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July 31, 2021

Honorable House Speaker Nancy Pelosi
235 Cannon HOB
Washington, DC 20515

Congresswoman Jackie Speier
2465 Rayburn HOB
Washington, DC 20515

Congressman Jared Huffman
1527 Longworth HOB
Washington DC 20515-0502

Dear Congressional delegation for the GGNRA,

The Crissy Field Dog Group (CFDG) writes to share some newly released communications by leaders of the Golden Gate National Recreation Area (GGNRA) regarding recent, unlawful efforts (detailed below) by the National Park Service (NPS) to restrict dog walking. Since 1979, dog walking in GGNRA lands in San Francisco and Marin counties have been managed pursuant to the 1979 Pet Policy,¹ which is consistent with the 1972 GGNRA Enabling legislation. NPS has sought to depart from the 1979 Pet Policy on several occasions, but each attempt has been deemed unlawful by federal courts after Bay Area residents, who widely oppose restrictions on dog walking, were forced to file suit.² These new email correspondences illustrate CFDG's ongoing concerns about local NPS officials' management of dog walking in the GGNRA, and highlights the need for more transparency and certainty regarding the public's right to access the GGNRA for dog-related recreation. CFDG asks that you support our efforts to (1) remove the current unworkable and unmanageable definitions of Voice Control, Managed Dogs, and Unmanaged dogs as written in the 2019/2020 Compendiums³ and replace with the sensible 1979

¹ Available at <https://www.nps.gov/goga/planyourvisit/upload/GGNRA-1979-pet-policy.pdf>.

² See *United States v. Barley*, 405 F. Supp. 2d 1121 (N.D. Cal. 2005) (finding the agency had violated public notice and comment requirements and unlawfully shut the public out of the process); *Ft. Funston Dog Walkers v. Babbitt*, 96 F. Supp. 2d 1021 (N.D. Cal. 2000) (same).

³ CFDG believes that NPS's most recent efforts to regulate dog walking in the GGNRA without going through required regulatory processes (no public notice or comment or rulemaking) should be discarded, just as previous, repeated efforts have been.

definitions; and (2) require the GGNRA to install signage in the GGNRA notifying the public and law enforcement about the dog-management rules set out in the 1979 Pet Policy.

Signage of sensible and practical rules is especially important now. Access to places like Crissy Field, Fort Funston, Ocean Beach, Marin Headlands, Muir Beach, Milagra Ridge, Rancho Corral di Terra, etc., has provided a particularly vital lifeline during the pandemic, enabling residents and their dogs to safely get out of their houses and apartments to recreate. And, as has been well-publicized, more Bay Area residents than ever have brought dogs into GGNRA lands with their families. Now more than ever, the tens of thousands of dog owners in the Bay Area who rely on the GGNRA as a place to walk their dogs deserve transparency and certainty about where and how on the GGNRA they may do so now and into the future. But we cannot rely upon the NPS GGNRA to do the right thing because they have demonstrated that they do not want to – we need your help. Here is a brief history coupled with recently released communications that show nothing has changed.

Abandonment of the Dog Management Plan Following Revelation of Agency Bias

In late 2017, NPS was forced to abandon its proposed Dog Management Plan and associated Final Environmental Impact Statement, which would have severely restricted dog walking in the GGNRA.⁴ A Freedom of Information Act (FOIA) lawsuit revealed entrenched bias in the agency against access to dog walkers, and that NPS/GGNRA officials conducted backroom dealings with groups opposed to dog walking in the GGNRA. The FOIA lawsuit also revealed that these officials sought to destroy public records documenting such dealings and bias, and intentionally used private email servers to communicate with groups interested in reducing recreational access to GGNRA in favor of other uses. Many of these documents uncovered are collected on the website “WoofieLeaks.”⁵

On December 27, 2017, because of these revelations, NPS published a notice in the Federal Register announcing that it “no longer intends to prepare a final rule or issue a Golden Gate National Recreation Area dog management plan,” and that it had “canceled that planning process and terminated the associated NEPA and rulemaking processes.” 82 Fed. Reg. 61,199-02 (Dec. 27, 2017). Despite this announcement, recently released documents show that is not the case.

Recently Released Documents Show the Same Bias Led to the 2019 Compendium

Despite announcing in the Federal Register that it had abandoned its Dog Management Plan and terminated the associated NEPA process, in September 2019, NPS acted to implement parts of the abandoned Dog Management Plan by issuing new dog management rules as part of the 2019 Superintendent’s Compendium.⁶

NPS sought to implement these new restrictions without going through public notice and comment rulemaking or completing a public NEPA review process. In fact, NPS did not provide

⁴ See, e.g., CBS SF Bay Area, National Park Service Drops Effort To Restrict Dog Walking In GGNRA, <https://sanfrancisco.cbslocal.com/2017/10/19/proposed-ggnra-dog-walking-restrictions-dropped/> (Oct. 19, 2017).

⁵ <https://www.woofieleaks.com/>.

⁶ Available at https://www.nps.gov/goga/learn/management/upload/508_2020-GOGA-Compendium-signed.pdf.

any notice to the public before issuing the 2019 Compendium. Nor did NPS request public comments on the 2019 Compendium after issuing it. Rather, the Friday before Labor Day weekend 2019, GGNRA warned the public that the 2019 Compendium, including its significant restrictions on dog walking, would be enforced beginning in 30 days.⁷ During the release of the 2019 Compendium, Superintendent Joss stated that the contents in the 2019 Compendium are only “minor changes in amounts of types of visitor use for the purpose of ensuring visitor safety or resource protection in accordance with existing regulations.” CFDG strongly disagreed with Joss’ statement and explained that the agency had acted to implement parts of the abandoned Dog Management Plan by way of an amendment in the 2019 Compendium, without any public process whatsoever.

Several emails recently released by NPS in response to a FOIA request (found on FOIA: [Reading Room - Golden Gate National Recreation Area \(U.S. National Park Service\)](#)) confirm that NPS-GGNRA officials made a calculated move to try to use the Compendium to implement the Dog Management Plan without rulemaking or environmental review. These emails (in full) can be found in the above FOIA link and are summarized below.

- **September 29, 2019 email correspondence involving Stan Austin (former National Park Service Pacific Northwest Regional Director); Laura Joss(GGNRA Superintendent), Randy Lavassuer (Deputy Regional Director for US Department of the Interior, National Park Service, Regions 8, 9,10, 12)**

These emails clearly show that Mr. Austin, NPS’s Pacific Northwest Regional Director, was very concerned with Superintendent Joss’ use of the 2019 Compendium to change dog management in the GGNRA. He asked, “I am just curious didn’t you anticipate this kind of reaction?...What is your plan for this reaction?” Unfortunately, NPS did not provide Superintendent Joss’ replies to Mr. Austin. Mr. Austin also explained to Mr. Lavassuer that “I don’t think Laura should have gone this route. I have received over 100 emails.”

- **Draft of the 2019 Compendium written by GGNRA staff Michael J. Savidge, Solicitor Barbara Goodyear and GGNRA Law Enforcement staff, Matt Wallat, (July 19, 2019)**

Also attached is a draft of the 2019 Compendium with comments by Michael J. Savidge, Matt Wallat and Barbara Goodyear. The draft includes very troubling language regarding “Impoundment” under “Unmanaged Dogs”:

⁷ In contrast to the Environmental Impact Statement that NPS prepared in connection with the Dog Management Plan due to that proposed actions’ potentially significant impacts, NPS relied on a Categorical Exclusion for NEPA compliance in restricting dog walking, without even documenting use of the Categorical Exclusion.

Unmanaged dogs in Voice Control areas may be impounded, and the owner may be charged reasonable fees for kennel or boarding costs, feed, veterinarian fees, transportation costs, and further disposition. An Unmanaged Dog that is impounded may be transferred to respective county animal care and control for further disposition including redemption, adoption or euthanasia after being held for 72 hours from the time the owner was notified of capture or 72 hours from the time of capture if the owner is unknown.

While this language was later removed from the 2019 Compendium, it shows just how far the agency intended to go to further its biased agenda to restrict dog-walking in the GGNRA—dogs that meet the NPS’s vague definition of “unmanaged” in an off-leash area would be impounded and subject to euthanasia.

Additionally, the definition of Voice Control and Unmanaged Dog is, as Alexandra Horowitz, an animal consultant to the GGNRA stated, is “unworkable and unrealistic” as noted below.

Emails between Michael J. Savidge and Alexandra Horowitz, NPS-GGNRA Animal Behaviorist Consultant, Barnard College (September 16, 2019)

The NPS’s own Animal Behaviorist Consultant Ms. Alexandra Horowitz explained that “ ‘Voice control’ is impracticable”:

Voice control” is impracticable: it does not reflect contemporary dog owning relationships (which are more about the dog as “family member”, as polls indicate 90% of owners consider their charges) than about ”control.” Further, it does not reflect contemporary dog owning practices, wherein an instant recall (i.e., dog comes to one's side after being called once) is not taught or needed in most training contexts. (An exception is some working-dog training.).

1. “Unmanaged Dogs” means- dogs that annoy, harass, or attack people, wildlife, livestock or other dogs, are presumed to be not under control."

I find this definition very hard to operationalize with its current wording. In addition, it's unclear to me whether "unmanaged" is what is meant here. Extrapolating from the wording, I have attempted to determine what the original intent was. My guess is that the rule using this phrasing is meant to describe dogs who are not cooperative with what is being asked of them, and especially those who are harassing other people (by estimation of the person harassed) or animals (by estimation of the owner of the animal, in owned animal contexts).

Congresswoman Speier’s meeting with GGNRA personnel and GGNRA Dog Groups

On October 18, 2019, Congresswoman Jackie Speier held a meeting at her office in San Mateo with the GGNRA dog management team (including GGNRA Superintendent Joss), Gary McCoy of Speaker Pelosi’s office, and numerous dog groups (including CFDG) to discuss the serious concerns regarding the 2019 Compendium. During this meeting, I heard Superintendent Joss say

that the changes to the Compendium were not significant and was “shocked” by the dog groups’ substantive issues that were raised during this meeting and from our letters in early October 2019 to her about the 2019 Compendium.

Also, during this meeting, I participated in a robust discussion with GGNRA staff because the GGNRA had recently installed a “Wildlife Protection Area (WPA)” sign at the Oakwood Valley Pond without going through the rulemaking process required to establish such an area, *see* 36 CFR § 7.97 (rule establishing a WPA for two other defined areas of the GGNRA). Allison Forrestel, the GGNRA’s Natural Resources Chief said it was a “small sign” and shrugged off the federal designation process required to close an area of the GGNRA to recreation. This is yet another violation of the Administrative Procedure Act (APA) and the NPS’s own regulations.

The NPS did the same by violating the APA and NEPA regulations in issuing the 2019 Compendium. Additionally, CFDG and other dog groups have requested that the definitions of Voice Control, Managed Dogs and Unmanaged Dogs language be removed. Superintendent Joss has stated to CFDG and other dog groups that she would not change these specific definitions.

Transparency and Certainty Regarding Dog Management in the GGNRA is Needed

CFDG believes it is imperative to identify viable steps to certainty and closure regarding Dog Management in the GGNRA. We do not believe that the NPS-GGNRA has operated in good faith for the past twenty plus years; in fact, a long trail of agency documents and adverse court decisions against NPS-GGNRA show the opposite. Specifically, CFDG believes that: (1) NPS’s most recent efforts to regulate dog walking in the GGNRA without going through required regulatory processes should be discarded, particularly given that their own animal behavioral expert has found the new voice control rules to be “impracticable” and (2) signage notifying the public and law enforcement about the dog-management rules set out in the 1979 Pet Policy (by removing the definitions of Voice Control, Managed Dogs, and Unmanaged dogs in the 2019/2020 Compendiums) should be installed throughout the GGNRA, right alongside existing signage addressing other rules.

CFDG requests a conference call (or Zoom) within the next month to talk through the options to bring transparency, certainty, and closure to GGNRA dog management issues.

Thank you,

Martha Walters

Martha Walters, Chair, Crissy Field Dog Group

CC: Debra Haaland, United States Secretary of the Interior
Shannon Estenoz, Assistant Secretary for Fish and Wildlife and Parks,
United States Department of Interior
San Francisco Supervisor Catherine Stefani

Dr. Jennifer Scarlett, San Francisco SPCA
Nancy McKenny, Marin Humane