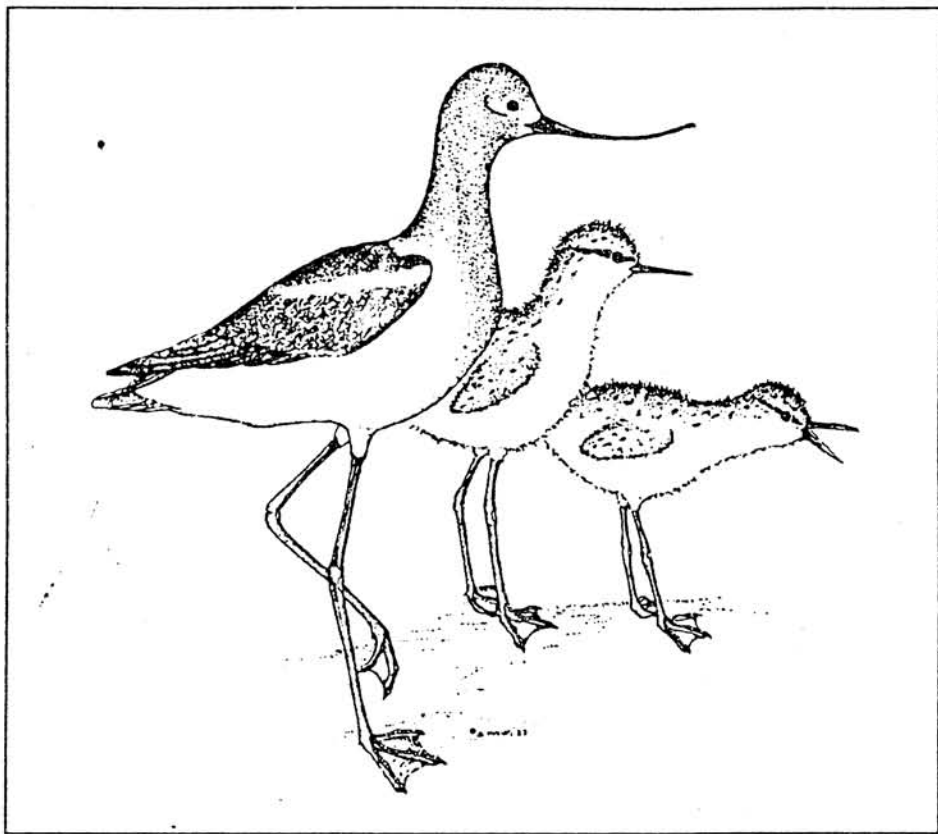


7-7-90

LAND PROTECTION PLAN



Potential Additions to
San Francisco Bay National Wildlife Refuge

Alameda, San Mateo and
Santa Clara Counties, California

September 1990



LAND PROTECTION PLAN

for

POTENTIAL ADDITIONS TO SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE Alameda, San Mateo, and Santa Clara Counties, California September 1990

PROJECT DESCRIPTION

San Francisco Bay National Wildlife Refuge (refuge) was authorized by Congress in 1972. The refuge is located in south San Francisco Bay within the counties of Alameda, San Mateo, and Santa Clara. The purposes for establishing the refuge were "... for the preservation and protection of critical habitat and associated wildlife, including species known to be threatened with extinction, and to provide opportunity for wildlife oriented recreation and nature study in the open space preserved." To date, the U.S. Fish and Wildlife Service (Service) has acquired or otherwise controls 18,219 acres of land, tidal flats, fresh and saltwater marshes, salt ponds, and open waters within the 23,000-acre refuge boundary that was approved in 1972.

On October 28, 1988, Congress passed Public Law 100-556, which increased the Service's acquisition authority for the refuge from 23,000 acres to a total of 43,000 acres. Congress also provided \$3.75 million for acquisition in Fiscal Year 1990. The maps provided with this land protection plan show the area approved for refuge acquisition in 1972 and the potential additions to the refuge approved in 1990.

THREAT

Before the arrival of Europeans in the mid-1800s, San Francisco Bay was surrounded by approximately 860 square miles of marshes and hundreds of square miles of mud flats which provided excellent habitat for waterfowl, shorebirds, and many other species of wildlife. Since that time, man's activities such as urban development, agricultural use, industrial use, and construction of salt ponds, have caused major changes in San Francisco Bay. The total area of the bay has been reduced by 37 percent from what it was in the mid-1800s. Freshwater wetlands are the most rapidly disappearing wetland type in south San Francisco Bay. Loss and degradation of freshwater wetlands and other habitat types including estuarine open water, salt marsh, mud flats, uplands, and farmed wetlands in south San Francisco Bay, have had a net detrimental effect on fish and wildlife using the bay. Preservation, enhancement, and management of wildlife habitat in the south bay will enhance the purposes for which the refuge was originally established. These purposes as stated in Public Law 92-330 are:

1. For the preservation and enhancement of highly significant wildlife habitat.
2. For the protection of migratory waterfowl and other wildlife, including species known to be threatened with extinction.

3. To provide an opportunity for wildlife oriented recreation and nature study within the open space so preserved.

PROPOSED ACTION

Because of the great loss of wetlands that has already occurred, not only in the San Francisco Bay area but also across most of North America, the Service must act now to protect, enhance, restore, and manage as many of the remaining wetlands as practicable. Such action will provide opportunities for increased public use and enjoyment of this nation's natural resources.

The Service proposes to acquire up to 20,000 acres of additional lands, marshes, tidal flats, salt ponds, submerged lands, and open waters in the south San Francisco Bay area to add to the existing refuge as authorized and funded by Congress.

RESOURCE PROTECTION ALTERNATIVES

Several alternatives were considered to determine the most appropriate and cost-effective means of providing protection of the wildlife resources in perpetuity and providing for public enjoyment of these resources. These alternatives included:

1. A combination of fee title acquisition, conservation easement acquisition, lease, and cooperative agreements. This is the Service's preferred alternative.
2. No action.
3. Acquisition of all additions to the refuge in fee title.
4. Acquisition of all additions to the refuge by purchasing perpetual conservation easements.
5. Acquisition/management by others.
6. Relying solely on land use zoning to protect the resource.
7. Looking at various scenarios of habitat types to determine the sizes and configurations of the areas to be proposed for acquisition.

A combination of fee title acquisition, conservation easement acquisition, lease, and cooperative agreements (the preferred alternative) was selected as the best method for protecting and enhancing wildlife habitat in south San Francisco Bay for the following reasons:

1. It is the most practical and feasible of the alternatives considered and will provide for long-term protection, enhancement, and restoration of habitat in order to meet the needs of wildlife and people.

2. It is the most cost-effective means to preserve, enhance, and restore the natural resources.
3. It will provide the most management flexibility compared with other feasible alternatives.
4. It is consistent with Service goals in meeting objectives of the Endangered Species Act.
5. It is in accordance with the North American Waterfowl Management Plan.
6. It is in accordance with the Concept Plan for Waterfowl Habitat Protection, San Francisco Bay, California.
7. It is consistent with Service goals to provide habitat and management for many species of waterfowl, waterbirds, anadromous fish, shellfish, and other wildlife, including endangered and sensitive species.
8. It is in accordance with recovery plans for the salt marsh harvest mouse, California clapper rail, California least tern, brown pelican, and peregrine falcon.
9. It is in accordance with the Wetlands Action Plan - 1990.

The other alternatives were given serious consideration but were not selected as the preferred alternative for many reasons that were discussed in the final environmental assessment. Some of the reasons cited were:

1. They would not provide sufficient protection of the wildlife resource.
2. They would be more costly.
3. They would not provide for desired management flexibility.
4. They would not be consistent with the intent of Congressional legislation.

ACQUISITION ALTERNATIVES

It is anticipated that acquisition will be accomplished by a combination of fee purchase, purchase of perpetual conservation easements, donations, partial donations, joint ventures, leases, and exchanges. It is also anticipated that some land identified for potential addition to the refuge may not be acquired, but may be managed by cooperative agreements between the Service and the landowners.

On Table 1 of this plan, the Service has identified, on a tract-by-tract basis, whether we plan to acquire fee ownership, a lease, or if an agreement with the landowner is anticipated. The listing is provided to inform the reader of the type of habitat protection which will most likely be used. As we proceed with the project, however, alternatives may be preferred by the landowners, and these alternatives could be utilized. For example,

conservation easements may be used in many cases where fee acquisition has been identified. Public entities may prefer to transfer title rather than enter into agreements. The Service will discuss the various alternatives in further detail with the landowners.

Funding for purchase of habitat will most likely come from the Land and Water Conservation Fund.

COORDINATION

The proposal to acquire land to add to the existing San Francisco Bay National Wildlife Refuge was discussed with a large number of landowners; conservation organizations; Federal, State, County, City, and other local entities; and interested groups and individuals. The purpose of these consultations was to inform and coordinate with all of the potentially affected interests early in the planning process to identify effects of the proposal and evaluate practical alternatives. Personal contacts, news releases, and "open houses" (public meetings) were techniques used to solicit public involvement. Public hearings were conducted in conjunction with the legislation. Landowners within the project proposal were contacted in person when possible and practical. Others were contacted by mail and/or phone.

Input and comments were received from many people during both the early planning stages and the review process. All comments were given serious consideration in the overall analysis of responses and in the preparation of the final environmental assessment. Approximately 800 copies of the final environmental assessment were distributed to the public for an additional review period.

SOCIO-CULTURAL IMPACTS

An archaeological records search revealed that the area is rich in archaeological and ethnographic sites and historic landmarks. The Service will ensure that these sites are protected before implementing any management activities that could adversely affect them.

The proposed acquisition will not have a significant impact on the human environment because:

1. The natural processes under which much of the area has evolved will be permitted to continue, and some of the area's wildlife habitat values will be restored and/or enhanced.
2. The proposal is consistent with most of the general plan designations in the affected cities and counties (pages 30-36 in the final environmental assessment).
3. Mitigation for removing lands from private ownership and placing them into public ownership will be accomplished by compensating current owners the appraised fair market value for their properties. Monies paid annually to the affected counties via the Refuge Revenue Sharing

Act will help offset the loss of revenues from property taxes on lands acquired in fee title.

4. Impacts to the local economy will not be significant for the following reasons:
 - a. The Service's acquisition plans do not prohibit environmentally sound development which conforms to local plans.
 - b. The Service's acquisition plans would have only an indirect effect on the economy over time considering the context of the entire south bay planning and development scheme, and considering that the affected counties and cities have the authority to ultimately control growth within the south bay area. Visitors attracted to the refuge will have a beneficial effect on the general area because they will spend money on food, lodging, transportation, entertainment, etc., and therefore help the local economy.
5. The action will not have an adverse impact on threatened or endangered species or other natural flora or fauna.

SUMMARY OF PROPOSED ACTION

The priority for land protection, as discussed in the final environmental assessment, has been grouped into the three categories listed below.

Priority 1 includes:

- A. Nontidal wetlands. These wetlands are not subject to the ebb and flow of the tides. These include areas commonly referred to as seasonal wetlands, permanent wetlands, farmed wetlands, diked former tidelands, riparian, and other terms.*
- B. Abandoned salt ponds. These are areas formerly used in the salt production process including, but not limited to, intake ponds, crystallizer ponds, concentrator ponds, wash ponds, and bittern storage ponds.
- C. Endangered species habitat requiring active management.

*Wetland types identified as potential additions to the refuge are classified by the Service as palustrine, lacustrine, or estuarine. For a technical definition of wetland categories, refer to Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al., 1979). This publication describes the wetland classification system adopted by the U.S. Fish and Wildlife Service.

Priority 2 includes all other habitat types except active salt ponds. These include all tidal wetland types and uplands. Uplands (nonwetlands) have also been identified for inclusion as potential additions to the refuge where they are interspersed within wetlands, act as buffers to wetlands, have values ecologically integrated with other refuge lands, or are needed for refuge administration.

Priority 3 includes all active salt ponds. Active salt ponds include concentrator ponds and most crystallizer ponds. Purchase of active salt ponds would proceed in accordance with Congressional intent. The Congressional Record for Public Law 100-556 (Senate: 10/14/88) states: "The salt ponds contemplated for acquisition are currently used as salt evaporator ponds and salt crystallizer ponds. The acquisition of the lands in active use for salt production is a low priority for the refuge, since the salt production operations are not currently detrimental to the health of wildlife in the refuge. Should the salt production operations be discontinued in the future, the Service should seek to acquire the wetlands on which those operations currently take place." The Service recognizes that generally the salt evaporator ponds have provided, and continue to provide, valuable wildlife habitat.

A prioritized listing of each parcel is provided as a part of Table 1. The Service's acquisition efforts for the next few years will be focused on the priority 1 parcels. If owners of other tracts want to sell or donate their properties to us or enter into an agreement, we would, of course, be willing to consider their proposals.

Opportunities to cost-share acquisitions with other public agencies and nonprofit organizations are starting to surface. These joint ventures will be especially useful with some of the larger, higher-valued properties. The Service looks forward to working with these various entities.

Table 1. Ownerships, Acreages, and Acquisition Priorities of Lands Within the Potential Refuge Expansion Area. (Under the column heading "Interest Desired by Service", A = Agreement, F = Fee, and L = Lease).

Tract Number	Priority	Acres	Owner	Interest Desired by Service
1a	2	196.00	United States of America (NASA)	A
1b	2	201.00	United States of America (Navy)	A
2a	2	173.00	State of California	L
2b	1A	7.00	State of California	L
2c	2	187.00	State of California	L
2d	2	139.00	State of California	L
2e	2	150.00	State of California	L
2f	1A	43.00	State of California	L
2g	2	28.00	State of California	L
2h	1A	69.00	State of California	L
2i	2	42.00	State of California	L
2j	2	58.00	State of California	L
2k	2	55.00	State of California	L
2l	2	58.00	State of California	L
2m	2	19.00	State of California	L
94	1A	40.00	G.R. Heath Trust	F
94a	1A	3.00	G.R. Heath Trust	F
95	1A	283.00	Peery, Arrillaga, and Siri Trusts	F
96	1A	39.00	Alpha Heath Rogers Trust	F
127	1B	65.00	Leslie Salt Company <i>HICKORY STREET</i>	F
150	1B	700.00	Leslie Salt Company	F
151	1B	92.00	Leslie Salt Company <i>FREMONT-COYOTE TRACT</i>	F
152	2, 3	1,952.00	Leslie Salt Company	F
153	1A	11.00	Leslie Salt Company <i>NEWARK-COYOTE TRACT</i>	F
154	3	2,072.00	Leslie Salt Company	F
155	3	599.00	Leslie Salt Company	F
156	1B	119.00	Leslie Salt Company <i>NEWARK-COYOTE TRACT</i>	F
157	3	2,521.00	Leslie Salt Company	F
158	3	869.00	Leslie Salt Company	F
159	3	2,089.00	Leslie Salt Company	F
160	3	867.00	Leslie Salt Company	F
161	3	362.00	Leslie Salt Company	F
162	3	484.00	Leslie Salt Company	F
163	3	668.00	Leslie Salt Company	F
164	3	252.00	Leslie Salt Company	F
165	3	717.00	Leslie Salt Company	F
166	3	1,271.00	Leslie Salt Company	F
168	3	418.00	Leslie Salt Company	F
169	1A	30.00	Leslie Salt Company <i>NEW CHICAGO MARSH</i>	F
201	2	73.00	Santa Clara Valley Water District	A
201a	2	12.00	Santa Clara Valley Water District	A
202	2	135.00	City of Redwood City	F,A
203	2	206.00	City of Palo Alto	F,E,A
204	1A	4.00	Union Sanitary District	A
205	1C	171.00	Alameda County Flood Control	A
205a	1C	175.00	Alameda County Flood Control	A

Table 1. Ownerships, Acreages, Acquisition Priorities, and Service's Desired Interests for Lands Within the Potential Refuge Expansion Area (continued).

Tract Number	Priority	Acres	Owner	Interest Desired by Service
205b	2	501.00	Alameda County Flood Control	A
205c	2	.40	Alameda County Flood Control	A
205d	2	40.00	Alameda County Flood Control	A
205e	1A	.10	Alameda County Flood Control	A
205f	2	6.10	Alameda County Flood Control	A
205g	2	.50	Alameda County Flood Control	A
205h	1A	2.00	Alameda County Flood Control	A
205i	1A	400.00	Alameda County Flood Control	A
206	2	42.00	City of Mountain View	A
207	1B	30.00	San Mateo County	A
208	1A	80.00	City of San Jose	F
208a	1A	3.16	City of San Jose	F
208b	1A	40.00	City of San Jose	F
208c	1A	.10	City of San Jose	F
208d	1A	1.25	City of San Jose	F
208e	1A	2.91	City of San Jose	F
208f	1A	3.75	City of San Jose	F
208g	1A	3.12	City of San Jose	F
208h	1A	1.73	City of San Jose	F
208i	1A	3.80	City of San Jose	F
208j	1A	2.57	City of San Jose	F
208k	1A	.83	City of San Jose	F
208l	1A	2.71	City of San Jose	F
208m	1A	2.78	City of San Jose	F
208n	1A	3.68	City of San Jose	F
208o	1A	3.68	City of San Jose	F
208p	1A	3.80	City of San Jose	F
208q	1A	3.87	City of San Jose	F
208r	1A	.21	City of San Jose	F
208s	1A	1.73	City of San Jose	F
208t	1A	2.64	City of San Jose	F
208u	1A	1.73	City of San Jose	F
208v	1A	1.04	City of San Jose	F
208w	1A	.07	City of San Jose	F
208x	1A	.16	City of San Jose	F
208y	1A	1.04	City of San Jose	F
208z	1A	2.05	City of San Jose	F
209	1A	3.95	Santa Clara County	F
209a	1A	3.68	Santa Clara County	F
209b	1A	4.09	Santa Clara County	F
209c	1A	3.80	Santa Clara County	F
209d	1A	2.52	Santa Clara County	F
209e	1A	2.29	Santa Clara County	F
209f	1A	2.91	Santa Clara County	F
209g	1A	.90	Santa Clara County	F
209h	1A	1.67	Santa Clara County	F
209i	1A	.21	Santa Clara County	F

Table 1. Ownerships, Acreages, Acquisition Priorities, and Service's Desired Interests for Lands Within the Potential Refuge Expansion Area (continued).

Tract Number	Priority	Acres	Owner	Interest Desired by Service
209j	1A	.76	Santa Clara County	F
209k	1A	1.46	Santa Clara County	F
209l	1A	3.05	Santa Clara County	F
210	1B	33.00	Oliver Properties	F
210a	1A	131.00	Oliver Properties <i>HAYFIELD</i>	F
210b	1B	155.00	Oliver Properties <i>PURCHASED BY HARD</i>	F
211	1A	81.00	Weber, Heil	F
212	2	.50	Sharp, Grace	F
213	1A	25.00	Owens-Corning Fiberglass Corporation	F
213a	1A	3.00	Owens-Corning Fiberglass Corporation	F
214	1A	44.00	Munster, Irene <i>AUGUST 16, 1992 DEDICATION 1PM</i>	F
215	1A	17.00	Economy Foods, Inc.	F
216	2	155.00	R C K Properties, Inc.	F
217	1A	132.00	Marathon U.S. Realties, Inc.	F
218	1A	282.00	Patterson Properties	F
218a	1A	18.00	Patterson Properties	F
219	1A	126.00	Mayhews Landing Associates	F
220	2	7.00	Estate of Arthur Webster Haley	F
221	1A	30.00	Oakland Scavenger	F
221a	1A	120.00	Oakland Scavenger	F
222	1A	22.00	P.G. & E.	A
223	1A	26.00	Ponderosa Homes	F
224	1A	66.00	Santa Fe-Pacific	F
224a	1A	26.00	Santa Fe-Pacific	F
225	1A	255.00	Carruf California Corporation <i>APRIL 25, 1992 11AM DEDICATION</i>	F
226	2	93.00	King & Lyons	F
226a	1A	130.00	King & Lyons	F
226b	1A	22.00	King & Lyons	F
226c	2	.20	King & Lyons	F
227	1A	4.00	Renco Investment	F
228	1A	20.00	Onoratto, Marietta	F
229	1A	471.00	Citation Homes	F, L
230	1B	295.00	First City Corporation, et al.	F
230a	1B	793.00	First City Corporation, et al.	F
230b	1B	455.00	First City Corporation, et al.	F
230c	1B	14.00	First City Corporation, et al.	F
230d	1A	126.00	First City Corporation, et al.	F
231	1B	152.00	Mid Peninsula Regional Open Space District	A
231a	1A	54.00	Mid Peninsula Regional Open Space District	A
232	1A	.21	Peninsula Open Space Trust	F
232a	1A	.38	Peninsula Open Space Trust	F
232b	1A	.07	Peninsula Open Space Trust	F
232c	1A	.21	Peninsula Open Space Trust	F
232d	1A	.21	Peninsula Open Space Trust	F
232e	1A	1.07	Peninsula Open Space Trust	F

Table 1. Ownerships, Acreages, Acquisition Priorities, and Service's Desired Interests for Lands Within the Potential Refuge Expansion Area (continued).

Tract Number	Priority	Acres	Owner	Interest Desired by Service
232f	1A	.36	Peninsula Open Space Trust	F
232g	1A	.28	Peninsula Open Space Trust	F
234	1A	5.00	Beretta, Franco & O'Connor, John	F
235	1A	.20	Choate Estate, Bea	F
235a	1A	.20	Choate Estate, Bea	F
235b	1A	.20	Choate Estate, Bea	F
236	1A	.07	The San Jose House of Benevolence	F
237	1A	.07	Levin, Donna E.	F
238	1A	.07	Hamilton et al, Joseph	F
239	1A	.29	Haag, Russell & Lorraine, Trustees	F
240	1A	.14	Finck, William	F
241	1A	1.44	Kelsey et al, Matt	F
242	1A	.50	Warner, Edith	F
242a	1A	.10	Warner, Edith	F
242b	1A	.10	Warner, Edith	F
246	1A	.07	Sisson, Jennie (Lander)	F
248	1A	.14	Burns, Ed	F
249	1A	.36	Fenton, Minna	F
250	1A	.36	Larkin, Lenore	F
251	1A	.10	Escalante, Salvador & Gloria	F
251a	1A	.40	Escalante, Salvador & Gloria	F
252	1A	.14	Bridges, John M.	F
253	1A	.36	Giambrone, Joseph & Jenelle	F
254	1A	.07	Leitao, William	F
255	1A	.36	Kasper et al, Lenora	F
256	1A	.07	Freyshlag et al, Oscar K., Trustee	F
257	1A	.29	Belknap, Forrest	F
258	1A	.74	Lee, Dale & Roberta	F
259	1A	.86	Meddock, C.D. & Rhea	F
260	1A	.13	Cooper, Charlotte	F
261	1A	.14	Littlejohn, Donald & Florence	F
262	1A	.14	Depew, Jeffrey & Leeann	F
263	1A	.07	Chisholm, Carrie	F
264	1A	.14	DeLorenzo, Dannye	F
265	1A	.72	Gresham, L.E. & Mary	F
266	1A	60:00	Liberty Service Corporation	F
267	2	34.00	PACCAR	F
268	1A	35.00	Gimelli et al	F
269	1A	12.00	Kavanaugh, Clarence	F
270	1A	10.00	Carnduff et al, Stanley	F

Total *24,500.00 acres (rounded to nearest 10 acres)

*No more than 20,000 acres, of the 24,500 acres identified above, will be added to the refuge under existing authorities.