

# Presidio Environmental Council

Dune Ecological Restoration Team ◇ Golden Gate Audubon Society  
San Francisco League of Conservation Voters ◇ Sierra Club  
Urban Watershed Project ◇ Wild Equity Institute

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February 25, 2013

Mr. John Pelka, Presidio Trust  
103 Montgomery Street  
Post Office Box 29052  
San Francisco, CA 94129

**Re: Proposed *Public Use Limit on Commercial Dog Walking; Revised Disposal Conditions*  
(36 CFR 1002)**

Dear Mr. Pelka:

The Presidio Environmental Council (PEC) is pleased to offer our comments on the above referenced proposal. The PEC strongly opposes the Presidio Trust's (Trust) proposal that would allow commercial dog walking (CDW) businesses to operate within Area B of the Presidio.

Under this proposal, it is estimated that hundreds of dogs will be walked by dozens of professional dog walkers every day throughout the Presidio, morning and afternoon (*See Attachment A*). Commercial dog walking vehicles will have a ubiquitous presence on the roadways and parking areas, and walkers with eight dogs each will ply the public trails and open spaces.

We understand that commercial dog walking takes place currently in some areas of the Presidio, and that some Trust staff members fear that the number of dogs walked will increase if the "Public Use Limit" is **not** approved and implemented. It is important to understand that while referred to as a "limit" the proposal would actually institutionalize a use that is not compliant with park policies and should not be allowed. In assessing the environmental impacts of the proposed project, the baseline used should be the conditions that would prevail now if CDW were not allowed and if the prohibition on CWD were duly enforced.

Use of the Presidio by the commercial dog walking industry constitutes an exploitation of park lands for private financial gain, a use that is not compatible with the preservation of park values, park resources, and the park visitor experience.

Given the scope of its responsibility for the resources and values entrusted to its care, the Trust has an obligation to demonstrate and work with others to promote leadership in environmental stewardship. The Trust must set an example not only for visitors, other governmental agencies, the private sector, and the public at large, but also for a worldwide audience. In demonstrating environmental leadership the Trust must fully comply with the letter and spirit of the Presidio Trust Act and all Federal regulations and administrative policies.

Presidio Environmental Council  
Steven Krefting, Convener  
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The PEC offers the following points for consideration:

### **1. Commercial dog walking (CDW) is not an appropriate use of the Presidio.**

- CDW is not consistent with sound principles of land use planning and management (Presidio Trust Act Sec. 101 (5)) (PTMP).
- CDW provides no services to park visitors, has more than a minimal impact on resources and values, and constitutes more than an incidental use of resources, and therefore does not qualify for commercial use authorization (16 USC 5966).
- CDW adversely impacts park resources and values (36 CFR 1001.6) (16 USC 5966) (Attachment B).
- CDW may impair park resources and values (NPS MP 2006 1.4.5).
- CDW has unacceptable impacts on park resources and values (NPS MP 2006 1.4.7.1) (Attachment B).
- CDW is not an appropriate use of the park (NPS MP 2006 1.5) (NPS MP 2006 8.1).
- CDW does not require a national park setting and is more appropriate to other venues (NPS MP 2006 8.2).

The City of San Francisco's CDW ordinance is not compatible with Federal rules and regulations that apply to lands under NPS jurisdiction. Federal law requires that, "any activity authorized by a permit shall be consistent with applicable legislation, Federal regulations and administrative policies, and based upon a determination that public health and safety, environmental or scenic values, natural or cultural resources, scientific research, implementation of management responsibilities, proper allocation and use of facilities, or the avoidance of conflict among visitor use activities will not be adversely impacted" (See 36 CFR 1001.6). Being that CDW is responsible for damage to resources, threats to public safety, and visitor conflict, (See Federal Register Vol. 77, No. 225, pg. 69786) it is a source of adverse impact and therefore does not qualify as a permissible use.

The notion of CDW is not consistent with the land use policies as specified in the Presidio Trust Management Plan (PTMP). The PTMP does not contemplate using the Presidio's trails, open spaces, roadways and parking areas for commercial purposes. On the contrary the PTMP is squarely aimed at preserving the natural and historic resources of the Presidio and protecting the park experience for current and future users.

Use of Area B by the CDW industry will certainly lead to increases in costs related to resource protection, public safety, and conflict avoidance. These costs will result in either an increase in the total cost of park operations or in a decrease in the funding available for other park needs.

Since CDW, as specified under the proposed action, is not consistent with the laws and policies applicable to Area B, is not consistent with existing plans for public use and resource management, will have actual and potential effects on park resources and values, will place a financial burden on the Trust, and will not serve the public interest, it does not qualify as an appropriate use of Presidio lands.

### **2. The NEPA review of the proposed action is inadequate.**

Given the scope of potentially adverse impacts from CDW in Area B, the proposed action represents a significant change and does not meet the criteria for categorical exclusion from environmental review. The Trust has not fully considered the impacts of CDW, has not taken adequate input from the public.

has not consulted an adequate cross section of stakeholders, and puts forth only one alternative for consideration (See Project Screening Form). Commercial dog walking, as provided for in the proposed action (10-20+ professional dog walkers, with up to eight dogs each, at any given time of day) would “significantly alter the kind and amount of natural, recreational, historical, scenic, or cultural resources of the Presidio Trust Area or the integrity of the setting” (See 36 CFR 1010.8 (c) (3)). Additionally, the proposed action would, “introduce a non-compatible use that might compromise the nature and characteristics of the area or cause significant physical damage to it” (See 36 CFR 1010.7 (10) (ii) (B)).

### **3. Adoption of the proposed action constitutes a condoning of CDW in Area B.**

It is clear that the proposed action does not establish a Trust-managed CDW permitting process, but rather proposes to accept the conditions of a City of San Francisco ordinance. Yet, adoption of the proposed action would imply that the Trust condones CDW within Area B. By embracing the City ordinance, the Trust would be enabling the very problem that is causing damage to resources, threats to public safety, and visitor conflict, and indicating to the public that these conditions are acceptable.

If adopted, the proposed action will likely undermine efforts to nurture a culture of resource stewardship. Adoption of the proposed action would send a clear message that the CDW industry is welcome within Area B attracting City permitted (and likely unpermitted) professionals into the park.

### **4. It is the position of the PEC that the Trust should not adopt the proposed action. As an alternative to the proposed action the PEC recommends the following actions:**

a) Postpone any and all decision making regarding adopting the City of San Francisco’s CDW policies until such time as the National Park Service (NPS) publishes their own policies and requirements on CDW.

To pre-empt the Park Service and possibly introduce a conflicting management policy in Area B versus Area A of the Presidio is not prudent and could leave the Trust or NPS open to new litigation. Potentially conflicting policies between the two management entities should be assiduously avoided to prevent confusion and conflict in the mind of the public who see the Presidio as “one place”. Postponement also saves the Trust the very difficult public relations task of the probable need of backtracking and redefining its CDW management program, an extremely emotional and highly controversial issue, once the Park Service has completed its very thorough process.

b) Encourage engagement and education of the general public regarding the non-compatibility of CDW with the objectives and values of the Presidio. A proactive public education campaign could be effective at informing visitors of the park rules and regulations and why they are needed.

c) Facilitate a level of law enforcement necessary to adequately gain and maintain a reasonable level of compliance with all park regulations applicable to both Area A and to Area B.

**5. The PEC supports the revised disposal conditions.**

Regulations that require the removal and appropriate disposal of dog waste should be adopted and implemented as soon as possible. There is no need to delay the creation of such rules pending the lengthier process that should apply to any proposal on CDW that we know would have negative impacts on the environmental and historic resources of the Presidio.

Thank you for the opportunity to submit these comments on the proposed action. Please do not hesitate to contact us with any questions regarding these comments.

Sincerely,



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## Attachment A

### Projected Volume of Commercial Dog Walking in the Presidio

The Federal Register announcement states that 110,000 households in San Francisco have dogs. Of these, one third employ commercial dog walkers. (*See Federal Register, pg. 69786*) Below is a calculation to estimate how many commercial dog walkers will conduct their business in the Presidio if this plan is adopted.

- San Francisco has approximately 110,000 households with dogs, which if divided by three equals approximately 35,000 households that employ commercial dog walkers.
- Assuming all of these households have only one dog that is professionally walked once a week; 35,000 dogs divided by 7 days equals 5,000 dogs professionally walked per day.
- Assuming that only 10% of those dogs are walked within the Presidio, that would be 500 dogs per day professionally walked in the Presidio.
- Assuming that half of the dogs would be walked in the morning hours and half of the dogs would be walked in the afternoon hours, which would be 250 dogs in the morning and 250 dogs in the afternoon.
- Assuming that each dog walker is walking 8 dogs; 250 dogs divided by 8 dogs per walker equals about 30 dog walkers.
- If commercial dog walking is permitted in the Presidio it can conservatively be expected that 30 commercial vehicles will be driving into the Presidio, occupying parking spaces and walking up to 8 dogs each on the trails and open spaces every morning and every afternoon.

## Attachment B

### Potential Adverse Impacts of Commercial Dog Walking in Area B

#### Damage to resources and values

- Soundscape – dozens of handlers with hundreds of dogs will produce significant amounts of related sounds including the projected annunciation of commands and barking.
- Viewscape – natural views will be blighted by walkers with eight dogs each. Packs of active dogs are distracting to public programs, tours, and visitors enjoyment of passive recreational activities which require quiet focus.
- Odor – odors produced by dogs could cause wild animals to modify their behaviors, such as mating, migration, feeding, predator avoidance, prey selection, and the establishment of social structures. (NPS MP 2006, 4.11)
- Wildlife – the presence of dozens- of dogs will displace wild animals.
- Parking – visitor parking spaces will be occupied by commercial vehicles.
- Traffic – commercial vehicles will be ubiquitous on park roadways.
- Commercial vehicles – the presence of commercial vehicles adorned with self promotional signage will detract from the visitor experience.
- Urine – urine from hundreds of dogs will adversely impact the soil and groundwater, with the potential to kill native plants and to benefit exotic invasive weeds.
- Damage to plants – hundreds of dogs in native plant communities will affect the growth potential of native plants.
- Damage to soil – hundreds of dogs on trails and in open spaces will affect soil stability and nutritional value with the potential to kill native plants and to benefit exotic invasive weeds. Serpentine soils found throughout the park are low in nutrients, creating a unique niche for the endangered *Clarkia*. Dog urine would upset this balance, and encourage competing plants to grow.
- Tranquility – walkers with groups of eight dogs each on trails and open spaces will diminish the tranquility of the park. This tranquility is REQUIRED to pursue many of the passive recreation activities that have no ‘organized voice’ to represent them: photography, naturalist pursuits, meditative or restorative walking, study of species and plants, painting, drawing, enjoying a unique sensory experience in nature, etc...

#### Threats to public safety

- Fear – packs of eight dogs on trails and open spaces may pose a threatening presence to those unfamiliar or afraid of dogs- including especially the elderly who may be knocked over, and children who are most vulnerable because they have yet to be taught how to interact and are not tall enough to be out of physical reach of dogs.
- Blocking trails and program sites – packs of eight dogs on trails will be disruptive to picnics, public events, tours, programs, and through hikers.
- Trip hazard – packs of eight dogs on long leashes on trails will pose trip hazards to through hikers as well as bicyclists and runners. Parents with running strollers will be unable to proceed on trails clogged with a pack of dogs.
- Attacks and Bites – hundreds of dogs in the park will vastly increase the potential for dog bites to park visitors, individual dog walkers and dogs, park police horses, valued tenants, and staff.

### Visitor conflict

- Displacement from trails and open spaces – park visitors will be repelled from trails and open spaces where dogs and dog walkers have a dominating presence.
- Parking – visitors will compete for parking spaces with commercial dog walking vehicles.
- Tranquility – park trails and open spaces will have a diminished quality of tranquility.
- Contemplative setting – contemplative settings will be compromised by the volume of dogs and their impacts.

### Other

- Unlimited access – the proposal provides for no dog free areas. Park visitors will be subjected to commercial dog walking on all trails and open spaces.
- Additional operating expenses – additional costs will be incurred by the park for administration and oversight, additional law enforcement, additional resource maintenance, additional public relations, and the loss of legitimate park visitors and volunteers.
- Precedent – permitting commercial dog walking will set a precedent for other National Park units.
- Loss of visitors – visitors who are allergic/fearful will avoid the park because of the large volume of dogs.
- Loss of stewardship volunteers – volunteers discouraged by the adverse impacts of commercial dog walking will lose interest in park stewardship.
- Counter productivity – it is counter-productive for the Trust to spend thousands on attracting youth through camp and program development, and encouraging them to become our next park supporters while allowing obvious commercial resource-impairing activities in their presence.