



*Building a healthy and sustainable global community for people
and the plants and animals that accompany us on Earth*

May 28, 2011

Superintendent Frank Dean
General Superintendent
Golden Gate National Recreation Area
Fort Mason, Building 201
San Francisco, CA 94123-0022

**COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR PET
MANAGEMENT AT THE GOLDEN GATE NATIONAL RECREATION AREA**

Superintendent Dean:

The following comments will not be unfamiliar to the Park Service. For almost a decade, a variety of conservation, animal welfare, child advocacy, and environmental justice organizations have consistently impressed upon the Park Service that it must take a proactive, precautionary approach to dog management at the GGNRA. An essential component of this proactive management is to ensure that off-leash dog play areas are designed with the safety of people, pets, and wildlife as the primary design objective.

Ensuring that dog play areas are safe is not rocket science: it is a simple design problem with a basic, widely adopted solution. Safe off-leash dog play areas must be fully-enclosed with a physical barrier—and preferably all entry and exit points double-gated—to ensure the safety of park users and protect park resources.

Enclosed off-leash dog play areas ensure that our dogs do not fall off cliffs, run into traffic, or are lost while visiting the GGNRA; they ensure, when properly located, that wildlife will not be harmed or harassed by dogs; and they empower park visitors, giving them the power to choose if and when to have off-leash dog experiences by entering an enclosed area, rather than having the experience imposed upon them whenever they visit the GGNRA.

And perhaps most importantly, enclosed areas are solidly grounded in the non-impairment mandate that governs the National Park System. An enclosure, like seat belts, bicycle helmets, safety goggles, and other safety devices, allows us all to participate in activities that are inherently risky while reducing the probability that drastic consequences from those risks materialize. This is precisely the point of the Park Service's governing mandate: to ensure that today's activities do not degrade existing resources or future recreational opportunities by permitting risky activities without adequate safeguards in place.

This is not a controversial idea: it is the principle element of good dog park design. Animal welfare organizations and park managers around the country have already adopted this design principle. For example, the American Society for the Prevention of Cruelty to Animals (which has submitted

*Brent Plater, Executive Director • P.O. Box 191695 • San Francisco, CA • 94119
O: 415-349-5787 • C: 415-572-6989 • bplater@wildequity.org • <http://wildequity.org>*

separate comments to the GGNRA) has exhorted dog owners to [“\[k\]eep your dog on a leash when you are outside, unless you are in a secured, fenced-in area.”](#) The Humane Society of the United States, in its book *Animal Control Management: A Guide for Local Governments*, has explained that [“\[a\]dequate restraint should be defined as physical control of animals; alternative methods of restraint, such as voice control, electronic fences, and chemical sprays, are not reliable for dogs whose basic predatory, sexual, or territorial defense drives have been triggered.”](#) The State of California, which went through a dog management process in 2001, concluded that off-leash dog parks should [“\[b\]e enclosed, unless located in areas where there is clear and functional topographical or other significant boundaries.”](#) Even SF DOG has explained dog owners need off-leash dog play areas to have [“\[a\]dequate barriers, natural or man-made, to protect dogs from vehicles, steep cliffs, or other hazards.”](#)

This is why, after years of participation in a negotiated rulemaking process that largely failed, the negotiators reached consensus on only one point: to create a fully enclosed, double-gated off-leash dog play area on the Oakwood Valley Fire Road. As promised by the GGNRA, this consensus position was included in the preferred alternative in the existing plan.

Unfortunately, this is probably the only sensible part of the GGNRA’s preferred alternative. The preferred alternative, rather than ensuring that off-leash dog play areas are safe, creates an unworkable, expensive, and risk-inducing compliance management plan for off-leash dogs. Apparently in lieu of erecting simple barriers, the GGNRA intends to hire monitors to observe off-leash dog behavior, ratchet-up enforcement only after violations and harm to park resources occur—through a compendium amendment process no less, which evades basic administrative rulemaking procedures that govern national parks and federal agencies—and spend millions of dollars on this process.

If the expense, time, paper, and staff resources spent to date on the GGNRA’s failure to resolve the off-leash dog problem at this park weren’t insult enough, the GGNRA’s proposal will deliberately extend this ongoing problem for decades to come. It is patently absurd for the Park Service to waste so many government resources on such a plan when a simple, physical solution is readily available, and particularly so when the park needs to be directing its resources at risks from oil spills, climate change, and managing the highest concentration of endangered species in any National Park in North America.

Yet the GGNRA has dismissed the most cost-effective, consensus-based, and most widely adopted recommendation for designing good off-leash dog play areas: enclosing them with physical boundaries. The GGNRA “considered but dismissed throughout the plan/EIS” any consideration of enclosures because of concerns about aesthetics and because of an artificial constraint that the Park Service placed on this alternative, and only this alternative: that physical barriers be so impermeable that all off-leash dogs will be contained by the barrier. This is an arbitrary and capricious justification for precluding this alternative from consideration under the EIS alternatives section. The Park Service admits that its preferred alternative, a compliance management program, will only strive for 75% compliance—a far lower standard than the standard the Park Service apparently applied to physical barriers when they were rejected from the alternative analysis. This is a blatant failure to comply with the National Environmental Policy Act and the Administrative Procedure Act.

Moreover, the Park Service's suggestion that barriers will destroy the aesthetics of the Park is not only arbitrary and capricious, but also directly contrary to the Park Service's existing practice at the GGNRA. In location after location—from Milagra Ridge to Fort Funston to Land's End to Crissy Field to Oakwood Valley to Muir Woods—the GGNRA is constantly enclosing sensitive resources with post-and-cable fencing and other physical barriers to protect park resources and values from activities that may harm them. The Park Service's decision to eliminate from consideration enclosing threats to resources, while it continues to enclose park resources in nearly every unit it manages, is completely unexplained in the DEIR. This failure to explain its decision is a fundamental failure in compliance with the National Environmental Policy Act and the Administrative Procedure Act.

Perhaps most importantly, the Park Service's decision to enclose the resource while allowing threats to roam the park freely is inconsistent with precautionary management and the non-impairment mandate of the Park Service's Organic Act. By enclosing park resources, the GGNRA is slowly converting this great urban National Park into a zoo-like environment, where visitors move from enclosed exhibit to enclosed exhibit to catch a glimpse of the incredible resources available in the Park. This is precisely the opposite of how the National Park Service should be managing its resources: it should be containing threats to ensure they do not impair the landscape in a way that precludes future generations from enjoying the Park. It should not be enclosing the resource into segmented areas while the rest of the Park is impacted by uses that are incompatible with its basic operating mandate.

Even if one were to put aside the inconsistency of the Park Service's aesthetic rationale for excluding enclosures from the alternative analysis, it is simply unfounded on the facts. The Park Service seems to believe that only 6-foot high chain-link fences, perhaps with barbed-wire along the top, are the only physical enclosure that can be placed around off-leash dog parks. But this is far from the case. Off-leash dog parks can have a variety of physical barriers, including features from the natural environment. Indeed, a fully-enclosed off-leash dog park proposal for Lake Merritt included a butterfly garden draped around the enclosure. At its core, this argument is simply a design problem, not a problem that is so intractable that it is justified to exclude physical enclosures from alternatives analysis.

But a few things are clear about dog management: if an area is inappropriate for a physical barrier, then it is not an acceptable place to allow dogs to roam off-leash. If the Park Service truly believes that barriers are not appropriate, then it simply should revert to the National Park Service's leash law as the preferred alternative, because the park service has failed to demonstrate in the EIR that voice control is sufficient to keep dogs from encountering dangerous situations. Indeed, several articles and recommendations that expressly state that voice control is insufficient to ensure dogs remain safe from harm have been submitted into the record, yet the Park Service has failed to acknowledge these articles while proposing to continue a voice control management plan in the Park. This is an arbitrary decision by the GGNRA: and these articles are attached, again, so the GGNRA can contemplate its error one more time.

At its core, the thousands of pages in the Draft Environmental Impact Report do nothing more than paper over a structural problem within the GGNRA. The GGNRA appears to believe that there is a political problem in enforcing leash laws to this day. And while there may have been a political problem a decade ago, the political paradigm has changed enough so that the public will support the GGNRA to enforce the law: if the GGNRA simply creates a plan worthy of the public's

support. Since 2001, San Francisco has been the site of several nationally-recognized dog maulings and attacks, and the numerous problems with pet management in both City and National Parks has changed the paradigm in San Francisco and the greater Bay Area. As the DEIR states, off-leash dogs have become a limiting factor in attracting ethnic minority groups to the GGNRA, which is particularly disconcerting given the park was established to bring national park values to urban impacted people. The Northern Arizona University phone survey shows that 71% of Bay Area residents support enforcing the National Park Service's leash law at the GGNRA. At every public hearing since 2001, opponents of leash law enforcement have been outnumbered by supporters of it: when the GGNRA provides a sensible management plan for these supporters to stand behind.

Yet again, the GGNRA has put forward an unworkable plan that, given its reluctance to enforce leash laws historically, is unlikely to be implemented; given the fiscal constraints of modern government, is unlikely to be funded, and would be inherently unjust if it was; and which did nothing to protect resources before harm occurs. In the process, the GGNRA has isolated itself from its supporters, and thereby is creating the political problem that would otherwise exist only its own perception.

For all of these reasons, the Wild Equity Institute urges the GGNRA to reject the preferred alternative and, in its place, put-forward a pet management plan that encloses any off-leash dog play area that is permitted under the plan. If enclosures are inappropriate in a specific area, than so is an off-leash dog play area, and alternative dog recreation opportunities, such as on-leash walking, should be considered.

In addition to these comments, I refer the National Park Service to comments submitted by Charles Pfister, Dan Murphy, Golden Gate Audubon Society, and comments submitted by the Wild Equity Institute and the Center for Biological Diversity during the ANPR process, the NEPA scoping process, and the numerous other hearings that have occurred on this issue over the past decade, and incorporates those documents here by reference. In addition, I refer the GGNRA to the 2005 Leash Law Enforcement Petition and the over 100 exhibits attached to it.

I would like to refer the National Park Service to additional documents that I requested through the Freedom of Information Act in December of 2010: but the Park Service has violated the Freedom of Information Act, our First Amendment rights, and our rights to participate in this administrative proceeding by failing to process those records in a timely manner. To this date thousands of responsive documents have not been disclosed.

Sincerely,

A handwritten signature in black ink that reads "Brent Plater". The signature is written in a cursive, slightly slanted style.

Brent Plater