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September 25, 2021

Laura Joss, Superintendent
Golden Gate National Recreation Area Building 201, Ft. Mason
San Francisco, CA 94123

Re: Public comment for the GGNRA Proposed Parking Fees

The Crissy Field Dog Group (CFDG) submits this comment letter for the National Park Service (NPS) Golden Gate National Recreation Area's (GGNRA) proposal for parking fees at nine areas on GGNRA lands in San Francisco and Marin counties.

CFDG **adamantly opposes** any parking fees at these or any other locations on GGNRA lands in San Francisco, Marin, and San Mateo counties. CFDG believes that the GGNRA's proposed parking fees does not comply with NEPA, rulemaking requirements, or the Coastal Zone Management Act.

The GGNRA is an **urban recreation area**, serving the San Francisco Bay Area whose surrounding nine counties has a population of approximately 7.5 million people. Bay Area residents rely on the GGNRA as a place to recreate. Many GGNRA visitors also come from other parts of California on a frequent basis as well as from across the US and other parts of the world. Since 1972, GGNRA visitors have enjoyed many activities including but not limited to surfing, boogie boarding, hiking, fishing, walking, running, bird watching, board sailing, kayaking, walking their dogs, or simply being outside to enjoy the natural beauty of these areas.

1972 GGNRA Enabling legislation

The 1972 GGNRA Enabling legislation is very clear that “no fees or admissions shall be levied of the general public to the recreation area except to portions under lease or permit for a particular and limited purpose authorized by the Secretary.” (Fees and admission charges, §16, 460bb-3 (e)). We believe that NPS/GGNRA needs to pay more attention and adhere to the purpose and intent of NPS' Organic Act—the proposed fees are inconsistent with the intent of the GGNRA.

Primary Concerns regarding the GGNRA's Proposed Parking Fees

The proposed parking fees will unfairly impact most visitors, neighborhoods and communities that depend on the GGNRA as a place to recreate.

The parking fees will particularly harm the ability of low-income people from visiting this urban recreation area on a daily or frequent basis. Because many of these proposed areas—such as Stinson Beach, Rodeo Beach, Baker Beach etc. —have limited or no public transit access, the parking fee is in effect an entrance fee.

This disproportionate economic impact is even more harmful for many people who live in the Bay Area who have lost their jobs or are suffering increased economic hardship during this ongoing pandemic. The timing of the proposed fees during a pandemic is also particularly bad because people are even more dependent on the GGNRA now for a place to gather and recreate outside.

Since some of these areas are located in San Francisco, increased traffic and congestion in the adjacent neighborhoods are highly likely. No one likes to pay for parking so visitors will park on the city streets and possibly block neighbor's people's driveways.

Let's take the closure of free parking at Lands End, Sutro Heights, and China Beach areas which are located near each other, adjacent to the Outer Richmond and Sea Cliff residential neighborhoods. There is a parking lot at the east end of Lands End that lies adjacent to the Legion of Honor and the Lincoln Park golf course. People visiting Lands End will park there instead creating traffic havoc and congestion for museum visitors and people who wish to park and play golf there.

Another concern will be the dispersion effect; people going to Lands End will park at the already popular and crowded Ocean Beach and visitors going to Baker Beach will go to Crissy Field, causing more traffic, congestion and lead to the need for more maintenance work.

In addition, there is very limited public transit access for visitors going to Rodeo Beach and Stinson Beach where people will find it hard to bring their bikes, surfboards, picnic supplies and pets.

The proposed parking fees also sets a troublesome precedent of allowing the GGNRA to charge parking fees and reducing access for all visitors GGNRA wide.

CFDG requests the GGNRA disclose the following information as it relates to the proposed parking fees:

- 1) any recent GGNRA traffic study reports that they have conducted concerning the proposed parking fees.
- 2) Identify serious financial shortfalls in their budget to “help to fund trash collection and custodial services, traffic control operations during peak season weekends and

holidays, and repair or replacement of damaged park signs on trails, roads and parking lots.”

- 3) Identify and provide the exact amount of these annual losses and what revenue the GGNRA intends to generate annually through the proposed parking fees.

This editorial from the Martin IJ exemplifies CFDG’s position regarding your proposed parking fees:

[Editorial: Consider economic equity of parking charge for Golden Gate National Recreation Area – Marin Independent Journal \(marinij.com\)](http://marinij.com)

NEPA, Rulemaking Requirements and the Coastal Zone Management Act

CFDG reached out to GGNRA staff regarding National Environmental Policy Act (NEPA) compliance for the proposed parking fees several times during this public comment period but never received a response.

Again, CFDG believes that the GGNRA’s proposed parking fees does not comply with NEPA, rulemaking requirements, or the Coastal Zone Management Act.

GGNRA does not appear to have conducted NEPA review of the proposed fee hike or demonstrated that the proposal is subject to a categorical exclusion. Imposing fees for the first time on parking throughout the GGNRA would result in several significant impacts that NPS has not evaluated. First, charging \$10-\$16 a day will cause cars to avoid parking by using roadside parking and other areas. This will not only cause congestion and traffic and associated pollution and safety hazards, but will harm areas that are not designed for parking. This impact is illustrated by events at Muir Woods, where hundreds of cars parked along the side of the road and in turnouts, causing erosion and pollution of a stream that is critical habitat to endangered salmon.

Second, charging \$10-\$16 a day will drive visitors to use other GGNRA areas, state parks, and local parks, significantly concentrating recreational impacts in those areas. This is particularly concerning given the GGNRA’s current level of visitors—the GGNRA is the one of the most visited units under the National Park Service’s jurisdiction in the United States.

Third, increasing parking fees from \$0 to \$10-\$16 a day has substantial environmental justice implications. The fee increase will impose a significant barrier to access to the outdoors, coastal areas in the Bay Area, and opportunities for recreation. For those park visitors who visit every day, the cost could be between \$300 per month to as much as \$480 per month. The brunt of this impact will be felt by socioeconomically disadvantaged people and communities, who cannot afford to pay this fee. The proposed fee is particularly regressive and perverse for socioeconomically disadvantaged communities in the Bay Area who depend on the GGNRA as one of the few accessible places to recreate.

Public notice and rulemaking requirements

The Land and Water Conservation Act (“LWCFA”) authorizes NPS to charge admission, entrance, and recreation fees at, among other NPS lands, “areas of concentrated public use,” which are managed “primarily for outdoor recreation purposes.” 16 U.S.C. § 460l-6c(a)(1), (b). This includes fees “for the use of specialized sites, facilities, equipment or services furnished at Federal expense.” 36 C.F.R. § 71.2. The Federal Lands Recreation Enhancement Act (“FLREA”) also authorizes NPS to charge an “entrance fee” and “expanded amenity fee” on NPS recreation lands. 16 U.S.C. § 6802(g). An “expanded amenity fee” may be charged in addition to or instead of an entrance fee “when the Secretary of the Interior determines that the visitor uses a specific or specialized facility, equipment, or service.” *Id.*

Section 6803(a) of the FLREA requires NPS to “provide the public with opportunities to participate in the development of or changing of a recreation fee established under this chapter.” Specifically, NPS must provide “a notice in the Federal Register of the establishment of a new recreation fee area for each agency 6 months before establishment.” *Id.* § 6803(b). NPS also must “provide opportunity for public involvement by--(1) establishing guidelines for public involvement; (2) establishing guidelines on how agencies will demonstrate on an annual basis how they have provided information to the public on the use of recreation fee revenues; and (3) publishing the guidelines in paragraphs (1) and (2) in the Federal Register.” The propose to impose parking fees in many areas the GGNRA for the first time, would clearly create a new recreation fee in new areas. Any NPS interpretations to the contrary are inconsistent with the FLREA and thus unlawful. Additionally, public notice of “a change to an existing recreation fee established under [the FLREA]” is required “in local newspapers and publications located near the site at which the recreation fee would be . . . changed.” 16 U.S.C. § 6802(b).

Coastal Zone Management Act (“CZMA”)

CZMA consistency determinations are required for any “Federal agency activity,” which “means any functions performed by or on behalf of a Federal agency in the exercise of its statutory responsibilities.” 15 C.F.R. § 930.31. This includes “a range of activities where a Federal agency makes a proposal for action initiating an activity or series of activities when coastal effects are reasonably foreseeable.” *Id.*.

Agency activity that will have a “reasonably foreseeable direct or indirect effect[] on any coastal use or resource” requires a consistency determination with a state’s approved coastal management program; public access is a coastal use. *Id.* § 930.31. As explained above, the proposed fee would have several significant effects on use of the coastal zone by inhibiting and displacing use of the waters of the GGNRA and coastal zone. The fee impedes public access to coastal lands, and public access is a coastal use.

Indeed, NPS has previously sought coastal consistency determinations from the California Coastal Commission for GGNRA management activities in the past. *See, e.g.*, Correspondence CD-0006-20 (National Park Service) (Apr. 22, 2021), <https://documents.coastal.ca.gov/reports/2021/4/special-hearing/Th3a-4-2021-correspondence-official%20organizations%20part%202.pdf>.

The California Coastal Management Program (CCMP) makes the policies of Chapter 3 of the California Coastal Act of 1976 enforceable under the CZMA. *See* <https://www.coastal.ca.gov/fedcd/cach3.pdf> (Chapter 3). Chief among these policies is preserving public access and recreation (Articles 2 and 3). The Coastal Commission’s review of a similar parking fee proposed by the California Department of Parks and Recreation and opposed by Sonoma County exemplifies the conflict between the proposed fee and portions of the Coastal Act that are enforceable under the CZMA. *See* <https://documents.coastal.ca.gov/reports/2015/4/w17a-4-2015.pdf>. The Coastal Commission found:

After reviewing the local record, it is clear that the County had valid reasons under the Coastal Act and the LCP to deny the proposed project. In denying the project, the County found that the [proposed parking fee project] would adversely impact existing available public access in a variety of ways, including reducing general public access overall, disproportionately reducing access for lower income users, and causing a variety of impacts associated with increased use of highway pullouts and similar such informal parking areas along the coast when users searched for alternatives to paying fees (leading to potential safety, habitat, and other resource issues).

Id. at 2-3. The same conflict exists here, yet NPS has not even performed consistency review required under the CZMA.

Other Viable Funding Options

CFDG believes that any and all funding for GGNRA park maintenance and/or any other activity should be part of NPS’ annual budget funding process. Currently, the NPS Congressional FY 2022 budget is \$3.5 billion, with an increase of discretionary funding amounting to \$380 million from the FY 2021 budget.

The NPS FY 2022 budget request prioritizes advancing “racial equity and support for underserved communities” and “ensuring that the American public continues to have an enriching experience at each and every one of the NPS sites.”

In addition, the Great American Outdoors Act, signed on August 5, 2020, will use revenues from energy development to provide up \$1.9 billion a year for five years to provide needed maintenance for critical facilities and infrastructure in our national parks, forests, wildlife refuges, recreation areas, and American Indian schools. It will also use royalties from offshore oil and natural gas to permanently fund the Land and Water Conservation Fund to the tune of \$900 million a year in conservation and recreation opportunities across the country.

If for some reason the NPS cannot adequately fund the GGNRA from this FY 2022 discretionary funding, other revenue sources include the Great American Outdoors Act. It is our understanding the Presidio Trust (located on GGNRA land) has already received some funding from the Great American Outdoors Act this past year.

Next Steps

CFDG is deeply concerned that the GGNRA will not conduct a fair and impartial review of these proposed parking fees. Our long time experience of twenty years in dealing with GGNRA and NPS staff regarding the Dog Management Plan process leads us to request that an unbiased entity within the Department of Interior conduct an objective and fair analysis of all the public comments/phone messages received by September 26, 2021. See www.woofieleaks.com for examples.

CFDG also requests that Speaker Pelosi and Congressman Huffman weigh in on providing funding alternatives to the proposed parking fees. Their constituents want and deserve federal support for their unfettered access to the GGNRA.

Thank you,

Martha Walters

Chair, Crissy Field Dog Group

Cc: Secretary of the Interior, Deb Haaland
Assistant Secretary of Interior, Shannon Estenoz, Fish and Wildlife and Parks
Robert Edmonson, Speaker Nancy Pelosi's office
Dan Bernal, Speaker Nancy Pelosi's office
Jenny Callaway, Rep. Jared Huffman's office
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