

Task Directive

**National Park Service, Natural Resource Stewardship and Science
Washington, DC**

Evaluation of Effects of Personal Email Use on the Planning and Rulemaking Process for the Golden Gate National Recreation Area Dog Management Plan

March 10, 2017

Background

For over 15 years, management of dog walking at park sites in Golden Gate National Recreation Area (GGNRA) has provoked substantial interest and spirited debate among stakeholders and the public. In 2006, the National Park Service began a formal process to prepare a Dog Management Plan and associated Environmental Impact Statement (EIS) to inform rulemaking about the manner and extent of dog walking at GGNRA. Since that time, the National Park Service prepared a draft plan and EIS, solicited public review, prepared a supplemental EIS with additional public review, and issued a final EIS in December 2016. .

In late November 2015, the GGNRA received a Freedom of Information Act (FOIA) request from Save Our Recreation and other dog walking groups seeking a large volume of records related to the development of the Dog Management Plan. In January 2016, GGNRA responded to two parts of the FOIA request and produced additional responsive records in March and April of 2016. Save Our Recreation filed a FOIA lawsuit on April 5, 2016 seeking release of records responsive to additional portions of its request. Since that time, the park has released more than 280,000 pages of responsive records and is continuing to process additional records for release.

In late December 2016, the National Park Service learned that a former GGNRA employee had used personal email for certain official communications related to the Dog Management Plan planning process, which were not forwarded or copied to the employee's government email account. Upon learning of this, the NPS contacted the employee and obtained his cooperation to conduct a search of his personal email accounts for agency records related to the Dog Management Plan planning process. As a result of that search, the NPS recovered 137 pages of agency records that were responsive to the FOIA request. Those emails were provided to the plaintiffs and the public on Tuesday, January 10th, as part of the ongoing release of records.

The discovery of the use of personal email without the attendant copying or forwarding of such communications to an official government email account has raised questions about the potential effect these emails may have had on the dog management planning process. As these questions are being evaluated, the National Park Service has put on hold the issuing of the Record of Decision or publication of the Final Rule for the Dog Management Plan.

Purpose and Need

The purpose of this factual evaluation is to review whether the use of personal email may have affected the planning and rulemaking process for the GGNRA Dog Management Plan. Specifically, the evaluation will analyze the nature and substance of the email messages to ascertain if there is evidence that they influenced the content of the Dog Management Plan or rule and the conclusions of the EIS. The evaluation will assess whether use of personal email in

this case resulted in any inconsistencies or deviations from ordinary procedures for environmental planning and rulemaking for the National Park Service.

Evaluation Team

The evaluation will be conducted by an independent and impartial team composed of three to four individuals from relevant federal agencies and departments. Team members will have expertise in environmental planning and review, and National Environmental Policy Act (NEPA) and rulemaking procedures. Review team members will not have any past history or current involvement with the GGNRA dog management planning or rulemaking process.

Review Process and Timeline

- The Evaluation Team will be selected and assembled by February 22, 2017. Team members will be identified by the DOI Office of Environmental Policy and Compliance and selected in coordination with the National Park Service Associate Director for National Resource Stewardship and Science.
- The Evaluation Team will receive all relevant private email account messages and supporting documents, as well as the Dog Management Plan draft, supplemental, and final EISs, the Proposed Rule and other relevant materials from GGNRA by March 10, 2017.
- The Evaluation Team will conduct its review over a two-month period beginning March 1, 2017.
- A draft report detailing factual findings of the evaluation will be submitted by the Evaluation Team to the NPS Associate Director for Natural Resource Stewardship and Science by May 1, 2017.
- A final report will be completed and submitted to the NPS Associate Director for Natural Resource Stewardship and Science, with copies to the NPS Pacific West Regional Director and NPS Deputy Director for Operations by June 30, 2017.