

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

Meeting #5
Thursday, September 21, 2006
3:00 p.m. – 7:30 p.m.
Officers Club, Upper Fort Mason, San Francisco, CA

Committee Members and Alternates: Cynthia Adam, Carol Arnold, Carol Copsey, Betsey Cutler, Anne Farrow, Arthur Feinstein, Jeri Flinn, Joe Hague, Mark Heath, Michelle Jespersion, Paul Jones, Steven Krefting, Norman Laforce, Bruce Livingston, Cindy Machado, Keith McAllister, Linda McKay, Bob Planthold, Brent Plater, Christine Powell (Designated Federal Officer), Holly Prohaska, David Robinson, Christine Rosenblat, Judy Teichman, Martha Walters.

National Park Service (NPS) Staff: Mai-Liis Bartling, Sarah Bransom, Ozola Cody, Barbara Goodyear, Sandra Hamilton, Daphne Hatch, James Marks, Bill Merkle, Yvette Ruan, Shirwin Smith.

National Park Service contractors: Juanita Barboa, Lori Gutman, 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. Four 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

The presentation on the federal rule writing process and support for the negotiated rulemaking was removed from the proposed agenda and will be scheduled for a future Committee meeting. *Action: The Committee adopted the proposed agenda: review and adoption of July 31, 2006 meeting summary, updates since previous meeting (report on site visits, Natural Resource Protection actions, NEPA information request compilation), report on Technical Subcommittee Meeting #2, National Environmental Policy Act (NEPA) Team presentation of summary of public scoping comments, discussion of potential selection/evaluation criteria/toolbox, revisions to Key Interests compilation, next steps for Committee, and public comment.*

Approval of July 31, 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 commented about the length of the summary and stated that summaries don't usually attribute comments to individuals. Another Committee member asked about the status of adding the GIS layer of trails to maps of the areas under discussion in the negotiated rulemaking process.

Action: The Committee adopted the July 31, 2006 Meeting Summary and attachments; the Facilitation Team will review the summary and address specific attribution issues for the final version. GGNRA is in the process of preparing the more detailed maps in advance of the third Technical Subcommittee meeting in October.

Updates on Activities since Previous Meeting

1. Christine Powell thanked Committee members who attended the five site visits held to date and announced that the September 23 site visit to San Mateo County GGNRA areas had been cancelled and will be re-scheduled.
2. Committee members were thanked for providing their responses to the NEPA Team's Current Conditions information request and the compilation of responses received from six Committee members was distributed. Committee members who had not responded were asked to send their responses to Catherine McCracken by September 30. It was acknowledged that there are differences of opinion regarding current conditions and level of use at different areas for dogwalking. This is the Committee's opportunity to give input on current conditions. Committee members requested that the National Park Service inform them of how information will be used in the NEPA process when information requests are made of the Committee.
3. Mai-Liis Bartling provided an update on Natural Resource Protection actions being pursued to protect Western Snowy Plovers. GGNRA is planning a Park Compendium amendment for the Plover area at Ocean Beach and the Wildlife Management Area at Crissy Field as it is the agency responsibility under the Endangered Species Act; the amendment will go into effect when signed by Superintendent Brian O'Neill. GGNRA is establishing restrictions requiring dogs on-leash (dogs will still be allowed in these areas) as a limited action at the two locations on a seasonal basis (July to early May). The Compendium amendment is in lieu of an accelerated rulemaking process and the data gathered to support this action will be released when the Compendium amendment is signed. The amendment package is currently being reviewed by the Office of the Solicitor. Protection measures beyond this season for the Western Snowy Plover will be determined in the future. Bartling thanked Committee members for their efforts to have several organizations (Golden Gate Audubon Society, Crissy Field Dog Group, and equestrian groups) assist GGNRA with

education efforts and outreach to their members and recreational users at Ocean Beach and Crissy Field regarding protection of Plovers.

Discussion, questions, and comments from the Committee:

- ❖ How is GGNRA defining disturbance to Plovers from dogwalking? Is that compared to disturbance at the locations from other recreational uses?
- ❖ Questions regarding timing of availability of information and communication to user groups and the public regarding development of the Compendium amendment.
- ❖ Questions regarding selection of the Compendium amendment option instead of the accelerated rulemaking process for protection of Plovers despite previous announcements that accelerated rulemaking would be pursued.
- ❖ Questions regarding public notice and comment requirements of the Compendium amendment process.
- ❖ Support expressed that GGNRA is taking action on this issue.

Report on Technical Subcommittee Meeting #2

Cindy Machado provided a summary of the second Technical Subcommittee held September 13, 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. Documents provided to the Subcommittee members prior to or at their meeting included: information on Nationwide Dog Management tools, information on Dog Management tools at the local cities/parks level, updated attributes table for each of the areas under discussion for dogwalking in the negotiated rulemaking process (i.e., areas 2A and 2B in the Parameters document), and a list of definitions developed by the NPS NEPA team for terms as requested at previous Committee and Technical Subcommittee meetings, for visitor use and experience, incident and conflict.

Issues discussed at the meeting included: what constitutes voice control and how that concept is enforced and defined; enforcement situations and actions of NPS rangers (warnings, citations, etc.); recognition that many of the issues and management of the sites under discussion can change over time, and discussion of topics for joint fact finding (JFF) that would be useful to the Committee and the NEPA processes.

Six topics were discussed at the Subcommittee meeting as possible JFF areas:

1) development of information base on number of dogs and dogs/person in GGNRA areas; 2) information on professional dog walkers using GGNRA areas; 3) information on GGNRA resources; 4) information on dog waste issues in GGNRA; 5) information on quality of visitors' park experiences; and 6) information on use of GGNRA sites by children and families. Subcommittee members discussed combining the first two topics, combining the third and fourth topics, and tabling the fifth and sixth topics as a lower priority for JFF.

The following list summarizes the discussion, questions and comments from the Committee regarding JFF topics:

- ❖ What will happen to the fifth and sixth topics if they are tabled by the Committee?

Response: Some information is available from the Northern Arizona University (NAU) telephone survey previously conducted; however the NAU survey does include data from users less than 18 years of age. It may be possible to combine the first, second, and sixth topics if JFF is pursued.

- ❖ Deterred use is difficult to quantify and a survey to attempt to do so would be time consuming and require approval of the Office of Management and Budget, which is why that concept was tabled.
- ❖ Analysis of information for the first and second topics could inform compilation of information or help assess the third and fourth topics.
- ❖ Clarification provided that the Subcommittee did not develop a specific JFF recommendation for action by the full Committee.
- ❖ Requests that a social study or cultural impact study be conducted of use of GGNRA lands for dogwalking in historical and potential dogwalking areas.
- ❖ Suggestions for an analysis of what types of regulations are enforceable and compilation of existing enforcement history information that is available, including information on the overall enforcement process and data on 1979 pet policy violations.
- ❖ Comments that if quantitative data is to be collected for the first and second topics, that study design needs to include variables such as time of day, season, demographics of users, and users at locations that are and are not dogwalking.
- ❖ Comment that if dogwalking is to be studied as a cultural value, than other recreational uses such as birdwatching, should be included to make a comprehensive study.
- ❖ Questions regarding who will decide which study or studies would be pursued and who would design study or studies.
- ❖ Questions regarding cost constraints to JFF and need to design study or studies so that they are statistically relevant and useful.
- ❖ Clarification that the 1% figure referencing amount of GGNRA land made available for offleash dogwalking by the 1979 pet policy is not accurate in that acreage managed by GGNRA is significantly less than the total acreage contained within the park's legislated boundary and request that as Committee moves forward a more accurate figure be used in discussions.
- ❖ Need for data to verify or counter assumptions and anecdotal information without suggesting specific conclusions.
- ❖ Comment that the social values study suggested may not be conducive to JFF efforts but that a Committee discussion of the importance of offleash dogwalking as a value is important (supporting JFF for first and second topics doesn't equal not supporting social value discussed by other Committee members).
- ❖ Clarification that this first step of filing a request does not guarantee funding for a JFF project.

The Committee considered five JFF options: a. Combining the first and second topics without precluding compilation of information on enforcement; b. Combining the third and fourth topics; c. Combining the fifth and sixth topics; d. Enforcement issues and information; and e. Social and cultural resources study. Committee members were then asked to indicate if they opposed pursuing each option for JFF; no opposition was expressed to pursuing option a. Combining development of an information base on number of dogs and dogs/person in GGNRA areas and information on professional dog walkers using GGNRA areas. Additional

discussion occurred after the meeting break when several Committee members noted that the decision process and options were not clear. Committee members asked for additional information from the Technical Subcommittee meeting discussion on the pros and cons of pursuing the JFF options, clarifying the context of how the information collected/compiled will be used in the Committee and NEPA processes, and questions regarding study design considerations.

Action: After clarification the Committee decided to move forward with option a. as described above as a JFF activity, with any proposals to be developed by the Technical Subcommittee for discussion and decision making by the Committee. NPS will submit a request to the Washington, DC office in order to qualify for the JFF funding process and report back to the Committee as decisions are made.

NEPA Team Presentation of Summary of Public Scoping Comments

Sarah Bransom (NPS Environmental Quality Division) referred Committee members to the summary of the Public Comment Analysis Scoping Report. During the scoping phase of the NEPA process, NPS received approximately 500 pieces of correspondence containing approximately 800 comments. The comments were entered into the NPS PEPC system and the information can be sorted in a number of ways, including by topic areas, geographic areas, and management options. The entire Report is available on the PEPC web site for the EIS/Dog Management Plan for GGNRA at the following address:

<http://parkplanning.nps.gov/document.cfm?parkID=303&projectId=11759&documentID=16832> .

Sarah Bransom noted that a wide variety of opinions are reflected in the report, including specific suggestions for management ideas that were used with other information submitted to NPS to develop a toolbox of ideas for dog management.

Action: Provide category and geographic areas sort of comments to Committee members.

Discuss Potential Selection/Evaluation Criteria/Toolbox

Sarah Bransom and Heidi West (of Total Quality NEPA, a contractor to NPS) presented information development of Risk Factors, Management Principles, and Criteria for the NEPA process. Seven of the 12 objectives for the Dog Management Plan were presented as examples of the development process:

1. Protect sensitive species and their habitat – including federal and state-listed, unique or rare species, from the detrimental effects associated with dog use.
2. Protect native wildlife and their habitat from detrimental effects of dogs, including harassment or disturbance by dogs.
3. Preserve opportunities for future natural and cultural resource restoration and enhancement.
4. Minimize degradation of soil and water resources by dog use.

5. Minimize conflicts related to dog use by providing a variety of safe, high quality, visitor use experiences, including areas where dogs are allowed.
6. Maximize dog walker compliance with clear, enforceable parameters in order to improve park operations and use of staff resources in managing dog walking.
7. Ensure safe and healthy working environment for park staff.

For each objective, issues and risk factors are identified, then management principles are identified for the risk factors (for example, Endangered Species Act requirements, NPS regulations, and Recovery Plans) and then Management Criteria are developed in response to the guiding Principles and Mandates. A copy of the presentation is available on the PEPC website: <http://parkplanning.nps.gov/goga>, at Negotiated Rulemaking for Dog Management at GGNRA, Document List, Information Presented at 9/21/06 Committee Meeting. Next steps in the NEPA process include refining of risk factors and criteria by NPS, the NEPA Team working through each site and applying criteria to create a range of reasonable alternatives for analysis pursuant to NEPA.

Discussion, questions, and comments from the Committee:

- ❖ Will specific plants be identified for areas for Mission Blue Butterfly?
- ❖ Is mapping available of overlap of dog areas and sensitive vegetation areas?
- ❖ Clarification provided that Recovery Plans for plants are included under Guiding Principles and Mandates.
- ❖ Question regarding Migratory Bird Treaty Act and clarification regarding consultation requirements with other countries on GGNRA management of areas used by migratory birds.
- ❖ Comment that the Objective referencing water resources could be a serious issue in Marin County areas of the GGNRA because of existing trails' proximity to streams.
- ❖ Question asking if prevention of dog bites is included as a Management Principle and clarification that that issue would be included as part of visitor and staff safety.
- ❖ Comment that the Committee is seeking consensus on its alternatives, not on alternatives developed by the NEPA Team, and clarification provided that if the Committee develops consensus recommendations those will be integrated into the NEPA process, potentially as a separate alternative.
- ❖ Questions asking if there is an objective that incorporates dog safety, including safety issues of large and small dogs.
- ❖ Question asking if there is an objective that considers how dogs impact diversity of users coming to the GGNRA and contribute to mental health of the community.
- ❖ Comment that the diversity of users issue is important for seniors; some people are unfamiliar and may be uncomfortable around dogs.
- ❖ Comment that many people would not come to the GGNRA without their dogs and that both sides of issues of familiarity and comfort with dogs should be considered.

The facilitators noted that the Committee can develop alternatives to maximize the interests and goals identified by the Committee while acknowledging GGNRA's management

constraints. He proposed that the Technical Subcommittee begin to synthesize information and develop proposals for Committee consideration, decisions, and seeking consensus.

One Committee member commented that developing proposals at the Technical Subcommittee level was a good idea but that there needs to be more formal communication between the Subcommittee and Committee as recommendations are sent forward. Another Committee member noted the need to receive summaries of the Technical Subcommittee discussions and recommendations well in advance of Committee meetings.

Clarification was provided by Christine Powell that Federal Register notice of Subcommittee meetings is not required and that public comment is not required on the agenda of Subcommittee meetings. Members of the public attended the first two Subcommittee meetings as observers. Draft or deliberative documents distributed at Subcommittee meetings are not available for public distribution until they are made available at Committee meetings.

Action: The Committee supported going forward with the recommendation that the Technical Subcommittee develop proposals and recommendations for Committee discussion and decisions, with the understanding that Committee members not on the Subcommittee are welcome to attend the meetings. Technical Subcommittee members' schedules will determine selection of meeting dates. Effective communication between the Committee and Subcommittee will be essential. It was determined that the public should be allowed to attend subcommittee meetings but they cannot record discussions nor will copies be distributed to other than subcommittee members.

Revisions to Key Interests Tables

The updated compilation of key interests received from Committee members (as of September 20, 2006) was distributed to Committee members. The tables are divided into three spreadsheets: 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; and 3) GGNRA-Wide Issues.

Next Steps

**Note: The information listed reflects scheduling changes made since September 21, 2006.*

Technical Subcommittee Meeting #3: Wednesday, November 8, 2006 from 1:00 p.m. to 7:00 p.m. at the Conference Center, Building A, Lower Fort Mason.

Committee Meeting #6: November or December 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: Meeting Wizard availability request for scheduling Committee Meeting #7. The Facilitation Team will work with the Planning Team to develop agendas for the Technical Subcommittee meeting and the next Committee meeting.

Public Comment

The following member of the public provided verbal comments to the Committee: Sally Stephens. Topics covered included:

- ❖ Comment that when safety issues are considered, it is important to recognize that GGNRA is adjacent to dense urban areas and problems and for many people (especially women), use of GGNRA areas with their dogs is important for safety reasons.
- ❖ Question regarding if the positive effects of dog ownership and dog walking are included in NEPA analysis, including health benefits and human community benefits.

The meeting was adjourned at 7:10 p.m.

Copies of written comments submitted to GGNRA at and after the meeting (through April 5, 2007) from Anonymous, Erik Beavers, Fred Clough, Elliot Jeffries, Samantha Murray, A. O'Leary, Beth Schriock, Martha Walters, 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

Attachment A

Documents distributed to Committee members and alternates:

- Meeting #5 agenda (DRAFT).
- Estimated Timeline - GGNRA Negotiated Rulemaking/NEPA Processes (dated August 15, 2006 version).
- GGNRA Dog Management Plan/EIS Current Conditions Table - Information Request to Negotiated Rulemaking Committee, compilation of six responses (dated September 15, 2006).
- Golden Gate National Recreation Area Dog Management Plan/EIS - Public Scoping Comment Analysis Report (summary dated August 2006).
- Compilation of Key Interests (dated September 20, 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.