

# WILD Equity

INSTITUTE

*Building a healthy and sustainable global community for people  
and the plants and animals that accompany us on Earth*

February 24, 2011

## SENT VIA ELECTRONIC AND CERTIFIED MAIL

Chris Nagano  
Ryan Olah  
David Lee Kelly  
US Fish and Wildlife Service  
2800 Cottage Way, W-2605  
Sacramento, CA 95825

### **RE: Ongoing Take of ESA Listed Species at Horse Stable Pond, Sharp Park, Pacifica, CA.**

Dear Mr. Nagano, Mr. Olah, and Mr. Kelly:

As you know, the Wild Equity Institute has sent to the City and County of San Francisco several formal notices concerning their ongoing, unlawful take of species protected under the Endangered Species Act at Sharp Park Golf Course. Apparently due to these notice letters, the City Attorney has directed that the Wild Equity Institute not contact City or County officials or employees directly about these ongoing legal violations.

Accordingly, we are writing to apprise you that yesterday, February 23, 2011, on a visit to Horse Stable Pond on the Sharp Park Golf Course, I, along with an expert on the California red-legged frog, located a California red-legged frog egg mass that is completely exposed to the air, apparently due to pumping operations that were still occurring after the previous weeks' storms inundated the Golf Course.

The pictures below show the water level and the egg mass.



*Horse Stable Pond Water Level, February 23, 2011, 11:04 a.m.  
(approximately 2.6 meters)*



*California Red-legged Frog Egg Mass,  
Southern Edge of Horse Stable Pond  
February 23, 2011, 10:54 a.m.*

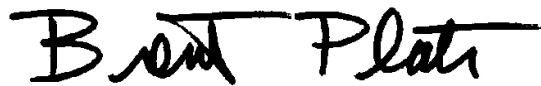
Brent Plater, Executive Director ♣ P.O. Box 191695 ♣ San Francisco, CA ♣ 94119  
O: 415-349-5787 ♣ C: 415-572-6989 ♣ [bplater@wildequity.org](mailto:bplater@wildequity.org) ♣ <http://wildequity.org>

This is not the only egg mass that local residents and others have seen in danger of desiccation in recent weeks. It appears that some other egg masses in danger of desiccation have been removed, although that may also have proceeded in violation of the Act.

The Fish and Wildlife Service should take immediate action to address the City and County's ongoing violations of the ESA at Sharp Park Golf Course, and to prevent the ongoing take of ESA listed species there. Regardless of whether this particular egg mass can survive, as we have explained in our notice letters, since the Golf Course's operations are inevitably resulting in ongoing take of the Frog, the City and County must obtain an incidental take permit under the ESA, and unless and until they do so, they remain in continuing violation of the Statute.

Please feel free to contact me if there is any further information we can provide, and thank you for your immediate attention to this urgent matter.

Sincerely,

A handwritten signature in black ink that reads "Brent Plater". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

Brent Plater