

Charter
2006
***Negotiated Rulemaking Advisory Committee for Dog Management at
Golden Gate National Recreation Area***

A. DESIGNATION.

The official designation of the committee is the Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area.

B. PURPOSE AND FUNCTION.

The Committee's function is to assist directly in the development of a proposed special regulation for dog management at Golden Gate National Recreation Area (GGNRA). The existing rule, 36 CFR §2.15 (a)(2) is applicable to all units of the national park system, including GGNRA, and requires that all dogs must be on leash or otherwise physically confined at all times. The Committee will attempt negotiations to reach consensus on concepts and language to use as the basis for a proposed special regulation (rule) to be published by the National Park Service (NPS) in the Federal Register that would alter the application of the existing regulation to GGNRA. The duties of the Committee are solely advisory.

C. OBJECTIVES AND SCOPE OF THIS ACTIVITY.

The Committee will serve as an integral part in the NPS's development of a proposed rule for dog management at GGNRA. With the participation of knowledgeable and affected parties, NPS expects to develop a practical approach to resolve longstanding and increasingly controversial resource management and public use conflicts involving the protection of natural and cultural resources, competing visitor uses, the safety of visitors and staff, and the desire of some members of the public to walk their dogs off-leash in certain areas of GGNRA.

The NPS mission places a high value on conserving natural and cultural resources for enjoyment by present and future generations. In fulfilling this mandate, management policies and case law dictate that public use and enjoyment must be consistent with the protection and conservation of natural and cultural resources if they are to be sustained into the future. In accordance with these mandates, off-leash dog walking may be appropriate in selected locations where resource impacts can be adequately mitigated and public safety incidents and public use conflicts can be appropriately managed. The legal sideboards within which recommendations on dog management in GGNRA must be formed include, but may not be limited to, the following:

- GGNRA enabling legislation
- The National Park Service Organic Act
- The Administrative Procedure Act
- The Endangered Species Act
- The National Environmental Policy Act
- The National Historic Preservation Act
- Relevant case law

- Applicable federal regulations
- National Park Service Management Policies 2001
- Existing park management plans

Within the constraints of NPS authorities, policies, planning guidelines, and information on park setting, natural and cultural resources, public safety, and context of the unique urban environment within which GGNRA exists, the Committee will attempt to reach consensus on key issues during the negotiations, including, but not limited to: (1) areas of the park that could be designated for off-leash dog walking areas; (2) periods of use, times of day and year during which off-leash areas may be used; (3) use limits and other conditions that would govern dog walking within GGNRA, including the use and limits of professional dog walking.

The following areas of the park, in which pets have never been allowed (e.g., there is no history of dog walking use, and/or it has not been an issue) or have been restricted due to sensitivity of resources, are precluded from consideration for dogwalking by the Committee: (1) Alcatraz; (2) China Beach; (3) Crissy Beach tidal marsh and wildlife protection area as designated by the 1996 Crissy Field Plan EA; (4) Fort Baker Pier; (5) areas closed to visitor and pet access at Fort Funston; (6) Kirby Cove; (7) Muir Woods; (8) Phleger Estate; (9) Fort Point historic structure; (10) the beach at Stinson Beach; (11) Tennessee Valley; (12) Muir Beach Lagoon (13) Rodeo Lagoon; (14) Rodeo Lake; (15) Redwood Creek; (16) all trails in undeveloped areas; (17) all areas closed to off-trail travel; and (18) all freshwater bodies in the park.

On-leash dog walking could be considered in areas with threatened and endangered species only if it is demonstrated that adverse effects or impacts are minimal and could be mitigated. New NPS lands that come under the management of GGNRA in the future will be evaluated for appropriate recreational uses, including dog walking, and any approved dog walking use will be consistent with the new special regulation for dog walking in GGNRA.

D. MEMBERSHIP.

1. The Committee will not exceed 25 members and will be appointed by the Secretary of the Interior, as follows:
 - a. Federal Agencies;
 - b. Environmental and conservation groups;
 - c. Interest groups, comprising: dog walkers, including professional dog walkers; equestrians; child, parent, seniors and disabled advocacy groups; and other visitor use groups.
2. In addition to the principal representatives, alternate representatives will be appointed to ensure adequate representation when principal members are unable to attend and to allow for broader participation.
3. Any vacancy on the Committee will be filled by the alternate for that interest group. If both alternate and principal representative cannot serve, a determination will be made as to whether that position must be replaced to maintain the balance of the committee.

4. Members of the Committee will serve without compensation. However, while away from their homes or regular places of business, members engaged in Committee business approved by the Designated Federal Official will be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5 of the United States Code.
5. Poor attendance, lack of participation, not participating in good faith or other significant violations of the ground rules adopted by the Negotiated Rulemaking Committee are grounds for removal by the Superintendent of GGNRA, in consultation with the Secretary.

E. ETHICS RESPONSIBILITIES OF MEMBERS.

No Council or subcommittee member shall participate in any specific party matter including a lease, license, permit, contract, claim, agreement, or related litigation with the Department in which the member has a direct financial interest.

F. ADMINISTRATION.

1. CHARTER.

The Committee is subject to the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix (1994) and shall take no action unless the charter filing requirements of Sections 9 and 14(b) of FACA have been complied with. The Committee is subject to biennial review and will terminate in accordance with Section G, unless, prior to that time, the charter is renewed in accordance with Section 14 of FACA.

2. DESIGNATED FEDERAL OFFICIAL.

The Committee reports to the Superintendent of Golden Gate National Recreation Area, National Park Service, U.S. Department of the Interior, San Francisco, California. The Superintendent, or in the Superintendent's absence, a Federal employee designated by the Superintendent, will serve as the Designated Federal Official for purposes of Section 10 of the FACA to oversee the management of the Committee. The Designated Federal Official must be present at all meetings and is authorized to adjourn any meeting whenever he or she determines it to be in the public interest to do.

3. SUPPORT AND COSTS.

Support for the Committee is provided by the NPS. The NPS may pay for the rental of meeting space, necessary materials and supplies for the meetings, and the services of recording the content of those meetings. The estimated annual operating cost of the Committee, depending on the number of meetings held, is \$140,000, which includes the cost of one and one-half work years of staff support.

4. FACILITATOR/CHAIRPERSON.

A facilitator will be retained to serve as Chairperson in accordance with the Negotiated Rulemaking Act 5 USC § 556(c).

5. TECHNICAL ADVISORS.

The Chairperson may accept technical assistance from representatives of other organizations. Areas in which technical assistance may be requested could include: management of off-

leash dogwalking; water quality; natural resources; accessibility and the gathering of information related to needs of special user groups. Technical advisors have no authority to make decisions on behalf of the Committee, nor can they report directly to the NPS.

6. WORK GROUPS/SUBCOMMITTEES.

The Committee is authorized to form work groups or subcommittees for any purpose consistent with this charter. Such work groups shall report back to the full Committee. They have no authority to make decisions on behalf of the full Committee, nor can they report directly to the NPS.

7. MEETINGS.

The Committee is expected to meet approximately six to nine times during its term, but more meetings may be held, if necessary. All meetings will be held at the call of the Designated Federal Official. The agenda for each meeting will be approved in advance by the Designated Federal Official. Committee meetings will be called, announced by publication in the Federal Register, and held in accordance with the requirements of FACA. Among other provisions, FACA requires open meetings and an opportunity for interested persons to file comments before and after meetings, or to make statements during the meeting to the extent that time permits.

8. ANTICIPATED SCHEDULE.

When the schedule is further defined, it will be closely coordinated with the schedule of the concurrent NEPA process.

Throughout the negotiated rulemaking process, committee members may give input to and receive input from the concurrent NPS NEPA process, including attending public scoping meetings.

G. DURATION AND DATE OF TERMINATION.

The Committee is expected to exist for approximately 24 months. The committee will terminate upon the date the Dog Management Regulation is published in the Federal Register, or two years after the committee is established, whichever comes first.

H. AUTHORITY.

The Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area is established under the authority of 16 U.S.C. 1a-2(c), and in accordance with the Negotiated Rulemaking Act, 5 U.S.C. § 561-570. Establishment of this committee is in the public interest and supports the National Park Service in performing its duties and responsibilities under the National Park Service Organic Act (16 U.S.C. 1 *et seq.*), the Golden Gate National Recreation Area Act (16 U.S.C. 460 bb, *et seq.*) and the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

 / FEB 6 2006
Gale A. Norton / Date Signed
DATE CHARTER FILED FEB 7 2006

The filing date of this first charter constitutes the date of establishment of the Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area.