



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Pacific Southwest Region
2800 Cottage Way, Room W-2606
Sacramento, California 95825-1846



In Reply Refer To:
TE-54728A-0

DEC - 8 2011

Phil Ginsburg
San Francisco Recreation and Park Department
501 Stanyan Street
Pasadena, California 94117

Dear Mr. Ginsburg:

This responds to your August 25, 2011, request for an Endangered Species Act (ESA) recovery permit (TE-54728A-0) to conduct surveys, scientific studies and habitat management activities for the California red-legged frog (*Rana draytonii*, "frog"). You specifically requested to conduct these activities at properties owned and/or managed by the City of San Francisco within San Francisco and San Mateo Counties. After careful review and consideration, we have authorized your request to conduct presence/absence survey activities for the frog as shown in the enclosed recovery permit.

However, the U.S. Fish and Wildlife Service (Service) regrets to inform you that your application for conducting habitat management and scientific studies for the frog has been denied in accordance with regulations 50 CFR 13.21(b)(5), 17.22(a)(2)(iii) and 17.22(a)(2)(vi) (copies enclosed). Under the above regulations, we are required to determine whether the purpose, need and justification for the proposed permit are adequate and whether your application meets our permitting issuance criteria.

You requested that the following three individuals be authorized to conduct surveys for the red-legged frog: Jon Campo, Lisa Wayne, and Dylan Hayes. Upon review of the materials submitted with your permit application, we find that Jon Campo and Lisa Wayne have met our minimum qualifications for conducting surveys of the frog and they have been authorized for conducting survey activities. However, we determined that Dylan Hayes lacks the requisite hours of conducting independent survey activities for the frog and has been denied authorization until such time he meets our permit issuance criteria.

Please be advised that this recovery permit does not authorize habitat restoration activities for the CRLF, or movement of CRLF egg masses. **The Sacramento Fish and Wildlife Service Office has previously informed your office that operations and management of the Sharp Park Golf Course are not presently covered for incidental take, and for such coverage to be provided, the activities must be covered either through an incidental take permit under Section 10(a)(1)(B) of the ESA, or through the formal consultation process under Section 7 of the ESA. Accordingly, you must obtain incidental take coverage prior to seeking the movement of any egg masses that may be stranded this winter.**

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If you would like to pursue scientific research activities for the frog you must submit an appropriate project specific research proposal detailing the purpose, need, justification, and anticipated recovery benefit to the frog for conducting the requested research activity. The research proposal must be approved by the Service. Your staff will need to have adequate field experience and be determined to be qualified to independently conduct the proposed research activities for the frog. Once these criteria have been met, we may consider authorizing research activities under your recovery permit in the future.

As provided in 50 CFR 13.29, you may request reconsideration of the denial of your application. Such a request must be submitted in writing to this office within 45 calendar days of the date of this letter. Your letter requesting reconsideration must contain statements on the following: (1) why you are objecting to the denial; (2) presentation of any new information or facts pertinent to the issue(s) which could overturn the denial; and (3) a certification statement as provided at 50 CFR 13.12(a)(5) (copy enclosed).

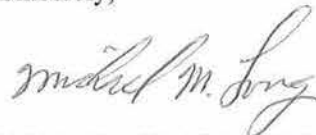
Please refer to your existing permit number in all correspondence and reports concerning permit activities. Engagement in any activity pursuant to your permit constitutes understanding and acceptance of the Special Terms and Conditions attached to your permit.

By accepting your permit and conducting activities authorized by it, you agree to adhere to the attached terms and conditions. Failure to meet permit terms and conditions could result in ESA section 9 take violations, or suspension/revocation of this permit.

Please be aware that the species named in your recovery permit may also be listed under various State Endangered Species Acts or otherwise be of special concern to the States. As such, activities affecting those species may not be conducted without first obtaining the appropriate State permits. Federal permits do not supersede State authorizations.

If you have any questions regarding this matter, please contact Daniel Marquez at the U.S. Fish and Wildlife Service's Pacific Southwest Regional Office, 2800 Cottage Way, Room W-2606, Sacramento California 95825, or at (760) 431-9440.

Sincerely,



Endangered Species Division Chief

Enclosures