

Summary of Compliance-Based Adaptive Management Program Framework

The GGNRA is to be commended for trying to develop an adaptive management approach to the Dog Management Plan so that the final plan will be sufficiently flexible to deal with changing conditions. An adequate compliance-based management plan developed with public participation, as encouraged by recent CEQ guidance on mitigation and monitoring, is fundamental to the long-term success of the dog management plan.

The current initial draft compliance-based approach (draft Plan/draft EIS, pages 63-67) should be further developed and improved to provide an adequate adaptive management program that articulates:

1. Clearer objectives related to protection of the resources established in the GGNRA enabling legislation;
2. Clearer methods for objective monitoring;
3. Appropriate triggers for management responses, and management responses based on evaluation of monitoring data and related to protection of these resource; and
4. Public information and meaningful participation in the above process.¹

We believe we can build on this compliance-based framework to further develop the adaptive management approach – consistent with NPS and CEQ guidance – to create a plan that helps dog walkers to “do the right thing” as well as protect the natural, cultural and recreational resources in the GGNRA.

The main areas where our comments will suggest further specificity and development of the compliance-based adaptive management approach relate to:

- Providing effective outreach and education as part of the program start-up and primary management response.
- Allowing, in appropriate circumstances based on monitoring results, a third tier of impartial technical review related to impact on resources where proposed management responses restrict or result in closures.

¹ “Public involvement is a key procedural requirement of the NEPA review process, and should be fully provided for in the development of mitigation and monitoring procedures. Agencies are also encouraged, as a matter of transparency and accountability, to consider including public involvement components in their mitigation monitoring programs. The agencies’ experience and professional judgment is key to determining the appropriate level of public involvement. In addition to advancing accountability and transparency, public involvement may provide insight or perspective for improving mitigation activities and monitoring. The public may also assist with actual monitoring through public-private partnership programs.” CEQ final Mitigation and Monitoring guidance, (January 14, 2011), p. 13. Although this final guidance was issued after the draft Plan/draft EIS was prepared, it should be helpful in the preparation of the final Plan/final EIS.

- Allowing, in appropriate circumstances based on monitoring results, additional access for recreation with dogs where significant adverse impacts are not probable or where compliance or conditions have improved.

The framework is built on the initial approach proposed in the draft Plan/draft EIS, coupled with the outreach and education and partnerships components (briefly discussed on page 63 of the draft Plan/draft EIS), which should also be incorporated into the adaptive management program. The rationale for the tiered management response is noted at the end of this summary.

Public education, outreach and community partnership

The proposed “compliance-based” approach has potential to work, if it is improved to include public education and an objective, long-term monitoring program designed and carried out with the community. The GGNRA should develop partnerships with community, animal welfare, and conservation organizations to make this work. This could bring additional resources to limited federal resources. GGNRA should be a partner with the City of San Francisco and other communities, not an adversary.

In addition, the GGNRA should develop a true adaptive management plan with a robust public educational component as part of the primary management response that would include local animal welfare organizations such as the San Francisco SPCA, Marin Human Society and the Peninsula Humane Society/SPCA. In part, these groups could provide training for dog owners as part of the startup of the program and provide educational advice about how to be a responsible dog owner.

Tiered management response

Primary management response (Tier1): triggered by observation of non-compliance; focus is on improving compliance with education, outreach, training.

Secondary management response (Tier2): triggered by measurement of non-compliance over time; focus is on further restrictions (voice control to on-leash, on-leash to no-dog).

Third management response (Tier3): triggered when an area is to be closed to dogs, or newly opened to dog access; focus is on impact measurement.

In the draft Plan/ DEIS, the proposed compliance-based approach relies on a surrogate indicator of adverse environmental impact and unacceptable impairment of Recreation Area resources – namely, an overall percentage of compliance with rules based on observations of noncompliance. If that percentage falls below 75%, access becomes increasingly restricted (secondary management response).

As with any surrogate indicator, it is useful and administratively efficient, but does not necessarily provide an accurate explanation or picture of environmental conditions. The ultimate goal is not compliance *per se*. The ultimate goal is the preservation of natural, scenic, cultural

and recreational values. Compliance to the rules by visitors is presumed to accomplish this goal, but management actions that would result in closure need to be measured against this goal.

An impartial review available to the public that is related to actual impacts and the integrity of the resources in the area in question would provide the necessary basis for a decision on the management response. This should not require a new EIS or re-open the EIS process, because it is implementing an impact-based adaptive management plan adopted as a mitigation measure in this EIS process. This third tier review, triggered in appropriate circumstances as described in the framework, has been used in other successful adaptive management programs (including successful nature resource adaptive management programs that have had more than 20 years of experience).

Compliance Based Adaptive Management Program Detailed Outline

Contents

Introduction.....	1
Objectives/Success Criteria	3
Monitoring and Evaluation	4
Site specific monitoring	4
Monitoring Timing and Baseline	4
Triggers and Management Responses	4
Primary management response (Tier1).....	5
Secondary management response (Tier2).....	7
Access assessment and response (Tier3)	9

Definitions

An area is a unit of the GGNRA; there are currently 21 areas, and new areas are added to GGNRA from time-to-time.

A zone denotes a type of use allowed in an area (on leash, voice control, or no dogs). An area may have more than one zone.

Introduction

There appears to be support from diverse interests, including the recreational community, that:

- dog owners need to know the rules to be able to follow them;
- clearer rules and signs (or other physical aids) are needed (without cluttering the landscape);
- education is a key component to protecting GGNRA’s resources and respect for visitors, which is the purpose of the rules; and
- the ability to continue to bring animals into GGNRA is related to compliance with the rules.

In short, there is general agreement that the success of the dog management plan depends on dog owners knowing and following the rules. Because success cannot be known until this updated dog management plan goes into effect, GGNRA is proposing an “adaptive management program” to measure success and, if substantial problems occur, to take management actions to address those problems.

The compliance-based adaptive management strategy has been designed to encourage compliance with sections of the Code of Federal Regulations (CFR) applicable to dog

management, and to ensure protection of recreation area resources, visitors and staff. It will provide the framework for monitoring and recording observed noncompliance with the applicable sections of the CFR, including the new 36 CFR Part 7 special regulation, and will guide use of park resources to address those violations. Noncompliance with federal regulations related to dog management will be met with a range of management responses designed to assure protection of GGNRA's resources and values.

The basic purpose of the compliance-based adaptive management program is to achieve compliance with the rules, take action to improve compliance if substantial problems are observed, and identify areas or zones that may need to be closed or that could be opened based on objective monitoring data.

The adaptive management strategy is based on implementation of the common elements described earlier, including guidelines for ROLAs, outreach and education about the rules and about dog owners' responsibilities to conserve GGNRA's resources and values, and partnerships with local governments and stakeholder groups in the outreach and education components.

The adaptive management program articulates:

1. objectives, sometimes called desired outcomes;
2. methods to measure progress toward meeting these objectives, which use observed noncompliance as the principal indicator of success;
3. triggers for taking further actions if problems are observed; and different levels of management responses (if there are problems)

The monitoring will be performed by qualified, impartial individuals, and the results will be publicly available and reviewable. In order to increase certainty for the public and administrative efficiency for the GGNRA staff, the types of management actions will be identified in the adaptive management program; however, site-specific problems identified in the monitoring may involve different management responses at different GGNRA areas to meet the objectives of the program.

Because non-compliance does not necessarily cause adverse environmental impacts, the adaptive management program includes provision to review whether dogs are causing an unacceptable impairment in circumstances where the proposed management action would close access to a zone altogether (this would not trigger a new NEPA review, because it is implementing the adaptive management program under an adopted plan and EIS).

This proposed compliance-based adaptive management program includes an 18-month "start-up" period, described in the Secondary management (Tier 2) response section. The start-up period will focus on outreach and education, in partnership with the community, in order to achieve the program's stated objectives. This community partnership on outreach and education will continue as part of Primary management (Tier 1) response during the implementation of the program.

This compliance-based adaptive management program does not have a pre-defined duration for several reasons. Compliance needs to be maintained on an ongoing basis. It is not possible to predict the results of the monitoring and management responses prior to implementing the program. It is assumed the program will be carried out for a four-year period. The need for continuing the program in its entirety or in specified areas and zones will be periodically evaluated by GGNRA in consultation with the adaptive management oversight team.

Adaptive Management Oversight Team

A small adaptive management oversight team, composed of representatives from local government, environmental and recreational communities will review the monitoring results and advise GGNRA staff on improving monitoring methods and refining appropriate management responses as experience is gained with the program. The adaptive management oversight team, GGNRA staff including law enforcement officers, monitoring personnel, and other participants as appropriate will meet at least quarterly and hold one annual workshop to review the past year's monitoring results and management responses and recommend any improvements in the adaptive management program to GGRNA. The public would be able to attend the workshop.

Objectives/Success Criteria

The GGNRA mission statement in brief is “the preservation, unimpaired, of the natural and cultural resources, and scenic and recreational values, of the park for present and future generations to enjoy.” (see draft Plan/draft EIS, page 9).

The overall program goal is to accomplish this mission by providing for a diversity of visitor experiences in GGNRA, including dog walking on or off leash in designated areas, as long as the integrity of GGNRA's natural resource is conserved and this recreational use does not destroy the scenic beauty and natural character of the area.

The specific objectives are as follows (subject to exceptions in the rules for guide dogs, law enforcement dogs, etc.):

1. A dog owner or walker will not allow a dog in zones where dogs are prohibited, in order to respect a non-dog visitor experience or protect natural resources from unacceptable impacts caused by dogs disturbing wildlife or land and water bodies.
2. A dog owner or walker will place their dog on a 6-foot or shorter leash in zones where dog are allowed on leash.
3. A dog owner or walker will have a dog under sight and voice control and meet the other requirements of a ROLA where dogs are allowed off leash, principally to respect other visitors, not disturb soil or plants, respect signed natural resource protection areas, and control dogs from chasing wildlife.

4. A dog owner or walker will promptly take action to control a dog as needed to meet the above objectives.

Monitoring and Evaluation

The basic monitoring methods and approach are explained in this section. A more detailed monitoring plan will be developed to guide compliance monitoring, data management, and reporting.

Site specific monitoring

The monitoring will be performed on a site specific basis. All areas addressed by the dog management plan will be subject to monitoring. An area is a unit of the GGNRA; there are currently 21 areas, and new areas are added to GGNRA from time-to-time. A zone denotes a type of use allowed in an area (on leash, voice control, or no dogs). An area may have more than one zone.

Monitoring Timing and Baseline

Monitoring will begin with plan implementation, or soon thereafter. Starting with the implementation of the dog management plan, months 1-3 will be a public education period, and in months 3-6 the monitoring strategy will be tested. During months 6-18, a baseline of numbers and rates of visitors with and without dogs, numbers of dogs per visitor, type of use (on-leash or voice control) and noncompliance with regulations (includes noncompliance observed but not resulting in citations) will be established.

After this baseline has been established, monitoring efforts may be prioritized, with the park reducing the frequency of monitoring in low use or high compliance areas to focus on areas with high use or low compliance as needed. [Note: Some form of baseline information relating to impacts needs to be developed as well to inform later response actions if needed.]

Monitoring will continue in all areas for at least 4 years. However, all areas addressed in the dog management plan will be periodically monitored for changes in baseline to reprioritize monitoring as needed. Park management responses will focus on areas with demonstrated noncompliance with the regulations, as described in the primary management response section below. Monitoring will inform park management and law enforcement when, where, and how to prioritize responses to noncompliance.

Triggers and Management Responses

There are three tiers of management actions. Each tier has a different trigger, and each tier has a progressively more limited range of management actions associated with it.

1. **Primary management response (Tier1)**– this is triggered when noncompliance is *observed*; management actions are generally directed toward education and improving compliance.
2. **Secondary management response (Tier2)** – this is triggered when substantial noncompliance is measured (compliance falls below 75% as described below); management actions are directed toward more restrictive levels of dog management until good compliance is achieved.
3. **Access assessment and response (Tier3)** – this is triggered when an area is proposed to be closed or opened to access by dog walkers; management actions are directed toward assessing whether noncompliance is actually impairing natural resources (in the case of proposed restrictions on dog walking access in an area or zone) or whether increasing access in a zone or area with good compliance is likely to substantially impair natural resources. This may also be triggered during the secondary management response as noted below.

Primary management response (Tier1)

When noncompliance is regularly *observed* at an area, NPS would weigh appropriate management options and would respond from a suite of potential actions that include: focused enforcement of regulations, education (e.g., additional information and regulatory signs and exhibits, brochures and fliers, public meetings, meetings with user groups, etc.), establishment of buffer zones to protect sensitive habitat and species, time/use restrictions, and special use permit (SUP) restrictions.

The principal purpose of the primary management response is to improve and achieve compliance by outreach and educating dog owners about the rules. A program will be developed in partnership with local organizations, which could include counties and nonprofit foundations or organizations, to provide education and training for dog owners and their dogs. [Note: this component should be more fully developed in consultation with local groups in the development of the proposed final plan and EIS.] GGNRA staff would not be involved in training programs but could help direct visitors to these resources.

Primary management actions fall into the following categories. A primary management response may include actions from more than one category, as appropriate to area or zone and the nature of the observed noncompliance.

A. Rule and enforcement interpretations or clarifications

As a general guideline, this type of response is designed to address documented confusion by visitors over the meaning or intent of the rules. A corollary role is to clarify enforcement policies or practices if needed.

A primary purpose of the dog management plan is to adopt clearer rules, and a basic purpose of the start-up phase is outreach and education on these rules. In part because the rules are new to visitors, noncompliance and enforcement policy or practices may be related to questions or confusion about the rules. This management response is designed to meet the objectives stated above by providing interpretations or clarifications if needed. This management response does not substitute for the public rulemaking process for amending the rules if needed.

B. Education and training

As a general guideline, this type of management response is designed to address documented lack of knowledge by visitors about the rules or areas where dog walking is allowed.

For example, there are key components of regulated off leash areas (ROLAs), which may be unfamiliar to visitors. Some visitors may not be familiar with or have adequate skills to maintain voice control standards. These types of management response ranges from broad outreach and education to assisting individual dog owners obtain needed training. Appendix A provides an example of training and educational opportunities from a community partner, the San Francisco SPCA.

C. Signage and physical improvements

As a general guideline, this type of management response is designed to address documented problems or suggested improvements in signage or other actions that involve physical improvements to improve compliance and protect resources.

Better signage or other visual and physical cues are a key element of providing clearer rules to visitors. In addition, the dog management plan includes changes in dog walking access in certain areas or zones of GGNRA. Compliance problems may be related to the clarity of the way the rules are presented in signs or on the physical landscape (such as location of signs, location or type of fencing, berms or other barriers on the trails). The monitoring program will help to identify areas where improvements would be an effective primary management response.

D. Use restrictions

As a general guideline, this type of management response is designed to address documented conflicts where better understanding of the rules or better on-site conditions are not likely to improve compliance.

For example, monitoring may identify places where recurring problems could readily be addressed by some additional separation among types of uses and

time/use restrictions or a buffer area would be appropriate. This management response does not substitute for the public planning process of amending the dog management plan or rules if the use restrictions would effectively reduce the dog walking access allowed under the plan or rules.

Areas with the highest rates of noncompliance, and/or sensitive resources, will receive first priority for primary management responses.¹ Noncompliance based on insufficient voice control would be addressed by primary management response categories A-C (unless the 75% trigger discussed in the next section has occurred).

Aggressive dogs or unsafe behavior (e.g., resulting in cliff rescues) are treated on an individual, case-by-case basis, and may result in banning a particular dog from the park, or if applicable, a SUP restriction. Violations recorded by the monitoring team will count towards the rate of noncompliance.

In reviewing the monitoring results and primary management responses, the adaptive management oversight team may recommend improvements in the education and outreach program, identify areas or zones where signage or physical barriers appear to be insufficient and may recommend improvements to GGNRA, or otherwise refining management measures to address the types of problems observed and improve the level of compliance.

Secondary management response (Tier2)

When compliance falls below 75% over a yearly rolling average (measured as the percentage of total dogs / dog walkers observed during the previous 12 months not in compliance with the regulations), in a management zone (on-leash, voice control, or no dogs) in any of the specific areas addressed by the plan, the zone's management *may* change to the next more restrictive level of dog management, for example: ROLA to on-leash, or on-leash to a recommendation to close the area to dogs.

The initial 12-month rolling average is based on data collected during months 6-18 after initiation of the dog management plan, and secondary management responses would not be implemented until after the first 18 months, during which the monitoring plan will be tested and baseline data collection begun. Primary management responses would be implemented during this time if needed. [Note: there are numerous comments and questions about how the compliance level will be calculated; this section may need revision or further explanation.]

¹ If Section 7 consultations pursuant to the *Endangered Species Act* requires preparation of a Biological Opinion, management responses related to threatened and endangered species will be governed by the Terms and Conditions described in the Biological Opinion, and could be separate from or coordinated with the compliance-based adaptive management strategy program. Emergency closures for listed species protection may also occur outside of this program.

The rationale for an 18 month period before a secondary management response could initially be applied is as follows:

- a. Months 0-6: provides for a 3-month public education period after plan implementation, and an additional 3 months to test, possibly modify, and implement the monitoring plan.
- b. Months 7-18: provides one year to implement the full range of possible management actions addressing noncompliance as outlined in the primary management response, and provides 12 months of monitoring data.
- c. One year rolling average is measured at the end of each month; after the initial 18 months action could be taken after any month as long as there are 11 consecutive preceding months of data.

Regular monitoring of an area over a 12-month period is required before secondary management responses can be implemented. NPS will prepare annual reports documenting monitoring data collected and any consequent management actions, which will be made available to the public. NPS will also release a preliminary report providing baseline data after the first 6 months of monitoring (month 12 after plan initiation).

If the rate of compliance in the area that has been subjected to more restrictive management (e.g., voice control to on leash) is better than 75% for three consecutive years, the area will revert to the prior management (e.g., on leash to voice control).

As previously noted, noncompliance is being used as a surrogate or indicator of resource conservation but does not necessarily equate to impact on recreation area resources. Therefore, the adaptive management program has two additional triggers during the secondary response that may provide for an objective review to relate compliance to the program objectives stated earlier, prior to moving to a more restrictive management level.

- a. More restrictive category (voice control to on leash) –The adaptive management oversight team will be notified in advance of any planned secondary management response. If all or nearly all of the team agree, the team may request a review of whether the secondary management response is warranted based on whether dog use caused unacceptable impacts or impairment of resources (Tier3 response).
- b. Closure (no dog) recommendation – If the monitoring results in a recommendation to close an area to dog walking (no dogs), the third tier access assessment and response will be triggered.

These reviews are part of the implementation of the dog management plan and its adaptive management program and do not involve preparation of a NEPA environmental assessment or EIS document.

Access assessment and response (Tier3)

This third level of management response is a decision to close or open access for dog walking, or may be triggered as described in the Secondary Management response before applying further restrictions.

A decision to open or close access presents a decision that potentially affects many visitors and, under an adaptive management program related to articulated objective or success criteria, should be taken based on sound scientific or technical information, rather than on a formula based on a surrogate indicator that may not accurately reflect actual conservation of resources.

Prior to closure of an area, an access assessment report shall be prepared and discussed with adaptive management oversight team. The report will review the effect the noncompliance has had on visitor experience and/or the integrity of the conservation of the natural resources, as appropriate to the monitoring data. [See prior note regarding the need to have some appropriate baseline data.] The report will review the relationship between the type of noncompliance observed and the objectives described earlier in this program.

The adaptive management oversight team may make a recommendation to GGNRA staff regarding the appropriate management action. Based on the report and any recommendation, primary or secondary management response may be taken, including, for example, improved signage or barriers, other restrictions, partial closure, or closure.

Likewise, if an area is proximate or similar to an area or zone where dog walking is allowed and has had three consecutive years of more than 75% compliance, an access assessment report shall be prepared and discussed with the adaptive management oversight team regarding the expected effect of opening or increasing the area or zone to dog walking.

The adaptive management oversight team may make a recommendation to GGNRA staff regarding the opening or increasing an area. Based on the report and any recommendation, the area for dog walking may be increased or opened under conditions specified.

Appendix A – **Community Education and Information/** San Francisco SPCA Behavior & Training

Below please find descriptions for an information session and two classes to support responsible dog guardianship in our parks. The SF/SPCA will add classes as needed to provide the public with the education and training as needed for responsible recreational access for people and their dogs.

Public Education and Information Session

1. Free Information Session / Off Leash Manners for Responsible Canines

DO YOU WANT TO LEARN HOW TO BE A RESPONSIBLE DOG GUARDIAN in a voice control area? COME TO OUR **FREE** Off Leash Manners Information Session!

SOME OF THE TOPICS COVERED WILL INCLUDE:

- What types of dogs are candidates for voice control areas
- How to get your dog prepared for off leash freedom
- How to distinguish play from fight
- When to interrupt play
- What to do in case of a dog fight
- Obedience Training
- Dog size differences
- Why should you spay or neuter?
- Sharing the space; voice control, socialization and respecting the environment

2. Dog Training Class / ROCKET RECALLS! J Short Session Class

A 3 week class to improve your dog's off leash recall skills. Problem solve with a trainer for a 45-minute session.

- Understand the rules of recall
- Recall dogs from 30-60 feet with some distractions
- Recall dogs from 15 to 30 feet with some distractions
- Learn how to keep dogs safe & implement rules in real-life situations

Frequency & Duration: 45 minutes per week for 3 weeks

3. Trail Manners Class / One time class at various locations

In collaboration with local dog groups or responsible agencies, provide an instructor for a 1 hour, outdoor, off-leash trail manners class.