, having a trail through the
4 area accessible to dogs on leash and enforcing the
5 regulations that would keep a dog on a leash. I think
6 that that's necessary. That makes sense.

7 CHAIRMAN BARTKE: Other comments?

8 (No response.)

9 CHAIRMAN BARTKE: Now does somebody want to
10 make a motion on this proposed resolution?

11 COMMISSIONER MEYER: So moved.

12 CHAIRMAN BARTKE: It's moved and seconded, as
13 drafted, except for the name of the city's plan.

14 COMMISSIONER ORR: Are we going to add a clause
15 saying, "consider removing the fences, having a trail
16 through the area accessible to dogs on leash and enforcing
17 the leash —

18 COMMISSIONER MEYER: Regulations?

19 COMMISSIONER ORR: — the leash regulation?

20 COMMISSIONER MEYER: The leash regulation
21 required by the —

22 COMMISSIONER ORR: Or enforcing the national
23 leash regulations, the Park Service leash regulations.

24 CHAIRMAN BARTKE: Okay.

25 COMMISSIONER MEYER: NPS leash regulations.

1 CHAIRMAN BARTKE: Got it. That is part of the
2 motion, then.

3 Redmond, did you want to bring up your point?

4 COMMISSIONER KERNAN: I'm willing to have it be
5 a separate resolution.

6 CHAIRMAN BARTKE: Have you looked at the other
7 drafts to see if they would be —

8 COMMISSIONER KERNAN: They wouldn't be able to.

9 CHAIRMAN BARTKE: It does not fit. Okay, we'll
10 do it separately, then. All right. Discussion on the
11 motion.

12 Michael.

13 COMMISSIONER ALEXANDER: I think we've all
14 reviewed the legislation, and it's been pretty
15 enlightening to me because it is, it is — I'm not a
16 lawyer, so I read it as a lay person does. We have
17 lawyers on this panel, and, goodness knows, there are
18 enough lawyers around. I read it as a lay person.

19 COMMISSIONER MEYER: Read it as — what,
20 Michael?

21 COMMISSIONER KERNAN: A lay person.

22 COMMISSIONER ALEXANDER: As a lay person. And
23 as I've read the Organic Act and the long series of
24 regulations and court decisions, and further regulations
25 and further court decisions and interpretations, that bind

1 the National Park Service and bind this Commission,
2 because we took an oath to uphold the law, I don't see a
3 lot of wiggle room. And, so, I'm going to support this,
4 this resolution because I think this is what the law says.
5 Now I appreciate that we have heard from some people that
6 they believe that the law says something else. We have a
7 much larger issue in this country, right now, that is
8 being settled. That's why we, that's why we have courts.
9 And it's my understanding that, that a case questioning
10 the law has been, has been filed. If that's, if that's
11 the case, so be it. That's what the courts are for and
12 we'll get a ruling. We'll get an appropriate ruling on
13 this issue. Until then, though, I feel bound by the law
14 as I understand it, and as it has been presented, quite
15 persuasively, to me by the, by the Park Service and its
16 solicitors. So, I will vote for this resolution.

17 CHAIRMAN BARTKE: Any other comments?

18 Trent.

19 COMMISSIONER ORR: Well, I just briefly, to take
20 a — not to say that what Michael just said was grudging;
21 but I'd just like to say that I think there, there is some
22 principles here. I mean, I'm not voting this just because
23 I feel bound by the law. I think that the law is
24 absolutely right there. But I think that, to me, it's
25 really an issue of what national parks are for, and that

1 obviously is expressed in the law. But the principle
2 beyond that is a very important one. I mean, I think that
3 we have in Fort Funston a really remarkable area that has
4 some extremely rare and valuable resources within our
5 city.

6 What the Park Service is trying to do is find a
7 way to preserve those resources to enhance them, to bring
8 that population of bank swallows back, to save a little
9 bit of the remaining dune communities we have here in the
10 city. And I think, in and of itself, that's an extremely
11 valuable thing to do. And I think that the notion that,
12 in this area, especially with the second resolve, that we
13 would even think that the fences could go away as long as
14 people were willing to have their dogs on leash, which
15 does not seem to me to be a really onerous burden in a
16 national park.

17 So I just wanted to have someone say, for the
18 record, that I think there's — there are a number of
19 principles involved here that I think are very important
20 ones that make me quite pleased to vote for this
21 resolution.

22 CHAIRMAN BARTKE: Lennie.

23 COMMISSIONER ROBERTS: Well, I'd like to add to
24 that a bit. I agree with what Trent has said, and I also
25 wanted to add the broad consideration that we have to do

1 about visitor enjoyment of the national parks. We have to
2 keep in mind that we are, we are really — we need to take
3 into account the mandate of the Park Service for providing
4 for all visitors, and having a single use in a national
5 park actually will exclude other potential users.

6 From my perspective, I am happy to see this park
7 used by many dog users, dog walkers and dogs and owners,
8 but I think that there dogs off leash become a problem for
9 other users, who may not choose to go there. It's hard to
10 find out about those people who are not there and why
11 they're not there. We've heard a lot from the public that
12 does the park, and I very much appreciate all the comments
13 that we have heard about this. But I think we have to
14 keep in mind many other voices that we haven't heard, as
15 well. So I would support this resolution, for that
16 reason.

17 CHAIRMAN BARTKE: Redmond.

18 COMMISSIONER KERNAN: I think I agree with
19 everybody, but I have a slightly different view that urban
20 parks, perhaps, shouldn't be treated the same as all
21 national parks. Maybe one size doesn't fit all. Maybe
22 one set of rules shouldn't govern all parks. I think
23 there is a distinction between creating an urban park in
24 an urban area, and some of the national parks,
25 Yellowstone, Yosemite, et cetera, who are in wild areas.

1 And I think that, if I could make the law, I would have
2 the Superintendent have discretion in some matters that he
3 now doesn't.

4 But given all that, the law does say what it
5 says, and I'm willing to support it and support this
6 resolution. But I wish that there were more latitude for
7 creativity on the part of the Superintendent, and that
8 there was the opportunity to have different rules for
9 different kinds of parks.

10 CHAIRMAN BARTKE: Michael.

11 COMMISSIONER ALEXANDER: Two points: First of
12 all, I didn't, I didn't mean to suggest by my statements,
13 but I obviously did, that there weren't other reasons why
14 I supported this resolution. But I think that's —
15 following the law is the first test, and everything else
16 falls away if, as in this case, the law has to be obeyed.

17 As to Commissioner Kernan's point, there was a
18 time, I believe in the '70s — Doug, I think you'll be
19 able to check me on this — when the Park Service actually
20 did set management standards for three different kinds of
21 parks, one of which was recreation areas. And Congress
22 clearly and specifically, in two instances, wrote into law
23 that that would not be the way the Park Service
24 interpreted the Organic Act. That the Park Service was to
25 treat all units of the National Park System, to manage all

1 units of the National Park System by the same standards.
2 They did not want that. So the Park Service had to revise
3 its regulations to conform to the will of Congress. It
4 was absolutely clear. You may disagree, you know. Others
5 may disagree with the intent of Congress, but that's what
6 Congress did, and it did it twice.

7 CHAIRMAN BARTKE: Gordon.

8 COMMISSIONER BENNETT: Could I ask a question?
9 Does anyone know what the San Francisco Westside Plan
10 says? I assume someone does.

11 COMMISSIONER ORR: Amy read it a minute ago.

12 COMMISSIONER BENNETT: Could you read again that
13 part?

14 COMMISSIONER MEYER: Yeah. This is, this takes
15 up all the coastal areas on the west side of San
16 Francisco, such as the Cliff House and Ocean Beach and
17 Sutro Baths. And at Fort Funston it says:

18 "Objective 9. Conserve the natural cliff
19 environment along Fort Funston.

20 "Policy 1. Maximize the natural qualities of
21 Fort Funston. Conserve the ecology of the
22 entire fort and develop recreational uses which
23 will have only minimal effect on the natural
24 environment.

25 "Policy 2. Permit hang gliding, but regulate it

1 so that it does not significantly conflict with
2 other recreational and more passive uses, and
3 does not impact the natural quality of the
4 area."

5 COMMISSIONER BENNETT: And that's San
6 Francisco's policy for that area?

7 COMMISSIONER ORR: It's part of the general
8 plan.

9 COMMISSIONER MEYER: It's part of the general
10 plan.

11 COMMISSIONER BENNETT: Okay.

12 CHAIRMAN BARTKE: Other comments or questions?
13 Doug.

14 COMMISSIONER NADEAU: I just like to make a mild
15 response to what Red said.

16 In light of my experience, the only difference
17 between an urban national park and what you would consider
18 to be a more traditional national park is the incredible
19 intensity of use in those areas. And, to me, that factor
20 makes it all the more important that the National Park
21 Service apply the correct standards of preserving
22 resources and not look to lowering those standards. So,
23 to me, it strengthens our resolve to make sure that we do
24 the right thing at Fort Funston.

25 So I think with that, I'd just would like to say

1 I'm delighted with this resolution.

2 CHAIRMAN BARTKE: Ed.

3 COMMISSIONER WAYBURN: I'm prepared to support
4 this resolution, but I have certain comments. Having had
5 quite a fair amount to do with the establishment of urban
6 parks in the United States, and particularly with the
7 establishment of the GGNRA, we were confronted with this
8 problem, among others, early on. And it was agreed at
9 that time that there should be certain exemptions made
10 with regard to dogs, and these were done with the
11 knowledge and advice of the Commission, of the
12 Superintendent of the parks, the first Superintendent.
13 And it was realized that parks in urban areas are going to
14 be up against different plans and projections from parks
15 in what were once wilderness areas. I think that the city
16 allowed dogs in the Fort Funston area. I'm just not
17 acquainted with the later developments, which were just
18 read. But it was not meant to take away any of the
19 privileges which have been allowed before.

20 CHAIRMAN BARTKE: Any other comments or
21 questions?

22 (No response.)

23 CHAIRMAN BARTKE: All right. Since we're ready
24 to vote on this resolution, I call for a voice vote. If
25 there is a serious split, then we'll ask for a show of

1 hands; but, first, a vocal vote. All in favor say aye.

2 [Members voted.]

3 CHAIRMAN BARTKE: Any opposed?

4 (No response.)

5 CHAIRMAN BARTKE: I hear none. The resolution
6 is adopted, as presented.

7 Amy, back to you.

8 COMMISSIONER MEYER: Okay. You have two other
9 resolutions here. Some of you, I've had a chance to
10 explain this to; a few of you, I haven't. Because this
11 process was completely outside of this building, it went
12 through a bit of — we've just had some difficulty. It
13 went from fax to fax.

14 Please turn to the third page, which is the
15 resolution to rescind the Golden Gate National Recreation
16 Area Advisory Commission 1979 Pet Policy. Now, Rich told
17 me that, actually, we passed this in 1978. I was chair of
18 the committee, but they didn't get around to printing it
19 until 1979 — just in case that comes up and bothers
20 anybody.

21 The resolution of 1978 is in conflict with
22 federal law; and, as such, we feel is confusing to the
23 public. And, so, I will read this resolution aloud:

24 "WHEREAS, in 1978 this Advisory Commission,
25 recognizing that this national park in an urban

1 area included some lands whose social history
2 was different from that of other national
3 parks, passed a "Pet Policy" resolution in
4 which it sought to accommodate San Francisco
5 and Marin County custom regarding dog-walking,
6 allowing dogs to be walked off leash and under
7 voice control in certain areas, and
8 "WHEREAS, although not formally adopted by the
9 National Park Service, this resolution was used
10 as a permissive guideline in these park areas
11 by a sequence of national park superintendents
12 of the Golden Gate National Recreation Area
13 (GGNRA), although it contravened National Park
14 Service regulations requiring all dogs to be on
15 leash, and
16 "WHEREAS, over the years since the establishment
17 of the GGNRA in 1972, and the transfer of the
18 city lands to the GGNRA in 1975, the natural
19 resources of the GGNRA, as well as those of the
20 State of California and the nation, including
21 the habitat requirements of native plants and
22 animals, have been studied and their
23 interdependence has become better understood,
24 and
25 "WHEREAS, it has become evident that many areas

1 of natural habitat in this country have been so
2 affected by human incursion and development
3 that many species have been listed by the state
4 and nation as "threatened" and "endangered"
5 under the federal and state Endangered Species
6 Act [those are two separate acts], and that
7 some of these species live in areas of the
8 GGNRA, and
9 "WHEREAS, since 1978 the dog-owing population of
10 the Bay Area has increased and areas in other
11 jurisdictions formerly open to dogs have been
12 closed, so that the number of dogs that visit
13 the GGNRA has increased, leading to increasing
14 conflicts with other park users, as well as
15 concentrations of dog litter off trail in areas
16 of natural habitat where it cannot be removed
17 by the dogs' owners, and
18 "WHEREAS, present circumstances in the GGNRA
19 require the closer supervision of dogs as
20 provided by a leash, in order to fulfill the
21 requirements of law and regulations, and
22 "WHEREAS, because of loss of habitat and
23 increased dog use, some of the purposes for
24 which the GGNRA was established within the
25 National Park System can no longer be fulfilled

1 in areas of the park in which dogs are not
2 permitted to run off leash ..."

3 Now I'm going to ask you turn back to the
4 previous page, because, rather than having another pet
5 resolution, we're going to try to incorporate two other
6 whereases [sic], which you will see here.

7 "WHEREAS, Director's Order 55 of September 8,
8 2000 (referring to the National Park Service
9 Organic Act of 1916, the National Park Service
10 General Authorities Act of 1970, and the
11 Redwoods National Park Expansion Act of 1978
12 [which contained a paragraph]) states as
13 follows:

14 "'Sec. 3.4 The Prohibition on Impairment
15 'While Congress has given the Service the
16 management discretion to allow certain
17 impacts within parks, that discretion is
18 limited by the statutory requirement
19 (enforceable by the federal courts) that
20 the Park Service must leave park resources
21 and values unimpaired, unless a particular
22 law directly and specifically provides
23 otherwise,' and

24 "WHEREAS, the September 15, 2000 'Notice of the
25 New Policy Interpreting the National Park

1 Service (NPS) Organic Act' states 'All NPS
2 personnel must conduct their work activities
3 and make decisions affecting the National Park
4 System in conformance with the interpretation
5 in this Director's Order' and twice states
6 'conservation is to be the predominant,' now
7 therefore be it

8 "RESOLVED, that the GGNRA Advisory Commission
9 rescinds its 1978 resolution."

10

11 CHAIRMAN BARTKE: All right. We're open for
12 Commission discussion on that combined resolution.

13 Redmond.

14 COMMISSIONER KERNAN: I don't find it on our
15 agenda. This is to rescind a policy that applies to the
16 total GGNRA. I think it should be discussed, but I don't
17 think we should move on something that hasn't been
18 calendered, noticed, that people have not been alerted to.
19 There are areas that I can think of where I think the
20 Director's Order can be met, the resources can be
21 protected; and, yet, you could have dogs off leash. West
22 Pacific Avenue comes to mind. It's got a fence on both
23 sides.

24 I'm just not prepared to deal with something
25 that hasn't been calendered so that those who might be

1 affected would have an opportunity to address the issue.
2 As I understand it, to the extent our policy contravenes
3 the Director's Order, the Park Service will not implement
4 our policy; they will implement the Director's Order. So
5 I don't think we need to do this, and I don't think we
6 should do this, because it has the appearance of changing
7 a policy for which people have not had an opportunity to
8 address this Commission.

9 CHAIRMAN BARTKE: Okay. Other comments?

10 Trent.

11 COMMISSIONER ORR: Well, I would take an
12 opposite view of that. I mean, it seems to me to be
13 completely in line with the resolution we just passed.
14 We're recognizing that we have a policy. I mean, if it
15 happens this month, or if it happens in the future, say,
16 next month, that doesn't particularly concern me. The
17 problem is that, as Amy said, we have a policy out there
18 that is blatantly inconsistent with the law, is illegal,
19 is unenforceable; and, so, leaving it out there only leads
20 to confusion. It leads to people coming in and saying:
21 Well, there's this policy. And that's been part of the
22 misunderstanding and part of the problem that we're
23 addressing right now.

24 So I am certain -- I don't know what the
25 Commission feels about voting on it tonight. I don't have

1 any problem with that myself. Because, basically, we're
2 saying we're removing something that isn't legally
3 authorized in the first place. We have a policy that was
4 never adopted by the Park Service. It's advice that this
5 Commission, this Advisory Commission, gave in 1978.
6 Circumstances have changed.

7 To me, the most important whereas here is
8 probably the fifth one, while dogs at Fort Funston, a
9 combination of the increase in the number of dogs that
10 come to the park. I guess one thing that isn't mentioned
11 in the resolution is the closure by other park agencies
12 around the Bay Area, including the beaches down in San
13 Mateo County. I know the Marin Open Space District I
14 think is considering some further restrictions on dogs.
15 We're just — as long as this policy is here, we're going
16 to have more and more people saying: Well, the National
17 Parks are the place you go with your dogs.

18 It seems to me something that we need to
19 correct. It's something that, as I say, entirely illegal
20 and out of sync with everything else we've said so far
21 tonight. So, I mean, I'm prepared to vote yes for it, but
22 I would like to hear what other commissioners think.

23 CHAIRMAN BARTKE: All right. Other
24 Commissioners?

25 Ed.

1 COMMISSIONER WAYBURN: Is there a motion on the
2 floor?

3 MR. SHEPERD: Mr. Chairman, point of order.

4 CHAIRMAN BARTKE: There is not.

5 COMMISSIONER WAYBURN: If there's not a motion,
6 I won't make it.

7 MR. SHEPERD: Mr. Bartke, I have a point of
8 order, sir.

9 COMMISSIONER WAYBURN: If there is a motion
10 made, I would move to table it.

11 CHAIRMAN BARTKE: Okay. There has not been a
12 motion made. Any further comments from Commission
13 Members?

14 Jack.

15 COMMISSIONER SPRING: I might suggest that, one
16 of the reasons that we felt that this kind of a discussion
17 should be held is that the fact that the Advisory
18 Commission passed this resolution some years ago imposed
19 the impression on the public that this was a matter of
20 fact and the policy of the National Park Service; whereas,
21 it is not. So if we remove that policy from our
22 Commission records, I think it would be truthful and
23 forthcoming to do it.

24 CHAIRMAN BARTKE: Okay. Gordon.

25 COMMISSIONER BENNETT: I agree with, partially

1 with, both sides of this discussion. I think we should
2 calendar what our policy should be, but I think I would
3 support this proposal. I think it's confusing; I think
4 it's illegal.

5 CHAIRMAN BARTKE: Are you suggesting that it go
6 over to a noticed meeting at some time in the future? Or,
7 do you think it should be voted on tonight?

8 COMMISSIONER BENNETT: No. What I'm saying is
9 that I think this should be voted on tonight. But what
10 I'm further suggesting is that we have now eliminated a
11 policy, if we all agree to pass that. What I'm suggesting
12 is that we calendar, perhaps, discussion about what a new
13 policy should be. If there is one that could replace
14 this, that should go on the calendar for discussion.

15 CHAIRMAN BARTKE: I see. Okay. Other comments?
16 Susan.

17 COMMISSIONER ALLAN: I agree that I don't feel
18 quite ready. I was really prepared on the closure issue.
19 I'd like to think about this a little bit more. I
20 understand the confusion of two different policies. I
21 think that we're really a little further on the subject
22 now, so we'll really be ready to move on.

23 CHAIRMAN BARTKE: Amy.

24 COMMISSIONER MEYER: I would remind everybody
25 that what this does is remove a basic confusion. The Code

1 of Federal Regulations, Title 36, Volume 1, Section 2.15,
2 "Pets," says:

3 "(a) The following are prohibited.

4 "(2) Failing to crate, cage, restrain on a leash
5 which shall not exceed six feet in length, or
6 otherwise physically confine a pet at all
7 time."

8 I do not see how this Commission can have a
9 policy out there. We have been told that this is — what
10 we have done is doing nothing but confusing the public.
11 That is why I feel very strongly that this resolution to
12 remove that confusion — I agree that we can certainly
13 have a find dog discussion on, you know, other subjects,
14 but we have to get, to remove the discrepancy between
15 ourselves and the existing Park Service regulation. This
16 has been an informal policy. For 20 years, it survived.
17 Circumstances have changed, some of which are cited in the
18 resolutions. Someone else mentioned the closure of the
19 San Mateo County beaches. And, you know, it's just become
20 impossible and the confusion is too great. We have plenty
21 of letters indicating that people are terribly confused.
22 That's why I want to see this voted on tonight.

23 CHAIRMAN BARTKE: Michael.

24 MR. SHEPERD: Mr. Bartke, I have a point of
25 order, sir.

1 CHAIRMAN BARTKE: I think you're out of order.
2 But go ahead, what is it?

3 MR. SHEPERD: I think that Mr. Kernan's
4 suggestion that the item you're discussing now has not
5 been put on the agenda. The public has not had notice of
6 this.

7 CHAIRMAN BARTKE: We're aware of that. We're
8 going to get to that. We're going to get to that.

9 MR. SHEPERD: I would like to see some public
10 comment on this.

11 CHAIRMAN BARTKE: Michael.

12 COMMISSIONER ALEXANDER: I just want to ask, I
13 want to ask for some legal advice on this. Because I
14 don't want to see us — I agree that we are inconsistent
15 and that we need to get consistent. But I don't want to
16 get into another situation where we are legally challenged
17 because we haven't, we haven't given proper notice. And
18 can we — how do we — I'd like that resolved. As soon as
19 that's resolve, I'm prepared to vote.

20 CHAIRMAN BARTKE: Okay. Well, let's get some
21 more discussion.

22 Trent.

23 COMMISSIONER ORR: Well, I mean, I'll take a
24 stab at that, which is to say: We are an Advisory
25 Commission. We are currently giving advice which is

1 clearly illegal, that is through this 1978 policy. I
2 don't think there's is any problem with our rescinding it
3 now. If someone has a process problem with it, I suppose
4 you could go to a federal court to ask the judge to have
5 us unrescind the policy and go through a formal process to
6 reinstate, and then get rid of, again, a clearly illegal
7 regulation.

8 I mean, I don't -- someone could bring that
9 lawsuit. I think it would be difficult to win because it
10 really is a nullity. I mean, you're asking a federal
11 court to spend its time recreating an obviously illegal
12 piece of advice that hasn't even been adopted by the
13 National Park Service.

14 So, I don't -- I mean, the possibility of being
15 sued and losing on that one is remote. I suppose someone
16 could spend their time that way.

17 MR. KEATING: A point of order. You've had
18 someone request a public comment period. You cannot
19 proceed to rule on an alteration of park use, a highly
20 controversial issue, without taking public comment.
21 You're denying on legal advice one of the -- knowledge of
22 -- public comment is to allow the public to contest the
23 legal advice, which many would tell you that, what has
24 been presented to you as legal advice, is wrong. And the
25 value of public comment that you're obligated to take,

1 according to the point of order, is to allow that
2 information to be received.

3 CHAIRMAN BARTKE: We have heard you.

4 Any further comment from Commission Members?

5 (No response.)

6 CHAIRMAN BARTKE: All right. I have -- oh,
7 Betsey.

8 COMMISSIONER CUTLER: Thank you, Mr. Chairman.

9 I'm persuaded that, although sitting as a
10 relatively new commissioner, I would, I would prefer to
11 have all of our policies be legal and not have some that
12 are illegal.

13 [Laughter.]

14 I am somewhat persuaded that, perhaps, if the
15 calendar allows, we have, we calendar this for January and
16 vote on it at that time. If that is going to cause a huge
17 problem, then, if there is some way that we can give,
18 rather than a formal vote, an advisory vote, or some sort
19 of an indication of our feeling without making a specific
20 motion, that would be my question.

21 CHAIRMAN BARTKE: All right.

22 COMMISSIONER MEYER: I feel strongly that we
23 ought to vote on this because it remains a matter of
24 public confusion and it is, it's patently illegal. I
25 mean, that's ...

1 COMMISSIONER WAYBURN: On the other hand, we
2 have not had any advance notice of this. And, to be
3 confronted by several resolutions, which we have not seen,
4 I think is not wise for this Commission.

5 [Applause.]

6 COMMISSIONER NADEAU: I can see the point about
7 wanting to have a hearing; but, I guess, on the other
8 hand, I don't see that the policy serves any purpose
9 whatsoever. The Park Service never adopted it, they're
10 not following it. The only purpose it serves is to
11 confuse people. So it would seem to me that, going
12 through a hearing on it, would be kind of a silly charade
13 because we know we want to get rid off it.

14 CHAIRMAN BARTKE: All right. Trent.

15 COMMISSIONER ORR: I'm prepared to make a motion
16 and see where the Commission stands on this matter, but I
17 move that we adopt this resolution rescinding 1979, or
18 1978, pet policy.

19 CHAIRMAN BARTKE: I'm going to rule that motion
20 as out of order, because I am convinced that the tradition
21 of this Commission, as well as our organic documents,
22 require that there be a noticed hearing and that the
23 public have an opportunity to speak. I'm not speaking to
24 the merits of the resolution. I'm prepared to vote on it,
25 also. I agree with those speakers who say that it's

1 illegal and it's going to be silly to have a hearing on an
2 illegal item. On the other hand, we're talking about
3 process here and keeping faith with the public.

4 I'm going to rule the motion out of order. If
5 anybody wants to challenge the chair, they can make the
6 motion to do so.

7 [Laughter.]

8 All right. This matter will be calendered.
9 Unfortunately, we have no meeting in December, so I can't
10 tell you exactly when it will be calendered, for those of
11 you that have an interest in it.

12 Is there anything further on Fort Funston?

13 COMMISSIONER KERNAN: Yes.

14 CHAIRMAN BARTKE: Redmond.

15 COMMISSIONER KERNAN: I would like to move that
16 the Commission resolve that the National Park Service, as
17 early as practicable — and I understand that may be a few
18 years — update the General Management Plan for Fort
19 Funston; and, in the process, work with the neighbors and
20 user groups.

21 COMMISSIONER RODONI: I'll second that.

22 CHAIRMAN BARTKE: It has been moved and
23 seconded. Discussion on that motion?

24 (No response.)

25 CHAIRMAN BARTKE: All in favor say aye.

1 [Members voted.]

2 CHAIRMAN BARTKE: Opposed no.

3 (No response.)

4 CHAIRMAN BARTKE: Sounds like apple pie to me.

5 CHAIRMAN BARTKE: Gordon.

6 COMMISSIONER BENNETT: Question. It's really
7 directed to Brian, and it's whether we have a policy, or
8 don't have a policy, or whether we have a policy that says
9 this or the other. What is the park going to do? What's
10 the park's position?

11 SUPERINTENDENT O'NEILL: Well, the Park Service
12 has no other option than to carry out the national policy.
13 I mean, the issue to the degree of aggressiveness and
14 enforcement is an issue here. But any policy that we
15 adopt, from the Park Service, has to be within the purview
16 of laws and regulations we're mandated to carry out.
17 Congress has expressed itself quite clearly on this issue.
18 The National Park Service has adopted very specific
19 regulations. So any regulations we have that carry out
20 that regulation has to be within the boundaries and
21 purview of that regulation. But that having been said,
22 there's probably opportunity to develop a policy within
23 that framework.

24 COMMISSIONER BENNETT: Thank you.

25 CHAIRMAN BARTKE: Are we know through with the

1 Fort Funston issue on our agenda?

2 (No response.)

3 CHAIRMAN BARTKE: Before we move on, I'd like to
4 acknowledge a couple of people in the audience, who have
5 given good service to this Commission, as members of this
6 Commission for many years. I see Jackie Young in the
7 back. Hi, Jackie! And Merritt Robinson, who served for
8 over 25 years on this Commission. Hi, Merritt.

9 [Applause.]

10 CHAIRMAN BARTKE: We're not on item 3 on the
11 agenda, the Fort Baker Ad Hoc Committee Report. As a
12 matter of introduction —

13 If you people wouldn't mind having your
14 conversations outside, we'd appreciate, because we still
15 have some very heavy items on our agenda. We don't mind
16 if you leave, but please do so quietly.

17 We are now on the Fort Baker Plan on the agenda.
18 To put this into context, we'll go back to the year 1995
19 when the Base Alignment and Closure Commission moved that
20 Fort Baker was to be transferred to the Park Service by
21 August of 2001. In 1996, which was five years in advance
22 of the transfer date, Golden Gate National Recreation Area
23 started the public planning process with a variety of
24 public meetings, workshops, tours, et cetera, which led to
25 the development of several alternatives.

1 On October 2, 1998, the Park Service released
2 the Fort Baker Plan and the Draft Environmental Impact
3 Statement. There was a 60-day comment period. On the
4 65th, the city of Sausalito wrote to us discussing some
5 concerns. The Park Service and the city met, and they
6 signed an agreement in July 1999. The Park Service agreed
7 to further traffic studies, which were done.

8 Then, in the spring of 2000, a steering
9 committee, which was being sponsored by our congressional
10 delegation, members of Congress and Senators' offices,
11 were meeting. And on April 17, 2000, the steering
12 committee agreed, first of all, to submit the Park
13 Service's and the city's traffic studies to a third-party
14 traffic consultant; and, second, at the city's request,
15 asked this Commission to approve an ad hoc committee —
16 which we did. There were 15 volunteers who have been
17 meeting and debating all of this time. They submitted a
18 report on November 7 — excuse me — November 14, and
19 that's what is in front of us today. Unfortunately, on
20 November 7, a week before the report was submitted, the
21 city filed its notice to sue the Park Service.

22 So, tonight, the Fort Baker Ad Hoc Committee —
23 well, the reason I'm saying that is because that gives
24 some restrictions on our staff on what part they can take
25 and what they can say tonight. So the discussion is going

1 to be, tonight, among members of the ad hoc committee and
2 this Commission.

3 The purpose, which is on the agenda, is the
4 formal delivery of the Fort Baker Ad Hoc Committee's
5 Report to the Advisory Commission, which the Advisory
6 Commission may adopt as its own, which may adopt with
7 modifications, they may send it to the Park Service with
8 or without it's own recommendations, or any combination
9 thereof.

10 The chairman of the Marin Subcommittee of this
11 Commission is Dr. Ed Wayburn, and I'm going to ask him to
12 start off.

13 REPORT OF

14 MARIN COUNTY COMMITTEE

15 COMMISSIONER ED WAYBURN, CHAIR

16 COMMISSIONER WAYBURN: Thank you, Mr. Chairman.

17 On November 14, the Marin Committee met with the
18 Ad Hoc Committee. There were seven members of the Ad Hoc
19 Committee present: Betsey Cutler, Gordon Bennett, Karen
20 Nygland, Phil Frank, Mark Kyle, Jane Woodman and Harvey
21 Freed. There were also eleven members of the Advisory
22 Commission present.

23 Chairman Cutler and Vice Chairman Bennett
24 provided an overview of the Advisory Commission's work,
25 and the resulting documents transmitted to the Marin

1 Committee at this meeting. They held ten meetings and had
2 a substantial number of background documents, including
3 the AIS Traffic Studies, the Bay Area Discovery Museum
4 Expansion Plans, and a Conference Center Request for
5 Proposal, an outline prepared by the National Park
6 Service. The Ad Hoc Committee did a splendid job, and the
7 Marin Committee accepted their report, with the different
8 recommendations made by individual members of the Ad Hoc
9 Committee.

10 At this point, I'd like to call on Betsey
11 Cutler, who is the chair of the Ad Hoc Committee, for a
12 full report.

13 REPORT OF THE
14 FORT BAKER AD HOC COMMITTEE
15 COMMISSIONER BETSEY CUTLER, CHAIR

16 COMMISSIONER CUTLER: Thank you Dr. Wayburn.

17 With apologies to those of you who were present
18 at the November 14 meeting, for the redundancy of my
19 comments.

20 I would like to reiterate, as Dr. Wayburn said,
21 that the Ad Hoc Committee has met — was it 10 or 15
22 times? We've had 30 hours of actual meeting time, in
23 addition to the prep time and the study time that each and
24 every committee member put into this. So I think it's not
25 only my thanks to the staff and all of their work, but

1 also to each of us, who owes a debt of gratitude to the
2 people on the Ad Hoc Committee, for all the work that
3 they've put into it.

4 As Dr. Wayburn said, we have — the committee
5 received a great deal of information, background
6 documents, on the proposed Fort Baker Plan: the EIS;
7 important traffic studies; traffic consultants' reports,
8 including a presentation by the city of Sausalito's
9 traffic consultant; a presentation by the Bay Area
10 Discovery Museum; and fully investigated and studied the
11 traffic mitigation measurers that are proposed in your
12 packet, the blue papers in your packet; as well as the
13 Request for Proposal Document, which is the pink document.

14 I think, for tonight's discussion, the important
15 document to call to your attention is the Executive
16 Summary of the Fort Baker Ad Hoc Committee. Committee
17 member, Jane Woodman, Gordon Bennett, myself, and staff,
18 began by drafting this document several weeks ago — maybe
19 even several — several weeks ago now, as a first draft
20 and took it to the committee. There was lengthy
21 discussion about it. We then worked on a second draft and
22 back to the committee for its final meeting where we put
23 the final, cross the final "Ts" and dotted the final "I."

24 So, I think it's important to understand that
25 this is a — this committee is made of a very diverse

1 group of people — that was the intention. And, yet,
2 every committee member has, has essentially signed off on
3 this Executive Summary, and I think it's fair to say fully
4 supports it.

5 Just to finish up, and I know you've all had
6 this and had a chance to read it.

7 It was important that the Ad Hoc Committee
8 state, in writing, the importance and the values of Fort
9 Baker, as a unit of the National Park Service, and it
10 wishes that it would be — that Fort Baker would present
11 the fullest opportunity to protect the habitat and
12 historic and cultural resources at this essentially
13 magical place. That was the very first thing that we had
14 stated under our general findings.

15 Having said that, we spent the entire time that
16 we met on the concerns that people raised with regard to
17 the approved Fort Baker Plan; and they are, in no
18 particular order and importance to all of these:

19 The overall size and impact of the plan;

20 The minimizing of traffic and parking impacts on
21 Fort Baker; and the minimizing of the effect of any Fort
22 Baker -related traffic on Highway 101 and adjacent
23 communities;

24 The provision for on-site housing for Fort Baker
25 employees; and

1 The creation of a high-quality work environment.
2 There were the things that we primarily,
3 primarily worked on.

4 I think I'll close and say that I — and perhaps
5 if Gordon has anything more to add — will be happy to
6 take any questions from Commission Members.

7 CHAIRMAN BARTKE: Gordon? No.

8 COMMISSIONER BENNETT: No.

9 CHAIRMAN BARTKE: Okay. Well, I'm simply
10 overwhelmed by the amount of work that these volunteers
11 put in -- 15 of them, 2 of whom are members of this
12 Commission, but the others were not -- the amount of
13 thought and work and effort that they put into it. Those
14 of us who have served on such committees know how tough it
15 was, really tough.

16 Betsey, are members of the committee here
17 tonight, and can we recognize them, please?

18 COMMISSIONER CUTLER: Yes, yes. And please help
19 me if I miss any: Phil Frank, Bob Darr, Mark Kyle, and I
20 think I saw Courtney, Sister Gervais. Let's see, did I
21 miss anyone? I don't think so.

22 CHAIRMAN BARTKE: Let's give those people a
23 hand.

24 [Applause.]

25 CHAIRMAN BARTKE: We just can't thank you

1 quality, stable, living-wage union jobs. There's been
2 much attention paid by the Ad Hoc Committee on making this
3 a sustainable, quality project overall. Having a
4 satisfied, productive work force would contribute to the
5 overall quality of this project. For this reason, we need
6 to encourage the National Park Service to be proactive in
7 this area.

8 I believe that union jobs are quality jobs.
9 Union jobs offer better wages, benefits and job security
10 to workers. Union jobs also help mitigate environmental
11 impact because union employers tend to have smaller,
12 full-time work forces. Nonunion employers typically hire
13 more workers, who work part time to avoid paying benefits.
14 The National Park Service can't mandate unionization, but
15 it can make employment issues one of its selection
16 criteria. For example: The NPS can ask bidders if they
17 intend to comply with David-Bacon prevailing wage
18 standards, and if they will commit to remaining neutral if
19 its workers want to organize a union. Labor organizing,
20 without such a commitment, can lead to protracted labor
21 disputes. The National Park Service and its stakeholders
22 have a vested interest in having labor peace at Fort
23 Baker, since it's financial interest in this project could
24 be affected by picket lines and of protracted labor
25 disputes.

1 CHAIRMAN BARTKE: Mr. Frank, if you signed that,
2 would it be worth a thousand bucks?

3 MR. FRANK: I'll do that.

4 [Laughter.]

5 MR. FRANK: That remains me of — Lennie, she's
6 up here. She's with the Yosemite Association, and I spoke
7 at their gathering last year. I think it was up at
8 Yosemite, at Tuolumne Meadows. And she showed up in a
9 bear costume, which complimented my ranger uniform that I
10 was wearing, and we had a little — it wouldn't be called
11 a dog-and-pony show; I guess it was a bear-and-ranger
12 show. I did some drawings; and, then, after the talk,
13 Steve Medley from the Yosemite Association said: "Could
14 we sell those?"

15 I said, "Well, sure. It's fine by me if you
16 don't mind, you know, they're just sketches." But it
17 raised an extra \$2,500 for the Yosemite Association, and
18 —

19 COMMISSIONER NADEAU: Sign here, quick.

20 [Laughter.]

21 MR. FRANK: Maybe we can fund this project.

22 Anyway, I think that what you'll see is that
23 there is a tremendous impact in the original NPS plan of
24 open access and egress into this site, and parking
25 virtually everywhere around the facility. And that is

1 why, in your blue section, you'll see an attachment at the
2 end which are thoughts that I had. They're strictly
3 requests of the National Park Service to study the concept
4 of moving the parking out of the immediate bowl, and
5 allowing access to that area only to shuttles and to
6 disabled vehicles, people driving disabled, with stickers,
7 and Coast Guard, and those service vehicles that would
8 come in, deliveries and shuttles. And the majority of the
9 parking would be outside that immediate bowl. There's not
10 a map to go along with that. There is one map in
11 existence that Mai-Liis Bartling has that would show what
12 areas I was suggesting to relocate the parking.

13 I just think that having 900 parking places in
14 that 70 acre development site, and trying to maintain a
15 spirit of tranquility, would just ruin the atmosphere.
16 And that is at the gist of my suggestions to John Reynolds
17 and the rest of the NPS planning staff.

18 I have met with representatives of the Bay Area
19 Discovery Museum, GGNPA, Friends of Fort Baker, GGNRA,
20 John Reynolds, promoting this idea. And I've tried — the
21 proposal that I have made allows the Bay Area Discovery
22 Museum to have their parking, their needed parking, right
23 next to their facility. But it eliminates the proposed
24 parking lot between their facility and the Bay. I just
25 don't think that people want to come down there and be at

1 the park and look at automobiles between themselves and
2 the beach and the water. And I think if it's possible to
3 move those vehicles out of that immediate area, we should
4 really strive to do it.

5 Now, like I said, the comments that are attached
6 to the TDM, they're strictly ideas, and I just ask the
7 Park Service to look into these. But I think, if they're
8 implemented, you will be able to have a facility that is
9 popular and visitable, but will not suffer the pressure of
10 the impact of the American automobile directly around the
11 conference center and the beach area.

12 If I could answer any questions, I'd be glad
13 to .

14 COMMISSIONER CUTLER: Mr. Chairman?

15 CHAIRMAN BARTKE: Betsey.

16 COMMISSIONER CUTLER: No, Phil, I was just going
17 to, I was just going to reiterate on your behalf that the
18 Ad Hoc Committee, in fact, did vote and ask me if I would
19 write a letter to the Superintendent specifically asking
20 the Park Service to study your plan, your ideas. I had
21 that on my agenda and I will do that, as I mentioned to
22 you last week. So there will be a formal request coming
23 from the entire Ad Hoc Committee to the park to study
24 Phil's plan.

25 MR. FRANK: I have spoken with John Reynolds

1 today, and Mia-Liis Bartling, about the changes that were
2 suggested in the blue section about relocating some of the
3 parking. And they said that none of those should be
4 affected by the FEI — that would require an FEIS, an
5 impact statement, because of the areas suggested are on
6 already trafficked areas. So it wouldn't be as
7 complicated as it could be if it was undeveloped land.

8 Thank you.

9 CHAIRMAN BARTKE: Thank you.

10 Are there any other members of the Committee
11 that wish to address the Commission?

12 (No response.)

13 CHAIRMAN BARTKE: I apologize, because, as I
14 read this, there are now 17 people who have signed up to
15 speak; but I'm afraid that — it's not a public hearing.
16 I know that some of you got a mailing from one of the
17 organizations, as I did, that this was going to be a
18 public hearing, and I tried to get word back to that
19 organization that it wasn't a public hearing. I suggested
20 — and I don't know if the message got through or not; but
21 I suggested that, if some people spoke, then everybody
22 would have to speak. Actually, this is a committee report
23 to the Commission, which, of course, happens all the time.
24 In fact, we've got others on our agenda tonight.

25 So, I apologize if you gave up your evening

1 tonight, thinking that you were going to speak. But I
2 think it's just best if we stick to our strict protocol
3 and move on.

4 Back to, Ed, as the chair of the committee. Is
5 there some action that we should take?

6 COMMISSIONER WAYBURN: The committee recommends
7 that you pass this resolution, I believe, and Doug Nadeau
8 is going to present it.

9 COMMISSIONER NADEAU: This is fairly brief, and
10 I don't think it needs much introduction, except to say
11 that several members of the Marin Committee participated
12 in putting this together, and I think it came out pretty
13 well.

14 "The Commission expresses its sincere gratitude
15 and deep appreciation to the Ad Hoc Committee
16 for the many hours of hard work that went into
17 this document. Overall, the report is of a
18 high quality, and should prove useful to the
19 National Park Service in their implementation
20 of the Fort Baker Project. The report's
21 quality is a good indication of the substantive
22 and in-depth discussions that were held over
23 the past month.

24 "The Commission prefers to accept the document
25 in full as an expression of the Ad Hoc

1 Committee's views, and avoid a detailed process
2 of review or modification of the document.

3 "In accepting the document, the Commission is
4 not agreeing with every provision or
5 recommendation it contains and recognizes that
6 some of its proposals may not be able to
7 implemented. The Commission notes the concern
8 expressed by some commissioners over some
9 elements of the report, for example:

10 "The impracticality of Fort Baker as a "car
11 free zone.

12 "Specific prohibitions on types of special
13 events, or peak season restrictions, which
14 may have unintended consequences.

15 "Therefore, the Commission commends the Fort
16 Baker Ad Hoc Committee Executive Summary to the
17 National Park Service, and urges the staff to
18 apply its recommendations to the extent
19 feasible within the framework of the approved
20 Fort Baker Plan."

21 And I would add, because I think in part of our
22 review, we've added the words "to the maximum extent
23 feasible within the framework of the approved Fort Baker
24 Plan."

25 "Transportation recommendations that go beyond

1 the framework of the previously approved Fort Baker Plan
2 should be incorporated as alternatives for review in the
3 currently underway Marin Headlands/Fort Baker
4 Transportation Management Plan.

5 The National Park Service is also urged to move
6 forward with both its Request for Proposal Process, and to
7 the maximum extent feasible, apply the concepts of the
8 Executive Summary to those processes.

9 "The Commission requests that our park partners
10 cooperate fully in planning and managing traffic and
11 parking.

12 "Finally, the Commission requests that the
13 National Park Service keep the Commission informed of the
14 planning and implementation of the Fort Baker Plan."

15 I would move that we adopt this as a resolution.

16 COMMISSIONER WAYBURN: I'll second that motion.

17 CHAIRMAN BARTKE: It's been moved and seconded
18 that we adopt the resolution that's been put in front of
19 you. Discussion on that motion.

20 Redmond.

21 COMMISSIONER KERNAN: I commend all those who
22 have been involved. I've been concerned that the original
23 FEIS had too large a project.

24 When you say "keep the Commission informed," I
25 guess I'd like to draw a little finer point on that. I

1 think the project will be better for the public
2 involvement that's occurred. What public involvement will
3 occur in the future, i.e., will the public see the
4 proposals that are made to the Park Service? Will the
5 public be able to comment on those, et cetera?

6 SUPERINTENDENT O'NEILL: In the spirit of that
7 recommendation, we will look to even further refine what
8 has been a fairly ambitious plan that we've laid out for
9 public involvement on the RFP for the conference and
10 retreat center, which proposes everything from open houses
11 for the teams to present their concepts in a more informal
12 environment, to formal presentations of those plans when
13 they're submitted to the Commission — to the public
14 through the Commission. And I think, I think we all are
15 committed to insure that we get the very best public
16 review of those proposals and advice, as a result of that,
17 in refining and selecting the preferred alternative from
18 that.

19 With respect to the other components, you've all
20 dealt with the conceptual schematic plans for the Bay Area
21 Discovery Museum, as we move forward with other elements.

22 Betsey mentioned, or Doug mentioned, in the
23 proposed resolution, there is a separate sort of public
24 process set up for the Marin Headlands and Fort Baker
25 Transportation Plan. We'll refine that and provide copies

1 of that to members of the Commission for your comment and
2 critique.

3 Also, when we get to the point where we have
4 started physical planning for the waterfront improvements
5 and the trail improvements, we will also be providing a
6 copy — we'll be providing opportunities throughout that
7 process for public input and presentations before the
8 Commission.

9 So every component in implementing the plan will
10 be subject to its own set of opportunities for public
11 involvement. So I think we want to take the spirit of
12 that recommendation, ground truth it with some specific
13 dates/time lines for each of the components of the plan as
14 we move towards implementation.

15 CHAIRMAN BARTKE: Redmond?

16 COMMISSIONER KERNAN: Further to that, I mean,
17 I'm aware that the Request for Proposals has 25 percent of
18 the occupancy of the conference center being at a — I
19 don't know what word to use — affordable level, or a
20 lower level. If that were to cause a larger project than
21 one might deem appropriate, might that be reduced to 20
22 percent? In other words, will you get information that
23 will allow you, in negotiations, to make adjustments to
24 the project?

25 SUPERINTENDENT O'NEILL: Yes. I mean,

1 basically, what the Ad Hoc Committee has done is provide,
2 provided advice to the Park Service on how we actually
3 structure the details of the Request for Proposal. What
4 we'll be laying out are criteria against which proposals
5 will be evaluated. We will be encouraging each of the
6 proponents to maximize how they respond to each of those
7 criteria, because they're going to be written — they're
8 going to reviewed based on that. There will be,
9 obviously, an opportunity, as the process proceeds, to
10 look at, when we get real proposals in, how do we address
11 the details of them. There are certain assumptions that
12 have been made, in terms of the RFP; but there are
13 obviously issues with respect to other enhanced funds that
14 could be brought to the project as an option. I think,
15 clearly, we're concerned about the affordability of the
16 project. We're also very concerned about the size of the
17 project.

18 So financing a viable project is important, as
19 is the size that we all feel comfortable with. So there
20 may be a need for a creative look of how do we achieve
21 the smallest possible size that's economically feasible
22 that we can bring the project funds in line with. So I
23 think there will be plenty of opportunity, as we go
24 through that process, to be able to address that very
25 issue.

1 COMMISSIONER KERNAN: With those understandings,
2 I would second the motion.

3 CHAIRMAN BARTKE: Thank you. It's been
4 seconded.

5 Dennis.

6 COMMISSIONER RODONI: I'd also like to
7 congratulate Betsey and Gordon, and the Ad Hoc Committee,
8 for bringing a quality document to us. I was pleased to
9 see it come in a very short time frame, and I am pleased
10 to recommend to the Commission that we accept it in its
11 entirety.

12 However, I have a couple of suggestions for word
13 changes to the resolution. One would be in the second
14 paragraph. I would stop that sentence after the word
15 "views," and eliminate "and avoid."

16 Then, in the next paragraph, my suggestion would
17 be to stop after "implemented," because we actually go to
18 do what we said above we weren't going to do by including
19 those items. I just think it would make it a little
20 simpler and a little clearer, all that understood and
21 discussed, that there are issues here that may not be
22 possible, but I think we should accept this document in
23 its entirety without any comments at all.

24 Those would be my suggestions for some minor
25 wording changes, which would be to stop paragraph 2 after

1 "views," and stop paragraph 3 after "implemented,"
2 including the bullets.

3 CHAIRMAN BARTKE: Gordon.

4 COMMISSIONER BENNETT: On the last sentence
5 there, I'd like to include the Bay Area Discovery Museum
6 specifically in that last sentence.

7 COMMISSIONER CUTLER: Where are you, again,
8 please?

9 COMMISSIONER BENNETT: I'm sorry, the last
10 sentence on this piece of paper. The last sentence of the
11 resolution.

12 COMMISSIONER CUTLER: Second to the last?

13 COMMISSIONER BENNETT: Well, the last sentence I
14 read is: "Finally, the Commission requests that the
15 National Park Service keep the Commission informed of the
16 planning and implementation of the Fort Baker Plan." I'd
17 like to add a phrase, "including the Bay Area Discovery
18 Museum ..."

19 CHAIRMAN BARTKE: Plan.

20 COMMISSIONER BENNETT: Plan, thank you. I mean,
21 I think we all understand that that is part of the Fort
22 Baker Plan, but that was somewhat — there was a lot of
23 discussion about the Bay Area Discovery Museum in the
24 course of the Ad Hoc Committee meeting. I would like it
25 to be clearly in here that we want to hear a subsequent

1 report on that.

2 CHAIRMAN BARTKE: Okay. Other comments?

3 Ed.

4 COMMISSIONER WAYBURN: In line with the
5 resolution, and particularly with the inspired example of
6 the cartoonist, Phil Frank, I would like to know how many
7 parking spaces are included in his plan. I could not
8 tell. It looks like the parking places are very well
9 located. I was just wondering how many parking spaces you
10 were envisioning?

11 MR. FRANK: Ed, I specifically didn't put in a
12 number because the size of the facility at Fort Baker has
13 yet to be determined. It will be a very different number
14 if it's 350 rooms than it will be if it's 150 rooms. Each
15 room is registered to have about 1.3 automobiles that need
16 to be parked for that room. And that would be staff and
17 visitor. They estimate that there might be one employee
18 for every visitor. So, if you have 150 rooms, you have
19 300 separate individuals: 300 guests, or 150 guests and
20 150 staff. If you have 300, then it multiplies larger.
21 So, for that reason, it wasn't possible to give a specific
22 number on spaces.

23 Assuming that each of the park partners,
24 including the NPS, establishes traffic mitigations, it
25 will be a much smaller number than the original 895, which

1 the Park Service said a worse-case scenario for 350 rooms.
2 So, as you make the facility smaller, hopefully, then the
3 number of parking spaces needed will be incrementally
4 smaller.

5 Does that answer that? Is that correct, Brian?

6 COMMISSIONER WAYBURN: It answers it in part.

7 MR. FRANK: Yeah.

8 COMMISSIONER WAYBURN: But it doesn't answer a
9 comparison to the 900 parking places, as envisioned by the
10 Park Service in the FEIS.

11 MR. FRANK: Yes. Well, I guess you could
12 ballpark a figure and say that, if the Bay Area Discovery
13 Museum is going to have most of its people arriving in car
14 pools, or by — if groups arrive in buses, that means less
15 parking space is required. But we have allotted 240
16 spaces, or I have suggested those, right directly across
17 from the facility, that they need for visitors. And, so,
18 there's 240 there. I don't know how many the Park Service
19 projects for the beach area. There's 40 for the Coast
20 Guard. And, if you have people living at the facility,
21 they're still variables to be figured out. But my guess
22 would be that we're probably trying to find five to six
23 hundred parking places, rather than nine hundred.

24 COMMISSIONER WAYBURN: Does the National Park
25 Service accept this as a feasible way to have the —

1 SUPERINTENDENT O'NEILL: We don't know. But the
2 reason we've got the detailed transportation plan in place
3 is to address that issue. And the reason we have the
4 Request for Proposal is to evaluate how the respondents to
5 the RFP address the parking issue. And, so, it would be
6 folly for us to predict, at this time, exactly what the
7 outcome of those two studies are.

8 I think what Phil is indicating is that we need
9 to, in the spirit of this, try to find creative ways to
10 reduce the impact of the automobile on a special site.
11 That's going to be done through the TDM measures; it's
12 going to be done through how people respond to the RFP.
13 So, you know, it would be, it would be foolish at this
14 point to try to predict what the outcome is. What we're
15 doing is trying to get spirit established of what our
16 intent is so as to minimize the impact of the automobile
17 on that site. And every opportunity we have to creatively
18 to deal with that, we will attempt to do so.

19 COMMISSIONER WAYBURN: This is somewhat at the
20 crux of my question. I enthusiastically endorse taking
21 the parking out of the areas which should be grass
22 covered, and taking them away from obstructing the views
23 of the Bay. But I was wondering if you have any idea
24 about how the arrangement of these parking places compares
25 with the arrangement that was originally in the EIS?

1 SUPERINTENDENT O'NEILL: Well, I think we need
2 to clarify. What Phil has passed by is what is in the
3 current plan, and not what is proposed in the modified
4 plan. Is that right? When I looked at it —

5 MR. FRANK: That's right.

6 SUPERINTENDENT O'NEILL: I think he was, for
7 purposes of illustration, is drawing attention to the
8 parking that was included in the adopted plan. What he is
9 suggesting is that there is opportunities, by working
10 together and heeding the advice of the Ad Hoc Committee
11 and others, to reduce that impact. He didn't present a
12 specific plan on how that should be accomplished. He
13 suggested an approach or desired end result.

14 MR. FRANK: Ed, I marked areas that currently
15 have automobile access to them, which could be used. For
16 instance, East Road is marked by the National Park Service
17 to have about 50 parking places for event parking, for the
18 Bay Area Discovery Museum. That road could actually
19 handle about 300 parking spaces, diagonally, against the
20 hillside, rather than putting those 300 parking places
21 down in the bowl. And the people who would park there,
22 could be the people coming to a conference for three days.
23 They don't need their car every minute of the day. Also,
24 staff could park there. They don't have to drive down
25 directly to the facility. Certainly, as adults, they can

1 get on a shuttle and ride two minutes to the facility. So
2 that's just one of the possibilities.

3 Enlarging on the outlying parking places, such
4 as under the bridge, under the Golden Gate Bridge, where
5 they have a large parking area proposed. It's away from
6 the facility and would allow areas for the surfers and for
7 the fishermen, and other people coming in for those
8 purposes to park in that area. But I just can't give you
9 a specific number.

10 COMMISSIONER WAYBURN: This is what I wanted to
11 get on the record.

12 MR. FRANK: Okay.

13 CHAIRMAN BARTKE: Okay. Thank you.

14 Betsey.

15 COMMISSIONER CUTLER: Thank you, Mr. Chairman.

16 I fully accept Dennis' comments and suggestions,
17 as well as Gordon's, and would like to offer, offer yet
18 another. In the next to the last sentence, where it says,
19 "The Commission requests that our park partners cooperate
20 fully in planning and managing traffic and parking." It
21 is true that — I think if my memory serves me correctly
22 — the discussion surrounding the Bay Area Discovery
23 Museum and the impact of traffic generation, potential
24 traffic generation, from the Bay Area Discovery Museum was
25 one of the thorniest things that we talked about. At the

1 same time, everyone on the committee was very definitely
2 acknowledging the magnificent program of the Bay Area
3 Discovery Museum. So, in that spirit — to borrow a word
4 from our Superintendent — I would like to ask that the
5 Commission include in this resolution that the Commission
6 would request the NPS to provide documentation on how the
7 Bay Area Discovery Museum specifically plans to meet their
8 TDM requirements in the FEIS.

9 CHAIRMAN BARTKE: Any other comments?

10 Doug.

11 COMMISSIONER SIDEN: Yes. Two things, following
12 up Mr. Kyle's comments. I was interested in the public
13 process, and I hope as part of that there will be a study
14 of what have the concession and proposed concessionaires
15 have in terms of their track record with the employee
16 relationships. Because these are large outfits that have
17 come before us and they've not existed in a vacuum. So I
18 think that will be one of the criterion, and I hope that
19 will be pressed by public members, as well as the
20 Commission.

21 The other is: Has this now been entered into
22 testimony? To whom does it belong now?

23 CHAIRMAN BARTKE: Okay, the other Doug.

24 COMMISSIONER NADEAU: As a maker of the motion,
25 I would just like to say that I enthusiastically accept

1 Dennis' and Gordon's and Betsey's amendments to the
2 original motion.

3 CHAIRMAN BARTKE: Well, I'm not going to do
4 that.

5 COMMISSIONER NADEAU: Oh, he's cranky tonight.

6 CHAIRMAN BARTKE: Yeah. I'm going to get hung
7 up here on parlimentary procedures. We have a motion made
8 and seconded, and accepted by the Chair, and then we've
9 had several suggestions for changes. None of those have
10 been put into motions to amend the main motion.
11 Sometimes, we don't have to do that because everybody just
12 accepts them. But, here, I'm speaking only for myself and
13 not as the Chair, I would vote against Dennis' motion to
14 take out the middle part, which has the specifics in it.
15 So, I would like to have votes on those, those changes, or
16 amendments, unless they're just wording changes. But, if
17 they're substantive, I think we ought to debate them and
18 vote on them.

19 Amy?

20 COMMISSIONER MEYER: Yeah. I have some concerns
21 with one of Dennis', which says: "The Commission notes
22 the concern expressed by some commissioners over some
23 elements of the report, for example: ... the 'car free
24 zone' and specific prohibitions on types of special
25 events"

1 I know, for one thing, that there's a section in
2 there that came out of a conversation between Gordon and
3 me, and it seems to indicate inaccurately — and Gordon
4 knows it got kind of messed up — that I don't want
5 birthday parties at the Discovery Museum. And I think
6 that, because there are concerns over some elements of the
7 report, and these are only examples, it certainly puts one
8 on the alert that there are questions without presuming to
9 judge these; but, rather, to indicate that this is not,
10 not just a kind of oh, yes, thank you very much, you know,
11 leaves a big check mark, and we send it on, but that we
12 paid attention to what was in this report. So I
13 personally, for one, wouldn't support that particular
14 amendment that Dennis made.

15 CHAIRMAN BARTKE: We'll go through them one at a
16 time, and I'll just ask for a quick vote on each of them.
17 I will assume that each of the suggestions is a motion and
18 second to amend.

19 Dennis.

20 COMMISSIONER RODONI: Can I suggest a slight
21 change to my suggestion? What troubles me is that we're
22 putting, perhaps, a couple of Commission Members' opinions
23 in a resolution. If we remove the sentence and leave the
24 bullets as examples, I don't have a problem with that.
25 But I don't believe it's proper to have a resolution with

1 an opinion of a couple commissioners in it. That's why
2 I'm objecting.

3 COMMISSIONER MEYER: You mean you might say,
4 instead, after the word "implemented," you might say,
5 i.e.?

6 COMMISSIONER RODONI: Or say for example —

7 COMMISSIONER ORR: Or for example, strike
8 everything between "implemented" and "the report, and
9 leaving the comma: "...implemented, for example:"

10 COMMISSIONER MEYER: For example, that's all
11 right.

12 COMMISSIONER CUTLER: That would be fine.

13 CHAIRMAN BARTKE: Okay. That satisfies me. How
14 about everybody else?

15 COMMISSIONER CUTLER: That's fine.

16 COMMISSIONER KERNAN: Do that one more time?

17 CHAIRMAN BARTKE: All right. Starting at the
18 second paragraph, delete "...and avoid a detailed process
19 of review or modifcaiton of the document." Anybody have
20 any problem with deleting that?

21 (No response.)

22 CHAIRMAN BARTKE: Okay, that's deleted.

23 The next paragraph, after the word
24 "implemented," change it to a comma, skip down to where it
25 says, "for example, colon." So you delete, "The

1 Commission notes the concern expressed by some
2 commissioners over some elements of the report," that
3 part.

4 Any problem with deleting that phrase?

5 COMMISSIONER ORR: No.

6 CHAIRMAN BARTKE: I see none.

7 COMMISSIONER KERNAN: I only have a concern —
8 we're sort of saying and there's a lot of other things
9 that we have a concern about, but we're not enumerating
10 it. So, it's a peculiar resolution to say we have
11 concerns, here are two of them; you go find the rest.

12 [Laughter.]

13 COMMISSIONER CUTLER: It doesn't exactly say
14 concerns, though. It doesn't say concerns. It just says
15 it is not agreeing with every position.

16 CHAIRMAN BARTKE: Okay. And we are open,
17 tonight, for others to express those concerns, as we
18 always do.

19 Trent.

20 COMMISSIONER ORR: I would just say I'm fine
21 with it, as it reads, and I think that the —

22 COMMISSIONER WAYBURN: Where are you, Trent?

23 COMMISSIONER ORR: We're still in the third
24 paragraph, where we're talking about leaving in the "for
25 example," and these two bullets. And I would just, I

1 guess, in part, to respond to Red's concern, say that, as
2 one who attended that meeting, these were the sort of
3 things that particularly caught people's attention. So,
4 in a way, without saying everybody had this view, you're
5 flagging here, it seems to me, the ones that were pretty
6 particular concerns. There are others there that aren't
7 expressed; well, then, they won't be paid as much
8 attention to.

9 CHAIRMAN BARTKE: Okay. Then, moving down to
10 the last printed paragraph, the suggestion has been made
11 that, after the words, "Fort Baker Plan," that we include
12 the Bay Area Discovery Museum Plan. Although, I think
13 it's moved beyond plan now, and maybe we're using the
14 wrong word. They're actually going now to implementation.

15 COMMISSIONER CUTLER: Project.

16 CHAIRMAN BARTKE: Project? Okay, project.

17 Any objection to adding those words at the end
18 of the printed resolution?

19 (No response.)

20 CHAIRMAN BARTKE: I see none. Then, the last
21 suggestion was to request that the Park Service provide
22 documentation on the ways that the Bay Area Discovery
23 Museum is going to comply with the requirements of the
24 FEIS. That's kind of paraphrasing it.

25 COMMISSIONER CUTLER: The TDM requirements.

1 CHAIRMAN BARTKE: The TDM?

2 COMMISSIONER CUTLER: Yes.

3 CHAIRMAN BARTKE: Any objections to including
4 that in the resolution?

5 COMMISSIONER BOOTH: What does that stand for,
6 TDM?

7 CHAIRMAN BARTKE: Transportation Demand
8 Management.

9 COMMISSIONER BOOTH: Okay. Thank you.

10 CHAIRMAN BARTKE: This is a government bureau
11 here.

12 All right. Do we now have a resolution that's
13 ready for a vote? All in favor say aye.

14 [Members voted.]

15 CHAIRMAN BARTKE: Opposed say no.

16 (No response.)

17 CHAIRMAN BARTKE: It's adopted.

18 CHAIRMAN BARTKE: Again, my apologies to those
19 who came prepared and expecting to speak this evening.
20 I'll take the blame for it. Because we have still more
21 things on our agenda that we have to deal with, we've got
22 to move on.

23 Why don't we take a five-minute recess so some
24 of us can get a drink of water.

25 [Recess.]

1 CHAIRMAN BARTKE: I call the meeting back to
2 order. Will the Commission come to order, please.

3 The next item on the agenda is item No. 4,
4 having to do with the Mountain Lake Enhancement Plan. To
5 present the Mountain Lake Enhancement Plan, Environmental
6 Assessment — and, by the way, this is a public comment
7 item, so we will accept comments from the public. A
8 number of you have signed up.

9 Michael Boland, who is from the Park Association
10 — that's the nonprofit that gives us so much support in
11 this park — Michael, glad to see you tonight.

12

13

MOUNTAIN LAKE ENHANCEMENT PLAN

14

ENVIRONMENTAL ASSESSMENT

15

MICHAEL BOLAND, GGNPA

16

JENNIFER COATES

17

MR. BOLAND: Thank you.

18

I just wanted to mention that, before we begin
19 to take public comment, I just wanted to update the
20 Commission on a few developments, since I last presented
21 at the September 26 Advisory Commission Meeting.

22

I had mentioned at that time that the
23 Environmental Assessment, the full Environmental
24 Assessment, would be available subsequently. That was
25 sent out on October 1. The comment period ran from

1 October 1 — sorry — November 1, until December 15. So
2 we're right in the middle of that comment period tonight.

3 We've been engaging, or attempting to engage,
4 the public in a number of different ways. Since the
5 Advisory Commission Meeting, we've sent about 3,000 flyers
6 out to neighboring residents of Mountain Lake Park, trying
7 to explain to them how they could get involved in the
8 process, announcing a series of public walks, and also
9 announcing this meeting tonight, in an effort to get the
10 neighbors engaged in the project. We've held a series of
11 walks, three of them on site; two on weekdays, and one on
12 a weekend. We held a neighborhood meeting at St. Luke's
13 Church, where we explained the project in greater detail
14 than we did at the Advisory Commission Meeting.

15 We mailed out about 600 summaries. We have a
16 mailing list with about 600 people, individuals, and also
17 organizations, that had expressed an interest in this
18 project. We sent out the smaller summaries — I think
19 they're on the back table. It's the item that we
20 distributed at the Advisory Commission Meeting. We also
21 have sent out about 150 Environmental Assessment, the full
22 Environmental Assessment, to organizations and also to
23 interested individuals.

24 So the community has had a number of
25 opportunities to interact with us on this project and get

1 back to us.

2 And I just want to mention, briefly, a number of
3 comments that have come up just in sort of a broad-brush
4 way. I think we've heard back from the public, as we
5 farmed this out and begun to shop around in the community.
6 And there are about six, really six, categories of things
7 that have come up in these conversations we've had. The
8 first, and probably the one we've heard the most about, is
9 about tree removal. The visual impact of the eucalyptus
10 tree removal along the East Shore. I'll show you here on
11 the map. The eucalyptus trees in this area, here
12 (indicating).

13 Secondly, there were some concerns raised about
14 access to the site during construction.

15 Third, about the timing of the project: How
16 will that interface with the seasons and with visitor use
17 and visitor activities that occur on the site.

18 Fourth, the different types of revegetation:
19 What sorts of plants would we be using? What size would
20 they be? How will they be planted? What is the phasing
21 of the revegetation on the site.

22 Fifth, what are the potential impacts of the
23 construction, the dredging and trail construction,
24 revegetation, on the wildlife which that uses the site?

25 Finally, what is the potential impact of the

1 project on existing patterns of dog use and other kinds of
2 visitor uses that occur in the area today?

3 Secondly, I wanted to speak briefly about
4 another recent development, which has to do with the lake
5 bottom sediments. I think I mentioned last time that a
6 portion of this project, or a component of this project,
7 has to do with reconstructing the environmental history of
8 the site. We've engaged a graduate student at
9 UC-Berkeley, named Liam Reidy, and this is being directed
10 by a professor, Dr. Roger Byrne. He's a professor in the
11 Department of Geography at UC-Berkeley. And they have
12 been doing a paleoecology study of Mountain Lake.

13 In the course of their analysis, some concerns
14 have been raised about lead contamination, potential lead
15 contamination, in the soil. In response to that, the
16 Presidio Trust has developed a plan for some additional
17 testing. And I've asked Jennifer Coates, from the
18 Presidio Trust, to come tonight and just very briefly
19 explain what that testing entails. When we've finished
20 with that, we can proceed with public comment.

21 Thank you.

22 PRESENTATION OF
23 JENNIFER COATES,
24 THE PRESIDIO TRUST

25 MS. COATES: This will be very brief, I promise.

1 My name is Jennifer Coates, and I work with the
2 Presidio Trust.

3 A brief history of this issue: In 1995, as part
4 of the Army investigation, remedial investigation,
5 sediment samples were collected from Mountain Lake and
6 analyzed for a full suite of analysis, including metals,
7 which includes lead and zinc. And in 1998, a consultant
8 for the Trust, EKI, collected composite sediment samples
9 to assess the presence of contaminants in potentially
10 dredged sludge from the lake. Everything was fine. There
11 was one slightly elevated lead hit that was identified in
12 one location.

13 In the paleoecology studies that Michael
14 mentioned, the researchers at UC-Berkeley identified that,
15 in the upper two feet of the sediment, 0 to 2 feet, the
16 potential exists for elevated lead and zinc.
17 Unfortunately, the analysis that they performed is not
18 equivalent to what the EPA will accept, or it's different
19 methodology, so we don't have actual numbers to assess
20 with the ecological clean-up numbers established for the
21 sediment in Mountain Lake.

22 So that brings us to this point where our
23 proposal, the Trust, decided that we really don't have a
24 complete characterization of the zero to two foot depth of
25 sediment. So we're going to collect additional samples to

1 make sure that, if there is a problem, we can decide at
2 that point the remediation issue, or how it would play
3 with the dredge design.

4 I think that's all I have to present, and then I
5 could answer questions.

6 CHAIRMAN BARTKE: Good. Gordon has a question.

7 COMMISSIONER BENNETT: A similar issue came up
8 in the Bolinas Lagoon Restoration Plan where there was
9 some contamination in the top layer of Sea Drift Lagoon.
10 And the original proposal was to remove that by dredging
11 down six feet. And the dredging down of six feet would
12 have created a dilution potential that would have allowed
13 the disposal of this combined soil using normal disposal
14 processes. I hope that you don't do that.

15 MS. COATES: No. A couple of points. The first
16 one, this is to assess if there is a lead or zinc problem.
17 The information we have, the testing we have, from the two
18 different rounds, the Army and the Trust, through EKI, did
19 not identify a problem; but the research work, through the
20 paleoecology study indicated that there is the potential.
21 So we need to do the appropriate testing to confirm if it
22 is or is not. In addition to being — it's not purely for
23 disposal; it's to assess if it's there.

24 COMMISSIONER BENNETT: If it is there, I
25 strongly recommend that you skim off the area that has the

1 pollutant in it and dispose of it as required under law,
2 and not dilute it down to the point where it can be
3 disposed of otherwise.

4 MS. COATES: Unfortunately, we have to do
5 everything according to law, so ...

6 CHAIRMAN BARTKE: Other questions or comments?

7 (No response.)

8 CHAIRMAN BARTKE: Thank you, Jennifer and
9 Michael. We're now going to go to our public hearing, and
10 this is on the Environmental Assessment. I'm going to
11 call two names. The first person will come up and begin
12 speaking from the podium. We ask that all comments be
13 made from the podium because that's where the microphone
14 is and we can hear better, but also because we make a
15 verbatim recording of what you say. If you're
16 representing a group, please tell us who your group is. I
17 apologize if I don't read your writing correctly, but the
18 first speaker would be Mary Ellen Doyle, and the second
19 speaker, Liam Reidy.

20 PUBLIC COMMENT

21 STATEMENT OF

22 MARY ELLEN DOYLE

23 MS. DOYLE: Good evening! My name is Mary Ellen
24 Doyle, and I'm a student at the City College of San
25 Francisco, working with the California Academy of Science

1 on wildlife monitoring at Mountain Lake.

2 I'm in favor of any actions that support and
3 improve the habitat quality of Mountain Lake, for several
4 reasons:

5 First, as a biology student, who is involved
6 with ongoing monitoring of wildlife, I would like to state
7 that I feel that Mountain Lake is an ecologically
8 important resource. I believe that species and habitat
9 preservation and rehabilitation should be a top priority
10 of this enhancement plan.

11 Secondly, as an educator, I would like to point
12 out the educational value of Mountain Lake. I work with
13 the Girls' Science Club at Presidio Middle School,
14 teaching them about species biodiversity at Mountain Lake.
15 Habitat and species preservation are essential to
16 maintaining this valuable educational resource.

17 Finally, I would like to say that my particular
18 job at the Lake is to count zoea plankton, an often
19 forgotten but integral part of biodiversity of the lake.
20 I would like to remind the Commission not to overlook the
21 importance of maintaining the stability and diversity of
22 the zoea plankton population. Save the plankton!

23 [Laughter.]

24 CHAIRMAN BARTKE: Liam Reidy, then Lisa Vittori.

25 //

1 STATEMENT OF

2 LIAM REIDY

3 MR. REIDY: Good evening! My name is Liam
4 Reidy, and I'm the graduate student at the Geography
5 Department at UC-Berkeley. We are responsible for the
6 reconstruction of the vegetation through the Presidio and
7 around Mountain Lake was over the last 2,000 years. Now,
8 I didn't plan on talking about the paleoecological study.
9 I had one or two questions that deal specifically with the
10 chemistry of the sediments in the lake.

11 First of all, Mountain Lake was formed about
12 2,000 years ago, to give you a brief background and
13 introduction to this. There's about six meters of
14 sediment in the lake bottom. Now, I was present at the
15 last meeting in September, and I was under the impression
16 that people thought that six meters of sediment has
17 accumulated in the lake, since European contact, since
18 the arrival of the Spanish in 1776. Remember, the lake —
19 lakes themselves are transient features of the landscape.
20 They form, they evolve, they eventually turn into meadows,
21 and they are gone from the landscape. They are transient.
22 So they have a life cycle. Now, six meters of sediment
23 have built up in the last 2,000 years. We have a radial
24 carbon date of approximately 220 A.D. for the base of
25 sediment dates.

1 Now, since European contact — and I'm talking
2 specifically, for the moment, about the paleoecological
3 study I'm doing and what I have discovered in my research
4 as part of my Masters program — four meters of that
5 sediment have accumulated in approximately 1,800 years.
6 And in the last 200 years, there has been a dramatic
7 change in the sediments that are entering into the lake
8 because of the watershed. Remember, San Francisco wasn't
9 discovered until De Anza, the De Anza party coming from
10 Southern California, from Monterey, the land expedition,
11 in 1779 — 1769, sorry. But, of course, the Presidio was
12 founded in 1776.

13 Now, since that time, a lot more sediment — the
14 rates of sedimentation have been increasing dramatically
15 with the surface of the watershed, with the growth of
16 urbanization. Now what's important here is that the
17 vegetation has changed dramatically with the introduction
18 of non-native species, sheeps, plants. These things came
19 in with the early Spanish and mixed up in their grass seed
20 that came from the Old World. Another, the non-nature
21 eucalyptus tree was planted in the San Francisco area in
22 about the 1850s.

23 I'm sorry I didn't bring my overhead to show
24 this, but we presented information specifically dealing
25 with the geochemisty of the sediments. And more

1 specifically, the sediments that are contained in the top
2 two feet of the surface section of the lake sediments
3 themselves.

4 Now, first of all, we must ask ourselves: Where
5 is this contamination coming from? We spoke early on
6 about lead and zinc. Now, I have found out, from magnetic
7 susceptibility loss led to ten dating and high resolution
8 work, that, since 1938, lead has increased to elevated
9 levels beyond background levels because lead is found in
10 natural rocks, as well. And that has shown us to be
11 washing into the lake sediments over time, over the last
12 — especially over the last 200 years, as disturbance
13 increased with the initial grazing impacts. The Spanish
14 brought cattle in.

15 Anyway, lead and zinc took off dramatically
16 after 1938. Now why is 1938 an important date? If you
17 look at the map, Mountain Lake, of course, is only 40
18 percent of what it used to be prior to 1938. I've been
19 continuing to research and understand what happened here
20 at Mountain Lake, especially over the last 200 years, with
21 human impacts.

22 In 1938, CalTrans then built a connecting route,
23 which is now Park Presidio Boulevard, that connects out to
24 the Golden Gate Bridge. Now, this, if you look at the
25 literature — and I've been researching it — all over

1 America, you can pick out any environment with geology and
2 look for heavy metal contamination next to roads, and you
3 will see elevated signs of lead and zinc. Now, since
4 1938, automobile traffic has been carried on Highway 1.
5 Of course, the lead is coming from combusted leaded
6 gasoline that has been coming from cars, the automobiles.
7 The zinc has been coming from the tires. It's contained
8 in the rubber of these tires. So, since 1938,
9 approximately 1940, I have a high resolution in every five
10 centimeters that shows that lead levels have increased
11 dramatically; but they have dropped off. Like elsewhere
12 in the United States, they have dropped off in the 5 to 10
13 years with the introduction of non-leaded gasolines. In
14 1995, non-leaded gasoline was introduced and leaded was
15 banned. Now we have seen that drop off in the
16 geochemistry of the sediments.

17 Now, what is important here is the pollution is
18 coming — the contamination is coming from the highway
19 runoff. CalTrans — I went out on a raft to see why do we
20 have so much lead in the sediments. Remember, the EPA,
21 their threshold level for uncontaminated sediments stop at
22 400 parts per million. In the center of the lake, where I
23 took my core samples, originally the pond record, because
24 that's where the best chance of finding an undisturbed
25 record, true time, would be found. At approximately two

1 feet levels, the lead increased. So, first of all, my
2 advisor said to me it's probably coming from an
3 underground. I was against that idea, and I said, "You
4 know what? I read something before about roads that are
5 next to lakes or ponds, or silos next to it, have elevated
6 levels of lead. So we talked about that.

7 I checked at the west side of the lake, where
8 there are three huge drain culverts, which input sediment,
9 which is coming with the water, the storm-water runoff
10 from the road, and it's dumping it into the lake. The
11 sediment doesn't have anywhere to go except builds up in
12 the lake bottom. It's a closed system. There is no
13 outlet for this sediment to go anywhere. So, over time,
14 it's building up.

15 Now, on the October 12 meeting, we, my professor
16 and my advisor, presented this information to the people
17 involved with the project, the Presidio Trust, National
18 Park Service, and the project team. Now I do welcome any
19 other study that's comparative to ours. Now, let me tell
20 you about our methodology.

21 Our methodology —

22 CHAIRMAN BARTKE: Excuse me. We're going to run
23 out of time.

24 MR. REIDY: This won't take more than 30
25 seconds.

1 CHAIRMAN BARTKE: Okay.

2 MR. REIDY: I do welcome more research into
3 this. The method we use is X-radiography, where we use
4 the inorganic fraction of the sediments, which is
5 approximately 80 percent of a cubic centimeter of the
6 sediment burned off. When you get rid of the organics,
7 there's about 20 percent organics, 80 percent inorganic
8 fraction. There is another method, I think, a lot of
9 people use, and it's called atomic absorption. But just
10 let me leave this with you. I took, also, a core to
11 confirm, multiple cores around this to confirm where the
12 sediment, pollution, source is coming from. I got low
13 levels along the east side, south side of the lake. And
14 on the west side, my highest number was 4,000 parts per
15 million in the sediments that were right approximately in
16 front of the culvert.

17 I did have some questions. I'm sorry if I ran
18 over the time. As the park was to deal with these
19 sediments, obviously, it still has to be worked out. And,
20 also, the source of the pollution, what's going to be done
21 about that, as the culverts are still there and it does
22 drain. The storm runoff does contain the contamination
23 which runs into the lake.

24 Thank you.

25 CHAIRMAN BARTKE: Thank you.

1 Lisa Vittori will be followed by Rich Schreve.

2 STATEMENT OF

3 LISA VITTORI

4 MS. VITTORI: Do I have two minutes or three
5 minutes? I realize that we're not being exact here, but

6 —

7 I am a board member of San Francisco Dog,
8 although I am not representing them tonight. But Liam's
9 report does put dog poop in perspective, doesn't it?

10 I'm also a former employee of the Park Service.
11 One of the reasons why I'm not able to work with the Park
12 Service now is because there's a real division in the
13 environmental community between this dog thing and the
14 native plant people. And I'm really sorry about that
15 because a lot of the dog walkers are environmentalists.
16 The reason why I became involved with native plants, many,
17 many years ago, was because I walk my dogs and saw
18 degraded areas and started wanting to fix them up.

19 I walk on West Pacific Avenue quite a bit. In
20 the last week, I probably walked on it ten times down to
21 the — from the oak woodlands to the willow woodlands.
22 And I've been looking at it quite a bit because I worked
23 on Lobos Creek last year, a lot, on the cape ivy.

24 I guess what I'm going to ask you here are not
25 specifics about the plan. I'm assuming that, at some

1 point, we will resolve whether dogs can be off leash or on
2 leash in the park. If it turns out that they can be off
3 leash, you know, because there's different legal
4 interpretations, then I would like to really, actively,
5 have San Francisco Dog, and other dog groups, work with
6 Michael, and the rest of the people who are doing
7 restoration on this, so that we can start — I don't even
8 know how to say this exactly — so that we can work
9 together to do this restoration.

10 The people who walk dogs are out there doing
11 their recreation, just like the elderly people who are
12 walking, the cyclists. You know, I see all kinds of
13 people out there. It's my recreation, and leashes are
14 really — you know, I don't even want to discuss leashes
15 because that's not really the issue. The issue is kind of
16 hate — recreation doesn't involve me holding a leash. It
17 involves me walking with my companion in an easy way.

18 However, the reason why I'm saying this is
19 because a lot of us are out there in all kinds of weather,
20 and we're capable, and we're also fairly hardy people.
21 You know, the dog walkers are the people who are out there
22 in the rain and all kinds of weather, and we're the people
23 who can actually help do quite a bit of the restoration
24 work that's going to be done. When I walk on West Pacific
25 Avenue, I always design, in my head, the kinds of native

1 This is a neighborhood group which has been in existence
2 since the 1970s. We've primarily focused on the park side
3 of Mountain Lake, but certainly the lake has been a focal
4 point for all of us. As the lady just expressed, the lake
5 and its environs are a real community coming-together
6 place, and it's very important for our neighborhood.

7 The Friends of Mountain Lake Park have been
8 involved with this project since it was just an idea. And
9 we are wholeheartedly in support of the enhancement
10 project in Mountain Lake. We want to maintain a lake, and
11 we believe that this an urban environment and that the
12 land needs to be managed. And that mean intervention,
13 that human beings have caused the lake's change to
14 accelerate over the last 200 years, and we want a lake in
15 the neighborhood, not a meadow.

16 Probably the most controversial issue with this
17 project is going to be the initial large visual impact of
18 the removal of the eucalyptus trees. As we walk around
19 the lake, and I went on two of the three walks and went to
20 the neighborhood meeting, as well, that's the issue that
21 keeps coming up. And if you know this lake, those are the
22 backdrops of this lake, those trees. And I personally
23 believe that we ought to remove them as the project plan
24 proposes, but there are two alternatives. One alternative
25 is partial removal. That has the advantage of minimizing

1 the initial visual impact and allowing whatever is planted
2 to come in and sort of ease the pain.

3 The other alternative — and the disadvantage of
4 that, in our opinion, is the ongoing management issues.
5 The partial removal would take out 95 eucalyptus trees and
6 leave the 5 big ones. These are Eucalyptus Globulus.
7 They volunteer readily. Over the next 5 to 10 years, as
8 we're waiting for the other trees to get bigger, somebody
9 is going to have to be pulling out eucalyptus trees. And,
10 then, in 5 or 10 years, somebody is going to have to have
11 the budget to bring in heavy machinery to remove the large
12 eucalyptus trees that were left.

13 The advantage of the all-at-once step is that it
14 allows a much more reliable management of the area. Take
15 out the trees. We really would urge the Park Service to
16 plant rapid-growing Monterey Cypress, for example, on the
17 slope below the golf course, starting this January or
18 February, before the lake project even gets underway, so
19 that, as the trees come out, there is something to replace
20 them that would be fairly substantial, fairly quickly.
21 And I personally think that would help mitigate the
22 controversy.

23 As to the issue of water sediment and quality of
24 the sediment, we have met with Brian — I'm sorry, I'm
25 messing up his name — the environmental engineer, with

1 the Trust. We're entirely confident that the truth will
2 be sought. There have been three sediment samplings taken
3 so far, two of which came up with one result and another
4 with another. There's going to be a lot more samples
5 taken, and I assume that this organization will make the
6 right decision about what to do with that sediment.

7 One of the things that Liam Reidy brought up was
8 the issue of Park Presidio Boulevard. Every time it
9 rains, that road gets washed into Mountain Lake. So
10 certainly on the to-do list here, we ought to have
11 something that brings CalTrans into this so that, at the
12 very minimum, the culverts are diverted away from draining
13 directly into the lake and go into the larger city
14 drainage system. And we ought to also consider a noise
15 abatement wall along that stretch. I know that that isn't
16 necessarily within the jurisdiction of the Trust.

17 Also, it's very important, finally, that, once
18 this project gets underway, it not be done in a piecemeal
19 way. There's going to be a lot of change and it all
20 needs, once it starts, it needs to be finished as quickly
21 as possible. It would be better to delay the project than
22 to only be able to do parts of it.

23 Thank you.

24 CHAIRMAN BARTKE: Thank you.

25 Ron Miguel.

1 STATEMENT OF
2 RON MIGUEL
3 PLANNING ASSOCIATION FOR THE RICHMOND
4 NEIGHBORHOOD ASSOCIATION FOR PRESIDIO PLANNING
5 MR. MIGUEL: Commissioners, I'm wearing
6 basically two hats this evening, one as president of the
7 Planning Association for the Richmond, which
8 wholeheartedly endorses the preferred alternative. The
9 other is as president of Neighborhood Association for
10 Presidio Planning, which are the 11 neighborhood
11 associations which have met for the past 10 years, or so,
12 since the transition of the Presidio started. They met
13 monthly, and more often, actually.
14 On the 16th of November, we sent a letter to
15 John Pelka, the environmental compliance coordinator,
16 regarding Mountain Lake, and I would like to — it's quite
17 brief — read it into the record here.
18 "This is to inform you that NAPP has unanimously
19 endorsed the preferred alternative contained in
20 the *Mountain Lake Enhancement Plan and*
21 *Environmental Assessment*.
22 "NAPP, which is a coalition of eleven
23 neighborhood organizations bordering the
24 Presidio, has a combined membership in excess
25 of 2,500 households. The Trust's outreach to

1 the surrounding communities in formulating this
2 proposal is greatly appreciated. Mountain Lake
3 is a jewel in the Presidio crown. It not only
4 has immense historic value because of the Anza
5 expedition, but constitutes a prime example of
6 coordination between the city of San Francisco
7 and the National Park Service creating the best
8 possible joint use of adjoining recreational
9 properties."

10 We, too, as has just been mentioned, greatly
11 appreciate the outreach from the Park Service. The walks
12 were heavily attended by members of NAPP. Certainly, the
13 public meeting was, and all of the work that has gone into
14 this. We know we're never going to have the lake back
15 where it was originally, but we're going to have a very
16 viable project.

17 Thank you.

18 CHAIRMAN BARTKE: Thank you.

19 That concludes the number of speakers who had
20 signed up. Is there anyone who didn't sign up or whose
21 name I missed? Would you come up and tell us who you are,
22 please?

23 STATEMENT OF

24 JACK LAWS

25 MR. LAWS: Good evening! My name is Jack Laws.

1 I'm from the California Academy of Sciences. I manage a
2 field studies program in which we are halfway through a
3 three-year inventory and monitoring project on Mountain
4 Lake, engaging hundreds of students from San Francisco
5 middle schools, high schools, universities and colleges.

6 Mountain Lake is an important natural and
7 educational resource. And protecting and improving this
8 resource is important for our natural communities. In
9 this, I see there are two really important things to do,
10 both of which have been mentioned tonight. The first is
11 finding some diversion for those culverts that are
12 draining into Mountain Lake. There's a bunch of lead in
13 the sediment, apparently. You get rid of a bunch of those
14 sediments and there's going to be more lead coming down
15 from the top of the sediment, or other things washing off
16 the road. Diverting those culverts is important.

17 The second is removal of the eucalyptus trees.
18 The removing the eucalyptus trees is important both for
19 improving water quality, and, in addition to that the
20 success of any native plant restoration, reintroduction
21 project. As long as those eucalyptus trees are there,
22 it's going to be very, very difficult. However, this must
23 be done in a way that maintains the unity and support of
24 the urban communities around the lake.

25 Love of Mountain Lake has brought the community

1 together in a strong and powerful way. The tree removal
2 has the potential to be very, very divisive in this
3 community, and it need not be. If the removal of the
4 trees is preceded by an aggressive tree-planting program
5 on the east side of the road, adjacent to the removal
6 site, that would do a lot to mitigate a lot of this
7 concern in the public. In addition to providing nesting
8 sites for birds, the trees will maintain the current feel
9 of the lake, as well as maintaining the community spirit
10 and support for this project.

11 Again, I encourage you to find a diversion for
12 those drains, to plant a screen of new trees, and get rid
13 of those eucalyptus trees.

14 Thank you very much.

15 CHAIRMAN BARTKE: Thank you.

16 Now, have we got everybody?

17 (No response.)

18 CHAIRMAN BARTKE: We will close the public
19 hearing, and I don't think there is any action that's
20 required of the Commission, is there? None, okay.

21 COMMISSIONER ALEXANDER: Mr. Chairman, are
22 questions in order from the Commission?

23 CHAIRMAN BARTKE: Oh, sure. Michael, do you
24 want to go first?

25 COMMISSIONER ALEXANDER: Gordon, you had your

1 hand up. Why don't you go first?

2 COMMISSIONER BENNETT: Okay. Both of the last
3 speakers mentioned the culverts being redirected. I'd
4 like to say that I like the thinking of that, but I don't
5 like that particular plan. I think, if the culverts are a
6 problem and they're putting sediment that's polluted, a
7 better way to deal with that would be to have some kind of
8 sediment trap where the sediment is trapped, collected and
9 disposed of in the proper way. Just by redirecting them
10 just sends the problem someplace else. I think we have a
11 chance to deal with it.

12 I like the idea of an aggressive tree planting.
13 Looking at some of these pictures, it does appear that,
14 when the golf course suddenly pokes out from behind, it
15 does make a real startlingly different perspective. And I
16 think if some trees were planted along the east side, that
17 could be mitigated. And I would hope that the communities
18 that are involved in this would get behind the eucalyptus
19 tree removal if the trees were screened at the edge of the
20 golf course.

21 CHAIRMAN BARTKE: Now, Michael.

22 COMMISSIONER ALEXANDER: Thank you.

23 I went on one of the walks to look at the site,
24 and it was really illuminating to listen to neighbors, see
25 how people use the area, and see where the issues were,

1 what the problems were, and how -- I think, with the
2 exception of how many trees to remove, how much you
3 unanimity there was on what the right solutions were.

4 I'm struck by the fact that, while I heard
5 people who were pretty upset about taking out the large
6 eucalyptus at the same time when I was on the walk, I
7 haven't heard from them tonight. And I'm wondering, have
8 we received any written communications objecting to
9 pulling out the big eucalyptus now?

10 CHAIRMAN BARTKE: I don't know.

11 MR. BOLAND: At this time, we've received two
12 communications, and one of them was read to you tonight.
13 It was the letter from NAPP. The other is a letter from
14 an individual, and I don't recall, I actually don't know
15 if it talks about that. But those are the only two
16 written communications we've received. Of course, there
17 are two more weeks in the comment period.

18 COMMISSIONER ALEXANDER: Well, I'd like to see
19 what comes in. There's clearly a great deal of passion
20 about, about any kind of change, and particularly about a
21 change as dramatic as pulling out all of the eucalyptus
22 trees. And I'd like to see whether that translates into
23 comments on the EIS, or on the plan, because that will
24 tell me a lot about how deep that runs.

25 I am very encouraged by the comments of people

1 who are suggesting that we can get an alternative
2 backdrop. This is really a backdrop to the lake, for most
3 people's experience. You can begin building an
4 alternative backdrop this season, and that sounds like a
5 wonderful opportunity.

6 The other thing, which I don't think really
7 comes across clearly in the photomontages, which show the
8 — which, otherwise, I think are terrific, but show the
9 changes. There is a stand of Monterey, I believe they're
10 Monterey Cypress already on the hill behind the, behind the
11 lake. And you don't see them from the city side of the
12 lake, which is where this view is very important. And you
13 don't see them because they're hidden by the big eucs.
14 But when you walk around to the back, to the back side of
15 the lake, you realize that there is already the beginnings
16 of an alternative backdrop for that view. I was very
17 encouraged by that.

18 The cost of removal, I've inquired about this,
19 and the cost of partial removal versus complete removal is
20 not great. In fact, taking them all out appears to be
21 very close to the same cost as leaving the big four. But
22 the cost of maintenance over a period of time, to give
23 people a comfort level, is, is an unknown at this point.
24 And you are going to have volunteers, and that is a
25 concern. And I think we want to look at that particularly

1 because we may be looking at significantly increased costs
2 if we have to do a disposal of toxic materials from the
3 bottom of the lake. That was not factored into the
4 original plans for this, for this project.

5 I want to raise one issue, which I haven't heard
6 about, and that is — although I believe someone did raise
7 it briefly, and that's the question of the sound wall.
8 And I've inquired about that. It's my understanding that
9 CalTrans actually has an easement which runs into the
10 lake. And, so, as much as we may want a sound wall, and
11 as much as I have encouraged the superb designers of this
12 plan to, to develop a sound wall, or a vegetation barrier,
13 as part of this project, apparently it ain't our turf, and
14 we've got a problem with that. I don't know what the
15 solution is. It has a lot to do with CalTrans. And I
16 want to encourage that to be part of, part of the plan.

17 CHAIRMAN BARTKE: Okay. Lennie.

18 COMMISSIONER ROBERTS: Thank you.

19 The issue of the culverts and how to deal with
20 runoff from the highway, that was dealt with very
21 successfully in a topic we're going to see in a few
22 minutes, which is the Highway 92 Project. When 280 was
23 built in San Mateo County along the shores of Crystal
24 Springs Lakes, not exactly immediately but close, CalTrans
25 was required to not allow any runoff from Highway 280 to

1 go into the lakes. And, so, they have retention basins,
2 and then they settle it all out, and then they ship it to
3 the Bay instead of into the lakes. That's a big help.

4 [Laughter.]

5 Well, you drink the water in the lakes and not
6 the waters in the Bay. It settles out. There is settling
7 basins. But it's a continuing — I mean, what do you do
8 with it? It's a tough problem, but the 92 Project is also
9 proposed to do the similar treatment to keep it out of the
10 Crystal Springs Lake. Maybe there is a way to have some
11 settling area, but there isn't very much area there to do
12 this. So, I don't know how that might be done. Also, we
13 have to have some hook on CalTrans to get them to — to
14 get their attention for that.

15 CHAIRMAN BARTKE: Lennie, you don't know how
16 much it warms my heart to hear Phil Frank talk about our
17 biggest Stanford fan dressed in a bear suit.

18 [Laughter.]

19 COMMISSIONER ROBERTS: It was not a huskie; it
20 was Bruin-hilda.

21 [Laughter.]

22 CHAIRMAN BARTKE: Redmond.

23 COMMISSIONER KERNAN: I want to compliment staff
24 and the neighbors around Mountain Lake, and Rich, and
25 others, who have led the effort there. I think there's

1 been a great coming together over a project which could be
2 very controversial, but so far isn't. And I think one of
3 the things that comforted people was the phased removal of
4 the trees. And while it might be nice to take them all
5 out, that's what people were told would happen. And I
6 think there isn't a lot of objection because that's what
7 they accepted. So I wouldn't tinker with it at this
8 point. If sometime in the future it can be looked at with
9 all of the participants to see whether something more
10 aggressive could be done, I wouldn't mind looking at it.
11 But I wouldn't begin to tinker with the project today. I
12 think people have accepted it on that basis, and that's
13 why there isn't objection.

14 Regarding the drains into the lake, I think
15 those are something I hadn't thought of and they're pretty
16 horrific. The city, when it had to upgrade their sewer
17 system, elected to stay with a combined sewer system.
18 And, so, just down from Lake Street, where the water is
19 picked up that goes into the city sewer, it is all
20 processed. Because all of the city streets are drained
21 into the city sewer and are treated at the treatment
22 plant. So it may be possible to hook up to that system
23 because it does treat all of the surface runoff.

24 Regarding the sound walls, the Highway
25 Department came to the neighborhood some years back, three

1 or four, five, maybe more, and suggested they put a sound
2 wall in there. The neighbors, including myself,
3 strenuously objected. It's one more bit of harshness in
4 an otherwise more sylvan environment. It makes the drive
5 into the tunnel that much worse. But it also takes up a
6 significant piece of real estate to do that. And you'll
7 find, I think, if you look at our cross-section, that that
8 is on the edge of the lake, and would probably do more
9 disturbance to the lake. But it was rejected by the
10 neighbors, and I quite frankly would leave that alone.

11 I compliment the project the way it is, and that
12 was the one that was taken to people. I would go ahead
13 with that project.

14 CHAIRMAN BARTKE: I think we may have somebody
15 else. Anybody else?

16 Back to Michael.

17 COMMISSIONER ALEXANDER: Just for the record, I
18 misspoke when I said sound wall. I wasn't thinking of
19 concrete and rebar. I was thinking of a vegetated sound
20 wall. That was something that was discussed in the plan,
21 in the planning process, and seems to have slowly dropped
22 off. And that's what I wanted to encourage to come back.
23 Because that would be attractive and utilitarian.

24 CHAIRMAN BARTKE: Trent.

25 COMMISSIONER ORR: I just wanted to clarify

1 because somebody called me about this a couple of days
2 ago. The comment period is now open until December 15.
3 Is that correct?

4 MR. BOLAND: December 15.

5 COMMISSIONER ORR: Okay. Thank you.

6 CHAIRMAN BARTKE: Okay. So get your cards and
7 letters in. Anybody else?

8 (No response.)

9 CHAIRMAN BARTKE: That concludes this matter of
10 our agenda. The next item is the Golden Gate Bridge
11 Seismic Retrofit Update. Nancy Hornor has stuck with us
12 for the whole evening.

13 GOLDEN GATE BRIDGE SEISMIC RETROFIT UPDATE
14 NANCY HORNOR, CHIEF, PLANNING AND TECHNICAL SERVICES
15 JON GERVAIS, ENVIRONMENTAL PROTECTION SPECIALIST
16 GOLDEN GATE NATIONAL RECREATION AREA

17 MS. HORNOR: My role tonight is going to be very
18 brief. I'm going to be introducing the presenter tonight,
19 and that's Jon Gervais.

20 Jon is relatively new to our staff; and, so, I
21 wanted to take an oppportunity tonight to introduce him to
22 you. Before he speaks, he's an environmental protection
23 specialist on our staff. He handles a lot of our ongoing
24 NEPA process in the park related to project review and
25 working with outside agencies. And he has the

1 responsibility of being the liaison with Golden Gate
2 Bridge Highway and Transportation District on the seismic
3 retrofit project, which is a huge project and a huge
4 responsibility. Jon has done a great job.

5 So he's going to just give you an update on
6 where we are in the seismic retrofit, and it will be
7 brief.

8 Thank you.

9 MR. GERVAIS: I thank you all, for staying
10 awake. My name is Jon Gervais, and I'm an environmental
11 protection specialist with the GGNRA. And, tonight, I'm
12 going to talk with you about the Golden Gate Bridge, and
13 the seismic and wind retrofit. I ask you to bear with me
14 on this slide show, here.

15 As I said, we're going to talk about the seismic
16 and wind retrofit. My main point is to inform everybody
17 about Phase 2 of the project that's coming up. It's going
18 to start this spring, and we'll be getting into that in a
19 second. First, some quick background on the project.

20 As many of you know, it was two main events
21 which started, initiated, the project. One was the wind
22 damage that occurred in the 1950s. There was a couple of
23 major wind storms. The second was, as everybody knows,
24 the Loma Prieta Earthquake. That really initiated the
25 project. If it had been a little bit bigger, there might

1 have been some serious damage to the bridge. The goals:
2 8.3 magnitude, 100 mile-per-hour winds.

3 So the project was started in the early '90s,
4 and there is numerous plans for the project culminating in
5 the Environmental Assessment in 1995, and the Special Use
6 Permit, which started January 1, 1997, and continues
7 through 2002. So, obviously, the project, the retrofit,
8 will continue on past the end of the Special Use Permit.

9 These planning documents were designed to
10 identify resource areas that need to be protected, and to
11 kind of set the ground rules between the Golden Gate
12 Bridge and the National Park Service over what occurred in
13 the project, how they were going to treat the land and the
14 property.

15 So Phase 1 is the north side of the bridge.
16 It's going to be completed next year. November should be
17 the — is the definite ending of the contract. They have
18 a \$2 million bonus to be done by July. So, when that
19 happens, when we've been planning for what to do next on
20 that side. There are plans in the Special Use Permit. We
21 have thought about what the appropriate revegetation is,
22 the Conzelman Road to be opened again, and something that
23 I'm most interested in is the point to do out there. So
24 that's Phase 1, and it's almost complete.

25 The big thing, now, is Phase 2, retrofit work,

1 which is the south side of the bridge. The bids and specs
2 recently went out. There is this huge document, with over
3 550 engineering drawings. It's going to be a major
4 project. And that's one of my main points tonight, which
5 is to kind of get that across. That this isn't going to
6 be anything small. They're going to basically replace the
7 towers on the south side, and all the structure over Point
8 Point. It's going to take — well, I'll give you that in
9 the next slide — but it's going to take 7 to 10 years to
10 do this, and there's going to be some impacts to the
11 Presidio.

12 This is kind of a basic outline of the impacts
13 here. Obviously, traffic is going to be an issue. The
14 construction staging areas, we have three construction
15 staging areas, in Areas A and B. Those will be fenced off
16 and they will be driving large trucks through the
17 Presidio. hauling dirt, hauling supplies, hauling
18 forklifts, and so forth.

19 The part-time closure at Fort Point. Fort Point
20 will be closed Monday through Thursday, for 7 to 10 years,
21 while this project is going on. So there will be some
22 impacts to the park and to visitation. I just want to
23 impress that on everybody.

24 As I said, the main routes will be coming off —
25 they're going to drive the main trucks up the Marine

1 Drive, down to the bridge. Here's the staging areas
2 (indicating). The staging areas are outlined there. This
3 is the way the Presidio is going to be impacted.

4 So there were some modifications, as in any
5 construction project, from the approved plan. Those
6 modifications have revolved around — in Phase 2, they're
7 going to need some sort of platform around Fort Point.
8 The idea for these platforms is to hold the cranes for the
9 actual work right over the point. So we've been working
10 with that to try and get the environmental analysis done
11 for this. What we think is going to happen is going to be
12 some sort of piers, and then a small platform around the
13 point. It will be about 30 feet by 10 feet, and it will
14 be on the north and west side of Fort Point. So it's be
15 — you'll see it out there.

16 Conzelman Road is closed longer than we thought.
17 That was so that their contractor on the north side could
18 finish more quickly. And there's going to be another
19 office construction trailer in the Presidio for their
20 engineering staff, which we've been through long
21 negotiations with the Bridge District on. We've got some
22 mitigation out of that project.

23 There is also the lead remediation, which is
24 going on. Along with the Phase 1 and 2 of the seismic
25 retrofit, there's Phase 1 and 2 of the lead remediation.

1 Lead remediation, the Phase 1, is only the north — was
2 the north and south side of the bridge; but it encompassed
3 all the work areas. The idea behind that was that it
4 would protect the workers who were going to be excavating
5 the soil. There's still contamination in the other areas
6 surrounding the bridge, and that's in the real preplanning
7 stages on how to deal with that, and what sort of clean-up
8 levels. So I'm sure that will be coming back, back to
9 this group, as well. So, that's the lead.

10 So, in summary, the main points I wanted to hit
11 on were — so this will probably begin in the spring, this
12 project. It's going to be a large project, with numerous
13 construction vehicles and aspects to it that we will
14 discover as we move along. And it's going to be — it's
15 going to last awhile. So I'm sure numerous aspects of the
16 project will be coming before the Commission and as things
17 arise in the approved documents. So that's basically it.

18 So, with that, I'll open it up to any questions.

19 COMMISSIONER ALLAN: When you said "replace the
20 south tower," what did you mean by that? That tall, south
21 tower?

22 MR. GERVAIS: The whole south tower. On the
23 north side, they replaced each one of the towers. If you
24 go see it, it's wonderful. What they do is actually jack
25 up the bridge off it's support and take out the old

1 support and replace it with the new support.

2 COMMISSIONER ALLAN: Underneath the water?

3 MR. GERVAIS: Underneath, yeah.

4 COMMISSIONER ALEXANDER: You're not talking
5 about, you're not talking about the main south tower of
6 the bridge. You're talking about the piers that hold up
7 the other bridges that —

8 MR. GERVAIS: I'm talking about the arch over
9 Fort Point —

10 COMMISSIONER ALEXANDER: That's right.

11 MR. GERVAIS: — will be replaced.

12 COMMISSIONER ALEXANDER: Yes.

13 MR. GERVAIS: And some of the — on the north
14 side, the towers, Tower 1, 2, 3 and 4 were replaced.

15 COMMISSIONER ALEXANDER: Right. But that's not
16 the main south tower that people drive under and look up
17 and —

18 MR. GERVAIS: Right.

19 COMMISSIONER ALLAN: It doesn't extend above the
20 bridge?

21 MR. GERVAIS: Okay. From the ground to deck.

22 COMMISSIONER ALEXANDER: The public thinks of
23 "tower" as there are two towers to this bridge.

24 MR. GERVAIS: Right.

25 COMMISSIONER ALEXANDER: And that's not the

1 engineering, okay.

2 COMMISSIONER MEYER: Jon?

3 MR. GERVAIS: Yes.

4 COMMISSIONER MEYER: At the committee meeting,
5 the Presidio Committee Meeting, we asked, the committee
6 asked, that a modification be made in the mitigations that
7 would come from the Bridge District. In other words, we
8 were trying to push as little money as possible into
9 temporary mitigations, the covering with bushes or vines,
10 or something, and as much as possible into a solution of
11 the long-term problems at the Bridge District's yard and
12 offices on the south side of the bridge.

13 You mentioned mitigations in this. What kind of
14 mitigations are you doing for this construction trailer?

15 MR. GERVAIS: The construction trailer, we've
16 come to a consensus, I think, in the park that the things
17 to do are, the number 1 thing in the letter was to make
18 sure that the Bridge District appropriates the money that
19 they have in their budget, that have set aside for the
20 long-term planning for maintenance and selected
21 administrative facilities move over to North Fort Scott.
22 The process of going through the trailer with them
23 identified this money. If we hadn't gone through this
24 process, we never would have found this out. So there has
25 been some positive aspects to what we did.

1 COMMISSIONER MEYER: Are you — we asked, the
2 committee asked, that you really cut back on any temporary
3 bushes or, you know, pretification [sic], in an attempt to
4 get as much money as possible into the planning and
5 implementation of what they should do at Fort Scott. Have
6 you been able to accomplish that?

7 MR. GERVAIS: Well, we have done our — we have
8 worked with them, and I think we've made strides. One of
9 the major things that I think we've done is we've moved
10 away from working with engineers towards working with
11 their planning staff. Which, believe it or not, was a
12 large step.

13 COMMISSIONER MEYER: We can believe that.

14 MR. GERVAIS: So I think that we're making
15 inroads there. I think they're working with us on this
16 project, and I think, I think that it will happen.

17 COMMISSIONER MEYER: Well, we ask you — I'm
18 going to ask this in the name of the committee, and others
19 who participated in this discussion, to please continue to
20 press forward with getting the most that we can get for
21 the park in the long term there because money is in short
22 supply, and temporary patching is not nearly as important,
23 in this instance, as finally getting them to do a job that
24 should have done, you know, ten years ago.

25 MR. GERVAIS: Yeah, I agree.

1 CHAIRMAN BARTKE: Gordon.

2 COMMISSIONER BENNETT: Along the same lines, the
3 committee asked if there was some discussion about
4 patching some dangerous areas along the roads there, and
5 whether that — they wanted that to be mitigation and we
6 felt it should be something they should do anyway. So,
7 (1) I'd like to ask the status of that; and (2) we just
8 had a presentation where, in Mountain Lake, we were
9 looking, we were saying: We wish we had some hook over
10 CalTrans. And I'm wondering if it makes any sense to tie
11 these things together and to ask, perhaps, for some
12 mitigation on the culvert problem in Mountain Lake to be
13 connected to the bridge situation?

14 MR. GERVAIS: Are you talking about Merchant
15 Road, or Conzelman?

16 COMMISSIONER BENNETT: I'm talking about
17 Merchant Road, as far as the safety repairs that we asked
18 them to do as a matter of public safety, not as
19 mitigation. The second question is whether it makes sense
20 to tie in any mitigations they're required to do for the
21 trailer to have any of that connected to Mountain Lake,
22 solving the pollution coming from the culvert, as they're
23 both CalTrans issues. It's just a question.

24 MR. GERVAIS: Yeah. With Mountain Lake, it
25 would be difficult to tie that, I believe, in the sense

1 that CalTrans appropriates money on mile markers. And if
2 it's not, if the money is not designated within that mile
3 marker, it's very difficult to get them to see a process.
4 And Merchant Road is, I believe, partly our
5 responsibility, too. Part of this project is to put a
6 bike lane, or analyze — excuse me — analyze the bike
7 lanes on there, put a sidewalk. So, in general, I think
8 it will improve Merchant Road because there will be a
9 sidewalk there for people and will be safer, I believe.
10 But tying the mitigation together, I'm not sure how
11 exactly to do that.

12 MS. HORNOR: If I could also add to that? What
13 we've -- we have taken the recommendations from the
14 Presidio Committee and from staff. They've been compiled
15 into a letter, faxed to the Bridge District, to lay out
16 what our requirements will be. So the next step is really
17 for them to respond, and then to get together and work
18 those out. So details like putting the focus of the
19 mitigation on what we all agree is important and not
20 getting diverted by landscaping and things like that. I
21 think we're definitely on the track to do that.

22 And the mitigation, it's CalTrans jurisdiction
23 on Park Presidio, but it's really Golden Gate Bridge
24 District's and NPS jurisdiction over the toll plaza site.
25 So it would be hard to link those. I think it's tough

1 enough just to keep the focus on the immediate area
2 impacts, rather than get so far spread.

3 CHAIRMAN BARTKE: Redmond.

4 COMMISSIONER KERNAN: I think I just sort of
5 woke up to the truck traffic that would be there. You
6 know, we talked about the building, and so on. But I
7 probably can't get an answer here, but I imagine there's
8 going to be a lot of material removed and a lot of truck
9 traffic, which is going to find its way along that road
10 which is used as a jogging path, biking path, recreational
11 area, and hooks into other trails.

12 So I would ask that you come back, at some
13 point, to the Presidio Committee and we look at when
14 people can go there. Does it have to be closed? Is there
15 a way to make it safe so trucks can pass one another and
16 have people there? I mean, I don't know. And then, how
17 to evacuate the trucks out of the Presidio as rapidly as
18 possible and where do they go? And you don't know yet
19 because you don't have a contractor yet. But having a
20 movement plan that has the least impact on people who are
21 recreating there and finding hours that they can use it.
22 I mean, people start down there at six in the morning.
23 They don't start 'til eight. Well, you know, they can at
24 least be there for two hours, et cetera. But to put
25 together the recreational aspect with the need of

1 construction and try to minimize the impact.

2 So, if you can come back at the appropriate time
3 and describe how that's going to happen.

4 MR. GERVAIS: Be happy to. The basics were laid
5 out in the Special Use Permit, the routes, where the
6 flagmen would be. But the details of how to divide the
7 trail, how to divide the pedestrian and truck traffic,
8 that needs —

9 COMMISSIONER KERNAN: Does it just go up the
10 hill and then on to Highway 1, or does it go further in
11 the Presidio?

12 MR. GERVAIS: It goes up the hill, swings around
13 to the bridge if it's going north. It swings around down
14 Merchant in the south. So it is —

15 COMMISSIONER KERNAN: So it's evacuated by going
16 up to the bridge connection there, okay.

17 MR. GERVAIS: Yeah.

18 CHAIRMAN BARTKE: Michael.

19 COMMISSIONER ALEXANDER: I want to just clarify
20 the mitigations we're talking about because I thought that
21 the Presidio Committee was very clear about this in our
22 recommendation that we were more than willing to forego
23 things like building a sidewalk along Merchant, and
24 stripping bike lanes, and to use that money instead for,
25 for getting a long-term planning effort going. The safety

1 repairs that we were talking about were, was, the broken,
2 broken tarmac at the roadway itself and at a place where
3 it's failing at the base of the slope from the south. And
4 that that's what we saw as a maintenance repair and not as
5 a mitigation.

6 So I want to be clear on what our recommendation
7 was, and I would appreciate any clarification. You said,
8 you began talking about the sidewalk and stripping of
9 lanes, and I want to be clear. Is that still part of the
10 mitigation or has our recommendation been accepted?

11 MR. GERVAIS: In the letter, it says that the
12 Bridge District will work with Andrea Lucas, the landscape
13 architect, to do some improvements in the area. One of
14 the connections is her trail plan. We thought we could
15 get some of the things we wanted to get done through this,
16 as well. So it would fit into that plan, as well.

17 So that's — so part of it is still in there,
18 yeah, but we have heard your comments on that, and I think
19 we're going to minimize this for, in favor of the
20 long-term planning. It's hard getting them to —

21 COMMISSIONER ALEXANDER: I agree.

22 MS. HORNOR: But, Michael, I think we also want
23 to just be sure we've dealt accurately with the safety of
24 park visitors, pedestrians and bicyclists, going through
25 there. So if there is a simpler way to do, we can look at

1 simpler ways. But we just need to make sure that's taken
2 care of, too.

3 COMMISSIONER ALEXANDER: Okay.

4 CHAIRMAN BARTKE: There is a member of the
5 public —

6 COMMISSIONER ALEXANDER: I would appreciate
7 having this come back to the committee for a monthly
8 update as this comes along.

9 MR. GULBERKIAN: Who is the private engineer on
10 the south side?

11 MR. GERVAIS: The District Engineer is Merv
12 Giacomini, with the Golden Gate Bridge District.

13 MR. GULBERKIAN: No. Who is the private
14 engineering firm?

15 MR. GERVAIS: For Phase 1, it was Balfour; but,
16 for Phase 2, they just put the bids and specs out. So
17 they'll be receiving the bids on the job.

18 MR. GULBERKIAN: On what date?

19 MR. GERVAIS: They went out in October. I think
20 they receive them at the end of January, and then they
21 have two months to decide, two or three months to decide,
22 something like that. That's my general sense of it.

23 CHAIRMAN BARTKE: Okay.

24 MR. GERVAIS: Are you going to bid?

25 MR. GULBERKIAN: No.

1 CHAIRMAN BARTKE: Nancy.
2 MS. HORNOR: Can I add one other point of
3 clarification? I think, Jon, that you said the Fort Point
4 closure was going for 7 to 10 years. I think the current,
5 the current plan for the District is that it will be
6 closed for one year. They would come back to us if they
7 thought that needed to be extended. Because the work
8 directly over Fort Point is really expected to be one
9 year. If that changes, we will bring that back to the
10 Presidio Committee. But the overall Phase 2 is 7 to 10
11 year, but that Fort Point piece should only be one year.

12 COMMISSIONER KERNAN: I can't help but think
13 they built it less than 10 years.

14 SUPERINTENDENT O'NEILL: Maybe I'd just add one
15 thing, to follow up on Commissioner Meyer's comment. I do
16 think we have to express some commendation to Celia
17 Cooper Smith, the general manager, because I think she has
18 the vision to move to move this planning process forward
19 that didn't exist before. There was a lot of resistance,
20 I can assure you, from many meetings with them, from the
21 engineering staff, to really think seriously about the
22 long-term plan for their facilities. And I give her
23 credit for being willing to step out there and say this
24 needs to be done; I support it. We'll find the money to
25 do it.

1 So I think any way you — we all can do to
2 continue to encourage that top-level support for the
3 planning effort, and to commend her initiative to help
4 make that happen, would be very helpful.

5 CHAIRMAN BARTKE: Thank you Nancy and Jon.
6 Appreciate your report. Looking forward to hearing you
7 again.

8 Next item is the Superintendent's Report, Brian
9 O'Neill.

10 SUPERINTENDENT'S REPORT

11 BRIAN O'NEILL, GENERAL SUPERINTENDENT

12 SUPERINTENDENT O'NEILL: Carol, I think the
13 amended report is back there. I went there to ask Carol a
14 question, and I had the wrong copy of the Superintendent's
15 Report. We added an important component, and, so, I just
16 have two things to do: One is to remind — you'll get a
17 little invite in the mail. But our Holiday Party, for the
18 park, our celebration of our year of work together and our
19 thanks to the community, is going to be at the Golden Gate
20 Club on the 12th of December. And you all are
21 enthusiastically invited. It's from 6:00 to 10:00 p.m.

22 The other thing is, is this is a quick alert. I
23 won't get into the details of what else is in the report,
24 but I want to draw to your attention the item on Crissy
25 Field, dealing with the East Beach protection measure.

1 The long-term monitoring effort that's underway
2 now by our coastal engineers is actually encouraging, with
3 respect to the long-term performance of the sand
4 deposition program at East Beach. So, as we get
5 additional data, we'll provide that to you.

6 But we do have an immediate, almost an emergency
7 situation, given what will be almost some record high
8 tides in early December. Because there is significant
9 erosion in about a 260 foot, 200 foot portion of that East
10 Beach area, we feel we need to do some emergency work just
11 to buy time to be able to allow the work, the consulting
12 work underway, for the long-term, to get completed so we
13 know what steps may be needed to accomplish that.

14 So, in your report here, we are going to
15 initiate work tomorrow morning because we have favorable
16 low tides. Basically, we're going to bulldoze the sand
17 back in place within that 200 foot area. What I call
18 "Jersey barriers," but I guess it's more officially called
19 K-rail, which is basically sections that will be linked
20 together for a 200-foot area that is just very temporary
21 in nature. We're going to need those with any fear we
22 have of convergence of any of these high tides with major
23 storm events in order to protect our investment there.

24 So we've been in discussions with BCDC and the
25 Corps of Engineers, and we've got all the necessary

1 approvals for this emergency measure. But I didn't want
2 people to be surprised that there is going to be work over
3 the next couple of days to be able to complete this. It
4 is interim. We just wanted to draw your attention to
5 that.

6 CHAIRMAN BARTKE: Any questions of the
7 Superintendent? Lennie.

8 COMMISSIONER ROBERTS: How long do you expect
9 them to be there? If they're there for the January
10 storms, how much beyond that?

11 SUPERINTENDENT O'NEILL: Well, we're saying up
12 to two to three years until such time as we have assurance
13 from our coastal engineers, and we actually, physically
14 monitor the movement of beach materials along that
15 shoreline and what the deposition pattern is. We have no
16 record to go on. So we want to be able to bury that
17 K-rail that might exposed during particularly high tides
18 or major storm events, and then will be covered back over.
19 It may need to be there for two to three years, up to two
20 to three years, unless our engineer's work indicates that
21 the deposition pattern, with some maybe enhancement that
22 we may provide, is building up a stable beach at an
23 earlier time.

24 But what I said, we're getting much more
25 encouraging feedback from our engineers than we had a few

1 months ago. So we're beginning to see the change in the
2 profile of that beach; but it could take some time. It's
3 always going to be adjusted, but we don't know what
4 stability is until such time as we have enough time under
5 our belt to be able to determine that.

6 CHAIRMAN BARTKE: Michael.

7 COMMISSIONER ALEXANDER: I think you answered
8 one of my questions. The jersey is going to get buried.

9 SUPERINTENDENT O'NEILL: Oh, yeah, yeah. But I
10 think we have to be honest, which is that, if indeed
11 there's a particularly high tide in the storm event, it
12 will be exposed.

13 COMMISSIONER ALEXANDER: Yeah, yeah; but, for
14 the most part, in general —

15 SUPERINTENDENT O'NEILL: It's intended to keep
16 it buried and we hope it will be buried all winter and
17 you'll never see it.

18 COMMISSIONER ALEXANDER: Okay. The other thing
19 is to encourage you to have the Park Association put out
20 those wonderful instant signs that they do so that the
21 people who are there —

22 SUPERINTENDENT O'NEILL: Yeah.

23 COMMISSIONER ALEXANDER: — will know what's
24 going on; otherwise, they're going to freak out.

25 SUPERINTENDENT O'NEILL: That's a great

1 suggestion. As you talk, we're probably trying to get
2 those together. It's just that this came together quickly
3 with the reality of the tides and the approval that we got
4 from BCDC and the Corps.

5 CHAIRMAN BARTKE: Doug.

6 COMMISSIONER NADEAU: This is partly in jest,
7 but I just can't stand not saying this. Having been
8 really critical of the city in the past for dumping
9 tombstones, and old tombstones and light poles and all
10 kinds of crap out on Ocean Beach to deal with their
11 erosion problem, I just want to say, Mr. Superintendent,
12 that I expect that you will make a commitment somehow to
13 make sure that, when this stuff is not needed anymore, we
14 get it out of there, so that, 15 or 20 years from now,
15 we're not cursed the same way we cursed the city.

16 COMMISSIONER ALEXANDER: He no longer works for
17 them, Brian.

18 SUPERINTENDENT O'NEILL: Well, no. I think
19 that's a good point. And I expect the Commission to keep
20 me and the park honest about that.

21 COMMISSIONER ALEXANDER: Three years.

22 [Laughter.]

23 CHAIRMAN BARTKE: Any other questions of the
24 Superintendent?

25 (No response.)

1 CHAIRMAN BARTKE: Okay. Craig Middleton is here
2 as the acting Trust Director, and the Presidio Trust
3 Director's Report.

4 PRESIDIO TRUST DIRECTOR'S REPORT

5 CRAIG MIDDLETON, ACTING TRUST DIRECTOR.

6 MR. MIDDLETON: Thanks, Rich.

7 There are a couple of timely things that I'll
8 just get to and leave the rest for you to read.

9 The first one involves our updating of the
10 General Management Plan for the Presidio, the PTIP process
11 we call it. We have added another workshop, and I wanted
12 to make sure people know about that. It's December 13,
13 from 6 o'clock to 9 o'clock. At this point, we're looking
14 at conceptual alternatives and the financial projections
15 associated with each of those alternatives. So this is a
16 pretty important part of the process. It's a scoping
17 process and we've extended the scoping process for an
18 additional five weeks, to January 15, at the request of
19 neighbors and other people in the public. We are hoping
20 that people will come to this December 13 workshop.

21 Also, I wanted to let you know that, if any of
22 you want to dive into the spreadsheets associated with
23 these financial projections, we will make them available
24 after December 7. We're kind of polishing them up so that
25 we make sure there aren't any mistakes. And, if you want

1 to read those, please let me know and I'll get you a copy.

2 The second thing that I wanted to say is on a
3 little bit lighter note, which is that we are now
4 beginning to look for out interns for the summer. This is
5 a program that we take very seriously. We house about 30
6 interns at the Presidio. They come to work in
7 disciplines, everything from biology to financial
8 projections, to accounting. So last year, we had about
9 1,200 applications from all over the world. If you know
10 anybody that's good, send them my way, and I'd really
11 appreciate it. They make about 12 bucks an hour, too. So
12 it's a good experience for us and a good experience for
13 them.

14 Otherwise, I think I can leave it for you to
15 read, the rest of the report that's in your packet.

16 CHAIRMAN BARTKE: Thank you. Any questions of
17 the Acting Director? Redmond.

18 COMMISSIONER KERNAN: How heavy is that
19 financial packet?

20 MR. MIDDLETON: It's pretty big. You can use it
21 as a door-stopper, if you want. It's probably about this
22 thick (indicating).

23 COMMISSIONER KERNAN: I think I may want to come
24 look at one and see what's relevant.

25 MR. MIDDLETON: Okay.

1 CHAIRMAN BARTKE: Other questions?

2 (No response.)

3 CHAIRMAN BARTKE: Okay, committee reports. San
4 Mateo, Lennie.

5 COMMITTEE REPORT

6 SAN MATEO COMMITTEE

7 COMMISSIONER LENNIE ROBERTS, CHAIR

8 COMMISSIONER ROBERTS: The San Mateo Committee
9 had a phone conference call meeting, which seems to be a
10 great meeting technique, on November 9. We were
11 discussing specifically the CalTrans Route 92 Improvements
12 Document, which is simply an Environmental Assessment and
13 initial study. I think Rich has a copy.

14 We also had to ask CalTrans to extend the
15 comment period so that the Commission's comments could be
16 accepted beyond the comment period. Remember, we discussed
17 this at a prior meeting, and CalTrans had turned down our
18 request for an extension of the comment period. But I did
19 call -- this is subsequent to the meeting, where we
20 decided that we would ask for CalTrans to accept the
21 Commission's late comments, which they did kindly do, and
22 Rich has sent them a letter -- which is also in the packet
23 -- confirming that they will accept them and consider
24 them. Not just accept them.

25 So we did discuss various issues that were

1 pertinent to the National Park Service's role in the San
2 Francisco Watershed Lands. This section of Highway 92,
3 which is going to be improved is a narrow, two-lane road.
4 There's very small, minimal passing lanes. It has
5 tremendous traffic going to Half Moon Bay, and it's within
6 the watershed of Crystal Springs Lake and the San
7 Francisco Watershed Lands. They are subject to the scenic
8 and recreational easements that were placed on them in
9 1969, and the Park Service administers those easements.

10 So, as a result of the comments that we gathered
11 together at that meeting, we put together a resolution,
12 which is also in the packet, to bring to the Commission
13 tonight. I could read it, if you prefer. I'd be glad to
14 read it, but it's fairly lengthy, but I can go fast, if
15 you like.

16 "RESOLUTION ON CALTRANS ROUTE 92

17 UPHILL SLOW VEHICLE LANE/SAFETY IMPROVEMENTS
18 INITIAL STUDY (CEQA) ENVIRONMENTAL ASSESSMENT

19 "WHEREAS, the 23,000 acres of the San Francisco
20 Peninsula Watershed in San Mateo County are
21 within the boundary of the Golden Gate National
22 Recreation Area, and

23 "WHEREAS, the National Park Service therefore
24 has an interest in protecting the natural,
25 scenic, and recreational qualities of these

1 lands, and

2 "WHEREAS, the U. S. Government has a proprietary
3 interest and ownership in these lands through
4 two easements consummated in 1969 as a result
5 of the mitigation package allowing the
6 construction of Interstate 280, and ...

7 CHAIRMAN BARTKE: Lennie, wait a mainute.

8 COMMISSIONER ROBERTS: Yes.

9 CHAIRMAN BARTKE: This thing is about two pages
10 long.

11 COMMISSIONER ROBERTS: Yes, that's too long to
12 read.

13 CHAIRMAN BARTKE: Has everybody got it?

14 COMMISSIONER ROBERTS: Yes.

15 CHAIRMAN BARTKE: Okay. Let's don't read it.

16 COMMISSIONER ROBERTS: Okay.

17 COMMISSIONER MEYER: We can give a copy to the
18 court reporter.

19 CHAIRMAN BARTKE: Yeah. Give it to the
20 reporter.

21 COMMISSIONER ROBERTS: What we're asking is that
22 CalTrans provide an equal mitigation for the taking of
23 park lands and taking the value — take into account the
24 value of the resources of those lands, not just the dollar
25 value, which is their proposal. And that the project be

1 consistent with the goals of preserving watershed land as
2 much as possible in the natural condition.

3 The key one here is that CalTrans needs to do a
4 better job of identifying how they're going to manage the
5 construction process. They had a huge lead problem with
6 their construction process on the west side of Skyline
7 Boulevard that has gotten completed now. But they had to
8 stockpile all of their materials that they were removing
9 from the hillsides because the lead content turned out to
10 be too high to take to an ordinary disposal area. So they
11 stockpiled it along the road and the winter came and much
12 of it ended up in the creek, which they had not identified
13 as a potential problem in their Environmental Document.
14 They are still dealing with the Regional Water Board about
15 that.

16 The other major issue that we have is the
17 recreational use, the non-motorized use, of Highway 92,
18 which ties into the Ridge Trail in various ways, and also
19 is a route that goes over to the coast. And they have
20 only provided for a five-foot wide bicycle shoulder on the
21 uphill lane, with passing lanes. And we don't think
22 that's adequate. So we would like them to do a little bit
23 more for bicycles and pedestrians and horses. I don't
24 know what they'll do, but it is what they did on the west
25 side. So they think that's adequate, but I think it's

1 pretty difficult, especially with the walls along the
2 sides, to have a five-foot space for people with trucks
3 going by.

4 COMMISSIONER ALEXANDER: Can they put a bike
5 lane on the downhill side?

6 COMMISSIONER ROBERTS: No. They have ten-foot
7 shoulder for bicycles on the downhill direction; a
8 five-foot shoulder for bicycles on the uphill direction.
9 It's not a separate bike lane. So —

10 COMMISSIONER ALEXANDER: It's a shoulder.

11 COMMISSIONER ROBERTS: It's a shoulder, right.
12 But the problem is, on the uphill side, you have also cut
13 slopes and trucks going in the slow vehicle lane, and
14 trucks moving on this hill.

15 So that is the essence of it, and I would move
16 that we adopt this resolution and send it to CalTrans.

17 COMMISSIONER ORR: Second.

18 CHAIRMAN BARTKE: It's been moved and seconded
19 that we adopt the resolution and forward it to CalTrans.
20 Discussion on the motion?

21 COMMISSIONER ORR: I just have one very minor
22 change unless I'm missing something in the first further
23 resolved, or the second resolved, depending on the way you
24 look at it. I don't think we need to say "as much as
25 possible," and "to the maximum extent." I mean, we could

1 strike the "as much as possible," and just say "with the
2 goal of preserving watershed lands in the natural
3 condition to the maximum extent possible, ..."

4 COMMISSIONER ROBERTS: Okay.

5 COMMISSIONER ORR: It looks excellent, other
6 than that minor quibble.

7 COMMISSIONER ROBERTS: All right.

8 CHAIRMAN BARTKE: Okay. Other discussion on the
9 motion?

10 Doug.

11 COMMISSIONER SIDEN: Well, question, once it's
12 passed.

13 CHAIRMAN BARTKE: Yes, once it's passes, okay.
14 Are you sure it's going to pass?

15 [Laughter.]

16 CHAIRMAN BARTKE: All in favor say aye.

17 [Members voted.]

18 CHAIRMAN BARTKE: Opposed say no.

19 (No response.)

20 COMMISSIONER SIDEN: Will there be a press
21 release about this?

22 CHAIRMAN BARTKE: We have not been doing press
23 releases, no.

24 COMMISSIONER SIDEN: I know, on some of the East
25 Bay, on this bike issue in particular, that, when we put a

1 public spotlight on CalTrans on what they were not
2 planning to do, it caused a reversal in some of those
3 plans.

4 COMMISSIONER ALEXANDER: Thank you.

5 COMMISSIONER ORR: Is it possible to shame the
6 shameless?

7 [Laughter.]

8 COMMISSIONER CUTLER: Mr. Chairman, if I may,
9 I'd like to ask about what Doug just said. Because a city
10 not in BCDC, CalTrans has been very, very recalcitrant
11 about putting bike paths anyplace. It's been bridges that
12 we've been arguing with them about, for quite some time
13 now. And just recently, they've agreed on the Carquinez
14 Bridge Project to put a bike lane. And I think it just
15 took constant pressure and constant bringing it to their
16 attention, both in the media and with bicyclé advocates,
17 and so forth and so on. But, finally, the door is open to
18 bike lanes. I think there's absolutely no reason why they
19 can't do it here. You can argue that maybe it's a little
20 more difficult on a bridge, but there's no reason why they
21 can't do it here.

22 CHAIRMAN BARTKE: Okay. The resolution is
23 adopted.

24 CHAIRMAN BARTKE: Lennie, do you have the final
25 copy? Does it need to be signed by anybody?

1 COMMISSIONER ROBERTS: No.

2 CHAIRMAN BARTKE: Well, we'll take care of that
3 after.

4 COMMISSIONER ROBERTS: It needs to go, it needs
5 to be received by December 1, is the only critical thing.
6 Chris knows about it.

7 CHAIRMAN BARTKE: That's like Friday, isn't it?

8 COMMISSIONER ROBERTS: That's Friday of this
9 week.

10 SUPERINTENDENT O'NEILL: Chris had to go home
11 and take Dr. Wayburn home. But we'll talk to Chris first
12 thing in the morning.

13 COMMISSIONER ROBERTS: Okay.

14 SUPERINTENDENT O'NEILL: We'll get the revisions
15 made, we'll finalize it, and we'll work on the press.

16 COMMISSIONER ROBERTS: Get Rich's signature on
17 it.

18 SUPERINTENDENT O'NEILL: Yes.

19 CHAIRMAN BARTKE: Okay. Marin County, Ed — oh,
20 he went home. Anybody else remember what was on the Marin
21 Committee agenda?

22 COMMISSIONER CUTLER: The only thing that we
23 discussed was the Fort Baker Ad Hoc Committee Report,
24 which was on the 14th of November.

25 CHAIRMAN BARTKE: That's right.

1 COMMISSIONER CUTLER: And you already heard
2 that.

3 CHAIRMAN BARTKE: That was a joint meeting with
4 the Ad Hoc Committee?

5 COMMISSIONER CUTLER: Yes.

6 CHAIRMAN BARTKE: San Francisco Committee.
7 Jack.

8 COMMISSIONER SPRING: We pretty much covered
9 what we talked about.

10 CHAIRMAN BARTKE: Right. Moving right along.
11 Presidio Committee.

12 PRESIDIO COMMITTEE REPORT

13 REDMOND KERNAN, CHAIR

14 COMMISSIONER KERNAN: The Presidio Committee met
15 November 16, on the mitigation for construction trailers
16 of the Golden Gate Bridge, which we discussed. The PTIP
17 schedule, I would urge all Commissioners to attend the
18 December 13 Meeting at the Log Cabin on PTIP. And I have
19 a workbook I got through that process, but I haven't
20 received one as a Commissioner. And I'm wondering did the
21 Commission get copies of the workbooks? I suspect not.

22 MR. MIDDLETON: I thought we did; but, if we
23 didn't, it's an oversight. I will make sure you get them.

24 COMMISSIONER KERNAN: Unless somebody crossed me
25 off because I already had one, but I don't know. I would

1 urge that copies of the workbook, which this —

2 COMMISSIONER MEYER: Yes, certainly, we should
3 receive it.

4 COMMISSIONER KERNAN: Well, has — do other
5 people have it? No, okay. I see heads shaking.

6 MR. MIDDLETON: I make sure they get to you
7 tomorrow.

8 COMMISSIONER KERNAN: Okay. You'll get a copy
9 of a workbook, then, and I would — there's a couple of
10 pages that were inserted. They were sent out with it. I
11 would urge everybody to go through it and begin to
12 understand the issues in it, because they're very, very
13 significant issues that will affect the Presidio in the
14 future. And comments need to be in by January 15.

15 The Doyle Drive update, we had a presentation
16 of. There probably isn't any other project, maybe the
17 PTIP, but probably the Doyle Drive will have the most
18 significant physical impact on the Presidio. And we,
19 three of us, Jack Spring, Michael Alexander, and myself,
20 sit on a subcommittee, so it's being well watched. But
21 whatever comes out of that, it will have a big impact. It
22 needs a wider roadway no matter what you do. So, we had
23 an update on that.

24 That was it.

25 CHAIRMAN BARTKE: Any questions?

1 (No response.)

2 CHAIRMAN BARTKE: Anybody have any non-agenda
3 items?

4 COMMISSIONER MEYER: Yes.

5 CHAIRMAN BARTKE: Let's go to members of the
6 public, first. Anybody here on a non-agenda item?

7 (No response.)

8 CHAIRMAN BARTKE: Amy.

9 COMMISSIONER MEYER: Yeah. First of all, just
10 to — I'll ask Michael Feinstein to send this around, but
11 I do want you to know that a United States Conversation
12 Service Award was given to Toby Rosenblatt — this is the
13 highest award honors — for his contributions and service
14 to the Golden Gate National Park Lands. And, of course,
15 he was, for eight years, president of the Golden Gate
16 National Parks Association. He's now the president, or
17 chairman of the board of the Presidio Trust. And I'll ask
18 Michael to send this around, rather than trying to read
19 it. But he was given this award in Washington, D. C. by
20 Bruce Babbitt.

21 COMMISSIONER ALEXANDER: Mr. Chairman, can we
22 send him a congratulatory letter?

23 CHAIRMAN BARTKE: It's been done.

24 COMMISSIONER MEYER: And, then, Brian, we have
25 been deeply concerned, as a Commission, about matters

1 related to budget and to, also, housing for park
2 employees. Could you, perhaps, give an outline of how
3 we're going to approach this matter?

4 SUPERINTENDENT O'NEILL: No, I can't. It's
5 very late.

6 [Laughter.]

7 SUPERINTENDENT O'NEILL: But I do want to — I
8 think both Chairman Bartke and Commissioner Meyer have, on
9 your behalf, have really asked us some really fundamental
10 questions with respect to what would appear to be a
11 structural deficiency in our budget in relationship to
12 park of similar size and complexity. And they've asked
13 for a clear explanation of where we're at, how we got
14 there, and what needs to be done to make a difference.

15 We had a conference call, that I had with
16 Mai-Liis Bartling and myself, with the Chairman and Vice
17 Chair the other day, where we went over the kind of
18 information that you all -- that they felt, on your
19 behalf, we needed to get ready in order for us to have a
20 meaningful discussion, to be able to explain the
21 background of it.

22 We've got a letter that we prepared today, that
23 we've got some preliminary analysis done, that we're going
24 to have to put a hold card to our Regional Office
25 immediately because decisions on the fiscal year 2001

1 budget will be made over the next number of weeks,
2 depending upon final confirmation of who is putting the
3 budget together, whether it's the Bush or Gore team.

4 Anyway, our preliminary analysis does indicate
5 that this park is severely underfunded in relationship to
6 comparable parks. And it's really important to get to the
7 bottom of why that has occurred and what can be done. I
8 know we sincerely appreciate the attention and interest of
9 the Commission on that issue. And I think it's long
10 overdue to ask some fundamental questions that need to be
11 addressed.

12 So, I think we're going to be pulling some
13 immediate material together, but I think we'll probably
14 propose a workshop with the Commission, as a whole, or
15 committee of the whole of the Commission, in early January
16 to discuss the budget situation, to discuss planning
17 priorities for the park, and to discuss what the workload
18 is on major projects, and what the priorities are and how
19 we see those priorities, and what the Commission's
20 thoughts are on those priorities going into the next
21 fiscal year.

22 COMMISSIONER MEYER: Brian, by what date would
23 we have to have some sort of product and vote to make it
24 helpful to this park in the next fiscal year? I'm looking
25 at the fact that planning for Fort Funston, the Marin

1 Headlands, East Fort Miley, in addition to the park as a
2 whole, San Mateo County, all stopped dead in their tracks.
3 I mean, nothing has been able to be done in any of those
4 areas. I mean, that was one of the things I would like to
5 see amplified in this discussion, but by what date would
6 this Commission have to take a vote on something and pass
7 this on in order for it to be of some use? Would it be
8 the January meeting?

9 SUPERINTENDENT O'NEILL: Well, you know, we're
10 not, we're not going to correct the long-term problem just
11 in this budget cycle. So I think what we're — the answer
12 to that is: There's certain things that we can do
13 immediately, and there's obviously other things that we
14 need to both have a political, an executive agency
15 strategy and a legislative strategy. And I think those
16 things that — we can only do so much to influence what
17 may get in the President's budget in fiscal year 2001.
18 We're at a late date, even though a budget has not been
19 submitted, so there's only a few things we can do now.
20 But there's many more things that we can do to prepare for
21 the following fiscal year. And there's obviously certain
22 things that could be done with respect to making sure our
23 congressional delegation has a full understanding of the
24 issue. They always have the option of influencing what
25 deliberations could occur on the fiscal year 2001 budget.

1 COMMISSIONER MEYER: Brian, if we have a
2 workshop in January, and we deal with a few proposals and
3 can bring them to a vote by our January Commission
4 Meeting, can we affect anything by acting at that time?

5 CHAIRMAN BARTKE: Say, yes.

6 SUPERINTENDENT O'NEILL: Yes.

7 [Laughter.]

8 COMMISSIONER MEYER: Doug, maybe you have some
9 inside as a former —

10 SUPERINTENDENT O'NEILL: No, actually, we don't
11 have any other choice. That's the first time you're going
12 to meet to be able affect it. The only reason I
13 hesitated, we really don't know what the process is for
14 this budget submittal. There going to submit a hold-card
15 budget that's going to have to be modified, most likely.
16 So I think January would be all right for some immediate
17 things.

18 COMMISSIONER MEYER: Okay. Then I would like to
19 ask that you ask staff to schedule a budget workshop,
20 which could be attended the way -- anybody from the
21 Commission who was asked to attend the report of the Ad
22 Hoc Committee on Fort Baker, and, you know, 60-odd percent
23 of us showed up for that particular job. If you could
24 get someone to schedule this, you know, in the next few
25 weeks, so that we know in January that we're due here on a

1 particular day to —

2 SUPERINTENDENT O'NEILL: All right.

3 COMMISSIONER MEYER: — have this discussion.

4 SUPERINTENDENT O'NEILL: I think what we'll do
5 is send an immediate, sort of e-mail out to you and give
6 you several options on dates early in January that might
7 work for you. We're just going to have to pick a date
8 where the larger number of you might be available to meet.

9 CHAIRMAN BARTKE: Okay, good.

10 COMMISSIONER MEYER: And the other thing, Brian,
11 is: Did you get — this was supposed to come when the dog
12 people were here, but got lost in the shuffle of other
13 things. But have we got an appointment now for some
14 Commissioners, who know Louise Renne, to be able to go in
15 and talk to her about that rather — never mind, words
16 fail me — that resolution by Supervisor Leland Yee
17 concerning Fort Funston?

18 SUPERINTENDENT O'NEILL: We have a meeting set
19 up with Louise Renne on Tuesday, 5 December, at 2:00 p.m.
20 in City Hall.

21 COMMISSIONER MEYER: And I would hope —

22 COMMISSIONER ALEXANDER: Don't let the budget
23 part go.

24 COMMISSIONER MEYER: Well, all right, just for a
25 moment, Michael. I'll be glad to come back to it.

1 Lennie, Trent and I, and Rich, all in one way or
2 another, know Louise Renne. Is there anybody else who
3 knows Louise Renne and who would want to come to that
4 meeting?

5 CHAIRMAN BARTKE: Fred.

6 COMMISSIONER MEYER: Fred, of course.

7 COMMISSIONER ORR: Tuesday the 5th, at what
8 time?

9 COMMISSIONER MEYER: Two o'clock.

10 SUPERINTENDENT O'NEILL: At 2 o'clock. And I'll
11 confirm, I'll make sure we send a note to you all and,
12 obviously, we'd appreciate whoever is able to be there to
13 meet.

14 CHAIRMAN BARTKE: Michael.

15 COMMISSIONER ALEXANDER: I would volunteer for
16 that, but the last time I talked with her it cost her
17 \$200,000, which is now reposed in Crissy Field. So maybe
18 I shouldn't go.

19 The budget. First of all, thank you to the
20 Commission Chair and the Commission Vice Chair, for
21 getting on this, and thank you, Brian, for responding. I
22 just want to remind everybody that we have a — for
23 getting for a budget workshop, we have a committee of four
24 already established by the Chair, which is ready to go to
25 work and anxious to go to work. I knew you would like

1 that. We'll start on December 25, I suspect.

2 SUPERINTENDENT O'NEILL: Remind me of the four,
3 because we might want to do something preliminarily.

4 COMMISSIONER ALEXANDER: The two on your right
5 and me and the two with their hands raised.

6 [Laughter.]

7 COMMISSIONER ALEXANDER: The other thing, Brian,
8 is that, yes; there's an enormous amount of work to be done
9 for long-term budget planning. One process which I want
10 to point out is that the National Parks Conservation
11 Association has developed, in a cooperative relationship
12 with the Park Service, a business planning process, which
13 I believe is now being road tested in 20 parks across the
14 country. And I think that Point Reyes may be one of those
15 parks. Stop me if I'm wrong.

16 SUPERINTENDENT O'NEILL: Point Reyes is one of
17 the six pilot parks. And we will be doing our first phase
18 of the business plan this year.

19 COMMISSIONER ALEXANDER: As part of that, as
20 part of that program?

21 SUPERINTENDENT O'NEILL: We're not certain.
22 They do want Golden Gate, for obvious reasons. It would
23 be an important project and a very complex, probably the
24 most-complex business plan they've put together. We're
25 looking at what the staffing ramifications are of those,

1 versus doing a more-intense, but more-focused effort that
2 serves our immediate budget needs. Because a business
3 plan is much broader in nature. I don't want to get into
4 the comparison, but I thought that's one thing we could
5 talk about in our little discussion about how do we
6 approach putting together a really solid, comprehensive
7 business plan for the park.

8 COMMISSIONER ALEXANDER: It's year 2000, and
9 it's everything after that. So I want to get — I'm
10 hoping that we can get those going by —

11 SUPERINTENDENT O'NEILL: We do know that
12 Congress has taken these business plans pretty seriously.
13 So they've got value with the committees on the Hill. So
14 having one available to document the real operating
15 requirements is important.

16 CHAIRMAN BARTKE: Good. Dennis. Excuse me,
17 Doug.

18 COMMISSIONER SIDEN: My predecessor was a
19 retired college professor, very organized. He had 11
20 boxes of files that he kept of his service on this
21 Commission and Point Reyes. He reduced them to six, gave
22 them to me. They were in the family room 'til I was given
23 notice. I put them in the garage, and I was given notice,
24 and you know the next stop. So if any of you are
25 interested, or you know anyone, or any organization,

1 there's six boxes. I'd be happy even to deliver them.

2 COMMISSIONER ORR: The Cogswell Archives.

3 CHAIRMAN BARTKE: I'm thinking about —

4 SUPERINTENDENT O'NEILL: Now these are just the
5 packets of material, the background material, he had in
6 dealing with issues when he served on the Commission.

7 COMMISSIONER SIDEN: I would assume that.

8 CHAIRMAN BARTKE: You haven't checked them out?

9 [Laughter.]

10 SUPERINTENDENT O'NEILL: Well, I suspect most of
11 them are duplicate copies, so you might be able to recycle
12 them.

13 CHAIRMAN BARTKE: There's a former commissioner,
14 John Mitchell, who has helped to establish an archive at
15 Yale that has a lot of Commission stuff in it. Now Yale
16 has decided to share that with Berkeley, the University at
17 Berkeley. So that's another idea.

18 COMMISSIONER ORR: Wait some night and leave
19 them behind the Bancroft Library.

20 [Laughter.]

21 CHAIRMAN BARTKE: He might want to take the
22 donation off his tax return.

23 Gordon.

24 COMMISSIONER BENNETT: I have one comment and
25 one request for action. The comment is that the *Point*

1 *Reyes Light* is a very entertaining newspaper. And I have
2 a couple of quotes in there, the same words, two words
3 quote twice. And I wanted everyone to know that they were
4 taken out of context — surprise, surprise!

5 I do agree, though, in general, with the idea
6 that the West Marin Communities, in general, would profit
7 from smaller, more-focused, and probably public committee
8 meetings to some extent. And Trent and Don and I are
9 discussing that right now.

10 But I have a specific proposal for tonight; and
11 that is: We ask that PTIP to be extended, the comment
12 period to be extended to 60 days. We also asked the same
13 thing of CalTrans, and so forth, and many other occasions.
14 Right now, the comment period for Rancho Bolinas is 40
15 days. And I'd like to ask the Commission to approve a
16 motion that it would be extended to 60 days, another 20
17 days in other words.

18 COMMISSIONER MEYER: What date would that bring
19 us to?

20 COMMISSIONER BENNETT: That would bring us to
21 December 20, instead of November 30.

22 COMMISSIONER MEYER: Have you talked to Don
23 about it?

24 COMMISSIONER BENNETT: He said he would consider
25 it if he felt it was necessary. I feel it's necessary.

1 COMMISSIONER MEYER: It's a holiday period, and
2 it might not make much difference.

3 COMMISSIONER BENNETT: That's my sense, also.

4 COMMISSIONER MEYER: Did you have a motion?

5 COMMISSIONER BENNETT: I'm trying to make a
6 motion.

7 COMMISSIONER RODONI: Do we have to do it by
8 motion, or can we just make a suggestion?

9 CHAIRMAN BARTKE: Well, we can do it by
10 consensus if we've got a consensus. You did bring this up
11 at the meeting at Point Reyes?

12 COMMISSIONER BENNETT: Yes, I did.

13 CHAIRMAN BARTKE: I imagine it's the same thing.

14 COMMISSIONER BENNETT: Yes.

15 CHAIRMAN BARTKE: Only, now, there's nobody here
16 from the Point Reyes staff.

17 COMMISSIONER BENNETT: That's right.

18 CHAIRMAN BARTKE: So I hate to —

19 COMMISSIONER ALLAN: As I recall, though, Don
20 said exactly what you said: He would consider it if it's
21 necessary, and I think — I agree; I think it's quite
22 necessary and appropriate to have an appropriate comment
23 period from the public. We keep asking for them over and
24 over again, and I think Don does a great job and I'd also
25 like to have a formal request that we extend the period.

1 CHAIRMAN BARTKE: Has anybody asked us to do it?

2 COMMISSIONER BENNETT: Yes.

3 CHAIRMAN BARTKE: I mean, some group in the
4 community —

5 COMMISSIONER BENNETT: Yes.

6 CHAIRMAN BARTKE: — has asked for more time?

7 COMMISSIONER BENNETT: Yes.

8 CHAIRMAN BARTKE: Okay. Well, what's the
9 consensus of the group? Doug.

10 COMMISSIONER NADEAU: I feel uncomfortable about
11 doing it as a formal motion. I can't — we made a similar
12 request of Brian, and I can't imagine him turning it down.
13 I just think we should say it's the sense of the
14 Commission that we should do this. I just don't like the
15 idea of a formal resolution. Somehow, it just sounds like
16 we're —

17 CHAIRMAN BARTKE: Unfriendly.

18 COMMISSIONER NADEAU: — down to Don. We are
19 just his public involvement arm, and I can't imagine him
20 saying no to us.

21 COMMISSIONER BENNETT: I'm fine with that. I'm
22 fine either way.

23 COMMISSIONER MEYER: Well, maybe we can say to
24 Don that Gordon suggested to us that we, you know, send
25 this — well, there's a reason for this, since Gordon has

1 to live in West Marin, and he continues to live in West
2 Marin —

3 [Laughter.]

4 — that Gordon requested us to consider this;
5 and, if it's so, it's the sense of the Commission that
6 they would make this request of Don and otherwise not
7 cause a problem, that this might be useful to improve
8 relations with the community.

9 COMMISSIONER NADEAU: Rich?

10 CHAIRMAN BARTKE: Yes.

11 COMMISSIONER NADEAU: And if he says no, we'll
12 nail him at the next Point Reyes Committee Meeting.

13 COMMISSIONER RODONI: Can this be handled
14 through the chair of the Point Reyes Committee, perhaps,
15 that he requests it on our behalf?

16 COMMISSIONER ORR: I mean, that's fine.

17 COMMISSIONER MEYER: I was trying to have Gordon
18 do the request.

19 COMMISSIONER ORR: Well, Gordon would get points
20 for asking for it. So, I mean, I don't — either way is
21 fine with me.

22 CHAIRMAN BARTKE: Well, I think Don might feel
23 better if it came from the chair of the committee, or the
24 chair of the Commission, one.

25 COMMISSIONER ORR: Yeah, that's fine.

1 CHAIRMAN BARTKE: So, if you would do that.

2 COMMISSIONER ORR: I'll give him a call.

3 CHAIRMAN BARTKE: Give him a call, and if he
4 wants to verify it with me, he can call me.

5 COMMISSIONER ORR: Right. I mean, my one
6 concern is that there is — I mean, I'm fine with this
7 one. But there is the law a whole series of standards for
8 the length of various comment periods. And I don't know
9 that we want to — I mean, again, to me, I understand this
10 one more because of the heat of the issue than because I
11 think there are any great complications there. I think we
12 have weighed in over and over again. So I just would
13 caution us, but I don't think we want to make it a
14 standard, you know, action on every EA that comes along,
15 that we extend the comment period because it does cause a
16 problem. I know Don raised an issue with this one about
17 getting things done in time to get in, you know, to be
18 ready to go when that lease is done.

19 So, again, with that caveat, I think we
20 shouldn't make it our standard process to second guess,
21 you know, the statutorily or regulatorily prescribed
22 comment periods unless there is some special reason.

23 COMMISSIONER MEYER: Our norm, in fact, is 35
24 days to give groups time to turn it around and notice time
25 to have a meeting. But because it's the holiday period,

1 sometimes it gets —

2 COMMISSIONER ORR: I'll give him a call
3 tomorrow.

4 CHAIRMAN BARTKE: Anything else?

5 (No response.)

6 CHAIRMAN BARTKE: We're adjourned.

7 (Whereupon, at 11:15 p.m., the meeting was
8 adjourned to reconvene, Tuesday, January 23, 2001.)

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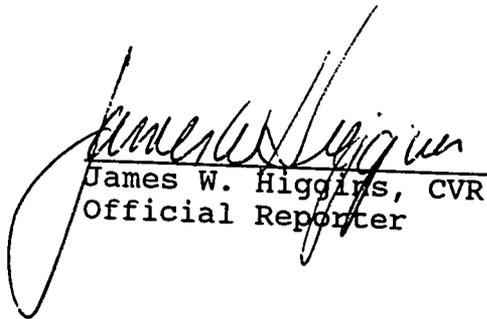
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C E R T I F I C A T E

This is to certify that the attached proceedings before the Department of Interior, National Park Service, of the meeting of:

The ADVISORY COMMISSION FOR
GOLDEN GATE NATIONAL RECREATION AREA
AND POINT REYES NATIONAL SEASHORE

were held as therein appears, and that this is the original transcript thereof for the files of the Commission.


James W. Higgins, CVR
Official Reporter

L-30 Fort Funston Closures/Regulation Enforcement

Comment Letters/Cards

2000 2/2

LAND USE

FOFUAR01341

Author: Rita Hanamoto at NP-WRO
Date: 9/20/00 7:08 AM
Normal

TO: Lori Furtado at NP-GOGA Subject: Re[2]: Fwd:Fort Funston Area -----
----- Message Contents

Lori:

Yes, I agree, otherwise this can get out of hand!

Rita

Reply Separator

Subject: Re: Fwd:Fort Funston Area
Author: Brian O'Neill at NP-GOGA
Date: 9/19/00 8:01 AM

Hi Rita,

Since we are receiving hundreds of letters on this issue due to the federal register notice and alot of them are copying the Director, congressional reps, etc. - can we just include Mr. Rutkowski's comments in our records instead of responding?

Thanks,
Lori

Reply Separator

Subject: Fwd:Fort Funston Area
Author: John Reynolds at NP-WRO
Date: 9/15/00 3:23 PM

for response as controlled correspondence by the park.

John

Forward Header

Subject: Fwd:Fort Funston Area
Author: Bob Stanton at NP-NPS
Date: 9/5/00 4:05 PM

Forward Header

Subject: Fort Funston Area
Author: "Robert E. Rutkowski" <rutkowski@terraworld.net>
Date: 8/5/00 9:13 AM

Superintendent Brian O'Neill
Golden Gate National Recreation Area
Bay & Franklin Streets, Building 201
Fort Mason

FOFUAR01342

GGNRA007517

San Francisco, CA 94123
Fax: 415-561-4710

Dear Superintendent O'Neill:

I am writing to support measures to protect the Fort Funston area of Golden Gate National Recreation Area. I do not need to tell you of the unique nature of the sandstone bluffs and sand dunes of Fort Funston. Only 5 percent of the San Francisco dune complex remains, and the National Park Service is charged with protecting those dunes within GGNRA "unimpaired for the enjoyment of future generations." Unimpaired does not mean resources scarred with graffiti or eroded by tracks and trails.

I cannot understand why the National Park Service has failed to enforce its own clear regulations at Fort Funston regarding free-running dogs. Is GGNRA the only unit of the National Park System that openly ignores 36 CFR 2.1, apparently encouraging pet owners to run their dogs on fragile dunes? Why have you not halted the threats to fragile native vegetation, bank swallows (listed as threatened in California), California quail and burrowing owls?

I urge you to end the habit of owners running unleashed dogs at Fort Funston and to protect sensitive areas of the sandstone bluff and dune system. Please keep me informed on steps the National Park Service will take to the Fort Funston site.

Thank you for the opportunity to bring these remarks to your attention.

Yours sincerely,
Robert E. Rutkowski, Esq.

cc: Bob Stanton

2527 Faxon Court
Topeka, Kansas 66605-2086
Fax: 1 785 379-9671
E-mail: r_e_rutkowski@hotmail.com

Received: from saturn.terraworld.net ([206.53.116.218]) by ccmil.itd.nps.gov with SMTP

(IMA Internet Exchange 3.13) id 0048C9BB; Sat, 5 Aug 2000 10:06:09 -0400

Received: (qmail 24161 invoked from network); 5 Aug 2000 14:08:06 -0000

Received: from achilles.terraworld.net (206.53.116.85)

by port116218.terraworld.net with SMTP; 5 Aug 2000 14:08:06 -0000

Received: FROM terraworld.net BY achilles.terraworld.net ; Sat Aug 05 09:11:26 2000 -0500

Received: from bobspc (slip-32-102-133-6.ks.us.prserv.net [32.102.133.6])

by corona.terraworld.net (BLUETAIL Mail Robustifier 2.2.1) with ESMTMP

id 393294.481302.965corona-s1

; Sat, 05 Aug 2000 08:15:02 -0500

Message-ID: <001901bffee7\$48381a40\$06856620@bobspc>

From: "Robert E. Rutkowski" <rutkowski@terraworld.net>

To: <goga_wr_information@nps.gov>

Cc: "Robert Stanton" <Bob_Stanton@nps.gov>

Subject: Fort Funston Area

Date: Sat, 5 Aug 2000 09:13:06 -0500

MIME-Version: 1.0

Content-Type: text/plain;

Content-Transfer-Encoding: 7bit

X-Priority: 3

FOFUAR01343

GGNRA007518

X-MSMail-Priority: Normal

X-Mailer: Microsoft Outlook Express 5.50.4133.2400

X-MimeOLE: Produced By Microsoft MimeOLE V5.50.4133.2400

FOFUAR01344

GGNRA007519

Fwd
M. Aguilar

Author: [REDACTED] <[REDACTED]>
Date: 9/16/00 3:51 PM
Normal

NAME & address withheld per ALTM's Request

BCC: Brian O'Neill at NP-GOGATO: landuse@moab.off-road.com at NP--INTERNETSubject: Letter on NPS lawbreaking----- Message Contents

Hi everyone:

Just sent this letter to the Golden Gate National Recreation Area near San Francisco. Not strictly OHV related to be sure, but it is one of the MOST brazen examples of official misconduct that I have ever run across, and I've seen a few.

Just to fill you in, a bunch of NPS employees basically conspired to close an area of Fort Funston to public use, bypassing the required public comment process. They then got sued by groups that were shut out of Fort Funston and evidence of the conspiracy was uncovered during the discovery process for the trial. The NPS employees used the govt computer network to work out the scheme to keep the public in the dark, contrary to the law. Its all there in the emails! You can read them for yourself at:

<http://www.fortfunstonforum.com/courtreport.htm>

Of course, the chance that they will ever be called to account for their crimes in the current climate is essentially zero, but it is still edifying in a sick sort of way to see how the system "works".

BTW, email addresses of the offenders mentioned in the letter are at the bottom of the message.

[REDACTED]

September 15, 2000

Mr. Brian O'Neill
Golden Gate National Recreation Area
Bay and Franklin Streets
Building 201, Ft. Mason
San Francisco, 94123

Dear Mr. O'Neill:

I request that my name and address be withheld from public disclosure.

I am writing to you to express my opposition to the Golden Gate National Recreation Area's plan to close a further 12 acres of Fort Funston to all public access, allegedly to protect nesting sites of the bank swallow. It has been appallingly evident for some time that GGNRA is willing to resort to ANY expedient thwart the public's wishes and circumvent the law in its efforts to bring about this closure.

Internal GGNRA documents brought to light during discovery for a recent lawsuit (Case # C 00 0877 WHA) have shown beyond the shadow of a doubt that Supt. Brian O'Neill, Assistant Superintendent Mary Gibson Scott, and GGNRA employees Ronald Avanzino, Sharon Farrell, J. Gomes, Mary Petrilli, Michael Feinstein, Daphne Hatch, Chris Powell, Don Mannel, Jerry Scheumann, Yvette Ruan, Terri Thomas, Roger Scott, Tracy Fortmann, Mai-Liis Bartling, Jim Milestone, Kevin Turner, Rich

FOFUAR01345

GGNRA007520

eman, and probably others repeatedly conspired to illegally suppress public input regarding an action they knew to be highly controversial. Evidence produced during the discovery phase of the aforementioned lawsuit makes clear that the conspiracy was perpetrated by means of the NPS computer network.

The record makes clear that these actions were undertaken willfully and with full knowledge of their illegality. GGNRA officials were probably emboldened by a climate of moral relativism in which adherence to the law is excused if it stands in the way of some alleged environmental benefit. There seems little doubt that the aforementioned GGNRA staff and others worked hand-in-glove with the Golden Gate Chapter of the Audubon Society and other groups that share the NPS' Gaia theology to bring about the proposed closure.

It seems likely that GGNRA staff may have also been emboldened to undertake these illegal actions by the promise of lucrative lobbying and "consulting" positions with environmental organizations as a reward for "services rendered", in the unlikely event that they were to be disciplined or dismissed for their illegal activities while in office.

In spite of my opposition and that of many others it seems certain that the staff of the Gaia Glorifying Nature Religion Area will find a way to close by hook, or more likely, by crook, this part of Fort Funston as they have previously closed other portions.

Sincerely,

[REDACTED]

Golden Gate Audubon Society WebMaster<eaton@best.com>
<Brian_O'Neill@nps.gov>
<Mary_Gibson_Scott@nps.gov>
<avanzino@usgs.gov>
<Sharon_Farrell@nps.gov>
<Mary_A._Petrilli@nps.gov>
<Don_Mannel@nps.gov>
<Yvette_Ruan@nps.gov>
<Jerry_Scheumann@nps.gov>
<Mai_Liis_Bartling@nps.gov>
<Rich_Weideman@nps.gov>
<Terri_Thomas@nps.gov>

====

[REDACTED]

"In Germany, they first came for the communists, and I didn't speak up because I wasn't a communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics and I didn't speak up because I wasn't a Catholic. Then they came for me -- and by that time there was nobody left to speak up."

-Martin Niemöller

Do You Yahoo!?

Yahoo! Mail - Free email you can access from anywhere!
<http://mail.yahoo.com/>

FOFUAR01346

GGNRA007521

Fwd. . . .

Author: [redacted] <[redacted]> at [redacted]
Date: 9/16/00 3:51 PM
Normal

BCC: Brian O'Neill at NP-GOGATO: landuse@moab.off-road.com at NP--INTERNET
Subject: Letter on NPS lawbreaking----- Message Contents

Received: from web1403.mail.yahoo.com ([128.11.23.167]) by ccmil.itd.nps.gov
with SMTP

(IMA Internet Exchange 3.13) id 000CB8B0; Sat, 16 Sep 2000 18:52:30 -0400

Received: (qmail 29916 invoked by uid 60001); 16 Sep 2000 22:51:57 -0000

Message-ID: <20000916225157.29915.qmail@web1403.mail.yahoo.com>

Received: from [131.161.64.81] by web1403.mail.yahoo.com; Sat, 16 Sep 2000
15:51:57 PDT

Date: Sat, 16 Sep 2000 15:51:57 -0700 (PDT)

From: [redacted]

Subject: Letter on NPS lawbreaking

To: landuse@moab.off-road.com

MIME-Version: 1.0

Content-Type: text/plain; charset=us-ascii

-- M. Aguilar Cj: B. O'Neill Cj

Author: Michael_Morlin@ci.sf.ca.us at np--internet
Date: 9/8/00 5:05 PM
Normal

TO: Brian O'Neill at NP-GOGASubject: support----- Message Contents

Superintendent O'Neill - boy, from what I've been reading, this dog thing at Fort Funston has been very much blown out of proportion. As a City parks Asst. Superintendent, I have been dealing with these folks for a while. Please add me to the list of supporters for protecting habitat there (although I expect that your calls and letters will be 85-15% pro dog). I find it extremely absurd that there's been a lawsuit over the small percentage of total land that is fenced off. Mike Morlin

FOFUAR01348

GGNRA007523

The San Francisco Society for the Prevention of Cruelty to Animals

2500 16th Street • San Francisco, CA • 94103-4213 • (415) 554-3000 • www.sfspca.org

The People's Park:

*Statement to the Citizens Advisory Commission for the Golden Gate National Recreation Area**

August 29, 2000

In 1973, San Francisco voters were asked to give the National Park Service ("NPS") jurisdiction over local parks. In return, the voters were promised that recreation opportunities would not be limited. In fact, the public was assured no one would even notice the change. To address concerns from city officials and citizens over the release of this land to the federal government, certain unique restrictions were inserted into the enabling statute. In particular, the Golden Gate National Recreation Area ("GGNRA") was established for "maintenance of needed recreational open space necessary to urban environment and planning." (16 U.S.C. Section 460bb.) Relying on this language and representations by city officials that this was merely a "technical resolution" that would not affect "recreational use by all citizens," the people of San Francisco approved in 1973 a Charter Amendment Proposition F, which permitted the transfer of these city parks to the federal government. The use of these parks specifically for off leash recreation was further addressed during the hearings before the United States House of Representatives, and dog walking was an enumerated activity in the U.S. House Report (H.R. Rep. No. 1391 at p. 4854.)

To formalize those needs as to off leash dog walking, extensive public hearings were held, culminating in the 1979 Pet Policy. At that time, the public was assured that off leash dog walking would be respected and preserved. And for well over 20 years, the recreation needs of the community have by and large been honored, with wildlife and recreation coexisting peacefully within what is now the GGNRA. In the early 1990's, to oversee the expansion of the GGNRA with the transfer of control over the Presidio, a new influx of NPS staff arrived. *That's when the trouble started...*

Since 1991, the National Park Service has closed over forty acres of Fort Funston's best, most coveted recreation space. Combined with unilateral

* A more detailed analysis of the various pretexts used to justify the proposed closure will be submitted to the National Park Service before its September 18, 2000 comment deadline. A summary of the fundamental historical issues and more general observations about the closure are provided herein. Although the primary focus of this submission details the effect of the proposed closures on off leash dog walking, the arguments apply with equal force to all forms of recreation. The closures would prevent all public access to the area, creating a fenced compound inaccessible to all but the NPS staff assigned to keep the citizens out.

"revocation" of off-leash dog walking at Lands End, Fort Miley, Marin Headlands, parts of Ocean Beach, the Presidio and elsewhere throughout the GGNRA (see attached map), NPS staff have not only broken promise after promise with park users, interested parties and even government officials, the NPS has also violated its own regulations, U.S. Department of the Interior policies, federal law and undermined the role of the Citizens Advisory Commission ("CAC").

They now ask the CAC to sanction the closure of an additional twelve acres of recreation space. Combined with earlier closures, the pending proposal would block *all* access to the cliff bluffs for the northern half of Fort Funston.

The only measures necessary for protection of the Bank Swallow would be a limited closure along the top of the cliffs, as was done in 1990 when the colony was located further north. Since 1990, however, the NPS has—to varying degrees—used protection of the Bank Swallow as a "pretext" to promote native plant habitats at the expense of recreation. Following court rulings and deposition testimony, signs indicating the areas were closed to promote native plant habitats in some sections of the park were quickly removed. (See attached map.) All closures—including those in 1991, 1993, 1995, and 2000 were conducted without public review or environmental analysis as required by law.

In the process, the NPS has ignored its statutory mandate, violated federal law, and has—by its own actions of bulldozing and destroying the ecology, increasing erosion and encouraging predation—decimated the threatened Bank Swallow colony at Fort Funston.

The San Francisco SPCA urges the CAC, on behalf of each of our 91,249 members, to act unanimously and immediately to protect important community rights by rejecting the National Park Service's proposed closure of valued recreation space at Fort Funston. In so doing, we ask that the CAC analyze the current proposed closure in light of the cumulative impact of all the closures which have occurred since 1991. Reasoned decision-making demands a finding that the current proposal, like all the others, is arbitrary and capricious, in direct violation of federal law, and undermines the covenant the government established with the people.

FOFUAR01350

GGNRA007525

The Covenant with the People

Since 1992, NPS staff has justified the conversion of recreational park resources to native plant habitats under the guise that such action is the national park mission. The mission of the GGNRA, however, is embodied in statute and legislative history creating the park. Indeed, the NPS's own regulations and management policies underscore the importance of the specific language contained in the enabling legislation establishing each national park. Each park has a specific purpose unique to the cultural and ecological setting where it is located.

In fact, courts look to the enabling statute and legislative history establishing the specific park unit to ascertain the scope of activities permitted in each park. (National Rifle Assoc. of America v. Potter (D.D.C. 1986) 628 F. Supp. 903, 911, reviewing U.S. House of Representatives Report to determine if GGNRA permitted hunting and trapping.)

NPS management policies also specifically provide that, "Congress has stated in the enabling legislation of most units of the national park system that they have their own particular purposes and objectives." (National Park Service Management Policies, at p. 2.)

Much of the San Francisco unit of what is now the GGNRA was originally city parkland donated to the federal government after the park was established. To address concerns from city officials and citizens over the release of this land to the federal government, certain unique restrictions were inserted into the enabling statute.

In particular, the GGNRA was established for "maintenance of needed recreational open space necessary to urban environment and planning." (16 U.S.C. Section 460bb.) Relying on this language and representations by city officials that this was merely a "technical resolution" that would not affect "recreational use by all citizens," the people of San Francisco approved in 1973 a Charter Amendment Proposition F, which permitted the transfer of these city parks to the federal government.

Legislative history and "land use planning" events developing the general plan and natural resources plan further confirm that the NPS understood that off-leash dog walking was a "recreational" activity "necessary to urban environment." The use of these parks specifically for off-leash recreation was addressed during the hearings before the United States House of Representatives, and dog walking was an enumerated activity in the U.S. House Report. (H.R. Rep. No. 1391 at p. 4854.)

NPS management policies further advise that,

Park managers should ascertain park-specific purposes and management direction by reading the park's enabling legislation or proclamation and determine general management direction, not inconsistent with the enabling legislation...

Wide variations exist in the degree to which the laws and proclamations creating the individual units of the national park system prohibit or mandate specific guidance on particular management actions... (Id.)

Other NPS policies mandate the same analysis:

The purpose of a park, program or central office is usually defined in, or derived from, the unit's enabling legislation and from other legal documents providing for its establishment.... Purpose statements represent the government's commitment (Congress' expectation) *to the public how an area will be managed for the public benefit...*

Purpose statements provide the foundation for everything that a park staff does in a park, and everything that is done by a program or central office. These purpose statements set the parameters for how a park should be managed and used, and provide the standards and rationale against which the appropriateness of decisions can be tested. In other words, purpose statements put sideboards on what activities are appropriate in the park, or for a program or central office, and define how the park's resources should be managed and what types of visitor experiences should occur...

Purpose statements are usually presented in the form of an infinitive statement: "To protect..." or "to preserve and interpret..." and "to provide..." Purpose statements are what you would answer a congressional committee if asked "Why does your park (program or central office) exist?" (Field Guide to National Park Service Performance Management, May 1998, emphasis added.)

Why does the GGNRA exist? *It is not to create fenced native plant habitats off limits to the public.* As evidenced by its name, the Golden Gate National Recreation Area is a *recreation* center, surrounded by a heavily populated urban environment. And it is the GGNRA's recreational value that was of the utmost importance to the Congress that established this great urban park. In their words, the GGNRA was to be a "new national urban recreation area which will concentrate on serving the outdoor recreation needs of the people of the metropolitan region," and its objective was "to expand to the maximum extent

possible the outdoor recreation opportunities available in this region." (H.R. Rep. No. 1391, 92nd Cong., 2nd Session (1972).)

Contrary, therefore, to any allegations by the NPS that dog walking is a "privilege," subject to the "discretion" of the Superintendent which can be "revoked" at any time, public use of the land for recreation generally, and off leash dog walking specifically, is an important community right, which this Commission—like the Courts—can, and should, defend.¹ That mandate is the government's covenant with the people.²

Indeed, the CAC understood this from the beginning. During the public review that established the 1979 Pet Policy, the Pet Policy Committee of the GGNRA Citizens Advisory Commission (Meyer, A., Chairperson) acknowledged the unique circumstances of recreational needs for an urban environment and for the GGNRA specifically:

[T]he ordinary guidelines outlined in the Code of Federal Regulations do not really apply in an urban area. People and their animals have been visiting the park for too long to apply an all-inclusive *arbitrary* policy. (Emphasis added.)³

After public hearings culminating in the 1979 Pet Policy, the GGNRA Citizens Advisory Commission designated Fort Funston, Lands End, Ocean Beach, Fort Miley, Baker Beach and Crissy Field for continued off-leash recreational activity. These were adopted in total.

¹ The NPS adds insult to injury by not only changing the historical use of the land without public hearings, but also criminalizing public access to the land through citations and fines.

² The NPS conducted a study of Fort Funston in 1999. The study revealed that 74% of the public identified "off leash dog walking" as the most important aspect of Fort Funston. The second largest response, 21%, identified the area's breathtaking views and 17% said its beauty. The current proposal strikes at both of these—blocking all public access to the area, and to what the public values most about Fort Funston. Of note, less than 2% identified dogs as a problem and *not a single respondent* identified native plants as having any importance.

³ We address this issue in detail because both the NPS and Golden Gate Audubon Society have taken the position that dog walkers have no standing to protest these closures because there is a general agency regulation, 36 C.F.R. 2.15(a) requiring dogs to be leashed in national parks, unless they are used to kill wildlife where hunting is permitted. (36 C.F.R. 2.15(b).) The federal government, however, recognizes that the general regulations must "comply with the legislative history governing intended public use of these areas" by providing a procedure for developing local rules to amend, modify, or relax restrictions contained in the Code of Federal Regulations in order to conform with legislative intent when the city donated the parks, and when Congress created the GGNRA. (See 36 C.F.R. 1.2(c).) Furthermore, the closures by the NPS for native plant habitat closures without public review affect all recreation users, not just dog walkers.

Closures Driven by Native Plant Habitat Projects

For well over 20 years, the recreation needs of the community have by and large been honored, with wildlife and recreation coexisting peacefully within what is now the GGNRA.⁴

In October of 1991, the NPS illegally closed approximately seven acres at Fort Funston, by moving the fences designed to protect the Bank Swallow 75 to 100 feet away from the cliffs to implement native plant habitats. (Milestone, J., "Just a Swallow! Habitat Restoration Project.") The closure was conducted without an environmental impact analysis of how the project would impact either recreation or the Bank Swallows, without proper project approval,⁵ and without public hearings *in violation of NPS regulations, U.S. Department of the Interior management policies, and federal law.*

By early 1992, almost four acres were converted to coastal dune and chaparral. At this time, NPS staff began chainsawing the 24 Monterey Cypress lining a trail leading to the beach, and volunteers pulled four acres of erosion-preventing ice plant.⁶ Bulldozers were used to level hillocks and bury concrete slabs. In a few months, volunteers replaced ice plant with 5,000 native plants in the four-acre area. The entire seven-acre project was designed to take five years to complete with only 75% coverage. The stated goal of the project was to *increase "natural" erosion and create "moving sand" ecology.*⁷ The impact on the Bank Swallow was never analyzed despite winds of up to 100 miles per hour during winter periods.⁸

⁴ In 1990, the NPS erected fences along the edge of the cliff of the so-called Bank Swallow habitat area, comprising approximately two acres of land. Statements by Biologist Ron Schlorff, California Department of Fish and Game, indicate that fencing along and near the crest of the cliff is all that is necessary to protect the Bank Swallow. (Schlorff, R., California Department of Fish and Game, Personal Communication, March 7, 2000, Declaration of Lydia Owen Boesch in Support of Plaintiff's Complaint for Injunctive Relief: "in some areas, no closure is necessary, and that in other areas, only a few feet of closure is required.")

⁵ In 1992, *after the fact*, GGNRA General Superintendent Brian O'Neill approved the fenced area, including the destruction of the Cypress trees, again without fulfilling lawful requirements of analysis and public review.

⁶ The U.S. Army planted ice plant in the 1930's to stabilize the dunes and control erosion. (Project Review Form, Ice Plant Removal, North Tip of Fort Funston, June 1994: "Native vegetation was bulldozed and ice plant was planted in its place for defensive reasons and *to stabilize the blowing dunes that native vegetation allowed,*" emphasis added.)

⁷ According to NPS ecologist Ranger Sharon Ferrell, "the park's objective in restoring natural areas is to restore natural process. And that's what processing dune is, moving sand." (Deposition of Sharon Ferrell, Fort Funston Dog Walkers v. Babbitt, No. C00-00877 WHA, hereinafter "Ferrell," 77:7-12.) "Once the ice plant is removed, sand will transport more freely throughout the site..." (Bank Swallow Permanent Closure, February, 1999.)

⁸ NPS documents note winds of "over 50 miles per hour" in March, April and May, having "major impact to the overall landscape geography of Fort Funston," with winter wind storms

Almost immediately, an increase in erosion could be seen, with one six-hour windstorm in April of that year moving an entire dune planted from a southwest to northwest orientation. Five hundred native plants were buried. (Milestone, J., "Just a Swallow! Habitat Restoration Project.")

Beginning in 1992, public concern was expressed about the native plant vegetation projects. At a meeting with dog walkers in July, then-Head Ranger James Milestone assured dog walkers that a closure for native plant revegetation would be temporary, limited to one year. (Meeting Minutes of Fort Funston Dog Walkers Association, July 9, 1992.)

By 1993, however, the NPS expanded the native plant project by an additional three acres. Our ongoing review of the documents indicates that the NPS did so without project review by the Superintendent. Clearly, the MPS expanded the project without public review or an environmental impact analysis. (Milestone, J., "Just a Swallow! Habitat Restoration Project.")

In June of 1994, an additional expansion/closure of fifteen acres was proposed without analysis or public hearings. The NPS was not shy about the land grab. The report confirmed the project was "naturally expanding into areas beyond our previously agreed to perimeter... Project originally called for removal of all ice plant (a noxious exotic species) from the ten acre Bank Swallow habitat area. This is now complete and new area outside of Bank Swallow habitat area *are now within our grasp.*" (Project Review Form, Ice Plant Removal, North Tip of Fort Funston, June 1994, emphasis added.) The goal: destroying 15 acres of erosion-preventing ice plant, using chainsaws to destroy all "exotic" trees and bushes, and using bulldozers where possible.

In 1995, approximately ten acres were closed at Battery Davis under the pretext of erosion control, as well as an additional fifteen acres for native plant habitats.

reaching 100 miles per hour. (Milestone, J., "Fort Funston's Bank Swallow Habitat and Flyway Management Plan and Site Prescription," May 1996.) *In direct contravention of Department of the Interior management policies, NPS regulations, and federal law*, NPS ecologist Ranger Ferrell admitted no analysis had ever been done:

"Has there at any time been a study of the effect of removal of ice plant on erosion of the cliffs in the bank swallow protection area? A: No." (Ferrell: 78:4-7.)

"Have you made any studies as to whether the removal of the ice plant ecosystem adjacent to the bank swallow nesting areas has harmed the bank swallows? A: No." (Ferrell: 78: 21-24.)

"Have you made any evaluation of whether bank swallows feed off insects in the ice plant? A: No." (Ferrell: 78:25-79:2.)

In fact, as early as 1960, a study of the Bank Swallows "confirmed the use of ice plants for nesting materials." (Cutler, B., "A Bank Swallow Colony on an Eroded Sea Cliff," 1961, pp. 56-57, p. 59, tbl. 6, fig. 47.) And Bank Swallow observations by NPS volunteers confirmed use of ice plants for nest building even after they fled the north cliffs. (May 4, 1998, May 7, 1999.)

(Hillslope Closures-Fort Funston, March 1, 1995.) Following these closures, in a letter dated March 14, 1995, Superintendent O'Neill assured Richard Avanzino, then-President of The SF/SPCA that the habitat was nearing its completion and would not be expanded south. The NPS also indicated that the Battery Davis area closure was an approximately 5-year temporary closure during which time it would be revegetated. Signs indicating that the area was closed for native plant revegetation were subsequently placed along the affected areas.⁹

Approximately one year later, Ranger Milestone held a meeting on April 10th, 1996, with dog walkers. He advised that 200 volunteers would be meeting at the Bank Swallow site at the north end of Fort Funston to pull ice plant beginning April 20th, *at a time when the Bank Swallow begin building nests in the cliffs*. He estimated that the project would take two more years, but promised there would be no additional fences. (Newsletter, Fort Funston Dog Walkers Association, April 1996.)

That promise would not be honored. Nor was the failure to uphold public promises and public review principles an isolated practice. The NPS also took unilateral actions at Baker Beach and the Presidio where similar closures were occurring without public review. As noted in a November 6, 1997 article in the San Francisco Chronicle: 'Hikers and picnickers have found their favorite vistas, woods and sand dunes roped off without notice, and many trees have been cut down to create pseudo-native habitats without public review.' (Fimrite, P., "Presidio Dogfight," San Francisco Chronicle, p. A11.)

By February 1999, the NPS approved the current closure as a part of its overall "vegetation stewardship program." (See GGNRA Project Review/Environmental Compliance Form, Vegetation Stewardship Parkwide Program, 1999 Workplan, February 3, 1999.) The project appears as a byline for "ice plant removal" in an attachment of, ongoing, list of projects throughout the entire GGNRA. (Agenda for Next Presidio/Parkside Project Review Committee Meeting, January 26, 1999.) In an e-mail from NPS ecologist Ranger Sharon Ferrell to several staff members including Tracy Fortmann, Chris Powell, and Mary Petrilli among others, Ranger Ferrell admits there had "not been proper project review in February." Rather, she says, the "significance of the project seemed to have been buried..." (Ferrell e-mail dated September 1, 1999.) After public controversy surfaced at the January meeting of the CAC, Ranger Ferrell further admits in another e-mail that "Brian [O'Neill, GGNRA Superintendent] wants to ensure

⁹ In a videotape of a 1995 meeting with angry dog walkers, Head Ranger Milestone reiterated that promise: "W ith [respect to] the Bank Swallows, we want to protect the cliffs, we don't want people carving into the cliffs, that causes erosion. We want to restore the flyway to Lake Merced, only the Flyway. We are not expanding the Bank Swallow site further south, we're going to complete this last section, this corner across from the existing fence to Skyline. So the Park Service doesn't have an intention, we're not going to expand this thing, further south, we're not going to take more of the area, that you can walk in." (Newsletter, Fort Funston Dog Walkers Association, April 1996.) Ranger Milestone also indicated that "[w]e want to make it a temporary fence, but when we are talking temporary here, we're talking at least five years." (*Id.*)

that we are in and out as quickly and professionally as possible..." (Ferrell e-mail to Janet Gomes dated January 26, 2000; See also Fort Funston Dog Walkers v. Babbitt, No. C00-00877 WHA, Findings of Fact and Conclusions of Law, dated April 26, 2000: "intent on the part of the National Park Service to railroad through the closure, to maintain secrecy, to unleash the fencing with lightning speed, and to establish a *fait accompli*.")

GGNRA does not have absolute discretion for limiting public use or developing native plant habitats.¹⁰ Since 1991, however, GGNRA has imposed conditions and restrictions on visitor use over areas of Fort Funston under the pretext of creating native plant habitats. Each step of the way, controversy arose as more parkland became fenced. By 1995, GGNRA understood that any additional appropriation of the land for native plant habitat would be "highly controversial" and promised that the so-called Bank Swallow habitat would not move south and there would be no more fences. Despite these assurances, GGNRA approved the current project in February, 1999 and began implementing the controversial plan without prior notice or an opportunity for public comment.¹¹

Realizing that the project may be thwarted if promoted as a native plant expansion project, in September of that year, NPS officials sought *after the fact* justification as a Bank Swallow protection measure. NPS Biologist Daphne Hatch and California Fish and Game Biologist Ron Schlorff were consulted *after project approval*. (Deposition of NPS Biologist Daphne Hatch, Fort Funston Dog Walkers v. Babbitt, No. C00-00877 WHA, hereinafter "Hatch," 53:23-54:8.)

Following the filing of the pending litigation, Fort Funston Dog Walkers v. Babbitt, No. C00-00877 WHA, NPS staff further downplayed the native plant habitat plan and insisted that the entire closure was required to protect the Bank Swallows. NPS staff removed signs posted five years ago along the Battery Davis closure justifying the closure on grounds of "native plant restoration." Signs posted since 1998 along the coastal bluff area below the hang glider platform indicating the area was "closed for revegetation" were also taken down after questioning of NPS staff in depositions. (Ferrell: 87:20-88:21 and personal observation of dog walker.)

¹⁰ Legislation establishing the GGNRA contained unique restrictions on a Superintendent's discretionary powers. In particular, 16 U.S.C. Section 460bb provides: "In the management of the recreation area, the Secretary of the Interior...shall utilize the resources in a manner which will provide for recreation and educational opportunities consistent with sound principles of land use planning and management." (Emphasis added.)

¹¹ Indeed, promising a new era of working together in the spirit of trust and openness, NPS staff were meeting with representatives from The San Francisco SPCA and the San Francisco Dog Owners Group on an ongoing basis regarding a dog owner education program at the GGNRA. While discussing off leash issues at Crissy Field, NPS staff deliberately withheld information about the pending closures at Fort Funston. (See enclosed letter to Chris Powell, GGNRA from Edwin J. Sayres, President of The San Francisco SPCA, dated July 13, 2000.)

NPS Actions, Not Dog Walkers, Decimate Bank Swallows

Protection of the Bank Swallow appears to be a pretext seized upon by the NPS to proceed with their native plant restoration project at the expense of recreation, in violation of the statutory mandate that created the GGNRA.

For decades, the Bank Swallow population has been thriving at Fort Funston, with their population increasing steadily even as off leash dog walking increased. In 1982, there were 229 burrows, it rose to 417 in 1987, and 550 in 1989—proving that dogs and Bank Swallows co-exist and thrive. In fact, despite increases in visitor use, a continuous and stable Bank Swallow colony nested for 16 years along the north cliffs of Fort Funston.

A 1995 Ocean Beach study by NPS Biologist Daphne Hatch reaffirmed the lack of nexus between dogs at Fort Funston and disturbance of the Bank Swallow. The Hatch study found that only six percent of all dogs chased birds, and none was ever reported catching or harming one. (Hatch, D., "Western Snowy Plover (A Federal Threatened Species): Wintering Population and Interaction with Human Activity on Ocean Beach, San Francisco, Golden Gate National Recreation Area, 1988-1996, November 15, 1996, p. 29, fig. 13.)

Fences have been placed on the bluffs ostensibly to prevent erosion from human presence on the edge of the cliffs. A government geologist, however, indicated that human recreation-caused erosion at Fort Funston was de minimus. (Notes of M. Alvarez, personal communication with Geologist Clyde Wahrhottic, U.S.G.S.: "man caused erosion is probably negligible compared with nature," 1989.)

Ironically, it appears that the NPS native plant restoration projects have negatively impacted the Bank Swallows. Beyond protection of the crest of the cliff which is all that is necessary as a Bank Swallow protection measure, the NPS began transforming the ecology of the area in 1991 by cutting down trees and removing ice plant. In 1995, the effort was expanded when the NPS closed 23 acres by fencing off the area, bulldozing more ice plant and chopping down more trees to create coastal chaparral of moving sand and native plants. No attempt was made to analyze the relationship between the Bank Swallow colony and the existing ecology at Fort Funston before it was upset.¹²

In 1995, after the ten-acre closure at Battery Davis and the additional fifteen acres for native plant habitats, the number of Bank Swallow burrows plummeted. The number continued to decline as the NPS continued to upset the area, until 1998, when the colony simply left the area to an undisturbed location.

No study was conducted to evaluate any environmental impact the projects were having on the surrounding ecology. The 1980 General Plan commented on the

¹² See footnote 8.

importance of trees for blocking wind, and the Army specifically planted ice plant to control erosion. The NPS—without public review and an environmental impact analysis as required by department policy, federal regulations and federal law¹³—has destroyed ice plant and bulldozed all but two Cypress trees, all Eucalyptus trees and has planned to remove the remaining wind/erosion protecting trees and bushes within the closure. Indeed, the GGNRA General Management Plan describes the importance of these trees for protecting against erosion in San Francisco:

Currently, strands of Monterey pine, Monterey cypress and eucalyptus exist in areas that provide protection to the interior of the city from high winds. The trees are mature; some are dying. The loss of trees on the perimeter leaves interior trees vulnerable to wind. Dense thickets of shrubs, many exotics, provide habitat for birds and small animals...

The vegetation management program will develop and implement management guidelines for the protection and maintenance of the San Francisco coastline. In order to determine changes that have occurred and will continue to occur, detail mapping and community analysis will be done. Tree rings will be used to evaluate forest protection of native plant communities will be determined. Soils will be examined and soil maps will be developed. Continued literature review of methodology and life history characteristics for each species will be carried out. Programs will be designed to minimize cost of implementation and maintenance. Cooperation and coordination will be developed with neighboring agencies to provide continual protection to interior plant communities.

¹³ According to NPS Natural Resources Management Guideline, NPS-77 at p. 289, "Management plans for exotic species will be developed at the park level in accordance with NPS resource management planning procedures, *including provisions for public comment.*" (Emphasis added.) Furthermore, NPS Management Policies (1988) require, "Scientific information that identifies the exotic status of species, *demonstrates its impact on park resources*, and indicates alternative management methods and their probabilities of success." The policies further require "public review and comment," and mandate that "[c]are will be taken that programs to manage exotic species *do not result in significant damage to native species... or historic objects.*" (NPS Management Policies (1988), 4:12-13, emphasis added.) See also 36 C.F.R. Section 1.5(b); 16 U.S.C. Section 460bb ("In the management of the recreation area, the Secretary of the Interior...shall utilize the resources in a manner which will provide for recreation and educational opportunities consistent with sound principles of land use planning and management"); Director's Order #2 Section 3.1.2 ("The National Park Service will use planning to bring logic, *analysis*, public involvement and accountability into the decision-making process," emphasis added); Director's Order #2 Section 3.3.1.4 ("General management planning will be conducted by an interdisciplinary team, including park managers and technical experts who will consult with other knowledgeable persons inside and outside the agency and with the general public. Decisions will be based on a scientific and scholarly understanding of the park ecosystems and cultural contexts.... If information is inadequate, planning and decision making will be deferred until adequate information is available for the type of decisions to be made.")

Instead of careful analysis as required, the NPS unilaterally began clear cutting trees, removing bushes, and uprooting several acres of existing plants.

After the 1995 native plant expansion, the number of burrows began to decline—from 924 in 1994 to 713 in the first year. (See attached graph.) They dropped again to 511 in 1996. In 1997, the NPS lost the data. In 1998 the number of burrows dropped to 140 and the birds abandoned the area adjacent to the native plant project and moved south to an undisturbed area along the cliff. About that time, starlings, hawks, kestrels, ravens and other birds began competing with and even preying on the Bank Swallows. In fact, starlings began to take over the Bank Swallow burrows in the mid-1990s, the public began to note a higher incidence of hawks as evidence by public statements in meetings with NPS staff, and the NPS's own study concluded that kestrel predation had played a substantial role in reducing the number of Bank Swallow breeding pairs from 340 to just 200 in one year alone. (Chow, N., 1994-95 Bank Swallow Annual Report.)¹⁴

The only changes in the Fort Funston environment are the very actions by NPS create fenced-off native environments—under the pretext of protecting the Bank Swallow—that has resulted in increased soil erosion destroying burrows on the cliff face, as well as increases in predator wildlife that are displacing and killing the Bank Swallow.¹⁵

In the end, it appears that the NPS's own actions are decimating a threatened species.¹⁶ The destruction of the current plant ecology, and as a result the Bank Swallow nesting area, was done without any environmental impact analysis or public hearings, as required by law.

In fact, contradicting the NPS's claim that the closures are necessary to protect the Bank Swallow, closing only the cliff face and the top of the cliffs is necessary to protect the Bank Swallows—a fact no one disputes. (Schlorff, R., California Department of Fish and Game, Personal Communication, March 7, 2000, Declaration of Lydia Owen Boesch in Support of Plaintiff's Complaint for

¹⁴ This compares to Betsey Cutler's 1960 study that found no incidents of successful predation. (Cutler, B., "A Bank Swallow Colony on an Eroded Sea Cliff," 1961, p. 46.)

¹⁵ The NPS alleges increasing recreational activity may have contributed to the abandonment of the north cliffs. No study was conducted to measure recreational impact. In fact, there has been a decrease in access to the beach adjacent to the cliffs because of the closure of the parking lots located north on the Great Highway.

¹⁶ NPS mismanagement of the Bank Swallow colony may not be an anomaly. The San Francisco Chronicle reported that mismanagement by the NPS of the Crissy Field restoration project is decimating East Beach. As a result, one of the premier windsurfing beaches in the world and a popular recreation spot for others has suffered one hundred years of erosion *in just one year*. (McHugh, P., "Leach of East Beach," San Francisco Chronicle, July 31, 2000 at p. A17.)

Injunctive Relief: "in some areas, no closure is necessary, and that in other areas, only a few feet of closure is required.")

Rulemaking and a Partial Hearing Before the Citizens Advisory Commission Does Not Satisfy NPS Policies and Regulations, Federal Law, or Common Sense

Legislative history demonstrates that public review over development and administration of the park was an important consideration. The CAC was created to provide a buffer so that the bureaucrats would not "run over" the people. (Statement of U.S. Senator Alan Bible, Hearings before the Subcommittee on Parks and Recreation, United States Senate, Senate Rpt., p. 101.) In supporting the creation of a citizens commission, then California Assembly Member Willie Brown expressed concern that "[t]oo often, the people only know of their government's plan after the fact, when it's too late to participate with the decision making process." (Testimony of Willie Brown, Hearings before the Subcommittee on Natural Parks and Recreation, United States House of Representatives, House Rpt. 92-21, p. 13.) He went on to note that "[t]he people who will enjoy the park are going to be consulted." (*Id.*) After noting that San Francisco taxpayers had the foresight to protect the parks, including paying for their care and upkeep, San Francisco Mayor Joseph Alioto reminded the congressional representatives that "our people naturally wish to retain some voice in their operation...." (*Id.* at pp. 398-399.) Government actors, citizens, and numerous community groups echoed this sentiment.

However, the CAC is considering the closure *after the fact*, and has only scheduled a partial hearing. As noted by one public commentator, "In the Bicycle Trails Council of Marin case, GGNRA staff held four public hearings and three individual user group workshops, in addition to the comments solicited at Advisory Commission meetings." (Letter to Michael Feinstein, GGNRA from Lydia Boesch, Esq., dated August 18, 2000, emphasis added.) Compared to a five year public review process establishing a bicycle recreation trail plan in Marin County, logic would demand that San Francisco—the most concentrated urban environment in the United States with the exception of Manhattan—with its grant of the land for purposes of recreation and its continuing reliance on the area for needed recreation space, would require more public input, not markedly less.

While rulemaking additionally begins to address the public participation requirement of federal law, it does not resolve all of them. In particular, the NPS has:

- (1) Violated the public review requirement under the statutory mandate and NPS regulations regarding all the closures at Fort Funston and throughout the GGNRA since 1991. NPS is under a statutory mandate to employ reasonable land use principles in planning in addition to their own

regulations concerning public input for park planning and "exotic" plant control. They have utterly failed to do so.¹⁷

- (2) Violated the National Environmental Policy Act ("NEPA"), 42 U.S.C. Section 4321 *et seq.*, requiring environmental impact analysis for the native plant habitat/erosion control closures impact on the Bank Swallow colony and recreational activities at the park. Violations would include closure of recreation trails and beach access, thwarting aesthetic enjoyment, the destruction of park resources such as ice plant, trees, and bushes, as well as the wildlife that depended on them, controversy over size, nature and impact of the native plant projects, and consideration of the cumulative impact of all the closures since 1991, as well as actions taken in the face of lack of analysis as to cause for the decline of the Bank Swallow population.¹⁸
- (3) Violated the public's due process rights to intelligently comment on the proposed closure. The closure is predicated, in large part, based on conclusions reached from "personal communications" with twelve individuals in an unspecific time frame spanning three years. With respect to the individuals cited, NPS staff have not responded to two requests to provide copies of the minutes, tape recordings, summaries, raw notes, and any other memorialization of the communications including dates of the communications, who was present, what was discussed, conclusions reached, and the basis for those conclusions. (See enclosed letter to Brian O'Neill, GGNRA Superintendent from Kenneth D. Ayers, Esq., Hancock, Rothert & Bunshoft, LLP., attorneys for The San Francisco SPCA, dated August 4, 2000, and Letter to Chris Powell, GGNRA from Nathan J. Winograd, The San Francisco SPCA, dated August 22, 2000.)
- (4) Violated principles of equitable estoppel and fair play. Aware that The San Francisco SPCA and the public could file a lawsuit over the illegal 1995 closures, the NPS promised that the native plant habitat project would not move south and that the Battery Davis closure would be limited to five years.¹⁹

¹⁷ See fn. 13.

¹⁸ NEPA requires a federal agency to evaluate the "environmental risks and remedies associated with [a] pending project ... *before* a project is approved." (*LaFlamme v. F.E.R.C.* (9th Cir. 1988) 852 F.2d 389, 398, emphasis in original.) Accordingly, agencies are obligated to "make relevant environmental information—including '[a]ccurate scientific analysis' and 'expert agency comments'—available to public officials and citizens *before* decisions are made and *before* actions are taken." (*Northwest Environmental Defense Center v. BPA* (9th Cir. 1997) 117 F.3d 1520, 1541 (Reinhardt, J., concurring, emphasis in original.) The purpose of these requirements is to ensure that agencies do not use the NEPA process to "rationalize or justify decisions already made," or take action prior to the NEPA that "limit the choice of reasonable alternatives." (*Save the Yaak Committee v. Block* (9th Cir. 1988) 840 F.2d 714, 718, See also 40 C.F.R. 1500.1(b), 1502.5, 1506.1(a), fns. 8, and 20, and text, *supra*.)

¹⁹ See fn. 9, and text, *supra*.

Reasoned Decision-Making within NPS Grasp? 1996 "Milestone Plan"

In May of 1996, then-GGNRA Head Ranger James Milestone proposed what appears to be a rational mix of recreation and "restoration" for Fort Funston:

A long-range restoration plan ... would basically split Fort Funston down the middle using the Sunset Trail and Horse Trail as the dividing line. Typical visitor use activities such as hang gliding and dog walking would continue to occur in the western portion of Fort Funston. Restoration in the eastern portion would extend from the Olympic Club boundary to the Bank Swallow site along Fort Funston's eastern slope and plateau. Within this zone, the large stand of eucalyptus and Monterey Cypress would be left alone, but all ice plant would be removed. Isolated trees and young sprouting trees would be removed from perimeter areas around the existing tree stands. Native coastal chaparral would be planted and encouraged to recolonize throughout the area.

The western side of Fort Funston, with the exception of the Battery Davis hillside Erosion Control Closed Area, would be left in its present condition covered in ice plant. This plan would be compatible with the needs of the dog walkers, hang gliders and most day use visitors using Fort Funston. People would be encouraged to stay on the designated trails in the restored eastern half of Fort Funston, while the western recreation side would be left relatively open and unrestricted. The proposed restored areas are low visitor use areas, and retain large stands of native coastal chaparral. The final product of this project, would be to create a wildlife corridor from the Olympic Club easement lands to the Bank Swallow flyway.

Instead, the NPS has struck at the core recreation area of Fort Funston, erecting fences not only to keep dogs and dog walkers out, but everyone—the children who play on Joey Hill (the only such recreation hill in the entire GGNRA)²⁰, the

²⁰ Joey Hill receives its name from a long-standing sign: "In Loving Memory of my Brother Joey, I name this hill Joey Hill." In her deposition testimony, NPS ecologist Ranger Ferrell admits that Joey Hill is the only sand dune in the GGNRA where children can slide. (Ferrell: 61:8-15.) Ranger Ferrell also admits that no analysis was done of the impact the closures would have on recreational activities. (Ferrell: 58:21-62:12.) She admits she never saw any documents regarding the impact of the closures on recreation (*Id.* at 62:16-24). She also acknowledges that no one in her conversations ever considered the impact of the closures on recreation. (*Id.* at 62:25-63:2.) In light of the statutory mandate that the GGNRA was created for "maintenance of needed recreational open space," 16 U.S.C. Section 460bb, this is extremely disturbing. Moreover, no archaeological analysis was conducted to authorize the closure of the area comprising the gun club, a fascinating ruin located at the base of Joey Hill.

relatives of the service men and women who were stationed in the area, the military historians, the joggers, the hang gliders, the tourists, even the romantics. It is time to restore balance and equity and reject the proposed closure.

Whose park is it anyway? The NPS has taken the position that off leash dog walking is a "privilege" subject to the "discretion" of the Superintendent and can be "revoked" at any time.

To the contrary, the GGNRA belongs to the citizens. Off leash dog walking and other recreation activities had been occurring for over a decade prior to the grant of parkland to the federal government, and the voters were told that the grant of land would not affect recreation. San Francisco voters were told the change was jurisdictional only—a "technical" resolution. In the enabling statute that created the GGNRA, the people were told that recreation would be expanded to the maximum extent possible with dog walking listed as an enumerated activity in the legislative history. And the people would still have say over how the parks are managed. The CAC endorsed off leash recreation and the NPS assured San Franciscans that it would not be limited.

Under these circumstances, dog walking is not a "privilege" but an important community right. Off leash dog walking is not subject to the "discretion" of any appointed official. Neither can dog walking be "revoked" at will.

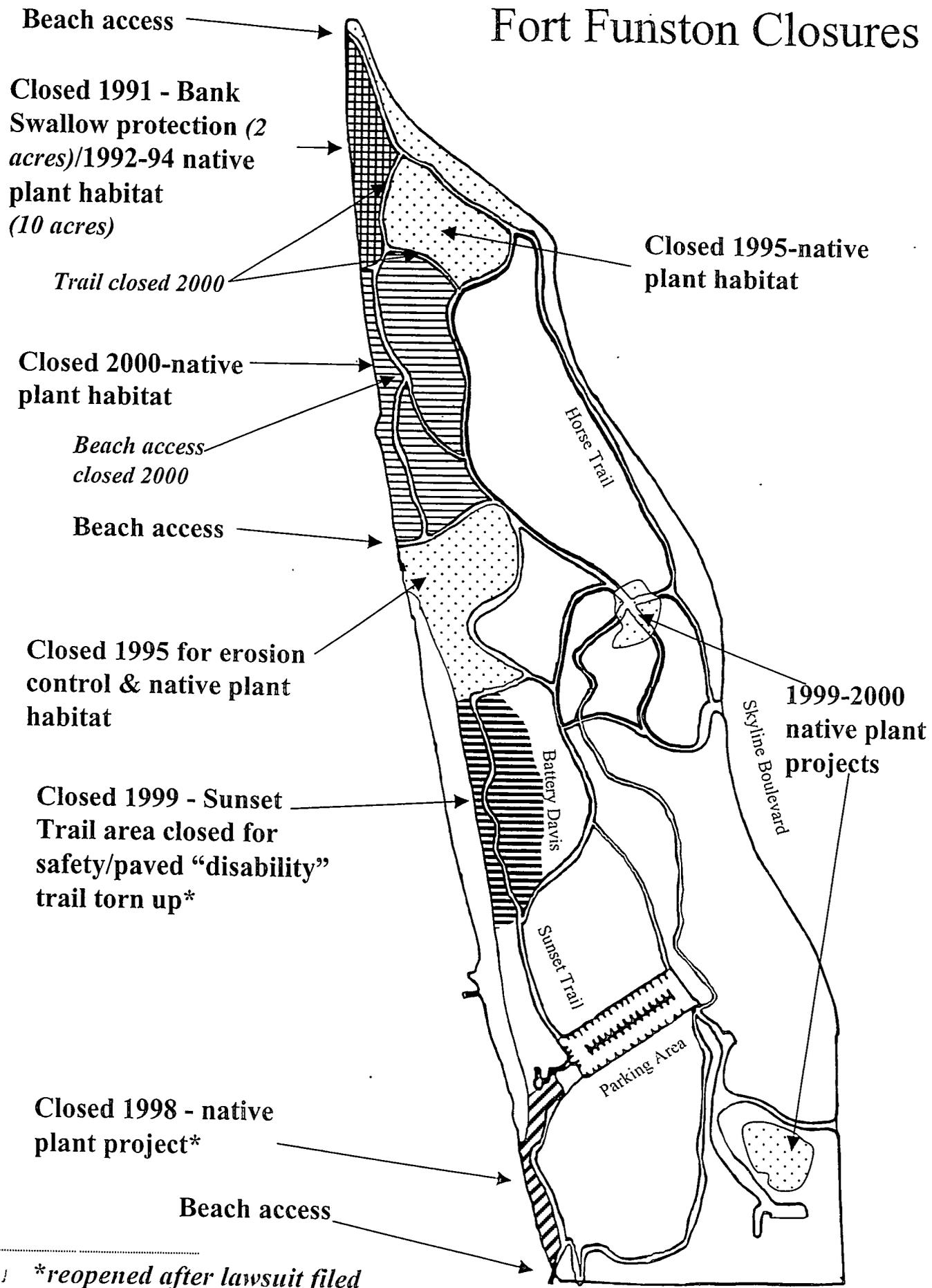
In 1999, the NPS commissioned a study to determine what people liked most about Fort Funston. The survey asked two general questions: (1) what is the special significance of this park? and (2) is there anything else you would like to tell us?

Seventy-four percent of those surveyed identified 'dogs' as the best thing about the park. Another 21% spoke of the breathtaking views. Less than 2% said dogs were a problem. Not a single respondent identified native plants as having any significance; a few respondents criticized the projects. The CAC represents the people. The people have spoken. And it is, after all, the people's park.

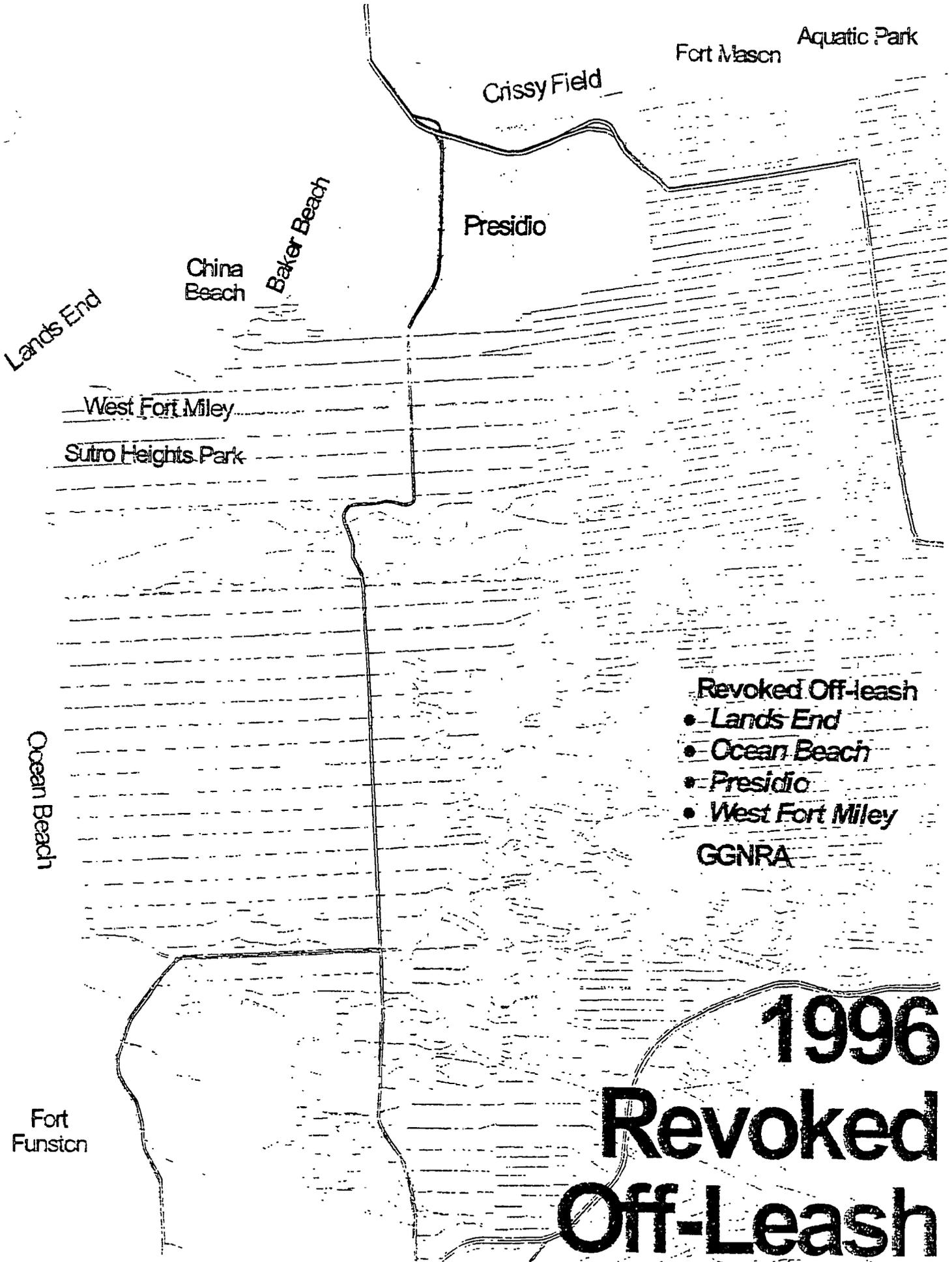
Attachments:

- Maps/Graphs Depicting Closures at the GGNRA and Bank Swallow Burrow counts.
- Letter and Attachments to Chris Powell, GGNRA, from Edwin J. Sayres, President, The San Francisco SPCA, dated July 13, 2000.
- Letter to Brian O'Neill, GGNRA Superintendent, from Kenneth D. Ayers, Esq., Hancock, Rothert & Bunshoft, LLP., attorneys for The San Francisco SPCA, dated August 4, 2000.
- Letter to Chris Powell, GGNRA, from Nathan J. Winograd, The San Francisco SPCA, dated August 22, 2000.
- NPS, Fort Funston Public Study, 1999.

Fort Funston Closures



**reopened after lawsuit filed*



Fort Mason Aquatic Park

Crissy Field

Presidio

China Beach

Baker Beach

Lands End

West Fort Miley

Sutro Heights Park

Ocean Beach

Revoked Off-leash

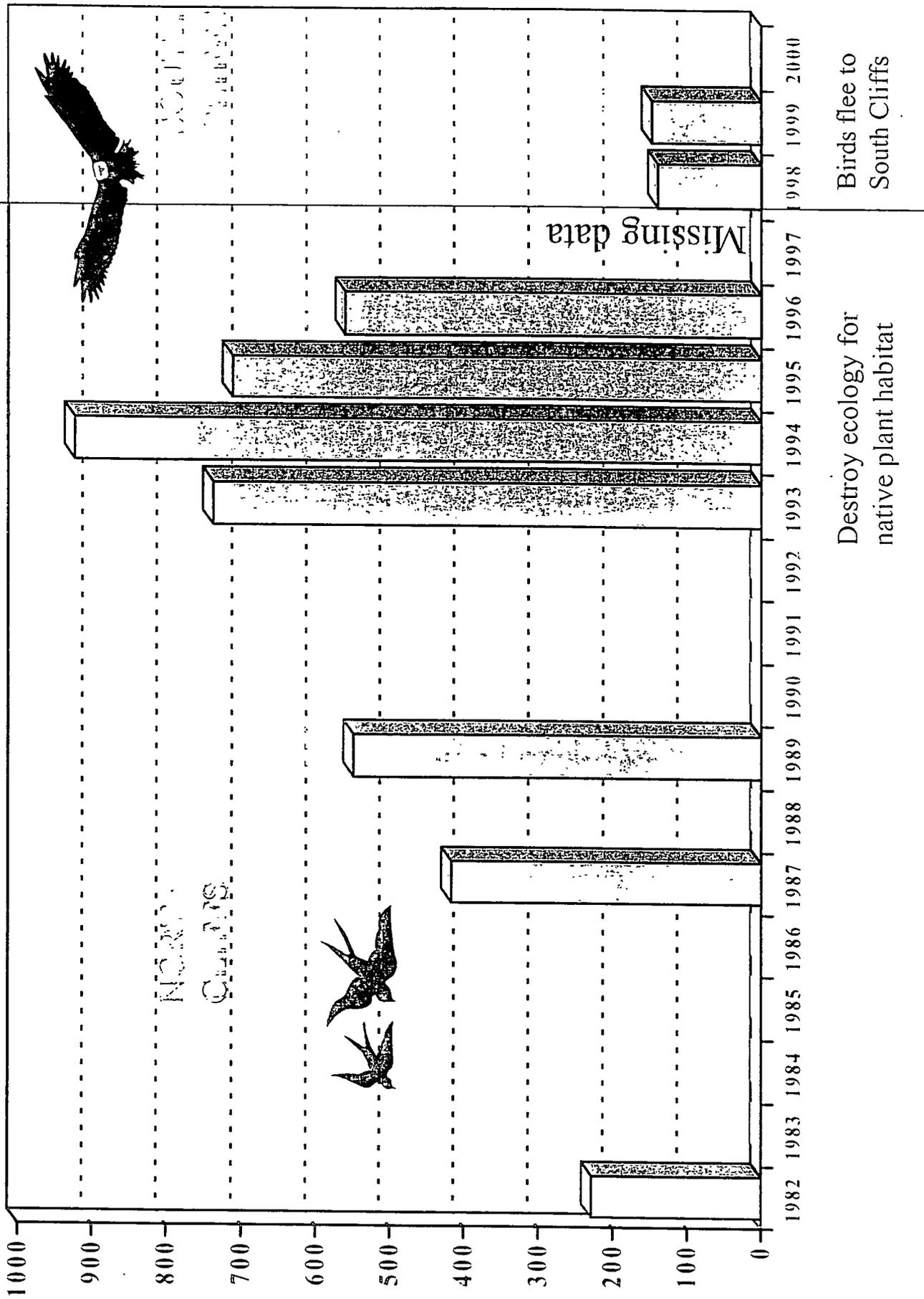
- Lands End
- Ocean Beach
- Presidio
- West Fort Miley

GGNRA

Fort Funston

1996 Revoked Off-Leash

Total Number of Bank Swallow Burrows





SAN FRANCISCO
SPCA

July 13, 2000

COPY

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Chris Powell
Golden Gate National Recreation Area
Fort Mason, Building 201
Golden Gate National Recreation Area
San Francisco, California 94123

Dear Ms. Powell:

Over the past year, The San Francisco SPCA, the San Francisco Dog Owners Group, and members of your office have met periodically at your request to discuss a dog owner education program at Crissy Field. Although your office acknowledged that the vast majority of dog owners are responsible and clean up after their pets, both you and Ms. Tracy Fortmann felt an education program would be fruitful. These meetings followed my arrival as the new president of The San Francisco SPCA, and were subsequent to an initial meeting at The San Francisco SPCA. During that meeting, we explained to you that given the history of action taken against off-leash dog walking by the National Park Service ("NPS") despite promises to the contrary, "trust" was of paramount concern to us. (See Historical Chronology, enclosed as Appendix I.) To further "trust," you agreed that we would deal with each other openly and fairly.

During the first on-site Crissy Field meeting, we were given a tour of the area, and told that off-leash recreation would increase to well over seventy acres. Subsequent to that meeting, we again took tours of Crissy Field. At those meetings, we attempted to talk specifically to Ms. Fortmann about perceived concerns of Golden Gate National Recreation Area ("GGNRA") staff and then specifics as to an appropriate education program to ameliorate any perceived concerns. We attempted to discuss appropriate signage, pooper scooper dispensers, literature, training classes, and the like, but GGNRA staff refused to discuss specifics, instead taking us on more tours of the area and discussing "concerns" about dogs in very general terms.

After Ms. Fortmann's reassignment outside the area, you again telephoned us to continue the meetings because of what you claimed were "increasing complaints" and "increasing problems" at Crissy Field. You also indicated that a dog owner education program was imperative. This followed the National Park Service's ten-acre closure at Fort Funston without notice to dog owners and in apparent violation of federal regulations. (See Fort Funston Dog Walkers v. Babbitt, No. C00-00877 WHA, Findings of Fact and Conclusions of Law, dated April 26, 2000.)

FOFUAR01368.

These closures also follow assurances from Superintendent Brian O'Neill that the native plant restoration project would not be expanded southward of the 1995 closures—which were themselves enacted after assurances that no further closures would be forthcoming. Moreover, both Mr. O'Neill and Assistant Superintendent Leonard McKenzie further assured us in 1995 that,

“If future conflicts occur which require further consideration or amendment to off-leash dog use, we propose a public process to inform the decision making.... We would consider contact with the SPCA as a first step in any situation involving a conflict with off-leash dog walking that would require a change in this use.” (See Correspondence from Mr. Brian O'Neill and Correspondence to Mr. Leonard McKenzie, enclosed as Appendix II.)

Needless to say, at the same time that we were discussing off-leash dog walking on GGNRA lands over this past year and agreed to openly discuss dog walking and deal with each other honestly and fairly, closing ten acres of Fort Funston without notice, in violation of federal regulations, and after promising The San Francisco SPCA that there would be no further closures at Fort Funston, does nothing for our mutually agreed goal of furthering “trust” between our two agencies.

Your response to these concerns was that since we were specifically discussing off-leash dog walking *at Crissy Field*, that any action the NPS took against off-leash dog walking *at Fort Funston* without informing The SF/SPCA, dog walkers, and without any public hearings was irrelevant. We believe this is not only splitting hairs, but flies in the face of promises by both the Superintendent and the Assistant Superintendent of “contact with the SPCA as a first step in *any* situation involving a conflict with off-leash dog walking that would require a change in this use.” (Emphasis added.)

Furthermore, in response to efforts by dog walkers to protect their rights by filing a lawsuit, the NPS has threatened to revoke all off-leash recreation at Fort Funston, and has even taken the drastic step of taking down and painting over signs at Fort Funston that delineate off-leash dog walking. Statements by the NPS in local newspapers further state that the off-leash policy is “currently under review.” We have no choice but to see this as an attempt by the NPS to intimidate and punish dog walkers.

In addition, the removal of signage will create misunderstanding of allowable behavior with the public, thereby increasing any conflicts and complaints against off-leash dogs. In other words, the NPS will be creating the very conflicts it will likely use to justify further restrictions of off-leash dog walking at Fort Funston.

How does this action increase "trust" between the NPS and our organization? How does closing off-leash areas after assuring us that no further closures would be forthcoming increase "trust"? How does closing these areas at the same time we were in meetings about off-leash dog walking on GGNRA lands without informing us and having public hearings increase our mutual "trust"?

In the past your office has also told us that there were "hundreds" of complaints about dogs at Crissy Field. A Freedom of Information Act request, however, showed that in a ten-year period (1987 to 1997), there were only three complaints about dogs at Crissy Field, two of them non-incident specific but complaints about dogs and dog waste generally. The third was from a jogger who felt "intimidated" by a dog. Again, this type of exaggeration does nothing to increase "trust," and, of course, is of little help in fashioning an effective dog owner education program.

Given this background, we indicated to you by telephone that we did not want to be set up for failure, and then have this failure used as an excuse to ban off-leash dog walking at Crissy Field because of perceived "problems" that the "dog owner education program created in conjunction with The San Francisco SPCA and San Francisco Dog Owners Group" failed to correct. As indicated to you, in order to craft the right solution to any perceived concerns, we need to have access to the complaints themselves so we can address the issues raised, and to develop baselines to determine if the program is having impact. For example, if the problem is failure to pick up dog waste in certain locations, that can be addressed by signage and pooper scooper dispensers at those locations. By having access to information about the scope and frequency of reported incidents at that location, we will be in a better position to determine if the signage and dispensers are impacting the problem, or if a particular education campaign must also accompany the effort, and what that program will look like. Different problems, different solutions. You declined. Again, we feel that without allowing us to review the complaints, any education program will have to be non-specific, which will hamper its effectiveness and make it difficult to monitor its impact.

Ms. Powell, as the new president of this organization, I came here and invited you to The San Francisco SPCA to establish a new era in our relationship. I indicated to you that we would take your invitation to work together and break down the walls that separate us at face value. Instead, you erected new fences to keep the dog walkers and us out. You did this despite assurances to the contrary, and while we were meeting to discuss off-leash dog walking on GGNRA lands.

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We would, nonetheless, still like to work with you. In order to work together effectively, however, we ask for a written commitment that: (1) the NPS will follow the law and conduct its business in a public forum through meaningful public hearings prior to any change in recreation uses; (2) the NPS will act honorably and abide by its past pledges and promises; and, (3) the NPS will publicly commit itself to preserving off-leash recreation at Fort Funston, and throughout the Presidio, including Crissy Field.

We look forward to your response.

Very truly yours,

Edwin J. Sayres
President

FOFUAR01371

GGNRA007546

Appendix I— Summary of Actions Taken Against Off-Leash Dog Walking within the Golden Gate National Recreation Area.

For 20 years, wildlife and recreation have coexisted relatively peacefully within the Golden Gate National Recreation Area ("GGNRA"). The recreation needs of the community have by and large been honored. To formalize those needs as to off-leash dog walking, extensive public hearings were held, which culminated in the 1979 Pet Policy. At that time, the public was assured that off-leash dog walking would be respected and preserved. The public was also assured that the National Park Service ("NPS") had no intention of limiting the areas that have been used for off-leash dog walking for decades.

Actions Against Dog Walkers-1992

In 1992, the NPS attempted to rescind the 1979 Pet Policy without public hearings. This action was taken despite:

- that the GGNRA was to be a "new national urban recreation area which will concentrate on serving the outdoor recreation needs of the people of the metropolitan region," and its objective was "to expand to the maximum extent possible the outdoor recreation opportunities available in this region." (H.R. Rep. No. 1391, 92nd Cong., 2nd Session (1972).);
- that off-leash dog recreation is an important recreation activity that has been enjoyed by the public for decades prior to the arrival of NPS staff;
- that the continuation of off-leash recreation was officially sanctioned after "extensive" public review culminating in the 1979 Pet Policy;
- that the NPS committed itself to public hearings prior to any closures.

After a huge public outcry, which included a letter from the Chairman of San Francisco's Commission on Animal Control and Welfare who advised you that such action was contrary to the historical use of the land and that revocation could not be effective without public hearings, and after intervention by then U.S. Senators John Seymour and Alan Cranston, Superintendent Brian O'Neill assured all parties that there would be no change in the 1979 Pet Policy that officially sanctioned the continuation of off-leash activity (attached).

Actions Against Dog Walkers-1995

In 1995, after it became clear that the agreement would not be honored, we had a series of meetings with the NPS to discuss off-leash dog walking in the Presidio and other areas of the GGNRA, including Crissy Field, Fort Funston, and Ocean Beach. At each of these meetings, we were assured that: (1) the NPS had no intention of limiting the areas that have been used for off-leash dog walking for decades; (2) there would be no change in the 1979 Pet Policy; and, (3) that the 1996 Compendium Amendment would acknowledge the legitimacy of off-leash recreation.

Despite these assurances, the GGNRA closed to the public substantial areas of Fort Funston without public review. However, in response to the outcry over the closures, Superintendent O'Neill further assured us that the native plant habitat

near the Bank Swallows would not move further south and that the Battery Davis closure was only temporary to permit re-vegetation. Despite these further "assurances," there has been no vegetation at Battery Davis and another ten acres adjacent to and south of the 1995 closure were further closed this year.

Actions Against Dog Walkers-1996

Indeed, these actions now appear to be part of a deliberate and orchestrated plan to achieve piecemeal what the NPS could not do all at once—completely ban off-leash recreation along the entire coast of, if not all, of Fort Funston, and elsewhere within GGNRA jurisdiction. In fact, the 1996 Compendium "revoked" off-leash recreation at Lands End, Fort Miley, Marin Headlands, and parts of Ocean Beach, all areas designated as off-leash in 1979, despite promises in 1995 that these areas will be formally designated as off-leash areas. The NPS also revoked all off-leash recreation in the Presidio, except for a small corridor along West Pacific Avenue.

Actions Against Dog Walkers-1997

We have just now come to learn from the lawsuit that the NPS revoked the dog policy provisions from the 1997 Compendium. This was done in secret despite tremendous public outrage over previous closures. Of equal concern, this fact was only revealed through documentation produced by the government as part of the discovery process in the lawsuit.

Actions Against Dog Walkers-1998-2000

In a December 22, 1998 San Francisco Chronicle article, it was noted as follows: "For their part, [GGNRA] officials say they would like to mend their relationship with dog lovers and work together to improve the parks. 'We just want this whole thing to go away,' said Chris Powell, a recreation area spokeswoman." Yet, less than two months later, the NPS approved the expanded native plant habitat and off-leash closures at Fort Funston in violation of a promise to The San Francisco SPCA that this would not be done. As The Honorable Judge Alsup ruled, there was clearly "an intent on the part of the National Park Service to railroad through the closure, to maintain secrecy, to unleash the fencing with lightning speed, and to establish a *fait accompli*." (See Fort Funston Dog Walkers v. Babbitt, No. C00-00877 WHA, Findings of Fact and Conclusions of Law, dated April 26, 2000.)



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Western Region
600 Harrison Street, Suite 600
San Francisco, California 94107-1372

U/140111
CY: Soper
Jim Mikstone



A3615 (WR-DOE)

08 JUL 1992

JUL 7 10 56 AM '92

Honorable Alan Cranston
United States Senate
Washington, D.C. 20510
ATTN: Ann Stenger

Dear Senator Cranston:

Thank you for your letter of June 17 to our Legislative Affairs office on behalf of your constituent, Mr. Michael Swift, regarding leash laws at Fort Funston in the Golden Gate National Recreation Area. Your letter has been referred to this office for reply.

The National Park Service recognizes the important value that every dog-walker holds towards the Fort Funston area. The relatively clean, open and safe environment of Fort Funston is certainly an attractive place to walk one's dog during all hours of the day. We also recognize the rights and values of the many people without dogs, who enjoy the beauty and recreational values of Fort Funston. With the spectacular vistas, colorful wildflowers and various recreational opportunities from hang-gliding to horse back riding, Fort Funston has become an extremely popular area to many park visitors.

At this time, there is no change in the 1979 Pet Policy which provides the visitor the privilege of walking one's dog off leash. The February 24, 1979, Pet Policy defines "managed" dogs and voice control as follows:

"Managed" dogs: Those dogs under control of their owner at all times. This control may be by voice or by leash. The criterion is that the dog may not harass any person or animal.

Voice or leash control: This is a flexible system. The success of such a system is dependent upon the willingness of visitors and local residents to cooperate with GGNRA personnel, and the willingness of GGNRA personnel to manage dogs, people and wildlife situations; to enforce regulations; and to cite violators.

Visitors that do not have voice control of their animals are asked to leash their pets. Pet owners with animals found digging holes in dune vegetation, chasing wildlife or causing injury to other

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GGNRA007549

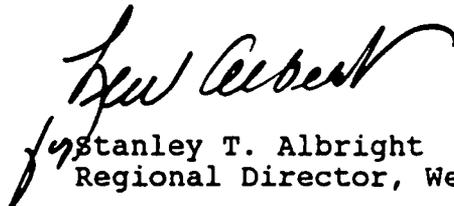
visitors are subject to citations. We also request that visitors with dogs make the effort to collect any dog litter deposited along the trail edge. The National Park Service is calling upon all visitors to assist park rangers in keeping Fort Funston a quality park experience.

A growing number of people are "discovering" the varied recreational opportunities and beauty of the site. Visitation to Fort Funston now exceeds 500,000 people annually. The National Park Service has the responsibility to manage the area to protect the natural resources and provide for the enjoyment of the visitor. Efforts to provide access to visitors with the least impact to natural resources has been a challenge in this intense urban setting. Thousands of hours of work have been dedicated to developing trails, interpretive signs and resource protection projects to enhance the area and maintain a quality experience.

If Mr. Swift is interested in participating in assisting the park rangers in keeping Fort Funston a unique and beautiful park experience, he may contact District Ranger Jim Milestone at 415-556-8371. The park staff is interested in creating a Friends of Fort Funston volunteer group to resolve site conflicts and reduce impacts to the natural environment of Fort Funston.

Thank you for your continued interest in the management and operation of the National Park Service.

Sincerely,


Stanley T. Albright
Regional Director, Western Region

USPROD00726

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GGNRA007550



United States Department of the Interior

NATIONAL PARK SERVICE
Western Region
600 Harrison Street, Suite 600
San Francisco, California 94107-1372

O'Neill
CY: ~~Steve~~ ^{Copy}
Jim Milersone
TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

A3615 (WR-DOE)

08 JUL 1992

Honorable John Seymour
United States Senate
Washington, D.C. 20510

JUL 9 10 56 AM '92
RECEIVED
GENERAL INVESTIGATIVE
DIVISION

Dear Senator Seymour:

Thank you for your letter of June 26 to our Legislative Affairs office on behalf of your constituent, Ms. Monica Fox, regarding leash laws at Fort Funston in the Golden Gate National Recreation Area. Your letter has been referred to this office for reply.

The National Park Service recognizes the important value that every dog-walker holds towards the Fort Funston area. The relatively clean, open and safe environment of Fort Funston is certainly an attractive place to walk one's dog during all hours of the day. We also recognize the rights and values of the many people without dogs, who enjoy the beauty and recreational values of Fort Funston. With the spectacular vistas, colorful wildflowers and various recreational opportunities from hang-gliding to horse back riding, Fort Funston has become an extremely popular area to many park visitors.

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Voice or leash control: This is a flexible system. The success of such a system is dependent upon the willingness of visitors and local residents to cooperate with GGNRA personnel, and the willingness of GGNRA personnel to manage dogs, people and wildlife situations; to enforce regulations; and to cite violators.

Visitors that do not have voice control of their animals are asked to leash their pets. Pet owners with animals found digging holes in dune vegetation, chasing wildlife or causing injury to other visitors are subject to citations. We also request that visitors

with dogs make the effort to collect any dog litter deposited along the trail edge. The National Park Service is calling upon all visitors to assist park rangers in keeping Fort Funston a quality park experience.

A growing number of people are "discovering" the varied recreational opportunities and beauty of the site. Visitation to Fort Funston now exceeds 500,000 people annually. The National Park Service has the responsibility to manage the area to protect the natural resources and provide for the enjoyment of the visitor. Efforts to provide access to visitors with the least impact to natural resources has been a challenge in this intense urban setting. Thousands of hours of work have been dedicated to developing trails, interpretive signs and resource protection projects to enhance the area and maintain a quality experience.

If Ms. Fox is interested in participating in assisting the park rangers in keeping Fort Funston a unique and beautiful park experience, he may contact District Ranger Jim Milestone at 415-556-8371. The park staff is interested in creating a Friends of Fort Funston volunteer group to resolve site conflicts and reduce impacts to the natural environment of Fort Funston.

Thank you for your continued interest in the management and operation of the National Park Service.

Sincerely,



Stanley T. Albright
Regional Director, Western Region

USPROD00722

FOFUAR01377

GGNRA007552

San Francisco Commission of Animal Control and Welfare



Brian:
I deal with dog problems every day of my life and suspect you do not - at least to anywhere near the same frequency. (at least I hope not for your sake!)
It has been reported that many inquiries on this matter have been sent to Nancy Pelosi, Tom Kantos and Director Keppeler.
Best regards, Mark

Brian O'Neill, General Superintendent
Golden Gate National Recreation Area
Fort Mason - Building 201
San Francisco, California 94123

Dear Superintendent O'Neill:

At this Commission's April 15 meeting there was public expression of considerable concern over NPS Ranger announcements to the effect that the GGNRA's longstanding "voice control - no lead" policy at upper Fort Funston was to be changed effective May 1.

Although this Commission has no jurisdiction as to animal use policies on GGNRA lands, there has been a longstanding cooperative relationship between the City And County Of San Francisco Department Of Animal Care And Control (over which this Commission has oversight jurisdiction). Further, the off-lead policy of the GGNRA has long been the "centerpiece" of overall dog-walking policies within San Francisco's geographic boundaries.

It seems inconsistent with GGNRA's past policies (and perhaps violative of applicable regulatory law) that this change would even been contemplated until after careful public input hearings. Accordingly, I myself am not at all clear as to precisely what is happening - if anything at all.

The Commission considers the dust-up over this report to be of sufficient import to have placed it at the head of the agenda of its May 13 meeting, to which we cordially invite you.

In the meantime, may I hear from you personally about this matter by phone at your very earliest convenience.

Very truly yours,

Mark Scott Hamilton

Mark Scott Hamilton
Chairperson

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GGNRA007553



March 23, 1995

Mr. Leonard McKenzie
Assistant Superintendent
Golden Gate National Recreation Area
Fort Mason, Building 201
San Francisco, CA 94123

Dear Mr. McKenzie:

I want to thank you and members of your staff for meeting with us today to discuss the future of off-leash dog walking at Crissy Field. We appreciate the time you took to explain the different design options and respond to our questions and concerns. We are encouraged by the plans and information you shared with us.

As we understand, all the design options being considered for Crissy Field would significantly expand the total area dedicated to off-leash dog walking from the current 32 acres. For example, the option involving the largest wetland would still provide approximately 68 acres for off-leash dog walking. The entire beach area (with the exception of a maximum of 13 acres of protected sand dunes and snowy plover habitat) would continue to be open to off-leash dog walking and other recreational uses. Public parking would be available as it is today near the board-sailing drop-off and staging area, and other parking lots would be maintained along Mason Drive, with access to the promenade available at various points via pathways across the airfield. We were also pleased to hear that the airfield would not be used to provide overflow parking for events at Fort Mason.

In the event that a wetland is created, we understand sensitive areas would be protected by fencing or other types of barriers that would keep people and dogs from encroaching on the wildlife that might take up residence. Pathways through the wetland and from the parking lot on the east to the restored airfield on the west would be established to allow dog walkers to travel safely in and across the wetland.

We were also encouraged to learn that, along with these design efforts, steps are being taken to resolve the legal issues concerning off-leash dog walking at Crissy Field. We understand you are now actively pursuing a regulatory change to make clear that the Superintendent has the authority to designate off-leash dog

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94103-6589
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GGNRA007554

Mr. Leonard McKenzie
Off-Leash Dog Walking

March 23, 1995
Page 2

exercise areas in the Golden Gate National Recreation Area ("GGNRA"). From our point of view, this is an essential element, and we understand you agree. We further understand that all areas where this vital recreational activity is currently allowed, including Crissy Field, Fort Funston, Ocean Beach, Land's End, etc., will be formally designated as off-leash areas. In the meantime, we are pleased that existing off-leash policies will be officially recognized and sanctioned in the GGNRA's internal policy and rule book, and we look forward to receiving a copy of the rules in the next few weeks.

In addition to these steps, we discussed the need for a written statement outlining the principles and procedures that will guide resolution of any conflicts that may arise. We feel strongly, for instance, that public notice and the opportunity for public hearing and comment should be provided before any official action is taken or any decision made that might result in altering or interfering with off-leash areas or policies. We also feel that the principles used to resolve any conflicts should reflect the value of GGNRA lands like the Presidio as first and foremost urban recreational areas.

Mr. McKenzie, we appreciate your assurance that the GGNRA will provide us with an official letter or other official written statement that maps out these understandings. We also appreciate your offer to provide us with a time line of the steps that will be taken to complete the necessary regulatory changes. With these documents, we are hopeful we will be able to work together in a constructive manner to realize a shared vision of the new Presidio.

I look forward to hearing from you.

Sincerely,

RICHARD AVANZINO
President

cc: Mr. Brian O'Neill
Superintendent, GGNRA

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GGNRA007555



United States Department of the Interior

NATIONAL PARK SERVICE

GOLDEN GATE NATIONAL RECREATION AREA
FORT MASON, SAN FRANCISCO, CALIFORNIA 94123

LETTER NOT SENT / DISCUSSION HELD
w/ AVANZINO IN
PERSON WHERE
CONTENTS WERE
COVERED.

IN REPLY REFER TO:

L34 (GOGA-RMPPC)

Mr. Richard Avanzino
President, San Francisco SPCA
2500 Sixteenth Street
San Francisco, California 94103-6589

Dear Mr. Avanzino:

I am writing in response to your letter of March 23, in which you summarized the discussion at our meeting that day. I would like to confirm the points in your letter:

- * All design options for Crissy Field retain opportunities for off-leash dog walking, and expand the area available for that use. The beach area, except for dune and snowy plover protected areas would be included in that area. Other areas, including the Golden Gate Promenade and restored airfield are also proposed to allow off-leash dog use. The exact areas will be shown in the Crissy Field design alternatives and described and quantified in the environmental assessment for this project.
- * Public parking would be available in proximity to the beach at the east end as well as in several smaller lots along Mason Street. We are exploring other options to eliminate the need to provide overflow parking on the restored airfield.
- * If a wetland is included in the Crissy Field design, it would include appropriate barriers such as fencing and vegetation to protect sensitive resources from disturbance from people and dogs. Paths or boardwalks through the wetland would be minimized to avoid disturbance to wildlife, although appropriate educational pathways and overlooks will be designed.
- * We are currently proceeding in two ways to formalize the designation of off-leash (voice control) areas for the park. We are beginning the process of promulgating a special regulation for Golden Gate National Recreation Area to allow the Superintendent discretion in the designation of off-leash areas and the management of pets within the park. This proposed regulation must go through several levels of review, including publication in the Federal Register for public comment, before it can become final for publication in the Code of Federal Regulations. This process can take up to a year to complete.

To address immediate concerns, the Superintendent will shortly

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issue an amendment to the park's Compendium of local regulations establishing specific areas, on an interim basis, where dogs may be exercised off-leash under specific conditions. This action is to be considered temporary, pending final action on the special regulation. This amendment to the Compendium will also include Ocean Beach and Fort Funston.

- * If future conflicts occur which require further consideration or amendment to off-leash dog use, we propose a public process to inform the decision making. Our strong commitment to involving the public in decisions which affect existing uses is evidenced by our recent public meeting with affected users at Fort Funston prior to fencing off an impacted area for resource protection, and our frequent communications with you as well as other representatives of the dog-walking community regarding other issues of mutual concern at Crissy Field and Ocean Beach. We would consider contact with the SPCA as a first step in any situation involving a conflict with off-leash dog walking that would require a change in this use. The GGNRA Advisory Commission would be involved, as needed, in the resolution of issues involving off-leash dog walking.

Rich, I feel that our efforts to be responsive to your concerns have demonstrated a genuine commitment to work with you and reflect the needs of dog walkers in our Crissy Field design plan. We would appreciate the same level of responsiveness on your part, through an effort to communicate this message, and one of responsible use, to your membership. Although you have agreed to do this in our past discussions, we have yet to see a change in the message that is getting to people through your organization and affiliated groups and individuals.

This letter, as well as our letter of March 15, are quite clear in their message. Again, we ask for your help and partnership in setting a positive environment for collaboration. We will continue to involve you in the evolution of the Crissy Field design plan and hope that your involvement and that of dog walkers will move beyond the single issue of continued access for off-leash dog use which we feel has been resolved, and contribute to the overall design which will improve the area for all users and provide a setting which is fitting for this national park site.

Sincerely,

Brian O'Neill
General Superintendent

cc: Robert Chandler, General Manager, Presidio
Greg Moore, Executive Director, Golden Gate National Park
Association

USPROD00593

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GGNRA007557



August 4, 2000

HANCOCK
ROTHERT &
BUNSHOFT
— LLP —
ATTORNEYS

Brian O'Neill
General Superintendent
Golden Gate National Recreation Area
Fort Mason, Bldg. 201
San Francisco, California 94123

Re: Fort Funston Closures

Dear Mr. O'Neill:

I am writing this letter on behalf of the San Francisco Society for Prevention of Cruelty to Animals ("SPCA") to address issues regarding Golden Gate National Recreation Area's ("GGNRA") notice received on Monday by the SPCA of notice and comment for federal rule-making of the "Proposed Habitat Protection Closure" at Fort Funston. We saw a similar notice posted at Fort Funston, advising that there was a "Document for Public Review and Comment" ("Document") at the Sunset Library, Fort Funston Visitor's Center, and the National Park Service ("NPS") Information Center downtown. This letter addresses concerns regarding inadequate public notice and procedural defects in the rule-making process described in the Document.

As indicated by the Document, this process was initiated because the "Federal District Court ordered preliminary injunction against the NPS, disallowing the closure until such time as appropriate public notice and opportunity for comment was provided." Yet a quick review of the proposal reveals the closure is substantially different from the one that resulted in the preliminary injunction in the lawsuit, *Ft. Funston Dog Walkers v. Babbitt, No. C 00-00877 N.D. Cal.* The new proposal extends the four and a half acre permanent closure to twelve acres taking even more recreational parkland, banning public access to all bluff views of the beach for the entire northern sector of Fort Funston. Despite drastic changes in the project only sixty days have been allotted for public comment. Moreover, people are told to file comments "as early as possible" if they want to be heard: "Public comments should be submitted to NPS as early as possible in order to assure their maximum consideration." The statement indicates NPS is not committed to providing an opportunity for meaningful public review, rather the rule-making process is merely a procedural hurdle before proceeding with the project.

[SFDOC:800-380-423025]

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GGNRA007558

Brian O'Neill
 August 4, 2000
 Page 2

Ultimately the court will decide whether there was "appropriate notice and opportunity for comment." This letter addresses serious problems with the rule-making process that could result in court reversal if not corrected. Public notice is inadequate, there is no provision for public review of the documents relied on for the proposal, and access has been denied to the area in controversy.

1. Effective Notice of the Proposed Closure

Although the sixty day comment period ran from publication in the federal register, GGNRA delayed posting notice of the proposed closure at Fort Funston for almost two weeks. As a general rule of land use practice, "appropriate notice" for public urban parks requires that signs be posted at the site where the proposed changes will occur. In contrast to other national parks, GGNRA has **unique** provisions in the enabling statute that require NPS to follow "principles of land use planning." In particular, the statute mandates: "In management of the recreation area, the Secretary of Interior ...shall utilize the resources in a manner which will provide for recreation and educational opportunities **consistent with sound principles of land use planning and management.**" 16 USC, section 460bb. The "statement of purpose" further provides that the park was established "to provide for the maintenance of needed recreational open space **necessary to urban environment and planning**". Due process rights impacted by land use planning and development in an urban environment require that notice be posted at the site. The U.S. Supreme Court has defined adequate notice for due process to require: "notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Mullane v. Central Hanover Bank & Trust Co.* 339 U.S. 306, 314 (1950); *See, also Harris v. County of Riverside* 904 F.2d 497, 503 (9th Cir. 1989).

Second, no effort has been made to advise occasional users that their access to the entire northern bluffs in the park will be affected by this proposal. GGNRA estimates 750,000 "visitors enjoy Fort Funston annually," virtually the entire population of San Francisco (pg. 6). Extensive media coverage followed the original closure in March, yet GGNRA has done nothing to advise the general public of the latest development in the case. Typically in cases that affect the general public, notice is published in newspapers of general circulation. "The means employed must be such as one desirous of actually informing the absentee might reasonably adopt." *Mullane* 339 U.S. at 315. Clearly the intent is to limit public input, not facilitate it.

Further evidence of this intent occurs in the notice posted at Fort Funston. Only two signs were observed, one located on the backside of the bulletin board at the head of the Sunset Trail, hidden from public view, and the other at the bulletin board near the beach access trail, adjacent to a sign on the fence indicating "seasonal closure". In small print, the signs advise people that a document is available for review and comment at three locations and that comments are due by September 18th. No reference is made to the August 29th hearing of the Citizens Advisory Commission where comments can be made. Nothing is said about the expansion of the proposed habitat. Public confusion stifles dissent, since people tend to accept the fences as a fiat accompli, unaware that they will be moved to enclose more space if the

Brian O'Neill
August 4, 2000
Page 3

project is approved. Again, " notice must be of such a nature as reasonably to convey the required information." *Mullane* 339 U.S. at 314.

2. Public Access to Documents

The Document is silent on public inspection of the documents relied on for the closure. Three pages of reference material is cited at the end of the report, including "personal communications" with twelve individuals. Without access to this information, the public can't provide meaningful comment. Please make these documents available for public review during the comment period and advise the public where they can reviewed. With respect to the "personal communications" please provide access to minutes, tape recordings, summaries, raw notes, and any other memorialization of the communications. In addition, please provide the dates of the communications, who was present, what was discussed, conclusions reached, and the basis for those conclusions. We also ask you to extend the deadline for comment until these defects are cured.

3. Public Access to Areas Closed in March, 2,000

Since March public access has been denied to the entire fenced off area. After the bank swallows leave this month, the court ordered injunction requires NPS to open gates to the seasonal closure and provide access to the beach near the nesting sites. We ask you to include the Sand Spur Trail and the beach access trail adjacent to the 1995 closure, pending final determination of the new proposal. Public access to these areas were wrongfully denied during the original closure and inspection of the area is necessary to provide meaningful evaluation of the project.

4. Status of Battery Davis Closure and Other Designated Native Plant Areas

The justification for the "Proposed Habitat Protection Closure" does not address the status of other so-called native plant closures and projects at Fort Funston. Under various pretexts, GGNRA has removed recreational land from public use in several areas of the park in violation of its statutory mandate and NPS regulations requiring comprehensive park planning and development pursuant to public review.

In addition to the ten acre closure that resulted in the lawsuit, the following areas have had a substantial impact on recreational access to the park. Under the pretext of erosion control, nine acres adjacent to Battery Davis was fenced off in 1995, a temporary five year closure for native plant restoration which is still closed. The entire coastal bluff area below the hang glider platform was closed in 1998 for native plant revegetation. Last year, safety was used to rationalize the destruction of a paved "disability trail" and closure of several acres along the Sunset Trail adjacent to the former Battery Davis

FOFUAR01385

Brian O'Neill
August 4, 2000
Page 4

closure.^{1/} Documents from 1992 and 1996 show various proposals to convert that area to a native plant habitat. Recently other native plant projects have been initiated, one near the paved road leading down to Lake Merced, another in front of the Fort Funston Visitor Center. These projects destroy "exotic" trees, bushes, and ice plants and result in further reduction of recreational access to parkland.

All projects were initiated without public review in violation of the statutory mandate requiring land use planning.^{2/} Even more significant, NPS regulations mandate "management plans" for the destruction of exotic plants with "provisions for public review and comment". (Management Policies Biological Resources Section 4:12-13; Natural Resources Management Guidelines NPS- 77, pg. 289.) These regulations were promulgated to deal with a typical national park where an invasive exotic species is impacting a native plant ecology. Just the opposite situation exists at Fort Funston, NPS is destroying an exotic plant ecology and developing a native plant ecology. Public input is mandated where development plans destroy park resources. Consider also that over twenty per cent of Funston has been closed to recreational access in areas where this activity is most concentrated without coordinated park planning, environmental impact analysis, or public input. Instead of addressing a situation that is clearly out of control, NPS embarks on federal rule-making limited to a very controversial parcel of land without adequate notice or an opportunity to develop meaningful public input.

Finally, retaliatory actions in response to the lawsuit have been initiated by GGNRA in the last few weeks. Our client has asked us to evaluate the removal of voice control signs at Fort Funston and Crissy Field.

Sincerely yours.

HANCOCK ROTHERT AND BUNSHOFT, LLP

Kenneth D. Ayers

cc: Edwin J. Sayres, President, The San Francisco SPCA

^{1/} Without public review or prior notice, GGNRA sent a bulldozer out to Funston in December, 1999 and began ripping up a substantial section of the only "disability trail" at Funston. NPS Management Policies on Accessibility for Disabled Persons require NPS to make "every reasonable effort ..to make facilities ...accessible to and usable ..for the disabled... The determination of what is reasonable will be made after consultation with disabled persons or their representatives." NPS Management Policies, Visitor Use Section, pg. 4; 43 CFR 17

^{2/} After the lawsuit was filed, the Sunset Trail area was reopened to the public and native plant habitat signs were removed from Battery Davis fences and the south coastal bluffs.



SAN FRANCISCO
SPCA

COPY

August 22, 2000

OFFICERS

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Vice Chair

FILLMORE C. MARKS
Treasurer

EDWIN J. SAYRES
President

Chris Powell
Golden Gate National Recreation Area
Fort Mason, Building 201
Golden Gate National Recreation Area
San Francisco, California 94123

Dear Ms. Powell:

DIRECTORS

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CATHERINE B. BROWN

DONALD M. BROWN, M.D.

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RANSOM S. COOK

AUSTIN E. HILLS

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WILLIAM LEE OLDS, JR.

LEANNE BOVET ROBERTS

Pursuant to a letter from Superintendent Brian O'Neill dated August 3, 2000 to San Francisco SPCA President Edwin Sayres that National Park Service documents "are public record and would promptly be sent to [our] attention upon request," this letter serves as a follow-up to our July telephone conversation in which I requested all complaints about dogs at Crissy Field above and beyond those cited in our July 13, 2000 letter to your attention.

In addition, this letter serves as second notice requesting all documents relating to "personal communications" with respect to the 12 individuals cited as justification for the proposed twelve acre Fort Funston closure. Please provide copies of the minutes, tape recordings, summaries, raw notes, and any other memorialization of the communications including dates of the communications, who was present, what was discussed, conclusions reached, and the basis for those conclusions.

In light of the approaching deadline for comments, and this being our second request, we ask that they be provided without delay.

Very truly yours,

Nathan J. Winograd

cc: Mr. Brian O'Neill, Superintendent, GGNRA
Mr. Ken Ayers, Esq., Hancock, Rothert & Bunshoft, LLP

FOFUAR01387

**NATIONAL PARK SERVICE SURVEY CONDUCTED AT FORT FUNSTON IN
AUGUST - 1999**

“Survey cards were distributed to a random sample of visitors in this park during the period August 1-31, 1999. The data reflect visitor opinions about this NPS unit’s facilities, services, and recreational opportunities during the survey period. Visitors at selected locations representative of the general visitor population were sampled”
[USPROD01339]

Visitors were asked for comments on these two questions:

A. In your opinion, what is the special significance of this park (e.g. a unique feature of geology, a particular aspect of history, etc.).

B. Is there anything else you would like to tell us about your visit?

Only 6 surveys did not contain comments. Of those responding, 74% identified off-leash dogs as special, positive significance at Funston, while 1.6% contained critical comments about unleashed dogs. Several people who don’t have dogs appreciate watching them play in the park.

RESPONDENTS COMMENTS

1. (USPROD-1097-8)

A. Ft. Funston is a great place for dogs! Really not much else goes on there.

B. If you would change the weather to make it warmer that would be great!

2. (1099-1100)

A. We use it for walking it is very enjoyable being by the ocean, dogs, and nice people.

FOFUAR01388

GGNRA007563

B. I know it is hard to keep clean, you do a nice job! You might want more park rangers walking around!!!

3. (1101-2)

A. View & walking. Also dog walking

B. #1 Park.

4. (1103-4)

A. We walk Fort Funston each day. Our only concern is the erosion that is taking place on part of the cliffside path. it could be dangerous.

5. (1105-6)

A. Historical significance, views, ecology, accessibility, safety.

6. (1107-8)

A. Most beautiful spot in Bay Area - very peaceful - people & dogs very friendly.

B. I come from across town almost daily to walk & enjoy the surroundings.

7. (1109-1110)

A. It should be a permanent Historical Park.

B. I hope the park remains as it is now

8. (1111-1112)

A. Hang Gliders, dog walking trails.

9. (1113-4)

A. Most important to me is my dogs are free to run. Pure open space w/ great sense of history Off Leash For Dogs

B. I spend every free spare hour walking Fort Funston with my dogs.

10. (1115-6)

A. Historical Aspect - why Fort Funston was established - part of war effort

B. Enjoyed our walk. Our Girl Scout troop walked the Bay Area Ridge Trail section to the north. We are waiting for the south segment to reopen

11. (1117-8)

A. Walking the dogs

B. Clean up the sand on trails more often - put up fence up at coast near bluff

12. (1119-20)

A. Good for dogs.

13. (1121-22)

A. Beautiful beach and dunes, and the ability to bring dogs.

B. Please continue to allow dogs. Is it possible to have a coffee/snack vendor in the parking lot?

14. (1123-4)

A. FREEDOM - Open Space - Geology. [I spend a lot of time here]

B. Restrooms really need attention. Huge puddles of urine. Need more restrooms

15. (1125-6)

A. Beauty, history of our military & war involvement. Critical resource for our family - dog & toddler !!!

B. Wish there was a playground area so our dog & kids can play together vs. a separate trip in each -twice the time & hassle.

16. (1127-8)

A. The ability to walk my dog off leash in a safe and beautiful environment.

B. I like having a ranger on-site.

FOFUAR01390

GGNRA007565

17. (1129-30)
- A. Local
 - B. I am concerned about the soap suds coming of the
18. (1131-2)
- A. We come to Ft. Funston every weekend, sometimes more, with our dog. It is a fabulous, well-run, resource.
 - B. We only wish there were more off leash dog parks in SF/San Mateo!
19. (1133-4)
- A. It's right on the coast, next to the ocean. Beautiful sightseeing
 - B. I love it, so peaceful, never too busy. Keep it the way it is. Thank you!!
20. (1135-6)
- A. Fort Funston (GGNRA) -allows off-leash dogs under voice control. Great!
 - B. Could use out-houses along trails as well as the existing ones @ parking lot.
21. (1137-8)
- A. Hang gliding!
 - B. Install pay to use telescopes on observation decks for H-G visitors.
22. (1139-40)
- A. A place where dogs can run free and people can have a beautiful walk
 - B. Please maintain Fort Funston as a place for dogs to run.
23. (1141-2)
- A. Dogs Rule
 - B. [illegible]

24. (1143-4)

A. I like the hang gliders. The cliffs & the view are incredibly beautiful!

B. My dogs and I LOVE Ft. Funston and we look forward to going every weekend! It is so much fun to go & walk & visit.

25. (1145-6)

A. Fort Funston was World War II [illegible]

B. [illegible] ..picnics. Fort Funston is clean and kept up well.

26. (1147-8)

A. Dogs run off leash, are controlled by courteous owners who clean up after dogs.

B. Thank you, thank you for providing the park !!!!

27. (1149-50)

A. What is totally unique about Ft. Funston is that dogs are allowed to share it w/ their owners.

B. I am visiting from Austin, Tx. and was most pleasantly surprised to see how it was used. - Dog Heaven!

28. (1151-2)

A. Good for walking and sightseeing on your own - quiet -scenery

B. Good [sic] there daily for peace of mind -visitor center appears closed all the time

29. (1153-4)

A. Off leash dog area, beach access, view

30. (1155-6)

A. The Gorgeous scenery - one of the most beautiful sites

B. One of my favorite places to visit - come once or twice each week (will the paths be renovated?)

FOFUAR01392

GGNRA007567

31. (1157-8)
- A. The ability to walk dogs off leash
 - B. Please preserve the right to walk dogs off leash.
32. (1159-600)
- A. Stunning views & flying
33. (1161-2)
- A. Great place to walk your dog
 - B. I come here every day at least once if not twice.
34. (1163-4)
- A. It's a wonderful dog park. Please keep it that way.
 - B. The fact that there is such a wonderful place for my dogs to play makes me love S.F. !!
35. (1165-6)
- A. Good place for dog-walking !
36. (1167-8)
- A. Mainly used for hiking. I live in the area and like to use park. I love all dogs on week ends even though I don't own one at present.
 - B. I enjoy the hang gliding as a spectator.
37. (1169-70)
- A. Overlook ocean nice walk good place to walk dogs
 - B. Paths are in disrepair & sand covered.
38. (1171-2)
- A. Views - peacefulness yet so close to the city - natural quality of the improvements.

B. Bicycle rack needed.

39. (1173-4)

A. I love this park because it is exceptionally beautiful, and my dog can be off leash!

40. (1175-6)

A. Beautiful spot in San Francisco re: Fort Funston.

B. Wonder how the erosion can be prevented with the high use the park gets & wind.

41. (1177-8)

A. The weather worn cliffs! It's place in the defense of the country during the war its use during those days -what are those remnants of bldgs?

B. I love Ft. Funston - I love the dogs/the friendships. I love going down to the beach - a wonderful walk!

42. (1179-0)

A. Open Battery Davis for touring. Why hide history beneath the dunes.

B. Replant the trees lost in 80's & 90's MacLaren & others know about shifting sands & hi tides

43. (1181-2)

A. Mostly I stay outdoor on the trails being able to be right and the Pacific & enjoy the outdoors - I usually walk my dog every week end Sat/Sun. at Fort Funston

B. Please maintain as an off leash area & encourage visitors to pick up after their animals.

44. (1183-4)

A. Sand dunes WWII military history.

B. We visit 4 -5 x/wk & appreciate the opportunity to walk our dog off-leash! Thanks!

45. (1185-6)

A. Having the freedom to walk my dog in a beautiful setting.

FOFUAR01394

GGNRA007569

46. (1187-8)

- A. Unique setting, view, Great place to go running.
- B. Please build bathrooms!! Port- o- Johns are Gross!

47. (1189-90)

- A. Hang gliding location

48. (1191-2)

- A. Great scenery, beach access, off-leash dog running - good clean up by dog owners.

49. (1193-4)

- A. Dog walk

50. (1195-6)

- A. Dog walking

51. (1197-8)

- A. Off leash dog park - beautiful view of ocean

52. (1199-1200)

- A. Dog walking

53. (1201-2)

- A. This is a wonderful place for dogs and their owners; also for hang gliders
- B. I come to Ft. Funston to see the dogs - just clean up the restrooms - Thanks

54. (1203-4)

- A. Dogs can be off-leash. Great scenery

55. (1205-6)

- A. The dog run
- B. It is really fun bringing our dog

56. (1207-8)

- A. The opportunity to enjoy the natural & quiet atmosphere of Ft. Funston.
- B. The bathroom at Ft. Funston smells so bad that I have seen women running from the area unable to stand the odor.

57. (1209-10)

- A. Ability to let dog walk free. View of the ocean [illegible] on hiking trails

58. (1211-2)

- A. Unique place to hang glide (or watch others hang glide) laid-back, dog friendly atmosphere; seeing nature reclaim the fort ruins & seeing natural processes like erosion , etc. at work.
- B. One of my favorite spots in S. F. Rangers always great ! (Long live Park Rangers)

59. (1213-4)

- A. A excellent place to walk our dog-off leash. We use this approx. 5 + per week

60. (1215-6)

- A. One of the few parks I can take my dog off leash.. Love it!!

61. (1217-8)

- A. The history and the exceptional view plus seeing all those dogs enjoy themselves and the cleanness of the Park.

62. (1219-20)

- A. Excellent open space area in a metropolitan area.
- B. Don't change a thing. Keep it a doggie friendly area

FOFUAR01396

GGNRA007571

63. (1221-2)

A. It's a wonderful place for dogs to frolic off-leash - Thank you for a wonderful park .

64. (1223-4)

A. Dog walking - hiking

B. Better security - some of the park employees harass the visitors

65. (1225-6)

A. This is beautiful outdoor spot for accessing ocean and it is dog friendly, which is very important to us! And other dog owners are cooperative and educated

B. We love this place and use this park more than any other park in the Bay area.!

66. (1227-8)

A. A beautiful place to let our dogs near & social in the city

B. I hope this place continues to be a place where the community may come together w/ their dogs.

67. (1229-30)

A. Great place to walk dogs

68. (1231-2)

A. The wonderful dogs! They are entertainment - so fun to see the puppies playing together.

69. (1233-4)

A. The best place to hike with our dog! The landscape is unique & beautiful.

B. Would like the bathroom clean, with paper, and not stinky!

70. (1235-6)

A. The unique features and the view.

71. (1237-8)

A. The dog run is great! Probably will use the visitor center & exhibits later as my son gets bigger.

72. (1239-40)

A. Gorgeous views; cliff divers

B. Way too many misbehaving dogs with owners who don't clean up poop!

73. (1241-2)

A. The views & trails & ability to have dogs off leash. My child & dog love Fort Funston.

B. Portapotties are despicable. Need to be cleaned more regularly.

74. (1243-44)

A. Dogs have a great place to play with their owners. It's fun, spacious & allows dogs off-leash. The owners are responsible & nice!

B. This was our first visit with our pet & we're coming back (w/ our friends!). Thanks

75. (1245-6)

A. It is one of the few places a dog has a chance to have fun.

B. Over the years I have watched my favorite spots become fenced off

76. (1247-8)

A. The unique location of this park in S.F.

77. (1249-50)

A. You're part of Nature (you could ? in Ocean); You're part of History (millions vs. W.W. II \$)

B. I saw the Park Police once and that was when I needed them. I like that.

FOFUAR01398

GGNRA007573

78. (1251-2)

A. Lovely vista and open expansive dog-walking area!!

79. (1253-4)

A. Dog walking

80. (1255-6)

A. We come here 2-3 times a week with our labs and are so appreciative of being able to hike in such beauty with our dogs.

B. Coming here allows my husband & I to get exercise along w/ our pets & we enjoy the simplicity of the park.

81. (1257-8)

A. Best place to bring dogs in S.F. to exercise & socialize them.

82. (1259-60)

A. Unspoiled, uncommercialized & most importantly Dogs can roam off-leash !!

83. (1261-2)

A. Beautiful park - very clean - thank you for giving us a place to bring our dog!

B. I would like to see more signs or fencing along the cliffs to avoid having dogs go over the edge! Thanks!

84. (1263-4)

A. Nature, recreation, history

B. Clean the sand away off the paths. this is a big problem on the seawalk

85. (1265-6)

A. Once a military fort.

B. Portapotties are too dark inside. The park is beautiful!

86. (1267-8)

A. Beach, cliffs, staircase to beach

B. Ranger pleasant & helpful

87. (1269-70)

A. Beautiful vistas of the ocean & San Francisco. Dogs off leash are welcome - that's great!

B. Clean portapotties more often. Have portapotties at the end of the trail.

88. (1271-2)

A. The view and the dogs and hiking

89. (1273-4)

A. It's where I go to walk my dogs.. Go there 7 days a week - they are off leash here. Would like to less emphasis on Natural Habitat/ & more on maintaining clean solid paths /pavement/ & benches - more bathrooms would be good below

90. (1275-6)

A. Dogs dogs dogs - off leash!!

91. (1277-8)

A. The simplicity of nature - the natural beauty of the area, kept uncommercialized. The ability to walk ones dogs with freedom and responsibility and to enjoy ones own connection to the natural world. Fort Funston is heavenly just as it is!

92. (1278-9)

A. Good view, relaxing!

B. Keep sand off walkways!

93. (1281-2)

A. Fort Funston is where I walk my dogs, with many others. This is its primary function, not, as the rangers seem to think, a botanical experiment.

94. (1283-4)
- A. The views of the ocean and dog walking
95. (1285-6)
- A. The vistas, open space and feeling of being “in the great out doors”
 - B. I’m a recent regular dog walker & I truly appreciate the freedom & general safety for my dog.
96. (1287-8)
- A. One of few off-leash available places to take dog
 - B. Don’t change anything. Few places to take dogs off-leash - lots of parks available.
97. (1289-90)
- A. Fort Funston is a wonderful place to take your dog, overlooks the ocean & it is breathtaking on a sunny day.
98. (1291-2)
- A. It is the best dog walking park anywhere. That and Hang Gliding are what it’s used for. The Porta Potties are disgusting
 - B. Some areas of the trail/roadway are falling apart. It’s a nice place to walk and walk your dog.
99. (1293-4)
- A. Leash free dog access to the Beach!
 - B. We love bringing our dog here - we drive 45 minutes to get here.
100. (1295-6)
- A. Fort Funston is sooo beautiful I come here almost every day
 - B. The fact that dogs can run off-leash is fantastic **PLEASE KEEP THIS POLICY !!** Fort Funston is a case of my tax dollars working like they should. Thanks!

FOFUAR01401

GGNRA007576

101. (1297-8)

A. Good access to walking at the ocean; unspoiled by commercial services.

102. (1299-1300)

A. That dogs are allowed off lead.. Very important for their proper exercise.

B. We come every day because of your dog policy

103. (1301-2)

A. That it is an off-leash area - where we can enjoy the surroundings with our dog!!!

B. Thanks for fixing the stairs down to the beach please keep this an off leash area forever!!!

104. (1303-4)

A. That it is one of the very rare off-leash dog areas in san Francisco

B. A great place to go for a hike with the dog!

105. (1305-6)

A. A wonderful & unique place for dogs & their owners to roam & enjoy freedom

B. I am VERY impressed how most dog owners scoop the pet's poop!

106. (1307-8)

A. This is the best dog park on the face of the earth

B. The benches are about to fall over (undermined)

107. (1309-10)

A. Spectacular view of Pacific Ocean and undeveloped terrain

B. Too many unleashed/uncontrolled dogs.!

108. (1311-2)

A. Beautiful ocean hiking trails, sky diving and dog walking trails, bunkers from WWII (History).

FOFUAR01402

GGNRA007577

B. There are very few remaining dog walking areas. Please keep this area available.
Thank you

109. (1313-4)

A. A great ocean view, separated from the noise of a crowded city.

110. (1315-6)

A. seashore, sand dunes & cliffs, open space-lots of it, history- best dog run in USA-
hang-gliding -scenic

B. Fort Funston is a great place for joggers & dog lovers (it's DOG - HEAVEN!) I love it
!

111. (1317-8)

A. The presence of nature in the City including a valuable resource for dog walking

B. The GGNRA should permit dog walking on Ocean Beach from Sloat to the Cliff
House - a SF tradition!

112. (1319-20)

A. friendly place for dogs [illegible]

B. I go to Fort Funston several times a week it is a wonderful place.

113. (1321-2)

A. Beautiful sights. Heavily used. Needs care! Great potential

B. Use regularly

114. (1323-4)

A. The best off-leash, beautiful place near the city for dog owners and their dogs to get
some exercise and enjoy beautiful scenery

B. Thank you for keeping Fort Funston an off-leash area for dogs and dog owners. I use it
at least 3- 4 times per week.

115. (1325-6)

A. I am able to walk my dog off-leash amid spectacular beauty

B. I want to continue the privilege of walking my dogs off-leash

116. (1327-8)

A. Dog run, a lot of people to meet & socialize.

117. (1329-30)

A. History, view, and off leash dog pk

B. I come here every day to walk my dog. Could use more toilets.

118. (1095-6)

A. The dogs, the people who bring their dogs, the beautiful ocean views & the kites & hang gliders

B. Your maintenance guys are great, your rangers are very helpful. A few more potties on the trail would be wonderful

Unnumbered (1079-80)

A. I enjoyed seeing all different kinds of dogs playing and walking at the park

Unnumbered (1083-4)

A. My young kids (ages 3 - 7) enjoy the hiking - the trails are not too steep

6 surveys w/ no comments (1081-82; 1085-94)

FOFUAR01404

GGNRA007579

M. Aguilar
cc: B. O'Neill
C. Powell
N. Hornor

RECEIVED

AUG 30 2000

SUPERINTENDENT'S OFFICE

August 29, 2000

648 Carmel Avenue
Pacifica, CA 94044

The Honorable Tom Lantos
Member, House of Representatives
400 South El Camino Real, Suite 145380
San Mateo, CA 94402

Dear Mr. Lantos:

I'm writing to call your attention to two local issues. **The first is the sale of Mori Point in Pacifica at an auction on Sept. 21.** Without any success, I have tried to find out what steps are being taken to preserve this as GGNRA open space. I hope your office is pursuing this. As one of the few last pieces of open space along the coast in the congested portion of the Bay Area it would be incredibly short-sighted to let it be developed. It is of awe-inspiring beauty, especially in the spring when wildflowers are in bloom. It is also the home of endangered species.

The second is the closing of additional space at Fort Funston to dog walkers. A large number of people share in their dogs' joy of running off leash in open areas. Dog owners should have some rights as well. I can support closing areas right by the cliffs for the swallows and people's safety, but I think an unreasonable amount of territory was fenced. I also don't know why small portions can not be temporarily fenced to replace non-native vegetation with native and then reopened once the vegetation matures. Maybe these are compromises that would please both sides.

Your support on these matters will be appreciated by many.

Sincerely,



Jeri Flinn

Board Member of Pacifica Beach Coalition, Pacifica Environmental Family and Pacifica Beautification Committee

✓ CC: Superintendent Brian O'Neill, GGNRA

FOFUAR01405

GGNRA007580

Re:

Aug 29, '00

FORT FUNSTON CLOSURE

My comment comes in the form of a question: Does federal regulation, Section 2.15(a)(2) (which states that failing to restrain pets at all times is prohibited) apply to Fort Funston, and if so, why isn't it being enforced?

Joy Durighello
San Francisco

FOFUAR01406

GGNRA007581

8/29/2000

Comments about the Fort Funston
closure.

I have been a volunteer at the FOFU
nursery for the last 12 years.

During that time I have seen the
gradual degradation of the non-
fenced Dune Landscape & caused
by the increased number of dogs.

This makes me feel that my work
is useless and I am
seriously considering
to stop ^{ing} my ^{work} volunteering for the NPS.

Ingrid Cabada

I left because it was getting too late,
we were under the impression the meeting
was about to be at 7:30 pm

FOFUAR01407

GGNRA007582

WRITTEN COMMENT

JAMES DOUGHERTY

148 DOWNEY ST

S.F. 415-731-7817

PARK VOLUNTEER

FORT FUNSTON

- ① The N.P.S's Mission is to Protect and Preserve the Environment in the Parks, specifically, the plants and animals that comprise the Ecosystem.
- ② For several centuries, Bank Swallows have nested at Fort Funston. They are a vital part of the Ecosystem.
- ③ Due to environmental destruction in other areas of California, Fort Funston is now one of the few remaining habitats available for these birds.
- ④ Therefore, I strongly urge the Commission to take all necessary steps to protect the Bank Swallows and their habitat at Fort Funston.

James W. Dougherty

FOFUAR01408

GGNRA007583

RECEIVED

cy: O'Neill

AUG 17 2003

Dear Mr. O'Neill:—

SUPERINTENDENT'S OFFICE

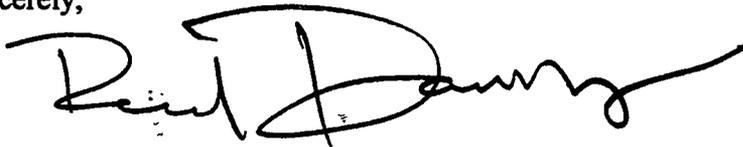
This is truly an important matter! San Francisco needs to maintain its recreational Park Spaces open and accessible to both Dog owners and families and individuals. ~~to~~

I am writing to protest the closure of 12 acres of Fort Funston. Fort Funston was given to the National Park Service by San Francisco for recreational use, and in legislation creating the GGNRA, Congress specified urban recreation as a priority.

By far the majority of visitors to Fort Funston are San Franciscans and their dogs. They go to Fort Funston to enjoy its decades-long tradition of off-leash free play and canine socialization, in a windblown but gloriously beautiful section of San Francisco coastline.

In one of the most densely populated cities in the country, such space is vital to the 38% of us who keep dogs, love the land, and contribute to the maintenance of our local environment.

Sincerely,



Return address: _____

Reed Danziger
3667A 19th St
SF CA 94110

FOFUAR01409

GGNRA007584

cy: O'Neill

Dear Mr. O'Neill: —

RECEIVED

AUG 17 2000

SUPERINTENDENT OF POLICE

I am writing to protest the closure of 12 acres of Fort Funston. Fort Funston was given to the National Park Service by San Francisco for recreational use, and in legislation creating the GGNRA, Congress specified urban recreation as a priority.

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Sincerely,



Return address: _____

Karen J. McDonald
2190 27th Avenue

San Francisco, Ca. 94116

FOFUAR01410

GGNRA007585

cy: O'Neill

Dear Mr. O'Neill:

RECEIVED
AUG 17 2009
SUPERINTENDENT OF FORE

I am writing to protest the closure of 12 acres of Fort Funston. Fort Funston was given to the National Park Service by San Francisco for recreational use, and in legislation creating the GGNRA, Congress specified urban recreation as a priority.

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In one of the most densely populated cities in the country, such space is vital to the 38% of us who keep dogs, love the land, and contribute to the maintenance of our local environment.

Sincerely,

James P. Tessier

Return address: _____

James Tessier
665 29th Street
S.F., CA, 94131

FOFUAR01411

GGNRA007586

RECEIVED

AUG 17 2000

SUPERINTENDENT'S OFFICE

cy: O'Neill

Name: Reed Danzoy
Address: 3667A 19th
SF CA 94110
Date: Aug 15 2000

Brian O'Neill
Superintendent
Fort Mason, Building 201
San Francisco, CA 94123

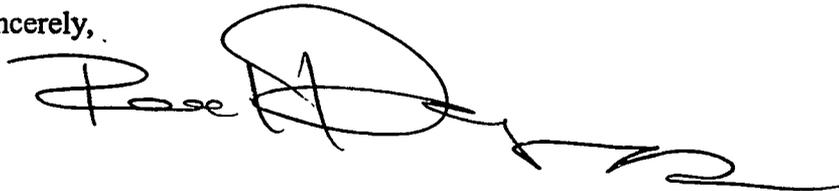
Dear Mr. O'Neill:

I am writing to protest the closure of 12 acres of Fort Funston. Fort Funston was given to the National Park Service by San Francisco for recreational use, and in legislation creating the GGNRA, Congress specified urban recreation as a priority.

By far the majority of visitors to Fort Funston are San Franciscans and their dogs. They go to Fort Funston to enjoy its decades-long tradition of off-leash free play and canine socialization, in a windblown but gloriously beautiful section of San Francisco coastline.

In one of the most densely populated cities in the country, such space is vital to the 38% of us who keep dogs, love the land, and contribute to the maintenance of our local environment.

Sincerely,



FOFUAR01412

GGNRA007587

RECEIVED

AUG 17 2000

CONFIDENTIAL

cy: O'Neill

Dear Mr. O'Neill:

It's very upsetting to see the collusion between the GGNRA + the Audubon Society + the native plant org. against the citizens of SF who use, love, take care of this park. I walk my dog. My kids play on Grey's hill - my elderly visitors love the stroll along the edges. Please don't take this space away from us + give it

I am writing to protest the closure of 12 acres of Fort Funston. Fort Funston was given to the National Park Service by San Francisco for recreational use, and in legislation creating the GGNRA, Congress specified urban recreation as a priority.

By far the majority of visitors to Fort Funston are San Franciscans and their dogs. They go to Fort Funston to enjoy its decades-long tradition of off-leash free play and canine socialization, in a windblown but gloriously beautiful section of San Francisco coastline.

In one of the most densely populated cities in the country, such space is vital to the 38% of us who keep dogs, love the land, and contribute to the maintenance of our local environment.

Sincerely,

Diane Ke Fawcett
1726 Great Hwy
SF CA 94122

There's plenty of space for these plants + birds, where dog walkers, kids, elderly don't have access.
 Sincerely
 Diane Ke Fawcett

cy: O'Neill

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AUG 17-2000

SUPERINTENDENT'S OFFICE

Name: Nancy Strachan
Address: 62 Ventura St.
Half Moon Bay
Date:

Brian O'Neill
Superintendent
Fort Mason, Building 201
San Francisco, CA 94123

Dear Mr. O'Neill:

I am writing to protest the closure of 12 acres of Fort Funston. Fort Funston was given to the National Park Service by San Francisco for recreational use, and in legislation creating the GGNRA, Congress specified urban recreation as a priority.

By far the majority of visitors to Fort Funston are San Franciscans and their dogs. They go to Fort Funston to enjoy its decades-long tradition of off-leash free play and canine socialization, in a windblown but gloriously beautiful section of San Francisco coastline.

In one of the most densely populated cities in the country, such space is vital to the 38% of us who keep dogs, love the land, and contribute to the maintenance of our local environment.

Sincerely,

Nancy Strachan

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GGNRA007589

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AUG 17 2000

SUPERINTENDENT'S OFFICE

ag: O'Neill

700 - 3rd Avenue
San Francisco, CA 94118-3909
August 16, 2000

Mr. Brian O'Neill
Superintendent
Golden Gate National Recreation Area
Fort Mason, Building 201
San Francisco, CA 94123

Dear Mr. O'Neill:

I want to tell you what Fort Funston means to me. In the middle of a crowded urban area, I can take my dogs to a place where there is space. The wind blows, the sun shines (if it's one of those days) or the fog swirls, the ocean roars, and the dogs run and sniff and play with each other and with me. It is euphoric. People smile at each other. The dogs are polite. There is activity and excitement and happiness. In this special place, there is a vast outpouring of joy.

We don't have other opportunities to experience God's beautiful earth that way around here. There aren't other magnificent places open to dogs and people in such a freeing way.

I understand that bank swallows and other native species can be protected without a huge closure. There is word from California Fish & Game that only the cliff face and cliff tops need to be off limits to protect the birds.

This sounds like a reasonable compromise. It will protect one part of God's creation but will still allow others of God's creatures--including humans and canines--to use the area. The pro-closure forces talk as if we can't share. They sound as if they will lose if anybody else gets to use this space. It is really the opposite. The positive energy and joy that arises from this place increases the common good. If creation as a whole is diminished by the

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GGNRA007590

page 2, letter to Brian O'Neill from Catherine Thomas

loss of a species, creation as a whole benefits from the joy of those currently alive. Please don't shut us out.

Thank you for considering my views.

Very truly yours,

Catherine Thomas
Catherine Thomas

cc: Senator Diane Feinstein, Representative Nancy Pelosi,
Representative Tom Lantos, Mayor Willie Brown

FOFUAR01416

GGNRA007591

Helen Sloss Luey
1 Vista Verde Court
San Francisco, California 94131-2829

cc: O'Neill

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AUG 17 2000

SAN FRANCISCO OFFICE

August 16, 2000

Superintendent Brian O'Neill
Golden Gate National Recreation Area
Bay and Franklin Streets
Building 201, Fort Mason
San Francisco, CA 94123

Dear Mr. O'Neill:

I am writing to express my concern about the proposed closure of 12 acres of Fort Funston.

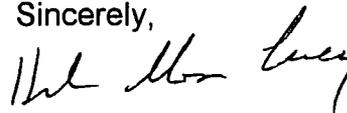
I am one of hundreds of San Francisco residents who enjoy this unique recreational site. As a dog owner, I value the opportunity to give my dogs exercise in a safe and spacious place while, at the same time, enjoying the beauty of the landscape and the society of people who share my interest in dogs.

Without exception, the people I meet at Fort Funston value their pets as well as this wonderful resource. They take good care of their dogs, they monitor the dogs' behavior, and they clean up after them. The Fort Funston Dog Walkers organization provides materials and organizes volunteers to preserve the cleanliness of this valued site.

GGNRA has reason to be proud that one of its resources responds so beautifully to the recreational needs of people who share their lives with dogs. I hope you will do everything within your power to see to it that this fine recreational site is preserved.

Thank you for your attention.

Sincerely,



cc: Mayor Willie L. Brown, Jr.
Senator Barbara Boxer
Senator Dianne Feinstein
Congresswoman Nancy Pelosi
Congressman Tom Lantos

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GGNRA007592

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AUG 17 2000

8.15.00

g: o'neill

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Dear Mr. O'Neill:

I have been a San Francisco resident for over 10 years, and Fort Funston has become one of my favorite places in the city. My dog Scooby and I visit Fort Funston at least once a week and it is very important to me that it remain a recreational site for off leash dog walking.

More and more parks are becoming on-leash. There are fewer places we can go to get the proper exercise for Scooby. Please help.

I object to the recent closures at Fort Funston.

The newly erected fences keep people from enjoying what is the most scenic area of the Fort.

If fences are shown to be needed to protect the bank swallows, these should be near the cliff face, above the burrows; this solution would address public safety as well. The Park Service has shown it can erect fences even on dunes.

We are anxious to find a solution that allows all park visitors to enjoy their recreational activities including off-leash dog walking, hiking, bird and whale watching, or just sitting to admire the view. This can be done while also protecting existing park resources.

Sincerely,



Jenny DuBrucq

39 Justin Dr

San Francisco CA 94112

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GGNRA007593

cf: O'Neill

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AUG 17 2000

SUPERINTENDENT'S OFFICE

Name: *Sandra S. Shanks*

Address: *1746 12th Ave., SF*

Date: *August 15, 2000*

Brian O'Neill
Superintendent
Fort Mason, Building 201
San Francisco, CA 94123

Sandra S. Shanks
1746 12th Avenue
San Francisco, CA 94122

Dear Mr. O'Neill:

I am opposed to the proposed closure of 12 acres at Fort Funston. Fort Funston was given to the National Park Service by San Francisco for recreational use, and in legislation creating the GGNRA, Congress specified urban recreation as a priority.

By far the majority of visitors to Fort Funston are San Franciscans and their dogs. They go to Fort Funston to enjoy its decades-long tradition of off-leash free play and canine socialization, in a windblown but gloriously beautiful section of San Francisco coastline.

In one of the most densely populated cities in the country, such space is vital to the 38% of us who keep dogs, love the land, and contribute to the maintenance of our local environment.

Sincerely,

Sandra S. Shanks

P.S. I'm a member of the Ca. Native Plant Society and a professional biologist. I believe sufficient area is already closed for native plant restoration, and that a smaller area could be permanently fenced off to protect the bank swallows.

Thank you.

FOFUAR01419

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AUG 17 2000

August 15, 2000

SUPERINTENDENT OF PAPER

cc: o'mill

Dear Mr. O'Neill:

PLEASE,

Do not close off any more of the Fort Funsten area to dogs and people. This ^{park} is one of the few places where people and dogs can be healthy and happy by exercising and being in the open air for more than a few minutes at a time — (which is what happens in small city parks)

I am writing to protest the closure of 12 acres of Fort Funston. Fort Funston was given to the National Park Service by San Francisco for recreational use, and in legislation creating the GGNRA, Congress specified urban recreation as a priority.

By far the majority of visitors to Fort Funston are San Franciscans and their dogs. They go to Fort Funston to enjoy its decades-long tradition of off-leash free play and canine socialization, in a windblown but gloriously beautiful section of San Francisco coastline.

* In one of the most densely populated cities in the country, such space is vital to the 38% of us who keep dogs, love the land, and contribute to the maintenance of our local environment.

Sincerely,

Thank you!

Sincerely,

Return address:

Eleanor Kent
544 Hill St.
San Francisco
CA 94114

Eleanor Kent

FOFUAR01420

(and Otto)
cattledog/lab

Florence Sarrett

437 Diamond Street
San Francisco, California 94114

August 15, 2000

Brian O'Neill, General Superintendent
Golden Gate National Recreation Area
Bldg. 201, Fort Mason
San Francisco CA 94123

Dear Mr. O'Neill:

Re: Fort Funston Dog Walkers et al v. Babbitt et al

In accordance with the "Notice and Comment" phase in this matter, I am submitting thoughts on the restriction against walking dogs "off lead at Fort Funston.

1. Public Safety. This is an acknowledged concern, easily addressed by cliffside fencing. But removal of the pavement on the Sunset Trail reduces safety and eliminates accessibility for visitors in wheelchairs, or parents with children in strollers. And permanent closure of "The Gap" on the beach would create a hazard for people caught there at high tide.

2. Scenic values. In the name of preserving the beauty of the unique site at Fort Funston, a blight of fencing now criss-crosses this visually stunning landscape.

3. Bank swallows. There are many anecdotes and considerable research which suggest that these birds are not disturbed by the presence of dogs or humans, and indeed may benefit from it. In fact, the reported decline in bank swallow colonies over the past several years coincides with the progressive substitution of native plants for ground-stabilizing iceplant, perhaps raising the question: which are worthier, native plants or bank swallows?

4. Integrity of government agencies. At many sessions of the Citizens Advisory Commission in the 70's, I remember assurances that there would be little change in existing pet policies. The January 1979 issue of the SFDog newsletter contains the following report: "...dogs may be walked off lead...in the following areas: Fort Funston, Ocean Beach, Lands End, East and West Fort Miley, Baker Beach (north end only), Golden Gate Promenade/Crissy Field." And in the GGNRA archives I have seen a memo to the effect that there were 180 letters in support of off-lead recreation, versus 10 in opposition.

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GGNRA007596

Brian O'Neill - 2

In the legislation creating this national park, in the transfer of Fort Funston and Ocean Beach from San Francisco to NPS, and indeed in the title of the park, it was clearly intended that recreation was to be given priority in this densely populated region.

NPS has not been a good neighbor to this host city and has broken faith with its citizens. It has disregarded its own requirement for public notice of significant changes, and has excluded the huge dog owning community from conferences at which input has been welcomed from Audubon and the Native Plant Society.

I join with other dog owners in asking you to exercise your discretionary authority and allow Fort Funston to return to the status of a fully off-lead recreation area.

Respectfully,

Florence Sarrett

cc Citizens Advisory Commission

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GGNRA007597

cy: O'Neill

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AUG 17 2000

COMPLAINTS OFFICE

August 15, 2000

Superintendent Brian O'Neill
Golden Gate National Recreation Area
Bay and Franklin Streets
Building 201, Fort Mason
San Francisco, CA 94123

Dear Mr. O'Neill:

We object to the recent closures at Fort Funston.

We feel that the Park Service Administrator(s) lacks knowledge of what an open recreational park should be. Instead, they are over-exerting their authority in erecting fences all over the area and involving costly expenses to keep people from enjoying the scenic area of Fort Funston.

According to the California Department of Fish & Game, the closure is necessary at only the front and the top of the cliffs to protect bank swallows. The Park Service proved that fences can be erected even on dunes. This solution would, at the same time, address public safety as well. Since the initial closures, the population of the bank swallows declined drastically. This shows that the closures have, in no way, helped the bank swallows.

We are anxious to seek a remedy that would allow park visitors to enjoy their recreational activities, including off-leash dog walking, hiking, bird/whale watching, or just admiring the scenic view. This can be done while protecting existing park resources at the same time.

We appreciate any assistance you can render.

Sincerely,

Betty da Costa

Betty H. da Costa
1251 - 38th Avenue
San Francisco, CA 94122

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GGNRA007598