

# **Diked Historic Baylands of San Francisco Bay**

**Findings, Policies, and Maps  
Adopted October 21, 1982**

**San Francisco Bay Conservation and Development Commission**



SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION  
30 Van Ness Avenue, San Francisco 94102 557 - 3686

RESOLUTION 82-18  
CONCERNING DIKED HISTORIC BAYLANDS  
WITH ATTACHMENT A, ADOPTED FINDINGS AND POLICIES

The San Francisco Bay Conservation and Development Commission (hereafter "Commission") hereby adopts the following resolution:

WHEREAS, The United States Office of Coastal Zone Management approved a program implementation grant to the California Coastal Commission on November 10, 1977, that contained as Special Award Condition 11 a requirement that the Coastal Commission and the Commission study the diked wetland areas of San Francisco Bay which are not classified as "managed wetlands" because potential uses on these lands could have a direct and significant impact on coastal waters and these lands may need management under an integrated California coastal program and the Commission accepted funds from the federal government and agreed to conduct such a study; and

WHEREAS, Section 30410(a) of the Public Resources Code also required the California Coastal Commission and the Commission to conduct a joint review of the Coastal Act and the McAteer-Petris Act to determine how the programs administered by the two agencies should be related and to report the results of that review to the State Legislature by July 1, 1978; and

WHEREAS, the commissions caused to be prepared, accepted and submitted to the Legislature "A Review of the San Francisco Bay and the California Coastal Management Programs (hereafter 'Review') dated April 14, 1978, a portion of which noted that the major difference between the Coastal Commission and the Commission concerned jurisdiction over diked-off lands and recommended that the Commission (1) identify and study the diked baylands surrounding San Francisco Bay not within the Commission's

jurisdiction; (2) establish the relative resource value of such diked baylands to San Francisco Bay; and (3) recommend a legislative program for the continued protection of some or all of the diked baylands; and

WHEREAS, the Review identified the lands to be studied as all areas that (1) were historically part of San Francisco Bay, including the Bay's marshlands as of 1850; (2) are hydrologically no longer part of San Francisco Bay or its marshlands, as a result of diking; (3) are not "salt ponds" or "managed wetlands"; (4) have not been filled; and (5) are not urbanized; and

WHEREAS, at the public hearing of May 4, 1978 on the Review the Commission directed the staff to prepare a work program for studying diked baylands and at the meeting of April 5, 1979, the Commission adopted the 1979 Planning Program which included a study of diked baylands that would (1) identify and map all identified diked baylands around the Bay; (2) develop criteria for evaluating the environmental value of diked baylands; (3) gather data and analyze the environmental resource of the identified baylands; (4) study ownership, tax assessments, land use, local zoning and general plans affecting diked baylands; (5) identify and evaluate the protection provided diked baylands by local, state and federal agencies; (6) prepare proposed findings and policies concerning diked baylands; and (7) recommend whether any additional regulatory controls should apply to diked baylands; and

WHEREAS, between 1979 and 1981, the staff did identify and map diked baylands, gathered material about their physical conditions, set out their relationship to the Bay, resource value and present uses, obtained information on ownership patterns, and local zoning and general plan designations and policies that applied, stated the existing protection provided by local, state and federal agencies, proposed maps, findings and policies that should apply

to the identified lands and recommended that no legislation be sought at this time but that the Commission continue to comment on the proposed actions of other agencies that have jurisdiction over diked baylands; and

WHEREAS, the results of the three year study were published in five technical reports, entitled Ecological Values of Diked Historic Baylands, Recreational Values of Diked Historic Baylands, Agricultural Values of Diked Baylands, Guidelines for Enhancement and Restoration of Diked Historic Baylands, and Powers Exercised by Regulatory Agencies Over Diked Historic Baylands and Recommendations, a staff report, entitled Diked Historic Baylands of San Francisco Bay, a recommendation dated July 9, 1982 and a revised recommendation dated September 17, 1982; and

WHEREAS, the Commission gave notice of and conducted a series of seven public hearings on May 20, June 3, June 17, July 15, August 5, August 19, and October 7, 1982 on the contents of the technical reports, staff report, maps and the recommendations dated July 9, 1982 and September 17, 1982 and over 125 comments were received; and

WHEREAS, responses to comments have been made in attachments to the July 9, 1982 recommendation and the revised recommendation dated September 17, 1982; and

WHEREAS, some developers of projects on diked baylands have performed substantial work or incurred substantial liabilities for projects begun before the Commission adopted policies for diked baylands; and

WHEREAS, the technical reports, staff report and recommendations fully describe the existing environmental conditions of the lands studied, report on how future uses might affect identified environmental values, describe ways in

which the values can be enhanced, protected and restored, show the close connection of the studied area to San Francisco Bay, discuss possible alternative actions available to the Commission, including seeking legislation for state regulatory authority over the lands, taking no action, or adopting maps, findings and policies that would be used to comment on the actions of agencies that have jurisdiction over diked baylands, and conclude that mitigation should be provided on a project-by-project basis; and

NOW, THEREFORE, BE IT RESOLVED, that the Commission adopts the maps, findings and policies for diked baylands as described in the Staff Recommendation dated September 17, 1982;

BE IT FURTHER RESOLVED, that the Commission directs the staff to publish and distribute the adopted maps, findings and policies for diked baylands to interested parties and public agencies;

AND BE IT FURTHER RESOLVED, that the Commission directs the staff to review projects on diked baylands in accord with the adopted maps, findings and policies and prepare appropriate comments to be submitted to agencies considering development proposals;

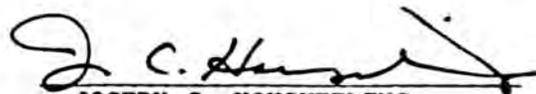
AND BE IT FURTHER RESOLVED, that in preparing comments to be submitted to agencies considering development proposals, the staff may take into consideration work done or liabilities incurred for projects begun prior to adoption of the maps, findings, and policies;

AND BE IT FURTHER RESOLVED, that the Commission directs the staff to monitor the diked baylands for a period of one year and report back to the Commission on any significant changes to the diked baylands that have occurred, paying particular attention to the actions of the U.S. Army Corps of Engineers decisions relating to such lands and projects;

AND BE IT FURTHER RESOLVED, that the Commission finds that it has evaluated the physical effects on the environment likely to result from this course of action, the alternative actions available, the need for mitigation measures and directs the staff to file a Notice of Determination with the Secretary for Resources that the diked baylands study and resulting publications are part of the Commission's planning program that has been determined to satisfy Section 21080.5 of the Public Resources Code and that the technical reports, staff report and forthcoming "Maps, Findings and Policies on Diked Baylands" are functionally equivalent to an environmental impact report and to note that, in any case, the Commission finds that the study and this resolution do not constitute a project as that term is used in the California Environmental Quality Act.

We hereby certify that:

The foregoing resolution was adopted by the San Francisco Bay Conservation and Development Commission at its meeting of October 21, 1982, by a vote of 16 affirmative, 3 negative, 1 abstention.



JOSEPH C. HOUGHTELING  
Chairman



MICHAEL B. WILMAR  
Executive Director

## ATTACHMENT A

### FINDINGS AND POLICIES FOR DIKED BAYLANDS AS ADOPTED OCTOBER 21, 1982

#### Findings

1. Surrounding San Francisco Bay are 80 square miles of diked lowlands that were once part of the Bay. About 51 square miles are used for agriculture. Most of these areas are seasonally wet. The other 29 square miles consist primarily of seasonal or permanent ponds, or support typical wetland vegetation. Though diked, these baylands are part of the San Francisco Bay estuary, which in addition to the diked baylands, comprises 420 square miles of open water, 125 square miles of tidal marshes, the 110-square-mile Suisun Marsh, and about 70 square miles of salt ponds and other managed wetlands. This estuarine complex dwarfs any other in California and is the largest south of Alaska.
2. The diked historic baylands have particularly significant seasonal wildlife value for migratory birds that also use the tidal waters of the Bay. Birds take refuge in the baylands during high tides or storms on the Bay, and resident species also migrate over the dikes to use the baylands. The baylands provide fresh water and wetland conditions next to the saline Bay waters during the fall and spring. This juxtaposition of habitats provides food, cover, and shelter that is essential to migratory waterfowl and shorebirds. If the diked baylands were significantly altered or reduced in area it would diminish the role of the Bay complex as a primary resting point for migratory waterfowl; inevitably, migratory bird populations would suffer.
3. Wetlands of all kinds around the Bay have been diminished by development; yet within the baylands remain several types of wetlands: ponds and fresh, brackish and salt water marshes. Of these, the fresh water marshes are possibly the most important because they are so few in number and support such a wide variety of wildlife species. Diked brackish marshes are also relatively scarce and support diverse habitat. Diked salt marshes most closely resemble tidal marshes and often contain small low-lying areas that trap rainwater, creating ponds that are used by waterfowl.
4. Portions of some diked baylands are higher than surrounding areas, are dry year round, and sustain weedy (ruderal) vegetation. Development on limited portions of these if properly designed and buffered would not significantly affect the migratory wildlife populations of the Bay region.

5. The diked historic baylands present one of the last major opportunities for the public to protect and enhance the natural environment of the Bay region. Public actions stressing protection of rare habitat and the enhancement of other areas will help protect and improve the wildlife, water quality, water circulation, and the climate of the Bay. Many diked baylands are suitable for mitigation and can be acquired and improved to achieve these goals. At the same time agriculture, public recreation, open space and wildlife sanctuaries can be provided.
6. The large expanses of agricultural land located in the North Bay provide critical seasonal habitat for migratory waterfowl and shorebirds during the winter. This large area of unmanaged habitat, even though it remains in agricultural use, serves a similar function as managed wetlands because it is a single habitat unit, with some ponds, some dry areas, some areas providing food, some cover and some shelter. Conversion to urban uses of small parcels within the unit adversely affects the ability of the entire area to support significant numbers of wildlife, and thus has a significant adverse effect on the fish and wildlife resources of the entire Bay region.
7. Continued agricultural use is threatened by encroaching urbanization caused by services being extended into agricultural areas. In addition, most diked historic baylands used for agriculture are owned by absentee landowners who are willing to lease to farmers only on a short term basis, thus, discouraging the investment in farming operations which is essential for long-term financial success. Increased farming costs and lack of strong local policies to preserve baylands for agricultural use also contribute to the loss of agricultural lands.
8. Diked historic baylands used for agriculture are important to the Bay Area economy because feed grown there is used by the North Bay dairy industry which provides 50 percent of the milk and milk products for the Bay region. Jobs are also provided for skilled and non-skilled workers.
9. Certain diked historic bayland sites are within areas designated in the Bay Plan for priority use. These land uses -- port, airport, water related industry and waterfront park, beach and wildlife area -- are recognized as essential to the public welfare of the Bay Area. Although filling baylands for these uses would have a detrimental effect on wildlife resources, development will also reduce pressure to fill the Bay itself and contribute to the economic vitality of the region.
10. Some existing and proposed land uses are compatible with the Bay-related values of the diked baylands. These include agriculture; recreation, such as hunting, fishing, hiking, photography, education; wildlife use; flood plain; and open space.

11. Diked baylands can be important for flood control. The use of such areas for flood water storage can reduce, though not eliminate, the need for structural flood control works such as channels and dikes, construction and maintenance of which may adversely affect wetlands values. Use of these areas for flood water storage also tends to perpetuate land uses compatible with Bay-related values of diked baylands. Preservation of wildlife values should be given consideration along with social and economic considerations in the selection of flood control alternatives.
12. There are two types of ponds within diked historic baylands: wetlands ponds; and ponds constructed by municipalities or industry for treatment purposes. All ponds can help moderate climate and decrease air pollution. Water from treatment ponds can be treated and reused for marsh restoration.
13. Pilot projects incorporating flood control, trapping of pollutants from urban runoff and marsh enhancement have recently been constructed. Also, some baylands have been used for waste assimilation. These projects are still experimental but flood control, waste assimilation and habitat enhancement can be compatible if properly designed and maintained.
14. Certain management practices can increase the quality and productivity of habitat within the baylands. Depending upon the specific characteristics of the site, diked off areas can have increased wildlife value through water management or the introduction of tidal action. Some, such as agricultural areas that have remained unfilled and when no longer in agricultural use, can be restored to improve wetland values.
15. Mitigation, enhancement, or restoration projects must be carefully designed to assure that the project increases total wildlife values and that public health hazards are minimized.
16. Diked historic baylands are subject to flooding, differential settlement and, during earthquakes, to unusually severe ground shaking and liquefaction. Therefore, farming and open space uses for lands underlain by young Bay muds or within potential flood hazard areas pose little threat to human safety, and are compatible uses. Higher density uses, however, significantly increase the threat and are incompatible unless costly and technologically complex measures are taken to reduce the risk to persons and property.
17. The public trust generally applies to diked historic baylands that consist of present or former tidelands or submerged lands.

18. Restoration to tidal action of diked baylands will increase the tidal prism and can have a beneficial impact on water purity and can result in the reduction in the need for dredging navigable waterways.

General Policies on Diked Historic Baylands

1. Diked historic baylands should be maintained in their present uses for as long as possible.
2. If some diked historic baylands cannot be retained in their existing uses, any development should meet the following criteria:
  - a. To the maximum feasible extent, the development should be restricted to the dry portions of sites containing year-round, weedy (ruderal) vegetation. Fill should be permitted only if there is no practicable alternative and the fill is the minimum necessary. Filling should avoid areas that (1) have, or can feasibly be enhanced to have, high wildlife values; or (2) can be opened to tidal action.
  - b. Development should not present a hazard to persons or property due to flooding, potential liquefaction, or strong ground motion during earthquakes.
  - c. In all cases, mitigation should be provided whenever there is a significant, unavoidable impact on the environment, such as by filling or excavating baylands. Mitigation should fully offset lost or adversely affected wildlife values. Projects should be designed and sited to buffer and protect any adjacent wildlife. Any areas provided as mitigation should be permanently preserved. Once mitigation has been provided for a project, repeated or cyclical losses of recovered vegetation or other values due to maintenance of the project should not require additional mitigation.
  - d. Mitigation should consist of the following: (1) acquisition, restoration, preservation and dedication of non-wetlands that can feasibly be restored to provide wetland values; or (2) acquisition, preservation, dedication, and, where necessary, restoration, of suitable diked historic baylands or other mudflats or marshes which will result in improved management practices enhancing the wildlife value of the area.

3. To minimize the need for channelization, levee or dike construction and changes in water volume and dredging, when such activities threaten bayland values, and to encourage public acquisition of diked historic baylands, non-structural methods for flood control should be encouraged. In cases where necessary expansion or construction of flood control structures, such as channels and dikes, would threaten baylands values, structures should be reduced in size and extent by acquisition and use of diked historic baylands as flood storage areas whenever such action would reduce adverse effects on bayland values, are feasible, and would not substantially increase the costs. Flood storage should then be recognized as the priority use of the facility. Any unavoidable adverse impacts on the environment due to new or expanded flood control projects should be mitigated in accord with General Policies 2c and 2d. Repairs to and maintenance of existing flood control facilities should be allowed without mitigation.
4. Wastewater treatment projects that use marshes or diked historic baylands for waste assimilation should be allowed so long as major structures are not located on unfilled diked historic baylands and the waste assimilation meets the requirements of the State Water Resources Control Board, protects public health, and is consistent with maintenance and enhancement of wildlife use of the area. Use of dredge spoils disposal sites in the manner and amounts used historically and as approved by the U. S. Corps of Engineers should be allowed. Continued use of industrial and municipal treatment ponds should also be allowed.
5. Enhancement or restoration projects in diked historic baylands should be planned in consultation with the appropriate Mosquito Abatement District and the Department of Fish and Game and in accordance with the report entitled, "Guidelines for Restoration and Enhancement of Diked Historic Baylands." Projects should meet mosquito control criteria.
6. Prior to approving any project for development, improvement, or public purchase within any diked bayland, the extent of any public rights in the land should be identified and resolved by the State Lands Commission in consultation with other affected agencies.
7. Maximum feasible public access to and along the perimeter of baylands should be provided in and through every project, except in areas where wildlife values would be adversely affected by human or pet intrusion.
8. Public actions other than regulation can foster protection, enhancement and, in some cases, restoration to tidal action of diked historic baylands. Property tax policy, for example, should assure that rising property taxes do not force conversion of diked historic baylands to urban development. Project sponsors, agencies

administering land banks, or preservation and enhancement projects should also give high priority to and make every effort to buy diked baylands, especially for use as mitigation sites for future projects that may have unavoidable adverse impacts on the Bay. Additionally, the public should make every effort to buy such areas for park, open-space, flood control, and Bay-related habitat. First priority for acquisition should be particularly scarce and valuable habitat such as fresh water marshes, rare and endangered species habitat, and sites adjacent to or near existing protected wildlife habitat and open space.

Policies on Diked Historic Baylands in Agricultural Use

1. Because agriculture is the major use of diked historic baylands which is uniquely compatible with preservation of their habitat value, agricultural uses on diked historic baylands not designated for a priority use in the Bay Plan should be maintained as long as feasible. Feasibility should be determined by evaluating both the economic viability of agricultural use of the parcel alone and as part of a larger agricultural unit. If agricultural use is economically viable in either circumstance, a change in use should not be permitted. Activities on diked historic baylands in agricultural use should be limited to farm-related activities or development that has no significant adverse effect on agricultural use of the site or the surrounding area. Extensions of urban services into areas where diked historic baylands are in agricultural use should not be permitted.
2. If agricultural use of a diked historic bayland parcel is no longer feasible, then any development should be guided by the General Policies on Diked Historic Baylands.

Policies on Diked Historic Baylands Partly Within the Commission's Jurisdiction

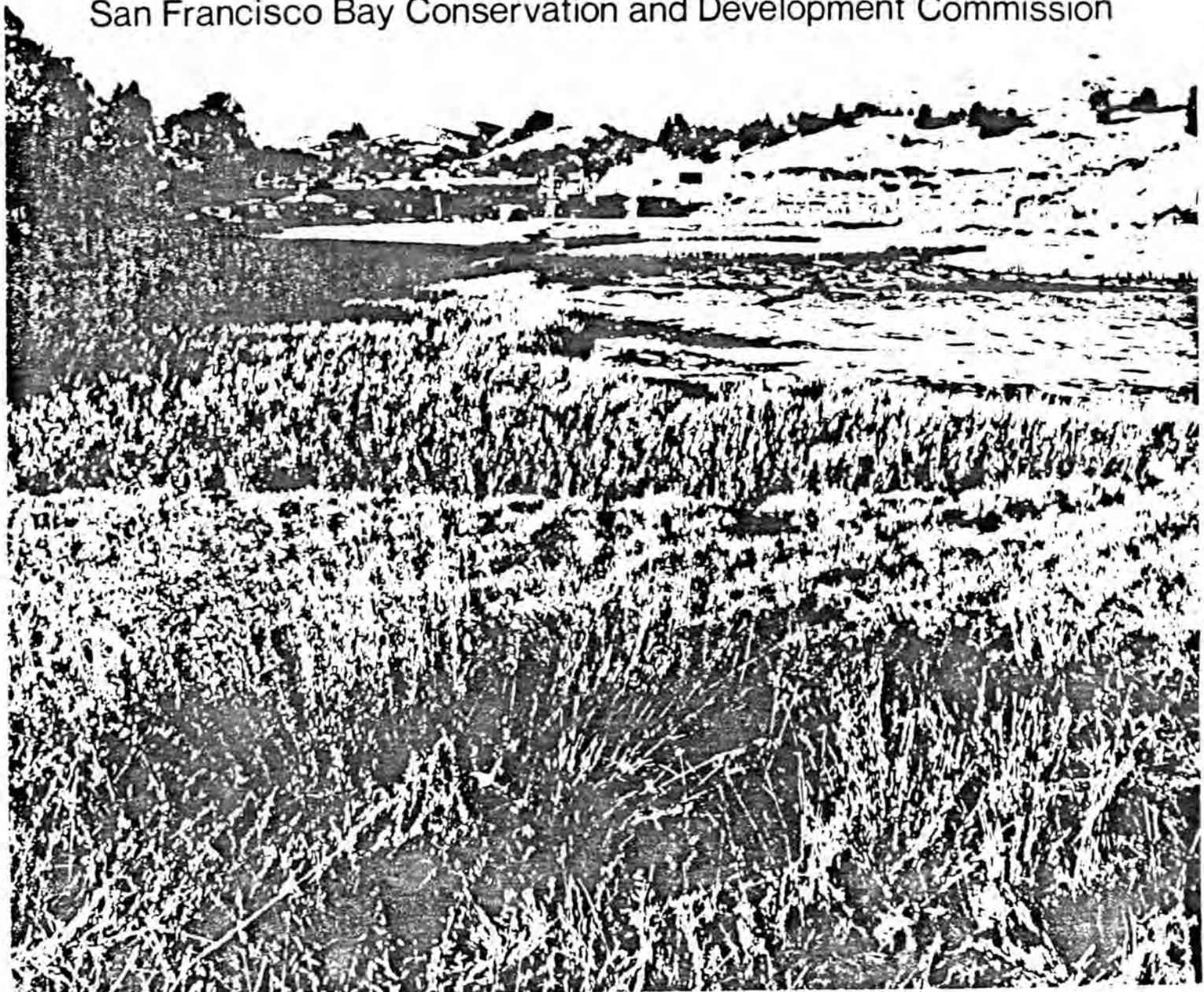
1. Development within priority use areas as shown on Bay Plan maps should be permitted provided the development is consistent with the applicable Bay Plan policies. All wildlife values lost or threatened by development within priority use areas should be fully mitigated in accordance with Policies 2.c. and 2.d.
2. Development on those portions of diked baylands that are within the Commission's jurisdiction as defined by the McAteer-Petris Act should be permitted provided the development is consistent with the applicable policies of the Bay Plan. All wildlife values lost or threatened by development in such areas should be fully mitigated in accordance with policies 2.c. and 2.d.

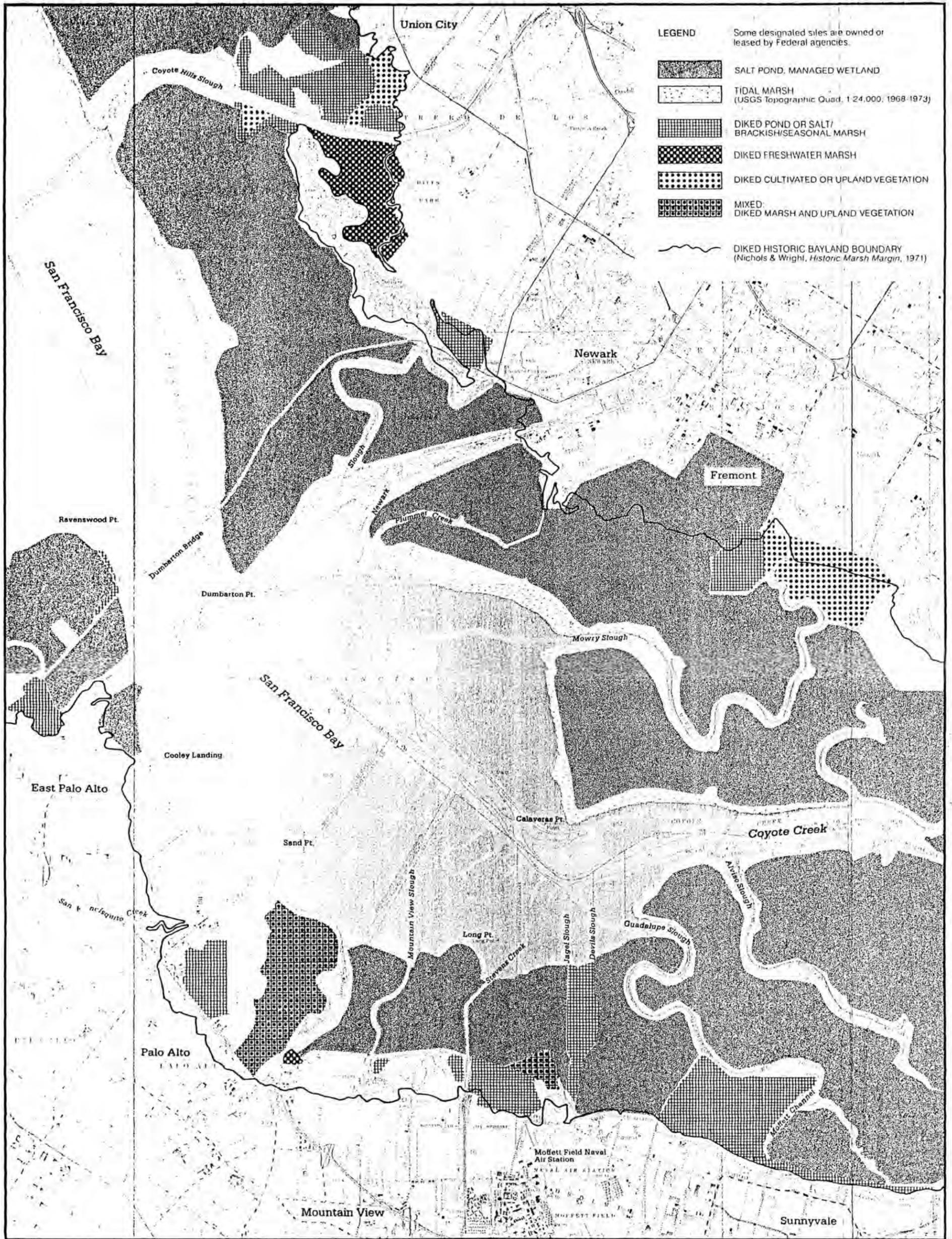


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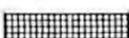
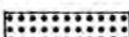
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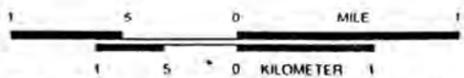




**LEGEND**

-  SALT POND, MANAGED WETLAND
-  TIDAL MARSH (USGS Topographic Quad, 1:24,000, 1968-1973)
-  DIKED POND OR SALT/BRACKISH/SEASONAL MARSH
-  DIKED FRESHWATER MARSH
-  DIKED CULTIVATED OR UPLAND VEGETATION
-  MIXED DIKED MARSH AND UPLAND VEGETATION
-  DIKED HISTORIC BAYLAND BOUNDARY (Nichols & Wright, Historic Marsh Margin, 1971)

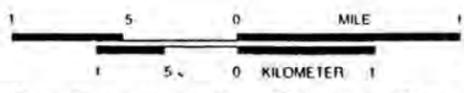
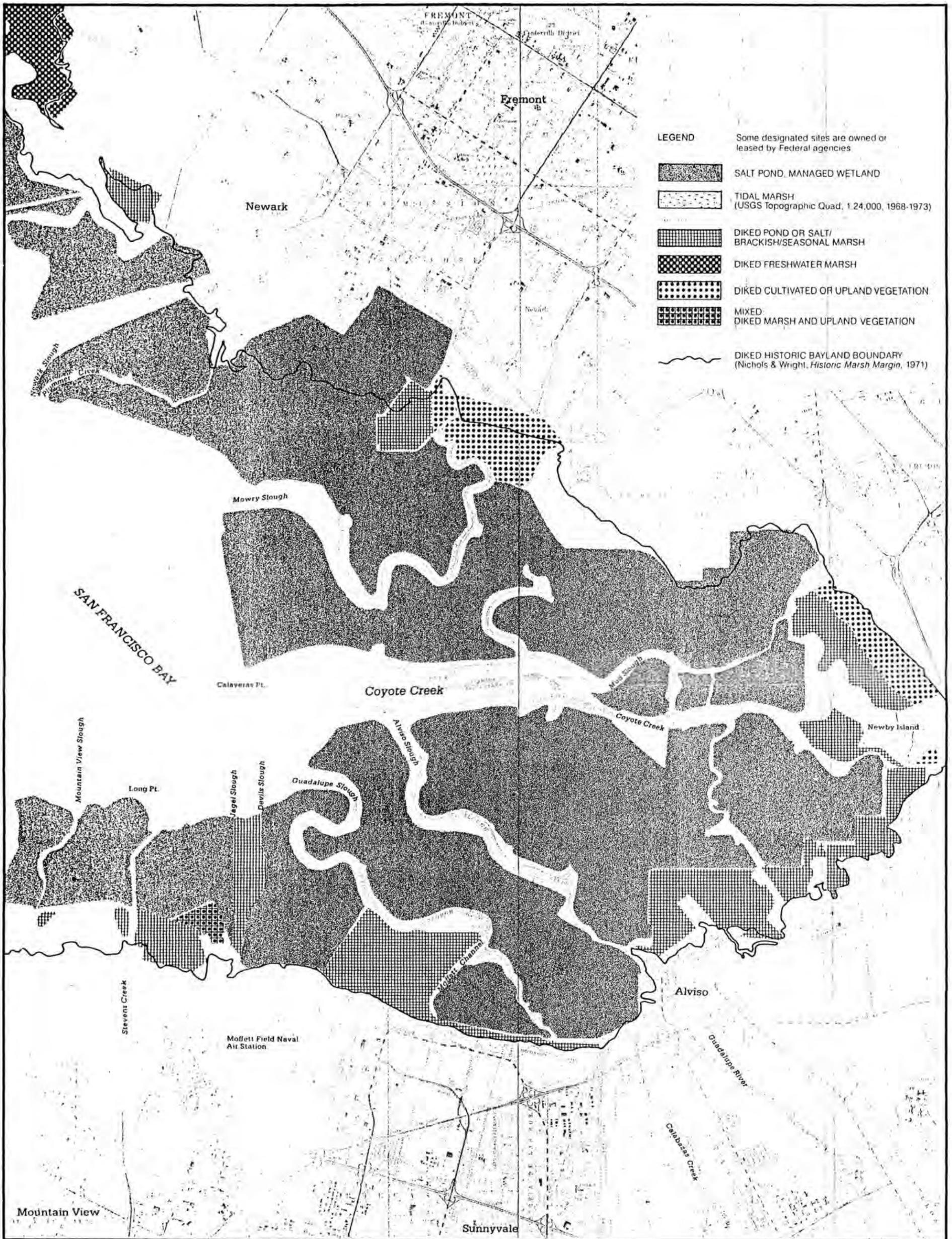
Some designated sites are owned or leased by Federal agencies.



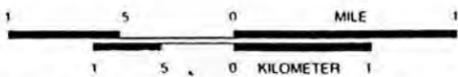
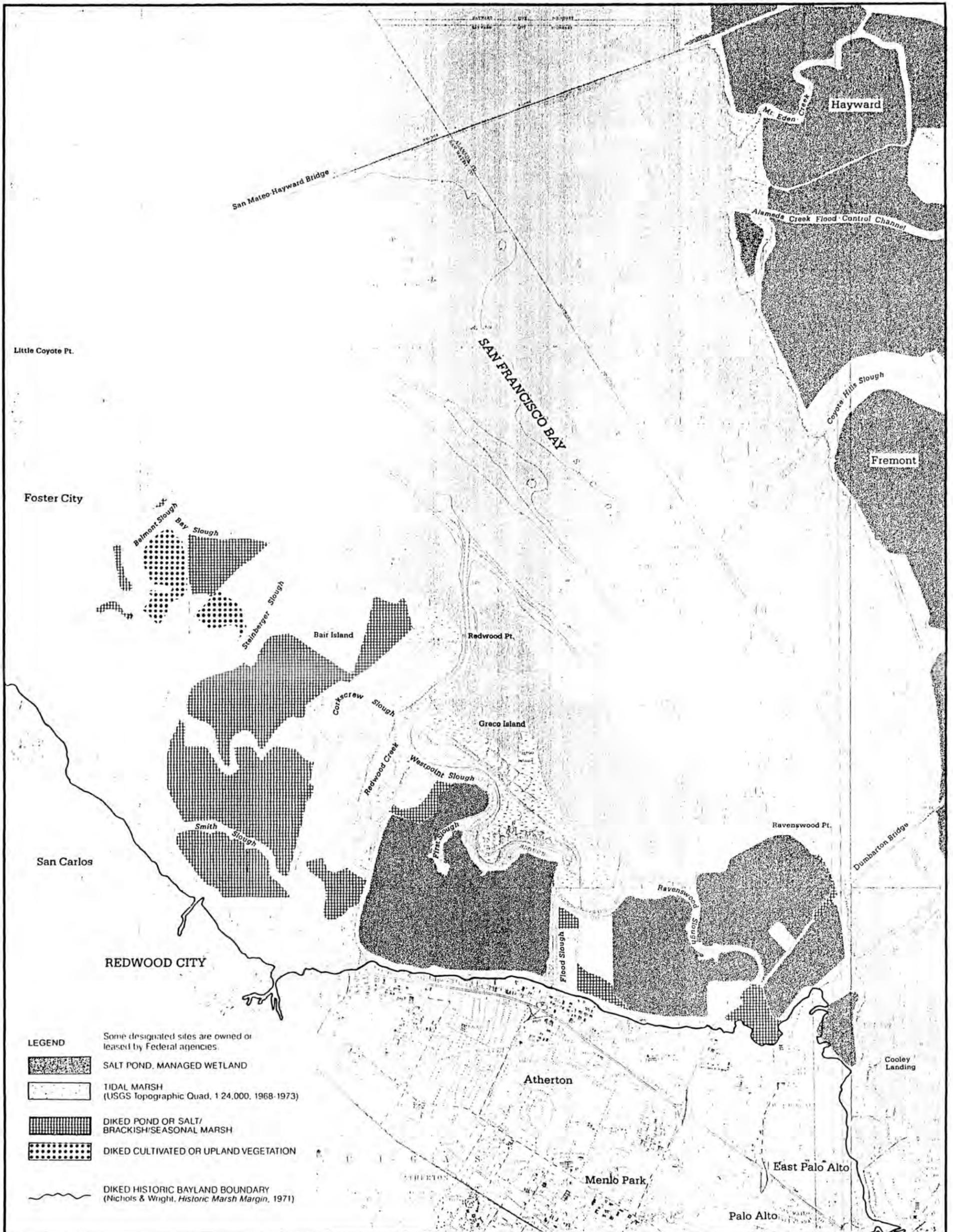
Adopted by Commission Resolution 82-12 on October 21, 1982

San Francisco Bay Conservation and Development Commission

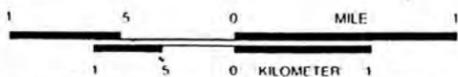
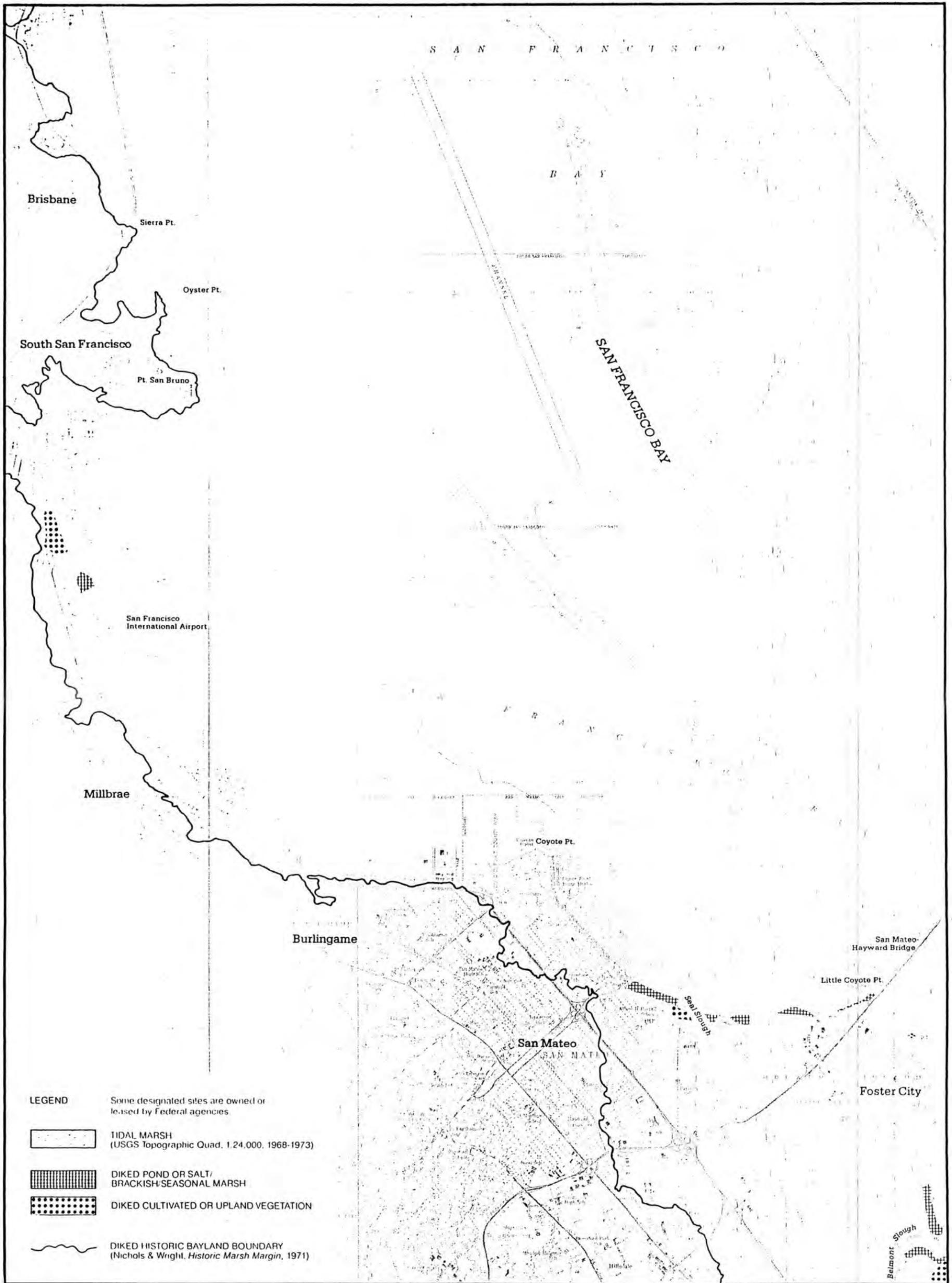
**Diked Historic Baylands - Map 6**  
**Santa Clara and Southern Alameda Counties**



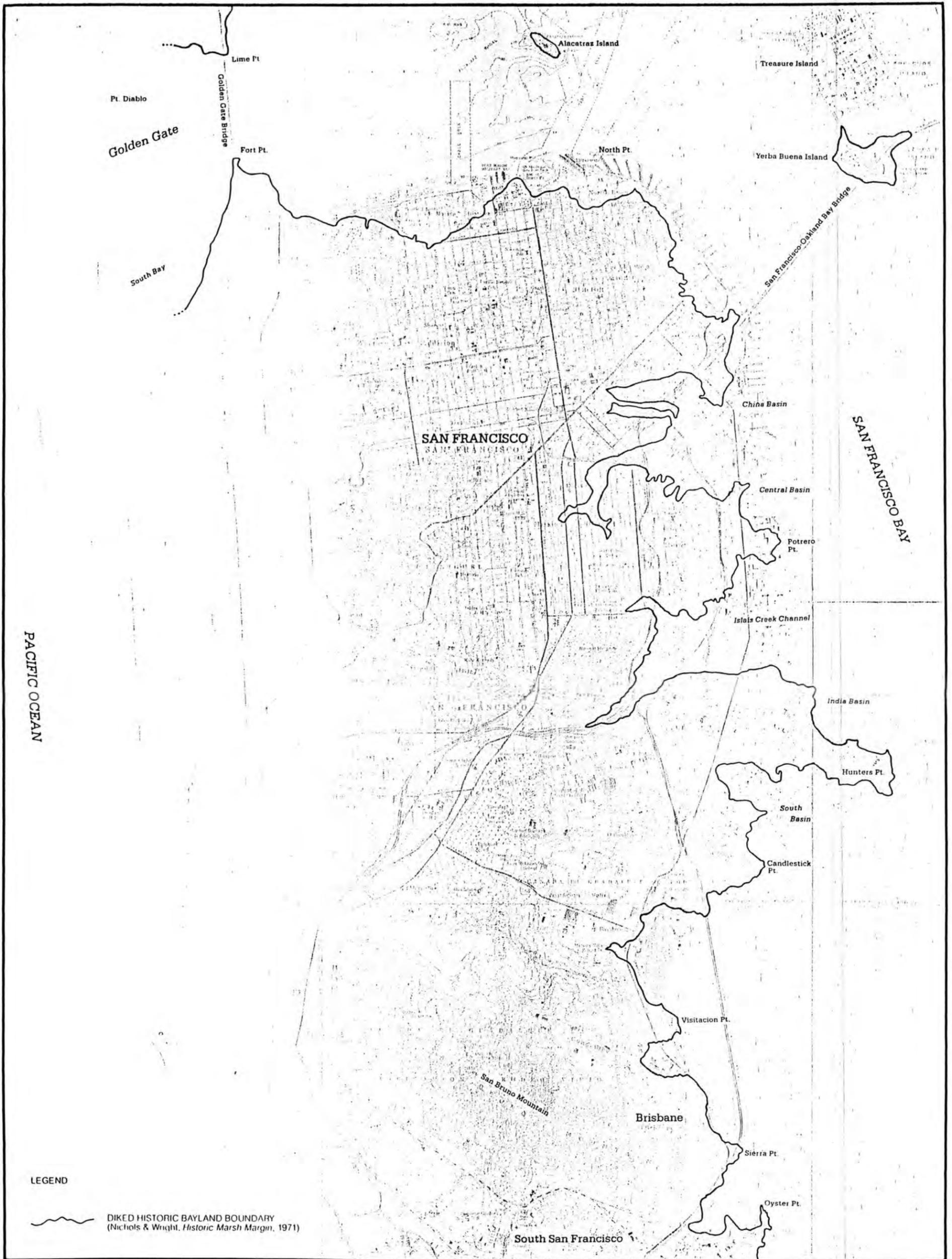
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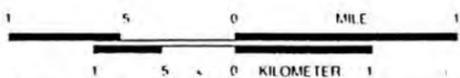


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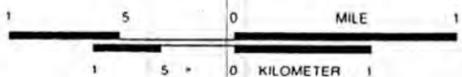
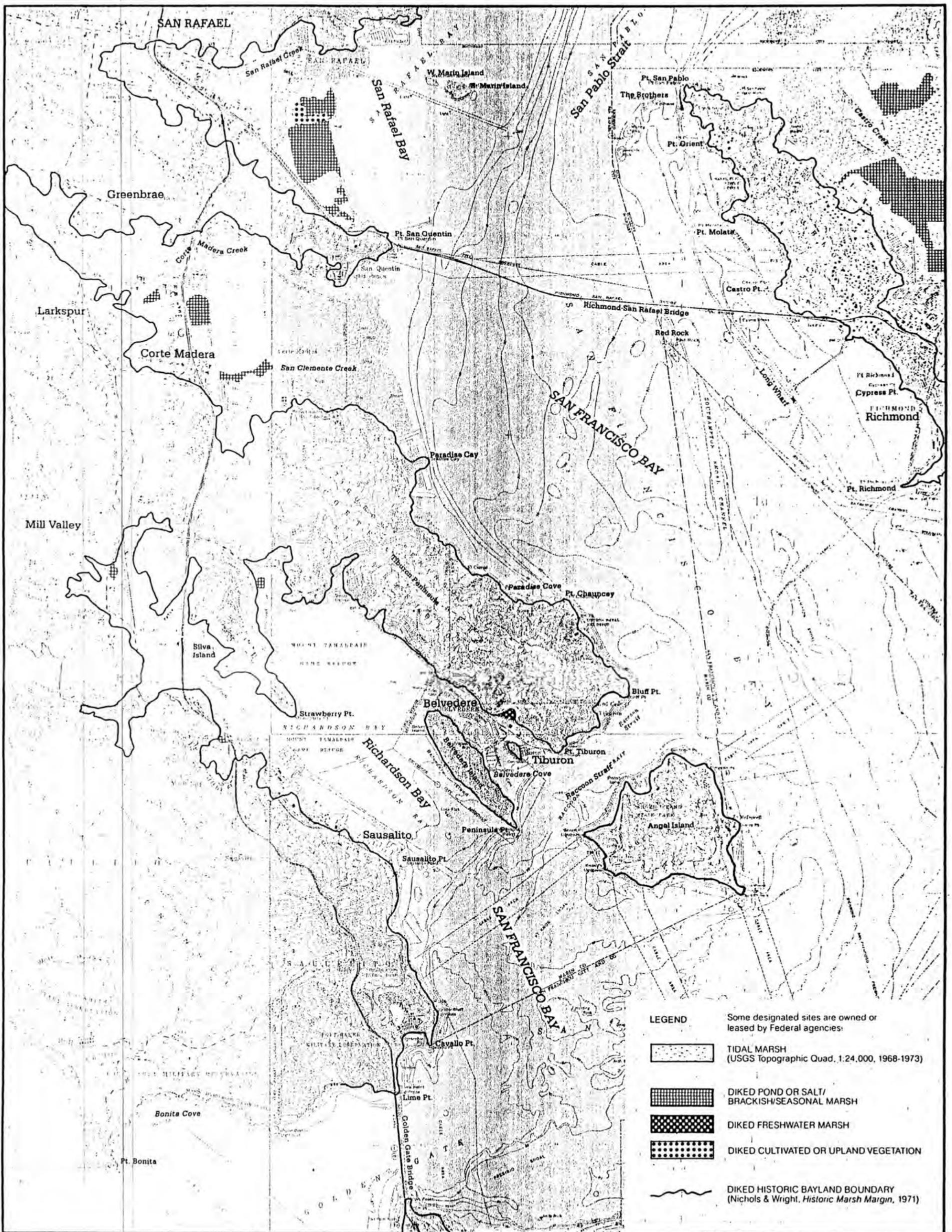


LEGEND

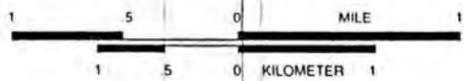
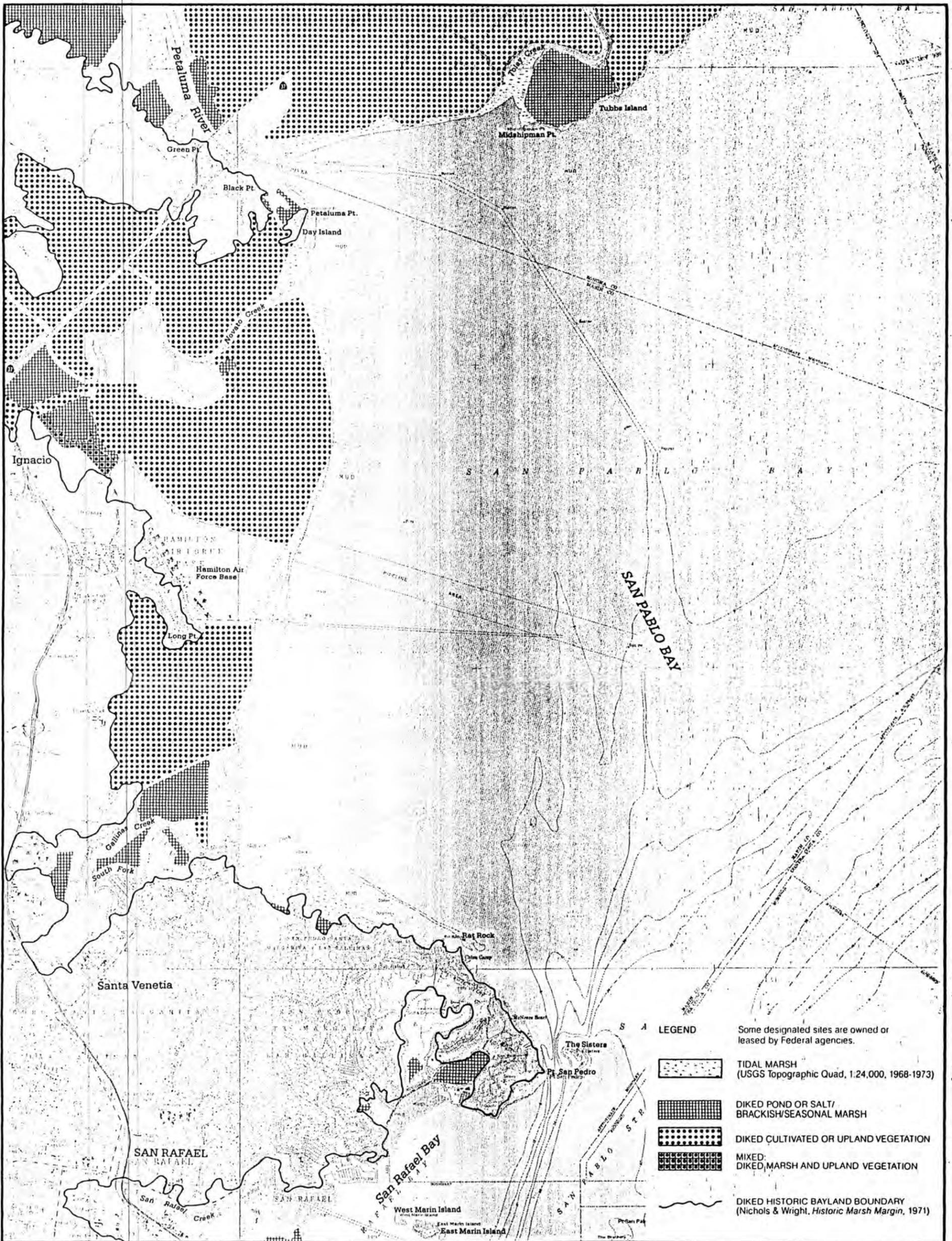
 DIKED HISTORIC BAYLAND BOUNDARY  
(Nichols & Wright, *Historic Marsh Margin*, 1971)



Adopted by Commission  
Resolution 82-12 on  
October 21, 1982



Adopted by Commission Resolution B2-12 on October 21, 1982.

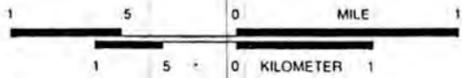
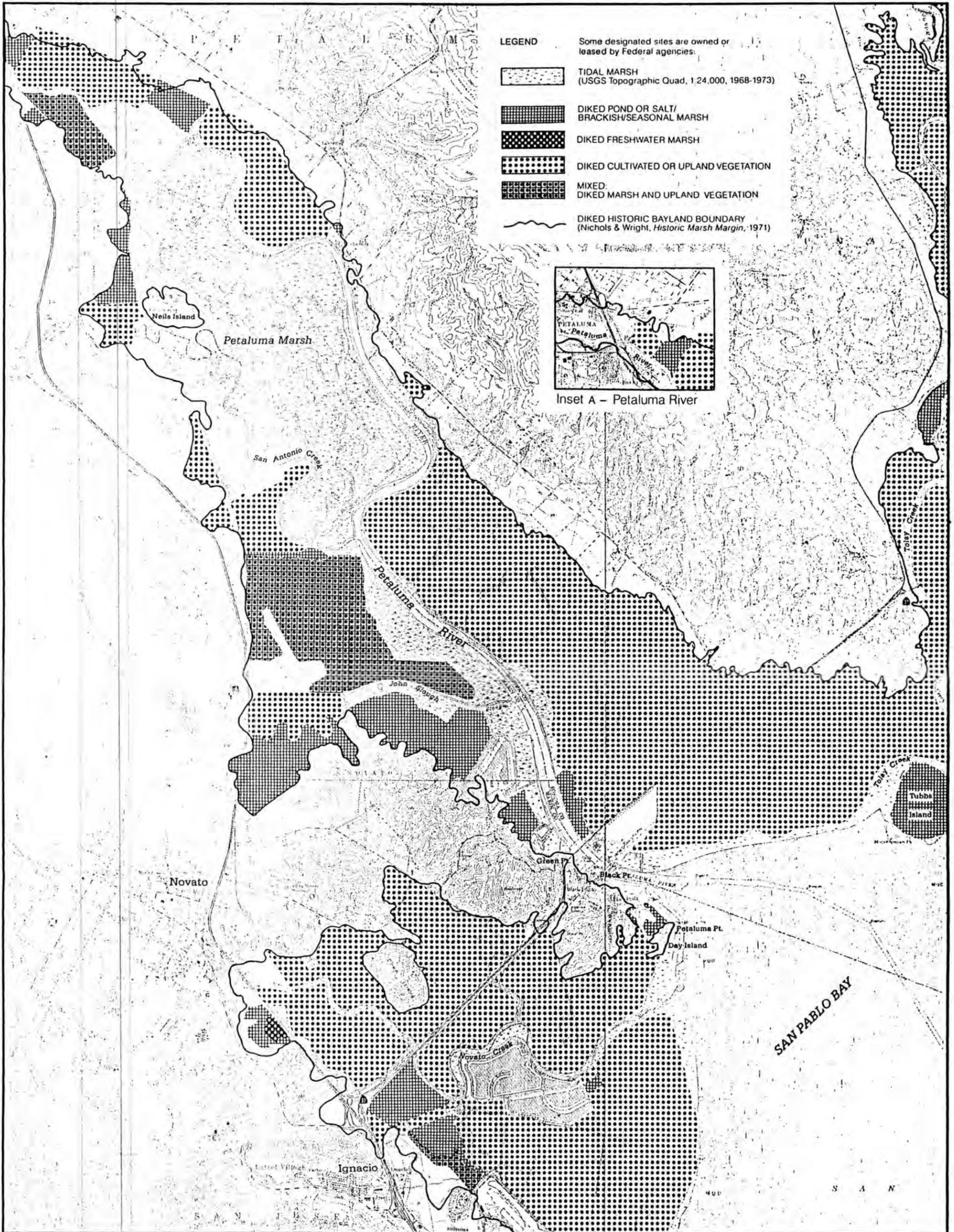


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San Francisco Bay Conservation and Development Commission

Diked Historic Baylands - Map 12  
Western San Pablo Bay

See Inset A  
for continuation.



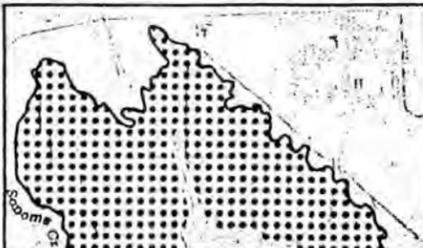
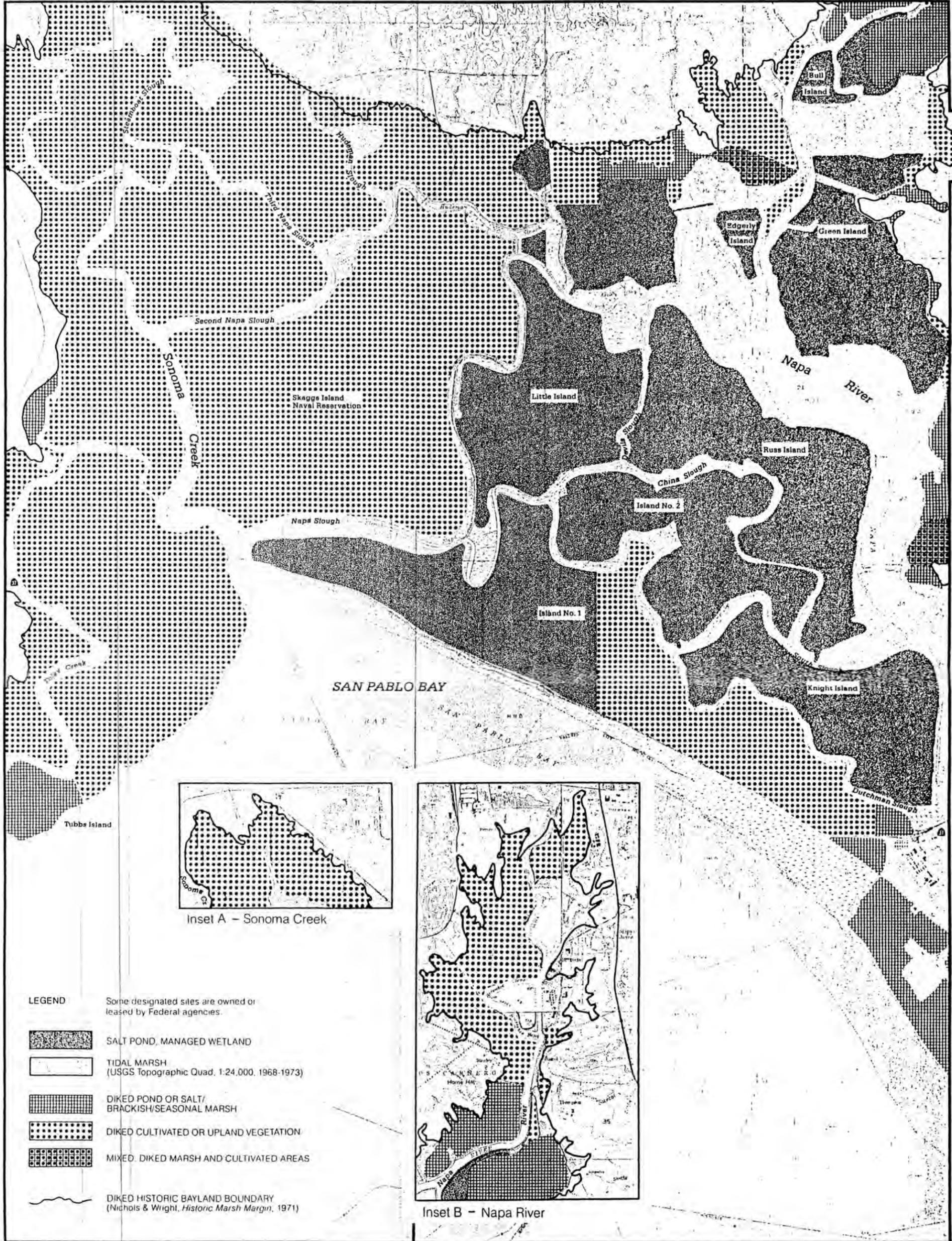
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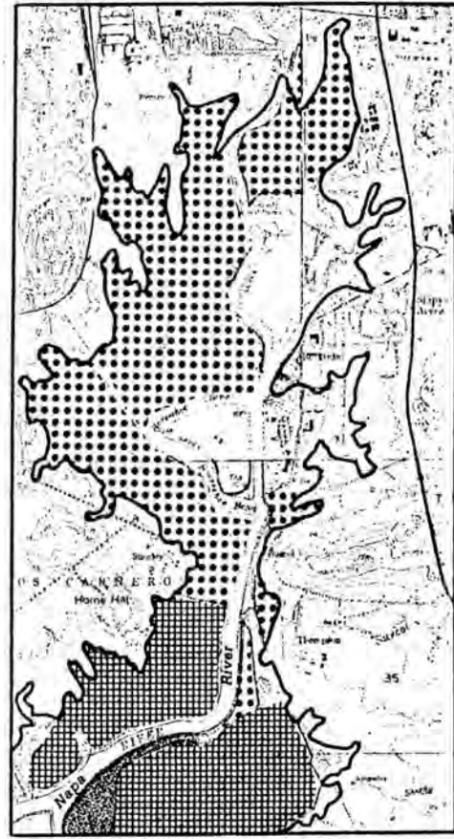
Diked Historic Baylands - Map 13  
Petaluma River

See Inset A  
for continuation.

See Inset B  
for continuation.

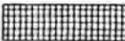


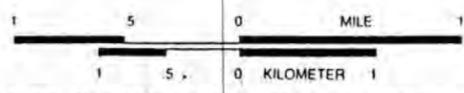
Inset A - Sonoma Creek



Inset B - Napa River

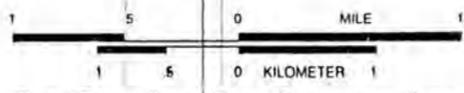
**LEGEND**

- Some designated sites are owned or leased by Federal agencies.
-  SALT POND, MANAGED WETLAND
-  TIDAL MARSH (USGS Topographic Quad, 1:24,000, 1968-1973)
-  DIKED POND OR SALT/BRACKISH/SEASONAL MARSH
-  DIKED CULTIVATED OR UPLAND VEGETATION
-  MIXED, DIKED MARSH AND CULTIVATED AREAS
-  DIKED HISTORIC BAYLAND BOUNDARY (Nichols & Wright, *Historic Marsh Margin*, 1971)



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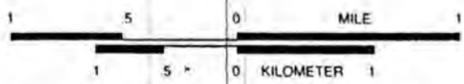
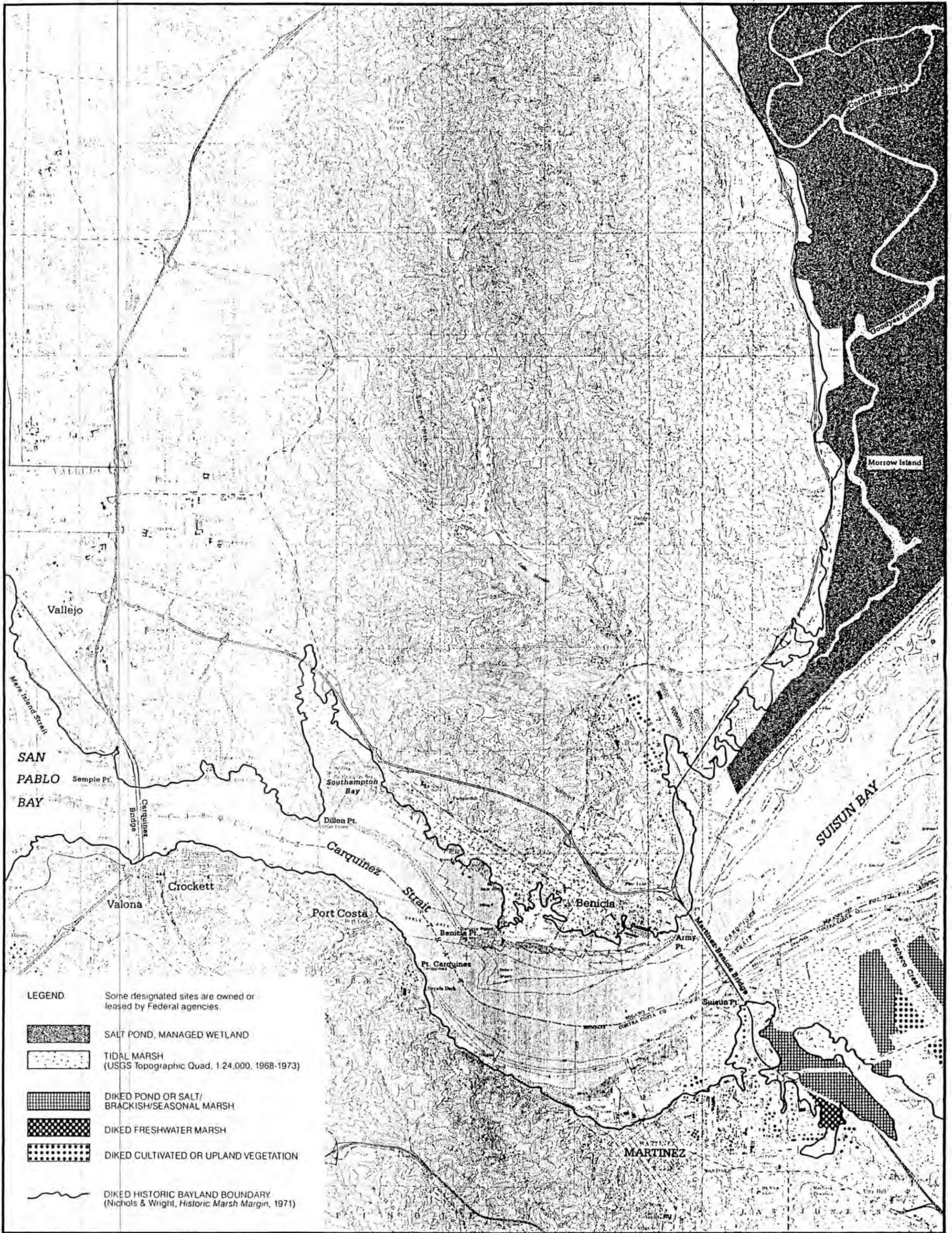
See Inset A  
for continuation.



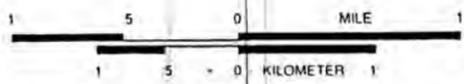
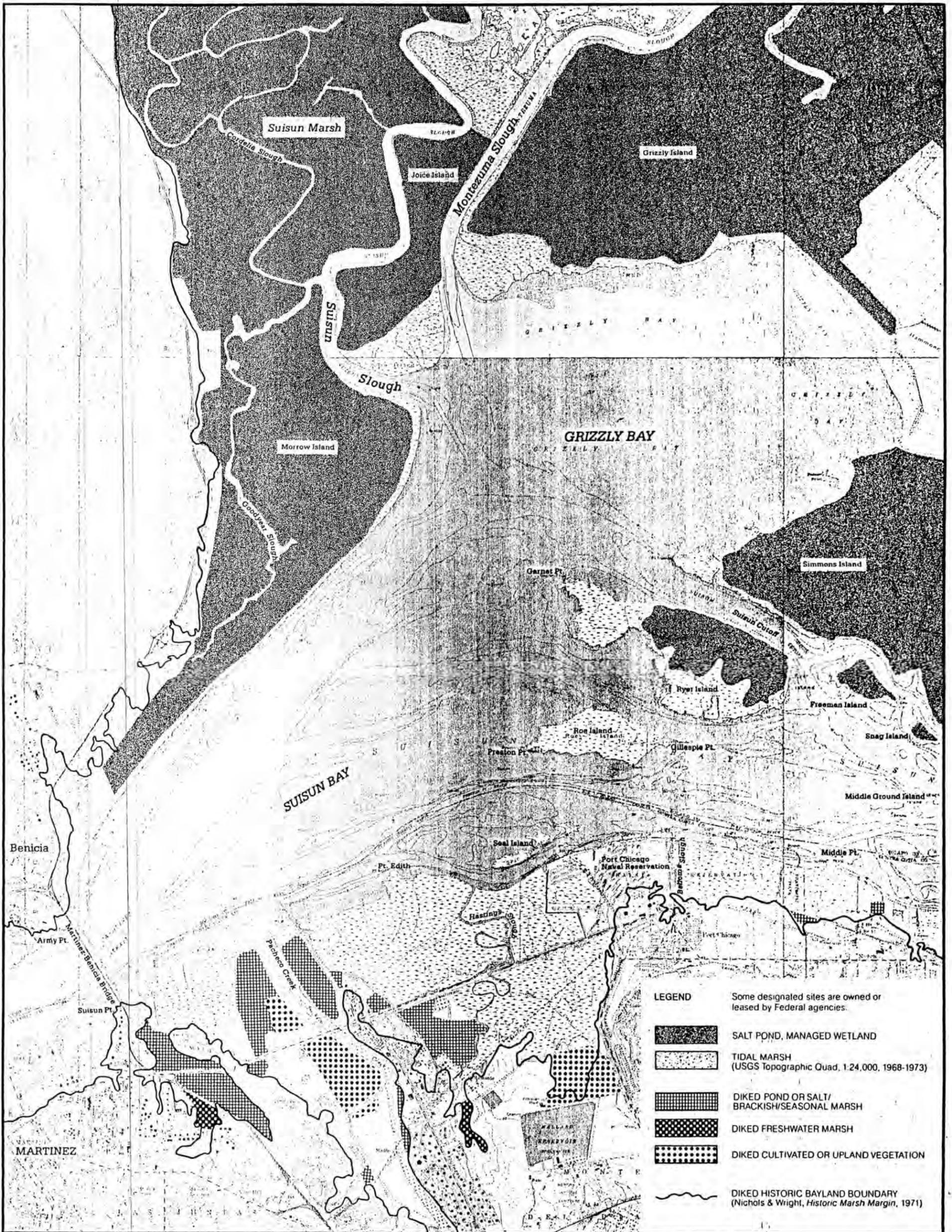
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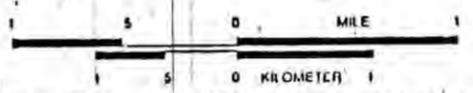
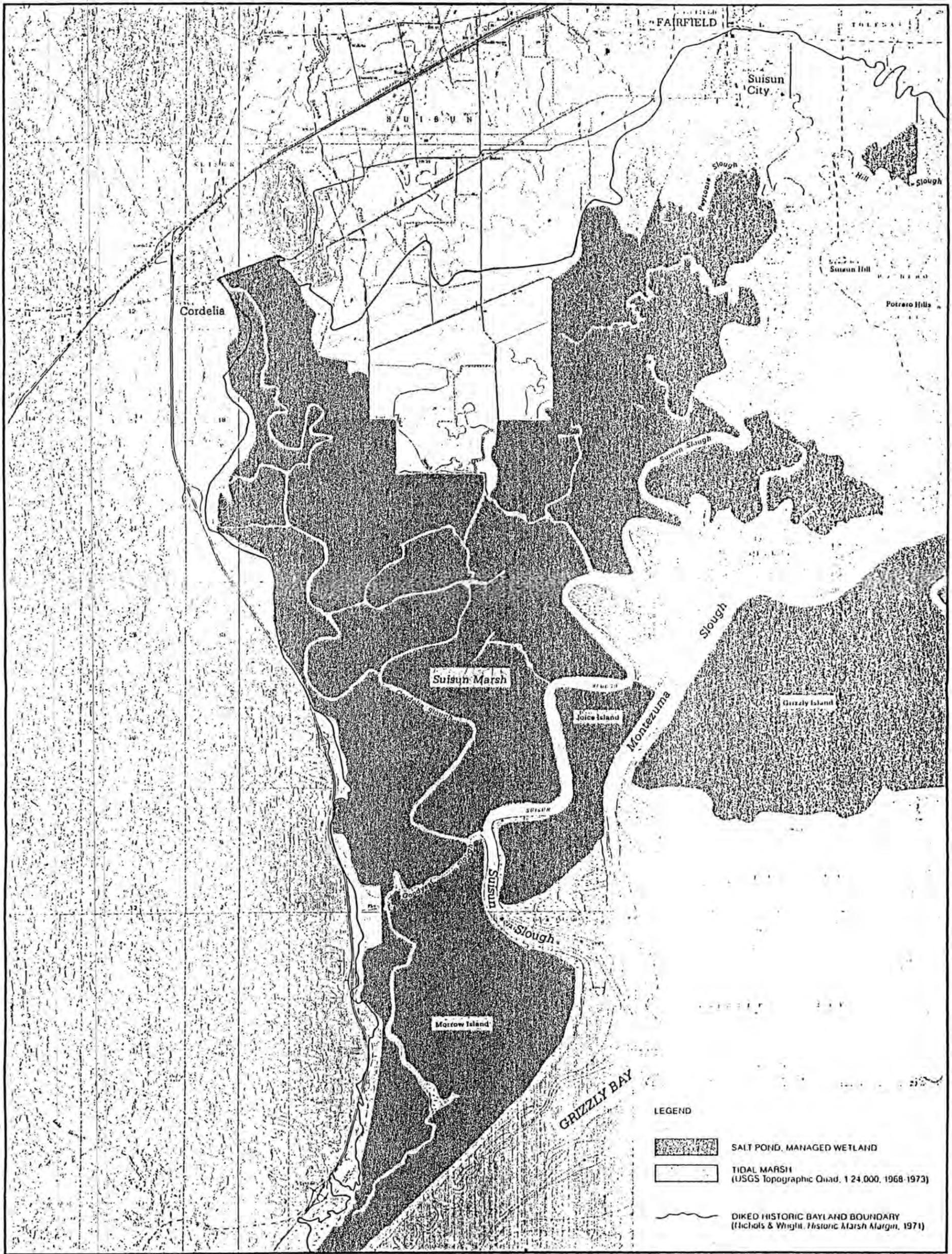
**Diked Historic Baylands - Map 15  
Eastern San Pablo Bay**



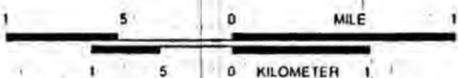
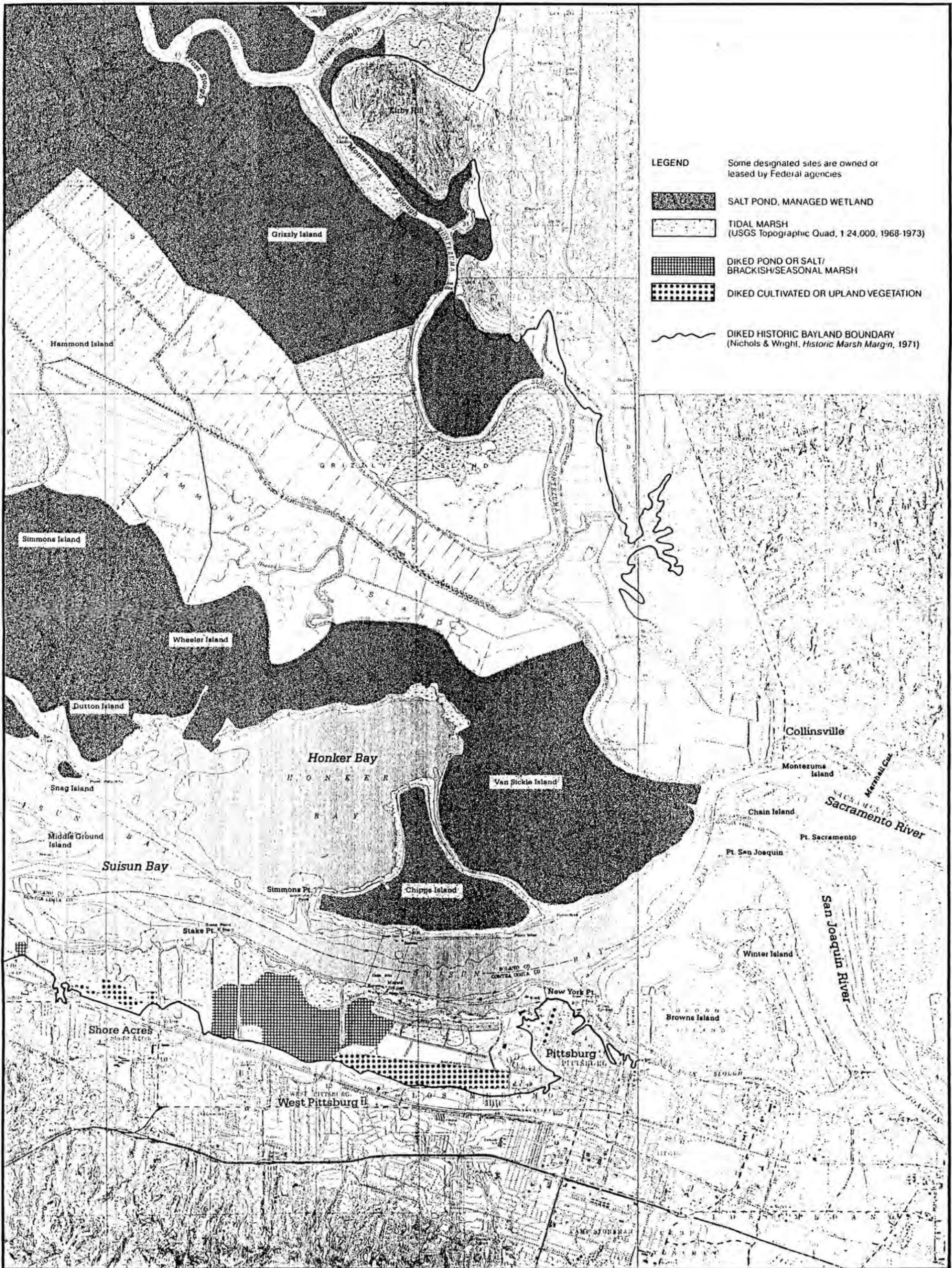
Adopted by Commission Resolution 82-12 on October 21, 1982.



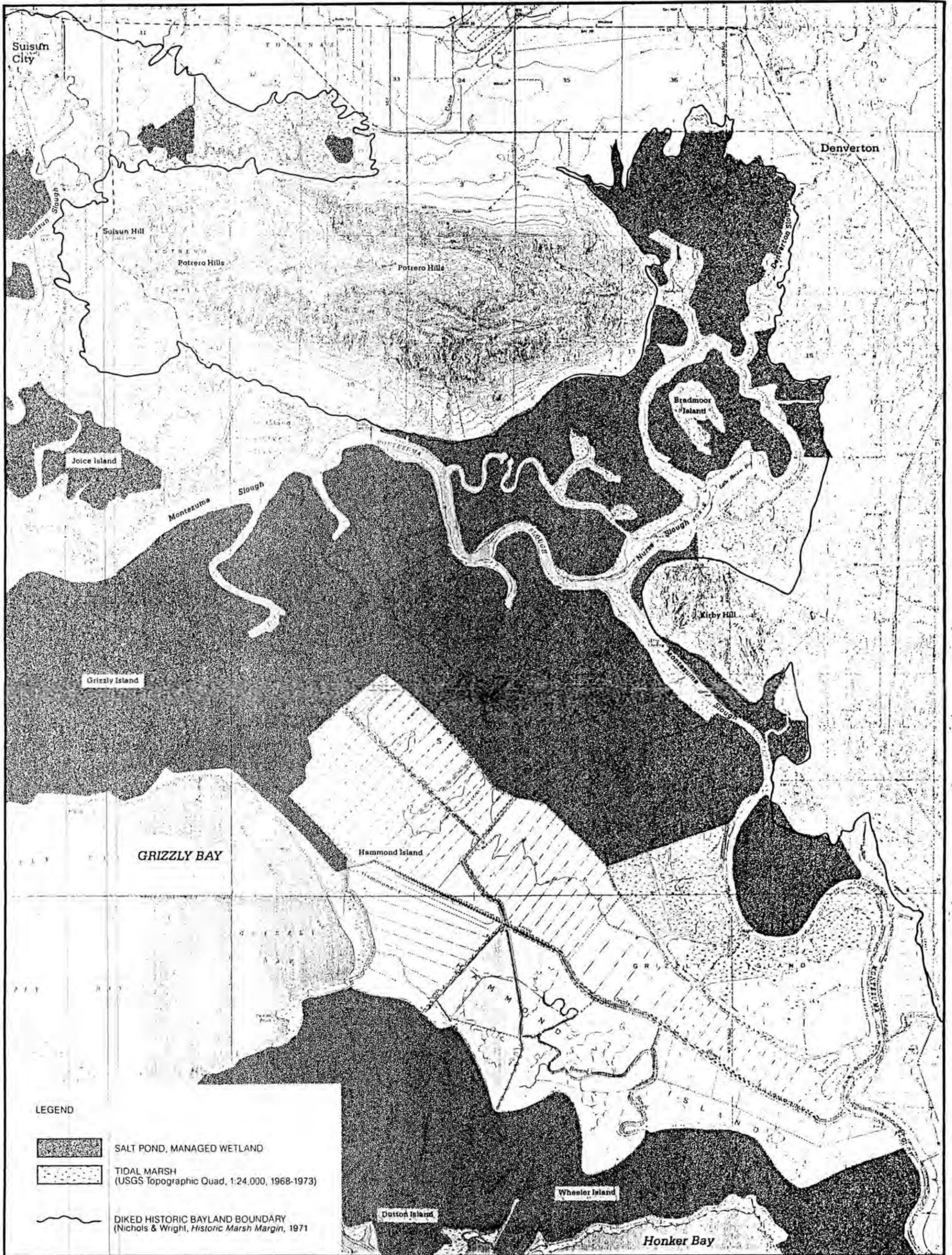
Adopted by Commission Resolution 82-12 on October 21, 1982



Adopted by Commission  
Resolution 82-12 on  
October 21, 1982.

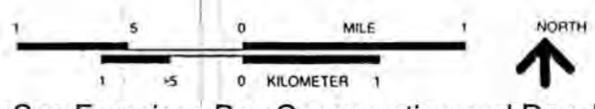


Adopted by Commission Resolution 82-12 on October 21, 1982.



LEGEND

-  SALT POND, MANAGED WETLAND
-  TIDAL MARSH (USGS Topographic Quad, 1:24,000, 1968-1973)
-  DIKED HISTORIC BAYLAND BOUNDARY (Nichols & Wright, *Historic Marsh Margin*, 1971)



Adopted by Commission, Resolution 82-12 on October 21, 1982.