



SAVE WETLANDS

Newsletter of the Citizens Committee To Complete The Refuge

Newsletter Issue 38

Fall 2008

Looking back over a decade of newsletters the theme has been consistent – protection of wetlands and completion of the Don Edwards San Francisco Bay National Wildlife Refuge. In 1990, Congress approved a refuge expansion boundary for our beloved wildlife refuge. That boundary was not merely a line drawn on a map. It represented a vision of what is needed to preserve, and more importantly restore, the biodiversity of the bay ecosystem.

We have been encouraged by the progress that has been made towards fulfilling that original vision. The South Bay Salt Pond restoration project has the potential to restore lost tidal marsh habitat.

However, an extremely important component in the restoration of the bay's biodiversity is still missing – the place where the tidal marsh meets the land. As one looks around the edge of the bay, it becomes clear this piece of the puzzle is one of the most critical, yet most neglected. We have developed right up to edge of the bay and the once expansive transition zones connecting the tidal marsh to land have been reduced to the side slopes of levees designed to hold back the bay.

We are in danger of forever losing three important parcels within the congressional approved refuge expansion boundary: over 1400 acres of salt ponds and crystallizers in Redwood City, the Whistling Wings and Pintail duck clubs in Newark, and Patterson Ranch in Fremont. Environmental impact reports will soon be released for the former duck clubs and for Patterson Ranch, and the planning process is continuing for the Redwood City salt ponds.

Development is proposed on these sites despite the many public safety issues that will result and the burden future taxpayers will have to bear to protect these sites from flooding as the sea level rises. However, the greatest blow will be the lost opportunity to restore the biodiversity of the bay.

Now is the time for action. We need your help desperately. We need your active participation in local planning and city council meetings. You, as members of the bay area community, greatly influence the process by speaking out against the development proposals, by writing letters during public comment periods, or by spreading the word to your friends and neighbors. We appreciate your continued financial support of our organization. Working together we still have a chance fulfill vision of a restored bay ecosystem.

The time to protect these lands is now. Please help. You are our best hope.



Photo courtesy of Linda Patterson

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What the Citizens Committee to Complete the Refuge Has Been Doing For the Environment This Year (2008)

We've been busy as we continue our battle to protect wetlands and their surrounding uplands.

We sponsored two meetings between bay area environment groups and the Endangered Species Branch of the U.S. Fish and Wildlife Service and members of the California Department of Fish and Game Habitat Conservation and Water Program staff attended as well.

Thanks to Linda and Virgil Patterson, CCCR participated again in the City of Fremont Earth Day celebration.

CCCR co-sponsored the Habitat Means Home poster contest for elementary students in Fremont and Newark. State Senator Ellen Corbett extended a special honor to the poster contest winners by displaying their posters in her San Lorenzo office.

Arthur Feinstein represented CCCR on the SF Bay Joint Venture, and also went to Washington D.C. in February and again in December. He was invited to the F & WS Waterfowl Management Conference in Minnesota where he spoke out for habitat preservation.

Eileen MacLaughlin has been dealing with the vexing issues surrounding the National Bison Range in Montana and our concerns regarding the need to tighten some of the language of H.R. 6479.

On the environmental advocacy front there has been much to do. We have submitted comments regarding the controversial last

minute proposals to gut the Endangered Species Act regulations. We continue to monitor and submit comments regarding Corps of Engineers public notices.

Other issues we have devoted time to have been:

- * the South Bay Salt Pond Restoration Project—we continued to press for changes regarding the alternatives considered in the EIS and the FEIS that recognize the suitability and value of restoring other lands within the congressionally approved refuge expansion boundary.
- * the BCDC Water Trail proposal and our concerns regarding impacts to wildlife
- * the Alviso Slough restoration EIR
- * FORC -- the ongoing battle to prevent the development of the Redwood City salt ponds and crystallizers
- * Friends of the Alameda Refuge—volunteer efforts to maintain the breeding habitat, protect the nesting terns from predators, and our ongoing quest to see the California least tern colony and adjacent areas incorporated into the wildlife refuge
- * the ongoing efforts to prevent the land acquisition appraisal process from being misused in the future
- * attending meetings regarding numerous projects and programs concerning wetlands.

A Tribute to Janice Delfino 1926-2008



Linda Patterson and Frank Delfino Photo by Howard High

In June of this year, our organization suffered a terrible loss when our dear friend Janice Delfino passed away. Janice was one of our founding members and our institutional memory. She and Frank have been the keepers of maps current and historic of our baylands. Janice and Frank could be relied upon to tell us not

only who owned a particular tract of land, but also relate that parcel's history.

We depended upon Janice when we needed a thorough and accurate accounting of what had transpired at previous meetings. She would pull out her handwritten notes, which she seemed to be able to find at a moment's notice and remind us when the meeting had taken place and who had said what.

Janice was dedicated, tireless, tenacious, effective, knowledgeable, gracious, and beloved. We will miss her and send our love to Frank and family.

On Saturday, November 22, 2008 family and friends celebrated her life and accomplishments at the refuge she helped to create. Linda Patterson designed a beautiful memorial bench that is at once a wonderful addition to the wildlife refuge and lasting tribute to Janice's efforts to protect our bay. The vantage point from the bench will provide current and future generations a glorious view of the bay and wildlife thriving in an area that might have been developed and lost forever were it not for the tireless struggle of people like Janice.

Thanks to Linda Patterson, the staff of the DESFBNWR, and donations made in Janice's behalf for making this well deserved tribute possible.

Every Penny Helps

You have been wonderfully supportive of CCCR. Thank you! Through your generosity we have been able to establish a National Wildlife Refuge on San Francisco Bay and have also been able to acquire an additional 30,000 wildlife-filled acres.

You have enriched the quality of all our lives and our bay environment that we so dearly love. Your support has made improvements in our communities now and for future generations.

However, even though we have accomplished a lot, we still have much to do to fulfill the vision of a restored San Francisco bay. Development threatens important tracts of congressionally approved -- yet unacquired -- wetlands and adjacent uplands in the south bay. We sense a pressing need now and over the next few years. The final tracts of property that we hope to one day be a part of the refuge are under imminent threat of being developed. To successfully fight for this land, we believe we will need the



Artwork by Sam High

assistance of technical experts.

We envision the need to engage a wide array of talented specialists, such as hydrologists, botanists, ornithologists, CEQA and NEPA consultants, and lawyers, in order to challenge the developers and rescue these last remaining slivers of critical habitat. To secure the participation of these experts we will need monies.

Our funding goal is a modest \$25,000. With this modest sum, we believe we can take steps to preserve these targeted lands. With this modest sum, we believe we can leverage it into formidable challenges for developers who stand ready to throw vast amounts of money to do whatever it takes to develop these important lands.

We know that times are tough. We know that some may not be able to give as they have in the past. We wanted to tell you how grateful we are for your past support, and ask you for your continued support. Please give whatever you can.

You may not think it, but even a penny will help.

Citizens For Alameda's Last Marshlands

[A portion of the now closed Alameda Naval Air Station supports an important breeding colony of the threatened California least tern. We continue to hope and work for the addition of these important lands to our San Francisco Bay Wildlife Refuge system. We refer to this area as the Alameda Wildlife Refuge.]

The Alameda Wildlife Refuge continues its rebound from a very poor season in 2006. The 2007 season produced a mean estimated 247 fledglings. Although the final 2008 annual



Photo courtesy of Kate High

report is not yet available, it is safe to say that this year was even more successful than 2007. We attribute the higher numbers this year to good and adequate food resources, active predator control, and a tremendous volunteer Tern Watch program implemented to detect potential threats to the least tern colony before too much damage is done. Our alert biologist, Susan

Euing, makes all of these elements work in concert.

Now that winter is approaching FAWR is working to prepare the colony site for next year's breeding season by weeding and clearing vegetation from access roads. With only three work parties (Sep, Oct, and Nov) the nest area looks excellent. A low rainfall year kept the rampant weeds from overwhelming us, but the Tau Beta Pi engineering club from UC Berkeley came on 11/9 and put in a tremendous effort. We had a total of 45 volunteers weeding. After clearing weeds from inside the fence, the young enthusiasts began clearing outside the fence. This is the fourth year they have volunteered with us, and we love them. In addition to their excellent weeding skills, they also set up our nest area grid.

We have no recent news regarding the Veterans Affairs proposal to develop in this area, but we are staying vigilant. The Navy was very responsive to our reports of a blocked culvert that caused a West Wetland tidal pond to dry this summer. In less than two weeks, the culvert was cleared and Bay water was restored to the pond that is used by many species of aquatic birds. Birds returned immediately, which seemed to please the Navy staff that took before and after photos to show the success of their work.

We've sure missed Janice and Frank. We'll continue to keep you informed about our efforts in support of AWR. We thank you for your continued interest.

Leora Feeney
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Save Wetlands in Mayhews (SWIM)

Newark

The marshes of Mowry Slough dream of past glories; and of pickleweed and clapper rails; of harbor seals and endless flocks of shorebirds and waterfowl. The ebb and flow of tides enriched by winter flooding added richness to the land.

Human intervention soon brought changes with levees and pumps draining the wetlands of what is now called Area 4 in the City of Newark, but pickleweed still clings to life along the slough margins and in patches of seasonal wetlands. Salt Marsh Harvest Mice and Clapper Rails dart in and out of the sparse vegetation. Harbor seals still give birth and raise their pups along muddy banks.

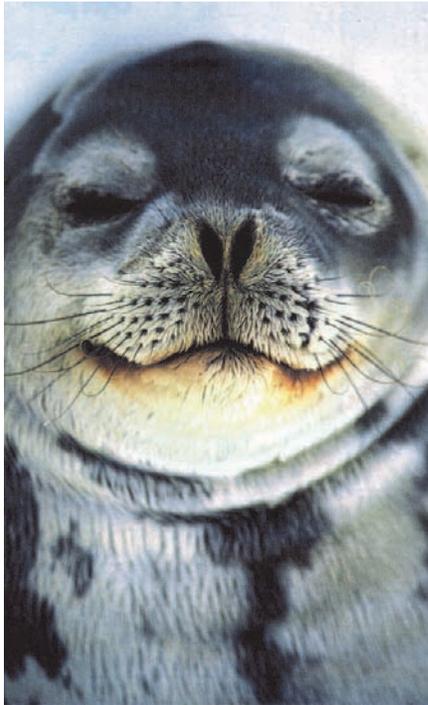


Photo courtesy of Norton Bell

Drastic changes loom on the horizon as the City of Newark

moves forward with plans to build a championship style golf course and housing on the former wetlands and seasonal wetlands of the Mowry Slough floodplain.

The Environmental Impact Report, many months delayed, is now expected out in early 2009. With a nearly twenty year old general plan as the background for the proposed development, Newark is remiss in planning such a large and complex development without a general plan update. A mid-October public meeting revealed new concept maps. To avoid Clean Water Act regulations the developer has proposed a new plan that would avoid filling wetlands. The impacts of the sprawling development to rare upland habitat, wetlands, and wildlife will be significant. The new concept plans have yet to appear on the city's web site in spite of public requests to post the new design proposals.

Previous planned developments for housing and industrial use failed due to limited access, distance from city services, site location within the 100-year floodplain, unstable soils and questionable stability of old farm levees. *Intelligent and thoughtful* planning just might conclude Area 4 and Mowry Slough should be left to their historic uses, with a wetland and seasonal wetland complex still alive with bird songs and young harbor seals gliding through the slough.

Margaret Lewis
510-792-8291

Fremont Newark Union City

The land waits...raptors forage and perch and nest in its trees. Migratory birds flock through the trees, feed in the fields, some will linger to breed here, others fattened and refreshed will move on.

The land waits, and though the fields are plowed and planted, struggles to express long repressed patterns of seasonal wetlands and grasslands.

For over a decade Fremont residents have fought against the development of Patterson Ranch. These lands provide a buffer and protect the wildlife that depend upon its resources and those of Coyote Hills Regional Park from the numerous insults of development. The willow habitat that exists both on Patterson Ranch and Coyote Hills represent remnants of willow grove that once stretched for several miles.

An EIR for a massive development proposal is currently underway and we expect it to be released to the public soon. The proposal currently consists of 839 housing units and commercial development to the east of Ardenwood Boulevard. West of Ardenwood Boulevard and right next to Patterson Slough there are plans for two churches, an elementary school, parking lots, and approximately 35 acres of active sports park that may include

night lighting.

If you would like to comment on the EIR once it is released please contact: Scott Ruhland at sruhland@ci.fremont.ca.gov

The City of Fremont and Lou Wolfe have announced their intentions to move forward with the plans to develop the A's ballpark village in southern Fremont. The development will be immediately adjacent to the mitigation site we fought so long and hard to establish in the 1990's when the Pacific Commons development was approved.

The Pacific Commons site destroyed wetlands and uplands supporting the federally listed vernal pool tadpole shrimp, Contra Costa goldfields, and California tiger salamander. The site also supported the burrowing owl. At the time Pacific Commons was approved the development was to include light industrial and office complexes, vastly different from the 3,150 residential units, retail, hotel, ballpark stadium and ACE train station now proposed.

To be included on the EIR notification list, please contact Kelly Kiekmann at kdiekmann@ci.fremont.ca.us

Carin High
ccrhigh@yahoo.com

Save our South Bay Wetlands

Alviso Sunnyvale



Photo courtesy of Sam High

Over the last year, the San Jose shoreline has been a hot spot for development projects adjoining the Refuge, all with new threats to wetlands and wildlife.

Newby Island Landfill: San Jose is preparing a Draft EIR to allow landfill expansion from its current 150' height limit to 245' over 313 acres. There is a long list of concerns, many cited in CCCR's response to the Notice of Preparation. The draft's release will be no sooner than February 2009.

Zanker Materials Recycling Facility: Final EIR approved by San Jose for a 24-7 lighted facility expected to increase traffic 4-

fold. Light, noise, traffic and predator impacts on the Refuge will need monitoring. CCCR commented at final review meetings.

Alviso Slough Restoration Project: Draft EIR released by the Santa Clara Valley Water District to improve a slough segment for recreational boating. All actions increase floodwater risks to Refuge land. CCCR submitted comments of concern. Final EIR expected in 2009.

Alviso Marina County Park Boat Launch Ramp: Santa Clara County Parks will begin pile-driving for the ramp in early 2009. Permitting is based on a 1997 final EIR.

San Jose/Santa Clara Water Pollution Control Plant: In 2007, the largest sewage facility in the South Bay launched a planning project for replacement and upgrade of aging infrastructure. The area involves ~2700 acres including pond A18. This year the project created a Citizen Advisory Group and selected CCCR as a member.

We need help monitoring this shoreline!

Eileen McLaughlin
408-257-7599

Friends of Charleston Slough

Mountain View

Charleston Slough was known as the most beautiful cordgrass marsh in the South Bay until Leslie Salt (now Cargill) destroyed it in 1975 by inundation. We citizens dogged its new owner, the City of Mountain View, until it was convinced that we were serious about restoration.

The city has been motivated to attain good tidal fluctuation, since the slough is the source of bay water for the Shoreline sailing lake, and the BCDC permit requires the City to eventually restore 53 acres of tidal marsh in this 110-acre site.

The Problem: In spite of years of good high water elevations and drainage right down to mudflat, **no vegetation of any consequence has appeared in the marsh bed.** That is a big disappointment to those who expected a good tidal range would



Photo courtesy of Sam High

be followed automatically by emergent vegetation.

Perhaps the major problem is that **the mudflat elevation is still so low** that extended submergence is too long even for cordgrass. Another suggestion is that the bottom is too soft to provide a good substrate for seedlings.

Another difficulty with the slough is that the tidal volume must decrease as the bottom rises toward a fixed ceiling, determined by the levee between the slough and FWS pond 1. That appears to threaten the present system, designed as a long-term

solution to the recovery of Charleston Slough and the viability of the sailing lake.

Philip LaRiviere
650-493-5540

Friends of Redwood City

Redwood City

An otherwise exhilarating election brought CCCR one disappointing defeat. Redwood City's Measure W lost. This measure addressed the fate of Cargill Salt's former crystallizers and salt ponds, over 1400 acres, by requiring a 2/3 vote of Redwood City residents before development could go forward. Measure W, developed by Save the Bay, was supported by FORC and the entire Bay Area environmental community.

FORC members spent tireless hours walking the precincts, delivering the message that these salt ponds and crystallizers are invaluable resources for both humans and wildlife (nesting Western snowy plovers, foraging California least terns have both been recorded here).

However, when one's opponent is Cargill Salt, the second largest privately held corporation in the world, nothing comes easy. Despite Redwood City residents' repeated rejection of Bayside development the Redwood City Council remains wedded to the concept and strongly supports development of the Redwood City site.

Faced with Measure W, the Redwood City Council hurriedly placed Measure V, a measure similar to but far weaker than the Measure W, on the ballot with the principle purpose of confusing voters and taking votes away from Measure W. Not surprisingly, the public was greatly confused by two measures addressing the same issue and with over \$1.5 million spent on defeating Measure W, most of it coming from Cargill Corporation and its

Arizona-based upscale development partners DMB Associates, both Measures V and W went down to defeat.

This vote was just a skirmish in the ongoing battle to save Redwood City's wetlands from exploitation by the giant transnational Minnesota based Cargill Corporation. FORC, together with allied environmental organizations, including the Citizens Committee will be back, stronger, and wiser.

The combined yes votes for Measures V and W indicate that a large majority of the citizens of Redwood City remain concerned over Bay front development. FORC is committed to reaching out to all of these Redwood City residents and together we will win this war to save the Bay's last major threatened wetlands.

Considering the financial and political power of our opponents, we will need substantial organizational and financial support from the greater Bay Area environmental community to achieve that objective.

Ending with an upbeat, we can look forward to the culmination of years of effort by FORC, CCCR, and other organizations, as the restoration of Bair Island continues. Levees of Outer Bair Island have been breached this fall, and restoration of Inner Bair *is well along and work continues.*

Ralph Nobles
650-365-0675

Baylands Conservation Committee

Palo Alto East Palo Alto Menlo Park

After over 40 years of waiting for Byxbee Hills Park to be sculpted out of garbage in accordance with various expensive plans that were officially approved, we are still having to fend off a last-minute proposal to continue industrial composting on 7.5 acres there in the name of fighting Global Warming.

Noise, dust, odors, vectors, and traffic will seriously impact enjoyment of this 137-acre open space park and there is a very flimsy basis to show that this is the best way for the City to reduce carbon emissions. The Planning Commission and the Parks & Recreation Commission unanimously voted that it was contrary to the Baylands Master Plan to continue composting on parkland and recommended that other non-park sites be explored. The Zero Waste Task Force recommended using a regional compost facility. The matter is tentatively scheduled at the City Council on December 8.



Photo Courtesy of Dr. Peter Baye (not at Byxbee Hills Park)

The City of Palo Alto is also looking at putting an auto dealership with concomitant lights and signage adjacent to our 600-acre Flood Basin. This would displace the Animal Shelter which the City proposes to move to the Los Altos Treatment Plant Site at the foot of San Antonio Road. That site had previous approval for about 6-7 acres of development and around 6 acres of wetlands/park. Now City documents only mention 4 acres of jurisdictional wetlands.

Finally, the Palo Alto Airport, which has been leased to Santa Clara County, may again become the responsibility of the City and could result in some adverse changes right at the main entry to the Byxbee Recreation Area.

Stay tuned as these various proposals unfold.

Emily Renzel
Marshmama@aol.com

The Uneasy Chair



A few months ago, Janice Delfino called me to tell me that she had been diagnosed with leukemia. I knew that things would not be the same for me and the Committee ever again. Now, without her, I realize that my reaction then had been right. That charming source of every bit of information I had asked for is no longer here. San Francisco Bay has lost a devoted scholar, and I have lost a beloved friend. The Delfino family loss is echoed throughout the bay area environmental community.

At newsletter time we salute the Honorable Don Edwards and thank him once again for his legislative skills that have given the Bay Area the largest urban wildlife refuge in the nation. These lands, with their wealth of endemic species, are the culmination of our working with him for 41 years! Every acre is a gift to all the generations that will follow us.

Having chosen the federal government so many years ago as the best protector of our wetlands, we have developed a wide interest in the National Wildlife Refuge System. A knowledge of the importance of the nearly 96 million acres within that system and the 548 refuges that comprise them, have led us to be enthusiastic members of the Blue Goose Alliance. Our goal to which we are completely devoted is a stand-alone agency within the Department of the Interior (DOI).

At this moment, one threat to the integrity of refuges is represented by an "Annual Funding Agreement" signed by the Consolidated Salish/Kootenai Tribes and the DOI creating a co-management system for the National Bison Range in Montana. Our CCCR member, Eileen McLaughlin, visited that refuge this year at its most exciting time -- the Bison Roundup in October. She returned awed by the wealth of wildlife and stunned at the problems of dual management.

Our Freedom of Information Act requests have revealed some of the dealings between Montana and Washington D.C., and have led us to question the validity of the new agreement, which incidentally is labeled "annual" but is actually for three years. We see little improvement in this rewritten, potential precedent-setting Agreement.

As we approach our goal of acquisition of all Bay wetlands, we are again inspired to campaign for fair and legitimate appraisals for public lands acquired for conservation. The Office of Real Estate Appraisers has found Paul Talmadge guilty of violation of appraisal standards in his work on Cargill properties. The inflated monetary values ascribed to our South Bay ponds, unless they can be reversed, are a challenge to our efforts to acquire wetlands.

So far, Attorney General Jerry Brown has not attempted to recover the excess of public funds expended on this acquisition. Meanwhile, Talmadge has apparently missed the deadline to file an appeal to his conviction.

That I am able to continue working for CCCR is a tribute to my volunteer "eyes", Miss Jane Stone. Thank you, Jane, for being my reader, my secretary, and family friend.

Florence LaRiviere



Name _____ Phone _____

Address _____

City _____ State/Zip _____

Here is my contribution to help preserve our wetlands:

\$1 \$20 \$50 \$100 \$ _____

I would like to help by writing letters to save wetlands. Please put me on the WETLANDS ALERT mailing list. Please add me to an e-mail ACTION ALERT LIST. My e-mail address is _____.

Please make your tax-deductible check payable to CCCR and mail your check and this form to the Committee at 453 Tennessee Lane, Palo Alto, CA 94306.

Thank you for your support — you make it all possible!

Editors note: A special "thanks" to Florence and Philip LaRiviere, Arthur Feinstein, and Howard High for their editorial assistance in the production of this newsletter. I would also like to invite our readers to view the new CCCR website at www.cccrrefuge.org. You can get updates on issues of concern to us, view previous editions of "Save Wetlands," and view a full color version of this edition of our newsletter. "Thank you!" Mondy Lariz for all of your suggestions and expertise.



Downy Woodpecker photo by Carin High

Save Wetlands is the 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, for which a tax-deductible contribution of \$10 per issue would be appreciated.

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