CALIFORNIA REGIONAL WATER
APR 13 2010
QUALITY CONTROL BOARD

Mayor Gavin Newsom
Philip A. Ginsburg, General Manager

April 7, 2010

Ms. Jan O'Hara
SF Bay Regional Water Quality Control board
1515 clay Street, Suite 1400
Oakland, CA 94612

Dear Ms. O'Hara:

The San Francisco Recreation & Park Department submits the following comments responsive to your Public Notice regarding your intent to consider an amendment to the Water Quality Control Plan for the San Francisco Bay Basin (the Basin Plan) , specifically the addition of water bodies and beneficial uses to Chapter Two of the Basin Plan. Both comments refer to the beneficial uses proposed for inclusion to water bodies under the jurisdiction of the San Francisco Recreation & Park Deparment in Appendix A of the Proposed Basin Plan Amendment.

Comment 1 – Golden Gate Park lakes

The San Francisco Recreation & Park Department does not concur in designating REC-1 as a beneficial use for Golden Gate Park Lakes as proposed on page 6 of Table 2-1 (Existing and Potential Beneficial Uses of Water Bodies in the San Francisco Bay Region)

Justification: REC-1 as defined in Appendix A is *use of water for recreational activities involving body contact with water where ingestion of water is reasonably possible. These uses include but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, whitewater activities, fishing, and uses of natural hot springs.* All Golden Gate Park lakes are man-made and were designed and constructed as landscape water features to enhance the park experience by incorporating water as a visual landscape element – not as an active recreation venue. The lakes were constructed over 100 years ago with clay-lined bottoms to hold water within these man-made water features and to permit naturalistic water edges. The sandy soil beneath the lakes is highly permeable, so the integrity of the clay liner is absolutely critical. Since all of the lakes are shallow, active water contact activity in the lakes would have an immediate and destructive impact on the clay liners. Hence the existing REC-2 beneficial use designation is appropriate – the proposed REC-1 beneficial use is not.

To support and sustain the landscape feature purpose of these lakes, the San Francisco Park Code lists the following prohibition:

Park Code Section 4.02 SWIMMING RESTRICTIONS

No person shall enter, wade or swim in the waters of any lake, pond, pool, tank, fountain or reservoir in an park except where permitted by regulation or special permission of the Recreation and Park Department (Added by Ordinance 603-81, App. 12/18/81)

Further, the San Francisco Park Code expressly prohibits fishing in Golden Gate Park lakes as described in the following citation:

Park Code Section 5.08 DISTURBING ANIMALS, BIRDS, FISH PROHIBITED, EXCEPTIONS

Except as provided in Article 7, Chapter VIII (Police Code) of the San Francisco Municipal Code, it shall be unlawful for any person, including City and County of San Francisco, its officers, employees or agents, to hunt, chase, shoot, trap, discharge or throw missiles at, harass, disturb, taunt, endanger, capture, injure, or destroy any animal in any park, including the bison paddock, and the San Francisco Zoological Gardens, or to permit any animal in such person's custody or control to do so.....The provisions of the Section are intended to prohibit fishing in any park other than fishing in lake Merced pursuant to a license obtained pursuant to Article 8 of this Code or in any other area designated by Commission resolution as a fishing area....

Comment 2 – Islais Creek, non-tidal

The San Francisco Recreation & Park Department does not concur in designating COMM, WARM, or REC-1 as beneficial uses for Islais Creek, non-tidal as proposed on page 8 of Table 2-1 (Existing and Potential Beneficial Uses of Water Bodies in the San Francisco Bay Region). The Department does concur that the proposed REC-2 beneficial use is an appropriate beneficial use

Justification: COMM as defined in Appendix A is *uses of water for commercial or recreational collection of fish, shellfish, or other organisms including, but not limited to, uses involving organisms intended for human consumption or bait purposes.* Islais Creek is hydraulically disconnected from San Francisco Bay. The non-tidal portion of Islais Creek is three miles from the Bay and the reach between the creek and the bay is under a major regional highway. Therefore, there are no fish, shellfish or other organisms that exist in the creek. Additionally, the San Francisco Park Code expressly prohibits the collection of animals from parkland. See **Park Code Section 5.08,** excerpted above.

Justification: WARM as defined in Appendix A is uses of water that support warm water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates. Islais Creek's streamflow is not sufficient to support fisheries or other warm freshwater habitat. The creek is intermittently dry in the summer months and is hydrologically disconnected from San Francisco Bay and fishery source.

Justification: REC-1 as defined in Appendix A is *uses of water for recreational activities involving body contact with water where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, whitewater activities, fishing, and uses of natural hot springs.* Islais Creek is very narrow (one-foot wide in some locations) and not available for swimming, water-skiing, scuba diving and other active recreation activities described in REC-1. Water access is prevented in several locations by fences. Additionally, the San Francisco Park Code prohibits even shallow access to the waterway. See **Park Code Section 4.02,** quoted above.

I appreciate this opportunity to provide substantive agency comment on your proposed amendment to the Basin Plan. Should you have questions or need further clarification, please contact Dennis Kern, the San Francisco Recreation & Park Department Director of Operations, at (415) 831-2709 or dennis.kern@sfgov.org.

Sincerely,

Philip A. Ginsburg
General Manager

Cc:
Jane Lavelle, Public Utilities Commission