

From: [Frank Dean](#)
To: [Aaron Roth](#); [Brian Aviles](#); [Nancy Hornor](#)
Subject: Fwd: GGNRA NEPA concerns
Date: Thursday, January 22, 2015 12:38:06 AM
Attachments: [image003.png](#)
[CFDG_GMP_EIS_Comment_052014.pdf](#)
[GGNRA_Solutions.pdf](#)

FYI.

I am scheduling a meeting with RD...

Frank Dean
General Superintendent
Golden Gate National Recreation Area
201 Fort Mason
San Francisco, CA 94123
(415) 561-4720

Begin forwarded message:

From: "Goodyear, Barbara" <barbara.goodyear@sol.doi.gov>
To: Frank Dean <frank_dean@nps.gov>, Mike Savidge
<michael_j_savidge@nps.gov>, Michael Edwards <michael_edwards@nps.gov>,
Greg Lind <gregory.lind@sol.doi.gov>
Subject: Fwd: GGNRA NEPA concerns

----- Forwarded message -----

From: Edward Boling <ted.boling@sol.doi.gov>
Date: Tue, Jan 20, 2015 at 7:57 PM
Subject: Fwd: GGNRA NEPA concerns
To: Barbara Goodyear <barbara.goodyear@sol.doi.gov>

FYI

Sent from my iPad

Begin forwarded message:

From: "Miller, Ash S." <Ashley.Miller@klgates.com>
To: "horst_greczmiel@ceq.eop.gov" <horst_greczmiel@ceq.eop.gov>, "
ted.boling@sol.doi.gov" <ted.boling@sol.doi.gov>
Subject: *Re: GGNRA NEPA concerns*

Dear Horst and Ted,

I am writing to provide you with some follow up information on the NEPA

process for the GGNRA's General Management Plan and interrelated issues with the Dog Management Plan.

Unfortunately, my client's significant concerns have not been resolved since I last provided you with an update on this process. Crissy Field Dog Group's primary concern at this moment is that the General Management Plan (GMP) has fundamental flaws that need to be corrected and subject to additional meaningful public comment before it is adopted. We also understand that the GGNRA may be making potentially significant substantive changes to the GMP before signature, which we believe would trigger the need for additional meaningful public comment. Once these issues are corrected, the Dog Management Plan should be revisited, and the DMP should not be approved until the GMP issues have been corrected. My client remains very concerned that if the current course of planning and environmental review is not corrected, a costly and lengthy legal dispute may ensue for the GGNRA -- a result which would only delay implementation, and would be in no party's interest.

The underlying issue with the GMP is that it prejudices the outcome of the Dog Management Plan, and in so doing, drastically limits recreational use areas in the GGNRA, contrary to the congressional intent for these lands. The draft GMP, on its face, if adopted would predetermine the outcome of the DMP by designating the vast majority of the GGNRA as a "natural" area management zone -- thereby strongly discouraging (if not outright banning) most forms of recreation, including dog walking, in these "natural" areas over the long term. This would substantially limit the scope of reasonable alternatives in the GGNRA's consideration of the DMP. Draft GMP maps show that areas designated "natural" still correspond exactly to areas where dog walking is proposed for prohibitions in the DMP, in many significant instances. Prejudging the outcome of a planning process before NEPA is complete is plainly problematic. A more detailed explanation of this issue is contained in CFDG's GMP comments, which are attached, and my prior email, below. But resolving this situation requires additional public comment, because changes needed to the GMP are fundamental in nature, and therefore the public comment undertaken to date is insufficient to meet the GGNRA's legal obligations. It is also noteworthy that the boards of supervisors for Marin County, San Francisco, and San Mateo County have expressed opposition to the GMP as currently written, in resolutions adopted in mid-2014.

Only once the GMP is corrected should the public and GGNRA be given another opportunity to consider how the Dog Management Plan should then proceed. The draft NEPA review for the DMP had significant issues of its own -- including ignoring urban quality analysis altogether, and failing to analyze the dispersion impacts identified by the US EPA. But the GMP issues should be corrected first, to serve as a proper land use planning framework for the DMP. My client has proposed several practical solutions which would mitigate these issues in the DMP, including a recreational roundtable, Green TAG enforcement program, and loosening off-leash restrictions which would obviate the need for dispersion analysis (see

attached for more detail).

Anything you are able to do to help facilitate good planning and NEPA compliance in this process is much appreciated. My client is looking to see the following actions taken to address these significant issues:

- * Revisit the GMP, and reopen the revised GMP document for meaningful public comment. This step would give the GGNRA the opportunity to correct the current draft's prejudgment of the DMP.
- * After the GMP has been vetted through meaningful public comment, the GGNRA should then revisit the DMP, and not approve the DMP until such time.
- * The GGNRA seriously consider some of the viable practical solutions that we are proposing in the DMP.
- * Have meaningful open dialogue between the GGNRA and affected stakeholders about these land use issues.

Again, I appreciate your time and attention to this important matter of recreation management in the Bay Area. I am available to discuss any questions you may have.

Best regards,
Ash Miller

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From: Miller, Ash S.
Sent: Thursday, May 08, 2014 2:34 PM
To: horst_greczmiel@ceq.eop.gov<mailto:horst_greczmiel@ceq.eop.gov>
<horst_greczmiel@ceq.eop.gov>>; Boling, Edward (ted.boling@sol.doi.gov<
<mailto:ted.boling@sol.doi.gov> <ted.boling@sol.doi.gov>>)
Cc: (b)(6) <[\(b\)\(6\)](mailto:(b)(6))> <(b)(6)>; Gary
Fergus (gfergus@ferguslegal.com<<mailto:gfergus@ferguslegal.com>>
<gfergus@ferguslegal.com>>)
Subject: GGNRA NEPA concerns

Dear Horst and Ted,

I am writing to give you an update on a significant development in the GGNRA's General Management Plan (GMP) that has important ramifications for the GGNRA's Dog Management Plan (DMP), and the associated NEPA review.

Since I have spoken with each of you in the past about this process, I wanted to provide you with this significant update.

The GMP was released in final form last month and will become effective in approximately two weeks. However, the proposed final GMP has created a very significant NEPA issue for the DMP. My client the Crissy Field Dog Group was very troubled to see that the GMP, on its face, prejudices the outcome of the DMP by designating the vast majority of the GGNRA as a "natural" area management zone -- thereby strongly discouraging (if not outright banning) most forms of recreation, including dog walking, in these areas over the long term, substantially limiting consideration of DMP alternatives. The DMP is not anticipated to be released until 2015, but the GMP has already labelled most of the GGNRA as all but off-limits to dog walking. In addition, the GMP's recreation areas correspond directly with the DMP preferred alternative's off-leash dog recreation areas. This violates the prohibition on decision-making that would limit the scope of reasonable alternatives prior to completion of the DMP NEPA process, 40 CFR 1502.4, because the GMP forecloses DMP alternatives. While there is boilerplate "savings" language in the GMP, claiming that the GMP does not apply to dogwalking, the language allows that GGNRA "could" only make "minor" revisions to the GMP after issuance of the DMP to render the two documents consistent. (GMP at I:34). Based on this language, it is apparent all the major issues have already been resolved with respect to the DMP -- well before completion of the DMP NEPA process. My client is extremely concerned that the GGNRA's process has violated NEPA by prejudging the outcome of the DMP.

Most striking are the direct correlations between the maps in the GMP and the preferred alternative in the DMP -- the areas defined for recreational use in the GMP correspond almost exactly to the off-leash dog use areas defined in the DMP. The GMP limits the remaining areas as natural management zones. The GGNRA has therefore prejudged its DMP, by affirmatively designating for natural uses all those areas not identified for dog recreation in the DMP. To illustrate, compare the shapes of the two yellow zones in the figures of the Fort Funston area, attached below. The lefthand figure is from the GMP (Map 5, GMP at 147) -- identifying an area for "diverse recreational opportunities," where the green represents natural management area. The righthand figure is Fig. 16F from the DMP (the preferred alternative), showing a regulated off leash dogwalking area in yellow. The yellow zones in both appear to be identical.

[cid:image006.jpg@01CF6300.A3655270]

[cid:image007.jpg@01CF6300.A3655270]

These maps plainly illustrate that the GGNRA has already made its decision

with respect to dogwalking recreation in the GGNRA, by designating all areas surrounding dogwalking areas in the DMP as natural management areas. The GMP only allows for minor changes -- if that is true, the DMP is, in all significant respects, effectively a done deal, more than a year before completion of NEPA.

The above maps should be contrasted with the no-action alternative in the DMP, which would allow continued off-leash dog use throughout Fort Funston (red area below):

[cid:image005.jpg@01D033D0.F7072880]

You will understand my client's significant concern that this DMP alternative has been prematurely foreclosed by the GMP in violation of 40 CFR 1502.4, along with limiting the scope of other reasonable alternatives.

I have spoken with each of you separately in the past about my client's concerns, but unfortunately these concerns have only grown over time as the process has gone on. I greatly appreciate all the attention you have given to this important issue of recreational management of the GGNRA, the primary public open space in San Francisco, Marin and San Mateo Counties.

My client hopes that each of you will be able to remain engaged with this process as you deem appropriate in light of the above developments, to ensure that NEPA's goal of good planning is achieved. Ultimately, it is in all parties' interests to allow a manageable, workable plan -- with stakeholder buy-in -- to emerge. On the current trajectory, my client believes that that goal will simply not be achieved. To avoid conflict between the currently separate GMP and DMP processes, it is likely necessary to combine these processes into one, and institute joint review and comment in the combined process.

I am available to discuss any questions you may have. Thank you again for your attention to this process.

Best regards,
Ash Miller

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