



SAVE WETLANDS

Newsletter of the Citizens Committee To Complete The Refuge

Newsletter Issue 42

Fall 2012

The year 2012 marks the 40th anniversary of the passage of the bill that established the Don Edwards San Francisco Bay National Wildlife Refuge. It seems appropriate to reflect not only on our successes and where we go from here, but also how our baylands would be different if the members of the South San Francisco Baylands Planning, Conservation and National Wildlife Refuge Committee, had not been successful.

Florence LaRiviere reflects: "If our determined group had not met in 1967, committed to establishing a national wildlife refuge on the Bay, I shudder to imagine the view from what is the Refuge Headquarters in Fremont today.

You probably couldn't get to that spot to begin with, because the upscale houses covering the hill would be gated. But suppose you were able to make your way through the buildings, then stand atop that hill to look around. To the west, residential developments for forty to fifty thousand people would be where the salt ponds exist there today. Then, turn around and look east; not one speck of green marsh would be visible where the buildings stop today; instead, solid development would stretch as far as the eye can see.

If that image doesn't shock you, drive down to Alviso, and climb the stairs at the handsome Education Center nestled in the winter marsh. The land would have been indefinitely exploited for industrial usage. Instead, there is a sight to feast your eyes on today, for not too far down the levee to the north you could see the tide rushing into the newly breached levee of Pond A-17. This is happening because dedicated citizens appealed to Congressman Don Edwards. With his help and the support of the public, Congress did give us this national wildlife refuge, and over time tens of thousands of acres currently utilized as salt ponds will be given back to the tides."

In this addition of "Save Wetlands", some articles will provide a glimpse into what might have been if not for the establishment of the Refuge.

And while this is a good time for reflection, we cannot forget what must yet be accomplished. Important parcels within the Refuge Expansion Boundary are under imminent threat of development, such as the 1,436 acres of salt ponds in Redwood City, and the Whistling Wings and Pintail Duck Clubs in Newark. The environmental consequences of losing these critical lands could be devastating for the bay ecosystem. These lands either support or are immediately adjacent to existing populations of endangered species, and represent unique opportunities to maintain high marsh zones as sea level rises. The upper reaches of the marsh are some of the rarest and most threatened habitats within the bay ecosystem, squeezed out by the encroachment of development from the landward side and sea level rise from the bay. In most of the south bay, high marsh or transition zones are restricted to narrow bands along the tops and outboard sides of levees. As we look to the future, we need to question whether "completing" the Refuge will be enough to preserve a healthy San Francisco Bay. Or whether there is an urgent and compelling need for us to look beyond those boundaries to other low-lying, undeveloped lands, if we hope to maintain the bay's biodiversity.



The efforts of the South San Francisco Baylands Planning, Conservation and National Wildlife Refuge Committee helped forever preserve this wonderful view.

Photo Courtesy of Sam High

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SaveWetlands In Mayhews

What if Mayhews Landing had been developed instead of being added to the Refuge?

The morning sun cast its warming rays over the pickleweed marsh and onto the eucalyptus tree where Rosalee Red Tail slept in her nest. Opening her eyes she took in the landscape below her. The dream last night had left her unsettled but morning brought relief. The nightmare was over and the marsh was quiet and dew kissed.

Rosalee had lived in her nest of Mayhews Landing for longer than she could remember. As a young hawk she had seen big machines tearing up the grasses and pickleweed. Pushing down trees and leveling burrowing owl nests. The sights and sounds of destruction sometimes occupied her dreams. Last night was one of them.

She had dreamed that her tree had been cut down and the nest smashed to pieces. Big machines and men walked through the marsh and plowed up pickleweed. Tidal water was drained. Open grasslands that snakes, lizards, mice, skunks, possums and raccoons called home were torn apart. The landscape was transformed in a flat dusty environment where nothing lived.

It seemed like overnight in Rosalee’s dream more trucks appeared carrying lumber and pipes. Some trucks had concrete. Before she could make sense of it all, houses were being built and a golf course taking shape. It soon seemed cars were everywhere and people were stuck in traffic. Dogs and cats

roamed freely in what had been Rosalee’s neighborhood.

The golf course was mowed and sprayed with pesticides to prevent butterflies from setting up homes. The deadly spray found its way into the nearby slough and soon fish and birds were dying. After only a few years the golf course began to die and no one came to play. All the grass had turned brown due to brackish water. There was a foul odor in the air.

It was not long before the houses became unkempt. People did not like living near a dead golf course that was home to mosquitoes and flies. There was more spraying to control insects but it was not enough. People gave up and left their houses. The neighborhood that was touted as an upscale enclave with a golf course worthy of professional players had come to an end. Weeds returned and a few possums and skunks wandered the abandoned streets.

As the sun warmed Rosalee’s feathers the horror of her nightmare faded. Instead Rosalee woke and took in the sights below her. She noticed the digging of skunks in search of grubs. Deeper in the grass were gopher snakes waiting for the sun to warm their scales. Butterflies searched for nectar in eucalyptus flowers. Ducks and shorebirds foraged in the marsh. It was a new day in Mayhews Landing.

Margaret Lewis
(510) 792-8291



Mayhews Landing residents
Photos Courtesy of Wayne Miller



San Francisco Baykeeper

We’d like to express our deep appreciation to the San Francisco Baykeeper for their efforts to protect the waters of San Francisco Bay for residents and wildlife alike. We have had a long working association with this organization and admire their courage, persistence, and tenacity in fighting to protect the bay from pollution. Baykeeper has been fearless in identifying and taking to task those who discharge damaging pollutants. Their efforts are effective because of the organization’s strong scientific integrity, and have resulted not only to a cleaner, healthier bay - as important, their actions discourage future degradation of this irreplaceable resource. We would also like to thank Baykeeper for their support of the efforts of the Citizens Committee to Complete the Refuge in protecting wetlands.

Photo Courtesy of Kate High



Fremont

A special “thanks” to Florence and Donna Olsen for sharing their recollections of the Carruf property.

Fremont residents have the luxury of driving a short distance to the Refuge headquarters. There one can climb the hill and take in wonderful vistas across the bay, view an abundance of migratory birds, and hear the song sparrows singing or the clapper rails calling to each other across the LaRiviere Marsh. It’s easy to take this wonderful privilege of public open space for granted, but Florence described what could have been. There wouldn’t be any sweeping vistas accessible to the general public as those views would be out of the backyards of a privileged few. Instead of hiking trails, there would be miles of concrete and asphalt. There certainly wouldn’t be any refuge for weary migratory shorebirds and waterfowl, or the endangered salt marsh harvest mouse and clapper rail. Nothing but continuous development would exist between the edges of San Francisco Bay and the hills of the East Bay. These losses are tangible as most of us regularly visit the Refuge headquarters, but there are other important wetland areas that have been added to the Refuge.

Portions of the Refuge are not open to the public, but instead provide important habitat functions. Florence and Donna Olsen recounted the awe inspiring discovery they made in the mid-1990’s as they (along with Stuart Guedon) walked the recently acquired Carruf property, now known as the Warm Springs Unit of the Refuge. They were cresting a low berm, on what they presumed to be mostly disturbed grasslands. What they saw on the other side was something no one would have predicted - a beautiful vernal pool, Downingia in full bloom and brilliant in the morning sun. Florence described the experience thusly, “Imagine walking through a grassland and coming upon these magical pools ringed by a carpet of brilliant blue and yellow flowers.” Donna says the image is forever etched in her memory and she is extremely grateful that was one day she remembered to bring along her camera.



Photo Courtesy of Donna Olsen

We now know, from historical ecology and soils studies, that the southern end of Fremont once supported vernal pool complexes. Additional vernal pool habitat was later discovered on the Pacific Commons property. The acquisition and restoration of these vernal pool complexes, permanently protects a unique habitat that support several federally listed threatened and endangered species such as the vernal pool

tadpole shrimp, the California tiger salamander, and Contra Costa goldfields. This habitat also supports the California burrowing owl, migratory and resident shorebirds, waterfowl, raptors, and songbirds. Without the permanent protection of the 275-acre Carruf property and over 390 acres of the Pacific Commons site, nothing would remain but a solid corridor of buildings stretching down into Milpitas, greatly diminishing the biodiversity of our bay ecosystem.

So the next time you take a walk out at the Refuge headquarters, or bird along the Pacific Commons Linear Park, stop to consider how fortunate we are that these lands have been protected.

Carin High
cccrrefuge@gmail.com



BaylandsConservation Committee

Since Measure E passed in November 2011, the City has been very busy evaluating various possibilities for processing organics in Palo Alto. In January, they are planning to issue a Request for Proposals for both in-city and export processes. In addition, the Regional Water Quality Control Plant is separately evaluating new processes for treating Sewage Sludge (Biosolids) as part of their 50 year Master Plan process. Pro-Measure E folks want the entire 10 acres of old garbage to be excavated and placed on the remaining 43 acres of park not yet opened to the public. This will delay opening the park for yet another year or more and require a very ugly park configuration. All of the various options for using the Measure E site include destruction of the existing wildlife corridor between the Bay and the Renzel Wetlands. The processes underway almost guarantees serious adverse impacts to the Park.

A project to re-align San Francisquito Creek for flood control is also moving forward. As part of that project, at least 4 acres of Golf Course land will be converted to soccer fields, no doubt requiring night lighting and other environmentally intrusive measures.

The City is pursuing a “Remediation” on the former Los Altos Sewage Treatment Plant site. This will result in loss of edge habitat as wetlands are consolidated.

Next year Palo Alto will assume control of the Palo Alto Airport and that will result in demands for more buildings at the gateway to the natural baylands.

All in all, it’s a bleak forecast for our Baylands.

Emily M. Renzel, Coordinator
marshmama2@att.net

Friends of Redwood City

What If There Never Was a Measure “O”?

Bair Island is on the way to becoming the jewel of the Refuge lands on the Peninsula. It’s actually three big islands with meandering sloughs, marshes and mudflats covering 2,600 acres. The inner island will be for wildlife as well as people, with several miles of trail for hiking, biking, and birding. This diamond in the rough, currently undergoing restoration almost became “South Shores”, a third installment of massive bayfill development on the Peninsula that started with Foster City and continued with Redwood Shores.

On election night in November of 1982, members of the Friends of Redwood City went to bed thinking their ballot measure to overturn the City Council’s decision to develop on Bair Island had failed. But the next day, their loss turned to victory when the final count showed the Measure “O” citizen’s referendum had won by 41 votes! Under the leadership of Ralph and Caroline Nobles, Sandra Cooperman, Nita Spangler and others, the hard work of the Friends of Redwood City had paid off.

In 1988, CCCR won their fight for Congressional authorization to expand the Refuge boundary to potentially include thousands of additional acres, including Bair Island. So when there was a willing seller in 1997, Peninsula Open Space Trust made the initial purchase. Bair Island was later transferred to the Don Edwards National Wildlife Refuge.



*Bair Island with Mount Diablo in the background.
Photo Courtesy of Matt Leddy*

The 1400 acres of remaining salt ponds in Redwood City are also within the designated refuge expansion boundary. Will these important ponds be filled for a mixed use “Cargillville”, or will they join Bair, Bird and Greco Islands to finally “complete the refuge” in along the western shoreline of the bay?

Gail Raabe and Matt Leddy
mtleddy@sbcglobal.net

Charleston Slough

When the well-known hydrologist, Phil Williams, flashed a slide on the screen and said, “This is Charleston Slough,” I immediately thought, “This fellow doesn’t know what he’s talking about.” What appeared was a pond, not the beautiful native cordgrass and premier clapper rail habitat that we knew as Charleston Slough.



The presentation was at the Lucy Evans Baylands Interpretive Center in Palo Alto, and Mr. Williams had been hired to study the city’s baylands for a master plan. He had projected the slide of the slough, which is in Mountain View, as adjoining the project he was studying.

The next day I drove down to the end of San Antonio Road to see for myself. I climbed over the old rail fence and headed out to the Slough--lo and behold, the most beautiful marsh in the South Bay, as it had been described by Santa Clara County officials, had disappeared under a sheet of water.

That was in 1975, and the saga of the restoration continues.

It was an ordeal to learn what had happened. A clue was the remnants of a 60 inch pipe that lay abandoned on the levee near the bayward end of the 100 acres slough. In its place, a 54 inch one had been installed at a different height through the levee. Perhaps the owner, Leslie Salt, had established a pond there at the request of the hunting club to which the site was leased?

That headed us down a path that still has not ended, some thirty five years after it began. Trips to San Francisco to the Corps of Engineers, and the Bay Conservation and Development Commission, and to the Mountain View City Hall followed. BCDC was approached by the city for a permit to pump water from the Slough into its jewel at the heart of Shoreline Park--its sailing lake, and the Commission demanded marsh restoration as mitigation.

In the midst of these maneuverings, Leslie gave the entire site to the City! Now the complicated restoration requirement fell to the City! There followed thousands, perhaps millions of dollars in a myriad of elaborate attempts to provide tidal exchange to the Slough that would bring about the requirement for the restoration of 50 acres of marsh. The Alsthrom and Nekton gates were installed at varying times, years went by, and Charleston Slough is still a pond at high tide and a mud flat, much used by birds, when the tide is out.

Where do we go from here?

Florence LaRiviere
florence@refuge.org

Florence LaRiviere Wins PrestigiousELI Award

In May, Florence LaRiviere was selected as the recipient of one of the most prestigious environmental prizes in the nation. Florence was awarded the 2012 National Wetlands Award, and named the Wetland Community Leader of the year, by the Environmental Law Institute headquartered in Washington D.C.

The National Wetlands Awards Program honors individuals who have demonstrated extraordinary commitment to the conservation and restoration of our nation’s wetlands. The awards program is administered by the Environmental Law Institute and supported by the U.S. Environmental Protection Agency, Federal Highway Administration, U.S. Fish and Wildlife Service, USDA Forest Service, NOAA Fisheries Service, and USDA Natural Resources Conservation Service.

“To win this award is quite special, but I am just one person. The results we have achieved are through the hard work of a wonderful, dedicated, knowledgeable group of people that I’ve had the pleasure to work with over the years. There are several traits that are vital if you are to be an effective environmentalist. One is caring. Another is to know what you are talking about by doing as much research as you can. And, you must not give up because there are some very discouraging times that you have to battle through. It takes a lot of time and a lot of energy, and occasionally you have wonderful successes. If you walk up

the hill at the Refuge in Fremont, and look around in almost all directions, you’ll see that there would have been building all the way to the edges of the bay and into the bay if we hadn’t put up ‘the fight.’ Sometimes there are things worth fighting for and when you win it is very rewarding.” [Florence LaRiviere]

Congratulations to Florence, and a huge “Thank you!” for being a mentor and inspiration to many in the environmental community.



Refuge 40th Anniversary Celebration



On a cold and cloudy (but rain-free) day in October, we gathered at the Environmental Education Center in Alviso to honor those who worked so tirelessly, passionately, and with great persistence to establish the Nation’s first national wildlife refuge in an urban area. It was a standing room only crowd that included local politicians, staff from numerous agencies, restoration consultants, and environmental advocates including some of the original - wait for it - “South San Francisco Baylands Planning, Conservation and National Wildlife Committee.”

Jon Ogilvie was presented a framed, hot-off-the-press, Milpitas topographic map depicting the location of the island that has been named in his father’s honor. Arthur Ogilvie was the Santa Clara County planner, who, alarmed at the rate at which

baylands were being lost to development, conceived of the inspired idea of establishing an national wildlife refuge in the southern portion of the bay. Ogilvie Island is located near the mouth of Coyote Creek.

Congresswoman Anna Eshoo and State Assemblyman Bob Wieckowski recalled their efforts, under the guidance of Congressman Don Edwards, to pass the bill to establish the Refuge. Jo Cazenave, representing Congressman Pete Stark, presented draft proclamations to Jon Ogilvie and Florence for their efforts to establish the Refuge. Mayor Gus Morrison, presented a proclamation to Florence acknowledging her efforts to conserve wetlands. Congressman Mike Honda, regaled us with a tale of an eventful fishing trip on the south bay and spoke of the importance of the Refuge not only for the preservation of wildlife, but also for the tremendous value provides residents of the Bay Area.

The event was skillfully emceed by Marge Kolar. Anne Morkill provided the historical background of the establishment of the Refuge. Florence, accompanied by Nancy Holmes, and Howard Shellhammer thanked all who had participated in the efforts to establish, expand, and protect the Refuge. She ended by reminding us all of the work yet to be done. John Bourgeois ended the ceremony by explaining what has been taking place with the South Bay Salt Pond Restoration Project and invited all to witness the breaching of the Pond A-17 levee.

The levee breaching was a most fitting ending to a memorable day, as we watched waters of the bay restored to lands that had for decades been cut off from its flows.

Additional pictures can be seen on page 9.

Tribute to Philip LaRiviere

Phil LaRiviere – Reminiscences of the Bay’s Citizen-Scientist Gadfly and Prophet Par Excellence
By Peter Baye, December 2012

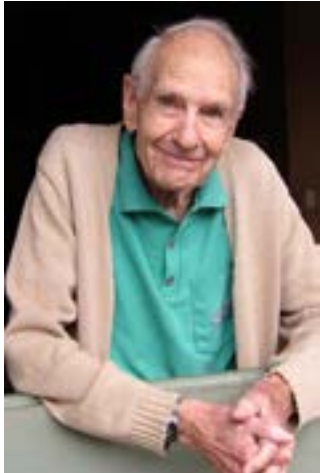


Photo courtesy of Stacie Ciaffredo

My personal memorial ceremony for Phil LaRiviere was to open up my old paper files for the 1990s on Sonoma Baylands, Charleston Slough and Cargill dredge permits. While re-reading years of Phil’s unofficial and official memos, letters, analyses, technical attachments, annotated aerial photos, and even his original cartoons, I basked in all their inspired, analytic, citizen-scientific glory.

Phil’s writings do a far better job of conveying his distinctive voice and analytic methods than I could by trying to describe or summarize them. His 1992 “Technical Critique of the Cargill Salt Submission” was one such example. It began “A careful reading of the subject submittal, and a few checks of the calculations, have revealed that....there are more than a few errors or discrepancies in the numbers presented”, and after pages of enumerating and explaining each and every one of them, he chided the authoritative scientific consultant work as being a “display of wishful thinking, rather than serious treatment of the data reported.”

Of all the causes that inspired Phil’s correspondence with me over many years, Sonoma Baylands stands out as the focus of his passionate and widely misunderstood scrutiny. As Phil and Florence quoted themselves in a 1996 letter, “We want the wetland creation part of the project to succeed!...Let’s not have a failure here!”.

The failure that Phil would spend more than a decade warning about, as a lone (but correct!) voice of the wetland advocacy community, was that contrary to design predictions, the project’s levee breach to tidal flows of the bay would quickly be choked. The proposed undersized ditches would not erode wide open in the predicted time of 3 to 5 years. This would defeat the official project purpose of achieving a “fully vegetated” salt marsh suitable for endangered species only 10 years after breaching. Phil pointed out the paradox: the accelerated time-line for “fully vegetated” tidal marsh was the project’s justification for using dredged material. Without the use of dredge material, it was predicted, that the project would take 50-75 years to become fully vegetated. Naturally, Phil was

alarmed when his re-analysis of channel and fill elevations for the proposed project didn’t confirm agency predictions.

Phil was old-fashioned in his manual methods of paper calculations, but later evidence proved all his concerns and criticisms were warranted. The tidal choking of Sonoma Baylands channels was significant for much more than 5 years, and the permit requirement for a “fully vegetated” marsh within 10 years of levee breaching, was not met by a long shot. (Just look at the current Sonoma Baylands restoration on Google Earth today, to see whether the permit-promise of fully vegetated tidal marsh by 2005 was kept.) The Sonoma Baylands pilot unit finally turned to marsh by the late 2000s, but the main unit today is *still* mostly mudflat, with fringing low cordgrass marsh.

The fact that the Sonoma Baylands eventually showed some signs of recovery from its tidal choking-induced developmental delays was cold comfort to Phil. He was frustrated, but completely undeterred, by what he perceived as high-handed, exclusionary agency stonewalling and rejection of his critical analysis.

One letter he wrote me in April 1994 stands out, when he was in full swing with Sonoma Baylands before it was constructed. It was just the purest Phil LaRiviere:

“I am constitutionally unable to sit by silently while we roll on toward another Kesterson, or Lake CDFG, or Rieber Plan. I will do everything in my power, and in the Committee’s power if it so wills, to beat some sense into this project. I am out on a limb now and going further...”

Phil’s metaphor of “beat some sense into this project” cut pretty close to the mark at times! Indeed he never sat by silently, and did everything in his power, to make wetland restoration projects succeed, whether their lead agencies wanted to listen or not!

A lot of policy was perceived to be at stake with Sonoma Baylands, and unquestioning cheers were what agencies were seeking. [I incidentally mentioned to a senior wetland official around 1996 that I routinely sent Phil photos and updates from the field about Sonoma Baylands to keep him updated and informed. He looked at me with the same mix of astonishment and horror that George C. Scott displayed in “Dr. Strangelove” when his character learned that the Soviet ambassador was allowed to see the big screen in the War Room!] It was not a fluke that Phil personally received defensive correspondence from the top executives of lead federal and state agencies. His analysis and opinions mattered a lot.

I think Phil has had a huge and lasting influence on wetland professionals’ “common sense” about tidal marsh restoration in the Bay Area. He was correctly convinced that the agencies weren’t listening to his caveats and predictions about Sonoma Baylands. Unfortunately, Phil was also stubbornly and wrongly convinced that agencies and wetland professionals didn’t notice that his predictions and caveats were later proven quite prophetic and correct. Of course, they could not officially acknowledge that a lone citizen-citizen equipped with pencil-and-paper analysis was correct, and agency policies, official

predictions, permit conditions, were simply wrong. But they did notice, as did an entire generation of wetland professionals working on a new generation of tidal wetland restoration projects orders of magnitude larger than Sonoma Baylands.

If there was one professional object-lesson that Phil instructed from his analysis of Sonoma Baylands and neighboring Carl’s Marsh, it was that one cannot gamble that tidal restoration will be successful if relying on the wildcard of erosion rates of undersized tidal breaches and undersized tidal ditch connections. These undersized features might not be capable of eroding through wide marshes to reach “equilibrium” size. Phil’s admonition was to avoid persistent choking of tidal flows from undersized channels, as this defeated the basic marsh restoration design goals of accelerating tidal mudflat-marsh succession. That acceleration is more important than ever today, with even greater sediment deficits and looming high rates of sea level rise.

I don’t know of any tidal restoration projects since Sonoma Baylands that have not conformed to Phil’s risk-avoidance strategy for tidal restoration designs. But because he never got an official acknowledgement from the agencies that his predictions and admonitions were correct, I know he thought nobody was listening to him. I don’t think Phil ever recognized (stubborn as he was!) that he actually prevailed in the larger arena of scientific opinion. Today his once-radical outcast view that full-sized tidal inlet channels are necessary from the start of breaching, are part of the received view – the tacit conventional common sense of a new generation of wetland professionals who were just kids when the Sonoma Baylands debate raged.

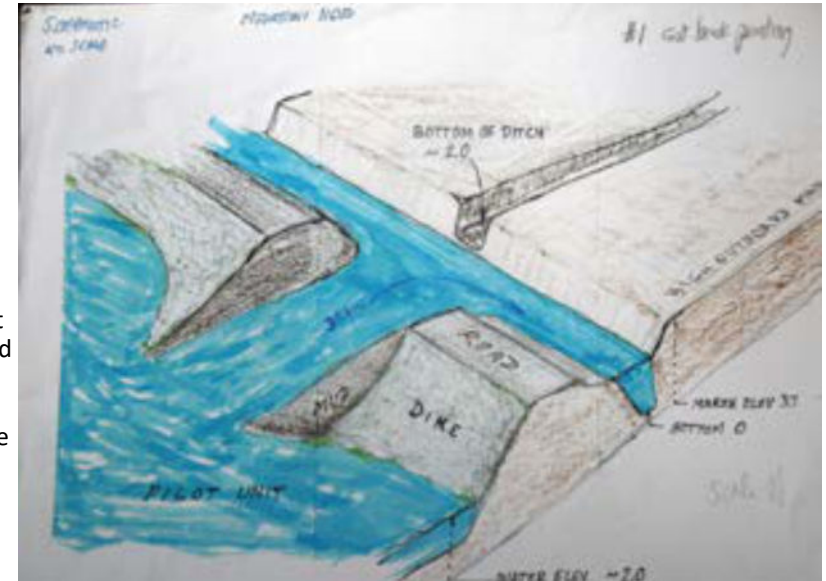
I believe Phil’s critique of Sonoma Baylands hydrology also motivated, at least in part, one PhD thesis – Stuart Siegel’s study of the neighboring twin “pilot” project with a full-blown tidal breach and no dredged material, at “Carl’s Marsh”.

There were other wetland scientists who felt Phil was probably right about Sonoma Baylands, before the evidence confirmed Phil’s original dissenting predictions about long delays in marsh habitat for endangered species as promised. Contrary to Phil’s public stance, they muttered private doubt in hallways after meetings. They were willing to defer to the official policy-enforced view that official “success” was just around the corner. Phil did not yield to false admonitions because of the huge courage of his (well-analyzed) and ultimately correct convictions. I will always have huge admiration for the civic and principled example he set.

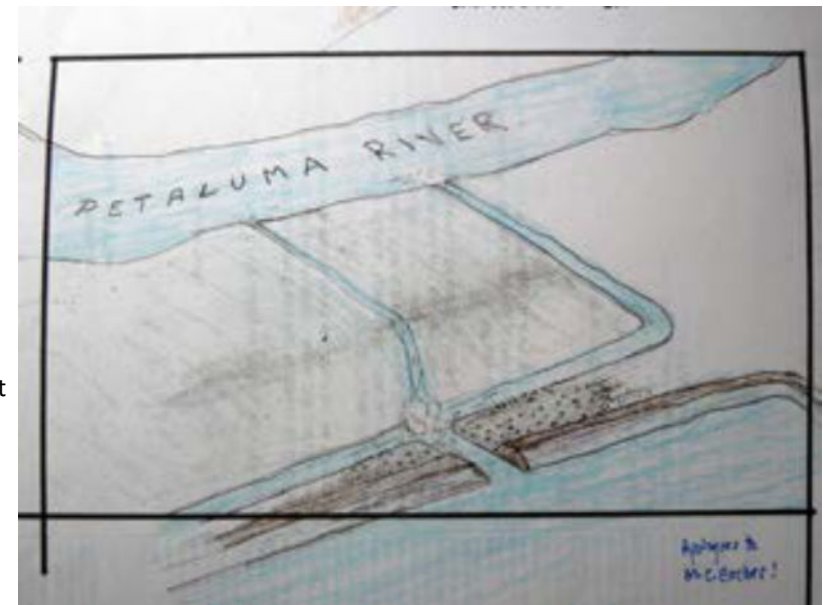
Personally, my favorite aspect of Phil is the least public aspect of his “swamp physicist” persona, it was his satirical silliness and absurd humor he used to offset the exasperation of his role as perennial tidal marsh pariah. The best examples are a pair of 1995 Sonoma Baylands illustrations, one public (to explain the problem), and one a witty private hydrological parody “with apologies to M.C. Escher”.

In all my years working professionally in regulation and management of the Bay’s wetlands, I can think of only two other legendary figures – Janice and Frank Delfino – who belong in the same pantheon of extraordinarily tenacious, and indefatigable scientist-scholar wetland activists. Phil, routinely “swamped” government agencies officially responsible for local wetlands with his superior and

overwhelming technical analyses – putting in more work-hours than agency staff, executives and consultants over years that extended past their tenure. I don’t think anyone has ever matched both Phil’s analytic capacity and fierce tenacity fueled by moral conviction. I am still awed by the amount and detail of his critical reviews, and his lobbying to fix inconsistencies and errors in wetland designs and assessments. The more they tried to set his sharp criticism aside, the more he redoubled his work and fought on. Phil was swamp gadfly and swamp scientist supreme, and will live on as an inspiration.



Phil’s “serious” 1995 hand-drawn schematic diagram of the tidal drainage paradox of Sonoma Baylands Pilot Unit, showing which ditch really captured tidal flow – not the shorter, straighter ditch connection to the bay, which was too shallow.



Phil’s 1995 hand-drawn surrealist-absurdist satirical diagram of Sonoma Baylands, with “apologies to M.C. Escher”, showing gravity-warped waterfalls reversing themselves! This was paired with the serious publicly circulated drawing, but with private circulation!

Citizens for Alameda's Last Marshlands

The Veterans Administration has had their eyes on the Alameda Naval Air Station since 2005, hoping to secure the lands from the Navy to build a clinic, columbarium, and other facilities in close proximity to an existing California Least Tern colony. From 2008-2010, this colony produced the highest number of least tern fledglings in the world. The Alameda colony is of extreme importance to the recovery of the species, as breeding colonies in Southern California, have much lower recruitment rates. The Southern California breeding colonies experience very high levels of predation and inter-specific competition for breeding space. During the 2012 breeding season, the Alameda colony suffered higher than usual rates of predation due to falcon predation which can be difficult to manage. [This speaks to the value and need for alternative nesting sites, such as the Hayward Shoreline site.]

Earlier this year, the U.S. Fish and Wildlife Service issued a Biological Opinion for the VA development proposal. The BO revealed the latest proposal for the VA, which would move the VA clinic and columbarium to the Northwest Territories

(northwest portion of the deactivated naval base). The BO for the California Least Tern appears to have strong provisions for our precious bird, but concerns remain. For example, the areas surrounding the nesting colony, could be used for emergency training exercises during the "non-breeding season." What is clear, is that other bird species are not protected by the provisions of the BO since that process only pertains to federally listed species. The Alameda National Wildlife Refuge site provides habitat for nearly 190 (187) species of birds.

There is still hope that a wildlife refuge at the closed Alameda Naval Air Station can become a reality. There is great potential for a 500 plus acre inner city parcel of land and waters for wild and historic flora and fauna to flourish if we can have cooperation from the VA together with support from our community and government. FAWR is hoping that USFWS will be the manager of the site into the future.

Leora Feeney, co-chair FAWR
leoraalameda@att.net

Save Our South Bay Wetlands

Looking Back: Wetlands of the Alviso Shore

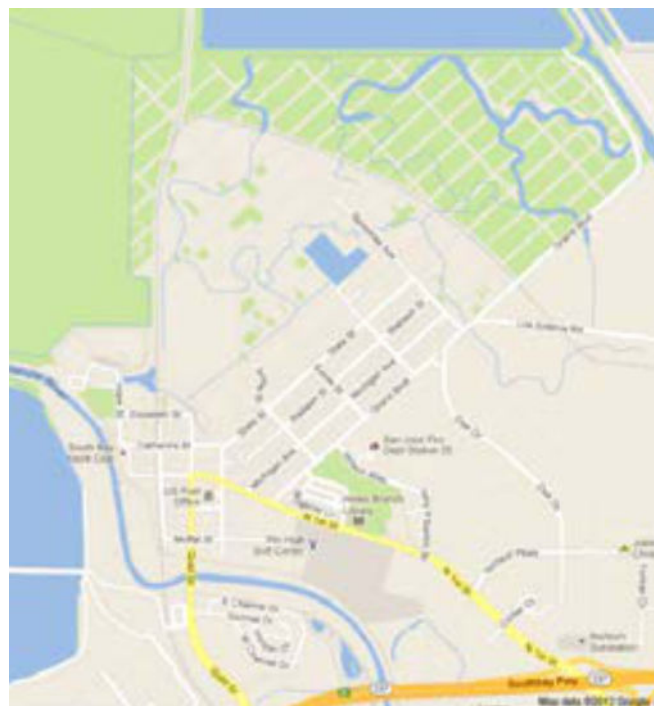
Even today, the proposed New Chicago housing tract displays on Google street maps. County assessor maps show Shively and Van Buren Avenues and River Street where the wetlands are separated from the Bay by salt pond levees and a railroad track. This in an area that had subsided 12-14' when water tables collapsed, putting it all below sea level.

Earlier in the 1900s, the floodplains of the Guadalupe River and Coyote Creek were dramatically disrupted to convert wetlands to other uses. The actions created new Alviso flooding risks that got worse with subsidence and worse again when upstream channelization increased sediment deposition at the shore. The natural, branched-mouth of the Guadalupe was destroyed. Newby Island's 300+ acres absorbed high waters until its conversion to a landfill i.e. floodwater obstacle. Invisibly, the Guadalupe's sediment carried mercury from the old Almaden Quicksilver Mine.

The shoreline became the destination for all forms of waste. Landfills dominated, first as unrestricted dumps where pigs foraged on food waste onward to today's regulated landfills and recovery centers. In the 1950's the sewage treatment facility was built, delivering treated water that soon converted tidal floodplain to tule marshes, obstructing high waters and increasing sediment deposition.

By the late 1960's and early 70's a new environmental era emerged that included the creation of the Don Edwards San Francisco Bay National Wildlife Refuge. Today most of the Alviso remaining wetlands are in the Refuge, all salt production has ceased and restoration proceeds through the South Bay Salt Pond Restoration Project. Restoration actions will improve

floodwater dynamics, keeping a eye on mercury conditions. On the shore, landfill and water treatment operations work to new standards (with timely reminders from CCCR and others.)



Each year, more development is proposed. The coming year begins with the draft Master Plan EIR for the San Jose/Santa Clara Water Pollution Control Plant's 2600 acres. Later in the year another environmental document is expected, planning a new levee for the entire shoreline. Many voices are needed to assure that the plans assure the best results for Alviso's wetlands and shoreline. Join us.

Eileen McLaughlin
Shoreline Watch for San Jose
408-257-7599
wildlifestewards@aol.com

Photos from the 40th Anniversary and Levee Breach



Top left: Howard Shellhammer, Florence LaRiviere, Nancy Holmes


Top Right: Anne Morkill presents a map depicting the location of Ogilvie Island to Jon Ogilvie.



Left: Moments before the levee breach

Right: Waters of the bay flow into Pond A-17 once more



We appreciate your  Help

Thank you for your past and continued support. All donations go directly towards our efforts to protect the biodiversity of habitats, plants, and wildlife of the San Francisco Bay area. With your generous support we have been able to hire CEQA and NEPA consultants, talented specialists such as hydrologists, botanists, and lawyers, and continue our educational outreach. One form of educational outreach includes co-sponsoring the Habitat Means Home Poster Contest, a contest for K-6 public school students in Fremont, Newark, and New Haven School Districts.

We know economic times continue to be tough, but threats to the remaining undeveloped low-lying lands along the edges of the Bay continue unabated. Any amount you can donate is deeply appreciated.

Whistling Wings and Pintail Duck Clubs



Panoramic view of the duck clubs. Mowry Slough is the dark meander on the left.

In 2010 CCCR filed a lawsuit challenging the adequacy of the environmental review for the Area 3 and 4 Specific Plan. This was only after CCCR had exhausted all available means during the public review process, and had repeatedly identified numerous and serious inadequacies in the City’s environmental review.

Last year we reported we had agreed to participate in a mediation process. Unfortunately, that process failed and this fall the lawsuit went to court.

The project in question involves a proposal to fill up to 86 acres of wetlands along Mowry Slough for a residential development and golf course. Immediately across Mowry Slough are lands owned in fee title by the Don Edwards San Francisco Bay National Wildlife Refuge and the majority of the site lies within the congressionally approved Refuge expansion boundary. A former landfill lies to the south and auto-wrecking yards are located to the north. Access to the site would be restricted to a bridge constructed over the Union Pacific Railroad tracks.

The site includes the former Whistling Wings and Pintail duck clubs, and supports a variety of waterfowl and shorebirds. In addition, these lands are known to support the federally-listed endangered salt marsh harvest mouse. The property is located behind privately maintained levees and would require importing 2.1 million cubic yards of fill to elevate the proposed houses above the 100-year flood zone. This extraordinary amount of



View of Area 4 from the outboard western levee. The brown meander is a historic remnant of a tidal slough.

fill does not ensure the houses would be safe from sea level rise and flood concerns beyond the 2050 horizon.

We have been victorious in our litigation! The Alameda Superior Court suspended the Environmental Impact Report for the Area 3/4 Specific Plan as well as the Specific Area Plan itself and the General Plan amendment the City of Newark (California) had adopted. The Court also struck a portion of the City’s Development Agreement for the project as it would have hamstrung the lawmaking authority of future city councils.

The suspension of these project approvals will remain in effect while the City of Newark determines how to address the shortcomings of its environmental impact report.

CCCR is pleased the Court has ordered the City to clarify what future environmental review will be required for the project. “Thank you!” to our wonderful attorneys and their staff for all of their hard work and for their skill in representing us.

Our efforts to ensure appropriate environmental review for this proposed project have been lengthy and extremely costly. It has required the hiring of consultants and attorneys. CCCR members have donated countless hours and funds.

We have appealed to our members and friends and you have been extremely generous in response. Thank you! We hope for your continued generous financial support as we work to protect these lands.



Perennial open water on the northwestern portion of Area 4

The Uneasy Chair



A heartfelt “Thanks” to the Environmental Law Institute for the great honor bestowed on our organization this year. In May, Florence traveled back to Washington D.C. to receive the Wetlands Community Leader Award, however, everything I have accomplished has been with the assistance of my dedicated friends and colleagues of this wonderful organization. So, I encourage you all to give yourselves a well-deserved pat on the back.

In October, we gathered to celebrate the 40th anniversary of the signing of the legislation that established the Refuge. It was a terrific event and members of our original committee were there to celebrate with us. Nancy Holmes came down from Oregon and Howard Shellhammer was also present. It was wonderful to reminisce with Nancy, Howard and others about those early days when we worked to educate the public and decision-makers about why a NWR was needed to protect the bay from the onslaught of development.

It was heartwarming to hear current, local politicians speak about the values of the lands that have been put into the public’s hands - what they mean for the protection of wildlife and how these lands have become important to our quality of life.

Topping off a memorable gathering was the breaching of the Pond A-17 levee. How thrilling it was to see the bay’s waters rushing back, bringing with them the promise of restoration.

Editor’s notes: Due to limitations of space, acknowledgements were not provided next to the delightful art work of Sam High. “Thank you!” Sam.

Photo of the former native cordgrass marsh of Charleston Slough on Page 4, courtesy of Florence LaRiviere. Any other photos without captions were provided by Carin or Kate High.

I’d like to extend a huge “Thank you!!” to my proof-readers and volunteer editors - Sam High and Gail Raabe.

Philip’s superb eye and skills as proof-reader and Editor-in-Chief are sorely missed.

~~ Carin High, Editor

A huge “thank you” to Anne Morkill, Eric Mruz, Doug Cordell, Marge Kolar and all the USFWS Refuge staff who made it a day we shall not soon forget.

“Welcome!” to our new Refuge Complex Project Leader, Anne Morkill. Anne is a wildlife biologist by training and comes to us with an extensive background working with migratory waterfowl and colonial nesting birds, ecological monitoring, dealing with exotic invasive species, and dealing with the ramifications of sea level rise - does this sound like the perfect match for the challenges our Refuge faces? Anne was Deputy Refuge Manager for the Alaska Maritime NWR in 2001 and the Project Leader for the Florida Keys National Wildlife Refuges in 2006. Anne attended our monthly meetings in October and November and we look forward to working with her.

A Year of Thank Yous -- As always, we salute Congressman Don Edwards, still our hero and guardian angel for all bay wildlife. We also salute each person on our Board of Directors, for they understand and fight for every single acre of bay shoreline. Just as devoted is a stalwart group of people who attend our monthly meetings, plus the myriad other meetings that Bay advocacy demands--Evelyn Cormier, Matt Leddy and Libby Lucas, Linda and Virgil Patterson, Jana Sokale, and Marc Holmes.

“Thanks” to Senator Ellen Corbett for her continued support of the Habitat Means Home Poster Contest, for displaying the winning posters in her district office, and for holding an ice cream social for the families of the poster contest winners.

There is a special group that helps me each month to ensure that the mailings go out and the agenda is planned--Gwen and David Jeong, Jean and Franklin Olmsted, Amy Gard and Wayne Miller. No group can compare with them. Thank you!

My deepest gratitude to all of you who generously support this all-volunteer organization. We could not function without you!

On a personal note, I am deeply appreciative of the love and devotion shown to us by my wetlands family during the last months of my husband’s life.

Florence LaRiviere



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Save Wetlands!

Newsletter Issue 42
Fall 2012



Save Wetlands is the annual Newsletter of the Citizens Committee to Complete the Refuge, an all-volunteer nonprofit public benefit corporation.

The mission of the Committee is to save the Bay's remaining wetlands by working to place them under the protection of the Don Edwards San Francisco Bay National Wildlife Refuge, and to foster worldwide education regarding the value of all wetlands.

Support is welcome from anyone interested in saving wetlands, and a tax-deductible contribution of \$10 per issue would be appreciated.

Committee Officers:

Florence LaRiviere, Chairperson, (650) 493-5540
Carin High, Vice-Chair, cccrhigh@yahoo.com
Margaret Lewis, Secretary, (510) 792-8291
Enid Pearson, Treasurer, ortquist2@sbcglobal.net

Other Board Members:

Arthur Feinstein, Frank Delfino, Eileen McLaughlin, Wayne Miller, Ralph Nobles, Gail Raabe, Emily Renzel