



October 16, 2019

Laura Joss, Superintendent
Golden Gate National Recreation Area
Fort Mason, Building 201
San Francisco, CA 94123-1307

RE: Unlawful Changes in GGNRA's 2019 Superintendent's Compendium with Regards to Dog Walking
Must be Removed

Dear Superintendent Joss:

Please register the enclosed September 16, 2019 letter from our law firm Baker Botts and this supplemental letter as Coastside DOG of San Mateo County's official comment on the 2019 Superintendent's Compendium.

As you know, on August 30, 2019 (the Friday before Labor Day weekend), the Golden Gate National Recreation Area (GGNRA) released its 2019 Superintendent's Compendium—the first Superintendent's Compendium to be issued since the permanent withdrawal of its fatally-flawed Dog Management Plan in December 2017. Coastside DOG was shocked. Unfortunately, what should have been a straight-forward document making minor changes is a highly-controversial document that makes significant changes to dog walking access and policy in the GGNRA—changes which legally cannot be made via a Superintendent's Compendium.

Coastside DOG has been a good partner to the GGNRA. Our organization has been working with GGNRA to expand its dog waste can program in Rancho—a program our dog group has operated since 2008. Our group, like many other groups and Bay Area residents, was just starting to rebuild the trust that had been lost with the GGNRA during the decade plus Dog Management Plan fight. As you know, the National Park Service permanently withdrew the Dog Management Plan in December 2017 following a FOIA lawsuit brought by our coalition that exposed the use of private email, bias, and collusion (WoofieLeaks.com), and an internal investigation into NPS staff actions during the Dog Management Plan process.

Less than two years later, GGNRA's surprise 2019 Compendium release and attempt to take away dog walking access via the Compendium are once again a blow to the public's trust of the GGNRA. At this point, Coastside DOG is unsure if you, Superintendent Joss, have been accurately briefed by the staff who put the Compendium and its Exhibit maps together. We provide these Compendium comments

with the goal of avoiding a lawsuit and more years of contention between the GGNRA and local communities.

As outlined in the enclosed letter provided by our attorney on September 16, 2019, Coastside DOG requests that all changes to the status of dog walking access and all dog policy changes be removed from the 2019 Compendium. This includes:

- Removing Pet Management Exhibits #37, #38, and #39 (maps) which make significant and highly controversial changes to dog walking access at Milagra Ridge, Mori Point, and Rancho Corral de Tierra—changes which require notice and comment rulemaking and are an attempt to implement the withdrawn Dog Management Plan.
- Removing the new 5-acre closure at Fort Funston which has not gone through notice and comment rulemaking (p. 19).
- Removing the new overly broad Compendium language (p. 19) that says that any areas “signed restoration area” are closed to dog walking at Fort Funston. As the GGNRA knows, any new closures must go through notice and comment rulemaking.
- Removing access closures at Muir Beach, Rodeo Beach, and Oakwood Valley in Marin County, which are highly controversial and significant, and require notice and comment rulemaking.
- Removing the new definitions of “Unmanaged Dogs,” “Managed Dogs” and “Voice Control” due to their controversial and aggressive nature, and because they attempt to implement the withdrawn Dog Management Plan and make changes to the 1979 Pet Policy.
- Removing the new language explicitly banning commercial dog walking at GGNRA’s San Mateo County sites, a ban that has not gone through the required notice and comment rulemaking. Just like in Marin and San Francisco counties, commercial dog walkers should be allowed to obtain permits to walk at San Mateo County GGNRA sites.

EXHIBIT MAPS MAKING SIGNIFICANT AND HIGHLY CONTROVERSIAL CHANGES TO DOG WALKING ACCESS IN SAN MATEO COUNTY MUST BE REMOVED

At the San Mateo County GGNRA sites, our dog walking access is clear: Dog walking is allowed on all trails except the Notch trail at Sweeney Ridge and at Phleger Estates as stated in the 2019 Compendium narrative. In addition, currently dog walking is allowed on-leash anywhere in Rancho Corral de Tierra as per an agreement reached between Congresswoman Jackie Speier and former GGNRA Superintendent Frank Dean in 2013. The agreement was reached after NPS tried to close 80% of Rancho to dog walking using a Superintendent’s Compendium. On-leash access throughout Rancho was used as the baseline for the Dog Management Plan’s No Action Alternative and this access remains in place today since the Dog Management Plan was terminated in 2017.

While the 2019 Compendium narrative does not list any changes in dog walking access at the San Mateo County GGNRA sites (see p. 25), the Compendium’s Exhibit maps (Exhibits #37, #38, and #39) tell a much different story. The Exhibit maps make significant and highly controversial changes to dog walking access in San Mateo County at Milagra Ridge, Mori Point, and Rancho Corral de Tierra—changes which require notice and comment rulemaking and are an attempt to implement the withdrawn Dog Management Plan.

Compendium Exhibit maps #37, #38, and #39 show the following changes in dog walking access:

- **Rancho Corral de Tierra:** Exhibit #39 shows on-leash dog walking will be relegated to the limited trails in Rancho's Interim Trail Plan (an interim plan that says it does not apply to dog walking). This is a significant loss of dog walking acreage and trails not included on GGNRA's trail map.
- **Milagra Ridge:** Exhibit #37 shows dog walking banned on the Milagra Creek Overlook Trail, part of the Milagra Ridge Trail, and part of Milagra Ridge Road and Milagra Ridge Trail through the North Coast Water District land, thereby cutting off access to Milagra Ridge from the site's south entrance.
- **Mori Point:** Exhibit #38 shows dog walking banned on the Mori Bluffs oceanfront trail and the Timigtac trail.

On September 23, 2019 Coastside DOG spoke with Michael Savidge, GGNRA's Director of Strategic Planning and Partnership, regarding the Compendium's Pet Management Exhibit maps for San Mateo County. Mr. Savidge offered a range of inadequate explanations. For Rancho, he said the GGNRA knows that dogs are allowed on-leash in all of Rancho. He said "not to worry" because the exhibits in the Compendium are internal maps only that will be used by law enforcement staff. He further stated that the public will be provided with a different set of maps. Providing GGNRA's law enforcement staff with incorrect dog walking access maps is a huge concern. In 2012, a GGNRA law enforcement ranger used a taser gun on a dog walker in Rancho for an encounter that ostensibly started as an "educational outreach." The bottom line is that Exhibit #39 shows significant changes to dog walking access that cannot lawfully be made by a Compendium.

For Mori Point, Mr. Savidge explained again not to worry about the Exhibit map. He said although the Exhibit map shows dog walking is not allowed on the Mori Bluffs and Timigtac trails (trails that currently allow dog walking), that rangers will not actively ticket people for walking their dogs on these trails. He went on to explain that the GGNRA would just prefer that dog walkers not use these trails. Again, this does not allay our concerns. Exhibit map #38 shows changes to current dog walking access that cannot lawfully be made by a Compendium.

For Milagra Ridge, Mr. Savidge however admitted that the GGNRA is banning dog walking on part of the Milagra Ridge trail and the Milagra Creek Overlook trail as shown in Exhibit map #37. These changes are not mentioned anywhere in the Compendium narrative or Table of Changes. He admitted that was an error and that the changes should have been listed in the Compendium's Table of Changes. If the GGNRA is taking away dog walking trails, the National Park Service needs to go through the required notice and comment rulemaking. Sneaking changes through on an Exhibit map is not the way to build public trust or to conduct a transparent process. In terms of cutting off access from the south entrance, Mr. Savidge explained that sections of the trail/road run through North Coast Water District lands and that GGNRA does not control access. That is not what the map conveys. The map shows a loss of dog walking access, the same access loss that GGNRA was trying to achieve via their Dog Management Plan. Again, the GGNRA simply cannot diminish dog walking access via a Compendium. Period.

The bottom line is that if these Compendium Exhibit maps are included with the 2019 Superintendent's Compendium we will be forced to take legal action.

BROAD “SIGNED RESTORATION AREA” LANGUAGE TO TAKE AWAY DOG WALKING ACCESS AT FORT FUNSTON OR ELSEWHERE MUST BE REMOVED

Illegal off-leash closures at Fort Funston in the late 1990s were the very issue that sparked the GGNRA “dog wars.” Federal Court rulings in two cases on the issue of access closures established that closures cannot be made by administrative fiat – or in a Compendium. They require a rulemaking process.

The 2019 Compendium sets us up to replay the very issue tested and reaffirmed by the courts over the past 20 years. On page 19 of the Compendium, it says that at Fort Funston, “Dogs are not allowed in the Habitat Protection Area, in signed sensitive restoration areas, or in NPS and Park Partner administrative and operational areas.”

The Habitat Protection Area (as shown in Exhibit Map #29) was closed following a public process in 2000. However, the Exhibit Map also shows a new five-acre area that is signed “sensitive restoration area.” This five-acre section, by virtue of NPS putting up a sign, is being closed to voice control dog walking without going through the required public process. This closure is unlawful and needs to be removed from the Compendium.

In addition, the very premise that the GGNRA can close off public access by signing it “sensitive restoration area” needs to be removed from the Compendium. Off-leash closures at Fort Funston and elsewhere are significant and highly controversial, and therefore must go through a public rulemaking process as already tested in the courts.

NEW ACCESS CLOSURES AT MUIR BEACH, RODEO BEACH, AND OAKWOOD VALLEY MUST BE REMOVED

The 2019 Superintendent’s Compendium (p. 9) closes access for all people, including dog walkers, at the western end of Muir Beach and Rodeo Beach when there is seasonal water flow between the lagoons and the ocean. The Compendium (p. 9) also closes off access to the small pond (man-made former dairy ranch pond) located in the center of Oakwood Valley trail’s voice control dog walking area. These closures, located in popular family and voice control dog walking areas, are significant and controversial changes that cannot be made via a Compendium. They must go through notice and comment rulemaking.

NEW DEFINITIONS OF “UNMANAGED DOGS,” “MANAGED DOGS” AND “VOICE CONTROL” MUST BE REMOVED

The 2019 Compendium includes new controversial and aggressive dog management definitions that attempt to implement GGNRA’s withdrawn Dog Management Plan and to change the 1979 Pet Policy. It is clear that the changes made to the definitions of “Unmanaged Dogs,” “Voice Control,” and “Managed Dogs” in the 2019 Compendium come directly from the Draft Final Rule of the Dog Management Plan that was terminated in 2017, e.g., behaviors that a “reasonable person” would find annoying or threatening; dog walkers must demonstrate immediate recall if asked by an “authorized person”; if an “authorized person” deems that a dog does not have recall, the dog can be considered running-at-large and impounded; and the overly broad lists of dog behaviors that could be called “unmanaged” and easily misinterpreted by rangers. These overly aggressive definitions do not represent best practices by park management agencies, are highly controversial, could be used to harass dog owners and need to be removed.

In addition, GGNRA cannot make changes to the 1979 Pet Policy via a Superintendent's Compendium. On September 27, 2019 (28 days into the public comment period) the GGNRA released a memorandum to accompany its Compendium titled "2019 Superintendent's Compendium Changes and Justifications." This public memorandum was written by David Schifsky, GGNRA Chief Park Ranger, and addressed to GGNRA General Superintendent Laura Joss.

In the September 27 memorandum, Chief Ranger Schifsky says under section 7. Dog Walking (p. 6):

"While some of the 1979 Pet Policy's provisions had been incorporated previously in to [sic] the park's Compendium, the Pet Policy had not been reviewed in light of on-the-ground changes that have occurred since 1979 and new information regarding resource management concerns, visitor use conflicts, and public safety considerations. Law enforcement staff consulted with other park staff to determine whether any modification to the Pet Policy were necessary.

The 2019 Compendium proposes slight modifications to the Pet Policy to address changed field conditions (including expanded Voice Control in one area), new resource protection considerations, and multiple and sometimes conflicting forms of public uses."

It is clear from the Chief Park Ranger's statement that GGNRA is using the Superintendent's Compendium to change elements of the 1979 Pet Policy. In two separate lawsuits against the GGNRA – one involving a closure at Fort Funston, the other involving tickets given to people walking dogs at Crissy Field when the GGNRA banned dog walking – three federal judges (including one on appeal) ruled that the Park Service has to hold a public notice and comment process when making changes that are significant or highly controversial. Yet, GGNRA's Chief Park Ranger is admitting that the 2019 Superintendent's Compendium changes elements of the 1979 Pet Policy without a public rulemaking process.

THE COMMERCIAL DOG WALKING BAN AT THE SAN MATEO COUNTY GGNRA SITES MUST BE REMOVED

In 2014 the GGNRA enacted an interim commercial dog walking permitting process. Without providing a rationale, the interim rule did not include San Mateo County GGNRA sites. The rule says: ***The scope of this proposed action is limited, applying only to GGNRA lands in San Francisco and Marin counties where dog walking is allowed; GGNRA lands in San Mateo County would not be affected.***

It also says: ***The expected duration of this proposed interim action is approximately two years, when the NPS intends to replace it with a special regulation published in the Code of Federal Regulations that will govern dog walking, including commercial dog walking, in GGNRA.***

In 2017, the Dog Management Plan was withdrawn leaving the interim rule as the basis for commercial dog walking in the GGNRA and leaving San Mateo County commercial dog walkers in limbo.

There is no language about commercial dog walking in San Mateo County in the 2017 Compendium. The 2017 Superintendent's Compendium says the following with respect to commercial dog walking:

“The walking of four or more dogs, with the maximum of six, at one time by any one person for consideration (commercial dog walking) is prohibited within San Francisco and Marin County sites administered by Golden Gate National Recreation Area (GGNRA), unless:

- *The person has been issued a current valid permit from GGNRA.*
- *The walking of four or more dogs, with a maximum of six, is done pursuant to the terms and conditions of that permit.*
- *Permit holders abide by all National Park Service regulations, including 36 CFR 2.15 (a), which requires that dogs be restrained by a leash no longer than 6 feet in sites that are not open to voice-control dog walking per the 1979 Pet Policy.*
- *The permit is visibly displayed and produced for inspection upon request by an officer with law enforcement authority in areas administered by GGNRA.”*

However, the new language in the 2019 Compendium explicitly bans commercial dog walking in San Mateo County without any public process. The 2019 Compendium (p. 18) says:

*“Commercial Dog Walking: Commercial Dog Walking pursuant to an NPS permit is allowed in accordance with permit conditions in specified Park areas in San Francisco and Marin Counties. Commercial Dog Walking is prohibited in Park areas in San Mateo County. For further information about Commercial Dog Walking permit applications and requirements, visit the Park’s website:
<https://www.nps.gov/goga/planyourvisit/cdswup.htm>”*

The GGNRA has no justification for banning commercial dog walking at the San Mateo GGNRA sites. They have not included San Mateo County in their public process around commercial dog walking. As such, banning commercial dog walking in San Mateo County is unlawful.

MISLEADING THE PUBLIC

Beyond the illegality of the changes cited above, Coastside DOG is extremely disappointed in the GGNRA’s communications with the public regarding changes made in the 2019 Compendium. During most of September and possibly longer, the GGNRA’s Chief of Communications, External Affairs, and Special Park Uses, Charlie Strickfaden, directed concerned members of the public and our elected officials to the Compendium’s Table of Changes assuring them that the changes made by the 2019 Compendium are minimal.

Mr. Strickfaden’s boilerplate email response said:

“The compendium changes are listed in a table, as an effort to be very transparent, and the document is 90% unchanged from that signed by Acting Superintendent Muldoon in 2017. This revision focused on making it more readable and providing better maps.”

The reality is that the majority of the Compendium changes outlined in this letter from Coastside DOG are not listed in the GGNRA’s Compendium’s Table of Changes and many of the Pet Management Exhibit maps are flat out wrong. On Day 1 of the Compendium’s release, Coastside DOG emailed Mr. Strickfaden to let him know that the changes outlined in Exhibit maps #37, #38, and #39 were not listed in the Table of Changes (not that listing them would have made the changes legal). Despite our alerting

Mr. Strickfaden to this issue on August 30 and alerting the GGNRA again via our attorney's letter on September 16, 2019, the GGNRA continued to direct the public and elected officials to their Table of Changes, which is incomplete. This lack of transparency is extremely disappointing.

Although again, even if the GGNRA had been forthright with the public about their intentions to restrict dog walking access, and transparently and accurately communicated the scope of their intentions, those actions – restricting dog walking in the GGNRA – would nonetheless be unlawful because they cannot be effected by a Compendium.

CONCLUSION

Coastside DOG appreciates the opportunity to bring these issues with the 2019 Superintendent's Compendium to your attention and hopes that they can be resolved without litigation. We want to put the "dog wars" behind us and to continue to work with the GGNRA in a positive, constructive manner.

Sincerely,



Christine Corwin
President, Coastside DOG

Encl: Baker Botts Compendium Letter, September 16, 2019

cc: Speaker of the House Nancy Pelosi
Congresswoman Jackie Speier
Congressman Jared Huffman
David Vela, Deputy Director, National Park Service
Stan Austin, Regional Director, National Park Service
Chris Carr, Baker Botts L.L.P.

September 16, 2019

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Laura Joss
Superintendent
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San Francisco, CA 94123-1307

Re: **Changes to the 2019 Superintendent's Compendium for the GGNRA Concerning Dogs Are Unlawful and Should Be Rescinded Immediately**

Dear Superintendent Joss:

This firm represents Save Our Recreation, Marin County DOG, Coastside DOG of San Mateo County, and SFD OG. I am writing on behalf of those organizations to inform you that requirements and restrictions concerning dogs set forth in the 2019 Superintendent's Compendium for the GGNRA are unlawful and should be rescinded immediately. If this is not done, my clients will commence litigation seeking to set aside those changes from the 2017 Superintendent's Compendium based on multiple, sufficient independent grounds, as set forth below. Moreover, my clients will seek attorney fees pursuant to the Equal Access to Justice Act, as any refusal by the government to rescind the unlawful requirements and restrictions would not be substantially justified.

New Dog Access Restrictions

The 2019 Compendium imposes substantial new requirements for and restrictions on access for people with dogs in the GGNRA by amending parts of the 1979 Pet Policy and implementing parts of the Dog Management Plan, which was withdrawn in 2017. The 2019 Compendium works all of these significant and controversial changes without the GGNRA's having provided the required: notice and opportunity to comment, reasoned explanation for those changes, or National Environmental Policy Act (NEPA) review and analysis.

Locations: At least seven locations have new restrictions on dog walking access reflected in the 2019 Compendium's text and/or its Exhibits. The most egregious are:

- San Mateo County locations **Rancho Corral de Tierra, Milagra Ridge and Mori Point** each will have multiple trails and/or areas closed to on-leash dog walking that currently allow such access. For example, at Rancho Corral de Tierra people with dogs will lose

more than 3,000 acres of on-leash dog walking access. At Milagra Ridge, the map shows that people with dogs will no longer be able to access Milagra's trail system from the park site's southern entrance, among other access changes. (*Exhibits #37, #38, and #39 – note these Exhibits and major public access changes are inexplicably not mentioned in the Compendium or the Compendium's Table of Changes.*)

- **Fort Funston** in San Francisco will lose a portion of a public parking lot and space designated for off-leash dog walking to “administrative and operational” uses by NPS staff and park partners. (*Exhibit #29.*)
- **Ocean Beach** in San Francisco will require dogs to be on-leash in beach access stairwells that enter the off-leash beach area. (*Exhibit #31 - there was no mention of this change in the Compendium or the Compendium's Table of Changes.*)
- Marin County locations **Muir Beach, Rodeo Beach** and **Oakwood Valley** will have closures (some seasonal) in central parts of popular off-leash dog walking areas that cannot be fenced-off or easily avoided. (*Exhibits #22, #23A, #24.*)

Commercial Dog Walking: Commercial dog walking is explicitly prohibited in GGNRA areas in San Mateo County. While commercial dog walkers can get permits to walk at Marin and San Francisco sites, they are unable to get a permit to walk at San Mateo County sites. (*Compendium §5.3 Engaging in or soliciting any business on lands... at pages 17-18.*)

Definitions: The definitions of the terms “voice control” and “unmanaged” dogs are ambiguous yet allow an NPS “authorized person” to require a dog walker to demonstrate “immediate recall” and threaten impoundment of an off-leash dog if it does not immediately return. Each term has new language that is not found in previous compendiums, NPS dog policy or the 1979 Pet Policy. (*Compendium Section 1.1 Definitions... Pages 3-4.*) There is no explanation and justification for these changes.

Closed Areas at Fort Funston: Fort Funston areas with "signed sensitive restoration areas" are closed to the public, setting a dangerous precedent for further closures without the required public process. (*Page 16.*)

Notice and Comment Rulemaking Is Required

The very regulation that the 2019 Compendium purports to rely upon as authority for imposing the new requirements and restrictions concerning dogs requires NPS actions limiting public use to “be published as rulemaking[s] in the Federal Register” if they would “result in a significant alteration in public use pattern of the park area” or would be “highly controversial.” 36 C.F.R. § 1.5(b). The GGNRA has been down this road before. *See United States v. Barley*, 405 F. Supp. 2d 1121, 1125 (N.D. Cal. 2005) (“After more than twenty years of consistently approving and designating areas for off-leash dog walking, the GGNRA clearly engaged in an ‘activity restriction’ when it suddenly reversed field, closed all areas for off-leash use, and started citing

off-leash dog walkers. Not only did this activity restriction work a ‘significant alteration in the public use pattern of the park area,’ but it was of a ‘highly controversial nature.’ The whole point of Section 1.5(b) was to allow the public an opportunity to be heard *before* such a change occurred.”). To assert that the changes worked by the 2019 Compendium neither “result in a significant alteration in public use pattern” in the GGNRA, nor are “highly controversial,” would be fatuous.

The GGNRA surely knows that the 2019 Compendium’s changes concerning dogs must be pursued through notice and comment rulemaking based on its publication of a proposed rule imposing dog access restrictions in 2016. *See* 81 Fed. Reg. 9139 (Feb. 24, 2016). The GGNRA later withdrew that proposed rule and terminated that rulemaking (*see* 82 Fed. Reg. 61199 (Dec. 27, 2017)), after Save Our Recreation, Marin County DOG, Coastside DOG of San Mateo County, and SFDOG published e-mails, obtained through a Freedom of Information Act suit, showing unlawful conduct by GGNRA staff in the development of the proposed rule. Those organizations fervently hope they will not be compelled to bring suit against the GGNRA once again.

The Administrative Procedure Act Requires a Reasoned Explanation for the Changes

The changes to dog access worked by the 2019 Compendium are arbitrary and capricious agency action in violation of the Administrative Procedure Act. 5 U.S.C. § 706. It is hornbook administrative law that a agency must provide a reasoned explanation for changes in policy, and that this requirement is even more stringently enforced when, as here, the factual situation to which the policy is applied has not changed and the public has for many years relied on accessibility to walk dogs in the GGNRA. *See F.C.C. v. Fox Television Stations, Inc.*, 556 U.S. 502, 515–16 (2009) (“[T]he agency need not always provide a more detailed justification than what would suffice for a new policy created on a blank slate. Sometimes it must—when, for example, its new policy rests upon factual findings that contradict those which underlay its prior policy; or when its prior policy has engendered serious reliance interests that must be taken into account.” *Smiley v. Citibank (South Dakota), N. A.*, 517 U.S. 735, 742 (1996)). It would be arbitrary or capricious to ignore such matters. In such cases it is not that further justification is demanded by the mere fact of a policy change; rather, it is that a reasoned explanation is needed for disregarding facts and circumstances that underly or were engendered by the prior policy. The GGNRA utterly failed to provide the reasoned explanation required for the changes affecting dog access worked by the 2019 Compendium. The 2019 Compendium makes no effort to explain how the underlying, on-the-ground, in-the-Recreation-Area facts have changed so as to support the changes to dog access it has worked. Nor does it take account the public’s historic use of areas of the GGNRA to which access is now subject to new requirements and restrictions, and in some instances prohibited altogether.

September 16, 2019

NEPA Analysis Is Required for the Changes

GGNRA violated NEPA by improperly relying on a categorical exclusion and failing to prepare an EIS or, at the very least, an EA. First, the fact that the changes are controversial – as the GGNRA surely knew they would be – precludes the use of a categorical exclusion. Second, the changes – imposing more requirements and restrictions on access (including further limiting areas where voice control is authorized and prohibiting dogs entirely in some areas) – are of a nature, magnitude and duration that will result in a significant alteration in the public use pattern of the GGNRA. None of the changes, individually or collectively, is minor, as required for invocation of a categorical exclusion. A categorical exclusion is simply inappropriate for the changes the 2019 Compendium makes. So, while the GGNRA failed to comply with the requirements for the exclusion itself in failing to provide documentation for its invocation of the exclusion, it would not matter even if the GGNRA had done so. A categorical exclusion simply cannot be used here.

Once again, it is surely instructive that in 2016 the GGNRA prepared an EIS for the ultimately withdrawn Dog Management Plan. The GGNRA is now trying to implement requirements and restrictions from that Plan through the 2019 Compendium while foregoing the analysis of environmental impacts required by NEPA.

Conclusion

As set forth above, the 2019 Compendium as it relates to dog access is unlawful. It fails to comply with NPS regulations, the Administrative Procedure Act and NEPA. My clients respectfully request that the GGNRA immediately rescind the requirements and restrictions of the 2019 Compendium concerning dog access. Otherwise, my clients will be left with no option but to file suit seeking declaratory and injunctive relief, and seeking attorney fees under the Equal Access to Justice Act.

Please let me know at your earliest convenience whether the GGNRA will agree to my clients' request.

Sincerely,



Christopher J. Carr

cc: Stan Austin
Regional Director
National Park Service