

Conservation groups wins fine from San Francisco in Sharp Park golf course lawsuit

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U.S. District Judge Susan Illston on July 2 awarded six conservation organizations a \$386,000 fine against the San Francisco Recreation and Parks Department for illegally killing endangered species on the Sharp Park Golf Course.

In the order, Judge Illston wrote that defendants denied they were causing any take of the threatened California red-legged frogs or endangered San Francisco garter snakes at Sharp Park, but expressly rejected this defense, noting that "as a result of construction activities and golf course maintenance operations, all frogs, all snakes, and 130 egg masses will be subject to incidental take." Under the Endangered Species Act (ESA), the definition of "take" includes acts that kill, injure, and harass protected species.

Judge Illston went on to state that "plaintiffs' litigation goal was the halt defendant's taking of the frogs and snakes without first obtaining authorization pursuant to the ESA. . . . The court also finds that this objective was met."