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May 19, 2017

Ray Sauvajot
Associate Director for Natural Resources
Stewardship and Science
National Park Service
1849 C Street NW
Washington, DC 20240

Dear Mr. Sauvajot,

On behalf of the Crissy Field Dog Group (“CFDG”), I am writing to correct several inaccuracies contained in your press release dated May 15, 2017 regarding the “Review Team for the GGNRA NEPA Process” (the “May 15 Press Release”). In correcting these misstatements, it is our hope that the independent review panel (“IRP”) will be able to conduct a truly independent evaluation that is free from the biases and legal infirmities that have plagued the Golden Gate National Recreation Area (“GGNRA”) National Environmental Policy Act (“NEPA”) and rulemaking process for Dog Management over the past twelve years.

Inaccuracies in the May 15 Press Release

The May 15 Press Release improperly suggests that the National Park Service (“NPS”) convened the IRP to investigate the unlawful email habits of a single rogue employee. In fact, however, the administrative record already reveals that *several* current and former GGNRA employees (including two former superintendents) routinely used (and directed others to use) their personal email addresses to hide communications with favored stakeholders. Based on documents received from prior Freedom of Information Act (“FOIA”) requests (attached), CFDG has good reason to believe that Frank Dean, Christine Lehnertz, Bill Merkel, and Daphne Hatch may have also been involved in improper communications.

For example, former GGNRA Superintendent Frank Dean and former GGNRA Director of Communications and Partnerships, Howard Levitt used their personal email addresses to improperly communicate with Greg Moore (President and CEO of the Golden Gate Parks Conservancy) and his staff on GGNRA Dog Management Plan/Rule issues.

As you are aware, while the Parks Conservancy publicly takes a “non-interference” stance with regard to NPS/GGNRA policy issues, they are the GGNRA’s primary park partner and for several decades have financially supported multi-million dollar capital improvement projects.

In 2007, the Parks Conservancy declined to be part of the GGNRA’s Negotiated Rulemaking for Dog Management process, stating that they do not take part in NPS/GGNRA policy making.

In April 2014 emails show Dean, Levitt, and Moore using their personal email addresses 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.

In July 2014, GGNRA Planning Director Brian Aviles and GGNRA staff Michael Savidge went on a field walk with Parks Conservancy staff for design concept technical assistance for the regulated off leash areas (ROLAS) in preparation of the GGNRA’s draft Dog Rule.

In September 2014, Mr. Moore, in an email with Dean and Levitt, improperly communicated again with GGNRA to attack another Peter Fimrite article about dog and recreation issues at Muir Beach.

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.

The copies of these emails can be found in Reference 9 that I have attached in this email.

It is clear from these emails that Mr. Moore, a preferred stakeholder, has been working in collusion with the GGNRA regarding this dog management issue. We encourage the IRP to take the time to go through the avalanche of emails in the record and produced in response to related FOIA requests to get a full understanding of the valid concerns that the public has been dealing with for years.

Favoring a sliver of park users is bad public policy, particularly when that sliver outwardly professes to take no role in GGNRA policymaking, but in fact places a heavy emphasis on private lobbying. The total number of comments submitted for the entire NEPA and rulemaking for the GGNRA Dog Management Plan is 16,000 comments, not the 4,100 figure inaccurately cited in your May 15 Press Release. Of these 16,000 comments, approximately 12,000 commenter’s were against the proposed dog walking restrictions in the Final Environmental Impact Statement, including the Board of Supervisors from Marin, San Francisco and San Mateo Counties, in which GGNRA lands lie. Given the intense public interest, we find it troubling and inappropriate for several key NPS decision makers to grant special access to preferred stakeholders, and to take

active measures to try and keep such communications from entering the administrative record.

The May 2015 Press Release promises further that a report will be delivered “this summer.” We question, however, whether the IRP can perform a truly meaningful internal review while the availability of certain key documents is still uncertain. For instance, the May 15 Press Release ignores the pending release of former NPS Director Jon Jarvis’ emails in response to a recent FOIA request. The GGNRA was supposed to produce the Jarvis emails months ago but to date these emails have not been released to the public. Because Jarvis has a documented history of public opposition to dogs, and because NPS has shown an institutional willingness to ignore federal recordkeeping requirements, it is reasonable to assume that the Jarvis FOIA response may include non-public communications that have been improperly excluded from the administrative record. An IRP analysis that fails to account for these and other documents would be flawed and incomplete.

In sum, the NPS’ unlawful practice of relying on private communications is symptomatic of an improper cultural bias that has tainted the GGNRA’s long-maligned NEPA and rulemaking process. Despite several (and futile) attempts to prepare an Environmental Impact Statement that complies with federal law, the NPS’ preferred alternative has become only more restrictive in response to the private demands of its preferred stakeholders. NPS’ environmental review is not based on sound science and has ignored the overwhelming number of stakeholder comments pointing out there was little factual basis for such a drastic reduction of dog walking space on GGNRA lands. If NPS is sincere in correcting its past missteps, it should fully characterize the extent of the problems, and give the IRP sufficient time to perform a complete analysis based on all available and relevant information.

CFDG Is Extremely Vested in a Fair and Transparent Decision-making Process

For over 17 years, CFDG has worked extremely hard to collaborate with the GGNRA, and has been an excellent steward of GGNRA lands. For the past twelve years CFDG has provided (at its own expense) dog waste bags that are placed in dispensers daily at Crissy Field . CFDG has worked with the GGNRA and the San Francisco Board sailors to pay for and install a dog wash station at Crissy Field. And we worked closely with GGNRA and the San Francisco SPCA to establish an Open Space Dog Etiquette class at Crissy Field. Our members respect the GGNRA and appreciate the variety of uses that the park offers, consistent with the requirements of its Congressional charter.

In ten years of environmental review of the dog management process, however, the GGNRA has used multiple thousands of pages to justify a predetermined result made by a biased team. While GGNRA staff has taken certain positions in public, they have taken other positions behind closed doors, and have used proxies to influence politicians and public opinion while keeping their emails “secret” to achieve their predetermined result. The result is a NEPA/Rulemaking process has been severely tainted and affected both the preferred alternative and proposed rule that came out of process.

While CFDG has identified numerous solutions to include in the GGNRA Dog Management Plan/Rule process, the NPS/GGNRA has simply dismissed or ignored them, with no consideration or analysis of their feasibility. For example, NPS/GGNRA has changed the adaptive management plan (a core component for implementing the dog management plan) from the initial Draft EIS and through subsequent EIS documents, without due consideration of the plan's ability to mitigate any environmental impacts. The current GGNRA proposal is a one sided monitoring plan that will lead to the eventual elimination of dog walking on all GGNRA lands. GGNRA staff completely ignored CFDG's legitimate and persistent objections to changing such a critical element of the Plan/Rule. The Final EIS contains a skeleton version of the monitoring plan and states that GGNRA would develop the specifics of the monitoring plan (without public input) after the Record of Decision was signed, which is clearly an improper deferral of mitigation.

In addition to investigating the integrity of the rulemaking process, CFDG respectfully requests the IRP to evaluate the merits of the GGNRA's adaptive management plan objectively and other critical elements that we have written and submitted to the GGNRA over the past ten years. While these comment letters should already be in the administrative record, we will gladly provide them to the IRP upon request.

Additionally, to further aid the IRP in its review I have attached an overview of the key issues raised from the GGNRA FOIA emails to date. I have also included the references 1-9 for easy access.

CFDG has requested (numerous times) that the names of the IRP be identified, and the full scope, approach, outcomes, and timetable be made available to the public. We insist that NPS be transparent and accountable as NPS and GGNRA's reputation and trust has been seriously damaged with the public during this Dog Management Plan/Rule process. While that information is forthcoming, CFDG respectfully requests that you immediately share this letter as well as the attached references with the IRP.

In conclusion, the May 15 Press Release glosses over the serious breach of public trust with NPS/GGNRA that has occurred throughout the NEPA and rulemaking process. It is up to NPS to understand and address their shortcomings and the IRP process is an important first step to establish a renewed trust between the public and NPS.

And as part of NPS' re-building the public's trust process, CFDG would appreciate a corrected and re-issued press release, as well as a written update to the public within twenty days of this letter to better understand about the scope, approach, outcomes and timeframe of the IRP.

Please do not hesitate to contact me if you require any further clarification or information.

Thank you,

Martha Walters

Martha Walters
Chair, CFDG

Attachments

CC: Democratic Leader Nancy Pelosi
Rep. Jackie Speier
Rep. Jared Huffman
Secretary of Interior Ryan Zinke
Michael Reynolds, Acting NPS Director
Laura Joss, NPS Western Regional Director
Cicely Muldoon, Acting GGNRA Superintendent