



## Memorandum

December 28, 2021

**To:** NEPA/NHPA Administrative File

**From:** Jean S. Fraser, Chief Executive Officer

**Subject:** Presidio Tunnel Tops: Written Determination under 36 CFR 1001.5 for public use restrictions

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As the Chief Executive Officer of the Presidio Trust (Trust), under Presidio Trust Board Resolution 04-15, *Authority of Executive Director to Establish Public Use Limits and Closures*, **I am imposing public use restrictions for the new Presidio Tunnel Tops (site).**

Built on the Presidio Parkway Tunnels, the new Presidio Tunnel Tops is a 14-acre public park consisting of nature play spaces for children, picnic areas, open space, and trails that will connect the historic center of the Presidio to the park's waterfront at Crissy Field. The Trust is committed to providing appropriate, high-quality opportunities for visitors to enjoy the site, and to maintaining an atmosphere within the site that is open, inviting and accessible to all. The Presidio Tunnel Tops will open to the public in early 2022.

The Trust will provide public recreation opportunities that are uniquely suited and appropriate to the site and can be sustained without causing unacceptable impacts to Trust and park resources. To provide for public recreation and enjoyment of the site, the Trust will create opportunities for organized and permitted events, informal gathering and learning programs. In addition, the Trust will host events that welcome visitors from our diverse Bay Area community, including events that serve children and families and invite the public to experience spectacular views, vibrant nature, distinctive history, and the chance to relax, renew, and play.

The following public use restrictions will be established for the Presidio Tunnel Tops for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, implementation of management responsibilities, equitable allocation and use of facilities, and the avoidance of conflict among visitor use activities. The restrictions implement management responsibilities of the Trust to "provide for safe and enjoyable recreational use of the Presidio" as set forth in the Presidio Trust Management Plan (PTMP). PTMP at 25. The restrictions apply in addition to the requirements contained in 36 CFR, Chapter X, Parts 1001, 1002 and 1005. The restrictions are location-specific and limited to what is necessary to protect the site's resources, to promote visitor safety and enjoyment, or to meet park management needs. Less restrictive measures would require a significant modification to the resource management objectives of the site and will not suffice.

The Trust will provide public notice of these public use restrictions by posted information on the Trust's website and through signs posted at key locations. Signs will include icons prohibiting particular activities or suggesting appropriate actions and will be user-friendly to serve an international audience (see attachment).

### Site-Wide Restrictions

The following restrictions will apply to the entire 14-acre Presidio Tunnel Tops site:

- **Staking of tents and umbrellas.** This will be prohibited to prevent digging into underground irrigation lines and damage to landscape surfaces.
- **Commercial outdoor fitness.**<sup>1</sup> Commercial outdoor fitness activities will be prohibited without a written permit. This prohibition is necessary to avoid conflict among visitor use activities, and to ensure access to and use of open space is preserved for all visitors.
- **Skates, skateboards, and similar devices.** In accordance with 36 CFR 1002.20, using skates, skateboards or similar devices will be prohibited due to the increased potential for resource damage to the site, visitor conflicts, and public safety concerns.
- **Bicycles and electric bicycles.**<sup>2</sup> Bicycles must be walked to protect public safety on narrow and steep trails and to avoid conflict among visitor use activities in high visitation areas.
- **Leash and confinement requirements for pets.** In accordance with 36 CFR 1002.15(a)(2), pets must be crated, caged, or restrained on a leash not to exceed six feet in length, or be otherwise physically confined at all times in all areas, except for the Outpost, which will be closed to pets. This restriction is intended to ensure that pets do not trample ornamental gardens and meadows, harass wildlife, or disturb visitors.
- **Pet excrement.** Pet excrement must be removed immediately from the site or be deposited in an appropriate trash/waste container by the pet's owner or handler. This restriction is intended to protect public health and water resources and is necessary for site sanitation.
- **Fires.** The lighting or maintaining of fires, including use of portable liquid fuel stoves or charcoal barbecue grills, will be prohibited except at the Picnic Place (see below.) This restriction is consistent with prohibitions on fires at 36 CFR 1002.13 and is intended to reduce hazards and protect natural and cultural resources from fire and associated air pollution.
- **Smoking.** Smoking will be prohibited. This prohibition is intended to protect park resources and public health, reduce the risk of fire, and prevent conflicts among visitor use activities.
- **Balloons.** Balloons will be prohibited. The release of balloons, particularly helium-filled balloons, poses a danger to marine wildlife and creates a litter problem.

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<sup>1</sup> *Outdoor fitness* means any type of commercial guided exercise activity provided to GGNRA visitors for a direct or indirect fee or charge. This includes, but is not limited to, fitness instruction, education and motivational exercises for groups of all sizes.

<sup>2</sup> *Electric bicycle (e-bike)* means a two or three-wheeled cycle with fully operable pedals and an electric motor of not more than 750 watts (1 horsepower) that provides propulsion assistance.

- **Electric powered mobility assistance devices.**<sup>3</sup> EPMADs may only be used in parking areas unless operated in a safe and responsible manner by individuals with a disability. This restriction is intended to protect public safety on narrow and steep trails and avoid conflict among visitor use activities in high visitation areas.
- **Special events including weddings and ceremonies.** Indoor and outdoor weddings, ceremonies and other special events will be subject to written permit. This restriction is intended to avoid conflict among visitor use activities, and to ensure access to and use of open space is preserved for all visitors. Rules for special events and permit requirements will be available to the public on [www.presidio.gov](http://www.presidio.gov).
- **Audio disturbances.** In accordance with 36 CFR 1002.12, amplified sound that exceeds 60 decibels measured on the A-weighted scale at 50 feet, or that, if below that level, nevertheless may be disturbing or a nuisance to other park visitors will be prohibited unless for permitted special events.

### Outpost Restrictions

The Outpost is a 2-acre playground for children from toddlers to preteens. All of the Site-Wide restrictions listed above apply to the Outpost. The following additional restrictions also will apply to the Outpost:

- **Visiting hours.** The Outpost will have posted visiting hours that may vary seasonally, due to public safety concerns during hours of darkness.
- **Alcoholic beverages.** The consumption of an alcoholic beverage or the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or that has been opened, or whose seal is broken or the contents of which have been partially removed, will be prohibited at the Outpost.
- **Glass bottles/containers.** The possession of glass bottles and containers will be prohibited at the Outpost.
- **No pets.** All pets will be prohibited at the Outpost, including dogs on leashes, except for service animals accompanying a person with a disability.<sup>4</sup>

### Picnic Place Restrictions

The Picnic Place is a ½-acre area with picnic tables and barbeques. All of the Site-Wide restrictions listed above apply to the Picnic Place. The following additional restrictions will apply to the Picnic Place:

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<sup>3</sup> *Electric powered mobility assistance device* means a device such as an electric scooter, Segway® or any self-balancing, non-tandem, two-wheeled device that is not greater than 20 inches deep and 25 inches wide and can turn in place, is designed to transport only one person with an electric propulsion system averaging less than 750 watts (1 horsepower), the maximum speed of which, when powered solely by a propulsion system on a paved level surface, is no more than 12.5 miles per hour. An EPMAD is considered a motor vehicle as defined by 36 CFR 1001.4. EPMADs do not include electric wheelchairs or other devices designed for and used by people with disabilities.

<sup>4</sup> As defined and covered under Title III of the Americans with Disabilities Act of 1990 (ADA), as amended.

- **Visiting hours.** The Picnic Place will have posted visiting hours that may vary seasonally, due to public safety concerns during hours of darkness.
- **Reservations.** Reservations will be allowed for picnic tables and barbeques at the Picnic Place to support its overall management and operation. Reserved picnic tables and barbeques at the Picnic Place will be signed so that the public may use unreserved tables and barbeques on a first-come first-served basis. Other picnic tables at the Tunnel Tops site will be first-come, first-served.
- **Use of grills.** Fires may be ignited and maintained by the public only in the fixed grills (charcoal only) provided at the Picnic Place. This restriction is consistent with prohibitions on fires at 36 CFR 1002.13 and is intended to reduce hazards and protect natural and cultural resources from fire and associated air pollution.

**Attachment:** Etiquette Signs