Citizens Committee to Complete the Refuge

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Re: Draft Pathways to 30 x 30

Dear Deputy Secretary Norris,

Thank you for the opportunity to provide comments on the Draft Pathways to 30 x 30 document (Draft Pathways). We commend the Governor for the vision outlined in Executive Order N-82-20. We would like to acknowledge the effort California Natural Resources Agency (CNRA) leadership and staff have expended in creating the draft document and in providing the many opportunities that have been provided for public comments. This is a monumental undertaking and it is fitting that California is once again leading the way in advancing protection of biodiversity and ensuring climate resilience and equitable access.

The Citizens Committee to Complete the Refuge (CCCR) is an environmental advocacy organization focused on protecting and preserving wetlands and wildlife in San Francisco Bay. We worked with Congressman Don Edwards to establish the Don Edwards San Francisco Bay National Wildlife Refuge, and later, to secure Congressional authorization for expansion of the original acreage approved. Our members have been actively working to protect San Francisco Bay's wetlands and rare and listed species habitats for decades.

CCCR's focus in reviewing the Draft Pathways document is on the importance of acting now to ensure the long-term sustainability of complete tidal wetland ecosystems, systems that are at the "land-sea interface". These habitats are incredibly important in the biodiversity they support, the climate resilience they provide and the opportunities for wildlife compatible public access that are invaluable. Tidal wetlands are at risk of drowning and vanishing from many of California's shorelines if we do not intervene.

Inclusion of San Francisco Bay in "inlands waters" calculations rather than coastal waters must be explained.

We are extremely puzzled and troubled by the singular removal of San Francisco Bay from coastal waters. First, no definition is provided in any of the 30 x 30 documents of "inland waters" or "inland water calculations". By placing the aquatic habitats of the Bay in with "inland waters", Bay subtidal habitat, tidal flats, tidal wetlands, and upland transition zones would be included with inland saline waters and wetlands, and a wide range of freshwater habitats including ephemeral, intermittent and perennial streams, rivers, lakes, ponds, seasonal wetlands, vernal pools and riparian corridors. Coastal waters, inland saline waters and

freshwater habitats are all critical resources that must be conserved, but they differ in the physical, chemical and biological processes that create and sustain them. They also differ in the services and ecological functions provided, by the threats they face and the challenges we will face to protect them. It's difficult to comprehend the logic or ecological basis for incorporating the coastal ecosystems of San Francisco Bay into such a grab bag of aquatic habitats.

Would the "calculations" be utilized to assess progress towards achieving the objectives of 30 x 30? Certainly, it makes no ecological sense to include acreages of existing, restored, or acquired acreages of tidal wetlands in inland water calculations.

More concerning is whether there may be ramifications in terms of how funding will or will not flow to San Francisco Bay for acquisition, restoration or nature-based solution projects if San Francisco Bay tidal habitats are included under inland water calculations. Two thirds of the State's socioeconomic impacts resulting from sea level rise are predicted to occur along the shoreline of San Francisco Bay[1] and there is an urgent need for funding of natural and nature-based solutions to provide resilience for Bay Area communities.

The San Francisco Estuary is a very well identified and researched body of water and adjacent lands. It is the largest estuary on the west coast of both Americas. San Francisco Bay has been recognized as a "Wetland of International Importance" by the Ramsar Convention. It has been identified as a Hemispheric Reserve for shorebirds by the Western Hemispheric Shorebird Reserve Network. This classification is the Network's highest ranking and the Network states that, "San Francisco Bay holds higher proportions of the total wintering and migrating shorebirds on the U.S. Pacific coast than any other wetland." The Bay supports hundreds of thousands of migratory waterfowl every year and has been designated an Area of Continental significance for waterfowl by the North American Waterfowl Conservation Plan and an Important Bird Area by the National Audubon Society. The Bay provides Essential Fish Habitat as identified by the National Marine Fisheries Service and supports hundreds of fish and crustacean species.

The San Francisco Estuary should either be classified with "coastal waters" as all of the State's other estuaries and bays have been. Another option would be to classify the San Francisco Estuary as a separate entity, for the reasons mentioned in the paragraph above.

Failing either of these two options, scientific rationale must be provided for including the San Francisco Estuary with inland waters, and more important, this arbitrary classification must not impact the monies available through the 30 x 30 program or other funding mechanisms for acquisition, restoration, or implementation of nature-based solutions within San Francisco Bay.

Definition of terms used within the Draft Pathways document:

We suggest that the Draft Pathways document could benefit from the inclusion of a glossary of terms. We've already mentioned that "inland waters" are not defined as a classification of habitats anywhere in the 30 x 30 documents.

[1] Barnard, P.L., Erikson, L.H., Foxgrover, A.C. *et al.* Dynamic flood modeling essential to assess the coastal impacts of climate change. *Sci Rep* **9,** 4309 (2019). https://doi.org/10.1038/s41598-019-40742-z

Similarly, the definition of "conservation" refers only to "land and coastal water areas." "Coastal water areas" are a much more discrete grouping of habitats, but "land" seems to encompass everything from alpine to desert habitats and all freshwater aquatic habitats and inland saline aquatic habitats as well. We understand that the terminology utilized in the definition follows the language of Executive Order N-82-20, but given the broad range of constituents and stakeholders the 30 x 30 program aspires to include, terminology utilized should be clearly defined. Another example is the use of the term "multi-benefit". The scope of activities, actions and goals that may be encompassed under the umbrella of "multi-benefit" can vary depending upon the agency utilizing the term.

Additional Comments:

We support the comments in the February 15, 2022 letter submitted by the Better World Group and the February 15, 2022 submitted by the Sierra Club 30 x 30 Task Force and incorporate those comments by reference.

Definition of conservation:

We support the definition of "conservation" proposed in the Draft Pathways document. We suggest that it would be beneficial to incorporate the concept of "biodiversity" into the definition. Lands and waters determined to be "conserved" must be durably (permanently) protected (not subject to temporary conservation easements, agreements or mitigation requirements) and must be managed in a manner that ensures the diversity of native species and/or habitats will persist and thrive over time.

Need for an Implementation Plan:

We agree with comments that an Implementation Plan should be developed that provides a road map of how the objectives and strategic actions will be brought to fruition and realized on the ground. This might include identifying specific state and federal agencies that would partner or have the responsibility for outlining steps that need to be taken to implement a specific strategic action. The Implementation Plan should clarify the metrics that will be used to assess progress towards the goals of conserving 30% of California's land and coastal water areas, and should identify funding sources that will be available to implement the three objectives of the 30 x 30 program. In order to successfully achieve the goals of conserving an additional six million acres of land and one half million acres of coastal waters, implementing restoration projects, managing these lands, and implementing climate resilience measures is going to require substantial financial investment. If biodiversity on these lands and coastal waters is to be durably protected, there needs to be a permanent stream of funding. How will adequate funding be provided? What is the process of directing funds to acquisitions, restoration and climate resilience projects? These are but a few of the more pressing questions regarding how 30 x 30 will be achieved.

Page 14 – Expand Access to Nature:

The pandemic has clearly demonstrated the public's desire for access to open space and natural areas. Reconnection and access to the outdoors and natural landscapes is something that should be available to all communities; however, guidance is needed to ensure that public access will be located in a manner that doesn't negatively impact the 30 x 30 objective of durably protecting biodiversity on conserved lands. We recognize that some conserved land designations may have such restrictions in place within their mission statements. As an example, the Don Edwards San Francisco Bay National Wildlife Refuge located in the South San Francisco Bay was established with three major purposes:

> "The Refuge was established with three major purposes. The most important of these is the preservation of the natural resources of the South Bay, which include among others the habitat of migratory birds, harbor seals, and threatened and endangered species. The second major purpose is to provide environmental education and wildlife interpretation opportunities to Bay Area schools and residents. Third, the Refuge will ensure the protection of an important open space resource and other wildlife-oriented recreation opportunities for the enjoyment of local residents and visitors (EDAW 1974)."

Due to the prioritization of preserving natural resources of the South Bay, when considering public access, the Refuge assesses whether or not public access at any particular location is compatible with preserving natural resources. Species that are federally listed or especially sensitive to human disturbance, or species that are sensitive to disturbance during certain portions of their life cycle (nesting, spawning, etc.) are protected from public access either seasonally or on a year-round basis. Such guidance should be provided for GAP1 and GAP2 lands if it doesn't already exist. Provisions for supplemental funding for expanding public access on GAP1 and GAP2 lands may be necessary to support additional staff for ensuring protection of areas of restricted access. During the pandemic it has been a fairly regular occurrence to see members of the public venturing into restricted areas and interacting with wildlife in inappropriate ways. This also points out the need for increased funding to prioritize environmental education and stewardship programs.

Page 31 - Working Landscapes:

We request that clarification be provided that only those portions of working lands that have formal, durable protections and management practices in place that ensure long-term preservation of biodiversity will be considered "conserved" lands.

Cutting the Green Tape:

We recognize the need to remove unnecessary delays in the implementation of restoration projects that will preserve or increase biodiversity and climate resilience; however, this should not be at the expense of providing opportunities for meaningful review by regulatory agencies and for public engagement through opportunities for public review and comment. Restoration projects often involve large tracts of land, can involve habitat trade-offs, and changes in species composition. The 30 x 30 program has espoused goals of transparency and active engagement of local communities which is commendable, especially considering that local knowledge of the resources is invaluable information that can help ensure successful restoration outcomes. Additionally, meaningful public outreach and communication is crucial for promoting public support for local restoration projects.

Appendix A Comments San Francisco Bay Region:

The description of the San Francisco Bay Region barely gives any indication of the ecological importance of San Francisco Bay. As we stated earlier:

> "...the San Francisco Estuary is the largest estuary on the west coast of both Americas. San Francisco Bay has been recognized as a "Wetland of International Importance" by the Ramsar Convention. It has been identified as a Hemispheric Reserve for shorebirds by the Western Hemispheric Shorebird Reserve Network. This classification is the Network's highest ranking and the Network states that, "San Francisco Bay holds higher proportions of the total wintering and migrating shorebirds on the U.S. Pacific coast than any other wetland." The Bay supports hundreds of thousands of migratory waterfowl

every year and has been designated an Area of Continental significance for waterfowl by the North American Waterfowl Conservation Plan and an Important Bird Area by the National Audubon Society. The Bay provides Essential Fish Habitat as identified by the National Marine Fisheries Service and supports hundreds of fish and crustacean species."

Even with the vast surrounding urban development, the Bay remains one of the premier ecosystems in California. The San Francisco Bay-Delta ecosystem supports over 77% of the State's coastal wetlands and will experience 2/3's of the State's socioeconomic impacts related to sea level rise. Rising sea levels will result in the drowning of the Bay's tidal wetlands habitats if wetlands cannot no longer keep abreast of rising seas through accretion of sediments or cannot migrate upslope due to human constructed barriers. A recent San Francisco Estuary Institute (SFEI) publication, "*Sediment for Survival*"[2] documents the threat of drowning Bay Area wetlands will face as sea levels continue to rise and sediment supply to the Bay continues to diminish.

In a letter submitted on May 21, 2021 to the California Natural Resources Agency, on behalf of 26 organizations and coalitions, representing hundreds of thousands of Californians, we wrote to encourage the California Natural Resources Agency to recognize and prioritize the San Francisco Bay Estuary, and specifically the protection, restoration and resilience of San Francisco Bay's wetlands and adjacent uplands that support marsh migration as sea levels rise as critical priorities for the state's 30 by 30 Initiative. (See Attachment 1).

In addition to the bullets provided in the Draft Pathways document, we recommend the following be included:

Conservation Challenges:

- Diminishing supplies of sediment necessary to sustain tidal wetlands as sea levels continue to rise – if sediment supplies to the Bay are inadequate for tidal wetlands to increase elevation through accretion of sediment to keep pace with sea level rise, they could drown.
- Governance gaps fail to protect areas that could support lateral (inland) migration of tidal wetlands from development pressure – tidal wetlands may cease to exist in parts of San Francisco Bay.
- Lack of adequate/predictable funding sources for acquisition of lands that provide tidal wetlands migration space and tidal wetlands restoration projects
- Continued and increasing development pressure
    - Continued habitat fragmentation/Loss of habitat connectivity
- Ensuring durable protection of biodiversity while increasing public access to natural landscapes
- Control of non-native and invasive species

Conservation Successes:

- The South Bay Salt Pond Restoration Project is the largest tidal wetland restoration project on the West Coast.
- Measure AA Restoration Authority
- Bair Island restoration project

[2] Dusterhoff, S.; McKnight, K.; Grenier, L.; Kauffman, N. 2021. Sediment for Survival: A Strategy for the Resilience of Bay Wetlands in the Lower San Francisco Estuary. SFEI Contribution No. 1015. San Francisco Estuary Institute: Richmond, CA.

- Sears Point (Tidal) Wetland Restoration Project

Important Habitats for Conservation:

- It is crucial that areas that could serve as pathways for tidal wetlands migration be conserved. These areas have been identified in numerous documents including the Bay Goals Project, the Baylands Ecosystem Habitat Goals Update, the Tidal Marsh Ecosystem Recovery Plan and the Adaptation Atlas. Some of these lands have been or are under imminent threat of being developed. Some may fall into governance gaps where no regulatory oversight exists except at the local level. The lands listed below are at the proper elevation for restoration to tidal wetlands or of an elevation that could provide inland migration space.

    - Area 4 in Newark at the head of Mowry Slough
    - Newark Plant 2 crystallizer ponds
    - Newark Plant 2 system ponds (AKA Mowry ponds)
    - Fremont-Coyote Tract (Fremont)
    - Redwood City salt ponds

- Salmonid streams
- Redwood Forests
- Vernal pools
- Headwaters
- Serpentine soils
- Coastal scrub/chapparal/grasslands
- Oak woodlands

Iconic Species:

- Migratory shorebirds and waterfowl
- Salt marsh harvest mouse
- Ridgway's Rail
- Western Snowy Plover
- California Least Tern
- Burrowing Owl
- San Francisco garter snake
- Dungeness crab
- Central Coast salmon and steelhead
- Tule Elk
- California red-legged frog
- California tiger salamander
- Alameda whipsnake

Access Priorities:

- Ensuring emphasis on infill development does not result in loss of equitable access to existing natural landscapes and open space
- Ensuring a strong public education component that emphasizes stewardship and the difference each of can make in protecting biodiversity within public lands

Projected Climate Change Effects:

- Drought, extreme heat

    - Wildfire, climate refugees
- Sea level rise, groundwater rise, flashier/more intense storms
    - Increasing flood risk
        - Impacts to vulnerable communities
        - Loss of critical infrastructure/relocation of critical infrastructure
    - Drowning of tidal wetlands (if inadequate sediment supply or lack of inland migration space)
        - Adverse impacts to the biodiversity and ecological health of the Bay
    - In coastal areas potential loss of beaches, cliff erosion

Conclusion:

In closing we reiterate our appreciation of the efforts of CNRA leadership and staff in undertaking this monumental effort. We appreciate the opportunity to provide comments, however, moving forward we would like to suggest that public participation in the 30 x 30 process could be improved by providing opportunities for Q & A sessions and opportunities to discuss elements of the 30 x 30 program with CNRA leadership and staff.

Specific to our region, over twenty years ago, the Goals Project identified the need to restore 100,000 acres of tidal wetlands to maintain the health and biodiversity of the San Francisco Bay. This can only be accomplished through strong partnerships and collaboration and with a significant contribution of funding for acquisition, restoration, and climate resilience projects. The 30 x 30 program is ambitious in its objectives, but must be if we are to preserve the State's incredible biodiversity, provide equitable access to open spaces and adapt to the realities of climate disruption. We look forward to future conversations on how the Pathways to 30 x 30 will be implemented.

Respectfully submitted,

Carin High

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CCCR, Co-Chair