



SAVE WETLANDS

Citizens Committee to Complete the Refuge

Issue 49

Advocates for the Don Edwards San Francisco Bay National Wildlife Refuge

Fall 2020

Huge Court Victory for the Redwood City Salt Ponds!

We are all ecstatic about a recent hard-fought win for wildlife and the health of San Francisco Bay. In an October 5th court ruling we had been anxiously anticipating for over a year, U.S. District Court Judge William Alsup issued an Order that “vacated and set aside” the Trump Environmental Protection Agency’s 2019 Jurisdictional Determination that removed Clean Water Act (CWA) protections from the Redwood City salt ponds. The Judge remanded the matter of jurisdiction back to EPA to “consider the question anew.”

The Plaintiffs in the litigation included Citizens Committee to Complete the Refuge, San Francisco Baykeeper, Save the Bay, Committee for Green Foothills and California Attorney General Becerra. The law firm Cotchett, Pitre & McCarthy in Burlingame, represented CCCR and two other environmental groups, and the successful efforts of the firm’s attorneys on our behalf are greatly appreciated!

CCCR has worked hard to protect these salt ponds for many years. This 1400-acre site is included as a “potential addition” within the Don Edwards San Francisco Bay National Wildlife Refuge expansion boundary because the ponds have significant conservation value, both for wildlife and for potential restoration back to tidal marsh. The Redwood City salt ponds currently provide crucial seasonal habitat for thousands of resident, migratory and overwintering waterbirds on San Francisco Bay.

After an initial massive “Saltworks” development project was rejected by Redwood City in 2012, Cargill’s



Cargill Pond 10, Redwood City. Photo by Matt Leddy.

developer DMB requested a new determination on CWA jurisdiction. In 2016, EPA Region 9 in San Francisco completed a Draft Jurisdictional Determination finding that the majority of the Redwood City site does contain “waters of the United States”, and the ponds are therefore subject to CWA protections. The 65-page report, based on years of study and extensive legal and scientific analysis, was submitted to the EPA administration headquarters in Washington DC for final approval; however, in March 2019, EPA

...continued on page 5

Inside:

What CCCR Did in 2020	2
South Bay Salt Pond Restoration	4
Saving Area 4	6
Fremont: Parks and Climate Plans	7
Save Wetlands in Newark	7
Regional and Local Planning	8
Friends of Redwood City	10
Baylands Conservation Committee	11
Alameda Wildlife Reserve	12
Saving Point Molate	13
Wetlands in the Far South Bay	14
The Uneasy Chair	15

What CCCR Did in 2020

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 nonprofit partners.

Actions protecting threatened lands that lie within the Refuge Acquisition Boundary, particularly:

- BCDC Notice of Preparation for Operations & Maintenance Permit for solar salt ponds
- Cargill-owned Ponds, Redwood City: Clean Water Act Jurisdictional Determination litigation against U.S. EPA; Redwood City 2030 Climate Action Plan Update – joint letter advocating for restoration of undeveloped baylands vulnerable to SLR; presentation to Peninsula Fly Fishers; continued bird observations to document habitat value of salt ponds
- Monitoring Menlo Park wetlands threats (Ravenswood Triangle; Adams/University): Facebook Willow Village, Dumbarton rail
- Newark Area 4: Filed a CEQA lawsuit against the City of Newark for inadequate environmental analysis; hired attorney Stu Flashman; hearing was held at the end of September, we are awaiting a decision

Actions to avert threats to lands held by the Refuge including:

- Clean Water Act permit non-compliance issues
- Dumbarton Corridor Feasibility Study, Palo Alto General Plan/Transportation Element: Build in Refuge. Attendance at community meetings
- Facebook Expansion Project: Consultation regarding Pedestrian/Bike Bridge
- Monitoring of Caltrans areas in Redwood City to prevent debris entering adjacent Refuge waterways
- Redwood City Ferry Terminal Economic Feasibility Study, stakeholder meeting participant; comments to WETA, Port and City on final report
- Support Park Rangers services, Menlo Park: Bedwell Bayfront Park, adjoining the Refuge
- 557 East Bayshore Road Project (Century 12 site), Redwood City, potential impacts to Bair Island – comment letter to City on protecting nesting cliff swallows; review of pending DEIR

Actions on Bay/Regional Projects:

- 410 Airport Blvd, Burlingame: Signatory on joint letters in support of restoration/public park proposal
- WETA Hovercraft Feasibility Study: Comment letter on Draft Final Report for proposed ferry terminals and routes
- CPUC Proceeding: Comment letter on commercial ferry operator application for unscheduled service throughout Bay
- East Palo Alto Ravenswood Business District Specific Plan Update inclusive of multiple projects adjoining the Ravenswood Open Space Preserve and the Refuge's Laumeister Marsh
- Sunnyvale: Moffet Park Specific Plan Update actions to protect existing wetlands, adjoining sloughs and creek habitat and to improve City consideration of sea level rise risks and adaptation
- San Jose: San Jose General Plan Update process, joint comment letter to Planning staff to protect Alviso open space from increased employment standard as a result of the decrease in employment capacity in Coyote Valley
- Creek/riparian encroachment, Santa Clara County/SCVWD: Monitor use of publicly-owned lands
- Facebook Projects, Menlo Park and Redwood City: Advisory role, impact avoidance and mitigation of proposed and existing real estate and transportation projects
- Google Projects, Mountain View, Sunnyvale, Alviso: Advisory role on development, on impact avoidance and mitigation of proposed and existing real estate and trail projects
- Palo Alto Baylands: Valley Water/USACE Sea Level Rise Levee, Valley Water Flood Basin Replacement Gate and Palo Alto Regional Water Facility horizontal levee project, all impacting existing endangered species habitat
- South Bay Salt Pond Restoration Project, Phase 2 EIR/S (West/South Bay and Eden Landing documents)
- Top Golf at Terra, and adjoining North First Street property, San Jose: Monitor development of entertainment with 170' high net, retail and hotel multi-owner complex, next to lower Guadalupe River
- Valley Water Calabazas Creek, San Tomas Aquino Creek and Pond A8 Reconnection and Restoration Project – Letter of support

Actions commenting on Bay Region, State and Federal Plans and Policies:

- BCDC NOAA Assessment and Strategy – Submitted comment letter
- BCDC proposed amendments to Enforcement Regulations – Submitted comments
- California Wetlands and Riparian Area Protection Policy – Amici for State Water Resources Control Board in lawsuit filed by San Joaquin Tributaries Authority
- CDFW Regional Conservation Investment Strategy Guidelines – Submitted comment letter
- Comprehensive Conservation Management Plan, San Francisco Bay Estuary – Stakeholder
- East Bay Regional Conservation Investment Strategy – Submitted comment letter
- Farallon Islands Invasive House Mouse Eradication Project – Submitted support letter
- Fremont Parks and Recreation Master Plan – Participated in workshops, submitted comments, participated in a focus group
- Fremont Climate Adaptation Plan Update – Participating in workshops, providing comments
- Newark Slough Mitigation Bank Proposal – Periodic check-in with agencies
- Plan Bay Area 2050 – Stakeholder group and submitted multiple comments
- Regional Advanced Mitigation Planning – Stakeholder
- State Water Resources Control Board Draft Guidance for State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State – Submitted comments
- State Water Resources Control Board Draft MOU with HSR – Participated in submitting group environmental comment letter
- U.S. Army Corps of Engineers Proposed Reissuance of Nationwide Permits – Submitted comments for regional conditions, submitted comments to Corps Headquarters, submitted comments to the State Water Resources Control Board

Actions on projects impacting special-status species and water quality impacts in the Bay Region:

- Clean Water Act/Endangered Species Act violations
- Tesla Park, Alameda County: Supporting efforts to permanently protect this area from OHV expansion many listed and special-status species and habitat
- Upper Berryessa Creek Flood Reduction Project, Milpitas: Monitor mitigation outcomes of built project.

Actions of CCCR as Facilitators, Stakeholders, Representatives at meetings/conferences and on Boards:

- Adapting to Rising Tides: Stakeholder and host for presentation to environmental groups
- Alviso Neighborhood Community Meetings
- Baylands Comprehensive Conservation Plan
- BCDC Bay Adapt: Stakeholder, CCCR hosted presentation to local environmental groups
- CCCR-Hosted, Bay Adapt Presentation to local environmental groups
- Cross Bay Transit – Stakeholder, hosted presentation
- East Bay Regional Conservation Investment Strategy
- East Palo Alto and Dumbarton Corridor Resilience Study, Metropolitan Transportation Authority, Stakeholder
- East Bay Regional Park District planning for climate change along the Bay shoreline
- Facebook Environmental Community Group Representative, Advisory role, Corporate Real Estate Planning
- Friends of the Estuary Board Member
- Google Ecology Club Member, Advisory role, Corporate Real Estate Planning
- Hayward Regional Shoreline Adaptation Master Plan
- Menlo Park Stakeholder, Bayfront Bedwell Park Master Plan Oversight Committee
- Resilient by Design – served as “Local Leader” speakers for tours at various locations
- San Jose Environmental Services Division,
- Environmental Community Group Representative
- Santa Clara Valley Conservation Council Member
- Santa Clara Valley Water District: Stakeholder, Reverse Osmosis Concentrate County-wide planning
- San Francisco Bay Joint Venture Management Board
- San Francisco Estuary Partnership Implementation Committee
- Shoreline Advocacy Workshop
- South Bay Salt Pond Restoration Project
- State of the Estuary Conference (Sponsor)
- Water Emergency Transportation Authority, Hovercraft Feasibility Study Stakeholder Advisory Committee

Myriad shorebirds at the Alviso Environmental Education Center. Photo by Carin High.



South Bay Salt Pond Restoration Project: 2020 Update

In 2020, Phase 2 construction at the South Bay Salt Pond Restoration Project launched, and a new Lead Scientist, Donna Ball, came on board to develop our second phase science program.

The 17-year-old Restoration Project, at 15,100 acres, is the largest tidal wetlands restoration on the West Coast. Its first phase of construction, completed in 2016, opened 3,040 of those acres to Bay tides to facilitate salt marsh restoration; enhanced 710 pond acres for shorebirds and waterbirds; and completed 7 miles of new public trails. Our earliest restored areas now host breeding populations of endangered salt marsh harvest mice and California Ridgway's rails. The Project also funded many scientific studies to help us measure and adjust our actions. Donna Ball is working on criteria for selecting our next suite of research.

Donna Ball and Phase 2 Science to Date

Donna, a salt marsh ecologist, came to the Project in January from Save The Bay, where she directed its habitat restoration program. She has deep familiarity with the Project, as she



Donna Ball, new Lead Scientist for SBSPRP. Photo by SBSPRP.

helped to develop our initial science program and, at Save The Bay, partnered with us on projects. "I'm very excited to join the Project team," she said, "and work on such an important and interesting project that is so near to my heart."

Our Phase 2 science update began with contractor Point Blue Conservation Science creating foundational documents: syntheses of the status of climate change research (www.southbayrestoration.org/document/phase-2-climate-change-synthesis) and Bay restoration science (www.southbayrestoration.org/document/phase-2-science-synthesis), as well as a framework for prioritizing



Building an island at Ravenswood Pond R5/S5 adjacent to Bedwell Bayfront Park. Photo courtesy of Pacific States.

our next decade of science (www.southbayrestoration.org/document/phase-2-science-program-framework).

Phase 2 Habitat and Trails Construction

Phase 2 construction started with little fanfare, as we've not yet breached levees or opened new trails. Instead, much activity revolves around trucking in fill, as available, from other construction sites to build new habitat areas. We use the dirt coming in to create a nesting island, add sloped upland transition zones for wildlife to escape high tides, raise flood-protecting berms, and build supports for new recreational trails.



Save The Bay's Ravenswood nursery with native plants ready to be planted on the Ravenswood wetlands-to-upland transition zone habitat along Menlo Park's Bedwell Bayfront Park. Photo by Save the Bay.

Specific projects include:

- At Ravenswood near Menlo Park, workers have placed roughly a mile of transitional slope habitat along the edges of Menlo Park's Bedwell Bayfront Park, and are building the island at Pond R5/S5. Future work will include building a trail segment and installing infrastructure so the ponds can be managed for ducks.
- At Alviso Pond A8, trucks are bringing in dirt to build habitat slopes along the pond's southern edge.
- At the Island Ponds near Fremont, contractors are improving access for next year's work breaching and lowering levees to speed the growth of tidal wetlands.

In coming years, we will launch construction at Mountain View and the State Department of Fish & Wildlife-owned Eden Landing Ecological Reserve near Union City. Those efforts will complete Phase 2, resulting in roughly 50% of our acreage, or 7,500 acres, being restored. Long-term plans call for restoring from 50% to 90% of our acres, depending on birds' pond habitat needs. Phase 2 Science will assess habitat and wildlife at that time to inform future plans. 🐦

Dave Halsing, Executive Project Manager, SBSPRP



Save The Bay, Refuge staff and contractors at a transition zone site determining where transition plantings will go. Photo by SBSPRP.

Redwood City Victory ...continued from front page

Headquarters issued their own Final Jurisdictional Determination that "there are no 'waters of the United States' for purposes of the CWA", thereby removing federal regulatory oversight on the Redwood City salt ponds.

The EPA headquarters decision was based solely on the argument that the entire site had been transformed into "fast land" (dry uplands) prior to the passage of the Clean Water Act in 1972. As Judge Alsup stated in his Court Order, "The basic question underlying a Section 404 jurisdictional determination is whether the parcel in question contains waters of the United States as defined by the CWA. Here, EPA answered that the salt ponds did not. And, it did so without addressing whether water on the site fell within the agency's own regulatory definition of waters of the United States. As discussed, the EPA determination instead rested upon a finding that the ponds had been converted to 'fast land' prior to passage of the CWA..." and were therefore not "waters of the United States."

The agency's finding that the entire site was fast land relied on two court of appeals decisions, *Leslie Salt Co. v.*

Froehke (1978) and *United States v. Milner* (2009) which are discussed extensively in the Court Order. Judge Alsup determined that these two cases in fact did not support the EPA's fast land finding writing, "...the levees themselves, having already been constructed as dry, solid fast lands before passage of the CWA are not subject to CWA jurisdiction. All parties agree. The ponds themselves, however, remain subject to CWA jurisdiction because they are wet (plus they are not uplands). And, they have important interconnections to the Bay." The Judge concluded that, "Since this finding was contrary to law, it must be set aside under the Administrative Procedure Act."

In directing EPA to revisit the question of CWA jurisdiction, the Judge stated that, "The agency should evaluate the extent of nexus between the salt ponds and the Bay and the extent to which they significantly affect the chemical, physical, and biological integrity of the Bay and take into account all other factors required by law..." The original 2016 EPA Region 9 Draft Jurisdictional Determination actually outlined all these essential findings in a detailed report. EPA headquarters considered,

but arbitrarily dismissed, the findings in this report and attempted to exclude the report from the administrative record the agency submitted to the judge. Fortunately, Judge Alsup's Order also directed that this document be added to the administrative record.

Although the Defendant in the litigation was the EPA, the Judge granted intervenor status to Redwood City Plant Site, LLC, owned by Cargill's developer, DMB Redwood City Saltworks.

After the Court Order was filed, DMB released a statement saying, "We are disappointed by the District Court's ruling on the Saltworks site in Redwood City... We are reviewing all options. Our focus is on working with our neighbors in the Bay Area to consider all future uses of the site while protecting environmental resources."

One of the options available to EPA is to appeal Judge Alsup's decision. We will have to wait to see if they pursue that course of action. In the meantime, this ecologically important site again enjoys federal CWA protections like the other salt ponds throughout San Francisco Bay. 🐦

The Work to Save Area 4 Continues

CCC and the Center for Biological Diversity (CBD) filed a lawsuit in December 2019 after the City of Newark (City) approved an incredibly flawed CEQA document for the proposal to construct 469 single family housing units atop 15+ feet of fill near Mowry Slough. The project proponents have attempted to thwart environmental review by regulatory agencies by avoiding the direct placement of fill into wetlands that in some cases are immediately adjacent to the huge fill pad.

The City maintains that the 2015 recirculated Environmental Impact Report (REIR) sufficiently identified and disclosed and mitigated all impacts to biological resources and that there are no new impacts or information to warrant additional environmental review.

There are a number of issues raised in our legal arguments, including the fact that the use of riprap along the bottom of the fill slopes was never disclosed during the 2015 REIR process and was only

mentioned in 2019 in a response to comments submitted – not in the actual CEQA review documents. The use of riprap has negative ramifications for tidal marsh upslope migration and is known to harbor nuisance species such as rats. In addition, methods to control rats could pose problems for the endangered salt marsh harvest mouse living in adjacent wetlands.

Peer review of geotechnical documents repeatedly suggest the need to evaluate the potential for “mud waves” to form from the base of the fill pad and extend into the adjacent wetlands. The City has allowed the deferral of such studies until after approval of the CEQA document meaning any geotechnical mitigation measures that are required to prevent mud waves could occur without any opportunity for the public to assess whether those measures could adversely impact wetlands, the salt marsh harvest mouse or other wildlife.

And as we have all seen, barely a week goes by without new documentation of the rapidly increasing rates of sea level rise and estimates of levels of inundation within the Bay Area.

Earlier this year in California, guidance was released by the California Ocean Protection Council that planning entities should plan for 3.5’ of sea level rise by 2050 (just thirty years from now). The estimate used for the “Sanctuary West” development is only 1.9’ by 2050. To mitigate for sea level rise above the planned 1.9’, the consultants for the City have said more fill could be added to raise the fill pad even higher



Pond in northwestern corner of Area 4, looking southeast. Photo by Margaret Lewis.

– however, that could increase the rate of fill settlement. The City also suggested there could be a regional response such as the construction of a seawall or levee either built on top of the fill pad or in the “remaining open space” – the majority of which is wetlands. So, in the end, the project that has purported to have “avoided” filling wetlands has simply deferred the necessary sea level rise mitigations and costs to Newark taxpayers.

This site has been identified by Bay Area scientists as land perfectly positioned to provide space for both inland marsh migration and transition zone habitat that can benefit species like the endangered salt marsh harvest mouse, and more recently as an area that could provide nature-based resilience from sea level rise for residents of Newark.

The hearing for our lawsuit was held in late September and we await on pins and needles, the judge’s decision. We’ll keep you posted! 🐾

Carin High, cccrrefuge@gmail.com

Jana Sokale, cccrrefuge@gmail.com

Fremont: Updates on Parks and Recreation Master Plan and Climate Change Action Plan

The City of Fremont launched an update of its Parks and Recreation Master Plan over the summer. Three public workshops were held during which participants were polled about their priorities for recreation within the City. In the first workshop, the natural environment, biodiversity or native plants were barely mentioned, if at all, and the polling questions didn’t even offer the opportunity to voice a desire for nature parks and native plantings. By the last workshop, these words were all included in the presentation and if nothing else, there was at least a box entitled “other” that members of the public could check and then state what their priorities are. CCCR participated in all three workshops and was invited to participate in a focus group meeting.

During the focus group meeting CCCR expressed appreciation that the presentations had broadened a bit and urged the consultant for the City to include the concepts of passive recreation parks, where the public could enjoy nature, and nature education programs that include the concept of stewardship and native plantings, into future presentations and iterations of the plan.

The next phase of the process will be to conduct “statistically valid” polling of the community, asking what Fremont residents want in terms of park facilities and programs. From there, the City will be presenting a Draft Parks and Recreation Master Plan to the residents of Fremont.

Another comment made by CCCR is that outcomes of polling surveys are highly dependent on how the questions are presented to the survey taker. The concept of nature-based recreation/parks/education/stewardship should be presented as an option for survey takers to consider, as opposed to merely providing survey takers an “other” category. Fremont has the second largest geographic footprint of all other cities in the Bay Area, and has strived to place itself in a leadership role; as such, Fremont should incorporate the concept of nature-based recreation/education/stewardship/biodiversity as stated elements of the master plan.

CCCR also mentioned that there is overlap between the Parks and Recreation Master Plan, Fremont’s Climate Action Plan Update and the Urban Forest Plan, and that there is grant money for actions supporting the planting of native trees/plants (carbon sequestration) as part of the growing interest in reducing the impacts of climate change, beautifying our cities and preserving biodiversity.

The City recently kicked off its process for updating its Climate Action Plan and has held its first public workshop. CCCR submitted comments in the chat box that

there should be consideration of measures that support biodiversity and carbon sequestration. CCCR will continue to be involved in the process. There are areas within the City’s boundaries that could accommodate tidal marsh migration space as sea level rises. 🐾

Carin High, cccrrefuge@gmail.com

Save Wetlands in Newark

While other cities around the Bay are adding sea level rise concerns and remedies to their general plans, Newark has not. As far as the city is concerned, it is not their problem. High density housing is being built up to the margins of Cargill salt ponds in Area 2. Other housing in low-lying areas in the western part of the city are being constructed on mounds of fill. The city claims 15 or so feet of fill are enough to protect dwelling units. Underground utilities are not a concern for the city.



This pump, located in the southwestern portion of Area 4, pumps water into Mowry Slough. Without the pump, the site would be much wetter. Photo by Margaret Lewis.

The city claims that other cities, local agencies or the state or federal government will provide flood protection. The plan to build housing on 15 or more feet of fill on Area 4 is an example of poor planning. The levee along Mowry Slough is not up to FEMA standards and is not expected to be improved. Even at that, Area 4 contains saturated soils and a high-water table. No other city around the Bay would be so reckless as to propose housing in a flood zone like Area 4.

Newark residents would be better served by city staff and a mayor and council who take sea level rise and climate change seriously instead of pushing it off to other entities. 🐾

Margaret Lewis, (510) 792-8291



Regional and Local Planning Processes That Will Influence the Baylands and Beyond

A number of regional planning processes are currently underway that could have far-reaching consequences for biological resources of the Bay Area. These regional planning efforts focus predominately upon the human environment - any emphasis placed on protection of habitats is focused on the benefits to humankind provided by those habitats, and not on the need to preserve and protect biodiversity. If you have concerns about habitat protection for the sake of preserving the biodiversity and the health of the Bay, we encourage you to participate and be a voice for native plants and wildlife.

Plan Bay Area 2050 [www.planbayarea.org]: PBA2050 is the regional road map for transit and development within the Bay Area. The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) are required to update this road map every four years to meet federal and state requirements. A Notice of Preparation has been released for PBA2050 and scoping comments have been submitted by CCCR. A draft environmental impact report (DEIR) is anticipated to be released in the Spring of 2021. This Plan lays out the transportation projects that will

receive funding and support as well as the identification of priority areas for development and protection within the Bay Area. Rather than having a planning component focused on natural resource protection, the category of "environment" only contains preservation of open space and increasing recreational opportunities and public access along the shoreline. While we fully support public access, regional planning must ensure that recreational projects do not constrain tidal marsh migration and habitat needs for rare and listed species as sea level continues to rise.

Bay Area Adapt [www.bayadapt.org]: This BCDC planning process is focused on the threat of sea level rise and picks up where the Adapting to Rising Tides program left off. It is described as "building a new type of regional collaboration among agencies and stakeholders to protect people and the natural and built environment from rising seas." Additionally, "Through this six-month, collaborative action-setting initiative, Bay Area regional, local and community leadership will identify, deliberate and commit to a set of shared actions that will allow the Bay Area to adapt better and adapt faster to a rising Bay." Unfortunately, very few members of the

environmental community have been included within the initial planning process. We are concerned that protection of the "natural" environment will not be viewed as a need that is separate from flood protection, recreation, etc. and that as sea level rises, tidal marsh ecosystems will continue to be squeezed between new and existing infrastructure, development and recreational facilities.

Communities in California are required to prepare **Climate Adaptation Plans** that demonstrate they are taking active measures to reduce greenhouse gas emissions and plan for climate change resilience. This is an opportunity to ensure your community considers the needs of the natural environment while drafting their plans for resilience.

The City of Hayward has issued their **Hayward Shoreline Master Plan** [haywardshorelinemasterplan.com] final draft that presents their preferred alternative for sea level rise resilience along the Hayward Shoreline. It provides a wealth of information that may be of value in your own community. Comments on the Hayward Shoreline plan are due by December 1st. 🐾



The view of Newark Slough from the Refuge Headquarters in Fremont. The photo above was taken at low tide; the photo below is during a King tide. Several regional planning processes offer an opportunity to speak for nature. Photos by Carin High.

Friends of Redwood City: Ferry Expansion Plans Could Impact Bay Habitats and Wildlife

We have been following two project feasibility studies and a pending administrative action that could greatly increase the number of public and private ferries operating throughout the Bay.

The San Francisco Bay Water Emergency Transportation Authority (WETA) will be completing a Hovercraft Feasibility Study by the end of this year to determine whether the agency will pursue plans to use hovercraft ferries to access shallow-draft areas of the Bay. Some of the routes and landings currently being studied include the west end of the Dumbarton Bridge, Foster City, the San Leandro marina area,



Private ferry causing large waves (wakewash) in Redwood Creek adjacent to sensitive tidal marsh habitat 2018. Photo by Matt Leddy.

and three sites in the Hercules/Pittsburg area. Hovercraft only carry 80 passengers per trip, generate significantly greater diesel emissions than catamaran ferries, and any new terminals require a half-acre cement pad for the landing.

CCCR is a member of WETA's "Hovercraft Stakeholder Committee", and in a recent letter, we outlined potential problems with noise and disturbance impacting harbor seals, endangered species in nearby Refuge and other protected tidal marsh areas, foraging shorebirds on intertidal mudflats, and offshore diving ducks and other waterbirds. Possible vessel impacts to eelgrass beds in the North Bay is another concern. The potential for serious environmental impacts needs to be clearly identified in the study so WETA decision-makers can make an informed decision.

In November, Redwood City completed the Redwood City Ferry Financial Feasibility Study and Cost-Benefit & Economic Impact Analysis. This is a joint project with

WETA and the Port for the construction and operation of a proposed WETA public ferry terminal on Port land near the confluence of Redwood Creek and Westpoint Slough. At a May stakeholder meeting, CCCR voiced concerns about ferry wake impacts to endangered species in tidal marsh habitat on adjacent Refugelands at Bair and Greco Islands.

The study factored in longer travel times to allow for reduced-wake speed restrictions, but several recommendations in the report have raised additional concerns. The report suggests allowing private commercial ferry operators to also use the terminal to help generate

project funding, which would substantially increase ferry vessel traffic in Redwood Creek. The report also encourages the City to consider land use and zoning changes in the terminal vicinity to identify opportunities for "Transit Oriented Development". This creates a serious growth-inducing impact from the terminal, putting increased pressure for sprawl into undeveloped open space lands on the nearby Cargill salt ponds.

The study found that the terminal is economically feasible; however, a formal Business Plan must be developed before a final decision is made to move the terminal project forward. Environmental review would follow.

CA Public Utilities Commission Proceeding A1909011

- This CPUC Proceeding involves an application from a private commercial ferry operator to amend an existing "Vessel Common Carrier Authorization". The amendment would allow for unscheduled, prearranged ferry service

to undisclosed locations essentially anywhere throughout the Bay—basically, a "ride-hailing" ferry service. In a letter to the assigned Administrative Law Judge, CCCR echoed a concern WETA had raised earlier - that environmental review is required under CEQA prior to approval of the application due to potential direct and indirect environmental impacts, including cumulative impacts from the increasing number of CPUC-authorized private ferry operations. After the judge issues a Proposed Decision, the Commissioners at the CPUC make a final decision to adopt or modify his recommendation.

Our concerns about impacts are not speculative. CCCR has documented significant wake wash hitting adjacent Refuge tidal marshes from private high-speed catamaran ferries operating in Redwood Creek. Approval of this application would also authorize increased numbers of ferry trips into the San Leandro Marina, traversing an offshore site designated as the SFBay-Southern Marine Global Priority Important Bird Area (IBA). This area regularly hosts more than 5,000 waterfowl on a given day, including Surf Scoters, a species in decline. Boat disturbance has been identified as the clearest threat to this IBA. 🐦

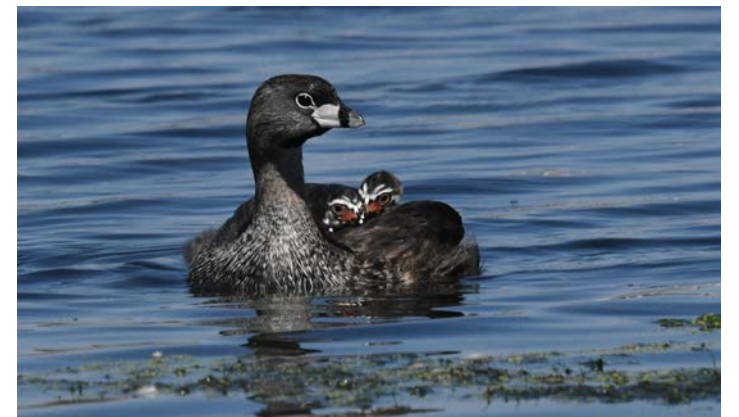
Friends of Redwood City
Gail Raabe and Matt Leddy
cccrrefuge@gmail.com



Snowy Plovers using Redwood City salt ponds. Last winter, endangered Snowy Plovers were consistently seen foraging and roosting on Crystallizer Pond 1, with a record single-day count of 23 birds. Our January 2020 count was submitted to the U.S. Fish and Wildlife Snowy Plover Winter Window Survey. Photo by Matt Leddy, whose continuing documentation of shorebirds and other wildlife using Cargill's Redwood City salt ponds now spans 10 years.

Baylands Conservation Committee

Last year the Palo Alto Water Quality Control Plant completed major work on the freshwater part of the Renzel wetland. Water was drained, cattails were removed, lots of earthmoving occurred and various new levees were built. It was a major disturbance to this area. After the treated sewage water was reintroduced to the wetland, a remarkable transformation occurred. Several very fine photographers have documented the return of birds and other wildlife including turtles, fish, dragonflies, etc. Pied-billed Grebes, Killdeer, and other birds have successfully nested. The October 2020 Punch Magazine (page 100) featured the re-wilding of the Renzel wetland, with some wonderful photos.



Pied-billed Grebe chicks hitching a ride. Photo by Eleanor Muhlstein.

Just one year from now in November 2021, the 10 acres of Byxbee Park that were removed from Park Dedication may be re-dedicated by the City Council under the terms of Measure E. This important wildlife corridor should become part of Byxbee Park once again. Meanwhile, at Ravenswood Preserve, a new trail and view-points have opened and can be accessed at Cooley Landing.

Members of CCCR have been participating in meetings regarding the Dumbarton Transportation Corridor Study—the project is looking at options for resilience to sea level rise at the western end of the Dumbarton Bridge (Highway 84). Refuge staff have also been present during the study sessions.

CCCR hosted a presentation at the beginning of the year regarding the Cross Bay Transit project—a project to re-establish rail transit on the footprint of the old Dumbarton Bridge. Subsequently the COVID-19 pandemic hit and it appears Facebook's involvement in the Dumbarton Rail study will resume but on a more limited scale. If the project proceeds, an EIR/EIS will need to analyze the impacts to wetlands and federally listed species that occur within wetlands and the Bay. 🐦

Emily Renzel, marshmama2@att.net
Rick Johnson, cccrrefuge@gmail.com

Alameda Wildlife Reserve

There were difficulties in Alameda working around COVID-19. All volunteer services were stopped at the Alameda Wildlife Reserve (AWR) in early March, including twice-monthly bird surveys since 2004. The Tern Watch volunteer program was cancelled for the season. Access is still unavailable. We're hoping to do the Christmas Bird Count! Susan, the Least Tern colony biologist, was good to keep us posted several times about the status of the terns through the summer, assuring us that federal staff was conducting predator watch and monitoring numbers and activities.

The Least Terns arrived, nested, and raised young with the usual suspects (primarily Peregrine Falcons and Kestrels) making mischief. Although there were losses, the colony had success with over 300 nests. Precise numbers of young fledged won't be available until the final report is approved.

The Great Blue Heron cypress trees had no fewer than 8 nests; on one occasion, 13 juveniles were counted. This is one of three nesting sites on AWR that can be happily viewed from outside the fence.

The Seaplane Lagoon Osprey family arrived on time. While incubating eggs the female was seen with her right foot entangled in a sheet of construction fabric about the size of a king-sized pillowcase. She was encumbered for over two weeks. Bay Area Raptor Rescue, with enormous care and skill, trapped her and removed the cloth. She was back at her nest within three minutes of release, bowing as if near-sighted into the bowl, tail to the sky for the longest time. She seemed to be not only counting her eggs, but



Double-crested Cormorants nesting along a residential lagoon in Alameda. Photo by Leora Feeney.

convincing herself they weren't decoys. The season's success was made possible by a devoted mate who kept his lady well-fed (she could not fish), and a female that managed the cloth while



This female Osprey at Seaplane Lagoon got entangled in construction fabric. She was rescued by Bay Area Raptor Rescue and returned to her family. Photo by Leora Feeney.

incubating and protecting her precious nest in a most careful manner. The eggs survived to hatch and all three hatchlings fledged.

Another 2020 surprise was finding a Double-crested Cormorant colony in trees along the residential lagoons. It isn't clear how long it has existed, but residents say for some years. It was a treat to be able to watch the birds raising young across the street from South Shore's shopping center. There is an annual cleaning of these lagoons that requires draining, and the timing coincided with the nesting season's end. Monitoring confirmed what watchful residents told us, that the birds seem to manage foraging elsewhere during this time.

We also had opportunities to work with the city on plans for the 19-acre DePave Park, which will reduce our carbon footprint, increase habitat and connect the Seaplane Lagoon with adjacent AWR.

Grants and funding are now a priority. We're hopeful.

Assessing confirmed marine mammals seen swimming along AWR and waters of the Seaplane Lagoon resulted with seven species over the years: harbor seal, California sealion, Steller sealion, bottlenose dolphin, harbor porpoise, humpbacked whale, and Pacific sea otter. WOW! Keep watching! 🐬

Leora Feeney
leoraalameda@att.net

Citizens for East Shore Parks: An Update on the Fight to Save Point Molate

Saving Point Molate brings together three crises facing our country right now: racial injustice, climate, and the pandemic. Point Molate, just north of the Richmond-San Rafael Bridge, is an ecologically and historically significant headland on the Richmond shoreline.

First, Point Molate is home to multiple sacred Ohlone sites and includes the remnants of a Chinese shrimp camp. Because of segregation, people of color have historic ties to this shoreline area as a place to go to the beach, picnic, and fish where they felt welcome. Now, instead of being designed for the community and preserved as a regional park and community destination, the Richmond City Council approved sale of this land in September for a proposed private, luxury Residential/Mixed Use Development.

Second, protecting Point Molate is a fight to protect the planet. The war over climate change is being fought battle by battle.

Bad local land use decisions have been collectively damaging the planet. Point Molate is the last natural, undeveloped headland in San Francisco Bay, home to rare California native plant habitats, including the most robust, carbon-saving eelgrass beds in San Francisco Bay, which serve as habitat to Dungeness crab, herring, leopard sharks, bat rays, and sea hares. Point Molate's abundant biodiversity includes species of plants and animals that are under threat. It needs to be saved.

Development has to sustain the planet - not destroy it. Richmond needs affordable housing where infrastructure, transit and services exist. Instead, the city proposes to build luxury housing at Point Molate, a remote location without infrastructure. This violates every principle of good urban planning. What is needed is sustainable planning that provides affordable housing along with open space, recreation and playing fields for people to renew themselves and experience nature.

Third, during this pandemic, people need magnificent public spaces. Point Molate is just the kind of close-by open space people can readily visit for recreation, to observe nature, to be with others outdoors to feed their souls and balance their emotions in this pandemic.

In October 2020, Citizens for East Shore Parks (CESP) - along with our local ally the Point Molate Alliance (PMA) - and other groups and individuals, filed a lawsuit to protect Point Molate's habitat, Native American sacred spaces, public safety, and sustainability. The lawsuit raises challenges



Point Molate. Photo by Citizens for East Shore Parks.

under the California Environmental Quality Act (CEQA) and charges that the City's Environmental Impact Report (EIR) on the project was woefully inadequate, failing to address the damage the project will cause.

In addition to CESP and PMA, Petitioners in this lawsuit are SPRAWLDEF, the Sierra Club, Golden Gate Audubon Society, California Native Plant Society, Ocean Awareness Project, Inc., and individuals representing local Richmond interests.

There is still the chance to preserve this unique shoreline and create public parkland, recreation, trails and playing fields for an underserved community, a community destination and regional draw, and open space in a dense urban environment.

It is a tough battle, but the stakes are high. McLaughlin Eastshore State Park is proof that determination, courage, and community grit work. 🐾

Robert Cheasty,
Executive Director, Citizens for East Shore Parks
cespmanager@eastshorepark.org



American White Pelicans. Photo by Carin High.

Wetlands in the Far South Bay

Some issues come back to haunt us, complicated by steadily encroaching sea level and groundwater rise. In prior newsletters we covered concerns regarding the Capitol Corridor Rail's Alviso Wetlands Crossing, a project that we continue to monitor, anticipating its CEQA process.

Earlier this year we celebrated San Jose's upstream protection of Coyote Valley lands, genuine good news for wildlife, creek, and open space perspectives. But unbeknownst, an Alviso threat lay ahead. San Jose is conducting a General Plan Review. The Plan includes jobs/development standards for designated City areas that formerly included those same Coyote Valley lands. It is a great concern that those jobs and commercial development could be transferred to undeveloped lands within Alviso. This is in addition to already excessive jobs standards that have been the subject of our comments for years. In 2020 we commented jointly with other environmental groups, explaining why lands north of SR237 need reduced jobs expectations, not more.

Sunnyvale's launch of a Moffett Park Specific Plan Update, east of 237/101, considers greater commercial density and residential housing. Concurrently the City is working with

Valley Water and the USACE planning for a sea level rise levee that would be Phase 3 of the Shoreline Study/Levee Project. The Shoreline Study, in 2012, identified Moffett Park as having high flood risk "Economic Impact Assessments" due to SLR and extreme storms. More recent studies add rising groundwater risks. We have particular concerns about development impacts to existing vulnerable wetlands, existing habitats along lower flood channels and obstruction of future SLR adaption for these habitats. When early planning failed to identify these risks, we brought them to the City's attention. We are pleased, for the moment, that the risks are being recognized in depth before the CEQA process begins. We are actively paying attention.

Finally, we are pleased that Valley Water is moving forward in planning that would improve marsh habitat and integration of brackish and tidal areas hydrologically by rerouting lower Calabazas and San Tomas Aquino Creeks through a Caltrans mitigation marsh and the Refuge's Pond A8. 🐾

Eileen McLaughlin
wildlifestewards@aol.com

The Uneasy Chair

I want to begin by sending my love and deeply felt thanks to all our friends and supporters. Your continued support of this organization's efforts to protect the Refuge and Bay Area wetlands has been such a welcome source of comfort during the trying times we have all been going through.

I also want to assure you that our efforts to protect places like the 1433 acres of salt ponds in Redwood City, the 500 acres that include the former Whistling Wings and Pintail Duck Clubs in Newark, and many other sites, have continued despite the challenges posed by the COVID-19 pandemic.

I would like to thank my darling daughters (in no particular order!) Ginnie, Annie and Celia for patiently acting as my readers, thus keeping me up-to-date on scientific research, litigation documents and the many comment letters our members submit on behalf of CCCR. In addition, my deepest thanks to Gwen and David Jeong for all of their offers of help and many years of devotion to our cause. And once again to all of you.



Tribute to Donna Olsen

Earlier this year we lost a dear friend and champion of wetlands, Donna Olsen. Donna fought relentlessly to protect wetlands and creeks in the City of Fremont. If you have enjoyed the incredible vernal pools within the Warm Springs Unit of the Refuge, they've been preserved in large part because of her efforts.

I remember, before the Caruff property had been finally turned over to the Refuge, Donna, Stuart Guedon and I walked the rather uneven ground of the property and suddenly, in front of us, on glorious display was a



breath-taking array of purple, yellow and orange flowers, Downingias and Contra Costa Goldfields that made up something I had never seen or imagined before, a vernal pool. I realized then that we would have to do everything in our power to acquire that beautiful site.

It was a period of a slight depression in our economy so the Caruff property ended up owned by the Sanwa Bank. Donna Olsen must have heard some development was in the offing, so she managed to phone the president of the bank at his office in Los Angeles and spend a half hour telling him in no uncertain terms what was going to happen if he tried to build on that land. She described every agency she could think of that could throw up roadblocks. Not only that, but she warned him the local citizens would rise up against him! With anyone else this conversation might have been haranguing, but Donna would have used that sweet, persuasive voice. The bank president could not have known he was speaking to a beautiful woman, but he would certainly have been impressed by her soothing voice.

The next thing we heard was that the Fish and Wildlife Service was purchasing the land! I'm sure Donna was amused when the President of Sanwa Bank showed up for the dedication of the land.

Unknown to us at the beginning, other than the flowers, there were two endangered or threatened species, the Vernal Pool Tadpole Shrimp and California Tiger Salamander.

We will miss Donna's tremendous passion for wetlands.

Florence M. LaRiviere
Uneasy Chair Emerita

Sign Up For Monthly Email Updates!

We hope you are staying well during this very challenging time. CCCR's Board Members had hoped that life would be returning to normal by now, but clearly the situation with COVID-19 is still impacting how we live. Instead of in-person meetings, our Board Members have been handling CCCR business via Zoom, actively participating in virtual stakeholder and

other meetings, and we continue to be involved in several lawsuits aimed at protecting wetlands and waters.

In an effort to keep our supporters informed throughout the year about our various advocate activities, we have initiated a CCCR Monthly Email Update.

If you are interested in receiving our monthly updates, please provide your name and email address in the space provided in the enclosed return envelope. Be sure and check the "Monthly Email Update" box. Alternatively, you can sign up by

sending an email addressed to cccr.update@gmail.com with "Update Request" in the subject. Please provide your name in the text of the email.

CCCR will not share your email address with other groups or individuals. Our Monthly Email Update will be the only email you will be receiving from our organization, unless you indicate you would also be interested in receiving action alerts. 🐾

[Thank you for your support – you make it all possible!](#)



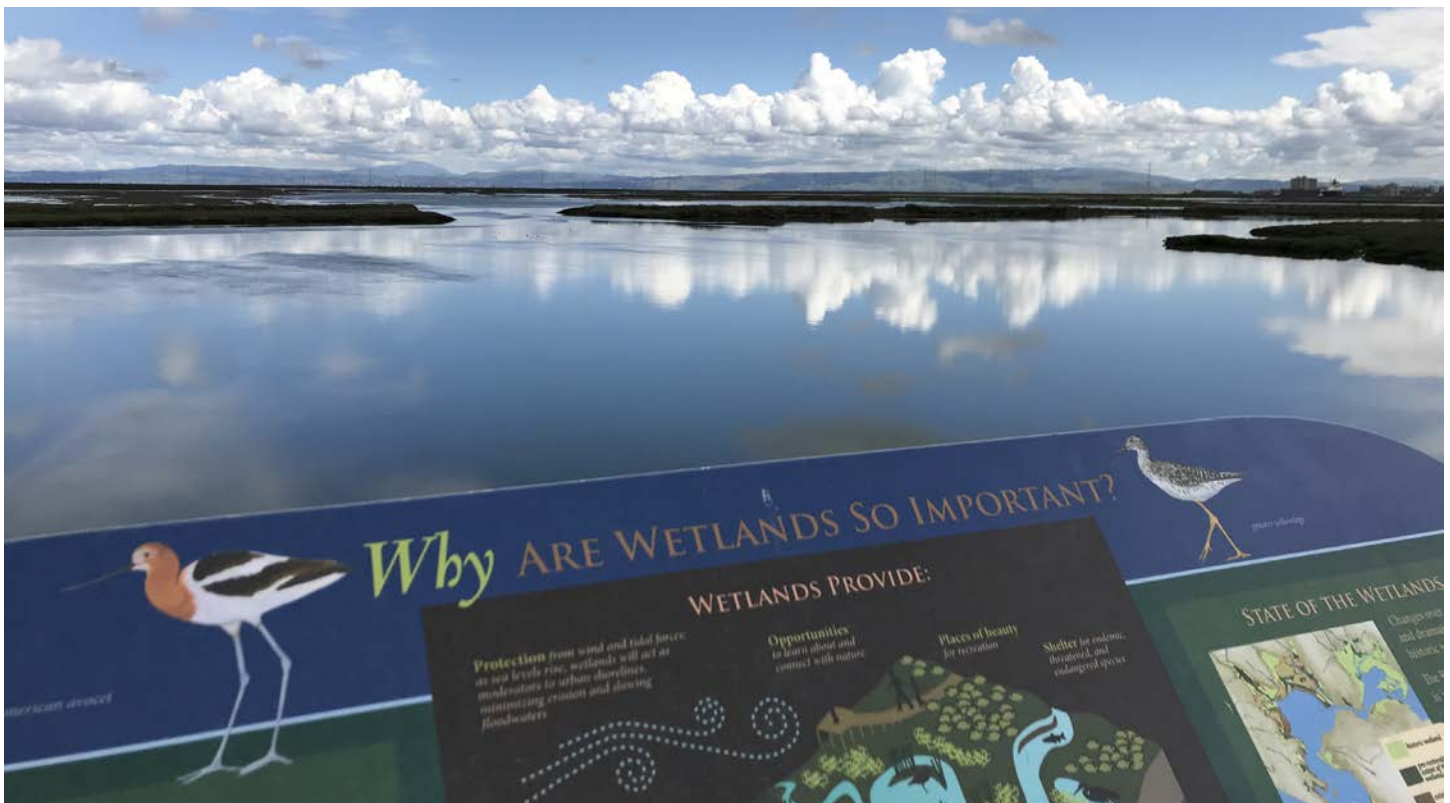
Citizens Committee to Complete the Refuge
P.O. Box 23957
San Jose, CA 95153

Nonprofit
Organization
U.S. Postage
PAID
Permit No. 164
Palo Alto, CA

RETURN SERVICE REQUESTED

SAVE WETLANDS

Newsletter Issue 49, Fall 2020



Beautiful day at Bair Island viewing platform overlooking Smith Slough, Redwood City. Photo by Matt Leddy.

SaveWetlands is the annual newsletter of the Citizens Committee to Complete the Refuge, an all-volunteer nonprofit public benefit corporation.

Our mission 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; a tax-deductible contribution of \$10 per issue is appreciated.

cccrrefuge@gmail.com | www.BayRefuge.org

Board of Directors

Carin High, Co-Chair	John Bradley
Gail Raabe, Co-Chair	Arthur Feinstein
Margaret Lewis, Secretary	Matt Leddy
Denise Raabe, Treasurer	Eileen McLaughlin
Florence LaRiviere	Wayne Miller
Chair Emerita	Enid Pearson
	Emily Renzel