

July 14, 2008

Re: Rep. Pelosi Bill HR 6305

Dear Representative DeFazio:

Urgency forces me to fax this quick objection to Section 2 of Bill HR 6305 which is scheduled for discussion tomorrow. The provision would remove "Recreation" from the name of the Golden Gate National Recreation Area ("GGNRA") and affirm that the park should be administered as every other park in the National Park Service.

This has been a hidden agenda of the GGNRA for several years. High authorities confided in me back in 1999 when I was an attorney representing the San Francisco Society for Prevention of Cruelty to Animals (SF SPCA) that the purpose in the name change was to decrease the importance of recreation and support their contention that the sole mission of the GGNRA was to create and preserve native plant habitats in the Bay Area. In fact they pursued this objective without Congressional authorization by printing stationary with the name change and using it in public announcements until challenged by me and other concerned citizens.

Three times in past few years GGNRA has been sued in federal court to preserve recreational access to parks over illegal closures of sections at Fort Funston, illegal revocation of the 1976 Pet Policy, and a pending lawsuit over failure to provide access to park facilities for the disabled. In fact there is only one paved disability trail in the entire GGNRA, the Sunset Trail at Fort Funston and half of that was closed and torn up and never repaved, forcing in part the original lawsuit over illegal closures. GGNRA lost both the Fort Funston and Pet Policy lawsuits. I am confident they will lose the disability one too. What is most important, however, is the fact that the public is compelled to go into Federal court to protect recreational access to this park. Recreation is not even on the agenda as would become evident if you request a GAO audit of GGNRA expenditures.

As you know back in 72 two urban parks were developed as an effort to bring parks to the people, the GGNRA and the Gateway National Recreation Area ("GNRA") in New York City. Recreational access is very important in these parks, they have the highest density of population, NYC is first with 37.3 people per acre and San Francisco is second with 24.6, Chicago is a distant third with 18.7. These figures are compiled in a very useful study of urban parks by the Urban Land Institute, Harnik, "Inside City Parks". These two parks are very different and they are administered differently. For example, Gateway staff were able to provide the researchers with the number of full-time employees, the seasonal employees, the budget for 99 with revenue and expenditures, and the expenditure per resident. In contrast, the GGNRA did not know how many employees, had no figures on the adjusted budget, no figures on revenue or expenditures. They also could not provide acreage of the park outside San Francisco: "Note Acreage includes Golden Gate National Recreation Area land within the city of San Francisco only. The agency is unable to break out any other statistics by geographic region." Either

they are incompetent or they are refusing to provide the public vital information to understand the function of the National Park Service in San Francisco. Clearly again this underscores their priorities.

There are other profound differences between Gateway and the GGNRA, most significantly in the enabling statutory mandate. GGNRA has two provisions that are totally unique that were added to the typical recital for most of the National Parks. First the statute says “ in order to provide ..needed recreational open space necessary to urban environment and planning”. The second is even more restrictive by mandating that the Secretary of Interior “shall utilize the resources...to provide recreation and educational principles consistent with sound principles of land use management.” No other statute has this provision, in part because San Francisco donated all of their public beaches and coastal parks to the national park service, including Ocean Beach, Fort Funston, Lands End, and China Beach. What other city in the United State lets the federal government control all its beaches? Furthermore with the addition of the Presidio, the National Park Service has taken over control of 61% of the open space in San Francisco, a small peninsula seven miles square with a population stacked high in apartments and living in attached row houses with postage stamp backyards.

Even without this contextual information, section 2 should not be included in the bill. Gateway and GGNRA are two of several National Parks that contain the “National Recreation Area” name. These parks were created subject to Congressional statute that funded the expansion of recreational areas as a national priority for public health and well being. The US Forest Service and the National Parks competed for these funds, so you have the Sawtooth National Recreation Area in Idaho where I grew up or the Oregon Dunes National Recreation Area where I now live made part of the Forest Service while the Delaware Gap National Recreation Area is a National Park. Now these recreational entities had a different rationale in the sense that they were to expand recreational experience and not function as Yellowstone and Yosemite which were established to protect and preserve wilderness.

Despite the original legislative intent, Congress in 1978 eradicated the distinction in “recreational areas” within the National Parks to ensure that they would be administered consistently to preserve the environment. However, section 16 USC 1a-1 was also added to this legislation to ensure that this uniformity in administration would not be used as a rationale to subvert the original purpose for each park: “The authorization of activities shall be construed and the protection, management, and administration of these areas...shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.”

Section 2 links the name change with the statement that the GGNRA is not different from any other national park. First, this provision is unnecessary because the statute in 78 made this clear. Second, that provision would create ambiguity over Congressional intent over the purpose and function of the GGNRA. Third it would raise

questions about all other national parks which still have “Recreation Area” in their names.

Finally I believe there is untold irony in the bill which seeks to increase the power of the Presidio to expand leases to businesses that are not consistent with their General Plan and to terminate the requirement that the Presidio revert to the General Services if it does not meet its financial requirements under its enabling statute. These provisions should be carefully scrutinized considering the public is financially supporting this bizarre commercial enterprise under the guise of a national park. There is nothing normal about the GGNRA, it is one of a kind.

In closing, I want to emphasize that I too am totally disabled having come down with chronic fatigue syndrome in 2001, triggered in part by stress combating the GGNRA on behalf of the SF SPCA. The disease forced me to leave San Francisco and move to Oregon where I can walk my dogs off leash protected from abusive rangers, criminal prosecution, and a federal agency that continues to restrict recreational open space without public involvement and in a manner inconsistent with “sound principles of land use management,” whose only response to public criticism is “Sue US”.

Sincerely yours

Ken Ayers