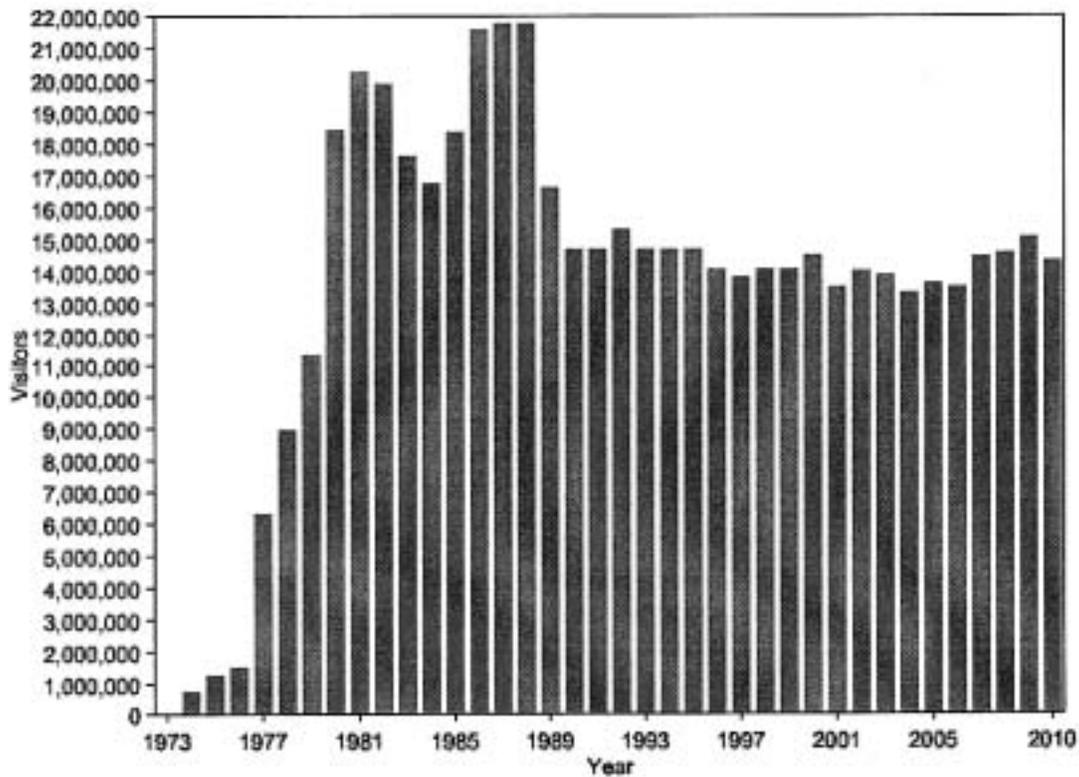


recreational visitors. According to NPS statistics, in 2010, the total number of recreational visitors was 14,271,503, down about 34% from 1988.

Consider also that in the past 20 years the GGNRA acreage has almost doubled in size, and expanded into San Mateo County. This puts a far larger population in direct proximity to the Recreation Area, yet the visitor numbers are down dramatically. Users of the GGNRA will tell you that this DEIS is just a reflection of the management priorities that Brian O'Neill started with his Biosphere commitment that have systematically denied and discouraged access for the public to this Golden Gate National Recreation Area.

Total GGNRA Recreation Visits



Golden Gate NRA

Year	Recreational Visitors
1973	42,600
1974	702,300
1975	1,196,900
1976	1,457,600
1977	6,300,200
1978	8,960,938
1979	11,321,127
1980	18,421,773
1981	20,279,789
1982	19,897,389
1983	17,604,551
1984	16,731,706
1985	18,355,365
1986	21,582,368
1987	21,767,176
1988	21,759,271
1989	16,656,896
1990	14,650,213
1991	14,695,771
1992	15,309,338
1993	14,695,771
1994	14,695,771
1995	14,695,771
1996	14,043,984
1997	13,803,382
1998	14,046,590
1999	14,048,085
2000	14,486,065

2001	13,457,900
2002	13,961,267
2003	13,854,750
2004	13,270,547
2005	13,602,629
2006	13,486,824
2007	14,397,313
2008	14,554,750
2009	15,036,372
2010	14,271,503
Total	522,102,545

(From <http://www.nature.nps.gov/stats/park.cfm?parkid=296>)

Evidence the issue was really a new ideology is the fact that the GGNRA experimented with changing its name to Golden Gate National Parks (GGNP) in an effort to convince citizens of the Bay Area that the paramount mission of the NPS is to bring the wilderness to the City. On August 28, 2001, the GGNRA Advisory Commission meeting was opened by Chair Rich Bartke as a regular meeting of the Advisory Commission to the National Parks in the Golden Gate Area. Mr. Bartke was asked to correct that reference by a concerned citizen, Michael Goldstein. Mr. Goldstein stated publicly in his comments to the Commission that this was not the first time he had addressed the Commission on this topic and that this practice of omitting the word "recreation" from the Park's name had become a matter of public concern. This runs counter to the intentions of the City of San Francisco and its citizens who had been promised that the GGNRA will remain an urban recreation area.

The DEIS further states: During this period (2001), it was clarified by the Department of Justice, U.S. Attorney, and the Department of the Interior Solicitor Offices that the voice-control policy then in effect at Fort Funston and other locations in the park was contrary to NPS regulations. In a public meeting in January 2001, the Commission acknowledged that the voice-control policy was contrary to 36 CFR 2.15(a)(2), prohibiting off-leash dogs in national parks, and therefore illegal and unenforceable.

Now we see the significance of the GGNRA/NPS decision to refrain from making the 1979 Pet Policy a Section Seven Special Regulation. By doing so, they were able to exercise "**plausible deniability**". In reality, this is just one more example of how the GGNRA has dealt in bad faith with the public whom they, in theory, serve.

The public and elected officials were incensed at the GGNRA change in policy. Indeed, in 2001, a Resolution was approved by the San Francisco Board of Supervisors, detailing the history of the relationship between the City, the public and the GGNRA. The Resolution (and its findings) is so significant that it is quoted in full below:

Common sense would indicate that the "disturbance" issue has been substantially overblown, and no scientific study exists to contradict such common sense.

Out of 5,692 dogs observed during the one-and-a-half year study by Ms. Hatch, less than one-third of one-percent chased plovers, and none ever caught or harmed one. An even smaller number "inadvertently" disturbed plovers, causing them to walk, run or sometimes fly out of reach. (*Id.*, at 11-13.) See Figure 1 below.

GGNRA Report confirms that 99.667% of dogs surveyed did not chase Plovers

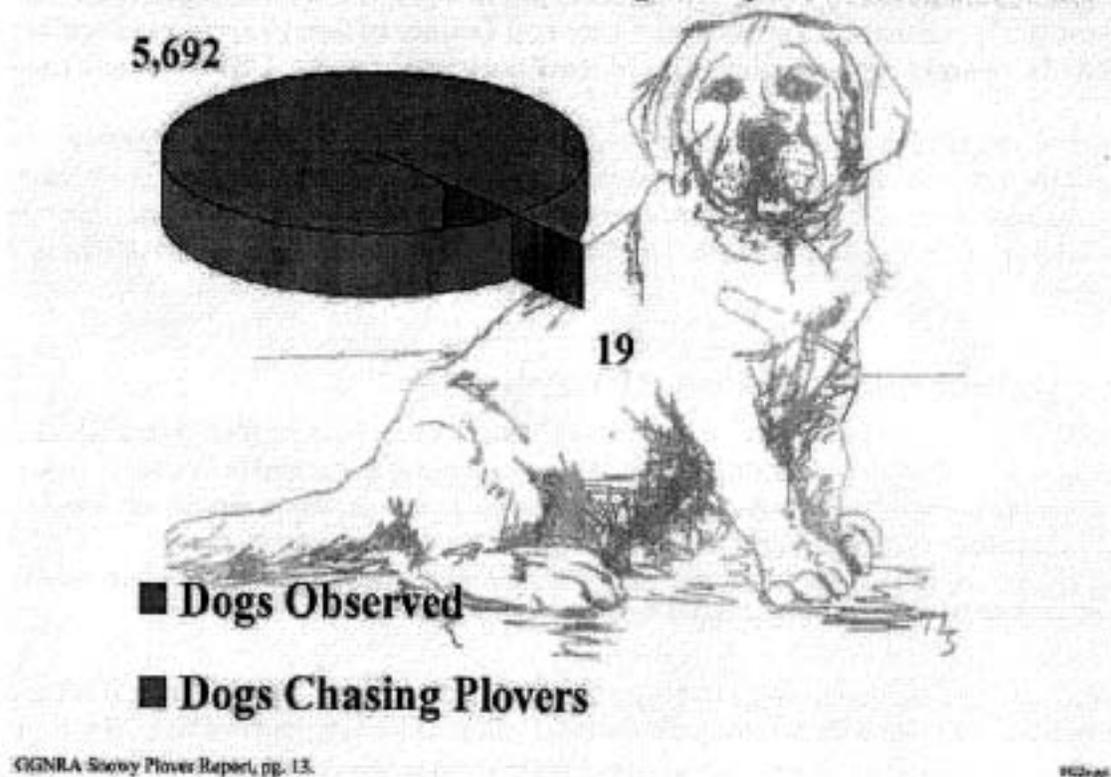


FIGURE 1

On the other hand, Ms. Hatch did not document the more significant matter of the deaths and disturbances of plovers perpetrated by predators such as the gull, raven, and crow. The gull, raven, and crow are documented predators of the plover, while dogs are not. Ravens are black, cousins of the crow, and larger than crows - generally about two feet long. Federal officials, who attribute the soaring numbers of ravens to sharp increases in road-kill and garbage from fast-food restaurants, admit that the population explosion is troubling, given the bird's intelligence.

The Hatch Report is an excellent example as to why scientific studies vary in reliability. Based upon the standards set forth in the scientific community, Ms. Hatch's study qualifies as "junk science", that is, "a publication that has the tone and trappings of science, but is so fundamentally and demonstrably flawed as to lack any serious claim to credibility." Further, this study does not meet the minimum requirements for legitimate "vital monitoring" within the NPS.

GGNRA Report shows Snowy Plovers increased at Ocean Beach with off-leash recreation.

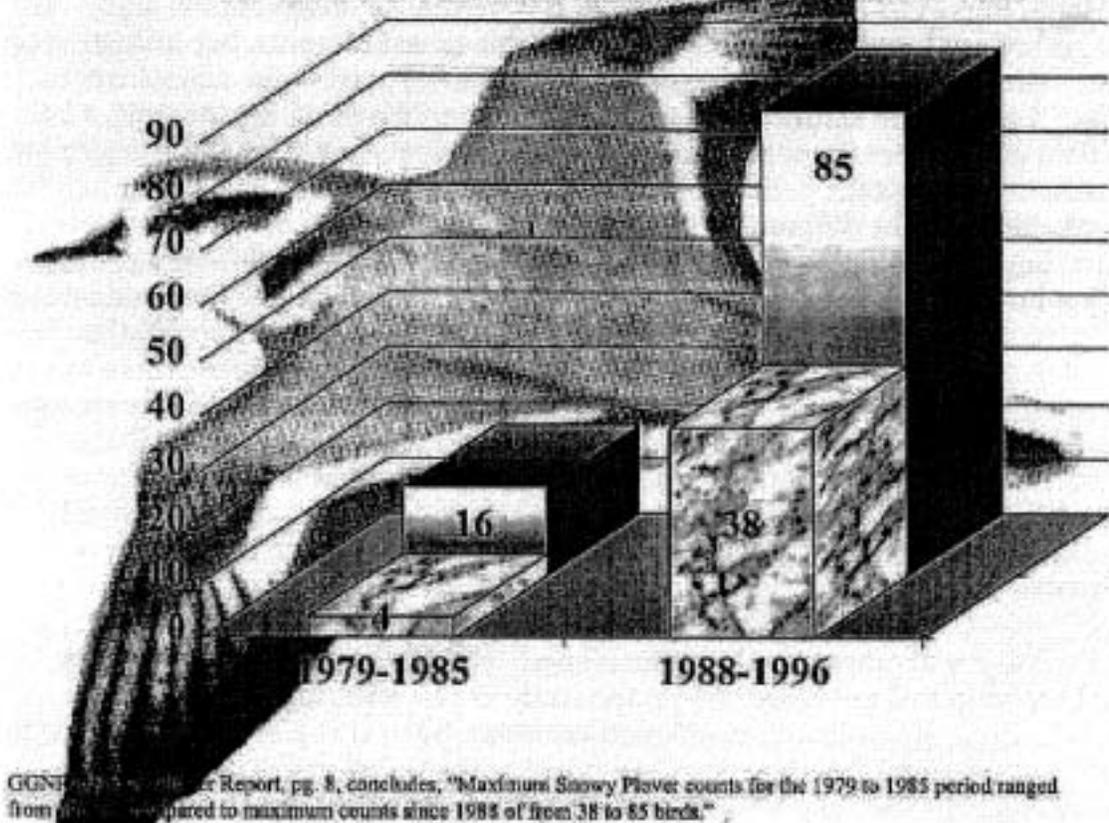


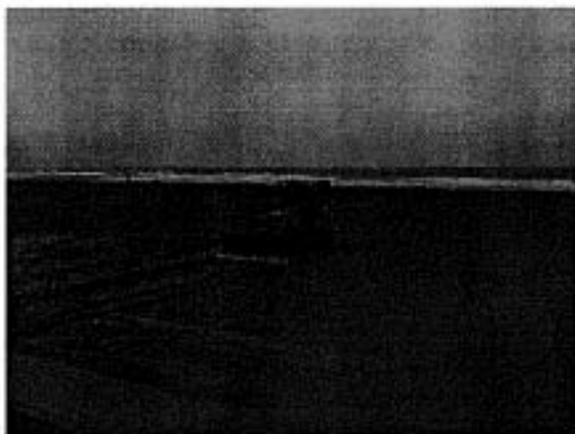
FIGURE 2

We believe that it is mischaracterizing the problem to attribute the "disturbance" of the plover exclusively (or even significantly) to off-leash dogs. The data do not support this conclusion. It follows, therefore, that addressing off-leash dogs *only* will not effectively protect the plover. We maintain, based upon the data, that proper protection of the plover would encompass the effect of humans, predators, and other wildlife as well.

The GGNRA Refuses To Implement Any Other Measures To Protect The Plover

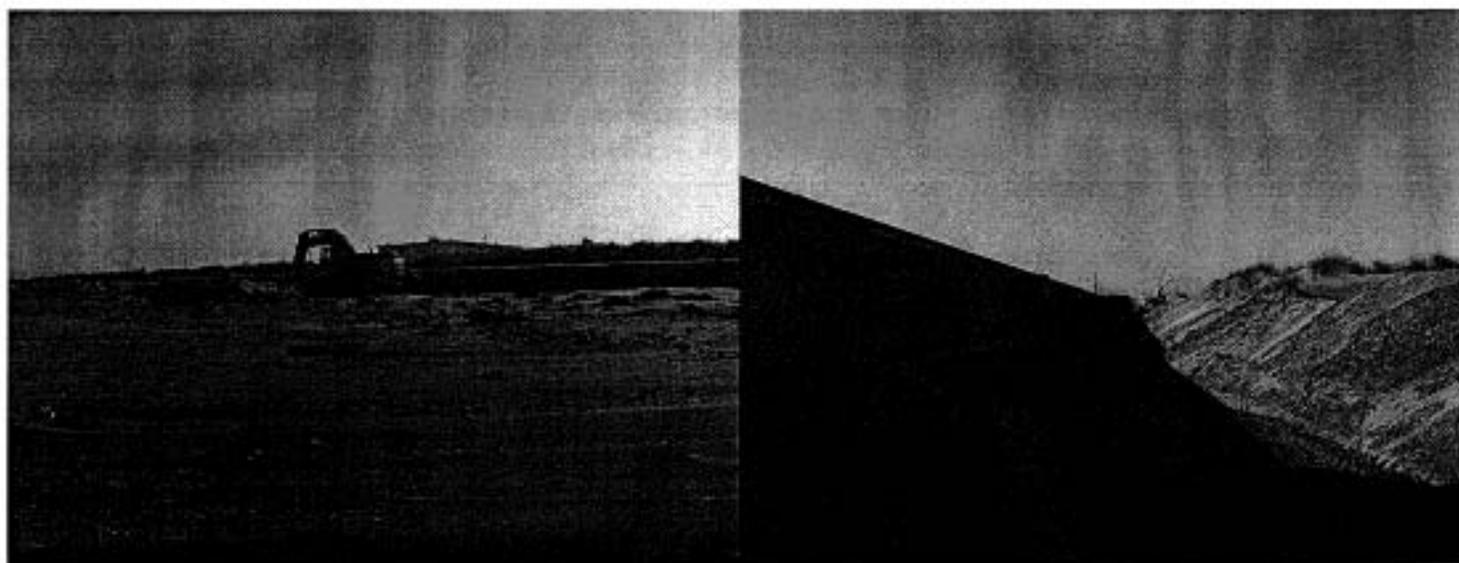
Leashing of dogs (or the banning of dogs) on a 2.2 mile stretch of Ocean Beach is not a rational, measured response to the plover's seasonal presence on approximately 0.4 miles of Ocean Beach, and it does not address the hazards that both humans and predators present.

Peter Baye (U.S. Fish and Wildlife Service Biologist) noted the presence of the Snowy Plover, which roosts, but does not nest, on Ocean Beach, and made recommendations to the GGNRA for its protection. The plovers are present seasonally and relocate from year to year. Mr. Baye recommended: "Exclosures, in concert with educational signage, have been very effective in areas of concentrated usage where beaches are large (e.g. Cape Cod National Seashore). There are no unique impediments inherent at San Francisco's Ocean Beach which would render these

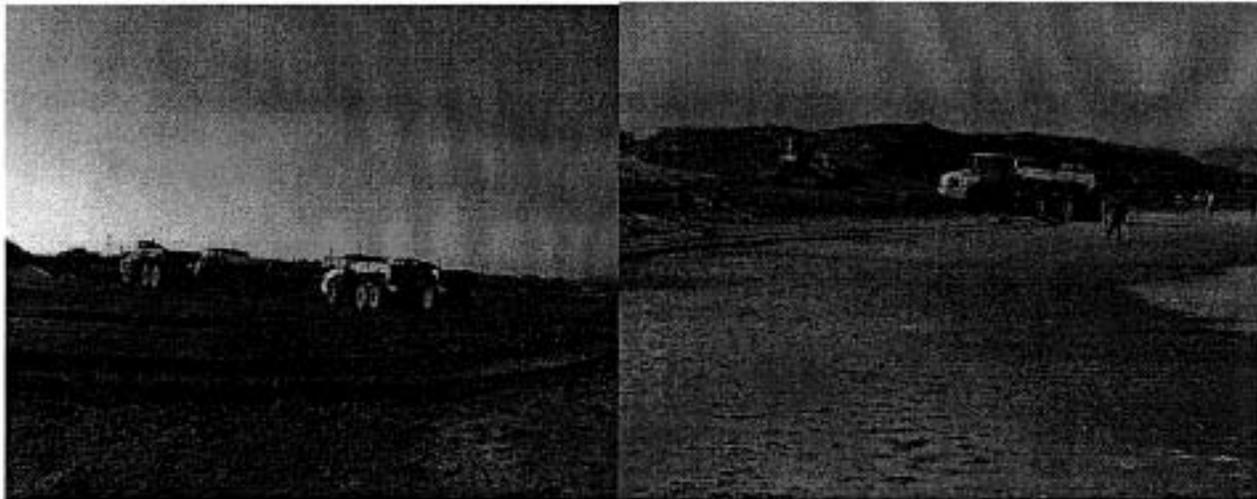


Ocean Beach Plover Protection Area (July 31, 2007)

The picture above was taken during the period when dogs are restricted at Ocean Beach due to the presence of the plover. When OBDOG principals first observed the bulldozers in the Plover Protection Area below, we made a Freedom of Information Act Request of the GGNRA, to determine the purpose of the bulldozing, as well as determine whether USFWS had approved this drastic action. The GGNRA responded to our request, but failed to answer our questions about the bulldozing. We were later advised verbally that there was no correspondence with USFWS to obtain approval for bulldozing, as the plover was not then present. Internal GGNRA records show the GGNRA bargained with USFWS in 1996, sacrificing our off-leash recreational opportunities in order to get USFWS to agree to allow bulldozing in this same area of Ocean Beach. The ESA is very clear that it is not permissible to modify the habitat of an endangered or threatened species when they are not present, but expected to return. One example would be the prohibition of the removal of trees that hold an eagle's nest, even when the eagle is not present or utilizing the nest.



We understand the GGNRA is modifying the beach in this area to minimize the effects of erosion and the drifting of sand on to the Promenade and Great Highway. The GGNRA has refused to acknowledge in any significant fashion that erosion and the progressive collapse of the shoreline limits the areas where the plover can roost and forage, as well as the quality of foodsource for the plover at Ocean Beach. The narrowing beach puts the plover in closer and closer proximity to all users of the beach, thereby increasing the disturbance to the plovers. These conditions will progress despite the GGNRA's move to ban dogs entirely.



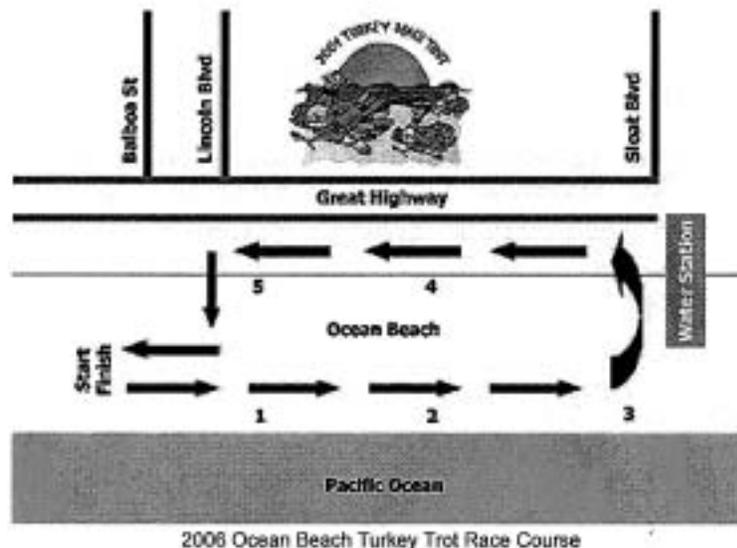
We agree the GGNRA needs to deal with erosion at Ocean Beach. However, it seems unlikely that the GGNRA will admit the obvious: the erosion itself and the GGNRA activities designed to deal with erosion adversely affect the plover to a much greater degree than four dogs who allegedly "disturbed" plovers in the last six years. The restriction of off-leash recreation or the banning of dogs entirely to purportedly protect the plover is a complete ruse.



The photos above were taken during the time period when the dogs are restricted because the GGNRA claims the plover is present. We see the condition of the plover habitat after the GGNRA has bulldozed to minimize the effects of drifting sand and erosion. The dunes that remain are there because they do have a little beach grass to help hold them together. The tides have run up and behind the dunes that the GGNRA claims the plover inhabits. Note the excessive debris, the graffiti and the remnants of a Christmas tree in this so-called "habitat". Considering the plover resides on elevated dunes of dry sand, preferably without vegetation, it is quite apparent as to why Ocean Beach is not suitable plover habitat. It also underscores the absurdity of the claim in this DEIS that dogs digging have some responsibility for the undermining of sand dunes at Ocean Beach.

GGNRA personnel routinely drive off-road vehicles through the plover habitat in order to enforce the leash law at Ocean Beach. Certainly the GGNRA's "solution" is far more dangerous to the plover than the perceived "problem" (pictures of this activity on file).

In 2006, the Fourth Annual Ocean Beach Turkey Trot was an event sanctioned by the GGNRA (and SFRPD) for 1000 participants. Certainly the GGNRA recognized there would be additional participants who had not officially registered. I and other members of Ocean Beach DOG who witnessed the race estimated 1500 participants. The course for the race was charted directly through the *Snowy Plover Protection Area*. This was also during a time period where the GGNRA declared an “emergency” warranting the restriction of off-leash recreation in this same area in order to minimize “disturbance” to the plover. The GGNRA, by granting permits for the Ocean Beach Turkey Trot, established that their ban of off-leash recreation is arbitrary, capricious and discriminatory-therefore unlawful.



The 2006 GGNRA Status Report For The Western Snowy Plover Is Fatally Flawed

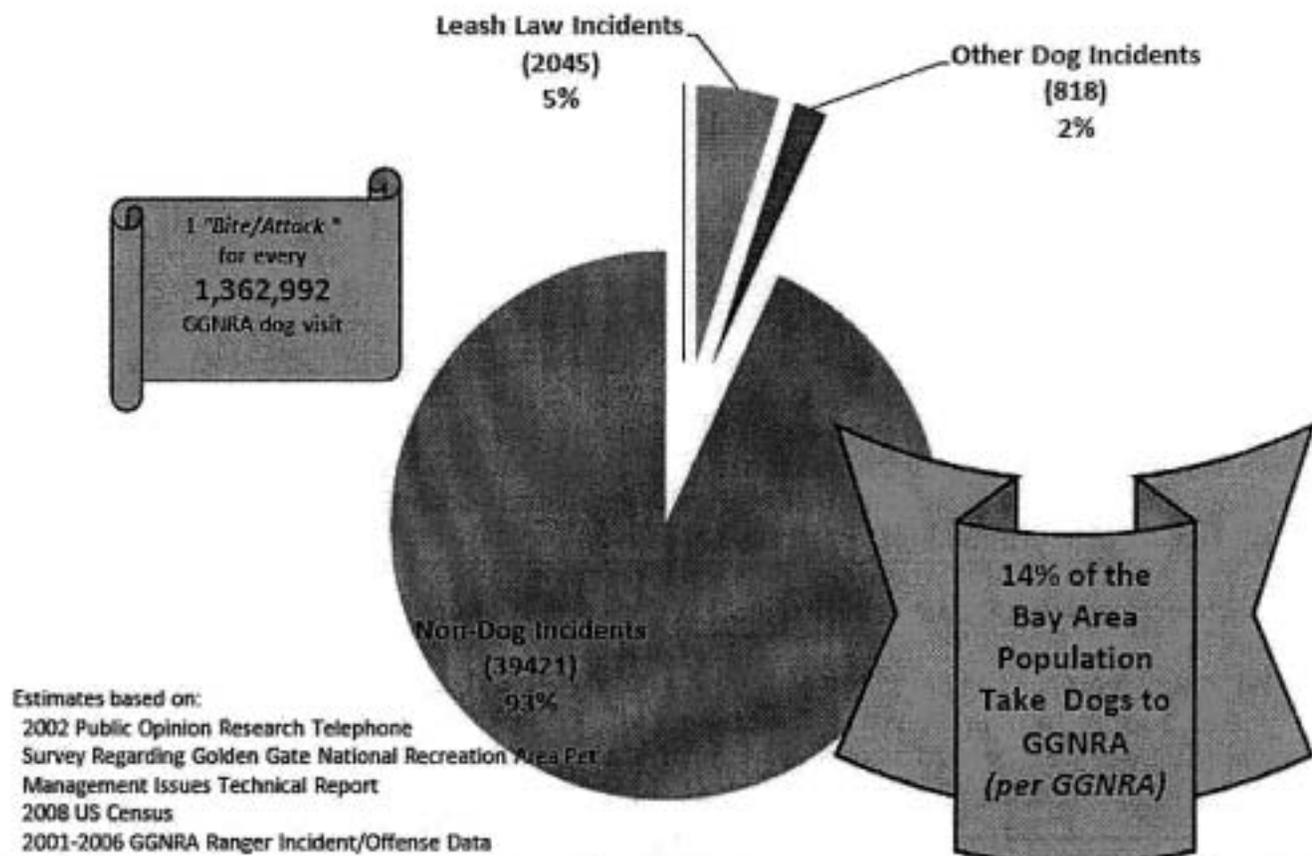
This is the second report Daphne Hatch (Chief of Natural Resource Management and Science for the Golden Gate National Recreation Area) has produced for the GGNRA to justify the closure of most of Ocean Beach to off-leash recreation due to the transient presence of the Western Snowy Plover (WSP). The first was produced in 1996. The second report, dated November 2, 2006, is the subject of this analysis. Reading Ms. Hatch’s report brings to mind an article I recently read from the *Journal of the American Dental Association October 2006 Special Supplement*. The article was entitled, “*Challenges in Interpreting Study Results—The conflict between appearance and reality*”. It seems that the GGNRA and Ms. Hatch have endeavored to manipulate the data so as to reach a predetermined outcome. Their conclusions falsely give the reader the appearance that the threat to the WSP from off-leash dogs is great. The reality is there is no credible threat to the WSP from off-leash dogs within the GGNRA.

Bias: The 2006 Hatch report presents itself as an “observational study”. Observational studies have the least reliability of any type of scientific study because their results can be distorted by many factors. The first of those factors is bias. Bias generally stated is a “systematic error in the design, conduct, or analysis of a study that results in a mistaken estimate of an exposure’s effect on the risk a subject faces”. Bias is the basis of our skepticism of research to determine the efficacy of a medication when the research is conducted by a clinician who stands to gain financially if the medication is shown to be effective.

Safety In The GGNRA

The DEIS states: "Most of the issues related to the health and safety of park visitors are related to their encounters with unruly/aggressive dogs". The actual Law Enforcement citations were obtained and catalogued by interested dog guardians and the chart below is the result of their careful analysis. As you can see, the incidents involving unruly or aggressive dogs comprise only 2 percent of the total incidents Law Enforcement reported in the GGNRA. Remarkably, these bite/attack incidents only occurred once in every 1.36 million park visits. 93 percent of the time, Law Enforcement was dealing with human-specific incidents. Clearly this issue of park safety for visitors and staff being compromised because dogs are present has been entirely overblown to justify the radical recreation restrictions the GGNRA is promoting in this DEIS.

Dogs have a Small Nip of GGNRA Offenses



Another safety issue brought up in the DEIS is dog feces. It is disturbing that the GGNRA brings up a multitude of diseases or health risks associated with dog feces, yet provides no statistics about disease contracted by people from dog feces. It is my understanding the data to support this "potential" risk is nonexistent.

A related topic in this DEIS is the extensive maintenance dog areas require. For example, statistics are provided for the high cost of trash removal at Ocean Beach. As a daily visitor to Ocean Beach, I must point out the vast majority of the trash is not dog-related, but people-related. I have not as yet seen groups of dogs huddled around beach fires drinking and eating for hours, or groups of dogs enjoying a beach picnic. It is unfair to allocate excessive maintenance costs for trash removal to dogs. At Fort Funston, the complaint is that they must empty trash more often because it is heavy due to the large volume of dog feces. It seems dogs