

SAVE OUR SEASHORE

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Frank Dean, GGNRA Superintendent
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Re: Draft Dog Management Plan / Environmental Impact Statement

COMMENTS RE PARK-WIDE MONITORING PROTOCOLS

In general, we urge that the park-wide GGNRA dog monitoring program be informed and strengthened by the dispute over the Drakes Estero Wilderness at Point Reyes National Seashore (PRNS). At PRNS, the oyster operation in the Estero and/or its supporters, lawyers, lobbyists, publicists, friendly media, and supporting elected officials have asserted that PRNS-monitored wildlife violations have been falsified and also that participating monitors, park scientists and park staff (including staff at the California Coastal Commission) have committed "scientific" or "ethical" fraud.

Thus the oyster company and its supporters have challenged every piece of unfavorable monitoring data while publishing their own (non-peer-reviewed) analyses of draft data that purport to exonerate the oyster operation. The oyster operation and its supporters have also obtained access to draft / non-public documents, either through "leaks," or passage from other governmental entities directly to the oyster company, and thus the oyster company and its supporters have been able to adjust their operations or lobbying efforts accordingly.

We urge that GGNRA prepare for such a worst-case scenario, make the peer reviewers fully aware of the PRNS situation, and urge them to propose and GGNRA to adopt measures to fully secure, bullet-proof and materially strengthen the monitoring program. To do otherwise will result in a waste of taxpayer money and will simply prolong a GGNRA dog dispute that has already gone on for almost a decade.

In that regard, we note that the Draft Environmental Impact Study (DEIS) Volume 2, Table 12, page 1568 estimates the cost for a program planned to run 5½ years (Per page 1725) to be about \$1.5 Million under any action alternative. Given that DEIS Volume 1, page 66 notes that the proposed monitoring plan will be peer reviewed "to insure statistical rigor and accuracy and training of monitoring staff to insure uniform measurement and interpretation of data," then in our opinion, that \$1.5M would appear to be a material under-estimate.

Monitoring Team and Protocols

We predict that peer review suggestions to bullet-proof the monitoring program to a level of statistical significance needed make its results stick in court could double the DEIS \$1.5M estimate, given that

1. Monitoring Teams must arrive, work, depart, and remain confidential so as not to bias the data. There must be a method developed that could suggest when the security of any aspect of the Team's work or schedule has been compromised.
2. Several security cameras may be needed in order to provide a means of independently verifying the data and to protect the monitoring team from accusations of fraud.
3. The size of Monitoring Teams must be proportionate to the number of dogs expected to be monitored, otherwise the compliance ratio will be skewed higher (given that violations are more likely to be low-counted than the total). We note that commercial dog walkers are presumed to be able to monitor the activities of at most 6 dogs. Achieving statistical significant results may well require more monitors than are currently estimated.
4. The regulations must be specified much more precisely for monitoring than would be reasonably necessary for law enforcement purposes. We also suggest that several videos carefully vetted to determine the accurate number of violations and dog walkers (and thus compliance ratio) be used to train the Monitoring Team such that each individual's results do not vary excessively from the numbers previously determined to be correct.
5. In addition, we believe that the Monitoring Program should be materially adjusted to measure violations as follows: by Type (not equal weight); by Zone (not area); by Incident (not dogs or dog-walkers) as numerator; by Dog walkers (not dogs) as denominator; and by Duration (not equal weight), as follows:

Measurement by Type

The 75% over-all compliance threshold is justified when "the benefits in allowing the use is outweighed by the NPS administrative burden required to manage the use." (DEIS Vol 1, pg 67). However, this overall 75% threshold ignores the every-day reality that limited administrative costs are necessarily prioritized as appropriate to the nature of the violation. The potential for more serious violations will necessarily receive more administrative attention and thus should mandate a higher compliance threshold to balance the higher administrative cost. We do not believe, for example, that it is reasonable to assume that an equal amount of administrative cost should be assigned to educating and enforcing a 75% compliance with 36 CFR 2.15 (a) (5) (Pet Excrement) as would be assigned to attaining a 75% compliance with 36 CFR 2.2 (a) (2) (Disturbance of Threatened and Endangered Species). We thus propose weighted violations that defacto prioritize compliance thresholds that average 75% but range from low to high, with Disturbance to Threatened and Endangered Species as the highest priority, and Disturbance and Damage to Wildlife and Vegetation as next highest priority.

An example of weights/thresholds (adapted from Table 4 DEIS-Volume 1 Page 65)

TYPE OF VIOLATION	WEIGHT	THRESHOLD
Disturbance to Threatened and Endangered (T&E)Species	4.0	95%
Vegetation Damage	2.0	90%
Wildlife Disturbance	2.0	90%
Violation of Areas Closed to Dogs (T&E and Sensitive Habitat)	1.0	80%
Violation of Areas Closed to All (T&E and Sensitive Habitat)	1.0	80%
Hazardous Conditions (aggressive behavior, pet rescues)	1.0	80%
Violation of Areas Closed to Dogs (Safety)	.75	70%
Degree of Compliance with Special Regulation	.75	70%
Government Property Damage	.5	60%
Pet Excrement	.5	60%

Measurement by Zone (Not Area)

Page 66 states that "the number of incidents of non-compliance at any zone must be measured against the total number of dogs in the area during monitoring." For example, as written, an area with 76 dog walkers each with one well-behaved dog in an on-leash zone and 24 dog walkers each with one dog with one incident of harming wildlife in an off-leash zone would achieve a minimum 75% compliance ratio for the combined area (on-leash zone plus off-leash zone). Instead, we believe that the compliance ratio should be measured by the number of non-compliance incidents at any zone against the total number of dog-walkers in that zone during monitoring." In this example, the off-leash zone should have a compliance ratio of 0% while the on-leash zone's compliance ratio should be 100%.

Furthermore, in measuring areas, there is a logical flaw if no-dog zones are included. It is certainly possible to measure violation incidents in a no-dog zone, but that number cannot be compared to the uncountable number of dogs that are not present in that no-dog zone. Instead, we propose that dogs observed in an area's no-dog zone be allocated as a violation to the on-leash zone in the same area if the observed violation is on-leash and if the no-dog violation is off-leash, then allocated as a violation to the off-leash zone in the same area.

Measurement by Incident (Not Dogs or Dog Walkers) as Numerator

Page 64 states that the program measures "the percentage of total dogs / dog walkers observed during the previous 12 months not in compliance with the regulations. Page 64's definition does not specify dogs vs. dog walker and thus results could vary by 600% when "total dogs" are used as the numerator vs. "total dog walkers" (each with 6 dogs). In contrast, page 66 states that "the number of incidents of non-compliance at any zone must be measured against the total number of dogs in the area during monitoring. We believe page 66 is correct in using incidents as the numerator (see Example A)

Measurement by Dog Walkers (Not Dogs) as Denominator

Page 66 states that "the number of incidents of non-compliance at any zone must be measured against the total number of dogs in the area during monitoring. We believe page 66 should use the number of dog-walkers (not the number of dogs) as the denominator in the compliance ratio. Dogs do not commit violations; the dog-walker commits the violation by not properly supervising their dog. (See Example A).

Measurement by Dog Walkers Monitored (Not Total Dog walkers) as Denominator

There is a problem if the total dog walkers observed are not fully observed through the visit to assess violations, for example, if there is a careful count of dog-walkers entering a ROLA, but then half of them walk out of sight of the monitors and thus only the visible half are monitored for violation, then the compliance ratio will have its denominator incorrectly inflated by 100%. Similarly if the Monitoring Team counts 100% of the dog-walkers but then is able to carefully monitor only half for possible violations, with the other half monitored for only a few minutes...then the denominator will be again be incorrectly inflated. The correct denominator should be the total number of dog walkers whose actions were monitored for violations over a reasonable period of time.

Measurement by Duration (Not Equal Weight)

The DEIS also does not acknowledge that violations that are not remedied "immediately" have more impact and thus should be weighted more than those that are remedied "immediately"...see: <http://kron4.net/News/ArticleView/tabid/298/smId/1126/ArticleID/7904/reftab/215/t/Dogs%20Run%20Free%20in%20Areas%20that%20Require%20Leashes%20in%20San%20Francisco/Default.aspx>. We

believe that violations not corrected immediately and continue for a duration should have a double weight (See Example B) For example, a wildlife disturbance that is stopped immediately would have a weight (per adapted Table 4 above) of 2, but when allowed to continue unabated as in the referenced Channel 4 video would have its weight doubled to 4.

Examples that Incorporate Suggested Changes in Monitoring Measurements:

The Monitoring Program begins at 1pm and ends at 4pm, during which time 29 dog walkers (each with 3 dogs) visit an area, all without incident. However, the 30th dog walker allows three violations: first, their dog exhibits aggressive behavior; second their dog enters a closed area but is noticed immediately and recalled with an immediate return; third, their dog disturbs wildlife for several minutes before being noticed and recalled with an immediate return. Example A shows Monitoring Protocols we do not support.

A) By incident ÷ total dog walkers, the compliance ratio is $90\% = 1 - (3/30)$.
By violating dogs ÷ total dogs, the compliance ratio is $98.9\% = 1 - (1/88)$.
By violating dog walkers ÷ total dog walkers, the compliance ratio is $96.7\% = 1 - (1/30)$

B) By incidents weighted by type and duration, the aggressive behavior violation would count as 1.0, the closed area violation would count as 1.0 and wildlife disturbance violation would count as 2.0 (but would be doubled because it was not corrected immediately). Thus our suggested Monitoring Protocol would have a compliance ratio of $80\% = 1 - (6/30)$.

Regulations that are Inconsistent or Lack Necessary Specificity

1. First Bullet's (DEIS pg 62) use of the term "promptly" is inconsistent with bullet two's use of the term "immediately." We suggest editing the phrase in bullet one to read: "...meaning that dog walkers must be able to recall their dog promptly, who shall respond immediately, and shall demonstrate..." and editing the phrase in bullet two to read, "...when they have demonstrate the ability to immediately return to their owner/guardian/handler when recalled."
2. Second Bullet's reference to "within the direct eyesight of the owner/guardian/handler" should be further clarified to make clear that dog walkers do not have eyes in the back of their heads, thus a violation occurs per se when the angle between the line running from the leftmost dog to the owner/guardian/handler and the line running from the rightmost dog to the owner/guardian/handler exceeds 180 degrees.
3. Third Bullet's reference to "unwanted jumping" is an invitation for dispute. How can the nature of the jumping be inferred with any certainty by distant monitoring? Instead the regulation should simply prohibit "jumping" on any park visitor other than the owner/guardian/handler. When any park visitor wishes to more closely engage the dog, they should bend or kneel down for closer contact. Furthermore, aggressive dog behavior (snarling, jumping, and lunging) should be a violation in on-leash areas, as well as ROLAs.
4. Fourth Bullet: (dogs under 4 months must be leashed), Fifth Bullet (Dogs in heat not allowed in ROLAs), and Sixth Bullet (Dogs must be licensed): It should be clear that while these are violations that may not be unequivocally determined by distant monitoring, yet nevertheless, when discovered by Law Enforcement during a monitoring event should count toward as a monitored violation. Also, dogs must be licensed in on-leash areas.

5. Seventh Bullet: dog walkers in ROLAs must have leashes. It should be clarified that the leashes must be functional (i.e. leashes designed to attach to a collar when the dog has no collar are not functional) and that functional leashes must be on the person of the dog walker (i.e. not at home or in the car). Also in an on-leash area, a functional leash attached to the dog but not simultaneously held by the dog walker is a violation.
6. Eight Bullet: there is an inadvertent omission here, corrected as follows: "*Dog walkers must keep dogs on-leash in parking lots and on paths that access ROLAs.*"
7. Ninth Bullet: There is a lack of specificity...does a dog's nose under an exclusion fence count as a monitored violation of an area closure, or is it one paw, two paws...? We suggest one paw.
8. Tenth Bullet: "*Dog walkers must pick up their dogs' feces immediately and dispose of them in a garbage container.*" It should be clarified that the feces pick-up bag itself is not a "garbage container" and thus it is a violation to leave the "picked up" feces behind in the pick-up bag.
9. Last Bullet (DEIS Volume 1 page 62) and DEIS Volume 2 Exhibit "F" page F-2, #3 (Permit Design): The determination of what is "large easily legible font" on the permit should be from the perspective of the monitoring team to facilitate accurate recording from a distance.
10. Last Bullet (DEIS Volume 1 page 62) and DEIS Volume 2 Exhibit "F" page F-2, #4: (Enforcement / Revocation): "Third offense will result in suspension of commercial dog walkers permit for up to three months." We believe that penalty should apply to the second offence, not the third. Furthermore, regarding the statement that "*NPS retains the right to permanently revoke for serious violation*" ...we believe that revocation should also be a possibility for repeated violations as well as for serious violations.
11. Appendix "E" lists "General Use Guidelines" (Six Bullets) and then "Requirements" (Five Bullets). We believe these should all be requirements and all should be violations.

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