United States Department of the Interior

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

IN REPLY REFER TO:

W42 (GOGA-PASE)
MAY - 4 2006

Brent Plater
Center for Biological Diversity
San Francisco Bay Area Office
1095 Market Street, Suite 511
San Francisco, CA 94103

Re: Center for Biological Diversity Petition to NPS/GGNRA Requesting Reinstatement of NPS Leash Regulation 36 CFR 2.15

Dear Mr. Plater:

The National Park Service (NPS) has reviewed the petition submitted by the Center for Biological Diversity (the Center) requesting reinstatement of the NPS leash regulation (36 CFR 2.15(a) (2)) in all areas of Golden Gate National Recreation Area (GGNRA) open to dogs.

As the Center is aware, a Federal District Court opinion in June 2005 (United States v. Barley, Sayad and Kieselhorst) resulted in some areas of the park being made available for voice control dogwalking per the 1979 GGNRA Advisory Commission Pet Policy. The one exception the NPS has made (through notice and comment rulemaking) to the 1979 Pet Policy is the fenced, 12-acre closure in the northwest section of Fort Funston, which will remain closed to dogs and visitors as an outcome of the agency rulemaking.

In December 2005, Brian O'Neill notified potential Negotiated Rulemaking Committee members that GGNRA intended to move forward with agency rulemaking separate from the Negotiated Rulemaking process in order to protect highly sensitive areas. These areas were never intended to be included in the discussions of the Negotiated Rulemaking Committee, per the Federal Register Notice of June, 2005, due to the sensitivity of resources.

The National Park Service intends to proceed with two Agency Rulemakings in the following manner:

1) Reinstatement of closure to visitors and dogs of the Crissy Field Marsh and Dune Habitat closures (necessary to protect sensitive plant species and to protect cultural and natural resources in the restored marsh and dune habitats, protect migratory birds and improve public safety) as were established in the Crissy Field

EA; closure to dogs of the Wildlife Protection Area (necessary to provide an area of reduced disturbance for resting and feeding water and shorebirds and other marine wildlife) as were established in the Crissy Field EA; and the reinstatement of the NPS leash requirement (36 CFR 2.15) in the Ocean Beach Snowy Plover Area between Stairwell 21 to Sloat Boulevard. This Agency Rulemaking is expected to proceed ahead of the other Agency Rulemaking noted below.

2) Reinstatement of the NPS leash requirement (36 CFR 2.15) in other areas not included in the Negotiated Rulemaking discussions which also contain sensitive resources. These areas will be included in the Dog Management EIS currently underway and will take a longer period to complete.

At this time we do not have specific details or timelines for that process, but we will provide such information as it becomes available. In addition, as with traditional agency rulemakings under the Administrative Procedures Act, there will be public notice and opportunity to comment on any proposed rule. We will keep you informed as we have more information on the Agency Rulemaking processes.

Sincerely,

Brian O'Neill
General Superintendent