

Draft Compatibility Determination

Title:

San Diego Bay National Wildlife Refuge, Non-commercial fishing

Refuge:

San Diego Bay National Wildlife Refuge (Refuge)

Refuge Use Category:

Fishing

Refuge Use Type(s):

Non-commercial

Establishing and Acquisition Authorities and Refuge Purpose(s):

The authorities for the establishment of the San Diego Bay National Wildlife Refuge are the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a-742j, not including 742d-742l) and the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543).

The South San Diego Bay Unit of the San Diego Bay National Wildlife Refuge was established:

“...to protect, manage, and restore habitats for federally listed endangered and threatened species and migratory birds, and to maintain and enhance the biological diversity of native plants and animals...” 16 U.S.C § 1531-1543 (Endangered Species Act of 1973, as amended) and 70 Stat. 1119 (Fish and Wildlife Act of 1956, as amended).

NWRS Mission:

The mission of the System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (Pub. L. 105-57; 111 Stat. 1252).

Description of Use:

Is it a priority Public Use:

Yes

What is the Use:

The use is fishing for non-commercial purposes. This use is the harvest of fish, shellfish, or other aquatic organisms for recreational purposes and/or personal consumption (including bait for personal use), when conducted in accordance with California Department of Fish and Wildlife (CDFW) Ocean Sport Fishing Regulations.

Where would the Use be conducted:

Figure 1 shows where the Refuge would formally open the South San Diego Bay Unit to recreational fishing. Public access to the South San Diego Bay Unit is restricted to the open waters of the bay (USFWS 2006). No shoreline fishing is allowed on the San Diego Bay NWR.

When would the Use be conducted:

Fishing would be allowed year round in accordance with CDFW Ocean Sport Fishing Regulations.

How would the Use be conducted:

Upland areas located adjacent to San Diego Bay within the South San Diego Bay Unit are limited to salt pond levees and locations immediately adjacent to coastal salt marsh habitat. Therefore, all fishing within the South San Diego Bay Unit would occur via a boat or an appropriate floating device. There are no boat ramps on the Refuge and none are proposed. Public and private boat ramps in the immediate vicinity of the Refuge include public boat ramps in Chula Vista at Bayfront Park, near the Chula Vista Marina, and in National City at Pepper Park.

Due to the shallow water depths in the South Bay, recreational fishing is conducted within the Refuge boundary using motorized and non-motorized shallow draft vessels, such as rowboats, powerboats, canoes, kayaks, and float tubes. With the exception of the main channel in to the Chula Vista Marina, all boating activity in the South Bay is subject to the posted 5 mile per hour speed limit, which is enforced by the Harbor Patrol in accordance with the San Diego Unified Port District Code.

Fish and other marine species allowed for legal take in San Diego Bay are listed in the CDFW Ocean Sport Fishing Regulations (such as Pacific mackerel, spotted sand bass, and barred sand bass). These fish and other species occur in the South San Diego Bay Unit of the Refuge. The Refuge will not regulate fishing quotas and defers to quotas set by CDFW. Anglers are required to have a sport fishing license and an Ocean Enhancement Validation, issued by CDFW, before attempting to take fish, mollusks, crustaceans, or invertebrates in San Diego Bay, including on the designated fishing area within the Refuge. Report cards are also required for certain species per CDFW regulations ([CDFW Fishing Licenses](#)). No Refuge fishing permit or user fee would be required.

Why would the Use be conducted:

Recreational fishing is one of the six wildlife-dependent recreational uses that should be facilitated on a Refuge when determined to be compatible with the Refuge purposes and the mission of the National Wildlife Refuge System. While fishing currently occurs in the navigable waters of the San Diego Bay, including portions of the South San Diego Bay Unit, sport fishing was never formally established as a use by the Refuge.

Resources:

Existing Management Capability Existing Funds – Additional funds would not be needed to manage recreational fishing on the South San Diego Bay Unit of the Refuge. The cost of ongoing management of recreational fishing within the South San Diego Bay Unit is estimated at \$20,000 annually. Management costs include administration, ongoing maintenance of equipment, and monitoring. No new special equipment, facilities, or improvements to support the use are required, and the use will not generate any offsetting revenue.

Impacts:

DeLong (2002) in her literature review of the effects of human disturbance on wildlife summarized the results of a number of studies related to fishing. The majority of these studies concluded that fishing activities could influence the composition, distribution, abundance and productivity of waterbirds. Such effects include bird fatalities resulting from entanglement with fishing line, trampling of vegetation, degraded habitat due to litter accumulation, and reduced water quality due to the deposition of sewage and other chemicals. The anticipated impacts of developing a recreational fishing program for the South San Diego Bay Unit of the Refuge are presented below.

Endangered and Threatened Species

The Refuge was established to protect endangered and threatened species. Of the federal and state listed threatened and endangered species found in the South San Diego Bay Unit, the project area provides habitat for the east Pacific green turtle (*Chelonia mydas*). Based on the results of monitoring efforts in 2014 by NOAA Fisheries, the southern portion of San Diego Bay is estimated to support a year-round population of approximately 60 green turtles ([Green Sea Turtle Research at San Diego Bay](#)). Green turtles do not breed or nest in San Diego Bay because they need undisturbed beaches for nesting (U.S. Navy 2013). The turtle has no natural predators in the bay. Mortalities tend to be caused by collisions with boats or ships (U.S. Navy 2013).

Human activity associated with fishing and boating can have adverse impacts to endangered and threatened species, particularly when this activity disrupts nesting or foraging activities. There is no nesting habitat for endangered and threatened species in the project area; however, portions of the project area do support eelgrass (*Zostera marina*), which provides foraging habitat for east Pacific green turtles. The type of fishing and boating activities proposed within this portion of the Refuge are not expected to result in adverse effects to or take of green turtles.

Sensitive Habitats

Recreational fishing in the South San Diego Bay Unit would not introduce a new human activity into any sensitive habitats. The portion of the South San Diego Bay Unit the Service would formally open to fishing is in open bay waters that are already open to fishing in accordance with CDFW Ocean Sport Fishing Regulations. Adherence to the five mile per hour speed limit in these open waters, which is enforced by the San Diego Unified Port District, would minimize the potential for impacts to foraging green turtles.

Migratory Birds

The South San Diego Bay Unit provides important wintering and migratory stopover habitat for many species of waterfowl. The most common of these species are the surf scoter, greater scaup, and lesser scaup. According to the 2006 CCP/EIS, the open water areas of the south bay are less dredged and relatively less industrialized than the central and north bay regions where Navy and Port wharves and small marinas abound. The majority of the water depths in the south end of San Diego Bay are less than 10 feet (MLLW). These shallow subtidal areas support extensive eelgrass beds. Adjacent higher areas support intertidal mudflats. A wide variety of waterbirds and shorebirds uses these habitats for foraging and resting.

A study of the effects of watercraft on foraging and resting birds in San Diego Bay reported that all watercraft, including motorized boats and non-motorized boats, result in some level of disturbance to

birds (Huffman 1999). Observations made during the study indicate that when a boat approaches the shoreline, waterfowl located between the boat and shore and any shorebirds along the shoreline are flushed regardless of the speed of the watercraft. The results of a study conducted by the Service in 1993 and 1994 showed that the greatest abundance of waterbirds within the Central and South San Diego Bay occurred in areas with relatively low water recreational intensity (USFWS 2006).

Migratory birds could also experience injury or death as a result of discarded fishing line.

Nesting Season Disturbance

Nesting season generally occurs between mid-February and mid-September. The closest nesting areas are on the D Street Fill within the Sweetwater Marsh Unit and on the levee surfaces and vegetated habitats at the salt works in the South San Diego Bay Unit. Fishing is prohibited in both of these areas. There are no nesting areas within the portion of the South San Diego Bay Unit proposed for formal opening.

Determination:

Determination Status:

Compatible

Mandatory Re-evaluation Date:

2035

Public Review and Comment:

This compatibility determination will be available for public review and comment along with the Environmental Assessment and Fishing Plan. Comments received from the public will be considered prior to completing this compatibility determination.

Stipulations:

- Fishing will be permitted in accordance with CDFW Ocean Sport Fishing Regulations within the Refuge's open water area of San Diego Bay, as depicted in Figure 1.
- Fishing will continue to be prohibited in the Sweetwater Marsh Unit, as well as along the shoreline and in and around the active and restored salt ponds within the South San Diego Bay Unit.

Justification:

The National Wildlife Refuge System Improvement Act of 1997 identified six legitimate and appropriate uses of wildlife refuges: hunting, fishing, wildlife observation and photography, and environmental education and interpretation. Where these uses have been determined compatible, they are to receive enhanced consideration over other uses in planning and management.

Fishing is an appropriate wildlife-dependent recreational activity. Based on the impacts and restrictions described above, we have determined that the fishing program, as proposed, will not materially interfere with or detract from the purposes for which the Refuge was established or mission of the National Wildlife Refuge System. The program as described is determined to be compatible and will not

conflict with the national policy to maintain the biological diversity, integrity, and environmental health of the Refuge.



References:

- DeLong, A.K. 2002. Managing visitor use and disturbance of waterbirds – a literature review of impacts and mitigation measures – prepared for Stillwater National Wildlife Refuge. Appendix L (114pp.) in Stillwater National Wildlife Refuge Complex final environmental impact statement for the comprehensive conservation plan and boundary revision (Vol. II). Department of the Interior, U.S. Fish and Wildlife Service, Region 1, Portland OR.
- Huffman, K. 1999. San Diego South Bay Survey Report – Effects of Human Activity and Water Craft on wintering Birds in the South San Diego Bay.
- U.S. Fish and Wildlife Service. 2006. San Diego Bay National Wildlife Refuge, Sweetwater Marsh and South San Diego Bay Units, Final Comprehensive Conservation Plan and Environmental Impact Statement. California/Nevada Refuge Planning Office. Sacramento, CA.
- U.S. Department of the Navy, Naval Facilities Engineering Command Southwest and Port of San Diego. 2013. San Diego Bay Integrated Natural Resources Management Plan, Final September 2013. San Diego, California. Prepared by Tierra Data Inc., Escondido, California.

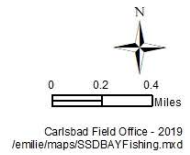
Location Map



Figure 1
Refuge Area to be Opened to Fishing

-  Refuge Boundary - South San Diego Bay Unit of the San Diego Bay National Wildlife Refuge
-  Proposed Fishing Area

Sources: USFWS, Local Agency Partnership (2 ft Imagery)



Signature Page:

Refuge Manager: _____

Approval Date: _____

Regional Chief: _____

Concurrence Date: _____