

TUG-OF-WAR OVER BEACHES AND CANINES

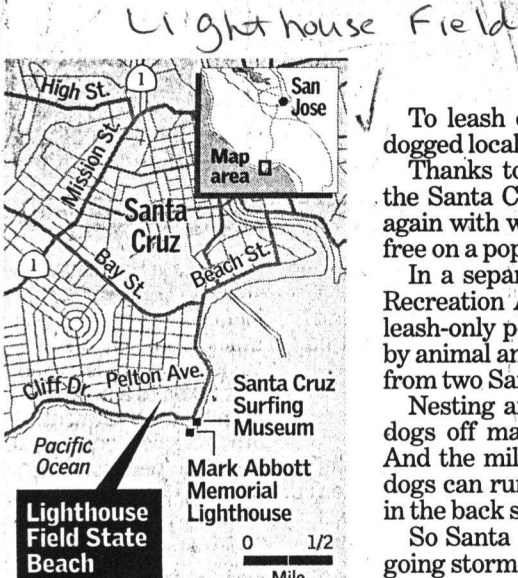


KAREN T. BORCHERS — MERCURY NEWS

Tallie Bendaniel of Santa Cruz lets two dogs she's pet-sitting, right, interact with another off-leash dog at the Lighthouse Field State Beach.

Court ruling may force city to revisit its off-leash law

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By David L. Beck
Mercury News

To leash or not to leash? 'Tis a question that has dogged local beaches for years.

Thanks to an appellate court decision this month, the Santa Cruz City Council might have to deal once again with whether off-leash dogs can continue to run free on a popular beach.

In a separate case, the huge Golden Gate National Recreation Area, which lost a lawsuit challenging its leash-only policy last spring, was petitioned this week by animal and biodiversity groups to bar off-leash dogs from two San Francisco beaches.

Nesting areas for snowy plovers keep even leashed dogs off many Bay Area and central coast beaches. And the milelong beach at Carmel-by-the-Sea, where dogs can run free, is a long drive with an eager pooch in the back seat.

So Santa Cruz's dog beach is one center for the on-going storm.

The dog run in question there is Lighthouse Field State Beach, where current rules permit dogs to run free before 10 a.m. and after 4 p.m., both in the field atop the cliff and on the beach below.

The state owns it and the city runs it, under a 1984 agreement that specified leashes. However, in 1993 the

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city put its current off-leash rules in place, with the state's agreement.

More recently, the city and neighbors who oppose letting dogs have the run of the beach faced off in court, after the city proposed updating its park plan to make applying for grants easier. The neighbors lost the first legal round but won the second, when a state appeals court this month told the city it had missed a technical step and would have to revise a study if it wanted to proceed. The court did not say the city would have to do a full environmental impact report, as neighbors had wanted.

Court documents spell out what the anti-dog crowd feared: Poop. Pee. Barking. Snarling. Chasing. "Sensitive habitat degradation." In short, "uncontrolled dog

For the dogs: a list of Bay Area beaches that allow them, on and off the leash.

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Controversy over canines and leashes

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behavior." They say wildlife has been chased from the field, and that birds no longer nest there or use the rainy-season "ponds" that form in the winter.

Dog owners on the beach this week were agog. "If people are afraid of dogs at this location, they should go somewhere else," pug owner Kendra Adelson said.

In the Golden Gate National Recreation Area case, three owners who let their dogs run free at Crissy Field went to court rather than pay their \$50 fines. U.S. District Court Judge William Alsup, in San Jose, ruled that the park had to allow unleashed dogs because it always had — a policy that had been endorsed by recreation area superintendents from 1974 to 2002.

On Tuesday, Center for Biological Diversity lawyer Brent Plater, acting for several groups including Guide Dogs for the Blind, petitioned the park to enforce the National Park Service's nationwide leash-only policy.

"Dogs are roaming off-leash almost throughout the entire area," he said. "In some places illegally, in others with tacit approval from the park." It's dangerous both to people and to dogs, he said.

The recreation area, which stretches from north of the Marin Headlands to south of Fort Funston in Daly City, has embarked on a two-year process for writing new rules.

Chris Powell, a park spokeswoman, said large areas have already been closed to dogs — even on leash — to protect the snowy plover, the mission blue butterfly and the bank swallow.

"Have we changed anything since yesterday? No," she said Wednesday. "It gets a little confusing here." She added that park lawyers are pondering a decision on the petition.

In Santa Cruz, City Attorney John Barisone said the city needs the grant money to upgrade the park and stem erosion that threatens the lighthouse. But he pointed out several reasons why the city council might want to drop the park update and avoid revisiting the contentious issue.

For one thing, he said, the city-state contract for operating Lighthouse Field runs out in 2007. Money is tight, and the city currently budgets \$267,000 for Lighthouse Field maintenance. "Do we want the park after 2007," said Barisone, "or do



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Dogs at Lighthouse Field State Beach, where current rules permit canines to run free before 10 a.m. and after 4 p.m.

we give it back to the state?"

Moreover, in a city where many cars sport bumper stickers reading "I Like Dogs — And I Vote," there may be little appetite among elected officials for another public slugging match.

"The council has to decide whether it wants to go through this entire exercise again," said Barisone. "I don't know whether they're going to want to do that."

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RUN, SPOT, RUN

Only a handful of beaches in the Bay Area and on the Central Coast officially permit dogs off-leash — usually under "voice command." Check signs and if you're not sure, call before you come. Among them:

Parts of Muir Beach and Rodeo Beach in the Marin Headlands

Parts of Baker Beach at the Presidio

Crissy Field and Ocean Beach in San Francisco

Parts of Fort Funston in San Mateo County

Esplanade Beach, Pacifica

Mitchell's Cove (West Cliff Drive near Almar Street) and Lighthouse Field State Beach, Santa Cruz

Carmel-by-the-Sea

ON LEASH ONLY

Other beaches allow dogs on leashes. Major ones include:

Montara State Beach north of Half Moon Bay

Bean Hollow State Beach south of Half Moon Bay

New Brighton State Beach south of Santa Cruz

Monterey State Beach south of the Monterey Beach Hotel

Carmel River State Beach

Source: Mercury News research