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December 9, 2023

US Congressman John Garamendi
2004 Rayburn HOB
Washington, DC 20515

Congressman Jared Huffman
2445 Rayburn House Office Building
Washington, DC 20515

Jared Huffman, U.S. Congressperson
999 Fifth Avenue, Suite 290
San Rafael, CA 94901

Re: Proposed National Wildlife Refuge Expansion of BMK V/ Hamilton Wetlands
Cited as the "San Pablo Bay National Wildlife Refuge Expansion Act".

Dear Representative Garamendi and Representative Huffman:

This correspondence was directed by the Bel Marin Keys Community Services District Board of Directors unanimous decision to communicate the following issues to you. Specifically, that the Proposed National Wildlife Refuge Expansion (San Pablo Bay National Wildlife Refuge Expansion Act) will significantly impact how the Bel Marin Keys Community Service District (BMK) and local governments function to protect and maintain public safety in the community of Bel Marin Keys.

The Proposed San Pablo Bay National Wildlife Refuge Expansion includes 2,524 acres directly bordering the Bel Marin Keys residential waterfront community and impacts over two thousand Marin County taxpayers in BMK and along the Novato Creek. BMK is situated, in Marin County, is the nearest waterfront community to the San Pablo Bay.

We are concerned about the federal government's intent to implement a program that covers land already protected by the State of California. It appears that since you are unable to identify a legitimate problem to address, you create a program that merely provides a reduplication of protections layered on top of existing protections. This is a waste of time, energy, and waste money. Moreover, it creates a hazard, threatening the existence and our ability to maintain the safety of our community.

Our community has expressed concerns regarding past National Wildlife Refuge Proposals as a neighbor. These concerns include confusion about the Refuge boundaries and our



future ability to obtain permits to maintain our community's marine waterways infrastructure; which include two Navigational Locks, five miles of Levees and creek front property; dredging in BMK Lagoons and the Novato Creek and flood control including release and pumping floodwater into the adjacent SCC/ State Lands, a 300-acre easement and the Novato Creek. The public outreach process requesting feedback on the Proposed Bill is inadequate and information provided to the public in the proposed Bill language and cited Map is inaccurate and information is too vague to realistically assess impacts to the neighboring landowners and communities and comment on them.

1. **Community Outreach** -To date there has been Inadequate Community Outreach to the local impacted communities and neighboring landowners, specifically BMK. The BMK Community Service District was not notified or engaged as is required by law per the National Wildlife System Administration Act. The public comment deadline of Dec 12, 2023, is not realistic and should be extended until 90 days after accurate information on the Proposed San Pablo Bay National Wildlife Refuge Expansion Act is provided to the public and the public has been engaged and informed.
2. **Federal Regulations**- Duplication of State and Federal regulations and sudden "New" Federal Permitting Requirements are costly issues the BMK CSD deals with on a regular basis to obtain our ongoing waterways maintenance permits. Redundant Federal regulations waste our taxpayer dollars and potentially restrict our communities financial ability to respond quickly to emergencies to maintain our waterways infrastructure, or to develop proactive responses to impacts from sea level rise, climate change and flood prevention, which ultimately protect public safety and have not been addressed as impacts in the Federal Bill proposed.
3. **US F&W Service Oversight**- When the US F&W has been asked about BMK concerns, specifically in past meetings about a Proposed Federal Wildlife Refuge on BMKV lands, the response was consistently that there would be no guarantees that BMK's existing land use easements, agreements and new federal regulations would be honored and that the BMK CSD would not be impacted as land use and public uses could be changed under Federal jurisdiction. This is the third attempt in the last 20 years by US F&W Service to regulate and gain control over BMK's ongoing maintenance of our Lagoons, Locks, Levees, and the Lower Novato Creek access to San Pablo Bay, with a National/ Federal Wildlife Refuge located at BMKV state lands.
4. **Additional Federal Regulations** – The Bill proponents should identify all additional Federal legal requirements applicable to BMK community for ongoing waterways and marine maintenance permitting including additional testing, mitigation, wildlife surveys-ESA, CWA requirements or any other environmental study's site assessments, land use restrictions, required as a result of our communities adjacent proximity to a National Wildlife Refuge. These requirements financially impact the BMK CSD / BMK taxpayers waterways maintenance costs. Please identify all Federal Regulations applicable to the NWR and adjacent lands.



5. **Refuge Boundaries** – Please define and clarify the Proposed National Wildlife Refuge Boundaries and inclusion of the impact to the Novato Creek and the BMK residential community. Please correct cited Map in Bill 2(b) to be an accurate representation of Refuge boundaries and adjacent landowners, as this requires more typographical corrections. The map also fails to include and identify the BMK community. Please define all Federal jurisdictional impacts to the Novato Creek and residential BMK community, which are additional federal wildlife protective measures are specified for National Wildlife Refuges.
6. **Conflicting and Incompatible Land Uses**-The National Refuge primary goal of promoting public access for hunting, fishing, and recreation next to our residential community has not been addressed. These uses are currently prohibited on the SCC lands adjacent to BMK and they have been proven to be incompatible adjacent to our residential community and Novato Creek for reasons of public safety, and illegal activity. Will the Federal NWR attempt to overturn existing uses and restrictions?
7. **Legal Protection**- Protection of BMK Land Use Agreements in the Proposed Bill is not specific and offers no legal protection for the BMK CSD's existing agreements, ordinances, and regulations with the State, County, or other landowners. BMK CSD holds title to three hundred acres to mitigate flooding in our community. Will these easements be protected?
8. **The Refuge Expansion Bill** appears to be rushed through the public outreach process without contacting local governments (BMK CSD) & residents as impacted neighboring landowners. At this time there is inadequate information for public comment to be voted on by Congress.
9. **Public Access**- The National Refuge System specifies that a primary goal of promoting public access which ensures hunting and fishing are priority uses on the National Wildlife Refuge. These priority public uses are not allowed on the State SCC property and other properties adjacent to our residential community. We believe these are incompatible uses with the primary goal of promoting habitat and protecting endangered species. Unregulated public access is not allowed on the Hamilton wetlands or BMK V wetlands property.
10. **Flood Protection & Sea Level Rise**- Please identify the National Wildlife Refuge Federal Policies that affect the BMK CSD's ability to maintain our community's infrastructure preventing flooding in the future. Please address mitigation measures related to flood control and sea level rise and impacts to small-developed communities already in or adjacent to the flood plain is not adequately addressed. Will a FEMA certified levee be built to protect the Bel Marin Keys community from flood impacts of the restored wetland at BMKV as requested by the BMK CSD?
11. **Endangered Species Protection**- Please describe how the policies National Wildlife Refuge will provide additional protections for the known endangered species and critical wildlife habitat at the wetlands restoration above what is currently regulated by the



following agencies: U.S. F&W, CA F&G, U.S. A.C.E., B.C.D.C., City of Novato, State Lands Commission, State Coastal Conservancy, NOAA and the County of Marin (Fill permits/existing ordinances).

- 12. Federal Regulations-** Please specify what other Federal laws and regulations will be applicable to the BMKCSD and relate to Novato Creek as an adjacent landowner with land use agreements on State property. BMK currently is regulated by over nine government agencies requirements for maintenance project permitting resulting in additional environmental studies, site assessments and restrictions, which all add millions to BMKCSD / BMK taxpayers waterways maintenance.

Before we can comment on the "Proposed National Wildlife Refuge Expansion Act Bill" the proponents of this Bill need to engage the local impacted community of Bel Marin Keys and the local government of the BMK Community Service District and provide answers to expressed concerns. At this time, there is inadequate information for the public to comment on a proposed Bill to Congress cited as the *San Pablo Bay National Wildlife Refuge Expansion Act*.

We are unable to comment on this Draft Bill in its present form - without the required public input process, and our US Representatives addressing our issues, questions, and concerns.

Thank you for your consideration and the opportunity to comment.

Sincerely,

Vince Lattanzio, President
Bel Marin Keys CSD BOD

Michael Gadoua, District Manager
Bel Marin Keys CSD

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cc: Supervisor Eric Lucan
Marin County District 5