

Crissy Field Dog Group

May 2017

GGNRA Context & Background

The Golden Gate National Recreation Area (GGNRA) encompasses around 80,000 acres of land in Marin, San Francisco and San Mateo Counties. The GGNRA's enabling act established this urban recreation area in 1972. Recreation such as walking, sail boarding, biking, birding, and dog walking have been enjoyed by millions of residents and visitors on a daily basis.

Dog management issues within the GGNRA have been very contentious and have had a long history of planning and public engagement. GGNRA management has had concerns regarding dog impacts with visitor experience and resource quality issues on their lands.

Dog walking in some areas of the GGNRA began prior to the establishment of this NPS unit, when dog walking, including off leash dog walking, occurred informally at areas under various public jurisdictions in San Francisco and Marin counties. These practices continued in the GGNRA for many years in spite of the existence of the NPS pet regulation (36 CFR 2.15).

In 1979, the GGNRA Citizens Advisory Commission developed a Pet Policy, which promulgated a special regulation by the GGNRA's Superintendent. This Pet Policy identified areas for dog walking under voice control (off-leash) and some on-leash areas in San Francisco and Marin counties on GGNRA lands. This Committee rescinded the 1979 Pet Policy in 2001.

Over the past twenty years, the San Francisco Bay Area population and overall use of GGNRA lands have increased dramatically. The San Francisco SPCA conservatively estimates that there are around 250,000 dogs that live in San Francisco alone. Also, lands in San Mateo County have been added to the GGNRA during the past two decades.

Two citizen lawsuits (in 2000 and 2004) against the GGNRA concerning dog management resulted in a federal district court deciding that NPS/GGNRA did not have the authority to either close or impose significant long-term restrictions of public use of areas under the 1979 Pet Policy without first completing an environmental review and rulemaking public notice and comment process.

The GGNRA formed a Negotiated Rulemaking process in an effort to develop a proposed rule with stakeholder input. This committee did not reach consensus on a Rule, and the GGNRA moved forward with the environmental review process.

Since 2011, the GGNRA has moved forward with the environmental review process and released a draft, supplemental and final Environmental Impact Statement (EIS), and a Proposed Rule for dog management. During the overall environmental review public comment period, over **16,000**

people submitted letters to the GGNRA. Of these 16,000 comment letters, 12,000 letters opposed the severe restrictions proposed in the Plan.

In addition, all of the three counties' Boards of Supervisors voted to oppose the GGNRA's overly restrictive Dog Management Plan and Proposed Rule.

Problems with the GGNRA's environmental review and rule drafting process

Major concerns in the Proposed Plan and Rule include that the GGNRA did not adequately substantiate the need for dog walking management in the Purpose and Need section, provide peer reviewed site-specific studies of each area under consideration (including baseline data), didn't evaluate the dispersion effects of dogs on city and county parks adjacent to GGNRA lands, failed to consider the impact of the plan on the urban quality of the Bay Area, and failed to protect recreation as a resource as defined by Congress in the GGNRA's enabling legislation. In addition, the Draft Rule fails to comply with the NPS' mandate under the NPS Organic Act to protect those resources -- such as recreation -- that were designated by Congress as in the creation of this unit. Crissy Field Dog Group retained technical and legal experts to prepare voluminous NEPA comments, many of which were never properly addressed by the GGNRA.

The FOIA Lawsuit

In 2015, Save Our Recreation, a San Francisco dog group, sued the GGNRA under FOIA in order to obtain emails relating to the GGNRA's dog management plan process. Go to www.woofieleaks.com for more of the released FOIA documents.

These documents illustrate that several critical staff members inside GGNRA, including Superintendents and public communication staff, have harbored an inherent cultural bias against dog walking and have engaged in significant misconduct that undermines the environmental impact and regulatory process undertaken to date. The FOIA documents also illustrate the impact of the Golden Gate National Parks Conservancy and other outside groups' questionable participation and involvement in the Dog Management Plan and Rule process for many years. Without an unbiased regulatory process, the Rule is insufficient as a matter of law under the Administrative Procedures Act because it is an arbitrary and capricious exercise of administrative discretion. Similarly, without unbiased public comment, the Rule is not in compliance with the National Environmental Policy Act (NEPA).

The emails below illustrate the internal bias and unwillingness of certain GGNRA staff to conduct a proper EIS in compliance with NEPA, and to aid the opposing forces that support a restrictive dog management Plan and Rule.

There needs to be a thorough and independent review of the propriety of the GGNRA's actions before any other determinations can be made on this process. These emails demonstrate that the

planning and comment process were fatally undermined and are legally insufficient, due to fundamental bias against dog recreation and improper communications by GGNRA staff.

Examples of Key Issues Raised in GGNRA FOIA Documents

The below examples illustrate several troubling instances of potentially serious misconduct or mismanagement on the part of GGNRA staff involved in dog management planning efforts. This list is not intended to be exhaustive, given that almost 200,000 FOIA documents have been produced, but the issues listed below are representative of the concerns revealed in the documents requiring further investigation.

1. Misuse of personal email for GGNRA Dog Management Planning

- Multiple high-level staff members at the GGNRA have used their personal email accounts for GGNRA dog management business.
- Staff using personal email for GGNRA business include former GGNRA Superintendents Christine Lehnertz and Frank Dean, and former GGNRA Director of Communications and Partnerships, Howard Levitt. (Reference 1)
- Howard Levitt instructed some of his recipients to reply to his personal email only, suggesting apparent intent to avoid federal recordkeeping requirements. (Reference 2)

2. GGNRA Staff supporting efforts of community groups meeting with elected officials, and in press efforts

- In July, 2015, GGNRA Superintendent Christine Lehnertz and Director of Communications and Partnerships Howard Levitt coordinated with community members and anti-dog advocates and provided them with talking points for a meeting with staff from Representative Nancy Pelosi's office. Levitt and Lehnertz used their personal email accounts for this purpose. (Reference 3)
- In January and February 2014, Howard Levitt and GGNRA Superintendent Frank Dean encouraged anti-dog advocates to write to newspapers in response to an op-ed the GGNRA deemed unfavorable. (Reference 4)
- Together, these actions raise questions of whether impermissible lobbying may have occurred by GGNRA staff. Compounding these questions is the fact that personal email was used to provide legislative talking points to anti-dog advocates.

- Anti-dog advocates include Amy Meyer (Founder, People for the Parks and a co-founder of the GGNRA), Neal Desai (National Parks Conservation Association) and Becky Evans (Sierra Club). (Reference 5)
3. Intentional instructions to destroy relevant information
- Howard Levitt instructed multiple GGNRA staff to delete email communications regarding dog management, in a Sept. 12, 2013 email, stating, “Everyone: Please delete this and the previous message. These conversations are best done by phone”. (Reference 6)
4. Acknowledgment of lack of scientific basis and withholding information in the EIS
- GGNRA staff biologist Bill Merkel, Ph.D., stated in a March 2015 email, during the EIS process, that GGNRA lacked “good baseline information on most resources in relation to current low levels of dog management.” (Reference 7)
 - GGNRA staff biologist Bill Merkel, Ph.D., stated in a September 2006 email, as the EIS process was beginning, “We wanted to keep out some of the sensitive windows out of the document to avoid having people argue for seasonal use of these habitats or resources outside those seasons”. (Reference 8)
5. GGNRA Management working with the Golden Gate National Parks Conservancy (GGNRA Park Partner-a non profit organization)
- Personal emails between Dean, Levitt and Moore in April 2014 to craft language for an editorial piece to respond to a pro-dog and recreation article written by Peter Fimrite in the San Francisco Chronicle. (Reference 9)
 - GGNRA Planning Director Brian Aviles and GGNRA staff Michael Savidge, in July 2014, went on a field walk with Parks Conservancy staff for design concept assistance for ROLAs in preparation of the GGNRA’s draft Dog rule. (Reference 9)
 - Personal emails between Dean, Levitt and Moore crafting language for an editorial piece in response to an article by Peter Fimrite about dog issues at Muir Beach in September 2014. (Reference 9)
 - In February 2016, Mr. Moore and his staff were given a presentation of the GGNRA’s power point on the DMP and Rule by GGNRA staff several weeks before the Proposed Rule was released to the public. In his personal email to Levitt (to Levitt’s personal email account), Mr. Moore wrote a critique of the

draft GGNRA presentation and articulated “our goals in this plan center on three things,” etc. (Reference 9)