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# SUMMARY OF PUBLIC CONCERNS AND RESPONSES

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## ANALYSIS OF PUBLIC CONCERNS

The National Park Service (NPS) publicly noticed the availability of the draft 2019 Compendium for the Golden Gate National Recreation Area (GGNRA or Park) on the Park's website on August 30, 2019. The NPS provided a thirty-day public advisory period on the draft Compendium, ending on September 28, 2019. A second draft of the 2019 Compendium was posted to the Park's website on September 27, 2019. This second draft included a series of updates related to the National Park Service's August 30, 2019 E-bike policy memorandum. In order to provide the public with sufficient time to review all of the proposed changes, the public advisory period on the draft Compendium was extended for an additional 60 days, until November 30, 2019.

The NPS received **769 pieces of correspondence** on the draft Compendium during the 90-day public advisory period, 60% (461) of which were form letters.

This document describes the process the NPS used to review and consider public concerns. It also presents **responses to the range of representative and substantive concerns on the draft 2019 Compendium**. Where applicable, changes to the updated 2020 Compendium in response to public concerns on the proposed 2019 Compendium are noted.

## Screening Process

Park staff screened all pieces of correspondence as follows:

1. Members of the public were directed to submit written correspondence to the Superintendent's office, Attn: Public Affairs. The NPS scanned and entered all written correspondence into a database
2. NPS then reviewed all pieces of correspondence to identify non-substantive and substantive concerns in accordance with NPS policy and Council on Environmental Quality regulations. As defined in the National Park Service's NEPA guidance (*Director's Order #12*) and based on Council of Environmental Quality regulations, a substantive concern is one that:
  - Questions, with reasonable basis, the accuracy of the information in the document and corresponding materials
  - Questions, with reasonable basis, the adequacy of environmental analysis
  - Presents reasonable alternatives other than those presented in the environmental impact analysis
  - Causes changes or revisions in the proposal

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*Non-substantive concerns* include those that simply state a position in favor of or against the proposed action, merely agree or disagree with National Park Service policy, are out of the scope of the project, reiterate parts of the document, or otherwise express an unsupported personal preference or opinion.

It is NPS practice to respond only to substantive concerns. If several concerns are similar, they may be grouped, with a single answer for the group.

3. Identify representative concern statements from individual or groups of substantive comments:
  - a. Park staff reviewed substantive concerns to identify representative concern statements from either individual or groups of comments. For example, if several people expressed comments about a similar issue, one single summary concern statement was written to capture them all. A total of 42 concern statements were identified from the range of substantive public comments.
  - b. During the process of identifying concerns, all comments were treated equally — they were not weighted by organizational affiliation or other status, or number of comments received with a similar idea. NPS treats all substantive ideas equally whether expressed by a majority of people or by an individual.
4. Write responses to concern statements:
  - a. Park staff wrote responses for each concern statement. Any changes made to the Compendium or its accompanying Categorical Exclusion are identified in the relevant response statement.

### **Comments from Agencies, Organizations and Individuals**

Information regarding the agencies, organizations, and number of individuals who provided comments is as follows:

#### *Public Agencies*

- City of Pacifica
- Presidio Trust
- Representative Pelosi's office
- SF District 2 Supervisor's office
- SF District 5 Supervisor (departing)
- San Francisco County Animal Control and Welfare Commission

#### *Organizations*

- Alto Bowl Horse Owners Association
- Bay Area Barns and Trails
- Crissy Field Dog Group
- Coastside Dog

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- DogPacSF
  - Marin County Bicycle Coalition
  - Marin County Dog
  - Marin Conservation League
  - Marin Horse Council
  - National Parks and Conservation Association
  - North Bay Elder E-bikers
  - Ocean Beach Dog
  - People For Bikes
  - Public Employees for Environmental Responsibility
  - San Francisco Dog Owners Group
  - Save Our Recreation
  - Sierra Club, Marin

### *Unaffiliated Individuals*

286 individuals commented and did not specify an affiliation with one (or more) of the organizations listed above.

## **CONCERN STATEMENTS AND NPS RESPONSE**

This section provides responses to the all concern statements, arranged by Compendium section number.

### **DEFINITIONS [SECTION 1.1].**

Concern Statement: A concern was raised regarding the definition of terms “voice control” and “unmanaged” dogs in the draft Compendium. More specifically, commenters were concerned that these definitions included new language not found in previous compendiums (e.g., the word “annoy”), required immediate recall of dogs, and allowed for an NPS “authorized person” to require a dog walker to demonstrate “immediate recall.” Commenters also expressed concern that a dog not meeting this requirement would be considered running-at-large under section 36 CFR 2.15(d), meaning that it could be subject to impoundment. Keeping the terms and definitions in the 2017 Compendium was suggested.

*Response*: 2017 Compendium definitions and definitions in 36 C.F.R. Part 1 informed the definitions in the draft Compendium, as did the 1979 Pet Policy. The 1979 Pet Policy prohibits “unmanaged dogs” and defines unmanaged dogs as dogs that are not supervised by their owners. It defines managed dogs as those that “are under the control of their owners at all time’s” [sic]. The Pet Policy also provided that Voice Control depended on the willingness of dog handlers to cooperate with GGNRA personnel and the willingness of GGNRA personnel to manage dogs, enforce regulations and cite violators. Consistent with the requirement that dogs be under their owner’s control at all times, the 2017 Compendium stated that, “Voice Control means dogs are within earshot and eyesight of owner/handler and *respond immediately* to commands to return to leash when called.” (Emphasis added.) This is consistent with the 1979 Pet Policy’s goals of prohibiting unmanaged dogs and requiring dogs to be under control at all times.

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NPS will retain its definitions from the 2017 Compendium in the 2020 Compendium.

Concern Statement: Thank you for your new regulations; I wish there were more. As a parent of 3 young children, I have many examples of how my children have been in danger in certain park areas like beaches due to dogs who were not managed either because owners could not control them or did not care to adhere to the rules (for common good of all). Rules should be stricter and better enforced regarding dog management so park area uses are not dominated by one group, and rather are welcoming to all. Park areas where dogs are out of control are not welcoming to families or other visitors including those with dogs who are being well-managed.

*Response:* The 2020 Compendium will retain language from the 2017 Compendium regarding dog walking behavior, including the 2017 definition of the term “managed dog.” This definition requires dogs to be under the control of their owner/handler at all times. NPS law enforcement rangers have the authority to cite dog owners/handlers whose dogs harass park visitors or other animals.

## **VISITING HOURS, PUBLIC USE LIMITS, CLOSURES [SECTION 1.5]**

### **PARKING**

Concern Statement: Concern was expressed over GGNRA’s decision to reserve parking spaces in the southern end of Fort Funston for the administrative and operational needs of NPS staff and Park partners

*Response:* The main Fort Funston parking lot has over 200 spaces and the southern satellite parking lot at Fort Funston has more than 40 additional parking spaces above and beyond those being restricted to NPS/Park Partner permits. The 200 spaces in the main parking lot are adequate to meet visitor use demands during the school year on weekdays. The 20 parking spaces that would be reserved for SFUSD in the southern portion of Fort Funston near the group campground would be available for public use on weekends and during the summer school recess. Weekends and the summer are typically the busiest visitor use periods at Fort Funston. Thus, this restriction would not affect parking availability at Fort Funston during the period of highest visitor use. Reserving a limited number of added parking spaces (13) for NPS administrative vehicles, nursery and volunteer staff, and SFUSD youth environmental education programs enhances NPS’s ability to support important administrative, interpretive and educational programs.

### **PUBLIC USE HOURS**

Concern Statement: The opening time for the William Penn Mott, Jr. Visitor Center is incorrect. It is open 10AM to 5PM daily except when closed on Thanksgiving Day, Christmas Day and New Year’s Day.

*Response:* Correction noted in 2020 Compendium.

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## **MUIR BEACH VISITING HOURS**

Concern Statement: Concern was expressed regarding the additional three (3) hours of public access to Muir Beach, which increases the likelihood of beach fires and increases the overall fire danger within the community.

*Response:* Visiting hours at Muir Beach were increased with an earlier opening time of the access gates to the main parking area, not a later closing time. This earlier opening time change was made in order to standardize all of the NPS sites in Marin County, which are closed to vehicle access each night. The closing time for public access to Muir Beach remains unchanged from previous Compendiums.

## **UNMANNED AIRCRAFT**

Concern Statement: Concern was expressed about the restriction of glider planes on the coast north of Muir Beach overlook due to peregrine falcon nesting in the cliffs below the overlook. Commenters noted that glider planes are not like other unmanned aircraft such as drones or motorized, hobby planes which may fly beyond one's view and can be noisy. Gliders also do not fly south towards the overlook because of prevailing NW winds in area and sight distances. Glider pilots do not use quadcopters (i.e., drones) or any electric or gas-powered aircraft because of fire danger, and the noise might disturb both people and birds. Maintaining site access for the up to (3) pilots at a time from Tick Point also has two advantages: glider pilots keep the area clean, and make sure only approved radio-controlled, gliders fly at the site.

*Response:* To ensure that no one flies unmanned aircraft near peregrine falcon nests or impacts their aerie, the NPS is restricting the flying of any unmanned aircraft along the Pacific coast south of Tick Point including Overlook cliffs (where all unmanned aircraft are prohibited) year-round. Under the 2020 Compendium, unmanned aircraft (including motorized, electric and gas-powered hobby planes and non-motorized gliders) may only fly north along the coast from Tick Point between August 1<sup>st</sup> and January 31<sup>st</sup>. In addition, members of the public are reminded that per FAA regulations, "hobby aircraft" (drones/gliders/RC planes) and Part 107 remotely piloted aircraft (drones/fixed wing) are never allowed out of line of sight.

## **PUBLIC USE LIMITS & SEASONAL RESTRICTIONS [SECTION 1.5]**

### **RESOURCE PROTECTION**

Concern Statement: Concern has been raised that Muir and Rodeo beaches will have seasonal closures "in central parts of popular off-leash dog walking areas."

*Response:* The Muir Beach *seasonal* connection (inlet) between the ocean and lagoon supports passage of threatened and endangered species (i.e. coho salmon and steelhead trout). This area has been closed seasonally to all public use (not just dog walkers) through the GGNRA Compendium since completion of the Redwood Creek project in 2014. The 2020 Compendium retains this existing closure.

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The 2017 Compendium closed the Rodeo Beach surface water connection area to swimming, wading, and boating. These restrictions effectively prohibited all forms of public use in the seasonal surface water connection area. Rather than retaining separate activity prohibitions, the 2019 Compendium proposed simplifying the closure into a general public use closure.

The 2020 Compendium retains the separate closures to swimming, wading and boating for the Rodeo Beach surface water connection area.

Concern Statement: A non-specific concern was identified about the Oakwood Valley pond being closed to dogs, questioning that threatened, red-legged frogs have actually been found there because there were bullfrogs there also.

*Response:* Oakwood Valley pond has been found to provide habitat for a federally threatened species, the California red-legged frog (RLF). There is no known presence of bullfrogs in Oakwood Valley. Rather than institute a closure of the pond as proposed in the draft 2019 Compendium, the NPS will instead seek to increase public awareness about and protect RLF habitat by, for example, posting signage to inform the public about sensitive species habitat at Oakwood Valley Pond.

Concern Statement: “Signed sensitive restoration areas” are closed to the public at Fort Funston setting a dangerous precedent for further closures without required public process.

*Response:* The proposed 2019 Compendium did not make any changes to signed sensitive resource areas at Fort Funston; nor does the 2020 Compendium. Several areas at Fort Funston have been signed and/or fenced for resource protection for many years.

## **SPECIAL USE OR ACTIVITY CONDITIONS [SECTION 1.5(A)(2)]**

### **Electric Bikes (E-Bikes)**

Concern Statement: A variety of concerns were raised regarding the proposal to allow E-Bikes on trails and roads. Concerns included the NEPA compliance process and the implementation of the national policy directive for the allowance of E-Bikes, user conflicts on trails, E-Bike rider experience levels, disturbance of wildlife, increased fire danger, trail erosion and degradation, and which E-Bike classes to allow or disallow.

*Response:* As documented in Categorical Exclusion #94816, the Park has concluded that the allowance of E-bikes on certain routes within GGNRA does not have the potential for individually or cumulatively significant impacts to Park resources or visitor safety. As a result, the appropriate level of NEPA compliance for this action is a categorical exclusion.

The 2020 Compendium will authorize E-bikes to use certain paths and trails that are already open to traditional bicycles. The decision to open certain routes to E-bikes was based on a consideration of public health and safety, natural and cultural resource protection concerns, and other management activities and objectives, as documented in Categorical Exclusion #94816. Some routes open to traditional bicycles are closed to E-bikes or have additional restrictions such as allowing downhill use only or limiting use to Class 1 and 2 E-bikes. Following issuance of the

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2020 Compendium, the NPS will periodically monitor E-bikes use. Additional restrictions can either be adopted immediately in cases of emergency or incorporated into the 2021 Compendium.

Concern Statement: Both bike retail shops and some riders, limited by age, disability or physical capacity, support the use of E-bikes, particularly Class-1 E-bikes requiring pedal assist, on paved and natural surfaces such as fire roads, paved trails and multi-use trails where bikes are authorized. This allows less-physically able visitors to get out with friends and maintain a similar pace as more seasoned cyclists on traditional bikes as well as continue to enjoy a diverse experience in our public lands.

*Response:* The 2020 Compendium allows E-bike use on many Park trails and thus enhances the ability of visitors with disabilities or fitness limitations to experience the Park using this form of exercise. As time and resources allow, Park staff will conduct outreach and educational efforts with bike shops and others to increase understanding and awareness about the Park's E-bike rules.

Concern Statement: GGNRA faces challenges in creating and maintaining a safe, watershed environment for different uses regardless of their mode of access (foot, horseback, mountain bike, ADA compliant mobility device, etc.). This requires (of visitors) care and courtesy for the safety of others and staying on trail. 3 items pertain: be courteous to others; do not ride carelessly or use excessive speed; and when seeing a mount, stop and ask if they are OK if you ride on. Otherwise, individuals should be cited based on violation of a GGNRA policy rather than their medium employed to enjoy these public lands.

*Response:* Creating common norms for behavior for new and existing uses continues to be both a responsibility and challenge to all Park visitors and staff who encounter those who disregard the rules for using common public spaces. The NPS can reinforce these norms through signage, education and outreach; and in cases where behavior violates NPS regulations, through citations.

## **Pets**

Concern Statement: Concern was expressed that dogs will be required to be on-leash on stairwells accessing Ocean beach.

*Response:* This is not new condition. The paved Ocean Beach promenade and the stairwells leading from the parking lot to Ocean Beach are not open to off-leash dog walking under the 1979 Pet Policy. The stairwells were also not included in the list of areas open to off-leash dog walking in the 2017 Compendium. The illustrative maps for the 2020 Compendium are scaled to be clearer about the requirement to leash dogs on the stairwells.

Concern Statement: Some commenters wanted the beaches in Marin County to be closed to off-leash dogs for several months during high use season; and several others, including dog walkers, wanted there to be high penalties for those not picking up their dog waste or leaving the bags on the beach, grass or trail with some recommending to restrict dogs from an area where owners/guardians do not pick up after their dogs.

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*Response.* Closure of Marin beaches to dog walking is beyond the scope of actions proposed for the 2020 Compendium. The NPS recognizes that dog waste pick-up can be a health and safety concern. Failure to comply with pet excrement rules is a citable offense under 36 CFR 2.15. Penalties associated with CFR violations are established by the federal courts, not NPS.

## **Dog Licensing Requirements**

Concern Statement: When not breaking any rules, a commenter also objects to rangers approaching dog walkers to show identification and dog licenses.

*Response:* The license language proposed in the 2019 Compendium has been removed. The 2020 Compendium does not add any language about dog licensing. The 1979 Pet Policy requires dogs to be licensed in accordance with county ordinances in effect in the dog owner’s place of residence. All Bay Area counties require that dog owners have current dog licenses and vaccinations, the latter for both the health of the dog and others it may come into contact with.

## **Voice Control Dog Walking**

Concern Statement: Frequent visitors to the Park note that they, with or without their leashed dogs, have been attacked by aggressive off-leash dogs with unrepentant owners who refer to Park areas, such as Fort Funston and Ocean Beach as “dog parks.” They take exception to that and note that the Golden Gate National Recreation Area is a national park for the enjoyment of all members of the public, not only dog walkers. They request that the park follow through on revising regulations to protect both the public and Park so that tax-paying citizens can visit these Park areas without risking encounters with “uncontrolled” dogs and selfish owners. Other commenters expressed similar concerns about unmanaged dogs in other NPS and beach areas.

*Response:* While Park areas like Fort Funston and Ocean Beach allow voice control dog walking, certain conditions apply to this activity. Notably, all dog walkers are required to manage their dogs so that they do not annoy, harass, or attack other visitors, dogs or wildlife. It is the responsibility of each dog walker to manage their dog(s) while in GGNRA. The NPS will continue to work through non-profit, dog training groups (e.g., SPCA) to reinforce required dog behavior standards in support of dog walkers becoming better at managing their dogs when in the Park.

## **ACTIVITIES THAT REQUIRE A PERMIT [SECTION 1.6]**

### **COMMERCIAL DOG WALKING**

Concern Statement: Some noted that commercial dog walking (CDW) should not be prohibited in San Mateo County within the national parklands. Others expressed that commercial dog walkers should not be permitted in national parklands since it is a commercial use that impacts other’s experiences, especially children and elderly, but also other dog walkers.

*Response:* The 2017 Compendium authorized the issuance of Special Use Permits for commercial dog walking on certain GGNRA lands in San Francisco and Marin Counties. The 2020 Compendium mirrors this language. References to San Mateo have been removed.

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Commercial dog walking is a private enterprise that NPS can regulate through a permit under 36 CFR 5.3. In 2014, the NPS authorized commercial dog walking with 4-6 dogs, under a special use permit, in specific park areas located in San Francisco and Marin Counties where the character of lands from former military installations resulted in more landscaped and coastal open space.

Concern Statement: Visitors to Rancho are being accosted by “packs” of dogs walked by commercial dog walkers; instead of informing these groups that it is illegal, the local dog advocacy group is promoting it. This is not an appropriate area for large groups of dogs, especially off-leash; visitors need a place to go where they are not swarmed by dogs.

*Response:* As noted above, the 2020 Compendium makes no changes to commercial dog walking rules in GGNRA. Commercial dog walking is not allowed in Rancho Corral de Tierra, nor is off-leash dog walking. The NPS will engage with local groups and visitors in an effort to increase their understanding about the regulations that apply to dog walking in Rancho Corral de Tierra.

## **PRESERVATION OF NATURAL RESOURCES [SECTION 2.1]**

### **WHERE MUST I STAY ON TRAIL?**

Concern Statement: Where there are sensitive resource closures in Milagra but trail that goes thru that area with green dots, my interpretation is that you can hike on trail and must stay on trail.

*Response:* Trails reflected by green dots are open to public use as indicated in the relevant exhibit. Some trails are open to hikers, bicyclists and equestrians. Others may only be open to certain types of use. The 2020 Compendium exhibits and associated text for a particular use (e.g., pets, horses, bikes) describe the types of use allowed on a particular trail.

### **CLOSURE TO PETS [SECTION 2.15]**

#### **Resource Protection (Mission blue Butterfly; Red-legged Frog; Hickman’s Potentilla)-**

Concern Statement: The exhibit map #37 shows that people with dogs are no longer able to access Milagra’s trail system from the park’s southern entrance.

*Response:* The proposed Compendium, and final 2020 Compendium, do not effect a closure of the southern access trails to pets. Compendium Exhibit #42 depicts the location of North Coast County Water District lands, which lie between the NPS parking lot and the rest of the Milagra Ridge area. Because NPS does not own or manage the Water District property, nor have law enforcement authority there, we are not able to represent the trail segment through Water District land as open to on leash dog walking. Recent communication with the Water District, however, indicates that the trail through their property remains open to visitors, including visitors with dogs on leash.

Concern Statement: Some commenters noted that discrepancies between the text of the compendium and accompanying exhibits should be clarified/corrected. For example, general access changes for dog walking in Milagra were noted on two trail segments in Exhibit 37 but not in text.

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*Response:* Technical corrections were made to the corresponding maps exhibiting changes that did not comport with the text, including those two Milagra trail segments which now correctly illustrate that they are also on-leash, dog walking trail opportunities. See Exhibit #42 in the 2020 Compendium.

Concern Statement: Exhibit 39 was not accurately representing text regarding dog walking in the Compendium itself, i.e. ability to walk dogs in-between trails in Rancho.

*Response:* In the former Exhibit 39 for Rancho Corral De Tierra, the proposed 2019 Compendium only represented formal trails (not social trails or space between trails) as open to dog-walking with a blue line. NPS concentrates on the impacts of uses to formal trails to preserve the surrounding ecological systems, especially sensitive resources such as Mission Blue butterfly and Red-legged frog habitat. This is a point of contention in Montara, for example, where some dog walkers use space in-between trails to recreate with their dogs off-leash, which is prohibited. The NPS does not prohibit on-leash pets in section 2.15 of the Compendium on lands (e.g. social trails) between trails, nor require them to stay on trails in section 2.1, except on trails within ranch area operations. (This was a requirement in previous compendia as a safety measure.) We have made a correction in the legend of the new Exhibit #44 for the 2020 Compendium to recognize the ability to walk dogs on-leash in areas adjacent to trails in Rancho Corral de Tierra.

## **SIGNAGE**

Concern Statement: Improve signage at multiple (intersectional) points along a trail with good maps to orient and assist visitors in navigating park areas and understand both destinations and prohibitions, especially for environmentally sensitive areas that are closed. Commenters noted that this was needed particularly in Mori Point, Milagra Ridge, Fort Miley, and Lands End. An additional commenter emphasized the need for more signs on Crissy Field reflecting the park rules for dog walking there.

*Response:* There is a balance that the NPS strives to keep in not cluttering areas with signs while providing what is necessary. Visitor kiosks at trailheads and area focal points generally inform visitors about appropriate uses, as do Park maps and its official website. Field signage is often used for direction/orientation information, protecting park resources or prohibiting certain behaviors or uses that give rise to visitor conflicts and/or unsafe conditions. The NPS has sought to ensure that visitors know what uses are appropriate, or not, in different areas, through a variety of means. To address where signage is missing either due to vandalism or backlog maintenance, we have launched an evaluation of our visitor messaging and related priority improvements. We anticipate beginning implementation within the next year (pending pandemic impacts on planning and operations) to address deficiencies in priority areas.

## **VISITOR SAFETY**

Concern Statement: Exhibit 38 left out two trail segments in Mori Point used as well for dog walking.

*Response:* Former Exhibit 38 for the proposed 2019 Compendium did not designate two “unmaintained” trail segments, Mori Bluff and Timigtac trails, as dog walking opportunities. The Mori Bluff and Timigtac trails are unmaintained trails to be used only at one’s own risk due to

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coastal erosion and visitor safety issues. We were not excluding visitors and dog walkers from them, only reinforcing that any use is at one's own risk since they are no longer official NPS trails. We have signified such with a blue, hashed line on the map in the new Exhibit #43 in the updated 2020 Compendium with the understanding that dog walkers may also walk their on-leash dogs, if they choose to, on these "unmaintained" trail segments at their own risk.

### **ADMINISTRATIVE AND OPERATIONAL PROGRAM; CHILD, VOLUNTEER AND EMPLOYEE SAFETY**

Concern Statement: SF will lose space for off-leash dog walking to administrative and operational uses by NPS and park partners. Some commenters added that where there is imminent safety issue, the compendium should address that.

*Response:* The three-acre area in the southern corner of Fort Funston where parking and dog walking would be restricted is composed of parking stalls, NPS administrative buildings, maintenance equipment, a native plant nursery, and a camping area for the San Francisco Unified School District's (SFUSD) environmental education program. Providing a safe space for environmental education of inner-city, elementary school children furthers NPS's environmental education goals. Restricting dogs from the native plant nursery and NPS operations area addresses past incidents of dogs biting NPS staff while working in this area and provides for improved volunteer and employee safety as well as resource protection for nursery plants. Ample opportunities exist in the rest of Fort Funston for dog walking. The twenty parking spaces that are reserved for NPS/partner programs during the week is a small fraction of the 240 additional parking spaces at Fort Funston. Moreover, these twenty spaces will be available on weekends for visitors.

### **DEMONSTRATIONS [SECTION 2.51]**

Concern Statement: GGNRA appears to be limiting First Amendment areas at Crissy Field and upper Ft. Mason. The whole promenade area at Crissy and in front of Bldg. 201 in upper Ft. Mason seem reasonable areas to exercise free speech rights (activities).

*Response:* 36 CFR 2.51(c)(2) requires the NPS to designate park areas that are available for demonstrations and the sale or distribution of printed matter. Small groups of fewer than 25 people are allowed to engage in First Amendment activities in GGNRA without obtaining a permit from NPS, but they must confine their activities to designated sites. The sites designated in the 2020 Compendium are designed to facilitate small group First Amendment activities, which constitute the vast majority of First Amendment activities that occur at GGNRA. The designation of sites in the 2020 Compendium does not preclude the NPS from designating event-specific sites when needed to respond to permit applications for large-scale First Amendment activities. For example, the NPS designated the grass airfield at Crissy Field as a First Amendment site for a political rally during the 2016 Presidential election cycle.

### **RESOURCE PROTECTION (SNOWY PLOVER) [SECTION 7.97(D)]**

Concern Statement: In the 2017 Compendium's Section Seven Special Regulations, they permanently closed Ocean Beach south of Stairwell 21 and a part of Crissy Field seasonally to off-leash recreation. These Special Regulations, from an administrative standpoint, should not be a

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part of a Superintendent's Compendium. In fact, they should have been the subject of Rulemaking. And the 2019 compendium piggy-backs on this from the 2017 compendium.

*Response:* Both the Snowy Plover Protection Area at Ocean Beach and the Wildlife Protection Area at Crissy field were the subject of rulemaking in 2008. See: <https://www.federalregister.gov/documents/2008/09/19/E8-21943/special-regulation-areas-of-the-national-park-system>. The regulation that resulted from this rulemaking is codified in 36 CFR Section 7.97(d). The regulation requires dogs to be on-leash in those areas of Ocean Beach and Crissy Field from July 1 until May 15 each year. The 2020 Compendium merely restates the regulatory restriction from Section 7.97(d).

Concern Statement: This proposed (2019) compendium does not rectify the conflict between recreational dog walking and natural resource protection within the Wildlife Protection Area (WPA) at Crissy Field. The WPA is designated as a Sensitive Resources Zone by the GGNRA General Management Plan and as a safe haven for wildlife by the Crissy Field Plan of 1996. Yet, recreational dog walking is currently permitted within the WPA, including off-leash dog walking during the nesting season. The wildlife being protected is very sensitive to curious dogs and are already severely affected by complete loss of safe habitat for feeding and nesting.

*Response:* Restricting dog walking year-round in the WPA is beyond the scope of this Compendium.

Concern Statement: The compendium needs stronger protections for sensitive wildlife like the snowy plover. As a monitor, I often see dogs disturbing snowy plovers where they nest and rest; and extra precautions need to be taken during nesting season to ensure that dogs do not disturb this sensitive species. Although about 10% of visitors that I spoke with appreciated the delicate balance of public use and species habitat in shoreline areas, the vast majority of dog owners are hostile to any suggestion of keeping their dogs away from the birds, and felt their entitlement to area precludes any protection for wildlife and their habitat. It would be especially really helpful to have signs posted designating this area as a no pet area.

*Response:* Please see response above indicating this is seasonally restricted to only on-leash dog walking most of the year. The NPS is committed to improving its messaging (including signage and waysides) and patrols to reinforce the existing rules in these areas. The NPS will also seek to engage in outreach efforts with these user groups to improve voluntary compliance with rules designed to protect sensitive species.

Concern Statement: The quantity and diversity of bird life is significant and important to the GGNRA and to the Pacific Flyway for migratory birds. Given the Federal protections afforded to migratory birds through the Migratory Bird Treaty Protection Act, GGNRA has a duty to protect this WPA from human-induced takings (including disturbance that disrupts nesting ability). Since the area was restored as habitat there is a duty to protect the birds that use that habitat. Since dogs are not prevented or restricted from accessing areas used by the migratory birds, and Snowy Plovers need land to rest and nest that is free from sporadic harassment by dogs after flying thousands of miles, designate the Crissy Wildlife Protection Area as a no pet area. Otherwise, the Wildlife Protection Area becomes a fake label.

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*Response:* Please see responses above that address the 2008 rulemaking and the scope of this Compendium.

Concern Statement: Establishment of “habitat protection areas” previously open to off-leash dog recreation under the ‘79 Pet Policy is without scientific study or justification. These issues are controversial and should have been subject of rulemaking.

*Response:* As discussed above, the Snowy Plover Protection Area and the Wildlife Protection Area were closed to pets through a rulemaking processes in 2008. (See: <https://www.federalregister.gov/documents/2008/09/19/E8-21943/special-regulation-areas-of-the-national-park-system>.) The 12-acre closure along the dunes and cliffs in the northwest sector of Fort Funston was closed pursuant to a public process in 2001 to protect bank swallows, enhance native plant communities, and increase visitor safety. (See <https://www.federalregister.gov/documents/2001/01/04/01-187/notice-of-year-round-closure-at-fort-funston-golden-gate-national-recreation-area>.) There are no new habitat protection area closures that affect dog walking in the 2020 Compendium.

Concern Statement: As the climate changes, all animals, particularly migrating birds, will need help protecting their habitats. Without active intervention, we will see populations decline to the point of extinction. Once a species is lost, it is gone forever, and it is our responsibility, as stewards of our natural resources, to do everything in our power to prevent that, and NPS’s to protect wild species habitat. The compendium must be updated to clarify the rules regarding the Wildlife Protection Area. This area must have a physical barrier of some kind, be clearly marked with signage, and dog walking should be disallowed from the area.

*Response:* NPS shares in valuing and protecting habitats as an essential and primary part of our mission. Please see above responses addressing the scope of the 2020 Compendium.

## **POLICY AND AUTHORITY**

### **ADEQUACY OF NEPA ANALYSIS**

#### **USE OF CATEGORICAL EXCLUSION**

Concern Statement: Use of this Categorical Exclusion for minor changes in amounts and types of visitor use for purpose of ensuring visitor safety or resource protection in accordance with existing regulations requires documentation which NPS appears to have not provided in its release of the 2019 compendium for public notice.

*Response:* Documentation explaining the basis for the proposed Compendium changes is found in two NEPA categorical exclusions and in a memo from the Park’s Chief of Visitor and Resource Protection to the Superintendent. Draft versions of these documents were made available to the public on the GGNRA website at:

[https://www.nps.gov/goga/learn/management/upload/Compendium-Chief-Ranger-Justification-Memo-with-e-bike-9-26-19-v2-DFT-Fnl\\_508.pdf](https://www.nps.gov/goga/learn/management/upload/Compendium-Chief-Ranger-Justification-Memo-with-e-bike-9-26-19-v2-DFT-Fnl_508.pdf). The Categorical Exclusions and the Chief of Visitor and Resource Protection’s memo have been finalized and have been posted to the Park’s website, along with the 2020 Compendium:

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<https://www.nps.gov/goga/learn/management/lawsandpolicies.htm>. In addition, each section of the Compendium contains a general summary (in italicized text) explaining the basis for visitor use restrictions.

Concern Statement: GGNRA is improperly relying on a Categorical Exclusion under NEPA for changes in its 2019 compendium when it should be preparing an EIS or at very least EA because the changes are significant.

*Response:* The NPS evaluated the proposed compendium changes in accordance with NEPA. As indicated in the Categorical Exclusion documents, the NPS determined that the proposed changes did not have the potential for individually or cumulatively significant impacts to Park resources or visitor safety. The NPS also determined that no extraordinary circumstances existed. As a result, neither an EA nor EIS is required.

Concern Statement: The Table of Changes did not include all changes between the 2017 and 2019 compendia.

*Response:* The Compendium Table of Changes has been revised. The new Table of Changes includes changes, such as those to definitions, that were of broad public interest.

## **MISSION AND PURPOSE OF GGNRA**

Concern Statement: A few commenters have stated that the GGNRA is not a national park or a pristine wilderness but a national recreation area in an urban area and therefore should maximize recreation (especially off-leash dog walking as a local need) over preservation of resources.

*Response:* Guidance on managing park units found in the *NPS Management Policies* applies to all NPS units regardless of their nomenclature as national recreation areas, parks, historic sites or monuments. As provided in the *Management Policies*, the fundamental purpose of the national park system, and all its units regardless of name, was established by the Organic Act and reaffirmed by the General Authorities Act, as amended. This purpose begins with a mandate to conserve park resources and values. This mandate is independent of the separate prohibition on impairment due to unacceptable impacts and applies all the time with respect to all park resources and values. Furthermore, Congress has directed that when there is a conflict between conserving resources and values and providing for their enjoyment, conservation is to be predominant.

Concern Statement: Several commenters noted that any restriction within GGNRA is felt more since some counties and state park lands do not allow dog walking, so they do not want any change in access for dogs and dog walkers; and, they want to refer other visitors, who do not want to be around dogs, to these other county or state parks.

*Response:* GGNRA has provided diverse opportunities for dog walkers and those preferring not to interact with dogs to enjoy the Park's scenic, cultural, natural, and recreational resources since its inception. As the population grows, and visitation increases (more than doubling since the park was established), regulation becomes more necessary to minimize conflicts and protect the resources that people come to enjoy.

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## **USE OF SUPERINTENDENT’S COMPENDIUM FOR CHANGES**

Concern Statement: A Compendium is meant for minor, non-controversial changes. The proposed 2019 Compendium included significant changes to dog walking in GGNRA and was highly controversial because any restrictions to dog walking cannot be affected through a compendium.

*Response:* Many changes proposed in the 2019 Compendium have been removed. The final 2020 Compendium does not include any changes that are highly controversial.

Concern Statement: NPS must undertake notice and comment rulemaking to effect changes in its proposed 2019 compendium concerning dogs. It is otherwise piece-mealing the implementation of actions in the former Dog Management Plan withdrawn in 2017.

*Response:* As explained in the memo from the Chief of Visitor and Resource Protection, none of the changes included in the 2020 Compendium require rulemaking

Concern Statement: With any changes to dog walking in the 2019 compendium, GGNRA is violating the terms and intent of the City transfer of lands to them. The agreement required that the transferred sites be used only for recreation and to continue off-leash dog walking, not as a nature preserve.

*Response:* A letter of agreement between the City and County of San Francisco and the National Park Service, dated April 29, 1975, states that “the National Park Service, acting through the General Superintendent, agrees to utilize the resources of GGNRA in a manner which will provide for recreational and educational opportunities *consistent with sound principles of land use, planning and management, to preserve GGNRA in its natural setting and protect it from development and uses which would destroy the scenic beauty and natural character of the area, and to maintain the transferred premises in good and sightly condition...*” The deed granting Ocean Beach and part of Fort Funston to the federal government states that the lands are granted to NPS “to hold only so long as said real property is reserved and used for recreation *or park purposes...*” The Compendium’s rules and restrictions for Ocean Beach and Fort Funston are consistent with providing diverse recreational and educational opportunities while protecting the Park’s natural setting and character from uses that would destroy its scenic beauty and natural character.

## **NEW EXECUTIVE ORDERS**

Concern Statement: The 2019 Compendium is inconsistent with two executive orders issued (on October 15, 2019) prohibiting agencies from issuing binding rules thru guidance documents instead of utilizing public notice and comment rulemaking.

*Response:* The public use limits and restrictions in a park’s compendium are not guidance within the meaning of the referenced Executive Orders, nor is the Compendium a “guidance document” within the meaning of the Executive Orders. When gathered together in a park’s Compendium, the public use limits and restrictions are not statements of policy but are instead a set of legal rules that are enforceable through citations.

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Compendium rules are enforceable legal requirements when adopted in accordance with the National Park Service’s regulations in 36 CFR Parts 1-6. Under 36 CFR Section 1.5(b), park superintendents have delegated legal authority to adopt various types of public use limits and restrictions. Rules that can be adopted at the local park level by superintendents include things like campfire restrictions, bicycle use restrictions, and day use hours. These rules must be compiled in writing and made available to the public in accordance with 36 CFR 1.7. The written Compendium document satisfies the “writing” requirement of 36 CFR 1.7, and when posted to the Park’s website and otherwise made known through signage and maps, the public notification requirements of Section 1.7 are satisfied. The Park’s 2020 Compendium has been adopted according to all required procedures and is not subject to the referenced Executive Orders.

## **PUBLIC INVOLVEMENT**

Concern Statement: With the release and public notice advisory for 30 days before Labor Day weekend, it does not give park users enough time to review and express their concerns (about changes to 2017 compendium). Extend public comment period to 90 days.

*Response:* The initial 30-day public advisory notice was more than required for Compendium changes accompanied by a NEPA categorical exclusion. The NPS extended the public advisory period for an additional 30 days when E-bike rules were added to the proposed compendium. The NPS then extended the public advisory period for an additional 30 days, until November 27, 2019, based on public interest. In total, the public had a full 90-day period to review the Compendium.