

## **3.9 Land Use**

### **3.9.1 Physical Setting**

#### **Methodology**

This section characterizes existing land uses within the SBSP Restoration Project Area. It includes a description of the physical setting, at regional and project levels, as well as regulatory background.

Applicable regional and local plans and policies were reviewed for information on existing land uses and relevant policies. The Alameda, San Mateo and Santa Clara County General Plans, and the Hayward, Menlo Park, Palo Alto, Redwood City, San Jose, Sunnyvale, Fremont, Union City, Milpitas, Mountain View, and East Palo Alto City General Plans identify land use goals and existing land use designations in the SBSP Restoration Project Area. The policy discussion is organized according to the jurisdictions surrounding the three SBSP Restoration Project pond complexes: Eden Landing, Alviso, and Ravenswood.

#### **Regional Setting**

The greater South Bay, including the SBSP Restoration Project Area, consists of urban areas (residential, commercial, and industrial uses), bayshore mudflats, salt flats, salt marsh, salt evaporative ponds, creeks, flood control, and rural land and wildlife interpretative areas. The municipalities located within the South Bay include the cities of Hayward, Union City, Newark, Fremont, Milpitas, San Jose, Sunnyvale, Mountain View, Palo Alto, East Palo Alto, and Redwood City.

The SBSP Restoration Project Area is within the South San Francisco Bay Area and is surrounded by predominantly urban land uses. The SBSP Restoration Project Area lies within the cities of Hayward, Fremont, San Jose, Sunnyvale, Mountain View and Menlo Park. The cities of Redwood City, East Palo Alto, Palo Alto, Santa Clara, Milpitas, and Union City surround the Project Area (see Figure 3.9-1). The Project Area is generally bordered by SR 92 (San Mateo Bridge) to the north, US 101 to the southwest and Interstate 880 (I-880) to the east and southeast.





Until recently, opportunities for acquisition and restoration along the South Bay shoreline were limited. The acquisition and proposed restoration of approximately 15,100 acres of Cargill Inc. (Cargill) salt production ponds represents a unique opportunity to achieve some of the long-term regional goals for the Bay shoreline, as described in various regional land use plans and policies (see the regulatory setting presented in Section 3.9.2, below).

#### **Project Setting**

The SBSP Restoration Project Area comprises approximately 15,100 acres of former salt ponds in South San Francisco Bay which USFWS and CDFG acquired from the Cargill in 2003. USFWS owns and manages the 8,000-acre Alviso pond complex and the 1,600-acre Ravenswood pond complex. CDFG owns and manages the 5,500-acre Eden Landing pond complex.

# South Bay Salt Pond Restoration Project

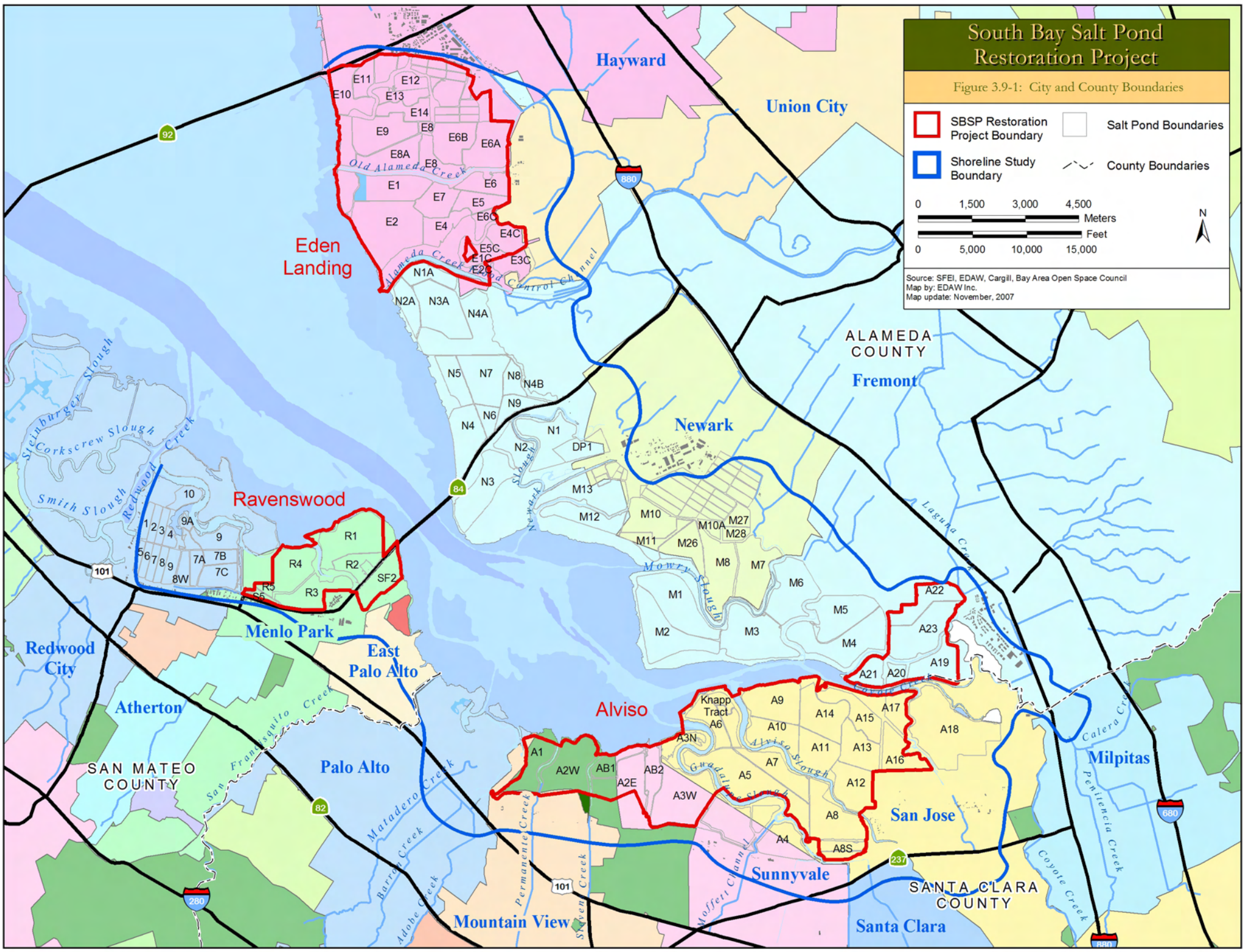
Figure 3.9-1: City and County Boundaries

	SBSP Restoration Project Boundary		Salt Pond Boundaries
	Shoreline Study Boundary		County Boundaries

0	1,500	3,000	4,500	
Meters				N
0	5,000	10,000	15,000	
Feet				

Source: SFEI, EDAAW, Cargill, Bay Area Open Space Council  
 Map by: EDAAW Inc.  
 Map update: November, 2007



Existing land uses within the SBSP Restoration Project Area include bayshore mudflats, salt flats, salt marsh, salt evaporative ponds, creeks, flood control, and rural land and wildlife interpretative areas. Land uses surrounding the SBSP Restoration Project Area include residential, commercial and industrial uses and public facilities, as shown in Figures 3.9-2 through 3.9-4.

### ***Eden Landing***

The Eden Landing pond complex consists of 23 ponds on the shore of the East Bay, west of the cities of Hayward and Union City in Alameda County. The approach to the San Mateo Bridge and the CDFG Eden Landing Ecological Reserve form the northern boundary of the pond complex. ACFCC and the Coyote Hills extend along the southern boundary.

Figure 3.9-2 presents primary land uses in the vicinity of the Eden Landing pond complex. The Hayward Regional Shoreline is north of the pond complex, across SR 92. Commercial and industrial uses occur to the north and east. The Eden Shores residential development is immediately north of Pond E6A, and residential uses also occur approximately 1,500 ft east of Pond E4C. To the south, across the ACFCC, are active salt ponds managed by Cargill and Coyote Hills Regional Park.

Major drainages within the pond complex that discharge into San Francisco Bay include OAC and ACFCC.

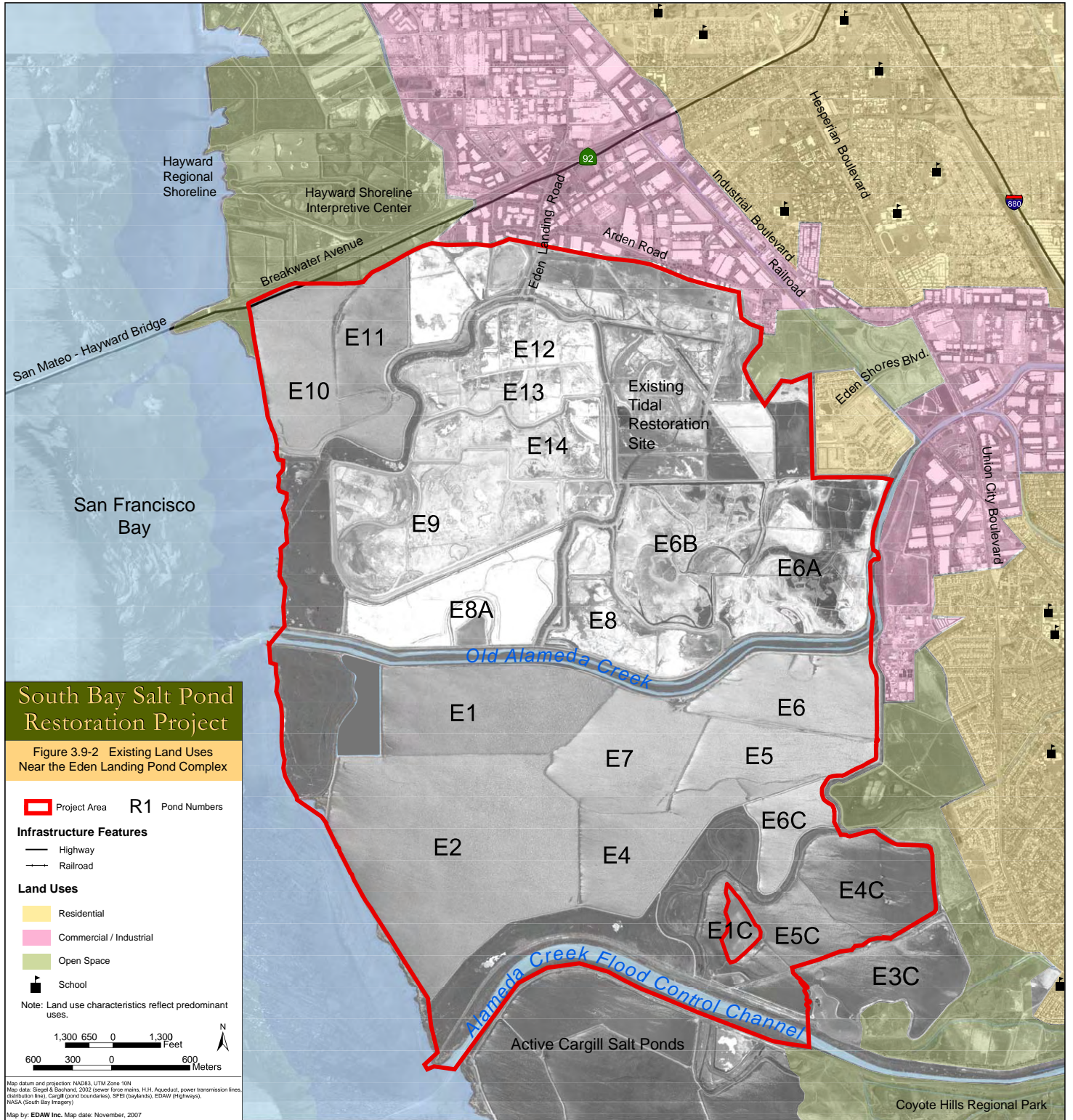
***Ponds E8A, E8X and E9.*** Ponds E8A, E8X, and E9 are considered baylands/open space. This natural area is closed to the public and is not used for recreation. Surrounding land uses include other ponds within the Eden Landing pond complex. Other land uses occur outside of the pond complex, as described above.

***Ponds E12 and E13.*** Ponds E12 and E13 are considered baylands/open space. This area is closed to the public and is not used for recreation. The remnants of the historic salt works remnants scattered throughout the ponds recall the area's former industrial use.

### ***Alviso***

The Alviso pond complex consists of 25 ponds on the shores of the South Bay within the cities of Fremont, San Jose, Sunnyvale and Mountain View, in Santa Clara and Alameda counties, west of I-880. Palo Alto Baylands Nature Preserve and Charleston Slough border the pond complex on the west, NASA Ames Research Center, Sunnyvale Baylands Park and the City of Sunnyvale WPCP are immediately south of the pond complex, and Coyote Creek, New Chicago Marsh, and the community of Alviso are to the east.

Figure 3.9-3 presents primary land uses in the vicinity of the Alviso pond complex. The majority of the surrounding land uses are considered commercial and industrial. Parks and open space areas include the Palo Alto Baylands Preserve, Shoreline Lake, Mountain View Shoreline Park, and the Stevens Creek Nature Study Area near the west end of the pond complex. Additionally, Sunnyvale Baylands Park is



# South Bay Salt Pond Restoration Project

Figure 3.9-3  
Existing Land Uses  
Near the Alviso Pond Complex

**Project Area** R1 Pond Numbers

**Infrastructure Features**

- Highway
- Railroad

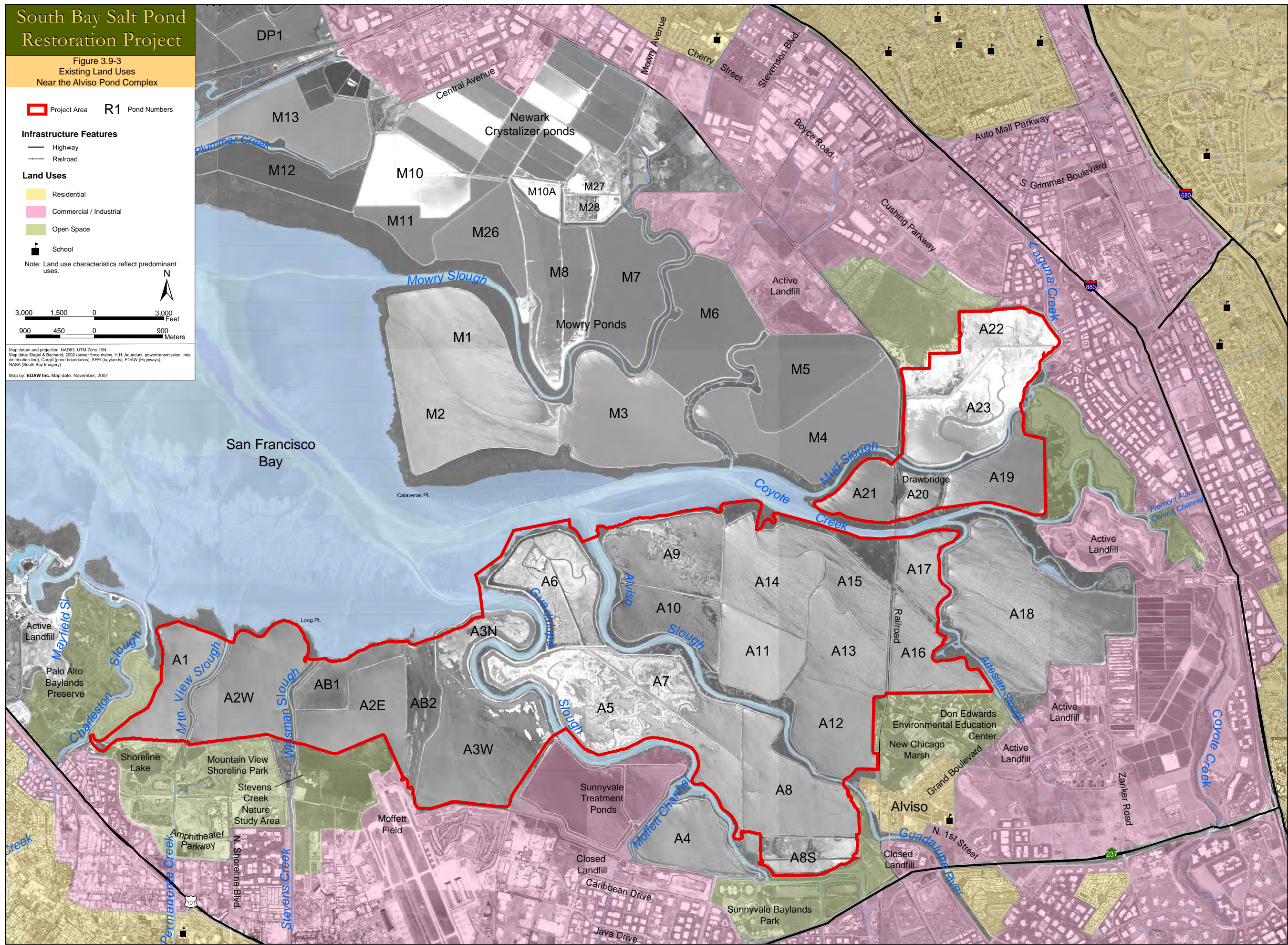
**Land Uses**

- Residential
- Commercial / Industrial
- Open Space
- School

Note: Land use characteristics reflect predominant uses.

3,000 1,500 0 3,000 Feet  
900 450 0 900 Meters


Map datum and projection: NAD83, UTM Zone 10N  
Map data: Siegel & Bachand, 2002 (sewer force mains, H.H. Aqueduct, power transmission lines, distribution lines), Cargill (pond boundaries), SFEI (baylands), EDAW (Highways), NASA (South Bay Imagery)  
Map by: EDAW Inc. Map date: November, 2007





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# South Bay Salt Pond Restoration Project





Figure 3.9-4  
Existing Land Uses Near the  
Ravenswood Pond Complex

 Project Area    **R1** Pond Numbers

**Infrastructure Features**

-  Highway
-  Railroad

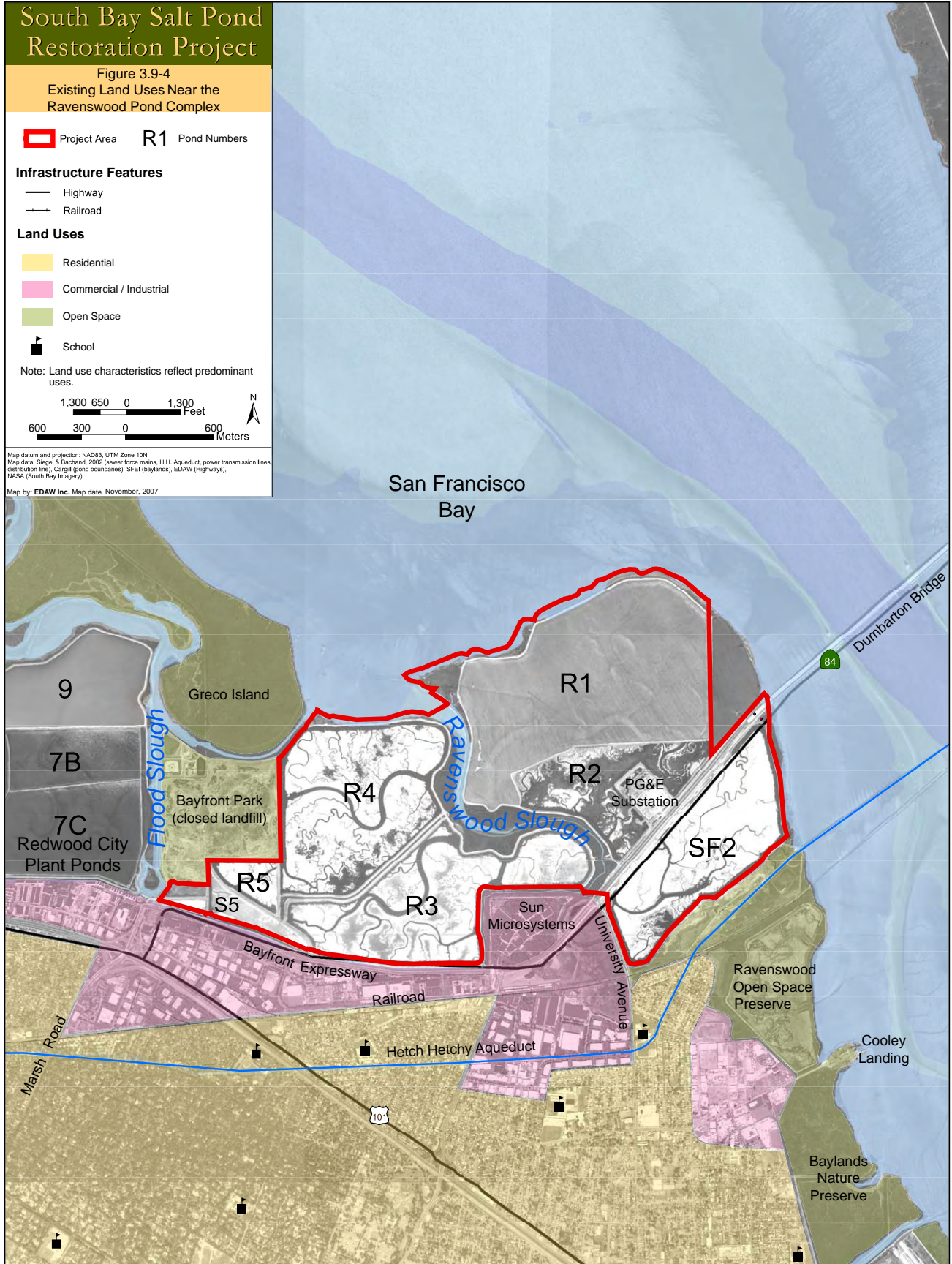
**Land Uses**

-  Residential
-  Commercial / Industrial
-  Open Space
-  School

Note: Land use characteristics reflect predominant uses.

1,300 650 0 1,300 Feet  
600 300 0 600 Meters

Map datum and projection: NAD83, UTM Zone 10N  
Map data: Siegel & Bachand, 2002 (sewer force mains, H.H. Aqueduct, power transmission lines, distribution lines), Cargill (pond boundaries), SFEI (baylands), EDAW (Highways), NASA (South Bay Imagery)  
Map by: EDAW Inc. Map date: November, 2007



south of Alviso Pond A8S, and New Chicago Marsh and the Refuge EEC are immediately south of Pond A16. The nearest residences are within the community of Alviso east of Pond A8 and Alviso Slough.

Major drainages which discharge into San Francisco Bay within the pond complex include Charleston Slough, Mountain View Slough, Stevens Creek, Guadalupe Slough, Alviso Slough (Guadalupe River), Artesian Slough, Mud Slough, and Coyote Creek. The Alviso pond complex includes three island ponds (Ponds A19, A20, and A21) surrounded by Coyote Creek and Mud Slough.

**Pond A6.** Pond A6 is considered baylands/open space. This pond is closed to the public and is not used for recreation. Currently Pond A6 provides habitat to thousands of California gulls. Recreational uses occur elsewhere within the Alviso pond complex. The nearest recreational feature is the loop trail across Alviso Slough which extends around Ponds A9 and A10.

**Pond A8.** Pond A8 is considered baylands/open space. This pond is closed to the public and is not used for recreation, except seasonally by hunters. Other recreational uses occur elsewhere within the Alviso pond complex. The nearest recreational feature is the loop trail across Alviso Slough which extends around Ponds A11 and A12. The restored New Chicago Marsh and the Refuges EEC are located east of Pond A8. Residential and commercial uses are within the community of Alviso to the east, across Alviso Slough. A closed landfill is southeast of Pond A8.

**Pond A16.** Pond A16 is considered baylands/open space. This pond is accessible to the public via a recreational trail that extends from the Refuges EEC. Pond A16 is directly north of New Chicago Marsh and the Refuges EEC. Residential and commercial uses are further south within the community of Alviso.

### ***Ravenswood***

The Ravenswood pond complex consists of seven ponds on the bayside of the Peninsula, along both sides of SR 84 west of the Dumbarton Bridge. Bayfront Park is directly west of the pond complex, and the UPRR right-of-way and developed areas within the City of Menlo Park in San Mateo County are to the south. US 101 is southwest of the pond complex.

Figure 3.9-4 presents existing land uses in the vicinity of the Ravenswood pond complex. Surrounding parks and open space uses include Greco Island and Bayfront Park west of Pond R4, and Ravenswood Open Space Preserve south of Pond SF2. Cooley Landing and Baylands Nature Preserve are further south along the Bay shoreline. Commercial uses occur south of Ponds R3 and S5, and a PG&E substation is adjacent to Pond R2. The nearest residential uses are within the City of Menlo Park, approximately 500 ft south of Pond SF2.

Ravenswood Slough extends through the pond complex and discharges to the Bay.

**Pond SF2.** Pond SF2 is considered baylands/open space. This pond is closed to the public and is not used for recreation. SR 84 extends along the north side of the pond. Recreational uses are further north,



across SR 84, where the Bay Trail extends along the highway. Residential uses are to the south of Pond SF2.

### 3.9.2 Regulatory Setting

Under Sections 65300–65403 of the California Government Code, all cities and counties in California are required to provide comprehensive long-range plans for lands within their jurisdictions which contain seven mandatory elements: land use, housing, conservation, open space, circulation, noise, and safety. The SBSP Restoration Project Area occurs within Alameda, San Mateo and Santa Clara counties. The Alameda, San Mateo and Santa Clara County General Plans, and the Hayward, Menlo Park, Palo Alto, Redwood City, San Jose, Sunnyvale, Fremont, Union City, Milpitas, Mountain View, and East Palo Alto City General Plans were reviewed for this analysis.

In addition, a number of regional plans have been developed by San Francisco Bay Area agencies – some individually, some in collaboration with other agencies. These agencies acknowledge a variety of environmental interests in the Bay Area and in some cases include the South Bay salt ponds in their discussions, analyses, policies and/or objectives. The following regional plans were reviewed for this analysis:

- Basin Plan – San Francisco Bay RWQCB;
- Baylands Ecosystem Habitat Goals Report – San Francisco Bay Area Wetlands Ecosystem Goals Project;
- Bay Plan – BCDC;
- CALFED ROD or EIR/S – CALFED Bay Delta Authority;
- CALFED ERP; Draft Stage 1 Implementation Plan – CALFED Bay Delta Authority;
- Comprehensive Conservation and Management Plan – The San Francisco Estuary Project;
- Implementation Strategy – San Francisco Bay Joint Venture;
- Invasive Spartina Project: California Coastal Conservancy / USFWS;
- Long Term Management Strategy for Dredge Material – US Environmental Protection Agency;
- NASA Ames Draft Development Plan – NASA Ames Research Center; and
- South Bay Salt Pond Restoration Feasibility Analysis – Stuart W. Siegel; Philip A.M. Bachand.

Only regional plans, county plans and city plans that refer specifically to the SBSP Restoration Project are discussed in this section. Other relevant local and regional plans and regulations are discussed in other sections of Chapter 3 in this EIS/R.

### Regional Plans

Regional plans discussed below contain objectives typically developed by a variety of stakeholders regarding environmental issues that transcend the geographic and jurisdictional boundaries which exist under the city and county framework. Regional plans address land uses when they discuss the intensity of

development throughout the region. Some regional plans advocate for developing specific areas and conserving other areas, while other plans discuss the impacts of potential future development and other activities on existing natural habitats and resources.

### ***Basin Plan – San Francisco Bay Regional Water Quality Control Board***

The San Francisco Bay RWQCB was founded in 1950 with the purpose of protecting the quality of surface water and groundwater within the San Francisco Bay region for beneficial uses. It was required by the State Water Quality Control Board to develop a Water Quality Control Plan (Basin Plan) for the San Francisco Basin, and the first comprehensive Basin Plan was adopted in 1975. The most recent amendment was adopted in 1995.

The Basin Plan is the master policy document that contains descriptions of the legal, technical, and programmatic bases of water quality regulation in the San Francisco Bay region. The plan must include: a statement of beneficial water uses that the RWQCB will protect; the water quality objectives needed to protect the designated beneficial water uses; and the implementation plans for achieving the water quality objectives through its regulatory programs (RWQCB 2003).

The Basin Plan makes reference to salt marsh ecosystems, specifically within the context of wetland restoration using dredged material. However, no direct reference to the South Bay salt ponds, particularly with regard to land use plans or decisions, is made.

### ***Baylands Ecosystem Habitat Goals Report San Francisco Bay Area Wetlands Ecosystem Goals Project***

The Baylands Ecosystem Habitat Goals Report was prepared by the San Francisco Bay Area Wetlands Ecosystem Goals Project in 1999. The report recommends the kinds, amounts, and distribution of wetlands and related habitats needed to sustain diverse and healthy communities of fish and wildlife resources in the San Francisco Bay-Delta Estuary, including the baylands of Suisun and San Pablo Bay.

The Goals, policies, and recommendations of the Baylands Ecosystem Habitat Goals Report relevant to the salt ponds are as follows:

***South Bay Subregion:*** The overall goal in the South Bay subregion is to restore large areas of tidal marsh connected by wide corridors of similar habitat along the perimeter of the Bay. Several large complexes of salt ponds, managed to optimize shorebird and waterfowl habitat functions, should be interspersed throughout the subregion, and naturalistic, unmanaged salt ponds should be restored on the East Bay shoreline. There should be natural transitions from mudflat through tidal marsh to adjacent uplands, wherever possible. Adjacent moist grasslands, particularly those with vernal pools, should be protected and improved for wildlife. Riparian vegetation and willow groves should be protected and restored wherever possible. In this subregion, achieving the Goals will depend largely on the willingness of the Cargill Salt Division to undertake major changes in its operations. It also will depend on the efforts of many other private and public landowners (Goals Project 1999).

### ***San Francisco Bay Conservation and Development Commission***

BCDC's jurisdiction, as well as its regulations and plans are described in Section 3.6 (Biological Resources), 3.7 (Recreational Resources), and 3.17 (Visual Resources) of this EIS/R. This section provides additional information as it relates to land use. The McAteer-Petris Act (Cal. Govt. Code Sections 66600–66694) is the California state law that established the San Francisco BCDC as a state agency; prescribes BCDC's powers, responsibilities and structure; and describes the broad policies the Commission must use to determine whether permits can be issued for activities in and along the shoreline of San Francisco Bay.

Section 66605 addresses the benefits, purposes, and manner of filling within BCDC's jurisdictions, and states the following:

- (a) That further filling of San Francisco Bay and certain waterways specified in subdivision (e) of Section 66610 should be authorized only when public benefits from fill clearly exceed public detriment from the loss of the water areas and should be limited to water-oriented uses (such as ports, water-related industry, airports, bridges, wildlife refuges, water-oriented recreation, and public assembly, water intake and discharge lines for desalinization plants and power generating plants requiring large amounts of water for cooling purposes) or minor fill for improving shoreline appearance or public access to the bay;
- (b) That fill in the bay and certain waterways specified in subdivision (e) of Section 66610 for any purpose should be authorized only when no alternative upland location is available for such purpose;
- (c) That the water area authorized to be filled should be the minimum necessary to achieve the purpose of the fill;
- (d) That the nature, location, and extent of any fill should be such that it will minimize harmful effects to the Bay Area, such as, the reduction or impairment of the volume surface area or circulation of water, water quality, fertility of marshes or fish or wildlife resources, or other conditions impacting the environment, as defined in Section 21060.5 of the Public Resources Code;
- (e) That public health, safety, and welfare require that fill be constructed in accordance with sound safety standards which will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions or of flood or storm waters;
- (f) That fill should be authorized when the filling would, to the maximum extent feasible, establish a permanent shoreline;
- (g) That fill should be authorized when the applicant has such valid title to the properties in question that he or she may fill them in the manner and for the uses to be approved.

Section 66605.1 addresses the desirability of development and preservation of shoreline by public and private development.

The Legislature finds that in order to make San Francisco Bay more accessible for the use and enjoyment of people, the Bay shoreline should be improved, developed and preserved. The Legislature further recognizes that private investment in shoreline development should be vigorously encouraged and may be one of the principal means of achieving Bay shoreline development, minimizing the resort to taxpayer funds; therefore, the Legislature declares that the commission should encourage both public and private development of the Bay shoreline.

The Bay Plan was adopted by the BCDC in 1969 and has been amended subsequently. In 2002, the Bay Plan tidal marsh, tidal flat, fish and wildlife and subtidal findings policies were amended. The goal of this Plan is twofold: “to protect the Bay as a great natural resource for the benefit of present and future generations” and to “develop the Bay and its shoreline to their highest potential with a minimum of Bay filling” (San Francisco BCDC 2002).

The Goals, policies, and recommendations of the Bay Plan that are relevant to the SBSP Restoration Project are as follows:

- If public funds are available, purchase and tidally restore salt ponds no longer needed for salt production. If public funds are not available, pursue other alternatives for protecting salt ponds:
- If areas are proposed for development, obtain an open space dedication. When development occurs, retain substantial amounts of open water, provide substantial public access, and develop the site in accordance with BCDC policies regarding non-priority shoreline uses.
- Promote saltwater aquaculture activities to retain area as open water.
- Build recreational developments, such as marinas and parks, in appropriate areas outboard of salt ponds or in sloughs, so long as the ability to produce salt and restore tidal action to salt ponds is not compromised.
- Pursue purchase of development rights on salt ponds (SBSP Restoration Project website 2004).

### ***CALFED Bay-Delta Program***

#### ***Final Programmatic Environmental Impact Statement / Environmental Impact Report (EIS/EIR)***

The San Francisco Bay/Sacramento – San Joaquin Delta (Bay-Delta) Estuary is the largest estuary on the West Coast of the United States (CALFED 2000). The CALFED Bay-Delta Program was established in 1995 to “develop and implement a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the Bay-Delta System” (CALFED 2000). The CALFED Bay-Delta Authority is a consortium of eight state and ten federal agencies with management and regulatory responsibilities in the Bay-Delta Estuary.

The CALFED Framework Agreement, signed by state and federal agencies in 1994, sought solutions to the resource problems in the Bay-Delta. As part of the Framework Agreement, the state and federal

governments pledged to “(1) coordinate their implementation of water quality standards to protect the Bay-Delta Estuary; (2) coordinate the operation of the State Water Project (SWP) and the Central Valley Project (CVP), which both involve transporting fresh-water through the Delta to points south; and (3) develop a process to establish a long-term Bay-Delta solution that will address four categories of problems: ecosystem quality, water quality, water supply reliability, and levee system vulnerability” (CALFED 2000).

The programmatic EIS/EIR evaluates the long-term program developed as a solution to the four categories of problems identified in the third pledge in the Framework Agreement, listed above. While the discussion of wetlands and wetland conversion factors into discussions throughout the document, there is no mention of the South Bay salt ponds in the Land Use, Social Issues and Economics sections of the EIS/EIR.

### ***CALFED Bay Delta Authority Delta Regional Ecosystem Restoration Implementation Plan (DRERIP)***

Actions taken as a result of the DRERIP, currently in draft form, seek to reduce water management constraints while helping to restore and improve the health of the Bay-Delta system for all native species. CALFED ecosystem restoration goals include the following:

- Recover 19 at-risk native species and contribute to the recovery of 25 additional species;
- Rehabilitate natural processes related to hydrology, stream channels, sediment, floodplains and ecosystem water quality;
- Maintain and enhance fish populations critical to commercial, sport and recreational fisheries;
- Protect and restore functional habitats, including aquatic, upland and riparian, to allow species to thrive;
- Reduce the negative impacts of invasive species and prevent additional introductions that compete with and destroy native species; and
- Improve and maintain water and sediment quality to better support ecosystem health and allow species to flourish (CALFED 2001a).

The Land Use Designation and Ownership section of the draft DRERIP (CALFED 2001a) makes no reference to the SBSP Restoration Project.

### ***Comprehensive Conservation and Management Plan – The San Francisco Estuary Project***

The CCMP was prepared by the San Francisco Estuary Project. BCDC manages the open waters, tidal marshes, managed wetlands, salt ponds, and narrow shoreline band of the San Francisco Bay segment of the Estuary (San Francisco BCDC 1993). The Land Use Goals of the CCMP include the following:

- Establish and implement land use and transportation patterns and practices that protect, enhance, and restore the Estuary’s open waters, adjacent wetlands, adjacent essential uplands habitat, and tributary waterways;
- Coordinate and improve planning, regulatory, and development programs of local, regional, state, and federal agencies to improve the health of the Estuary; and
- Adopt and utilize land use policies that provide incentives for more active participation by the private sector in cooperative efforts that protect and improve the Estuary.

The Goals, policies, and recommendations of the CCMP that are relevant to the salt ponds include the following:

**Action LU - 2.1:** Regional agencies should assist in identifying and developing consistent policies that provide an integrated framework for local governments to protect the resources of the Estuary.

**Action LU - 3.1:** Prepare and implement Watershed Management Plans that include the following complementary elements: 1) wetlands protection; 2) stream environment protection; and 3) reduction of pollutants in runoff.

**Action LU - 3.2:** Develop and implement guidelines for site planning and Best Management Practices (BMPs).

### ***Implementation Strategy – San Francisco Bay Joint Venture***

The SFBJV is a collaborative effort by 27 public agencies and private non-profit and corporate organizations to protect, restore, increase and enhance wetlands, riparian habitat and associated uplands throughout the San Francisco Bay region to benefit birds, fish and other wildlife. Its Implementation Strategy (Strategy) details the organization’s efforts to restore the San Francisco Estuary.

The Strategy categorizes all salt ponds as “Bay Habitats.” To that end, the Strategy suggests that SFBJV will work with Cargill to explore ways to enhance the habitat values of the Santa Clara County-based salt ponds for water-fowl and shorebirds (SFBJV 2001). It also makes reference to the Mid-Peninsula Regional Open Space District overseeing the tidal marsh restoration of a 200-acre salt pond. However, no specific land use plans or objectives are discussed in the Implementation Strategy.

### ***Invasive Spartina Project: Conservancy / USFWS***

The San Francisco Estuary Invasive Spartina Project is a regionally coordinated effort of federal, state, and local agencies and private landowners with the ultimate goal of arresting and reversing the spread of non-native cordgrasses in the San Francisco Estuary (California Coastal Conservancy and USFWS 2003).

The Invasive Spartina Project proposes three alternatives for implementation. After the preparation of an Environmental Impact Report/Statement for the Invasive Spartina Project, Alternative 1 was ultimately chosen for the Invasive Spartina Project and consists of a “comprehensive, region-wide eradication program coordinated by the Conservancy and USFWS, utilizing all available control treatment methods

(manual, chemical and mechanical), with the choice of which method to use dependent on the characteristics of a given site” (California Coastal Conservancy and USFWS 2003).

The following proposed demonstration projects of the Invasive Spartina Project are applicable to the salt ponds:

***Palo Alto Baylands, Santa Clara County (Grantee: City of Palo Alto):*** Palo Alto Baylands is established high marsh dominated by pickleweed with invasive Spartina established at the mouths of the sloughs. The interior is a restored marsh with stands of scattered invasive Spartina. Treatment will occur on .05 acre spread over 10 acres using ground and boat application of herbicides with the goal to eradicate all of the infestation. California clapper rail is found here (California Coastal Conservancy and USFWS 2003).

***Coyote Creek/Mowry Slough, Alameda County and Santa Clara County (Grantee: USFWS Don Edwards National Wildlife Refuge):*** This site is a high marsh pickleweed habitat between Coyote Creek and Newark Slough with Spartina hybrids dispersed amongst wide high marsh and along the channel edges. The goal is to treat approximately 0.1 acre of non-native cordgrass using ground, boat, and targeted aerial application of herbicides, with the goal to eradicate the infestation at this site. California clapper rail is found here (California Coastal Conservancy and USFWS 2003).

***Bair and Greco Islands, San Mateo County (Grantee: USFWS Don Edwards National Wildlife Refuge):*** This is a complex of large sloughs, restored sites (formerly diked marshes), and an island marsh dominated by pickleweed bordered with patches of cordgrass. Infestations of Spartina hybrids range from patchy to dense. The goal is to treat 80 acres using ground, boat, and targeted aerial treatment of herbicides. California clapper rail is found here (California Coastal Conservancy and USFWS 2003).

### ***US Environmental Protection Agency (USEPA) – Long Term Management Strategy for Dredge Material***

The Long Term Management Strategy (LTMS) for Dredge Material is a cooperative effort of USEPA, the Corps, SWRCB, San Francisco Bay RWQCB, and BCDC to develop a new approach to dredging and dredged material disposal in the San Francisco Bay Area. An average of six million cubic yards of sediments must be dredged every year in order to maintain safe navigation in and around San Francisco Bay, resulting in controversy surrounding appropriate management of such an effort. The major goals of the LTMS are to: (1) “maintain in an economically and environmentally sound manner those channels necessary for navigation in San Francisco Bay and Estuary and eliminate unnecessary dredging activities in the Bay and Estuary;” (2) “conduct dredged material disposal in the most environmentally sound manner;” (3) “maximize the use of dredged material as a resource;” and (4) “establish a cooperative permitting framework for dredging and dredged material disposal applications” (US EPA 1998).

The Final Policy EIS / programmatic EIR for the LTMS addresses the salt ponds in and around the South Bay mainly within the context of its role as habitat for a number of species, including the California least tern, snowy plover, California clapper rail, salt marsh harvest mouse and California brown pelican. While the presence of such species causes restrictions on potential management strategies, dredged material

disposal has potential benefits, such as the creation or restoration of seasonal wildlife habitats by raising and modifying topography and thus improving wetland hydrology (US EPA 1998). Disposal of dredge material in the salt ponds would require a BCDC permit.

### ***NASA Ames Development Plan***

The NASA Ames Research Center is directly south of the Alviso pond complex. Wetland preservation is one of the unifying principles that guided the planning for the entire NASA Ames Research Center site (NASA 2002). The Wetland Preservation Principle is presented in the NASA Ames Development Plan and is described as follows:

***Wetland Preservation:*** There are approximately 300 acres of non-tidal wetlands at Ames Research Center, most of which are located north of the Bay View district. These wetlands are classified as coastal salt marsh; seasonal salt marsh and transition areas; and fresh and brackish water marshes. They comprise one of the most important habitats at Ames Research Center. They support numerous birds, mammals, reptiles and amphibians. These include threatened and endangered species such as the California clapper rail, salt marsh harvest mouse, western snowy plover and the California least tern. NASA Ames will avoid construction in these areas to reduce potential impacts to these sensitive habitats and the species that they sustain. Development plans will ensure no net loss of wetland functions, values or acreage (NASA 2002).

### ***South Bay Salt Pond Restoration Feasibility Analysis – Stuart W. Siegel; Philip A.M. Bachand***

The South Bay Salt Pond Restoration Feasibility Analysis provides a scientifically based analysis independent of any particular interest group and contributed to negotiations for public acquisition of a large portion of the salt ponds as well as restoration planning, design, and long-term implementation (Siegel and Bachand 2002). Specific policies pertaining to land use are not addressed, and the conclusions made in the Feasibility Analysis are not directly applicable to land use.

### **County and City General Plans**

The county general plans contain goals, policies and implementation measures that provide planning guidance for the future. The Land Use Elements of the general plans contain goals concerning land use and are designed to serve as the basis for development decision-making.

The city general plans act as “blueprints” for the long-term physical development of each City and contain goals, policies and implementation measures that provide planning guidance for the future. The Land Use Element of each general plan designates land uses within the respective city and presents land use goals and policies for the future.

Relevant goals and policies from applicable county and city general plans are presented below for each SBSP Restoration Project pond complex.



### **Eden Landing**

**City of Hayward General Plan.** The General Plan was adopted in 2002 and amended on October 21, 2003 (City of Hayward 2002). No land use policies make specific reference to the South Bay salt ponds; however, the Land Use element of the General Plan recognizes that Baylands (*e.g.*, Marshes and Salt Ponds) comprise nine square miles within the City of Hayward. The City of Hayward Plan Land Use Map identifies the pond complex as Baylands (City of Hayward Community and Economic Development Department 2006).

The eastern edge of the Eden Landing pond complex is directly adjacent to the City of Hayward. The areas within Hayward adjacent to the Eden Landing pond complex are, for the most part, designated by the General Plan as Industrial with small areas of Parks and Recreation, and Low Density Residential.

The General Plan describes the Industrial Areas as follows:

A significant portion of the land already devoted to industrial uses may see a change to more intensive land uses based on current development trends. The 1,400 acres now occupied by warehouses or other marginal uses may be candidates for conversion or redevelopment as office or research and development space. In addition, the approximately 200 acres consumed by land-intensive uses such as wrecking yards, wholesale auto auction businesses, and trucking terminals are considered underutilized and appropriate for more intensive development.

Recent new construction activity, as well as data on conversion activity in terms of the amount of warehouse space changing to office or research and development space, indicates that the trend toward more intensive development is continuing throughout the Industrial Corridor. As a result of this trend, the average employee density is projected to increase over the next 20 years from 17 employees per acre to 19 employees per acre (City of Hayward 2003).

The Land Use Element of the General Plan does not describe Parks and Recreation and Low Density Residential in any detail.

### **Alviso**

**Santa Clara County General Plan.** The Santa Clara County General Plan 1995–2010 was adopted on December 20, 1994. Goals, objectives and policies pertinent to land use and the Salt Ponds are first articulated in the Resource Conservation section and its Mineral Resources subsection before being presented more succinctly in the Land Use Section (County of Santa Clara 1994).

In the Introduction to the Resource Conservation section, the third overall strategy, “Restore Resources Where Possible,” reads in part as follows:

Where appropriate, degraded environments should be restored to the maximum extent possible, whether the subject is wetlands, quarries or landfills. These efforts should also be augmented by measures to restore “nature” and livability to our urban environments (p.H3).

The following policies are among those that are dictated by the Plan's Overall Strategies for resource conservation (p. H4):

Policy C-RC 1: Natural and heritage resources shall be protected and conserved for their ecological, functional, economic, aesthetic, and recreational values.

1. Open lands not suitable or intended for urbanization should not be included in cities' long term urban growth plans. Protections necessary to preserve and manage resources should be provided.
2. Heritage resources shall be preserved to the maximum extent possible for their scientific, cultural, or place values, and they shall not be diminished due to inadequate safeguards.

Policy C-RC 2: The County shall provide leadership in efforts to protect or restore valuable natural resources, such as wetlands, riparian areas, and woodlands, and others:

- a. for County-owned lands; and
- b. through multi-jurisdictional endeavors.

Policy C-RC 3: Multiple uses of lands intended for open space and conservation shall be encouraged so long as the uses are consistent with the objectives of resource management, conservation, and preservation, particularly habitat areas.

Policy C-RC 4: On a countywide basis, the overall strategy for resource management, conservation, and preservation should include the following:

- a. improve and update current knowledge;
- b. emphasize proactive, preventive measures;
- c. minimize or compensate for adverse human impacts;
- d. restore resources where possible; and
- e. monitor the effectiveness of mitigations.

#### Implementation Recommendation C-RC (i) 1

Explore the use of joint agreements between the County, cities and LAFCO for the designation and protection of lands and resources of mutual interest and concern, where appropriate. Identify areas where County should exercise leadership.

These policies and recommendations are referred to in the Mineral Resources subsection where, directly within the context of discussing the existing Salt Ponds, the Plan states:

If discontinued for extraction purposes, future uses of the areas should be consistent with the resource conservation goals, objectives and policies intended to preserve the baylands environment in its natural state (p. H34).

More specifically, Mineral Resources Strategy #3 is to reclaim sites for appropriate subsequent use. It states:

Because the deposits are a finite resource, quarrying operations should only be considered a temporary land use, and adequate reclamation planning must be incorporated from the beginning of operations. In one sense, reclamation is one more aspect of mitigating environmental impacts after extraction operations are discontinued. Reclamation also functions to repair the site for appropriate subsequent uses (p. H35).

Mineral Resources Strategy #3 begets Policy C-RC 48: Reclamation for safe and beneficial future use of mineral resource extraction sites should be ensured through adequate planning, discretionary land use controls, and monitoring of reclamation plan implementation (p.H35).

Additionally, the Rural Unincorporated Area Issues and Policies Section also address the Baylands area, including them among the County's Critical Habitat Areas where the biological integrity should be protected. Pertinent policies acknowledge that the types of uses that are consistent with the overall goal of protecting the resource values of the Baylands are limited to habitat such as the National Wildlife Refuge, recreational uses, aquaculture, and other uses which do not adversely impact the ecological values of the remaining habitat areas. At the same time, pertinent policies also involve two related concepts, encouraging: 1) conservation of natural habitat areas intact, to avoid fragmentation and disturbance; and 2) maintenance of migratory corridors and linkages between natural areas to compensate for fragmentation (p. O 22–23).

Relevant policies with regard to the protection of the biological integrity of Critical Habitat areas include:

Policy R-RC 25: Wetlands habitats of San Francisco Bay shall be preserved and enhanced.

Policy R-RC 26: Within wetlands areas, allowable uses shall be limited to those which cause little or no adverse impacts, possibly including:

- a. natural ecological functions, such as bay waters, sloughs, marshes and flats, preserved in open space;
- b. salt ponds;
- c. small piers, walkways, and wildlife observation areas;
- d. trail-related uses, such as walking, bicycling, and, horseback riding as compatible with resource preservation;
- e. fishing, boating, swimming, and limited hunting;

- f. aquaculture;
- g. marinas; and
- h. nature centers or other facilities for the study and appreciation of natural resources.

Policy R-RC 27: There shall be no filling or alteration of wetlands areas except for such alterations which enhance habitat resources. Construction of small levees, piers, or walkways for public use and education may be allowed. If construction of any type will result in significant loss of habitat or alteration of wetlands hydrology, mitigations shall be required.

Policy R-RC 28: New marina locations in wetland areas should be considered only after upland alternatives have been determined infeasible. If new marinas are proposed, they shall not be allowed to create a net loss of habitat, through mitigation that requires creation or restoration of wetlands as compensation for losses incurred. Discontinued marinas shall be a priority for wetlands restoration and other uses compatible with habitat preservation.

Policy R-RC 29: No new or expanded landfill sites shall be approved which would adversely affect wetlands habitat. Closed landfills should be used as parks or open space compatible with habitat preservation goals.

Policy R-RC 30: Land uses in areas adjacent to the Baylands should have no adverse impact upon wetlands habitats or scenic qualities of the Baylands. Uses adjacent to the National Wildlife Refuge should be compatible with the Refuge.

While the above resource conservation measures set forth policies that suggest acceptable land uses, the following policies for the Baylands area – categorized in the Land Use section as a “Resource Conservation Area” – reiterate already established principles as land use policies (p.Q-1):

Policy R-LU 5: The edges of the San Francisco Bay shall be preserved and restored as open space. Allowable uses shall include:

- a. bay waters and sloughs;
- b. marshes, wetlands and wetlands restoration;
- c. salt extraction;
- d. wildlife habitat;
- e. open space preserves;
- f. small piers and walkways;
- g. wildlife observation; and

- h. recreational uses, such as walking, horseback riding, bicycling, fishing, boating, education, swimming, limited hunting, aquaculture, and marinas.

Policy R-LU 6: There shall be no filling of wetlands except for very limited construction of small levees, piers, or walkways necessary for public use or study of the baylands.

Policy R-LU 7: No new or expanded waste disposal sites shall be approved, and existing sites shall be converted into parks or open space when terminated for waste disposal.

**City of Fremont.** The City of Fremont General Plan was adopted on May 7, 1991 and updated in 2003. The City is divided into nine planning areas, one of which is the Baylands Planning Area which includes lands under the Bay, salt ponds, wetlands, seasonal wetlands, and other uses associated with the Bay and wildlife habitat.

The policies contained in the Land Use Element related to salt ponds include the following (City of Fremont 1991):

Exhibit “B” Land Use Element Revisions: Goals Policies and Implementation

Fundamental Goals. Virtually all of the City’s Fundamental Goals are relevant to land use, but the following are perhaps most relevant:

F 2: A harmonious blend of the natural and built environments.

F 7: An Open Space Frame that includes the Hillface, Bay Wetlands, and gateways.

F 12: Parks, Recreational Facilities and opportunities.

The goals, policies and implementation measures contained in the Open Space Element related to salt ponds include the following:

GOAL OS 2: Recognition, protection, and enhancement of significant natural areas and wildlife habitats in the City, including Bay tidal, seasonal, and freshwater wetlands, and open meadows and fields.

Policy OS 2.1.1: The City shall actively support expansion of the San Francisco Bay National Wildlife Refuge.

Implementation 1: Support efforts to obtain federal and state funding to complete the Wildlife Refuge in a timely manner.

Policy OS 2.1.2: Land uses and activities in areas adjacent to the Wildlife Refuge must be compatible with, and, if possible, should promote the goals of the Refuge.

Implementation 1: Evaluate development projects to assess as their potential impacts on the Wildlife Refuge.

Implementation 2: Prohibit residential subdivisions contiguous with the Wildlife Refuge to limit the threat of domestic and feral animals.

**City of San Jose.** The San Jose 2020 General Plan Land Use/Transportation Diagram, as amended through May 2004, only refers to the Cargill Salt Ponds in describing the zoning for the area, which is outside the Urban Service Area, as Private Open Space (City of San Jose 2004). Private Open Space is a category that designates privately-owned lands used for low intensity, open space activity. Appropriate uses in this category include cemeteries, salt ponds, and land which is restricted to agricultural use and private buffer lands such as riparian set back areas (City of San Jose 2004).

**Alviso Master Plan.** The salt ponds are more specifically referred to in the Alviso Master Plan, which designates uses and policies pertinent to the section of incorporated San Jose immediately adjacent to the Alviso pond complex. The community of Alviso was incorporated into San Jose in 1968. The Alviso Master Plan – adopted in 1998 and addressed in the San Jose 2020 General Plan by way of the Alviso Planned Community (APC) – establishes a long-term development plan for the sensitive Alviso planning area by guiding appropriate new development, community facilities, infrastructure, and beautification (City of San Jose 1998).

The majority of land uses allowed by the APC adjacent to the Alviso salt pond complex are Public Parks and Open Space, and Private Open Space. However, Mixed Use (Commercial, Housing, Civic), River Commercial and Combined Industrial Commercial uses are also planned for substantial sections of areas that abut the SBSP Restoration Project Area.

The Mixed Use designation is applied to the historic western grid, and no new industrial uses are permitted in this designation. Any allowed uses may occur in single purpose buildings or sites, or may be combined with one or more of the other allowed uses in a single building. Residential development may take any form but should not exceed 16 dwelling units per acre whether in single purpose or multi-use projects. New development should be consistent with modest scale, front setback pattern, and street orientation of nearby existing development. Buildings with lower floor commercial uses and upper floor residential units are encouraged. To the extent feasible, historic buildings should be rehabilitated and reused for a variety of activities.

The River Commercial designation is applied to an area south of the Guadalupe River and west of Gold Street, where project design features and characteristics that connect private development to the public use of the river are promoted. Development on this site should be designed to reflect and acknowledge the river environment, and retail, service, recreational, and some commercial uses – including restaurants, boating, hiking, bicycling services, museums and galleries, small scale bed and breakfast visitor lodging, hotel and conference facilities, software development or industrial design facilities – are appropriate. Production and commercial or business services are not appropriate.

The Combined Industrial/Commercial designation does allow commercial activities, industrial uses or a compatible mixture. Commercial uses could include retail, restaurant, office, hotel, or other commercial establishments, including a suburban type shopping center. Other allowed non-industrial uses are primary/secondary schools, freestanding day care centers, churches, and sports, social or arts centers.

Industrial uses allowed under this designation – providing there are no unmitigated hazardous or nuisance effects to adjacent and nearby areas – include warehousing, office, research and development, light manufacturing, wholesaling, and service establishments. All new construction should be attractive and well-landscaped, following more stringent performance and design standards than the Light Industrial designation. Industrial activities that require the storage and handling of acutely hazardous materials are prohibited within a quarter mile of the George Mayne Elementary School and any future day care and school uses or other sensitive uses (e.g., housing), so that conflicts between sensitive receptors and hazardous materials are avoided.

Development under this designation on the Cargill property is limited to two story buildings. The Cargill property consists of unengineered landfill with a tall mound. Structures should be placed in areas on this property where it can be demonstrated that appropriate construction techniques can be utilized to minimize any and all adverse geotechnical impacts. It is expected that development on this site would include significant amounts of open space and appropriate landscaping, given the configuration of the mound and its steep slopes (City of San Jose 1998).

**City of Sunnyvale.** The City of Sunnyvale General Plan Land Use and Transportation Element was adopted in 1997 (City of Sunnyvale 1997). As articulated in Policy R1.11, the Element prioritizes the protection of regional environmental resources through local land use practices. Along with participation in state and regional activities to protect the natural environment, the following action statement follows:

Policy R1.11:

Action Statement R1.11.2: Protect and preserve the diked wetland areas in the Baylands, which serve as either salt evaporation ponds or holding ponds for the wastewater treatment plant.

There is no further mention of the Cargill Salt Ponds in the Land Use and Transportation Element.

**City of Mountain View.** The City of Mountain View 1992 General Plan (City of Mountain View 1992) acknowledges that the privately-owned salt ponds already provide valuable wildlife habitat, placing a low priority on acquiring them as a public wildlife refuge and favoring the Bay National Wildlife Refuge eventually managing the ponds for wildlife. No mention of the salt ponds is made within the context of land use, though under the goal of encouraging development that preserves the beauty of the natural environment, Policy 9 seeks to ensure compatible land uses next to the city's natural resources. A great deal of the city's natural resources, namely Shoreline Park and the Stevens Creek Nature Study Area, abut the salt ponds area. The Plan states that the average floor to area ratio (FAR) in the city's open spaces should not exceed 0.1 (City of Mountain View 1992).

### **Ravenswood**

**City of Menlo Park.** The City of Menlo Park General Plan was adopted in 1994 (City of Menlo Park 1994). Goals relevant to the salt ponds are discussed in the Land Use Element, under the Open Space heading which reads in part as follows:

Policy I-G-7: Public access to the Bay for scenic enjoyment of the open water, sloughs, and marshes shall be protected.

Policy I-G-8: The Bay, its shoreline, San Francisquito Creek, and other wildlife habitat and ecologically fragile areas shall be maintained and preserved to the maximum extent possible. The City shall work in cooperation with other jurisdictions to implement this policy.

Policy I-G-9: The salt ponds shall be allowed to continue in mineral production. In the event these uses are discontinued, these areas should be used for recreation and/or conservation uses.

Additionally, in the Land Use/Circulation Diagrams and Standards section of the General Plan, the following is stated about Non-Urban Designations:

**Marshes:** This designation provides for the preservation and protection of wildlife habitat and ecological values associated with the marshlands bordering San Francisco Bay and similar and compatible uses. The maximum amount of development allowed under this designation shall be 5,000 square ft of building floor area per parcel.

**Salt Ponds:** This designation provides for the commercial production of salt and other minerals on the lands bordering San Francisco Bay and similar and compatible uses. The maximum amount of development allowed under this designation shall be 5,000 square ft of building floor area per parcel.

**Preserve:** This designation provides for the preservation and protection of wildlife habitat and ecological values associated with the foothill areas bordering I-280 and similar and compatible uses (City of Menlo Park 1994).

### ***Other Relevant Plans in the Region***

**Union City General Plan.** The General Plan was adopted in 2002 (City of Union City 2002). No land use policies make specific reference to the South Bay salt ponds.

The eastern edge of the Eden Landing pond complex is directly adjacent to Union City. The majority of the land within the Union City limits is zoned for Open Space. The Open Space designation is described as follows in the Union City General Plan Land Use Element:

The purpose of this designation is to conserve lands that should remain as open space for passive and active recreation uses, resource management, flood control management and public safety. Uses that would typically be appropriate in this land use designation include but are not limited to public parks, playgrounds, golf courses and driving ranges, parkways, vista areas, wetlands, wildlife habitats and outdoor nature laboratories; stormwater management facilities; and buffer zones separating urban development and ecologically sensitive resources (p. LU-7) (City of Union City 2002).

However, some land abutting the complex is zoned Civic Facility and Special Industrial.



The Civic Facility designation is applied to:

...the City's major public buildings and facilities owned by City, County, state, federal or other public agencies that serve the general public. Uses include but are not limited to wastewater treatment facilities, water tanks, electrical substations, public educational facilities, community centers, libraries, museums, government offices and courts (*e.g.*, Civic Center), transit facilities and stations, and public safety facilities (*e.g.*, police and fire stations) (p. LU-7).

The Special Industrial designation provides:

(s)pace for the lightest industrial operations and non-manufacturing uses that support nearby manufacturing that exhibit virtually no nuisance characteristics. Non-manufacturing uses include educational, administrative, sales and service activities. This designation provides for a smaller scale of uses, on smaller sites than would typically be found in Light Industrial designated areas. In Special Industrial designated areas, nuisance characteristics of noise, odor, traffic generation, unsightliness or hazardous materials storage or handling are avoided, and almost all uses will be conducted entirely within enclosed buildings (p. LU-6).

The Special Industrial designation typically includes small scale, high quality industrial park developments and is often applied as a buffer adjacent to major thoroughfares where large landscaped setbacks are provided and as a transition area between higher intensity industrial uses and other lower intensity uses. Performance standards are applied to eliminate, or minimize to the extent reasonably possible, any potential for adverse effects (City of Union City 2002).

**Alameda County General Plan.** The Alameda County General Plan, adopted in 1973, does not include a Land Use Element, and instead incorporates land use elements in each of the City General Plans and in each of the unincorporated area specific plans. However, policies applicable to the Salt Ponds are discussed in the May 4, 1995 Amended Open Space Element and are described as follows:

#### Shoreline and Bay Open Space

##### Principles for Shoreline and Bay Open Space

- **Preserve Natural Ecological Habitats in Shoreline Areas:** Outstanding natural ecological habitats in shoreline areas of the County should be designated for protection and maintenance as wildlife preserves as a means of protecting marine and wildlife and to permit ecological studies; and
- **Provide For Orderly Transition of Phased Out Salt Extraction Areas to Uses Compatible With the Open Space Plan:** Salt extraction areas, which will be operative through the plan period, should be designated as permanent open space. Areas that will not be active through the plan period should be phased out according to a planned program in such a manner as to maintain salt production cycles. Phased out areas should be converted to uses permitted within waterfront open spaces such as wildlife refuges or recreation areas. No filling of salt

extraction areas should be permitted except for recreation purposes in selected areas as indicated on adopted local or regional plans (Alameda County 1995).

**City of Milpitas.** The 1994 update of the Milpitas General Plan (City of Milpitas 1994) makes no reference to the South Bay salt ponds.

**City of Santa Clara.** The City of Santa Clara General Plan 2000–2010 (City of Santa Clara 2002) makes no reference to the South Bay salt ponds. City of Santa Clara land is separated from the SBSP Restoration Project Area by City of San Jose open space, which is separated from the City of Santa Clara by SR 237.

**City of Palo Alto.** The Palo Alto Comprehensive Plan does not address the South Bay salt ponds. However, it does make a number of references to the baylands within the city's limits, located to the northeast of US 101, stating that any development near the baylands take them into account with regard to view access and the preservation of open space. Specifically, Local Land Use and Growth Management Goal L-1 – which mandates a “well-designed, compact city, providing residents and visitors with attractive neighborhoods, work places, shopping districts, public facilities, and open spaces” (p. L 5) – declares that the amount of urban land in Palo Alto in 2010 will remain essentially the same as it is today, with growth occurring through infill and redevelopment. In the discussion of the extent of urban development, Policy L-1 includes the retention of undeveloped baylands as open space (City of Palo Alto 1998).

**City of East Palo Alto.** The City of East Palo Alto General Plan was adopted in 1999 (City of East Palo Alto 1999). Goals relevant to the salt ponds are discussed in the Conservation and Open Space Element, under the Natural Resources heading which reads in part as follows:

Policy 2.1: Conserve, protect and maintain important natural plant and animal communities, such as baylands, Cooley Landing, San Francisquito Creek, the shoreline and significant tree stands.

Furthermore, the Land Use Policy map of the City of East Palo Alto General Plan indicates that all of the bayland areas (including salt ponds) will be designated as a Resource Management area, with passive recreational use (City of East Palo Alto 1999).

**Redwood City.** The Redwood City General Plan was adopted in 1990 and does not include goals relevant to the SBSP Restoration Project. However, the Land Use Element states how much of incorporated Redwood City consists of salt ponds and wetlands and therefore cannot be developed (City of Redwood City 1990).

Goals relevant to the Salt Ponds are discussed in the Open Space Element, which reads in part as follows:

0- 5. The City should maintain existing “Tidal Plain” Zoning in those Bayfront areas which are, or can be used for salt harvesting, shell dredging, or other types of mineral extraction.

**San Mateo County.** The San Mateo County General Plan was adopted in November, 1986. Goals relevant to the salt ponds are discussed in the Vegetative, Water, Fish and Wildlife Resources Policies section of the Land Use Element (San Mateo County 1986) which reads in part as follows:

- 1.1 Conserve, Enhance, Protect, Maintain and Manage Vegetative, Water, Fish and Wildlife Resources: Promote the conservation, enhancement, protection, maintenance and managed use of the County's Vegetative, Water, Fish and Wildlife Resources.
- 1.2 Protect Sensitive Habitats: Protect sensitive habitats from reduction in size or degradation of the conditions necessary for their maintenance.
- 1.4 Access to Vegetative, Water, Fish and Wildlife Resources: Protect and promote existing rights of public access to vegetative, water, fish and wildlife resources for purposes of study and recreation consistent with the need to protect public rights, rights of private property owners and protection and preservation of such resources.
- 1.29 Uses Permitted in Sensitive Habitats: Within sensitive habitats, permit only those land uses and development activities that are compatible with the protection of sensitive habitats, such as fish and wildlife management activities, nature education and research, trails and scenic overlooks and, at a minimum level, necessary public service and private infrastructure.
- 1.30 Uses Permitted in Buffer Zones: Within buffer zones adjacent to sensitive habitats, permit the following land uses and development activities: (1) land uses and activities which are compatible with the protection of sensitive habitats, such as fish and wildlife management activities, nature education and research, trails and scenic overlooks, and at a minimum level, necessary public and private infrastructure; (2) land uses which are compatible with the surrounding land uses and will mitigate their impact by enhancing or replacing sensitive habitats; and (3) if no feasible alternative exists, land uses which are compatible with the surrounding land uses.
- 1.38 Control Incompatible Vegetation, Fish and Wildlife: Encourage and support the control of vegetation, fish and wildlife resources which are harmful to the surrounding environment or pose a threat to public health, safety and welfare.

#### Resource Management Coordination

- 1.40 Encourage Coordinated, Countywide Management of Vegetative, Water, Fish and Wildlife Resources: Encourage all federal, state, regional, county, and city agencies with jurisdiction in San Mateo County to cooperate and coordinate the management and protection of vegetative, water, fish and wildlife resources.

#### Acquisition and Management of Sensitive Habitats

- 1.41 Encourage Public Agencies and Private Groups to Acquire Significant Sensitive Habitats: Encourage public agencies and private groups to acquire and manage significant sensitive

habitats because of the (1) biological and scientific significance of the habitat, (2) degree of endangerment from development or other activities, and (3) accessibility for educational and scientific uses and vulnerability to overuse.

- 1.44 Improvement of Damaged Resources: Encourage programs which repair and/or enhance damaged vegetative, water, fish and wildlife resources and sensitive habitats, with the goal of returning them to their natural condition.
- 1.48 Encourage the Management of Riparian Corridors: Encourage and, to the maximum extent feasible, reward the efforts of those responsible for managing riparian corridors in a manner that is consistent with County and state guidelines.

### 3.9.3 Environmental Impacts and Mitigation Measures

#### Significance Criteria

For the purposes of this EIS/R, a significant land use impact would occur if the Project would:

- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect;
- Conflict with existing land use and zoning designations;
- Conflict with applicable habitat conservation plan or natural community conservation plan in the area; or
- Convert important farmlands (Prime Farmland, Unique Farmland, Farmland of Statewide Importance) to nonagricultural use, conflict with existing zoning for agricultural use or a Williamson Act contract, or involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to nonagricultural use.

The SBSP Restoration Project Area is designated by various jurisdictions as either open space lands or baylands. Regional plans and applicable general plans contain goals and policies which promote restoration of the salt ponds in the South Bay. The proposed SBSP Restoration Project long-term alternatives would be consistent with these land use plans or designations. Therefore, implementation of the Project would not conflict with applicable land use plans or existing land use and zoning designations.

There are no habitat conservation plans or natural community conservation plans in place that cover the SBSP Restoration Project Area.

No important farmlands (prime farmland, farmland of statewide importance, unique farmland, or farmland of local importance) as identified by the Department of Conservation Farmland Mapping and Monitoring Program occur within the SBSP Restoration Project Area. As such, no impacts to important farmlands would result from implementation of the Project.

As explained in Section 3.1.2, while both CEQ Regulations for Implementing NEPA and the CEQA Guidelines were considered during the impact analysis, impacts identified in this EIS/R are characterized using CEQA terminology. Please refer to Section 3.1.2 for a description of the terminology used to explain the severity of the impacts.

## **Program-Level Evaluation**

### ***SBSP Long-Term Alternatives***

#### ***SBSP Impact 3.9-1: Land use compatibility impacts.***

***Alternative A No Action.*** Under the No Action Alternative, the landowners would continue to operate and maintain the pond complexes in a manner similar to the ISP, although ongoing O&M activities would be scaled back. As discussed in Section 2.4, some of the pond levees would erode and tidal action would be restored to some ponds through uncontrolled breaching. This change from managed ponds to tidal habitat that would occur in certain areas would not introduce any land uses that would be incompatible with surrounding uses. Furthermore, the limited O&M activities under Alternative A would be similar to those currently performed under the ISP. Therefore, no impact associated with land use compatibility would occur.

#### **Alternative A Level of Significance: No Impact**

***Alternative B Managed Pond Emphasis.*** Changes proposed under Alternative B would be consistent with the goals and policies of local and regional agencies which are intended to preserve and protect baylands from development and to restore tidal habitat. While new recreation facilities would be constructed under Alternative B, they would be designed to be compatible with wildlife habitat. Proposed trails, which would connect with existing trails (to create a regional network) or provide access to the shoreline, and other recreational facilities (*e.g.*, interpretative stations and viewing areas) would improve opportunities for the public to enjoy the beauty and cultural history of San Francisco Bay.

Alternative B would not result in the development of any uses (*e.g.*, residential, commercial or industrial uses) that would be incompatible with the existing uses of the site. Rather, tidal restoration and management of the ponds for habitat and/or recreation would preclude future development of the baylands to incompatible uses. As such, implementation of this alternative would not result in any land use compatibility conflicts. The proposed recreational opportunities within the Project Area would provide benefits to people living and working in surrounding areas.

Potential land use compatibility impacts on surrounding land uses are discussed in Sections 3.12, Traffic, 3.13 Noise and 3.14 Air Quality.

#### **Alternative B Level of Significance: Less than Significant (CEQA); Beneficial (NEPA)**

***Alternative C Tidal Habitat Emphasis.*** The land uses proposed under Alternative C would be similar to those described above for Alternative B; however, the ratio of tidal habitat to managed ponds would be

greater under Alternative C. The preservation of open space areas, protection of wildlife habitat, and provision of new recreation facilities would result in a beneficial impact.

**Alternative C Level of Significance: Less than Significant (CEQA); Beneficial (NEPA)**

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## **Project-Level Evaluation**

***Phase 1 Impact 3.9-1: Land use compatibility impacts.***

### ***Phase 1 No Action***

The following discussion addresses the No Action Alternative (Alternative A) at the project level.

Under the No Action Alternative (see SBSP Impact 3.9-1), the landowners would continue to operate and maintain the pond complexes in a manner similar to the ISP, although ongoing O&M activities would be scaled back. Some of the pond levees would erode and tidal action would be restored to some ponds through uncontrolled breaching. In the near term, land uses within the Phase 1 ponds would be similar to existing conditions (open space with managed ponds, sloughs, and in some cases, recreational features), and no changes would be expected to result from O&M activities. Land uses within the Phase 1 ponds are not expected to change substantially in the long term, as discussed in SBSP Impact 3.9-1 above. Consequently, no land use compatibility impacts would occur.

**Phase 1 No Action Level of Significance: No Impact**

### ***Phase 1 Actions***

The following discussion addresses the Phase 1 actions (the first phase of Alternatives B and C) at the project level.

The potential effects of the Phase 1 actions would be similar to those described in SBSP Impact 3.9-1, above. The development of Phase 1 actions would be beneficial.

**Phase 1 Actions Level of Significance: Less than Significant (CEQA); Beneficial (NEPA)**