

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

Meeting #7
Saturday, October 27, 2007
9:00 a.m. – 2:30 p.m.
GGNRA Headquarters Building, Upper Fort Mason Building 201
San Francisco, CA

Committee Members and Alternates: Cynthia Adam, Carol Arnold, Carol Copsey, Betsey Cutler, Arthur Feinstein, Gary Fergus, Jeri Flinn, Joe Hague, Steve Hill, Karin Hu, Michelle Jespersion, Paul Jones, Laurie Kennedy-Routhier, Steven Krefting, Howard Levitt, Bruce Livingston, Keith McAllister, Linda McKay, Joanne Mohr, Elizabeth Murdock, Brent Plater, Christine Powell (Designated Federal Official), Howard Levitt, Holly Prohaska, David Robinson, Christine Rosenblat, Jake Sigg, Judy Teichman, Martha Walters.

National Park Service (NPS) Staff: Mai-Liis Bartling, Leanne Ciancetti, Ozola Cody, Michael Edwards, Barbara Goodyear, Daphne Hatch, Bill Merkle, Brian O'Neill, Yvette Ruan, Robert Smith, Shirwin Smith

National Park Service contractors: Tracy Layfield

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

A complete list of documents distributed to Committee members and alternates on the Negotiated Rulemaking Advisory Committee for Dog Management at GGNRA (Committee) prior to and at the meeting are listed in Attachment A. Approximately 40-50 members of the public attended all or part of the meeting. The discussion followed the issues described in the meeting agenda, although the discussion sequence was modified without objection from the Committee.

Of particular note are two documents. One is the report from the multi-stakeholder Work Group formed to develop dog management guidelines and proposals for consideration by the full Committee (included as Attachment B to this meeting summary). The other is a notebook prepared by members of the off-leash caucus containing their proposals and a synopsis of ideas from work group meetings on dog management at specific sites within GGNRA (including an Off-Leash Tag program). The notebook was distributed at the Committee meeting and contains multiple alternatives for each of the 12 sites open for consideration of off-leash use. This was intended for submission to the NPS and Committee members pursuant to Committee protocols.

Opening Comments

GGNRA Superintendent Brian O'Neill opened the meeting by welcoming the Committee members and expressing appreciation for the time, effort and passion Committee members brought to the issues under discussion in the negotiated rulemaking process. He thanked Work Group members for the numerous hours they devoted to additional meetings. He noted GGNRA was hopeful the Committee could achieve consensus on as many elements of the proposals being considered as possible, and provide clarity and understanding about points of disagreement on those elements where consensus was not possible. He thanked the Facilitation Team, Chris Powell, Shirwin Smith, members of the GGNRA Resource Team, Mai-Liis Bartling, and Howard Levitt for their work and contributions to the negotiated rulemaking process.

Meeting Agenda and Objectives

The Facilitation Team reviewed the draft meeting agenda along with an email sent by the Facilitation Team to Committee members regarding consensus decision making pursuant to the Committee's Protocols. The Facilitation Team also reviewed Guidelines for Committee Members and Alternates based on Committee Protocols and Good Faith Standards.

Action: The Committee agreed with the proposed agenda, which included: review and adoption of April 5, 2007 meeting summary, updates on activities since last Committee meeting (caucuses, Work Group meetings, Technical Subcommittee meetings, characterization of products/outcomes from the Work Group and Technical Subcommittee), consideration of Work Group recommendations and action, identification of outstanding issues related to the Reg-Neg process and how GGNRA will proceed, next steps in the National Environmental Policy Act (NEPA) process and its overall schedule, process for developing new rule, decision on extending the FACA Committee and negotiated rulemaking process and public comment.

Adoption of April 5, 2007 Meeting Summary

The Facilitation Team asked the Committee if they had any proposed revisions to the April 5 meeting summary prior to adoption. No revisions were suggested. (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 are 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.)

Action: The Committee adopted the April 5, 2007 Meeting Summary.

Updates on Activities since Previous Meeting

The Facilitation Team reviewed activities since the last Committee meeting. These activities included meetings involving Superintendent O'Neill and both the off-leash and environmental caucuses, three Technical Subcommittee meetings, and three informal Work Group meetings. The Work Group's goal was to build on previous Technical Subcommittee efforts to find agreement, and identify proposals for consideration by the full Committee for both dog management guidelines and site-specific solutions.

The nine Guiding Principles approved by the Committee at its April 5, 2007 meeting were used as a "beginning point" for the Work Group. Work Group discussions examined how to "operationalize" the Guiding Principles into Management guidelines. The Facilitation Team confirmed that the full Committee was not being asked for final endorsements or decisions at this meeting, but rather for consensus recommendations on potential rule elements to be included in the impact analysis of the NEPA process. The Facilitation Team also expressed their appreciation to all Committee members for the significant commitment that they had made to the process, including developing and considering a wide range of options in an attempt to address the interests of other Committee members.

As indicated in the email sent to Committee members prior to the meeting, the Facilitation Team suggested four choices for consensus decision making on proposed recommendations:

1. Support a proposal in full;
2. Willing to live with a proposal;
3. Agree not to oppose or block consensus; and
4. Feel obligated to oppose because the proposed recommendation does not meet your interests/values.

Committee comments and questions were as follows:

- ❖ An objection was raised to the options, as they do not specifically appear in the Committee protocols.
- ❖ If and how should the varying degrees of consensus be reported?
- ❖ Support for using this system was noted to allow Committee members some latitude in reflecting their underlying views.

The Facilitation Team explained that the first three choices indicate varying levels of agreement to a proposed recommendation, with the fourth indicating a "block." The Committee responded to these comments and questions by allowing a Committee member to "step aside" with the result being reported as consensus if everyone else agreed.

A question was also posed about the Committee report to be presented to GGNRA and how the results of the meeting would be reported. The Facilitation Team proposed that the meeting summary serve as documentation of the Committee's decisions on proposed recommendations in lieu of a formal Committee report. The Committee decided to revisit this issue at the end of the meeting. (Subsequently the Committee agreed with the proposal that this meeting summary constitute the Committee's report of agreements to the GGNRA.) The Facilitation Team will forward their own report to the park highlighting the process and areas

of agreement and disagreement. The Committee members will receive a copy of that report.

Dog Management Guidelines forwarded by the Work Group

The Facilitation Team referred to an email sent to the Committee prior to the meeting which contained a report from the Work Group. The Committee's discussion focused initially on 17 Draft Dog Management guidelines listed in the Work Group report intended to "operationalize" the Guiding Principles adopted by the Committee at the April meeting. The guidelines represent as much agreement as could be achieved among Work Group members - with the exception of #9, on which agreement was not reached. It was noted that the Work Group felt these represented a significant first step while acknowledging they do not constitute a comprehensive dog management plan. The guidelines, with the exception of guideline #9, were forwarded from the Work Group as a package for Committee consideration.

Discussion, questions, and comments from the Committee on the guidelines:

- ❖ It was clarified that guideline #5 addressed all GGNRA areas; guideline #15 addressed only Regulated Off-Leash Areas (ROLAs).
- ❖ Question about whether the proposed TAG program would be similar to the Boulder, CO program? (*NPS response: Elements of a TAG program to be analyzed in the NEPA process but details are not resolved*).
- ❖ One Committee member noted that their endorsement of one guideline was contingent on assurances related to other guidelines.
- ❖ A question was raised about how the Dog Management Plan will be funded and implemented and if the funding has to be in place prior to off-leash areas being implemented. (*NPS response: Funding is one aspect of the overall Plan that will be analyzed in the NEPA process to determine if potential components of the Plan will be cost-effective and manageable*).
- ❖ Re: funding, a representative of one of the dog groups noted that he had been to Boulder, CO to learn more about their Off-Leash Tag program. Based on what they learned, the dog groups are proposing to raise money to support an Off-Leash Tag program. He also acknowledged there will need to be a transition period from current practice to rule implementation, with a significant level of public education being a key part of any transition period.
- ❖ A Committee member noted his concerns with guidelines #3, #4, #17, and #9 and questioned whether the recommended package of guidelines to GGNRA would be used to provide specific detail or general guidance in rule development. (*NPS response: It was acknowledged that guidelines recommended by the Work Group to the Committee would be a major move forward in shaping elements of the dog management plan on which the rule is based but may not be used word-for-word*).
- ❖ A Committee member commented that with the exception of #9, most of the guidelines were common sense, broad and substantial, and it was suggested that the Committee leave aside minor objections. Another Committee member noted that the NEPA process would produce specific rule language. Another Committee member, while acknowledging the above points, felt that it was important to agree on specific

wording as the Committee's work is part of a legal rulemaking process. Another Committee member noted her strong objection to spending time re-writing language.

- ❖ A Committee member disagreed with the NPS statement that the Committee reaching consensus broad guidelines would represent a significant recommendation after 18 months. He noted that the Committee had not reached agreements on any recommendations related to: areas where dogs would be off-leash on beaches, areas where sensitive resources would be impacted by off-leash recreation and how those impacts might be mitigated, questions regarding physical barriers, and questions related to timed-use for off-leash recreation.
- ❖ A Committee member voiced concerns about a lack of information related to enforcement of the Dog Management Plan, noting that many groups would not see community enforcement alone as sufficient. *(NPS response: GGNRA clearly understands there are concerns regarding enforcement and will develop a specific enforcement plan to accompany a clear rule for the public. Enforcement will be a major priority as part of the new rule.*
- ❖ A Committee member suggested that guideline #9 include a beginning statement indicating "NPS will create a rule that shall ensure...." She indicated that any discussion of off-leash use would include assurances that the use would be delineated with closures (possibly to include cliffs or shorelines as part of closure) and also monitoring, enforcement and adaptive management.

Action: The Facilitation Team asked if the Committee could support forwarding the package of guidelines to the NPS for NEPA analysis (excluding #9 and #16) with the understanding that those would not constitute a full or final set of GGNRA dog management guidelines. Consensus agreement was not reached.

Presentation on the Rule Writing Process and Format

Barbara Goodyear (U.S. Department of the Interior Solicitor's Office) presented information on the rule writing process and format. The rule writing process for the GGNRA Dog Management Plan has not begun; actual regulatory language will be a small subset of the overall Plan, codifying broad parameters in the Code of Federal Regulations (CFR), with specifics of the rule enumerated in the Superintendent's Compendium. Operational details, such as the enforcement program and monitoring and adaptive management plans, will be part of the overall Dog Management Plan spelled out in the Record of Decision for the Environmental Impact Statement (EIS). GGNRA will consider several alternatives in the NEPA process and a preferred alternative will be identified; the rule will be tied to the regulatory aspects of the preferred alternative. Once the draft EIS and draft proposed rule are prepared, Federal Register notices will be published announcing their availability for public comment. Any revisions in the final EIS would track through rulemaking, including revised regulatory language.

Discussion, questions, and comments from the Committee on the presentation:

- ❖ A Committee member questioned how the public would have assurances of enforcement and adaptive management for the Dog Management Plan if those

components were not specifically addressed in the rule. (*NPS response: Any rule has inherent discretion for rangers on scene to make a determination if a violation is occurring; NPS sees enforcement of this rule as a comparable enforcement situation to the numerous regulations it has the responsibility to enforce and there is a strong track record of enforcement for the GGNRA associated with those regulations.*)

- ❖ There were several questions from Committee members about if and how adaptive management will be addressed in the rule and what use changes could result from monitoring and adaptive management. (*NPS response: Adaptive management will likely not be part of the regulatory language in the CFR; rather it would be addressed in operational plans for implementation of the Dog Management Plan. If GGNRA identifies that park resources are not being protected and desired conditions identified in the EIS are not being achieved after the Dog Management Plan is implemented, GGNRA would review a variety of options for achieving desired conditions. This could include adjustment of boundaries of use areas or elimination of uses via a modification to the Superintendent's Compendium. Impacts that would violate the NPS Organic Act were an example of what would trigger a review of options to achieve desired conditions.*)

Presentation by Michael Edwards on Timeline for NEPA Process

Michael Edward (NPS Environmental Quality Division) presented a timeline for the NEPA process as follows:

November 2007 – January 2008: NEPA Team develops reasonable range of alternatives for draft EIS.

February 2008 – Summer 2008: Preparation of internal draft EIS.

Summer 2008: NPS identifies preferred and environmentally preferred alternatives (may be different) through a process called “Choosing by Advantages.” All alternatives are compared against the “no action” alternative (i.e. current conditions) in the analysis. It was noted that one broad objective is to build community support for the Dog Management Plan so, for example, alternatives could be evaluated using the consensus Guiding Principles if forwarded by the Committee. NPS will also comply with the required Section 7 Endangered Species Act consultation process of the U.S. Fish and Wildlife Service to ensure that alternatives would not jeopardize threatened or endangered species. Other regulatory consistency determinations, such as with the Coastal Zone Management Act via the California Coastal Commission process, will be undertaken.

Fall 2008: The draft EIS and draft rule will be released for a minimum 60-day public comment period.

Early 2009: Based on public comments received, the draft EIS and draft rule may be modified.

Summer 2009: Final EIS and final rule prepared.

Fall 2009: Record of Decision (ROD) for the Dog Management Plan would be signed by the NPS Pacific Northwest Region Regional Director; final rule published in Federal Register.

Questions from the Committee on the presentation:

- ❖ A Committee member asked about the status of GGNRA considering a separate rulemaking for Western Snowy Plover areas and areas outside the parameters of the negotiated rulemaking process. *(NPS response: The interim rule for Western Snowy Plover areas at Crissy Field and Ocean Beach is being reviewed by the Office of Management and Budget and a Federal Register publication date is unknown at this time. The final rule for Western Snowy Plover areas will be part of the overall GGNRA Dog Management Plan and rule).*

Site-Specific Proposals forwarded by Work Group

After Committee action on the proposed 17 Dog Management Guidelines (discussed above) attention turned to site-specific proposals. The Facilitation Team reminded Committee members that consensus proposals from the Work Group, forwarded to the Committee for consideration were intended only for NEPA impact analysis, and not for final approval. Committee consensus on one or more site-specific proposals would only constitute a recommendation to NPS to study the proposals as part of the NEPA process. Final endorsement of proposals would only be sought after the NEPA alternatives evaluation is complete.

Oakwood Valley

The Committee began by considering the Work Group proposal for Oakwood Valley: no dogs on Oakwood Valley trail, from the trailhead to the junction with Oakwood Valley Fire Road; off-leash dogs on the Fire Road from the trailhead to the junction with Oakwood Valley Trail, on leash past that intersection to the intersection with Alta Avenue.

After significant discussion, the original proposal was modified to include double gates at both ends of Oakwood Fire Road to clearly delineate the areas with off-leash dogs. It was also clarified that the current conditions will be part of the NEPA analysis. Committee discussion on the initial Work Group recommendation also addressed adding post and cable with mesh fencing the entire length of the off-leash area rather than on an as-needed basis where sensitive habitat is located.

Action: The Committee reached consensus that NPS analyze impacts for two variations of the initial Work Group recommendation for Oakwood Valley. Both variations include double gates at both ends of the trail. One variation includes continuous fencing; the other variation includes non-continuous fencing, i.e., fencing only in sensitive habitat areas.

Upper Fort Mason

The next site proposal for consideration was Upper Fort Mason: offleash on the Laguna Green and the main segment of the Great Meadow; no dogs in the three parcels between the paved path circling the east end of the Great Meadow and the NPS headquarters building; barriers between the off-leash and no-dog areas; on-leash on all paths; on-leash on the street side of the Laguna Green walkways. The Work Group proposal did not include the Parade Ground.

The Facilitation Team noted that extensive discussions took place in the Work Group meetings on tradeoffs and the need for a physical barrier (vegetation or other) to separate off-leash from no-dog areas. No agreement was reached within the Work Group on the Parade Ground area. Committee discussions focused on different views about the need for physical barriers to provide separation for off leash dogs from other user groups, and the need to include specific details about barriers (e.g., 3.5 feet high, impenetrable). Chris Powell reported that NPS has hired a Landscape Architect to develop possibilities for physical barrier options, but that the NPS needed to retain flexibility and not be constrained by barrier requirements at this point, particularly given that Upper Ft. Mason is the Park headquarters.

Action: No consensus agreement reached.

Pedro Point

The next site proposal from the Work Group was Pedro Point. The Work Group recommended analyzing the proposed trail (to the site of the future parking lot) for both on-leash and off-leash in conjunction with local jurisdictions which operate adjoining trails. A Committee member noted that because this area does not have a history of off-leash use under the 1979 pet policy, he would not support the Committee putting this forth as a potential off-leash area. Another Committee member noted that motorcycles have heavily impacted the area and that the native plant communities in the Pedro Point area are very important and need to be protected. Chris Powell noted that the trail goes through a non-native eucalyptus forest and not through the restored areas. Another Committee noted that if suitable off-leash areas are not identified in San Mateo County that users would likely walk their dogs in areas that are not suitable. Chris Powell noted that while GGNRA appreciated the concerns expressed by Committee members regarding precedent, proposed off-leash use on any new lands coming under NPS jurisdiction after the Dog Management Plan process is complete would be subject to NEPA analysis for evaluation of potential impacts.

Action: No consensus agreement reached.

Cattle Hill

The next site proposal from the Work Group was Cattle Hill. The Work Group made the decision to consider Cattle Hill in concert with Sweeny Ridge. The latter area is not on the list of potential off-leash sites established by NPS but on the list of potential locations for on-leash or no dogs. The primary issue for the Work Group was whether off-leash activity might be possible to the west of the trail junction leading up from the end of Fassler Avenue due to

concerns about the coastal sage habitat in this area. Work Group members had discussed whether post-and-cable fencing could be used to delineate the areas where dogs must stay on the trail (to protect sensitive coastal sage habitat), but this was left unresolved. The Facilitation Team reported that no recommendation for the Cattle Hill area was being forwarded to the Committee for action due to concerns about potential impacts to coastal sage habitat that could not be resolved.

Fort Funston

The next site proposal from the Work Group was upper Fort Funston, excluding beach areas. This proposal was a result of a Work Group session held just prior to the Committee meeting. The proposal included creation of a new equestrian/no dog trail on the eastern side of Fort Funston that would extend north from the main parking lot and eventually access the beach; off-leash on a system of trails through a middle “corridor” running north from the parking lot; on leash on a western “corridor” that includes the Sunset trail; and either no dogs or on-leash in areas south of the main parking lot around NPS buildings. The hang gliding platform would be a no dog area. The proposal did not include the south sand ladder area as the Working Group could not resolve the issue of safety to equestrians as dogs go up and down the sand ladder.

A Committee member noted the need for better control of dogs as they exit vehicles at Fort Funston and a suggestion that fencing may be needed at any entry point to the beach. A Committee member suggested that all off-leash trails have barriers on both sides to prevent vegetation and habitat damage. Another Committee member asked what measures would be implemented to address concerns about dogs falling off the cliffs at Fort Funston. Impenetrable barriers between off-leash areas and the proposed no dog trails were also suggested, as was opening up some of the currently fenced areas as no-dog areas.

Action: No consensus agreement reached.

The Facilitation Team reported that no recommendation for the Muir Beach and Rodeo Beach areas were being forwarded to the Committee due to concerns that could not be resolved at the Work Group meetings. While some partial agreements had been reached at other sites in Work Group meetings, these were not sufficiently developed to be forwarded to the Committee for action.

Guiding Principles for Design and Evaluation of Options

The Committee initially adopted a set of Guiding Principles at its April 5, 2007 meeting as the basis for considering “starting points” for specific dog management proposals. The Facilitation Team now asked the Committee for its formal adoption of the nine Guiding Principles for use in the design and evaluation of options being considered in the NEPA process.

Action: Consensus was reached that the following Guiding Principles (and preamble) be

forwarded for use by NPS in the NEPA process.

Guiding Principles for Design and Evaluation of Dog Management Options

Preamble: The following principles are intended to assist the Committee in evaluating “starting points” and related proposals for dog management within GGNRA, consistent with National Park Service statutes and policies, including the Organic Act, GGNRA enabling legislation, and current management plans.

Guiding Principle 1: Minimize conflicts with other visitors and park staff.

Guiding Principle 2: Protect sensitive species and their habitat. Sensitive species means federal-listed, state-listed, unique or rare species.

Guiding Principle 3: Protect native wildlife and their habitat.

Guiding Principle 4: Minimize soil/water resources degradation.

Guiding Principle 5: Ensure consistency with National Park Service visitor experience definition.

Guiding Principle 6: Continue recreational use including special events.

Guiding Principle 7: Avoid obstructions/barriers to wildlife, except where the purpose of barriers would be protective of wildlife.

Guiding Principle 8: Ensure public safety/visitor protection.

Guiding Principle 9: Consider historic and social use values.

Commercial Dogwalking

The Facilitation Team directed the Committee’s attention to the Work Group recommendation for commercial dogwalking in GGNRA based on draft guidelines submitted by Joe Hague, Committee member (see Attachment B). The Work Group identified four GGNRA areas where commercial dogwalking might be suitable: Crissy Field, Fort Funston, Ocean Beach, and Upper Fort Mason; no agreement could be reached at the Work Group level on other sites. Some Committee members have taken a principled position opposing commercial dogwalking in the GGNRA. The Work Group identified other issues that needed to be resolved if the decision is made to allow continued commercial dogwalking in the GGNRA.

Discussion, questions, and comments from the Committee on the proposal:

- ❖ A Committee member acknowledged the work conducted by Joe Hague to develop the proposal.

- ❖ Comment that commercial dogwalkers are not always professional trained dogwalkers and what standards are expected by GGNRA needs to be addressed before issuing permits.
- ❖ Suggestion to delete #7 as the Committee has not adopted Dog Management guidelines.
- ❖ Question regarding how to evaluate the appropriate fee for commercial dogwalking permits (#5).
- ❖ Comment that six dogs per commercial dogwalker is too high a number.
- ❖ Comment that the NEPA analysis should address whether commercial dogwalking should be allowed in the GGNRA.
- ❖ Comment that different GGNRA areas have different carrying capacities and limits on use by commercial dogwalkers may need to be determined by GGNRA.

Action: Based on the discussion, consensus was reached on putting forward the commercial dogwalking proposal contained in Attachment B to be analyzed in the NEPA process, with the following conditions:

- *The NEPA analysis should address the question of whether to allow commercial dogwalking in the GGNRA.*
- *Commercial dogwalking in any GGNRA area will be subject to an analysis of overall carrying capacity of that area.*
- *NPS will evaluate the maximum number of dogs a commercial dogwalker may have at one time (Guideline #3), permit fees (Guideline #5), fines (Guideline #9), and how many dogs should be off-leash at any given time.*
- *Delete guideline #7.*
- *All other proposed guidelines will be as noted in the progress report from the Work Group (see Attachment B, #4).*

Continuation of FACA Committee and Negotiated Rulemaking Process

Chris Powell requested the Committee's response to the option of extending the FACA Committee charter by one year to allow the Committee to meet again as a group to review and comment on the preferred alternative and draft EIS when they are available. She noted that if the Committee did not support this option, they would not meet again after the conclusion of this meeting.

Discussion, questions, and comments from the Committee:

- ❖ A Committee member indicated a preference for disbanding the Committee at this time, noting he would appreciate notification of public comment opportunities in the future.
- ❖ Another Committee member indicated interest in remaining involved in the development of the GGNRA Dog Management Plan to assist with compliance and community education, and helping the public to understand that dogwalking in GGNRA is a privilege.
- ❖ Another Committee member suggested that GGNRA provide a special meeting for

members of the Committee to hear a presentation by the NEPA Team once the preferred alternative and draft EIS are available.

- ❖ Another Committee member expressed that he had fulfilled the original commitment and did not wish to have the Committee extended.
- ❖ Overall Committee members expressed diverse views about whether to extend the Committee's charter, with no consensus.

Action: Chris Powell thanked the Committee for the input and advised that given the lack of agreement about and general support of extending the Committee, GGNRA would not move forward with the option to extend the Committee's charter.

Public Comment

The following members of the public provided verbal comments to the Committee: Katie Gettman, Bob Grady, Lisa Vittori, Carma Keats, Margaret Pinter, Peter Ready, Parmjeet Randhaura, Sally Stephens, and Vicki Tiernan.

Topics covered included:

- ❖ Thanks to NPS for “coming to the table” to discuss dogwalking issues in the GGNRA and to Martha Walters and Gary Fergus for their efforts.
- ❖ Meeting time was not managed well and that there still appears to be a lack of knowledge on certain issues.
- ❖ Some Committee members are “hijacking” the process due to their inflexibility.
- ❖ NPS should recognize historical and cultural values as it develops its rule, for example, 40 years of off-leash dogwalking at Baker Beach.
- ❖ Dogwalkers are some of the best stewards of GGNRA resources, as they visit areas often, pick up trash etc.
- ❖ Request that if the Committee were to continue that additional community members be added to provide better representation of all stakeholders.
- ❖ NPS has an unprecedented opportunity to take the process further; separating areas from other uses does not work over the long run and the goal should be to integrate recreation with preservation of diversity without resorting to fencing.
- ❖ The Guiding Principles adopted by the Committee are not in priority order nor should they be equally weighted.
- ❖ GGNRA will never be a true wilderness like other national parks so pristine wilderness cannot be the goal.
- ❖ Concern regarding stakeholder representation and comment that if the least tolerant is the governing factor the negotiated rulemaking process might not be the appropriate venue for those concerns.
- ❖ Request that GGNRA remember that areas being considered for dogwalking are within an urban area.
- ❖ Thanks to Committee members for taking the time to be part of the process.
- ❖ There are serious safety issues with bicycles at Upper Fort Mason that should be addressed.
- ❖ Appreciation for openness regarding options considered for Upper Fort Mason.

- ❖ Comment that Upper Fort Mason Dog Group was not notified of this process until recently and that group would have welcomed an opportunity to be “at the table.”
- ❖ Parade Ground at Upper Fort Mason is a good candidate for off-leash area because of a history of off-leash use, some shelter, and safety.
- ❖ Request that GGNRA do something about skunks at Upper Fort Mason.
- ❖ The depiction of dogs throughout this process has been inaccurate and basing policies on inaccuracies is inappropriate; resources should be managed for the vast majority of people who do have dogs under control. Policies shouldn't be based on conjecture; there is not a lot of real science out there about impacts. Additional information will be forthcoming in written comments.
- ❖ In order to get compliance with any policy, you need to provide reasonable alternatives or options for people and then they will follow the law.
- ❖ The signs at Fort Funston are still not accurate and do not reflect the current policy.

Closing Comments

Superintendent Brian O'Neill closed the meeting. He noted that everyone is now better informed and educated about the issues due to the process. He stated that the privilege of walking dogs in GGNRA will require accountability as well as enforcement. He again thanked Committee members for the time spent on the negotiated rulemaking process. Once the draft EIS is available, Committee members will be contacted by GGNRA so that a presentation by the NEPA Team on the draft EIS can be scheduled.

Copies of written comments submitted to GGNRA at and after the meeting 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 #7 agenda (Draft)
- Guidelines for Committee Members and Alternates Based on Committee Protocols and Good Faith Standards (October 27, 2007)
- Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area (GGNRA) – Draft Meeting Summary of Meeting #6, April 5, 2007
- Email to Negotiated Rulemaking Advisory Committee for Dog Management at GGNRA from Michael Harty regarding Consensus Rule for October 27, 2007 Meeting (dated October 26, 2007)
- Memorandum to GGNRA Dog Management Work Group from Facilitation Team regarding Draft Progress Report from Work Group Meetings (dated October 25, 2007)
- Summary of Site-by-Site Work Group Alternatives (Draft, October 15, 2007 version)
- Other Sites for Consideration for On leash and No Dogs As Required by the National Park Service (Submitted by Dogwalking Caucus)
- Golden Gate National Recreation Area Comment Form
- Western Snowy Plover Monitoring at the Crissy Field Wildlife Protection Area of The Presidio of San Francisco and the Relative Impact of Human Disturbance 2006/2007 (Prepared by Matthew Zlatunich, Golden Gate Audubon San Francisco Conservation Committee and emailed to Committee members prior to meeting)
- Copies of 31 National Park Service Case Incident Records and Criminal Incident Records (includes Supplementary Case Incident Records and Supplemental Criminal Incident Records; emailed to Committee members prior to meeting)
- GGNRA Management Plan For Visitors with Dogs (dated October 27, 2007; prepared and submitted by representatives of dogwalking caucus groups)
- Golden Gate National Recreation Area Dog Management Correspondence – handout packet of public comments and letters (dated October 27, 2007)

Attachment B

Memorandum

To: GGNRA Dog Management Work Group

From: Facilitation Team

Subject: Draft Progress Report from Work Group Meetings

Date: October 25, 2007

Based on discussions during three Work Group meetings, a series of agreements have been reached which are important to document in preparation for the full Committee meeting on October 27, 2007. These include:

1. Characterization of products/outcomes from the Work Group
2. Dog Management Guidelines
3. Site Specific Dog management proposals for NEPA analyses
4. Commercial dog walking concepts.

Each of these are described in more detail below. With the inclusion of appropriate revisions, this will constitute the report from the Work Group to the Committee for their action.

1. Characterization of Products/Outcomes from the Work Group

It is important to properly characterize the products from Work Group deliberations. To ensure that everyone has a common understanding, please review the following:

- 1) Consensus agreements adopted by the Committee represent an attempt to identify management guidelines and site-by-site dog management alternatives that address the myriad demands on the park and varying interests which must be accommodated in a balanced fashion; such agreements establish proposals that will be fully considered in the NEPA analysis of alternatives.
- 2) At this point, no Committee member will be asked to finally endorse any agreement, pending results from the NEPA impact analysis process; nevertheless, there is value in reaching preliminary agreements as discussed below.
- 3) Consensus agreements reached (by the full Committee) will “be integrated into one or more alternatives in the EIS” and could “serve as the basis for the proposed regulation” pending the results of the NEPA analysis (from NEPA public scoping brochure and Committee Charter).
- 4) Preliminary agreements (on dog management proposals) that receive support across the spectrum of Committee members will ensure those potential solutions are fully analyzed in the NEPA process; in the absence of such agreements, GGNRA will

design options that it believes best meet its mandates in light of the information collected and input provided during the course of the deliberations.

- 5) Monitoring and adaptive management will be part of any agreements reached, as will public education and outreach.
- 6) Enforcement will be a critical consideration in the NEPA evaluation process.
- 7) GGNRA leadership believes by virtue of GGNRA’s unique nature, historical use and past litigation that a GGNRA-specific rule addressing dog management will have limited impact on setting precedent for other National Parks. The Federal Panel concurred with this view.
- 8) Agreements reached by the Committee should fit National Park Service considerations for proposed rules: further compliance with the NPS mission, promote visitor safety and resource protection, and be clearly understandable and enforceable. The NPS recognizes that full compliance with rules regulating visitor conduct cannot be ensured, but that the vast majority of visitors obey park rules.

These are the key issues to be incorporated into the characterization of the results from the work group discussions, as well as in any agreements ultimately reached by the GGNRA Dog Management Negotiated Rulemaking Committee.

2. Dog Management Guidelines

The GGNRA Reg Neg Committee adopted nine Guiding Principles for dog management at its April 5, 2007 meeting (see Appendix A). From Committee and Technical Subcommittee discussions, a set of Dog Management Guidelines was then compiled to assist in identifying how these Principles could be “operationalized.” Those Guidelines were discussed by the Technical Subcommittee and subsequently the Work Group discussing proposals for dog management at specific GGNRA sites.

Based on those discussions, the revised list of Guidelines is proposed for consideration by the entire Committee. The guidelines below represent a consensus recommendation from the October 19, 2007 Work Group participants. The intent is for this to contribute to a comprehensive proposal containing preliminary agreements on both Dog Management Guidelines and site-specific proposals for adoption by the full Committee. *Please note: Revisions were made to Guidelines 3, 4, 10, and 14; agreement on Guideline #9 was deferred until others could be included in the discussion.*

	Proposed Dog Management Guidelines	Guiding Principles
1.	All GGNRA visitors should have clear notice about the potential for interactions with a dog at all GGNRA locations where dogs are permitted.	1, 5, 8
2.	Dog management policies should support the reasonable expectation of personal safety for all GGNRA visitors.	1, 5, 8
3.	Dog guardians have a responsibility to prevent unwelcome (non-consensual) interactions between their dog(s) and people, other	1, 2, 3, 5, 8

	dogs, horses and wildlife at all areas within GGNRA. (Refer to Guideline #14 for definition of “control.”)	
4.	Dog guardians have a responsibility to ensure their dog(s) does not create negative impacts (such as digging, harassing wildlife or entering sensitive habitat) on GGNRA resources (such as plants, soils, wildlife and water bodies).	1, 2, 3, 4
5.	All GGNRA dog use areas shall have well-maintained signage that clearly describes conditions of use by dogs and guardians, located to maximize visitor education and awareness.	1, 5, 8
6.	GGNRA dog rules and regulations shall be followed by dog guardians; dog guardians should be made aware that otherwise they shall be subject to enforcement actions.	1, 2, 3, 5, 8
7.	An area designated for off-leash dog activity within GGNRA will be called a Regulated Off-Leash Area (ROLA).	1, 4, 5, 8
8.	ROLAs are the only areas within GGNRA where off-leash dogs are allowed, and dog guardians are responsible for ensuring that their off-leash dogs remain within ROLA boundaries.	1, 2, 3, 5, 8
9.	<i>ROLA boundaries shall be clearly and effectively delineated to achieve visitor safety, provide notice regarding appropriate uses, protect natural resources, and provide a range of visitor experiences. A variety of delineation measures shall be considered, including fencing, vegetation, other natural or man-made barriers (e.g., bluffs, sea walls), buffers or some combination of the above.</i>	1, 2, 3, 4, 5, 8
10.	Dog guardians must have a current dog license to visit GGNRA dog use areas, and each dog must wear a collar exhibiting their registration/vaccination tag.	1
11.	Dog guardians must have a leash for each dog in their care, complying with NPS regulations that currently stipulate a maximum length of six feet.	1, 2, 3, 5, 8
12.	Dogs must be leashed at all times in parking lots and designated picnic areas.	1, 5, 8
13.	Dog guardians must at all times be in possession of bags to clean up dog waste and ensure that their dog’s waste is picked-up and disposed of at designated locations.	1, 4, 5
14.	Dogs in a ROLA are to be kept under control at all times. Dogs are considered under control when they are within direct eyesight of the owner/handler and when they immediately respond to their owner/handler.	1, 5, 8

15.	Visitors must have reasonable notice of the boundaries of a ROLA and what they should expect within those boundaries. Notice shall include signs at ROLA access points, in transition zones, and in conjunction with fencing or other physical barriers.	1, 5, 8
16.	Dog guardians wishing to utilize ROLAs must participate in a Tag Program confirming their understanding of the locations and conditions under which dogs may be allowed off-leash, the natural resources of GGNRA and other relevant information.	1, 2, 3, 4, 5, 6, 8, 9
17.	In the event of a live stranded marine mammal's presence in a ROLA, e.g., on a beach, all dogs must be immediately leashed (if not already on leash) within 100 yards of the marine mammal. This will stay in effect until the marine mammal is no longer present on the beach. (The presence of a dead marine mammal on a ROLA does not require that dogs be leashed.) Additional signage to educate the public should be utilized.	1, 2, 3

It should be noted that a fundamental concept contained in these Guidelines is the creation of a Tag Program. “Off-leash” representatives on the Work Group highlighted their purpose for promoting this --- to ensure that those who have off-leash dogs in GGNRA recognize it as a privilege, are well aware of the conditions for having a dog in GGNRA and are committed to abiding by those conditions.

3. Site Specific Dog Management Proposals for NEPA Analyses

To reiterate from Section 1, agreement on site specific proposals in essence means that those proposals will be specifically evaluated in the NEPA process. Agreements at this point are not intended to be a final endorsement of any proposal. Based on the results of the NEPA evaluation process, those proposals may then comprise at least part of the solution for identifying where, and under what conditions, off-leash activity might occur.

To date, the following site-specific agreements on proposals have been articulated by the Work Group:

- 1) Pedro Point: analyze the proposed trail (to the site of the future parking lot) for both on-leash and off-leash in conjunction with local jurisdictions which operate adjoining trails.
- 2) Oakwood Valley: on Oakwood trail, no dogs until the juncture with Oakwood Valley Fire Road; on the Road, off-leash with fencing to protect identified sensitive habitats; on-leash past the point where the trail and road intersect.
- 3) Upper Fort Mason: Laguna Green and the main segment of the Great Meadow, off-leash; no dogs in the three parcels between the Great Meadow and the NPS headquarters building; barriers between off-leash and no dog areas; on-leash on all paths; on-leash on the street side of Laguna Green walkways.

Partial agreements were identified at three other sites:

- 1) Lands End, W. Ft. Miley and East Ft. Miley: the decision was made to consider these sites together; agreement was reached on the following – off-leash on the eastern boundary of E. Ft. Miley, along the fence which separates it from the golf course; no dogs at the Sutro Baths area and on the Ocean View trail; off-leash on the east-west portion of El Camino.

The proposal to have the Coastal Trail be on-leash its entire length was countered by the suggestion of having at least the northern portion allocated for no dogs; there was not agreement on the idea of evaluating the Coastal Trail for both no dogs and on-leash; W. Ft. Miley was not included in any proposal because there appeared to be no common ground, with the possible exception of no dogs in the picnic area. There are competing interests in allowing off-leash use and protection of potentially valuable bird habitat and viewing.

- 2) Cattle Hill/Sweeny Ridge: the decision was made to consider these two sites together; Sweeny Ridge, however, is not on the list of potential off-leash sites but on the list of potential locations for on-leash or no dogs. The primary issue for the work group is whether off-leash activity might be possible to the west of the trail junction leading up from the parking area due to concerns about the habitat in this area; work group members discussed whether post-and-cable could be used to delineate the areas where dogs must stay on the trail (to protect sensitive coastal sage habitat), but this was left unresolved so other sites could be explored.

This summary addresses six of the 12 sites where off-leash, on-leash and/or no dog options can be considered. Time did not allow discussion of the remaining six sites, which include all the beaches under consideration. These will remain under discussion up to October 27th in an effort to make some progress prior to the Committee meeting.

4. Commercial Dog Walking Concepts

The Work Group considered a set of guidelines for commercial dog walking offered by ProDog through its representative Joe Hague. The Golden Gate Audubon Society has taken a principled position opposing commercial dog walking in GGNRA. One other member of the Work Group also expressed concern about the principle of commercial dog walking in GGNRA. If, however, the decision is made to allow commercial dog walking in GGNRA, the following guidelines were proposed based on the ProDog proposal.

- 1) Professional Dog walkers must carry a leash for each dog in their care.
- 2) Professional Dog walkers must pickup dog waste for all dogs in their care.
- 3) Professional Dog walkers will be limited to six dogs.
- 4) Professional Dog walkers will carry a liability insurance policy for \$1 million. Proof of policy must be shown to acquire permit.

- 5) Professional Dog walkers will pay a permit fee to use the GGNRA lands, (recommend \$100 per dog walker, as they also must pay county permit fees).
- 6) Professional Dog walkers will transport dogs in a safe well ventilated vehicle.
- 7) Professional Dog walkers must have their dogs under control (see Dog Management Guideline #14 define "control").
- 8) Professional Dog walkers must abide by all rules regarding off leash dogs on GGNRA lands.
- 9) Having more then the allowed number of dogs will result in a fine for every dog over the limit. Second offense will result in a doubling of the fine, per dog. Third offense will result in suspension of dog walkers' permit for up to three months.

The original proposal from ProDog included proposed times which would govern when commercial dog walking would be allowed. There was insufficient time for the Work Group to thoroughly discuss and resolve that issue.

Four areas were identified where commercial dog walking might be suitable: Crissy Field, Ft. Funston, Ocean Beach and Upper Ft. Mason. No agreement could be reached on other sites. Again, this outcome is subject to principled opposition to commercial dog walking in GGNRA.

The question was also raised about whether a limit should be placed on how many of the allowable six dogs could be off leash at any one time. The Work Group identified this as an issue to be resolved.

APPENDIX A

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

Guiding Principles for Design and Evaluation of Options *Final version as adopted at April 5, 2007 Committee Meeting*

Preamble: The following principles are intended to assist the Committee in evaluating “starting points” and related proposals for dog management within GGNRA, consistent with National Park Service statutes and policies, including the Organic Act, GGNRA enabling legislation, and current management plans.

Guiding Principle 1: Minimize conflicts with other visitors and park staff.

Guiding Principle 2: Protect sensitive species and their habitat. Sensitive species means federal-listed, state-listed, unique or rare species.

Guiding Principle 3: Protect native wildlife and their habitat.

Guiding Principle 4: Minimize soil/water resources degradation.

Guiding Principle 5: Ensure consistency with National Park Service visitor experience definition.

Guiding Principle 6: Continue recreational use including special events.

Guiding Principle 7: Avoid obstructions/barriers to wildlife, except where the purpose of barriers would be protective of wildlife.

Guiding Principle 8: Ensure public safety/visitor protection.

Guiding Principle 9: Consider historic and social use values.