

San Pablo Bay Hunt/Fish Plan

Response to Comments

Comment 1:

Thank you for the heads up on the comment period. I took a quick look at the hunt plan, and will provide comment at a later date. I did want to point out that under the Refuge Specific Regs, it is stated the waterfowl hunting occurs from sunrise to sunset. However, the CDFW regs state that waterfowl hunting is allowed from one-half hour before sunrise to sunset. Is this a typo, or is the SPBNWR not aligned with the CDFW regs?

Response to Comments 1:

Our intent is to follow the State of California hunt regulations for shoot times (see: <https://www.wildlife.ca.gov/Regulations>). However, some discrepancies remain between California hunting regulations and refuge-specific hunting regulations (50 CFR part 32) for San Pablo Bay NWR. These discrepancies will be addressed in the 2019-2020 update to the refuge-specific hunting regulations.

Comment 2:

I am writing in support of the US Fish & Wildlife Service's proposal to open the Dickson and Cullinan Ranch units of the San Pablo Bay NWR to waterfowl hunting and sport fishing later this year. The waterfowl hunting heritage in the San Pablo Bay, Napa-Sonoma Marshes, and the nearby Suisun Marsh are among the oldest sporting traditions in the Western United States, going back to the 1850s. Sport hunting and fishing are entirely compatible with the conservation of these newly restored coastal wetland habitats and are the most appropriate recreational use of these vital public lands. In areas where waterfowl hunters and fisherman have owned and managed nearby wetlands themselves for over 135 years, as is the case at some of the oldest duck clubs in California in the Suisun Marsh, the quality and productivity of the habitat and the health of the fishery, the waterfowl, and the other wildlife is excellent—more than a century later. As the current President of The Teal Club, founded in 1882 in the Suisun Marsh just 20 miles away from the San Pablo Bay NWR, I have first hand experience of conserving saltmarsh wetlands for waterfowl and of the inter-generational efforts of duck hunters to care for California's wetlands over more than a century. Sadly, not all interests and land owners have shown the same care for California's wetlands over the decades and large areas were lost, destroying vital waterfowl habitats. It is entirely fitting that as some of these wetlands are restored that those sportsmen who have worked harder than anyone in support of this restoration be rewarded with additional access to hunt and fish. Today with the highest numbers of waterfowl in the Pacific Flyway since the counts began in the 1950s, there is no question that the wintering waterfowl resource is not being harmed by well-regulated sport hunting and that additional acreage of restored wetlands should be opened to expand hunting and fishing access to

the public on our public lands. The USFWS should be proud of the successful restoration of these wetlands with their partners from DU, CWA, DFW, and other organizations and they should be commended for offering public hunting and fishing opportunities on these recovering habitats.

Response to Comments 2: Comment noted.

Comment 3:

I normally hunt the South Bay but keep promising myself to try the San Pablo Refuge. I particularly like to hunt from my kayak, so opening these units with good kayak access will get me up there. I strongly support opening the Cullinan Ranch and Dickson Units to hunting and fishing.

Response to Comments 3: Comment noted.

Comment 4:

I have read your notice and the relevant bullet points regarding the proposed increase in recreational opportunities in the San Pablo Bay NWR. My son ... now in his thirties, but he and I both cherish the memory of the last two “junior hunts” for which he was eligible, on the Can Club property, which I believe is encompassed by the proposal. The Can Club is dead. However this proposal strikes me as a chance to revive a part of its traditions by offering that experience to a public that could otherwise never enjoy it. For what it’s worth, please register my support.

Response to Comments 4: Comment noted.

Comment 5:

I am writing in support of the proposed expansion of hunting at San Pablo Bay nwr. As a hunter who travels opportunities like this increase my opportunities to visit different habitat around the country. I am also glad to hear this expansion will get the refuge to around 50/50 mix of user area and refuge acreage.

Response to Comments 5: Comment noted.

Comment 6:

I am writing this email to give my 100% support to increase hunting and fishing at San Pablo bay NWR to the Dickson and Cullinan units.

Response to Comment 6: Comment noted.

Comment 7:

I am a longtime resident on the Napa River, I want to show my support for Option "C" of the San Pablo NWR plan, in regards to the opening of the Cullinan Ranch/Dickson Ranch units to hunting. As a second choice I would support option "B".

Response to Comments 7: Comment noted.

Comment 8:

I would like to voice my support for the proposal to allow the new waterfowl hunting areas described in the EA .Population growth in CA have caused the closure of many hunting areas statewide which has led to crowding in many other areas open to hunting. The opening of these areas will help provide a safer and more enjoyable experience to me and my family.

Response to Comments 8: Comment noted.

Comment 9:

Thank you very much for your efforts in extending the hunt and fish areas to include the Cullinan Ranch and Dickson Ranch. I attended a couple of your meetings regarding this and they were very informative. I am very much in favor of the additional hunting and fishing areas. I have reviewed the attached plan and agree with all of the proposals that have been suggested. There appears to be a very balanced use of the properties.

Response to Comments 9: Comment noted.

Comment 10:

I am in full support of opening these areas for waterfowl hunting. Do I need to get my voice to anyone else other than you? Some hunters voiced concern on a 25 shell limit, I do not see this in the compatibility determination.

Response to Comments 10: Our intent is to follow the State of California hunt regulations for shotshells (see: <https://www.wildlife.ca.gov/Regulations>). However, some discrepancies remain between California hunting regulations and refuge-specific hunting regulations (50 CFR part 32) for San Pablo Bay NWR. These discrepancies will be addressed in the 2019-2020 update to the refuge-specific hunting regulations.

Comment 11:

Please accept these comments towards the San Pablo Bay NWR Hunt plan which is open for public comment. In general I am pleased that the Dickson and Cullinan ranch units will be opened up for waterfowl hunting and for fishing.

I have one major objection to the plan and that is - No hunting from the land will be allowed. This negates the possibility of accessing via kayak. Shooting from a kayak, or

11.1 canoe, represents an unsafe situation. We need to be able to paddle in, and pull up tight to one of the islands or the shoreline on the bay side of the project and hunt from the tidal area.

11.2 Secondly, the launch area in the Dickson unit is too far from the road to be used as a launch facility. It listed in the program as a launch area but there's no way anyone can use it with the present parking situation. We will need an access gate, with a combination lock, or something along those lines to access and launch with all of the gear needed for hunting.

I am a long time hunter of San Pablo Bay and was at the SPBNWR facility for the two meetings that were held in 2016 and 2017. Both of these issues have been brought up in the past and I would like to see modifications made to the hunt plan to accommodate kayak and canoe hunters. Not all of us have expensive duck boats that will operate in shallow waters, and navigate the rough waters of San Pablo Bay.

Response to Comments:

11.1 Boats will be able to pull up onto the interior levees or marsh mounds to stabilize

11.2 Current parking lot is 0.25 mile from the boat ramp. Allowing hunters to go through the gate would require us to allow the public to go through the gate to find parking. No additional (safe) parking is available closer to the boat ramp.

Comment 12:

I am contacting you today in regards to the possible opening of the Cullinan and Dickerson units to waterfowl hunting and fishing in the upcoming year. As a California outdoorsman I find it increasingly more difficult to access public land to recreate. This offers a great opportunity for people in the Bay Area to enjoy the outdoors close to home. I strongly encourage the opening of these units and hope the cooperation of the public and the wildlife refuge can come to a compromise that this will help wildlife and people who love the outdoors.

Response to Comments 12: Comment noted.

Comment 13:

Expanding the hunting are of the San Pablo bay would be beneficial for me and my family because it's very close to our home and my children could participate more. It would save me lots of time and money from going to further areas. I encourage this action to move forward and welcome the expansion.

Response to Comments 13: Comment noted.

Comment 14:

I am in favor of hunting to be included on the SPBNWR. Hunting was an "original" use to the native people of that area, therefore it should be a continued activity in what is now SPBNWR.

Response to Comments 14: Comment noted.

Comment 15:

I loudly applaud the effort to create hunting opportunity at Dickson Ranch and Culinan Ranch in the San Pablo Bay NWR. After reading the proposed hunt plan, I am in agreement with most of the proposed elements of the plan.

One suggested improvement I would offer would be to consider allowing walk in hunting of some sort. I realize that due to the water depth, the access for walk in hunters would be limited to the shoreline / unit boundaries but nonetheless, this would provide for more access to boat-less hunters. If that cannot be accommodated due to safety, game retrieval, or other concerns and boat in only is ultimately required, it would be great to allow hunters using boats (especially small kayaks, canoes, prams) to be able to get out of the craft while hunting (e.g. sit on a marsh seat or stand in the shallow water in waders) concealed by vegetation with the boat nearby. In many cases it is easier and safer to hunt in this way versus hunting from a canoe or kayak itself as they are sometimes prone to capsize especially during high winds or with multiple hunters / dogs in a single boat.

In any case, again very glad to hear that these units are being considered for hunting. As a member of Ducks Unlimited, California Waterfowl Association and other conservation organizations and an avid waterfowler, I strongly believe that properly managed mixed use of these tremendous properties is not only the correct choice from a conservation perspective, but should be mandated based on the high degree of funding to the NWR system by hunters, through Pittman-Robertson funds, Federal duck stamp and other predominantly hunter-sourced funds.

Response to Comments 15: Walk in hunting will be prohibited due to safety concerns and wildlife impacts. Walk-in hunting is available on adjacent State lands. Boats will be able to pull up onto the interior levees or marsh mounds to stabilize.

Comment 16:

16.1 I did a very quick run through the document and it all looks good. I did notice a discrepancy in the shoot times in Appendix B. On page 17 VII A. in the Refuge-Specific Waterfowl Hunting Regulation 11, it says shoot time is sunrise to sunset and refers to the CDFW regulations. Typical shoot time for waterfowl is ½ hour before sunrise to sunset. I am not sure if the ½ hour did not get put in or you were intentionally changing the time.

16.2 Also in VII F. Hunter Requirements, it states Minor hunters, 16-17 years of age, may hunt alone but may not accompany a junior and youth hunter or non-shooter. If a minor

hunter wanted to hunt with a non-shooter parent, is that allowed? Is it a junior non-shooter that is not allowed? The language is a little confusing.

Response to Comments:

16.1 Our intent is to follow the State of California hunt regulations for shoot times (see: <https://www.wildlife.ca.gov/Regulations>). However, some discrepancies remain between California hunting regulations and refuge-specific hunting regulations (50 CFR part 32) for San Pablo Bay NWR. These discrepancies will be addressed in the 2019-2020 update to the refuge-specific hunting regulations.

16.2 Regulations in the Hunt Plan will be revised to clarify youth and junior hunter requirements.

Comment 17:

I am writing you to urge the San Pablo Bay National Wildlife Refuge to expand hunting and fishing access within the Dickson Ranch and Cullinan Ranch Units. In my experience, the opportunity to get out and explore/experience these areas first-hand, while hunting and fishing, is invaluable for me and my family. We used to just drive by marshes like these and not pay any attention. Our experiences exploring wetlands/marshes greatly enhance our appreciation for the habitat and wildlife, giving us a more vested interest in respecting and protecting these critical areas. Many of us live in asphalt- and concrete-paved cities around the Bay Area and we cherish any opportunity to get out and experience wild animals and wild spaces--hunting and fishing is a perfect way to do this. Since I've started hunting and fishing, I've developed a much stronger interest in these types of spaces and the animals that live there. I am so grateful for the hard work done by individuals and organizations like your's. I hope that you recognize hunting and fishing as valuable mechanism for promoting a conservation ethic and engaging more folks in the great work you are doing.

Response to Comments 17: Comment noted.

Comment 18:

The neighboring Napa Marsh is managed in this fashion, where you can get out of your boat to hunt and retrieve. This has proven to be a much more effective way to hunt. With the 150 yard buffer zone, it helps manage the process so people cannot hike in and hunt from a walking path.

Ideally the 25 shot max is also either eliminated or increased. When chasing crippled birds, especially the diving birds, on open water it requires extra shot in order to retrieve the birds. I do understand the limit in valley refuges but not on open waters such as Dickson and Cullinan.

Totally appreciate the amount of effort you have put into this hunt program and look forward to seeing it come to fruition this season.

Response to Comments 18: Our intent is to follow the State of California hunt regulations for shotshells (see: <https://www.wildlife.ca.gov/Regulations>). However, some discrepancies remain between California hunting regulations and refuge-specific hunting regulations (50 CFR part 32) for San Pablo Bay NWR. These discrepancies will be addressed in the 2019-2020 update to the refuge-specific hunting regulations.

Comment 19:

Hello Melisa, I am contacting you to voice my support for opening up the Cullinan and Dickson Ranch Units of the San Pablo Bay NWR to waterfowl hunting. These Units would provide quality habitat for both waterfowl and hunters to utilize.

Response to Comments 19: Comment noted.

Comment 20:

Thank you for the information about the Cullinan Ranch and Dickson Ranch Units. I have hunted waterfowl in the area for several years now and it is great the refuge is considering opening these units. Option "C" is my first preference, followed by option "B".

Response to Comments 20: Comment noted.

Comment 21:

First of all, thank you for all of your hard work and helping us hunters continue to be able to hunt the SPBNWR. I truly appreciate it. I have a few comments on the proposed hunt plan:

- 21.1 I fully support the opening of Dickson and Cullinan. I think this will greatly help waterfowl hunting and beneficial uses of the properties.
- 21.2 Regarding hunting from land - I think that walk-in hunting should be prohibited to eliminate environmental damage. I think that boat in/kayak hunters should be allowed to hide their boats/kayaks and be allowed to hunt within some reasonable distance (say 50 yards) of their vessel. Hunting from a kayak or boat is more dangerous and also limits ones ability to hunt (think of sitting in a kayak and trying to shoot. If you're a right handed shooter, you can only shoot birds from the front of the kayak to 90 degrees to the left). This greatly limits your ability to hunt. If you were sitting on shore you would be able to hunt every direction (360 degrees). Being able to hunt from shore (within some reasonable distance of your vessel, say 50 yards) would greatly increase hunter success while causing minimal disturbance to important habitat in the area.
- 21.3 I strongly agree with the "No Wake" zones in the Dickson and Cullinan units. I think this

will help maintain levee integrity as well as limit environmental impacts.

21.4 I strongly oppose the 25 shell limit. 25 shell limits were developed to discourage bad shooting practices in Central Valley refuges (where there is much greater hunting pressure due to a greater number of hunters). The SPBNWR area does not experience nearly the amount of hunters as the Central Valley refuges, so there is no need to limit shell counts as there is not nearly the same amount of hunting pressure. Additionally, waterfowl hunting in the San Pablo Bay Area typically involves hunting diver bird species. It is common to go through several shells in an effort to finish a crippled diver species bird. One could even argue that a 25 shell limit would discourage chasing crippled birds. Finally, if a 25 shell limit were imposed, it would be unreasonable to pick up more shells from a vehicle as it would take a substantial amount of time to boat/kayak back to a vehicle to procure more shells. Again, I'm not aware of any existing 25 shell limit regulations in the SPBNWR, and I strongly oppose this limitation.

21.5 I strongly support the proposed 450' buffer zones currently proposed in your plan. I think this will provide a proper safety zone to hikers/non-waterfowl hunters. Additionally, I think the proposed closed zones seem reasonable for the purposes stated in the Plan.

21.6 I noticed that the Sonoma Baylands unit is slated for closure. If possible, I would like that area open to waterfowl hunting under similar guidelines as proposed in the Plan (450' buffer zone, boat in only, etc.). This area has, in my experience, had very limited hunters present. I do not see any disadvantages to opening up this area to hunting. When I previously hunted this unit, prior to closure a few years ago, it would be rare to see more than one other hunter present. I strongly encourage opening of this unit under the guidelines described above.

Thank you again for all of your work on these important projects, it is truly appreciated. I'm an environmental engineer who cares greatly about our natural resources, but I am also a waterfowl hunter who believes that my comments above reflect reasonable uses that allow users to maximize their experience in the SPBNWR.

Response to Comments:

21.1 Comment noted.

21.2 Boats will be able to pull up onto the interior levees or marsh mounds to stabilize

21.3 Comment noted.

21.4 Our intent is to follow the State of California hunt regulations for shotshells (see: <https://www.wildlife.ca.gov/Regulations>). However, some discrepancies remain between

California hunting regulations and refuge-specific hunting regulations (50 CFR part 32) for San Pablo Bay NWR. These discrepancies will be addressed in the 2019-2020 update to the refuge-specific hunting regulations.

21.5 Comment noted.

21.6 The Sonoma Baylands Unit was never formally open for waterfowl hunting – although we acknowledge that hunting has occurred in this unit. Prior to 2013, this unit was predominantly mud flat and open water. Between 2013 and 2018, tidal marsh vegetation was established through the unit. As of 2018, this unit supports the highest number of endangered species within the entire SPB refuge, therefore, opening this unit to hunting or fishing is not compatible with the refuge’s mission. Because of the extensive tidal marsh vegetation, this unit would only be accessible by boat during the highest tides when Ridgway’s rails are most susceptible to disturbance and predation.

Comment 22:

As a member of a duck-hunting family, I am writing to voice my support for opening Dickson Unit and Cullinan Unit at the San Pablo Bay Wildlife Refuge to waterfowl hunting.

Waterfowl hunting is an important source of protein for our family. Several members of our family have serious food allergies. Wild ducks and geese make up a main part of the protein our family is able to eat. We are grateful to the hunters in our family who provide the food source for us.

Response to Comments 22: Comment noted.

Comment 23:

My name is [removed]. I am an eighteen years old female duck hunter.

Every fall, I travel several hours with my brother, my father, and our black lab to wildlife refuges in the Upper Butte Basin.

I am writing to you today to support the opening of the Dickson and Cullinan Units of the San Pablo Bay Wildlife Refuge to waterfowl hunting. My family lives an hour away from San Pablo Bay. As a freshman in college, I have a tight schedule. Opening these units would allow my family to hunt closer to home and spend less time in the car.

Response to Comments 23: Comment noted.

Comment 24:

My name is [removed] and my father and two siblings are hunters. I am writing today to voice my support for opening Dickson Unit and Cullinan Unit at the San Pablo Bay Wildlife Refuge to waterfowl hunting.

The location that they currently hunt at is four hours away from our house. The San Pablo Bay Wildlife Refuge is only an hour away from our house, and is much easier to drive to than where they go now. The more refuges that are near our home the better.

Response to Comments 24: Comment noted.

Comment 25:

My name is [removed] and I have been a junior hunter for the past three years. My family has violent allergic reactions to certain proteins and duck and goose are some of the few meats that they can eat. San Pablo bay is only an hour drive from our house and it would provide an excellent hunting opportunity for my family. My Dad introduced me to hunting when I was eight years old. I have loved hunting since then. I am totally pro making new properties in San Pablo bay hunt-able.

Response to Comments 25: Comment noted.

Comment 26:

Thank you for the opportunity to comment on proposed San Pablo Bay National Wildlife Refuge Waterfowl Hunt Plan, dated March 2018. I fully support the opening of both the Dickson Unit and Cullinan Unit to regulated waterfowl hunting. The opening of these two units is in alignment with the Refuge System mission and goals, and will provide much needed additional hunting opportunity for the public lands hunter.

Below please find comments that are specific to some of the particulars of the proposed waterfowl hunt plan.

Section C. Species to be taken, hunting periods, hunting access

Page 12: Under the subhead *Waterfowl*, there are listings of waterfowl species, yet there is no language to describe what waterfowl species can be taken.

26.1 Suggested language to add after the last paragraph of the *Waterfowl* section:
Waterfowl species to be taken will be in accordance with Migratory Bird Treaty Act and the regulations of California Department of Fish and Wildlife.

26.2 Page 13: Under the subhead *Hunting Access*, last paragraph of page 13, a non-motorized boat ramp is described at the Dickson Unit. Access to this boat ramp would be made by hand carrying a non-motorized boat from the parking lot off of Reclamation Road. However, on page 16 (Refuge-Specific Waterfowl Hunting Regulations), item 3 prohibits walk-in hunting.

Page 16: Refuge-Specific Waterfowl Hunting Regulations

Item 3 of the proposed refuge specific waterfowl hunting regulations states:
3. You may hunt only from a boat. We prohibit walk-in hunting on the refuge.

The current 50 CFR 32.24 regulations for the SPBNWR state:

2. YOU MAY ONLY HUNT FROM A BOAT OR A FLOATING BLIND. WE PROHIBIT WALK-IN HUNTING ON THE REFUGE.

There are various types of floating craft that can be used to hunt waterfowl, and the existing 50 CFR 32.24 language successfully captures this nuance by containing the “floating blind” language.

Additionally, as previously stated, page 13 describes a non-motorized boat ramp located at the Dickson Unit. This boat ramp would be accessed by hand-carrying a craft from the parking lot at Reclamation Road. The prohibition of walk-in hunting in the proposed refuge specific regulations could be interpreted to prohibit hand carrying a craft from the Reclamation Road parking lot to the non-motorized boat ramp at the Dickson Unit.

26.3

Suggested language for item 3 of the proposed Refuge-Specific Waterfowl Hunting Regulations:

3. You may hunt only from a boat or a floating blind. We prohibit walk-in hunting on the refuge. Non-motorized floating craft may be hand carried from the parking lot at Reclamation Road to the non-motorized boat ramp located the Dickson Unit.

Item 5 of the proposed refuge specific waterfowl hunting regulations states:

5. You must remove all decoys, boats, and other personal property from the refuge at the end of each hunt day. Hunters must remove all trash, including shotgun shells, when leaving hunting areas.

Suggested language: add the word “spent” before the word shotgun, to read “spent shotgun shells.”

The current 50 CFR 32.24 regulation for the SPBNWR states:

5. WE ALLOW TEMPORARY FLOATING BLINDS ON THE REFUGE SUBJECT TO REFUGE MANAGER APPROVAL. WE ALLOW BLIND INSTALLATION BEGINNING ON OCTOBER 1, BUT HUNTERS MUST REMOVE BLINDS (SEE § 27.93 OF THIS CHAPTER) BY FEBRUARY 1. TEMPORARY FLOATING BLINDS BECOME AVAILABLE FOR GENERAL USE ON A FIRST-COME, FIRST-SERVED BASIS ON SUBSEQUENT DAYS. WE PROHIBIT ENTRY TO CLOSED AREAS OF THE REFUGE PRIOR TO THE HUNTING SEASON IN ORDER TO SCOUT FOR HUNTING SITES.

This item has been dropped in its entirety from the proposed refuge specific waterfowl hunting regulations. Temporary floating blinds have been used on the refuge for generations, and provide access and cover for the public lands hunter. Unless there is science-based evidence that warrants eliminating the use of temporary floating blinds, please add this existing language regarding temporary floating blinds to the proposed refuge specific waterfowl hunting regulations.

Item 9 of the proposed refuge specific waterfowl hunting regulations states:

9. You must keep firearms unloaded until you are within the designated hunt area.

This proposed regulation is in direct conflict with existing Federal law, namely the Credit Card Act of 2009 (Act), which went into effect in 2010. Section 512 of the Act states:

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

To avoid conflict Federal Law supremacy, Item 9 should be struck, in its entirety, from the proposed refuge specific waterfowl hunting regulations.

Item 10 of the proposed refuge specific waterfowl hunting regulations states:

10. We allow foot access through the refuge to the State's Tolay Creek Unit (Midshipman Slough) for waterfowl hunting. You must unload and either break down or case all shotguns while in transit through the refuge.

To avoid conflict with Federal Law supremacy, Item 10 should read:

10. We allow foot access through the refuge to the State's Tolay Creek Unit (Midshipman Slough) for waterfowl hunting.

Item 11 of the proposed refuge specific waterfowl hunting regulations states:

11. Waterfowl hunting is allowed from sunrise to sunset. For shoot times see: <https://www.wildlife.ca.gov/Regulations>

Current California legal shoot time (LST), as regulated by CDFW, for waterfowl is one-half hour before sunrise to sunset. It is possible that CDFW could change LST in the future, and the proposed refuge specific waterfowl hunting regulations could be written to anticipate any potential changes.

Suggest language for Item 11 of the proposed Refuge-Specific Waterfowl Regulations:

11. Waterfowl hunting is allowed per the established CDFW waterfowl hunting regulations. For shoot times see: <https://www.wildlife.ca.gov/Regulations>

The current 50 CFR 32.24 regulations for the SPBNWR states:

B. UPLAND GAME HUNTING. WE ALLOW HUNTING OF PHEASANT ONLY IN AREAS OF THE TOLAY CREEK UNIT DESIGNATED BY POSTED SIGNS IN ACCORDANCE WITH STATE REGULATIONS SUBJECT TO THE FOLLOWING CONDITIONS:

1. YOU MAY ONLY HUNT ON WEDNESDAYS, SATURDAYS, AND SUNDAYS.
2. YOU MAY ONLY POSSESS APPROVED NONTOXIC SHOTSHELLS (SEE § 32.2(K)) IN QUANTITIES OF 25 OR LESS WHILE IN THE FIELD.
3. YOU MAY ONLY ACCESS THE TOLAY CREEK UNIT BY FOOT OR BICYCLE.
4. WE ONLY ALLOW DOGS ENGAGED IN HUNTING ACTIVITIES ON THE REFUGE DURING PHEASANT SEASON. WE PROHIBIT OTHER DOMESTICATED ANIMALS OR PETS.

26.9 The proposed refuge specific waterfowl hunting regulations make no mention of upland game hunting. Please ensure that these upland game hunting regulations are included in the amended 50 CFR 32.24 regulations that included the revised waterfowl hunting regulations.

Again, thank your for the opportunity to provide comments on the proposed waterfowl hunt plan. Please let me know if you have questions.

Response to comments 26:

26.1 Language added to clarify species to be taken

26.2 Walk-in hunting refers to hunting from a levee or the shore, not how boats are carried/towed into the Dickson Unit. Language added to Regulation #3 to clarify walk-in hunting.

26.3 Will add language (or similar) to refuge regulations

26.4 Comment noted. Will keep current language to be consistent with the other SFB Complex refuges.

26.5 The language regarding the use of temporary floating blinds will not be included in the CFR, but will be addressed in the Refuge's specific regulations.

26.6 Our intent is to follow the State of California hunt regulations (see: <https://www.wildlife.ca.gov/Regulations>). However, some discrepancies remain between California hunting regulations and refuge-specific hunting regulations (50 CFR part 32) for San Pablo Bay NWR. These discrepancies will be addressed in the 2019-2020 update to the refuge-specific hunting regulations.

26.7 Comment addressed.

26.8 Our intent is to follow the State of California hunt regulations for shoot times (see: <https://www.wildlife.ca.gov/Regulations>). However, some discrepancies remain between California hunting regulations and refuge-specific hunting regulations (50 CFR part 32) for San Pablo Bay NWR. These discrepancies will be addressed in the 2019-2020 update to the refuge-specific hunting regulations.

26.9 Our existing regulations do allow upland game hunting (pheasant only) in the Tolay Creek Unit during pheasant season.

Comment 27:

After reading through the document regarding the opening of cullinan ranch and dickson ranch to hunting, I want to voice my approval. I have explored both areas and find that they attract lots of migrating ducks.

Response to Comments 27: Comment noted.

Comment 28:

Hi Melisa, want to give my support to this new hunting area. Live in Yuba City now, but grew up in Mill Valley and hunted San Pablo Bay and all its tributaries for 40 years. Its nice to see hunting areas (Cullinan Ranch and Dickson Ranch Units) come up instead of all clozed zones with no public opportunity all the time.

Response to Comments 28: Comment noted.

Comment 29:

Thank you for the opportunity to comment on the proposed San Pablo Bay National Wildlife Refuge Hunt Plan. I am a lifelong CA resident and hunter. I strongly support opening the units for hunting and providing additional opportunities for the hunting community. I would ask that Waterfowl as well as upland game should be included in the final plan. This change will be welcomed by all Public lands hunters in the state. Thank you for your efforts in this work!

Response to Comments 29: Our existing regulations do allow upland game hunting (pheasant only) in the Tolay Creek Unit during pheasant season. The Dickson and Cullinan Units do not provide habitat for upland game hunting since they will be open water and eventually tidal marsh.

Comment 30:

I'm writing to confirm my support for opening up more of the Refuge for waterfowl hunting.

I have been waterfowl hunting for over 40 years now, starting at 9 on a Butte Sink club my sister and her husband were caretakers on. I've ran a seasonal rice club for over 20 years, and now volunteer guide for CWA on their properties, winning their Hunting Heritage award 2 years ago. I have hunted the Napa-Sonoma marshes via boat since they were originally breached and available for hunting 15 years ago.

I offer the following revisions to your EA posted for a public comment period;

1. At page 11, 2nd paragraph, consistent with most other NWS refuges, the "no hunting" zone references should be revised to "retrieval zones", to allow the hunter the opportunity to retrieve game that has sailed into this area. This allows the hunter to comply with laws regarding "take" and efforts required by law to retrieve all game taken. I recommend you consult the Klamath Refuges definition of Retrieval Zones in

their regulations for the hunt program. This can be retrieved from Stacy Freitas, who is responsible for managing the hunt program on the Klamath Refuge properties.

2. At page 11, 3rd paragraph, the "no hunting from land will be allowed" should be removed. As the EA notes, much of this property is tidal flat. It is very difficult to establish "land" in the eyes of law enforcement in a tidal flat. The islands of the Napa Marsh are often their most productive as the tide returns and the birds feed on the incoming tide. The traditional shoot days and early morning shoot times often do not align with tide tables to make the island accessible by boat only. This statement would effectively limit the actual time available to hunt this land to maybe 1/3 of the number of shoot days during the waterfowl season. Often the edges of the islands and "land" create a natural blind with the vegetation growth and are idea for hunters use. Again, by stating these areas are not available for hunting, effectively limits the hunters access, which does not appear to be in the intent. I suspect the drafter of the EA does not realize how much this statement limits the hunters access, or ability to have a good quality hunt. The Services effort to make areas available to hunting should be focused on good quality hunts, not just a lake 5' deep that has no cover and is worthless to a successful hunt for waterfowl.
3. At page 11, 4th paragraph; Same comments at #1 above apply to the use of "no hunting" zone under the Cullinan Ranch property. Similar to Klamath Refuge, this "Retrieval Zone" should be available for hunters use to cross the property to the hunting areas. The state of CA has current laws in place for a set distance from a roadway that applies to this property. The proposed setback from Hwy 37 is redundant to state law, again creating confusion for the hunter, law enforcement and courts, that will likely lead to unnecessary violations over many years, and cause an unintended hindrance to hunters use. Any spurious citations from a conflict in refuge rules vs. state law would be counter to current federal directions to increase recreational hunting use of federal property.
4. At page 12, 2nd paragraph; same comments at #2 above apply to the "no hunting from land will be allowed" on the Cullinan Ranch property. The advent of the mud motor allows waterfowlers to gain access to mud flats, where the birds use the most, that may have less than 1" of water. The term "land" is a poor use of descriptive areas when it comes to waterfowling with mud motors. There are plenty of YouTube video's of surface drive duck boats running across mud flats with no water. This type of use could be interpreted as "land" by Law Enforcement. Please understand that the use of surface drive mud motors has become the norm to hunt tidal areas such as the Napa Marshes, and should be anticipated and acceptable for use on any island in the Napa Sonoma Marshs island units under management by various agencies. <http://www.mudbuddy.com/>
5. At page 13, 3rd paragraph under *Hunting Access*; The requirement for a "no wake zone" while inside the limits of the two ranch properties is ridiculous. The natural wave action from Mother Nature during normal winter weather wind events will do more damage from erosion than 100 years of duck boats. While this rule sounds good, the effect of a wake from a duck boat in the middle of 1,100 acres on a levee on the edge is insignificant. From an access standpoint, it is often a requirement to get the duck boat up on plane, to get the motor prop up off the bottom and out of the mud to keep the motor cooling system operating without mud blockage. The duck boat up on plane will

obviously result in a wake. Again, this rule effectively makes the island off limits to duck boats and hunters, and would be contrary to current Federal directions to increase recreational hunting.

6. At page 16, 3rd paragraph under *Refuge-Specific Hunting Regulations*; Line item 4 limits the hunter to possession of 25 shells. This rule is only found on refuges that are the most popular and are intended to force the hunter to take close shots and not "sky scrape" or be forced to take the *Walk of Shame* back to the parking lot for more shells, which can be physically taxing if the parking lot is a mile or more walk. Since hunting is only from boats, it is not physically taxing to return to get more shells. The quality of hunting in the Napa Marsh is generally such that sky scraping is not experienced. Some days other hunters are so far away their shots are not heard. This is never the case on the NVR's where the trend has been to fewer hunters to allow for quality hunts. The use of Assigned Ponds has limited the crowding, over calling and sky scraping, which really does not enter the equation in the Napa Marshes. The limitation of shells has been overly enforced by Law Enforcement on the refuges with this rule. If one hunter were to carry or be in possession of two boxes of shells on their person, they could be cited. When two or more hunters are in a boat, the possession by a hunter of the shells is not easily determined by Law Enforcement, allowing for errors when attempting to enforce a rule that is not necessary. This rule should be removed.
7. At page 17, 1st paragraph, line item 10; the requirement to "break down" or "case" a shotgun is antiquated and unrealistic. The term "break down" means removing the barrels physically from the action. A duck hunter would never do this in the field, as small pieces of the gun could be lost in the mud when re-assembling the shotgun. The walk-in hunter is always trying to minimize the weight they carry, similar to backpackers, so the requirement to carry a case, with additional weight, in addition to the gun creates a hindrance to use or access across this part of the Refuge. This rule is not reasonable and reflects a lack of hunting knowledge by the drafter.
8. At page 17, 2nd paragraph, line item 11; The rule is contradictory all in one sentence. Such a contradiction is rarely seen in the English language currently. The waterfowl "shoot times" defined at the CDFW regulations referenced always start 1/2 hour before sunrise. The rule here limits shoot times to sunrise, or 1/2 hour after legal shoot time. The waterfowl hunters on these two properties are precluded from hunting during the legal time allowed by state law, often the best time of the hunt. No duck hunter would go to these areas to hunt if they have to wait and watch for 1/2 hour. Again, this rule creates a hindrance to the waterfowlers use of this property contrary to current Federal mandates. This rule appears to attempt to follow state shoot times, but due to a lack of understanding what the referenced regulation states, ends up contradicting the reference.
9. At page 17, 3rd paragraph, line item 12; The rule appears to be well intended, but again written by someone lacking the depth to truly understand the effective nature of the prescribed action. If the two new areas are only accessible by boat, no hunting on land is allowed, and a hunter is required to leave their shotgun in the hunting area when retrieving a bird from a "closed area (tidal marsh)", the hunter would have to throw their gun overboard into the water. This rule makes absolutely no sense when hunting from a boat on the two areas addressed by this EA. This line item 12 should be completely removed, or revised to state that "firearms must be unloaded when

retrieving waterfowl in a closed or retrieval zone" or similar language as is used on the Klamath Refuge.

I and all other waterfowl hunters using the Napa Sonoma Marsh complex appreciate the Service opening more land to hunting, but it must be done responsibly, in a manner that does not cause grey areas for law enforcement to mis-interpret, or in a manner that creates a disincentive for hunters use, if the action is to successful. Many of the concerns listed above act to criminalize the hunter using the new lands defined in the EA. We hope the Service will take the concerns above seriously and modify the EA to be more respectful to the waterfowling community. Thanks for your time.

Response to Comments 30:

1. Language will be added to the existing regulations to clarify the no hunting areas are retrieval zones.
2. Language was removed and clarified
3. Comment addressed.
4. Comment addressed.
5. "No wake" was removed, but now includes that boaters should minimize speed while inside units
6. Our intent is to follow the State of California hunt regulations for shotshells (see: <https://www.wildlife.ca.gov/Regulations>). However, some discrepancies remain between California hunting regulations and refuge-specific hunting regulations (50 CFR part 32) for San Pablo Bay NWR. These discrepancies will be addressed in the 2019-2020 update to the refuge-specific hunting regulations.
7. Language requiring breakdown and casing shotguns was removed.
8. Our intent is to follow the State of California hunt regulations for shoot times (see: <https://www.wildlife.ca.gov/Regulations>). However, some discrepancies remain between California hunting regulations and refuge-specific hunting regulations (50 CFR part 32) for San Pablo Bay NWR. These discrepancies will be addressed in the 2019-2020 update to the refuge-specific hunting regulations.
9. Our intent is to follow the State of California hunt regulations (see: <https://www.wildlife.ca.gov/Regulations>). However, some discrepancies remain between California hunting regulations and refuge-specific hunting regulations (50 CFR part 32) for San Pablo Bay NWR. These discrepancies will be addressed in the 2019-2020 update to the refuge-specific hunting regulations.

Comment 31:

I strongly support the SPB NWR's 2018 draft plan for waterfowl hunting. I offer the several points substantiating support:

- Waterfowl hunting is consistent with the goals of the national wildlife refuge system for offering recreational opportunities
- The units proposed to be open for waterfowl hunting offer reasonable opportunity for success given abundant habitat

- Increased opportunities benefit youth hunters seeking to enjoy outdoors
- The regulations established for the hunt program are consistent with safe practices in affect at other state and federal hunting areas with existing hunt programs
- Waterfowl hunting is actively managed through federal and state regulations ensuring sustainable populations
- Hunters provide significant financial support for conservation and local communities through the expenditures made for licenses and travel
- Waterfowl hunting provides a rich experience of nature that fosters personal engagement, concern, and care for our wildlife resources

Response to Comments 31: Comment noted.

Comment 32:

I am fully supportive of the opening of new lands in the San Pablo Bay NWR for hunting and fishing purposes. This will become a very special place, to be within close proximity to the major urban area and allowing our traditional sports to thrive. I currently use Don Edwards NWR several times a year with family and friends, and am excited to be able to try a new area for variety. Looking through the proposed regulations, one item that strikes me is the start shooting time. This I would like to see consistent with state regulations (a half hour before sunrise). I recall the one year (a long time ago) where the state changed shoot time to begin at sunrise, and it was a disaster. Because hunters would be accessing the hunt areas in visible light, all the ducks in the area would fly out of the area before shoot time. It really had a negative impact on hunter success. Thank you for allowing our comment and thank you for all the work you do for us hunters!

Response to Comments 31: Our intent is to follow the State of California hunt regulations for shoot times (see: <https://www.wildlife.ca.gov/Regulations>). However, some discrepancies remain between California hunting regulations and refuge-specific hunting regulations (50 CFR part 32) for San Pablo Bay NWR. These discrepancies will be addressed in the 2019-2020 update to the refuge-specific hunting regulations.

Comment 32:

Please accept my comments below on the proposed San Pablo Bay National Wildlife Refuge Waterfowl Hunt Plan dated March 2018. I am a licensed waterfowl hunter in the state of California, and hunt regularly on Federal Wildlife Refuges and California Wildlife Management Areas. I have hunted both types of areas by boat. I have also hunted the Eden Landing Ecological Reserve, an area that does not permit hunting with motorized craft. As proposed, the amended Hunting Plan for the San Pablo Bay National Wildlife Refuge Waterfowl does not provide safe, quality hunting opportunities while minimizing conflicts with other priority wildlife-dependent uses. In particular, the proposal to permit the use of motorized boat for waterfowl hunting in Cullinan Ranch and Dickson Ranch Units undermines conservation goals and public engagement goals of the Hunt Plan for the San Pablo Bay National Wildlife Refuge. At the same time, the use of motorized boats in these two particular unites is not required to meet any of the goals of the Hunt Plan for the San Pablo Bay National Wildlife Refuge. The use of motorized boats, as opposed to human-powered craft, reduces the

effectiveness of the Hunt Plan in conserving fish, wildlife and habitat. Motorized craft are more destructive of the landscape. Motorized craft also create considerable noise pollution and disrupt wildlife. Motorized boats create considerable distance between hunters and the surrounding landscape. The speed and noise of motorized craft reduce the opportunities for hunters to understand and appreciate the diversity and interconnectedness of fish, wildlife and their habitats. Motorized craft also create considerable noise pollution disrupting the wildlife experience and the hunt of other hunters. The use of motorized craft does not “blend into the natural setting.” Taken all-together the use of motorized craft directly undermines the Refuge vision goal of facilitating “that connection, that belonging, that immersion.” The boat-in nature of access to Cullinan Ranch and Dickson Ranch Units means that law enforcement patrols and field check are far less able to ensure motorized craft are operated in a manner compatible with the goals of the refuge. There will be no meaningful capacity to provide law enforcement of the proposed no-wake speed policy that is critical for reducing the corrosive effect of wave to the shorelines and levees and well as minimizing disturbance to wildlife in the area. Given that immediate access to Cullinan Ranch and Dickson Ranch Units is provided only via non-motorized launch facilities, the most coherent approach to regulating the use of motorized boats in the Refuge would be to prohibit their use entirely in Cullinan Ranch and Dickson Ranch Units while continuing to permit their use elsewhere in the Refuge. Large areas of the Refuge are currently open to hunting from motorized craft, meeting the goal of providing opportunities to hunt and provide accessibility and availability to a broad spectrum of American people. As such there is no need to open the Cullinan Ranch and Dickson Ranch Units to motorized craft. Please amend the propose Hunt plan to prohibit the use of motorized craft and limit the use of boats to human-powered craft only.

Response to Comments 32:

Motorized boating will be allowed in both the Cullinan and Dickson Units to ensure the safety of boaters. Both units are tidal with multiple breaches to the bay. During tidal fluctuations, the water flowing in and out of the breaches can be swift and difficult and dangerous to navigate for human-powered vessels. In addition, both units can contain deep water with heavy wave fetch at higher tides and wind speeds. At lower tides, both units can be very shallow water depth to mud flat. In many cases boaters may be accessing these units early in the morning before sunrise when visibility is very poor. These situations require boaters to be able to react quickly to changing water conditions to ensure the safety of occupants. Therefore, we will allow motorized boats in the two units.