U.S. Fish & Wildlife Service

Sweetwater Marsh National Wildlife Refuge and South San Diego Bay Unit of the San Diego National Wildlife Refuge

March 2002 - Planning Update 3

PUBLIC USE UPDATE

The public uses currently being evaluated for the San Diego Bay refuges have generated considerable interest by the public, particularly the proposal to consider a limited waterfowl hunting program on the South San Diego Bay Unit. Over the past few months, we have received significant input from the community regarding hunting in South San Diego Bay. Some comments have expressed opposition to such a proposal, while others state their support for a limited hunting program. Due to the magnitude of the interest in this topic, we are devoting much of this Planning Update to the topic of public use.

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RELEASE OF THE DRAFT CCP/EIS DELAYED UNTIL LATE SPRING 2002

In our previous Planning Update, we indicated that the draft CCP/EIS would be released for public review in winter 2001/2002. We have since determined that additional technical studies, related to hydrology, soils, and brine invertebrates, are required. Consequently, the expected release date is now late spring 2002.

The results of the studies that are currently underway will assist us in evaluating a range of restoration alternatives for the South San Diego Bay Unit. These studies are expected to be completed in May 2002. Completion of the draft CCP/EIS will follow shortly thereafter.

Public Uses and the CCP Process

As discussed in previous Planning Updates, a Comprehensive Conservation Plan (CCP) is being prepared for the Sweetwater Marsh National Wildlife Refuge (NWR) and the South San Diego Bay Unit of the San Diego NWR. The CCP will provide a clear and comprehensive statement of the desired future conditions for these refuges. When completed, the CCP will present a 15-year management plan for the conservation of fish, wildlife, and plant resources and their related habitats, while also describing opportunities for compatible wildlife dependent recreational uses.

The mandate to ensure that opportunities are provided within the National Wildlife Refuge System for compatible wildlife dependent recreational uses is included in the National Wildlife Refuge System Improvement Act of 1997. The Act states that it is through these uses that the American public can develop an appreciation for fish and wildlife.

How Public Uses Are Authorized on National Wildlife Refuges

The National Wildlife Refuge System Improvement Act (the Act) provides direction for authorizing public uses on National Wildlife Refuges. The Act recognizes that wildlife dependent recreational uses, when determined to be compatible, are legitimate and appropriate public uses of the Refuge System that should receive priority consideration in refuge planning and management. According to the Act, when a wildlife-dependent recreational use is determined to be a compatible use and is not inconsistent with public safety, that activity should be facilitated.

The term "compatible use" is defined as a wildlife dependent recreational use or any other use of a refuge that, in the sound professional judgment of the Refuge Manager, will not materially interfere with or detract from the fulfillment of the mission of the System or the purposes of the refuge.

The Fish and Wildlife Service Manual (603 FW 2) sets forth the policy and guidelines for determining compatibility of proposed uses and provides procedures for documentation and periodic review of existing uses. In addition, the policy requires an opportunity for public review and comment on all compatibility determinations. When prepared in conjunction with a CCP, compatibility determinations are distributed for public review along with the draft CCP and associated Environmental Assessment (EA) or Environmental Impact Statement (EIS).

The Refuge Manager has the authority to determine, by exercising sound professional judgment, what is a compatible use. In addition to determining if a use would materially interfere with or detract from the fulfillment of the System mission or the purposes of the refuge, the Refuge Manager must also evaluate the direct and indirect impacts of a use on refuge resources. Further, the cumulative impacts of the use when conducted in conjunction with other existing or planned uses of the refuge must be considered, as well.

After evaluating the anticipated impacts of a proposed use and determining if any stipulations (terms or conditions) are needed to avoid or minimize potential adverse impacts, the Refuge Manager will determine whether or not the use is compatible. This determination will be documented in writing.

A proposed use can be denied without determining compatibly under certain circumstances. These include, but are not limited to:

a. instances in which a proposed use would conflict with other applicable laws or regulations;

b. the use would result in conflicts with the goals or objectives of an approved refuge management plan; or

c. when a use is determined to be inconsistent with public safety.

More information about compatibility determinations is provided on the Fish and Wildlife Service (FWS) website (www.fws.gov) and the complete text of the Compatibility Policy is available at: http://policy.fws.gov/603fw2.html.

(See the note on page 5 regarding the status of the FWS website.)

WHAT USES ARE CONSIDERED WILDLIFE DEPENDENT RECREATIONAL USES?

The National Wildlife Refuge System Improvement Act defines **hunting, fishing, wildlife observation and photography, and environmental education and interpretation** as wildlife dependent recreational uses. The Act states that these six uses should receive priority consideration in refuge planning. They are often referred to as the six priority public uses of the Refuge System.

WHAT IS SOUND PROFESSIONAL JUDGMENT?

The Act defines sound professional judgment as a finding, determination, or decision that is consistent with principles of sound fish and wildlife management and administration, available science and resources, and adherence to the requirements of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), and other applicable laws. Included in this finding, determination, or decision is a refuge manager's field experience and knowledge of the particular refuge's resources.

Developing Public Use Proposals for the Sweetwater Marsh NWR/ South San Diego Bay Unit

We began to address the topic of public use on the San Diego Bay refuges in July 2000, when we held our initial open houses to receive public comment on the CCP process. At those meetings, the public suggested recreational uses that ranged from one or more of the six priority public uses to uses such as boating and bicycling which are not in and of themselves considered to be wildlife-dependent recreational uses. In September 2000, we held another public workshop specifically to address the issue of public use. At that time, we emphasized the mission of the refuge system and the process for determining if a proposed use is a compatible use. Once again we heard a variety of opinions ranging from requests for limited low intensity uses to suggestions for unrestricted use of the refuges' waters and land.

With all of these comments in hand, the CCP team began to develop a list of potential uses for the refuges. This process involved reviewing existing uses and determining how additional uses might be accommodated. Special emphasis was placed on the six priority public uses - hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

In June 2001, a workshop was held to present our suggested list of potential public uses. This information was also posted on our CCP web page and public comments were solicited. To date, more than 50 comments have been received, the majority of which address the issue of hunting. We have received comments expressing both support for and opposition to hunting in the south bay. These comments are summarized on page 4.

We are evaluating the potential impacts of each of the proposed uses and the preparation of compatibility determinations (CDs) are underway. When completed, the CDs will be distributed with the draft CCP/EIS for public comment. A final decision as to which of the proposed uses will be authorized on these refuges will occur following consideration of the comments received during public review.

List of Potential Uses from the June 2001 Workshop

SWEETWATER MARSH NWR	SOUTH SAN DIEGO BAY UNIT
Wildlife observation/photography from designated trails and along public rights-of-way adjacent to the Refuge	Wildlife observation /photography from the perimeter of the Refuge, including the northeast corner of Pond 11
Environmental education and interpretation at Sweetwater Marsh, Gunpowder Point and Paradise Marsh	Environmental education focusing on salt marsh ecosystems and restored wetlands
Expanded education/interpretive programs conducted in partnership with the Chula Vista Nature Center	Interpretative elements along the Bayshore Bikeway
Establishment of a kayak trail in the waters around the D Street Fill	Guided tours of the salt works
Interpretive Trail - Sweetwater Marsh NWR	Fishing in the open bay per State regulations
	Fishing along the bay side of the northern levee of Pond 11
	Boating in the open bay per current regulations
	Limited waterfowl hunting program along the perimeter of the salt works and/or the open bay
	Extension of the Otay Valley Regional Trail through the Otay River Floodplain to the Bayshore Bikeway

PUBLIC COMMENTS ON HUNTING

Outlined below is a sampling of the types of comments we have received regarding hunting on the South San Diego Bay Unit. The comments represent the range of opinions that have been presented to date.

Hunting has historically occurred in the south bay; it is a heritage that should be allowed to continue.

Hunting is a low impact recreational activity that poses little or no threat to endangered species.

Safety is very important and can be maximized through proper planning.

Hunting should not be excluded without serious consideration.

The refuge provides essential habitat for wintering waterfowl, all future uses should be sensitive to these avian resources.

Hunting would result in adverse impacts to endangered species and damage to sensitive habitat.

Wildlife would be disrupted and possibly displaced by the discharge of firearms.

Hunting dogs, which would most likely be maintained off-leash, could disrupt shorebird and waterfowl roosting and foraging on the mudflats and within the salt ponds.

Hunting would be inconsistent with the specific purposes for which the refuge was established (to protect endangered species and migratory birds).

The discharge of firearms in this urban setting represents a public safety issue.

Hunting could interfere with the quality of the experience for other users, such as birdwatchers.

There are more appropriate locations for hunting already available within the region.

Permitting hunting could increase the potential for poaching on the refuge.

The cities of San Diego, Chula Vista, Imperial Beach, National City and Coronado, as well as the San Diego Unified Port District, have all adopted ordinances to regulate the discharge of firearms within their jurisdictional boundaries. The refuge should adhere to the intent of these ordinances.

Ongoing criminal activities in the bay, including drug smuggling, make the discharge of firearms within the bay a concern for local law enforcement agencies such as the Harbor Patrol.

We are in the process of reviewing all of the comments received to date and evaluating the various issues that have been raised. The final determination of whether or not a limited waterfowl hunting program will be implemented on the South San Diego Bay Unit will be made in accordance with the procedures outlined on page 2. The public will have another opportunity to provide comments on this topic when the draft CCP/EIS is made available for public review.

Why Evaluate a Limited Waterfowl Hunting Program for the South San Diego Bay Unit?

Federal law recognizes hunting as one of the six priority public uses of the Refuge System that are to receive enhanced consideration in refuge planning.

Enactment of the National Wildlife Refuge System Improvement Act established compatible wildlife-dependent recreational uses (hunting, fishing, wildlife observation and photography and wildlife education and interpretation) as the priority general public uses of the System. The Act states that priority general public uses shall receive enhanced consideration over other general public uses in planning and management. The Act further states that increased opportunities for families to experience compatible wildlife-dependent recreation shall be provided, particularly opportunities for parents and their children to "safely engage in traditional outdoor activities, such as fishing and hunting." The Committee Report (House Report 105-106) for this legislation states, "Because priority uses like hunting, fishing, wildlife observation and environmental education are dependent upon healthy wildlife populations, they are directly related to the mission of the System and the purposes of many refuges. If our refuges and the Refuge System are managed well, then these priority uses will, in turn, prosper into the future."

Consideration of hunting as an authorized use on the South San Diego Bay Unit was requested by hunting groups and individuals.

At the CCP public workshops, we received requests to consider a wide range of uses for the San Diego Bay refuges. Some of these uses included: bird viewing areas, kayaking trails to facilitate wildlife viewing, opportunities for waterfowl hunting, continued opportunities for fishing, and many others. All of the uses proposed, including hunting, went through a preliminary evaluation to see how they might be accommodated. For example, a possible location for a kayak trail was identified at Sweetwater Marsh and potential locations for a waterfowl hunting program were explored.

With input from the California Department of Fish and Game, we narrowed our consideration of hunting to a limited waterfowl hunting program. This decision took into consideration the need to protect public safety, the requirement to avoid or minimize impacts to wildlife, particularly endangered species and their habitat, and the desire to provide a quality hunt. This preliminary analysis indicated that the proposal to evaluate the compatibility of hunting on the South San Diego Bay Unit was warranted. This decision in no way implies that hunting will or will not be permitted on the refuge; it simply reflects our intent to further evaluate the proposal. Our evaluation of this and the other proposed uses for these refuges will be completed prior to the release of the draft CCP/EIS.

Notice of Website/Email Disconnection

On December 5, 2001, the U.S. District Court for the District of Columbia issued a Temporary Restraining Order requiring the Department of the Interior (DOI) to immediately disconnect from the Internet all information technology systems and computers that house or provide access to individual Indian trust data. This order stems from an ongoing class-action lawsuit filed against DOI on behalf of the beneficiaries of Individual Indian Money trust accounts (Cobell v. Norton).

As a result of this order, the majority of DOI's Internet connections are currently inaccessible, including the Fish and Wildlife Service website and email. We apologize if you have been trying to find information on our website or reach us through email. Although the Fish and Wildlife Service hopes to be reconnected soon, we have no way to estimate when this might occur. Therefore, if you are interested in obtaining information related to this CCP that in the past was available via the Internet, contact Victoria Touchstone, the CCP Project Planner (619-691-1185), for assistance.

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For More Information Contact:

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Or Visit Our CCP Website:
http://sandiegorefuges.fws.gov

Once at the website, click on "What's New" and then click on "Read the Comprehensive Conservation Plan."

REMINDER: FWS Internet access may still be disconnected (see page 5 for details). To obtain information in the interim, contact the CCP Project Planner via phone, fax or mail.

Would you like to have your name removed from our mailing list?
Need to correct your name or address? Do you have a friend who would like to be added to our mailing list?

Please contact the CCP Project Planner for assistance.