# GOGA DOG MANAGEMENT PLAN OVERVIEW

# ANPR, Federal Panel, Negotiated Rulemaking, DEIS, SEIS, proposed rule, FEIS

## ANPR

In 2002 NPS published an Advanced Notice of Proposed Rulemaking (ANPR). The goal of the ANPR was to seek public comment on a range of potential management options for addressing appropriate pet management within GGNRA, consistent with protecting national park resources and assuring visitor safety.

The ANPR primarily evaluated four concepts: 1) Continue the Existing Service-wide Regulation (36 CFR 2.15), 2) Add Additional Leash Areas, 3) Further Restrict Dogs, and 4) Designate Off Leash Areas.

2 public meetings were held concurrent with the public comment period.

## FEDERAL PANEL

In 2002, a federal panel was composed primarily to review the public comment from the ANPR, as well as recommend to the GGNRA Superintendent whether the park should proceed to rulemaking or whether the present regulation - requiring pets to be on leash in all GGNRA areas where they are allowed -should remain in effect.

This panel was comprised of senior level NPS managers, including:

* Marti Leicester, Associate Regional Director, Park Operations and Education, Pacific West Regional Office
* Woody Smeck, Acting Superintendent, Santa Monica Mountains National Recreation Area
* Jake Hoogland, Chief, WASO Environmental Quality Division, National Park Service,
* James Shevock, Associate Regional Director for Resources, Partnerships and Stewardship in the Pacific West Regional Office
* Jay Wells, Chief Ranger for the Pacific West Region

The panel concluded that off-leash dog walking in GGNRA may be appropriate in selected locations where park resources will not be impaired if the standards for appropriate use (as defined in NPS policies and regulations) could be met and if public safety incidents and public use conflicts could be appropriately managed. The panel further recommended that the park pursue both rulemaking and comprehensive planning for pet management to address suitable locations and proper management strategies.

In 2004 NPS decided to assess prospects for conducting a Negotiated Rulemaking process to develop a special regulation for dog management at GGNRA.

## NEGOTIATED RULEMAKING

The purpose of the Negotiated Rulemaking (NR) process was 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 allowed a representative group of stakeholders to have significant, direct input into development of a special regulation for GGNRA.

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.

The Committee 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.

**Consensus:** The Committee ultimately reached unanimous agreement in 3 areas before voting to not renew their charter in October 2007:

* Guidelines for commercial dog walking,
* Site-specific alternatives for Oakwood Valley (Marin County), and
* Nine Guiding Principles:
  + Guiding Principle 1: Minimize conflicts with other visitors and park staff.
  + Guiding Principle 2: Protect sensitive species and their habitat. Sensitive species means federal-listed, state-listed, unique or rare species.
  + Guiding Principle 3: Protect native wildlife and their habitat.
  + Guiding Principle 4: Minimize soil/water resources degradation.
  + Guiding Principle 5: Ensure consistency with National Park Service visitor experience definition.
  + Guiding Principle 6: Continue recreational use including special events.
  + Guiding Principle 7: Avoid obstructions/barriers to wildlife, except where the purpose of barriers would be protective of wildlife.
  + Guiding Principle 8: Ensure public safety/visitor protection.
  + Guiding Principle 9: Consider historic and social use values.

## NEPA PROCESS:

* NOI published Feb. 22, 2006 (just before the full Negotiated Rulemaking committee began meeting)
* NEPA team began providing information to Neg Reg committee as requested until their vote to not renew the charter in 2007.
* **Scoping** 
  + *Parameters*
    - Areas considered as part of Neg Reg (essentially the 1979 Pet Policy areas) and any other areas with current and historical dog walking, plus new lands anticipated for acquisition before plan completion
  + *Staff meetings*
    - 3 initial internal scoping meetings with key staff
  + *Public meetings* 
    - 4 public scoping meetings were held, 2 in San Francisco, 1 in Marin, 1 in San Mateo county respectively
  + *Agency scoping meetings:* multiple federal, state and local agencies invited to agency open-house and to submit scoping comments.
  + *Congressional outreach*
  + **Public scoping comment sample:**
    - Impacts and values
      * Concerns with impacts to wildlife, migratory bird corridor, soundscapes, other visitors
      * Impacts of off-leash are worse if use is concentrated. Allow more off-leash use.
      * Unless NPS has scientific data showing dog impacts, the use should be expanded
      * Leash laws would have severe adverse impact to dog behavior / dogs must exercise
      * Dog walking is a traditional use.
      * Why not regulate all the other users that have impacts?
      * Closure of off-leash areas results in more driving
      * Areas with dog walkers are inherently safer than without.
      * There are more dogs than children in San Francisco – they need space to roam
      * Dogs make people happy.
      * The number of visitors at GOGA proves that the resource is already protected and does not need more protection.
      * Ordinary visitors to GGNRA feel threatened by dogs.
      * There will be big economic impacts due to dog restrictions.
      * Sensitive habitats, including for threatened and endangered species, should be off limits for dogs.
      * We see dogs frequently chase wildlife.
      * Dog poop is everywhere.
      * I rarely see dog poop.
      * It is a scientific fact that dogs impact plants and animals adversely.
      * I have yet to see a dead or sick bird in any dog park.
      * Children go into restricted areas more than dogs.
      * The WPA at Crissy Field is one of the only areas in San Francisco where you can still see native plants.
      * Dog owners pick up trash.
      * Dogs frighten small children and can be a serious threat to their well-being. My small children refuse to go to Fort Funston after a bad experience with dogs there. Compare this to Tennessee Valley where dogs aren’t allowed, and you’ll see dozens of small children at the trailhead.
      * My children love dogs.
      * My on leash dog was viciously attacked by an off-leash dog and equally arrogant owner.
      * Dog owners, cyclists, runners, senior citizens – we all get along just fine.
      * Dogs create community.
      * My dogs are my children.
      * Too many dogs are not under voice-control.
    - Operational / alternatives
      * Enforcement is key.
      * Plan must provide specific details of how dogs will be regulated.
      * Signage should be clear.
      * Most areas should be on leash / if off-leash then fenced.
      * Fort Funston must continue to be off-leash. Let it continue to be a sacrifice area and better protect the other beaches. It is not a pristine area.
      * A mix of uses should be allowed.
      * Time of use restrictions one possible management tool.
      * Limit number of dogs per “guardian”.
      * Dog owners need insurance, dogs must wear tags and be licensed.
      * Disabled park users and their needs should be considered.
      * Reserve east beach at Crissy Field for families.
      * Charge high fines for non-compliance.
      * Dog owners must control their dogs / voice-control doesn’t work – please describe in the EIS areas where it has worked.
      * Create a volunteer program
      * Create sacrifice zones where dogs off leash are clearly allowed, then don’t allow anywhere else in the park
      * The 1979 Pet Policy works! Legitimize it. It allows off-leash in just 1% of GGNRA lands.
      * Dog plan is flawed because it doesn’t ban dogs. This should be an action alternative.
    - Other
      * Negotiated Rulemaking Committee is overrepresented by dog groups
      * Agreement transferring city lands to GOGA required NPS always allow off-leash
      * NPS – please don’t cave in to special interest dog groups.
      * Recreation does not trump conservation.
      * Off leash dog walking is allowed in 40 other national park units for hunting.
      * GOGA is required to honor its enabling legislation mandating recreation.
      * Commercial dog walking is prohibited by the Organic Act.
      * Park police harass dog walkers.

## Draft Dog Mgmt Plan / DEIS:

**Scope:** consists of areas covered by the 1979 Pet Policy and New Lands, same as Negotiated Rulemaking, essentially 22 site-specific areas of the park.

2400 pages / 2 volumes: Why so long? 22 sites x 9 impact topics x 6 alternatives (1188 main impact analyses), and some impact topics had dozens of species, for example, 17 sensitive or T&E species affected.

### Purpose and Need for Action:

“The purpose of the plan/EIS is to provide a clear, enforceable policy to determine the manner and extent

of dog use in appropriate areas of the park. This plan/EIS would promote the following objectives:

* Preserve and protect natural and cultural resources and natural processes
* Provide a variety of visitor experiences
* Improve visitor and employee safety
* Reduce user conflicts
* Maintain park resources and values for future generations

A plan/EIS is needed because GGNRA (park) resources and values, as defined by the park’s enabling legislation and the NPS *Organic Act*, could be compromised to the extent that, without action, those resources and values in some areas of the park might not be available for enjoyment by future generations. Additionally, a dog management policy inconsistent with NPS regulations and increased public expectations for use of the park for dog recreation have resulted in controversy, litigation, and compromised visitor and employee safety, affecting visitorexperience and resulting in resource degradation. The conflicts will likely escalate if not addressed in a comprehensive plan/EIS.”

### Key Planning Principles:

* Protect sensitive habitats (T&E species, sensitive habitat, wetlands), including areas that have up to now received special protection through rulemaking
* Preserve large areas of contiguous habitat
* Focus dog walking in developed or disturbed areas, or on periphery of habitat areas
* Consider previous wildlife closures
* Largely eliminates off-leash on trails
* Provide for a range of visitor experiences, including off-leash dog walking and dog-free visitor experiences
* Acknowledge areas with historically high levels of off-leash use
* Assume that any special regulation will achieve widespread compliance through additional education, enforcement, and clarity

### Alternatives Development Process:

* Multiple staff alternative development meetings and conference calls in developing alternatives from 2007-2010 leading up to the DEIS, with approximately multiple alternative element drafts with various changes based on staff feedback.
* Outreach to multiple other jurisdictions (local and national)
* Extensive literature reviews for impacts analysis
* Analysis of LE and visitor use data
* Range of alternatives based on resource and visitor constraints – not arbitrary percentages with overall theme per alternative
* Consideration of specific resources, visitor experience, and desired conditions per site
* Negotiated Rulemaking areas of consensus
* Continuity with GMP
* Evaluate at least one alternative with on-leash only, in line with NPS Servicewide regulations
* Identify nearby non-NPS lands for dog walking

Range of Alternatives:all alternatives include normative requirements for dog walking, limits on number of dogs, and adaptive management.

* No action: 1979 Pet Policy
* Alt. B: 36 CFR 2.15
* Alt C: Emphasis on multiple use, balanced by county (includes Neg Reg consensus areas) – the NPS preferred alternative for most sites
* Alt D: Most protective of resources and visitor safety and enviro preferable alternative
* Alt. E: Most dog walking access, assumes intensive long-term management (includes Neg Reg consensus areas)

### Alternatives considered but dismissed:

* Alternative with more expansive off-leash use, beyond the 1979 Pet Policy
* Certification program
* Off-leash use on trails
* Widespread fencing to manage dog walking and allow more off-leash use
* More than 6 dogs per dog walker
* Other site-specific ideas, see EIS for details

### Impacts:

* Major adverse impacts found throughout no-action alternative (including soils, wildlife, vegetation, visitor experience, health and safety), and in action alts if non-compliance, and during initial start-up period.

### Key PWRO and WASO briefings on DEIS:

* June 2008: Briefed Jon Jarvis (RD) on range of alternatives. Minor tweaks suggested and review requested of adaptive management strategy once developed.
* July 2010: Briefed regional leadership (George Turnbull – acting RD) on adaptive management strategy, range of alternatives, preferred alternative. Conditional approval with note to brief WASO.
* December 2010: Briefed Deputy Director (Dan Wenk) and AD-NRSS (Bert Frost). Permission given to print DEIS.

### Public outreach, meetings and comment on DEIS:

* Comment period from January 20, 2011 – May 30, 2011 (135 days – including extension)
* Extensive outreach to Congressional delegation and key stakeholder groups
* Postcards and newsletters sent to approximately 8000 people and agencies
* DEIS placed in 15 public libraries throughout the Bay Area
* 4 public meetings held – (1 Marin, 2 SF, 1 San Mateo)
* 4,713 individual correspondences were received, with 7256 substantive comments (requiring a response) and 5650 non-substantive comments. Some comments were several hundred pages in length.
* Public comment included:
  + Overall support dog mgmt. plan: 328
  + Overall oppose dog mgmt. plan: 975
  + Support current mgmt. of dogs: 516
  + Off leash dogs support: 592
  + Off leash dogs oppose: 189
  + On leash dogs support: 250
  + On leash dogs oppose: 43
* Many comments similar to scoping
  + Perceived and real access reduction by dog groups
  + Many site specific ideas
  + Off-leash areas should encompass entire sites
  + Off-leash areas should be fenced
  + Safety and enforcement – concern with dogs and “just enforce the current regulation”
  + Diversity of visitor experience
  + Debate on impacts / science
  + Re-distributional effects and impacts to city lands, esp
    - Many surrounding jx’s concerned that this would force them to allow dog walking, or would create unsustainable conditions on their lands.
    - SF Board of Supervisors
  + Validity of planning process / Rec Area vs. Park
  + Create a TAG program
  + Manage commercial dog walking

## Draft Dog Mgmt Plan / SEIS:

1900 pages in length / 2 volumes: Why 1900 pages if only a supplement? Too difficult to extract the changes we made; better to re-incorporate into one overall document for public understanding.

### What changed and why a Supplemental EIS?

* Additional review
  + Review of all studies for peer review
  + Additional analysis of potential redistributive effects, surveying over 7000 people for potential changes in use patterns (both city, county, state, and other GGNRA lands) based on dog restrictions
  + Water quality as an impact topic dismissed
  + Refocus on visitor experience as a primary impact topic.
* Changes to the compliance-based management strategy (monitoring strategy)
* Additional *Federal Rehabilitation Act* elements and analysis
* Removal of programmatic alternative “New Lands” and instead a site specific analysis for Rancho Corral de Tierra
* The majority of the areas addressed in the plan received minor or no changes to the preferred alternative. Larger changes in a few areas:
  + Additional access provided at Fort Funston
  + Crissy Field adjustments to off-leash areas
  + Rancho Coral de Tierra (now 36 CFR 2.15 vs. closed-unless opened under New Lands)

### Impacts

* Major adverse impacts found throughout no-action alternative, and in action alts if non-compliance, and during initial start-up period.

### Key PWRO and WASO briefings on SEIS:

* April 2011 – AD-NRSS (Bert Frost) briefing on additional public outreach, whether to initiate an SEIS, etc.
* December 2011 briefing statement sent to region on results of DEIS, suggesting a SEIS on key issues.
* May 2013 Regional Director (Chris Lehnertz), Chief of Resources PWR (Ray Sauvajot), AD-NRSS (Bert Frost) and Deputy Director (Peggy O’Dell) briefing. Permission given to print SEIS pending successful briefing of Congressional delegations, then DOI.
* May 2013: Congressional briefings
* May 2013: DOI briefing
* Sept 2013: PWR briefing

### Public outreach, meetings and comment on SEIS:

* Comment period from September 6, 2013 – February 18, 2014 (165 days – including two extensions)
* Extensive outreach to Congressional delegation and key stakeholder groups
* Postcards and newsletters sent to approximately 8000 people and agencies
* DEIS placed in 15 public libraries throughout the Bay Area
* 3 public meetings held – (1 Marin, 1 SF, 1 San Mateo)
* 6709 individual correspondences were received, with 6947 substantive comments (requiring a response) and 4794 non-substantive comments. Some comments were several hundred pages in length.
* *Public comment included:* 
  + Comment period from September 6, 2013 – February 18, 2014 (165 days – including two extensions)
  + Outreach to Congressional delegation and key stakeholder groups
  + Postcards and newsletters sent to approximately 8000 people and agencies
  + DEIS placed in 15 public libraries throughout the Bay Area
  + 3 public meetings held – (1 Marin, 1 SF, 1 San Mateo)
  + 6709 individual correspondences were received, with 6947 substantive comments (requiring a response) and 4794 non-substantive comments. Some comments were several hundred pages in length.
    - Overall support dog mgmt. plan: 372
    - Overall oppose dog mgmt. plan: 2009
    - Ban all dogs from GGNRA: 42
    - Off leash dogs support: 752
    - Off leash dogs oppose: 174
    - On leash dogs support: 250
    - On leash dogs oppose: 43

### Additional public meetings, outreach includes:

* January 2014: Congresswoman Speier Public Hearing on Dog Plan
* February 2014: Secretary Jewell briefed on controversy and Dog Plan
* September 2014: Director briefing on proposed rule

## Proposed Rule:

Released to public on February 24, 2016, for an initial 60 day public comment period, extended for 30 days for 90 days total.

Reflects the SEIS preferred alternative, with some changes based on SEIS public comment:

* + Increases restrictions on walking 4-6 dogs
  + Adjusts two voice and sight control areas (Crissy Airfield and upper Funston)
  + Adds four, on-leash trail segments in San Mateo
  + Changes on-leash segment to dog free at Ft. Baker
  + Defines ‘uncontrolled’ and ‘unattended’ dogs
  + Creates on-leash and no dog picnic areas
  + Adds considerations for monitoring and management program

2 weeks of public meetings.

Received 4100 public comment letters. Total comments 6084. Substantive comments 3133.

## Final Dog Mgmt Plan / Final EIS:

Released to public on December 9, 2016, for a 30 day no action period.

* The FEIS Preferred Alternative includes:
  + Six(6) voice and Sight Control areas(including one in San Mateo)
  + Nearly 1/3 of all park beach(2.8/8.8) and trails miles(47/140) for dog walking
    - 41% (15.3) trail miles in San Mateo & a small beach area
    - 66% (17.1) trail and path miles in SF & 32% (2.2 miles) of beach
      * Funston: 40% of accessible acreage (40.4 acres) off-leash with 61 % of beach miles off-leash
      * Crissy Airfield: 39% of acreage (10.8 acres) with 43% of its Crissy beach miles off-leash (.5 miles)
    - Almost 20% (14.6) trail miles in Marin county & 30% of its beach miles
  + Includes requiring a permit to walk 4- 6 dogs in seven (7) major park locations
* The FEIS incorporated a number of recent changes as a result of public comments on the proposed rule, including:
  + Addition of an on-leash loop trail at Muir Beach on Kaashi Way.
  + Addition of a 3 acre voice and sight control area in Rancho (Flat Top)
  + Addition of an accessible on and off-leash trail at Fort Funston
  + Expansion of voice and sight control and dog free areas on Crissy Airfield
  + Realignment and Expansion of on-leash area on Baker Beach
  + Addition of on-leash trail at Mori Point (Mori Headlands Trail)
  + Addition of on-leash trail to overlook at Milagra Ridge (Milagra Ridge Road to summit)
  + Designation of both dog free and dog friendly picnic areas