

Meeting Summary
Negotiated Rulemaking Advisory Committee for Dog Management at
Golden Gate National Recreation Area (GGNRA)

Meeting #4
Monday, July 31, 2006
3:30 p.m. – 7:30 p.m.
Landmark Building A, The Conference Center
Lower Fort Mason, San Francisco, CA

Committee Members and Alternates: Cynthia Adam, Carol Arnold, Erin Brodie, Carol Copsey, Betsey Cutler, Anne Farrow, Arthur Feinstein, Gary Fergus, Joe Hague, Karin Hu, Michelle Jesperson, Paul Jones, Steven Krefting, Howard Levitt, Bruce Livingston, Cindy Machado, Keith McAllister, Linda McKay, Elizabeth Murdock, Bob Planthold, Brent Plater, Christine Powell (Designated Federal Officer), Holly Prohaska, David Robinson, Christine Rosenblat, Jake Sigg, Donna Sproull, Judy Teichman, Martha Walters.

National Park Service (NPS) Staff: Melissa Behrent, Sarah Bransom, Daphne Hatch, Jane Hedrick, Paula Lee, James Marks, Noemi Marshall, Judy Matthews, Marybeth McFarland, Bill Merkle, Brian O'Neill, Steve Ortega, Yvette Ruan, Shirwin Smith.

National Park Service contractors: Juanita Barboa, Heidi West (Total Quality NEPA).

Facilitation Team: Greg Bourne, Michael Harty, Catherine McCracken.

Documents distributed to Committee members and alternates on the Negotiated Rulemaking Committee for Dog Management at GGNRA (Committee) at the meeting are listed in Attachment A. Five members of the public attended all or part of the meeting. The discussion followed the issues and general timing described in the meeting agenda.

Review Meeting Agenda and Objectives

Action: The Committee adopted the proposed agenda: approval of May 15, 2006 meeting summary, updates since previous meeting (negotiated rulemaking schedule/timeline, changes in SFSPCA participation, updated GGNRA Parameters, plan for site visits, National Environmental Policy Act Environmental Impact Statement (NEPA-EIS) update), report on Technical Subcommittee Meeting #1, compilation and analysis of interests, potential objective criteria for developing options, next steps for Committee, and public comment.

Approval of May 15, 2006 Meeting Summary

The purpose of meeting summaries is to provide a shared record of discussion topics, key interests, and decisions, and not a verbatim transcript of the Committee's discussions. After draft Meeting Summaries are approved by the Committee they will be made available to the public through the NPS Planning, Environment and Public Comment (PEPC) website: <http://parkplanning.nps.gov/goga>, at Negotiated Rulemaking for Dog Management at GGNRA, Document List.

A Committee member asked about the status of the Presidio Trust in the NEPA process. Christine Powell responded that although the Presidio Trust is not attending the agency scoping phase of the EIS process, they may submit comments for the scoping phase.

Action: The Committee adopted the May 15, 2006 Meeting Summary and attachments, with one correction to be made to item 5 on page 3 (replace SFDOG with Crissy Field Dog Group).

Updates on Activities since Previous Meeting

1. Greg Bourne provided a verbal update on planning for future Committee and Technical Subcommittee meetings and noted that an updated version of the Committee and NEPA-EIS timelines is being prepared by GGNRA and the Facilitation Team. Upcoming meetings are as follows:

- Technical Subcommittee Meeting #2: Wednesday, September 13, 2006, 3:00 p.m. – 6:30 p.m. at the Golden Gate Room, Building 201 (GGNRA Headquarters Building), Upper Fort Mason.
- Committee Meeting #5: Thursday, September 21, 2006, 3:00 p.m. – 7:30 p.m. at the Officers Club, Upper Fort Mason.
- Technical Subcommittee Meeting #3: October 2006 (date, time, and location to be determined). The Facilitation Team is proposing the format of this meeting as a full-day workshop for discussion of decision criteria and specific GGNRA units, and will propose at least one Saturday date option.
- Committee Meeting #6: early November 2006 (date, time, and location to be determined).
- Committee Meeting #7: January 2007 (date, time, and location to be determined).
- Additional Committee, Technical Subcommittee, and other Subcommittee meetings may need to be scheduled depending on outcomes of the above.

Action: Send updated Committee/NEPA-EIS timelines to Committee. Meeting Wizard availability requests for scheduling Technical Subcommittee Meetings #2 and #3.

2. Christine Powell, Designated Federal Officer (DFO), reported that there were no updates on the accelerated resource protection rulemaking for areas at Ocean Beach and Crissy Field discussed with the Committee at previous meetings. GGNRA is still in discussion with NPS Regional and Washington offices and hopes to provide more information and a timeline at the September Committee meeting.

3. Christine Powell reported that the San Francisco Society for the Prevention of Cruelty to Animals (SFSPCA) has proposed that Laurie Kennedy-Routhier substitute for Committee member Daniel Crain with Christine Rosenblat continuing as the alternate Committee member. GGNRA is working through the approval of this proposal with NPS Washington office. The representative of the Center for Biological Diversity expressed his concerns about this proposal and Ms. Kennedy-Routhier's ability to constructively participate as a Committee member. The representative of Pacifica Dog Walkers expressed her strong support of the SFSPCA being "at the table" in the negotiated rulemaking process.

4. Christine Powell reported that GGNRA signs indicating leash requirements have been taken down from the areas covered in Judge Alsup's ruling. GGNRA is in the process of developing signage for these areas to clarify other relevant regulations for protection of resources and visitors (36 CFR §2.2 and 36 CFR §2.34) and anticipates installing signage in August 2006. A draft of these signs was distributed to Committee members.

The representative of Crissy Field Dog Group noted that members of that organization have observed children harassing wildlife at Crissy Field and asked if they were subject to the regulations; Christine Powell replied that the regulations apply to children. The Crissy Field Dog Group representative noted that organization's members try to educate people as much as possible regarding dogs or children harassing wildlife, that the reality of the situation is complex, and that the group is working on a usage assessment at West Beach.

The representative of the Center for Biological Diversity asked if these regulations also apply to the Ocean Beach area; Christine Powell replied 36 CFR §2.2 and 36 CFR §2.34 apply parkwide, including Ocean Beach. The representative expressed his concerns that the current status of the regulations is allowing "take" (as defined in the Endangered Species Act) of plovers to occur at Ocean Beach and the timeline for the accelerated rulemaking process will allow another season to pass before protections are in place for plovers.

The representative of the League of Conservation Voters asked about the level of enforcement staff at Ocean Beach, Crissy Field, and other areas covered in Judge Alsup's ruling. Christine Powell responded that staffing levels vary and are dependent on a number of factors, including activities in other GGNRA areas, emergencies, etc. The Committee member representing birding interests noted that members of the Golden Gate Audubon Society have observed dogs harassing wildlife at Ocean Beach and they have

similar concerns regarding Endangered Species Act considerations; he noted that Society members could provide photos to GGNRA. The representative of Marinwatch noted that there seems to be an opportunity for the birdwatcher and dogwalking communities to work together to help educate GGNRA users regarding importance of regulations prohibiting harassment of wildlife.

5. Christine Powell reported that GGNRA has organized site visits for Committee members for many of the areas listed in the document, National Park Service Parameters and Scope of Negotiated Rulemaking Discussion (“Parameters”). She thanked Judy Matthews for her extensive work to arrange the site visits and noted that, as requested by Committee members, site visits are scheduled for weekdays and weekends as follows:

SAN FRANCISCO COUNTY

Saturday, August 26, 9:00 a.m. – 2:00 p.m.

Ft. Funston	9:00 a.m. - 10:00 a.m.
Ocean Beach	10:20 a.m. - 11:20 a.m.
Baker Beach	11:40 a.m. - 12:40 p.m.
Crissy Field	1:00 p.m. - 2:00 p.m.

Tuesday, September 12, 1:00 p.m. – 6:00 p.m.

Ft. Funston	1:00 a.m. - 2:00 p.m.
Ocean Beach	2:20 p.m. - 3:20 p.m.
Baker Beach	3:40 p.m. - 4:40 p.m.
Crissy Field	5:00 p.m. - 6:00 p.m.

MARIN COUNTY

Tuesday, August 29, 1:00 p.m. – 5:00 p.m.

Muir Beach	1:00 p.m. – 2:00 p.m.
Oakwood Valley	2:30 p.m. - 3:30 p.m.
Rodeo Valley, Beach & Lagoon	3:50 p.m. - 4:50 p.m.

Saturday, September 9, 9:00 a.m. – 1:00 p.m.

Muir Beach	9:00 a.m. - 10:00 a.m.
Oakwood Valley	10:30 a.m. – 11:30 a.m.
Rodeo Valley, Beach & Lagoon	11:50 a.m. – 12:50 p.m.

SAN MATEO COUNTY

Thursday, September 14, 1:00 p.m. - 4:30 p.m.

Mori Point	1:00 p.m. - 2:00 p.m.
Milagra Ridge	2:10 p.m. - 3:10 p.m.
Sweeney Ridge	3:30 p.m. - 4:30 p.m.

Saturday, September 23, 9:00 a.m. - 12:30 p.m.

Mori Point	9:00 a.m. - 10:00 a.m.
Milagra Ridge	10:10 a.m. - 11:10 a.m.
Sweeney Ridge	11:30 a.m. - 12:30 p.m.

Action: Additional information will be sent via email to Committee members.

6. Christine Powell distributed a revised version of the document, National Park Service Parameters and Scope of Negotiated Rulemaking Discussion (“Parameters” dated July 31, 2006) which further clarifies rationale and includes areas mistakenly omitted from the previous version. Maps for the Rodeo Beach and Muir Beach areas (updated from versions distributed at May Committee meeting) and new maps for the Pedro Point and Cattle Hill areas were distributed.

Discussion, questions and comments from the Committee:

- ❖ Request that trails be added to maps, including Marin Headlands.
- ❖ Question regarding status of discussion of fencing dogs in/out for off-leash recreation and/or rotational fencing of areas. (Clarification: Discussion on these issues has not yet taken place).

Action:

- *Add GIS layer of trails to future updates of maps of areas under discussion for dogwalking in the negotiated rulemaking process.*

7. Sarah Bransom (Program Manager, NPS Environmental Quality Division) introduced Heidi West (Principal, Total Quality NEPA, a contractor to the NPS) who reviewed the EIS No Action-Current Conditions table and Current Conditions information request for Committee members. The “No Action” alternative is the description of activities that would continue under existing policies or practices. The Current Conditions information request is comprised of seven questions for the Committee to consider for each of the areas under discussion for dogwalking in the negotiated rulemaking process (i.e. areas 2A and 2B in the Parameters document).

Discussion, questions and comments from the Committee:

- ❖ Comment that Committee should be adding to existing information base to avoid replication of information that Golden Gate Parks Conservancy and others have undertaken in past.
- ❖ Request that NPS delete questions 1 and 2 and provide that information/analysis to Committee because of concerns regarding anecdotal information/analysis being used in lieu of factual basis to make decisions and that use of anecdotal evidence is inappropriate to this process.
- ❖ Question about protocols used for Golden Gate Parks Conservancy studies.
- ❖ Suggestion that any anecdotal information must be accompanied by appropriate disclosure if it is to be considered in the negotiated rulemaking process and that there may be a joint fact-finding opportunity to mutually agreed protocols for use of data and what to do when there are conflicting data (for example, enforcement data, public perception, NPS scientific staff opinion). This could be a possible agenda item at next Technical Subcommittee meeting.
- ❖ Suggestion that data could be gathered as part of upcoming site visits.

- ❖ Comment that site visits may not be sufficient for information gathering because of limited time, and question regarding use of information collected as an avenue to creative problem solving for specific areas, for example, timed use.
- ❖ Questions about how facts will be approached and used – data gathering, then decisions about how information is used in developing proposals; statement that disagreements may not be about facts but rather how facts will be used.
- ❖ Comment that adjacent land use/conditions should be added to list of questions.
- ❖ Comment that NOAA Beach Watch Group has data that should be requested.
- ❖ Request for more respect from other Committee members and that definitive statements of “what is true” should not be accepted without supporting information.
- ❖ Question regarding relevance of current use data and if that data is needed to discuss identification of areas where offleash dog use may be appropriate; comment questioning current use as a selection criterion that would support offleash dogwalking.
- ❖ Request that analysis be done on a site-specific basis to evaluate specific resource and management needs (i.e., requirements of Organic Act) and identify whether there are incompatibilities with resource/management needs and dogwalking.
- ❖ Suggestion to quantify number of parking spaces at each of the areas under discussion.

Action:

- *A template for responses to the information request will be sent via email to Committee members with approximately a two week turnaround so that responses can be compiled prior to the next Technical Subcommittee meeting.*
- *Compile information on number of parking spaces for areas 2A and 2B on Parameters document.*
- *Follow up with Erin Brodie and Joanne Mohr to ensure that NOAA Beach Watch Group data has been provided to NPS.*

Report on Technical Subcommittee Meeting #1

The representative of the Marin Humane Society provided a summary of the first Technical Subcommittee held July 18, 2006. In addition to Committee members and alternates, the Technical Subcommittee also includes Levon Sagatelyan and Jane Woodman, representing Districts 4 and 3 (respectively) of Marin County. The starting point for the discussion was the list of information needs created by Committee members at the May 15, 2006 meeting. The subcommittee focused on clarifying what information is needed for the rulemaking process (as compared to all information available), discussed the need for a consistent definition of the term “voice control,” and identified next steps for additional information gathering and presentations.

Discussion, questions and comments from the Committee:

- ❖ Question about who is doing the work to evaluate areas for protection and management needs (Current need is to document the information base for each

specific area; for the October Technical Subcommittee meeting, to begin discussion of criteria that will be used to evaluate each area).

- ❖ Question regarding what information is available on timed use from the San Francisco Dog Advisory Committee.

Action:

- *Research information available on timed use from San Francisco Dog Advisory Committee and provide to Committee.*
- *Research voice control definitions and provide to Committee.*
- *NEPA Team is developing thresholds and risk factors presentation for the September Committee meeting which the Committee will use to develop criteria for rulemaking.*

Compilation & Analysis of Interests: Collaborative Problem Solving Process Step 1

Mike Harty introduced the compilation of key interests spreadsheets received from Committee members in three categories: 1) Areas open for discussion of dog-walking: voice control, on leash, or no dogs, 2) Areas open for discussion of dog-walking: on leash (where allowed) or no dogs, 3) GGNRA-Wide Issues and accompanying “GGNRA Dog Management Negotiated Rulemaking – Preliminary Interests Analysis.”. Identification of interests is an initial step in the collaborative problem solving process.

Action: Add Fort Miley to the interests template as one of the areas open for discussion of dogwalking: voice control, on leash or no dogs.

Discussion, questions and comments from the Committee:

- ❖ Suggestion to add a section on disabled communities to GGNRA-Wide Issues (users who are blind, developmentally disabled, neuromuscular limited, deaf).
- ❖ Comment that there are different interpretations of key interests – are interests listed current concerns or potential future use; need to clearly define so there is consistency to information being compiled.
- ❖ Site visits will assist in “ground-truthing” interests listed on spreadsheets.
- ❖ Comment that at all sites listed there should have reference to the mission of the National Park Service (i.e. Organic Act and enabling legislation for GGNRA)
- ❖ Comment that the way off leash recreation has been practiced in the past in the GGNRA is controversial and there is a need to focus on a common definition of terms before considering how that activity might be allowed in a particular area
- ❖ Comment that the preliminary interests analysis table only has one area where dogwalking is mentioned. (Clarification: the purpose of the table is to highlight unique qualities of the areas and seemingly higher potential for conflicts based on assessment of interests, particularly high and multiple use areas).
- ❖ Comment that interests spreadsheets are very human-centered and concern that Committee doesn’t have resources to identify all the issues and that data, particularly over time, isn’t available for many areas
- ❖ Comment that it will be helpful for Committee members to be as specific as possible with their description of interests.

- ❖ Question regarding the extent of NPS information on threatened and endangered (T/E) species and other information beyond T/E species; Committee needs to understand what is known now. (Response that vegetation mapping is available and additional information is available for some areas, for example, Fort Funston, from special studies. The attributes tables being developed by the NEPA Team are summarizing current information).
- ❖ Need to know what other values are being impacted beyond snowy plover.
- ❖ Comment that it will be important to identify places where the Organic Act will not be violated. (Christine Powell responded that NPS will comply with its applicable laws and regulations).

Action:

- *The spreadsheets will be revised by the Facilitation Team and sent to Committee members for a second round of input, so that they may refine existing interests and/or provide additional input. A turnaround time of approximately two weeks will be requested so that the responses can be compiled before the next Technical Subcommittee meeting.*
- *The Facilitation Team will develop a list of terms/concepts around which shared meaning needs to be developed and will propose a strategy for discussions.*

Potential Objective Criteria for Developing Options: NEPA and Collaborative Problem Solving Process Step 2

Mike Harty introduced the topic of criteria for evaluating potential options, including threshold and secondary criteria. Committee members were asked to review the suggested criteria found on page 8 of the document, “Federal Panel Recommendation to the General Superintendent on Proposed Rulemaking for Pet Management at Golden Gate National Recreation Area” which was distributed to Committee members in their binders at the March 6, 2006 meeting. Criteria will be discussed in detail at the September 21 Committee meeting.

Sarah Bransom presented an overview of the NEPA process and discussed how criteria are used to support the process of evaluating interests and the range of potential alternatives and solutions presented in the NEPA-EIS. A copy of the flow chart presented is attached (Attachment B).

Discussion, questions and comments from the Committee:

- ❖ Concern with concurrent NEPA process developing alternatives while Committee is negotiating consensus on recommendation for a dogwalking regulation. (Clarification: if consensus is reached by the Committee it will undergo NEPA analysis and be included in one or more alternatives in the EIS; the NEPA Team will not present the Committee with a preferred alternative).
- ❖ Question regarding timeline and how accelerated rulemaking intersects with EIS preparation. (Response: at this time accelerated rulemaking is not part of the NEPA analysis).

Next Steps

The Facilitation Team will work with the Planning Team to develop the agenda for the September 21 Committee meeting.

Dates will be set for Technical Subcommittee Meetings as described above.

Other action items are listed above under each agenda item.

Public Comment

The following members of the public provided verbal comments to the Committee: Sonja Hanson, Sally Stephens, and Andrea O’Leary. Topics covered included:

- ❖ Question about NPS scheduling additional site visits in the future to cover all areas described in the Parameters document that are under discussion for dogwalking.
- ❖ Comment that part of the negotiation process should be to find a common set of definitions.
- ❖ Comment that much of the information regarding the impacts of dogs is anecdotal.
- ❖ Comment that Judge Alsup’s decision must be followed in full by NPS, not selectively.
- ❖ Comment expressing concern regarding selective enforcement in areas with multiple recreation uses and that emphasis needs to be on fair enforcement of regulations.
- ❖ Comment expressing concern that just because something has been going on in an area for a long time does not mean it is a viable activity and should continue.
- ❖ Question regarding what constitutes baseline of activity for areas under discussion.
- ❖ Question regarding what definitions of dogwalking are being used in negotiations and if off leash dog running is considered passive recreation.
- ❖ Comment that the negotiated rulemaking process should be about the best use of land and management of resources.

The meeting was adjourned at 7:30 p.m.

Copies of written comments submitted to GGNRA at and after the meeting (through September 21, 2006) from Sonja Hanson and Andrea O’Leary are attached.

We hereby certify that, to the best of our knowledge, this meeting summary is accurate and complete.

Greg Bourne, Senior Mediator, Center for Collaborative Policy
J. Michael Harty, Principal, Harty Conflict Consulting & Mediation

July 31, 2006 Meeting Summary
Negotiated Rulemaking Advisory Committee for Dog Management
Golden Gate National Recreation Area
As adopted at September 21, 2006 Meeting

Attachment A

Documents distributed to Committee members and alternates:

- Notice of fourth meeting: Federal Register/Vol. 71, No. 122/Monday, June 26, 2006.
- Meeting #4 agenda (DRAFT).
- Meeting Summary – Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area (GGNRA), Meeting #3, Monday, May 15, 2006 (DRAFT) and final version (as approved at May 15, 2006 meeting) of Negotiated Rulemaking Advisory Committee Protocols with attached Good Faith Participation Standards (as discussed and revised at April 18, 2006 meeting).
- Written public comments from S. McCarthy (dated May 15, 2006), Sally Stephens (dated May 15, 2006), Mercedes VanDenBerg (dated May 22, 2006), and Sonja Hanson (dated May 22, 2006).
- Golden Gate National Recreation Area, copy of educational signage with headline “Dog Owners,” paragraph on sensitive plants and animals, federal regulations (36 CFR §2.2 and 36 CFR §2.34), and guidelines regarding voice control and keeping dogs out of the lagoon or creek.
- National Park Service, Parameters and Scope of Negotiated Rulemaking Discussion (dated July 31, 2006) and accompanying maps, “GGNRA Parameters for Negotiated Rulemaking Discussion,” (all dated May 16, 2006) of: Muir Beach, Rodeo Beach, Pedro Point, and Cattle Hill.
- Document from Total Quality NEPA (NPS contractor), “Some questions that the Negotiated Rulemaking committee, or Technical subcommittee could help in addressing,” (dated July 17, 2006).
- Table (revised DRAFT, dated June 1, 2006), “GGNRA Dog Management Plan/EIS No Action-Current Conditions”.
- Meeting Summary – Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area (GGNRA), Technical Subcommittee Meeting #1, Tuesday, July 18, 2006 (DRAFT)
- Compilation of Key Interests (dated July 28, 2006), Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area: 1) Areas open for discussion of dog-walking: voice control, on leash, or no dogs, 2) Areas open for discussion of dog-walking: on leash (where allowed) or no dogs, 3) GGNRA-Wide Issues and accompanying “GGNRA Dog Management Negotiated Rulemaking – Preliminary Interests Analysis”.

Attachment B

National Park Service NEPA-EIS Preparation Process

- 1) Identification of Purpose, Need and Objectives
- 2) Internal and public scoping -- identify interests and data
 - ◆ Current conditions description – understand what is important about an area and why people go to certain places
 - ◆ Attributes of individual areas (summarized in attributes tables distributed at Technical Subcommittee meeting)
- 3) Principles – supportable and defensible (laws, policies, surveys) and desired future conditions
- 4) Development of range of alternatives and solutions (includes “no action” alternative) to address specific issues and/or problems
- 5) Impact analysis – considers thresholds and risk factors (negligible to major impacts; determining if something will violate laws such as the Organic Act) and mitigation measures
- 6) Preparation of Environmental Impact Statement