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Via U.S. Mail & Submitted Online

Frank Dean
General Superintendent
Golden Gate National Recreation Area
Fort Mason, Building 201
San Francisco, CA 94123-0022

RE: Comments re: Draft Dog Management Policy / Environmental Impact Statement

Dear Superintendent Dean:

Thank you for the opportunity to submit comments to the Draft Dog Management Plan / Environmental Impact Statement ("Draft Plan" and "DEIS", respectively) released on January 14, 2011. These comments are submitted by the Golden Gate Audubon Society ("GGAS") on behalf of its approximately 10,000 members and supporters in the San Francisco Bay Area who use and enjoy the Golden Gate National Recreation Area ("GGNRA") and are concerned about the continuing impacts of dog-related recreation on the natural and historical resources of the park.

There is no doubt that the National Park Service ("NPS") must enact new regulations to manage dogs and dog-related recreation in the GGNRA. All national parks are national treasures, intended to be used and enjoyed by all visitors, but only to the extent that their natural and cultural values are not permanently impaired. (NPS Organic Act) The GGNRA is a particular treasure, given that it is was created to serve urban residents, many of whom lack the opportunity to travel to more "wild" areas like Yosemite or Yellowstone. Moreover, the GGNRA is home to more endangered species than Yosemite, Sequoia, Death Valley and Kings Canyon National Parks combined, and one of the highest concentrations of sensitive species in the U.S. NPS has attempted to implement the 1979 Pet Policy with education, signage and enforcement, but its efforts have failed. Non-compliance with existing regulations is extremely high and the number of park users, including those bringing dogs, is growing, resulting in greater impacts and more conflicts. The 1979 Pet Policy is both unsustainable and illegal.

Under the Preferred Alternative, the Draft Plan constitutes the largest accommodation of dogs into any national park in the country. This will undoubtedly result in significant,

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long term impacts on park resources and other park users. Indeed, 36 C.F.R. § 7.97, which prohibits unleashed dogs in National Parks and restricts leashed dogs to only a few paved areas, was created because NPS recognized that dogs pose risks to park resources, visitors and employees. The wisdom behind 36 C.F.R. § 7.97 has been supported again and again by an abundance of scientific studies and incident reports, which demonstrate that insufficient dog management in natural areas results in significant negative impacts on the wildlife, plants, and habitats,^{1,5} a diminished the park experience for other park users and risks for park employees,² and the exposure to risks of attacks and other hazards for dogs.³

GGAS is sensitive to the needs and concerns of dog owners and believes that effective dog management can be implemented in the GGNRA without impinging on the

¹ See, e.g., Lafferty .D. 2001. *Disturbance to wintering western snowy plovers*. Biological Conservation. 101: 315-325 (finding that dogs were a “disproportionate source of disturbance” for snowy plovers); Lenth, B. et al. 2006. *The Effects on Dogs on Wildlife Communities*. 2006. Research Report Submitted to City of Boulder Open Space and Mountain Parks, available at http://www.friendsofboulderopenspace.org/documents/dogs_wildlife_communities.pdf (“The presence of dogs along recreational trails correlated with altered patterns of habitat utilization by several wildlife species.”); Banks, P.B. and J.V. Bryant. 2007. *Four-legged friend or foe? Dog walking displaces native birds from natural places*. Biol. Lett. (2007) 3, 611–613, available at <http://rsbl.royalsocietypublishing.org/content/3/6/611.full.pdf> (finding that dog walking resulted in a 41% reduction in the number of birds detected and a 35% reduction in species richness).

² See, e.g., Criminal Incident Records prepared by the U.S. Dept. of Interior rangers for incidences in the GGNRA of dogs attacking or harassing human visitors in the park, including reports on 1/17/08 (dog bit horse on the muzzle, causing it to rear and fall over and, when freed, ran away into the ocean in a panic), 4/21/08 (in which a dog owner tried to separate his dog from an attacking pit bull and had been bitten, requiring medical attention; both dogs had been off-leash), 8/16/08 (child bitten in face by off-leash dog, requiring medical attention), 9/23/08 (woman hiking attacked and bitten on the hip), 9/24/08 (two women were harassed by a large, aggressive dog and the owners failed to call the dog off before giving up, letting the dog continue to harass them), 10/23/08 (dog made physical contact with a juvenile female, leading to a physical altercation between the girl’s father and the dog’s owner), 10/25/08 (two dogs attacked dog belonging to 75 year-old woman, biting her twice; attacking dogs’ owner fled scene); 11/21/08 (man bitten by dog while hiking on a trail), 12/5/08 (dog attacks mounted park ranger), 12/30/08 (dogs attacked a horse causing it to throw its rider, then chased the horse down the beach). See also U.S. Center for Disease Control (2003). *Nonfatal Dog Bite--Related Injuries Treated in Hospital Emergency Departments --- United States, 2001*. Available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5226a1.htm> and <http://www.dogsbite.org>, a web-based clearing house of information for dog-related attacks in the United States.

³ See, e.g., Criminal Incident Records prepared by the U.S. Dept. of Interior rangers for incidences in the GGNRA of injuries to dogs, including 2/08/08 (small dog “overpowered” and bit “multiple times” in the face and neck by off-leash dog), 4/20/08 (dog stuck on a cliff, requiring officers to perform a rescue), 5/31/08 (small dog attacked by pit bull, owner sustained injuries separating the dogs), 10/08/08 (dog fight occurred after professional dog walker failed to keep control of dogs), 11/22/08 (off-leash dog ran into roadway, colliding with a motorcycle and throwing the rider, requiring medical attention for the rider and dog), 12/30/08 (dog suffered “deep” laceration after being attacked by off-leash dog). These are only a few examples from 2008 of reported incidents in the GGNRA, which we know are a small subset of total incidents of this kind.

socialization or health of dogs in the Bay Area. We are also aware that many dog owners are responsible guardians and that they keep their dogs on leashes when required and pick up after them. Given that the City of San Francisco has more off-leash dog recreation areas than any other city in the United States and given that the GGNRA will continue to welcome dogs into large tracts of its land in San Francisco, we are confident that responsible dog owners will have ample opportunities to recreate with, exercise and socialize their dogs.

GGAS appreciates the effort put into the documents by the National Park Service staff and members of the community that participated in the negotiated rulemaking effort. While we continue to have substantive concerns about the Draft Plan and the DEIS, we believe the document represents a significant step in the right direction to protect the GGNRA's resources for perpetuity.

Our comments begin by addressing overarching concerns with the Draft Plan and DEIS, including:

- 1) **All regulated off-leash areas ("ROLA") must be enclosed.** If enclosures are inappropriate in a given area due to biological, cultural, aesthetic or physical limitations in an areas, then it should not be designated as a ROLA;
- 2) **The GGNRA should provide more opportunities for visitors to hike in the GGNRA in San Francisco without interacting with dogs.** Currently, the Preferred Alternative provides for only a single trail where visitors, including those with small children, may go without being forced to interact with dogs. This is not fair to community members that have a right to enjoy the park without fear or discomfort due to the presence of dogs.
- 3) **The Park Service should not permit commercial dog walking within the GGNRA.** The Park Service may only permit commercial activities that further the park visitors' experiences. Commercial dog walking does not further any person's park experience.
- 4) **The 75% compliance-based management threshold is too low.** The very low threshold for compliance, essentially, a "C" grade, perpetuates the culture of non-compliance that has persisted in the GGNRA and resulted in the current and ongoing impacts to the park resources and visitors. Dog owners are more likely to comply with new regulations if a culture of compliance is developed by requiring a higher level of compliance. Moreover, allowing at least 25% non-compliance will result in continued negative impacts to park resources.
- 5) **The DEIS fails to establish that "voice control" is a valid method of controlling off-leash dogs.** As demonstrated in the Criminal Incident Reports produced by the Park Service's rangers, dogs that are ostensibly under "voice control" do not respond accordingly. GGAS is unconvinced that this is a valid means for protecting park users, wildlife, habitats and other dogs.



A dog at Ft. Funston flushing and chasing willets. GGAS volunteers and wildlife monitors report such incidences are common occurrences within the GGNRA.

Our comments next address the Preferred Alternative and potential variants in San Francisco County. In general, we endorse Alternative D, which is the most environmentally-protective alternative, with the caveat that all ROLAs should be fully enclosed. We have deviated from Alternative D for specific areas in San Francisco where we believe dog-related recreation may be less harmful to the park experience and resources in the hope that a reasonable compromise may develop in the final plan.

While many of our general concerns reach to the Draft Plan as proposed for the whole park, we have restricted our site-specific comments to areas in San Francisco. While our members have concerns about the alternatives and their elements in Marin and San Mateo Counties, we defer to the Marin Audubon Society and the Sequoia Audubon Society, respectively, based on their local expertise and representation of local community members. We join in and support the comments submitted by both groups, as well as comments provided by the San Francisco Bay chapter of the Sierra Club, Nature in the City, the California Native Plant Society, and the Wild Equity Institute.

I. GENERAL CONCERNS

A. The DEIS Should Better Document the Impacts Dogs Have on Native Wildlife, Plants, and Habitats and on Other Park Users.

While the DEIS clearly states that dogs have negative impacts on native wildlife, plants, habitats and on other park users, the Park Service failed to include an adequate and comprehensive reflection of the overwhelming body of evidence demonstrating these impacts.^{1,2,3,5} Frankly, had the Park Service included a more comprehensive review of the reports and studies documenting the effects of dogs on biological resources, some of the speculation, rumors, and misinformation that arose regarding the DEIS could have been avoided. Perhaps more importantly, local elected officials would have had a better understanding of the need for effective dog management in the GGNRA to protect local citizens, and natural values and better decisions regarding support or opposition for the plan could have been made.

To remedy this deficiency in the DEIS, the Park Service should revise the portions of the DEIS that discuss these impacts to better demonstrate the significant and overwhelming evidence on this point and include citations to all available reports, studies and data on the topic in a comprehensive bibliography. As currently written, the language appears to provide conclusions without support. Specifically, Chapter I of the DEIS includes sections on the "Impacts of Dogs on Natural and Cultural Resources in the Park" and "Visitor Use and Experience", but both sections are very sparsely supported by citations to relevant studies, including studies provided by the public during the scoping period. (See DEIS at pp. 13-20)

The DEIS would be greatly improved if the Park Service conducted a year-by-year review of all reports of dogs interacting with wildlife, including all Criminal Incident Reports produced by Park Service rangers. The very brief review provided on page 19 of the DEIS is insufficient given the long history of noncompliance and other problems related to accommodating dogs in the GGNRA. A review of Criminal Incident Records for 2008⁴ reveals almost 900 pages of reports of incidences involving dogs in the GGNRA, many of which involve (1) dogs chasing and harassing wildlife,^{1,5} (2) dogs

⁴ Despite a timely Freedom of Information Act request, documents for 2009 and 2010 were not made available to the public in time to be reviewed and incorporated into formal comments prior to May 30, 2011.

⁵ See, e.g. Criminal Incident Records prepared by U.S. Dept. of Interior rangers for incidences in the GGNRA of dogs chasing wildlife, including citations on 1/6/08 ("off-leash dog chasing birds in the dunes"), 3/5/08 ("dog chased nesting shorebirds...it ran more than 200 yards away from the dog walker and beyond any control for at least fifteen minutes."), 3/7/08 ("The pet was unattended and not under any control as it continually ran through the designated Wildlife Protection Area chasing birds."), 3/14/08 (owner of dog chasing birds explained, "He's a Pit Bull, likes birds, and needs something to chase."), 10/28/08 ("small dog running off leash jumping at flying birds"), and 12/15/08 (two large dogs flush a group of ducks from the shore into the water and then forced them to take flight). These are only a small

chasing and harassing park visitors and users,² and (3) dogs attacking and injuring other dogs.³

The DEIS would also be greatly improved if it provided a better explanation of why some park users are uncomfortable around dogs and clearly established that all park users have a right to use the park without fear of attack or harassment from other park visitors, including dogs or dog owners. The public discourse regarding the proposed Dog Management Plan has suffered because the DEIS does not reflect the reality that (1) dogs do attack and harass park visitors on a regular basis and (2) that some park users are justifiably concerned about unwanted interactions with dogs. Many parents of small children, community members with disabilities, and the elderly are all groups that are justifiably concerned about unwanted interactions with dogs.⁶ Concern for these user groups has largely been ignored in the public discussion of this issue.

B. All Regulated Off-leash Areas Must Be Enclosed.

The Preferred Alternative of the DEIS proposed five "Regulated Off-leash Areas" ("ROLAs") in the GGNRA in San Francisco. Any ROLAs that are established must be fully enclosed. GGAS urges the Park Service to adopt a philosophy of enclosing practices that pose risks to the national park, rather than fencing off the other resources of the park, as if it were a zoo rather than a National Park.

Even the off-leash advocacy group SFDOG has endorsed the creation of barriers to

prevent potential conflicts between dogs, vehicles, organized sporting events, and other park users. Barriers must also be present to protect dogs from steep cliffs or other natural hazards.

(Ewing, John. 1999. *Managing Off-leash Recreation in Urban Parks*. SFDOG. Available at http://www.sfdog.org/do/olrm_scan.pdf). Indeed, the establishment of an enclosed ROLA was the only productive outcome of the Negotiated Rulemaking effort. GGAS cannot understand why the Park Service elected to ignore the only point of consensus to come out of the Negotiated Rulemaking process in choosing to not enclose ROLAs.

A lack of fencing or physical containment will diminish the ability to achieve compliance with the leash rule in the surrounding areas without considerable oversight from law

sample of reported incidences of harassment of wildlife in 2008 alone, which are in turn a small subset of total disturbances to wildlife, most of which are unreported.

⁶ Park users have legitimate concerns about their safety around dogs, especially off-leash dogs. According to the U.S. Center for Disease Control (CDC), approximately 4.5 million people are bitten by dogs each year, with approximately one-fifth of those (or 885,000) requiring medical attention for dog-related injuries. (See <http://www.cdc.gov/HomeandRecreationalSafety/Dog-Bites/biteprevention.html>) In 2006, more than 31,000 people underwent reconstructive surgery as the result of being bitten by dogs.

enforcement. Currently, there is a great deal of confusion over where dog owners may take their dogs either on- or off-leash within the GGNRA. By failure to clearly demarcate where off-leash activity will be allowed, the GGNRA will perpetuate some of that confusion resulting in the need for continuous education and enforcement efforts.

Fencing or similar physical containment will definitively delineate the ROLA boundaries and effectively eliminate the potential for off-leash dogs to conflict with park visitors and wildlife. The borders of the ROLAs must be clearly defined in a manner that will easily communicate the boundary lines to all park visitors. Well defined off-leash areas provide dog owners with greater certainty as to where on- and off-leash dog activities are appropriate. Moreover, visitors to the GGNRA should have a choice whether or not to interact with off-leash dogs. Many visitors who would prefer not to interact with dogs at all in a national park are, for the most part, forced to accept that inevitability, even under the Preferred Alternative. However, because of the wide range of problems that arise with off-leash dog activity, including unwanted advances by dogs and, possibly, threats or attacks, visitors should be given the option to "opt-out" of interacting with off-leash dogs. A fenced boundary would give all visitors ample notice before entering an off-leash area.

It appears that the Park Service rejected requiring enclosures because of concerns regarding impacts to biological or aesthetic resources. However, the DEIS is woefully incomplete in its analysis of the kinds of enclosures that could be used to establish ROLAs. Fences need not be large or impermeable structures. For example, a "post-and-cable" fence would provide a well-defined boundary for dog owners and other park visitors without creating a barrier that results in impacts to biological resources or aesthetic values. Other, more creative options are available, such as vegetation-based barriers that create habitat, keep with the park's natural aesthetic, and provide the clear boundaries that provide for a safer, better regulated park.

An area should only be considered as a possible ROLA if it can be fully enclosed or otherwise made physically distinct from other portions of the park. If it cannot be enclosed, the area should be considered for another alternative use (on-leash only or no-dog). The Park Service is under no requirement to provide ROLAs. Moreover, dog owners in San Francisco have again and again demonstrated an unwillingness to comply with rules in areas that were not well-defined. Enclosures are necessary to provide dog owners with sufficient warning about where on- and off-leash recreation is appropriate and to provide other park visitors with the assurances and safety they deserve when visiting a park.

GGAS provides more specific comments regarding ROLAs proposed in San Francisco in Section III below.

C. The GGNRA Should Not Permit Dog Walkers to Have More than Three Dogs per Person and Commercial Dog-walking Is Not an Appropriate Activity in the GGNRA.

The DEIS indicates that commercial dog walking would be allowed under alternatives B, C and E. (DEIS, at 63) The allowance for commercial dog walking would come through a special permit allowing any person to bring up to six dogs into the park. First, we do not believe that allowing any person to bring more than three dogs into the park at one time is advisable, regardless of whether they are a commercial dog walker. In any event, it is our belief that commercial dog walking is currently not legal within the GGNRA and furthermore, does not meet the National Park Service criteria for permitting.

Currently, dog management guidelines for the GGNRA are set forth by the 1979 Pet Policy which the DEIS identifies as Alternative A. The 1979 policy provides guidelines for dogs to be within the GGNRA under the supervision of their *owners* and makes no reference to commercial dog walking. However, commercial dog walking within the GGNRA occurs on a daily basis, and though no permitting process has been established, it is tolerated by the Park Service. This commercial activity has significant negative impacts on the park and is in violation of 36 CFR § 5.3 which stipulates that non-permitted commercial activity is prohibited on National Park lands.



Commercial dog walking services often unload large number of dogs at Ft. Funston and other parts of the GGNRA. GGAS does not believe that a single dog walker can retain voice control over so many unleashed dogs at one time, especially given the temptations for dogs to chase wildlife, other dogs, and park users.

The DEIS states that the National Park Omnibus Management Act of 1998 provides guidance for the issuance of commercial use authorizations and concession contracts. (DEIS, at 39) Title IV Sec. 418 of this act specifies that authorization shall only be granted to commercial ventures that “provide services to visitors to units of the National Park System.” Commercial dog walking services do not provide any services for park visitors. Their activities are more closely analogous to timber extraction or mining—essentially, a commercial venture profiting from using (and creating impacts on) park resources. Therefore, the activity does not qualify for authorization and should not be allowed under any alternatives of the DEIS.

GGAS understands that this is an extremely controversial position and that it may seem unfair to many commercial dog walkers that comply with leash requirements, pick up after their charges, and maintain control over their dogs at all times. However, we have seen commercial dog walkers again and again unload very large numbers of dogs at Ft. Funston and in other parts of the GGNRA and essentially letting the dogs roam uncontrolled. These activities seem only to be growing. Not only do these activities result in significant negative impacts on the park, they perpetuate the culture of non-compliance that leads other, more responsible dog owners to conclude that the regulations are not applicable, or at least enforced.

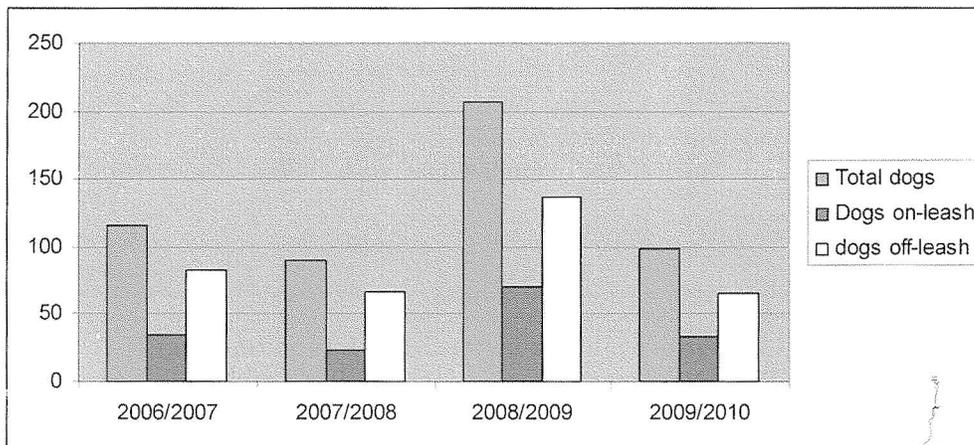
D. The Draft Plan Does Not Include Adequate Enforcement Mechanisms to Ensure Compliance with New Rules.

Even under the extremely lax 1979 Pet Policy, compliance with leash requirements in the GGNRA has been extremely poor. The failure of the Park Service to regulate its lands mirrors the “culture of non-compliance” that permeates in the City of San Francisco, where city officials have acknowledged that many dog owners fail to comply with leash and pet waste requirements.

Non-compliance with leash requirements is the status quo in the GGNRA, particularly at Ocean Beach and at Crissy Field. Volunteers monitored snowy plovers within the Crissy Field Wildlife Protection Area (“WPA”) during the 2006/2007, 2007/2008, 2008/2009 and 2009/2010 snowy plover “wintering” seasons (July through March). In addition to counting all snowy plovers, observers recorded incidences of humans and dogs within the WPA and noted whether disturbances to the snowy plovers or other wildlife occurred.

During the 2006/2007 season, compliance with the leash requirement in the WPA was approximately 29%. During the 2007/2008 season, compliance fell to approximately 27%. Compliance improved to approximately 34% during the 2008/2009 and 2009/2010 seasons. Anecdotal evidence indicates that the non-compliance rate is even higher on Ocean Beach despite the significantly larger population of threatened snowy plovers and other shorebirds that depend on the beach there.

Figure 1. Total number of dogs observed and dogs observed both on- and off-leash within the Crissy Field WPA during surveys from 2006/2007 through the 2009/2010 snowy plover season (July through March). Taken from Zlatunich, M. and M. Lynes. 2010. *Western Snowy Plover Monitoring at the Crissy Field Wildlife Protection Area of the Presidio, San Francisco, California*, at 12. Available at <http://www.goldengateaudubon.org>



Golden Gate Audubon understands that NPS rangers have a wide range of responsibilities and that they are understaffed. However, by failing to police dog walkers within the GGNRA, NPS has contributed to the permanent impairment of the natural resources there. Moreover, it has created a sense of lawlessness and entitlement within the community that promotes even greater non-compliance.

The Draft Plan and DEIS would be greatly improved if it included more specific information about the extent of non-compliance in the GGNRA and in San Francisco. Data on non-compliance with leash (and other pet control) requirements in San Francisco is relevant to the analysis in the DEIS because it demonstrates the culture of non-compliance that exists in San Francisco.

Finally, compliance oversight should be required for as long as dogs are allowed within the GGNRA. We are concerned that the compliance oversight may be of limited duration and that once it is complete, non-compliance will likely escalate (especially if enforcement remains at historic levels). The compliance program should be considered as a cost of allowing dogs in the GGNRA in perpetuity.

E. The Draft Plan Fails to Provide Adequate Opportunities for Dog-free Recreation on Trails in San Francisco.

Under the Preferred Alternative, dogs will be allowed on-leash on all but one trail in the GGNRA in San Francisco. Therefore, visitors to the park who would prefer not to

interact with dogs will be restricted to a single trail. In short, the Park Service's overly generous effort to accommodate dog owners means that other users must endure a large number of dogs throughout the GGNRA in San Francisco or simply not visit the park.

The DEIS does not include adequate consideration of users that are less likely to use the park or have their park experiences diminished because of the presence of dogs. GGAS believes that a better study of the impacts of dogs on other park users and potential users would improve the Draft Plan and DEIS and should be conducted and incorporated before the FEIS is produced.

F. The DEIS Does Not Establish that "Voice Control" Is a Valid Method for Controlling Off-leash Dogs in the GGNRA.

Many of the Alternatives, including the Preferred Alternative, rely on "voice control" a means for controlling off-leash dogs. While the DEIS provides a somewhat broad definition of "voice control", it provides no basis or evidence that demonstrates that visitors to the park (or their dogs) have adequate training and discipline for "voice control" to work.

Again, a review of the Criminal Incident Records is informative on this topic. Several Criminal Incident Reports from 2008 demonstrate that again and again, dog owners who let their dog off-leash in the GGNRA cannot control their dogs merely by vocal commands.

Moreover, the DEIS and Draft Plan are fatally flawed by determining that a dog is under "voice control" merely because it comes when called by the owner under casual or non-emergency situations. True "voice control" would require that a dog responds to vocal controls when excited or under duress. For example, a dog would stop when commanded when chasing wildlife, charging a park visitor, or attacking a dog.

The only way to ensure that dog owners visiting the park have the ability to vocally command their dogs is to require permits prior to entering the park. Each dog owner would be required to pass a test ensuring that they can verbally control their dogs to prevent illegal harassment of wildlife, trampling of native plants, or assaults on other park visitors or dogs. In the absence of a license or permit system for dog owners, the Park Service has no way of ensuring that a real "voice control" system will be in place in the ROLAs. At a minimum, the Park Service must acknowledge the limitations of relying on voice control in the FEIS and final plan.

Finally, the lack of true voice control by most dog owners in the GGNRA bolsters the arguments that:

- 1) all ROLAs should be enclosed to reduce opportunities for uncontrolled dogs to interact with other park visitors and wildlife;

- 2) park visitors should be restricted to no more than 3 dogs per person because it is highly unlikely that even a well-trained dog walker can keep voice control over more than 3 dogs at a time; and
- 3) the 75% compliance requirement set by the Park Service is too low, because that means approximately 25% (or more) off-leash dogs not on voice control will be tolerated in the park, resulting in ongoing impacts to other park visitors, dogs (especially dogs on leash), and wildlife.

G. The DEIS Fails to Address Impacts to Other National Parks as a Result of the Preferred Alternative.

Through the Draft Plan and the Preferred Alternative, the National Park Service is proposing for the first time to accommodate dogs off-leash throughout large portions of a national park unit. The DEIS does not adequately address the impacts to other National Park units. As a conservation organization, Golden Gate Audubon sympathizes with the mission and values of the National Park Service particularly toward protection and preservation of natural resources. As such, we believe that the best protections for natural resources would be to have park rules that are consistent with those of the nationwide system of National Parks.

We are very concerned about the public perception of national park values and the beliefs and behaviors that park visitors will take with them to other units of the National Park System. In recent years, GGAS members have observed an increasing level of on-leash and off-leash dogs on (and off) the trails of other National Parks including Lassen Volcanic National Park and Yosemite National Park. We believe that lax policies of the GGNRA could be contributing to public misperception of the standard nationwide rules pertaining to pets in our National Parks. We also believe that the Park Service has public educational responsibilities to instill park values and proper behavioral practices into the public mindset.

The DEIS should address the public perceptions of National Park values and the potential impacts of the dog management alternatives to the rest of the National Park System.

H. The DEIS Does Not Adequately Explain How or Why the Park Service is Allowing the Continued "Take" of Endangered Species and Other Protected Species by Dog Owners without Permits.

The DEIS acknowledges that harassment of snowy plovers by people or their dogs constitutes a violation of the federal Endangered Species Act, 16 U.S.C. §§ 1361 et seq. (See DEIS at 1240 ("Chasing of plovers clearly meets the definition of harassment and take under the ESA of 1973")) The DEIS also acknowledges that harassment of wintering birds may have negative impacts on the overall population of the species and individual

survivorship and fecundity.⁷ (*Id.*, citing USFWS. 2007. *Recovery Plan for the Pacific Coast Population of the Western Snowy Plover*, at 65).

The Park Service is a federal agency with responsibility for stewardship over these threatened species and many other species covered by the Endangered Species Act, the Migratory Bird Treat Act, and other applicable laws on park lands. Yet, the Park Service has never explained the legal basis for permitting the ongoing harassment and harm to the snowy plover at Crissy Field and Ocean Beach. Specifically, the DEIS does not explain how the Park Service can knowingly allow dog owners to persistently and perpetually “take” snowy plovers in the GGNRA through harassment.

For example, the DEIS lists several of the impacts that dogs have on snowy plovers. (DEIS at 1240). However, the DEIS never explains why these disturbances do not constitute a “take” of snowy plovers under the ESA. Nor does the DEIS explain why the Park Service can perpetuate these illegal takings through the new Dog Management Rule.

IV. SITE-SPECIFIC COMMENTS ON THE PREFERRED ALTERNATIVES FOR SITES WITHIN SAN FRANCISCO COUNTY.

Unless otherwise specified, GGAS endorses Alternative D for sites in San Francisco. We defer to comments provided by the Marin Audubon Society and the Sequoia Audubon Society for recommendations in Marin and San Mateo Counties, respectively. Site-specific recommendations for GGNRA areas in San Francisco are provided below.

A. Fort Mason

Golden Gate Audubon supports the Preferred Alternative (Alternative C). This will leave the vast majority of Ft. Mason open to the current on-leash use. We note, however, that while under the current rule Ft. Mason is supposed to be an on-leash dog area, it is effectively an off-leash area due to lack of enforcement.

B. Crissy Field

Crissy Field has been one of the most controversial areas for dog management. It is a very active spot for local visitors and tourists. It is also an important wildlife area, adjacent to the Bay, the Pacific Ocean, and some of the largest woodland and coastal scrub habitat remaining in San Francisco. The DEIS should include a statement that wildlife viewing is an important activity at Crissy Field and that it should be considered in any decision about how dogs will be accommodated. The Park Service must consider

⁷ The current population of snowy plovers is approximately 1,400 birds. The species has lost 33 of 53 nesting sites in California since 1970. Humans and human-related activities have driven this species toward extinction. Only by creating a greater sense of stewardship and by being willing to accept reasonable restrictions on our recreational activities can we hope to help this species recover, or to halt the precipitous decline of other species and biodiversity in our local environment.

all these values—not just the demands of dog owners—in deciding how to regulate dogs in the area.

Except as discussed below, GGAS endorses Alternative D for Crissy Field. Specifically, GGAS believes that any ROLA established at Crissy Field must be fully enclosed (*see* Section I.B above).

1. The DEIS underestimates impacts to snowy plovers from the Preferred Alternative.

The DEIS does not fully describe the significance of the existence of snowy plovers in the Crissy Field area. The following information should be considered:

- 1) The DEIS states that there is no record of snowy plovers nesting within the GGNRA. However, there are records of bird and egg specimens collected during nesting season. (*See* Grinnell, J. 1932 and Smithsonian Institution collection data).
- 2) The DEIS states that snowy plovers have consistently overwintered at Crissy Field since 2005. However, there are no data to suggest that snowy plovers have not been overwintering there prior to 2005.
- 3) The USFWS *Recovery Plan for the Pacific Coast Population of the Western Snowy Plover* has identified Crissy Field as an expansion site for snowy plovers. (USFWS (2007), at 43-44, 140-141)
- 4) The Snowy Plover has cultural significance at Crissy Field. The Presidio of San Francisco is the Type Locality of the Snowy Plover, collected by Lt. William Trowbridge (Army Corps of Engineers, U.S. Coastal Survey), on May 8, 1854 (Grinnell, 1932)

2. The DEIS should estimate impacts under the Preferred Alternative under a scenario where dog owners continue to fail to comply with regulations.

The DEIS' endorses the Preferred Alternative by concluding that it would have "minor adverse impacts" and "overall negligible impacts" *assuming compliance with leash requirements*. (DEIS, at 1244-1245) Crissy Field has suffered due to dog owners' unwillingness to comply with leash requirements, even in the Wildlife Protection Area (WPA). (*See, e.g.* DEIS at 1241 ("Despite education and enforcement efforts, compliance with the...special regulation establishing the seasonal leash restriction remains extremely low")) The DEIS should at least consider the possibility (which history indicates is likely) that compliance with leash requirements will not be achieved.

Moreover, given that under the Preferred Alternative the WPA would be closed to dogs, the Park Service has no method for further protecting the site if dog owners refuse to comply with the regulations there. It is impractical to assume that park rangers will be able to patrol the WPA adequately to ensure full compliance with the new rules.

The Preferred Alternative would permit at least 25% of dog owners to continue to fail to comply with the new regulations. The DEIS does not discuss whether this potentially large number of non-compliant dog owners and dogs will have significant negative impacts on the wildlife, habitat, and other visitors in the area.

2. The Crissy Field Wildlife Protection Area should be off-limits to dogs.

GGAS endorses the Preferred Alternative to the extent that it would disallow dogs in the WPA at all times. We do, however, have concerns about the placement of the east boundary fence. The DEIS states that the east boundary fence will be relocated 200 feet eastward at a position 900 feet from the NOAA pier. (DEIS at 60) We believe that the determination of fence placement should have more flexible parameters and that careful consideration should be given to the visual penetration effect and to the geographical conditions of the immediate area. Under the preferred alternative, off-leash dog activity directly adjacent to the east boundary fence will pose a visual threat that will penetrate into the WPA, effectively rendering a portion of the eastern WPA as non-viable habitat during daytime use hours. Given this concern, the fence should be placed a reasonable distance eastward, beyond the actual 900 foot border line, to allow for an adequate buffer zone. Additionally, the geography of the area of fence placement is somewhat complicated by non-uniform conditions which include a variety of substrates, varying elevations, several lobes of fenced dune habitat areas, and a variety of pedestrian pathways. Consideration should be given to all of these conditions and fence placement should be such that it will accommodate ease of pedestrian traffic flow while maintaining adequate protection of the WPA.

3. GGAS endorses the Preferred Alternative for the Promenade (East Beach to the Warming Hut)

The paved trail along the promenade is an appropriate place for on-leash dog activities at Crissy Field. GGAS remains concerned about undesired human-dog interactions, especially for joggers and disabled visitors and those with small children, but believes that with proper education and enforcement of leash requirements, the area can successfully accommodate leashed dogs.

4. Any ROLA on the Airfield must be fully enclosed.

The Crissy Airfield, a mix of native and non-native plant species, is the largest expanse of grassland on GGNRA lands in San Francisco. The airfield is an important area for

birds and other wildlife and is used by park visitors for its wildlife viewing opportunities. In recent years, observers have recorded more than forty species of birds using the field, including rare, vagrant species such as Cattle Egret, Red-throated Pipit and Lapland Longspur. The continued use of the Airfield as an off-leash area constitutes an impairment to the natural resources in the area.

However GGAS understands that the Draft Plan and DEIS represents an attempt to balance the competing interests of many groups. Therefore, Golden Gate Audubon does not oppose the creation of a ROLA in the Airfield, but only if the ROLA is full enclosed. Moreover, any enclosure must allow for other park visitors to cross the Airfield without being forced to interact with dogs. We believe it is possible to design the ROLA to be enclosed with post-and-cable (or a similar apparatus to distinctively mark the area) that will not impair the biological or aesthetic value of the Airfield and be removable for special events.

5. GGAS opposes off-leash dog activities on the Central Beach and supports Alternative D to prohibit dogs.

GGAS opposes the Preferred Alternative, which could create a ROLA on Central Beach. All of the shoreline beaches at Crissy Field are suitable foraging and roosting habitat for Snowy Plovers and other shorebirds. The US Fish & Wildlife Service, in its Snowy Plover Recovery Plan (pp. 43/44), has identified Crissy Field as a potential expansion site for Snowy Plovers. (USFWS, Recovery Plan for the Western Snowy Plover, at 43-44). Given this anticipated increase in snowy plover population, using the Central Beach as a ROLA will create a high probability of future conflicting beach uses. There is no question that off-leash dogs have a substantial impact on the habitat and wildlife that use the beach.

Moreover, historical use at Central Beach has demonstrated that off-leash activities on Central Beach inevitably lead to off-leash dog disturbances within the WPA. Given that even within the WPA, dog owners have failed to comply with leash requirements almost 66% of the time, despite years of publicity, education, signage and a fence asking dog walkers to put their dogs on leash in the WPA. The DEIS does not contain any evidence that dog owners will start complying with the new regulations and respect the WPA.

Finally, to the extent that NPS ultimately elects to allow off-leash activities at Central Beach, Golden Gate Audubon recommends (1) that the off-leash area be enclosed by fencing to clearly demarcate the boundaries of the ROLA, (2) that the ROLA be decreased in size to provide adequate buffer zones in relation to the WPA to the west and to the lagoon inlet to the east, and (3) that the Park Service invest in significant education efforts, followed by rigorous enforcement to undo the culture of noncompliance that exists at Crissy Field.

6. GGAS endorses the Preferred Alternative for the trails and grassy areas near East Beach.

GGAS endorses the Preferred Alternative to allow on-leash dog activity in these areas as indicated by Map 10P in the DEIS with one caveat: the fresh water swale just east of the lagoon should be identified on the map and marked as a "no dog" area.

C. Fort Point Promenade/Fort Point NHS Trails

GGAS endorses the Preferred Alternative as identified by Map 11P of the DEIS. We note some concern for permitting large number of dogs (more than 3) on the relatively narrow paths in this area and reiterate our position that dog walkers should be limited to a maximum of three dogs per person within the GGNRA.

D. Baker Beach and Bluffs to Golden Gate Bridge

Golden Gate Audubon believes that the Preferred Alternative for Baker Beach is not a workable plan. While we support the upland elements of the Preferred Alternative, we have two concerns regarding the beach element of the plan. Firstly, as an area of freshwater flow into the ocean, the mouth of Lobos Creek is a sensitive wildlife area and is the most attractive area of use for birds along this beach. As such, it should be off-limits to dogs and buffered from off-leash dog activity. Secondly, we believe that designating an imaginary line in the sand to distinguish a no-dog area from a leash-only area is not an adequate means of communicating the rule to park users and compliance will be problematic. We believe that the most effective and enforceable choice would be to designate Baker Beach as a no-dog area.

However, should NPS proceed with implementing the Preferred Alternative; Golden Gate Audubon strongly recommends that NPS alter the configuration of the planned leash-only area to adequately protect the Lobos Creek zone. The leash-only area to be shifted to the North Beach as identified on Map 12.

E. Fort Miley

Golden Gate Audubon endorses the Preferred Alternative.

F. Lands End

Golden Gate Audubon endorses the Preferred Alternative for Lands End.

G. Sutro Heights Park

Golden Gate Audubon endorses the Preferred Alternative for Sutro Heights Park as illustrated by Map 14-P.

H. Ocean Beach

1. Dogs should be excluded from the Ocean Beach Snowy Plover Protection Area.

Golden Gate Audubon endorses the Preferred Alternative to exclude dogs from the Snowy Plover Protection Area (SPPA) and to allow dogs only on-leash on the promenade. We recommend that the designation of Snowy Plover Protection Area be changed to Shorebird (or Wildlife) Protection Area, a term which will more aptly describe the need for year-round protection.

2. GGAS does not endorse the creation of a ROLA north of Stairwell 21.

Golden Gate Audubon does not endorse the Preferred Alternative and instead recommends that the GGNRA not allow dogs on Ocean Beach at all. Given historic noncompliance with leash and off-leash regulations and the continuing impact to birds and other natural resources on the beach, dog-related recreation is not an appropriate activity on any beach within the GGNRA.

GGAS acknowledges that given the extreme political pressures put on the Park Service, it is likely that it will elect to create the ROLA on Ocean Beach. Given that, GGAS strongly urges the Park Service to erect post and cable symbolic fencing with adequate signage along the south boundary of the ROLA from the seawall westward as far as is practical to ensure that dog owners and other visitors know they are entering a ROLA. GGAS also strongly encourages that the area be monitored by rangers given the high likelihood of continuing non-compliance with regulations in the area.

3. GGAS strongly supports the closure of Ocean Beach South of Sloat to dogs.

Golden Gate Audubon strongly supports the Preferred Alternative to exclude dogs along Ocean Beach south of Sloat Avenue.

I. The Preferred Alternative Would Fail to Protect the Natural and Aesthetic Resources at Ft. Funston.

1. GGAS opposes the Preferred Alternative to establish a ROLA south of the beach access at Ft. Funston.

Golden Gate Audubon strongly opposes the Preferred Alternative, which creates a ROLA south of the beach access. Given the historic noncompliance by dog owners at Ft. Funston and the sensitivity of the habitat, Golden Gate Audubon has concluded that dog-

related recreation on the Ft. Funston beach is not an appropriate use of the park land. Because dogs should not be accessing the beach at Ft. Funston, Golden Gate Audubon further recommends that NPS not allow dogs on the beach access trails. The presence of dogs on the beach at Ft. Funston will adversely impact shorebirds. Additionally, the presence of dogs on the beach at Ft. Funston will adversely impact park visitors, including equestrians, some of whom have suffered attacks from dogs when riding at or near Ft. Funston.

To the extent that NPS proceeds in allowing a ROLA at Ft. Funston, it must be fenced and fully marked to provide adequate notice to dog owners and other park users about where on- and off-leash dog activities are appropriate.

2. GGAS opposes permitting dog recreation south of the main parking lot.

Dog-related recreation on the Ft. Funston beach is not an appropriate use of that park land, there is no need for dogs to be on the beach access trails, especially Sand Ladder Trail. GGAS recommends that this area be designated as a "no-dog" area.

3. GGAS does not oppose the creation of a ROLA north of the main parking lot provided it is fully enclosed.

Golden Gate Audubon will not oppose the establishment of a ROLA north of the main lot at Ft. Funston provided (1) that the ROLA is not established on sensitive habitat, (2) that the ROLA is fully enclosed by fencing, and (3) that the ROLA and surrounding areas are adequately patrolled and leash requirements are enforced.

V. CONCLUSION

Thank you for your consideration of our comments. It is our hope that the FEIS will reflect a comprehensive analysis of the impacts that will occur under the selected alternatives and that active education and enforcement is part of ongoing management in the GGNRA for dogs. With a reasonable regulation and adequate enforcement, we believe the GGNRA can continue to accommodate dogs while protection the valuable natural and cultural resources that make the GGNRA an urban national treasure.

If you would like to discuss these issues further, please do not hesitate to contact me at mlynes@goldengateaudubon.org or at (510) 843-6551.

Thank you,



Michael Lynes, Conservation Director