

I. INTRODUCTION

As part of the resource protection mission of the National Park Service (NPS), approximately 12-acres of Fort Funston is being closed year-round to off-trail recreational use by the public. This action will protect habitat for a nesting colony of California state-threatened bank swallows (*Riparia riparia*), a migratory bird species once more common along the California coast that has declined significantly due to habitat conversion and increased recreational use. This closure is also necessary to enhance significant native plant communities, improve public safety, and reduce human-induced impacts to the coastal bluffs and dunes, a significant geological feature.

Part of the Golden Gate National Recreation Area (GGNRA), Fort Funston spans approximately 230 acres along the coastal region of the northern San Francisco peninsula. It is located south of Ocean Beach and north of Pacifica, and is flanked to the east by both John Muir Drive and Skyline Boulevard, and to the west by the Pacific Ocean. The proposed year-round closure is located within the northern region of Fort Funston and is depicted on the attached map as "Project Area (Year-round closure)." It is defined to the west by the edge of the coastal bluffs; to the east by the Coastal Trail; to the north by protective fencing installed in the early 1990s for habitat protection; and to the south by a pre-existing "beach access" trail west of the Battery Davis "Y". There is currently fencing erected around the eastern and northern perimeters of the proposed year-round closure area. Additional fencing will be erected along the southern boundary, parallel to the "beach access" trail (see map). This fencing will be peeler post and wire mesh design, consistent with the existing fencing that was erected in February-April 2000.

The entire 12-acre project area will be closed year-round to visitor access. There is a portion of one designated trail located within the footprint of this closure. This trail, known as the "Spur trail" (see map), will be closed to visitor use because southern sections of this trail have become unusable due to increased sand deposition on the trail surface. This has compounded the establishment and use of unauthorized "social" trails in the northern section of the project area. Visitor use of and access to all "social" trails including "the Gap" (see map) within the project footprint will be prohibited by this closure.

II. HISTORY - Fort Funston

Prior to Fort Funston's purchase by the Army, the site supported a diversity of native dune vegetation communities. During the 1930s however, the Army built an extensive system of coastal defense batteries, drastically altering the dune topography east of the bluffs and, in the process, destroying much of the native plant communities that inhabited the dunes. Following construction, the Army planted iceplant (*Carpobrotus edulis*) in an attempt to stabilize the open sand around the batteries.

By the mid-1960s, extensive areas of Fort Funston were covered with invasive exotic plants such as iceplant and acacia. Some years after Fort Funston was closed as a military base, it was transferred to the National Park Service in 1972 to become part of the GGNRA. As a unit in the national park system, Fort Funston today is used extensively by beachcombers, walkers, hang gliders, paragliders and horseback riders, and other recreational users. Approximately three-quarters of a million visitors enjoy Fort Funston annually.

III. CLOSURE JUSTIFICATION

This closure is necessary to protect habitat for the California State-threatened bank swallows (*Riparia riparia*), enhance significant native plant communities, improve public safety and reduce human-induced impacts to the coastal bluffs and dunes, a significant geological feature. The National Park Service has authority to effect closures for these purposes pursuant to Section 1.5 of Title 36 of the Code of Federal Regulations. Specifically, Section 1.5 authorizes the Superintendent to effect closures and public use limits within a national park units when necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities. As discussed in detail below, the proposed closure at

Fort Funston is necessary to protect environmental values and natural resources, to protect public safety, and to implement management responsibilities.

A. The Threatened Bank Swallow

One of the many unique features of Fort Funston is that it supports one of the last two remaining coastal cliff-dwelling colonies in California for the bank swallow (*Riparia riparia*). Once more abundant throughout the state, their numbers have declined so dramatically that in 1989 the State of California listed the bank swallow as threatened under the California Endangered Species Act. The bank swallow is also a protected species under the Migratory Bird Treaty Act, and for nearly a century, the bank swallows have returned to Fort Funston each March or April to nest and rear their young along the steep bluff faces. NPS regulations, policies and guidelines mandate the protection and preservation of this unique species and its habitat.

Its preferred habitat—sheer sandy cliffs or banks—has been altered throughout its range by development, eliminated by river channel stabilization, and disrupted by increased recreational pressures. The Fort Funston colony is particularly unique in that it is one of only two remaining colonies in coastal bluffs in California, the other being at Año Nuevo State Park in San Mateo County. Bank swallow habitat at Año Nuevo remains closed to visitor access.

Mortality of bank swallows results from a number of causes including disease, parasites and predation. Destruction of nest sites, including collapsed burrows due to natural or human-caused sloughing of banks, appears to be the most significant direct cause of mortality (Recovery Plan, Bank Swallow (*Riparia riparia*), State of California Department of Fish and Game 1992). The Recovery Plan recommends a habitat preservation strategy through protection of lands known to support active colonies or with suitable habitat features for future colony establishment. It also acknowledges that isolated colonies, like Fort Funston, are at particularly high risk of extinction or severe population decline. Additionally, the State of California Historic and Current Status of the Bank Swallow in California report (1988) recommended that nesting colonies be protected from harassment and human disturbance.

The Fort Funston colony has been recorded since at least 1905. Records indicate that the colony fluctuated in size and location over time. A 1961 study of the Fort Funston colony documented a total of 84 burrows in 1954, 114 in 1955, 157 in 1956, and 196 in 1960. GGNRA staff counted at least 229 burrows in 1982 and more than 550 in 1989. In 1987 the California Department of Fish and Game documented 417 burrows at Fort Funston. Approximately 40 to 60 percent of burrows are actively used for nesting in a given year.

Between 1992 and 1995, NPS implemented other protection and restoration measures for the Fort Funston colony, including a year-round closure of approximately 23-acres in the northern most portion of Fort Funston to off-trail recreational use. The current proposed closure area lies directly south of this previous closure area. From 1954-56 and from 1989-97, the colony was located along the bluffs within the footprint of this previous closure. However the colony shifted during 1959 and 1960, and again since 1998, such that birds are now nesting within the current proposed closure area.

In 1993, GGNRA established an annual monitoring program to track the abundance and distribution of bank swallows at Fort Funston. Trained personnel conduct weekly surveys during nesting season (from mid-April through early August). From 1993 to 1996, burrow numbers were over 500 each year. The number declined dramatically to only 140 in 1998 and 148 in 1999 when the colony shifted to the current proposed closure area (then unprotected). This event coincided with the storms during the winter of 1997 that caused significant cliff retreat and slumping. In an attempt to protect the colony from recreational disturbance of nesting habitat, protective fencing was installed along the bluff top in 1998 with interpretive signs to encourage visitors to reduce impacts on the nesting colony. These efforts proved unsuccessful in preventing recreational disturbance to the colony. NPS observed increased erosion due to visitor use adjacent to the fenceline. Moreover, the rate of natural bluff erosion, approximately one foot per year, and the constant deposition and erosion of sand material caused the fence to collapse and fail within just a few months. Fence posts near the bluff face also provided advantages to swallow predators that perch on the posts with a view to the swallow nests.

A wide array of disturbances to the swallows at Fort Funston have been observed and recorded during monitoring, and/or photo-documented. While bank swallows are known to be quite tolerant to some disturbance, few colonies are subjected to the intense recreational pressure at Fort Funston. Documented disturbance events at Fort Funston include: cliff-climbing by people and dogs; rescue operations of people and dogs stuck on the cliff face; people and dogs on the bluff edge or in close proximity to active burrows; graffiti carving in the cliff face; aircraft and hang-glider over-flights; and discharge of fireworks within the colony. The potential impacts from such disturbances include: interruption of normal breeding activity, such as feeding of young; crushing of burrows near the top of the cliff face (nests can be located within a foot of the bluff top); casting shadows that may be perceived as predators; accelerating human-caused bluff erosion; and active sloughing and land-slides that may block or crush burrows and the young inside.

The NPS has determined that the designated trails (see map) at Fort Funston provide adequate access to the park area and that continued use of unauthorized “social” trails within the project footprint has adverse impacts on park resources, including the bank swallow.

The institution of the proposed 12-acre closure area, coupled with increased interpretive signs and strategically located protective barriers at the base of the bluffs will protect the bank swallow colony by preventing most of these disturbances. There will be no visitor access to the bluff edges above the nesting sites, thus preventing falls and rescues on the cliff face, as well as human-induced erosion, crushing of burrows, and casting of shadows. Visitor access up the bluffs from the beach into the closure area will be prohibited, thus avoiding human-induced erosion of the bluffs and habitat disturbance.

B. *Geology and Erosion*

The bluffs at Fort Funston provide one of the best continuous exposures of the last 2 million years or more of geologic history in California, covering the late Pliocene and Pleistocene eras. This exposure of the Merced Formation is unique within both the Golden Gate National Recreation Area and the region. It is a fragile, nonrenewable geologic resource. NPS regulations, policies and guidelines mandate preservation of such resources by preventing forces (other than natural erosion) that accelerate the loss or obscure the natural features of this resource.

Recreational use along the bluff top contributes to a different type of erosion than the natural processes of undercutting and slumping. Concentrated wave energy at the base of the bluffs naturally leads to bluff retreat typically occurring during winter season when the bank swallows that nest in the vertical bluff faces are absent. Natural weathering and erosion from rainfall runoff and wind contribute to loss of the bluff face. During spring and summer, when park users clamber around the bluff top, erosion occurs from the top to the bottom, compromising the bluff face. Slumps caused by heavy visitor traffic along the bluff top can induce sand slippage and may even wipe out burrows during nesting season. Geologist Clyde Warhaftig described areas of this unique sand bluff formation as crushable with the fingers and indicated, in 1989, that people climbing the cliff faces would induce additional erosion and that such activity should be prevented.

Additionally, erosion has been both documented and observed throughout the inland topography of the closure area. Continued heavy visitor use in this inland dune bluff area and associated human-caused erosion along unauthorized “social” trails is likely to further shorten the lifespan of the bluffs, and is an additional threat to the long-term existence and sustainability of suitable habitat for the Fort Funston bank swallow colony.

The proposed closure will preserve the unique bluffs by preventing destructive human activity around the bluff tops and permitting the inland dune features to recover from human-induced erosion.

C. *Conservation and Restoration of Dune Habitats*

Fort Funston is the largest of several significant remnants of the San Francisco dune complex – once the 4th largest dune system in the state that covered more than 36 square kilometers of San Francisco. More than 95% of the original dune system has been drastically altered by urbanization and development

(Powell, 1978). The flora inhabiting the dunes of San Francisco was quite diverse. Historical accounts documenting San Francisco's native dune species can be used to reconstruct the likely historic flora of Fort Funston. Recent surveys of Fort Funston confirm that its remnant flora is clearly allied with other dune localities documented in the 1958 Flora of San Francisco. NPS regulations, policies and guidelines mandate protection of this unique resource.

Removing iceplant and other invasive exotic plant species is one of the most important strategies for restoring dunes. At Fort Funston, iceplant dominates more than 65% of the dunes. The California Exotic Pest Plant Council rates iceplant on its "A" list, which includes those species that are the Most Invasive and Damaging Wildland Pest Plants. "Even when [natural] processes are protected, the very nature of dunes, which are prone to disturbance and characterized by openings in the vegetation, renders them constantly susceptible to the invasion of non-native species—especially in urban settings. For these reasons, restoration is an essential component of dune conservation in northern California." (Pickart and Sawyer 1998).

Dense iceplant cover also affects the diversity and abundance of native insects and other wildlife. In a study of sand-dwelling arthropod assemblages at Fort Funston, Morgan and Dahlsten compared diversity between iceplant-dominated plots and areas where native plants had been restored. They found that "overall arthropod abundance and diversity are significantly reduced in iceplant dominated areas compared to nearby restored areas. . . .If plant invasion and native plant restoration dramatically affect arthropod communities as our data indicate, they may also have wider reaching effects on the dune community as a whole. This research demonstrates the importance of native plant restoration for sand-dwelling arthropod communities" (Morgan and Dahlsten 1999).

In a report last year, the Director of the National Park Service wrote that "it is undisputed that without decisive, coordinated action the natural resources found within the National Park System will disappear as a result of invasive species spread" (Draft NPS Director's Natural Resource Initiative – Exotic Species Section, 1999). Emphasis on the need to address invasive exotic species issues and control was further stressed through *Executive Order 13112 on Invasive Species signed February 3, 1999*. "Sec. 2 (a) each Federal Agency whose actions may affect the status of invasive species shall ... (2) (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for the restoration of native species and habitat conditions in ecosystems that are invaded... (vi) promote public education on invasive species and means to address them.."

Increasingly heavy off-trail use has contributed to the deterioration of native dune communities at Fort Funston. Native dune vegetation is adapted to a harsh environment characterized by abrading winds, desiccating soils, low nutrient conditions, and salt spray, but it is not adapted to heavy foot traffic. Only a few species (a few annual plants, coyote bush (*Baccharis pilularis*)) are able to survive repeated trampling. NPS has determined that the designated trails (see map) at Fort Funston provide adequate access to the park areas, including ingress and egress to the beach, and that continued use of unauthorized "social" trails within the project footprint has adverse impacts on the park resources, including the native dune vegetation.

Increasingly, heavy off-leash dog use has also led to the deterioration of native dune communities. When on a leash, the effects of dogs on vegetation and other resources is focused along a trail corridor already disturbed by other recreational activities. When dogs are off-leash, their impacts are spread throughout a larger area. Trampling of vegetation caused by roaming dogs weakens the vegetation in the same manner as trampling by humans; in areas where off-leash dog use is concentrated, such intensive trampling destroys all vegetation, even the extremely tolerant iceplant. Also, the dune soils at Fort Funston are naturally low in nutrients. Deposition of nutrients via dog urine and feces may alter the nutrient balance in places and contribute to the local dominance of invasive non-native annual grasses that prosper in high-nitrogen soils (e.g., farmer's foxtail (*Hordeum* sp.), wild oats (*Avena* sp.), ripgut brome (*Bromus diandrus*)). Other adverse impacts documented and observed by park staff include off-leash dogs digging and uprooting vegetation.

The proposed closure area will allow for the recovery and expansion of remnant native plant species and communities currently threatened by spread of iceplant, and concentrated visitor and off-leash dog use in the project area. Revegetation efforts will promote the establishment of more than 50 dune plant species, including several rare plant species, such as the San Francisco wallflower and the San Francisco spineflower. Expansion of native coastal dune habitat at Fort Funston is also critical to enhancing the diversity and abundance of locally rare wildlife populations thus making them less vulnerable to extinction. It will also aid in preserving habitat for common wildlife species.

D. Public Safety

Cliff rescues in the Fort Funston area are a serious threat to public safety and have a direct impact on the bank swallow colony. Numerous rescues of dogs and people every year are necessary as a result of falls and/or when those climbing the unstable cliffs find themselves unable to safely move up or down. These rescues can cause injuries to both the rescued and the rescuers, compromising public safety and natural resources at Fort Funston. Additionally, technical rescues, such as cliff rescues at Fort Funston, tie up a large number of park personnel and equipment, leaving major portions of GGNRA unprotected. NPS must take all measures to reduce these preventable emergency rescues to ensure that the limited rescue personnel are available for emergencies throughout the park.

Visitor use at Fort Funston has increased significantly over the past five years, with annual visitation now reaching more than 750,000. Fort Funston has also become the focal point for cliff rescues in San Francisco. An updated review of law enforcement case incident reports indicates the following statistics. Prior to 1998 there was an average of just three cliff rescues per year involving dogs and/or persons stranded on the cliffs at Fort Funston. In 1998 the number of cliff rescues at Fort Funston jumped to 25. In 1999, park rangers performed 16 cliff rescues at Fort Funston.

By contrast, there were a total of 11 cliff rescues in 1998 along the remaining nine miles of San Francisco shoreline from Fort Point to the Cliff House. In 1999, there were four rescues along this stretch of coastline which includes a myriad of hazardous cliffs, and supports an annual visitation of approximately 2 million visitors. There were however, no dog rescues within this region during the past two years, largely because the leash laws are enforced, and because several especially hazardous areas are closed and fenced off for public safety.

There are several factors that have contributed to the increase in cliff rescues at Fort Funston. First, the severe winter storms in 1997/98 significantly eroded the bluffs, creating near-vertical cliff faces adjacent to and below some unauthorized "social" trails along the bluffs and causing more falls over the cliffs. Second, the increasing numbers of off-leash dog walkers at Fort Funston have resulted in many dog rescues, as well as three injured dogs and one dog death from falling off the cliffs at Fort Funston in just the past two years.

The National Park Service has determined that the designated trails (see map) at Fort Funston provide adequate access to the park areas, including ingress and egress to the beach, and that continued use of unauthorized "social" trails within the project footprint is a safety hazard for visitors and park rescue personnel.

The proposed closure will protect visitors, their pets, and the rescue personnel from unnecessary injury and will reduce the costly and time-consuming cliff rescues at Fort Funston by preventing access to dangerous cliff areas, and unauthorized use of "social" trails.

IV. PREVIOUS PROTECTION EFFORTS

GGNRA began pro-active management of the bank swallow colony in 1990, following ranger observations of destructive visitor activities including climbing the cliffs to access nests, carving of graffiti in the soft sandstone, and harassment of birds with rocks and fireworks.

The first dune fences we erected in 1990 at the bluff's edge north of the currently proposed year-round closure to deter visitors from the edge of the bluff. This effort was ineffective. NPS observed increased erosion due to visitor use adjacent to the fenceline. Moreover, the rate of natural bluff erosion, approximately one foot per year, and the constant deposition and erosion of sand material makes the construction of bluff-top fences a short-term solution. To further evaluate the effectiveness and anticipated maintenance needs of a potential fenceline constructed parallel to the bluffs and within 100-150 feet of the bluff edge, GGNRA established sand deposition/erosion monitoring points at selected distances from the bluff top in 2000. The monitoring points were established along a fenceline erected in April 2000. Data gathered at these points was used to make preliminary calculations of the rate of sand deposition/erosion along the northern cliffs at Fort Funston within the currently proposed closure. To date, after 3 months of data collection, data indicates that deposition/erosion of sand varies from +27" to -36" along the monitored fenceline posts, demonstrating the dynamic nature of the habitat and, consequently, the inefficiencies and difficulties of constructing the fenceline close to the bluff edge.

Implementation of an approved bank swallow protection and management strategy began in the fall of 1991, and continued for the next five years. This management strategy included: (1) closing and protecting 23 acres of the bluff tops by installing barrier fencing and removing exotic vegetation above the bank swallow colony; (2) requiring all dogs to be on-leash and all users to be on an authorized, existing trails when travelling through the closed area – all off-trail use was prohibited; and (3) creating a 50-foot seasonal closure at the base of the cliffs where the swallows nest to create a buffer area during breeding season, further protecting bank swallows from human disturbance. GGNRA hang-gliding permit conditions also prohibit flight over the nesting area during breeding season to reduce colony disturbance.

Between 1992 and 1995, over 35,000 native plants were propagated at the Fort Funston nursery and outplanted in the newly restored dunes within the 23-acre closure. This was accomplished through thousands of hours of community volunteer support. This restoration area now supports thriving native coastal dune habitat and several locally-rare native wildlife species including California quail (*Callipepla californica*), burrowing owls (*Athene cunicularia*) and brush rabbits (*Sylvilagus bachmani*), and a diversity of other native wildlife. California quail now survive in only a few isolated patches of habitat within San Francisco and is the subject of a "Save the Quail" campaign by the Golden Gate Audubon Society. Burrowing owls are designated as a state species of concern. California quail are considered a National Audubon Society WatchList species in California because of declining populations. Brush rabbits are not known to occur in any other San Francisco location within GGNRA.

V. PROJECT GOALS AND OBJECTIVES

The National Park Service is proposing to extend the existing 23-acre protection area based upon the following factors:

- southern movement of the bank swallow colony in 1998 to an unprotected area;
- significant decline in the colony size;
- ineffectiveness of a fence installed in 1998 along the bluff top of the unprotected new nesting area – designed to prevent recreational use up and down a landslide on the cliff face;
- ineffectiveness of signs above the new nesting area warning of the sensitivity of the area;
- increase in the total visitation numbers, including off-leash dog walkers;
- increase in the number of cliff rescues staged along the bluff top;
- increase in erosion and loss of vegetation cover within the dunes between the bluff edge and coastal trail from visitor and pet disturbance;
- habitat restoration, including removing tracts of iceplant and restoring with native species.

In order to address the factors listed above, NPS determined that the current proposed closure must meet the following goals and objectives:

1. Provide increased protection to the new nesting location of the bank swallow colony at Fort Funston
 - prevent disturbances from visitor use above and along the bluffs
 - control off-leash dog activities in and above the colony habitat
 - prevent disturbances from cliff rescues

2. Increase biological diversity by restoring native coastal dune scrub habitat
 - reduce invasive exotic species (specifically iceplant) cover to less than 5% and revegetate protected area with native dune species
 - prevent visitor access to unauthorized “social” trail use and prohibit off-trail use
 - reduce impacts of off-leash dog activities within coastal dune scrub habitat
 - reduce disturbances from visitor use within this sensitive coastal dune scrub habitat
 - restore natural dune processes
 - expand native coastal dune habitat at Fort Funston to enhance the diversity and abundance of locally rare wildlife populations, such as California quail
3. Increase public safety
 - reduce risks of falling over cliffs and need for cliff rescues
 - close unauthorized “social” trails along bluff top and close access to back dunes
4. Protect the geologic resources including bluff top and interior dunes from accelerated human-induced erosion.

An interdisciplinary team of GGNRA staff determined the size and footprint of the proposed closure and the design of the protective fence. In considering alternatives, the team evaluated whether the project goals and objectives were met, the ability to achieve compliance within the closure, the long-term maintenance required, the feasibility and costs of construction, and the impacts to recreational uses.

To achieve the goals and objectives listed above, the proposed closure was initially selected by NPS in 1999. However, in January 2000, NPS began implementation of a less restrictive closure that was developed after a series of NPS meetings with representatives of the dog walking community. The less restrictive closure entailed reducing the project footprint and opening over half of the area to visitor access when bank swallows were not present at Fort Funston. Since that time, extensive litigation regarding the closure has resulted in the development of an exhaustive record of evidence that, when re-evaluated, supports the currently proposed permanent closure. NPS has determined that the less restrictive closure is inadequate to meet the mandate of the National Park Service, in light of significant adverse impacts on natural resources, threats to public safety, infeasibility of fence maintenance and difficulty of closure enforcement.

NPS has determined that the currently proposed permanent closure, as depicted on the attached map, is necessary to achieve the goals and objectives outlined above, and is the least restrictive means to protect the resources and preserve public safety at Fort Funston and elsewhere within GGNRA.

VI. PUBLIC INVOLVEMENT

Because of a May 16, 2000, Federal District Court ordered preliminary injunction against the NPS, which disallows the closure until such time as appropriate public notice and opportunity for comment was provided, NPS provided notice of the proposed closure in the Federal Register on July 18, 2000, and invites comments from the public on this proposed year-round closure.

Public comments will be accepted for a period of 60 calendar days from the date of the notice. Therefore, public comments on this notice must be received by September 18, 2000. Comments will be considered and this proposal may be modified accordingly, and the final decision of the NPS will be published in the Federal Register.

If individuals submitting comments request that their name and/or address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently at the beginning of the comments. There also may be circumstances wherein the NPS will withhold a respondent’s identity as allowable by law. As always, NPS will make available for public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses; and, anonymous comments may not be considered.

SEND COMMENTS TO: Superintendent, Golden Gate National Recreation Area, Bay and Franklin Streets, Building 201, Ft. Mason, San Francisco, 94123.

GGNRA ADVISORY COMMISSION MEETING: Comments will also be received at the August 29, ~~2000~~, GGNRA Advisory Commission meeting to be held at 7:30 p.m. at park headquarters, building 201, Upper Fort Mason at the intersection of Bay and Franklin Streets, San Francisco, California.

Publications, GGNRA Unpublished Documents and Data, and Personal Communications

Albert, M.E. 1995. Morphological variation and habitat associations within the *Carpobrotus* species complex in coastal California. Masters thesis, University of California at Berkeley.

Albert, Marc. Natural Resources Specialist, National Park Service. (personal communication 1998-2000).

Bank swallow monitoring data for Fort Funston, Golden Gate National Recreation Area. 1993-1999. National Park Service. Unpub data.

Bonasera, H., and Farrell, S. D., 2000. On-site public education data collected during the project coordination for the bank swallow protection and habitat restoration efforts at Fort Funston. Unpub.

Cannon, Joe. Natural Resources Specialist, National Park Service. (personal communication 1998-2000).

Collman, Dan. Roads and Trails Foreman. National Park Service. (personal communication 2000).

Clifton, H. Edward, and Ralph E. Hunter. 1999. Depositional and other features of the Merced Formation in sea cliff exposures south of San Francisco, California. In *Geologic Field Trips in Northern California*. Edited by David L. Wagner and Stephan A. Graham. Sacramento: California Department of Conservation, Division of Mines and Geology.

Cutler. 1961. A Bank Swallow Colony on an Eroded Sea Cliff_ unpub.

D'Antonio, C. M. 1993. Mechanisms controlling invasion of coastal plant communities by the alien succulent *Carpobrotus edulis*. *Ecology* 74 (1): 83-95.

D'Antonio, C.M., and Mahall, B. 1991. Root profiles and competition between the invasive exotic perennial *Carpobrotus edulis* and two native shrub species in California coastal scrub. *American Journal of Botany* 78:885-894.

Freer, L. 1977. Colony structure and function in the bank swallow (*Riparia riparia*).

Garrison, Barry. 1988. Population trends and management of the bank swallow On the Sacramento River.

Garrison, Barry. 1991-2. Bank swallow nesting ecology and results of banding efforts on the Sacramento River (annual reports).

Garrison, Barry. Biologist, California State Department of Fish and Game (personal communication 2000).

Golden Gate National Recreation Area Advisory Commission power point presentation on the bank swallow protection and habitat restoration project (January 18, 2000). National Park Service. Unpub.

Golden Gate National Recreation Area Advisory Commission meeting minutes (January 18, 2000).

Hatch, Daphne. Wildlife Biologist. National Park Service. (personal communication 1998-2000).

Hopkins, Alan. Golden Gate Audubon Society (personal communication, 1998-2000).

Howell, J. T., P. H. Raven, and P.R. Rubtzoff. 1958. A Flora of San Francisco, California. *Wasmann Journal of Biology* 16(1):1-157.

Hunter, Colette. 1999. Bank Swallow Permanent Closure Revegetation Assemblages. (unpub. data).

Laymon, Garrison, B. and Humphry, 1988. State of California Historic and Current Status of the Bank Swallow in California.

Milestone, James F. 1996. Fort Funston's Bank Swallow and Flyway Management Plan and Site Prescription (unpub.).

Morgan, D., and D. Dahlsten. 1999. Effects of iceplant (*Carpobrotus edulis*) removal and native plant restoration on dune-dwelling arthropods at Fort Funston, San Francisco, California, USA. (unpub. data).

Murphy, Dan. Golden Gate Audubon Society (personal communication, 1998-2000).

Percy, Mike. Roads and Trails Specialist. National Park Service (personal communication 1999-2000).

Petrilli, Mary, Interpretive Specialist, National Park Service (personal communication 1998-2000).

Pickart, A. J., and J. O. Sawyer. 1998. *Ecology and Restoration of Northern California Coastal Dunes*. Sacramento: California Native Plant Society.

Powell, Jerry A. 1981. Endangered habitats for insects: California coastal sand dunes. *Atala* 6, no. 1-2: 41-55.

Prokop, Steve. Law Enforcement Ranger. National Park Service. (personal communication 2000).

Schlorff, Ron. Biologist, California State Department of Fish and Game (personal communication 1999-2000).

Sherman, John. Law Enforcement Ranger, National Park Service (personal communication 1998-9).

State of California Department of Fish and Game. 1986. The status of the bank swallow populations of the Sacramento River.

State of California Department of Fish and Game 1992. Recovery Plan, Bank Swallow (*Riparia riparia*).

California Department of Fish and Game. 1995. Five Year Status Review: Bank Swallow.

State Resources Agency. 1990. Annual report of the status of California state listed threatened and endangered species. California Department of Fish and Game, Sacramento, CA.

Summary of public safety incidents at Fort Funston, Golden Gate National Recreation Area as of Jan. 23, 2000. National Park Service. Unpub data.

Summary of public safety incidents at Fort Funston, Golden Gate National Recreation Area as of Aug. 24, 1999. National Park Service. Unpub data.

Summary of erosion and sand deposition along bluff-top fencing at Fort Funston, Golden Gate National Recreation Area as of June 26, 2000. National Park Service. Unpub. data.

The Nature Conservancy and Association for Biodiversity Information, 2000. Executive Summary, [The Status of Biodiversity in the United States](#).

U.S. Fish and Wildlife Service. 1991. Final Report: Evaluation of experimental nesting habitat and selected aspects of bank swallow biology on the Sacramento River, 1988 – 1990.

Wahrhaftig, C. and Lehre, A. K. 1974. Geologic and Hydrologic Study of the Golden Gate National Recreation Area Summary (Prepared for the U.S. Department of the Interior, National Park Service).

Park Specific Plans & Documents; NPS Laws, Regulations, Guidelines and Policy

Bank Swallow Project Statement, appendix to the Natural Resources Management Plan, Golden Gate National Recreation Area, Feb. 16, 1999.

Compendium, Golden Gate National Recreation Area (signed by General Superintendent and Field Solicitor). 1997. Golden Gate National Recreation Area. National Park Service.

Draft Management Policies. 2000. National Park Service, U.S. Department of the Interior.

Executive Order 13112 on Invasive Species signed February 3, 1999.

Fiscal Year 1999 Government Performance and Results Act, Annual Report, Golden Gate National Recreation Area, National Park Service.

Golden Gate National Recreation Area Act of October 27, 1972, Pub. L. 92-589, 86 Stat. 1299, as amended, codified at 16 U.S.C. § 460bb et seq.

Golden Gate National Recreation Area Approved General Management Plan. 1980. Golden Gate National Recreation Area, National Park Service.

Golden Gate National Recreation Area Environmental Compliance (Project Review) memorandum June 16, 1992 – Project Review Committee Recommendations for Approval (Bank Swallow Protection Project).

Golden Gate National Recreation Area Environmental Compliance (Project Review) memorandum February 1995 - Project Review Committee Recommendations for Approval (Hillside Erosion Protection – Closure).

Golden Gate National Recreation Area Environmental Compliance (Project Review) memorandum February 24, 1999 – Project Review Committee Recommendations for Approval. (Bank Swallow Protection and Habitat Restoration Closure Project).

Golden Gate National Recreation Area Natural Resources Management Plan. 1999. Golden Gate National Recreation Area, National Park Service.

National Park Service Management Policies. 1988. Department of Interior, National Park Service.

Natural Resources Management Guidelines (NPS-77). 1991. Department of the Interior, National Park Service.

Restoration Action Plan, Fort Funston Bank Swallow Habitat, 1992. Golden Gate National Recreation Area.

Statement for Management, Golden Gate National Recreation Area, April 1992.

The Organic Act of 1916, as amended, codified at 16 U.S.C. § 1 et seq.

Park System Resource Protection Act, as amended, codified at 16 U.S.C. § 19jj et seq.

National Park Service, Department of Interior, Regulations, 36 C.F.R. Parts 1-5, 7.

PROPOSED HABITAT PROTECTION CLOSURE

**FORT FUNSTON
GOLDEN GATE NATIONAL RECREATION AREA**

I. INTRODUCTION

As part of the resource protection mission of the National Park Service (NPS), approximately 12-acres of Fort Funston is being closed year-round to off-trail recreational use by the public. This action will protect habitat for a nesting colony of California state-threatened bank swallows (*Riparia riparia*), a migratory bird species once more common along the California coast that has declined significantly due to habitat conversion and increased recreational use. This closure is also necessary to enhance significant native plant communities, improve public safety, and reduce human-induced impacts to the coastal bluffs and dunes, a significant geological feature.

Part of the Golden Gate National Recreation Area (GGNRA), Fort Funston spans approximately 230 acres along the coastal region of the northern San Francisco peninsula. It is located south of Ocean Beach and north of Pacifica, and is flanked to the east by both John Muir Drive and Skyline Boulevard, and to the west by the Pacific Ocean. The proposed year-round closure is located within the northern region of Fort Funston and is depicted on the attached map as "Project Area (Year-round closure)." It is defined to the west by the edge of the coastal bluffs; to the east by the Coastal Trail; to the north by protective fencing installed in the early 1990s for habitat protection; and to the south by a pre-existing "beach access" trail west of the Battery Davis "Y". There is currently fencing erected around the eastern and northern perimeters of the proposed year-round closure area. Additional fencing will be erected along the southern boundary, parallel to the "beach access" trail (see map). This fencing will be peeler post and wire mesh design, consistent with the existing fencing that was erected in February-April 2000.

The entire 12-acre project area will be closed year-round to visitor access. There is a portion of one designated trail located within the footprint of this closure. This trail, known as the "Spur trail" (see map), will be closed to visitor use because southern sections of this trail have become unusable due to increased sand deposition on the trail surface. This has compounded the establishment and use of unauthorized "social" trails in the northern section of the project area. Visitor use of and access to all "social" trails including "the Gap" (see map) within the project footprint will be prohibited by this closure.

II. HISTORY - Fort Funston

Prior to Fort Funston's purchase by the Army, the site supported a diversity of native dune vegetation communities. During the 1930s however, the Army built an extensive system of coastal defense batteries, drastically altering the dune topography east of the bluffs and, in the process, destroying much of the native plant communities that inhabited the dunes. Following construction, the Army planted iceplant (*Carpobrotus edulis*) in an attempt to stabilize the open sand around the batteries.

By the mid-1960s, extensive areas of Fort Funston were covered with invasive exotic plants such as iceplant and acacia. Some years after Fort Funston was closed as a military base, it was transferred to the National Park Service in 1972 to become part of the GGNRA. As a unit in the national park system, Fort Funston today is used extensively by beachcombers, walkers, hang gliders, paragliders and horseback riders, and other recreational users. Approximately three-quarters of a million visitors enjoy Fort Funston annually.

III. CLOSURE JUSTIFICATION

This closure is necessary to protect habitat for the California State-threatened bank swallows (*Riparia riparia*), enhance significant native plant communities, improve public safety and reduce human-induced impacts to the coastal bluffs and dunes, a significant geological feature. The National Park Service has authority to effect closures for these purposes pursuant to Section 1.5 of Title 36 of the Code of Federal Regulations. Specifically, Section 1.5 authorizes the Superintendent to effect closures and public use limits within a national park units when necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities. As discussed in detail below, the proposed closure at

Fort Funston is necessary to protect environmental values and natural resources, to protect public safety, and to implement management responsibilities.

A. The Threatened Bank Swallow

One of the many unique features of Fort Funston is that it supports one of the last two remaining coastal cliff-dwelling colonies in California for the bank swallow (*Riparia riparia*). Once more abundant throughout the state, their numbers have declined so dramatically that in 1989 the State of California listed the bank swallow as threatened under the California Endangered Species Act. The bank swallow is also a protected species under the Migratory Bird Treaty Act, and for nearly a century, the bank swallows have returned to Fort Funston each March or April to nest and rear their young along the steep bluff faces. NPS regulations, policies and guidelines mandate the protection and preservation of this unique species and its habitat.

Its preferred habitat—sheer sandy cliffs or banks—has been altered throughout its range by development, eliminated by river channel stabilization, and disrupted by increased recreational pressures. The Fort Funston colony is particularly unique in that it is one of only two remaining colonies in coastal bluffs in California, the other being at Año Nuevo State Park in San Mateo County. Bank swallow habitat at Año Nuevo remains closed to visitor access.

Mortality of bank swallows results from a number of causes including disease, parasites and predation. Destruction of nest sites, including collapsed burrows due to natural or human-caused sloughing of banks, appears to be the most significant direct cause of mortality (Recovery Plan, Bank Swallow (*Riparia riparia*), State of California Department of Fish and Game 1992). The Recovery Plan recommends a habitat preservation strategy through protection of lands known to support active colonies or with suitable habitat features for future colony establishment. It also acknowledges that isolated colonies, like Fort Funston, are at particularly high risk of extinction or severe population decline. Additionally, the State of California Historic and Current Status of the Bank Swallow in California report (1988) recommended that nesting colonies be protected from harassment and human disturbance.

The Fort Funston colony has been recorded since at least 1905. Records indicate that the colony fluctuated in size and location over time. A 1961 study of the Fort Funston colony documented a total of 84 burrows in 1954, 114 in 1955, 157 in 1956, and 196 in 1960. GGNRA staff counted at least 229 burrows in 1982 and more than 550 in 1989. In 1987 the California Department of Fish and Game documented 417 burrows at Fort Funston. Approximately 40 to 60 percent of burrows are actively used for nesting in a given year.

Between 1992 and 1995, NPS implemented other protection and restoration measures for the Fort Funston colony, including a year-round closure of approximately 23-acres in the northern most portion of Fort Funston to off-trail recreational use. The current proposed closure area lies directly south of this previous closure area. From 1954-56 and from 1989-97, the colony was located along the bluffs within the footprint of this previous closure. However the colony shifted during 1959 and 1960, and again since 1998, such that birds are now nesting within the current proposed closure area.

In 1993, GGNRA established an annual monitoring program to track the abundance and distribution of bank swallows at Fort Funston. Trained personnel conduct weekly surveys during nesting season (from mid-April through early August). From 1993 to 1996, burrow numbers were over 500 each year. The number declined dramatically to only 140 in 1998 and 148 in 1999 when the colony shifted to the current proposed closure area (then unprotected). This event coincided with the storms during the winter of 1997 that caused significant cliff retreat and slumping. In an attempt to protect the colony from recreational disturbance of nesting habitat, protective fencing was installed along the bluff top in 1998 with interpretive signs to encourage visitors to reduce impacts on the nesting colony. These efforts proved unsuccessful in preventing recreational disturbance to the colony. NPS observed increased erosion due to visitor use adjacent to the fenceline. Moreover, the rate of natural bluff erosion, approximately one foot per year, and the constant deposition and erosion of sand material caused the fence to collapse and fail within just a few months. Fence posts near the bluff face also provided advantages to swallow predators that perch on the posts with a view to the swallow nests.

A wide array of disturbances to the swallows at Fort Funston have been observed and recorded during monitoring, and/or photo-documented. While bank swallows are known to be quite tolerant to some disturbance, few colonies are subjected to the intense recreational pressure at Fort Funston. Documented disturbance events at Fort Funston include: cliff-climbing by people and dogs; rescue operations of people and dogs stuck on the cliff face; people and dogs on the bluff edge or in close proximity to active burrows; graffiti carving in the cliff face; aircraft and hang-glider over-flights; and discharge of fireworks within the colony. The potential impacts from such disturbances include: interruption of normal breeding activity, such as feeding of young; crushing of burrows near the top of the cliff face (nests can be located within a foot of the bluff top); casting shadows that may be perceived as predators; accelerating human-caused bluff erosion; and active sloughing and land-slides that may block or crush burrows and the young inside.

The NPS has determined that the designated trails (see map) at Fort Funston provide adequate access to the park area and that continued use of unauthorized “social” trails within the project footprint has adverse impacts on park resources, including the bank swallow.

The institution of the proposed 12-acre closure area, coupled with increased interpretive signs and strategically located protective barriers at the base of the bluffs will protect the bank swallow colony by preventing most of these disturbances. There will be no visitor access to the bluff edges above the nesting sites, thus preventing falls and rescues on the cliff face, as well as human-induced erosion, crushing of burrows, and casting of shadows. Visitor access up the bluffs from the beach into the closure area will be prohibited, thus avoiding human-induced erosion of the bluffs and habitat disturbance.

B. *Geology and Erosion*

The bluffs at Fort Funston provide one of the best continuous exposures of the last 2 million years or more of geologic history in California, covering the late Pliocene and Pleistocene eras. This exposure of the Merced Formation is unique within both the Golden Gate National Recreation Area and the region. It is a fragile, nonrenewable geologic resource. NPS regulations, policies and guidelines mandate preservation of such resources by preventing forces (other than natural erosion) that accelerate the loss or obscure the natural features of this resource.

Recreational use along the bluff top contributes to a different type of erosion than the natural processes of undercutting and slumping. Concentrated wave energy at the base of the bluffs naturally leads to bluff retreat typically occurring during winter season when the bank swallows that nest in the vertical bluff faces are absent. Natural weathering and erosion from rainfall runoff and wind contribute to loss of the bluff face. During spring and summer, when park users clamber around the bluff top, erosion occurs from the top to the bottom, compromising the bluff face. Slumps caused by heavy visitor traffic along the bluff top can induce sand slippage and may even wipe out burrows during nesting season. Geologist Clyde Warhaftig described areas of this unique sand bluff formation as crushable with the fingers and indicated, in 1989, that people climbing the cliff faces would induce additional erosion and that such activity should be prevented.

Additionally, erosion has been both documented and observed throughout the inland topography of the closure area. Continued heavy visitor use in this inland dune bluff area and associated human-caused erosion along unauthorized “social” trails is likely to further shorten the lifespan of the bluffs, and is an additional threat to the long-term existence and sustainability of suitable habitat for the Fort Funston bank swallow colony.

The proposed closure will preserve the unique bluffs by preventing destructive human activity around the bluff tops and permitting the inland dune features to recover from human-induced erosion.

C. *Conservation and Restoration of Dune Habitats*

Fort Funston is the largest of several significant remnants of the San Francisco dune complex – once the 4th largest dune system in the state that covered more than 36 square kilometers of San Francisco. More than 95% of the original dune system has been drastically altered by urbanization and development

(Powell, 1978). The flora inhabiting the dunes of San Francisco was quite diverse. Historical accounts documenting San Francisco's native dune species can be used to reconstruct the likely historic flora of Fort Funston. Recent surveys of Fort Funston confirm that its remnant flora is clearly allied with other dune localities documented in the 1958 Flora of San Francisco. NPS regulations, policies and guidelines mandate protection of this unique resource.

Removing iceplant and other invasive exotic plant species is one of the most important strategies for restoring dunes. At Fort Funston, iceplant dominates more than 65% of the dunes. The California Exotic Pest Plant Council rates iceplant on its "A" list, which includes those species that are the Most Invasive and Damaging Wildland Pest Plants. "Even when [natural] processes are protected, the very nature of dunes, which are prone to disturbance and characterized by openings in the vegetation, renders them constantly susceptible to the invasion of non-native species—especially in urban settings. For these reasons, restoration is an essential component of dune conservation in northern California." (Pickart and Sawyer 1998).

Dense iceplant cover also affects the diversity and abundance of native insects and other wildlife. In a study of sand-dwelling arthropod assemblages at Fort Funston, Morgan and Dahlsten compared diversity between iceplant-dominated plots and areas where native plants had been restored. They found that "overall arthropod abundance and diversity are significantly reduced in iceplant dominated areas compared to nearby restored areas. . . .If plant invasion and native plant restoration dramatically affect arthropod communities as our data indicate, they may also have wider reaching effects on the dune community as a whole. This research demonstrates the importance of native plant restoration for sand-dwelling arthropod communities" (Morgan and Dahlsten 1999).

In a report last year, the Director of the National Park Service wrote that "it is undisputed that without decisive, coordinated action the natural resources found within the National Park System will disappear as a result of invasive species spread" (Draft NPS Director's Natural Resource Initiative – Exotic Species Section, 1999). Emphasis on the need to address invasive exotic species issues and control was further stressed through *Executive Order 13112 on Invasive Species signed February 3, 1999*. "Sec. 2 (a) each Federal Agency whose actions may affect the status of invasive species shall ... (2) (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for the restoration of native species and habitat conditions in ecosystems that are invaded... (vi) promote public education on invasive species and means to address them.."

Increasingly heavy off-trail use has contributed to the deterioration of native dune communities at Fort Funston. Native dune vegetation is adapted to a harsh environment characterized by abrading winds, desiccating soils, low nutrient conditions, and salt spray, but it is not adapted to heavy foot traffic. Only a few species (a few annual plants, coyote bush (*Baccharis pilularis*)) are able to survive repeated trampling. NPS has determined that the designated trails (see map) at Fort Funston provide adequate access to the park areas, including ingress and egress to the beach, and that continued use of unauthorized "social" trails within the project footprint has adverse impacts on the park resources, including the native dune vegetation.

Increasingly, heavy off-leash dog use has also led to the deterioration of native dune communities. When on a leash, the effects of dogs on vegetation and other resources is focused along a trail corridor already disturbed by other recreational activities. When dogs are off-leash, their impacts are spread throughout a larger area. Trampling of vegetation caused by roaming dogs weakens the vegetation in the same manner as trampling by humans; in areas where off-leash dog use is concentrated, such intensive trampling destroys all vegetation, even the extremely tolerant iceplant. Also, the dune soils at Fort Funston are naturally low in nutrients. Deposition of nutrients via dog urine and feces may alter the nutrient balance in places and contribute to the local dominance of invasive non-native annual grasses that prosper in high-nitrogen soils (e.g., farmer's foxtail (*Hordeum* sp.), wild oats (*Avena* sp.), ripgut brome (*Bromus diandrus*)). Other adverse impacts documented and observed by park staff include off-leash dogs digging and uprooting vegetation.

The proposed closure area will allow for the recovery and expansion of remnant native plant species and communities currently threatened by spread of iceplant, and concentrated visitor and off-leash dog use in the project area. Revegetation efforts will promote the establishment of more than 50 dune plant species, including several rare plant species, such as the San Francisco wallflower and the San Francisco spineflower. Expansion of native coastal dune habitat at Fort Funston is also critical to enhancing the diversity and abundance of locally rare wildlife populations thus making them less vulnerable to extinction. It will also aid in preserving habitat for common wildlife species.

D. Public Safety

Cliff rescues in the Fort Funston area are a serious threat to public safety and have a direct impact on the bank swallow colony. Numerous rescues of dogs and people every year are necessary as a result of falls and/or when those climbing the unstable cliffs find themselves unable to safely move up or down. These rescues can cause injuries to both the rescued and the rescuers, compromising public safety and natural resources at Fort Funston. Additionally, technical rescues, such as cliff rescues at Fort Funston, tie up a large number of park personnel and equipment, leaving major portions of GGNRA unprotected. NPS must take all measures to reduce these preventable emergency rescues to ensure that the limited rescue personnel are available for emergencies throughout the park.

Visitor use at Fort Funston has increased significantly over the past five years, with annual visitation now reaching more than 750,000. Fort Funston has also become the focal point for cliff rescues in San Francisco. An updated review of law enforcement case incident reports indicates the following statistics. Prior to 1998 there was an average of just three cliff rescues per year involving dogs and/or persons stranded on the cliffs at Fort Funston. In 1998 the number of cliff rescues at Fort Funston jumped to 25. In 1999, park rangers performed 16 cliff rescues at Fort Funston.

By contrast, there were a total of 11 cliff rescues in 1998 along the remaining nine miles of San Francisco shoreline from Fort Point to the Cliff House. In 1999, there were four rescues along this stretch of coastline which includes a myriad of hazardous cliffs, and supports an annual visitation of approximately 2 million visitors. There were however, no dog rescues within this region during the past two years, largely because the leash laws are enforced, and because several especially hazardous areas are closed and fenced off for public safety.

There are several factors that have contributed to the increase in cliff rescues at Fort Funston. First, the severe winter storms in 1997/98 significantly eroded the bluffs, creating near-vertical cliff faces adjacent to and below some unauthorized "social" trails along the bluffs and causing more falls over the cliffs. Second, the increasing numbers of off-leash dog walkers at Fort Funston have resulted in many dog rescues, as well as three injured dogs and one dog death from falling off the cliffs at Fort Funston in just the past two years.

The National Park Service has determined that the designated trails (see map) at Fort Funston provide adequate access to the park areas, including ingress and egress to the beach, and that continued use of unauthorized "social" trails within the project footprint is a safety hazard for visitors and park rescue personnel.

The proposed closure will protect visitors, their pets, and the rescue personnel from unnecessary injury and will reduce the costly and time-consuming cliff rescues at Fort Funston by preventing access to dangerous cliff areas, and unauthorized use of "social" trails.

IV. PREVIOUS PROTECTION EFFORTS

GGNRA began pro-active management of the bank swallow colony in 1990, following ranger observations of destructive visitor activities including climbing the cliffs to access nests, carving of graffiti in the soft sandstone, and harassment of birds with rocks and fireworks.

The first dune fences we erected in 1990 at the bluff's edge north of the currently proposed year-round closure to deter visitors from the edge of the bluff. This effort was ineffective. NPS observed increased erosion due to visitor use adjacent to the fenceline. Moreover, the rate of natural bluff erosion, approximately one foot per year, and the constant deposition and erosion of sand material makes the construction of bluff-top fences a short-term solution. To further evaluate the effectiveness and anticipated maintenance needs of a potential fenceline constructed parallel to the bluffs and within 100-150 feet of the bluff edge, GGNRA established sand deposition/erosion monitoring points at selected distances from the bluff top in 2000. The monitoring points were established along a fenceline erected in April 2000. Data gathered at these points was used to make preliminary calculations of the rate of sand deposition/erosion along the northern cliffs at Fort Funston within the currently proposed closure. To date, after 3 months of data collection, data indicates that deposition/erosion of sand varies from +27" to -36" along the monitored fenceline posts, demonstrating the dynamic nature of the habitat and, consequently, the inefficiencies and difficulties of constructing the fenceline close to the bluff edge.

Implementation of an approved bank swallow protection and management strategy began in the fall of 1991, and continued for the next five years. This management strategy included: (1) closing and protecting 23 acres of the bluff tops by installing barrier fencing and removing exotic vegetation above the bank swallow colony; (2) requiring all dogs to be on-leash and all users to be on an authorized, existing trails when travelling through the closed area – all off-trail use was prohibited; and (3) creating a 50-foot seasonal closure at the base of the cliffs where the swallows nest to create a buffer area during breeding season, further protecting bank swallows from human disturbance. GGNRA hang-gliding permit conditions also prohibit flight over the nesting area during breeding season to reduce colony disturbance.

Between 1992 and 1995, over 35,000 native plants were propagated at the Fort Funston nursery and outplanted in the newly restored dunes within the 23-acre closure. This was accomplished through thousands of hours of community volunteer support. This restoration area now supports thriving native coastal dune habitat and several locally-rare native wildlife species including California quail (*Callipepla californica*), burrowing owls (*Athene cunicularia*) and brush rabbits (*Sylvilagus bachmani*), and a diversity of other native wildlife. California quail now survive in only a few isolated patches of habitat within San Francisco and is the subject of a "Save the Quail" campaign by the Golden Gate Audubon Society. Burrowing owls are designated as a state species of concern. California quail are considered a National Audubon Society WatchList species in California because of declining populations. Brush rabbits are not known to occur in any other San Francisco location within GGNRA.

V. PROJECT GOALS AND OBJECTIVES

The National Park Service is proposing to extend the existing 23-acre protection area based upon the following factors:

- southern movement of the bank swallow colony in 1998 to an unprotected area;
- significant decline in the colony size;
- ineffectiveness of a fence installed in 1998 along the bluff top of the unprotected new nesting area – designed to prevent recreational use up and down a landslide on the cliff face;
- ineffectiveness of signs above the new nesting area warning of the sensitivity of the area;
- increase in the total visitation numbers, including off-leash dog walkers;
- increase in the number of cliff rescues staged along the bluff top;
- increase in erosion and loss of vegetation cover within the dunes between the bluff edge and coastal trail from visitor and pet disturbance;
- habitat restoration, including removing tracts of iceplant and restoring with native species.

In order to address the factors listed above, NPS determined that the current proposed closure must meet the following goals and objectives:

1. Provide increased protection to the new nesting location of the bank swallow colony at Fort Funston
 - prevent disturbances from visitor use above and along the bluffs
 - control off-leash dog activities in and above the colony habitat
 - prevent disturbances from cliff rescues

2. Increase biological diversity by restoring native coastal dune scrub habitat
 - reduce invasive exotic species (specifically iceplant) cover to less than 5% and revegetate protected area with native dune species
 - prevent visitor access to unauthorized “social” trail use and prohibit off-trail use
 - reduce impacts of off-leash dog activities within coastal dune scrub habitat
 - reduce disturbances from visitor use within this sensitive coastal dune scrub habitat
 - restore natural dune processes
 - expand native coastal dune habitat at Fort Funston to enhance the diversity and abundance of locally rare wildlife populations, such as California quail
3. Increase public safety
 - reduce risks of falling over cliffs and need for cliff rescues
 - close unauthorized “social” trails along bluff top and close access to back dunes
4. Protect the geologic resources including bluff top and interior dunes from accelerated human-induced erosion.

An interdisciplinary team of GGNRA staff determined the size and footprint of the proposed closure and the design of the protective fence. In considering alternatives, the team evaluated whether the project goals and objectives were met, the ability to achieve compliance within the closure, the long-term maintenance required, the feasibility and costs of construction, and the impacts to recreational uses.

To achieve the goals and objectives listed above, the proposed closure was initially selected by NPS in 1999. However, in January 2000, NPS began implementation of a less restrictive closure that was developed after a series of NPS meetings with representatives of the dog walking community. The less restrictive closure entailed reducing the project footprint and opening over half of the area to visitor access when bank swallows were not present at Fort Funston. Since that time, extensive litigation regarding the closure has resulted in the development of an exhaustive record of evidence that, when re-evaluated, supports the currently proposed permanent closure. NPS has determined that the less restrictive closure is inadequate to meet the mandate of the National Park Service, in light of significant adverse impacts on natural resources, threats to public safety, infeasibility of fence maintenance and difficulty of closure enforcement.

NPS has determined that the currently proposed permanent closure, as depicted on the attached map, is necessary to achieve the goals and objectives outlined above, and is the least restrictive means to protect the resources and preserve public safety at Fort Funston and elsewhere within GGNRA.

VI. PUBLIC INVOLVEMENT

Because of a May 16, 2000, Federal District Court ordered preliminary injunction against the NPS, which disallows the closure until such time as appropriate public notice and opportunity for comment was provided, NPS provided notice of the proposed closure in the Federal Register on July 18, 2000, and invites comments from the public on this proposed year-round closure.

Public comments will be accepted for a period of 60 calendar days from the date of the notice. Therefore, public comments on this notice must be received by September 18, 2000. Comments will be considered and this proposal may be modified accordingly, and the final decision of the NPS will be published in the Federal Register.

If individuals submitting comments request that their name and/or address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently at the beginning of the comments. There also may be circumstances wherein the NPS will withhold a respondent’s identity as allowable by law. As always, NPS will make available for public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses; and, anonymous comments may not be considered.

SEND COMMENTS TO: Superintendent, Golden Gate National Recreation Area, Bay and Franklin Streets, Building 201, Ft. Mason, San Francisco, 94123.

GGNRA ADVISORY COMMISSION MEETING: Comments will also be received at the August 29, ~~2000~~, GGNRA Advisory Commission meeting to be held at 7:30 p.m. at park headquarters, building 201, Upper Fort Mason at the intersection of Bay and Franklin Streets, San Francisco, California.

Publications, GGNRA Unpublished Documents and Data, and Personal Communications

- Albert, M.E. 1995. Morphological variation and habitat associations within the *Carpobrotus* species complex in coastal California. Masters thesis, University of California at Berkeley.
- Albert, Marc. Natural Resources Specialist, National Park Service. (personal communication 1998-2000).
- Bank swallow monitoring data for Fort Funston, Golden Gate National Recreation Area. 1993-1999. National Park Service. Unpub data.
- Bonasera, H., and Farrell, S. D., 2000. On-site public education data collected during the project coordination for the bank swallow protection and habitat restoration efforts at Fort Funston. Unpub.
- Cannon, Joe. Natural Resources Specialist, National Park Service. (personal communication 1998-2000).
- Collman, Dan. Roads and Trails Foreman. National Park Service. (personal communication 2000).
- Clifton, H. Edward, and Ralph E. Hunter. 1999. Depositional and other features of the Merced Formation in sea cliff exposures south of San Francisco, California. In *Geologic Field Trips in Northern California*. Edited by David L. Wagner and Stephan A. Graham. Sacramento: California Department of Conservation, Division of Mines and Geology.
- Cutler. 1961. A Bank Swallow Colony on an Eroded Sea Cliff_ unpub.
- D'Antonio, C. M. 1993. Mechanisms controlling invasion of coastal plant communities by the alien succulent *Carpobrotus edulis*. *Ecology* 74 (1): 83-95.
- D'Antonio, C.M., and Mahall, B. 1991. Root profiles and competition between the invasive exotic perennial *Carpobrotus edulis* and two native shrub species in California coastal scrub. *American Journal of Botany* 78:885-894.
- Freer, L. 1977. Colony structure and function in the bank swallow (*Riparia riparia*).
- Garrison, Barry. 1988. Population trends and management of the bank swallow On the Sacramento River.
- Garrison, Barry. 1991-2. Bank swallow nesting ecology and results of banding efforts on the Sacramento River (annual reports).
- Garrison, Barry. Biologist, California State Department of Fish and Game (personal communication 2000).
- Golden Gate National Recreation Area Advisory Commission power point presentation on the bank swallow protection and habitat restoration project (January 18, 2000). National Park Service. Unpub.
- Golden Gate National Recreation Area Advisory Commission meeting minutes (January 18, 2000).
- Hatch, Daphne. Wildlife Biologist. National Park Service. (personal communication 1998-2000).
- Hopkins, Alan. Golden Gate Audubon Society (personal communication, 1998-2000).
- Howell, J. T., P. H. Raven, and P.R. Rubtzoff. 1958. A Flora of San Francisco, California. *Wasmann Journal of Biology* 16(1):1-157.

Hunter, Colette. 1999. Bank Swallow Permanent Closure Revegetation Assemblages. (unpub. data).

Laymon, Garrison, B. and Humphry, 1988. State of California Historic and Current Status of the Bank Swallow in California.

Milestone, James F. 1996. Fort Funston's Bank Swallow and Flyway Management Plan and Site Prescription (unpub.).

Morgan, D., and D. Dahlsten. 1999. Effects of iceplant (*Carpobrotus edulis*) removal and native plant restoration on dune-dwelling arthropods at Fort Funston, San Francisco, California, USA. (unpub. data).

Murphy, Dan. Golden Gate Audubon Society (personal communication, 1998-2000).

Percy, Mike. Roads and Trails Specialist. National Park Service (personal communication 1999-2000).

Petrilli, Mary, Interpretive Specialist, National Park Service (personal communication 1998-2000).

Pickart, A. J., and J. O. Sawyer. 1998. *Ecology and Restoration of Northern California Coastal Dunes*. Sacramento: California Native Plant Society.

Powell, Jerry A. 1981. Endangered habitats for insects: California coastal sand dunes. *Atala* 6, no. 1-2: 41-55.

Prokop, Steve. Law Enforcement Ranger. National Park Service. (personal communication 2000).

Schlorff, Ron. Biologist, California State Department of Fish and Game (personal communication 1999-2000).

Sherman, John. Law Enforcement Ranger, National Park Service (personal communication 1998-9).

State of California Department of Fish and Game. 1986. The status of the bank swallow populations of the Sacramento River.

State of California Department of Fish and Game 1992. Recovery Plan, Bank Swallow (*Riparia riparia*).

California Department of Fish and Game. 1995. Five Year Status Review: Bank Swallow.

State Resources Agency. 1990. Annual report of the status of California state listed threatened and endangered species. California Department of Fish and Game, Sacramento, CA.

Summary of public safety incidents at Fort Funston, Golden Gate National Recreation Area as of Jan. 23, 2000. National Park Service. Unpub data.

Summary of public safety incidents at Fort Funston, Golden Gate National Recreation Area as of Aug. 24, 1999. National Park Service. Unpub data.

Summary of erosion and sand deposition along bluff-top fencing at Fort Funston, Golden Gate National Recreation Area as of June 26, 2000. National Park Service. Unpub. data.

The Nature Conservancy and Association for Biodiversity Information, 2000. Executive Summary, [The Status of Biodiversity in the United States](#).

U.S. Fish and Wildlife Service. 1991. Final Report: Evaluation of experimental nesting habitat and selected aspects of bank swallow biology on the Sacramento River, 1988 – 1990.

Wahrhaftig, C. and Lehre, A. K. 1974. Geologic and Hydrologic Study of the Golden Gate National Recreation Area Summary (Prepared for the U.S. Department of the Interior, National Park Service).

Park Specific Plans & Documents; NPS Laws, Regulations, Guidelines and Policy

Bank Swallow Project Statement, appendix to the Natural Resources Management Plan, Golden Gate National Recreation Area, Feb. 16, 1999.

Compendium, Golden Gate National Recreation Area (signed by General Superintendent and Field Solicitor). 1997. Golden Gate National Recreation Area. National Park Service.

Draft Management Policies. 2000. National Park Service, U.S. Department of the Interior.

Executive Order 13112 on Invasive Species signed February 3, 1999.

Fiscal Year 1999 Government Performance and Results Act, Annual Report, Golden Gate National Recreation Area, National Park Service.

Golden Gate National Recreation Area Act of October 27, 1972, Pub. L. 92-589, 86 Stat. 1299, as amended, codified at 16 U.S.C. § 460bb et seq.

Golden Gate National Recreation Area Approved General Management Plan. 1980. Golden Gate National Recreation Area, National Park Service.

Golden Gate National Recreation Area Environmental Compliance (Project Review) memorandum June 16, 1992 – Project Review Committee Recommendations for Approval (Bank Swallow Protection Project).

Golden Gate National Recreation Area Environmental Compliance (Project Review) memorandum February 1995 - Project Review Committee Recommendations for Approval (Hillside Erosion Protection – Closure).

Golden Gate National Recreation Area Environmental Compliance (Project Review) memorandum February 24, 1999 – Project Review Committee Recommendations for Approval. (Bank Swallow Protection and Habitat Restoration Closure Project).

Golden Gate National Recreation Area Natural Resources Management Plan. 1999. Golden Gate National Recreation Area, National Park Service.

National Park Service Management Policies. 1988. Department of Interior, National Park Service.

Natural Resources Management Guidelines (NPS-77). 1991. Department of the Interior, National Park Service.

Restoration Action Plan, Fort Funston Bank Swallow Habitat, 1992. Golden Gate National Recreation Area.

Statement for Management, Golden Gate National Recreation Area, April 1992.

The Organic Act of 1916, as amended, codified at 16 U.S.C. § 1 et seq.

Park System Resource Protection Act, as amended, codified at 16 U.S.C. § 19jj et seq.

National Park Service, Department of Interior, Regulations, 36 C.F.R. Parts 1-5, 7.

NEWS RELEASE

U.S. Department of the Interior

National Park Service

Fort Funston Habitat Protection Closure **Approved by National Park Service**

Contacts: GGNRA Public Affairs

Rich Weideman, (415) 561-4730

Roger Scott (415) 561-4731

Christine Powell (415) 561-4732

The Golden Gate National Recreation Area (GGNRA) today announced that a 12-acre portion of Fort Funston, as proposed in July 2000, will be closed year-round to park visitors and pets in January 2001. Visitor access to all undesignated trails including “the Gap” and the designated Spur Trail are affected.

However, in light of recommendations by the GGNRA Advisory Commission, NPS will study the option of removing the fences and permitting public access and on-leash dog walking on designated trails within the closure area as an alternative means of protecting the resources and protecting public safety. This option would take effect, if at all, only after native plants are established in the closed area and the public is adequately informed of and accustomed to the prohibition on access to the cliff areas and the regulatory dogs-on-leash requirement. This consideration may take the form of an overall NPS planning effort for Fort Funston or parkwide.

The closure will meet the goals and objectives of this project and the NPS Congressional mandate by: protecting of the site’s coastal bank swallow community, a California threatened species; protecting geological resources through erosion control; restoring native plant communities to promote biodiversity and increasing public safety in dangerous cliff areas.

“The National Park Service’s mission is to protect the natural and cultural resources of this nation, while providing for the recreational needs of visitors where possible. We are aware of the GGNRA’s recreational mandate, yet NPS regulations clearly state that when there is a conflict between recreation and resource protection, conservation is to be predominant. I believe that this decision provides a balance by allowing recreational use to continue at Fort Funston--including dog walking—while protecting the state-threatened bank swallow, native plants, and coastal bluffs,” stated GGNRA Superintendent Brian O’Neill.

-more-

Golden Gate National Recreation Area, Fort Mason, Bldg. 201, San Francisco, CA 94123

The project went through an extended 12-week public comment period, during which both written and oral comments were taken and two public meetings were held. Approximately 1,500 comments were weighed from the dog walking community, environmental organizations and other interested parties.

While the closure was official when the decision document was signed on December 14, the fences remain open at this time and will not be closed until after a notice appears in the Federal Register in January. Notice of this closure will be posted at Fort Funston and on the GGNRA website at www.nps.gov/goga. Attached is a copy of the decision document and closure notice with further information available at www.nps.gov/goga or are available by calling (415) 561-4731.

-attachments-

(2000-09)

Golden Gate National Recreation Area



EXPERIENCE
YOUR
AMERICA

“Who Let the Dogs Off-Leash”

Negotiated Rulemaking for Dog Management at GGNRA



March 2005

GGNRA005734

Golden Gate National Recreation Area



EXPERIENCE
YOUR
AMERICA

Christine Powell

Office of Public Affairs

Golden Gate National Recreation Area

Mike Eng

Project Manager

U.S. Institute for Environmental Conflict
Resolution

Golden Gate National Recreation Area

History of Dog Management



GGNRA005736

Golden Gate National Recreation Area

Statistics



EXPERIENCE
YOUR
AMERICA



- Est. 1972 to protect, preserve resources/ bring “parks to the people”
- 75,000 acres, 59 miles of coastline
- 19 separate ecosystems
- 80 sensitive, rare, threatened or endangered species
- 780 historic buildings in 5 Historic Landmark Districts
- 1.7million sq. ft. of building space
- Surrounded by 6.9 million - and growing! - Bay Area population

Golden Gate National Recreation Area

Existing Uses



EXPERIENCE
YOUR
AMERICA



March 2005

GGNRA005738

Golden Gate National Recreation Area

NPS Regulation



EXPERIENCE
YOUR
AMERICA



Code of Federal Regulations

Title 36, Section 2.15

It is prohibited to “fail to crate, cage or restrain on a leash which shall not exceed six feet in length, or otherwise physically confine a pet at all times.”

March 2005

GGNRA005739

Golden Gate National Recreation Area

Pet Policy Established



- **1972:** Advisory Commission established

- **1979:** Commission recommended off-leash dog walking areas

- **1979 to 2001:** GGNRA implemented voice-control policies



EXPERIENCE
YOUR
AMERICA

Golden Gate National Recreation Area

Increased Visitation



EXPERIENCE
YOUR
AMERICA



March 2005

GGNRA005741

Golden Gate National Recreation Area

Increased Knowledge of Resources



EXPERIENCE
YOUR
AMERICA



- 7 distinct watersheds
- 19 separate ecosystems
- 1,273 plant and animal species
- 80 sensitive, rare, threatened or endangered species
- 4th largest number of federally protected species in National Park System

March 2005

GGNRA005742

Golden Gate National Recreation Area

Visitor and Pet Safety



EXPERIENCE
YOUR
AMERICA



March 2005

GGNRA005743

Golden Gate National Recreation Area

Local Parks Review Regulations



EXPERIENCE
YOUR
AMERICA



Golden Gate National Recreation Area

Media Coverage of GGNRA Dogwalking



EXPERIENCE
YOUR
AMERICA

Chicago Tribune

Los Angeles Times

The Mercury News

San Francisco Chronicle

The New York Times
ON THE WEB

MARIN INDEPENDENT JOURNAL

March 2005

GGNRA005745

Golden Gate National Recreation Area

Litigation Over Uses of Park Sites



EXPERIENCE
YOUR
AMERICA



March 2005

GGNRA005746

Golden Gate National Recreation Area

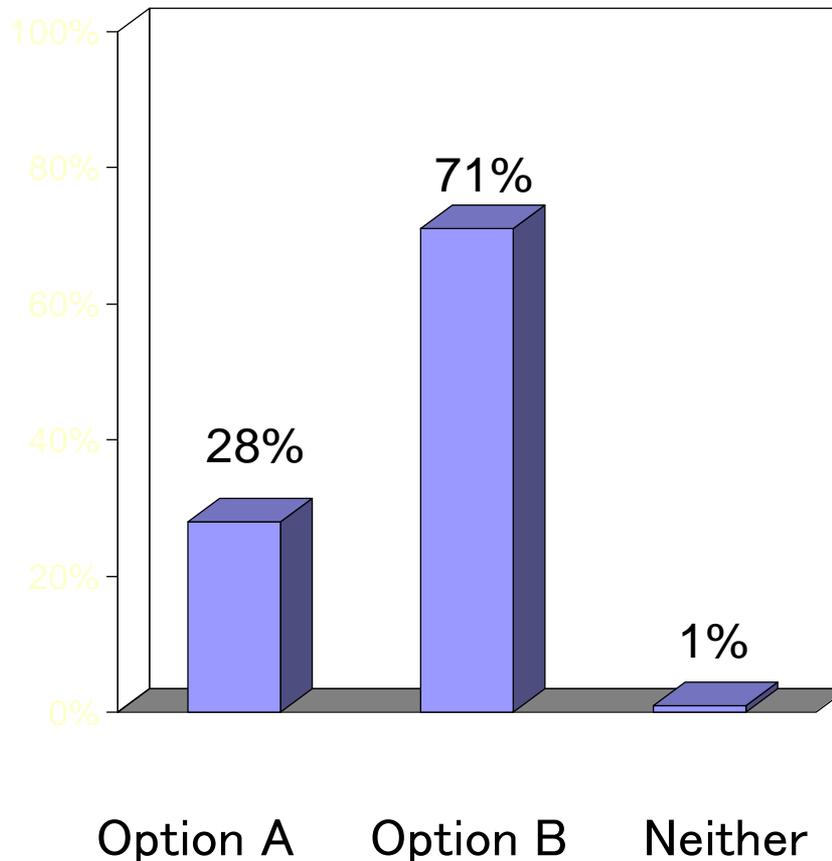
Advanced Notice of Proposed Rulemaking - 2002



EXPERIENCE
YOUR
AMERICA

8,580 comments received

- **Option A:** Enforce existing regulations requiring dogs to be on-leash.
- **Option B:** Allow off-leash dog walking in specific locations.

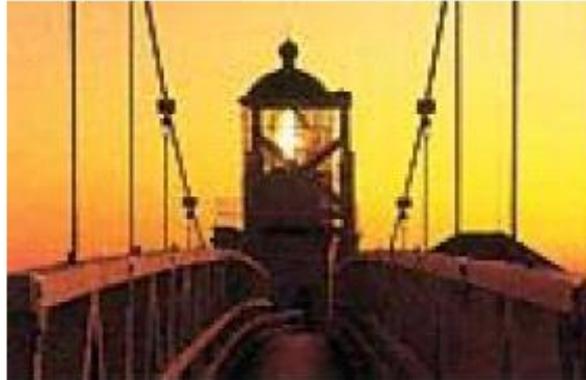


Golden Gate National Recreation Area

NAU Social Research Laboratory



EXPERIENCE
YOUR
AMERICA



Golden Gate National Recreation Area Announced Notice of Proposed Rulemaking

Public Comment Analysis
August 2002

The Social Research Laboratory
Northern Arizona University



March 2005

GGNRA005748

Golden Gate National Recreation Area

NAU Social Research Laboratory



EXPERIENCE
YOUR
AMERICA



**Public Opinion Research
Telephone Survey
Regarding
Golden Gate National Recreation Area
Pet Management Issues**

**Technical Report
December 2002**

The Social Research Laboratory
Northern Arizona University



March 2005

GGNRA005749

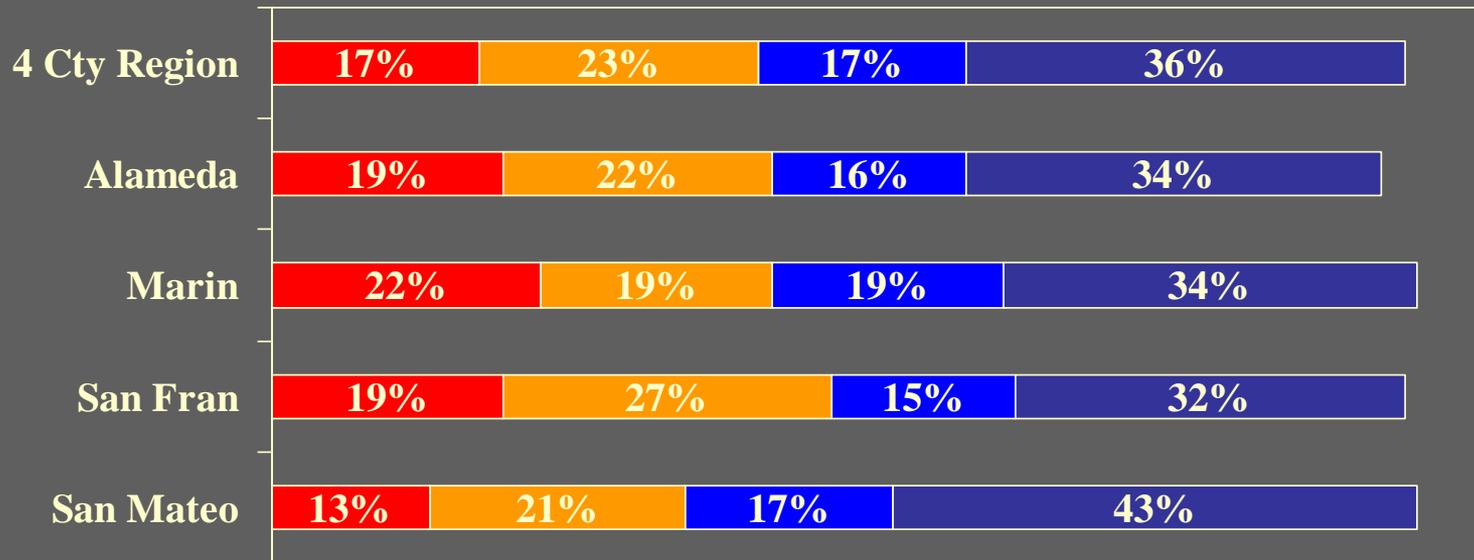
Golden Gate National Recreation Area

Public Opinion Research Phone Survey



EXPERIENCE
YOUR
AMERICA

Support of Off-Leash Dog Walking



■ Strongly support ■ Somewhat support ■ Somewhat oppose ■ Strongly oppose

Social Research Laboratory, NAU

March 2005

GGNRA005750

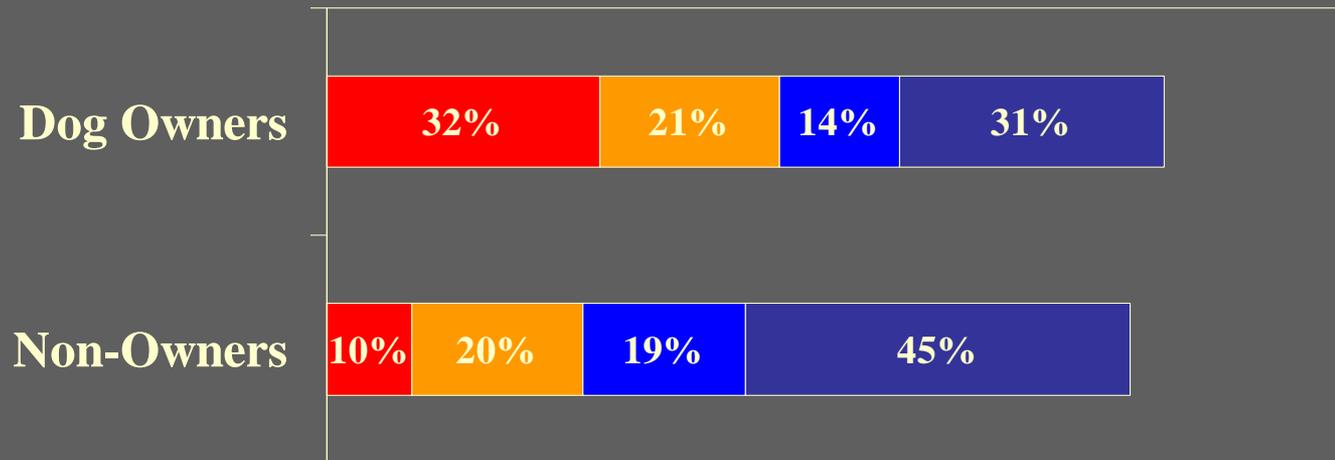
Golden Gate National Recreation Area

Public Opinion Research Phone Survey



EXPERIENCE
YOUR
AMERICA

Support Off-Leash Dog Walking (After NPS mission statement was read)



■ Strongly support ■ Somewhat support ■ Somewhat oppose ■ Strongly oppose

Social Research Laboratory, NAU

March 2005

GGNRA005751

Golden Gate National Recreation Area

Comparison of Two Studies by NAU



EXPERIENCE
YOUR
AMERICA

Public Comment Analysis

- conducted with self-selected sample
- provides depth of understanding within specific areas of inquiry

Public Opinion Research Phone Survey

- conducted with a representative sample of the population
- provides more breadth of understanding

Golden Gate National Recreation Area

Federal Panel Recommendations



EXPERIENCE
YOUR
AMERICA

“...off-leash dog walking in GGNRA may be appropriate in selected locations where resource impacts can be adequately mitigated and public safety incidents and public use conflicts can be appropriately managed.”

“...the park pursue both rulemaking and comprehensive planning for pet management to address suitable locations and proper management strategies”

Golden Gate National Recreation Area

Director's Order #75A



EXPERIENCE
YOUR
AMERICA

CIVIC ENGAGEMENT AND PUBLIC INVOLVEMENT

Effective Date:
November 14, 2003



March 2005

GGNRA005754

Golden Gate National Recreation Area

Public Information



EXPERIENCE
YOUR
AMERICA

Golden Gate
Negotiated Rulemaking for Dog Management

National Park Service
U.S. Department of the Interior
Golden Gate National Parks

Reg-Neg Home Golden Gate Home ParkNet Home

Update - September 21, 2004
Assessment Phase of Negotiated Rulemaking Completed

The assessment phase of the GGNRA negotiated rulemaking (reg-neg) process, co-led by the neutral team of Greg Bourne and J. Michael Harty of [The Center for Collaborative Policy](#), was completed this month. During this phase, the neutral team interviewed a broad range of stakeholder representatives to gain a better understanding of stakeholders' perspectives on dog management issues and how they would like to see their interests represented in a reg-neg process. The interviews were completed by August; the team then prepared a [Situation Assessment Report](#) summarizing their findings.

The report presents the information received during the interviews, summarizing key interests and considerations, points of agreement and disagreement, and key unknowns. Based on the results of the interviews, the report recommends to

[Reg-Neg Announcement \(Oct 2003\)](#)

[Negotiated Rulemaking Information](#)

[ANPR Decision Documents](#)

[ANPR Background Information](#)

start Shirwin Smith - Inbo... Proposed Committe... 2 Microsoft Office ... GOGA - Negotiated ... 12:30 PM

March 2005

GGNRA005755

Golden Gate National Recreation Area

The Negotiated Rulemaking Process



EXPERIENCE
YOUR
AMERICA

THE MORRIS K. UDALL FOUNDATION

U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION

Center for Collaborative Policy

A Joint Program of California State University, Sacramento and McGeorge School of Law, University of the Pacific

March 2005

GGNRA005756

Golden Gate National Recreation Area

Identification of Stakeholders



EXPERIENCE
YOUR
AMERICA



March 2005

GGNRA005757

Golden Gate National Recreation Area

Situation Assessment



EXPERIENCE
YOUR
AMERICA

SITUATION ASSESSMENT REPORT:

PROPOSED NEGOTIATED RULEMAKING ON DOG MANAGEMENT IN THE GOLDEN GATE NATIONAL RECREATION AREA

September 14, 2004

PREPARED JOINTLY BY CDR ASSOCIATES AND
THE CENTER FOR COLLABORATIVE POLICY, CALIFORNIA
STATE UNIVERSITY-SACRAMENTO

UNDER CONTRACT TO THE U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION

March 2005

GGNRA005758

Golden Gate National Recreation Area

Negotiated Rulemaking Act



EXPERIENCE
YOUR
AMERICA

TITLE 5 > PART I > CHAPTER 5 >

SUBCHAPTER III—NEGOTIATED RULEMAKING PROCEDURE

Release date: 2004-01-16

- **§ 561**. Purpose
- **§ 562**. Definitions
- **§ 563**. Determination of need for negotiated rulemaking committee
- **§ 564**. Publication of notice; applications for membership on committees
- **§ 565**. Establishment of committee
- **§ 566**. Conduct of committee activity
- **§ 567**. Termination of committee
- **§ 568**. Services, facilities, and payment of committee member expenses
- **§ 569**. Encouraging negotiated rulemaking
- **§ 570**. Judicial review
- **§ 570a**. Authorization of appropriations

March 2005

GGNRA005759

Golden Gate National Recreation Area

Concurrent Processes



EXPERIENCE
YOUR
AMERICA

GOGA Reg-Neg/NEPA Concurrent Processes Timeline

Reg-Neg Process Tasks	<u>Estimated Timeline</u>	Who does Reg-Neg task	NEPA Process Tasks	<u>Estimated Timeline</u>	Who does NEPA task
3rd Party Neutral Selection Process <ul style="list-style-type: none"> •Task agreement executed under existing interagency agreement •RFQ •Interviews 	March 2004	<ul style="list-style-type: none"> ▪Task agreement: input from IECR, Park & EQD, signed by EQD Chief ▪RFQ issued by IECR ▪Interviews arranged by IECR, Park participates 	Park initiates internal <i>preliminary</i> data gap analyses: pull together existing info & ID any needed studies before the process starts	April - Sept 2004	Park Staff
Selection of Reg-Neg contractor/neutral	April 2004	Park selects Neutral with input from IECR			

Golden Gate National Recreation Area



“This process is a way for all of us who care about this urban national park to investigate alternatives for visitor use as well as to preserve the resources.”

Brian O’Neill, General Superintendent, GGNRA

Golden Gate National Recreation Area



EXPERIENCE
YOUR
AMERICA

“Who Let the Dogs Off-Leash”

Negotiated Rulemaking for Dog Management at GGNRA



March 2005

GGNRA005762

Golden Gate National Recreation Area



EXPERIENCE
YOUR
AMERICA

Christine Powell

Office of Public Affairs

Golden Gate National Recreation Area

Mike Eng

Project Manager

U.S. Institute for Environmental Conflict
Resolution

Golden Gate National Recreation Area

History of Dog Management



GGNRA005764

Golden Gate National Recreation Area

Statistics



EXPERIENCE
YOUR
AMERICA



- Est. 1972 to protect, preserve resources/ bring “parks to the people”
- 75,000 acres, 59 miles of coastline
- 19 separate ecosystems
- 80 sensitive, rare, threatened or endangered species
- 780 historic buildings in 5 Historic Landmark Districts
- 1.7million sq. ft. of building space
- Surrounded by 6.9 million - and growing! - Bay Area population

Golden Gate National Recreation Area

Existing Uses



EXPERIENCE
YOUR
AMERICA



March 2005

GGNRA005766

Golden Gate National Recreation Area



EXPERIENCE
YOUR
AMERICA



Code of Federal Regulations Title 36, Section 2.15

It is prohibited to “fail to crate, cage or restrain on a leash which shall not exceed six feet in length, or otherwise physically confine a pet at all times.”

March 2005

GGNRA005767

Golden Gate National Recreation Area

Pet Policy Established



- **1972:** Advisory Commission established

- **1979:** Commission recommended off-leash dog walking areas

- **1979 to 2001:** GGNRA implemented voice-control policies



EXPERIENCE
YOUR
AMERICA

Golden Gate National Recreation Area



Bay Area State, Regional, County and City Parks Review Their Dogwalking Regulations



EXPERIENCE
YOUR
AMERICA

Golden Gate National Recreation Area

Increased Knowledge of Resources



EXPERIENCE
YOUR
AMERICA



- 7 distinct watersheds
- 19 separate ecosystems
- 1,273 plant and animal species
- 80 sensitive, rare, threatened or endangered species
- 4th largest number of federally protected species in National Park System

Golden Gate National Recreation Area

Increased Visitation



EXPERIENCE
YOUR
AMERICA



March 2005

GGNRA005771

Golden Gate National Recreation Area

Visitor and Pet Safety



EXPERIENCE
YOUR
AMERICA



March 2005

GGNRA005772

Golden Gate National Recreation Area

Media Coverage of GGNRA Dogwalking



EXPERIENCE
YOUR
AMERICA

Chicago Tribune

Los Angeles Times

The Mercury News

San Francisco Chronicle

The New York Times
ON THE WEB

MARIN INDEPENDENT JOURNAL

March 2005

GGNRA005773

Golden Gate National Recreation Area

Litigation Over Uses of Park Sites



EXPERIENCE
YOUR
AMERICA



March 2005

GGNRA005774

Golden Gate National Recreation Area

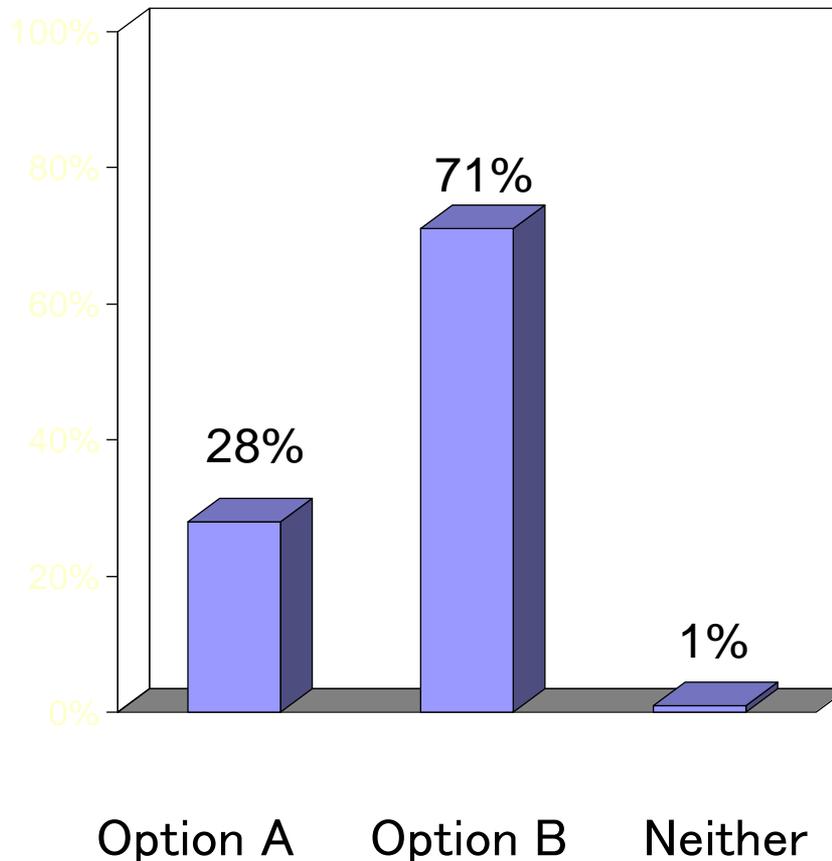
Advanced Notice of Proposed Rulemaking - 2002



EXPERIENCE
YOUR
AMERICA

8,580 comments received

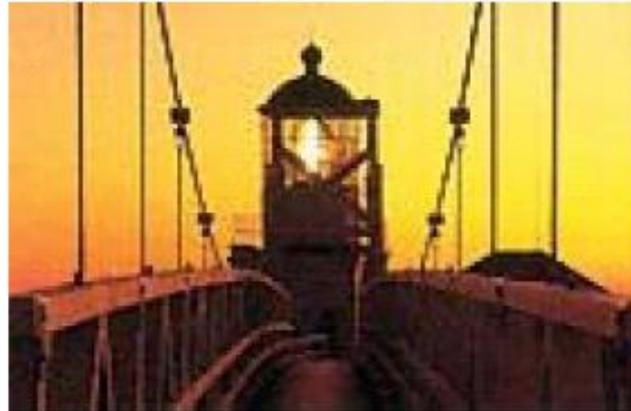
- **Option A:** Enforce existing regulations requiring dogs to be on-leash.
- **Option B:** Allow off-leash dog walking in specific locations.



Golden Gate National Recreation Area



EXPERIENCE
YOUR
AMERICA



Golden Gate National Recreation Area Announced Notice of Proposed Rulemaking

Public Comment Analysis
August 2002

The Social Research Laboratory
Northern Arizona University



Golden Gate National Recreation Area



EXPERIENCE
YOUR
AMERICA



**Public Opinion Research
Telephone Survey
Regarding
Golden Gate National Recreation Area
Pet Management Issues**

**Technical Report
December 2002**

The Social Research Laboratory
Northern Arizona University



Golden Gate National Recreation Area

Comparison of Two Studies by NAU



EXPERIENCE
YOUR
AMERICA

Public Comment Analysis

- conducted with self-selected sample.
- provides depth of understanding within specific areas of inquiry.

Public Opinion Research Phone Survey:

- conducted with a representative sample of the population,
- provides more breadth of understanding

Golden Gate National Recreation Area

Federal Panel Recommendations



EXPERIENCE
YOUR
AMERICA

“...off-leash dog walking in GGNRA may be appropriate in selected locations where resource impacts can be adequately mitigated and public safety incidents and public use conflicts can be appropriately managed.”

“...the park pursue both rulemaking and comprehensive planning for pet management to address suitable locations and proper management strategies”

Golden Gate National Recreation Area



EXPERIENCE
YOUR
AMERICA

DIRECTOR'S ORDER #75A: CIVIC ENGAGEMENT AND PUBLIC INVOLVEMENT

**Effective Date:
November 14, 2003**



March 2005

GGNRA005780

Golden Gate National Recreation Area

The Negotiated Rulemaking Process



EXPERIENCE
YOUR
AMERICA

U.S. Institute for



Environmental Conflict Resolution

Morris K. Udall Foundation

March 2005

GGNRA005781

Golden Gate National Recreation Area

The Negotiated Rulemaking Process



- **The U.S. Institute is part of the Morris K. Udall Foundation**
- **Independent agency of the Executive Branch**
- **Board of Trustees appointed by the President of the United States**
- **Congressional funding, as well as fees paid by public- and private-sector users**
- **Located in Tucson, AZ**



March 2005

U.S. Institute for **Environmental Conflict Resolution**



McGraw-Hill Foundation

Golden Gate National Recreation Area

The Negotiated Rulemaking Process



EXPERIENCE
YOUR
AMERICA

Mission of the U.S. Institute

To serve as an independent, non-partisan institution providing impartial professional expertise and services to assist parties seeking solutions to environmental, natural resource, and public land disputes through mediation and other collaborative, non-adversarial means.

March 2005

Golden Gate National Recreation Area

The Negotiated Rulemaking Process



Unique Status & Capabilities

- ✓ **Federal intra- and interagency conflicts**
- ✓ **Inter-governmental and tribal disputes**
- ✓ **Crucial initial consultation, convening, and process design assistance**
- ✓ **Best professional practices**
- ✓ **Buffer between mediator and funding source**
- ✓ **National Roster of professional practitioners**
- ✓ **Quality control and oversight**



March 2005

U.S. Institute for **Environmental Conflict Resolution**



McGraw-Hill Foundation

Golden Gate National Recreation Area

The Negotiated Rulemaking Process



EXPERIENCE
YOUR
AMERICA

- Consultation with GGNRA began in September 2002
- 50+ hours of consultation before establishing Interagency Agreement
- USIECR meeting with senior park staff
 - *“He’s one of us”*

March 2005

Golden Gate National Recreation Area

The Negotiated Rulemaking Process



EXPERIENCE
YOUR
AMERICA

SELECTING A MEDIATION TEAM

- Recruit pool of qualified professionals
- Identify finalists for in-person interviews
- Stakeholder participation in selection process
- Facilitate interviews and final selection decision
- Contract, project management, quality control, consultation

Center for Collaborative Policy

A Joint Program of California State University, Sacramento and McGeorge School of Law, University of the Pacific



McGeorge School of Law Foundation

Golden Gate National Recreation Area

The Negotiated Rulemaking Process



SITUATION ASSESSMENT

- 45 INDIVIDUAL AND GROUP INTERVIEWS WITH STAKEHOLDERS



Golden Gate National Recreation Area

The Negotiated Rulemaking Process



EXPERIENCE
YOUR
AMERICA

“Most of those likely to participate in a Negotiated Rulemaking process expressed belief that consensus is attainable despite the past if all parties enter the process with a commitment to work constructively.”



Golden Gate National Recreation Area

Negotiated Rulemaking Act



EXPERIENCE
YOUR
AMERICA

TITLE 5 > PART I > CHAPTER 5 >

SUBCHAPTER III—NEGOTIATED RULEMAKING PROCEDURE

- **§ 561**. Purpose
- **§ 562**. Definitions
- **§ 563**. Determination of need for negotiated rulemaking committee
- **§ 564**. Publication of notice; applications for membership on committees
- **§ 565**. Establishment of committee
- **§ 566**. Conduct of committee activity
- **§ 567**. Termination of committee
- **§ 568**. Services, facilities, and payment of committee member expenses
- **§ 569**. Encouraging negotiated rulemaking
- **§ 570**. Judicial review
- **§ 570a**. Authorization of appropriations

Golden Gate National Recreation Area

Concurrent Reg-Neg and NEPA Processes



EXPERIENCE
YOUR
AMERICA

Concurrent Reg-Neg/NEPA Timeline

Reg-Neg Process Tasks	<u>Estimated Timeline</u>	Who does Reg-Neg task	NEPA Process Tasks	<u>Estimated Timeline</u>	Who does NEPA task
3rd Party Neutral Selection Process <ul style="list-style-type: none"> •Task agreement executed under existing interagency agreement •RFQ •Interviews 	March 2004	<ul style="list-style-type: none"> ▪Task agreement: input from IECR, Park & EQD, signed by EQD Chief ▪RFQ issued by IECR ▪Interviews arranged by IECR, Park participates 	Park initiates internal <i>preliminary</i> data gap analyses: pull together existing info & ID any needed studies before the process starts	April - Sept 2004	Park Staff
Selection of Reg-Neg contractor/neutral	April 2004	Park selects Neutral with input from IECR			

March 2005

GGNRA005790

Golden Gate National Recreation Area



“This process is a way for all of us who care about this urban national park to investigate alternatives for visitor use as well as to preserve the resources.”

Brian O’Neill, General Superintendent, GGNRA

BRIEFING STATEMENT

Bureau: National Park Service
Unit(s): Golden Gate National Recreation Area
Date: October 31, 2013
Title: Dog Management Plan Environmental Impact Statement

Current Status:

- The draft Plan/Supplemental EIS (draft plan/SEIS) was released on September 6, 2013 for a 90-day public comment period. Due to the government shutdown and stakeholder requests, the comment period has been extended to January 11, 2014. This is the second draft of a plan first released for comment in 2011.

Background:

- The NPS-wide pet regulation (36 CFR §2.15) requires dogs to be restricted by cage or leash.
- In 1979, responding to public input, GOGA Citizen's Advisory Commission recommended a Pet Policy that recommended specific areas in Marin and San Francisco for off-leash dog walking – a policy the park followed for over 20 years.
- GOGA practices following the Citizen's Advisory Commission's Pet Policy, as well as an increase in the number of dog walkers using the park and changing expectations for use of the park, have resulted in confusion, controversy, and litigation over dog management and voice control dog walking.
- In January 2001, the GOGA Advisory Commission acknowledged publicly that their 1979 "voice control" policy was not in compliance with the NPS pet regulation (36 CFR§ 2.15) and was therefore null and void .
- In January 2002, an Advanced Notice of Proposed Rulemaking (ANPR) for dog management in GOGA was released asking for public comment on whether GOGA should enforce the existing NPS pet regulation requiring dogs on leash and on trail, or identify specific locations/ways to address off leash use within the park. 8,580 comments were received; the majority of comments were in favor of off leash use.
- In 2002, following the release of the ANPR, GOGA began to emphasize education and enforcement of the NPS pet regulation; however, the regulation was routinely ignored by many park visitors. Park staff were overextended attempting to enforce the NPS regulation, ensure visitor (and dog) safety, maintain areas heavily used by dogs, and monitor and prevent resource damage.
- A 2005 decision by the U.S. District Court for the Northern District of California affirmed a dismissal of three citations for violations of the NPS leash regulation. The decision noted that the 1979 dog walking policy had been in effect in the park for many years, and that prior to enforcing the NPS-wide leash regulation the park was required by 36 CFR §1.5(b) to conduct a formal public notice and comment rulemaking process.
- In 2004, GOGA initiated a dog management planning process by establishing a Negotiated Rulemaking Committee pursuant to the Negotiated Rulemaking Act and initiating work on an Environmental Impact Statement pursuant to the National Environmental Policy Act.
- The GOGA Negotiated Rulemaking Committee for dog management met over a period of almost two years ending in October 2007, but were not able to reach consensus on a proposed special regulation for dog management at GOGA. They did reach consensus on certain minor elements for a special regulation.

- These consensus agreements have been incorporated into three-two of the six alternatives in the Dog Management Plan/EIS.
- In January 2011, a 2,400 page Draft Dog Management Plan/EIS (draft plan/DEIS) was released for a 135-day public comment period. The NPS received 4,713 individual correspondences, containing approximately 8000 substantive comments; some were several hundred pages in length. As a result of that input, as well as the December 2011 transfer to GOGA of a new site, Rancho Corral de Tierra, the NPS determined that a supplemental environmental impact statement would be required.
- GOGA, NPS EQD, and other senior NPS staff met in September 2011 to address public comments on the draft plan/DEIS. The majority of the areas addressed in the plan received minor or no changes to the preferred alternative. Major changes occurred in two areas, as well as overall changes described below.

Plan/SEIS Details

- The purpose of the GOGA dog management planning process is to provide a clear, enforceable implementation plan for the manner and extent of dog use in appropriate areas of the park.
- The environmental impact statement developed for the draft dog management plan evaluates the impacts of six alternatives, including the preferred alternative, for dog management in 22 areas of GOGA. Four alternatives would allow voice-control dog walking in some areas of the park.
- The draft plan/SEIS includes the following:
 - An alternative that includes as much of the 1979 Pet Policy as possible while still meeting the plan goals and objectives.
 - Site specific analysis of a range of alternatives for the recently acquired Rancho Corral de Tierra.
 - Additional law enforcement and visitor use information to supplement visitor experience, health and safety impact topics.
 - Response to ADA concerns across all alternatives.
 - Changing the compliance-based management strategy to a monitoring strategy; remove the automatic trigger that would change areas to a more restrictive status upon reaching a threshold.
 - Expanded monitoring to include natural and cultural resources, providing basis for future management actions, although rulemaking would likely be required for any major or controversial future changes to dog walking access.

Schedule:

- Supplemental DEIS released for public comment – September 6, 2013 to January 11, 2014
- Notice of Proposed Rulemaking released for public comment – Fall 2014
- Notice of Availability of FEIS – Summer 2015
- Record of Decision published – Fall 2015
- Publish final special regulation – Winter 2015

Point of Contact:

Frank Dean, General Superintendent, Golden Gate National Recreation Area, 415 561-4720, frank_dean@nps.gov

BRIEFING STATEMENT

Bureau: National Park Service
Unit(s): Golden Gate National Recreation Area
Date: October 31, 2013
Title: Dog Management Plan Environmental Impact Statement

Current Status:

- The draft Plan/Supplemental EIS (draft plan/SEIS) was released on September 6, 2013 for a 90-day public comment period. Due to the government shutdown and stakeholder requests, the comment period has been extended to January 11, 2014. This is the second draft of a plan first released for comment in 2011.

Background:

- The NPS-wide pet regulation (36 CFR §2.15) requires dogs to be restricted by cage or leash.
- In 1979, responding to public input, GOGA Citizen's Advisory Commission recommended a Pet Policy that recommended specific areas in Marin and San Francisco for off-leash dog walking – a policy the park followed for over 20 years.
- GOGA practices following the Citizen's Advisory Commission's Pet Policy, as well as an increase in the number of dog walkers using the park and changing expectations for use of the park, have resulted in confusion, controversy, and litigation over dog management and voice control dog walking.
- In January 2001, the GOGA Advisory Commission acknowledged publicly that their 1979 "voice control" policy was not in compliance with the NPS pet regulation (36 CFR§ 2.15) and was therefore null and void .
- In January 2002, an Advanced Notice of Proposed Rulemaking (ANPR) for dog management in GOGA was released asking for public comment on whether GOGA should enforce the existing NPS pet regulation requiring dogs on leash and on trail, or identify specific locations/ways to address off leash use within the park. 8,580 comments were received; the majority of comments were in favor of off leash use.
- In 2002, following the release of the ANPR, GOGA began to emphasize education and enforcement of the NPS pet regulation; however, the regulation was routinely ignored by many park visitors. Park staff were overextended attempting to enforce the NPS regulation, ensure visitor (and dog) safety, maintain areas heavily used by dogs, and monitor and prevent resource damage.
- A 2005 decision by the U.S. District Court for the Northern District of California affirmed a dismissal of three citations for violations of the NPS leash regulation. The decision noted that the 1979 dog walking policy had been in effect in the park for many years, and that prior to enforcing the NPS-wide leash regulation the park was required by 36 CFR §1.5(b) to conduct a formal public notice and comment rulemaking process.
- In 2004, GOGA initiated a dog management planning process by establishing a Negotiated Rulemaking Committee pursuant to the Negotiated Rulemaking Act and initiating work on an Environmental Impact Statement pursuant to the National Environmental Policy Act.
- The GOGA Negotiated Rulemaking Committee for dog management met over a period of almost two years ending in October 2007, but were not able to reach consensus on a proposed special regulation for dog management at GOGA. They did reach consensus on certain minor elements for a special regulation.

- These consensus agreements have been incorporated into three of the six alternatives in the Dog Management Plan/EIS.
- In January 2011, a 2,400 page Draft Dog Management Plan/EIS (draft plan/DEIS) was released for a 135-day public comment period. The NPS received 4,713 individual correspondences, containing approximately 8000 substantive comments; some were several hundred pages in length. As a result of that input, as well as the December 2011 transfer to GOGA of a new site, Rancho Corral de Tierra, the NPS determined that a supplemental environmental impact statement would be required.
- GOGA, NPS EQD, and other senior NPS staff met in September 2011 to address public comments on the draft plan/DEIS. The majority of the areas addressed in the plan received minor or no changes to the preferred alternative. Major changes occurred in two areas, as well as overall changes described below.

Plan/SEIS Details

- The purpose of the GOGA dog management planning process is to provide a clear, enforceable implementation plan for the manner and extent of dog use in appropriate areas of the park.
- The environmental impact statement developed for the draft dog management plan evaluates the impacts of six alternatives, including the preferred alternative, for dog management in 22 areas of GOGA. Four alternatives would allow voice-control dog walking in some areas of the park.
- The draft plan/SEIS includes the following:
 - An alternative that includes as much of the 1979 Pet Policy as possible while still meeting the plan goals and objectives.
 - Site specific analysis of a range of alternatives for the recently acquired Rancho Corral de Tierra.
 - Additional law enforcement and visitor use information to supplement visitor experience, health and safety impact topics.
 - Response to ADA concerns across all alternatives.
 - Changing the compliance-based management strategy to a monitoring strategy; remove the automatic trigger that would change areas to a more restrictive status upon reaching a threshold.
 - Expanded monitoring to include natural and cultural resources, providing basis for future management actions, although rulemaking would likely be required for any major or controversial future changes to dog walking access.

Schedule:

- Supplemental DEIS released for public comment – September 6, 2013 to January 11, 2014
- Notice of Proposed Rulemaking released for public comment – Fall 2014
- Notice of Availability of FEIS – Summer 2015
- Record of Decision published – Fall 2015
- Publish final special regulation – Winter 2015

Point of Contact:

Frank Dean, General Superintendent, Golden Gate National Recreation Area, 415 561-4720, frank_dean@nps.gov

BRIEFING STATEMENT

Bureau: National Park Service
Unit(s): Golden Gate National Recreation Area
Date: October 31, 2013
Title: Dog Management Plan Environmental Impact Statement

Background:

- The purpose of the GOGA dog management planning process is to provide a clear, enforceable implementation plan for the manner and extent of dog use in appropriate areas of the park.
- The environmental impact statement developed for the draft dog management plan evaluates the impacts of six alternatives, including the preferred alternative, for dog management in 22 areas of GOGA. Four alternatives would allow voice-control dog walking in some areas of the park.
- In January 2011, a 2,400 page Draft Dog Management Plan/EIS (draft plan/DEIS) was released for a 135-day public comment period. The NPS received 4,713 individual correspondences, containing approximately 8000 substantive comments; some were several hundred pages in length. As a result of that input, and the December 2011 transfer to GOGA of a new site, Rancho Corral de Tierra, the NPS determined that a supplemental environmental impact statement would be required.
- GOGA, NPS EQD, and other senior NPS staff met in September 2011 to address public comments on the draft plan/DEIS. The majority of the areas addressed in the plan received minor or no changes to the preferred alternative. Major changes occurred in two areas, as well as overall changes described below.

Current Status:

- The draft Plan/Supplemental EIS (draft plan/SEIS) was released on September 6, 2013 for a 90 day public comment period. Due to the government shutdown and stakeholder requests, the comment period has been extended 5 weeks to January 11, 2014.
- The draft plan/SEIS includes the following:
 - An alternative that includes as much of the 1979 Pet Policy as possible while still meeting the plan goals and objectives.
 - Site specific analysis of a range of alternatives for the recently acquired Rancho Corral de Tierra.
 - Additional law enforcement and visitor use information to supplement visitor experience, health and safety impact topics.
 - Response to ADA concerns across all alternatives.
 - Changing the compliance-based management strategy to a monitoring strategy; remove the automatic trigger that would change areas to a more restrictive status upon reaching a threshold.
 - Expanded monitoring to include natural and cultural resources, providing basis for future management actions, although rulemaking would likely be required for any major or controversial future changes to dog walking access.

Schedule:

- Supplemental DEIS released for public comment – September 6, 2013 to January 11, 2014
- Notice of Proposed Rulemaking released for public comment – Fall 2014
- Notice of Availability of FEIS – Summer 2015
- Record of Decision published – Fall 2015
- Publish final special regulation – Winter 2015

Point of Contact:

Shirwin Smith, Management Assistant, 415-561-4947, Shirwin_Smith@nps.gov

BRIEFING STATEMENT

Bureau: National Park Service
Unit(s): Golden Gate National Recreation Area
Date: December 16, 2011
Title: Dog Management Plan/EIS

Background:

- The purpose of the Dog Management Plan/DEIS is to provide a clear, enforceable implementation plan for the manner and extent of dog use in appropriate areas of the park.
- The Plan/DEIS evaluates the impacts of six alternatives, including the preferred alternative, for dog management in 22 areas of GOGA. Four alternatives would allow voice-control dog walking in some areas of the park.
- The 2400 page draft Plan/DEIS was released for a 135 day public comment period ending on May 30, 2011. 4,713 individual correspondences were received, with approximately 8000 substantive comments (requiring a response) and 5600 non-substantive comments. Some comments were several hundred pages in length.
- GGNRA, EQD, and other NPS staff met in September 2011 to address public comments on the alternatives. The majority of the areas addressed in the plan received minor or no changes to the preferred alternative. Major changes occurred in two areas, as well as overall changes described below.

Current Status:

- A supplemental DEIS will be required to address the significant and/or substantial changes, possibly including the following:
 - Create an alternative that would include the geographical extent of the 1979 Pet Policy, but which would assume compliance, education and enforcement components.
 - Replace the programmatic alternative element “New Lands”, with site specific analysis of a range of alternatives for the recently acquired Rancho Corral de Tierra.
 - Supplement visitor experience, health and safety impact topics with additional law enforcement and visitor use information.
 - Respond to ADA concerns across all alternatives.
 - Change compliance-based management strategy to a monitoring strategy; areas would not automatically change to a more restrictive status upon reaching a threshold.
 - Expand monitoring to include natural and cultural resources, providing basis for future management actions, although rulemaking would likely be required for any major or controversial future changes to dog walking access.

Schedule:

- Supplemental DEIS released for public comment - August 2012
- Notice of Proposed Rulemaking released for public comment, August 2013
- Notice of Availability of FEIS – August 2013
- Record of Decision published – November 2014
- Publish final special regulation – December 2014

Point of Contact:

Shirwin Smith, Management Assistant, 415-561-4947, Shirwin_Smith@nps.gov

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January 30, 2004

REQUEST FOR QUOTATIONS

Project Title: “Golden Gate National Recreation Area Dog Management Negotiated Rulemaking Assessment”

Project Location: San Francisco, CA

Project Summary: The U.S. Institute for Environmental Conflict Resolution (“the Institute”) is soliciting expressions of interest, assurances of availability, statements of qualifications, and cost quotations from highly skilled practitioners to provide neutral assessment, process design, facilitation, mediation, and system design professional services in connection with a proposed ~~Negotiated Rulemaking Regulatory Negotiation~~ process at Golden Gate National Recreation Area (GGNRA) to develop recommendations for a ~~proposed-alternative regulation for~~ dog management ~~at GGNRA plan~~. The initially funded phase of the project will focus on conducting a situation assessment and possible preliminary process design. If it is determined that conditions are favorable for moving forward with a collaborative process, a multi-stakeholder negotiated rulemaking committee would be established and convened in accordance with the provisions of the Negotiated Rulemaking Act and the Federal Advisory Committee Act (FACA). Furthermore, the facilitated ~~negotiated rulemaking regulatory negotiation~~ process would be integrated with the park’s impact assessment and formal decision-making process under ~~Director's Order 12, the policy and procedures by which the National Park Service carries out its responsibilities under~~ the National Environmental Policy Act (NEPA). The purpose of the negotiated rulemaking process is to develop broad stakeholder support for a viable ~~preferred-alternative regulation solution to the for~~ dog management ~~issues~~ in the park that satisfactorily addresses the key concerns of the community, while also adequately protecting the park’s cultural and natural resources from adverse impacts.

PROJECT BACKGROUND

Federal regulations [36 CFR 2.15(a)(2)] requires that all pets, where allowed in national park sites, are to be crated, caged or restrained at all times. However, many dogwalkers in GGNRA do not comply with the regulations and walk with dogs off-leash. In 1979 the GGNRA Advisory Commission recommended a pet policy to park management establishing locations and criteria for “voice control” (meaning off leash) areas for dogs; a policy contrary to the current federal regulations. The GGNRA Advisory Commission acknowledged publicly that the 1979 “voice control” policy was null and void on January 23, 2001.

Several recent events underscore the need for revising dog management in GGNRA, including increased visitation to the park, dramatic increases in dog ownership in the San Francisco Bay ~~A~~area, litigation concerning the Fort Funston area of GGNRA, public concern about visitor and pet safety, management issues involving wildlife and vegetation protection, and the GGNRA Advisory Commission’s review of dog-walking issues.

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In January 2002, GGNRA published an Advanced Notice of Proposed Rulemaking (ANPR) in the Federal Register seeking public response to options presented for ~~dogwalking-pet~~ management in GGNRA – 8580 comments were received. In August and September 2002, a panel of senior NPS officials was convened to review the extensive public comment, other technical information – including a telephone survey and a compilation of ANPR comments completed by Northern Arizona University – as well as pertinent NPS directives, policies and regulations. The panel recommended that off-leash use in GGNRA may be appropriate in selected locations where park resources will not be impaired if the standards for appropriate use (as defined by NPS policies and regulations) can be met and if public safety incidents and public use conflicts can be appropriately managed. The panel further recommended that the park pursue both rulemaking and comprehensive planning for pet management to address suitable locations and proper management strategies. The GGNRA Superintendent concurred with the recommendations and forwarded them to the NPS Director, also suggesting that the process of negotiated rulemaking would give the greatest chance of achieving a successful resolution to this management issue.

The NPS Director agreed with the recommendation and directed the park to move forward with a negotiated rulemaking process. That decision was announced to the public at a press conference on October 21, 2003.

Due to ~~the U.S. Institutes's its~~ role as an independent federal agency established to impartially provide environmental conflict resolution services, GGNRA has sought the assistance of the ~~U.S.~~ Institute to neutrally assess the feasibility of successful multi-stakeholder collaboration and to potentially design, convene, and facilitate a negotiated rulemaking process.

INDIVIDUAL OR TEAM PROPOSALS ACCEPTED

Proposals may be submitted by individual practitioners or by a team of practitioners. If a team proposal is submitted, a team leader must be designated. The team leader would be expected to contribute the most hours of professional services on the team.

PROPOSED SCOPE OF WORK

The contract with the selected third-party neutral(s) will initially authorize funding to complete the proposed Phase I tasks. Authorization to proceed with subsequent phases will be contingent on the outcome of the assessment process, availability of funding, satisfactory performance of the third-party neutral(s), and concurrence of all the participating stakeholders.

The Institute will provide project management, oversight, and consultation to the third-party neutral(s) contracted by the Institute to perform the following services:

PHASE I – Situation Assessment and Preliminary Process Design

Task #1. Organizational Meeting and Review of Background Information

The selected third-party neutral(s) will participate in an initial organizational meeting with GGNRA staff and the Institute's project manager to establish mutual expectations regarding their

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respective roles and responsibilities and to clarify the legal, policy, and procedural parameters for the process. The third-party neutral(s) will review relevant background information regarding the dog management controversy.

Task #2. Interview Protocol and Letter of Introduction

The third-party neutral(s) will develop an interview protocol and letter of introduction to assessment participants.

Task #3. Identify and Contact Individuals to be Interviewed

The third-party neutral(s) will work closely with NPS to identify key parties who are likely to have a strong interest in participating in the negotiated rulemaking process, including those who play key roles relevant to the controversy and those with important information or expertise needed to inform the discussion. Since parties may initially be identified as individuals, organizations, government agencies, or by potential roles, the neutral team may need to consult with groups and individuals to identify the most appropriate individuals to contact for the assessment process.

Task #4. Schedule and Conduct Confidential Interviews

The third-party neutral(s) will schedule and conduct up to 30 confidential individual and/or group interviews with the identified stakeholder representatives, as well as GGNRA staff. The interviews will be used to gain an understanding of the most important issues, concerns, and constraints of NPS and of the different stakeholder interest groups with respect to dog management. In addition, the interviews will seek to identify possible common interests that could potentially serve as a foundation for crafting broadly supported solutions. The interviews will also explore the feasibility of convening a productive negotiated rulemaking process and the appropriateness of different design options.

Task #5. Confer with Community Dispute Resolution Organizations

The third-party neutral(s) will identify and confer with community dispute resolution organizations in the San Francisco Bay Area regarding their interest and capacity to partner with the Institute's team on this project in providing dispute resolution services. Of particular interest would be the possibility of developing a cadre of community-based mediators during the process as an integral part of a dispute systems design, who could then be available to assist in resolving community conflicts that may arise during the implementation of the agreed upon solution that hopefully will emerge from the negotiated rulemaking effort.

Task #6. Prepare Assessment Report

The third-party neutral(s) will participate in a meeting with GGNRA staff to review and discuss the findings and preliminary analysis ~~offer~~ the assessment interviews and meetings with local community dispute resolution organizations. The third-party neutral will then prepare an initial draft Assessment Report that 1) summarizes the scope of relevant issues and concerns identified; 2) clarifies and neutrally describes the range of perspectives on these issues; 3) identifies areas of potential agreement and shared interests; 4) evaluates the feasibility of a productive negotiated rulemaking process, including a recommendation regarding whether or not to proceed and an assessment of conditions for success; and 5) if appropriate, proposes design options for moving ahead with an effort, possibly involving assistance from local community dispute resolution

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organizations. Following consultation with the Institute and GGNRA, the draft Assessment Report will be distributed to interviewees for their review and comment. The third-party neutral(s) will revise the draft Assessment Report as appropriate based on feedback from interviewees and in consultation with the Institute and GGNRA. The final Assessment Report will be the independent work product of the third-party neutral(s), who will bear full responsibility for its content. The final Assessment Report will be sent to all of those interviewed and will be provided to NPS and the Institute for posting on their websites.

Task #7. Meeting to Consider Outcomes of Assessment Process and Determine Next Steps

The third-party neutral(s) will meet with staff from GGNRA and the Institute to consider the outcomes of the assessment process and their implications for moving forward with a negotiated rulemaking process. Should the determination be in favor of proceeding, the form and process for doing so will be determined, drawing on proposed design options in the Assessment Report and considering the requirements of the Federal Advisory Committee Act (FACA).

NOTE: The Institute and GGNRA will solicit feedback from participants in the assessment process and jointly evaluate the performance of the third-party neutral(s) at the conclusion of Phase I. Authorization to proceed with work on subsequent phases will be contingent on the outcome of the assessment process, availability of funding, satisfactory performance of the third-party neutral(s), and concurrence of the participating stakeholders.

PHASE II– Refine Process Design and Convening of Negotiated Rulemaking (to be determined)

Task #8. Refine Process Design

If the determination is made to proceed, the third-party neutral(s) will refine the proposed process design so that it accurately reflects and addresses the questions, concerns and decisions that emerged in the meeting described in Task 7. The draft process design will be further informed through consultation with stakeholders who participated in the assessment process. The refined process design will be provided to the Institute and NPS for review and concurrence. It is anticipated that the refined draft process design will be presented to the process participants during an organizational session in advance of or at the first official meeting of the negotiated rulemaking ~~committee process~~ and that it will be further improved based on their feedback.

Task #9. Develop Work Plan

Based on the refined process design, the third-party neutral(s) will coordinate with the Institute to develop a Work Plan and Budget for its implementation. The Work Plan will address the need for any additional facilitation assistance or increased level of effort that emerges as a result of revisions to the process design, including any special requirements dictated by FACA. The Work Plan will also take into account any critical budget constraints and/or target completion dates as identified by NPS. Based on the adopted Work Plan, the Institute will make any necessary modifications to the existing contract with the third-party neutral(s).

Task #10. Contact Potential Negotiated Rulemaking Participants

Drawing on the results of the assessment process, if establishment of a FACA committee is pursued, the third-party neutral(s) will work with NPS to identify a list of potential participants

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for ~~the negotiated rulemaking committee the dialogue~~. The third-party neutral(s) will assist NPS in contacting these individuals and securing their commitment to engage fully and constructively in the proposed negotiated rulemaking process prior to NPS issuing a Federal Register notice of intent to establish a negotiated rulemaking committee. The result of this process will be a list of participants who have pre-accepted. Additional nominations of committee members will also be solicited. The Secretary of the Interior makes the final decision ~~on about committee member~~ appointments for a committee organized under FACA. If a non-FACA approach is pursued, the third-party neutral(s) would select a group of stakeholder representatives, in consultation with NPS, who collectively could provide a balance of perspectives on the issues.

PHASE III – Planning, Coordination, Facilitation, and Documentation of Negotiated Rulemaking Meetings (to be determined)

Task #11. Plan, Chair, and Facilitate Negotiated Rulemaking Plenary Sessions, Subcommittee Meetings, and Conference Calls

In consultation with NPS staff, the third-party neutral(s) will plan, prepare, chair, and facilitate all plenary sessions, sub-committee meetings and conference calls associated with the negotiated rulemaking process for which neutral assistance is required. It is anticipated that all sub-committees would be provided facilitation support. For the purposes of this initial Scope of Work and Estimated Budget, it is assumed that five (5) half-day planning meetings, five (5) two-day plenary sessions, twelve (12) one-day subcommittee meetings, and twenty (20) two-hour conference calls will take place.

Task #12. Prepare Meeting Summaries

The third-party neutral(s) will prepare draft and final summaries of all plenary sessions, sub-committee meetings, and conference calls and distribute to all committee members in a timely manner (Mike – that added just because it seemed to be a delay before minutes of FIIS meetings appeared on their web site. Don't know if that was due to delayed distribution or delayed upload to web site. But wanted to mention it. Remove if you don't feel it needed).

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Task #13. Conduct Follow-Up of Meetings

The third-party neutral(s) will conduct follow-up of meetings, as needed, such as: exploring tentative or apparent agreements, drafting proposals, seeking clarification of issues or perspectives, addressing any apparent anxiety or frustration on the part of any participants, and being available to respond to concerns or questions from participants. This task could also include formal or informal debrief discussions with NPS, the Institute, and with participants. Typical planning and preparation activities for subsequent meetings or calls are covered under Task 11.

Task #14. Mediation of Selected Issues

At the request of NPS and the process participants, the third-party neutral(s) may be asked to provide mediation assistance to help resolve specific targeted issues by meeting individually and/or with a subset of the process participants. Mediations would likely take place in accordance with the provisions of the Alternative Dispute Resolution Act. Any proposed solutions developed through mediation would be brought back to the full negotiated rulemaking committee for consideration and endorsement.

Task #15. Draft Proposals and Facilitate Interim Agreements

As the negotiated rulemaking process unfolds, the third-party neutral(s) will be available to draft proposals for the committee's consideration and facilitate interim agreements to be later incorporated into a comprehensive consensus agreement on a proposed rule.

Task #16. Facilitate or Mediate Agreement on Final Recommendations

By the established deadline for conclusion of the regulatory negotiation process, the third-party neutral(s) will assist the committee in reaching agreement on a proposed rule that attempts to integrate all the areas of provisional agreement reached during the negotiation process. If necessary, any remaining areas of disagreement will also be acknowledged and explained. The third-party neutral(s) will facilitate or mediate, as required, a final round of negotiations aimed at reaching the highest level of mutual agreement on a set of recommendations for a proposed rule that could be supported by all the members of the negotiated rulemaking committee.

PHASE IV – Final Committee Report (to be determined)

Task #17. Prepare Draft and Final Report of Negotiated Rulemaking Committee

The third-party neutral(s) will prepare a draft report comprehensively describing the work of the negotiated rulemaking committee and documenting their recommendations for a proposed rule to GGNRA. The draft report will be distributed to all participants for their comments, corrections, and suggested changes. The third-party neutral(s) will incorporate participants' comments into a second revised draft version with the goal of crafting a report that all participants would be willing to endorse. If the committee is unable to reach agreement on their recommendations for a proposed rule to include in the final report, the contracted team of third party neutrals may be asked to prepare a report on behalf of the participants that merely documents the process and identifies areas of agreement and disagreement. The final report of the negotiated rulemaking committee will be made publicly available through the GGNRA website. If the committee reaches agreement on its recommendations, GGNRA ~~will~~ to the maximum extent possible

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consistent with its legal obligations, will use the consensus of the committee as the basis for a proposed rule incorporate them into a proposed rule, which will then be published for public comment in accordance with Administrative Procedure Act requirements.

ESTIMATED HOURS AND BILLABLE EXPENSES

It is anticipated that approximately 350 hours of professional services will be required to complete the initial Phase I of the proposed Scope of Work. It is anticipated that a total of approximately 1600 hours of professional services will be required to complete the entire project. Billable expenses can include professional labor, administrative support, project-related direct costs, and travel expenses. Travel will be compensated at actual costs up to a negotiated not-to-exceed amount.

DESIRED QUALIFICATIONS

The successful third-party neutral (or team of third-party neutrals) should collectively have substantial experience and significant expertise in successfully assessing, designing, facilitating, mediating, and documenting complex multi-stakeholder conflict resolution and collaborative environmental problem-solving efforts that have included a range of participants, including federal agency staff, scientists, technical consultants, stakeholders, elected officials, and community members. The selected third-party neutral, or neutral team leader, should have senior level experience at least equivalent to the minimum entry criteria required for the U.S. Institute's National Roster of Environmental Dispute Resolution and Consensus Building Professionals. If the successful candidate is not currently on the Institute's roster, they will be expected to apply within 90 days after award of the contract. Information about the Institute's Roster of Environmental Conflict Resolution Practitioners can be found at <http://www.ecr.gov/roster.htm>.

SELECTION CRITERIA

- 1) Demonstrated experience and expertise working as a third-party neutral in crafting joint solutions to extremely contentious and controversial public lands and natural resource management issues.
- 2) Demonstrated experience and expertise in designing and conducting neutral situation assessments.
- 3) Demonstrated writing skills in communicating neutral assessments of controversial situations.
- 4) Demonstrated experience or familiarity in designing and facilitating agreement seeking processes in accordance with the provisions of the Administrative Dispute Resolution Act, the Negotiated Rulemaking Act, the Federal Advisory Committee Act, and the National Environmental Policy Act.
- 5) Demonstrated experience working as a third-party neutral in resolving urban community issues.

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- 6) Demonstrated experience in dispute systems designs.
- 7) Willingness to collaborate with community-based dispute resolution organizations, staff, and volunteers in providing neutral services for this project.
- 8) Availability to devote nearly full time attention to complete Phase I of the Scope of Work upon award of the contract. Willingness to make this project your priority time commitment during its duration.
- 9) Total cost of completing the proposed Scope of Work and hours of professional service to be provided by each member of the third-party neutral team.
- 10) Geographic proximity and travel time from base of operations to Fort Mason, San Francisco.
- 11) Member of the U.S. Institute's National Roster of Environmental Conflict Resolution and Consensus Building Professionals or equivalent experience.

12) *Not formally affiliated with any stakeholder groups in this issue.* (Mike – this is from the internal list of criteria we developed here – would this be assumed or is it something that you would include?)

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PROJECT SCHEDULE

Phase I of the project will begin as soon as possible upon selection of the third-party neutral(s). For the purposes of this RFQ, it is expected that Phase I will extend from April to July 2004. The term of the entire project should assumed to be from April 2004 – September 2005.

The following schedule of project milestones is anticipated:

Issue RFQ – Friday, January 30, 2004

Deadline for RFQ Submissions – 5:00pm (PST) on Thursday, February 19, 2004

Final Set of Candidates Notified – Friday, February 27, 2004

In-Person Interviews with Final Candidates – March 9-12, 2004 at GGNRA, San Francisco

Selection of Third-Party Neutral(s) by GGNRA – Friday, March 19, 2004

Establish Contract with U.S. Institute – Friday, April 2, 2004

Organizational Meeting with Institute and GGNRA – early April 2004

Conduct Situation Assessment – April thru June 2004

Issue Situation Assessment Report – July 2004

Refine Process Design/Develop Work Plan – July & August 2004

Select Members of Negotiated Rulemaking Committee – August 2004

Conduct Negotiated Rulemaking Process – March 2005 thru August 2005

Distribute Draft Negotiated Rulemaking Report – June 2005

Release Final Negotiated Rulemaking Report – September 2005

CONTRACT

The successful candidates will perform the requested services under contract to and with oversight by the U.S. Institute. A Scope of Work, budget, and cost reimbursement terms will be negotiated after selection of the contractor. The initial contract, with a not-to-be-exceeded maximum dollar amount, will authorize funds to complete Phase I tasks only. Authorization to proceed with subsequent phases will be contingent on the outcome of the assessment process, availability of funding, satisfactory performance of the third-party neutral(s), and concurrence of the participating stakeholders.

NOTE: A required condition of all U.S. Institute contracts with neutrals is cooperation in completing a questionnaire designed to help evaluate projects at their conclusion.

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SUBMISSION OF PROPOSALS

NOTE: Proposals that fail to address each item listed below will be competitively disadvantaged.

Interested candidates should include the following information in their submissions:

1. Designated team lead and proposed division of effort and responsibilities.
2. Statement of qualifications (a combined statement if submitting a team proposal) addressing each specific selection criterion.
3. A listing and brief description of projects previously conducted relevant to the requirements for this project, along with contact information for project references.
4. Brief description of anticipated approach to accomplishing the proposed Scope of Work. The description should include any important strategic considerations, as well as an explanation of the advantages of the proposed approach.
5. Hourly rates to be charged by each team member, estimated hours required to complete each task, distribution of hours among team members to complete each task, and total estimated budget by task to complete the proposed Scope of Work. Also, please identify separately your estimated billable hours for project-related travel by task. Estimated travel costs for the entire team should be included. All meetings will take place in San Francisco.
6. Statement describing your billing policy regarding projected-related travel time.
7. Statement of availability of each team member to work on this project between April 2004 and September 2005, specified in hours per month. Please indicate any specific dates that team members are not available.
8. A description of any constraints, limitations, or potential perceived conflicts of interests that may be relevant to this project.
9. A less than five-page writing sample of a situation assessment.
10. A less than three-page sample of a meeting summary.

NOTE: Total submission package (excluding the writing samples) should total no more than 20 pages. Submissions longer than 20 pages will be competitively disadvantaged.

NOTE: The confidentiality of the information provided in the submission will be protected to the extent possible and as required by law.

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PROCESS FOR SELECTING CONTRACTORS

The U.S. Institute and GGNRA will evaluate written submissions according to the specific selection criteria identified above. (Mike – the Institute does a first cut, though, yes?) The Institute and GGNRA will jointly identify a final set of candidates or candidate teams. The Institute will extend invitations to the final candidates and facilitate in-person interviews with GGNRA staff. Interviews are expected to take place March 9-12th in San Francisco. Representatives of stakeholder interests will also be invited to observe the interviews or listen in by conference call. Observers will be provided a limited opportunity to ask questions and their assessment of the candidates will be solicited following completion of the interviews. GGNRA will make the final decision in selecting the third-party neutral(s) for Phase I of the project. The Institute will then contract for services with the selected third-party neutral(s).

NOTE: Authorization to continue work on subsequent phases of the project beyond Phase I will be contingent on the outcome of the assessment process, availability of funding, satisfactory performance of the third-party neutral(s), and concurrence of the participating stakeholders.

DEADLINE FOR SUBMISSION

In order to be considered, submissions must be received before 5:00 PM (PST) on Thursday, February 19, 2004.

SUBMISSION OF QUOTATIONS

Please submit information to:

Michael Eng, Senior Program Manager
U.S. Institute for Environmental Conflict Resolution
130 South Scott Avenue
Tucson, AZ 85701
(520) 670-5299
Fax: (520) 670-5530
eng@ecr.gov

Electronic submissions via email are highly preferred. However, submittals by mail or courier are permissible.

NOTE: Please include the following exact wording in the subject heading of your email message: **“Golden Gate National Recreation Area Dog Management Negotiated Rulemaking Assessment”**

Information about the USIECR can be found at it web site: www.ecr.gov Mike, do you want to add that info about the reg-neg is at the GGNRA web site?
www.nps.gov/goga/pets/regneg

**“Golden Gate National Recreation Area Dog Management Negotiated Rulemaking Assessment”
RFQ Evaluation Table**

- Notes, comments, and/or questions from review of proposal.
- Score the candidates on each criterion from 1(low) to 5(high)
- Rank the candidates (1st – 3rd) on each criterion.

SELECTION CRITERIA	J. Michael Harty & CDR	Greg Bourne & CCP	Eric Poncelet & CONCUR
1. Experience as a third-party neutral for highly contentious and controversial public lands and natural resource management issues.			
	Score ___ Rank ___	Score ___ Rank ___	Score ___ Rank ___
2. Experience conducting and communicating neutral situation assessments.			
	Score ___ Rank ___	Score ___ Rank ___	Score ___ Rank ___

SELECTION CRITERIA	J. Michael Harty & CDR	Greg Bourne & CCP	Eric Poncelet & CONCUR
3. Writing skills in communicating neutral assessments of controversial situations.			
	Score ___ Rank ___	Score ___ Rank ___	Score ___ Rank ___
4. Experience or familiarity in with ADRA, Reg-Neg, FACA, NEPA.			
	Score ___ Rank ___	Score ___ Rank ___	Score ___ Rank ___

SELECTION CRITERIA	J. Michael Harty & CDR	Greg Bourne & CCP	Eric Poncelet & CONCUR
5. Experience in resolving urban community issues.			
	Score ____ Rank ____	Score ____ Rank ____	Score ____ Rank ____
6. Willingness to collaborate with community-based dispute resolution organizations.			
	Score ____ Rank ____	Score ____ Rank ____	Score ____ Rank ____

SELECTION CRITERIA	J. Michael Harty & CDR	Greg Bourne & CCP	Eric Poncelet & CONCUR
7. Availability for full time attention to complete Phase I after award of the contract and willingness to make project priority time commitment.			
	Score ___ Rank ___	Score ___ Rank ___	Score ___ Rank ___
8. (Value) Total cost and hours of professional service by each team member.			
	Score ___ Rank ___	Score ___ Rank ___	Score ___ Rank ___
9. Geographic proximity and travel time to Fort Mason, San Francisco.			
	Score ___ Rank ___	Score ___ Rank ___	Score ___ Rank ___

SELECTION CRITERIA	J. Michael Harty & CDR	Greg Bourne & CCP	Eric Poncelet & CONCUR
10. Roster member or equivalent experience.			
	Score ___ Rank ___	Score ___ Rank ___	Score ___ Rank ___
11. Overall quality of proposal and complete information per RFQ instructions.			
	Score ___ Rank ___	Score ___ Rank ___	Score ___ Rank ___
ADDITIONAL NOTES			
TOTAL SCORE			
OVERALL RANK			

**REVISED DRAFT ESTIMATED TIMELINE
GOLDEN GATE NATIONAL RECREATION AREA
NEGOTIATED RULEMAKING/NEPA PROCESSES
June 29, 2006**

Negotiated Rulemaking (NR) Advisory Committee Process	NEPA Process
<p><u>February 17, 2006</u> Notice of Establishment for Committee and Notice of Committee Meeting published in Federal Register; Members appointed</p>	<p><u>February 22, 2006</u> EIS Notice of Intent published in Federal Register; Starts 60 day scoping (ends April 2006). Contractor begins analyses of no action alternative (existing management continued)</p>
<p><u>March 6, 2006</u> NR Committee Meeting #1: Introductions of DFO/Committee, Facilitator Evaluation, Protocols, Applicable Statutes/Regulations, NEPA Process/Schedule, NPS Sideboards, Public comment.</p>	<p><u>March 2006</u> Information collection by NEPA Interdisciplinary Team (IDT)</p>
<p><u>April 4 and 5, 2006</u> Attend NEPA Public Scoping workshops. Provide comments to NPS-NEP A public scoping (comment period ends 4/24).</p>	<p><u>April 4 and 5, 2006</u> Public scoping workshops</p>
<p><u>April 18, 2006</u> NR Committee Meeting #2: Information Updates [Accelerated Resource Protection Rulemaking], Revise Draft Protocols, , Committee Schedule/Logistics, Public comment.</p>	<p><u>April:</u> Content Analysis of Public Scoping Comments Development of No Action Alternative; impact thresholds; drafting of Affected Environment</p>
<p><u>May 15, 2006</u> NR Committee Meeting #3: Final Protocol revisions approval, NPS Parameters (Sideboards) and NEPA EIS No Action Alternative, Draft Collaborative Approach to Decision Making, Information Needs (including creation of a Technical Subcommittee and initial charge), Public comment.</p>	<p><u>May:</u> Content Analysis of Public Scoping Comments Development of No Action Alternative; impact thresholds; drafting of Affected Environment Preliminary data collection in response to Committee Meeting #3 information needs.</p>

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**REVISED DRAFT ESTIMATED TIMELINE
GOLDEN GATE NATIONAL RECREATION AREA
NEGOTIATED RULEMAKING/NEPA PROCESSES
June 29,2006**

<p>July 18: Technical Subcommittee Meeting #1: Identify essential data, review available data/data by geographic areas and identify data gaps, develop recommendation for Committee, Next steps to prepare for Committee mtg.</p> <p>(Possible Committee field trip/s or individual visits to dog walking locations with GGNRA)</p>	<p>June-July:</p> <p>Data collection continues; IDT review of No Action Alternative; preliminary draft Affected Environment; draft impact thresholds.</p> <p>Presentation to Technical Subcommittee re data.</p> <p>Public Scoping Content Analysis complete.</p>
<p>July 31:</p> <p>NR Committee Meeting #4: Review data needs recommendation from Technical Subcommittee Meeting #1 and decide next steps, Review initial Key Interests and Issues Table, Review Public Scoping Content Analysis, NEPA IDT Data Needs/Questions for Committee Members; Public Comment.</p> <p>Options: USFWS presentation on T/E species consultation process.</p> <p>NEPA IDT Preliminary Draft Criteria.</p>	<p>End of July</p> <p>NEPA IDT comments on No Action Alternative, impact thresholds, and draft Affected Environment consolidated and to NEPA contractor.</p> <p>NEPA IDT: Preliminary Draft Criteria. (Proposed meeting or conference call)</p>

Comment [ses1]: How long a meeting? How big a group? Is it reasonable to have recommendations ready for June 22 mtg? Need to set up asap to ensure required GOGA staff avail. (assume you'd want NR staff?)

Comment [ses2]: Have FACA concerns been worked out?

Comment [ses3]: Who produces?

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GOLDEN GATE NATIONAL RECREATION AREA
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June 29,2006**

<p><u>August (?)</u></p> <p>Technical Subcommittee Meeting #2: Further discussion of data needs next steps based on NR Committee Mtg#4. Include assessment of NEPA database for the various locations discussed during Committee #4.</p> <p>Option: Caucuses refine Key Interests and Issues Table.</p> <p>Option: Develop initial options for GGNRA-wide issues such as criteria for voice control, commercial dogwalking.</p>	<p><u>August 1, 2006:</u> NEPA Agency Scoping.</p> <p>Final No Action Alternative and Affected Environment prepared by NEPA contractor.</p> <p>Impact Thresholds revised. Analysis of No Action Alternative begins.</p> <p>Attributes (based upon NEPA data base) of each site reviewed by NEPA IDT and preliminary alternatives developed using systematic approach. (Proposed meeting in August)</p> <p>(Note: Attributes and NR committee’s “criteria” should be shared information)</p>
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GOLDEN GATE NATIONAL RECREATION AREA
NEGOTIATED RULEMAKING/NEPA PROCESSES
June 29,2006**

<p><u>September 21, 2006</u></p> <p>NR Committee Meeting #5: Discuss outcomes of Technical Subcommittee Meeting #2; Review revisions to Key Interests and Issues Table; Review initial options for individual sites and jointly evaluate; review initial options for GGNRA-wide issues and jointly evaluate; Agree on next steps.</p> <p>Option: NEPA IDT could present its approach to developing preliminary alternatives and those alternatives to the NR committee. In other ADR/NEPA processes, the NEPA IDT has presented preliminary alternatives as a starting point for NR deliberations.</p> <p>Caucus efforts: TBD</p>	<p><u>September 2006</u></p> <p>NEPA IDT Revises Preliminary Alternatives. (Proposed meeting in September)</p> <p><u>End of September:</u> Draft Impacts of No Action Alternative prepared by contractor.</p>
<p><u>October 2006 ?</u></p> <p>NR Committee Meeting #6: Focus on GGNRA area-specific dog management options, discuss area-specific issues and consider draft rule language. Review draft rule language pertaining to GGNRA-wide dog management options.</p> <p>Note: This is where NEPA and NR must intersect. How can the committee consider “draft rule language” when NEPA IDT has not done impact analysis on the actions contained in the “draft rule” to determine the consequences to park resources?</p>	<p><u>October 2006</u></p> <p>NEPA IDT reviews Impacts of No Action. Park consolidates comments for contractor.</p> <p>Revision of Alternatives continues.</p>

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<p>An option here (that has been used in other ADR/NEPA processes according to IECR) is for the NR committee to draft its “option(s) for each site and for NEPA IDT to do a preliminary impact analysis on those options and provide some feedback so adjustments can be made early on.</p>	
<p><u>November 2006 (?)</u> NR Committee Meeting #7: Review draft rule language related to area-specific options; discuss integration of GGNRA-wide and area-specific options, and rule language addressing options/agreements discussed; discuss options for dealing with topics/areas where consensus has not yet been reached</p> <p>Note: See concern above. As NR Committee proceeds with “draft rule language related to area-specific options” NEPA team should be doing concurrent impact analysis for feedback and adjustments. NEPA IDT will also be proceeding with impact analysis and adjustments to a full range of reasonable alternatives which may help inform NR committee as it proceeds to revise its “draft rule language.”</p> <p><u>December 2006?</u> NR Committee Meeting #8: Finalize rule language on areas of agreement and options for addressing topics/areas where consensus has not yet been reached</p>	<p><u>November 2006</u></p> <p>NEPA IDT presents range of alternatives to be analyzed in the EIS to region/WASO for concurrence.</p> <p>Newsletter prepared to obtain public comment.</p> <p>(Note: NR committee should comment on NEPA alternatives throughout their development).</p>

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Negotiated Rulemaking (NR) Advisory Committee Process	NEPA Process

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**REVISED DRAFT ESTIMATED TIMELINE
GOLDEN GATE NATIONAL RECREATION AREA
NEGOTIATED RULEMAKING/NEPA PROCESSES
May 12, 2006**

Negotiated Rulemaking (NR) Advisory Committee Process	NEPA Process
	<p><u>June 3, 2005</u> Draft ISR posted on PEPC for internal review</p>
	<p><u>August 5, 2005</u> Review/Finalize ISR (contractor has 10 days after receipt of NPS comments to finalize) Draft EIS NOI prepared</p>
	<p><u>December 2005</u> IDT meets to define criteria, thresholds, data, etc. (decision criteria – i.e. how you are going to objectively set up criteria to open or close areas to dogs, T & E species, conflict over uses, etc.) Socioeconomic site visit and data gathering.</p>
<p><u>February 17, 2006</u> Notice of Establishment for Committee and Notice of Committee Meeting published in Federal Register; Members appointed</p>	<p><u>February 22, 2006</u> EIS Notice of Intent published in Federal Register; Starts 60 day scoping (ends April 2006). Contractor begins analyses of no action alternative (existing management continued)</p>
<p><u>March 6, 2006</u> NR Committee Meeting #1: Introductions of DFO/Committee, Facilitator Evaluation, Protocols, Applicable Statutes/Regulations, NEPA Process/Schedule, NPS Sideboards, Public comment.</p>	<p><u>March 2006</u> Information collection continues</p>

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May 12, 2006**

<p><u>April 4 and 5, 2006</u> Attend NEPA Public Scoping workshops. Provide comments to NPS-NEP A public scoping (comment period ends 4/24).</p>	<p><u>April 4 and 5, 2006</u> Public scoping workshops</p>
<p><u>April 18, 2006</u> NR Committee Meeting #2: Information Updates [Accelerated Resource Protection Rulemaking], Revise Draft Protocols, , Committee Schedule/Logistics, Public comment.</p>	<p><u>April</u> Content Analysis of Public Scoping Comment Development of No Action Alternative And final impact thresholds; data gap Analysis complete</p>
<p><u>May 15, 2006</u> NR Committee Meeting #3: Final Protocol revisions approval, NPS Parameters (Sideboards) and NEPA EIS No Action Alternative, Draft Collaborative Approach to Decision Making, Information Needs (including creation of a Technical Subcommittee and initial charge), Public comment.</p>	<p><u>May 2006</u> Complete preliminary analysis of No action alternative</p>
<p><u>June 2006: Date TBD</u> Technical Subcommittee Meeting #1: Identify essential data, review available data/data by geographic areas and identify data gaps, develop recommendation for Committee, Next steps to prepare for Committee mtg. (Possible Committee field trip/s or individual visits to dog walking locations with GGNRA)</p>	
<p><u>June 22, 2006</u> NR Committee Meeting #4: Review data needs recommendation from Technical Subcommittee Meeting #1 and decide next steps, Review initial Key Interests and</p>	<p><u>June 2006</u> Public scoping content analysis complete and posted on PEPC.</p>

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May 12, 2006

<p>Issues Table, Discuss potential evaluation criteria, Public Comment.</p> <p>Option: Present draft internal scoping report prepared for concurrent NEPA process.</p>	<p>Review and revision of no action impact analysis</p>
<p><u>July 2006</u> Technical Subcommittee Meeting #2: Further discussion of data needs based on NR Committee Mtg#4. Include assessment of NEPA database for the various locations discussed during Committee #4.</p> <p>Option: Caucuses to refine Key Interests and Issues Table.</p> <p>Option: Develop initial options for GGNRA-wide issues such as voice control criteria.</p> <p><u>August 2006</u> NR Committee Meeting #5: Discuss outcomes of Technical Subcommittee Meeting #2; Review revisions to Key Interests and Issues Table; Review initial options for GGNRA-wide and individual sites and evaluate; Focus on options for GGNRA-wide issues; Agree on next steps.</p>	<p><u>July 2006</u> IDT meeting: Desired Future Conditions For each site, resource based, visitor Experience, constraints; preliminary Alternatives development</p> <p><u>August</u> Continued refinement of above</p>
<p><u>September 2006</u> Subcommittee meetings: TBD</p> <p>Caucus efforts: TBD</p>	<p><u>September 2006</u> Alternatives Development continues, concurrently with Impact analysis</p>
<p><u>Early October 2006</u> NR Committee Meeting #6: Focus on GGNRA area-specific dog management options, and review draft rule language pertaining to GGNRA-wide dog management options</p>	<p><u>Late October 2006</u> Chapter 4 drafted (Impact Analyses of Alternatives), Economic analyses of alternatives completed (draft report)</p>

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<p><u>Early November 2006</u> NR Committee Meeting #7: Review draft rule language related to area-specific options; discuss integration of GGNRA-wide and area-specific options, and rule language addressing options/agreements discussed; discuss options for dealing with topics/areas where consensus has not yet been reached</p>	
<p><u>Early December 2006</u> Subcommittee or caucus meetings to resolve any outstanding issues Public Outreach/Implementation Subcommittee Meeting</p>	<p><u>December 2006</u> Incorporate NR Committee findings into EIS alternatives Begin Impact analysis per NEPA</p>
<p><u>January 2007</u> NR Committee Meeting #8: Finalize rule language on areas of agreement and, if needed, options for addressing topics/areas where consensus has not yet been reached</p>	
<p><u>TBD</u> Potential Committee meeting to discuss any implications of the NEPA process to the agreements reached by the Committee</p>	<p><u>2007</u> DEIS out to Public for Review (would contain findings of NR Committee). This would be released about the same time as the Proposed Rule for Dog Management at GGNRA for public comment.</p>
	<p><u>2008</u> FEIS and Final Rule complete, with a Record of Decision.</p>

National Park Service



Environmental Impact Statement for Dog Management

Golden Gate National Recreation Area

January 21, 2010

National Park Service



EXPERIENCE
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- This EIS evaluates a change in GGNRA dog management, building on the Negotiated Rulemaking process which was completed in early 2008.
- Assesses options for dog walking in certain GGNRA lands

- Options will include:
 - Some areas of voice and sight control dog walking
 - Some limited commercial dog walking
 - Areas for on leash dog walking
 - Areas closed to dogs



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Range of alternatives:

- A - No Action (includes 2005 Federal court opinion allowing voice-control dog walking in certain areas)
- B - NPS Pet Regulation , 36 CFR 2.15
- C - Emphasis on Multiple Use – Balanced by County
- D - Most Protective of Resources/Visitor Safety
- E - Most Dog Walking Access – Most Management Intensive

22 sites analyzed:

- 8 in Marin
- 9 in SF
- 5 in San Mateo

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GOGA owned/managed land total:

- 14,000 acres

GOGA owned/managed land open to dog walking, per alternative:

Alt. A - No Action = 4.9%

Alt. B - 36 CFR 2.15 = 1.6%

Alt. C - Multiple Use = 1.8%

Alt. D - Most Protective = 1.3%

Alt. E - Most Dog Walking Access = 2.4%

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Amount of GOGA owned/managed land open to voice and sight control per alternative:

Alt. A - No Action = 4%

Alt. B - 36 CFR 2.15 = 0%

Alt. C - Multiple Use = .78%

Alt. D - Most Protective = .12%

Alt. E - Most Dog Walking Access = .84%

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2010 Schedule – Dog Management EIS

- Late Jan - 1st internal draft to park
- March - CBA to choose preferred alt
- April - 2nd internal draft to park and PWR
- July - Section 7 consult (submit BA) and CZMA consistency determination
- Late summer to fall - release of public draft
 - ❖ 90 day comment period
 - ❖ Outreach to public/media

2011 Schedule

- Jan - Feb - Publish Notice of Proposed Rulemaking
- Late 2011 – FEIS/ROD and final Notice of Rulemaking

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Questions?



GOGA DOG MANAGEMENT PROPOSED RANGE OF ALTERNATIVES

Proposed Off Leash Use Summary By Alternative

GOGA managed land (including MUWO/FOPO)	13,992 acres
% now open to off-leash use - Alt A	551 acres - 3.9%
% with regulated off leash areas - Alt C	109 acres - .8%
% with regulated off leash areas - Alt D	22 acres - .2%
% with regulated off leash areas - Alt E	117 acres - .8%

Proposed Off Leash Use Summary By County

Marin – approx.10,208 acres GOGA managed

ALT A – Existing Conditions	<ul style="list-style-type: none"> ● 5 off leash areas ● 208 acres ● 2% of GOGA Marin lands 	2 on leash areas
ALT B – NPS Leash regulation		7 on leash areas
ALT C – Emphasis on Multiple Use	<ul style="list-style-type: none"> ● 1 regulated off leash area ● 10 acres ● .10% of GOGA Marin lands 	6 on leash areas
ALT D – Most Restrictive		5 on leash areas
ALT E – Most Dogwalking Access/Most Management Intensive	<ul style="list-style-type: none"> ● 3 regulated off leash areas ● 9 acres ● .09% GOGA Marin lands 	4 on leash areas

San Francisco – 972 acres GOGA managed

ALT A – Existing Conditions	<ul style="list-style-type: none"> ● 7 off leash areas ● 350 acres ● 36% of GOGA SF lands 	3 on leash areas
ALT B – NPS Leash regulation		10 on leash areas
ALT C – Emphasis on Multiple Use	<ul style="list-style-type: none"> ● 5 regulated off leash areas ● 98 acres ● 10% of GOGA SF lands 	5 on leash areas
ALT D – Most Restrictive	<ul style="list-style-type: none"> ● 3 regulated off leash areas ● 22 acres ● 2% of GOGA SF lands 	4 on leash areas
ALT E – Most Dogwalking Access/Most Management Intensive	<ul style="list-style-type: none"> ● 7 regulated off leash areas ● 108 acres ● 11% of GOGA SF lands 	3 on leash areas

San Mateo – 2812 acres GOGA managed

ALT A – Existing Conditions –		5 on leash areas
ALT B – NPS Leash regulation		4 on leash areas
ALT C – Emphasis on Multiple Use		3 on leash areas
ALT D – Most Restrictive		
ALT E – Most Dogwalking Access Most Dogwalking Access/Most Management Intensive		5 on leash areas

Assignments/Issues from the GOGA dog management plan project

1. Closure info
 - Need articulated reasons for each closure. Mary Beth was to have looked through her files and sent any information on to Shirwin and Chris. Deadline given at the meeting was Feb. 11th.
 - Shirwin and Chris are supposed to speak with Nancy Horner, Amy, Terry Thomas, Jud Powell, and Doug.
 - Shirwin's closure chart needs to be updated
2. Sweeny Ridge data
 - Daphne noted at the internal scoping meeting, the presence of red-legged frogs in the area and stated that some of the information on this area came from places other than park staff. Daphne said that there may or may not be rare and endangered plants, more data is needed.
3. Environmental Screening Form
 - During the internal scoping meeting we went through the form and noted whether a particular topic was 'no effect' or 'exceeds minor effect'. Heidi then requested that each appropriate staff member give her data on each impact related to their expertise regarding what the impact is and the source of the impact. (*the notes indicate this was to have been completed by the next day; not sure if it ever was completed*)
 - Ric Borjes was to confirm that there are no ceremonial Indian sites (sacred sites)
4. Presidio Trust
 - The park was to have had discussions with the Presidio representatives regarding what level of participation the Presidio will have with the EIS (should the Presidio areas be included in the dog management plan?)
 - Get the Presidio Compendium in order to see closures
5. Call/discussion with neutrals RE: integration chart
 - Needs to be set up
6. Other interested groups
 - Due to the fact that the assessment focused solely on off leash issues, many interested parties may have been missed. The mailing list for this project should be updated to include these groups. Several groups were mentioned in the internal scoping meeting.
7. Public participation plan contractors
 - Get a list of potential contractors from Howard Levitt

8. IDT Team
 - We need a list of who the primary contacts will be
 - GOGA staff was to brainstorm how to include staff on both the reg-neg and NEPA processes without over-committing them.
9. Alternatives meeting
 - Sarah suggested April at the Park
10. Cumulative effects
 - GOGA staff was to have contacted Heidi to give her data on other actions to be analyzed under cumulative effects
11. Data Gaps
 - Hire a term employee to help with data gaps
12. TIC Documents
 - Some are posted on the NPS intranet, with hard copies to follow; others we are still waiting for TIC to retrieve
13. Bibliography of all documents sent to the contractor
 - Heidi is compiling; waiting for the TIC docs before completing
14. Microsoft Project schedule
 - Should show the NEPA, Reg-neg, and economic analysis processes
15. NOI
 - When should the NOI be published? We had said in conjunction with the second FACA notice, is this still the case? When is the second FACA notice scheduled to be published?
16. Phase 2 SOW
 - Complete draft by COB Feb. 4 (Dave), Comments back by COB on Feb. 15
17. Administrative history of dogs in GOGA
 - Do we want a Louter-type paper? The current admin history touches on dog issues, but is not as in-depth as the louter paper, and Chris mentioned some of the views are really the author's and are not impartial.
18. Enter project into PEPC
 - Dave will do this by COB Feb. 4

Assignments/Issues from the GOGA dog management plan project

1. Closure info
 - Need articulated reasons for each closure. Mary Beth was to have looked through her files and sent any information on to Shirwin and Chris. Deadline given at the meeting was Feb. 11th.
 - Shirwin and Chris are supposed to speak with Nancy Horner, Amy, Terry Thomas, Jud Powell, and Doug.
 - Shirwin's closure chart needs to be updated
2. Sweeny Ridge data
 - Daphne noted at the internal scoping meeting, the presence of red-legged frogs in the area and stated that some of the information on this area came from places other than park staff. Daphne said that there may or may not be rare and endangered plants, more data is needed.
3. Environmental Screening Form
 - Ric Borjes was to confirm that there are no ceremonial Indian sites (sacred sites)
4. Presidio Trust
 - The park was to have had discussions with the Presidio representatives regarding what level of participation the Presidio will have with the EIS (should the Presidio areas be included in the dog management plan?) **Presidio has agreed to be part of Reg-Neg and look at off leash areas in the Presidio. If a rule affects the Presidio, they need to be a cooperating agency by invitation (they can sign their own ROD)**
 - Get the Presidio Compendium in order to see closures (**shirwin**)
5. Call/discussion with neutrals RE: integration chart
 - Needs to be set up
6. Other interested groups
 - Due to the fact that the assessment focused solely on off leash issues, many interested parties may have been missed. The mailing list for this project should be updated to include these groups. Several groups were mentioned in the internal scoping meeting.
7. Public participation plan contractors
 - Get a list of potential contractors from Howard Levitt **Do we need another contractor? Chris will talk with Howard**

8. IDT Team
 - We need a list of who the primary contacts will be **Chris will send the list.**
 - GOGA staff was to brainstorm how to include staff on both the reg-neg and NEPA processes without over-committing them.
9. Alternatives meeting **This will be a data gap analysis and PEPC meeting the week of April 25.**
10. Cumulative effects
 - **Heidi will contact staff as needed**
11. Data Gaps
 - Hire a term employee to help with data gaps
 - Status?
12. TIC Documents
 - Some are posted on the NPS intranet, with hard copies to follow; others we are still waiting for TIC to retrieve
13. Bibliography of all documents sent to the contractor
 - Heidi is compiling; waiting for the TIC docs before completing
14. Microsoft Project schedule
 - Should show the NEPA, Reg-neg, and economic analysis processes
15. NOI
 - When should the NOI be published? We had said in conjunction with the second FACA notice, is this still the case? When is the second FACA notice scheduled to be published? **EQD will draft; get to WASO in March**
16. Phase 2 SOW
 - Complete draft by COB Feb. 4 (Dave), Comments back by COB on Feb. 15 **Need public participation details and economic analysis SOW from Bruce.**
17. Administrative history of dogs in GOGA
 - Do we want a Louter-type paper? The current admin history touches on dog issues, but is not as in-depth as the louter paper, and Chris mentioned some of the views are really the author's and are not impartial. **EQD now has the latest (newest, unreleased) version and is reviewing it.**
18. Enter project into PEPC
 - Dave will do this by COB Feb. 4—**Still needs to be done**

**GGNRA Dog Management Plan/EIS and Negotiated Rulemaking
Call Agenda**

May 23, 2006

MEETING TASKS IDENTIFIED IN CALL:

1. Heidi will send all info collected on other dog management land use plans to Michael, who will review then pass on to Chris and Shirwin.
2. EQD will be working on the project agreement.
3. Chris and Shirwin will talk to Greg and Mike about possibility of making the June 22nd meeting a technical subcommittee meeting only, which was the group's consensus. Dates are in flux – note that Daphne can't attend the June 22nd meeting. Possibility of combining this meeting with preliminary agency scoping for NOAA and FWS?
4. If June reg-neg meeting is cancelled, Shirwin will cancel the FR notice immediately. (DC has already been told to hold the notice, for now)
5. Sarah & Heidi will finish filling in the data needs chart from the no action powerpoint, and will send to Michael by Friday. Michael will put together a short agenda and forward with the data needs chart to the park.
 - a. LE, Natural Resources, and Interp. will evaluate the chart prior to the next calls (below) to see what is missing, what needs can be combined, and what data they currently possess to fulfill the identified data needs.
6. 3 more data needs calls have been scheduled:
 - a. June 1, 9am Pacific Time, 10am MT - LE and Interp. (call will last 2 hours approx)
 - i. Sarah is going to narrow down questions of visitor use and visitor experience to see what is lacking, and then the park can decide who is going to be on the call on June 1. Howard will evaluate any other interp. staff (site stewardship personnel) that may have observational data to share.
 - ii.
 - b. June 8, 1pm Pacific Time, 2pm MT - Resource Management (call will last 2 hours approx).
 - c. June 8, 3pm Pacific Time, 4pm MT - Overall call with everyone (call will last one hour approx.)
7. Michael will break the to do list into sections

8. Daphne wants updated process schedule ASAP to be able to coordinate her summer EIS reviews with this process.
9. Agency Scoping
 - a. Park will have an internal meeting on who to invite for internal scoping. Steve Ortega will then send a redacted list to EQD.
 - b. Presidio Trust is NOT going to be a cooperating agency. EQD wants a letter from GGNRA or Barbara Goodyear summarizing this outcome, reasons why, etc. for the admin record.
 - c. Chris will set up meeting with FWS and NOAA, the park, and EQD. TBA if these will be separate meetings or not. Also, may or may not be scheduled before the reg-neg meeting on June 22nd, depending on whether that goes forward. Daphne is only available on Monday, June 19th.
 - i. Agenda will include:
 1. Project briefing
 2. Understanding reg-neg process, and that they will be invited to participate in some form by the reg-neg cmt.
 3. Presentation to the reg-neg cmt. on the ESA
 4. NEPA coordination with Section 7 responsibilities
 5. other

1. EQD role
 - a. Overall
 - b. Administration of contracts
 - c. Goal of calls and standing call time every other week, plus call two weeks and one week prior to reg-neg meetings
2. Project Agreement
3. June reg-neg meeting?
 - a. regular committee & subcommittees (need list of participants)
 - b. park issues and interests (by geographical area) – due June 9
 - c. schedule changes reg-neg/NEPA?
4. Data Needs list (see attached) and To Do list (see attached) –
 - a. Review and identify responsible party/due date for each item on Data Needs list
 - b. Review and identify responsible party/due date for each item on To Do list
 - c. ***Protocol for updating list: provide Shirwin or Michael with updates, she and EQD will combine into an overall updated list before each call.

5. Agency scoping
 - a. FWS & NOAA
 - i. meet both agencies at same time?
 - ii. Set up time to have them give presentation to reg-neg committee?
6. Status of the Presidio Trust as a cooperating agency
 - a. Additional NOI and public scoping meetings
7. GIS Funding – [next call](#)
8. Next Steps for NEPA Process –
 - a. review of no action
 - b. affected environment
 - c. alternatives
9. Next [overall](#) call tentatively set for June 8, 2006 at [3pm](#) Pacific time

Golden Gate National Recreation Area Draft Dog Management Plan / Environmental Impact Statement

National Park Service
U.S. Department of the Interior



Newsletter • January 2012

Dear Park Friend,

We would like to update you on our progress reviewing the many ideas and suggestions received during the public comment on the Draft Dog Management Plan/Environmental Impact Statement (DEIS), and let you know about an important next step in the environmental analysis.

Given the substance of many of the 4,713 comments received on the DEIS, information from additional data and studies, and potential changes to the alternatives and impacts analysis resulting from that information, a Supplemental DEIS is being developed and will be released late this summer for public comment. This revised document will supplement those sections of the DEIS where there have been substantial changes in the proposed action or significant new information relevant to environmental concerns.

What this means to you is that there will be an additional opportunity to comment on the future of dog management in GGNRA before we issue the Notice of Proposed Rulemaking for public review and comment in 2013. This added step of issuing a Supplemental DEIS for the dog management plan will affect the project timeline, adding approximately a year to the schedule.

Thank you for your continued interest and participation in this important planning process.

Sincerely,

Frank Dean



March 2011 DEIS Open House Meeting

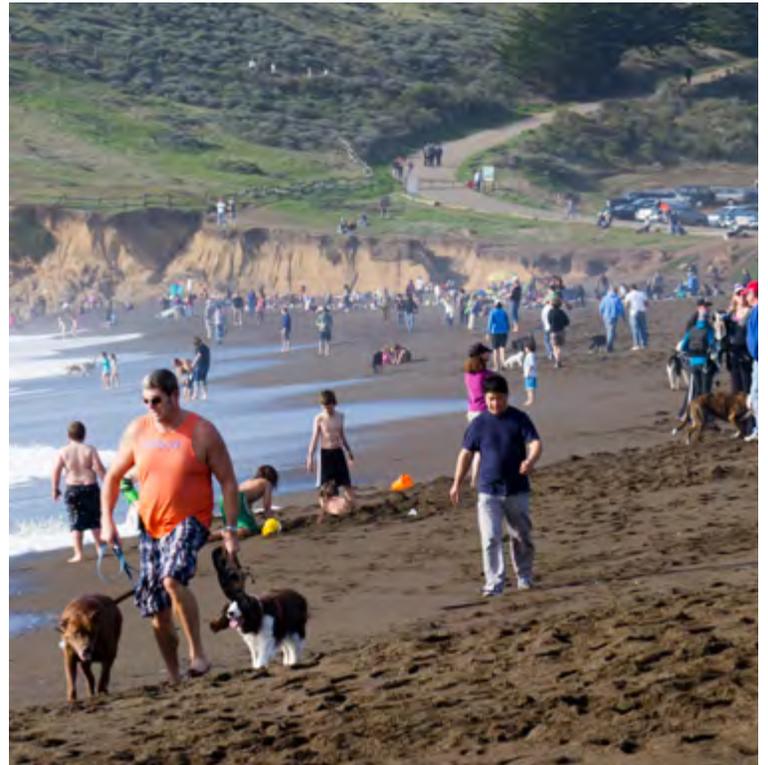
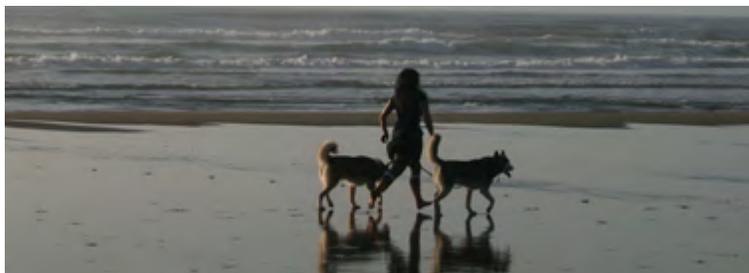
GGNRA005839



About the Supplemental DEIS

Some of the changes we are considering for the Supplemental DEIS after evaluating public comment include:

- Developing site-specific alternatives for Rancho Corral de Tierra
- Evaluating additional access for dog walking, both on leash and under voice control
- Re-evaluating the impacts to adjacent federal, city and county parklands that could result from reducing areas open to dog walking in GGNRA
- Revising the compliance-based management strategy by including natural and cultural resource monitoring, removing automatic triggers and restrictions, and incorporating additional education and enforcement
- Providing additional visitor use information and law enforcement statistics for the impacts analysis
- Incorporating additional studies into the impacts analysis
- Further evaluating compliance with the Americans with Disabilities Act
- Re-evaluating fencing as a method to minimize dog walking impacts.



NEXT STEP

VISITOR SURVEY

To better evaluate impacts to adjacent park lands, in February 2012 we will be sending a postcard with a link to an online survey to all individuals on the GGNRA Dog Management Plan mailing list. Our goal is to obtain input on what other areas dog walkers and non-dog walkers might visit if some GGNRA sites limit off-leash dog walking, require on-leash dog walking or are closed to dog walking.

This survey should only take a few minutes to fill out. Your input is important and we hope you will participate.

GGNRA005840



Vicinity Map for Plan/DEIS
 Golden Gate National Recreation Area
 National Park Service / U.S. Department of the Interior

Areas labeled in **red** are the twenty-two park areas addressed in the Plan/DEIS.

Map Legend

- GNRA Boundary
- GNRA Managed Lands
- State Parks
- County Parks
- City Parks
- Coastal Trail
- Highway / Interstate
- Streets and Roads
- Non Profit
- Special District

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National Park Service
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Golden Gate National Recreation Area Draft Dog Management Plan / Environmental Impact Statement

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Revised Project Schedule

Dates	Planning Phase
Late Summer 2012	Release Supplemental DEIS for public comment
Fall 2012	Incorporate public comment on Supplemental DEIS into the Proposed Rule
Fall 2013	Release Notice of Proposed Rulemaking for public comment
Winter 2013–Spring 2014	Incorporate public comment on proposed rule into Final EIS and final rule
Fall 2014	Release Final EIS
Winter 2014	Issue Final Rule

For further information about the Dog Management Project, including a summary of the public comments received, please visit the GGNRA Dog Management Planning webpage at www.nps.gov/goga/parkmgmt/dog-management.htm. For questions about the project, call the Dog Management Project Information Line (415) 561-4728.

GGNRA005842

Briefing Statement

Bureau: National Park Service
Issue: Dog Management Plan / DEIS
Park Site: Golden Gate National Recreation Area
Date: January 10, 2011

Current Status:

- The draft Plan/DEIS will be released on January 14, 2011 for a 90-day public comment period ending on April 14, 2011.
- A Communications Plan is established and will be updated as appropriate to meet target project milestones.
- Four public scoping meetings (open house format) will held in Bay Area locations in early March, with exact times and locations to be announced with the release of the Draft Plan/DEIS.

Plan/DEIS Details:

- The purpose of the Dog Management Plan/DEIS is to provide a clear, enforceable implementation plan for the manner and extent of dog use in appropriate areas of the park. This Plan/DEIS promotes the following objectives: preserve and protect natural and cultural resources and natural processes, provide a variety of visitor experiences, improve visitor and employee safety, reduce user conflicts, and maintain park resources and values for future generations.
- The Plan/DEIS evaluates the impacts of six alternatives, including the preferred alternative, for dog management in 21 areas of GOGA. Four alternatives would allow voice-control dog walking in some areas of the park.
- The preferred alternative allows for a balanced range of visitor experiences, including no dogs, dog walking on-leash, and dog walking under voice-control. It includes the following :
 - the Negotiated Rulemaking Committee's consensus agreements;
 - on-leash and/or voice-control dog walking in certain, specific areas of the park where impacts to sensitive resources and visitor experience were minimized;
 - no dogs in areas of the park where impacts were unacceptable and could not be mitigated;
 - a compliance-based management strategy measuring compliance in on-leash and voice-control dog walking areas that provides a range of management responses, including further restrictions or elimination of a use if compliance is not achieved;
 - permits for more than three dogs per dog walker in limited areas of the park and
 - new lands closed to dog walking, but opened for on-leash dog walking by compendium if certain criteria are met.

Schedule:

- Plan/DEIS released for a 90-day public comment period: January 14, 2011
- Notice of Proposed Rulemaking released for public comment: Late Fall/Winter 2011
- Final EIS completed: Late Spring/Early Summer 2012
- Record of Decision Signed: Summer 2012
- Publish final special regulation: Late Summer/Early Fall 2012

Background:

- The NPS-wide pet regulation (36 CFR §2.15) requires dogs to be restricted by cage or leash.
- In 1979, responding to public input, GOGA Citizen's Advisory Commission recommended a Pet Policy that recommended specific areas in Marin and San Francisco for off-leash dog walking – a policy the park followed for over 20 years.
- GOGA practices following the Citizen's Advisory Commission's Pet Policy, as well as an increase in the number of dog walkers using the park and changing expectations for use of the park, have resulted in confusion, controversy, and litigation over dog management and voice control dog walking.
- In 1999 –GOGA closed a portion of Fort Funston for habitat restoration, safety and protection of geologic resources, resulting in a lawsuit by organized dog walking groups over lack of public notice and comment prior to the closure. Events surrounding the lawsuit highlighted the 1979 Pet Policy followed by the park, which was not in compliance with NPS pet regulations.
- In 2000, the Federal District Court disallowed the Fort Funston closure until such time as the NPS provided an appropriate public notice and opportunity for comment on the closure. The park completed a notice and comment period in 2000, allowing closure of the section of Fort Funston.
- Following the 2000 Fort Funston court decision, it became evident that a comprehensive approach to dog management in GOGA was needed.
- In January 2001, the GOGA Advisory Commission acknowledged publicly that their 1979 “voice control” policy was not in compliance with the NPS pet regulation (36 CFR§ 2.15) and was therefore null and void .
- In January 2002, an Advanced Notice of Proposed Rulemaking (ANPR) for dog management in GOGA was released asking for public comment on whether GOGA should enforce the existing NPS pet regulation requiring dogs on leash and on trail, or identify specific locations/ways to address off-leash use within the park. 8,580 comments were received; the majority of comments were in favor of off-leash use.
- In 2002, following the release of the ANPR, GOGA began to emphasize education and enforcement of the NPS pet regulation; however, the regulation was routinely ignored by many park visitors. Park staff were overextended attempting to enforce the NPS regulation, ensure visitor (and dog) safety, maintain areas heavily used by dogs, and monitor and prevent resource damage.
- A 2005 decision by the U.S. District Court for the Northern District of California affirmed a dismissal of three citations for violations of the NPS leash regulation. The decision noted that the 1979 dog walking policy had been in effect in the park for many years, and that prior to enforcing the NPS-wide leash regulation the park was required by 36 CFR §1.5(b) to conduct a formal public notice and comment rulemaking process.
- In 2004, GOGA initiated a dog management planning process by establishing a Negotiated Rulemaking Committee pursuant to the Negotiated Rulemaking Act and initiating work on an Environmental Impact Statement pursuant to the National Environmental Policy Act.

- The GOGA Negotiated Rulemaking Committee for dog management met over a period of almost two years ending in October 2007, but were not able to reach consensus on a proposed special regulation for dog management at GOGA [due to differing positions on the impacts of dog walking on resources and other visitors](#). They did reach consensus on certain elements for a special regulation: nine guiding principles for dog management; guidelines for commercial dog walking; and site-specific treatment for one area under consideration by the Committee, Oakwood Valley in Marin County. These consensus agreements have been incorporated into three of the six alternatives in the Dog Management Plan/EIS.

Contact:

Shirwin Smith, Management Assistant, Golden Gate National Recreation Area, (415) 561-4947,
Shirwin_Smith@nps.gov

Briefing Statement

Bureau: National Park Service
Issue: Dog Management Plan / DEIS NOA
Park Site: Golden Gate National Recreation Area
Date: October 25, 2010

Background:

- The NPS-wide pet regulation requires dogs to be restricted by cage or leash. However, GGNRA practices following the park Citizens Advisory Commission's 1979 development of a voice control dog walking policy for certain GGNRA areas, accompanied by an increase in the number of dog walkers using the park and changing expectations for use of the park, have resulted in confusion, controversy, and litigation over dog management and voice control dogwalking.
- GGNRA began to emphasize education and enforcement of the NPS pet regulation in 2002; however, the regulation was routinely ignored by many park visitors. Park staff were overextended attempting to enforce the NPS regulation, ensure visitor (and dog) safety, maintain areas heavily used by dogs, and monitor and prevent resource damage.
- A 2005 decision by the U.S. District Court for the Northern District of California affirmed a dismissal of three citations for violations of the NPS leash regulation. The decision noted that the 1979 dog walking policy had been in effect in the park for many years, and that prior to enforcing the NPS-wide leash regulation the park was required by the Code of Federal Regulations to conduct a formal public notice and comment rulemaking process.
- In response to the court ruling, the park began a lengthy Dog Management planning process, by establishing a Negotiated Rulemaking Committee pursuant to the Negotiated Rulemaking Act and initiating work on an Environmental Impact Statement pursuant to the National Environmental Policy Act. Although the Negotiated Rulemaking Committee met over a period of almost two years, the Committee was not able to reach consensus on a proposed special regulation for dog management at GGNRA. They did reach consensus on certain elements for a special regulation: nine guiding principles for dog management; guidelines for commercial dog walking; and site-specific treatment for one area under consideration by the Committee, Oakwood Valley in Marin County. These consensus agreements have been incorporated into three of the six alternatives in the Dog Management Plan/EIS.
- The purpose of the Dog Management Plan/DEIS is to provide a clear, enforceable policy to determine the manner and extent of dog use in appropriate areas of the park. This plan would promote the following objectives: preserve and protect natural and cultural resources and natural processes, provide a variety of visitor experiences, improve visitor and employee safety, reduce user conflicts, and maintain park resources and values for future generations.
- The plan evaluates the impacts of six alternatives for dog management in 21 areas of GGNRA, and includes four alternatives that would allow off-leash dog walking in some areas of the park. The preferred alternative combines site-specific treatments from multiple action alternatives that allows for a balanced range of visitor experiences, including no dogs, dog walking on-leash, and dog walking under voice-control. It includes the following key elements: the Negotiated Rulemaking Committee's consensus agreements; on-leash and/or voice-control dog walking in certain, specific areas of the park where impacts to sensitive resources and visitor experience were minimized; no dogs in areas of the park where impacts were unacceptable and could not be mitigated; a

compliance-based management strategy measuring compliance in on-leash and voice-control dog walking areas that provides a range of management responses, including further restrictions or elimination of a use if compliance is not achieved; permits for more than three dogs per dog walker in limited areas of the park; and new lands closed to dog walking, but opened for on-leash dog walking by compendium if certain criteria are met.

Current Status

- A 90-day public comment period on the Draft EIS is anticipated to begin in January 2011.
- Communications Plan is established and will be updated as appropriate to meet target project milestones.
- Four public scoping meetings (open house format) will held in Bay Area locations in February 2011, with exact times and locations to be announced.

EIS Tentative Schedule:

- Notice of Proposed Rulemaking: November 2011
- Final EIS completed: May 2012
- Record of Decision Signed: July 2012
- Publish final special regulation: September 2012

Contact:

Shirwin Smith, Management Assistant, Golden Gate National Recreation Area, (415) 561-4947, Shirwin_Smith@nps.gov

National Park Service



Dog Management Plan/Draft Environmental Impact Statement for Dog Management

Golden Gate National Recreation Area



January 12, 2014 GNRA005848

National Park Service



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How Did We Get To This Point?

- 1972 - GGNRA established. Pet management governed by the NPS-wide pet regulation requiring pets, where they were allowed, to be crated, caged or restrained at all times.
- 1979 - Responding to public input, GGNRA Citizen's Advisory Commission recommended specific areas in Marin and San Francisco for off-leash dog walking – a policy in place in the park for 20 years.
- Since 1979 - Growth of Bay Area population and number of dog owners wanting to use GGNRA lands for dog walking, combined with increase in overall use of GGNRA lands by many user groups has created conflicts between users.
- Since 1979 - Increased park knowledge of special status species in the park that could be impacted by dog walking use.

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Dog Management Background/Timeline

- 1999 – GGNRA closed a portion of Fort Funston for habitat restoration, safety and protection of geologic resources, resulting in a lawsuit by organized dog walking groups over lack of public notice and comment prior to the closure. **Events surrounding the lawsuit highlighted the 1979 Pet Policy followed by the park, which was not in compliance with NPS pet regulations.**
- 2000 – the Federal District Court disallowed the Fort Funston closure until such time as the NPS provided an appropriate public notice and opportunity for comment on the closure. The park completed a notice and comment period in 2000, allowing closure of the section of Fort Funston.
- Following the 2000 Fort Funston court decision, GGNRA determined that a comprehensive approach to dog management in GGNRA was needed.**

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Dog Management Background/Timeline - continued

- 2002 – an Advanced Notice of Proposed Rulemaking (ANPR) for dog management in GGNRA was released for public comment on whether GGNRA should enforce the existing NPS pet regulation, or whether the park should identify specific locations/ways to address off leash use within the park.
- 2002 – following the release of the ANPR and the clarification that the 1979 Pet Policy was not in compliance with NPS regulations, GGNRA began to emphasize education and enforcement of the NPS pet regulation; **however, the regulation was routinely ignored by many park visitors.**
- 2004 – GGNRA began a dog management planning process with preliminary steps to establish a Negotiated Rulemaking Committee 2004 to seek consensus on a proposed rule among stakeholders. and initiating work on an EIS for dog management.
- 2005 – Federal Court decision affirmed a dismissal of citations for violations of the NPS leash regulation on GGNRA lands. The decision noted that the 1979 dog walking policy had been in effect in the park for many years, and that prior to enforcing the NPS-wide leash regulation the park was required by 36 CFR §1.5(b) to conduct a formal public notice and comment rulemaking process.

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Dog Management Background/Timeline - continued

- 2006 and 2007 – GGNRA puts in place emergency seasonal leash restrictions per 36 CFR 1.5 to protect the Western Snowy Plover in two areas of GGNRA that had been opened to off-leash dog walking by the federal court decision.
- 2007 – The Negotiated Rulemaking Committee met over a period of almost two years ending in October 2007, but was not able to reach consensus on a proposed special regulation for dog management at GGNRA. **The Committee did reach consensus on three elements: guiding principles for developing dog management options; guidelines for commercial dog walking; and site-specific treatment for Oakwood Valley in Marin County. These consensus agreements have been incorporated into three of the six alternatives in the Dog Management Plan/DEIS.**
- 2008 – A Special Regulation enacted seasonal leash restrictions on sections of Ocean Beach and Crissy Field to protect the Western Snowy Plover.

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GGNRA Dog Management - Current Status

- Current status of GGNRA dog walking management is a mix of the 1979 Pet Policy, the NPS leash regulation - 36 CFR 2.15, the special regulation for seasonal protection of the Western Snowy Plover and the GGNRA compendium.
- Continued monitoring of the plover protection areas has shown only a minor improvement in compliance with the seasonal leash restriction despite Law Enforcement patrols, signage and public education. Low compliance partially attributable to public confusion over regulations.

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Dog Management Plan/Draft Environmental Impact Statement

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21 park areas analyzed:

- 8 in Marin
- 9 in SF
- 4 in San Mateo

Addresses only GGNRA-managed lands within park boundary

Range of alternatives:

- A - No Action (includes 2005 Federal court opinion allowing voice-control dog walking in certain areas)
- B - NPS Pet Regulation , 36 CFR 2.15
- C - Emphasis on Multiple Use – Balanced by County
- D - Most Protective of Resources/Visitor Safety
- E - Most Dog Walking Access – Most Management Intensive
- Preferred Alternative - selected from A– E, most often Alternative C

National Park Service



National Park Service Preferred Alternative Elements

- On-leash dog walking proposed in 20 areas – 8 in Marin; 9 in San Francisco; 3 in San Mateo.
- Voice -control dog walking proposed in 7 areas – 2 in Marin; 5 in San Francisco
- Voice -control dog walking areas (Regulated Off -leash Areas = ROLAS) have specific guidelines that will be enforceable.
- All dog walkers, including commercial dog walkers, may have up to 3 dogs per person without a permit.
- Any dog walker, commercial or individual, may apply for a permit to walk more than 3 dogs; limit is 6 dogs. Permits would restrict use by time/area and would only be issued for 7 park areas.
- New lands would prohibit dog walking except where opened by Superintendent's compendium according to specific criteria; only on- leash dog walking would be allowed.

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Dog Management Plan/DEIS/Rulemaking Schedule

2011

- January 14 to April 14, 2011 - 90-day public comment period on draft Plan/DEIS
- Spring/Summer – Incorporation of public comment on Plan/DEIS
- Late Fall/Winter -Publish Notice of Proposed Rulemaking (NPRM) for public comment
- Late Winter 2011/Early Spring 2012 - Incorporation of public comment on NPRM

2012

- Late Spring/Early Summer – Publish Notice of Availability of Final Plan/EIS
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- Plan implemented after Final Rule published.

National Park Service



Dog Management Plan/Draft Environmental Impact Statement

For further information, contact:

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561-4730, Howard_Levitt@nps.gov

Alexandra Picavet, Public Affairs Specialist
786-8021, Alexandra_Picavet@nps.gov

Shirwin Smith, Park Management Assistant
561-4947, Shirwin_Smith@nps.gov

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Dog Management Plan/Draft Environmental Impact Statement for Dog Management

Golden Gate National Recreation Area



January 11, 2014 GNRA005858

National Park Service



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Dog Management Background/Timeline - continued

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Dog Management Background/Timeline - continued

- 2004 – GGNRA undertook negotiated rulemaking process for dog management to seek consensus on a proposed rule among stakeholders.
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Dog Management Plan/DEIS/Rulemaking Schedule

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National Park Service



Dog Management Plan/Draft Environmental Impact Statement

For further information, contact:

Howard Levitt, Director of Communications and Partnerships
415-561-4730, Howard_Levitt@nps.gov

Alexandra Picavet, Public Affairs Specialist
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Dog Management Plan/Draft Environmental Impact Statement for Dog Management

Golden Gate National Recreation Area

January 5, 2011

National Park Service



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How Did We Get To This Point?

- 1979 GGNRA Citizen's Advisory Commission's Pet Policy, recommending specific areas in Marin and San Francisco for off-leash dog walking – a policy in place in the park for 20 years.
- Growth of Bay Area population and number of dog owners wanting to use GGNRA lands for dog walking, combined with increase in overall use of GGNRA lands by many user groups created conflicts between users.
- Increased park knowledge of sensitive and T and E species in the park that could be impacted by dog walking use.

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- 2004 – U.S. Institute of Env. Conflict Resolution works with NPS to set up negotiated rulemaking process.
- 2006 – GGNRA Negotiated Rulemaking Committee for Dog Management chartered for 2 years, with representatives of a variety user groups, environmental organizations and the NPS.
- 2008 – Committee holds 7 public meetings of the full committee and 9 meetings of the Technical Subcommittee; consensus is achieved on site specific recommendation for one park area, a proposal for commercial dog walking and guiding principles for development and evaluation of management options.

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Legal and Compliance Issues

- 1999 – GGNRA is sued over lack of public notice and comment prior to closing a section of Ft. Funston for habitat restoration, safety and protection of geologic resources. Lawsuit highlighted the 1979 Pet Policy followed by the park, which was not in compliance with NPS pet regulations.
- 2001 – GGNRA reverted to NPS pet regulation following Citizen’s Advisory Commission’s acknowledgement that the 1979 Pet Policy was not in compliance with NPS regulations.
- 2002 – GGNRA issued an Advanced Notice for Proposed Rulemaking for public comment –exploring the possibility of developing a special regulation for dog walking at GGNRA. 8,580 comments received.
- 2004 - Dog walkers challenged off-leash dog walking citations in federal court. Court held that park must follow 36 CFR 1.5 (b) for notice and comment rulemaking before instituting a controversial change in management, resulting in off-leash dog walking being reinstated for those areas contained in the 1979 Pet Policy.

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Legal and Compliance Issues

- 2006 and 2007 – GGNRA puts in place emergency seasonal leash restrictions per 36 CFR 1.5 to protect the Western Snowy Plover in two areas of GGNRA that had been opened to off leash dog walking by the federal court decision.
- 2008 – A Special Regulation for seasonal leash restrictions to protect the Western Snowy Plover enacted.
- Continued monitoring of the plover protection areas has shown overall compliance with the seasonal leash restriction remains well below 50% despite Law Enforcement patrols, signage and public education. Low compliance partially attributable to public confusion over regulations.
- Current status of GGNRA dog walking management is a combination of the 1979 Pet Policy, 36 CFR 2.15, the special regulation to protect the plovers and the GGNRA compendium.

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Plan/DEIS Release Schedule

- January 14 -EPA NOA of the Plan/DEIS to be published for 90-day public comment period.

Internal NPS Briefings

- December 8, 2010 – WASO briefing -Dan Wenk, Deputy Director/Bert Frost, Associate Director, NRSS
- July 7, 2010 – PWR
- January 5, 2010 – PWR
- April 15, 2009 – Regional Director
- July 11, 2008 – Regional Director

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Range of alternatives:

- A - No Action (includes 2005 Federal court opinion allowing voice-control dog walking in certain areas)
- B - NPS Pet Regulation , 36 CFR 2.15
- C - Emphasis on Multiple Use – Balanced by County
- D - Most Protective of Resources/Visitor Safety
- E - Most Dog Walking Access – Most Management Intensive
- Preferred Alternative - selected from A– E, with emphasis on C

21 areas analyzed:

- 8 in Marin
- 9 in SF
- 4 in San Mateo

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Key Elements of Preferred Alternative

- Proposes only voice-control dog walking in the NPS – all other NPS units governed by 36 CFR 2.15
- Voice-control dog walking areas have specific guidelines that will be enforceable.
- All dog walkers, including commercial dog walkers, may have up to 3 dogs per person without a permit.
- Any dog walker, commercial or individual, may apply for a permit to walk more than 3 dogs; limit is 6 dogs. Permits would restrict use by time/area and would only be issued for 7 park areas.
- Compliance-based management to encourage compliance with all sections of the CFR applicable to dog management, and ensure protection of park resources, visitors and staff.
- New lands would prohibit dog walking unless opened by Superintendent's compendium according to specific criteria; only on-leash dog walking would be allowed.

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GOGA owned/managed land total:

- 14,000 acres

GOGA owned/managed land open to dog walking, per alternative:

Alt. A - No Action = 4.9%

Alt. B - 36 CFR 2.15 = 1.6%

Alt. C - Multiple Use = 1.8%

Alt. D - Most Protective = 1.3%

Alt. E - Most Dog Walking Access = 2.4%

Preferred Alternative – 1.8%

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Amount of GOGA owned/managed land open to voice control per alternative:

Alt. A - No Action = 4%

Alt. B - 36 CFR 2.15 = 0%

Alt. C - Multiple Use = .78%

Alt. D - Most Protective = .12%

Alt. E - Most Dog Walking Access = .84%

Preferred Alternative = .72%

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Communications

- Pro-active messages for internal/external use: editorial board introductions prior to Plan/DEIS release, FAQs, handout information cards for field staff, project information line/web site.
- January 6/7/11 - Congressional briefings
- January 11 - Media briefing
- January 12, 19 and 20 - GGNRA/Parks Conservancy/Presidio Trust employee briefings
- Week of January 10 - Project newsletter mailed to 7,600 name project mailing list; Plan/DEIS hard copies/CDs mailed to reviewing agencies and individuals, including members of the GGNRA Negotiated Rulemaking Committee.
- March 2, 5, 7 and 9 – Public open-house meetings for information and public comment .
- March 3– Briefing specifically for members of the GGNRA Negotiated Rulemaking Committee.

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Dog Management Plan/DEIS/Rulemaking Schedule 2011

- January 14 – April 14 - 90-day public comment period
- Spring/Summer – Incorporation of public comment
- Late Fall/Winter -Publish Notice of Proposed Rulemaking
- Late Winter /Early Spring 2012 - Incorporation of public comment

2012

- Late Spring/Early Summer –Final Plan/EIS NOA
- Summer –Record of Decision NOA
- Late Summer/Early Fall –Final Rule NOA

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Questions?



GGNRA005880

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Golden Gate National Recreation
Area

SECTIONS FROM RD
BRIEFING January 5, 2011

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Draft Dog Management Plan/Supplemental Environmental Impact Statement

Golden Gate National
Recreation Area

February 27, 2013



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Introduction and Background Summary

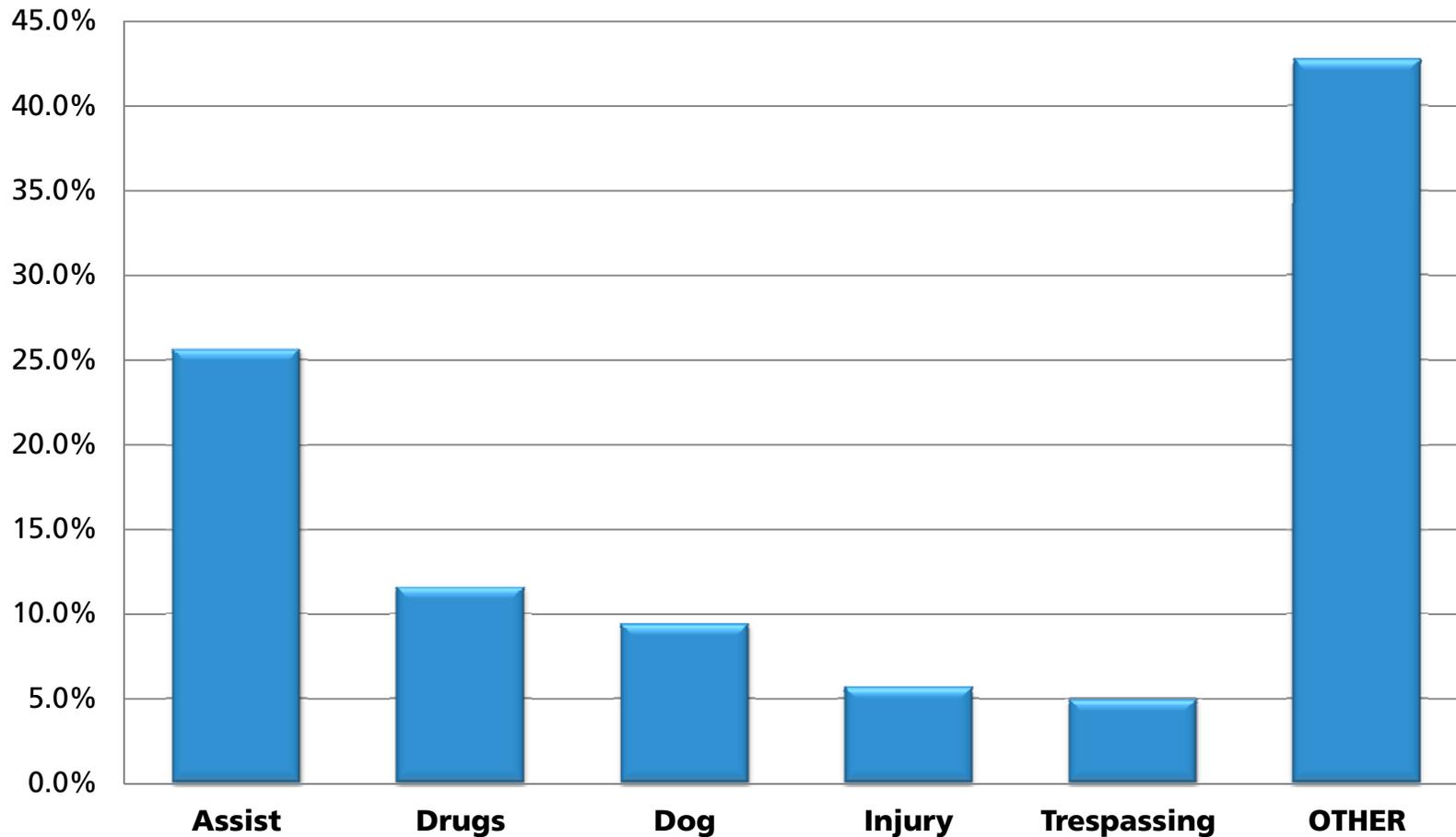
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GGNRA Incidents - 2010 (4012 Total Incidents)



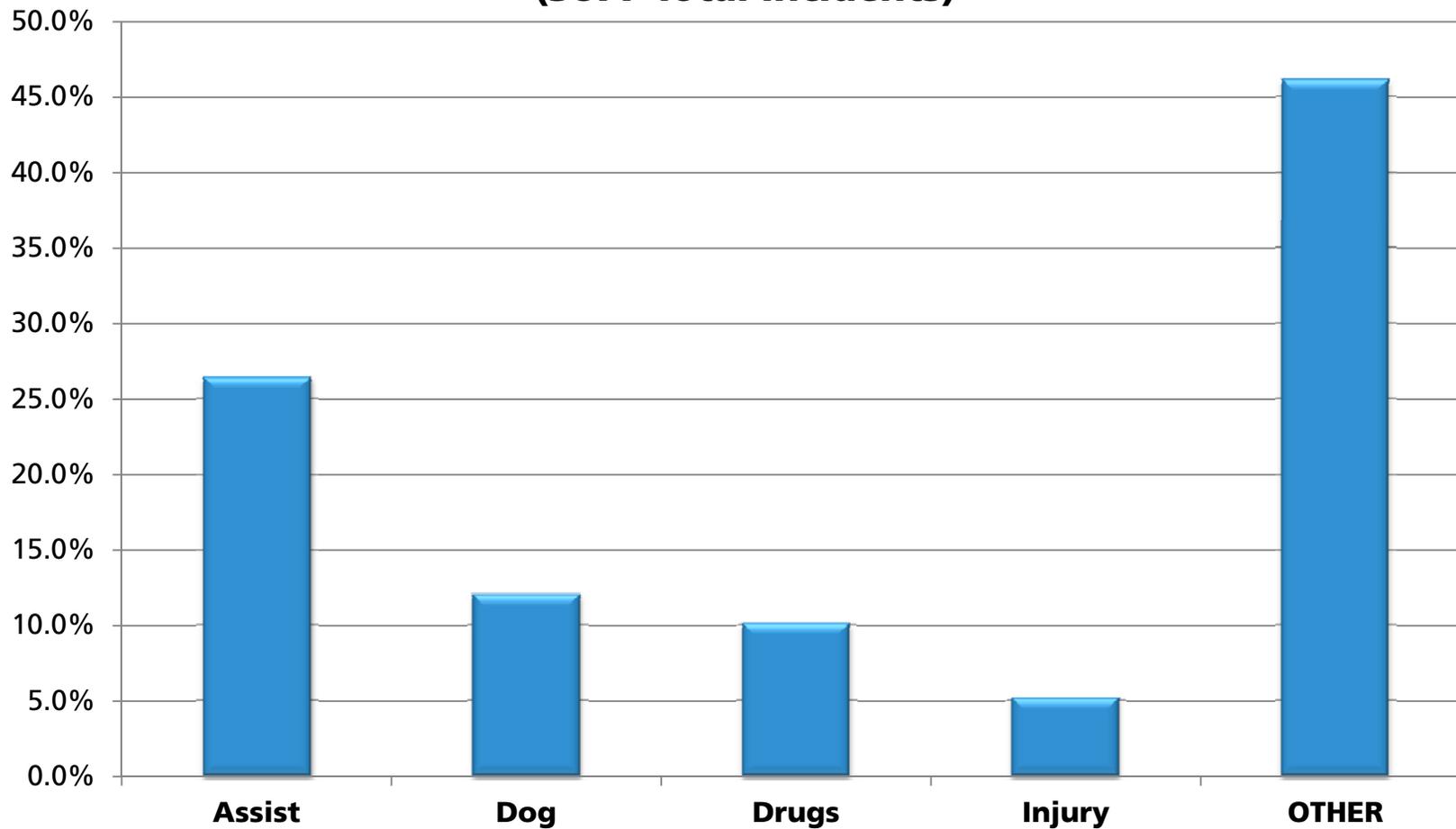
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Note: "Other" category consists of incident categories for which incidents accounted for <5% of total incidents.

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GGNRA Incidents - 2011 (3877 Total Incidents)



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Why a Supplemental EIS?

Response to public comment on the Draft Plan/EIS

- New data (law enforcement / visitor use) and studies
- Changes to the impacts analysis, including additional analysis of potential redistributive effects of opening/ closing areas to dog walking
- Changes to the Compliance-based Management Strategy – now the Monitoring-based Management Strategy
 - adding natural and cultural resource monitoring
 - removing automatic triggers and use restrictions
- Additional Americans with Disabilities Act elements and analysis
- Evaluation of additional fencing as a mitigation method
- Minor changes to some site-specific treatment in the preferred alternative
- Addition of site-specific treatment for site recently transferred to GGNRA - Rancho Corral de Tierra

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Draft Plan/SEIS Addresses 22 Sites

8 in Marin

9 in SF

5 in San Mateo

Range of Alternatives

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- E - Most Dog Walking Access – Most Management Intensive
- F - Preferred Alternative – site-specific preferred alternatives selected from B – E, with emphasis on C

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Proposed Management Summary	Alt A	Alt B	Alt C	Alt D	Alt E	Alt F/ Preferred
Leash-only Sites	9	19	13	11	12	15
Sites with ROLA*/ Off-leash	12	0	9	3	10	7
Dog-walking Prohibited Sites	1	3	0	8	0	0
On-leash Beach/ Trail	46 miles	42 miles	44 miles	26 miles	68 miles	49 miles
ROLA/Off-leash Beach/Trail	33 miles	0	3 miles	0	3.5 miles	2 miles
On-leash - Other Than Beach/trail	131 acres	117 acres	91 acres	69 acres	81 acres	105 acres
ROLA /Off-leash Other Than Beach/trail	140 acres	0	29 acres	23 acres	53 acres	33 acres

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* Regulated Off-Leash Areas (ROLAs) - clearly defined areas with specific, enforceable guidelines.