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May 23, 2017

Via U.S. Mail and Email

Mr. Larry Goldzband, Executive Director
Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102-7019
larry.goldzband@bcdc.ca.gov

RE: BCDC Enforcement File ER2010.013, Further Violations of BCDC Permit No. 2002.002.06 by Mark Sanders, Westpoint Marina

Dear Mr. Goldzband,

This office represents the Citizens Committee to Complete the Refuge ("Citizens") in regards to noncompliance by the Westpoint Marina with the San Francisco Bay Conservation and Development Commission's ("BCDC") Permit No. 2002.002.06 (hereinafter "Permit 2-02"). On March 10, 2017, this office wrote to BCDC regarding violations of Permit 2-02 related to required signs, buoys and channel markers. We write today on behalf of Citizens regarding additional Permit 2-02 violations not raised in that previous correspondence.

Based on this office's review of Permit 2-02, review of BCDC's files and Citizens' observations, we believe that the permittee is violating Permit 2-02 in regards to 1) required fencing to prevent access into adjacent marshes and salt ponds, 2) shorebird roost habitat mitigation, 3) visual barriers to adjacent salt pond to protect waterbirds from human disturbance, 4) non-tidal wetland mitigation, 5) landscaping, and 6) public access.

Without immediate enforcement action by BCDC, these permit violations will not be corrected, and important mitigations will not be implemented – to the detriment of sensitive species and the public trust.

I. Required Fencing to Prevent Access into Adjacent Marshes and Salt Ponds.

In Phase 1B of project implementation, the permittee was required to install and maintain a six-foot-tall fence on the east side of the site to prevent access into the marshes along Westpoint Slough adjacent to the project site, and along the southern property line with Cargill to prevent access into the adjacent salt ponds. Permit Sections I.A.8 and II.F.

It is unclear if permanent fencing on the east side of the project site has ever been completed. Citizens took photographs of fencing along the east border of Westpoint Marina on April 9, 2017 from the water on Westpoint Slough, and on April 11, 2017 took photographs from Pacific Shores Center. See attached. It appears that fencing may not be installed along the entire length of the east side of the project site. Additionally, it is unclear if the fencing which is visible may be simply temporary fencing associated with construction of the boathouse.

The required fencing along the southern boundary has never been installed. Citizens took photographs on January 18, 2014 photos showing people - from the direction of the Westpoint Marina - walking on the adjacent salt ponds. See attached.

As early as March 31, 2003, the permittee told the U.S. Fish & Wildlife Service (FWS) that he would construct the fence to protect the marsh and isolate the area. The FWS determined, in its April 11, 2003 informal consultation under the federal Endangered Species Act, that the West Point Marina was "not likely to adversely affect the harvest mouse, clapper rail and least tern" provided the project was implemented as described. The project at the time specifically included erecting and maintaining this fence along the eastern and southern boundary of the property "to protect habitats potentially used by listed species from human encroachment from the marina."

Citizens is concerned about the absence of this required fencing because the endangered Salt Marsh Harvest Mouse and California Clapper Rail (Ridgways Rail) may occur in the adjacent marsh, and because the adjacent salt ponds serve as feeding/resting habitat for the endangered California Least Tern. Harassment through trespass and disturbance constitutes prohibited "take" in violation of the federal Endangered Species Act.

II. <u>Required Shorebird Roost Habitat Mitigation</u>.

Prior to beginning any work authorized under Phase Two, the permittee was required to provide mitigation for the 2.3 acres of shorebird roost habitat lost as a result of the Westpoint Marina project. BCDC's required mitigation was for the permittee to provide approximately 3.0 acres of replacement habitat with similar functions and benefits for shorebirds. The habitat creation plans were to be reviewed and approved by BCDC after consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife. Permit No. 2-02, Section II. F and Findings III.A.2 and III.F.

The August 17, 2001 LSA Biotic Resources Report prepared for the Westpoint Marina project stated that during a March, 2001 site inspection over 1,000 birds were observed roosting on the high ground in the southwest corner of the site and that shorebird use of the salt ponds had been documented since late 1980. The 3.0 acres of roost habitat was to be recreated on the south side of the levee separating the marina from the remaining bittern pond. The recreated roost habitat was to be high ground remaining exposed year-round, provide isolation and limited disturbance, and serve as an island, surrounded by open water, to provide shorebirds and other waterfowl with a protected roost.

Citizens has reviewed Westpoint Marina related documents retained by BCDC, the City of Redwood City, the Regional Water Board, and the U.S. Fish & Wildlife Service. Based on that review, Citizens is convinced that the permittee never created the required habitat plans,

BCDC did not approve such plans, nor did the permittee consult about such plans with the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife to ensure that the replacement habitat maintained similar functions and benefits for shorebirds.

In addition, three acres of replacement shorebird roost habitat **with similar functions and benefits** has not been provided on the south side of the levee separating the marina from the remaining bittern pond, or in an alternate location. The "replacement" habitat which has been provided - without consultation with the resource agencies – does not have similar functions and benefits as the original habitat. This is in part because the required consultation and approval of habitat plans never occurred. Also, the permittee's "replacement habitat" is at a lower elevation than the original habitat. During the winter as water levels rise the acreage of the replacement habitat shrinks and at certain times of year there is zero roosting habitat. For example, this year as winter rains filled the former bittern pond lying south of the project site, by early spring roosting shorebirds were limited to the levee along the southern edge of Westpoint Marina. By mid-spring, during peak migration, shorebirds had abandoned this now-submerged pond altogether because of the absence of roosting habitat.[1] Thus, neither the levee, nor the submerged pond, provide 3.0 acres of replacement habitat with similar functions and benefits for shorebirds as neither serve as an island of high ground remaining exposed year-round.

BCDC relied on the project providing wildlife habitat in its finding that the Westpoint Marina was consistent with the McAteer-Petris Act, the San Francisco Bay Plan salt pond policies, CEQA, and BCDC's amended coastal zone management program. Permit 2-02 Findings III.A.

In granting Permit 2-02, BCDC found that the project will result in the protection of Bay resources including wildlife "because Special Conditions ensure the protection of surrounding valuable habitat and require mitigation for any impacts to wildlife or habitat at the project site." Permit 2-02 Findings III.F.

Clearly, the permittee is in violation of this Permit condition. Permit violations are detrimental to shorebirds and listed species.

III. <u>Required Visual Barriers to Adjacent Salt Pond to Protect Waterbirds from Human Disturbance</u>.

The permittee was required to provide visual barriers between the active marina areas and the adjacent salt pond to reduce disturbance to water birds using the salt pond. The visual screening was to be achieved through setbacks (85 to 90 feet in width) or through a combination of reduced setbacks combined with landscaping or other visual barriers (fence slats) that would obscure near range views of the salt ponds (less than 100 feet from the human use areas). Permit No. 2-02, Section II.K.

On May 4, 2011, BCDC alerted the permittee that:

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[1] Citizens has photos and bird observation data of these changes to the shorebird roosting habitat this year.

> Portions of the marina facilities, including much of the parking lot areas, are located closer than 85 feet to the salt pond, which adjoins the Westpoint Marina along the entire southern boundary. Therefore, visual barriers are required in these locations, as indicated in Special Condition II-K. The marina is clearly "active" and intrudes into the required 9O-foot setback area; therefore, the absence of required visual barriers is in violation of this requirement of your permit.

On September 4, 2014, BCDC rejected the permittee's claim that the distance between the active marina area and the salt pond is 85 feet. BCDC informed the permittee that there is no distance between the active marina area and the salt pond as the parking lot, which is an active marina area, abuts the property line with the adjacent salt pond. Therefore, the permittee was still required to install the landscaped barrier **prior** to marina occupancy. The permittee has not obtained plan approval for a proposed visual barrier nor installed the required visual barrier. The failure to fully install the required visual barrier is a violation of both the Permit's public access and the visual barrier requirements.

Despite the clear requirements of Permit 2-02 and BCDC's admonitions, to date there is still no visual barrier in place to protect waterbirds from disturbance. Submitted herewith are photos documenting that shorebirds roost on that levee slope when the adjacent salt ponds are submerged with rainwater, as well as a photo of shorebirds taking flight after a man exits his car in the Westpoint Marina parking lot.

Failure to implement this Permit condition has resulted in the degradation of the adjacent shorebird habitat, including the area that was supposed to be set aside as mitigation for the loss of roosting habitat from project construction. Citizens urge BCDC to require the permittee to install the visual barrier before the migratory shorebirds return in September of this year.

IV. Required Non-Tidal Wetland Mitigation.

The permittee is required to provide mitigation for the loss of 0.27 acres of non-tidal wetlands located in the channel adjacent to the Pacific Shores Center property by enhancing and enlarging the wetlands in the remainder of the drainage ditch and by creating additional wetlands on isolated fringes of the project site for a replacement ratio of at least 1:1. Permit Section II.G. The habitat enhancement plans were required to be reviewed and approved by the U.S. Fish and Wildlife Service, by the California Department of Fish and Wildlife, and by BCDC. Ibid.

Based on review of files retained by BCDC, the Regional Water Board, the City of Redwood City and FWS, Citizens can find no evidence that the required "enhanced and enlarged wetlands" have ever been created in the remainder of the drainage ditch or on isolated fringes of the project site at a replacement ratio of at least 1:1. Nor have Citizens found evidence that finalized habitat plans were prepared, or that such plans were ever approved by state and federal

agencies. Therefore, Citizens is concerned that the permittee is not complying with the requirements for non-tidal wetland mitigation.[2]

V. Required Landscaping and Approval of Landscaping Plans.

The permit requires that "No work whatsoever shall be commenced" until final landscaping plans for that portion of the work is "submitted to, reviewed, and approved in writing" by BCDC. Permit 2-02, Section II.A.1. Moreover, prior to the installation of any structures authorized under Phase 1B of the project, including marina berths, the permittee was required to install 170,500 square feet of landscaped areas. Permit 2-02, Section II.B.4.i. Further, the permittee was required to landscape the four view corridors only with plants approved by BCDC and to maintain the view corridors by the regular trimming to prevent their exceeding three feet in height and clearing and replacing of any dead plants. Permit Section II.B.10.

On September 18, 2001, the Manager of the Don Edwards National Wildlife Refuge commented that project landscaping should be of a type that will limit the opportunities of avian predators to impact listed endangered species. Specifically, the number of trees installed in the development should be minimized and placed well back from tidal areas. Plantings should include small shrubs, forbs, and grasses whenever possible instead of trees.

On May 4, 2011, BCDC informed the permittee that - in violation of Permit Special Condition II.A.1 - he had not submitted to BCDC complete plans for landscaping, the boat docks, boat launch ramp, harbormaster building, public access improvements, signage, and visual barriers to the adjacent salt pond.

On September 4, 2014, BCDC informed the permittee that he had not fully landscaped the Phase IB public access area pursuant to staff approved plans, and that he had undertaken landscaping "without first obtaining written plan approval since he had been notified of this outstanding requirement."

On September 22, 2011, December 22, 2012 and January 29, 2015, BCDC informed the permittee that "the trees bordering the path along Westpoint Slough should be removed due to wildlife concerns."

> The line of Poplars and Monterey Cypress that have been planted along the shoreline edge at the channel ... present a problem for wildlife living in the refuge. **These trees will serve as a perch for raptors that can then prey upon listed species such as clapper rail, western snowy plover and salt marsh harvest mouse living on Greco Island.**

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[2] Citizens can find no evidence that the permittee provided the "controlled and and consistent source of water to the mitigation area for the enlargement and enhancement of the wetlands in the ditch" which was envisioned in the *Wetland Mitigation and Monitoring Plan*, Radford Hall, August 2003.

In addition to Monterey cypress, the August 7, 2006 Bohley landscaping plans show project plans to use trees known to provide nest and roost sites for avian predators, including Canary Island date palm (*Phoenix canariensis*) and Bishop pine (*Pinus muricata*).

Permit 2-02 Section II.L states that, "The permittee shall select and limit landscaping to species that are not considered to be problematic invasive exotics by the California Exotic Pest Plant Species Council." From the public trail in Pacific Shores Center, Citizens has observed what appears to be a specimen of Canary Island date palm (*Phoenix canariensis*) located adjacent to the south side of the harbormaster's building. This species is listed in the 2006 California Invasive Plant Council's *California Invasive Plant Inventory*. According to the Marin Audubon Society, and Citizens' observations of Canary Island date palms growing in the channel adjacent to the Pacific Shores Center property, this species is invasive in bayland habitats. Therefore, this tree species should not have been planted on the project site.

Further, BCDC has informed the permittee that the species proposed for the Phase 2 area do not match the other tree species already planted in other locations, that trees have been planted in locations which impede visual openness to the water from the public access paths, and that the permittee has planted trees that were not on landscape plans.

For these reasons the permittee is in violation of the Permit, and these violations are to the detriment of the public and the sensitive wildlife in the area.

VI. <u>Required Public Access</u>.

Section 66602.1 of the McAteer-Petris Act states, that if any salt ponds are "authorized to be developed and used for other purposes, the development should provide the **maximum public access to the bay** consistent with the proposed project... ." Also, the San Francisco Bay Plan policies on public access require "maximum feasible public access," except to avoid significant adverse effects on wildlife.

In determining that the proposed Westpoint Marina was consistent with the McAteer-Petris Act and the San Francisco Bay Plan salt pond policies, BCDC relied on the Marina providing "substantial public access to the Bay." Permit Findings III.A.2

The Westpoint Marina is supposed to include approximately 298,000 square feet of public access areas, consisting of a pathway along a majority of the marina basin perimeter, one pedestrian access connection from the Pacific Shores Center along the shoreline, overlooks of the boat launch area, an extension of the Pacific Shores Center pathway along Westpoint Slough, overlooks of the adjacent habitat, two landscaped lawn areas, public access parking for vehicles and some public boat trailer parking, a boardwalk, and visitor and transient berths. Permit Sections I.D and II.D.

The 298,000-square-foot area was required to be made available exclusively to the public for unrestricted public access for walking, bicycling, sitting, viewing, fishing, picnicking, and related purposes. Permit Section II.B.1. If the permittee wished to use the public access area for

other than public access, the permittee was required to obtain prior written approval from BCDC. Ibid.

Specifically, as part of Phase 1.A, the permittee was required to include
-12 parking lot spaces for public access, and 15 trailer parking spaces would be public access. Permit Section I.A.14 (Phase 1A).

-construct an approximately 242,000- square-foot public access area along Westpoint Slough and a majority of the marina basin perimeter including approximately 85,300 square feet of walkways, a twelve to fifteen-foot-wide path along the perimeter of the basin, overlooks of Westpoint Slough and the adjacent habitat. Permit Section I.A.15 (Phase 1A).

-installation of a crosswalk, signage, and other pedestrian safety measures where the vehicular access road crosses the Pacific Shores Center public access trail to ensure pedestrian and bicycle safety. Permit Section I.A.16 (Phase 1A).

Prior to the use of any structure authorized as part of Phase 1B (including the marina berths), pursuant to Permit Section II.B.4, the permittee was required to install
- a 3,600 square-foot, two-lane, signed, public boat launch ramp;
- a 670-square-foot boat dock at the boat launch ramp;[3]
- 15 signed public parking spaces for vehicle and boat trailer parking;
- 12 signed public parking spaces at various locations around the marina basin, although the entire, approximately 600-space parking lot is open to public parking;
- approximately 85,300 square feet of walkways designed to provide connections to adjacent properties, including a 12 to 15-foot-wide path along the majority of the marina basin perimeter and overlooks of Westpoint Slough and the adjacent habitat
- 10 guest berths, identified with signage;
- 1 public restroom within the Harbormaster's building and 2 public restrooms in the marina basin area;
- approximately 170,500 square feet of landscaped areas;
- not less than 20 benches
- at least 15 public access and Bay Trail signs, one at the beginning of each path on the site.

As part of Phase 1.B, the permittee was required to complete construction of the 242,000- square-foot public access area along Westpoint Slough and a majority of the marina basin perimeter including approximately 85,300 square feet of walkways, a twelve to fifteen-foot-wide path along the perimeter of the basin, and overlooks of Westpoint Slough and the adjacent habitat. Permit Section I.A.6 (Phase 1B).

As part of Phase 2, the permittee was required to construct approximately 1,000 square feet of public observation areas overlooking the launch ramp and boat haul-out. Permit Section I.A.6 (Phase 2).

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[3] See also Permit Section I.D regarding the public boat dock at the boat launch ramp.

All public access facilities were to be designed so that they are handicap-accessible to persons with disabilities. Permit Section II.B.9.

No work whatsoever was to be commenced until public access plans had been submitted to, and approved in writing by, BCDC. Permit Section II.A.1.

Despite the Permit's clear public access requirements, the permittee has failed to construct the public access required by Permit 2-02.[4] Further, the permittee has repeatedly denied the public access to the Westpoint Marina.

Mr. Sanders himself has made members of the public, including BCDC staff, unwelcome on the property. In December 2009, a member of the public notified BCDC Commissioner Jim McGrath that Mr. Sanders had approached him in the marina parking lot and informed him that Westpoint Harbor is private and there is no access to the water from there.

On May 4, 2011, Tom Sinclair of BCDC informed the permittee that based on his review and site visits, "I determined that you have posted unauthorized signage that threatens the public with criminal legal sanctions for using the dedicated public access areas." Mr. Sinclair warned the permittee:

> In the vicinity of the parking lot entry, you have posted unauthorized signs that read "MEMBERS AND GUESTS ONLY" "PRIVATE PROPERTY / NO TRESPASSING / VIOLATORS WILL BE PROSECUTED," and "WESTPOINT HARBOR / PRIVATE FACILITY/Members and Guests ONLY," and along the required public access perimeter pathway, you have posted unauthorized signs that read "NO TRESPASSING."

Even six years ago, BCDC had determined that the permittee was "not in compliance" with Permit 2-02. Tom Sinclair determined that, based on his site visits, the following Permit requirements were not completed:

> a. The 2,160-square-foot, two-lane, signed, public boat launch was not in place or was not accessible;
>
> b. None of the parking spaces for vehicle and boat trailer parking were signed for public use;
>
> c. None of the required public parking signs were installed;

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[4] Public dedication instruments were recorded on August 20, 2007, creating rights in favor of the public commencing no later than the completion of construction of any public access improvements required by the permit and prior to docking any vessels within the marina basin. Completion of a significant portion of the public access improvements has occurred, and many vessels have been docked in the marina since at least September of 2008. Thus, the public's right of access to the public access portions of the Marina was triggered years ago.

d. The 85,300 square-foot walkway, although partially constructed, was not completed and includes unauthorized encroachments of fire suppression equipment and at least one utility structure in the pathway;

e. The required pedestrian access connection from the Pacific Shores Center along the shoreline located at the northwestern section of the property has not been constructed, and the site is presently blocked with unauthorized woven wire fencing mounted on steel posts, with at least one "No Trespassing" sign;

f. The required ten guest berths were not identified with signage;

g. The public restroom required within the Harbormaster's building was not signed and open to the public;
h. Only a portion of the required landscaping was in place along the southern side of the marina, and most of the plants were either in very poor condition or had not survived at all;

i. Site furnishings, including 20 benches, tables, and 10 trash containers were not in place; and

j. None of the required fifteen public access or Bay Trail signs were installed.

k. There is no record of final plan approval for any of the landside and marina work you have completed thus far.

These signs, and any other impediments to public access, not to mention the configuration of the as-built public access, were not approved by final plan review, and **contradict the letter and the intent of both the public access conditions of the permit and the terms of the recorded public access dedication. Accordingly, the signs must be removed immediately**.

BCDC established a December 1, 2011 deadline to remove all posted privatizing signs, and to install the public shore, public restroom and public boat launch, and public shore parking signs.

In February 2012, a member of the public notified BCDC that each time he had taken a walk on the property, the permittee had given him "permission to be on the private property" as long as he remained on the driveway and did not go any further. However, during a recent walk the permittee came out "like a bulldog," told him to leave the private property and stated, that there "never has been and there isn't now any public access at this marina" and that the provision of public access is at his discretion.

On May 8, 2012, Brad McCrea (BCDC's Regulatory Program Director), John Bowers (Staff Counsel), Ellen Miramontes (Bay Design Analyst) and Adrienne Klein (Chief of BCDC Enforcement) conducted a site visit and experienced Mr. Sanders' approach to unrecognized

members of the public when Mr. Sanders approached the four BCDC staff at fast speed in a large backhoe in a threatening manner.

In June 2012, a member of the public notified BCDC that he was refused access to the boat launch ramp to launch a kayak and told he was trespassing. In November 2012, with the knowledge that public access was required, this same member of the public contacted Westpoint Harbor by telephone and was informed by Doug Ferman, the Marina manager, that there was no schedule for allowing public access at the marina.

On September 4, 2014, the Chief of BCDC Enforcement, Adrienne Klein, wrote the permittee to inform him that there were unresolved violations as there were "no public shore or public parking signs posted," the failure to install and make available all of the public access improvements triggered by Marina occupancy including, but not limited to, public shore signage and a physical connection to Pacific Shores Center.

On a November 19, 2015 BCDC Violation Investigation Report Form, Rafael Montes recorded that "Members and Guest Only" signs were posted at the road entrance of Westpoint. Harbor and there is no public access allowed on the guest berth docks.

On December 8, 2016, Adrienne Klein noted the permittee's refusal to open the public access while customers of Redwood City 101 Surf Sports were allowed access. Further, Adrienne Klein noted

> Throughout the site, there are lots of items in the parking spaces which are shared public shore and marina tenant parking spaces, and in public access areas that are meant to be landscaped: A solar and wind powered unit, a fire truck, shipping containers, a wooden fenced in area of unknown purpose, a porta potty, hand launch boat storage, a surf spots shipping container and a picnic area with a ground cover, two picnic tables and a frame to support a rain and/or sun shade (not erected the day of our visit). All of these uses and this fill require permit authorization and plan approval. Unlikely approvable as they conflict with the permit's requirements for use of these public access areas.

As of May 8, 2017, Citizens still observed signs stating "Members and Guests Only" posted at the entrance to the Marina and again just before the Marina parking lot. The purpose of the second sign is to clearly discourage members of the public from entry into the marina. See attached photos.

Conclusion

Because of the continued intransigence of the permittee, the violations of the McAteer-Petris Act, and the potential harm to endangered species, Citizens Committee to Complete the Refuge urges BCDC to consider issuance of an immediate cease and desist order of all Westpoint Marina operations, including lease of Marina slips and subleasing to entities such as 101 Surf Sports (Gov't Code § 66637); imposition of additional monetary civil penalties that

reflect the severity and persistent violations of the Permit (Gov't Code §§ 66641.5 (e) & 66641.6); and permit revocation.[5] (Permit 2-02, Section IV. M)

Thank you for your prompt attention to this matter. Citizens urges BCDC to act immediately to correct these permit violations. Citizens requests that this matter be placed on the BCDC Enforcement Committee calendar for consideration at the earliest possible date.

Sincerely,

Brian Gaffney

cc (*via email*):
Adrienne Klein, Chief of Enforcement, BCDC adrienne.klein@bcdc.ca.gov
Marc Zeppetello, BCDC marc.zeppetello@bcdc.ca.gov
Matthew Trujillo, BCDC matthew.trujillo@bcdc.ca.gov
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Commissioner Greg Scharff, Chair BCDC Enforcement Committee,
greg.scharff@cityofpaloalto.org
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Commissioner Sanjay M. Ranchod, sranchod@tesla.com
Commissioner Jill Techel, jtechel@cityofnapa.org
Commissioner Geoffrey Gibbs (U.S. mail only)
Anne Morkill, San Francisco Bay National Wildlife Refuge Complex anne_morkill@fws.gov
Gail Raabe, Co-Chair, Citizens Committee to Complete the Refuge glraabe@sbcglobal.net
U.S. Fish & Wildlife Service Enforcement Division Sacramento

Enclosure

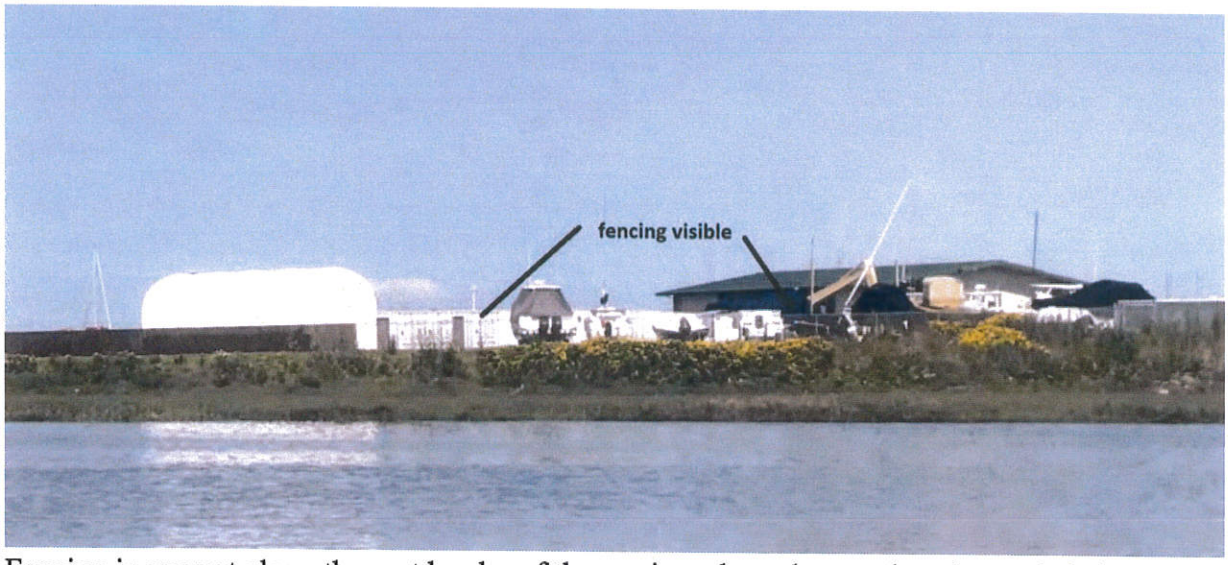
[5] There are valid grounds for Permit revocation as discussed herein, and because as work was not timely commenced - the Permit has lapsed and become null and void. Permit 2-02 Section I. C.

Westpoint Marina south levee on left, adjacent salt pond to the right with people walking out onto the pond in the distance. They were observed later walking back to the marina. January 18, 2014. Matt Leddy, Citizens Committee to Complete the Refuge

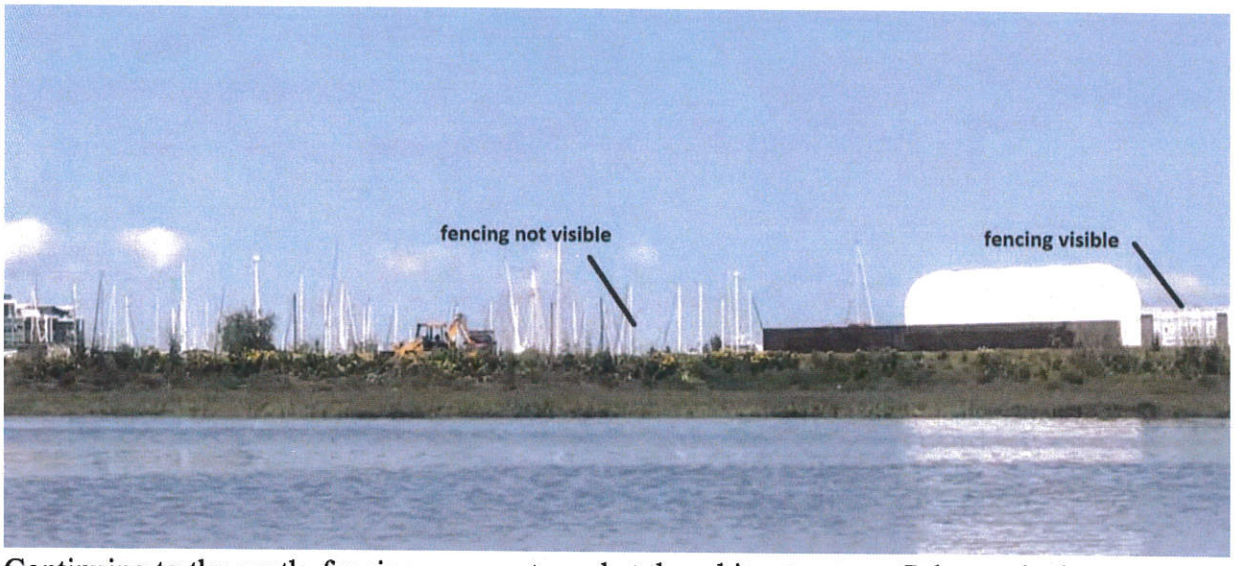
Closer view of people walking on adjacent salt pond, January 18, 2014. Matt Leddy

Shorebirds roosting in another area of the adjacent salt pond on the same date. Matt Leddy

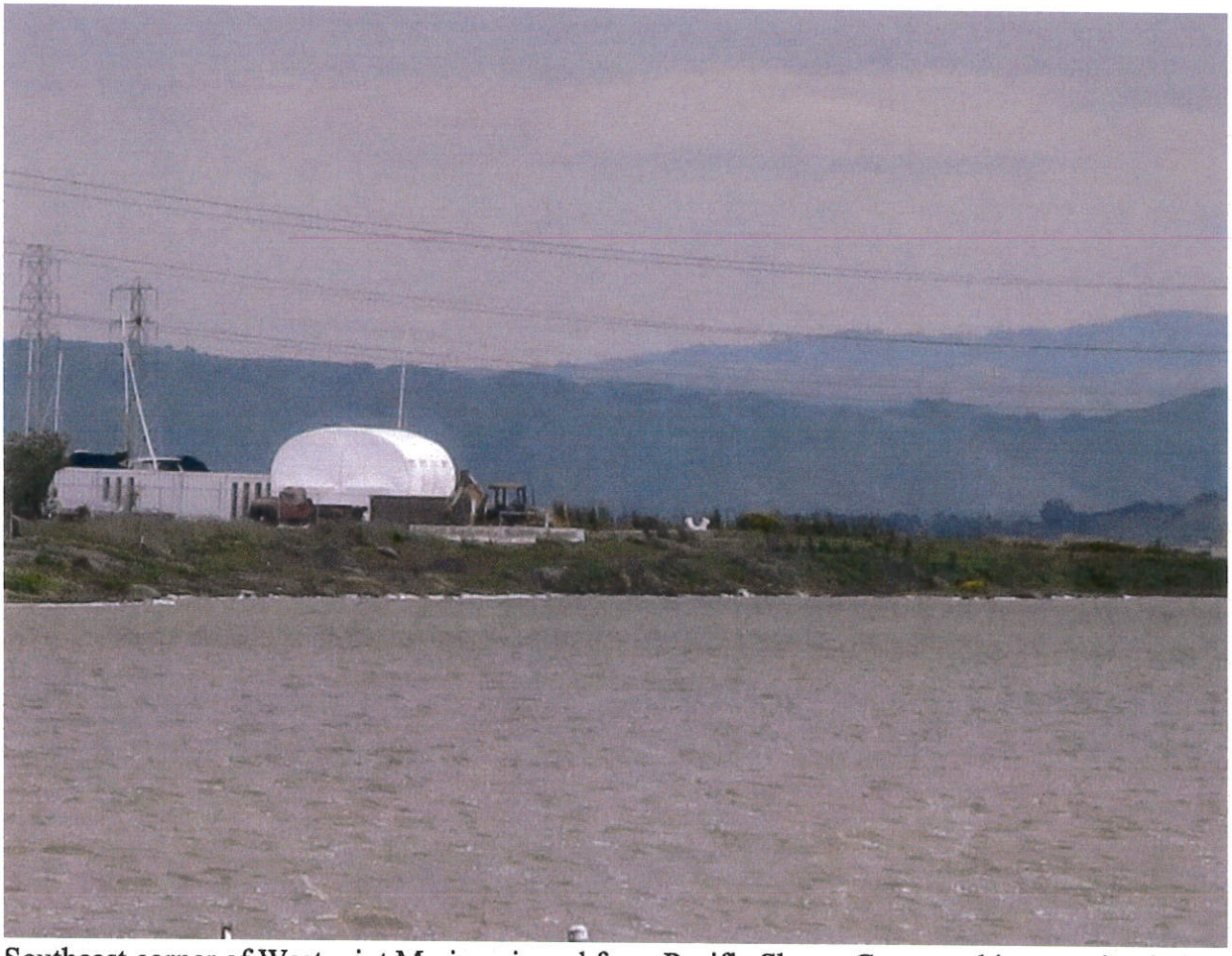
Following: Westpoint Marina from Westpoint Slough, two sequential photos showing fencing along east border of Westpoint Marina where construction is taking place. Fencing is required to protect tidal marsh in the foreground. Photos by Matt Leddy, April 9, 2017.



Fencing is present along the east border of the marina where the new boat house is being built.



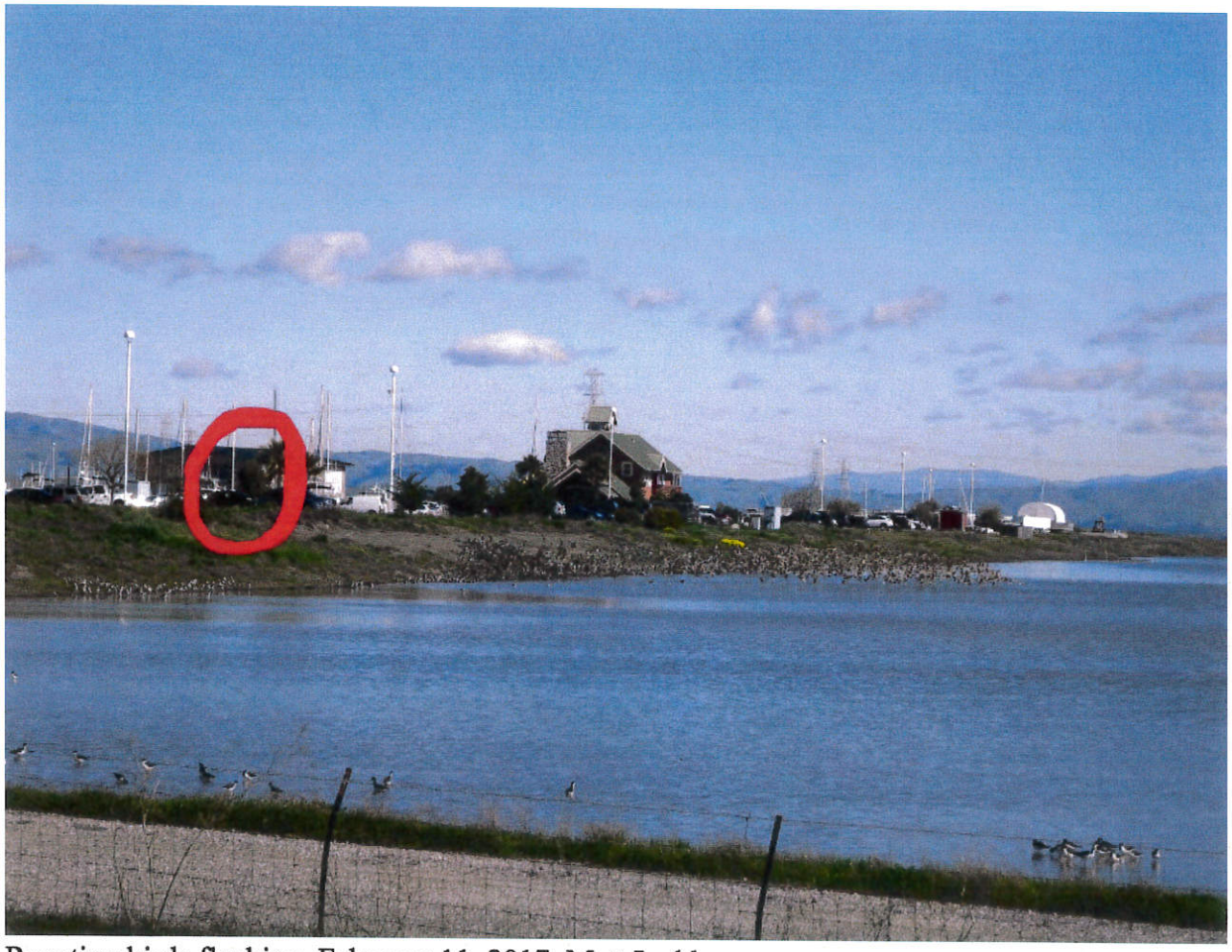
Continuing to the south, fencing appears to end at the white structure. Salt marsh along east border of marina may not be permanently protected by fencing.



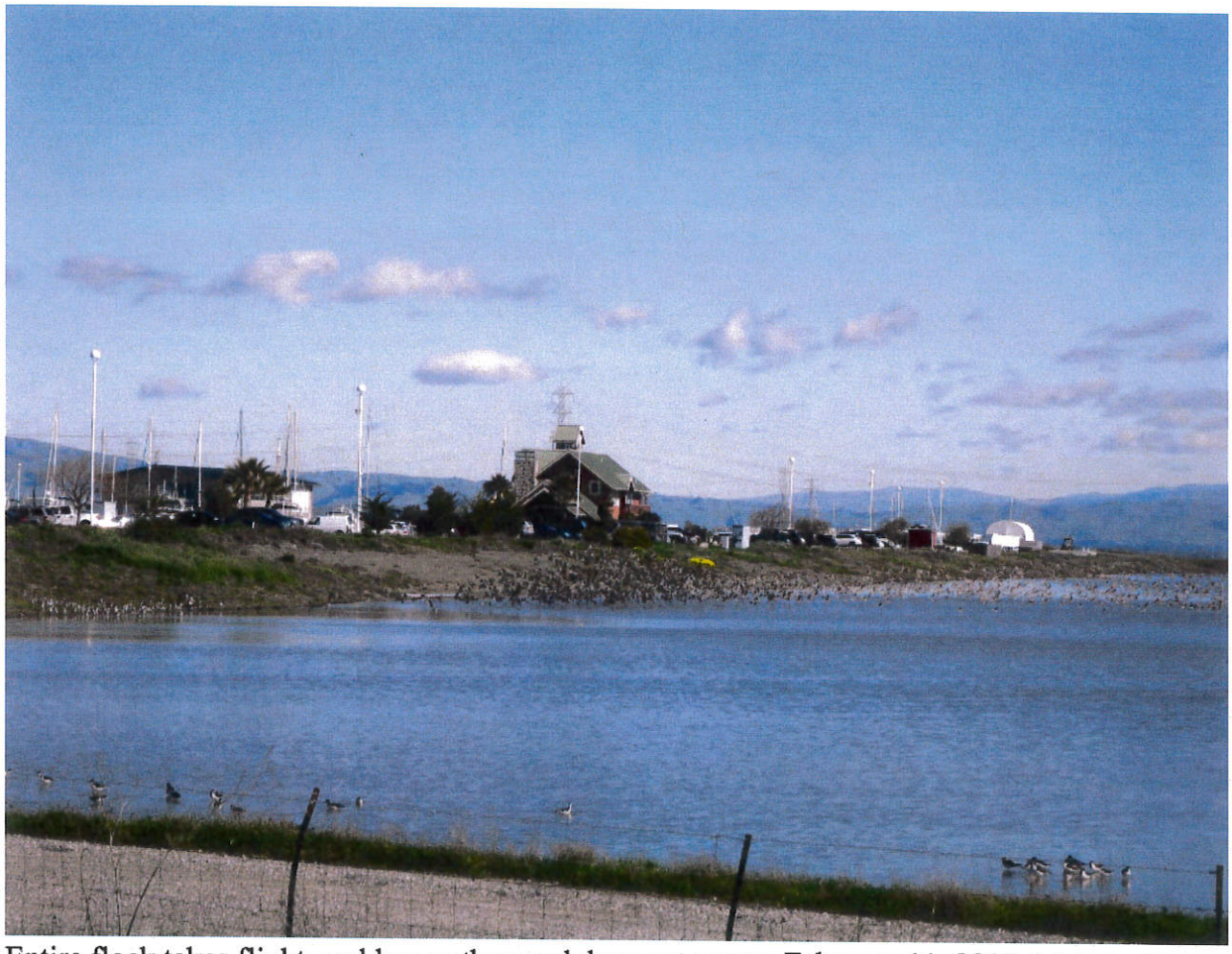
Southeast corner of Westpoint Marina viewed from Pacific Shores Center; white mooring bollard is located at the southeast corner of the property. The southern levee and salt pond are in the foreground. There is no fencing in this area to prevent access to the adjacent tidal marsh. April 11, 2017, Matt Leddy

Shorebirds roosting on the southern levee of Westpoint Marina. February 11, 2017, Matt Leddy

Person exiting automobile in Westpoint Marina parking lot, birds beginning to flush. February 11, 2017, Matt Leddy



Roosting birds flushing. February 11, 2017, Matt Leddy



Entire flock takes flight, and leaves the pond does not return. February 11, 2017, Matt Leddy

Westpoint Marina first entrance sign just off Seaport Blvd. May 8, 2017, Matt Leddy

Westpoint Marina second entrance sign just before marina parking lot. May 8, 2017, Matt Leddy