

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

Facilitation Team Report

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## Executive Summary

**Background:** In 1979 the Golden Gate National Recreation Area (GGNRA) Citizens Advisory Commission (Commission) recommended that GGNRA allow off-leash dog walking under “voice control” at multiple locations including beaches. This recommendation was inconsistent with National Park Service (NPS) regulations prohibiting off-leash pets. Nevertheless, GGNRA implemented the policy and dogs were permitted to be off-leash for over 20 years at specific locations.

During this period the park experienced increased visitor use along with increased off-leash use. This resulted in increased conflict and the potential for conflict, and in heightened public sensitivity, in the view of the NPS. As one example, off-leash users initiated litigation in 2000 over a proposed 12-acre closure at Fort Funston intended to protect threatened and endangered species. In 2001 the Commission acknowledged that the policy was null and void because it conflicted with NPS regulations. The NPS stated in a 2002 Federal Register notice seeking input on dog management options that “recent events . . . have dramatically changed the climate in which the park had previously allowed off leash pets in certain areas of the park.” Later in 2002 a panel of senior NPS officials suggested off-leash use might be compatible with NPS mandates at some park locations, and recommended the park pursue rulemaking, either traditional or negotiated, to develop a revised policy.

In 2004 the NPS chose to assess prospects for conducting a Negotiated Rulemaking (NR) process to develop a special regulation for dog management at GGNRA. The purpose of the NR process would be to ascertain whether, and under what conditions, off-leash dog walking should be allowed in light of increased use of the park and changing use patterns. The NR process would allow a representative group of stakeholders to have significant, direct input into development of a special regulation for GGNRA as an alternative to traditional rule making,

NR Process: The NPS, in consultation with the U.S. Institute for Environmental Conflict Resolution, selected a facilitation team (Team) experienced in negotiated rulemaking and the National Environmental Policy Act (NEPA) to assess the potential for a NR process. The Team conducted confidential interviews with a broad cross-section of groups and individuals having interests in dog management at GGNRA. The Team’s Situation Assessment Report concluded that a Committee was reasonably likely to achieve a substantial level of agreement on a proposed rule, although unanimity was not a likely outcome.

The NPS decided to proceed with a NR process and to conduct the required environmental review under NEPA concurrently with rulemaking. NPS established a Negotiated Rulemaking Committee (“Committee”) comprised of 19 primary representatives and an equal number of alternates. The Committee members represented a diverse set of interests in dog management at GGNRA that fit into three informal caucuses: off-leash advocates, environmental and conservation organizations, and other park users including equestrians, the elderly, persons with disabilities, and children and youth. The Committee’s goal was to reach consensus on a special regulation on dog management at GGNRA and recommend that regulation to the NPS.

Many Committee members devoted a significant amount of professional and personal time and resources to this effort, including vacations days and time away from their families. The NPS also committed significant resources to support the NR process. The Committee ultimately met seven times between March 2006 and October 2007. A smaller Technical Subcommittee met nine times, and a Work Group also met several times late in the process to develop recommendations for the Committee. Committee members also participated in site visits organized by the NPS to all locations open to consideration for off-leash use. Individual Committee members also met on their own, either as part of a caucus or across caucuses.

Several threshold choices had a significant influence on the Committee process. One of these was the NPS decision to conduct the NEPA process concurrently with NR. A second set of choices was the appointments of members and alternates to the Committee, based in part on recommendations from the Team. The third set of choices was the Committee's decisions contained in its Protocols, including:

- A rule requiring unanimous agreement for recommendations to the NPS,
- A set of good faith standards developed in the face of increasing polarization prior to chartering the Committee,
- A commitment to addressing dog management issues inside the Committee and not through public media including the Web; and
- A provision for the NPS to remove Committee members.

#### **Committee Agreements, Products and Outcomes:**

The Committee ultimately reached unanimous agreement on the following:

- nine Guiding Principles,
- guidelines for commercial dog walking, and
- site-specific alternatives for Oakwood Valley (Marin County).

This agreement will be part of at least one alternative included in the range of alternatives to be analyzed through the NEPA process.

The NR process yielded a number of informal but significant products and outcomes that are also described in this report and its attachments. One such outcome was broad—but not unanimous—agreement on additional site-specific proposals and planning criteria. Committee polling on these proposals and criteria indicated broad support that included membership from each of the three caucuses. In the Team's view, this consistent pattern illustrates a central challenge for GGNRA: the difference between broad support and unanimous agreement among Committee members was mathematically *narrow*—generally a one- or two-person difference—but fundamentally *wide*, reflecting basic differences in values and firm adherence to preferred solutions.

**Strategy:** This report describes the overall strategy and approaches used by the Team to assist the Committee in building consensus and achieving these outcomes. This strategy evolved through four phases over time based primarily on Committee dynamics: Phase One focused on collaborative development of options; Phase Two shifted responsibility for options to the off-leash caucus; Phase Three involved creation of an Integrated Concept by the Team to generate Committee options; and Phase Four involved creation of the Work Group to find potential agreements.

**Process Dynamics:** The report also describes critical process dynamics. One example is the conflicting priorities of Committee members over how to develop alternatives. Some insisted on developing planning criteria for Regulated Off-Leash Areas (ROLAs), while others insisted on the need for site-specific solutions. Other dynamics involved: (1) the meeting environment, (2) insufficient incentives to develop site-specific alternatives, (3) representative-constituency relationships, (4) skepticism about NPS commitment, (5) balanced representation, (6) limits on flexibility for off-leash use, and (7) perceived violations of good faith standards.

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## Introduction

On October 27, 2007, the Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area (the “Committee”) completed its effort to develop consensus recommendations to the National Park Service. The Committee’s official final report is the written summary of its final meeting, which was drafted and circulated to Committee members for comment following the final meeting. The Committee’s official charter expired on February 6, 2008, according to its terms.

This report has been prepared by the Facilitation Team (“Team”) hired by the NPS through a contract with the U.S. Institute for Environmental Conflict Resolution (USIECR). Members of the Team prepared a Situation Assessment Report during 2004 to assist the NPS in reaching its decision whether to pursue negotiated rulemaking (see below). Once the NPS decided to proceed with negotiated rulemaking the Team served as facilitators for the Committee and its related forums.

This Report focuses on the Negotiated Rulemaking (NR) process, including products, and outcomes, negotiation structures, strategies and approaches, and dynamics. It covers the time period from the Committee’s initial meeting on March 6, 2006, until its seventh meeting in October 2007. It is not a formal process evaluation or a judgment of individual Committee members.<sup>1</sup> Instead, it is intended to describe in detail the negotiated rulemaking (NR) process from the Team’s perspective. The Report is not an official product of the Committee, although Committee members are aware of its preparation and will receive copies. The contents of the Report, while reviewed by the NPS and USIECR, are the work of the Facilitation Team.

Finally, an acknowledgment and appreciation: Committee representatives and NPS staff devoted substantial personal and professional resources to the NR process. This often included taking personal vacation days and sacrificing family time. The discussions were often difficult and sometimes painful, and exacted a personal toll for many that had not been anticipated when they agreed to serve. This deep commitment should not be overlooked in reviewing the Team’s report and evaluating outcomes.

## Background

There is a rich and important “back story” associated with the Committee’s work that will not be presented in this report but provides useful context. More information on the background to the NR process may be found in numerous other documents<sup>2</sup>. Key references include:

- *An Advanced Notice of Proposed Rulemaking (ANPR)* published in the Federal Register (FR) on January 11, 2002 [67 FR 1424]. The National Park Service requested

<sup>1</sup> The USIECR will conduct a formal evaluation that seeks input from all Committee members as part of its role in supporting the NR process.

<sup>2</sup> Available on the GGNRA website: <http://www.nps.gov/goga/parkmgmt/dog-management.htm>.

comment on a range of potential dog management options for addressing pet management in Golden Gate National Recreation Area (GGNRA). The ANPR provides a useful summary of dog management at GGNRA, including the “voice control” recommendations of the Citizens Advisory Commission in 1979 that were contrary to NPS policy.

- *A Federal Panel Recommendation to the General Superintendent on Proposed Rulemaking for Pet Management at Golden Gate National Recreation Area*, dated November 7, 2002. This document is the report of a panel of senior NPS officials from outside GGNRA who were asked to review comments submitted in response to the ANPR, as well as relevant technical information, and recommend whether GGNRA should proceed with rulemaking or retain the existing NPS regulation requiring pets to be leashed in all areas where they are allowed. The panel concluded, in part, “[T]hat off-leash dog walking in GGNRA 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.” In addition, the panel identified two alternative approaches for integrating a rulemaking process (either agency or negotiated) and development of a pet management plan. Finally, the panel identified 14 “suggested guidelines” for dog management.
- *A Situation Assessment Report: Proposed Negotiated Rulemaking on Dog Management in the Golden Gate National Recreation Area* dated September 14, 2004, prepared by the Team. The report discussed the challenges associated with seeking consensus agreement on dog management issues in GGNRA and recommended that NPS proceed with a negotiated rulemaking process. The Team’s judgment at that time was “that a . . . Committee is reasonably likely to achieve a substantial level of agreement on a proposed rule.” The report also recommended that while perfect consensus—unanimity—was possible, decision makers should “assume a lower but still significant level of agreement to be a reasonably likely outcome.”<sup>3</sup> The report was based on interviews with 45 people, a number of whom eventually were named to the Committee as representatives or alternates. The report can be found on the Institute’s web site at: <http://www.ecr.gov/pdf/GGNRASitAssessment.pdf>.
- A decision in *U.S. v. Barley, et al.*, by U.S. District Court Judge William Alsup dated June 2, 2005. The defendants had been cited for off-leash dog walking at Crissy Field following the 2001 decision by GGNRA and its Commission to set aside the 1979 Pet Policy that allowed off-leash uses. Judge Alsup ruled that the NPS was required to engage in rulemaking, including notice and comment, before closing areas of the park to off-leash use, and effectively returned GGNRA to dog management under the 1979 Pet Policy. This ruling was issued following completion of the Team’s Situation Assessment Report and contributed to entrenchment in positions and polarization of attitudes and perceptions among groups and individuals, including some proposed Committee members. It also generated an “Emergency Petition” to GGNRA on August 16, 2005, requesting that the GGNRA engage in emergency rulemaking to

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<sup>3</sup> This recommendation is significant in light of the Committee’s subsequent decision to adopt a decision rule of unanimity as part of its Protocols, as discussed later in this report.

replace the 1979 Pet Policy with the existing NPS rule barring off-leash dogs. See 36 CFR § 2.15(a)(2). Petitioners included a number of organizations proposed for membership on the Committee, which had not yet been chartered.

- A *Notice of Intent to Establish a Negotiated Rulemaking Advisory Committee* published in the Federal Register on June 28, 2005, followed by a *Notice of Establishment* almost eight months later, on February 17, 2006. The notices include the names and affiliations of the Committee members and alternates.
- The *Committee Charter* describing, among other items, its Purpose and Function, Objectives and Scope, Membership (including an obligation to participate in good faith and otherwise adhere to Committee ground rules), and Duration and Date of Termination. This document identified locations that could be considered for potential off-leash use. The Charter was signed by Interior Secretary Norton on February 6, 2006.
- The *Federal Negotiated Rulemaking Act*, codified at 5 U.S.C. § 561 *et seq.* (“NR Act”). This statute provides the framework for federal negotiated rulemaking. The NR Act includes a definition of consensus as “unanimous concurrence among the interests represented on a negotiated rulemaking committee” unless the committee agrees to either a “general but not unanimous concurrence” or specifies another definition. The act also describes a series of steps in the process, including preliminary findings by a federal agency of need for a committee, and exempts agency action related to negotiated rulemaking from judicial review (although the rule itself is not exempt).
- *Federal Advisory Committee Act (FACA)*, 5 U.S.C. App. The purpose of FACA is to ensure that advice rendered to the executive branch by various advisory committees, task forces, boards, and commissions formed over the years by Congress and the president, is both objective and accessible to the public. The NR Act provides for compliance with FACA in scheduling meetings and related matters.

### **Purpose and Scope for the Committee and NPS**

According to its Charter, the Committee’s function was to assist in development of a proposed special regulation for dog management at GGNRA. As envisioned, this special regulation would supersede the existing NPS dog management regulation that requires dogs to be caged, crated or restrained on leash where they are allowed. The Committee was to “attempt negotiations to reach consensus on concepts and language” to be used as the basis for the special regulation.

The Committee’s work was focused on a specific set of locations around GGNRA that could be the subject of a proposed special regulation. These locations had been identified in advance by the NPS and were described in the FR notices establishing the Committee. For example, the NPS decided in advance that areas of the park not previously open to pets were not available for consideration of off-leash use. Other areas were excluded

based on the sensitivity of resources. The Committee also was directed to work within a set of legal sideboards, including GGNRA enabling legislation, the NPS Organic Act, NPS Management Policies, and existing GGNRA management plans.<sup>4</sup>

The GGNRA dog management negotiated rulemaking initiative was based on a fundamental policy decision by the NPS: that the *status quo* for dog management in GGNRA, as reflected in the 1979 Pet Policy, was not consistent with its legal mandates and policies. The fundamental challenge for the Committee, therefore, was not finding agreement on *whether* the GGNRA's dog management policy would be changed, because the NPS had already reached this conclusion. The Committee's challenge was to find agreement on *how* to change that policy through rulemaking to address the diverse interests represented on the Committee. Early in the process GGNRA established sideboards for the Committee's deliberations by identifying areas that were open for consideration of future off-leash use without committing to this outcome. GGNRA also identified areas that were open for on-leash consideration and those that were not open for any consideration of dogwalking.

One additional sideboard involved the federally listed Western Snowy Plover. The NPS determined that issues related to the plover would be addressed in a separate rulemaking process. This proved challenging on a number of occasions, including a "boycott" of the NR by environmental representatives over plover protection in October 2006, and the presence of two areas dedicated to plover protection surrounded by areas open for off-leash consideration (Ocean Beach, Crissy Field).

The NPS had multiple roles in the NR. The NPS was actively represented in all NR meetings by Chris Powell, the Designated Federal Officer, or her alternate Howard Levitt. GGNRA's Deputy Superintendent, Mai-Liis Bartling, was a consistent presence at Committee and TSC meetings and addressed those sessions on several occasions. NPS staff were a primary source of information for the Committee about GGNRA resources and characteristics, and also served as sounding boards for different options. The GGNRA team included biologists, law enforcement staff, educators, and planners. The NPS Environmental Quality Division (EQD) provided project oversight. This team's responsibilities also included data collection and analysis, conducting NEPA analyses, and preparing the NEPA document. They also interacted regularly with Committee members at their meetings to ensure a full understanding of the NEPA process. Finally, GGNRA's legal counsel provided information on NPS legal mandates to the Committee.

### **Committee Structure for Building Consensus**

This section explains the organizational structure of the negotiated rulemaking process. This includes the formal and informal venues in which Committee members and others pursued consensus, and the roles and responsibilities of participants in those settings.

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<sup>4</sup> 70 FR 37108 (June 28, 2005)

The formal setting for the Committee's decision making was the Committee meeting in full committee session, consistent with requirements of FACA including public notice, published agendas, and written meeting summaries. A substantial amount of work was conducted in a smaller Technical Subcommittee, also consistent with FACA guidelines, established by the Committee. A Planning Team was established to provide input to the Facilitation Team on agendas and meeting scheduling. The Committee members' interests were sufficiently aligned to identify three caucuses based on Committee appointments: one representing primarily environmental and conservation interests, one representing interests of dog groups advocating continued off-leash use, and one representing diverse interests of "other park users" such as child advocates, the elderly, people with disabilities, and equestrians.

**Negotiated Rulemaking Committee.** The Committee was established consistent with the procedures and criteria identified in the NR Act and FACA. This process is described in the June 28, 2005 and February 17, 2006 FR notices identified above. The final Committee membership choices were recommended by the NPS, and confirmed by the Secretary of the Interior, based in part on information gathered during the assessment phase.

Ultimately the Committee was comprised of 19 primary members and an equal number of alternates. The February 17<sup>th</sup> FR notice lists Committee members and alternates, along with their affiliations. The appointments suggest five sets of interests that would be "significantly affected" by a rule: NPS, off-leash advocates, environmental, commercial dog walkers, and other park users. These sets of interests generally were reflected in the caucuses described below.

The Committee appointments raised several issues, either at the beginning or during the Committee's existence:

- A decision by the NPS not to appoint someone to the Committee based on their unwillingness to endorse explicit good faith standards,
- Decisions about who would be primary and alternate members; and
- Claims that one or more off-leash advocacy groups' interests were not adequately represented by others.<sup>5</sup>

The Committee met in plenary session seven times from March 6, 2006 to October 27, 2007. The dates of each meeting are included in the NR Timeline (Attachment A). As required by FACA, a detailed summary of each meeting was prepared and circulated for corrections by Committee members, revised as appropriate, and then posted on the NPS Planning, Environment and Public Comment (PEPC) web site for the public.<sup>6</sup>

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<sup>5</sup> The NPS addressed an initial set of issues associated with appointments in the February 17<sup>th</sup> FR notice.

<sup>6</sup> The Team acknowledges that these draft meeting summaries often took longer to draft, review internally and with NPS, edit, and distribute to the Committee members than the goal set by the Team, and accepts responsibility for this shortcoming. The Team does not agree with the general assertions made by some Committee members, both orally and in correspondence, that these delays had a significant impact on the NR process or its outcomes.

The Committee was the primary forum for decision making on a proposed rule. Only the Committee could agree to forward proposals or recommendations to the NPS for NEPA analysis. Alternates were encouraged to attend meetings along with primary representatives, and typically sat at the table and had opportunities to participate. The Committee meetings also provided an opportunity for the public to comment on agenda topics at the end of each meeting.

**Technical Subcommittee (TSC).** The TSC was established by the Committee initially to review available technical information, identify specific needs or gaps, and develop joint plans with NPS to address these needs. The TSC was not a decision making forum, but rather a place to screen issues and develop recommendations for consideration and decision by the Committee. The TSC was comprised of a cross-section of Committee members and two non-Committee members added to represent Marin County interests.<sup>7</sup> The public was welcome to observe meetings although public comment was not part of the TSC process. Committee members not officially named to the TSC were also welcome to attend consistent with FACA guidelines, and several Committee members contributed their perspective in this way.

The TSC met nine times during the NR. Its role changed over time as it became the primary forum to build consensus on (1) options for off-leash dog walking at locations around GGNRA, and (2) general dog management guidelines. The TSC exhibited the same challenging process dynamics as the Committee's.

**Planning Team.** The Team recommended creation of a small, representative Planning Team (PT) to provide input on agendas and meeting planning for both the TSC and Committee. The PT met only via conference call, usually within the 10-day period leading up to meetings. The PT did not set agendas, but individual input was useful to the Team. The PT did not evolve into a significant decision making or advisory group as is often the case in long-term consensus-building efforts. The PT also reflected the Committee's challenging communications and inter-personal dynamics.

**Caucuses and Interests.** As noted above, the five sets of interests fit informally within a framework of three caucuses during the NR process: environmental, off-leash, and other park users. These caucuses operated independently and were self organizing in most respects. The off-leash caucus was a key structure for developing potential Starting Points and alternatives for site specific off-leash use later in the NR process. Over time a somewhat different alignment took shape based on flexibility about conditions under which off-leash dog use would be acceptable. This re-alignment crossed caucus lines: members of the "other park users" caucus aligned differently in terms of flexibility about off-leash options, as did members of the environmental caucus.

The NPS and Team used the caucus structure to organize separate meetings with the GGNRA General Superintendent at three points in the NR process: to address issues arising during the period prior to official Committee appointments; to address issues

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<sup>7</sup> Only one of these additional Marin representatives was able to participate on a regular basis.

associated with a press release issued by the environmental caucus in October 2006; and to support consensus building in September 2007.

**Work Group.** An informal Work Group of approximately 8-10 Committee members met several times during the final months of the NR process to develop recommendations for consideration by the TSC and Committee. The Work Group's members came from each of the three caucuses and created a constructive working environment that contrasted noticeably with that in other NR forums. Apart from their meetings, some members attended site visits organized by the NPS at areas under consideration for off-leash use in order to test "on the ground" possibilities. In the judgment of the Team, the Work Group's efforts reflected the most collaborative aspects of the NR, and their recommendations reflected the greatest progress toward agreements.

## NR Process Products and Outcomes

This section discusses specific products and outcomes from the NR process. *Part One* focuses narrowly on products and outcomes that emerged from the Committee based on its charter and protocols. *Part Two* offers a broader perspective that encompasses a variety of products and outcomes, both concrete and perceptual, that also are part of the NR.

### *Part One: Committee Products and Outcomes*

The Committee's purpose was to reach consensus on a proposed special regulation. As noted earlier in this report, the initial focus was to reach unanimous agreement on elements of a Committee alternative for NEPA analysis. These could potentially have covered 12 locations open for consideration of off-leash dog walking, eight options for on-leash dog walking, and recommendations regarding commercial dog walking. The Committee also could have recommended general and detailed dog management principles for inclusion in NEPA alternatives to be analyzed. The Protocols provided for a Committee report detailing its agreements, and also for additional reports describing minority views.

The Committee's October 27, 2007 meeting was intended to finalize recommendations to NPS on proposals for inclusion in the NEPA analysis. The Committee agreed to use the meeting summary as its report pursuant to the Protocols. The summary reflects unanimous agreement—required by the Protocols—on the following:

- The nine Guiding Principles previously approved for use in creating Starting Points
- An off-leash alternative for Oakwood Valley with two variations
- A set of guidelines for commercial dog walking, with specific conditions

These agreements will be specifically addressed in the NEPA analysis and draft EIS, consistent with NPS commitments.

The Committee also considered a set of 16 Dog Management Guidelines forwarded for consideration by the Work Group. A proposal to recommend 15 of these for NEPA analysis fell short of unanimous agreement.

Based on these Committee outcomes and the correspondingly low expectation of future agreements following NEPA analysis and preparation of a draft Environmental Impact Statement, the NPS announced its decision not to extend the Committee's charter past its scheduled expiration on February 6, 2008.

### *Work Group Products*

The Work Group forwarded recommendations for potential off-leash options at three additional locations:

- Upper Ft. Mason
- Fort Funston
- Pedro Point

The full Committee was unable to achieve unanimous agreement on these options on October 27<sup>th</sup>. The Work Group chose not to forward site-specific options for several other locations because of issues that could not be resolved within the Work Group and were unlikely to be resolved at the Committee level. It is not clear whether additional time would have contributed to solutions.

### *Part Two: Other NR Products and Outcomes*

From the Team's perspective, the NR process generated valuable interim products and outcomes beyond the Committee's final agreements. Some of these are revealed by a review of meeting summaries for the Committee and TSC, including meeting materials and attachments. Others are not committed to paper, but rather are based on discussions, comments, and perceptions from the process.

- **Broad Committee Agreement.** The Committee fell short of unanimity on proposals recommended from the Work Group for Upper Fort Mason, Pedro Point, Fort Funston, and 15 Dog Management Guidelines. The results of Committee polling, while differing slightly for each proposal, indicated broad support that included membership from each of the three caucuses. In the Team's view, this consistent pattern illustrates a central challenge for GGNRA : the difference between broad support and unanimous agreement among Committee members was mathematically *narrow*—a one- or two-person difference for the Fort Mason proposal, for example—but fundamentally *wide*, reflecting basic differences in values and firm adherence to preferred solutions.
- **Dog Management Proposals from the Off-leash Caucus.** The Off-leash Caucus prepared site-specific proposals for each of the 12 locations open for consideration of off-leash walking. These were compiled in a single bound document entitled "GGNRA Management Plan for Visitors with Dogs" and submitted to each

Committee member at the October 27<sup>th</sup> meeting.<sup>8</sup> The meeting summary also describes this document. A CD included as Attachment B to this report contains a complete version of the Off-leash Caucus's submission.

- **Dog Management Guidelines.** The TSC developed the concept of a Regulated Off-Leash Area, or ROLA, and worked hard to build agreements on guidelines for dog management within and outside ROLAs. The ROLA concept was an important substitute for “voice control,” a term that consistently generated disagreement. The Work Group built on this effort and eventually agreed to forward 16 Dog Management Guidelines for consideration by the full Committee at its final meeting. The record of TSC and Work Group deliberations reveals the emergence of a set of broadly acceptable dog management guidelines that crossed caucus lines, as well as the inability to resolve differences related to physical separation. The extent of agreement ultimately was not sufficient to satisfy the Committee's requirement of unanimous support for, or acceptance of, a recommendation, but the proposed guidelines are likely to influence NPS rulemaking since the discussion provided an in-depth view of stakeholder perspectives.
- **Integrated Concept.** In June 2007 the Team developed an Integrated Concept(IC) document for the Committee that was designed to demonstrate how a balanced package that included dog management guidelines and site-specific proposals might be achieved. It was not endorsed as a package by any Committee member, and in fact drew criticism from many. However, this criticism was consistent with the purposes for the document, and provided an opening to discuss sensitive issues such as limitations on off-leash dogs on Ocean Beach, Fort Funston, and Crissy Field. The Team included controversial elements in the document in order to remove pressure from individual Committee members representing constituencies opposed to introduction of those elements. The Integrated Concept also was designed to stimulate generation of detailed options from the off-leash caucus and others, and achieved this result in the view of the Team.
- **Quality of Information and Data.** There is reason to believe that the NEPA-NR concurrent process influenced the quality of information and data developed to support NEPA analysis and decision making. Committee members raised questions and posed challenges that, in some cases, improved the quality of information but in others could not be resolved to everyone's satisfaction. In this respect the NEPA-NR relationship had multiple dimensions, and was more than simply a process where the NEPA team provided resource data to the Committee. Information of particular importance to Committee members included visitor use data for GGNRA, information about shorebirds, research about dog management approaches in other local and national jurisdictions (e.g., Boulder, CO), records of Incident Reports maintained by law enforcement, and some general details of alternatives likely to be analyzed (although the Team has no knowledge of these alternatives and did not participate in their development). The potential for future litigation may also have influenced information development.

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<sup>8</sup> GGNRA has reviewed, but not adopted these proposals from the off-leash caucus.

- **Education about NPS Commitment to Changing the Status Quo.** The NPS initiated the NR process by describing the reasons why the *status quo* was not acceptable, as noted earlier in this report. One of the recurring challenges for the NPS in the NR process was educating some off-leash caucus representatives and their constituents of their commitment to this goal. By one subjective measure—the declining number of references to “Keeping the 1979 Pet Policy”—there was a positive shift in understanding over the course of the NR process. While Committee members continued to disagree on the need for change as well as what change should look like, doubts about the NPS’ commitment to change appeared much less frequently in later deliberations and conversations.
  
- **NPS Understanding of Key Interests and Issues.** The extended NR process, and multiple efforts to build agreements, provided ample opportunity for NPS to learn in detail about key issues, interests, and needs that must be addressed in rulemaking. The difficult discussions afforded opportunities for learning from lack of agreement and criticism, and later from gradually emerging points of broad agreement on some site-specific options and ROLA characteristics.
  
- **Committee Understanding of Key Interests and Issues.** The NR process also provided an extended opportunity for many Committee members to gain a deeper understanding of key issues, interests, and needs related to dog management from the perspective of the NPS and other stakeholders. This was not a case of starting from scratch: many participants had interacted in other local forums on dog management issues. For those seeking insight, the many hours spent in meetings and in the field, and particularly discussions about potential options, increased the depth of understanding about the key issues, such as the practical meaning and importance of “separation” between off-leash dogs and other park users.
  
- **Improved Relationships.** Despite the challenging inter-personal dynamics that characterized parts of the NR process, one positive result reported to the Team was improved relationships which have continued beyond the NR process. This appears to be true particularly for NPS staff and some Committee members, and should be an asset for future policy development on dog management.

### Critical Process Choices

The deliberations and outcomes of the NR process were influenced significantly by three separate process choices. The first was made by the NPS: conducting NEPA and NR concurrently. The second also was made by the NPS with input from the Team and the public: the composition of the Committee. The third choice was made unanimously by the Committee: the content of the Committee Protocols, including the decision rule requiring unanimity for consensus on substantive issues. These three choices are summarized below.

**Process Choice: Concurrent NEPA and NR.** The NPS, based on the Federal Panel report, elected to conduct the negotiated rulemaking process concurrently with a planning process under NEPA. This decision had several implications for the process, as follows:

- The Committee’s ability to examine potential options was not shaped or constrained by an existing analysis of alternatives and impacts under NEPA or identification of a preferred alternative.
- Complete natural resource, visitor use, and other information to support Committee deliberations had not yet been developed.
- The initial focus for consensus building became agreement on a Committee alternative that would be part of the NEPA impact analysis, and not a proposed rule based on completed impact analysis.
- The NPS NEPA team became an important part of the negotiated rulemaking process as educators about the concurrent NEPA process and its requirements, and as a resource for information about visitor use, natural resources, and other attributes that would shape off-leash alternatives at different locations.
- Legal and procedural requirements for NEPA and the federal Administrative Procedures Act influenced planning and decision making about the negotiated rulemaking. This was true for NPS staff, the NEPA team, the Team, and also for Committee members as they shaped their strategies. For example, the NEPA team was understandably vigilant in protecting the integrity of the separate NEPA process against a future legal challenge. The NPS was careful to avoid any action that could be perceived as being “pre-decisional” about key NEPA choices such as a reasonable range of alternatives for analysis. This caution severely limited discussions with Committee members, and inadvertently created suspicion in the minds of some Committee members that the NPS had made firm decisions about alternatives without advising the Committee. Some Committee members also expressed suspicion that the Team was part of the internal NPS alternatives development process. In fact, the Team never participated in the NPS internal deliberations and was effectively in the same position as Committee members in this regard.
- There was an ongoing challenge to educate Committee members about NEPA requirements. At times compliance with NEPA requirements was a topic of discussion, and even disagreements, among Committee members and NPS staff. The off-leash caucus retained legal counsel to advise them specifically about NEPA matters, a decision that highlighted the perceived stakes associated with the NR process.

**Process Choice: Committee Appointments.** The NR Act provides criteria for appointments to a negotiated rulemaking committee and the NPS relied on these criteria in its decision making process. GGNRA also requested that alternates be appointed at the same time as primary representatives to avoid process delays in the event that a primary representative had to withdraw, as happened during the NR process at Fire Island National Seashore. The role of Committee Alternate was unsatisfactory for some appointees leading to a Committee decision to allow both primary and alternate representatives to fully participate in the NR meetings. The final choices involved balancing and tradeoffs, particularly in light of the adversarial history of dog

management in San Francisco. It was not feasible or practical to appoint a Committee that was representative of key interests and yet free from this history. Committee balance is discussed in the final section of this report. Also, since not every individual or group with an interest in GGNRA dog management policies could be a Committee member, members were selected to reflect the broad range of known public concerns and interests.<sup>9</sup> Several members of the public who requested appointments to the Committee were not chosen because they were not representatives of identified stakeholder groups. The NPS relied on individual commitments to participate in good faith, to be collaborative, and to be flexible in considering options. For some individuals, these commitments became a source of controversy and conflict within the Committee and TSC that limited the potential for progress on substantive priorities.

**Process Choice: Committee Protocols.** The Committee adopted a set of ground rules for its deliberations, called Protocols, over the course of its first three meetings. A copy of the Protocols is attached to this report as Attachment C. The Protocols addressed a wide range of topics and were intended to serve as guidelines for future choices by Committee members, both for individual behavior and Committee action. The Protocols depended on the good faith of Committee members, and included a detailed discussion of good faith criteria. However, the Protocols were not intended as a form of micro-management and could not practically be drafted to serve this function. Several provisions of the Protocols as adopted by the Committee proved to be problematic and are discussed below.

- **Decision Making and Consensus.** As noted above, the Negotiated Rulemaking Act provides for decision making based on unanimous consensus, but also allows for variations from this decision rule. The Committee’s Charter provided for “consensus” without defining that term. The Team recommended to the Committee that it adopt a decision rule defining consensus as broad agreement across interest groups participating in the Committee, and that a rule requiring unanimity be avoided. This recommendation was based on the Assessment Report findings, subsequent events such as Judge Alsup’s ruling and associated dynamics, and professional experience. The “broad agreement” approach was intended to avoid giving one person an effective veto over Committee decision making in light of the polarized history of dog management. The Committee opted for unanimity of support for or acceptance of a recommendation as a decision rule for substantive issues, and adopted a rule of “broad agreement” for procedural matters. *See* Protocols Section 4.b. A number of Committee members from different caucuses insisted that only a requirement of unanimity would ensure their interests were addressed in deliberations, and even linked their continued participation to this outcome. This view reflected the deep suspicion, distrust, and polarization identified in the Assessment Report. The insistence on a unanimous decision rule had a significant impact on the potential for reaching agreements, by giving each member of the Committee the ability to block agreement, even if all or most other members of the Committee, including members of their own caucus, agreed. This scenario played out at the final meeting.

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<sup>9</sup> At least one group of off-leash advocates emerged late in the NR process and expressed concern that they had not been included on the Committee.

- **Communications Regarding Committee Matters.** The Team recommended that the Committee adopt guidelines limiting discussion of GGNRA dog management issues outside the Committee context. One goal was to make the Committee the primary forum for finding solutions. The language of the Protocols as adopted proved controversial in light of the outside activities of some Committee members and their organizations, which generated multiple requests to remove Committee members (*see below*).
- **Good Faith Standards.** One explicit criterion for Committee membership was a good faith commitment to seeking consensus. This requirement was stated in the FR notice inviting Committee nominations, and is described in the Act.<sup>10</sup> During the assessment phase the Team took steps to test this commitment with each potential Committee members. This focus on good faith reflected the consistent theme of distrust among key organizations and some individuals representing them. The Committee eventually adopted, with strong support from the NPS, a set of Good Faith criteria that became part of the Protocols. These standards were created in response to events and reactions following the Assessment Report (September 2004) and prior to the initial Committee meeting (March 2006). They were an effort to identify specific expectations about good faith as the basis for initial selection as well as ongoing participation on the Committee. However, while the “letter” of the standards was maintained by most members, some Committee members cited violations of the intent or “spirit” of the standards as justification for requesting the removal of other Committee members. Enforcement of these standards became a focus of ongoing disagreement described later in this report.
- **Removal from the Committee.** The Protocols allowed the NPS Designated Federal Officer to remove Committee representatives or alternates if they acted in a manner inconsistent with the Protocols or good faith standards. The NPS received multiple requests to remove members from the Committee for alleged Protocol violations based on bad faith. These requests exacerbated already challenging Committee dynamics and forced the NPS into very difficult choices. Ultimately the NPS took steps to remove only one Committee member; this process was not completed prior to the Committee’s final meeting. The removal option was a source of disagreement for much of the Committee’s existence.

### Approaches and Tools for Collaborative Problem Solving and Consensus Building

This section summarizes the Team’s overall strategy for reaching consensus as well as key adaptations along the way. It also describes the different approaches and tools used by the Team and Committee members in different forums to achieve the objective of consensus.

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<sup>10</sup> Section 564(b)(3).

As already noted, the strategic objective for the Committee was consensus on a proposed special regulation for dog management, primarily focusing on options for off-leash opportunities within GGNRA. The concurrent NEPA process focused the Committee on a critical initial objective: reaching consensus on a recommended Committee alternative for NEPA analysis, and not simply a final recommended rule. The concept was that the Committee would reach consensus on its initial recommendation, wait for the results of the impact analysis from the NEPA team, and then negotiate a final consensus recommendation on a special regulation to the NPS using those results.

This two-step agreement process could have reduced the risks to individual Committee members of agreement on an initial recommended alternative, since that alternative would be analyzed in the draft EIS along with other alternatives, and the Committee would have the benefit of this analysis in seeking final agreement on a proposed special rule. This was not the perspective of some Committee members. Concerns about appearing to “endorse” off-leash dog walking in any form were paramount for some environmental representatives and hindered development of alternatives for analysis. For some off-leash representatives it was difficult to fashion alternatives that incorporated potential solutions they believed were not justified, even for the sake of analysis.

A second basic challenge for consensus building was the relationship of planning principles and ROLA characteristics to site-specific solutions. Some Committee members made agreement on principles and criteria a priority and refused to discuss site-specific approaches without them. Other Committee members—essentially the off-leash caucus—made site-specific solutions a priority and resisted development of detailed planning principles. Proponents of the different approaches articulated clear reasons for their preferences, as illustrated in the following excerpts from two different Committee member communications:

*“We do not believe that negotiating a list of ROLA characteristics is a productive use of time by either the Technical Subcommittee or the Committee. ROLAs will vary. Their characteristics will appear over the course of designing each ROLA. Several of the proposed “characteristics” are really proposed pet management policies, not characteristics of the off leash areas.”*

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*“The way that land use is planned is by developing standards that incorporate articulated interests, and then applying those standards to specific sites. That is how you accomplish city zoning, and it is how you plan park use as well. This is what the GGNRA does in contexts other than dog management. If you look at specific sites for ROLAs absent any agreement regarding standards, or even agreement regarding what a ROLA fundamentally is (remember, we still have no agreement within the Committee that off-leash use should be limited to ROLAs), then the discussion is ad hoc, arbitrary, and unproductive, because it has no foundation.”*

This difference in priorities and approach became a basic ground for disagreement within the Committee. The Team pursued a “both-and” strategy based on the conclusion that an agreement would require both ROLA characteristics and site-specific solutions. This strategy entailed seeking to make incremental progress on both fronts by alternating the focus at different meetings, and eventually led the Team to develop the Integrated Concept. This strategy was an ongoing focus of criticism from Committee members who preferred to focus exclusively on either planning principles (environmental caucus and others) or site-specific alternatives (off-leash caucus).

### *Overall Approach to Consensus Building*

The NR effort evolved through four phases, with the Team adapting strategies in each phase in response to process dynamics. These phases were: (1) joint development of NEPA alternatives; (2) “starting points” from the off-leash caucus; (3) Integrated Concept document from Team; and (4) Work Group effort. These are described below, along with specific tools used to support consensus-building.<sup>11</sup>

**Phase One: Joint Alternatives Development Using Interest-based Bargaining.** The initial strategy for development of a NEPA alternative anticipated a joint effort among all caucuses and representatives. This strategy relied on development of recommendations in the TSC followed by fuller discussion and decisions at the Committee level. It was based on an assumption that members from each of the three caucuses were motivated to assist in option development. Products would include site-specific recommendations and broader principles or guidelines, developed jointly. This strategy subsequently was refined to encourage a focus on an initial set of six locations. The Team prepared a memorandum for the TSC meeting on November 8, 2006 recommending this narrower approach in light of difficulty experienced to that point in generating meaningful options. The Team relied on the following process tools and approaches to promote consensus building.

- *Workshops on Interest-based Bargaining.* Prior to convening the Committee for its initial meeting, the Team conducted two workshops designed to introduce the fundamentals of interest-based bargaining that would be needed to build consensus. The workshop materials included individual copies of “Getting to Yes” for Committee members. In the Team’s view these sessions had an uneven impact. They helped some Committee members understand collaborative decision making and provided a language to support this approach. But the sessions ultimately did not influence positional negotiation styles of some members sufficiently to allow consistently constructive problem solving in the Committee or TSC.
- *Key Interests Compilation.* The Team compiled an initial set of key interests linked to each location open for consideration of off-leash dog walking. This compilation was distributed to TSC and Committee members to promote

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<sup>11</sup> The detailed meeting summaries for the Committee and Technical Subcommittee offer an overview of the strategy for building consensus.

education and productive approaches to developing potential options. A copy of the September 2006 version of the interests compilation is attached (Attachment D).

- *Online Survey for Guiding Principles Consensus Building.* The Team designed an online survey to support consensus building on the initial set of Guiding Principles developed by the TSC. The survey was intended to identify the relative potential for finding agreement on each proposed principle to assist in setting priorities for discussions. The survey results were compiled and presented to members at the February 17, 2007 TSC meeting, with individual preferences remaining anonymous.
- *Straw Polling to Test Consensus Potential.* The Team asked the TSC to participate in different exercises aimed at showing preferences and the potential for finding agreements. One such straw poll addressed expectations about behaviors of dogs and dog guardians in GGNRA. Another addressed proposed specific ROLA characteristics. In each case the Team compiled the straw polling results in tables during the meeting, shared them with meeting participants, and used the results to shape next steps.
- **Individual Caucus Sessions with GGNRA Superintendent.** Superintendent O'Neill met with Committee members as caucuses on multiple occasions during the NR process. These sessions were intended as opportunities for a direct conversation about process issues and concerns with Committee members.

**Phase Two: Starting Points from Off-leash Caucus.** The second strategy for alternative development reflected learning about the resistance of some Committee members to support development of options for off-leash dog walking. Under this approach, off-leash representatives had the responsibility to develop Starting Points for discussion with other Committee members. The TSC and Committee eventually agreed on a set of nine Guiding Principles to inform this effort (see *Products*). This modified strategy generated Starting Points for some locations from the off-leash representatives. However, it became clear that off-leash representatives did not feel free to propose alternatives at all locations that integrated key interests of other Committee members in a meaningful way. One consequence was a strong negative reaction from some environmental representatives, who perceived their interests were being dismissed or ignored. These dynamics led to the next phase.

**Phase Three: Integrated Concept.** To overcome the lack of integrated option development, open the door to explore controversial alternatives, and model a “balancing” of interests including those of the NPS, the Team developed an Integrated Concept (IC) for consideration by Committee members. The IC ultimately included general principles, ROLA characteristics, and site-specific options for the 11 locations open for off-leash consideration. A copy of the IC is attached (Attachment E). The IC generated a significant amount of response, as intended, including a separate proposal

from the off-leash caucus and a detailed set of ROLA characteristics from representatives of other caucuses. The comments and proposals brought into clear focus the challenge facing the Committee around different views of safety and physical separation of park users. The IC also set the stage for development of detailed site-specific proposals by the off-leash caucus and the Work Group (see below) that were recommended to the Committee.

**Phase Four: Work Group Proposals.** By mid-2007 it was clear that dynamics within the TSC and Committee were a significant barrier to development of detailed, integrative site-specific proposals. It also was clear that a number of Committee members from all three caucuses were frustrated by these dynamics and wanted a different approach. A small (8-10 people including NPS staff) Work Group process developed with the goal of finding agreement on recommendations to the Committee for a sub-set of locations and ROLA characteristics. The Work Group largely achieved this goal despite meeting under severe time constraints, and had the potential to make even greater progress in the Team's view. The Work Group's recommendations were the focus of the Committee's final meeting.

#### *Meeting Information Needs*

The Committee members had extensive needs for information in these broad categories:

- NR process, including NEPA. This was both an initial and an ongoing area of need. The NPS prepared an initial binder for Committee members with background information about the NR process. The NEPA process and schedule was a challenging topic to master. The NPS organized briefings for the Committee and TSC during the course of the NR process about the NEPA process, its unique rules, and its relationship to the rulemaking. For example, the NEPA team developed handouts on its approach to developing a reasonable range of alternatives, focusing on objectives, risk factors, management principles, and criteria.
- Legal sideboards established by NPS. The NPS included information about the key legal and regulatory sideboards for the Committee in the initial binder. This included FR notices, copies of the Act and FACA, the Organic Act, and the legislation establishing GGNRA. The GGNRA's legal counsel gave an initial presentation on NPS mandates to the Committee with handouts, and also participated in additional meetings to answer questions or provide updates.
- Attributes Tables. The NEPA process was the primary vehicle for gathering, organizing, and communicating information to the Committee about key factors for development of alternatives. The NEPA team distributed Attributes Tables for each of the 12 potential locations for off-leash use to Committee members, and accepted proposed corrections and modifications from Committee members.
- Shorebird Data. Reliable information about shorebird populations on GGNRA beaches became a key need due to potential implications for off-leash dogs. The NPS provided a data compilation to Committee members along with a

presentation. The off-leash caucus expressed dissatisfaction with this approach and sought the underlying raw data.

- Incident Reports. Committee members sought records of law enforcement interactions with visitors, called incident reports. This information was significant because of its potential to influence perceptions about the levels of visitor conflict around GGNRA, including conflicts involving off-leash dogs, as well as impacts on natural resources. The off-leash caucus expressed concerns to NPS about access to this information and its reliability.

All presentations and handouts are identified in, and in some cases are a part of, the meeting summaries.

### **Process Dynamics**

The dynamics of the NR process were influenced significantly by factors summarized in this section under these headings: (1) meeting environment, (2) insufficient incentives to develop site-specific alternatives, (3) representative-constituency relationships, (4) skepticism about NPS commitment, (5) environmental participation, (6) limits on flexibility for off-leash use, and (7) perceived violations of good faith standards. The purpose for identifying these factors is to promote understanding of the complexity of the NR process. Some of these factors were anticipated through the assessment process, and the Team worked with the NPS and Committee members to address them using the approaches and tools described above. Other factors were a result of circumstances or events not addressed in the assessment, and these required process adaptations along the way.

In addition to the factors discussed below, the NR process developed in an environment where litigation was broadly cited as a likely consequence regardless of the outcome. The NR process was not intended to prevent future litigation, although reducing the potential for litigation might have been a reasonable hope in the event of consensus on a special regulation. The BATNA (Best Alternative To a Negotiated Agreement) for interests represented by the off-leash and environmental caucuses explicitly included a legal challenge to the outcome of rulemaking, and this may have been true for other Committee members. The Committee included several lawyers with litigation and trial experience and the off-leash caucus retained counsel to advise them about NEPA. Committee members were unwilling to surrender the litigation option as a condition for Committee participation, but avoided initiating any new court action during the Committee's existence. Whether the NR process and outcomes influenced the potential for litigation is unknown.

### *Meeting Environment*

The Team received comments from Committee members and others over the course of the NR process that the environment in Committee and TSC meetings was not consistently supportive of collaborative decision making. In contrast, comments about the Work Group indicated it was consistently a constructive environment despite the difficulty of the issues and lack of time. The Team's observations generally match these perspectives. One factor was individual behaviors, including language, of a few Committee members that were seen as disrespectful, dismissive, or even aggressive. A second factor was a preference on the part of some Committee members for positional and adversarial styles of pursuing interests and goals. A third factor was history: several Committee members brought with them a prior history of difficult interactions in other forums; these continued to play out in the NR. The situation assessment process revealed significant polarization and this appeared to increase over time. Deep personal antipathy, based largely on differences in values, found a vehicle for expression through the NR process, with negative consequences for individuals and the Committee as a whole. These dynamics did not appear in the Work Group, largely because it was comprised of Committee members who valued constructive interactions. A final factor was the reluctance of other Committee members to take responsibility for identifying and, as a Committee, enforcing acceptable standards of behavior and more collaborative styles of negotiation. The Team was regularly asked to intervene and utilized diverse tactics to manage and promote changes in behavior. Ultimately these proved to be of limited effectiveness: behaviors might change for part or all of a meeting but would return at the next gathering.

### *Insufficient Incentives to Develop Site-Specific Alternatives*

Off-leash dogs in national parks are fundamentally inconsistent with core values of some environmental representatives, and there was deep and persistent concern about GGNRA becoming a precedent for other national parks despite its unique history and geography. This concern acted as a disincentive for some environmental caucus representatives to develop site-specific alternatives that addressed both environmental and off-leash interests, and emerged as a barrier to collaborative generation of options.<sup>12</sup> Instead, the task fell to other Committee members to generate site-specific options, which then were subjected to challenging critiques. As a result the environmental representatives did not propose any site-specific alternatives as a caucus, although some individual members participated extensively in the Work Group and supported its recommendations to the Committee. Environmental caucus members devoted considerable energy to developing General Principles and proposed ROLA characteristics described above in the section on Outcomes.

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<sup>12</sup> In fairness, off-leash caucus members also were limited in their ability to present alternatives, although for different reasons discussed below.

### *Representative-Constituency Relationships*

In negotiations to resolve a controversial and deeply polarized conflict it is not unusual for there to be differences between the views of negotiators “in the room” and the views of their constituents. This difference was a factor in the NR process. The off-leash representatives faced a challenging task in communicating with their diverse constituencies, clarifying their authority to discuss unpopular solutions, and trying to integrate the interests of other Committee members into alternatives. The off-leash representatives were limited in their ability to propose or discuss options or alternatives out of concern for the potential reactions of their constituencies. This was particularly true for proposals that would limit or eliminate off-leash use on parts of GGNRA beaches, and contributed to development of the IC.

### *Skepticism about NPS Commitment*

One factor not fully developed in the assessment was a lack of confidence in the NPS’ commitment to enforce a new dog management rule. While perhaps not uniformly felt by all Committee members, this skepticism appeared to be present to some degree in all caucus groups. For some members this skepticism related to a perceived record of reluctance to enforce existing NPS rules and regulations. The anticipated scarcity of funding available to NPS for enforcement of a dog management rule in the future magnified this concern. For others skepticism—and even distrust—was linked to perceptions that the NPS had pre-judged the ultimate outcome and was going through the motions with the Committee. This was exacerbated by the inability of NPS staff to discuss with the Committee their internal discussions of potential alternatives, due to concerns about possible future legal challenges about the decision making process.

### *Balanced Representation*

The NR Act provides for (1) identification of a limited number of interests that will be significantly affected by a rule, and (2) a committee with balanced representation by members who can adequately represent those interests and are willing to negotiate in good faith to reach consensus on a rule.<sup>13</sup> Committee appointments were made with this standard in mind, relying on the use of primary and alternate members. Committee dynamics did not consistently reflect the goal of balanced representation according to input received by the Team. This contributed to perceptions of disproportionate influence and discouragement of diverse viewpoints in both the Committee and TSC. Each caucus was the focus of concerns about balanced representation at some point during the course of the NR process; the frequency and intensity of such concerns was noticeably higher for the environmental caucus. There are a number of possible factors that influenced views about balance, including: the actual Committee appointments; the challenge of consistent attendance at all meetings during the 19-month process, particularly for private citizens; the limits on flexibility discussed in the next paragraph; and the difficult meeting dynamics discussed above.

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<sup>13</sup> §563(a)(2), (3)

### *Limits on Flexibility for Off-leash Use*

During situation assessment interviews, the Team sought to evaluate the openness and flexibility of potential Committee members to a range of off-leash options. All Committee members advised the Team that they were “open” to off-leash dogs as an option, and also understood that a special regulation might also limit off-leash uses. Committee appointments relied on these individual commitments to flexibility. Once the Committee began meeting, however, significant limits on flexibility for some Committee members emerged. For example, some Committee members insisted on impermeable enclosures with specific minimum heights, which appeared to be a proposal to replicate fenced dog parks found in the Bay area. Other Committee members objected to any limitation of off-leash dogs on beaches, i.e., any significant change from the 1979 Pet Policy. In the end there was not sufficient flexibility about physical separation of off-leash dogs, other park users, and sensitive natural resources to reach unanimous agreement on ROLA characteristics or most site-specific alternatives.

### *Perceived Violations of Good Faith*

The NR process was characterized by an undercurrent of dissatisfaction with the NPS enforcement of good faith standards identified in the Protocols and required of all Committee members. Several incidents brought this dissatisfaction in to focus, including website postings, press releases, a letter to the editor, and a “boycott” in October 2006 that led to the cancellation of a full Committee meeting and its rescheduling as a TSC meeting. Various Committee members from different caucuses demanded that the NPS remove other Committee members for alleged good faith violations. This undercurrent, as well as the specific incidents, not only undermined trust and willingness to find consensus but also diverted attention from Committee objectives and required significant human resources to address.

## **Conclusion**

The Team has prepared this report to support former Committee members, the NPS, and the broader public as they continue to develop a dog management program for GGNRA. The report is intended to document the NR process and offer a perspective on dynamics and their influence on outcomes. The Team hopes that the report will also be useful for future decision makers as they weigh the potential benefits of a NR process with constraints and costs.

# **ATTACHMENT A: FACILITATION TEAM REPORT**

## **Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area (GGNRA)**

### **DETAILED TIMELINE**

- January 11, 2002 *Federal Register Advanced Notice of Proposed Rulemaking – Pet Management in Golden Gate National Recreation Area, San Francisco, California*
- November 7, 2002 *Federal Panel Recommendation to the General Superintendent on Proposed Rulemaking for Pet Management at Golden Gate National Recreation Area*
- May 10, 2004 GGNRA initiates process to assess potential for creating a Negotiated Rulemaking Committee
- May – August 2004 Assessment Team of mediators from the Center for Collaborative Policy (California State University, Sacramento) and CDR Associates met with approximately 45 people in individual and group interviews
- September 14, 2004 *Situation Assessment Report: Proposed Negotiated Rulemaking on Dog Management in the Golden Gate National Recreation Area*
- June 28, 2005 *Federal Register Notice of Intent to Establish a Negotiated Rulemaking Advisory Committee*
- September 6, 2005 National Park Service (NPS) staff and facilitators meet with caucus groups
- December 20, 2005 NPS staff and facilitators meet with caucus groups
- February 17, 2006 *Federal Register Notice of Establishment of Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area*
- February 17, 2006 *Federal Register Notice of first Meeting of the Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area*

- February 22, 2006 *Federal Register Notice of Intent to Prepare an Environmental Impact Statement for a Dog Management Plan for Golden Gate National Recreation Area*
- March 1 and 6, 2006 Negotiation Workshops for members of the Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area
- March 6, 2006 Meeting #1: Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area (Committee)

Agenda:

- Welcome from GGNRA Deputy Superintendent
- Introduction of Designated Federal Officer and Committee Members
- Review of Facilitator Evaluation
- Review Meeting Agenda and Objectives
- Review and Approve Meeting Protocols
- Overview of Applicable Regulations
- Overview of NEPA Process and Tentative Schedules
- Overview of NPS Sideboards for Committee Deliberations
- Public Comment

April 3, 2006 *Federal Register Notice of second Committee Meeting*

April 18, 2006 Committee Meeting #2

Agenda:

- Introductions, Agenda Review and Meeting Objectives
- Approval of March 6, 2006 Meeting Summary
- Updates on Activities Since Previous Meeting
- Committee Protocols
- GGNRA Sideboards for Negotiation
- Summary of Key Interests and Areas of Agreement from Assessment Report
- Committee Schedule, Logistics, Next Steps
- Public Comment

May 1, 2006 *Federal Register Notice of third Committee Meeting*

May 15, 2006 Committee Meeting #3

Agenda:

- Introductions, Agenda Review and Meeting Objectives

- Approval of April 18, 2006 Meeting Summary and Final Protocol Revisions
- Updates Since Previous Meeting - Negotiated Rulemaking Schedule/Timeline and Status of Resource Protection Rulemaking
- GGNRA Parameters for the Negotiated Rulemaking Process
- Draft Approach to Collaborative Decision Making in the Negotiated Rulemaking Process
- No Action Alternative for Dog Management Plan/Environmental Impact Statement (EIS) under National Environmental Policy Act (NEPA)
- Information Needs for Negotiated Rulemaking Process
- Next Steps
- Public Comment

June 26, 2006

*Federal Register Notice of fourth Committee Meeting*

July 18, 2006

Meeting #1: Technical Subcommittee of the Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area (Technical Subcommittee)

Agenda:

- Introductions, Agenda Review and Meeting Objectives
- Overview of NEPA Data Collection to Date (by site)
- Review and Discuss Draft List of Information Needs to Support Rulemaking (as identified by Committee members)
- Discuss Approaches to Filling Outstanding Data Needs
- Next Steps

July 31, 2006

Committee Meeting #4

Agenda:

- Introductions, Agenda Review and Meeting Objectives
- Approval of May 15, 2006 Meeting Summary
- Updates Since Previous Meeting – Negotiated Rulemaking Schedule/Timeline, Change in SFSPCA Participation, Updated GGNRA Parameters for the Negotiated Rulemaking Process, Plan for Site Visits by Committee Members, NEPA Update, including Current Conditions information request
- Report on Technical Subcommittee Meeting #1
- Compilation and Analysis of Interests: Collaborative Problem Solving Process Step 1

- Potential Objective Criteria for Developing Options: NEPA and Collaborative Problem Solving Process Step 2
- Next Steps
- Public Comment

August 28, 2006 *Federal Register Notice of fifth Committee Meeting*

August and September 2006 Committee Member Site Visits within GGNRA

September 13, 2006 Technical Subcommittee Meeting #2

Agenda:

- Introductions, Agenda Review and Meeting Objectives
- Data and NEPA Issues
- NPS Environmental Quality Division proposal for Joint Fact Finding
- Next Steps

September 21, 2006 Committee Meeting #5

Agenda:

- Introductions, Agenda Review and Meeting Objectives
- Review and Adopt July 31, 2006 Meeting Summary
- Update on Activities Since Last Meeting – Report on Site Visits and Natural Resource Protection actions
- Presentation on DOI (Department of Interior) Rule Writing Process and Support for Reg-Neg (Negotiated Rulemaking)
- Discuss Report from Technical Subcommittee Meeting #2
- NEPA Presentation of Summary of Public Scoping Comments
- Review Revisions to Key Interests and Issues Table
- Discuss Potential Selection/Evaluation Criteria/Toolbox
- Next Steps
- Public Comment

November 8, 2006 Technical Subcommittee Meeting #3

Agenda:

- Introductions, Agenda Review and Meeting Objectives
- Address Questions and Issues Related to Rescheduling from October 25
- Review Meeting Objectives
- Review Key Criteria for Decision Making

- Walk Through the Approach for Analyzing an Area for Potential Off-Leash Activity (Upper Fort Mason)
- Full Subcommittee Application of the Analytical Approach (Muir Beach)
- Small Groups: Analysis of Additional Units and Report Back (Lands End and Oakwood Valley)
- Small Groups: Analysis of Additional Units (Crissy Field and Fort Funston)
- Dinner
- Formulate Report and Proposals for the Full Committee

November 28, 2006 Off-Leash Dog Groups Caucus Meeting with GGNRA Superintendent Brian O’Neill

November 29, 2006 Technical Subcommittee Meeting #4

Agenda:

- Introductions, Agenda Review and Meeting Objectives
- Review Principles of Collaborative Problem Solving
- Discuss Proposed Approach to Developing Options
- Upper Fort Mason
- Muir Beach
- Fort Funston
- Crissy Field
- Oakwood Valley
- Lands End
- Next Steps

January 12, 2007 Environmental Groups Caucus Meeting with GGNRA Superintendent Brian O’Neill

January 13, 2007 Site Visits to San Mateo County GGNRA Locations

January 24, 2007 Other Park Users Caucus Meeting with GGNRA Superintendent Brian O’Neill

February 17, 2007 Technical Subcommittee Meeting #5

Agenda:

- Introductions, Agenda Review and Meeting Objectives
- Review of Applicable Statutes, Regulations, and Policies: NPS Presentation
- Criteria for Developing Proposals: Principles, Interests, and Objective Factors

- Regulated Off-Leash Area (ROLA) Characteristics: Subcommittee Discussion
- Review Consensus-Building Approach, Goals, Timeline, and Deadlines: Subcommittee Discussion
- Information Packet for Remaining Six Off-Leash Locations: NPS Overview of Data
- Developments Since Last Subcommittee Meeting
- Review Next Steps

March 21, 2007

*Federal Register Notice of sixth Committee Meeting*

March 29, 2007

Technical Subcommittee Meeting #6

Agenda:

- Introductions, Agenda Review and Meeting Objectives
- Review and Approve Meeting Summary for Meeting #5
- Developments Since Last Subcommittee Meeting
- Review Process for Developing Starting Points
- Review and Adopt Structure and Guidelines for Presentations and Subcommittee Discussion
- Begin Presentations: Baker Beach
- Continue Starting Points Presentations and Discussion: Ft. Miley/Lands End
- Regulated Off-Leash Area (ROLA) Characteristics: Update on Compilation and Discussion of Next Steps
- Plan April 5 Progress Report to Full Committee on Starting Points and Related Topics
- Review Next Steps

April 5, 2007

Committee Meeting #6

Agenda:

- Introductions, Agenda Review and Meeting Objectives
- Review and Adopt September 21, 2006 Meeting Summary
- Updates on Activities since Previous Meeting – Committee Protocols, Summary Presentation to Committee on NPS Management Policies 2006
- Report from Facilitation Team and Technical Subcommittees on Progress Toward Goal of Recommendations on Alternatives for NEPA Analysis
- Presentation from Technical Subcommittee on a Hypothetical Starting Point to Highlight Key Issues
- Presentation from NEPA Team on Approaches to Voice Control and ROLA
- Committee Discussion and Deliberation

- Next Steps: Logistics and Timing
- Public Comment

May 11, 2007

Technical Subcommittee Meeting #7

Agenda:

- Introductions, Agenda Review and Meeting Objectives
- Review and Approve Meeting Summary for Meeting #6
- Developments Since Last Subcommittee Meeting
- NPS Perspective on Bird Data
- NPS Presentation: Enforcement of a Dog Management Policy
- Review Outcomes from recent Site Visits, Internal Discussions, and Efforts to Develop or Refine Starting Points and Define ROLA Characteristics
- Development of an Integrated Proposal for Consensus Building on Dog Management
- Review Action Items, Next Steps, and Schedule

June 8, 2007

Technical Subcommittee Meeting #8

Agenda:

- Introductions, Agenda Review and Meeting Objectives
- Review and Approve Meeting Summary for Meeting #7
- Developments Since Last Subcommittee Meeting
- Presentation of Two Site-Specific Concepts for Crissy Field and Rodeo Beach
- Presentation of Facilitation Team (FT) Integrated Concept
- Subcommittee Discussion of FT Concept
- Approaches to Commercial Dog Walking
- Development of a Recommendation to the Committee
- Review Action Items, Next Steps, and Schedule

June 28, 2007

Technical Subcommittee Meeting #9

Agenda:

- Introductions, Agenda Review and Meeting Objectives
- Review and Approve Meeting Summary for Meeting #8
- Developments Since Last Subcommittee Meeting
- Schedule and Context for Subcommittee and Committee Actions
- Review of Proposals Developed by Subcommittee Members
- Subcommittee Discussion and Consensus Building on a Recommendation to the Committee

- Development of a Recommendation to the Committee
- Review Action Items, Next Steps, and Schedule

September 27 and  
September 28, 2007 Small Workgroup Meetings

October 3, 2007 Small Workgroup Meeting

October 12, 2007 *Federal Register Notice of seventh Committee Meeting*

October 19, 2007 Small Workgroup Meeting

October 27, 2007 Committee Meeting #7

Agenda:

- Introductions, Agenda Review and Meeting Objectives
- Review Meeting Ground Rules
- Review and adopt April 5, 2007 meeting summary
- Updates on Activities since Last Committee Meeting
- Consideration of Work Group Recommendations and Action
- Identification of Outstanding Issues related to the Reg-Neg Process and how GGNRA will Proceed
- Next Steps
- Public Comment

## **ATTACHMENT B: FACILITATION TEAM REPORT**

### **OFF-LEASH CAUCUS DOG MANAGEMENT PROPOSALS**

Copies of the Off-Leash Caucus Dog Management Proposals were distributed at the final Negotiated Rulemaking Committee meeting. This document, with some minor revisions from that distributed to the Committee, may be obtained on CD from the Golden Gate National Recreation Area. If you are interested in receiving a CD please contact Ozola Cody: [ozola\\_cody@nps.gov](mailto:ozola_cody@nps.gov) or (415) 561-4734.

## **ATTACHMENT C: FACILITATION TEAM REPORT**

### Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area (GGNRA)

#### Negotiated Rulemaking Committee Protocols

GGNRA is proceeding with formal rulemaking to develop a proposed rule that may alter the application of the existing dog walking regulation, 36 CFR §2.15 (a)(2), at GGNRA through a new special regulation that will govern dog management within its boundaries. As part of rulemaking, and as a reflection of its stated “commitment to include the public meaningfully” in developing a dog management rule, the U.S. Department of Interior has created a Negotiated Rulemaking Advisory Committee (Committee). In a “Dear Participant” letter dated May 10, 2004, GGNRA General Superintendent Brian O’Neill suggested a Committee would “work with GGNRA to investigate a regulation to allow off-leash dog walking in certain areas . . . where resources and visitor safety would not be impacted.”

Creation of a Committee is guided primarily by two federal acts, the Negotiated Rulemaking Act and the Federal Advisory Committee Act. These Acts state the intent for a Committee to work by consensus, and to open discussion with a goal of reaching unanimous agreement, if possible, among all interests represented on the committee to the extent possible. With that goal in mind it is essential that Committee members and alternates commit to a set of working principles and operating protocols. The working principles for a GGNRA Committee are set out below, followed by a set of specific operating protocols.

#### Working Principles

In pursuing the goal of reaching consensus on a proposed dog management rule for GGNRA the Committee members and alternates commit to work together, adhering to the following principles:

- Use the Committee to build good working relationships among representatives of various interest groups that shall last beyond the life of the Committee
- Be good listeners to the concerns of others, even a lone voice, and work cooperatively to satisfy the concerns of all involved
- Be honest, transparent, and specific about concerns or interests, thereby creating opportunity for joint, interest-based problem solving

- Acknowledge that the process of listening to all voices and working towards consensus is essential for successful, durable and implementable outcomes
- Commit to participate in good faith, and to expend the time necessary to meaningfully participate in and contribute to the process
- Recognize that while people come to the table with different interests, values and perspectives, acceptable outcomes are still possible using objective criteria and analysis
- Be prepared to set aside past differences and adversarial approaches and work constructively with other Committee members
- If not in agreement with a proposed solution, outcome or recommendation, present an alternative that reflects and incorporates, to the extent possible, the various interests that have been expressed.

### Operating Protocols for the Committee

#### 1. Membership

- a. Committee Members. Pursuant to FACA, the Secretary of the Interior has appointed Committee members and alternates. Members consist of representatives of various organizations, including environmental groups, off-leash dog proponents, youth and elderly advocates, other park users and other stakeholders. Committee members will be the primary voice for interests they represent in Committee discussions.
- b. Alternates. Alternates will represent Committee members and/or their interests at times when the member is unable to participate in Committee deliberations. Alternates will sit at the table with Committee members during meetings. Members will be the spokesperson for each member-alternate team during Committee discussions, with these exceptions: (1) the member and alternate may switch roles, and (2) the discussion lead for a team may ask that additional perspectives from the team be part of the discussion in order to promote a greater understanding of the issues within the Committee.
- c. The DOI Secretary, in considering appointment decisions for the Committee, used a wide range of advice including:
  - Recommendations from the GGNRA and Regional NPS Office
  - Recommendations from the conveners

- Self-nominations from those who believe their interest(s) were not adequately represented on the Committee by others
- d. Criteria considered in selecting individuals to be appointed included:
- Willingness and ability to work with other stakeholders in achieving consensus
  - Contribution to balance among stakeholders and interest groups represented
  - Commitment to participate actively in the process
  - Ability to resolve issues through collaborative deliberations and consensus
  - Willingness to act in good faith consistent with the working principles
- e. Constituents' Interests. Committee members will attempt to represent the interests and concerns of their organizations and related constituents as accurately and thoroughly as possible, and work to ensure that any agreement developed by the Committee is acceptable to their organization.
- f. Dismissal from Committee. While not anticipated, if a Committee member or alternate, or a Subcommittee member, acts in a manner inconsistent with the agreed upon Committee protocols or good faith standards (Appendix 1), GGNRA shall evaluate whether continued participation on the Committee is appropriate and may dismiss that person. If such a situation arises, GGNRA will bring the issue before the Committee for appropriate explanation and discussion prior to any dismissal. The NPS will provide a written explanation to the Committee of the reasons for dismissal of any Committee member or alternative, or Subcommittee member.

## 2. Meetings

- a. FACA. The Committee is a FACA Committee and as such will follow FACA requirements at all times including, but not limited to, public notice, meeting records, and openness to the public.
- b. Attendance at Meetings. Committee members agree to make a good faith effort to participate in all scheduled meetings or activities. If a member is not able to attend a given meeting, his or her designated alternate shall participate in the member's absence whenever possible. Excessive absence may lead to dismissal from the Committee.

- c. Agendas. Agendas will be developed jointly by the Committee, with a draft distributed to Committee members in advance of each meeting.
- d. Meeting Materials. To the extent possible, all Meeting Materials will be distributed to Committee members and alternates prior to Committee meetings to provide an adequate opportunity to prepare for meetings.
- e. Meeting Summaries. A draft summary of each meeting will be prepared by the facilitation team, and adopted by the Committee at its next meeting. The Draft Meeting Summary will be provided to Committee members and alternates within two weeks after each meeting, or as soon thereafter as possible, to allow adequate time for review. The Committee's approved meeting summaries will be the basis of documentation of the Committee's work, discussions, and recommendations. Once approved by the Committee, meeting summaries will be made available to the public on the National Park Service website.
- f. Caucus. Committee members can call for a "caucus break" at any time to allow for discussions away from the table. The Committee will determine how much time will be allocated for the caucus break.
- g. Meeting Attendees and Comment. Non-member meeting attendees may comment during Committee meetings at times and in a manner designated by the Committee. Written comments may be provided at any time during the negotiated rulemaking process and will be attached to Committee meeting summaries for documentation purposes. A public comment period(s) of up to 20 minutes will also be provided during or after each Committee meeting as determined by the Committee (based on the agenda). Up to two minutes will be allocated to any person wishing to provide public comment at Committee meetings (for each public comment period), depending on available time and the number of people wishing to comment. Time for providing public comment may not be shared or transferred. All comments must be directly related to topics on the meeting agenda.

### 3. Subcommittees

- a. Establishment. Subcommittees, and their membership, may be established at any time by the Committee to focus on and develop preliminary proposals concerning particular issues or sets of issues.

The Committee may provide in its charge to a Subcommittee whatever level of guidance regarding focus and process it deems necessary.

- b. **Committee Members.** Committee members, or their alternates, should actively participate on Subcommittees to the extent possible.
- c. **Subcommittee Participation.** Participation in Subcommittees is open to anyone with interest in, and knowledge about, the issues a Subcommittee is considering, with the agreement of the Committee. Subcommittee members must agree to participate in good faith and contribute constructively to the efforts of that Subcommittee, and abide by the same protocols and good faith criteria as the Committee.
- d. **Balanced Representation.** Committee members agree to make a good faith effort to assure that a balance of interests is represented on each Subcommittee. In particular, efforts will be made to include local government representatives on appropriate Subcommittees.
- e. **Process.** Subcommittee meetings will be conducted in accordance with any ground rules established by the Committee, consistent with FACA and the Negotiated Rulemaking Act. The Subcommittees will be convened with the assistance of the facilitation team.
- f. **Subcommittee Products.** Subcommittees are not authorized to make decisions for the Committee; their sole role is to gather information, develop options, make recommendations (if requested) and report back to the Committee.

#### 4. Decision Making

- a. **Commitment to Seek Inclusive Solutions.** Committee members agree to strive for as broad, inclusive and informed a consensus as possible when making decisions, particularly with respect to final recommendations. Such decisions will be sought through effective meeting facilitation and active, open, constructive participation by Committee members.
- b. **Consensus.** The Committee shall operate consistent with consensus-seeking principles (rather than voting), as follows:

- Consensus is both a process and an outcome. Consensus is a flexible concept that must be adapted to each context and desired outcome, and a rigid rule of unanimity for all decisions will not provide this flexibility. The Committee is committed to decision processes that address as many significant interests as possible, regardless of the nature of the decision;
  - The Committee's primary task is to recommend to the GGNRA a proposed rule for dog management. For this decision and other substantive decisions related to developing a proposed rule, consensus shall mean either support for or acceptance of (meaning agreement not to oppose) a final recommendation to the GGNRA by all Committee members;
  - With respect to the Committee's report to the NPS on its deliberations (see "Report of Committee" below), consensus shall mean that all Committee members can support or accept a single version of the report;
  - With respect to decision making on matters that relate primarily to Committee operation and administration, including, but not limited to, agendas and schedules, consensus shall mean, at a minimum, broad support for each such interim decision or outcome across the spectrum of interest groups represented on the Committee;
  - With respect to adoption of these protocols, consensus shall mean that all Committee members can support or accept the same version of the protocols, even if that version might not be their first choice.
- c. Absence of Consensus. In cases where consensus is not achieved despite good faith efforts, the facilitators shall make recommendations to the Committee about: 1) working further to reach consensus through appointed workgroups, or some other designated means; 2) transmitting to GGNRA individual member views or majority/minority views; or 3) tabling the issue, depending on the nature of and context for the decision. With respect to the Committee's primary task, the absence of consensus on any aspect of the proposed rule, or the rule in its entirety, will not constrain GGNRA from proceeding with rulemaking or considering the results of the Committee's work as part of rulemaking.
- d. Report of Committee. The Committee shall transmit a report to the National Park Service that reflects the outcome of its deliberations on a proposed rule. If the Committee reaches consensus on a proposed rule, the report will present the proposed rule. If the Committee does not reach consensus on

a proposed rule, the report will describe the extent of agreements reached by the Committee, and also points of disagreement and the interests that could not be integrated sufficiently to reach consensus. The Committee may include in a report any other information, recommendations, or materials that the Committee considers appropriate.

## 5. Safeguards

- a. Good Faith. Committee members agree to participate in good faith at all times. Subcommittee participants also are required to participate in good faith. In critiquing an idea or proposal individuals shall make an attempt to provide a constructive alternative that meets other stakeholders' needs. If that is not possible, then the individual shall attempt to clarify his/her concerns related to that idea or proposal. Attachment 1 defines "Good Faith" in greater detail pertaining to the GGNRA negotiated rulemaking process. These guidelines will be re-visited quarterly.
- b. Right to Withdraw. Committee members may withdraw at any time, for any reason, without prejudice to themselves or the organizations they represent. Committee members agree to provide a written explanation if they withdraw from the process. If a committee member withdraws, their alternate, if available, will replace him or her.
- c. Open Dialogue. Committee members should be able to express themselves without fear of retaliatory action by others. This includes showing respect for the views of others, refraining from personal attacks and clarifying views not fully understood.

## 6. Communications and Information

- a. Sharing Information. Committee members agree to share all relevant information with other Committee members. This includes assisting the Committee to identify relevant information and making a good faith effort to provide such information in a timely manner.
- b. Outside Activities. Participation on the Committee does not restrict pursuit of other activities related to the intended objectives of the rulemaking. However, it is expected that Committee members will be forthcoming with other Committee members if such activities are undertaken.
- c. Public Record. Information provided to the Committee will become part of the public record. If a Committee member is interested in

obtaining information from GGNRA on issues relevant to the negotiated rulemaking process, that request will be brought to GGNRA and the Committee for action before any Freedom of Information Act requests or similar initiatives are taken.

## 7. Media

- a. Statements to the Media. Committee members and alternates recognize that the content and manner of public statements may affect the ability of the Committee to work together constructively and/or reach consensus. In communications with the media, Committee members and alternates:
  - will speak for themselves and not others unless authorized to do so;
  - will not characterize other members' and alternates' viewpoints;
  - will not attribute comments or motives to other members or alternates; and
  - will not utilize the media as a means of unilaterally influencing Committee deliberations; and
  - will not speak on behalf of the Committee unless explicitly authorized by the Committee to do so.

## 8. Schedule

- a. Scheduling Meetings. Committee and Subcommittee meetings will be scheduled by the Committee and Subcommittees, respectively, with the assistance of the facilitation team.
- b. Duration of the Process. The Negotiated Rulemaking process will operate in concert with the NEPA process necessary to support any GGNRA rulemaking. As these schedules are finalized they will be made available to the Committee. The Charter for the Rulemaking Committee is in place for two years.

## Roles and Responsibilities

1. GGNRA: GGNRA is the sponsor of the Negotiated Rulemaking Process and has ultimate responsibility to ensure that the applicable regulations (Negotiated Rulemaking Act, Federal Advisory Committee Act) are appropriately interpreted and applied. At the same time, GGNRA is a member of the Committee and will be treated in a similar fashion as all other Committee members with respect to meeting protocols, input on agendas, etc. GGNRA also appoints a Designated Federal Officer who has oversight of the FACA Committee and responsibilities to ensure the Committee adheres to FACA regulations.
2. Committee Members: Committee members represent a wide range of interests and perspectives concerning dog management in GGNRA and are tasked with working together to find solutions, as possible, which meet the various interests of stakeholders, consistent with applicable National Park Service guidelines and policies. Committee members agree to work together in good faith and abide by these protocols.
3. Committee Alternates: The roles and responsibilities of alternates are similar to those of Committee members, and vary mainly when both are able to attend Committee meetings. *See Section 1.b above.* Alternates also agree to work together in good faith and abide by these protocols.
4. Facilitators: The facilitators are responsible for working with the Committee members and alternates to establish agendas, facilitate Committee meetings (and Subcommittee meetings if Subcommittees are formed), help the Committee identify interests, areas of agreement and areas of disagreement where additional attention is required to resolve outstanding issues, and generally assist the Committee reach its intended objectives of building consensus on dog management solutions in the GGNRA. The facilitators are also responsible for working with the sponsoring agency (GGNRA) to ensure all applicable regulatory guidelines are followed and provide input as requested on how to resolve critical issues facing the Committee.

## **Attachment 1**

### **GGNRA Dog Management Negotiation Rulemaking**

#### **Good Faith Participation Standards: January 2006** (Discussed and revised April 18, 2006)

*Note: The purpose of these proposed standards is to establish a clear set of guidelines for evaluating good faith participation consistent with the Negotiated Rulemaking Act. Participation in the Committee is voluntary and denotes an agreement to adhere to the principles. GGNRA expects all Committee members to honor their spirit as well as their wording. These standards will be used as a tool to convene the NR Committee on a forward-looking basis. GGNRA intends to re-visit the standards with Committee members after three months to gather input on their continued value to the NR process.*

Negotiated Rulemaking (“NR”) is a consensus-driven alternative to traditional federal agency rulemaking. GGNRA has made the choice to pursue this alternative in order to create an opportunity for key stakeholders to be involved in the process of developing a dog management rule for certain areas of the GGNRA. In particular, NR creates a forum for direct discussion of interests and joint development of potential solutions that is not available in agency rulemaking. GGNRA is committed to NR as long as key conditions for negotiating a proposed rule exist. If not, GGNRA intends to begin pursuing traditional agency rulemaking.

A commitment to good faith participation is central to NR and the goal of seeking consensus among diverse perspectives. The Negotiated Rulemaking Act identifies the willingness to “negotiate in good faith to reach a consensus” as a criterion for Committee membership. Applications for membership on a NR committee require a written commitment to participate in good faith. The Act does not define good faith, however, ultimately leaving that to the convening agency.

All proposed members of the GGNRA Dog Management NR Committee have, in the past, expressed a commitment to participating in good faith. Recent events have raised questions about this commitment in the minds of proposed Committee members and GGNRA staff alike. The following are the standards GGNRA will use to evaluate each Committee member’s commitment to good faith. The criteria will be reviewed by GGNRA three months after convening the first NR session, and input about potential modifications or the continued need for the criteria will be solicited from Committee members. In addition to regular review of the standards at three-month intervals, GGNRA will work with the Committee to address any issues related to the standards that appears to require timely action. These standards are different from the operating protocols to be adopted by the Committee at its first meeting, although some overlap is likely (e.g., approaches to interacting with the media).

These criteria are intended primarily to apply to matters within the scope of the NR, i.e., dog management within GGNRA. While these standards do not apply to other settings in which prospective Committee members might interact (e.g., other rulemaking processes,

the San Francisco Dog Advisory Committee), GGNRA believes it is important that Committee members consider how interactions in those settings affect the likelihood of success of the NR process. Good faith criteria include:

1. A commitment to giving the NR process a reasonable chance to address the longstanding and complex issues involving dog management in the GGNRA . Participants agree that the NR process will serve as the primary vehicle for discussion of matters within the scope of the NR during the period of participation as a Committee member.
2. A commitment to civility in NR proceedings, including the Committee and any Subcommittees that may be created to support the Committee's work. This includes supporting the civil and constructive expression of the diverse values, perspectives, and opinions within the Committee's membership, consistent with the NR goal of building consensus.
3. A commitment to an open and objective process for developing potential solutions. This includes openness to suggested approaches or ideas that do not meet the initial preferences of individuals or organizations participating on the Committee, and the use of objective criteria as the basis for evaluating proposed solutions (to the extent possible). Openness does not imply acceptance of or agreement with the substance of proposed approaches or ideas but denotes a willingness to listen to different approaches.
4. A commitment to refrain from communications or other actions, whether direct or indirect, which could fairly be considered as harassing or attacking another Committee member or their organization/agency.
5. A commitment to supporting the NR process in public communications during the period of participation as a Committee member. This criterion encompasses use of the Internet and World Wide Web, whether direct or indirect, as well as communication with the media. All Committee members are responsible for the content of their respective organizational web pages under this criterion.
6. Committee members, alternates and Subcommittee members commit to ensuring statements made in Committee meetings, Subcommittee meetings, and in public communications outside Committee meetings, regarding all issues relevant to this Negotiated Rulemaking, are accurate.

It is understood that the agreement of each Committee member to these standards shall be consistent with any professional ethical obligations. Proposed or appointed Committee members who cannot commit to or who do not follow these criteria for good faith participation understand that they are subject to removal from the Committee by GGNRA. These standards can be fairly applied only after all prospective Committee members have had a chance to review them and provide a written confirmation of their commitment (no later than January 4, 2006). During this interim period GGNRA expects

proposed Committee members to abide by the “spirit” of the proposed standards and will evaluate any issues that arise on a case-by-case basis. The basis for GGNRA actions that result from applying these standards, including removal from the Committee, will be explained to all Committee members by GGNRA.

## ATTACHMENT D: FACILITATION TEAM REPORT

<b>Areas open for discussion of dog-walking: voice control, on leash, or no dogs</b>	
<b>Area (listed North to South)</b>	<b>Key Interests Compilation as of 9-20-06</b> (letters next to entries indicate who submitted - list at end of column B)
1. Muir Beach	<p>b. Beach play, water play for dogs and people.</p> <p>d. Visitor safety, dog safety, wildlife protection, wildlands access for all, preserving the NPS's unique role/mandate, access for the blind.</p> <p>e. Very populated beach, dog use, marine mammals occasionally come ashore.</p> <p>f. T/E Species protection, ensure positive recreational experience.</p> <p>g. Horse back riding, multi use safety.</p> <p>j. Balanced coexistence between multiple users, including dogs under voice control.</p> <p>m. Keeping Muir Beach open to horses is very important to Ocean Riders. I love riding down to Muir Beach during the winter when no one is there and the tide is out. Sometimes we'll go down and work the horses on flat sand in circles since we have no arena. Having the beach to ride in the winter is very important to us because we try to preserve the trails after hard rains and it gives us the opportunity to get the horses out without trail damage.</p> <p>In general, most of these historically equestrian-accessible trails are used by equestrians in greater or lesser numbers. Most of them have fantastic scenery and views. Some provide access to a beach, which equestrians appreciate. They are also used by hikers and bikers and, where permitted, by dogwalkers as well, For sharing, the wider, fire roads are safer, unless they have a lot of blind curves. Most equestrians would like all user groups to have safe access to these beautiful trails and signage that instructs users how to share them safely. While the trails are used most frequently by people who have horses stabled on GGNRA land, the Horse Hill (Muir Valley) boarders have a long history of riding all of the trails presently incorporated in the GGNRA, including many currently closed to horses. For them, access to this area eliminates the need to have or use truck/trailer rigs to access many miles of trails.</p> <p>p. Multi use safety.</p> <p>q. Seniors and disabled, hiking and walking. Beach experience. (Issue: Dogs can disrupt sunbathers).</p>
2. Oakwood Valley trails	<p>b. Trail hiking with dogs.</p> <p>d. Visitor safety, dog safety, wildlife protection, wildlands access for all, preserving the NPS's unique role/mandate, access for the blind.</p> <p>e. Running, biking, hiking, wilderness viewing</p>

	<p>f. Ensure positive recreation experience.</p> <p>g. Multi use safety.</p> <p>j. Balanced coexistence between multiple users, including dogs under voice control.</p> <p>m. A regular ride from Horse Hill. Quiet, flat and easy to access. Unfortunately, does not quite connect as a loop with Alta Avenue (fireroad). Lots of wildlife.</p> <p>p. Multi use safety.</p> <p>q. Seniors and disabled, hiking and walking.</p>
3. Rodeo Beach	<p>b. Trails in Marin Headlands provide great hikes with dogs, as opposed to standing around and watching dogs play. Views. Water play on beach.</p> <p>d. Visitor safety, dog safety, wildlife protection, wildlands access for all, preserving the NPS's unique role/mandate, access for the blind.</p> <p>e. Populated on weekends, school group use during week, surfing, hiking, horseback riding, wilderness viewing, marine mammals occasionally come ashore</p> <p>f. Ensure positive recreational experience.</p> <p>g. Multi use safety.</p> <p>j. Balanced coexistence between multiple users, including dogs under voice control.</p> <p>l. T/E species protection.</p> <p>p. Multi use safety.</p> <p>q. Seniors and disabled, hiking and walking. Beach experience. (Issue: Dogs can disrupt sunbathers).</p>
4. Crissy Field	<p>d. Visitor safety, dog safety, wildlife protection, wildlands access for all, preserving the NPS's unique role/mandate, access for the blind.</p> <p>e. Endangered species (wetlands), close proximity to Ft. Point (lots of visitors), windsurfing, running, biking, dog walking, marine mammals occasionally come ashore</p> <p>f. Ensure positive recreational experience, protect plover habitat.</p> <p>g. Multi use safety.</p> <p>j. <u>Recreational</u>: off leash and on leash dog walking, jogging, walking, bird watching, marine life watching, biking, boating, windsurfing, sunbathing, baby stroller boot camp, yoga/stretching, in-line skating, picnicking, kite flying,</p>
4. Crissy Field Cont.	<p>swimming in the Bay, folks sitting on benches enjoying the scenery. Potential conflicts during Fleet Week/other large events.</p> <p><u>Aesthetic</u>: spectacular setting of the Golden Gate Bridge, the light at sunrise and sunset, the beaches, the Bay, the view of the Marin Headlands, the fog as it rolls in along the water, the torrential rain and wind.</p> <p><u>Social</u>: Dog walking (exercise and interactions between dogs/dogs, people/dogs, people/people, dogs/nature, people/nature, families, couples, singles, sporting groups-wind surfers, bikers, walkers, swimmers. Areas include all three beaches (east, central, and west beaches), the promenade and the grassy airfield area.</p>

	<p><u>Natural:</u> the spectacular scenery, sense of open space (and a large carrying capacity), restored dunes, marsh area and the associated flora and fauna at Crissy Field, observing wildlife, marine life, as well as fauna as they change throughout the year is another part of natural interests.</p> <p><u>Cultural:</u> Safety (it is a safe place for a variety of user groups and safe to walk alone), pride of ownership in keeping it clean of human and doggie wastes, ability for folks to interact with dogs (who don't have dogs or tourists who want a "doggie fix"), easy access for parking, major world wide tourist destination.</p> <p><u>Safety concerns:</u> Dogs loose in parking lot (especially on a very busy day), windsurfers ignoring everything around them as they set up their gear, windsurfers who bring their dogs and ignore them as they are putting together their gear and they do not pick up their dog's waste.</p> <p><u>Other:</u> Amount of human and doggie waste on beaches, along promenade and adjacent to east beach parking lot (signage suggested to encourage visitors to become good stewards and cleanup after themselves). Danger from bicyclists who speed promenade. Concerns related to horses at Crissy Field (horses getting loose and scaring people/dogs, conflicts with people recreating (with or without dogs who may not be comfortable around horses), incidents involving professional dog walkers and horses approaching without warning, horse poop on pathway never cleaned up by riders creating a double standard for dog owners. Dogs and kids digging holes in sand and guardians not filling in holes. Two outflow seasonal ponds that are created from the channel--parents/kids play in these pools and it is known that dogs defecate in ponds (signage suggested to warn public about this potential public health issue). Problems at bathroom area since there are so many different users (suggest other side of men's bathroom be used as a designated "doggie area with possible extension of plumbing to other side of bathroom and potential funding from the Haas Fund as a capital improvement project. Balanced coexistence between multiple users, including dogs under voice control.</p> <p>p. Multi use safety. Increased emphasis to poop removal by owners.</p> <p>q. Currently a major hiking and walking site. Accessible for senior and disabled dogwalking. Great potential for disabled access.</p>
5. Upper Fort Mason Great Meadow and Parade Ground	<p>b. Maintain off-leash recreation in this neighborhood.</p> <p>d. Visitor safety, dog safety, wildlife protection, wildlands access for all, preserving the NPS's unique role/mandate, access for the blind.</p> <p>e. Historical value</p> <p>f. Ensure positive recreational experience.</p> <p>g. Multi use safety.</p> <p>j. Balanced coexistence between multiple users, including dogs under voice control.</p> <p>p. Multi use safety.</p> <p>q. Seniors and disabled, hiking and walking. Pleasant walking experience.</p>
6. Baker Beach	<p>b. Room to run, walk, throw balls and frisbees. Water play for dogs.</p> <p>d. Visitor safety, dog safety, wildlife protection, wildlands access for all, preserving the NPS's</p>

	<p>unique role/mandate, access for the blind.</p> <p>e. Very populated beach (esp. families with small children), clothing optional portion of beach, marine mammals occasionally come ashore</p> <p>f. Safety (human and dog), Aesthetics (lack of dog feces, trash, etc.), Minimize conflicts, protect natural landscapes.</p> <p>g. Horse back riding, multi use safety.</p> <p>j. Balanced coexistence between multiple users, including dogs under voice control.</p> <p>p. Multi use safety.</p> <p>q. Seniors and disabled, hiking and walking. (Issue: Dogs can disrupt sunbathers).</p>
7. Fort Miley	<p>q. Seniors and disabled, hiking and walking.</p>
8. Lands End Trail	<p>b. Terrific views. Long walk. Trail confines dogs somewhat and discourages wandering.</p> <p>d. Visitor safety, dog safety, wildlife protection, wildlands access for all, preserving the NPS's unique role/mandate, access for the blind.</p> <p>e. Historical value, hiking.</p> <p>f. Ensure positive recreational experience.</p> <p>g. Multi use safety.</p> <p>j. Balanced coexistence between multiple users, including dogs under voice control.</p> <p>q. Seniors and disabled, hiking and walking. Major hiking and walking potential. Great potential for disabled access.</p>
9. Ocean Beach outside of Snowy Plover Management Area	<p>b. Wide beach, long distances to run and/or walk with your dog. Room to throw balls and frisbees. Water play for dogs. The joy of being on the ocean shore. Wide variety of activities sharing the space. Easy access, parking.</p> <p>d. Visitor safety, dog safety, wildlife protection, wildlands access for all, preserving the NPS's unique role/mandate, access for the blind.</p> <p>e. Wide flat beach for running, walking, dogs, surfing, fishing, v. common area for live and dead marine mammals to come ashore</p> <p>f. Protect plover habitat, safety (human and dog), Ensure positive recreational experience, unimpeded, full access to park resources</p> <p>g. Horse back riding, multi use safety.</p> <p>j. Balanced coexistence between multiple users, including dogs under voice control.</p> <p>l. T/E species protection.</p> <p>p. Multi use safety. Increased attention to human and animal waste removal.</p> <p>q. Seniors and disabled, hiking and walking. (Issues: Disabled access, ramps. Dogs can disrupt sunbathers).</p>

10. Fort Funston	<p>b. Variety of walking conditions and territory: on beach, on bluffs and sand-dunes, through woods. Opportunity to walk on paved trail. Open, un-confined space. Very social community, friendly environment, very little conflict. Terrific views. Sufficient visitors at all times to feel very safe. Easy access, parking.</p> <p>d. Visitor safety, dog safety, wildlife protection, wildlands access for all, preserving the NPS's unique role/mandate, access for the blind.</p> <p>e. Dog walking, hang gliding, horseback riding, marine mammals come ashore often</p> <p>f. Safety (human and dog), protect natural landscapes, protect bank swallow habitat, ensure positive recreational experience, minimize conflicts.</p> <p>g. Horse back riding, multi use safety.</p> <p>h. Spectacular views, spacious - able to absorb large numbers and various types of visitors - "recreational dispersion", for the most part, an absence of barriers so there is a feeling of open space, undiscovered areas..., strong social community of regular park users (with and without dogs), decent network of paved trails for disabled, seniors, and families with babies in strollers, access to beaches which are out of the way from most tourists-less conflict, easy access and safe parking lots (far from busy highway), places to toss balls and play frisbee with dogs, interesting military installations-sense of history, high number of visitors make it a safe place to walk anytime during the day, proximity permits daily or twice daily use-Fort Funston is used like a neighborhood city park, gathering place for like-minded people, less confrontation because people expect to share the space with dogs</p> <p>j. Balanced coexistence between multiple users, including dogs under voice control.</p> <p>l. Particular emphasis on bank swallow protection. While not a listed species, this population comprises some of the very few bank swallows remaining on the west coast and is thus particularly significant. Recreational/social: also birdwatching.</p> <p>p. Multi use safety.</p> <p>q. Seniors and disabled, hiking and walking. Currently a major hiking and walking site. Accessible for senior and disabled dogwalking. Great potential for disabled access.</p>
11. Pedro Point Headlands	<p>b. Off-leash recreation in San Mateo Co.</p> <p>d. Visitor safety, dog safety, wildlife protection, wildlands access for all, preserving the NPS's unique role/mandate, access for the blind.</p> <p>e. Hiking, dog walking</p> <p>f. Ensure positive recreational experience, protect natural landscapes.</p> <p>g. Horse back riding, multi use safety.</p> <p>j. Balanced coexistence between multiple users, including dogs under voice control.</p> <p>m. Pedro Point also has sort of secret access - the trail takes off behind a kitchen/bath shop next to Ace Hardware on the frontage road to Highway 1 just before you start up the hill over Devil's slide. Horse trailers could park anywhere around there on Pedro Point for access. This is beautiful country but not a lot of miles-cliffs of grass and wildflowers over a wild ocean.</p>

<p>11. Pedro Point Headlands Cont.</p>	<p>Very isolated-feeling. You can also ride up the coast from Pedro Point over Linda Mar Beach, over the hill to Rockaway Beach, through the new sewage plant area, up over another hill to the Sharp Park beach, and/or I hear you can ride under Highway 1 on the golf course path and then up Cattle Hill.</p> <p>p. Multi use safety.</p>
<p>12. Cattle Hill</p>	<p>b. Off-leash recreation in San Mateo Co. d. Visitor safety, dog safety, wildlife protection, wildlands access for all, preserving the NPS's unique role/mandate, access for the blind. e. Not familiar with that location to provide key interests f. Ensure positive recreational experience, protect natural landscapes. g. Horse back riding, multi use safety. j. Balanced coexistence between multiple users, including dogs under voice control. p. Multi use safety.</p>
	<p><b>Compilation of submissions by:</b></p> <p>a. Cindy Machado, Marin Humane Society b. Keith McAllister, San Francisco Dog Owners Group c. Mark Heath, California Native Plant Society d. Brent Plater, Center for Biological Diversity e. Erin Brodie, The Marine Mammal Center f. Paul Jones, former member of GGNRA Citizens Advisory Commission g. Holly Prohaska, Mar Vista Stables h. Linda McKay, Fort Funston Dog Walkers i. Arthur Feinstein, Environmentalist j. Martha Walters, Crissy Field Dog Group k. Chris Powell, National Park Service, GGNRA l. Elizabeth Murdock, Golden Gate Audubon Society m. Judy Teichman, Marinwatch n. Norman LaForce, Sierra Club o. David Robinson, Coleman Advocates for Youth p. Christine Rosenblat, San Francisco SPCA q. Bruce Livingston and Bob Planthold, Senior Action Network</p>

# ATTACHMENT E: FACILITATION TEAM REPORT

## DELIBERATIVE DRAFT FOR INTERNAL USE ONLY

### EXPANDED FACILITATION TEAM INTEGRATED CONCEPT FOR DOG MANAGEMENT VERSION 2: 11 SITES VERSION

**IMPORTANT NOTE: THIS EXPANDED FTIC VERSION 2 INCLUDES CONCEPTS FOR MUIR BEACH, UPPER FORT MASON, CATTLE HILL, AND PEDRO POINT. IT DOES NOT OTHERWISE CHANGE THE SUBSTANCE OF THE 6-8-07 VERSION. IT IS INTENDED TO SUPPORT CONSENSUS BUILDING BY ADDING: (1) ATTRIBUTES SUMMARIES AND (2) 1979 PET POLICY COMPARISONS FOR ALL POTENTIAL OFF-LEASH, ON-LEASH, OR NO DOGS LOCATIONS, AND (3) FT RATIONALES FOR THE INITIAL SEVEN SITE-SPECIFIC PROPOSALS. SUBCOMMITTEE MEMBERS SHOULD REVIEW THIS ADDITIONAL INFORMATION AND FEEL FREE TO CORRECT ANY ERRORS OR OMISSIONS, PARTICULARLY IN THE CASE OF THE ATTRIBUTES SUMMARIES.**

### SUMMARY TABLE

	Rodeo Beach	Muir Beach	Oakwood Valley	Upper Ft. Mason	Crissy Field	Baker Beach	Lands End/Fort Miley	Ocean Beach	Fort Funston	Cattle Hill	Pedro Point
<i>ROLA beach</i>	Y	Y			Y	Y		Y	Y		
<i>ROLA non-beach</i>			Y	Y	Y		Y		Y	Y	N
<i>On-leash beach</i>	Y				Y	Y		Y	Y		
<i>On-leash non-beach</i>			Y	Y	Y		Y		Y	Y	Y
<i>No-dog beach</i>	N	N			Y	Y		Y	N		
<i>No-dog non-beach</i>							Y		Y		
<i>Commercial dog walking</i>	N <sup>14</sup>	N	Y	N	Y	N	N	Y	Y	N	N

<sup>14</sup> This represents a FT change from the 6-8-07 version based on apparent absence of current commercial dog walking use

**DRAFT: Proposed conditions at all GGNRA dog use locations (off-leash or ROLA)**

<b>Proposed Condition</b>	<b>Comments</b>
Dog use is a privilege in GGNRA that is based on compliance with applicable Federal laws, rules, regulations, and policies.	
All GGNRA visitors should have clear expectations about the potential for interaction with a dog at all GGNRA locations where dogs are permitted. This potential will vary between on-leash areas and ROLAs.	
All GGNRA visitors should have an expectation of personal safety from interaction with a dog in all dog use areas, whether on-leash or ROLA.	
A dog guardian has a responsibility to obey all GGNRA dog management rules and regulations.	
A dog guardian has a responsibility to prevent aggression by a dog toward humans, other dogs, or wildlife within GGNRA.	<i>Note: The Subcommittee has discussed, but has not resolved, potential definitions related to acceptable dog behavior. The term “aggressive” dog has been the subject of some disagreement. The Subcommittee should seek a resolution of this question.</i>
A dog guardian has a responsibility to prevent unwelcome dog-visitor or dog-dog interaction.	
A dog guardian has a responsibility to prevent impacts to GGNRA resources, such as plants, birds, animals, and waters, caused by dogs.	
All dogs must have a valid local jurisdictional license (includes rabies vaccination) to visit GGNRA dog use areas.	
A dog guardian has a responsibility to clean up all dog waste If no waste bags are provided in a location, a guardian must carry these.	
A dog guardian shall carry a leash that complies with NPS regulations for each dog. Current NPS regulation is a 6’ leash.	One issue is the use of extending leashes.
GGNRA dog rules and regulations shall be consistently followed by dog walkers and consistently enforced.	
All GGNRA dog use areas shall have signage that clearly describes conditions of use by dogs and guardians, located to maximize visitor education and understanding.	
GGNRA will manage dog use in consultation with a GGNRA-wide	

<b>Proposed Condition</b>	<b>Comments</b>
Citizens Recreation Committee.	
Dog use within GGNRA shall be based on a monitoring and evaluation program linked to adaptive management with clear management goals, timeframes, and options that could include changing dog use conditions or areas.	
Dog use within GGNRA shall be based on a robust visitor education program in partnership with the GGNRA-wide Citizens Recreation Committee.	
Commercial dog walking will be permitted under specified conditions at certain locations within GGNRA	<ul style="list-style-type: none"> <li>▪ Need a separate set of commercial dog walking conditions</li> <li>▪ See Joe Hague's initial proposal</li> </ul>

### **DRAFT Additional Conditions for GGNRA Regulated Off-Leash Areas (ROLA)**

The FT has consistently recommended a dual-track approach to building consensus around potential off-leash use in GGNRA. The first part involves holding an ongoing, evolving discussion within the Committee/Subcommittee that addresses interests in a set of ROLA conditions. The second part involves developing site-specific proposals that reflect diverse attributes at potential dog use locations around GGNRA. The FT sees the two parts as related: site-specific proposals are a way to distill potential ROLA conditions, and proposed conditions should be evaluated against specific sites.

The Subcommittee initial provided feedback to the FT on ROLA conditions, and this information was compiled in a document distributed earlier this year. The input reflected disagreements about the use of physical barriers and fencing to achieve separation and thereby protect GGNRA resources and visitors, as well as disagreements about the value of timed use management measures. In order to move the discussion forward, the FT has developed a set of proposed ROLA conditions for consideration by the Subcommittee. The FT anticipates that Subcommittee members will disagree with elements of its proposal—this disagreement, and the reasons for it, is intended to provide the basis for discussions and exploration of potential solutions. Nothing in the proposals is intended to be prescriptive or otherwise intrude into the full Committee’s ultimate decision making role.

<b>Proposed ROLA Condition</b>	<b>Comments</b>
<b>Purpose for ROLA Conditions:</b> These conditions are intended to serve as a primary source of guidance to GGNRA in determining (1) whether to establish a ROLA, and (2) the management measures for each ROLA. The conditions are intended to balance interests in consistency, clarity, NPS management flexibility, enforceability and responsiveness to site-specific attributes.	
<b>Unique GGNRA History:</b> GGNRA is unique in having a 26-year history of dog use within its boundaries under the 1979 pet policy, including off-leash use. This history does not exist at any other [national park.] The history is not a guarantee of future dog use in any area of GGNRA. It is a factor in determining whether to establish a ROLA and the management measures for a ROLA.	
<b>GGNRA-wide Dog Policies Apply:</b> In addition to these ROLA	▪ This is intended to include federal regulations addressing proposed

conditions, all other GGNRA dog management rules and regulations apply within a ROLA.	conditions covering leashes, etc.
<b>Visitor Notice:</b> Visitors must have reasonable notice of the boundaries of a ROLA and what they should expect within those boundaries. Notice shall include signs at ROLA access points, in transition zones, and in conjunction with fencing or other physical barriers. A robust public outreach and education program is expected as part of implementing a ROLA.	
<b>Separation:</b> ROLAs will be separated by a variety of management measures based on site conditions. The purposes for separation are to promote visitor safety, meet visitor expectations regarding dogs, protect natural resources, and provide a range of visitor experiences. Separation measures may include: signage, P&C fencing (with mesh as appropriate), natural features, fences with native vegetation, leash-area buffers, and time of day/day of week schedules.	
<b>ROLA-On-leash boundary:</b> The boundary between a ROLA and an area where dogs are permitted on leash shall be clearly marked with signs. Where feasible, a physical barrier such as fencing or other feature should be incorporated to provide notice of the transition. The use of a physical barrier, and its characteristics, depend upon expectations about visitor use, the size of the area as well as wildlife and related considerations.	
<b>ROLA-No dog boundary:</b> Boundaries between a ROLA and no dog area should support the reasonable expectations of park visitors about unwelcome dog interaction. Where practical and feasible, there should be an effective physical barrier such as a natural feature or non-permeable fence (with consideration for wildlife implications), and or buffer zones. The physical size of the no-dog area may also, in very limited circumstances, provide enough opportunity for separation that it addresses visitor expectations in conjunction with other management measures, e.g., signage, physical boundary such as P&C fence.	
<b>T&amp;E Species:</b> A ROLA is not appropriate where it is likely to cause significant impacts to T&E species or their habitat.	

<p><b>Resource protection:</b> Management measures to protect natural resources located next to a ROLA boundary shall provide a level of protection consistent with the resource value. For example, T&amp;E plant species or a lagoon providing T&amp;E fish habitat shall be protected by a physical barrier such as impermeable fencing. Other plant species may be protected by a barrier that is permeable. Decisions shall reflect relative resource values assigned by NPS staff.</p>	
<p><b>Trails:</b> A ROLA established on a road, path, or trail shall include appropriate management measures to protect natural resources. For example, physical barriers, such as fences, shall be used to protect habitat for T&amp;E species, or for ground-nesting animals.</p>	<ul style="list-style-type: none"> <li>▪ Oakwood Valley [road]</li> <li>▪ Fort Funston [paths]</li> <li>▪ Lands End [El Camino del Mar]</li> <li>▪ Crissy Field [Promenade]</li> </ul>
<p><b>Visitor Use Levels:</b> The level of visitor use, including use patterns, is an important consideration in the decision to establish a ROLA and the selection of management measures. In areas with consistently high visitor use, there should also be reasonably available opportunities for other park experiences (on-leash, no dog). In areas with significant fluctuations in use, such as on weekends or holidays, a timed use ROLA may be appropriate, subject to monitoring and evaluation for compliance and other management objectives.</p>	
<p><b>Beach and Non-Beach:</b> ROLAs may be established on GGNRA beaches or non-beach areas, subject to bird populations, other site attributes, management goals, and appropriate rules, regulations, and policies, and to robust monitoring and evaluation.</p>	
<p><b>ROLA Tag Program:</b> All dogs within a ROLA must demonstrate participation in a tag program, i.e., valid ID tag. Details to be established by Committee, to include consequences of violations. The conditions under which a tag would be revoked should be specified.</p>	<ul style="list-style-type: none"> <li>▪ Some Committee members have developed a proposed tag program for possible consideration by the Subcommittee and Committee.</li> </ul>
<p><b>Respect for ROLA Boundaries:</b> Dog guardians are responsible for ensuring that their dogs remain within ROLA boundaries when they are off-leash.</p>	
<p><b>Dogs in Sight:</b> Dog guardians shall keep their dogs within eyesight at all times.</p>	

<p><b>Recall Dog:</b> Dog guardians shall have the ability to recall their dog promptly, and shall demonstrate this ability when requested by authorized personnel.</p>	
<p><b>Unwelcome Interaction:</b> Visitors shall have notice that there is a greater likelihood of an unwelcome dog interaction within a ROLA relative to the likelihood of such interactions in on-leash or no dog areas. Nonetheless, unwelcome dog interactions are not acceptable.</p>	
<p><b>Visitor and Dog Safety:</b> Visitors and their dogs shall have a reasonable expectation of physical safety within a ROLA based on compliance with management measures.</p>	
<p><b>Time of day/Day of week restrictions:</b> Timed use measures may be utilized as part of a ROLA so long as they are based on a robust monitoring and evaluation program. Timed use measures should be simple and consistent to promote understanding and compliance.</p>	
<p><b>Marine Mammal Protection:</b> In the event of a marine mammal's presence in a ROLA, e.g., on a beach, all dogs must be immediately leashed (if not already on leash) and GGNRA shall have the discretion to temporarily suspend a ROLA in order to protect the animal.</p>	
<p><b>Multi-use:</b> ROLAs shall be managed to safely allow other recreational uses consistent with ROLA characteristics. ROLAs are not intended to exclude other recreational uses.</p>	
<p><b>Difference from local dog play areas:</b> ROLAs are not intended to replicate fully enclosed dog play areas available in jurisdictions adjacent to GGNRA.</p>	

<b>LOCATION: MUIR BEACH</b>		
		<i>Comments</i>
<i>ATTRIBUTES SUMMARY</i>	<ul style="list-style-type: none"> <li>▪ Redwood Creek watershed</li> <li>▪ Water quality issues in channel downstream of pedestrian bridge</li> <li>▪ Major restoration projects in different stages including planned increase in wetlands and dune restoration</li> <li>▪ Significant diversity of plant and animal species (including fish) in watershed and beach</li> <li>▪ <i>Federal threatened species</i>: coho salmon and steelhead trout, and red-legged frogs; brown pelicans on beach</li> <li>▪ <i>Federal species of concern</i>: marbled godwit, white-tailed kite, elegant tern</li> <li>▪ <i>State listed species</i>: peregrine falcon</li> <li>▪ <i>State species of concern</i>: foothill yellow-legged frog, coast range newt, western pond turtle</li> <li>▪ <i>Local species of concern</i>: monarch butterfly, saltmarsh common yellowthroat, great egret, Swainton's thrush, wrentit, and gray fox</li> <li>▪ <i>Visitation opportunities</i>: walking, surfing, bikes, wildlife viewing, picnicking, horseback riding, lying on beach</li> <li>▪ <i>Visitors and dogs</i>: low weekday use; moderate to high on weekends; heavy visitation on nice days</li> <li>▪ <i>Visitor conflict</i>: vast majority [95%] of visitors reported "no conflict" on visits, dogs are largest source of reported conflicts</li> <li>▪ Local community</li> </ul>	<ul style="list-style-type: none"> <li>▪ This is a FT distillation of detailed attributes information prepared by NEPA team</li> <li>▪ Low average shorebird densities based on Beach Watch data</li> </ul>
<i>INTERESTS</i>	<i>See September 20, 2006 interests spreadsheet</i>	
<i>PROPOSAL</i>	<ul style="list-style-type: none"> <li>▪ ROLA at all times</li> <li>▪ Fencing: enhanced fencing to protect lagoon</li> </ul>	
<i>COMPARISON TO 1979 PET POLICY</i>	<p>Under 1979 Pet Policy: voice control or on leash on beach, on leash in parking/picnic areas</p> <p>Comparison to FTIC:</p> <ul style="list-style-type: none"> <li>▪ Maintains off-leash use</li> </ul>	

**LOCATION: MUIR BEACH**

<b>LOCATION: MUIR BEACH</b>		
<i>RATIONALE</i>	<ul style="list-style-type: none"><li>▪ Low shorebird densities</li><li>▪ Relatively remote, local users</li><li>▪ Low conflict</li><li>▪ Simplifies enforcement</li><li>▪ Monitor and manage adaptively</li></ul>	

<b>LOCATION: RODEO BEACH</b>		
		<i>Comments</i>
<i>KEY ATTRIBUTES SUMMARY</i>	<ul style="list-style-type: none"> <li>▪ Lagoon and creek: water quality issues</li> <li>▪ Lake, lagoon, and creek provide open water, marsh, and riparian habitats</li> <li>▪ Marine mammal haul out unlikely</li> <li>▪ <i>Federal listed species</i>: California red-legged frog habitat in lagoon, tidewater goby, brown pelicans bathe in lagoon</li> <li>▪ State listed species: salt marsh common yellowthroat</li> <li>▪ <i>Federal species of concern</i>: marbled godwit, elegant terns, great egrets, American bittern</li> <li>▪ <i>Visitation opportunities</i>: organized educational opportunities at Headlands Institute, surfing, picnicking, walking, hiking, running, horseback riding</li> <li>▪ <i>Visitor use</i>: moderate to high levels of dog use/low to moderate percentage of visitors have dogs</li> <li>▪ <i>Visitor conflict</i>: low</li> </ul>	<ul style="list-style-type: none"> <li>▪ This is a FT distillation of detailed attributes information prepared by NEPA team</li> <li>▪ Low average shorebird densities based on Beach Watch data</li> </ul>
<i>INTERESTS</i>	<i>See September 20, 2006 interests spreadsheet</i>	
<i>PROPOSAL</i>	<ul style="list-style-type: none"> <li>▪ Organize Main Beach [MB] into North and South Section</li> <li>▪ MB North Section: On-leash only</li> <li>▪ MB South Section: ROLA weekdays; weekends and federal holidays are on-leash between 10 a.m. and 4 p.m., off-leash other times</li> <li>▪ Remote Beach (to south): off-leash at all times</li> <li>▪ Use P&amp;C fencing perpendicular to waterline to delineate MB areas</li> <li>▪ Coastal Trail: On-leash</li> <li>▪ Lagoon Trail: On-leash</li> <li>▪ Parking lots: On-leash</li> <li>▪ Access to beach: On-leash</li> <li>▪ Signage: At access points and MB divide point</li> </ul>	<ul style="list-style-type: none"> <li>▪ Need to confirm MB divide point</li> </ul>
<i>COMPARISON TO 1979 PET POLICY</i>	<p>Under 1979 Pet Policy: voice control</p> <p>Comparison to FTIC:</p> <ul style="list-style-type: none"> <li>▪ Maintains overall dog use</li> <li>▪ Maintains off-leash beach use</li> <li>▪ Reduces overall off-leash use</li> </ul>	

**LOCATION: RODEO BEACH**

*RATIONALE*

- Protect lagoon through separation
- Maintain off leash beach opportunity given low conflict
- Offer on-leash opportunity with P&C fence as separation for visitors uncomfortable with off-leash dogs
- Consistency with other GGNRA locations on timed use
- Consideration of potential long-term increases in use
- Consideration of potential that some people do not come to this location because of no restrictions on off-leash dogs
- Apparent low value as shorebird habitat
- Apparent low value of beach to marine mammals
- Simplicity to promote enforcement
- Monitor and manage adaptively

<b>LOCATION: OAKWOOD VALLEY</b>		
		<i>Comments</i>
<i>ATTRIBUTES SUMMARY</i>	<ul style="list-style-type: none"> <li>▪ Vegetation includes lupine that is host plant for mission blue butterfly (endangered) and this species has been observed</li> <li>▪ Hardwood evergreen forest is northern spotted owl habitat but no known records of sightings</li> <li>▪ Federal species of concern: White-tailed kite</li> <li>▪ Local species of concern: CA Swainson's thrush, wrentit, and gray fox</li> <li>▪ Coyote-dog encounters resulted in NPS signage</li> <li>▪ <i>Visitation opportunities</i>: low to moderate use by runners, bicyclists, hikers</li> <li>▪ <i>Visitors and dogs</i>: moderate to high dog use</li> <li>▪ Low visitor conflicts</li> </ul>	This is a FT distillation of detailed attributes information prepared by NEPA team
<i>INTERESTS</i>	<i>See September 20, 2006 interests spreadsheet</i>	
<i>PROPOSAL</i>	Trail: On-leash at all times Road: ROLA at all times, subject to T/E species habitat [spotted owl] Fencing: Additional P&C fencing along road	
<i>COMPARISON TO 1979 PET POLICY</i>	Under 1979 Pet Policy: pets allowed under voice control on (1) Oakwood Valley Road to Alta Avenue, and (2) Alta Avenue between Marin City-Oakwood Valley  Comparison to FTIC: <ul style="list-style-type: none"> <li>▪ Maintains overall dog use</li> <li>▪ Maintains but reduces off-leash use</li> </ul>	
<i>RATIONALE</i>	<ul style="list-style-type: none"> <li>▪ Allows loop walk, with portion off-leash and portion on-leash</li> <li>▪ Provides off-leash option</li> <li>▪ Transition between on- and off-leash appears manageable</li> <li>▪ Monitor and manage adaptively</li> </ul>	

<b>LOCATION: UPPER FORT MASON</b>		
		<i>Comments</i>
<i>ATTRIBUTES SUMMARY</i>	<ul style="list-style-type: none"> <li>▪ Landscape is non-native grasses, vines, and trees, with turf grass on Great Meadow that is mowed and irrigated</li> <li>▪ Monterey cypress and blue gum eucalyptus have colonized widely</li> <li>▪ Regular coyote observations</li> <li>▪ No significant species issues</li> <li>▪ Visitation Opportunities: Great Meadow paved trail has bikers, runners, and walkers; other activities include sunbathing and non-organized sports, tai chi; Hostel in Bldg. 240; significant special events</li> <li>▪ Visitor use: low to moderate (LE staff categorize as high); higher use early morning, late afternoon, weekends; low to moderate number of visitors walk dogs; mostly locals</li> <li>▪ Visitor conflict: low according to LE</li> <li>▪ GGNRA Headquarters location</li> <li>▪ Commercial dog walking</li> </ul>	This is a FT distillation of detailed attributes information prepared by NEPA team
<i>INTERESTS</i>	<i>See September 20, 2006 interests spreadsheet</i>	
<i>PROPOSAL</i>	<ul style="list-style-type: none"> <li>▪ ROLA at all times in triangular area bounded by Bay and Laguna, and by existing barriers including berm/vegetation on north and east</li> <li>▪ Additional vegetation as barrier along Bay and Laguna</li> <li>▪ Great Meadow on-leash only</li> </ul>	
<i>COMPARISON TO 1979 PET POLICY</i>	<p>Under 1979 Pet Policy: on leash only</p> <p>Comparison to FTIC:</p> <ul style="list-style-type: none"> <li>▪ Expands off-leash use</li> <li>▪ Maintains overall dog use</li> </ul>	
<i>RATIONALE</i>	<ul style="list-style-type: none"> <li>▪ Relatively low use and low conflict area</li> <li>▪ Makes use of existing vegetation to provide separation</li> <li>▪ Low natural resource value</li> </ul>	

<b>LOCATION: UPPER FORT MASON</b>		
	<ul style="list-style-type: none"><li>▪ Simplifies enforcement</li><li>▪ GGNRA Headquarters location</li></ul>	

<b>LOCATION: CRISSY FIELD</b>		
		<i>Comments</i>
<i>ATTRIBUTES SUMMARY</i>	<ul style="list-style-type: none"> <li>▪ High visitor use area on beaches and promenade: bicyclists, joggers, walkers, picnickers, windsurfers</li> <li>▪ High conflict area per LE data</li> <li>▪ Restored tidal marsh and dune habitat</li> <li>▪ Over 90 bird species use tidal marsh and dunes</li> <li>▪ Occasional marine mammals</li> <li>▪ Wildlife Protection Area</li> <li>▪ Plover habitat</li> <li>▪ Significant special event use including large events like Fleet Week</li> <li>▪ Significant LE workload</li> <li>▪ Active dog group: Crissy Field Dog</li> <li>▪ Commercial dog walking</li> </ul>	<ul style="list-style-type: none"> <li>▪ This is a FT distillation of detailed Crissy Field attributes prepared by NEPA team plus comments from Crissy Field Dog Group and NPS responses</li> <li>▪ Low average shorebird densities based on GGNRA analysis</li> </ul>
<i>INTERESTS</i>	<i>See September 20, 2006 interests spreadsheet</i>	
<i>PROPOSAL</i>	<i>East Beach: ROLA weekdays; off leash weekends before 10 and after 4; on leash weekends between 10 and 4; parking lot on-leash all times</i>	
	<i>Central Beach: ROLA same as East Beach; double latch gate at narrow spot separates from West Beach</i>	
	<i>West Beach: No dogs at all times</i>	
	<i>Promenade: On leash at all times</i>	
	<i>Grass Field (replanted?): ROLA as follows: one section to be off-leash on same schedule as beaches; other sections to be on-leash at all times; section dimensions and locations TBD</i>	
	<i>Fencing: P&amp;C (with mesh and natural vegetation) as needed to keep people and dogs out of protected resource areas and create separation from Promenade</i>	
<i>COMPARISON TO 1979 PET POLICY</i>	<p>Under 1979 Pet Policy: voice control or on leash, except on leash in parking/picnic areas</p> <p>Comparison with FTIC:</p> <ul style="list-style-type: none"> <li>▪ Maintains off-leash beach use</li> <li>▪ Less off-leash use area, and less total dog use area, on beaches and promenade</li> <li>▪ Maintains on-leash in parking areas</li> </ul>	

**LOCATION: CRISSY FIELD**

<b>LOCATION: CRISSY FIELD</b>		
<i>RATIONALE</i>	<ul style="list-style-type: none"><li>▪ Adds “no dogs” at West Beach area for visitors seeking this experience</li><li>▪ Increases resource protection at West Beach</li><li>▪ Limited impact on shorebirds given data and existing high uses on East and Central beaches</li><li>▪ Changing levels of use on promenade presents enforcement difficulties</li><li>▪ “through” users, e.g., bicycles, present promenade issues due to compact area</li><li>▪ Renovation of grassy field would effectively increase useable area for all visitors and potentially increase off-leash use by improving conditions</li><li>▪ Monitor and manage adaptively</li></ul>	

<b>LOCATION: BAKER BEACH</b>		
		<i>Comments</i>
<i>ATTRIBUTES SUMMARY</i>	<ul style="list-style-type: none"> <li>▪ Lobos Creek is Presidio drinking water source</li> <li>▪ Water quality issues (bacteria)</li> <li>▪ Fore dune vegetation restoration</li> <li>▪ Dune scrub community above beach provides wildlife habitat</li> <li>▪ Shorebird habitat</li> <li>▪ Marine mammal haul outs usually sick or injured animals</li> <li>▪ <i>Special status plants</i>: potential SF <i>lessingia</i> reintroduction under USFWS recovery plan, SF spineflower, dune gilia, and SF campion</li> <li>▪ <i>Federal listed species</i>: brown pelican roosts on islets and forages over ocean; western snowy plover observed occasionally in migration</li> <li>▪ <i>Federal species of concern</i>: elegant tern in July (low density)</li> <li>▪ <i>Visitation opportunities</i>: fishing, shore recreation, developed picnic areas; demonstrations at Battery Chamberlin</li> <li>▪ <i>Visitor use</i>: Moderate to heavy use</li> <li>▪ <i>Visitor conflict</i>: low to moderate; occasional issues with human behavior including disorderly conduct</li> </ul>	<ul style="list-style-type: none"> <li>▪ This is a FT distillation of detailed attributes information prepared by NEPA team</li> <li>▪ Northern beach area is known as a nude beach</li> </ul>
<i>INTERESTS</i>	<i>See September 20, 2006 interests spreadsheet</i>	
<i>PROPOSAL</i>	<ul style="list-style-type: none"> <li>▪ Modification of initial proposal to address shorebird protection</li> <li>▪ North Section (northernmost point of beach south to a point TBD in vicinity of gun batteries): ROLA weekdays; weekends and federal holidays off-leash before 10 a.m. and after 4 p.m., on-leash between 10 a.m. and 4 p.m.</li> <li>▪ Center Section (south parking lot access north to a point TBD in vicinity of gun batteries): On leash at all times</li> <li>▪ South Section (south parking lot access to Lobos Creek and south): No dogs</li> <li>▪ P&amp;C fencing as needed to create separation from protected dunes and restoration areas</li> <li>▪ Close social trails</li> <li>▪ Create obvious and limited access points from parking lots and street</li> <li>▪ Signage at access points</li> <li>▪ Dogs on-leash in parking lots and when accessing beach, picnic areas</li> <li>▪ Dog-Resource separation achieved through P&amp;C fencing</li> </ul>	

<b>LOCATION: BAKER BEACH</b>		
	<ul style="list-style-type: none"> <li>▪ Dog-Visitor separation achieved through signage and on-leash buffer area. Perpendicular P&amp;C fencing</li> </ul>	
<i>COMPARISON TO 1979 PET POLICY</i>	<p>Under 1979 Pet Policy: voice control (north beach area), no pets (south beach area), on-leash only (picnic/parking area)</p> <p>Comparison to FTIC:</p> <ul style="list-style-type: none"> <li>▪ Maintains off leash beach opportunity but reduces total amount of off leash use area</li> <li>▪ Middle beach remains open to dog use but leash required</li> <li>▪ South beach no change (no dogs)</li> </ul>	
<i>RATIONALE</i>	<ul style="list-style-type: none"> <li>▪ Addresses NPS goal of protecting shorebird habitat while preserving off-leash water play opportunity and allowing a leashed/unleashed walk up and down most of the beach.</li> <li>▪ Provides more access for visitors comfortable with dogs on leash and retains no dogs option</li> <li>▪ Natural barrier to north, limited access to north beach provides separation along with signage</li> <li>▪ Protects dune restoration through P&amp;C fencing/mesh and management of social trails</li> <li>▪ Monitor and manage adaptively</li> </ul>	

<b>LOCATION: LANDS END/FORT MILEY</b>		
		<i>Comments</i>
<i>ATTRIBUTES SUMMARY</i>	<p><b>Lands End</b></p> <ul style="list-style-type: none"> <li>▪ Widely distributed freshwater seeps support marsh habitat, native and non-native plants and trees</li> <li>▪ Some dune vegetation</li> <li>▪ Significant bird diversity, incl. East Wash and West Wash areas, based in part on seeps/wetlands</li> <li>▪ <i>Special status plant species</i>: SF spineflower (federal)</li> <li>▪ <i>Federal listed species</i>: stellar sea lion haul out; brown pelican</li> <li>▪ <i>State species of concern</i>: bumble scarab beetle, elegant tern, saltmarsh common yellowtail</li> <li>▪ <i>Federal species of concern</i>: marbled godwit, CA gray fox</li> <li>▪ <i>Local species of concern</i>: great blue heron, Swainson's thrush; CA yellow warbler; American peregrine falcon; CA quail; pigeon guillemont</li> <li>▪ <i>Visitation Opportunities</i>: hiking, picnicking, running, family outings, bird watching, fishing, swimming, wading, surfing, sunbathing, strolling, and interpretive uses</li> <li>▪ <i>Visitors and Dogs/Issues</i>: low to moderate dog walking use, with few visitor conflicts; busiest on weekends. Generally good compliance incl. with leash requirements. NPS redevelopment of Lands End system underway. Multiple social trails likely to be closed. Survey shows increased family use of improved Coastal Trail. Occasional dog rescues from bluffs.</li> <li>▪ <i>Other</i>: human behavior issues per LE</li> <li>▪ No organized dog group</li> <li>▪ No commercial dog walking</li> </ul> <p><b>Fort Miley</b></p> <ul style="list-style-type: none"> <li>▪ Primarily Monterey cypress, with some wetland/riparian vegetation, limited ground cover due to close tree planting</li> <li>▪ Dense tree canopy likely diminishes songbird use; landbird species likely similar to Lands End</li> <li>▪ <i>Local species of concern</i>: possible Swainson's thrush</li> <li>▪ <i>Visitation opportunities</i>: picnicking; ropes course at W. Ft. Miley run by SF State University</li> </ul>	<ul style="list-style-type: none"> <li>▪ This is a FT distillation of detailed attributes information prepared by NEPA team</li> <li>▪ Coyotes are receiving recent media attention</li> </ul>

<b>LOCATION: LANDS END/FORT MILEY</b>		
	<ul style="list-style-type: none"> <li>▪ <i>Visitors and Dogs/Issues:</i> low dog use with few conflicts</li> </ul>	
<i>INTERESTS</i>	<i>See September 20, 2006 interests spreadsheet</i>	
<i>PROPOSAL</i>	<ul style="list-style-type: none"> <li>▪ Treat as a single user opportunity rather than as three separate locations</li> <li>▪ Create on-leash, off-leash, and no-dog visitor options</li> </ul>	
	<p><i>Lands End</i>  Camino del Mar: ROLA all times, GGNRA will not manage coyote population for dogs  Ocean View Trail: No dogs  Coastal Trail: On leash</p>	
	<ul style="list-style-type: none"> <li>▪ <i>West Ft. Miley:</i> No dogs</li> </ul>	
	<ul style="list-style-type: none"> <li>▪ <i>East Ft. Miley:</i> ROLA all times in fenced corridor running along side and parallel with fencing along edge of the Lincoln Park golf course.</li> </ul>	
<i>COMPARISON TO 1979 PET POLICY</i>	<p>Under 1979 Pet Policy: voice control at Lands End and Fort Miley</p> <p>Comparison to FTIC:</p> <ul style="list-style-type: none"> <li>▪ Reduces total off-leash area (Lands End Trail)</li> <li>▪ Reduces total dog use area (West Ft. Miley, Ocean Trail)</li> </ul>	
<i>RATIONALE</i>	<ul style="list-style-type: none"> <li>▪ Anticipates increased use of significant trail restoration project</li> <li>▪ Protects picnic area at West Ft. Miley</li> <li>▪ Protects habitat values at E. Ft. Miley while providing for an off-leash loop through a fenced corridor that also increases dog safety</li> <li>▪ Offers off-leash, on leash, and no dog options to visitors</li> <li>▪ Protects birds and wildlife with fencing</li> <li>▪ Monitor and manage adaptively</li> </ul>	

<b>LOCATION: OCEAN BEACH</b>		
		<i>Comments</i>
<i>ATTRIBUTES SUMMARY</i>	<ul style="list-style-type: none"> <li>▪ Significant shorebird densities based on quality habitat, particularly Central and South Sections</li> <li>▪ Marine mammal haul outs, mostly sick or injured animals</li> <li>▪ <i>Federal listed species:</i> Western snowy plover</li> <li>▪ <i>Federal species of concern:</i> Elegant tern, marbled godwit</li> <li>▪ <i>Visitation opportunities:</i> Moderate to heavy use; fishing, swimming, sunbathing, surfing, horseback riding, whale watching, parasurfing; moderate to high number of visitors with dogs</li> <li>▪ <i>Conflict:</i> moderate conflict area, benefits from distribution across large area</li> <li>▪ Significant LE attention due to human and dog behavior</li> <li>▪ Commercial dog walking</li> </ul>	<ul style="list-style-type: none"> <li>▪ This is a FT distillation of detailed attributes information prepared by NEPA team</li> <li>▪ Plover Protection Area located in central beach section</li> <li>▪ Central and South beaches demonstrate high shorebird densities based on Beach Watch data</li> </ul>
<i>INTERESTS</i>	<i>See September 20, 2006 interests spreadsheet</i>	
<i>PROPOSAL</i>	Manage in three sections	
	<i>North Section (north of Stairwell 21)</i>	
	<ul style="list-style-type: none"> <li>▪ ROLA all times</li> <li>▪ Separation: P&amp;C fence perpendicular to waterline in Stairway 21 vicinity, signage</li> </ul>	
	<i>Central Section (current Plover protection area in Compendium): no dogs</i>	
	<i>South Section (Sloat): On leash at all times</i>	
<i>COMPARISON TO 1979 PET POLICY</i>	<p>Under 1979 Pet Policy: voice control, subject to leashing on crowded days between Cliff House and Stairwell 15 or request to move south</p> <p>Comparison to FTIC:</p> <ul style="list-style-type: none"> <li>▪ Maintains significant off-leash beach area</li> <li>▪ Reduces overall dog use area by Central Section [Central Section use changed previously by Compendium amendment]</li> <li>▪ Reduces off-leash use by South Sections</li> </ul>	
<i>RATIONALE</i>	<ul style="list-style-type: none"> <li>▪ Offers mix of off leash, on leash, and no dog beach experiences</li> <li>▪ Substantial off leash area on northern section at all times</li> </ul>	

**LOCATION: OCEAN BEACH**

- Provides increased protection to shorebird habitat
- Provides on-leash connection to Ft. Funston for long walk opportunity
- Clear rules for public education and enforcement
- Monitor and manage adaptively

<b>LOCATION: FORT FUNSTON</b>		
		<i>Comments</i>
<i>ATTRIBUTES SUMMARY</i>	<ul style="list-style-type: none"> <li>▪ Sea cliff erosion from undercutting by wave action, also slumping and slippage on top due to park visitors, variable dune stability</li> <li>▪ Restored native coastal scrub</li> <li>▪ Recovery plan calls for re-establishing <i>lessingia gernanorum</i> and beach <i>layia</i> to dunes</li> <li>▪ Diverse bird species include bank swallows, shorebirds, brown pelican</li> <li>▪ <i>State listed species</i>: bank swallows</li> <li>▪ <i>State species of concern</i>: Western burrowing owls</li> <li>▪ <i>Federal species of concern</i>: marbled godwit</li> <li>▪ <i>Local species of concern</i>: California quail</li> <li>▪ <i>Visitation opportunities</i>: hang gliding, surfing, kite flying, whale and bird watching, sunbathing, fishing, walking, horseback riding (stables nearby), and environmental center activities</li> <li>▪ <i>Visitors and dogs</i>: high visitor use area, with high number having dogs</li> <li>▪ <i>Visitor conflict</i>: high number of dog-related visitor conflicts, including rescues</li> <li>▪ Organized dog groups (Ft. Funston Dog Walkers) report cleanup days</li> <li>▪ Commercial dog walking</li> </ul>	This is a FT distillation of detailed attributes information prepared by NEPA team
<i>INTERESTS</i>	<i>See September 20, 2006 interests spreadsheet</i>	
<i>PROPOSAL</i>	<ul style="list-style-type: none"> <li>▪ Manage in terms of corridors, separate beach and upland</li> <li>▪ Dogs on-leash in all parking areas and when accessing off-leash areas, e.g., sand ladders</li> <li>▪ Provide for on-leash, off-leash and no dog long loop walks</li> </ul>	
	<i>North Beach Section (from access point north, current Bank Swallow seasonal closure area)</i> <ul style="list-style-type: none"> <li>▪ On leash</li> </ul>	
	<i>Center Beach Section (from north access to south access/sand ladder)</i> <ul style="list-style-type: none"> <li>▪ ROLA weekdays</li> <li>▪ Weekends and federal holidays: ROLA before 10 a.m. and after 4 p.m., on-leash between 10 a.m. and 4 p.m.</li> <li>▪ Separation: signage at access points</li> </ul>	
	<i>South Beach Section (south of access/sand ladder):</i> On leash at all times	

<b>LOCATION: FORT FUNSTON</b>		
	<p><i>Upland: West Corridor (closest to cliffs)</i></p> <ul style="list-style-type: none"> <li>▪ On-leash at all times</li> <li>▪ Pave “chip trail” to provide accessibility to the ROLA area</li> <li>▪ Fence with natural vegetation separates ROLA area in Central Corridor</li> <li>▪ Close social trails</li> <li>▪ Consider fencing with natural vegetation for separation from cliffs</li> </ul>	
	<p><i>Upland: Central Corridor</i></p> <ul style="list-style-type: none"> <li>▪ ROLA at all time</li> <li>▪ Fence with natural vegetation separates ROLA from West Corridor/on-leash</li> <li>▪ Extends to closed vegetation area in north and beach access point</li> </ul>	
	<p><i>Upland: East Corridor</i></p> <ul style="list-style-type: none"> <li>▪ No dogs</li> <li>▪ P&amp;C fencing (potentially with mesh) to separate from Central Corridor</li> <li>▪ Anticipated equestrian use</li> </ul>	
	<p><i>Upland: South of Parking Lot</i></p> <ul style="list-style-type: none"> <li>▪ On leash at all times</li> </ul>	
<b>COMPARISON TO 1979 PET POLICY</b>	<p>Under 1979 Pet Policy: voice control</p> <p>Comparison to FTIC:</p> <ul style="list-style-type: none"> <li>▪ Maintains overall area for dog use</li> <li>▪ Maintains off-leash beach use</li> <li>▪ Maintains off-leash upland use</li> <li>▪ Reduces overall area for off-leash use on beach and upland</li> </ul>	
<b>RATIONALE</b>	<ul style="list-style-type: none"> <li>▪ Offers mix of off leash and on leash experiences</li> <li>▪ Long walk option mixing off and on leash (connecting to south Ocean Beach)</li> <li>▪ Consideration of potential long-term increases in use</li> <li>▪ Consideration of people who do not use this area due to off-leash dogs</li> <li>▪ Reduces interaction with off leash dogs at access points</li> <li>▪ Corridors above beach offer robust separation of different uses via fencing</li> <li>▪ Provides for on-leash corridor above cliffs to improve safety and protect habitat</li> <li>▪ Maintains commercial dog walking option</li> <li>▪ Simple scheme to promote education, understanding, and enforcement</li> <li>▪ Monitor and manage adaptively</li> </ul>	

**LOCATION: PEDRO POINT  
(SAN MATEO LOCATIONS OPEN FOR CONSIDERATION OF OFF LEASH USE)**

		<i>Comments</i>
<i>ATTRIBUTES SUMMARY</i>	<ul style="list-style-type: none"> <li>▪ Very limited attributes information because not yet part of GGNRA</li> <li>▪ Very steep slopes</li> <li>▪ Coastal scrub, bluff scrub, and prairie</li> <li>▪ Rare pacific reed grass prairie on northern slope of peak</li> <li>▪ Non-native evergreen forest, some eucalyptus and Monterey pine</li> <li>▪ <i>Visitation opportunities:</i> hiking, horseback riding</li> </ul>	This is a FT distillation of detailed attributes information prepared by NEPA team
<i>INTERESTS</i>	<i>See September 20, 2006 interests spreadsheet</i>	
<i>PROPOSAL</i>	<ul style="list-style-type: none"> <li>▪ On-leash only</li> </ul>	
<i>COMPARISON TO 1979 PET POLICY</i>	<p>Under 1979 Pet Policy: not included</p> <p>Comparison to FTIC: NA</p>	
<i>RATIONALE</i>	<ul style="list-style-type: none"> <li>▪ Terrain and natural resource issues don't support ROLA</li> <li>▪ Consistent with input from San Mateo Committee members</li> <li>▪ Monitor and manage adaptively</li> </ul>	

<b>LOCATION: CATTLE HILL (SAN MATEO LOCATIONS OPEN FOR CONSIDERATION OF OFF LEASH USE)</b>		
		<i>Comments</i>
<i>ATTRIBUTES SUMMARY</i>	<ul style="list-style-type: none"> <li>▪ Very limited attributes information because not yet part of GGNRA</li> <li>▪ Steep and somewhat unstable topography, landslide potential</li> <li>▪ Coastal scrub, grassland, riparian forest and shrub</li> <li>▪ Federal species of concern: white tailed kite</li> <li>▪ Local species of concern: gray fox</li> <li>▪ Visitation opportunities: hiking, possibly horseback riding</li> </ul>	This is a FT distillation of detailed attributes information prepared by NEPA team
<i>INTERESTS</i>	<i>See September 20, 2006 interests spreadsheet</i>	
<i>PROPOSAL</i>	ROLA: from upper trail section (gate) to Discovery site Fencing: P&C for separation from habitat On leash: from Fassler Ave. trailhead to gate	Subject to recent survey results for sensitive species
<i>COMPARISON TO 1979 PET POLICY</i>	Under 1979 Pet Policy: not included  Comparison to FTIC: NA	
<i>RATIONALE</i>	<ul style="list-style-type: none"> <li>▪ Steep terrain keeps users on trail</li> <li>▪ Signage and vehicle access support enforcement</li> <li>▪ Monitor and manage adaptively</li> <li>▪ Consistent with input from San Mateo Committee members</li> </ul>	