STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., *Governor*

CALIFORNIA COASTAL COMMISSION
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NORTH CENTRAL COAST DISTRICT
DEPUTY DIRECTOR'S REPORT

For the
April Meeting of the California Coastal Commission

MEMORANDUM Date: April 14, 2015

TO: Commissioners and Interested Parties

FROM: Dan Carl, North Central Coast District Deputy Director

SUBJECT: ***Deputy Director's Report***

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the North Central Coast District Office for the April 2015 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the North Central Coast District.

DETAIL OF ATTACHED MATERIALS

REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

Applicant	*Project Description*	*Project Location*
2-15-0188-W City of Half Moon Bay	to repair by replacement-in-kind an existing hand railing on the stairs leading down to the beach from the Coastal Trail	Canada Verde Creek Beach, off Miramontes Point Road in Half Moon Bay, San Mateo County

REPORT OF EXTENSION - IMMATERIAL

Applicant	*Project Description*	*Project Location*
A-2-PAC-07-022-E6 Simon Weng	for the construction of a nine-unit three story condominium building with a 10,575 square-foot subterranean parking garage	1567 Beach Boulevard in Pacifica, San Mateo County.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: April 1, 2015

To: All Interested Parties

From: Nancy Cave, North Central Coast District Manager
Stephanie Rexing, Coastal Planner

Subject: **Coastal Development Permit (CDP) Waiver 2-15-0188-W**
Applicant: City of Half Moon Bay

Proposed Development
A proposal to repair by replacement-in-kind an existing hand railing on the stairs leading down to the beach from the Coastal Trail at Canada Verde Creek Beach, off Miramontes Point Road in Half Moon Bay, San Mateo County.

Executive Director's Waiver Determination
Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The project proposes to replace an existing hand railing that has deteriorated severely and has become dangerous to Coastal Trail users. The railing will be replaced with an in-kind metal railing similar to what is existing and only railing areas that are damaged will be removed and replaced. The contractor will build the replacement railing off-site and the replacement railing will be installed using existing pole holes. The construction setup area and all construction materials will be located at the landing area at top of the stairs along the asphalt Coastal Trail Path. The railing will be installed from the bluff top and no work will occur on the beach, near the creek or any other surrounding areas besides the asphalt landing area. The beach access stairwell will be closed for a short period during the actual installation, but the Coastal Trail and parking area above will remain open. For the reasons above, the proposed project is consistent with Chapter 3 of the Coastal Act.

Coastal Commission Review Procedure
This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on April 16, 2015 in San Rafael. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have questions about the proposal or wish to register an objection, please contact Stephanie Rexing in the North Central Coast District office.

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: April 1, 2015

To: All Interested Parties

From: Nancy Cave, North Central Coast District Manager
Stephanie Rexing, Coastal Planner

Subject: Proposed Extension to Coastal Development Permit (CDP) A-2-PAC-07-022
Applicant: Simon Weng

Original CDP Approval
CDP A-2-PAC-07-022 was approved by the Coastal Commission on March 7, 2008, and provided for the construction of a nine-unit three story condominium building with a 10,575 square-foot subterranean parking garage at 1567 Beach Boulevard in Pacifica, San Mateo County.

Proposed CDP Extension
The expiration date of CDP A-2-PAC-07-022 has been extended by the Commission five times previously (to March 7, 2011, March 7, 2012, March 7, 2013, March 7, 2014, and March 7, 2015, respectively), and would be again extended by one year to March 7, 2016. The Commission's reference number for this proposed extension is **A-2-PAC-07-022-E6.**

Executive Director's Changed Circumstances Determination
Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified City of Pacifica Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

Coastal Commission Review Procedure
The Executive Director's determination and any written objections to it will be reported to the Commission on April 16, 2015 in San Rafael, Marin County. If three Commissioners object to the Executive Director's changed circumstances determination at that time, then the extension shall be denied and the development shall be set for a full hearing of the Commission.

If you have any questions about the proposal or wish to register an objection, please contact Stephanie Rexing in the North Central Coast District office.

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W17a

Prepared April 14, 2015 for April 15, 2015 Hearing

To: Commissioners and Interested Persons

From: Dan Carl, District Director
Nancy Cave, District Manager
Ethan Lavine, Coastal Planner

Subject: Ex Parte Disclosures and Correspondence Received for W17a
Appeal Number A-2-SON-13-0219 (State Parks' Iron Rangers Project)

The attached is correspondence and ex parte received in the time since the staff report was distributed for this item. In particular, staff has received a submittal by State Parks today requesting that Coastal Commission staff submit an addendum to the staff report and recommend that if the Commission determines a substantial issue exists on the appeal matter, that the Commission take jurisdiction over the CDP application and immediately at the April 15, 2015 hearing proceed to a de novo hearing on the merits of the CDP application and approve the CDP, subject to conditions proposed by Parks in the submittal. In the alternative, State Parks requests that the Commission hold the de novo hearing on the merits of the CDP application no later than the Commission's June 2015 meeting and approve the CDP with the conditions proposed in State Parks submittal.

Staff cannot support the request to hold a de novo permit hearing on April 15, 2015. The staff report prepared for this item specifically states that the hearing this week will only be on whether the appeal raises a substantial issue. If the Commission finds that it does, the report states that the de novo phase of the hearing will be held at a future Commission meeting. In addition, the substantial issue staff report does not include the elements that are required under the Commission's regulations to be included in a de novo staff report. Therefore, the legal prerequisites for the Commission to take de novo action are not satisfied. In addition, as a matter of public policy, it is unwise to pursue this course of action as interested members of the public – and there are many – are preparing for a substantial issue only hearing. In addition, State Parks only recently (in the last couple of weeks) identified their specific proposed fee program associated with the proposal to install iron rangers (now automatic pay parking machines). Under the Commission's regulations, staff recommendations need to be provided within a reasonable period time of the hearing to provide adequate notice to the public – a requirement not satisfied here with respect to a potential de novo permit hearing.

With respect to State Parks alternative request to hold a de novo hearing no later than the June 2015 Commission meeting, staff notes that under State Parks' own proposal, it would not begin

collecting fees until September. Given that, continuing the de novo phase of the hearing until a later time, should the Commission find substantial issue, would not prejudice State Parks' ability to collect fees as proposed if the Commission approves the permit at a future meeting. Staff also notes that a June hearing would provide staff about one month to prepare a de novo hearing recommendation. Ordinarily staff would seek more time to prepare such a recommendation. However, should the Commission find that the appeal raises a substantial issue and subsequently desire that a de novo hearing be held in June, staff would do its best to evaluate State Parks recently submitted information, understand the Commission's input and direction, and work with State Parks, the County and other interested parties to develop a staff recommendation for Commission action in this time.

Finally, the staff recommendation that the Commission find that the appeal raises a substantial issue is unchanged. This, of course, is a decision for the Commission to consider in its deliberations tomorrow.

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Memorandum

April 14, 2015

To: Commissioners and Interested Parties

FROM: Dan Carl, North Central Coast District Deputy Director
North Central Coast District

Re: ***Additional Correspondence and Information for Commission Meeting Wednesday April 15, 2015***

Agenda Item	Applicant	Description
W17a	A-2-SON-13-0219 California Dept. of Parks and Recreation, Sonoma Co.	Correspondence, Liz McGuire, Department of Parks and Recreation Correspondence, Susan Gorin, County of Sonoma Correspondence, Sen. Mike McGuire, Assemblyman Marc Levine, Assemblyman Jim Wood, Assemblyman Bill Dood Email, Dave Hardy Email, Cea Higgins, Surfrider Foudadtion Email, Norma Jellison Correspondence, David L. Rampton Email, Linda Curry Email, Jeff Erkel Correspondence, Berit Brunn Correspondence, Paul, Patty & Alicia Ginochio Email, Pat Paterson Correspondence, Susan S Weston Correspondence, Jack Bundy Correspondence, Diana Bundy Correspondence, Robert O. Beauchamp Correspondence, Scott Miller Correspondence, Anne C. Donovan Correspondence, Susan G. and John A. Hicks Correspondence, Teresa Gary Correspondence, Ceci Smart Email, Fran Levy Correspondence, David and Nancy Kalb Email, Jacques Levy Email, Kathryn Zils PHN Email, George H Cinquini Email, Oliver Marks Email, Bonnie Hogue Email, Paul Lewis Email, Peggy Dombeck Email, Gerry Schultz Email, Kathleen Watson Email, Pamela Bernier Email, Chris and Anne Gibson Email, Richard R. Rudnansky Email, Wanda Boda

Email, Stephanie Brodt
Email, Kathy and Tom Flynn
Email, David Gurney
Email, Roinn Hoegerman
Email, Jim McGowan
Email, Timothy & Darlene Sumrall
Email, Michael A. Cook
Email, John FitzGerald
Email, Fred Allebach
Email, Fredrick Crichton
Email, Victoria Tonski
Email, Louisa Yates
Email, Mary G. Shearer
Email, Linda Park
Email, Linda Lucey
Email, Mary DeDanan
Petition, Surfrider Foundation
Email, Gerry Schultz
Email, G. Schultz
Email, Gioia
Email, California Redwood Chorale
Ex Parte Communication, Carole Groom
Ex Parte Communication, Greg Cox
Correspondence, Rixanne Wehren
Email, Alexandra Genetti

State of California – Natural Resources Agency

Memorandum

W17a

Date : April 14, 2015

To : Charles Lester, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

From : Liz McGuirk, Deputy Director, Legislation
Department of Parks and Recreation
1416 9th Street
Sacramento, California 95811

Subject : Appeal Number A-2-SON-13-0219 – California State Parks Coastal Development Permit Application Number CPH12-0004 (Iron Rangers at State Beaches within Sonoma County)

The California Department of Parks and Recreation (State Parks), respectively requests that the California Coastal Commission (Commission) staff submit an addendum to its "Appeal Staff Report: Substantial Issue Determination Only", dated April 3, 2015, regarding State Parks' appeal of the Sonoma County's denial of State Parks' application of Coastal Development Permit CPH12-0004 (CDP). State Parks requests that the addendum recommend that if the Commission determines a Substantial Issue Exists that the Commission take jurisdiction over the CDP application and immediately at the April 15, 2015 hearing proceed to a de novo hearing on the merits of the CDP application and approve the CDP with the conditions proposed below.

In the alternative, State Parks requests that the Commission hold the de novo hearing on the merits of the CDP application no later than the Commission's June 2015 meeting and approve the CDP with the conditions proposed below.

State Parks' appeal falls under the agenda category of "New Appeals". Pursuant to the Commission's explanation of "New Appeals" as stated in the April 2015 Agenda, a new appeal requires an initial determination that a substantial issue exists and may not include a de novo hearing on the merits of the project. If staff recommends that a substantial issue exists, as they have in the staff report for this appeal, a public hearing will only be held if 3 or more Commissioners request a hearing. If 3 or more Commissioners do not request a hearing on whether a substantial issue exists, the matter automatically proceeds to de novo public hearing at the same or later Commission meeting. If the Commission finds substantial issue and there is no staff recommendation on the merits of the project, the de novo hearing will be scheduled for a subsequent meeting.

The Commission's procedures related to hearing new appeals contemplates that the Commission, after determining substantial issue, may immediately proceed to hearing the permit application on the merits if there is a staff recommendation on the merits. Thus, State Parks requests that Commission staff submit an addendum regarding the merits of the CDP to its April 3, 2015 report.

State Parks initiated this project because it has been mandated by the Legislature to seek additional revenue generation at its park units to become more self-sufficient. State Parks originally submitted its CDP application to Sonoma County in June 2012. State Parks has been unable to implement this project and, as a result, has missed opportunities in the form of lost revenue and lost recreational opportunities (as further explained below) have occurred. If the CDP application is not considered at this hearing or by the Commission's June 2015 meeting, State Parks could conceivably be forced to wait another full year, incurring a fourth year of lost revenues and recreational activities.

State Parks offers the following information that may assist Commission staff regarding State Parks' request for a de novo hearing on the merits of the CDP application.

Information for the Summary of Staff Recommendation:

State Parks seeks approval to install 14 automated parking fee machines (Iron Rangers) at 14 state day use parking areas within Sonoma County, that fall within the jurisdiction of the Local Coastal Plan certified for Sonoma (Sonoma LCP). The maximum daily rate proposed would be $8.00/day, and a companion hourly rate could be set not to exceed $3.00/hour, but adjusted as necessary by State Parks' staff to account for off-peak use, inclement weather, or other factors so that maximum access and use can be ensured in real time. State Parks would allow free 15-minute short-term parking for the purpose of surf checks and other similar uses at all locations.

State Parks originally sought approval of a coastal development permit for the project from Sonoma County in June 2012. It was denied by the Sonoma County Zoning Board of Adjustments on or about January 17, 2013, on the grounds it was inconsistent with the Sonoma LCP, and that access requirements of the Coastal Act would be impaired. State Parks appealed that decision to the Sonoma County Board of Supervisors (BOS), who denied the appeal in June 2013, on those same grounds. State Parks appealed the BOS decision to the Commission on or about July 8, 2013, and now asks the Commission to find both that this appeal presents a substantial issue and to approve the project, with conditions.

The Commission is generally guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government decision; the extent and scope of the development as approved or denied; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its local coastal plan; and whether the appeal raises only local issues as opposed to those of regional or statewide significance.

Here all the factors have been met. The decision by the BOS to deny State Parks' CDP included inaccurate information and lacked legal merit. The footprint of the project is small and has no appreciable effect on natural resources. The precedential value of allowing a local entity to effect a legislative mandate regarding state management of lands has broad implications of statewide concern. As noted above, Sonoma County found that the proposal did not conform to its certified LCP; specifically the Access and Recreation Plan which states that "no change (i.e., from free to fee) is allowed to occur at Stump Beach, the four Goat Rock parking lots, Shell Beach or Portuguese Beach." Sonoma County imposed a new condition in its LCP that was not intended. The reference to "no change" in the LCP was simply recognition and grandfathering in of existing services and access points, and thus an acknowledgment that there were no plans in 2001 for additional access ways when the LCP was drafted and certified.

Sonoma County also erroneously cited Coastal Act Section 30212.5, calling for distribution of parking areas throughout an area so as to mitigate against impacts, social and otherwise, of overcrowding or overuse by the public of any single area. State Parks (free) parking areas are already distributed over 35 miles of Sonoma County coastline yet overcrowding is already a recognized issue. In fact, the LCP (page 91) specifically states that on about ten weekends per year, the demand for facilities exceeds the supply. Keeping parking free to the public will not mitigate an impact that is already occurring in part because of the free parking. As such, this section not only was inappropriately used to deny the appeal, it actually justifies active management of parking facilities The Iron Rangers will allow State Parks the ability to employ parking fees to reduce overcrowding by increasing turnover, thereby improving maximum access.

Coastal Act Section 30213 was also used to deny the appeal. This section states that lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Certainly, lower cost could include free but is not synonymous with free. The provision of hourly rates would potentially allow more people to economically utilize these scarce resources and thus, is consistent with this section. Furthermore, the collection of fees will ultimately provide funding to facilitate other improvements in the future, which will also improve public access. Therefore, State Parks' proposal is consistent with this Section.

Finally, Sonoma County also cited Coastal Act Section 30214 that speaks to the legislative intent of public access policies. This section states that public access policies of this article shall be implemented in a manner that takes into account *the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case* including, the need to provide for the management of access areas. It further states that in carrying out the public access policies of this article, the Commission and any other responsible public agency shall consider and encourage the *utilization of innovative access management techniques*. As previously noted, the Iron Rangers do allow innovative management techniques that will ultimately enhance public access while protecting natural resources. Once again,

Sonoma County's justification was erroneous as the project actually supports State Parks' efforts to promote maximum public access.

Contradicting its own denial, Sonoma County has had a long history of charging fees along its managed beaches. In fact, Sonoma County recognized the need for user fees as an important source for their maintenance and operation funding as the Sonoma County Outdoor Recreation Plan (page 127) called for user fee increases to keep pace with inflation. State Parks likewise agrees that user fees are an important component of ensuring proper maintenance of park facilities and asks for equitable treatment.

The imposition of fees is no doubt controversial to Sonoma County residents and the BOS was responsive to their constituents. However, it is clear that Sonoma County's misreading of the statutes that were needed to justify the denial was not responsive to the 39 million other tax payers in this state and as such, is an issue of statewide significance.

The proposed State Parks' fees will generate revenue, a significant portion of which (50%) will be allocated by State Parks back into Sonoma pursuant to the mandate in Public Resources Code Section 5010.7. Once appropriated, these allocations will result in the long-term improvement of services and management at facilities designed to promote recreational opportunity. Additionally, nearly 41% of State Parks' existing parking spaces, including shoulder parking, within the Coastal Zone located in Sonoma County will continue to remain free of charge; informal roadside and shoulder parking areas commonly used for overflow now will continue to allow walk-in opportunities for patrons.

The existence and frequent use of roadside shoulder parking areas amidst seemingly abundant free designated parking lots, also demonstrates that innovative management techniques are appropriate for these designated parking areas. Since these shoulder and roadside overflow areas have been historically used by persons walking into these beaches, there is no risk that additional hazards or environmental impacts will be created by this proposal, even if slightly more patrons begin to rely on these informal parking areas, since their use is finite and their locations designed to permit this sort of ingress and egress. Finally, parking trends across the State Parks System for established fees such as the ones proposed do not deter long-term use if paired with a range of reasonably priced parking passes that ensure equitable access for low income patrons-- passes which State Parks presently makes available and has detailed in its appeal. (See Appeal of Sonoma County Board of Supervisors Decision Denying California State Parks Application for Iron Rangers). For all these reasons, State Parks believes access will be maximized, not impaired.

State Parks intends to partner with Sonoma County on proposed improvements on both State Parks and Sonoma County property within the Coastal Zone. State Parks will also outreach to Sonoma County and the public regarding the allocation of revenue generated by these fees, consistent with law. State Parks also proposes a variety of monitoring options to ensure ongoing data is collected and evaluated. Thus,

many of the goals of Sonoma's LCP and the recreational improvements sought by the Coastal Act itself are furthered by State Parks' proposal.

Proposed Motions and Resolutions:

1. Substantial Issue Exists and Proceeding Immediately to a De Novo Hearing on the Merits of the CDP Application:

Please consider the following as a proposed motion to the Commission regarding the finding of Substantial Issue Exists and proceeding immediately to a de novo hearing on the merits:

> *I move that the Commission find a substantial issue exists and that the Commission take jurisdiction over the Coastal Development Permit Application Appeal No. A-2-SON-13-0219 and immediately at this hearing proceed to a de novo hearing on the merits of the permit application.*

Please consider the following as a proposed resolution to the Commission regarding the finding of Substantial Issues Exists and proceeding immediately to a de novo hearing on the merits:

> *The Commission finds that Appeal Number A-2-SON-13-0219 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act. Specifically, a substantial issue of statewide importance exists relative to the establishment of fees at state properties. The Commission will immediately proceed to a de novo hearing on the merits of the permit application.*

2. Substantial Issue Exists and Proceeding to a De Novo Hearing on the Merits No Later than the Commission's June 2015 Meeting

In the alternative, the following is a proposed motion to the Commission regarding the finding of Substantial Issue Exists and proceeding to a de novo hearing on the merits no later than the Commission's June 2015 meeting:

> *I move that the Commission find a substantial issue exists and that the Commission take jurisdiction over the Coastal Development Permit Application Appeal No. A-2-SON-13-0219 and hold a de novo hearing on the merits of the permit application no later than the Commission's June 2015 meeting.*

Please Consider the following as a proposed resolution the Commission regarding the finding of Substantial Issue Exists and proceeding to a de novo hearing on the merits no later than the Commission's June 2015 meeting:

> *The Commission finds that Appeal Number A-2-SON-13-0219 presents a substantial issue with respect to the grounds on which the appeal has been filed*

under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act. Specifically, a substantial issue of statewide importance exists relative to the establishment of fees at state properties. The Commission will hold a de novo hearing on the merits of the permit application no later than the Commission's June 2015 meeting.

3. De Novo Hearing on the Merits of the CDP Application:

Once the de novo hearing in the merits of the CDP is held, please consider the following as a proposed motion to the Commission regarding the determination that the CDP be approved with conditions recommended by staff.

I move that the Commission approve Coastal Development Permit Application Appeal No. A-2-SON-13-0219 subject to the conditions set forth in the staff recommendation.

Please consider the following as a proposed resolution to the Commission regarding the finding that the CDP be approved with conditions recommended by staff:

The Commission approves a coastal development permit for the proposed development, and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

Proposed Standard Conditions:

Please consider granting the CDP subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be

resolved by the Executive Director or the Commission in collaboration with State Parks' Director.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

Proposed Special Conditions:

Please consider granting the permit subject to the following special conditions**:**

1. Permit Authorization. This permit shall be automatically renewed by operation of this approval every three years, starting from the date of the first Commission approval of CDP A-2-SON-13-0219, unless the Executive Director expressly seeks a resolution from the Commission to either amend or revoke this CDP not less than 180 days prior to such automatic renewal. This permit is for installation and operation of the 15 proposed Iron Rangers in general accordance with the proposed flexible fee collection program and sample fee schedule identified by State Parks. State Parks shall not operate the Iron Rangers until after Labor Day of 2015. State Parks shall endeavor to maximize visitation while addressing the need for increased revenue streams to support park facility management and operations through flexible fee implementation, and shall incorporate the following measures:

a. Provide hourly rate options at all locations 7 days a week, including holidays not to exceed $3.00/hour and a flat daily rate of $8.00/day which pass will allow a purchaser to park at any day use area within Sonoma County for the entire calendar day upon which it was purchased;
b. Reduce or eliminate fees during off-peak days, or other low demand periods;
c. Provide areas within parking lots for short-term free parking (15 minutes) for brief stops to check the surf or engage in other similar activities. Peak days may be any day from March 1 to November 31, or any day where the temperature reaches or is projected to reach 68 degrees. Peak days may also include Memorial Day, the Fourth of July, Labor Day, Thanksgiving, Christmas, New Year's Day, or Easter.
d. Provide public information at each location or at the Park entrance on how to purchase available state parks passes for low-income patrons, veterans, and other disadvantaged persons, and about any immediate discounts available.

2. Access Monitoring Requirement. State Parks shall monitor the implementation of the proposed parking and fee collection program for the duration of this permit authorization as follows. Within 180 days of Commission action, State Parks shall provide the following information to the Executive Director:

a. Baseline data and analysis done currently to develop the State Annual Statistical

Report;

b. Baseline data of park and parking lot use prior to operation of the Iron Rangers on five selected days as follows: (1) an off-peak week day, (2) an off-peak weekend, (3) a peak weak day, (4) a peak weekend, and (5) Memorial Day, the Fourth of July, or Labor Day.
c. Any data collected and analysis performed from use of the Iron Rangers at other parks prior to this permit authorization;

3. Within the first year of implementation of fee collection, State Parks shall provide to the Executive Director for review and written concurrence, a final report identifying its monitoring results in a format that analyzes the effect of operation of the Iron Rangers on parking, park visitation, revenues and public access by comparing baseline use to new use. Information used to develop the monitoring program shall include, but not be limited to, the following:

   a. Data/analysis currently included in the CSP Annual Statistical Report;
   b. Collection of daily attendance figures <u>post</u> installation of the Iron Rangers on at least five day types that shall include: (1) an off-peak week day, (2) an off-peak weekend, (3) a peak weak day, (4) a peak weekend, and (5) a holiday that matches the holiday selected for the collection of the baseline data.
   c. Parking fees assessed and collected including mode (daily, hourly, holiday, etc.) and amount of fee on each of those day types being analyzed;
   d. Parking lot usage, vacancy and/or turnover rates, and other data relevant to understanding visitation patterns on those specified days;
   e. Analysis of the relationship of use fees to park attendance and parking lot use based on the comparison of pre and post installation of the Iron Rangers;
   f. Available information regarding factors such as weather, water quality, water temperature, surf conditions, etc. that may affect visitation patterns;
   g. Use of annual passes, senior/disabled or other discounts across the State Parks System;
   h. Parking violations or tickets issued;

c. Environmental Monitoring and Reporting. State Parks has determined this project is exempt from the California Environmental Quality Act (see section IV.F), and that there will be no significant new impacts as a result of this proposal, even if more persons begin to resort of use of existing informal and overflow parking areas. This is because, such areas are already heavily used as overflow on peak days, and are designed to allow sufficient ingress and egress by emergency vehicles without directing persons or vehicles into sensitive areas or habitat. However, State Parks is committed to quarterly review of any new patterns of use of these areas, and will provide analysis to the Commission annually on whether environmental changes are happening as a result of such unanticipated reliance on these parking areas. At State Parks' discretion, this analysis could rely on using mapping overlays or other survey techniques to determine whether adaptive management is required.

Proposed Findings and Declarations:

To assist with Findings and Declarations, State Parks' offers the following:

A. Project Location, Background, and Description

Procedural Background: On May 31, 2012, California State Parks (State Parks) submitted an application to Sonoma County for a Coastal Development Permit (CDP) to install 14 self-pay station collection devices and necessary appurtenant signs at various sites within Salt Point and Sonoma Coast State Parks. On January 17, 2013, the Sonoma County Board of Zoning Adjustments (BZA) considered the pay-station project and denied State Parks' application, on the basis that installation of the pay-stations is inconsistent with the 1976 Coastal Act, which encourages "maximum access" to coastal beaches. As a result of this finding, and based on additional reasons, the BZA found that the proposal was inconsistent with its certified local coastal development plan (LCP).

State Parks appealed the Board of Zoning Adjustment's decision to the Sonoma County Board of Supervisors (Board) and on June 18, 2013 the Board denied the appeal of that decision, also on the premise that charging a fee would restrict the "maximum" access required per California Constitution Article X, Section 4 and Section 30210 of the 1976 California Coastal Act. State Parks is appealing the Board's decision to the California Coastal Commission on the grounds that the proposed pay stations are both consistent with the County's LCP and on the basis that they are also consistent with the Coastal Act itself. The County's decision to deny State Parks a permit based on its finding of reduced public access cannot reasonably be supported, and in fact is contradicted by its own revenue collection at beaches in the area. State Parks submits there are Substantial Issues the Board failed to consider that have the potential to set a regional and potentially state-wide precedent, and State Parks will demonstrate pay station installation will not result in damage to coastal resources, and will actually enhance public access to the coastline within Sonoma County, consistent with both the Coastal Act and the LCP.[1]

Project Location: Sonoma County. See Exhibit 1, Exhibit 2 (Staff Report Finding and Recommending a Substantial Issue Exists and Approval of the CDP with Conditions).

Project Description: Installation of 15 Iron Rangers at beaches in Sonoma County consistent with State Parks proposed Appeal. **(**See Exhibit 1, Exhibit 2 (Staff Report Finding and Recommending a Substantial Issue), Exhibit 3 (picture of the Iron Rangers) which is incorporated by reference.

[1] Note, this recommendation incorporates those relevant portions of the previous Significant Issue recommendation, including procedural notes. (II.B, p. 7).

B. Coastal Development Permit Jurisdiction

Pursuant to the California Coastal Act, a coastal development permit is required for any "development," unless specifically exempted under a variety of provisions or procedures set forth in the Coastal Act or pursuant to other provisions of law. If a local entity has a certified local coastal plan in place, the Commission may only review and overturn its decision to deny a coastal development permit if there is a substantial issue, and the Commission finds that the application is consistent with the local coastal plan and the Coastal Act. If the Commission finds this appeal presents a substantial issue, it shall consider de novo whether the proposal is consistent with the certified LCP and with the Coastal Act itself.

The Commission's regulatory jurisdiction, as well as that of local governments in the coastal zone, derives from its mandate to assure that new development is consistent with the policies of the Coastal Act. One of the Commission's most fundamental legislative mandates is to protect and expand public access to and along the coast and to guarantee the public's Constitutional right to access state tidelands through the implementation of the Coastal Act (Public Resources Code sections 30210-30214). Thus, the Commission has a long history of assuring through its planning and regulatory process that existing public access to the sea is not closed or adversely impacted by new development; that where appropriate, new access and recreation is provided, including as mitigation for development impacts; and that prescriptive public rights to access the shoreline are protected.

The Commission also has a mandate to assure that public access is provided and managed in relation to the needs of all citizens, and to protect private rights, natural resources, and public safety. Hence, the Commission has long been involved in evaluating and resolving conflicts between competing uses, and in evaluating proposals that might affect the public's ability or costs of getting to the coast, to assure that the public's fundamental rights for coastal access, and the legislative mandates of the Coastal Act, are met.

For purposes of the Commission's permitting requirements in cases like this, new development includes the placement of physical structures, such as a parking kiosk, pay machine, or meters, but also includes changes in the "intensity of use of water or access thereto" (PRC 30106). Clearly the placement of a physical barrier would change the ability to access the water, but the Commission also has long applied the Coastal Act definition of development to activities that may not involve any physical development but yet may affect access to the water. This includes both user access fees and general restrictions on the hours of access or the types of users that may be allowed to use or park in an area that provides access to the shoreline (e.g. beach curfews, residential-only parking zones, etc.).

The Commission's jurisdiction with respect to parking regulation and fees was specifically affirmed in the case of *Surfrider Foundation v. CCC* (1994) 26 Cal.App.4th 151), which concerned the installation of Iron Rangers at various locations throughout the State Park System. In responding to *Surfrider's* main contention that proposed State Park *fees* would impede access to the coast, the court addressed the legislative intent of the Coastal Act and concluded:

…the concerns placed before the Legislature in 1976 were more broad-based than direct physical impedance of access. For this reason we conclude the public access and recreational policies of the Act should be broadly construed to encompass all impediments to access, whether direct or indirect, physical or nonphysical. [2]

Although the Commission need only establish a change in intensity of use or access to water to invoke its jurisdiction, the Commission also has exercised its administrative discretion and provided guidance concerning when a change in access fees (such as new or increased parking fees) might be considered a substantial change that would likely trigger a coastal development permit (see October 1993 memo to Planning Directors of Coastal Cities and Counties and other interested persons Exhibit 4). As applied to the subject Iron Rangers, the proposed fee structure is new, and thus subject to the Commission's jurisdiction. Beyond the physical installation, therefore, the Iron Rangers and their associated fees program have the potential to affect the intensity of use and access to beaches and state waters and are thus subject to the Commission's regulatory authority over new development.

C. Public Access and Recreation

The California Coastal Act requires the Commission to maximize opportunity for coastal access and contains the following relevant policies:

Section 30210: *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211: *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30212.5: *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

Section 30213*: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. …*

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[2] The Coastal Act also expressly requires all state agencies to comply with the Act (Pub. Res. Code 30003) and clarifies that all state agencies shall carry out their duties and responsibilities in conformity with the Coastal Act and that Coastal Act policies should guide state functional planning in the coastal zone. Pub Res Code 30402, 30403. See also Govt. Code section 65036.

Section 30220: *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Section 30221: *Oceanfront land suitable for recreational use shall be protected for recreational use and development …*

Other Coastal Act policies also are relevant to the public recreational access issues presented by the proposed project, including:

Section 30240 (b): *Development in areas adjacent to…parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those…recreation areas.*

Section 30252: *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation,….*

Among the most important goals and requirements of the Coastal Act is the mandate to protect, provide, enhance, and maximize public recreational access opportunities to and along the coast consistent with strong resource conservation principles. Within this guiding framework, the protection of and priority for lower cost visitor and recreational facilities is explicitly identified. The beaches at issue here provide a broad array of recreational opportunities spanning Sonoma County's coastline. They are primarily only accessible by car, and are located in areas of the County not fully developed.

Sonoma County's Contentions

Sonoma County's statements of "no change" at several beaches in its LCP does not mean reasonable fees could not be charged by State Parks at those beaches or that iron rangers or other fee collection devices could not be installed. In fact, the LCP is silent as to fees. The reference to "no change" in the LCP was simply recognition and grandfathering in of existing services and access points, and thus an acknowledgement that there were no plans in 2001 for additional access ways when the LCP was drafted and certified.

State Parks' beaches within Sonoma County are in a rugged area, and only 3 of the 15 lots at issue are even remotely close to residential locations and active transportation access points. Roughly half of the Sonoma County coastline is located within public parkland, including much of the land west of Highway 1, approximately 23 miles of which is State parkland, and another 3 miles of which is in County parkland. Sonoma Coast State Park and Salt Point State Park are used for a variety of recreational purposes, including passive viewing of the coastline and beaches, birdwatching, hiking, picnicking, surfing, and camping. Fort Ross State Historic Park, which is located on both sides of Highway 1 roughly halfway between Sonoma Coast and Salt Point State Parks, includes a historic Russian colony and museum.

With the exception of very scattered residential subdivisions and larger population centers, such as Bodega Bay and Jenner, the Sonoma County coastline is sparsely developed. The southern coast is more heavily populated than the northern coast. The coastline is for the most part characterized by its rocky shoreline and high bluffs, though there are numerous State and County beaches accessible to the public. There is very limited bus service available on the coast, and thus visitors reach the beach access points at issue in this appeal primarily by car.

This unique and largely remote project location along, however, does not mean that fees will be a deterrent *per se.* The question centers not around the fact of fees themselves, even if for revenue, but on whether the fee options offered are reasonable and do not cause any one demographic undue hardship that would deter them from accessing those locations. In this case, nearly 41% of all spaces within the Coastal Zone within Sonoma County will remain free, and under this permit, State Parks could set hourly fees as low as zero dollars if it felt that this would encourage regional use, particularly during non-peak weekdays. In addition, State Parks offers a range of annual park pass options to encourage regional use by persons with financial or physical limitation, and for regional users looking to maximize cost. For example, the Golden Bear Pass would allow full access, and is available for a $5 processing fee to any qualifying person receiving Supplemental Security Income (SSI) [CA State Welfare and Institutions Code § 12200]; any person receiving aid under the applicable aid codes in the CalWORKS Program, or any person 62 years of age or older with income limitations. The Golden Bear pass entitles the bearer and spouse or registered domestic partner entry to most State Park operated units where vehicle day use fees are collected at no charge. State Parks also offers the limited Golden Bear Pass for $20 to any person aged 62 or older. This pass entitles the holder and spouse or registered domestic partner entry to most State parks operated units during non-peak season where vehicle day use fees are collected at no charge. If a person does not qualify for one of these passes, State Parks also offers the Golden Poppy pass at a cost of $125 which provides entry into most parks in the State Park System with the exception of Hearst Castle and the southern California beaches. Finally, State Parks has testified that it is considering how to offer a regional Sonoma pass that would be in line with other regional passes. State Parks proposes to post information about the available pass options along with the “self-pay” instructions.

In addition, its proposed flat day use fee applies along the entire State Park System, with the exemptions stated above, meaning visitors could use it to go to multiple places, and my feel encouraged to do so given the value. Accordingly, Sonoma County’s contentions are incorrect. There is nothing inconsistent in the fact of a fee alone, and the fees proposed here appear reasonable such that access would not be deterred.

Parking Fee Collection Program

State Parks; proposed program would allow State Parks to manage coastal access to its beaches with the goal of maximizing public access and protecting lower cost visitor and recreational opportunities on public land, while recognizing recent legislative direction to State Parks to create new and more sustainable sources of revenue streams to fund facility management and operations throughout the State Park System. The Coastal Commission

finds this to be consistent with the Coastal Act, and consistent with its decision-making in 1994 on a nearly identical proposal The statistics used in 1994, which were acknowledged by the Court as adequate evidence in *Surfrider*, are just as relevant today given how few permits for fees have been issued along California's coast, and show a trend that long-term use is not likely inhibited if fees are reasonable and alternatives are offered for disadvantaged persons and regional users seeking daily or short-term recreational opportunities. This is further borne out by Sonoma County's fee approach itself. The public has expressed great love for all beaches in the county without distinction in its public comments, and there is no basis in this record to believe that appreciation or use will cease as a result of the proposed fees, nor are there significant number of comments that suggest fees will deter or otherwise alter use. While it is true that there will be less free parking available at particular points of interest, this does not mean the cost of parking will be prohibitive. The blend of options available, including lower hourly rates, free surf checks, affordable annual passes, and free informal and overflow parking availability suggest that even at locations such as Goat Rock, Bodega Head, and Stump Beach, which will now have all lots generating fees, visitors will be able to take in the beauty and unique offerings of those locations without unreasonable burden.

State Parks proposes a flexible fee schedule that will provide a range of options for day use; reduction or elimination of fees during off-peak periods; provision of parking lots for short-term free parking for brief stops; not increasing the daily flat rate on holidays, allowing its daily pass to be used at most other State parks, inclusion of hourly holiday rates; and promotion of annual regional passes and discount rates for seniors, disabled persons, veterans, and low-income income persons. State Parks is also retaining a significant percentage of free parking. Proposed Special Condition #1 provides flexibility, and incorporates the above parameters into the approved fee collection program.

An hourly parking rate option is beneficial and would allow short-term visitors the opportunity to enjoy the sunset or engage in recreational activity such as a walk or jog on the beach, without incurring the expense of the full day fee. The flat fee program offers visitors an alternative to access the park by motor vehicle for a full day, or any of the other beaches without having to pay additional hourly costs.

As was established by the Commission in Southern California at San Clemente State Beach in or around June of 2013, parking lots with hourly rates are "inherently a lower-cost visitor and recreational opportunity, and the Commission has found a blend of hourly and day-use fees is supported by the Coastal Act." (See Resolution Adopted for Fees at San Clemente State Beach: http://documents.coastal.ca.gov/reports/2013/6/F17c-6-2013.pdf) For example, the Commission found in June of 2013, that the Day Use blufftop parking lot in San Clemente was benefited by an hourly rate given the day use rate of $15 dollars. It noted that this hourly option allowed neighborhood and regional use that would otherwise have been deterred. Similarly, in the same hearing, the Commission found the Calafia lot was a popular location for direct beach access and its proximity to the Coastal Trail, thus necessitating shorter term parking options for local and regional users. The Commission noted a historic and currently provided hourly rate option at those Southern beach lots was "highly suitable to [those locations] and its replacement with a flat rate would be a significant impact to lower-cost recreational opportunities and access and would likely result in adverse

spill-over effects on the adjacent neighborhoods."

Just as was the case in Southern California, State Parks believes offering a low-cost hourly options in Sonoma County will allow regional use in short spurts for things like running, end-of-day hikes, and sunset/sunrise visits, while day rates would provide a capped and fixed fee, allowing visitors to determine the length of their trip and the most cost-efficient approach for it.

To provide additional opportunities for visitation, State Parks will expand and continue to promote the sale of annual regional passes. At kiosks staffed by park workers, and online, State Parks provides discounts for certain groups of visitors, including an immediate $1 discount for senior citizens over 62 and a 50 percent discount for disabled persons who have a Department- issued pass.

The maintenance of these lower-cost options for beach access is a specific concern to assure that rates are not driven solely by increased demand, such as holidays or peak season, such that some segments of the population are priced out of recreational opportunities at the coast.

It should be noted, the fact that State Parks is charging fees is not in and of itself an inhibition to the goal of maximized access, but rather the question is whether those fees are reasonable such that they would not create a deterrent to any one user group. This conclusion is borne out by multiple facts in this case including the fact that Sonoma County charged fees at beaches with limited or no service for many years until very recently, and that Sonoma County's Board of Zoning adjustment that initially reviewed this proposal recommended an alternative that would have permitted fees with some conditions. Moreover, the fact that at the parking-lot scale services are not directly linked to revenue generation does not mean State Parks does not intend to use the revenue generated from these fees for recreational opportunity that would further the goal of maximizing access to and use of coastal resources in Sonoma County. In short, a direct nexus between fees and services is not required to understand that State Parks will set policy priorities for this revenue in Sonoma County as allowed by law that will have a direct or indirect benefit to its properties along the coast in some way. State Parks has a mandate that would require, once it meets threshold targets, to allocate funds back into the Mendocino Coast District. Parks is willing to work with Sonoma to set the priorities for its recommendations in this regard, and has testified that it would allocate these fees back into the District to ensure ongoing management is sufficient and facility upgrades possible. State Parks' target in the Mendocino Coast District is currently 3 million dollars. Half of State Parks' current target for this District is 1.5 million dollars, and it has shown that it projects collecting nearly 2 million dollars with these fees alone. Added to its current baseline collection, it is very likely State Parks make its targets within the first three years of implementation. There is no basis to believe that an allocation of 1.5 million dollars to the Mendocino Coast District will not improve some beach access or recreational opportunities, including State Parks ability to open presently closed areas of the beach and to better service those existing areas with restrooms, trail maintenance, and ranger support. Accordingly, the fact that not all lots provide significant services is not prohibitive.

Hours of Operation/Beach Closures

As stated above, one of the Commission's most fundamental legislative mandates is to protect and expand public access to and along the coast and to guarantee the public's Constitutional right to access state tidelands through the implementation of the Coastal Act. [3] This permit application does not address the hours of operation of the parking lots and beach closures. In its application and as part of the ongoing coordination effort with Commission staff, State Parks staff will consider supplemental means that increase visitation including extending park hours, parking lot hours and operations, and will work with Commission staff separately to address any closures or restrictions on actual access to and along the beach shoreline that may be in place as a result of budget shortfalls or other management needs.

Conclusion

As conditioned, the proposed project to install 15 Iron Rangers and institute a new flexible fee schedule, including hourly and flat rates, has the potential to expand visitation, improve public access, and increase revenue. Through ongoing reporting and collaboration, the Commission will have the ongoing opportunity to review and reconsider this permit, which will automatically renew itself absent a decision by Commission staff to review it. State Parks requests that the Commission staff recommend to the Commission that the proposed project, as conditioned, is consistent with the public access and recreational policies of the Coastal Act.

D. Visual Impacts

Coastal Act Section 30251 requires that "the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas…."

The Iron Rangers would be installed at the entrance to or in paved parking lots. The machines stand about 54 inches off the ground. In some cases, the Iron Rangers are accompanied by poles to mount informational signs and provide a location for solar collectors, which power some of the machines. Given this limited footprint, and the proposed location, the proposed Iron Rangers will have a less than significant visual impact on the coastal area. Therefore, installation of the proposed Iron Rangers is consistent with Coastal Act Section 30251.

E. Chapter 3 Standard of Review

The Commission certified the Land Use Plan for the Sonoma County in 2001. Pursuant to the conditions stated above, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, with

[3] See, Cal. Const. Article X, Section 4.

the conditions stated above, will not prejudice the ability of the Sonoma County to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

F. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

State Parks, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review, and thus did not identify any significant adverse environmental effects from the proposed project. The Commission's review and analysis of coastal development permit applications has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA.

State Parks has concluded, based on site visits and a review of the information it has on use, that there will be no significant impacts relative to baseline use that would affect special habitat areas or other off-road areas. These are only a finite number of spaces available for overflow, and they are (as has been mentioned) so heavily relied upon as additional parking that on high-demand days they are full as well. Thus, the baseline condition is not going to change—these spaces will continue to be used. Though it has found there will be no significant adverse impacts as a result of changes to patterns of use, State Parks is committed to engaging in visual monitoring on a quarterly basis, which analysis it will provide to Commission staff, to make sure overflow parking is not being used in a manner that would result in changes to the baseline environment in a way that is not presently foreseeable. There are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as conditioned, would have on the environment within the meaning of CEQA. Thus, with the proposed conditions stated above, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

Thank you very much for your consideration of State Parks' request. If you have any questions, or would like to discuss, please call me at 916-651-6700.

3690-209

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
640 CAPITOLA ROAD
SANTA CRUZ, CA 95062
(408) 479-3511

Date: January 23, 1992
Permit No. XS-91-12, -13, -14, and XS-91-16

COASTAL DEVELOPMENT PERMIT

On January 13, 1992, the California Coastal Commission granted to

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION
this permit subject to the attached Standard and Special conditions, for development consisting of:

Installation of four fee collection devices (2 mechanical park-ur-self and 2 non-mechanical iron rangers), and a portable kiosk, for the purpose of collecting parking fees; more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Sonoma County: Sonoma Coast State Beaches: Russian Gulch (XS-91-12), Goat Rock (XS-91-13), Campbell Cove (XS-91-14); San Diego County: Carlsbad State Beach (XS-91-16)

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS
Executive Director

By: for Les Strnad
Chief of Permits

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date

Signature of Permittee

A6: 4/88

RECEIVED
FEB 28 1992
RPD

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. This permit shall be limited to the use of the fee collection devices for the purpose of collecting parking fees.

2. By acceptance of this permit, the applicant agrees that the fee collection devices will only be used if a local agency fails to execute an agreement reimbursing the Department for lost revenues.

3. The annual monitoring report shall include such information as: 1) the efforts the applicant has made to reach all sectors of the public about the availability of alternatives to on-site collection of parking fees through its annual and special pass programs, 2) baseline information on the numbers and types of passes currently being sold and the existence of any trends after implementation of the fee collection devices, and 3) the efforts the applicant had made to explore reimbursement to day users who were unable to purchase annual and special passes at the time of their park visit and who subsequently purchased annual and special passes.

4. This permit is valid for two years, until January 13, 1994.

Note: Findings reflect the Commission action at the Feb. 19, 1992 hearing.

369.0-204
X369.0-612

DEC - 3 1991

Linda Locklin, Manager
Coastal Access Program
California Coastal Commission
640 Capitola Road
Santa Cruz, CA 95062-2799

XS-91-12, 13, 14, and 16

You will recall that our applications for four remaining fee collection devices at Sonoma and Carlsbad State Beaches were continued by the Coastal Commission at their August hearing. Since that time, this Department has been in active negotiations at the request of the City of Carlsbad and the County of Sonoma, attempting to reach agreement for reimbursement of this Department's anticipated parking fees on an in lieu basis. To this end, we have been successful in reaching an accommodation with both jurisdictions through June of next year. The City, however, has predicated their acceptance on a pro rata basis from the date of approval of your Commission. For this reason, and because these agreements are not for the long term, we would like to proceed with the acquisition of our coastal development permit so that we may install the devices in the event that future agreements are not renewed. Accordingly, we are requesting that the above referenced permits be placed on the earliest feasible Coastal Commission meeting agenda.

Thank you in advance for your assistance.

Jack Harrison

Jack V. Harrison
Chief Deputy Director for Operations

cc: Will Shafroth, Resources Agency
Peter Douglas, California Coastal Commission
Joseph Barbieri, Office of the Attorney General, Oakland
Carl Drake
Noah Tilghman

bcc: Les McCargo
Carl Chavez
Ken Jones
Bob Cates
Rick Rayburn
Bill Fait, La Costa District
Bob LaBelle, Russian River District

JVH:BNTilghman:bcw

SURNAME	Tilghman 11-25-9	Rayburn 11-25-91		

DPR 199A (Rev. 2/78)

File 369.0-209
X 369.0-612

November 19, 1991

Jack V. Harrison
Chief Deputy Director
for Operations

Continued Coastal Permit Applications
for Sonoma and Carlsbad State Beaches

Per our discussion, I have talked with Bob Cates and Ken Jones about the need to decide the timing of the continued hearings for the four fee collection devices at Carlsbad and Sonoma State Beaches. They agree that it would be inappropriate to have these items on the February hearing if we can possibly avoid it. However, depending upon the status of negotiations with the City of Carlsbad, Ken Jones would like the option of hearing the device at Carlsbad in February if necessary. Accordingly, I will postpone officially notifying the Coastal Commission of our decision to have these items heard in January until the 9th of December, which will give us two and a half weeks in which to alter our decision.

ORIGINAL SIGNED BY
~~[illegible]~~

B. Noah Tilghman
Senior Park and Recreation Specialist

cc: C. Chavez
K. Jones
R. Cates
R. Rayburn
C. Drake

SURNAME	Tilghman 11-19-91			

DPR 199A (Rev. 2/78)

369.0-209
X369.0-612

OCT - 9 1991

Linda Locklin
California Coastal Commission
640 Capitola Road
Santa Cruz, CA 95062-2799

Coastal Permit Applications XS-91-12, 13, 14, and 16

As per the attached document, we are agreeing to the extension of time limits for a decision on the above continued applications at Sonoma and Carlsbad State Beaches. We understand that under the provisions of Government Code Section 65957, this one-time extension would provide an additional 90 days of time, or until February 20, 1992, for a decision by the Coastal Commission on these applications. We anticipate that the negotiations with the affected local governments relative to these locations will be complete prior to January 17, 1991 so that we may advise you if these items should be scheduled for the Coastal Commission's February 1992 hearing.

On a related matter, we understand that on September 10, 1991 the Coastal Commission adopted findings for applications XS-90-1 through XS-90-16, XS-90-1-R through XS-90-16-R, and XS-91-1 through XS-91-7 as recommended by their staff. While a representative of this Department was in attendance at this hearing, we would like to receive written confirmation of the Commission's Action.

Thank you in advance for your assistance.

Jack Harrison

Jack V. Harrison
Chief Deputy Director for Operations

Attachment

bcc: C. Drake
J. Barbeiri

JVH:BNTilghman:bcw

SURNAME	Tilghman 10-2-91	Harrison 10-4-91		

DPR 199A (Rev. 2/78)

STATE OF CALIFORNIA—THE RESOURCES AGENCY

GEORGE DEUKMEJIAN, Governor

CALIFORNIA COASTAL COMMISSION
N[illegible] COAST AREA
[illegible] WARD STREET, 4TH FLOOR
SA[illegible] RANCISCO, CA 94105
(415) 543-8555

AGREEMENT FOR EXTENSION OF TIME
FOR DECISION ON COASTAL DEVELOPMENT PERMIT

Pursuant to Government Code Section 65957,

Jack Harrison, the owner, or owner's representative (authorized to act in accordance with Title 14, Cal. Admin. Code Subsection 13053.5), of the property before the Commission on Application No. XS-91-12,13,14,16 and Linda Locklin, on behalf of the California Coastal Commission, hereby agree that the time limits for a decision on my permit application established by Government Code Section 65952 be extended until February 20, 1992 (not in excess of 270 days from date of filing).

Jack Harrison
Applicant Signature
-or-

Authorized Representative Signature

OCT - 9 1991
Date

A12: 4/88

3690-209

File# _____
AP # _____

Date Filed _____
Current Zoning _____

APPLICANT AND/OR AGENT:

Name: STATE OF CALIFORNIA, DEPARTMENT OF PARKS & RECREATION
Address: P.O.Box 123, Duncans Mills, CA Phone: (707)865-2391
Signature: Ronald L Hausbeck Date: Dec 17, 1990

OWNER, IF OTHER THAN APPLICANT

Name: _____ Phone: _____
Signature: _____ Date: _____
(Authorizing Letter)

EXISTING SITE CHARACTERISTICS:

Site Address: Salt Point State Park / Sonoma Coast State Beach Acreage: 5,676 / 5,060
Existing Use of Property: Parks and REcreation
Proximity to Creek, Waterways & Impoundment Areas: Between State Highway One and the Pacific Ocean
Vegetation on Site: Low coastal scrub
General Topography: Ocean terrace
Surrounding Uses to North: State Park South: State Park
East : Residential West: Ocean
Photographs of Site Attched: yes

LAND DIVISIONS

Number of proposed parcels & proposed parcel sizes: _____

DEVELOPMENT PROPOSAL:
Install nine (9) self-pay mechanical devices (Iron Rangers) and one (1) mobile kiosk along Sonoma Coast State Beach; and one (1) Iron Ranger at Salt Point State Park. (see attachment for site description). Each fee collection device will be accompanied by one (1) instruction sign.

Proposed Rezoning, if applicable: N/A
Any other required approvals (list): _____
Environmental Status:
Categorically Exempt (Single family homes are exempt): ____
Negative Declaration: YES
Environmental Impact Report: _____

ATTACHMENTS: See next page.

SONOMA COUNTY
DEPARTMENT OF PLANNING
575 Administration Dr., Room 105A. ■ Santa Rosa, California 95401 ■ (707) 527-2412

COASTAL PERMIT APPLICATION

RECEIVED
DEC 24 1990
RPD

0-7666

Coastal Permit Application
Sonoma Coast SB and Salt Point SP
December 17, 1990

#1. Goat Rock Mobile Entrance Station (kiosk)

Entrance station will be placed at the top of the hill as you enter from Hwy 1 onto Goat Rock Road. Entrance station and appropriate signs are entirely portable.

#2. Goat Rock South Parking Lot

Iron Ranger will be placed near trail to restroom. There are signs, trash receptacles and a restroom nearby. The placement will not increase intrusion on the viewshed.

#3. Shell Beach Parking Lot

Iron Ranger will be placed on the north side of the road at the beginning of the parking lot. There is already a sign in the area. With the height of the bushes in the background the Iron Ranger will not effect the viewshed.

#4. Duncans Landing Parking Lot

Iron Ranger will be placed on the north side of entrance road before arriving at parking lot. There are signs, trash receptacles and a restroom in the area. There will be no additional intrusion on the viewshed from Highway 1.

#5. Portuguese Beach Parking Lot (north entrance)

Iron Ranger will be placed near existing trash cans at trail to restrooms. There are signs, trash receptacles and a road in the area.

#6. Portuguese Beach Parking Lot (south entrance)

Iron Ranger will be placed on the south edge of the entrance road, as close as practical to entrance. Due to Highway 1 being elevated above the parking area, Highway 1 makes a sharp turn at parking lot, and the height of vegetation, the iron Ranger will have a minimal impact on the viewshed.

#7. Schoolhouse Parking Lot

Iron Ranger will be placed in triangle formed by curb on the north side of entrance. There is already a sign at this location. The intrusion on the viewshed will be minimal.

#8. North Salmon Creek Parking Lot

Recycle bin will be removed and Iron Ranger will be placed where the bin was. The viewshed will be better after installation that it is now.

#9. South Salmon Creek Parking Lot

Iron Ranger will be on north end of lot near the entrance. A small section of the vehicle barrier will be removed and the Iron Ranger will be placed in the opening. There are signs, vehicle barriers and a restroom in the area. Iron Ranger will not visusally impact area.

#10. Blind Beach Parking Lot

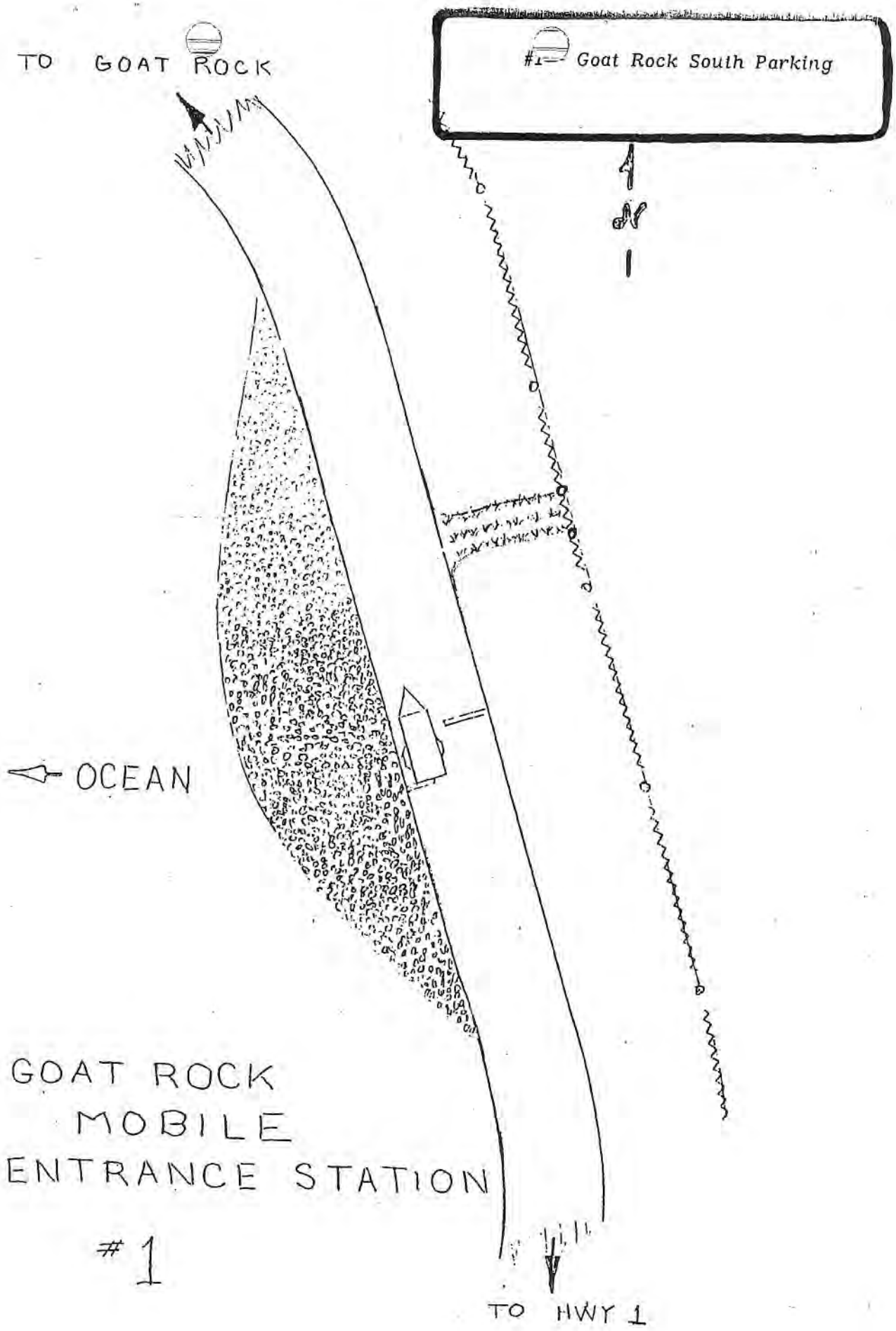
Iron Ranger will be at the corner of the parking lot next to the trailhead. There are signs and a restroom in the area. The intrusion on the viewshed will be minimal.

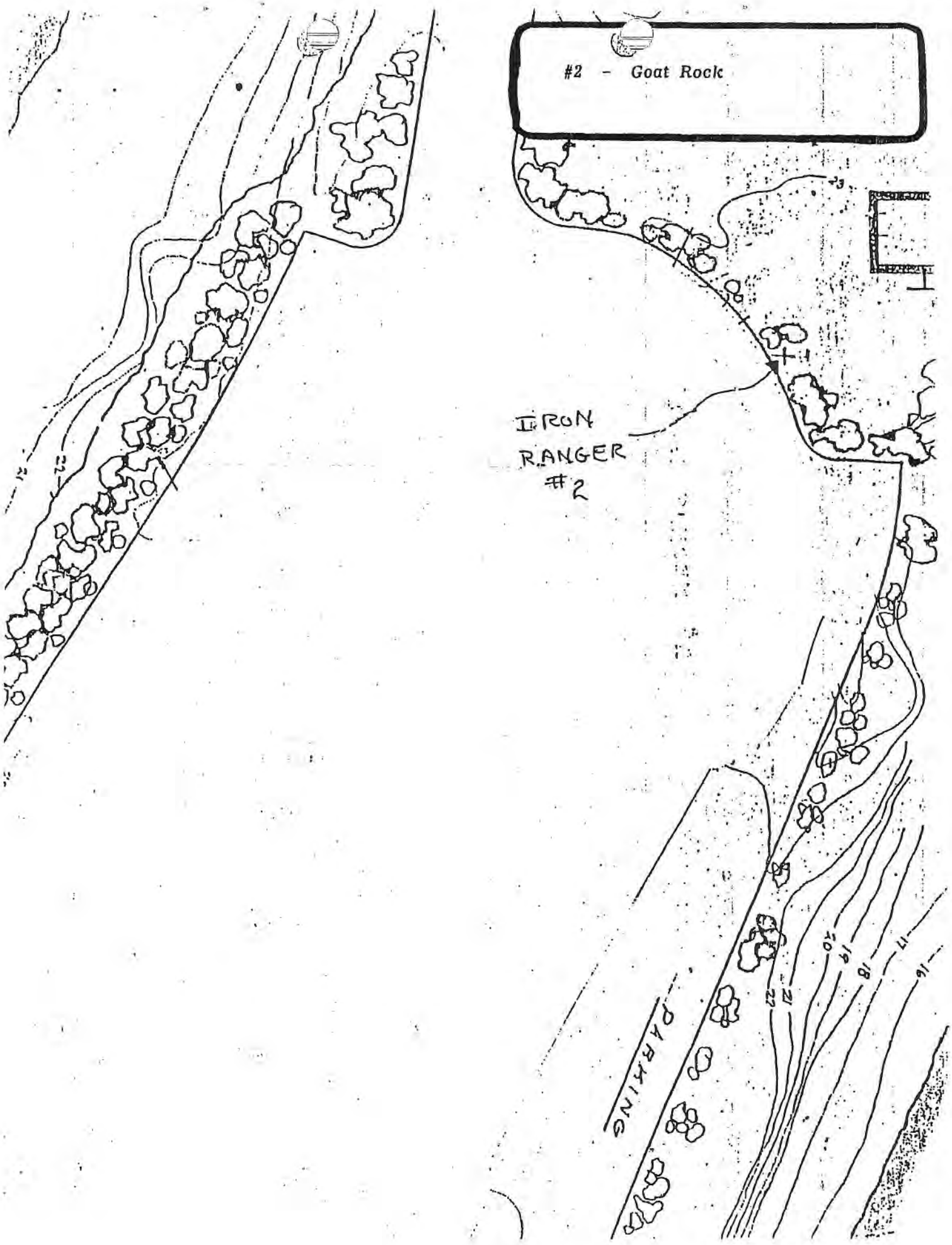
#11. Stump Beach Parking Lot

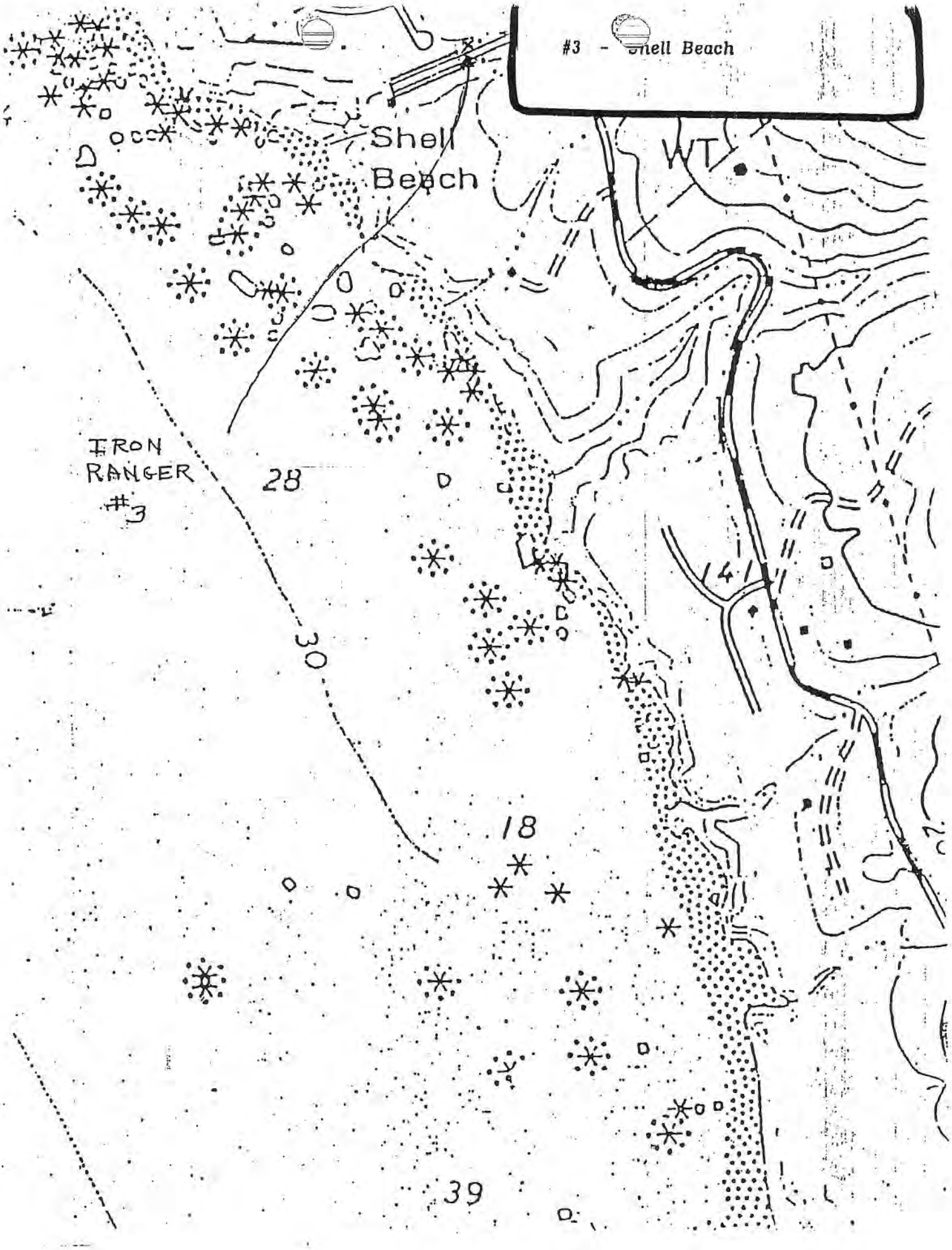
Iron Ranger will be placed on north side of parking lot near trail to restroom. Iron Ranger will blend with vehicle barriers causing little visual impact.

Coastal Permit Application
Sonoma Coast SB and Salt Point SP
December 17, 1990

# 1.	Goat Rock Mobile Kiosk	APN 099-05-07
# 2.	Goat Rock South Parking Lot	APN 099-04-04
# 3.	Shell Beach Parking Lot	APN 099-060-01
# 4.	Duncans Landing	APN 101-130-01
# 5.	Portuguese Beach North Parking Lot	APN 101-110-04
# 6.	Portuguese Beach South Parking Lot	APN 101-110-04
# 7.	Schoolhouse Parking Lot	APN 101-040-03
# 8.	North Salmon Creek Parking Lot	APN 101-040-03
# 9.	South Salmon Creek Parking Lot	APN 100-020-03
#10.	Blind Beach Parking Lot	APN 099-050-06
#11.	Stump Beach Parking Lot	APN 109-030-06

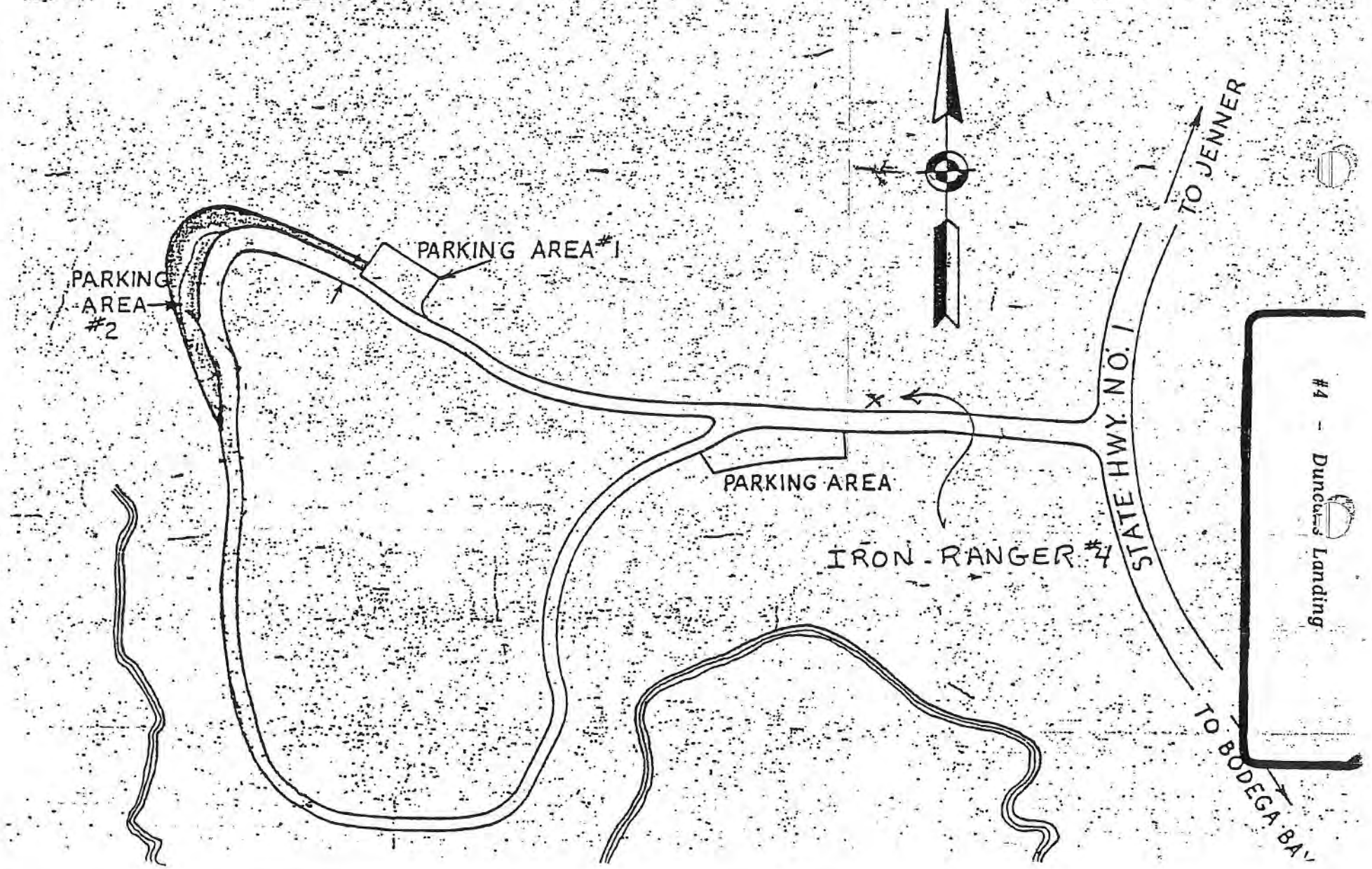

TO GOAT ROCK
#1 Goat Rock South Parking
OCEAN
GOAT ROCK
MOBILE
ENTRANCE STATION
#1
TO HWY 1


#2 - Goat Rock
IRON
RANGER
#2
PARKING
23
22
21
20
19
18
17
16

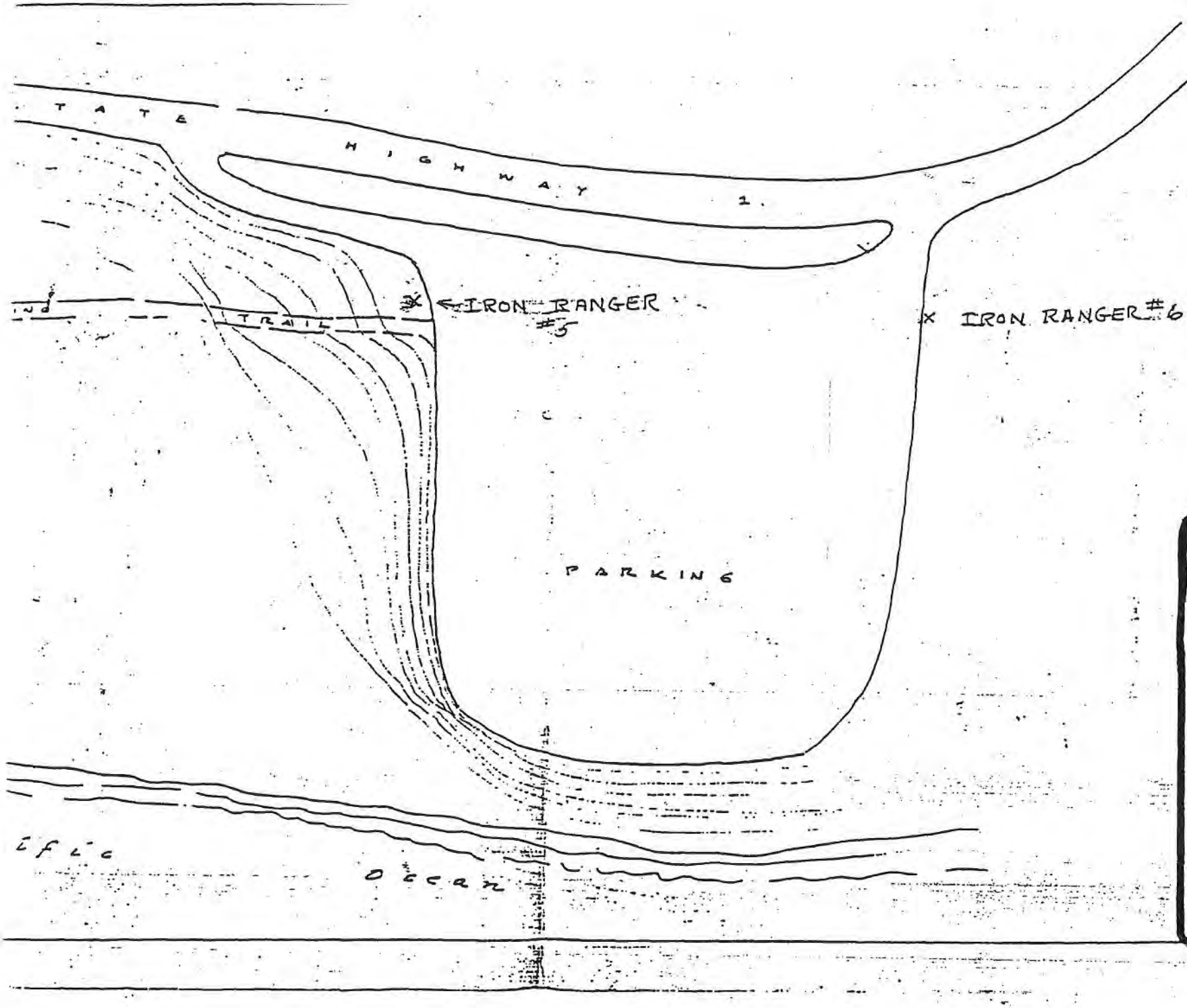

#3 - Shell Beach
Shell
Beach
WT
IRON
RANGER
#3
28
30
41
18
39

Scale: 1½" = 1'-0"

Duncan's Landing



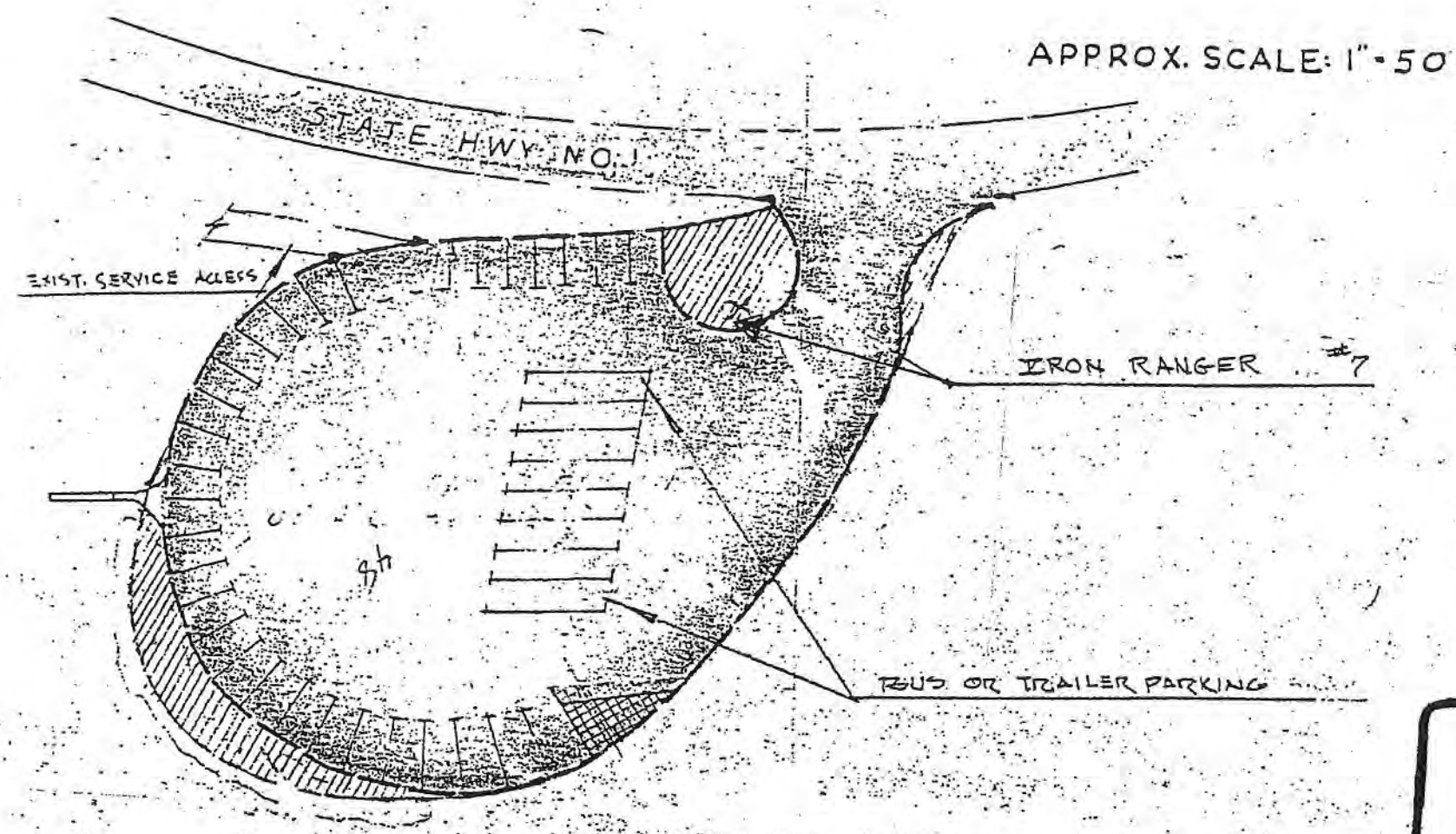
#4 - Duncan's Landing



RESOURCES AGENCY OF CALIFORNIA
MENT OF PARKS AND RECREATION

REVISIONS | DATE | DESIGNED | DRAWN | CHECKED

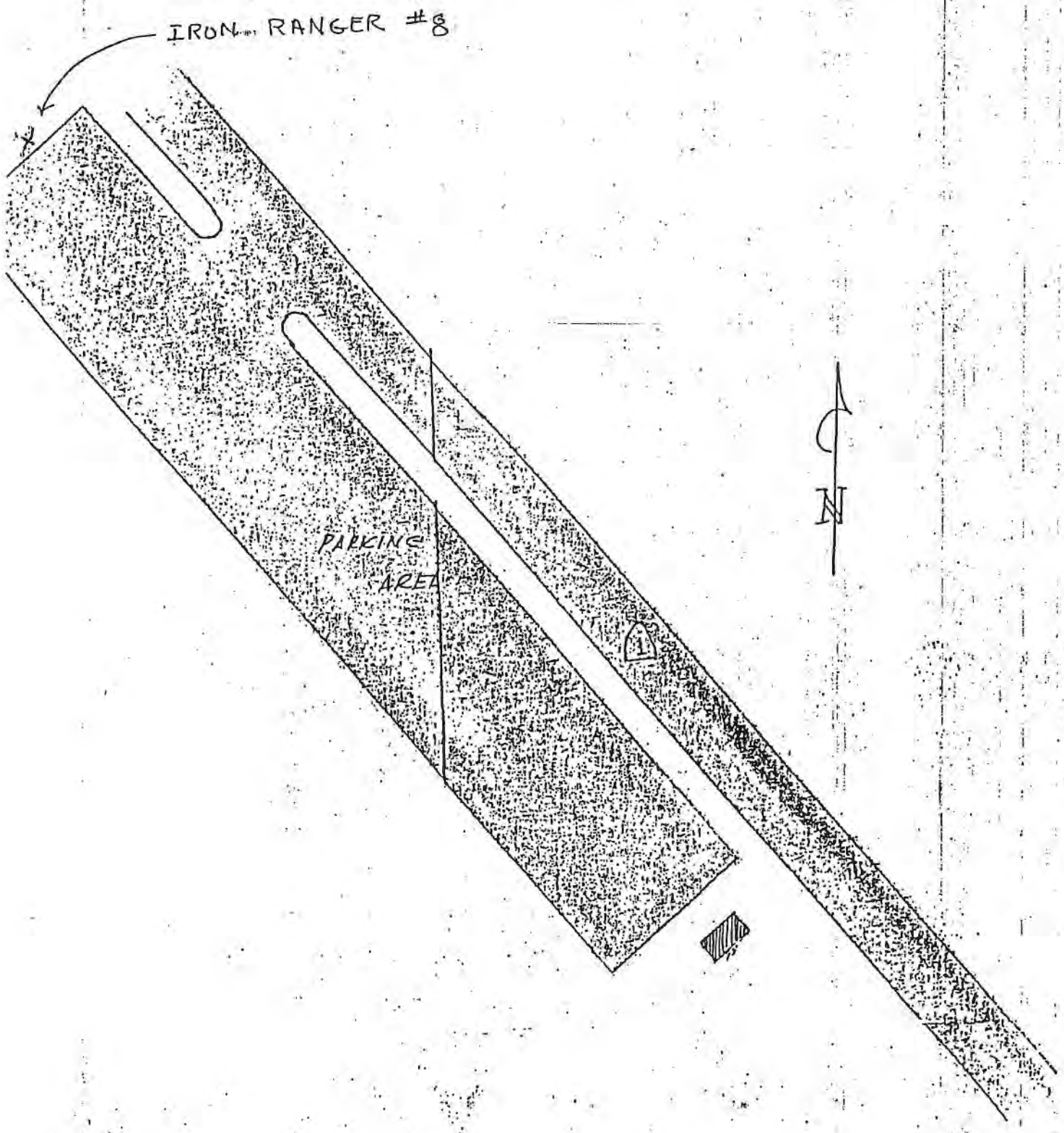
#5 - Portuguese Beach
#6 -



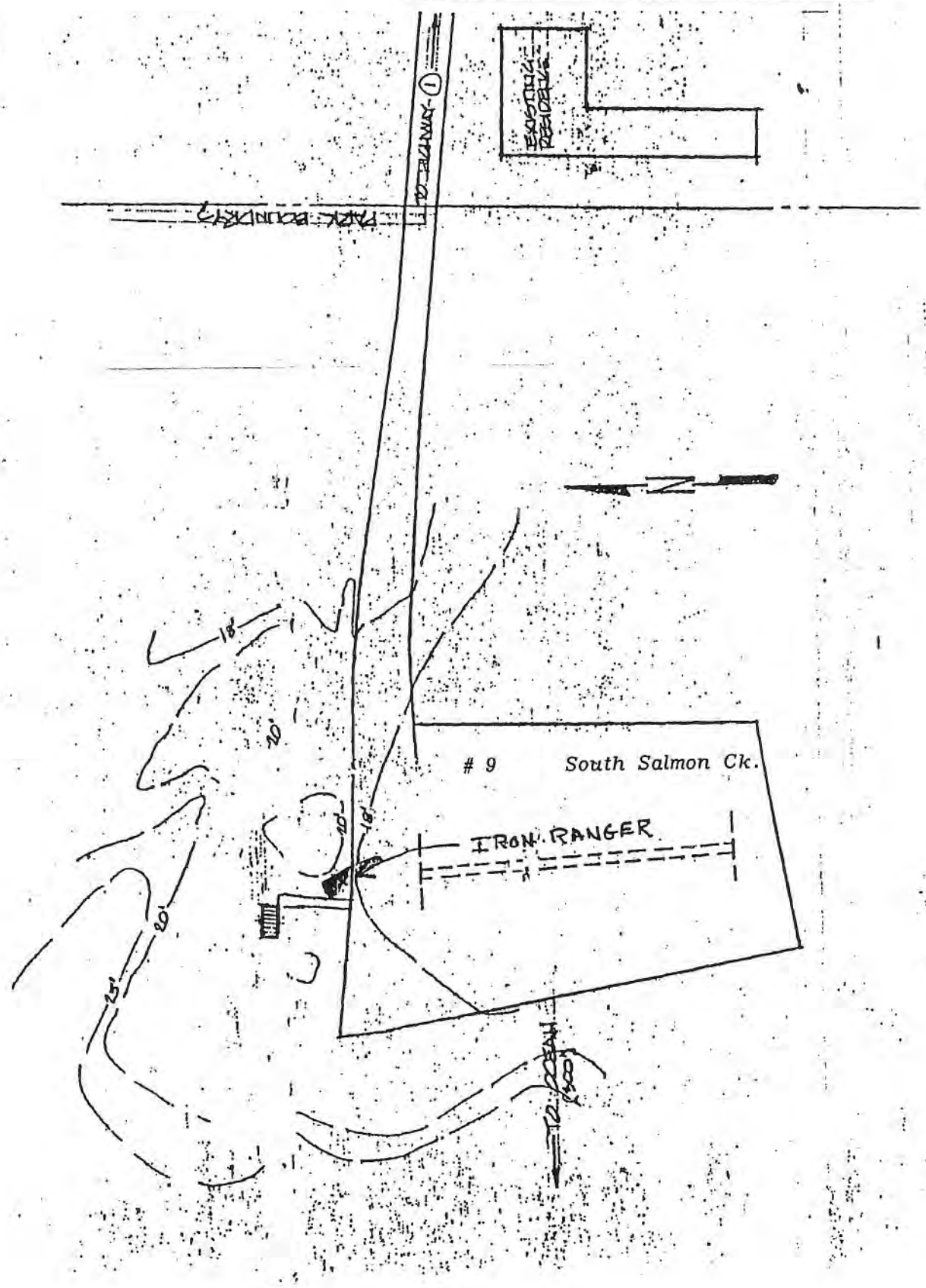
SCHOOLHOUSE BEACH PARKING AREA
MI. 14.40

#7 - Schoolhouse Beach

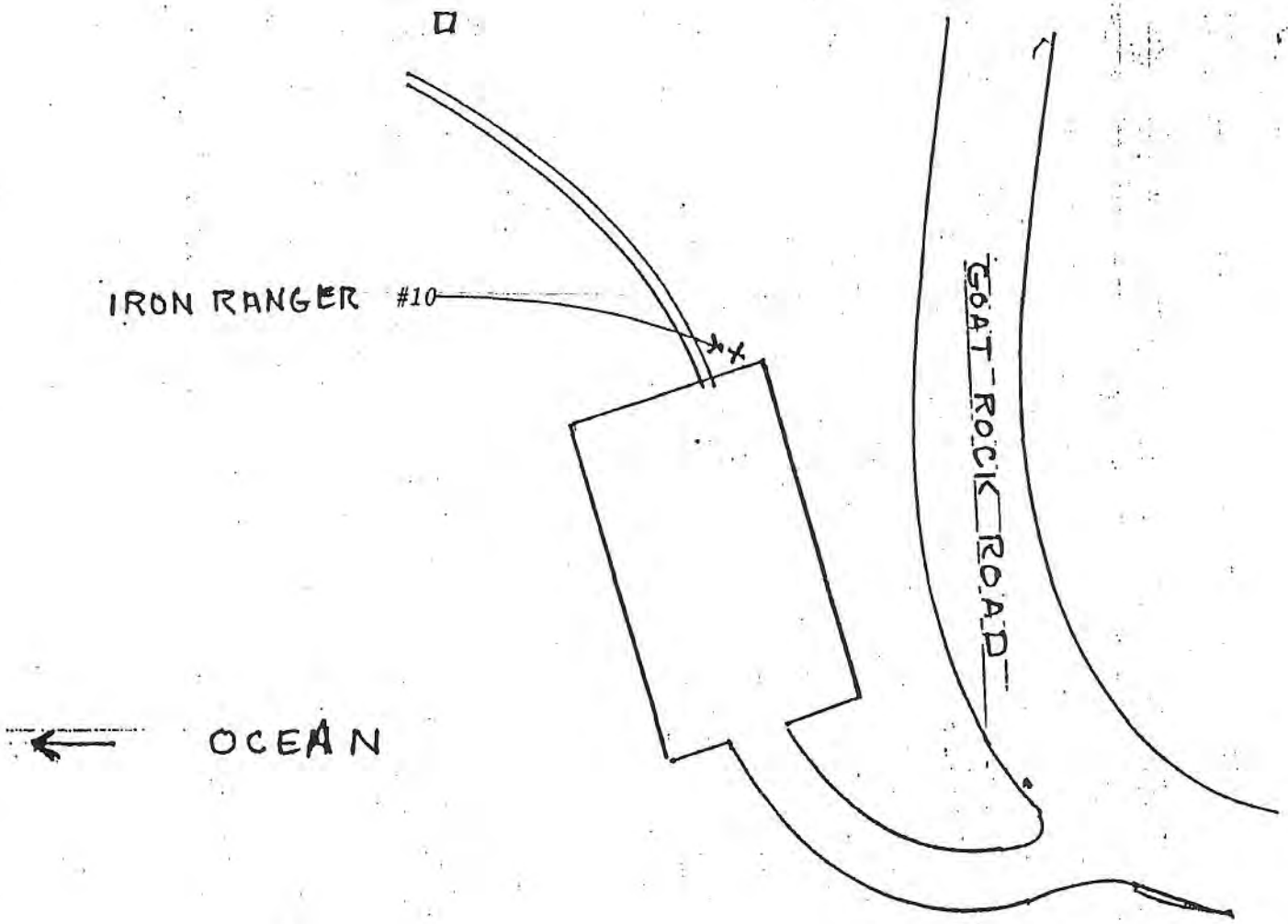
#8 - North Salmon Creek



9 - South Salmon Creek

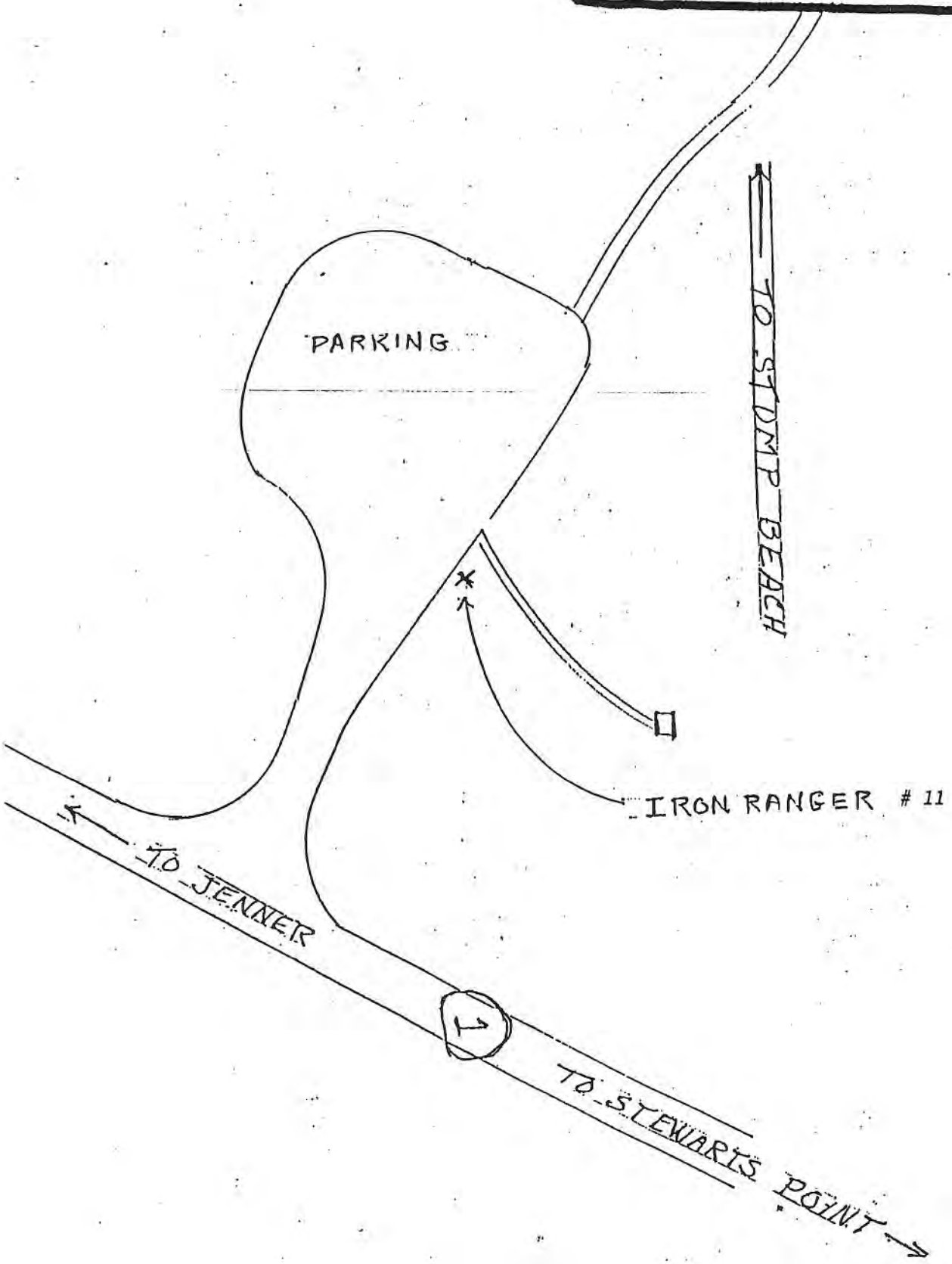


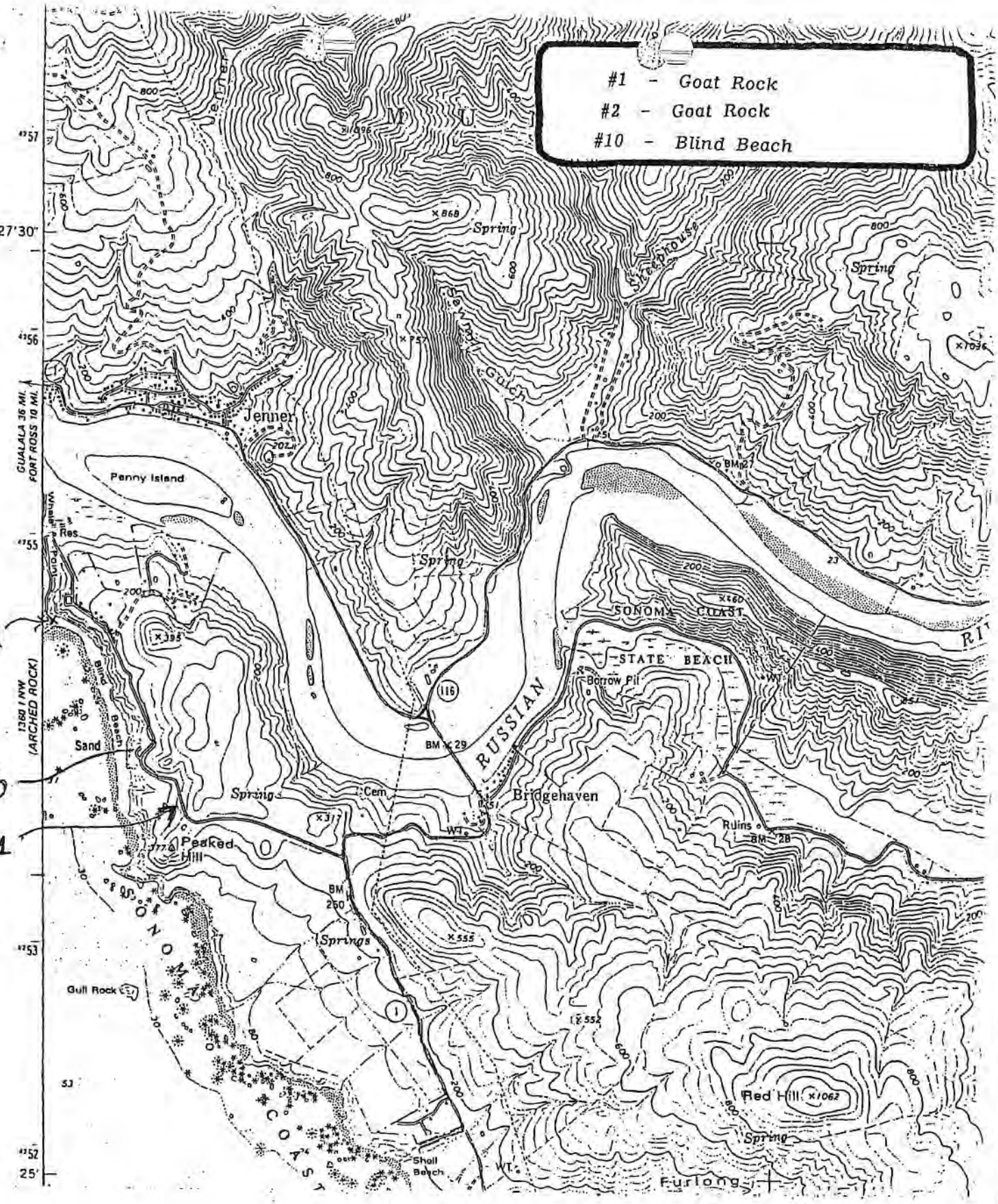
10 - Blind Beach Parking Lot

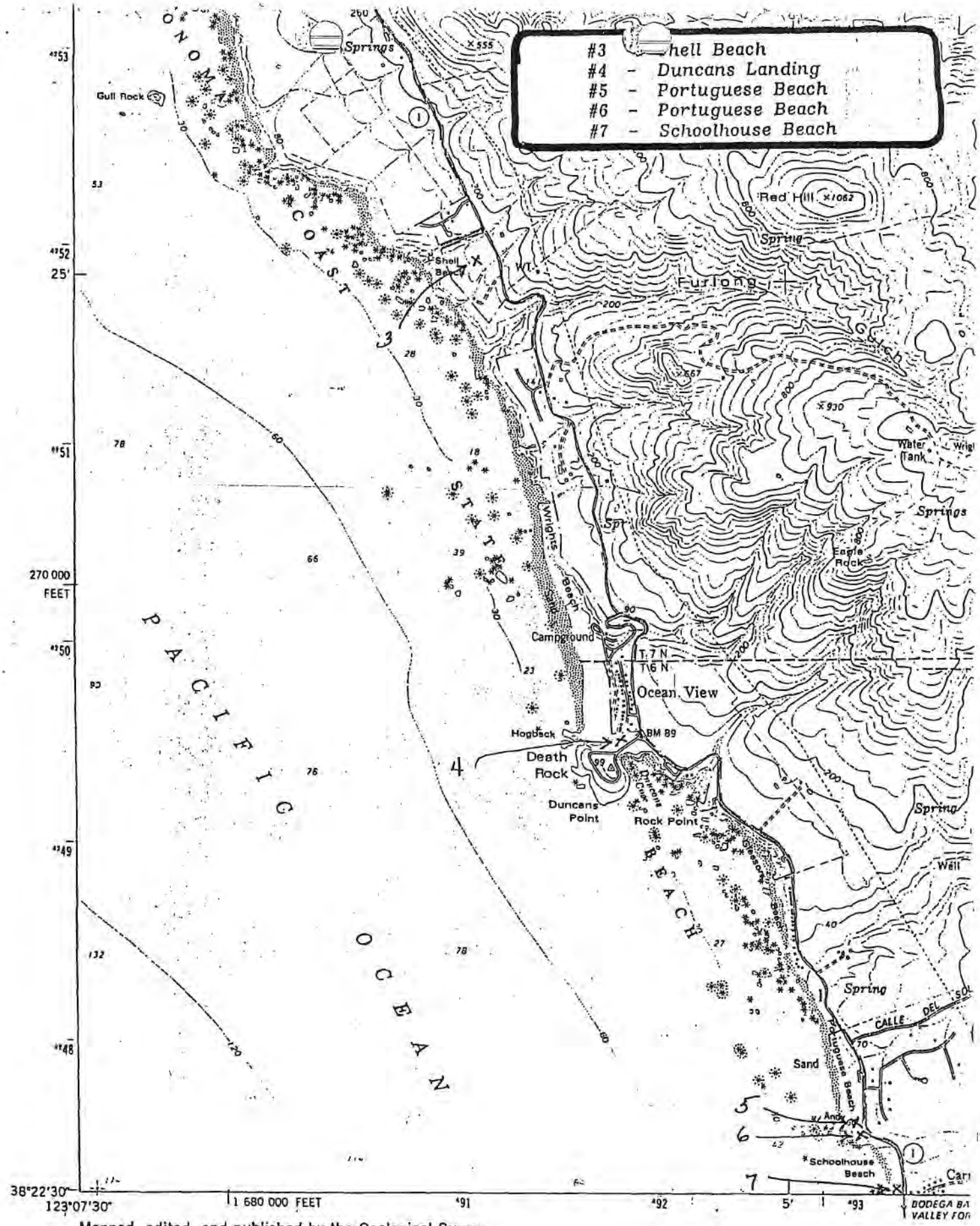


BLIND BEACH
PARKING

11 - Stump Beach Parking Lot



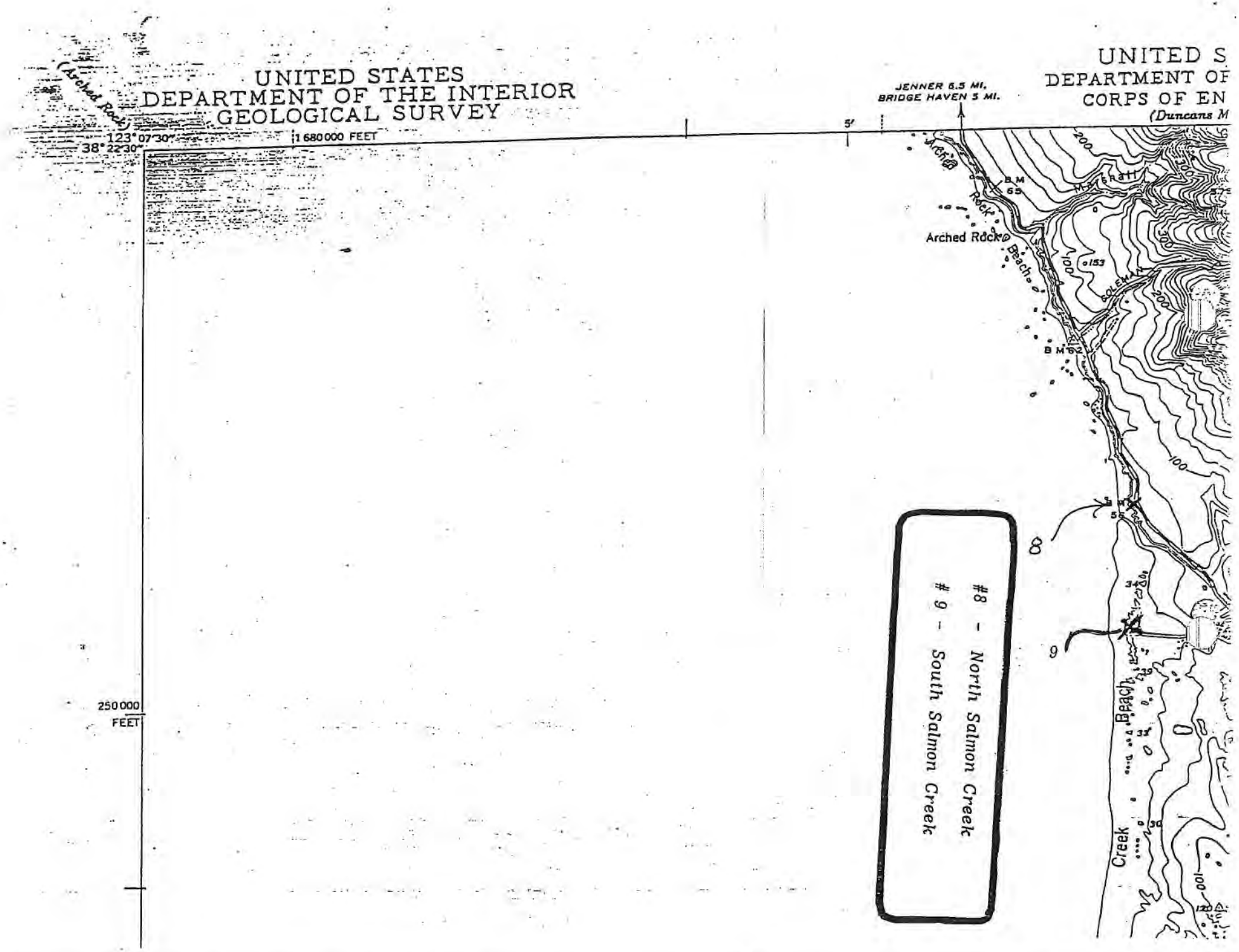

#1 - Goat Rock
#2 - Goat Rock
#10 - Blind Beach
Spring
Steelhouse
Gulch
Jenner
Penny Island
Res
Spring
SONOMA COAST
STATE BEACH
Borrow Pit
RUSSIAN
Bridgehaven
Ruins
BM 28
BM 29
Cem
Spring
Peaked Hill
BM 250
Springs
Gull Rock
Sand
Blind Beach
Shell Beach
Red Hill
Spring
Furlong
GUALALA 36 MI.
FORT ROSS 10 MI.
1360 I NW
(ARCHED ROCK)
27'30"
#2
#10
#1



Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
UNITED S
DEPARTMENT OF
CORPS OF EN
(Duncans M
JENNER 6.5 MI.
BRIDGE HAVEN 5 MI.
123° 07' 30"
38° 22' 30"
1 680 000 FEET
250 000
FEET
Arched Rock
Arch
Rock
Beach
Arched Rock
B.M.
65
B.M.
62
B.M.
56
B.M.
30
Creek
Beach
8
9
#8 - North Salmon Creek
9 - South Salmon Creek

Fisk Mill Cove
Sentinel Rock
Reserve Entrance
Kruse
Gulch
Parking
Chinese
Ranch
Gulch
Road
Phillips
PACIFIC
OCEAN
1
Stump Beach Trail
Miller
Stump Beach Cove
(sandy beach)
11
Riding and Hiking
Creek
Group Campground
Warren
Park Entrance
Parking
Barn
Moonrock Campground
Parking
Parking
SALT POINT
Underwater Reserve
(No form of marine life may be taken or disturbed within the boundaries of Gerstle Cove Reserve)
Gerstle Cove
See other side for detail
0
1/2
1
SCALE IN MILES

3690-209

File# _____
AP # _____

Date Filed _____
Current Zoning _____

APPLICANT AND/OR AGENT:

Name: State of California, Department of Parks & Recreation
Address: P.O. Box 123, Duncans Mills, CA Phone: (707) 865-2391
Signature: _____ Date: Sept 20, 1990

OWNER, IF OTHER THAN APPLICANT

Name: _____ Phone: _____
Signature: _____ Date: _____
(Authorizing Letter)

EXISTING SITE CHARACTERISTICS:

Site Address: Salt Point State Park / Sonoma Coast State Beach Acreage: 5,676 / 5,060
Existing Use of Property: Parks and Recreation
Proximity to Creek, Waterways & Impoundment Areas: Between State Highway One and the Pacific Ocean
Vegetation on Site: Low coastal scrub
General Topography: Ocean terrace
Surrounding Uses to North: State Park South: State Park
East : Residential West: Ocean
Photographs of Sites Attched: Yes (11)

LAND DIVISIONS

Number of proposed parcels & proposed parcel sizes: _____

DEVELOPMENT PROPOSAL:
Install fourteen (14) self-pay mechanical devices (Iron Rangers) and one (1) electronic parking ticket machine along Sonoma Coast State Beach and one (1) Iron Ranger at Salt Point State Park. (see attachment for site description). Each fee collection device will be accompanied by one (1) instruction sign.

Proposed Rezoning, if applicable: N/A
Any other required approvals (list): _____
Environmental Status:
Categorically Exempt (Single family homes are exempt): ____
Negative Declaration: _____
Environmental Impact Report: _____

ATTACHMENTS: See next page.

SONOMA COUNTY
DEPARTMENT OF PLANNING
575 Administration Dr., Room 105A, ■ Santa Rosa, California 95401 ■ (707) 527-2412

RECEIVED
NOV 2 6 1990
RPD

COASTAL PERMIT APPLICATION

462.7
0-7084

Description of Placement of Iron Rangers

#1 Russian Gulch Parking Lot

original Jurisdiction

Iron Ranger will be placed near trailhead to beach at the end of the parking lot. There are already signs, trash receptacles and a restroom in the area. The placement will keep people on Highway 1 from seeing it.

#2 Goat Rock South Parking Lot

Iron Ranger will be placed near trail to restroom. There are signs, trash receptacles, and a restroom nearby. The placement will not increase intrusion on the viewshed.

#3 Shell Beach Parking Lot

Iron Ranger will be placed on the north side of the road at the beginning of the parking lot. There is already a sign in the area. With the height of the bushes in the background the Iron Ranger will not effect the viewshed.

#4 Duncans Landing Parking Lot

Iron Ranger will be placed on the north side of entrance road before arriving at parking lot. There are signs, trash receptacles and a restroom in the area. There will be no additional intrusion on the viewshed from Highway 1.

#5 Portuguese Beach Parking Lot (North entrance)

Iron Ranger will be placed near existing trash cans at trail to restrooms. There are signs, trash receptacles and a road in the area.

#6 Portuguese Beach Parking Lot (South entrance)

Iron Ranger will be placed on the south edge of the entrance road, as close as practical to entrance. Due to Highway 1 being elevated above the parking area, Highway 1 makes a sharp turn at parking lot, and the height of vegetation, the Iron Ranger will have a minimal impact on the viewshed.

#7 Schoolhouse Parking Lot

Iron Ranger will be placed in triangle formed by curb on the north side of entrance. There is already a sign at this location. The intrusion on the viewshed will be minimal.

#8 North Salmon Creek Parking Lot

Recycle bin will be removed and Iron Ranger will be placed where the bin was. The viewshed will be better after installation than it is now.

#9 Campbell Cove Parking Lot

Iron Ranger will be placed on the west side of the parking lot next to the trail to viewing platform. The Iron Ranger will blend in with vehicle barriers with no additional viewshed impact. There are signs, fences, stobbers and displays in area.

#10 Bodega Head West Parking Lot

Iron Ranger will be placed at the north end of the parking lot near the entrance. There are signs, trash receptacle and vehicle barrier in immediate area. Iron Ranger will not have a significant additional impact on viewshed.

#11 Bodega Head East Parking Lot

Iron Ranger will be placed at entrance to the lot on the south side. A short piece of vehicle barrier will be removed and the Iron Ranger will be placed in the opening. The Iron Ranger will blend with the barrier having small visual impact.

#12 South Salmon Creek Parking Lot

Iron Ranger will be on north end of lot near the entrance. A small section of the vehicle barrier will be removed and the Iron Ranger will be placed in the opening. There are signs, vehicle barriers and a restroom in the area. Iron Ranger will not visually impact area.

#13 Stump Beach Parking Lot

Iron Ranger will be placed on north side of parking lot near trail to restroom. Iron Ranger will blend with vehicle barriers causing little visual impact.

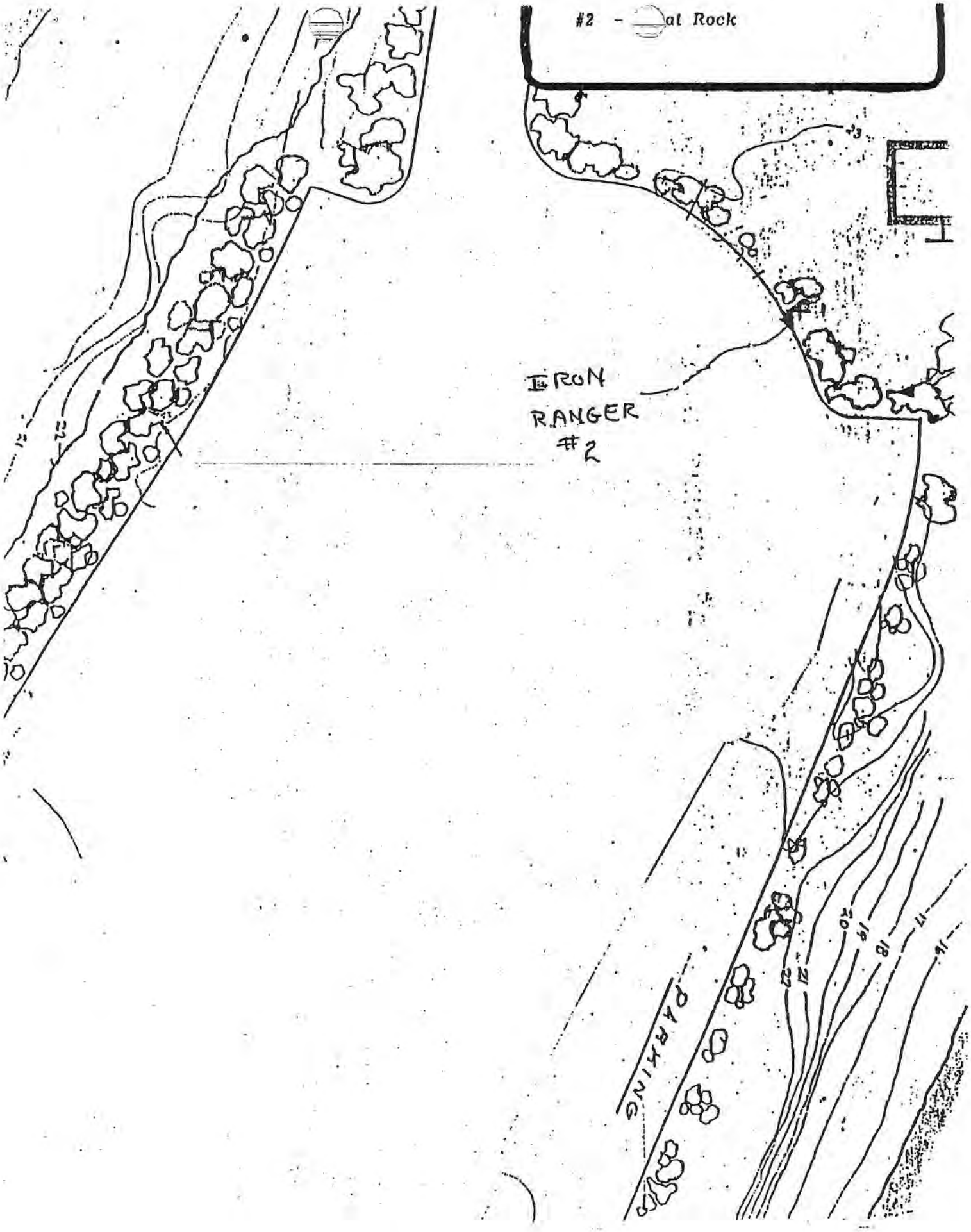
#14 Blind Beach Parking Lot

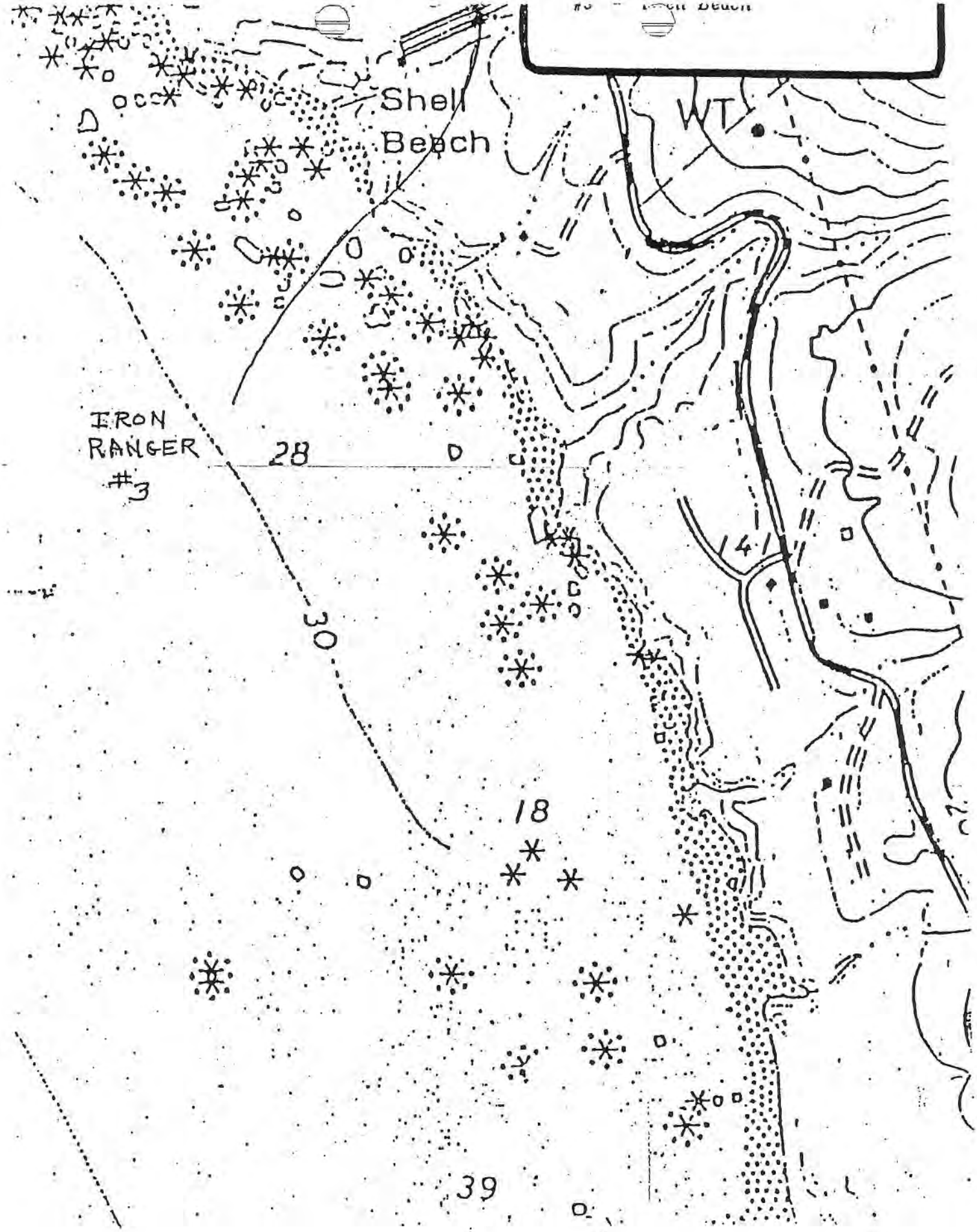
Iron Ranger will be at the corner of the parking lot next to the trailhead. There are signs and a restroom in the area. The intrusion on the viewshed will be minimal.

Goat Rock North Parking Lot

Serve Ur Self ticket machine will be next to the trail to the restroom. There are signs, vehicle barriers, trash receptacles and a restroom already in the area.. Machine will have little visual intrusion on area.

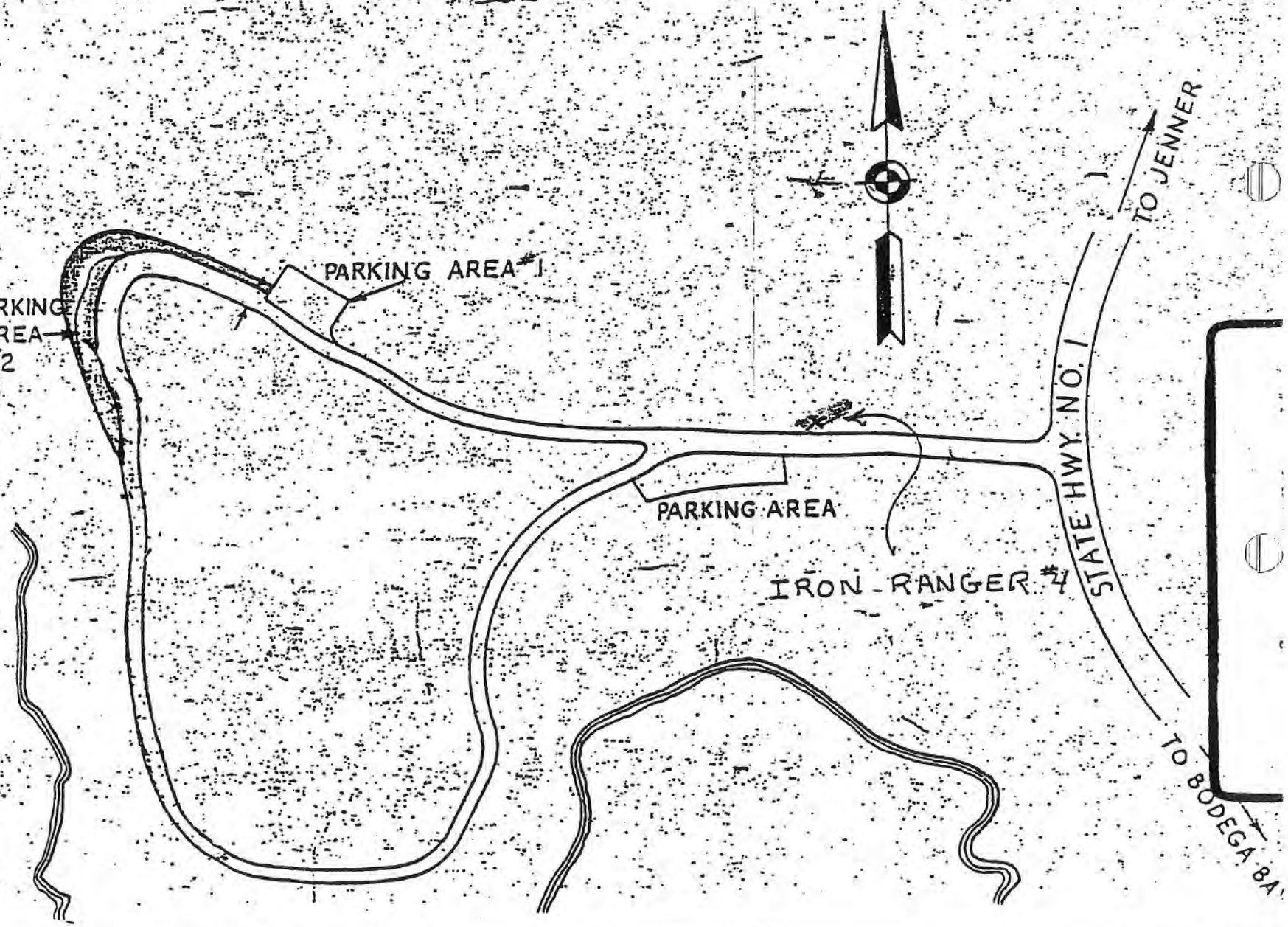
* * * * * * * * * * * *

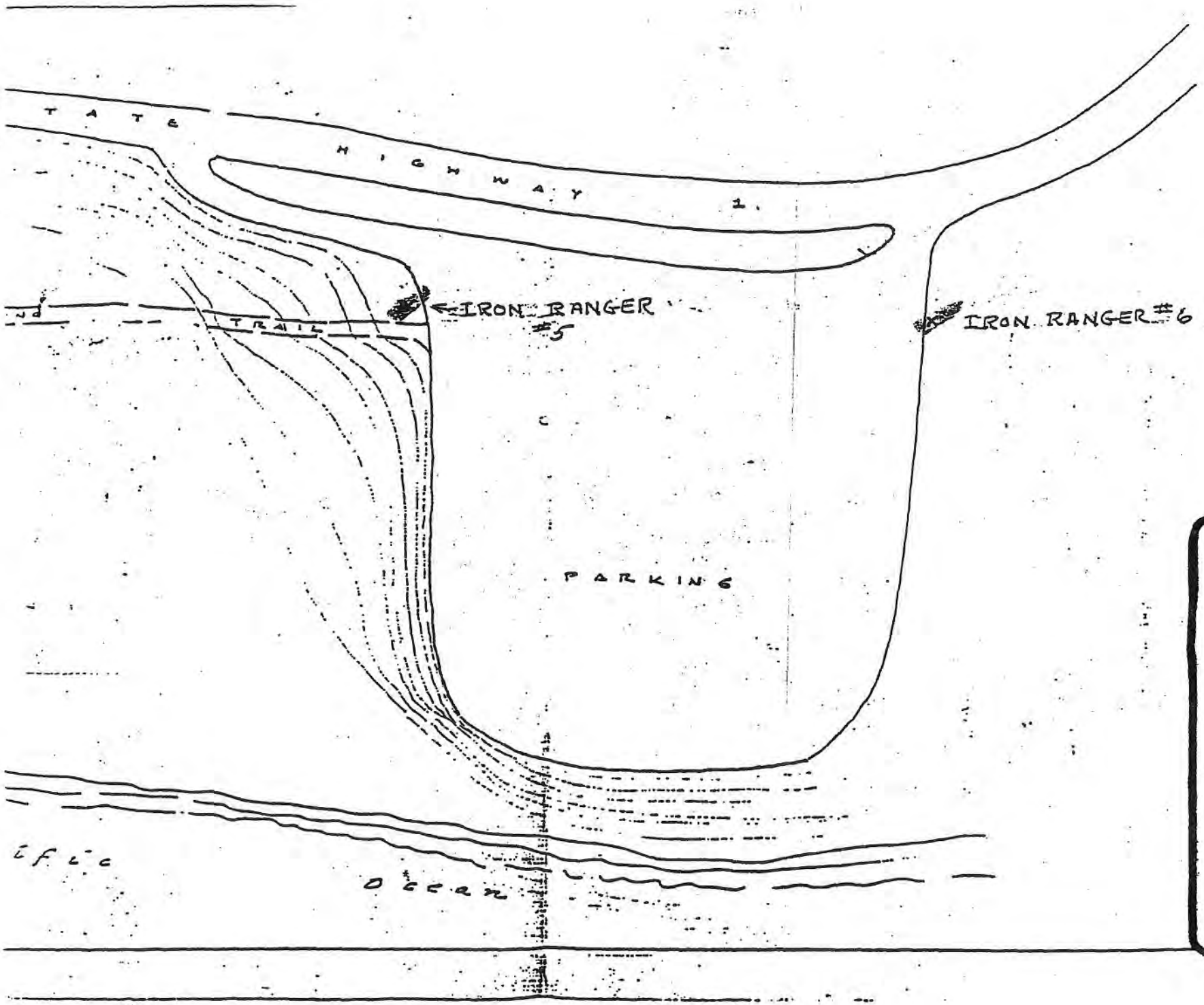

#2 - at Rock
IRON
RANGER
#2
PARKING
23
22
21
20
19
18
17
16


Shell
Beach
WT
IRON
RANGER
#3
28
30
41
18
39

Scale: 1½" = 1'-0"

Duncan's Landing





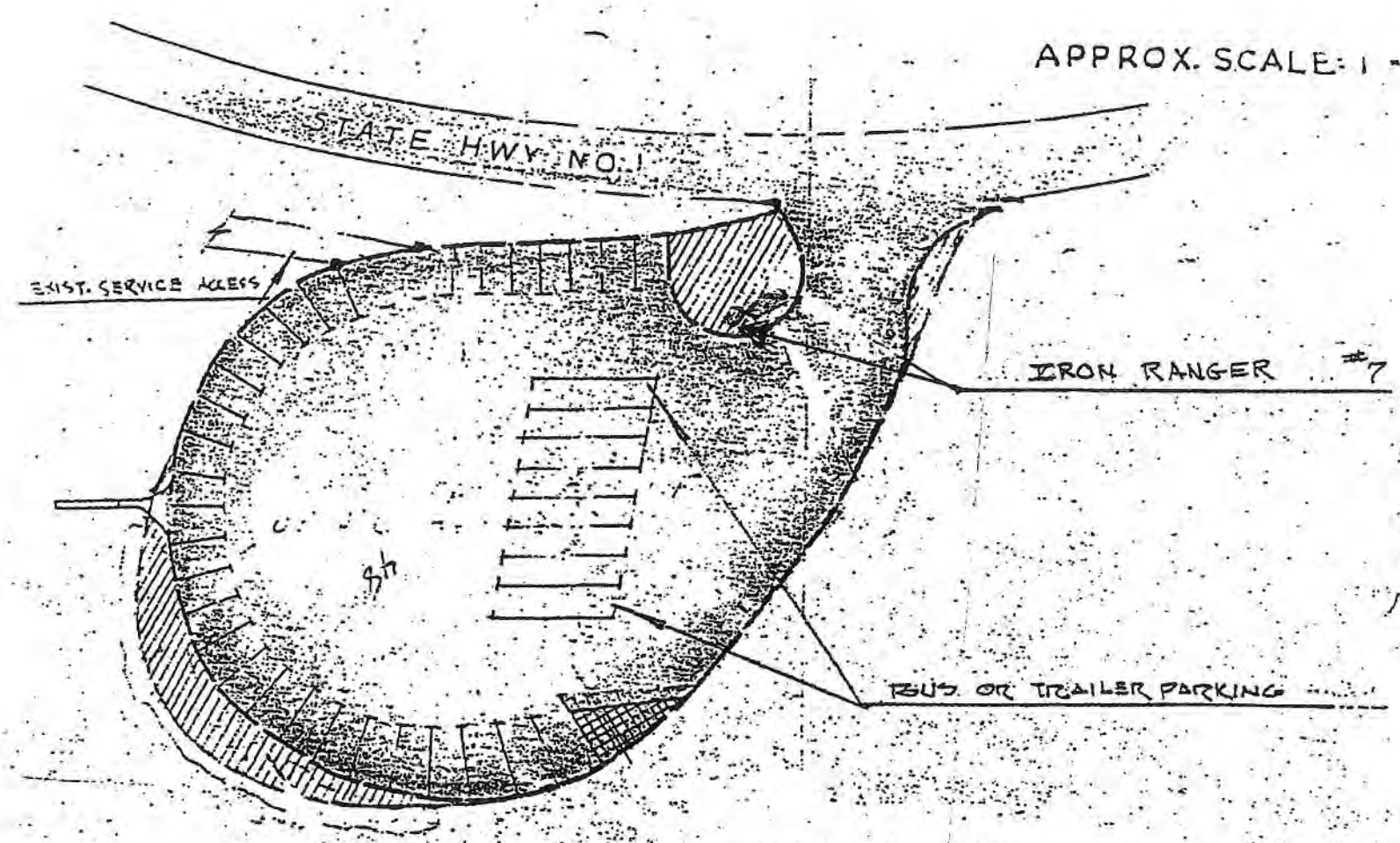
RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

REVISIONS

DATE

DESIGN

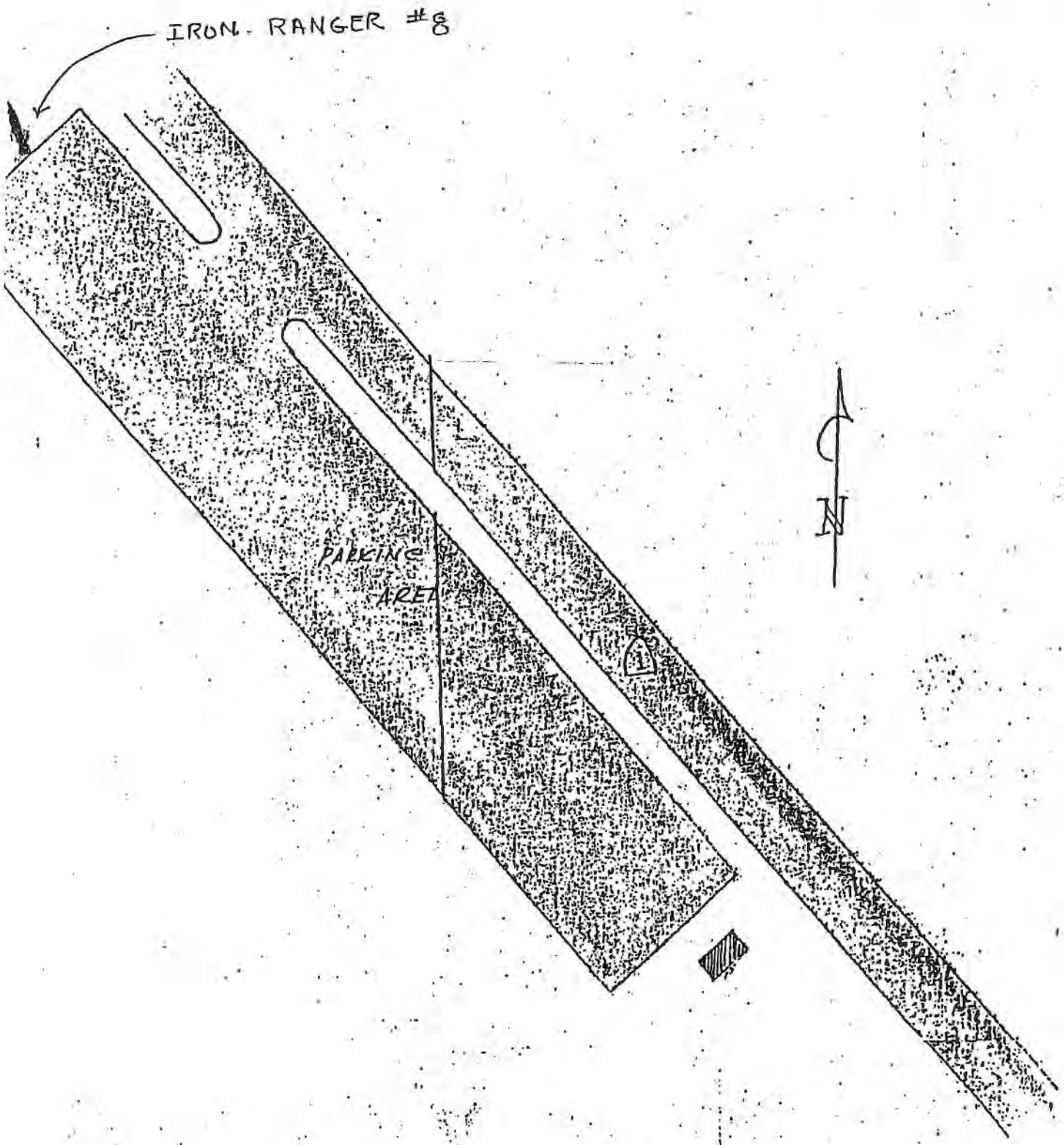
#5 - Portuese Beach
#6 -



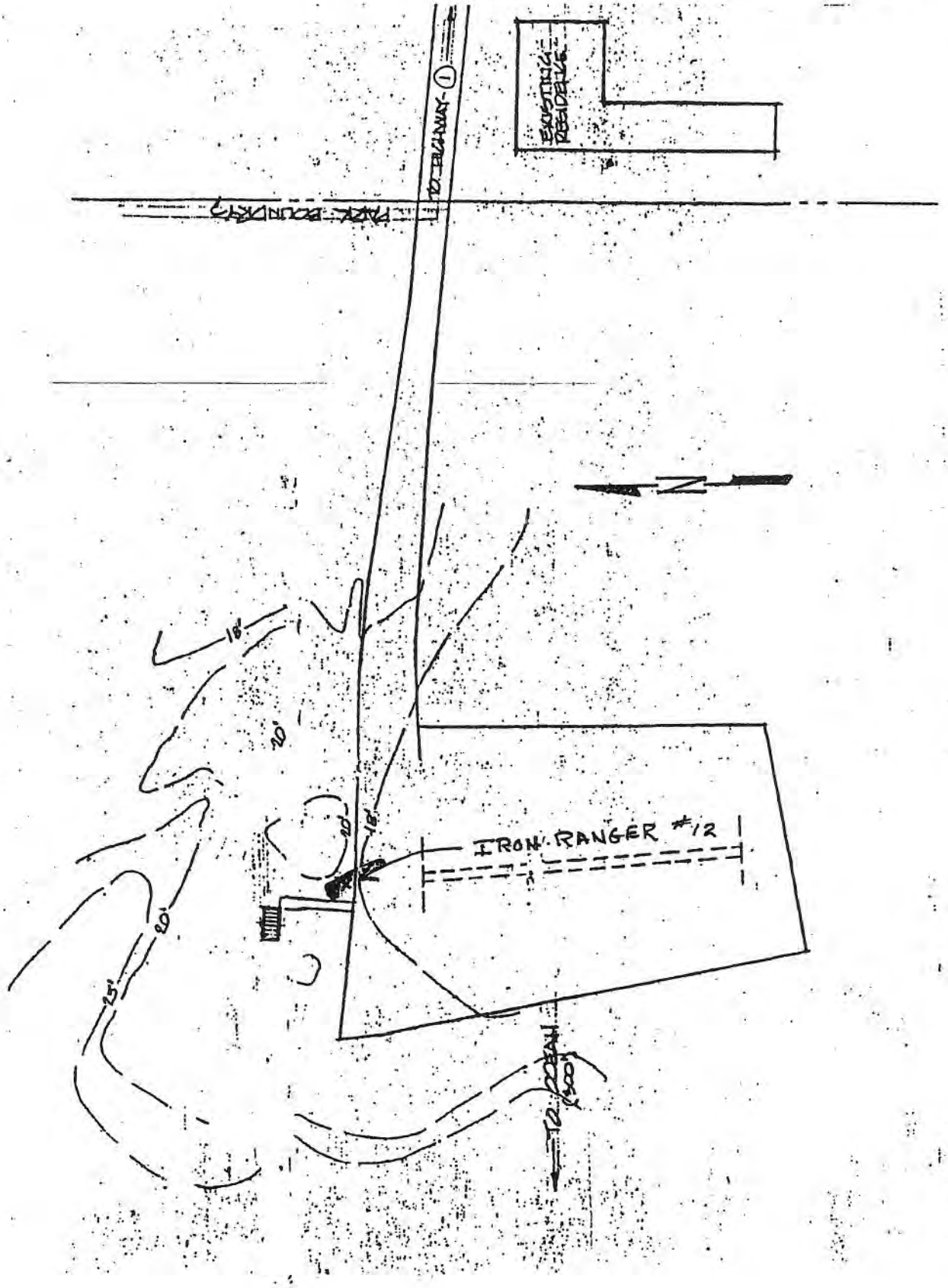
SCHOOLHOUSE BEACH PARKING AREA
MI. 14.40

#7 - Schoolhouse Beach

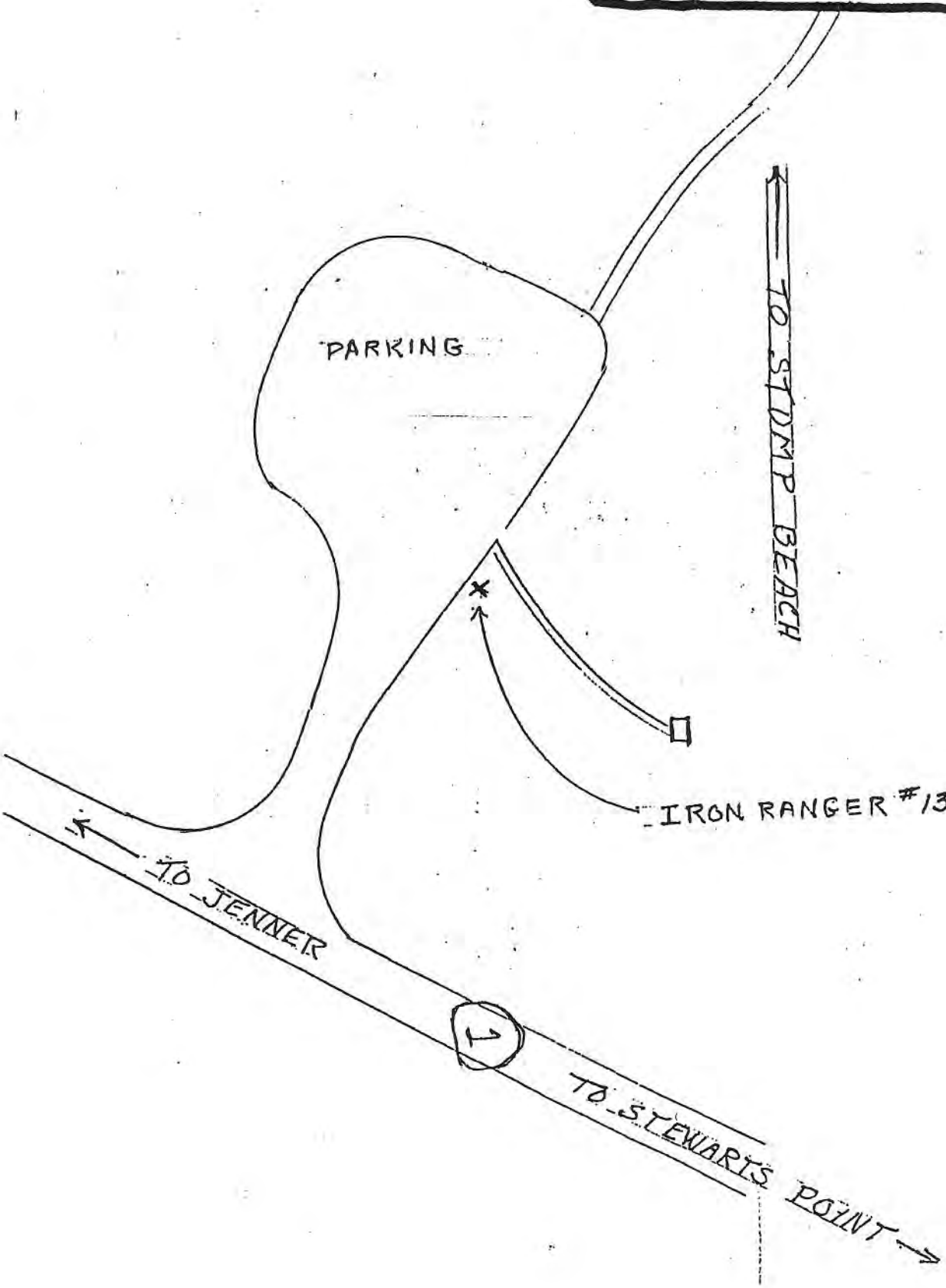
#8 - [illegible]th Salmon Creek



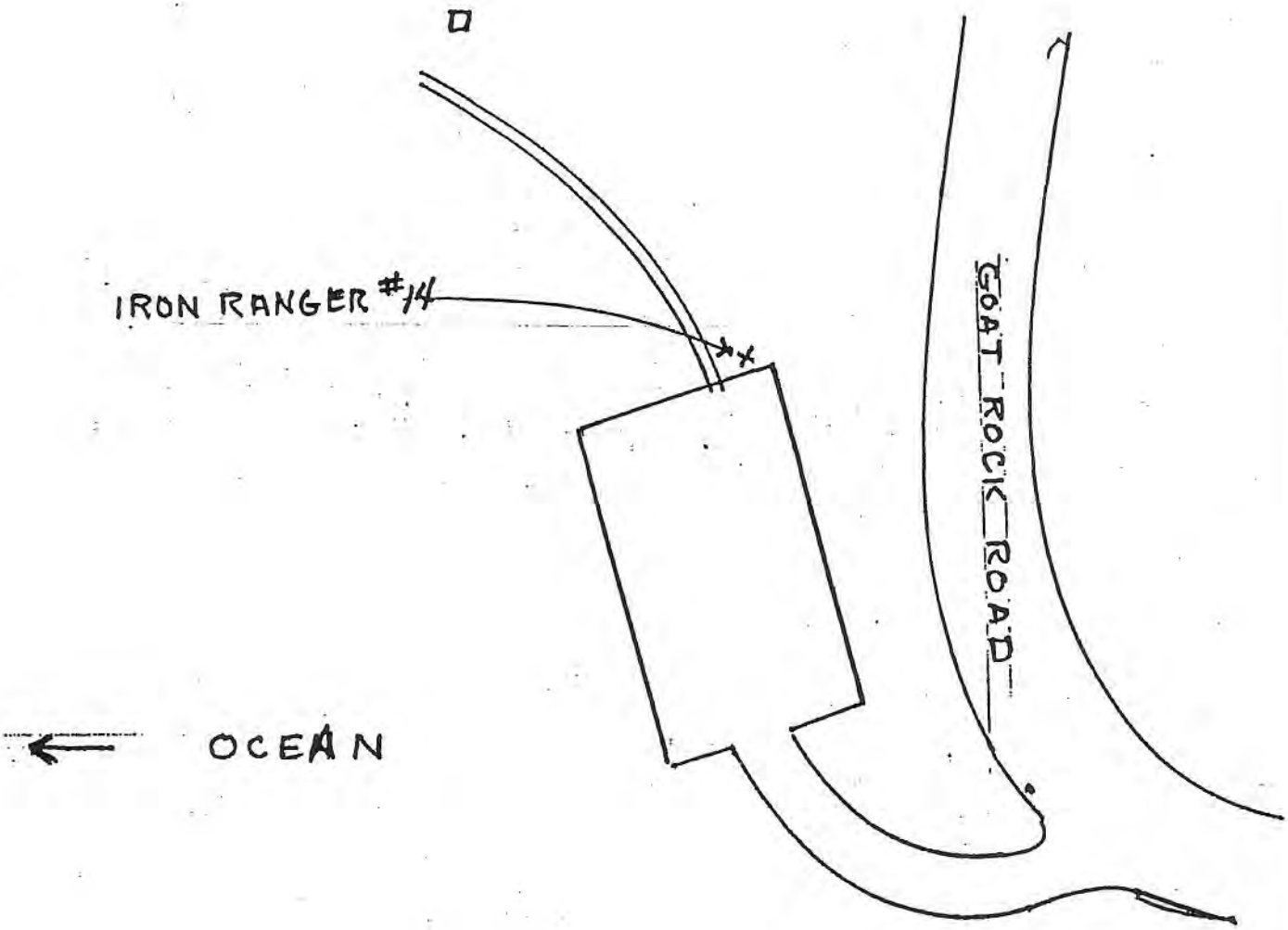
#12 - South Salmon Creek



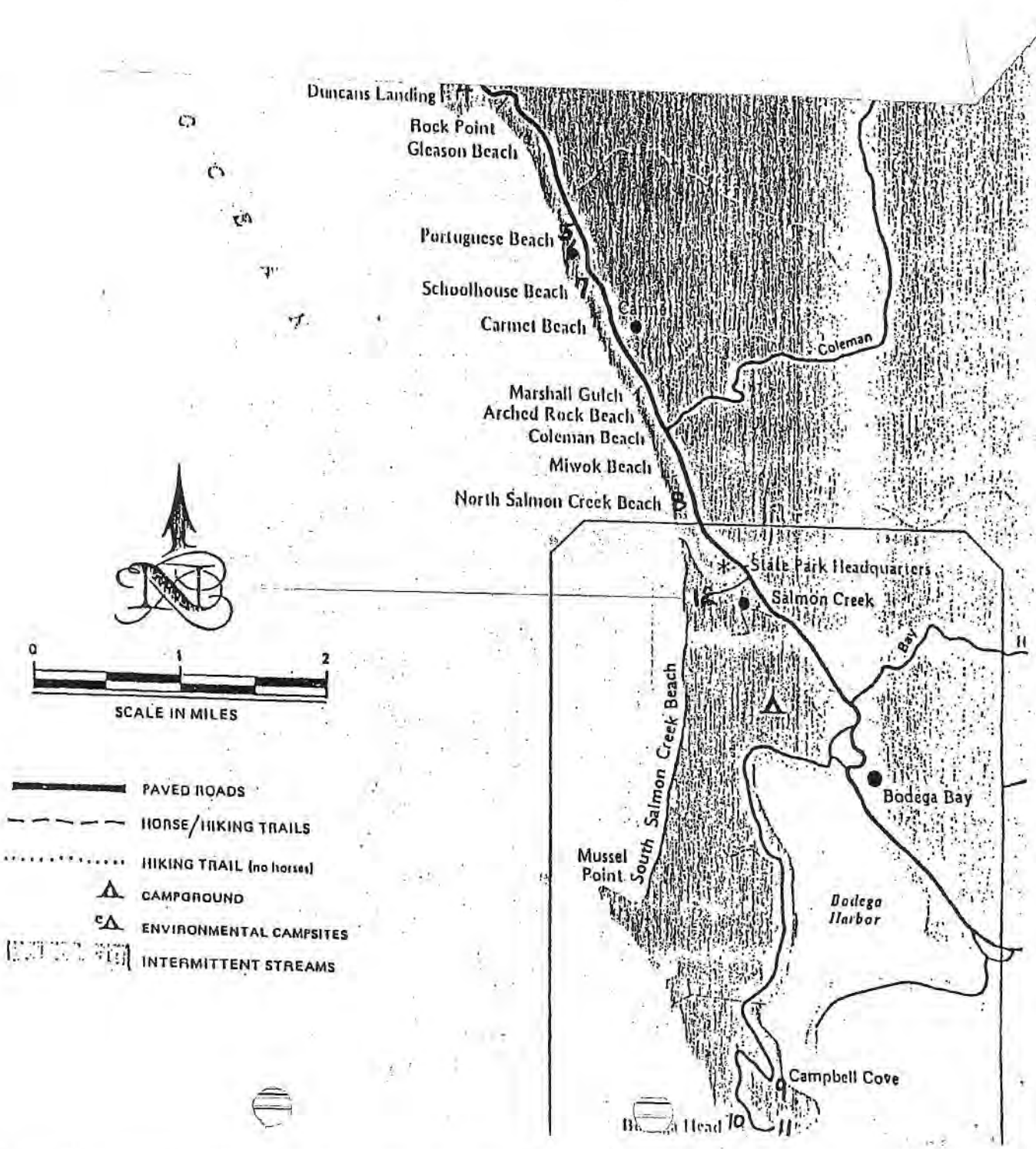
#13 - Stump Beach Parking Lot



#14 - Blind Beach Parking Lot

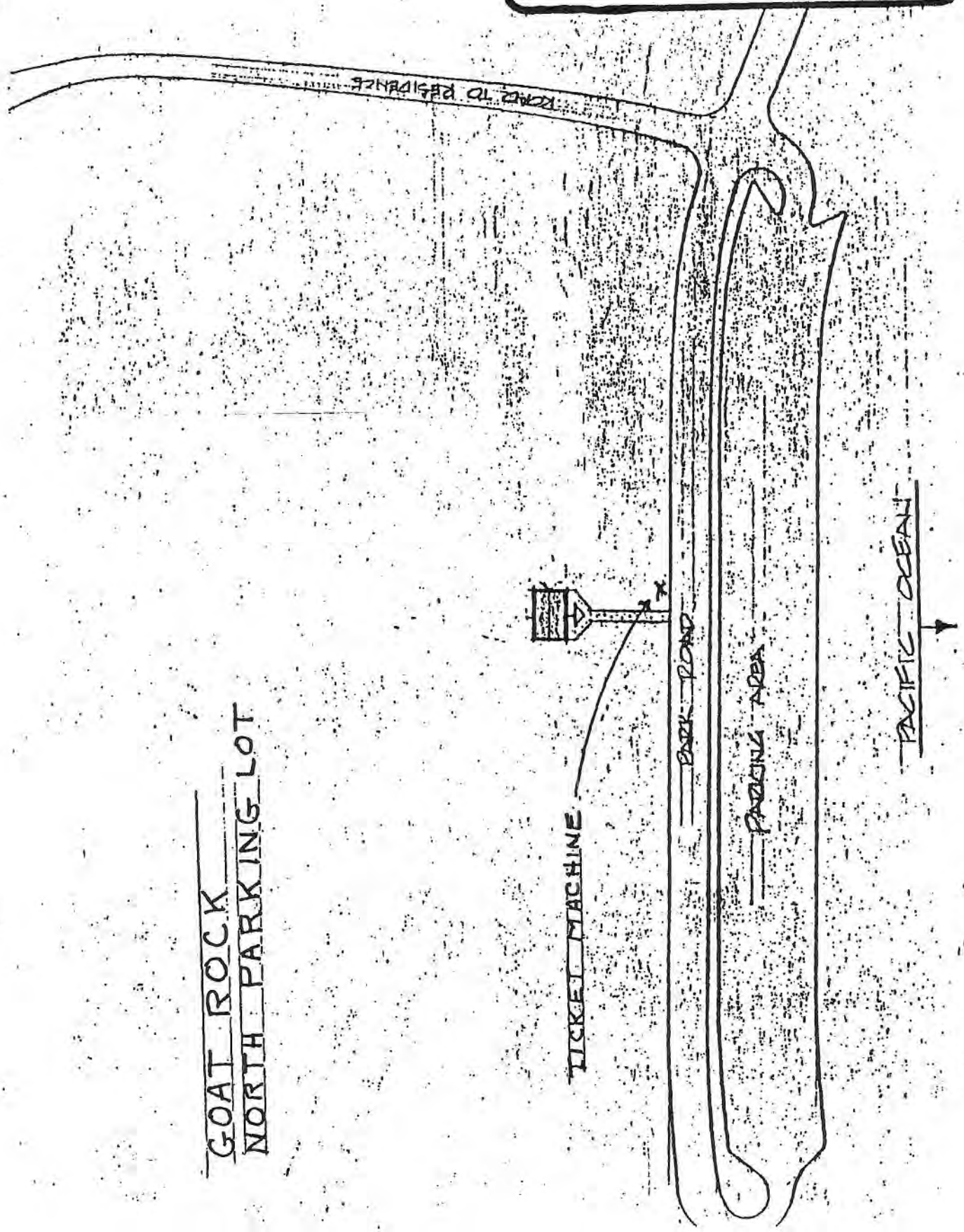


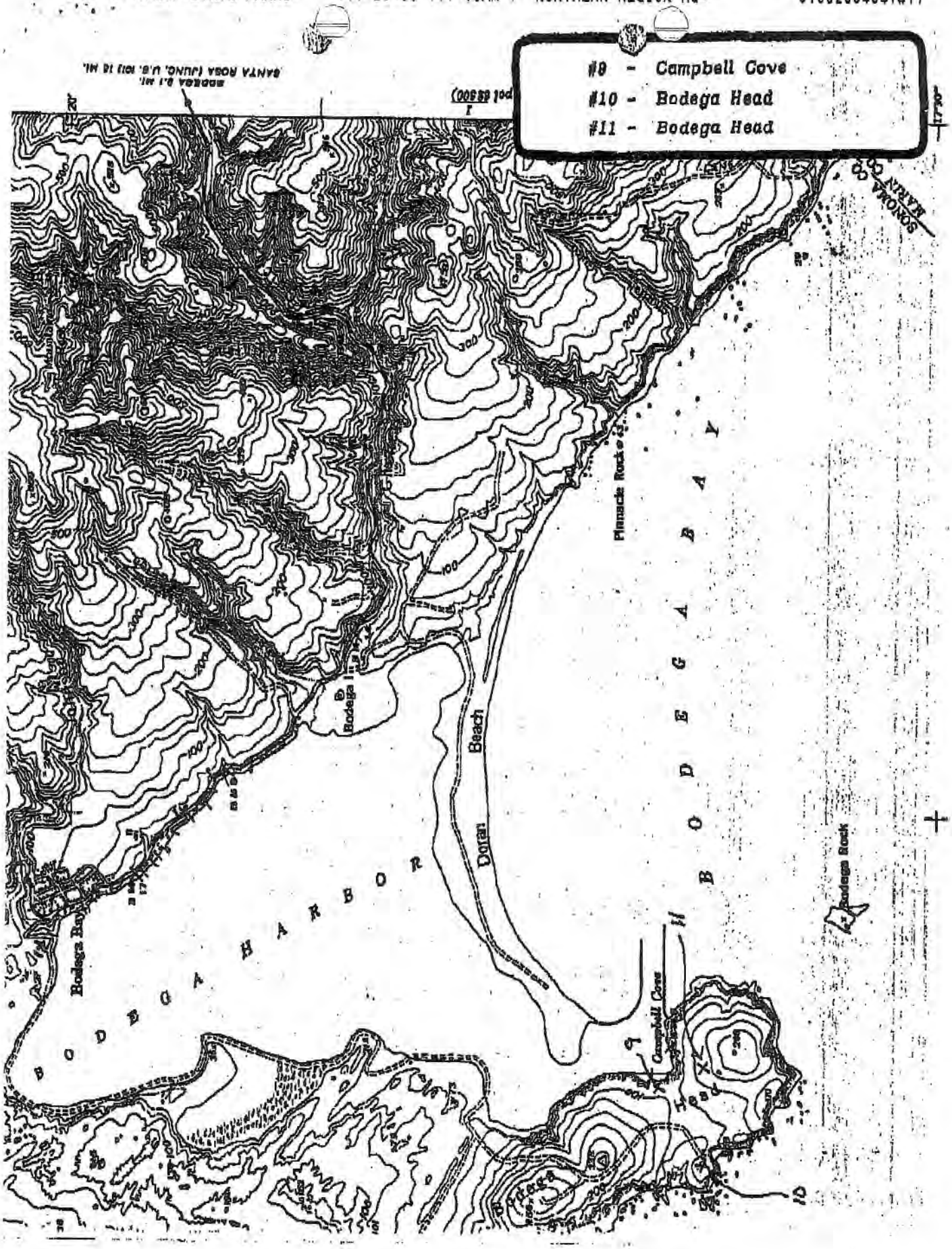
BLIND BEACH
PARKING

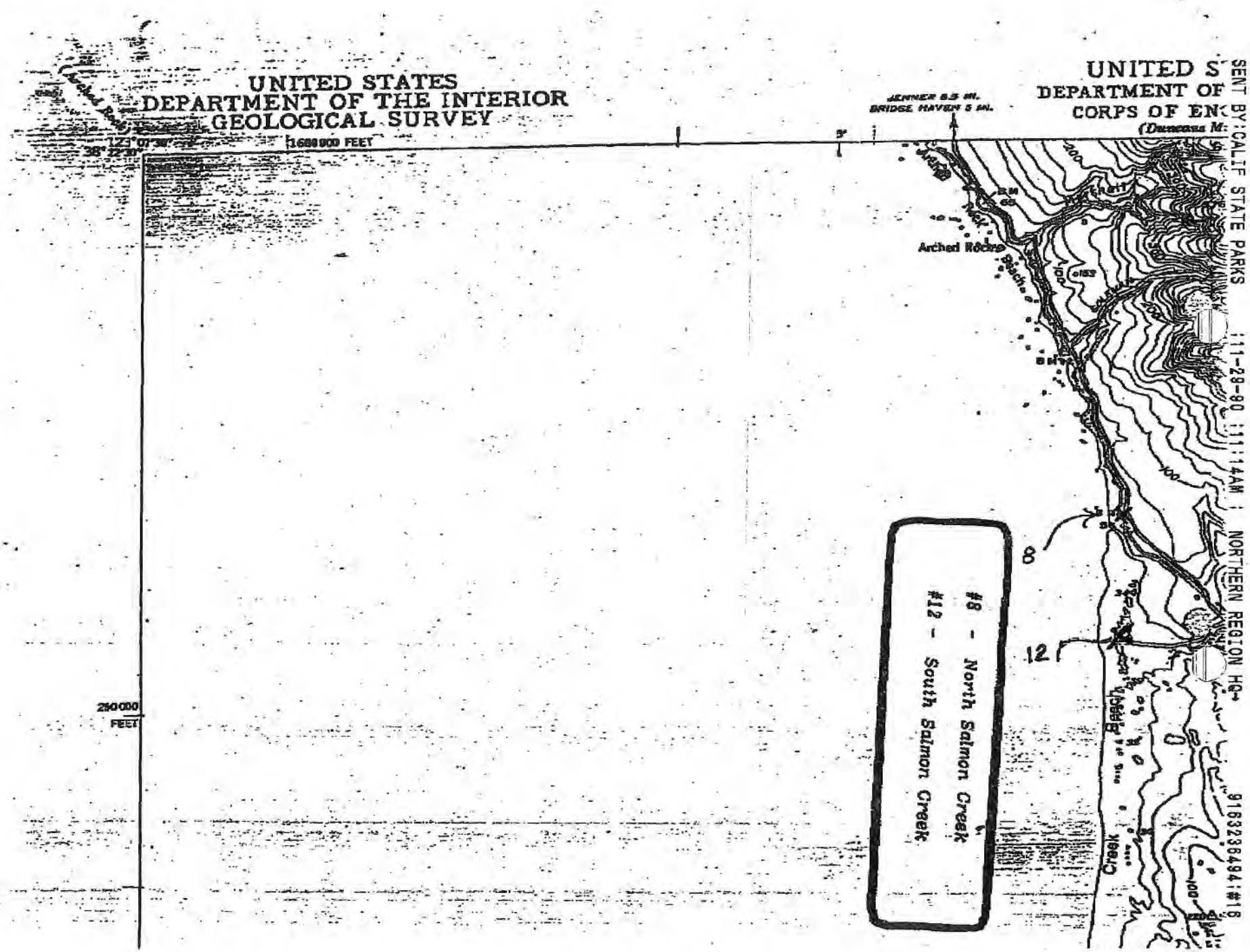

Duncans Landing
Rock Point
Gleason Beach
Portuguese Beach
Schoolhouse Beach
Carmet Beach
Coleman
Marshall Gulch
Arched Rock Beach
Coleman Beach
Miwok Beach
North Salmon Creek Beach
State Park Headquarters
Salmon Creek
Bay
South Salmon Creek Beach
Bodega Bay
Mussel Point
Bodega Harbor
Campbell Cove
0
1
2
SCALE IN MILES
PAVED ROADS
HORSE/HIKING TRAILS
HIKING TRAIL (no horses)
CAMPGROUND
ENVIRONMENTAL CAMPSITES
INTERMITTENT STREAMS

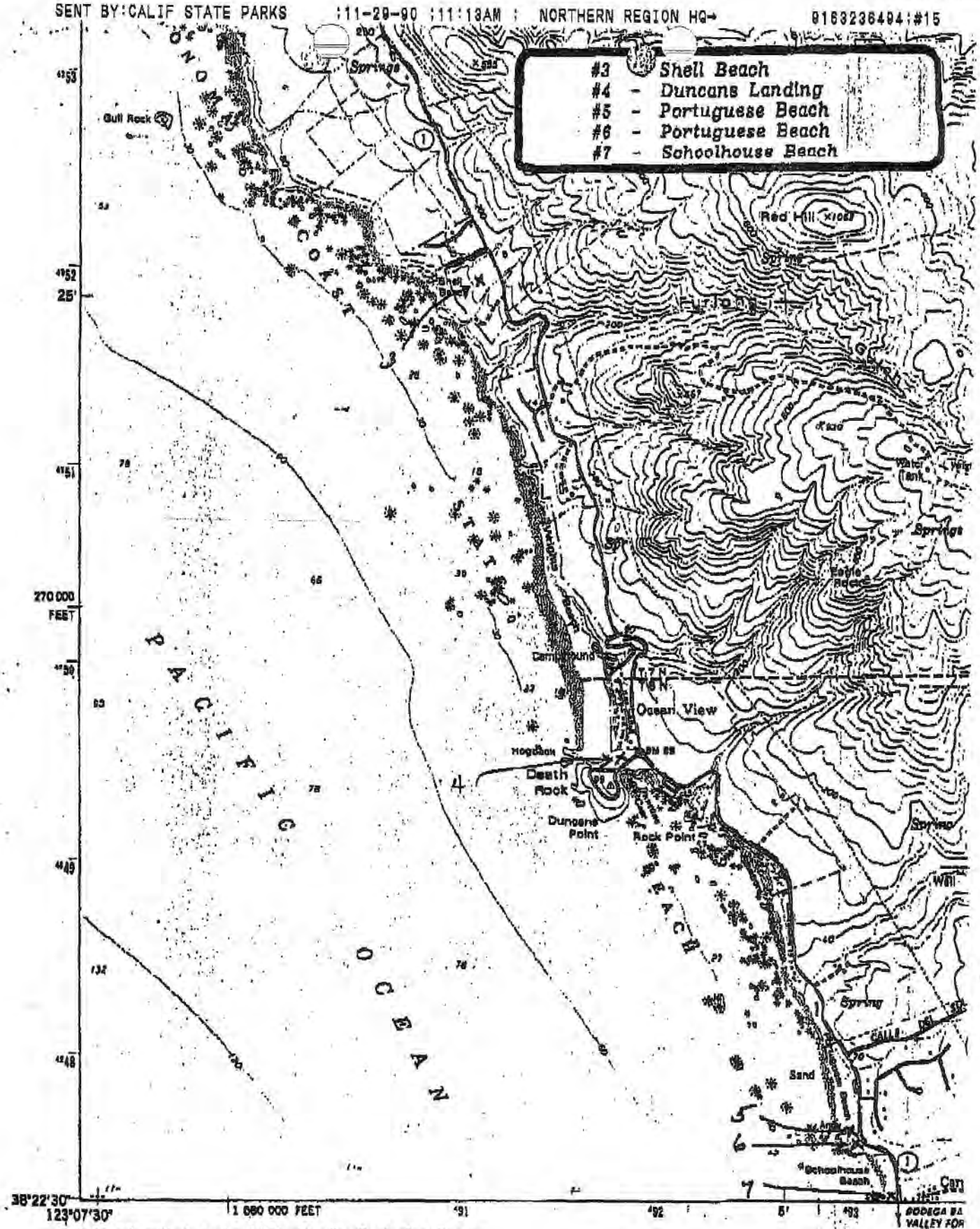
Fisk Mill Cove
Sentinel Rock
Reserve Entrance
Kruse
Parking
Chinese
Ranch
Gulch
Road
Phillips
PACIFIC
OCEAN
Stump Beach Trail
Miller
Stump Beach Cove
(sandy beach)
#13
Riding and Hiking
Creek
Group Campground
Warren
Park Entrance
Parking
Barn
Moonrock Campground
Parking
Parking
SALT POINT
Underwater Reserve
(No form of marine life may be taken or disturbed within the boundaries of Gerstle Cove Reserve)
Gerstle Cove
See other side for detail
0
1/2
1
SCALE IN MILES

#15 - Goat Rock North Parking Lot




#9 - Campbell Cove
#10 - Bodega Head
#11 - Bodega Head
SONOMA CO.
MARIN CO.
Pinnacle Rock
BODEGA BAY
Doran Beach
Bodega Harbor
Bodega Bay
Campbell Cove
Bodega Head
Bodega Rock

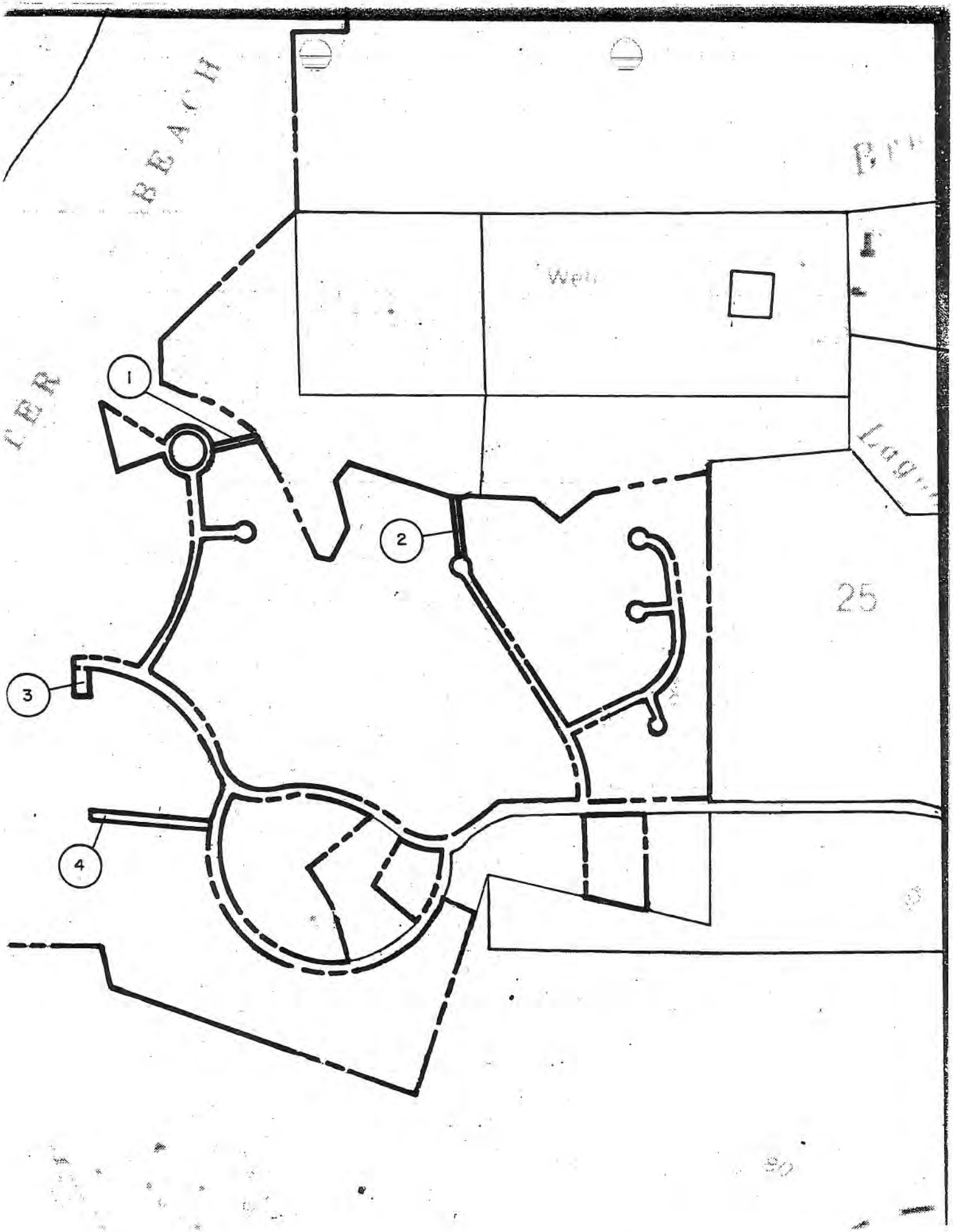

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
UNITED S
DEPARTMENT OF
CORPS OF EN
(Duncans M
123° 07' 30"
38° 22' 30"
1680000 FEET
250000
FEET
JENNER 6.5 MI.
BRIDGE HAVEN 5 MI.
Arched Rocks
Beach
Creek
Beach
8
12
#8 - North Salmon Creek
#12 - South Salmon Creek



Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial


BEACH
Well
1
2
3
4
25

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001
(916) 445-8360

DISTRICT OFFICES
NORTHERN OFFICE
510 C STREET
SUITE G
EUREKA, CA 95501
(707) 445-7014

CENTRAL OFFICE
218 W. PERKINS STREET
SUITE 107
UKIAH, CA 95482
(707) 462-1809

SOUTHERN OFFICE
50 D STREET, SUITE 450
SANTA ROSA, CA 95404
(707) 576-2526

Assembly California Legislature

DAN HAUSER
ASSEMBLYMAN, SECOND DISTRICT

CHAIRMAN
COMMITTEE ON HOUSING AND
COMMUNITY DEVELOPMENT

CHAIRMAN
PACIFIC FISHERIES
LEGISLATIVE TASK FORCE
SUBCOMMITTEE ON
MOBILEHOMES
SUBCOMMITTEE ON
AGRI-FORESTRY
VICE CHAIRMAN
JOINT COMMITTEE ON
FISHERIES & AQUACULTURE
SELECT COMMITTEE
CALIFORNIA WINE PRODUCTION
AND ECONOMY
MEMBER
COMMISSION FOR ECONOMIC
DEVELOPMENT
WESTERN STATES LEGISLATIVE
FORESTRY TASK FORCE
JOINT COMMITTEE ON
SCHOOL FACILITIES

July 15, 1991

Henry R. Agonia, Director
State of California
Department of Parks and Recreation
1416 Ninth Street
Sacramento, CA 95814

RE: Public Information Meeting regarding the proposed State Park fee schedule

Dear Director Agonia:

Thank you for providing this informational meeting in my District to provide a forum for public comment on the proposed implementation of new and adjusted fees for the use of state parks.

It is unfortunate that my constituents have had to spend so much time advocating for these meetings to take place when this Department has made seemingly little effort to invite public comment. While I believe the citizens of California must accept the need to increase funding resources to sustain our state parks, they have, until now, been left out of the dialogue regarding these important issues. It is my hope that tonight's meeting will mark the beginning of an effort to work together in support of our parks on the North Coast.

I would like to comment, briefly, on a number of your proposals and leave a few recommendations for your consideration:

1. While a new fee structure is proposed to be in place by September 6th, you also indicate that the reservation system for campsites will not be ready. In addition, the Department has apparently changed the time line for fee implementation. It is my understanding that the public was told that the hearings would be held in the fall with new fees to be implemented no sooner than January 1992.

I am sure it was not your intent, however, there is a community perception that these meetings and fee implementation plans are being rushed into place without allowing adequate time for public comment and for the necessary information to assist you in setting responsible policies regarding a fee structure.

I respectfully recommend that you accept citizen comment and implement a fee structure, as suggested earlier, in January 1992.

2. The charging of fees at coastal parks is of primary concern to the citizens in my District. While a $2.00 fee for parks with facilities is far more reasonable than your earlier recommendations, I urge you to retain free public access to those North Coast park units, where there have previously been no fees or improvements of facilities.

Public access to some of our Sonoma and Mendocino coastal parks should remain unincumbered by fees so that our precious coast may be enjoyed by those who are unable to pay a fee of any amount. There are other ways to generate income for parks. You shall hear some suggestions tonight. Placing a fee at every undeveloped park site on the North Coast should not be your primary focus. I urge you to reconsider your options as you review those sites being identified for new fees.

3. Vehicle parking fees should be set based upon a consideration of the economics of the community in which the state park exists. For example, while tourists may be willing, and able, to pay a $5.00 parking fee at Armstrong Woods Park in Guerneville, many local community members who visit the park regularly are unable to pay this fee. Parking fees should be made more consistent with local county park charges.

In summary, free coastal access should be protected by the State Parks Department for day use with fees implemented only where there are improved facilities and services. I encourage your continued efforts to improve public relations with the citizens of my District. Thank you for considering my suggestions which are based upon hundreds of citizen comments which have reached my office.

I stand ready to assist you and the community in a cooperative effort to protect and support our California State Parks Department.

Sincerely,

DAN HAUSER

SANTA CRUZ, CA 95062
(408) 479-3511

August 22, 1991

Jack V. Harrison
Chief Deputy Director, Operations
California Dept. of Parks and Recreation
P.O. Box 942896
Sacramento, California 94296-0001

Re: XS-91-8 through 11, 15

Dear Mr. Harrison:

By a vote of 9 to 2, the Commission voted to approve the five fee collection devices noted above, on August 13, 1991. Attached are the final revised findings to reflect this Commission approval. As there are no special conditions relating to permit issuance, your coastal permit is attached. Therefore, you may now install these devices at Humboldt Lagoons, Westport-Union Landing (Howard and DeHaven Creeks), Jug Handle and San Onofre.

Per your request, Commission review of the devices proposed in Sonoma County (XS-91-12, 13, 14) and Carlsbad (XS-91-16) were postponed. Please contact me when you wish to reschedule those items; keep in mind that the Commission must act by November 22 unless you request a 90 day extension (per AB 884).

Sincerely,

Linda Locklin
Coastal Access Program Manager

LL/cm

Attachment

cc: Noah Tilghman
Mark Massara
Joe Barbieri

0097p

Directors Office

SANTA CRUZ, CA 95062
(408) 479-3511

Permit No. XS-91-8 through -11, and XS-91-15

COASTAL DEVELOPMENT PERMIT

On August 13, 1991, the California Coastal Commission granted to

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION
this permit subject to the attached Standard and Special conditions, for development consisting of:

Installation of five fee collection devices (1 mechanical park-ur-self and 4 non-mechanical iron rangers), for the purpose of collecting parking fees; more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Humboldt County: Humboldt Lagoons State Park (XS-91-8); Mendocino County: Westport-Union Landing State Beach: Howard Creek (XS-91-9), DeHaven Creek (XS-91-10), Jug Handle State Reserve (XS-91-11); San Diego County: San Onofre State Beach (XS-91-15).

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS
Executive Director

By: _____
for Les Strnad
Chief of Permits

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

AUG 30 1991
Date

Original signed by
Jack Hanson
Signature of Permittee

AS: 4/88

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS: 1 -- see attached Adopted Staff Report.

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

Type of application:

X Standard Permit

Administrative Permit: May be applicable if development is one of the following:

___ (a) improvement to any existing structure;
___ (b) any new development costing less than $100,000;
___ (c) single family dwelling; ___(d) four dwelling units or less, within any incorporated area, that does not require demolition or subdivision of land; or ___(e) development authorized as a principal permitted use and proposed in an area for which the Land Use Plan has been certified.

SECTION I. APPLICANT

1. Name, mailing address and telephone number of all applicants.

Jack V. Harrison, Chief Deputy Director for Operations

California Department of Parks and Recreation
Post Office Box 942896
Sacramento, CA 942896-0001 (916) 323-8763
(Area code/daytime phone number)

2. Name, mailing address and telephone number of applicant's representative, if any

_____

_____

_____
(Area code/daytime phone number)

For office use only

Application Number _____ Project Cost _____

Received _____ Filed _____ Jurisdiction code _____

Fee _____ Date paid _____ LCP segment _____

Tentative hearing date _____

Please answer ALL questions. Where questions do not apply to your project (for instance, project height for a land division), indicate "Not Applicable" or "N.A.".

1. Project Location. Include street address, city, and/or county. If there is no street address, include other description such as nearest cross streets.

See attachments

number street

city county

Assessor's Parcel Number _____

2. Describe the proposed development. Include secondary improvements such as septic tanks, water wells, roads, etc.

Install four (4) mechanical fee collection devices (Park.-Ur-Self) with appropriate signing and electrical services connections, and six (6) non-mechanical fee collection devices (Iron Rangers)

a) If residential, state:

1) Number of units N/A

2. Number of bedrooms per unit N/A

3. Type of ownership proposed:

N/A rental

N/A condominium

N/A stock cooperative

N/A time share

N/A other _____

b) Number of boat slips, if applicable N/A

c) If land division, number of lots to be created and size N/A

b) Will any existing structures be demolished? ___ Yes X No

Will any existing structures be removed? ___ Yes X No

If yes to either question, describe the type of development to be demolished or removed, including the relocation site, if applicable.

4. Estimated cost of development (not including cost of land) $ 4 mech. devices at $10,000 ea. 6 non-mech. at $300 ea.

5. Has any application for a development on this site been submitted previously to the California Coastal Zone Conservation Commission or the Coastal Commission? X Yes ___ No

If yes, state previous application number XS-90-01, 2, 3, 4, 5, 6, 7, 10, 11 & 14 XS-90-01 through XS-90-16 and see attachments

6. Project height: Maximum height of structure Park-Ur-Self - 5 1/2 Iron Ranger - 3 ft.

Maximum height of structure as measured from centerline of frontage road same ft.

7. Total number of floors in structure, including subterranean floors, lofts, and mezzanines N/A

8. Gross floor area including covered parking and accessory buildings N/A sq. ft.

Gross floor area excluding parking N/A sq. ft.

9. Lot area (within property lines) N/A sq. ft. or acres

Lot coverages:	Existing	New proposed	Total
Building coverage	___ sq. ft.	___ sq. ft.	___ sq. ft.
Paved area	___ sq. ft.	___ sq. ft.	___ sq. ft.
Landscaped area	___ sq. ft.	___ sq. ft.	___ sq. ft.
Unimproved area	___ sq. ft.	___ sq. ft.	___ sq. ft.
		GRAND TOTAL	sq. ft.

no. of covered spaces N/A no. of uncovered spaces N/A

no. of standard spaces _____ size 10 x 20

no. of compact spaces N/A size N/A

Is tandem parking existing and/or proposed? ___ Yes X No

If yes, how many tandem sets? _____ size _____

11. Are utility extensions for the following needed to serve the project?

a) water ___ Yes ___ No
b) gas ___ Yes ___ No
c) electric X Yes ___ No
d) sewer ___ Yes ___ No
e) telephone ___ Yes ___ No

If yes to any of the above, would extensions be above ground? ___ Yes X No

SECTION III. ADDITIONAL INFORMATION

The relationship of the development to the applicable items below must be explained fully. Attach additional sheets if necessary.

1. If the development is between the first public road and the sea, is public access to the shoreline and along the coast currently available near the site? X Yes ___ No If yes, indicate the location and nature of the nearby access, including the distance from the project site.

Each site is located within existing State Park System.

2. Is any grading proposed? ___ Yes X No If yes, complete the following.

a) amount of cut _____ cu. yds.

b) amount of fill _____ cu. yds.

c) maximum height of fill slope _____ ft.

d) maximum height of cut slope _____ ft.

e) amount of import or export _____ cu. yds.

f) location of borrow or disposal site _____

Grading and drainage plans must be included with this application. In certain areas, an engineering geology report must also be included. See Section V, paragraph 11 for the specifics of these requirements.

Amount of material to be dredged or filled N/A cu. yds.

Location of dredged material disposal site _____

Has a U.S. Army Corps of Engineers permit been applied for? ___ Yes X No

4. Will the development extend onto or adjoin any beach, tidelands, submerged lands or public trust lands? X Yes ___ No

   For projects on State-owned lands, additional information may be required as set forth in Section V, paragraph 10. N/A

5. Will the development protect existing lower-cost visitor and recreational facilities? X Yes ___ No

   Will the development provide public or private recreational opportunities? ___ Yes X No If yes, explain.

6. Will the proposed development convert land currently or previously used for agriculture to another use? ___ Yes X No

   If yes, how many acres will be converted? N/A acres.

7. Is the proposed development in or near:

   a) sensitive habitat areas ___ Yes X No (biological survey may be required)

   b) 100-year floodplain X Yes ___ No (hydrologic mapping may be required)

   c) park or recreation area X Yes ___ No

8. Is the proposed development visible from:

   a) State Highway 1 or other scenic route X Yes ___ No

   b) park, beach, or recreation area X Yes ___ No

   c) harbor area X Yes ___ No

9. Does the site contain any:

   a) historic resources ___ Yes X No

   b) archaeological resources ___ Yes X No

   c) paleontological resources ___ Yes X No

   If yes to any of the above, please explain on an attached sheet.

Estimated streamflow or spring yield N/A gpm

If well is being used, existing yield N/A gpm

If water source is on adjacent property, attach Division of Water Rights approval and property owner's approval.

SECTION IV. OTHER GOVERNMENTAL REQUIREMENTS

The Local Agency Review Form, Appendix B, must be completed and signed by the local government in whose jurisdiction the project site is located. The completed and signed form must be submitted with this application for the application to be considered complete.

SECTION V. ADDITIONAL ATTACHMENTS

The following items must be submitted with this form as part of the application.

1. Proof of the applicant's legal interest in the property. A copy of any of the following will be acceptable: current tax bill, recorded deed, lease, easement, or current policy of title insurance. Preliminary title reports will not be accepted for this purpose. Documentation reflecting intent to purchase such as a signed Offer to Purchase along with a receipt of deposit or signed final escrow document is also acceptable, but in such a case, issuance of the permit may be contingent on submission of evidence satisfactory to the Executive Director that the sale has been completed.

   The identity of all persons or entities which have an ownership interest in the property superior to that of the applicant must be provided. Pursuant to PRC Section 30601.5, the Commission is obligated to invite any such persons or entities to become co-applicants. For example, if the applicant's interest in the property is that of a lessee, the lessor must be invited to become a co-applicant. In addition, if in the judgement of the staff of the Commission there is a substantial likelihood that the permit will be conditioned in a manner requiring the participation of such persons or entities, their co-applicancy may be required. Finally, where warranted, permit issuance may be conditioned on participation of such persons or entities in permit condition compliance.

2. Assessor's parcel map(s) showing the applicant's property and all other properties within 100 feet (excluding roads) of the property lines of the project site. (Available from the County Assessor)

3. Copies of required local approvals for the proposed project, including zoning variances, use permits, etc., as noted on Local Agency Review Form, Appendix B.

4. Stamped envelopes addressed to each property owner and occupant of property situated within 100 feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and assessor's parcel

5. Stamped, addressed envelopes and a list of names and addresses of all other parties known to the applicant to be interested in the proposed development (such as persons expressing interest at a local government hearing, etc.).

6. A vicinity or location map (copy of Thomas Bros. or other road map or USGS quad map) with the project site clearly marked.

7. Copy(s) of project plans, drawn to scale, including site plans, floor plans, elevations, grading and drainage plans, landscape plans, and septic system plans. Trees to be removed must be marked on the site plan. In addition, a reduced site plan, 8 1/2" x 11" in size, must be submitted. Reduced copies of complete project plans will be required for large projects.

8. Where septic systems are proposed, evidence of County approval or Regional Water Quality Control Board approval. Where water wells are proposed, evidence of County review and approval.

9. A copy of any Final Negative Declaration, Final Environmental Impact Report (FEIR) or Final Environmental Impact Statement (FEIS) prepared for the project. Comments of all reviewing agencies and responses to comments must be included.

10. Verification of all other permits, permissions or approvals applied for or granted by public agencies (e.g., Dept. of Fish and Game, State Lands Commission, U.S. Army Corps of Engineers, U.S. Coast Guard).

11. For development on a bluff face, bluff top, or in any area of high geologic risk, a comprehensive, site-specific geology and soils report (including maps) prepared in accordance with the Coastal Commission's Interpretive Guidelines. Copies of the guidelines are available from the District Office.

SECTION VI. NOTICE TO APPLICANTS

Under certain circumstances, additional material may be required prior to issuance of a coastal development permit. For example, where offers of access or open space dedication are required, preliminary title reports, land surveys, legal descriptions, subordination agreements, and other outside agreements will be required prior to issuance of the permit.

SECTION VII. COMMUNICATION WITH COMMISSIONERS

Decisions of the Coastal Commission must be made on the basis of information available to all commissioners and the public. Therefore, permit applicants and interested parties and their representatives are advised not to discuss with commissioners any matters relating to a permit outside the public hearing. Such contacts may jeopardize the fairness of the hearing and result in invalidation of the Commission's decision by court. Any written material sent to a commissioner should also be sent to the commission office for inclusion in the public record and distribution to other Commissioners.

the Notice of Pending Permit card in a conspicuous place on the property within 3 days of submitting the application to the Commission office.

2. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application and all attached appendices and exhibits is complete and correct. I understand that the failure to provide any requested information or any misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the Commission.

3. I hereby authorize representatives of the California Coastal Commission to conduct site inspections on my property. Unless arranged otherwise, these site inspections shall take place between the hours of 8:00 a.m. and 5:00 p.m.

Jack Harrison

Signature of Applicant(s) or Authorized Agent
Jack V. Harrison, Chief Deputy Director for Operation

NOTE: IF SIGNED BY AGENT, APPLICANT MUST SIGN BELOW.

SECTION IX. AUTHORIZATION OF AGENT

I hereby authorize _____
to act as my representative and to bind me in all matters concerning this application.

_____
Signature of Applicant(s)

DECLARATION OF CAMPAIGN CONTRIBUTIONS

Government Code Section 84308 prohibits any Commissioner voting on a project if he or she has received campaign contributions in excess of $250 within the past year from project proponents or opponents, their agents, employees or family, or any person with a financial interest in the project.

In the event of such contributions, a Commissioner must disqualify him or herself from voting on the project.

Each applicant must declare below whether any such contributions have been made to any of the Commissioners or Alternates listed below.

CHECK ONE

X The applicants, their agents, employees, family and any person with a financial interest in the project HAVE NOT CONTRIBUTED over $250 to any Commissioner(s) or Alternates within the past year.

_____ The applicants, their agents, employees, and/or family, and/or any person having a financial interest in the project HAVE CONTRIBUTED OVER $250 to the Commissioner(s) or Alternates listed below within the past year.

Commissioner _____

Commissioner _____

Commissioner _____

Jack Harrison
Signature of Applicant or Authorized Agent

May 17, 1991
Date

Please print your name Jack V. Harrison

[illegible]

Steve MacElvaine, Vice Chairman
1325 Atascadero Road *2/17/83
Morro Bay, CA 93442 **8/8/89
(805) 772-9458

Donald McInnis *2/17/83
2160 Puerto del Mundo **8/6/89
Fallbrook, CA 92028
(619) 721-9286

ASSEMBLY SPEAKER APPOINTMENTS

Mark Nathanson
1640 Loma Vista Drive *1/08/86
Beverly Hills, CA 90210 **1/08/90
(213) 273-3911

Thomas W. Gwyn, Chairman *2/9/90
Director, Public/Governmental Affairs
Port of Oakland
530 Water Street
Oakland, CA 94607
(415) ~~[illegible]~~ 272-1646

SENATE RULES COMM. APPOINTMENTS

Lily Cervantes *10/1/87
762 Circle Drive **08/23/89
Salinas, CA 93905
(408) 422-6265

Madelyn Glickfeld *09/11/87
21132 Las Flores Mesa Drive **08/23/89
Malibu, CA 90265
(213) 456-2217

[illegible]
(Governor's Appointment)

Bonnie Neely *10/[illegible]/88
Chairwoman, Board of Supervisors
Humboldt County Courthouse, 1st Fl.
Eureka, CA 95501
(707) 445-7694

NORTH CENTRAL COAST DISTRICT REPRESENTATIVE
(Senate Rules Comm.)

Gary Giacomini, Supervisor *02/[illegible]/90
Marin County Board of Supervisors
Civic Center
San Rafael, CA 94903
(415) 499-7331

CENTRAL COAST DISTRICT REPRESENTATIVE
(Assembly Speaker)

Robert Franco *2/14/83
800 Rosita Road **3/3/89
Del Rey Oaks, CA 93940
(408) 394-9556 (home)
(408) 394-8511 (office)

SOUTH CENTRAL COAST DISTRICT REPRESENTATIVE
(Governor's Appointment)

Dorill Wright *2/17/83
405 San Miguel Circle **8/2/89
Port Hueneme, CA 93041
(805)488-3145 (home)
(805)488-3625 (work)

SOUTH COAST DISTRICT REPRESENTATIVE
(Senate Rules Commission)
*5/25-87
Mary Lou Howard **6/31/89
Councilwoman, City of Burbank
275 East Olive Avenue
Burbank, CA 91502
(818) 953-9708

SAN DIEGO COAST DISTRICT REPRESENTATIVE
(Assembly Speaker)

David L. Malcolm *1/13/84
625 Third Avenue **3/17/89
Chula Vista, CA 92010
(619) 475-4523 (home)
(619) 425-7080 (office)

Peter M. Douglas, Executive Director

****

NOTE: Decisions of the Coastal Commission must be made on the basis of information available to all Commissioners and the public. Therefore, if you are sending information directly to any Commissioner, please send a copy to the Commission's office for inclusion in the public record, and distribution to other Commissioners. Public records are available for inspection at Commission meetings or in the Commission's office.

****

* Appointment dates (for approximately 2 years) Rev. 6/29/90
[illegible]

Sacramento, CA 95814
(916) 445-0337

1807 - 13th Street
Sacramento, CA 95814
(916) 322-7827

BUSINESS, TRANSPORTATION AND HOUSING AGENCY REPRESENTATIVE

Kathleen Calderon
Business, Transportation
and Housing Agency
c/o Dept. of Commerce
200 East Del Mar Blvd.
Los Angeles, CA 90005
(818) 568-9856

****

The California Coastal Commission has 12 voting members and 3 non-voting members. Six of the voting members are "public members," and six are local elected officials who represent coastal districts. All voting members are appointed either by the Governor, Senate Rules Committee, or the Speaker of the Assembly; each appoints four commissioners, two public members and two elected officials. Each Commissioner may appoint an alternate to serve in his or her absence. The Secretaries of the Resources Agency and the Business and Transportation Agency and the Chair of the State Lands Commission serve as non-voting members and may appoint a designee to serve in their place.

ALTERNATES FOR STATE COMMISSIONERS

Gerald E. Gray (for McElvaine)
718 Main Street
Cambria, CA 93428

Roger D. Slates (for McInnis)
1701 Main Street
Huntington Beach, CA 92648
(714) 536-8801

Brooke Knapp (for Nathanson)
4008 Rogen Drive
Encino, CA 91436-3734

Jeff Mori (for Gwyn)
Executive Director
Japanese Community Youth Council
2012 Pine Street
San Francisco, CA 94115
(415) 563-3052

John Bisserich (for Cervantes)
University of Southern California
1985 Zonal Avenue
Los Angeles, CA 90033
(213) 224-7493

John Diaz (for Glickfeld)
Santa Monica Mountains Conservancy
3700 Solstice Canyon Road
Malibu CA 90265
(213) 456-5046

Jared Carter (for Neely)
169 Mason Street Suite 300
Ukiah, CA 95482
(707) 462-6694

Ernest Carpenter (for Giacomini)
Supervisor, County of Sonoma
575 Administration Drive
Santa Rosa, CA 95403
(707) 527-2241

Grace McCarthy (for Franco)
5 Eastlake Avenue
Pacifica, CA 94044
(415) 355-2033

Jerry Diefenderfer (for Wright)
Star Route, Box 106
Santa Margarita, CA 93453
(805) 475-2289

Jacqueline Ryerson (for Howard)
2864 Allred Street
Lakewood, CA 90712
(213) 423-5612

Wes Pratt (for Malcolm)
Councilman, City of San Diego
County Government Center Rm 370
202 C Street 10th Floor
San Diego, CA 92101
(619) 236-6644

At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development, notice that an application for the proposed development has been submitted to the Commission. Such notice shall contain a general description of the nature of the proposed development. The Commission furnishes the applicant with a standardized form to be used for such posting. If the applicant fails to post the completed notice form and sign the Declaration of Posting, the Executive Director of the Commission shall refuse to file the application, or shall withdraw the application from filing if it has already been filed when he or she learns of such failure. 14 Cal. Admin. Code Section 13054(b).

As proof of posting, please sign and date this Declaration of Posting form when the site is posted; it serves as proof of posting. It should be returned to our office with the application.

Pursuant to the requirements of California Administrative Code Section 13054(b), I hereby certify that on or before May 23, I or my authorized
(date of posting)
representative posted the "Notice of Pending Permit" for application to obtain a coastal development permit for the development of Four mechanical and six non-mechanical fee collection devices with their necessary electrical connections and explanatory signs.

(description of development)

Located at see attachments to application.

(address of development or assessor's parcel number)

The public notice was posted at the project location

(a conspicuous place, easily seen by the public and as close as possible to the site of the proposed development)

Jack Hanson
(signature)

May 17, 1991
(date)

NOTE: YOUR APPLICATION CANNOT BE PROCESSED UNTIL THIS "DECLARATION OF POSTING" IS SIGNED AND RETURNED TO THIS OFFICE.

OFFICE USE ONLY

Permit No. _____

Received: _____

Declaration complete: _____

APPENDIX E - STANDARD CONDITIONS FOR APPROVED PERMITS

Below are standard conditions of approved permits that have been routinely applied by the Coastal Commission pursuant to its regulations. These conditions are required on all administrative, consent calendar, and regular hearing approved permits.

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application, or in the case of administrative permits, the date on which the permit is reported to the Commission. Construction shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

ATTACHMENT I

	Type	Location	Existing Development	Previous Application #	# Parking Spaces	Length of Underground
SB	P	S. end, N. Goat Rock Parking Lot	Parking lot		72	125 ft.
	I+ kiosk	Campbell Cove at Bodega Head, 100' s. of Bay Hut Road	Toilets, parking lot		20	
	I	Russian Gulch	Informal parking, toilets		40	
ı	I	W. of Hiway 101 at S. side Jug Handle	Toilet, informal parking		40	
ın	I	Parking lot at Howard Creek w. of Hiway 1	Toilets, informal parking	1-82-309 toilets, re-veg trail, steps	30	
	I	Parking lot at DeHaven Creek w. of Hiway 1	Toilet, parking	1-82-309 toilet, reveg, trail, steps	20	
	I	Parking lot at Dry Lagoon	Informal parking Environmental Camping		15	

ATTACHMENT I

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	Location	Existing Development	Previous Application #	# Parking Spaces	Length of Underground
S	S. Parking Lot (under construction) west of PCH	Approx. 150 informal parking spaces/life-guard station		103	within construction
	Tamarack Parking Lot, foot of Tamarack Ave., w. of Carlsbad Boulevard	Parking lot		60	305'
	Trestles Parking Lot between Cristianitos & El Camino Road	Parking lot		75	300

PROJECT LOCATION	AREA IN ACRES	OCEAN FRONTAGE IN MI.	ATTENDENCE 88/89
Humboldt Lagoons S.P.	1,544	6.2	20,527
Westport-Union Ldg. S.B.	60	3.4	85,172
Jughandle S.R.	764	1.4	66,008
Sonoma Coast S.B.	4,387	13.2	2,388,218
Leased	667		
San Onofre S.B.	91	4.6	960,800
Leased	2,945		
Carlsbad S.B.	15	1.0	2,267,445
Leased	10		
Cardiff S.B.	25	1.2	1,646,782
Leased	10		
Total	10,518	31	7,634,952

Note: These figures represent totals for each unit. However, the project sites may serve a portion of this greater area. All attendence figures include both camping and day use.

Humboldt Lagoons S.P.

The small parking lot is located at the end of a road from State Highway 101. The road services only the State Park and there is no room for parking along the road outside of the park. The beach extends for over a mile on each side of the parking lot. Facilities include a rest room, trash collection, and picnic tables. The next nearest coastal access sites are State Parks, one located two miles to the south and another two miles to the north. There is no fee collection at the north site.

Westport-Union Landing State Beach
(Howard and DeHaven Creek Sites)

The parking lots and entrance road are part of an abandoned alignment of State Highway 1, which is now relocated to the east boundary line of the State Beach. Previous coastal permits provided for vegetative and trail restoration, landscaping, erosion control, pit toilets, a water source with storage and a mobile home pad for a temporary Ranger residence. Fees have been collected seasonally for camping. Access to the beach from the bluff top is way of trails and stairways. Land use to the east of State Route One consists of large residential lots and two bed and breakfast inns.

Jughandle S.R.

A county road leads to the parking lot where there are two chemical toilets and no other facilities. The site is located at a dry lagoon with two miles of beach on either side. Some people may park along the county road outside of the park entrance and walk along the road to the parking lot. There are also nearby state parks with coastal access that do not charge an entry fee.

Sonoma Coast S.B.
(Russian Gulch)

The parking lot is located about 200 yards from State Highway 1 and allows for access by trail to a 250 yard beach. There are picnic tables, fire rings, trash collection, and Shasta style vault toilets. There is some parking available along the road where people still access the beach through the parking lot.

The two mile stretch of beach is located at the end of a one and a half mile road from State Highway 1. there are two separate parking lots. Facilities include a rest room, picnic tables, water, and fire rings at one parking lot. The other parking lot has only a cinder block vault toilet. Both lots have maintained trails to the beach. Visitors also park along the park road outside of the proposed fee area. They access the beach by walking parallel along the park road to the parking lots.

Sonoma Coast S.B.
(Campbell Cove)

Campbell Cove is located at the base of Bodega Head and adjacent to Bodega Bay harbor. This is a small pocket beach, approximately 50 yards long, bordering the harbor. Park facilities include a handicap accessible Shasta style vault toilet, five picnic tables, trash cans, and a dirt parking lot. Visitors also park on the county road which leads to the park. They access the beach by walking along the road to the parking lot. There are two other public access day use areas that are nearby. Sonoma County operates Westside park and Doran Park. Westside Park is located along the same road that leads to State Park property on Bodega Head and Doran park is a beach park across the harbor from Campbell Cove. The county charges three dollars for day use in these two parks.

San Onofre S.B.
(Trestles Parking Lot)

The parking lot is located on the inland side of Interstate 5 at the southeast corner of the city of San Clemente. The parking lot is situated between Camp Pendleton a number of small businesses and fast food outlets. There is a residential area just north of the parking lot and businesses. Access to the coast is via sidewalks to a paved pedestrian and bike path leading to the beach. Other access points are San Clemente State Beach, approximately 1/2 mile west; a vehicle turnout on the coast side of Interstate 5 and just east of Trestles that allows disembarking passengers access via a maintained trail; and San Onofre S.B. (Surf Beach) parking lot located approximately 1/2 mile east of Trestles. The beach site has garbage collection and chemical toilets. There is also a main lifeguard station located on the bluff overlooking the beach.

The beach is used almost exclusively by surfers year round and at all hours when there is some surf. During periods of excellent surf, the surf spots become excessively crowded. Annual pass

avoid fees. This type activity also occurs in other parts of the city.

Carlsbad S.B.
(Tamarack Parking Lot)

The Tamarack parking lot site is located in the City of Carlsbad adjacent to the Aqua Hedionda Lagoon inlet jetty. This is the only developed parking lot adjacent to the beach in the city of Carlsbad. Other nearby parking consists of free curbside parking along Coast Highway and Carlsbad Blvd. There is also an undeveloped parking lot owned and operated by the San Diego Gas and Electric Co. The surrounding area is residential or commercial properties. Pedestrian access routes are well defined and adequate in number. The parking lot is currently used for non-beach activities as well as beach activities. There is currently beach parking activity in the residential and commercial area.

Carlsbad Beach comprises approximately one and half miles of coastline. Developed facilities consist of one parking lot, a rest room with an out door shower, two acres of landscaping with picnic tables, six developed pedestrian beach access stairways and two miles of improved pedestrian walkway adjacent to the beach.

Cardiff S.B.
(South Parking Lot)

The parking lot is presently an undeveloped dirt lot approximately 6 acres in size. The site is scheduled for development in the fall of 1991. Improvements will include a paved 480 car parking lot, entrance station, 2 rest rooms, showers, beach access stairs, and picnic pads.

The site is located directly west of the San Elijo Lagoon. A residential development is immediately south of the parking lot. The State Beach extends one mile north and 200 yards south of the parking lot. There is an existing developed parking lot with facilities on north end of the State Beach (appox. one mile away). There is a residential community just south of the State Beach which is sometimes subject to beach access parking. The City of Solana Beach may has non-fee parking lot that allows for beach access.

July 9, 1991

Linda Locklin
California Coastal Commission
640 Capitola Road
Santa Cruz, CA 95062-2799

Pending DPR Development Projects Within
State Coastal Zone

On June 19, 1991, at Peter Douglas' request, we forwarded a list of pending development projects located in the Coastal Zone of Monterey County. As a result, you recently contacted me for a similar listing of Major and Minor Capital Outlay Projects for all of the State Coastal Zone. We are happy to comply and are forwarding the two enclosures to comply with your inquiry. As was noted to you previously, the listed projects, while current, are subject to availability of funding, and the yearly review of Departmental priorities.

As always, if you see a need for clarification or expansion, please do not hesitate to contact me.

ORIGINAL SIGNED BY

B. Noah Tilghman
Senior Park and Recreation Specialist

Attachment

cc: Peter Douglas
California Coastal Commission

bcc: Les McCargo
Regional Directors, North, Central Coast,
San Simeon and Southern Regions
R. Cates
R. Rayburn
C. Drake
K. Gates
E. Williams
D. Cahill
District Superintendents, Eel River, Klamath, Marin, Mendocino, Russian River, Big Sur, Channel Coast, Gaviota, La Purisima Mission, Monterey, Pajaro Coast, San Francisco, San Luis Obispo Coast, San Mateo Coast, Santa Cruz Mountains, Frontera, Orange Coast, Pendleton Coast, La Costa, Santa Monica Mountains & Pismo Dunes Districts

July 2, 1991

Liz Fuchs
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Certified Local Coastal Programs

Thank you very much for having Gary Holloway forward copies of certified Local Coastal Programs for the areas wherein this Department was initially interested in establishing a fee collection program last fall. They have proven to be very useful, and will serve as a valuable source for the Development Division as we strive to provide recreationally related facilities throughout coastal California. In this vein, we think it is now a good time to request the remaining certified LCPs within which we have units of the State Park System.

We believe that we shall need the LCPs for the following jurisdictions.

Monterey County - North Coast Area
Del Norte County - Total LCP
Santa Barbara County
Humboldt County - North Coast, McKinleyville Area Plans and Implementation Program
San Luis Obispo County - Total LCP
Marin County - Total LCP
City of Oxnard - Total LCP
City of Morro Bay - Total LCP
City of Capitola - Total LCP
City of San Clemente - Total LCP
City of Santa Cruz - Total LCP

We recognize that there are time limitations on your staff which affect the fulfillment of a request such as this, consequently we do not expect that you can immediately comply. Nonetheless, as opportunity permits, we would like to complete our reference library of LCP documents.

We are aware that a number of LCPs have been divided by the local jurisdiction into smaller segments for planning purposes, but are unsure where these segment boundaries fall in relation to units of the State Park System. The attachment is a draft list of the State Park System units which we believe fall wholly or partially within the Coastal Zone. We have handwritten the LCP segment to the right of the unit name, but of course this list is

July 27, 1992

Linda Locklin
California Coastal Commission
640 Capitola Road
Santa Cruz, CA 95062-2799

Staff Report for Continued Hearing
of XS-91-8 through 16

As we discussed on June 27, it is the intent of this Department to hold public meetings on a revised fee schedule during the period of July 15 through 26. As soon as this schedule is firmly set I will see that a copy is sent to you. Currently, we have scheduled the meetings closest to the remaining collecting device locations for July 15 in Santa Rosa and July 22 in San Diego. Upon completion of these meetings we shall forward to you a synopsis and our response to pertinent points raised, as well as any remaining response to inquiries made by your Commission at their June 11th hearing. These materials should be in your hands by July 24, so that they might be incorporated in your staff report and recommendation. It is our hope that this item may go back before the Coastal Commission at their August hearing. So as not to delay your preparation for this hearing, I am attaching an annotated copy of the 5-31-91 staff report with the comments we previously discussed, as well as some responses to Commissioner inquiries.

Please do not hesitate to contact me if I can assist in clarifying my notations on the enclosure.

ORIGINAL SIGNED BY

B. Noah Tilghman
Senior Park and Recreation Specialist

Attachments

bcc: C. Drake

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200

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COASTAL COMMISSION
CENTRAL COAST

October 29, 1993

TO: Planning Directors of Coastal Cities and Counties, and Other Interested Persons

FROM: Peter Douglas, Executive Director

SUBJECT: COASTAL DEVELOPMENT PERMIT REQUIRED WHEN IMPOSING OR INCREASING FEES OR MODIFYING THE HOURS OF OPERATION OF PUBLIC BEACHES OR PUBLIC BEACH PARKING LOTS, PIERS OR BOAT LAUNCHING RAMPS

The Coastal Commission has received numerous inquiries as to whether the imposition or increase of fees or making a change in operating hours of public beaches, shoreline parks or public beach parking lots, piers or boat launching ramps requires a coastal development permit. It appears these inquiries result from increasing pressures on local governments to charge fees and/or change the hours of operation of such facilities based on budgetary and public safety concerns. In addition to these inquiries, the Commission has taken action on several specific coastal development permit applications for such activities of which you should be aware. We think it appropriate to respond on a statewide basis and apologize for our delay.

The answer is yes, in most cases. For purposes of this communication, it is important to distinguish between the various types of facilities and actions being discussed. The descriptions below of the types of facilities referred to in this memorandum are not intended to constitute any sort of legal definition but rather provide the context for the discussion that follows. Public beaches refers to all sandy beach areas under public ownership or control, whether or not subject to the public trust. Shoreline parks are public recreation areas that may or may not include sandy beach located immediately adjacent to or in close proximity to state waters and which can be used by the public to gain access to such waters. Public parking facilities include any parking areas or portions of such areas (eg. parking lots, on-street or curbside parking spaces, parking structures) open to the public that are used by the public to gain access to public beaches or state waters. Public piers and public boat launching ramps are self-explanatory.

Pursuant to the California Coastal Act a coastal development permit is required for any "development", unless specifically exempted under a variety of provisions or procedures set forth in the Coastal Act or pursuant to other provisions of law (eg. the doctrine of vested rights). The Coastal Act defines "development" as including, among other things, a "...change in the intensity of use of water, or of access thereto...." (Public Resources Code Section 30106.) After a local coastal program (lcp) has been fully certified

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for a city or county, the coastal development permit issuing responsibilities of the Commission are delegated to that local government. Coastal permitting responsibilities stay with the Commission for any development on any land or water areas subject to the public trust. In addition, certain coastal permit actions by local government are appealable to the Commission, including those for the types of facilities and actions that are the subject of this memo. Local coastal programs (lcps) have incorporated the Coastal Act definition of "development" requiring a coastal development permit from the local government implementing a fully certified lcp.

It is the Commission's position that any action which has the effect of changing the intensity of use of state waters <u>or of access to such waters</u> is a "development" for purposes of the Coastal Act and requires a coastal development permit from the Commission or, in appropriate circumstances, from a local government implementing a fully certified lcp or the Commission on appeal. Because the imposition or substantial increase of a user fee for beach access parking, pier or boat launching ramp use, or for beach or shoreline park use would, in our opinion, result in a change in access to state waters, a coastal development permit <u>is</u> required. For purposes of this memo and for purposes of guidance, "substantial increase" means any fee increase of 25% or more in any given year or 50% or more on a cumulative basis over any three consecutive year period. Similarly, <u>any</u> action changing the hours of operation or availability for public use of, for example, any beach, shoreline park, parking facility, pier or boat launching ramp or facility requires a coastal development permit. A coastal development permit is required even if little or no physical construction is necessary to implement the action calling for a fee, a fee increase or a change in hours of operation.

As mentioned before, whether the coastal development permit must be obtained from the Commission or the appropriate local government depends on whether the local government has in place a fully certified lcp and has been delegated the coastal development permit issuing authority pursuant to the Coastal Act. In some cases, even where a fully certified lcp is in place, the Commission may have retained coastal development permitting authority because the affected lands are subject to the public trust or otherwise fall into a category of retained permit jurisdiction. If there is a question about whether the Commission or the local government is responsible for processing and acting on a coastal development permit, please contact the appropriate Coastal Commission office. Even where a local government has coastal development permit issuing responsibility, it is important to know that the action is probably appealable to the Coastal Commission and, because the issue involves public access and is of vital concern to the Commission, may well be appealed.

The fact a coastal development permit is required for the type of actions described above does not mean a permit application will necessarily be denied. Rather, each case must be evaluated in light of the particular applicable facts and circumstances. The Coastal Commission has already reviewed and acted on several proposals to change the hours of operation of public beaches, parking facilities, accessways, boat launching ramps, and a pier. These proposals involved the cities of San Diego, Carlsbad and Long

Beach. It is our intent to prepare a memo on this subject that will provide guidance to local government, other public agencies and members of the public relative to the type of factors the Commission has considered and examples of concerns that should be taken into account when these types of proposals are being formulated. The Commission is extremely sensitive to the budgetary and public safety concerns of local governments. At the same time, the Commission must carefully balance those concerns against broader public interests relative to public use of and access to public coastal resources such as beaches and state waters. It is for this reason, among others, that the Commission has not approved any request to close public beaches to the public on a continuing basis. On the other hand, the Commission has approved the closure of public beach parking lots at certain hours during the night. Finally, it should be remembered that because these types of actions requiring coastal development permits involve questions of public access, the legal standard of review is the Chapter 3 policies of the Coastal Act relating to public access.

Relative to public safety concerns, we want to emphasize that nothing in what we have said here interferes with or prevents a law enforcement agency from taking any and all actions it deems appropriate to address a particular public safety emergency, including any action to close to all public use a beach, parking facility or park. Similarly and pursuant to the Coastal Act, if a local government takes an action to close a public facility pursuant to a legally approved declaration of "public nuisance", no coastal development permit is required. We should caution however, Commission staff will look carefully at any action using the "public nuisance" exception to the coastal development permit requirement when the result of such action is to close to public use for any extended period of time a public beach, parking facility or any other facility providing public access to the beach or state waters.

Because there has been some ambiguity and uncertainty about the coastal permit requirements for the types of actions covered by this memo, it is not our intent to pursue any coastal act violation actions at this time. However, we ask every entity that has taken any action described here as requiring a coastal development permit and for which such a permit has not been approved to contact our office to determine the appropriate steps to complete and process a coastal permit application. We realize that in some cases the action requiring a coastal permit may have been taken some time ago. Notwithstanding the passage of time, a coastal permit will still be required and must be secured. We also understand there have been many instances where local jurisdictions have increased parking fees. We recognize that not every increase in parking fees requires a coastal permit. Accordingly, please contact our office for clarification on how we intend to proceed in these cases.

We would appreciate your passing this memo on to anyone you think may have an interest in the matter. We are particularly anxious that this memo get to the responsible people in your jurisdiction who manage your parking and recreation programs. Thank you for your cooperation and attention to this matter.

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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
640 CAPITOLA ROAD
SANTA CRUZ, CA 95062
(408) 479-3511

February 8, 1993

MEMORANDUM

TO: Peter Douglas

FROM: Linda Locklin

SUBJECT: Staff Comments on California Department of Parks and Recreation's First Annual Fee Collection Impact Monitoring Report. For Executive Director's Report, February 1993 Commission meeting.

Departmental Submittal/Commission Requirements

- o DPR submittal included a monitoring report that would identify any adverse impacts/necessary mitigation measures.

- o Commission required more extensive monitoring for last four approved devices (Sonoma County and City of Carlsbad) including: 1) efforts made to inform public of the availability of special pass program, 2) trends in pass useage, and 3) efforts made to reimburse pass users for expenditures of previous parking fees.

Staff Review of Monitoring Plan

- o Concur with DPR that installation has not created any adverse environmental impacts. Also concur that DPR has complied with Commission monitoring requirements: DPR reorganization has resulted in 2 full time positions in outreach program, published free booklet "California Escapes" which includes information on pass program.

- o Surfrider Foundation submitted report purporting to show how new trails had been created to avoid fee areas; DPR/CCC staff conclude that study is meaningless as no baseline data collected and trails appear to be several years old.

Installation Status

- o Commission approved 16 devices; only 8 have been installed. Various reasons for 50% installation including the fact that Sonoma County (3 devices) and the City of Carlsbad (1 device) paid an in lieu fee to delay installation.

* For further information, a more detailed summary is attached.

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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
640 CAPITOLA ROAD
SANTA CRUZ, CA 95062
(408) 479-3511

February 3, 1993

Detailed Staff Review of First DPR Monitoring Report For Fee Collection Devices

As submitted, DPR committed to monitor all 16 devices and identify any adverse impacts caused by them as well as identify necessary and appropriate mitigation measures. As conditioned, the last four approved devices (in Sonoma and Carlsbad, none installed yet) were to be monitored with a more detailed review. DPR's report includes the items that were a part of the application and requirements imposed by the Commission. Staff concurs with DPR's conclusion that the devices have not caused any significant environmental damage. Staff also finds that: DPR is making sufficient efforts to inform the public of the pass program, the pass program is successful in that more passes are purchased every year, and that DPR's reorganization is providing for an expanded outreach program to deal with such issues as reimbursement of pass-holders for expenditures of previous parking fees.

History

After many public hearings and a lot of discussion, the Commission approved 16 fee collection devices at 11 State Park units. Historically the Department had collected fees at seven of the sites; the Commission found installation of devices at these sites non-controversial and approved them in June 1991. Of the remaining nine sites where fees had not historically been collected, five devices were approved in August 1991. (All 12 devices were conditioned to limit fee collection for parking only).

Action on the remaining four locations was postponed pending outcome of negotiations with the City of Carlsbad and County of Sonoma for reimbursement by them in anticipated revenue in lieu of the Department collecting fees. Following successful completion of those discussions, the final four devices were approved in January 1992, with conditions limiting the fee for parking and submittal of three annual monitoring reports covering: 1) efforts made to inform public of the availability of special pass programs, 2) trends in pass useage, 3) efforts made to reimburse pass users for expenditures of previous parking fees.

Installation Status

Of the 16 devices approved, only eight have been installed. The four devices within Sonoma County and the City of Carlsbad were not installed, due to the payment of an in-lieu fee during fiscal year 91/92; City of Carlsbad has continued this payment this fiscal year while Sonoma has not. Only these 4 devices were conditioned to provide a monitoring program. The other four devices were not installed for various reasons.

Results of First Year's Monitoring

Prior to installation of fee collection devices, Department of Parks and Recreation personnel were informed of their responsibility to monitor and report any adverse effects of the devices as well as any complaints concerning traffic impacts. The DPR Personnel report no impacts: no new parking patterns, no new publicly initiated trails or park entrances. DPR believes that the reason people did not complain about the fees or attempt to create unauthorized trails is due to the fact that 7 out of 8 of the locations had fees historically collected, either seasonally or annually.

As part of their lawsuit against the Commission and the DPR, the Surfrider Foundation (SF) submitted a report that analyzed certain San Diego County beach units to determine if the new fee collection devices had had any effects. Commission staff concur with DPR's staff's conclusions, that the study is lacking a baseline in which to evaluate the validity of the SF claim that many people avoided using the fee lots and caused environmental degradation from parking their cars elsewhere and creating unauthorized trails through sensitive areas. The State staff's conclusion is that the unauthorized trails described in the report are a result of past use practices rather than caused by the new fee program.

Department of Parks and Recreation's Outreach Program

DPR has in place a number of programs designed to reach out into the broad segments of the California recreational community. Golden Bear Pass costs $5 annually and is available to low income senior citizens, or to persons qualifying for ADFC program, or are blind, disabled or who qualify for the aid to the aged program. The Limited Golden Bear pass costs $20 annually and is available to senior citizens during non-summer season. Disabled persons qualify for an annual $3.50 pass and there is a general parking pass for $75 annually. Only the Golden Bear pass can be tracked through the computer: purchases have steadily increased over the last five years.

New programs designed to expand the outreach program have been implemented. Examples include the publication of a new free handbook for State Parks, entitled "California Escapes," which informs the public of the opportunities and programs such as the Golden Bear pass. As a part of DPR's re-organization, a new set of goals have been adopted. The preamble to this effort recognizes the "dramatic changes in economic, demographic, and societal conditions" of the State of California. The goals encourage employees "to meet the demographic needs of the State revitalizing DPR's ability to meet its mission." DPR is making a heavy investment in the training of its personnel so that they are knowledgeable and able to carry out these imperatives. In fact, two full time positions have been created to serve in the outreach program.

Surfrider Foundation v. CCC/DPR

San Francisco Superior Court recently ruled in favor of the Commission. It is important to note that the court accepted the idea that installation of the devices allowed the Commission to review their indirect impacts, however, it also stated that, "the Commission does not have jurisdiction over imposition of parking fees."

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The Honorable Thomas W. Gwyn, Chairman
and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

Director's Office

First Annual Coastal Fee Collection
Impact Monitoring Report
Permit Numbers XS-91-01 through 16

The California Department of Parks and Recreation had proposed, as part of its application for new fee collecting devices in the State's Coastal Zone, to prepare three annual reports describing our efforts to monitor potential impacts to the surrounding environment. You will find the first of these reports enclosed. We are pleased to be able to inform you that we have been unable to identify significant impacts resulting from the installation of the approved devices, and except for a single case, a remarkable lack of public complaint over their development.

We are proud of our efforts to work cooperatively with you and your staff to creatively carry out not only our proposed program as conditioned by you, but the spirit of the program as well. This was done during a year in which this Department completely reorganized itself from top to bottom, had its personnel shrink by nearly one quarter, and saw its budget severely constrained.

You will find that the enclosed report describes more of the status of these permits than was required either by our application or by permit condition. Because of your continued interest in this issue we felt it important to keep you informed not only of our efforts to document impacts possibly caused by the installed fee collection devices and the public's reaction to them, but of our progress in implementing our permits.

If you have questions or would like to discuss this matter further, please do not hesitate to contact me at (916) 653-8288.

ORIGINAL SIGNED BY

Kenneth B. Jones, Deputy Director
Park Stewardship

Attachments

cc: Douglas P. Wheeler, Secretary for Resources
William G. Shafroth, Asst. Secretary, Land and Coastal Resources
Peter Douglas, Executive Director, California Coastal Commission
Linda Locklin, Manager, Coastal Access Program

FIRST ANNUAL
COASTAL FEE COLLECTION IMPACT MONITORING REPORT

California Department of Parks and Recreation

INTRODUCTION

The California Department of Parks and Recreation applied for and was granted coastal development permits for a variety of fee collection devices and necessary signing at 16 locations in 11 units of the State Park System. As part of its applications, the Department proposed to monitor the effects, if any, of the new fee collection devices. This would include identifying where any new unauthorized trails had been established in order to avoid paying parking fees, as well as tabulating and reporting letters and phone calls of complaint from the public and surrounding public officials relative to adverse off-site impacts. Based upon an analysis of this information we would identify specific mitigation measures, as we deem appropriate and feasible, such as installing fences and signs to prevent new trails which might impact sensitive resources.

Even though Department representatives at the hearing at which it was adopted explained our inability to perform certain of its requirements, we agreed as a condition to permits XS-91-12, 13, 14 and 16 that we would include as part of the monitoring report, efforts we had made and trends we saw in our annual and special passes program. Therefore, a hand search of records has been made in order to establish a baseline of pass purchases prior to exercising the permits.

The paragraphs which follow constitute the Department of Parks and Recreation's first of three annual coastal fee collection impact monitoring reports prepared to fulfill the letter of our applications and, as applicable, the condition of the permits.

BACKGROUND

As a result of the 90/91 Budget Act, the Director of the California Department of Parks and Recreation revised the Department's fee schedule and determined to collect fees statewide at locations where they had not previously been required. At that time, less than 28% of the 77.8 million visitors using the State Park System paid any user fee. Consequently, after reviewing a variety of factors this Department identified 98 locations statewide where it was determined that the physical layout of the unit and potential for visitor use were conducive to the installation of self service collection devices. Nineteen of these locations were within the regulatory jurisdiction of the California Coastal Commission. Consequently, the Department made the appropriate permit applications or provided the necessary notice in November 1990. On January 9, 1991 all 16 of the permit requests were denied by the Coastal Commission because of the Commission's concern that their approval would limit public access to the coast and/or could have deleterious off-site impacts. A subsequent request for reconsideration was

denied in February 1991. The remaining three devices requested as specific projects under an approved public works plan at Crystal Cove State Park became effective without condition through action of law in April of 1991.

Because of the submission of new evidence by the Department of Parks and Recreation, the Director of the Coastal Commission agreed to waive the normal six month prohibition on resubmittal of denied applications, and accepted new requests for the sixteen fee collection devices for hearing five months later in June 1991. At that hearing, seven sites (where fees had been collected previously) were approved with conditions requiring public meetings on a Department proposed new fee schedule, and the limitation on collection by the devices to parking fees. The remaining nine locations (where fees had not been previously collected) were continued by the Commission pending completion of the public meetings. Following this hearing twelve meetings were held throughout the state, with seven of them in or in close proximity to the State's Coastal Zone. Approximately 1,300 people attended these meetings, expressing their concern that there might be a loss of affordable beach access at locations where user fees had not been previously collected. (Interestingly, at the meeting in Huntington Beach where the highest parking fee of $6.00 was being considered, there were no members of the public in attendance.) As a direct consequence of the testimony heard, the Department revised its fee schedule to reflect the availability of services in each individual unit, rather than charging an across-the-board fee increase.

On August 13 of 1991, the Coastal Commission heard and approved five of the nine continued applications with the same conditional limitations to the collection of parking fees as had been adopted previously. The remaining four locations were continued pending the outcome of negotiations with the City of Carlsbad and the County of Sonoma for reimbursement by them of anticipated revenue in lieu of the Department collecting fees.

Following the successful completion of these discussions, the final four sites within the City of Carlsbad and the County of Sonoma were considered and approved by the Coastal Commission in January 1992, with conditions which, besides the parking fee limitation, restricted the term of the permit to two years, provided that the devices only be used if the reimbursement agreements were not successfully renegotiated. Also required was a description of our efforts to inform all sectors of the public about the availability of alternatives to collection of parking fees through our annual and special pass programs, provide baseline information on the numbers and types of passes currently being sold and the existence of any trends after implementation of the fee collection devices, and a description of our efforts to explore reimbursement to day users who were unable to purchase annual and special passes at the time of their park visit but who subsequently desired to purchase such passes. The first Appendix attached to this report summarizes the status of each permit including any special conditions.

INSTALLATION STATUS

Of the 16 Coastal Development Permits issued to this Department for fee collection devices, we have chosen to exercise seven of them in four Southern California State Beach units and in one State Beach in Northern California. All of these devices are of the Park-ur-Self variety. Our experience with these devices has shown that they are reliable, more user friendly, and less subject to vandalism than anticipated. In fact, (due to the superior recording capability of these machines) we have discovered that certain of our coastal units have a considerably higher than anticipated public usage.

The Department has not exercised five permits at Dry Lagoon (Humboldt Lagoons State Park), Westport-Union Landing State Beach, Jug Handle State Reserve, and San Onofre State Beach. The three Northern California units were each to receive a non-mechanical iron ranger, while Can Onofre is to have a Park-ur-Self device. Except for San Onofre, it is questionable whether it would be economically feasible, with the Department's current (October 1991) fee schedule, to install these devices. It is anticipated that following the completion of the Department's reorganization next spring, the permit at San Onofre will be exercised and its Park-ur-Self installed.

The Department has also not installed four collection devices at Sonoma Coast and South Carlsbad State Beaches. The Tamarack parking lot at South Carlsbad and the Goat Rock Beach parking lot at Sonoma Coast were both to receive Park-ur-Self devices while the less developed Russian Gulch and Campbell Cove at Sonoma State Beach were to have iron rangers and a portable kiosk respectively. During fiscal year 91/92, the City of Carlsbad and the County of Sonoma voluntarily chose to make payment to the Department in an amount equal to the projected revenue of these locations so that they might remain as free access to the public. Since then only the City of Carlsbad has continued the in lieu payment through this fiscal year. The County of Sonoma's payment was for only the one year and they have informed us that they do not intend to continue them. The Department has not exercised its permits at this latter location, pending completion of its reorganization when they will once again be reviewed.

The Department originally identified 98 locations as possible sites for new collections. Of the 98 locations, 23 were to be located in the Coastal Zone. In addition to the eight permits exercised, three devices were installed under a public works plan and three devices were installed at various local jurisdictions. This gives a total of 14 devices installed in the coastal zone. This compares favorably to the 51 devices installed in non-coastal locations.

When making application for the fee collection devices, the Department noted that our experience has been that visitation normally falls off for about a year following adoption of a new fee schedule. While figures are not yet in for all of fiscal year 91/92, this trend seems to be continuing. Appendix II shows visitation for FY 85/86 through FY 89/90 as well as revenue generated from fee collections. The Department's last fee increase prior to that of October of last year was in April of 1987. Visitation fell off in the

following year. It is impossible to pinpoint the actual cause of this decline. Attendance at State Park System units is predominantly concentrated at Southern California Coastal units and reservoirs throughout the state. Because of this the most important factors affecting attendance are the weather in Southern California and the water level in reservoirs. As an example, attendance actually went up the first two months of the fee increase compared to the same two months of the previous year. Due to the start of the current drought and differing weather patterns it is impossible to ascribe this visitation decrease solely to the fee schedule change. As discretionary travel may also be affected by the general state of the economy and the price of gasoline, these factors, in addition to the continuing drought, may also affect current visitation figures since the October 1991 fee increase. In spite of the decrease in visitation, revenue has increased.

RESULTS OF FIRST YEAR'S MONITORING

Efforts to Determine Effects:

Following the granting of the coastal development permits for the fee collection devices, but prior to the installation of the machines themselves, the park units with the new systems were informed via memorandum (attached) of their responsibility to monitor and report the adverse effect of the new devices, as well as complaints concerning traffic from the public and public officials. The Department's personnel assigned to the various involved units have reported no new parking patterns, new publicly initiated trails or park entrances. The only comments received by the department concerned having to pay a parking fee as illustrated by the attached newspaper article from the May 7, 1992 Coast Dispatch. The Surfrider Foundation funded a study of certain San Diego County beach units to attempt to determine if the new fee collection devices had had any effects. This product is addressed below.

It is the opinion of experienced Department personnel assigned to the units in question that the lack of complaints of new environmental damage is probably due to the fact that fees historically have been collected (except for the Ponto parking lot at South Carlsbad State Beach, XS-91-3) by either an entrance station or a pre-existing iron ranger. At the Ponto location, the off-site parking is closer to the beach than the fee parking provided by the State of California. Consequently, since there is a human inclination to take the shortest path between two points, the unregulated parking continues to fill first, just as it did prior to the installation of the Park-ur-Self.

Efforts To Respond to Reported Impacts:

The only complaint of which this Department has knowledge was prepared by Surfrider Foundation and submitted to the Court as an augmentation to the administrative record for Surfrider v. California Coastal Commission. The California Department of Parks and Recreation is the real party-in-interest to this case. This submittal consists of two declarations by individuals who observed and analyzed visitor use activities at South Carlsbad, Cardiff, and Torrey Pines State Beaches for several hours during the 1992 Fourth of July holiday. These declarations purport to describe low usage of State provided

parking facilities, beach users parking outside of the State Park System unit and the use of alternative entrances to avoid paying what they erroneously refer to as "access fees" with resultant degradation of the natural resources of the subject park. The California Department of Parks and Recreation requested its Senior Resource Ecologist at its Southern Service Center, who has over nine years of experience with these particular units, to review the declarations and to advise the Department upon further courses of action, as necessary, in mid-September.

At South Carlsbad State Beach, where a Park-ur-Self automated fee collecting device had been installed just the month before the July 4 holiday, our ecologist observed that the declarations reflected, to a great extent, pre-fee era public use activities. Parking has been allowed along the west side of the Pacific Coast Highway north of the new parking lot for many years. The area where the new parking lot is located provided space for fewer than ten vehicles prior to its development in 1992. The newly created sand dune and wetland observed in the declaration are mitigation for the new parking lot's impacts and support more Lotus nuttalianus than existed at this beach prior to the new construction. The sand dune and wetland are subject to less trampling now than occurred prior to the new parking lot and fencing project.

Additional signing and delineation of appropriate access from the Pacific Coast Highway (PCH) parking area to the beach might induce some users to avoid these sensitive habitats. However, this solution would be appropriate regardless of whether the southerly parking area is in no-fee or fee status.

At Cardiff State Beach where the Park-ur-Self had been installed the previous autumn, Surfrider's observations also reflect previous conditions. The footpaths described leading from Norfolk Drive reflect a pattern of years of use by local residents and surfers who enjoy this area. When the Cardiff State Beach parking lot was completed and parking fees were first collected, some resistance occurred to using the lot. Lately, however, while people continue to use Norfolk Drive, the new lot has been more frequently used. This beach receives heavy public use and off-site parking is a valid issue, but this is related more to an overall deficiency of total parking spaces than it is to the availability of free parking areas.

Surfrider describes many people using the free parking (for over 100 vehicles) north and south of Cardiff State Beach along PCH and east of the beach in a residential area. They also noted volunteer footpaths and bridges that are found in the vicinity. These extemporaneous structures and the paths have existed for many years. Whether the imposition of parking fees at Cardiff SB has resulted in an increased use cannot easily be determined because there has been no pre-fee or baseline assessment of use.

While Surfrider presented photographs of vehicles in the area, it cannot be determined that these cars are directly related to beach use. Further, they did not present photos to verify their claim that the State Beach lot was "largely empty". They reported a turnover rate of fee parking vehicles of five to ten per hour. This suggests that many are using the lot. The

capacity of the State lot is approximately 110, which is much less than the free parking availability along PCH and locally. Even if the lot were free and filled first, many people would have to use areas outside of the unit because the parking facilities provided cannot meet the demand for parking on moderate and high use days.

At the north end of Cardiff State Beach, at San Elijo Lagoon, Surfrider described beach users disrupting sea bird foraging. This Department feels that this report is misleading as it implies that is a significant problem directly related to the Department's collection of fees. The subject part of the lagoon is located between PCH, the fee parking lot and San Elijo State Beach Campground. Most of the time the lagoon is naturally closed, and water quality at its mouth is poor due to inadequate circulation. Consequently, this area is not prime habitat for shorebird use. On many summer days and nearly every weekend, campers at the adjacent San Elijo State Beach and fee lot users, not just those who park along PCH north of the lagoon, spend time at or near the mouth of the lagoon. Most of the lagoon is located east of PCH and is managed by the California Department of Fish and Game and provides abundant forage habitat for birds.

Other statements by Surfrider for this location cite increased habitat disruption and pedestrian safety concerns resulting from the collection of parking fees, lacked supporting evidence. This Department is in continuous contact with local authorities concerning law enforcement and related issues, and has determined that there is no evidence of any increase in accident reports at this or any other of the locations where devices were installed.

The adverse land use patterns at Torrey Pines State Beach described by Surfrider have little to do with the installation of the Park-ur-Self devices. These automated fee collection machines were installed in the summer of 1991. However, the Department has collected fees at the North beach parking lot during peak use periods for more than ten years. This lot has approximately 540 parking spaces. An additional 310 vehicles may park east of the lot along Carmel Valley Road and west on PCH at no cost and have done so for many years. Similarly, 60 additional cars may park along PCH north of Carmel Valley Road and have done so for over ten years. This latter area, which is within and under the management of the City of Del Mar, is at least one-quarter mile from the North Beach lot and its use has little to do with the installation of a collection device. There are many unapproved trails leading from this site to the beach, but it would be impossible to judge the incremental environmental impacts caused by fee induced parking changes (if in fact there are any), from Surfrider's cursory, one day survey. This area could benefit from trail signing, however.

In summary, the observations made by Surfrider's observers reflect past use practices more than results from the Department's recent changes in its collection of parking fees at several San Diego Coast State Beaches. We do not dispute the observation that coastal vegetation suffers from visitor use. However, a similar review of city or county managed coastal properties will show the same impacts. In spite of the recreation manager's best efforts, many beach users take the shortest route to the beach resulting in

erosion, vegetation and habitat disturbance. It is impossible to tie the activities observed by Surfrider to the implementation of a new fee collection method scientifically, as a lack of evidence prevents differentiation from the preexisting conditions.

It is the intent of this Department to once again notify the parks subject to these permits of their responsibility to be aware of occurrences in and surrounding their units which might be considered as an effect resulting from the installation of these devices. They will also be reminded to maintain the logs of any citizen's complaints or expression of concern so that the Department may properly respond and so that we can appropriately report to you.

STATUS OF THE DEPARTMENT'S OUTREACH PROGRAM

As a condition of approval for the three Sonoma Coast State Beach and one South Carlsbad State Beach devices, it was required that we report to the Coastal Commission the Department of Parks and Recreation's efforts to inform the public of the availability of our pass programs, trends in pass usage, and our efforts to reimburse pass users for the expenditure of previous parking fees. To date these four permits have not been exercised by this Department.

As described to the Coastal Commission during the course of the hearings for these permits, the Department has a number of programs designed to reach out to broad segments of the California recreational community. These include programs which benefit low income, disabled, and elderly people. The golden bear Pass costs $5.00 annually, and is available to those who are at least 62 years of age and have a monthly income of less than $630.00 per person or who qualify for the Aid for Dependent Children program, or are blind or disabled, or who qualify for the aid to the aged program. The Limited Golden Bear pass which costs $20.00 annually is available to persons 62 years or older, and can be used after Labor Day until Memorial Day. Additionally, both disabled individuals and disabled veterans qualify for an annual pass costing $3.50 per year. There is also an annual parking pass available to the general public for $75.00 each year.

The only pass program which the Department is currently able to track through its computer system is the Golden Bear Pass. Review of our records for the past five years shows a steady increase in the number issued. The Department currently does not verify the eligibility requirements of applicants which has allowed for considerable abuse of the program. Starting in January 1993, the Department will request verification of eligibility prior to issuing the pass. For this reason there may be a decline in the number of passes issued in 1993.

The organization of the California Department of Parks and Recreation has been going through a complete revision this calendar year. Among other effects, this has resulted in the loss of nearly 25% of our personnel, the flattening of our management structure, the reduction of District offices from 51 to 23, and the elimination and reassignment of many functions

previously performed centrally in Sacramento to our staff located at the District and unit level. Of course we have also suffered with the same levels of budget reductions as have been experienced by other State agencies.

In spite of the Department's preoccupation with its reorganization, we have made some efforts to outreach our program. Examples include publication of a new free handbook to California State Parks, entitled "California Escapes" which informs the public of the availability of the State Park System's opportunities and programs such as the Golden Bear Pass. The public is also informed of the fee schedule through annual press releases which also explain Golden Bear Pass and Disabled Discount programs.

As part of its reorganization the Department has been adopting a new set of Key Goals. The Preamble to this effort recognizes the "dramatic changes in economic, demographic and societal conditions" of the State of California. The goals themselves encourage employees to reach a new level of participation to deliver service "to meet the demographic needs of the state revitalizing the Department's ability to meet its mission." These are not considered to be empty words. This Department is making a heavy investment in the training of its personnel so that they are knowledgeable and able to carry out these imperatives. This commitment is also demonstrated by the relocation, as part of the reorganization, of two full time positions to serve in an outreach program coordinated by a Deputy Director. However, until our reorganization has been completed we do not anticipate the initiation of any new major programs such as are envisioned by this permit condition. However, if the Department should choose to exercise any of the permits at Sonoma or South Carlsbad State Beaches, the subsequent annual report will include a description of the Department's continued effort to make eligible visitors and potential visitors aware of these programs and to review broadening their potential scope.

CONCLUSION

The California Department of Parks and Recreation is encouraged by the public acceptance of our revised fee schedule. This is in spite of an unsuccessful attempt to place an initiative on the ballot of the last general election which would have made certain user fees in coastal State Parks and Beaches illegal. With a single exception which was discussed above, we have not observed any impacts, nor have we been able to document any official complaints relative to the installation of eight devices currently installed. Other than preexisting sites of trespass, we have also been unable to identify any new trails caused as a result of the development of new fee collection systems. In addition, this Department has rededicated itself to its mission to provide for the health, inspiration and education of all the people of California by preserving the state's most valued natural and cultural resources and by providing opportunities for high quality recreational experiences. This Department is committed to continuing its monitoring procedures and reporting to the Coastal Commission on any response actions through 1994.

APPENDIX I
STATUS SUMMARY
Summary of Coastal Permits for Fee Collection
December 1, 1992

Permit #	Location	Type of Device	Approval Date	Conditions (See Footnotes)	Status
XS-91-1	Half Moon Bay SB (Venice Beach)	Park-ur-Self	6-11-91	1, 2	Installed 7/91
XS-92-2	Malibu Lagoon SB (Beach Parking Lot)	Park-ur-Self	6-11-91	1, 2	Installed 8/91
XS-91-3	South Carlsbad SB (Ponto Beach)	Park-ur-Self	6-11-91	1, 2	Installed 6/92
XS-91-4	Cardiff SB (N. Parking Lot)	Park-ur-Self	6-11-91	1, 2	Installed 10/91
XS-91-5	Cardiff SB (S. Parking Lot)	Park-ur-Self	6-11-91	1, 2	Installed 10/91
XS-91-6	Torrey Pines SB (N. Parking Lot)	Park-ur-Self	6-11-91	1, 2	Installed 8/91
XS-91-7	Torrey Pines SB (S. Parking Lot)	Park-ur-Self	6-11-91	1, 2	Installed 7/91
XS-91-8	Humboldt Lagoons SP (Dry Lagoon)	Iron Ranger	8-13-91	2	On hold
XS-91-9	Westport-Union Lndg. SB (Howard Creek)	Iron Ranger	8-13-91	2	On hold

Permit #	Location	Type of Device	Approval Date	Conditions	Status
XS-91-10	Westport-Union Lndg. SB (De Haven Creek)	Iron Ranger	8-13-91	2	On hold
XS-91-11	Jug Handle SR	Iron Ranger	8-13-91	2	On hold
XS-91-12	Sonoma Coast SB (Russian Gulch)	Iron Ranger	1-13-92	2, 3, 4, 5	On hold
XS-91-13	Sonoma Coast SB (Goat Rock Beach)	Park-ur-Self	1-13-92	2, 3, 4, 5	On hold
XS-91-14	Sonoma Coast SB (Campbell Cove)	Iron Ranger/ Portable Kiosk	1-13-92	2, 3, 4, 5	On hold
XS-91-15	San Onofre SB (Trestles)	Park-ur-Self	8-13-91	2	On hold
XS-91-16	S. Carlsbad SB (Tamarack)	Park-ur-Self	1-13-92	2, 3, 4, 5	In lieu
PWP 4-82-6	Crystal Cove SP				
	(El Moro)	Park-ur-Self	4-29-91		All became
	(Los Trancos)	Park-ur-Self	4-29-91		operational
	(Pelican Point)	Park-ur-Self	4-29-91		5-91

Note: In addition to the "Conditions of Approval" below, the Department agreed as part of its application submittal (except for the three sites at Crystal Cove) to submit to the Coastal Commission three annual reports of its monitoring program. This monitoring would, at a minimum, identify new unauthorized trails, and tabulate letters and phone calls of complaint relative to the new devices. Based upon an analysis of this information, the Department would identify appropriate mitigation and take appropriate corrective action it deems appropriate and feasible.

FOOTNOTES
Conditions of Approval

1. Prior to transmittal of the Coastal Development Permit, permittee shall submit evidence to the Executive Director that the Department has held public meetings to receive public input on the Department's fee schedule.

2. This Coastal Development Permit is for the installation of fee collection devices for the purpose of parking cars (fees).

3. By acceptance of this permit, the applicant agrees that the fee collection devices will only be used if a local agency fails to execute an agreement reimbursing the Department for lost revenues.

4. (Draft) The annual monitoring report shall include such information as: (1) the efforts the applicant has made to inform all sectors of the public about the availability of alternatives to collection of parking fees through its annual and special pass programs; (2) baseline information on the numbers and types of passes currently being sold and the existence of any trends after implementation of the fee collection devices, and (3) the efforts the applicant has made to explore reimbursement to day users who were unable to purchase annual and special passes at the time of their park visit and who subsequently purchased annual and special passes.

5. This permit is valid for two years, until January 13, 1994.

APPENDIX II

A

PAID & FREE DAY USE ATTENDANCE 0 STATEWIDE/COASTAL
FISCAL YEARS 1987/88 THROUGH 1991/92

FY	PAID DAY USE	FREE DAY USE	TOTAL DAY USE
87/88	14,801,683/6,659,847	51,323,549/32,755,317	66,125,232/39,415,164
88/89	15,209,422/7,167,159	53,541,473/32,680,109	68,750,875/39,847,268
89/90	15,645,463/7,483,202	55,783,813/32,898,528	71,429,276/40,381,730
90/91	14,708,592/7,243,867	49,758,553/29,583,566	64,467,145/36,827,433
91/92*	10,877,090/5,379,553	37,185,582/20,745,010	48,062,672/26,124,563

*(Note: FY 91/92 through April 92 only.)

B

PAID & FREE DAY USE ATTENDANCE - STATEWIDE
FISCAL YEARS 1987/88 THROUGH 1991/92
ALL FISCAL YEARS JULY THROUGH APRIL

FY	PAID DAY USE	FREE DAY USE	TOTAL DAY USE
87/88	11,561,555	41,748,776	53,310,331
88/89	11,740,134	42,764,183	54,504,317
89/90	11,937,130	44,379,104	56,316,234
90/91	11,534,280	41,251,929	52,786,209
91/92	10,877,090	37,185,582	48,062,672

C

GOLDEN BEAR PASS
REVENUE

FY	REVENUE
87/88	22,366
88/89	26,082
89/90	21,719
90/91	31,955
91/92	39,232

364
Spec

The Honorable Thomas W. Gwyn, Chairman
and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

Director's Office

First Annual Coastal Fee Collection
Impact Monitoring Report
Permit Numbers XS-91-01 through 16

The California Department of Parks and Recreation had proposed, as part of its application for new fee collecting devices in the State's Coastal Zone, to prepare three annual reports describing our efforts to monitor potential impacts to the surrounding environment. You will find the first of these reports enclosed. We are pleased to be able to inform you that we have been unable to identify significant impacts resulting from the installation of the approved devices, and except for a single case, a remarkable lack of public complaint over their development.

We are proud of our efforts to work cooperatively with you and your staff to creatively carry out not only our proposed program as conditioned by you, but the spirit of the program as well. This was done during a year in which this Department completely reorganized itself from top to bottom, had its personnel shrink by nearly one quarter, and saw its budget severely constrained.

You will find that the enclosed report describes more of the status of these permits than was required either by our application or by permit condition. Because of your continued interest in this issue we felt it important to keep you informed not only of our efforts to document impacts possibly caused by the installed fee collection devices and the public's reaction to them, but of our progress in implementing our permits.

If you have questions or would like to discuss this matter further, please do not hesitate to contact me at (916) 653-8288.

Original signed by

Kenneth B. Jones, Deputy Director
Park Stewardship

Attachments

cc: Douglas P. Wheeler, Secretary for Resources
William G. Shafroth, Asst. Secretary, Land and Coastal Resources
Peter Douglas, Executive Director, California Coastal Commission
Linda Locklin, Manager, Coastal Access Program

bcc: Carl Drake

SURNAME Tilghman:bcw
Tilghman 12-10-92 | 12/13/92

DPR 199A (Rev. 2/78)

STATUS SUMMARY
Summary of Coastal Permits for Fee Collection
October 6, 1992

Permit #	Location	Type of Device	Approval Date	Conditions	Status
XS-91-1	Half Moon Bay SB (Venice Beach)	Park-ur-self	6-11-91	1, 2	Installed 7/91
XS-92-2	Malibu Lagoon SB (Beach Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 8/91
XS-91-3	South Carlsbad SB (Ponto Beach)	Park-ur-self	6-11-91	1, 2	Installed 6/92
XS-91-4	Cardiff SB (N. Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 10/91
XS-91-5	Cardiff SB (S. Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 10/91
XS-91-6	Torrey Pines SB (N. Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 8/91
XS-91-7	Torrey Pines SB (S. Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 7/91
XS-91-8	Humboldt Lagoons SP (Stone Lagoon) DRY lagoon	Iron Ranger	8-13-91	2	Unit Closed ?
XS-91-9	Westport-Union Lndg. SB (Howard Creek)	Iron Ranger	8-13-91	2	On hold

Permit #	Location	Type of Device	Approval Date	Conditions	Status
XS-91-10	Westport-Union Lndg. SB (De Haven Creek)	Iron Ranger	8-13-91	2	On hold
XS-91-11	Jug Handle SR	Iron Ranger	8-13-91	2	On hold
XS-91-12	Sonoma Coast SB (Russian Gulch)	Iron Ranger	1-13-92	2, 3, 4, 5	In lieu
XS-91-13	Sonoma Coast SB (Goat Rock Beach)	Park-ur-self	1-13-92	2, 3, 4, 5	In lieu
XS-91-14	Sonoma Coast SB (Campbell Cove)	Iron Ranger/ Portable Kiosk	1-13-92	2, 3, 4, 5	In lieu
XS-91-15	San Onofre SB (Trestles)	Park-ur-self	8-13-91	2	On hold
XS-91-16	S. Carlsbad SB (Tamarack)	Park-ur-self	1-13-92	2, 3, 4, 5	In lieu
PWP 4-82-6	Crystal Cove SP				
	(El Moro)	Park-ur-self	4-29-91		All became
	(Los Trancos)	Park-ur-self	4-29-91		operational
	(Pelican Point)	Park-ur-self	4-29-91		5-91

Note: In addition to the "Conditions of Approval" below, the Department agreed as part of its application submittal (except for the three sites at Crystal Cove) to submit to the Coastal Commission three annual reports of its monitoring program. This monitoring would, at a minimum, identify new unauthorized trails, and tabulate letters and phone calls of complaint relative to the new devices. Based upon an analysis of this information, the Department would identify appropriate mitigation and take appropriate corrective action it deems appropriate and feasible.

Conditions of Approval

1. Prior to transmittal of the Coastal Development Permit, permittee shall submit evidence to the Executive Director that the Department has held public meetings to receive public input on the Department's fee schedule.

2. This Coastal Development Permit is for the installation of fee collection devices for the purpose of parking cars (fees).

3. By acceptance of this permit, the applicant agrees that the fee collection devices will only be used if a local agency fails to execute an agreement reimbursing the Department for lost revenues.

4. The annual monitoring report shall include such information as: (1) the efforts the applicant has made to inform all sectors of the public about the availability of alternatives to collection of parking fees through its annual and special pass programs; (2) baseline information on the numbers and types of passes currently being sold and the existence of any trends after implementation of the fee collection devices, and (3) the efforts the applicant has made to explore reimbursement to day users who were unable to purchase annual and special passes at the time of their park visit and who subsequently purchased annual and special passes.

5. This permit is valid for two years, until January 13, 1994.

Staff Report: 08/29/91 0100p
Revised Findings Hearing Date: 09/10/91

STAFF REPORT

REVISED FINDINGS

APPLICATION NO.: XS-91-1 through XS-91-7

APPLICANT: CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

PROJECT LOCATION: San Mateo County: Half Moon Bay State Beach (XS-91-1); Los Angeles County: Malibu Lagoon State Beach (XS-91-2); San Diego County: South Carlsbad State Beach (XS-91-3); Cardiff State Beach: north parking lot (XS-91-4) south parking lot (XS-91-5); Torrey Pines State Beach: north parking lot (XS-91-6); south parking lot (XS-91-7).

PROJECT DESCRIPTION: Installation of seven fee collection devices, mechanized "park-ur-self" with electrical connections and signing to augment existing fee collection system.

LOCAL APPROVALS RECEIVED: None needed

SUBSTANTIVE FILE DOCUMENTS: CEQA: Categorically exempt [Class 3, Sec. 15303]

COMMISSIONERS OF THE PREVAILING SIDE: Hisserich, Glickfeld, MacElvaine, Malcolm, Carter, Wright, Gwyn

PERMIT PROCESSING

This report covers seven permit applications. As they raise similar issues, staff has written only one report. However, the Commission must take seven actions (one for each permit).

FEE COLLECTION DEVICES

The Department currently collects day use fees at five of the seven sites; a coastal permit has already been approved to install an entrance station at both South Carlsbad and Cardiff south parking lot. Once construction is complete, fees will be collected via the approved permit. This application is for the installation of fee collection devices at all seven locations and are intended to make more efficient and to augment current collection practices. The devices will allow year-round collection.

I. Resolution

Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions. See attached Exhibit A

III. Special Conditions.

1) PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, permittee shall submit evidence to the Executive Director that the Department has held public meetings to receive public input on the Department's fee schedule.

2) THIS COASTAL DEVELOPMENT PERMIT is for the installation of fee collection devices for the purpose of parking cars.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Project History/Re-Submittal

On January 9, 1991 the Commission denied the Department's applications to install fee collection devices at sixteen State Park beaches. On February 6, 1991 the Commission denied the Department's request for reconsideration of this decision. On May 24, 1991 the Department submitted new applications to install the fee collection devices.

Pursuant to Commission regulation 14 Cal. Code Reg. Sec. 13109, an applicant ordinarily must wait six months after the denial of an application before resubmitting an application. This six-month waiting period may be waived if the Executive Director determines within five working days of the new application that the application is not "substantially the same" as the previous one. In addition, section 13109 allows the Commission itself to waive the six-month limitation upon a showing of good cause.

In this case, the Executive Director determined that the applications were not substantially the same as the Department's previous applications because the new applications contained significant new information bearing on the impacts of the fee collection devices. The Commission further finds that good cause exists for waiving the six-month waiting period for the resubmittal of the applications because the substantial public interest and legislative concern over the Department's plans to install the fee collection devices.

2. Project Description

The proposed project is to install seven fee collection devices with signing at five developed State Park units (see attached exhibits for the individual locations and site plans). Fees are currently collected at five of the seven sites; these devices will augment the existing collection program by making collection more efficient and by enabling collections to occur during the non-peak season when a ranger is not present for that purpose. As discussed above, the Department has already obtained Commission approval to install an entrance station for fee collection purposes at both South Carlsbad (6-87-667) and Cardiff (6-87-459)). Each device will generally be located near the entrance to the park, in a previously paved or disturbed area. The automatic ticket machine, known as "park-ur-self", will be hooked up to existing electrical lines, thus trenching will be required. However, all grading for the trenches will be done in existing paved or disturbed areas, and will not adversely affect any coastal resources. Two by three foot information signs will also be installed along with each device. The submittal is only for mechanical devices for the purpose of collecting day use fees for parking cars; walk-in and bicyclists will continue to access these beach areas at no charge. Other devices such as gates or metal teeth in the roadway to prevent vehicular entrance are not included in the submittal.

3. Public Access

One of the strongest goals of the Coastal Act is to protect, provide, and enhance public access to and along the coast. As manager of several hundred miles of publicly owned coast (or about 24% of the California Coast), the Department's responsibility is to also protect, provide, and enhance public access. The purpose of this application is to provide a more efficient way to collect fees to carry out this mandate. The application is also consistent with the directive from the Legislature to the Department to impose and improve its fee collection practices to offset a major reduction in General Fund support for the operations of the Department. The application, for fee collection devices only, is also consistent with the Legislature's directive, supported by Sections 30400 and 30401 of the Coastal Act, that the Department is the mandated state agency responsible for setting and collecting fees at State Parks. Currently the Department utilizes State Park personnel to physically collect fees from beach goers. If mechanical devices were installed, park rangers would be relieved of some of the fee collection duties and would be available for other public serving tasks such as interpretive programs. Installation of these devices would also augment the seasonal collection of fees. Currently, given limited funds for Department personnel, fees are collected only during the peak use season (generally May through September) and during peak hours. With the installation of these devices, fees can be collected year-round, and all day, thus augmenting the existing fee collection program. Impacts from this program, sucn as degradation of resource areas or overloading of adjacent areas, will not occur, as fees are

already collected during peak use and mitigation measures (such as fencing to prevent trampling of dunes) have already been employed by the Department. Other mitigation measures, such as the availability of passes for low income people, are also already employed by the Department.

The following discussion reviews each location proposed for a fee collection device:

a) Half Moon Bay State Beach (Venice Beach) (XS-91-1)

Half Moon Bay State Beach, located within the city limits of Half Moon Bay, contains four miles of wide sandy shoreline and extensive bluff top acreage. Four areas contain public facilities and a total of 400 parking spaces are provided. Starting at the north end, Roosevelt Beach has a parking lot; Dunes Beach contains a parking lot and the Sweetwater Group Camp is just to the south; Venice Beach has two parking lots with restroom facilities, a contact station, and an iron ranger; Francis Beach has camping facilities, for 51 tent or RV sites, and the Administrative Office is located here. Half Moon Bay State Beach is just south of the County owned Pillar Point marina and just north of sandy beaches located within San Mateo County jurisdiction. To the east of the park, there is scattered residential development. Installation of the "park-ur-self" device will not alter the existing use patterns, as fees are already collected via either a park employee located in the contact station or the existing iron ranger.

b) Malibu Lagoon State Beach (Beach Parking Lot) (XS-91-2)

Located seaward of Pacific Coast Highway, east of Pt. Dume, this 160 car beach parking lot serves Malibu Lagoon State Beach and Surfrider Beach (seaward of Pacific Coast Highway) and Malibu Creek State Park (inland of the highway). There is also a parking lot operated by Los Angeles County across the creek from the State parking lot. These lots, together with another nearby parking lot operated by a concessionaire, are the only beach access points in the area. Just west of the State Parking lot are private homes that preclude beach access. To the east is the county parking lot and the concessionaire parking lot. The surrounding area inland of Pacific Coast Highway contains small businesses, shopping areas, and residences. The Department currently collects fees at this location, and as Los Angeles County and their concessionaire both charge a $7. day use fee, there should be no change in use patterns.

c) South Carlsbad State Beach (Ponto Parking Lot) (XS-91-3)

This 247 space parking lot is under construction as well as an entrance station, outside showers, and a restroom (per coastal permit 6-87-667). Beach access south of the parking lot is limited due the seasonal width of the beach. The beach north of the parking lot is owned by the Department. The new parking lot will relocate parking off the highway shoulder and will provide an increase in parking spaces. There should be no impact on nearby property owners since only the State Beach has coastal access.

d) Cardiff State Beach (north parking lot) (XS-91-4)

This wide sandy beach park (800 ft. in length) is developed with an entrance station, outside showers, a restroom, and a 550 car parking lot. To the north of the parking lot is the State Beach; to the south are three restaurants. As the Department currently already charges a fee, there should be no change in the usage pattern.

e) Cardiff State Beach (south parking lot) XS-91-5

The parking lot is approximately six acres in size. Coastal permit 6-87-459 approved construction of a 480 car parking lot, entrance station, two restrooms, showers, beach access stairs and picnic pads.

The site is located directly west of the San Elijo Lagoon. A residential development is located immediately south of the parking lot. The State Beach extends one mile to the north and 200 yards to the south of the parking lot. There is another smaller parking lot located to the north, but within this same unit, where fees are charged. There is a residential development to the south and the adjacent City of Solana Beach has both free and fee parking areas. As the Commission already approved a permit to construct the entrance station for a variety of uses including fee collection, the Commission has already found that fee collection in this location will not impede public access.

f) Torrey Pines State Beach (north parking lot) (XS-91-6)

Located adjacent to Los Penasquitos Lagoon, this popular beach is being developed (per coastal permit 6-87-346) with a 548 car parking lot and already has restroom and shower facilities. There is no formal entrance station, but park personnel collect fees from the parking lot area. The State Beach extends one mile to the north and three miles to the south of the parking lot. Inland of the park, beyond Pacific Coast Highway is a large condominium project. As the Department has historically collected fees, installation of the "park-ur-self" will not alter existing use patterns.

g) Torrey Pines State Beach (south parking lot) (XS-91-7)

Located just north of the bluff where Torrey Pines State Reserve is located, this parking lot currently contains 200 informal parking spaces and 50 more spaces are under construction per coastal permit 6-87-346. The State beach extends about two miles to the south, and is located approx. one mile south of the northern parking lot. Fees have historically been collected, so installation of the device will not affect the use pattern.

Conclusion

Section 30210 of the Coastal Act requires that maximum access and recreational opportunities be provided for all people; Section 30212.5 requires distribution of public facilities to prevent overcrowding or use; Section 30213 encourages provision of lower cost visitor and recreational facilities; Section 30214 requires that public access be implemented in a manner that takes into account the physical features, site capacity, and on and offsite impacts.

The proposed project is consistent with the public access policies of the Coastal Act. The Department is already collecting fees at each of the five locations (and the Commission has already approved fee collection facilities at two others); this money is used to operate and maintain the state park property in order to provide better service to the users. Therefore, the Commission finds the project consistent with Chapter 3 of the Coastal Act. For purposes of these findings, the Commission hereby incorporates those relevant portions of the findings adopted relative to Application No. XS-91-8. (See particularly Finding No. 2, Fee Collection Devices and Use Fees. Special Condition No. 1 requires that the Department report the results of the public meetings regarding the fee schedule.)

4. CEQA/LCP

The Department, as lead agency, determined that this activity is exempt from the requirements of the California Environmental Quality Act. The Commission finds that the installation of the fee collection devices is categorically exempt under CEQA regulation section 15303, Class 3 (construction of small structures). The component of the Department's activity involving the establishment and approval of the fees themselves is statutorily exempt under Public Resources Code section 21080(b)(10) and CEQA regulation 15273(a)(1), because the fees are necessary in order to offset a $16,000,000 reduction in the Department's operating budget for FY 1990/91 and an $8,000,000 reduction for FY 1991/92. Furthermore, the project as conditioned will not create any significant adverse environmental impacts as defined by CEQA.

As each device is located within the Commission's area of original jurisdiction, the LCP is only advisory. However, as each LUP/LCP contains policies to protect, maintain, and enhance public access to the coast, and as the project complies with those policies, the project is consistent with the LUP/LCP for each area.

STAFF REPORT: REVISED FINDINGS

APPLICATION NO.: XS-90-1 through XS-90-16

APPLICANT: CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

PROJECT LOCATION: Humboldt County: Humboldt Lagoons State Park (XS-90-1); Mendocino County: Westport-Union Landing State Beach: Howard Creek (XS-90-2), DeHaven Creek (XS-90-3); Jug Handle State Reserve (XS-90-4); Sonoma County: Sonoma Coast State Beaches: Russian Gulch (XS-90-5), Goat Rock (XS-90-6), Campbell Cove (XS-90-7); San Mateo County: Half Moon Bay State Beach (XS-90-8); Los Angeles County: Malibu Lagoon State Beach (XS-90-9); San Diego County: San Onofre State Beach (XS-90-10); Carlsbad State Beach (XS-90-11); South Carlsbad State Beach (XS-90-12); Cardiff State Beach: north parking lot (XS-90-13), south parking lot (XS-90-14); Torrey Pines State Beach: north parking lot (XS-90-15), south parking lot (XS-90-16).

PROJECT DESCRIPTION: Installation of fee collection devices, either non-mechanical "iron ranger" or mechanized "park-ur-self" with electrical connections and signing, located generally at the entrance to each of the above listed State Park units.

LOCAL APPROVALS RECEIVED: None needed.

SUBSTANTIVE FILE DOCUMENTS: CEQA: Categorically exempt [Class 3, Sec. 15303]

COMMISSIONERS ON THE PREVAILING SIDE: Cervantes, Franco, Giacomini, Glickfeld, Rynerson, MacElvaine, McInnis, Doo, Neely, Gwyn

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Commission Action

On January 9, 1991, the Commission adopted the following resolution:

I. Denial.

The Commission hereby denies a permit for the proposed development on the grounds that it would not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and will have significant adverse impacts on the environment as defined by the California Environmental Quality Act.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Project Description

The proposed project is to install 16 fee collection devices with signing and fee collection at 11 developed State Park units located along the entire coastal zone. (See the attached exhibits for the individual locations and site plans.) Each device will generally be installed near the entrance to the park, in a previously paved or disturbed area. Two types of fee collection devices are proposed: mechanical "iron rangers" (six in total), and non-mechanical "park-ur-self" (10 in total). The "park-ur-self" devices will be hooked up to existing electrical lines, thus trenching will be required. However, all grading for either the trenches or the support posts will be done in existing paved or disturbed areas and will not adversely affect any coastal resources. Signs, 2 by 3 ft., will also be installed along with each device. (See Exhibit 9, 10, and 11).

2. Development

Section 30106 of the Coastal Act defines "development" as:

> "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejeddly Forest Practice Act of 1973 (commencing with Section 4511).
>
> As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Therefore, the physical installation of 16 fee collection devices meets the definition of development.

3. Public Access

One of the strongest goals of the Coastal Act is to protect, provide and enhance public access to and along the coast. Section 30001.5(c) of the Coastal Act requires that public access and public recreational opportunities be maximized, consistent with sound resource conservation principles. Additional Coastal Act policies are applicable:

Section 30210 of the Coastal Act states:

> In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212.5 of the Coastal Act states:

> Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, or overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states:

> Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.
>
> Neither the commission nor any regional commission shall either: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate-income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30214 of the Coastal Act states:

> (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:
>
> (1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission, regional commissions, and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and forseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30252(4) and (6) of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by ... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, ... (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The above cited policies require that public access to and along the coast be protected, maintained, and enhanced. Currently, the Department manages 260 miles of California's coastline and through their mandated responsibilities is implementing the Coastal Act's policies by providing public facilities that provide and enhance recreational opportunities.

As discussed in the Department's submittal, the intent behind installation of the fee collection devices, which affect 53 miles of coastline, is to obtain sufficient revenue to continue maintenance and operation of the Departments' coastal property for the enjoyment of all the public. While the Commission finds that the goal of obtaining revenues is consistent with the Coastal Act goals of providing public access to and along the shoreline, the Commission also finds that the Department has failed to demonstrate that imposition of these devices, as proposed, will not adversely impact public beach use.

The purpose of installing these devices is that they will facilitate the imposition of a fee schedule reviewed by the Parks and Recreation Commission for FY 1990-91. According to the Department of Parks and Recreation this fee schedule will increase by about 4% the number of day users who will pay fees to use state parks. While the project as proposed will not alter existing hours of operation at the parks and thus will not reduce the hours that the parking lots and facilities are available to users, the installation of these devices will increase the efficiency of collecting fees and thus will make it not only easier to collect fees from more people, but also will require more people to pay at more locations. It will also require payment at locations where it has been historically free to the public. This may result in a change in the pattern of use within, and access to, the parks, their shoreline and tidelands.

The Coastal Act contains provisions to protect and maximize public access and distribute access facilities to avoid impacts from overuse of any one area, and to protect and provide lower cost visitor and recreational facilities. See Sections 30211, 30212.5 and 30313 quoted above.

In addition, the Coastal Act contains provisions which indicate some legislative intent to encourage the development of alternative innovative funding techniques to accomplish the provision and operation of coastal access. For example, Section 30531(c) states in part:

> ... In preparing its recommendations for funding public coastal accessway operation and maintenance costs, the commission shall develop alternative innovative funding techniques that take into account the appropriateness of local funding for the operation and maintenance of accessways that serve primarily local needs ...

There may be both direct and indirect impacts to coastal resources and access from the installation and use of these devices. Imposing large fees, fees where none existed, or altering existing fees to state parks may change the

intensity of use of the land, and may change the intensity of use of the water and access thereto. The state parks are used in many different ways, in some cases depending on the level of services provided (e.g. camping vs. undeveloped day use). Many users are very short term visitors who recreate in the state park by jogging through. Others use the park for brief off peak visits to watch the sunset or beachcomb. Still others recreate only during extreme off peak hours. The fee schedule proposed does not recognize these short term uses. Rather, it is predicated upon all use being of equal time, duration and intensity. In addition, the fee schedule does not take into account the different levels of service which are provided at various units. If entry to the parks is too burdensome, people will either not be able to use the facilities short term or will seek other ways to access the coast. This can result in overloading other adjacent parking or residential areas or cutting new "unofficial" trails through sensitive or hazardous areas and thus damaging coastal resources. The Department has failed to analyze the potential environmental impacts of these structures, norhas it provided sufficient information that would allow the Commission to analyze these impacts.

Therefore, the Commission finds that the project as submitted is not consistent with the coastal access policies of the Coastal Act, as the applicant has not submitted sufficient information to show that access will be protected. There are, however, alternatives which the applicant could explore to mitigate these impacts and these are discussed below.

Alternatives

In proposing the imposition of this new fee schedule for the 16 locations, the Department has failed to analyze the impacts upon adjacent beach and neighborhood areas. Clearly, when faced with paying a new or higher entrance fee, most people will opt for a nearby free area, regardless of whether sensitive areas will be impacted or whether neighborhoods will become more congested. Section 30531 of the Coastal Act requires that the Commission develop alternative, innovative funding techniques as part of its overall coastal public access program. Therefore, the Commission finds that while the proposed project is inconsistent with the Coastal Act as submitted, the Commission also recognizes that there are alternative proposals which could be found acceptable. An acceptable program would analyze each site individually, determine what (if any) spillover effects would occur and adequately mitigate any impacts by such means as not charging a higher fee than an adjacent City or County beach park, imposing fees only during the peak use periods thus keeping the park free to early morning and evening users such as joggers, walkers and surfers, or by charging a fee commensurate with the facilities provided and used. By exploring an alternative program which would mitigate any significant public access impacts, the Commission could find such an alternative acceptable.

4. CEQA

CEQA findings are required where a public agency approves a project, but not

REVISED FINDINGS FOR RECONSIDERATION

APPLICATION NO. XS-90-1 R through XS-90-16 R

APPLICANT: DEPARTMENT OF PARKS AND RECREATION

AGENT: Jack Harrison

PROJECT LOCATION: Humboldt County: Humboldt Lagoons State Park (XS-90-1); Mendocino County: Westport-Union Landing State Beach: Howard Creek (XS-90-2), DeHaven Creek (XS-90-3); Jug Handle State Reserve (XS-90-4); Sonoma County: Sonoma Coast State Beaches: Russian Gulch (XS-90-5), Goat Rock (XS-90-6), Campbell Cove (XS-90-7); San Mateo County: Half Moon Bay State Beach (XS-90-8); Los Angeles County: Malibu Lagoon State Beach (XS-90-9); San Diego County: San Onofre State Beach (XS-90-10); Carlsbad State Beach (XS-90-11); South Carlsbad State Beach (XS-90-12); Cardiff State Beach: north parking lot (XS-90-13), south parking lot (XS-90-14); Torrey Pines State Beach: north parking lot (XS-90-15), south parking lot (XS-90-16).

PROJECT DESCRIPTION: Installation of fee collection devices, either non-mechanical "iron ranger" or mechanized "park-ur-self" with electrical connections and signing, located generally at the entrance to each of the above listed State Park units.

COMMISSION ACTION AND DATE: Permit denied 1/9/91; Reconsideration denied 2/6/91

COMMISSIONERS ON THE PREVAILING SIDE: Hisserich, Franco, Giacomini, Glickfeld, Rynerson, Neely, and Gwyn.

PROCEDURAL NOTE:

The Commission's regulations provide that at any time within thirty (30) days following a final vote upon an application for a coastal development permit, the applicant of record may request that the Commission grant a reconsideration of the denial of an application, or of any term or condition of a coastal development permit which has been granted. 14 Cal. Admin. Code 13109.2.

The regulations state further that the grounds for reconsideration of a permit action shall be as provided in Coastal Act Section 30627 which states:

> The basis of the request for reconsideration shall be either that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the Commissions initial decision.

APPLICANT'S CONTENTION:

The applicant contends that an error of law has been made. Sections 30400 and 30401 of the Coastal Act are specifically intended to limit conflicts between State agencies. In addition, PRC Section 5010(a) specifically authorizes State Parks to set and impose fees in order to generate revenue.

COMMISSION ACTION

On February 6, 1991, the Commission adopted the following resolution:

Denial

The Commission hereby denies the request for reconsideration of the proposed project on the grounds that no new relevant evidence has been presented nor has there been an error of fact or law with the potential of altering the Commission's initial decision.

FINDINGS AND DECLARATIONS.

The Commission finds and declares as follows:

1. Project Description/Commission action

The Department applied for 16 fee collection devices at 11 State Park units. The Commission denied these devices finding the Department had not submitted sufficient information to show that public access would not be adversely affected.

2. Reconsideration request

The Department claims that an error of law has occurred. They cite Sections 30400 and 30401 of the Coastal Act which are intended to reduce conflict between state agencies.

> Section 30400.
>
> It is the intent of the Legislature to minimize duplication and conflicts among existing state agencies carrying out their regulatory

In the absence of a specific authorization set forth in this division or any other provisions of law or in an agreement entered into with the Commission, no state agency, including the Office of Planning and Research, shall exercise any powers or carry out any duties or responsibilities established by this division or by the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) or any amendment thereto. The Director of the Office of Planning and Research shall in carrying out his or her duties as set forth in Section 30415, ensure that the provisions of this section are carried out.

Section 30401.

Except as otherwise specifically provided in this division, enactment of this division does not increase, decrease, duplicate or supersede the authority of any existing state agency.

This chapter shall not be construed to limit in any way the regulatory controls over development pursuant to Chapters 7 (commencing with Section 30600) and 8 (commencing with Section 30700), provided however, neither the Commission nor any regional commission shall set standards or adopt regulations that duplicate regulatory controls established by any existing state agency pursuant to specific statutory requirements or authorization.

In addition, Section 5010.(a) of the PRC gives the Department the authority to collect fees, in an amount to be determined by the Department. This fee schedule has already been subject to public review, when the Department held public hearings late last year.

3. Discussion

On January 9, 1991, the Commission denied the application for these devices finding that the Department had not submitted sufficient information to show that public access would not be adversely affected. While the applicant cites Sections 30400 and 30401 of the Coastal Act as reasons to grant reconsideration, the Commission rejects the Department's rationale. This is primarily based on Section 30330 of the Coastal Act which states in part that, "the Commission ... shall have the primary responsibility for the implementation of the provisions of this division and is designated as the state coastal zone planning and management agency for any and all purposes, and may exercise any and all powers set forth in the Federal Coastal Zone Management Act of 1972 ...

Given the above discussion, the Commission finds that an error of law has not occurred, as the Commission has the clear authority to regulate the proposed activity, as it may significantly impact the public's ability to access the coast. Therefore, the Commission denies the reconsideration request.

September 9, 1991

Peter Douglas, Executive Director
California Coastal Commission

Revised Findings XS-90-1 through XS-90-16

The Commission's proposed findings for these applications make reference to the fact that the Department found that this activity was exempt from the requirements of the California Environmental Quality Act. The Department wishes to clarify for the record that the Department found that this activity was exempt both under CEQA regulation section 15303 (exempting the construction of small structures) and under section 15273 (a), (1),(2), and (3) (exempting the establishment of fees that the agency finds are for certain statutorily approved purposes). The Department previously has provided copies of its Notices of Exemption to the Commission for inclusion in the administration record.

The Department also wishes to clarify that the applications were for the physical installation of the fee collection devices not the Department's fee schedule. The fee schedule is the responsibility of this Department per Public Resources Code 5010 and not under the jurisdiction of the Coastal Commission per Sections 30400 and 30401 of the Coastal Act.

Jack V. Harrison
Chief Deputy Director
for Operations

cc: Linda Locklin
Noah Tilghman
Carl Drake

Linda Locklin
California Coastal Commission
640 Capitola Road
Santa Cruz, CA 95062-2799

XS-91-8 through 11, 15

We have received the above referenced permits. However, for the purpose of keeping the record clear, we note that XS-91-16 (Carlsbad) was not postponed at the request of this Department. Rather, it was continued by direction of your Commission at their August 13, 1991 hearing.

We also note the need to keep you informed of our desires relative to these permits in the event action must be taken at or before your November hearing. Consequently, we shall contact you on or before October 11 to advise you of our decision.

On behalf of this Department, I would like to take this opportunity to thank you for your assistance and patience in the processing of these applications. We are aware of the difficulty and controversy which surrounds this issue and appreciate the balance you have brought between the public interests represented by this Department, those in opposition and the requirements of the Coastal Act.

Jack Harrison

Jack V. Harrison
Chief Deputy Director for Operations

cc: Peter Douglas, Executive Director
Coastal Commission

Joe Barbieri
Deputy Attorney General

Carl Drake
Noah Tilghman

JVH:BNTilghman:bcw

(916) 445-2358

AUG 30 1991

The Honorable Dan Hauser
Member of the Assembly
50 D Street, Suite 450
Santa Rosa, California 95404

Dear Assemblyman Hauser:

Thank you for your recent letter concerning proposed new fee collection locations at coastal State Park units.

Before the 1991/92 Budget Act was passed, the Department had intended to hold public meetings this fall to inform State Park users and prospective users of a proposed new fee schedule and to obtain public comment on the fee schedule. However, according to the Budget Act of 1991/92 the Department must raise an additional $8 million in State Park fees.

We hope to keep the State Park System operating efficiently, continue to offer the kinds of services our visitors have come to expect, and keep all State Park units open to the public by adjusting use fees at the various units throughout the state to meet the additional revenue requirements. To have any chance of achieving that requirement, revenue will have to be collected from new locations prior to January 1992; therefore, any meetings to inform the public and provide for public comment had to be conducted during the summer.

The Public Resources Code (5010a) directs the Department to collect fees for park use where it is practical to do so. The Department has identified a number of locations in Sonoma and Mendocino counties where it is practical to collect a fee. However, it has been determined that most coastal parking locations in Sonoma and Mendocino are not practical for fee collection and thus are not identified for fee collection.

Where a fee will be collected, the fee will be determined by the following criteria:

The extent of facilities provided.
The extent of services provided.
Fees for similar facilities and services in the area.
The cost of operation.

By using the above criteria, it is believed that the Department will be able to meet the mandates of the Public Resources Code and the Budget Act of 1991/92 in an equitable and fair manner.

I appreciate your concern for your constituents and your offer to assist us in a cooperative effort to protect and support the California State Park System.

Sincerely,

ORIGINAL SIGNED BY

Henry R. Agonia
Director

STATE OF CALIFORNIA—THE RESOURCES AGENCY

CC: CRIS JANCILS M. 364 B4
NOAH T. Fee

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
725 FRONT STREET, STE. 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

April 12, 1995

Kenneth B. Jones, Deputy Director
California Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 95814

Re: XS-91-1 through 16

Dear Mr. Jones:

We have reviewed the Department's third (and final) monitoring report for the fee collection devices. Based upon the information submitted, we concur with the Department's conclusion that where the devices have been installed there has not been any significant impacts.

Thank you for your attention to the monitoring requirements imposed by the Commission.

Sincerely,

Linda Locklin
Manager, Coastal Access Program

LL/cm
cc: Peter Douglas, Executive Director
0442a

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FEB 17 1995

The Honorable Carl L. Williams, Chairman
and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

Third Annual Coastal Fee Collection
Impact Monitoring Report
Permit Numbers X-S-91-01 through 16 and 6-3-216

As part of its application for new fee collecting devices in the State's Coastal Zone, the California Department of Parks and Recreation had proposed to prepare annual reports describing our efforts to monitor potential impacts to the surrounding environment. You will find the third of these reports attached. We are pleased to be able to inform you that we have been unable to identify significant impacts resulting from the installation of the approved devices.

You will find that the enclosed report describes more of the status of these permits than was required either by our application or by permit condition. Because of your continued interest in this issue we felt it important to keep you informed not only of our efforts to document impacts possibly caused by the installed fee collection devices and the public's reaction to them, but of our progress in implementing our permits.

If you have questions or would like to discuss this matter further, please do not hesitate to contact me at (916) 653-8288.

ORIGINAL SIGNED BY

Kenneth B. Jones
Deputy Director
Park Stewardship

Attachments

cc: Douglas P. Wheeler, Secretary for Resources
Peter Douglas, Executive Director, California Coastal Commission

bcc: Ed Navarro
Bob La Belle
Carl Drake
KBJ:BNTilghman:bcw

SURNAME	T. Tilghman 2-14-95	BL 2/17		

DPR 199A (Rev. 2/78)

THIRD ANNUAL
PARKING FEE IMPACT MONITORING REPORT

California Department of Parks and Recreation

INTRODUCTION: The California Department of Parks and Recreation applied for and was granted coastal development permits for a variety of parking fee collection devices and the necessary signing at 16 locations (XS-91-1 through -16 and 6-93-216) within 11 units of the State Park System. As part of its applications, the Department proposed to monitor the effects, if any, of the new parking fee collection devices. The monitoring would include identifying where any new unauthorized trails had been established in order to avoid paying parking fees, as well as tabulating and reporting letters and phone calls of adverse off-site impacts. Based upon an analysis of this information, we would identify specific mitigation measures, as we deem appropriate and feasible, such as installing fences or signs to prevent new trails which might impact sensitive resources.

A condition of permits XS-91-12, 13, 14, and 16 requires the Department to include, as part of our monitoring report, efforts we had made to increase participation in our annual and special pass program. These permits have not been exercised but the Department has gone ahead with increased efforts in respect to this pass program. The following paragraphs constitute the Department of Parks and Recreation's third annual coastal parking fee collection impact monitoring reports to fulfill the letter of our applications and, as applicable, the conditions of the permits.

BACKGROUND: Applications XS-91-1 through XS-91-7 were approved in June 1991. Applications XS-91-8 through XS-91-11 and XS-91-15 were approved in August 1991. Four applications, XS-91-12 through XS-91-14 and XS-91-16 were approved in January 1992. Application 6-993-216 was approved on March 17, 1994. These last five applications were approved for limited terms and could only be used if a local agency failed to reimburse the Department for lost revenues, and were further conditioned that a monitoring report be submitted. Two local agencies, the City of Carlsbad and the County of Sonoma, had initially paid fees to the Department in lieu of the permits being exercised at the four sites. Currently, only the City of Carlsbad continues to pay the in-lieu fee.

INSTALLATION STATUS: Of the 17 Coastal Development Permits issued to this Department for parking fee collection devices, we have chosen to exercise eight of them in five Southern California locations and one in Central California. Installation of one of these devices, at San Onofre State Beach, has not been completed. The Department generates about $300,000 annually from the seven permits plus four other sites approved locally or through a Public Works Permit.

As reported to you in our Second Annual Report, the Department has elected not to exercise the six permits at Dry Lagoon (Humboldt Lagoons State Park), Westport-Union Landing State Beach (two permits), Jug Handle State Reserve,

Russian Gulch (Sonoma Coast State Beach), and Campbell Cove (Sonoma State Beach). The Department has determined that it would not be economically feasible to charge a parking fee at these locations. Permits were not initially exercised because the Department received in lieu payments from local agencies. The County of Sonoma no longer makes a payment for the Goat Rock site (Sonoma Coast State Beach). The Department did not exercise the permit at this location and allowed it to lapse pending other alternative funding options being explored. With the mandatory expiration of XS-91-16, the Department chose to make a new application of the Tamarack site at Carlsbad State Beach. The City of Carlsbad continues with an annual payment for this site.

RESULTS OF THIRD YEAR'S MONITORING: The Department monitors each location for the presence of new trails to the beach, changes in parking patterns, new traffic problems, and any complaints from the public. There continues to be no new environmental damage reported by the public or employees due to new trails. Local officials report no new traffic problems.

STATUS OF THE DEPARTMENT'S OUTREACH PROGRAM: As a condition of approval for the three devices at Sonoma Coast State Beach and one at South Carlsbad State Beach, it was required that we report to the Coastal Commission the Department's efforts to inform the public of the availability of our pass programs, trends in usage, and our efforts to reimburse pass users for the expenditure of previous parking fees. These four permits have not been exercised. However, because of the Commission's interest, these concerns are addressed hereunder.

As described to the Coastal Commission during the course of the hearings and in the first report, the Department has a number of passes and discounts designed for the elderly, disabled, and those with low incomes.

As mentioned in previous report, the Department, in its reorganization, created two positions to focus on an outreach program to non-traditional users of state parks. These positions have been introducing non-traditional users to the coastal units.

CONCLUSION: The Department of Parks and Recreation is encouraged by the general acceptance of its fee schedule and parking fee collection methods. We have been unable to document any adverse impacts to the environment or complaints about the parking fee collection. There have been no significant changes to the Department's Fee Schedule in the last three years. This can be attributed to a combination of continued tight controls on expenditures and success in obtaining funds from other sources with identified impacts on the State Park System. The Department is committed to continuing its monitoring procedures and reporting to the Coastal Commission on any response actions through 1994.

STATUS SUMMARY
Summary of Coastal Permits for Fee Collection
February 17, 1995

Date of CEQA Notice	Permit #	Location	Type of Device	Approval Date	Conditions	Status
5-17-91	XS-91-1	Half Moon Bay SB (Venice Beach)	Park-ur-self	6-11-91	1, 2	Installed 7/91
5-17-91	XS-91-2	Malibu Lagoon SB (Beach Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 8/91
5-24-91	XS-91-3	South Carlsbad SB (Ponto Beach)	Park-ur-self	6-11-91	1, 2	Installed 6/92
12-6-90	XS-91-4	Cardiff SB (N. Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 10/91
12-6-90	XS-91-5	Cardiff SB (S. Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 10/91
12-6-90	XS-91-6	Torrey Pines SB (N. Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 8/91
6-90	XS-91-7	Torrey Pines SB (S. Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 7/91
12-6-90	XS-91-8	Humboldt Lagoons SP (Stone Lagoon)	Iron Ranger	8-13-91	2	Lapsed
1-8-91	XS-91-9	Westport-Union Lndg. SB (Howard Creek)	Iron Ranger	8-13-91	2	Lapsed

Date of CEQA Notice	Permit #	Location	Type of Device	Approval Date	Conditions	Status
1-8-91	XS-91-10	Westport-Union Lndg. SB (De Haven Creek)	Iron Ranger	8-13-91	2	Lapsed
1-8-91	XS-91-11	Jug Handle SR	Iron Ranger	8-13-91	2	Lapsed
12-6-90	XS-91-12	Sonoma Coast SB (Russian Gulch)	Iron Ranger	1-13-92	2, 3, 4, 5	Lapsed
1[illegible]-6-90	XS-91-13	Sonoma Coast SB (Goat Rock Beach)	Park-ur-self	1-13-92	2, 3, 4, 5	Lapsed
12-6-90 (Kiosk 5-24-91)	XS-91-14	Sonoma Coast SB (Campbell Cove)	Iron Ranger/ Portable Kiosk	1-13-92	2, 3, 4, 5	Lapsed
12-6-90	XS-91-15	San Onofre SB (Trestles)	Park-ur-self	8-13-91	2	Effecuated 7/93
12-6-90	XS-91-16	Carlsbad SB (Tamarack)	Park-ur-self	1-13-92	2, 3, 4, 5	Lapsed
12-6-90	6-93-216	Carlsbad SB (Tamarack)	Park-ur-self	3-17-94	4 Conditions	In Lieu
	PWP 4-82-6	Crystal Cove SP				
		(El Moro)	Park-ur-self	4-29-91		All became operational 5/91
		(Los Trancos)	Park-ur-self	4-29-91		
		(Pelican Point)	Park-ur-self	4-29-91		

Note: In addition to the "Conditions of Approval" below, the Department agreed as part of its application submittal (except for the three sites at Crystal Cove and 6-93-216) to submit to the Coastal Commission three annual reports of its monitoring program. This monitoring would, at a minimum, identify new unauthorized trails, and tabulate letters and phone calls of complaint relative to the new devices. Based upon an analysis of this information, the Department would identify appropriate mitigation and take corrective action it deems appropriate and feasible.

Adopted
Conditions of Approval
XS-91-1 through -16

1. Prior to transmittal of the Coastal Development Permit, permittee shall submit evidence to the Executive Director that the Department has held public meetings to receive public input on the Department's fee schedule.

2. This Coastal Development Permit is for the installation of fee collection devices for the purpose of parking cars.

3. By acceptance of this permit, the applicant agrees that the fee collection devices will only be used if a local agency fails to execute an agreement reimbursing the Department for lost revenues.

4. The annual monitoring report shall include such information as: (1) the efforts the applicant has made to inform all sectors of the public about the availability of alternatives to collection of parking fees through its annual and special pass programs; (2) baseline information on the numbers and types of passes currently being sold and the existence of any trends after implementation of the fee collection devices, and (3) the efforts the applicant has made to explore reimbursement to day users who were unable to purchase annual and special passes at the time of their park visit and who subsequently purchased annual and special passes.

5. This permit is valid for two years, until January 13, 1994.

Condition 6-93-216

1. This permit shall be limited to the use of the device for collecting parking fees only.

2. This permit is valid for three years, until March 17, 1997.

3. The Department shall submit three annual reports to the Executive Director for review and approval, which monitor any adverse impacts from the installation of the device. Monitored impacts shall include the establishment of unauthorized trails in order to avoid paying the parking fee, and tabulation of any phone calls and letters of complaint from the public and surrounding public officials relative to adverse off-site impacts. Mitigation measures shall be identified, such as installing fences and signage to prevent new trails from impacting resource areas.

4. By acceptance of this permit, the applicant agrees that the fee collection device will only be used if the City fails to execute an agreement reimbursing the Department for lost revenues.

Central Record 3.64 Spec

State of California

Memorandum

Date : JAN 25 1994

To : The Honorable Thomas W. Gwyn, Chairman
and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

From : **Department of Parks and Recreation**
Director's Office

Subject: First Annual Coastal Fee Collection
Impact Monitoring Report
Permit Numbers X-S-91-01 through 16

The California Department of Parks and Recreation had proposed, as part of its application for new fee collecting devices in the State's Coastal Zone, to prepare three annual reports describing our efforts to monitor potential impacts to the surrounding environment. You will find the second of these reports enclosed. We are pleased to be able to inform you that we have been unable to identify significant impacts resulting from the installation of the approved devices.

You will find that the enclosed report describes more of the status of these permits than was required either by our application or by permit condition. Because of your continued interest in this issue we felt it important to keep you informed not only of our efforts to document impacts possibly caused by the installed fee collection devices and the public's reaction to them, but of our progress in implementing our permits.

If you have questions or would like to discuss this matter further, please do not hesitate to contact me at (916) 653-8288.

Original signed by
Kenneth B. Jones
Deputy Director
Park Stewardship

Kenneth B. Jones, Deputy Director
Park Stewardship

Attachments

cc: Douglas P. Wheeler, Secretary for Resources
Peter Douglas, Executive Director, California Coastal Commission

KBJ:tl

SURNAME				
DPR 199A (Rev. 2/78)	DLAKE 1/13			

SECOND ANNUAL
PARKING FEE IMPACT MONITORING REPORT

California Department of Parks and Recreation

INTRODUCTION

The California Department of Parks and Recreation applied for and was granted coastal development permits for a variety of parking fee collection devices and the necessary signing at 16 locations (XS-91-1 through 16) within 11 units of the State Park System. As part of its applications, the Department proposed to monitor the effects, if any, of the new parking fee collection devices. The monitoring would include identifying where any new unauthorized trails had been established in order to avoid paying parking fees, as well as tabulating and reporting letters and phone calls of adverse off-site impacts. Based upon an analysis of this information, we would identify specific mitigation measures, as we deem appropriate and feasible, such as installing fences or signs to prevent new trails which might impact sensitive resources.

A condition of permits XS-91-12, 13, 14, and 16 requires the Department to include as part of our monitoring report, efforts we had made to increase participation in our annual and special pass program. These permits have not been exercised but the Department has gone ahead with increased efforts in respect to this pass program.

The following paragraphs constitutes the Department of Parks and Recreation's second of three annual coastal parking fee collection impact monitoring reports to fulfill the letter of our applications and, as applicable, the conditions of the permits.

BACKGROUND

Applications XS-91-1 through XS-91-7 were approved in June 1991. Applications XS-91-8 through XS-91-11 and XS-91-15 were approved in August 1991. The remaining four applications, XS-91-12 through XS-91-14 and XS-91-16 were approved in January 1992. These last four applications were approved for only two years, could only be used if a local agency failed to reimburse the Department for lost revenues, and further conditioned that a monitoring report be submitted. Two local agencies, the City of Carlsbad and the County of Sonoma, had initially paid fees to the Department in lieu of the permits being exercised at the four sites. Currently, only the City of Carlsbad continues to pay the in lieu fee.

INSTALLATION STATUS

Of the 16 Coastal Development permits issued to this Department for parking fee collection devices, we have chosen to exercise eight of them in five Southern California locations and one in Central California. Installation of one of these devices, at San Onofre State Beach, has not been

completed. The Department generates about $300,000 annually from the seven permits plus four other sites approved locally or through a Public Works Permit.

The Department has elected not to exercise six permits at Dry Lagoon (Humboldt Lagoons State Park), Westport-Union Landing State Beach (two permits), Jug Handle State Reserve, Russian Gulch (Sonoma Coast State Beach), and Campbell Cove (Sonoma State Beach). The Department has determined that it would not be economically feasible to charge a parking fee at these locations.

The two remaining permits were not initially exercised because the Department received in lieu payments from local agencies. The City of Carlsbad continues with an annual payment for the Tamarack site (Carlsbad State Beach). The County of Sonoma no longer makes a payment for the Goat Rock site (Sonoma Coast State Beach). The Department has not exercised the permit at this location yet and will not until all other alternative funding options have been explored.

RESULTS OF SECOND YEAR'S MONITORING

The Department monitors each location for the presence of new trails to the beach, changes in parking patterns, new traffic problems, and any complaints from the public are logged. There continues to be no new environmental damage reported by the public or employees due to new trails. Local officials report no new traffic problems.

The only comment came from Assemblyman Frazee's office. His office, upon request of a constituent, was inquiring about the Department plans for charging a fee at a parking lot being developed with one of the parking fee collection devices. The constituent did not want the Department to construct another fee parking lot. The development is permitted by XS-6-87-459 and the parking fee collection device is permitted by XS-91-5.

STATUS OF THE DEPARTMENT'S OUTREACH PROGRAM

As a condition of approval for the three Sonoma Coast State Beach and one South Carlsbad State Beach devices, it was required that we report to the Coastal Commission the Department's efforts to inform the public of the availability of our pass programs, trends in usage, and our efforts to reimburse pass users for the expenditure of previous parking fees. To date, these four permits have not been exercised. However, because of the Commission's interest, these concerns are addressed.

As described to the Coastal Commission during the course of the hearings and in the first report, the Department has a number of passes and discounts designed for the elderly, disabled, and those with low incomes. The Golden Bear Pass, designed for those with low income, is the only pass that can be tracked by computer.

In the first report, it was stated that sale of the pass would probably decline because the Department would start requiring proof of eligibility. This has indeed occurred. In order to reach those who are eligible, the Department made an effort to inform all eligible persons of the pass. This was done by providing each county welfare office a copy of an announcement that could be included with their benefits package. A copy of the flier, cover letter, and list of responsible agencies are attached. While there is not yet an accounting of the number of passes issued, the initial response of inquires was so great that it threatened to overload the Department's phone system in Sacramento.

As mentioned in the first report, the Department, in its reorganization has created two positions to focus on an outreach program to non-traditional users of state parks. These positions have now been filed, one in San Diego and one in the Bay Area. As part of the outreach for the whole Department, they will be introducing non-traditional users to the coastal units.

CONCLUSION

The Department of Parks and Recreation is encouraged by the general acceptance of its fee schedule and parking fee collection methods. We have been unable to document any adverse impacts to the environment or complaints (with the one possible exception previously stated) about the parking fee collection. There have been no changes to the Department's Fee Schedule in the last two years. This can be attributed to a combination of continued tight controls on expenditures and success in obtaining funds from other sources with identified impacts on the State Park System. The Department is committed to continuing its monitoring procedures and reporting to the Coastal Commission on any response actions through 1994.

attachments

APPENDIX I
STATUS SUMMARY
Summary of Coastal Permits for Fee Collection
November 23, 1993

Permit #	Location	Type of Device	Approval Date	Conditions	Status
XS-91-1	Half Moon Bay SB (Venice Beach)	Park-ur-self	6-11-91	1, 2	Installed 7/91
XS-91-2	Malibu Lagoon SB (Beach Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 8/91
XS-91-3	South Carlsbad SB (Ponto Beach)	Park-ur-self	6-11-91	1, 2	Installed 6/92
XS-91-4	Cardiff SB (N. Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 10/91
XS-91-5	Cardiff SB (S. Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 10/91
XS-91-6	Torrey Pines SB (N. Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 8/91
XS-91-7	Torrey Pines SB (S. Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 7/91
XS-91-8	Humboldt Lagoons SP (Stone Lagoon)	Iron Ranger	8-13-91	2	Lapsed
XS-91-9	Westport-Union Lndg. SB (Howard Creek)	Iron Ranger	8-13-91	2	Lapsed

Permit #	Location	Type of Device	Approval Date	Conditions	Status
XS-91-10	Westport-Union Lndg. SB (De Haven Creek)	Iron Ranger	8-13-91	2	Lapsed
XS-91-11	Jug Handle SR	Iron Ranger	8-13-91	2	Lapsed
XS-91-12	Sonoma Coast SB (Russian Gulch)	Iron Ranger	1-13-92	2, 3, 4, 5	On hold
XS-91-13	Sonoma Coast SB (Goat Rock Beach)	Park-ur-self	1-13-92	2, 3, 4, 5	On hold
XS-91-14	Sonoma Coast SB (Campbell Cove)	Iron Ranger/ Portable Kiosk	1-13-92	2, 3, 4, 5	On hold
XS-91-15	San Onofre SB (Trestles)	Park-ur-self	8-13-91	2	Effecuated 7/93
XS-91-16	Carlsbad SB (Tamarack)	Park-ur-self	1-13-92	2, 3, 4, 5	On hold. Subject of new application.
PWP 4-82-6	Crystal Cove SP				
	(El Moro)	Park-ur-self	4-29-91		All became operational 5/91
	(Los Trancos)	Park-ur-self	4-29-91		
	(Pelican Point)	Park-ur-self	4-29-91		

Note: In addition to the "Conditions of Approval" below, the Department agreed as part of its application submittal (except for the three sites at Crystal Cove) to submit to the Coastal Commission three annual reports of its monitoring program. This monitoring would, at a minimum, identify new unauthorized trails, and tabulate letters and phone calls of complaint relative to the new devices. Based upon an analysis of this information, the Department would identify appropriate mitigation and take corrective action it deems appropriate and feasible.

Conditions of Approval

1. Prior to transmittal of the Coastal Development Permit, permittee shall submit evidence to the Executive Director that the Department has held public meetings to receive public input on the Department's fee schedule.

2. This Coastal Development Permit is for the installation of fee collection devices for the purpose of parking cars.

3. By acceptance of this permit, the applicant agrees that the fee collection devices will only be used if a local agency fails to execute an agreement reimbursing the Department for lost revenues.

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5. This permit is valid for two years, until January 13, 1994.

State of California

Memorandum

Date :

To : The Honorable Thomas W. Gwyn, Chairman
and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

From : **Department of Parks and Recreation**
Director's Office

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Kenneth B. Jones, Deputy Director
Park Stewardship

Attachments

cc: Douglas P. Wheeler, Secretary for Resources
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SECOND ANNUAL
PARKING FEE IMPACT MONITORING REPORT

California Department of Parks and Recreation

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As mentioned in the first report, the Department, in its reorganization has created two positions to focus on an outreach program to non-traditional users of state parks. These positions have now been filed, one in San Diego and one in the Bay Area. As part of the outreach for the whole Department, they will be introducing non-traditional users to the coastal units.

CONCLUSION

The Department of Parks and Recreation is encouraged by the general acceptance of its fee schedule and parking fee collection methods. We have been unable to document any adverse impacts to the environment or complaints (with the one possible exception previously stated) about the parking fee collection. There have been no changes to the Department's Fee Schedule in the last two years. This can be attributed to a combination of continued tight controls on expenditures and success in obtaining funds from other sources with identified impacts on the State Park System. The Department is committed to continuing its monitoring procedures and reporting to the Coastal Commission on any response actions through 1994.

attachments

APPENDIX I
STATUS SUMMARY
Summary of Coastal Permits for Fee Collection
November 23, 1993

Permit #	Location	Type of Device	Approval Date	Conditions	Status
XS-91-1	Half Moon Bay SB (Venice Beach)	Park-ur-self	6-11-91	1, 2	Installed 7/91
XS-91-2	Malibu Lagoon SB (Beach Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 8/91
XS-91-3	South Carlsbad SB (Ponto Beach)	Park-ur-self	6-11-91	1, 2	Installed 6/92
XS-91-4	Cardiff SB (N. Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 10/91
XS-91-5	Cardiff SB (S. Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 10/91
XS-91-6	Torrey Pines SB (N. Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 8/91
XS-91-7	Torrey Pines SB (S. Parking Lot)	Park-ur-self	6-11-91	1, 2	Installed 7/91
XS-91-8	Humboldt Lagoons SP (Stone Lagoon)	Iron Ranger	8-13-91	2	Lapsed
XS-91-9	Westport-Union Lndg. SB (Howard Creek)	Iron Ranger	8-13-91	2	Lapsed

Permit #	Location	Type of Device	Approval Date	Conditions	Status
XS-91-10	Westport-Union Lndg. SB (De Haven Creek)	Iron Ranger	8-13-91	2	Lapsed
XS-91-11	Jug Handle SR	Iron Ranger	8-13-91	2	Lapsed
XS-91-12	Sonoma Coast SB (Russian Gulch)	Iron Ranger	1-13-92	2, 3, 4, 5	On hold
XS-91-13	Sonoma Coast SB (Goat Rock Beach)	Park-ur-self	1-13-92	2, 3, 4, 5	On hold
XS-91-14	Sonoma Coast SB (Campbell Cove)	Iron Ranger/ Portable Kiosk	1-13-92	2, 3, 4, 5	On hold
XS-91-15	San Onofre SB (Trestles)	Park-ur-self	8-13-91	2	Effecuated 7/93
XS-91-16	Carlsbad SB (Tamarack)	Park-ur-self	1-13-92	2, 3, 4, 5	On hold. Subject of ne application.
PWP 4-82-6	Crystal Cove SP				
	(El Moro)	Park-ur-self	4-29-91		All became operational 5/91
	(Los Trancos)	Park-ur-self	4-29-91		
	(Pelican Point)	Park-ur-self	4-29-91		

Note: In addition to the "Conditions of Approval" below, the Department agreed as part of its application submittal (except for the three sites at Crystal Cove) to submit to the Coastal Commission three annual reports of its monitoring program. This monitoring would, at a minimum, identify new unauthorized trails, and tabulate letters and phone calls of complaint relative to the new devices. Based upon an analysis of this information, the Department would identify appropriate mitigation and take corrective action it deems appropriate and feasible.

Conditions of Approval

1. Prior to transmittal of the Coastal Development Permit, permittee shall submit evidence to the Executive Director that the Department has held public meetings to receive public input on the Department's fee schedule.

2. This Coastal Development Permit is for the installation of fee collection devices for the purpose of parking cars.

3. By acceptance of this permit, the applicant agrees that the fee collection devices will only be used if a local agency fails to execute an agreement reimbursing the Department for lost revenues.

4. The annual monitoring report shall include such information as: (1) the efforts the applicant has made to inform all sectors of the public about the availability of alternatives to collection of parking fees through its annual and special pass programs; (2) baseline information on the numbers and types of passes currently being sold and the existence of any trends after implementation of the fee collection devices, and (3) the efforts the applicant has made to explore reimbursement to day users who were unable to purchase annual and special passes at the time of their park visit and who subsequently purchased annual and special passes.

5. This permit is valid for two years, until January 13, 1994.

GOLDEN BEAR PASS INFORMATION

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
1416 Ninth Street, Sacramento, California 95814

You may be eligible for the **California State Parks Golden Bear Pass,** which gives discounts for parking fees at state parks.

Eligibility Requirements.

Under the law, any person receiving Aid to the Aged, Blind, or Disabled; any person 62 years of age or over with a monthly net income of $620 or less, or if married, a combined monthly net income of $1,140 or less; or any person receiving Aid to Families with Dependent Children is eligible for the Golden Bear Pass.

The Golden Bear Pass entitles you and your and spouse to use all parking facilities any day of the week, including holidays, if space is available, at all State operated units of the California State Park System where parking fees are collected. *The pass is not valid at locally operated units of the State Park System, for example, State Park units operated by cities or counties.*

The pass is valid on an annual basis from January 1 through December 31. It is not good for boat launching, overnight camping, or trailer/camper facilities. The pass is non-transferable and non-refundable. It is replaceable only through application and purchase of a new pass.

Golden Bear passes are available according to the following requirements:

Receiving Aid to the Aged, Blind or Disabled under the provisions of California State Welfare and Institutions Code commencing with Section 12200. **Applicant must show Medi-Cal card with aid code 10, 20 or 60, and proof of identification.**

Adults Receiving Aid to Families with Dependent Children under the provisions of California State Welfare and Institutions Code commencing with Section 11200. **Applicant must show Medi-Cal card with aid code 30 or 35, and proof of identification.** (One per household.)

Aged over 62 and total monthly net income from all sources, including social security and any old age assistance payments, does not exceed $620 for a single person or $1,140 combined monthly net income for married persons. **Applicant must provide proof of identification and either (1) submit Form SSA-2458, available from your local Social Security Office or (2) present a current reduced fee sport fishing license from the California Department of Fish and Game.**

How To Get The Pass.

You must complete the application with the required information and present the application ***in person*** at most units of the California State Park System. To find the State Park nearest you, check your local phone directory under the State Government pages.

There is a $5 fee and **you must present a photo I.D. and your Medi-Cal Card.**

NEWS

Contact: Janelle Miller (916) 653-9899

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
1416 Ninth Street, Sacramento, California 95814

December 31, 1992 #92067

STATE PARK GOLDEN BEAR PASS APPLICATION REVISED

Effective January 1, 1993, the application for the California State Parks Golden Bear pass, which gives discounts for parking fees at state parks, has been revised to reflect adjusted monthly income limitations as well as new eligibility verification requirements.

Under the law, any person receiving Aid to the Aged, Blind, or Disabled; any person 62 years of age or over with a monthly net income of $620 or less, or if married, a combined monthly net income of $1,140 or less; or any person receiving Aid to Families with Dependent Children is eligible for the Golden Bear Pass upon application and payment of a $5 fee.

The Golden Bear Pass entitles the bearer and spouse to use of all parking facilities any day of the week, including holidays, if space is available, at all State operated units of the California State Park System where parking fees are collected. The pass is not valid at locally operated units of the State Park System.

The pass is valid on an annual basis from January 1 through December 31. It is not good for boat launching, overnight camping, or trailer/camper facilities. The pass is non-transferable and non-refundable. It is replaceable only through application and purchase of a new pass.

An applicant must complete the application with the required information and present the application *in person* at any unit of the California State Park System.

Golden Bear passes are available according to the following requirements: (Revisions are noted in bold face.)

Receiving Aid to the Aged, Blind or Disabled under the provisions of California State Welfare and Institutions Code commencing with Section 12200. **Applicant must show Medi-Cal card with aid code 10, 20 or 60, and proof of identification.**

Receiving Aid to Families with Dependent Children under the provisions of California State Welfare and Institutions Code commencing with Section 11200. **Applicant must show Medi-Cal card with aid code 30 or 35, and proof of identification.**

Aged over 62 and total monthly net income from all sources, including social security and any old age assistance payments, does not exceed $620 for a single person or $1,140 combined monthly net income for married persons. **Applicant must provide proof of identification and either (1) submit Form SSA-2458, available from your local Social Security Office or (2) present a current reduced fee sport fishing license from the California Department of Fish and Game.**

# # #

(916) 653-8380

Mr. Jose Fernandez
Deputy Director for Medical Care Services
California Department of Health Services
Post Office Box 942732
Sacramento, California 94234-7320

Dear Mr. Fernandez:

The California Department of Parks and Recreation offers a discount for parking fees at state parks for people with limited incomes through the California State Parks Golden Bear Pass. Attached is a copy of a flier concerning the pass, which includes information concerning eligibility requirements.

We would like to disseminate information about the pass to as many eligible Californians as possible. We would very much appreciate it if you could include a copy of this flier with each new Medi-Cal card mailing. We would like to emphasize that applicants should not call our offices, but, instead, must apply *in person* and meet eligibility requirements as outlined in the flier.

Please let us know if we can provide any additional information and copies of the flier by contacting our Marketing and Public Awareness Office at (916) 653-6995.

We are committed to providing high quality recreational experiences for all of our state park visitors and would appreciate your help.

Sincerely,

Donald W. Murphy
Director

Attachment

Same letter sent to:

Pat Shuman
Director
Social Services Department
P.O. Box 277
Markleeville, CA 96120

Tracy Russell
Director
Social Services Department
108 Court Street
Jackson, CA 95642

Patricia S. Cragar
Director
Department of Social Welfare
P.O. Box 1649
Oroville, CA 95965

Terri Beaudreau
Director
Social Welfare Department
Government Center
San Andreas, CA 95249

Bonnie Marshall
Director
Social Welfare Department
P.O. Box 370
Colusa, CA 95932

Perfecto Villarreal
Director
Social Services Department
40 Douglas Drive
Martinez, CA 94553

Stephen D. Brohmer
Director
Department of Health and Social Services
Public Guardian
981 H Street
Crescent City, CA 95531

Natalie Jodar
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2929 Grandview Street
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Placerville, CA 95667

Ernest E. Velasquez
Director
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P.O. Box 1912
Fresno, CA 93750

Kim W. Gaghagen
Director
Social Services/Community Services Department
P.O. Box 611
Willows, CA 95988

John Frank
Director
Social Services Department
929 Koster Street
Eureka, CA 95501

Jim Semmes
Director
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Categorical Aids
P.O. Box 930, 940 Main Street
El Centro, CA 92244

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Director
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100 California Avenue, P.O. Box 51
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Human Services Agency
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1200 South Drive
Hanford, CA 93230

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Director
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12860 Crossroads Parkway South
City of Industry, CA 91746

Lee Rhyne
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629 E. Yosemite Avenue
Madera, CA 93638

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San Rafael, CA 94903

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Alison Glassey
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Merced, CA 95341

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Director
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Sacramento, CA 95821-4807

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San Bernardino, CA 92415-0515

Cecil H. Steppe
Director
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San Diego, CA 92101-7439

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City and County of San Francisco
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Stockton, CA 95201

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San Luis Obispo, CA 93403-8119

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Belmont, CA 94002

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Santa Barbara, CA 93110

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Agency Director
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San Jose, CA 95110-1360

Will Lightbourne
Administrator
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Director/Public Guardian
Department of Social Services
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Redding, CA 96049-6005

Klaus Ludwig
Director
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Director
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Don Rowe
Director
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Vallejo, CA 94590-9000

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Modesto, CA 95353-0042

David A. Biggers
Director
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P.O. Box 1535
Yuba City, CA 95992

Del R. Skillman
Director
Social Welfare Department
P.O. Box 1515
Red Bluff, CA 96080

Jeannie Nix-Temple
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Human Services Department
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Weaverville, CA 96093

Arnold Fein
Director
Public Social Services Department
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P.O. Box 671
Visalia, CA 93279

Clifton White
HSA Director
Human Services Agency
Welfare Department
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Sonora, CA 95370

James E. Isom
Director
Public Social Services Agency
505 Poli Street
Ventura, CA 93001

Meg Sheldon
Director
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120 West Main Street
Woodland, CA 95695

Konnie Lewin
Director
Department of Social Services
P.O. Box 2320
6000 Lindhurt Avenue, #504
Marysville, CA 95901

Central Records
364

Peter Douglas, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

Fee Collection Facilities

We have had prepared and are forwarding under a copy of this letter to Ms. Linda Locklin, an application for the establishment of a new fee collection device at Carlsbad State Beach, within that portion of the California Coastal Zone for which the Coastal Commission retains permit jurisdiction. The proposed site will have standardized explanatory signing and is located at an existing developed location which will require a minimum of facility disruption and no new activities on previously undisturbed sites. We have concluded that this installation is categorically exempt from CEQA subject to Public Resources Code Section 21083 and Section 15303 of the State CEQA Guidelines, and have so filed with the Secretary for Resources.

As you know, this location was previously approved for such use by the Coastal Commission (XS-91-16) on January 13, 1992. However, by special condition, that permit was valid for only two years because of your Commission's concern that there might be offsite impacts as a result of project implementation. As we have documented in our annual reports to you, our monitoring of sites where these devices have been installed has shown no indication of adverse impacts resulting from installation. Consequently, we anticipate no need for such a condition if the Coastal Commission approves this application.

We look forward to hearing from you if deficiencies are discovered in this application, or if additional information is required for your analysis, as we are anxious for an early resolution. If you have questions, please do not hesitate to contact Noah Tilghman at CALNET 453-3460 or (916) 653-3460.

Original Signed By

Kenneth B. Jones
Deputy Director
Park Stewardship

cc: Linda Locklin
Coastal Access Program Manager

bcc: Carl Drake
Dick Troy
Ed Navarro

SURNAME	KBJ:BNTilghman:bcw	T. Tilghman 12-1-93	12/2

DPR 199A (Rev. 2/78)

W17a

COUNTY OF SONOMA
BOARD OF SUPERVISORS
575 ADMINISTRATION DRIVE, RM. 100A
SANTA ROSA, CALIFORNIA 95403
(707) 565-2241
FAX (707) 565-3778

MEMBERS OF THE BOARD
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CHAIR
EFREN CARRILLO
VICE CHAIR
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JAMES GORE

April 10, 2015

Dr. Charles Lester
Supervisor Steve Kinsey, Chair
Members of the Coastal Commission
California Coastal Commission
45 Fremont Street – Suite 2000
San Francisco, CA 94105

Delivered electronically: dan.carl@coastal.ca.gov

Dear Dr. Lester, Supervisor Kinsey and Coastal Commissioners:

I am writing to request the Commission to support Sonoma County's position that new beach fees should not be imposed by the California Department of Parks and Recreation at facilities on our coast. The application to install iron rangers was denied by the County of Sonoma because it is inconsistent with the Coastal Act and our certified Local Coast Plan. The County based its decision on the specific facts in Sonoma County, and the County's specific LCP. The County requests that the appeal be denied.

The County is aware of the appearance of inconsistency because we charge for parking at some of our Coastal parks with limited services. Only a few of the County parking lots that do not provide access to amenities other than the ocean charge fees, and most of these locations were charging fees prior to the adoption of the Coastal Act by the Legislature in 1976 or the certification of the Sonoma County Local Coastal Plan by the Coastal Commission in December 1980. However, the County realizes the potential inconsistency of this practice, and on March 17, 2015, the County Board of Supervisors asked staff to return with a proposal to modify fees to be in line with those at State Parks with comparable levels of service. If the State Park appeal is denied, this will lead to dropping fees at some County parking lots.

County staff has reviewed your staff report. Attached is an analysis that highlights some additional reasons the appeal should be denied.

On behalf of the Sonoma County Board of Supervisors, I respectfully urge you to honor our local decision and deny State Parks' appeal.

Sincerely,

Signature on file

Susan Gorin, Chair
Sonoma County Board of Supervisors

COUNTY STAFF'S ANALYSIS REGARDING STATE PARKS' APPEAL

1. THE ONLY STATEWIDE ISSUE PRESENTED IS WHETHER THE LOCAL FACTS AND THE LOCAL COASTAL PLAN MATTER, AND IT IS UNDISPUTED THAT THEY DO.

The fact that the County has a certified LCP is the important starting point for all other issues in this matter. Because no LCP amendment has been applied for, the County respectfully observes that the threshold issue is not whether State Parks needs additional revenue, either statewide or locally, but whether the proposal is consistent with Sonoma County's LCP. If an LCP amendment is required, no further hearings are warranted as all other considerations are premature.

The County drafted the LCP and interprets the document it drafted to require an amendment for the State Parks proposal to even be considered. Upholding the County's decision will be consistent with the delegation of authority contemplated in Section 30519 of the Coastal Act, and it will also be consistent with the principle that access issues should be considered holistically and addressed in the LCP. Obviously, the County's LCP is not a statewide issue.

The County respectfully disagrees with the characterization of this matter as raising statewide issues. If there is a key issue of statewide importance, it is simply that the LCP and the specific facts must be carefully considered. The County carefully considered these local issues in making its decision, and it appears undisputed that the Coastal Act calls for a fact specific analysis.

The County's decision was based on the particular facts in Sonoma County, but it was also based on the insufficiency of the information provided to the County. The County strongly concurs with Staff's conclusion that "the cited *Surfrider Foundation v. California Coastal Commission* Court of Appeal decision in many ways stands for the premise that a decision such as this regarding fees must be based on clearly developed facts regarding the application (including details of the proposed program, its potential impacts, alternatives to avoid such impacts, etc.), and these facts have not yet been developed to a level of detail that would allow for consideration of an approval at this time."

While the County strongly agrees with Staff's substantive conclusions, the procedure that Staff is calling for will wrest the administration of the LCP from the County. Further, even if the Commission looks solely to other issues of Coastal Act compliance on appeal, Staff's procedural proposal will base those determinations on information that was never presented to the County. This is contrary to Section 30519 and the Legislature's intent in allowing for local administration of the Coastal Act in the first instance where there is a certified LCP.

2. STATE PARKS' CEQA EXEMPTION THEORY IS INCOMPATIBLE WITH A FINDING THAT THE COASTAL COMMISSION HAS JURISDICTION TO HEAR THIS APPEAL.

Recognizing the importance of an LCP certification, the Coastal Act treats approvals differently from denials, and limits review of project *denials* where there is a certified LCP. Under Section 30603(a) of the Coastal Act, the project must either be "a major public works project or a major energy facility" for a denial to be subject to appeal. The Legislature thought the word "major" was important enough to use it twice in the provision allowing limited Commission jurisdiction over denials. Where there is a

certified LCP, and where a project is denied, the Commission only has authority to insert itself into "major" project denials.

Staff refers to Title 14, Division 5.5, Section 13012 of the California Code of Regulations, which interprets the term "major public work" in terms of increases or decreases of recreational opportunities or facilities *affecting the use of the coast*. This regulation must be applied in the context of the appeal and in the context of the Coastal Act. First, the Commission facially lacks jurisdiction based on the contentions of the appeal because State Parks claims that there will be no effect on use of the coast, and at best, claims unspecified projects might increase use. Second, the Commission lacks jurisdiction because in no circumstances could the Commission's regulation be applied in a manner that renders an appellant's *admittedly* minor public works projects subject to appeal. Such an interpretation of the regulation would be inconsistent with the clear intent of the Coastal Act to give local agencies authority over routine local administration of an LCP.

State Parks nowhere claims that this is a major public work. Instead, State Parks' CEQA position is that this project is a minor public work that requires no CEQA review (e.g., they claim it is either a *small* structure, CEQA Guideline 15303, or a *minor* alteration to land, CEQA Guideline 15304, or a *minor* accessory structure, CEQA Guideline 15311). If State Parks' CEQA exemption theory is correct, then it follows that the Commission lacks jurisdiction to hear this appeal. If the Commission does have jurisdiction, it follows that State Parks has a CEQA exemption problem. This would not be the only CEQA exemption problem: State Parks also emphasizes its "Environmental Mitigation and Monitoring" in its appeal and is attempting to mitigate to allow CEQA categorical exemptions to apply. This violates the black letter law of CEQA categorical exemptions.

For the foregoing reasons, the Commission should deny the appeal.

CALIFORNIA LEGISLATURE

W17a

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

April 13, 2015

Steve Kinsey, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Dr. Lester, Supervisor Kinsey and Coastal Commissioners:

We are writing in strong opposition to the proposed new beach fees by the California Department of Parks and Recreation at facilities on Sonoma County's coast. The fees would be inconsistent with the Coastal Act and Sonoma County's Local Coastal Plan (LCP) and we respectfully request you deny the State Parks' appeal and make a determination of no substantial issue.

The county's certified LCP states the Board of Supervisors should protect access to the coast, which includes decisions and jurisdiction over day-use beach fees. The Sonoma County Board of Supervisors voted unanimously to roll back their local beach fees, opening up county beaches for public access at no cost, if the County's denial of the permit is allowed to stand. The staff recommendation to find "Substantial Issue" is based on a set of subjective screening criteria utilized internally by your staff. But your legal standard of review for this decision is the statutory language of the Coastal Act and the associated Regulations, not the staff's five criteria. The effect of the County's action is that Sonoma's state beaches will remain freely accessible to the general public. Under no rational basis can this be found to be inconsistent with LCP and Coastal Act policies protecting public access. Your clear legal obligation is to find that the appeal raises no substantial issue.

State Parks proposal to install pay stations is not only inconsistent with the Local Coastal Plan, it undermines the County's authority to implement and administer its own LCP. The amount of potential revenue in question is negligible, especially when considering that county beach parking fees raised only $38,000 last year. Instead of implementing new beach fees on Sonoma County's coast, the California Department of Parks and Recreation should be looking at a statewide plan for fees, rather than this piecemeal approach.

Finding that this appeal raises no substantial issue is consistent with the principle that public access should be protected and enhanced wherever feasible, and that these issues should be the province of local governments implementing their certified Local Coastal Plans. We urge the members of the California Coastal Commission to deny this appeal.

Thank you for your consideration of this request and for your service on behalf of the State of California.

Warmest Regards,

Signature on file

MIKE MCGUIRE
Senator, 2nd District

Signature on file

MARC LEVINE
Assembleyman, 10th District

Signature on file

JIM WOOD
Assemblyman, 2nd District

Signature on file

BILL DODD
Assemblyman, 4th District

W17a

From: Dave Hardy [riocojo@gmail.com]
Sent: Monday, April 13, 2015 3:10 AM
To: SonomaStateParksAppeal@Coastal; efren.carrillo@sonoma-county.org; tennis.wick@sonoma-county.org
Subject: CCC Agenda item W17A, Meeting of April 17, 2015

To: The California Coastal Commission

From: David Hardy

Monte Rio, CA

RE: CCC File # A-2-SON-13-0219

Agenda Item No. W17a

Dear Commissioners,

I was the Sonoma County planner who drafted the staff report that is included in your agenda packet as Exhibit 8. Although I have since retired from the County of Sonoma, I retain a strong interest in this matter. I am gratified that your staff agrees with almost all of the points set forth in the findings made by the Board of Supervisors in denying the application by State Parks.

I urge you to find that Substantial Issue does not exist, that you affirm the County's position, and remand this matter to the County with the last-minute revised project description from State Parks.

It appears that Commission staff agrees with the County on four of the five tests to find that a Substantial Issue exists, so I will focus on the fifth test, i.e. whether the appeal raises only local issues as opposed to those of regional or statewide significance.

Commission staff says it is "difficult to dismiss" that the decision affects State Parks overall, without really substantiating that assertion. If there were a statewide coastal plan, that statement might hold some water. But each county is different, and there are LOCAL coastal plans that reflect regional geography, topography, and demographics. This decision has no precedence in Pacifica, Orange County, or other counties where there are large urban populations, adequate mass transit to the beach, and numerous residential subdivisions within walking distance of the sand because Sonoma County has none of those characteristics. As Board of Supervisors finding No. 4.2 (a) notes, Coastal Act sections 30210 and 30214 reference site specific situations to be considered for diminution of maximum access. And those situations do not include a penurious Legislature and Governor.

Just saying that there are statewide issues because a state agency is involved does not necessarily make it so. Commission staff needs to explain how the specifics of the Sonoma County LCP could possibly apply to Pacifica, Oceanside, Los Angeles, etc.. Precedence outside Sonoma County would be limited to those counties that have an LCP nearly identical to that of Sonoma County and where the underlying facts, topography, geography, and demographics are the same. Such a place does not exist, therefore this decision cannot affect State Parks overall.

Besides, a *de novo* hearing ultimately still comes back to the Sonoma County LCP itself. Unless the Commission wants to interpret the Sonoma County LCP differently than the primary interpreting body that originally adopted this LCP, i.e. the Sonoma County Board of Supervisors, then a *de novo* hearing is a waste of everyone's time: the Commission's, the public's, the County's and State Parks'. The Sonoma County LCP is site specific to each of these beaches. **No other agency's LCP addresses these particular beaches.**

The proper place to deal with these issues is with a revised CDP application and/or in the County's current LCP update. The Commission can send the message that it supports the Coastal Act's and Proposition 20's goal of maximum access by finding that there is no substantial issue here.

One other point. State Parks seems to want to obfuscate the issue by equating funding for amenities with funding for provision of access. Motel 6 provides access to a bed and bathroom; Best Western provides amenities. Commission staff seems to have picked up on this.

Again, I urge you to find that no Substantial Issue exists in this appeal. As I wrote in my staff report, "...the Constitution requires the Legislature to give 'the most liberal construction' to the citizens' right and ability to access the coast, and the Coastal Act provides that the Constitution shall be implemented to provide 'maximum access.'. Limitations on providing that maximum access are related to physical constraints, not fiscal constraints."

Thank you for your consideration.

Dave Hardy

Monte Rio, CA

W17a

From: sonomacoastsurfrider@comcast.net [mailto:sonomacoastsurfrider@comcast.net]
Sent: Thursday, April 09, 2015 7:56 PM
To: Lavine, Ethan@Coastal
Subject: Re: request for time

Hello Ethan
I hope this email finds you well. I want to thank you for writing such a comprehensive staff report on the pay station proposal. Surfrider plans on making testimony in regards to a few additional points. In the past we have been allotted extra time to make testimony as we represent a large membership and have always made these request directly to the chair of the Commission. For some reason I am having trouble with the email address or server possibly for Chair Kinsey.
I have included a copy of my correspondence and was hoping you could provide me with the correct email address or if the protocol has changed provide me with the proper way to communicate this request.

Thank you
Cea

Dear Chair Kinsey

I am writing to request that the Sonoma Coast Surfrider Foundation be allowed a small amount of additional time to make testimony regarding the upcoming Agenda item A-2-SON-13-0219 appeal by State Parks. Our organization has closely followed this issue and made comment before the local government and the Commission. We appreciate that Coastal Commission staff has recommended a substantial issue hearing. In recognition of the complex issue before the Commission, we ask for the opportunity to broaden the conversation on the substantive issue determination and provide information relevant to that determination. Sonoma Coast Surfrider would greatly appreciate a 5 minute allotment as we represent the voice of a large membership base and it is our belief that our testimony will reflect our long history of cooperation with the appellant, the Commission, and the County.
Thank you for your consideration on this request.
Kind regards
Cea Higgins
Sonoma Coast Surfrider

From: mailto:Ethan.Lavine@coastal.ca.gov
Sent: Tuesday, March 31, 2015 12:39 PM
To: mailto:sonomacoastsurfrider@comcast.net
Subject: RE: Iron Rangers-Correction

Hi Cea,

Of course – I know that feeling!

W17a

California Coastal Commission
North Central District Office
45 Fremont Street, #2000
San Francisco CA 94105
Attn: Ethan Lavine

Re: W17a - Appeal A-2-SON-13-0219
Substantial Issue Only

Chair Kinsey and Commissioners

The Sonoma County Board of Supervisors unanimously (5-0) denied the California Department of Parks and Recreation/ the State's application for a Coastal Permit (CDP) to install self pay devices "Iron Rangers" and associated signs at State Park beaches along the Sonoma Coast. The State has appealed the denial to the California Coastal Commission seeking to over turn the denial and move ahead with the Iron Ranger installations.

I request that the Commission find no substantial issue and NOT take jurisdiction over the appeal.

This matter is best handled at the local level. State Parks has not made any attempt to sit down with the County to resolve issues, to clarify questions raised, to provide additional information, to discuss alternatives - all options offered by the County in its denial.

The last minute nature of the State's letter to Commission staff on March 26, 2015 includes changes to its application to the County and should not form the basis of consideration in this matter. The project currently described in the March 26 letter from the State is not the same as the one described in the application for a Permit (CDP) under the Sonoma County LCP. This is essentially a new application. At a minimum, it is substantially modified without the benefit of vetting by the local jurisdiction under its LCP.

A critical consideration: The State relied on an exemption as a minor project for its CEQA compliance. Yet, in its appeal it relies on Section 30603 (a) (5) that the project is a major public works project. The State cannot have it both ways. If it subsequently declares this to be a major public works project, as it has in the appeal, its CEQA exemption is invalid.

Likewise, I seriously question how the Commission can call a project declared exempt from environmental review as a minor project, to be subject to an appeal as a major project based on a changed project definition AFTER THE FACT of submitting its application for a CDP to the local jurisdiction.

The Commission should remand this matter back to the County to allow the State to resubmit. They should further instruct the State to cooperate with the County to find a solution more in keeping with its LCP.

I remind the Commission that the citizens of Sonoma County fought for coastal access for all in the 1970s. Out of that effort by many citizens of Bodega Bay and inland communities, like our beloved Bill Kortum, the California Coastal Act was passed to ensure public access to the entire California coastline - the public commons. The Coastal Commission was created by the efforts of the citizens and that legislation.

There are myriad examples of longstanding cooperation between the County and the State. Rarely a day goes by that State Parks staff, County staff - Sherriff, including the rescue helicopter Henry One, and the local Bodega Bay Fire District without the parties being engaged in cooperative efforts on behalf of visitors to the Sonoma Coast. Local citizens give freely of their time in beach cleanups and docent programs at these State beaches. Again, I submit that this matter is best kept local, before the Commission takes a precedent setting action of taking jurisdiction in a de novo hearing.

Stare Parks rationale for the Iron Rangers/fee collection is they need the revenue to open closed parks and rest rooms, pay for rangers and maintenance of the parks. However, revenues do not stay where fees are collected, so the false promises of better care are just that.

Fees collected will go into the State Park's general fund, aka State Park and Recreation Fund. Suggestions that local districts might be able to keep some percentage of funds collected in those districts have yet to pass muster in proving this to be the case. Experience proves that what State Parks is very good at is obfuscating, studying, analyzing - all using up administrative staff resources and time with very few resulting capital improvements projects results on the ground.

State Parks financial needs do not provide a robust enough rationale to warrant the Commission's taking jurisdiction. Again, this would be precedent setting and not in a good way.

I do want to take the opportunity to point out a number of critical issues specific to this proposal to install these self pay devices on the Sonoma Coast.

1) The Sonoma Coast is not Southern California, where walk on beaches are accessible from flat paved parking lots. Most of our beaches are below highly erodable cliffs. Access is down steep pathways and stairs that erode or are damaged in winter storms. Many of the parking lots are small gravel lots.

Anyone who has come to the coast on a holiday weekend or in prime beach season will attest to what happens. Parking lots fill quickly and vehicles seek whatever pull outs and shoulder area is available. Pedestrians then walk along Route 1 to get to the beach access paths. A few simply slide down the cliff from where they park. To call it a mad house

would be an understatement. (see attached photos of bluff parking conditions along Rt 1 near Salmon Creek Beach North on a recent spring weekend)

Installing Iron Rangers will exacerbate this situation, turning it from an occasional event into standard procedure. To avoid paying the fee, more people will park on Rt 1's limited shoulders or park in adjacent neighborhoods, negatively impacting them.

Visitors will be crossing Rt 1 from the neighborhoods to gain access. Walking on Rt 1 will be a constant event. More people will likely climb down cliffs to get to the beaches, negatively impacting the coastal bluff environment.

2) Due to the unique environment at the Sonoma coast, and the conditions described above, thee potential for people to get hurt as they try to avoid paying will be high. The financial burden for the local community's fire district is already great and will only increase. Bodega Bay firefighters are constantly responding to 911 emergency calls for cliff rescues, auto accidents and health incidents along the Sonoma Coast. Continued unpaid emergency response is not sustainable.

3) People come to the Sonoma Coast from all over the Bay Area, California, the US and the world. In keeping with the efforts of citizens many years ago to save our beaches, the Sonoma County beaches provide free access to the ocean and the out of doors for a large population that depends on free access to recreational opportunities. Collecting fees has an oversized burden for these Environmental Justice Communities of Concern. This is regardless of reduced fee programs that purport to address these financial burdens. They are not well publicized and many find them stigmatizing. Other discounted passes (the CA Park Experience Day Use $75 pass and the Surf pass) have been discontinued.

4) Iron Rangers are not the answer to State Parks' financial and stovepipe bureaucratic challenges. Limiting public access for all to our California coast is not the way forward any of us should embrace.

5) The hundreds who signed the Sonoma Coast Surfrider Foundation petition speak loudly in their comments. Many are thoughtful and speak passionately in support of public access. Many want to find a way to help State Parks financially. This is not it.

Thank you for your consideration.

Signature on file

Norma Jellison
Bodega Bay Resident and
Ocean Advocate

DAVIS
UNIVERSITY
HONDA

W17a

A-2-SON-13-0219

Dear Chair Kinsey and Commissioners,
Regarding the proposed State Parks plan to charge for parking along the Sonoma County coast. I feel I must speak out.
I am a 72 year old concerned, tax-payer and voter. My primary physical exercises (bodyboard surfing] use the Sonoma coast Beaches, primarily Salmon Creek North of Bodega Bay.
In my 15+ years of beach use, I have picked up trash off the beach (currently not done by State park personal) participated in organized beach cleanups, participated in an extensive trail repair, warned people off of an unmarked cliff trail, gave safety advise to the inexperienced , and generally had positive interactions with other visitors to the beach.
People from all over the Country and World stop at the Salmon Creek Parking lot. They stop to look at the beach, fantasize about surfing, interact with beach users, become a beach user, and return for more.
The surfers, surf fisherman, sea scape painters and photographers, beach combers, beach artists and message writers all give a human element to this essentially wild seascape.
The afore mentioned activities are anccilatory to the physical activity of bodyboard surfing. As with any regular physical fitness regime, motivation is a key component. The Sonoma Coast provide this motivation in the air quality, scenery, surf conditions, and welcoming nature of fellow beach users. When any of these conditions are not right, I stay home as it is not worth the expense in gas and stress on my 25 year old car. This is a 60 mile round trip from my home in Petaluma, made on the average of twice a week through out the year.
I can accept high winds, rough seas, crowded roads and beaches as a reason not to throw myself into the surf.
A doubling of the cost is a game changer.
This deliberate action would more than halve the time I participate in a life enhancing physical experience. As bodysurfing at my age it is a "use it or lose it" proposition, it is likely that I would have to give it up.
That action would deny my access to the Sonoma Coast and it's benefits.

RECEIVED

APR 09 2015

CALIFORNIA
COASTAL COMMISSION
NORTH CENTRAL COAST

Even if the cost of parking was mitigated through a special senior pass or such, there would be a change in the beach experience. Those who by their age, income, or life experience will seek out the free parking. Some are more convenient to trails. There is and will be more competition for these spots. Some will spill over to residential areas off of Bean Avenue and into tow away zones or residential parking. To state that conflicts and/or resentment will not occur is wishful thinking. Conflicts of this nature can ruin your day at the beach.

Another aspect of pay to park is that some will park in inherently unsafe spaces that force passengers to step out onto Hwy 1 or walk next to traffic encumbered with cooler, strollers, or other beach gear.
The increase in parking violations, conflicts, and emergency issues will lead to a call for increased Patrols by the Park Police either through overtime or new positions.
Law Enforcement by its nature is a young persons position with hIgh stress, high training cost, a 20 year expectation of employment with a 20 to 40 year retirement compensation package and an expectation of stress related medical compensations.
This is a very expensive proposition.
The State Park Beaches of Sonoma County need infrastructure work just to bring them up to levels of 20 years ago. Lots and bath rooms have been closed, trash receptacles removed and access to the beach has been compromised at several locations.
The Parks Forward Commission is recommending changes in Management, revenue sources, and use. There are solutions to the Parks problems that are being discussed. It will take time to make the necessary changes from enforcement to a service model. We anticipate measures that won't extract money through fees or fines from the users of the beach.

Thank you for your service to the Sate of California
Signature on file

David L Rampton
300 Stony Pt. Rd. #310
Petaluma, CA 94952

W17a

From: Linda Curry [londine52@yahoo.com]
Sent: Saturday, March 28, 2015 3:48 PM
To: SonomaStateParksAppeal@Coastal
Subject: Re: PUBLIC HEARING NOTICE -- Appeal No. A-2-SON-13-0219 (State of California Department of Parks and Recreation, Sonoma Co.)

This is beyond crazy. So few things a family can do without paying an arm and a leg and now you want to take away coastal access by charging outrageous parking fees!! And since Sonoma County supervisors told you NO, you hold the appeal hearing in Marin?! Maybe Marin folks can afford to attend but already hearing many Sonoma County folks that would like to attend but can't make it to Marin. I used to buy parks passes but this kind of shenanigans is withering my support for parks.

From: "SonomaStateParksAppeal@Coastal" <SonomaStateParksAppeal@coastal.ca.gov>
To: "SonomaStateParksAppeal@Coastal" <SonomaStateParksAppeal@coastal.ca.gov>
Sent: Friday, March 27, 2015 4:00 PM
Subject: PUBLIC HEARING NOTICE -- Appeal No. A-2-SON-13-0219 (State of California Department of Parks and Recreation, Sonoma Co.)

**** Please see attached for full hearing notice ****

Date: March 27, 2015

IMPORTANT PUBLIC HEARING NOTICE
NEW APPEAL

APPEAL NUMBER: **A-2-SON-13-0219**

LOCAL GOVT PERMIT NUMBER: **CPH12-0004**

APPLICANT(S): **State of California Department of Parks and Recreation**

APPELLANT(S): **State of California Department of Parks and Recreation**

DECISION BEING APPEALED: **Appeal by the State Department of Parks and Recreation of a decision by Sonoma County denying the installation of signs and self-pay fee collection devices ("iron rangers") for charging new fees for parking at 14 locations on the Sonoma County coast at Salt Point State Park and Sonoma Coast State Park.**

PROJECT LOCATION: **14 locations on Sonoma coast, including Stump Beach in Salt Point State Park, and Russian Gulch, Goat Rock – Blind Beach, Goat Rock – South Lot, Goat Rock – North Lot, Goat Rock – Arched Rock, Shell Beach, Portuguese Beach, Schoolhouse Beach, Salmon Creek – North Lot, Salmon Creek – South Lot**

(Bean Avenue), Campbell Cove, Bodega Head – Upper Lot, and Bodega Head – Lower Lot, within Sonoma Coast State Park, Sonoma County.

HEARING DATE AND LOCATION:

DATE: **Wednesday, April 15, 2015**
TIME: **Meeting Begins at 9:00 AM**
PLACE: **Marin County Board of Supervisors, 3501 Civic Center Drive, Suite 329, San Rafael, CA 94903**

PHONE: **(415) 407-3211**
ITEM NO: **W17a**

W17a

From: JEFF ERKEL [jaerkel88@yahoo.com]
Sent: Wednesday, April 01, 2015 5:27 PM
To: SonomaStateParksAppeal@Coastal
Subject: Re: A-2-SON-13-0219

Dear Coastal Commission:

I urge you to deny the appeal of State Parks of the unanimous decision by Sonoma County Supervisors to deny installation of signs and self-pay fee collection devices "Iron Rangers" at 14 locations at the Sonoma County coast - Salt Point State Park and Sonoma Coast State Park.

The citizens of Sonoma County fought for coastal access for all in the 1970s and will do so again.

The Sonoma Coast is not Southern California where walk on beaches are accessible from flat paved parking lots. Our beaches are down highly erodible cliffs. Installing Iron Rangers will push people onto Rt 1 where there are limited shoulders or into neighborhoods. People will climb down cliffs to get to the beaches, negatively impacting the coastal bluff environment. Many people will get hurt doing so as they try to avoid paying, adding to our already overburdened local emergency services. Gravel lots make achieving access for mobility challenged visitors impractical if not impossible. Iron Rangers inordinately burden Environmental Justice Communities of Concern.

This is not the answer to State Parks' financial challenges.

In every State and/or County that attempt to raise revenue in this manner has failed. The cost to install and maintain the fences, and or manned collection stations outweigh the revenue generated.

Notwithstanding the eyesore you will be creating.

Sincerely,

Jeff Erkel
Bodega Bay

Ca Coastal Commission
No Central Coast District Office
45 Fremont St #2000
San Francisco CA 94105-2219

March 30, 2015

W17a

RECEIVED
APR 01 2015
CALIFORNIA
COASTAL COMMISSION

Dear Chair Kinsey and Commissioners:

Re: **A-2-SON-13-0219**

I urge you to deny the appeal of State Parks of the unanimous decision by Sonoma County Supervisors to deny installation of signs and self-pay fee collection devices "Iron Rangers" at 14 locations at the Sonoma County coast - Salt Point State Park and Sonoma Coast State Park.

The citizens of Sonoma County fought for coastal access for all in the 1970s and will do so again.

The Sonoma Coast is not Southern California where walk on beaches are accessible from flat paved parking lots. Our beaches are down highly erodable cliffs. Installing Iron Rangers will push people onto Rt 1 where there are limited shoulders or into neighborhoods. People will climb down cliffs to get to the beaches, negatively impacting the coastal bluff environment. Many people will get hurt doing so as they try to avoid paying, adding to our already overburdened local emergency services. Gravel lots make achieving access for mobility challenged visitors impractical if not impossible. Iron Rangers inordinately burden Environmental Justice Communities of Concern.

This is not the answer to State Parks' financial challenges.

The Coastal Act was passed and the Coastal Commission was and is charged with ensuring public access to our coast - the public commons.

Please rise to the occasion of your charge, deny the appeal and retain free public access to our Sonoma coast.

Sincerely,

Beril B Brum
Santa Rosa, CA.

Paul, Patty & Alicia Ginochio
360 Terra Verde
Bodega Bay, CA 94923
707 331 6722
Pgino519@yahoo.com

W17a

April 1, 2014

CA Coastal Commission
No Central Coast District Office
45 Fremont St #2000
San Francisco CA 94105-2219
Fax: (415) 904-5400
PHONE: (415) 407-3211

RECEIVED
APR 01 2015
CALIFORNIA
COASTAL COMMISSION

Dear Chair Kinsey and Commissioners:

Re: A-2-SON-13-0219

I urge you to deny the appeal of State Parks of the unanimous decision by Sonoma County Supervisors to deny installation of signs and self-pay fee collection devices "Iron Rangers" at 14 locations at the Sonoma County coast - Salt Point State Park and Sonoma Coast State Park.

The citizens of Sonoma County fought for coastal access for all in the 1970s and will do so again.

The Sonoma Coast is not Southern California where walk on beaches are accessible from flat paved parking lots. Our beaches are down highly erodible cliffs. Installing Iron Rangers will push people onto Rt 1 where there are limited shoulders or into neighborhoods. People will climb down cliffs to get to the beaches, negatively impacting the coastal bluff environment. Many people will get hurt doing so as they try to avoid paying, adding to our already overburdened local emergency services. Gravel lots make achieving access for mobility challenged visitors impractical if not impossible. Iron Rangers inordinately burden Environmental Justice Communities of Concern.

My home is across from Portuguese Beach and Schoolhouse Beach in Bodega Bay. We will see an overwhelming increase in parking in our neighborhood. We have single lane streets and so it becomes a fire escape route hazard. No parking and enforcement by local law enforcement must be required immediately.

Bodega Bay Fire Protection District is utilized for all the rescues on the State Beaches yet none of this revenue or any other revenue is paid to them. The state does not pay taxes yet we have all of the tourists who are falling off cliffs, drowning, etc on your beaches. Part of the money collected from Iron Rangers MUST be given to our Fire District. Our Bodega Bay Fire District is almost bankrupt. The county is helping us keep our doors open. What will you do when they close the doors? Can you please consider giving a $1 to every paid Iron Ranger fee?

Just this weekend a young child fell off the trail at Schoolhouse and was injured with paramedic rescue. Both Schoolhouse and Portuguese Beach trails that lead to the beach have crumbled and are dangerous. Are you planning to fix and provide safe access with the money collected? I understand it is going to a central state fund and not local. We have the pain but no gain. WRONG.

This is not the answer to State Parks' financial challenges.

The Coastal Act was passed and the Coastal Commission was and is charged with ensuring public access to our coast - the public commons.

Please rise to the occasion of your charge, deny the appeal and retain free public access to our Sonoma coast.

Sincerely,

Paul, Patty & Alicia Ginochio

W17a

From: Pat Paterson [patpaterson@sonic.net]
Sent: Wednesday, April 01, 2015 7:38 AM
To: SonomaStateParksAppeal@Coastal
Subject: Deny State Parks appeal for iron rangers on the Sonoma Coast

Dear Sir/Madam,

Please deny CA State Parks appeal for installing iron rangers on the Sonoma Coast. If iron rangers are installed people could avoid the $8 parking fee by clogging the surrounding narrow roads even worse then they already do when the lots fill up. Overflowing parked cars can block emergency vehicle access to the area. Yesterday a 75 year old neighbor had to be taken to the hospital by ambulance for chest pains. State parks only has 1 trash can for the 1/2 mile stretch of beach in front of our neighborhood and tourist will leave their litter in our yards.

Keep OUR beaches free!

Pat Paterson
5535 Sierra Grande
Bodega Bay CA 94923

Susan S. Weston
2301 Eagle Ave.
Alameda, CA 94501

Susan 31 March 2015
Carmel

Dear Chair Kinsey + Commissioners:
I am encouraging you to take a very serious stand against paid access to public commons - most especially on the Sonoma County beaches across from residential neighborhoods, such as School House Beach, Carmel.

My house is used part time, and I have no desire to find cars

parked in my driveway, trash & evidence of dog in my yard, theft from observance that no one is home this weekend. Other beaches removed from residential communities are less susceptible to these concerns.

This move to install Iron Rangers is far from a solution to State Parks financial challenges. I urge your consideration.

Sincerely, a deeply concerned resident,

Susan Weston
510.748.0211.

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APR 03 2015
CALIFORNIA

W17a

April 2, 2015

CA Coastal Commission
No Central Coast District Office
45 Fremont St #2000
San Francisco CA 94105-2219

RECEIVED
APR 06 2015
CALIFORNIA
COASTAL COMMISSION

Dear Chair Kinsey and Commissioners:

Re: **A-2-SON-13-0219**

I urge you to deny the appeal of State Parks of the unanimous decision by Sonoma County Supervisors to deny installation of signs and self-pay fee collection devices "Iron Rangers" at 14 locations at the Sonoma County coast - Salt Point State Park and Sonoma Coast State Park.

The citizens of Sonoma County fought for coastal access for all in the 1970s and will do so again.

The Sonoma Coast is not Southern California where walk on beaches are accessible from flat paved parking lots. Our beaches are down highly erodible cliffs. Installing Iron Rangers will push people onto Rt 1 where there are limited shoulders or into neighborhoods. People will climb down cliffs to get to the beaches, negatively impacting the coastal bluff environment. Many people will get hurt doing so as they try to avoid paying, adding to our already overburdened local emergency services. Gravel lots make achieving access for mobility challenged visitors impractical if not impossible. Iron Rangers inordinately burden Environmental Justice Communities of Concern.

This is not the answer to State Parks' financial challenges.

The Coastal Act was passed and the Coastal Commission was and is charged with ensuring public access to our coast - the public commons.

Please rise to the occasion of your charge, deny the appeal and retain free public access to our Sonoma coast.

Sincerely,
Jack Brundy

This is a bad thing the state is doing to our parks and Coast. Do not let it happen.

April 2, 2015

W17a

CA Coastal Commission
No Central Coast District Office
45 Fremont St #2000
San Francisco CA 94105-2219

RECEIVED
APR 06 2015
CALIFORNIA
COASTAL COMMISSION

Dear Chair Kinsey and Commissioners:

Re: **A-2-SON-13-0219**

I urge you to deny the appeal of State Parks of the unanimous decision by Sonoma County Supervisors to deny installation of signs and self-pay fee collection devices "Iron Rangers" at 14 locations at the Sonoma County coast - Salt Point State Park and Sonoma Coast State Park.

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This is not the answer to State Parks' financial challenges.

The Coastal Act was passed and the Coastal Commission was and is charged with ensuring public access to our coast - the public commons.

Please rise to the occasion of your charge, deny the appeal and retain free public access to our Sonoma coast.

Sincerely,

Diana Bundy

Signature on file

Bodega Bay

We feel iron rangers will be an extreme detriment to our local emergency services. Please deny this State Parks appeal.

April 1, 2015

RECEIVED
APR 06 2015
CALIFORNIA
COASTAL COMMISSION

W17a

Appeal # A-2-SON-13-0219
Local Govt Permit # CPH12-0004
Robert O. Beauchamp
OPPOSITION

CALIFORNIA COASTAL COMMISSION

Greeting:

I am 81 years of age, and was born and raised in California. I live near Shell Beach (Sonoma County) and visit it regularly - sometimes for 20 minutes and other times for longer, 1-2 hours perhaps. I generally go there in the AM's, in the middle of the week, in order to "beat the rush" and enjoy it mostly by myself. To me, it is a "priceless" experience - watching the waves, the seagulls and ravens (feeding them sometimes), and looking out towards the horizon, wondering what lies beyond. Many times I think of the Pacific Theater during WWII with our "boys" - my uncles, my cousins - fighting and dying out there.

Visiting our wonderful oceans, our beautiful beaches can reach deeply into one's soul; it ought to be a fundamental human right to have easy access to do so. Being required to pay a $7.00 fee may seem a rather trivial amount to many, but not to those in my economic class. To me, it is unaffordable, and will mean that I, along with so many others in the same circumstance, can no longer plan to enjoy the beach - that only those with a certain financial privilege will be welcome there.

This appeal-proposal is inappropriate; our economy is steadily improving, and sources for expanding the State's ever-insatiable revenue-generation are expanding as well. This unfortunate source can easily be foregone for the sake of simple kindness. This appeal-proposal is, as well, inhumane; to impose the necessary ritual of the payment procedures, each time, adds a complex monetary dimension to the experience that is cold, impersonal, and unfriendly, and will spoil the very spontaneity, the beauty, that is the whole point of being there in the first place.

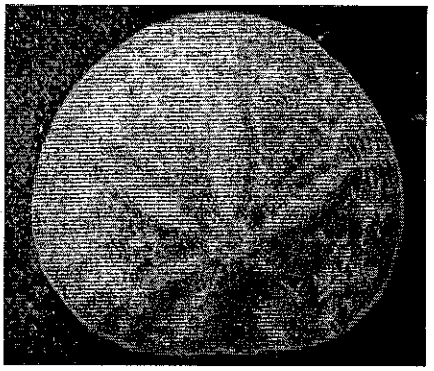
Please, please, deny this awful appeal.

Signature on file

Many thanks,

Robert O. Beauchamp
215 Golden Ridge Ave.
Sebastopol, CA 95472

Agenda Item W17a



Scott Miller
P.O. Box 145
Dillon Beach, CA. 94929
(707) 878-2167

April 7, 2015

California Coastal Commission
45 Fremont St., suite 2000
San Francisco, Ca. 94105-2219

Re: **Appeal No. A-2-SON-13-0219 (California Department of Parks and Recreation, Sonoma Co.)**

Dear Commissioners and Staff,

Please make a determination of substantial issue. The substantial issue is the double standard Sonoma County has for parks.

Sonoma County is well aware that it costs money to operate a park, and that money has to come from somewhere. That is why they charge a fee for parking at County Parks in the Coastal Zone, and these fees are considered consistent with the Coastal Act and the certified LCP.

In it's denial, Sonoma County failed to consider adverse impacts associated with closing the lots. It compared free vs. fee, but it forgot to compare open vs. closed.

In addition, the County's interpretation of the Coastal Act is questionable:
Section 30210 is about maximum "access" not "parking". The County argues that people must use cars (and parking) because Sonoma County Transit does not provide enough busses. The County limits the number of busses because of budgetary constraints, but will not allow the State Parks to limit parking because of budgetary constraints.
Section 30213 protects "lower cost" access, not "free" access.
Section 30214(4) requires that management be provided in a "reasonable manner" using "innovative access management techniques". This project is more reasonable and innovative than closing the lots completely.

A de novo hearing would provide the opportunity to compare Free parking, Pay parking, and **No** Parking.

Please allow State Parks to operate under the same set of rules as Sonoma County Parks. Both need money to stay open, and both are better open than closed.

Open for a fee is better than closed for free.

Sincerely,

Scott Miller

W17a

Appeal # A-2-SON-13-0219

Item # W17a

Permit # CPH 12-004

Iron Rangers Placement- *Do NOT support*

Anne Donovan

California Coastal Commission

North Central Coast District Office

45 Fremont Street, Suite 2000

San Francisco, CA 94105

RECEIVED

APR 07 2015

CALIFORNIA
COASTAL COMMISSION

RE: Placement of Iron Rangers on California State Park Beaches on the Sonoma coast

As a resident of Bodega Bay and the Carmet subdivision located adjacent to Schoolhouse Beach, I am submitting written **opposition** to the placement of iron rangers in the parking lots of our California coastal state parks. The reasoning for my opposition is as follows:

1. *Public Access*- Iron Rangers would limit public access to beaches. Instituting parking fees in the state beach coastline parking lots would have many implications and unintended consequences. Foremost of which is that by requiring a parking fee, public access to state beaches would likely be limited- especially for lower income families- and that the" right to access" is something protected clearly in the provisions of the CA Coastal Act (1976):

Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals
Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Further, with the implementation of parking fee, inconsistencies may occur in the application of fee amounts and fee policies across state parks furthering the difficulty of the public to equally access their local state beaches and shifting use patterns. This was also noted by the Sonoma County Board of Commissioners in the June 2013 meeting.

2. *Sonoma County Local Plan*- The Sonoma County Local Coastal Plan mirrors the

California Coastal plan of 1976 which discourages limiting coastal access of the general public, and with regressive effect, lower income users of Sonoma County coastal state park beach areas.

3. *Safety Concerns*- Inevitably some visitors will attempt to avoid parking fees at Schoolhouse Beach by parking on residential streets and crossing Highway 1. For visitors attempting to cross the roadway ladened with beach supplies and small children in tow, the potential dangers are tangible. Additionally, all local residents are aware of the instability and and dangerous shoulder areas on Highway 1; inevitably people will attempt to park in non-fee areas such as on the shoulders of highway 1 or in the residential areas on the east side of Highway 1 creating thusly a hazardous situation and potentially resulting in an increase in emergency services for the coastal area. Local residents currently pay high supplemental costs to provide emergency services to visitors unsafely accessing beach areas.

4. *Scenic Concerns*-Placement of kiosks would be incompatible with scenic beauty and sightlines, negatively impacting public views of a much protected and valued natural treasure. Residents and visitors alike appreciate the unmarred coastline which differs dramatically from the coastline of Southern California, and is sought out for that difference.

5. *Preserving Rural Heritage*-Presence of iron rangers would be in conflict with the desire to maintain the rural heritage of the Sonoma County coastline, a collective effort by residents which has been tirelessly fought for in the last 50 years.

At the June 2013 Sonoma County Board of Supervisors meeting, representatives for the California State Parks Commission presented the primary argument of needing additional funds in order to maintain their current level of services, although budgetary concerns ended up being inflated when money, as reported, "was found". The California State Parks system has not released their budget information for 2014-15, although requested by local citizen groups, and it is unclear as to whether their initial central reason of needing *additional* funds is still valid. If granted, any collection of funds would not be able to be specified for State Coastal Parks; but rather would go into a general fund to be distributed to all California State Parks. This seems to dramatically weaken their argument for the need to collect fees to maintain the current level of services at state coastal beach parks.

For these reasons, I encourage the members of the California Coastal Commission to **deny** the placement of iron rangers in Sonoma County State Beach parking lots. It is in the best interest of the public to do so.

Sincerely,
Signature on file
Anne C. Donovan

TO: CA COASTAL COMMISSION
NO. COAST (CENTRAL
45 FREMONT ST. #2000
SAN FRANCISCO, CA 94105-2219

RECEIVED
APR 08 2015
CALIFORNIA
COASTAL COMMISSION

W17a

Re: **A-2-SON-13-0219**

I urge you to deny the appeal of State Parks of the unanimous decision by Sonoma County Supervisors to deny installation of signs and self-pay fee collection devices "Iron Rangers" at 14 locations at the Sonoma County coast - Salt Point State Park and Sonoma Coast State Park.

The citizens of Sonoma County fought for coastal access for all in the 1970s and will do so again.

The Sonoma Coast is not Southern California where walk on beaches are accessible from flat paved parking lots. Our beaches are down highly erodible cliffs. Installing Iron Rangers will push people onto Rt 1 where there are limited shoulders or into neighborhoods. People will climb down cliffs to get to the beaches, negatively impacting the coastal bluff environment. Many people will get hurt doing so as they try to avoid paying, adding to our already overburdened local emergency services. Gravel lots make achieving access for mobility challenged visitors impractical if not impossible. Iron Rangers inordinately burden Environmental Justice Communities of Concern.

This is not the answer to State Parks' financial challenges.

The Coastal Act was passed and the Coastal Commission was and is charged with ensuring public access to our coast - the public commons.

Please rise to the occasion of your charge, deny the appeal and retain free public access to our Sonoma coast.

Sincerely,

Signature on file
SUSAN G. HICKS

Signature on file
JOHN A. HICKS

OWNERS:
4994 VIKING STRAND
BODEGA BAY CA. 94923-9777

W17a

APPEAL NUMBER: A-2-SON-13-0219
ITEM NUMBER: W17A
TERESA GARY
DENIAL OF APPEAL

RECEIVED
APR 08 2015
CALIFORNIA
COASTAL COMMISSION

CA Coastal Commission
No Central Coast District Office
45 Fremont St #2000
San Francisco CA 94105-2219

Dear Chair Kinsey and Commissioners:

I urge you to deny the appeal of State Parks of the unanimous decision by Sonoma County Supervisors to deny installation of signs and self-pay fee collection devices "Iron Rangers" at 14 locations at the Sonoma County coast - SaltPoint State Park and Sonoma Coast State Park.

First and foremost, the Parks and Recreation Department is under investigation for unauthorized vacation buyouts for employees and for accumulation of over $54 million in special funds. During this time period, many state parks were closed or suffered reduced hours due to alleged funding shortages. Until the investigation is complete, it is unfair to make the public pay additional fees for the privilege of visiting state parks which have not to date required any day use fees.

Highway 1 in Sonoma County is largely composed of frequent curves and narrow lanes, sometimes creeping precariously close to the coastal bluffs. In many areas there is barely enough room for two cars to share the road; when cyclists, emergency vehicles, logging trucks, and recreational vehicles are added, there is no room to spare. Imagine visitors to the beach, wishing to avoid the parking fee, trying to find a spot to park within walking distance of the beach. Roadside parking is unsafe, not only for parked vehicles but also for those traveling through on Highway 1.

Sereno Del Mar is a small subdivision directly opposite Portuguese Beach, one of the recommended sites for a fee station. There is no question that neighborhood streets will be negatively impacted, since cars parked on even one side of the roads prevent the safe passage of emergency vehicles into and out of the neighborhood.

Has there been any review of fees already collected from these stations? For example, at Pinnacle Gulch in Bodega Bay there is a small parking area with a fee station. Visitors take an envelope, put $7 within, drop the envelope into the box, and put the ticket on the dashboard. What happens to such fees? Do they contribute in any way to the maintenance and/or improvement of any of the state parks?

Portuguese Beach used to have year-round garbage pickup, along with receptacles for recycling cans and bottles. In recent years, due to budget cuts, parks personnel were reduced and signs erected asking people to haul out their garbage. Sadly, this plan

resulted in the beach, surrounding parking areas, surrounding neighborhoods, and restrooms cluttered with leftover trash. Would the new parking fees be used to increase staff so that garbage pickup would resume year-round?

The Auburn State Recreation Area recently installed fee stations ($10 for day use) at the confluence of the north and middle forks of the American River. No longer can visitors park for free, even along State Highway 49, a narrow, curvy road with many logging trucks and cyclists. Would it not make sense to gather data and measure the success or lack thereof of this venture before installing more stations in other state parks?

In her letter accompanying the earlier application, Stephanie Coleman (Environmental Coordinator for the Parks and Recreation Department) stated:

> "In our professional opinion there will be no change in visitor or use patterns; therefore, there will be no effect on other properties. With cooperation from local jurisdictions and Cal Trans to make sure that visitors do not park illegally along adjacent roads, which is already part of each jurisdiction's responsibility, Parks believes that the transition can occur without major effects."

She cited no evidence for this opinion; rather, it looks as though other agencies will be dealing with all issues arising from the new procedure.

It seems unconscionable to impose parking fees on beach visitors at a time when taxpayers have little confidence in the Parks and Recreation Department. It would be wise to take a step back, wait for the auditor's findings of the current financial status of the department, develop a comprehensive plan, and review the effectiveness of previous efforts with fee stations. It would also be wise to share the entire plan with the public, with plenty of time for review.

A well designed plan would include informing the public well in advance, explaining the benefits to the public, describing enforcement policies, explaining collection procedures, and reporting on how the proceeds will be used. This application fails to satisfy any of these criteria. Additionally, there is no compelling need for the plan, given the recent publicity surrounding the departmental mismanagement of public funds. At a minimum, the application should be denied until further study of the department's budget has been made public.

I urge you to deny this appeal and retain free public access to our Sonoma coast.

Sincerely,

Signature on file

Teresa Gary
Resident of Cool and Bodega Bay
tgarycool@hotmail.com
April 2, 2015

CALIFORNIA COASTAL COMMISSION
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219
(415) 904-5260 or (415) 904-5200 FAX (415) 904-5400

RECEIVED
APR 09 2015
CALIFORNIA COASTAL COMMISSION

W17a

Date: March 27, 2015

IMPORTANT PUBLIC HEARING NOTICE
NEW APPEAL

APPEAL NUMBER: **A-2-SON-13-0219**
LOCAL GOVT PERMIT NUMBER: **CPH12-0004**

APPLICANT(S): **State of California Department of Parks and Recreation**

APPELLANT(S): **State of California Department of Parks and Recreation**

DECISION BEING APPEALED: **Appeal by the State Department of Parks and Recreation of a decision by Sonoma County denying the installation of signs and self-pay fee collection devices ("iron rangers") for charging new fees for parking at 14 locations on the Sonoma County coast at Salt Point State Park and Sonoma Coast State Park.**

PROJECT LOCATION: **14 locations on Sonoma coast, including Stump Beach in Salt Point State Park, and Russian Gulch, Goat Rock – Blind Beach, Goat Rock – South Lot, Goat Rock – North Lot, Goat Rock – Arched Rock, Shell Beach, Portuguese Beach, Schoolhouse Beach, Salmon Creek – North Lot, Salmon Creek – South Lot (Bean Avenue), Campbell Cove, Bodega Head – Upper Lot, and Bodega Head – Lower Lot, within Sonoma Coast State Park, Sonoma County.**

HEARING DATE AND LOCATION:

DATE **Wednesday, April 15, 2015**
TIME **Meeting Begins at 9:00 AM**
PLACE **Marin County Board of Supervisors, 3501 Civic Center Drive, Suite 329, San Rafael, CA 94903**

PHONE **(415) 407-3211 [phone number will only be in service during the meeting]**
ITEM NO: **W17a**

HEARING PROCEDURES:

New appeals undergo a two-step process before the Commission, known as the 'substantial issue' phase, and 'de novo' phase. At the 'substantial issue' phase, section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If at least three Commissioners request to take public testimony at the substantial issue phase of

W17a

From: Fran Levy [ftsun@sonic.net]
Sent: Wednesday, April 01, 2015 6:54 PM
To: SonomaStateParksAppeal@Coastal
Subject: Re: PUBLIC HEARING NOTICE -- Appeal No. A-2-SON-13-0219 (State of California Department of Parks and Recreation, Sonoma Co.)

Why is this being held in Marin County when it is for Sonoma County

Fran Levy

On Mar 27, 2015, at 4:00 PM, SonomaStateParksAppeal@Coastal <SonomaStateParksAppeal@coastal.ca.gov> wrote:

**** Please see attached for full hearing notice ****

Date: March 27, 2015

IMPORTANT PUBLIC HEARING NOTICE
NEW APPEAL

APPEAL NUMBER: **A-2-SON-13-0219**

LOCAL GOVT PERMIT NUMBER: **CPH12-0004**

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PHONE: **(415) 407-3211**
ITEM NO: **W17a**

<SonomaStateParksAppealA-2-SON-13-0219 Hearing Notice.pdf>

W17a

RECEIVED
APR 13 2015
CALIFORNIA
COASTAL COMMISSION

April 6, 2015

California Coastal Commission
45 Fremont Street #2000
San Francisco, CA 94105

Subject: Item #17, North Central Coast District
April 15th meeting

We oppose any new pay-to-park "Iron Rangers" on the Sonoma Coast. Please uphold the 5-0 decision by Sonoma County Supervisors to deny State Parks' permit application to install "Iron Rangers".

The CA State Parks is applying to the California Coastal Commission to install 15 "Iron Rangers" pay-to-park stations at Bodega Head, Salmon Creek Beach (North and South), Goat Rock, Salt Point, and other locations on the Sonoma Coast which are currently free. This represents about an 80% reduction in free parking.

Iron Rangers were proposed prior to the $50million Parks scandal in 2012 and were denied by the Sonoma County Board of Supervisors.

State Parks has not provided the County, the CCC, or the public with a current budget for local Parks with an account for how and how much money is spent. Therefore, funds collected by Iron Rangers would not stay local; monies collected would be siphoned off by Parks Headquarters and deposited in the State General Fund. There is no guarantee that State Parks would stop "service reductions" that have closed many access points on the Sonoma Coast.

Many of the Iron Rangers would limit Public Access to the world class Sonoma Coast and are proposed for gravel parking areas that would not be ADA compliant and provide no services other than pit toilets.

Thank you for preserving Public Access to the CA Coast.

Sincerely,

Signature on file

Signature on file

David Kalb
414 Heron Place
Davis, CA 95616

Nancy Gelbard

W17a

From: Jacques Levy [jacqueslevy@sonic.net]
Sent: Saturday, April 11, 2015 4:50 PM
To: SonomaStateParksAppeal@Coastal
Subject: Proposed New Beach Fees

Coastal access is one of the few remaining free recreation possibilities in our country. The proposal to impose fees at our beaches will adversely impact the quality of life for all, but will especially have a negative impact on the low income and poor citizens among us. Have a heart; use common sense and scuttle this ill conceived idea.

The possibility that the Coastal Commission will assume jurisdiction in this controversy would be a bare-faced power grab to reduce the rights of counties to manage their own affairs. In this case, should such an action lead to the affirmation of the appeal by State Parks, it would also be the death knell of the Coastal Act's long-standing visionary role in guaranteeing free coastal access for all.

Jacques Levy
Occidental, CA

From: Katie Zils [Katie.Zils@sonoma-county.org]
Sent: Saturday, April 11, 2015 2:14 PM
To: SonomaStateParksAppeal@Coastal
Subject: Please keep our beaches free

W17a

Dear Coastal Commissioners,

I am a public health nurse and work with low income people. I met a 22 year old woman who lives in Sonoma County and has only been to the beach once. Transportation was her impediment. Please keep our beaches free so that everyone can enjoy them.

Thank you,
Kathryn Zils PHN

Sent from my iPad

W17a

From: George Cinquini [ghcinquini@sonic.net]
Sent: Saturday, April 11, 2015 4:38 PM
To: SonomaStateParksAppeal@Coastal
Subject: Fwd: Proposed Park fee along the Sonoma Coast

Sent from my iPad

Begin forwarded message:

From: George Cinquini <ghcinquini@sonic.net>
Date: April 11, 2015 at 9:02:22 AM PDT
To: "appeal@coastal.ca.gov" <appeal@coastal.ca.gov>
Subject: Proposed Park fee along the Sonoma Coast

My family has been in Sonoma County since 1871. We respect and enjoy our wonderful coastline. When we visit, we never pollute, in fact, most of the time we pick up after others. The Coastal Commission and the State Parks System should be mostly concerned about enforcing laws that protect our coastline.

Free access must remain so all can access our beautiful coast.

George H. Cinquini
Santa Rosa, CA

Sent from my iPad

W17a

From: olivermarks@gmail.com [olivermarks@gmail.com] on behalf of Oliver Marks [om@olivermarks.com]
Sent: Saturday, April 11, 2015 4:38 PM
To: SonomaStateParksAppeal@Coastal
Subject: The Sonoma County beaches should be free

Unfortunately I will be out of the country next week so won't be able to attend your sessions, but I feel very strongly that the local beaches should be controlled by the county of Sonoma and should remain free.

Locking local poor people out from access to the ocean is unacceptable and unethical since they pay substantial local taxes. The principal of charging for something we already pay taxes on is unnecessary, and the beaches and coastal area don't need any more clutter, pay stations etc.

Doran beach already has a stiff fee. I live in Sebastopol and am contemplating a yearly pass, but if i live locally surely I should get a huge discount.

Since I'm assuming those who read this are in Sacramento, I'd like to point out that disenfranchised locals who can't afford the coastal area are more likely tobe resentful and aggressive towards those who can.

It may seem an odd comparison, but southern california street racing is a growing problem because there are no local drag strips anymore. You have to supply people with accessible and low cost amenities or the cost in crime, policing and general societal break down increases rapidly.

People who are locked out will find other negative ways to amuse themselves, people who feel they are the area display pride. Hawaii is a good example of that

Thank you

--
Oliver Marks | M USA 415 971 7236 | om@olivermarks.com
olivermarks on all social & UC networks

W17a

From: Bonnie Hogue [hogue@sonic.net]
Sent: Saturday, April 11, 2015 6:20 PM
To: SonomaStateParksAppeal@Coastal
Subject: Keep Sonoma Coast FREE!

Please do not impose fees on regular parking places at the Sonoma coast. Enjoyment of the coast for citizens should be readily available for all – and for those of limited financial means a fee would be a discouragement. The "off road" pull-out parking places can get crazy, with people trying to pull too large a vehicle into too small a place, or too many drivers vying for parking. It makes driving highway one much more dangerous!
I urge the Coastal Commission and State of California to NOT impose fees on currently free parking at the coast!
Thank you.
Bonnie Hogue
446 Trowbridge St.
Santa Rosa, Ca. 95401

W17a

From: Paul Lewis [i_am_5150@hotmail.com]
Sent: Saturday, April 11, 2015 6:26 PM
To: SonomaStateParksAppeal@Coastal
Cc: Goldberg Judi
Subject: Fees at the few beaches nearby that a surfable

Please reject the plan to charge for parking at beaches that are used by local surfers. Unlike weekend and infrequent day use visitors it is common practice for surfers to go to the beach daily when conditions allow. The financial burden would be prohibitive for most. We are already charged for Doran, and Dillon beach, so Salmon Creek remains as one of the few locations where access is free. It is important to note that beaches that have the qualities necessary to make them "surfable" are rare and represent a very small portion of the coastline. Salmon creek is one such beach. I believe it is fair to speculate that the average surfer who frequents Salmon Creek would incur a monthly cost of $96 to $128. Would you consider charging bicyclists a daily fee for using local roads, boaters a "gate fee" at the entrance to the harbor at bodega, or a license for kayaks? One might also argue that as tax payers we already pay for the maintenance of highway 1 and the right of way (set back) on which we park at Salmon Creek. Said "set back" would not belong to State Parks, but to the highway department? Charging a fee/tax to access the water will have a direct impact on a long standing and integral part of California's culture. As a surfer I respect and nurture the beaches where I surf. Rather than charging a fee please feel free to stop providing what you call "amenities" other than bathroom facilities which serve to protect the environment. Thank you.

Paul Lewis
Guerneville Ca
707-869-1064

Sent from paul's iPad...

W17a

From: Peggy Dombeck [asherah9@yahoo.com]
Sent: Saturday, April 11, 2015 6:28 PM
To: SonomaStateParksAppeal@Coastal
Subject: fees for parking

Dear Sirs:
I just read that you may be imposing fees to go to the State beaches. I believe this will counter the mandate to allow access to the beaches. It should not be done. I know I will be very unlikely to visit these beaches if there is a charge to enter. Some things should not be subject to fees and this is one of them. I am very much opposed to this.
Sincerely,
Peggy Dombeck
426 Woodley Way
Santa Rosa, CA 95409
707-539-3065

W17a

From: Gerry Schultz [gerryschultz3@gmail.com]
Sent: Saturday, April 11, 2015 7:59 PM
To: SonomaStateParksAppeal@Coastal
Cc: Efren Carrillo
Subject: Calif. State Parks APPEAL

Dear Coastal Commission,

I am a musician...not an activist.

Below, see my:
-past actions
-current actions
-proposed actions
-alternative solutions

I have notified my Supervisor, Efren Carillo, my Facebook account, and YOU (via the petition I signed) that this is what I am going to do if you allow the State to put Iron Rangers on 14 beaches at our SONOMA COUNTY BEACHES.

STARTING WITH OUR BELOVED BODEGA HEAD....I WILL USE MY CAR TO BLOCK ACCESS TO THE IRON RANGER AND STAND THERE UNTIL I GET ARRESTED.

I AM A 73 YEAR OLD, COLLEGE EDUCATED, DIGNIFIED NON-ACTIVIST WOMAN. BUT THIS APPEAL IS WRONG AND DISGUSTING. LET THE STATE USE THE $54 MILLION DOLLARS THEY "FOUND" TO ACCOMPLISH THEIR TASKS.

I HAVE SPENT 3 YEARS OBJECTING TO THIS IDEA.
I PROPOSED MANY ALTERNATIVE OPTIONS TO FORMER DEPARTMENT HEAD, ROY STREAMS...UNTIL HE RETIRED.
HIS REPLACEMENTS WILL NOT COMMUNICATE WITH ME.

HERE ARE SOME OF MY ALTERNATIVE OPTIONS OF HOW TO KEEP THE BATHROOMS CLEAN AND THE TRASH CANS CLEAN:

- USE THE CALIFORNIA CONSERVATION CORPS
- USE WORK CREWS FROM OUR COUNTY JAIL
- USE PEOPLE MANDATED BY A JUDGE TO DO MANY HOURS OF COMMUNITY SERVICE
- USE HIGH SCHOOL STUDENTS LOOKING FOR CREDITS FOR COMMUNITY SERVICE
- ACCESS VOLUNTEERS AT OUR VOLUNTEERS CENTERS
- ACCESS CREWS OF MENTALLY CHALLENGED
- ASK BUSINESSES TO "ADOPT A BEACH"
- USE THE $54 MILLION "LOST AND FOUND" MONEY TO GET THE JOBS DONE

Gerry Schultz

Executive Director
California Redwood Chorale (501c3)
Tax ID # 91 - 1805049
www.californiaredwoodchorale.org
Facebook: California Redwood Chorale
Please Donate at: Go Fund Me - gofundme.com/fb3cig

W17a

From: Kathleen Watson [kwatson1069@sbcglobal.net]
Sent: Saturday, April 11, 2015 8:24 PM
To: SonomaStateParksAppeal@Coastal
Subject: State Beach fees on Sonoma Coast

To the Coastal Commission and all interested parties,

I am writing to protest any new fees to access the coast here in Sonoma County. As a third generation native of this county, I have seen many changes in this county over a lifetime, some of which are very lamentable. One is the general cost of living here now. As a retiree with a very limited income, I cannot afford to pay $8 a day to visit the coast. This is what it would cost me to go to the movies, and I very rarely do that. Just the cost of gas to get out to the coast is enough! My property taxes should help cover expenses at the coastal sites (but please don't add more taxes to by bill, it is already onerous!).

To quote the 4/10/15 article in the Press Democrat by Derek Moore:
"The more fundamental issue is whether day-use fees are a barrier to people enjoying the coast. The public's access to beaches and waterways is guaranteed in the state constitution and by the 1976 Coastal Act, which encourages "maximum access" to such sites."

As a child, I loved exploring the tidepools at low tide, and have shared such pleasures with my grandson. Please don't make it difficult for us seniors to do this. As Yvan Smith was quoted in the PD article, it is an insult...especially since the mandate of the Coastal Commission has been to make the coast fully accessible to all.

And one other point for your consideration. I am sure that you are aware of identity theft that is easy to set up in these machines, especially if there is no one around to monitor them. My understanding is that the thief can insert some device that reads people's bank cards. Please don't make it easy for them to do this.

Thank you for considering my comments. Please do not add any new fees to visit the Sonoma County coast.

Sincerely,
Kathleen Watson
Forestville

W17a

From: Pamela Bernier [pbernier@sonic.net]
Sent: Saturday, April 11, 2015 8:40 PM
To: SonomaStateParksAppeal@Coastal
Subject: Pay Stations for Parking at Sonoma Coast Beaches

Dear Coastal Commission-

I am writing to state my objection to pay stations at Sonoma Coast parking areas. I have been a resident of Sonoma County since 1998, and both the beauty as well as accessibility of the coast are an integral part of why I chose to live here. I believe, fervently, that the coastal areas of the county should remain 'public', and feel pay stations are a terrible idea for the following reasons:

1. Our access to the beaches is guaranteed in our state constitution, as well as the 1976 Coastal Act, which encourages "maximal access" to coastal sites. Charging for parking, which is tantamount to charging for access, will effectively deny access to those who can't afford the parking fees. The ocean provides a source of peace and recreation for all member of our communities, from those with expendable income to those with limited means. Cost of living in our county is exceptionally high- the beach provides an opportunity for all community members- from students, to migrants, to minimum wage workers, young families, seniors, and people of limited means to recreate in an affordable manner. A parking fee would limit beach access for lower income peoples in our community, and this, I believe, would be a violation of the 1976 Coastal Act.

2. Should the designated, safe, off-highway lots become subject to fees, many people will opt to park on the dangerous shoulder of the highway. I know many of our area teens love to go to our beaches; as a mother, I have grave concerns about kids parking on the side of the highway- a highway that is dangerous and winding, busy with campers, tourists, motorcycles, and distracted vehicle traffic. The weekend traffic on the highway is significant, pedestrian traffic alongside a highway is fundamentally a terrible, and dangerous idea. And a single fatality isn't worth the revenue the pay stations would collect.

3. Pay stations in certain area, like the Salmon Creek lot, would cause beach goers who can't afford, or don't want to pay for parking to park in the already congested residential areas of Salmon Creek, making parking difficult for Salmon Creek residents.

Unimpeded coastal access is a unique feature of California- something we as Californians can be proud of. Please don't allow the beach access to become something restricted, and available only to those that can afford it.

Thank you for hearing my thoughts-
Pamela Bernier

Pamela Bernier
16859 Taylor Lane
Occidental, CA 95465
Cell: 707.477.6182

W17a

From: Anne Gibson [gibsonsac@comcast.net]
Sent: Saturday, April 11, 2015 8:58 PM
To: SonomaStateParksAppeal@Coastal
Cc: Efren.Carrillo@sonoma-county.org
Subject: public input

As long time residents of Sonoma County, we are writing to object to the State Parks fee proposal for our many coastal parks. The bottom line is that the installation of pay parking meters will act as a deterrent for many people who would otherwise decide to spend a few hours enjoying one of our most precious resources. Once pay meters are installed, State Parks will be able to raise those fees in the future, acting as an even greater deterrent. They argue that installation of meters will enhance access, because revenues can be used for beach amenities. What amenities are they imagining.. snack shacks and beach chair concessions? These pull-outs and cove beaches are spectacular just the way they are. The Sonoma coast's wildness is its single best amenity, and that will be diminished by efforts to add creature comforts that are unnecessary. Ironically, one of State Park's arguments in favor of meter installation is the "significant" number of pull-outs and unpaved dirt areas that will continue to be free. While there are a few spots along this route that fall into the safe category, there are many more that are not . The use of the word "significant" to describe these available spots is an exaggeration. Obviously, if meters are installed, many more people will seek out those free parking areas. Anyone who is familiar with the stretch of highway 1 between Bodega Bay and Jenner knows how dangerous the driving can be along that route....many curves, with little margin for error, paired with an amazing yet distracting view. Now imagine more people trying to park for free, trying to cross highway 1 with children and elderly in tow. This is a recipe for disaster, and will undoubtedly lead to more accidents, and unfortunately the potential for more fatalities. Orange County we are NOT. A pay station model that may make sense in other parts of the state makes NO sense in Sonoma County. Please support Sonoma County's position in this matter.

Chris and Anne Gibson
1280 Jonive Rd.
Sebastopol, Ca. 95472

W17a

From: Richard R. Rudnansky [rrudnansky@sonic.net]
Sent: Saturday, April 11, 2015 10:28 PM
To: SonomaStateParksAppeal@Coastal
Subject: Oppose Parking Meters on Sonoma County Coastal Sites

California Coastal Commission

I am opposed to The State's proposal to expand day-use fees at beaches along the Sonoma Coast.

As you know the Coastal Act and the State Constitution encourages "maximum access' to coastal sites. In addition the Sonoma County Local Coastal Plan states that the County must take "all necessary steps to protect and defend" the rights of the people to access the coast. Local people and visitors to the Sonoma Coast should not be charged for such access

During a time when many families are struggling with the difficult economic times, to charge such a fee could restrict such families from enjoying one of California's premier natural wonders. If adopted visitors to the coast may opt for less safe free parking areas.

It is my understanding that the fees collected will not necessarily all be used to benefit Sonoma County coastal locations. With all the taxes and fees imposed by the State, yet another fee to help the State pay for poor economic and wasteful decisions and programs of the past should not be imposed. Control of these sites should remain local.

Respectfully submitted.

Richard R. Rudnansky
Sonoma County Resident

W17a

From: Wanda Boda [wandalynn21@icloud.com]
Sent: Saturday, April 11, 2015 11:21 PM
To: SonomaStateParksAppeal@Coastal
Subject: coastal access

Dear Coastal Commission,

Please don't let the state of California put up pay stations/UGLY parking meters on bodega head and shell beach and goat rock etc. One of my grandmother's friends used to own Bodega head... I think her name was Rose and she worked hard to keep PG&E from putting up a nuclear power plant there. I'm sure she would hate the idea of people having to pay to go to Bodega Head. It's a national treasure but I don't want to pay to take a hike on one of my favorite coastal areas and I don't think anyone else should have to either.. and I really think people will just park on the side roads and on Highway 1 causing even more congestion and possible accidents along the highway..... the idea is stupid, stupid, stupid.....
Sincerely
Wanda Boda

Sent from my iPad...please excuse some formatting the keypad is weird.

W17a

From: stephbrodt@yahoo.com [stephbrodt@yahoo.com]
Sent: Saturday, April 11, 2015 2:53 PM
To: SonomaStateParksAppeal@Coastal
Subject: Beaches

Hello

I am going to try to make it to Wednesdays meeting. If not, as a life long resident of Sonoma County, I love our coast. I am a stay at home mom and am currently homeschooling my 3 boys. We love coming to the beach because its free, and as a family of 5 on 1 income we could NOT and I WOULD NOT pay to go to the beach. We pay our homeowners taxes, we support our community and I do all my purchasing that I can locally to simply support Sonoma County.

Please don't allow the $8 fee be imposed.

Thank you
Stephenie Brodt

Sent from Windows Mail

W17a

From: Kathleen Flynn [woodstone@comcast.net]
Sent: Sunday, April 12, 2015 12:01 AM
To: SonomaStateParksAppeal@Coastal
Subject: NO FEES for Sonoma county state beaches, please!

Traditionally, our family occasionally holds gatherings at Goat Rock. If each car pays $8 to participate it would not be possible for us to continue this tradition.

Leave the beaches free so all can access this beautiful resource, free of charge, the way it was always meant to be.

Thank you,
Kathy and Tom Flynn
Monte Rio, CA

Sent from my iPad

W17a

From: David Gurney [jugglestone@comcast.net]
Sent: Sunday, April 12, 2015 1:18 AM
To: SonomaStateParksAppeal@Coastal
Subject: State Parks Sonoma County Beach Access Fees

Dear Coastal Commission,

I am against California State Parks craven attempt to charge fees for access to our coastline.

State Parks has a recent history of blatant corruption, hiding 54 million dollars in slush funds while claiming they were broke.

The people of this state deserve better than this agency's pathetic attempt to make money by restricting access to the ocean in direct violation of our state's Constitution.

Please do the right thing - and deny this proposal before it ends up tying up the courts in endless appeals.

Thank-you,

David Gurney

W17a

From: robin hoegerman [robinh280f@gmail.com]
Sent: Sunday, April 12, 2015 3:28 AM
To: SonomaStateParksAppeal@Coastal
Subject: sonoma coast iron rangers

California Coastal Commission
Please DO NOT approve the Iron Rangers for the Sonoma coast. As a Sonoma country resident, California native for over 60 years we should keep access to the coast and beaches free! By the State Parks installing Iron Rangers this access will be closed to many Californians just because it will be another 'fence' to cross.
A lot of the proposed locations are just gravel pull offs along PCH/ Hwy 1 and if we are lucky a pit toilet, not much for the proposed $3 per hour! Right now a lot of the time they are locked, even though they have been there for years.
Again NO to Iron Rangers, here in Sonoma County and all of the California.
Roinn Hoegerman

W17a

From: Big SolutionX22 [solutionx22@gmail.com]
Sent: Sunday, April 12, 2015 4:23 AM
To: SonomaStateParksAppeal@Coastal
Subject: Reject State's appeal to allow fees on Sonoma Coast access points

Dear Coastal Commission,

I visit the coast near Bodega regularly with my daughter who likes to explore rock pools at low tide. Fees for access to the coast will limit these trips and restrict access to the coast. $3 per hour may not seem a lot but my daughter often spends a couple of hours exploring and learning and that would be $6 each time, if we limited ourselves to one spot. In Sonoma County, we some of the highest taxes in the country and many, many burdensome fees on top. Is there no end to the governments avarice? Please say no to this additional tax/fee grab and keep access to our coast free.

Jim McGowan
2099 Bedford St,
Santa Rosa
California

W17a

From: Tim Sumrall [sumralltim@gmail.com]
Sent: Sunday, April 12, 2015 4:25 AM
To: SonomaStateParksAppeal@Coastal
Subject: NO to Iron Rangers

California Coastal Commission

Please DO NOT approve the Iron Rangers for the Sonoma coast. As a Sonoma country resident, California native for over 40 years we should keep access to the coast and beaches free! By the State Parks installing Iron Rangers this access will be closed to many Californians just because it will be another 'fence' to cross.

A lot of the proposed locations are just gravel pull offs along PCH/ Hwy 1 and if we are lucky a pit toilet, not much for the proposed $3 per hour! Right now a lot of the time they are locked, even though they have been there for years.

Again NO to Iron Rangers, here in Sonoma County and all of the California.

Timothy & Darlene Sumrall

W17a

From: Michael Cook [mike@firmadesigngroup.com]
Sent: Sunday, April 12, 2015 4:30 AM
To: SonomaStateParksAppeal@Coastal
Cc: Efren Carrillo
Subject: 4/15/15 #17 Sonoma Coast Parking Fees

Good afternoon and thank you for taking all public comment on this item #17 regarding the charging of fees by the State Parks for beach parking. While I support over all the consideration of our public access requirements to the beaches along the coast, I would like to open the discussion on this item to the fact that the County of Sonoma charges fees for parking along its coastline – all the while rejecting the idea that the State can charge fees for parking along the coastline.

In my opinion, a small parking fee is probably a good idea (to keep the parking lots in good condition (with the horrendous environment the coast is on asphalt) and maintained) however to charge the public for access to the beach if they ride bikes, walk, or to charge extra fees for other items, etc. is ridiculous and against State Code. My thought is the following:

Charge a minor fee for vehicular parking, to recoup costs, as Sonoma County Parks does, and leave it at that. The public access to beaches is required, but parking adjacent to the beaches is not. Have the public ride bikes, walk, etc. to the beach and we'll all have a happy experience!

Thank you for your interest in this discussion!

Mike

Michael A. Cook, RLA, CLIA
Vice President, Planning & Landscape Architecture
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1425 N. McDowell Boulevard, Suite 130, Petaluma, California 94954
telephone · 707.792.1850 fax · 707.792.1852 mobile · 707.483.6464

W17a

From: John FitzGerald [jfitz70@hotmail.com]
Sent: Sunday, April 12, 2015 7:05 AM
To: SonomaStateParksAppeal@Coastal
Subject: Against the fee proposal

Dear coastal commission,

I am a Sonoma County resident and a surfer and I am writing because I am adamantly opposed to the fee proposal for any spots along the Sonoma County coast. I believe the coastal commission's job is to protect access to the Sonoma County coast, not to limit people's access by charging them money. Please do not implement this new fee proposal as it would force me to begin looking for alternative places to park.

Sincerely,
John FitzGerald
Sonoma County surfer

W17a

From: Fred Allebach [mailto:fallebach@gmail.com]
Sent: Wednesday, April 01, 2015 12:14 PM
To: Cave, Nancy@Coastal
Subject: Re: Iron Ranger appeal

Hello Nancy,
Thanks for your prompt reply.

I am writiing to weigh in on the iron ranger/ effort to charge citizens to visit the Sonoma Coast. I think charging citizens to access their own state's primary coastal natural resource is a super bad idea.

Monet needs to be found somewhere else than to squeeze citizens at the point of access. If you need money, take it out of income taxes or some such.

California's iconic coast deserves equal access by all citizens. To put a pay wall to access the Sonoma Coast is regressive and penalizes those least able to pay. The State needs to provide its common pool resources in sucha manner that actually makes them common and not exclusive.

Thank you and this is my public comment on this matter.

Best Regards, Fred Allebach
PO Box 351, Vineburg, CA 95487
707-935-3514
4/1/15

On Wed, Apr 1, 2015 at 11:30 AM, Cave, Nancy@Coastal <Nancy.Cave@coastal.ca.gov> wrote:

Mr. Allebach: I have returned your call and I am also responding by email. We have noted your oral comment and will include it with other comments received. If you would like to submit comments in writing, we would be happy to receive those as well, and we can receive them by email if you like. Comments received by Thursday morning (9am) will be included as exhibits to the staff report published by the Commission. Comments received later than that date and time and before April 14th will be included in a District Director written report distributed to the Commission right before the meeting commences. Should you have any further questions regarding this matter, scheduling, etc., please do not hesitate to contact myself or Ethan Lavine of my staff. Ethan is the lead planner on this project. He can be reached at 415-904-5267 (he is out today however).

Nancy Cave

District Manager

North Central Coast District Office

California Coastal Commission

45 Fremont Street – Suite 2000

San Francisco, CA 94105-2219

415-904-5290 (direct line)

415-904-5260 (North Central)

415-904-5400 (FAX)

W17a

From: crichton@sonic.net [crichton@sonic.net]
Sent: Monday, April 13, 2015 2:21 AM
To: SonomaStateParksAppeal@Coastal
Subject: beach usage fees

Let there be no day-use fees for currently free Sonoma beaches. We go the coast for rest and emotional recuperation and toll booth/devices are an obstruction to the spirit of the coastal wilderness experience. Keep our
sea shores free shores. Fredrick Crichton, Kenwood, Ca.

W17a

From: Vicki To ski [vicki6477@att.net]
Sent: Sunday, April 12, 2015 11:27 PM
To: SonomaStateParksAppeal@Coastal
Subject: PLEASE NO parking fees at Sonoma Coast beaches

Dear Members of the Coastal Commission,
I am writing to ask you to not put parking fees in place at the beautiful and accessible Sonoma Coast beaches. I visit at least weekly and am amazed at the fact that anyone can drive up and park and enjoy the beauty of our state. I recently saw many families there for Spring Break and am confident that parking fees would make it cost prohibitive for some. PLEASE find another way to raise revenue and honor this statement of belief in the ownership and access to natural beauty by the people.
Thank you for your consideration.
Sincerely,
Victoria Tonski

W17a

From: Louisa Yates
To: sonomastateparkappeal@coastal.ca.gov
Cc: James (Jimmy) Gore
Sent: Sunday, April 12, 2015 12:11 PM
Subject: Beach Parking Fees

As a long-time Sonoma County resident, I am strongly opposed to charging fees to access our beaches. Residents already pay a lot in state income taxes, property taxes, sales taxes - we should not have to pay "extra" to take a walk on the beach.

If you are determined to let the state charge for parking at our beaches, I would suggest the following changes to the rules currently being discussed:

1) The first hour should be free. The State proposal for 15 minutes free of charge is ridiculous. Who wants to take a walk with a stop watch?

2) Annual passes should be available for $25. This would bring in some revenue to maintain facilities, without being too much burden on people who use our beaches.

Louisa Yates
Healdsburg, CA

W17a

From: Mary G Shearer [maryartlv@aol.com]
Sent: Sunday, April 12, 2015 5:56 PM
To: SonomaStateParksAppeal@Coastal
Subject: Opposition to Fees for Sonoma State Parks and Costal Beaches

I am adamantly opposed to charging fees for Sonoma State Parks. I have lived in Sonoma County since 1964 and my family visits, and continues to visit, the parks frequently. Just as access to our city parks in Petaluma is free for all to enjoy, I believe our state parks and beaches should be free for all our residents to enjoy. I also believe our Sonoma County Parks Commissions and Committees should retain control over the use of our parks and beaches. Not only for current users, but for future planning as well.

Further, residents who live in high density developments do not have access to open spaces in which to relax and enjoy nature. They depend on local and county parks, and open space preserves. Free access is important for all our residents.

Do not enact fees for our costal beaches.

Mary G. Shearer
40 Mission Drive
Petaluma CA 94952
maryartlv@aol.com

W17a

From: linda park [lpark41@sbcglobal.net]
Sent: Monday, April 13, 2015 8:25 PM
To: SonomaStateParksAppeal@Coastal
Subject: Fee collection devices 14 proposed Sonoma Coast beach locations

We along with many other people have attended each one of these proposal meetings over the years and feel like the hope is to wear the protesters down eventually. The role of the Coastal Commission to preserve the public's access to our beaches. I grew up in a poor family and going to the beach was our major recreation and relief. We felt ownership, joy and care for the ocean. People pay enough taxes and should not have to pay for the pleasure of being at one with the ocean. The cost of installing, raising to ADA standards and patrolling and collecting is so high that a small fee would not make a profit, therefore, you end up with $3.00 an hour or $8.00 a day. That may seem small to those of you who are on councils and commissions but it would keep many from climbing down to watch the sunset. Running back and forth to a parking meter completely obviates the relaxation of being free at the beach. You do not know how long you are going to be there. Not everyone has smart phones and ours does not work at the coast anyway (for which we are happy). It is very important to bring the next generation to the beach to help them love and care for it, not throw trash, etc. Let's encourage them to be there as much as possible. We strongly protest the installation of iron rangers. The assertion that there are plenty of free parking spaces at a few beaches and along the road is utterly ridiculous given the already existing hazards that would exacerbate Linda and Gene
Park

W17a

From: Linda [lforba@aol.com]
Sent: Monday, April 13, 2015 6:01 PM
To: SonomaStateParksAppeal@Coastal
Subject: NO FEES at the costal beaches please

Kindly consider that a trip to the beach is one activity that impoverished folks can enjoy. We are a wealthy state but most of the wealth is in the hands of a few. A large percentage of our seniors and children live below the poverty level. The costal beaches are one place an entire family can go to sit in the sun, enjoy a picnic, commune with nature, and let the children run and breathe fresh air. Keep the beaches free for all.

Please inform me of any public hearings in the future on this matter.

Thank You
Linda Lucey
P.O. Box
Guerneville, CA.

W17a

From: Mary DeDanan [mailto:dedanan@mcn.org]
Sent: Tuesday, April 14, 2015 11:07 AM
To: Lavine, Ethan@Coastal
Subject: public comment on Sonoma Coast parking fees

Dear Mr. Lavine,

Regarding: **Appeal No. A-2-SON-13-0219 (California Department of Parks and Recreation, Sonoma Co.)**

I live in Cazadero, Sonoma County, and formerly lived in Jenner. I survive at the poverty level, and don't go to movies, concerts, or restaurants. I do go to the beach, which I love. This new parking fee will effectively shut me out. I can't possibly afford $8 parking per trip. That would pay for a small bag of plain groceries -- am I supposed to choose? The commissioners clearly have NO idea what it's like to be poor. It's hard times out there. $8 is one hell of a chunk of change.

Public access is all about lived economics. Have you been out to Goat Rock on a Sunday afternoon, seen who's there? There are many ordinary low- and middle-class people. With such high fees in effect, they will stop coming. The beach will be only for the rich. What Sea Ranch and all the other developers couldn't do with their gates and locks, the Coastal Commission will accomplish with exorbitant fees. It makes me sick at heart. And angry. How dare the commission effectively bar public access to the poor. This violates the core values of the Coastal Commission. It's shameful.

I remember working for Proposition 20 in the seventies, when I lived in San Diego, circulating the petition, passing out brochures on the street, and getting out the vote. It was, and is, a wonderful vision of public ownership and protection. Please live up to the spirit of your founding directive. Do not bar the gates through prohibitive fees.

sincerely,
Mary DeDanan

PS: I only just learned about this from today's *Press Democrat.* Obviously, I'm horrified. Why has there been so little public notice of this enormous change to beach access? And why has it been so difficult to find a way to comment on it? There is no option for public comments on the CC web site, and a phone call to the main office leads through a torturous phone tree. It took me an hour to find you, Mr. Lavine, and get your address for my comment. While I appreciate your personal courtesy, the hassle of commenting at all is yet another example of how little the commission regards the actual, living, breathing (and opinionated) public. I will let a few neighbors know about this, but with so little lead time, it's doubtful many will be able to add their voices. But I believe there is widespread opposition from ordinary folks who actually visit the beach. Please count us in.

Mary DeDanan
PO Box 222, Cazadero, 95421
dedanan@mcn.org
707.632.6362

W17a

From: Chris Calvi [mailto:savebayhill@gmail.com]
Sent: Monday, April 06, 2015 12:33 PM
To: Lavine, Ethan@Coastal
Subject: Petition · California Coastal Commission, no "Iron rangers" on the Sonoma Coast

Mr. Lavine,

Below is a link to the new online petition with over 500 signatures of people opposed to installation of "iron rangers" on the Sonoma Coast.

I'd like to request that the petition and public comments included in the petition be added to the record for State Park's appeal of the Sonoma County decision to deny the CDP application for "Iron rangers" on the Sonoma Coast. (Appeal # A-2-SON-13-0219, local govt. Permit # CPH12-0004)

Please let me know if there's a format or address that you might prefer I send this petition, in order for it to be included in the record.

Thechange.orgsite allows me to enter a recepient email but it appears a message would be sent to the recipient every time someone signs. I had planned on using your email address, but I do not want to clog your inbox unnecessarily.

Hopefully the link below is adequate to ensure the comments at the bottom of the petition are recorded:

https://www.change.org/p/california-coastal-commission-sonoma-county-board-of-supervisors-we-oppose-any-new-pay-to-park-iron-rangers-on-the-sonoma-coast-please-uphold-the-5-0-decision-by-sonoma-county-supervisors-to-deny-state-parks-permit-application-to-install-iron-range?recruiter=69672301&utm_campaign=signature_receipt&utm_medium=email&utm_source=share_petition

Thank you,

Chris Calvi
Bodega Bay
707-331-4092

W17a

508 Petition signatures and comments submitted by Chris Calvi on behalf of Sonoma Coast Surfrider in response to A-2-SON-13-0219 on 4/6/2015

change.org
Sonoma Coast Surfrider

Recipient: California Coastal Commission

Letter: Greetings,

We oppose any new pay-to-park "Iron Rangers" on the Sonoma Coast. Please uphold the 5-0 decision by Sonoma County Supervisors to deny State Parks' permit application to install "Iron Rangers". Thank you for preserving Public Access to the CA Coast.

Comments

Name	Location	Date	Comment
Chris Calvi	Bodega Bay, CA	2015-03-15	Being required to pay to surf would discourage youth from enjoying the health benefits the ocean environment! "Iron Rangers" would limit public access to the Sonoma Coast, especially for people on fixed incomes.
Lea Walters	San Rafael, CA	2015-03-15	Free our Coast!
Jeremy nugebt	San Rafael, CA	2015-03-15	because we all deserve to enjoy California equally
Zeke Cissell	Santa Rosa, CA	2015-03-15	Please keep our beach access free. How could most of us afford to pay the iron ranger when we visit the beach multiple times every week.
keary sorenson	Sebastopol, CA	2015-03-15	This will cut tourism dollar for us business owners in the area
Jeff Bertch	Bodega Bay, CA	2015-03-15	All the State Parks along the Sonoma Coast that are marked for Iron Rangers are sitting on land donated to the state from private citizens , along with the donation of land there was a stipulation that the land be free to use for all. To change this would be a breech of contract by the state. The second reason is the state has never opened up their books and come clean as far as their state parks budget. The last time they said they had run out of money they closed half of the parks along the coast , and took away most of the trash cans. Never to be returned, at that time they were sitting on an additional 56 million dollars unaccounted for.
Paige Lambeth	Bodega Bay, CA	2015-03-15	Coastal access is free w/ the fewest exceptions possible...
Elizabeth Schimpf	Bodega, CA	2015-03-15	Most of the land on the Sonoma Coast was donated many years ago, with the understanding it would always be free to the public!
Sarah Lecus	Santa Rosa, CA	2015-03-16	I support free beach access! Charging at these locations is a direct violation of the LCP.
David Rampton	Petaluma, CA	2015-03-16	I am a concerned, tax paying Voter
Paul Peters	Sebastopol, CA	2015-03-16	I support Sonoma coast surf riders mission to keep our access free.
Miranda Hope	Sebastopol, CA	2015-03-16	I want to keep our coast wild and free to use.
Dennis T. O'Leary	Guerneville, CA	2015-03-16	The coast belongs to all of us and coastal access must always remain free and not gated.
Zack Styskal	Petaluma, CA	2015-03-16	keep the beaches free
seth Talbert	Ukiah, CA	2015-03-16	It's always a joy being able to stop on a road trip at a nice beautiful beach and stretch the legs which a pay to park completely restricts.
Patty Ginochio	Bodega Bay, CA	2015-03-16	Beaches should remain free. Our local Bodega Bay Fire department rescues all from our beaches but would not receive any funds from these Iron Rangers. No!

Name	Location	Date	Comment
David Keller	Petaluma, CA	2015-03-16	Our coastal beaches and public access belong to all of us. It has been a hard fought battle over decades to preserve our access. Closing off beach access via "iron rangers" makes the beaches unavailable to our state's poor and underprivileged, compromises safety along our roads and turnouts where people try to avoid 'official' beach parking lots, and is an unwarranted step backwards in open access to our public beaches. Sonoma County Conservation Action, the largest environmental organization in Sonoma County, has objected to this proposal in the past, and stands firmly against it now. David Keller Board Chairman, SCCA Petaluma, CA
M Sweeney	Monte Rio, CA	2015-03-16	I have been visiting these beaches for my whole life for free and refuse to be bullied into paying to go to the beach!
Clay Mccormick	Sebastopol, CA	2015-03-16	I don't want to pay the state money to go surfing.
Tyler Grunert	Fortuna, CA	2015-03-16	if pay stations get put up they will eventually get taken Down. That would be a waste of tax dollars. Most people will simple destroy other places by pioneering new parking areas. Trespassing will increase and private land owners will rightfully blame the parks. dislike for the parks will increase from the public as well. The public needs to feel like they are being "given too" not "taken away from". Please don't ruin our beautiful coast by injecting more unnatural man made clutter. It is very important that California's scenic and wild areas remain inclusive to all of the public equally. To some, a mere parking fee is a financial burden. The idea of imposing iron Rangers is disheartening to me. I feel this way because I care about the people who can only enjoy free luxuries due to their lesser financial situation. Enjoying nature should be free to all Californians.
Peter Wargo	Santa Rosa, CA	2015-03-16	I have enjoyed free beach access my entire life along our coast, I don't think it is right to charge for a trip to our ocean. It is a human right to be able to visit it unimpeded.
willie melia	Denver, CO	2015-03-16	Nobody should pay for nature. I love the beach...
Tom Cruckshank	Sebastopol, CA	2015-03-16	It is a basic human need and must not be charged. Discriminates by income.
Anne Millbrooke	Bozeman, MT	2015-03-16	I'm signing because the beach is public lands and access to public lands is necessary for the public to benefit from public lands.
Kyle Stuart	Menifee, CA	2015-03-16	I don't believe in paying for beach access.
Zack Balon	Citrus Heights, CA	2015-03-16	Iron rangers will only create more problems, as less and less people will use these parking areas in favor of clogging up free shore access areas along roads which will cause a safety issue. You are doing nothing to help our coastline with this proposal. I for one will not be parking in any of these areas and will not pay these fees if this is implemented.
Heidi Todd	Santa Rosa, CA	2015-03-16	Keep our beaches free. America has become over regulated. This is not freedom.
Dolores Waddell	Folsom, CA	2015-03-16	I enjoy the parks & wTers of my Sonoma County childhood, I still visit and believe park monies collected should directly benefit the properties where collected.

Name	Location	Date	Comment
Chris Bane	Sooke, Canada	2015-03-16	As a surfer, with family in California, having been born and raised in California ALL ocean access should be for everyone. Many beach users never use a playground, or baseball/soccer/football field, the beach is the one and only thing that brings many of us true happiness.
Donna Seep	Victorville, CA	2015-03-16	I'm tired of the "Pave Paradise..." mentality and taking tax money and lying about what's being done with it!
Nicholas Alvarez	Sonoma, CA	2015-03-16	I always avoid pay-for-parking on the beach, not because I can't afford the fee, but for the principle behind the matter. What's next after charging to park? How many more freedoms will be taken away from the general public on the beaches? I understand that with large crowds of people comes more restricts and regulations but I don't come up to the coast to jump into the crowd, I come up to the coast to jump in the water and be free.
Lulu Thrower	Oakland, CA	2015-03-16	we need transparency when it comes to the parks budget!
John Mellquist	Napa, CA	2015-03-16	Coastal access should be free!
Norma Jellison	Bodega Bay, CA	2015-03-17	The citizens of Sonoma County fought for coastal access for all in the 1970s and will do so again. The Sonoma Coast is not SO CA where walk on beaches are accessible from flat paved parking lots. Our beaches are down highly erodable cliffs. Installing rangers will push people onto Rt 1 where there are limited shoulders or into neighborhoods. People will climb down cliffs to get to the beaches, negatively impacting the coastal bluff environment. Many people will get hurt doing so as they try to avoid paying. This is not the answer to State Parks' financial and stovepipe bureaucratic challenges.
carol vellutini	Santa Rosa, CA	2015-03-17	The citizens of Sonoma County fought to save our coast lines from development. If we hadn't fought so hard there wouldn't be coastal beaches. We do yearly clean ups on the coastal beaches There would be houses and an Atomic Power plant. It is so wrong of the State to now ask us to pay to park there. If you ran your state finances properly and maintained our parks you wouldn't need to ask us to pay to take a walk, surf awhile, or enjoy a sunset.
Kenny Correia	Petaluma, CA	2015-03-17	Money isn't staying local. And I don't agree with paying more than we already do.
Matthew Howard	Cotati, Ca, AL	2015-03-17	We need to keep access open to all and not just those who can afford it at any specific time
dave rutherford	Occidental, CA	2015-03-17	Yet another stupid proposal to pay taxes for an unworthy ranger that gives out parking tickets...we don't need them just more fish n game for poachers
Ronnee Rubin	Bodega Bay, CA	2015-03-17	I am a docent for whale watch at Bodega Head. This and many other coastal sites should be free to the public to enjoy without paying a fee. The coast belongs to all of us.
Jeremy Nichols	Santa Rosa, CA	2015-03-17	State Parks provides almost no services at Sonoma Coast State Beaches; there is no justification for charging a parking fee.
William Spooner	Guerneville, CA	2015-03-17	I surf 5-6 times a week and have for 32 years on this coast. I love the beauty and unimproved nature of our coast. There is absolutely no benefit and it is not the answer to the problem.
Vesta Copestakes	Forestville, CA	2015-03-17	I understand the need for funding - but I strongly believe our unique and wonderful coast needs to be accessible to everyone regardless of economic status. It belongs to everyone. perhaps an OPTION to DONATE - an iron ranger that accepts donations but is not necessary to get in. Opportunities to slide a card and became a member right there at the gate - get your park pass in the mail later but you get a temporary pass on the spot.

Name	Location	Date	Comment
Carol Sklenicka	San Francisco, CA	2015-03-17	I live next to Goat Rock State Beach and I believe everyone should be able to enjoy this public resource for free.
Raphaela Monribot	Jenner, CA	2015-03-17	It will destroy the beautiful sense of freedom on the beautiful wild coast
Judy Bigelow	Los Angeles, CA	2015-03-17	Because its wrong
Bud Veliquette	Occidental, CA	2015-03-17	Sonoma County residents should have free access to their coast.
Mary Williams	Jenner, CA	2015-03-17	This will lead to parking alongside the road - a very fragile landscape. Dangerous to the land and the people and their cars.
Lisa Gallagher	Colfax, CA	2015-03-17	People find peace and serenity there and you don't have to pay for it. It's God's majestic beauty.
Laurel Trimboli	Monte Rio, CA	2015-03-17	This is the 2nd time we have had this issue. It is very important for people to have free access to our beaches. The lifeguards can empty trash during the slow season.
carole coler dark	sebastopol, CA	2015-03-17	i think having donations may be a better way...we have such a beautiful and natural coastline here that people travel the world to see...we should NOT create yet another public space that is available only to those that can afford the "toll".
Pamela Conley	Cazadero, CA	2015-03-17	I believe that we need some free beaches for the public. I do think we need to pay for facilities and upkeep on some beaches, but there should always be some free public access to our coast.
angelique beaumont	cazadero, CA	2015-03-17	We live at the coast and enjoy going down to the beaches often, as a family it is a wonderful free activity we can enjoy in nature, we don't want to pay to visit our beaches.
Ruby Cooper	Cazadero, CA	2015-03-17	I'm signing because I'm 12 and am homeschooled, and for me going to the beach is a near weekly activity and if payment is enforced me and my family may have to discontinue this activity.
Mary Livingston	Jenner, CA	2015-03-17	i live here on the coast and appreciate that sonoma county beaches are FREE. I and many others tend, pick up garbage, the beaches. State Parks has accounting problems and is top heavy with people that sit at desks and think up ideas like iron rangers.
J Agata	Sebastopol, CA	2015-03-17	Parking fees will not solve the problem of short funding and will only create new problems.
Victoria Chapman	Forestville, CA	2015-03-17	Our ocean and beaches HAVE to remain FREE!!!! Stop money grubbing!
Jane Mcdonough	Guerneville, CA	2015-03-17	Permanent free access to our local coastal beaches is something we need to always include in budgets across all govt in California. It belongs to us.
marika harrison	Sebastopol, CA	2015-03-17	I want beach access to be easy for all and the 7$ charge would prevent many from being able to enjoy our beaches.
Andrew Alvarado	Sebastopol, CA	2015-03-17	I'm signing because people should not have to pay to witness the beauty provided by the earth.
jay lalezari	san francisco, CA	2015-03-17	this is not the way to raise revenue for our parks
Victoria Wikle	villa grande, CA	2015-03-18	We already paid for the Parks, they are ours and part of the commons.
Tonia Hall	Windsor, CA	2015-03-18	We already cant afford to visit the State Parks with the huge fees now they are wanting more money and that will push us off the coast as well...it is Nature...it is free..we pay our state taxes to take care of the parks why should we have to pay double to line some one elses pocket...it isnt right and it is not fair to Sonoma County Residents.
Noah Housh	Guerneville, CA	2015-03-18	I believe in free public access to the beach. it is one of the last free recreatonal opportunities available to Sonoma County residents.

Name	Location	Date	Comment
Christopher Adams	san francisco, CA	2015-03-18	I am a low income Sonoma Coast native and I believe in equal access to the nature I was born into.
Melinda Camacho	Oakland, CA	2015-03-18	nature is meant to be enjoyed by all, not just for those who can pay.
Steven Lunn	Santa Maria, CA	2015-03-18	I want to do my duty as an American citizen .
Jan kahdeman	sebastopol, CA	2015-03-18	The coast must remain free for all. Donations, sure, but no mandatory fees. Free Beaches!
Jo Morrison	Santa Rosa, CA	2015-03-18	I love my free coast!!!
Elisa conti	Guerneville, CA	2015-03-19	i niece the beaches belong to everyone
Jeanne Moen	Santa Rosa, CO	2015-03-19	I am at the beach year round, why would I want to start paying now? Our coastline is public not private, there is no reason to have day use fees.
betty lyson	guerneville, CA	2015-03-19	WANT FREE ACCESS!
Jacquie Lunn	Petaluma, CA	2015-03-19	We should not have to pay even more to use OUR beaches! We already pay for these beaches in the taxes we pay! Stop trying to make people not enjoy our beaches and the outdoors by ripping us off!!
Mark Darley	Mill Valley, CA	2015-03-20	the coast should be accessible to all regardless of income.
Deanna Osborne	Bodega Bay, CA	2015-03-20	People should be allowed free access to enjoy and respect our coast. Must be another way!
Pat Rothchild	Bodega Bay, CA	2015-03-20	The coast is a critical asset for our population's mental health. We, the people, already pay for it through bonds and general fund taxes. We, here on the coast endure far too many gun toting "law enforcement" officials. We have "Homeland Security," resident Highway Patrol and Sheriff deputies, and innumerable park rangers, all of whom carry weapons designed to kill humans. They're all trained to find the 'bad guys,' but there are far too few out here to keep them busy. These "Iron Rangers" appear to be a plan to criminalize economically disadvantaged people who need access to nature to maintain their mental health. This sounds like an employment program for state sponsored gunslingers, not a plan to care for our coastline or the population who loves and needs it. If the Parks Department needs to increase revenue, get thin the ranks of your gunslingers, don't turn life into a crime so they have more people to endanger.
Dan Decarly	Windsor, CA	2015-03-21	Keep the beach free for all. Some people can't afford to pay parking
Audrey Tommassini	Los Angeles, CA	2015-03-21	im signing because the California coastline should be free for all to enjoy!
Claire Ryle Garrison	Mill Valley, CA	2015-03-21	I believe we should have free access to our beaches
Susan Hills	Mill Valley, CA	2015-03-21	I love the earth!
John Frick	Sebastopol, CA	2015-03-21	the coastal commission was made to make the coast availble to everyone!
Mary Long	Sebastopol, CA	2015-03-21	all humans deserve the right to enjoy our coast and the ocean, not just people with money to spare.
Donna Jones	Santa Ro0sa, CA	2015-03-21	I use the free parking lots. I pay for Doran, eat. Yearly. I am aost 60 and I still surf and there are many retirees out there. Have mercy.
James Gow	Roseville, CA	2015-03-21	Nobody should have to pay for access to our nations beaches, certainly not if the monies collected were not going to directly improve the actual locations where money is to be collected from. Parks I used to pay for near Salt Point/Mendocino have since closed. Hendy Woods is closed, another park I used to pay to use. All the while, wasn't it the Parks and Recs dept that was found to have hidden millions of dollars from the public? Thanks but no thanks!
Kelly Joseph	Oakland, CA	2015-03-22	Parking should remain free!

Name	Location	Date	Comment
Mark Weiss	Cazadero, CA	2015-03-22	This is our children's favorite beach that we go to each week. Moreover it will pose a major traffic hazard and eyesore.
Alek Lisefski	Fairfield, IA	2015-03-22	Beaches should not be monetized. it' the one good thing we've got left! Keep it free!
Tom Pittard	Hollister, CA	2015-03-23	For the many citizens of Sonoma County who have to watch every expense we need to keep the commons free. Keep The Commons Free!
Dan Swezey	Sebastopol, CA	2015-03-23	I value free access to our coastline.
Lucy & Bill Kortum	Petaluma, CA	2015-03-24	Rather than help State Parks, these fees will lessen the public's ability to enjoy free access to beaches and lessen the public's ability to protect our beaches.
Bonnie Alicia Berkeley	Healdsburg, CA	2015-03-24	People go to the coast to escape the stress of everyday duties and life. To just walk down the path to our beautiful beaches and not deal with a daggone meter is part of essential quality time.
maureen roche	petrolia, CA	2015-03-24	Public Trust demands public access , not profit, not for sale.
T L	Eureka, CA	2015-03-24	I am from Sonoma County, and this is unacceptable. State Park Rangers have the largest fancy gas guzzling trucks. They never haul anything. Get them Toyotas and there are some savings. Fire the highly paid do nothings, and hire young graduates who actually care about State Parks to keep them free from non-native species and detrimental highway projects. Cut back, in other CA State Park Departments. Stop restricting access to our treasured areas. Get your priorities straight, please. People will not come and stay in our motels and eat at our restaurants if you but these barriers up.
Spencer Nilson	Santa Rosa, CA	2015-03-24	State Parks CDP application for iron Rangers, as proposed, violates the California Coastal Act and creates more problems than it solves.
Neil Cooper	Petaluma, CA	2015-03-25	This would be a major mistake and not only reduce tourism and local beach going that is vital for bringing income to small businesses in areas like Bodega Bay and Jenner, but also takes away the freedom of beach access that is crucial to the lifestyles of thousands of regular Sonoma County beach goers and watermen/women. Please reject this proposel, keep free and open access to public beaches along Sonoma Coast and find a better way to keep our parks funded.
Carolyn Boyles	Cotati, CA	2015-03-26	Open space should be funded with our taxes. We need open space to be available to everyone, always!
Israel Gillette	Jonesborough, TN	2015-03-26	I cannot afford parking after paying Cali, fuel tax and tolls.
Susan Upchurch	Graton, CA	2015-03-26	Our local coastal plan places a high priority on public access. This proposal not only reduces access for the disadvantaged, but also creates public safety issues due to its creation of a parking vacuum at the Coast. People avoiding fees will be parking in residential neighborhoods, and crossing the Coast Highway in order to reach the beach. Free the beaches!
Efren Carrillo	Santa Rosa, CA	2015-03-26	This appeal will limit public access to our beaches and increase public safety issues on our Coast.
Chaloner Chute	Chichester, United Kingdom	2015-03-28	This is or will be a global issue....In the UK our beaches are now subject to strict Heritage conservation laws....and access & parking is mostly free. And the world's beaches and their untold treasures are steadily being lost to rising seas and shrinking coastlines. Free or subsidised access to those who dont live nearby, should be a Given.
Robert Cary	Sebastopol, CA	2015-03-29	I believe in free and unfettered access to our beaches. Furthermore the State has not accounted for the continuing mismanagement of our State Parks.
Jake Marquis	Mill Valley, CA	2015-03-29	Public beaches should be free to access.

Name	Location	Date	Comment
Brissa Teodoro	Mill Valley, CA	2015-03-29	i'm signing this because I believe we should not have to pay a toll in order to go and enjoy our beautiful Marin beaches
benjamin Spendov	Mill Valley, CA	2015-03-29	When have we put a toll on nature?
Bella Greene	Mill Valley, CA	2015-03-29	I enjoy taking trips to the beach all the time with my friends. It gets us out of the house and into the canopy of nature. If we were required to pay a toll in order to visit these picturesque locations, we wouldn't bother taking the trip. Many, including myself, would lose touch of nature's notion of freedom and pure beauty.
Zoey Smith	Mill Valley, CA	2015-03-29	Nature needs to be free
Natalie Gocobachi	Novato, CA	2015-03-30	no one should have to pay to go to the beach!!!
Kate McNaughton	Australia	2015-03-30	I love visiting my Marin friends and family and their beautiful coast. The coast belongs to everyone...don't toll it!
Jesse wernick	Forest Knolls, CA	2015-03-30	Our oceans, coasts and beaches should be safely, easily and affordable accessible to all!
Mabel herrick	Mill Valley, CA	2015-03-30	im signing this because I don't want to pay to go to the beach
Ruthann McCloskey	Kelseyville, CA	2015-03-30	God made this world. We are inhabitants. No one should have to pay to visit. It's unchristian. Are you looking for a way to make the birds and the fish plus the rest of nature to pay for what God made? Grow up you evil money changers.
Nicole Floyd	Santa Rosa, CA	2015-03-30	I'm signing as a local who has grown up in Sonoma county . To limit public access is to limit the pride and joy of the citizens . I grew up coming to the beach on hot days and camping on short weekend. Very little is free but the beach is and should be. What would they've charging for any way? Better parking? Stairs? Paved paths to the beach? Shrubbery? Keep it the way it is!!!
ken bizzell	Santa Rosa, CA	2015-03-30	I believe the public should have free access to the coast/beach zones that are "public" parks.
james brooks	Windsor, CA	2015-03-31	I pay taxes and am a responsible visitor to the beaches. I deserve to be able to access the ocean without paying fees in addition to my taxes.
tim roche	Novato, CA	2015-03-31	There are alternatives to the pay-to-park stations. The funds would not stay local but go to the General State fund.
Tess vonarx	Santa Rosa, CA	2015-03-31	I am signing this because I love our beautiful beaches and they should be free for anyone!
steph martin	santa rosa, CA	2015-03-31	Our coast should be free for everyone to visit!
Vance Mayton	Rio Nido, CA	2015-04-01	These beaches belong to the public. The state should manage our money better and provide clear accounting for existing funds, rather than impose yet another tax on us, for accessing something that belongs to the people.
Ray Polson	Bodega Bay, CA	2015-04-01	keep our beaches open w/o iron rangers and our beach parking open and free
Cara Paneblanco	Oakland, CA	2015-04-01	we love visiting the sonoma coast and often make day or weekend trips where we work our way slowly up stopping at multiple beaches but if we had to pay at them we would likely find another activity or beaches where we didn't need to pay, like heading South towards Santa Cruz instead.
Lillian Lehman	Bodega Bay, CA	2015-04-01	Beaches should be FREE for everyone to use. People should not have to pay to enjoy the beauty of the coast.
Patrick Dirden	Sebastopol, CA	2015-04-01	Our beaches should remain free! It failed in 1990, it will fail again!
Gabrielle Toledano	San Francisco, CA	2015-04-01	this will cause trash in our neighborhood, and issues for the local community who lives there.

Name	Location	Date	Comment
Brooke Pino Liggett	Santa Rosa, CA	2015-04-01	Ca Coastal Commission No Central Coast District Office 45 Fremont St #2000 San Francisco CA 94105-2219 Dear Chair Kinsey and Commissioners: Re: A-2-SON-13-0219 I urge you to deny the appeal of State Parks of the unanimous decision by Sonoma County Supervisors to deny installation of signs and self-pay fee collection devices "Iron Rangers" at 14 locations at the Sonoma County coast - Salt Point State Park and Sonoma Coast State Park. The citizens of Sonoma County fought for coastal access for all in the 1970s and will do so again. The Sonoma Coast is not Southern California where walk on beaches are accessible from flat paved parking lots. Our beaches are down highly erodable cliffs. Installing Iron Rangers will push people onto Rt 1 where there are limited shoulders or into neighborhoods. People will climb down cliffs to get to the beaches, negatively impacting the coastal bluff environment. Many people will get hurt doing so as they try to avoid paying, adding to our already overburdened local emergency services. Gravel lots make achieving access for mobility challenged visitors impractical if not impossible. Iron Rangers inordinately burden Environmental Justice Communities of Concern. This is not the answer to State Parks' financial challenges. The Coastal Act was passed and the Coastal Commission was and is charged with ensuring public access to our coast - the public commons. Please rise to the occasion of your charge, deny the appeal and retain free public access to our Sonoma coast. The Commissioners should also vote to take public testimony at the substantial issue phase of the appeal before determining whether or not to hear an appeal. The people of Sonoma County deserve the right to be heard about an issue that will so severely effect public access to their coastline.The County should be given the opportunity to defend their reasoning behind their denial of the Coastal Development permit to install the rangers. An informed decision is not possible without this opportunity to testify. Sincerely, Brooke Pino Liggett Santa Rosa, CA
Erin Linney	Oakland, CA	2015-04-01	Free Access to nature is so important!
Cecilia McGhee	Bodega Bay, CA	2015-04-01	I am a local resident of the coast and the iron rangers are a terrible idea. Keep the coast free or there will be consequences - we will be exposed to the ruin of our neighborhoods where people will come to avoid paying. The iron rangers discriminate against low income families, and show a failure to manage the state parks budget.
Marlis Rosa	Pittsburg, CA	2015-04-01	I am a great granddaughter of California pioneers.
William Netherby	GRASS VALLEY, CA	2015-04-01	Enough is enough. We pay too many taxes as it is.

Name	Location	Date	Comment
Nancy O'Brien!	Bodega Bay, CA	2015-04-01	I want beach access free for families. State Parks has mismanaged their money, but leave Sonoma County alone!
Nancy Netherby	Somerset, CA	2015-04-01	Where will they money from these go? As residents we are concerned that first responders will not be able to get to the scene of an incident with all the traffic in front of them. Hwy 1 is a small one lane highway with literally no shoulder area to pass. It is bad enough on the weekends without adding this to the mix.
Misty Mersich	Santa Rosa, CA	2015-04-01	I love my right to coastal access. There are better ways to raise money.
sharon beals	san Franclisco, CA	2015-04-01	Please keep access to the parks available to anyone, even the people who can't afford to pay for parking.
James Henderson	Santa Rosa, CA	2015-04-02	thia proposal reduces or restricts public access to the coast.
Susan packer	Guerneville, CA	2015-04-02	the beaches belong to the people. Keep them free.
Ruby Tischoff	Santa Rosa, CA	2015-04-02	...these people are very corrupt.
Anne Heneghan	Bodega Bay, CA	2015-04-02	To maintain the rural beauty of our coastline, equal public access to state parks and beaches, and to maintain the integrity of the Carmet neighborhood.
Liz Stafford	Bodega Bay, CA	2015-04-02	I don't want Salmon Creek streets any more clogged by cars and littered, and I think beach access to the public is crucial! The beaches belong to all of us!
Joanna Martinelli Strang	Bodega Bay, CA	2015-04-02	I live across from a beach that currently has free parking. Charging a fee would encourage parking on neighborhood streets, causing crowded roads, traffic hazards, and litter that would affect the local residents without any compensation by State Parks. If funds are needed to manage the impact of tourists on the coast, I would recommend the institution of a toll road for sections of Highway One (residents and business owners/workers exempt). The funds would need to go directly to maintaining the natural beauty and safety of areas that are enjoyed by visitors, who are on the increase from year to year.
Michael Trapani	Bodega Bay, CA	2015-04-02	This fund-raising idea is beyond stupid and will only result in increased damage to roadsides, traffic and congestion on Hwy One and damage to the sensitive coastal environment. State Parks can find some other way to raise money!
MARY LAWLER	Calistoga, CA	2015-04-02	State Parks is still trying to install iron rangers at our beaches. If they do visitors could avoid paying the current $8 parking fee by clogging our narrow roads like they do at Salmon and Scotty Creeks. Their kids and dogs could dart out into traffic and they could open their doors into traffic like they do at Scotty Creek. They will leave their trash here since State Parks doesn't have trash cans on the beach, in their parking lots or pullouts. Park maintenance workers pickup trash along Hwy 1 after busy weekends but they won't pick up litter in our neighborhood.
Jacques Levy	Occidental, CA	2015-04-02	Coastal access is one of the few remaining free places for low income people to go for recreation. The iron rangers will unfairly and disproportionately punish them. Let's use some common sense and compassion!
Linda Cooker	Sacramento, CA	2015-04-03	The beaches belong to you and me - and that includes access to them.
Mara Gordon	Walnut Creek, CA	2015-04-03	i care!
Joan McMillan	Bodega Bay, CA	2015-04-03	i do not agree with the iron ranger day use fees it is a rip off to us all
Todd Board	Glen Ellen, CA	2015-04-04	I volunteer dozens of hours monthly at local state parks to help make up for the egregious bureaucratic bungling at state parks historically, including its hidden budget buckets and cagy unwillingness to commit local fees to local park resources. Let's early-retire the deadwood and move on!

Name	Location	Date	Comment
Gerry Schultz	Occidental, CA	2015-04-04	14 Sonoma County beaches are at risk of getting "iron rangers" and $7 fees. This is outrageous and wrong and we all know many reasons why. For 3 years I have been fighting this, and now...I am so furious that I have announced that, if the gates and fees are put in place, I AM GOING TO USE MY CAR TO BLOCK ACCESS TO THE IRON RANGER...STARTING WITH BODEGA HEAD. Let them arrest me....a non-activist, a musician, a retired person who is outraged at this appeal by the State.
Gerry Schultz	Occidental, CA	2015-04-04	It is offensive, outrageous, and just plain WRONG to put 14 Sonoma County Beaches behind an Iron Ranger and then charge us $7 to enjoy that beach. BODEGA HEAD is usually visited by many for just a few wind-swept minutes. With a gate and $7 fee...we will NOT be visiting our beloved BODEGA HEAD. For 3 years I have called and written to the Calif. Parks Dept. with alternative ideas and objections to the iron rangers + fees. EFREN CARILLO, my supervisor in Sonoma County is also fighting the gate + fees. I have told Efren that I plan to park my car to block your gate at BODEGA HEAD until I get arrested. I posted this to Efren and to my Facebook page. I am NOT AN ACTIVIST. I am a MUSICIAN with a rising fury and anger against the APPEAL BY THE STATE to install this outrageous system. 14...14...14 beaches on our coast with gates and fees?????? Really? I'm getting my car ready!
Ben Goyhenetche	Bodega Bay, CA	2015-04-05	it's a bad idea!
Susan Packer	Guerneville, CA	2015-04-05	i am signing because the coast belongs to the people. Keep it free.
Jerry Bewley	Occidental, CA	2015-04-05	Concerns about parking along SR1 & safety issues re pedestrians on the highway as well as volunteer trails to the beaches
Zeno Swijtink	Sebastopol, CA	2015-04-05	We need to keep access to the coast free for people of all income levels!
Mark Feldman	Santa Rosa, CA	2015-04-05	Iron Rangers WOULD LIMIT Public Access to the world class Sonoma Coast and are proposed for gravel parking areas that WOULD NOT be ADA compliant and PROVIDE NO services other than pit toilets. All currently free safe-access beaches would become pay-to-park, encouraging people to seek more dangerous beaches or to park illegally, which would increase the need for rescue and enforcement. I STRONGLY DEMAND THAT CA State Parks & THE California Coastal Commission UPHOLD THE 5-0 DECISION by Sonoma County Supervisors to DENY State Parks' permit application to install "Iron Rangers". THE TAXPAYERS DO NOT WANT THE "Iron Rangers:, the coast is public domain & MUST BE FREE FOR THE PUBLIC TO ACCESS!
James Peck	Phoenix, AZ	2015-04-06	I don't like gates.

Name	City	State	Zip Code	Country	Signed On
Miranda Darley	bodega bay	California		United States	3/15/2015
Chris Calvi	Bodega Bay	California	94923	United States	3/15/2015
Julian Neely	Los Angeles	California	90013	United States	3/15/2015
samantha noel	Oakland	California	94602	United States	3/15/2015
Lea Walters	San Rafael	California	94901	United States	3/15/2015
Jenny nolan			3000	Australia	3/15/2015
Karmen Heaslip	Bolinas	California	94924	United States	3/15/2015
Jeremy nugebt	San Rafael	California	94903	United States	3/15/2015
Zeke Cissell	Santa Rosa	California	95401	United States	3/15/2015
cea higgins	Bodega Bay	California	94923	United States	3/15/2015
Denny Rosatti	Camp Meeker	California	95419	United States	3/15/2015
Annie Dobbs-Kramer	Sebastopol	California	95472	United States	3/15/2015
Francyne Kunkel	Santa Rosa	California	95407	United States	3/15/2015
Alana Lavery	Occidental	California	95465	United States	3/15/2015
keary sorenson	Sebastopol	California	95472	United States	3/15/2015
Jeff Bertch	Bodega Bay	California	94923	United States	3/15/2015
Paige Lambeth	Bodega Bay	California	94923	United States	3/15/2015
Elizabeth Schimpf	Astoria	Oregon	97103	United States	3/15/2015
Gail Middleton	Windsor	California	95492	United States	3/16/2015
Kevin Mawhinney	Santa Rosa	California	95401	United States	3/16/2015
Lindsey Jackson	Forestville	California	95436	United States	3/16/2015
Maxime Perrey	Mill Valley	California	94941	United States	3/16/2015
Patricia Ravasio	Corte Madera	California	94925	United States	3/16/2015
Tracy Yauch	Novato	California	94949	United States	3/16/2015
Barbara Bogard	Mill Valley	California	94941	United States	3/16/2015
linda speel	Petaluma	California	94952	United States	3/16/2015
Sarah Lecus	Santa Rosa	California	95404	United States	3/16/2015
David Rampton	Petaluma	California	94952	United States	3/16/2015
Michael Tassone	New Hyde Park	New York	11040	United States	3/16/2015
Nathan Lou	San Diego	California	92103	United States	3/16/2015
Patricia O'Rourke	Bodega	California	94922	United States	3/16/2015
Garrett howze	Bozeman	Montana	59718	United States	3/16/2015
Dian Hardy	Sebastopol	California	95473	United States	3/16/2015
jake botts	Corte Madera	California	94925	United States	3/16/2015
Paul Peters	Sebastopol	California	95472	United States	3/16/2015
Chandra Cox	Sebastopol	California	95472	United States	3/16/2015
William R. Beal	Bodega Bay	California	94923	United States	3/16/2015
Virginia Strom-Martin	Duncans Mills	California	95430	United States	3/16/2015
Miranda Hope	Sebastopol	California	95472	United States	3/16/2015
david berry	Sebastopol	California	95472	United States	3/16/2015
matt mattison	monte rio	California	95462	United States	3/16/2015
kevin creekmore	Sebastopol	California	95472	United States	3/16/2015
Laura Ramey	Sebastopol	California	95473	United States	3/16/2015
Pytr Bob	mariposa	California	95338	United States	3/16/2015
Sara Cissell	Santa Rosa	California	95401	United States	3/16/2015
Joy Jacobsen	Sebastopol	California	95472	United States	3/16/2015

Dennis T. O'Leary	Guerneville	California	95446	United States	3/16/2015
Russell Willis	Sebastopol	California	95472	United States	3/16/2015
Zack styskal	Petaluma	California	94952	United States	3/16/2015
Darris B Nelson	Bodega	California	94922	United States	3/16/2015
seth Talbert	Ukiah	California	95482	United States	3/16/2015
Janet garcia	Santa Rosa	California	95404	United States	3/16/2015
Richard Hall	San Rafael	California	94903	United States	3/16/2015
Theron Hawley	Corte Madera	California	94925	United States	3/16/2015
Steve Newton	San Rafael	California	94901	United States	3/16/2015
Patty Ginochio	Bodega Bay	California	94923	United States	3/16/2015
Robert Bynum	Bodega	California	94922	United States	3/16/2015
David Keller	Petaluma	California	94952	United States	3/16/2015
Mike doherty	Sebastopol	California	95472	United States	3/16/2015
Greg Bennett	Los Angeles	California	90026	United States	3/16/2015
walter brunick	Santa Rosa	California	95404	United States	3/16/2015
Alperen Toksoz	Fairfax	California	94930	United States	3/16/2015
kim bowman	novato	California	94947	United States	3/16/2015
Holly Metzger	Oakland	California	94608	United States	3/16/2015
Lacie Gibson	Windsor	California	95492	United States	3/16/2015
Willis bigelow	Inverness	California	94937	United States	3/16/2015
michelle sweeney	Monte Rio	California	95462	United States	3/16/2015
Clay McCormick	Sebastopol	California	95472	United States	3/16/2015
Christopher Stephenson	Santa Rosa	California	95404	United States	3/16/2015
candace walker	Bodega Bay	California	94923	United States	3/16/2015
Lauri Arnold	Bodega Bay	California	94923	United States	3/16/2015
Cathy Schezer	Cazadero	California	95421	United States	3/16/2015
Myphon Hunt	Yuba City	California	95991-423	United States	3/16/2015
Cathy Anello	Bodega Bay	California	94923	United States	3/16/2015
Mariah Joens	Lakeport	California	95453	United States	3/16/2015
Luis Santiago	Graton	California	95444	United States	3/16/2015
Mary anne Sobieraj	Cazadero	California	95421	United States	3/16/2015
Tyler Grunert	Fortuna	California	95540	United States	3/16/2015
Nancy Powers	Gasquet	California	95543	United States	3/16/2015
Sherrie Althouse	Rio Nido	California	95471	United States	3/16/2015
Mariah Smith	Graton	California	95444	United States	3/16/2015
Brandi mercer	Forestville	California	95436	United States	3/16/2015
Oleg Manzyuk	Fair Oaks	California	95628	United States	3/16/2015
Peter Wargo	Santa Rosa	California	95404	United States	3/16/2015
Gary Abreim	Sebastopol	California	95472	United States	3/16/2015
Elaine Larson	Petaluma	California	94954	United States	3/16/2015
Patricia O'Bannon	Portland	Oregon	97217	United States	3/16/2015
rose castano	Sebastopol	California	95472	United States	3/16/2015
JOHN UNIACK	Rio Nido	California	95471	United States	3/16/2015
Willie Melia	Santa Rosa	California	95403	United States	3/16/2015
Tom Cruckshank	Sebastopol	California	95472	United States	3/16/2015
Margo norris	Rohnert Park	California	94928	United States	3/16/2015
Mitchell Solkov	Santa Barbara	California	93106	United States	3/16/2015

Leandra Beaver	Cazadero	California	95421	United States	3/16/2015
marty morelli	santa rosa	California	95401	United States	3/16/2015
Anne Millbrooke	Bozeman	Montana	59718	United States	3/16/2015
Dominique Ridley	Graton	California	95444	United States	3/16/2015
Richard Burrell	Santa Rosa	California	95404	United States	3/16/2015
Logan Weir	San Francisco	California	94107	United States	3/16/2015
Jude Mion	Petaluma	California	94954	United States	3/16/2015
shannon marsi	Bodega Bay	California	94923	United States	3/16/2015
Kyle Stuart	Sun City	California	92585	United States	3/16/2015
Sky Emerson	Truckee	California	96162	United States	3/16/2015
ross crowl	Monte Rio	California	95462	United States	3/16/2015
Danielle Saldana	Copperopolis	California	95228	United States	3/16/2015
Elise Fairbairn	Bodega Bay	California	94923	United States	3/16/2015
Zack Balon	Citrus Heights	California	95610	United States	3/16/2015
Laurel Laws	Rohnert Park	California	94928	United States	3/16/2015
Heid Todd	Santa Rosa	California	95404	United States	3/16/2015
Phaedra Glidden	Santa Rosa	California	95403	United States	3/16/2015
james boyden	Rohnert Park	California	94927	United States	3/16/2015
Dolores Waddell	Folsom	California	95630	United States	3/16/2015
Chris Bane	Sooke		V9z0t1	Canada	3/16/2015
Thomas Nixon	Penngrove	California	94951	United States	3/16/2015
Cherrise Hannon	Bodega Bay	California	94923	United States	3/16/2015
Donna Seep	Bodega Bay	California	94923	United States	3/16/2015
Nicholas Alvarez	Sonoma	California	95476	United States	3/16/2015
Kathleen Bylsma	Mountain View	California	94040	United States	3/16/2015
cody fusco	West Roxbury	Massachus	2132	United States	3/16/2015
Lauren Thrower	Sonoma	California	95476	United States	3/16/2015
Robert Loranger	Camp Meeker	California	95419	United States	3/16/2015
Gary Gregg	Portland	Oregon	97225	United States	3/16/2015
Meredith Santiago	San Francisco	California	94112	United States	3/16/2015
Gail Hanson	Forestville	California	95436	United States	3/16/2015
robert luiz	Alameda	California	94501	United States	3/16/2015
John Mellquist	Napa	California	94558	United States	3/16/2015
David Turknett jr	Santa Rosa	California	95409	United States	3/17/2015
Kyle Barnett	Makawao	Hawaii	96768	United States	3/17/2015
Derek Southard	Santa Rosa	California	95404	United States	3/17/2015
Norma Jellison	Bodega Bay	California	94923	United States	3/17/2015
Laura Duggan	Sebastopol	California	95472	United States	3/17/2015
Michele Sokol	Santa Rosa	California	95404	United States	3/17/2015
Joan Bacci	Guerneville	California	95446	United States	3/17/2015
Peg Thompson	Guerneville	California	95446	United States	3/17/2015
Carol vellutini	Santa Rosa	California	95401	United States	3/17/2015
Kenny Correia	Cotati	California	94931	United States	3/17/2015
Daniel Calvi	San Francisco	California	94133	United States	3/17/2015
Matthew Howard	Cotati	California	94931	United States	3/17/2015
Jill Anderson	Sonoma	California	95476	United States	3/17/2015
Susan Tiedemann	Rohnert Park	California	94928	United States	3/17/2015

dave rutherford	occidental	California	95465	United States	3/17/2015
Ronnee Rubin	Bodega Bay	California	94923	United States	3/17/2015
Roger Mamer	Sebastopol	California	95472	United States	3/17/2015
Jeremy Nichols	Santa Rosa	California	95404	United States	3/17/2015
Alex spooner	Guerneville	California	95446	United States	3/17/2015
Charles Rubin	Bodega Bay	California	94923	United States	3/17/2015
Vesta Copestakes	Forestville	California	95436	United States	3/17/2015
Quinn Rollings	Santa Rosa	California	95405	United States	3/17/2015
Stephen Hazelton	San Jose	California	95126	United States	3/17/2015
Mayency Gonzalez	Novato	California	94947	United States	3/17/2015
Zoe Keating	Camp Meeker	California	95419	United States	3/17/2015
Carol Sklenicka	Duncans Mills	California	95430	United States	3/17/2015
Raphaela Monribot	Jenner	California	Jenner	United States	3/17/2015
Nikki Dohn	Sebastopol	California	95472	United States	3/17/2015
Phil Tresenrider	Sebastopol	California	95472	United States	3/17/2015
Judy Bigelow	West Hills	California	91307	United States	3/17/2015
Ezra Conner	Bolinas	California	94924	United States	3/17/2015
Timothy Dixon	Glen Ellen	California	95442	United States	3/17/2015
Juliet Smith	Bodega Bay	California	94923	United States	3/17/2015
Paul Maysonave	Peaceful	California	95467	United States	3/17/2015
Anthony Styskal	Cazadero	California	95421	United States	3/17/2015
Bud Veliquette	Occidental	California	95465	United States	3/17/2015
Mary Williams	Jenner	California	95450	United States	3/17/2015
jeff gehring	Petaluma	California	94952	United States	3/17/2015
lisa Gallagher	Roseville	California	95661	United States	3/17/2015
Cie Cary	Sebastopol	California	95472	United States	3/17/2015
Jane Saunders	Monte Rio	California	95486	United States	3/17/2015
Patrick Clark	Santa Rosa	California	95404	United States	3/17/2015
Laurel trimboli	Monte Rio	California	95462	United States	3/17/2015
Cheri Puig	Monte Rio	California	95462	United States	3/17/2015
carole coler dark	Sebastopol	California	95472	United States	3/17/2015
Todd Snyder	San Francisco	California	94115	United States	3/17/2015
Pamela Conleyp	Cazadero	California	95421	United States	3/17/2015
angelique beaumont	Cazadero	California	95421	United States	3/17/2015
Ruby Cooper	Cazadero	California	95421	United States	3/17/2015
Mary Livingston	Jenner	California	95450	United States	3/17/2015
mikki goldstein herman	Windsor	California	95492	United States	3/17/2015
J Agata	Sebastopol	California	95472-475	United States	3/17/2015
Victoria Chapman	Forestville	California	95436	United States	3/17/2015
Jessica Wolfe	Guerneville	California	95446-953	United States	3/17/2015
Jane mcDonough	Windsor	California	95492	United States	3/17/2015
marika harrison	Sebastopol	California	95472	United States	3/17/2015
robert parker	Oakland	California	94610	United States	3/17/2015
Andrew Alvarado	Sebastopol	California	95472	United States	3/17/2015
John Hadley	Forestville	California	95436	United States	3/17/2015
TERI FOSTER	Jenner	California	95450	United States	3/17/2015
Amy Latourette	Santa Rosa	California	95407	United States	3/17/2015

jay lalezari	Corte Madera	California	94925	United States	3/17/2015
Arline Thomas	Sebastopol	California	95472	United States	3/17/2015
Eduardo Ramos	Santa Rosa	California	95401	United States	3/17/2015
Nancy Cook	Fort Bragg	California	95437	United States	3/17/2015
Gladys casado	Bronx	New York	10458	United States	3/17/2015
Victoria Wikle	Monte Rio	California	95486	United States	3/17/2015
Tonia Hall	Windsor	California	95492	United States	3/17/2015
Noah Housh	Guerneville	California	95446	United States	3/17/2015
James irving	Pleasant Hill	California	94523	United States	3/17/2015
Matt Lunn	Petaluma	California	94952	United States	3/17/2015
Christopher Adams	san francisco	California	94124	United States	3/17/2015
Taima Broadhead	Napa	California	94558	United States	3/17/2015
Julie Martin	Frederic	Wisconsin	54837-891	United States	3/17/2015
Hailey Clarke	San Francisco	California	94115	United States	3/17/2015
David Lunn	San Francisco	California	94116	United States	3/17/2015
Brenda Adelman	Guerneville	California	95446	United States	3/18/2015
Melinda Camacho	Oakland	California	94610	United States	3/18/2015
nicole housh	Guerneville	California	95446	United States	3/18/2015
Jeff garcie	Kodiak	Alaska	99615	United States	3/18/2015
Ambra Lindblom	Santa Rosa	California	95407	United States	3/18/2015
Steven Lunn	Santa Maria	California	93454	United States	3/18/2015
Mike Lesik	Occidental	California	95465	United States	3/18/2015
Laurie Prothro	Guerneville	California	95446	United States	3/18/2015
Tim Banuet	Petaluma	California	94954	United States	3/18/2015
linda petrulias	Cazadero	California	95421	United States	3/18/2015
Jan Kahdeman	Sebastopol	California	95472	United States	3/18/2015
Anda Conran	Santa Rosa	California	95404	United States	3/18/2015
Joel Cervantes	Petaluma	California	94954	United States	3/18/2015
Lionel Lennox	Santa Rosa	California	95401-382	United States	3/18/2015
Terry Morris	Occidental	California	95465	United States	3/18/2015
Jo Morrison	Santa Rosa	California	95403	United States	3/18/2015
Laura and Hendrik Huhn	Bodega Bay	California	94923	United States	3/19/2015
Kathie Lowrey	Healdsburg	California	95448	United States	3/19/2015
Elisa conti	Guerneville	California	95446	United States	3/19/2015
Ess hartley	Guerneville	California	95446	United States	3/19/2015
Ronald Burke	Sebastopol	California	95472	United States	3/19/2015
Sheila Gilmore	Bodega Bay	California	94923	United States	3/19/2015
Laura mueller	Guerneville	California	95446	United States	3/19/2015
Jeanne Moen	Santa Rosa	Colorado	Santa Rosa	United States	3/19/2015
Mary Caponio	Jenner	California	95450	United States	3/19/2015
Justice Mello	Santa Rosa	California	95405	United States	3/19/2015
BETTY LYSON	Guerneville	California	95446	United States	3/19/2015
Mindy braun	Santa Rosa	California	95401	United States	3/19/2015
Linda Bonnel	Novato	California	94945	United States	3/19/2015
Jacquie Lunn	Petaluma	California	94954	United States	3/19/2015
Robin O'Brien-Dundore	Santa Rosa	California	95407	United States	3/19/2015
Sarah Stewart	El Sobrante	California	94803	United States	3/19/2015

Alex Thiele	Oakland	California	94611	United States	3/20/2015
Suzanne Darley	Mill Valley	California	94941	United States	3/20/2015
ron paul	Bristol	Connecticu	6010	United States	3/20/2015
Kym Lundberg	Oakland	California	94610	United States	3/20/2015
Mark Darley	Mill Valley	California	94941	United States	3/20/2015
Deanna Osborne	Bodega Bay	California	94923	United States	3/20/2015
matt aaron	San Rafael	California	94903	United States	3/20/2015
Andrea Chapman	Petaluma	California	94954	United States	3/20/2015
Matt Whalen	Bodega Bay	California	94923	United States	3/20/2015
samantha makinano	Santa Rosa	California	95401	United States	3/20/2015
cindy makinano	Santa Rosa	California	95403	United States	3/20/2015
Patricia Rothchild	Bodega Bay	California	94923	United States	3/20/2015
Dan Decarly	Windsor	California	95492	United States	3/21/2015
Janet Hines	Mill Valley	California	94941	United States	3/21/2015
Jan edwards	Sky valley, ca	California	92914	United States	3/21/2015
Anna Civil	Mill Valley	California	94941	United States	3/21/2015
Chad Frick	Sebastopol	California	95472	United States	3/21/2015
Camilla Biller	Point Reyes Station	California	94956	United States	3/21/2015
Aaron Newman	Mill Valley	California	94941	United States	3/21/2015
Carla Dunbar	Los Banos	California	93635	United States	3/21/2015
Audrey tommassini	New York	New York	11231	United States	3/21/2015
Claire Ryle Garrison	Mill Valley	California	94941	United States	3/21/2015
Lorien Fenton	San Rafael	California	94912	United States	3/21/2015
Cate Hayman	Mill Valley	California	94942	United States	3/21/2015
Amanda Attebery	Occidental	California	95465	United States	3/21/2015
Susan GriffinBlack	San Rafael	California	94901	United States	3/21/2015
Susan Hills	Mill Valley	California	94941	United States	3/21/2015
susan angst	Oakland	California	94608	United States	3/21/2015
Buffy Simoni	Sebastopol	California	95472	United States	3/21/2015
John Frick	Sebastopol	California	95472	United States	3/21/2015
Jessica Gallo	Corte Madera	California	94935	United States	3/21/2015
Mary Long	Sebastopol	California	95472	United States	3/21/2015
Christina Euphrat	San Anselmo	California	94960	United States	3/21/2015
Ali Gallo	Corte Madera	California	94925	United States	3/21/2015
David Coleman	Sebastopol	California	95472	United States	3/21/2015
Richard Pierce	Santa Rosa	California	95401	United States	3/21/2015
Paul MacIntyre	Albany	California	64706	United States	3/21/2015
Angel Piedad	Chula Vista	California	91915	United States	3/21/2015
Valentine Cullen	Napa	California	94558	United States	3/21/2015
Donna Jones	Sebastopol	California	95472	United States	3/21/2015
Suzanne Clarke	Petaluma	California	94952	United States	3/21/2015
Anastasia Brodeur	Santa Rosa	California	95403	United States	3/21/2015
James Gow	Rocklin	California	95765	United States	3/21/2015
Mary Lu Murphy	Pacifica	California	94044	United States	3/21/2015
Randy Cohen	Bonny Doon	California	95060	United States	3/21/2015
Daniela Kingwill	Sebastopol	California	USA	United States	3/21/2015
Kelly Joseph	Oakland	California	94602	United States	3/22/2015

Arya saputra	Santa Rosa	California	95404	United States	3/22/2015
Susanne Bulwa	Petaluma	California	94952	United States	3/22/2015
Patrick brown	San Francisco	California	94105	United States	3/22/2015
Mark Weiss	Cazadero	California	95421	United States	3/22/2015
Tony Silvaggio	McKinleyville	California	95519	United States	3/22/2015
michael sweeney	Monte Rio	California	95462	United States	3/22/2015
Matt Ticciati	Mill Valley	California	94941	United States	3/22/2015
Alek Lisefski	Sebastopol	California	95472	United States	3/22/2015
Miriam Kügerl	Graz			Austria	3/22/2015
Kevin Donovan	San Jose	California	95117	United States	3/22/2015
robert bray	Eureka	California	95503	United States	3/22/2015
Tom Pittard	Petaluma	California	94952	United States	3/23/2015
Daniel Swezey	Sebastopol	California	95472	United States	3/23/2015
Nichole Warwick	Forestville	California	95436	United States	3/23/2015
Cindy Towner	Santa Rosa	California	95403	United States	3/23/2015
Lucy Kortum	Petaluma	California	94954	United States	3/24/2015
Bonnie Alicia Berkeley	Healdsburg	California	95448	United States	3/24/2015
maureen roche	Petrolia	California	95558	United States	3/24/2015
Ellen Seeley	Davis	California	95616	United States	3/24/2015
john hajash	Nashville	Tennessee	37207	United States	3/24/2015
Trisha Lee	Eureka	California	95501	United States	3/24/2015
Miles Ragland	Jenner	California	95450	United States	3/24/2015
Spencer Nilson	Santa Rosa	California	95405	United States	3/24/2015
Diane Schulz	Santa Rosa	California	95404	United States	3/24/2015
John Sperry	Jenner	California	95450	United States	3/24/2015
Neil Cooper	Santa Rosa	California	95404	United States	3/25/2015
Carolyn Boyles	Cotati	California	94931	United States	3/26/2015
Israel Gillette	Jonesborough, TN			Romania	3/26/2015
Rich Dubiel	Santa Clarita	California	91350	United States	3/26/2015
Susan Upchurch	Graton	California	95444	United States	3/26/2015
Efren Carrillo	Graton	California	95444	United States	3/26/2015
Jerry Johnson	Petaluma	California	94952	United States	3/26/2015
Paula Cook	Santa Rosa	California	95404	United States	3/26/2015
Stephanie Larson	Windsor	California	95492	United States	3/26/2015
Steve Dabner	Bodega Bay	California	94923	United States	3/26/2015
Ernie carpenter	Sebastopol	California	95472	United States	3/27/2015
Linda Wise	Fontana	California	92336	United States	3/28/2015
James Searles	Occidental	California	95465	United States	3/28/2015
Chaloner Chute	Chichester	England	PO19 7LR	United Kingdom	3/28/2015
Robert Kessler	Oakland	California	94610	United States	3/28/2015
Diane Hichwa	Sea Ranch	California	95497	United States	3/29/2015
David McClary	Sebastopol	California	95472	United States	3/29/2015
Bradley Yearwood	Cotati	California	94931	United States	3/29/2015
Robert Cary	Sebastopol	California	95472	United States	3/29/2015
Cate Wilmoth	Mill Valley	California	94941	United States	3/29/2015
Justine Marler	Mill Valley	California	94941	United States	3/29/2015
Madeleine Denebeim	Tiburon	California	94920	United States	3/29/2015

Josh Schussler	San Rafael	California	94901	United States	3/29/2015
Halle Russell	Boston	Massachus	2115	United States	3/29/2015
Henry Duler	Mill Valley	California	94941	United States	3/29/2015
Megan Donahue	Larkspur	California	94939	United States	3/29/2015
Roni Bowen	Mill Valley	California	94941	United States	3/29/2015
Jake Marquis	Mill Valley	California	94941	United States	3/29/2015
Brissa Teodoro	Mill Valley	California	94941	United States	3/29/2015
benjamin Spendov	Mill Valley	California	94941	United States	3/29/2015
Bella Greene	Mill Valley	California	94941	United States	3/29/2015
Zoey smith	Mill Valley	California	94941	United States	3/29/2015
Paden McNiff	Mill Valley	California	94941	United States	3/29/2015
Julia Atkin	Mill Valley	California	94941	United States	3/29/2015
Jamie Haughton	Mill Valley	California	94941	United States	3/29/2015
Sheridan Miller	mill valley	California	94941	United States	3/29/2015
Caitlin Rainey	Petaluma	California	94954	United States	3/29/2015
Jane reagan	San Rafael	California	94903	United States	3/29/2015
Forrest Pommer-Schindler	Mill Valley	California	94941	United States	3/29/2015
Chloe Wintersteen	Belvedere Tiburon	California	94920	United States	3/29/2015
Tessa Miller	Mill Valley	California	94941	United States	3/29/2015
Natalie Wilson	San Rafael	California	94903	United States	3/29/2015
Natalie Gocobachi	Novato	California	94945	United States	3/29/2015
Danielle Howeird.	Mill valley	California	94941	United States	3/29/2015
laurel halvorson	edwards	Colorado	81632	United States	3/29/2015
Kate McNaughton			3228	Australia	3/29/2015
Grace Westle	Corte Madera	California	94925	United States	3/29/2015
Dylan Froom	Los Angeles	California	90045	United States	3/29/2015
Lauren tanel	Mill Valley	California	94941	United States	3/29/2015
Marlonn Alvarez	Novato	California	94947	United States	3/30/2015
Tommy Searle	Mill Valley	California	94941	United States	3/30/2015
Carli Alexander	Sausalito	California	94965	United States	3/30/2015
Taylor Hicks	Mill Valley	California	94941	United States	3/30/2015
Jesse wernick	Forest Knolls	California	94933	United States	3/30/2015
Ali deane	Newark	California	94560	United States	3/30/2015
Khephra Owl	Petaluma	California	94952	United States	3/30/2015
Katie Burns	Mill Valley	California	94941	United States	3/30/2015
Zach Epstein	San Rafael	California	94901	United States	3/30/2015
Lauren Emge	Davis	California	95616	United States	3/30/2015
ian bowyer	muir beach	California	94965	United States	3/30/2015
Jessie Scarsella	Mill Valley	California	94941	United States	3/30/2015
Emma Mastra	Mill Valley	California	94941	United States	3/30/2015
Natalie Burrous	Corte Madera	California	94925	United States	3/30/2015
Madeleine Elias	Mill Valley	California	94941	United States	3/30/2015
Nora birch	Mill Valley	California	94941	United States	3/30/2015
John waldron	Mill Valley	California	94941	United States	3/30/2015
Hannah Holiday	Mill Valley	California	94941	United States	3/30/2015
Mabel herrick	Mill Valley	California	94941	United States	3/30/2015
Samuel Suzuki	Mill Valley	California	94941	United States	3/30/2015

Ruthann McCloskey	Kelseyville	California	95451	United States	3/30/2015
Nicole Floyd	Santa Rosa	California	95403	United States	3/30/2015
ken bizzell	Santa Rosa	California	95403	United States	3/30/2015
Jesse Atkin	Mill Valley	California	94941	United States	3/31/2015
Sarah Slain	Mill Valley	California	94941	United States	3/31/2015
James Brooks	Windsor	California	95492	United States	3/31/2015
tim roche	Novato	California	94947	United States	3/31/2015
Anson Biller	Whitefield	Maine	4353	United States	3/31/2015
Sarah Kanzler	Bodega Bay	California	94923	United States	3/31/2015
Susana Jennings	santa Monica	California	90404	United States	3/31/2015
Tess vonarx	Santa Rosa	California	95403	United States	3/31/2015
David Eisenberg	Tucson	Arizona	85716	United States	3/31/2015
Melissa Peraza	Napa	California	94558	United States	3/31/2015
Angela alvarez	Windsor	California	95492	United States	3/31/2015
Jan Kravitz	Cotati	California	94931	United States	3/31/2015
Sandi nieto	Healdsburg	California	95448	United States	3/31/2015
steph martin	santa rosa	California	95404	United States	3/31/2015
Bennett charles	Denver	Colorado	80202	United States	3/31/2015
Nancy Hinze	San Francisco	California	94122	United States	4/1/2015
Vance Mayton	Rio Nido	California	95471	United States	4/1/2015
Christina Blount	Santa Rosa	California	95401-513	United States	4/1/2015
Saci McDonald	San Rafael	California	94901	United States	4/1/2015
Mike Shoys	Forestville	California	95436	United States	4/1/2015
Larry Nestle	Sebastopol	California	95472	United States	4/1/2015
nina kanzler	Duncans Mills	California	95430	United States	4/1/2015
Nina Kilham	Petaluma	California	94954	United States	4/1/2015
sharon kelly	Delray Beach	Florida	33484	United States	4/1/2015
Jim Thornburg	El Cerrito	California	94530	United States	4/1/2015
Ray Polson	Bodega Bay	California	94923	United States	4/1/2015
Gracie Lock	Santa Rosa	California	95403	United States	4/1/2015
Cara Panebianco	Oakland	California	94606	United States	4/1/2015
Cynthia Brenton	Windsor	California	95492	United States	4/1/2015
Loretta Giorgi	Bodega Bay	California	94923	United States	4/1/2015
Alice Chan	Sebastopol	California	95472	United States	4/1/2015
Diana Bundy	Bodega Bay	California	94923	United States	4/1/2015
Neil Kelly	Sebastopol	California	95472	United States	4/1/2015
Kolb Michelle	Bodega Bay	California	94923	United States	4/1/2015
Anna Givens	Santa Rosa	California	95404	United States	4/1/2015
Lillian Lehman	Bodega Bay	California	94923	United States	4/1/2015
Gail King	Monte Rio	California	95462	United States	4/1/2015
Patrick Dirden	Sebastopol	California	95472	United States	4/1/2015
Robert Thayer	Saint Paul	Minnesota	55108	United States	4/1/2015
Jaime Grant	El Cerrito	California	94530	United States	4/1/2015
Gabrielle Toledano	Bodega Bay	California	94923	United States	4/1/2015
Brooke Pino Liggett	Santa Rosa	California	95403	United States	4/1/2015
Susan Weston	Alameda	California	94501	United States	4/1/2015
Brian Leubitz	Bodega Bay	California	94923	United States	4/1/2015

Erin Linney	Oakland	California	94611	United States	4/1/2015
Cecilia McGhee	Bodega Bay	California	94923	United States	4/1/2015
Marlis Rosa	Pittsburg	California	94565	United States	4/1/2015
William Netherby	Grass Valley	California	95949	United States	4/1/2015
Nancy O'Brienl	Bodega Bay	California	94923	United States	4/1/2015
Arthur High	Jupiter	Florida	33458	United States	4/1/2015
Nancy Netherby	Somerset	California	95684	United States	4/1/2015
Bret Fontaine	Santa Rosa	California	95401	United States	4/1/2015
Brent Stark	Bodega Bay	California	94923	United States	4/1/2015
jim seaton	Santa Rosa	California	95407	United States	4/1/2015
theresa arrington-seaton	Santa Rosa	California	95407	United States	4/1/2015
Misty Mersich	Santa Rosa	California	95404	United States	4/1/2015
Kevin Andersen	Bodega Bay	California	94923	United States	4/1/2015
Rober-Dean Sauder	Concord	California	94521	United States	4/1/2015
erinn flaherty po box 271 l	Rancagua			Chile	4/1/2015
Mark Emmett	Guerneville	California	95446	United States	4/1/2015
Marlyn Garcia	Santa Rosa	California	95403	United States	4/1/2015
Sharon Beals	San Francisco	California	94107	United States	4/1/2015
Allen Danley	Santa Rosa	California	95407	United States	4/1/2015
Ellen Bicheler	Petaluma	California	94952	United States	4/2/2015
James Henderson	Santa Rosa	California	95409	United States	4/2/2015
Rick Nielsen	Santa Rosa	California	95404	United States	4/2/2015
Susan packer	Guerneville	California	95446	United States	4/2/2015
Ruby Tischoff	Santa Rosa	California	95401	United States	4/2/2015
Anne Heneghan	Bodega Bay	California	94923	United States	4/2/2015
Jim Heneghan	Bodega Bay	California	94923	United States	4/2/2015
Kike Arnal	Oakland	California	94602	United States	4/2/2015
Liz Stafford	Bodega Bay	California	94923	United States	4/2/2015
tirzah given	San Leandro	California	94578-530	United States	4/2/2015
Joanna Martinelli Strang	Bodega Bay	California	94923	United States	4/2/2015
Josh Vanwicklen	Forestville	California	95436	United States	4/2/2015
Russ Anger	Forestville	California	95436	United States	4/2/2015
Jeremiah Kahmoson	Santa Rosa	California	95403	United States	4/2/2015
Whitney Silva	Forestville	California	95436	United States	4/2/2015
miguel soria	Windsor	California	95492	United States	4/2/2015
Michael & Jack Bundy	Bodega Bay	California	94923	United States	4/2/2015
Kate Wilson	Healdsburg	California	95448	United States	4/2/2015
Margaret Briare	Bodega Bay	California	94923	United States	4/2/2015
Gabriel Nelson	Glen Ellen	California	95442	United States	4/2/2015
Michael Trapani	Bodega Bay	California	94923	United States	4/2/2015
MARY LAWLER	Calistoga	California	94515	United States	4/2/2015
Jacques Levy	Occidental	California	95465	United States	4/2/2015
Rainbow Rainbow	Glen Ellen	California	95442	United States	4/3/2015
Elizabeth Lopez	Sebastopol	California	95472	United States	4/3/2015
Francisco González Lievan	Santa Rosa	California	95403	United States	4/3/2015
Linda Cooker	Sacramento	California	95828	United States	4/3/2015
MARA GORDON	Bodega Bay	California	94923	United States	4/3/2015

Joan McMillan	Bodega Bay	California	94923	United States	4/3/2015
Todd Board	Glen Ellen	California	95442	United States	4/4/2015
elana salzman	San Francisco	California	94118	United States	4/4/2015
savannah mowad	San Francisco	California	94102	United States	4/4/2015
Gerry Schultz	Occidental	California	95465	United States	4/4/2015
Patricia Sinclair	Guerneville	California	95446	United States	4/4/2015
Judith Moorman	Occidental	California	95465	United States	4/4/2015
Deanne Cramer	Rohnert Park	California	94928	United States	4/4/2015
Ben Goyhenetche	Bodega Bay	California	94923	United States	4/5/2015
Robert Feuer	Occidental CA	California	95465	United States	4/5/2015
Susan Packer	Guerneville	California	95446	United States	4/5/2015
Jerry Bewley	Camp Meeker	California	95419	United States	4/5/2015
Hollis Bewley	Camp Meeker	California	95419	United States	4/5/2015
barbara zenio	Santa rosa	California	95405	United States	4/5/2015
Kalan gillespie	Windsor	California	95492	United States	4/5/2015
mark aubert	Mill Valley	California	94941	United States	4/5/2015
Jason Mehrens	San Francisco	California	94112	United States	4/5/2015
Grace halliday	San Rafael	California	94901	United States	4/5/2015
Dan Perdios	Palm Springs	California	92262	United States	4/5/2015
bill pardue	Monte Rio	California	95462	United States	4/5/2015
Zeno Swijtink	Sebastopol	California	95472	United States	4/5/2015
pat usner	Novato	California	94949	United States	4/5/2015
Linda Kaffke	brooklyn	New York	11215	United States	4/5/2015
xander scull	Forest Knolls	California	94933	United States	4/5/2015
Zoe Brent	Sebastopol	California	95472	United States	4/5/2015
Mark Feldman	Santa Rosa	California	95401-913	United States	4/5/2015
Mannee mcmurray	Novato	California	94949	United States	4/5/2015
Peter Naughton	Sebastopol	California	95472	United States	4/5/2015
Ed Dudkowski	Sausalito	California	94965	United States	4/6/2015
Melanie Gross	Cazadero	California	95421	United States	4/6/2015
James Peck	Cazadero	California	95421	United States	4/6/2015
Elizabeth Anderson	Sebastopol	California	95472	United States	4/6/2015
Benjamin Herndon	Santa Rosa	California	95405	United States	4/6/2015
Reeta Roo	Occidental	California	95465	United States	4/6/2015
Daniel Mortag			57368	Germany	4/6/2015
Carol swanson	Monte Rio	California	95462	United States	4/6/2015
Grace McGovern	San Francisco	California	94109	United States	4/6/2015
James Kakuk	Guerneville	California	95446	United States	4/6/2015

W17a

From: Gerry Schultz [gerryschultz3@gmail.com]
Sent: Tuesday, April 14, 2015 6:29 PM
To: SonomaStateParksAppeal@Coastal
Subject: NO IRON RANGERS...please

Please don't do this to all of us in Sonoma County.

Gerry Schultz
Executive Director
California Redwood Chorale (501c3)
Tax ID # 91 - 1805049
www.californiaredwoodchorale.org
Facebook: California Redwood Chorale
Please Donate at: Go Fund Me - gofundme.com/fb3ciq

W17a

From: gschultz@sonic.net [gschultz@sonic.net]
Sent: Tuesday, April 14, 2015 6:31 PM
To: SonomaStateParksAppeal@Coastal
Subject: vote NO IRON RANGERS

14 iron rangers on our lovely Sonoma County coast? Really?

You won't let this happen...will you???

Thank you,
G. Schultz
Occidental, CA...8 miles from the coast

W17a

From: gioiavg@sonic.net [gioiavg@sonic.net]
Sent: Tuesday, April 14, 2015 6:33 PM
To: SonomaStateParksAppeal@Coastal
Subject: VOTE NO IRON RANGERS

We are depending on all of you to protect us here in Sonoma County from this abhorrent appeal by the State.

Gioia

W17a

From: California Redwood Chorale [crc@californiaredwoodchorale.org]
Sent: Tuesday, April 14, 2015 6:34 PM
To: SonomaStateParksAppeal@Coastal
Subject: iron rangers???? NO NO NO

DON'T LET THIS HAPPEN....please!!!

W17a

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Carole Groom

1) Name or description of project: W17a - Appeal No. A-2-SON-13-0219

2) Date and time of receipt of communication: April 13, 2015 at 6:08 p.m.

3) Location of communication: E-mail

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Stefanie Sekich-Quinn

5) Identity of person(s) on whose behalf communication was made: Surfrider Foundation

6) Identity of persons(s) receiving communication: Stefanie Sekich-Quinn

7) Identity of all person(s) present during the communication: Carole Groom

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

The representative of Surfrider Foundation indicated in email that they disagree with California Department of Parks and Recreation's efforts to institute new fees without public input or a search for alternative solutions. Surfrider Foundation disagrees with staff and believes they should find no substantial issue with this item. Material provided to Commissioner Groom is attached.

Apr 14 2015
Date

Carole Groom
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

W17a

Carole Groom - Re: Ex Parte Request

From: Stefanie Sekich-Quinn <ssekich@surfrider.org>
To: Carole Groom <cgroom@smcgov.org>
Date: 4/13/2015 6:08 PM
Subject: Re: Ex Parte Request
Attachments: Iron Ranger Ex Parte Talking Points.docx

Thank, Carole.

I have attached my talking points for ex parte. We are concerned State Parks is not helping foster public buy-in and participation.

See you Wed!

Stefanie Sekich-Quinn

Surfrider Foundation

California Policy Manager

Ssekich@surfrider.org

619-807-0551

On Mon, Apr 13, 2015 at 5:45 PM, Carole Groom <cgroom@smcgov.org> wrote:

> Stefanie,
> I'm sorry, we have a board of supervisors meeting that will last all day tomorrow.
> Carole
>
> >>> Stefanie Sekich-Quinn <ssekich@surfrider.org> 4/13/2015 12:00 PM >>>
> Hello Commissioner Groom,
>
> I'm hoping to briefly chat with you about the Iron Ranger item that will be on the agenda Wednesday.
>
> It will be myself and Cea from our Sonoma Chapter.
>
> Please let me know what will work for you.
>
> Looking forward to speaking with you.

Best regards,

Stefanie
Stefanie Sekich-Quinn

Surfrider Foundation

California Policy Manager

Ssekich@surfrider.org

619-807-0551

Iron Ranger Ex Parte Talking Points

- We understand there is a legislative mandate for the State Parks to expand revenues ***and believe that reasonable park fees are necessary to maintain our parks and keep them open. <u>That said, all efforts to institute new fees within State Parks must be conducted with thorough community input and involvement and the possibility for alternative solutions to generate revenue must not be precluded.</u>***

    - Surfrider wants to ensure that all impacts associated with installing pay stations are thoroughly evaluated, including, but not limited to: environmental impacts, signage, traffic analysis, socioeconomic implications and other community concerns that are raised during a public process.
    - Sonoma Coast Surfrider wants to ensure that the feasibility of alternatives remains viable and the best opportunity for that is jurisdiction remaining at the local level.

- Both the local Chapter and HQ have been working on this issue for over three years. We have a long track record of working in good faith with the Dept. Unfortunately, the Dept has been less responsive then we would like over the years. For example, in 2012 we learned they were trying to obtain CEQA and CDP exemptions for the iron rangers. After many phone calls, emails and comment letters the Dept decided not to seek a CDP exemption. **That behavior is troubling because this is such a controversial issue and it is concerning the State Parks overlooked implications of not including the public.**

- Parks wants a De Novo immediately following Substantial Issue. We think this is hubris and once again obfuscates the public process. As mentioned, the public feels like their concerns have fallen on deaf ears, and State Parks owes it to the local community to take this process slow and make sure all community input is valued and recorded.
-
    - The Chapter and the County have a recorded history of support for State Parks and have presented alternatives to this proposal in order to improve public safety, safeguard public access, and generate revenue.

- Need to find NO Substantial Issue. Again, because this is such a controversial issues, the public must be 'included at the table' in order to help craft a plan that is transparent and equitable. In addition, the County's denial was based on the LCP requirements. The whole point of this commission is to delegate authority and jurisdiction to local communities.

- Impacts to public access is best handled by the local jurisdiction. This includes having safe and equitable access for Californians. CCC oversight remains through LCP revisions currently in process as well as future opportunities for appeals if resolution not found locally.

- Please send this back to the drawing board so we can get it done right!

Must Read

W 17a

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Greg Cox

1) Name or description of project: Appeal No. A-2-SON-13-0219 - State Parks Pay Stations

2) Date and time of receipt of communication: April 14, 2015 at 11:00am

3) Location of communication: Telephone

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Supervisor Efren Carrillo

5) Identity of person(s) on whose behalf communication was made: Supervisor Efren Carrillo - County of Sonoma

6) Identity of persons(s) receiving communication: Greg Cox

7) Identity of all person(s) present during the communication: Supervisor Efren Carrillo Greg Murphy (staff for Greg Cox)

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I had a brief telephone conversation yesterday with Supervisor Efren Carrillo of Sonoma County who wished to express his concerns regarding the 15 proposed pay stations by State Parks. He felt the Commission shouldn't take jurisdiction because they have a certified LCP and his Board of Supervisors was unanimous in their denial of State Parks application.

4/14/15
Date

Greg Cox
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

Must Read

W 17a

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Greg Cox

1) Name or description of project: Appeal No. A-2-SON-13-0219 - State Parks Kiosks

2) Date and time of receipt of communication: April 14, 2015 at 10:00am

3) Location of communication: Telephone conversation

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Diane Wittenberg

5) Identity of person(s) on whose behalf communication was made: State Parks Commission

6) Identity of persons(s) receiving communication: Greg Murphy, for Greg Cox

7) Identity of all person(s) present during the communication: Diane Wittenberg

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

On April 14th, Greg Murphy on my staff had a brief telephone conversation with State Parks Commission Vice Chair Diane Wittenberg who wanted to express her Commission's support for 15 parking fee kiosks in State Parks in Sonoma County. She said this is one way the Department is working hard to become self-sustaining, and she asked that the Commission take jurisdiction by finding substantial issue and approve the kiosks in a De Novo hearing.

4/14/15
Date

Greg Cox
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

Must Read

W 17a

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Greg Cox

1) Name or description of project: Appeal No. A-2-SON-13-0219 -

2) Date and time of receipt of communication: April 13, 2015

3) Location of communication: Teleconference

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Stefanie Sekich-Quinn

5) Identity of person(s) on whose behalf communication was made:

6) Identity of persons(s) receiving communication: Greg Murphy, for Greg Cox

7) Identity of all person(s) present during the communication: Stefanie Sekich-Quinn

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

On April 13th, Greg Murphy on my staff had a telephone conversation with Stefanie Sekich-Quinn from Surfrider. Stefanie expressed Surfrider's concern that the public has not had adequate time to review and comment on the proposed iron rangers. Therefore, Surfrider is asking the Commission to NOT find substantial issue so that the action is sent back to the local level.

4/14/15
Date

Greg Cox
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

Sierra Club, Mendocino Group
Coastal Committee
27401 Albion Ridge Rd.
Albion, CA 95410

April 14, 2015

Coastal Commission
North Coast District Office
710 E Street, Suite 200
Eureka, CA 95501

Re: Proposal for paid parking at State Beaches

Dear Commissioners,

The Mendocino Group of the Sierra Club is very concerned with the proposal to increase the use of paid parking at the State Park-owned beaches along the Sonoma and Mendocino Coast. We believe that the access tot he beaches will be constrained, in opposition tot he mandated "maximum" public access.

In addition, limiting parking on the State Parks property will push many of the visitors to park on the roadsides outside of the limited parking, thus making a parking problem for the County, Cities, Caltrans, and landowners near the beaches. We believe that the current tax-based funding for the parks should be used for free parking before any new improvements are scheduled.

For these reasons we will be following the progress of the proposal through the Coastal Commission process and encourage the CCC to allow the widest participation of people on a variety of positions and concerns.

Thank you for considering this important topic.

Rixanne Wehren
Chair, Coastal Committee

W17a

From: Alexandra Genetti [mailto:thewheel@mcn.org]
Sent: Tuesday, April 14, 2015 1:24 PM
To: Lavine, Ethan@Coastal
Subject: 8 bucks to enjoy our coast?

Hello

Just wanted to add my voice, this proposed charge is really burdensome for some poorer folks who use the beach as a retreat from the chaos of the world. As citizens of this most beautiful Sonoma county our coast belongs to us already. Charging us above and beyond our taxes is no way to raise the $$ you need.

Find another way to proceed.

Alexandra Genetti,
Cazadero, California

Sent from my iPad

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT ST, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260
FAX (415) 904-5400
TDD (415) 597-5885

Memorandum

April 14, 2015

To: Commissioners and Interested Parties

FROM: Dan Carl, North Central Coast District Deputy Director
North Central Coast District

Re: ***Additional Information for Commission Meeting Thursday April 16, 2015***

Agenda Item	Applicant	Description
Th7a	Marin Co. LCP Amend. No. LCP-2-MAR-13-0224-1 (Part B) Marin IP Update	Correspondence, Amy Trainer Correspondence, Lori Kyle Correspondence, Kirk Wilbur Email, Kenneth Slaven Correspondence, Peter B. Sandmann Correspondence, Richard Kohn Correspondence, Stacy Carlsen Correspondence, West Marin Sonoma Coastal Advocates
Th8a	2-12-014 San Francisco Recreation and Park Dept.	Correspondence, Greg Roja Email, John Keener Correspondence, John Keener Email, Eric Smith Email, Jason Pitkin Email, Jay Johnston Email, Rich Cortese Email, Dana Kelly Email, Homer Hudelson Email, Rich Nessler Email, Joel Stewart Correspondence, Jackie Speier Email, Neal Desai Email, Kristin Kelsoe Email, Judy Neuhauser Email, Brian Hooper Email, Jodi Rodar Email, Jeff Volosing Email, Peter Graves Email, Brent Plater Email, Dave Landeck Email, Gary Fracchia Email, Ike Takahashi Email, Robert Hutchinson Email, Loretta Walter

Email, Victor B Eichler
Ex Parte Communication, Carole Groom
Correspondence, Surfrider Foundation
Email, Rebecca L Hartsell
Email, Matt Byrne
Email, Val Marjoricastle
Email, Hartson Doak
Email, Barbara Smolinski
Email, Marc Delucchi
Email, Carol Mathews
Email, Gayle Janzen
Email, Satya Vayu
Email, Pete Gandell
Email, Phoebe Sorgen
Email, Maya Elson
Email, Bonnie Neely
Email, Gail Gester
Email, Annie Organ
Email, Charlie Kaz
Email, Lisa Luther
Email, Fred Rinne
Email, Gwynn Mackellen
Email, Carol Hankermeyer
Email, Natalya Pouznar
Email, Stephanie Smarr
Email, Lee Rudin
Email, Brent Plater
Correspondence, Brent Plater
Correspondence, Lisa Wayne
Correspondence, Dennis J. Herrera
Email, Jenny Crofton
Email, Elaine Clark
Email, Toni Newman
Email, Gary Bailey
Email, Gayle Janzen
Email, Russell Weisz
Email, Mindy Meadows

Th7a

April 10, 2015 **Agenda Item TH7a, 4-16-15**

Dr. Charles Lester, Executive Director
California Coastal Commission
Via email: CLester@coastal.ca.gov

Re: Marin Implementation Plan comments

Dear Dr. Lester,

The Environmental Action Committee of West Marin (EAC) has been continuously engaged in Marin County's LCP update for the past six years. The administrative record contains dozens of pages of EAC's technical analysis both on the County's 4,000+ pages of draft policy and development code language and on the Commission's modifications to the LCP documents submitted by Marin County. We have initiated and attended multiple meetings with the agricultural community and other stakeholders and our perspective has benefited greatly from these interactions. As the leading voice to protect the magnificent beauty, biodiversity, and rural character of West Marin since 1971, we have expended considerable time and resources to ensure that strong coastal protection policies continue to safeguard the unique setting of West Marin.

We are extremely grateful to your staff for their tireless work to address the nature of West Marin agricultural practices, environmentally sensitive habitats, and other important coastal resources in the Implementation Plan (IP). Your staff has truly done a remarkable job revising the IP that was submitted by Marin County to ensure that sustainable family farms can continue to thrive and to provide objective criteria to guide new development throughout our coastal zone.

The IP has almost all of the necessary standards to be a final component of our amended LCP. A few outstanding issues remain of concern; we outline them below. We hope that you and your staff will please consider these final recommendations prior to the Commission's hearing on Thursday, April 16th.

Thank you very much for your commitment to ensure that Marin's Amended LCP carries forward the strong coastal protections that have served this community so well for three decades.

Environmental Action Committee of West Marin
PO Box 609 Point Reyes, California 94956
www.eacmarin.org 415.663.9312

1. **Mariculture Onshore Facilities Allowance** - 22.32.105.A

Issue: Some growers import 40% of the retail oysters they sell at onshore facilities on Tomales Bay from Baja California and Washington State. The IP must ensure that onshore facilities for mariculture operations are limited to coastal-dependent resources -- shellfish which are lawfully cultivated and harvested locally in Tomales Bay.

Recommendation: Revise last sentence of sub-section A. to read:

> "Support provision of onshore facilities necessary for allowed shellfish production that is derived from cultivation and harvest in Tomales Bay waters."

2. **ESHA Buffer Reduction Allowance Standards** – 22.64.050 A.1.c.

Issue: Limiting ESHA Buffer Reductions to the Principal Permitted Use for the zoning district. Marin's Certified LCP states:

22.56.130I.F.3 - Where a finding based upon factual evidence is made that development outside a riparian protection or stream buffer area would be more environmentally damaging to the riparian habitat than development within the riparian protection or stream buffer area, *development of principal permitted uses* may occur within such area subject to design review and appropriate mitigation measures.

Recommendation: Add language to 22.64.050A.1.c. stating:

> 1) the proposed development may be modified by the Director in order to avoid ESHA Buffer encroachment, and
> 2) ESHA buffer exceptions will only be allowed for that zoning district's Principal Permitted Use.

3. **Agricultural Processing Nexus Needed** - 22.65.040 C.1.f.2

Issue: The critical nexus between the product produced and the product processed by the farm owner is missing. As written, a coastal zone farm could process any product grown anywhere within all of Sonoma or Marin counties, thereby turning Marin's coastal zone into a de facto commercial/industrial processing center.

Recommendation: Revise 22.65.040 C.1.f.2 to read:

> With the exception of incidental additives or ingredients, agricultural products to be processed are produced on the same site, or on other agricultural properties located in Marin County or Sonoma County that are owned by the processing facility owner or operator.

4. <u>Agricultural Retail Sales/Farm Stand Sales Nexus Needed</u> - 22.65.040 C.1.f.6

Issue: The critical nexus between the product produced and the product sold by the farm owner is missing. As written, a coastal zone farm could sell any product grown anywhere within all of Sonoma or Marin counties, thereby turning Marin's coastal zone into a de facto commercial grocery center.

Recommendation: Revise 22.65.040 C.1.f.6 to read:

> With the exception of incidental additives or ingredients, agricultural products to be sold are produced on the same site, or on other agricultural properties located in Marin County or Sonoma County that are owned by the retail sales owner or operator.

5. <u>Standards Needed for Viticulture and Row Crop Development</u> – 22.65.040.C

Issue: Converting grazing land to any type of new row crops or viticulture needs standards "that reflects the necessary specificity needed to ensure that specified non-appealable development is being appropriately sited and designed." [Staff Report, p. 38] Marin County's Vineyard Erosion and Sediment Control Ordinance is insufficient to govern viticulture or row crops in the coastal zone – it is a ministerial permit that not is administered by the Community Development Agency, has no habitat protection standards, and allows development on 50% slopes. *See* EAC letter to CCC dated March 23, 2015 (Attached).

Recommendation: Add provisions to 22.65.040.C as follows:

1. **IP Standards govern row crop and viticulture development**: Include a statement that the Marin Vineyard Erosion and Sediment Control Ordinance, Marin Code Chapter 23.11, does <u>not</u> govern viticulture development in the coastal zone and instead all coastal permit regulations and standards in the updated LCP are applicable to any row crop or viticulture proposal.
2. **Prohibit slope development** of row crops and viticulture on slopes >25%.
3. **Affirmative authorization showing for surface impoundment water usage** if the proposed development would effect a change in the intensity of use of surface water impoundments - the applicant must make an affirmative showing from State Water Resources Control Board it has permission to irrigate from the impoundment for the purpose proposed.
4. **Require Design Review** to ensure that scenic and visual resources are not adversely impacted.
5. **Require well(s) to be metered** to monitor groundwater usage.
6. **Require a field survey** of nesting bird habitat based on the location and size of the proposed conversion area.
7. **Require an Agricultural Production and Stewardship Plan** if the property owner has not previously engaged in organic viticulture or row crop operations.
8. **Prohibit the use** of any pesticides, herbicides, or rodenticides as part of the intensified agricultural operation.
9. **Require Best Management Practices** and mitigation measures to address erosion, sedimentation, and habitat loss.

6. <u>CDP Required for "Change In the Intensity of Use" Clarification</u> – 22.68.060.E

Issue: This definition for what constitutes a "change in the intensity of use" requiring a coastal development permit is inconsistent with the use of this phrase in the Coastal Act's definition of "development."

Recommendation: Revise 22.68.060.E to read:

> Improvements to a structure, other than a single-family residence, or to land or water sources which increase or decrease the intensity of such use.

7. <u>CDP Required for "Water Wells and Septic Systems" Clarification</u> – 22.68.060.H

Issue: This definition does not, but should, include reference to surface water impoundments, or the change in use of water sources or septic systems. The staff report [pp. 74-75] addresses the limited water supply issue so this addition is appropriate and necessary.

Recommendation: Revise 22.68.060.H to read:

> The change in the use or intensity of use, including the expansion or construction, of water wells, septic systems and surface water impoundments.

8. CDP Required for Asphalt Paving >1000 square feet – 22.68.060.J

Issue: A coastal development permit is required to improvements to "structures" but this does not include paving existing dirt roads or driveways which create impermeable surfaces.

Recommendation: Add a sentence to 22.68.060.J to state:

> This includes paving with asphalt or concrete any area, roadway, or driveway greater than 1,000 square feet.

9. <u>Placement of Repair & Maintenance Dredging Spoils Near ESHA</u> – 22.68.060.K

Issue: Dredged spoils should not be allowed to be located within 20 feet of a coastal water or stream, or within 50 feet of an ESHA. Mandatory 100-foot standards should be the threshold and standard, otherwise this automatically grants a buffer exception under 22.64.050.A.1.c without any required biological studies or impact findings.

Recommendation: Revise 22.68.060 K.2.b. and K.3. to state:

> The placement of dredged spoils of any quantity within an ESHA, on any sandy area, within 100 feet of the edge of a coastal bluff or ESHA, or within 100 feet of coastal waters or streams. Any proposed placement of dredged spoils closer to an ESHA, coastal water, or stream requires a coastal development permit or a buffer reduction application per 22.64.050.A.1.

10. <u>Notice Requirement for Categorical Exclusion Determination</u> – 22.68.040.B

Issue: Notices of Categorical Exclusion determinations should be subject to the same requirement as all other notices to be posted by the County on its website at least on a weekly basis as required in 22.68.050.

Recommendation: <u>Revise</u> 22.68.040.B, 3rd sentence, to read:

> In addition, the Director shall maintain, post on the Agency's website at least weekly, and regularly transmit . . .

11. <u>Protection of Visual Resources</u> – 22.64.100.A.2.

Issue: There are no objective standards included in this provision to guide implementation of the Land Use Policy C-DES-2 for the protection of visual resources. Instead, section 22.64.100.A.2 merely states that "[d]evelopment shall be sited and designed to protect visual resources per Land Use Policy C-DES-2," with nothing to inform the policy statement. We have repeatedly recommended that the IP include standards to state and ensure that development shall not "impair or obstruct" significant coastal views. Simply restating the policy objective does not provide any, let alone sufficient, guidance.

Recommendation: Add provisions to 22.64.100.A.2 as follows:

> 1) Define "public viewshed" as "the scenic area of Marin's coastal zone as seen from public waters and recreation areas, like Tomales Bay, and numerous public beaches and trails, such as within Tomales Bay State Park and Point Reyes National Seashore."
>
> 2) Replace existing reference to LUP policy with the following: "To assure that development shall be sited and designed to protect visual resources and not impair or obstruct the public viewshed, the preferred method for preserving scenic views from the public viewshed shall be to address any adverse impacts through site selection and design alternatives first, and then consider mitigation through vegetation screening.
>
> 3) All Categorical Exclusion Orders adopted or modified by the Commission as part of this LCP Amendment shall require compliance with these provisions.

12. <u>Public Hearing Waiver for Minor Development Appealable to the Commission</u> – 22.70.030.B.6

Issue: When the Director finds that a "minor development" satisfies the three criteria to qualify for a public hearing waiver, he/she should be required to make a detailed written determination explaining how the three requirements have been met, so that the public is provided sufficient information on which to base a decision whether to request a public hearing.

Recommendation: Revise the last sentence of 22.70.030.B.6 to read:

> Such applications shall be accompanied by
> a) a statement of whether County decisions on the proposed development would be appealable to the Coastal Commission,
> b) a detailed analysis of the reasoning supporting such determination, and
> c) a detailed analysis discussing why the development meets each of the three requirements necessary to qualify as a "minor development."

13. <u>Definition of "Farm shed"</u> – 22.130

Issue: There is no definition of the term "farm shed" provided.

Recommendation:

"Farm shed" will be defined as: "when an owner of property in the coastal zone proposes to sell or process its products at an agricultural retail sales facility or agricultural processing facility, respectively, on the owner's property, the products to be sold or produced may be derived from any property that person owns in Marin or Sonoma County."

14. <u>Grading and Excavation Standards</u> - 22.64.080.C

Issue: Subsection 2 (Preservation of landforms and native vegetation) needs to clearly state that grading and terracing are not allowed in ESHAs or ESHA buffers.

Recommendation: Add an additional sentence to 22.64.080.C.2 as follows:

> Grading or terracing in an ESHA or ESHA buffer is not allowed without a Coastal Development Permit.

Thank you very much for your consideration of our comments.

Respectfully yours,

signature on file

Amy Trainer, Executive Director

Environmental Action Committee of West Marin
PO Box 609 Point Reyes, California 94956
www.eacmarin.org 415.663.9312

MEMORANDUM

To: California Coastal Commission staff
From: Amy Trainer, executive director, EAC of West Marin
Date: March 23, 2015
Re: Concerns about viticulture development approval process in Marin

The Environmental Action Committee of West Marin (EAC) continues to be concerned about Marin County's reliance on its 2011 "Vineyard Erosion and Sediment Control" ordinance, Marin Code 23.11 (the "Vineyard Ordinance"). The County staff has stated at recent meetings about the LCP Amendment that the Vineyard Ordinance would govern all future viticulture development in the coastal zone.

EAC understands that unless the Coastal Commission certifies the Vineyard Ordinance as part of the Marin LCP Amendment, the Vineyard Ordinance cannot govern viticulture development in the coastal zone. Due to the many failings of the ordinance enumerated below, EAC strongly believes the ordinance should not govern viticulture development. Rather, viticulture development in the coastal zone is a land use matter that should be governed by specific standards for land use and sensitive resource protection. When the Board of Supervisors considered the Vineyard Ordinance, EAC raised numerous issues of concern regarding both substantive and procedural issues, none of which were addressed in a meaningful or substantive way either in the ordinance or since it was adopted.

Based on the concerns set forth below, EAC requests that you include a statement in the LCP Implementation Plan to the effect that the **Marin Vineyard Ordinance does <u>not</u> govern viticulture development in the coastal zone but all coastal permit regulations and standards in the updated LCP are applicable to any viticulture proposal.**

EAC's continued concerns with the Vineyard Ordinance include the following:

1. The Vineyard Ordinance may contradict or otherwise be inconsistent with various provisions of the Coastal Act, including Sections 30006, 30240, 30251, and 30603.

2. The Vineyard Ordinance vests sole authority to regulate and permit all activities associated with the planting or replanting of a vineyard - grading, terracing, ripping, soil chiseling, removal of vegetation, field road construction, installation of underground drainage systems and water supply systems –with the County's Agricultural Commissioner (the "Ag Commissioner"). *See* Sections 23.11.060 and 23.11.090 under the definition of "Initial vineyard planting work."

3. The Vineyard Ordinance establishes a ministerial permit system - the Ag Commissioner is required to issue a permit for the proposed vineyard development on <u>slopes up to 50%</u>

as long as a "County recognized qualified professional" issues a report saying the vineyard development is alright. A "County recognized qualified professional" can include a certified rangeland management specialist or "other registered or certified professional acceptable to the agricultural commissioner . . ." An actual licensed civil engineer report is required only in limited circumstances. Sections 23.11.090, .100, and .120.

4. The Ag Commissioner is not required to consult with the Community Development Agency – the sole agency authorized to implement the Local Coastal Program and issue development permits - or with the Department of Public Works – the agency that issues grading permits and oversees erosion control measures. Section 23.11.150.

5. The Vineyard Ordinance limits the Ag Commissioner's review of the submitted erosion plan and proposal to develop a vineyard on slopes up to 50% to merely ensuring the plan was "prepared, reviewed, and certified in accordance with this chapter, and that the plan includes all of the information required by that section." There are no substantive or meaningful standards to guide issuance of a permit. Section 23.11.150.

6. Section 23.11.090 puts limits on the use of "best management practices" by defining that term as "those practices or sets of practices that have proven to be the most effective feasible means of preventing or reducing stormwater runoff, erosion, and sedimentation in vineyards, *given technological, institutional, environmental, and economic constraints*." (Emphasis added).

7. Section 23.11.170 does not establish the amount of riparian setback or give any standards for determining the appropriate setback distance. The provisions of the Marin County Code that the applicant "shall comply with" are not set forth. In general, the Code exempts agricultural activities from riparian setback requirements and the definition of "stream" in 23.11 is inconsistent with other provisions of the Code and LCP.

8. Section 23.11.190 states the erosion and sediment control plan requirements, but does not include actual requirements because there are none. Subsection (b)(2) states that the "agricultural commissioner shall prepare and maintain detailed plan requirements and have them available on request."

9. This Vineyard Ordinance provides no oversight of surface water or groundwater use for vineyards. Vineyards consume an exceptionally large amount of water and have the potential to significantly impact community groundwater supplies. This ordinance provides no testing or monitoring requirements for the viticulture water source, including the number of new wells, their location, the amount of water used from each, requiring that a meter be placed on new and existing wells used for viticulture, and requiring monitoring reports be submitted to monitor overall groundwater levels and consumption. See 23.11.140.

10. The Vineyard Ordinance does not provide any public process for neighbors or the public to review and comment, or possibly appeal a proposed vineyard. The public should be afforded an opportunity to comment on a proposed vineyard's size, location, construction near streams or impacts to wildlife and wildlife habitat, and other possible impacts. The only appeal provisions is for a person the Ag Commissioner finds has likely violated the

ordinance, yet the Commissioner is explicitly designated as the sole review authority for appeals.

11. This Vineyard Ordinance does not address the use of pesticides or other man-made chemicals that are often used by viticulture operators, nor does it addres their impacts on the community water supply, bird and fish habitat, or nearby organically certified farms. See 23.11.140.

12. There is no indication that the erodible soils and slope standards are based on science or best practices.

Thank you for your consideration of our concerns.

Th7a

April 12, 2015

Dr. Charles Lester, Executive Director
California Coastal Commission
Via email: CLester@coastal.ca.gov

Dear Dr. Lester,

The Environmental action Committee of West Marin (EAC) submits these supplemental comments on the Marin County LCP Implementation Plan. Thank you for your consideration of this addendum to our letter of April 10th.

1. Public Participation & Coastal Act Section 30006

EAC reasserts its past objection that the Amended LCP should not reduce, preclude, or otherwise restrain the "full public participation" for all coastal development matters as mandated by Coastal Act Section 30006.

> **Section 30006**
> The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

Modifications made to the IP by the Commission staff to the notice and appeals procedures were welcome and essential. However, more is needed in order to comply with the clear mandate of Section 30006. The fundamental way that coastal programs are implemented is through development permits issued by the local jurisdiction.

For all new development that is not appealable to the Coastal Commission and does not require a discretionary permit, the public hearing requirement has been removed. The omission of a public hearing is a significant change that removes the existing public right to weigh in on proposals for development categorized as "principally permitted" in the agricultural production zone. **A public hearing requirement in these instances is all the more essential given that the public's right to appeal to the Commission multiple kinds of new development in the C-APZ zoning district has also been removed from the long-standing practice under the Certified LCP**.

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For example, in the Certified LCP inter-generational housing is not an identified use but, if allowed at all, would certainly require a conditional use permit and a public hearing with rights of appeal to the Coastal Commission. In contrast, in the proposed LCP Amendment the first inter-generational house is a Principally Permitted Use that must meet certain standards, but no public hearing is required. The "widest opportunity for public participation" under section 30006 would dictate that the County's Deputy Zoning Administrator hold a hearing and take public input on the development proposal.

Similarly, the development of agricultural processing facilities or retail sales facilities requires a Use Permit, and therefore a public hearing, under the Marin Certified LCP. By reclassifying these facilities as "principally permitted" in the proposed LCP Amendment, the requirement of a public hearing is removed.

Recommendation: Please restore and retain public hearings for all development that is not appealable to the Coastal Commission.

2. Clarification that One Agricultural Processing Facility is Allowed per Farm.
It is unclear whether one (1) agricultural processing facility is allowed per legal lot or per farm in the C-APZ district. The last paragraph of C-AG-2 in the LCPA LUP says the County may include "all contiguous properties when reviewing a permit application," but it does not *require* this.

Recommendation: Please clarify whether a processing facility is allowed per legal lot or per farm.

3. Background Information in Certified LCP
EAC reiterates our long-standing request to carry forward the substantive background information from the Certified LCP, particularly about the wealth of environmentally sensitive habitat areas like Tomales Bay, Bolinas Lagoon, and the Esteros Americano and San Antonio. Marin County has not provided any new studies to replace this information, nor has it provided any rationale for not including this pertinent information in the LCP.

Additionally, the agricultural section in the Certified LCP contains important background information about the importance of large contiguous land tracts (500-800 acres) for successful ranches and dairies. This information has not been updated but seems to be information pertinent to current agricultural practices. The Certified LCP also explains why allowing residential build-out toward the 60-acre zoning density would impair the future of family farming in the West Marin coastal zone.

Recommendation: Please retain all of this important background information in the Amended LCP.

4. Baseline for Future Development
For purposes of establishing a "baseline" of development in the coastal zone, EAC suggests that the Amended LCP should reference and cite the California Coastal Records Project as the "baseline" for considering individual and cumulative impacts to scenic and visual resources.

5. Categorical Exclusion Items and the Protection of Visual & Scenic Resources

The draft IP needs to add language to address the requirement that even categorically exempt development must protect public views or scenic coastal areas.

> **Public Resources Code Section 30251** states:
> "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas."
>
> **Exclusion Order E-81-6** states:
>
> The protection of the visual and scenic qualities is an important issue identified both in the Marin County Local Coastal Program and in the review of permit applications. In particular, the Coastal Act requires the protection of public views to and along the ocean and in scenic coastal areas. The approval of any significant structure in these areas requires careful consideration of the surrounding topography and the location to the development such that the public views are protected. Therefore, the Commission finds that *no exclusion can be granted for certain types of development in areas where public views or scenic coastal areas could be adversely impacted*. [Emphasis added].

The development and siting of agricultural buildings, including large barns, if not clustered within the main unit of buildings has the potential to adversely affect scenic and visual qualities of coastal areas.

Two new barns and access roads to them constructed with no permits and no public hearings north of Point Reyes Station on Highway 1.

In carrying out this exclusion order, the County is required to find that categorical exclusions do not have the potential to adversely affect coastal resources. Unfortunately, often no such review occurs.

The Commission should therefore review and circumscribe the categorical exclusion of "agriculturally-related development including (1) Barns, storage, equipment and other necessary buildings" to ensure that the visual impact of such developments is reviewed by the County.

Recommendation: Revise to 22.64.110.A as follows:

> New development shall be located within, next to, or in close proximity to developed areas with adequate public services and where it will not have significant adverse impacts, either individually or cumulatively, on environmental and natural resources, scenic and visual resources, including coastal resources.

Revise first sentence of 22.68.040.A – Coastal Permit Not Required: Exempt Development as follows:

> Development specifically designated as categorically excluded from the requirement for a Coastal Permit by Public Resources Code Section 30601(e) and implementing regulations is not subject to Coastal Permit requirements if such development is consistent with all terms and conditions of the Categorical Exclusion Order, including that the new development will not adversely impact public views or scenic coastal areas.

Thank you for your consideration of our comments.

Respectfully yours,

Signature on file

Amy Trainer, Executive Director

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CCC Meeting April 16, 2015, Comments Re: Agenda Item 7
Marin County LCP Amendment No. LCP-2-MAR-13-0224-1 Part B

East Shore Planning Group
P. O. Box 827
Marshall, CA 94940
ESPG@eastshoreplanninggroup.org

April 12, 2015

California Coastal Commission
45 Fremont Street Suite 2000
San Francisco CA 94105-2219

Dear Chairman Kinsey and members of the California Coastal Commission:

I write on behalf of the East Shore Planning Group. The East Shore Planning Group is a California not-for-profit corporation formed in 1984 that has a membership about 90 owners and tenants of residential, commercial and agricultural properties in the unincorporated area of Marin County along the east shore of Tomales Bay. ESPG is the primary local organization involved with issues of development in the area. We have been active in the formulation of the amendments to the LCP since the process began.

We support the provisions of the IP as approved by the Marin County Board of Supervisors in 2013, with the suggested additions underlined below:

22.32.027 – Agricultural Retail Sales and Facilities (Coastal)

(Coastal) *The standards of this Section shall apply to the sale of agricultural products as defined in Section 22.130.030 ("Sale of Agricultural Products"). For Agricultural and Resource-Related Districts outside the Coastal Zone, see Section 22.08.040.F.*

*The sale of agricultural products is allowed as a Principal Permitted Use in the C-APZ zoning district provided it meets all of the following standards: (1) the building(s) or structure(s), or outdoor areas used for retail sales do not exceed an aggregate floor area of 500 square feet; (2)) **with the exception of incidental additives or ingredients**, agricultural products to be sold are produced on the same site, or on other agricultural properties located in Marin **and Sonoma County** that are owned or leased by the sales facility owner or operator; (3) the operator of the sales facility is directly involved in the agricultural production on the property on which the sales facility is located; and (4) sufficient parking, ingress, and egress is provided. In addition, conditions as to the time, place, and manner of use of the sales facility may be applied as necessary through the Coastal Permit process to ensure consistency with provisions of the LCP.*

Use Permit approval is required for agricultural retail sales which exceeds an aggregate floor area of 500 square feet or for an agricultural retail sales facility of any size which does not comply with one or more of the four standards listed above.

These additions would recognize the "farmstand" provisions added to the draft LUP by the Commission in May 2014 and comments from the agricultural community.

Alternatively, we would also support the version proposed by CCC staff in its April 2, 2015 Staff Report (at p. 140 of the Staff Report), **but only with the addition underlined below**:

22.65.040 -- C-APZ Zoning District Standards (from Section (C))

f. Other Agricultural Uses: *Agricultural Processing Uses and Agricultural Retail Sales Facilities/Farm Stands shall be classified as principally permitted agricultural uses only when also consistent with the following standards:*

... .

Agricultural Retail Sales Facility/Farm Stand

5. The building(s) or structure(s) or outdoor areas used for retail sales do not exceed an aggregate floor area of 500 square feet;

6. Agricultural products to be sold are produced ***by the operator of the sales facility*** *within the farmshed, defined as the same farm as the proposed sales facility, or on other agricultural properties located in Marin County or Sonoma County;*

7. The operator of the sales facility is directly involved in the agricultural production on the property on which the sales facility is located;

8. Sufficient parking, ingress, and egress is provided. In addition, conditions as to the time, place, and manner of use of the sales facility may be applied as necessary through the Coastal Permit process to ensure consistency with provisions of the LCP.

For agricultural retail sales facilities, it is critical to have a connection between the farmer or rancher and what is sold. Otherwise, any farm stand could sell cheese, wine, oysters, etc. produced by anyone in the region. The point of the "farmshed" amendment to the LUP was to expand the geographic area from which the operator could bring his own products, not to expand the sources to include agricultural products produced by others in the region.

Allowing the farm stand to sell products from other producers is a real threat to the east shore of Tomales Bay, where the Highway One tourist traffic would invite retail sales facilities essentially unrelated to the properties on which they are situated, or only related in a nominal way. Under the staff's recommended language, even grazing land and fallow land could host such facilities.

These concerns do not apply to the same extent to small agricultural processing facilities, where it may be appropriate to process products from other producers in the region as a Principal Permitted Use.

Thank you for considering these comments.

Sincerely,

Signature on file

Lori Kyle, President

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Th7a

California Cattlemen's Association

April 13, 2015

Chair Steve Kinsey
and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

Via: Kevin Kahn, District Supervisor, LCP Planning (kevin.kahn@coastal.ca.gov)

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-13- 0224-1 Part B (Marin Implementation Plan Update).

Dear Chair Kinsey and Honorable Commissioners:

CCA appreciates the opportunity to comment upon the Marin County Local Coastal Program Amendment Number LCP-2-MAR-13-0224-1 Part B (Marin Implementation Plan Update), and to comment upon the California Coastal Commission (Commission) staff's report on the Marin Implementation Plan Update.

Our detailed comments on the Marin Implementation Plan Update and Commission staff's recommendations will be provided at the April 16th Commission hearing in San Rafael. We submit these brief comments merely to **urge the Commission to defer final action on the Marin Implementation Plan Update until its May, June, or July hearings**, while nevertheless providing opportunity for public comment on this matter as scheduled at your April hearing.

CCA is concerned that the Commission has provided insufficient opportunity for the public to review and provide input upon the Commission staff's recommendations.

The Staff Report for the Marin Implementation Plan Update was completed on Thursday, April 2, and was made available to interested parties on Friday, April 3. While this provided the 10-days' notice required by California law prior to consideration by the Commission, it was nevertheless insufficient notice to provide interested stakeholders adequate time to meaningfully comment upon the Implementation Plan Update. The Staff Report for the Marin Implementation Plan Update is 785 pages long—a nearly impossible amount of information for a stakeholder to read, analyze, and comment upon in the 13 days prior to the Commission taking up the issue. Furthermore, any stakeholder wishing to have its written concerns made available to the Commission prior to the hearing must submit his or her "materials to the Commission no later than three working days before the hearing," cutting the opportunity to examine the document to a mere 10 days, including weekends. In the event that stakeholders are not able to provide

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SECOND VICE PRESIDENT
GLENNVILLE

MIKE SMITH
FEEDER COUNCIL VICECHAIR
SELMA

written comments in this short timeframe, they must distill their comments on the 785 page document down to a mere 5 minutes of verbal testimony.

While complying with the letter of the law, this short notice fails to comply with the spirit of the Coastal Act. The Coastal Act states that "[d]uring the preparation, approval, certification, and amendment of any local coastal program, the public . . . shall be provided maximum opportunities to participate."[1] The limited opportunity to digest and provide feedback on the Staff Report for the Marin Implementation Plan Update fails to provide CCA and other stakeholders "maximum opportunities to participate."

Additionally, **the Commission may legally defer its hearing and decision on the Marin Implementation Plan as late as July 27, 2015.** On April 27, 2014, Marin County filed their proposed Local Coastal Program Amendments, which triggered the CCC's 90-day timeline for action on the proposed changes, establishing a deadline for action of July 27, 2014. However, at its June 11, 2014 hearing, the CCC adopted a motion, based upon good cause, to extend the deadline for Commission action on the Marin Implementation Plan Update by up to one year, establishing a new deadline of July 27, 2015.[2] **The Commission currently has three hearings scheduled prior to the July 27th deadline** (excluding the April 15-17 hearing)**:** May 13-15 in Santa Barbara, June 10-12 in Newport Beach, and July 8-10 on the South Central Coast.

The lack of adequate opportunity to examine and comment upon the Staff Report for the Marin Implementation Plan Update is particularly dismaying in light of the request CCA made of the Commission as it considered the June 11 motion referenced above. In response to the Commission's proposal to extend the time for consideration of the Marin Implementation Plan Update, CCA asked that "[w]hether or not your Commission votes to extend the time limit to act on the Marin County LCP Amendment Part B to July 27, 2015, **we ask that you direct your staff to release their staff report containing their Implementation Plan (IP) modifications *at least 30 days* prior to the hearing date when the Commission will act on the IP portion of the proposed LCP amendment**."[3]

Finally, CCA is aware that at its most recent hearing, the Marin County Board of Supervisors adopted a motion authorizing the Director of the Community Development Agency, Brian Crawford, or his designee "to withdraw all or parts of the Local Coastal Program Amendments ("LCPA") currently pending before the California Coastal Commission prior to the Commission's final vote on the LCPA."[4] Mr. Crawford requested this authority to ensure that the

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[1] CAL. PUB. RES. CODE § 30503.

[2] *See* Memorandum from Dan Carl, Deputy Director and Kevin Kahn, District Supervisor, LCP Planning to Coastal Commissioners and Interested Persons, *Extension of Time Limit for Commission Action on Marin County Local Coastal Program Amendment Number LCP-2-MAR-13-0224-1 Part B (Marin IP Update)* (May 30, 2014), *available at* http://documents.coastal.ca.gov/reports/2014/6/W21b-6-2014.pdf (containing motion language); California Coastal Commission June 2014 Agenda, Item 21(b), *available at* http://www.coastal.ca.gov/meetings/mtg-mm14-6.html (noting Commission approval of motion).

[3] Letter from Kirk Wilbur, Director of Government Relations, California Cattlemen's Association to Dr. Charles Lester, Executive Director, California Coastal Commission (June 9, 2014), *available at* http://documents.coastal.ca.gov/reports/2014/6/W21b-6-2014.pdf (emphasis in original).

[4] Letter from Brian Crawford, Director of the Marin County Community Development Agency, to the Marin County Board of Supervisors (Apr. 7, 2015), *available at* http://marin.granicus.com/DocumentViewer.php?file=marin_06f6e3d2cc691cbfe288263e68ab7c3d.pdf [hereinafter

Director could "extract just those pieces of the proposed amendments" which "run[] counter to Marin County's interests . . . so we can continue working on those with the Coastal Commission staff."[5] Unfortunately, the Marin County Board of Supervisors' express delegation of authority creates uncertainty regarding what elements of the LCP and IP the County intends to submit for Commission consideration during its April 16th hearing, especially given that withdrawals may be made "at any time up to the commencement of the calling of the roll for a vote on any portion of the land use plan."[6] This added uncertainty makes it impossible for stakeholders to know what elements of the LCPA and IP will ultimately be under consideration when the Commission takes its vote, and further limit stakeholders' limited ability to meaningfully provide input on the Implementation Plan Update.

CCA recognizes that the Commission desires to hear the Marin Implementation Plan Update during the Commission hearing in San Rafael to best ensure that Marin County residents are able to attend the meeting and voice their positions on the LCP and IP. We are sensitive to this desire, but also recognize the need for additional opportunity to examine and provide input upon the Marin Implementation Plan Update. **Thus, we request that the Commission maintain the agenda item on its April 16th agenda to permit residents of Marin County a convenient venue at which to express their comments regarding the Marin Implementation Plan Update, <u>but we ask that the Commission also receive written and oral testimont at its May, June, and/or July hearing and that the Commission defer its final determination on the Marin Implementation Plan Update until the conclusion of this latter hearing.</u>** This extension of comment and delay of decision will permit stakeholders sufficient opportunity to review the voluminous Staff Report, and will also provide Marin County and Commission staff additional time to negotiate upon outstanding issues, diminishing the need for the Marin County Community Development Agency Director to withdraw elements of the Marin Implementation Plan Update prior to Commission action.

CCA greatly appreciates the opportunity to provide input on the Marin Implementation Plan Update. We hope that the Commission will defer its final decision until a later date to provide CCA and other stakeholders the opportunity to provide *more meaningful* input, but we will participate at the April 16th hearing should the Commission nevertheless move forward on making a final decision at that time.

Sincerely,

Signature on file

Kirk Wilbur
Director of Government Relations
California Cattlemen's Association

Marin Community Development Agency Memo]; *see also* video recording: Meeting of April 7, 2014, held by the Marin County Board of Supervisors, at 00:54:30 (Apr. 7, 2015) (*available at* http://marin.granicus.com/MediaPlayer.php?view_id=33&clip_id=7499) [hereinafter *April 7 Marin Supervisors Meeting*] (vote of the Board approving motion).

[5] April 7 Marin Supervisors Meeting, *supra* n. 4, at 00:36:38.

[6] Marin Community Development Agency Memo, *supra* n. 4, at 2 (quoting CAL. CODE REGS. tit. 14 § 13535(a)) (emphasis omitted).

From: Kenneth Slayen
To: Kahn, Kevin@Coastal
Date: Thursday, April 09, 2015 11:59:36 AM

Dear Mr. Kahn:
As I am unfortunately unable to attend the April 16 meeting, I am writing to you to share my concern about proposed changes to the county zoning rules affecting West Marin. I am not familiar with the details of the changes (I have not read the documents), but I believe i understand some of the basic reasons the changes are being proposed.
I have been a supporter of MALT for many years. Under MALT's umbrella, the agricultural community and the conservation community seem to be the same. However, the Farm Bureau is now pushing for changes that put the two communities on opposite sides of the fence.
I understand the financial difficulties the agricultural community must face. Old Marin families are sitting on land worth hundreds of millions of dollars, yet their operations may struggle (especially with this drought). Thankfully, the families have resisted (for the most part) the temptation to subdivide and sell to developers. I am grateful that MALT exists to both protect the land with the purchase of easements and ease the financial pressures of the ranching families by pouring equity into their operations through these purchases. I am also grateful of the Williamson Act and the Farmland Security Zones that afford great tax deductions to farmers, and finally i am simply grateful that the assessed value for property tax purposes on these enormous parcels is often minimal.
Having said all this, I am opposed to any zoning changes that would change the physical landscape of West Marin in any way. I know that the farmers would very much like to have it easier, but the expense to our wonderful Marin County would be devastating. Vineyards or storefronts along Pt. Reyes-Petaluma Road or in Hicks Valley, for example, would be heartbreaking! If more people in Marin knew, I think they would all be horrified at the thought! Therefore, I pray that the ability for public review of any new agricultural development be preserved at all cost.
I'll end by saying that the fiscal pressures of the ranching families is understandably brutal, and, in a way, they are the heroes bearing the greatest burden of conserving the lands as the have been since the 1850 when first "settled", but to change zoning laws for quick cash is irreversible!
Thank you for your time, and thank you for all you do!!!
Ken Slayen

LAW OFFICES
TESLER & SANDMANN

PETER B. SANDMANN

PAULINE H. TESLER
CERTIFIED FAMILY LAW SPECIALIST
STATE BAR OF CALIFORNIA

PLEASE REPLY TO:

➔ MILL VALLEY OFFICE

SAN FRANCISCO OFFICE

April 8, 2015

VIA EMAIL ONLY
Nancy Cave, District Manager
North Central Coast District
California Coastal Commission
45 Fremont St #2000
San Francisco, CA 94105

Kevin Kahn, Supervising Coastal Planner
North Central Coast District
California Coastal Commission
Cooperhouse Shopping Center
725 Front St, No. 300
Santa Cruz, CA 95060

Re: Marin County Local Coastal Program amendments
Comments re IP in April Staff Report

Dear Ms. Cave and Mr. Kahn:

This is to follow up on our discussion about the latest iteration of the Implementation Plan portion of the Marin County Local Coastal Program, as drafted/modified by your office. We are concerned primarily with proposed Development Code Section 22.64.060 Environmental Hazards.

The approach of having the "reviewing authority" make an "initial site assessment" in order "to determine whether the site is or will be subject to geologic or other hazards" is a good way to screen proposed development projects. Unfortunately, the remainder of the proposed section makes that review moot by making it clear that every single application for a Coastal Permit will have to be evaluated with an Environmental Hazards Report prepared by "a qualified registered civil or structural engineer or licensed geologist or engineering geologist." This is because the initial screening includes as "hazards" both "storms" and "those areas potentially inundated by future sea level rise." In our discussion, it was suggested that "storms" means "major storms" but that qualification would do little to solve the problem. What is major is in the eye of the beholder. Furthermore, with the uncertainty that prevails regarding the amount of sea level rise that may occur during the next 100 years, it is clear that virtually all coastal development that is not on quite high ground will be "potentially inundated" depending upon which of the many opinions that is consulted.

As we pointed out, Section 22.64.060b, as written, states that virtually every Coastal Permit application, whether or not the site has been found to be subject to a hazard, must nevertheless have an Environmental Hazards Report. The first sentence in that subsection is

written with commas that create a list, each of which is of equal import. Thus, if the "proposed development is on a blufftop," "near the shoreline" (whatever that means), including "low lying elevations near the shoreline," or "within 100 feet of an area potentially subject to . . . hazards," then an Environmental Hazards Report must be prepared. Note that neither the blufftop nor the shoreline site needs to be at or near a hazard according to the way the section is written.

We also discussed the 1994 Settlement Agreement between Seadrift and the Coastal Commission and County of Marin (among other agencies). The addition of 22.64.060B.15 does not, in our opinion, solve the problem that we described in an earlier letter. The Settlement Agreement entitles the Seadrift Association to maintain the seawall on the Seadrift ocean beach in perpetuity (under conditions described in the permit), and for the ocean front lot owners to have the benefit of that seawall, but the IP is replete with statements that Coastal Permit applications will not be allowed to take into consideration any shoreline protective devices whatsoever. If County planners are going to apply the Development Code correctly, they need to be apprised that the Settlement Agreement is effective now and in the future with respect to the ocean front lots. That being the case, it would also be difficult to understand how an application for a Coastal Permit on behalf of a property that is not on the ocean beach but is instead within the interior of Seadrift could be denied on the basis that the seawall did not exist, since the Settlement Agreement specifically calls out the entire Seadrift sand spit as being the subject of the Agreement and as being covered by its provisions. I urge you to read the Agreement and its exhibits and then modify the IP accordingly, as the County had done in its original submission.

At our recent meeting we brought up the 100 year standard in the context that such a long and scientifically uncertain timeframe will almost inevitably result in arbitrary and capricious judgements by individual engineers and planners. We also have written to you previously on this subject. Considering that the IP as now drafted requires that development projects be designed so that they can be removed or relocated, it is clear that the single family homes that the Seadrift development consists of cannot be expected to last 100 years. The first few homes in Seadrift were built in the year 1950. Many or all of the homes of that generation, and many that have been built since that time have been demolished and replaced with new structures. The average lifetime of a single family home in Seadrift is clearly not 100 years. For that reason, we urge that you replace the language in the IP that requires an evaluation for 'the develpment's lifetime and a minimum of 100 years," with "the lesser of the development's lifetime or 100 years." There is no reasonable basis for requiring a hazards evaluation for 100 years if the proposed development project will not last nearly that long.

We also believe that the proposed IP still leaves local planners "at sea" with respect to determining the effect of sea level rise. Until the County's C-Smart program reaches some conclusions regarding the sea level that will be used for planning purposes during the next century, asking each Coastal Permit applicant and his or her engineer to submit a plan that

responds to “potential” sea level rise, and then asking a County planner to evaluate that application without giving either of them any guidance or standard against which to measure their effort is an arbitrary way to approach this important issue. Pending the County’s determination of this issue, it would be prudent to require coastal development to meet the standards adopted by FEMA with regard to sea level, wave run up, and the like, rather than leaving that issue open for each individual’s interpretation and opinion. Unfortunately, the IP makes no effort to provide any guidance on this issue.

Finally, we discussed the use of caissons and deep pilings as architectural foundations for earthquake resilience and/or to meet FEMA requirements, where these are not used on the beach itself and are in no way designed to be shoreline protective devices for the prevention of erosion or beach retreat. Yet, we noted, recent changes to the proposed IP language explicitly add all "caissons/deep piers" to lists of prohibited or specially permitted shoreline protective devices with no regard to the distinction, thus hindering the ability of professionally trained architects and consulting engineers to create the very types of hazard-reducing designs and siting plans that Coastal Commission staff seems to be seeking. It seemed that several staff members present expressed surprise and were otherwise unaware that caissons and deep piers were used in this way. So we would strongly urge that the IP contain carveouts for such caissons and deep piers, which could be as simple as inserting "except where designed and used only for foundations and not for erosion protection or to prevent beach retreat"

Thank you for your continued courtesies with respect to these matters. The issues we are discussing are important and difficult to resolve. We appreciate being given the opportunity to offer our suggestions and ideas.

Sincerely,
Signature on file

Peter B. Sandmann

PBS:me

cc: Tom Lai (via email only)
Jack Liebster (via email only)

LCP-2-MAR-13-0224-1 Part B (Marin IP Update)
Item No.TH7a
Richard Kohn
Opposed

April 7, 2015
5 Ahab Drive
Muir Beach, CA 94965

Kevin Kahn
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Re: Revisions to LCP Implementation Code
Hearing Date: April 16, 2015

Dear Kevin,

I am submitting these comments on the proposed Implementation Code. I am particularly gratified that the Commission Staff has rewritten the County's proposed section 22.70.120 regarding extensions of coastal permits.

Section 22.70.180 captioned "Potential Takings Evaluation" [p. 183-84 of 273] is facially invalid and should be deleted[1]

In *Hensler v. City of Glendale* (1994) 8 Cal.4th 1, the California Supreme Court held that whether a constitutional taking has occurred is a judicial question that can be addressed only after administrative remedies provided by the state have been completed. Thus, contrary to this provision, a taking cannot be the reason for refusing to enforce a validly enacted statute or regulation. The Supreme Court, quoting from another case, says:

> "a claim that the application of government regulations effects a taking of a property interest is not ripe until the government entity charged with implementing the regulations has reached a final decision regarding the application of the regulations to the property at issue…[U]ntil there has been a 'final, definitive position regarding' how the regulations will be applied to the land, a court cannot determine whether a compensable taking has occurred."

[1] While this entire section should be deleted, it appears that some paragraphs, possibly a subsection B, have been inadvertently omitted. Page 183 ends with par. 5 and page 184 picks up with another par. 4. Something has been left out.

Id. p.10. Later, the Court says:"We agree with the Healing court, [*Healing v. California Coastal Commission* (1994) 22 Cal.App.4th 1158] however, that an administrative agency is not competent to decide whether its own action constitutes a taking…." *Id*. p. 15-16. In other words, the role of the agency is to decide whether the development violates the LCP: Taking issues are for the courts to decide.

In *Healing* itself, the court had this to say about the authority of the Coastal Commission to decide takings issues: "…the Coastal Commission is not legislatively authorized to consider much of the evidence and many of the issues relevant to an inverse condemnation action. To the contrary, the Commission's powers and duties are only those vested in it by the Coastal Act….In short, the Commission is authorized to make and enforce rules and whether to grant permits. It is not an adjudicatory body authorized to decide issues of constitutional magnitude." [2]Obviously, the same reasoning would apply to the Marin County Planning Commission or the Board of Supervisors.[3]

In addition to making clear that the agency is not competent to decide whether a taking has occurred, the Supreme Court in *Hensler* addressed the procedures that must be followed by the applicant in making a takings claim. In California, that requires filing an Administrative Mandamus action (as applied takings) or a Declaratory Judgment action (facial takings) to establish whether a taking has occurred; joined with or followed by an Inverse Condemnation action to determine damages, which must be tried by a jury unless waived. A necessary predicate to filing such an action is a final agency decision applying its regulation to the land in issue.

Furthermore, the evidence must be presented by witnesses under oath and subject to cross-examination and other procedural requisites, so an administrative record that may have been compiled by the agency without these safeguards is not sufficient. *Hensler*, *Id.* p. 16.

Based upon the foregoing authority, it is beyond the purview of governmental agencies to undertake a "potential takings evaluation" or bend the rules in order to avoid a constitutional taking. Either the drafters were unaware of the law or this is a blatant attempt to circumvent it. Either way, the provision is invalid. For a discussion of takings law, and how the "potential takings evaluation" would increase the governmental entity's exposure to pay compensation in an inverse condemnation lawsuit, see **Exhibits 1 and 2.**

[2] Section 30010 of the Public Resources Code expresses a legislative intent that the Coastal Act not grant the Commission or any county the "power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor…." This provision has been interpreted to simply foreclose any claim that the Coastal Act authorizes takings without compensation. *Sierra Club v. California Coastal Commission* (1993) 12 Cal.App.4th 602, 617-18.
[3] It goes without saying that it would be impossible for the County to decide whether a development would result in a public nuisance, as set forth in par.5 on page 184: only a court can determine that question.

Section 22.68.070 captioned "De Minimis Waiver of Coastal Permit" [p.162 0f 273] lacks statutory authority as should be deleted

While it is commendable that the Commission Staff has added procedural protections to the County's submission regarding the *de minimis* procedure, the discussion begs the question of whether the Coastal Act authorizes the County to employ such a procedure at all. Staff Report pp. 18-19, 68. In stark contrast to the statutory provisions allowing local governments to issue emergency permits and waivers of public hearings in minor cases, Public Resources Code sec. 30624.7 contains no such authorization. Previously, the Coastal Commission staff raised the issue of legality. See, Letter to Ruby Pap dated August 31, 2011. I have addressed this issue in letters dated November 8, 2011; June 10, 2013, pp.3-4; June 21, 2013, and July 10, 2013, p.3 and May 9, 2014 p.3 which are included in the administrative record. Suffice it to say that, despite my efforts, the Staff Report does not address the issue of lack of statutory authorization pursuant to elementary rules of statutory construction. This provision allowing a *de minimis* procedure should be deleted as well as references to the *de minimis* procedure in other sections, e.g., sections 22.70.020, 22.70.030(B) and (B)(3), and 22.68.030. See, e.g., **Exhibits 3,4, and 5.**

Section 22.64.100(A)(2) captioned "Protection of Visual Resources" (p.119 of 273) is inadequate to carry out the purposes of the Land Use Plan.

Land Use Policy C-DES-2 expresses the policy of protecting visual resources. Instead of explicating what that means, Section 11.64.100 simply states that "[d]evelopment shall be sited and designed to protect visual resources per Land Use Policy C-DES-2." We have proposed that the Implementation Code state that development shall not "impair or obstruct" significant coastal views. Such language would provide real guidance to those who must enforce LUP Policy C-DES-2, as well as those affected by the policy, as to what is required. Simply repeating that the objective is to protect visual resources does not give that guidance.

Section 22.70.030 Waiver of Public Hearings

Pursuant to section 22.70.030(B)(5) a project is considered minor if three criteria are met. (1) As proposed Is consistent with the certified LCP. (2) requires no discretionary approvals other than a CDP. And (3), as proposed has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast. The rule should require that the Director make a written determination discussing the three criteria and not simply make a conclusory statement that the three criteria have been met. This is required In order to give the public sufficient information on which to base a decision whether or not to request a public hearing. See letter to Marin County Planning Commission dated August 29, 2011, p.3. **Exhibit 6.**

Section 22.70.140. Emergency Coastal Permits

Section 22.70.140(D)(4) states that the decision to issue emergency permits is at the sole discretion of the Director. However, Public Resources Code sec. 30624 requires the following supervision of the decision:

> (c) Any permit issued by a local official pursuant to the provisions of this section shall be scheduled on the agenda of the governing body of the local agency at its first scheduled meeting after that permit has been issued. If, at that meeting, one-third of the "(members of that governing body so request, the permit issued by the local official shall not go into effect and the application for a coastal development permit shall be processed by the local government pursuant to Section 30600.5."

Inexplicably, this oversight provision, required by the statute, has not been included.

Respectfully submitted,

Richard S. Kohn

Attachments (6)

TO: State of California – Natural Resources Agency, California Coastal Commission

FROM: Stacy Carlsen, Marin County Agricultural Commissioner

DATE: April 13, 2015

RE: County of Marin LCP Amendment No. LCP-2-Mar-13-0224-1
(Hearing 4-16-15 comments)

Dear Commissioners:

Marin County is noted for sustainable agricultural practices and recognized as leader in organic farming regionally, statewide, and nationally. Greater than 40,000 acres are certified organic by Marin Organic Certified Agriculture (MOCA) under the USDA National Organic Program (NOP). Greater than 1/3 of our farmland is certified organic. All fruit, nut, and vegetable producers in the County are certified Organic by my department. In addition, our Dairies are committed to organic production with three quarters of our milk produced under organic standards. Dairy farms remain our premiere agricultural commodity accounting for greater than $50 million in gross production value. These local farms are supported by Marin County Board of Supervisors and recognized by the University of California as a model system of farm sustainability integrating economic, environmental, and social equity factors in production, marketing, and food distribution.

Issue #1 - Agricultural Production Activities, Ongoing (Coastal)

I do not support the proposed California Coastal Commission 10 year window of farm practices that define agriculture practices or patterns. No prescriptions of past activities are relevant or permitting changing practices necessary. It is essential all possible agricultural products be allowed to be produced on farms. There should be no restrictions addressing time periods or crop types leading a farmer to forgo a farming opportunity based on past activities thus missing an opportunity to remain economically viable. The definition of agriculture as found in the Local Coastal Plan and Marin County General Plan does not prescribe to time as distinguished from space that a crop is excluded from the definition. Either you have a definition of agriculture or you don't!

It is not possible to lock Marin agriculture into a time capsule! This feels like the first of many steps to push Coastal Zoned properties into a bucolic – look but don't touch landscape. It is unfair and creates an uncompetitive market place for those not able to apply the full breadth of the definition of "agriculture". In this scenario -- a farm across the street, outside the Local Coastal Plan Zone could perform all farming practices/opportunities to compete in growing or changing markets – while in the Coastal

Zone the farmer would likely not pursue producing a tilled crop (herbs, leafy greens, annual crops, etc.) most likely due to over-the-top permitting bureaucracy, lack of response to process a permit, cost of a permit, and likely challenges from concerned groups or individuals for growing a regionally acceptable crop. Planning an annual crop requires a short time frame for a seasonal product and any delays would disrupt meeting local demand. To plant a small vineyard on LCP zoned parcel would likely result in a legal challenges and appeals of any permit process. These costs would be in addition to vineyard planning and installation cost and excessive delays. Currently a vineyard planting is regulated in Marin County under the Vineyard Erosion and Sediment Control Ordinance (VESCO). It would be redundant to further regulate this agricultural activity and create an economic disadvantage to this farm property. To frame the issue there is now a little over 200 acres of vineyards in Marin County in relation to greater than 150,000 acres of agriculturally zoned land. Even in the regional perspective vineyards in Marin are small and hobby size limited due to topography and water availability. However, the values of grapes produced are competitive with regional grapes prices thus adding economic value to our producers. With regional expansion of grape acreage (Napa/Sonoma/Mendocino, Solano), Marin County has made miniscule advances in acreage plant over the past twenty (20) years. Not exactly a change of use threat in the agricultural region.

A no grading/ no intensity in use or changes of practices during a ten year period are unrealistic and arbitrary. There is no precedent for such policy or place in agriculture. Tilling the soil is not novel but essential to farming. Just in the past ten (10) years many small farms have emerged -- many operated by young and start up farmers filling the demand for locally grown produce. They are working on small parcels of land not “intensively farmed or graded” but meeting the highest USDA/ Resources Conservation District standards for erosion control.

Fallout from the “can” farm and “cannot” farm groups will affect next generation farmers. Younger members of a multigenerational farm family willing to take risks, apply their agricultural/business education, utilize the latest responsible technology and farm equipment are hence excluded from competing in an ever growing/changing market place. The “cannot” farm also suffers a serious economic disadvantage over the “can” farm as various markets improve the gross economic return improving total sales for the unregulated farm. The “can” farm moves into changing markets, discovers new opportunities, and celebrates success. This form of farming exclusion and permitting proposed by Commission staff will become the new time capsule for farming and is the death blow to small family farms. Options should be available to maintain economic viability and provide a diverse assortment of sustainability produced foods. This is our current model in Marin County. Our local farms represent the highest quality products grown and shipped to our local and regional food shed. All produce grown are delivered to local Direct Farmers Markets, restaurants, and retail grocery stores. Milk is processed under strict organic standards and distributed to regional markets. Organic farms and dairies have Farm System Plans meeting the highest sustainability standards including sensitive species protection, erosion control, habitat enhancements, and grazing prescriptions.

We are at a place and time when we can make a difference in our local food system, be creative, supply wholesome local products and be economically viable. I have been working for over twenty years in Marin County to see a local sustainable farm system come to fruition and flourish. As the Bay Area public leans on our food shed for locally sourced organically produced products we need to be poised to grow those products to meet the demand. The demand for locally grown food is the statement. The Marin County model avoids the long transport and product commingling associated with conventionally produced fruit and vegetables in California. The key point is the necessity to recognize and understand the unique model of production and marketing of food in Marin County. The public wants progressive and responsibly farmed food they can attach a “name to” and know it was produced in our local food shed. Restricting farming options is in direct contradiction to the work by our community. If that is the case we should close up the shop and import all of our food from foreign countries and leave our destiny in the hands of less concern people to produce our food.

Issue #2 - Agricultural Processing and Retail Sales

I suggest we not limit retail sale of only Marin and Sonoma Counties but to embrace the growing and sharing of local products in our food shed. Buy Local / Local Grown / Food Hubs / Food Sheds and other related terms assist in describing the ever changing demand for fresh locally sourced food covering the demand for the broadest arrays of food types. The concept is to meet demand for diverse food palates and produce and ship them locally/regionally. Growers share production plans and remain ready to fill orders for the ever-changing appetite of a regionally demanding clientele. Local products meet the demand before others outside the region fill the void in order to give our food shed the economic advantage. These actions also reduce our overall carbon footprint. Dairies like producers of fruits and vegetables can diversify or generate valued added products and bolster sales and profits. Growing your own herbs for example can become value added products in a cheese recipe.

Producing or reselling herbs, fruits, flowers, and nuts within a food shed (Marin, Sonoma, Napa, Solano, etc.) which may be used to enhance retail sales is standard practice at farm stands. California Department of Food and Agriculture currently issues permits authorizing resale of agricultural products at retail farm stand markets. Selling locally sourced agricultural products from the region at a Marin Farm stand is not conflicting as growers in other counties sell Marin products at their farm stands.

Sincerely,

Signature on file

Stacy Carlsen
Agricultural Commissioner
Director of Weights and Measures

Th8a

March 18, 2015

California Coastal Commission
Headquarters Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Subject: Mabuhay Golf Club Urges Approval of Coastal Development Permit
At Sharp Park, April 15-17, 2015 Commission Public Hearing, San Rafael, CA

Reference: CDP # 2-12-104 / Sharp Park Pump House/Habitat Recovery Work/etc., Projects

Dear Coastal Commission Members,

Mabuhay Golf Club, a member of the San Francisco Public Golf Alliance and representing its members who regularly play at the historic, low cost public Sharp Park Golf Course, strongly support City and County of San Francisco's application for a Coastal Development Permit application for habitat restoration at Sharp Park including dredging tulles out of the ponds and construction of a new frog pond south on the rise southwest of the golf course.

The project would provide badly needed infrastructure upgrade and habitat enhancement and continue the renovation and planning work that started in the 1990's.

Therefore, based on the urgency of the situation, we respectfully urge the Coastal Commission to approve City and County of San Francisco's Application for a Coastal Development Permit, and allow Sharp Park Golf Course Safety, Infrastructure Improvement and Habitat Enhancement Projects to move forward.

Please let us know if there is anything else you need to approve the application.

Best regards,
MABUHAY GOLF CLUB

Signature on file

Greg Roja, President
Cc: Richard Harris, San Francisco Public Alliance

Rexing, Stephanie@Coastal

Th 8a

From: John Keener <jwkeener296@gmail.com>
Sent: Tuesday, April 07, 2015 12:47 PM
To: Rexing, Stephanie@Coastal
Subject: CDP for Sharp Park Golf Course

Hi Stephanie,

I'm the new council member from Pacifica that called the other day.

I read the proposed conditions that go with the permit and was very impressed. I assume that the current conditions won't be used as a sort of baseline, as the Horse Stable pond is as low as I have ever seen it, due in part to the drought.

On the water level gauge, I have confirmed that it is not visible from the berm. It is somewhere near the intake housing for the pumps, I believe.

Since the SF Golf Course folks feel there is a liability issue for the public to get to the gauge, how about a gauge that is visible from the berm? This would be similar to the gauges in the ponds on GGNRA lands. It would have to be calibrated to the old gauge of course. I believe that the public is warranted a gauge, given some of the past history of management.

Best regards,

John Keener

650 557 9738

Th 8a

California Coastal Commission
45 Fremont St, Suite 200
San Francisco CA 94105

April 8, 2015

RE: Coastal Development Permit 2-12-104, Sharp Park Pumphouse Project, to be considered at the Commission Hearing, San Rafael, CA, April 15, 2015

Honorable Commissioners and Staff,

This is in regard to the Coastal Development Permit application No. 2-12-014 for the San Francisco Recreation and Parks Department, the Sharp Park Golf Course, in Pacifica.

The water levels of Horse Stable Pond are important for the reproduction of the Red Legged Frog. Several residents of Pacifica monitor water levels in the pond using a gauge attached to the pumphouse. The Pacifica City Council directed the City Manager to write a letter in support of the application, but which also requested that the residents access to the gauge not be restricted by construction activity, nor any fencing or locked gates.

Stephanie Rexing mentioned to me that the applicants feel that there is a liability issue with open access for the public to the water level gauge in Horse Stable Pond. I can appreciate the applicant's concern, and would like to suggest an alternative that might meet both parties' needs.

The current gauge seems to be under the water intake housing for the pumphouse. I have tried to see the gauge from the berm above the pond using binoculars, but was not able to. My suggestion is that the applicants install a new gauge, calibrated to the current one, and visible to members of the public standing on the berm using binoculars.

Thank you for your consideration.

Sincerely,

John Keener
Pacifica City Council Member

Th8a

Rexing, Stephanie@Coastal

From: Eric Smith <rule13@comcast.net>
Sent: Wednesday, April 08, 2015 10:17 AM
To: Rexing, Stephanie@Coastal
Subject: Support for San Francisco Sharp Park Pump House Project, CDP No. 2-12-014

I support the project as it provides habitat for numerous species while providing recreational enjoyment for residents.

Eric Smith
415-307-3449 (c)

Rexing, Stephanie@Coastal

Th8a

From: Jason Pitkin <jason.pitkin@451research.com>
Sent: Wednesday, April 08, 2015 10:58 AM
To: Rexing, Stephanie@Coastal
Subject: Support for San Francisco Sharp Park Pump House Project, CDP No. 2-12-014

Hi Stephanie,

Sharp Park Golf Course is a Bay Area treasure and historic landmark. More than that, it is a public space where local citizens can enjoy the outdoors. 100 years ago things were quite different in the United States. Golf was a sport for rich people, and courses were closed to the public. Things changed during the progressive movement as municipal courses like Sharp Park were built, in 1929. They were built for the citizens, not for rich people. Some say things are returning to where they were 100 years ago. Let's hope not. Please consider retaining this historic landmark, for the people.

Thanks,

Jason Pitkin
451 Research
O: 415-989-1555, ext. 101
M: 415-378-5975

451 Research

Th 8a

Rexing, Stephanie@Coastal

From: Jay Johnston <golferjaysf@aol.com>
Sent: Wednesday, April 08, 2015 1:26 PM
To: Rexing, Stephanie@Coastal
Cc: info@sfpublicgolf.org
Subject: Support for San Francisco Sharp Park Pump House Project, CDP No. 2-12-014

Please make it known that the Sharp Park golf course is very important to me and my family and I hope your decision is a positive one for its future.

Respectfully,

Jay Johnston & family
Mill Valley

Sent from my iPhone

Th8a

Rexing, Stephanie@Coastal

From: Rich Cortese <rcortesejr5@gmail.com>
Sent: Wednesday, April 08, 2015 1:57 PM
To: Rexing, Stephanie@Coastal
Subject: Sharp park

I have lived in Pacifica my hole life , I can't imagine Pacifica with out sharp park golf corse they go hand in hand, Years ago none of this was even an issue,I believe someone is trying to make a name for him or her self , I would hope you would support the golf course and the members to keep the little gem the same a golf corse . Thank you , Rich Cortese

Sent from Rich's iPhone

Th8a

Rexing, Stephanie@Coastal

From: Dana Kelly <dkelly@bookpassage.com>
Sent: Wednesday, April 08, 2015 3:24 PM
To: Rexing, Stephanie@Coastal
Subject: Support for San Francisco Sharp Park Pump House Project, CDP No. 2-12-014

Dear Stephanie -- as a longtime (25 years) Pacifica resident (I still co-own a house there) and equally longtime Sharp Park golfer, I fully support the Pump House Project. I won't be able to make the public meeting, so I'm voicing my support via email.

Best,
Dana Kelly

Th8a

Rexing, Stephanie@Coastal

From: Homer Hudelson <hhudelson@sbcglobal.net>
Sent: Wednesday, April 08, 2015 4:49 PM
To: Rexing, Stephanie@Coastal
Subject: Sharp Park Improverment Project

Ms. Rexing: As a long time member of Sharp Park Golf Club I heartily endorse the Sharp Park Habitat Improvement Project and the Park Pump Project #2-12-014. Sincerely, Homer Hudelson

Th 8a

Rexing, Stephanie@Coastal

From: Rich Nessler <rjn1063@gmail.com>
Sent: Wednesday, April 08, 2015 6:01 PM
To: Rexing, Stephanie@Coastal
Cc: info@sfpublicgolf.org
Subject: Support for San Francisco Sharp Park Pump House Project, CDP No. 2-12-014

Please approve this important and ecologically sound project that will improve what is a truly a historically significant golf course, one of the very few left in the Bay Area that is still accessible to the middle class.

Sincerely,

Richard Nessler

Sent from my iPad

Th8a

Rexing, Stephanie@Coastal

From: JSS <joelstewart@gmail.com>
Sent: Wednesday, April 08, 2015 6:37 PM
To: Rexing, Stephanie@Coastal
Subject: Support for San Francisco Sharp Park Pump House Project, CDP No. 2-12-014

Hello:

I'm writing in support of the Sharp Park golf course project in which minor dredging would be allowed to clear the lines for irrigation of the golf course.

In my mind this minor project will pose no threat to any wildlife and clear the way for the pump house to irrigate the golf course.

As you know this project has been to Federal Court and the environmentalists will object to any and all projects to provide affordable and historic golf to the public.

We hope you support this initiative.

Sincerely,

Joel Stewart

JACKIE SPEIER
14TH DISTRICT, CALIFORNIA

211 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0514
(202) 225-3531
FAX: (202) 226-4183

155 BOVET ROAD, SUITE 780
SAN MATEO, CA 94402
(650) 342-0300
FAX: (650) 375-8270

WWW.SPEIER.HOUSE.GOV

Th8a

Congress of the United States
House of Representatives
Washington, DC 20515-0514

COMMITTEE ON ARMED SERVICES
SUBCOMMITTEES:
READINESS
OVERSIGHT AND INVESTIGATION

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
SUBCOMMITTEES:
RANKING MEMBER, ENERGY POLICY, HEALTH CARE, AND ENTITLEMENTS
NATIONAL SECURITY

GUN VIOLENCE PREVENTION TASK FORCE
Vice Chair

Application Number: 2-12-014

April 9, 2015

RECEIVED
APR 10 2015
CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
45 Fremont Street, #2000
San Francisco, CA 94105-2219

Dear Commissioners:

I write to respectfully request the serious consideration of a permit sought by the City of San Francisco for purposes of carrying out its project to enhance the habitat of the red legged frog and the San Francisco garter snake at the Sharp Park golf course in Pacifica. It is my understanding that the city's project has been reviewed by numerous federal and state agencies.

The project will create a new pond for purposes of allowing further breeding of the threatened red legged frog. It will also permit the improvement of the pumping and drainage system on this property. The pumping and drainage system are essential to the city meeting its obligations pursuant to a permit issued by the US Fish and Wildlife Service.

The adjacent property, owned by the Golden Gate National Recreational Area, is Mori Point. Due to extensive rehabilitation of Mori Point, the population of frogs escalated in the period of time immediately after the rehabilitation. It therefore seems likely that other projects in that area, designed to afford the frog additional refuge, would also enhance its population.

It is my understanding that the City of San Francisco operates the golf course pursuant to a permit issued by the US Fish and Wildlife Service. The Service is working with the City to review projects the city proposes to further support the frog population. The endangered San Francisco garter snake is also supported by these projects as the snake is reliant upon the frog. It is also my understanding that there are very few other populations of red legged frogs or San Francisco garter snakes, thus making any existing location of these two species locations of special public policy concern.

In my judgment, a project that promotes multiple environmental objectives is one that should be seriously considered for approval. I hope that, pursuant to all applicable state and federal law, the commission will afford this project its careful consideration.

All the best,

Signature on file

Jackie Speier

KJS/bp

PRINTED ON RECYCLED PAPER

Th8a

Rexing, Stephanie@Coastal

From: Neal Desai <ndesai@npca.org>
Sent: Thursday, April 09, 2015 2:57 PM
To: Brent Plater; Rexing, Stephanie@Coastal
Subject: RE: Sharp Park

Importance: High

Stephanie,

Based on the conversation you and Brent had yesterday, it makes sense for us to talk directly to John Dixon (you should participate if you can) as you deferred certain questions we had to John. Will you help to arrange a phone call with John tomorrow afternoon PST, preferably between 1pm-3pm (I may be able to be available up until 4pm PST)?

The issues we wanted clarification on have to do with the Commission's proposed "special" conditions (ie those conditions NOT found in the BiOp) and the relationship between those "special" conditions, monitoring/reporting, and triggers for changes in pumping protocol. Let me restate some of the points we would want to cover with John:

- What exactly are the "special" conditions that are not related to "monitoring" and "reporting"? For example, the special condition on page 6 related to pumping protocol-technical operations seems to simply ask for more specificity for how SFRPD will achieve an already established pumping protocol in the BiOp (rather than directing SFRPD to make any changes to the pumping protocol to protect wetlands and other coastal resources that the BiOp did not consider). What type of specificity and information is being sought (i.e. what exactly is the Commission requesting from SFRPD that would fulfill the request for more specificity) and what benefit does this specificity provide? We were unable to locate answers to these basic questions in the staff report.
- We want to better understand section "f" on page 7, specifically the discussion of triggers that could lead the Commission to change pumping protocols.
- Page 22 states: "Dr. Dixon also finds that removal of vegetation is the minimum necessary to operate the pumps efficiently and to facilitate water movement from the LS to HSP which will at least maintain, and may potentially increase, the existing functional capacity of the wetlands." We would like John to explain what he means by this statement and also point us to the place in the report that provides the rationale behind this statement, since you noted he would be the one to explain that.

From: Brent Plater [mailto:bplater@wildequity.org]
Sent: Thursday, April 09, 2015 2:46 PM
To: Stephanie Rexing
Cc: Neal Desai; Ralph Faust
Subject: Re: Sharp Park

Stephanie,

I inadvertently failed to attached the referenced scientist letter last night. Here it is.

Brent Plater

Executive Director
Wild Equity Institute
474 Valencia St., Suite 295
San Francisco, CA 94103
Office: 415-349-5787
Cell: 415-572-6989
bplater@wildequity.org
http://wildequity.org

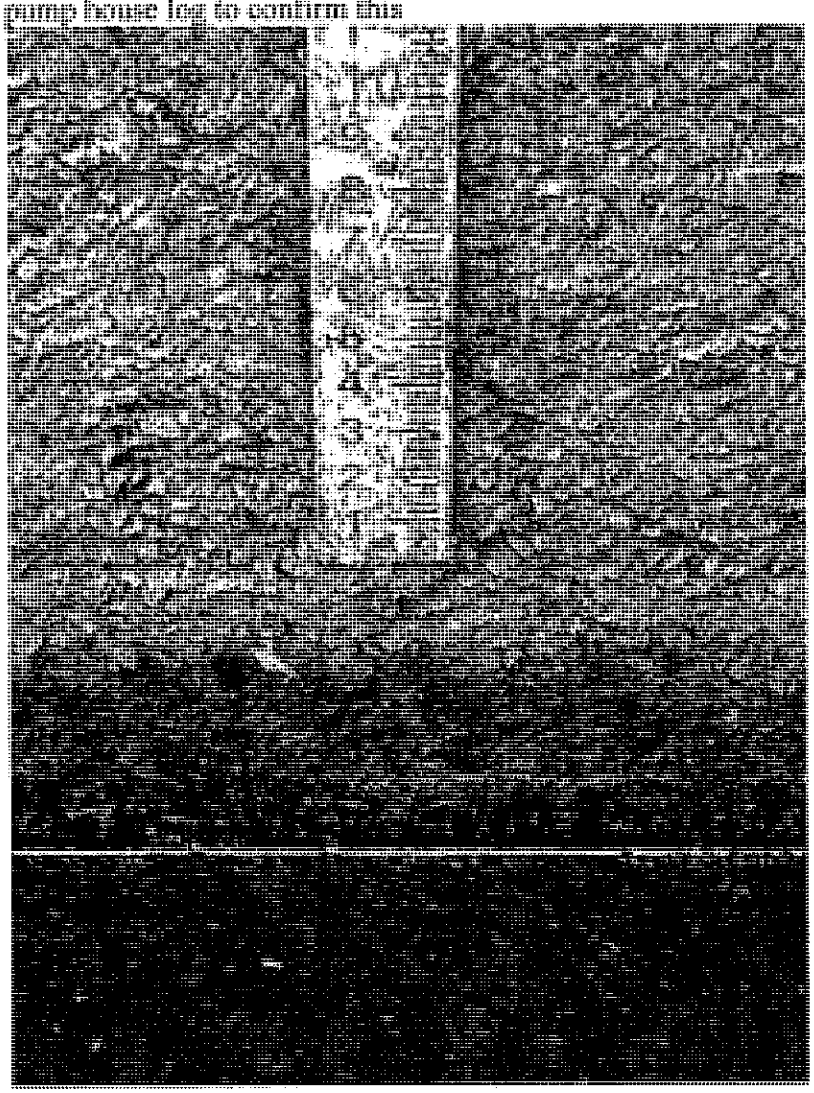
Building a healthy and sustainable global community for people and the plants and animals that accompany us on Earth

On Wed, Apr 8, 2015 at 7:57 PM, Brent Plater <bplater@wildequity.org> wrote:

Hi Stephanie,

Attached are a few of the documents we discussed on the phone.

First, a photo of the pump house gauge taken in August 2014 by a Pacifica resident, showing water levels far below 0 on the pump house gauge. I do not know what this water level would be in NAVD: eyeballing it I'd guess its around 1-2. It also looks like the water levels were higher recently, because of the wet cement an inch or so above the water level. Quick variations like that suggest pumping recently occurred, but I'd have to review the pump house log to confirm this suspicion.



I've also attached the map from the DEIR of the Sharp Park Golf Course redevelopment project. On this map you will see how the City's proposal will close current hole 12, and raise the fairways on the northwest and northeast sides of the course. This proposal, first made in 2009, was of course opposed by every scientist we could find, scientists with more expertise and credentials than any consultant the city has hired. I've attached their letter opposing this project for your review.

What the map fails to show is where a new hole 12 will go. Two proposals exist: one is to move it to the east of HWY 1. The other is to move it between the western part of Laguna Salada and the berm. The latter proposal is deemed to be a less significant threat to the golf course, while the former would be considered significant and require mitigation. I've attached a few pages from the DEIR where this is stated, and highlighted the relevant portions in yellow.

Thanks,

bp

Brent Plater
Executive Director
Wild Equity Institute
474 Valencia St., Suite 295
San Francisco, CA 94103
Office: 415-349-5787
Cell: 415-572-6989
bplater@wildequity.org
http://wildequity.org

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

Th 8a

Rexing, Stephanie@Coastal

From: Kristin Kelsoe <kristins@sierrabg.com>
Sent: Friday, April 10, 2015 10:28 AM
To: Rexing, Stephanie@Coastal
Subject: Against Draining Sharp Park

Please consider my voice against draining Sharp Park Wetlands. The Wetlands are home to the California Red-Legged Frog, which is not only our CA state amphibian, but is endangered as well. Draining the wetlands will leave the frog eggs without the water they need for their life cycle. As a nature lover in general and a frog lover specifically, I don't want to see a threatened species hurt further in order to provide people with another golf course (which are definitely not in short supply).
As a person born and raised in the Bay Area (Sunnyvale), I know how precious natural spaces are there, and the pressure to build on every remaining piece of unused land there is huge. But the original inhabitants (even small amphibious ones) deserve to be protected.
I cannot attend the meeting regarding this issue, but please consider my opinion on the subject.
Kristin Kelsoe
--

Th8a

Rexing, Stephanie@Coastal

From: judyneu@slonet.org
Sent: Friday, April 10, 2015 10:52 AM
To: Rexing, Stephanie@Coastal
Subject: Frogs and wetlands

Dear Ms. Rexing,

Please do not allow the dredging or draining of the Sharp Park Wetlands. The wildlife should have preference for this water and land over a golf course, especially in the middle of such a punishing drought. Both redlegged frogs and the San Francisco gartersnake are at risk.

Please deny this permit.

Thank you for your consideration.

Judy Neuhauser

531 Highland St.

Los Osos, CA. 93402

Th8a

Rexing, Stephanie@Coastal

From: Brian Hooper <brian.hooper@jumio.com>
Sent: Friday, April 10, 2015 11:00 AM
To: Rexing, Stephanie@Coastal
Subject: "Support for San Francisco Sharp Park Pump House Project, CDP No. 2-12-014"

Please help save Sharp Park golf course.

My father took me to this course as a child and I am now taking my children to play golf there. As a resident of Pacifica this course and the wildlife have coexisted for close to 100 years. The course and wildlife rarely come into contact and with a few minor repairs to the course we should be able to coexist for another 100 years. Its an outrage that the environmentalists have even pushed this issue so far (and living along the coast I consider myself an environmentalist, but the Sharp Park Golf Course issue is silly.)

Not only is Sharp Park one of the few affordable public golf courses in the Bay Area it also serves the young and old. It was also designed by famous golf architect Alister Mackenzie and is truly one of the Bay Areas remaining treasures.

Please save Sharp Park Golf Course!

--
Brian Hooper

Th8a

Rexing, Stephanie@Coastal

From: Jodi Rodar <hooppole@gmail.com>
Sent: Friday, April 10, 2015 11:15 AM
To: Rexing, Stephanie@Coastal
Subject: Please Don't Dredge the Sharp Park Wetlands

Dear Stephanie Rexing:

I am writing to urge you to deny the City Of San Francisco's request to drain or dredge the Sharp Park Wetlands.

The City of San Francisco has requested a permit to dredge and drain the Sharp Park Wetlands, which would leave frog egg masses stranded and dying as the fresh water gets pumped out to sea. The frogs cannot defend themselves, can we rely on you to do the right thing and deny the dredging of the Sharp Park Wetlands, standing by the environment and saving the lives of these frogs.

Please do all you can to save these frogs.

Please let me know how you plan on proceeding regarding this important issue.

Thank you for your time and consideration of this issue.

Sincerely,

Dr. Jodi Rodar

Th8a

Rexing, Stephanie@Coastal

From: Jvdrills@aol.com
Sent: Wednesday, April 08, 2015 9:47 AM
To: Rexing, Stephanie@Coastal
Subject: "Support for San Francisco Sharp Park Pump House Project, CDP No. 2-12-014"

As a second generation golfer at Sharp Park I am asking for your support of the project to help Sharp Park Golf Course remain open and proceed with the Pump House Project.

Sharp Park Golf Course is affordable and open to all golfers plus it has significant historical value and is a wonderful place to spend a day with family or friends.

The Golf Course and the wildlife can live together by approving the pump house project.

Please vote to proceed with the work that needs to be done to insure the course stays open and at the same time will help the wildlife prosper.

Sincerely,
Jeff Volosing

Th 8a

Rexing, Stephanie@Coastal

From: Peter Graves <peter.graves@gmail.com>
Sent: Wednesday, April 08, 2015 11:48 AM
To: Rexing, Stephanie@Coastal
Cc: info@sfpublicgolf.org
Subject: "Support for San Francisco Sharp Park Pump House Project, CDP No. 2-12-014"

Hi,

I love this Sharp Park, great golf layout and affordable and unpretentious.
I am also somewhat baffled why this course seems to have been singled out
by environmentalists. I think this aspect of the struggle is over, but
I am not entirely sure, as I received an email stating

"The fight to Save Sharp Park Golf Course is at a critical point. And you can do your part to help"
Why? I thought this was settled recently.

Either way, I support whatever the SF Public Golf Alliance is promoting re: saving Sharp Park

Thanks,
Peter

Th 8a

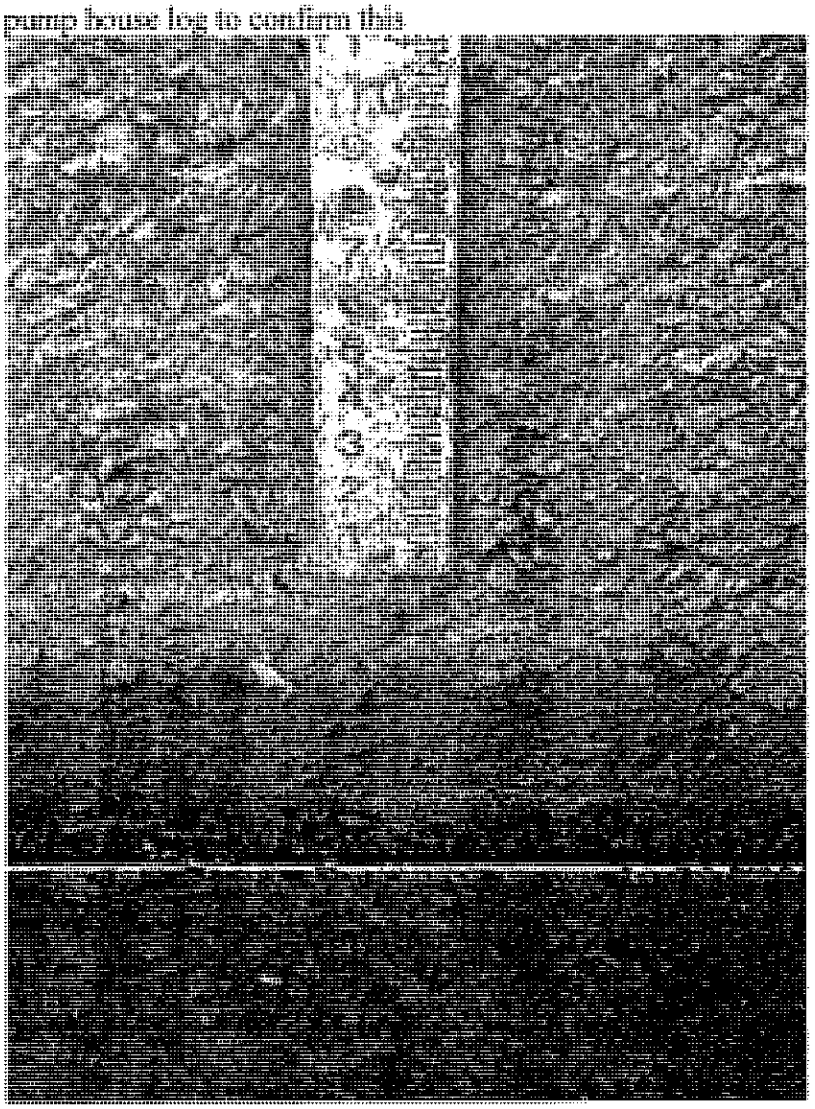
Rexing, Stephanie@Coastal

From: Brent Plater <bplater@wildequity.org>
Sent: Wednesday, April 08, 2015 7:58 PM
To: Rexing, Stephanie@Coastal
Cc: Neal Desai; Ralph Faust
Subject: Sharp Park
Attachments: 2011 Sharp Park Golf Course Redevelopment DEIR Map.pdf; Pages from DEIR.pdf

Hi Stephanie,

Attached are a few of the documents we discussed on the phone.

First, a photo of the pump house gauge taken in August 2014 by a Pacifica resident, showing water levels far below 0 on the pump house gauge. I do not know what this water level would be in NAVD: eyeballing it I'd guess its around 1-2. It also looks like the water levels were higher recently, because of the wet cement an inch or so above the water level. Quick variations like that suggest pumping recently occurred, but I'd have to review the pump house log to confirm this suspicion.



I've also attached the map from the DEIR of the Sharp Park Golf Course redevelopment project. On this map you will see how the City's proposal will close current hole 12, and raise the fairways on the northwest and northeast sides of the course. This proposal, first made in 2009, was of course opposed by every scientist we could find, scientists with more expertise and credentials than any consultant the city has hired. I've attached their letter opposing this project for your review.

What the map fails to show is where a new hole 12 will go. Two proposals exist: one is to move it to the east of HWY 1. The other is to move it between the western part of Laguna Salada and the berm. The latter proposal is deemed to be a less significant threat to the golf course, while the former would be considered significant and require mitigation. I've attached a few pages from the DEIR where this is stated, and highlighted the relevant portions in yellow.

Thanks,

bp

Brent Plater
Executive Director
Wild Equity Institute
474 Valencia St., Suite 295
San Francisco, CA 94103
Office: 415-349-5787
Cell: 415-572-6989
bplater@wildequity.org
http://wildequity.org

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

DRAFT
ENVIRONMENTAL IMPACT REPORT

Significant Natural Resource Areas Management Plan

PLANNING DEPARTMENT
CASE NO. 2005.1912E

STATE CLEARINGHOUSE NO. 2009042102

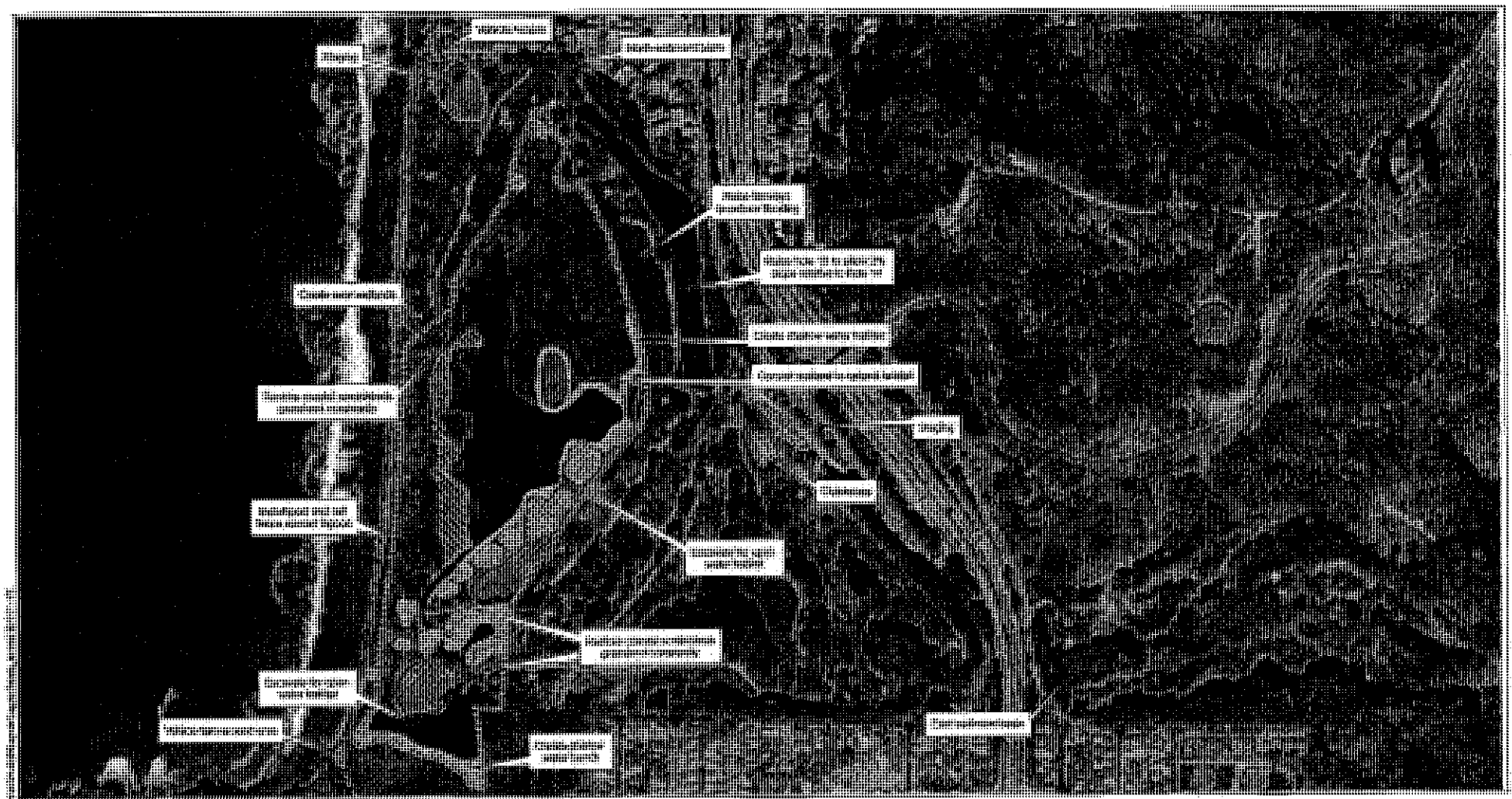
Volume 1 – Draft EIR

AUGUST 2011

	Draft EIR Publication Date:	AUGUST 31, 2011
	Draft EIR Public Hearing Date:	OCTOBER 6, 2011
	Draft EIR Public Comment Period:	AUGUST 31, 2011 to OCTOBER 17, 2011

SAN FRANCISCO
PLANNING
DEPARTMENT

Written comments should be sent to:
Environmental Review Officer | 1650 Mission Street, Suite 400 | San Francisco, CA 94103



Laguna Salada Restoration Features

Pacifica, California

0 200 400
Feet

N

Vehicle Access
Habitat Boundary
Fence
Raise to 10' Contour
Upland Mounds for SFGS Habitat
Remove Non-Native Trees
Restore Coastal Scrub/Shrub
New Wetlands
Shallow Water Habitat
Sediment Basin
Open Water
Staging

TETRA TECH

Figure 3

significantly affecting this recreation facility. However, with implementation of M-RE-6, which calls for retaining the golf course as an 18-hole course, this impact would be reduced to ***less than significant.*** CEQA requires an analysis of impacts of mitigation measures (CEQA Guidelines Section 15126.4(a)(1)(D)); therefore, pages 264 through 269 address the impacts of M-RE-6.

Due to the location of the archery range on the opposite side (eastern side) of Sharp Park, the archery range would not be impacted by the proposed Sharp Park restoration project.

M-RE-6: Restoration of the Sharp Park Golf Course to 18 Playable Holes

The SFRPD shall coordinate with a golf course consultant to restore the playability of the Sharp Park Golf Course, which would involve replacing Hole 12 either on the west (Option 1) or east (Option 2) side of Highway 1. Replacing the hole on the west side of Highway 1 may also require moving an additional hole west of the highway to retain playability and flow of the course, thereby increasing the number of holes west of the highway to 15 and decreasing to three the number of holes to the east. Creating a new hole east of Highway 1 would decrease the number of holes west of the highway to 13 and increase to five the number of holes to the east. The determination of where the replacement hole is constructed and whether additional holes need to be moved would require additional environmental review.

Cumulative Impacts

Impact RE-7: The proposed project, in combination with other planned and foreseeable future projects, would result in a cumulatively considerable significant impact related to recreation. (Significant and Unavoidable)

The geographic scope of this analysis includes San Francisco and Pacifica. Cumulative projects that would have an impact on recreation resources include those that reduce the overall recreation experience provided by the Natural Areas. This includes projects that may result in a significant increase in the regional population resulting in overcrowding of the Natural Area, a decrease in currently available recreation opportunities, consequently putting increased pressure that is unable to be absorbed by other Natural Areas, or a physical or visual change in the landscape that adversely impacts the appeal of a Natural Area. Implementation of the proposed GGNRA Dog Management Plan may further restrict dog access and off-leash areas within GGNRA land holdings, including Fort Funston (near Lake Merced), Milagra Ridge (near Sharp Park), Mori Point (near Sharp Park), and Sweeney Ridge (near Sharp Park). In addition, the SNRAMP proposes to close the Lake Merced DPA and reduce the size of the DPAs at Bernal Hill and McLaren Park. On-leash dog use would still be allowed at these and all other Natural Areas. The combined reductions in off-

Impact HR-4. Modifying approximately 13 acres of the golf course to create upland habitat along the east side of the lagoon to provide critically important San Francisco garter snake upland habitat would require slightly shortening or narrowing Holes 10 and 13 (historic Holes 18 and 9). The habitat corridor would be approximately six acres, bringing the total of modified area at the golf course to about 19 acres. This would have a significant impact on the historic character-defining features, historic Holes 18 and 9, because these holes and fairways would be narrowed and shortened. Fairways have been altered in the past at Sharp Park Golf Course. Implementing Mitigation Measure 1 (Document Historical Resources) would record the golf course in its existing condition under the Secretary of the Interior's *Standards for the Treatment of Historic Properties and Guidelines for the Treatment of Cultural Landscapes*. It would serve as a record of the changes on the golf course through time, including the alterations on fairways and holes due to varying natural conditions. Implementing this mitigation measure would not reduce this impact to less than significant because modifying the historic character-defining features would still constitute a significant impact on the golf course, a historic resource.

Impact HR-5. The recreation analysis in the SNRAMP EIR proposes a mitigation measure (Recreation Mitigation Measure, Option 1) that would create a new hole on the east side of Highway 1, as a replacement for Hole 12. This reconfiguration would result in a total of 13 holes on the west side of Highway 1 and five holes on the east side. Adding another hole on the east side of the freeway diminishes the historic integrity of the landscape because it changes the balance of holes that were originally on the east and west side of Highway 1 and creates a hole in an area that was not originally planned and not originally part of the Mackenzie-designed course. Adding another hole on the east side of the course, in an area that would change the historic boundaries of the golf course design, would be a significant impact on Sharp Park Golf Course, a historic resource. Implementing Mitigation Measure 1 (Document Historical Resources), as described in Section 5.0, would record the golf course following the Secretary of the Interior's *Standards for the Treatment of Historic Properties and Guidelines for the Treatment of Cultural Landscapes*. Because implementing Mitigation Measure 1 would not reduce this impact, there would still be a significant impact on the historic resource.

Impact HR-6. The recreation analysis in the SNRAMP EIR proposes a mitigation measure (Recreation Mitigation Measure, Option 2) that would create a new hole on the west side of Highway 1, as a replacement for Hole 12. This reconfiguration would result in a total of 15 holes on the west side of Highway 1 and three holes on the east side. This alternative mitigation measure would be beneficial to the Sharp Park Golf Course because it would restore some of the elements that Mackenzie had implemented in his original design of this course, such as coast side holes. This mitigation measure would change the layout of the holes, but the new holes would be in areas of the course where Mackenzie situated holes in his original design, and would be in keeping with the historic boundaries of the golf course. Impacts on Sharp Park Golf Course, if this version of the mitigation measure were implemented, would be less than significant.

September 6, 2011

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
Mayor Edwin Lee
City Hall, Room 200
San Francisco, CA 94102-4689

Re: Restoration of Sharp Park

Dear Board of Supervisors:

We are a group of scientists with collective expertise and experience regarding coastal wetlands and endangered species habitats. We are writing regarding the future of Sharp Park in the City of Pacifica. Given the recently proposed legislation for the City of San Francisco to co-manage Sharp Park in partnership with the National Park Service, you have a historic opportunity to restore regionally significant wetlands and endangered species habitat within and around the unique coastal lagoon ecosystem at Sharp Park.

We, the undersigned scientists with backgrounds in biology, herpetology, ecology, coastal engineering and hydrology, contend that the peer-reviewed scientific report and proposed restoration plan prepared by ESA-PWA with Dr. Peter Baye and Dawn Reis Ecological Studies in February 2011, *Conceptual Ecosystem Restoration Plan and Feasibility Assessment for Laguna Salada*, contains the best available science on the ecology of the Laguna Salada and surrounding natural features at Sharp Park, as well as the impacts of the management of the Sharp Park Golf Course on endangered species and their habitats at the site.

The restoration of Sharp Park wetlands and uplands habitats and connectivity with protected adjacent open space, as proposed in the ESA-PWA report, is the best option to ensure the long term survival of the San Francisco garter snake and the California red-legged frog in the area.

Conversely, the San Francisco Park Department recommendation for Sharp Park released in 2009 was to maintain 18 holes of the golf course while making small changes in the course layout to address environmental concerns, construct a multi-million dollar seawall along the coast, and invest millions of dollars into course improvements. This would have negative consequences for endangered species and their habitats, increase the potential for flooding, result in the loss of the Sharp Park beach and major significant costs to the City's budget, all in order to maximize golf opportunities.

It is our conclusion that the minimal habitat enhancement proposed by the Park Department in their preferred 18-hole alternative is inadequate to allow the recovery of the San Francisco garter snake and red-legged frog at the site, and is set up to fail with climate change and sea-level rise.

Sharp Park contains unique coastal wetlands habitat features and is important habitat for two interdependent federally listed species. The extremely endangered San Francisco garter snake, confined to six areas on the upper San Francisco Peninsula, is federally

and state listed as endangered. The California red-legged frog, found in wetlands in lowlands in central California, is federally listed as threatened. We concur with the ESA-PWA report that "Laguna Salada represents one of the best opportunities in the Central Coast region to improve and restore impaired lagoon wetland habitats for endangered species."

Sincerely,

Carlos Davidson, Ph.D. - Conservation Biologist and Ecologist
Director and Associate Professor
Environmental Studies Program
San Francisco State University
Relevant Experience: Expertise in conservation ecology and California amphibians

Dr. Kerry Kriger, Ph.D. - Ecologist
Founder, Executive Director of Save The Frogs
Relevant Experience: Expertise on amphibian disease; research into amphibian declines; articles in peer-reviewed international scientific journals

Peter H. Raven, Ph.D. – Botanist
President, Missouri Botanical Garden
St. Louis, Missouri
Relevant Experience: Expertise and many years of study on the plants of Central California

Glenn R. Stewart, Ph.D. - Zoologist and Ecologist
Professor Emeritus of Biological Sciences
California State Polytechnic University, Pomona
Relevant Experience: Expertise in the ecology and systematics of reptiles, amphibians and mammals

Samuel S. Sweet, Ph.D. - Zoologist
Department of Ecology, Evolution and Marine Biology
University of California, Santa Barbara
Relevant Experience: Expertise in vertebrate systematics and evolutionary morphology; herpetology

Michael Vasey - Botanist
Assistant Professor of Biology
San Francisco State University
President of the California Botanical Society
Relevant Experience: Trained botanist and conservation biologist; involvement in wetland conservation issues for nearly 15 years, extensive field work in wetlands

Th8a

Rexing, Stephanie@Coastal

From: Dave Landeck <davidalandeck@gmail.com>
Sent: Thursday, April 09, 2015 9:34 AM
To: Rexing, Stephanie@Coastal
Cc: Save Sharp Park
Subject: "Support for San Francisco Sharp Park Pump House Project, CDP No. 2-12-014"

Dear Stephanie,

I am writing to you in support of the new pump house. I am a Sierra Club member and in this case I think they are wrong.

Please keep this wonderful, inexpensive golf course open.

Thanks

David Landeck
2184 Sutter Street #307
SF CA 94115

Rexing, Stephanie@Coastal

Th8a

From: Fracchia, Gary <gary.fracchia@dtz.com>
Sent: Thursday, April 09, 2015 10:49 AM
To: Rexing, Stephanie@Coastal
Cc: info@sfpublicgolf.org
Subject: Sharp Park Golf Course Infrastructure

Please approve the pump house project to initiate much needed improvements at this golf course. It's an historic layout by one of golf's finest architects. The course should be returned to its former glory and be affordable to all players.

Gary Fracchia
Senior Vice President | DTZ

555 12th Street, Suite 1400 | Oakland, CA 94607 | USA
Direct: 510-267-6042 Mobile: 510-410-5998 Fax: 510-465-1350
gary.fracchia@dtz.com | vCard | www.dtz.com
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Th 8a

Rexing, Stephanie@Coastal

From: Tsuyoshi Ike Takahashi <golfike@hotmail.com>
Sent: Friday, April 10, 2015 8:54 AM
To: Rexing, Stephanie@Coastal
Cc: info@sfpublicgolf.org
Subject: Sharp Park Golf Course

Hello Mr. Rexing,

I am writing to support the maintenance activities at Sharp Park Golf Course. Sharp Park GC is a great asset to the community. A lot of people think that Golf is rich people's sport. It can be, but it does not have to be. I personally love the game of golf and it requires a lot of patience and discipline within the game. It is great learning opportunity for small kids to retired adults. Sharp Park GC can provide inexpensive place for many people to expose to the learning opportunity.

Unfortunately I will not be able to attend the public hearing, but I greatly support the maintenance activities at Sharp Park.

My contact information is:
Ike Takahashi
Address: 1243 Sunnydale Ave, San Francisco, CA 94134
Phone: 415-420-0299
email: golfike@hotmail.com

Thank you,
Ike

Th8a

Rexing, Stephanie@Coastal

From: hutch <hutch@coastside.net>
Sent: Friday, April 10, 2015 9:22 AM
To: Rexing, Stephanie@Coastal
Subject: Sharp Park Golf Course

Hi Stephanie,

Regarding the City of San Francisco planning to drain the pond in Sharp Park Golf Course. The fact is that the Red Legged Frogs are thriving BECAUSE of the golf course. If the seawall wasn't there that pond would be overcome with salt water killing all the frogs years ago. There are no frog eggs at the time of year the City plans the pumping. So there's no reason not to allow it.

Thank You,

Robert Hutchinson
301 Buckingham Rd
Pacifica CA 94044

Rexing, Stephanie@Coastal

Th 8a

From: Loretta Wood Walter <loretw@comcast.net>
Sent: Friday, April 10, 2015 9:33 AM
To: Rexing, Stephanie@Coastal
Subject: Standing up for the Red-Legged Frog & Healthy Wetlands vs Golfcourse idea

Dear Stephanie,

I am a member of Save the Frogs and several other environmental protection/animal welfare non-profits. If I could attend I would be among the peaceful protesters in San Rafael on April 16th. But since I can't make it, just wanted to let my voice be heard. I actually attended a How to Build a Healthy Wetlands workshop class given by Save the Frogs **at a local elementary school in Ben Lomond,** and I learned a lot about **why Healthy Wetlands are not only beautiful, but they also actually reduce the number of mosquitoes (without harmful chemicals) due to the bats, dragonflies, water scooters, and certain birds, that all eat mosquitoes and/or their larvae.** With the drought that is going on in California right now, the Gold Course is even a worse idea, since it uses lots of water. In addition Golf Courses use lots of harmful chemicals to keep the greenway weed-free and fertilized. I think it would be **much kinder to the environment and also could serve more members of the community (school field trips? and a walking/jogging path???) to Restore the Wetlands to Healthy Wetlands** that will attract songbirds, dragonflies, frogs, salamanders and other helpful wildlife. Thanks for listening.
Sincerely,
Loretta Walter
Santa Cruz, CA

Th8a

Rexing, Stephanie@Coastal

From: Vic Eichler <vic33@frontier.com>
Sent: Friday, April 10, 2015 9:46 AM
To: Rexing, Stephanie@Coastal
Subject: Re: Sharp Park Wetlands

TO; The California Costal Commission

Please add my voice to the other concerned citizens who will be meeting on April 16th to request that you deny the permit requested by the City of San Francisco to allow draining of the very important ecological area known as the Sharp Park Wetlands.

Federal, state and local ordinances designed to protect wetlands exist for good reason. Wetlands are unique ecosystems that absorb excess stormwater runoff, assist in recharging underground aquifers, and provide habitat for many unique plant and animal species. It is unimaginable to informed citizens that an important habitat of California's official state amphibian, the California Red-Legged Frog, would be eliminated by draining this area!

Amphibians are the most endangered group of animals on the planet, and efforts to destroy – rather than to protect – the endangered residents of the Sharp Park Wetlands (which depend on the aquatic environment there) is a horrible idea which will be recognized in the long run, if not sooner.

Once again, please deny the requested permit to dredge and drain the Sharp Park Wetlands.

Sincerely yours,

Victor B. Eichler, Ph.D.

Retired amphibian biologist

Th8a

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Carole Groom

1) Name or description of project:
   Item Th8a -- Application No. 2-12-014 (San Francisco Recreation and Park Department, Pacifica) – Sharp Park infrastructure
2) Date and time of receipt of communication: April 10, 2015 at 1 PM
3) Location of communication: Office of the Board of Supervisors (400 County Center, Redwood City, CA 94063) -- Telephone
   (If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
4) Identity of person(s) initiating communication:
   Bonnie Neely
5) Identity of person(s) on whose behalf communication was made:
   Phil Ginsburg, Lisa Wayne, Bonnie Neely
6) Identity of persons(s) receiving communication:
   Carole Groom
7) Identity of all person(s) present during the communication:
   Carole Groom, Phil Ginsburg, Bonnie Neely, Lisa Wayne, Ricky Alexander Bac

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I received a briefing from Phil Ginsburg, Lisa Wayne, and Bonnie Neely in which they explained their perspective on the infrastructure project at the Sharp Park Golf Course in Pacifica. I received a briefing booklet (entitled "Sharp Park Pumphouse Project – 4/9/2015), which was also sent to staff. The representatives indicated their agreement with the staff recommendation of project approval; however, they expressed concerns regarding Special Condition 2(d) in the staff report. They indicated that this condition would be resource intensive, redundant of other conditions in the report, and unnecessary to monitor groundwater and salinity intrusion. Supportive of striking this condition or broadening the language so as to not require piezometers, the representatives stated that they believe the other conditions would suffice to accomplish the groundwater monitoring and track the health of the wetlands. They stated that there is no funding currently for the piezometers. In addition, they indicated that the planning, design, and contracting for the piezometers would make it infeasible or impossible to satisfy this condition within the window required by the California Department of Fish & Wildlife. The representatives asked the Commissioner to consider ways of striking or amending this condition of the recommendation.

April 10 2015
Date

Carole Groom
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

Th 8a

SURFRIDER
FOUNDATION

April 2015 Agenda
Meeting of April 16, 2015
Agenda Item No. 8

April 10, 2015

California Coastal Commission
c/o Ms. Stephanie Rexing
Coastal Planner
VIA EMAIL Stephanie.Rexing@Coastal.ca.gov

Re: Comments on Sharp Park Golf Course Infrastructure Improvement Project, Coastal Development Permit Application No. 2-12-014

Dear Honorable Commissioners:

Surfrider Foundation is a non-profit 501(c)(3) organization that is dedicated to the protection and enjoyment of oceans, waves and beaches through a powerful activist network. Towards this mission Surfrider Foundation engages in campaigns and programs on many issues, including coastal adaptation, coastal preservation, and beach access. We submit these comments to the California Coastal Commission ("Commission") regarding Coastal Development Permit ("CDP") Application No. 2-12-014, for the Sharp Park Golf Course Infrastructure Improvement Project ("Project"), on behalf of the Surfrider Foundation's San Francisco and San Mateo County Chapters,[1] and their over 1,200 members, many of whom live near and enjoy the natural coastal resources at Sharp Park Beach.

The San Francisco chapter has been very active in the campaign to Restore Sharp Park, and particularly engaged on coastal management issues, such as the future management of the seawall in this area. Sharp Park Beach is a special place for Surfrider Foundation members, who enjoy surfing, strolling, fishing, picnicking, and more at the beach, which is the only wide stretch of accessible beach for the northern Pacifica neighborhoods of Sharp Park, Manor, and Edgemar.

1. **<u>The Commission Must Deny the CDP Due to the Inevitability of Coastal Hazards Including Sea Level Rise and Coastal Erosion at the Project Site, and the Project's Anticipated Aggravation of Impacts.</u>**

[1] The Surfrider Foundation currently has 84 chapters located in the United States.

As the Staff Report for the City and County of San Francisco Recreation and Parks Department's ("Applicant") CDP application recognizes, the Coastal Act, Section 30253, requires that new development *minimize* risks to life and property in areas of high geologic, flood, and fire hazard, *assure* stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Meanwhile, the Commission's Draft Sea-Level Rise Policy Guidance ("Draft Guidance") provides "The strongest approach for minimizing hazards is to avoid new development within areas vulnerable to flooding, inundation, and erosion." (Draft Guidance, at 24.)[2]

As the Staff Report recognizes, flooding in the Project area is inevitable. The site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, and their interaction. (Staff Report, at 11, 29.) Portions of the property, and the Project (including the retaining wall, steps, gate, and walkway improvement around the pumphouse) are located just inland from the Pacific Ocean in the mapped FEMA 100 year flood plain. (Id., at 29.) Furthermore, **as the Staff Report also concedes, aspects of the Project (e.g., the retaining wall, the steps, and the walkway) may denigrate the stability of natural landforms or contribute to erosion and actually *aggravate* flooding in the surrounding area, and there is inherent uncertainty as to hazards at the site, including those risks associated with sea level rise.** (Id.)

However, any "uncertainty" as to sea level rise is more a question of "when" than "if." As the Draft Guidance notes, the National Research Council predicts the sea-level to rise along this portion of the California coast anywhere from 1.56 to 11.76 inches by 2030, 4.68 inches to 24 inches by 2050, and 16.56 to 65.76 inches by 2100. (Draft Guidance, at 5.) Sea-level rise impacts coastal communities with the increased frequency, magnitude, and duration of flooding,[3] shoreline erosion, and magnification of storm surge impacts.[4] Thus, it's clear the Project area is at serious risk for coastal flooding and erosion from sea level

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[2] While the Draft Guidance is still a draft, it provides "This guidance is rooted in certain fundamental guiding principles, many of which derive directly from the requirements of the Coastal Act. In this respect, *the principles are not new*, but rather generally reflect the policies and practices of the Commission *since its inception* in addressing coastal hazards and the other resource and development policies of the Act." (Id., at 5, *emphasis added.*) Thus, while a draft, these policies already exist and bind the Commission to comply with the Coastal Act to the maximum extent.

[3] National Oceanic Atmospheric Association, Global Sea Level Rise Scenarios for the United States National Climate Assessment (December 6, 2012), at 3; available at: http://cpo.noaa.gov/sites/cpo/Reports/2012/NOAA_SLR_r3.pdf

[4] See http://www.epa.gov/climatechange/impacts-adaptation/coasts.html#ref6, *citing* NRC (2010). Adapting to the Impacts of Climate Change . National Research Council. The National Academies Press, Washington, DC, USA.

rise and storm events, and the Project may in fact *aggravate* natural landform stability, erosion, and flooding in surrounding areas.

Further, since Coastal Act Section 30253 requires that new development (1) not create or contribute to erosion or geologic stability, and (2) not require the construction of protective devices that would alter natural landforms, the Staff Report is correct that the Project can not require additional future expansions of protective structures. (Coastal armoring, which itself creates and contributes to erosion and geologic instability, and the Commission's obligations with respect thereto, is explored further in the following section.)

And yet, despite Section 30253 and the recognized risks associated with the Project, the Staff Report recommends going ahead and permitting the Project's improvements, which will very likely contribute significantly to erosion and flooding. This does not "minimize" risk to life and property at Sharp Park, or "assure" stability and structural integrity of the area, and thus violates Coastal Act Section 30253's mandates.

Further, granting the CDP will only waste public resources, as coastal hazards will eventually hit the Project improvements almost certainly requiring (1) more than routine maintenance and repair, and thus, pursuant to Special Condition No. 7, (2) the removal of the Project improvements. Additionally, the Staff Report's assertion with respect to the "no project alternative" is erroneous. (Staff Report, at 31.) This alternative would not necessarily interfere with all recreational use; the Commission must not forget the *recreational uses provided by the beach itself*, the existence of which this Commission must protect, pursuant to the Coastal Act, Chapter 3, Article 3. (See, e.g., Coastal Act, Section 30220.) These uses include surfing, surf-fishing, swimming, strolling, picnicking, and simply relaxing at the beach.

To comport with the purpose and intent of the Coastal Act and Draft Guidance, the Commission must deny the CDP.

2. **<u>The Commission Must Deny the CDP, Due to the Project's ESHA Impacts.</u>**

Coastal Act Section 30240 provides that environmentally sensitive habitat areas (ESHA) *shall* be protected against any significant disruption of habitat values, and *only* uses dependent on those resources shall be allowed within those areas. "Coastal-dependent development or use" is defined in the Coastal Act as any development or use which *requires* a site on or adjacent to, the sea to be able to *function at all.* (Coastal Act, Section 30101.) Surfrider Foundation believes Staff Report erroneously analyzes coastal dependent uses for purposes of this Section. Instead of analyzing the individual Project components, the overall use for purposes of analysis is the golf course. Clearly, a golf course need not be sited on or adjacent to the sea in order to function. That alone precludes the Project from being located in ESHA. In any event, staff concludes that the Project is not a coastal dependent use, and further, staff concedes the Project will lead to significant habitat disruption. Surfrider Foundation agrees. Among its natural resources impacts to ESHA, the Project would have devastating impacts to the California Red Legged Frog and the San Francisco Garter Snake habitat and species in Sharp Park, which are threatened and

endangered, respectively, under the Federal Endangered Species Act. Therefore, as staff recognizes, issuing a CDP would plainly violate Coastal Act Section 30240.

To get around this, the Staff Report attempts to assert and then resolve a "conflict" through a Coastal Act Section 30007.5 analysis. However, this analysis fails. Namely, staff asserts a conflict between Coastal Act Sections 30240's mandates to (1) protect ESHA, and (2) restrict uses in the area to those which are dependent on the resources in the area; and Coastal Act Sections 30210, 30212, 30221, and 30223. However, conflicts do not exist.

True, and of critical importance, Coastal Act Section 30210 requires providing maximum beach access and recreational opportunities; however, the Commission can deny the CDP on the basis of Section 30240, and still provide maximum beach access and coastal recreational opportunities such as surfing, swimming, surf-fishing, picknicking, general beachgoing, etc. – all of the valuable benefits that come with having a natural and undeveloped beach. Similarly, Section 30213 requires lower cost visitor and recreational facilities be protected, encouraged, and where feasible, provided. Again, the Commission can deny the CDP and still protect the low cost recreational opportunities of surfing, swimming, surf-fishing, picknicking, and general beachgoing. Moreover, Section 30213 only requires providing facilities where feasible; and since the Project would have significant impacts to ESHA, that renders such provision infeasible in the circumstances. Section 30221 similarly requires protection of oceanfront land suitable for recreation unless, where, as here, the recreational needs that can be accommodated on the property are provided elsewhere in the area (e.g., TPC Harding Park and the Olympic Club golf courses to the north, and in Half Moon Bay to the south). Finally, Section 30223 requires that upland areas necessary to support coastal recreational uses be reserved for such uses, when feasible; again, where, as here, a Project will significantly disrupt ESHA, this is infeasible.

Finally, as Coastal Act Section 30007.5 provides, "the Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the *most* protective of significant coastal resources." (emphasis added). As set forth above, it is possible for the Commission to deny the CDP, pursuant to Coastal Act Section 30240, and in compliance with Sections 30210, 30213, 30221, and 30223. This approach is certainly the most protective of significant coastal resources, and further analysis under Section 30007.5 is unnecessary.

3. **<u>At a Minimum, the Commission Must Amend and Strengthen CDP Special Condition No. 7 to Explicitly Prohibit Any and All Coastal Armoring, and Require That a Policy of Managed Retreat be Implemented at the Property.</u>**

If the Commission nevertheless proceeds with granting the CDP, the Surfrider Foundation strongly urges the Commission to clarify Condition No. 7 to comport with Coastal Act mandates. As the Staff Report acknowledges, Coastal Act Section 30253 provides that new development shall: (1) minimize risks to life and property in areas of high geologic, flood, and fire hazard; and (2) assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or

surrounding area *or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Further, the Coastal Act requires that the Commission, in carrying out the mandate for maximum public access of Cal. Const. Art. 10, Section 4, *maximize public access* to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners. (Cal. Pub. Res. Code, §§ 30001.5(c), 30210.) Development must not interfere with public beach access. (Id., at § 30211.) The Commission must not forget its obligation to protect and maximize public access, and must not favor the Project's golf-recreation benefits at the expense of public beach access and the other coastal recreation benefits that come with having an accessible, sandy beach, such as surfing, surf-fishing, sun bathing, and general beach-going.

Additionally, Coastal Act Section 30250 requires that new development be located "where it will not have significant adverse effects, either individually or cumulatively, on coastal resources," and sited and designed to "minimize the alteration of natural land forms." (Cal. Pub. Res. Code, §§ 30250, 30251.)

The Commission's Draft Guidance echoes these requirements. See, e.g., Principles for Addressing Sea-Level Rise in the Coastal Zone: (4) "Avoid significant coastal hazard risks where feasible;" (9) "Provide for maximum protection of public beach and recreational resources in all coastal planning and regulatory decisions;" and (10) "Maximize natural shoreline values and processes and embrace green infrastructure and living shorelines; *avoid the perpetuation of shoreline armoring.*" (Draft Guidance, at 5-6.) The Draft Guidance on Coastal Development Permits also reiterates, "New development should *not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs*" and provides that projects should "avoid sea-level rise hazards if possible, and minimize hazard exposure if avoidance is infeasible." (Id., at 10.)

For the reasons explained herein below, **Condition No. 7 must be amended to explicitly prohibit any and all armoring of the beach, including but not limited to seawalls, riprap, rock revetment, etc., and to include language which clarifies that the subject property and all Project components are subject to a coastal adaptation policy such as managed retreat** in order to comply with the obligations of Cal. Pub. Res. Code Sections 30001.5, 30210, and 30253, and the Commission's own policies. The Coastal Commission must also revise Condition No. 7 to be clear that the Applicant cannot perform measures beyond ordinary repair and maintenance work on the existing earthen berm on the subject property (or unpermitted rock revetment, which, as explained in the following section, must be removed), and must be clear that adding or maintaining an unpermitted rock revetment (or "rock riprap"/boulders) to the property is *not* ordinary repair or maintenance. Condition No. 7, with these amendments, is not just good policy; it is legally required.

The Problem With Coastal Armoring

The natural coastal shoreline is dynamic, constantly changing in response to rain, wind, and waves. These natural forces erode inland and transport coastal sources of sand to the near shore area, nourishing the beach. Whereas beaches and dunes have historically changed or moved inland in the past, now, due to development along the fragile shorelines, humans have sought to halt these natural processes.[5]

Coastal armoring includes the use of stone, wood, or concrete structures to either armor the shoreline, fixing it in a permanent location (e.g., seawalls or bulkheads), or reduce wave energy (e.g. breakwaters or jetties). Coastal armoring is undertaken to protect inland structures, *not to protect the public beach*, and instead, armoring actually has devastating impacts on beaches. These impacts include that: (1) armoring eroding bluffs cuts off the natural supply of new sand to the beach, which thus speeds up the erosion process; (2) as sea level rises and the shoreline moves inward, the water will eventually meet the seawall (or other armoring structure), covering, and thus eliminating the beach; (3) seawalls are often placed on public beach property, which takes up public beach space, and can hinder or eliminate public access (e.g., a rock revetment may cover 30 to 40 feet of public beach space); (4) armoring takes away the natural beauty of the coast; and (5) local, state, or federal tax-payer money is often spent on staggeringly expensive armoring projects to protect private or unnecessary development.[6] In 1999 dollars, which of course would be much higher today, the cost for revetments was up to $2000.00 per foot, while sea walls were estimated at up to $4,500.00 dollars per square foot.[7] Further, research has shown that (1) structures intended to trap sand in one area, actually deprive downshore beaches of sand supply, thus, redirecting the problem rather than solving it; and (2) vertical seawalls tend to exacerbate erosion at adjacent unarmored beaches.[8]

Thus, essentially, coastal armoring alters natural landforms along the coast, leads to erosion and loss of sand, and thereby reduces and risks total loss of the public beach (which provide vital species habitat and coastal recreation opportunities), in contravention of the Commission's obligations to maximize natural shoreline values and public beach access. Any further coastal armoring at this property would be particularly grave, given that most of Pacifica's adjacent beaches have already been severely compromised by armoring. Any further armoring in connection with this Project could wipe out the very last wide stretch of beach between Mussel Rock and Mori Point, which spans several miles, and magnify the host of armoring-associated problems in the area. These cumulative

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[5] See, e.g., http://coastalmanagement.noaa.gov/resources/docs/finalbeach.pdf

[6] See http://www.beachapedia.org/Seawalls; See also Orrin H. Pilkey and Howard L. Wright III, "Seawalls Versus Beaches," Journal of Coastal Research vol. 4, pp. 41-64, 57 (Autumn 1988); See also Meg Caldwell and Craig Holt Segall, *No Day at the Beach: Sea Level Rise, Ecosystem Loss, and Public Access Along the California Coast*, 34 ECOLOGY L.Q., 533, 540.

[7] See, Caldwell, supra, at 539.

[8] See http://coastalmanagement.noaa.gov/resources/docs/finalbeach.pdf, at 2.

impacts on coastal resources preclude any additional coastal armoring in the area, under Coastal Act Section 30250.

Therefore, to abide by the Coastal Act and the Commission's own policies, the Commission must amend Special Condition No. 7 to ensure that no coastal armoring can occur at Sharp Park and that the property is subject to a natural coastal adaptation policy in perpetuity.

4. **Surfrider Foundation Believes the Applicant is Presently Violating the Coastal Act by Allowing an Unpermitted Rock Revetment to Exist on the Property, Which Said Violation Must be Removed.**

In addition to Applicant's existing violations on the property recognized in the Staff Report (p. 2, 36), the Surfrider Foundation believes that the Applicant is violating and has been violating the Coastal Act for several years, by constructing and maintaining a rock revetment on the property (which constitutes "development" under the Coastal Act), without a required Coastal Development Permit. Since 2012, the Surfrider Foundation has provided repeated notice to the Commission of said violation, and in 2013 and 2014, the Commission investigated and determined a violation existed, and notified the Applicant that it was required to remedy the violation.

To Surfrider Foundation's knowledge, said violation has not been remedied, and the Commission has not taken enforcement action despite Applicant's clear violation, and repeated requests by Surfrider Foundation. As an *unpermitted* structural armoring device, the revetment constitutes an "additional substantive measure" for purposes of Condition No. 7, since it is not an existing permitted measure. The fact the structure already exists on the property, and therefore may not be a "future" expansion (as referenced in the Staff Report, p. 29) must be of no consequence, as to render otherwise would allow a violation to remain, despite the clear contravention of the Coastal Act sprit and intent, and particularly Section 30600(a)(a person *"shall"* obtain a CDP for any development in the coastal zone). The Commission must not allow it to exist on the property.

Copies of communications between Surfrider Foundation and the Commission, and the Commission and Applicant, are attached hereto as Exhibit "A," and incorporated herein by this reference. Surfrider Foundation reasserts all arguments in its communications with respect to the seawall violations by this reference.

5. **Conclusion**

On behalf of the Surfrider Foundation's San Francisco and San Mateo County chapters, we appreciate your attention to the very serious threats that the proposed Project poses to beach access – *and the very existence of a public beach* – as well as the critical natural resources, including threated and endangered species, at Sharp Park. We respectfully urge the Commission to fully comply with its Coastal Act obligations, and its own Draft Sea-Wall Policy Guidance, and deny the CDP.

Sincerely,

Signatures on file

Staley Prom, Esq. Legal Associate Surfrider Foundation	Bill McLaughlin San Francisco Chapter Member Surfrider Foundation	Edmundo Larenas San Mateo Cty. Chapter Member Surfrider Foundation

EXHIBIT A

Correspondence re seawall, between Surfrider Foundation and Commission, and Commission and Applicant.

The Surfrider Foundation asks for the California Coastal Commission to do a full investigation of this issue to determine if unpermitted development did occur on this site. If so, we ask that the Coastal Commission require a permit for such work and afford the public their right to comment on this important issue.

Sincerely,
/s/
Angela T. Howe, Esq.
Legal Director
Surfrider Foundation

encl

EXHIBIT A

Correspondence re seawall, between Surfrider Foundation and Commission, and Commission and Applicant.

SURFRIDER
FOUNDATION

March 3, 2013

Joanne Ginsberg
Enforcement Analyst
California Coastal Commission
VIA EMAIL jo.ginsberg@coastal.ca.gov

Re: Seawall Renovation at Sharp Park

Dear Ms. Gingsberg:

Surfrider Foundation is a non-profit 501 (c) (3) organization that is dedicated to the protection and enjoyment of oceans, waves and beaches through a powerful activists network. Surfrider Foundation San Francisco Chapter has been actively involved in the campaign to Restore Sharp Park. The Chapter has been especially engaged on coastal management issues, such as the future management of the seawall and the seawall's effect on coastal resources in this area.

According to the October 2, 2012 Biological Opinion of the U.S. Fish and Wildlife Service regarding Formal Endangered Species Consultation on the Sharp Park Safety, Infrastructure Improvement, and Habitat Enhancement Project in San Mateo County, California:

> "During and following completion of the Project, the SFRPD shall maintain and keep in good repair the sea wall road, which provides the only vehicle access for maintenance activities as described above. Maintenance of the roadway on the sea wall is expected to include filling ruts in the surface with aggregate or comparable materials and repairing drainage issues by outsloping the roadbed. The SFRPD does not anticipate hardening or further armoring of the sides of the sea wall." (at p.CCSF100655, emphasis added)

Surfrider Foundation and the public at large have been under the impression that no major construction, including expansion or further armoring, would take place on the Sharp Park seawall. However, due to the renovation of the seawall on February 23 through February 25, 2013, it appears as though the City authorized the expansion of the seawall outside of and in addition to the original building envelop. The local newspaper reported that 75 tons of "chert" rock was used on the seawall, and the attached pictures show what appear to be new armoring at the site. This type of work exceeds any reasonable definition of "maintenance". "Maintenance" excludes new work or changes in the original extent or fill of design. It appears that new boulders were placed on the beach-side of the seawall at Sharp Park where none had been previously located. This type of beach armoring requires a permit procedure with formal agency evaluation, as well as public notice and comment period.

The Surfrider Foundation asks for the California Coastal Commission to do a full investigation of this issue to determine if unpermitted development did occur on this site. If so, we ask that the Coastal Commission require a permit for such work and afford the public their right to comment on this important issue.

Sincerely,
/s/
Angela T. Howe, Esq.
Legal Director
Surfrider Foundation

encl

STATE OF CALIFORNIA -- NATURAL RESOURCES AGENCY

EDMUND G. BROWN JR., GOVERNOR

CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV

March 5, 2013

Steve Castile
Golf and Turf Manager
McLaren Lodge-Golden Gate Park
501 Stanyan Street
San Francisco, CA 94117

Subject: **Repairs to the Seawall at Sharp Park Golf Course, Pacifica, CA**

Dear Mr. Castile:

Thank you for taking the time to meet with us yesterday to view the subject project site. The repairs to the revetment that began recently include use of mechanized construction equipment to place rip-rap and other materials at the project site. We have reviewed our permit requirements in light of the development that has occurred, and have determined that it is not exempt from the Coastal Act's requirement to obtain a Coastal Development Permit (CDP). Therefore, the repairs are unpermitted development constituting a Coastal Act violation, and an after-the-fact coastal development permit must be obtained to cover the work that has already occurred. Further, any additional work will require CDP authorization. Please submit a CDP application for authorization of the work that has already occurred, as well as any additional work that is proposed. Please submit the application to my attention at the address listed above at your earliest convenience, but no later than March 11, 2013.

If you have any questions or would like to discuss this matter further, please do not hesitate to contact me at 415-597-5894, or at the address given above.

Regards,

Stephanie Rexing
Coastal Program Analyst

cc: Lisa Wayne, San Francisco Recreation and Parks
Jo Ginsberg, North Central Coast District Enforcement

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., GOVERNOR

CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2 219
VOICE (415) 904-5 200
FAX (4 15) 904-5 400
TDD (415) 597-5885

SENT BY CERTIFIED AND REGULAR MAIL
Certification No. 7006 2760 0005 5883 7396

March 11, 2013

Steve Castile
San Francisco Recreation & Parks
McClaren Lodge
Golden Gate Park
501 Stanyan Street
San Francisco, CA 94117

RE: Alleged **Coastal Act Violation No. V-2-13-002** (Sharp Park Golf Course), consisting of unpermitted repairs to the existing seawall

Dear Mr. Castile:

Thank you for meeting with Stephanie Rexing and me on March 4, 2013 at the Sharp Park Golf Course seawall in Pacifica. As noted in the letter Ms. Rexing sent you dated March 5, 2013, Commission staff has determined that the repair work that has taken place on the seawall constitutes development under the definition in the Coastal Act and is therefore not exempt from Coastal Act requirements.

1. **Alleged Coastal Act Violation.**

As you know, the California Coastal Act (Coastal Act) was enacted by the California Legislature in 1976 to provide protection of California's 1,100-mile coastline. The Coastal Act protects this coastline through implementation of a comprehensive planning and regulatory program designed to manage conservation and development of coastal resources. The California Coastal Commission (Commission) is the State agency created by and charged with administering the Coastal Act of 1976. The Commission carries out Coastal Act mandates by seeking to protect sensitive habitats, natural landforms, and scenic landscapes. Our goals include providing maximum public access to and along the coast, and to neither create nor contribute significantly to erosion, geological instability, or destruction of natural land forms along bluffs and cliffs.

The Coastal Act broadly defines development in Section 30106, in part as follows:

> *"Development" means, on land, in or under water, **the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials;** change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act...change in the intensity of use of water, or of access thereto; **construction, reconstruction, demolition, or alteration of the size of any structure,** including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973... (Emphasis added)*

As such, the repair work at the subject property, which includes the placement of unpermitted rock riprap on the site ("placement or erection of any solid material or structure," "reconstruction...of any structure") and the grading of the material on top of the seawall ("grading, removing...or extraction of any materials") constitutes development under the Coastal Act. Section 30600(a) of the Act requires that any person wishing to perform or undertake development in the coastal zone must first obtain a coastal development permit (CDP), in addition to any other permit required by law, before carrying out any development. Any development activity conducted in the State's defined coastal zone without a valid coastal development permit constitutes a violation of the Coastal Act. Thus, the repair work, which includes the placement of rock riprap, is considered to be unpermitted development, constituting a Coastal Act violation.

2. Enforcement Remedies.

The Commission enforcement staff prefers to work cooperatively with alleged violators to resolve Coastal Act violations administratively. We are confident that we can resolve this matter without resorting to formal action. However, it is my obligation to inform you that, should this alleged violation remain unresolved, the Coastal Act contains a number of enforcement remedies for violations, including, but not limited to, issuance of Cease and Desist Orders, issuance of Restoration Orders, and the ability to initiate court action to collect civil liability in an amount not less than $500 and not more than $30,000 for each instance of development, pursuant to Coastal Act Sections 30809, 30810, 30811, and 30820 (a). Additionally, section 30820 (b) provides that additional civil liability may be imposed for violations which were undertaken knowingly and intentionally in an amount not less than $1,000 and not more than $15,000 for each day in which the violation persists. Any development that occurs after being notified by Commission staff of the need for a CDP for such development may be considered to be undertaken with knowledge of CDP requirements and intentionally undertaken in spite of that knowledge. Finally, pursuant to Section 30812, the Executive Director, after giving notice and allowing for a public hearing if requested, may record a Notice of Violation on the property where an unresolved violation exists.

3. Resolution of Alleged Coastal Act Violation.

To resolve the outstanding alleged Coastal Act violation on the subject site, please submit to Ms. Rexing of our North Central District planning staff a complete CDP application seeking after-the-fact authorization for the seawall repair work that has already taken place at the subject property. As you know, Ms. Rexing set a deadline of March 11, 2013 for this submittal. The CDP application should also include a request for any additional repair work you wish to do at the subject site. If you have any questions about completion of your CDP application, please contact Ms. Rexing at 415-597-5894. If you have any questions regarding enforcement, please contact me at 415-904-5269.

Thank you for your cooperation.

Sincerely,
Signature on file

JO GINSBERG
Enforcement Analyst

cc: Nancy Cave, CCC, Northern California Enforcement Supervisor
Madeline Cavalieri, CCC, North Central District Manager
Stephanie Rexing, CCC, North Central District Planner
Lisa Wayne, SFRPD

SURFRIDER
FOUNDATION

March 12, 2013

Jo Ginsburg
Enforcement Analyst
California Coastal Commission
VIA EMAIL jo.ginsberg@coastal.ca.gov

Dan Carl
District Director
California Coastal Commission
VIA EMAIL dan.carl@coastal.ca.gov

Re: Follow Up on Seawall Renovation at Sharp Park

Dear Ms. Gingsburg and Mr. Carl:

I am writing this letter in follow up to Surfrider Foundation's March 3, 2013 letter to you regarding the status of the Seawall Renovation and required permitting at Sharp Park. As you know, there was seemingly substantial construction and addition to the seawall in late February. Surfrider Foundation and the public at large have been under the impression that no major construction, including expansion or further armoring, would take place on the Sharp Park seawall.

In response to our March 3, 2013 letter requesting that the California Coastal Commission investigate this issue to determine if unpermitted development did occur on this site and, if so, to require a permit for such; your office replied that you were actively looking into the matter and hoped to conclude in the near term. We ask that you make a decision on the potential permitting of the matter as soon as possible and also share a timeline for future actions related to the case. We await official notification of the decision and a determination on any unauthorized activities.

Thank you for your assistance in this matter.

Sincerely,
/s/
Angela T. Howe, Esq.
Legal Director
Surfrider Foundation

SURFRIDER
FOUNDATION

April 16, 2013

Stephanie Rexing
Coastal Planner
California Coastal Commission
VIA EMAIL stephanie.rexing@coastal.ca.gov

Jo Ginsberg
Enforcement Analyst
California Coastal Commission
VIA EMAIL jo.ginsberg@coastal.ca.gov

Re: Seawall Renovation at Sharp Park and After-the-Fact Permit Application

Dear Ms. Rexing and Ms. Ginsberg:

Surfrider Foundation submits this current letter in continued correspondence regarding the status of the seawall renovation and required permitting at Sharp Park. Surfrider Foundation is a grassroots, environmental non-profit dedicated to the protection and enjoyment of our oceans, waves and beaches. Surfrider Foundation San Francisco Chapter has been actively involved in the campaign to Restore Sharp Park. The Chapter has been especially engaged on coastal management issues, such as the future management of the seawall and the seawall's effect on coastal resources in this area. Surfrider Foundation is very concerned with the unpermitted management practices and seawall armoring that are likely harmful to the coastal environment at Sharp Park.

Sharp Park is a 417-acre stretch of coastal land in Pacifica, abutting the Pacific Ocean and part of the Golden Gate National Recreation Area ("GGNRA"). Sharp Park is home to a diverse coastal ecosystem, providing habitat for several threatened and endangered species. The current seawall was likely built up as berm construction in response to the El Nino storms of 1982. Maintenance and major construction added to the seawall affect not only the endangered species habitat but also the natural flood-protection features. A peer-reviewed scientific study illustrated that restoration of the natural lagoon and wetlands at Sharp Park will provide the most public benefit as a fiscally-responsible option that will protect against sea level rise and storm surge events and will ultimately protect endangered species.[1] The existing levee was likely built in the late 1980s and originally permitted based on unsupported assertions that there was already a berm in

[1] ESA-PWA, "Conceptual Ecosystem Restoration Plan and Feasibility Assessment: Laguna Salada,

place on the site.[2]

Not only were the seawall permits not requested properly by the San Francisco Recreation and Parks Department ("SFRPD") in a timely manner, the SFRPD also has failed to do a comprehensive review of the project. Evaluation of this seawall permit should include ample public notice before any permits are granted. To Surfrider's knowledge, there have been no seawall engineering design efforts or long-term planning for the seawall. The California Coastal Commission ("CCC") should require SFRPD to provide the construction and permit chronology of the berm, using (a) SFRPD records, (b) aerial photographs, (c) photographs of alleged seawall damage, and (d) other public records. The CCC should also conduct its own file review of permits, violations and after the fact permits associated with the coastal seawall, specifically relating to seawall original fill design and strategic design efforts, if any. For instance, CCC should require support for the SFRPD contention that the large rock placement in six erosion zones are located within the existing footprint of the seawall.

Because the seawall we have today was never fully anticipated or reviewed under CEQA, the recent renovation of the seawall opens the door for full environmental review that never took place. Due to this lack of project information and analysis in the first instance, we recommend and ask that the California Coastal Commission undertake a comprehensive review of the coastal seawall project. The CCC should investigate the new construction and future plans for this seawall and whether it conforms with the mandates of the California Coastal Act. The CCC should also ensure that there is investigation of project alternatives, including analysis of environmentally superior alternatives.

We ask that you share any new public information on the matter with us as soon as possible and also share a timeline for future actions related to the case, including an official determination on the after-the-fact permit.

Thank you for your assistance in this matter.

Sincerely,
/s/
Angela T. Howe, Esq.
Legal Director
Surfrider Foundation

Cc: Dan Carl
District Director
California Coastal Commission
VIA EMAIL dan.carl@coastal.ca.gov

---

[2] *Id.* at Section 4.3.2, paragraph 2 (at p. 15).

Th 8a

Rexing, Stephanie@Coastal

From: Hartsell, Rebecca L <rhartsell@ncdot.gov>
Sent: Friday, April 10, 2015 9:48 AM
To: Rexing, Stephanie@Coastal
Subject: frogs

Please protect helpless animals that cannot protect themselves. Don't let the Sharp Park Weltands be drained. PLEASE!

Amazed in His presence
Humbled by His love

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

Th 8a

Rexing, Stephanie@Coastal

From: Matt Byrne <matt@greenhousemediagroup.com>
Sent: Friday, April 10, 2015 10:10 AM
To: Rexing, Stephanie@Coastal
Subject: Sharp Park Wetlands Draining and Dredging

Stephanie,

It's come to my attention that the city of San Francisco has requested a permit to dredge and drain the Sharp Park Wetlands. This action would leave frog egg masses completely stranded, thus killing them off, as all the freshwater is drained from the wetlands. As you know, The California Red-Legged Frog is fighting for its very survival, as is the San Francisco Garter Snake, among countless other species of plants and animals that call the location home, and they would be drastically affected by such an act. I urge the Coastal Commission to deny the City of San Francisco's request to drain or dredge the Sharp Park Wetlands. Thank you for your time.

Sincerely,
Matt Byrne

Matt Byrne
CEO
Greenhouse Media Group, Inc.
1200 N Federal Hwy Suite 200
Boca Raton, FL 33432
O: 561-672-1859
C: 561-797-2195
F: 561-756-9875

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This email has been checked for viruses by Avast antivirus software.
www.avast.com

Th 8a

Rexing, Stephanie@Coastal

From: Val Marjoricastle <valmarjoricastle@yahoo.com>
Sent: Friday, April 10, 2015 11:40 AM
To: Rexing, Stephanie@Coastal
Subject: Sharp Park Wetlands

Dear Commissioners:

Please deny the request of the City of San Francisco for permission to drain or dredge the Sharp Park Wetlands. Your denial of permission for said drainage or dredging is imperative, as determined by Dr. Kerry Kriger, founder of Save the Frogs! and expert on the rapidly disappearing frog.

Sincerely,
Val Marjoricastle
valmarjoricastle@yahoo.com

Th 8a

Rexing, Stephanie@Coastal

From: Hartson Doak <hartson.doak@gmail.com>
Sent: Friday, April 10, 2015 10:16 AM
To: Rexing, Stephanie@Coastal
Subject: Sharp Park Wetland

Save the wet lands. With the State in a drought hope can this even be on the table?

Th 8a

Rexing, Stephanie@Coastal

From: moncura1@aol.com
Sent: Friday, April 10, 2015 12:05 PM
To: Rexing, Stephanie@Coastal
Subject: Re: destruction of the world

First the state is running out of water to drink and grow any food and now ther power's to be want to kill off it's native creatures to build ANOTHER GOLF COURSE when you have thousands now and what will you water them with????? Which do you need more , common sense should tell you that wetlands are more valuable to the Earth then more destruction of what's left!!!!! Everywhere the loss of our natural world is happening and soon IF NOT ALREADY it is probably too late to reverse the damage the human race has done to the planet. Make the right choice, choose the course to preserve what's left. for the Earth, Barbara Smolinski

Th 8a

Rexing, Stephanie@Coastal

From: Marc Delucchi <delucchimarc@gmail.com>
Sent: Friday, April 10, 2015 3:43 PM
To: Rexing, Stephanie@Coastal
Subject: Do Not Destroy the Sharp Park Wetlands

Hello my name is Marc Delucchi and I would like to thank you for your time.

I would like to say that the state of California has done enough to the natural environment. Los Angeles has caused the destruction of thousands of habitats across the state and the Central Valley is home to farmland which is consistently bombarded with pesticides and gallons of water straight from the natural reservoirs of the state. However, the fact is those decisions have already been made and there is nothing you can do today to stop those occurrences. However, today you can take a stand against even more mindless destruction of natural habitats. When will this end? If you continue to allow groups to destroy wetlands we will have none left, today you must vote no on the destruction of the Sharp Park Wetlands and begin to vote yes on our surrounding mother nature. There are already 1,100 golf courses across the state, we do not need anymore especially at the expense of another needed wetland. Please vote no on this Golf Course and save a habitat and begin to help the environment in California.

Th8a

Rexing, Stephanie@Coastal

From: Carol Mathews <cloudskipper@sbcglobal.net>
Sent: Friday, April 10, 2015 9:27 PM
To: Rexing, Stephanie@Coastal
Subject: Sharp Park Permit

Dear Ms. Rexing,

I am writing in opposition to the planned dredging of the Sharp Park wetlands. This will damage the environment of two endangered species, the red-legged frog and garter snake. Surely there are other options that will not damage important habitat for those creatures. While there is an existing golf course, it should take second place to the importance of maintaining habitat for wildlife.

I am unable to attend the meeting on that day, but hope you will take this comment, and those of others who believe the natural environment should take precedence over manicuring a golf course.

Thank you; please support the snakes and frogs.

--Carol Mathews

Th8g

Rexing, Stephanie@Coastal

From: cgjanzen@comcast.net
Sent: Friday, April 10, 2015 9:28 PM
To: Rexing, Stephanie@Coastal
Subject: Shark Park Wetlands

(I accidentally hit send instead of save, so my first e-mail was in draft form.)

Dear Ms. Rexing and Coastal Commision:

It's hard to understand why the City of San Francisco thinks it's in the community's best interests to use public funds to pump the Sharp Park Wetlands out to sea to keep the land dry for a money-losing, water sucking golf course. Don't you think it makes more sense to keep this extremely valuable wetland intact since it is home to the state of CA's official state amphibian and many other animals who die off when their home is pumped out to sea? Destroying this wetland is foolish any time, but especially now that CA is in the middle of a lengthy drought. Not sure how wasting money on golf courses is the best use of the dwindling water supply.

Please quit kowtowing to the golf industry and whoever else thinks golf courses are more important than saving wetlands and start paying attention to the consequences of your actions. The frogs are dying off all over the world because of pollution, habitat degradation and climate change. You have the power to save the California Red Legged frogs in SF, so I hope you do so and deny this permit.

Sincerely,
Gayle Janzen

Rexing, Stephanie@Coastal

Th 8a

From: Satya Vayu <satyavayu@gmail.com>
Sent: Friday, April 10, 2015 11:15 PM
To: Rexing, Stephanie@Coastal
Subject: Please save Sharp Park Wetlands - don't endanger our natural heritage for another golf course!

I am writing to urge the Coastal Comission to deny the City of San Francisco's request to drain or dredge the Sharp Park Wetlands. I had hoped by now that folks are beginning to understand that the world's biodiversity and ecological health was under severe threat, and we need to do all we can to preserve and protect what we have left. But I guess some government officials still don't get it. There is an endangered species that lives in these wetlands, the California Red-Legged Frog (the state amphibian, for crying out loud!), as well as the rare San Francisco Garter Snake, both of which will be decimated if their home is drained (and even more so if vegetation is removed). All for yet another golf course! There are lots of other places to play golf! Wetlands are some of the most threatened ecosystems in the world - please do what you can to preserve this one. Please don't let the Sharp Park Wetlands be drained.

Sincerely,
Satya Vayu
Santa Cruz, CA

Rexing, Stephanie@Coastal

Th 8a

From: Pete Gandell <peteandmilli@yahoo.com>
Sent: Saturday, April 11, 2015 9:13 AM
To: Rexing, Stephanie@Coastal
Cc: info@sfpublicgolf.org
Subject: Support for the Sharp Park pump house project CDP no. 2-12-014

The project is an equitable solution for all parties concerned with the well being of Sharp Park, and should be fully supported to enhance the environment. Pete Gandell

Th8a

Rexing, Stephanie@Coastal

From: Phoebe Anne Sorgen <phoebeso@earthlink.net>
Sent: Saturday, April 11, 2015 12:58 PM
To: Rexing, Stephanie@Coastal
Cc: BFUU Social Justice Com
Subject: Vote to save the habitat instead of golf in Marin April 16-public comment re SF plan application 2-12-014

Esteemed Ca Coastal Commissioners:

Thank you for your service.

We are writing to urge you to deny the City of San Francisco's request to drain/dredge the Sharp Park Wetlands nor remove emergent vegetation. By your own staff's admission, there would be "permanent impacts to the environmentally sensitive wetland and wetland buffer areas." Just say no! Life before golf! SF wants dry land for their money-losing Sharp Park Golf Course, one of well over a thousand golf courses in the state. That golf course is not needed. There are so many other golf courses, and--at any rate--maintaining and watering them should not be a priority in this dire drought and energy crisis.

We hope you are aware that the Sharp Park Wetlands are home to two of California's most iconic species: the endangered California Red-Legged Frog (our official state amphibian, federally-listed as threatened) and the imperiled San Francisco Garter Snake. Are you aware that nature is an **interconnected web of life**, each strand affecting and dependent upon the others? San Francisco's short-sighted and selfish request is one more example of the human species being the most destructive strand. Pumping the Sharp Park Wetlands out to sea leaving frog egg masses stranded on dry land, would be unacceptable, and using public funds to do so adds insult to injury.

Please refuse permission to dredge, ie to pump the wetlands out to sea. Also please refuse to allow construction projects and removal of "emergent" vegetation which would further degrade the frogs', snakes', and others' habitat.

Please acknowledge receipt of this letter, and also confirm that public comment on this item will not occur before **12:30 pm on Thurs April 16 in suite 329, at the San Rafael Civic Center.** Might public comment occur later? We would appreciate an approximate timeline. Application 2-12-014 is item 8a under the north central district coast section of the agenda:
http://www.coastal.ca.gov/mtgcurr.html

Sincerely,

Phoebe Sorgen

former golfer, former municipal Commissioner of Disaster & Fire Safety, chair emerita BFUU-SJC, Ca resident since 1983.

Th8a

Rexing, Stephanie@Coastal

From: Maya Elson <armillarianabs@gmail.com>
Sent: Saturday, April 11, 2015 2:17 PM
To: Rexing, Stephanie@Coastal
Subject: Comments regarding Sharp Park Wetlands

To Whom it May Concern,
I am deeply disturbed by the plans to dredge and drain the Sharp Park Wetlands. It would have a detrimental effect on the frog eggs of the California Red Legged Frog, and destroy habitat of the San Francisco Garter Snake. In a time where human encroachment and pollution are sending these species towards extinction, it is essential that we do everything we can to protect them. Also, I think there's a good chance you would get sued for destroying protected species habitat, and you will face lots of prolonged protest. Doesn't seem worth it.

Sincerely, Maya Elson

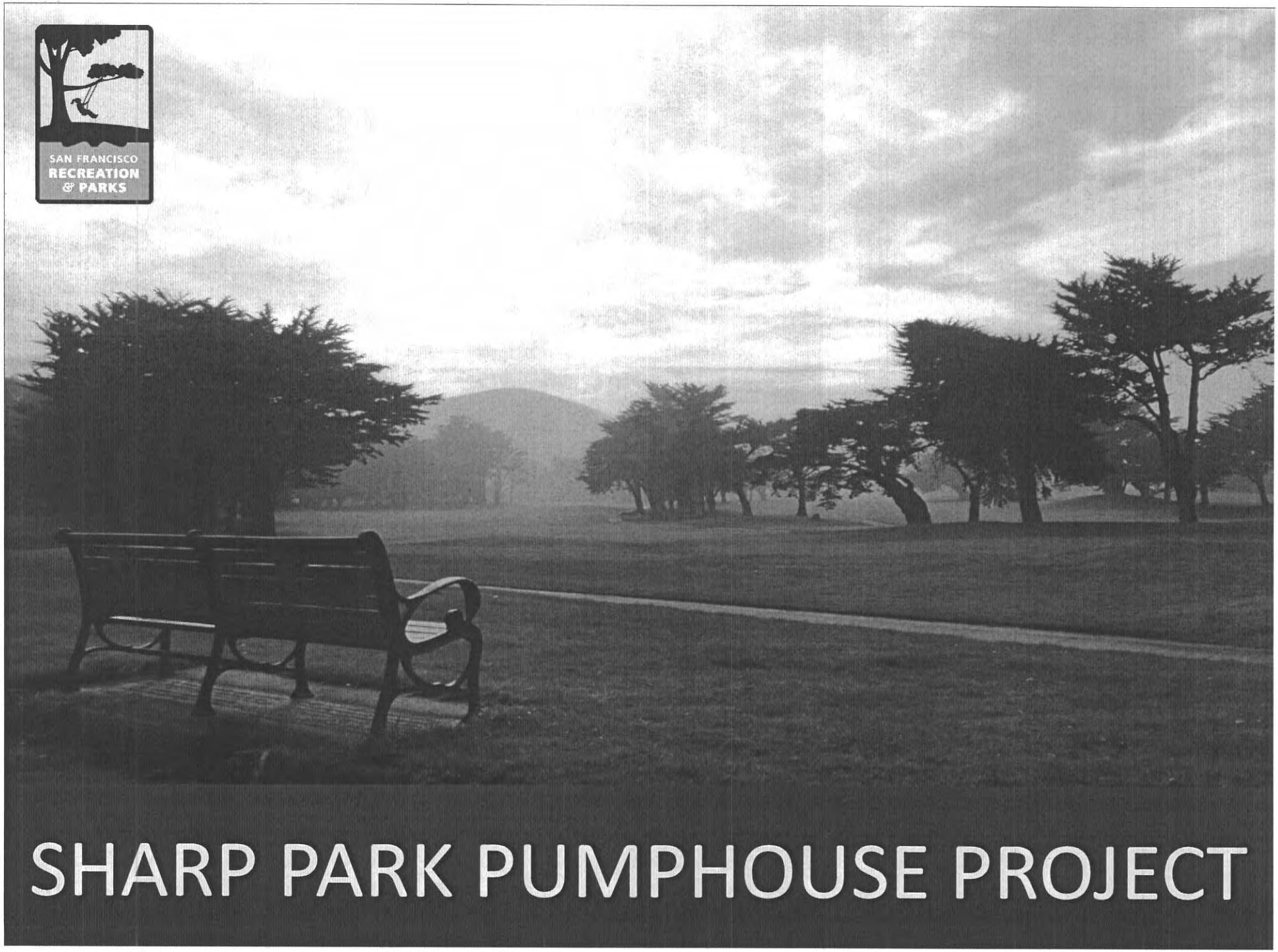
Th8a

Rexing, Stephanie@Coastal

From: Neely, Bonnie <bneely@nossaman.com>
Sent: Sunday, April 12, 2015 1:09 PM
To: Rexing, Stephanie@Coastal; Cave, Nancy@Coastal
Cc: Neely, Bonnie
Subject: Agenda Item Th 8a -San Francisco Recreation and Parks Dept. - Sharp Park Briefing
Attachments: SharpParkPumphouse_4-9-15.pdf

Attached please find the Briefing Booklet prepared by the applicants in the above-entitled. Please provide this information to all Commissioners and staff.

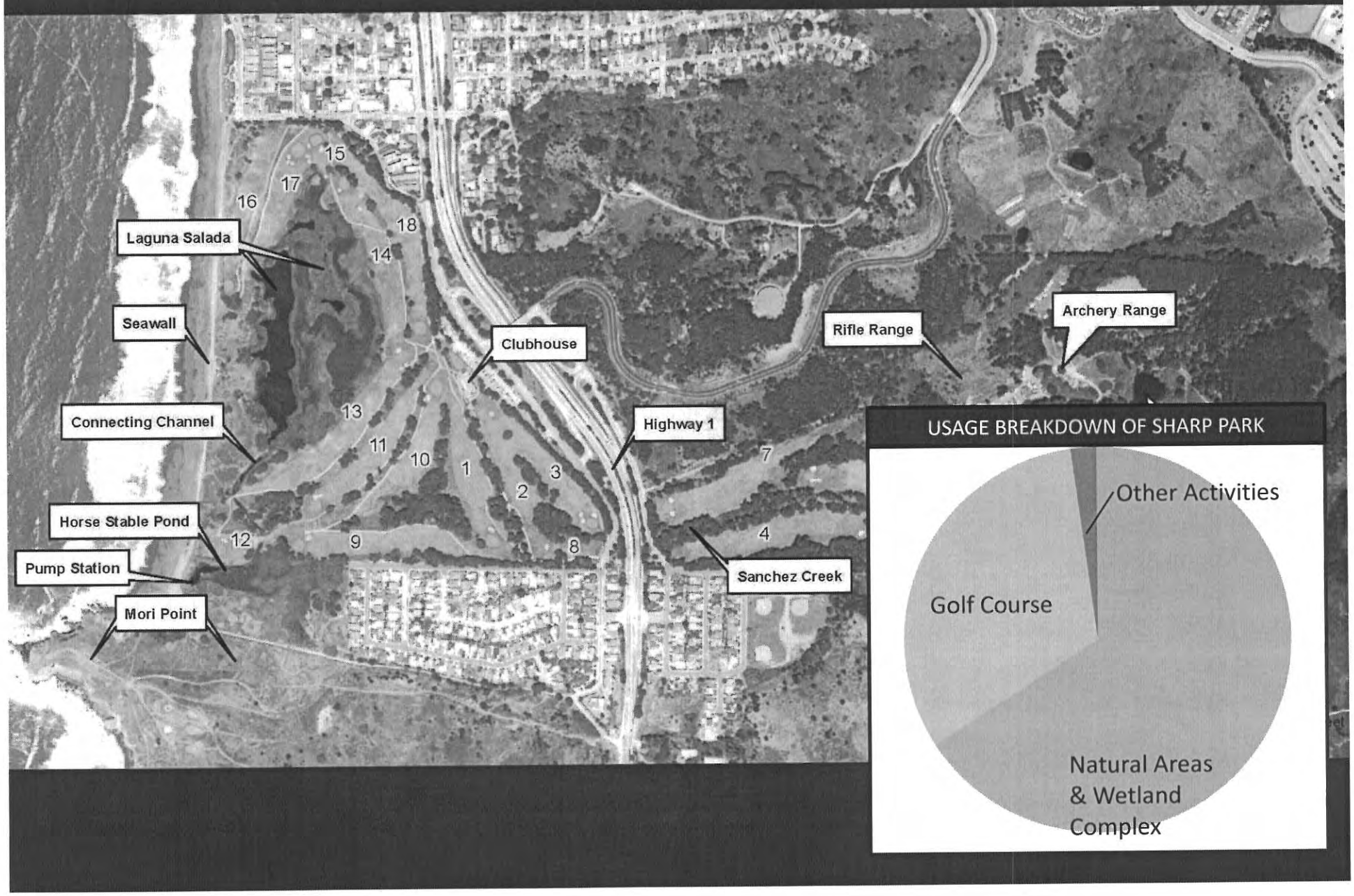
Best, Bonnie Neely



SAN FRANCISCO
RECREATION
& PARKS

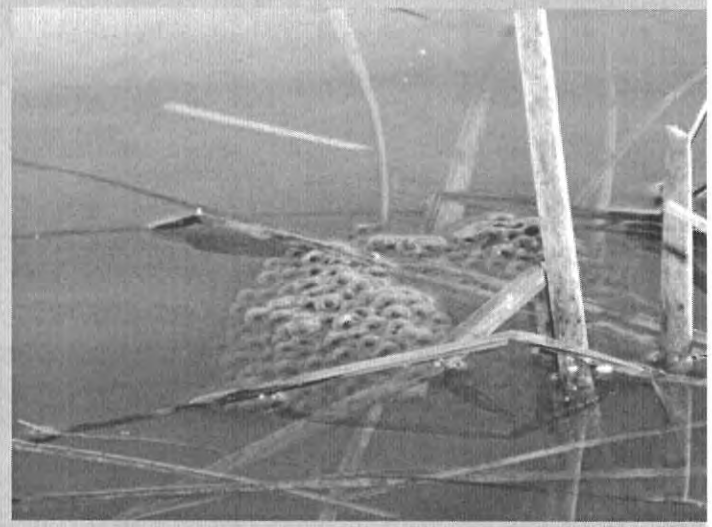
SHARP PARK PUMPHOUSE PROJECT

An Overview of Sharp Park



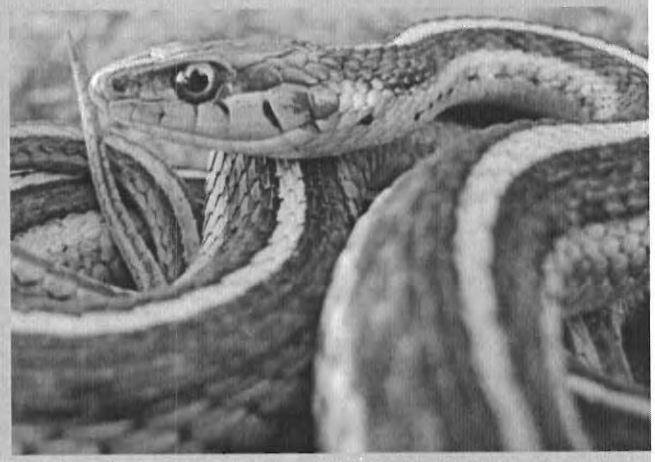
Threatened California Red-Legged Frog

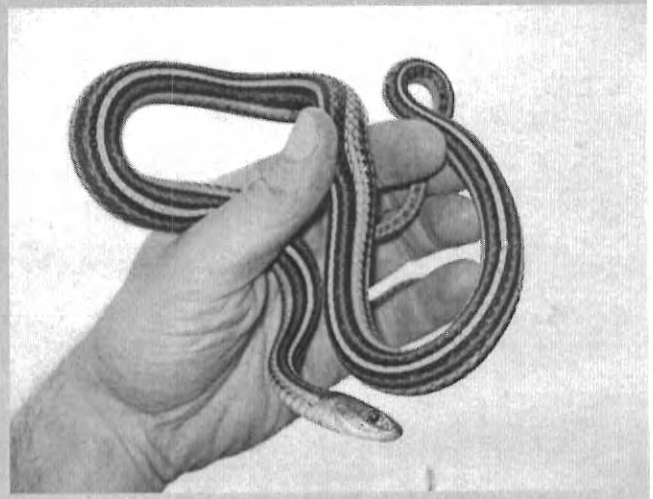
- Breeds in ponds with relatively open shallow water
- Lays clusters of eggs – December through March
- Forages in uplands
- Escapes from predators and temperature extremes into burrows and vegetation
- Adults are most active at night



Endangered San Francisco Garter Snake

- Occurs only in San Mateo and Northern Santa Cruz Counties
- Frogs are primary food source
- Uses uplands for basking and breeding
- Uses rodent burrows to avoid temperature extremes and to escape predators
- Active during the day





Background & Regulatory Compliance

1917	Deed transfer to CCSF
1930-60	Sharp Park Golf Course built, initial berm and pumping infrastructure installed
2005	SFRPD notified by U. S. Fish and Wildlife Service of violation of Endangered Species Act for stranding egg masses due to pumping
2009	RP Commission approved Compliance Plan included a variety of measures to protect species
2012	SFRPD received a Biological Opinion and Incidental Take Permit from the U. S. Fish and Wildlife Service included measures designed to protect listed species during project construction as well as the operations and maintenance of the golf course
2014	CEQA completed and MND upheld at SF Board of Supervisors **Permits received:** 401 permit from U. S. Army Corps of Engineers, Streambed Alteration Agreement with CA Dept of Fish and Wildlife, 404 permit from CA Regional Water Quality Control Board

Conservation Measures and Conditions

--- Required by the USFWS Biological Opinion ---

IMPLEMENTED

- ✓ Pumping protocols
- ✓ Mowing protocols
- ✓ Education and training program for field personnel and protocols for encounters with species
- ✓ Golf carts access reductions and speed limits
- ✓ No chemical pesticides or fertilizers
- ✓ Species protection zones
- ✓ Water quality monitoring
- ✓ Uplands Habitat Restoration

IN PROGRESS

- Invasive plant and animal control
- Maintain access on seawall
- Enforcement plan
- ***Perennial pond construction***

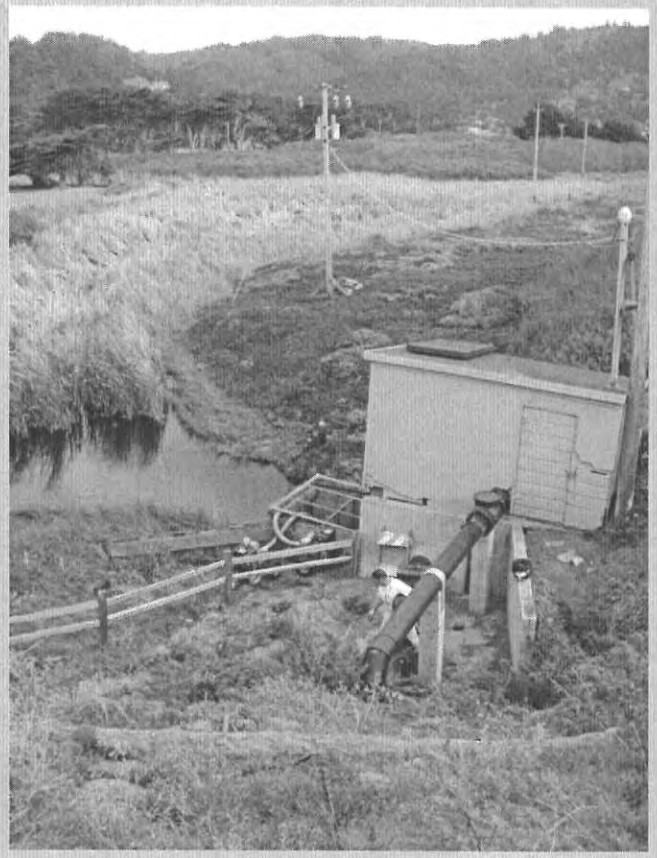
Project Benefits

- Worker safety
- Infrastructure protection
  - Keep sediments out of pump system
- Species conservation
  - Construct perennial pond for frog breeding
  - Enhance frog breeding with vegetation and sediment removal
  - Move cart path out of wetland

Worker Safety

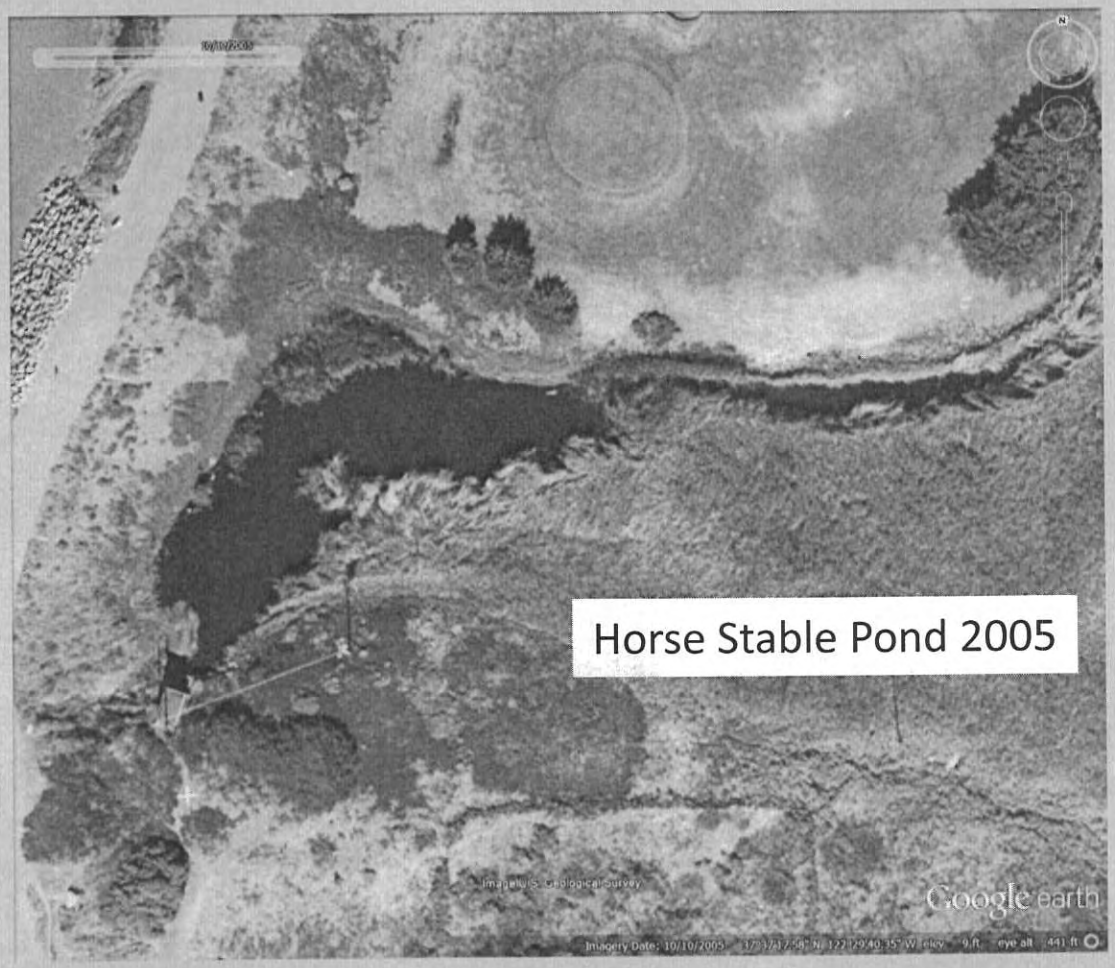
Infrastructure Protection

Sharp Park Pumphouse



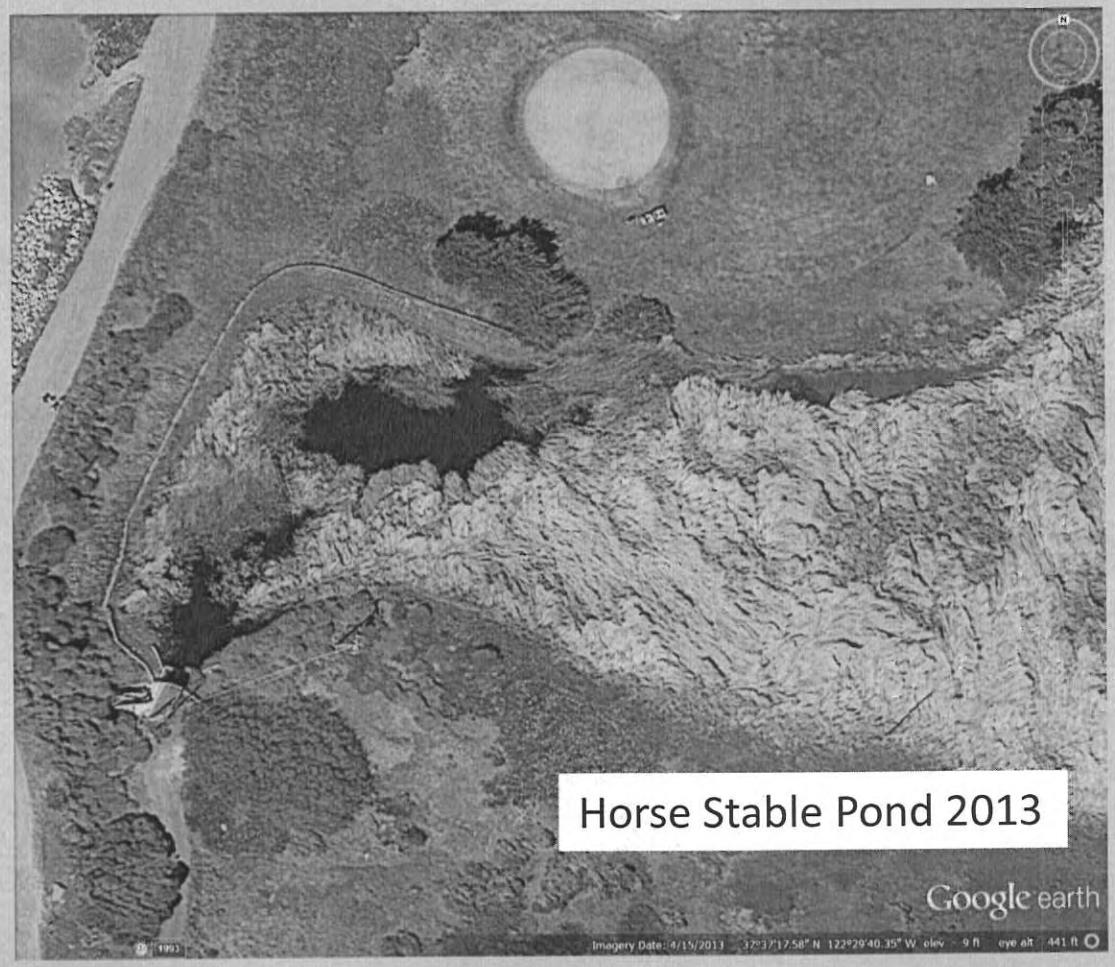
Species conservation

Loss of open water



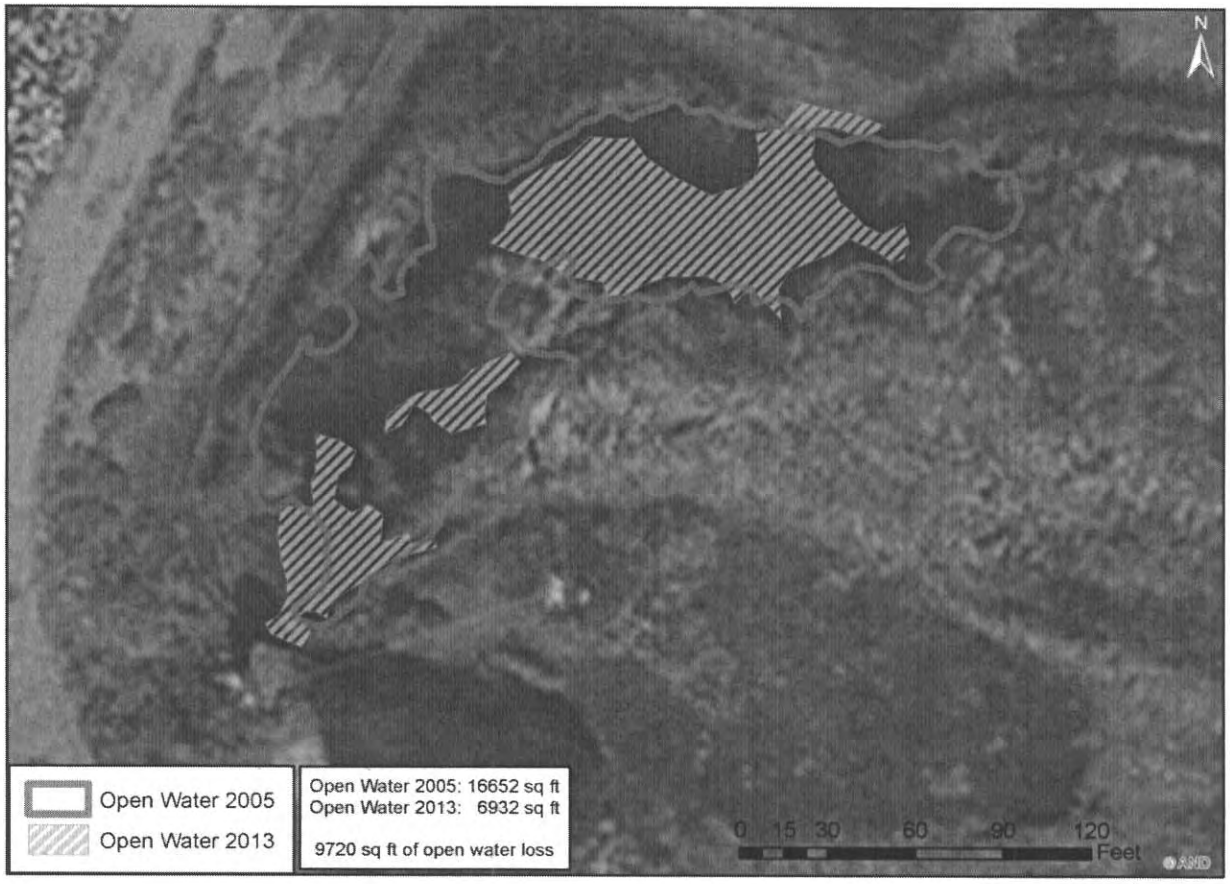
Loss of open water habitat

Loss of open water habitat

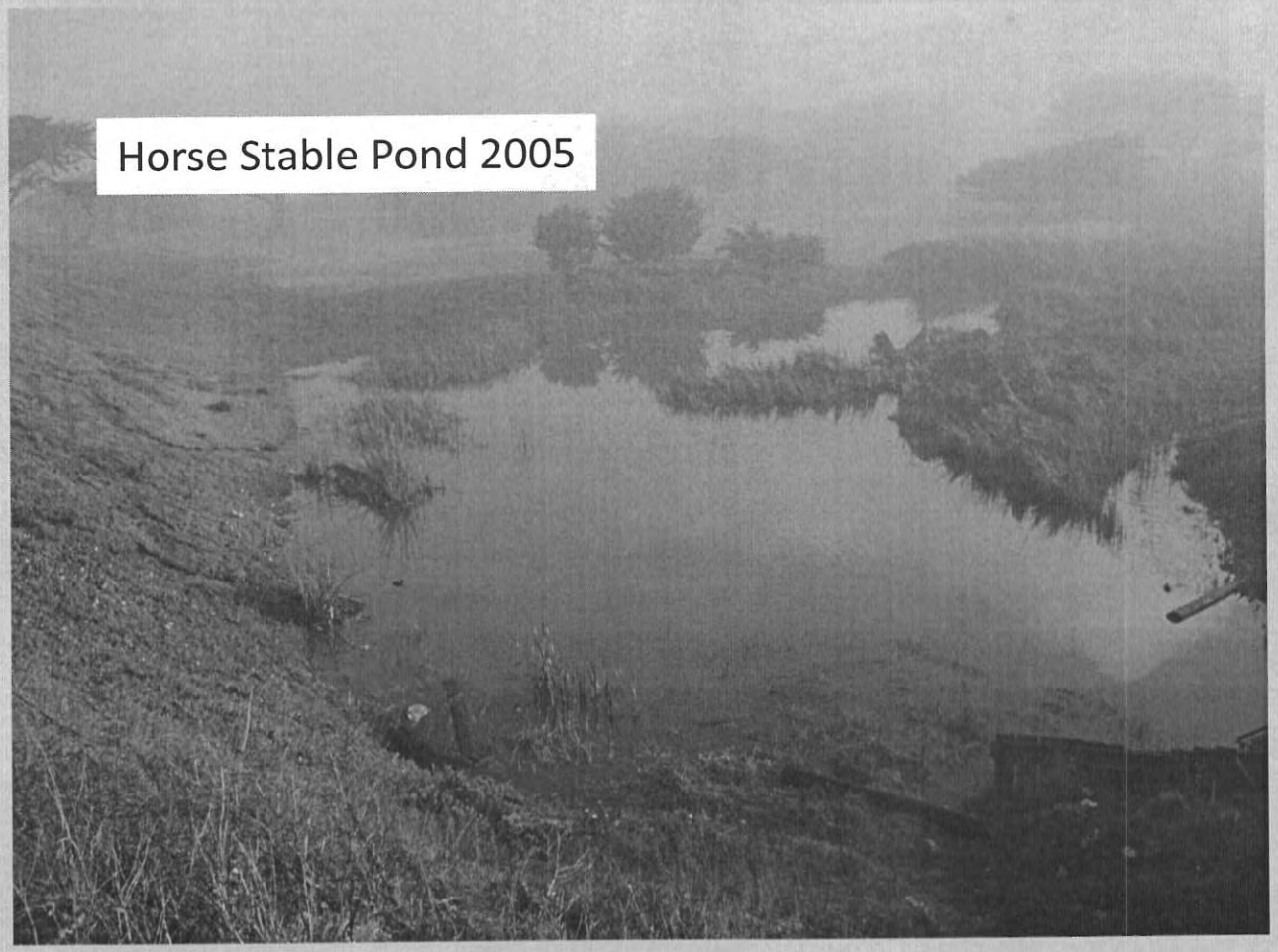


Loss of open water habitat

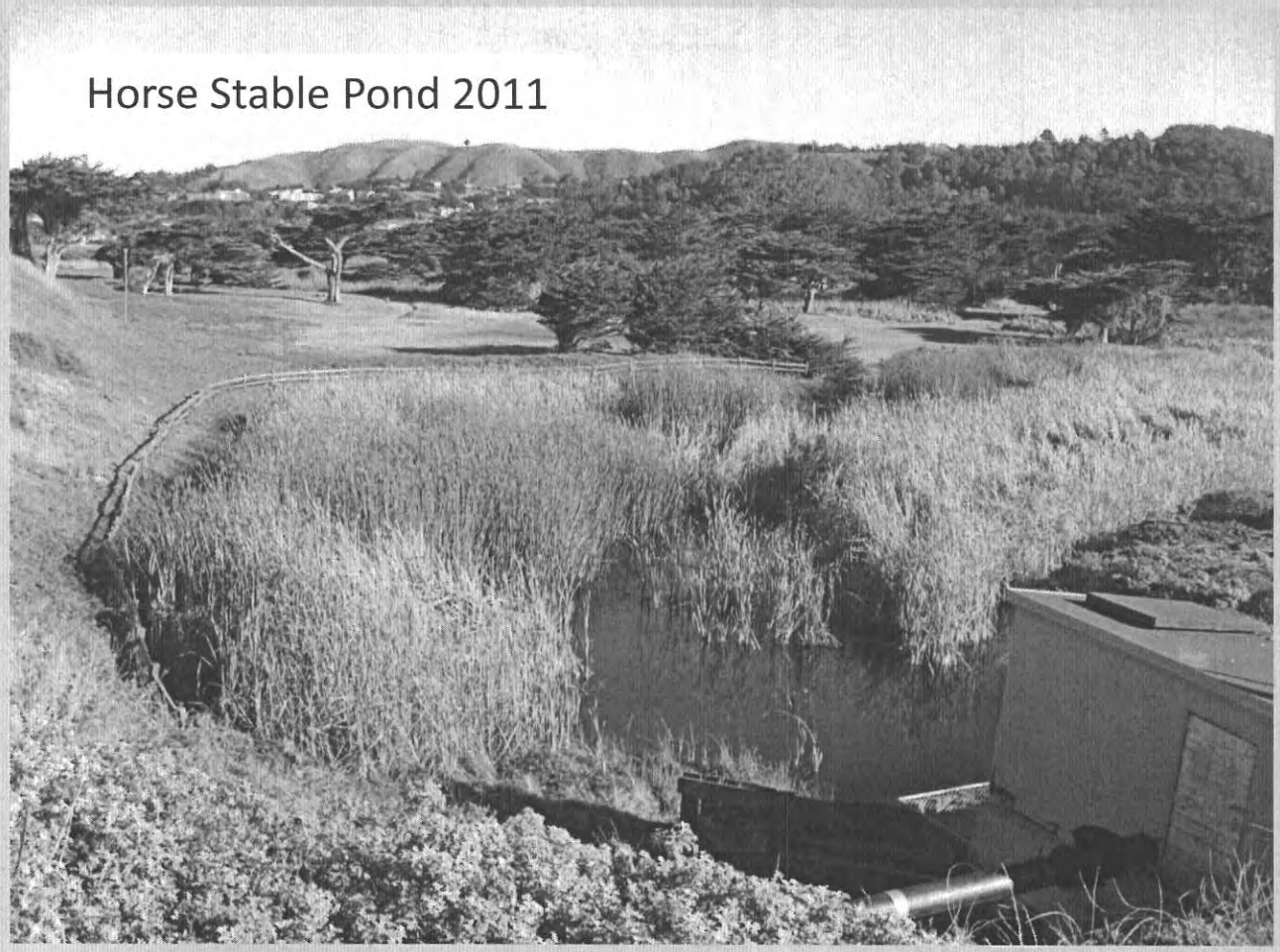
Horsestable Pond: Change in Open Water 2005 to 2013



Loss of open water habitat



Loss of open water habitat



SAN FRANCISCO
RECREATION
& PARKS

Thank you.

Th8a

Rexing, Stephanie@Coastal

From: Gail Gester <ggester@jps.net>
Sent: Sunday, April 12, 2015 4:16 PM
To: Rexing, Stephanie@Coastal
Subject: Sharp Park Wetlands

Dear Coastal Commission Member,

Please use your position for the greatest environmental good by denying the permit to drain the Sharp Park wetlands. The proposal to destroy this important ecosystem is another example of blatant disregard for finding a balance between nature and greed. As humans continue to pave, scrape, and drain our planet we are losing the rich legacy of thousands of years of evolution. Frogs and snakes and birds may not be a top priority for you personally, but perhaps your children and grandchildren deserve to enjoy the abundant natural world you might regard as unimportant at this critical juncture.

The red-legged frog and other creatures who require the wetlands for survival cannot speak for themselves, but many people care deeply about their survival. This is your opportunity to deny unnecessary exploitation. This is your opportunity to leave a positive legacy for life in balance.

Sincerely,

Gail Gester
Boonville, California

Th8a

Rexing, Stephanie@Coastal

From: Annie Organ <annieorgan@att.net>
Sent: Sunday, April 12, 2015 11:38 PM
To: Rexing, Stephanie@Coastal
Subject: Comments on the Sharp Park Wetlands action under consideration

To the California Coastal Commission:

I'm disappointed to be physically unable to be present, and to speak, at the Commission's meeting this Thursday, and so am taking this opportunity to write you directly. I hope you will have an opportunity to read this email and, in the light of the irrevocable action which is being considered at the request of the City of San Francisco, will make note of my concerns and consider my comments in your decision.

I feel the Coastal Commission should protect the State of California, not the golfers of the state or the landscapers of the state, but the actual natural State of California, and the creatures that inhabit it, whenever possible.

There are unfortunately times when environmental degradation may be necessary for the good of all, but certainly draining the habitat of the state amphibian, the endangered and vulnerable red-legged frog, and doing so solely to improve the play on a golf course just isn't one of those cases.

There are many public golf courses available in Central and Northern California. Resource use devoted to golf courses itself is an issue which most likely may have to be addressed in its own right, in respect to the drought and future water allocation. I am a former golfer myself, and know first-hand that you don't have to have the perfection of a perfectly groomed course to enjoy and experience the challenge of the game. I've played in dry, grassless arroyos in Arizona, and that may someday be the case here in California, too. Since the long-term viability of so many golf courses, with their so-thirsty lawns, isn't guaranteed, it's very shortsighted to permanently destroy an essential habitat for the protected Rana Draytonii, forever, in order to provide a more appealing golfing experience, just for now, and just for a few.

The Sharp Park golf course is currently functioning well enough as is, considering it's encroaching on protected wildlife and isn't the current best use of the land. I think if the City of San Francisco (in which City I currently do not live, but which is where me, my father and my grandmother were born, and to which I am strongly bound) insists on maintaining a golf course in such an untenable location, it should do so with a minimum of destruction to the environment.

I pray that the Coastal Commission protect the rights of these endangered creatures to continue to thrive safely in their existing natural environment, and that the Coastal Commission serve the citizens and the wildlife who reside in the State by denying the City of San Francisco the right to pursue their plans to drain the existing wetlands, to displace the existing frog populations and to destroy a generation of red-legged frogs, radically diminishing their chances of survival.

If you have any questions, I am available at (510) 367-8643.

Sincerely,

Deborah A. (Annie) Organ
414 Village Drive
El Cerrito, CA 94530

annieorgan@att.net

Th 8a

Rexing, Stephanie@Coastal

From: Charlie Kaz <charlie.kaz@starrcompanies.com>
Sent: Monday, April 13, 2015 9:34 AM
To: Rexing, Stephanie@Coastal
Subject: Sharp Park Wetlands

Dear Stephanie,

I urge you to deny the City of San Francisco's request to drain or dredge the Sharp Park Wetlands.

I realize that people like to play golf. But there are hundreds, if not thousands, or other beautiful golf courses in California that don't require destroying / changing natural habitat where endangered frogs live. It's not just about the frogs, it's the entire ecosystem. Again there are many other options for the wealthy Bay Area golfers. Let's leave Nature intact and allow these wetlands to return to their natural state.

Thanks for your consideration.

Best Regards,

Charlie D. Kaz AIC, AINS
Underwriting Analyst
Starr Public Entity Division
Starr Indemnity and Liability Company – A Member of Starr Companies
100 Montgomery Street, 24th Floor
San Francisco, CA 94104
Phone: 415-633-3257
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Charlie.Kaz@starrcompanies.com
www.starrcompanies.com

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Th 8a

Rexing, Stephanie@Coastal

From: Lisa Luther <dabogirl4693@gmail.com>
Sent: Monday, April 13, 2015 10:23 AM
To: Rexing, Stephanie@Coastal

Please stop the City of San Francisco's effort to drain the wetlands in Sharp park. We need to conserve the natural habitat of many the animals living there. California is about beauty, the natural beauty of the state is what draws millions to its shores every year. Protect the wetlands and the endangered Red-Legged frogs that call it home. Please stop them from ruining their home and potentially killing off all the animals living there.

Telisa A. Luther

Th 8a

Rexing, Stephanie@Coastal

From: fredrinne@monkeybrains.net
Sent: Monday, April 13, 2015 12:57 PM
To: Rexing, Stephanie@Coastal
Subject: Sharp Park Wetlands Issue

To whom it may concern:

I am writing to urge the Coastal Commission to deny permits for the San Francisco Department of Parks and Recreation plan to dredge the Laguna Salada wetlands in their program to maintain the Sharp Park golf course.
This facility has been in violation of the Endangered Species Act on numerous occasions involving destruction of habitat for the Red Legged Frog and the San Francisco Garter Snake.
This proposed project does nothing to address the ESA issues and in fact continues down the wrong path of fighting the natural situation (and wasting huge sums doing it) Thank you for your time, Fred Rinne San Francisco

Th8a

Rexing, Stephanie@Coastal

From: Gwynn Mackellen <greengwynn@yahoo.com>
Sent: Monday, April 13, 2015 1:00 PM
To: Rexing, Stephanie@Coastal
Subject: Public comment submission for Sharp Park

Dear California Coastal Commission,

The California red-legged frog and San Francisco garter snake must be protected from habitat destruction. The Sharp Park Golf Course pumps destroy the breeding and feeding grounds that are essential for these species. The need to create and maintain an intact ecosystem is far more important than an artificial sports complex that overuses resources and kills our fellow species. We have a responsibility to use this coastal land responsibly. Please deny the permit for the pumphouse.

Thank you,

Gwynn Mackellen
San Francisco voter
Sierra Club member

Th 8a

Rexing, Stephanie@Coastal

From: CarolMH <trinityL@pacbell.net>
Sent: Monday, April 13, 2015 11:34 AM
To: Rexing, Stephanie@Coastal
Cc: Kerry Kriger
Subject: Sharp Park Wetlands

Dear Ms. Rexing and Coastal Commission,

I am writing to ask you to take a stand against the misguided request by the City of San Francisco to dredge the Sharp Park Wetlands, home to two critically endangered species as well as myriad other wildlife whose survival depends on wetlands. The iconic California red-legged frog is on the brink of extinction because so much of its former habitat has been annihilated. The San Francisco garter snake is another victim of devastating habitat loss that would be further imperiled by the dredging. The universal destruction of wetlands habitat has progressed at an alarming rate in the path of development. The fact that the dredging is for the purpose of expanding a golf course is unconscionable. There are many other prospective sites for a golf course, and plenty of them already exist. Let me briefly summarize a success story about another proposed golf course.

Since the 1980's San Mateo County had planned to build a golf course in the serpentine grasslands of Edgewood Park in Redwood City. A single citizen, supported by a coalition of environmentally friendly organizations (e.g., Sierra Club, California Native Plant Society) protested the development, which would have destroyed the serpentine wildflowers and endangered species such as the Bay Checkerspot Butterfly. When Edgewood was made a preserve in 1993, everyone benefited, including San Mateo County. Edgewood has become world-famous natural sanctuary rather than just another golf course.

I urge you to please deny the City of San Francisco's request to drain the Sharp Park Wetlands. Thank you for considering my comments.

Sincerely,
Carol Hankermeyer
Junior Explorers Coordinator, Friends of Edgewood Outdoor Environmental Educator

Th 8a

Rexing, Stephanie@Coastal

From: Natalya Pouznar <ravewave42@aol.com>
Sent: Monday, April 13, 2015 3:26 PM
To: Rexing, Stephanie@Coastal
Cc: Kerry Kriger
Subject: Sharp Park Wetlands

Dear Coastal Commission,

Please deny the City of San Francisco's request to drain or dredge the Sharp Park Wetlands.
We need to preserve the wildlife including the California endangered Red Leg Frogs that are native to the area.
We all learned that some mistakes could not be undone and this would definitely be one of them.
Draining the wetlands would be the BIGGEST mistake as once the wetlands dry the wildlife once inhabiting same would vanish forever..... The frogs would dry with it....
We have been pushing the animals out of their rightful places-their once called homes for way too long and this is the reason why so many of them are coming to extinction.
Once extinct there would be no more of those wonderful frogs and birds. There would be no wonderful singing by day and serenading by night....
Our kids and grandkids might not have the luxury of enjoying what we once did when we were kids.
So let's be like kids and enjoy the simple pleasures in life such as the wildlife and it's beauty. Let's preserve it rather than destroy it. Let's protect it rather than hurt it.
I can't say enough, please stop this project and a terrible destruction of wetlands from happening!
The future is in our hands!

Thank you in advance from all the habitants of the Sharp Park Wetlands and from all the frog and animal lovers!

Sincerely,

Natalya Pouznar

Natalya Pouznar

Th 8a

Rexing, Stephanie@Coastal

From: Stephanie Smarr <stephitza@gmail.com>
Sent: Monday, April 13, 2015 2:38 PM
To: Rexing, Stephanie@Coastal
Subject: Sharp Park Wetlands

Hi,

I was writing to urge you to please deny the City of San Francisco's request to drain or dredge the Sharp Park Wetlands. The Sharp Park Wetlands are home to California's official state amphibian - the now endangered Red-Legged Frog, as well as the endangered San Francisco Garter Snake. I hope you do not allow humans to carry out such a selfish act, but instead act to protect our natural world.

Sincerely,
Stephanie Smarr

Th 8a

Rexing, Stephanie@Coastal

From: leewaysf <leewaysf@pacbell.net>
Sent: Monday, April 13, 2015 3:17 PM
To: Rexing, Stephanie@Coastal
Subject: NO on Coastal Development Permit 2-12-014

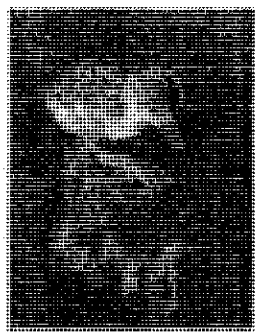
Honorable Commissioners,

Re: Coastal Development Permit 2-12-014

I am a beach visitor and birder, who enjoys our local bay area beaches. Unfortunately, most of Pacifica's northern beaches are covered with boulders and other forms of coastal armor. The beach at Sharp Park is the last stretch of wide sandy beach in the city's northern district. Extra effort should be taken so that it is preserved.

Both the pumphouse and the golf course it serves will eventually require reinforcement of the oceanfront seawall. This is because the entire site is located on a former coastal wetland. Additionally, the beach in front of the seawall is actively eroding. It needs space to move inland. When a strong El Nino winter returns, we will likely see major flooding and damage to the entire golf course, as well as heavy beach erosion. In past El Nino's, waves have over-topped the seawall, putting the pumphouse and its related infrastructure under siege. This can be expected to happen again. Unfortunately, when it does, we can expect demand for additional armoring of the beach. Given future sea level rise and erosion rates, this scenario is even more dire.

Permitting development that will eventually require future shoreline protective devices is against both the spirit and the laws that govern the Coastal Commission. Pacifica's beaches have suffered enough from coastal armoring. We therefore respectfully urge the Commission to deny his project.



THANK YOU, LEE RUDIN - DALY CITY, CA

"When we started out in 1961, we thought all we had to do was to get a good law and the Bay would be saved. What we have learned is that the law itself must be saved, that this requires constant vigilance against those that would change or weaken it." "Kay" Kerr, Co-founder of Save the Bay

Please consider the environment before printing this email. Thank you.

Th 8a

Rexing, Stephanie@Coastal

From: Brent Plater <bplater@wildequity.org>
Sent: Monday, April 13, 2015 3:19 PM
To: Rexing, Stephanie@Coastal; Neal Desai; Ralph Faust
Subject: Errors in Staff Report
Attachments: Pros Consulting Report.pdf; National Golf Foundation Report Excerpts.pdf; Budget Analyst Report Excerpts.pdf; Errors in Staff Report.pdf; Historic Assessment Exhibits.pdf

Stephanie,

As I've explained to you over the phone, I do not have adequate time to provide you with a comprehensive list of errors in the staff report, but I have attempted to provide you with some of the documents that disprove several unsupported assertions in the report about the golf course. They are summarized in the attached letter "Errors in Staff Report.pdf."

At the very least, these errors should be corrected by staff in an addendum, or if you are unable to make such corrections you should excise these statements in their entirety: or grant the continuance which we have requested.

One document, ESA PWA 2011, is too large to attach here. I will instead forward you a link to this document that was sent in 2011 to your colleagues on the commission. It contains, by far, the most sophisticated and accurate historic ecology assessment of Sharp Park ever produced. While Dr. Dixon seems to have reviewed the file, it almost certainly was not reviewed by those who prepared the staff memorandum given the memorandum's findings.

bp

Brent Plater
Executive Director
Wild Equity Institute
474 Valencia St., Suite 295
San Francisco, CA 94103
Office: 415-349-5787
Cell: 415-572-6989
bplater@wildequity.org
http://wildequity.org

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

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

April 13, 2015

Charles Lester, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Stephanie Rexing, Coastal Planner
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Stephanie.rexing@coastal.ca.gov

RE: Sharp Park Pumphouse Project, CDP # 2-12-014; TH8a.

Dear Mr. Lester and Ms. Rexing:

The staff report for the above referenced project is filled with many unsupported assertions and factual errors that prejudice the findings in the report. The purpose of this letter is to identify many of these errors, provide citation to documents presented to commission staff that clearly demonstrates why the statements are incorrect. We expect the report to be amended based on the review of this information.

- p. 12. "As a result of the berm, the wetlands found within the Golf Course transitioned from historically tidally influenced saltwater wetlands that were brackish near the beach, to modernly freshwater wetlands."
    - Staff support this statement by citing a debunked assertion by the San Francisco Public Golf Alliance. The statement is directly contradicted by expert ecologists, biologists, and hydrologists who have studied the historic ecology of Sharp Park. There findings (ESA PWA 2011) explain that Sharp Park was historically a backbarrier lagoon/beach ecosystem, and was not influenced by daily tides. This is a critical distinction, because while tidal lagoons are generally unsuitable habitat for herpafauna, backbarrier systems are excellent habitat for frogs and snakes. This report was first provided to commission staff in 2011, yet it does not appear in the correspondence files, and is provided again here.
- p. 13. "The Golf Course is designated an historic site by the Pacifica General Plan, the Golf Course and Club House are historic landmarks in the City of Pacifica…"
    - This is a demonstrably false statement. Only the clubhouse has ever been designated as an historic building under Pacifica's General Plan. The referenced document is a *proposal* to list both the golf course and the club house as historic; but only the proposal for the clubhouse was finalized under Pacifica's planning and zoning rules. This is for good reason: Sharp Park Golf Course bears no resemblance to the course as designed on opening day. Golf historians have explained why on numerous occasions, and San

Brent Plater, Executive Director ❧ 474 Valencia St., Suite 295 ❧ San Francisco, CA ❧ 94103
O: 415-349-5787 ❧ C: 415-572-6989 ❧ bplater@wildequity.org ❧ http://wildequity.org

Francisco's Historic Preservation Commission could not reach consensus on the historic relevance of the golf course itself.

- p. 13. "Sharp Park Golf Course is one of two low-priced, full 18-hole courses available in San Mateo County and is one of the most-played municipal courses operating in San Francisco and the surrounding areas."
    - Staff support this statement without any supporting evidence save a debunked assertion presented by the San Francisco Public Golf Alliance, an activist group without any expertise in this matter. Every assessment of Sharp Park Golf course has demonstrated that the golf course is not popular: indeed it is significantly underplayed, operating at roughly 40-45% of its capacity in any given year. These reports also indicate that the golf course gets failing grades from golfers on nearly every measure recognized by the golf associations. Attached to this letter are examples of these findings made by, among other institutions, the National Golf Foundation; PROS Consulting; and the San Francisco Budget Analyst.
- p. 13-14. "Prior to the elimination of the hydrologic connection between the Pacific Ocean and the wetland areas in the seaward portions of the Golf Course, the wetlands were tidally influenced salt water wetlands. It is likely that the wetlands would not have been suitable habitats for CRLF prior to the berm installation because of the saline influence from ocean water."
    - Staff support this assertion through personal communication with Lisa Wayne, staff for the project proponent. But as explained above, this assertion is simply unsupported, and the best evidence of the historic condition of Sharp Park indicate that the golf course is the cause of, not the solution to, the ecological and biological threats facing imperiled species in this location. Again, PWA-ESA 2011 provide the definitive scientific study of this area, which was provided to CCC four years before this personal communication from Lisa Wayne, and yet it is not addressed in the staff report at all.
- p. 19. "In particular, Sharp Park Golf Course is open to the public. It is a highly popular course enjoyed by golfers who appreciate its historic architecture, dramatic views, and inexpensive rates. In fiscal year 2013-2014, SFRPD reports 45,622 18-hole rounds were played. According to the San Francisco Public Golf Alliance, the course is considered the "poor man's Pebble Beach," and is a favorite among senior and ethnic minority golf associations."
    - In addition to reasserting false statements about the popularity of the course (disproven by actual capacity studies that undercut the advocacy positions of the Golf Alliance) it is simply not the case that Sharp Park Golf Course is somehow a favorite golf course among any group of golfers. Again, the golf course gets failing grades by all on nearly every category measured by golf industry analysts. The staff's regurgitation of the Golf Alliance's advocacy as a "fact" that provides the golf course greater protection under the Coastal Act than the imperiled species on the site is perhaps the reports most galling and disturbing error. Please review the attached reports, including the reports by the National Golf Foundation, that provide actual data about the unfavorable feelings most golfers have towards the existing golf course.
- p. 35. "deprive low-income users of the opportunity to play golf with coastal views."

- There are two problems with this statement. First, all available market data suggest that it is the oversupply of golf in the Bay Area (and the nation) that is harming the golf market. Only by selectively closing courses like Sharp Park that provide a terrible golf product can golfers, and low-income golfers in particular, come out of this market condition with improved playability. Second, and perhaps more importantly, the golf course berm eliminated ocean views from the golf course. To the extent we have been deprived of those views, the deprivation was not caused by protecting endangered species on the site, but the unpermitted coastal development the golf course has consistently instigated at Sharp Park.

Sincerely,

Signature on file

Brent Plater

Brent Plater (CA Bar No. 209555)
WILD EQUITY INSTITUTE
PO Box 191695
San Francisco, CA 94119
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hcrystal@meyerglitz.com

Attorneys for Plaintiffs Wild Equity Institute, Center for Biological Diversity, National Parks Conservation Association, Surfrider Foundation, Sequoia Audubon Society, and Sierra Club.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WILD EQUITY INSTITUTE, a non-profit corporation, CENTER FOR BIOLOGICAL DIVERSITY, a non-profit corporation, NATIONAL PARKS CONSERVATION ASSOCIATION, a non-profit corporation, SURFRIDER FOUNDATION, a non-profit corporation, SEQUOIA AUDUBON, a non-profit corporation, and SIERRA CLUB, a non-profit corporation, Plaintiffs, v. CITY AND COUNTY OF SAN FRANCISCO, ED LEE, Mayor of the City and County of San Francisco, PHIL GINSBURG, Director, City and County of San Francisco Recreation and Park Department, Defendants.	Case No.: 3:11-cv-958-SI **DECLARATION OF AMY MEYER IN RESPONSE TO THE SAN FRANCISCO PUBLIC GOLF ALLIANCE'S MOTION TO INTERVENE**

I, Amy Meyer, hereby declare:

1. The facts stated herein are true and correct of my own personal knowledge, and I could and would competently testify thereto if called and sworn as a witness.

2. My name is Amy Meyer, and I am a resident of San Francisco, CA.

3. I have been active in park governance and creation for approximately forty years.

4. I played a central role in helping establish the Golden Gate National Recreation Area ("GGNRA") which preserves the national icon of the Golden Gate and extensive lands to the north and south. My efforts, along with the efforts of my colleague Dr. Edgar Wayburn, Congressman Phillip Burton, and many other participants were chronicled in my book, "New Guardians for the Golden Gate: How America Got a Great National Park," published in 2006 by UC Press. Although managed by the City and County of San Francisco, Sharp Park is entirely within the boundary of the GGNRA.

5. I am a former member of the San Francisco Recreation and Parks Commission, appointed by Mayor George Moscone in 1976, and later reappointed by Mayor Dianne Feinstein. I served as a commissioner for 12 years.

6. I also served as vice-chair of the Golden Gate National Recreation Area Advisory Commission, established by an Act of Congress with appointments made by the Secretary of the Interior, for the entire 29 year history of that advisory body.

7. Most recently, I served as chairperson of the Sharp Park Working Group at the invitation of Recreation and Parks Department ("RPD") Director Phil Ginsburg. As the chair of the Working Group, I worked diligently to ensure that findings of the working group were based in sound science and verifiable fact to the maximum extent possible.

8. I have reviewed the filings of the San Francisco Public Golf Alliance as they reference the working groups findings, including the declaration of Richard Harris. I believe that the San Francisco Public Golf Alliance and Richard Harris have not accurately reflected the working group's findings. Some background information about the history behind the working group and our deliberations should help clarify our findings for the Court.

9. In 2009, the Recreation and Parks Department released a report regarding Sharp Park. This report was criticized for, among other reasons, failing to consider the impacts of sea level rise and climate change on the future of Sharp Park and for relying upon construction of a sea wall to protect Sharp Park Golf Course.

10. In 2010, I agreed to chair the working group in order to establish facts regarding Sharp Park. The working group included one representative each from San Francisco's Recreation and Parks Department, the City of Pacifica, San Mateo County's Park Department, and the National Park Service.

11. During our deliberations, we received helpful communications from Bob Battalio and Dr. Peter Baye, the lead authors of a subsequent report about Sharp Park published by the Wild Equity Institute and the Center for Biological Diversity. We also heard from Karen Swaim, and from San Francisco RPD and GGNRA staff concerning various aspects of the natural environment of Sharp Park. These individuals brought crucial additional expertise and insight that was not presented in the City's 2009 alternatives report. Our communications included both statements made in meetings of the working group and on a field trip to the western portion of Sharp Park, down Mori Point Road and along the seawall.

12. The working group's findings were completed before the WEI and CBD report came out. Our findings were similar to portions of that report in acknowledging that Sharp Park faces serious challenges from climate change; that there is a need for a long-term plan to manage naturally the coastal areas of Sharp Park because it is the most sustainable and cost-effective approach to creating additional habitat and breeding opportunities for the protected species; and that there is need for an environmental document that will explore viable ways of transitioning from the current seawall to a more natural beach and lagoon barrier system. Specifically we found (with advice from the U.S. Geological Survey) accelerated sea level rise, increased size of storm waves striking this region, reduction in sediment supply from San Francisco Bay to feed the beach, and increasing erosion along the coast with over 98% of the shoreline from Daly City to Pedro Point eroding over the last several decades and at an increasing rate. Further armoring or heightening of the existing seawall was not recommended

to be part of any future plan because it would result in the continued and accelerated erosion of the beachfront.

13. All of the above findings were backed by substantial evidence prepared for and reviewed by the working group.

14. Implicit in our findings is that the 18-hole golf course, as presently configured and managed, is not sustainable given the challenges posed by sea level rise and climate change. The present design is also not consistent with the long-term protection of the federally protected species on the site. We noted that the golf course, as presently configured lacks historical integrity, in that it is quite different from the course designed by Alistair MacKenzie: the holes on the beach washed away long ago, and the seawall and pumping system are significant changes from the original course. Therefore we made no mention in our group statement and list of findings in support of the course's historical integrity.

15. The working group did not visit the eastern part of Sharp Park, nor did it call in any golf course expert to consider whether any alternative golf course designs could be compatible with the environmental findings made by the working group.

16. This is why the representations of the San Francisco Public Golf Alliance and Richard Harris are inaccurate. Richard Harris states that the working group "reached mutual agreement that a plan could be developed to retain the 18-hole golf course, while protecting the frogs and snakes." This is not reflective of our deliberations or the findings of our working group. We never evaluated any golf course plans that could be compatible with the environmental findings made by the working group, so it is not accurate to say that we reached mutual agreement regarding the existing course or a changed course. What we found was: "If the decision is made to support a more naturally functioning barrier beach and lagoon system and golf remains a use on the property, design costs and future maintenance need to be addressed within a sustainable management plan." Moreover, Mr. Harris' statement ignores the other environmental constraints identified by the working group, including our findings on sea level rise, the natural management of Sharp Park's coastline, and other environmental findings.

17. Our working group concluded that "habitat enhancements and golf could be

WILD Equity INSTITUTE

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

April 13, 2015

Charles Lester, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Stephanie Rexing, Coastal Planner
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Stephanie.rexing@coastal.ca.gov

RE: Sharp Park Pumphouse Project, CDP # 2-12-014; TH8a.

Dear Mr. Lester and Ms. Rexing:

We request a continuance of the hearing on the above City of San Francisco application for a coastal development permit now scheduled for Thursday, April 16, 2015.

The Project has been pending before the Commission for several years. During this time, several different coastal commission staff were assigned to the proposal. Wild Equity and other members of the environmental community have submitted voluminous comments on this proposal since 2011.

However, nearly all of the documents submitted on the record have not been presented to the commission as part of the staff report. Indeed, it is not clear if the documents provided to commission staff have even been reviewed by those who prepared the proposed staff report. Coastal ecologist John Dixon, for example, has explained that several key documents provided to the Commission in 2011, 2012, and 2013—totaling over 1,500 pages of material—were not presented to him for his consideration. For example:

- On June 28, 2012, a 25 page comment letter and over 1,300 pages of exhibits was submitted to Karen Geisler and Renee Ananda. A hard copy on CD-ROM was also provided, and receipt confirmation was received of the hard copy by our office. However, critical exhibits presented in this filing are not referenced by the staff report, nor are they presented in the correspondence file.
- On August 4, 2012, expert reports by Hydrologist Greg Kamman and biologist Wendy Dexter were submitted to the Coastal Commission by email and regular mail. These reports are also ignored in the staff report, and they do not appear in the correspondence file.
- On August 29, 2012, Dr. Marc Hayes submitted expert comments on the proposed project; his comments are also ignored by the staff report and are not presented in the comment file.

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Because this information has not been provided to the Commission's staff ecologist and to the Commissioners and the public it is not possible to complete a full and fair review of the project and its impacts at this time. The Commission must grant a continuance to allow for the proper review of the project.

Sincerely,

Signature on file

Brent Plater

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CENTRAL COAST AREA

WILD Equity INSTITUTE

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

June 28, 2012

Ryan Olah, Chief
Coastal Division Branch
U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, CA 95825

Jane Hicks, Chief
Regulatory Division
U.S. Army Corps of Engineers
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RE: § 7 CONSULTATION FOR SAN FRANCISCO RECREATION AND PARK DEPARTMENT'S PROPOSED "SHARP PARK PUMPHOUSE SAFETY AND INFRASTRUCTURE IMPROVEMENT PROJECT"

Dear Mr. Olah & Ms. Hicks:

The Wild Equity Institute, its members and staff, and preeminent experts in herpetology, coastal ecology, and hydrology have carefully reviewed San Francisco Recreation and Park Department's ("RPD") Biological Assessment ("BA") for the proposed "Sharp Park Pumphouse Safety and Infrastructure Improvement Project" ("Project").[1] These reviews indicate that the Project's direct, indirect, and cumulative effects will adversely affect the threatened California red-legged frog (*Rana draytonii*) and the endangered San Francisco gartersnake (*Thamnophis sirtalis tetrataenia*), and appreciably reduce the survival and recovery of both species in the wild.

This conclusion is supported by recent documentation of RPD's large-scale, unpermitted "take" of the California red-legged frog through activities substantially similar to those proposed in the BA; peer-reviewed reports that thoroughly analyze Sharp Park's natural history and ecological baseline; and evidence of direct and indirect adverse effects on both species caused by activities interrelated and interdependent to the Project. This supporting documentation is in the possession of RPD, but was not disclosed or analyzed by RPD in the BA.

With this submission, the Wild Equity Institute makes the scientific evidence and data underlying these conclusions available to the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service (hereinafter, "the Services"). This submission includes a written summary of the

[1] Although the BA names the Project the "Sharp Park Safety, Infrastructure Improvement, and Habitat Enhancement Project," neither RPD's Section 404 permit application (Wayne 2011b, p. 1) nor the Army Corps of Engineers letter requesting initiation of consultation (Johnson 2011, p. 1) contain the words "habitat enhancement" in their title. Because the best available science indicates that the Project will not enhance habitat for listed species at Sharp Park, and because the Army Corps of Engineers has apparently not designated RPD and/or its consultants as the non-federal representative for the purposes of this consultation, this letter will refer to the Project using the name ascribed by the Army

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underlying scientific evidence and data submitted to the Service, a bibliography, and relevant excerpts from documents cited in the bibliography.

This written summary covers the following items:

1. **Missing evidence relevant to the Project and its effects.**

    a. The BA does not provide the Services with the results of the most recent winter egg mass surveys, which show that **massive egg mass mortality occurred under actions and measures substantially similar to the Project.**

    b. The BA does not disclose that its **proposed pumping and mowing restrictions provide fewer protections for endangered species than RPD's current Compliance Plan.**

    c. The BA does not provide pumping records that show why **California red-legged frog breeding habitat at Sharp Park is sustainable but for excessive pumping activities.**

    d. The BA does not reference the best available science on Sharp Park's hydrology, natural history, and ecology, and therefore **proposes purported habitat enhancement activities that will in fact undermine endangered species habitats on the site.**

    e. The BA **fails to provide any evidence that open water breeding habitat for the California red-legged frog limits the species population growth at Sharp Park,** and absent such evidence the Project's purported habitat enhancements are more likely to decrease habitat suitability.

    f. **The BA inappropriately considers all Golf Course operations as interrelated and interdependent actions.**

    g. The BA **fails to regulate the direct and indirect adverse effects of RPD's interrelated proposal to rebuild Sharp Park Golf Course**, even though the proposal has received multiple agency approvals, will complete final environmental review this Fall, and occurs within the Project's action area.

2. **Inconsistencies with the Services' Section 7 Consultation obligations.**

    a. RPD **has not been designated as the Project's non-federal representative,** resulting in procedural errors in the Section 7 Consultation process.

    b. The BA **fails to consider alternatives** to the proposed action, even though viable alternatives exist that will allow endangered species to persist on the site.

3. **A section-by-section analysis of remaining issues in the BA.**

Considering this evidence and data will help the Services comply with (a) the Endangered Species Act's requirement to "use the best scientific and commercial data available" in the Section 7 consultation process, 16 U.S.C. § 1536(a)(2); (b) the Endangered Species Act's Section 7 implementing regulations' requirement to "review all relevant information provided by the Federal agency or otherwise obtainable," 50 C.F.R. § 402.14(g)(1); and (c) the Interagency Cooperative Policy on Information Standards Under the Endangered Species Act requirement to "gather and impartially evaluate biological, ecological and other information that disputes official positions, decisions, and actions proposed or taken by the Services during their implementation of the Act," 59 Fed. Reg. 34271 (July 1, 1994).[2]

I. The BA Does Not Provide Essential Factual Elements of the Proposed Project.

To initiate Section 7 Consultation, action agencies must describe the proposed action, the area affected by the action, the listed species affected by the action, and the individual and cumulative affects the action will have on the species. 50 C.F.R. §§ 402.14(c)(1)-(4). In addition, action agencies must provide relevant reports and other relevant information. 50 C.F.R. §§ 402.14(c)(5)-(6). If the required information is not provided, the Fish and Wildlife Service must give the benefit of the doubt to the species and presume the missing information would indicate adverse effects on listed species. (FWS/NMFS 1998, p. 1-7).

The BA is missing several essential factual elements. This information is described below and provided to the Services as part of the bibliography.

A. Massive Egg-mass Mortality Occurred During the 2011-12 California Red-legged Frog Breeding Season Under Conditions Substantially Similar to those Proposed in the BA.

For two decades, RPD has known that its operation and management of Sharp Park Golf Course take large numbers of California red-legged frogs. For example, in 1992 consultants reported to RPD that "pumping of water out of Horse Stable Pond and the resultant exposure of shoreline was causing massive frog egg mass mortality" (PWA 1992, p. 24). Nonetheless, RPD has continued to drain Sharp Park's wetlands to ameliorate chronic Golf Course flooding. As expected, RPD has stranded and desiccated numerous California red-legged frog egg masses in subsequent years, with RPD's consultants and staff documenting multiple mortality events in 2003, 2004, 2005, and 2008 (Swaim 2008a, p. 4-4).

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[2] Because the FWS has agreed to enter into formal consultation over the Project, we submit these comments and data in order to insure that the Services consider the best available data in that consultation. However, although the Services must incorporate this submission into its review of the BA, the Services should not presume that review of this information alone ensures compliance with the Endangered Species Act's consultation requirements or other applicable laws. For example, agency actions that may affect, are likely to adversely affect, or jeopardize listed species cannot be considered an activity with minimal individual and cumulative adverse effects on the aquatic environment, raising serious questions as to whether the U.S. Army Corps of Engineers' decision to permit RPD's proposed project through Nationwide Permit 25 conforms with the Clean Water Act, 33 U.S.C. § 1344(e) & 40 C.F.R. § 230.7, and the National Environmental Policy Act, 42 U.S.C. § 4332(2)(C) & 40 C.F.R. § 1501.4.

After being served with two separate Endangered Species Act legal actions[3]—one by the U.S. Fish and Wildlife Service and another by conservation organizations—RPD developed a "Final Draft Compliance Plan" that described how RPD intended to continue draining Sharp Park's wetlands and mowing its transitional and upland habitats while implementing protocols RPD presumed would "reduce the chance of direct take to virtually zero" (RPD 2009, p. 10).

The Compliance Plan's protocols are substantially similar to the mitigation measures proposed in the BA.[4] The Compliance Plan and the BA both allow RPD to drain Sharp Park's wetlands without restriction unless egg masses—and to a lesser degree, tadpoles—are observed at Sharp Park; both presume single-pass visual surveys will detect all egg masses laid at Sharp Park; both presume that water levels can be maintained at a specific height with no fluctuation once egg masses or tadpoles are observed (RPD 2009, pp. 12-13 & RPD 2012, p. 22).

The Final Draft Compliance Plan was completed in December of 2009. Therefore, egg mass strandings during the 2011-12 breeding season should be considered by the Services. However, the BA does not include any information about 2011-12 winter egg mass strandings.[5] A summary of these results is provided below.

On January 3, 2012, before the first large rain of the 2011-12 frog breeding season, RPD ordered the pump house engineer to reduce the water level at Sharp Park by .5 feet (Ascariz 2012, p. 29). Once egg-masses were observed, RPD attempted to maintain a "water level and corresponding gauge board reading for Horse Stable Pond that will keep the eggs masses submerged in water" (RPD 2009, p. 12).

Nonetheless, approximately 47 California red-legged frog egg masses were stranded, fragmented, or otherwise taken at Sharp Park between January 27, 2012, and March 8, 2012 (Campo et al., Summary p. 1-4). This is approximately 32% of all egg masses observed at Sharp Park between those dates. Stranded egg masses were observed in nearly all portions of Sharp Park's wetland features, including the northern and western portions of Horse Stable Pond, and the northern, eastern, and western portions of Laguna Salada (Campo et al. 2012, pp. 22, 26, 33, 36, 39, 49, 54, 62, 67).

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[3] In 2005 the U.S. Fish and Wildlife Service personally served RPD's Golf Program Manager with an Endangered Species Act violation notice (Heard 2005, pp. 1-2), and in 2008 conservation organizations began notifying RPD of their intent to sue the City unless the unpermitted killing of endangered and threatened species ended (Augustine 2008, p. 7); (Plater 2009, pp. 4-5); (Crystal 2010, p. 3).

[4] However, as described below, in several key ways the BA's mitigation and minimization measures are less protective than the compliance plan protocols currently in place at Sharp Park. This makes the results from the past two years a conservative estimate of the extent of take likely to occur at Sharp Park under the BA.

[5] On p. 42, the BA mislabels 2010-11 egg mass data as 2011-12 egg mass data. During the 2010-11 breeding season, the Fish and Wildlife Service authorized RPD was to move egg masses that were about to become stranded by RPD's pumping operations on an emergency basis. However, during the 2011-12 breeding season, the Fish and Wildlife Service did not allow RPD to move such egg masses. Because all of the egg-masses on p. 42 mention authorized movement, this data must be from the 2010-11 breeding season.

B. The BA's Minimization and Mitigation Measures Are Less Protective of Endangered Species than the Existing Environmental Baseline.

Although the BA's minimization and mitigation measures (RPD 2012, pp. 22-29) are substantially similar to the protocols in RPD existing Compliance Plan (RPD 2009, pp. 8-15), they have been modified in ways that increase the probability that the operations and management of Sharp Park Golf Course will harm San Francisco gartersnakes and California red-legged frogs. For example, the BA significantly reduces the Compliance Plan's "no-mow" zone (RPD 2009, Ex. A; RPD 2012, p. 24); the BA allows golf areas to be mowed without first surveying the area for listed species (RPD 2009, pp. 9-10; RPD 2012, p. 23); the BA allows Golf Course staff with minimal training (RPD 2012, p. 23)—rather than experienced, Service-approved biologists (RPD 2009, pp. 9-10)—to determine when endangered species may be jeopardized by staff actions; and the BA increases off-path golf cart traffic (RPD 2009, p. 12; RPD 2012, p. 25).

Current course operations, as specified in the Compliance Plan, are considered part of the environmental baseline for the proposed project, because they constitute past and present impacts of private actions on the species. 50 C.F.R. § 402.02. Moreover, creation of and adherence to the Compliance Plan is a term and condition of the Fish and Wildlife Service's 2009 Biological Opinion for the Proposed Pacifica Recycled Water Project (Moore 2009, p. 34), and "[p]rior consultations . . . should provide the species status and environmental baseline data upon which subsequent consultations are based" (FWS/NMFS 1998, p. 1-7).

The BA will eliminate or reduce protections for the California red-legged frog and the San Francisco gartersnake. By removing these protections, the BA's minimization and mitigation measures constitute adverse effects on the species' environmental baseline, and are not conservation measures, as RPD suggests in the BA.

C. California Red-legged Frog Breeding Areas at Sharp Park are Sustainable Absent RPD's Massive Water Pumping Activities.

Throughout the BA, RPD claims that Sharp Park contains inherently "unsustainable" breeding habitat for the California red-legged frog. However, the BA contains no evidence to support this assertion. Hydrologists who have studied Sharp Park have shown the opposite is true: but for RPD's pumping activities, these areas would (a) retain sufficient water to remain hydrologically connected to Laguna Salada; (b) remain deep enough for egg masses to fully mature; and (c) persist long enough for tadpoles to develop into adults (Kamman 2012, pp. 5-7). Although this evidence was available to RPD, none of this evidence was provided to the Services as part of the BA.

RPD's records support this conclusion. During the 2010-11 frog breeding season, the Fish and Wildlife Service granted RPD emergency authorization to relocate 132 California red-legged frog egg masses (70% of all egg masses laid at Sharp Park) (RPD 2012, p. 42). RPD claimed that this was necessary because the eggs were laid in unsustainable habitats. However, RPD's pump house log indicates that on December 21, 2010, RPD's Dan Mauer ordered Sharp Park's pump engineer to "pump down pond before rains and frogs laying [SIC] eggs" (Ascariz 2012, p. 18). On December 26, 2010, the first egg mass of the 2010-11 breeding season was observed at Sharp Park. Between

December 21 and December 26, RPD drained 15,288,000 gallons of water from Sharp Park's wetlands (Ascariz 2012, p. 1).

RPD continued to drain Sharp Park's wetlands after December 26. By January 6, the first day that RPD was authorized to move egg masses, RPD had drained another 21,258,000 gallons of water from Sharp Park's wetlands. By January 14, when RPD again requested permission to move egg masses at risk, another 1.2 million gallons of water had been pumped out of the system. Even more water was removed from the system by the time that the January 21 egg mass movement occurred.

If RPD had stopped draining Sharp Park's wetlands on December 26, emergency movement of egg masses would have been unnecessary. On December 26, water levels were at 7.9 feet NAVD88. Kamman 2012 has explained that with a starting water level of 7.9 feet NAVD88, an additional 21,258,000 gallons of water (65.24 acre/feet) would bring water levels to approximately 10.1 feet NAVD88 at Sharp Park—which in turn would provide for more than the necessary six weeks of saturation for egg masses to fully develop (Kamman 2012, pp. 8-11, Ex. I). Even at 10.1 feet of elevation, all golf holes would remain playable with the possible exception of hole 12, with three fairways narrowed (Kamman 2012, Ex. B, Figures 11-12).

However, RPD did not stop pumping on December 26, and continued to drain Sharp Park's wetlands after January 21. By February 21, RPD had drained 79,044,000 gallons of water from Sharp Park. On that day, Jewel Snavely observed an egg mass that appeared to be at risk of stranding, while pumping was ongoing at Sharp Park[6] (Snavely 2012, p. 2). John Bowie returned to Sharp Park on February 22nd 23rd, and 24th, and discovered "the egg mass completely exposed to the air. The pumps were still operating, draining more water from Horse Stable Pond" (Bowie 2012, p. 2). By March 1, when Jewel Snavely returned to observe the egg mass it "was completely exposed to the air, and it was partially frozen" (Snavely 2012, p. 2).

In total, between December 21, 2010 and March 3, 2011, pump house records show that RPD pumped 103,044,000 gallons of water from Sharp Park's wetlands. The Services must consider the large amounts of water removed from the system, and absolute constraints on that amount, as part of the consultation process.

This past winter, even with far less rain, RPD again pumped enormous volumes of water from Sharp Park wetlands right when California red-legged frogs were laying – approximately 7 million gallons from January 3, 2012 to January 23, 2012; another 2.2 million gallons from January 23 to January 28; and another 500,000 gallons in the several days after California red-legged frog egg masses had been detected on January 28th.

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[6] Wild Equity Institute informed the Fish and Wildlife Service and RPD about this stranding by letter on February 24, 2011 (Wayne 2011, pp. 3-4). Lisa Wayne indicated that RPD biological monitors had failed to observe the egg mass despite extensive surveys on February 22nd (Wayne 2011, p. 1) ("Ugh. This is really discouraging. We have spent so many hours out there monitoring. In fact 4 NAP staff surveyed on the 22nd in this area and did not see an egg mass").

D. The BA Does Not Provide Accurate Natural History Information About Sharp Park, and Therefore Misstates Threats from Salinity Intrusion.

The BA suggests that Sharp Park's berm creates habitat conditions suitable for California red-legged frogs and San Francisco gartersakes by preventing salt water intrusion. This suggestion is based on the presumption that Laguna Salada was once a tidal lagoon, influenced daily by ocean tides (RPD 2012, pp. 30-31). Both the suggestion and presumption are inconsistent with the best available science.

Laguna Salada was never a tidal lagoon, nor was it daily or regularly influenced by ocean waters.[7] The most extensive natural history investigation ever conducted of Sharp Park concludes that Laguna Salada was, under natural conditions, a fresh-to brackish backbarrier lagoon system surrounded by freshwater wetlands, separated from the ocean by a protective dune-like beach system (ESA-PWA 2011, p. 39).

Lagoons with these structures and ecological characteristics provide suitable habitat for frogs and snakes throughout the state—as did Sharp Park's lagoons before an armored seawall was constructed in the 1980s. Aerial photos from the 1940s through the 1980s indicate that Sharp Park's berm was not completed until after the mid-1980s (ESA-PWA p. 40); (ARUP 2009, Figures 3-7). Nonetheless San Francisco gartersnakes were recovering at Sharp Park until the mid-1980s (RPD 2012, p. 39). The BA suggests that ocean storm surges in 1983 & 1986 halted this recovery (RPD 2012, p. 31), but ignores evidence that Sharp Park's California red-legged frog and San Francisco gartersnake populations survived ocean storm surges as large or larger in the 1930s,[8] 1950s, and 1970s (Faulkner Undated, p. 2), (Geomatrix 1986, p. 20). The persistence of both species at Sharp Park through the mid-1980s despite (a) an incomplete sea wall and (b) several coastal storm surges that inundated Sharp Park indicates that coastal ecological processes do not threaten species survival at Sharp Park, and that some other causal factor is behind the decline of the species in the mid-1980s.

RPD's fundamental misunderstanding of Laguna Salada's ecological underpinnings has led it to propose project elements and mitigation measures that will actually cause harm to both species. For example, retaining the sea wall while pumping Sharp Park's wetlands will exacerbate, not prevent, saltwater intrusion from the Ocean as marine waters are pulled through the groundwater interface, eventually making the entire lagoon inhospitable to California red-legged frogs (ESA-PWA 2011, p. B-13). Moreover, the BA's dredging proposal, far from improving breeding habitat for listed species, will put them at risk by encouraging listed species to breed in the areas most vulnerable to pumping-induced saltwater intrusion (ESA-PWA 2011, p. B-13).

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[7] The City's belief is based on (PWA 1992), which is cited frequently in the BA. However, the successor of this study—ESA-PWA 2011—thoroughly reviewed the 1992 report and determined it's assumptions about the historical condition of the site were mistaken (ESA-PWA 2011, p. 39-40).

[8] The earliest of these storms occurred shortly after golf architect Allister McKenzie leveled the natural dune-like barrier protecting Laguna Salada from ocean storms. He did so to place several golf links on the beach. All of these links were destroyed in subsequent storms, and eventually the course was redesigned, moving many of these holes to the east side of Highway 1 (Faulkner Undated, p. 1-2).

The Interagency Cooperative Policy for the Ecosystem Approach to the Endangered Species Act requires the Services to "incorporate ecosystem considerations in Endangered Species Act activities," 59 Fed. Reg. 34273, 34274 (July 1, 1994), and applies to "interagency consultation." *Id.* The Service's Section 7 Consultation Handbook similarly explains that the Service must "[k]eep in mind [the Service's] ecosystem approach to conservation of endangered and threatened species" as the Services implement Section 7 Consultation processes. Here, the Services must review the best available information about Sharp Park's natural history and ecology, and ensure that the Project, its proposed terms and conditions, and any minimization measures are both biologically and ecologically sound.

E. The BA Proposes Destroying Cover Habitat to Enhance Breeding Habitat, Even Though Breeding Habitat Is Not a Limiting Population Growth Factor at Sharp Park.

The California red-legged frog and the San Francisco gartersnake require multiple habitat conditions to survive. For example, "essential habitat for a breeding [San Francisco gartersnake] population includes open grassy uplands and shallow marshlands with adequate emergent vegetation, and the presence of both Pacific tree frog (*Pseudacris regilla*) and California red-legged frog breeding populations" (FWS 2006, p 9). "Emergent and bankside vegetation such as cattails (*Typha* spp.), bulrushes (*Scirpus* spp.), and spike rushes (*Juncus* spp. and *Eleocharis* spp.) apparently are preferred and used for cover" (Goude 2008, p. 8).

Similarly, the "California red-legged frog requires a variety of habitat elements with aquatic breeding areas embedded within a matrix of riparian and upland dispersal habitats" (FWS 2002, p. iv). The frog "spend[s] considerable time resting and feeding in riparian vegetation when it is present" and can be "found up to 30 meters (100 feet) from water in adjacent dense riparian vegetation for up to 77 days" (FWS 2002, pp. 13-14). "Overall, [California red-legged frog] populations are most likely to persist where multiple breeding areas are embedded within a matrix of habitats used for dispersal" (FWS 2002, p. 12). Recent studies demonstrate that in both breeding and non-breeding periods, California red-legged frogs predate almost exclusively on terrestrial species (Bishop et al. 2011, p. 2), indicating uplands are also essential habitat for California red-legged frog prey.

Sharp Park currently provides the habitat mixture both species require (RPD 2012, p. 34). However, RPD's Project would transform one essential habitat type—emergent vegetation—into open water habitat "to improve water flow to the pumps" (RPD 2012, p. 12) so Sharp Park's wetlands can be rapidly drained during the California red-legged frog's breeding season. RPD suggests this transformation is justified because "areas along the connecting channel and [Horse Stable Pond] that contain dense cattail growth are considered to be very low quality breeding habitat for the [California red-legged frog]" (RPD 2012, p. 48) and presumes the transformation will therefore cause frog populations to increase, ultimately providing more prey for the San Francisco gartersnake.

RPD's position is not supported by available evidence. If, as RPD hypothesizes, emergent vegetation limits growth of California red-legged frog and San Francisco gartersnake populations at Sharp Park, RPD's records should show a decline in egg masses as the extent of emergent vegetation has increased. But the BA indicates California red-legged frog egg mass counts have

been generally increasing at Sharp Park and at Mori Point since 2004 (RPD 2012, p. 42); indeed, during the 2010-11 breeding season RPD claims it "recorded more than 3 times the eggmasses [SIC] than any other year" (Campo 2011, p. 1). Similar numbers were observed during the 2011-12 breeding season (Campo et al. 2012, Summary p. 4).

Nor does available evidence indicate that Sharp Park's San Francisco gartersnake population is limited by prey availability. If Sharp Park's California red-legged frog population were too small to support its predator, RPD records should show a decline in adult frogs at Sharp Park. But while testifying against endangered species conservation measures at Sharp Park on behalf of golf advocacy groups, Dr. Mark Jennings stated "it has been common for the past couple of years at Sharp Park to find dozens and dozens of juvenile and adult [California red-legged frogs]," and concluded that "there are relatively few sites within the current geographic range of the species that have such large populations of adult [California red-legged frogs]" (Jennings 2011, p. 16).[9] Furthermore, "trapping studies at Mori Point and Sharp Park since 2004 suggest that the [San Francisco gartersnake] population again may be increasing, at least at Mori Point" (Swaim 2008a, p. 1-4). "[C]apture rates for 2006 and 2008 reflected an increase over the 2004 rate of 104% and 5%, respectively . . . we observed an overall increase in the number of [San Francisco gartersnakes] trapped per unit effort within the project area" (Swaim 2009a, pp. 14, 23).

Moreover, RPD's pumping is the cause of emergent vegetation growth in Laguna Salada, and therefore to solve emergent vegetation concerns RPD must reduce pumping. Emergent vegetation like cattails and tules only grow in relatively shallow waters. If RPD would end its practice of draining Sharp Park's lagoons, tule and cattails would not be able to survive (Baye 2012, p. 5). This would be an ecologically and biologically superior option for both species, as it would work with the natural ecology of the site and not be dependent on long-term, regular dredging that can incidentally take listed species.

While neither the availability of open water habitat nor frog population sizes limits productivity at Sharp Park, the best available science does indicate that egg mass and juvenile *survivorship* limits the California red-legged frog's population growth, (Nagano 2006, p. 22 ("pumping expose[s] California red-legged frog eggs to desiccation"), and that destruction of upland habitats limit the San Francisco gartersnake's population growth (Dexter, 2012, p. 10 ("Nearly all of the areas surrounding Laguna Salada and Horse Stable Pond are mowed regularly by the Golf Course, very near or immediately adjacent to the wetland edge. This leaves a very narrow band of emergent wetland habitat between the open water areas of the lagoon and the Golf Course links, and no protected upland in which SFGS can bask, breed, or seek refuge in a burrow. Beyond the narrow

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[9] However, Dr. Jennings wrongly attributed his observations to Sharp Park Golf Course management and operations. As Dr. Marc Hayes explained, "it is my professional opinion that any increase in egg masses observed in the Sharp Park/Mori Point complex reflects continued increases in recruitment from the Mori Point ponds. Yet because defendants' activities at Sharp Park are taking the CRLF in several ways, including by adversely altering habitat conditions at Sharp Park, defendants activities are in fact having negative population-level impacts on the entire Mori Point/Sharp Park CRLF population" (Hayes 2012, p. 27).

band of emergent vegetation, SFGS would face a very high likelihood of being taken directly by mowing operations")).[10] Specifically, the evidence shows that RPD's operations:

a) eliminate hydrological connectivity between the frog's breeding habitats and the deeper, open waters tadpoles need for growth (Hayes 2012, p. 12-13); (Kamman 2012, p. 7-8);

b) encourage growth of dense emergent vegetation in Sharp Park's open waters (Baye 2012, p. 5);

c) destroy upland habitats the San Francisco gartersnake needs to bask, breed, and seek refuge (Dexter 2012, p. 10);

d) take massive numbers of California red-legged frogs (PWA 1992, p. 24), (Campo et al. 2012, Summary p. 4) and the San Francisco gartersnake (Fox 1953, p. 2 ("We found one dead [San Francisco gartersnake], probably killed by golfers- they probably die frequently in this manner")); (FWS 2006, p. 17).

The Services must consider this data and evidence during its deliberations and the production of any subsequent Biological Opinion.

F. The BA Inappropriately Considers All Golf Course Operations as Interrelated and Interdependent Actions, and Inappropriately Excludes Effects from the proposed "Laguna Salada Restoration Plan."

RPD states that the Project and Sharp Park Golf Course's routine operations and management are "interdependent" and "would not occur but for [the Project]" (RPD 2012, p. 52). At the same time, RPD suggests its plan to rebuild portions of Sharp Park Golf Course within existing natural areas—a project the BA calls the "Laguna Salada Restoration Plan," but is in fact the scientifically flawed, heavily criticized (Davidson et al. 2011, pp. 1-2) plan first described as Alternative A18 in TetraTech's 2009 Conceptual Restoration Alternatives Report—is not "reasonably certain to occur" and should not be assessed by the Services at this time (RPD 2012, p. 59). Both positions are mistaken.

1. Activities are "Interrelated" or "Interdependent" to the Project if They Would Not Occur "But For" Implementation of the Project.

In order to ensure that the Project does not jeopardize listed species at Sharp Park, the Section 7 Consultation regulations require the Services to analyze all "effects of the action," including the "direct and indirect effects" of the Project "together with the effects of other activities that are interrelated or interdependent" with the Project. 50 C.F.R. § 402.02. "Indirect effects are those caused by the proposed action and are later in time, but are still reasonably certain to occur," *id.*, and include "Federal actions that have not undergone Section 7 consultation but will result from

[10] Similarly, in 2006 Swaim Biological Inc.—a preparer/contributor to the BA—concluded that the failure to detect San Francisco gartersnakes in Calera Creek Watershed ponds—despite "large breeding populations of [California red-legged frogs]"—was due to a "lack of appropriate open basking habitat adjacent to the ponds" (Swaim 2006, p. 24).

the action under consideration" (FWS/NMFS 1998, p. 4-29).[11] "Interrelated actions" are "part of a larger action and depend on the larger action for their justification," and "interdependent actions" retain "no independent utility apart for the action under consideration." *Id.* This broad regulatory definition of "effects of the action" ensures the Services "use the best information available to prepare *comprehensive* biological opinions considering *all stages* of the agency action." *Connor v. Burford*, 848 F. 2d at 1441, 1454 (9th Cir. 1988) (emphasis added).

As a practical matter, the Services apply a "but for" test to determine if another action is interrelated or interdependent with the proposed action. *Sierra Club v. Marsh*, 816 F.2d 1376, 1387 (9th Cir. 1987). When applying this test, the Services must remember that "interrelated or interdependent activities are measured *against the proposed action*" and not reverse the analysis. (FWS/NMFS 1998, p. 4-27). That is, the relevant inquiry is whether the alleged "interrelated" or "interdependent" activity *would not* occur but for the Project; if so, it is an interrelated and interdependent activity. On the other hand, if the alleged "interrelated" or "interdependent" activity *would* occur even if the Project were never implemented, then it is not an interrelated or interdependent activity.[12]

2. Golf Course Operations and Management and the Project Are Not Interdependent.

Sharp Park Golf Course's operations and management cannot be considered interrelated or interdependent with the Project under this framework. Indeed, the Project has not yet been implemented and Sharp Park Golf Course has been operating without it for years. The Golf Course thus demonstrates it has "independent utility" from the Project, and it also demonstrates that the Project is not the "but for" cause of the Golf Course. This holds equally true for individual Golf Course operations like mowing, golf cart use, golf cart path construction, gopher management, fertilizers, and irrigation: each of these activities occurs in the absence of the Project, and there is no evidence in the BA that the activities would cease if the Project were not implemented.

RPD reached the opposite conclusion because it inverted the "but for" analysis. While the *Project* has no independent utility[13] from the Golf Course operations, and while the *Golf Course* may be the

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[11] In contrast, future federal actions that are *unrelated* to the proposed action are reviewed during *subsequent* Section 7 Consultations at the time those actions are ultimately proposed. 50 C.F.R. § 402.02.

[12] To conduct this inquiry properly, the Services must have a clear project description. According to RPD's permit application, the Project will (a) dredge Horse Stable Pond, (b) install steps to the pumps, (c) construct a walkway to the front of the pump, and (d) place a retaining wall in jurisdictional waters. The purpose of the project is to address workplace safety issues and "ensure unimpeded water flow to the pumps" (Wayne 2011b, p. 2).

[13] Although the BA suggests dredging wetlands and draining lagoons constitute "habitat enhancements" at Sharp Park, RPD has known since at least 1992 that these measures benefit only the golf course, and are the cause of emergent vegetation growth, not the cure for it. As RPD's consultants then explained, "[e]xisting water sources are generally capable of sustaining a viable wetland .... A modern larger-capacity system would reduce flooding and improve water management. However, periodic high water levels from freshwater flooding primarily affects the golf-course operation. If sufficient upland refuge is available, vegetation and wildlife species will survive. Thus, major expenditures on flood control facilities are probably not warranted solely on the basis of wetland enhancement" (PWA 1992, p. 32).

"but for" cause of the Project, the *Golf Course is not the action proposed by the federal action agency here*, and therefore a consultation so structured would stand the Services precisely-tuned framework for Section 7 Consultation on its head. By design, pre-existing, private activities that adversely affect listed species like Sharp Park Golf Course are incorporated into the effects analysis' environmental baseline. If this were not so, past and present impacts to listed species (a) could be double-counted during the jeopardy analysis, once through the environmental baseline and once as the effects of the action, or (b) could be wielded by the applicant as a take minimization measure—the required standard for Section 7 Consultation, 16 U.S.C. § 1536(a)(4)(ii)—when in fact the applicant was not minimizing the true impacts of her project, but mitigating for past or present harms.

Because RPD is causing take with its operations and management of Sharp Park Golf Course, it must either cease the activities that cause take or it must obtain a take permit. For activities that do not have a federal nexus and/or cannot be analyzed through the Service's Section 7 process, RPD must obtain a Section 10(a)(1)(B) permit. 16 U.S.C. § 1539(a)(1)(B).

3. RPD's Golf Course Construction Plan is Interrelated with the Project.

RPD's plan to reconstruct Sharp Park Golf Course is reasonably certain to occur, will adversely affect Sharp Park, and is interrelated with the Project: it's effects must therefore be assessed during this Section 7 Consultation process.

a. RPD's Golf Course Construction Plan Has Been Significantly Changed.

In 2009, the San Francisco Board of Supervisors unanimously passed an ordinance ordering RPD to study restoration alternatives at Sharp Park. The report RPD ultimately released contained a radical new golf course construction plan for Sharp Park guised as a "recovery" effort for listed species (TetraTech 2009).

After scientists criticized the plan's several significant flaws (Davidson et al. 2011, pp. 1-2), the City convened the fact-finding Sharp Park Working Group (Holland 2011, pp. 4-5). When the Working Group released findings that adopted many of (ESA-PWA 2011) recommendations,[14] RPD announced it would abandon a core element of its golf course construction plan—armoring Sharp Park's seawall—but continued to insist that Sharp Park's 18-hole golf course would remain in its historic footprint, even as it acknowledged that sea level rise will erode the seawall and force it inland, squeezing endangered species habitats in a narrow area between the golf areas and the advancing ocean (Holland 2011, pp. 4-5).

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[14] The penultimate draft of the Sharp Park Working Group's findings did not make any conclusion about Sharp Park Golf Course's integrity or compatibility with the site. However, shortly before its scheduled release, Dave Holland, then director of San Mateo County Parks, leaked a copy of the document to golf advocacy groups (Holland 2011, p. 1-3). These advocates demanded that Mr. Holland "insert something along the following line: 'None of the foregoing is incompatible with preservation of the historic 18 hole golf course that exits on the property.'" *Id.* Mr. Holland agreed to do so, and was able to insert a single line at the end of the document: "These habitat enhancements and golf could be compatible." *Id.*

Contemporaneously RPD was preparing a Draft Environmental Impact Report ("DEIR") for the City's Significant Natural Resource Areas Management Plan ("SNRAMP"). From 2005 until 2011, SNRAMP contained a project-level proposal for Sharp Park's wetland complex, largely based on PWA's 1992 Laguna Salada Resource Enhancement Plan. Although public comments suggested RPD should consider restoring habitat over the entire Sharp Park Golf Course area, RPD refused to do so, explaining in 2009 "[s]hould changes to the Sharp Park Golf Course be proposed, they would undergo a separate regulatory review, including CEQA environmental review" (RPD 2011, Appendix A, p. 2-5).

However, when the DEIR was released in 2011, the PWA-based Laguna Salada plan had been replaced with the TetraTech golf course construction plan.[15] Under this plan, 60,000 cubic yards of material would be dredged from the Laguna Salada's wetland complex, creating 12,100,000 gallons of water storage capacity (RPD 2011, p. 99). Four golf links surrounding Laguna Salada would be raised by up to 3.5 feet, creating additional (although unquantified) water storage capacity in the lagoon system (TetraTech 2009, p. 43). Another link would be narrowed, and another removed[16] (RPD 2011, Figure 3). It also calls for filling ½ acre of Sharp Park's wetlands to create an island in Laguna Salada (RPD 2011, p. 99) and landfilling areas where California red-legged frogs breed to "prevent localized ponding" and "to allow more complete drainage to Laguna Salada" (RPD 2011, p. 377).

b. The Golf Course Construction Plan and the Project are Interrelated.

The DEIR's golf course construction project is interrelated with the Project. Both are designed to reduce golf course flooding, and depend upon each other to implement this larger action. RPD's larger plan to reduce golf course flooding is composed of (1) ensuring maximum pump rates are reliably achieved, (2) increasing water flow rates towards the pumps, (3) increasing water storage capacity by deepening lagoons and (4) increasing storage capacity by elevating the rim of the lagoon. If any one of these components fails or is not achieved, pumping rates will decrease and Sharp Park Golf Course will flood.

While there is some overlap, the Project is primarily designed to accomplish the first and second elements of this plan (RPD 2012, p. 6) while the DEIR is primarily designed to implement the third and fourth elements of the plan (RPD 2011, p. 99). But the elements are expressly interlinked: the DEIR repeatedly states that the golf course construction project is dependent on efficient pump operations (RPD 2011, pp. 146, 361, 374, 377), and further explains that the golf course

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[15] The plan was attached to the DEIR as Appendix I, and will be referred to throughout this document as (TetraTech 2009) or (RPD 2011) interchangeably.

[16] Although Hole 12 will be removed at Sharp Park, the DEIR requires RPD to rebuild the link in another location at Sharp Park (RPD 2011, p. 28). The DEIR proposes two locations for this link: west of Laguna Salada, between the seawall and frog breeding areas, or east of Highway 1. The DEIR suggests that surrounding Laguna Salada with golf links would have fewer significant impacts because it would retain historic integrity of the golf course, even thought it would negatively affect wildlife and intrude on protected natural areas. However, the DEIR defers the ultimate decision to subsequent environmental review.

construction plan is designed to meet flood control objectives while reducing wear-and-tear on the pumps (TetraTech 2009, p. 43).

RPD's statement that the golf course construction plan is wholly separate from the Project (Wayne 2011b, p. 2) is belied by its recent permitting strategy discussion with the Services (Anonymous 2012, p. 1). The agenda from this discussion indicates the Project and the golf construction project are two temporal phases of a single management strategy. Effects from the later phases are classic indirect effects, because they are caused by the proposed action and are later in time, but still reasonably certain to occur. They also derive, either directly or indirectly from an interrelated element of RPD's larger flood management strategy. In either case, by law the Services must review these effects during this Consultation process, regardless of RPD's colloquial assertion that the projects are separate.

Moreover, RPD cannot defer consultation on the golf course construction project until the DEIR is finalized because only unrelated federal actions may be considered in subsequent Section 7 Consultations. 50 C.F.R. § 402.02. Indeed, now that Section 7 Consultation has been initiated, RPD is required to prevent "irreversible and irretrievable" commitments of resources that foreclose reasonable and prudent measures. 16 U.S.C. § 1536(d); 50 C.F.R. § 402.09. Yet RPD is attempting to obtain final approval of the course reconstruction plan, and then after RPD's discretion is constrained by the plan's adoption, consult with the Services over RPD's remaining discretionary items. Given that the current plan leaves only one element of the golf course construction project open to RPD's discretion—rebuilding a single golf link in one of two locations—this strategy will severely restrict the Service's ability to recommend reasonable and prudent alternatives and measures, in violation of this Section 7(d) of the Endangered Species Act.

As the Services have previously explained to RPD, the golf course construction project is not a recovery action, and will require conditions such as a conservation easement held by a third party, an endowment to manage the property in perpetuity, and a plan to address the sea wall and climate change (Wayne 2010a, pp. 1-3). RPD must not be allowed to avoid these requirements by irretrievably investing resources in its construction plan, and the Services must therefore implement all of these measures in the Services current Biological Opinion.

c. The Golf Course Construction Plan is Reasonably Certain to Occur.

To avoid this outcome, RPD suggests that the golf course construction plan is not reasonably certain to occur. But RPD's proposal has already been approved by several oversight bodies, and in each case RPD made clear that it would not review or consider any restoration alternative at Sharp Park. RPD's single-minded approach to its Sharp Park golf course construction project and the completion of many steps in its approval process show that the golf course construction project is reasonably certain to occur.

RPD's proposal to rebuild Sharp Park Golf Course's original layout was endorsed by San Francisco's Recreation and Parks Commission in December of 2009, to the exclusion of all other options for Sharp Park's future. In the SNRAMP DEIR, RPD concluded that only an 18-hole Golf Course at Sharp Park was a feasible alternative for the property, and refused to consider other restoration options that would provide additional benefits to listed species (RPD 2011, pp. 526-

27). Moreover, the DEIR contains a mitigation requirement that will force RPD to rebuild a golf link in one of two places in subsequent environmental review (RPD 2011, p. 28). Thus, RPD's existing approvals and contemporaneous permitting procedures create a binding requirement to implement the golf course construction plan.

Furthermore, when the San Francisco Board of Supervisors passed an ordinance requiring RPD to negotiate with the National Park Service to implement a restoration plan for the property, the Mayor vetoed the ordinance (Lee 2011, p. 1) again indicating the City's intent to ensure the golf course construction project occurs. And with RPD encouragement, San Mateo County passed a resolution calling for San Francisco to "maximize recreation opportunities" at Sharp Park by implementing the golf course construction plan (San Mateo Co. 2011, p. 2).

These actions by the City are all that is necessary to show that the golf course construction plan is reasonably certain to occur. While there may be some ambiguity about what the ultimate Golf Course design may be, "[t]he law requires consideration of the effects of interrelated and interdependent activities whether or not all of the activities' impact is known." *NRDC v. Rodgers*, 381 F. Supp. 2d 1212, 1237 (E.D. Cal. 2005).

II. Inconsistencies with the Services' Section 7 Consultation obligations.

The BA also suffers from critical procedural failures that reduce the probability that Section 7 Consultation will ensure that the California red-legged frog and the San Francisco gartersnake are not jeopardized by RPD's activities. These procedural issues have created problems with past Section 7 consultations at Sharp Park, and the Services should act quickly to ensure that these problems are not repeated here.

A. RPD Has Not Been Designated as the Army Corps Non-federal Representative, Yet It is the Sole Author of the BA.

Under the Services Section 7 Consultation regulations, it is clear that consultation occurs between a federal action agency (such as the Army Corps of Engineers) and a federal expert agency (such as the Fish and Wildlife Service). Non-federal applicants such as RPD are not action agencies, and therefore the ultimate responsibility to comply with Section 7 lies with the federal action agency considering the non-federal application. 50 C.F.R. § 402.08.

Action agencies may designate a non-federal representative to execute the agency's Section 7 Consultation obligations, but to do so it must provide written notice of its decision to the Fish and Wildlife Service. *Id.* Even when such a designation occurs, action agencies must "furnish guidance and supervision and shall independently evaluate the scope and content" of the documents prepared by the non-federal representative. *Id.*

It does not appear that the Army Corps of Engineers has provided written notice to the Fish and Wildlife Service of the Army Corps' intent to designate RPD as its non-federal representative. No such documentation exists in the BA, nor does it exist in the docket of pending ESA litigation over Sharp Park's activities, nor is it in documents received from the Services through Freedom of Information Act requests. Yet the BA states it is authored entirely by RPD staff and consultants,

and does not indicate that the Army Corps provided an independent evaluation of the document. This is directly contrary to the Services' Section 7 Consultation regulations.

This procedural deficiency may explain inconsistencies in documents RPD filed with the Services. The project description in RPD's permit application and the project description in RPD's BA differ in several ways. For example, the BA suggests that routine Golf Course operations and management are part of the Project, and proposes to construct a new pathway embankment near Laguna Salada's northeastern shore (RPD 2012, p. 11). While months have passed since the application was submitted and the BA prepared, there is no record that the Army Corps of Engineers concurs with these changes. When an action agency and the consulting agency are working from different project descriptions it is impossible for Section 7 Consultation to ensure that listed species are not jeopardized because the agencies cannot understand and clearly delineate the effects of the action proposed.

RPD has taken unusual liberties with the consultation process under similar circumstances in the past. For example, in 2008 RPD received, through emergency consultation procedures, a nationwide permit to replace Sharp Park pump house's pipes, and a Section 7 consultation was completed on the project. The BO explained that it covered only the construction project itself, and did not insulate the Army Corps or RPD from take of San Francisco gartersnakes through capture, pursuit, injury or death (Goude 2008, p. 14). The project was completed later that year.

In 2010, RPD applied for another Army Corps of Engineers permit. In this case RPD wished to dredge Horse Stable Pond, and deposit the spoils above the pond's high water mark. When informed of this project, the Army Corps explained that it did not have jurisdiction over the project, and that therefore it could not initiate consultation on the proposal (Hicks, 2010, p. 2); (Gill 2010, p. 1). The Army Corps further explained that RPD should obtain a Section 10 permit.

Instead, Lisa Wayne contacted the Fish and Wildlife Service's Ryan Olah on October 28, 2010, informing him "[t]he Corps has determined this is not an issue for them" and requesting further discussions with the Services (Wayne 2010b, p. 1). On November 18, 2010, the Services nonetheless reinitiated consultation on the 2008 Biological Opinion (Moore, 2010, p. 1).

It is not clear why or how the Services were authorized to issue this revised BA. The unusual process seems to be partially responsible for misstatements in the 2010 Biological Opinion about pumping impacts on California red-legged frogs (O'Hara 2011, p. 1). But it is clear that if the regulations governing non-federal representatives were implemented this confusion will not happen again. The Services should clarify their roles before further steps on this Project are completed.

B. The BA Contains No Analysis of Alternatives to the Project.

The BA is also deficient because it does not discuss alternatives. While alternatives may not be appropriate in every case, 50 C.F.R. § 402.12(f)(5), in a case like this where evidence of scientifically-superior alternatives is widespread, public concern and controversy over the BA's proposal is high, and when massive take has occurred under protocols that are more conservative than those in the proposed project, the Services cannot ensure that species will not be jeopardized unless the best available science is used to consider alternatives to the status quo.

In (ESA-PWA 2011), contributor Dawn Reiss describes a restoration model for Sharp Park that is based on the best scientific data available at Sharp Park and addresses all of the above deficiencies in the BA. For example, where the BA suggests that both species are "conservation reliant" due to their isolation, Ms. Reiss' proposal emphasizes connective habitat corridors across Sharp Park.

Where the BA suggests it will continue to drain and fertilize Sharp Park's wetlands on the one hand, and then dredge excessive tule and cattail growth on the other, Ms. Reiss' mitigation model constrains pumping so that water levels will rise high enough to drown excessive vegetation growth, and ensures that water levels rise and fall slowly so that Sharp Park's entire wetland feature remains hydrologically connected and contains sufficient water for egg masses to develop into adult frogs.

Where the City's BA ignores the fundamental changes climate change will bring to this landscape, Ms. Reiss' plan provides mitigation and recovery areas upland and inland from areas that will be immediately impacted by catastrophic flooding events, and then creates natural defenses around these areas by restoring wetlands and vegetative features between the rising sea and the restored habitats. These features will absorb and slow the rate of water if intrusion ever does occur.

Where the City's BA blames the frog for an apparently indiscriminant breeding behavior and for laying eggs in 'unsustainable' habitats, Ms. Reiss' mitigation and restoration plan recognizes that the California red-legged frog can successfully breed under natural conditions at Sharp Park, so long as the velocity, rapidity, and scope of the wetland draining project implemented by San Francisco is curtailed.

All of these outcomes would provide greater conservation and public benefits than the project disclosed in the BA, yet it has not been disclosed in the BA. This is due in part to RPD's determination that "the wetland complex at Sharp Park is not expected to provide habitat in perpetuity," a key component of its plan to create habitat linkages only to federal properties, essentially evicting endangered species from Sharp Park (Wayne 2009, p. 2). The Services should consider the alternatives proposed by (ESA-PWA 2011) now, because planned extirpation of listed species is not an allowable outcome through the Section 7 Consultation process.

III. Section-by-Section Evaluation of Best Available Science in the Biological Assessment.

The following comments are specific to particular sections of the Biological Assessment.

A. Section 1.4 Previous Consultations. The BA suggests that any Biological Opinion issued by the Services in this consultation will replace RPDs compliance plan. However, creation and adherence to a compliance plan is a term and condition of the Service's Biological Opinion on the Recycled Water Project (Moore 2009, p. 34). If RPD is not in compliance with these terms and conditions, activities associated with the Recycled Water Project cannot be insulated from take.

B. **Section 2.2.1 Construction Action.** The BA's reliance on dredging Laguna Salada's channels and waterways—without any investigation or discussion of how pumping and fertilizer use may be altering the ecology of Laguna Salada, and without any discussion of the possible anoxic conditions that such dredging could create—threatens the persistence of both species on the site (Baye 2012, p. 3, 13).

C. **Section 2.2.2.3 Integrated Pest Management.** Rodent burrows provide essential habitat for San Francisco gartersnakes. The BA proposes to kill rodents, but this will likely undermine the value of the area for special status species.

D. **Section 2.2.2.5 Circulation.** The BA suggests that 30-40% of Sharp Park's customers rent golf carts. A conservative estimate of golf course use suggests 35,000 rounds of golf are played at Sharp Park annually. This means at least 10,500 golf cart trips circle Laguna Salada every year. Golf carts have been demonstrated to cause extensive mortality to snake species (Hayes 2012, pp. 22-23).

E. **Section 2.3.16 Pumping.** The proposed pumping protocols do not include biological screens to prevent listed species from being entrained. Biological monitors at Sharp Park have observed crayfish entrained by Sharp Park's pumping operations, and stated that "[I]f crayfish can become entrained in pump than frogs might also" (Swaim 2008b, p. 1). (Hayes 2012) makes recommendations on screening at Sharp Park.

F. **Section 2.3.16 Pumping.** RPD's pumps will break or malfunction if they are not turned off and allowed to cool for an extended period of time after target water levels are reached, water levels at Sharp Park constantly fluctuate at least 3.6 inches even when the pumping protocol is working as designed (Ascariz 2012, p. 4-5). Because Laguna Salada contains extensive areas of shallow-margin open water habitat, nearly all California red-legged frog egg masses laid at Laguna Salada during this three-inch differential are at risk of desiccating and dying. Drawdown of more than a few inches poses "significant desiccation risk to developing eggs attached to emergent vegetation and to those deposited in shallow water" (Swaim 2008a, p. 4-4). Thus, even under perfect application of the pumping protocol, egg masses will be placed at risk of stranding. "Discontinuing pumping at Horse Stable Pond would result in reduced fluctuation in water level and a lower risk of egg mass desiccation" (Swaim 2008a, p. 4-4).

G. **Section 2.3.16 Pumping.** RPD's pumping protocol relies on visual observation of egg masses in order to function: in the absence of visual detection of egg masses, pumping continues unabated. However, Dr. Hayes' evaluations show that the visual detection rate of California red-legged frog egg masses during single-pass surveys such as those described in the BA is far below 1 (Hayes 2012, p. 19). So long as detection rates are so low, the pumping protocol will continue to desiccate egg masses. However, Dr. Hayes suggest that double- or triple-pass surveys could bring detection rates closer to 1 to address the visual observation error—but the BA contains no date or evidence to explain why such survey techniques were not proposed.

H. **Section 2.3.18 Mowing.** The mowing protocols are dramatically scaled back and insufficient to protect the San Francisco gartersnake from jeopardy given the precarious status of the species (Dexter 2012).

I. **Section 4.3.1 San Francisco Gartersnake.** The BA suggests San Francisco gartersnakes have not been observed at Sharp Park in four years. However, Swaim Biological observed one at Horse Stable Pond in 2009 (Swaim 2009b, p. 2). San Francisco gartersnakes have also been observed at Mori Point in 2011 and 2012. Moreover, because the species is difficult to detect, a lack of observations does not mean the species is not present (Johnson 2008, p. 1-2). Dead San Francisco gartersnakes are likely scavenged as soon as they are killed, making observations of taken individual difficult (Swaim 2008c, p. 1).

J. **Section 5.3.2 San Francisco garter snake.** Although RPD suggests that the laterally-compressed gartersnake discovered by Mr. Steve Salisbury at Sharp Park in 2005 was not in fact killed by a lawn mower, both Dr. Hayes' report and Ms. Dexer's report contain assessments of the physical condition of the snake and concluded that the snake was killed by the wheels and blades of Golf Course machinery. The Service's own assessment of this snake, published in the 2006 5-year status review of the species, concurs with Mr. Hayes' and Ms. Dexter's view.

Sean Salisbury discovered this snake, and has provided a declaration about his finding (Salisbury 2011, p. 2). Dr. Marc Hayes and Wendy Dexter have both viewed photos of the snake that was found by Sean Salisbury in 2005 near Hole 12. They have both concluded that the snake was killed by mowers or possibly golf carts (Hayes 2012, p. 22) (Dexter 2012, p. 11).

Wendy Dexter's data and reports indicate that the San Francisco gartersnake continues to persist in the Sharp Park/Mori Point complex, and that under existing mowing regimes it is inevitable that at some point in the future another San Francisco gartersnake will be killed by the operations and management of the course.

She goes on to explain that because the population at Sharp Park is at critically low numbers, each San Francisco gartersnake killed on the site greatly increases the probability of local extirpation of the species. The City's BA, in contrast, presumes that the San Francisco gartersnake has already been injured beyond recovery by the operations and management of Sharp Park Golf Course, and contains no assessment of the jeopardy that the species will be placed if these threats go unimpeded and long-term recovery efforts of this important gartersnake habitat is prevented.

K. **Section 5.4.2 Climate Change.** Both Dr. Peter Baye and Bob Battalio investigated the impacts sea level rise will likely have on this coastal landscape, and concluded that under existing management and the proposed BA at Sharp Park, the Golf Course relegates endangered species to the area most vulnerable to catastrophic flooding events, and that the probability of such an event will increase as the climate warms, sea levels rise, and ocean storms become more frequent and intense (ESA-PWA 2011).

This is compounded by the fact that the City will not defend this area from catastrophic, Katrina-like flooding events (RPD 2012, p. 29). While this is almost certainly the correct ecological decision for the sea wall, the City must simultaneously allow endangered species habitats to migrate or be rebuilt inland and upland if these species will survive. The BA's failure to address the long-term implications of sea level rise on the precise area the City intends to actively manage the California red-legged frog and the San Francisco gartersnake—in the shadow of Sharp Park's sea wall—is a fundamental information gap that can be filled by the information contained in the reports submitted with this letter.

L. **5.4.4 Implementation of National Park Service Actions at Mori Point.** Action Area is defined to include "all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action." 50 C.F.R. § 402.02. San Francisco gartersnakes and California red-legged frogs at Mori Point and Sharp Park form one population, and RPD pumps drain water from Mori Point, which is hydrologically connected to Sharp Park. These areas, as well as Calera Creek and the Pacifica Quarry area should all be included as within the action area.

Thank you for reviewing these comments. In addition to this letter, Dr. Marc Hayes, Wendy Dexter, and Greg Kamman will submit substantive comments. You will also receive select documents from *Wild Equity Institute v. San Francisco,* including the full deposition testimony of Lisa Wayne, Jon Campo, and John Ascariz, a recent ruling from Judge Illston in the case, and our motions that were submitted on that order.

Sincerely,

Brent Plater

Brent Plater

cc:

U.S. Army Corps of Engineers: Cameron Johnson, Ian Liffmann

U.S. Fish and Wildlife Service: Susan Moore, Jan Knight, Eric Tattersall, Cay Goude, Chris Nagano, Josh Hull

California Coastal Commission: Renee Ananda, Karen Geisler

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Subject: Technical Review Comments to Biological Assessment
Sharp Park Safety, Infrastructure Improvement and Habitat Enhancement Project

Dear Mr. Olah and Ms. Hicks:

I have reviewed the subject Biological Assessment (BA) prepared by Recreation and Park Department, City and County of San Francisco, dated March 14, 2012. In addition, my firm and I have completed numerical storm modeling in an effort to evaluate the benefits and/or impacts associated with proposed project actions. The reason for this letter is two-fold. First, because my firm's work and study conclusions are cited within the BA, as well as having a unique knowledge of the site, I would like to clarify and elaborate on selected sections within the BA. Secondly, based on our analyses, it is my opinion that some of the key proposed actions in the BA intended to reduce flooding and improve California red-legged frog and San Francisco gartersnake habitat would fail at providing the desired benefits and may adversely affect these species. Specifically, my analyses indicate the following.

- Removing vegetation from the connector channel will increase the flow rate from Horse Stable Pond to Laguna Salada during the early parts of storm events, causing the water level in Laguna Salada to reach a maximum level sooner under BA conditions than currently exists.

- The maximum simulated water level attained in Laguna Salada under BA project conditions is about 0.2-feet higher than the existing condition simulated water level for a one inch storm event. This means that the extent of flooded area within Laguna Salada and near the golf course associated with a one inch rainfall

storm event will be larger under proposed BA project conditions than existing conditions.

- The maximum simulated 2- and 5- year storm water levels attained in Laguna Salada during the proposed BA project conditions reach the same elevation that water levels reach under existing conditions, just sooner. This means that the extent of flooded area associated with these storm events remains virtually the same between existing and BA project conditions.

- Simulation results indicate that removal of vegetation from the connector channel does not lead to faster drainage of water or reduced duration of inundation in Laguna Salada and the golf course area between existing and proposed BA project conditions. Therefore, the associated conversion of cover habitat to open water habitat for CRLF would not provide any reduction in the extent or duration of flooding in LS and the surrounding golf course.

My comments associated with specific sections of the BA and rationale for my conclusions are provided below after a paragraph summarizing my credentials.

I am a hydrologist with over twenty five years of technical and consulting experience in the fields of geology, hydrology, and hydrogeology. I have been providing professional hydrology services in California since 1991 and routinely manage projects in the areas of aquatic ecosystem restoration planning and design, surface- and groundwater hydrology, water supply, water quality assessments, water resources management, and geomorphology. Most of my work is located in the Coast Range watersheds of California, including the Northern and Southern San Francisco Bay Counties. My areas of expertise include: characterizing and modeling watershed-scale hydrologic and geomorphic processes; evaluating surface- and ground-water resources/quality and their interaction; assessing hydrologic, geomorphic, and water quality responses to land-use changes in watersheds and causes of stream channel instability; and designing and implementing field investigations characterizing surface and subsurface hydrologic and water quality conditions. I co-own and operate the hydrology and engineering consulting firm Kamman Hydrology & Engineering, Inc. in San Rafael, California (established in 1997). I earned a Master of Science in Geology, specializing in Sedimentology and Hydrogeology as well as an A.B. in Geology from Miami University, Oxford, Ohio. I am a Certified Hydrogeologist (CHg) and a registered Professional Geologist (PG).
I am also very familiar with Sharp Park. In 2009 my firm was retained by Tetra Tech of Portland, Oregon on behalf of the San Francisco Recreation and Parks Department to prepare a hydrological report for Sharp Park. Our work focused on characterizing conditions on the site and preparing a suite of analytical models that were used to a) evaluate hydrologic and drainage conditions, and b) design marsh, pond, and stream restoration alternatives that would benefit the California red-legged frog (CRLF) and the San Francisco gartersnake on the property. Our study is documented in a report[1]

[1] Kamman Hydrology & Engineering, Inc., 2009, Report for the Hydrologic Assessment and Ecological Enhancement Feasibility Study, Laguna Salada Wetland System, Pacifica, CA. Prepared for Tetra Tech, Inc., San Francisco, CA, 30p.

summarizing our hydrologic assessment, salinity assessment, and storm response modeling for Sharp Park. In writing this report, I studied historic rainfall records, local surface runoff, pumping operations, and water storage capacity of Laguna Salada, Horse Stable Pond, Sanchez Creek, and Sharp Park as a whole.

The following sections provide comments to selected sections of the BA that warrant clarification and elaboration with respect to the feasibility of proposed project actions.

1. Section 2.2 Project Description – Elaboration on Historic and Future Conditions

On page 4, the BA states, "A seawall on the western boundary of Sharp Park eliminated the historic hydrologic connection between the Pacific Ocean and the wetlands complex." Prior to construction of the seawall, there was likely a higher degree of exchange of water between Pacific Ocean and the Laguna. The current seawall likely inhibits floodwater drainage to the Ocean and is the primary cause for the winter flooding of the Laguna and golf course. With the seawall in place, the current and future outflow from Sharp Park is primarily controlled by the Horse Stable Pond pumps and to a lesser degree on internal drainage features. I elaborate on how the proposed BA project actions will affect future drainage and flooding conditions below.

Based on my experiences in restoring wetlands (e.g., Giacomini Wetlands at Point Reyes National Seashore) and California red-legged frog habitat along the Central California coast (e.g., Mori Point ponds), I think it is important to point out that removing the Sharp Park seawall would not preclude frog habitat. Although there would be the introduction of salt water and initial loss of freshwater marsh and pond, coastal estuaries display an ocean-to-land continuum in salinity structure between marine, brackish and freshwater conditions. These habitats are transient, shifting oceanward in response to seasonal rains and freshwater input from inland drainages. In turn, there is a corresponding transition in suitable frog habitat, with frog habitat likely precluded in the high salinity ocean side water but suitable breeding and rearing habitat located a short distance inland. In my experiences at the Giacomini Project in Marin County, CRLF and designated CRLF habitat is found in very close proximity to high salinity waters. Work by Fellers and Kleeman [2] at the Park documented how frogs move seasonally over considerable distances between temporary bodies of water for breeding and nonbreeding habitat. Thus, I think it is important to acknowledge the frog's natural ability to breed on the fringe of tidal wetland areas.

---

[2] Fellers, G.M., and Kleeman, P.M., 2007, California red-legged frog (*Rana draytonii*) movement and habitat use: implications for conservation. Journal of Herpetology, Vol. 41, No.2, pp. 271-281.

2. **Section 2.2 Project Description – Clarification between Wet and Dry Season Controls Over Wetland Ponding**

Page 4 of the BA states, "The wetlands are believed to be maintained by ground water but are also fed by surface water inflow due to precipitation in the winter. A flood control pump system in HSP affects water levels in that body, and it may affect water levels in LS when the channel connecting the two water bodies creates a surface water connection between them." These sentences should be clarified with respect to both the wet and dry seasons. The first sentence refers to wetland water supply during the summer, when groundwater contributions dominate because there is little to no surface water runoff. With regard to the second sentence, the exchange of water between Horse Stable Pond (HSP) and Laguna Salada (LS) is dramatically different during the wet and dry seasons. For example, through the dry season and after the Horse Stable pumps stop pumping, water levels decline in both ponds due to cessation of surface water inflow, declining groundwater inflow and increased evaporation. The highest measured elevation in the bed of the connector channel between HSP and LS is approximately 6.2-feet NAVD88. When water levels in either pond fall below this elevation, HSP and LS are segregated from each other and behave as two independent water bodies. The lowest observed stage in Laguna Salada that I am aware of is about 6.0-feet NAVD88 (Figure 6 in KHE 2009 report).

The BA project proposes, "Removal of sediment and emergent vegetation that impedes water flow and reduces habitat suitability for CRLF in selected locations with the connecting channel and culverts that link HSP and LS. This removal work would not exceed 480 cubic yards of removed sediment and vegetation within an area of approximately 6,500 square feet or 0.15 acres." (second bullet on page 7 of BA). If the BA action lowers the elevation of the bed of the channel that connects HSP and LS, it is possible that these water bodies will remain in hydraulic connection longer during the dry times of the year or at water levels below 6.2-feet in elevation. However, it is important to point out that during our 2008-2009 hydrologic investigation we measured the invert (lowest point) elevation of the culvert used to accommodate a golf cart path over the connector channel culvert at an elevation of 6.0-feet NAVD88. Thus, without lowering the culvert elevation, the hydraulic connection between the ponds can't be lowered below 6.0-feet NAVD88.

During winter high flows, the existing hydraulic connection between HSP and LS is much more dynamic. As part of our 2008-2009 hydrologic and hydraulic investigation of Sharp Park, we developed a calibrated numerical model that simulates water movement into and through the HSP-LS-Sharp Park complex. Our model was developed and calibrated using data collected during the storm of November 1, 2008, when we estimate a little over one inch of rainfall occurred. Using this model, we evaluated the effects of removing the vegetation and associated channel roughness that inhibits flow through the connector channel pursuant to the proposed BA project. This analysis included simulation of the November 1, 2008 storm and 24-hour storms having recurrence intervals of 2- and 5-years. Under existing conditions, we calibrated the numerical model using a connector channel roughness value of 0.15 (see pages 26-27 of KHE, 2009). In

order to simulate the effects of vegetation removal from the connector channel, we modified the numerical model by lowering the roughness coefficient to 0.035).[3]

The results of the three modeled storm simulations for existing and proposed BA project conditions are provided in Figures 1 through 3 and discussed below. The simulation results of each storm are presented on each Figure with two graphs of information per Figure. The upper graph on each Figure presents the existing and proposed BA project water levels in HSP, LS and connector channel over the storm period. The lower graph on each page presents the associated water flow rates out of HSP, flow at a point within the middle of the connector channel, flow rate into LS, and the cumulative pumping rate out of HSP to the Pacific Ocean. A negative flow rate in the lower graphic indicates that the flow direction through the connector channel is from HSP towards LS (i.e., water level in HSP is higher than LS). A positive flow rate on the lower graph indicates that low is from LS to HSP (i.e., water levels in LS are higher than HSP).

Based on watershed mapping, field reconnaissance and runoff monitoring, we estimate that the amount of runoff to HSP during any given storm is approximately twice the magnitude as the runoff total to LS. In addition, the storage volume of HSP for any increment in water level rise is significantly less than that of LS. Thus, during the initiation and rising limb of a storm hydrograph, the water level in HSP rises much more quickly than the water level in LS. Because the water level in HSP is higher that LS, water then starts to drain out of HSP through the connector channel into LS. This phenomenon is observed even during the 1-inch storm event before water levels trigger the pump in HSP to start discharging water to the Pacific Ocean. Simulation results for the 2- and 5-year storm events indicate that inflow rates to HSP far exceed the discharge pump capacity, leading to higher incremental rises in water level and longer durations of flow from HSP into LS[4]. The main findings of the proposed BA project model simulations are as follows:

- Removing vegetation from the connector channel will increase the flow rate from HSP to LS during the early parts of storm events, causing the water level in LS to reach a maximum level sooner under BA conditions than currently exists.

- The maximum simulated water level attained in LS under BA project conditions reaches a water level elevation about 0.2-feet higher than during the existing condition simulation for a one inch storm event. This means that the extent of flooded area within LS and near the golf course associated with a one inch rainfall

[3] It's important to note that we did not alter (deepen or widen) the channel geometry in an attempt to emulate changes associated with sediment removal because the BA does not provide sufficient detail regarding this type of work. However, based on our modeling and understanding of the water level responses to changes in channel conveyance capacity, I don't believe there would be any significant change in the rate of water level change if the channel were widened and/or deepened. Deepening the channel would allow Laguna Salada to be drained to a lower and comparable depth via pumping from Horse Stable Pond.

[4] Simulations of pumping from HSP follow the pump operation "rules" implemented in 2008/09. Review of modeling results suggest that doubling the pump rate from HSP would roughly equal the inflow to HSP during the 2-year storm, but inflow during a 5-year storm would still overwhelm the system.

storm event will be larger under proposed BA project conditions than existing conditions.

- The maximum simulated 2- and 5- year storm water levels attained in LS during the proposed BA project conditions reach the same elevation that water levels reach under existing conditions, just sooner. This means that the extent of flooded area associated with these storm events remains virtually the same between existing and BA project conditions.

- Simulation results indicate that removal of vegetation from the connector channel does not lead to faster drainage of water or reduced duration of inundation in LS and the golf course area between existing and proposed BA project conditions. Therefore, the associated conversion of cover habitat to breeding habitat for CRLF would not provide any reduction in the extent or duration of flooding in LS and the surrounding golf course.

3. 2.2.1 Construction Action – Loss of Hydraulic Connection

On page 7 of the BA it states, "Because there is no surface water connection between these areas and LS, they cannot sustain CRLF through metamorphosis." This sentence is a bit unclear. Are the authors suggesting that it's the golf cart path that is limiting habitat or is it the available hydrology? In addressing the later, it is simply untrue that there is no surface water connection between the golf cart path area and Laguna Salada. The loss of hydrologic connectivity is a direct result of pumping from HSP. In the absence of pumping from HSP there would be a significant increase in the duration of flooding that would maintain connectivity in these areas over significant breeding periods. Based on Vandivere's Sharp Park Golf Course Inundation Area Map[5], the golf cart path area becomes inundated when water levels reach between 7 and 8-feet NAVD88 or higher. Vandivere's map also indicates that when water levels reach this level, LS, the connector channel and HSP are all hydraulically connected. Our modeling simulation results support this interconnected condition at water levels of 7- to 8-feet and also indicate that this has the chance of occurring once every two years under the 2008/09 pumping regime, but likely more often. It is only through pumping from HSP that waters recede quickly and ponded cart path areas become isolated from the connector channel, LS and HSP. If no pumping were occurring at all from HSP, the areas within the elevation range in question would surely be inundated annually and for durations likely exceeding the metamorphosis period.

[5] Vandivere, W. 2011. Declaration of William Vandivere, P.E. in Support of Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction. *Wild Equity Institute, et al., v. City and County of San Francisco, et al.*, Case No. C 11-CV-00958-SI. 30 pp.

4. 2.2.1 Construction Action and Impact to Habitat Quality

On page 11 of the BA it states, "Repairs to the cart paths will involve moving the paths away from the wetland and into the golf course, installing interlocking pavers to support the downslope embankment and backfilling the area with drain rock to raise elevations." This description of work is very vague and unclear. Regardless, any fill placed in the area that raises the ground surface elevation will effectively reduce the frequency and duration of flooding at that raised area. Although it might only be a small change, it still would be a change reducing CDFG habitat. Areas covered in drain rock, even if they remain at the current elevation, may alter the substrate in a way that precludes emergent vegetation used to secure egg masses. As an aside, this area may be designated wetland by the Coastal Commission and the path relocation could constitute filling of wetland.

5. 3.2 Watershed Boundaries and Drainage Patterns

On page 31, the BA states, "The connecting channel between LS and HSP allows for water exchange at surface elevations greater than 6.2 feet (NAVD 88). Water exchange between the two water bodies is reduced by the hydraulic friction created by dense cattail growth (Kamman 2009). In some areas surrounding the wetlands and on the golf course, ponds or swales may form, which do not appear to have surface water connection to LS, HSP and the connecting channel. These ponds form immediately after rainfall events and may last for several days to several months." Again, like my response in item 2. above, the impact of vegetation on flow conveyance through the connector channel is really dependant on the water depth within the connector channel. Water depth in the connector channel depends on the season (wet or dry) and pumping from HSP. During periods when the water depth is well contained and shallow within the connector channel, the effects of vegetation on reducing flow conveyance are greatest. However, during these periods, there is no flooding of the golf course and no need to move water between LS and HSP any faster than already occurs. It is during the winter floods when water levels are approaching flood level of the golf course that are of concern. As demonstrated from our hydrologic modeling of storm events (see Figures 1 through 3) when water levels rise to an elevation of around 8-feet NAVD88, the saturated flow area and conveyance capacity within the connector channel increases to a level that far exceeds the rate of pumping from the HSP discharge pump, even with vegetation choked channels. In short, increasing the potential flow rate between LS and HSP when the golf course is at flood level makes no difference when the discharge pump from HSP can't keep up with the flows that are already delivered to the pump intake. Again, our modeling results indicate that even with a vegetation free channel, the depth and duration of flooding in Sharp Park will not change in response to the proposed BA project. Vegetation free channels will not change the frequency or area of pond/swale formation when the discharge capacity of the system can not keep up with the volume of inflow, even with improved water exchange between LS and HSP.

Our analyses indicate that the objective of restricting the formation of ponded areas and swales can't be accomplished through implementation of the proposed BA project.

Therefore, frogs and egg-masses will continue to populate the ponds and swales equally under existing and proposed BA project conditions. The best available approach towards protecting and enhancing existing frog habitat, given existing infrastructure, is a reduced pumping regime from HSP that stops dewatering the ponded areas and swales given they will continue to form at an uninterrupted frequency. In essence, this approach works to preserve frog habitat by maintaining the ponds/swales instead of dewatering them.

6. 3.4.4 Wetland Dredging and Flood Hazard Reduction

Page 33 of the BA states, "Over the last several decades, the extent of this vegetation has increased, replacing the open water." Dredging tules from LS will convert certain areas from frog cover habitat to open water habitat. However, based on my analyses and understanding of the project site, it is my opinion that this action would not result in any meaningful or significant relief from flooding. Specifically, I don't believe that dredging tules from LS will lead to a significant reduction in flooded golf coarse area or flood duration.

If you have any questions or wish to discuss these opinions and conclusions further, please feel free to contact me.

Sincerely,

Gregory R. Kamman, PG, CHg
Principal Hydrologist

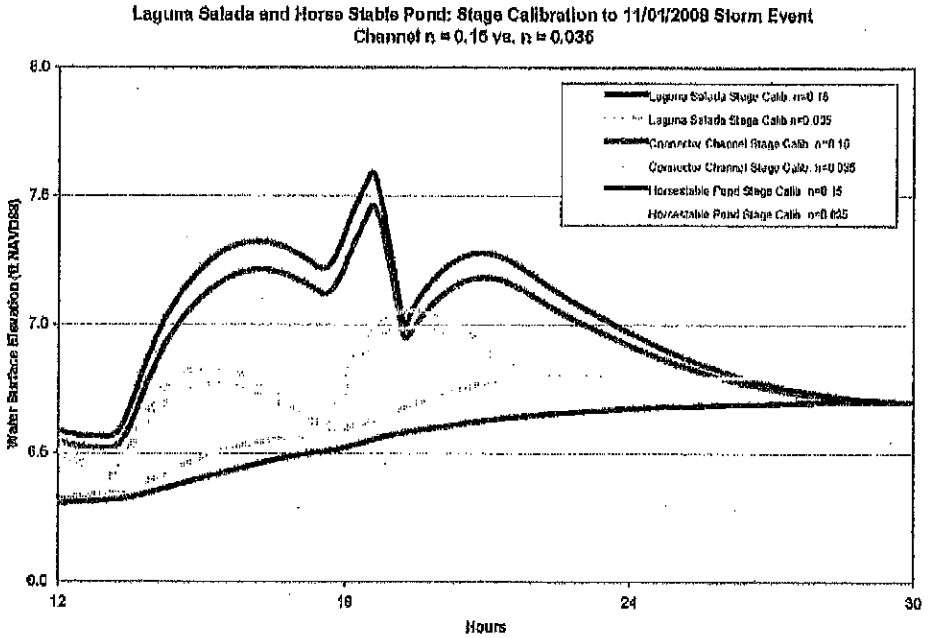
cc:

U.S. Army Corps of Engineers: Cameron Johnson, Ian Liffmann

U.S. Fish and Wildlife Service: Susan Moore, Jan Knight, Eric Tattersall, Cay Goude, Chris Nagano, and Josh Hull

California Coastal Commission: Renee Ananda and Karen Geisler

Figure 1: Flood model simulation results for project area for November 1, 2008 storm. Graphs plot results for densely and lightly vegetated connector channel simulations.



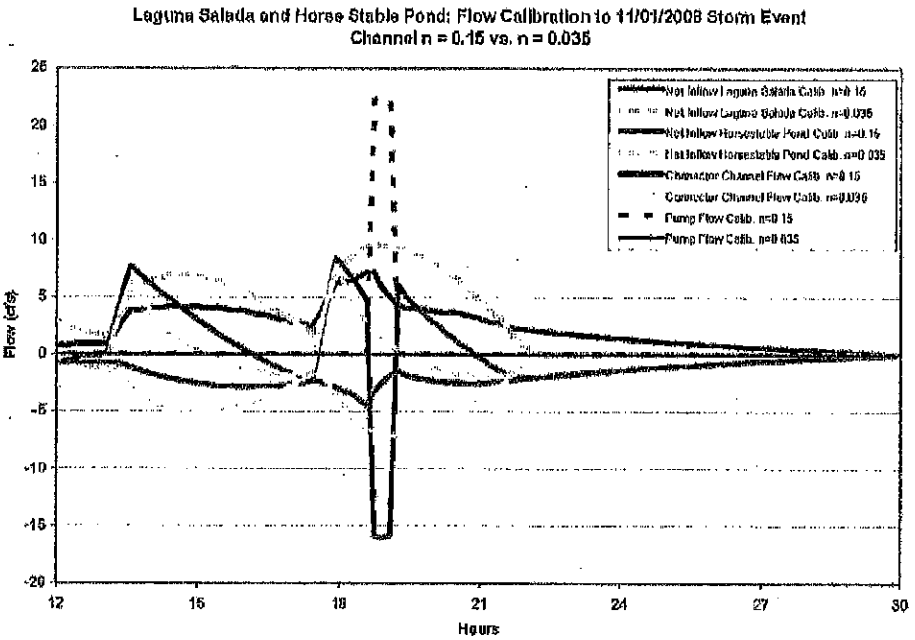
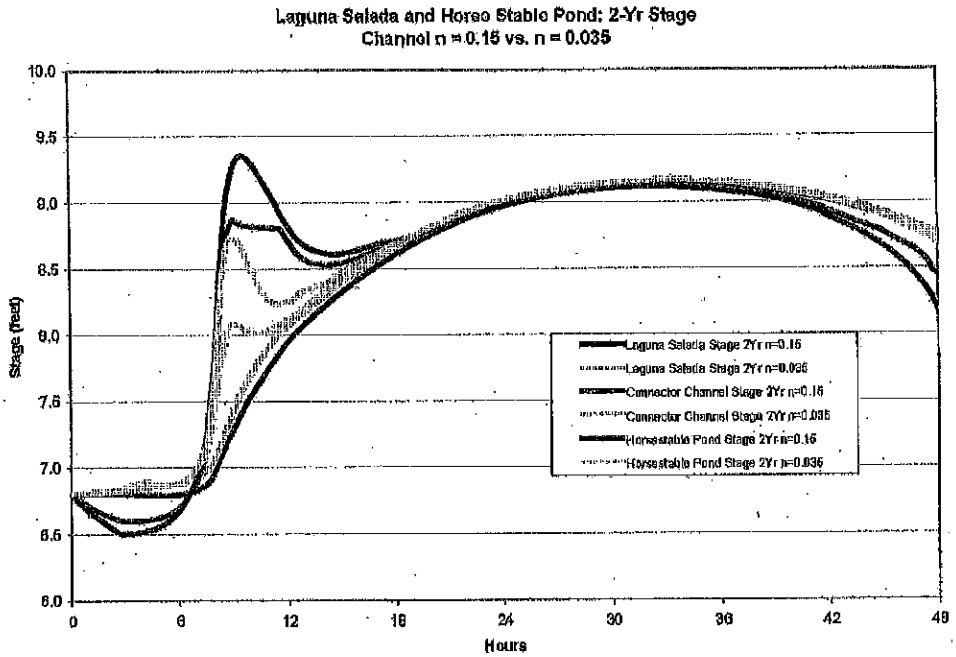


Figure 2: Flood model simulation results for project area for 2-Year storm. Graphs plot results for densely and lightly vegetated connector channel simulations.



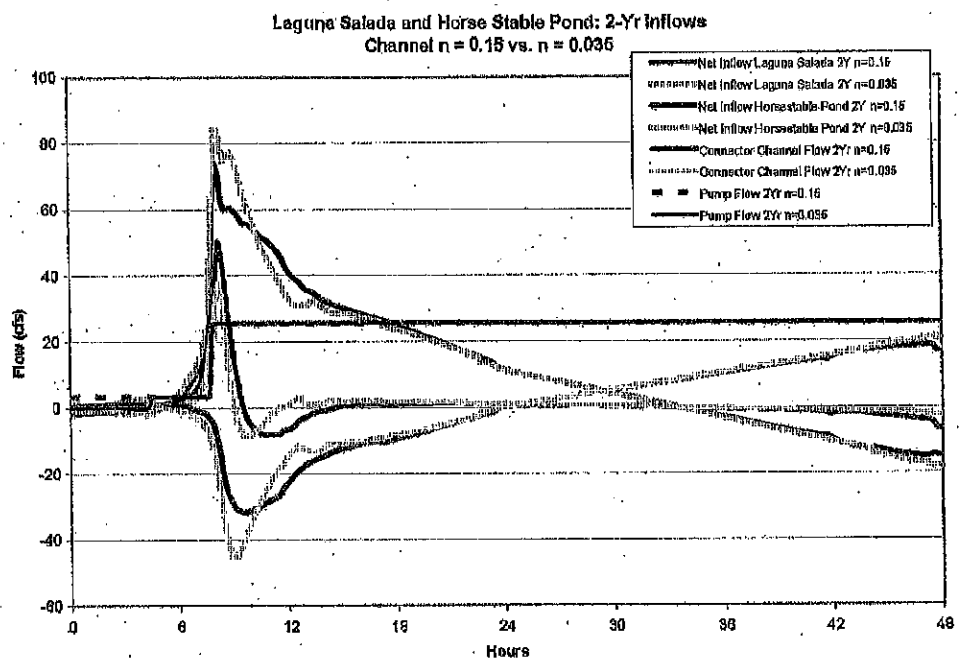
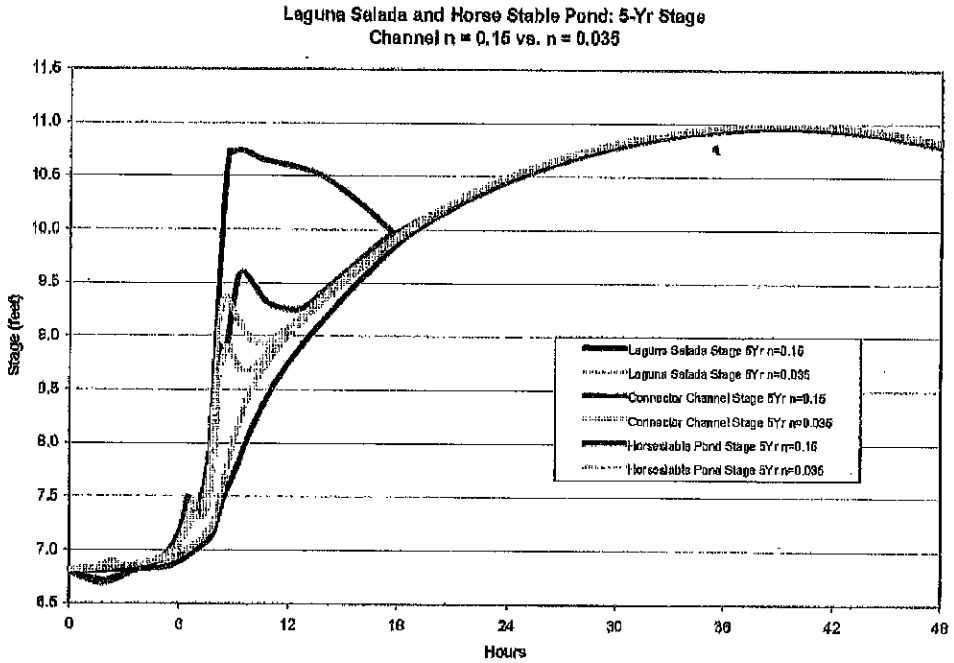
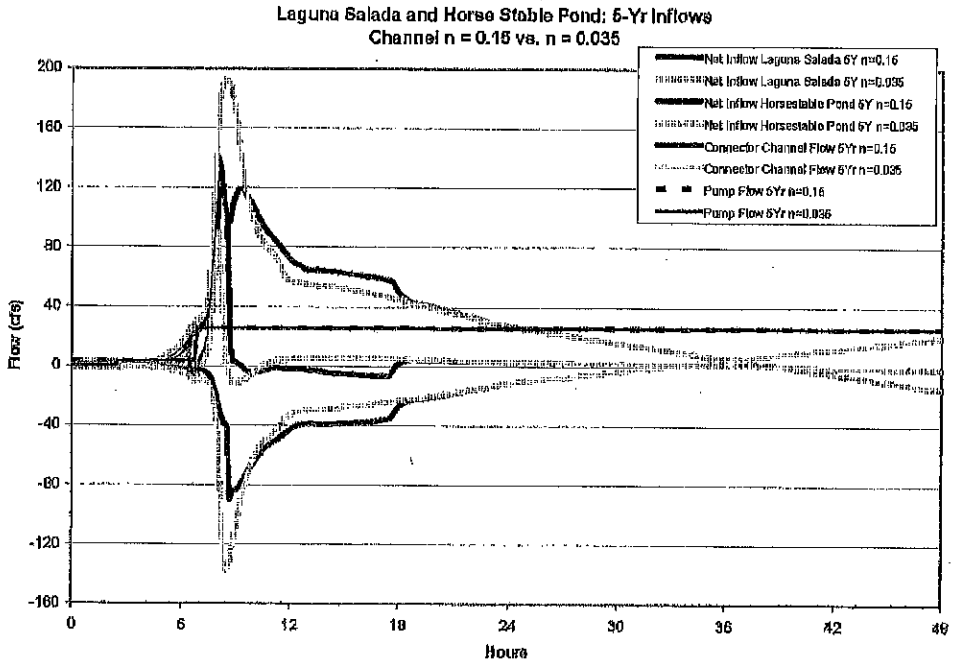


Figure 3: Flood model simulation results for project area for 5-Year storm. Graphs plot results for densely and lightly vegetated connector channel simulations.





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August 2, 2012

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RE: Review of San Francisco Recreation And Park Department's Proposed "Sharp Park Pumphouse Safety And Infrastructure Improvement Project"

Dear Mr. Olah & Ms. Hicks:

I have studied San Francisco Recreation and Park Department's ("RPD") Biological Assessment ("BA") for the proposed "Sharp Park Pumphouse Safety and Infrastructure Improvement Project" ("Project"). It is my professional judgment that the survival and recovery of the endangered San Francisco gartersnake (*Thamnophis sirtalis tetrataenia*) will be appreciably reduced if the project is approved as designed.

With this submission, I provide a section-by-section analysis of the BA and the scientific evidence and data underlying my conclusions.

Section 2.2.1: The BA does not clearly lay out the location and amount of sediment and vegetation removal by impacted feature (Horse Stable Pond and connecting channel), making it difficult to determine whether the effort will be beneficial or detrimental to the frog and snake. If it is not possible to provide a map showing where the vegetation would be removed, a plan should have been provided that laid out how remaining vegetation would be distributed within the impacted feature. For example, if the project would remove half of the vegetation on the connecting channel, it is important to know if the remaining half will be all along one side of the channel, all on the northern half of the channel, or distributed evenly throughout the channel on both banks. The distribution of this refuge habitat is important in determining whether the habitat will remain usable for refuge or whether a recovery period will be necessary before the habitat is usable for refuge.

I also question the premise of "improving" breeding habitat for the frog. Based on egg mass surveys recording as many as 142 CRLF egg masses at Sharp Park last year (Campo et al., 2012), the challenge for the CRLF population appears not to be egg production, but rather avoiding desiccation of those egg masses resulting from the water management activities of the golf course.

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There is little point of improving breeding habitat by increasing the area of open water when pumping will result in the desiccation of a percentage of all egg masses if allowed to continue.

Section 2.3.8: This section does not provide an adequate description of the proposed dredging and vegetation removal activities to ensure that the activities result in benefits to SFGS. Vegetation should not be cut to a height lower than 6 inches in order to minimize the potential for injuring or killing an animal on the ground that was not detected. Only non-motorized tools (no weed whackers) should be used. It is important to specify non-motorized, as use of motorized tools make it more likely that injury or death to a snake or frog could result from vegetation removal. The vegetation removal should be monitored by a *Service*-approved biologist; the BA only specifies an "approved biologist." Service approval guarantees that a professional standard is met in choosing the biological monitor.

The BA does not recognize the need for leaving cover vegetation on one side of the channel or periodically along the pond edge. Some aquatic edge cover is essential for both CRLF and SFGS to escape predation when they are using aquatic habitat and edge habitat.

Section 2.3.18: Mowing occurring within 600 feet of aquatic habitat is likely to result in take, regardless of the stated safety measures. Telemetry work by Larsen (1994) and McGinnis (2002, *in litt*) determined that SFGS concentrate their activity within 600 feet of aquatic and upland refuge habitats. This does not account for their finding of dispersal distances of up to 0.41 miles from such habitat (Larsen 1994). Regular mowing within this zone will, at some point, injure or kill an SFGS. Although snakes are *generally* active in the late morning, the ability to thermoregulate drives the activity of individuals, and these snakes will emerge from their refuges to seek basking locations as soon as the ground temperature is sufficient to increase their temperature. On a sunny day, this can occur early in the morning as soon as the sun shines on the ground. I have personally observed SFGS basking the moment the sun shines on the ground. I have also observed an SFGS killed by a vehicle where the driver had received environmental training and knew that there was a 10 MPH speed limit. Given this experience, I think it is unlikely that providing endangered species training to mower operators and mowing early in the morning are sufficient measures to remove the potential for mowers to kill SFGS. People get lazy or worse, they really don't care about an endangered species, and in those cases negligence or neglect can result in take.

Pre-dawn mowing would not eliminate the potential for take. Mowing would still occur along the wetland golf course interface where SFGS and CRLF may find refuge in tall grasses or thatched grasses overnight. Larsen (1994) points out that when SFGS move from aquatic habitat to upland refuges, they often move to small mammal burrows or under thick mats of grass. Since tall grasses grow on the margin of the mowed area, snakes may take overnight refuge along these margins, especially on warm nights, leaving them vulnerable to crushing or being killed by a mower's blade.

Even a 600 foot "no-mow-zone" won't guarantee that no snakes will be killed or injured, but it will guarantee that fewer snakes in the population will be killed, and a viable population will survive in the Sharp Park/Mori Point area. Without a 600 foot no-mow-zone, it is my professional judgment that Laguna Salada will continue to be a relatively isolated habitat area and Sharp Park will be a population sink for the species.

Section 4.3.1: The SFGS five year review states that SFGS requires a mosaic of upland habitat that includes both grassland for thermoregulation and shrubs for cover from predation (USFWS 2006). The BA fails to mention the vegetative cover aspect of upland habitat values. The document suggests that the snake avoids upland far from aquatic habitat so they do not have to cross large open spaces, but that is exactly why they require a mosaic of upland habitat. As referenced previously, telemetry on SFGS suggests the snakes regularly use uplands up to 600 feet from aquatic habitat; currently at Sharp Park (and as proposed in the BA) this 600 foot area will have inadequate cover to conserve the species.

SFGS require uplands that provide both thermoregulation opportunities and protective cover to provide escape from predation. Cover may take the form of small mammal burrows, shrubs or even tall grasses. Barry (1994) defines a ratio of grassland to shrub habitat he thinks is ideal upland habitat for the snake. A similar ratio should be required in the 600 foot area surrounding Laguna Salada.

Section 4.3.2: The best population comparisons available for the SFGS population in and adjacent to Sharp Park are those of Fox and Barry because both survey efforts occurred over ten days and both used the same method of capture, hand capturing. Given that the population appeared to remain fairly stable between those two survey efforts, it is interesting to note that major flood events occurred in 1938 (Faulkner Unkown), eight years prior to Wade Fox's survey, and in 1958 (Geomatrix 1987) and January of 1978 (FEMA 1987), 20 years and immediately prior to Barry's survey in September and October of 1978. Other major flooding occurred in the winter of 1983. It is obvious that both the snake and its prey, CRLF and Sierran treefrog, have survived many large storm events that may have temporarily increased the salinity of a portion of the aquatic habitat available to them in Sharp Park. The mosaic of habitat provided by the creek, ponds and marshes allow these species to move away from saline habitats into fresh water habitats until the conditions in the affected habitat return to something suitable. Based on this information, I do not think that overtopping of the sea wall is a significant factor in the current population density of CRLF or SFGS on Sharp Park. However, it is my professional judgment that recreating a mosaic of habitats around Laguna Salada is required to reduce habitat and species impacts associated with catastrophic ocean storms.

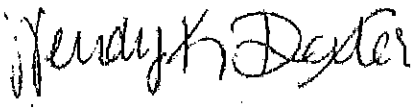
Section 5.3.2: The United States Fish and Wildlife Service stated in its 2006 Five-year Status Review of the San Francisco Gartersnake that a dead SFGS found at Sharp Park in 2005 had been killed by a golf course lawn mower. I have reviewed the photographs of this snake, read the correspondence that accompanied the file, and reviewed photos of other snakes injured or killed by lawnmowers that I found, and I concur that the snake was likely killed either by the wheels and blades of a lawn mower or by another mechanized vehicle, such as a golf cart. I identified two compression wounds on the snake that could have been made by either mower or golf cart wheels, one above the tail end of the snake and one anterior to the middle of the snake that would have crushed vital organs. In addition, there are a number of lacerations along the entire length of the snake's body that are characteristic of blade cuts. These include cuts where the flaps of skin remain and locations where large chunks of flesh were removed (mid-body) and removal of a portion of the tail. It is my professional judgment that the BA fails to reflect the importance of this

information, and therefore proposes inadequate measures to protect SFGS from golf course operations and management.

It is also my professional judgment that the San Francisco gartersnake is present at Sharp Park based on the continued observations of SFGS on the property and at Mori Point; on the fact that biologically speaking the Mori Point and Sharp Park populations are one biological unit; and because suitable habitat exists at Sharp Park wherever the golf course operations and management have not removed or degraded required elements of suitable habitat. Many studies from diverse sources indicate that SFGS has persisted at Sharp Park for many decades, and continues to do so. Wade Fox, the first biologist to systematically survey and record amphibian and reptile species at Sharp Park, found relatively large numbers of San Francisco gartersnakes at Sharp Park in the 1940s, collecting 34 specimens there during ten visits to the site in 1946. In 1978, Sean Barry observed 37 San Francisco gartersnakes near Horse Stable Pond, and an additional 46 at Mori Point (which was all upland at that time) in ten visits: indicating a persistent population at least on the southern edge of the golf course at that time. Extensive trapping in the mid- to late-80s by Dr. Sam McGinnis captured only two San Francisco gartersnakes at Sharp Park, and while subsequent surveys in the 1990s did not observe the subspecies, the San Francisco gartersnake was found at Sharp Park by the California Department of Fish and Game in 2004, including one juvenile between Horse Stable Pond and Laguna Salada. In 2005 four San Francisco gartersnakes were observed at Horse Stable Pond; in 2008, two San Francisco gartersnakes were observed at Sharp Park; and in 2011 at least four SFGS were observed at Mori Point, and another SFGS was observed at Mori Point just a few days ago.[1] Throughout this time period, several other San Francisco gartersnakes were also observed adjacent San Francisco Public Utility Commission watershed lands.

I hope this information is useful as you evaluate the best available science regarding the BA. If you have any questions, please feel free to contact me at the number on this letterhead.

Sincerely,



Wendy Dexter
Principal Biologist
Condor Country Consulting, Inc.

cc:

U.S. Army Corps of Engineers: Cameron Johnson, Ian Liffmann

U.S. Fish and Wildlife Service: Susan Moore, Jan Knight, Eric Tattersall, Cay Goude, Chris Nagano, Josh Hull

California Coastal Commission: Renee Ananda, Karen Geisler

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[1] https://www.facebook.com/parksconservancy (August 1, 2012).

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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27 August 2012

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RE: BEST AVAILABLE SCIENCE AND EXPERT OPINION REGARDING IMPACTS AND ASSESSMENT OF THE BIOLOGICAL ASSESSMENT FOR THE SHARP PARK PUMPHOUSE SAFETY AND INFRASTRUCTURE IMPROVEMENT PROJECT

Dear Mr. Olah & Ms. Hicks:

I have carefully reviewed San Francisco Recreation and Park Department's ("RPD") Biological Assessment ("BA") for the proposed "Sharp Park Pumphouse Safety and Infrastructure Improvement Project" ("Project"). It is my expert opinion that the Project's direct, indirect, and cumulative effects will cause adverse impacts to the California red-legged frog (*Rana draytonii*) and the San Francisco gartersnake (*Thamnophis sirtalis tetrataenia*), and because these impacts are not properly addressed, they will appreciably reduce the survival and recovery of both species in the wild.

Below I have provided a summary of my concerns, followed by a list of my qualifications for providing these expert opinions.

I. Expert Opinion on the Biological Assessment.

a. **The Project will harm SFGS and CRLF habitat.** In Laguna Salada and Horse Stable Pond, CRLF currently lays eggs in shallow areas where vegetation braces exist for oviposition, a pattern well-documented over years of survey there. Vegetation removal will not significantly expand the shallow-water footprint with vegetation on which CRLF can oviposit; rather it will remove dense, tall emergent vegetation from moderately deep to deeper water where no oviposition typically occurs. Further,

improvement of water flow will not improve CRLF oviposition habitat since CRLF preferentially oviposit in the most protected, low-flow situation among available choices. Hence, improvement of habitat for CRLF breeding is questionable at best, and outright wrong at worst. In addition, creating an open water situation is likely to depress larval survival rather than improve it as it improves exposure to predators in the water column and access to shallow water areas where hatchling CRLF currently have some protection. Further, improvement of water flow to the pumps will augment larval entrainment and mortality in the pumps. Finally, removal vegetation is also likely to depress the cover situation for adult frogs, which I have directly observed escape into it from positions along the silverweed (*Potentilla* spp.) margin of the channel between Laguna Salada and Horse Stable Pond. Hence, every CRLF life stage has a reasonable likelihood of being negatively impacted by vegetation removal that creates open water and improves the water flow to the pumps.

b. **Pumping adversely affects CRLF & SFGS, and should not be considered as an ancillary benefit for the species**. Pumping offers no special protection for CRLF since previous observations have shown that pumping results in partial or complete take of variable numbers of CRLF egg masses that in some cases had to be moved to avoid complete mortality prior to hatching. Pumping also has the potential to entrain both the larval and post-metamorphic stages of the CRLF, a situation that has previously been thoroughly discussed. Loss of CRLF life stages via pumping translate to a loss of the food base for SFGS because the species depends strongly on CRLF for its seasonal food resources.

c. **Golf cart traffic on and off pathways will adversely affect CRLF & SFGS, and are not properly mitigated.** The BA for the project suggests 30-40% of the golf rounds at Sharp Park use golf carts. In other documents, the Golf Course has suggested that it sells 35,000-55,000 rounds of golf every year. Presuming each cart caries two golfers and Sharp Park sells only 35,000 rounds a year, conservatively 5,250 golf cart trips occur annually, and each trip covers the 18-hole course. There are thus literally thousands of opportunities for a golf cart to encounter a SFGS or post-metamorphic CRLF that may have wandered into a golf cart path or a golf link onto which a golf cart might be driven, even under the proposed right-angle requirement. Both CRLF and SFGS often become immobile upon approach of a suspected predator, which increases the likelihood of their being hit or crushed by golf carts. Additional, good weather conditions increase the likelihood that more rounds of golf will be played, a condition more likely in a drought year like the current one. As the frequency with which SFGS garter snakes are sighted in the area suggests very low population levels, the loss of every individual SFGS

would represent a substantial setback for the population, and even more so if adult females are involved.

Paved golf cart paths are thermally favorable for potential basking by SFGS than alternative basking areas at Sharp Park, so the likelihood of encountering a golf cart at the rates which they appear on course paths is high. Since paths are thermally particularly attractive, the second most likely place for a young SFGS to be found in the general vicinity of the path is among vegetation proximate to a golf course path, which would make them vulnerable to crushing where the 90-degree rule applies.

d. **Early morning mowing will negatively affect CLRF and SFGS.** No science supports the notion that mowing during the early morning hours will decrease the likelihood of encountering either the SFGS or CRLF. Available data simply suggests that to humans operating with daylight vision, the species are more detectable during the day when light levels are greater. In fact, it is reasonable to expect foraging activities by SFGS when potential CRLF prey, often the early metamorphic stages, is active, which occurs under greater humidity levels and under cooler conditions. SFGS are a close relative of the common garter snake, which make significant movements at night in search of their amphibian prey. Lack of effective detection of SFGS and CRLF under this proposal makes it likely that take will occur; eliminating biological monitors makes the take situation more likely.

e. **The BA presumes that CRLF will benefit by destroying breeding habitat it deems 'low value', but provides no scientific support for this presumption.** Low-quality breeding habitat does not necessarily translate to low-quality cover and escape/refuge habitat for adults during the non-breeding active season. Indeed, my direct observations of CRLF along the connecting channel indicate that adult and subadult CRLFs use the dense tules/cattails just for this purpose (cover and escape refuge habitat), as they will jump into them as one walks along the silverweed margin of the channel. Moreover, open water does not provide particularly good habitat for any life stage of CRLF. Breeding habitat, as previously noted, is not a particularly limiting factor for species growth: it only becomes impacted when pumping is engaged, reducing the footprint available for oviposition.

f. **The BA proposes activities that will impact recovery work at Mori Point.** The Laguna Salada/Horse Stable Pond CRLF population segment is being "managed" with a pumping overprint, whereas the Mori Point CRLF population segment is not. This management differential results in greater CRLF mortality in all life stages in the Laguna Salada/Horse Stable Pond populations segment. The new vegetation removal "management" action will enhance flow during pumping, exacerbating pumping effects,

making claims that the project benefits the CRLF population at Sharp Park disingenuous.

g. **The BA is inconsistent with previous Biological Opinions that the Fish and Wildlife Service has issue.** I have reviewed two Biological Opinions that the Fish and Wildlife Service has previously issued for projects affecting the Sharp Park/Mori Point populations of CRLF and SFGS. These Biological Opinions contain several statements that the BA for the Project has failed to understand and/or incorporate into its analysis. For example, the 2006 Biological Opinion for the Mori Point Restoration and Trail Plan indicates that surrounding uplands are one of two important habitat components for SFGS & CRLF (p. 12), but the BA does not address conservation on these uplands; the Biological Opinion suggests that SFGS show site fidelity to aestivation burrows and travel to wetlands one to two times per day (p. 14), but the BA acts as if all of Sharp Park is unoccupied by SFGS; on the same page, the Biological Opinion reiterates the Service's conclusion, consistent with my own expert opinion and judgment, that in 2005 an SFGS was killed by a mower at Sharp Park, and goes on to document the species' presence at both Sharp Park and Mori Point, noting these adjacent habitats comprise one sub-population (pp. 14-15), yet the BA assumes that SFGS are not present at Sharp Park; the Biological Opinion also notes that egg mass survivorship was low in years past due to pumping (p. 22), and yet the BA for the Project presumes pumping is good for the species.

   Similarly, the 2009 Recycled Water Project Biological Opinion addressed the impacts of mowing operations on SFGS and CRLF, and among other restrictions, required mowing to be limited to two weeks in April and the months of June, July, and August (p. 34); yet the BA provides no seasonal restrictions on mowing. The City was also required to complete and implement a Compliance Plan for the project, but this compliance plan has never been finalized and its core protections for species—restrictions on mowing and pumping—are undermined in this B.A.

II. Qualifications.

For nearly four decades, I have worked professionally as a research and field ecologist and herpetologist, studying reptiles and amphibians in California, Oregon, Washington, Mexico, Costa Rica, and Florida. During this time, I have supervised over 70 projects addressing the ecology and habitat needs of the herpetofauna in these areas, working with the California Department of Fish and Game, the United States Fish and Wildlife Service, the California Academy of Sciences, and diverse other public and private entities. I am a member of the following professional scientific organizations: American Society of Ichthyologists and Herpetologists (life member), The Herpetologist's League (life member), The Wildlife Society (associate member), Society

for Northwestern Vertebrate Biology (life member), Society for Conservation Biology (life member), Society for Integrative Biology (life member), Societas Europea Herpetologica (life member), Society for the Study of Amphibians and Reptiles (life member), Desert Tortoise Council (life member), and the Association of Zoos and Aquariums (associate member).

I received my Bachelors degree in biology in 1972 from U.C. Santa Barbara, my Masters in Biological Sciences in 1975 from California State University, Chico, and my PhD in Herpetological Ecology in 1991 from the University of Miami, Florida. Currently I serve as an Adjunct Professor at Central Washington University (Ellensburg, WA), Evergreen State College (Olympia, WA), Portland State University (Portland, OR), and the University of Washington (Seattle, WA). I am also an Affiliate Curator in Herpetology at the Burke Museum at the University of Washington, and I serve as a Senior Research Scientist with the Washington Department of Fish and Wildlife ("WDFW"). In 2010, I received the prestigious *Conservation Award* from WDFW—the highest award the department grants—specifically for my work on amphibian conservation.

My research and my field experience have been particularly focused on California's rare and endangered amphibians and reptiles. In 1994, I co-authored a 255-page report for the California Department of Fish and Game ("CDFG") entitled *Amphibians and Reptiles of Special Concern in California.* That report, which was a compilation of the status and threats facing all rare amphibians and reptiles in the state, was designed to help CDFG decide which of these species were eligible for protection under state or federal law.

While researching and writing that report, we discovered that the CRLF was facing severe threats; that it had suffered a marked contraction in its geographic range over the preceding century; and that its remaining populations were at risk due to a suite of factors. Yet it was not protected under federal endangered species law. We therefore submitted a petition to list the species under the federal Endangered Species Act to the United States Fish and Wildlife Service ("FWS"). This petition ultimately led to the current listing of the frog as threatened under the Endangered Species Act.

I have also conducted numerous field studies on the CRLF, logging hundreds of hours searching for, identifying, and monitoring the species during all stages of its life cycle. For example, from 1974 to 1983, I studied populations of the CRLF in Corral Hollow (San Joaquin County), Pico Creek (San Luis Obispo County), and Cañada de la Gaviota (Santa Barbara County). From 1988 to 2002, I studied the last remaining CRLF population in southern California south of Los Angeles, located at Cole Creek on the Nature Conservancy's Santa Rosa Plateau Preserve (Riverside County).

Besides field research, I have studied historic species accounts, laboratory specimens, and popular writing about California's frogs and snakes, with a particular emphasis on the CRLF. I have reviewed specimens and historic accounts in the American Museum of Natural History in New York; the Burke Museum at the

University of Washington; the California Academy of Sciences in San Francisco; the California State University Chico Vertebrate Museum; the Carnegie Museum in Pittsburgh; the Los Angeles County Museum of Natural History; the Museum of Comparative Zoology at Harvard University; the Museum of Vertebrate Zoology at the University of California at Berkeley; the Museum of Zoology at the University of Michigan; the Oregon State University Vertebrate Museum; the Portland State University Vertebrate Museum; the San Diego Museum of Natural History; the Slater Museum at the University of Puget Sound; the Southern Oregon State College Vertebrate Museum; the University of Kansas Vertebrate Museum; and the Smithsonian Institution and its Archives in Washington, D.C.

My studies have resulted in over 120 peer-reviewed publications and reports over my career. These include studies that have explained the historic overharvest of CRLF in California, revealing that humans—not American Bullfrogs, as previously supposed—were the primary reason for the decline of the species near the turn of the 19th century. I have also demonstrated that the decline of ranid frogs in the North American west is generally explained by introduced fishes more accurately than introduced American Bullfrogs; and that vocal sac differences were a strong indication that two species (now called California and northern red-legged frogs) existed within what was formerly considered one species (simply called red-legged frogs).

More generally, I have been active in research and field study of many frog species in the family *Ranidae*, to which the CRLF belongs. These frogs are sometimes called "true frogs." True frogs share many similarities, and therefore, lessons learned from one species can help scientists understand the habitat needs of other ranid frogs, while gaining a better understanding of each species' unique evolutionary path. For example, I have studied the ecology and distribution of the stream-dwelling Foothill yellow-legged frog (*Rana boylii*) in western Oregon. I have shown that this species has also sustained a severe contraction in its geographic range over the last 100 years, and that introduced fishes, especially Smallmouth bass (*Micropterus dolomieu*), better explain this species' regional disappearance than do American Bullfrogs.

My research has also addressed reptiles in California, including rare and endangered snakes. For example, I observed and recorded information on the San Francisco gartersnake in the course of my studies of the CRLF at Pescadero Marsh. Those studies suggest that the SFGS is seasonally dependent on CRLF juvenile production as a summer food resource.

Through my research and study, I have become an expert in identifying frog and snake species, particularly closely related species, in any and all life stages. I can readily identify egg, larvae, juvenile, and adult phases of all California frog species, and eggs, juveniles, and adults of all California snake species through visual inspection, aural calls (typically only applicable to frogs and toads), habitat range, and habitat characteristics.

My research and study has also made me an international expert in the habitat and ecological needs of frogs and snakes, and the types of habitat modifications that threaten these species. I have studied the Oregon spotted frog (*Rana pretiosa*), a formal candidate for listing under the ESA, over much of the last 20 years in the Pacific Northwest. Via extensive surveys, I have shown that this species has probably been extirpated from the Willamette Valley floor in Oregon and across its geographic range in California. I have also shown that the Oregon spotted frog is resistant to the amphibian chytrid fungus, a pathogen known to have decimated frogs worldwide, but that Oregon spotted frogs are highly vulnerable to predation by introduced American bullfrogs because of their aquatic habits. In the region of Monteverde, Costa Rica, I worked on the entire amphibian and reptile fauna for over three years, and characterized the ecology and distribution of the over 110 species present, demonstrating marked changes in species composition across a rain- to dry-forest gradient.

I am personally very familiar with Sharp Park, including its main aquatic habitat features: Laguna Salada, Horse Stable Pond, and Sanchez Creek. I have visited Sharp Park on several occasions throughout my career, most recently on June 25, 2011, and I have observed and studied the CRLF at Sharp Park and at surrounding lands. Based on my personal site visits and my interactions with employees with the National Park Service ("NPS"), I am also familiar with restoration efforts that have occurred at Mori Point, a national park unit adjacent to Sharp Park, and the habitat enhancements that have been implemented there for both the CRLF and SFGS by the NPS. Given my expertise and background, I am well-equipped to offer expert opinions concerning the impact of defendants' activities at Sharp Park on both individual CRLFs and SFGSs, and on the prospects for the survival and recovery of the resident populations of these species.

Although I am not an attorney and I have not been asked to provide an opinion on the legal implications of the defendants' activities that affect the CRLF and SFGS, I have had extensive experience in assisting the State of Washington in developing applications for Incidental Take Permits ("ITPs") and associated Habitat Conservation Plans ("HCPs") in accordance with section 10 of the ESA. Accordingly, I am personally very familiar with the kinds of activities for which ITPs/HCPs are prepared, and the process for developing scientifically supportable mitigation and other measures necessary to obtain the FWS's approval for ITPs/HCPs, especially with respect to measures bearing on the survival and recovery of amphibians. For example, I have been directly involved in coordinating the adaptive management science involving the HCP addressing the largest landscape of any HCP in North America—the Forests and Fish HCP in Washington State—which encompasses over 9,000,000 acres of private timberlands and addresses ITPs/HCPs for no fewer than seven species of amphibians in that landscape. Accordingly, while it is not the principal focus of this expert report, as a Senior Research Scientist with the Washington Department of Fish and Wildlife who has worked closely with the FWS, I do have extensive personal familiarity with, and involvement in preparing applications for, ITPs/HCPs and in pursuing FWS approval of them, and I believe that this practical experience could be of assistance to the Service in evaluating this proposed project.

Thank you for reviewing my expert opinions and scientific assessments and data regarding the BA for the Pumphouse Project. If you have any questions, feel free to contact me at the address on this letterhead.

Sincerely,

Marc P. Hayes

Marc P. Hayes, PhD

cc: U.S. Army Corps of Engineers: Cameron Johnson, Ian Liffmann
U.S. Fish and Wildlife Service: Susan Moore, Jan Knight, Eric Tattersall, Cay Goude, Chris Nagano, Josh Hull

California Coastal Commission: Renee Ananda, Karen Geisler

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO RECREATIONAL OPPORTUNITIES STUDY SUMMARY REPORT

PREPARED BY:

pros consulting LLC

AUGUST 2008

- If no, what are the alternative uses and their cost to develop and operate?

KEY FINDINGS AND FACTS

PROS Consulting developed a Recreation Needs Assessment for San Francisco Recreation and Park Department in 2004 that outline the recreation needs for golf and sports fields in San Francisco. Within the Recreation Needs Assessment the Consulting Team conducted a Statistical Valid Household Survey with a margin of error of +/- of 3%. For golf courses there was a public need for golf courses in the city for 81,050 people of which 10% of the population surveyed felt that the city was meeting their needs at a 100% level; 10% said the city was meeting their needs at a 75% level; 25% of those surveyed said the city was meeting their needs for golf at a 50% level; 24% of those surveyed said the city was meeting their needs at a 25% level and 31% of those surveyed indicate that the city was meeting 0% of their golf needs.

As for the household survey respondents need for youth sports fields, 54,034 people had a need for sports fields in the city. Of the people responding 7% of the respondents indicated that their needs for youth sports fields were 100% met; 11% of respondents indicated that 75% of their needs were met, 32% of those surveyed indicated that 50% of their needs were being met; 25% of those respondents indicated that 25% of their needs were being met; and 25% of respondents indicated that the city was meeting 0% of their needs for sports fields.

In terms of importance, golf course were more important than sports fields to citizens by 2% of respondents, which 13% indicated that golf was one of the four most important amenities for the city to provide and 11% indicated that outdoor sports fields where one of the four most important amenities to them for the city to provide. This would indicate that the city of San Francisco is a very adult driven city as it applies to recreation facility needs. In addition, the Needs Assessment Study demonstrated that survey respondents are not very satisfied with the availability of golf courses and youth sports fields, but neither scored as high on the importance level which was strongly outpaced by the importance of walking and biking trails at 55%, pools at 27%, indoor exercise and fitness facilities at 22%. Other key findings from the study include the following:

- The city of San Francisco is subsidizing golf by approximately 2.5 million annually and is anticipated to grow to 3.5 million annually by 2012 if management and capital improvement changes are not made as outlined in the 2007 National Golf Foundation study conducted by the city
- The city has struggled for years in creating a management philosophy toward golf services and courses, which is seen in the various management modes that currently operate in the city today
- The city does not have the necessary capital dollars to invest in their golf courses today to keep them competitive in the marketplace. All the city's public golf courses

are in need of major capital dollars to keep the courses competitive in the marketplace including Harding Golf Course which went through extensive renovations in 2005 but not all the improvements needed were made to generate the amount of revenue needed to offset operational and capital cost

- Golf is a politically charged activity that incorporates high levels of entitlement by players and staff involved in golf in the city which makes it difficult to manage in the most appropriate and successful manner
- Currently, the city lacks an effective marketing approach toward golf to encourage players to play the golf courses
- There is nobody accountable for the complete operations and management of golf in the city due to the present makeup and operational models in place. The golf courses operate on a social management model versus a business management model for a public owned facility

CAPACITY AND DEMAND SUMMARY

The golf industry experienced an unprecedented expansion of courses during the 1990's; during this time, thousand of courses opened throughout the nation. This market trend has drastically shifted over the course of the past five years. Barring a catastrophic event, for the first time in history, 2006 and 2007 experienced a net reduction in course supply – more courses closed than opened. In retrospect, the course expansion period had a negative effect on the industry; as supply was increasing, the demand – the total number of golfers – was remaining relatively even. This excess supply of golf courses created a discounting trend that rampantly spread throughout the majority of the industry; this trend created a cannibalistic operational strategy amongst many public courses that resulted in subpar course conditions and a disloyal participation base. The recent trend of net reduction in supply, more course closures than openings – has allowed the industry to begin to realign itself.

The participatory market has remained steady; it was reported in 2006 that there was an estimated twenty-seven (27) million golfers. For comparison, this total participation base is larger than the participatory base of all traditional sports except basketball – a sport which is relatively free of barriers to entry. Although participation is healthy, composition of the market is changing. The aging primary demographic combined with continued diversification of the general population has the potential to magnify the greatest threat to the industry – the persistent trend of decreasing frequency of play. Frequency of play is at its lowest point since the total benchmark period. In 2006 golf recorded a drop in average rounds played per year per player from 23.4 to 21.5 with the majority of persons participating 11 or fewer times per year.

Potential to expand the games reach is seen in the junior and women market segment. Junior golf initiatives appear to be increasing the market capture of youth golfers. Training

estimated to be operating at 115% capacity; pushing more rounds through than what is optimal.

The main capacity and demand factors are as follows:

- Demand and capacity differs based on service area
  - From a Bay Area regional standpoint, excess capacity does exist
    - 195 total golf courses (as of 2000; classifications not known)
    - Estimated Demand (Rounds) – 9,302,323
    - Projected Capacity (Rounds) – 15,326,220
    - Regional courses are operating at 60.7% capacity
  - The Lincoln and Sharp service area participants are estimated to exceed available capacities
    - 55 total courses (as of 2000 there have been no new golf courses opening in the 45 minute drive; classifications not known)
    - Estimated Demand (Rounds) – 4,972,605
    - Projected Capacity (Rounds) – 4,322,780
    - 45-minute drive time courses are operating at 115% capacity

Analyzing the capacity and demand of the City golf courses, only Harding is operating above 50% capacity (76.9%). This is slightly higher than what is considered the industry average – many courses operate around 60% of available capacity. Both Sharp Park and Lincoln Park Golf Courses operate in the mid- to upper-40% capacity.

- Of the three City 18-hole courses (Harding, Lincoln Park, and Sharp Park), only Harding operates above 50% capacity (76.9% capacity)
  - Lincoln Park operates at 44.8% capacity
  - Sharp Park operates at 44.2% capacity

Course	Harding / Fleming		Sharp Park	Lincoln Park	Golden Gate Park	Gleneagles
Location	Lake Merced		Pacifica, CA	Lincoln Park	Golden Gate Park	McLaren Park
Acreage	170		146	99	14	56
Total Holes	18	9	18	18	9	9
Rounds in FY 2005-06	60,464	41,503	35,186	34,736	47,113	36,038
Projected Capacity:	78,596		78,596	78,596		
Percent Capacity	76.9%		44.8%	44.2%		

Figure 1 - Golf Course Demand and Capacity

Golf courses operating below full capacity are not uncommon in the golf course industry. Following such an intense development stage in the 1990's and the subsequent industry contraction, many courses are just beginning to realign their operations with their customer base, which many times results in an operational capacity of 60% to 70%. Historically, rounds at the City courses have been decreasing rather rapidly.

Course	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Harding	89,600	83,905	75,069	85,978	87,085	82,675	82,992	Closed	N/A	71,425	60,464
Lincoln	65,620	68,153	49,924	66,376	68,588	64,645	58,003	54,945	40,848	33,274	34,748
Sharp	58,291	61,768	52,243	59,189	66,080	63,318	68,137	67,600	50,674	42,549	35,197
Three Course Total	213,511	213,826	177,236	211,543	221,753	210,638	209,132	122,545	91,522	147,248	130,409

Figure 2 - Rounds Played Annually

Operating at less than the industry average, and substantially less than optimal levels, could imply a multitude of variables, some of which may be:

- Volume course in the market (High volume/low cost)
- A course offering a high value of experience
- High intensity of private courses in the area
- A market anomaly in which a larger than normal portion of the market does not participate in golf
- Course playability not suited for the average golfer
- Subpar complimentary offerings which reduce the incentive for making the course a "home course"

The estimated need for increased capacities within the 45-minute drive time market due to higher levels of density occurring in the city and region is an opportunity which both Lincoln Park Golf Course and Sharp Park Golf Courses should embrace. The higher demand is directly related to a greater population density than that of the region as a whole. This density represents an attentive and attractive audience which with the proper course modifications and marketing efforts could be pursued to fill the excess capacity of both Sharp Park and Lincoln Park Golf Courses based on the current level of yearly play occurring in the city. As the traditional golfer demographic begins to come to an end, the ability of a golf course to accurately market and program to the junior golfer, women golfer and early family/career demographic through junior initiatives, learning centers, and aggressive programming to create a new lifetime user will become paramount.

KEY RECOMMENDATIONS

The Key Recommendations come from a combination of statistical data on the market demand and the capacity available in the city and from the PROS Team assessment of the golf course management operations, current conditions, organizational culture and political

environment, capital improvement monies available, and the city's desire to be in the golf course business.

1. Change the management model for four (4) out of the five (5) public golf courses (PROS is counting Harding and Fleming as one course operation) in the city to management model #6 as outlined in this report. Model #6 is to fully outsource the operations and management of all elements including capital improvements to a private operator for a long term lease. This would require the city entering into long-term leases with private golf management companies that are proven operators to invest in additional capital dollars to keep the golf courses competively positioned and to lower the existing high level of entitlement by staff and the public in the city toward golf. Golf is a management headache for the city, and the city has never achieved success in managing public golf in the city over the last 80 years which requires a new management model for public golf to be successful.

2. Redesign Lincoln Park Golf Course to accommodate a nine-hole golf course, with a driving range, an improved clubhouse and add needed park amenities in the city to include a nature center/hospitality center, trails, sports fields and special events area on the remaining nine holes. Seek a private operator to make the needed nine-hole golf course improvements, development of the driving range and an improved clubhouse for a long-term lease. Seek out a private contractor/operator to build the nature center and hospitality center for the city with a percentage of gross revenues coming back to the city. Park related improvements would be made by the city.

3. Allow Sharp Park Golf Course to be redesigned to build back as much as possible the Alister MacKenzie design and develop plan for the capital improvements over a period of five years combined with public funds for environmental mitigation/management to protect the endangered species on the golf course. PROS recognizes that various regulatory agencies will need to weigh in on this recommendation but there are several examples in the San Francisco region where golf course have endangered species on existing golf course sites and are being managed well in allowing both golf and endangered species to co-exist.

4. Continue to make on-course improvements at Harding and Fleming Golf Courses. Seek a long-term management lease with a private operator to make the necessary improvements and operate and manage the golf course for a percentage of gross dollars. This would allow the golf course contractor to operate with the highest level of flexibility to market and manage the golf course to its fullest capability without interference of the city. This would require the city to have a well written operator agreement to hold the contractor accountable to a set of measureable performance measures that supports keeping the golf course assets in top condition as a

signature golf course for those residents and visitors who desire a high quality experience.

5. Allow the Lincoln Park Golf Course manager to manage the Golden Gate Golf Course and make the necessary improvements to the golf course on a long-term lease with a percentage of gross dollars coming back to the city.

6. Allow the Gleneagles Golf Course operator the opportunity to accept the nine (9) year lease extension option in exchange for needed capital improvements on the golf course with a restructured contract and a percentage of gross revenues going back to the city.

7. Hire a golf manager to hold the golf course lease contractors accountable to agreements made with daily, weekly, and monthly documentation of measureable outcomes desired by the city.

8. Invest in the opportunity costs for additional park related recreation amenities at Lincoln Park Golf Course and seek private partnership dollars from potential recreation suppliers for new recreation amenities desired that compliment Sharp Park Golf Course and do not negatively impact the endangered species on site.

9. The population base and market demand for golf in the city of San Francisco exists and should be served by five quality golf operations. Dollars earned from private contracts need to repay the open space fund and support the recreation improvements at Lincoln Park Golf Course. The city needs to establish a maintenance endowment from revenues earned from long-term lease contracts so funds will always be available to keep golf assets well-maintained in the city.

FINAL CONCLUSIONS

Based on the analysis completed by the PROS Consulting Team, the following questions and recommendations are addressed and answered.

CAN A GOLF COURSE SUCCEED ON SHARP PARK GOLF COURSE PROPERTIES?

Yes Sharpe Park Golf Course can succeed under the following arrangements:

- Sharp Park Golf Course needs to have an upgraded re-design that supports as close as possible the original Mackenzie design with an influx of capital dollars from private funding sources and from a private long term management lease contractor (management model and PROS recognizes that there are several regulatory agencies that will need to be involved in the final design and management requirements for the golf course for this to happen.

- The private management contractor must be able to manage the golf course to the value and prestige it is capable of performing to and re-establish the golf course as one of the United States lost golf treasures with the freedom to manage the asset to its highest level of productivity without public government influence. While the golf course is going through regulatory review and redesign the city should implement a short term (five year) management contract with a private operator to maximize its use and value.

- The management structure will require an operator to participate in some level of the capital costs for the golf course and the club house improvements to maximize the revenues of the golf course and pay back to the city of San Francisco a percentage of gross dollars. The City does not have the capital resources to invest in the golf course but can add public funds for environmental mitigation and management in the form of capital improvements through other mitigation funding resources to protect the San Francisco garter snake and the red legged frog by [illegible] road drainage improvements on the site, enhancing Mori Park, just south of the golf course and managing the golf course to the highest Golden Gate [illegible] standards. There are other golf courses in the United States that have been able to operate a golf course within a endangered species area that demonstrates protection of the endangered species while providing a outstanding golf experience for golfers. This will require a very coordinated effort between the city, the private management company, the United States Fish and Wildlife Department, California Fish and Game, the Corp of Engineers, the California Coastal Commission and the Golden Gate National Recreation Area. The total amount of investment will be approximately $12-$14 million for golf course improvements and clubhouse improvements. This amount could be increased by adding additional recreation amenities to the extra property south of the golf course and or adding a first tee program on that site with a driving range. The golf market demand and capacity is available to support the golf course and improvements to be paid out over time with the right infrastructure, management approach and private financing to re-establish this golf course to its historical value.

CAN LINCOLN PARK GOLF COURSE SUCCEED ON THE EXISTING PROPERTY?

No, Lincoln Park Golf Course cannot succeed under its current design and management structure. The current golf course design is too severe for current golf course standards today and new golf equipment standards and it would be very costly to renovate with a very poor level of return to make the golf course a profit center for the city. Lincoln Park Golf Course is a poorly designed golf course and would be better served as a nine hole Executive Golf Course with a driving range and golf learning center along with adding needed park

Study demonstrates that survey respondents are not very satisfied with the availability of golf courses and youth sports fields in the city but neither scored as high on the importance level which was strongly outpaced by the importance of walking and biking trails at 55%, Pools at 27%, Indoor exercise and fitness facilities at 22% (**Figure 7**).

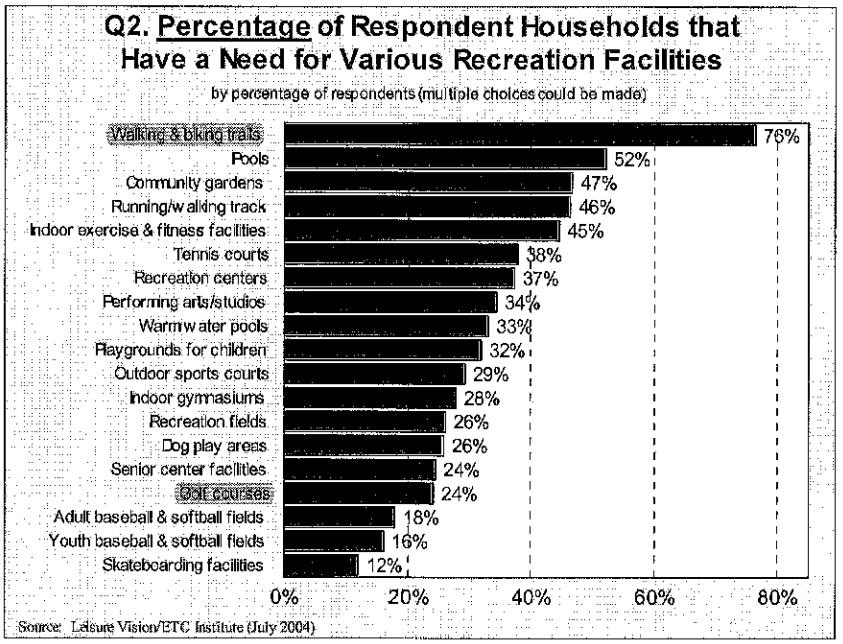

Figure 3 - Percentage of Respondent Households that Have a Need for Various Recreation Facilities

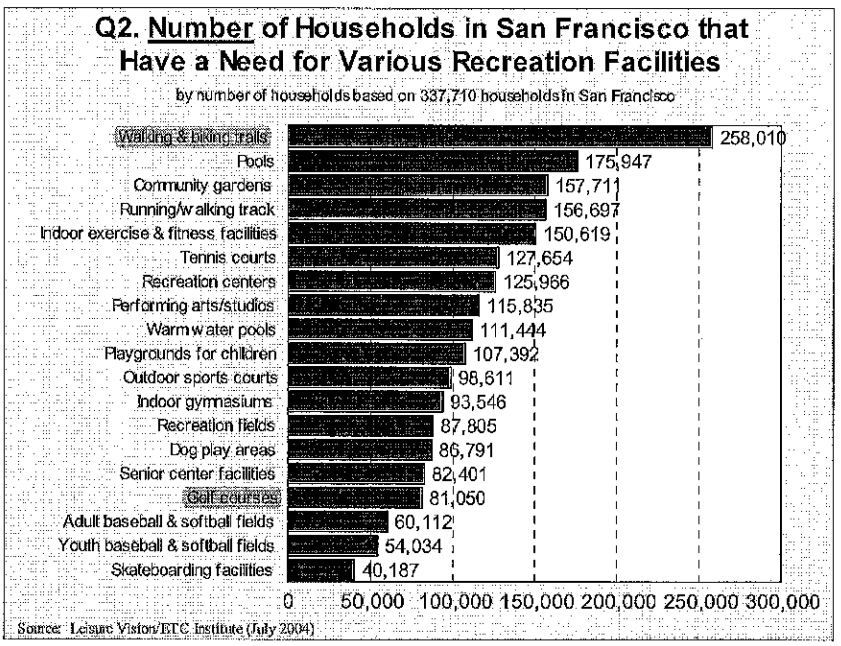

Figure 4 - Number of Respondent Households that Have a Need for Various Recreation Facilities

ANALYSIS OF THE CAPACITY AND DEMAND IN THE SAN FRANCISCO BAY AREA REGION

CAPACITY AND DEMAND SUMMARY

The golf industry experienced an unprecedented expansion of courses during the 1990's; during this time, thousand of courses opened throughout the nation. This market trend has drastically shifted over the course of the past five years. Barring a catastrophic event, for the first time in history, 2006 and 2007 experienced a net reduction in course supply – more courses closed than opened. In retrospect, the course expansion period had a negative effect on the industry; as supply was increasing, the demand – the total number of golfers – was remaining relatively even. This excess supply created a discounting trend that rampantly spread throughout the majority of the industry; this trend created a cannibalistic operational strategy amongst many public courses that resulted in subpar course conditions and a disloyal participation base. The recent trend of net reduction in supply, more course closures than openings – has allowed the industry to begin to realign itself.

Throughout this intense development period, the participatory market has remained steady; it was reported in 2006 that there was an estimated twenty-seven million golfers. For comparison, this total participation base is larger than the participatory base of all traditional sports except basketball – a sport which is relatively free of barriers to entry. Although participation is healthy, composition of the market is changing. The aging primary demographic combined with continued diversification of the general population has the potential to magnify the greatest threat to the industry – the current trend of decreasing frequency of play. Frequency of play is at its lowest point since the initial benchmark period. In 2006, the golfer reported a drop in average rounds played per year from 23.4 to 21.5; the majority of persons participate 11 or fewer times per year.

Potential to expand the games reach is seen in the junior and women segment. Junior golf initiatives appear to be increasing the market capture of youth golfers. Training centers represent an increasingly popular and affective tool to introduce new golfers to the game. The female demographic, an underserved segment, represents slightly more than half of the populace yet currently make up just 20-25% of the market. Unique, gender specific programming combined with the training centers assisted the growth in the female demographic of 300,000 women golfers between 2005 and 2006.

CAPACITY AND DEMAND PROCESS

- Understand the shape of the golf industry as a whole
- Analyze demand for golf on two levels

Days of Participation and Estimated Total Participatory Days and Rounds	Part. Rate by Days of Part.	Total Market by Days of Part.	Average Total Participatory Days	Estimated Rounds per Day	Total Estimated Rounds
Average Days Participated; 1 to 3	27.8%	115,554	231,109	1	231,109
Average Days Participated; 4 to 6	21.2%	87,857	439,285	1	439,285
Average Days Participated; 7 to 11	12.1%	50,162	451,462	1	451,462
Average Days Participated; 12 to 24	16.3%	67,492	1,214,848	1	1,214,848
Average Days Participated; 25+ Days	22.7%	94,139	2,541,762	1	2,541,762
Total Estimated Participatory Days and Rounds per Year:			4,878,466		4,878,466

Estimated Participatory Days and Total Rounds; By Facility Used Most Often	% of Users to Total	Adjusted (Excl. Not Reported)	Est. Total Users	Est. Total Part. Days	Est. Total Rounds
Private Country Club	8.8%	11.9%	48,956	579,318	579,318
Private Golf/Tennis Club	2.4%	3.2%	13,294	157,320	157,320
Semi-Private Golf Club	7.0%	9.5%	39,104	462,737	462,737
Public Golf Course	51.0%	68.9%	284,099	3,361,888	3,361,888
Community Facility	2.5%	3.4%	13,901	164,494	164,494
Other Facility	2.3%	3.1%	12,905	152,708	152,708
Not Reported	25.9%	N/A	N/A	N/A	N/A

***Average days of participation was calculated at 28*

****All participatory data is based on American Sports Data Superstudy of Sports Participation, 2005*

Figure 11 - Estimated Participation, Combined Market

- Projected Capacity (Rounds) – 4,322,780
  - 55 total courses (as of 2000; classifications not known)
  - Based on the assumptions presented, estimated capacity of a course was calculated at 78,596 rounds of golf
  - Total estimated weekday (Monday-Thursday) rounds possible – 45,023
  - Total estimated weekend (Friday-Sunday) rounds possible – 33,573
  - It is presumable that capacities of courses can differ based on various operating procedure
- 45-minute drive time courses are operating at 115% capacity
  - 4,322,780 estimated capacity divided by 4,878,466 projected rounds demanded

OTHER RECREATIONAL ACTIVITIES - A COMPARISON

OTHER RECREATIONAL TRENDS

- Many traditional sports have experienced a loss of participant base in recent years
- The biggest shift in recreational and sporting activities has been towards self directed activities
  - Self directed activities do not restrict schedules
  - Most self directed activities have few, or no, barriers to entry

The realignment in the golf industry has placed new meaning on the value of experience received. Affectively marketing and programming course assets and amenities to the target market are as important as ever. The trends presented on the following pages of this report will provide insight into the industry and participant both; this information is key in providing a valued experience to the "local" 45-minute Lincoln Park and Sharp Park participant – a market which projects demand exceeding the capacities. From a Bay Area regional standpoint, a market which more closely mimics the national scene with operations at 60- to 70% capacities, the ability to differentiate assets and amenities is at a premium.

A densely populated area can be expected to offer greater economies of scale – the more potential participants with fewer course options naturally lends itself to greater operational efficiencies. These trends would indicate that with the proper marketing and programming both Lincoln Park and Sharp Park Golf Courses should be able increase the respective user base within the existing "local" market.

THE GOLF INDUSTRY HEALTH

The 2007 State of the Industry Report conducted by Pellucid was utilized for industry trends. Challenges and opportunities identified by the survey include:

- Overall recreational activity in the U.S. is declining – including traditional sports and golf participation
- Golf's share of total recreational activity opportunities is also declining
- The aging of the Baby Boomer generation will be a double-edged sword providing annual rounds growth of between 1.5% and 2.0% over the next decade; however, the increasing level of golf played at senior rates could become a burden on golf course profitability
- Junior Golf initiatives appear to be working in cultivating youth participation
- As with many recreational and sport activities, the golf industry continues to struggle with female participation
- Not unlike many other recreational and sport activities, the golf industry has identified what appears to be a problem in the 25 – 44 age group (GenX) regarding reduced participation and early indications that golf frequency is not increasing as they reach the age of 40

INDUSTRY OVERVIEW

- The golfer base has remained healthy; with 25.6 million participants (*2008 Superstudy of Sports Participation*), golf outpaces every major traditional sport in total participation by 10+ million participants except basketball (32.3 million participants)
- Rounds demand is stagnant; not increasing, but not decreasing

- Weather was a national non-factor in 2007
- Supply is hovering near annual "net zero"; course openings and course closings are near identical; however, the composition of the supply is changing
  - Country club courses are opening up to non-members; public premium courses are cannibalizing private course participation base which is having a trickle down affect on all other course type
- The impact of generations, gender & recreation on the golfer base
  - Economics: course affordability, U.S. economy, and course operating costs all impact the sustainability of a given course
  - Marketing fluctuations: participation base is solid, but new-career population segment's participation is waning and the golfer in general is playing less frequent
  - Time has become the new "commodity" for the American consumer; the ability to participate in a time efficient and effective manner has become essential when participating in entertainment, leisure, and recreational activities

2007 INDUSTRY SNAPSHOT

- Rounds for 2007 were relatively flat when compared to previous years totals; as can be expected, summer months on average provide for better weather conditions and longer days (more sunlight) which equal more opportunities for play
- Although rounds played have been increasing since 2003, growth is relatively flat (about a 1% annual increase)

INDUSTRY SUPPLY

- Openings and closings for 18-Hole Equivalent courses (EHE) in 2007 balanced out (0.1% reduction in supply)
- 2006 and 2007 were the first years in history (barring any catastrophic event) that the industry had a net reduction in supply
  - 2006 – 120 courses opened; 146 closed nationally
  - 2007 – 113 courses opened; 122 closed nationally

	1990 Holes	%of Tot.	2000 Holes	%of Tot.	2006 Holes	%of Tot.	Pt. Chng. vs. 1990
Private	60,066	30.0%	68,103	27.1%	72,153	27.0%	(3.0)
Public Premium	25,497	12.7%	42,606	16.9%	48,195	18.0%	5.3
Public Value	64,449	32.2%	81,054	32.2%	84,726	31.7%	(0.5)
Public Price	38,763	19.4%	44,514	17.7%	45,882	17.2%	(2.2)
Learning & Practice	11,304	5.6%	15,255	6.1%	16,245	6.1%	0.4
Total	200,079		251,532		267,201		

Figure 17 - Course Composition

THE GOLFER – WHO IS IT?

- Many segments of the population have remained steady participants in golf over the 16-year study period
  - Juniors (7-17 years of age)
  - Mid-Career (35-54 years of age)
  - Late-Career (55-64 years of age)
- Two segments have experienced a decline
  - Early-Career (18-34 years of age)
  - Senior (65+)
- Lifetime participation activities experience different trends when analyzing age segment participation

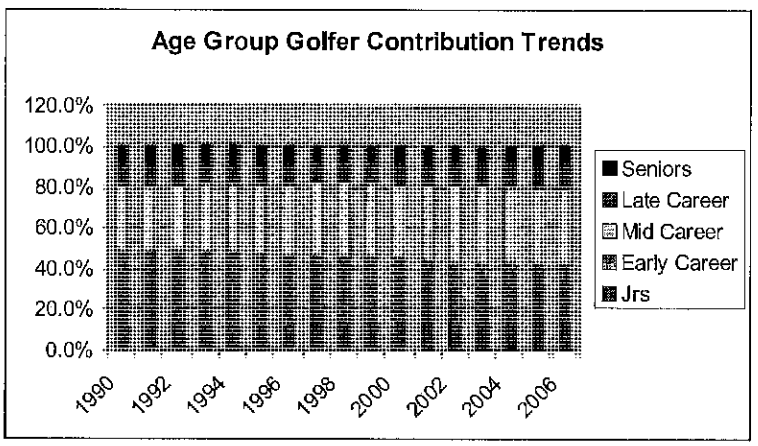

Figure 18 - Age Group Golfer Contribution Trends

- Traditional "bat and ball" sports have mandated age limits for the most popular series
- When age limits are extended or non-existent one or two results are normally experienced
  - A higher level of physical fitness is required (adult soccer, adult basketball leagues, etc.) which effectively reduce the participation base
  - The activity becomes direct competitors with the "Entertainment" sector and participation begins to decline due to the increased demand for time amongst the broader Entertainment and Leisure Industry, of which recreation belongs

- Golf is a lifetime activity that requires unique assets which can allow for a user to grow and mature with the course

PARTICIPATION BY AGE SEGMENT

- Trends confirm that an estimated 75% of all golf in the U.S. is currently played by golfers over the age of 43
- It is projected that by 2010, 50% of all golf will be played by persons aged 55 years and above

Year	1990 Pop. (Ms)	1990 Part. Rate	2006 Pop (Ms)	2006 Part. Rate	Net Golfer Gain/Loss (Ks)
7-17	53.0	4.5%	61.1	5.3%	879
18-24	18.9	16.4%	21.0	14.1%	(132)
25-34	43.4	14.9%	40.4	12.5%	(1,375)
35-44	37.6	13.0%	42.5	13.7%	924
45-54	25.1	11.3%	43.4	10.3%	1,653
55-64	21.1	10.8%	32.6	9.3%	733
65+	31.2	8.0%	38.4	6.8%	100

Figure 19 - Participation by Age Segment

GOLF AND RECREATION

- Golf peaked in both participants and share of recreation around the turn of the century with just under 30 million golfers
  - This equates to a roughly 12% share of total recreation
- If industry participation had retained a steady "share-of-recreation" at the 2000 level of 11.6% participation, roughly 3 million more golfers would be participating today
- Golf's decline in share-of-recreation is primarily concentrated among the Gen X/Y crowd – the same demographic which not only traditional recreation providers and

programmers have difficulty serving, but a demographic which is constantly creating a headache for corporate America

CURRENT PARTICIPATION BASE

- After healthy growth in late 1990s, consumer base is roughly 26-27 million golfers after nearly hitting 30 million golfers between 1999 and 2003
- The industry's "old reliable" participation base of a predominantly white populace is changing to an increasingly diverse U.S. population
- Future population diversification has the potential to retard both golfer and rounds growth if past trends continue and the industry fails to properly adjust marketing efforts
    - Fast-growing Hispanic segment dramatically under-consumes golf
- However, current trends project lack of Hispanic user base will be somewhat offset by significant gains in the Asian participation base

FREQUENCY

- Frequency of play continues to decline; as with many other recreation and sport activities, golf has fallen prey to the ever increasing inefficient multi-tasking society in which the user base participates in a plethora of activities over the same period of time as opposed to a dedicated window for each individual activity as many from past generations did
- 2006 frequency declined from 23.4 rounds per year per golfer in 2005 to 21.5 rounds per golfer per year
- Time required for a round of golf is the biggest deterrent to the early career and early family oriented participant
- Many persons weight the 4+ hours needed to complete a round of golf against what other personal, family, or social activities they would rather do or are obligated to do

NUMBER OF ROUNDS PLAYED

- Committed golfers – although a relatively small portion of the golf market (20%) – have remained constant
    - Committed golfers are comprised of individuals which play 40+ rounds per year
    - There were an estimated 5.2 million committed golfers in 2006
- Decreased rounds per year can be attributed in part to the reduction in the number of dedicated golfers
- Trends show golfers that were playing in the 20–39 rounds per year are reducing their frequency and becoming casual participants

EXISTING GOLF COURSE OPERATIONAL ASSESSMENT

The following key points, as based on the on-site review of the golf course and the situational assessment, are presented below to describe current operational conditions of Sharp Park, Lincoln Park, Harding, Golden Gate, and Glen Eagles golf courses:

SHARP PARK GOLF COURSE OPPORTUNITIES AND CONSTRAINTS

HISTORY

- A historic golf course designed by the most celebrated golf architect, Alister MacKenzie, who designed Cypress Point, part of Pebble Beach, Augusta National and many more. It is much like having a park designed by Olmstead or a Frank Lloyd Wright building.
- It has been featured in a book on lost golf courses published in 1995. The golf community around the world is aware of this golf course, its past and future potential.
- With its proximity to the Ocean and its design by Alister MacKenzie, it has the potential to be one of the best public golf courses in the United States.
- Because of its heritage it has the potential for private fund raising or an endowment for restoration and remodel. Probably one of the few in America.
- It is important because it has the potential to be the "average golfer's" Cypress Point. By this the consulting team means that Cypress Point, arguable the best golf course in the world is very private and has very limited access to outside play. Sharp Golf Course, with it Ocean frontage, Monterey Cypress Trees and Mackenzie's artistic design has the potential, as it once was, to be of similar character and at the same time open to public play. It provides the average golfer access to design greatness.
- It should be a crown jewel of the Recreation and Park Department and the city of San Francisco, a prominent fixture extolling the quality of life in this area. A proud heritage of some of the best golf in the world and it relationship to the sea.
- It would also become a great revenue source (especially with private funds for restoration /remodel) for the Recreation and Parks Department, as it would be a great local golf course but also a destination golf course for golfers all over America.

INFRASTRUCTURE

- The golf course has poor infrastructure consistent with a golf course of this age and lack of improvements.

- The irrigation system, normally planned to last 20 years, is 60 years old. It needs to be updated to improve turf conditions, as well as reduce environmental impacts with the use of less water and a better distribution of water.
- Existing drainage is very poor and is in a critical state. The area of the golf course drains a watershed area of over 1,200 acres before it flows into the ocean. Currently, due to poor drainage, water backs up on the golf course negatively affecting the condition and playability of the golf course. The existing soils of the golf course are poor drainage tolerant soils contributing to the problem.
- Adjacent city streets outfall drainage onto the golf course contributing to the drainage issue of the golf course.
- All drainage flows through Acme Stubs Pond, which then mechanically pumps the water over the sea wall for positive drainage. These pumps are outdated, often malfunctioning and either need to be replaced or a new outflow system designed with a non-mechanical system if possible.
- The features of the golf course; greens, tees, bunkers and fairways of the golf course are seriously in need of an upgrade for acceptable golf playing conditions. The turf quality of the golf playing surfaces is reflective of the poor and outdated infrastructure of these features. Greens need new drainage and growing medium (modified soil). Tees need new drainage and soil. Fairways need new drainage and growing medium (modified soil). Bunkers need to be rebuilt with new drainage and fresh bunker sand.
- Much of the Mackenzie artwork of the bunkers and greens that add so much value to the golf course have been lost over the years because of decades of minimum maintenance practices.
- Many original bunkers have been removed or modified over the past decades due to past remodels or low maintenance budgets.
- The existing sea wall while protecting the surrounding area from storms backs up drainage across the golf course. This important sea wall needs to be reviewed for its stability as well as potential percolation of salt water into the golf course.
- Cart paths are out of date and need to be replaced, preferably with an imperious surface like gravel or stone, which is more in character with the historic design of the original golf course.

ENVIRONMENTAL

- The endangered San Francisco Garter Snake is the single most important event at Sharp Golf Course. By law the Consulting Team means that it should be the driver of future improvements in the immediate area of the Lagoon (Acme Pond). The golf course can be a valuable tool in enhancing the habitat for this endangered species. Most part, but not all, of the golf course is one of only 2 areas of significant improvement of the San Francisco Garter Snake and the water fowl.

Management Audit

of the

Recreation and Park Department

Prepared for the

Board of Supervisors
of the City and County of San Francisco

by the

San Francisco Budget Analyst

January 12, 2006

plus matching Open Space Fund funds, which equaled $2,238,218, for a total payment due by the Golf Fund to the Open Space Fund of $18,865,845, plus interest.[3]

By using State Proposition 12 grant funds to renovate the Harding and Fleming Golf Courses, the availability of such State Proposition 12 grant funds was significantly delayed for recreation and park projects in historically underserved or economically disadvantaged communities.

To date, the Golf Fund has not repaid the Open Space Fund any of the $18,865,845 principal advanced from the State Proposition 12 grant funds or the Open Space Fund matching funds, and has only repaid the Open Space Fund $490,000 in interest payments on the $18,865,845 principal funds. The Department did not include sufficient funds in the FY 2005-2006 Golf Fund budget to pay the Open Space Fund for the total amount of interest on the principal payment, and will need to increase the FY 2005-2006 budgeted payment of $544,467 by $390,953, or 71.8 percent, to $935,420 in order to meet the correct debt service schedule.

The Department should review available strategies, including modifying Harding and Fleming Golf Courses' fee structure and increasing the percentage of rounds available for non-residents' use, in order to increase fee revenues to pay back the Open Space Fund for the total amount of the State Proposition 12 funds and Open Space Fund matching funds, equal to $18,865,845, as early as possible so that repayment will not take the full 25 years as is currently scheduled. By not taking the full 25-year repayment period, the total interest payments by the Golf Fund to the Open Space Fund would be reduced. Further, by paying the principal amount of $18,865,845 in less than 25 years, such monies plus the interest payments would become available earlier to the Open Space Fund in order to pay for a portion of the Department's Capital Program Phases I - III which is currently underfunded by $589,125,057.

[illegible] In FY 2004-2005, the Golf Fund revenues were $8,698,044, including $536,372 transferred from the General Fund, compared to total expenditures of $8,500,811, resulting in a year-end fund balance of only $197,233. By contrast, the 2001 pro forma financial analysis, prepared for the Department by an outside consultant, Economics Research Associates, projected a net operating income of $6,471,000 over the first six years of the renovated Harding and Fleming Golf Courses' operation.

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[3] Administrative Code Section 12.100-256 required payment by the Golf Fund to the Open Space Fund of the total amount of State Proposition 12 grant funds and Open Space Fund matching funds allocated to the Fleming and Harding Golf Courses project, including interest, although Administrative Code Section 12.100-256 does not refer to the subject funds as a "loan."

Although demand to play at Harding and Fleming Golf Courses is high and the greens fee revenues have increased at the two subject courses, since Harding and Fleming Golf Courses reopened in 2003, there has been decreased play at the City-operated Lincoln, Sharp, and Golden Gate Golf Courses, thus partially offsetting the revenue growth at the renovated Harding and Fleming Golf Courses. Since 2000, the number of rounds played at the Lincoln Park Golf Course has fallen by 50 percent and the number of rounds played at the Sharp Park Golf Course has fallen by 38 percent.

Although FY 2003-2004 saw 92,664 rounds played at Harding and Fleming Golf Courses, the net impact across all golf courses was only 52,480 because 40,184 less rounds were played at Golden Gate Park, Lincoln, and Sharp Golf Courses. This situation was exacerbated in FY 2004-2005. Although 116,603 rounds were played at Harding and Fleming Golf Courses, the net impact across all golf courses was only 51,849 because 64,754 less rounds were played at Golden Gate Park, Lincoln, and Sharp Golf Courses.

The Department advises that the decline in rounds in FY 2004-2005 was exacerbated, to some degree, by the extraordinary amount of rain experienced by the City that winter. Nevertheless, the general downward trend experienced by the Lincoln and Sharp Golf Courses was also reflected at the better maintained Golden Gate Park Golf Course which saw an approximately 27.3 percent reduction in the number of rounds played in the three years between FY 2002-2003 and FY 2004-2005. Since the golf fees chargeable at Lincoln, Sharp, and Golden Gate Park Golf Courses have not changed in some time, the declining number of rounds has resulted in declining golf fee revenues from those three City-operated golf courses.

This downward trend in golf fee revenues from Lincoln, Sharp, and Golden Gate Golf Courses, coupled with the existing fee structure and the requirement that 65 percent of Harding and Fleming Golf Courses' tee times be set aside for San Francisco residents, generates insufficient revenue for the Golf Fund to (a) repay the Open Space Fund in accordance with Administrative Code Section 10.100-256, (b) construct and maintain capital improvements for all five Department-operated golf courses, and (c) generate funding for other recreation and park facilities, as intended by the Open Space Fund under Proposition C.

Both the Department and the Budget Analyst have determined that the Lincoln and Sharp Golf Courses are substandard. Neither golf course has a comprehensive capital improvement plan, including the estimated capital improvement project costs or schedule to correctly scale improvements. If the Department continues to neglect the infrastructural needs of Lincoln and Sharp Golf Courses, the assets will erode to the point that they are no longer economically viable.

The October of 2005 World Golf Championships - American Express Championship tournament held at Harding and Fleming Golf Courses resulted in direct costs exceeding revenues by $141,619 ($641,619 in lost green fee revenues and increased operating costs, less the PGA Tour, Inc.'s $500,000 payment). The $141,619 net costs to the Recreation and Park Department is equivalent to the annual salary and mandatory fringe benefit costs of between 2.18 and 2.65 FTE

more than offset by the PGA Tour, Inc.'s payments to the City and by increased use of Harding and Fleming Golf Courses by higher paying non-resident and tourist golfers. Once the Harding and Fleming Golf Courses' renovation projects were complete, the Department anticipated an ongoing materials and supplies cost increase of $100,000 annually, plus the labor costs of an additional 9.31 full time equivalent staff. These additional costs were to be paid for by the Golf Fund.

Subsequently, the PGA Tour Championship was relocated to Atlanta, Georgia, the home of the PGA Tour Championship's new sponsor, Coca Cola. In March of 2004, the Master Tournament Agreement was amended to provide for the use of the Harding and Fleming Golf Courses by either the PGA Tour Championship tournament, the American Express Championship tournament, or the NEC Invitational tournament. Under the amended Master Tournament Agreement, there would be five tournaments held over a 15 year period between 2005 and 2020, with three nine-year extension options. The Master Tournament Agreement's financial terms were altered to:

- An up-front use fee of $500,000 per tournament (Consumer Price Index adjusted). This would result in $2,500,000 (plus any Consumer Price Index adjustments) of direct payments to the City over 15 years.

- A set payment of $500,000 per tournament (Consumer Price Index adjusted) to the First Tee Program. This would result in $2,500,000 (plus any Consumer Price Index adjustments) of direct payments to the First Tee Program over 15 years.

- A one-time contribution of $100,000 to defray the design costs for a new clubhouse.

- For home design services for the Lincoln and Sharp Golf Courses related to $1 million. The Department advises that the tournament has not yet been awarded, it would not be needed to have the PGA Tour, Inc. conduct its design services for the golf courses until the Department has developed overall plans for each golf course. For example, in the case of Lincoln Golf Course, the Department might opt to relocate the clubhouse, the cart barn, and/or the maintenance facility. Relocation of any of these buildings might change the golf course's design and routing. In addition, a sizable portion of the services included in the $1 million estimate would occur during the actual construction phase. Construction funding has yet to be identified. The Department has no estimate as to when the PGA Tour, Inc.'s design services will be requested.

- Periodic agronomic reviews and training for City golf course maintenance staff, approximately three times per year.

- 6.66 percent of any gross operating revenues in excess of $10 million for each tournament, to be paid to the City and the First Tee Program.

Golf Course Rounds and Revenues

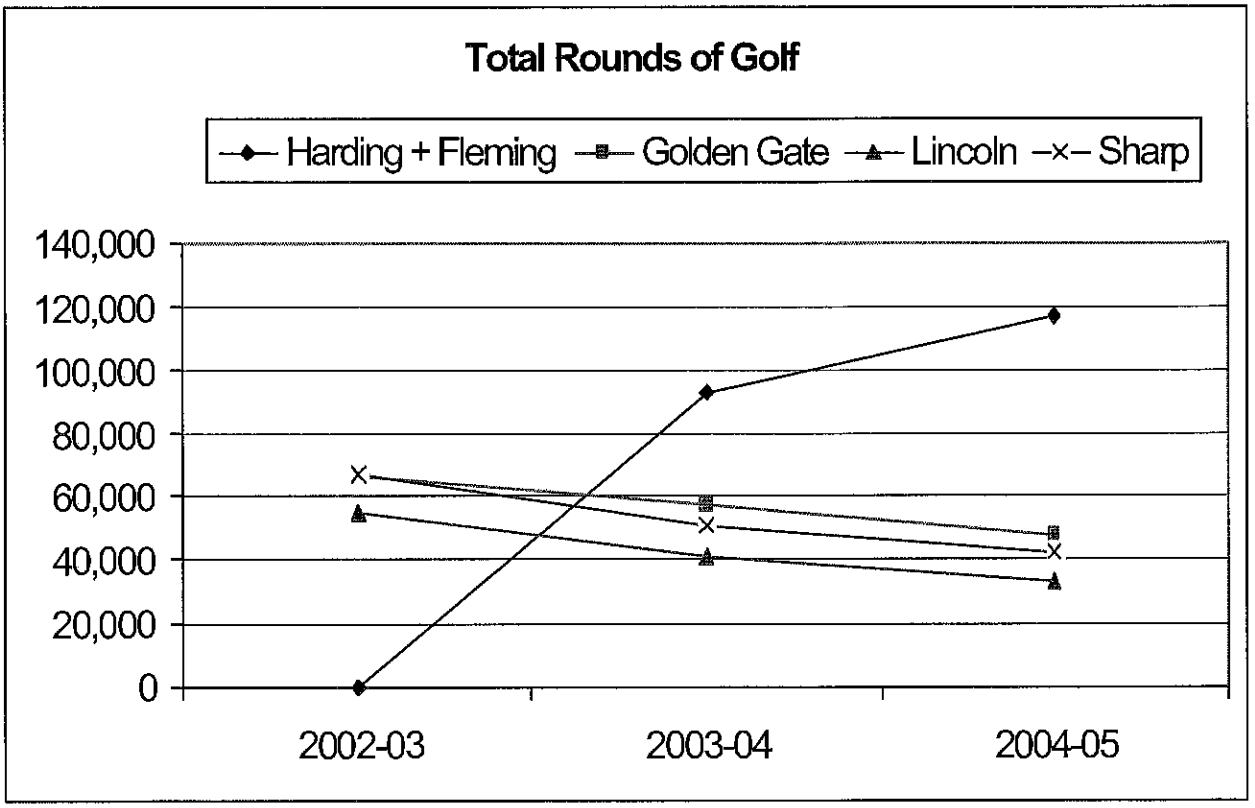
All Golf Courses

Since 2001, the number of rounds played at the Lincoln Park Golf Course has fallen by 30 percent and the number of rounds played at the Sharp Park Golf Course has fallen by 35 percent. The Department advises that the decline in rounds in FY 2004-2005 was exacerbated, to some degree, by the extraordinary amount of rain experienced by the City that winter. Nevertheless, the general downward trend experienced by the Lincoln and Sharp Golf Courses was also reflected at the better maintained Golden Gate Park Golf Course which saw an approximately 27.3 percent reduction in the number of rounds played in the three years between FY 2002-2003 and FY 2004-2005. Since the golf fees chargeable at Lincoln, Sharp, and Golden Gate Park Golf Courses have not changed in some time, the declining number of rounds has resulted in declining golf fee revenues from those three City-operated golf courses.

Table 6.5 and Exhibit 6.1 below show the relationship between the declining number of rounds played at Golden Gate Park, Lincoln, and Sharp Golf Courses in relation to the number of rounds being played at the renovated Harding and Fleming Golf Courses after they were returned into service in FY 2003-2004. Although FY 2003-2004 saw 92,664 rounds played at Harding and Fleming Golf Courses, the net impact across all golf courses was only 52,480 because 40,184 less rounds were played at Golden Gate Park, Lincoln, and Sharp Golf Courses. This situation was exacerbated in FY 2004-2005. Although 116,603 rounds were played at Harding and Fleming Golf Courses, the net impact across all golf courses was only 51,849 because 64,754 less rounds were played at Golden Gate Park, Lincoln, and Sharp Golf Courses.

Exhibit 6.1

Total Golf Rounds, FY 2002-2003 Through FY 2004-2005



Source: Recreation and Park Department

Harding and Fleming Golf Courses, Before and After Renovation

Table 6.6 below shows Harding and Fleming Golf Course rounds and revenues before renovation in FY 2000-2001 (the last full year before construction began in May of 2002), and after renovation in FY 2004-2005 (the first full year after the golf courses reopened in August of 2003). It should be noted that the Department still limited the number of rounds played at Harding and Fleming Golf Courses in FY 2004-2005 due to the immaturity of the course turf and greens.

Based on the information shown in Table 6.6, renovation of the Harding and Fleming Golf Courses has had the following effects:

- Resident Rounds: While the total number of resident rounds dropped by approximately 12.2 percent, from 86,040 to 75,515, the revenues earned increased by approximately 119.7 percent, from $912,472 to $2,004,541.

by the highly visible new amenities (while maintaining lower greens fees for residents), plus the unquantifiable revenues generated by increased tourism during international tournaments which do not accrue to either the Golf Fund or to the Recreation and Park Department.

- [redacted]

- To date, PGA Tour, Inc. has not yet invested the estimated $1 million worth of design services to renovate Lincoln Park and Sharp Park it is required to provide under its contract with the City. This is because the Department has neither an overall plan for each golf course, nor identified construction funding, nor an estimated project schedule.

- In FY 2004-2005, 238,440 rounds of golf were played on the City's six golf courses. Therefore, demand remains high in the system as a whole. However, Lincoln and Sharp Parks have declining numbers of rounds played, thereby depressing greens fee revenues. Further, both Lincoln and Sharp Parks are currently operating on month-to-month operating agreements which discourages long-term capital investments. Meanwhile, other Bay Area municipal golf courses have been renovated over the last decade which means that golf courses such as Poplar Creek (San Mateo), the Presidio (San Francisco), and Monarch Bay (San Leandro) are in much better condition than Lincoln and Sharp Golf Courses and, consequently, more attractive to potential clients.

- There is considerable political resistance to increasing golf course fees. Nevertheless, the declining revenues from Lincoln, Sharp, and Golden Gate Park Golf Courses, the existing fee structure, and the requirement that 65 percent of Harding and Fleming Golf Courses' tee times be set aside for residents, generates insufficient revenue for the Golf Fund to sustain the City's golf course operating costs and debt repayment, let alone create reserves for future capital improvements at Lincoln, Sharp, and Golden Gate Park Golf Courses. The Department states that its focus is on making the Golf Fund viable. Nevertheless, in the future, if the Department is not going to be allowed to develop sufficient ongoing funding for the Golf Fund due to constraints on golf fees and non-resident usage of Harding and Fleming Golf Courses, then the Department may need to consider using some of the land currently devoted to golf to other, equally valid recreational uses which are cheaper to provide and maintain.

Conclusions

The Golf Fund faces significant financial challenges. Although demand to play at Harding and Fleming Golf Courses is high and their greens fee revenues have grown, since Harding and Fleming Golf Courses reopened in 2003, there has been decreased play at Lincoln, Sharp, and Golden Gate Park Golf Courses, thus partially offsetting the

WILD Equity INSTITUTE

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

The Wild Equity Institute is working to build a new public park at Sharp Park in Pacifica, CA. With our partners at the NPCA, the Neighborhood Parks Council, the National Japanese American Historical Society, and many other organizations, we have proposed to close the course and partner with the National Park Service to restore the land and interpret its hidden history, including the former WWII internment camp and prehistoric artifacts that have been found on the site.

Perhaps in response to this idea and litigation, **for the first time San Francisco is proposing to landmark Sharp Park Golf Course. This proposal is not well informed.** Below you will find background information about this proposal.

Although Alister MacKenzie, the original architect of Sharp Park Golf Course, has made some important golf courses, there is significant disagreement about (a) the quality of the original architectural design at Sharp Park and whether it is a reflection of Mackenzie's signature design, and (b) its current integrity. **Every history written about this course before the restoration proposal we are advancing was announced concluded that the original MacKenzie design no longer exists at Sharp Park today.**

Some contemporary golf advocates have suggested that these previous assessments were based on misinformation or bad data. They have gone as far as suggesting that several of the links at Sharp Park remain consistent with Sharp Park's original design. As a preliminary matter, **golf courses are not simply a collection of links: they are a course, and to suggest that because a few golf links remain in the places Alister MacKenzie placed them does not answer the question about the historic integrity of the course as a whole.**

But more importantly, these assessments are directly contradicted by assessments made away from the heat of this dispute, and not conducted by individuals with a stake in the outcome. **Indeed, the only individuals who have asserted that Sharp Park is historic are associated with the San Francisco Public Golf Alliance—a golf activist organization that is not qualified to provide these assessments, and has an inherent conflict in doing so regardless.** Therefore, the previous assessments are more likely to be unbiased and accurate: even if the historians who wrote them would prefer the original course be restored, instead of than the natural areas upon which the course was built.

Some of MacKenzie's courses should be considered for recognition. But Sharp Park is simply not the place to start. There is not a single Alister MacKenzie golf course presently listed on the California or federal registers of historic places, and most everyone would agree that Sharp Park is not one of the greatest examples of his work. Indeed, **the litany of problems the golf course faces—from chronic annual flooding, to the killing of endangered species, to the low grades given the course by its own golfers, to the chronic financial instability of the course, to the inevitable loss of the site to sea level rise as our climate changes—all indicate that this particular course does not exemplify the work of a master implementing his art.**

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Moreover, the San Francisco Public Golf Alliance has distributed false information to the Planning Department and to the Historic Preservation Commission arguing that Sharp Park Golf Course itself has been designated an historic landmark by the City of Pacifica. **This is not true: indeed, to the extent any historic preservation has been provided to Sharp Park, it has been equally provided to the trees, lagoon, and marsh on the property**, as will be shown below. Indeed, a proposal to try and landmark the golf course was tabled indefinitely by Pacifica's Planning Commission in 2009.

The Pacifica General Plan (as updated August 2005) Historic Preservation Element. This section includes a "list and map of all of the sites and structures felt to be of historic significance in Pacifica."

With regards to Sharp Park, the Pacifica Historic Sites list includes:

Number 18. Laguna Salada & Marsh
Number 19. Sharp Park Golf Course & Clubhouse
Number 20. Trees in Sharp Park

However, this section also states that "the element would be implemented by an Historic Ordinance which would establish a Pacifica Historic Sites Advisory Committee to review proposed changes to sites and structures designated on the Historic Sites Map and advise the Planning Commission and City Council of the appropriateness of the proposal." **No such Historic Ordinance or Advisory Committee was ever created: instead Pacifica implemented this through its zoning code.**

Title 9 of Pacifica's Zoning Code, Chapter 7 covers Historic Preservation. Section 9-7.208 of the Code lists Pacifica's designated Historic Sites:

Sec. 9-7.208. - Final designations.
The following structures, having been approved by the Planning Commission and Council for designation as historic landmarks pursuant to the procedures of this article, are hereby given final landmark designation:

(a)Sanchez Adobe;
(b)Sharp Park Golf Course Clubhouse;
(c)Little Brown Church;
(d)San Pedro Schoolhouse;
(e)185 Carmel Avenue;
(f)Vallemar Station, 2125 Cabrillo Highway;
(g)Anderson's Store, 220 Paloma Avenue;
(h)165 Winona Avenue; and
(i)Dollaradio Station.

(§ 1, Ord. 482-C.S., eff. May 27, 1987, as amended by § 1, Ord. 533-C.S., eff. September 27, 1989, § 1, Ord. 534-C.S., eff. September 27, 1989, and § 2, Ord. 569-C.S., eff. July 10, 1991, § II, Ord. No. 770-C.S., eff. May 26, 2010)

As you can see, only the golf course clubhouse has been designated historic by Pacifica. **Laguna Salada itself, along with the golf course, are 'potential' historic resources according to the general plan, but because these potential resources were never finalized into actual landmarks, they are not so protected.**

Only Sharp Park Golf Course's clubhouse is listed as an historic landmark in Pacifica, an uncontroversial finding that is not impacted in any way by the restoration proposals we have all pursued. However, **to rely on Pacifica's general plan as reason to landmark the golf course takes one only so far, because the marsh, lagoon and trees—all directly threatened by the course, are provided the same level of so-called protection as the course itself.**

San Francisco's own Historic Preservation Commission, the City's agency responsible for identifying and designating landmarks, disagreed with this assessment. **On September 21, 2011, the Commission ordered staff to prepare comments stating that they do not concur in the Recreation and Parks Department's position that Sharp Park retains historic integrity.**

There is good reason for this determination:

- The Recreation and Parks Department's Historic Resources Evaluation provides **insufficient information and evidence to support its conclusion that Sharp Park retains historic integrity.**
- The evaluation also **lacks a proper analysis of the historic landscape**, and thus there isn't an appropriate baseline to judge integrity.
- The Evaluation also **fails to consider a range of mitigation measures**, and thus precludes restoration of endangered species habitat. Historic preservation and natural resources protection are not exclusive – Crissy Field and Muir Woods restoration are examples of natural resource restoration projects where historic resources existed.
- The National Park Service has asked to play a role in any historic resource evaluation of the golf course – per their 2009 statement – because the course is within their historic boundary and they are undertaking a multi-million dollar wildlife habitat restoration project adjacent to Sharp Park, yet the City has not engaged the Park Service. The **Park Service is considered the most respected expert in historic resource preservation.**

Attached to this memo are previous statements by the National Park Service and the City of San Francisco opposing landmarking the golf course in Pacifica; written histories about how the course no longer retains integrity; and a link-by-link assessment of what has been lost at the golf course.

Sharp Park today bears no resemblance to Alister MacKenzie's original design. **Every link has been changed at Sharp Park—in many cases radically, and many holes have been lost completely.** It is misleading to claim that any historical integrity exists at the course.

- The water features on five MacKenzie holes east of Laguna Salada, original holes 1, 9, 15, 16, & 17, have been culverted, eliminating crucial water hazards essential to his design.

- Five holes west of Laguna Salada, including original holes 3, 4, 6, 7, & 8 were destroyed completely by massive coastal storm surges and the subsequent construction of the berm.

- Two others, original holes 2 & 5, were severely damaged and modified to eliminate additional water features and other elements of their design. Now the site of hole 12, the original hole 2 was shortened by 60 yards and a stroke while the strategic features—including its proximity to a much larger Horse Stable Pond than exists currently—are almost completely irrelevant to the hole's play today. Hole number 5, which was considered by Jack Fleming to be "one of the most interesting holes on the course, similar to Dr. MacKenzie's 'ideal golf hole,'" is now the current site of hole 17, but other than occupying the same space the hole bears absolutely no resemblance to the original hole 5: a tee shot over Laguna Salada has been removed, and dual fairways have been combined into one, eliminating strategy alternatives integral to MacKenzie's design.

- Original holes 10 and 11, now the location of holes 14 and 15, have likewise been modified with changed greens and fairways that bear no resemblance to MacKenzie's layout. Indeed, Daniel Wexler argued that the original hole 10 was perhaps the course's best link, but its essential feature—a double fairway—no longer exists.

- Original hole 12, now the location of hole 18, has had sand traps removed from the design. In addition, original hole 13 (now 3), and original holes 14 and 15 (now the location of holes 8 and 2) described by Wexler as "not among the layout's finest" to begin with, have likewise had hazards reconfigured, as has the final original hole, 18 (now the location of hole 10).

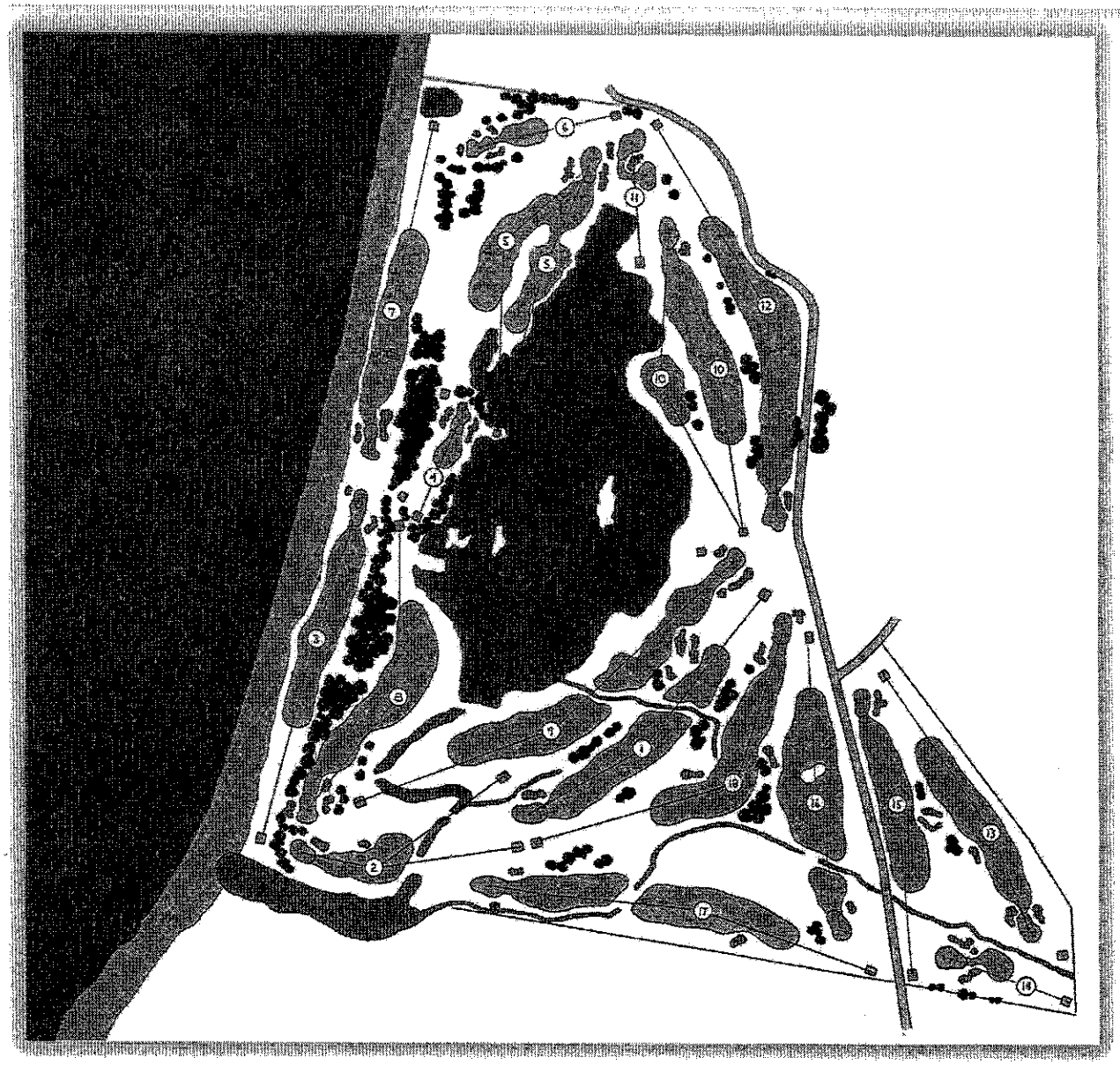
- In addition, the theory of the course—the creation of a links-type, seaside course—was entirely upended when the berm was built separating the course from the ocean.

MISSING LINKS

Evolutionary Connections in Holes

MISSING LINKS

DANIEL WEXLER



SHARP PARK																			
400	274	423	120	386	168	383	398	538	3042	392	142	483	345	143	330	363	471	443	3112
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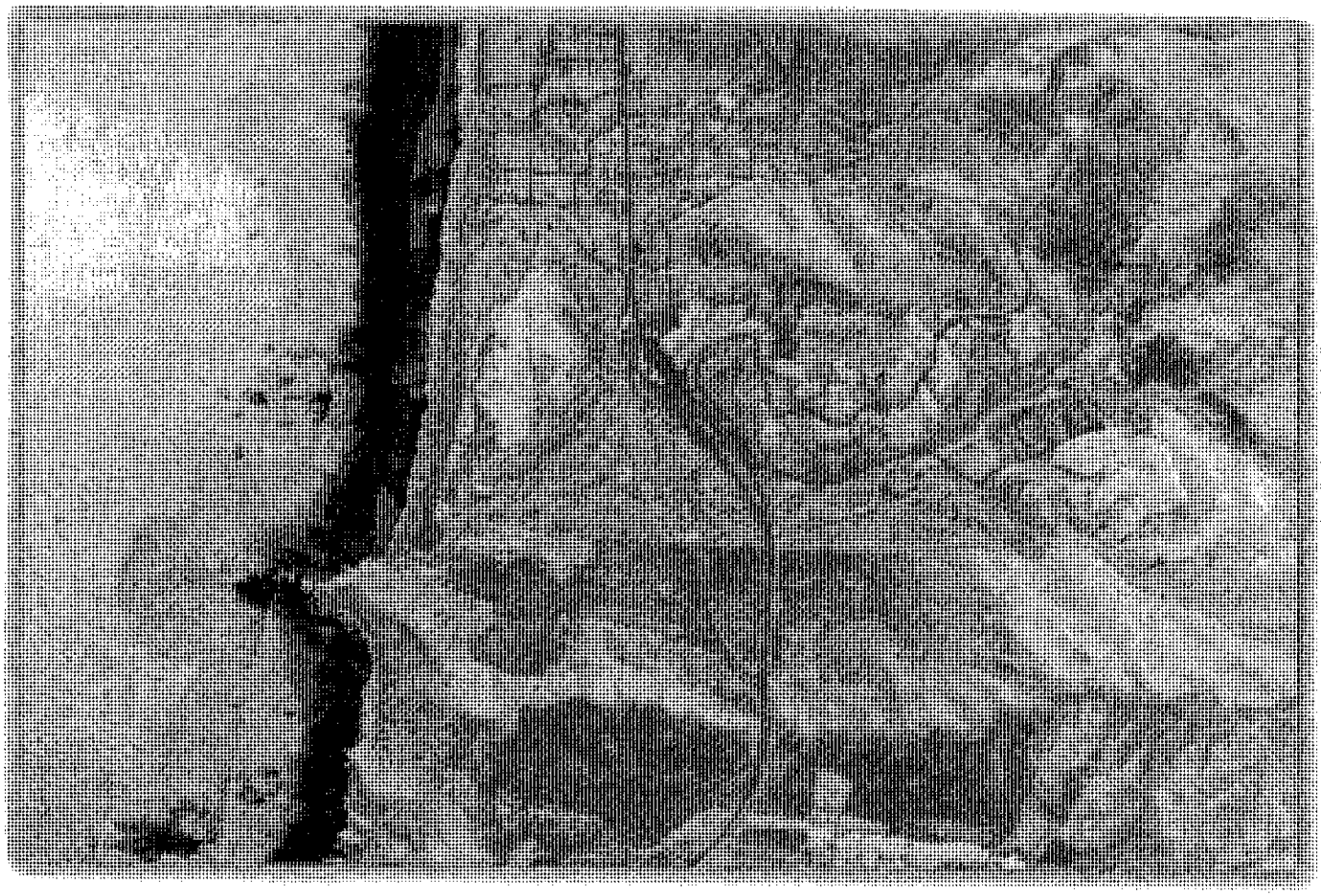


1943 aerial survey reveals a number of MacKenzie's original holes still intact, plus four newer ones built to the east. (National Archives)

SHARP PARK GOLF COURSE

PACIFICA, CA

Opened in 1931 / 6,154 yards Par-71

As today, some 65 years after his death, Dr. Alister MacKenzie remains perhaps the most celebrated golf architect in history, it is truly remarkable that two public courses he laid out in major American metropolises could have been so short-lived and poorly documented. Yet Bayside, as we have seen, labored in (and vanished into) almost complete obscurity—and it cannot even begin to compare with the briefly-lived legacy of San Francisco's Sharp Park.

MacKenzie's Sharp Park layout is surely one of golf architecture's most enduring mysteries. Owing to the fact that it was built in 1931, then washed into oblivion by a coastal storm shortly thereafter, its original design was seen firsthand by very few. Nor was this initial version in any way adequately recorded, with few photographs of any kind known to remain in existence. Further, a visit to today's 6,299-yard facility offers little; this vastly-altered layout serving mostly to make one wonder if a vintage MacKenzie design ever *could* have existed upon this site.

But the Doctor's original, located very much upon this same land, was all that its tantalizing prospects have suggested, a marvelous golf course featuring seaside holes, two double fairways, a large lake, and a cypress-dotted setting fairly reminiscent of Monterey. It was, in short, a municipal masterpiece.

Located just 10 miles south of downtown San Francisco, the site given to MacKenzie was uncommonly fine for a public facility, including a nearly 1,000-yard oceanfront stretch along Salada Beach. For a county whose public course facilities at Harding and Lincoln Parks were among the busiest in the nation, the development of Sharp Park was a godsend, but this wonderful property was not without its drawbacks.

For one thing, a fair amount of the land required shoring up with massive quantities of dredged sand in an expensive, Lido-like operation. Second, the site was partially divided by a small county road, a circumstance dictating that three of MacKenzie's back-nine holes be separated from their 15 brethen. Years later this road would be rerouted, though by that time the storm-driven reconfiguration of the golf course would still leave four newer holes separated, about the only commonality between MacKenzie's work and the course in play today.

The 1931 layout began with a dogleg-right par-4 of 400 yards, a strong but not especially memorable opener. But things changed quickly at the second, a 274-yard par-4 with alternate tees situated on either side of the first green. In what today might be referred to as "risk/reward" style, this nearly-driveable hole featured a large bunker front-right of the putting surface and a lake to the left of the fairway, creating the wonderful question of just how near the water one dared to venture in pursuit of an easier angle for his second.

The third was a long two-shotter of 423 yards, playing directly north along the beachfront. Again the risk/reward question was laid before us: play safely down the middle and deal with a front-right greenside bunker or aggressively skirt the beach in pursuit of an open second? Seaside winds generally affected play at Sharp Park greatly, bringing those most unlinkish of obstacles—trees—into play along the right side as well.

Following the short fourth, a precise pitch played along the lake's westward shoreline, one reached the first of the dual-fairway holes, the 338-yard fifth. Here the player's options were numerous with a "safe" left-side route leaving the most difficult second-shot, a dangerous lakefront fairway opening up a more direct line, or the all-out blast over everything leaving a mere pitch from a wide-open angle. As at the second hole, a second tee positioned left of the previous green served to create additional angles and variety.

The 385-yard seventh was the course's second and last seaside hole, playing directly south to a long, narrow green flanked on either side by sand. The slight angling of the putting surface again tempted one to drive close to the beach (particularly if the pin was cut back-left), but the lesser presence of trees at least made this tee shot a bit more forgiving.

The 398-yard eighth, though built with only one fairway, offered two very distinct lines of play. A drive aimed safely left was simple enough but set up a nearly all-carry approach across two front-left greenside bunkers. For the man capable of controlling a long fade, however, there was the option of skirting the treeline, a shot which, if brought off successfully, again yielded a more favorable approach.

Though one hesitates to name a best hole among so many good ones, the 392-yard 10th did

a fine job of nominating itself. Here was the double fairway concept played out to the fullest, the right side providing ample safety but a bunker-obscured second, the left requiring a gutsy tee shot to a water-guarded fairway but yielding a straight-on approach. Yet again, dual tee boxes varied the challenge from day to day, making the 10th a truly great hole—but an intimidating prospect for anyone hoping to slip past the starter and begin play on the back nine.

Following the 142-yard 11th came the long 12th, a 493-yarder distinctly reachable in two, provided one avoided several prominent trees and the out-of-bounds which ran down the entire left side.

Perhaps not surprisingly, the three holes exiled across the county road were not among the layout's finest, the 345-yard 13th being the best of the bunch with out-of-bounds also threatening its more-favored left side.

With the routing having returned to the clubhouse for a third time, one set out again at the 363-yard 16th, a par-4 following much the same path as today's first hole. Here a large mound punctuated the fairway some 175 yards off the tee, offering several different angles of play. The more difficult drive was the one aimed down the right side, close to a clump of trees. Naturally this choice also provided the better approach angle to a deep, narrow putting surface.

MacKenzie closed out Sharp Park with a pair of long finishers beginning with the 471-yard 17th. Though not a particularly difficult hole, this short par-5 often faced a strong sea breeze and featured out-of-bounds left, two bunkers, a meandering brook and a green laid precariously close to a rough, marshy depression. The 18th, by contrast, was a bit of a monster, its 443 yards requiring more brute strength than finesse, though the ability to draw one's tee shot would obviously have come in handy.

It was indeed unfortunate for Sharp Park that so many of its best holes fell along the property's ocean side, for it was this flank which took the brunt of any incoming storms. Following the early 1950's design that moved several of these holes out to sea, a massive berm was constructed largely upon land now occupied by holes three and seven to protect the property from impending swell. The subsequent relocating of the county road and resulting loss of the roadside holes has further modified things so that today only a handful of holes run close enough with MacKenzie's original, and so appealing, vision of the strategic demands in play.

How Sharp Park Would Measure Up Today

Oceanfront holes, double fairways, MacKenzie bunkering, marvelous scenery...

Any way you look at it, even at only 6,154 yards, Sharp Park would have to stand well out in front as America's finest municipal golf course.

Restoration anyone?

SHARP PARK

Being that the City had come by the lots at Sharp Park so cheaply(free in fact)they decided to bring in one of the world's foremost golf architects, Dr. Alister Mackenzie. The fact that Mackenzie and his assistant at that time, Jack Fleming, were able to design a golf course along the San Mateo County coast line was quite an accomplishment in itself. They managed to accomplish this difficult feat by dredging for fourteen months in order to build up the fairways.

On May 15, 1930 Robert Hunter, Jr. was appointed the superintendent of construction for Sharp Golf Course at a fee of $750 for ten month's work. Four and a half months later on October 2, 1930 Willis Polk and Company was authorized to prepare plans and specfications for the starter's house at the golf course. The original cost of playing golf was $2.00 per month and a card good for all three courses became available in May 1932 for $5.00.

The courses's opening in 1932 was twice delayed due to wet conditions. The golf course officially opened April 1, 1932. Perhaps the fact that even the opening of the course had to be delayed twice due to winter rains should have warned of the drainage problems this site would always face. Normally a golf course will welcome the rest and revitalization the winter rains bring. In Sharp Park's case the winter rains brought about the annual flooding of Laguna Salada out on to playable portions of the golf course. This problem still persists 47 years later even though a 4,000 gallon water pump has been installed. Two factors contribute to the poor drainage problem at the Sharp Park site. First and foremost

is the fact that the course is built at sea level and thus was susceptable to changing tides. The second factor was the annual flooding of Laguna Salada itself.

The golf course that opened on April 1, 1932 was becoming increasingly popular until it was severely damaged by high tides in a storm during the winter of 1938. The holes constructed on or near the beach were unindated by the unchecked tides of the storm. This resulted in severe damage to the beach holes - Numbers 2 through 8. The course, generally considered one of the best tests of golf in Northern California would never be the same. The beach holes had to be abandoned and reconstruction was forced across the Coast Highway up into what is now referred to as "The Canyon Holes". The effect was much the same as taking a house with a beach view and turning it 180 degrees to face a mountain slope. This was the most drastic architectural change the Sharp Park layout would ever face. Even the State Highway construction in the early 1960's that wiped out one par three hole would not have as damaging effect as nature.

Sharp Park remains very busy to this day drawing players both from the City and from down the peninsula. During the winter, however, as the water table rises, the course becomes less playable and suffers a significant drop in play - more so than other municipal courses during the winter. One winter in the early 1970's flooding was so thorough that the unchecked water nearly reached the clubhouse.

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: www.parks.sfgov.org

September 1, 2009

Honorable Julie Lancelle
Mayor, City of Pacifica
City of Pacifica City Hall
170 Santa Maria Avenue
Pacifica, CA 94044

Michael Crabtree, Planning Director
City of Pacifica
Planning Department
1800 Francisco Blvd.
Pacifica, CA 94044

Re: Proposed Designation of Sharp Park Golf Course as a Pacifica City Landmark

Dear Mayor Lancelle and Director Crabtree,

I am writing in regard to the City of Pacifica's application to designate the Sharp Park Golf Course a Historic Landmark under Pacifica Municipal Code, Chapter 7. We think this action is both inappropriate and unnecessary. Under California law, the City of Pacifica cannot regulate land use at Sharp Park which is owned by the City and County of San Francisco. (*See*, Cal. Govt. Code §§ 53090, et seq., *Akins v. County of Sonoma*, 67 Cal. 2d 185 (1967).) Therefore, any designation of the Sharp Park Golf Course as a historic landmark by the City of Pacifica will have no legal effect and, frankly is not helpful in furthering a legitimate public policy debate here in San Francisco.

We certainly recognize that Sharp Park Golf Course is used and enjoyed not just by many San Franciscans, but also by the residents of Pacifica, and that your City is concerned about any potential changes to it, and particularly to the golf course. As you may know Sharp Park is approximately 400 acres -- 237 of those acres are included in the San Francisco Recreation and Park Department's Significant Natural Resource Areas Management Plan (SNRAMP). This Plan is currently undergoing environmental review under the California Environmental Quality Act. We appreciate the historic and cultural value of the golf course, and an evaluation of the effects of the SNRAMP on the golf course as a potential historical resource will be included in the SNRAMP EIR.

As you also likely know, the area around the Sharp Park Golf Course contains habitat that support two special status species: San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), listed as endangered under the federal Endangered Species Act, and classified as a fully protected species under California Fish and Game Code § 5050; and the California red-legged frog (*Rana draytonii*), listed as threatened under the federal Endangered Species Act and a state species of special concern. Under federal and state law, the City and County of San Francisco must ensure that the golf course operation does not endanger or harm either of these species. Recently, the San Francisco Board of Supervisors enacted legislation directing the Recreation and Park Department to develop a plan for

restoring the habitat for the garter snake and red-legged frog in conformance with federal and state law. Currently, we are preparing option plans, including schedules and costs for presentation to the public and to the Board which we hope to have preliminarily completed in October 2009.

We take our stewardship responsibilities at Sharp Park very seriously. In a very difficult financial climate, we must manage the recreational, cultural and biological uses of the park in a manner that best balances legitimate recreational needs with our fiduciary and legal responsibility to protect the habitat. We will continue to include the City of Pacifica in our discussions as we evaluate plans Sharp Park's future.

Very truly yours,

Philip A. Ginsburg
General Manager

cc: Mayor Gavin Newsom
Members of the Board of Supervisors
City Attorney Dennis Herrera
Members of the Recreation and Park Commission

United States Department of the Interior

NATIONAL PARK SERVICE
Golden Gate National Recreation Area
Fort Mason, San Francisco, California 94123

IN REPLY REFER TO:

L1415 (GOGA-PLAN)

July 20, 2009

Mr. Michael Crabtree
Planning Director
170 Santa Maria Avenue
Pacifica, CA 94044

Re: Proposed Historic Landmark Designation for Sharp Park Golf Course. HLD-6-09

Dear Mr. Crabtree:

Enclosed is our statement regarding the proposed action above. Please make this part of the July 20, 2009 City of Pacifica Planning Commission hearing. If you have any questions, contact Nancy Hornor at (415) 561-4937.

Sincerely,

Frank Dean
Acting General Superintendent

Enclosure:

United States Department of the Interior

NATIONAL PARK SERVICE
Golden Gate National Recreation Area
Fort Mason, San Francisco, California 94123

IN REPLY REFER TO:

NPS Statement on Pacifica Landmark Designation for Sharp Park

July 20, 2009

We learned of the City of Pacifica's proposal to designate Sharp Park Golf Course as a Pacifica Historic Landmark when we received the public hearing notice. We were not notified of this proposal through the Pacifica GGNRA Advisory Committee, which was set up by the Pacifica City Council to discuss items pertinent to both bodies.

As you know, Sharp Park is within the boundary of the Golden Gate National Recreation Area and adjacent to lands that we manage at Sweeney Ridge and Mori Point. We are currently completing a multi-year restoration project at Mori Point, to protect the Endangered San Francisco Garter snake and the threatened Red-legged frog and provide for compatible recreation and community stewardship and educational activities. Therefore, we have an interest in the future of Sharp Park.

Although we concur that the golf course and club house, as well as the remains of the WWII internment camp, should be evaluated, we request that you not make a landmark designation without a professional assessment of the significance and integrity of the property. We can assist with such an evaluation and would like to work with City of Pacifica and the City of San Francisco to define an appropriate process that includes all stakeholders.

PGA design INC
LANDSCAPE ARCHITECTS

CELEBRATING 30 YEARS

October 27, 2011

Bill Wycko
Environmental Review Officer
Planning Department
City of San Francisco
1650 Mission Street, Ste 400
San Francisco, CA 94103-2479

RE: **Sharp Park Golf Course – Historic Resource Evaluation**

Dear Mr. Wycko,

I have reviewed Appendix C of the DEIR for the *Significant Natural Resource Areas Management Plan: Sharp Park Golf Course* and question the determination of eligibility for listing on the National Register of Historic Properties (NRHP). On page 5-4 the author suggests that Sharp Park Golf Course has historic significance under Criterion A and C under the NRHP and Criterion 1 and 3 for the California Register of Historic Resources (CRHR). Criterion C/3 requires that "a property embody the distinctive characteristics of a type, period, or method of construction that represents the work of a master, or that possesses high artistic values". Based on the number and extent of alternations that have taken place since the period of significance (1929 – 1932) I question the validity of finding Sharp Park eligible as a historic resource.

Bulletin 18 "How to Evaluate and Nominate Designed Historic Landscapes,"[1] states "As defined by the National Historic Preservation Act of 1966 and the National Register criteria, to be eligible for the National Register a designed historic landscape must possess significance ..... and integrity of location, design, setting, materials, workmanship feeling and association." Sharp Park Golf Course lacks integrity.

The *Historical Resources Evaluation Report* (HRER) prepared by Tetra Tech, Inc. describes many alterations made to the course since 1932. Comparing the course layouts depicted in the two exhibits included in the Evaluation Report[2] one finds very few similarities between how the course was designed and how it exists today.

---

[1] National Park Service, "How to Evaluate and Nominate Designed Historic Landscapes," *National Register Bulletin No. 18*, p. 6.
[2] The original Sharp Park Golf Links plan prepared by Mackenzie, Hunter & Egen (Figure 3) and the aerial of the Existing Golf Course (Figure 2).

Chris Pattillo **Cathy Garrett** **Christopher Kent**

444 - 17th Street Oakland CA 94612
Tel 510.465.1284 Fax 510.465.1256

1. The original hole 1 (now hole 11) was a long, straight shot. The reconfigured hole doglegs to the right.
2. The original hole 2 (now hole 12) was a dogleg that wrapped around the south end of the course. Hole 12 is now a lot shorter with no dogleg.
3. The original holes 3, 4, and 8 were destroyed in a big storm and not replaced.
4. The original hole 5 offered multiple fairway options – a unique design feature of Mackenzie. Hole 17 which replaced 5 is a single straight shot.
5. The original hole 6 that ran east-west at the north boundary no longer exists.
6. The original hole 7 appears to be similar to current hole 16 identified on Figure 2 as having been built after 1941, after the period of significance.
7. The original holes 9 and 10 each offered double fairways. The replacement holes 13 and 14 eliminated these special features.
8. The original hole 11 – a short run - appears to be similar to current hole 15.
9. The original hole 12 was a long straight shot. It has been replaced by hole 18 that is longer with a dogleg.
10. The original holes 13, 14 and 15 were on the east side of the county road and generally paralleled the road running north-south. Today this area has four holes that all run east-west.
11. The original hole 16 was a dogleg left replaced by hole 3 a straight shot.
12. The original hole 17 ran east-west and was a long shot with a dogleg. Hole 8, a short, straight fairway replaced it.
13. The original hole 18 was a dogleg. This hole has been replaced by hole 2, a straight shot.

In summary only hole 11 (now hole 15) is similar to the original design. The layout of the remainder of the course has been substantially altered. The change to the order of how the holes are played is significant as it materially alters the sequence and nature of views the player experiences making it unlike what was intended by the designer. Other major changes implemented since the period of significance include:

A. Elimination or reconfiguration of several sand traps.
B. Construction of a seawall in 1941 to prevent flooding of the golf course. This eliminated views to the beach and Pacific Ocean and the essence of the links design concept.
C. Filling a portion of the lagoon as part of the reconfiguration of hole 10.
D. Installation of concrete golf cart paths along the back nine holes in 1996 where none existed previously.
E. Culverting of water features on five holes and the elimination of water hazards – an important component of the original design.
F. Installation of a 4000-gallon pump to help with annual flooding of Laguna Salada.
G. Alternations made between 1985 and 1994 to accommodate female players such as shortening of the fairways.

Adding together all of these alterations it is apparent that Sharp Park Golf Course lacks sufficient integrity to qualify as a historic resource under criterion C/3. The course no longer reflects the work of Alister Mackenzie. The land use remains a golf course but otherwise there are few similarities between the course that existed during the period of significance and what remains today.

The Evaluation Report notes that Alister Mackenzie attained status as a master golf course architect. Appendix C on page 4-7 notes, "George Shackelford, in his book *Grounds for Golf*, describes Mackenzie as a master designer and offers that Mackenzie's secret to creating unique courses was his talent for routing." Regrettably, today nothing remains of Mackenzie's unique routing. He continues to explain that his work "was known for its original and distinctive bunkers, with irregular shapes and each with its own design." And "Distinctive bunkering, the use of small hillocks around greens, and exciting hole locations were Mackenzie's trademark".

Another of Mackenzie's trademarks was his talent for working with natural landform and subtlety integrating his courses with a site's topography to take full advantage of the unique qualities of each site. Quoting from the HRER, "Mackenzie felt that the success of golf course construction depended entirely on making the best use of natural features and devising artificial ones indistinguishable from nature." The HRER continues with, "..... while many architects try to create a special course, Mackenzie could figure out how best to fit holes into a property and situate a golf course to evoke a comfortable, settled, connection to the ground. His course routings are always functional and original but rarely do they fight the contours of the property."

In summary, defining characteristics of Mackenzie's design style included unique course routing, a talent for adapting a course to fit the land, an ability to offer challenge to players of varying skill levels, distinctively designed bunkers, and inclusion of multiple fairway options – offering advantage to those to took greater risks in their play. The vast majority of these features have been eliminated from the course. According to Wexler, in a recently published article "no appreciable trace of his strategy remains in play."[3]

Unfortunately, Sharp Park Golf Course began to fail even before the course opened in 1932 because Mackenzie failed to fully understand the forces of nature at this site. Page 4-3 of the Evaluation Report notes that the opening was delayed twice due to "drainage problems on the course due to winter rains." Shortly after the course opened a major storm washed out a large portion of the course and necessitated construction of the seawall in 1938 intended to prevent similar damage in the future. This type of damage has continued – as recently as 1982 a major storm wiped out several holes. In 1990 another breach killed many of the cypress trees on the course. Few of the golf courses designed by Alister Mackenzie remain intact today. It would be ironic and misplaced if this course – one that represents a failure in design – became a lasting representative of his life's work by being officially designated as a historic property.

---

[3] Dr. Alister Mackenzie, "Sharp Park Golf Course", Pacifica, CA page 113

The determination of historic significance is tied to a site's level of integrity. According to *A Guide to Cultural Landscape Reports: Contents, Process, and Techniques*[4] "The historic integrity of a cultural landscape relates to the ability of the landscape to convey its significance." And "Historic integrity is assessed to determine if the landscape characteristics and associated features, and the spatial qualities that shaped the landscape during the historic period of significance, are present in much the same way as they were historically." Emphasis added.

The guide continues, "Historic integrity is determined by the extent to which the general character of the historic period is evident, and the degree to which incompatible elements obscuring the character can be reversed". In the case of Sharp Park Golf Course the changes to the course were not the result of the normal evolution of a living landscape – maturing trees and other plantings, but rather major changes that were forced to solve functional problems that resulted from flaws in the original design – a failure to fully understand the power of nature and it's ability to wreak havoc. The changes made to Sharp Park Golf Course cannot be reversed because doing so would recreate the conditions that necessitated that the alterations be made in the first place.

Page 5-2 of the HRER notes, "Because landscape features change over time, a landscape need not retain all of the original features it had during its period of significance, but it must retain the essential features and characteristics that make its historic character clearly recognizable."

In essence for a site to meet the criteria of historic significance most of the designed features must look as they did during the period of significance. This may be true for the Clubhouse and maintenance building which are not addressed here, but it is not the case at Sharp Park Golf Course and no doubt explains why "None of the state or national registers identified Sharp Park Golf Course as a historical resource" as noted on page 4-1 of the HRER.

By making the finding that the existing golf course represents a historic resource under criterion C/3 it seems that Tetra Tech failed to appreciate not only the subtleties of golf course architecture but its essential features. Just because there was a golf course present in 1932 the fact that there is still a golf course present today, does not qualify the current course as a historic resource.

---

[4] A Guide To Cultural Landscape Reports: Contents, Process and Techniques by Robert R. Page, Cathy A. Gilbert, and Susan A. Dolan, US Department of the Interior, National Park Service, Cultural Resource Stewardship and Partnerships, 1998.

Sharp Park Golf Course lacks integrity. While a golf course at this site is consistent with the historic land use, that fact is insufficient evidence for a finding of historic significance. Failure to demonstrate significance voids eligibility for historic resource status. I urge you to consider this as you plan for the future use of Sharp Park.

Sincerely,

Chris Pattillo, ASLA
Historic Landscape Architect
President, PGAdesign[inc]

CHRIS PATTILLO

HISTORIC LANDSCAPE ARCHITECT

PROFESSIONAL EXPERIENCE

PGAdesign[inc], 1979 to present

EDUCATION - REGISTRATION

Master of Landscape Architecture, 1975, UC Berkeley
Bachelor of Arts, 1972, UC Berkeley
California Landscape Architect, #1925

ASSOCIATIONS

Historic American Landscapes Survey (HALS), No. California Chapter, Co-Founder 2004, Chair 2004-2009 & Vice Chair 2010
American Society of Landscape Architects (ASLA), Member
ASLA Historic Preservation Professional Practice Committee, National Chair & Vice Chair 2006-2009
California Genealogy Society, Vice President & Board member 2010
Garden Conservancy, Member
California Preservation Foundation, Member
National Trust, Member
Oakland Heritage Alliance, Member
Oakland Chamber of Commerce, Member
Oakland Chamber of Commerce Economic Develop Committee
Open Space, Conservation & Recreation Elements (OSCAR), Advisory Committee

AWARDS

Oakland Chamber of Commerce: "Small Business of the Year" 1995
Oakland Chamber of Commerce: "Woman Owned Business of the Year" 2000

RELEVANT PROJECT EXPERIENCE

Badger Pass Ski Area CLR, Yosemite Natl. Park, CA
Doyle Drive in San Francisco Presidio HALS, San Francisco, CA
Atchison Village HSR, Richmond, CA
Meyers Estate Garden Master Plan & Maintenance Guidelines, Union City, CA
Roeding Park HALS, Fresno, CA
Sakai-Oishi Nurseries HALS, Richmond CA
William Land Park Cultural Landscape Survey & Evaluation, Sacramento
Berkeley City Club Gardens HALS, Berkeley, CA

PUBLICATIONS

"Preparing a Historic American Landscapes Survey (HALS) History: Brief Guide to Identifying and Documenting HALS Sites," co-author, *National Park Service, US Dept of the Interior,* Washington DC, August 2010

"Doyle Drive: Using Innovation HALS Methodology," SF Heritage News, Vol. XXXVII, No. 2, Summer 2010

"Innovation HALS Methodology Developed for SF Presidio Project," CPF News, Summer 2009

PRESENTATIONS

Documenting our Heritage, Annual ASLA conference, San Diego, California, October 2011

Historic American Landscapes Survey – An Introduction, for ASLA Chapter Presidents, October 2011

Exploring Cultural Landscapes through Case Studies, California Preservation Foundation (CPF), August 2010

Historic American Landscapes Survey – An Overview, American Society of Landscape Architects (ASLA), July 2010

Doyle Drive HALS at the Presidio of San Francisco, CPF, May 2010

Landscape Within The Historic Context, American Institute of Architects (AIA) Historic Resources Committee, San Francisco, CA, June 2009

Historic American Landscapes Survey – Toals of Preservation, UC Berkeley Extension, Landscape Architecture Program, May 2009

Alviso Adobe Park: History & Design Process – Opening Remarks, Pleasanton, CA, October 2008

Historic American Landscape Survey – A Panel Discussion, ASLA Annual Conference, San Francisco, CA, October 2007

Olmsted in the East Bay – tour leader & speaker, ASLA Annual Conference, San Francisco, CA, October 2007

Oakland Waterfront Parks – tour speaker, ASLA Annual Conference, San Francisco, CA, October 2007

Historic American Landscapes Survey – An Overview, Oakland Heritage Alliance (OHA), Oakland, CA, Summer 2007

Historic American Landscapes Survey – An Overview, Town & Gown Club, Berkeley, CA Spring 2007

Cleveland Cascade – Rehabilitation of a Howard Gilkey Landscape, OHA, Oakland, CA, March 2007

Making a Splash: Preservation of Pools and Fountains, CPF Conference, Sacramento, CA, April 2006

Peralta Hacienda Historical Park – Planning and Design, Friends of Peralta Hacienda, Oakland, CA, December 2005

Kaiser Roof Garden and the Gardens of the Museum of California: Comparing Two Mid-Century Modern Roof Gardens, OHA, Oakland, CA, July 2005

Planning and Public Policy: The Urban Planning Process, Department of City & Regional Planning, UC Berkeley, April 1983

HISTORIC AMERICAN LANDSCAPES SURVEY (HALS) NOMINATION FORMS

Anderson Marsh State Historic Park, Lake County, 2011
Berkeley Women's City Club, Berkeley, 2011
Bidwell Mansion, Chico, 2011
Bidwell Park, Chico, 2011
Boyd Memorial Park, San Rafael, 2010
California Nursery Company Historic Park, Niles, 2008
Call Ranch at Fort Ross State Park, Jenner, 2009
Captain Fletcher's Inn & Manager's House, Navarro, 2009
Centerville Pioneer Cemetery, Fremont, 2008
Children's Fairyland, Oakland, 2009
China Camp State Park, San Rafael, 2009
Fern Dale (Shaw House), Ferndale, 2009
Forest Theater, Carmel, 2010
Henry H. Meyers Garden, Union City, 2010
La Mirada Adobe, Monterey, 2010
Marin Art and Garden Center, Ross, 2009
McConaghy Estate, Hayward, 2009
Meek Mansion & Carriage House, Hayward, 2009
Mendocino Woodlands Demonstration Recreation Area, Mendocino, 2009
Micke Grove Park, Lodi, 2009
Mountain View Cemetery, Oakland, 2010
Point Arena Cove, Point Arena, 2010
Point Arena Lighthouse, Point Arena, 2010
Point Cabrillo Lighthouse, Casper, 2009
Rancho Higuera Adobe Historical Park, 2008
Ravenswood Estate, Livermore, 2009
Robson-Harrington Park, San Anselmo, 2009
Shibata Japanese Garden (Mount Eden Nursery), Hayward, 2010
Shinn Historical House & Arboretum, Fremont, 2008
Sun House, Ukiah, 2009
Tor House, Carmel, 2010
Wassama Village, 2010

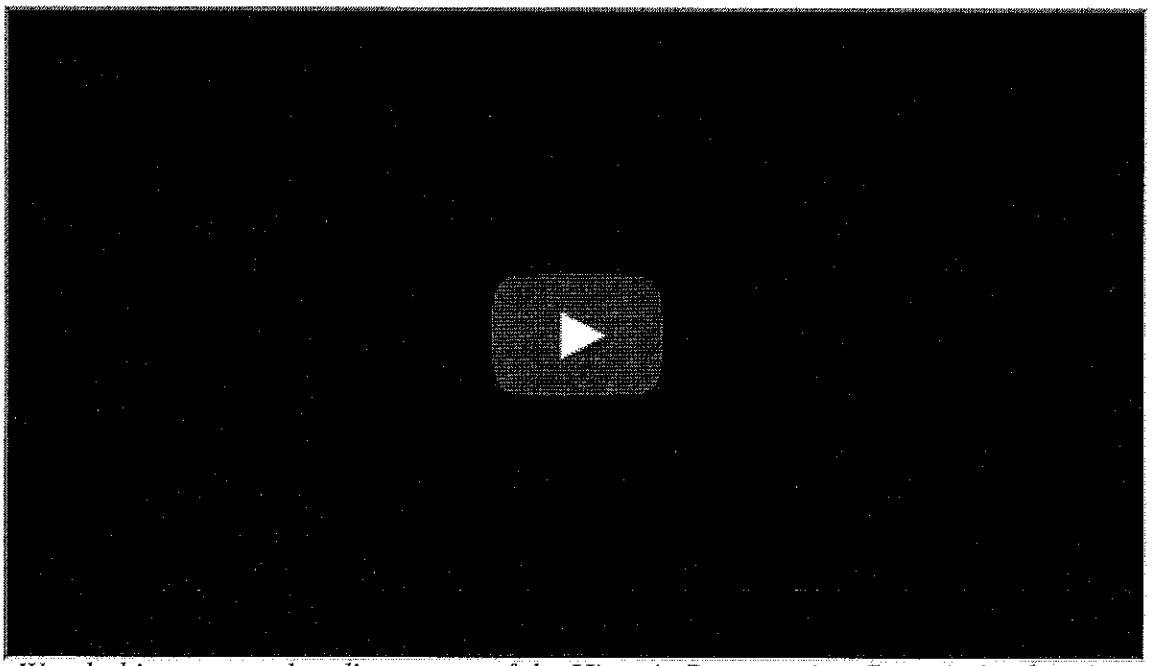
SF Historic Preservation Commission: Sharp Park Golf Course Lacks Historic Integrity

06 October 2011 - 22:38
Permalink | Share Item on Facebook

See also:

- Restore Sharp Park — Latest News

In a stunning rebuke to golfers grasping to keep San Francisco subsidizing suburban golf in San Mateo County, on September 21, 2011 San Francisco's Historic Preservation Commission stated that it does not concur that Sharp Park Golf Course is an historic resource.



Watch this annotated audio excerpt of the Historic Preservation Commission hearing.

Sharp Park Golf Course has been losing money and killing endangered species for many years. In September Supervisor John Avalos introduced legislation to transform Sharp Park into a new national park, while providing Sharp Park's current golfers with additional access to affordable golf courses in San Francisco.

But golf privatization groups who oppose national parks convinced San Francisco's Recreation and Parks Department to make-up a case that Sharp Park Golf Course should be protected as an historic resource under the California Environmental Quality Act. As part of this process, the Department asked the Historic Preservation Commission to rubber-stamp its proposal.

However, the Commissioners reviewed the proposal and raised several objections to the Recreation and Parks Department proposal. Led by Commissioner Alan Martinez—who explained that the existing golf course is "a fragment of what it once was"—the Commission could not reach consensus on the golf course's integrity, and unanimously voted that "the commission did not concur on the integrity of the golf course."

The Wild Equity Institute is working with dozens of community, environmental, and history organizations to ensure that the California Environmental Quality Act and San Francisco's historic preservation laws aren't abused by golf privatization groups. The next step in this process is to ensure that the Planning Commission evaluates Sharp Park separately from other natural areas in San Francisco that are undergoing environmental review. Keep your eyes and ears peeled for more updates in the coming weeks.

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Historic Photos, Field Notes Show Sharp Park Has Always Been Habitat for Herps--and the Golf Course is Harming Them

19 July 2010 - 18:58

Permalink | Share Item on Facebook

See also:

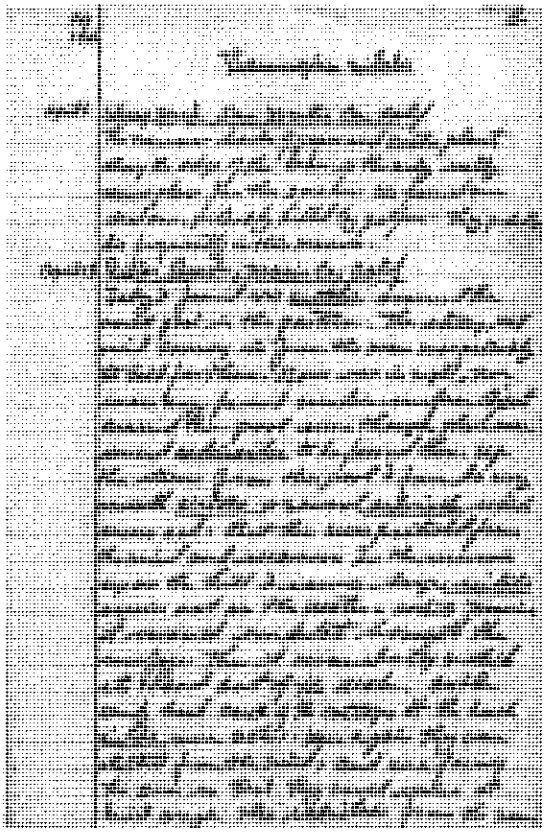
- Restore Sharp Park — Latest News

Rediscovered historic photos of Sharp Park, along with field notes stored at UC Berkeley's Museum of Vertebrate Zoology, indicate that Sharp Park was once excellent habitat for the San Francisco garter snake and the California red-legged frog: and that Sharp Park Golf Course is the primary threat to both species at the site.

This undated photo of Sharp Park shows Laguna Salada before the golf course was built, with Mori Point Ridge in the background.

In this photo, the lagoon is clearly fringed with cattails, vegetation that can't grow in saline environments. This indicates that Laguna Salada was not a "salt lake" as golf privatization advocates have argued, but a fresh lagoon where the San Francisco garter snake and the California red-legged frog could thrive.

At least until Sharp Park Golf Course was built. The earliest systematic biological surveys of San Mateo County were conducted by Dr. Wade Fox—the man who would eventually scientifically describe the San Francisco garter snake—when he was a graduate student at UC Berkeley. Although he died in his prime, Dr. Fox's field notes have been preserved at the UC Berkeley Museum of Vertebrate Zoology. These notes have finally been digitized, and they show that in 1946 Dr. Fox found a dead San Francisco garter snake at Sharp Park, which he concluded was "probably killed by golfers—they probably die frequently in this manner." Presaging the species precipitous decline, Dr. Fox also noted that the only secure area remaining for the species at Sharp Park was in the wet grasses near the lagoon: the surrounding golf links were deadly to the species.



The San Francisco garter snake is now on the brink of extinction, and is probably the most imperiled vertebrate species on the San Francisco Peninsula. Yet since the 1940s Sharp Park Golf Course has been killing this species, and more recently the Golf Course has been found killing both the San Francisco garter snake and the California red-legged frog. We can do better: let's restore Sharp Park and build a better public park on the property. Find out how you can help restore Sharp Park here.

Edit

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415-349-5787

DRAFT

Operational Review and Recommendations For City of San Francisco Golf Operations

San Francisco, California

Prepared For:
City of San Francisco

Prepared By:

NGF CONSULTING
1150 South U.S. Highway One, Suite 401
Jupiter, Florida 33477
(561) 744-6006

January 2007

Capital Improvement Program

Other than a Capital Reserve item for Harding Park (set aside is budgeted at $251,364 annually), there appears to be no capital improvement plan for the City's golf courses, with the following exceptions:

- At Golden Gate Park, a 9-station driving cage was installed, and the City agreed to pay Manager $65,461.54 reimbursement for planning, design, purchase and other costs, payable in five annual installments.
- The Gleneagles Tenant (who may be allowed rent credits for City-required improvements upon City approval) agreed to make specific facility improvements:
  - Year 1-2: Improvements to entrance, clubhouse, kitchen and patio area; trim and remove tree limbs. Explore adding a driving range/cage. $50,000 estimated cost.
  - Years 2-4: Review possibility of adding forward tees on several holes; lease new equipment. $50,000 estimated cost.
  - Year 4-5: Based on financial feasibility studies, implement driving range. Purchase new TVs for clubhouse. $50,000 estimated cost.
  - Year 6-7: Review cart path and conduct major renovation of cart paths; review condition of parking lot and driveway and possibly repave and stripe. $100,000 estimated cost.
- [redacted]

[redacted]	
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[redacted]	

Harding Park Renovation

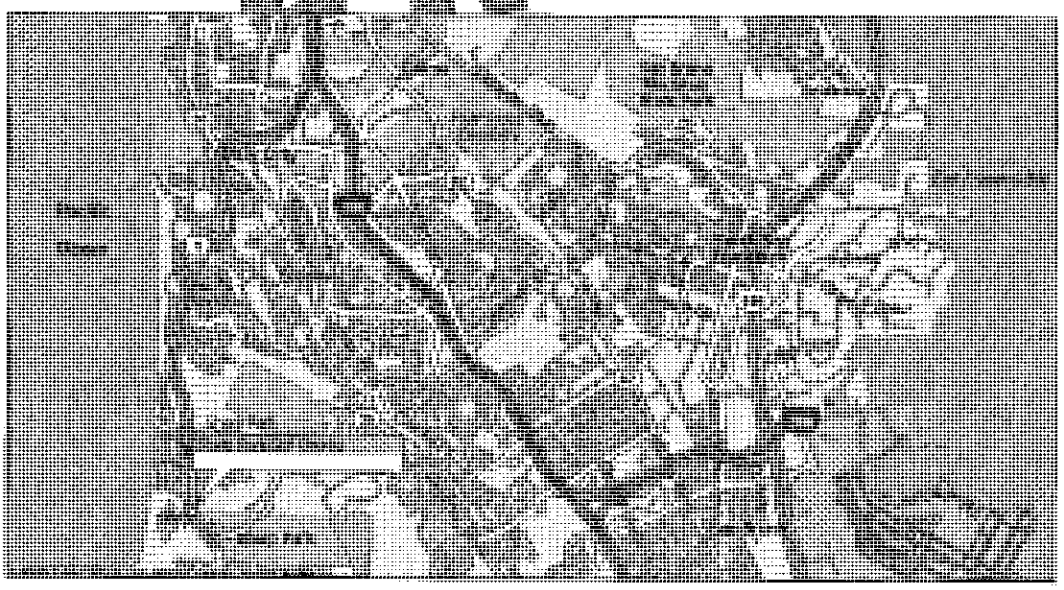
Background

As noted elsewhere in this report, the once-proud Harding Park had fallen into a state of disrepair by the time the year 2000 came around. The City agreed that a total renovation of the facility was needed, and its original plan to finance the makeover was to raise private funds. That idea failed, evidently because of the varied special interest groups that make up the political spectrum of the city. Unions demanded that civil servants continue to maintain the golf course, and supervisors resisted any increase of green fees (about $20) for city residents. The city found itself unable to cut labor costs or increase revenues. Arnold Palmer Golf Management Co. then backed out of its deal with the city to oversee the renovation and manage the course.

SHARP PARK GOLF COURSE

The Sharp Park Golf Course is an 18-hole golf facility located in Pacifica, California immediately adjacent to the Pacific coast. The facility includes an 18-hole golf course and clubhouse that sits on direct oceanfront property acquired by the City of San Francisco sometime around 1930. The facility offers a very pleasant golf course with outstanding views and vistas of the Pacific Ocean.

Sharp Park GC Location and History



Sharp Park GC History

Sharp Park Golf Course was originally designed by Dr. Alister Mackenzie, one of the most celebrated and respected golf architects of all time. The course is located in Pacifica, a nearby community of the San Francisco Bay Area. While located in Pacifica, the land remains in control of the City of San Francisco. The golf course sits within an area designated as The Golden Gate National Recreation Area, managed by the U.S. Department of the Interior.

The history of Sharp Park begins with Mackenzie's well-intentioned design of an 18-hole course along the coastal dunes of Pacifica. With Lincoln Park and Harding Park busy on weekends, another course was needed. The City of San Francisco purchased lots in San Mateo County from 1929 to 1930, paving the way for creating another golf course.

Jack Fleming was Mackenzie's assistant at the time. The approach to the Sharp Park site was to dredge material in order to build up fairway grades. This work took a reported 14 months. In mid 1930, Robert Hunter was appointed to direct construction of Sharp Park Golf Course. Hunter is thought to have a great deal to do with the design of Sharp Park. Joe Faulkner, in his San Francisco Golf History, notes that Hunter was paid $750 for his ten months duration of work at Sharp Park. After delays due to wet conditions, the course opened in April of 1932.

The site (heavy and inexpensive of sand) is 8 acres by [illegible], have been contributed to chronic drainage problems. While the course became increasingly popular [illegible] beach (Hole 2 through 8) that were part of the original design were soon [illegible] and storm damaged. Year after year, a few holes at Sharp Park [illegible] Eventually, these holes were replaced in an area now referred to as "the canyon", the opposite direction from the ocean. In the 1960s

the State constructed a major highway across the course. This necessitated the re-design of a few holes and created a separation of the original portion of the course from the newer holes in the canyon area.

There are many more "tales" of remodeling at Sharp Park, but the changes noted above constitute the primary alterations. Even with so many significant changes, Sharp Park remains an engaging and interesting golf course. This is a testament to Alister Mackenzie's skill at creating interesting greens and a routing that unfolds like any good and exciting story. While the "story" would be much better with holes along the ocean—as per the original design—the course as it is today remains a very enjoyable routing when conditions are good.

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Inventory of Facilities

Sharp Park Golf Course includes an 18-hole golf course, clubhouse, practice green and maintenance area. A summary of these amenities follows:

Golf Course

The Sharp Park golf course plays to a total of 6,476 yards from its longest tee, down to 5,793 yards from its shortest tee. The shortest yardage is traditionally used by the female segment of golfers and NGF Consulting notes that 5,800 yards is very long for women. Female golfers usually hit golf balls about 75% as far as male golfers, meaning that a 5,800-yard golf course for women is equivalent to a 7,730-yard golf course for men (longer than PGA TOUR courses). The Sharp Park GC operators have recognized this length issue and assigned a 'women's par' of 74, instead of the standard 72. The United States Golf Association (USGA) has also recognized the length and difficulty of the red tees and assigned a higher slope and rating to the Red Tees (72.9 rating – 120 slope) than to the longer Blue Tees (71.2 rating – 119 slope).

The golf course setting is links, meaning it occupies land formed by erosion of the seashore caused by winds, tides and inland drainage. *(A "links" is defined as: A seaside golf course constructed on a natural sandy landscape that has been shaped by the wind and receding tides [from the Old English "lincas", meaning the plural of a ridge, a Scottish term to mean the undulating sandy ground near a shore]).*

The set-up of the golf course is rather unique in that four (holes #4-7) of the 18 holes are on the east side of Cabrillo Highway (U.S. Highway One), connected by a tunnel under the freeway. The routing offers several parallel fairways divided by several rows of mature trees. The central lagoon comes into play on three of the holes, while hole #16 plays along the Pacific Ocean. In general, the course is walkable, but some hills, particularly on the east four holes, are such that the site it is only walked by the hearty and well conditioned golfer.

Practice Facilities / On-Course Restrooms

Besides a practice putting green there is no formal practice opportunity beyond a series of hitting cages. Restroom facilities are temporary and inadequate for modern golf facilities. In addition to being an 'eyesore,' there may be safety and health issues to consider as well. Permanent on-course restroom facilities are recommended.

Concession Agreements
The concession agreement in place at Sharp Park is summarized below:

Consent to Assignment of the Sharp Park Golf concession lease from Jack Gage and Joan Lantz to Sharp Park Restaurant and Pro Shop, Inc. dated September 15, 1988. Approved by the City. The concession involves starter services; full bar, restaurant, and banquet facilities; lessons, equipment and cart rentals; and merchandise sales.

Lease for establishing and operating a restaurant and a professional golf shop, dated April 22, 1983. Between Recreation and Park Commission on behalf of City and County of San Francisco (Commission) and a joint venture of Jack Gage, Joan Lantz and Mike Shannon (Lessee). Terms go through 2003. Lessee pays minimum annual rent of $30,000 first year and $75,000 each year thereafter. Percentage of gross revenue, (all income less sales taxes) payable monthly:

10%	merchandise sales
20%	lessons/instruction, club rental, practice balls
12%	cart rental
10%	cart rental after April 1, 1984
5%	food & beverage
11%	alcoholic beverages and banquets

If percentages do not add up to minimum annual rent, Lessee pays the minimum 10 days after the end of the fiscal year. Minimum annual rent is adjusted each January 1, based on CPI, beginning in 1991. Lessee must give employees pay and benefits and working conditions generally same as City/County employees, but Lessee may collectively bargain with union for rates.

Lessee pays for utilities, equipment, materials, supplies, etc. and maintains at its own expense, the leased facilities, fixtures, and equipment. Lessee pays all taxes, licenses, permits, and assessments. Capital improvements of $575,000 in three stages were agreed upon in the lease:

Stage One – within 180 days of date of lease:	
$[illegible]	[illegible]
$25,000	[illegible]
Stage Two – approximately 2 years from lease date:	
$150,000	[illegible]
Stage Three – on or before 5th year of operation:	
$150,000	[illegible]

Lessee required to provide 3 separate performance bonds:

50%	of amount of contracts for completion of work, guaranteeing payment of wages, materials, supplies and equipment,
50%	of total estimated construction costs, guaranteeing completion of improvements and repairs
$25,000	surety bond renewable annually through term of lease, as security for collection of any damages or breach of lease

Rent credits will be allowed for improvements beyond those set forth in lease.

Sharp Park Golf Course - Golfer Survey

Overview

NGF implemented GSP at Sharp Park to gauge opinions from the facility's golfers. A total of **143 surveys** were collected by NGF, with 47 completed by those identifying themselves as City residents. The ratings are displayed in the table below. More detailed findings are contained in the associated **GSP Appendix Book**.

DRAFT

Grades

Sharp Park Golf Course
143 Responses
11/14/2006 – 1/8/2007

Factor	Average Score (Scale 1-5)	Standard Benchmark Grade
6-Scenery and Aesthetics of Course	4.2	B+
14-Affordability	4.2	A+
2-Convenience of Course Location	4.1	B
10-Friendliness/Service of Staff	3.7	F
1-Overall Value of Course	3.6	C
3-Tee-time Availability	3.6	D+
13-Overall experience	3.3	F
7-Pace of Play	3.2	D
11-Food and Beverage Service	3.2	D-
8-Condition of Golf Cars	2.9	F
4-Overall Course Conditions	2.6	F
9-Amenities (clubhouse, pro shop, locker room)	2.5	F
5-Condition of Greens	2.5	F
12-On-course Services (restrooms, drinking water)	2.3	F

Other Findings

1. Overall, Sharp Park golfers are showing very little loyalty compared to national benchmarks. It is clear that golfers at this facility are very unsatisfied on the issues of pace of play, on-course services (restrooms, drinking water), food/beverage service, condition of golf carts and friendliness of staff. However, we note that in addition to location and aesthetics being rated above average, this survey group seems to appreciate the affordability and overall value. The survey group noted that the golf course conditions, and the condition of the greens in particular, were in most need of improvement.

2. Our surveys also show a wide variety of other golf courses that are also played by Sharp Park golfers, including other City courses like Harding Park and Lincoln Park (both in the top five). Crystal Springs and the Presidio are the most popular other local facilities with this group, in addition to many other area golf facilities both public and private (consistent with lower loyalty).

3. The profile of the Sharp Park golfer is predominantly male (90%) and somewhat older (58% over 50) than the national benchmark. One key finding was that the course is as popular with Pacifica residents (22%) as San Francisco City residents (21%). The map displaying the origin of customers is displayed in ***Appendix F*** to this report.

4. The survey indicated that 74% of respondents think that the overall quality of the City's golf courses would improve if oversight and management of the golf system were not the

NGF Consulting believes that Lincoln Park has an excellent opportunity to draw significant tourist play through aggressive marketing, but that this opportunity will be achievable only after the facility is brought up to standard. We also feel that there is potential to raise non-resident play significantly once the facility is improved and marketed. High fee tournament/ outing business should also improve markedly after improvements.

Finally, the legacy of Jack Neville (co-designer of Pebble Beach) and Herbert Fowler (a respected British designer) are all but forgotten at Lincoln Park. While much of Neville's work is likely lost to years of remodeling and change, it can certainly be said that both men were responsible for establishing much of the routing and anatomy of Lincoln Park's current layout. This legacy is worth marketing and touting by the City.

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Fee Structure

The pricing structure for Lincoln Park is outlined in the table shown below:

Lincoln Park		
Weekday		**Weekend**
Standard	$32	$36
Resident	$20	$24
Senior	$12	$19
Junior	$10	$19
Back 9/10	$11	$15
Twilight	$19	$23
Tournament	$38	$47
Driving Range/Cage: Cage	Call for Info	
$1.00 per person will be added to above rates if reservations are made through the Automated Reservation System Weekday = M-Th; Weekend = F-Sun		

With green fees identical to those at Sharp Park, fees at Lincoln Park are among the lowest in this municipal market. Also like Sharp, the fees at Lincoln are market appropriate given the poor conditioning of the course and the quality of the support amenities, and the feeling must be that demand must before any meaningful price increases would be tolerated by the market amount a further decrease in rounds.

Lincoln Park – Golfer Survey

Overview

NGF implemented GSP at Lincoln Park to gauge opinions from the facility's golfers. A total of **144 surveys** were collected by NGF, with 67 completed by those identifying themselves as City residents. The ratings from the total survey group are displayed in the table below. A complete listing of results from the survey is provided in the **GSP Appendix Book** for complete GSP responses.

Th 8a

Edwin M. Lee, Mayor
Philip A. Ginsburg, General Manager

April 13, 2015

Ms. Stephanie R. Rexing
Coastal Planner, North Central Coast District Office
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

Dear Ms. Rexing:

Thank you for all your work to review San Francisco Recreation and Park Department's (SFRPD) Coastal Development Permit Application for the Sharp Park Safety, Infrastructure Improvement and Habitat Enhancement Plan and to prepare the staff report. We have reviewed the staff report and agree with most of the Special Conditions described in the report. Our comments and concerns specifically related to Items 2d, 4f and 7c and generally related to the timing of plan reviews and approvals are described below.

Item 2d: *Groundwater Monitoring.*

Based on the staff report and conversations with Coastal Commission staff, SFRPD understands that Item 2d, the installation of the shallow piezometers, is intended to address salinity intrusion as a way to measure the health of the wetlands. The U.S. Fish and Wildlife Service (USFWS) in the 2012 Biological Opinion (BiOp) raised the concern that pumping could promote the movement of saline groundwater into the surface water thus potentially affecting the salinity of the wetlands and California red-legged frog breeding habitat. The BiOp states that "lowered water levels due to pumping activity may increase the likelihood of salinity intrusion to Laguna Salada and Horse Stable Pond. If water levels in Laguna Salada and Horse Stable Pond fall below sea level and beach groundwater levels, then saline ground water may flow into the lagoon from the beach."

The relationship between pumping and salt water intrusion was extensively measured, modeled and evaluated by Kamman Hydrology and Engineering Inc (Kamman) in 2008 and 2009 (see attached reports). In order to get a full hydrologic evaluation, three piezometers were installed west of Laguna Salada and three specific analytic modeling tools (water budget, salinity mass balance and hydraulic models) were developed. One primary purpose of this year long study was to determine whether pumping influenced salt water intrusion at Sharp Park.

Kamman found that routine pumping did not affect the salinity of the surface water at Sharp Park. Saline groundwater west of Laguna Salada was measured at 15 parts per thousand (ppt) while the surface water was measured at 2ppt. In addition, Kamman found that the hydraulic gradient of the groundwater is directed westerly and "freshwater pushes back salt water from the ocean". Only under conditions of extreme drawdown, Kamman concluded, could the hydraulic gradient be reversed and subsurface water of relatively high salinity may flow into the ponds.

Therefore, routine pumping does not affect salinity levels in the wetlands, nor does it change the already saline groundwater.

The reports note that salinity levels in the Laguna Salada are "primarily driven by concentration of salts due to evapotransipration losses." Further, these documents note that salinity ranged between 0.7 and 2.5 ppt and that similar salinity levels were reported in 1990-1991 suggesting that surface water salinity levels throughout the last 25 years have remained the same, despite on-going flood control pumping over the last two decades.

Since the time of the Kamman study, pumping protocols and measures have been put in place that have resulted in higher overall water levels throughout the wetland complex. The overall amount of drawdown that has occurred in a typical year after 2012, when the pumping protocols were put in place, is significantly less that it was in 2008. Furthermore, minimum water levels are required by the BiOp through the late summer and fall and the average water levels throughout the CRLF breeding season are significantly higher. So under the "worst-case conditions" in 2008 (in the midst of a multi-year drought and under a more intensive pumping regime), there was no evidence of increased surface and groundwater salinity. Therefore it stands to reason that under the current water management regime with more freshwater held on site, the possibility of salinity impacts is even less.

Furthermore, SFRPD believes that the other conditions in the staff report are sufficient to meet the primary surface water quality, wetland health and species habitat protection goals. SFRPD, through the BiOp and the other measures described in the Pumping Protocol Plan (Special Condition 2), will perform extensive planning, monitoring, and reporting on surface water and general wetland conditions, including salinity. To the extent salinity is a concern for the wetlands, SFRPD is measuring salinity directly from surface waters as well as evaluating the species composition of the wetland, which would also respond to salinity if present.

Finally, SFRPD deems the installation of piezometers as infeasible and cost prohibitive. Installing the piezometers would require permitting, utility clearance, driller materials, well development, preparation of a well report, hardware costs, and oversight by an environmental firm. Permitting, contracting and installation of piezometers would require approximately 6 months; however in order to complete the work required under the BiOp, SFRPD needs to initiate construction in two months. SFRPD estimates that the installation of piezometers would cost approximately $90,000.00 ($30,000.00 for each piezometer). There is currently no funding source for this, nor prospects for justifying funding of such superfluous equipment.

SFRPD believes that because 1) it has been shown that under current protocols, there is no impact on groundwater salinity associated with pumping, 2) the overall health and salinity of the wetland can be effectively and sufficiently measured and monitored through surface water quality monitoring and other conditions required in the staff report and 3) the infeasibility of installing piezometers, we request that Special Condition 2d be removed from the permit conditions.

Condition 6f: *Restoration*

Construction is scheduled to end in September, which will likely be too dry and too early to seed the disturbance zones. Typically, in order to maximize germination success, seeding occurs after the first major rain when the soils are saturated. The SFRPD requests the following language be used:

- Restoration of disturbed sites will be completed within 3 weeks of the first major rain event (greater than 0.25 inches) of the fall. Erosion control measures shall be put in place within three days of completion of construction.

Condition 7c: *Future removal of Development*

The pumping infrastructure and outfall are not included in this CDP. The SFRPD requests that the following amendments to the conditions

- Line 2 remove "including but not limited to pumping infrastructure and outfall and any other development authorized under this CDP,"
- Line 4 replace "government agency" with "Coastal Commission"

Timing

The SFRPD is concerned that the conditions that require plan review and approval prior to issuance of the permit could delay construction such that our Department cannot meet the requirements of the BiOp. Review of the four plans, including the Pumping Protocol Plan, Final Dredging Plan, Construction Site Plan and the Mitigation Monitoring and Reporting Plan will require significant staff time. The USFWS requires the construction of the pond by July 2, 2015 and all the construction activities to be completed by October 2015 in order to avoid California red-legged frog breeding. It is estimated that a three-month construction window will be required. SFRPD would like some assurance that the Commission's review and approval process will be swift so that we can meet our deadlines.

We look forward to continuing to work with staff to come up with mutually feasible alternatives to the above reference conditions. Thank you in advance for your time and consideration. Please do not hesitate to call me to discuss these issues further.

Sincerely

Lisa Wayne
Open Space Manager
San Francisco Recreation and Park Department

MEMORANDUM

Kamman Hydrology & Engineering, Inc.
7 Mt. Lassen Drive, Suite B-250, San Rafael, CA 94903
Telephone: (415) 491-9600
Facsimile: (415) 680-1538
E-mail: Shawn@KHE-Inc.com

Date: December 12, 2008

To: David Munro

From: Shawn Higgins and Greg Kamman

Subject: Preliminary Summary of Monitoring Data from the Laguna Salada

Kamman Hydrology & Engineering, Inc. (KHE) initiated a hydrologic monitoring study of the Laguna Salada field site near Pacifica, California in April of 2008. The purpose of this memorandum is to present a preliminary summary of the data collected through November 11, 2008. Primary sampling locations include: (1) a water level recorder installed on the west shore of Laguna Salada; (2) a water level recorder installed on the north shore of Horse Stable Pond; and (3) groundwater level and quality measurements at two locations in the area between Laguna Salada and the seawall (Figure 1). The monitoring data will be incorporated into a suite of hydrologic analyses that will be presented in a more comprehensive report at the completion of the study. Observations of water level, temperature, and salinity are presented in Figure 2.

Changes in water levels for Laguna Salada and Horse Stable Pond reflect the progressive drawdown due to pumping, evapotranspiration, and seepage. Water level data for both the Laguna and Pond show an initial drawdown of approximately 0.3 feet on April 10. The pump in Horse Stable Pond cycled on/off multiple times to maintain a consistent water level over the next two weeks. On April 24 the probes controlling the pump were adjusted by staff at Sharp Park due to anticipated flushing of fire hydrants by the city of Pacifica (S. Sweeny, personal communication on 11/12/2008). For an unknown reason the pump did not turn off and water levels in Horse Stable Pond dropped 1.8 feet overnight. The probes were adjusted the next morning and the pond filled back in to a water level of about 7.4 feet (NAVD) or about 0.2 feet below the level on April 24. Water level in Laguna Salada dropped an equal amount. Water level in both ponds then maintained a consistent elevation until the end of May when water levels began to gradually recede due to evapotranspiration and seepage losses. The two ponds receded at equivalent rates until mid-September when it appears that water level dropped below the sill elevation (approximately 6.2 feet) in the channel connecting the Laguna and Pond. After mid-September, the two ponds functioned independently of each other. The rate of recession increased in Horse Stable Pond in second half of September and reached its minimum elevation (5.6 feet) on October 4. Several light rainfalls in October produced minor increases in the water level of Horse Stable pond but had little affect on water level in Laguna Salada. A moderate rain event on

November 1 (0.75 inches reported at San Francisco) raised water level in both ponds to approximately 6.8 feet (NAVD88).

Observations of salinity in both ponds suggest that salinity levels are primarily driven by concentration of salts due to evapotranspiration losses. Salinity ranged between 0.7 and 2.5 parts per thousand (ppt) during the monitoring period. Similar salinity levels were reported for 1990-1991 in the Laguna Salada Resource Enhancement Plan prepared by Phil Williams and Associates. Salinity concentrations decreased in Horse Stable Pond between April and June while salinity levels increased somewhat over the same period in Laguna Salada. We attribute this difference to the rapid drawdown in Horse Stable Pond on April 24 which nearly emptied the pond. The pond likely filled with water stored in the adjacent groundwater system which we have measured to have a lower salinity concentration (approximately 0.6 ppt). During the remainder of the summer, salinity level increased with decreasing water level in both water bodies due to concentration of salts. A sampling investigation on August 20, 2008 collected vertical profiles of salinity at three locations in Laguna Salada accessed by kayak. The sampling locations were spaced longitudinally to sample opposite ends of the pond and the middle. No variation, either vertically or spatially, was observed in salinity levels on that date. Wind-driven mixing likely maintains the homogeneous salinity concentration in the Laguna.

Subsurface investigations in the area between Laguna Salada and the seawall provide additional information to understanding of the interactions between the salinity in the ponds and the adjacent ocean. Unfortunately, vandals removed a pair of piezometers shortly after they were installed on April 7, thwarting our monitoring of shallow groundwater conditions. A replacement piezometer installed in the sandy material about 300 feet west of Laguna Salada was sampled on November 11, 2008. Salinity level of the subsurface water was about 15 ppt while salinity in the adjacent pond was 2 ppt. Measured Laguna and groundwater levels in April and November indicate groundwater flow is from the Laguna towards the Ocean. Although data do not indicate an influx of salts into the wetland during the monitoring period, the close proximity of subsurface water with relatively high salinity levels suggests the possibility for such an influx to affect salinity levels in the ponds should Laguna water levels drop further below the level observed in 2008.

Using our monitoring data, available meteorological data and preliminary Laguna/Pond bathymetry surveys, we have prepared a detailed water budget model for the Laguna and Horse Stable Pond system. Preliminary results of this water budget analysis suggest that the increased salinity observed is likely attributable to evaporation concentrating salts in both water bodies. It does not appear from the data that seawater intrusion has much effect on salinity levels in the ponds during our monitoring period.

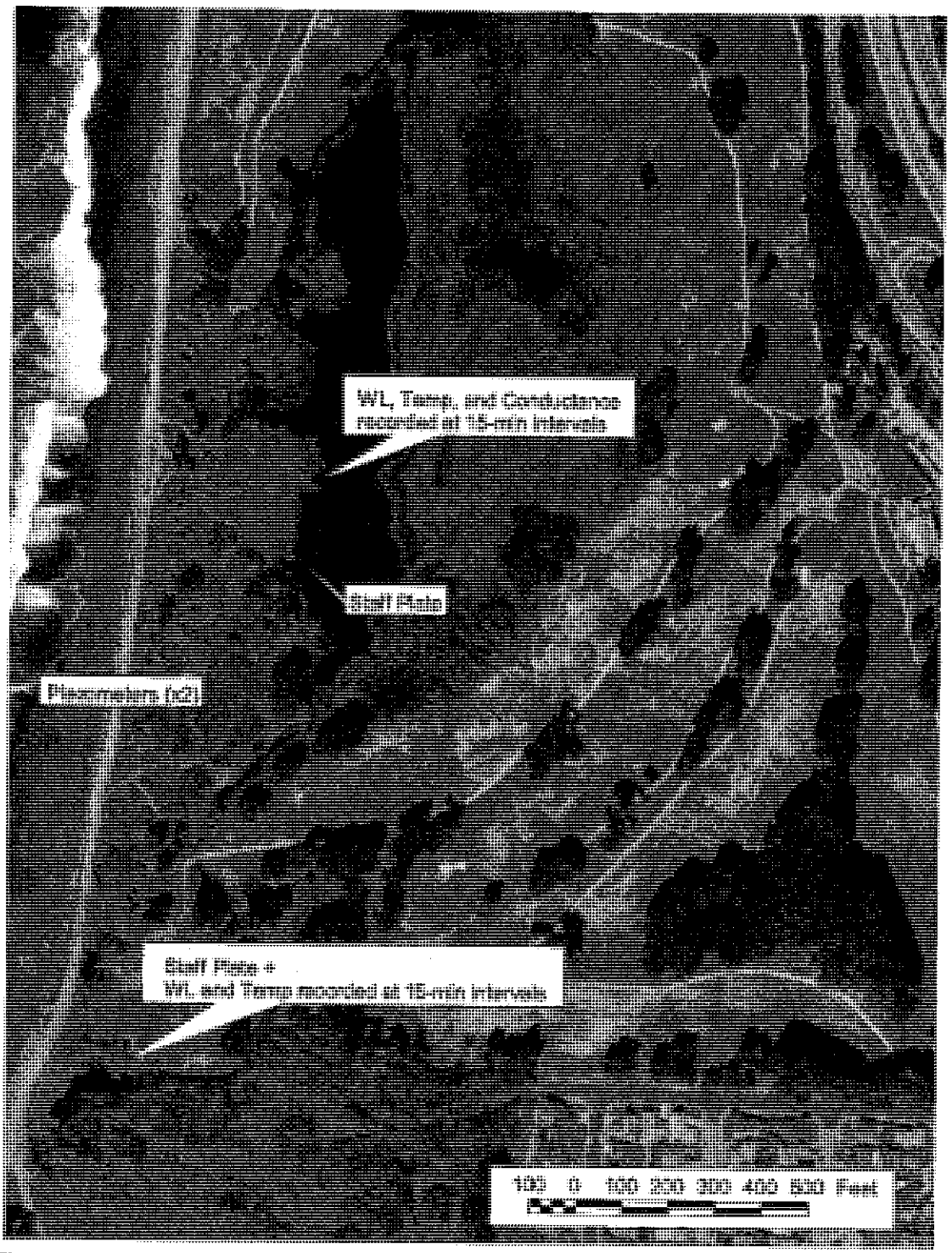

Figure 1. Site map indicating locations of hydrologic monitoring components.

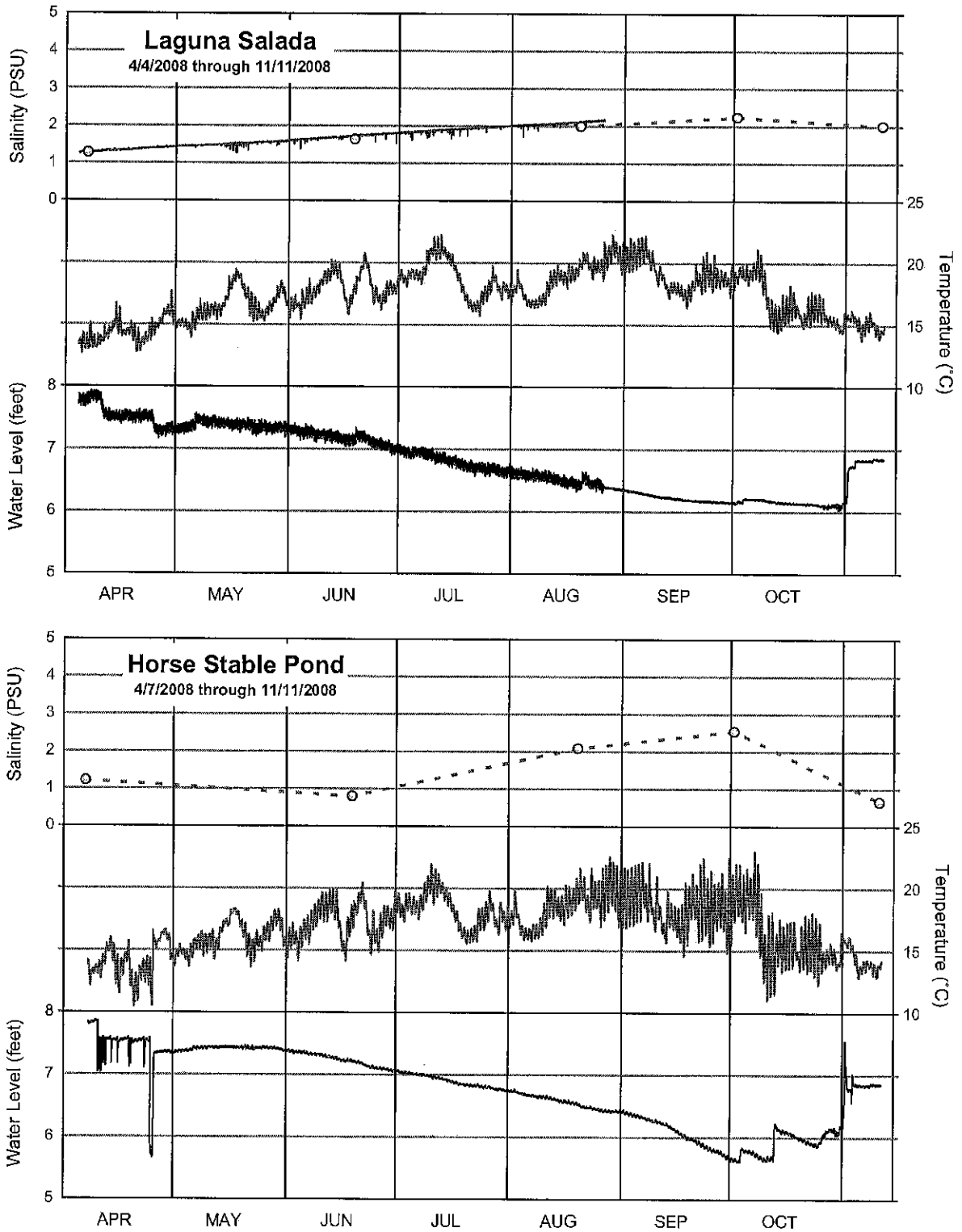

Figure 2. Plots of water level, temperature, and salinity observations at Laguna Salada (top) and Horse Stable Pond (bottom). Shaded circles in the salinity panels denote discrete observations and are connected by dashed lines to infer linear increases/decrease between samples.

Report for the Hydrologic Assessment and Ecological Enhancement Feasibility Study: Laguna Salada Wetland System Pacifica, California

Prepared For:

Tetra Tech, Inc.
San Francisco, California

Prepared by:

Kamman Hydrology & Engineering, Inc.
7 Mt. Lassen Drive, Suite B-250
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(415) 491-9600

March 30, 2009

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1.0 INTRODUCTION

Laguna Salada is the main water body of a freshwater wetland complex covering approximately 25 acres within Sharp Park near the city of Pacifica, California. The site is presently isolated from the ocean by an earthen dike and provides habitat for various freshwater species; most notably the endangered San Francisco garter snake (SFGS) and the threatened California red-legged frog (CRF). The San Francisco Recreation and Parks Department (SFRPD) administers the property and is creating a management plan focused on enhancement of suitable habitats for the SFGS and CRF. Kamman Hydrology & Engineering, Inc. (KHE) has collaborated with a project team led by Tetra Tech, Inc. to assist SFRPD with preparation of the enhancement plan. This report presents the findings of KHE's hydrologic and hydraulic analyses as they relate to proposed ecological enhancements of the Laguna.

1.1 Objectives and Scope

The purpose of this assessment is to improve understanding of the hydrologic processes which affect the distribution of ecological habitats in the wetland system and flooding of the adjacent golf course. Much of what is currently known about the hydrology of the Laguna Salada wetland system was presented by PWA et al. (1992) in an earlier Resource Enhancement Plan. The PWA report includes a description of historical conditions at the site as well as results from a hydrologic monitoring study during the period 1990-1991. The present study aims to expand on the findings of the earlier research to reflect current conditions at the site and to extend those findings into a suite of analytical models that can assist Tetra Tech and the SFRPD in the planning and design for marsh, pond, and stream restoration alternatives.

An approach was developed to address the project objectives with a suite of tasks that included compilation of existing data sources, field data collection, and analytical modeling. KHE maintained a hydrologic monitoring network at the site during the period April 2008 to April 2009. Field data collection focused on understanding the variability of water level and salinity in system. Monitoring data were utilized to characterize current site conditions and to calibrate

analytical models for additional investigation. Three specific analytical modeling tools were developed:

- A water budget model to investigate the seasonal variations of water supply and demand at the site.
- A salinity mass balance model to investigate the sources and relative impact on water quality.
- A hydraulic model to simulate the water level response in the wetland system to winter storm runoff.

This report presents findings which focus on understanding existing conditions at the site. We anticipate that the modeling tools developed in this study will contribute to the feasibility assessment of conceptual project alternatives under consideration in the enhancement plan.

1.2 Site Description

The project site is located in San Mateo County near the city of Pacifica, California (Fig. 1). Prior to development of the Sharp Park Golf Course, environmental conditions at Laguna Salada were representative of a coastal lagoon system (Fig. 2). Environmental changes during recent decades have modified the hydrologic characteristics of the system by isolating Laguna Salada and the adjacent wetlands from the ocean. An earthen seawall spanning the western boundary of the site obstructs natural drainage and eliminates the episodic tidal exchange characteristic of a coastal lagoon.

The drainage basin contributing storm runoff to the wetland complex encompasses an area of approximately 980 acres (Fig. 3). There are three inflows of surface water entering the site. Sanchez Creek, augmented in its lower reaches by highway drainage and runoff from a residential neighborhood, is the largest source of storm runoff. The creek flows westerly through the Sharp Park Golf Course before it is directed into a culvert across the #9 fairway that discharges into a channelized drainage and flows into the wetland near Horse Stable Pond. A reservoir in the upper Sanchez Creek watershed stores runoff for a portion of the wet season, thus reducing the area contributing flow to the wetlands. A second inflow collects runoff from a network of storm drains which enter the site near the golf coarse club house via an underground culvert that discharges into the eastern margin of Laguna Salada. A third inflow collects runoff from a network of storm drains that enter the site via an underground culvert that discharges into the northern extent of Laguna Salada. Additional runoff inputs to the site include overland flow across the golf course property and from the Golden Gate National Recreation Area property to the south.

The current wetland system is composed of two freshwater ponds connected by a narrow channel and bordered by emergent wetlands (Fig. 4). Laguna Salada is the larger and deeper of the two remnant ponds, with a bottom elevation ranging between 0 to 2 feet (NAVD 88[1]). The Horse

[1] All elevations in this report reference NAVD 88, a fixed vertical datum. For reference, mean sea level is equivalent to an elevation of 3.26 feet on the NAVD 88 datum at the NOAA tide gaging station at San Francisco.

Stable Pond is located approximately 1,000 feet south of Laguna Salada and is considerably smaller and shallower, with bottom elevations ranging between 3.5 and 5 feet. The connector channel enables bi-directional flow depending on the relative water surface elevations in the two ponds. Portions of the connector channel are very shallow and at extremely low water levels the ponds become hydraulically disconnected.

Drainage from and water levels in the Laguna Salada wetlands are presently maintained by the operation of a pumping station located at the southern extent of Horse Stable Pond. The pumping station contains two pumps; a large pump with a flow capacity of 10,000 gallons per minute (GPM) and a smaller pump with a flow capacity of 1,500 GPM, which transfer excess runoff from the ponds to an outfall on the beach. The probes which trigger the pump operation are adjusted seasonally to control the pumping operations. At the beginning of the wet season the small pump is set to activate when the water surface elevation in Horse Stable Pond exceeds approximately 6.9 feet (NAVD 88) and the large pump is set to activate when the water surface elevation exceeds 7.5 feet (NAVD 88)[2]. The probe settings are adjusted during the CRF egg-laying season in order to maintain a water level above all identified egg masses. Additional adjustments to the probe settings and pond water levels are needed following major rainstorms as subsequent CRF egg laying occurs at higher elevations.

The Sharp Park golf course is irrigated during dry weather periods with freshwater from two sources; runoff captured and stored in a small reservoir on Sanchez Creek located in the hills east of Highway 1 and potable water delivered by a local water agency. There are potential plans to introduce reclaimed water for irrigation of the golf course in the future. It is believed that the majority of applied irrigation is consumptively used, with any excess going towards groundwater recharge. Water budget calculations and analysis monitoring data do not indicate significant contributions of excess irrigation as either surface runoff or groundwater inflow to the wetlands.

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[2] Corresponding gage heights on the staff plate attached to the intake structure are 1.0 and 1.6 feet, respectively. Probe settings provided by Sean Sweeney in an email communication on 11/4/2008.

2.0 SUMMARY OF KEY FINDINGS

Assessment of existing hydrologic conditions focused on characterizing the seasonal and inter-annual variability of water level fluctuations in the Laguna Salada wetland system. Hydrologic monitoring at the site documented water level fluctuations over a range of 3.2 feet during the period April 2008 through February 2009. Observations noted a gradual recession of the water surface elevation in Laguna Salada from 7.3 feet (NAVD 88) in May 2008 to 6.1 feet in October 2008. Rainfall in early November 2008 quickly filled Laguna Salada and the water surface elevation remained near 7 feet (NAVD 88) through the early winter. A storm event in mid-February 2009 increased the water surface to an elevation of 9.3 feet.

Results from a water budget investigation reveal that the system is supplied with adequate water to fill the ponds even in dry years. This study and the previous hydrologic site assessment (PWA, 1992) were both completed during multi-year droughts and reflect "worst-case" scenarios with respect to water supply and water quality conditions in the Laguna Salada wetlands. However, conditions observed and monitored during these studies reflect suitable conditions to sustain desired ecological habitats.

Inter-annual variability of water levels in the wetlands is low due to the operation of the pumping station. Early spring water levels in the pond areas are consistent between dry, normal, and wet water year types because water level is controlled by the pumping station. Dry season losses due to evapotranspiration and seepage do not likely vary much year to year. Surface water inflows associated with winter storm events provide the primary source of water to the wetland system. Groundwater inflow exceeds groundwater outflow (seepage); as a result, groundwater inflows contribute to the overall water budget of the system. As a result of groundwater contributions, dry season water level recession occurs at a slightly slower rate than would be expected due to evapotranspiration losses alone.

The hydraulic connectivity of the wetland system was evaluated by monitoring concurrent water surface elevations in Laguna Salada and the Horse Stable Pond. The connector channel enables hydraulic exchange of water between the pond areas at water surface elevations greater than 6.2

feet (NAVD 88). The connector channel limits the rate at which water can be exchanged between the two pond areas. Dense vegetation growth within the channel creates hydraulic friction that slows the movement of water.

The seasonal variation of salinity in the wetland system was monitored to characterize existing conditions and to assess potential impacts associated with saltwater encroachment. Salinity in the pond areas ranged between 0.7 and 2.5 parts per thousand (ppt) during the monitoring period. Salinity within Laguna Salada appears uniform and well mixed. The total mass of dissolved salts in the wetland system increased by 8 percent (8%) during the monitoring period. Relatively saline groundwater with a salinity of 15 ppt was observed in the sandy flat between Laguna Salada and the seawall,however, measured groundwater gradients indicate net groundwater movement in this area is westward or from the Laguna towards the ocean. The small net increase observed in the total mass of dissolved salts may be explained by short-term encroachments of saltwater towards the wetlands or concentration of salts by evaporation of relatively fresh (low salinity) sources, however, the observed increase falls within the likely range of uncertainty associated with the accuracy of existing data sources and the mass balance calculations. Any encroachment of saltwater in recent years has not produced accumulative effects on the salinity of the pond areas. Salinity observed in 2008 ranged within the values reported by PWA et al. (1992) for observations in 1990-91.

A modeling system was developed to integrate the rainfall-runoff, flood routing, and pond storage characteristics of the wetland system. Findings from the modeling investigation present the water level responses to a range of design storm events based on existing conditions at the site. The model provides an analytical tool which can be utilized in future investigations to evaluate the potential impacts to flood hazards associated with various conceptual design alternatives.

3.0 HYDROLOGIC ASSESSMENT

3.1 Summary of Monitoring Results

KHE collected hydrologic monitoring data at the project site during the period April 2008 through April 2009. Field data were utilized to describe the hydrologic conditions representative of the monitoring period and to calibrate analytical models of hydrologic processes at the site. The primary components of the monitoring network are Solinst-brand Levelogger instruments (devices recording water level and temperature or water level, temperature, and conductance) installed along the west shore of Laguna Salada and along the north shore of Horse Stable Pond. Data recorders were programmed to store readings continuously at 15-minute intervals and suspended inside 2-inch diameter stilling wells by stainless steel cables. Water level monitoring locations are indicated on Figure 4.

Each water level recorder was contained in a stilling well and paired with a staff gage for which the elevations were surveyed relative to the NAVD 88 vertical datum. Adjustment factors to convert gage height (*GH*) readings to NAVD 88 elevations were determined to be $GH + 2.29$ feet for the staff gage in Laguna Salada and $GH + 0.85$ feet for the staff gage in Horse Stable Pond. The observed water level elevations determined from staff gage readings were then compared to the corresponding water depth recorded by the Levelogger instruments to calculate the datum adjustment factors needed to adjust water level data to NAVD 88 elevations. Time series plots of the NAVD 88 water surface elevations for Laguna Salada and Horse Stable Pond over the study period are presented in Figure 5.

Observations during a site reconnaissance in February 2008 noted that the ponds were full and low-lying portions of the adjacent golf course were inundated. Late-Spring 2008 water levels were driven by operation of the pumping station at Horse Stable Pond. The probes controlling the pump were adjusted by staff at Sharp Park on April 10th and again on April 24th reducing water levels in both ponds to an elevation of about 7.4 feet (NAVD 88) by the end of the month. Water levels then maintained a nearly constant elevation throughout the month of May 2008.

Water level recession due to natural seepage and evapotranspiration losses began in early June. Both ponds receded at a nearly constant rate (approximately 1 inch per week) between June 1st and August 31st. Water levels in Horse Stable Pond diverged from those of Laguna Salada beginning in early September. The rate of water level recession for Horse Stable Pond increased to approximately 3 inches per week while Laguna Salada continued to recede at its previous rate of approximately 1 inch per week.

The lowest observed water levels and highest observed salinity occurred during the month of October 2008. Horse Stable Pond receded to its minimum water level of 5.6 feet on October 3rd. Water level then fluctuated in Horse Stable Pond throughout October in response to minor inflows. Laguna Salada maintained a nearly constant water level throughout October 2008 reaching its minimum water level of 6.1 feet on October 30th.

Early winter water levels in November 2008 were controlled primarily by operation of the pumping station in Horse Stable Pond. Water levels in both ponds increased rapidly in response to rain events totaling 1.3 inches on November 1st and 0.3 inches on November 3rd. The pumping station was activated when water level in Horse Stable Pond exceeded an elevation of 7.5 feet. The net water level response from the early November 2008 rainfall increased water levels by 0.8 feet in both ponds. The remainder of November was relatively dry; water levels in both ponds maintained a nearly constant elevation at 6.8 feet (NAVD 88) for the remainder of the month. A slight increase in water level of approximately 0.2 feet was observed during a two-week period in late November and early December. This increase, along with a slight increase in water level in mid-October do not coincide with storm runoff as no significant rainfall was reported for Pacifica.

Monitoring data were not recorded between December 12, 2008 and February 5, 2009 due to equipment failures[3]. Rainfall totals during this early 2009 included 2.3 inches in December, 0.8 inches in January, and 0.4 inches in early February. Water levels in both ponds had increased

[3] Note: additional processing may salvage some data from this period. If available, data will be included in a final version of this report.

slightly to an elevation of 7.2 feet on February 5th. The probes controlling the pumping station had been adjusted during the intervening period due to the presence of CRF egg masses.

Data recorders were reprogrammed during the February 5th site visit. Subsequent rains on February 15th, 16th, and 17th (3-day total of 4.3 inches) increased water levels in the pond to an elevation of 9.3 feet. The larger of the two pumps did not activate during the mid-February storm as expected although the smaller pump did discharge some water from the system. [NOTE: further text and findings forthcoming after final monitoring visit in April 2009].

The April 2008 to March 2009 period was representative of a conditions during a dry water-year type; approximately 16 inches of rain, 64% of the climatic normal, was recorded at Pacifica during the 11 month period. The National Weather Service station at San Francisco reported the driest spring (March-May 2008) on record with 0.47 inches of precipitation. December 2008 and January 2009 precipitation was also below normal.

Groundwater sampling targeted the relatively flat area between Laguna Salada and the seawall. Two piezometers (PZ-1 and PZ-2), or shallow groundwater monitoring wells, were installed in April 2008 (see Fig. 4). Initial groundwater elevations had been measured relative to the top of the piezometer casings (an arbitrary datum). The field task to survey instrument elevations was scheduled for later in the summer at which time the groundwater observations were to be adjusted to NAVD 88 elevations for comparison to water level data in the pond. Unfortunately, vandalism of the piezometers (removal and destruction) rendered much our data unusable in this study. A subsequent piezometer installation in Novermber 2008 (PZ-3; see Fig. 4) utilized a stainless steel casing that was driven into the soil with a slide hammer; a design much more difficult to remove. Groundwater level and basic water quality parameters (temperature, salinity, and pH) were sampled from PZ-3 during the November 11, 2008 site visit and again in February 2009. Groundwater levels and salinity were also measured in shallow wells located immediately east of Horse Stable Pond and within the Mori Point Park property. The locations of the Mori Point wells are also plotted on Figure 4.

3.2 Water Budget

A water budget provides a quantitative accounting of water supplies and demands to a water body. The primary components of the water budet equation are:

$$I - O = \Delta S/\Delta t \qquad \text{(Eq. 1)}$$

where:

I is the volume of inflow,

O is the volume of outflow, and

$\Delta S/\Delta t$ is the net change in the volume of water storage per unit time, t.

Surplus water is stored within the pond/wetland system during periods in which inflow exceeds outflow. Conversely, water is removed from storage during periods in which outflow exceeds inflow. The corresponding rise or fall in water level to a given increase or decrease in storage is also influenced by the topographic characteristics of the storage site

An analytical water budget model was developed to evaluate the seasonal and inter-annual variability of hydrologic conditions. The water budget model discretizes the primary inflow and outflow components into monthly volumes and provides an analytical solution to the water balance equation for each time step. The expanded water balance equation utilized for Laguna Salada takes the form:

$$P + Q_{in} + G_{net} - Q_{out} - ET = \Delta S/\Delta t \qquad \text{(Eq. 2)}$$

where:

P is direct precipitation,

Q_{in} is surface water inflow,

G_{net} is net subsurface (groundwater) inflow (*i.e. inflow – seepage*),

Q_{out} is surface water outflow (discharge from pump station), and

ET is evapotranspiration.

The relationship between pond stage, or water surface elevation, and the available cumulative (Laguna Salada and Horse Stable Pond) water storage capacity was determined by terrain analysis of topographic and hydrographic survey data collected by Lee & Associates in 2008 (Fig. 6). Laguna Salada has a much larger storage capacity than the Horse Stable Pond. At the lowest observed stage during the monitoring period (6.1 and 5.6 feet, respectively for Laguna Salada and Horse Stable Pond), Laguna Salada retained approximately 23 acre-feet[4] of water in storage while the Horse Stable Pond retained less than 0.5 acre-feet of water in storage. At the stage where water begins to spill out of the ponds and flood low-lying portions of the adjacent golf course (approximately 8.5 feet), about 62 acre-feet of water is stored within Laguna Salada and an additional 4 acre-feet is stored with the Horse Stable Pond (cumulative total of 66 acre-feet).

Rainfall at the project site is characterized by wet winters and dry summers. Typically, more than 85% of the annual rainfall occurs during the period between November and March. Data from the National Weather Service station at Pacifica (NWS Coop ID: 46599) reveal a mean annual precipitation of 28.5 inches for the period 1983-2007. Inter-annual variability of rainfall is moderate. The lowest rainfall observed in the last 25 years occurred in 1990 when 15.9 inches were recorded. The highest rainfall observed during this period was 1998 when 46.9 inches were recorded.

Surface water inflows appear to be intermittent or seasonal, with low base flow occurring only during the wet season. No surface inflows were observed during the period April 1 to October 1, 2008 and similar conditions were reported by PWA et al. (1992) for the period 1990-91. The surface inflows are ungaged and few data are available to describe the unimpaired runoff characteristics of coastal watersheds in San Mateo County. A mean annual runoff of 7.9 inches, 28 percent of the mean annual precipitation, was estimated for the project site from a regional rainfall-runoff relation developed for the San Francisco Bay area by Rantz (1974).

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[4] An acre-foot is a standard unit of water volume measurement. It is the volume of water, 43,560 cubic feet, that will cover an area of one acre to a depth of one foot.

Estimates of precipitation and surface inflow values representative of dry, normal, and wet water year types were determined in order to assess inter-annual variability of the water budget. Dry, normal, and wet water years are represented by historical values having a 0.8, 0.5, and 0.2 exceedance probability[5], respectively (Table 1). The ratio of annual precipitation at a given exceedance probability to the long-term mean annual precipitation was multiplied by the mean annual runoff to estimate annual runoff totals for the different water year types.

A seasonal distribution of surface inflow was derived from mean monthly streamflow data at the U.S. Geological Survey gaging station on Pescadero Creek (station ID: 11162500). The resulting distribution curve was modified for the period April to October to reflect the lack of sustained baseflow to the project site during months of low rainfall. The monthly percentage of annual runoff was then multiplied by the estimated annual runoff total to determine a time series of monthly surface inflow for the dry, normal, and wet water year types

Surface water outflows are blocked by the earthen seawall under existing conditions. Excess water is drained from the wetlands via the pumping station in Horse Stable Pond. Pumping is controlled by the adjustment of probes which activate the pumps at a given water level as described above (section 1.2). As such, surface water outflow is estimated in the water budget as the volume of water required in each time step to pump the ponds down to the water level at which the pumps are activated. Water budget modeling assumed that the pumping station maintained water levels at 6.9 feet (NAVD 88) at the beginning of the winter and is adjusted in February to maintain water levels at 7.3 feet.

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[5] An exceedance probability is the probability that a specified variable (e.g., total annual discharge or annual precipitation) will be exceeded during the year. In the context of this discussion, exceedance probability expresses the likelihood of a given value to be exceeded in a given year. When applied to an annual time series, exceedance probabilities of 0.8 and 0.2 can be expected, on average, to be the 2nd wettest and 2nd driest annual totals in any given 10-year period.

Evapotranspiration estimates were determined using the cover coefficient approach as described by Allen (1998). Monthly average reference evapotranspiration values for the Coastal Plains Heavy Fog Belt Zone (DWR, 2005) were multiplied by a cover coefficient which is a lumped parameter used to describe the relative differences between the wetland conditions and the reference crop (grass). The cover coefficient for wetland vegetation ranges seasonally. Data presented by Allen (1998) for a cattail marsh were utilized to derive cover coefficients that ranged from 0.75 during the dormant winter period to 1.25 during the midseason period between May and September. The resulting evapotranspiration estimates range between 0.5 inches in January and 5.8 inches in July.

The groundwater inflow/outflow terms are the most difficult parameters of the water budget to quantify. A conceptual model of surface water-groundwater interactions was developed from a combination of existing data sources and field observations. Shallow groundwater is present to the east and south of the wetland complex. The water table follows a gradient directed toward the ocean and intersects the ground surface at the open water ponds. The rate of groundwater flow is proportional to (1) the slope of the water table, or the hydraulic gradient, and (2) the hydraulic conductivity, or permeability, of the soil materials. The net difference between groundwater inflow and outflow is determined by the relative subsurface conditions east and west of the open water ponds. If the product of the hydraulic gradient and conductivity is greater to the east of the pond, subsurface inflow will exceed outflow and additional water will be stored in the pond/wetland system.

Water level observations recorded from a monitoring well positioned between Laguna Salada and the seawall (PZ-3) reveal shallow groundwater levels approximately 0.5 feet below the water level in the adjacent pond. These observations indicate a hydraulic gradient of approximately 0.002 directed toward the ocean. For comparison, previous monitoring of groundwater wells in the area east of Laguna Salada by PWA (1992) indicated a hydraulic gradient of approximately 0.007 directed toward the pond. All else being equal (i.e. same hydraulic conductivity), if the hydraulic gradient of the groundwater inflow coming from the east exceeds the hydraulic gradient of the outflow directed towards the ocean, then groundwater inflow exceeds groundwater outflow and increases the volume of water stored in the ponds.

The net volume of groundwater inflow (G_{net}) to Laguna Salada was evaluated quantitatively by use of the water budget model. The model was configured to solve the water budget equation for G_{net}:

$$\Delta S/\Delta t + P + Q_{in} - Q_{out} - ET = G_{net} \qquad \text{(Eq. 3)}$$

Precipitation, surface inflow, and surface outflow can be removed from the equation by isolating the data record for the dry summer months in which those terms were observed to equal zero. This simplifies the summer (dry season) water budget equation for the period May through Septhember 2008 as:

$$\Delta S/\Delta t - ET = G_{net} \qquad \text{(Eq. 4)}$$

During the period May – September 2008, water level in Laguna Salada dropped 1.0 feet, however, the estimated evapotranspiration during the same period totaled 1.8 feet. The difference suggests that the summer recession of pond water levels is moderated by a net inflow of groundwater to the pond/wetland complex. A linear relation between stage and G_{net} was developed to quantify groundwater contributions in the water budget analyses. It is likely that the relation becomes nonlinear at low stages because further declines of the pond water level would reverse the hydraulic gradient between the ocean and the ponds.

Annual water budgets derived from simulations of dry, normal, and wet water year types are presented in table 2. The normal water year type is represented by the median annual totals of precipitation and runoff. Dry and wet water year types are represented by annual totals of precipitation and runoff with an exceedance probability of 0.8 and 0.2, respectively.

Results from the water balance simulations show that the variation of water year types does not affect the annual change in the volume of water stored in the wetlands. Wet years do not produce an annual increase in water storage and dry years do not lead to an annual decrease in storage. The water budget simulations confirm that adequate water is supplied to the system to

maintain the open water ponds during dry years. Increases in precipitation and runoff seem to only affect the volume of water drained from the system via the pumping station in Horse Stable Pond.

Data from the water balance simulations suggest that groundwater contributions effect water levels in the pond/wetland system, however, the magnitude of this effect is not large. During the normal (median) water year type, surface inflows exceed the net volume of groundwater inflow by more than 600 percent (600%) and by 250 percent (250%) during dry year types.

Table 1. Representative values of dry, normal, and wet water year types utilized in modeling the water budget.

Exceedance Probability	Annual Precipitation (inches)	Relation to Mean Annual	Annual Runoff (inches)	Water Year Type
0.80	19.8	69%	5.5	Dry
0.50	29.4	103%	8.1	Normal
0.20	34.6	121%	9.6	Wet

Table 2. Annual water budget for the Laguna Salada wetland complex. AF is Acre-feet.

Water Year	P (AF)	Q_{in} (AF)	Q_{out} (AF)	ET (AF)	G_{net} (AF)	ΔS (AF)
Dry	27	104	121	52	42	0
Normal	38	266	294	52	42	0
Wet	49	540	578	52	41	0

3.3 Hydraulic Connectivity

The two main pond areas, Laguna Salada and the Horse Stable Pond, are hydraulically linked by a connector channel. At low water levels (less than 7 feet NAVD 88) the connector channel is approximately 20 feet wide. The channel is shallow; minimum bed elevation ranges between 3.1 and 6.2 feet. The highest point along the longitudinal profile of the channel is located just north of the cart path culvert passing under the 12th fairway of the golf course. When water surface elevations recede below 6.2 feet, the two ponds are hydraulically disconnected. This is evident in the water level data when the pond recession rates for Laguna Salada and Horse Stable Pond diverge in mid-September (Fig. 5).

The channel is spanned in places by emergent vegetation. The dense stems of cattails, in particular, create frictional resistance to the hydraulic exchange of water between the pond areas. Field observations durmg the monitoring period noted a dense stand of cattails adjacent to the culvert within the connector channel. As water level increases following winter storm events, hydraulic exchange seems to improve as water can pass around the cattail bunches. Once water levels equilibrate between ponds, there is little, if any, circulation or water transfer through the ditch between ponds.

Time series plots of the water surface elevations for Laguna Salada and the Horse Stable Pond illustrate the hydraulic exchange between the two pond areas during a storm event (Fig. 7). The November 1, 2008 rainfall event was the first storm of the monitoring period and brought approximately 1.3 inches of precipitation. Prior to rainfall, the water surface elevations for the two pond areas were in equilibrium at 6.2 feet. The initial water level response of Horse Stable Pond to rainfall was a rapid increase in stage relative to Laguna Salada. Hydraulic resistance in the connector channel noticeably restricted the runoff entering Horse Stable Pond to flow into the larger storage basin of Laguna Salada A burst of rainfall around 7:00 PM increased the water surface in Horse Stable Pond above 7.5 feet and triggered the 10,000 GPM pump. The pump operated for approximately 45 minutes and lowered the water surface in Horse Stable Pond below 6.9 feet at which point the pump shut off. Additional runoff increased water level in Horse Stable Pond by about 0.2 feet before water level in the pond began to recede. Water level

in Laguna Salada continued to rise gradually over several hours. Hydraulic exchange between the two pond areas brought the water surfaces back into equilibrium approximately 24 hours after the initial rainfall began.

The November 1 example represents a small rain event that did not trigger a dramatic water level response. Flow in the connector channel was likely directed north (from Horse Stable Pond to Laguna Salada) for the entire event. In a larger storm event that increases water levels in both pond areas above the elevation which activates the pump, flow in the connector channel would be expected to be reversed (i.e. from the Laguna towards Horse Stable Pond). The relatively small storage capacity of Horse Stable Pond causes its water surface to rise rapidly. The relatively large storage capacity of Laguna Salada, in contrast, produces a more moderate response. The hydraulic gradient between the two pond areas initiates flow from Horse Stable Pond towards Laguna Salada when Horse Stable Pond water levels are higher relative to those in the Laguna and from the Laguna towards Horse Stable Pond when the Laguna water levels are higher. As the pumping station lowers the water surface in Horse Stable Pond below that of Laguna Salada, flow in the connector channel responds accordingly. In the absence of additional runoff inputs, the two pond surfaces would be expected to equilibrate and recede until the pumping station is shut off.

4.0 SALINITY ASSESSMENT

Salinity is a measure of the concentration of dissolved salts in water. The salinity characteristics of the pond/wetland system were evaluated by an approach that utilized a combination of field monitoring data and analytical modeling. Monitoring data were collected to describe the seasonal range and variability of salinity. Sampling included measurements from the open water ponds and groundwater monitoring wells. An analytical model was then developed to derive the mass of salt in the pond/wetland system given a known concentration and a known volume of water. Temporal changes in the mass of salts were evaluated to assess the physical processes affecting salinity in the wetland system.

The salinity assessment was developed to test the hypothesis that the seasonal change in salinity was affected by shallow groundwater conditions. Given its location along the coastline, there is the potential for seawater intrusion to increase salinity and alter the habitat conditions of the system. Salinity is expected to increase during the summer when evapotranspiration losses decrease the volume of water in storage and thus increase the concentration of dissolved salts.. If the seasonal variability of salinity is controlled by evapotranspiration, then the overall mass of dissolved salts should remain stable throughout the year even though the concentration may fluctuate. If, however, relatively saline water is being added to the pond during a portion of the year, the mass of dissolved salts in the system could increase over time.

4.1 Salinity Observations

Salinity was calculated from measurements of specific conductivity and temperature. Conductivity measures the ability of a material to carry an electrical current. In general, the higher the concentration of dissolved salts and minerals in the water, the higher the conductivity. A Solinst-brand Levelogger instrument collected water level, temperature, and conductivity readings from Laguna Salada for the period 4/7/2008-8/26/2008. Salinity was calculated from the conductivity data using an equation presented by Schemel (2001). Additional discrete samples of conductivity/salinity were collected using an YSI-brand 556 multi-probe system.

Salinity in the open water ponds generally varied inversely to water level over a range of 0.7 to 2.5 parts per thousand (ppt) during the monitoring period (Figs. 8 and 9). For comparison, PWA et al. (1992) reported a range of salinity between 1.0 and 3.0 ppt during their 1990-1991 study. A sampling investigation on August 20, 2008 collected vertical profiles of salinity at three locations in Laguna Salada accessed by kayak. The sampling locations were spaced evenly along the axis of deepest water (oriented north to south) to sample opposite ends of the pond and the middle. No vertical or spatial variations of salinity were observed on that date.

Initial sampling in Laguna Salada during April 2008 yielded a salinity of 1.3 ppt. The continuous data recorder then indicated a steady increase in salinity through the month of August (see Fig. 9). Discrete measurements indicate that this trend continued through the month of September. The highest recorded salinity in Laguna Salada was 2.3 ppt observed on October 2nd. Additional discrete measurements in November 2008 and February 2009 revealed salinity levels of 2.0 and 1.9 ppt, respectively, for Laguna Salada.

Salinity observations in Horse Stable Pond varied over a slightly higher range. Following the initial observation of 1.2 ppt in April 2008, salinity dropped to 0.8 ppt by the next sample on June 19th. This decline in salinity differs from the expected inverse relationship between water level and salinity. The decline in salinity is likely explained by the rapid drawdown of Horse Stable Pond in late April when the pump failed to shut off as expected and water level dropped 1.8 feet overnight. It is likely that the pond refilled with relatively fresh groundwater from the saturated soils adjacent to the pond. Observations between June and early October display a similar increasing trend to that reported for Laguna Salada with the highest observed salinity, 2.5 ppt, recorded on October 2nd. A subsequent sample on November 11th followed the first storm event of the year and yielded a result of 0.7 ppt. By early February 2009 salinity increased to 1.2 ppt.

Salinity of the groundwater inflows was sampled from monitoring wells on the GGNRA property by Mori Point near the marsh draining into Horse Stable Pond and from ponded water in the drainage channel where Sanchez Creek enters the wetland complex. Observations reveal a

groundwater salinity ranging from 0.5 to 0.7 ppt. Initial plans to sample the salinity of groundwater in the area between Laguna Salada and the seawall were inhibited by the vandalism of the piezometers installed in April (PZ-1 and PZ-2). Samples from PZ-3 in mid-November revealed a salinity of 15 ppt; a much higher concentration than the salinity measured in the ponds or in groundwater wells installed between the Laguna and seawall in 1990-91.

4.2 Mass Balance Calculations

The mass of dissolved salts is calculated as the product of salinity and the volume of water stored in the pond/wetland system. Each salinity observation in the open water ponds is paired with a corresponding water level reading. The volume of water in storage at a given water level is obtained from the stage-storage relationship based on topographic and hydrographic survey data collected by Lee & Associates in 2008 (Fig. 6).

Time series plots of salinity, water level, and the calculated mass of dissolved salts are presented in Figures 8 and 9. Results from the mass balance calculations suggest that the total mass of dissolved salts in Laguna Salada increased approximately 11 percent over the monitoring period while the total mass of dissolved salts in Horse Stable Pond decreased approximately 25 percent over the same time interval. Although the data from Horse Stable Pond showed a larger percent of change, the relative contribution from Horse Stable Pond to the total salt budget for the system is minor due to its low storage capacity. The combined data for the total system reveal a net increase of 8 percent between April 7, 2008 and February 5, 2009.

The temporal fluctuations of the total mass of dissolved salts are subtle but reveal additional characteristics of the system. In April 2008, the total mass of dissolved salts in Laguna Salada decreased rapidly following two pumping events which drew down the water level by 0.8 feet. The mass of dissolved salts increased, however, between pumping events and throughout the month of May 2008. Data from summer show a slight decrease from mid-June through August. Subsequent sampling in October, November and February show increases in the total mass of dissolved salts.

Data from the Horse Stable Pond reveal a slightly different pattern. Following the April drawdown event, salinity decreased from 1.2 to 0.7 ppt. The salinity following pumping (0.7 ppt) is equivalent to the salinity measured in groundwater monitoring wells adjacent to the pond on the GGNRA property. Subsequent sampling indicated an increase in the mass of dissolved salts between June and August followed by a decrease between August and early-October. The mass of dissolved salts then maintained a constant level through early-November 2008 and increased before the last sample in early-February 2009.

The suggested decrease in the total mass of dissolved salts in Horse Stable Pond between August and October is questionable. Water level declined during this period, salinity increased, yet total mass of salt decreased. It is likely that the data suggest a decrease in the mass of dissolved salts because the stage-storage relationship underestimates the volume of water in storage at the low water levels observed in September and early-October. Given this observation, data were checked to evaluate whether the stage-storage relation was introducing errors in the calculation. Sampling events on June 19, 2008 and February 5, 2009 were collected at approximately equivalent water levels in the ponds. As such, temporal trends can be assessed without the need to account for the volume of water in storage. Salinity on June 19 was 1.6 ppt in Laguna Salada and 0.8 ppt in Horse Stable Pond. Following the summer drawdown period and subsequent refilling of the ponds due to storm runoff, salinity had increased to 1.9 ppt and 1.2 ppt in Laguna Salada and Horse Stable Pond, respectively. Comparing results from these two dates increases confidence in the calculated results.

4.3 Effect on Wetland Habitats

Observations from the period April 2008 to February 2009 and water/salt budget analyses suggest that groundwater contributions led to small increases in the total mass of dissolved salts in the pond/wetland system. Salinity in the ponds remained slightly brackish throughout the monitoring period and ranged between 0.7 and 2.5 ppt. Shallow groundwater entering the site

has a background salinity of about 0.7 ppt. Sampling from the sandy flat between Laguna Salada and the seawall revealed a shallow groundwater salinity of 15 ppt.

There are two existing environmental processes that may have significant impacts on the salinity of the pond/wetland system: (1) the remobilization of salts stored in the adjacent soil materials from previous periods of inundation or wave overwash; and (2) saltwater intrusion of the coastal aquifer. A conceptual model is offered to explain the potential impacts of saltwater intrusion to the wetlands:

- The coastal aquifer is composed of a zone of fresh water (salinity < 1 ppt) to the east, a zone of salt water (salinity > 18 ppt) to the west, and a zone of transition between.
- The zone of transition can be a narrow. Sampling in 2008 revealed shallow groundwater salinity of 15 ppt at a distance of less than 300 feet from the shore of Laguna Salada which had a salinity of 2 ppt.
- Throughout all monitoring periods, the hydraulic gradient of the shallow groundwater outflow from the pond is directed westerly and the fresh water pushes back saltwater from the ocean.
- Under certain conditions, such as rapid drawdown due to pumping or extreme low water during late summer, the hydraulic gradient may reverse and subsurface water of relatively higher salinity may flow into the ponds.

The impact of shallow groundwater contributions to the salinity budget does not appear to be producing any long term trends. Overall, salinity observations from the open water ponds were not significantly higher than observations from 1990-1991 (PWA et al., 1992). It is likely that a high turnover rate associated with high inflows of surface runoff and shallow groundwater from the east continue to flush the system and maintain the slightly brackish condition.

The observation of relatively saline (15 ppt) shallow groundwater in close proximity to the ponds should warrant caution concerning the long term maintenance of freshwater habitats at the site. PWA's (1992) monitoring at a nearby location did not observe salinity greater than 2 ppt. It is possible that the 2008 observation of 15 ppt is indicative of an eastward progression of the

transition zone defining the interface between fresh/saline groundwater conditions. It is also possible, however, that this zone fluctuates from year-to-year and that the previous monitoring occurred during a period when the transition zone was located further west. Further monitoring with a more extensive network of monitoring wells would be required address the issue with more confidence. Regardless, water and salt budget analyses indicate that the maximum salinity of groundwater inflow to Laguna Salada did not exceed a salinity concentration of 2.5 ppt during the 2008/09 monitoring period (and was probably much lower), indicating seawater intrusion was not a significant factor or impact to Laguna salinity during the monitoring period.

A future salinity source may be introduced to the Laguna Salada watershed in the form of irrigation with treated effluent. The impact of this potential source of salts was not evaluated as part of this study but should be considered as part of enhancement plan development if treated effluent is used for irrigation in the watershed. Sea level rise and climate change may also alter seasonal and long-term ocean levels and wave energy, potentially reversing shallow groundwater gradients between the lagoon and ocean and allowing more salts to migrate into the Laguna. The existing salinity and water budget models will prove to be useful tools in evaluating and quantifying potential benefits and impacts to wetlands under proposed enhancement plan alternatives.

5.0 STORM RESPONSE MODELING

A modeling system was developed to simulate the water level response to winter storm runoff entering the Laguna Salada wetland complex. The model integrates the rainfall-runoff, flood routing, and pond storage characteristics of the system. Modeling the hydraulic and hydrologic characteristics of the site allows for: (1) evaluation of water operations under existing conditions (e.g. areas of inundation for a given storm magnitude); and (2) evaluation of hydraulic/hydrologic changes associated with enhancment plan alternatives.

5.1 Rainfall-Runoff Simulation

A rainfall runoff model was developed for the drainage basin contributing runoff to the Laguna Salada wetland complex. The model is based on the Natural Resource Conservation Service method (also known as the SCS method) of estimating direct runoff from storm rainfall and was developed with the WinTR-55 computer program. The drainage basin is divided into eight subareas of varying size between 20 and 283 acres. Each subarea is characterized by unique values of surface area, curve number[6], and time of concentration. The calculated weighted curve number for the entire drainage basin is 78.

The model generates hydrographs for each subarea and a composite hydrograph for the cumulative inflow to the wetland complex. Simulated runoff from subareas not directly connected to the wetland complex are routed downstream along the lower portion of Sanchez Creek.

The rainfall runoff model was utilized to develop two sets of inflow hydrographs. The first set represented design storm hydrographs. Published depth-duration-frequency data for the San Francisco Bay region (Rantz, 1971) were consulted to determine the expected 24-hour storm

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[6] Curve number is a dimensionless parameter used to describe the hydrologic characteristics of a given land cover and soil type combination.

rainfall totals for a range of storm recurrence intervals between 2- and 100-years (Table 3). An additional baseflow component was added to the storm runoff hydrographs. Baseflow on the rising limb of the hydrograph was set equal to one percent (1%) of the peak flow rate. Baseflow contributions on the falling limb of the hydrographs were set equal to two percent (2%) of the peak flow rate for the 2-, 5-, and 10-year recurrence interval events and five percent of the peak flow rate for the 25-, 50-, and 100-year recurrence interval events. Estimates of baseflow contributions were based on the estimated peak flow response to rainfall on February 15th and 19th 2009 and flow measurements made in Sanchez Creek on the afternoon of February 16th.

The second set of inflow hydrographs generated for the study represented historical (observed) events. As the watershed is ungaged, rainfall-runoff simulations were utilized to estimate inflow hydrographs for discrete storm events observed during the monitoring period. Rainfall data for these events were obtained from weather stations published for Pacifica, California, on the Weather Underground website (http://www.wunderground.com/). The resulting hydrographs were utilized in calibration of a hydraulic modeling component.

Table 3. Rainfall-runoff characteristics of design storms ranging between the 2- and 100-year recurrence interval events.

Return Period (years)	Rainfall Depth (in)	Runoff Depth (in)	Runoff Volume (AF)	Peak Flow Rate (cfs)
2	3.1	1.2	77	136
5	4.0	2.0	127	254
10	4.7	2.5	161	348
25	5.5	3.1	199	468
50	6.1	3.7	238	564
100	6.6	4.1	263	646

5.2 Hydraulic Model Development

The U.S. Army Corps of Engineers' River Analysis System (HEC-RAS) version 4.0 (March 2008) software was used to perform a one-dimensional unsteady flow analysis of the Laguna Salada system. The system consists of two basins, a connector channel linking the two basins, and a water-level activated storm water pumping system which pumps water out of the system into the Pacific Ocean.

Both basins within the system are governed by stage-volume relationships identified by the topographic and hydrographic survey by Lee & Associates in 2008 (Figure 6). Laguna Salada, the larger northernmost basin, contains nearly 12 times the volume of Horse Stable Pond. The Horse Stable pond contains the intake to the storm water pumping system, which controls the water level of the entire system. Parameters determining operations at the pumping station (e.g. flow capacity, water surface elevations to turn the pumps on/off) were based on existing operating criteria provided by SFRPD (Table 4 ; email communication with Sean Sweeny on November 4, 2008).

The connector channel is represented in the model as a series of nine cross-sectional profiles and includes the 48-inch corrugated metal culvert passing under the golf cart path on the 12th fairway. Model cross-sections were extended approximately 2,000 feet allowing for simulated water to spill out of the main channel into the off-channel marsh areas. Flow in the connector channel is bi-directional and is determined by the relative water surface elevations in the two pond areas.

Model simulations were run for a 48-hour period. Inflow hydrographs created from the rainfall-runoff modeling component are routed into the wetland complex at the three points of channelized flow indicated in Figure 4. For each time step during the simulation, the model determines the change in the volume of water in storage for each pond area by balancing the inflow and outflow rates. The relative increase/decrease in water surface elevation is determined from the corresponding stage-volume relationship. Transfer of flow between pond areas via the connector channel is simulated based on the hydraulic gradient at a given time step.

Roughness characteristics of the cross-sectional profiles were calibrated in a simulation of an observed storm event on November 1, 2008. Hydrologic monitoring data revealed that the transfer of water between the two pond areas is slowed by the frictional resistance of the channel boundary and by vegetation growing within the channel (section 3.3). The Manning's roughness coefficient (n) of the channel cross-sections was adjusted through an iterative process until the resulting time series plots of water surface elevations in both the Laguna and pond most closely approximated the observed condition (Fig. 10). A Manning's n value of 0.15 was selected as the best representation of channel roughness characteristics.

Table 4. Pump operation parameters assumed in hydraulic model of existing conditions. WS Elev is water surface elevation (NAVD 88).

	Flow Rate (GPM)	WS Elev On (ft)	WS Elev Off (ft)
Pump #1	10,000	7.5	7.0
Pump #2	1,500	6.9	6.4

5.3 Design Storm Simulations

Design storm simulations utilized the rainfall-runoff and hydraulic models to evaluate the water level response to a range of storm events. Initial model runs focused on simulating existing conditions of the wetland system. All simulations assumed an initial water surface elevation of 6.8 feet (NAVD 88) in both pond areas. The assumed water level approximates conditions when the ponds have filled following previous runoff events and the pump, operating under criteria specified in Table 4, has maintained a water level just below the elevation that would trigger pump activation. It should be noted, however, that the actual water level in the ponds at the beginning of a storm event can vary from the assumed elevation due to: (1) adjustments to the probes controlling the pumping station that increase water levels such that all identified CRF egg

masses remain inundated; and/or (2) timing of the storm such that rainfall "piggybacks" on a previous event that triggered an increase in water level.

Results are presented to illustrate the water level response in Laguna Salada to the design storm runoff for rainfall events at recurrence intervals of 2, 5, 10, 25, 50, and 100 years (Fig. 11). The capacity of the pumping station to discharge water from the system is exceeded in all design simulations. The simulated water level responses for the two pond areas display a similar form as that observed in the monitoring data. Flow in the connector channel is bi-directional; flow is directed towards Laguna Salada during the peak of the storm event and reverses flow direction as the inflow rates of storm runoff entering the system decrease and pumps dewater Horse Stable Pond.

The 48-hour simulation periods capture the maximum water surface for rainfall events at a recurrence interval of 10 years or less. Water level continues to increase beyond the 48-hour simulation period for the more extreme storm events, however, the rate of increase at the end of the simulations are minimal. The results are comparable to previous model simulations of the water level response to a 100-year recurrence interval rainfall presented by PWA et al. (1992). PWA predicted a maximum water surface elevation of 13.7 feet NAVD 88 (10.9 feet NGVD 29 as presented in the report). Results from the most recent study suggest a maximum water surface elevation approaching 15 feet NAVD 88 during the 100-year rainfall event. The primary difference between the model presented by this study and earlier results by PWA (1992) is that the PWA data do not include a baseflow contribution to the simulations. At the end of the 24-hour storm event, PWA's discharge data decreases to zero and water level begins to recede. If the baseflow component is removed from the KHE runoff simulations, the model predicts a maximum water surface of approximately 13.5 feet NAVD 88.

Results of the design storm simulations describe the hydraulic processes that contribute to flood hazards of the adjacent properties. Maps illustrating the predicted areas inundated under the design storm simulations depict the potential for widespread flooding of area (Fig. 12). The primary contribution of the storm response modeling investigation is its quantification of hydrologic and hydraulic characteristics based on a given set of assumptions representative of

the existing site conditions. The model provides an analytical tool which can be utilized to evaluate the potential impacts to flood hazards associated with various conceptual design alternatives. For example, if physical modifications are proposed that would affect the stage-storage relationship, enhance hydraulic connectivity, or modify the pumping station, the model could be adjusted to reflect the proposed conditions. Results from the proposed condition simulations could then be compared to the existing conditions simulations to evaluate potential impacts to the flood hazards at the site.

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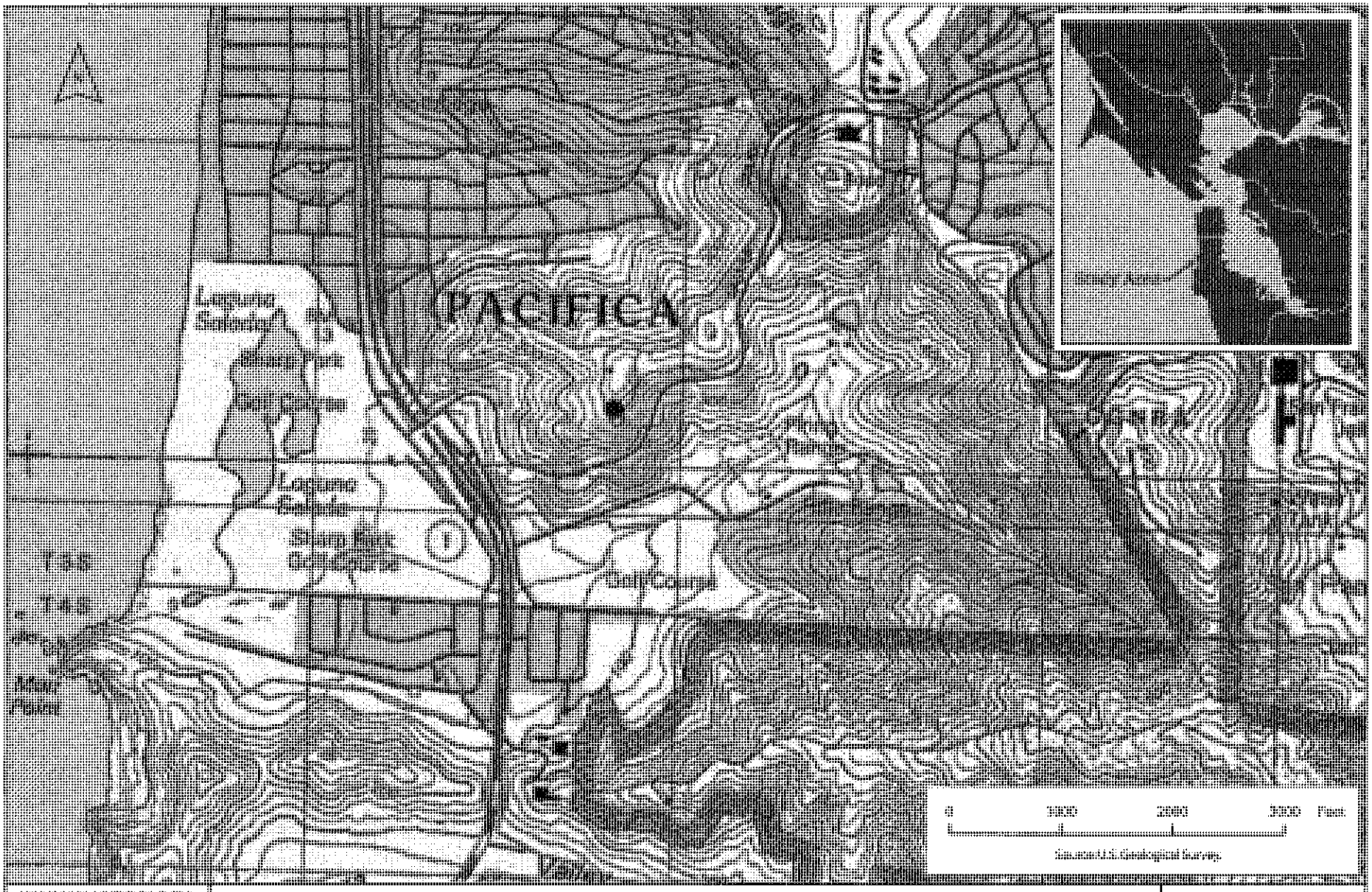
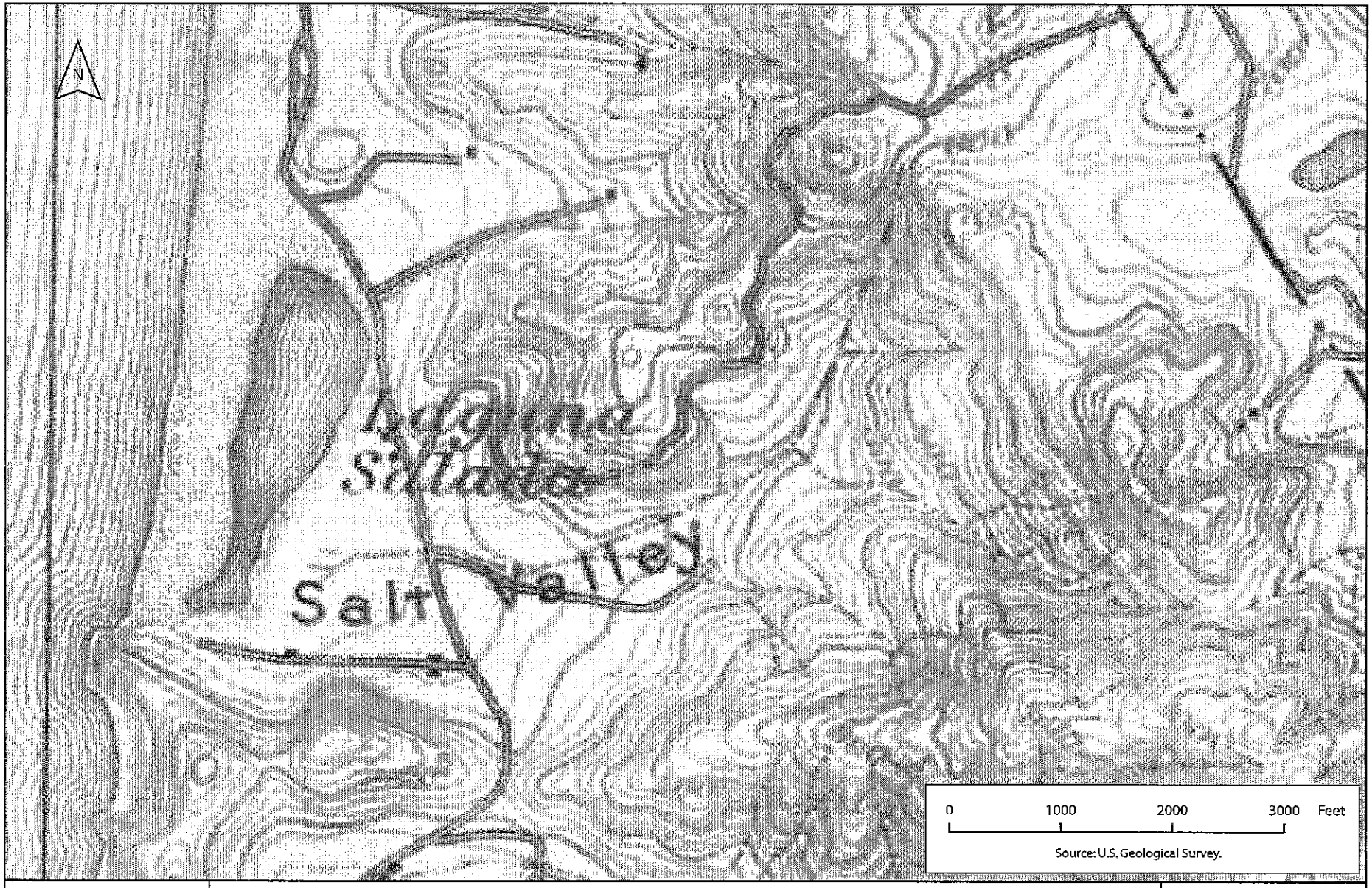


KINNAN HYDROLOGY & ENGINEERING, INC.

Reference Map of Study Area
Laguna Salada Wetlands

FIGURE
1



KAMMAN HYDROLOGY & ENGINEERING, INC.

1899 Topographic Map of Watershed Area
Laguna Salada Wetlands

FIGURE
2

KAMPSON HYDROLOGY & ENGINEERING, INC.

Drainage Network Map
Laguna Salada Wetlands

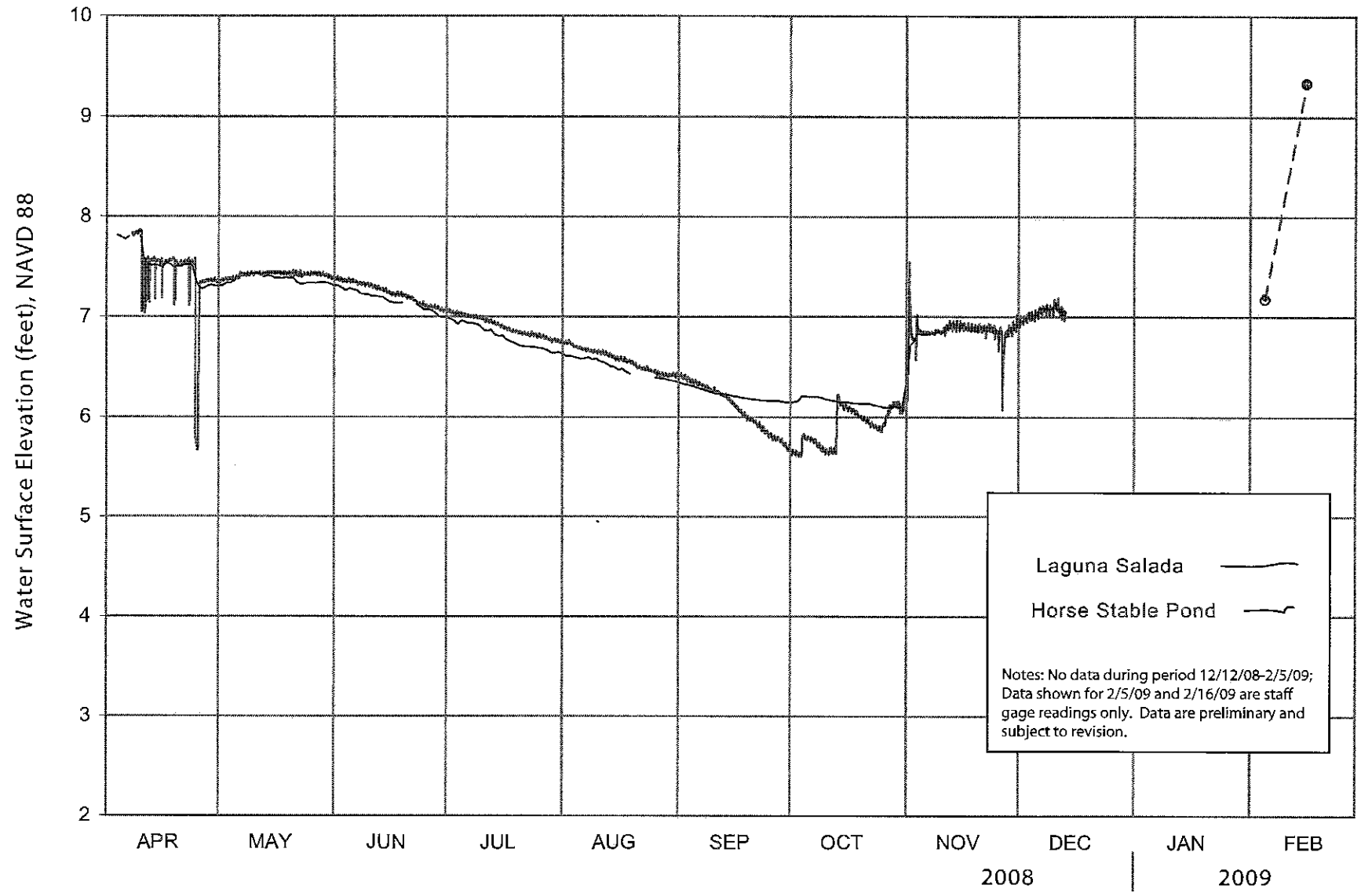
FIGURE

3

KAPPAN HYDROLOGY & ENGINEERING, INC.

Hydrologic Features and Monitoring Locations
Laguna Salada Wetlands

FIGURE
4

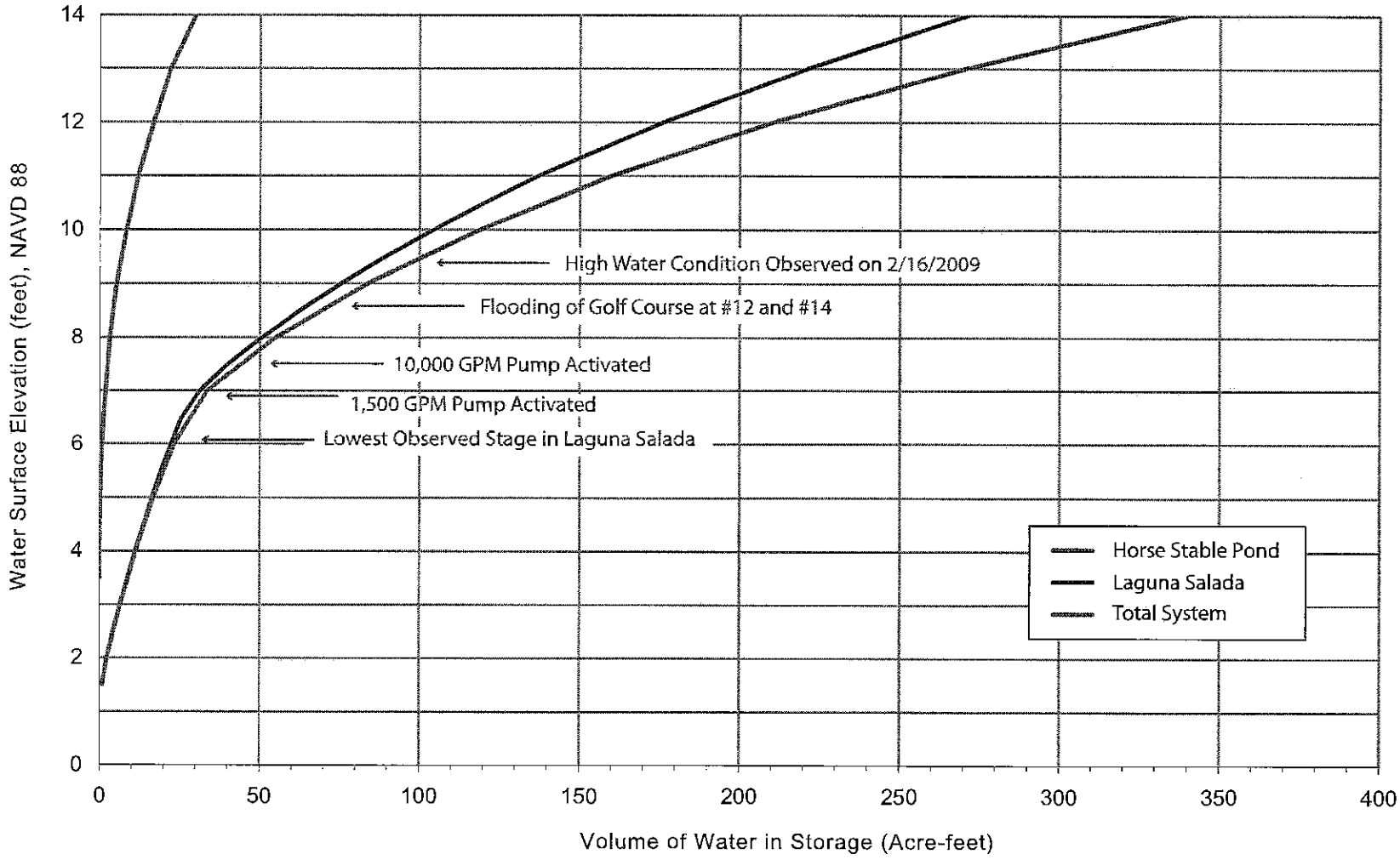


KAMMAN HYDROLOGY & ENGINEERING, INC.

Observed Water Level Fluctuations
Laguna Salada Wetlands

FIGURE

5

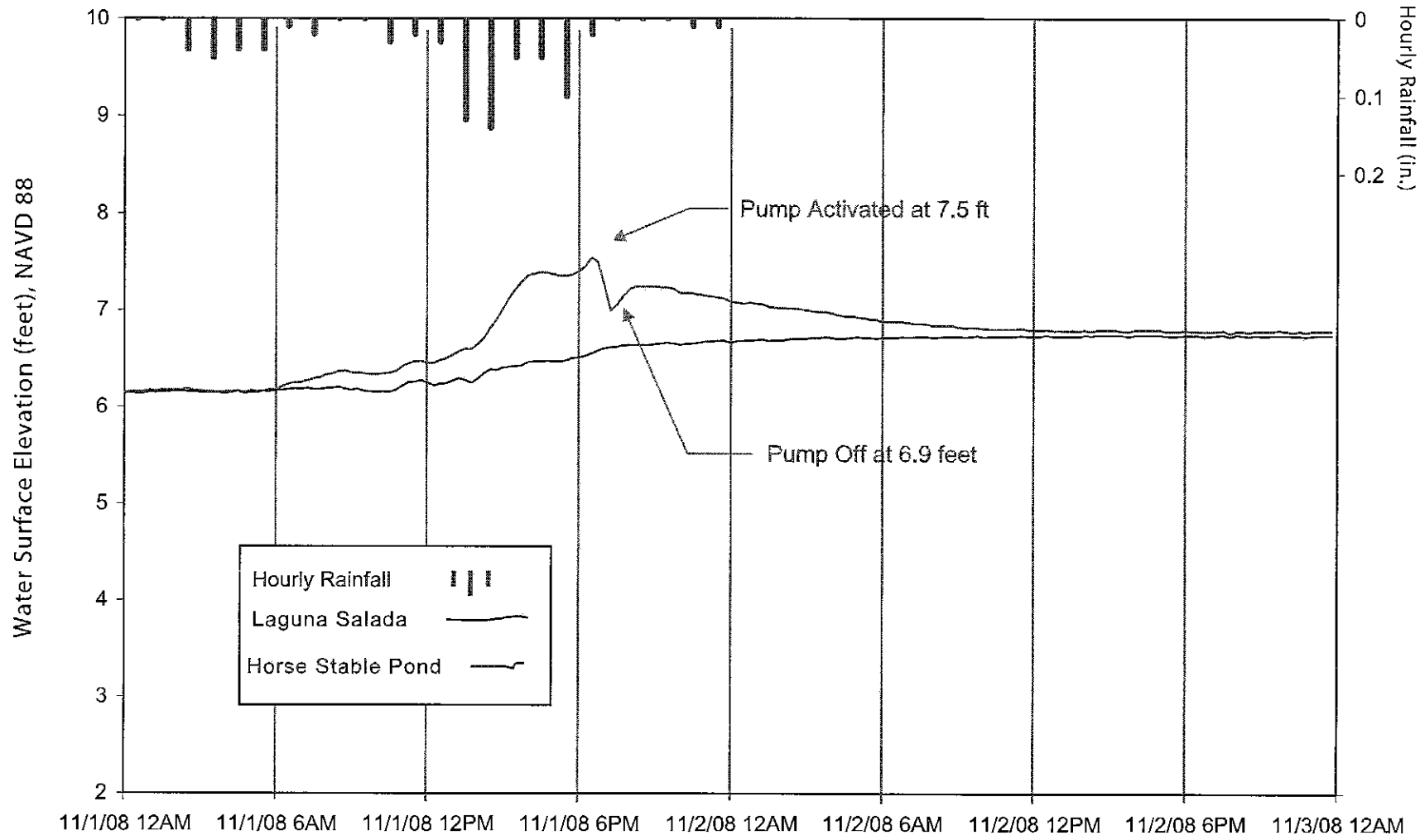


KAMMAN HYDROLOGY & ENGINEERING, INC.

Stage - Volume Rating Curves
Laguna Salada Wetlands

FIGURE

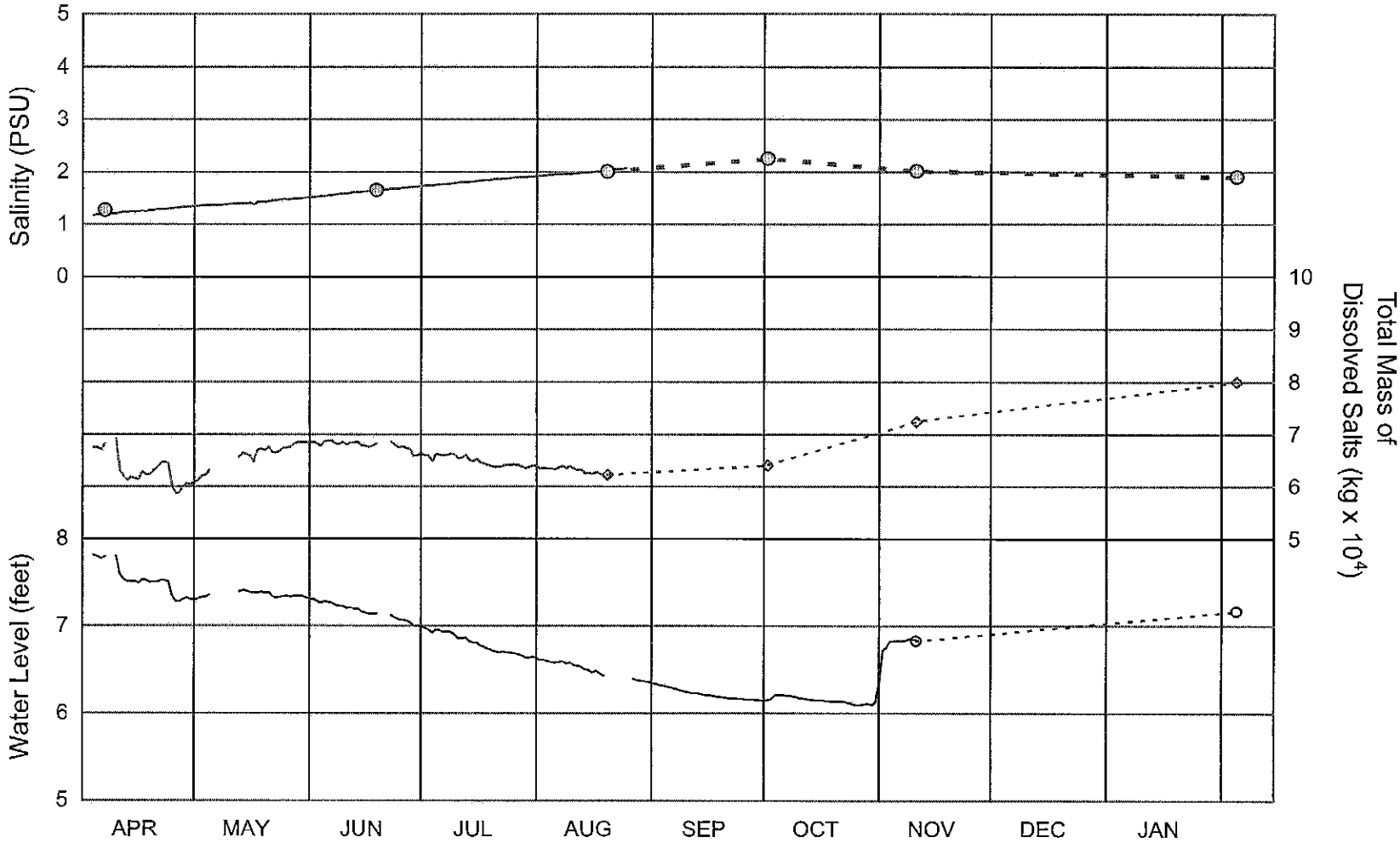
6



KAMMAN HYDROLOGY & ENGINEERING, INC.

Water Level Response to Nov. 1, 2008 Rainfall Event
Laguna Salada Wetlands

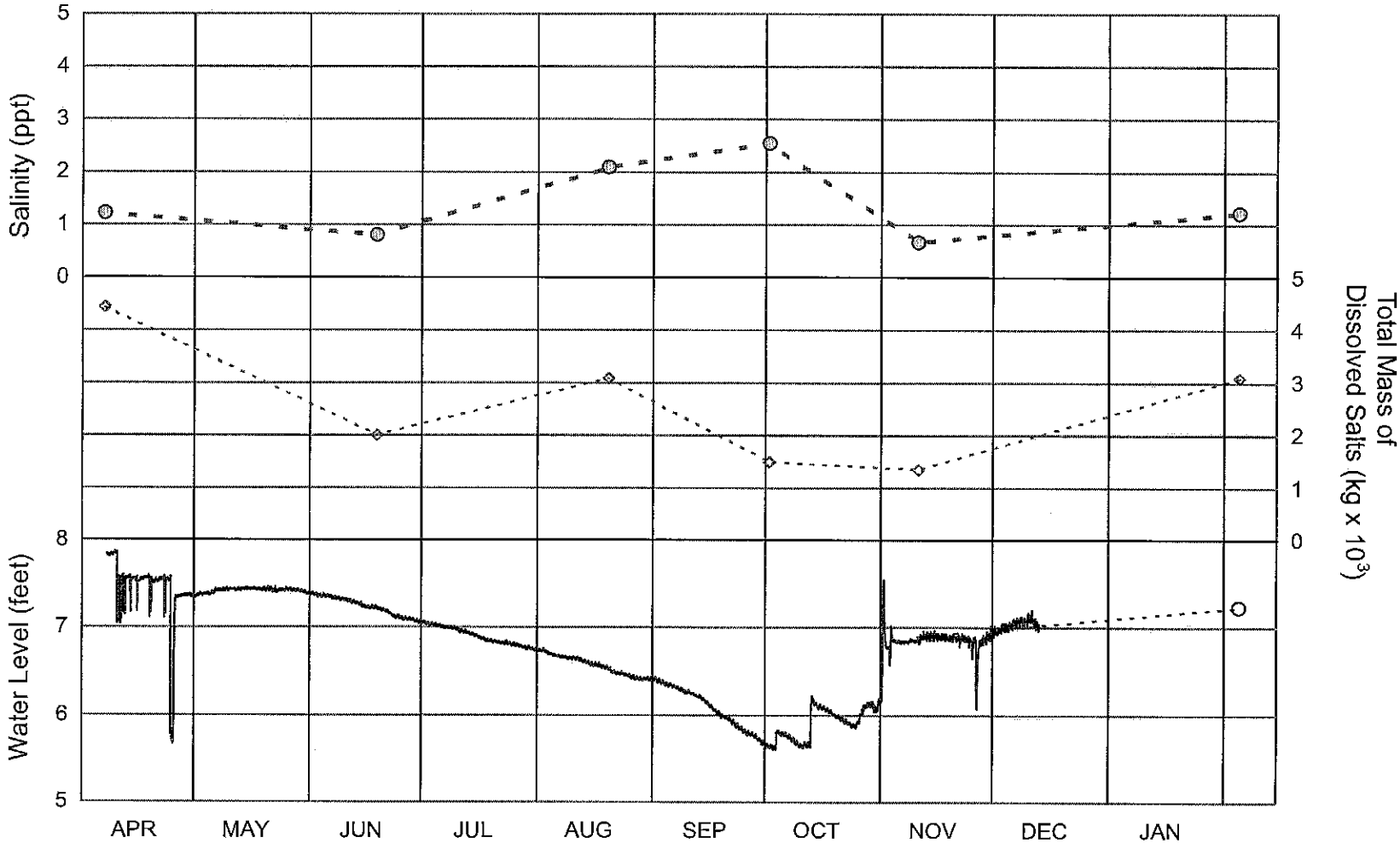
FIGURE
7



KAMMAN HYDROLOGY & ENGINEERING, INC.

Water Level and Salinity Observations: Laguna Salada
Laguna Salada Wetlands

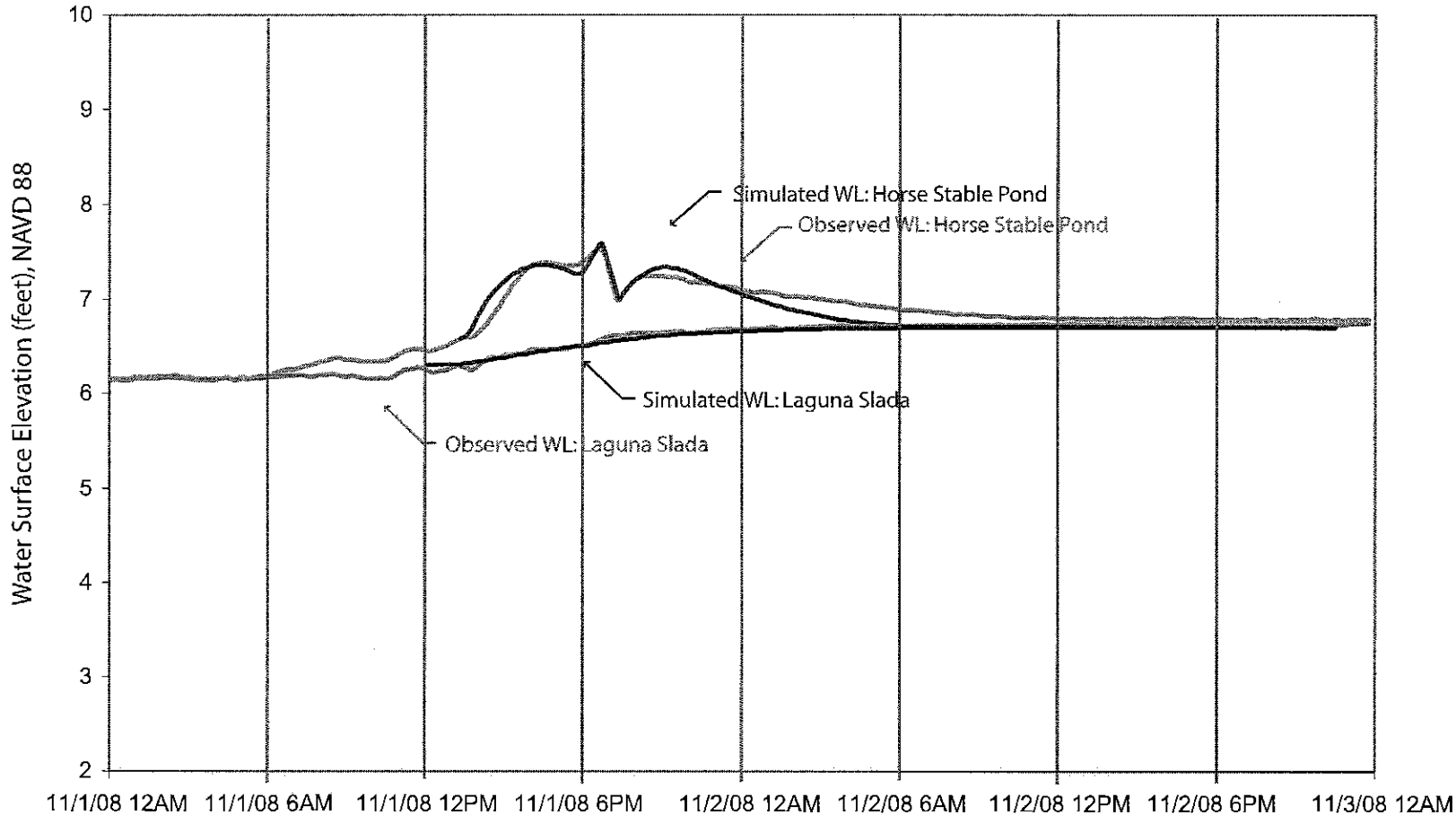
FIGURE
8



KAMMAN HYDROLOGY & ENGINEERING, INC.

Water Level and Salinity Observations: Horse Stable Pond
Laguna Salada Wetlands

FIGURE
9

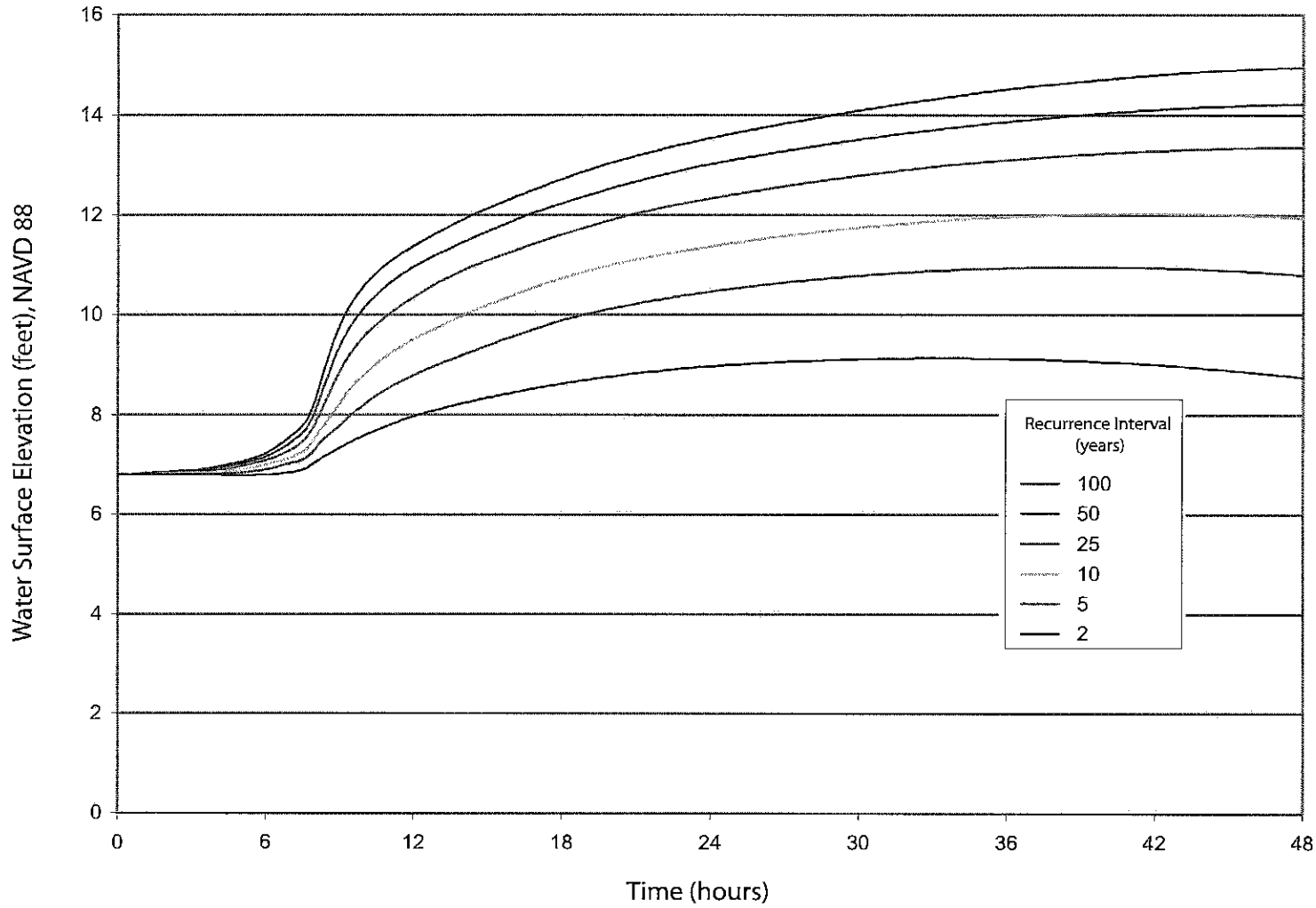


KAMMAN HYDROLOGY & ENGINEERING, INC.

Hydraulic Model Calibration Results
Laguna Salada Wetlands

FIGURE

10



KAMMAN HYDROLOGY & ENGINEERING, INC.

Water Level Responses to Design Storm Simulations
Laguna Salada Wetlands

FIGURE
11

KAPPAR HYDROLOGY & ENGINEERING, INC.

Simulated Water Surface Elevation and Area of Inundation
Laguna Salada Wetlands

FIGURE

12

Th 8a

CITY AND COUNTY OF SAN FRANCISCO

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April 13, 2015

Stephanie Rexing
California Coastal Commission
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco CA 94105

Re: CDP Application 2-12-014 Sharp Park Pumphouse and Safety Infrastructure Improvements

Dear Ms. Rexing:

The San Francisco Recreation and Park Department is submitting this letter in response to comments provided to the Commission by Wild Equity Institute through their counsel, Ralph Faust, on the Department's application for a Coastal Development Permit (CDP) for the Sharp Park Safety, Infrastructure Improvement, and Habitat Enhancement Project.

I. BACKGROUND

Sharp Park is owned by the City and County of San Francisco, but located in the City of Pacifica within San Mateo County. The Sharp Park golf course was designed by the famed golf course architect Alister MacKenzie. The course opened in 1932. In 1941, a portion of the course was reconfigured and a berm was built in the western edge of the course to protect it from inundation during storm events. At that time, an outfall was constructed through the berm, a pumphouse was built, and a pump was installed at Horse Stable Pond for flood control purposes. A report completed in 1959 indicated that as of that time a second pump was installed in the pumphouse at Horse Stable Pond. The course has been operating on a continuous basis for more than five decades, and the pumps have been operating (predominantly during the rainy season) for a similarly extended period of time.

The Department began planning for the Sharp Park Safety, Infrastructure Improvement, and Habitat Enhancement Project in April 2011. Since that time, the Department prepared a mitigated negative declaration for the project that was subject to public review and comment, and certified and approved by the San Francisco Planning Department. Wild Equity Institute unsuccessfully appealed the Planning Department's decision to the Planning Commission and the Board of Supervisors. In addition, the Department obtained a permit under section 404 of the Clean Water Act from the Corps of Engineers for the project. In conjunction with that permitting process, the Corps consulted with the U.S. Fish and Wildlife Service regarding the anticipated effects of project on the California red-legged frog and San Francisco garter snake under section 7 of the Endangered Species Act. As a consequence, the Fish and Wildlife Service issued a biological opinion and incidental take statement for the project. Further, the Department obtained a water quality certification from the Regional Water Quality Control Board under section 401 of the Clean Water Act. Finally, the Department obtained a lake and streambed

alteration agreement from the California Department of Fish and Wildlife under section 1602 of the Fish and Game Code.

A. Issue #1: The adequacy of the project description

Wild Equity argues that "[t]he proposed project is not protected from scrutiny by Section 30608 [of the Coastal Act]." The Department agrees; it is for this reason that the Department applied for a CDP. While there is no question that Sharp Park itself, the golf course, and the pumphouse (and pumps) were in existence and operation prior to the enactment of the Coastal Act, the Department has not sought or secured a vested rights determination from the Commission with respect to any element of the project. In light of questions that arose respecting the pumps at Horse Stable Pond during the application process (which have been replaced at least twice since enactment of the Coastal Act), staff requested and the Department agreed to a change to the project description to include a request for the increase in the capacity of the pumps. The request for an after the fact permit for the increase in capacity of the pumps at Horse Stable Pond is part of the project description reviewed by staff and subject to consideration by the Commission. Therefore, the Department and Commission staff have addressed this issue raised by Wild Equity.

B. Issue #2: Whether a portion of the project site is an Environmentally Sensitive Habitat Area

Wild Equity asserts that the wetlands complex at Sharp Park and adjoining uplands constitute an Environmentally Sensitive Habitat Area (ESHA). But the authority to designate ESHA is vested with the Commission (*Douda v. California Coastal Commission* (2008) 159 Cal.App.4th 1181), and heretofore the Commission has not designated any portion of Sharp Park as ESHA. Certainly, Wild Equity does not have the authority to designate ESHA.

In any event, as Commission staff have explained, Sharp Park includes wetlands and adjacent upland areas that have ecological value and are habitat for the California red-legged frog and San Francisco garter snake. Staff Report, p.27. These species in this region are conservation reliant, meaning that they are reliant of human intervention to survive as Dr. Dennis Murphy, a renowned conservation biologist engaged by the Department, explained in an expert report submitted in federal district court [attachment 1] in an unsuccessful legal challenge to ongoing maintenance of the Sharp Park golf course. The Department manages Sharp Park, and is pursuing the project, in order to meet the needs of the California red-legged frog and San Francisco garter snake. In sum, the project site is not designated as ESHA, but the Department manages the area to protect against any significant disruption of California red-legged frog and San Francisco garter snake habitat.

C. Issue #3: Whether development in the wetlands is regulated by section 30233

Wild Equity argues that "[c]ertain development in wetlands is regulated pursuant to Coastal Act section 30233, even if those wetlands also meet the definition of ESHA." We agree with this statement, while noting that no portion of Sharp Park has been designated as ESHA. We also agree with Wild Equity that – where both sections 30233 and 30240 apply -- the more specific provisions of section 30233 govern. The Court of Appeal made this clear in *Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493 ("the ESHA protections provided by section 30240 are more general provisions and the wetland protections provided by section 30233 are more specific and controlling when a wetland area is also an ESHA").

As Commission staff have concluded, those portions of the project within wetlands may be authorized by the Commission pursuant to section 30233(a)(4) (covering incidental public service purposes) and (a)(6) (covering restoration purposes). Staff Report, p.21.

D. Issue #4a: Whether there is evidence that vegetation and sediment removal is being undertaken for restoration purposes

Wild Equity contends that removal of sediment and vegetation from the wetlands "is being done solely to reduce obstructions to water flow into the pump intake structure." Wild Equity claims this proposed activity makes "the operation of the pumps," at Horse Stable Pond, "more efficient." Wild Equity then reasons that removal of sediment and vegetation from the wetlands cannot constitute restoration because it makes the operation of the pumps more efficient.

This chain of logic cannot withstand scrutiny.

To begin with, the claim that removal of sediment and vegetation from the wetlands is being done solely to reduce obstructions of water flow into the pump intake structure is false. For a period going back at least to the point when the City prepared to first draft biological assessment [attachment 2] for the project (in February 2012), the project was characterized as a safety, infrastructure improvement, and habitat enhancement project. The final biological assessment [attachment 3] submitted to the Fish and Wildlife Service in August 2012, explains that the project will result in California red-legged frog breeding habitat enhancement (stating removal of sediments and emergent vegetation will reduce obstructions to water flow to the pump intake and enhance breeding habitat for the CRLF).

Furthermore, the undisputed fact that removal of sediments and emergent vegetation will reduce obstructions of water flow to the pump intake does not countermand or otherwise call into question the fact that removal of sediments and emergent vegetation will both directly and indirectly enhance the habitat value of the wetlands complex for California red-legged frog. The Fish and Wildlife Service, in its biological opinion respecting the project, described the value of vegetation removal. E.g., Biological Opinion, p.34 ("The tule and cattail removal proposed as part o f the project will likely improve breeding habitat for California red-legged frog by creating additional open water habitat."). In a letter to Commission staff [attachment 4], Karen Swaim, an expert on both the California red-legged frog and the San Francisco garter snake, concurred explaining that "the Project benefits the species because cattail, bulrush, and sediment removal will increase open water and shoreline habitat in Horse Stable Pond, particularly breeding habitat for the frog." This sentiment was echoed by Dr. Mark Jennings, a leading expert on the California red-legged frog, in a letter to the Fish and Wildlife Service and Army Corps of Engineers [attachment 5] when they were consulting regarding the effects of the project (stating "vegetation removal will remove dense, tall emergent vegetation at all water depths to approximately 3-4 feet in water depth, thus increasing the area for all life stages of CRLF to utilize and allowing less dense aquatic vegetation such as silverweed (*Potentilla* spp.) to grow").

In addition to increasing open water and shoreline habitat in Horse Stable Pond for California red-legged frog, sediment and vegetation removal improve the overall functioning of the wetland complex. This is the case, because as Commission staff explain, the sediment and vegetation removal proposed will "at least maintain, and may potentially increase, the existing functional capacity of the wetlands." Staff Report, p.22. More specifically, sediment and vegetation removal will improve the capacity of the connecting channel to facilitate flows between Laguna Salada and Horse Stable Pond and also enhance otherwise degraded habitat within the connecting channel. This is expected to have the associated benefit of reducing the extent to which California red-legged frogs deposit egg masses in nearby ephemeral swales that have the potential to function as population sinks for the species. As Karen Swaim explained, "[t]he availability of more high quality breeding habitat at Horse Stable Pond and in the

connecting channel will increase the carrying capacity of the area for frog and may help to minimize the use of the areas of short-term ponding on the golf course."

The claim made by Wild Equity that "the City does not present any evidence that its proposed sediment and vegetation removal from Horse Stable Pond and the connecting channel is for restoration purposes," is undermined by the experts cited above as well as the conclusion drawn by the Fish and Wildlife Service in its biological opinion. The fact that the City describes the sediment and vegetation removal as habitat enhancement rather than habitat restoration in the biological assessment and other documents does not diminish the fact that the activities, which will occur in wetlands, are indeed being undertaken for restoration purposes consistent with section 30233(a)(6) of the Coastal Act.

E. Issue #4b: Whether there is a feasible less environmentally damaging alternative to the project

Wild Equity argues that even if the Commission agrees that the proposed sediment and vegetation removal from Horse Stable Pond and the connecting channel is for restoration purposes, the Commission must deny the permit because there is a feasible less environmentally damaging alternative. That alternative, they contend, is to use amphibious mowing equipment to remove the vegetation and allow the water level to increase substantially so as to inhibit the growth of new vegetation.

Commission staff considered this alternative, and rejected it. The alternative both has the potential to harm the local California red-legged frog population and to flood a substantial proportion of the golf course for an extended period of time. This is the case because of the topography of Sharp Park. As shown in figure 1 in the staff report, a relatively small increase in water depth in the wetlands complex will result in flooding of large areas of the golf course in the winter and spring.

This will increase the likelihood that frogs will deposit egg masses in ephemeral swales on the fairways, which are effective sinks because they will dry out before the early life stages of the species can move across upland areas to perennial water bodies. As a consequence, this alternative is more environmentally damaging than the proposed project.

In addition, managing to accomplish widespread flooding is inconsistent with the City's intent to continue to operate the golf course, which provides an affordable recreational opportunity along the Coast. As the staff report clarifies, the City's commitment to continue the longstanding recreational use of Sharp Park and provide for public access is consistent with multiple sections of the Coastal Act. Staff Report, p.32 ("Coastal Act Sections 30210, 30213, 30221, and 30223 affirmatively require that recreational opportunities along the coast be provided for all people, that lower-cost visitor and recreational facilities be protected and encouraged, especially when they provide recreation to the public; that oceanfront land suitable for recreational use be protected for that use; and that upland areas necessary to support coastal recreational uses be reserved for such uses, when feasible.")

F. Issue #5: Whether continued operation of the existing pumps violates the Coastal Act

Finally, Wild Equity contends that "[t]he only purpose of the pumping is to limit flooding on the golf course." Wild Equity characterizes the Department's claims to the contrary as "disingenuous." But in the Department's final biological assessment for the project, the Department states "staff will operate the pumps to ensure, to the maximum extent practicable, that CRLF egg masses at HSP, LS and the connecting channel are protected from desiccation as a result of pump operation by monitoring and adjusting pump levels to keep egg masses

hydrated." This same language is reproduced in the Fish and Wildlife Service's biological opinion with respect to the project. Compliance with the biological opinion is a prerequisite to secure take authorization under section 7 of the Endangered Species Act.

Furthermore, Commission staff have recommended that, prior to issuance of the CDP, the Commission should require the Department to provide a pumping plan that includes "verifiable criteria to protect sensitive species and the wetland habitat at the pumping site." Despite Wild Equity's claims to the contrary, these operational requirements will govern the Department's use of the pumps, rather than the physical attributes (including rating) of the pump and ancillary facilities.

The operational criteria, rather than the rating of the pumps, guide water management and the actual operation of the pumps. Because the Department has committed to operate according to the strict criteria set forth in the biological assessment and biological opinion, and those criteria have been adopted by the Fish and Wildlife Service as terms of its biological opinion and incidental take statement, the size of the pumps is not a basis for a claimed violation of the Coastal Act. In any event, as noted previously, the Department is seeking an after the fact permit for the increase in capacity of the pumps at Horse Stable Pond.

Very truly yours,

DENNIS J. HERRERA
City Attorney

/s Robb Kapla

Robb Kapla
Deputy City Attorney

Expert Report in the matter of

Wild Equity Institute v. City and County of San Francisco
N.D. Cal. Case No. 11-958

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I have prepared this report at the request of the City and County of San Francisco in the matter of *Wild Equity Institute v. City and County of San Francisco*, N.D. Cal. Case No. 11-958.

Qualifications

I have an undergraduate degree in entomology from the University of California, Berkeley, and a doctoral degree in biology from Stanford University, where I studied under Professor Paul Ehrlich, and where I subsequently served as the director, then president, of the Center for Conservation Biology. I am a Pew Scholar in Conservation and the Environment. And, I am currently Research Professor in Biology at the University of Nevada, Reno.

I am past president of the international Society for Conservation Biology. I have served on the Board on Environmental Studies and Toxicology and the Water Science and Technology Board at National Research Council, the action agency for the National Academy of Sciences. I have also served on three committees under that organization: the Committee on Hydrology, Ecology, and Fishes of the Klamath River, the Committee on Endangered and Threatened Species in the Platte River Basin, and the Committee on Scientific Issues in the Endangered Species Act. The last of these delivered the congressionally mandated report *Science and the Endangered Species Act.* I have testified on ten occasions in front of United States Senate and House of Representatives committees and subcommittees on issues related to implementation of the federal Endangered Species Act (ESA).

I have served federal and state governments in science-driven regional conservation planning efforts targeting northern spotted owls (*Strix occidentalis caurina*), California gnatcatchers (*Polioptila californica*), bighorn sheep (*Ovis canadensis*), desert tortoise (*Gopherus agassizii*), and a host of other listed species. I served on the initial science advisory panel to the CALFED effort to restore the Sacramento-San Joaquin rivers estuary, and chaired the panel charged to deliver the Lake Tahoe Watershed Assessment to President Clinton. I engineered the scientific conservation planning guidelines to the state's first Natural Communities Conservation Plan in the coastal sage scrub in southern California, for which I received the California Governor's Leadership Award in Economics and the Environment. I have worked on or have intimate knowledge of dozens of habitat conservation plans, including the very first in the nation on San Bruno Mountain in San Mateo County, California, as well as on large scale conservation and restoration efforts in southern California, Central Valley, Sierra Nevada, Great Basin and Mojave Desert regions in Nevada, the Pacific Northwest, and lands of the Navajo Nation. I have led or been involved with the development of adaptive management strategies for protected lands in six western states, in planning efforts that have included red-legged frogs (*Rana aurora* and *Rana draytonii*) and mountain yellow-legged frogs (*Rana boylii, Rana muscosa,* and *Rana sierrae*), Amargosa (*Anaxyrus nelsoni*), arroyo (*Anaxyrus californicus*), and western (*Anaxyrus boreas*) toads, and dozens of snake and lizard species.

I currently serve as co-chair of the Independent Science Advisory Panel advising government agencies and stakeholders on the Missouri River Restoration Implementation Committee regarding hydrological operations and three species listed under the ESA, the pallid sturgeon (*Scaphirhynchus albus*), piping plover (*Charadrius melodus*), and least tern (*Sterna antillarum*). The Panel's charge includes evaluating the adaptive management of the habitats of these species and their essential resources on the Missouri River, in the geographically most extensive ESA-driven habitat management effort in the country. I also am actively involved as the only out-of-state participant on the Stakeholder Advisory Group in the process of developing the California Fish and Wildlife Strategic Vision, which was mandated by Assembly Bill 2376, and is intended to reformulate the State's approaches to wildlife resources management.

I have expertise in conservation planning for a wide variety of vertebrates and invertebrates in California and elsewhere in the West; and, I have a long history of work on listed species in the Bay Area, with dozens of my 200 scientific publications addressing at-risk species on the San Francisco Peninsula. I have petitioned the U.S. Fish and Wildlife Service for the listing of eleven species, the status of which I have unique applied knowledge. Perhaps most important to my experience pertinent for the purpose of the matters at issue in this dispute is my role in management planning for protected and other desired species, especially as an advisor in the development of adaptive management and population monitoring. As a conservation biologist with more than three decades of on-the-ground experience, my professional background allows me to contribute to the formulation of conservation plans for diverse at-risk species, using pertinent, reliable ecological information, particularly data on the population dynamics of targeted species, to guide reserve design efforts, to focus management planning schemes on the salient ecosystem attributes that are essential to species persistence, and to develop monitoring programs that can provide the information necessary to guide rapid responses to environmental threats.

My experience with California's endangered and threatened species spans three decades. During the past three years I have observed habitat areas at the Sharp Park site on multiple occasions, and have observed red-legged frog egg masses there. I have observed the San Francisco garter snake in areas beyond the boundaries of the Sharp Park site, and I am familiar with characteristic conditions of habitats that support the snake. The Sharp Park Golf Course, owned and operated by the City and County of San Francisco, and the adjacent National Park Service holding at Mori Point, managed as an element of the Golden Gate National Recreation Area, together appear to form a single contiguous habitat area for both species. Both species currently benefit from focused management and monitoring efforts at the open space sites at Sharp Park and Mori Point. I discuss below the status of the California red-legged frog at the Sharp Park Golf Course, and the important role of the current land management strategy there in the survival and recovery of local populations of those species. Focused conservation actions, including hands-on translocation of

frog egg masses, contribute to a robust and growing population of red-legged frogs. I also discuss the diminished status of the San Francisco gartersnake on the site relative to its apparent abundance reported half a century ago (before storms in the 1980s and associated seawater intrusion into Sharp Park), and offer an explanation for its local population trend. I conclude that ongoing golf course operations pose no threat to either species, and, in the case of the red-legged frog, the best available technical information derived from focused surveys indicates that land uses and conservation efforts at the Sharp Park Golf Course are combining to enhance its likelihood of survival.

The California red-legged frog

Scientists have been aware of widespread declines in amphibian and reptile populations for more than two decades, and over time it has become clear that losses of amphibian species, and even whole communities, has become global and epidemic (Beebee and Griffiths 2005, Gibbons et al. 2000). Dozens of amphibian species in particular have disappeared outright, many hundreds have declined catastrophically across much of their ranges, and some have experienced population losses at sites where habitats otherwise seem intact and secure from at least obvious environmental stressors and threats (Blaustein et al. 1994). But, only over the past decade have hypotheses been tested that address the causes of the species extinctions and extirpation events. The findings are stark. Combinations of factors insidiously interact and affect different species, and different populations within species, via distinct pathways, and amphibian losses appear to be ascribable to many combinations of factors as disparate as contaminants, diseases, and introduced species; all apparently exacerbated by patterns of environmental changes, which include broader environmental phenomena, such as increases in UV radiation (Blaustein et al 2001, Kiesecker and Blaustein 2002).

Amphibian declines as a global phenomenon provide the background for regional declines in the frog species that inhabit California. The listing of the California red-legged frog under the federal Endangered Species Act (ESA) in 1996 (U.S. Fish and Wildlife Service 1996) underscored that unique regional environmental changes had put the state's largest -- and once very widely distributed -- frog at demonstrable risk of extinction. At the time that that protection was conferred to the red-legged frog multiple hypothesized environmental stressors were thought to be the cause of the species' imperilment. The Service identified the following non-exclusive list of factors contributing to the decline of the species (1) urban encroachment, (2) construction of large and small reservoirs, water diversions and well development, (3) flood control maintenance, (4) road maintenance, (5) placer mining, (6) livestock grazing and feral pigs, (7) off-road vehicle use, and (8) introduction or presence of exotic predators and competitors (U.S. Fish and Wildlife Service 1996). The frog is at risk across much of its range due to a combination of local and global stressors on the species (U.S. Fish and Wildlife Service 2002, 2010).

The California red-legged frog once occupied much of the state, along the coast from Mendocino County south to Baja California, across portions of the northern Central Valley, and down the length of the Sierra Nevada at lower elevations. An exhaustive study of more than 200 sites across the broad distributional range that historically supported the California red-legged frog, established from museum and other historical records, showed slightly more than half of those sites to be occupied as of 2001 (Davidson et al. 2001). The geographic pattern of the sites that once were and still are occupied was skewed, with surviving populations disproportionally distributed in low elevation, more coastal locations. More than a century ago, thousands upon thousands of red-legged frogs supported an ongoing restaurant trade serving a growing California population, so widespread and abundant was the species. But, the contemporary context has become that of a rarely encountered species, with the California red-legged frog absent from great swaths of its former range (Fisher and Shaffer 1996).

The distribution of remaining populations of the California red-legged frog suggests an emerging importance for areas of the San Francisco peninsula that are inhabited by the species, including Sharp Park and Mori Point in San Mateo County. Davidson and colleagues (2001) documented that surviving populations tend to be located along the western (coastal) boundary of the species' former range, with populations in the Central Valley and in the Sierra Nevada foothills largely gone. The frog has experienced the insidious retreat of the boundaries of its overall distribution, near disappearance of extensive portions of its internal geographic range, and extirpation of the species outright in distinct ecological associations (Hayes and Jennings 1986, Fisher and Shaffer 1996). Sites currently occupied by red-legged frog populations, and their habitats and essential resources, tend to be those that are less urbanized, lack or support few introduced aquatic species, and are not subject to pesticide drift associated with agricultural activities. The loss of inland red-legged frog populations, and what appear to be few near-term prospects for reestablishment of populations at historical Central Valley and Sierra Nevada foothill sites, puts a premium on coastal populations for the persistence of the species. The population of California red-legged frogs on the Sharp Park-Mori Point site enjoys low pesticide exposure and few introduced aquatic predators. The population of red-legged frogs that is found in and around water bodies directly adjacent to the City of San Francisco's Sharp Park Golf Course is one of the densest and most productive in the state. The golf course property is serving as an essential contributor to the survival of the species, and is appropriately viewed as contributing to the ultimate recovery and delisting of the species under the ESA.

Immediately bounded to the west by the ocean and mostly by urban development to the north, a complex of wetlands at Sharp Park-Mori Point includes an extensive lagoon (or lake), Laguna Salada, a narrow stream-course feeding smaller Horse Stable Pond, which drains to the directly adjacent beach strand, Sanchez Creek which brings flows generated from mountains to the east in to Horse Stable Pond, and several constructed seasonal ponds on parkland administered by the National Park Service, south and east of Horse Stable Pond. Significant portions of the

contemporary coastal landscape area that supports the frog were not previously suitable and were unoccupied by the species. The construction of an earthen berm, a substantive sea wall that shelters the golf course and contiguous development from seawater intrusion under extreme tidal events, served to convert ecological conditions at Laguna Salada, the largest water body in the Sharp Park-Mori Point area, and adjacent wetlands from salt marsh to freshwater marsh, thereby shifting the landscape and ecological community from wholly inhospitable to red-legged frogs, to highly suitable for them. While the presence of red-legged frogs in areas surrounding the Sharp Park Golf Course predated the sea wall, the current large population at Sharp Park-Mori Point is directly dependent on the contemporary state of Laguna Salada and adjacent freshwater wetland areas -- witness the disappearance of the frog from its golf course redoubts after a lesser sea wall was breached during a winter storm in 1983, then again in 1986. A more-robust berm structure was built in 1989 and 1990, the red-legged frog re-established around Laguna Salada almost immediately; it was abundant in 1992, albeit several years passed before that demographic unit included significant numbers of mature, reproductive adults and vegetation structure became more favorable for the frog (Philip Williams and Associates 1992). The demographic status of the red-legged frog in the Sharp Park area is dependent on the presence and maintenance of the seawall and ongoing management of the Sharp Park-Mori Point wetland and upland landscape and its associated hydrodynamics, which, fortunately for red-legged frogs, serve to provide habitat in extent and condition that supports the species in relatively high abundance.

A collection of reports drawn from focused surveys on the Sharp Park-Mori Point site provides a lens into the status of the California red-legged frog and its population trend(s) in the area (Fong and Campo 2006, Fong et al. 2009, Swaim 2005, Swaim 2008). Mature female frogs annually produce a single large and conspicuous mass of hundreds to two thousand or more eggs. Frog egg-mass counts have been carried out over much of the past decade, although those counts have not been carried out in the context of a rigorous population monitoring program either on GGNRA lands or at Sharp Park Golf Course – that is, survey data are not systematically collected so that the sizes of separate demographic units of the frog can be accurately ascertained or readily compared, and inter-annual counts do not allow for finer, between-year comparisons. This situation limits the inferences available regarding census size of the red-legged frog demographic unit shared on the two properties. Nonetheless, sufficient knowledge can be gleaned from the counts and report assessments of the distribution and rough densities of the red-legged frog on the sites to allow conclusions to be drawn that relate the importance of the population in local, sub-regional, and regional contexts. A lot is now known about the red-legged frog, which in turn allows an assessment of conservation efforts and current land management activities. Among findings supported by counts and observations are the following --

- Red-legged frogs at the Sharp Park Golf Course and on national park lands at adjacent Mori Point population constitute a single demographic unit (one

population). The location of this population on the immediate coast of San Mateo County is bounded to the north and in part on the east by urban development. It extends as a demographic unit the length of the San Francisco property, including across Highway 1, with individuals at Arrowhead Lake and surrounding riparian and other mesic circumstances on San Francisco lands, to the lower slopes of Milagra Ridge, thus it includes within its metapopulational bounds individuals that may (infrequently) interact with red-legged frogs from more southern populations in watershed lands that extend down the spine of San Mateo County. Individuals that formerly occupied small ponds on the southern boundary of the Mori Point parklands were undoubtedly part of the population. The frogs at the Sharp Park site, along with a separate population of frogs in degraded habitat near the San Francisco Airport, constitute the northern-most individuals on the peninsula, hence serve as boundary populations for the species for the species south of San Francisco.

- The Sharp Park-Mori Point population is large in comparison to many other central California populations (though certainly not the largest), hence might be expected to be comparatively resistant to future environmental disturbances and environmental events that might cause localized mortality of adult frogs or early stages. The population likely includes at least several of hundred mature, reproducing adult females as evidenced by in excess of 150 egg masses observed in 2011 at Sharp Park alone (Campo 2011). At that size the population is one of the larger extant populations of the frog. There is free exchange of individuals between Sharp Park habitat areas and those recently constructed and restored at Mori Point. There is interdependence of Sharp Park-Mori Point populations in a local metapopulation that extends east to at least Milagra Ridge; the dynamics of that metapopulation is consistent with water bodies on the Sharp Park Golf Course serving as sources of frogs upon which other populations depend.

- The population at Sharp Park-Mori Point has been demographically stable for more than two decades. Noting that reproductively mature female red-legged frogs lay a single clutch (or egg mass) each year, observed egg masses provide a minimum estimator of the size of a demographic unit (assuming that the adult frog population is not less than two times the number of egg masses observed). At Laguna Salada, annual egg mass counts documented 55 in 2004, 19 in 2005, 57 in 2006, 30 in 2007, 119 in 2008, and 87 in 2009 (Fong et al. 2006, Fong et al. 2009). Furthermore, in 2011, the number exceeded 150 egg masses (Campo 2011). Accounting for inter-year differences in survey team composition and a host of other sources of observer "bias," the trend for the Sharp Park-Mori Point population is upward, and it can be fairly concluded that the occupied site, which is situated directly adjacent to active landscape management and recreation, supports a mature frog population that is large by red-legged frog standards, and appears to be growing in size.

- The population appears to be self-sustaining; no inference can be drawn that the population at Sharp Park-Mori Point requires immigrants from surrounding locations to support or sustain its population numbers, as do small populations in wetland circumstances that support less suitable habitat conditions.

- The portion of the population that occupies Laguna Salada and Horse Stable Pond has demonstrated its ability to provide colonists that may establish or reestablish populations at suitable unoccupied adjacent locations. Individuals from Horse Stable Pond and Laguna Salada immediately colonized constructed ponds on the adjacent north boundary of the Mori Point parkland. The complex of wetlands at Sharp Park-Mori Point can be characterized as supporting a "reservoir" population on a complex of habitat patches that, combined, serve as a source of frogs to the greater landscape – that is, it is a population sufficiently robust as to provide colonists to other sites (even unoccupied sites). This status stands in contrast to a marginal, "satellite" population that would depend on steady migration from a separate source population.

- The core habitat areas on San Francisco lands at Laguna Salada and Horse Stable Pond provide the individuals that contribute to a more widely-distributed metapopulation that includes frogs on Milagra Creek and a (oxidation) pond above on Milagra Ridge that are likely largely demographically independent of the next-northernmost population complex of red-legged frogs on and around Sweeney Ridge and adjacent reservoirs to the south.

- The Sharp Park-Mori Point population has persisted and grown over the past two decades, since a sea wall to its immediate west was secured, limiting salt water intrusion to the water bodies surrounding the golf course. While select management actions could be undertaken to restore or enhance current habitat conditions (particularly control of tules now dominating open water circumstances at Laguna Salad and Horse Stable Pond) and, perhaps, carrying capacity for the red-legged frog, physical circumstances if maintained (or enhanced) should contribute to sustaining red-legged frogs on the sites.

- The population is part of a richly structured food web that supports and is supported by many desired species. The presence of red-legged frogs on the Sharp Park-Mori Point site is an essential component of a complex of ecological interactions among many species at the site.

Combined these observations suggest high compatibility of California red-legged frogs with ongoing land uses and recreational activities that occur on the Sharp Park Golf Course, on surrounding San Francisco lands, and on adjacent public and private

lands. In addition to the seawall that shields Laguna Salada and western portions of the golf course and adjacent neighborhoods, active management on and adjacent to areas subject to golf course maintenance and play includes salvage of red-legged frog egg masses deposited in ephemeral portions of water bodies, where the likelihood of predation is relatively high and the inundated habitat conditions that are required during early life stages are unlikely to persist for the period necessary to produce a next frog generation. The well-documented translocation efforts, which have salvaged hundreds of egg masses over the past several years, likely contributing to many thousands of frogs surviving into later life stages, constitutes the most aggressive and affirmative unforced conservation agenda on non-federal lands targeting a federally listed species of which I am aware. In turn, the egg mass-recovery effort contributes to sustaining the rich ecosystem supported by Laguna Salada and the adjacent wetlands, where the presence of red-legged frogs, especially their juvenile stages, provide forage for dozens of other vertebrate species, including highly desired, predaceous wetland bird species, mammals, other amphibians, and reptiles, including the once abundant and now very occasional San Francisco gartersnake. One is pressed to identify a richer ecosystem embedded in an urban context anywhere in the San Francisco bay area than that co-occurring with the Sharp Park Golf Course and adjacent natural lands.

The San Francisco gartersnake

The San Francisco gartersnake is frequently described as the most narrowly distributed vertebrate species that is protected under the federal ESA. That superlative actually applies to southern California's Pacific pocket mouse (*Perognathus longimembris pacificus*); but the point is a fair one. The snake occurs at several dozen known locations in San Mateo County from Sharp Park-Mori Point and near the San Francisco Airport in the north, to the coast plains and mountains near Waddell Creek at the Santa Cruz County line, and inland to just above the Santa Clara County line to the south. Documented to have been abundant in the northern part of its distribution decades ago, with hundreds of snakes apparently occurring at some locations, it now is sparse or very rare almost everywhere it is found. Habitat alteration or destruction, and collection of the snake for the pet trade, are the principal factors that contributed to the decline of the species (U.S. Fish and Wildlife Service 1985).

The San Francisco gartersnake existed at relatively high population densities on and in areas surrounding the Sharp Park Golf Course several decades ago; many dozens apparently were collected by herpetologists, and it has been surmised that those collectors ravaged the local population in the middle of the last century (U.S. Fish and Wildlife Service 1985). At the time of sea water intrusion into western portions of the Sharp Park site in 1983 and 1986 (described above as causing the disappearance of red-legged frog from Laguna Salada and adjacent wetlands), when saline conditions rendered otherwise suitable habitat inhospitable to the gartersnake and its amphibian prey, the species seemed to have disappeared in areas surrounding the golf course (Geomatrix Consultants 1986). The absence of

observations of San Francisco gartersnakes was striking from a site noted for their presence. Systematic surveys were not de rigueur in the early 1990s, but the multi-colored snake is so eye-catching, and incidental observations cause such a stir, that the absence of reports of the snake at that time probably reflects its extirpation around the golf course, or decline to a small, but persistent, remnant population in or adjacent to the Sharp Park-Mori Point area. From 1990 to 1992, a team led by Philip Williams & Associates logged 68 hours of survey time at Sharp Park and 13 hours at Mori Point; they observed nearly 300 gartersnakes at Sharp Park, but not a single San Francisco gartersnake (Philip Williams & Associates 1992). At Mori Point, then not yet protected as parkland, they identified three juvenile San Francisco gartersnakes. Subsequent survey efforts for the snake have been informal, but reasonably frequent over recent years to the present. And, public awareness has become such that observations of the snake seem to be reported as they occur; indeed, the most recent observation of a dead snake was reported to wildlife authorities in immediate hours following its finding in 2009 (Wayne pers. comm.).

Reports document San Francisco gartersnakes were observed and collected in abundance at Sharp Park-Mori Point in the 1940s (Philip Williams & Associates 1992, Swaim 2008). Recent annual observations (as real numbers observed) suggest that the Sharp Park-Mori Point population is very much less than robust (see table, next page).

Although it may be that the contemporary San Francisco gartersnake population is not being sampled in systematic fashion via observations along the golf course-park boundary -- that is, the actual population is centered somewhere well away from the golf course and Sharp Park-Mori Point boundary zone -- species numbers are so low as to indicate that the population from which they are drawn is at a size that may not be viable over time. At the same time, available information does indicate that, over a period of decades while the golf course was in operation, the San Francisco gartersnake inhabited the area in substantial numbers.

Tellingly while San Francisco gartersnakes have demonstrably declined in numbers relative to the abundance described in the historical record, another gartersnake species occurs in abundance --124 coast gartersnakes (*Thamnophis elegans terrestris*) were observed in protocol surveys of lower Sanchez Creek on San Francisco lands compared to just one San Francisco gartersnake from May to July, 2004 – see Swaim 2005, USFWS 2008). The presence of coast gartersnakes in substantial numbers goes back at least two decades (Philip Williams & Associates 1992). The decline of the San Francisco gartersnake in the Sharp Park-Mori Point area reflects environmental stressors acting through some unique adaptive attribute that that species does not share with other gartersnake species – clearly not prey related, since the San Francisco gartersnake is known to rely heavily on red-legged frogs in its diet.

Table -- Summary of San Francisco gartersnake observations at Sharp Park-Mori Point.

Date	Location	Source	Summary
1990-91	Mori Point	Philip Williams & Associates 1992	Two juveniles observed
1992	Mori Point	Philip Williams & Associates 1992	One juvenile observed
2004	Mori Point	Swaim 2005, Swaim 2008	Eleven individuals captured
2004	Horse Stable Pond	Swaim 2005	Four individuals captured
2004	Laguna Salada	Swaim 2005	One juvenile captured
2005	Sharp Park Golf Course	Salisbury 2011	Single dead snake collected
2006	Mori Point	Swaim 2008	Thirteen individuals captured
2008	Mori Point	Swaim 2008	Five individuals trapped
2008	Horse Stable Pond	Swaim 2008	Two individuals observed during tire removal project
2009	Fairway Drive	Wayne pers. comm.	Single dead juvenile observed

Why numbers of San Francisco gartersnakes have staggered at seemingly near-nonviable levels over the past two decades at Sharp Park-Mori Point is unknown. But, seawater intrusion on multiple occasions in the 1980s, and changes in landscape features and conditions, independent of golf course management and beyond the golf course footprint, have likely been detrimental to habitat quality for the snake, especially "upland habitat" structure -- in areas where the snakes bask and engage in other non-foraging activities -- may have suffered directional, successional changes that are averse to the snake. Absent recent fire or grazing, grassland areas are now extremely dense with non-native grasses and forbs and ground surfaces are tight with thatch. The removal of a tire pile proximate to Horse Stable Pond, a process during which two San Francisco gartersnakes were observed, suggests that unfavorable natural upland circumstances exist in the area, with exposed areas that potentially could be used for "sunning" having been lost to invasive weedy species, and with an absence of natural landscape structures that can serve as shelter and refugia, relegating resident snakes to artificial structures. The San Francisco gartersnake is disappearing, and not because of recreational activities, which were ongoing for decades before the apparent decline of the local population.

A newly published study from southern (coastal) San Mateo County may offer explanatory insights to San Francisco gartersnake population numbers and environmental conditions associated with healthy and productive habitat for the species. Halstead et al. (2011) show that comparatively robust, or at least apparently stable populations have hundreds of individuals (which if such occurred at Sharp Park-Mori Point would produce, if not frequent, at least regular observations). The southern site is associated with ranchland that was grazed for at least a century, until 1998, and has been subject to three prescribed fire events since (hence is being actively managed, despite being far from urban development). Despite low daily captures and few within-season recaptures, Halstead and his colleagues document a growing population of several hundred San Francisco gartersnakes in habitat with undetermined boundaries on pasture of more than 400 hectares in extent, proximate to diverse water features, set in an extensive, continuous open spaces and natural areas on the least-developed far fringe of the Bay Area.

Inferences from the south country site that might prove useful in conservation planning for San Francisco gartersnakes in the Sharp Park-Mori Point area should be drawn cautiously, but it is not unreasonable to think that the snake requires more extensive open space, supporting more diverse plant communities and upland physical features, and a more continuously reliable prey base than it has been afforded in recent decades in its northern distributional range (recognizing that the seawall breaches in the 1980s interrupted the ready availability of red-legged frogs as prey at Laguna Salada). A now declining, but previously dense population, exists in highly disturbed circumstances near the San Francisco Airport (at the so-called Bayshore site), suggesting that land disturbances and concomitant open areas with limited vegetation, could well contribute to enhanced site quality for San Francisco

gartersnakes (U.S. Fish and Wildlife Service 1985, 2006). The outlook for San Francisco gartersnakes on the northern San Mateo County coast is poor; a state of affairs that appears to be wholly independent of recreational activities on and around the Sharp Park Golf Course.

Conservation-reliant species

Criticism of management operations and recreation activities on the Sharp Park-Mori Point site implicitly assumes that the California red-legged frog and the San Francisco gartersnake would be better served if the landscape were returned to an unmanaged condition; that a return to what might be characterized as a (more) "natural" landscape condition would obviate the need for the active management. Such an assessment of the conservation status of red-legged frogs on and adjacent to the Sharp Park Golf Course ignores an acknowledged reality associated with species conservation under the federal ESA -- most listed species are substantively dependent on active management intervention to enhance the likelihood of their survival -- the ostensible purpose for listing organisms in the first place. Imperiled species embedded in urbanized landscapes, in particular, require the stewardship of deftly applied management -- for a textbook example, a well-maintained sea wall to protect habitat and translocation of egg masses to enhance survivorship of red-legged frogs -- to assure their persistence.

A survey of the more than 2,000 federally protected species concluded that that nearly four-fifths of them require both active management to achieve species or population conservation goals, and then ongoing, hands-on management to sustain their recovered status, if achievable (Scott et al. 2010). Listed species at Sharp Park-Mori Point, including the demographically robust red-legged frog, are quintessential examples of species that are "conservation reliant."

The requirement of active management intervention is commonplace for listed threatened and endangered species in California generally, and particularly on the San Francisco Peninsula, where a fragmented natural landscape and dispersed open spaces are subjected to myriad sources of ecosystem disruption, such as altered hydrology and invasive species. On the other side of San Francisco Bay, a collection of endangered plants and a butterfly on just a few dozen acres of bluff-top dune habitat at Antioch require continuous weed control and periodic targeted out-planting of desired species to sustain their populations. Ocean-bound Chinook salmon (*Oncorhynchus tshawytscha*) stocks that make their migratory pass through the estuary below the bluffs are largely made up of hatchery-generated individuals. And, water-cooled power plants that generate electricity nearby, meet stringent operations schedules to avoid entrainment of protected delta smelt (*Hypomesus transpacificus*) and longfin smelt (*Spirinchus thaleichthys*). Conservation-reliant species all.

And, one only has to look a few miles east from Sharp Park to San Bruno Mountain for a telling example of unintended consequences that can result from a well-

intended attempt to return open space from "managed" conditions to "natural" or pre-settlement conditions. San Bruno Mountain had been grazed continuously for more than 150 years when the nation's first habitat conservation plan under the federal Endangered Species Act was implemented in 1981. One of the many actions under the plan was to codify the cessation of cattle grazing that was initiated several years previously – livestock grazing being a distinctly unnatural impact on the mountain's grassland ecosystem. Unappreciated was the fact that the cattle on San Bruno Mountain had been selectively grazing on non-native annual grasses that threatened to replace the native forb species (wildflowers) that were essential forage for the caterpillars of the federally listed Bay checkerspot butterfly (*Euphydryas editha bayensis*). Just a few years later, after livestock grazing was eliminated, the butterfly's host plants disappeared from that northernmost location in San Mateo County occupied by the butterfly, and along with them, the butterfly itself disappeared. Subsequently, with cattle grazing curtailed in grasslands along the Highway 280 corridor, the Bay checkerspot butterfly vanished from the county entirely by the middle 1990s (see Murphy and Weiss 1989).

This anecdote, from a different species on the San Francisco Peninsula, serves as an instructive tale. Few, if any, sites that now support or have supported federally listed species do so under "natural" conditions, and without the deft assistance of resource managers. For another example, to the north of Sharp Park, mission blue butterflies (*Icaricia icarioides missionensis*) that feed on native lupine plants, just this past spring were reintroduced on Twin Peaks in San Francisco concomitant with implementation of an effort to remove non-native plant species that compete with the native flora there. And, to the south of Sharp Park, adjacent to the southern limits of the San Francisco gartersnake at Stanford University, California tiger salamanders (*Ambystoma californiense*) must be shepherded across an historically lethal roadway on campus during their post-hibernation migration from upland terrestrial refuges to reproduce in man-made Lake Lagunita on the campus.

Although the Sharp Park-Mori Point site is unique in its landscape and hydrological attributes, making it distinctly favorable for the California red-legged frog, like the examples above, the site is and will only stay suitable for the species with active management. The scenario of isolated populations, anthropogenic stressors, and ongoing management is the repeated story at all sites and for each of the listed species on the San Francisco Peninsula (including in the GGNRA and adjacent landholdings). Active management is necessary to respond to the reality of isolated populations and anthropogenic stressors; the construction of new breeding ponds and wooden boardwalks, and reestablishing lost native plant species on parkland acres directly adjoining the Sharp Park Golf Course provides another highly relevant example.

Three conservation requirements for the survival of red-legged frogs are strategically addressed only through active intervention -- habitat management designed to sustain dynamic hydrological features, and vegetation structure and composition; control of direct human impacts can that result in species mortality;

and control of invasive competing species -- require essentially perpetual hands on management of the Sharp Park-Mori Point frog population. On the San Francisco peninsula landscape, natural ecosystem processes are disrupted, natural landscape features are fragmented, natural hydrological conditions are altered, naturally occurring populations of at-risk species have been lost, and remaining populations are now isolated, hence are permanently at certain risk. Just meters over the property boundary between the golf course and the federal parkland, the National Park Service is carrying out archetype active management for the benefit of conservation-reliant species in the form of restoration and rehabilitation activities designed to bring the conditions that are favorable to red-legged frogs and San Francisco gartersnakes around the Sharp Park Golf Course to the Mori Point park unit -- including construction of raised boardwalks to service pedestrian traffic, monitoring for and removal of feral cats, the mechanical construction of ponds, pesticide application and manual weeding of targeted non-native grasses and forbs, and out-planting of desired native plants.

The desired physical circumstances on the golf course site are a unique amalgam of natural and anthropogenic elements, ongoing natural and controlled disturbances, and management responses. These include the City's extraordinary management effort to salvage egg masses that are or could be stranded, or that are located in circumstances that place early life stages of the species at high risk of mortality. Like the neighboring Golden Gate National Recreation Area lands, the Sharp Park Golf Course displays numerous hallmarks of active management for conservation-reliant species.

Allegations of inadvertent take

California red-legged frogs are present in large numbers in and adjacent to the Sharp Park Golf Course, as is well documented in a variety of reports and discussed above, and San Francisco gartersnakes appear to be nearly extirpated there. At the intersection of land and resource management, recreational activities, and existence on the urban edge, red-legged frogs and San Francisco gartersnakes may interface individually with human activities that might cause injury or mortality. As a theoretical matter, that sort of "take" might occur on the Sharp Park-Mori Point site in four contexts – 1) mortality to juvenile and adult frogs dispersing from natal sites and resident areas and snakes moving between foraging areas and other habitat areas, 2) stranding of red-legged frog egg masses, 3) entrainment of frog life stages at the outflow at the west end of Horse Stable Pond, or 4) losses of individuals of either species to contaminants or pesticides. However, concerns should be very low to non-existent in each of these contexts.

First, take of dispersing individuals of either species is not occurring around the golf course and its associated facilities, witness the lack of records of dead or injured frogs over years, despite high abundances. The San Francisco gartersnake is now so infrequent that it is simply not being encountered by people in day-to-day activities at Sharp Park and on Mori Point. Note dispersal by both species tends to be

crepuscular and nocturnal. Both are large and obvious to a highly aware public; should losses of either species occur from vehicle impacts, they surely would be reported. (The two San Francisco gartersnakes found dead in the Sharp Park area over the past six years were reported to authorities immediately.) Given the size of the resident population, the lack of reports of red-legged frog fatalities on and adjacent to the golf course over multiple years is persuasive evidence that the benefits of ongoing management there are not being counter-balanced by losses of frogs generated by other human activities. The contention that scavenging birds may be clearing the golf course site of frequent San Francisco gartersnake fatalities is speculative and not tenable given the lack of any such observations. Any suggestion to the contrary based on the use of data from surrogate frogs or snakes in different environmental circumstances to draw inferences regarding mortality of red-legged frogs or San Francisco gartersnakes at Sharp Park is improper unless the use of such data is first validated (Landres et al. 1988; Andelman and Fagan 2000; Caro et al. 2005).

Second, red-legged frog egg masses are being salvaged during active efforts to reduce flooding. Searches are thorough; hundreds of thousands of eggs have been translocated and "saved," with substantial, but not-quantified contribution to the current growing population. City personnel are familiar with the life history of the red-legged frog and the pertinent environmental attributes of Sharp Park, and they are well trained to search out and identify egg masses. Those personnel conducting survey and egg mass relocation efforts also have demonstrably positive relationships with regulatory personnel at the Fish and Wildlife Service. Despite criticism of the effort to salvage egg masses, experiences by scientists and resources managers indicates that collection, transfer, and even brief storage of frog egg masses can be carried out with insignificant losses of individual eggs and high degrees of hatching success after targeted placement.

Third, no evidence exists that entrainment of frog life stages is occurring at Horse Stable Pond. Red-legged frogs have multiple adaptations that secure them from the threat of being swept by flowing water from preferred habitats in managed and unmanaged circumstances, such as adhesive eggs that are placed on vegetation and strong swimming capacities of juvenile-stage individuals. It is highly improbable that the juvenile life stages of the species that emerge from egg masses located along the shoreline of Horse Stable Pond in relatively near proximity to the intake structure of the pump house would swim into the open water where they could enter the zone of influence of the pump.

Fourth, no pesticides are being used in golf course maintenance.

The implication by opponents of current land uses at Sharp Park that those uses are conferring deleterious impacts on the federally listed California red-legged frog and San Francisco gartersnake are unsupported. Scant evidence exists that incidental (and accidental) take of individual members of the species is occurring. Frog losses, if they were occurring, would be certainly be available for consideration given the

abundance of the species on the site and adjacent parklands, and the frog's conspicuous presence in all of its life stages. No such data exist. In contrast, while the gartersnake with its striking markings is even more conspicuous, that species' current rare status and infrequency of observations reflects the lack of known mortality of that species at Sharp Park. One disputed incident of asserted mortality of a San Francisco gartersnake at Sharp Park Golf Course over nearly a quarter of a century since a sea wall breach rendered the site briefly unsuitable (for both species) constitutes a record of unmatched protection for the imperiled snake.

It is in that light, that the unique commitment of the City and County of San Francisco to manage its golf course operation to benefit listed species and in compliance with directives from the U.S. Fish and Wildlife Service should be viewed. Operations on the golf course site and mitigation actions are accompanied by a demonstrated increase in red-legged frog numbers on the site, recorded colonization by the frog of constructed wetland features on adjacent parkland, almost certainly from Sharp Park as the source population, and persistence of a documented frog metapopulation in the extreme north of San Mateo County that has been sustained and is apparently growing. Not only is the Sharp Park Golf Course not posing a threat to the survival of listed species on the San Francisco Peninsula, it is demonstrably contributing to their conservation. A cessation of ongoing conservation activities and/or substantive changes in the management of the Sharp Park landscape and hydrodynamic regime are much more likely to be detrimental to the listed species than beneficial to them. It can be surmised that the current land use scheme, with its focused commitment to recreation and conservation, serves to reduce many of the environmental stressors that plague red-legged and other native frog species on lands with lesser stewardship commitments. In countless cases, unmonitored access to frog habitats has led to releases of alien species, including non-native fishes and bullfrogs, which prey upon desired native amphibians, and in the case of bullfrogs can introduce the devastating chytrid fungal disease that can wipe out entire local frog populations (Johnson and Speare 2005).

San Francisco has requested authorization from the Fish & Wildlife Service to undertake further proactive steps that would likely further enhance the habitat conditions and carrying capacity of the Sharp Park wetlands complex for both listed species. Seeking to implement recommendations of expert conservationists, San Francisco intends to remove rapidly proliferating tules in component subareas of Laguna Salada, Horse Stable Pond, and the connecting channel between those two water bodies (see Geomatrix 1986, Phillip Williams and Associates 1992, Tetra Tech 2009).

Facts and Data Considered

In addition to the facts and data described above and included in the literature cited below, I have reviewed the expert declarations filed in this case and portions of some of the legal briefs filed in this case prior to preparing this report. I have also

relied on conversations with persons with local or expert knowledge, including Mark Jennings, Wayne Kappelman, Alan Launer, Karen Swaim, and Lisa Wayne.

Supplemental Opinions

I am informed that discovery is continuing in this matter. Consequently, I may supplement or modify my opinions, and I may respond to the opinions of others in this case.

List of Publications

A list of the publications I have authored or co-authored in the past 10 years is included with a curriculum vitae, which is attached to this report.

List of Cases

I have not testified as an expert at trial or by deposition in any other case during the past four years.

Statement of Compensation

I am being paid $175 per hour for the time I spend working on this case.

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DRAFT
BIOLOGICAL ASSESSMENT

SHARP PARK SAFETY, INFRASTRUCTURE IMPROVEMENT AND HABITAT ENHANCEMENT PROJECT

Prepared by:
Recreation and Park Department
City and County of San Francisco

February 6, 2012

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SECTION 1.0 – INTRODUCTION

1.1 DOCUMENT PURPOSE

This Biological Assessment (BA) has been prepared to evaluate the potential effects of the Sharp Park Safety, Infrastructure Improvement, and Habitat Enhancement Project (Project) on listed and proposed species and designated and proposed critical habitat for such species. It has been prepared to facilitate a consultation, pursuant to Section 7 of the Endangered Species Act, 16 U.S.C. 1536(c), between the U.S. Army Corps of Engineers (ACOE) and the U.S. Fish and Wildlife Service (USFWS). The consultation is part of the ACOE review of a Nationwide Permit No. 25 application for the Project. This BA has been prepared in conformance with Final Rule regarding Interagency Cooperation (50 CFR pt. 402) promulgated by the Department of the Interior and Department of Commerce, dated June 3, 1986, and the guidelines provided in the final *Endangered Species Consultation Handbook* prepared by the U.S. Fish and Wildlife Service and National Marine Fisheries Service, dated March 1998.

1.2 LISTED SPECIES CONSIDERED

Based on the location of the Project and available data regarding species occurrence, three wildlife species were included in the BA because of their potential or actual occurrence onsite. The three federal endangered wildlife species included the endangered San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) (SFGS), the threatened California red-legged frog (*Rana draytonii*) (CRLF) and the endangered Mission blue butterfly (*Icaricia icarioides missionensis*). No other listed or proposed species have the potential to occur on the Project site.

1.3 ORGANIZATION OF THE BIOLOGICAL ASSESSMENT

This BA is for the Sharp Park Safety, Infrastructure Improvement, and Habitat Enhancement Project. The Project site is Sharp Park, a public park owned and operated by the City and County of San Francisco (the City) that is located in the City of Pacifica, San Mateo County, California. The San Francisco Recreation and Park Department

(SFRPD), a Department of the City, is responsible for the maintenance of Sharp Park. A description of the Project is provided in Section 2.0. Section 3.0 describes the existing conditions and general environmental setting. Section 4.0 discusses the listed wildlife species. Section 5.0 discusses the direct, indirect, and cumulative effects of the proposed Project on the listed species. Section 6.0 provides the conclusion and determination of whether or not the activity proposed by the federal action agency "may affect" a threatened or endangered species due to the direct, indirect, and/or cumulative effects associated with the activity. The references and list of preparers is included as Sections 7.0 and 8.0, respectively.

1.4 PREVIOUS CONSULTATIONS

The Project site has been the subject of extensive regulatory oversight. In 2008, the City sought and secured a permit from ACOE under section 404 of the Clean Water Act, 33 U.S.C. § 1344, for repair work to an outfall to allow for continued operation of water pumps at Horse Stable Pond (HSP) and to eliminate the potential for erosion of the seawall that separates Sharp Park from the Pacific Ocean. After receiving the permit application from the City, ACOE initiated consultation with USFWS under section 7(a)(2) of the ESA. In October 2008, USFWS issued a biological opinion and incidental take statement for the storm drain repair project (USFWS 2008).

In November 2010, the City contacted ACOE and USFWS to request reinitiation of consultation under section 7(a)(2) of the ESA in order to secure approval to remove accumulated sediment from the entrance to the pumphouse at HSP and to replace the pump. USFWS amended its 2008 biological opinion and incidental take statement for the storm drain repair project (USFWS 2010a).

Separately, in April 2009, the City developed an Endangered Species Compliance Plan for Sharp Park Golf Course. The Compliance Plan includes measures to address potential effects of course management and operation, flood control and drainage operations, integrated pest management, and application of recycled water on SFGS and CRLF. The

City anticipates that, upon completion of consultation and issuance of a biological opinion for the Project, the biological opinion will supersede the Compliance Plan.

In 2009, the USFWS issued a Biological Opinion for the Pacifica Recycled Water Project (81420-2008-1-1643), which included a new pump station, installation of a new 400,000-gallon recycled water storage tank located on Gypsy Hill, and approximately 17,000 linear feet of new 8-, 10- and 12-inch-diameter recycled water pipeline originating at the Calera Creek Water Recycling Plant. This project, which will provide recycled water to Sharp Park, was determined to have potential direct and indirect effects on CRLF and SFGS. Construction of the Pacifica Recycled Water Project is currently underway.

SECTION 2.0 – DESCRIPTION OF THE PROPOSED PROJECT

2.1 PROJECT LOCATION

Sharp Park is a public park located in the City of Pacifica in San Mateo County. The Park is approximately 417 acres (see Figure 2-1). The Pacific Coast Highway (PCH) runs through Sharp Park. To the west, the Park is bordered by the Pacific Ocean. To the north and south, portions of the Park are bordered by residential development. To the south and east, Golden Gate National Recreation Area, which is managed by the National Park Service, borders the Park.

2.2 PROJECT DESCRIPTION

The Project site contains an 18-hole golf course, an approximately 27 acre wetland complex, an archery range, a remediated rifle range, a clubhouse, parking lot, and extensive natural areas. The wetlands complex is composed of Laguna Salada (LS), Horse Stable Pond (HSP), a channel that connects the two water bodies, and adjacent wetlands. A seawall on the western boundary of Sharp Park eliminated the historic hydrologic connection between the Pacific Ocean and the wetlands complex. The wetlands are believed to be maintained by ground water but are also fed by surface water inflow due to precipitation in the winter. A flood control pump system in HSP affects water levels in that body, and it may affect water levels in LS when the channel connecting the two water bodies creates a surface water connection between them. The pump system consists of a large pump (rated 10,000 gpm) and a small pump (rated 1,500 gpm) located in a pumphouse adjacent to HSP and pipes built through the seawall to an outfall.

Operation of the flood control pump system is necessary to manage floodwaters both on the Property and on adjacent properties. During normal rainfall years, floodwaters into LS back up onto the golf course path. As a result, carts must venture off the cart path onto the fairway and other vegetated areas in order to continue play. During heavy rainfall years, extensive flooding can occur in areas of play on the golf course and can

Figure 2-1 [Project site]

also threaten adjacent residential areas. Operation of the flood control pumps can limit the extent of such flooding.

The Project Description includes two parts: (1) the construction action, which is the subject of the section 404 permit and (2) golf course maintenance and operations. Pursuant to the Final Rule regarding Interagency Cooperation (50 CFR pt. 402), this BA evaluates the potential effects of the action, which include the direct and indirect effects of the Federal action (that is, authorization to fill waters of the United States) as well as the effects of other activities that are interrelated or interdependent with that action (see Section 2.3) See 50 CFR 402.02 (definition of "effects of the action"), 402.12(a), (f).

2.2.1 Construction Action

The construction action is intended to 1) ensure the ongoing operation of the flood control pumps and worker safety when operating and maintaining the pumps 2) to replace minor infrastructure (pathways) and 3) to enhance existing habitat for CRLF and SFGS.

Currently, two factors adversely affect the operation of the pumps. First, pump operation is adversely affected by sediment buildup and vegetation growth around the pump intake structure and along the connecting channel between LS and HSP. Second, pump operation is adversely affected by the buildup of vegetation on the pump intake screens. In order for the pumps to function properly, the existing screens at the intake must be kept clear of vegetation buildup. The maintenance of the screens, including the removal of debris buildup, can be necessary as frequently as daily during the rainy season. Such maintenance often occurs while the pumps are being operated during or immediately after storm events when poor visibility, slippery conditions, and high water levels present hazards to access and maintenance. Currently, there is no safe walking and working surface and access to the screens is only possible by lifting a heavy piece of chain link fence while clearing the screens.

Portions of the golf cart paths along the eastern side of LS regularly flood, even during drought years. Two sections of cart path, which total approximately 190 feet are located in low lying depressions such that water does not drain to LS and ponds on the pathway. CRLF have deposited egg masses on these sections of cart path. Because there is no surface water connection between these areas and LS, they cannot sustain CRLF through metamorphosis. In addition, because the paths flood, golfers using carts must venture off the pathway in order to continue play.

In order to address these issues, the following water flow, safety and path repair components are proposed (see Figure 2-2 through 2.4 and Appendix A):

- Removal of sediments and emergent vegetation within the HSP wetland near the intake structure in order to reduce obstructions to water flow to the pump intake and to enhance breeding habitat for the CRLF. Approximately 435 cubic yards of sediment in an area of approximately 5,900 square feet (0.14 acres) would be removed. Approximately 2,350 square feet (0.05 acres) of this 5,900 square foot area is occupied by cattails and bulrush; the remaining area is open water.
- Removal of sediment and emergent vegetation that impedes water flow and reduces habitat suitability for CRLF in select locations within the connecting channel and culverts that link HSP and LS. This removal work would not exceed 480 cubic yards of removed sediment and vegetation, within an area of approximately 6,500 square feet or 0.15 acres.
- Installation of steps leading down the slope from the access road to the pumphouse and the intake structure (approximately 47 square feet or 0.001 acres). A fence with a locking gate will restrict access to the steps and boardwalk.
- Construction of a walkway on concrete support structures around the front of the pump intake box. This walkway, which will be approximately 42 feet long at the perimeter and 4.6 feet wide, will wrap around the intake structure. The walkway will be made of wood and supported by approximately 6 concrete support structures to be placed in the water (approximately 6 square feet). It is anticipated

Insert Figure 2-2

Insert Figure 2-3

Insert Figure 2-4

that the footings will be placed by installing cylindrical metal casings into the water, dewatering and excavating sediment from the inside of the casings and then filling the casings with concrete. If feasible, a secondary screening system may be installed below the walkway surface and between the pilings to further reduce the amount of detritus, such as dead floating cattails, from entering the pumps. It is anticipated that if feasible[1] the secondary screening system will be similar to the existing screens that separate the pump from the pond. This screen is a metal mesh with holes measuring approximately one inch by one half inch. It is estimated that this component of the project will require the placement of approximately 1.2 cubic yards of fill (concrete) in wetlands and waters of the United States.

- Replacement of the failing wooden retaining wall next to the pumphouse (at the base of the levee slope between the uplands and the wetland) with a concrete retaining wall to prevent further soil deposition from the uplands from entering the waterway. The retaining wall, which will measure approximately 12 feet long and five feet high, will be placed in jurisdictional wetlands and is estimated to result in 0.4 cubic yards of fill (approximately 6 square feet surface area)
- Repair of two cart paths (total of approximately 570 square feet or 0.01 acres) located adjacent to, but not within, the LS wetland. Repairs to the cart paths will involve moving the paths away from the wetland and into the golf course, installing interlocking pavers to support the downslope embankment and backfilling the area with drain rock to raise elevations.

Excavation of sediments and vegetation will be conducted from the golf course uplands wherever possible, thus minimizing impacts to the wetlands. The sediment and vegetation removal along the connecting channel between HSP and LS can be accomplished with little or no impact to the adjacent wetland. It is anticipated that an

[1] The secondary screening will be deemed feasible if it will not compromise the operation and longevity of the pumps.

excavator or Grade-all stationed on the golf course would be used for vegetation and sediment removal along the channel. The excavation around the pumphouse will likely require establishing an equipment access route through the jurisdictional wetland on the north side of HSP. Due to limited bank access into HSP, the optimal method for sediment and vegetation removal from HSP would be to use a compact multi-purpose aquatic vessel (i.e., an Aquamog) or similar equipment with long boom and clam shell or bucket type attachment that can reach sediment and vegetation near the pumphouse. This would avoid impacts to steep intact upland habitats adjacent to HSP and allow a shorter construction window in the habitat without compromising the ability to avoid take of species. The emergent vegetation would first be removed from the sediment removal foot print using a bucket with a thumb. After the vegetation is removed, the Aquamog would be fitted with a clamshell attachment for sediment excavation. Vegetation that is removed from both locations (the channel and HSP) will be placed in an elevated dewatering container located in an adjacent cleared upland or placed directly into a dump truck and hauled to either the organic dump or reclaimed rifle range east of the PCH. No at-grade dewatering vehicles or containers will be left on site overnight.

Construction at HSP, LS and the connecting channel is expected to occur between July 1 and October 31. Pre-project clearing and construction actions occurring in the uplands (staging areas, pathway repair and step construction) would begin in June. This project phasing will minimize and/or avoid impacts to aquatic stages of the CRLF. Implementation of the construction action is expected to be phased over a two year period.

The sediment and vegetation removal is intended to improve water flow to the pumps; however, the sediment and vegetation removal also benefits the CRLF by re-establishing open water habitat amongst the emergent vegetation at the wetland margins where CRLF have been known to breed.

The Project site is intended to encompass the action area, which includes the area affected directly and indirectly by the Federal action, here, issuance of a permit for the Project. 50 C.F.R. 402.02 (definition of "action area"). For the purposes of this BA, the construction site is that portion of the Project site within which the direct effects of the Project (e.g., vegetation removal, walkway construction, and path repair) will occur.

2.2.2 Golf Course Maintenance and Operations

The SFRPD currently employs seven staff members who perform the year-round operation and maintenance of the golf course. These activities include mowing; application of water for irrigation; application of fertilizers and compost tea; controlling for gophers; tree removal and trimming; landscaping; maintenance of golf course features, structures, and cart paths; and plumbing and electrical operations.

2.2.2.1 Current course maintenance

Mowing of the golf course occurs on fairways, tees, greens and surrounds. In general, greens are mowed daily, tees twice a week, and the fairways are mowed twice weekly during spring, summer, and fall, and weekly during the winter. The greens are mowed to a height of $^{1}/_{8}$ inch while the tees, surrounds and fairways are mowed to ½ inch. Although a triplex riding mower is used for greens, tees, and surroundings, hand mowing and trimming are necessary in some locations, such as around the clubhouse, tree basins, steep slopes and other small areas where the larger mowers cannot be used. The SFRPD uses an automated and quick coupler system to irrigate the golf course. Weather and climate conditions dictate how often the golf course is irrigated; however on average the course is irrigated twice a week in the dry season (May to October).

Other maintenance actions include hand or mechanized application of organic fertilizer and seed, raking bunkers, rodent control, repairing divots and erosion, cleaning out drainage sumps and tree and vegetation pruning, removal and planting. Golf course staff manage bunkers daily, Monday through Friday, by raking the sand to remove foreign

objects and pulling weeds as needed, and fill divots on the tees and fairways as needed by hand using a mixture of sand and seed mix as needed.

The Park drainage sumps are below grade settling basins that separate large debris from the drainage system. Several drainage sumps are interspersed on one culvert system that enters the golf course from Francisco Boulevard and, running east to west, crosses tee number 3 in front of number 2 Green, and numbers 1, 10, 11, and 13 fairways until it daylights into a ditch leading into LS. Annually, the golf staff enter the sumps via an at-grade lid, to remove debris by hand.

2.2.2.2 Flood Control and Drainage

Sharp Park Golf Course is located within an 845-acre watershed. Historical maps show a salty/freshwater brackish lake in the area now predominantly occupied by the lower golf course. Sanchez Creek and its tributaries provide a riparian corridor for the watershed that at one time drained by gravity into the ocean through a sandy barrier dune that seasonally formed along the beach, similar to that on many California coastal streams. In the 1930s, Sanchez Creek was blocked from discharging to the ocean, which transformed the marine influenced lake into a fresh water wetland (including LS and HSP). In addition to watershed drainage, LS and HSP receive runoff from PCH, residential streets in Pacifica, undeveloped areas managed by the Golden Gate National Recreation Area (GGNRA), and surrounding subdivisions constructed after the golf course.

The SFRPD currently pumps storm water from HSP to the Pacific Ocean. The pumps that control the water levels in HSP and LS are located in a pumphouse at the southwest corner of HSP. There are two electric pumps located in the pumphouse, a large pump with a rated capacity of 10,000 gallons per minute (gpm) and a smaller pump with a rated capacity of 1,500 gpm. The pumps sit in a wet well and are controlled by electric probes, which are adjustable and set by SFRPD engineers. A gauge board is mounted to the outside of the pumphouse that allows monitoring of the water levels. Pumping takes

place primarily during the rainy season between November and May. The Director of the Natural Areas Program determines whether and when the pumps are operated and communicates target water levels to an SFRPD Stationary Engineer that adjusts the pump setting accordingly. In order of priority, operation of the pumps occurs (1) to manage water levels for the protection of CRLF and SFGS, (2) for flood control purposes in order to protect public health, safety, and adjacent property, and (3) to facilitate recreational activity at Sharp Park.

2.2.2.3 Integrated Pest Management

The SFRPD recognizes unique linkages between the golf course and environmental attributes of the site that provide habitat for native species. In 2001, the SFRPD, in consultation with city, state, and federal agencies, began to examine fertilizer and pesticide application practices at the golf course. After a successful pilot study that analyzed the effectiveness of alternatives that lessen adverse environmental effects, the SFRPD implemented a bio-organic program for the entire golf course that is subject to an annual review by a Certified Pest Control Advisor working in the SFRPD's Integrated Pest Management Division. Today, only organic fertilizers are used at Sharp Park and only on the greens, tees and surrounds. Organic dry fertilizers are applied on average four times a year to the greens and three times a year to the tees. Liquid organic fertilizers such as compost tea are applied on average once a week throughout the year. At this time, the City does not use any chemical pesticides in any landscaped or natural area at Sharp Park.

Gophers are common on golf courses. Gopher mounds may damage mowers, and gophers can damage turf roots as well as other plants. SFRPD staff manage gopher populations by raking down gopher mounds. If an active burrow is present on a green or in a tee box, traps may be set by making an opening in the middle of a main tunnel to install a U-shaped wire sprung gopher trap (MacAbee trap) in the burrow. The access hole is then immediately filled in with the excavated materials. Typically the traps are checked and removed before the end of the work day.

2.2.2.4 Park User Habits

Park use includes foot and cart traffic on or around the course. Golfers frequently deviate from the fairway searching for lost balls. However, within the last few years, golf course rules have been modified such that the rough adjacent to the wetlands is out of play and golfers are not allowed to seek lost balls there. The golf course and surrounding environs have also attracted dog walkers who use a strip of land between LS and the seawall as an off-leash dog area even though this area is off limits to dogs under SFRPD policy and a fence has been installed. There is currently no barrier between this strip of land and LS that prevents dogs from accessing the water body. Dog owners/walkers may be unaware that dogs are not permitted on the golf course or LS because of insufficient signage on the course and surrounding areas.

2.2.2.5 Circulation

The golf course contains an interconnected system of paved paths intended for golf cart use and service roads used by SFRPD staff to access the golf course and by users of the archery range. Approximately 30-40% of the golf course users rent carts. West of Highway 1, there are service roads between the number 1 tee and the number 2 tee and on the sea wall from the 16th tee to the pumphouse. On the east side of Highway 1, a paved road runs east from Lundy Way along the north side of the number 7 fairway to a compost site, the defunct rifle range, and ends as a dirt and gravel road at the Archery Range. There are a series of unpaved roadways and trails within the Archery Range. The SFRPD also maintains an easement over a dirt road (Mori Point Road) along GGNRA property just south of the lower course that leads to the seawall. Recently portions of this road were converted to a boardwalk and at that time the SFRPD relinquished its rights to use this easement as the regular vehicular access to the pumphouse and sea wall. While the easement is still considered an emergency access route, this access is maintained by a locked gate and the SFRPD's only regular access on this route is on foot. The only current vehicle access to the pumphouse is via the sea wall road and the pumphouse access road off of Mori Pont Road. This route is also used regularly by the City of

Pacifica, which maintains the garbage receptacles and the County of San Mateo Mosquito Abatement, which conducts regular treatments in the LS wetland complex.

2.2.2.6 Application of Recycled Water for Irrigation

State law prohibits the use of potable water for golf course irrigation wherever suitable recycled water is available at a reasonable cost. The North Coast County Water District (NCCWD) is implementing the Pacifica Recycled Water Project to provide treated water from the City of Pacifica's Calera Creek Water Recycling Plant (CCWRP) to irrigation sites within the City of Pacifica and San Mateo County, including Sharp Park Golf Course. The CCWRP currently discharges tertiary treated recycled water to Calera Creek. The Recycled Water Project is currently underway and is scheduled to be completed in 2012. The Park currently uses approximately 30 million gallons per year of imported surface water from the regional water system operated by the San Francisco Public Utilities Commission to irrigate the golf course. In December 2005, the Park discontinued use of the water in Arrowhead Reservoir (east of PCH) to irrigate the golf course. Flows to and from Sanchez Creek and Arrowhead Reservoir now function under natural conditions increasing with winter rains and decreasing with summer evaporation.

The Pacifica Recycled Water Project Revised Biological Opinion specifies that irrigation runoff into Sanchez Creek, HSP, and LS is not permitted, consistent with permit requirements for the application of recycled water for irrigation uses (USFWS 2009). The Recycled Water Biological Opinion contains reasonable and prudent measures and terms and conditions that will ensure that the use of recycled water is restricted to the approved golf course area, including time and flow limitations, automatic shut-off valves, training for staff and ongoing monitoring (USFWS 2009).

2.2.3 Natural Areas Restoration

The wetlands associated with HSP, LS and the connecting channel are considered Natural Areas as described in the Final Draft of the City's Significant Natural Resources Areas

Management Plan (2006). As such these areas are to be managed and restored for their biodiversity. Maintenance activities, such as hand removal of vegetation within and adjacent to HSP, LS and the connecting channel, contribute to the preservation and enhancement of habitat for the species. These activities would be undertaken by the Natural Areas Program, a division of the SFRPD responsible for the conservation and management of biological resources including endangered species on SFRPD Natural Areas. The activities would include the removal of vegetation overhanging and shading the wetlands such as acacia, Monterey cypress, as well as vegetation within the wetlands such as cattails and bulrush that reduce the quality of CRLF breeding habitat. In areas where appropriate, native plants and erosion control measures would be installed to replace and augment the wildlife habitat and reduce soil loss.

2.3 MINIMIZATION AND MITIGATION MEASURES

The following minimization and mitigation measures are proposed as part of the Project in order to minimize its potential effects on the listed species or their habitat.

Minimization and mitigation measures for construction activities

2.3.1 All sensitive habitats outside the Construction site shall be avoided during and following Project implementation. A USFWS-approved lead biological monitor familiar with the listed species and their habitats shall be part of the Project implementation team. Prior to commencement of any Project-related construction activity, the biological monitor will flag the sensitive areas and/or the limits of the Construction site with suitable markers that are easily discernible by construction equipment operators. No one will enter the sensitive areas of the Construction site unless authorized by the biological monitor.

2.3.2 The lead USFWS-approved biological monitor will be present at all planning meetings prior to Project implementation. A USFWS-approved biological monitor shall present an educational program at one or more such meetings regarding the

listed species and their habitats. Every person who works on Project implementation must receive this education program.

2.3.3 A USFWS-approved biological monitor will be present at the site during all construction activities including but not limited to, vegetation and sediment removal, placement of concrete support structures for the walkway, replacement of the retaining wall and pathway repair. The biological monitor will have the authority to stop work temporarily in order to protect the listed species or the flagged sensitive areas.

2.3.4 Prior to commencement of any construction activities, the lead USFWS-approved biological monitor shall survey the site for the listed species and oversee the installation of exclusion fencing in segments or fully enclosing components of the construction site as appropriate. The biological monitor will periodically inspect the integrity of the exclusion fencing.

2.3.5 During dredging and vegetation removal activities, if required, up to three (3) biological monitors will be present to 1) monitor the area of vegetation or sediment removal, 2) observe the material as it transferred to the shoreline and 3) to inspect material as it is loaded into the dewatering container or dump bed.

2.3.6 The USFWS-approved biological monitor will record notes daily during the project. These notes shall document the dates and locations of such activities. Within 60 days of completion of the Project, the biological monitor will submit a report to the City and USFWS that summarizes his or her notes.

2.3.7 No earthmoving or soil disturbing work shall occur between November 15 and April 15, the breeding season for the CRLF and the season when SFGS are less active on the site.

2.3.8 Terrestrial vegetation in undisturbed areas around HSP and the connecting channel will be cleared by manual means to a height of 4 inches (or a height that allows visibility of the ground) and checked for the presence of CRLF and SFGS.

2.3.9 Prior to ground disturbing activities associated with construction, including the use of staging or vehicle access areas or the removal or placement of fill or

construction materials, rodent burrows in the construction site will be hand excavated by a USFWS-approved biologist until the burrow terminates or until a maximum depth of 30 centimeters.

2.3.10 Vehicle speeds in the project area will not exceed 10 miles an hour. The USFWS-approved biological monitor will inspect for snakes and frogs underneath any vehicle that is parked for 30 minutes or more prior to moving the vehicle. Vehicles accessing the construction site will be limited to the minimum necessary to complete the project. Project personnel shall park personal vehicles at a staging area located away from all aquatic habitats or areas of sensitive upland habitat.

2.3.11 Any workers on the site that observe a frog or snake will immediately report their findings to the on-site biological monitor and immediately suspend work. The monitor will identify the animal if it has not left the area. If a CRLF is observed in the work area, it will be relocated by a USFWS-approved biological monitor to the nearest suitable aquatic habitat out of harms way. If an SFGS is observed in the work area and does not move of its own accord into adjacent habitat, USFWS and CDFG will be contacted immediately for guidance. Work may only recommence if the CRLF or SFGS moves out of harms way or the animal is relocated by the biological monitor. Work may not recommence until the biological monitor has returned to the work area and gives approval.

2.3.12 Non-permitted personnel will not attempt to capture or move any frog or snake. Only USFWS persons in possession of a valid permit from the USFWS may handle a CRLF or SFGS.

2.3.13 Erosion control best management practices (silt fences, coir rolls, straw bales) would be employed as part of the dewatering activities and while soils are exposed. The erosion control measures will not include netting, plastic or natural monofilament netting or other materials that may entrap frogs or snakes.

2.3.14 After completion of the project, the access routes in the wetland will be revegetated with appropriate native plants and erosion control measures will be installed on exposed soils with slopes of 3:1 or greater.

2.3.15 To the maximum extent possible, all construction activities will occur in uplands and on the golf course. Stockpiling and staging areas will be located in the uplands and in areas cleared for species and the golf course. Construction materials (bricks, boards, shoring, concrete forms, etc.) shall be elevated approximately four to six inches above ground whenever feasible to minimize the potential for species to take cover under these items.

Minimization and mitigation measures for golf course maintenance and operations

2.3.16 During and following completion of the Project, the water pumps will be operated pursuant to the following criteria:

- SFRPD staff will operate the pumps to ensure, to the maximum extent practicable, that CRLF egg masses at HSP, LS and the connecting channel are protected from desiccation as a result of pump operation by monitoring and adjusting pump levels to keep egg masses hydrated.
- A biological monitor from the SFRPD Natural Areas Program with appropriate experience, knowledge and permit authority from the USFWS, will monitor closely CRLF egg masses and water levels.
- Appropriate water levels will be determined by conducting visual surveys of CRLF egg masses in potential habitat areas around HSP, LS and the connecting channel.
- Visual surveys will commence following the first rains in November or thereafter and continue throughout the CRLF breeding season after each major rain event but not less than once every three weeks until all the tadpoles have hatched. If, for example during drought years, rains do not commence in November or December, surveys should begin in the first week of January.
- During the visual surveys, data on the CRLF egg masses including attachment type, water depth, size of egg mass, and Gosner stage will be taken, and a determination of potential stranding will also be made.
- If CRLF egg masses are observed at HSP, Laguna Salada or the connecting channel and there is sufficient water surrounding the mass, no adjustments to the water level will be made. But if one or more egg masses are observed to not possess sufficient water around it to prevent stranding, the water level that triggers operation of the pumps will be adjusted upwards, even at the risk of flooding the golf course.
- Pump levels will be set relative to the CRLF egg mass with the least amount of water around it; in other words, the pumps will be set to a level to protect the most vulnerable egg masses.
- Following pump adjustments, the site will be resurveyed to ensure that the new pump levels have been achieved and the vulnerable egg masses are safe from desiccation.
- Once all the CRLF eggs have hatched and the tadpoles are no longer aggregating about the egg mass, the water level will be lowered incrementally and the dewatering is monitored to ensure that CRLF tadpoles are not stranded by receding waters.
- When no egg masses are present, the water levels may be lowered to reduce flooding on the Property or in advance of the rainy season in November in order to increase flood storage capacity and to reduce the potential formation of ephemeral swales in unsustainable habitat areas (such as those on the eastern side of LS).

2.3.17 During and following completion of the Project, if CRLF egg masses are determined to be at risk because they are deposited in ephemeral swales or in other conditions that are not sustainable, an SFRPD biological monitor with the Natural Areas Program will apprise USFWS of the situation, and provide USFWS with an opportunity to request that the City implement protective measures such as bending vegetation to adjust the egg mass to the water level or relocating egg masses to more sustainable habitats.

2.3.18 During and following completion of the Project, mowing will occur pursuant to the following criteria:

- The area to be mowed will be the minimum required to maintain the golf course. A no-mow zone area, which includes the roughs adjacent to the wetlands, will be identified with stakes or other markers on the ground (see Figure 2-5). Golf staff will be instructed not to mow in these areas.
- Regular mowing schedules will be adjusted in the areas adjacent to the LS wetlands to minimize the potential for encounters with frogs and snakes. To the extent feasible, mowing of fairways and greens adjacent to LS would occur in the early morning hours before 9:00 a.m.
- If mowing occurs prior to dawn, for example in the winter, the SFRPD will ensure that the mowers are equipped with lights so that drivers can see the turf in front of them.
- All mower operators will be trained to identify the CRLF and SFGS and instructed to stop any activities if they observe any red or brown frog or any garter snake on the course.
- If any red or brown frog or any garter snake is encountered in the pathway of a mower, the operator will cease the mowing activity and wait for the animal to remove itself from harms way or discontinue the mowing activity in that area for the day. If the animal does not move out of harms way, the SFRPD biological monitor with the Natural Areas Program will be contacted. Work may not recommence in the area until the area has been determined to be clear of CRLF or SFGS.

2.3.19 During and following completion of the Project, only organic fertilizers, such as pro-biotics and compost tea, will be used at Sharp Park, and they will only be applied to the greens, tees and surrounds. No fertilizers will be applied to fairways.

2.3.20 During and following completion of the Project, the City does not anticipate the need to use any chemical pesticides on the golf course or associated landscaped

areas at Sharp Park. In the unlikely event of a major fungal outbreak on the golf

Figure 2-5 No Mow Area [TO COME]

course, the City would consult with the San Francisco Department of the Environment's Integrated Pest Management Program to identify the least toxic material to use to control the outbreak and would comply with labeling and other restrictions imposed by the U. S. Environmental Protection Agency. In addition, the City would notify USFWS prior to the application

2.3.21 During and following completion of the Project, gopher control will occur pursuant to the following criteria:

- Whenever gopher mounds are formed, the mounds will be raked away from the opening of the hole
- In order to set gopher traps, a clump of turf and dirt will be removed from the ground such that the middle of the main tunnel is exposed. U-shaped wire sprung gopher traps will be placed in the burrow on either side of the hole. The clump of turf will then be immediately placed back in the hole.
- Typically, traps will be checked and removed before the end of the work day and will not be left in place for more than 24 hours.

2.3.22 During and following completion of the Project, vehicle use on the golf course will be reduced. The City will reduce golf cart use on turf areas by establishing, posting, and enforcing cart path only and 90-degree only rules on the course. In areas adjacent to sensitive habitats (i.e., Holes 9 through 17 west of the Pacific Coast Highway (PCH) and adjacent to LS, HSP, Sanchez Creek and the connecting channel) rules will stipulate that golf carts will be restricted to paved paths only. In the rest of the course, carts may be taken off the path but only following the 90 degree rule (golfers may drive to their ball by entering the golf course from the cart path at 90 degrees to their ball and returning to the golf cart along the same route after completing the swing). In order to implement these rules, the City will post signs throughout the course and in the golf carts stating where golf carts must stay on paths and where the 90-degree rule applies. The Golf Course marshals and golf course maintenance staff will be instructed to enforce these rules throughout the course.

If non-mowing vehicles associated with golf course maintenance must be taken off path on the golf course, the area must be visually surveyed in advance for

CRLF and SFGS. If a CRLF or SFGS is sited in the maintenance work area and the animal does not relocate itself to adjacent habitat and out of harms way, the SFRPD biological monitor with the Natural Areas Program will be notified of the location and condition of the animal. If the animal is at risk due to other conditions (e.g., if it is located in the parking lot or maintenance area) the SFRPD biological monitor will relocate the animal to suitable nearby habitat and/or contact the USFWS and/or CDFG for guidance. If the animal is at risk, work must be suspended until the CRLF or SFGS removes itself from harms way.

2.3.23 The SFRPD will continue to conduct regular staff training. SFRPD staff will be taught how to identify species of concern, conduct activities incorporating the required minimization measures in areas where appropriate, and determine what conditions require cessation of work and what situations require notification of a biological monitor. Upon completion of additional training, staff will be able to perform routine maintenance tasks within the golf course footprint such as changing pin placements; removing ball marks from surfaces; roping off, repairing, and reporting damage to sensitive areas to the SFRPD Natural Areas Manager; filling divots with seed mixes; removing foreign objects; replenishing and raking sand in bunkers; removing debris from fairways; conducting landscaping activities; mowing fairways and greens; hand or mechanized trimming of vegetation that cannot be mowed; applying organic fertilizers and compost tea with machinery, aerating and irrigating play surfaces; controlling gophers; and maintaining plumbing and electrical systems.

2.3.24 All golf course related activities occurring in the no-mow zones adjacent to LS, HSP, Sanchez Creek and adjacent wetlands must be overseen by the SFRPD biological monitor with the Natural Areas Program. Prior to the commencement of any work in these areas, the biological monitor with the Natural Areas Program must be contacted. The biological monitor will evaluate whether the activity requires that measures such as exclusion barriers, burrow collapsing or incremental vegetation removal be implemented in order to protect the species.

The Natural Areas Program biological monitor will oversee the implementation of these measures.

2.3.25 The SFRPD will distribute educational materials developed in cooperation with USFWS to staff, Park users, and golf patrons. These materials will include means to identify CRLF and SFGS, a synopsis of their natural history, including habitat requirements, information on their distribution and abundance at the facility, and procedures for avoidance and who to contact in case of a question.

2.3.26 The SFRPD will distribute or install educational materials (brochures, or interpretive or regulatory signs) where appropriate around LS and HSP, the golf course entrances, and in the clubhouse stating that golfers and park users and their pets are prohibited from entering LS and HSP, dogs are to remain on leash, and that leaving food for cats is prohibited. The signs will also state that releasing animals in the park is prohibited. If a feral cat feeding station is discovered at Sharp Park, it will be removed as soon as practicable. The SFRPD will cooperate with GGNRA on their regional effort to address free-roaming cats at Mori Point and Sharp Park

2.3.27 The SFRPD will maintain a 3 foot wood fence around HSP and a 3 foot wire-mesh fence along the eastern edge of the seawall, to keep dog walkers and other park users from entering HSP and LS from the seawall. "No Access" signs will be installed on the fence.

2.3.28 The SFRPD will restrict the use of vehicles on Mori Point Road, from Moose Lodge to HSP, over which the City has an easement.

2.3.29 Routine annual surveys for potentially detrimental non-native invasive animal species, particularly bullfrogs, predatory fish and non-native turtles, will be scheduled and supervised by the Natural Areas Program biological monitor. Monitoring surveys for bullfrogs would be conducted in the spring and could consist of searches for egg masses, calling surveys and visual surveys. If individuals of potentially destructive animal species are encountered, control methods will be developed and, with USFWS approval, implemented. Among the methods that could be employed include draining of the water body (Arrowhead

Reservoir), hand removal of egg masses, dipnetting for tadpoles and culling of adults. These control activities would be conducted by a USFWS-approved biologist.

2.3.30 Surveys for infestations of invasive non-native and particularly aggressive native plant species that reduce habitat value for desired wildlife will also be conducted annually. Where feasible and with the approval of USFWS, hand removal of these aggressive species would be conducted. Large-scale mechanical control or eradication efforts will be initiated as part of the long-term restoration plan of the site.

2.3.31 Golf course staff engaged in activities and who detect any CRLF or SFGS on the course that does not move of its own accord and would otherwise be in harm's way, must immediately report their finding to the biological monitor with the Natural Areas Program and attempt to prevent harm to the individual(s).

2.3.32 During and following completion of the Project, the SFRPD shall maintain and keep in good repair the sea wall road, which provides the only vehicle access to the pumphouse and for garbage collection and mosquito abatement as described in paragraph 2.2.2.5, above.

SECTION 3.0 – GENERAL ENVIRONMENTAL SETTING

3.1 SIGNIFICANT LANDFORMS, GEOLOGICAL FEATURES, AND SOILS

Elevations in Sharp Park range from sea level to approximately 750 feet above sea level in the southeastern corner of Sharp Park. The western portion of the park is relatively flat, with most of the elevation change occurring on the east side of Highway 1. Soils in the park have been mapped as the Barnabe-Candlestick complex and Candlestick Variant (loams), with sands along the ocean and disturbed soils (cut, filled, graded) in the golf course area (Brabb and Pampeyan 1983; USDA 1991).

3.2 WATERSHED BOUNDARIES AND DRAINAGE PATTERNS

The 411-acre Sharp Park property lies within an approximately 980-acre watershed that includes both developed and undeveloped areas (see Figure 1-1). Runoff from the watershed – including runoff from PCH – that is not captured at a small reservoir east of Sharp Park and does not percolate into the ground flows to the wetlands complex at Sharp Park.

In addition to sheet flow from neighboring lands, there are three sources of surface water inflows to the Project site. Sanchez Creek, augmented in its lower reaches by highway drainage and runoff from a residential neighborhood, is the largest source of storm runoff. The creek flows westerly through portions of the golf course before it is directed into a culvert that discharges into a channelized drainage and flows into the wetland near HSP. A second inflow collects runoff from a network of storm drains that enter the Project site near the golf course clubhouse via an underground culvert that discharges into eastern side of LS. A third inflow collects runoff from a network of storm drains that enter the site via an underground culvert that discharges into the northern side of LS.

From 1941 to 1952, a seawall was constructed, which eliminated a hydrologic connection between the Pacific Ocean and LS, the principal surface water body in Sharp Park. Prior

to the construction of the seawall, there was an interemittent connection between LS and the Pacific Ocean such that water fluctuated from salty to brackish to fresh. Construction of the sea wall greatly reduced tidal exchange with, as well as outflow to, the Pacific Ocean. In the past, the seawall has been breached during large storm events, most recently in the mid-1980s.

3.3 BIOLOGICAL SURVEYS

Numerous field surveys have been conducted on the Project site by Swaim Biological and City staff as well as other consultants. Reports documenting the results of these surveys are as follows:

* Fong & Campo (2006);
* Fong et al. (2009);
* Geomatrix (1986);
* Philip Williams & Associates (1992);
* Swaim (2008); and
* Swaim (2005).

In addition, background materials regarding vegetation and wildlife was adopted from the Final Draft of the City's Significant Natural Resources Areas Management Plan (2006).

3.4 SITE VEGETATION COMMUNITIES AND ASSOCIATIONS

The vegetation of Sharp Park was classified into 29 series (Table 3-1). Of the total 237.1 acres of natural areas at Sharp Park, approximately 64 percent of the area is non-native forest; 18 percent is native and non-native scrub; 5 percent is grassland (annual and perennial) and herbaceous series; 9 percent is wetland; and 4 percent is classified as "other" (open beaches, open water, roads, and other developed areas).

3.4.1 Forest

Four forest series were mapped at Sharp Park and they account for over half of the natural areas' total acreage. The majority of the area was mapped as blue gum forest and mixed exotic forest covering approximately 66.07 and 70.72 acres, respectively,

primarily east of the PCH. Slightly less than 12 acres of cypress forest were mapped, primarily along the edges of the golf course on the western side of the PCH.

3.4.2 Scrub

The Natural Areas at Sharp Park support a wide array of scrub habitats. Most of these are located in the upper canyon area east of the PCH. Of the 10 types of scrub habitats mapped at Sharp Park, nine are dominated by native species. The willow (7.23 acres), dogwood (1.86 acres), and thimbleberry (0.46 acres) scrub series are found in the lower canyon along the creek. Oceanspray (10.07 acres) and red elderberry (3.57 acres) series are scattered midway up the slopes throughout the canyon. The California sagebrush (4.19 acres) and most of the coyote brush (11.49 acres) series are found on the upper slopes of the canyon. A small patch of California blackberry scrub (0.20 acres) is in the marsh area of LS. The only non-native scrub formation mapped at Sharp Park is French broom scrub (4.25 acres) that is scattered through the eastern portion of the park.

3.4.3 Grassland, Herbaceous, and Open Water

The open water of LS, HSP, and Arrowhead Reservoir comprise approximately 4 acres of the Natural Areas. Of the eight grassland/herbaceous series, iceplant (*Carpobrusus edulis*) (1.45 acres), purple false brome grassland (3.00 acres), and orchard grass grassland (5.45 acres) account for the majority of area covered by the grassland and herbaceous series.

3.4.4 Wetland

Seven wetland series were mapped at Sharp Park. All of these can be found around and within LS. In 2001, the bulrush/cattail wetland occupied approximately 18.1 acres around LS. Over the last several decades, the extent of this vegetation has increased, replacing the open water. The 2008 wetland delineation prepared for Laguna Salada indicated that freshwater wetland occupies 19.6 acres (Tetratech 2008). A small wetland around LS

contains salt-tolerant marsh species, which may be relicts from the time when the lagoon was connected to the ocean and subsequent saltwater intrusion.

Table 3-1 – Vegetation at Sharp Park

	Vegetation Series	Total Acreage
Forest	blue gum forest	66.07
	cypress forest	11.81
	mixed exotic forest	70.72
	pine forest	2.20
	Subtotal	**150.80**
Scrub	California sagebrush scrub*	4.19
	California blackberry scrub*	0.20
	dogwood scrub*	1.86
	coyote brush scrub*	11.49
	French broom scrub	4.25
	oceanspray scrub*	10.07
	poison oak scrub*	0.33
	red elderberry scrub*	3.57
	thimbleberry scrub*	0.46
	willow scrub*	7.23
	Subtotal	**43.66**
Grassland	ripgut brome grassland	0.38
	purple false brome grassland	3.00
	orchard grass grassland	5.45
	Subtotal	**8.84**
Other Herbaceous	poison hemlock	0.09
	mixed exotic herbaceous	0.42
	iceplant herbaceous	1.45
	Subtotal	**1.96**
Wetland	lady fern wetland*	0.04
	bulrush/cattail wetland*	18.11
	horesetail meadow*	0.02
	pondweed marsh*	0.67
	rush meadow*	0.02
	saltgrass/pickleweed marsh*	0.75
	silver weed marsh*	1.58
	Subtotal	**21.20**
Other	open water	3.93
	developed	6.73
	Subtotal	**10.67**
Grand Total		**237.12**

3.5 WILDLIFE

3.5.1 Birds

The variety of habitats at Sharp Park provide suitable foraging, nesting, and roosting habitat for a number of bird species. The forest habitat of Sharp Park provides potential nesting habitat for raptors and owls. Both red-tailed hawk (*Buteo jamaicensis*) and red-shouldered hawk (*Buteo lineatus*) are known to breed within Sharp Park. The complex of scrub habitats in the upper canyon provides habitat for resident and migratory songbirds including dark-eyed junco (*Junco hyemalis*), California towhee (*Pipilo crissalis*), Western scrub-jay (*Aphelocoma californica*), and American robin (*Turdus migratorius*) among others. The wetland habitats surrounding LS provide habitat for marsh species, such as saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*), Virginia rail (*Rallus limicola*), sora (*Porzana carolina*), red-winged blackbirds (*Agelaius phoeniceus*), and others. The saltmarsh common yellowthroat is not listed under the ESA, but it is a California species of special concern. In the middle of the canyon, the area surrounding Arrowhead Reservoir and a nearby patch of willow scrub provide nesting, roosting, and foraging habitat for swallows, flycatchers, thrushes, and other birds that prefer to use dense riparian scrub or forests closely associated with water.

3.5.2 Mammals

The diversity of habitats, especially the upper canyon areas, likely supports a relatively wide array of small mammals. A California meadow vole (*Microtus californicus*) was observed near LS (EIP field visit, April 12, 1999). Species that likely are present include dusky-footed woodrat (*Neotoma fuscipes monochroura*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), and Virginia opossum (*Didelphis virginiana*). Surveys, conducted in 2008 for the dusky-footed woodrat, determined that the woodland and riparian areas east of Highway 1 are used extensively by this species (Wayne 2008). Review of relevant reports indicates that native gray fox (*Urocyon cinereoargenteus*) and the introduced red fox (*Vulpes fulva*) were common through the area in the past (Philip Williams & Associates 1992). Free-roaming domestic cats have been observed on site

and are relatively common.

3.5.3 Amphibians and reptiles

The LS area has been the subject of specific amphibian and reptile surveys. These efforts have documented the presence of western pond turtle (*Clemmys marmorata*), California slender salamanders (*Batrachoseps attenuatus*), Pacific chorus frog (*Pseudacris (Hyla) regilla*), CRLF, SFGS, western yellow-bellied racers (*Coluber constrictor mormon*), and coast garter snake (*Thamnophis elegans terrestris*). Pacific rubber boa (*Charina bottae bottae*) and rough-skinned newt (*Taricha granulosa granulosa*) have been reported from Sharp Park east of PCH (Swaim 2008; EIP field visit, April 12, 1999; Philip Williams & Associates 1992). The wetlands surrounding LS, HSP, Arrowhead Reservoir and Sanchez Creek provide habitat or potential habitat for these species. The western pond turtle is not listed under the ESA, but it is a California species of special concern.

3.5.4 Invertebrates

A population of San Francisco forktail damselfly (*Ischnura gemina*) was discovered in association with the wetlands of Sharp Park in 1988 (Philip Williams & Associates 1992). More recently, a single San Francisco forktail damselfly was observed on the northern side of HSP (Swaim 2008). The San Francisco forktail damselfly is not listed under the ESA, but it is endemic to the San Francisco Bay Area and is listed as an IUCN Red List Endangered species.

The 2006 Natural Areas Management Plan identifies Mission Blue butterfly (*Icaricia icarioides missionensis*) as being reported from Sharp Park in 1988 (SFRPD 2006). There is a small grassland area on the far eastern portion of the Sharp Park property that is contiguous to Sweeney Ridge, a site known to support Mission blue butterfly. In addition, the small grassland contains host plants for this species. The Mission blue butterfly is a federally listed endangered species.

4.0 LISTED SPECIES AND ASSESSMENT OF HABITAT

4.1 INTRODUCTION

Based on biological surveys conducted on the Project site, we identified SFGS and the CRLF as listed species that may be present on the Project site. Other listed species were removed from more detailed consideration because they were not observed during the extensive biological surveys that have been conducted onsite. The Mission blue butterfly is not expected to exist in the Project site as the suitable habitat is located over 0.5 mile away, this species is not known to venture from its habitat, and the habitat between the construction, operation and maintenance areas contain heavily wooded areas that are inhospitable to this species.

4.2 LISTED PLANT SPECIES

No known listed plant species occur on the Project site.

4.3 LISTED WILDLIFE SPECIES

4.3.1 San Francisco garter snake (*Thamnophis sirtalis tetrataenia*)

Description:

The San Francisco garter snake is a slender, colorful snake that is endemic to the San Francisco peninsula. The SFGS was listed as endangered in 1967 under a predecessor to the ESA, and it retains that status today (USFWS 2006). No critical habitat has been designated for this species. A recovery plan for this species was released in 1985 (USFWS 1985).

Biology of the Species:

The SFGS is one of a number of subspecies of the common garter snake (USFWS 1985). The SFGS is identified by a burnt orange head, yellow to a greenish-yellow dorsal strip

edged in black, and a red lateral stripe which may be continuous or broken with black blotches and edged in black. The belly color varies from greenish-blue to blue. Large adults can reach four feet in length (USFWS 1985).

The SFGS prefer habitat in vegetated ponds or marshes near an open hillside where they can bask in the sun, feed, and find cover in rodent burrows. They also show affinity for shallow, open water habitat, possibly because their preferred prey rely on such habitat (USFWS 2006). CRLF constitutes one important prey item of the species though it also feeds on other small amphibians and fish (USFWS 1985). Mature SFGS may also feed on small mammals (USFWS 1985). The SFGS is very wary and shows a great aversion to crossing over large open areas (USFWS 1985; Geomatrix 1986). The species shows a tendency to remain in close proximity to aquatic habitat (USFWS 2006).

The mating season for SFGS occurs in both the spring and the fall though it appears to be concentrated in the spring (USFWS 2006). The females of the species give birth to up to two dozen or more live young. After breeding, SFGS tend to be less active in the summer and fall. Peak basking time during the day is typically mid morning, with activity levels declining over mid-day; however these patterns are highly weather dependent.

Distribution:

The SFGS is endemic to the San Francisco peninsula, with all known historic and contemporary records of the snake limited to San Mateo County, California.

Status Onsite:

Over the last several decades, SFGS have been sighted sporadically at Sharp Park and adjoining properties (see Table 4-1). In 1986, following the breach of the seawall at Sharp Park due to winter storms in both 1983 and 1986, SFGS were not located on-site despite extensive surveys from March to July 1986 (Geomatrix Consultants 1986). Since then, SFGS sightings have been infrequent. The authors of a 1992 report on the LS wetlands stated that "[n]o SFGS were found on site" and went on to conclude that if they

do occur on site, "there numbers are extremely limited" (Philip Williams & Associates 1992). At the same time, they did report two SFGS occurrences in Mori Point in 1990-91 and a further, single occurrence in 1992. In recent years, there were few sightings. In 2004, seven SFGS were captured a total of ten times, including five captures at Mori Point, four at HSP, and one near LS (Swaim 2005). During a separate set of surveys, in 2004, six additional SFGS were captured at Mori Point (Swaim 2008). In addition, in May 2005, an individual reported to the Golden Gate National Parks Conservancy that he had located the remains of an SFGS on the Sharp Park golf course (Salisbury 2011). It is unclear how long the remains had been there and whether they were moved. In 2006, 13 SFGS were captured at Mori Point (Swaim 2008). Then in 2008, five SFGS were captured at Mori Point and two SFGS were observed in Sharp Park near HSP (Swaim 2008). Since 2008, no trapping or extensive visual surveys for he SFGS have been conducted at HSP or other wetlands and one has reported sighting an SFGS at Sharp Park. In November 2009, a single dead juvenile SFGS was found on Fairway Drive in the residential community south of Sharp Park (Wayne, pers. comm.). This animal had puncture marks throughout its body suggesting that the animal died from predation by a domestic cat or other predator. This snake was collected by K. Swaim under authorization by the USFWS Recovery Permit and DFG MOU. Feral cats and outdoor house cats frequent the ponds and wetlands at Mori Point during all times of the year and have been seen searching the perimeter of the ponds as they dry (Swaim, pers. comm. 2012).

Table 4-1. Summary of San Francisco Garter Snake Data [TO COME]

Date	Location	Source	Summary

4.3.2 California red-legged frog (*Rana draytonii*)

Description:

The California red-legged frog is one of two subspecies of the red-legged frog (*Rana aurora*). It is the largest native frog in the western United States, and it is endemic to California and Baja California, Mexico. In 1996, the CRLF was listed as threatened under the ESA (USFWS 1996). USFWS designated critical habitat for the species most recently in 2010 (USFWS 2010b). The recovery plan for this species was released in 2002 (USFWS 2002).

Biology of the Species:

The CRLF is California's largest native frog at a length of up to 138 mm for females and 116 mm for males (USFWS 2002). It is brown to reddish-brown with diffuse moderate-sized dark brown to black spots that occasionally have light centers. The CRLF is readily identified by its distinct dorso-lateral folds. Dark bands stripe the dorsal side of the hind legs and red coloration is typical of the ventral side of the hind legs.

CRLF males become sexually mature at 2 years of age and females become sexually mature at 3 years of age (Jennings and Hayes 1985). The CRLF breeds between November and April (USFWS 2002), with earlier breeding occurring in southern California. A reproductively active, female CRLF will only produce one clutch during a breeding season. Egg masses are commonly attached to vertical emergent vegetation such as cattails and tules, but they can also be attached to mud or other substrates (USFWS 2002). The CRLF deposits its eggs in masses (typically 2,000 to 5,000 eggs per mass) just below the water line of lakes, ponds, and streams during or shortly after significant rainfall events. Eggs hatch in 6 to 14 days (USFWS 2002). Nighttime is typically the most active time for CRLF to disperse and reproduce.

The CRLF is generally found near water but often disperses to upland habitat after rains where it forages (Swaim 2008). Scientists have observed a wide range of dispersal

distances. For example, Fellers and Guscio observed dispersal ranging from 30 to 1400 meters (Fellers and Guscio 2004). One hundred percent of CRLF egg masses die at salinity levels of 4.5 parts per thousand (ppt), and larvae cannot survive in concentrations higher than 7.0 ppt.

Distribution:

The CRLF ranges from the north coast and northern Sierra Nevada range of California into Baja California, Mexico (USFWS, 2002). The rangewide distribution of the species is described in detail in the Recovery Plan and Final Rule designating critical habitat (USFWS 2002; USFWS 2010b).

Status Onsite:

In 1986, following the breach of the seawall at Sharp Park due to winter storms in both 1983 and 1986, CRLF were not located on-site despite extensive surveys from March to July 1986 (Geomatrix Consultants 1986). During surveys conducted from May 1990 to May 1991, 100 juvenile CRLF were located around HSP while less than 20 frogs were counted around Laguna Salada proper, an area vastly larger than HSP. In March 1992, an unspecified number of egg masses were located at HSP (Philip Williams & Associates 1992).

CRLF surveys were reported for the periods 2004-2006 and 2007-2009 by the City working in cooperation with the National Park Service (Fong & Campo 2006, Fong et al. 2009). Egg mass counts at Sharp Park (which includes LS and HSP) were 55, 16, and 45 in 2004, 2005, and 2006, respectively (Fong & Campo 2006, Table 3) (See Table 4-2). Egg mass counts at LS were 30, 119, and 87 in 2007, 2008, and 2009, respectively (Fong et al. 2009). Whereas in 2004 and 2005, stranded egg masses accounted for 25 and 37 percent of observed egg masses in the LS watershed, in 2007 and 2008, they accounted for 10 and 3 percent of the observed egg masses (Fong et al. 2009). In 2011, there were 159 CRLF egg masses detected on Sharp Park property (Campo 2011).

Table 4-2: Summary of California Red-Legged Frog Egg Mass Data [TO COME]

Date	Sharp Park	Mori Point	Total

Swaim Biological captured numerous adult and juvenile CRLF in trapping studies at Sharp Park and Mori Point in 2004, 2006 and 2008 and documented rapid colonization of an enhanced wetland and three newly created ponds at Mori Point by breeding populations of CRLF (SBI 2009) (See Table 4-3).

Table 4-3: Summary of Juvenile and Adult California Red-Legged Frog Data [TO COME]

Date	Sharp Park	Mori Point	Total

4.3.3 Mission blue butterfly

Description

The Mission blue butterfly (*Icaricia icarioides missionensis*) is a small, nickel-sized member of the Lycaenidae family, or "gossamer-winged" butterflies. The males are silvery blue and the females are slate grey to brown, with some blue towards the middle of the upper fore and hindwings. In 1976, the Mission blue was listed as endangered

under the ESA (USFWS 1976). USFWS proposed critical habitat for the species in 1977 but never designated critical habitat (USFWS 1977). The recovery plan for this species was released in 1984 (USFWS 1984).

Biology of the Species

Contingent on the rainfall in spring, adults fly from mid-March to early June, with peak emergence in late May. The imago (adult phase) live eight to ten days (USFWS 1984). Females lay eggs on leaves, buds and seed pods on three types of lupine including silver lupine (*Lupinus albifrons* var. *collinus*), summer lupine (L. *formosus*) and varied lupine (L. *variicolor*) (Thelander and Crabtree 1994).

The eggs are round, bright, and white, typically laid singly on the upper surface of the lupine leaflet. Eggs hatch within 6 to 10 days and the first and second instar larvae feed on the leaf tissues. Approximately 3 weeks after the eggs hatch, the larvae enter an obligate diapause usually in the litter at the base of the plant. Larvae emerge and continue feeding the following spring. Ants (*Formica lasioides* and *Prenolepis imparis*) tend the third and fourth instar larvae, protecting them from predators and parasites in exchange for sugary secretions the ants feed on.

Adult Mission blue butterflies use many different nectar sources, including coast buckwheat (*Eriogonum latifolium*), California phacelia (*Phacelia californica*), checkerbloom (*Sidalcea malviflora*), yarrow (*Achillea millefolium*), blue-eyed grass (*Sisyrinchium bellum*), blue dicks (*Dichelostemma capitatum*), Ithuriels's spear (*Triteleia laxa*), coyote mint (*Monardella villosa*), golden aster (*Heterotheca sessiliflora bolanderi*), California horkelia (*Horkelia californica*), narrow-leaved mule ears (*Wyethia angustifolia*), and brownie thistle (*Cirsium quercetorum*). They are also known to use nonnative forbs such as Italian thistle (*Carduus pycnocephalus*), milk thistle (*Silybum marianum*), and rough cat's ear (*Hypochaeris radicata*)

Mission blue butterflies tend to fly low to the ground in search of potential mates, oviposition sites, and nectar sources. Trees, scrub, annual grasses, and tall forbs can create navigational challenges to Mission blues. Presence of adult Mission blue butterflies is correlated not only with host plant presence, but also with bare ground. A site dominated by host plant and nectar source vegetation and high cover of bare ground allows Mission blues to quickly and efficiently find mates and host plants during their short flight season (Bennett 2008, Lucas 1998).

Distribution

The Mission blue now occurs only in northern San Mateo County (San Bruno Mountain, Sweeney Ridge, and a small colony on Milagra Ridge), San Francisco County (Twin Peaks), and Marin County (small pockets along the Southern Headlands, Fort Baker, and along the eastern edges of the Golden Gate National Recreation Area [GGNRA]).

Onsite status

The 2006 Natural Areas Management Plan identifies Mission Blue butterfly (*Icaricia icarioides missionensis*) as being reported from Sharp Park in 1988 (SFRPD 2006). There is a small grassland area (less than an acre) on the far eastern portion of the Sharp Park property that is contiguous to Sweeney Ridge, a site known to support Mission blue butterfly. In addition, the small grassland contains host plants for this species.

There are no project activities that are proposed near the Mission blue butterfly habitat. The Project construction action is located over 1.25 miles away and the golf course maintenance and operations are at least 0.5 miles away from the Mission blue butterfly habitat. In addition, the Mission blue butterfly is a localized species which is known to only occur in areas containing host and larval food plants. This species is not expected to venture into the vast exotic forests that exist between its ridgeline habitat and the golf course. As such, the Mission blue butterfly is excluded from further consideration in the Biological Assessment as there are no direct, indirect, cumulative or interrelated or interdependent activities associated with this project that would affect this species.

5.0 EFFECTS ANALYSIS

This section assesses the potential effects of the proposed Project on the listed species present on the site. The Project Description is provided in Section 2, and it includes the construction action described in Section 2.2. In addition, the applicant has proposed minimization and mitigation measures to ensure that construction and operational impacts – including those described in Section 2.3 – are minimized and mitigated. These measures are described in detail in Section 2.4 and are part of the Project Description.

The effects of the action include "the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action, which will be added to the environmental baseline." 50 C.F.R. 402.02. The environmental baseline encompasses the past and present impacts of all other actions and environmental stressors within the action area, which affect the listed species and its habitat. The focus of an effects analysis is evaluation of the effects of an action by a federal agency that has the potential to harm listed species and/or designated critical habitat. The ultimate purpose of the effects analysis is to inform the determination of the Fish and Wildlife Service as to whether a proposed action is either likely or unlikely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of its critical habitat. Here, because the action area is not designated critical habitat for the CRLF and because USFWS has not designated critical habitat for SFGS, the focus is on whether the action is likely to jeopardize the continued existence of CRLF and/or SFGS.

For the purpose of this BA, direct effects are direct or immediate effects of the Project on the listed species or their habitat. Indirect effects of the Project on the listed species or their habitat are those that are caused by or result from the Project, are later in time, and are reasonably certain to occur. An interrelated activity is an activity that is part of the proposed action and depends on the proposed action for its justification. An interdependent activity is an activity that has no independent utility apart from the action under consultation. The *Consultation Handbook* explains that "the analysis of whether

other activities are interrelated to, or interdependent with, the proposed action under consultation should be conducted by applying a 'but for' test" (USFWS and NMFS 1998). Cumulative effects include the effects of future State, tribal, local or private actions, not involving a federal action, that are reasonably certain to occur in the action area. 50 C.F.R. 402.02.

5.1 DIRECT EFFECTS

The potential direct impacts to SFGS and CRLF associated with Project implementation include effects of vegetation and sediment removal from Horse Stable Pond and the connecting channel, the construction of a walkway including placement of concrete support structures around the pump intake, and associated staging. These are illustrated in Figures 2-2 to 2-4. Acreages associated with the direct impacts are provided in Table 5-1.

Table 5-1: Acres of Vegetation within the Project Site and Estimated Acres of Impact from the Proposed Project

Vegetation	Total On-site (Acres)	Temporary Excavation	Permanent Excavation (footings and wall)	Permanent Steps, walkway	Permanent Cart path	Total Acres	% Total on-site
Upland – ruderal*	10.8	0.09		.001		0.091	.84%
Upland – golf	173.8	0.23			.01	0.24	.13%
Open Water	3.93	0.08				0.08	2%
Freshwater Wetland	18.11	0.21	.0003			0.223	1.2%
Totals		0.61	.0003	.001	.01	0.624	

Includes grasslands and other herbaceous

5.1.1 California Red-Legged Frog

Direct impacts to CRLF are possible as a result of project construction. Construction activities including pathway, walkway, retaining wall repair and construction and sediment and vegetation removal have the potential to result in injury or mortality due to construction vehicles and equipment. The project is being implemented in late summer and fall to avoid any impact on CRLF breeding activities. Because the vast majority of work is taking place on the golf course or from the access roads and during daylight hours, no significant impacts to CRLF dispersal between aquatic habitats or foraging activity is expected. CRLF in the immediate excavation and/or vegetation removal footprint may be disturbed by vibration of equipment near or in HSP and the connecting channel and temporarily flee into nearby cover. Pre-construction surveys, active removal of CRLF from construction zones and on-going monitoring during construction, are expected to protect individual frogs from being crushed by equipment or injured. Relocation may inadvertently harm or harass these individuals but not adversely affect them given the extensive amount of local and familiar habitat to which the individuals can be relocated. Construction activities that result in injury or mortality would adversely affect CRLF.

The direct effects of the Project on CRLF include both temporary and permanent impacts to upland habitat. Temporary impacts to upland habitat will result from the use of construction equipment at the Project site to 1) install steps and replace the retaining wall adjacent to the pumphouse at HSP, 2) construct the walkway and cart paths, and 3) excavate sediments and emergent vegetation from HSP and the connecting channel. Vehicle access routes and staging areas required for the construction of these project elements will largely be situated in the ruderal upland habitat and on the golf course see Figures 2-2 through 2-4). The use of such equipment could harm CRLF and temporarily reduce cover for the CRLF in localized areas used for access routes and equipment staging at HSP and along the connecting channel. Impacts to upland habitat would be short term, very localized, and in small disjunct patches that will continue to be surrounded by extensive cover. Implementation of post-construction restoration efforts

will further mitigate reductions in cover for CRLF. Permanent impacts to upland habitat will result from the placement of structures and materials at the Project site, namely, installation of the steps and realignment of the cart path. This impact will potentially reduce the quality of these small affected areas as habitat for the species. The total footprint subject to temporary disturbance is 0.09 acres of ruderal upland that provides potential habitat for CRLF and SFGS.[2] This area includes access and staging areas near HSP and the connecting channel. Additionally approximately 0.001 acres of potential ruderal upland habitat, associated with the construction of the steps to the pumphouse intake would be permanently affected. Combined, the temporary and permanent disturbance area is 0.091 acres, which represents 0.84 percent of the upland habitat on the Project site. The area affected is not designated as critical habitat for CRLF, but even if it was, it would only constitute 0.00004 percent of the critical habitat for the species. (The species' critical habitat is 1,636,609 acres (USFWS 2010b).)

The direct effects of the Project on CRLF also include both temporary disturbance and permanent impacts to wetland habitat. Temporary disturbance to wetland habitat will result from the removal of cattails, bulrush, and sediment from HSP and the connecting channel and associated short-term increase in suspended sediments in the water column. Use of construction and other equipment at the Project site to install concrete support structures for the walkway and the retaining wall on the west side of HSP adjacent to the pumphouse may also temporarily disturb areas used by CRLF. Permanent impacts to wetland habitat will result from the placement of structures and materials, namely, footings for the walkway and replacement of the existing retaining wall on the west side of HSP adjacent to the pumphouse. These impacts potentially lower the quality of the affected area as CRLF habitat. The total amount of wetland habitat subject to temporary impacts is approximately 0.21 acres (associated with excavation and access) and permanent impacts is 0.003 acres. Combined, this represents 1.2% percent of the wetlands on the Project site. The area affected is not designated as critical habitat for

[2] An additional and 0.23 acres of golf course will be temporarily impacted by the Project and 0.01 acres of golf course would be permanently impacted by the project. Affects to the golf course are not described in detail because the golf course is not considered suitable habitat for the species.

CRLF, but even if it was, it would only constitute 0.00001 percent of the critical habitat for the species. (The species' critical habitat is 1,636,609 acres (USFWS 2010b).

To minimize the potential for harm to CRLF stemming from the direct effects described above, the City will implement the measures set forth in Sections 2.3.1 to 2.3.15, above. Furthermore, the Project will have direct beneficial effects on CRLF and their habitat. Cattail, bulrush, and sediment removal from HSP and the connecting channel will restore and enhance shoreline and open water areas that provide CRLF habitat, particularly breeding habitat (Swaim 2008). This in turn benefits SFGS by increasing the prey base (CRLF and Sierran treefrog) in the aquatic habitats and making the most optimal foraging habitat structure (shallow open water at the shallow sloped edges of HSP) available to neonates and juvenile SFGS (Larsen 1994 Swaim 2008). Currently, this type of foraging habitat is almost completely unavailable at HSP.

SFRPD and Swaim Biological egg mass surveys at HSP have shown a trend toward decreasing numbers at HSP since 2005, despite an overall significant increase in CRLF population size at Mori Point and Sharp Park.[3] The availability of more high quality breeding habitat at HSP and in the connecting channel will greatly increase the carrying capacity of the area for CRLF and may help to minimize the use of the highly ephemeral areas that retain water in vegetated swales in the golf course rough areas and within the matrix of out of play area amongst the fairways and greens, as well as the poorly drained areas on and adjacent to the Fairway of Holes 14 and 15.

5.1.2 San Francisco garter snake

The direct effects of the Project on SFGS include both temporary disturbance and permanent impacts to upland habitat. Temporary disturbance to upland habitat will result from the use of construction equipment at the Project site to install steps to replace the

[3] While the number of egg masses at HSP is trending downward, the numbers of egg masses observed in Laguna Salada and the adjoining ephemeral swales has increased.

retaining wall, construct the walkway and pathways, and excavate sediments and vegetation at HSP and the connecting channel. The use of such equipment could temporarily reduce cover for the SFGS in localized areas used for access routes and equipment staging at HSP and along the connecting channel. Impacts to upland habitat would be localized and in small disjunct patches that will continue to be surrounded by extensive cover. Implementation of post-construction restoration efforts will further mitigate reductions in cover for SFGS. Permanent impacts to upland habitat will result from the placement of structures at the Project site, namely, installation of the steps to the pumphouse and realignment of the cart path. These impacts are expected to degrade the quality of these small affected areas as habitat for the species. The total amount of ruderal upland habitat subject to temporary impacts is 0.09 acres and permanent impacts is 0.001 acres. Combined, this represents 0.84 percent of the uplands on the Project site.

The direct effects of the Project on SFGS also include both temporary disturbance and permanent impacts to wetland habitat. Temporary disturbance to wetland habitat will result from the removal of cattails, bulrush, and sediment from HSP and the connecting channel and associated short-term increase in suspended sediments in the water column. Use of construction and other equipment at the Project site to install concrete support structures for the walkway and the retaining wall on the west side of HSP adjacent to the pumphouse may also temporarily disturb area used by SFGS. Permanent impacts to wetland habitat will result from the placement of structures at the Project site, namely, construction of the walkway and replacement of the existing retaining wall on the west side of HSP adjacent to the pumphouse. These impacts potentially lower the quality of the affected areas as SFGS habitat. The total amount of wetland habitat subject to temporary disturbance is approximately 0.21 acres and permanent impacts is .0003 acres. Combined, this represents 1.2 percent of the wetlands on the Project site.

To minimize the potential for harm to SFGS stemming from the direct effects described above, the City will implement the measures set forth in Sections 2.3.1 to 2.3.15, above.

5.2 INDIRECT EFFECTS

Indirect effects of the Project on the listed species or their habitat are those that are caused by or result from the Project, are later in time, and are reasonably certain to occur.

5.2.1 California Red-Legged Frog

The indirect effects of the Project on CRLF include the effects that result from operation of the pumps at HSP. Operation of the pumps has the potential to harm CRLF by lowering the water level in HSP during the breeding season and exposing egg masses to the air causing desiccation and entraining mobile life stages of CRLF. While the management of the pumps is intended to first and foremost to protect the CRLF egg masses by maintaining water levels to keep the masses hydrated, it is possible that due to human error and other unforeseen events, that pumping operations could directly or indirectly result in desiccation of egg masses. For example, during the monitoring surveys an egg mass (or masses) that is in a vulnerable situation could be missed in a visual survey or miscommunication regarding target water levels could occur between monitoring staff and the engineers. At the same time, however, operation of the pumps has the potential to benefit CRLF by maintaining the water level in HSP during the breeding season when egg masses are deposited there. If water levels are allowed to increase too much, the result could harm individual eggs and slow development by altering abiotic factors that contribute to development, including sunlight, temperature, and dissolved oxygen content. Also by managing water levels, the frequency of flooding and the subsequent creation of ephemeral ponds in which CRLF deposit eggs would be reduced, thus resulting in more sustainable habitat for the species at the site. The operation of the pumps is essential to the ongoing overall management of the ecosystem encompassing LS, HSP and the connecting channel as a freshwater marsh. This managed freshwater ecosystem provides the optimal ecosystem and maximum perimeter of the optimal habitat, freshwater wetland habitat, for the CRLF and the SFGS.

To reduce the potential for harm to CRLF due to operation of the pumps and to enhance the benefits of operation of the pumps, the City has adopted a hierarchical approach to managing the pumps. Priority is given to managing water levels for the protection of CRLF and SFGS. Secondarily, the City manages water levels for flood control purposes in order to protect public health, safety, and adjacent property. Finally, the City manages water levels to facilitate recreational activity at Sharp Park. Furthermore, a set of criteria for operation of the water pumps is set forth at Section 2.3.16, above. These criteria are intended to yield net benefits for the local CRLF population.

The potential for harm stemming from entrainment of mobile life stages of CRLF exists. No structured monitoring has been undertaken to falsify the hypothesis that entrainment is occurring, but there is no available evidence that entrainment of CRLF is occurring at HSP. CRLF have multiple behaviors to reduce the likelihood that they will be swept by flowing water from preferred habitats in managed and unmanaged circumstances, such as adhesive eggs that are placed on vegetation and strong swimming capacities of juvenile-stage individuals. It is improbable that the juvenile life stages of the species that emerge from eggs – even located along the shoreline of HSP in relative near proximity to the intake structure of the pumphouse – would swim into the open water where they could enter the zone of influence of the pump. Later life stages are less likely to be entrained in light of their swimming capacity.

5.2.2 San Francisco garter snake

The indirect effects of the Project on SFGS are limited to the effects that result from operation of the pumps at HSP, which have the potential to adversely affect an important component of the SFGS prey base, the CRLF. The likelihood and extent of this effect is documented in Section 5.2.1, above.

5.3 INTERRELATED AND INTERDEPENDENT EFFECTS

An interrelated activity is an activity that is part of the proposed action and depends on the proposed action for its justification. An interdependent activity is an activity that has no independent utility apart from the action under consultation. Golf course operations at Sharp Park constitute interdependent activities. This is the case because such activities would not occur but for the proposed action, which will allow for continued operation of the water pumps at HSP. As USFWS has explained, the relevant inquiry is "whether another activity in question [(here, golf course operations)] would occur 'but for' the proposed action under consultation" (USFWS and NMFS 1998). A description of golf course operations at Sharp Park is set forth at Section 2.2.2, above.

5.3.1 California Red-Legged Frog

Golf course operations – other than pumping operations that are analyzed above – have the potential to both harm and benefit CRLF. Potentially harmful impacts include mowing, application of fertilizers, gopher control, and vehicle (including golf cart) use.

Mowing has the potential to cause direct mortality of individual CRLFs. City personnel have on a number of occasions sighted individual CRLFs on areas of the golf course that are mowed. But there is no documented instance of CRLF mortality due to mowing at Sharp Park. Nonetheless, to reduce the potential for such mortality to occur, the City will implement the measures set forth in Sections 2.3.18, above.

Application of fertilizers has the potential to indirectly harm CRLF by encouraging the growth of aggressive emergent vegetation that reduces the value of the wetland habitat for the CRLF. To reduce potential harm to the species due to fertilizer application, over a period of several years the City has reduced both the quantity of fertilizer applied and the areas within which it is applied at Sharp Park. The proposed action limits the use of fertilizers to only organic fertilizers and limits fertilizer application to greens, tees and

surrounds, as explained in Section 2.3.19, above. The maximum total acreage treated is approximately seven acres, which is less than five percent of the golf course.

Gopher control has the potential to harm CRLF that occupy gopher burrows by trapping individual CRLFs during the process of raking down gopher mounds or by catching CRLFs in gopher traps. There is no documented instance of harm to CRLF at Sharp Park due to gopher control efforts. Nonetheless, to reduce the potential for such harm to occur, the City will implement the measures set forth in section 2.3.21, above.

Vehicle use (including golf cart use) at Sharp Park golf course has the potential to cause direct mortality of individual CRLFs. Although there are no documented cases of vehicles running over CRLF at Sharp Park, City personnel have sighted individual CRLFs in areas of the golf course that vehicles traverse. For example, City personnel have sighted individual CRLFs in the parking lot for the Sharp Park golf course. To reduce the potential for vehicle-related mortality to occur, the City will implement the measures set forth in Sections 2.3.22 to 2.3.25, above.

Potentially beneficial impacts of golf course operations on CRLF include suppression of invasive species that prey on or affect the prey base of the species such as raccoons and domesticated cats, as well as monitoring and control of impacts from human and dog use. Although some human and dog use is present on the western side of LS, the golf course monitors the use of the property and frequently removes unauthorized persons and dogs from the wetlands and other portions of the property. Furthermore, the affirmative determination to halt the use of chemical pesticides in landscaped areas likely is beneficial to the CRLF and/or its prey. In these ways, golf course operations actually enhance components of CRLF habitat.

Further, the CRLF population that includes those individuals within the boundaries of Sharp Park is conservation reliant (Scott et al. 2010). As such, it requires active

management in order to avoid extirpation. Benign neglect is almost certain to do more harm than good. The intensive management regime put into place at Mori Point affirms the need for active management of the local population. There, the Park Service has implemented a host of measures – construction of raised boardwalks to service pedestrian traffic, monitoring for and removal of feral cats, the mechanical construction of ponds, pesticide application and manual weeding of targeted non-native grasses and forbs, and out-planting of desired native plants – to improve CRLF habitat. These adjoining habitats, Mori Point and Sharp Park, when managed similarly with actions to benefit the species provide for a strong population that can better withstand stochastic events that could render either site, if isolated, extinct. The cooperation between the National Park Service and the City strengthens this benefit for both the CRLF and SFGS.

5.3.2 San Francisco garter snake

Golf course operations – other than pumping operations that are analyzed above – have the potential to both harm and benefit SFGS. Although the SFGS population is not being sampled in systematic fashion via observations at Sharp Park, species numbers are so low as to indicate that the local population is at a size that may not be viable over time. Even acknowledging that the species is secretive and therefore difficult to detect (Geomatrix 1986), the low number of observations at Sharp Park and Mori Point combined over the past decade suggests that the potential to affect the species is low. Nonetheless, potentially harmful impacts of golf course operations include mowing, application of fertilizers, gopher control, and vehicle (including golf cart) use.

Mowing has the potential to cause direct mortality of individual SFGSs. There is no documented instance of SFGS mortality due to mowing at Sharp Park. There is a single disputed instance of SFGS mortality that occurred almost seven years ago in 2005. At that time, a near-by resident, Steven Salisbury, claims to have found a dead SFGS at the golf course. There is no evidence regarding the time at which the snake died and the location at which it died. Furthermore, the cause of death is inconclusive. Nonetheless, to

reduce the potential for SFGS mortality to occur, the City will implement the measures set forth in Sections 2.3.18, above.

Application of fertilizers has the potential to indirectly degrade the SFGS habitat quality by encouraging the growth of aggressive emergent vegetation that reduces the value of the wetland habitat for the CRLF, one of its primary food sources. To reduce potential harm to the species due to fertilizer application, over a period of several years the City has reduced both the quantity of fertilizer applied and the areas within which it is applied at Sharp Park. The proposed action limits the use of fertilizers to only organic fertilizers and limits fertilizer application to greens, tees and surrounds, as explained in Section 2.3.19, above. The maximum total acreage treated is approximately seven acres, which is less than five percent of the golf course.

Gopher control has the potential to harm SFGS that occupy gopher burrows by trapping individual SFGS during the process of raking down gopher mounds or by catching SFGSs in gopher traps. There is no documented instance of harm to SFGS at Sharp Park due to gopher control efforts. Nonetheless, to reduce the potential for such harm to occur, the City will implement the measures set forth in section 2.3.21, above.

Vehicle use (including golf cart use) at Sharp Park golf course has the potential to cause direct mortality of individual SFGSs. But over a decades long period of golf course operations and golf cart use, there is no evidence of even a single instance of harm to SFGS due to cart use. This is unsurprising since SFGS is very wary and shows a great aversion to open areas (USFWS 1985; Geomatrix 1986). It is also unsurprising given the paucity of SFGS sightings at the golf course, which indicate that the local population is small. Nonetheless, to reduce the potential for such mortality to occur, the City will implement the measures set forth in Sections 2.3.22 to 2.3.25, above.

Potentially beneficial impacts of golf course operations on SFGS include suppression of invasive species that prey on or affect the prey base of the species, the population of predators such as raccoons, and domesticated cats as well as monitoring and control of impacts from human and dog use. Although some human and dog use is present on the western side of LS, the golf course monitors the use of the property and frequently removes unauthorized persons and dogs from the wetlands and other portions of the property. Furthermore, the affirmative determination to halt the use of chemical pesticides in landscaped areas likely is beneficial to the SFGS and CRLF, which is an important prey item for the species. In these ways, golf course operations actually enhance components of SFGS habitat.

Further, the SFGS population that includes those individuals within the boundaries of Sharp Park is conservation reliant (Scott et al. 2010). As such, it requires active management in order to avoid extirpation. Benign neglect is almost certain to do more harm than good. The intensive management regime put into place at Mori Point affirms the need for active management of the local population. There, the Park Service has implemented a host of measures – construction of raised boardwalks to service pedestrian traffic, monitoring for and removal of feral cats, the mechanical construction of ponds, pesticide application and manual weeding of targeted non-native grasses and forbs, and out-planting of desired native plants – to improve SFGS habitat.

5.4 CUMULATIVE EFFECTS

Cumulative effects are limited to: (i) the effects of future non-Federal actions, (ii) that are reasonably certain to occur, and (iii) that will occur within in the action area (USFWS and NMFS 1998). Here, the action area is Sharp Park.

5.4.1 Human population growth and increased use of Sharp Park

The human population in San Francisco and San Mateo Counties is projected to increase from 1,555,000 in 2010 to 1,606,000 in 2020 and 1,641,000 in 2030 (California Department of Finance 2007). Sharp Park is a popular recreation site, and traffic at Sharp Park is likely to increase as the population in the area increases. Increased human presence at the site could harm CRLF and SFGS, for example, due to the introduction of invasive species by visitors to Sharp Park. This risk of harm stems from greater use of the site by pets including dogs and cats. It also stems from the potential for humans to transport invasive species such as bullfrogs or mosquito fish to Sharp Park. To minimize the potential for harm to CRLF and SFGS stemming from the cumulative effects associated with human population growth in the region, the City will implement the measures set forth in Sections 2.3.23 through 2.3.28, above.

5.4.2 Climate change

Anthropogenic climate change is expected to result in warmer average temperatures over time. It is anticipated that this will increase the frequency and intensity of storm systems, alter precipitation patterns and reduce snowpack, and increase spring flooding and summer droughts (Cayan et al. 2009). All of these effects could trigger other changes, such as an increase in the frequency and intensity of wildfires and insect infestations. At Sharp Park, these effects of climate change could harm CRLF and SFGS in a number of ways. For example, sea level rise and/or more intense storm systems could lead to sea wall breach, which greatly diminished the local populations of these species in the past (Geomatrix 1986). But there is a high degree of uncertainty regarding the local effects of climate change; therefore, it is infeasible to predict the likelihood and magnitude of such effects.

5.4.3 Implementation of the Laguna Salada Restoration Plan

One foreseeable action within the action area that may affect the listed species is implementation of the Laguna Salada Restoration Plan or an alternative thereto, as described in the Laguna Salada Conceptual Alternatives Report. This plan is included in

the Draft Environmental Impact Report (DEIR) that analyzes the environmental impacts associated with implementing the City's Significant Natural Resource Areas Management Plan (SNRAMP) (SFRPD 2006.) The SNRAMP contains detailed information on the biology, geology, and trails within 32 Natural Areas owned by San Francisco, including Sharp Park. The City prepared the DEIR in order to comply with the California Environmental Quality Act. Cal. Pub. Res. Code § 21000 *et seq*.

The *Consultation Handbook* provides guidance to inform the decision whether a potential future action is reasonably certain to occur by identifying a number of indicators.

Inquiry	**Answer**
Have State, tribal or local agencies approved the action?	No.
Is State, local, or tribal agency approval of the action imminent?	No.
Has the project sponsor provided its assurance the project will proceed?	No.
Is capital set aside for the project?	No.
Has the project sponsor entered into contracts to implement the project?	No.

Here, implementation of the Laguna Salada Restoration Plan is not a cumulative effect because it is not reasonably certain to occur at this juncture.

5.4.4 Implementation of National Park Service actions at Mori Point

The argument may be made that National Park Service (NPS) activities at Mori Point are cumulative effects. But this is not the case for three reasons. First, those activities are ongoing rather than future in nature. The NPS issued a finding of no significant impact for the Mori Point Restoration and Trail Plan in 2006 (NPS 2006). Since then, the NPS has implemented the Plan in numerous respects. Second, those activities are Federal rather than non-Federal. Third, Mori Point is not within the action area. Although the list

species' at Sharp Park are both subgroups of local populations that include Mori Point, the geographic area encompassed by the population is not the appropriate metric to ascertain the action area.

6.0 CONCLUSION AND DETERMINATION

The proposed Project would result in direct and indirect impacts to CRLF and their habitat. Overall, the proposed Project "may affect" the CRLF according to ESA. The minimization and mitigation measures would limit or eliminate impacts to this species. Although adverse effects may occur during construction, the long-term benefits of the Project to the species would result in a net benefit to CRLF.

Impacts to the SFGS may result from changes to habitat that occur due to implementation of the Project. Overall, the proposed Project "may affect" the SFGS according to ESA Mortality of SFGS is considered unlikely due the facts that SFGS are not present (or if they are present, the population is very small) on the site and the City has proposed a Project that includes numerous minimization and mitigation measures to limit or eliminate impacts to the species. Construction activities have the potential to harm the species.

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APPENDIX A

BIOLOGICAL ASSESSMENT

SHARP PARK SAFETY, INFRASTRUCTURE IMPROVEMENT AND HABITAT ENHANCEMENT PROJECT

Prepared by:
Recreation and Park Department
City and County of San Francisco

May 16, 2012

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SECTION 1.0 – INTRODUCTION

1.1 DOCUMENT PURPOSE

This Biological Assessment (BA) has been prepared to evaluate the potential effects of the Sharp Park Safety, Infrastructure Improvement, and Habitat Enhancement Project (Project) on listed and proposed species and designated and proposed critical habitat for such species. It has been prepared to facilitate a consultation, pursuant to Section 7 of the Endangered Species Act, 16 U.S.C. 1536(c), between the U.S. Army Corps of Engineers (ACOE) and the U.S. Fish and Wildlife Service (USFWS). The consultation is part of the ACOE review of a Nationwide Permit No. 25 application for the Project. This BA has been prepared in conformance with Final Rule regarding Interagency Cooperation (50 CFR pt. 402) promulgated by the Department of the Interior and Department of Commerce, dated June 3, 1986, and the guidelines provided in the final *Endangered Species Consultation Handbook* prepared by the U.S. Fish and Wildlife Service and National Marine Fisheries Service, dated March 1998.

1.2 LISTED SPECIES CONSIDERED

Based on the location of the Project and available data regarding species occurrence, three wildlife species were included in the BA because of their potential or actual occurrence onsite. The three federal endangered wildlife species included are the endangered San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) (SFGS), the threatened California red-legged frog (*Rana draytonii*) (CRLF) and the endangered Mission blue butterfly (*Icaricia icarioides missionensis*). No other listed or proposed species have the potential to occur on the Project site.

1.3 ORGANIZATION OF THE BIOLOGICAL ASSESSMENT

This BA is for the Sharp Park Safety, Infrastructure Improvement, and Habitat Enhancement Project. The Project site is Sharp Park, a public park owned and operated by the City and County of San Francisco (the City) that is located in the City of Pacifica, San Mateo County, California. The San Francisco Recreation and Park Department

(SFRPD), a Department of the City, is responsible for the maintenance of Sharp Park. A description of the Project is provided in Section 2.0. Section 3.0 describes the existing conditions and general environmental setting. Section 4.0 discusses the listed wildlife species. Section 5.0 discusses the direct, indirect, and cumulative effects of the proposed Project on the listed species. Section 6.0 provides the conclusion and determination of whether or not the activity proposed by the federal action agency "may affect" a threatened or endangered species due to the direct, indirect, and/or cumulative effects associated with the activity. The references and list of preparers is included as Sections 7.0 and 8.0, respectively.

1.4 PREVIOUS CONSULTATIONS

The Project site has been the subject of extensive regulatory oversight. In 2008, the City sought and secured a permit from ACOE under section 404 of the Clean Water Act, 33 U.S.C. § 1344, for repair work to an outfall to allow for continued operation of water pumps at Horse Stable Pond (HSP) and to eliminate the potential for erosion of the seawall that separates Sharp Park from the Pacific Ocean. After receiving the permit application from the City, ACOE initiated consultation with USFWS under section 7(a)(2) of the ESA. In October 2008, USFWS issued a biological opinion and incidental take statement for the storm drain repair project (USFWS 2008).

In November 2010, the City contacted ACOE and USFWS to request reinitiation of consultation under section 7(a)(2) of the ESA in order to secure approval to remove accumulated sediment from the entrance to the pumphouse at HSP and to replace the pump. USFWS amended its 2008 biological opinion and incidental take statement for the storm drain repair project (USFWS 2010a).

Separately, in April 2009, the City developed an Endangered Species Compliance Plan for Sharp Park Golf Course. The Compliance Plan includes "interim actions" to address potential effects of course management and operation, flood control and drainage operations, integrated pest management, and application of recycled water on SFGS and

CRLF (SFRPD 2009, p. 8). The City anticipates that, upon completion of consultation and issuance of a biological opinion for the Project, the biological opinion will supersede the Compliance Plan. Appendix B provides comparative information regarding relative effects of the interim actions described in the Compliance Plan and the various actions described in this Biological Assessment that will protect or conserve CRLF and SFGS.

In March 2009, prior to the completion of the Compliance Plan, the USFWS issued a Biological Opinion to the U.S. Environmental Protection Agency and the North Coast County Water District for the Pacifica Recycled Water Project (81420-2008-1-1643) (USFWS 2009). The City was neither an applicant nor a non-Federal representative with respect to the consultation and issuance of the biological opinion. The project includes construction of a new pump station, installation of a new 400,000-gallon recycled water storage tank located on Gypsy Hill, and approximately 17,000 linear feet of new 8-, 10- and 12-inch-diameter recycled water pipeline originating at the Calera Creek Water Recycling Plant. This project, which will provide recycled water to Sharp Park and other open spaces served by North Coast County Water District, was determined to have potential direct and indirect effects on CRLF and SFGS. Construction of the Pacifica Recycled Water Project is currently underway.

The Pacifica Recycled Water Project biological opinion includes the following condition (USFWS 2009, p. 34):

> To further reduce take of red-legged frogs and/or garter snakes within Sharp Park Golf Course from regular operations and maintenance activities (e.g., mowing, irrigation, etc.), the City of San Francisco, Recreation and Parks Department will complete the Sharp Park Golf Course Compliance Plan (Plan) as part of the overall conservation plan for the red-legged frog and garter snake. The Service and California Department of Fish and Game shall have the opportunity to review and provide comments on the Plan to ensure that adequate conservation measures are implemented by the Golf Course to reduce take of listed species.

This condition states only that the City "will complete the Sharp Park Golf Course Compliance Plan (Plan) as part of the overall conservation plan for the red-legged frog

and garter snake," and that "[t]he Service and California Department of Fish and Game shall have the opportunity to review and provide comments on the Plan to ensure that adequate conservation measures are implemented by the Golf Course to reduce take of listed species." The City has fulfilled these requirements. Nonetheless, ACOE and the City are providing USFWS with comparative information regarding the interim actions described in the Compliance Plan and the various actions described in this Biological Assessment that will protect or conserve CRLF and SFGS, in order that USFWS can properly define the environmental baseline and effects of the action as part of its obligation to complete consultation. As Appendix B indicates, 18 of the actions will have no effect on the species relative to the Compliance Plan and 11 will have no effect or small beneficial effects relative to the Compliance Plan. The remaining nine actions described in Appendix B are set forth in this Biological Assessment but for which there is no comparable action in the Compliance Plan.

SECTION 2.0 – DESCRIPTION OF THE PROPOSED PROJECT

2.1 PROJECT LOCATION

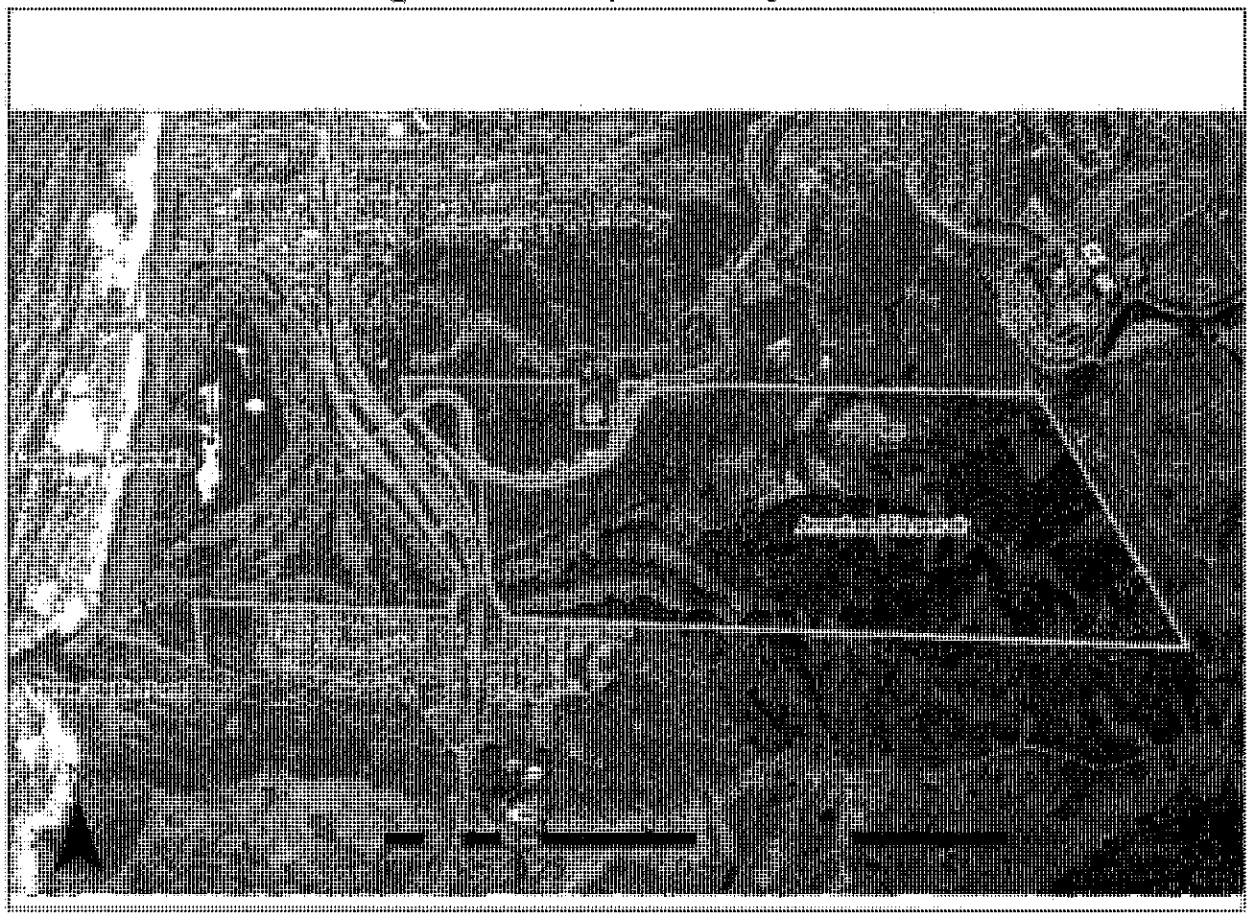
Sharp Park is a public park located in the City of Pacifica in San Mateo County. The Park is approximately 417 acres (see Figure 2-1). The Pacific Coast Highway (PCH) runs through Sharp Park. To the west, the Park is bordered by the Pacific Ocean. To the north and south, portions of the Park are bordered by residential development. To the south and east, Golden Gate National Recreation Area, which is managed by the National Park Service, borders the Park.

2.2 PROJECT DESCRIPTION

The Project site contains an 18-hole golf course, an approximately 27 acre wetland complex, an archery range, a remediated former rifle range, a clubhouse, parking lot, and extensive natural areas. The wetlands complex is composed of Laguna Salada (LS), Horse Stable Pond (HSP), a channel that connects the two water bodies, and adjacent wetlands. A seawall on the western boundary of Sharp Park eliminated the historic hydrologic connection between the Pacific Ocean and the wetlands complex. The wetlands are believed to be maintained by ground water but are also fed by surface water inflow due to precipitation in the winter. A flood control pump system in HSP affects water levels in that body, and it may affect water levels in LS when the channel connecting the two water bodies creates a surface water connection between them. The pump system consists of a large pump (rated 10,000 gpm) and a small pump (rated 1,500 gpm) located in a pumphouse adjacent to HSP and pipes built through the seawall to an outfall.

Operation of the flood control pump system is necessary to manage floodwaters both on the Property and on adjacent properties. During normal rainfall years, floodwaters into LS back up onto the golf course path. As a result, carts must venture off the cart path onto the fairway and other vegetated areas in order to continue play. During heavy rainfall years, extensive flooding can occur in areas of play on the golf course and can

Figure 2-1: Sharp Park Project Site



also threaten adjacent residential areas. Flooding of the golf course affects the playability of the course as well as golf course maintenance activities. In past years, flooding on the course has rendered entire holes or portions of holes unplayable including holes 9, 12 and 14. Flood waters back up onto the course such that players cannot not access greens and tees and holes are shortened to avoid flooded areas. Operationally, the course cannot be mowed or otherwise maintained under flooded conditions. Operation of the flood control pumps can limit the extent of such flooding.

The Project Description includes two parts: (1) the construction action, which is the subject of the section 404 permit and (2) golf course maintenance and operations. Current golf course maintenance and operations in relation to the 2009 Sharp Park Compliance Plan are described in Section 2.2.2. Pursuant to the Final Rule regarding Interagency Cooperation (50 CFR pt. 402), this BA evaluates the potential effects of the action, which include the direct and indirect effects of the Federal action (that is, authorization to fill waters of the United States) as well as the effects of other activities that are interrelated or interdependent with that action (see Section 2.3) See 50 CFR 402.02 (definition of "effects of the action"), 402.12(a), (f).

2.2.1 Construction Action

The construction action is intended to 1) ensure the ongoing operation of the flood control pumps and worker safety when operating and maintaining the pumps 2) to replace minor infrastructure (pathways) and 3) to enhance existing habitat for CRLF and SFGS.

Currently, two factors adversely affect the operation of the pumps. First, pump operation is adversely affected by sediment buildup and vegetation growth around the pump intake structure and along the connecting channel between LS and HSP. Second, pump operation is adversely affected by the buildup of vegetation on the pump intake screens. In order for the pumps to function properly, the existing screens at the intake must be kept clear of vegetation buildup. The maintenance of the screens, including the removal of debris buildup, can be necessary as frequently as daily during the rainy season. Such

maintenance often occurs while the pumps are being operated during or immediately after storm events when poor visibility, slippery conditions, and high water levels present hazards to access and maintenance. Currently, there is no safe walking and working surface and access to the screens is only possible by lifting a heavy piece of chain link fence while clearing the screens.

Portions of the golf cart paths along the eastern side of LS regularly flood, even during drought years. Two sections of cart path, which total approximately 190 feet are located in low lying depressions such that water does not drain to LS and ponds on the pathway. CRLF have deposited egg masses on these sections of cart path. Because there is no surface water connection between these areas and LS, they cannot sustain CRLF through metamorphosis. In addition, because the paths flood, golfers using carts must venture off the pathway in order to continue play.

In order to address these issues, the following water flow, safety and path repair components are proposed (see Figure 2-2 through 2.4 and Appendix A):

- Removal of sediments and emergent vegetation within the HSP wetland near the intake structure in order to reduce obstructions to water flow to the pump intake and to enhance breeding habitat for the CRLF. Approximately 435 cubic yards of sediment in an area of approximately 5,900 square feet (0.14 acres) would be removed. Approximately 2,350 square feet (0.05 acres) of this 5,900 square foot area is occupied by cattails and bulrush; the remaining area is open water.
- Removal of sediment and emergent vegetation that impedes water flow and reduces habitat suitability for CRLF in select locations within the connecting channel and culverts that link HSP and LS. This removal work would not exceed 480 cubic yards of removed sediment and vegetation, within an area of approximately 6,500 square feet or 0.15 acres.
- Installation of steps leading down the slope from the access road to the pumphouse and the intake structure (approximately 47 square feet or 0.001 acres). A fence with a locking gate will restrict access to the steps and boardwalk.

Construction of a walkway on concrete support structures around the front of the pump intake box. This walkway, which will be approximately 42 feet long at the perimeter and 4.6 feet wide, will wrap around the intake structure. The walkway will be made of wood and supported by approximately 6 concrete support structures to be placed in the water (approximately 6 square feet). It is anticipated that the footings will be placed by installing cylindrical metal casings into the water, dewatering and excavating sediment from the inside of the casings and then filling the casings with concrete. If feasible, a secondary screening system may be installed below the walkway surface and between the pilings to further reduce the amount of detritus, such as dead floating cattails, from entering the pumps. It is anticipated that if feasible[1] the secondary screening system will be similar to the existing screens that separate the pump from the pond. This screen is a metal mesh with holes measuring approximately one inch by one half inch. It is estimated that this component of the project will require the placement of approximately 1.2 cubic yards of fill (concrete) in wetlands and waters of the United States.

- Replacement of the failing wooden retaining wall next to the pumphouse (at the base of the levee slope between the uplands and the wetland) with a concrete retaining wall to prevent further soil deposition from the uplands from entering the waterway. The retaining wall, which will measure approximately 12 feet long and five feet high, will be placed in jurisdictional wetlands and is estimated to result in 0.4 cubic yards of fill (approximately 6 square feet surface area)
- Repair of two cart paths (total of approximately 570 square feet or 0.01 acres) located adjacent to, but not within, the LS wetland. Repairs to the cart paths will involve moving the paths away from the wetland and into the golf course, installing interlocking pavers to support the downslope embankment and backfilling the area with drain rock to raise elevations.

[1] The secondary screening will be deemed feasible if it will not compromise the operation and longevity of the pumps.

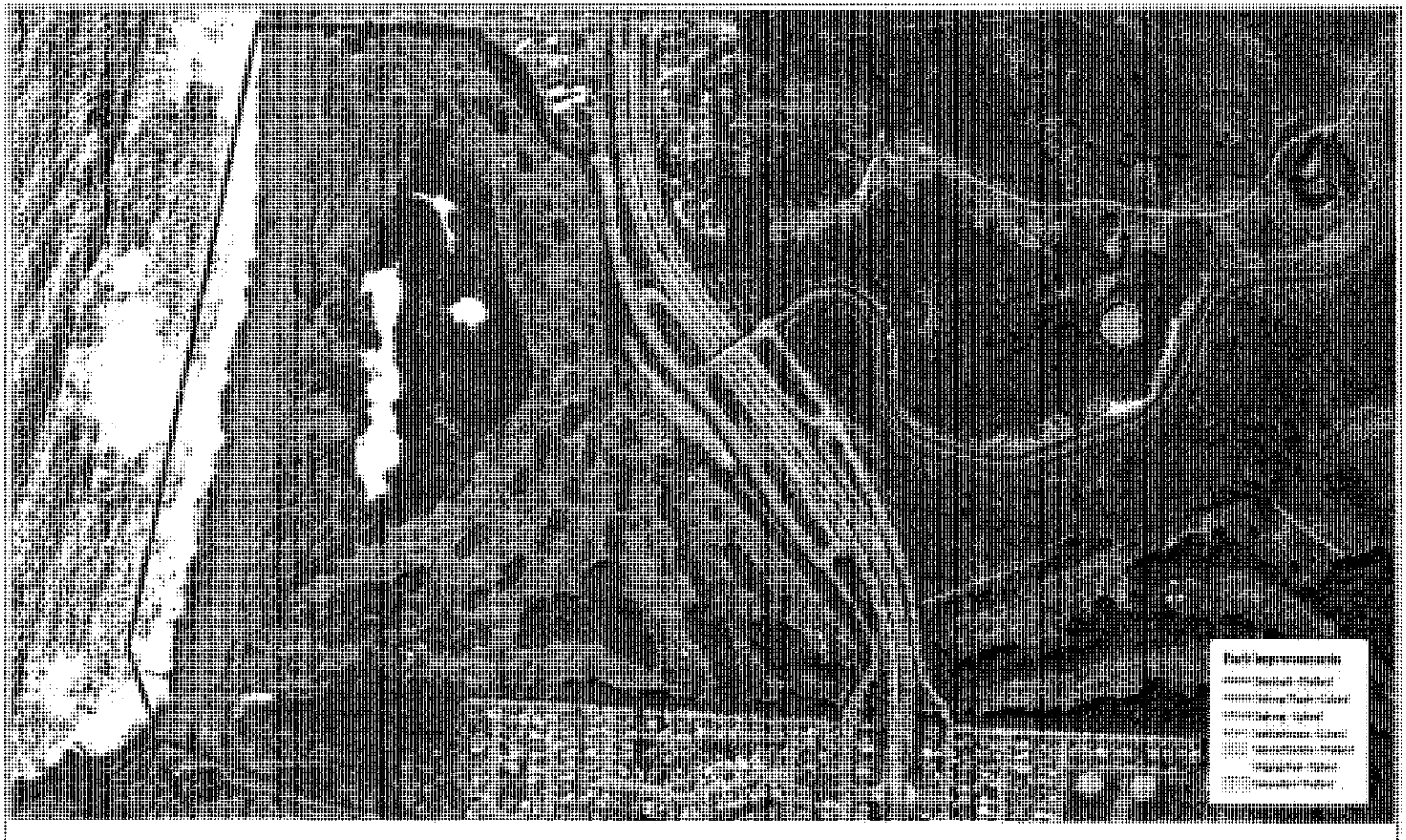


Figure 2-2: Sharp Park Project Elements

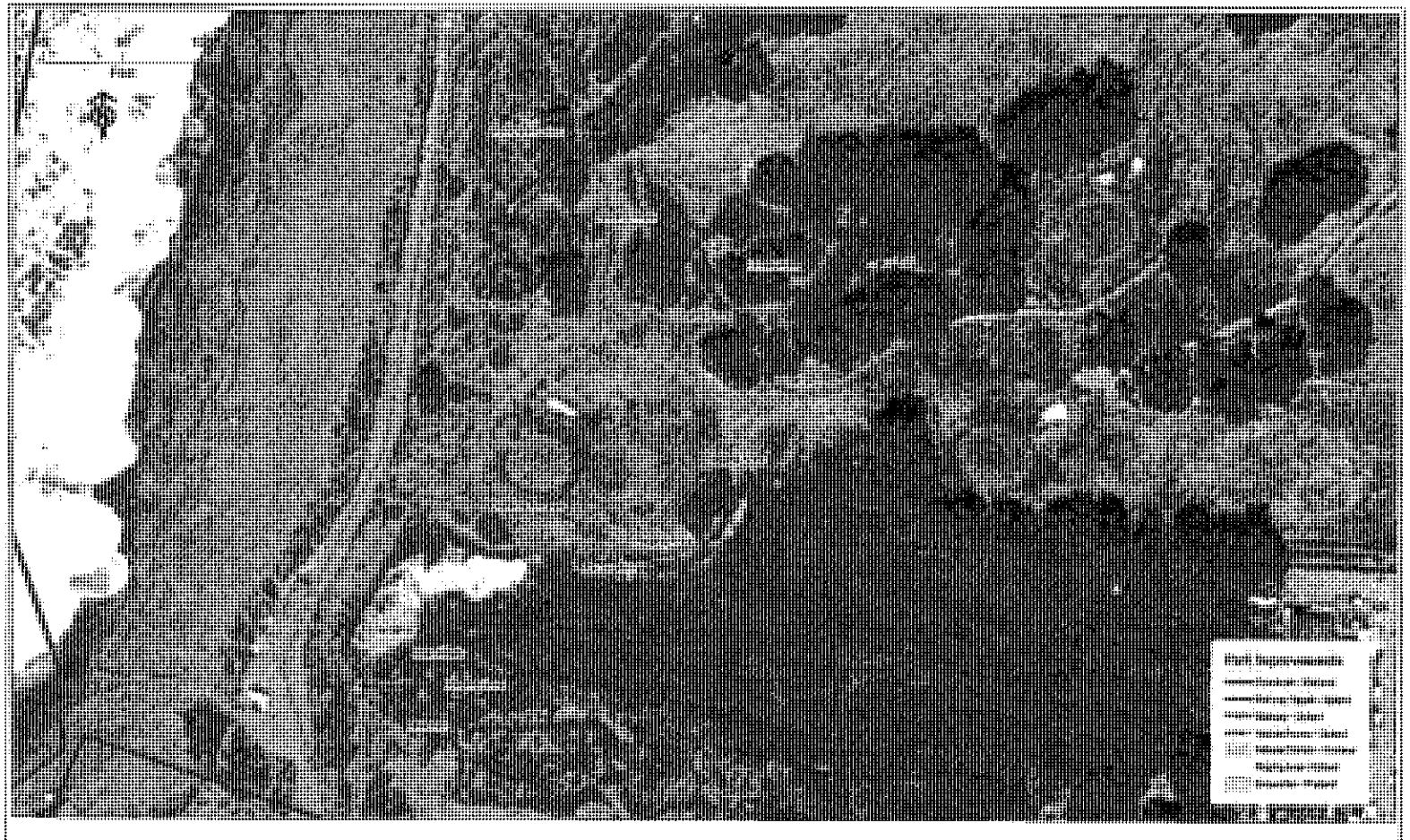


Figure 2-3: Sharp Park Project Elements - Horse Stable Pond and Connecting Channel

Figure 2-4: Sharp Park Project Elements - Pathway Repair

Excavation of sediments and vegetation will be conducted from the golf course uplands wherever possible, thus minimizing impacts to the wetlands. The sediment and vegetation removal along the connecting channel between HSP and LS can be accomplished with little or no impact to the adjacent wetland. It is anticipated that an excavator or Grade-all stationed on the golf course would be used for vegetation and sediment removal along the channel. The excavation around the pumphouse will likely require establishing an equipment access route through the jurisdictional wetland on the north side of HSP. Due to limited bank access into HSP, the optimal method for sediment and vegetation removal from HSP would be to use a compact multi-purpose aquatic vessel (i.e., an Aquamog) or similar equipment with long boom and clam shell or bucket type attachment that can reach sediment and vegetation near the pumphouse. This would avoid impacts to steep intact upland habitats adjacent to HSP and allow a shorter construction window in the habitat without compromising the ability to avoid take of species. The emergent vegetation would first be removed from the sediment removal foot print using a bucket with a thumb. After the vegetation is removed, the Aquamog would be fitted with a clamshell attachment for sediment excavation. Vegetation that is removed from both locations (the channel and HSP) will be placed in an elevated dewatering container located in an adjacent cleared upland or placed directly into a dump truck and hauled to either the organic dump or reclaimed rifle range east of the PCH. No at-grade dewatering vehicles or containers will be left on site overnight.

Construction at HSP, LS and the connecting channel is expected to occur between July 1 and October 31. Pre-project clearing and construction actions occurring in the uplands (staging areas, pathway repair and step construction) would begin in June. This project phasing will minimize and/or avoid impacts to aquatic stages of the CRLF. Implementation of the construction action is expected to be phased over a two year period.

The sediment and vegetation removal is intended to improve water flow to the pumps; however, the sediment and vegetation removal also benefits the CRLF by re-establishing open water habitat amongst the emergent vegetation at the wetland margins where CRLF have been known to breed.

The Project site is intended to encompass the action area, which includes the area affected directly and indirectly by the Federal action, here, issuance of a permit for the Project. 50 C.F.R. 402.02 (definition of "action area"). For the purposes of this BA, the construction site is that portion of the Project site within which the direct effects of the Project (e.g., vegetation removal, walkway construction, and path repair) will occur.

2.2.2 Golf Course Maintenance and Operations

The SFRPD currently employs seven staff members who perform the year-round operation and maintenance of the golf course. These activities include mowing; application of water for irrigation; application of fertilizers and compost tea; controlling for gophers; tree removal and trimming; landscaping; maintenance of golf course features, structures, and cart paths; and plumbing and electrical operations. The duration of the action for which the applicant is seeking take coverage is limited to a 10-year period commencing at the time USFWS issues a biological opinion and incidental take statement, if any.

2.2.2.1 Current Course Maintenance

Mowing of the golf course occurs on fairways, tees, greens and surrounds. In general, greens are mowed daily, tees twice a week, and the fairways are mowed twice weekly during spring, summer, and fall, and weekly during the winter. The greens are mowed to a height of 1/8 inch while the tees, surrounds and fairways are mowed to ½ inch. Although a triplex riding mower is used for greens, tees, and surroundings, hand mowing and trimming are necessary in some locations, such as around the clubhouse, tree basins, steep slopes and other small areas where the larger mowers cannot be used. The 2009

Compliance Plan describes employing a biologist to walk ahead of mowers to survey for CRLF and SFGS. This level of monitoring has not been implemented because it was determined to be unnecessary to provide adequate protection to the species and economically infeasible. An alternate protocol that will offer equivalent protection for the species has been initiated at Sharp Park. Rather than employing a daily biological monitor to walk the course each day, golf course mowing staff are trained and instructed to cease mowing if a frog or snake is observed on the course.

The SFRPD uses an automated and quick coupler system to irrigate the golf course. Weather and climate conditions dictate how often the golf course is irrigated; however on average the course is irrigated twice a week in the dry season (May to October).

Other maintenance actions include hand or mechanized application of organic fertilizer and seed, raking bunkers, rodent control, repairing divots and erosion, cleaning out drainage sumps and tree and vegetation pruning, removal and planting. Golf course staff manage bunkers daily, Monday through Friday, by raking the sand to remove foreign objects and pulling weeds as needed, and fill divots on the tees and fairways as needed by hand using a mixture of sand and seed mix as needed. A workman with a spreader placed on the dump bed is used to spread fertilizer.

The Park drainage sumps are below grade settling basins that separate large debris from the drainage system. Several drainage sumps are interspersed on one culvert system that enters the golf course from Francisco Boulevard and, running east to west, crosses tee number 3 in front of number 2 Green, and numbers 1, 10, 11, and 13 fairways until it daylights into a ditch leading into LS. Annually, the golf staff enter the sumps via an at-grade lid, to remove debris by hand.

2.2.2.2 Flood Control and Drainage

Sharp Park Golf Course is located within an 845-acre watershed. Historical maps show a salty/freshwater brackish lake in the area now predominantly occupied by the lower golf course. Sanchez Creek and its tributaries provide a riparian corridor for the watershed that at one time drained by gravity into the ocean through a sandy barrier dune that seasonally formed along the beach, similar to that on many California coastal streams. In the 1930s, Sanchez Creek was blocked from discharging to the ocean, which transformed the marine influenced lake into a fresh water wetland (including LS and HSP). In addition to watershed drainage, LS and HSP receive runoff from PCH, residential streets in Pacifica, undeveloped areas managed by the Golden Gate National Recreation Area (GGNRA), and surrounding subdivisions constructed after the golf course.

The SFRPD currently pumps storm water from HSP to the Pacific Ocean. The pumps that control the water levels in HSP and LS are located in a pumphouse at the southwest corner of HSP. There are two electric pumps located in the pumphouse, a large pump with a rated capacity of 10,000 gallons per minute (gpm) and a smaller pump with a rated capacity of 1,500 gpm. The pumps sit in a wet well and are controlled by electric probes, which are adjustable and set by SFRPD engineers. A gauge board is mounted to the outside of the pumphouse that allows monitoring of the water levels. Pumping takes place primarily during the rainy season between November and May. In accordance with the 2009 Compliance Plan, the Director of the Natural Areas Program determines whether and when the pumps are operated and communicates target water levels to an SFRPD Stationary Engineer that adjusts the pump setting accordingly. Water management on the Property occurs to facilitate recreational activity at Sharp Park and also to for the protection of the CRLF and SFGS.

2.2.2.3 Integrated Pest Management

The SFRPD recognizes unique linkages between the golf course and environmental attributes of the site that provide habitat for native species. In 2001, the SFRPD, in

consultation with city, state, and federal agencies, began to examine fertilizer and pesticide application practices at the golf course. After a successful pilot study that analyzed the effectiveness of alternatives that lessen adverse environmental effects, the SFRPD implemented a bio-organic program for the entire golf course that is subject to an annual review by a Certified Pest Control Advisor working in the SFRPD's Integrated Pest Management Division. Today, only organic fertilizers are used at Sharp Park and only on the greens, tees and surrounds. Organic dry fertilizers are applied on average four times a year to the greens and three times a year to the tees. Liquid organic fertilizers such as compost tea are applied on average once a week throughout the year. At this time, the City does not use any chemical pesticides in any landscaped or natural area at Sharp Park.

Gophers are common on golf courses. Gopher mounds may damage mowers, and gophers can damage turf roots as well as other plants. SFRPD staff manage gopher populations by raking down gopher mounds. Mounds are raked away from the opening of the hole. If an active burrow is present on the fairway, greens, tees or roughs, traps may be set by removing a clump of dirt from the ground such that the middle of a main tunnel is exposed. A U-shaped wire sprung gopher trap (MacAbee trap) is placed in the burrow on either side of the hole. The access hole is then immediately filled in with the clump of turf that had been removed. Typically the traps are checked and removed before the end of the work day. The 2009 Compliance Plan describes restrictions on gopher control in the Management Area. While gopher holes and tunnels are not a concern in the no-mow zone, they do affect course playability. If gopher tunnels are left untreated in areas of play (that is, tees, greens, and fairways), sections of the course would be rendered unplayable. Gopher control on the golf course was evaluated and it was determined that the current practices would be unlikely to harm frogs and snakes taking refuge in gopher holes.

2.2.2.4 Park User Habits

Park use includes foot and cart traffic on or around the course. Golfers frequently deviate from the fairway searching for lost balls. However, within the last few years, golf course rules have been modified such that the rough adjacent to the wetlands is out of play and golfers are not allowed to seek lost balls there. The 2009 Compliance Plan limited golf cart use to pathways only. The SFRPD implemented this new course rule by posting signs and informing users to stay on pathways. SFRPD is aware that it has been unable to achieve 100 percent compliance with the rule, but it has limited enforcement authorities and resources. Further, in limiting carts to paths only, SFRPD has found that the golf course is less accessible to seniors and persons with impaired mobility. Such limitations affect the economic viability of the course by making it a less desirable course to play. Golf cart limitations are proposed to follow a 90-degree rule in areas adjacent to sensitive areas (see below). The implementation of a cart path only rule would have questionable beneficial effects for the species, inhibit course use by a subset of the population, and likely have an economic cost.

The golf course and surrounding environs have also attracted dog walkers who use a strip of land between LS and the seawall as an off-leash dog area even though this area is off limits to dogs under SFRPD policy and a fence has been installed. There is currently no barrier between this strip of land and LS that prevents dogs from accessing the water body. Dog owners/walkers may be unaware that dogs are not permitted on the golf course or LS because of insufficient signage on the course and surrounding areas.

2.2.2.5 Circulation

The golf course contains an interconnected system of paved paths intended for golf cart use and service roads used by SFRPD staff to access the golf course and by users of the archery range. Approximately 30-40% of the golf course users rent carts. Golf carts are used by players to access balls in between strokes and have a maximum speed of 10 miles per hour. West of Highway 1, there are service roads between the number 1 tee and the

number 2 tee and on the sea wall from the 16th tee to the pumphouse. On the east side of Highway 1, a paved road runs east from Lundy Way along the north side of the number 7 fairway to a compost site, the defunct rifle range, and ends as a dirt and gravel road at the Archery Range. There are a series of unpaved roadways and trails within the Archery Range. The SFRPD also maintains an easement over a dirt road (Mori Point Road) along GGNRA property just south of the lower course that leads to the seawall. Recently portions of this road were converted to a boardwalk and at that time the SFRPD relinquished its rights to use this easement as the regular vehicular access to the pumphouse and sea wall. While the easement is still considered an emergency access route, this access is maintained by a locked gate and the SFRPD's only regular access on this route is on foot. The only current vehicle access to the pumphouse is via the sea wall road and the pumphouse access road off of Mori Pont Road. This route is used by City personnel that maintain and adjust the pumps at Horse Stable Pond and is also used regularly by the City of Pacifica, which maintains the garbage receptacles on the seawall.

2.2.2.6 Application of Recycled Water for Irrigation

State law prohibits the use of potable water for golf course irrigation wherever suitable recycled water is available at a reasonable cost. The North Coast County Water District (NCCWD) is implementing the Pacifica Recycled Water Project to provide treated water from the City of Pacifica's Calera Creek Water Recycling Plant (CCWRP) to irrigation sites within the City of Pacifica and San Mateo County, including Sharp Park Golf Course. The CCWRP currently discharges tertiary treated recycled water to Calera Creek. The Recycled Water Project is currently underway and is scheduled to be completed in 2012. The Park currently uses approximately 30 million gallons per year of imported surface water from the regional water system operated by the San Francisco Public Utilities Commission to irrigate the golf course. In December 2005, the Park discontinued use of the water in Arrowhead Reservoir (east of PCH) to irrigate the golf course. Flows to and from Sanchez Creek and Arrowhead Reservoir now function under natural conditions increasing with winter rains and decreasing with summer evaporation.

The Pacifica Recycled Water Project Revised Biological Opinion specifies that irrigation runoff into Sanchez Creek, HSP, and LS is not permitted, consistent with permit requirements for the application of recycled water for irrigation uses (USFWS 2009). The Recycled Water Biological Opinion contains reasonable and prudent measures and terms and conditions that will ensure that the use of recycled water is restricted to the approved golf course area, including time and flow limitations, automatic shut-off valves, training for staff and ongoing monitoring (USFWS 2009).

2.2.3 Natural Areas Restoration

The wetlands associated with HSP, LS and the connecting channel are considered Natural Areas as described in the Final Draft of the City's Significant Natural Resource Areas Management Plan (SNRAMP) (2006). As such these areas are to be managed and restored for their biodiversity. Maintenance activities, such as hand removal of vegetation within and adjacent to HSP, LS and the connecting channel, contribute to the preservation and enhancement of habitat for the species. These activities would be undertaken by the Natural Areas Program, a division of the SFRPD responsible for the conservation and management of biological resources including endangered species on SFRPD Natural Areas. The activities would include the removal of vegetation overhanging and shading the wetlands such as acacia, Monterey cypress, as well as vegetation within the wetlands such as cattails and bulrush that reduce the quality of CRLF breeding habitat and therefore redcue prey availability and foraging habitat quality for SFGS. In areas where appropriate, native plants and erosion control measures would be installed to replace and augment the wildlife habitat and reduce soil loss.

2.3 MINIMIZATION AND MITIGATION MEASURES

The following minimization and mitigation measures are proposed as part of the Project in order to minimize its potential effects on the listed species or their habitat.

Minimization and mitigation measures for construction activities

2.3.1 All sensitive habitats outside the Construction site shall be avoided during and following Project implementation. All biologists working on the project and their roles will be approved by the USFWS and CDFG based on their qualifications. All approved biologists shall be part of the Project Implementation Team. SFRPD will designate one of the USFWS/CDFG approved biologists to oversee and coordinate all avoidance and survey tasks of the Project Implementation Team. Prior to commencement of any Project-related construction activity, an approved biological monitor will flag the sensitive areas and/or the limits of the Construction site with suitable markers that are easily discernible by construction equipment operators. No construction equipment or personnel will enter the sensitive areas designated for avoidance by the project.

2.3.2 The lead USFWS-approved biological monitor will be present at all planning meetings prior to Project implementation. A USFWS-approved biological monitor shall present an educational program at one or more such meetings regarding the listed species and their habitats. Every person who works on Project implementation must receive this education program and sign a form indicating they have attended and agree to abide by the terms and conditions being implemented to avoid take of listed species and/or habitat.

2.3.3 A USFWS-approved biological monitor will be present at the site during all construction activities including but not limited to, vegetation and sediment removal, placement of concrete support structures for the walkway, replacement of the retaining wall and pathway repair. The biological monitor will have the authority to stop work temporarily in order to protect the listed species or the flagged sensitive areas.

2.3.4 Prior to commencement of any construction activities and daily prior to construction each day, a USFWS-approved biological monitor shall survey the site for the listed species. A USFWS approved biologist will also oversee the installation of exclusion fencing in segments or fully enclosing components of the

construction site as appropriate. The biological monitor will inspect the integrity of the exclusion fencing on a daily basis.

2.3.5 During dredging and vegetation removal activities, if required, up to three (3) biological monitors will be present to 1) monitor the area of vegetation or sediment removal, 2) observe the material as it transferred to the shoreline and 3) to inspect material as it is loaded into a container/dump bed that will allow the water in the excavated sediment to drain out before removal from the site.

2.3.6 Biological monitors will complete a daily monitoring log that records information on compliance and construction activities as well as avoidance measures implemented each day during the project. Each monitor will submit a daily monitoring form to the lead biologist before the start of the next construction day. Photographic documentation of project activities shall accompany each daily monitoring log. Within 60 days of completion of the Project, SFRPD will submit a report to USFWS documenting compliance with the terms and conditions and avoidance of unauthorized take of species or habitat.

2.3.7 No earthmoving or soil disturbing work shall occur between November 15 and April 15, the breeding season for the CRLF and the season when SFGS are less active on the site.

2.3.8 Terrestrial vegetation in undisturbed areas around HSP and the connecting channel will be cleared by manual means to a height of 4 inches (or a height that allows visibility of the ground) under the supervision of an approved biological monitor and checked for the presence of CRLF and SFGS.

2.3.9 Prior to ground disturbing activities associated with construction, including the use of staging or vehicle access areas or the removal or placement of fill or construction materials, rodent burrows in the construction site will be hand excavated by a USFWS-approved biologist until the burrow terminates or until a maximum depth of 30 centimeters.

2.3.10 Vehicle speeds in the project area will not exceed 10 miles an hour. The USFWS-approved biological monitor will inspect for snakes and frogs underneath any

vehicle that is parked for 30 minutes or more prior to moving the vehicle. All construction personnel will inspect under their tires and vehicle if it is idle for more than 5 minutes and has not been inspected by the on-site monitor. Vehicles accessing the construction site will be limited to the minimum necessary to complete the project. Project personnel shall park personal vehicles at a staging area located away from all aquatic habitats or areas of sensitive upland habitat.

2.3.11 Any workers on the site that observe any frog or snake will immediately report their findings to the on-site biological monitor and immediately suspend work that may be harmful to the individual. The monitor will identify the animal if it has not left the area. If a CRLF is observed in the work area, it will be relocated by a USFWS-approved biological monitor to the nearest suitable aquatic habitat out of harms way. Work may only recommence if the CRLF moves out of harms way or the animal is relocated by the biological monitor. Work may not recommence until the biological monitor has returned to the work area and gives approval.

2.3.12 Only USFWS approved personnel will be allowed capture or attempt to capture and move CRLF or other non-listed wildlife (e.g. treefrogs, small rodents) in the work area.

2.3.13 Erosion control best management practices (silt fences, coir rolls, straw bales) would be employed as part of the dewatering of sediments after removal and while soils are exposed. The erosion control measures will not include netting, plastic or natural monofilament netting or other materials that may entrap frogs or snakes.

2.3.14 After completion of the project, the access routes in the wetland will be revegetated with appropriate native plants and erosion control measures will be installed on exposed soils with slopes of 3:1 or greater.

2.3.15 To the maximum extent possible, all construction activities will occur in uplands and on the golf course. Stockpiling and staging areas will be located in the uplands and in areas cleared for species and the golf course. Construction materials (bricks, boards, shoring, concrete forms, etc.) shall be elevated approximately four to six inches above ground whenever feasible to minimize the

potential for species to take cover under these items. If feasible materials can be staged on a trailer/truck bed to avoid contact with the ground. To the extent feasible, construction materials will be brought to on-site staging areas as close to the time they are needed as possible.

Minimization and mitigation measures for golf course maintenance and operations

2.3.16 During and following completion of the Project, the water pumps will be operated pursuant to the following criteria:

- SFRPD staff will operate the pumps to ensure, to the maximum extent practicable, that CRLF egg masses at HSP, LS and the connecting channel are protected from desiccation as a result of pump operation by monitoring and adjusting pump levels to keep egg masses hydrated.
- A biological monitor from the SFRPD Natural Areas Program with appropriate experience, knowledge and permit authority from the USFWS, will monitor closely CRLF egg masses and water levels.
- Appropriate water levels will be determined by conducting visual surveys of CRLF egg masses in potential habitat areas around HSP, LS and the connecting channel.
- Visual surveys will commence following the first rains in November or thereafter and continue throughout the CRLF breeding season after each major rain event but not less than once every three weeks until all the tadpoles have hatched. If, for example during drought years, rains do not commence in November or December, surveys should begin in the first week of January.
- During the visual surveys, data on the CRLF egg masses including attachment type, water depth, size of egg mass, and Gosner stage will be taken, and a determination of potential stranding will also be made.
- If CRLF egg masses are observed at HSP, Laguna Salada or the connecting channel and there is sufficient water surrounding the mass, no adjustments to the water level will be made. But if one or more egg masses are observed to not possess sufficient water around it to prevent stranding, the water level that triggers operation of the pumps will be adjusted upwards, even at the risk of flooding the golf course.
- Pump levels will be set relative to the CRLF egg mass with the least amount of water around it; in other words, the pumps will be set to a level to protect the most vulnerable egg masses in HSP, LS and the connection channel.
- Following pump adjustments, the site will be resurveyed to ensure that the new pump levels have been achieved and the vulnerable egg masses are safe from desiccation.
- Once all the CRLF eggs have hatched and the tadpoles are no longer aggregating about the egg mass, the water level will be lowered incrementally and the

dewatering of HSP, LS and the connecting channel is monitored to ensure that CRLF tadpoles are not stranded by receding waters.

- When no egg masses are present, the water levels may be lowered to reduce flooding on the Property or in advance of the rainy season (typically in November) in order to increase flood storage capacity and to reduce the potential formation of ephemeral swales in unsustainable habitat areas (such as those on the eastern side of LS). The SFRPD will ensure that sufficient non-breeding habitat remains at HSP if water levels are to be lowered. Water level will be determined to be sufficient if the open water adjacent to the emergent vegetation is at least 6 inches deep on the inboard margin of the vegetation[2]. Prior to the rainy season, water levels in HSP may be lowered no more than five days prior to the first projected large rain event of the season.

2.3.17 During and following completion of the Project, if CRLF egg masses are determined to be at risk because they are deposited in ephemeral swales or in other conditions that are not sustainable, an SFRPD biological monitor with the Natural Areas Program will apprise USFWS of the situation and propose a relocation plan to the USFWS for review and approval. Such a relocation plan will describe the habitat, location and number of the at-risk egg masses as well as the reminder of the egg masses in the Project area that are not at risk. The relocation plan also will include protective measures above and beyond pump adjustments, such as bending vegetation to adjust the egg mass to the water level or relocating egg masses to more sustainable habitats. Relocation of egg masses will not be performed without approval of the USFWS.

2.3.18 During and following completion of the Project, mowing will occur pursuant to the following criteria:

- The area to be mowed will be the minimum required to maintain the golf course. A no-mow zone area, which includes the roughs adjacent to the wetlands, will be identified with stakes or other markers on the ground (see Figure 2-5). Golf staff will be instructed not to mow in these areas. The land between Mori Point and LS is an important movement corridor for the CRLF and SFGS. This area will be further evaluated by SFRPD biologists, in consultation with USFWS, to identify additional opportunities for movement and increases in the no-mow area. Based on this assessment, the extent of the no-mow zones may be increased from that shown in Figure 2-5 as long as the restrictions on mowing do not affect the playability of the golf course.

[2] In 2011, SFRPD in consultation with a biological expert, determined that if water levels remain above 1.0 on the gage board that sufficient water existed in HSP to support wildlife species. This level may change over time as the distribution of emergent vegetation of HSP changes.

- To the extent feasible, mowing of fairways and greens adjacent to LS would occur in the early morning hours before 9:00 a.m.
- If mowing occurs prior to dawn, for example in the winter, the SFRPD will ensure that the mowers are equipped with lights so that drivers can see the turf in front of them.
- All mower operators will be trained to identify the CRLF and SFGS and instructed to stop any activities if they observe any red or brown frog or any garter snake on the course.
- If any red or brown frog or any garter snake is encountered in the pathway of a mower, the operator will cease the mowing activity and wait for the animal to remove itself from harms way or discontinue the mowing activity in that area for the day. If the animal does not move out of harms way, the SFRPD biological monitor with the Natural Areas Program will be contacted. Work may not recommence in the area until the area has been determined to be clear of CRLF or SFGS.

2.3.19 During and following completion of the Project, only organic fertilizers, such as pro-biotics, blood meal, lime, and compost tea, will be used at Sharp Park, and they will only be applied to the greens, tees and surrounds. No fertilizers will be applied to fairways

2.3.20 During and following completion of the Project, the City does not anticipate the need to use any chemical pesticides on the golf course or associated landscaped areas at Sharp Park. Golf course pests and weeds will be controlled either by hand weeding or promoting healthy soil ecosystems. Organic materials such as compost tea, ferrous sulphate (iron) , chelated iron, liquid humate, liquid guano, yucca extract and EM1 (effective microbes) will be applied to golf course to promote healthy soils. In the event of a major fungal outbreak on the golf course, the City will consult with the San Francisco Department of the Environment's Integrated Pest Management Program to identify the least toxic material to use to control the outbreak and would comply with labeling and other restrictions imposed by the U. S. Environmental Protection Agency.

2.3.21 During and following completion of the Project, vehicle use on the golf course will be reduced. The City will reduce golf cart use on turf areas by establishing, posting, and enforcing cart path only and 90-degree only rules on the course. In areas adjacent to sensitive habitats (i.e., Holes 9 through 17 west of the Pacific Coast Highway (PCH) and adjacent to LS, HSP, Sanchez Creek and the

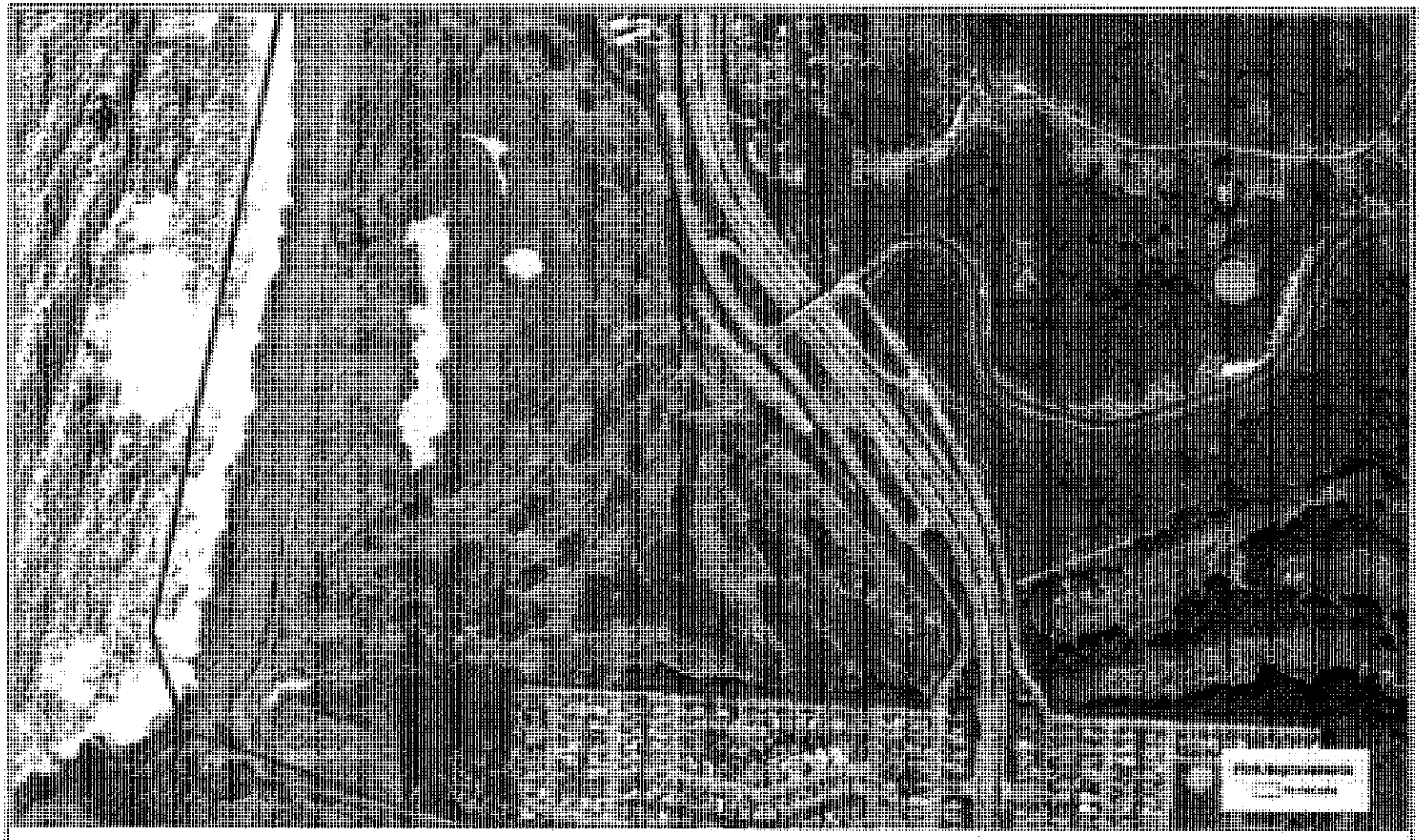


Figure 2-5: No mow zone

connecting channel) rules will stipulate that golf carts will be restricted to paved paths only. In the rest of the course, carts may be taken off the path but only following the 90 degree rule (golfers may drive to their ball by entering the golf course from the cart path at 90 degrees to their ball and returning to the golf cart along the same route after completing the swing). In order to implement these rules, the City will post signs throughout the course and in the golf carts stating where golf carts must stay on paths and where the 90-degree rule applies. The Golf Course lessee, marshals and golf course maintenance staff will be instructed to enforce these rules throughout the course.

If non-mowing vehicles associated with golf course maintenance must be taken off path on the golf course, the area must be visually surveyed in advance for CRLF and SFGS. If a CRLF or SFGS is sited in the maintenance work area and the animal does not relocate itself to adjacent habitat and out of harms way, the SFRPD biological monitor with the Natural Areas Program will be notified of the location and condition of the animal. If the animal is at risk due to other conditions (e.g., if it is located in the parking lot or maintenance area) the SFRPD biological monitor will relocate the animal to suitable nearby habitat and/or contact the USFWS and/or CDFG for guidance. If the animal is at risk, work must be suspended until the CRLF or SFGS removes itself from harms way.

2.3.22 The SFRPD will continue to conduct regular staff training. SFRPD staff will be taught how to identify species of concern, conduct activities incorporating the required minimization measures in areas where appropriate, and determine what conditions require cessation of work and what situations require notification of a biological monitor. Upon completion of additional training, staff will be able to perform routine maintenance tasks within the golf course footprint (excluding the no mow zone) such as changing pin placements; removing ball marks from surfaces; roping off, repairing, and reporting damage to sensitive areas to the SFRPD Natural Areas Manager; filling divots with seed mixes; removing foreign objects; replenishing and raking sand in bunkers; removing debris and litter;

conducting landscaping activities; mowing fairways and greens; hand or mechanized trimming of vegetation that cannot be mowed; applying organic fertilizers, compost tea and other soil health products with machinery, aerating, dethatching and irrigating play surfaces; controlling gophers; and maintaining plumbing, drainage and electrical systems. Landscaping activities within the golf course footprint include tree removal, pruning and stump grinding throughout; hand weeding and edging around areas of play, and groundcover, tree and shrub installation, pruning and weeding at the clubhouse and other ornamentally landscaped areas. SFRPD staff will also be able to perform minor maintenance activities such as hand litter and trash removal, inspections and clearing of irrigation valves, and hand removal of debris from culverts in the no-mow areas.

2.3.23 All major golf course related activities occurring in the no-mow zones adjacent to LS, HSP, Sanchez Creek and adjacent wetlands must be overseen by the SFRPD biological monitor with the Natural Areas Program. Tree removal, tree pruning and stump grinding are the only major maintenance activities anticipated to occur in portions of the no-mow zone. These activities will only occur in the isolated no-mow zones located between the golf course fairways (i. e., not the no mow zones adjacent to HSP and LS. Prior to the commencement of any work in these areas, the biological monitor with the Natural Areas Program must be contacted. The biological monitor will evaluate whether the activity requires that measures such as exclusion barriers, burrow collapsing or incremental vegetation removal be implemented in order to protect the species. The Natural Areas Program biological monitor will oversee the implementation of these measures. If unanticipated activities (activities not listed in 2.3.22 and 2.3.23) are required in the no-mow zone and the Natural Areas Program manager determines that the activities may result in take, the USFWS will be consulted to determine whether additional measures are required.

2.3.24 The SFRPD will distribute educational materials developed in cooperation with USFWS to staff, Park users, and golf patrons. These materials will include means to identify CRLF and SFGS, a synopsis of their natural history, including habitat

requirements, information on their distribution and abundance at the facility, and procedures for avoidance and who to contact in case of a question.

2.3.25 The SFRPD will distribute or install educational materials (brochures, or interpretive or regulatory signs) where appropriate around LS and HSP, the golf course entrances, and in the clubhouse stating that golfers and park users and their pets are prohibited from entering LS and HSP, dogs are to remain on leash, and that leaving food for cats is prohibited. The signs will also state that releasing animals in the park is prohibited. If a feral cat feeding station is discovered at Sharp Park, it will be removed as soon as practicable. The SFRPD will cooperate with GGNRA on their regional effort to address free-roaming cats at Mori Point and Sharp Park. Also the SFRPD will work with USFWS staff and other local agencies (the City of Pacifica, San Mateo County, Golden Gate National Recreation Area) to develop and implement an enforcement plan to control unauthorized access to the western side of Laguna Salada. Among the items to be considered in this plan are closing holes in the fence at the seawall, placing additional signs, and on-site enforcement. A draft enforcement plan will be provided to the USFWS within 18 months of the date of the Biological Opinion. The implementation of the plan will begin within 6 months of the USFWS approval of the final plan.

2.3.26 The SFRPD will maintain a 3 foot wood fence around HSP and a 3 foot wire-mesh fence along the eastern edge of the seawall, to keep dog walkers and other park users from entering HSP and LS from the seawall. "No Access" signs will be installed on the fence.

2.3.27 The SFRPD will restrict the use of vehicles on Mori Point Road, from Moose Lodge to HSP, over which the City has an easement.

2.3.28 The SFRPD will prepare and implement, with USFWS approval, an Invasive Species Management Plan that includes monitoring and control of bullfrogs and other introduced species that potentially reduce CRLF populations and habitat quality. Routine annual surveys for potentially detrimental non-native invasive animal species, particularly bullfrogs, predatory fish and non-native turtles, will

be scheduled and supervised by the Natural Areas Program biological monitor. Monitoring surveys for bullfrogs would be conducted in the spring and could consist of searches for egg masses, calling surveys and visual surveys. If individuals of potentially destructive animal species are encountered, control methods will be developed and, with USFWS approval, implemented. Among the methods that could be employed include draining of the water body (Arrowhead Reservoir), hand removal of egg masses, dipnetting for tadpoles and culling of adults. These control activities would be conducted by a USFWS-approved biologist.

2.3.29 The SFRPD will undertake actions to restore and enhance CRLF habitat in Arrowhead Reservoir by eliminating known predators. Presently, Arrowhead Reservoir is the only area in the Project site where any invasive animals (bass) are known to occur. The SFRPD will drain the reservoir to eliminate the bass population and post signs prohibiting release of animals in order to reduce the potential for future introductions. Arrowhead Reservoir will be monitored to detect potentially detrimental animals (see Measure 2.3.28 above)

2.3.30 The SFRPD will restore 0.5acre of upland habitat around HSP and Laguna Salada. This restoration would occur in three locations 1) south of HSP in an area with significant radish, mustard and Cape ivy cover, 2) immediately north of HSP in an area dominated by iceplant and 3) in the area west of LS in an area dominated by iceplant. The restoration in this later area would be coordinated with initiatives described in 2.3.25 to reduce unauthorized access to sensitive areas. Within 9 months of the date of the Biological Opinion, the SFRPD will provide to the USFWS for review, a detailed draft restoration plan that includes a map of the restoration areas and a description of the proposed restoration, monitoring and maintenance actions. Surveys for infestations of invasive non-native and particularly aggressive native plant species that reduce habitat value for desired wildlife will also be conducted annually. Where feasible, additional hand removal of these aggressive species would be conducted in the no mow areas around HSP, LS and the connecting channel. Invasive plant removal will

occur incrementally and will be followed by revegetation by locally collected and habitat appropriate native plants. All habitat restoration work will be conducted or overseen by the Natural Areas Program staff and overseen by the USFWS-approved biological monitor. Large-scale mechanical control or eradication efforts will be initiated as part of the long-term restoration plan of the site.

2.3.31 Golf course staff engaged in activities and who detect any CRLF or SFGS on the course that does not move of its own accord and would otherwise be in harm's way, must immediately report their finding to the biological monitor with the Natural Areas Program and attempt to prevent harm to the individual(s).

2.3.32 During and following completion of the Project, the SFRPD shall maintain and keep in good repair the sea wall road, which provides the only vehicle access for maintenance activities as described in paragraph 2.2.2.5, above. Maintenance of the roadway on the sea wall is expected to include filling ruts in the surface with aggregate or comparable materials and repairing drainage issues by outsloping the roadbed. The SFRPD does not anticipate hardening or further armoring of the sides of the sea wall.

2.3.33 The SFRPD will construct a perennial California red-legged frog pond approximately 150 square meters in size and similar in scope and design to the breeding pond constructed by the Golden Gate National Recreation Area (GGNRA). The design and site selection will be provided to the Service for review and approval nine months from the date of issuance of the biological opinion. Construction of the California red-legged frog pond will occur within two years and nine months of issuance of the biological opinion. San Francisco Parks Department will monitor the pond for breeding success by surveying for egg masses on an annual basis and documenting habitat conditions for a period of five years following pond construction and this information will be provided to the Service and the GGNRA.

SECTION 3.0 – GENERAL ENVIRONMENTAL SETTING

3.1 SIGNIFICANT LANDFORMS, GEOLOGICAL FEATURES, AND SOILS

Elevations in Sharp Park range from sea level to approximately 750 feet above sea level in the southeastern corner of Sharp Park. The western portion of the park is relatively flat, with most of the elevation change occurring on the east side of Highway 1. Soils in the park have been mapped as the Barnabe-Candlestick complex and Candlestick Variant (loams), with sands along the ocean and disturbed soils (cut, filled, graded) in the golf course area (Brabb and Pampeyan 1983; USDA 1991).

3.2 WATERSHED BOUNDARIES AND DRAINAGE PATTERNS

The 411-acre Sharp Park property lies within an approximately 980-acre watershed that includes both developed and undeveloped areas (see Figure 1-1). Runoff from the watershed – including runoff from PCH – that is not captured at a small reservoir east of Sharp Park and does not percolate into the ground flows to the wetlands complex at Sharp Park.

In addition to sheet flow from neighboring lands, there are three sources of surface water inflows to the Project site. Sanchez Creek, augmented in its lower reaches by highway drainage and runoff from a residential neighborhood, is the largest source of storm runoff. The creek flows westerly through portions of the golf course before it is directed into a culvert that discharges into a channelized drainage and flows into the wetland near HSP. A second inflow collects runoff from a network of storm drains that enter the Project site near the golf course clubhouse via an underground culvert that discharges into eastern side of LS. A third inflow collects runoff from a network of storm drains that enter the site via an underground culvert that discharges into the northern side of LS.

From 1941 to 1952, a seawall was constructed, which eliminated a hydrologic connection between the Pacific Ocean and LS, the principal surface water body in Sharp Park. Prior

to the construction of the seawall, there was an intermittent connection between LS and the Pacific Ocean such that water fluctuated from salty to brackish to fresh. Construction of the sea wall greatly reduced tidal exchange with, as well as outflow to, the Pacific Ocean. In the past, the seawall has been breached during large storm events, most recently in the mid-1980s.

The current wetland complex is composed of LS, HSP and the connecting channel. LS on the north is the deeper and larger of the two water bodies, with a bottom elevation ranging between 0 to 2 feet NAVD 88 (Kamman 2009). HSP, located south of LS is smaller and shallower, with bottom elevations ranging between 3.5 and 5 feet (Kamman 2009). Water levels in the wetland complex vary by season and year and are influenced by precipitation, evaporation, evapotransporation, seepage and pumping. The connecting channel between LS and HSP allows for water exchange at surface elevations greater than 6.2 feet (NAVD 88). Water exchange between the two water bodies is reduced by the hydraulic friction created by dense cattail growth (Kamman 2009). In some areas surrounding the wetlands and on the golf course, ephemeral ponds or swales may form, which do not appear to have surface water connection to LS, HSP and the connecting channel. These ponds form immediately after rainfall events and may last for several days to several months.

3.3 BIOLOGICAL SURVEYS

Numerous field surveys have been conducted on the Project site by Swaim Biological and City staff as well as other consultants. Reports documenting the results of these surveys are as follows:

* Fong & Campo (2006);
* Fong et al. (2009);
* Geomatrix (1986);
* Philip Williams & Associates (1992);
* Swaim (2008); and
* Swaim (2005).

In addition, background materials regarding vegetation and wildlife was adopted from the Final Draft of the City's Significant Natural Resource Areas Management Plan (2006).

3.4 SITE VEGETATION COMMUNITIES AND ASSOCIATIONS

The vegetation of Sharp Park was classified into 29 series (Table 3-1). Of the total 237.1 acres of natural areas at Sharp Park, approximately 64 percent of the area is non-native forest; 18 percent is native and non-native scrub; 5 percent is grassland (annual and perennial) and herbaceous series; 9 percent is wetland; and 4 percent is classified as "other" (open beaches, open water, roads, and other developed areas).

3.4.1 Forest

Four forest series were mapped at Sharp Park and they account for over half of the natural areas' total acreage. The majority of the area was mapped as blue gum forest and mixed exotic forest covering approximately 66.07 and 70.72 acres, respectively, primarily east of the PCH. Slightly less than 12 acres of cypress forest were mapped, primarily along the edges of the golf course on the western side of the PCH.

3.4.2 Scrub

The Natural Areas at Sharp Park support a wide array of scrub habitats. Most of these are located in the upper canyon area east of the PCH. Of the 10 types of scrub habitats mapped at Sharp Park, nine are dominated by native species. The willow (7.23 acres), dogwood (1.86 acres), and thimbleberry (0.46 acres) scrub series are found in the lower canyon along the creek. Oceanspray (10.07 acres) and red elderberry (3.57 acres) series are scattered midway up the slopes throughout the canyon. The California sagebrush (4.19 acres) and most of the coyote brush (11.49 acres) series are found on the upper slopes of the canyon. A small patch of California blackberry scrub (0.20 acres) is in the marsh area of LS. The only non-native scrub formation mapped at Sharp Park is French broom scrub (4.25 acres) that is scattered through the eastern portion of the park.

3.4.3 Grassland, Herbaceous, and Open Water

The open water of LS, HSP, and Arrowhead Reservoir comprise approximately 4 acres of the Natural Areas. Of the eight grassland/herbaceous series, iceplant (*Carpobrusus edulis*) (1.45 acres), purple false brome grassland (3.00 acres), and orchard grass grassland (5.45 acres) account for the majority of area covered by the grassland and herbaceous series.

3.4.4 Wetland

Seven wetland series were mapped at Sharp Park. All of these can be found around and within LS. In 2001, the bulrush/cattail wetland occupied approximately 18.1 acres around LS. Over the last several decades, the extent of this vegetation has increased, replacing the open water. The 2008 wetland delineation prepared for Laguna Salada indicated that freshwater wetland occupies 19.6 acres (Tetratech 2008). A small wetland around LS contains salt-tolerant marsh species, which may be relicts from the time when the lagoon was connected to the ocean and subsequent saltwater intrusion.

3.5 WILDLIFE

3.5.1 Birds

The variety of habitats at Sharp Park provide suitable foraging, nesting, and roosting habitat for a number of bird species. The forest habitat of Sharp Park provides potential nesting habitat for raptors and owls. Both red-tailed hawk (*Buteo jamaicensis*) and red-shouldered hawk (*Buteo lineatus*) are known to breed within Sharp Park. The complex of scrub habitats in the upper canyon provides habitat for resident and migratory songbirds including dark-eyed junco (*Junco hyemalis*), California towhee (*Pipilo crissalis*), Western scrub-jay (*Aphelocoma californica*), and American robin (*Turdus migratorius*) among others. The wetland habitats surrounding LS provide habitat for marsh species, such as saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*), Virginia rail (*Rallus limicola*), sora (*Porzana carolina*), red-winged blackbirds (*Agelaius phoeniceus*), and others. The saltmarsh common yellowthroat is not listed under the ESA, but it is a

Table 3-1 – Vegetation at Sharp Park

	Vegetation Series	Total Acreage
Forest	blue gum forest	66.07
	cypress forest	11.81
	mixed exotic forest	70.72
	pine forest	2.20
	Subtotal	**150.80**
Scrub	California sagebrush scrub*	4.19
	California blackberry scrub*	0.20
	dogwood scrub*	1.86
	coyote brush scrub*	11.49
	French broom scrub	4.25
	oceanspray scrub*	10.07
	poison oak scrub*	0.33
	red elderberry scrub*	3.57
	thimbleberry scrub*	0.46
	willow scrub*	7.23
	Subtotal	**43.66**
Grassland	ripgut brome grassland	0.38
	purple false brome grassland	3.00
	orchard grass grassland	5.45
	Subtotal	**8.84**
Other Herbaceous	poison hemlock	0.09
	mixed exotic herbaceous	0.42
	iceplant herbaceous	1.45
	Subtotal	**1.96**
Wetland	lady fern wetland*	0.04
	bulrush/cattail wetland*	18.11
	horesetail meadow*	0.02
	pondweed marsh*	0.67
	rush meadow*	0.02
	saltgrass/pickleweed marsh*	0.75
	silver weed marsh*	1.58
	Subtotal	**21.20**
Other	open water	3.93
	developed	6.73
	Subtotal	**10.67**
Grand Total		**237.12**

California species of special concern. In the middle of the canyon, the area surrounding Arrowhead Reservoir and a nearby patch of willow scrub provide nesting, roosting, and foraging habitat for swallows, flycatchers, thrushes, and other birds that prefer to use dense riparian scrub or forests closely associated with water.

3.5.2 Mammals

The diversity of habitats, especially the upper canyon areas, likely supports a relatively wide array of small mammals. A California meadow vole (*Microtus californicus*) was observed near LS (SFRPD 2006). Species that likely are present include dusky-footed woodrat (*Neotoma fuscipes monochroura*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), and Virginia opossum (*Didelphis virginiana*). Surveys, conducted in 2008 for the dusky-footed woodrat, determined that the woodland and riparian areas east of Highway 1 are used extensively by this species (Wayne 2008). Review of relevant reports indicates that native gray fox (*Urocyon cinereoargenteus*) and the introduced red fox (*Vulpes fulva*) were common through the area in the past (Philip Williams & Associates 1992). Free-roaming domestic cats have been observed on site and are relatively common.

3.5.3 Amphibians and reptiles

The LS area has been the subject of specific amphibian and reptile surveys. These efforts have documented the presence of western pond turtle (*Clemmys marmorata*), California slender salamanders (*Batrachoseps attenuatus*), Pacific chorus frog (*Pseudacris (Hyla) regilla*), CRLF, SFGS, western yellow-bellied racers (*Coluber constrictor mormon*), and coast garter snake (*Thamnophis elegans terrestris*). Pacific rubber boa (*Charina bottae bottae*) and rough-skinned newt (*Taricha granulosa granulosa*) have been reported from Sharp Park east of PCH (Swaim 2008; EIP field visit, April 12, 1999; Philip Williams & Associates 1992). The wetlands surrounding LS, HSP, Arrowhead Reservoir and Sanchez Creek provide habitat or potential habitat for these species. The western pond turtle is not listed under the ESA, but it is a California species of special concern.

3.5.4 Invertebrates

A population of San Francisco forktail damselfly (*Ischnura gemina*) was discovered in association with the wetlands of Sharp Park in 1988 (Philip Williams & Associates 1992). More recently, a single San Francisco forktail damselfly was observed on the northern side of HSP (Swaim 2008). The San Francisco forktail damselfly is not listed under the ESA, but it is endemic to the San Francisco Bay Area and is listed as an IUCN Red List Endangered species.

The 2006 Natural Areas Management Plan identifies Mission Blue butterfly (*Icaricia icarioides missionensis*) as being reported from Sharp Park in 1988 (SFRPD 2006). There is a small grassland area on the far eastern portion of the Sharp Park property that is contiguous to Sweeney Ridge, a site known to support Mission blue butterfly. In addition, the small grassland contains host plants for this species. The Mission blue butterfly is a federally listed endangered species.

4.0 LISTED SPECIES AND ASSESSMENT OF HABITAT

4.1 INTRODUCTION

Based on biological surveys conducted on the Project site, we identified SFGS and the CRLF as listed species that may be present on the Project site. Other listed species were removed from more detailed consideration because they were not observed during the extensive biological surveys that have been conducted onsite. The Mission blue butterfly is not expected to exist in the Project site as the suitable habitat is located over 0.5 mile away, this species is not known to venture from its habitat, and the habitat between the construction, operation and maintenance areas contain heavily wooded areas that are inhospitable to this species.

4.2 LISTED PLANT SPECIES

No known listed plant species occur on the Project site.

4.3 LISTED WILDLIFE SPECIES

4.3.1 San Francisco garter snake (*Thamnophis sirtalis tetrataenia*)

Description:

The San Francisco garter snake is a slender, colorful snake that is endemic to the San Francisco peninsula. The SFGS was listed as endangered in 1967 under a predecessor to the ESA, and it retains that status today (USFWS 2006). No critical habitat has been designated for this species. A recovery plan for this species was released in 1985 (USFWS 1985).

Biology of the Species:

The SFGS is one of a number of subspecies of the common garter snake (USFWS 1985). The SFGS is identified by a burnt orange head, yellow to a greenish-yellow dorsal strip edged in black, and a red lateral stripe which may be continuous or broken with black blotches and edged in black. The belly color varies from greenish-blue to blue. Large adults can reach four feet in length (USFWS 1985).

The SFGS prefer habitat in vegetated ponds or marshes near an open hillside where they can bask in the sun, feed, and find cover in rodent burrows. They also show affinity for shallow, open water habitat, possibly because their preferred prey rely on such habitat (USFWS 2006). CRLF constitutes one important prey item of the species though it also feeds on other small amphibians and fish (USFWS 1985). Mature SFGS may also feed on small mammals (USFWS 1985). The SFGS is very wary and shows a great aversion to crossing over large open areas (USFWS 1985; Geomatrix 1986). The species shows a tendency to remain in close proximity to aquatic habitat (USFWS 2006).

The mating season for SFGS occurs in both the spring and the fall though it appears to be concentrated in the spring (USFWS 2006). The females of the species give birth to up to two dozen or more live young. After breeding, SFGS tend to be less active in the summer and fall. Peak basking time during the day is typically mid morning, with activity levels declining over mid-day; however these patterns are highly weather dependent.

Distribution:

The SFGS is endemic to the San Francisco peninsula, with all known historic and contemporary records of the snake limited to San Mateo County, California.

Status Onsite:

Over the last several decades, SFGS have been sighted sporadically at Sharp Park and adjoining properties (see Table 4-1). In 1986, following the breach of the seawall at Sharp Park due to winter storms in both 1983 and 1986, SFGS were not located on-site despite extensive surveys from March to July 1986 (Geomatrix Consultants 1986). Since then, SFGS sightings have been infrequent. The authors of a 1992 report on the LS wetlands stated that "[n]o SFGS were found on site" and went on to conclude that if they do occur on site, "there numbers are extremely limited" (Philip Williams & Associates 1992). At the same time, they did report two SFGS occurrences in Mori Point in 1990-91 and a further, single occurrence in 1992. In recent years, there were few sightings. In 2004, eight SFGS were captured a total of 11 times (Swaim 2005). In addition, in May 2005, an individual reported to the Golden Gate National Parks Conservancy that he had located the remains of an SFGS on the Sharp Park golf course (Salisbury 2011). It is unclear how long the remains had been there and whether they were moved. In 2006, 13 SFGS were captured at Mori Point (Swaim 2008). Then in 2008, five SFGS were captured at Mori Point and one SFGS was observed in Sharp Park near HSP (Swaim 2008). Since 2008, no trapping or extensive visual surveys for he SFGS have been conducted at HSP or other wetlands and one has reported sighting an SFGS at Sharp Park. In November 2009, a single dead juvenile SFGS was found on Fairway Drive in the residential community south of Sharp Park (Swaim, pers. comm. 2009). This animal had

Table 4-1. Summary of San Francisco Garter Snake Data

Date	Location	Source	Summary
1946	Laguna Salada	Wade Fox Field Notes and Museum Collection Data	First Documentation of SFGS at LS. Fox collects 46 individuals for museum collections.
1946	Nursery Pond	Wade Fox/MVZ	One SFGS collected at pond east of Highway 1.
1960s	Sharp Park	Barry (1978)	Significant Collection Pressure at Sharp Park after loss of Skyline Ponds.
Late 1970's	Mori Point (Bowl)/Sharp Park	Barry (1979), Barry (1979)	SFGS recovering from Collecting pressures of the late 1960s.
Spring1986	Laguna Salada	McGinnis (1986)	No SFGS captured or observed at LS.
Summer Fall 1986	Horse Stable Pond Area	McGinnis (1988)	Two adult, one neonate SFSG
1997	HSP/Mori Point	McGinnis (1997)	One juvenile SFGS captured along road through Mori Point adjacent to Houses.
1990-1992	Mori Point	Philip Williams Associates 1992	3 occurences
2004	Mori Point – 6 HSP- 1 CC- 1	SBI	11 captures of 8 individual SFGS
2006	Mori Point- 11 CC -2	SBI	30 captures of 13 individual SFGS
2008	Mori Point-5	SBI	5 individuals
2008	Sharp Park Tire Removal Project	SBI	1 SFGS

puncture marks throughout its body suggesting that the animal died from predation by a domestic cat or other predator. This snake was collected by K. Swaim under authorization by the USFWS Recovery Permit and DFG MOU. Feral cats and outdoor house cats frequent the ponds and wetlands at Mori Point during all times of the year and

have been seen searching the perimeter of the ponds as they dry (Swaim, pers. comm. 2012).

4.3.2 California red-legged frog (*Rana draytonii*)

Description:

The California red-legged frog is one of two subspecies of the red-legged frog (*Rana aurora*). It is the largest native frog in the western United States, and it is endemic to California and Baja California, Mexico. In 1996, the CRLF was listed as threatened under the ESA (USFWS 1996). USFWS designated critical habitat for the species most recently in 2010 (USFWS 2010b). The recovery plan for this species was released in 2002 (USFWS 2002).

Biology of the Species:

The CRLF is California's largest native frog at a length of up to 138 mm for females and 116 mm for males (USFWS 2002). It is brown to reddish-brown with diffuse moderate-sized dark brown to black spots that occasionally have light centers. The CRLF is readily identified by its distinct dorso-lateral folds. Dark bands stripe the dorsal side of the hind legs and red coloration is typical of the ventral side of the hind legs.

CRLF males become sexually mature at 2 years of age and females become sexually mature at 3 years of age (Jennings and Hayes 1985). The CRLF breeds between November and April (USFWS 2002), with earlier breeding occurring in southern California. A reproductively active, female CRLF will only produce one clutch during a breeding season. Egg masses are commonly attached to vertical emergent vegetation such as cattails and tules, but they can also be attached to mud or other substrates (USFWS 2002). The CRLF deposits its eggs in masses (typically 2,000 to 5,000 eggs per mass) just below the water line of lakes, ponds, and streams during or shortly after significant rainfall events. Eggs hatch in 6 to 14 days (USFWS 2002). Nighttime is typically the most active time for CRLF to disperse and reproduce.

The CRLF is generally found near water but often disperses to upland habitat after rains where it forages (Swaim 2008). Scientists have observed a wide range of dispersal distances. For example, Fellers and Guscio observed dispersal ranging from 30 to 1400 meters (Fellers and Guscio 2004). One hundred percent of CRLF egg masses die at salinity levels of 4.5 parts per thousand (ppt), and larvae cannot survive in concentrations higher than 7.0 ppt.

Distribution:

The CRLF ranges from the north coast and northern Sierra Nevada range of California into Baja California, Mexico (USFWS, 2002). The rangewide distribution of the species is described in detail in the Recovery Plan and Final Rule designating critical habitat (USFWS 2002; USFWS 2010b).

Status Onsite:

In 1986, following the breach of the seawall at Sharp Park due to winter storms in both 1983 and 1986, CRLF were not located on-site despite extensive surveys from March to July 1986 (Geomatrix Consultants 1986). During surveys conducted from May 1990 to May 1991, 100 juvenile CRLF were located around HSP while less than 20 frogs were counted around Laguna Salada proper, an area vastly larger than HSP. In March 1992, an unspecified number of egg masses were located at HSP (Philip Williams & Associates 1992).

Annual egg mass counts at Sharp Park (which includes LS, HSP and the connecting channel) between 2004 and 2011 varied between 16 and 189 (Fong & Campo 2006, Table 3, Fong et al. 2009 and Campo pers comm. 2012) (See Table 4-2). Whereas in 2004 and 2005, stranded egg masses accounted for 25 and 37 percent of observed egg masses in the LS watershed, in 2007 and 2008, they accounted for 10 and 3 percent of the observed egg masses (Fong et al. 2009). In 2011 and early 2012, there were 189 CRLF egg masses detected on Sharp Park property (Campo 2011 and Campo 2012). Of these

189 CRLF egg masses, 132 (or 70%) were deposited in ephemeral swales on the eastern side of Laguna Salada or along the connecting channel, which were determined to be unsustainable. That is, they were deposited in areas that did not appear to be hydrologically connected to Laguna Salada and would likely dry up before CRLF tadpoles metamorphosed into adult frogs. With authorization from the USFWS, the 132 egg masses deposited in these ephemeral swales were relocated to sustainable habitat in HSP and LS.

Table 4-2: Summary of California Red-Legged Frog Egg Mass Data

Date	Sharp Park	Mori Point*	Total
2004	55	0	55
2005	16	3	19
2006	45	12	57
2007	27	3	30
2008	97	23	120
2009	69	35	104
2010	34	28	62
2011	189	128	317

- Source: Darren Fong, National Park Service

Swaim Biological captured numerous adult and juvenile CRLF in trapping studies at Sharp Park and Mori Point in 2004, 2006 and 2008 and documented rapid colonization of an enhanced wetland and three newly created ponds at Mori Point by breeding populations of CRLF (SBI 2009).

4.3.3 Mission blue butterfly

Description

The Mission blue butterfly (*Icaricia icarioides missionensis*) is a small, nickel-sized member of the Lycaenidae family, or "gossamer-winged" butterflies. The males are silvery blue and the females are slate grey to brown, with some blue towards the middle of the upper fore and hindwings. In 1976, the Mission blue was listed as endangered

under the ESA (USFWS 1976). USFWS proposed critical habitat for the species in 1977 but never designated critical habitat (USFWS 1977). The recovery plan for this species was released in 1984 (USFWS 1984).

Biology of the Species

Contingent on the rainfall in spring, adults fly from mid-March to early June, with peak emergence in late May. The imago (adult phase) live eight to ten days (USFWS 1984). Females lay eggs on leaves, buds and seed pods on three types of lupine including silver lupine (*Lupinus albifrons* var. *collinus*), summer lupine (L. *formosus*) and varied lupine (L. *variicolor*) (Thelander and Crabtree 1994).

The eggs are round, bright, and white, typically laid singly on the upper surface of the lupine leaflet. Eggs hatch within 6 to 10 days and the first and second instar larvae feed on the leaf tissues. Approximately 3 weeks after the eggs hatch, the larvae enter an obligate diapause usually in the litter at the base of the plant. Larvae emerge and continue feeding the following spring. Ants (*Formica lasioides* and *Prenolepis imparis*) tend the third and fourth instar larvae, protecting them from predators and parasites in exchange for sugary secretions the ants feed on.

Adult Mission blue butterflies use many different nectar sources, including coast buckwheat (*Eriogonum latifolium*), California phacelia (*Phacelia californica*), checkerbloom (*Sidalcea malviflora*), yarrow (*Achillea millefolium*), blue-eyed grass (*Sisyrinchium bellum*), blue dicks (*Dichelostemma capitatum*), Ithuriels's spear (*Triteleia laxa*), coyote mint (*Monardella villosa*), golden aster (*Heterotheca sessiliflora bolanderi*), California horkelia (*Horkelia californica*), narrow-leaved mule ears (*Wyethia angustifolia*), and brownie thistle (*Cirsium quercetorum*). They are also known to use nonnative forbs such as Italian thistle (*Carduus pycnocephalus*), milk thistle (*Silybum marianum*), and rough cat's ear (*Hypochaeris radicata*)

Mission blue butterflies tend to fly low to the ground in search of potential mates, oviposition sites, and nectar sources. Trees, scrub, annual grasses, and tall forbs can create navigational challenges to Mission blues. Presence of adult Mission blue butterflies is correlated not only with host plant presence, but also with bare ground. A site dominated by host plant and nectar source vegetation and high cover of bare ground allows Mission blues to quickly and efficiently find mates and host plants during their short flight season (Bennett 2008, Lucas 1998).

Distribution

The Mission blue now occurs only in northern San Mateo County (San Bruno Mountain, Sweeney Ridge, and a small colony on Milagra Ridge), San Francisco County (Twin Peaks), and Marin County (small pockets along the Southern Headlands, Fort Baker, and along the eastern edges of the Golden Gate National Recreation Area [GGNRA]).

Onsite status

The 2006 Natural Areas Management Plan identifies Mission Blue butterfly as being reported from Sharp Park in 1988 (SFRPD 2006). There is a small grassland area (less than an acre) on the far eastern portion of the Sharp Park property that is contiguous to Sweeney Ridge, a site known to support Mission blue butterfly. In addition, the small grassland contains host plants for this species.

There are no project activities that are proposed near the Mission blue butterfly habitat. The Project construction action is located over 1.25 miles away and the golf course maintenance and operations are at least 0.5 miles away from the Mission blue butterfly habitat. In addition, the Mission blue butterfly is a localized species which is known to only occur in areas containing host and larval food plants. This species is not expected to venture into the vast exotic forests that exist between its ridgeline habitat and the golf course. As such, the Mission blue butterfly is excluded from further consideration in the Biological Assessment as there are no direct, indirect, cumulative or interrelated or interdependent activities associated with this project that would affect this species.

5.0 EFFECTS ANALYSIS

This section assesses the potential effects of the proposed Project on the listed species present on the site. The Project Description is provided in Section 2, and it includes the construction action described in Section 2.2. In addition, the applicant has proposed minimization and mitigation measures to ensure that construction and operational impacts – including those described in Section 2.3 – are minimized and mitigated. These measures are described in detail in Section 2.4 and are part of the Project Description.

The effects of the action include "the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action, which will be added to the environmental baseline." 50 C.F.R. 402.02. The environmental baseline encompasses the past and present impacts of all other actions and environmental stressors within the action area, which affect the listed species and its habitat. The focus of an effects analysis is evaluation of the effects of an action by a federal agency that has the potential to harm listed species and/or designated critical habitat. The ultimate purpose of the effects analysis is to inform the determination of the Fish and Wildlife Service as to whether a proposed action is either likely or unlikely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of its critical habitat. Here, because the action area is not designated critical habitat for the CRLF and because USFWS has not designated critical habitat for SFGS, the focus is on whether the action is likely to jeopardize the continued existence of CRLF and/or SFGS.

For the purpose of this BA, direct effects are direct or immediate effects of the Project on the listed species or their habitat. Indirect effects of the Project on the listed species or their habitat are those that are caused by or result from the Project, are later in time, and are reasonably certain to occur. An interrelated activity is an activity that is part of the proposed action and depends on the proposed action for its justification. An interdependent activity is an activity that has no independent utility apart from the action under consultation. The *Consultation Handbook* explains that "the analysis of whether

other activities are interrelated to, or interdependent with, the proposed action under consultation should be conducted by applying a 'but for' test" (USFWS and NMFS 1998). Cumulative effects include the effects of future State, tribal, local or private actions, not involving a federal action, that are reasonably certain to occur in the action area. 50 C.F.R. 402.02.

5.1 DIRECT EFFECTS

The potential direct impacts to SFGS and CRLF associated with Project implementation include effects of vegetation and sediment removal from Horse Stable Pond and the connecting channel, the construction of a walkway including placement of concrete support structures around the pump intake, and associated staging. These are illustrated in Figures 2-2 to 2-4. Acreages associated with the direct impacts are provided in Table 5-1.

5.1.1 California Red-Legged Frog

Direct impacts to CRLF are possible as a result of project construction. Construction activities including pathway, walkway, retaining wall repair and construction and sediment and vegetation removal have the potential to result in injury or mortality due to construction vehicles and equipment. The project is being implemented in late summer and fall to avoid any impact on CRLF breeding activities. Because the vast majority of work is taking place on the golf course or from the access roads and during daylight hours, no significant impacts to CRLF dispersal between aquatic habitats or foraging activity is expected. CRLF in the immediate excavation and/or vegetation removal footprint may be disturbed by vibration of equipment near or in HSP and the connecting channel and temporarily flee into nearby cover. Pre-construction surveys, active removal of CRLF from construction zones and on-going monitoring during construction, are expected to protect individual frogs from being crushed by equipment or injured. Relocation may inadvertently harm or harass these individuals but not adversely affect them given the extensive amount of local and familiar habitat to which the individuals can be relocated. Construction activities that result in injury or mortality would adversely affect CRLF.

Table 5-1: Acres of Vegetation within the Project Site and Estimated Acres of Impact from the Proposed Project

Vegetation	Total On-site (Acres)	Temporary Excavation	Permanent Excavation (footings and wall)	Permanent Steps, walkway	Permanent Cart path	Total Acres	% Total on-site	% Occupied Habitat (Temporary)	% Occupied Habitat (Permanent)
Upland – ruderal*	10.8	0.09		.001		0.091	0.84%	0.83%	<0.01%
Upland – golf	173.8	0.23			.01	0.24	0.13%	0.13%	<0.01%
Open Water	3.93	0.08				0.08	2.0%	2.0%	0%
Freshwater Wetland	18.11	0.21	.0003			0.223	1.2%	1.2%	<0.01%
Totals		0.61	.0003	.001	.01	0.624			

- Includes grasslands and other herbaceous

The direct effects of the Project on CRLF include both temporary and permanent impacts to upland habitat. Temporary impacts to upland habitat will result from the use of construction equipment at the Project site to 1) install steps and replace the retaining wall adjacent to the pumphouse at HSP, 2) construct the walkway and cart paths, and 3) excavate sediments and emergent vegetation from HSP and the connecting channel. Vehicle access routes and staging areas required for the construction of these project elements will largely be situated in the ruderal upland habitat and on the golf course see Figures 2-2 through 2-4). The use of such equipment could harm CRLF and temporarily reduce cover for the CRLF in localized areas used for access routes and equipment staging at HSP and along the connecting channel. Impacts to upland habitat would be short term, very localized, and in small disjunct patches that will continue to be surrounded by extensive cover. Implementation of post-construction restoration efforts will further mitigate reductions in cover for CRLF. Permanent impacts to upland habitat will result from the placement of structures and materials at the Project site, namely, installation of the steps and realignment of the cart path. This impact will potentially reduce the quality of these small affected areas as habitat for the species. The total footprint subject to temporary disturbance is 0.09 acres of ruderal upland that provides potential habitat for CRLF and SFGS.[3] This area includes access and staging areas near HSP and the connecting channel. Additionally approximately 0.001 acres of potential ruderal upland habitat, associated with the construction of the steps to the pumphouse intake would be permanently affected. Combined, the temporary and permanent disturbance area is 0.091 acres, which represents 0.84 percent of the upland habitat on the Project site. It is assumed that all the upland habitat area is potentially occupied by the CRLF. The area affected is not designated as critical habitat for CRLF, but even if it was, it would only constitute 0.00004 percent of the critical habitat for the species. (The species' critical habitat is 1,636,609 acres (USFWS 2010b).)

[3] An additional and 0.23 acres of golf course will be temporarily impacted by the Project and 0.01 acres of golf course would be permanently impacted by the project. Affects to the golf course are not described in detail because the golf course is not considered suitable habitat for the species.

The direct effects of the Project on CRLF also include both temporary disturbance and permanent impacts to wetland habitat. Temporary disturbance to wetland habitat will result from the removal of cattails, bulrush, and sediment from HSP and the connecting channel and associated short-term increase in suspended sediments in the water column. Use of construction and other equipment at the Project site to install concrete support structures for the walkway and the retaining wall on the west side of HSP adjacent to the pumphouse may also temporarily disturb areas used by CRLF. Permanent impacts to wetland habitat will result from the placement of structures and materials, namely, footings for the walkway and replacement of the existing retaining wall on the west side of HSP adjacent to the pumphouse. These impacts potentially lower the quality of the affected area as CRLF habitat. The total amount of wetland habitat subject to temporary impacts is approximately 0.21 acres (associated with excavation and access) and permanent impacts is 0.003 acres. Combined, this represents 1.2% percent of the wetlands on the Project site. It is assumed that all the wetland habitat affected by the project is potentially occupied by the CRLF; however the areas along the connecting channel and HSP that contain dense cattail growth are considered to be very low quality breeding habitat for the CRLF. The area affected is not designated as critical habitat for CRLF, but even if it was, it would only constitute 0.00001 percent of the critical habitat for the species. (The species' critical habitat is 1,636,609 acres (USFWS 2010b).

To minimize the potential for harm to CRLF stemming from the direct effects described above, the City will implement the measures set forth in Sections 2.3.1 to 2.3.15, above. Furthermore, the Project will have direct beneficial effects on CRLF and their habitat. Cattail, bulrush, and sediment removal from HSP and the connecting channel will restore and enhance shoreline and open water areas that provide CRLF habitat, particularly breeding habitat (Swaim 2008). This in turn benefits SFGS by increasing the prey base (CRLF and Sierran treefrog) in the aquatic habitats and making the most optimal foraging habitat structure (shallow open water at the shallow sloped edges of HSP) available to neonates and juvenile SFGS (Swaim 2008). Currently, this type of foraging habitat is almost completely unavailable at HSP.

SFRPD and Swaim Biological egg mass surveys at HSP have shown a trend toward decreasing numbers at HSP since 2005, despite an overall significant increase in CRLF population size at Mori Point and Sharp Park.[4] The availability of more high quality breeding habitat at HSP and in the connecting channel will greatly increase the carrying capacity of the area for CRLF and may help to minimize the use of the highly ephemeral areas that retain water in vegetated swales in the golf course rough areas and within the matrix of out of play area amongst the fairways and greens, as well as the poorly drained areas on and adjacent to the Fairway of Holes 14 and 15.

5.1.2 San Francisco garter snake

The direct effects of the Project on SFGS include both temporary disturbance and permanent impacts to upland habitat. Temporary disturbance to upland habitat will result from the use of construction equipment at the Project site to install steps to replace the retaining wall, construct the walkway and pathways, and excavate sediments and vegetation at HSP and the connecting channel. The use of such equipment could temporarily reduce cover for the SFGS in localized areas used for access routes and equipment staging at HSP and along the connecting channel. Impacts to upland habitat would be localized and in small disjunct patches that will continue to be surrounded by extensive cover. Implementation of post-construction restoration efforts will further mitigate reductions in cover for SFGS. Permanent impacts to upland habitat will result from the placement of structures at the Project site, namely, installation of the steps to the pumphouse and realignment of the cart path. These impacts are expected to degrade the quality of these small affected areas as habitat for the species. The total amount of ruderal upland habitat subject to temporary impacts is 0.09 acres and permanent impacts is 0.001 acres. Combined, this represents 0.84 percent of the uplands on the Project site. Although records show very few occurrences of SFGS north of HSP, it is assumed that all the upland habitat area affected by the project is potentially occupied by the SFGS.

[4] While the number of egg masses at HSP is trending downward, the numbers of egg masses observed in Laguna Salada and the adjoining ephemeral swales has increased.

The direct effects of the Project on SFGS also include both temporary disturbance and permanent impacts to wetland habitat. Temporary disturbance to wetland habitat will result from the removal of cattails, bulrush, and sediment from HSP and the connecting channel and associated short-term increase in suspended sediments in the water column. Use of construction and other equipment at the Project site to install concrete support structures for the walkway and the retaining wall on the west side of HSP adjacent to the pumphouse may also temporarily disturb area used by SFGS. Permanent impacts to wetland habitat will result from the placement of structures at the Project site, namely, construction of the walkway and replacement of the existing retaining wall on the west side of HSP adjacent to the pumphouse. These impacts potentially lower the quality of the affected areas as SFGS habitat. The total amount of wetland habitat subject to temporary disturbance is approximately 0.21 acres and permanent impacts is .0003 acres. Combined, this represents 1.2 percent of the wetlands on the Project site. . It is assumed that all the wetland habitat area is potentially occupied by the SFGS.

To minimize the potential for harm to SFGS stemming from the direct effects described above, the City will implement the measures set forth in Sections 2.3.1 to 2.3.15, above.

5.2 INDIRECT EFFECTS

Indirect effects of the Project on the listed species or their habitat are those that are caused by or result from the Project, are later in time, and are reasonably certain to occur.

5.2.1 California Red-Legged Frog

The indirect effects of the Project on CRLF include the effects that result from operation of the pumps at HSP. Operation of the pumps has the potential to harm CRLF by lowering the water level in HSP during the breeding season and exposing egg masses to the air causing desiccation and entraining mobile life stages of CRLF. While the management of the pumps is intended to first and foremost to protect the CRLF egg

masses by maintaining water levels to keep the masses hydrated, it is possible that due to human error and other unforeseen events, that pumping operations could directly or indirectly result in desiccation of egg masses. For example, during the monitoring surveys an egg mass (or masses) that is in a vulnerable situation could be missed in a visual survey or miscommunication regarding target water levels could occur between monitoring staff and the engineers. At the same time, however, operation of the pumps has the potential to benefit CRLF by maintaining the water level in HSP during the breeding season when egg masses are deposited there. If water levels are allowed to increase too much, the result could harm individual eggs and slow development by altering abiotic factors that contribute to development, including sunlight, temperature, and dissolved oxygen content. Also by managing water levels, the frequency of flooding and the subsequent creation of ephemeral ponds in which CRLF deposit eggs would be reduced, thus resulting in more sustainable habitat for the species at the site. The operation of the pumps is essential to the ongoing overall management of the ecosystem encompassing LS, HSP and the connecting channel as a freshwater marsh. This managed freshwater ecosystem provides the optimal ecosystem and maximum perimeter of the optimal habitat, freshwater wetland habitat, for the CRLF and the SFGS.

To reduce the potential for harm to CRLF due to operation of the pumps and to enhance the benefits of operation of the pumps, the City has adopted a hierarchical approach to managing the pumps. Priority is given to managing water levels for the protection of CRLF and SFGS. Secondarily, the City manages water levels for flood control purposes in order to protect public health, safety, and adjacent property. Finally, the City manages water levels to facilitate recreational activity at Sharp Park. Furthermore, a set of criteria for operation of the water pumps is set forth at Section 2.3.16, above. These criteria are intended to yield net benefits for the local CRLF population.

The potential for harm stemming from entrainment of mobile life stages of CRLF exists. No structured monitoring has been undertaken to falsify the hypothesis that entrainment is occurring, but there is no available evidence that entrainment of CRLF is occurring at

HSP. CRLF have multiple behaviors to reduce the likelihood that they will be swept by flowing water from preferred habitats in managed and unmanaged circumstances, such as adhesive eggs that are placed on vegetation and strong swimming capacities of juvenile-stage individuals. It is improbable that the juvenile life stages of the species that emerge from eggs – even located along the shoreline of HSP in relative near proximity to the intake structure of the pumphouse – would swim into the open water where they could enter the zone of influence of the pump. Later life stages are less likely to be entrained in light of their swimming capacity.

5.2.2 San Francisco garter snake

The indirect effects of the Project on SFGS are limited to the effects that result from operation of the pumps at HSP, which have the potential to adversely affect an important component of the SFGS prey base, the CRLF. The likelihood and extent of this effect is documented in Section 5.2.1, above.

5.3 INTERRELATED AND INTERDEPENDENT EFFECTS

An interrelated activity is an activity that is part of the proposed action and depends on the proposed action for its justification. An interdependent activity is an activity that has no independent utility apart from the action under consultation. Golf course operations at Sharp Park constitute interdependent activities. This is the case because such activities would not occur but for the proposed action, which will allow for continued operation of the water pumps at HSP. As USFWS has explained, the relevant inquiry is "whether another activity in question [(here, golf course operations)] would occur 'but for' the proposed action under consultation" (USFWS and NMFS 1998). A description of golf course operations at Sharp Park is set forth at Section 2.2.2, above.

5.3.1 California Red-Legged Frog

Golf course operations – other than pumping operations that are analyzed above – have the potential to both harm and benefit CRLF. Potentially harmful impacts include mowing, application of fertilizers, gopher control, and vehicle (including golf cart) use.

Mowing has the potential to cause direct mortality of individual CRLFs. City personnel have on a number of occasions sighted individual CRLFs on areas of the golf course that are mowed. But there is no documented instance of CRLF mortality due to mowing at Sharp Park. Nonetheless, to reduce the potential for such mortality to occur, the City will implement the measures set forth in Sections 2.3.18, above.

Application of fertilizers has the potential to indirectly harm CRLF by encouraging the growth of aggressive emergent vegetation that reduces the value of the wetland habitat for the CRLF. To reduce potential harm to the species due to fertilizer application, over a period of several years the City has reduced both the quantity of fertilizer applied and the areas within which it is applied at Sharp Park. The proposed action limits the use of fertilizers to only organic fertilizers and limits fertilizer application to greens, tees and surrounds, as explained in Section 2.3.19, above. The maximum total acreage treated is approximately seven acres, which is less than five percent of the golf course.

Gopher control has the potential to harm CRLF that occupy gopher burrows by trapping individual CRLFs during the process of raking down gopher mounds or by catching CRLFs in gopher traps. There is no documented instance of harm to CRLF at Sharp Park due to gopher control efforts. Nonetheless, to reduce the potential for such harm to occur, the City will implement the measures set forth in section 2.3.21, above.

Vehicle use (including golf cart use) at Sharp Park golf course has the potential to cause direct mortality of individual CRLFs. Although there are no documented cases of vehicles running over CRLF at Sharp Park, City personnel have sighted individual

CRLFs in areas of the golf course that vehicles traverse. For example, City personnel have sighted individual CRLFs in the parking lot for the Sharp Park golf course. To reduce the potential for vehicle-related mortality to occur, the City will implement the measures set forth in Sections 2.3.22 to 2.3.25, above.

Potentially beneficial impacts of golf course operations on CRLF include suppression of invasive species that prey on or affect the prey base of the species such as raccoons and domesticated cats, as well as monitoring and control of impacts from human and dog use. Although some human and dog use is present on the western side of LS, the golf course monitors the use of the property and frequently removes unauthorized persons and dogs from the wetlands and other portions of the property. Furthermore, the affirmative determination to halt the use of chemical pesticides in landscaped areas likely is beneficial to the CRLF and/or its prey. In these ways, golf course operations actually enhance components of CRLF habitat.

Further, the CRLF population that includes those individuals within the boundaries of Sharp Park is conservation reliant (Scott et al. 2010). As such, it requires active management in order to avoid extirpation. Benign neglect is almost certain to do more harm than good. The intensive management regime put into place at Mori Point affirms the need for active management of the local population. There, the Park Service has implemented a host of measures – construction of raised boardwalks to service pedestrian traffic, monitoring for and removal of feral cats, the mechanical construction of ponds, pesticide application and manual weeding of targeted non-native grasses and forbs, and out-planting of desired native plants – to improve CRLF habitat. These adjoining habitats, Mori Point and Sharp Park, when managed similarly with actions to benefit the species provide for a strong population that can better withstand stochastic events that could render either site, if isolated, extinct. The cooperation between the National Park Service and the City strengthens this benefit for both the CRLF and SFGS.

5.3.2 San Francisco garter snake

Golf course operations – other than pumping operations that are analyzed above – have the potential to both harm and benefit SFGS. Although the SFGS population is not being sampled in systematic fashion via observations at Sharp Park, species numbers are so low as to indicate that the local population is at a size that may not be viable over time. Even acknowledging that the species is secretive and therefore difficult to detect (Geomatrix 1986), the low number of observations at Sharp Park and Mori Point combined over the past decade suggests that the potential to affect the species is low. Nonetheless, potentially harmful impacts of golf course operations include mowing, application of fertilizers, gopher control, and vehicle (including golf cart) use.

Mowing has the potential to cause direct mortality of individual SFGSs. There is no documented instance of SFGS mortality due to mowing at Sharp Park. There is a single disputed instance of SFGS mortality that occurred almost seven years ago in 2005. At that time, a near-by resident, Steven Salisbury, claims to have found a dead SFGS at the golf course. There is no evidence regarding the time at which the snake died and the location at which it died. Furthermore, the cause of death is inconclusive. Nonetheless, to reduce the potential for SFGS mortality to occur, the City will implement the measures set forth in Sections 2.3.18, above.

Application of fertilizers has the potential to indirectly degrade the SFGS habitat quality by encouraging the growth of aggressive emergent vegetation that reduces the value of the wetland habitat for the CRLF, one of its primary food sources. To reduce potential harm to the species due to fertilizer application, over a period of several years the City has reduced both the quantity of fertilizer applied and the areas within which it is applied at Sharp Park. The proposed action limits the use of fertilizers to only organic fertilizers and limits fertilizer application to greens, tees and surrounds, as explained in Section 2.3.19, above. The maximum total acreage treated is approximately seven acres, which is less than five percent of the golf course.

Gopher control has the potential to harm SFGS that occupy gopher burrows by trapping individual SFGS during the process of raking down gopher mounds or by catching SFGSs in gopher traps. There is no documented instance of harm to SFGS at Sharp Park due to gopher control efforts. Nonetheless, to reduce the potential for such harm to occur, the City will implement the measures set forth in section 2.3.21, above.

Vehicle use (including golf cart use) at Sharp Park golf course has the potential to cause direct mortality of individual SFGSs. But over a decades long period of golf course operations and golf cart use, there is no evidence of even a single instance of harm to SFGS due to cart use. This is unsurprising since SFGS is very wary and shows a great aversion to open areas (USFWS 1985; Geomatrix 1986). It is also unsurprising given the paucity of SFGS sightings at the golf course, which indicate that the local population is small. Nonetheless, to reduce the potential for such mortality to occur, the City will implement the measures set forth in Sections 2.3.22 to 2.3.25, above.

Potentially beneficial impacts of golf course operations on SFGS include suppression of invasive species that prey on or affect the prey base of the species, the population of predators such as raccoons, and domesticated cats as well as monitoring and control of impacts from human and dog use. Although some human and dog use is present on the western side of LS, the golf course monitors the use of the property and frequently removes unauthorized persons and dogs from the wetlands and other portions of the property. Furthermore, the affirmative determination to halt the use of chemical pesticides in landscaped areas likely is beneficial to the SFGS and CRLF, which is an important prey item for the species. In these ways, golf course operations actually enhance components of SFGS habitat.

Further, the SFGS population that includes those individuals within the boundaries of Sharp Park is conservation reliant (Scott et al. 2010). As such, it requires active

management in order to avoid extirpation. Benign neglect is almost certain to do more harm than good. The intensive management regime put into place at Mori Point affirms the need for active management of the local population. There, the Park Service has implemented a host of measures – construction of raised boardwalks to service pedestrian traffic, monitoring for and removal of feral cats, the mechanical construction of ponds, pesticide application and manual weeding of targeted non-native grasses and forbs, and out-planting of desired native plants – to improve SFGS habitat.

5.4 CUMULATIVE EFFECTS

Cumulative effects are limited to: (i) the effects of future non-Federal actions, (ii) that are reasonably certain to occur, and (iii) that will occur within in the action area (USFWS and NMFS 1998). Here, the action area is Sharp Park.

5.4.1 Human population growth and increased use of Sharp Park

The human population in San Francisco and San Mateo Counties is projected to increase from 1,555,000 in 2010 to 1,606,000 in 2020 and 1,641,000 in 2030 (California Department of Finance 2007). Sharp Park is a popular recreation site, and traffic at Sharp Park is likely to increase as the population in the area increases. Increased human presence at the site could harm CRLF and SFGS, for example, due to the introduction of invasive species by visitors to Sharp Park. This risk of harm stems from greater use of the site by pets including dogs and cats. It also stems from the potential for humans to transport invasive species such as bullfrogs or mosquito fish to Sharp Park. To minimize the potential for harm to CRLF and SFGS stemming from the cumulative effects associated with human population growth in the region, the City will implement the measures set forth in Sections 2.3.23 through 2.3.28, above.

5.4.2 Climate change

Anthropogenic climate change is expected to result in warmer average temperatures over time. It is anticipated that this will increase the frequency and intensity of storm systems, alter precipitation patterns and reduce snowpack, and increase spring flooding and summer droughts (Cayan et al. 2009). All of these effects could trigger other changes, such as an increase in the frequency and intensity of wildfires and insect infestations. At Sharp Park, these effects of climate change could harm CRLF and SFGS in a number of ways. For example, sea level rise and/or more intense storm systems could lead to sea wall breach, which greatly diminished the local populations of these species in the past (Geomatrix 1986). But there is a high degree of uncertainty regarding the local effects of climate change; therefore, it is infeasible to predict the likelihood and magnitude of such effects.

5.4.3 Implementation of the Laguna Salada Restoration Plan

One foreseeable action within the action area that may affect the listed species is implementation of the Laguna Salada Restoration Plan or an alternative thereto, as described in the Laguna Salada Conceptual Alternatives Report (SFRPD 2011). This plan is included in the Draft Environmental Impact Report (DEIR) that analyzes the environmental impacts associated with implementing the City's Significant Natural Resource Areas Management Plan (SNRAMP) (SFRPD 2006.) The SNRAMP contains detailed information on the biology, geology, and trails within 32 Natural Areas owned by San Francisco, including Sharp Park. The City prepared the DEIR in order to comply with the California Environmental Quality Act. Cal. Pub. Res. Code § 21000 *et seq.*

The *Consultation Handbook* provides guidance to inform the decision whether a potential future action is reasonably certain to occur by identifying a number of indicators.

Inquiry	**Answer**
Have State, tribal or local agencies approved the action?	No.
Is State, local, or tribal agency approval of the action imminent?	No.
Has the project sponsor provided its assurance the project will proceed?	No.
Is capital set aside for the project?	No.
Has the project sponsor entered into contracts to implement the project?	No.

Here, implementation of the Laguna Salada Restoration Plan is not a cumulative effect because it is not reasonably certain to occur at this juncture.

5.4.4 Implementation of National Park Service actions at Mori Point

The argument may be made that National Park Service (NPS) activities at Mori Point are cumulative effects. But this is not the case for three reasons. First, those activities are ongoing rather than future in nature. The NPS issued a finding of no significant impact for the Mori Point Restoration and Trail Plan in 2006 (NPS 2006). Since then, the NPS has implemented the Plan in numerous respects. Second, those activities are Federal rather than non-Federal. Third, Mori Point is not within the action area. Although the list species' at Sharp Park are both subgroups of local populations that include Mori Point, the geographic area encompassed by the population is not the appropriate metric to ascertain the action area.

6.0 CONCLUSION AND DETERMINATION

The proposed Project would result in direct and indirect impacts to CRLF and their habitat. Overall, the proposed Project "may affect" the CRLF according to ESA. The minimization and mitigation measures would limit or eliminate impacts to this species. Although adverse effects may occur during construction, the long-term benefits of the Project to the species would result in a net benefit to CRLF.

Impacts to the SFGS may result from changes to habitat that occur due to implementation of the Project. Overall, the proposed Project "may affect" the SFGS according to ESA Mortality of SFGS is considered unlikely due the facts that SFGS are not present (or if they are present, the population is very small) on the site and the City has proposed a Project that includes numerous minimization and mitigation measures to limit or eliminate impacts to the species. Construction activities have the potential to harm the species.

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8.0 LIST OF PREPARERS AND CONTRIBUTORS

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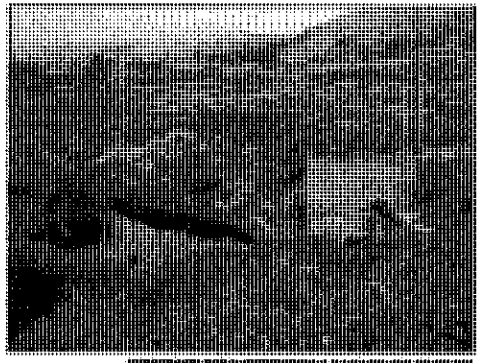
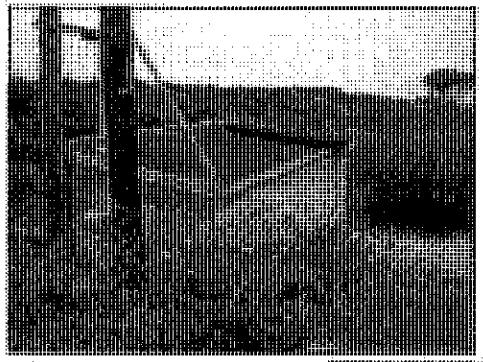
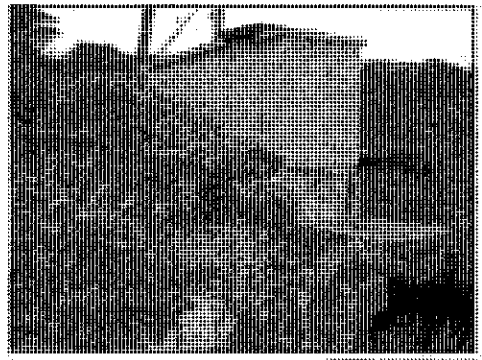
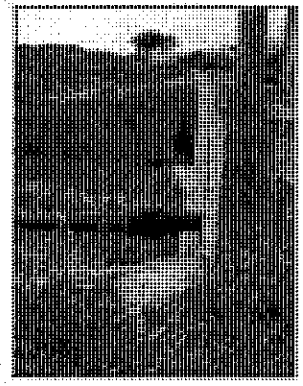
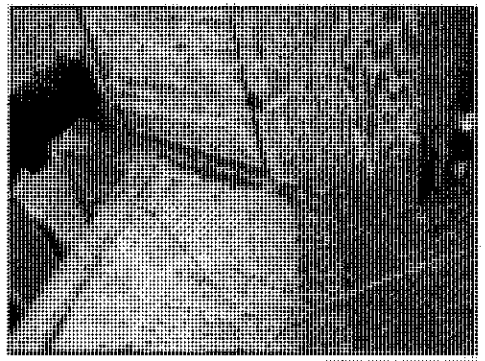
APPENDIX A

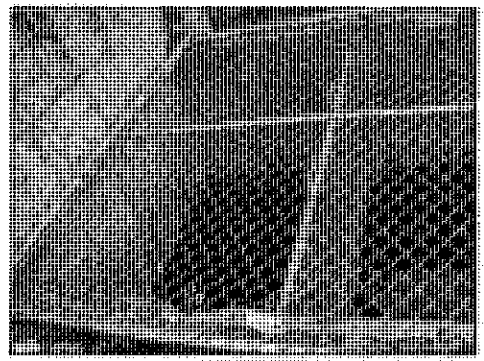












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SHARP PARK PUMPHOUSE

SAFETY & INFRASTRUCTURE IMPROVEMENTS
SITE PHOTOS

DATE 6.17.11
SCALE NTS

DRAWING #
1

TULE:

[illegible] SF + 600 SF + 960 SF = 2360 SF

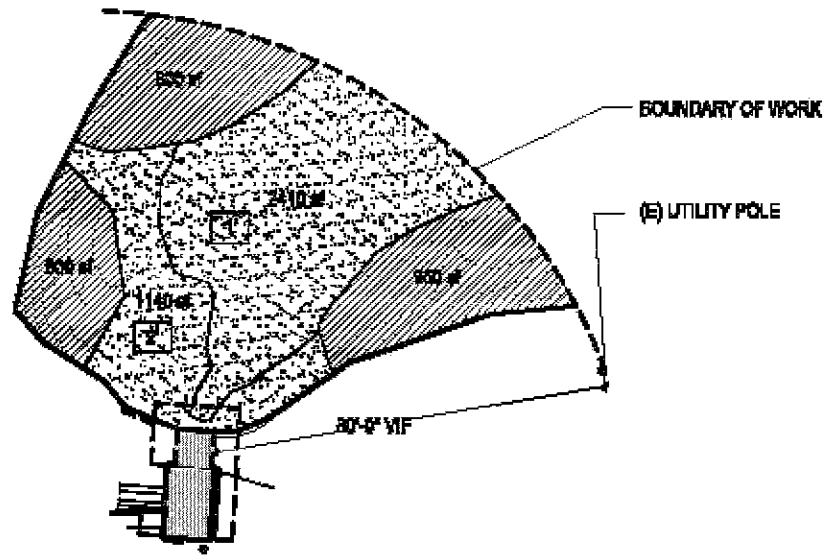
SEDIMENT:

- 1' DREDGE AREA X 2410 SF = 2410 SF
- 2' DREDGE AREA X 1140 SF = 2280 SF
- 3' DREDGE AREA X 2350 SF = 7050 SF

TOTAL = 11740 CF = 435 CY

REMOVE TULE AND DREDGE TO 3'

DREDGE AS INDICATED ON PLAN



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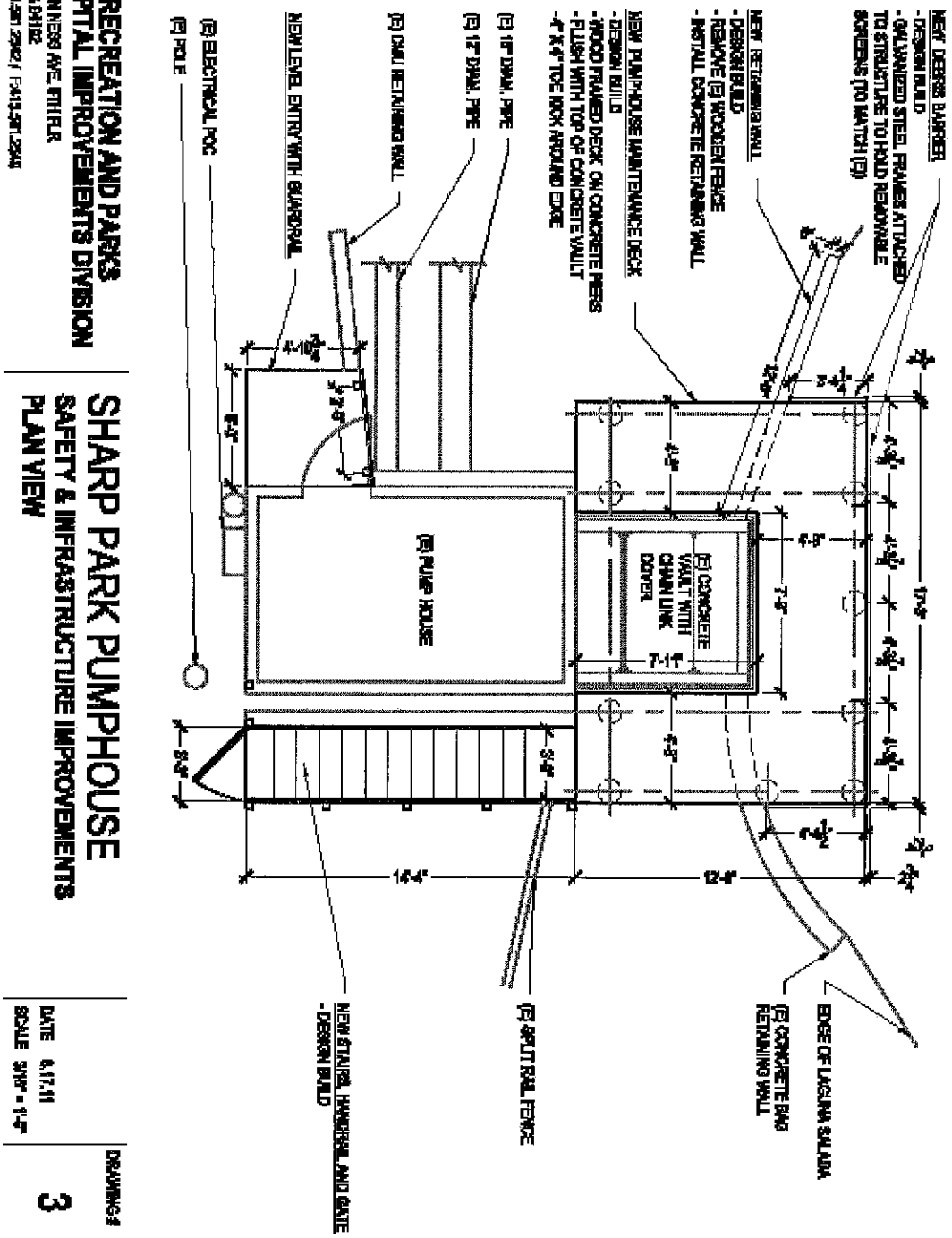
SHARP PARK PUMPHOUSE

SAFETY & INFRASTRUCTURE IMPROVEMENTS
SEDIMENT AND TULE TAKE OFFS

DATE 6.10.11
SCALE NTS

DRAWING # 2



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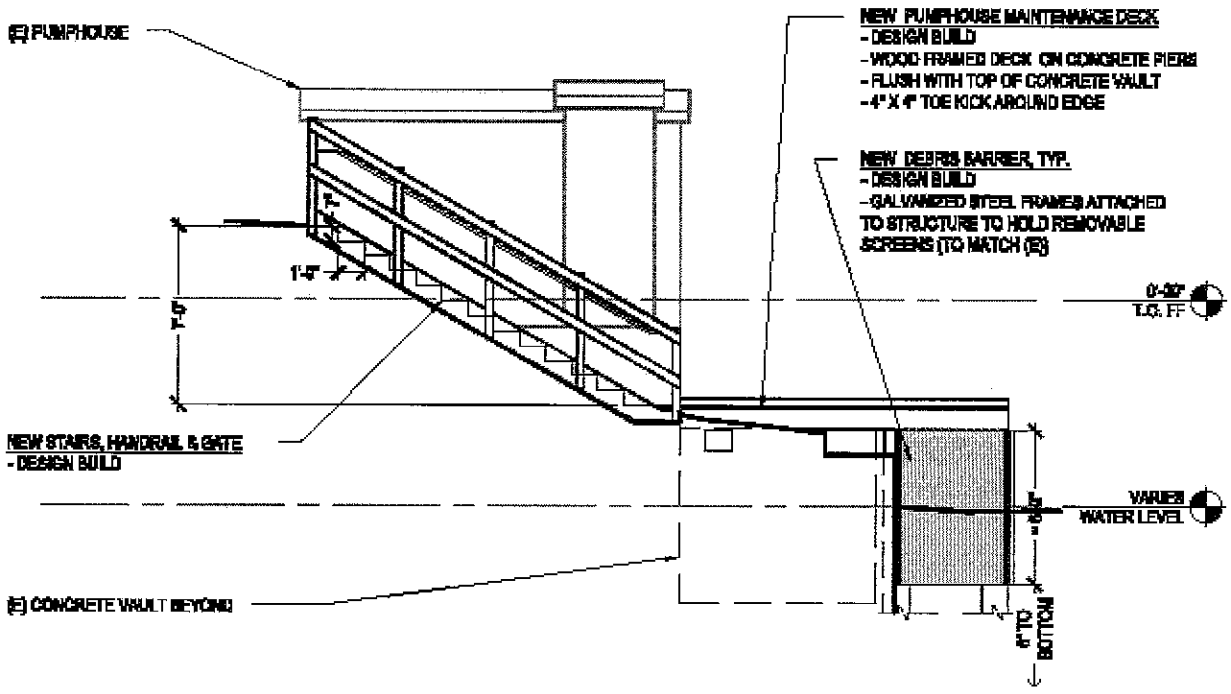
SHARP PARK PUMPHOUSE

SAFETY & INFRASTRUCTURE IMPROVEMENTS

PLAN VIEW

DATE 8.17.11
SCALE 3/16" = 1'-0"

DRAWING # 3



NORTH / SOUTH SITE CROSS SECTION LOOKING WEST

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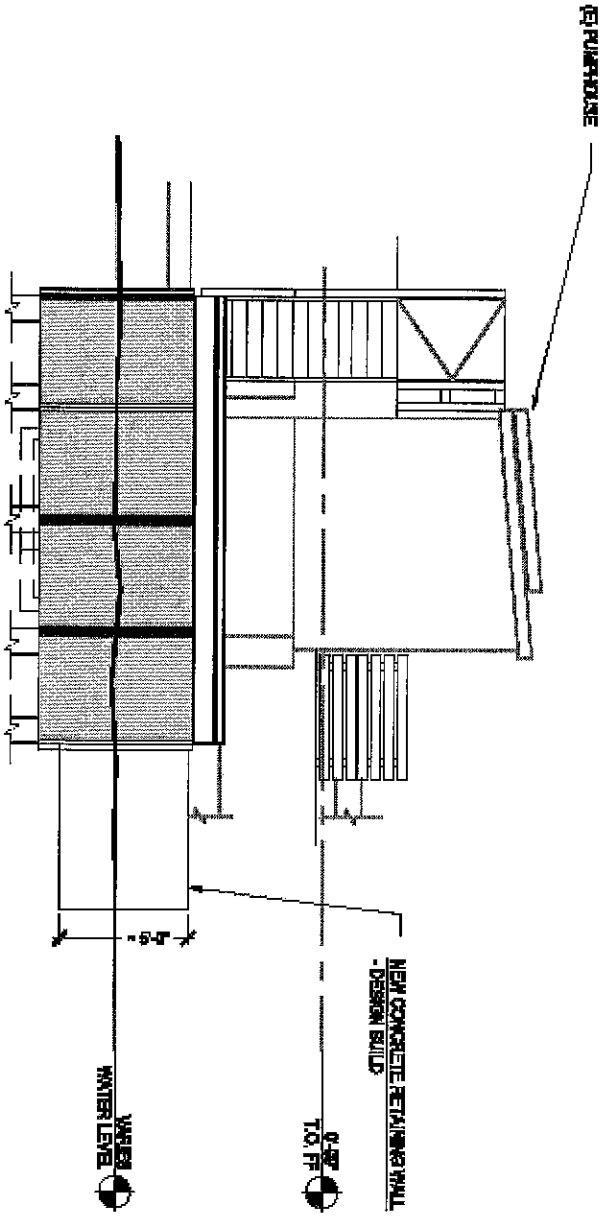
SHARP PARK PUMPHOUSE
SAFETY & INFRASTRUCTURE IMPROVEMENTS
CROSS SECTION

DATE 6.17.11
SCALE 3/16" = 1'-0"

DRAWING # 4



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SHARP PARK PUMPHOUSE

SAFETY & INFRASTRUCTURE IMPROVEMENTS

ELEVATION - NORTH

DATE 6.17.11
SCALE 3/16" = 1'-0"

DRAWING # 5

APPENDIX B

Appendix B. Comparison of actions under 2009 Compliance Plan and Biological Assessment

	Compliance Plan	Biological Assessment	Relative effect of the proposed action
1	The Department defined an area of the Park where golf course operations and maintenance activities will be modified in order to minimize potential impacts to SFGS and CRLF (see attached Sharp Park Compliance Map). All activities within this management zone, including mowing (6.2), flood control (6.3), and pest control (6.4), will be regularly reviewed by the Natural Areas Program Manager and golf maintenance staff and refined as necessary to avoid take. (6.1.1)	The BA defines both the Project site and the construction site (2.2.1) and identifies more specifically what actions can occur in different areas of the site, including flood control (2.13.16 and 2.13.17), mowing (2.13.18), and pest control (2.3.20), vehicular access (2.3.21) and other maintenance activities (2.3.23).	No effect on species.
2	The Department will maintain a staff member with the title of Natural Areas Program Manager. This staff person will have advanced training in environmental protection and resource conservation. Although day-to-day conservation activities and long-term planning are the responsibility of this staff person, much of the required specialized fieldwork will be conducted by contract biologists and planners. The Natural Areas Program Manager will also be the main liaison between the Department and the wildlife resource agencies. (6.1.2)	The BA refers to the Natural Areas Program Manager, but it does not prescribe the duties associated with that position. (2.3.22). The BA includes oversight by a USFWS-approved biological monitor whenever actions may affect species.	No effect on species.
3	The Department will conduct regular staff training. Staff will be taught how to identify species of concern; how to conduct activities incorporating the required minimization measures in areas where appropriate, determine what conditions require cessation of work and what situations require notification of a biological overseer or of the wildlife protection agencies. Upon completion of training, staff will be able to perform routine maintenance tasks without the presence of a biological monitor. These tasks include changing pin placements; removing ball marks from surfaces; roping off, repairing, and reporting damage to sensitive areas to the Department Natural Areas Manager; filling divots with seed mixes; removing foreign objects; replenishing sand in bunkers; removing debris from fairways; mowing fairways and greens, and hand or mechanized trimming of vegetation that cannot be mowed. (6.1.3)	The Department has conducted staff training. In addition, the BA discusses regular staff training and the specific types of activities that trained staff may and may not perform (2.3.22)	No effect on species.

	Compliance Plan	Biological Assessment	Relative effect of the proposed action
4	The Department will develop and distribute educational materials (brochures) to staff, Park users, and golf patrons. These materials will include means to indentify CRLF and SFGS, a synopsis of their natural history, including habitat requirements, information on their distribution and abundance at the facility, and procedures for avoidance and who to contact in case of a question. (6.1.4)	The Department has begun to develop educational materials. In addition, the BA discusses distribution of such materials. (2.3.24)	No effect on species.
5	The Department will develop rules for the Golf Course in conformance with this Plan and will require the Golf Course operator enforce those rules. (6.1.5)	The Department developed rules for the Golf Course in conformance with the Compliance Plan and requires the Golf Course operator enforce those rules. This issue is not expressly addressed in the BA.	No effect on species.
6	The Department will post signs around Laguna Salada and Horse Stable Pond, the golf course entrances, and in the clubhouse stating that golfers and park users and their pets are prohibited from entering Laguna Salada and Horse Stable Pond, dogs are to remain on leash, and that leaving food for cats is prohibited. The signs will also state that releasing animals in the park is prohibited. If a feral cat colony is discovered at Sharp Park, it will be removed as soon as practicable. (6.1.6)	The Department has developed and posted "Habitat Preservation Area: Do Not Enter": signs around Laguna Salada and Horse Stable Pond. Additional educational materials are being developed and will be posted, including regarding dogs and cats. In addition, the BA discusses distribution of such materials. (2.3.25)	No effect on species.
7	The Department constructed a 4 foot fence around Horse Stable Pond and will construct a thirty-six inch wire-mesh fence connected to four-foot high poles, between the seawall and Laguna Salada, to keep dog walkers and other park users from entering Horse Stable Pond and Laguna Salada from the seawall. This fence is depicted on the attached Sharp Park Compliance Map. (6.1.7)	The Department has constructed a thirty-six inch wire-mesh fence connected to four-foot high poles, between the seawall and Laguna Salada, to keep dog walkers and other park users from entering Horse Stable Pond and Laguna Salada from the seawall. The BA indicates that the Department will maintain this fence and the fence around HSP, and it will post "No access" signs. (2.3.26)	Either no effect or small beneficial effects on species. The beneficial effects will result from improved fence maintenance and the additional signage, which will reduce the potential for habitat degradation and harm to individual CRLF.
8	The Department will restrict the use of vehicles on the GGNRA road (Mori Point Road), from Moose Lodge to Horse Stable Pond, over which the City has an easement, in conformance with the GGNRA's ongoing work to improve the CRLF and SFGS habitat. (6.1.8)	The BA indicates that the Department will continue to restrict vehicle use on Mori Point Road. (2.3.27)	No effect on species.

	Compliance Plan	Biological Assessment	Relative effect of the proposed action
9	Surveys for potentially detrimental non-native invasive animal species, particularly bullfrogs and fish, will be scheduled and supervised by the Natural Areas Program Manager. If individuals of potentially destructive animal species are encountered, control methods will be developed and, with agency approval, implemented. (6.1.9)	The BA indicates that the Department will continue to survey for potentially detrimental non-native invasive animal species and will develop, with USFWS approval, an Invasive Species Management Plan. (2.3.28)	Either no effect or beneficial effects on species. The beneficial effects will result from development and implementation of a USFWS approved Invasive Species Management Plan.
10	Surveys for infestations of invasive non-native and particularly aggressive native plant species that reduce habitat value for desired wildlife will also be conducted. Control or eradication efforts will be initiated as part of the long-term restoration plan of the site. (6.1.10)	The BA indicates that the Department will continue to survey for invasive, non-native plant species (2.3.30) and indicates that at least 0.5 acre of habitat that currently contain iceplant and other invasives will be restored to native vegetation.	Beneficial effects will result from the implementation of restoration actions, as opposed to only conducting surveys.
11	Golf course staff who detect any snake or frog on the course that, if not relocated, would otherwise be in harm's way, shall immediately report their finding to the Department's Natural Areas Program Manager and attempt to prevent harm to the snake or frog, and shall stop play if necessary. If at all possible, staff members will not attempt to capture or move any SFGS or CRLF, and will wait for either the animal to leave the area under its own accord or wait for the arrival of a biologist permitted to handle these protected species. (6.1.11)	The BA indicates that golf course staff must immediately report detection of any CRLF or SFGS and attempt to prevent harm to the individual(s) (2.3.31). The BA also directs mower operators to cease mowing activities if they observe any frog or snake on the course (2.3.18).	No effect on species or possible beneficial effects will result because mowing activities will cease if any frog or snake is observed, therefore reducing harm due to misidentification.

	Compliance Plan	Biological Assessment	Relative effect of the proposed action
12	In consultation with Karen Swaim, the Department's biological expert, the Department will develop a mowing schedule for the 100 foot Management Area identified on the attached Compliance Plan Map, Attachment A. The mowing of this area will be conducted with a biological monitor. (6.2.1)	The BA prescribes a clear and specific set of mowing criteria, including a no mow zone and time of day guidelines. The mowing times were based on when frogs and snakes would be least likely on the course. The criteria were developed in consultation with Karen Swaim (2.3.18).	No effect on species. This determination is made in light of the absence of empirical information that suggests that mowing consistent with the criteria is likely to harm individual CRLF or SFGS at Sharp Park.5
13	Methods to reduce the frequency of mowing the fairways adjacent to wetlands will be investigated. Specifically, watering and fertilizer application schedules may be altered in order to reduce the frequency of mowing. (6.2.2)	The Department investigated methods to reduce the frequency of mowing the fairways adjacent to wetlands. The BA indicates that limits will be imposed on the type and location of fertilizer use. (2.3.19)	No effect on species.

[5] The use of a biological monitor for mowing activities was determined to be unnecessary and economically infeasible. Furthermore there is no evidence that a biological monitor will provide any greater level of protection for the species. Rather than employing a daily biological monitor to walk the course each day, golf course mowing staff will be trained and instructed to cease mowing if any frog or snake is observed on the course. Mowing in the area may only recommence if the animal removes itself from harms way. These protocols will be effective in reducing potential harm to the species and economically viable.

	Compliance Plan	Biological Assessment	Relative effect of the proposed action
14	Mowing and other maintenance of the greens occur on a near daily basis. Given the specialized nature of the turf on the greens and the machinery required to maintain these structures, there is very little chance that the presence of an individual CRLF or SFGS will escape notice from properly trained ground crews. If an individual of either of these species is observed on a green scheduled for maintenance, the maintenance activities would be postponed until the animal has departed the area. Note that play would also be suspended under such circumstances. While not as critical for the fairways, the mowing of the greens in the management zone should be timed to avoid periods with CRLF or SFGS might be present. As discussed in Footnote 1 of the Compliance Plan, CRLF are not expected on the greens during periods when ground crews are working, and it is unlikely, but possible, that SFGS will be present on the greens during the daylight hours when work is scheduled. Given the very limited extent of the greens and the complete lack of cover, a pre-work survey by the trained ground crew will eliminate the possibility that greens maintenance will harm SFGS. (6.2.3)	The BA prescribes a set of mowing criteria, including a no mow zone and time of day guidelines. (2.3.18) The BA also prescribes criteria for use of non-mowing vehicles (2.3.21).	No effect on species.
15	Maintenance activities that involve digging pits or trenches in the management zone will be reviewed by the Natural Areas Program Manager prior to start of construction and exclusion fencing or other protective measures will be installed where appropriate. (6.2.4)	The BA indicates that the Department will conduct staff training in order that staff can perform routine maintenance tasks on the golf course, outside the no mow zone. Within the no mow zone, activities will be overseen by the biological monitor. (2.3.22)	No effect on species.
16	In the management zone, utility boxes, including numerous irrigation boxes, will be maintained in proper working order and without openings that allow access by small-bodied reptiles or amphibians. The existing boxes will be checked several times a year. (6.2.5)	The BA indicates that the Department will conduct staff training in order that staff can perform routine maintenance tasks on the golf course, outside the no mow zone. Within the no mow zone, activities will be overseen by the biological monitor. (2.3.22)	No effect on species.

	Compliance Plan	Biological Assessment	Relative effect of the proposed action
17	Rodent control protocols for the greens and tee boxes of the Management Area will be developed by the Department in consultation with Karen Swaim. There will be no trapping in the Management Area. (6.2.6)	Karen Swaim reviewed gopher control on the golf course and determined that the current practices would be unlikely to harm frogs and snakes taking refuge in gopher holes. Gopher mounds are raked away from holes entrances. When active burrows are present, a hole is dug in the middle of the tunnel and traps are placed on either side of the hole. The turf that was removed is then replaced. Traps are checked and removed before the end of the work day. No gopher trapping or hole raking would occur in the no-mow zone.	No effect on species. This determination is made in light of the absence of empirical information that suggests that gopher control as it is performed on the course is likely to harm individual CRLF or SFGS at Sharp Park.6
18	If while conducting any routine maintenance activity, including, but not limited to mowing, drain cleaning, and pipe repair, a snake or frog of undetermined identification is encountered, work will stop in the area and the Natural Areas Program Manager will be notified. (6.2.7)	The BA indicates that golf course staff must immediately report detection of any CRLF or SFGS and attempt to prevent harm to the individual(s). In addition, staff training will address conditions that require cessation of work and notification of a biological monitor. (2.3.31, 2.3.22)	No effect on species.
19	Management of vegetation in roughs located adjacent to wetlands will require special attention. In the absence of specific information, these areas are considered occupied by CRLF and SFGS. As such, unsupervised, broad-scale mechanical cutting activities are not allowed. If management of ground vegetation in a rough adjacent to a wetland is required, the Natural Areas Program Manager will have a qualified biologist on site to survey areas immediately prior to work and observe the site until work is completed. Hand trimming of bushes and trees can be completed in these areas with prior approval of the Natural Areas Program Manager. As with virtually all other activities in the management zone, the timing of actions in roughs adjacent to wetlands will take SFGS and CRLF activity patterns into account. (6.2.8)	The BA indicates that all activities in the no mow zone must be overseen by the biological monitor. (2.3.23)	No effect on species.

[6] The action that restricted gopher control in the Management Area as described in the Compliance Plan, was determined to be unnecessary and could significantly affect the playability and feasibility of the course. If gopher tunnels are left untreated in areas of play (tees, greens and fairways), sections of the course would be rendered unplayable.

	Compliance Plan	Biological Assessment	Relative effect of the proposed action
20	All vehicles, including golf carts, will be restricted to the paved paths subject to compliance with the American with Disabilities Act. (6.2.9)	The BA indicates that vehicle use on the golf course will be reduced, and the Department will implement the 90-degree rule in areas adjacent to the Laguna Salada wetlands . (2.3.21).	No effect on species. This determination is made in light of the absence of empirical information that suggests that use of non-mowing vehicles consistent with the limitations set forth in the BA is likely to harm individual CRLF or SFGS at Sharp Park.7
21	Beginning in December of each year, qualified personnel (biologists or resource managers with experience in egg mass surveys) from the Department's Natural Areas Division will survey Horse Stable Pond, Laguna Salada, and the connecting channel for CRLF egg masses. The surveys will be performed on the three days immediately following each of the first three winter rain events of two inches or more. (6.3.1)	The BA establishes criteria for operation of water pumps. These include survey criteria. (2.3.16)	Either no effect or small beneficial effects on species. The criteria reflect knowledge gained managing the water pumps during past seasons that likely contributes to improved pump management.

[7]In limiting carts to paths only, the golf course is made less accessible to seniors and persons with impaired mobility. Such limitations may affect the economic viability of the course by making it a less desirable course to play. Restricting cart use to paths only is unnecessary in areas where CRLF and SFGS are not expected to occur. Golf cart limitations are proposed to follow a 90-degree rule in areas adjacent to sensitive areas. The implementation of a cart path only rule would have questionable beneficial effects for the species, inhibit course use by a subset of the population, and likely have an economic cost.

	Compliance Plan	Biological Assessment	Relative effect of the proposed action
22	Once egg masses are detected, water levels will not be manipulated by Department personnel such that egg masses would be exposed to air by active water management actions. Notes will he made regarding the location and depth of egg masses, as well other measurements that are routinely collected during egg mass surveys. The height of the water on the pump house gauge board will also be noted. (6.3.2)	The BA establishes criteria for operation of water pumps. These include criteria following egg mass detection and guidance regarding data collection. (2.3.16)	Either no effect or small heneficial effects on species. The criteria of operation in the BA reflect knowledge gained managing the water pumps during past seasons that likely contributes to improved pump management.
23	Once a CRLF egg mass is found, the Natural Areas Program Manager will immediately contact the Superintendent of Structural Maintenance and the Golf Division Manager. In the event that any one of these personnel are not at work or the positions are vacant, staff shall be assigned to these duties and these duties will be of the highest priority. The Natural Areas Program Manager will provide to the Superintendent of Structural Maintenance the target water level and corresponding gauge board reading for Horse Stable Pond that will keep the eggs masses submerged in water (i.e., water levels should remain at least one to two inches above the highest detectible eggs). (6.3.3)	The BA establishes criteria for operation of water pumps. These include criteria following egg mass detection. (2.3.16).	Either no effects or small beneficial effects on species. The criteria reflect knowledge gained managing the water pumps during past seasons that likely contributes to improved pump management.
24	The Superintendent of Structural Maintenance will dispatch a Stationary Engineer to adjust the pump station wet well probes on the pumps to the level identified by the Natural Areas Program Manager. The Superintendent of Structural Maintenance will contact the Natural Areas Program Manager and the Golf Division Manager when the probes have been set. (6.3.4)	The BA establishes criteria for operation of water pumps. These include criteria for pump adjustments. (2.3.16)	No effect on species or small beneficial effects on species. The criteria reflect knowledge gained managing the water pumps during past seasons that likely contributes to improved pump management.

	Compliance Plan	Biological Assessment	Relative effect of the proposed action
25	The large and/or small pumps will be set as needed to maintain the desired water level. In the event of a power outage, a backup generator will be used to power the pumps. The Natural Areas Program staff will continue to monitor the egg masses on a regular interval (approximately every two weeks) throughout the breeding season or as needed after heavy rainfall events that may trigger additional egg laying. Throughout this period, pumping may continue to prevent further flooding as long as water levels remain above the documented highest elevation of egg masses. (6.3.5)	The BA establishes criteria for operation of water pumps. (2.3.16)	No effect on species or small beneficial effects on species. The criteria reflect knowledge gained managing the water pumps during past seasons that likely contributes to improved pump management.
26	The Natural Areas Program Manager will revisit the site after the pumps have been adjusted (on a daily basis if required). If additional water level adjustments need to be made due to discovery of CRLF egg masses, the new gauge board reading will be communicated to Superintendent of Structural Maintenance and the steps outlined in Section 6.2.4 above will be implemented. These steps will occur until the stable water level is reached that will ensure that the egg masses remain properly submerged. Areas of the Golf Course may be flooded at this time and will remain flooded and unavailable for use by golf patrons until all known egg masses hatch out as determined by the Natural Areas Program staff. (6.3.6)	The BA establishes criteria for operation of water pumps. These include criteria for surveys following pump adjustments. (2.3.16)	No effect on species or small beneficial effects on species. The criteria reflect knowledge gained managing the water pumps during past seasons that likely contributes to improved pump management.
27	Once the Natural Areas Program Director has determined that all of the CRLF eggs have hatched, the Golf Course Manager and the Superintendent of Structural Maintenance will be notified and flood stage waters may be pumped off the course. Natural Areas Program staff will monitor the dewatering in order to ensure that CRLF tadpoles are neither being stranded by the receding waters nor drawn into the pump. Pumping will be halted if tadpoles are deemed at risk. (6.3.7)	The BA establishes criteria for operation of water pumps. These include criteria once all CRLF eggs have hatched. (2.3.16)	No effect on species or small beneficial effects on species. The criteria reflect knowledge gained managing the water pumps during past seasons that likely contributes to improved pump management.
28	The use of K-O-G herbicide containing dicamba has been discontinued on the entire golf course, and weed control will be accomplished by hand picking. (6.4.1)	The BA indicates that the City does not anticipate the need to use any chemical pesticides on the golf course. (2.3.20)	No effect on species.

	Compliance Plan	Biological Assessment	Relative effect of the proposed action
29	Only two inorganic fertilizers are used, one on the greens in winter and one on the tees, their use will be discontinued. All fertilizers used on the entire golf course will be organic of June 2009. (6.4.2)	The BA indicates that limits will be imposed on the type and location of fertilizer use. (2.3.19)	No effect on species.
30	No comparable action.	Removal of sediments and emergent vegetation within the HSP wetland near the intake structure in order to reduce obstructions to water flow to the pump intake and to enhance breeding habitat for the CRLF. Approximately 435 cubic yards of sediment in an area of approximately 5,900 square feet (0.14 acres) would be removed. Approximately 2,350 square feet (0.05 acres) of this 5,900 square foot area is occupied by cattails and bulrush; the remaining area is open water. (2.2.1)	Beneficial effects on species in light of minimization and mitigation measures for construction activities. The beneficial effects will result from CRLF breeding habitat enhancement.
31	No comparable action.	Removal of sediment and emergent vegetation that impedes water flow and reduces habitat suitability for CRLF in select locations within the connecting channel and culverts that link HSP and LS. This removal work would not exceed 480 cubic yards of removed sediment and vegetation, within an area of approximately 6,500 square feet or 0.15 acres. (2.2.1)	Beneficial effects on species in light of minimization and mitigation measures for construction activities. The beneficial effects will result from CRLF breeding habitat enhancement.
32	No comparable action.	Installation of steps leading down the slope from the access road to the pumphouse and the intake structure (approximately 47 square feet or 0.001 acres). A fence with a locking gate will restrict access to the steps and boardwalk. (2.2.1)	No effect on species in light of minimization and mitigation measures for construction activities.

	Compliance Plan	Biological Assessment	Relative effect of the proposed action
33	No comparable action.	Construction of a walkway on concrete support structures around the front of the pump intake box. This walkway, which will be approximately 42 feet long at the perimeter and 4.6 feet wide, will wrap around the intake structure. The walkway will be made of wood and supported by approximately 6 concrete support structures to be placed in the water (approximately 6 square feet). It is anticipated that the footings will be placed by installing cylindrical metal casings into the water, dewatering and excavating sediment from the inside of the casings and then filling the casings with concrete. If feasible, a secondary screening system may be installed below the walkway surface and between the pilings to further reduce the amount of detritus, such as dead floating cattails, from entering the pumps. It is anticipated that if feasible the secondary screening system will be similar to the existing screens that separate the pump from the pond. This screen is a metal mesh with holes measuring approximately one inch by one half inch. It is estimated that this component of the project will require the placement of approximately 1.2 cubic yards of fill (concrete) in wetlands and waters of the United States. (2.2.1)	Either no effect or small beneficial effects on species in light of minimization and mitigation measures for construction activities. The beneficial effects will result from additional screening, if feasible.
34	No comparable action.	Replacement of the failing wooden retaining wall next to the pumphouse (at the base of the levee slope between the uplands and the wetland) with a concrete retaining wall to prevent further soil deposition from the uplands from entering the waterway. The retaining wall, which will measure approximately 12 feet long and five feet high, will be placed in jurisdictional wetlands and is estimated to result in 0.4 cubic yards of fill (approximately 6 square feet surface area). (2.2.1)	Small effect on species in light of minimization and mitigation measures for construction activities. The small effect stems from the low but non-zero statistical probability that construction could cause direct or indirect harm to individual CRLF or SFGS.

	Compliance Plan	Biological Assessment	Relative effect of the proposed action
35	No comparable action.	Repair of two cart paths (total of approximately 570 square feet or 0.01 acres) located adjacent to, but not within, the LS wetland. Repairs to the cart paths will involve moving the paths away from the wetland and into the golf course, installing interlocking pavers to support the downslope embankment and backfilling the area with drain rock to raise elevations. (2.2.1)	Small effect on species in light of minimization and mitigation measures for construction activities. The small effect stems from the low but non-zero statistical probability that construction could cause direct or indirect harm to individual CRLF or SFGS. This may be offset by a reduction in off path cart use in the vicinity of the two areas where repairs are proposed.
36	No comparable action.	During and following completion of the Project, if CRLF egg masses are determined to be at risk because they are deposited in ephemeral swales or in other conditions that are not sustainable, an SFRPD biological monitor with the Natural Areas Program will apprise USFWS of the situation, and provide USFWS with an opportunity to request that the City implement protective measures such as bending vegetation to adjust the egg mass to the water level or relocating egg masses to more sustainable habitats. (2.3.17)	Beneficial effects on species. The extent of active management for the benefit of CRLF was limited under the Compliance Plan by the absence of take coverage under section 7 for such active management.

	Compliance Plan	Biological Assessment	Relative effect of the proposed action
37	No comparable action for the portion of Sharp Park that is east of the Pacific Coast Highway.	Routine annual surveys for potentially detrimental non-native invasive animal species, particularly bullfrogs, predatory fish and non-native turtles, will be scheduled and supervised by the Natural Areas Program biological monitor. Monitoring surveys for bullfrogs would be conducted in the spring and could consist of searches for egg masses, calling surveys and visual surveys. If individuals of potentially destructive animal species are encountered, control methods will be developed and, with USFWS approval, implemented. Among the methods that could be employed include draining of the water body (Arrowhead Reservoir), hand removal of egg masses, dipnetting for tadpoles and culling of adults. These control activities would be conducted by a USFWS-approved biologist. (2.3.30)	Beneficial effects on species. Active management of Sharp Park east of the Pacific Coast Highway, including in areas other than the golf course, was limited in the past. Such active management can improve habitat conditions for CRLF and SFGS.

	Compliance Plan	Biological Assessment	Relative effect of the proposed action
38	No comparable action.	The SFRPD will construct a perennial California red-legged frog pond approximately 150 square meters in size and similar in scope and design to the breeding pond constructed by the Golden Gate National Recreation Area (GGNRA). The design and site selection will be provided to the Service for review and approval nine months from the date of issuance of the biological opinion. Construction of the California red-legged frog pond will occur within two years and nine months of issuance of the biological opinion. San Francisco Parks Department will monitor the pond for breeding success by surveying for egg masses on an annual basis and documenting habitat conditions for a period of five years following pond construction and this information will be provided to the Service and the GGNRA (2.3.33)	Beneficial effect on species by creating new breeding habitat for CRLF.

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August 5, 2014

Ms. Stephanie Rexing
Central Coast District Office
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Benefits of the Sharp Park Pumphouse Safety Project for the California Red-legged frog and San Francisco Garter Snake

Dear Ms. Rexing:

I am writing with respect to the Sharp Park Pump House and Safety Infrastructure Improvement Project. By way of background, as you presumably know, the Project site contains an 18-hole golf course, an approximately 27 acre wetland complex, an archery range, a remediated former rifle range, a clubhouse, parking lot, and extensive natural areas. The wetlands complex is composed of Laguna Salada, Horse Stable Pond, a channel that connects the two water bodies, and adjacent wetlands. A seawall on the western boundary of Sharp Park eliminated the historical hydrologic connection between the Pacific Ocean and the wetlands complex. The wetlands likely are maintained by ground water but are also fed by surface water inflow due to precipitation in the winter. Pumps at the southwest end of Horse Stable Pond can be operated to adjust water levels in that body, and they may affect water levels in Laguna Salada when the channel connecting the two water bodies creates a surface water connection between them. The pump system consists of a large pump (rated 10,000 gpm) and a small pump (rated 1,500 gpm) located in a pumphouse and pipes built through the seawall to an outfall. The Park and golf course have been in continuous operation since the late 1930s.

The Project includes four components that affect Coastal wetlands: (1) installation of steps downslope from an existing access road to the existing pumphouse at HSP as well as the replacement of a retaining wall and installation of a walkway on concrete support structures around the front of the pump intake box to provide safer working conditions for San Francisco Recreation and Park Department personnel that maintain the pumphouse; (2) removal of vegetation and sediment to enhance habitat for the California red-legged frog and allow for continued operation of the pumps; (3) additional habitat creation and restoration activities consistent with direction from the U.S. Fish and Wildlife Service in its 2012 Biological Opinion for the Project and (4) the relocation of a section of golf cart path that is currently in a wetland to the adjacent uplands.

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For the past seven years, I have advised the San Francisco Recreation and Park Department with respect to management of sensitive species at Sharp Park. Over the preceding sixteen years, I participated in numerous surveys and coordinated among the San Francisco Recreation and Park Department and other entities including the U.S. Fish and Wildlife Service, National Park Service, Golden Gate Parks Conservancy, and Peninsula Open Space Trust, and California State Parks, for California red-legged frog, San Francisco garter snake, and other sensitive species at Sharp Park and in the surrounding area including Mori Point, the Calera Creek Watershed and along coastal San Mateo County. Thus, I have well over 25 years of experience working with sensitive species in the area. I have published and/or prepared many technical reports on the California red-legged frog and San Francisco garter snake. I consulted closely with the San Francisco Recreation and Park Department as it developed the Sharp Park Pump House and Safety Infrastructure Improvement Project.

The Project components described above, taken as a whole, will significantly benefit the California red-legged frog and San Francisco garter snake. The actions being taken at the Sharp Park wetlands (sediment removal, maintenance of open water habitat) are concepts designed and implemented at many other locations as critical recovery and enhancement actions. In addition, water management through pump operations supervised by the Natural Areas Manager for the San Francisco Recreation and Park Department will benefit the California red-legged frog by maintaining appropriate water levels and decreasing large fluctuations during winter months (rainy season) when the species is breeding. This is beneficial because survivorship decreases if egg masses become stranded above water or are at too great a depth below water. It will also reduce the likelihood of seasonal ponding on the golf course. This is beneficial because frogs will then tend to deposit egg masses in the more perennial water bodies where the species can survive to maturity rather than seasonal pools where they are subject to desiccation.

It is also the case that the Project benefits the species because cattail, bulrush, and sediment removal will increase open water and shoreline habitat in Horse Stable Pond, particularly breeding habitat for the frog. The vegetation removal is necessary to create near-term open water and shoreline habitat, and the sediment removal is necessary in order to retard the rate at which vegetation proliferates in Horse Stable Pond. In addition, the vegetation and sediment removal will create a more reliable hydrological connection between Horse Stable Pond and Laguna Salada. The availability of more high quality breeding habitat at Horse Stable Pond and in the connecting channel will increase the carrying capacity of the area for frog and may help to minimize the use of the areas of short-term ponding on the golf course. All of this, in turn, benefits the snake by increasing the prey base in the aquatic habitats and making the most optimal foraging habitat structure (shallow open water at the shallow sloped edges of HSP) available to neonates and juvenile snakes.

The relocation of the cart path from within a wetland and active breeding site for the California red-legged frog will also increase habitat and reduce potential disturbance of the species.

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Finally, the pond creation and upland habitat restoration conditions imposed by the U.S. Fish and Wildlife Service are expressly intended to benefit the frog and snake. I am working with San Francisco Recreation and Park Department and Fish and Wildlife Service staff, in coordination with National Park Service staff who manage the Golden Gate National Recreation Area, to ensure these efforts yield the greatest possible benefit for the species.

Active management to benefit the listed species may appear intrusive. But both the frog and the snake are conservation reliant species dependent on active management intervention to enhance the likelihood of their survival and recovery. Numerous imperiled species, particularly those embedded in urbanized landscapes, require active management to assure their persistence. Absent the seawall constructed many decades ago, the entirety of Sharp Park would periodically become inundated with saltwater, rendering it uninhabitable by either the frog or the snake, which cannot tolerate saline conditions. The need for active management is well-established by the efforts undertaken by the National Park Service adjacent to Sharp Park, which include the construction of new breeding ponds and wooden boardwalks, pesticide application, and reestablishing lost native plant species. Implementation of the Project will compliment ongoing management activities undertaken by the National Park Service at Mori Point, which are benefitting the local populations of both species.

If you have any questions or need further information, feel free to contact me.

Sincerely,

Karen E. Swaim

Karen E. Swaim
President/ Herpetologist

Mark R. Jennings
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#16,327
September 12, 2012

Ryan Olah, Chief
Coastal Division Branch
U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
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Jane Hicks, Chief
Regulatory Division
U.S. Army Corps of Engineers
San Francisco District
1455 Market Street, 16th Floor
San Francisco, CA 94103

Subject: Review of Dr. Marc P. Hayes's Memo Regarding Sharp Park Biological Assessment Report

Dear Mr. Olah and Ms. Hicks:

Recently, I received a copy of the 27 August 2012 memo written by Dr. Marc P. Hayes to the U.S. Fish and Wildlife Service and the Army Corps of Engineers regarding his review of the biological assessment report ("BA") for the "Sharp Park Safety, Infrastructure, Improvement, and Habitat Enhancement Project." In reviewing his memo, I find that I disagree with his overall conclusion and many of his statements.

I am well qualified to comment on this BA and Dr. Hayes's memo based on my extensive experience over the past 22 years in dealing with BAs at all levels, including gathering data, writing BAs, giving presentations of BAs to USFWS personnel, and implementing the guidelines in issued Biological Opinions of the USFWS as an approved, officially designated, biologist. Such work has covered a number of federally-listed California amphibians and reptiles, including the California red-legged frog (*Rana draytonii*; "CRLF") and San Francisco gartersnake (*Thamnophis sirtalis tetrataenia*; "SFGS"). In addition, I have attached copies of my recent expert declarations submitted in the *Wild Equity Institute et al. v. City and County of San Francisco, et al.* litigation ("Sharp Park lawsuit"), as well as my expert report, all of which document my expertise, as well as my intimate familiarity with Sharp Park Golf Course ("Sharp Park").

My comments to the BA are as follows (and track the letter subscripts from Dr. Hayes's memo):

a. The Project will not harm SFGS and CRLF habitat; rather, a lack of pumping and active management will actually result in decreased species populations. I disagree with Dr. Hayes's claim that vegetation removal will only remove dense, tall emergent vegetation from moderately deep to deeper water where no oviposition typically occurs. Rather, vegetation removal will remove dense, tall emergent vegetation at all water depths to approximately 3-4 feet in water depth, thus increasing the area for all life stages of CRLF to utilize and allowing less dense aquatic vegetation such as silverweed (*Potentilla* spp.) to grow. The latter type of vegetation will continue to provide a suitable brace for CRLF oviposition. The BA is not proposing to scrape the margins of Laguna Salada and Horse Stable Pond clean of all aquatic vegetation on a regular basis. Rather, it is changing the current situation of a dense mat of tall emergent vegetation around the margins to one of low growing, less dense, aquatic vegetation that will certainly provide habitat and cover for all life stages of CRLF including larvae and juveniles.

Further, CRLF do oviposit in deep water (which I document in my attached declarations) and the lack of such records at Sharp Park may be due to the difficulty of seeing egg masses in deeper water during survey efforts as a result of high levels of turbidity.

b. Pumping activities have benefitted CRLF & SFGS. Pumping at the golf course is an integral part of golf course management and prevents flooding of adjacent urban areas. Dr. Hayes's comment that pumping at Horse Stable Pond resulted "in partial or complete take of variable numbers of CRLF egg masses" is speculation. There are no data available to support his statement. In fact, the number of CRLF egg masses laid annually at Sharp Park has actually increased in recent years.

Additionally, Dr. Hayes's statement that "pumping also has the potential to entrain both the larval and post-metamorphic stages of the CRLF" at Horse Stable Pond is misleading. This claim has been asserted in the Sharp Park lawsuit, but no data show that this is actually occurring. Until such data are presented, this statement remains purely speculative.

c. Golf cart traffic on and off pathways will not adversely affect CRLF & SFGS, and such traffic has been properly mitigated. I have been conducting CRLF and SFGS observations at Sharp Park for over 21 years and have never seen any documentation to support Dr. Hayes's allegations that golf cart use is negatively impacting the species. Golf cart use is an important part of the golf course experience at Sharp Park. However, the BA estimates that only 30%-40% of the golf course rounds utilize motorized golf carts. That means 60%-70% of the golf course rounds are by foot traffic. The constant passing of people on the golf cart paths (whether they be on foot or by cart) keeps up a high degree of disturbance that would preclude amphibians and reptiles from utilizing golf cart paths for any length of time during the hours that the golf course is open.

d. Early morning mowing will not negatively affect CRLF and SFGS. Mowing is an integral part of golf course management and is practiced at all golf courses where CRLF and SFGS are present. Based on my first-hand experience with CRLF at golf courses, juveniles and adult CRLFs come out at night to forage on greens and fairways (especially when the sprinklers

are on). I have never seen a SFGS active during the nighttime hours. Juvenile and adult frogs tend to avoid greens and fairways during the daylight hours when they would be exposed to potential predation. Mowing during the morning hours is the best option for keeping the greens and fairways maintained and limiting the potential for a take of CRLF or SFGS.

e. The removal of low quality habitats will benefit CRLF. If CRLF are currently laying their egg masses in shallow water habitats at Sharp Park that dry up before the larvae have metamorphosed, then this is low quality, or "low value" habitat. This situation has already occurred at Sharp Park in aquatic habitats that are not affected by pumping activities. The removal of such habitats will benefit CRLF by ensuring that adult frogs only breed in aquatic habitats where water levels are sufficient to allow enough time for larvae to reach metamorphosis. In addition, the removal of these low quality habitats will benefit juvenile and adult CRLF by preventing them from utilizing such shallow water habitats as potential escape corridors from mammalian and avian predators, when in fact these areas would only make CRLF more vulnerable to predation.

f. Activities proposed in the BA will not negatively impact recovery work at Mori Point. No data are provided to support Dr. Hayes's contention that Sharp Park vegetation removal will impact Mori Point CRLF population and there is no logical reason as to why it would. Rather, the BA egg mass data indicate that CRLF populations have increased over the years at Mori Point <u>and</u> in the Horse Stable Pond/Laguna Salada complex.

g. It is inappropriate, and potentially risky, to compare previously issued Biological Opinions for adjacent properties to the terms of this BA. While I have not reviewed the prior BiOps relied upon by Dr. Hayes, one has to be cautious comparing previous Biological Opinions from adjacent projects with to the present BA. What is readily apparent, however, is that the present BA is based on the best available scientific information about SFGS and CRLF, and that the project and associated measures will benefit both species.

Overall, it is my professional opinion that the impacts referenced by Dr. Hayes have been properly addressed in the BA. Therefore, such actions will not reduce the survival and recovery of CRLF and SFGS in the wild at Sharp Park and surrounding areas.

Thank you for considering my comments. Please feel free to contact me if you have any questions about this letter.

Sincerely,

Mark R. Jennings
Herpetologist and Fisheries Biologist

Th 8g

Rexing, Stephanie@Coastal

From: Jenny Crofton <jcrofton@wildequity.org>
Sent: Monday, April 13, 2015 4:44 PM
To: Rexing, Stephanie@Coastal
Subject: Sharp Park hearing 4/16
Attachments: ccc hearing petition signatures 4.jpg; ccc hearing petition signatures 3.jpg; ccc hearing petition signatures 1.jpg; ccc hearing petition signatures 2.jpg

Hi Stephanie,

Here are the petition signatures I mentioned sending along to you. Thanks very much for helping us get these to the Commission!

Best,

--
Jenny Crofton
Community Organizer
Wild Equity Institute
(510) 520-0173

Wetland Equity

I support the preservation and protection of the Sharp Park wetland. These wetlands should not be dredged as they provide valuable habitat for endangered species. The City of San Francisco should stop its ongoing degradation of this ecosystem. The California Coastal Commission should take all possible steps to curb this unacceptable degradation.

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Wild Equity

I support the preservation and protection of the Sharp Park wetland. These wetlands should not be dredged as they provide valuable habitat for endangered species. The City of San Francisco should stop its ongoing degradation of this ecosystem. The California Coastal Commission should take all possible steps to curb this unacceptable degradation.

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Hannah Chia	2212 Clement St SF CA 94121	[illegible]	[illegible]

Equity

I support the preservation and protection of the Sharp Park wetland. These wetlands should not be dredged as they provide valuable habitat for endangered species. The City of San Francisco should stop its ongoing degradation of this ecosystem. The California Coastal Commission should take all possible steps to curb this unacceptable degradation.

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Anne Romero	2864 Folsom SF 94110		Anne@Romerosf.com

Equity

I support the preservation and protection of the Sharp Park wetland. These wetlands should not be dredged as they provide valuable habitat for endangered species. The City of San Francisco should stop its ongoing degradation of this ecosystem. The California Coastal Commission should take all possible steps to curb this unacceptable degradation.

Name (Please Print Legibly)	Address	Phone Number	Email
Hannah Emple	1255 11th Ave SF 94122		hannah.emple@gmail.com
Dustin Wells	4200 3rd St #306	SF CA 94124	Dusty.wells@gmail.com
Gary Elzy	551 Turk St 710	SF CA 94102	gelzy1@yahoo.com
SIMON WALKER	935 Innes Ave	SF 94124	bok.choi@gmail.com
Barbara Ockel	66 Hawthorne Ln	SF 94124	barbaraockel@comcast.net
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John C. Scott	1562 Van Dyke Ave	SF CA 94124	johnscottconsulting@comcast.net
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Bruno Flores	600 Folsom St	SF, CA 94105	bruno@codames.com
Gaylene Newquist	66 Bridgeview DR	SF, CA 94129	gaylene.newquist@att.net
J Burton	1328 Quesada Ave	SF CA 94124	janburden@hotmail.com
Mark Morey	PO Box 40123 SF 94140		markmor@gmail.com

Th8a

Rexing, Stephanie@Coastal

From: Elaine Clark <skudoo1@aol.com>
Sent: Monday, April 13, 2015 3:05 PM
To: Rexing, Stephanie@Coastal
Subject: Save the frogs.

I am urging the California coastal commission not to give in to San Francisco to drain the sharp park wetlands. Our wild life (frogs) are more precious than another golf course. I urge you to do what is right and not listen to money and greed.

Sent from my iPhone

Th 8a

Rexing, Stephanie@Coastal

From: Toni Newman <toni.newman@sbcglobal.net>
Sent: Friday, April 10, 2015 10:17 AM
To: Rexing, Stephanie@Coastal
Cc: Dr. Kerry Kriger Save The Frogs
Subject: SAVE CA Red-Legged Frog

Dear Ms. Rexing and the Coastal Commission:

Please deny the City of San Francisco's request to drain or dredge the Sharp Park Wetlands. We have only one planet and one opportunity to save the California Red-Legged Frog and the San Francisco Gater snake. Dredging the wetlands removes the emergent vegetation and would further degrade the frog's habitat leaving the frog egg masses stranded on dry land.

Golfers have many other opportunities to golf in many other locations, our frogs have fewer chances to survive let's do the right thing and save the California Red-Legged Frog and its habitat.

Thank you.

Toni Newman
2000 Whitman Way
Sacramento, CA 95822
916-395-3808

Th8a

Rexing, Stephanie@Coastal

From: Gary Bailey <tigergary@earthlink.net>
Sent: Friday, April 10, 2015 10:09 PM
To: Rexing, Stephanie@Coastal
Subject: Sharp Park

Dear Ms. Rexing and Coastal Commission:

Please do not allow San Francisco to degrade or destroy the wetlands in Sharp Park with actions such as draining or dredging, because that would destroy the critical habitat of endangered red legged frogs and imperiled San Francisco garter snakes. Protecting threatened and endangered species must be the highest priority.

Thank you,

Gary Bailey

941 W. Cardinal

Sunnyvale, CA 94087

Th 8a

Rexing, Stephanie@Coastal

From: cgjanzen@comcast.net
Sent: Friday, April 10, 2015 9:28 PM
To: Rexing, Stephanie@Coastal
Subject: Shark Park Wetlands

(I accidentally hit send instead of save, so my first e-mail was in draft form.)

Dear Ms. Rexing and Coastal Commision:

It's hard to understand why the City of San Francisco thinks it's in the community's best interests to use public funds to pump the Sharp Park Wetlands out to sea to keep the land dry for a money-losing, water sucking golf course. Don't you think it makes more sense to keep this extremely valuable wetland intact since it is home to the state of CA's official state amphibian and many other animals who die off when their home is pumped out to sea? Destroying this wetland is foolish any time, but especially now that CA is in the middle of a lengthy drought. Not sure how wasting money on golf courses is the best use of the dwindling water supply.

Please quit kowtowing to the golf industry and whoever else thinks golf courses are more important than saving wetlands and start paying attention to the consequences of your actions. The frogs are dying off all over the world because of pollution, habitat degradation and climate change. You have the power to save the California Red Legged frogs in SF, so I hope you do so and deny this permit.

Sincerely,
Gayle Janzen

Th8a

Rexing, Stephanie@Coastal

From: russweisz@baymoon.com
Sent: Sunday, April 12, 2015 8:12 PM
To: Rexing, Stephanie@Coastal
Subject: Please deny the City of San Francisco's request to drain or dredge the Sharp Park Wetlands

Please deny the City of San Francisco's request to drain or dredge the Sharp Park Wetlands. The City of San Francisco should not get a permit to dredge and drain the Sharp Park Wetlands, which would leave frog egg masses stranded and dying as the fresh water gets pumped out to sea.

thanks,
Russell Weisz
319 Laguna St.
Santa Cruz CA 95060
russweisz@baymoon.com

Th 8a

Rexing, Stephanie@Coastal

From: mmeadows@sga.net
Sent: Friday, April 10, 2015 10:43 AM
To: Rexing, Stephanie@Coastal
Subject: Please Deny The City of San Francisco's request to drain and dredge Sharp Park Wetlands

Dear Ms. Rexing,

It would irresponsible to allow the City of San Francisco to drain and dredge the Sharp Park Wetlands. Your decision will be one of the most important for frog conservation in San Francisco's history. If you approve the permit, it may lead to the extinction of two of California's most iconic species: the endangered California Red-Legged Frog (the official state amphibian) and the imperiled San Francisco Garter Snake.

The City of San Francisco, so forward thinking in many other areas, is archaic in their belief that destroying a habitat, for golf course of all things, is something that is wanted by the majority of their citizens. You're destroying a piece of this earth that will be lost forever. For what? An declining sport (see http://time.com/money/2871511/golf-dying-tiger-woods-elitist/ <http://time.com/money/2871511/golf-dying-tiger-woods-elitist/>). It's simply an elitist sport that is too expensive for the average guy.

Dedging and draining the Sharp Park Wetlands <http://org2.salsalabs.com/dia/track.jsp?v=2&c=4zxvSntARcHOEkIDK4%2BjppNDBBdEm5Hy> would leave frog egg masses stranded and dying as the fresh water gets pumped out to sea. The frogs are counting on you to make the right decision because they cannot defend themselves! Please do what is best for the environment and for the majority of the citizens. <http://org2.salsalabs.com/dia/track.jsp?v=2&c=AKmmdTGslkXOqBO%2FDGTh2JNDBBdEm5Hy>

Please save us!

Red-Legged FrogSan Francisco Garter Snake Photo of California Red-Legged Frog (Rana draytonii) courtesy Neosha Kashef

Mindy Meadows