

Comment on the Proposed Rule to Ban Off-Leash Recreation At Ocean Beach

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I strongly object to the ban of off-leash recreation on any portion of Ocean Beach. This Proposed Rule is a direct violation of the enabling legislation for the Golden Gate National Recreation Area (GGNRA). The GGNRA promised the citizens of San Francisco that they would maintain the historical recreational use of properties turned over to them for inclusion in this National Recreation Area. The GGNRA is not proposing this Rule to protect the Western Snowy Plover (WSP), instead it is merely a ploy to satisfy two objectives of the Park Service. The first objective is to eliminate off-leash recreation in the GGNRA to satisfy concerns that off-leash recreation here will provide a precedent for similar use elsewhere in the country. This is a blatantly discriminatory policy which should be challenged, because the enabling legislation for this National Recreation Area differs from that of other National Parks. The second objective was voiced on September 7, 2005 in the San Francisco Chronicle by Daphne Hatch, Chief of Natural Resources Management and Science in the GGNRA. "Ocean Beach without the people is an incredible habitat. But people think of it as a sandbox or their backyard." Clearly, she and her superiors believe the enabling legislation is to be disregarded; they want to treat this as a wildlife preserve, not an area for recreation. Worse yet, Ms. Hatch is the individual responsible for both studies that the GGNRA has produced to justify this closure of Ocean Beach to off-leash recreation. Clearly, her studies reflect that bias and cannot be relied upon to set public policy.

What is most disturbing, however, is the fact that this proposed Rule will do NOTHING to enhance the opportunity for the WSP to thrive and procreate. Ocean Beach is NOT critical habitat for the WSP, and US Fish and Wildlife has concluded that the WSP will never nest and/or breed here at Ocean Beach because there is not ample suitable habitat. Further, what limited habitat the WSP occupied seasonally at Ocean Beach has been destroyed by GGNRA management.

Plovers nest, breed and roost on flat, or gently sloped dry sand areas on the beach. They do not prefer areas that have an abundance of beach grass or other plant life. This photo of Coal Oil Point Reserve in Santa Barbara illustrates habitat suitable for the WSP.



In Santa Barbara, where a conflict has existed between the WSP and the public, you can see in this photo a simple fence separates the WSP who actually nest and breed in this location from people using the beach for recreation. The GGNRA has not advanced any program to allow concurrent utilization of Ocean Beach by off-leash recreationists and the WSP.

Some time ago, Ocean Beach did have some limited areas where the WSP might be found seasonally roosting. You can see two such areas in the photos below taken June 25, 2007.



As you can see, the sand dunes slope up to a seawall that runs from Noriega Street south to a spot somewhere between Rivera and Santiago Streets. However, in the summer of 2007, the GGNRA undertook a project to move sand out of this area, in order to prevent erosion at Ocean Beach and also prevent the blowing of sand in those dunes on to the seawall and up on to the Great Highway, which runs parallel to Ocean Beach. However, as the following photos will show, this excavation of sand destroyed the WSP habitat.









You can also see a video of the GGNRA's sand excavation activity at the following site:

<http://oceanbeachdog.home.mindspring.com/closure/index.html> or

<http://www.youtube.com/watch?v=PEQe0y2Cs8Y>

I personally requested from the GGNRA all documents they had to show that they had cleared the excavation activity with US Fish and Wildlife, but was advised by GGNRA officials that those documents did not exist. The following photos were taken on January 16, 2008 and show what used to be WSP habitat at Ocean Beach.











The WSP will not roost or nest in a ravine as the WSP needs to have the ability to survey their surroundings for the presence of predators like ravens, and to prevent predators from having a vantage point from which they can swoop down on the WSP. These areas no longer have clear dry sand, as the tides run up to what is left of the dunes, and then flow around through openings in the dunes to the trench behind the dunes that the GGNRA created. As you can see, what used to be open, dry sandy dunes suitable for WSP roosting is now a large trench of wet sand covered in debris—no habitat for man or the WSP.

Other areas of the beach clearly show that the tides have created sand “cliffs” which are not suitable for WSP roosting. These “cliffs” do not have flat expanses of sand, and they have beach grass planted by the GGNRA to prevent erosion. The wet sand that lies below these “cliffs” is fairly flat, but you can see by the vehicle tracks left by GGNRA personnel that these areas would be far too dangerous for the plover to roost in.









The audacity of the GGNRA to now proceed to eliminate off-leash recreation on this portion of the beach under the premise that off-leash dogs disturb the WSP is ridiculous, considering the GGNRA has destroyed the WSP habitat. The GGNRA's own studies show erosion of the beach and habitat loss has a much greater detrimental effect upon the WSP than the *occasional* disturbance of the WSP by off-leash dogs. This proposed Rule will not meet the desired objective of protecting the WSP, is patently discriminatory, and therefore unlawful. This Proposed Rule should be summarily rejected.