



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
OFFICE OF LAW ENFORCEMENT  
2800 COTTAGE WAY, ROOM W2928  
SACRAMENTO, CA 95825



Telephone: (916) 414-6660

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February 1, 2005

**HAND DELIVERED**

Sean Sweeney, Golf Program Manager

City of San Francisco Recreation and Parks Department  
San Francisco, CA 94117

Dear Mr. Sweeney,

This letter concerns the threatened California red-legged frog (*Rana aurora draytonii*) and "Horse Stable Pond" at Sharp Park Golf Course in San Mateo County, California. This animal is protected under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). The California red-legged frog was listed as threatened on May 23, 1996 (6/FR 25832).

It is our understanding that beginning in early 2003 through 2004 and presently, the operation of a water pump that is controlled by the City and County of San Francisco Recreation and Parks Department (during the winter rainfall events) lowered the water level at Horse Stable Pond and resulted in the stranding and exposure of a number of egg masses of the California red-legged frog. This action apparently caused the death of an unknown quantity of embryonic tadpoles of the completely aquatic early stage of this animal's lifecycle.

Section 9 of the Act prohibits the take of any federally listed animal species by any person subject to the jurisdiction of the United States. As defined in the Act, take is defined as "...to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." "Harm" has been further defined to include habitat destruction when it injures or kills a listed species by interfering with essential behavioral patterns, such as breeding, foraging, or resting. Thus, not only is the California red-legged frog protected from such activities as collecting, but also from

actions that damage or destroy its habitat. The term "person" is defined as "...an individual, corporation, partnership, trust, association, or any other private entity; or any officer, employee, agent, department, or instrumentality of the Federal government, of any State, municipality, or political subdivision of a State, or any other entity subject to the jurisdiction of the United States."

Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of the project and a listed species is going to be adversely affected, then initiation of formal consultation between that agency and the Service pursuant to section 7 of the Act is required. Such consultation would result in a biological opinion addressing the anticipated effects of the project to the listed species and may authorize a limited level of incidental take. If a Federal agency is not involved in the project, and federally listed species may be taken as part of the project, then an incidental take permit pursuant to section 10(a)(1)(B) of the Act should be obtained. The Service may issue such a permit upon completion of a satisfactory conservation plan for the listed species that would be taken by the project.

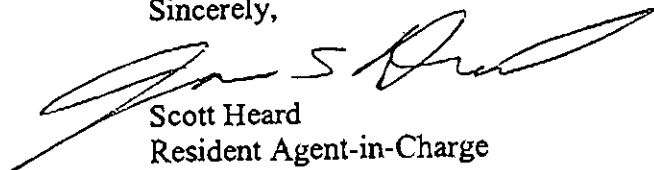
In order to avoid further potential violations of the Endangered Species Act, we recommend that you obtain authorization for incidental take through either Section 7 or 10(a)(1)(B), as appropriate for the California red-legged frog, and also the endangered San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) which also has been documented to inhabit the area.

Enclosed for your convenience and future reference is a copy of Title 16, United States Code, Section 1531 et seq., as well as a copy of Title 50, Code of Federal Regulations, Section 17.

Should you have any questions or wish to seek assistance or further clarification, please feel free to contact Special Agent Marilee Brown at 916-414-6665.

Your compliance and cooperation on this matter would be greatly appreciated.

Sincerely,



Scott Heard  
Resident Agent-in-Charge

cc. Special Agent Brown  
Special Agent Ken McCloud  
Chief of Endangered Species – Sacramento, CA

Encl. 16 USC 1538 et seq.  
50 CFR Part 17



**City and County of San Francisco  
Recreation and Park Department**

McLaren Lodge in Golden Gate Park

501 Stanyan Street, San Francisco, CA 94117

TEL: 415.831.2700 FAX: 415.831.2096 WEB: <http://parks.sfgov.org>

March 24, 2005

Scott Heard  
Resident Agent-in-Charge  
United States Department of the Interior  
Fish & Wildlife Service  
Office of Law Enforcement  
2800 Cottage Way, Room W2928  
Sacramento, CA 95825

Re: Red-legged Frogs at Horse Stable Pond

Dear Mr. Heard:

This letter is in response to your letter of February 1, 2005, regarding the California red-legged frog (*Rana aurora draytonii*) eggs at Horse Stable Pond located on the western edge of Sharp Park in San Mateo County. We are aware that this species is listed as "threatened" under the Endangered Species Act of 1973. We are also very concerned about, and are committed to, protecting critical habitat for the frog and the San Francisco Garter Snake at Sharp Park golf course.

Recreation and Park staff members, including Lisa Wayne, Natural Areas Program Director, Sean Sweeney, Golf Program Director, Dan Briesach, Sharp Park Manager, and Leon Smith, the Chief Stationary Engineer, have been monitoring the situation at Horse Stable Pond at least five days a week since fresh egg masses were located and identified after major rain storms in late February. The pumps have been reset to maintain a relatively stable water level of 5 to 6 inches over the eggs until they hatch.

While we are making every effort to protect the egg masses, we must point out that the problem of water drainage and flooding is greater than just the property controlled by the Recreation and Park Department. The watershed that drains into Sharp Park runs from the ridgeline of Mori Point (south of Horse Stable Pond) east to Sweeney Ridge, north along Sweeney ridge to Milagra Ridge, and then westerly along the south leg of Milagra Ridge to the north side of Eureka Square neighborhood. Sharp Park Golf Course accordingly receives drainage from federal lands (including GGNRA), Caltrans roadways and highway property, City of Pacifica storm drains and roadways, and private property owners in the City of Pacifica.

During periods of rainfall, water enters Sharp Park on the north end of Laguna Salada through a culvert under the # 15<sup>th</sup> fairway and overland across the # 16<sup>th</sup> and # 18<sup>th</sup> fairways. At mid-course, State Highway 1 drainage, Pacifica's Fairway drive and ridge drainage from Sharp Park Road enter the course in front of #3 Tee and travel in a culvert underground to the eastern edge of Laguna Salada where it daylights. On the south end, water from federal lands, City and County of San Francisco lands, Sharp Park Road and Pacifica neighborhoods drain into Sanchez Creek which enters through the eastern leg of Sharp Park Golf Course flowing westerly into Horse Stable Pond. Laguna Salada flows south into Horse Stable Pond where two pumps with a combined capacity of approximately 12,000 GPM pump excess water out into the Pacific Ocean. During periods of high rainfall, when the pumps cannot keep up with incoming flow, portions of the Sharp Park Golf Course, along with Pacifica neighborhoods to the north and south of the course, flood. During 100-year storms, there has been severe flooding to the golf course and to the neighborhoods to the north and south of the course.

A long term solution to this flooding problem must include working with the federal and state governments, and the City of Pacifica to develop a plan for regional drainage and the restoration of the area. This process will take resources at a time when governmental agencies such as ours are facing serious funding issues. Nevertheless, we feel it is important to take steps to define the problem and ultimately devise a solution that has the support of your agency.



Mayor Gavin Newsom  
Acting General Manager Yomi Agunbiade

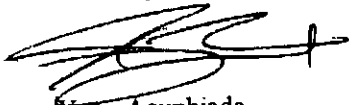
In addition to the pumps at Horse Stable Pond, there is an emergency gravity flow outfall located on the southwestern edge of the pond, which is currently plugged by silt at its eastern entrance, and blocked by sand on the beach at its western terminus. This culvert is 20" in diameter. As an interim solution, we would like to explore the feasibility of opening this drain with representatives from the USFWS, GGNRA and the California Department of Fish and Game. Such a solution would allow the pond to maintain a more consistent level, neither drying out nor drowning the eggs. If kept open, the gravity flow drain would maintain the water level constant with the eastern lip of the drain entrance. Water would flow out the drain and eliminate the need to pump, which alters the level of Horse Stable Pond. Because the flow of the water through Laguna Salada is obstructed by the tules in the connecting channels, pumping lowers the level of the pond more rapidly than it fills.

It appears that careful management by the Recreation and Park Department can avoid "take" of the existing frog egg masses this season. We would like to schedule a meeting with staff from USFWS, GGNRA and the CDFG to discuss the following:

1. The feasibility of implementing the short term outfall solution prior to next winter so we can ensure protection of frog egg masses for up to several seasons without having to rely so extensively on operation of the existing pumps, which require significant staff time to monitor and reset, and result in more extensive water level fluctuations than a gravity drain.
2. The development of a strategy for convening a meeting of all drainage area stakeholders to (a) define the problem; (b) identify any data gaps and studies required; and (c) devise a solution that alleviates flooding while enhancing habitat for the two species. The resultant plan would ultimately be permitted by the Corps of Engineers and vetted by the USFWS under Section 7 of the ESA.

We are aware of a January 2005, management plan for the red-legged frog and San Francisco Garter Snake that was approved by the USFWS and CDFG for management of a sedimentation basin above Upper Crystal Springs Reservoir, owned and operated by another City agency, the San Francisco Public Utilities Commission. It seems to us that many of the issues identified in the Laguna Creek report apply here. The channels draining to Horse Stable Pond and the pond itself are gradually accumulating sediment that eventually could compromise the habitat for these two species. The purpose of meeting on item 2, above, would be to determine if a similar plan could be developed for Sharp Park. Such a plan would enhance the habitat for the two species while providing agency approved take avoidance measures for construction, operation and maintenance of the ponds and associated channels. Please request the USFWS field staff assigned to this matter to contact Ms. Wayne at 415.753.7266 to arrange such a meeting in the near future.

Sincerely,



Yomi Agunbiade  
Acting General Manager

YA:vde



City and County of San Francisco  
Recreation and Park Department  
Golf Division

McLaren Lodge in Golden Gate Park

501 Stanyan Street, San Francisco, CA 94117

TEL: 415.831.6310 FAX: 415.753-7262 WEB: <http://parks.sfgov.org>

November 30, 2006

Christopher D. Nagano  
Chief – Endangered Species Division  
2800 Cottage Way, Rm. W-2605  
Sacramento, CA 95825

Dear Chris Nagano:

Your e-mail to the Natural Areas Program of the San Francisco Recreation and Park Department concerning pumping activities at Sharp Park Golf Course was forwarded to me yesterday. You requested that your office be notified as soon as possible should the pumps at Sharp Park be turned on due to flooding. We have not yet had a significant rain event that would cause flooding to Laguna Salada or Horse Stable Pond. We have been pumping down Horse Stable Pond on a controlled basis for the past three weeks and are installing a "by pass" pump to bring down the level of Laguna Salada to hopefully prevent the flooding that occurred last winter. The channel draining Laguna Salada into Horse Stable Pond is completely choked with tules and bulrush which have dramatically slowed the natural drainage from Laguna Salada. Our plan is to increase the water holding capacity of the Laguna Salada basin prior to any large winter storms.

I have been in contact with the Natural Areas group and they are monitoring for Red-Legged Frog activity and egg masses and there have not been any egg masses reported to my office this season. As soon as any egg masses are reported we will follow the protocol established last season keeping the masses hydrated and the water levels above the egg masses until we receive word from the Natural Areas that the hatch is complete.

We are holding a meeting with the City of Pacifica, San Francisco Recreation and Park Department, State Fish and Game and representatives from GGNRA on January 10, 2007 at 10 AM. The meeting will be held at the Calera Creek Waste Water Treatment Plant conference room at 700 Coast Highway in Pacifica. You are invited to attend or send a representative. The Laguna Salada basin is rapidly infilling with tules and bulrush, large areas of water that used to be open are now vegetated and the habitat is being altered to the potential detriment of the Red-Legged Frog, the San Francisco Garter Snake and the San Francisco Forktail Damselfly. We are looking for acceptable solutions and would welcome your expertise.

Sincerely,

Sean K. Sweeney  
Golf Program Director

c: Scott Holmes, City of Pacifica  
Dave Johnston, State Fish and Game



Mayor Gavin Newsom  
Acting General Manager Yomi Agunbiade