

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

Meeting #3
Monday, May 15, 2006
3:00 p.m. – 7:30 p.m.
Fort Mason Officers Club
Upper Fort Mason, San Francisco, CA

Committee Members and Alternates: Carol Arnold, Carol Copsey, Betsey Cutler, Anne Farrow, Gary Fergus, Jeri Flinn, Joe Hague, Mark Heath, Karin Hu, Michelle Jesperson, Paul Jones, Steven Krefting, Bruce Livingston, Cindy Machado, Keith McAllister, Linda McKay, Joanne Mohr, Bob Planthold, Brent Plater, Christine Powell (Designated Federal Officer), Holly Prohaska, David Robinson, Donna Sproull, Judy Teichman, Marybeth Wallace, Martha Walters.

National Park Service Staff: Mai-Liis Bartling, Sarah Bransom, Michael Edwards, Daphne Hatch, Paula Lee, James Marks, Noemi Marshall, Judy Matthews, Marybeth McFarland, Bill Merkle, Steve Ortega, Yvette Ruan, Shirwin Smith.

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

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

Review Meeting Agenda and Objectives

Action: The Committee adopted the proposed agenda: approval of April 18, 2006 meeting summary and final protocols revisions, updates since previous meeting, GGNRA Parameters for Negotiated Rulemaking Process, draft approach to collaborative decision making, presentation on the No Action Alternative for the Dog Management Plan/Environmental Impact Statement (EIS), information needs for the negotiated rulemaking process, discussion of next steps for Committee, and public comment.

Approval of April 18, 2006 Meeting Summary and Final Protocols Revisions

The Committee confirmed that the purpose of meeting summaries is to provide a shared record of discussion topics, key interests, and decisions, and not a verbatim transcript of the Committee's discussions. After draft Meeting Summaries are approved by the Committee they will be made available to the public through the NPS Planning,

Environment and Public Comment (PEPC) website: <http://parkplanning.nps.gov/goga>, at Negotiated Rulemaking for Dog Management at GGNRA, Document List.

Action: The Committee adopted the April 18, 2006 Meeting Summary and attachments, with edits to be made to the list of Committee members and NPS staff attending, and a clarification to be made to the Presentation on Joint Fact Finding action item (page 5).

The Committee made final edits to the May 12, 2006 Protocols, as follows (*see attached final Protocols for language*):

- ❖ Section 1f/Dismissal from Committee: NPS proposed, and it was agreed by the Committee, to rewrite the first sentence of the section: “While not anticipated, if a Committee member or alternate, or a Subcommittee member, acts in a manner inconsistent with the agreed upon Committee protocols or good faith standards (Appendix 1), GGNRA shall evaluate whether continued participation on the Committee is appropriate and may dismiss that person.”
- ❖ Section 3a/Subcommittees Establishment: Confirmation that while subcommittees may develop preliminary proposals concerning particular issues, subcommittees do not make decisions for the Committee. This point is also covered in Section 3f/Subcommittee Products.
- ❖ Section 4d/Report of Committee: New wording accepted by Committee.
- ❖ Section 7a/Statements to the Media: Bullet 1 revised: “will speak for themselves and not others unless authorized to do so;”.

Action: The Committee adopted its Protocols, with the above edits and other revisions shown in the May 12 version. The facilitation team will make the changes and the final version will be distributed to the Committee.

Updates on Activities since Previous Meeting

1. The draft Committee and National Environmental Policy Act (NEPA) timeline was presented, with notice that changes are likely to proposed dates based on the Committee meeting schedule, formation of the Technical Subcommittee, and other activities of the concurrent processes. A Committee member asked if the decision criteria noted on the NEPA portion of the timeline will be available to the Committee in the future.

2. Christine Powell, Designated Federal Officer (“DFO”), advised that there were no updates on the accelerated resource protection rulemaking discussed with Committee members/alternates at the April meeting. GGNRA has formally responded to the Center for Biological Diversity’s emergency rulemaking petition.

The DFO informed the Committee that Christine Rosenblat, SF-SPCA alternate for Committee member Daniel Crain, submitted her resignation from the Committee. Laurie Kennedy Routhier, Education Programs Manager at the SF-SPCA, attended as an observer. The DFO reminded the Committee that GGNRA is unable to make new appointments to the Committee. An organization may attend Committee meetings as an observer and provide written or verbal public comments.

3. Committee member Cindy Machado passed around an editorial cartoon on dogs and voice control that appeared in the *Marin Independent Journal* newspaper April 26, 2006.

4. Committee members decided to print out and bring their own copies of meeting materials (sent out prior via email) to future meetings, with the exception of maps and other large graphics files. GGNRA will provide a limited number of extra copies of materials and a sufficient number of hard copies of maps and other large graphics files for the Committee, with a limited number of copies available for members of the public attending as observers.

5. Committee member Martha Walters announced that Christine Powell will be attending the May 23rd open meeting of SFDog (San Francisco Dog Owners Group).

GGNRA Parameters for the Negotiated Rulemaking Process

The DFO reviewed revisions made to the document National Park Service Parameters and Scope of Negotiated Rulemaking Discussion (“Parameters”), acknowledging Daphne Hatch, GGNRA Chief of Natural Resource Management, for her role in producing the latest version. An accompanying set of 15 maps of the areas that are part of the negotiated rulemaking discussions were distributed. Project Manager Shirwin Smith and GIS Specialist Craig Scott were acknowledged for their work to produce the maps.

Discussion, questions and comments on the Parameters and related maps included:

- ❖ NPS should clearly delineate areas where dogs are/are not allowed via appropriate and clear signage (goes to public education, enforceable and manageable rules);
- ❖ Parking/trailhead access to Cattle Hill in Pacifica may be developed as part of mitigation work from another project;
- ❖ Clarification that areas currently being managed under 1979 pet policy but outside scope of negotiated rulemaking are in an accelerated, parallel process of resource protection rulemaking;
- ❖ Need to address monitoring, oversight, adaptive management, implementation, public education, and enforcement in Committee discussions;
- ❖ Need to clarify term “active partners” on page 3, General Parameters, bullet 4 (DFO noted this is not a formal term; GGNRA wants to rely on those organizations involved to assist with public education and communication);
- ❖ Important for Committee members/alternates to visit locations they are not familiar with to establish common knowledge base for Committee deliberations; possible coordination with NPS staff to be at locations to answer questions for scheduled visits;
- ❖ Role of Presidio Trust in Committee process and clarifications regarding:
 - Which areas of the Presidio are within the scope of Committee discussions (Crissy Field areas (managed by the NPS) as shown on maps);
 - Dogwalking in other Presidio areas that are managed by the Presidio Trust (Presidio Trust not participating in negotiated rulemaking discussions, areas outside scope of Committee discussions will be managed per Presidio Trust rules);

- Role of Presidio Trust in NEPA process (still under discussion between NPS Environmental Quality Division and Presidio Trust, clarification provided that Presidio Trust not formal reviewer or cooperating agency at this time);
- Need to recognize that Presidio Trust regulations were adopted through a notice and comment rulemaking process;
- Presidio Trust regulations are primarily implemented by U.S. Park Police and rangers, in some areas there may be challenges because of continuous trails with sections in/out of scope of Committee discussions; and
- Presidio Trust role, decision making authority, and references to negotiated rulemaking Committee and coordination referenced in Presidio Trust Trail Plan.

Action items:

- *Clear definitions of “undeveloped areas” and “established trails” and “social trails” and criteria for categorizing areas are needed;*
- *Add Cattle Hill and Pedro Point Headlands to section 2B as bullets 11 and 12;*
- *More information needed on threatened and endangered species issues for park areas open for discussion of dogwalking (see section 2B, bullet 8);*
- *Consider adding physical parameters to appropriate section/s on page 3;*
- *Add clarification to Parameters document that scope doesn’t apply to northern District of GGNRA under management of Pt. Reyes National Seashore;*
- *Provide Cattle Hill and Pedro Point maps when available;*
- *Provide additional Rodeo Beach/Homestead Valley maps for next meeting;*
- *Add parameters GIS layer to Rodeo Beach and Muir Beach maps;*
- *Anne Farrow agreed to provide driving directions to different locations for the Committee;*
- *Linda McKay noted an opportunity for Committee members to visit Fort Funston at next monthly clean-up sponsored by Fort Funston Dog Walkers (June 3 at 10:00 a.m.).*
- *Pursue Presidio Trust involvement on Technical Subcommittee.*

Approach to Collaborative Decision Making for Negotiated Rulemaking Process

The Committee reviewed a draft memo on problem solving and preliminary issues identification. It outlines a framework for accomplishing the objectives of the negotiated rulemaking process. The initial step is for the Committee to develop a table of key interests and issues, followed by a nine-step collaborative problem solving approach. The memo does not address any substantive issue or outcome, and is intended to educate about how collaborative problem solving typically works.

Action item: The facilitation team will distribute a spreadsheet to Committee members, with responses to be returned by June 9 so that the information can be compiled and distributed prior to the June 22 Committee meeting.

Presentation on Draft No Action Alternative for Dog Management Plan/Environmental Impact Statement (EIS) under National Environmental Policy Act (NEPA)

Sarah Bransom, Program Manager, NPS Environmental Quality Division, introduced herself and Michael Edwards, Environmental Protection Specialist. They are managing the concurrent NEPA process for the GGNRA Dog Management Plan. Heidi West (Principal, Total Quality NEPA, a contractor to the NPS) gave a Power Point slide presentation on the draft “No Action” alternative that is required for the EIS. The “No Action” alternative is the description of activities that would continue under existing policies or practices.

Discussion, questions and comments from Committee members following the presentation included:

- ❖ EIS needs to clearly describe how high/medium/low use areas are defined;
- ❖ Could use of areas at Muir Beach imply easement of use for proximate residential areas and if so, could that impact rulemaking? (NPS response: don’t believe this is an issue, but confirmation is needed);
- ❖ Is there San Francisco garter snake habitat at Phleger Estate? (NPS response: no);
- ❖ At what point will U.S. Fish and Wildlife Service consultation take place? (NPS response: consultations to date have been on Mission blue butterfly and plover locations; additional consultation to take place soon);
- ❖ Water quality issues/concerns noted on Marin Headlands and Muir Beach slides – what does that mean? (NPS response: Where there is freshwater or brackish habitat with threatened and endangered species; at Rodeo Lagoon issues with water quality due to toxic algal blooms that could impact humans/dogs);
- ❖ Issues identification needed for Cattle Hill and Pedro Point areas;
- ❖ Clarification on areas of dune damage referenced at Fort Funston;
- ❖ Need to reference independent objective data to describe current conditions;
- ❖ Include (as available) population demographics/future visitor use data in EIS;
- ❖ Comment that size of parking lots at various locations seems to impact visitor use and conflicts between users;
- ❖ Provide data (if available) on visitors who are deterred from using an area because of off-leash use in that area;
- ❖ Note in presentation slides which locations were not in 1979 pet policy because they came under GGNRA management at later date;
- ❖ Include beach watch data (Farallones Marine Sanctuary, contact Joanne Mohr);
- ❖ Provide information on adjacent land use and impacts;
- ❖ What data is available on user conflicts/incidents and how is it collected and reported? (NPS response: incidents reported are documented but not all incidents are reported).
- ❖ Will data be collected on impacts on dogs of off-leash use and how will that data be incorporated into the EIS process? (NPS response: this question was raised during the public scoping workshops and references were provided to NPS); and

- ❖ Does the Committee need to pursue joint fact finding funding and tasks to fill some of the data gaps? (NPS response: As discussed at April meeting, there are funding possibilities for joint fact finding).

Action items:

- *Add copy of presentation slides to PEPC website.*
- *Solicitor's Office to research question regarding easement/proximate use questions at Muir Beach.*
- *Presentation to Committee at future meeting on collection of data and reporting of incidents/user conflicts.*

Information Needs for Negotiated Rulemaking Process

Committee members/alternates broke into small groups to discuss information needs using the last presentation slide from the EQD No Action Alternative presentation as a starting point for their discussions. Each small group reported back to the full Committee; copies of the flip chart notes from the reporting are attached (Attachment B).

Next Steps

Committee members/alternates who volunteered to be on Technical Subcommittee: Chris Powell, Bob Planthold, Martha Walters, Cindy Machado, Judy Teichman or Holly Prohaska, David Robinson, Keith McAllister, Karin Hu, Brent Plater, Steven Krefting. The Committee also suggested that representatives from the U.S. Fish and Wildlife Service (USFWS), San Francisco Recreation and Parks Department, Marin County (east and west portions of county), East Bay Municipal Utilities District (East Bay MUD), and East Bay Regional Parks be invited to join the Technical Subcommittee. Depending on scheduling constraints, the first Technical Subcommittee meeting hopefully will occur in June.

Committee members/alternates were asked to hold Monday, July 31 and Thursday, September 21 as potential dates for the fifth and sixth Committee meetings.

GGNRA will look at possible dates and times for staff to be at Park locations identified in Parameters document for informal visits by Committee members.

Public Comment

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

- ❖ Questions about local government representatives, specifically from Sausalito and Marin County, participating on Technical and other subcommittees and question as to what other subcommittees would be formed.
- ❖ Comment to the Committee that the public must accept what is developed via negotiated rulemaking process and how recommendations are developed
- ❖ Concerns regarding public confusion about what is being addressed in the concurrent processes of negotiated rulemaking, NEPA, and accelerated agency rulemaking
- ❖ Comment about impact of history on current public perceptions about fairness of negotiated rulemaking and accelerated agency rulemaking processes

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

Copies of written comments submitted to GGNRA at and after the meeting (through June 14, 2006) from Sonja Hanson and Mercedes VanDenBerg are attached.

Attachment A

Documents distributed to Committee members and alternates:

- Meeting Summary - Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area (GGNRA), Meeting #1, Monday, March 6, 2006 (As approved at April 18, 2006 Meeting).
- Notice of third meeting: Federal Register/Vol. 71, No. 83/Monday, May 1, 2006.
- Meeting agenda (DRAFT).
- Meeting Summary - Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area (GGNRA), Meeting #2, Tuesday, April 18, 2006 (DRAFT).
- Written public comments from Frederic C. Genter, Ph.D. (dated April 22, 2006), Unknown author (dated April 18, 2006), Lisa Vittori (dated April 18, 2006), and Dennis Cahill (dated February 28, 2006).
- Golden Gate National Recreation Area (GGNRA), Negotiated Rulemaking Advisory Committee for Dog Management, Draft Proposed Negotiated Rulemaking Committee Protocols with Attachment: GGNRA Dog Management Negotiation Rulemaking, Good Faith Participation Standards: January 2006 (Revisions suggested during April 18, 2006 Committee Meeting noted in bold).
- Revised Draft Estimated Timeline, Golden Gate National Recreation Area, Negotiated Rulemaking/NEPA Processes (May 12, 2006 version).
- National Park Service, Parameters and Scope of Negotiated Rulemaking Discussion (May 15, 2006 version) and accompanying set of 15 maps, "GGNRA Parameters for Negotiated Rulemaking Discussion," (all dated May 16, 2006) of: Crissy Field Area, Sweeney Ridge, Milagra Ridge, Mori Point, Oakwood Valley/Alta Avenue, Fort Baker, Upper Fort Mason, Ocean Beach, Fort Funston, Muir Beach, Sutro Heights Park, Baker Beach, Lands End, Rodeo Beach, and Homestead Valley.
- Memorandum to GGNRA Negotiated Rulemaking Committee from Facilitation Team (dated May 15, 2006) on Problem Solving and Preliminary Issues Identification.
- Copy of PowerPoint slides used in presentation, "Golden Gate National Recreation Area, DRAFT No Action Alternative for Dog Management EIS".

Attachment B

Flip chart notes from Information Needs agenda item “Report-back” from small group discussions

Group #1:

- Impact of adjacent land uses
- Impacts on dogs or owners
- Better definition and specific examples of what defines “conflict”
- Who takes reports [of incidents or conflict]?
- Staffing level changes and enforcement
- Citation guidelines-what are they?/ Clear definition of an “incident”
- Validity of extrapolating recorded data – can we extrapolate based on what is in literature to specific sites?
- Role of Golden Gate National Parks Conservancy
- Criteria for closure of areas to reduce impacts on plants
- Compare dog impacts quantitatively with other uses
- Go beyond site-specific data
- How does GGNRA determine areas to restore?

Group #2:

- Analyze level of conflict vs. frequency of use/correlate usage with conflicts
- Age demographics/children/disabled users in user data
- Visitor satisfaction – why? (focus group or survey)
- Deterred visit – why? (focus group or survey)
- Analyze all records re: incident reports
- What about all incidents not just dogs?
- Correlation of conflicts reported to use of area

Group #3:

- Significant incidents of dogs let out of car in parking lot?
- Identify negative and positive off-leash impacts on other dogs
- More data re: “visitor conflicts” in context of all uses
- Criteria for critical habitat – not just FWS
- Reasons for deterred use/visitors not coming to an area
- Different protection needs (species) – Understanding of what it means to have protection for certain species such as Mission blue butterfly, frogs, etc.

Group #4:

- USFWS info. re: sensitive species (species sightings vs. habitat) – correlation
- Recreational uses information
- Service dog issues – impacts or conflicts with off-leash dogs
- Impacts on disabled visitors
- Social impact to dogs: aggression or injury
- Clear definition of conflict v. incident – consistent use of terms and how they are defined
- What does Committee need to be aware of in sensitive habitat areas (USFWS and GGNRA protections)
- Data re: what makes a location attractive for dog walking

Summary by Category of Issues

Information Related to Habitat or Species

- How does GGNRA determine areas to restore?
- Criteria for critical habitat – not just FWS
- Different protection needs (species)
- USFWS info. re: sensitive species (species sightings vs. habitat) – correlation

Information Related to Use of GGNRA Lands

- Impact of adjacent land uses
- Criteria for closure
- Compare dog impacts quantitatively with other uses
- Analyze level of conflict vs. frequency of use/ correlate usage with conflicts
- Age demographics/children in user data
- Visitor satisfaction – why? (focus group or survey)
- Deterred visit – why? (focus group or survey)
- More data re: “visitor conflicts” in context of all uses
- Recreational uses information
- Impacts on disabled visitors

Information Related to Reporting

- Define “conflict”
- Validity of extrapolating recorded data
- Analyze all records re: incident reports
- What about all incidents not just dogs?

Information Related to Staffing and Enforcement

- Staffing level changes and enforcement
- Who takes reports [of incidents or conflict]?
- Citation guidelines-what are they?/ Clear definition of an “incident”

Information Related to Sociological Impacts

- Impacts on dogs or owners
- Social impact to dogs: aggression or injury
- Data re: what makes a location attractive for dog walking
- Identify negative and positive off-leash impacts

Miscellaneous

- Go beyond site-specific data
- Service dog issues
- Significant incidents of dogs let out of car in parking lot?