



P.O. Box 475372 San Francisco, CA 94147-5372 Please Visit Our Website: [www.crissyfielddog.org](http://www.crissyfielddog.org)

October 23, 2015

Mr. Jon Jarvis  
Director  
National Park Service  
1849 C Street NW  
Washington, DC 20240

Dear Director Jarvis,

On behalf of the Crissy Field Dog Group, its members, and board, I want to convey some important concerns to you as we move forward in the GGNRA's Dog Management Plan and Rule process.

I am specifically communicating with you about this issue as Director of the National Park Service. As you will see below, Superintendent Christine Lehnertz has been made aware of the concerns expressed here, and has responded. A timely reply from you would be greatly appreciated. The Crissy Field Dog Group's concerns remain, in light of the responses received to date from the GGNRA.

As an initial matter, I would also like to clarify with you regarding "Public Comment" with local communities per your discussion on KQED's Forum radio program in San Francisco on March 26, 2015. It is very relevant and applicable concerning our further concerns and places CFDG's comments in a proper context.

During the program, you addressed a caller's question about the public comment process on the DMP. Below is a direct quote of the transcript from you with a description about public comment and local communities:

*"What I do want to say about the issue is the question of local communities and their views of the NPS versus the national view. And the NPS has a responsibility to provide these places for all Americans, not just for the local communities. So when we do public meetings, the local communities and local residents have more opportunity to provide comment about how an individual park is managed and what their particular interest may be about access, recreation, or whatever, and then the park service has the responsibility of balancing that with our responsibility to provide these places for all Americans, even if they don't live next door".*

*“And that can be interpreted as that we’re not listening. But if we were to manage every unit of the NPS solely for the local communities, it would not be a national system; it would be a regional system. That’s what regional parks, city parks, are all about. We are a part of a national system that I can’t manage Yellowstone just for the people who live in Cody, nor can we manage Golden Gate just for the people who live in San Francisco”.*

Again, as we stated in our April 10, 2015 letter to you, it is the specific language of Congress' establishment of the GGNRA that itself that must guide the NPS' actions by defining the purposes of a specific unit of the NPS, irrespective of whether a unit is labeled a park or a recreation area. The NPS' Organic Act makes clear that the Agency must respect the enabling legislation for each NPS unit within its jurisdiction. Pub. L. No. 235, 39 Stat.535, § 1 (Aug. 25, 1916) (the NPS “shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, an reservations”). Further, the purpose of establishing the GGNRA was to serve as an urban recreation area for the surrounding neighborhoods and local communities, as set identified in the GGNRA's enabling legislation and legislative history. The GGNRA was established for "the maintenance of needed recreational open space necessary to urban environment and planning” -- thus it is not only an area to serve visitors from other locations, but is intended to serve its immediate surrounding urban environment and the residents who live there. Pub. L. No. 92-589, 86 Stat.1299, § 1 (Oct. 27, 1972). Legislative history confirmed the objective of expanding, to “the maximum extent possible the outdoor recreation opportunities available in this region.” 1972 U.S.C.C.A.N. 4850, 4858.

CFDG strongly believes that the NPS/GGNRA has misapplied the GGNRA’s enabling legislation in the context of the Organic Act, and been either dismissive or replied with a generic response to thousands of San Francisco Bay Area’s local people’s comments regarding the GGNRA’s Draft EIS and SEIS for Dog Management.

### **GGNRA is a unit of the National Park Service**

And another point that bears repeating. The GGNRA’s name is not the Golden Gate National Parks nor is this name a legal entity within the National Park Service. There is no GGNP; as identified on the NPS website, [www.nps.gov](http://www.nps.gov), there is no designation of a National Park or other unit as such. Furthermore, you can see that the GGNRA falls under a National Recreation Area (Urban) designation, with Alcatraz and the Presidio as sub areas of the GGNRA. Muir Woods is a designated National Monument, again, not a National Park.

As you enter celebrating the National Park Service Centennial in 2016, we request that all references to the GGNP be eliminated by January 1, 2016. This means any mention of the GGNP in all practical ways, i.e., letterhead, signage, printed material, banners, media correspondence, etc. This would also include items in the shops that the Golden Gate National Parks Conservancy operates and have them remove all merchandise that carries

this erroneous and confusing name. We clearly understand the role of the GGNPC, which is a non-profit organization and is not part of the National Park Service. And clearly GGNPC's name itself is a misnomer. The National Park Service is an agency within the Department of the Interior, which is part of the United States federal government.

### **GGNRA's Dog Management Proposed Rule Public Comment Period**

To date, CFDG has made ten requests to the GGNRA to extend the public comment period to 120 days to review and comment on the Proposed Rule for Dog Management (and associated backup documents). I submitted these requests to GGNRA Superintendent Lehnertz either in writing or in person at meetings with her. The need for 120 days of public comment stems from the fact that the Proposed Rule will be released in early November 2015 for what is still a standard 60-day public comment period. We are very concerned about the upcoming holiday period starting in mid November through the beginning of January 2016. As most people understand, many people are busy with holiday functions with family and friends and will not have sufficient time to pay adequate attention to this important Proposed Rule. Also, Congresswoman Nancy Pelosi sent a letter to Superintendent Lehnertz earlier this summer requesting a "robust" public comment period for the Proposed Rule. Yet, it is our understanding that Superintendent Lehnertz remains committed to a 60-day public comment period.

Additionally, we request that NPS/GGNRA reply to the public comments for the Proposed Rule in a meaningful and productive way by incorporating meaningful changes into the draft plan. These changes are essential to create a DMP with public credibility, enforceability, and buy-in from the critical stakeholders involved. To date, CFDG has made a number of constructive suggestions and comments for the GGNRA's DEIS and SDEIS for Dog Management Plan documents and the response to our comments have been consistently dismissive or a generic response has been provided, with no substantive change made to the DMP plans themselves. Unfortunately, given NPS/GGNRA's responses, to the vast majority of the public comments have also met the same fate.

Other stakeholders in this process agree that more time is needed for the public comment period and that they too, want the NPS/GGNRA consider their comments in a meaningful way. GGNRA Superintendent Lehnertz is aware of their concerns too. If it is necessary to go through a revised Proposed Rule and public comment period to make sure that most of the public comments are taken seriously, then so be it. We are not on a specific timeline or deadline to get our local communities input taken seriously during this process.

Public comment and NPS/GGNRA response issue is critical because to date, the NPS/GGNRA has not made any meaningful changes to the previous two versions of your NEPA plans. And after discussions with GGNRA staff, we do not expect substantive changes in the Proposed Rule.

Again, CFDG has proposed many suggestions and solutions over the years that appear to be dismissed by NPS/GGNRA on a regular basis. NPS/GGNRA continues to be in violation of a number of NEPA regulations. The appearance from the community's perspective is that NPS/GGNRA is primarily concerned with a "checking boxes" approach to compliance, which gives the NEPA process short shrift as the planning tool it is intended to be.

### **Implementation of the GGNRA Dog Management Plan Before a Final Rule or Plan is Finalized**

On October 6, 2015, a number of stakeholders interested in the GGNRA's Dog Management Plan/Rule met with GGNRA staff regarding the composition of the GGNRA's public workshops to be held on the Proposed Rule. During the course of the conversation, GGNRA Superintendent Lehnertz stated that she was beginning the "implementation phase" of the Dog Management Plan by manufacturing new signs in anticipation of the Final Plan and Rule. Implementation that would foreclose any alternative being considered in the EIS process is prohibited by NEPA and its implementing regulations. Accordingly, hearing that the GGNRA was moving into implementation phase caused great concern that the outcome of the NEPA process had been impermissibly prejudged. I followed up with Superintendent Lehnertz regarding this concern. In particular, manufacture of signage suggests that the "no-action" (or status quo) alternative has been effectively eliminated from consideration, because there is no reason to manufacture new signage be needed for maintaining existing conditions.

We have to therefore conclude that NPS/GGNRA is no longer considering the "no action" alternative and this causes us serious concern. I made the Superintendent Lehnertz aware of this concern, and in her response, she sought to provide clarification, however, her response further confirmed that the GGNRA is sure in its knowledge that new signage is needed. A complete copy of our correspondence is attached for reference. We urge NPS/GGNRA to halt all implementation activities that would reasonably foreclose any alternatives prior to completion of the NEPA process via the adoption of a Record of Decision.

Thank you for your continued attention to this important land use and recreational management planning issue. CFDG requests a minimum of 120 days of public comment on the draft rule, once released. In addition, CFDG submits that without a credible, workable, and enforceable plan, the DMP process will not result in an outcome that will be sustainable in practice. Unfortunately, the multiple issues that continue to arise in the planning process have undermined the credibility of the process and draft DMP plan as it currently stands. I urge you to take significant corrective action based on the substantial public comment received to date from the community of users of the GGNRA.

I look forward to your prompt reply to our concerns.

Sincerely,

*Martha Walters*

Martha Walters, Chair  
Crissy Field Dog Group

Cc: Secretary of the Interior, Sally Jewell  
Democratic Leader Nancy Pelosi  
US Senator Dianne Feinstein  
US Senator Barbara Boxer  
Congresswoman Jackie Speier  
Congressman Jared Huffman  
Deputy Solicitor for Parks and Wildlife, DOI, Ted Bolling  
National Parks Assistant Solicitor, PWD, DOI, Robert Eaton  
GGNRA Superintendent Chris Lehnertz  
San Francisco Mayor Ed Lee  
San Francisco Supervisor Scott Wiener  
San Francisco Supervisor Katy Tang  
KQED Forum Host Michael Krasny

Enclosure - Correspondence between GGNRA Superintendent Lehnertz and CFDG

**October 6, 2015**

hi chris,

i just wanted to clarify something that you said towards the end of the meeting today:

you said that the ggnra is starting to go through an implementation phase of the dog mgt plan/rule now and that signs were going to be manufactured soon in anticipation of the final dog mgt. plan/rule.

are there any other activities that the ggnra will be taking now to implement the dmp rule/plan?

thanks, Martha

**October 6, 2015**

Hi Martha,

It was great to have you here today, thanks for taking the time. I'm glad you sent an email with a request for clarification. I've copied others from the meeting since what I said may not have been clear.\*

We have not yet started the implementation phase of the dog management plan, and won't start implementation until there is a final rule. What we have started doing is planning for implementation.

In our world, that type of planning means things like writing requests for funding for projects that will be needed to implement the new rule. An example is signage. We know that in order to implement the rule we will need new signage, we'll have to replace out-of-date signs, we'll need more signs, and we'll need a significant stock of replacement signs. Those internal funding requests are fairly general and wouldn't include details like the language/graphic content of the signs (and I hope signage is an area where we can have specific public/stakeholder dialog about what messaging would be most effective).

When we refer to the "implementation phase," we're talking about actions we will need to take to implement the rule effectively after it is final. It includes many things that we heard during previous public comment periods: effective enforcement, clear communication on what's allowed in

what areas, designing good barriers for protecting wildlife, people and pets in off-leash areas, etc.

I hope that helps to clarify. Please don't hesitate to follow up with me.

**October 7, 2015**

Hi Chris,

Thanks for your clarification.

However, unfortunately, it does not allay our concerns and we feel required to submit an additional response. We ask that this email be considered by the NPS as a supplemental comment on the NEPA process for the SDEIS. Crissy Field Dog Group is very concerned that the GGNRA and NPS has effectively prejudged the NEPA process before it has been completed. The example of signage is a good one. Your email below states that you know that new signage will be needed. But new signs would not be required under the no-action alternative -- which by definition is existing conditions and preservation of the status quo. New signage is identified as an element only of the other alternatives. (SDEIS at pages 56, 60-62).

By proceeding with funding requests for new signs the GGNRA is signaling that it has effectively eliminated the no-action alternative under NEPA from practical consideration -- before public comments have been received on the draft rule and before public comments have been reviewed on the SDEIS. Your statements below regarding the need for significant new signage demonstrate that the no action alternative has already been eliminated, in practical terms. This is a cause for great concern. We request that the GGNRA follow its obligations to comply with the NEPA process and not prejudge its outcome, and take no action that would limit the choice of reasonable alternatives, as required by NEPA regulations. 40 CFR 1506.1(a)(2). This means halting any implementation and planning processes which effectively eliminate from practical consideration the alternatives described in the SDEIS. Specifically, CFDG requests that the NPS stop any preparations for funding and manufacture of significant new signage as described in your message below.

Please feel free to contact me if you would like to further discuss this.

Thanks, Martha

**October 7, 2015**

Hi Matha,

Appreciate your email and it will be a part of the administrative record. I

certainly strongly disagree with your assertion. As the park heard repeatedly during public comment, many people believe that the signage in this park under the current operating conditions is not as useful, clear, or located as practically as it needs to be. New signage is needed in many areas for the park, for many recreational purposes, and we will continue to do our best to improve our wayfinding and information sharing on an on-going basis.

thanks

Chris