



## Categorical Exclusion Approval and Decision to Implement

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**Project Name:** Ocean Beach Fire Program

**PEPC Project Number:** 59097

**Project Record Location:** GGNRA Environmental Compliance Office Fort Mason, Bldg 101, S.F. 94123

**Proposal Description:** See Attachment A

**Introduction:** This memorandum with attachments, and the information in the project record, documents and completes the National Environmental Policy Act (NEPA) review and requirements for implementing the Ocean Beach Fire Program.

**Categorical Exclusion:** On the basis of the impact assessment in Attachment A, park interdisciplinary review, Public Review and Comment, and the information in the project record, this project is Categorically Excluded (CE) from further NEPA analysis in accordance with DO-12, Section 3.3:

D.3 Minor changes in programs and regulations pertaining to visitor activities.

Additional supporting information for this determination is in the following attachments and administrative record:

- Attachment A: Final Ocean Beach Fire Program (Project Information, Background, Purpose and Need, Development of Proposal, Final Ocean Beach Fire Program Elements, Options Previously Under Consideration, Applicable Law and Policy, Impact Assessment, National Historic Preservation Act (NHPA) Section 106 Compliance, Summary of Public Comment, Decision/Implementation Process)
- Attachment B: Sign & Fire Ring Designs
- Attachment C: GGNRA Compendium Amendment
- Attachment D: Pre-Proposal Public Scoping Summary
- Attachment E: Public Review and Comment Summary
- Attachment F: Letter of NHPA Section 106 Compliance Completion and Assessment of Actions Having an Effect on Historic Properties
- Attachment G: Bay Area Air Quality Management District (BAAQMD) Letter "Ocean Beach Bonfire and Air Quality"

**Final Agency Action:** The Final Agency Action is described in Attachment A (Section E. NPS Final Ocean Beach Fire Program Elements (Selected Program))

**CE Approval and Decision to Implement:** On the basis of my review of the environmental impact analysis, public comment, and all information in this compliance file, I am categorically excluding the Project from further NEPA analysis. No exceptional circumstances or conditions in Section 3.5 of Director's Order 12 apply. I approve this action to be implemented per 36CFR §§ 1.5 and 1.6.

Christine Lehnertz, General Superintendent  
Golden Gate National Recreation Area

Date

02/19/2016



National Park Service  
U.S. Department of the Interior

Golden Gate National Recreation Area  
Date: 2/19/16

## **ATTACHMENT A**

**Final Ocean Beach Fire Program (Project Information, Background, Purpose and Need, Development of Proposal, Final Ocean Beach Fire Program elements, Options Previously Under Consideration, Applicable Law and Policy, Impact Assessment, National Historic Preservation Act (NHPA) Section 106 Compliance, Summary of Public Comment, Decision / Implementation)**

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## ATTACHMENT A

### Final Ocean Beach Fire Program

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A. PROJECT INFORMATION .....	1
B. BACKGROUND.....	1
C. PURPOSE AND NEED .....	3
D. DEVELOPMENT OF PROPOSAL (PRE-PROPOSAL SCOPING).....	5
E. FINAL OCEAN BEACH FIRE PROGRAM ELEMENTS (SELECTED PROGRAM).....	5
F. OPTIONS PREVIOUSLY UNDER CONSIDERATION.....	8
G. APPLICABLE LAW AND POLICY .....	10
H. IMPACT ASSESSMENT .....	11
I. NATIONAL HISTORIC PRESERVATION ACT (NHPA) SECTION 106 COMPLIANCE .....	18
J. SUMMARY OF PUBLIC COMMENT (POST PUBLIC REVIEW AND COMMENT).....	19
K. DECISION / IMPLEMENTATION PROCESS .....	19

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#### A. PROJECT INFORMATION

Park Name:	Golden Gate National Recreation Area
Project Title:	Ocean Beach Fire Program
PEPC Number:	59097
Project Location:	Ocean Beach, San Francisco, CA
County, State:	San Francisco County, California
Administrative Record Location:	Fort Mason, Bldg 201; San Francisco, CA 94123

#### B. BACKGROUND

Ocean Beach is a 3.5-mile long oceanfront within the Golden Gate National Recreation Area (GGNRA) that is extremely popular with local residents as well as national park visitors from a wide variety of places. Visitors enjoy the beach for many recreational pursuits, including walking, running, picnicking, surfing or just appreciating the expansive views of the ocean landscape. The beach also has natural occurring sand dunes and is a resting site for the federally threatened Western Snowy Plover.

When the City and County of San Francisco (CCSF) transferred Ocean Beach and other lands to Golden Gate National Recreation Area in 1975, the park inherited a longstanding San Francisco tradition of beach fires along the 3.5-mile Ocean Beach corridor. Code of Federal Regulations 36 Section 2.13(a)(1)

promulgated on June 30, 1983 authorized park superintendents across the country to designate or restrict open fires within national parks. From 1983 through January 2002, open fires were permitted at Ocean Beach.

In early 2002, the CCSF Commission on the Environment passed resolution 001-02, which recognized, "...there are safety hazards and a large amount of trash and debris that result from bonfires, residual burning logs and nails" at Ocean Beach, and subsequently requested GGNRA to reduce the negative effects the fires were having by encouraging the park to "...create an effective system that reduces those impacts."<sup>1</sup> As a result of this request, as well as from information received at several public meetings and complaints about smoke from neighbors north of the City of San Francisco's Golden Gate Park adjacent to GGNRA, in 2004 the National Park Service (NPS) limited fires to the area between stairwells 15 and 28. Despite this reduction in space where beach fires were allowed, Ocean Beach continued to experience a large amount of trash and debris, and there were frequent violations of NPS rules prohibiting glass bottles and alcohol.

After consideration of various proposed alternatives and recommendations made by several community groups and at public meetings in 2005, the NPS proposed banning fires on Ocean Beach. From February 28 - May 31, 2006, the park accepted public comments on this proposal. More than 3,000 individual comments were received, largely in opposition to the ban, although there were also a number of individuals who supported the ban; citing safety, air quality, natural resource and aesthetic concerns.

In 2007, the NPS elected to institute a one-year Pilot that limited fires to newly installed fire rings between stairwells 15-20, and capped group size at 25 people per fire ring, except by permit. The Pilot also included collaboration with Burners Without Borders and Surfrider Foundation. Burners Without Borders provided a number of creative and artistic fire rings, and Surfrider Foundation held regular beach cleanups. Following conclusion of the one-year pilot program in 2008, NPS continued the program for one additional year. The intent was to reevaluate the program in 2009 and make a long term decision for fires on the beach. However, this review did not occur until 2013. NPS Maintenance staff continued to clean the fire rings and the beach, removing fire rings that became hazardous or non-functional, and Park Rangers continued to educate visitors about the existing regulations.

During the 2007-2013 period, there continued to be a high volume of law enforcement calls, observed violations of rules, some criminal activity, and a constant accumulation of debris, hot coals, nails and other refuse, along the beach.

In early 2014, NPS instituted a Revised Pilot Program intended to address concerns with public and staff safety, visitor experience, park operations, and air quality. The program consisted of:

1. Twelve new fire rings installed
2. Revised fire curfew from 10:00 PM to 9:00 PM
3. Data collection and monitoring program
4. Success indicators
5. Public outreach campaign
6. Evaluation of the Program
7. Prohibition of Fires on Summer and Winter Spare the Air Days

A monitoring program was conducted during the summer of 2014 to gauge compliance with Ocean Beach fire rules and the condition of the beach on mornings after nights with multiple fires.

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<sup>1</sup> City and County of San Francisco Commission on the Environment. (2002, January 15). *Resolution No. 001-02-COE Ocean Beach*. Retrieved from San Francisco Public Works: <http://www.sfdpw.org/ftp/uploadedfiles/sfdpw/director/resolution2002.pdf>

Monitoring revealed that the 2014 Revised Pilot Program was unable to address the majority of concerns associated with beach fires at Ocean Beach. However, the program was able to provide rich, insightful data regarding law enforcement and maintenance issues, as well as valuable additional input from the public.

Community engagement was deepened during a public meeting held on February 5, 2015, with 81 people in attendance to summarize the findings from the 2014 Revised Pilot Program and discuss what a sustainable ocean beach fire program would look like. Possible concepts for the future were discussed, which included: a year round ban on fires, implementation of a permit system, a seasonal restriction of no fires from November through February, an earlier curfew and a partnership with the City of San Francisco. The NPS presentation as well as a transcription of all the notes written on the easel charts can be found on the project website at <http://parkplanning.nps.gov/oceanbeachfires>. NPS staff reviewed the feedback that was received during the public meeting and other comments received. A follow up communication was sent out to the public by email in April 2015.

A public meeting to further discuss the future of Ocean Beach fires was held on September 24, 2015, with 26 people in attendance. At this meeting, NPS reiterated the objective for a sustainable beach fire program and described a series of program elements that could enable a sustainable program for beach fires at Ocean Beach. Program elements discussed included an advanced purchase permit system, a maintenance and educational partnership with the San Francisco Recreation and Parks Department, a four-month (November-February) “Winter Rest Period” for the beach when fires would not be allowed, enhanced signage, and new fire rings. Many in attendance raised concerns about various elements of the program NPS outlined. As a result of evaluation and learnings of the 2014 Revised Pilot program, and the comments and discussion at the public meetings, NPS prepared the Ocean Beach Fire Program Proposal which was issued for a 44-day public review and comment period.

## **C. PURPOSE AND NEED**

The purpose is to develop a safe, manageable, and sustainable Ocean Beach Fire Program. A successful program would allow beach fires and substantially reduce the unsafe conditions associated with fires on Ocean Beach; improve compliance with regulations; reduce the management burden on the NPS caused by the large amount of time and resources expended to maintain the fire rings and the beach surrounding the fire rings; decrease law enforcement incidents related to beach fires and reduce overall negative ecological and social impacts to the beach and its visiting public associated with beach fires. Integral to achieving these outcomes is an Ocean Beach Fire Program that would help visitors enjoy the tradition of beach fires *and* take responsibility, including planning appropriately for the materials to burn and adopting a ‘leave it better than you found it’ mentality. Finally, a successful program would create a community that will care for and share the Ocean Beach fire experience, as well as its associated responsibilities, opportunities and effects.

The Final Ocean Beach Fire Program as described in Section E will address the ongoing impacts and challenges described below:

### Public Safety

The health and welfare of the public and of park visitors is an important priority for the NPS. The debris left behind from many beach fires poses a safety hazard to visitors of the beach. The abundant amount of small, sharp objects that are left on the sand (such as splintered wood, rusty nails, glass fragments, etc.) can, and have injured visitors. The harmful chemicals that can be released when certain inappropriate materials are burned can also be a hazard to those who are present when such materials are being burned. During the 2014 Revised Pilot Program, NPS Maintenance staff collected data from 7:00a – 10:00a on 54 mornings from May 28 through October 16, 2014. The three most common types of hazardous materials present were hot coals found 87% of mornings, broken glass found 78% of mornings, and nails/screws found 63% of mornings.

NPS Law Enforcement Rangers and United States Park Police (USPP) officers are responsible for patrolling the beach regularly and responding to calls received regarding incidents at Ocean Beach. During the 2014 Revised Pilot Program data collection period, law enforcement rangers gathered data from Ocean Beach on 48 evenings between May 23 and September 9, 2014. When rangers were recording observations, 3,996 total violations were observed; 79% of the violations observed were for individuals with alcohol or glass. Commonly, individuals congregate in large groups. Generally, the most violations occurred on Friday and Saturday nights, with the highest peaks on or around holidays. The third highest violation was for fires outside of fire rings, with an average of 16 on Saturday nights, and a peak of 29 on Sunday 8/31/14, the day before Labor Day. Violations were also recorded for fires unattended, fires after curfew, burning inappropriate/illegal materials, and individuals with drugs. In total, 1,392 warnings were made, with six citations issued and two arrests made.

#### Visitor Experience

The safety hazards described above also contribute to a negative experience for the many people attempting to enjoy Ocean Beach. The piles of debris and scattered garbage are extremely unsightly, and may even deter some visitors from going to the beach at all. During the 2014 Revised Pilot Program data collection period the three most common types of debris found were unbroken glass bottles, wooden pallets, and drink cups; all found between 52-56% of mornings. The National Park Service strives to ensure that visitors have a positive experience at the park so that they would like to share their experience with others, and visit GGNRA and Ocean Beach again.

#### NPS Staff Safety

The health and welfare of park employees is a high priority for the NPS. Many of the fires that occur on Ocean Beach include the burning of inappropriate materials such as wooden pallets, furniture, Christmas trees, glass, toxic materials, etc. Often times these materials do not burn completely and a significant amount of debris is left for NPS Maintenance staff to pick up. This debris poses a safety hazard for the employees who must clean it up due to the potential toxins in the material, the large size of some of the items, and the broken glass and nails/spikes left over. It is also common for staff to discover that fires have not been extinguished properly and they must therefore properly remove still-burning embers from the beach.

Similarly, NPS Law Enforcement Rangers and USPP are exposed to the burning of inappropriate materials, as well as safety risks from beach visitors who may be engaged in high risk behaviors. When conflict occurs within or between large groups in a general environment of drinking and disorderly conduct, it creates a high risk environment for NPS law enforcement as well as the nearby public.

#### Park Operations

NPS Maintenance staff must dedicate a large amount of time and resources to cleaning up after the fires at Ocean Beach. A Beach Cleaner and other mechanized equipment are used to perform necessary cleaning. However, this equipment has occasionally been damaged due to the types of waste it has encountered, which adds to the clean-up costs. Currently, nearly half of the maintenance staff dedicated to the Ocean Beach corridor spends their time cleaning up after fires and debris associated with fires. The resources spent on cleaning up after fires are an especially difficult burden given the reduced staff and available funding for ongoing park maintenance.

NPS Law Enforcement Rangers and USPP officers are frequently strained to enforce laws and regulations on Ocean Beach when fires are happening. They are often called to the area to respond to reports of individuals drinking alcohol, consuming drugs, disturbing nearby residents and other visitors, vandalizing property, and/or burning hazardous materials. They have a large area to protect in GGNRA and must prioritize the calls they receive.

#### Air Quality

When visitors burn inappropriate fuels such as wet wood, plastics, rubber, or treated wood, the open fires on the beach can produce odors that are unpleasant and/or emissions that are unhealthy to other visitors

and nearby residents. Wood smoke contributes heavily to air pollution, especially in winter months, and according to the Bay Area Air Quality Management District (BAAQMD), “small particles and toxic chemicals from wood smoke can cause serious health problems, especially in children, older adults, and those with heart or respiratory problems.”<sup>2</sup> NPS has regularly received complaints from nearby residents, as well as from the City and County of San Francisco, regarding smoke coming from the beach.

## **D. DEVELOPMENT OF PROPOSAL (PRE-PROPOSAL SCOPING)**

Following the February 2015 public meeting held to review the results of the 2014 Revised Pilot Program, NPS staff reviewed the feedback and comments that had been received. Discussion at the public meeting was wide-ranging, and there were some clear themes. There was support for continuing beach fires, a willingness by many people to consider a permit system tempered by concern that it not become too complicated or too costly, a broader understanding of the challenges of enforcing rules and cleaning up after fires, and some understanding of the value of a period of winter closure to coincide with the BAAQMD Winter Spare the Air Season.

Over the following months, NPS staff further developed the ideas presented as possible next steps during the February 2015 public meeting. An interdisciplinary park team held discussions to determine the feasibility of a permit system, winter rest period, and support from the City and County of San Francisco (CCSF). From these discussions, a set of proposed actions were developed for a presentation to the public.

On September 24, 2015, the NPS hosted a public meeting discussion and listening session to present and hear feedback on the proposal for changes to the Ocean Beach Fire Program, including the permit system, winter rest period, CCSF support, and new fire rings and signage. There were 26 people in attendance, and following a presentation of the proposal a panel of park staff hosted an extended question and answer period where concerns were raised, comments were heard, and questions were answered. Along with the feedback heard during the meeting, the public also provided comments through correspondence such as letters, email, and by comment card. See “Attachment D – Pre-Proposal Public Scoping Summary” for a detailed account of the feedback received and park responses to the questions, comments, and concerns submitted for each theme.

## **E. FINAL OCEAN BEACH FIRE PROGRAM ELEMENTS (SELECTED PROGRAM)**

The NPS has developed new elements to provide a safe, manageable, and sustainable Ocean Beach Fire Program. This Ocean Beach Fire Program consists of elements from the NPS preferred proposal, the options under consideration, and new or revised elements based on substantive comment from the public. This program is based on what the NPS has determined best meets the program’s purpose, need and objectives.

The Final Ocean Beach Fire Program consists of the following main elements:

### **1. Permit System**

No permits will be required for groups under 25 people. Groups of 25 people or larger will continue to be required to obtain a Special Use Permit from the NPS.

### **2. Burn Season**

Fires will be allowed on Ocean Beach for eight months, March through October. Fires will not be allowed on Ocean Beach from the first day in November to the last day in February. This Burn

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<sup>2</sup> Bay Area Air Quality Management District. (2015, September 3). *Wood Smoke Pollution*. Retrieved from BAAQMD: <http://www.baaqmd.gov/rules-and-compliance/wood-smoke>

Season aligns with when demand from the public for fires is the highest, and avoids burning during the Bay Area Air Quality Management District's (BAAQMD) Winter Spare the Air season. During the No-Burn period fire rings could either be removed from the beach or remain with locked lids affixed for the season. A comprehensive cleaning of the affected beach area will occur at the beginning of the No-Burn period followed by a reduced maintenance schedule for the remainder of the period. A thorough evaluation of the beach fire season will also occur annually during the No-Burn period (see Element 11 "Ongoing Program Evaluation").

### **3. Partnership with San Francisco Recreation and Parks Department (SFRPD)**

San Francisco District One Supervisor Eric Mar and the City and County of San Francisco (CCSF) have generously allocated \$185,000 annually (out year funding pending CCSF budget approval) to support the Ocean Beach Fires Program. This partnership and financial support will facilitate an improved fire program, where SFRPD will provide support for maintenance, trash removal, and cleaning associated with the fires, and will also provide for a continuation of support for public outreach and education which began with the 2014 Revised Pilot Program.

The NPS will continue to cooperate with SFRPD to best utilize the allocated funding for both cleaning of fire rings and the surrounding area on a regular basis, solid waste collection, and operation of the Beach Fire Liaison Program (as described in Element 7, "Public Outreach and Education").

Current Ocean Beach solid waste collection in stairwells 15-20 is in the form of individual trash cans. These trash cans are often overwhelmed by the amount and size of debris during peak burning season. In an effort to improve overall conditions in this area, the NPS will pursue a partnership with the City of San Francisco, to improve trash capacity and reduced maintenance effort.

### **4. Replace Fire Rings**

Beginning in spring 2016, the NPS will add four fire rings to the existing 12, and the ongoing objective of the NPS will be to furnish 16 fire rings for Ocean Beach fires. As existing fire rings fail, they will be replaced with new heat and corrosion resistant rings modeled after designs based on successful installations at other coastal beaches. See Attachment B for examples of possible fire ring designs.

### **5. Replace Signage**

Replace existing complex signage associated with the fire program with a simpler design. A plan for the design, number, and location of replacement and/or additional signs will be developed with input from stakeholders and with consideration of the possible impacts to the historic landscape of the seawall, promenade, and stairwells. The feasibility of signage immediately adjacent to or attached directly to the fire rings will also be explored. The signage program will also be able to clearly communicate information about the burn season. See Attachment B for an example of current signage.

### **6. Enforcement**

Law Enforcement Ranger and United States Park Police (USPP) enforcement operations will be supported by an expansion of the outreach and education activities of the NPS and SFRPD. As described below in Element 7, "Public Outreach and Education", the NPS will pursue a partnership with SFRPD and stakeholder organizations to create a Beach Fire Liaison program, in which staff and volunteers can provide educational support and assistance in complying with beach fire rules and regulations.

Law Enforcement Rangers and USPP will continue to work toward ensuring the success of the Ocean Beach Fire Program by making contact with visitors on Ocean Beach which may result in warnings, citations, and arrests.

## 7. Public Outreach and Education

To contribute to the long term success of the Ocean Beach Fire Program, the NPS and SFRPD will work together to conduct community engagement and education that may include, among other things, the following elements:

- City Partnership

As part of the support provided by City and County of San Francisco (CCSF), the NPS will continue to work with the volunteer management and outreach staff of the San Francisco Recreation and Parks Department (SFRPD) to provide interpretive and educational information and materials for volunteer programs about Ocean Beach. The NPS could also coordinate with SFRPD to create co-hosted programs and provide opportunities for stakeholder or community organizations to volunteer at Ocean Beach.

- Press Release

The NPS will disseminate a press release near the start and end of Burn Season to local media contacts and will remain open to requests for further information or interviews. Visitors will be directed to the park's website for more information.

- Flyer

Informational flyers will be created for distribution to visitors, local residents, business, and schools. The flyer will also be available to visitors at multiple locations throughout the Golden Gate National Recreation Area (GGNRA), including the Roving Ranger mobile visitor center.

- Website

The NPS maintains a website at [www.nps.gov/goga](http://www.nps.gov/goga) with information on many aspects of the GGNRA. The NPS will update and maintain a page with information specifically about Ocean Beach Fires and the associated rules, regulations, and laws at [http://www.nps.gov/goga/learn/management/fire\\_beachfireregs.htm](http://www.nps.gov/goga/learn/management/fire_beachfireregs.htm).

- Social Media

The NPS and CCSF/SFRPD will periodically post information regarding the Ocean Beach Fire Program through its social media accounts which include Facebook, Twitter, YouTube, Flickr, Tumblr, Pinterest, and Instagram.

- Email Notification

The NPS will leverage its email database to spread the word about the Ocean Beach Fire Program to individuals, organizations, and agencies who have expressed interest in GGNRA updates.

- Beach Fire Liaison Program

The NPS will pursue a partnership with several stakeholder organizations and volunteers to initiate an on-site liaison program for peak burning periods. The Beach Fire Liaison Program will recruit, assemble and train a cohort of staff and volunteers. The Beach Fire Liaison Program partners will collaboratively develop training, outreach materials and best practices. The Beach Fire Liaison Program will establish a staffing schedule and deploy individuals and/or teams during peak burning times to increase awareness and educate users with the goal of improving compliance and resolving issues. The Beach Fire Liaison Program will assist with developing and conducting the Revised Data Collection and Monitoring program.

## **8. Curfew Time**

The 2014 Revised Pilot Program changed the fire curfew from 10:00pm to 9:00pm. The Ocean Beach Fire Program curfew will be 9:30pm. All fires will need to be extinguished by this time, although visitors in compliance with other regulations are allowed to remain on the beach indefinitely.

## **9. Summer Spare the Air Days**

While the BAAQMD does not prohibit fires on summer Spare the Air days, the NPS will continue to prohibit them.

## **10. Revised Data Collection and Monitoring**

The data collected during the 2014 Revised Pilot Program provided a baseline for evaluation of the success of the fire program at Ocean Beach. Data collection will continue under the Ocean Beach Fire Program in a revised manner based on periodic, sample based monitoring with details to be determined (see Beach Fire Liaison Program under Element 7 “Public Outreach and Education”).

## **11. Ongoing Program Evaluation**

In an effort to ensure the continued success of the Ocean Beach Fire Program, the NPS will coordinate with partners, stakeholders, and interested public to evaluate the program on an annual basis. Successes and opportunities will also be identified through comparison of data collected with the baseline formed during the 2014 Revised Pilot Program. The NPS will host annual public workshops during the no burn period to share information about how the past burn season went, discuss what’s working and what’s not, to identify the damage to park resources (signs, fire rings, etc.) that must be repaired or replaced, and to chart a course together for the next burn season.

## **12. Age Requirement**

Current Ocean Beach fire regulations state “Minors must be supervised. A responsible leader, 21 years or older, must be present for every 10 children under 18 years of age.”<sup>3</sup> This regulation will be changed to state “Minors must be supervised. A responsible leader, 18 years or older, must be present for every 10 children under 18 years of age.”

## **F. OPTIONS PREVIOUSLY UNDER CONSIDERATION**

Based on public comment received prior to release of this proposal (See Attachment D - Pre-proposal scoping comments) the following options were under consideration for implementation. The NPS has either dismissed these options or integrated them into the Final Ocean Beach Fire Program Elements described in section E.

The options listed below (and any additional options, variations, or modifications raised during the 30 day period), have been reviewed for: feasibility; environmental impact; and how well they meet the Purpose, Need, and Objectives of the Ocean Beach Fire Program. Based on these criteria, the Superintendent has selected the Final Ocean Beach Fire Program as presented above.

- Permit System

The NPS investigated the feasibility of allowing for permits to be purchased immediately on site upon arrival at the beach. This could have involved implementation of an ‘iron ranger’ device

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<sup>3</sup> Golden Gate National Recreation Area. (2014, June 2). *2014 Superintendent’s Compendium*. Retrieved from Laws & Policies:[http://www.nps.gov/goga/learn/management/upload/2014\\_Superintendent-s-CompendiumV2\\_access.pdf](http://www.nps.gov/goga/learn/management/upload/2014_Superintendent-s-CompendiumV2_access.pdf)

which would have allowed for cash payments without the requirement of additional staff and complex facilities. The feasibility of an electronic permit dispenser, which would have accepted more diverse methods of payment, was also explored. Under the on-site option, multiple permits per fire ring per day could have been offered, dependent upon the length of each group's occupation of the fire ring.

The option for an on-site permit system has been dismissed from the Final Ocean Beach Fire Program along with the permit system element in general. The purpose of any permit system would have been primarily to enhance understanding of, and compliance with program rules; and secondarily to generate funds for the operation of the fire program. Influenced by the dialogue with the public and CCSF around the goals and methods of a permit system, and informed by further investigation in permit program operations and complexities, the NPS is proceeding with a modification of the SFRPD Partnership and Education/Outreach elements instead of the permit system. The SFRPD Partnership element has been modified as a substantial maintenance partnership with SFRPD, including solid waste collection, to address a shortage of funds for program operation. The Education/Outreach element has been modified to include the Beach Fire Liaison Program to improve compliance with rules and personal responsibility for beach conditions. If successful, these two modified elements in combination with the rest of the Final Ocean Beach Fire Program could achieve the same goals and outcomes of a permit system with less complexity and impacts to users.

The NPS also explored the feasibility of creating additional opportunities within the permit system that would have allowed youth under 18 to enjoy the Ocean Beach fire experience without providing their own guardians. This option could have significantly increased the level of risk exposure associated with the Ocean Beach Fire Program.

The option for additional youth opportunities within the confines of a permit system has been dismissed along with the permit system. An additional element (#12. Age Requirement) has been added to the Final Ocean Beach Fire Program to address the inconsistency of the previous "21 years or older" age requirement, which may indirectly provide additional opportunities for youth.

- More Fire Rings

The NPS investigated the feasibility of providing 20 fire rings instead of the 12 which are currently on the beach. These fire rings will also be of a new heat and corrosion resistant design. This will provide additional availability of a recreational resource and meet the fire ring number communicated during the 2007 Pilot Program. This option could require higher implementation costs, both during the initial phase due to purchase costs and over the long term due to maintenance needs.

This option has been revised as an increase to 16 fire rings, and included in element 4 of the Final Ocean Beach Fire Program.

- Curfew Time

The NPS investigated the feasibility of implementing a 10:00 pm curfew. This would have reflected a reversion to the regulation which was in place prior to the 2014 Revised Pilot Program. This option will require an increase in operational costs to account for an additional half hour per night of law enforcement staff time.

This option has been revised as a 9:30pm curfew, and included in element 8 of the Final Ocean Beach Fire Program.

o Firewood Sales or Other Comprehensive Concession Opportunity

The feasibility was explored of providing a method for visitors to purchase appropriate burning materials. The sale of burning materials or any other products would likely have occurred in the parking area of Ocean Beach which is under the jurisdiction of the SFRPD.

This option is not part of the Final Ocean Beach Fire Program, but the NPS remains willing to work cooperatively with SFRPD, if it is determined that a concession opportunity is viable. It is expected the vendor would provide educational information about the rules, regulations, and laws associated with beach fires.

## **G. APPLICABLE LAW AND POLICY**

NPS regulations allow superintendents to implement public use limits to protect park resources, equitably allocate use of areas, protect public health and safety, and avoid conflicts among user groups. Public use limits may be adopted following a written determination and publication of the use limitation in the park's Compendium. Under 36 CFR § 2.13, Fires, lighting or maintaining a fire is prohibited, except in designated areas or receptacles and under conditions established by the superintendent.

Fires are allowed to occur on Ocean Beach through the conditions outlined and approved by the Superintendent in the Compendium. The process for which NPS proposes to implement the proposed actions are consistent with 36 CFR § 1.5, Closures and public use limits, which allows the Superintendent to create public use limits "...based upon a determination that such action is necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities..."<sup>4</sup>

NPS Management Policies allow NPS to encourage visitor activities that:

- are appropriate to the purpose for which the park was established; and
- are inspirational, educational, or healthful, and otherwise appropriate to the park environment; and
- will foster an understanding of and appreciation for park resources and values, or will promote enjoyment through a direct association with, interaction with, or relation to park resources; and
- can be sustained without causing unacceptable impacts to park resources or values.

This action is not of a nature or magnitude such that it will result in a significant alteration of the public use patterns of the park. While a significant reduction in fire related use of a noncompliant nature is expected, fire related use within the limits of park rules, regulations, and laws will experience a minor expansion during the proposed fire season. A minor alteration in use will also occur from November through February, when fires will not be allowed. This is already a period of low demand. The scope of this proposed action is limited, applying only to beach fires on Ocean Beach. Beach fires, camp fires, and charcoal fires in other locations within GGNRA will not be affected.

This action will not adversely affect the natural, aesthetic or cultural values of park lands in San Francisco County. The intent of this program is to largely reduce the existing adverse impacts that occur as a result of beach fires on Ocean Beach.

The proposed action is also consistent with the park's resource management objectives and broadly follows the goals and objectives of the updated GGNRA General Management Plan, particularly in the Ocean Beach Diverse Opportunities Zone (Along the O'Shaughnessy Seawall):

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<sup>4</sup> Office of the Federal Register. (1999, July 1). *36 CFR 1.5 - Closures and Public Use Limits*. AE 2.106/3:36/

“Park managers would continue to provide a diversity of recreational beach use and preserve the natural setting and resource values, including shorebird habitat. The vital community stewardship activities that are part of the successful management of the beach would be promoted.

“The park would preserve the historic O’Shaughnessy seawall and collaborate with the City of San Francisco to enhance the Ocean Beach corridor with improved amenities that support enjoyment of the beach, including the promenade, parking areas, and restrooms.”<sup>5</sup>

The proposed action is not highly controversial. Recreational uses throughout the GGNRA and other public lands are commonly restricted on a seasonal basis for the protection of park resources, public safety, environmental values, and to accommodate the most efficient use of fiscal and operational resources. This action was proposed based on data gathered during both previous pilot programs and further developed with public feedback received during the pilot programs, prior to the development of this document, and during a 44-day public review and comment period.

Finally, this action is not expected to significantly displace visitors to adjacent lands managed by other agencies. Within the Bay Area, beach fires are only otherwise allowed at Muir Beach and Point Reyes, both managed by the NPS.

## **H. IMPACT ASSESSMENT**

The following section describes the impacts of the NPS proposed action and options under consideration. The NPS has preliminarily determined the actions proposed herein would not cause “significant adverse effects” requiring an Environmental Assessment (EA) or Environmental Impact Statement (EIS) and meets the requirements of a Categorical Exclusion under NPS NEPA guidelines Directors Order 12 (DO-12).

### **1) Baseline Condition**

Beach fires are currently occurring on Ocean Beach within GGNRA under the conditions outlined in the 2014 Revised Pilot Program. These conditions are also partially based on regulations from the 2007 Pilot Program, as well as those found in 36CFR Section 2.13(a)(1) and the GGNRA Superintendent’s Compendium.

In addition to the program elements described in the table below, beach fires on Ocean Beach also are expected to meet the regulations found in the Superintendent’s Compendium:

- Fires permitted from 6:00am-9:30pm only
- Fires only in fire rings provided by the park between stairwell # 15-20
- All firewood must be brought into the park. No gathering, cutting or scavenging of firewood or kindling is permitted in the park from any source.
- Fires must be above ground (no pit fires) and attended at all times.
- Chemically treated wood, painted wood, wood with nails or staples shall not be used in any fire
- Debris burning is not permitted, including Christmas trees.
- Refuse must be removed from beach.
- Ceramic pit fires are prohibited.
- No Beach Fires are allowed when fire danger is high, very high, or extreme.

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<sup>5</sup> Golden Gate National Recreation Area. (2015, May). *2014 GGNRA & Muir Woods National Monument General Management Plan Summary*. GOGA 641/128449

2) **Summary of Proposed Changes from Baseline (Existing) Condition**

The table below summarizes the program elements that would change with the final program.

<b>Program Element</b>	<b>Existing Condition (2014 Revised Pilot Program - Baseline)</b>	<b>Proposed Change</b>
Permits	Only for groups 25 or larger	No change.
Minimum Age	18, 21 if minors present	18, one adult per 10 minors
CCSF Support	\$60,000 Education & Outreach	\$185,000 Maintenance, Education & Outreach
Fire Rings	12; precast concrete	16; heat and corrosion resistant
Burn Season	Every day except Spare the Air Days	March – October, except Spare the Air Days
Monitoring	Daily Monitoring	Periodic, Sample Based Monitoring
Signs	Limited placement, complicated message	Additional signs, simple message
Enforcement	Focus: Monitoring and education	Focus: Education and compliance
Curfew	9:00pm	9:30pm

The support provided by CCSF in the form of SFRPD assistance with maintenance and public education and outreach would have a minor beneficial impact on ecosystem integrity and visitor experience as a result of less debris present on the beach and promenade.

The change in number and type of fire rings would have a minor beneficial effect on visitor use and experience resulting from an increase in fire rings from 12 to 16, and fewer fire ring failures.

Expanding the restriction on fires to also encompass the entire low demand Winter Spare the Air Season would have a minor beneficial impact on air quality, visitor use and experience, NPS operational effectiveness, and staff health and wellbeing. These impacts would result from an opportunity to comprehensively clean the beach and allow the park to more effectively marshal resources for the higher demand period.

Strategic monitoring and data collection as opposed to daily monitoring and collection would cause a negligible beneficial impact to staff health and wellbeing due to the reduced strain on staff capacity.

Additional signs would contribute to causing negligible beneficial impacts to ecosystem integrity, visitor experience, and public & staff safety.

3) **NPS Screening Form (ESF)**

The NPS uses the ESF to conduct a screening level impact assessment to identify environmental impacts that may require an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

**A. Resource Effects to Consider:**

<b>Identify potential effects to the following physical, natural, or cultural resources</b>	<b>No Effect</b>	<b>Less Than Significant Effect</b>	<b>Data Needed to Determine/Notes</b>
1. Geologic resources – soils, bedrock, streambeds, etc.		Yes	Beneficial long term local minor impacts to sand on Ocean Beach would result from a reduction in fires outside of rings which leave debris and hazards such as hot coals in the sand.

2. From geohazards	X		
3. Air quality		Yes	Beneficial minor impacts associated with reduced suspended particulate matter due to wood burning fires, especially on summer Spare the Air days and during the winter period in which fires would not be allowed.
4. Soundscapes		Yes	Beneficial negligible impacts could result from enforcement of fire curfew limiting visitor noise associated with fires.
5. Water quality or quantity	X		
6. Streamflow characteristics	X		
7. Marine or estuarine resources		Yes	Beneficial minor impacts would result from less beach trash leading to less infiltration of waste into the marine environment.
8. Floodplains or wetlands	X		
9. Land use, including occupancy, income, values, ownership, type of use	X		
10. Rare or unusual vegetation – old growth timber, riparian, alpine	X		
11. Species of special concern (plant or animal; state or federal listed or proposed for listing) or their habitat		Yes	Fires at Ocean Beach are already limited to between stairwells 15 and 20, outside of the protect Snowy Plover habitat. Education and outreach resulting in fewer fires outside of that area could have a negligible beneficial impact.
12. Unique ecosystems, biosphere reserves, World Heritage Sites	X		
13. Unique or important wildlife or wildlife habitat		Yes	Fires at Ocean Beach are already limited to between stairwells 15 and 20, outside of the protected Snowy Plover habitat. Education and outreach resulting in fewer fires outside of that area could have a negligible beneficial impact.
14. Unique or important fish or fish habitat	X		
15. Introduce or promote non-native species (plant or animal)	X		

16. Recreation resources, including supply, demand, visitation, activities, etc.		Yes	Limiting fires to established rings, banning fires during the No-Burn Season and Spare the Air days, and only allowing groups of less than 25 to burn a fire without a permit could result in a long term, local, minor adverse impact on recreational resources. Installation of new and additional, high quality fire rings designed to withstand the rigors of Ocean Beach use would provide short term, local, minor beneficial impacts to recreational resources.
17. Visitor experience, aesthetic resources		Yes	Long term, local, beneficial impacts to visitor experience and aesthetic resources would result from limiting fires to established rings and limiting beach trash and hazardous materials through education and outreach.
18. Archeological resources	X		Installation of new fire rings would not impact archeological resources.
19. Prehistoric/historic structure		Yes	Changes and additions to signage along the promenade, stairwells, and sea wall could have a negligible adverse effect on those historic structures. This impact would be mitigated through coordination with the Historical Landscape Architect.
20. Cultural landscapes	X		
21. Ethnographic resources	X		
22. Museum collections (objects, specimens, and archival and manuscript collections)	X		
23. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure		Yes	Partnership with City and County of San Francisco (CCSF) could also fund additional staff or staff time. Negligible beneficial socioeconomic impacts could result.
24. Minority and low income populations, ethnography, size, migration patterns, etc.	X		
25. Energy resources	X		
26. Other agency or tribal land use plans or policies	X		

27. Resource, including energy, conservation potential, sustainability	X		
28. Urban quality, gateway communities, etc.		Yes	Negligible, local, beneficial impacts would result from the continuation of allowing fires on Ocean Beach to an urban community which has limited access to outdoor recreational fires.
29. Long-term management of resources or land/resource productivity		Yes	Continuing to allow beach fires at Ocean Beach would cause a local, long term, minor beneficial impact to the recreational resource provided by fires. The continued allowance of fires could also cause a long term, local, minor adverse impact to the natural resource of the beach environment. Implementation of the November through February no-fire period in conjunction with increased education and outreach would mitigate those impacts to negligible levels.
30. Other important environment resources (e.g. geothermal, paleontological resources)?	X		

#### 4) Issues and Concerns

The following issues and concerns have been raised consistently regarding the Ocean Beach Fire Program. This section provides an assessment of the impacts of how the final NPS action compares to the baseline existing condition. This assessment informs NPS decision-making. This assessment has been updated based on substantive public comment following public review and comment.

##### Public Safety

A combination of the elements found within the final Ocean Beach Fire Program would represent a collective change to public safety from the baseline conditions which existed under the 2014 Revised Pilot Program. The combined additional fire rings, signage, enforcement, and outreach/education elements are expected to result in an overall increase in visitor compliance with regulations which would result in a reduction of hazardous waste and materials brought to the beach. A reduction is also expected of the dangerous conditions resulting from non-compliant activities associated with fires such as alcohol consumption and oversize groups. A reduction of hazardous waste and materials, and a reduction in non-compliant activities would result in an increase in the safety of all visitors.

The partnership with SFRPD would provide additional maintenance for beach fires compared to the level experienced during the 2014 Revised Pilot Program. Additional maintenance would more successfully remove hazardous waste and materials such as hot coals, broken glass, and nails/screws from the fire rings and surrounding beach. Less hazardous waste and materials on the beach would create safer conditions for the public.

Curfew time under the Final Ocean Beach Fire Program would change to 9:30pm, representing a minor change from the 2014 Revised Pilot Program baseline conditions. The 9:30pm curfew time could affect public safety. Law enforcement personnel more commonly encounter increasing levels of non-compliant, dangerous, and/or illegal activities later in the evenings. The 9:30pm curfew time is a

compromise that provides beneficial impacts to visitor use and experience, while reducing disorderly or unsafe conditions that tend to develop during later hours.

The number of fire rings available to the public under the Final Ocean Beach Fire Program would increase to 16. This would reduce conflict for the limited amount of fire rings present. A reduction in conflict between visitor groups would represent an increase in public safety and therefore a beneficial impact.

#### Visitor Experience

The issue "Visitor Experience" is a broad category. NPS evaluated the visitor experience impacts based on the following:

- Permit system - Experiencing a fire at Ocean Beach (non-permit to permit)
- Cost associated with permit system
- Age limitations
- Number of Fire Rings Available
- Enactment of a winter rest period
- Curfew
- Cumulative impact on visitor use

*Permit System.* The final Ocean Beach Fire Program would not require permits for groups less than 25 people. This represents no change from baseline conditions, and therefore would cause no impact.

*Cost.* The Final Ocean Beach Fire Program would not require permits for groups less than 25 people. This represents no change from baseline conditions, and therefore would cause no impact.

*Age Limitation.* The minimum age requirement associated with the Final Ocean Beach Fire Program would limit the availability of the resource for youth under 18. This represents no change from the existing regulations found in the Superintendent's Compendium and therefore no change/effect. The change from requiring one person age 21 or older to one person age 18 or older per 10 minors could potentially diminish the barrier minors face to access beach fires.

*Number of Fire Rings.* The replaced fire rings element could affect the quality of the visitor experience if a failure to meet demand for fire rings results in a continuation of large numbers of non-compliant fires. The Final Ocean Beach Fire Program includes additional education and outreach which is expected to result in a reduction of non-compliant fires. The final action also includes additional maintenance provided by the support of SFRPD. The combination of these actions would provide a cleaner, safer, and more attractive beach, resulting in a beneficial impact to visitor experience. Raising the number of provided fire rings to 16 increases the availability of the resource, but also increases the maintenance responsibility. Providing additional fire rings could improve compliance with regulations because demand is better met, resulting in improved availability of the resource. Raising the number of fire rings to 16 would more closely meet demand on summer weekend times when demand for fires is greater.

*Burn Period.* Not allowing fires from November through February would affect the availability of the recreational resource, although those four months coincide with a period in the year when there is the lowest demand for fire rings. The No-Burn Period also coincides with the BAAQMD Winter Spare the Air Season, which legally precludes fires for an average of 14 days each winter season. Not allowing fires during this entire period would represent a decrease on the availability of the recreational resource. The NPS must balance logistical administrative and enforcement concerns when there are likely to be many cancellations, air quality impacts, staff safety and morale, and the availability of providing this resource for visitors.

A four month No-Burn period would impact visitors who do not own a car or otherwise have access to a private vehicle. Ocean Beach is the only local beach which allows beach fires and is also suitable for casual, evening access by bike or public transit. This is a short term, seasonal impact, which is partially mitigated by additional access provided by added fire rings and a later curfew during the eight-month Burn Period.

*Curfew.* An additional half hour of burnable time provides additional opportunity for visitors to enjoy a beach fire. A 9:30pm curfew time is a compromise that provides clarity and would ensure that most users on almost all the days during the eight month burning season would have at least one hour of darkness for burning, while providing a beneficial impact to public safety.

*Visitor Use.* Upon the development of the Final Ocean Beach Fire Program, which combines multiple elements and options that could potentially impact visitor use and experience, the NPS must evaluate the cumulative impact of the collective elements on recreational use. The addition of four fire rings, plus the expansion of the burning curfew to 9:30pm, and the shortening of the Burn Season to eight months each impact the recreational program availability. Recreational use data for Ocean Beach fires is not available, so the recreational program availability is the best approximation of visitor use impact. Recreational program availability is analyzed in three ways, first by the number of available fire rings, second by the number of available burn days, and last comprehensively by the number of available burn hours.

The expansion from 12 to 16 fire rings represents a 33.3% increase in available recreational resources.

The shortening of the Burn Season to eight months represents a 30.2% decrease in the number of available burn days.

Assuming a baseline of 12 fire rings, 6:00am to 9:00pm curfew, and 351 burnable days per year (365 less an average of 14 Winter Spare the Air alert days<sup>6</sup>), there are an average total of 63,140 burn hours available annually. The implementation of the Final Ocean Beach Fire Program would reduce this to a total of 60,760 burn hours available per year, representing a 3.8% loss of recreational program availability.

#### NPS Staff Safety

The combined signage, enforcement, and outreach/education elements are expected to result in an overall increase in visitor compliance with regulations which would result in a reduction of hazardous waste and materials brought to the beach. With less hazardous materials present, there will be less risk to maintenance staff when cleaning the fire rings and surrounding beach. The presence of dangerous conditions resulting from non-compliant activities associated with fires such as alcohol consumption and oversize groups would be reduced. A large number of non-compliant visitors, especially those consuming alcohol can create a dangerous environment for law enforcement personnel, therefore fewer non-compliant visitors reduces the risk of enforcement activities for rangers and USPP. A reduction of risk for maintenance and law enforcement personnel results in an increase in NPS staff safety.

Constant exposure to high risk activities such as hazardous materials removal and unsafe enforcement operations can reduce employee health and wellness. The winter no-fire period would provide an opportunity for personnel to operate under lower risk conditions for four months out of the year. A reduction of constant exposure to high risk activities would benefit employee health and wellness and increase NPS staff safety.

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<sup>6</sup> Calculations based on a 14.22 day average of the previous nine Winter Spare the Air Seasons on record beginning Nov.-Feb. 2006-2007 and ending Nov.-Feb. 2014-2015, courtesy of BAAQMD.

### Park Operations

The partnership with SFRPD, replaced fire rings, replaced signage, and public outreach & education elements would have one time costs associated with implementation of the Ocean Beach Fire Program. The increase in number of fire rings, increased enforcement, revised data collection/monitoring, and ongoing program evaluation would have increased continuing costs associated with implementation of the Ocean Beach Fire Program compared to the baseline conditions under the 2014 Revised Pilot Program. Increased one time and continuing costs introduce an additional burden on strained NPS fiscal resources which could impact operations and projects park-wide. The No Burn Season, partnership with SFRPD, and replaced fire ring elements would reduce ongoing costs associated with the Ocean Beach Fire Program when compared to the baseline conditions. Reduced ongoing costs help to offset other program elements while increasing the financial sustainability of the program. While detailed line item analysis cannot be completed until implementation details are determined based on the Superintendent's final decision, it is expected that both one time and continuing costs of the Ocean Beach Fire Program could be absorbed without undue burden under current funding realities.

The combined signage, enforcement, and outreach/education elements are expected to result in an overall increase in visitor compliance with regulations which would result in a long term reduction of maintenance and law enforcement efforts required to sustain the program. A reduction in required staff effort and increase in program sustainability would result in a decreased burden on park operations.

### Air Quality

According to the BAAQMD, "Wood smoke is the #1 source of wintertime air pollution."<sup>7</sup> In a 2014 letter to the NPS, the BAAQMD wrote, "Your agency could contribute greatly to increased public health and improved wintertime air quality by removing the bonfire facility at ocean beach during the winter months. If possible, prohibiting wintertime bonfires completely at Ocean beach would further improve both regional and local air quality."<sup>8</sup> The introduction of the No Burn Season element would reduce PM2.5 (fine particulates) pollution during the four month period from November through February in comparison to the 2014 Revised Pilot Program conditions. Reduced PM2.5 levels would result in improved local air quality during the 1/3 of the year when air quality in the Bay Area is at its worst.

The combined signage, enforcement, and outreach/education elements are expected to result in an overall increase in visitor compliance with regulations which would result in a reduction of hazardous gases released from inappropriate burning materials. Less hazardous gas pollution would improve local air quality.

## **I. NATIONAL HISTORIC PRESERVATION ACT (NHPA) SECTION 106 COMPLIANCE**

The GGNRA Cultural Assessment Team has reviewed the proposed project and completed its certification for compliance with the National Historic Preservation Act through the Park Programmatic Agreement. It has been determined that there will be No Adverse Effect on historical, cultural, or archeological resources, provided all stipulations identified below are met. The Final Ocean Beach Fire Program is therefore cleared for all NHPA compliance requirements as presented herein.

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<sup>7</sup> Bay Area Air Quality Management District. (2012/2013). *Winter Spare the Air - English Fact Sheet*. Retrieved from Wood Burning Fact Sheets: [http://www.sparetheair.org/~media/sta/files/1/particulate-matter/wood-smoke/wsta\\_factsheet\\_12-13.pdf?la=en](http://www.sparetheair.org/~media/sta/files/1/particulate-matter/wood-smoke/wsta_factsheet_12-13.pdf?la=en)

<sup>8</sup> See Attachment G: Bay Area Air Quality Management District (BAAQMD) Letter "Ocean Beach Bonfire and Air Quality"

For the proposed project actions to be within compliance requirements during project implementation, the following cultural resource stipulations must be adhered to:

- Project Manager for the implementation of the project will coordinate sign placement with Park Historical Landscape Architect to avoid or minimize impacts to the historic Ocean Beach (O'Shaughnessy) Esplanade and Seawall.

See Attachment F: "Letter of NHPA Section 106 Compliance Completion and Assessment of Actions Having an Effect on Historic Properties" for full NHPA Section 106 compliance documentation.

## **J. SUMMARY OF PUBLIC COMMENT (POST PUBLIC REVIEW AND COMMENT)**

The Ocean Beach Fire Program Proposal was initially released for a 30-day public review and comment period on October 22, 2015. On November 17, 2015, upon the receipt of multiple requests for a comment period extension, the original 30 day review and comment period was extended by an additional two weeks, and ended on December 4, 2015. This provided a total of 44 days of public comment.

Within that time period, the NPS received 508 total correspondences from the public. These comments were analyzed along with the 56 correspondences which had been received prior to the proposal's release, and following the public meeting (9/24/15 – 10/21/15, 28 days). Comments were reviewed and analyzed for substantive content. See Attachment E: "Public Review and Comment Summary" for a detailed discussion of the comments received, and park responses.

## **K. DECISION / IMPLEMENTATION PROCESS**

A draft proposal and environmental compliance document for the Ocean Beach Fire Program was released to the public for a 44-day comment period from October 22, 2015 to December 4, 2015. The public was notified of this document's availability by email, press release, and social media outlets.

Following the 44-day review and comment period, the NPS reviewed the comments received. With consideration of the public's feedback, this document represents a final implementation decision made by the discretionary authority of the Superintendent.



**National Park Service**  
**U.S. Department of the Interior**

**Golden Gate National Recreation Area**  
**Date: 2/19/16**

## **ATTACHMENT B**

### **Sign & Fire Ring Designs**

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## ATTACHMENT B

### Sign & Fire Ring Design

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Sign currently displaying fire regulations:

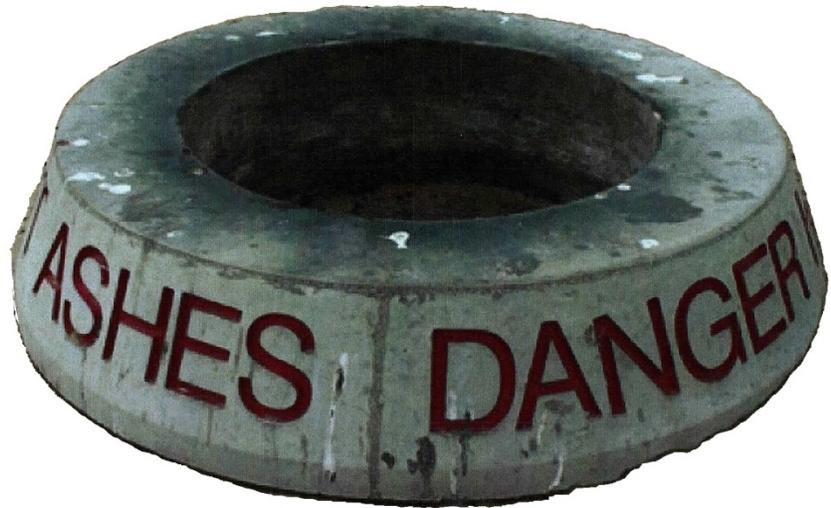
**OCEAN BEACH**

 No Glass or Alcohol	 Leash Pets July 1st to May 15th	 No Fires
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- Fires Allowed From Stairwell 15 thru 20 in Rings ONLY Information: 415-561-4741
- Pet Litter and Garbage Pick-up Required
- Dogs Must Be On Leash July 1st to May 15th in Snowy Plover Protection Area - Stairwell 21 to Sloat Blvd
- Info 415-561-4728

Golden Gate National Recreation Area

**Fire Ring Option A:**



**Fire Ring Option B:**



**Fire Ring Option C:**





National Park Service  
U.S. Department of the Interior

Golden Gate National Recreation Area  
Date: 2/19/16

## **ATTACHMENT C**

### **GGNRA Compendium Amendment**

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# United States Department of the Interior

NATIONAL PARK SERVICE  
Golden Gate National Recreation Area  
Fort Mason, San Francisco, California 94123

IN REPLY REFER TO:  
W34 (GOGA-VRPCR)

## Compendium Amendment

### Golden Gate National Recreation Area Visitor and Resource Protection Measures

#### TITLE 36 CFR § 1.5 (f)

Compendium of designations closures, permit requirements, and other restrictions imposed under discretionary authority by the General Superintendent, Golden Gate National Recreation Area.

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations, Chapter 1, Parts 1 through 7, authorized by United States Code, Title 54, Section 100751, the following regulatory provisions are established for the proper management, protection, government and public use within Golden Gate National Recreation Area, under the jurisdiction of the National Park Service.

#### **36 CFR 2.13 – FIRES**

**(a)(1) The lighting or maintaining of fires is generally prohibited, except as provided for in the following designated areas and/or receptacles, and under the conditions noted:**

- **OCEAN BEACH: (Exhibit #12)**
  - Fires permitted from 6:00am - 9:30pm from March 1<sup>st</sup> to October 31<sup>st</sup>
  - Minors must be supervised. A responsible leader, 18 years or older, must be present for every 10 children under 18 years of age.

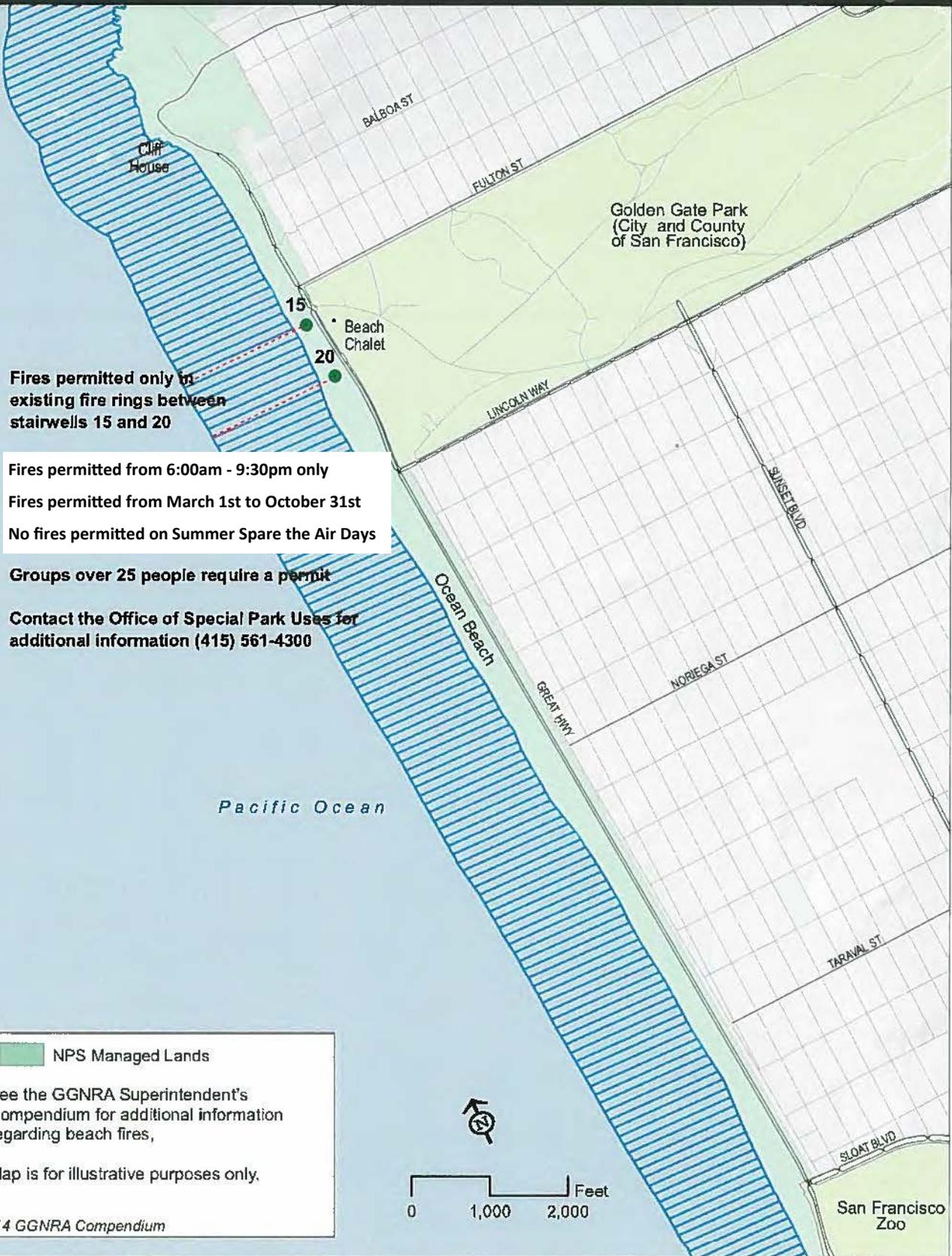
These revised public use limits will take effect beginning on April 4<sup>th</sup>, 2016.

Christine Lehnertz  
General Superintendent, Golden Gate NRA

02/19/2016  
Date

**Exhibit 12  
Permitted Beach Fire Area  
Ocean Beach**

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





National Park Service  
U.S. Department of the Interior

Golden Gate National Recreation Area  
Date: 2/19/16

# **ATTACHMENT D**

## **Pre-Proposal Scoping Summary**

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## ATTACHMENT D

### Pre-Proposal Public Scoping Summary

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#### A. PRE-PROPOSAL PUBLIC SCOPING BACKGROUND

Following the February 2015 public meeting held to review the results of the 2014 Revised Pilot Program, NPS staff reviewed the feedback and comments that had been received. Discussion was wide-ranging, but there were some clear themes. There was support for continuing beach fires, a willingness by many people to consider a permit system tempered by concern that it not become too complicated or too costly, a broader understanding of the challenges of enforcing rules and cleaning up after fires, and some understanding of the value of a period of winter closure to coincide with the BAAQMD Winter Spare the Air Season and to give the beach a break.

Over the following months, NPS staff further developed the ideas presented as possible next steps during the February 2015 public meeting. An interdisciplinary park team held discussions to determine the feasibility of a permit system, winter rest period, and support from the City and County of San Francisco (CCSF). From these discussions, a set of proposed actions were developed for a presentation to the public.

On September 24, 2015 the NPS hosted a public meeting discussion and listening session to present and hear feedback on the proposal for changes to the Ocean Beach Fire Program, including the permit system, winter rest period, CCSF support, and new fire rings and signage. There were 26 people in attendance, and following a presentation of the proposal a panel of park staff hosted an extended question and answer period where concerns were raised, comments were heard, and questions were answered. Along with the feedback heard during the meeting, the public also provided comments through correspondence such as letters, email, and by comment card. See below for a detailed account of the feedback received and park responses to the questions, comments, and concerns submitted for each theme.

#### B. PRE-PROPOSAL SCOPING SUMMARY

Public feedback on the Ocean Beach Fire Program was received during the September 24, 2015 public meeting and through correspondence sent prior to this proposal's release. A total of 56 correspondences were received in the 28 day period between the public meeting on September 24, 2015 and the proposal's release on October 22, 2015. The public feedback received addressed the following broad themes. Each theme is followed by park responses which are meant to give additional details, remedy confusions, and provide further insight into the NPS's motivations behind the proposal.

- **Theme 1 – Amount of Fire Rings**

A large majority of the comments received specifically addressed the number of fire rings that would be available on the beach. Commenters recommended that between 8 and 30 or more fire rings be made available. A majority of commenters felt that 12 rings would be too low to satisfy demand.

Concerns were raised that if the supply of fire rings did not meet the demand for fires that the number of fires outside of rings would continue, causing an increase in non-compliance, environmental impact, and enforcement issues. These concerns have been addressed in section “F. OPTIONS UNDER CONSIDERATION”.

- The 2014 Revised Pilot Program made it clear to the park and the public that the demand for beach fires can greatly exceed the 12 rings currently available, particularly on weekend evenings and during nice weather. The NPS must balance this demand for a recreational resource against the associated costs in staff time and materials for maintenance, as well as expected enforcement costs. These costs are expected to increase proportionately with the number of fire rings that are made available.
- The NPS also understands that due to the level of non-compliance, current conditions have a disproportionately high cost compared to those which would be expected under a sustainable program. It is also clear that no system is perfect, and under any program some level of non-compliance is expected, which will always carry a cost to the National Park Service (NPS).

- **Theme 2 – Requiring Permits for All Fires**

The proposed change to require permits for all groups, including those of less than 25 people, received mixed feedback. While many felt that permits were an undesirable tool, many commenters also felt that some method is needed to increase compliance in conjunction with other changes to the beach fire program.

- Following the 2014 Revised Pilot Program, the NPS spent many months exploring different possibilities for meeting the purpose, need, and objectives of a sustainable Ocean Beach Fire Program. After much deliberation, it was determined that a permit system in conjunction with other changes offered the best chance of increasing compliance and moving toward a program which was able to offer recreational beach fires sustainably in the long term.

- **Theme 3 – Permit Cost**

The proposed cost of \$25-\$35 per permit, which translates to about \$5 to \$2 per person, depending on the group size, was presented during the public meeting discussion and listening session held on September 24, 2015. The cost was met with concerns that it would place a disproportionate burden on low income populations. Many commenters sent correspondence to the park using a form letter which requested permits cost a maximum of \$5.

- During the February 2015 Public Meeting held to discuss the results of the 2014 Revised Pilot Program, a permit system was first proposed to the public as one option for the future. Under initial investigation, it was proposed permits could cost \$75 or more if they were to be used for cost recovery purposes. At that time it was acknowledged that while permits could be proposed in the future, it was unlikely they would ever be able to entirely provide for cost recovery of the fire program. Therefore, the public was presented with a cost range of \$25-\$75. During that meeting we heard the public’s distinct preference for the lower end of that range.
- Upon a more in depth investigation of the costs associated with the fire program, and working with Supervisor Eric Mar, the City and County of San Francisco (CCSF), and the San Francisco Recreation and Parks Department (SFRPD) to verify that \$185,000 was appropriated for support of the Ocean Beach Fire Program, it was determined that the NPS could feasibly propose a permit cost of \$25-\$35, which was presented at the September 24 meeting. This cost was based on the expectation of partial cost recovery, which was roughly estimated at \$60,000 annually, and an assumed affordability when the permits would average \$1-\$7 per person in groups between 5-24 people. That basis was balanced by a price point designed to be high enough to counter the

known high demand for the resource and influence behaviors toward increased planning and against 'no-shows' or forgotten reservations.

- As an urban park interested in attracting diverse visitors, the NPS wants to ensure this recreational opportunity is kept within reach for everyone. To accommodate low income populations the NPS included in the initial proposal four designated fee-free days in accordance with the NPS entrance fee-free days. The proposed permit system would also direct youth and other fee-free groups to contact the Office of Special Park Uses for accommodation.

- **Theme 4 – Methods of Issuing and Obtaining Permits**

A diverse set of comments and concerns were shared regarding the proposed Recreation.gov system for issuing and obtaining permits. Some commenters were concerned that only visitors who had access to the internet would be able to get a permit. To clarify, the Recreation.gov system which was included in the initial proposal has the ability to take permit reservations with both the online system using a computer or mobile device, and over the phone using the toll free number.

Concerns were also raised that a permit system would limit the spontaneity many people associate with having a beach fire. Many comments received in form letters recommended permits be made available immediately on site. Some recommendations were explicitly for the ability to pay with cash in an envelope (as with an "iron ranger"), and others for automated machines which would provide permits on site. These concerns have been addressed in section "F. OPTIONS UNDER CONSIDERATION".

- One impetus for the initial concept of the permit system was as a tool which would increase compliance with regulations by rewarding additional planning prior to having a fire. The Recreation.gov system was reviewed alongside multiple other options and was determined to best meet the logistical requirements of providing permits for beach fires. The Recreation.gov system would reward planning by allowing peak times to be booked up to 30 days in advance, while also accommodating a reasonable level of spontaneity by allowing unreserved fire rings to be permitted within a few hours of the permit time beginning.
- The Recreation.gov system was also chosen for its ability to meet the needs of all NPS visitors, many of whom have expressed a general movement toward looking for increasingly electronic and mobile means of permitting and communications.
- The NPS is aware that the Recreation.gov system, as with all permit systems, has some limitations. Most notably, the system allows only credit or bank card payments, and would be limited to one permit per fire ring per day. Under consideration of the public feedback asking for an on-site permit system allowing for more spontaneity, and to address some of the known limitations, the NPS has amended the initial proposal to provide for the possibility of an on-site permitting system in addition or instead of Recreation.gov.

- **Theme 5 – Permitted Fire Times, Curfew, and Number of Permits per Day**

Along with other concerns regarding the permit system, a majority of comments recommended a change in the proposed times which fires would be allowed on the beach. Some comments received by form letter called for fires to be "allowed anytime from dawn to 9pm", and some were changed to reflect "dawn to 10pm". A few comments were received asking for other curfew times, ranging from 12pm (noon) to 12am (midnight), with details including changes for weeknights versus weekends. The concern was also raised that a 9pm curfew requires fires to be out before darkness. These concerns have been addressed in section "F. OPTIONS UNDER CONSIDERATION".

The proposal presented to the public on September called for two permit periods per fire ring per day, during the times of 10am-3pm and 4pm-9pm. The public voiced concerns that the two permit times

would lead to confusion and conflict. There was also a question posed if the NPS was planning to clean the fire rings between the daily permit periods to provide a consistent experience for all groups. These concerns have been addressed in the NPS Preferred Action Proposal, element 1. Permit System.

- The initial proposal for a 10am start for fires reflected a desire to allow time for maintenance staff to arrive in the mornings and clean the fire rings. Cleaning of fire rings is a time consuming process, even for a dedicated multi-person crew. When considered with the fact that the early morning hours represent a period of very low demand, it is not safe or logistically feasible for maintenance crews to clean the beach in darkness during the hours before dawn.
- Law enforcement staff has been generally positive about the response to the 9:00pm curfew during the 2014 Revised Pilot Program, citing greater ease in gaining compliance with the 10:00pm parking lot closure. Rangers also expect to more readily be able to enforce non-compliance with a 9:00pm curfew.
- The initially proposed two time frames per day represented the NPS's attempt to provide additional utility from a limited resource. The system was envisioned to allow up to double the number of groups able to have a fire each day, and also increase permit revenues in order to help keep permit costs low. In reviewing public comment and working with law enforcement and maintenance staff, the NPS understands that there would be logistical concerns in implementing two permit time periods per day. To address this concern, the proposal has been modified to offer a single permit per fire ring per day under the Recreation.gov system.

- **Theme 6 – Allow Fires All Year Long**

A majority of the form letters the park received called for fires to be “allowed [...], year round”. Similar feedback was heard during the public meeting and in other correspondences. Some of the comments received spoke of fondly remembered winter experiences; others reasoned that fires make the most sense during the winter.

- The NPS believes the Winter Rest Period, which is the seasonal period of time from November to February during which fires would not be allowed on the beach, would be integral to the success of the Ocean Beach Fire Program. Principally, the rest period aligns with the Bay Area Air Quality Management District's (BAAQMD) Winter Spare the Air season, and has evolved from an initial request from the BAAQMD to consider not allowing fires during that season. In response, the NPS developed the proposed program with the understanding that the Winter Rest Period also aligns with an existing lower demand period and would provide a significant decrease in localized impacts to air pollution in the form of suspended particulate matter while avoiding significant impacts to public use.
- The Winter Rest Period also contributes to the success of the Ocean Beach Fire Program by improving the financial feasibility of the program. Reducing investment in a resource intensive program during the non-peak season enables more success during peak periods.
- A reduction of the impact to the integrity of the beach ecosystem would also be sustained through a function of the Winter Rest Period allowing for a comprehensive cleaning of the beach following the peak usage season.
- For internal operations, the Winter Rest Period provides for increased employee health and wellness as well as an ideal time for program evaluation, communication with the public, and program adjustment.

- **Theme 7 – Minimum Age Requirement**

One concern that was heard from a number of parents was that the proposed program, which called for a minimum permit signatory age of 18, would prohibit their teenage children from enjoying a fire on

Ocean Beach. Some parents expressed their concern that recreational fires are one of the few remaining freedoms for teenagers to have an unsupervised experience in nature. These concerns have been addressed in section “F. OPTIONS UNDER CONSIDERATION”.

- Current regulations require that “Minors must be supervised. A responsible leader, 21 years or older, must be present for every 10 children under 18 years of age.”<sup>1</sup> The permit system in the NPS Preferred Action Proposal would keep this regulation in place. The minimum signatory age of 18 is also proposed to facilitate another proposed permit condition which states, “Permit holders are assigned additional liability to the furthest extent permissible by law.”
- Under consideration of public feedback, the NPS acknowledges that recreational beach fires represent a resource which should be made available to the most diverse range of visitors possible. In recognition of that objective, the NPS has added an option under consideration to explore the feasibility of offering additional opportunities for youth under 18 to enjoy the Ocean Beach fire experience.

- **Theme 8 – Maintenance**

A small number of the comments received provided recommendations for alternative options of contending with maintenance issues and supplementing maintenance activities associated with beach fires. One commenter recommended use of a mechanized beach rake, another recommended an ‘adopt-a-fire-ring program’ with local high schools, and others recommended working with the public to clean the fire rings. Maintenance of the beach is addressed partially in element 3. Partnership With San Francisco Recreation and Parks Department (SFRPD), and volunteer programs are addressed in element 7. Public Outreach and Education.

- GGNRA currently has a mechanical beach rake available for use at Ocean Beach. Resource limitations have dictated staffing levels which have not allowed the device to be utilized as had been intended. The dedication of additional park resources toward maintenance addressing the Ocean Beach Fire Program would be made possible through a combination of the revenue provided by the permit system, support provided by the San Francisco Recreation and Parks Department, and additional NPS funding requests. These measures would be expected to provide the additional resources and staffing levels to allow for use of the mechanical beach rake.
- During the monitoring period of the 2014 Revised Pilot Program hazardous materials were found by maintenance staff while cleaning the fire rings on 96% of occasions. These hazardous materials included hot coals, broken glass, nails/screws, syringes/sharps, batteries, and accelerant containers. Due to this high level of non-compliance with regulations, volunteers such as high school students or the general public are poorly suited to safely contend with the condition of the fire rings and would be put at an untenable level of risk if tasked with cleaning the fire rings.

- **Theme 9 – Enforcement**

Much of the feedback received during the public meeting and through correspondence related to the level of enforcement of current beach fire regulations. Some commenters had questions about current policies and requests for associated data. Others had concerns the small number of citations issued have been and would continue to be perceived as a lack of willingness to encourage compliance with regulations. These concerns are addressed in element 6. Increased Enforcement.

The park also received requests to consider an alternative in which enforcement was increased without other associated program changes. This request could be considered under the discretionary authority of the Superintendent.

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<sup>1</sup> Golden Gate National Recreation Area, 2014

- Current rules, regulations, and laws for fires on Ocean Beach can be found on the Beach Fire and Campfire Regulations webpage at [http://www.nps.gov/goga/learn/management/fire\\_beachfireregs.htm](http://www.nps.gov/goga/learn/management/fire_beachfireregs.htm).
- The Superintendent's Compendium and other enforcement related information can be found at the Laws & Policies webpage at <http://www.nps.gov/goga/learn/management/lawsandpolicies.htm>.
- The data gathered from the 2014 Revised Pilot Program can be found summarized in this document under section "C. PURPOSE AND NEED" and the Public Meeting Presentation from February 5, 2015 on the program webpage at <http://parkplanning.nps.gov/document.cfm?parkID=303&projectID=52123&documentID=64005>.
- The 2014 Revised Pilot Program was viewed as a short term opportunity during which emphasis could be placed on educational interactions with the public and on gathering data to determine the efficacy of the pilot program changes.
- It is standard practice for the NPS to enforce the regulations which are provided for in the Superintendent's Compendium. Dependent upon the elements and options chosen under the discretionary authority of the Superintendent, the final action could represent a considered alternative in which enforcement would continue up to the level allowed by available resources with consideration for public and staff safety.

- **Theme 10 – Education and Outreach**

Feedback has been generally positive for the education and outreach initiatives which are currently in place and have been conducted in the past by the NPS and SFRPD. Many commenters raised concerns that although these programs have helped, there has been a lack in the amount of effort and in their consistency of education programs. Some suggested that having the NPS, a park partner organization, or concessionaire sell firewood and/or provide educational materials at Ocean Beach would help with rule compliance. These concerns are addressed in element 7. Public Outreach and Education.

- The 2014 Revised Pilot Program was facilitated by \$60,000 of support from SFRPD in the form of an education, outreach, and volunteer coordinator position. The position has continued to support the fire program and Ocean Beach subsequent to the end of the pilot. From January 2015 to September 2015 SFRPD has led 1,259 volunteers in completing 2,518 work hours. SFRPD has provided for a continuation of that support as part of the \$185,000 allocation provided for the Ocean Beach Fire Program. The work will continue to bolster and improve the outreach and education campaign at Ocean Beach. It will incorporate continued volunteer projects with information shared about proper and safe use of fire pits, and how to be a conscientious community member. Work will also continue with collaboration between the GGNRA/NPS volunteer program and the SFRPD volunteer program.

- **Theme 11 – Sharing Fires and Sense of Community**

A portion of the comments shared during the public meeting, and to a lesser extent in the correspondences, expressed concerns that permitting of fire rings would inhibit the sense of community that can be found, and is nurtured by, the shareable nature of the fire rings.

- The NPS respects and values the community of visitors fostered by the fire rings. The vision of a sustainable program includes "Creating a community that will care for and share the Ocean Beach fire experience, as well as its associated opportunities and effects."
- The goal of a permit system is to foster a sense of personal responsibility for actions taken in relation to beach fires. None of the proposed options for permit systems would preclude sharing fire rings as long as the total number of visitors per ring is less than 25. The proposed permit

system options would however require that a permit holder is present at all times, who has agreed to be responsible for the fire ring and the actions of their group.

- **Theme 12 – Unused Reservations**

One major concern of the public about the initial proposal was how unused fire rings could be made available to the public. Concerns centered on the expectation that conflict would arise in situations where a ring was left empty or unused due to forgotten reservations, ‘no-shows’, unsold permits, or early departures. These concerns have been addressed in section “F. OPTIONS UNDER CONSIDERATION”.

- The initially proposed permit cost range of \$25-\$35 was expected to strike a balance between affordability and a price point which would preclude situations such as forgotten permits and ‘no-shows’. Similar to a lack of spontaneity, the Recreation.gov system has a recognized limitation in not being able to offer permits after the cut off time, which could allow for fire rings to go unused.

- **Theme 13 – Signs**

Some of the verbal feedback heard at the public meeting and in correspondence contended that there are currently not enough and/or not well enough designed signs to effectively communicate the existing rules, regulations, and laws about beach fires. Other commenters provided recommendations to include more signs, often in different configurations, location, or with different content. There was also a recommendation given to provide lighted signs. These concerns are addressed in element 5. Replace Signage.

- The NPS is cognizant of the need to efficiently and effectively communicate regulatory guidelines through signage. Through the different iterations of the fire program on Ocean Beach, different techniques have been implemented, many proving to be ineffective. A major constraint of placing signage at Ocean Beach is that the stairwells, promenade, and O’Shaughnessy seawall are potentially eligible for the National Register of Historic Places, which make them culturally significant features and particularly susceptible to effects of signs.

- **Theme 14 – Smoke**

A major complaint of park neighbors and the BAAQMD is the presence of smoke from beach fires traveling into nearby residential areas. This issue is of particular concern to commenters when inappropriate and hazardous materials are burned, when a larger number of fires are present, during periods of high velocity onshore winds, and during the winter season when suspended particulate matter from wood smoke is more likely to be of concern. These concerns are addressed by element 2. Winter Rest Period and element 6. Increased Enforcement.

- The first step in addressing air quality concerns due to smoke, including suspended particulate matter, was for the NPS to go beyond compliance with regional BAAQMD laws and restrict burning during both summer and winter Spare the Air days. Following that change, which was made as part of the 2014 Revised Pilot Program, the NPS continued to receive complaints of smoke from Ocean Beach fires. To further address this concern, the NPS has included within this proposal, for the Ocean Beach Fire Program, the option to disallow fires completely during the Winter Spare the Air season.



National Park Service  
U.S. Department of the Interior

Golden Gate National Recreation Area  
Date: 2/19/16

## **ATTACHMENT E**

### **Public Review and Comment Summary**

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## ATTACHMENT E

### Public Review and Comment Summary

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#### A. PUBLIC REVIEW BACKGROUND

National Park Service (NPS) DO-12 NEPA Handbook guidance for Categorical Exclusions suggests seeking public comment in situations where there is a high degree of public interest or uncertainty regarding potential effects of a proposed action. The NPS solicited public feedback on the Ocean Beach Fire Program both prior to release of the proposal, and for a total of 44 days following the proposal's release.

The most recent public meeting was held on September 24, 2015, and presented an early concept of the Ocean Beach Fire Program where the park asked the public to comment. The Ocean Beach Fire Program Proposal was then developed based on public feedback received at the public meeting and during the 28 day period between the public meeting and the proposal's release on October 22, 2015. See "Attachment D – Pre-Proposal Public Scoping Summary" for a detailed account of the feedback received prior to the proposal's release, and park responses to the questions, comments, and concerns submitted.

#### B. PUBLIC COMMENT SUMMARY AND RESPONSES

The Ocean Beach Fire Program Proposal was initially released for a 30-day public review and comment period on October 22, 2015. On November 17, 2015, following the receipt of multiple requests for a comment period extension, the original 30 day review and comment period was extended by an additional two weeks, and ended on December 4, 2015. This provided a total of 44 days of formal public comment. Within that time period, the NPS received 508 total correspondences from the public. These comments were analyzed along with the 56 correspondences which had been received prior to the proposal's release, and following the public meeting (9/24/15 – 10/21/15, 28 days).

Included within the 508 correspondences, were comments submitted by individuals who identified themselves as official representatives from the following thirteen agencies or organizations:

- Burners Without Borders
- California Coastal Commission
- Coalition to Save Ocean Beach
- DogPAC of SF
- Kelly's Cove Boarders
- Noriega Great Hwy SAFE Group
- Only Clean Air: Helping to End Wood Smoke Pollution
- People for a GGNRA
- San Francisco Dog Owners Group
- Save the Bonfires
- Sierra Club

- UESF
- Wild Equity Institute

The comments submitted by these agencies or organizations have been included within the themed summaries and responses below.

Comments were reviewed and analyzed for substantive content. NEPA requires the National Park Service to respond to substantive comments. As defined in the NPS DO-12 NEPA Handbook,

“Substantive comments are those that:

- question, with reasonable basis, the accuracy of the information in the NEPA document;
- question, with reasonable basis, the adequacy of the environmental analysis;
- present reasonable alternatives other than those presented in the NEPA document; or
- cause changes or revisions in the proposal.

“In other words, substantive comments raise, debate, or question a point of fact or analysis.

Comments that merely support or oppose a proposal or that merely agree or disagree with NPS policy are not considered substantive and do not require a formal response.”<sup>1</sup>

In general, a commenter’s personal opinion on a subject is not considered substantive comment. Where appropriate, the impact analysis was revised for corrections and clarifications from substantive comment.

## **C. RESPONSE TO COMMENTS**

### **Introduction**

Organization of this section is in two parts. The first part focuses on comments the majority of the public had on components of the program. These most popular comments have been synthesized into a narrative statement followed by NPS’s response. The second part focusses on other substantive comment made by fewer respondents (less common). These comments are organized by themes followed by NPS response.

### **Most Common Public Comments**

#### **Permits**

While the Ocean Beach Fire Program Proposal included many elements and multiple options, a vast majority of the comments dealt solely with the permit system. The permit system was proposed as an integral part of the Ocean Beach Fire Program, which was designed to increase visitor compliance with the fire program’s rules and regulations. The permit system would have accomplished increased compliance by informing and enhancing visitor understanding of those rules and regulations. A permit system allowing early reservations of fire rings would also have increased compliance by encouraging visitor planning for fires prior to their arrival on the beach. A permit system would have indirectly increased compliance by generating additional funds for increased capacity in the operation of the remaining elements of the fire program, such as enforcement, maintenance, and education and outreach. The NPS evaluated the permit system element based on public comment, input from the City and County of San Francisco (CCSF), and further investigation of the operational and administrative complexities of the proposed permit system options. Permit related comments have been summarized into three sub-topics as follows:

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<sup>1</sup> National Park Service. (2015). *NPS NEPA Handbook (2015)*. Retrieved from Environmental Quality Division: Environmental Planning & Compliance Branch: [http://www.nps.gov/orgs/1812/upload/NPS\\_NEPAHandbook\\_Final.pdf](http://www.nps.gov/orgs/1812/upload/NPS_NEPAHandbook_Final.pdf)

### ***Support or Oppose Permits***

A majority of the comments expressed general support or opposition to the proposed permit system. For or against opinions by themselves are not considered substantive; however, many commenters elaborated upon their support or opposition by bringing up issues such as spontaneity, socioeconomics, visitor use/experience/conflict, or others as summarized and responded to below. Many commenters also mentioned the unique social and cultural aspects of San Francisco, and a belief that communal fires at Ocean Beach foster those social and cultural aspects along with a sense of community, all of which believe could be hampered by a permit system.

### ***Permit Cost***

Many of the comments regarding permits were specifically directed toward the fee or cost of the proposed permit system. Some commenters opposed any fee, while others recommended higher, lower, or support for the proposed \$35.00 fee. Some commenters elaborated on the permit fee causing socioeconomic impacts. Socioeconomics is addressed separately below.

### ***Permits Obtained (Online v. On-Site)***

A subset of the permit topic comments spoke to preferences regarding the NPS preferred alternative of an online permit system or the option presented for an on-site “iron ranger” or electronic dispenser permit system. Some commenters cited a preference for on-site permit availability because they feared online permits would incite additional conflict with law enforcement personnel. Some commenters mentioned a preference for on-site permit availability due to compatibility with a day-of, first-come, first-served approach. Other comments expressed a concern that online permit systems would reserve all available pits far in advance and lead to lack of access for the spontaneous user.

NPS Response: The NPS determined that the Final Ocean Beach Fire Program will not require permits for groups under 25 people. Permits were proposed in order to obtain better compliance of fire rules and to offset the maintenance costs of the program. NPS is hopeful support from CCSF, and the implementation of the Beach Fire Liaison Program for Education and Outreach element, will achieve those objectives set for the permit program with less complexity and impacts to users. Conversely, if these program elements are not successful, a permit system similar to the one outlined in the original proposal could still be an option in the future.

### **Winter Rest Period/No-Burn Season**

A majority of correspondences stated opposition to banning fires during the four-month period from November through February. Opposition ranged from concerns regarding the limitation of the availability of the recreational resource (see separate response below under Visitor Use: Availability/Expected Use) to feelings the winter was the most valuable time to experience a recreational fire due to weather, temperatures, visitor use and crowding.

Another noted concern related to the Winter Rest Period would deny the ability for visitors to practice religious or cultural rites, or celebrate occasions which occur during that time period. Some events specifically mentioned include Guy Fawkes, winter solstice, Christmas, and New Year’s Eve.

Commenters proposed alternatives to the no-burn period including fewer months, shortening burn time instead of prohibiting fires all together, and burning only on certain days rather than the full prohibition. A large number of comments supported keeping current regulations, where fires are only prohibited on Spare the Air Days. One comment suggested an exemption to the winter no-fire period for a Christmas Tree Burning Day.

NPS Response: While the impact of the no-burn season on visitor experience is acknowledged, visitor use of fire rings during the four month period is known to be much less than during other periods. The no

burn season provides benefits to long-term program sustainability, air quality, park operations, and non-fire-related visitor experience. A comprehensive effects analysis on recreational program availability found that the number of available burn hours would only be reduced by 3.8% under the Final Ocean Beach Fire Program. Additional details and a full analysis of the effects of the no-burn period on visitor use and experience can be found in Attachment A, Section H “Impact Assessment”.

The potential impact of the no-burn season on the ability of visitors to practice religious activities or celebrate cultural occasions is acknowledged. The NPS is required and committed to abide by First Amendment activities and recognizing them as a right, not a privilege. However, the courts have recognized that activities associated with the exercise of these rights may be reasonably regulated to protect legitimate government interests. Therefore, to protect park resources and values, and to protect visitor safety, the NPS may reasonably regulate certain aspects of First Amendment activities, such as the time when, the place where, and the manner in which the activity is conducted (Note: it is the conduct associated with the exercise of these rights that is regulated, and never the content of the message).

The substantive alternatives submitted were reviewed, analyzed, and discussed by park staff, and it was determined that although some of the alternatives presented offered ways which could potentially contribute in the same meaningful ways to air quality or other individual impacts, none offered the comprehensive set of beneficial impacts provided by the no-burn season as selected. Due to the full four month cessation of fires, the no-burn season is expected to contribute to improved air quality, decreased park operations costs, long term program sustainability, and to provide a consistently cleaner beach during both the burn and no-burn seasons for all visitors to enjoy.

## **Curfew**

Many comments expressed opinions on NPS proposed 9:00 pm curfew. Some of these comments recommended extending the curfew further, to include times up to and past midnight. Other comments recommended alternating curfew times based on day or season. A few comments recommended abolishing the curfew entirely. Many of the curfew comments were considered substantive due to a combination of other issues, such as enforcement or air quality, discussed below. Many curfew comments spoke to a lack of freedom imposed by the curfew and other beach regulations. Some elaborated to suggest that these regulations would hamper the spirit or culture provided by the beach fire experience. Other comments addressed a concern that a 9:00pm curfew reduces the amount of time visitors are able to enjoy a beach fire after dark, particularly during summer months when sunset can be as late as 8:36pm<sup>2</sup>. Some comments called into question the necessity to implement a curfew based on the environmental impact of beach fires occurring at later hours.

NPS Response: When compared to the baseline condition of the Ocean Beach Fire Program, there has been a curfew in place since 2010, and a 9:00pm curfew has been in place since the Revised Pilot Program in 2014 (see Attachment A, Section B “Background”). NPS law enforcement and United States Park Police (USPP) have found that a curfew is highly beneficial in reducing dangerous and illegal activity which tends to increase proportionately with later after-dark hours, and officers have reported recurring decreases in compliance during later after-dark hours, which inversely affects the amount of trash and debris left on the beach. A 9:30 pm curfew directly addresses the purpose and need of the Ocean Beach Fire Program to increase public and staff safety. An earlier curfew has the potential to decrease trash and debris on the beach, therefore representing a beneficial impact to the beach environment.

To address the concern about enjoying a beach fire after dark, as well as requests to consider alternatives of later curfews, the NPS decided to extend the curfew in the Final Ocean Beach Fire Program to 9:30pm. This allows a minimum of approximately one hour of after-dark enjoyment for even the latest sunsets of

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<sup>2</sup> Time and Date AS. (2015). *San Francisco, CA, U.S.A. — Sunrise, sunset and daylength, June 2016*. Retrieved from timeanddate.com: <http://www.timeanddate.com/sun/usa/san-francisco?month=6&year=2016>

the year. The NPS believes this time represents the best compromise of visitor experience and visitor and staff safety.

Beach fires represent an environmental impact that can be partially mitigated through curfew in two main respects, first the small amounts of light pollution present due to fires, and second the additional (hazardous and non-hazardous) debris generated by late-night fires which have been found to be more often not compliant with rules and regulations. A reduction in the number of hours fires burn past sunset proportionately reduces their impact on surrounding wildlife and visitors that may benefit from a darkened beach.

## **Socioeconomics**

One of the largest sets of substantive comments received spoke to the potential socioeconomic impact of instituting a fee-based permit system for recreational fires at Ocean Beach. Some viewed the \$35.00 proposed charge as reasonable, particularly when shared between a group. Most of these comments, however, posited that the proposed \$35.00 fee would either deter or preclude low-income individuals and families from having a fire at Ocean Beach. Some comments raised a concern that a fee-based system could worsen a situation where there are a decreasing number of easily accessible, free or low-cost, group-based recreational activities available to the public. Some comments argued that regardless of fee, a permit system, especially one based online, would cause additional hardship for low income, minority, or non-“tech-savvy” groups who may be unfamiliar with NPS processes or unable to reliably access online technology. Some argued that revenue generated from the permits would be insufficient to substantially impact elements such as maintenance or enforcement within the Ocean Beach Fire Program. Other comments predicted that a fee and permit system would place an additional burden on youth populations, which is responded to below (Theme 4).

NPS Response: The NPS recognizes that these are serious concerns, and is committed to providing a park experience that is diverse, inclusive, and makes “the park welcoming and accessible to those at every economic stratum...”<sup>3</sup> Along with other issues and concerns, the NPS took into consideration these concerns in their decision to not pursue the permit element from the Final Ocean Beach Fire Program at this time. The new, modified, and remaining elements of the final program would not place a disproportionate burden on low income or minority populations.

## **Number of Fire Rings**

There were four general categories of comments regarding the number of fire rings provided on Ocean Beach.

First, there were a set of comments which expressed support for the 12 fire rings found in the NPS Preferred Ocean Beach Fire Program Proposal. One of those comments was considered substantive, and spoke of the possibility that 12 rings was most likely sufficient, while also possibly providing incentive for smaller groups to join together.

Second, many of the comments called for a general increase in the number of fire rings, without suggesting a particular number. The comments considered substantive raised additional issues or concerns rather than just voicing support for additional fire rings. An issue was raised that 12 rings was relatively small to support the large local population. Some comments suggested that additional fire rings would provide additional places to comply with rules, which could result in less debris on the beach. One recommendation was made to consider fire rings of multiple sizes, and another recommendation made to consider a slightly taller design. Some comments spoke of 12 rings being unable to meet demand, due to observations of many non-compliant fires. One comment proposed that additional fire rings would

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<sup>3</sup> Golden Gate National Recreation Area. (2015, May). *2014 GGNRA & Muir Woods National Monument General Management Plan Summary*. doi:GOGA 641/128449

disperse the impact over additional area, hopefully with the result of increasing ecosystem resiliency. Some comments speculated that additional fire rings would decrease the burden on maintenance.

Third, another large set of these comments voiced support for the Option found in the Ocean Beach Fire Program Proposal to increase the number of fire rings to 20. These comments were generally not considered substantive because the alternative for 20 rings was already under consideration.

Fourth, the final set of comments suggested a specific number of fire rings over the 20 covered by the Option. These suggestions included 24, 30, and a range of 27-32. These comments were considered substantive as alternatives not originally under consideration.

NPS Response: Subsequent to review of these comments, along with a more detailed analysis of the spatial limitations imposed by the stairwells 15-20 enclosure regulation, and the operational feasibility of additional fire rings, the Final Ocean Beach Fire Program included an increase of 4 fire rings to a total of 16. This represents a 33% increase in fire ring availability. The NPS is confident that this increase will help to meet demand during most of the burn season, but is aware that peak weekend and holiday evening demand will exceed the number of fire rings. These periods of extreme demand must be balanced with funding and capacity realities which impact the feasibility of expanding beyond 16. In association with the other elements of the Final Ocean Beach Fire Program, including education, outreach, and enforcement, the NPS expects the 33% increase in fire rings to increase visitor compliance, which would provide beneficial environmental impacts.

## **Park Operations**

Most of the comments on park operations were focused on maintenance and/or enforcement activities. Some of these comments have been discussed under other topics such as Winter Rest Period, Number of Fire Rings, Enforcement, and other themes. Many comments were submitted regarding the permit system impact to park operations. Since the permit system will not be implemented, these comments have been dropped from further analysis and response.

Some comments included predictions that increased regulation and/or enforcement, especially without an increase in available fire rings, would cause conflict between visitors and law enforcement. Comments also predicted that additional regulation and enforcement would engender resentment, tension, and a “bullying energy” on the beach. As noted below under the topic of Enforcement, a large number of comments were submitted requesting, or in support of, increased enforcement.

Some commenters predicted that additional regulations proposed under the Ocean Beach Fire Program could cause resistance from visitors, which could result in increased noncompliance affecting both maintenance and enforcement. Some comments communicated that additional fire rings or additional fires would cause a proportionate increase in trash and debris, both on the beach and along the promenade.

Some comments mentioned a potential impact of additional use of Muir Beach as a beach fire resource, especially during the No Burn Season.

NPS Response: Under the Final Ocean Beach Fire Program, the change in Curfew and the No Burn Season remains the only new regulations to be implemented. When considered in association with the decision to not pursue the permit system element, a later curfew, the 33% increase in fire rings, the relaxing of the age requirement policy, and the other elements of the fire program, the NPS believes that while short term conflicts may be inevitable, visitor and staff tension and conflict will decrease over the long term as a result of better visitor compliance.

The NPS maintenance division has taken the opportunity of partnering with the San Francisco Recreation and Parks Department (SFRPD) to research best practices from other agencies offering beach fires. Along with the division of labor and additional support provided by SFRPD, NPS staff expects to be able to adequately maintain 16 fire rings and the additional trash and debris associated with the additional fires. The enforcement element of the Final Ocean Beach Fire Program would accommodate short term increases in noncompliance.

The NPS is aware increased use of Muir Beach fire rings may occur as a result of changes to the Ocean Beach Fire Program, and will continue to monitor conditions at Muir Beach and propose changes as appropriate.

## **Signs**

A number of comments submitted requested or recommended either adding additional signs or changing the signage currently in use for the fire program. Many of these comments were noted but ultimately not considered substantive if the recommendation or request was included in the NPS Preferred Proposal element 5, “Replace Signage”. Some comments recommended specific information to include on signs, such as cost of citation fines, how to report violators, where to purchase approved wood, or how to sign up for and attend beach stewardship days. Other comments noted specific locations for signs, such as directly on or adjacent to fire rings, on the beach, at each stairwell, and nearby roads or businesses. A few comments supported the use of signs referring visitors to additional information on a website, while other comments indicated that mobile website access could cause issues for some visitors.

NPS Response: Signage at Ocean Beach is a complex issue due to concerns regarding the historic nature of the Ocean Beach (O’Shaughnessy) Esplanade and Seawall. The complexity is compounded by the need to convey rules and regulations for a multitude of recreational uses besides fires, such as swimming, surfing, wading, equestrian use, and dog walking. Furthermore, without a permit system, the signage must accurately reflect the relatively complex set of rules and regulations governing fires.

The Replace Signage element has been modified for inclusion in the Final Ocean Beach Fire Program to provide for an opportunity to engage stakeholders around the design of an effective sign package. This sign package would be developed in coordination with stakeholders, while taking these submitted comments under advisement.

## **Visitor Use**

Many comments submitted dealt with how visitors currently use the fire rings or would use them under the proposal’s scenarios. These comments also often touched on conflicts between visitors, or how visitors experience a fire at Ocean Beach. Some comments provided examples of, or nostalgia surrounding how fire rings have been used or pit fires have occurred in the past at Ocean Beach. Without specific concerns raised, recommendations given, or content beyond general support or opposition, comments were not considered substantive. Other comments submitted raised concerns about the proposal’s impact on visitor use, or provided specific recommendations. These comments generally touched on one of the following three categories.

### ***Availability/Expected Use***

Many comments regarding how, when, and how often the public have and might continue to use the fire rings at Ocean Beach spoke directly to portions of the permit system element, and therefore have been dropped from further analysis and response along with the permit system element in general.

Some comments expressed a concern that proposed regulations (besides the permit system) would cause or encourage noncompliance, cheating the system, or otherwise circumventing rules and regulations. Other comments raised a concern that regulations included in the proposal would limit the availability of visitors to engage in recreational fires at Ocean Beach.

Many comments regarding public use of fires at Ocean Beach raised concerns about the impact of the Winter Rest Period/No-Burn Season on religious or cultural ceremonies such as those experienced by the Reclaiming community and British and Irish Cultural community. These comments are responded to in more detail above under the Winter Rest Period/No-Burn Season topic.

### ***Visitor Conflicts***

The majority of comments surrounding visitor conflicts predicted ways the proposed permit system, and variations thereof, might cause increased conflict among visitors. Many of the comments raised concerns and expectations of scenarios where non-permitted users would come into conflict with permitted users of fire rings. Examples were given such as permitted users arriving to find their fire rings already in use by non-permitted users, confusion regarding permits causing two permitted users to believe they each had a right to a single fire ring, or non-permitted users requesting to join a party of permitted users and being rebuffed. These comments, along with all other permit-related comments have been dropped from further analysis and response along with the permit system element in general.

### ***Visitor Experience***

Many comments spoke of reasons why visitors value the experience of a recreational fire at Ocean Beach. Some comments spoke of the historical, cultural, or traditional value of fires. Some comments mentioned the sense of community engendered by sharing fires with diverse groups at Ocean Beach. Others mentioned the ability to experience the uniqueness of San Francisco culture by joining others in enjoying an Ocean Beach fire. Some comments spoke of positive experiences tangential to fires, such as feeling comforted by the light and people when walking on the beach. Other comments mentioned Ocean Beach fires as one of the last free/low-cost nature-based recreational experiences left available in San Francisco. Many of these comments requested that Ocean Beach fires remain as-is, with no change of rules or regulations.

Some comments spoke negatively about the experience of a fire at Ocean Beach when other visitors impede enjoyment through noncompliant behavior such as consuming alcohol or gathering in large, rowdy groups. Other comments raised concerns about impacts to visitor experiences at Ocean Beach unrelated to fires, such as seeing unsightly trash and debris, or being forced to exercise caution while walking through the fire area to avoid broken glass, nails, hot coals, and other hazards.

NPS Response: The NPS must always anticipate an initial increase in noncompliance when instituting new or different regulations. The Final Ocean Beach Fire Program has been designed to effectively mitigate a temporary increase in noncompliance through the use of the Enforcement, and Education and Outreach elements.

The Final Ocean Beach Fire Program includes elements which both limit and expand visitor use availability. The NPS recognizes the final program has the potential to affect visitor use, and has analyzed the potential impacts to visitor use in detail in the Impact Assessment (Attachment A, Section H.4). The NPS has determined through this assessment that these impacts are less than significant.

The NPS recognizes Ocean Beach fires as a valuable recreational experience, and the values raised by these commenters are echoed in the program's Purpose and Need statement (Attachment A, Section C). The NPS must therefore look to develop a way to sustain the recreational, historical, cultural, and community values represented by Ocean Beach fires while preserving the natural, cultural, and other recreational resources present on Ocean Beach. The NPS believes that the actions included in the Final Ocean Beach Fire Program represent the best way to achieve that delicate compromise.

### **Enforcement**

A number of comments were submitted regarding enforcement of rules, regulations, and laws at Ocean Beach. Some of the comments regarded existing enforcement practices for Ocean Beach fires, some comments addressed the proposed Increased Enforcement element of the proposal, and others commented on non-fire-related enforcement issues.

Many comments offered a suggested solution of solely increasing enforcement of existing rules, regulations, and laws. Many of the comments advocated that an increase in enforcement would address the purpose and need of the proposal without the added complexities of the remaining elements. Another set of comments were submitted in opposition to that idea, stating that additional enforcement was not needed, and would adversely impact the visitor experience. Some specific recommendations were provided, including having enforcement staff present on the beach at earlier hours, stop extinguishing fires with sand, begin priority enforcement of specific infractions, and create a goal-based and data-verified enforcement program. A limited number of comments raised complaints that enforcement staff was unresponsive or untimely in responding to alerts of violations given by visitors or neighbors.

NPS Response: The original proposal would have provided for additional law enforcement staff partially through revenue provided by the permit system. The permit system would also have required additional enforcement and regulation. The elimination of the permit system from the Final Ocean Beach Fire Program removes any additional revenue which would have supported law enforcement efforts.

Law Enforcement Rangers and United States Park Police (USPP) are responsible for patrolling the entirety of GGNRA-managed lands, and must prioritize incidents and calls as they occur. The NPS is committed to keeping all park visitors and staff safe, and will continue to operate visitor and resource protection staff at the highest levels possible with the constrained resources of the park. NPS Law Enforcement Rangers and USPP will also continue to partner with local law enforcement agencies where appropriate.

### **Other Substantive Comment**

More specific comments received touched on the following themes:

- **Theme 1 – Spontaneous Access**

The permit system element raised a concern for many commenters in that it had the potential to hamper spontaneous access to fires at Ocean Beach. Comments were submitted stating that the need to reserve a fire ring in advance wouldn't allow for spontaneity and therefore adversely impact the visitor experience.

- The NPS acknowledges spontaneity as an important part of the Ocean Beach fire experience, especially as related to fickle San Francisco weather concerns. The option for a first-come, first-served, and on-site permit system was included in the proposal to accommodate the need for spontaneity. The NPS also understands that increased planning by visitors prior to arriving at Ocean Beach for a fire has the potential to significantly increase compliance with rules and regulations, thereby decreasing adverse impacts. Spontaneity concerns were tied explicitly to the fire permit system, and therefore have been dropped from further analysis and response along with the permit system in general.

- **Theme 2 – New Alternatives or Elements**

Many comments offered new alternatives or elements for the Ocean Beach Fire Program. Many of these alternatives and elements are discussed under other topics or themes. The remaining new alternatives or elements are as follows:

- Ban fires at Ocean Beach or otherwise significantly reduce capacity.
  - This alternative has been considered and dismissed as unable to meet the purpose and need of the Ocean Beach Fire Program.
- Contract out the permit system to a concessionaire, or otherwise modify the permit system.
  - These alternatives have been noted and ultimately dropped from further analysis and response along with the permit system in general.

- Transfer management of Ocean Beach, or otherwise “give back” Ocean Beach to CCSF.
    - The NPS is uniquely suited to manage Ocean Beach, and the adjacent coast and off-coast areas. The land is within the legislative boundary of the GGNRA, and meets the park purpose included in enabling legislation and the park’s General Management Plan. CCSF has not expressed interest in reinitiating management of Ocean Beach.
  - Expand the fire area, or spread out the fire rings.
    - The designated fire area between stairwells 15 and 20 has proven to be a useful management technique in consolidating adverse impacts to the beach environment associated with recreational fires. Fires could not be expanded to the south primarily due to snowy plover nesting habitat. The NPS must also provide beach areas unimpaired by fire impacts for other recreational uses.
  - Seek guidance and examples from other agencies with beach fires such as Huntington Beach.
    - GGNRA staff has contacted multiple agencies, including Huntington Beach, to seek best management practices and examples. As part of NPS maintenance of the beach fire area, NPS will continue to communicate with other jurisdictions with similar programs in order to obtain efficient techniques to help them maintain the beach where fires are allowed.
  - Don’t require visitors to extinguish fires, allow them to burn out naturally.
    - Smoldering fires have air quality impacts and is not a better air quality option than a completely exhausted fire. Other comments were submitted specifically requesting fires be extinguished promptly at curfew due to a belief that the smoldering caused additional adverse impacts to local air quality. A completely exhausted fire is NPS preference.
  - Initial increased level of data collection and monitoring during the first few months of the program, followed by a decrease to proposed levels.
    - Upon further exploration of the operational impacts of long term data collection and monitoring, the NPS has determined the initially proposed level is unsustainable. The Final Ocean Beach Fire Program includes a revised data collection and monitoring element which includes periodic, sampling based monitoring which will be sustainably feasible over the long term.
  - Provide water on-site to extinguish fires.
    - There are many ways this element could be accomplished. One comment recommended mounting a large water supply system on a vehicle to extinguish fires each night. With immediate ocean access, the NPS could also provide buckets to facilitate extinguishing fires with water. These options and others are continuing to be explored by the NPS, and will be considered as details of implementation for the Final Ocean Beach Fire Program.
  - Incentivize or otherwise provide opportunities for donations to support the program.
    - The NPS can accept donations for park programs and will pursue opportunities to make those opportunities more known.
  - Allow alcohol, but continue to prohibit glass
    - Alcohol has proven to be a cause of noncompliance and safety issues. This alternative therefore, has been dismissed as not meeting the purpose and need of the Ocean Beach Fire Program.
- **Theme 3 – Air Quality**

A large number of comments expressed a concern that the proposed Ocean Beach Fire Program would continue to adversely affect air quality, thereby creating a public health hazard. Many comments cited health issues and unpleasant smoke or odors. A majority of these comments were submitted by park neighbors living relatively close to Ocean Beach.

- The NPS recognizes air quality as a serious potential impact of the Ocean Beach Fire Program. In efforts to mitigate the potential for impact, the NPS has included in the Final Ocean Beach Fire Program a number of elements which go above and beyond the legal requirements for wood burning fires, and complied with the BAAQMD request to allow fires only outside of the Winter Spare the Air Season. When considered in combination with the other elements of the final program such as enforcement, and education and outreach, the NPS anticipates a reduction in adverse impacts to air quality.

- **Theme 4 – Youth Access**

Many comments noted concerns that the proposed program would not provide opportunities for youth under age 18 to have a fire at Ocean Beach without supervision. Commenters noted the necessity for easily accessible, free/low-cost, nature-based recreational experiences for urban youth. Many comments specifically noted the permit element as excluding youth, however the Final Ocean Beach Fire Program, even without the permit system element, would not allow for unsupervised minors to have a fire.

- The NPS understands the value of providing outdoor recreational opportunities for youth, especially in an urban environment. Many GGNRA programs are specifically tailored to youth participants, and providing these first time experiences in suitable, supervised locations. Included in the proposal was an option to explore the feasibility of providing additional youth fire opportunities at Ocean Beach. Without the additional funds provided by the permit system element, it is not feasible to offer expanded youth programming at Ocean Beach. Additionally, unsupervised youth fire opportunities were also determined to not be a viable option. To reduce the barriers for youth to experience fires, the Age Requirement element was added to the Final Ocean Beach Fire Program, allowing minors to be supervised by adults age 18 or older.

- **Theme 5 – Education & Outreach**

Many comments were submitted in general support of additional education and outreach, which were not considered substantive unless specific recommendations not included in the proposed action were included in the comment. Some recommendations included reaching out to high school and college aged youth in efforts to attract them for volunteerism and working with local business to help reach visitors. Another comment recommended having “night-time Park Rangers” focused on educating visitors.

- Without the inclusion of a permit system element, the NPS recognizes the added importance of a well-executed education and outreach campaign for the Ocean Beach Fire Program. The NPS remains committed to working with stakeholders to engage the widest possible audience in education regarding the Final Ocean Beach Fire Program, including local schools and businesses. Similar to the recommendation for “night-time Park Rangers”, the NPS has included a partnership-based liaison program within the Education and Outreach element. These liaisons will provide a similar function to uniformed rangers, while representing the larger group of involved stakeholders and providing additional opportunities for community members and volunteers to be involved.

- **Theme 6 – Trash Collection**

During the public comment period for the Ocean Beach Fire Program Proposal, the NPS began an unrelated action north of the fire-area on Ocean Beach. At stairwells 1-14, where visitation is lowest on the beach, nine trash bins were removed from the promenade to test a “pack it out” strategy. The

purpose of this removal was to test different approaches to solid waste management, because the NPS feels the existing trash collection approach was very time consuming and not working as well as it could be. Many comments submitted to the Ocean Beach Fire Program provided feedback and/or recommendations regarding this experimental trash bin removal action. Although these comments were noted, they are not considered substantive because the subject of the comment is outside the scope of the Ocean Beach Fire Program.

Many of the remaining trash collection related comments called simply for additional garbage cans. Other recommendations included placing trash cans directly on the beach, adding larger dumpsters to existing bins, and increasing recycling capacity.

- The NPS understands the importance of monitoring solid waste accumulation and removal strategies throughout the GGNRA, and has found that more garbage cans don't always bring the desired outcome. At other sites in the park, the NPS has found that a mix of small trash bin removal, signage/outreach, and placement of larger containers in central locations works well. However, even within the GGNRA, Ocean Beach has its unique uses, character and challenges. Through testing different aspects the NPS hopes to find a custom approach that will work well for Ocean Beach. To facilitate this testing, element 3 of the final program has been modified to state that the NPS will pursue a partnership with the City of San Francisco, to improve trash capacity and reduced maintenance effort.

- **Theme 7 – Use Trends & Assumptions**

In association with the impact analysis of the permit system included in the NPS Preferred Ocean Beach Fire Program Proposal, the NPS assumed that existing norms of visitors sharing fires would continue under a permit system, while acknowledging that sharing of fire rings use would not be required. A small set of comments challenged this assumption, contending that permits would result in a sense of entitlement and preclude sharing of fire rings.

- The NPS acknowledged a reduction in fire ring sharing as a potential impact within the proposal. Due to public comment received prior to the release of the proposal, the existence of the sharing norm and its potential impact on visitor use was also included in the impact analysis. Because the permit requirement has been dropped, it is assumed norms of fire sharing will continue as before.

- **Theme 8 – Annual Review**

A small number of comments were submitted regarding the Ongoing Program Evaluation element of the Ocean Beach Fire Program. A majority of comments voiced general opposition to annual review of the plan, some citing a concern that “The public should not have to fight this battle annually.” One comment was submitted specifically in support of annual review.

- The NPS is committed to sustaining an engaged and informative dialogue with the public surrounding the Ocean Beach Fire Program. The purpose of an in depth review of the fire program following the Revised Pilot Program, which culminated in the Final Ocean Beach Fire Program as included in Attachment A, is to provide a long-term sustainable plan for recreational fires at Ocean Beach. The final program will require continued monitoring and may need adjustments based on the findings. Subsequent annual public workshops will focus on sharing information about how the past burn season went, discussing what's working and what's not, identifying damage to park resources (signs, fire rings, etc.) that must be repaired or replaced, and charting a course together for the next burn season..

- **Theme 9 – Concessionaire/Wood Seller**

A number of comments were submitted in support of the option included in the proposal for a “Firewood Sales or Other Comprehensive Concession Opportunity”. Some comments provided specific recommendations for the implementation of this type of vendor.

- Comments in support of or providing recommendations essentially the same as the option included in the proposal are not considered substantive. The sale of burning materials or any other products would likely have occurred in the parking area of Ocean Beach which is under the jurisdiction of the SFRPD. This option is not part of the Final Ocean Beach Fire Program, but the NPS remains willing to work cooperatively with SFRPD, if it is determined that a concession opportunity is viable. It is expected the vendor would provide educational information about the rules, regulations, and laws associated with beach fires.

- **Theme 10 – CCSF Lands Transfer Agreement**

A comment was submitted stating that the proposed permit fee would be in defiance of the lands transfer agreement between the CCSF and the NPS. The relevant section of the transfer agreement reads, “3. Fees. Where not inconsistent with law and where within its discretion, the National Park Service shall not charge any fee for admission to or use of any open space within the lands transferred.”

- Fees charged for permitting of special uses of added amenities such as fire rings are generally considered separate from recreation fees charged for use of or admission to open space. This comment however, was duly noted and no further analysis was done because of the decision to eliminate the permit system from the program.

- **Theme 11 – Federal Consistency Determination**

An official representative of the California Coastal Commission submitted a comment stating:

“The proposed permit reservation system, permit costs, timing windows for permits, curfews, and seasonal restrictions on the use of fire pits would affect public access and recreation in the coastal zone. Therefore, the NPS must prepare and submit a federal consistency determination for the proposed Ocean Beach Fire Program once the NPS has decided on the final elements of the program.”

- The NPS prepared and submitted a federal consistency determination to include the curfews, seasonal restrictions, and other elements which affect public access and recreation in the coastal zone.

- **Theme 12 – 36CFR§1.5 Compliance**

A comment was submitted calling attention to the NPS requirement to comply with the Code of Federal Regulations, Chapter 36, Section 1.5 (36CFR§1.5). This section pertains to “Closures and public use limits,” and the relevant subsection reads (emphasis added):

“(b) Except in emergency situations, a closure, designation, use or activity restriction or condition, or the termination or relaxation of such, which is of a nature, magnitude and duration that will result in *a significant alteration in the public use pattern* of the park area, adversely affect the park’s natural, aesthetic, scenic or cultural values, require a long-term or significant modification in the resource management objectives of the unit, *or is of a highly controversial nature*, shall be published as rulemaking in the FEDERAL REGISTER.”<sup>4</sup>

The commenter asserted that the proposal was both of a highly controversial nature, and represented a significant alteration in the public use pattern, which therefore necessitated rulemaking.

- The NPS acknowledges that certain elements within the Ocean Beach Fire Program Proposal were not popular with the public. The one element that raised the most issues were associated with the fee-based permit system, is not included in the Final Ocean Beach Fire Program. The NPS does not consider the implementation of Burn and No-Burn seasons as controversial.

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<sup>4</sup> Office of the Federal Register. (1999, July 1). *36 CFR 1.5 - Closures and Public Use Limits*. doi:AE 2.106/3:36/

Recreational uses throughout the GGNRA and other public lands are commonly restricted on a seasonal basis for the protection of park resources, public safety, environmental values, and to accommodate the most efficient use of fiscal and operational resources. The remaining elements within the final program have been adjusted where appropriate in response to public comment. The final program may retain some small measure of disagreement, but the NPS does not consider the Final Ocean Beach Fire Program to be highly controversial. In terms of an alteration in the public use pattern, the NPS has determined that any impact to public use is less than significant. This is discussed further under the Visitor Use topic above, and a more detailed discussion of the visitor use impact analysis can be found in Attachment A, Section H.4 (Impact Assessment: Issues and Concerns).

- **Theme 13 – NEPA DO-12 §3.5 Extraordinary Circumstances**

One comment stated that the proposed action was inconsistent with NEPA regulations, specifically DO-12 Section 3.5 “Extraordinary Circumstances”. The Ocean Beach Fire Program Proposal’s impact assessment affirmed that a DO-12 Section 3.3 Categorical Exclusion (CE) was applicable for the proposed action. The comment stated that the action could not be categorically excluded due to an extraordinary circumstance. The relevant portions of the cited section read:

“When applying CEs, you must consider the impacts of the action in question to ensure that no extraordinary circumstances exist. If extraordinary circumstances do exist a CE may not be used and an EA or EIS must be prepared (46.205(c)). [...]

“The DOI NEPA regulations establish the following extraordinary circumstances and mandate that prior to categorically excluding an action, the NPS must consider whether the action would (46.215): [...]

“j. have a disproportionately high and adverse effect on low income or minority populations (EO 12898);”<sup>5</sup>

- The impact of the proposed action on low income or minority populations is discussed in more detail above under the topic “Socioeconomics”. Permits for groups of less than 25 people are not required in the Final Ocean Beach Fire Program, which was the element which could have adversely affected low income or minority populations. The new, modified, and remaining elements of the final program would not have a disproportionate effect on low income or minority populations.

- **Theme 14 – Impact Analysis Baseline**

A comment was submitted stating that the baseline conditions used for NEPA review were incorrect. The comment incorrectly cited a March 2014 version of the compendium with a 10:00pm fire curfew, rather than the June 2014 version with the most recent fire curfew time of 9:00pm. The comment also asserted that due to the end of the Revised Pilot Program, the baseline should have been calculated using a 10:00pm curfew instead.

- The Revised Pilot Program, Attachment A, Section B.6: “Evaluation of the Program” reads, “While this information is being reviewed the program will continue unchanged.”<sup>6</sup> Therefore, while the NPS was in development of next steps for the Ocean Beach Fire Program, the 9:00pm curfew was the regulation in place, and the correct baseline to evaluate impacts.

- **Theme 15 – Public Notification**

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<sup>5</sup> National Park Service. (2015). *NPS NEPA Handbook (2015)*. Retrieved from Environmental Quality Division: Environmental Planning & Compliance Branch:  
[http://www.nps.gov/orgs/1812/upload/NPS\\_NEPAHandbook\\_Final.pdf](http://www.nps.gov/orgs/1812/upload/NPS_NEPAHandbook_Final.pdf)

<sup>6</sup> National Park Service. (2014, May 22). *NEPA Compliance Document*. Retrieved from Ocean Beach Fire Revised Pilot Program:  
<http://parkplanning.nps.gov/document.cfm?parkID=303&projectID=52123&documentID=59519>

One comment expressed dissatisfaction with the notification to the public of the review and comment period. The comment cited the physical signs posted at Ocean Beach as installed late into the comment period, and not updated to reflect the comment period extension. The comment also asserted that the wording of the signs was misleading in referring to the Winter Rest Period (or no-burn season) as a seasonal restriction, in that a four-month restriction is longer than the commonly referred to three-month seasons.

- The NPS believes they provided ample notification of the public through multiple channels, including email, press release, on-site signage, and social media.

- **Theme 16 – EA Preparation Request**

One comment requested that an Environmental Assessment (EA) be prepared for any restriction or bans to fires on Ocean Beach. The comment alleged that restrictions on fires at Ocean Beach would disproportionately affect visitors without access to a private vehicle. This comment stated that Muir Beach would remain the only other nearby option without these restrictions, and is unsuitable for casual, evening accessibility by bike or public transit.

- The NPS acknowledges this as a valid impact, and has added it to the Impact Assessment (Attachment A, Section H.4). This impact does not raise the level of effect to that which would require the preparation of an EA.

- **Theme 17 – Consistency with Enabling Legislation**

One comment conveyed disappointment in recent attempts by the GGNRA to impose restrictions on recreation, specifically at Ocean Beach. The comment expressed a belief that restrictions included in the proposal oppose the purpose of the GGNRA as found in enabling legislation, a report issued by the U.S. House of Representatives, and comments attributed to GGNRA Superintendent William J. Whalen.

- NPS Management Policies, which apply to all units of the NPS, provide that the fundamental purpose of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. NPS managers must always seek ways to avoid, or to minimize to the greatest extent practicable, adverse impacts on park resources and values. Congress has directed that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant. (NPS Management Policies § 1.4.3, 16 USC 1). GGNRA's enabling legislation reflects this dual mission - to “preserve public use and enjoyment” and “provide for the maintenance of needed recreational open space” while at the same time managing it “consistent with sound principles of land use planning” and “preserv[ing] the recreation area, as far as possible, in its natural setting...”. GGNRA is not eliminating fires on Ocean Beach; rather, it seeks to manage the activity in order to be consistent with both its enabling legislation and the NPS Organic Act.



National Park Service  
U.S. Department of the Interior

Golden Gate National Recreation Area  
Date: 2/19/16

## ATTACHMENT F

### **Letter of NHPA Section 106 Compliance Completion and Assessment of Actions Having an Effect on Historic Properties**

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## Letter of NHPA Section 106 Compliance Completion

H4217 (GOGA-CRMM)

10/21/15

### Memorandum

**To:** Steve Ortega  
**From:** General Superintendent  
**Subject:** NHPA Clearance: Ocean Beach Fire Program (PEPC 59097)

The Cultural Assessment Team has reviewed the proposed project/action and completed its certification for compliance with the National Historic Preservation Act through our Park Programmatic Agreement. We have determined that there will be No Adverse Effect on historical, cultural, or archeological resources, provided you meet all stipulations identified below.

The subject proposed project/action(s), therefore, is/are now cleared for all NHPA compliance requirements as presented. Project plans and specifications are approved and construction and/or project implementation can commence once you have met any NEPA requirements identified through Project Review, as well as all stipulations identified below.

For the proposed project actions to be within compliance requirements during construction and/or project implementation, the following cultural resource stipulations must be adhered to:

- Project Manager for the implementation of the project will coordinate sign placement with Park Historical Landscape Architect (Amy Hoke, 561-4753) to avoid or minimize impacts to the historic Ocean Beach (O'Shaughnessy) Esplanade and Seawall.

For complete compliance information see PEPC Project 59097.

If you have any questions, please contact CRM Specialist (Curator) Bob Holloway at 415-561-4976.

FOR   
Christine Lehnertz

Attachment



# ASSESSMENT OF ACTIONS HAVING AN EFFECT ON HISTORIC PROPERTIES

## A. DESCRIPTION OF UNDERTAKING

1. **Park:** Golden Gate National Recreation Area

### 2. Project Description:

**Project Name:** Ocean Beach Fire Program

**Prepared by:** Bob Holloway    **Date Prepared:** 10/21/2015    **Telephone:** 415-561-4976

**PEPC Project Number:** 59097

#### **Locations:**

#### **Describe project:**

Background Following a long standing, inherited tradition of fires on Ocean Beach, in 2002 the City and County of San Francisco Commission on the Environment requested that GGNRA reduce the negative effects the fires were having on the beach. As a result, in 2004 GGNRA limited fires to between stairwells 15 and 28. In response to this limitation being unsuccessful, in 2005 GGNRA proposed banning fires at Ocean Beach. In consideration of the over 3,000 comments received in response to the proposed ban, GGNRA instituted a 1-year pilot from 2007-2008, which was extended an additional year with the intent to evaluate the program in 2009 and make a long term decision for fires on the beach. However, due to staffing shortages the 2009 review did not occur until 2013. Following the review, a Revised Pilot Program (PEPC 52123) was implemented in 2014 to address continued negative effects following the initial pilot and to ultimately determine if a long term beach fire program was feasible.

#### **Purpose**

To establish a system by which the NPS can safely and sustainably allow fires on Ocean Beach in a way which aligns with the park's mission and goals. This would be accomplished through the following objectives: • Increase awareness of existing rules and promote appropriate behaviors and personal responsibility. • Develop an efficient system that does not result in a significant increase in NPS staff workload and is easy for visitors to understand and utilize. • Improve visitor experience and public safety. • Generate revenue to offset some NPS costs.

#### **Need**

To address continued concerns associated with public and staff safety, visitor experience, park operations, and air quality which were identified in greater detail and not successfully countered by the 2014 Revised Pilot Program.

#### **Project Description**

GGNRA will implement a permit reservation system to allow fires within the 12 provided pits on Ocean Beach using the Reserve America (recreation.gov) program model and a possible seasonal closure during Winter Spare the Air Season from November 1st through the end of February every year.

The Reserve America system would allow for use of an existing infrastructure with adequate reservation capabilities.

There is no cost to set the system up, and it would significantly reduce NPS workload by automatically sending out the

permit. It also offers the benefits of an automated cancellation program with a voice recorded phone call, a user friendly reservation calendar with call center option, and the ability to add easy and clear messaging to website calendar when needed (for Spare the Air Days and seasonal closures).

Implementation of the system would take approximately 4-5 months, including time to finalize permitting reservation program details, complete the Reserve America application, create a GOGA-specific Reserve America reservation webpage, and for public notice and rollout of reservation system.

Permits would be allowed for two time periods daily (e.g. 10am-3pm and 4pm-9pm), require the permittee be at least 18 years old, with no security deposit, refunds, transfers, or forfeits. Permits will be available 30 days in advance, with the ability to make a reservation up to 2 hrs. prior to the permit beginning. Permit group size will be limited to 25 persons, with larger groups required to go through the existing system. The availability and feasibility of Free Permit Days remains to be decided.

**Area of potential effects (as defined in 36 CFR 800.16[d])**

Ocean Beach (O'Shaughnessy) Esplanade and Seawall

**3. Has the area of potential effects been surveyed to identify historic properties?**

- No
- Yes

**Source or reference:** Ocean Beach O'Shaughnessy Seawall and Esplanade NR DOE

**4. Potentially Affected Resource(s):**

**Historical Structures/Resources Notes:** Ocean Beach (O'Shaughnessy) Esplanade and Seawall

**5. The proposed action will: (check as many as apply)**

- Yes **Destroy, remove, or alter features/elements from a historic structure**
- No **Replace historic features/elements in kind**
- Yes **Add non-historic features/elements to a historic structure**
- Yes **Alter or remove features/elements of a historic setting or environment (inc. terrain)**
- Yes **Add non-historic features/elements (inc. visual, audible, or atmospheric) to a historic setting or cultural landscape**
- No **Disturb, destroy, or make archeological resources inaccessible**
- No **Disturb, destroy, or make ethnographic resources inaccessible**
- No **Potentially affect presently unidentified cultural resources**
- Yes **Begin or contribute to deterioration of historic features, terrain, setting, landscape elements, or archeological or ethnographic resources**
- No **Involve a real property transaction (exchange, sale, or lease of land or structures)**
- Other (please specify):** \_\_\_\_\_

**6. Supporting Study Data:**

**(Attach if feasible; if action is in a plan, EA or EIS, give name and project or page number.)**

**B. REVIEWS BY CULTURAL RESOURCE SPECIALISTS**

The park 106 coordinator requested review by the park's cultural resource specialist/advisors as indicated by check-off boxes or as follows:

**[ X ] 106 Advisor**

**Name:** Bob Holloway

**Date:** 10/21/2015

**Comments:** Reviewed as Admin Review with Hoke and certified No Adverse Effect with a stipulation.

*Check if project does not involve ground disturbance [ ]*

**Assessment of Effect:**  No Potential to Cause Effect  No Historic Properties Affected  No Adverse Effect  Adverse Effect  Streamlined Review

**Recommendations for conditions or stipulations:** Project Manager for the implementation of the project will coordinate sign placement with Park Historical Landscape Architect (Amy Hoke, 561-4753) to avoid or minimize impacts to the historic Ocean Beach (O'Shaughnessy) Esplanade and Seawall.

**Doc Method:** Streamlined Review (PA)

**Streamlined Activity:**

- 10. Erection of Signs, Wayside Exhibits, and Memorial Plaques

**[ X ] Historical Landscape Architect**

**Name:** Amy Hoke

**Date:** 10/21/2015

**Comments:** Reviewed as Admin Review



*Check if project does not involve ground disturbance [ ]*

**Assessment of Effect:**  No Potential to Cause Effect  No Historic Properties Affected  No Adverse Effect  Adverse Effect  Streamlined Review

**Recommendations for conditions or stipulations:** Project Manager for the implementation of the project will coordinate sign placement with Park Historical Landscape Architect (Amy Hoke, 561-4753) to avoid or minimize impacts to the historic Ocean Beach (O'Shaughnessy) Esplanade and Seawall.

**Doc Method:** Streamlined Review (PA)

**Streamlined Activity:**

- 10. Erection of Signs, Wayside Exhibits, and Memorial Plaques

**No Reviews From:** Curator, Archeologist, Historical Architect, Historian, Other Advisor, Anthropologist

**C. PARK SECTION 106 COORDINATOR'S REVIEW AND RECOMMENDATIONS**

**1. Assessment of Effect:**

- No Potential to Cause Effects
- No Historic Properties Affected
- No Adverse Effect
- Adverse Effect

**2. Documentation Method:**

**A. STANDARD 36 CFR PART 800 CONSULTATION**  
Further consultation under 36 CFR Part 800 is needed.

**B. STREAMLINED REVIEW UNDER THE 2008 SERVICEWIDE PROGRAMMATIC AGREEMENT (PA)**

The above action meets all conditions for a streamlined review under section III of the 2008 Servicewide PA for Section 106 compliance.

**APPLICABLE STREAMLINED REVIEW Criteria**  
(Specify 1-16 of the list of streamlined review criteria.)

10. Erection of Signs, Wayside Exhibits, and Memorial Plaques .

**Explanation:**

**C. PLAN-RELATED UNDERTAKING**

Consultation and review of the proposed undertaking were completed in the context of a plan review process, in accordance with the 2008 Servicewide PA and 36 CFR Part 800.  
Specify plan/EA/EIS:

**D. UNDERTAKING RELATED TO ANOTHER AGREEMENT**

The proposed undertaking is covered for Section 106 purposes under another document such as a statewide agreement established in accord with 36 CFR 800.7 or counterpart regulations.

---

**E. COMBINED NEPA/NHPA Document**

Documentation is required for the preparation of an EA/FONSI or an EIS/ROD has been developed and used so as also to meet the requirements of 36 CFR 800.3 through 800.6

**G. Memo to SHPO/THPO**

**H. Memo to ACHP**

**SHPO/THPO Notes:**

**3. Additional Consulting Parties Information:**

**Additional Consulting Parties:** No

**4. Stipulations and Conditions:**

Following are listed any stipulations or conditions necessary to ensure that the assessment of effect above is consistent with 36 CFR Part 800 criteria of effect or to avoid or reduce potential adverse effects.

Reviewed as Admin Review with Hoke and certified No Adverse Effect with a stipulation. Project Manager for the implementation of the project will coordinate sign placement with Park Historical Landscape Architect (Amy Hoke, 561-4753) to avoid or minimize impacts to the historic Ocean Beach (O'Shaughnessy) Esplanade and Seawall.

**5. Mitigations/Treatment Measures:**

Measures to prevent or minimize loss or impairment of historic/prehistoric properties:  
(Remember that setting, location, and use may be relevant.)

No Assessment of Effect mitigations identified.

**D. RECOMMENDED BY PARK SECTION 106 COORDINATOR:**

**Compliance Specialist:**

**NHPA Specialist**

Bob Holloway CRM Specialist (Curator) **Date:** 10/21/15

**E. SUPERINTENDENT'S APPROVAL**

The proposed work conforms to the NPS *Management Policies* and *Cultural Resource Management Guideline*, and I have reviewed and approve the recommendations, stipulations, or conditions noted in Section C of this form.

<sup>FOR</sup>  
Superintendent:  **Signature** **Date:** 21 Oct 2015



National Park Service  
U.S. Department of the Interior

Golden Gate National Recreation Area  
Date: 2/19/16

## **ATTACHMENT G**

### **Bay Area Air Quality Management District (BAAQMD) Letter “Ocean Beach Bonfire and Air Quality”**

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**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

- ALAMEDA COUNTY**  
Tom Bates  
Scott Haggerty  
Nate Miley  
(Vice-Chair)  
Tim Sbranti
- CONTRA COSTA COUNTY**  
John Gioia  
David Hudson  
Mary Piepho  
Mark Ross
- MARIN COUNTY**  
Susan Adams
- NAPA COUNTY**  
Brad Wagenknecht
- SAN FRANCISCO COUNTY**  
John Avalos  
Edwin M. Lee  
Eric Mar
- SAN MATEO COUNTY**  
Carole Groom  
(Secretary)  
Carol Klatt
- SANTA CLARA COUNTY**  
Cindy Chavez  
Ash Kalra  
(Chair)  
Liz Kniss  
Jan Pepper
- SOLANO COUNTY**  
James Sperring
- SONOMA COUNTY**  
Teresa Barrett  
Shirlee Zane

Jack P. Broadbent  
EXECUTIVE OFFICER/APCO

March 7, 2014

RECEIVED

MAR - 7 2014

SUPERINTENDENT'S OFFICE

Frank Dean, General Superintendent  
National Park Service  
Golden Gate Recreation Area  
Bldg. 201 Fort Mason  
San Francisco 94123

Subject: Ocean Beach Bonfire and Air Quality

Dear Mr. Dean:

The negative health impacts of particulate matter pollution, including wood smoke, are a broad based public health concern. The public health concern is the reason behind the Air District's efforts to reduce particulate matter pollution throughout the Bay Area, including the Air District's wood-burning rule. The Air District's Board of Directors adopted Regulation 6, Rule 3: Wood-burning Devices and amended Regulation 5: Open Burning, to place restrictions on wood-burning. When the Air District forecasts the air as unhealthy to breathe and calls a Winter Spare the Air (WSTA) alert recreational fires, such as bonfires, are illegal. The WSTA season is from November through the end of February.

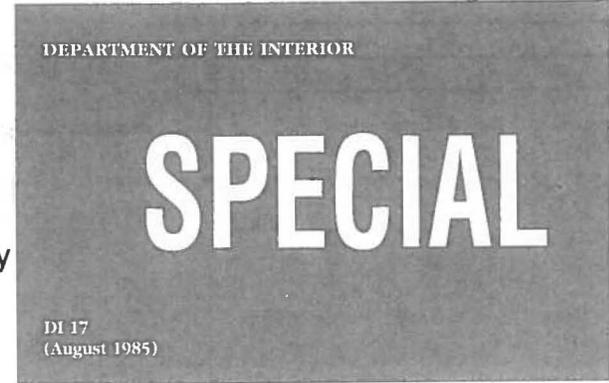
During the past WSTA season, we have received several complaints from the public regarding the bonfire enclosures at Ocean Beach. Having these firepits available to the public during the WSTA season may facilitate illegal burning. Wood smoke is a serious public health concern because it contains tiny particles or particulate matter (PM2.5) that can be inhaled deep into the lungs and can enter the bloodstream. Prolonged exposure to the fine particulates in wood smoke has been linked to a series of public health concerns, including: aggravated asthma, development of chronic bronchitis, irregular heartbeats and nonfatal heart attacks, as well as increased mortality rates.

We realize that these bonfires have a long tradition, but their negative contribution to unhealthy air, as well as their negative health impacts on local neighborhoods, concern the Air District in its efforts to improve air quality and public health. Your agency could contribute greatly to increased public health and improved wintertime air quality by removing the bonfire facility at ocean beach during the winter months. If possible, prohibiting wintertime bonfires completely at Ocean beach would further improve both regional and local air quality.

SUSPENDED CORRESPONDENCE  
3/7 ACTION PERSON: N. Hornor

REPLY DUE  
SUPT'S OFC: Mar 21, 2014  
PWR/OTHER: \_\_\_\_\_

COPIES PROVIDED Dean  
OR FORWARDED Roth  
VIA E-MAIL File  
P.14- 4.7 H. Levitt

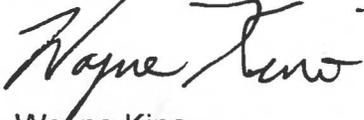


Mr. Frank Dean  
Page 2

March 7, 2014

We greatly appreciate your input regarding improving air quality in the Bay Area and public health during the winter months. Please feel free to contact Eric Pop, Air Quality Specialist, at 415-749-5172 or [epop@baaqmd.gov](mailto:epop@baaqmd.gov) with any questions you may have.

Sincerely,



Wayne Kino  
Director of Compliance and Enforcement

JM:PH:TG



BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
939 ELLIS STREET  
SAN FRANCISCO CALIFORNIA 94109

neopost<sup>®</sup> FII  
03/06/2014 \$A



**Frank Dean, General Superintendent  
National Park Service  
Golden Gate Recreation Area  
Bldg. 201 Fort Mason  
San Francisco 94123**

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