SAVE WETLANDS

Newsletter of the Citizens Committee To Complete The Refuge

Newsletter Issue 47 Fall 2018

American Avocets, dowitchers and peeps with the Alviso Environmental Education Center in the background, demonstrate the incredible role our public lands play in protecting biodiversity and our quality of life.

We have been under a constant onslaught of grim environmental news – the administration's many pronged attacks on protective environmental regulations that were brought into existence through bipartisan efforts and signed into law by a republican president, the attempts to lease public lands for natural resource extractions, efforts to decrease the size of public lands rich in cultural and natural treasures, the border wall cutting through refuges, the alarming rate at which climate change is negatively influencing our world, etc.

However, there are rays of light on what is a bleak policy landscape! Recently, in response to a court order, the Bureau of Land Management temporarily pulled nearly one million acres of greater sage grouse habitat from acreage available for potential oil and gas development. There are a myriad of lawsuits that have been filed against the attempts to weaken endangered species protections, the Migratory Bird Treaty Act, the Clean Water Act, etc.

In the San Francisco Bay Area, the South Bay Salt Pond Restoration Project is beginning to implement Phase 2 actions that will result in the restoration of additional acres of tidal marsh while still maintaining habitats necessary for resident and migratory waterbirds.

But most importantly, we have people like our many members, friends and supporters who are actively advocating for our public lands and natural resources by writing letters, contacting their politicians, and speaking out against actions that if left unchecked, reverse many decades of bipartisan efforts to protect our natural resources.

Thank you! Thank you for your advocacy and continued support.

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New CCCR Website! Visit www.bayrefuge.org

We are deeply indebted to Ricardo Corte for his devotion to CCCR and to the numerous hours he has spent giving the CCCR website a much needed facelift!

Ricardo in Australia, Photo courtesy of Ricardo Corte

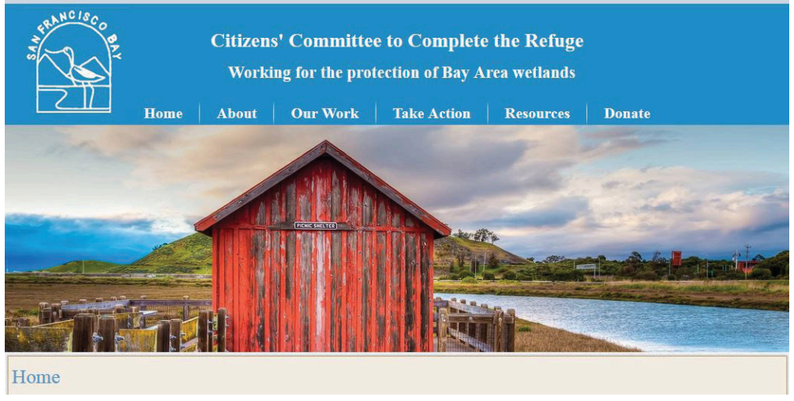
Thanks must also be expressed to Mondy Lariz who for years has provided technical expertise and hosted our website. Mondy's assistance was critical to the successful website update.

Mondy Lariz, Photo courtesy of Mondy Lariz

For years the CCCR webpage has languished. The victim of our attention being focused on the many comment letters that need writing and meetings that need to be attended.

Thankfully that tired old website is now a thing of the past. Ricardo has gone above and beyond and created a visually stunning and content loaded website.

In addition to information regarding the long history of our environmental and wetlands advocacy, there are photos and descriptions of some of the many species protected through our efforts. There is a list of our advocacy work and links to some but not all of the comment letters we have submitted. The website also includes a list and links to our environmental partners, tributes to former Board Members, and videos documenting the fight to protect Bair Island from development, the South Bay Salt Pond Restoration Project and descriptions of the attributes needed to be a successful advocate.



We hope you will take time to visit www.bayrefuge.org!

By the way, we are looking for a volunteer to maintain the new CCCR website as Ricardo has currently gone off to law school. Best of luck Ricardo!

CCCR actions during 2018

CCCR advocates devoted 4000+ volunteer-hours defending potential and current Refuge lands, special-status species, wetlands, watersheds and more, at meetings and workshops, in project plan analysis, in document and field research, with written comments, and at times working with expert contractors and non-profit partners.

Actions protecting threatened lands that lie within the Refuge Acquisition Boundary, particularly:
- Cargill-owned ponds, Redwood City: Sustained agency contact and situation monitoring.
- Newark Area 4: Testimony in federal trial regarding 2014 illegal fill activity
- Monitoring ownership and City requirements for jurisdictional wetlands off Adams Drive

Actions to avert threats to lands held by the Refuge including:
- Caltrans debris cleanup in Redwood City: work with agency to address debris entering adjacent Refuge waterways
- Clean Water Act permit non-compliance issues
- Capitol Corridor & ACEForward/San Joaquin Rail Commission: 4+ miles double-track, UPRR expansion in Refuge lands.
- Dumbarton Corridor Feasibility Study, Palo Alto General Plan/Transportation Element: Build in Refuge.
- Facebook Expansion Project: consultation regarding Pedestrian/Bike bridge
- Port of Redwood City high-speed ferries: potential wake impacts to Refuge endangered species habitat
- Redwood City: Marina permit non-compliance issues
- Residence Inn & Fairfield Suites Hotel, San Jose: Monitoring BCDC permit application

Actions on Bay/Regional Projects:
- 237 Industrial Project San Jose: Discussion with owner Microsoft to protect wildlife and Coyote Creek
- 410 Airport Blvd, Burlingame: testimony at State Lands Commission hearing on restoration potential
- 557 East Bayshore Road Project (Century 12 site), Redwood City, potential impacts to Bair Island
- Alviso Dock Project, Santa Clara County Parks: Significant unavoidable biological resource impacts.
- Coyote Hills Regional Park; Restoration and Public Access Plans for 296-acres donated lands
- Dumbarton Quarry, Fremont: Restoration and park plan
- Eden Landing Ecological Reserve Phase 2 (South Bay Salt Pond Restoration Project)
- Google Projects: Charleston East; Landings Campus Concept; North Bayshore Office + Housing Development Concept
- Mountain View: Revisions to the North of Bayshore Precise Plan (would allow adding ~ 10,000 housing units)
- South Bay Salt Pond Restoration Project, Phase 2 (West/South Bay)
- TopGolf at Terra, San Jose: Golf entertainment range with 170' high net, next to lower Guadalupe River
- USACE/SCVWD Shoreline Levee Phase 1 (Alviso): Monitoring implementation

Actions on Projects impacting special-status species and water quality impacts in the Bay Region:
- Clean Water Act/Endangered Species Act violations
- Carnegie SVRA, Tesla Park, Alameda County: Extreme special-status species habitat destruction
- Google Feral Cat Management Plan: Consulted on problem analysis and resolution options
- Niles Canyon Projects, CalTrans, Alameda County
- Upper Berryessa Creek Flood Reduction Project, Milpitas: commented on mitigation options

Actions commenting on Bay Region, State and Federal Plans and Policies:
- California Wetlands and Riparian Area Protection Policy, Stakeholder contributor
- Comprehensive Conservation Management Plan, San Francisco Bay Estuary
- East Bay Regional Conservation Investment Strategy
- Endorse San Jose Ballot Measures protecting lands and water quality:June 2018 Measure B, November 2018 Measure T
- Newark Slough Mitigation Bank Proposal
- Santa Clara County/SCVWD Policy on creek/riparian encroachment: Continuing private use of publicly-owned lands
- Regional Advanced Mitigation Planning

Actions of CCCR as Facilitators, Stakeholders, Representatives at meetings/conferences and on Boards:
- Adapting to Rising Tides
- Alviso Neighborhood Community Meetings
- Baylands Comprehensive Conservation Plan
- BCDC Rising Sea Level Workshops
- East Bay Regional Conservation Investment Strategy
- Facebook Environmental Community Group Representative, Corporate Real Estate Planning
- Friends of the Estuary Board Member
- Google Ecology Club Member, Corporate Real Estate Planning
- Menlo Park Stakeholder, City-wide Park Master Plan: Monitoring to protect Refuge and wildlife
- National Wildlife Refuge Association: Participant online and conference call meetings
- Resilient by Design – served as "Local Leader" speakers for tours at various locations
- San Mateo County Flood, Dought and Sea Level Rise Workshop
- Santa Clara Valley Conservation Council
- Santa Clara Valley Water District: Water Reuse Master Plan Task Force; OneWater Watershed Master Plan
- San Francisco Bay Joint Venture Management Board
- San Francisco Estuary Partnership Implementation Committee
- SFEI/SCVWD/SBSPRP Calabasas Creek & San Thomas Creek and Pond A8 vision: feasibility project
- Shoreline Advocacy Workshop
- South Bay Salt Pond Restoration Project

Friends of the Alameda Wildlife Reserve

The Alameda Wildlife Reserve (AWR) and adjacent waters have had an interesting year. Least Terns fledged approximately 200 young, not our best, but satisfying with a challenging year around the state. In addition AWR hosted a significant Caspian Tern colony where one All Bird Survey found over 300 adults. High count of fledglings during an All Bird Survey was 132. We do not count in the colony, but from a distance where visibility is reduced by vegetation. These numbers are conservative. Great Blue Herons nested in three locations on the site with at least 15 pairs. Many other species nest at AWR.

A remarkable drama played out this season with our Osprey nest losing its male to fishing tackle when chicks were a month old. We were devastated! Much to everyone's surprise the female, named Dawn, took full rein. She, alone, fed her THREE young and protected the nest for another two months until her young were fledged and independent. It was not easy and Dawn had to make a number of behavior adaptations to make it happen. The nest had many fans (people, gulls, and other Ospreys and more) who visited often. So far we've not found any record of another Osprey raising chick(s) as a single parent. So we learned something this year.

Photo courtesy of Thy Bun

Also this summer we had high numbers of Brown Pelicans using our Breakwater Island with counts higher than 1 to 4 thousand all summer, counting from shore and not taking into account the breakwater's blind south side. The peak of pelican pleasure came during a synchronous Pacific Coast count sponsored by USFWS and Audubon California. Our team did an evening roost count by boat. Initial count of the Breakwater Island was 2,485 counting all sides. The boat positioned to watch the evening flight in from the bridge. Two kept watch from shore to count those coming in from the South Bay. We all counted until an hour after sunset. Total number tallied coming from the bridge was 5,493 and from the South Bay 108. Our grand total was 8,086 Brown Pelicans roosting in Alameda the evening of September 8th!

Photo courtesy of Deborah Jaques

The experience for those on the boat was exhilarating. The last 30 minutes of the count had over a thousand birds fly in for each of 10 minute segments in our methods. They were still flying in when the count period ended. Top this off with everyone on the boat seeing for the first time 4 (3 were identified by name) of the Bottlenosed Dolphins that we know are residents of SF Bay. What a night! Check out Golden Gate Cetacean Research.

Photo courtesy of Taylor Heaton Crisologo

We've had problems too. Invasive plant species haunt us with plagues of mono species that are difficult to remove and manage. Predators, mostly native species we love, cause big challenges.

Last week's All Bird Survey found 10 Burrowing Owls at AWR. Winter birds are here. We had two new species on the site in 2018: Brown Booby and Vesper Sparrow, bringing our total to 207. Hard not to love this place!

Leora Feeney, FAWR Co-Chair
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Friends of Redwood City

Photo of Bair Island as seen from Edgewood Park Photo courtesy of Matt Leddy

High-speed catamaran ferries traveling to a dock at the Port of Redwood City are generating wake waves that are crashing onto the shores of Greco, Outer and Middle Bair Islands. The ferry operator is authorized by the Port to make up to ten round trips/day, Monday-Friday and to travel about two miles up Redwood Creek from the Bay. For this reason, there are serious concerns about potential impacts to endangered species habitat on Refuge lands along the creek; specifically, erosion of tidal marsh habitat for Salt Marsh Harvest Mouse and Ridgeway's Rail.

High-speed ferry service appears to be on the rise in Redwood City. The current ferry operator is hoping to expand service to the Port, so now is the time to put measures in place that can mitigate impacts, such as speed restrictions to reduce the size and force of the ferry wakes in Redwood Creek. CCCR will continue to work with all the parties involved for a successful resolution of this problem.

Caltrans is under a lot of pressure throughout the Bay Area to clean up debris found under creek highway bridges and on other Caltrans properties near waterways that flow to the Bay. It's an overwhelming task for the agency, and so we're very pleased that our patience and perseverance over the past months paid off here in Redwood City.

Working with the District 4 Water Quality Manager at Caltrans, resulted in the removal of significant amounts of debris from a property near the Highway101/Whipple Avenue interchange and from underneath the highway bridge over Cordilleras Creek – two areas directly adjacent to the Bair Island Refuge. We're very grateful for the agency's assistance with this challenging problem.

Meanwhile, the pace of tidal marsh restoration on Inner Bair Island continues to amaze! The pickleweed is now expansive throughout, and other marsh plants like Grindelia and Sea Lavender are taking hold. Flocks of migratory shorebirds are showing up by the thousands each fall, and white pelicans, Forester's terns, cliff swallows, kites and marsh hawks are regular visitors.

Gail Raabe and Matt Leddy
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Photo of Inner Bair Island Restoration courtesy of Matt Leddy

Parting Words from John Bourgeois

Not long after being hired to replace Steve Ritchie to take the reins of the ambitious efforts to restore wetlands in South San Francisco Bay, I found myself sitting at the kitchen table of Florence and Philip LaRiviere. With the seriousness of a protective father, Philip looked at me across the table at me and asked, "Young man, what are your intentions?" Our conversation ranged between wetland ecology, Charleston Slough, sea level rise, public access, and past efforts to protect the few remaining strips of tidal marsh in the Bay. When I left the LaRiviere home over an hour later (with my new "Save Wetlands" mug in hand), I felt a deep sense of gratitude for the work of the Citizens Committee to Complete the Refuge, but also a sense of urgency to do right by the legacy of those that came before me.

John Bourgeois, Doug Cordell USFWS and Sam Schuchat Coastal Conservancy Photo provided by John Bourgeois

John Bourgeois and Dr. Howard Shellhammer at the A17 levee breach in Alviso.

Having been born, raised and educated in south Louisiana, I grew up in a culture that understands the importance of wetlands; from the recreational boating, fishing and hunting that are a way of life there, to the economics of the commercial fishing industry, to the protection afforded by wetlands against storm surges and hurricanes. So, when I decided I wanted a career in the environmental field, it was a very natural thing for me to decide to study wetland ecology.

In January 1999 my wife Susan and I made the cross-country move to the Bay Area. When we made the trip to California, we were immediately taken by the natural beauty of the region. But I must admit, I was a bit surprised by my first glimpse of the marshes of San Francisco Bay. I was used to working in extremely large systems in remote areas where *Spartina alterniflora* was a native species and clapper rails were abundant. I was not used to driving right up to a marsh site that was small enough to throw a rock across. But I soon learned that these tiny strips of marsh were all that was left of a once mighty estuary.

My first large project in the Bay was the original restoration plan for Bair Island. This was the perfect microcosm to face most of the issues that would later manifest in the larger South Bay Salt Pond Restoration Project. First, I learned of the heroic efforts by citizens to protect these areas from development. I would hear similar stories echoed throughout the Bay, as determined residents fought to protect the remaining wetlands. It also taught me about the various challenges of doing wetland restoration in such a highly developed estuary. {cont. next page}

John Bourgeois cont.

And then the 2003 salt pond acquisition happened! The massive public-private partnership put over 15,000 acres of former salt evaporation ponds in the South Bay into public ownership for the sole purpose of restoring wetland habitats. These ponds became known as the South Bay Salt Pond Restoration Project. It was front page news, and in 2004 our firm was part of a team selected as the technical consultants.

John observing the levee breach of Inner Bair Island

The long-term planning effort, a 50-year programmatic level plan for restoration, flood risk reduction, and public access that included a first phase of projects, was an exciting time for the project and all those involved. Stakeholder meetings, scientific strategies, and technical working groups all culminated in a creative and visionary use of adaptive management to see the project come to fruition. That process was completed in January 2009, and the end of the planning process also meant the end of my involvement as a consultant.

Later that year, the original Executive Project Manager, Steve Ritchie, resigned. Over the years, I had worked very closely with Steve, particularly on the final push for permits. Many of us were surprised to see him leave, as Steve had been the face of the Project from the beginning. It didn't take long for me to decide to throw my hat in the ring, and was pleasantly surprised when I got the call that I had been selected to replace him.

With lots of construction on the horizon, it was an exciting time for the project. For a while it seemed like every year we were holding another press event to celebrate the breaching of more ponds. It was early in the midst of all of this excitement and progress that I got many surprised looks from the management team members when I suggested we needed to start planning Phase 2.

When I took over for Steve Ritchie, I set 3 goals for myself: 1) see Phase 1 constructed, 2) plan the next phase of projects, and 3) get the project prepared to accept the beneficial re-use of dredged material. I naively thought that should take about 5 years. Well, it's been 9 years of hard work and we are just on the cusp of completing those final two goals. And so, as the project approaches another phase of construction, it seemed like a good time to pass the baton to someone else. Fresh ideas and new energy are always invigorating for a long-term project, especially one that is based on the fluidity of adaptive management. Being able to provide leadership on this effort has been the highlight of my career so far, and I will always be proud of what we have set in motion.

John speaking at the 40th anniversary of the founding of the Don Edwards San Francisco Bay National Wildlife Refuge

A sincere thank you to the Citizen's Committee to Complete the Refuge for their active participation, oversight, and continued diligence on behalf of the Bay. It has been a true pleasure working with all of you, and I hope to continue to do so into the future.

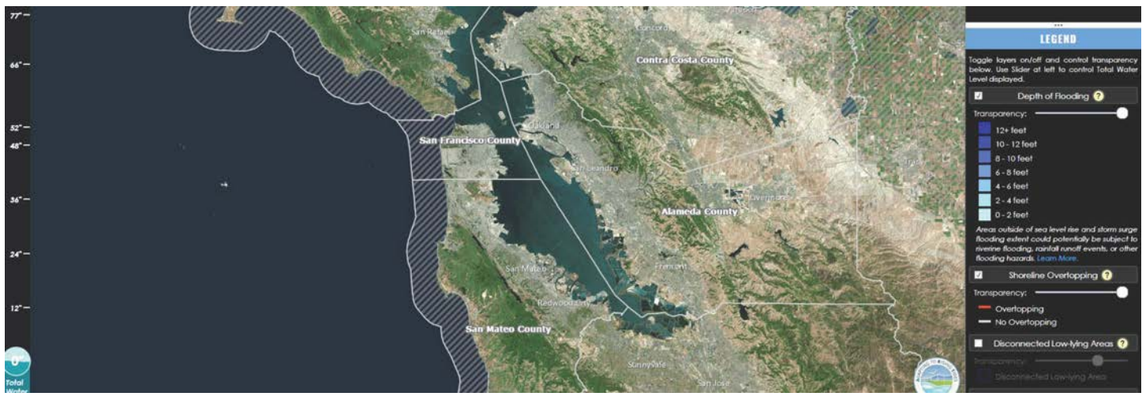
John Bourgeois

New Online Mapping Tools for Advocates

As the Bay Area grows ever more densely populated it becomes much harder to protect and preserve our vital natural areas and wildlife habitats. Regulatory agencies and conservation groups are constantly seeking new tools to help them in their respective roles of permitting projects and defending habitats in the face of this population explosion. Two new online mapping programs have been developed that might, or might not, aid in the permitting, reviewing and commenting on proposed local projects as well as aid communities faced with sea level rise.

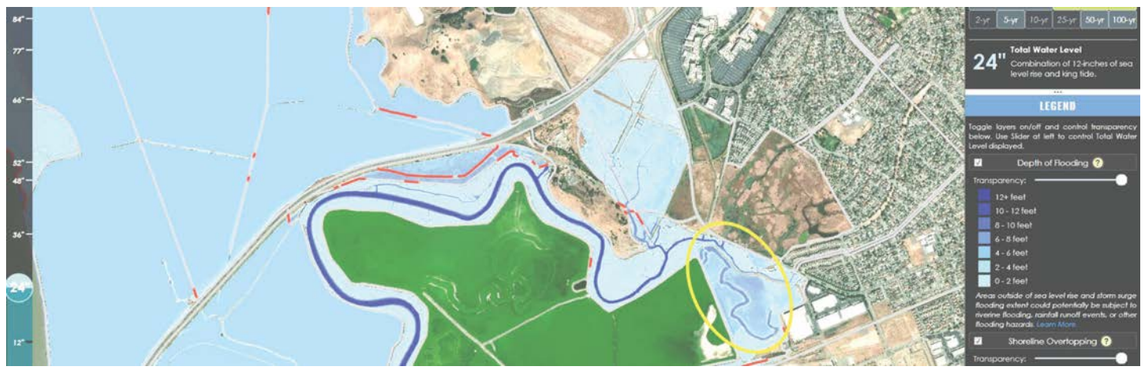
Bay Shoreline Flood Explorer

The first is the "Bay Shoreline Flood Explorer" on the Adapting to Rising Tides (ART) website (https://explorer.adaptingtorisingtides.org/home). ART is a program of the San Francisco Bay Conservation and Development Commission (BCDC). The "Bay Shoreline Flood Explorer" reveals the potential impacts of sea level rise and flood risk, thus helping communities plan for future flood risk, and consider whether new shoreline development proposals are appropriate in the face of sea level rise.



Bay Shoreline Flood Explorer Homepage

Don't agree with the IPCC (Intergovernmental Panel on Climate Change) estimates of sea level rise? No worries! The online mapping program allows the viewer to view any location along the shoreline of the San Francisco Bay Area and change the levels of inundation to view areas that could experience shoreline flooding. The tool allows users to view levels of up to 9 feet of inundation (no longer considered inconceivable). The program also indicates where levees might be overtopped and where low-lying areas behind levees could be inundated in the absence of levees. The website provides a brief tutorial to familiarize the viewer with its features. We urge you to take a look at the potential impacts to your community and consider whether new development is appropriate. Are prohibitively expensive new levees in your future or does your community have other alternative ways of adapting to sea level rise?



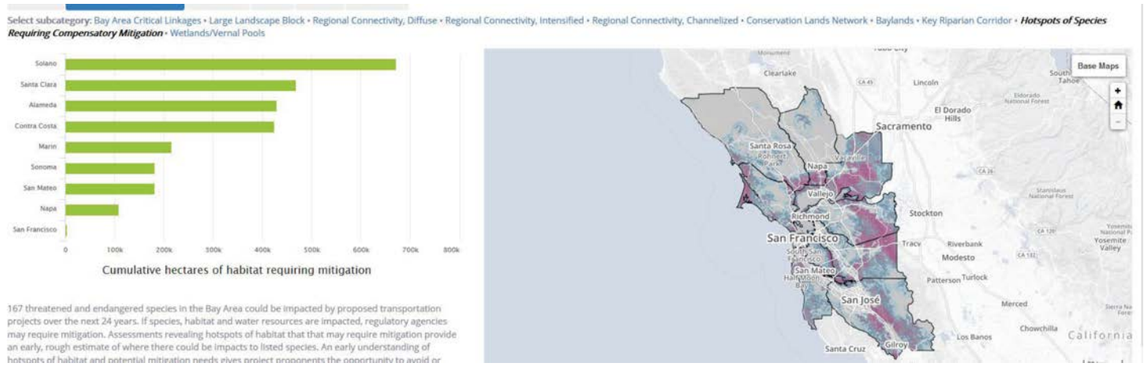
An example - the yellow oval depicts the predicted inundation conditions of the proposed Newark Slough Wetlands Mitgation Bank with 12" SLR

New Online Mapping Tools for Advocatescont.

Bay Area Greenprint Mapping

The Bay Area Greenprint mapping program (https://www.bayareagreenprint.org/) is the result of a collaborative effort between The Nature Conservancy, Greenbelt Alliance, American Farmlands Trust, the Bay Area Open Space Council, and GreenInfo Network, with input from Point Blue Conservation Science, San Francisco Estuary Institute, Climate Action Reserve, UC Davis Center for the Environment, Pepperwood Preserve, Peninsula Open Space Trust and the Santa Clara Open Space Authority.

This is a huge undertaking. With the best intentions possible, this tool has the potential to pose significant threats to our wetlands and other habitats if the information depicted is inaccurate.



Bay Area Greenprint Category Biodiversity and Habitat Subcategory Hotspots of Species requiring compensatory mitigation

The mapping project has the lofty goal of consolidating the many sources of data regarding the Bay Area's natural and agricultural resources into a format that is more readily available to planners, one that could provide a quick visual overview of existing local natural or agricultural resources as well as potential hazards. The hope is that integrating the identification and consideration of these issues earlier in the planning process could alert planners of significant impacts that could inform the design process rather than discovering these issues much later during the CEQA review or regulatory permit process after considerable time, energy, and finances have already been invested in project design.

How does it work? The "Dashboard" webpage provides a broad overview of resource distribution across the nine Bay Area counties under the major categories – "Overview," "Biodiversity and Habitat," "Agriculture." "Water," "Carbon," and "Recreation." The "Overview" tab depicts the percent of "land protected" by county or conversely the "lands at risk." The "Biodiversity and Habitat" tab is broken down into subcategories – including the concepts of critical linkages, connectivity and key riparian corridors, and "Hotspots of Species Requiring Compensatory Mitigation," and "Wetlands/Vernal Pools," to name just a few.

One can define a specific area by drawing a circle or shape around the area of interest and then download a report that will provide information regarding how much of the location is protected or under threat of development, identification of the percent threat from hazards (liquefaction, seismic, fire, landslides, tsunami), whether there are any "prioritized" habitats, habitat connectivity, species habitat that could require compensatory mitigation, habitat for listed species, the presence of wetlands, the presence of unique or prime farmland, ground water supply, water quality, whether the site has been identified as being within the 100-year floodplain, etc.

It sounds wonderful – a true gift for helping to preserve our valuable habitats by informing the planning process. The trouble is that no habitat mapping tool is perfect – we have already discovered a few errors in these maps over a site we have spent decades defending. Approximately half of the site's wetlands are not depicted on the map. And once a map is accepted as essentially true, it is difficult to correct errors after planning and permitting agencies have invested in their accuracy, especially now when development pressures tend to accelerate permitting processes. Still the mapping program has the potential to be a very useful tool and due to the visual presentation of information it will be used. This is where you can make a difference. It is up to us to make sure the mapping is as accurate as possible. We encourage you, our readers, to spend some time with this mapping tool. You know your local area intimately and can verify whether the information provided is accurate, or whether there is information that needs to be incorporated or corrected. The Bay Area Greenprint website includes the opportunity to provide input either through the website or in a more detailed email. If this tool is to be used by local planning or transit agencies, we need to ensure the information provided is accurate.

Carin High and Arthur Feinstein

Far South Bay Wetlands

American White Pelicans in Pond A16, Alviso
Photo courtesy of Sam High

This year we saw the USACE/SCVWD Shoreline Levee Project funded and moving into final design stages, headed for 2019 construction and sea level rise protection of the Alviso shoreline. Puzzles in this project persist around design of the Union Pacific railroad crossing as multiple rail proposals come forward.

In 2017, we commented on the ACEForward commuter rail DEIR, proposing future-phase, single --> double track expansion. The right-of-way runs along the Alviso Shoreline and easterly through 4+ miles of Refuge marshes, ponds and rare vernal wetlands. That same ROW would also serve Capitol Corridor Transit, AMTRAK coastal service and UPRR freight service. This year, we learned that the Capitol Corridor Project wants Alviso expansion sooner and a triple-track implementation.

So just what rail configuration must be accommodated through the Shoreline Levee?

Female Green-winged Teal Mallard Slough, Alviso
Photo courtesy of Sam High

As we commented to the ACE project, extraordinary habitat and endangered species impacts are involved and sea level rise must be addressed. That would involve use of trestles, not berms, a solution with wildlife and marsh benefits, reconnecting berm-divided wetlands. But how high a trestle? Can a trestle safely support triple-track? How would that work with the Shoreline levee? What distance would elevated tracks need to slope to ground-level landing in below sea-level Alviso?

It is concerning that the rail services, Capitol Corridor, ACE, with route-user Amtrak are embarked on parallel projects that have no coordinated South Bay planning oversight.

Salt Marsh Harvest Mouse

We note that shared commuter and UPRR freight use affects design of slope gradations.

Who will make the Shoreline levee design decisions and also take responsibility for biological resource impacts, Refuge impacts, street level impacts, sea level rise adaptation, hazards of freight transport?

Alviso Dock: The County of Santa Clara, at this writing, is considering the feasibility of expanding the dock by the South Bay Yacht Club to berth up to ***15 boats***, each up to 35' feet long, at an estimated cost of ***$21 M+***. It will require extensive dredging. Does this ring a bell to you? It should. In 2008, the Santa Clara Water District, as a Golden Spigot offering, put out a draft EIR proposing to do much the same, all to benefit the Yacht Club. They called it the "Alviso Slough Restoration Project" which died when its extensive wetland impacts resulted in permit refusals by the US Army Corps of Engineers and the Bay Conservation and Development Commission. It is rare when permits are refused as usually parties work through adjustments so that permits are granted. It should have been a huge red flag to the County, after Yacht Club members brought it forward. It did not. This time the dock would belong to the County but facing the same environmental impacts, regulatory challenges and, importantly, disproportionate costs to benefit few. We are working to get this project set aside. Santa Clara County residents: Call or write your Supervisor. Say "No" to this project.

Eileen McLaughlin
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Baylands Conservation Committee

Renzel Wetlands/ITT facility.
Due to poor drainage, Palo Alto is re-designing and reconfiguring the Renzel marsh restoration on the 154-acre former ITI site. The pond was drained and a large amount of grading is being done.

The City is also planning for the remainder of this site. The very large building in the center of the wetlands has been boarded up and is a problematic artifact. It will cost millions to make it useable. The question arises, "What use would it house and what sort of road and parking is needed to support it?" The building is eligible to be declared historic, but it is the wetlands that were vital for ship-to-shore communications. Wetlands 'bounced' sound waves over the horizon to ships at sea. It is more historically correct to honor those wetlands and remove all structures.

Byxbee Hills Park landscaping and Trails.
Palo Alto has added landscape islands on Byxbee Hills Park and is working on more refugia areas. Gradually vegetation is returning throughout the park.

However, we continue to be alarmed that the State requires the City to kill ground squirrels because their holes might pierce the clay cap designed to contain methane gas and prevent leachate. Squirrels burrow nests horizontally. Puncture of multiple layers of cover material and the 3' clay cap itself is highly unlikely. The squirrel nests are important for burrowing owls and the squirrels themselves are an important part of the food web in the bay lands.

Emily Renzel
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Roosting Black-crowned Night Heron Adobe Creek

American Pipit Pond SF2

Eyes on the Dumbarton Narrows
With restoration finally moving on the Ravenswood Ponds and the Bay to 101 San Francisquito Creek Flood Project moving toward final phases, we are heartened with visions of rich wildlife in wetlands at these sites. At the same time, SamTrans' interest in reinstating a rail bridge crossing has found momentum, a project that scares us to the depths of our souls.

The SamTrans right-of-way edges endangered species-protected wetlands in Menlo Park, heads east along tidal marshes of the Ravenswood Open Space Preserve and, on the east shore, follows a berm through about two miles of extraordinary tidal marsh in the Refuge. A Feasibility Study released by the agency had major omissions: no analysis of whether any of the existing, circa-1911 bridge can be reused; what design changes sea level rise will require for bridge and landings; impacts and costs, physical and financial, affecting endangered species and their habitats on both sides of the Bay.

Given SamTrans' omissions, it was hopeful when the agency conveyed environmental analysis and implementation to Facebook and its partner, The Plenary Group, each known to work toward high technical standards. We were fortunate to meet with the Facebook group, jointly with Refuge Management, to describe concerns, share relevant information and there find a receptive ear. Our eyes will stay on this project.

Eileen McLaughlin
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Fremont

Patterson Ranch parcel –
Last year we reported that the East Bay Regional Park District (EBRPD) had begun holding public workshops regarding plans for the 296 acres of Patterson Ranch lands that had been added to Coyote Hills Regional Park. Those workshops and a public scoping session continued into this year. Throughout this process EBRPD has been developing a conceptual plan for habitat restoration, urban farming and public access that will be reviewed through a CEQA EIR process.

We appreciate that restoration of at least a portion of the important and remnant willow grove is included in the plans, however, aspects of the public access design have raised many concerns. The design proposes the location of a 98-space parking lot and picnic area north of Patterson Ranch Road and in the vicinity of Patterson Slough.

The plans also propose observation decks close to and on both sides of Patterson Slough, as well as hiking trails and paved multiuse trails along portions of Patterson Slough, in addition to the existing seasonal access Willows Trail and Crandall Creek Trail. In the southern portion of the site, the plan includes a shared use trail that completely surrounds and also goes up the middle of an area where the County of Alameda Public Works Agency is enhancing flood protection and creating wetlands habitats along Ardenwood Creek.

Suggestions that the parking lot and picnic area be relocated south of Patterson Ranch Road have repeatedly been met with the response, "But that area is best agricultural lands."

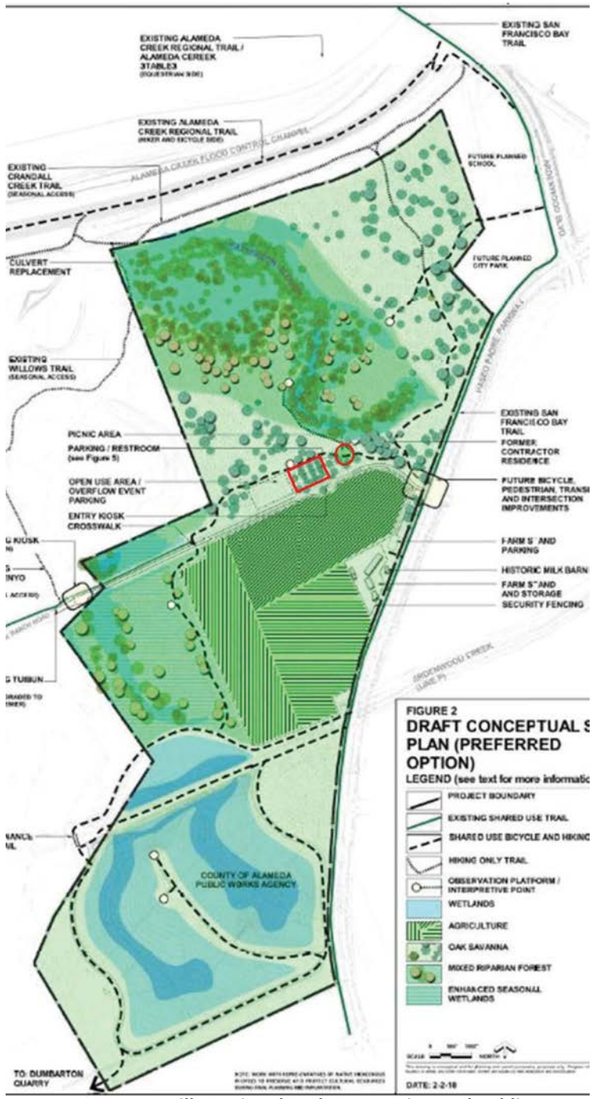
CCCR fully supports local agriculture and public access, but the importance of the historic willow grove cannot be overstated. One has only to review maps of historic and current baylands habitats to realize that the remnant willow grove at Coyote Hills is sadly unique in the bay ecosystem.

The remnant willow grove is of significant regional ecological value. The area to be restored is adjacent to the willow grove and should not be diminished by public access features that could easily be sited elsewhere within the land dedication.

The existing Coyote Hills Regional Park Land Use Plan (Plan) recognizes the value of the willow grove habitat and acknowledges this habitat supplies an abundant supply of insects that provide a food base for nearly 100 species of wintering, migratory and breeding birds. The Plan designates the willow grove as an area of "significant resource value."

Our scoping comments provided numerous citations of scientific studies that describe the negative impacts of human disturbance and recreational trail use on bird behavior and breeding success. Studies have also indicated recreational trail use may alter species diversity and composition in areas adjacent to trails. In addition to noise and other types of disturbance associated with human activity, areas where park visitors congregate (e.g. the proposed parking lot and picnic area) attract nuisance species and predators.

CCCR and other environmental groups and residents fought for decades to protect Coyote Hills from the adverse impacts of development of these lands and to preserve the tremendous restoration opportunities that exist within the Patterson Ranch lands. A draft Environmental Impact Report will be released either at the end of this year or beginning of next year.



Coyote Hills Regional Park Restoration and Public Access Conceptual Plan, parking lot and picnic area outlined in red, https://www.ebparks.org/about/planning/#patterson

We will continue to urge EBRPD to alter their plans to ensure the protection and incredible value of restoration of the historic willow grove is fully realized.

Carin High
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SaveWetlands In Mayhews

Photo of illegal fill placed in Area 4 2014

By the time this newsletter reaches your hands we are hoping the Federal Criminal Case regarding the illegal placement of fill on Area 4 wetlands in Newark will have been resolved. This has been a long and drawn out process and we deeply appreciate the many hours spent prosecuting this case on the part of the U.S. Attorney's Office.

In September 2014, CCCR received a report from a concerned citizen that someone was filling wetland areas on Area 4 (former Whistling Wings and Pintail Duck Clubs). We immediately contacted the appropriate agencies to report the filling of wetlands, providing the customary location maps and other documentation we had readily at hand regarding Area 4. We asked that a Cease and Desist Order be issued immediately. We also contacted the landowner's representative and attorney and informed them of the illegal activity. We were informed a day later by the landowner's attorney that someone had been caught in the act of dumping fill material. We tried contacting the regulatory and resource agencies to find out the status of the illegal action but had no success – no one we contacted seemed to have any information.

Fast forward to March 2016 – we learned through a newspaper article citing a press release from the Department of Justice that charges had been filed against a dirt broker for dumping construction debris and fill material not only on the 1.33 acres of waters of the U.S. reported to CCCR, but also on an additional 11.85 acres of wetlands and waters on another portion of the site.

In late 2017, CCCR was subpoenaed to supply all information we had regarding the alleged illegal fill activity. We were also asked to testify in the criminal case. The case went to a trial by jury early this year and the jury returned a verdict of guilty on all three counts within 15 minutes. Sentencing has yet to occur, but we hope full restoration of the impacted waters and wetlands will be required, as well as monitoring to assure success of the restoration activities, and that any penalties levied will be applied towards wetlands protection and restoration.

As stated at the beginning, we deeply appreciate the countless hours of work by the U.S. Attorney's Office, the Environmental Protection Agency and the Federal Bureau of Investigation, to enforce the Clean Water Act. Assistant U.S. Attorneys Philip J. Kearney and Shiao Lee prosecuted the case. The DOJ press release from February 2018 offered the following quote from U.S. Attorney Tse, "***Illegal pollution of our wetlands will be prosecuted vigorously by this office. The verdicts returned by the jury today demonstrate that our community will not tolerate illegal dumping***." To which we exclaim, "Hear! Hear!"

Area 4 is still under threat of development. The City of Newark has long desired the construction of luxury housing and approved a General Plan Amendment and EIR in 2015. Newark City Council took these actions despite the lack of any infrastructure west of the Union Pacific Railroad tracks and the vulnerability of the site to sea level rise as much of the area is at or below sea level. The area would require 2.1 million cubic yards of fill. Area 4 contains a rare mosaic of wetlands and waters and habitat for the endangered salt marsh harvest mouse. We will continue to monitor the situation. These lands represent a unique opportunity to protect and restore habitats that once lined the edges of San Francisco Bay.

Proposed Newark Slough Mitigation Bank –
Earlier this year the proposal to create a mitigation bank at the head of Newark Slough resurfaced. The proposal dates back to the early 2000's.

The 59-acre site lies adjacent to Thornton Avenue and encompasses a leveed off slough trace. This year's proposal involves restoration of tidal marsh largely through removal or lowering of large portions of the surrounding levee. In addition, islands may be created within the interior portion of the leveed off area to provide high tide refugia. The majority of the site (43 acres) is considered waters of the U.S. with the uplands comprised predominately of levees.

The proposed bank would provide mitigation credits for wetland fill and for impacts to Ridgway's Rail and salt marsh harvest mouse habitat.

The portion that has been separated from tidal flow by levees could definitely benefit from restoration actions, however, we have grave concerns regarding this mitigation bank. At king tides and even during high tides, the tidal marsh surrounding this site are submerged with only the very tops of pickleweed and the levees rising about the waterline. If this is the case under current conditions, and with the proposed lowering or removal of most of the project site levees, where would salt marsh harvest mice retreat during high tide? As sea level rises, what refugial habitat will be available for salt marsh harvest mice - will any resident salt marsh harvest mice be forced up onto Thornton Avenue or the adjacent development to escape inundation?

If this site is going to be used to mitigate for impacts to salt marsh harvest mouse habitat in other areas, there should be some expectation that the site will sustain the species over time. This issue was raised in multiple comment letters along with photo documentation of the inundation of the surrounding tidal marsh during high tides and king tides. To date we have not seen a response to comments.

Carin High/Margaret Lewis
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Citizens for East Shore Parks

Why is Point Molate worth caring about?
We rarely are presented with an opportunity to both undo shoreline damage and simultaneously preserve magnificent shoreline habitat and recreation plus California history. Point Molate is such an opportunity.

Point Molate has some of the most spectacular views along the Bay. If you have not visited, it sits just north of the Richmond/San Rafael Bridge. Go see the osprey as they circle above the stands of undisturbed native grasses and plants that have maintained and reestablished themselves while Point Molate recovered from being a naval refueling station.

It is home to the most successful stands of eel grass in San Francisco Bay, and to reestablished oyster beds – both essential to healthy shoreline habitat and part of the ecological barrier in protecting from sea level rise.

The Winehaven Building and District
And then there is Winehaven – that spectacular castle-like building at Point Molate that was built right after the 1906 earthquake, near the beginning of the California wine industry. This National Landmark deserves to be preserved. Winehaven was the world's largest winery before Prohibition. Winehaven is a window into the time when winemaking was becoming a major agricultural industrial player, with Winehaven having the capacity to hold and ship 12 million gallons of wine at its peak.

And Winehaven is just a glimpse of California history at Point Molate, Point Molate also contains the vestiges of a Chinese shrimp camp; the evidence of early Native American presence; cottages for winery workers; and the last active whaling station in the U.S., a little north of Point Molate on the peninsula.

Point Molate is threatened by a frustrated group of pro-developers, led by Mayor Tom Butt, who want housing and shopping for this magnificent shoreline opportunity. They want to cut short public input about the best uses of Point Molate.

Legal Battles
This current push to develop Point Molate arises out of litigation between the casino developers and the city. An earlier pro-casino City Council (including then Councilmember Tom Butt) worked with the developers to create and approve a resort casino. The developers (a Native American Tribe and Upstream Development) paid over $5 million to the city for the rights to pursue this casino plan. However, before the development got approved, the citizens passed a measure opposing the casino and elected a new City Council which turned down the casino, with Councilmember Butt switching sides and opposing the casino. The developers sued for their money back and ultimately Mayor Butt led the charge to settle with the developer, allow development rights at Point Molate (of a minimum of 670 units of housing, plus), sell parcels and split the net profits 50/50 between the developers and City, which the City Council approved in non-public meetings by a 4-3 vote – in secret.

In response Richmond residents and environmentalists (including CESP and Citizens for a Sustainable Point Molate) sued to stop the back-room deal on grounds that secret votes violate the Brown Act. That suit is now before the same trial judge - we all await the results.

Photo of Point Molate courtesy of Patricias Jones

How can we Save Point Molate?
We can push to protect the open space, the osprey, Monarch butterflies; to preserve Winehaven as a destination spot; to preserve the cottages, and honor the history: the whaling station, the Chinese shrimp camp, the Native American sites, the other values at the proposed educational facility. And we can move the housing to where there is a need and the infrastructure – downtown Richmond.

The Point Molate Alliance
The Point Molate Alliance has formed to save Point Molate. CESP (including its members and supporters), Citizens for a Sustainable Point Molate, the Sierra Club, SPRAWLDEF and other groups and environmentalists and people concerned with open government have banded together under this new banner to preserve and protect the legacy that we all want to pass along to the next generations. Let our great grandkids see the osprey flying over Point Molate, let them kayak, cycle, and play at the beach. Let the Monarch Butterfly, hawks, wild life and native plants at Point Molate provide the awe to the people who will come to see this wonderful destination point.

People will come to see Winehaven, and learn about the shrimp camp, the protected Native American sites. They may stay at a conference center or hotel complex near Winehaven. They will tell the world about Point Molate, how the residents of Richmond saved this gem. And they will be joined by the proud residents of Richmond, including ones who will live in the new housing the City had the wisdom to build in the urban core to help its revitalization.

Robert Cheasty, E.D. and Shirley Dean, President
cespmanager@eastshorepark.org

The Uneasy Chair

Dear Friends,

In addition to this yearly newsletter, we put out an update every month. (If you'd like to be on that list, let me know). Gwen and David Jeong, Jean Olmsted, along with my daughter Ginny and our friend Lane Etherington have come to label, stamp, fold and stuff envelopes faithfully over the years. Without this loyal group it would have been impossible to produce this monthly publication. I want to thank them for all they bring to this effort---faithfulness, cheer and home-baked cookies!

My thanks to my volunteer readers Laura Eberly and Pratim Soni. They are always enthusiastic and have become experts on such things as salt marsh harvest mice, Ridgway's rails and sea level rise.

Resting Green-winged Teal Adobe Creek, Mountain View, CA

The young group now managing this Committee is beyond description in its effectiveness and joy in working with each other. The presence of Gail and Carin reminds me that we are in good hands!

FLorence LaRiviere
Uneasy Chair Emerita

Editor's notes:

I'd like to extend a huge "Thank you!!" to my proof-readers and volunteer editors - Sam and Howard High, Margaret Lewis, Jana Sokale, and Gail Raabe.

All photos unless noted otherwise are courtesy of Carin High.

~~ Carin High, Editor

Name _____ **Phone** _____

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Here is my contribution to help preserve our wetlands:

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Save Wetlands!

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Fall 2018

CITIZENS COMMITTEE TO COMPLETE THE REFUGE

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.