

# **Marin County State Route 37 Capital Preventive Maintenance (CAPM) Pavement Project**

MARIN COUNTY, CALIFORNIA  
DISTRICT 4 – MRN – 37 (PM R11.2-14.6)  
04-2K740/0417000018

## **Initial Study with Negative Declaration**



**Prepared by the  
State of California, Department of Transportation**

**August 2022**





## General Information about this Document

### What's in this document:

The California Department of Transportation (Caltrans) has prepared this Initial Study with Negative Declaration (IS/ND) for the Marin County State Route 37 Capital Preventive Maintenance (CAPM) Pavement Project, Marin County, California, from ramp (R) 11.2 to post mile (PM) 14.6 (Project) (Figure 1-1).

As the lead agency under the California Environmental Quality Act (CEQA), Caltrans has prepared this IS/ND, which describes why the Project is being proposed, how the existing environment could be affected by the Project, potential environmental impacts, and the proposed Project features, and avoidance and minimization measures.

The Draft IS/ND was circulated to the public for 30 days, between March 31 and April 30, 2022. Caltrans received eight comment submittals. Responses to these comments are included in Appendix F. Throughout this document, a vertical line in the margin indicates a change made since the Draft IS/ND was circulated for public review. Minor editorial changes and clarifications are not so indicated.

### Alternative Formats:

For individuals with sensory disabilities, the document can be made available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please call or write to: Department of Transportation, Attn: Arnica MacCarthy, Senior Environmental Planner, Office of Environmental Analysis, 111 Grand Avenue, MS 8-B, Oakland, CA 94612, (510) 506-0481, [Arnica.MacCarthy@dot.ca.gov](mailto:Arnica.MacCarthy@dot.ca.gov); or call **California Relay Service (800) 735-2929 (TTY), (800) 735-2922 (Voice), or 711**. An accessible electronic copy of this document is available to download at: [www.sr37corridorprojects.com](http://www.sr37corridorprojects.com).





## Initial Study with Proposed Negative Declaration

**04-MRN-37**

Dist. – Co. – Rte.

**11.2-14.6**


PM

**04-2K740**

E.A.

Project title:	Marin County State Route 37 Capital Preventive Maintenance (CAPM) Pavement Project
Lead agency name and address:	California Department of Transportation 111 Grand Avenue, Oakland, CA 94612
Contact person and phone number:	Arnica MacCarthy, Senior Environmental Planner (510) 506-0481
Project location:	Marin County, California
General plan description:	Highway
Zoning:	Transportation Corridor
Other public agencies whose approval is required (e.g., permits, financial approval, or participation agreements);	<ul style="list-style-type: none"><li>• California Transportation Commission</li><li>• Letter of Concurrence from the U.S. Fish and Wildlife Service</li><li>• Letter of Concurrence from the National Marine Fisheries Service</li></ul>

The document, maps and Project information are available for review and download at [www.sr37corridorprojects.com](http://www.sr37corridorprojects.com).



Lindsay Vivian  
Chief, Office of Environmental Analysis  
District 4, California Department of Transportation

March 21, 2022

Date

To obtain a copy in Braille, in large print, on computer disk, or on audiocassette, please contact: Department of Transportation, Attn: Arnica MacCarthy, Senior Environmental Planner, Office of Environmental Analysis, 111 Grand Avenue, MS 8-B, Oakland CA 94612: (510) 506-0481 (Voice) or use the California Relay Service 1 (800) 735-2929 (TTY), 1 (800) 735-2929 (Voice) or 711.



# Negative Declaration

## Project Description

The California Department of Transportation (Caltrans) has prepared this Initial Study with Negative Declaration for the Marin County State Route 37 Capital Preventive Maintenance Pavement Project, Marin County, California, from ramp 11.2 to post mile 14.6 (Project) (Figure 1-1).

The Project includes resurfacing and repairing the existing asphalt-concrete pavement; injecting polyurethane foam below the highway to address settlement correction; replacing traffic loop detectors, and asphalt-concrete dikes; upgrading a concrete barrier, guardrails, and curb ramps; installing enhanced wet/night visibility striping; cleaning drain inlets; and providing vegetation control under guardrails.

## Determination

This Negative Declaration is included to notify the public and reviewing agencies that Caltrans intends to adopt a Negative Declaration for this Project. This Negative Declaration is subject to change based on comments received by the public and reviewing agencies.

Caltrans has prepared an Initial Study for this Project and, pending public review, expects to determine from this study that the Project would not have a significant effect on the environment for the following reasons:

- The Project will have no impact on agriculture and forest resources, cultural resources, land use and planning, mineral resources, population and housing, public services, recreation, and tribal cultural resources.
- The Project will have less than significant impacts on aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous waste, hydrology and water quality, noise, transportation and traffic, utilities and service systems, and wildfire.

*Melanie Brent*

Melanie Brent  
Deputy District Director, Environmental Planning  
and Engineering  
District 4, California Department of Transportation

August 23, 2022

Date



## Table of Contents

General Information about this Document.....	iii
Initial Study with Proposed Negative Declaration .....	v
Negative Declaration .....	vii
<b>Chapter 1</b> Proposed Project.....	1-1
1.1 Introduction.....	1-1
1.2 Purpose and Need .....	1-1
<b>Chapter 2</b> Project Description.....	2-1
2.1 Introduction.....	2-1
2.2 Project Components .....	2-1
2.2.1 Pavement Resurfacing and Repair .....	2-1
2.2.2 Settlement Correction .....	2-2
2.2.3 Guard Rails and Thrie-Beam Barriers .....	2-2
2.2.4 Curb Ramps .....	2-3
2.2.5 Additional Items.....	2-3
2.3 Construction Methodology .....	2-4
2.3.1 Construction Staging.....	2-4
2.3.2 Traffic Management.....	2-4
2.3.3 Utilities.....	2-4
2.3.4 Construction Equipment .....	2-5
2.3.5 Construction Schedule .....	2-5
2.3.6 Right of Way Requirements.....	2-5
2.4 Project Features.....	2-5
2.5 Permits and Approvals Needed.....	2-6
<b>Chapter 3</b> California Environmental Quality Act Evaluation.....	3-1
3.1 Environmental Factors Potentially Affected.....	3-1
3.2 Determination .....	3-2
3.3 CEQA Environmental Checklist.....	3-3
3.3.1 Aesthetics.....	3-4
3.3.2 Agriculture and Forest Resources .....	3-7
3.3.3 Air Quality .....	3-9
3.3.4 Biological Resources .....	3-11
3.3.5 Cultural Resources .....	3-44
3.3.6 Energy.....	3-46
3.3.7 Geology and Soils.....	3-48
3.3.8 Greenhouse Gas Emissions.....	3-51
3.3.9 Hazards and Hazardous Materials.....	3-53
3.3.10 Hydrology and Water Quality.....	3-56
3.3.11 Land Use and Planning .....	3-61
3.3.12 Mineral Resources .....	3-66
3.3.13 Noise .....	3-67
3.3.14 Population and Housing.....	3-70
3.3.15 Public Services.....	3-71
3.3.16 Recreation .....	3-72
3.3.17 Transportation.....	3-73
3.3.18 Tribal Cultural Resources .....	3-76
3.3.19 Utilities and Service Systems.....	3-77
3.3.20 Wildfire.....	3-79

3.3.21	Mandatory Findings of Significance .....	3-81
<b>Chapter 4</b>	Comments and Coordination .....	4-1
4.1	Public Involvement Process for the Draft Initial Study with Negative Declaration .....	4-1
4.2	Consultation and Coordination with Public Agencies.....	4-1
<b>Chapter 5</b>	List of Preparers.....	5-1
<b>Chapter 6</b>	Distribution List.....	6-1

## List of Tables

Table 2-1.	Required Permits .....	2-6
Table 3-1.	Construction Equipment and Vehicle Fuel Consumption .....	3-46
Table 3-2.	Construction-related GHG Emissions .....	3-52
Table 3-3.	SHOPP Program Projects along SR 37 in the Project Vicinity .....	3-82
Table 4-1.	Agency Coordination Meetings and Contacts .....	4-2
Table 5-1.	List of Preparers and Reviewers.....	5-1

## List of Figures

Figure 1-1.	Project Location Map .....	1-2
Figure 1-2.	Project Area.....	1-3
Figure 1-3.	Project Footprint.....	1-5
Figure 3-1.	Vegetation and Wetland Classifications.....	3-13
Figure 3-2.	Land Use .....	3-63

## List of Appendices

<b>Appendix A</b>	Title VI Policy Statement
<b>Appendix B</b>	Summary of Project Features and Avoidance and Minimization Measures
<b>Appendix C</b>	Species Lists and Species Tables
	C1: Species Lists
	C2: Species Tables
<b>Appendix D</b>	List of Abbreviations
<b>Appendix E</b>	List of Technical Studies and References
<b>Appendix F</b>	Responses to Comments

# **Chapter 1** Proposed Project

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## **1.1 Introduction**

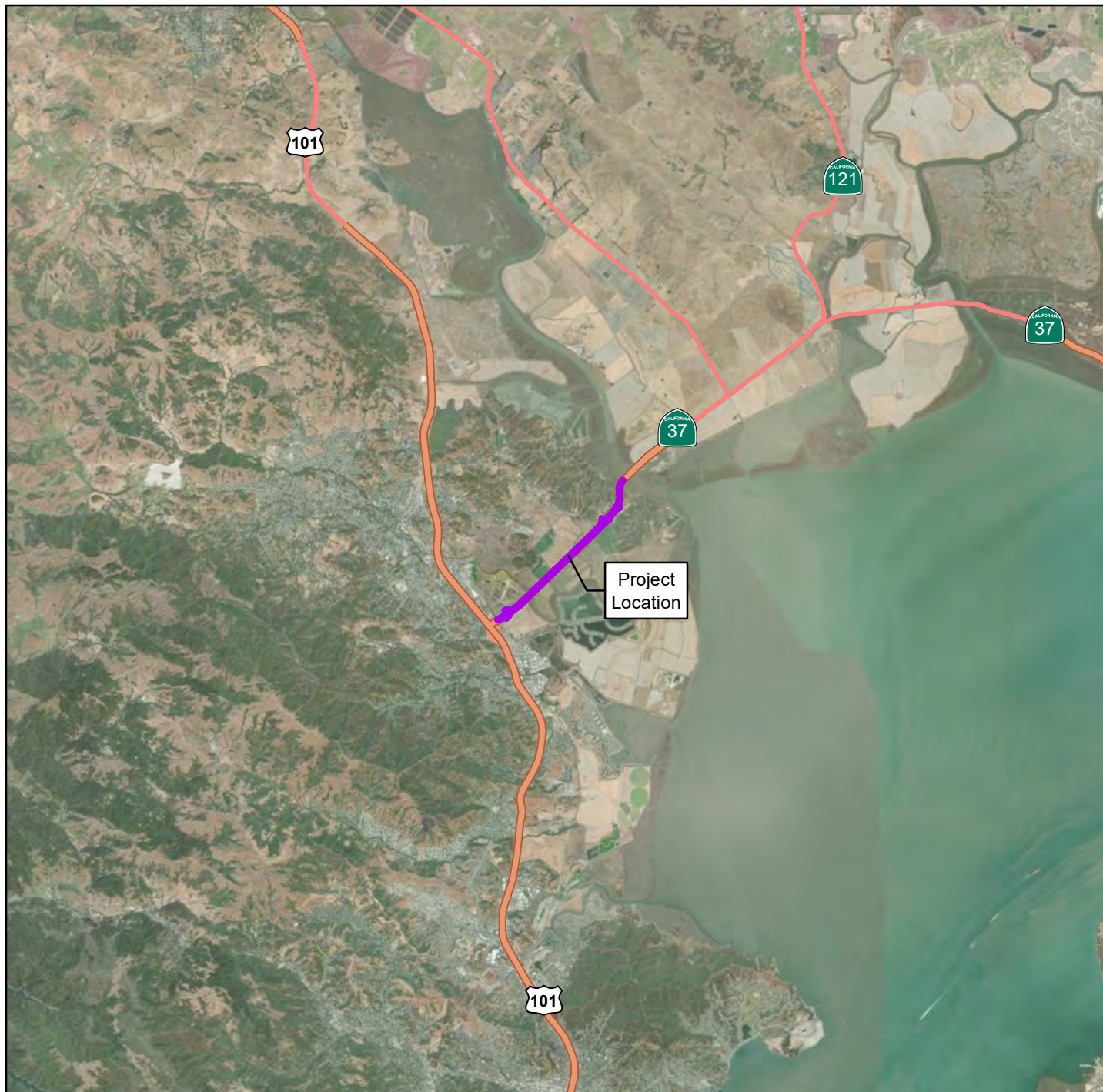
The California Department of Transportation (Caltrans) is the California Environmental Quality Act (CEQA) lead agency and sponsor for the Marin County State Route 37 Capital Preventive Maintenance (CAPM) Pavement Project (Project). Caltrans proposes to preserve and extend the life of the existing pavement on approximately 14 lane miles (3.4 linear miles) of State Route (SR) 37 from the Ignacio overhead crossing (U.S. Highway 101 [U.S. 101] junction) to the Petaluma River Bridge at the Marin/Sonoma County line (ramp 11.2 to post mile [PM] 14.6) (Figure 1-1).

The Project includes resurfacing and repairing the existing asphalt-concrete (AC) pavement; injecting polyurethane foam below the highway to address settlement correction; replacing traffic loop detectors and AC dikes; upgrading a concrete barrier, guardrails, and curb ramps; installing enhanced wet/night visibility striping; cleaning drain inlets; and providing vegetation control under guardrails. An overview of the Project area is shown on Figure 1-2. The Project limits (to include work and staging areas) are shown on Figure 1-3.

This Project is funded by the State Highway Operation and Protection Program (SHOPP) 201.121, under the Capital Preventive Maintenance Program. The SHOPP Program is the state's "fix-it-first" program, which funds the repair and preservation of the state highway system, safety improvements, and some highway operational improvements.

## **1.2 Purpose and Need**

The purpose of this Project is to preserve and extend the life of the existing pavement and improve ride quality on a portion of SR 37 in Marin County. The Project is needed because the pavement conditions on SR 37 in the Project limits are characterized as having distressed pavement, resulting in poor ride quality and potential pavement failure.



#### LEGEND

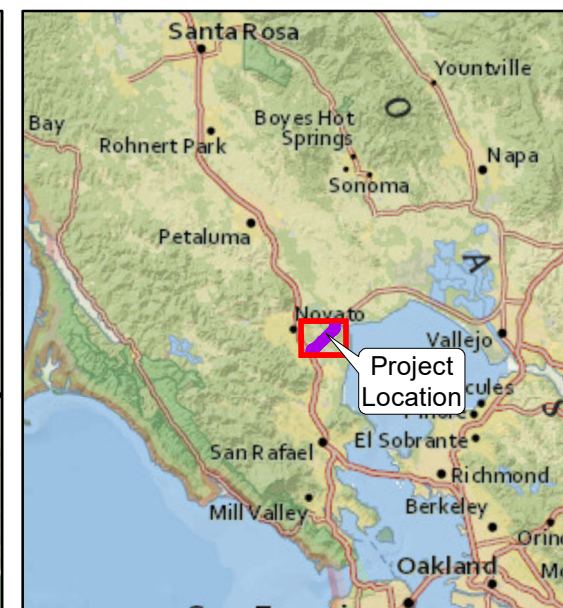
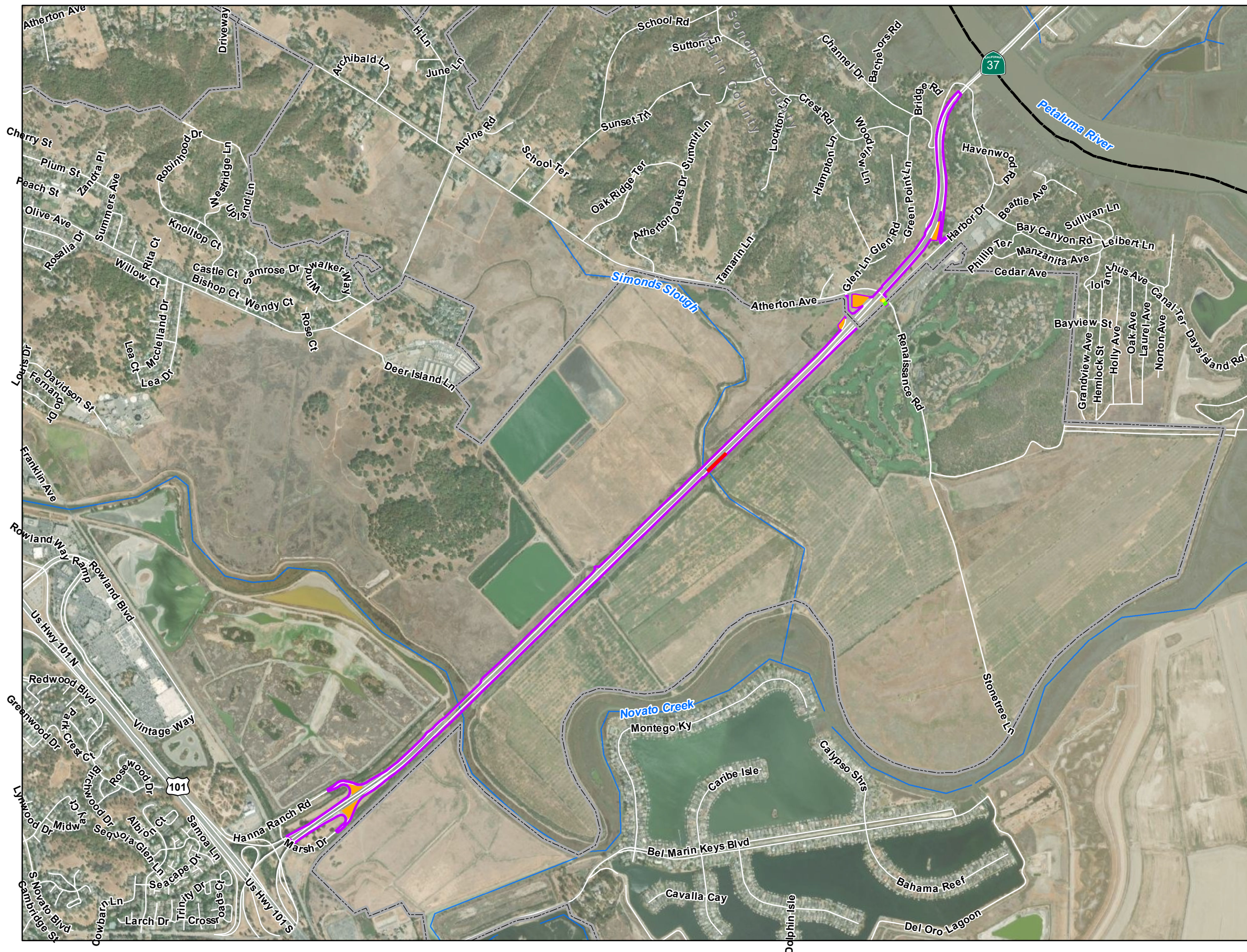
 Project Location



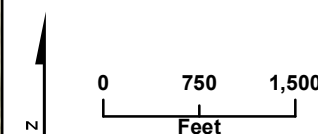
#### FIGURE 1-1 Project Location Map

SR 37 CAPM Pavement Preservation  
EA 04-2K740, MRN-37 PM-R11.2/14.6  
Marin County, California





- LEGEND**
- Work Area
  - Curb Ramp
  - Staging Area
  - Temporary Construction Easement
  - Settlement Correction
  - Novato City Limits
  - County
  - Rivers/Streams

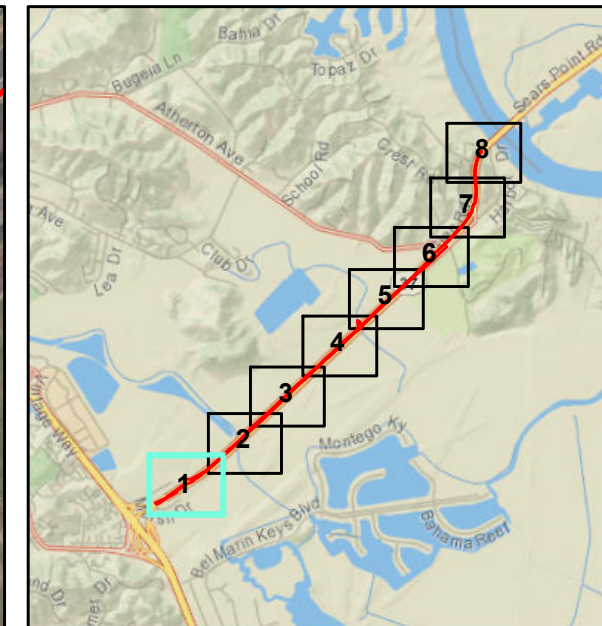
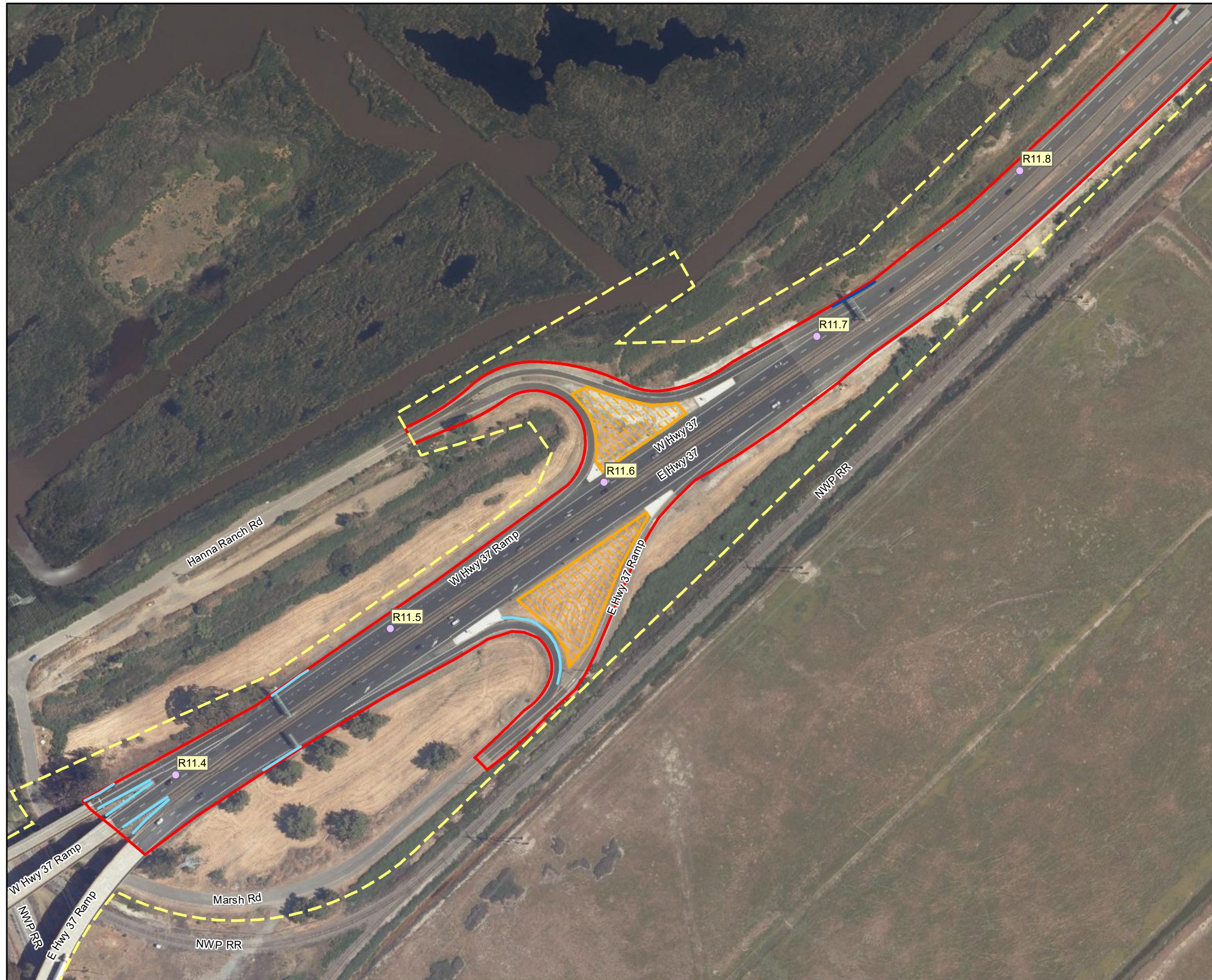


**FIGURE 1-2**  
**Project Area**  
 SR 37 CAPM Pavement Preservation  
 EA 04-2K740, MRN-37 PM-R11.2/14.6  
 Marin County, California

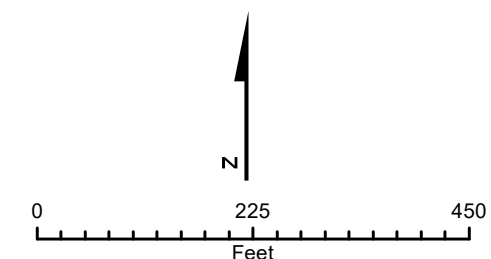








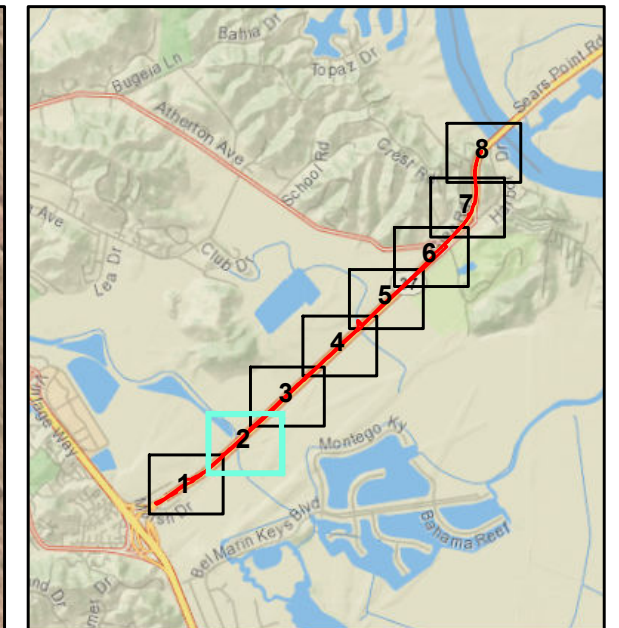
- LEGEND**
- Post Mile
  - Upgraded Guardrails with Vegetation Control
  - Existing Guardrails with Vegetation Control
  - - - Caltrans Right of Way
  - ▭ Work Area (53 acres)
  - ▨ Staging Area (2.38 acres)



**FIGURE 1-3**  
**Map 1 of 8**  
**Project Limits**  
 SR 37 CAPM Pavement Preservation  
 EA 04-2K740, MRN-37 PM-R11.2/14.6  
 Marin County, California

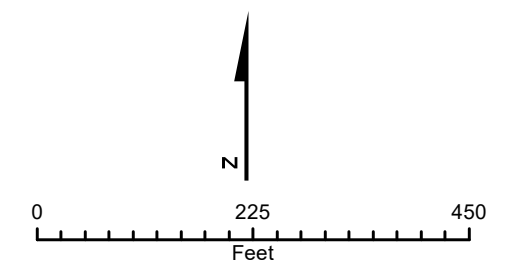






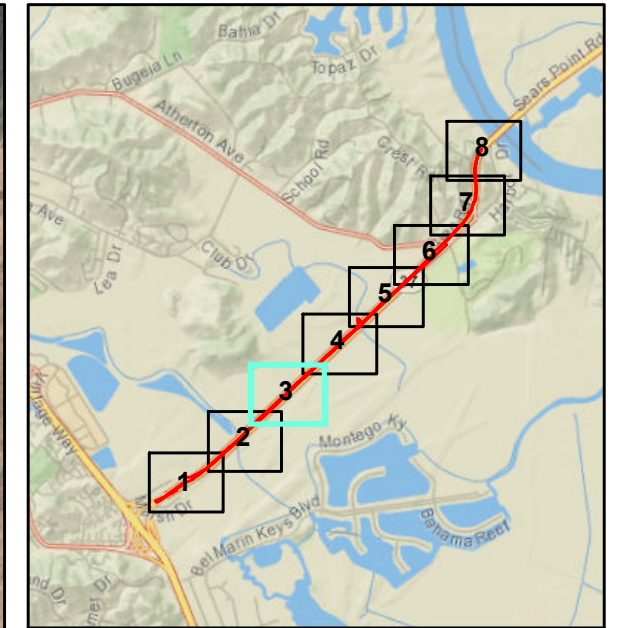
#### LEGEND

- Post Mile
- Existing Guardrails with Vegetation Control
- Caltrans Right of Way
- Work Area (53 acres)



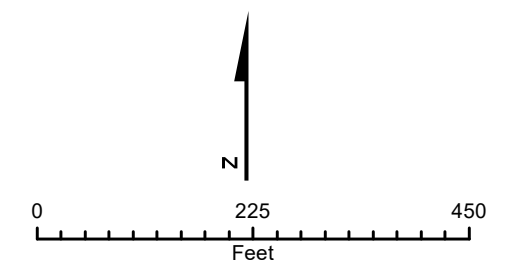
**FIGURE 1-3**  
**Map 2 of 8**  
**Project Limits**  
 SR 37 CAPM Pavement Preservation  
 EA 04-2K740, MRN-37 PM-R11.2/14.6  
 Marin County, California





#### LEGEND

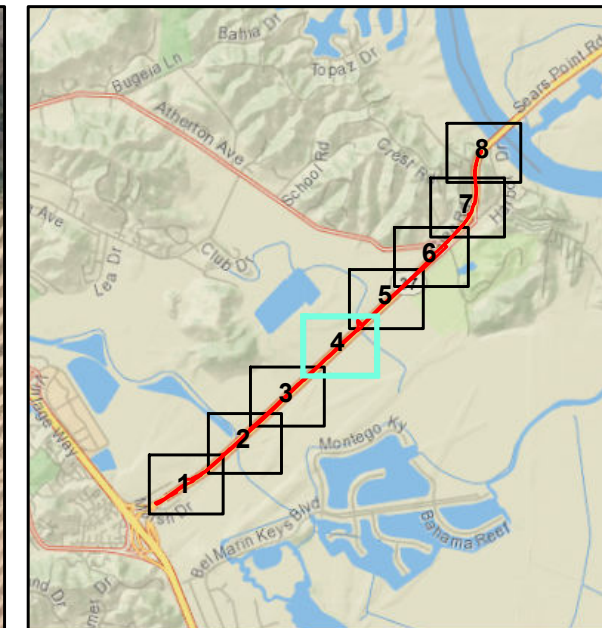
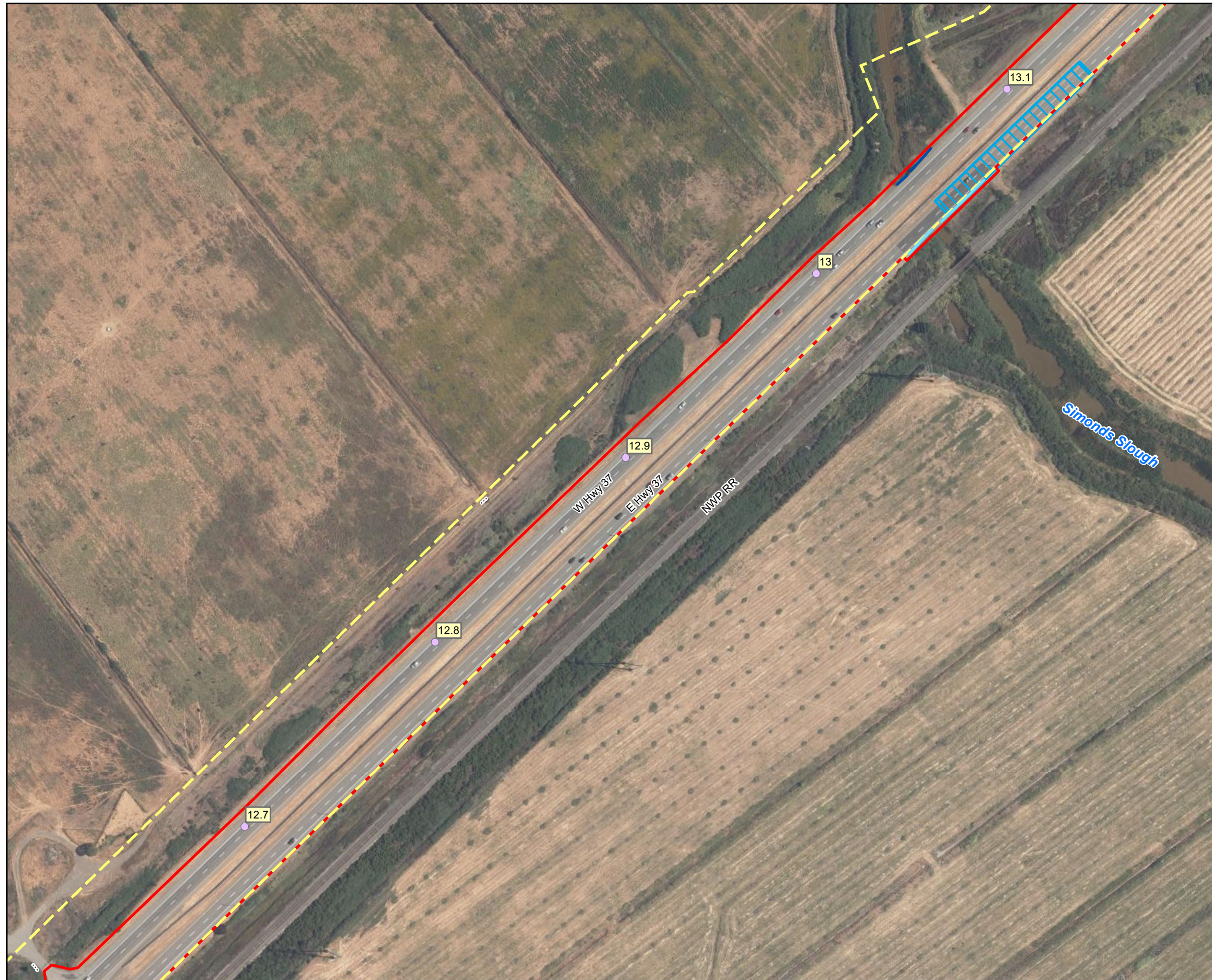
- Post Mile
- Caltrans Right of Way
- Work Area (53 acres)



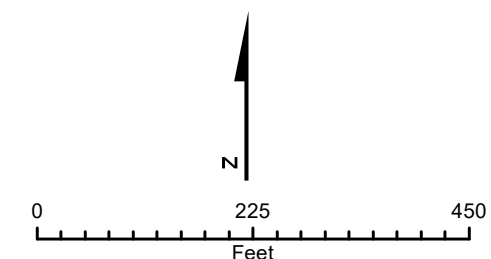
**FIGURE 1-3**  
**Map 3 of 8**  
**Project Limits**  
 SR 37 CAPM Pavement Preservation  
 EA 04-2K740, MRN-37 PM-R11.2/14.6  
 Marin County, California







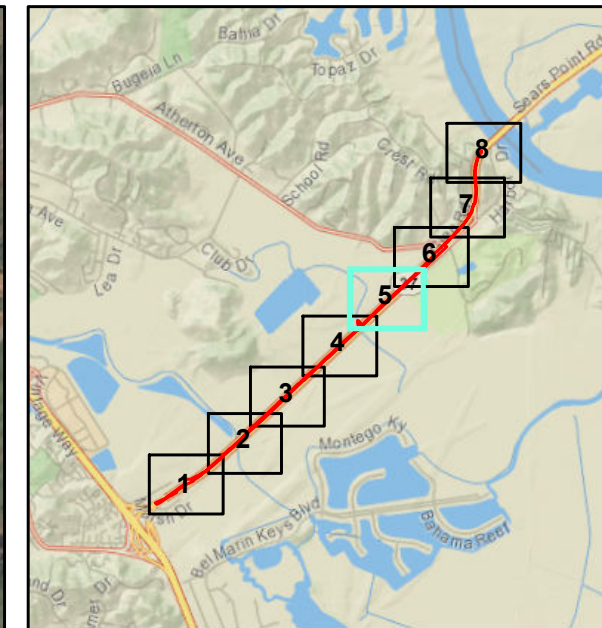
- LEGEND**
- Post Mile
  - Upgraded Guardrails with Vegetation Control
  - Existing Guardrails with Vegetation Control
  - - - Caltrans Right of Way
  - Work Area (53 acres)
  - Settlement Correction (0.35 acre)



**FIGURE 1-3**  
**Map 4 of 8**  
**Project Limits**  
 SR 37 CAPM Pavement Preservation  
 EA 04-2K740, MRN-37 PM-R11.2/14.6  
 Marin County, California

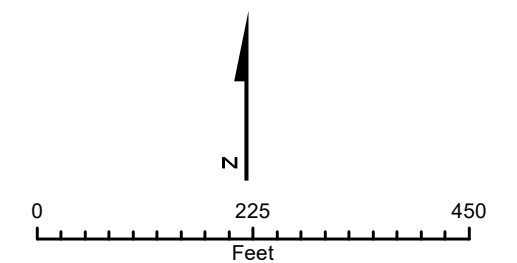






#### LEGEND

- Post Mile
- Upgraded Guardrails with Vegetation Control
- Existing Guardrails with Vegetation Control
- Caltrans Right of Way
- Work Area (53 acres)
- Settlement Correction (0.35 acre)

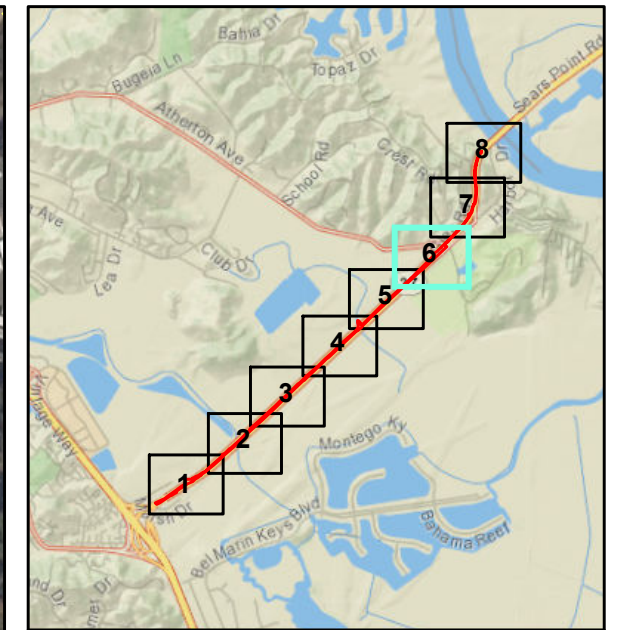
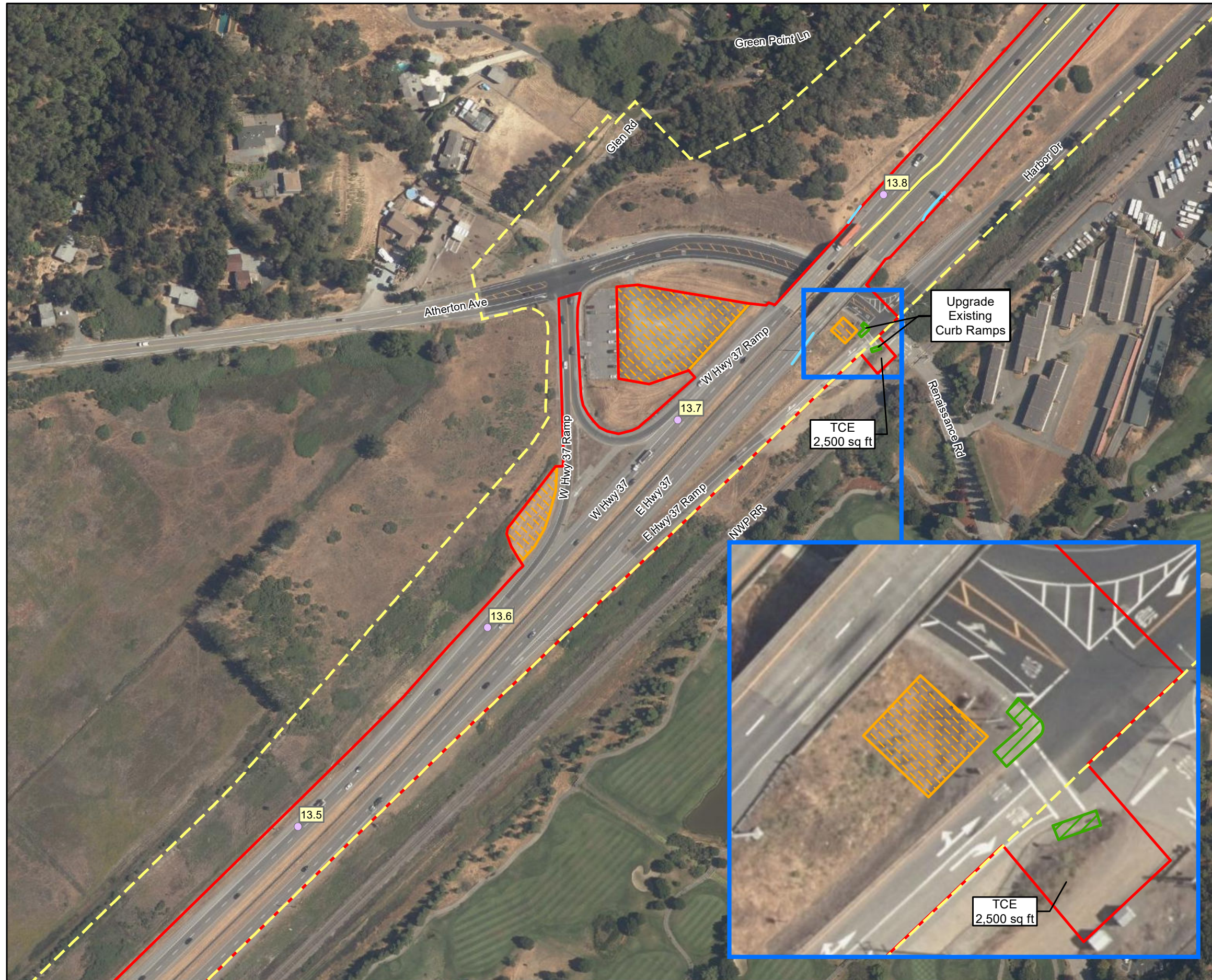


**FIGURE 1-3**  
**Map 5 of 8**  
**Project Limits**

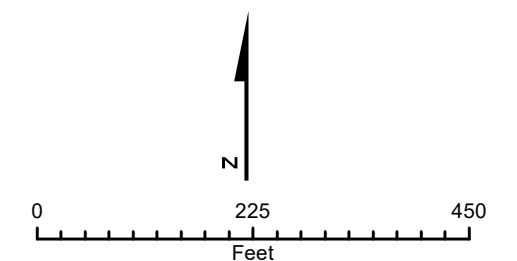
SR 37 CAPM Pavement Preservation  
 EA 04-2K740, MRN-37 PM-R11.2/14.6  
 Marin County, California







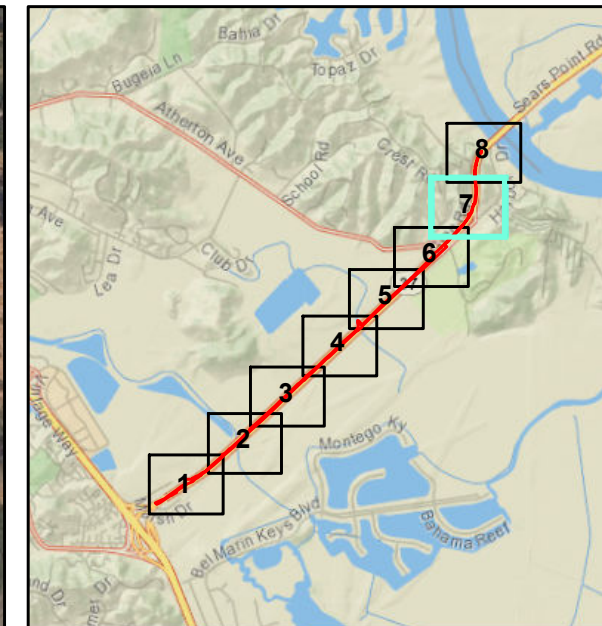
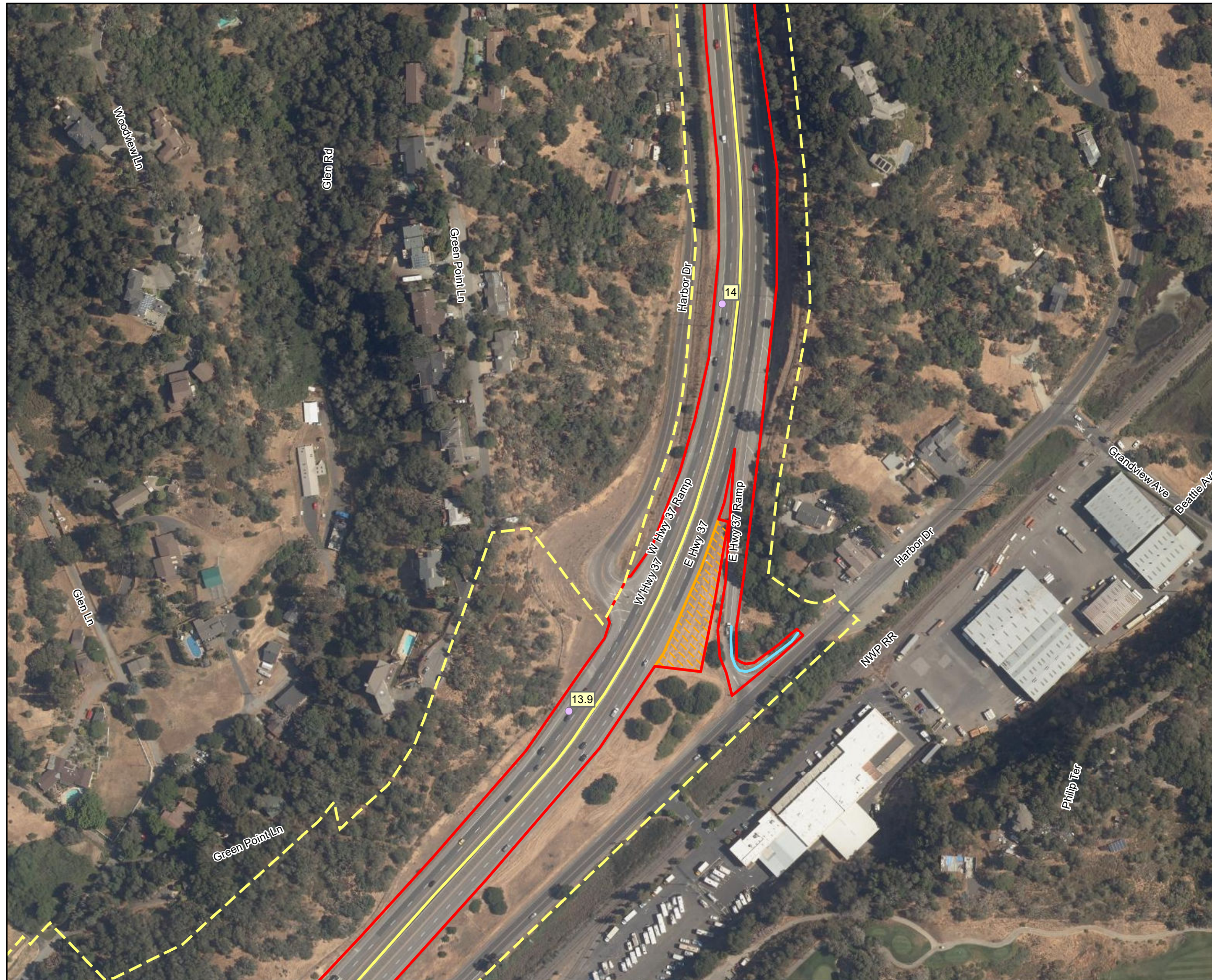
- LEGEND**
- Post Mile
  - Upgraded Guardrails with Vegetation Control
  - Median Barrier Replacement
  - - - Caltrans Right of Way
  - Work Area (53 acres)
  - Staging Area (2.38 acres)
  - Curb Ramp Upgrades (0.01 acre)



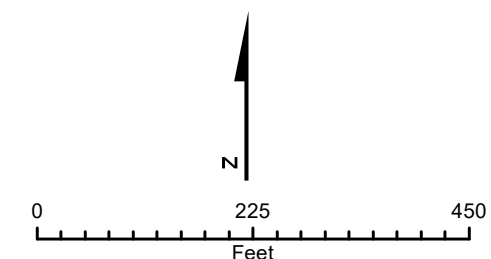
**FIGURE 1-3**  
**Map 6 of 8**  
**Project Limits**  
 SR 37 CAPM Pavement Preservation  
 EA 04-2K740, MRN-37 PM-R11.2/14.6  
 Marin County, California







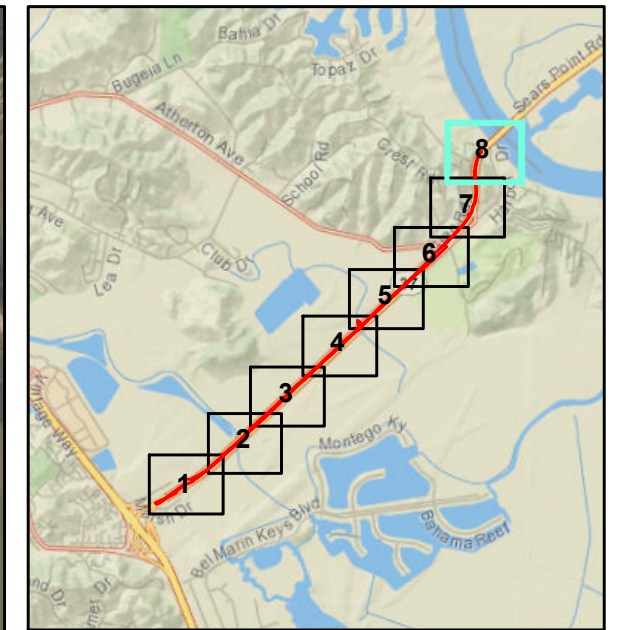
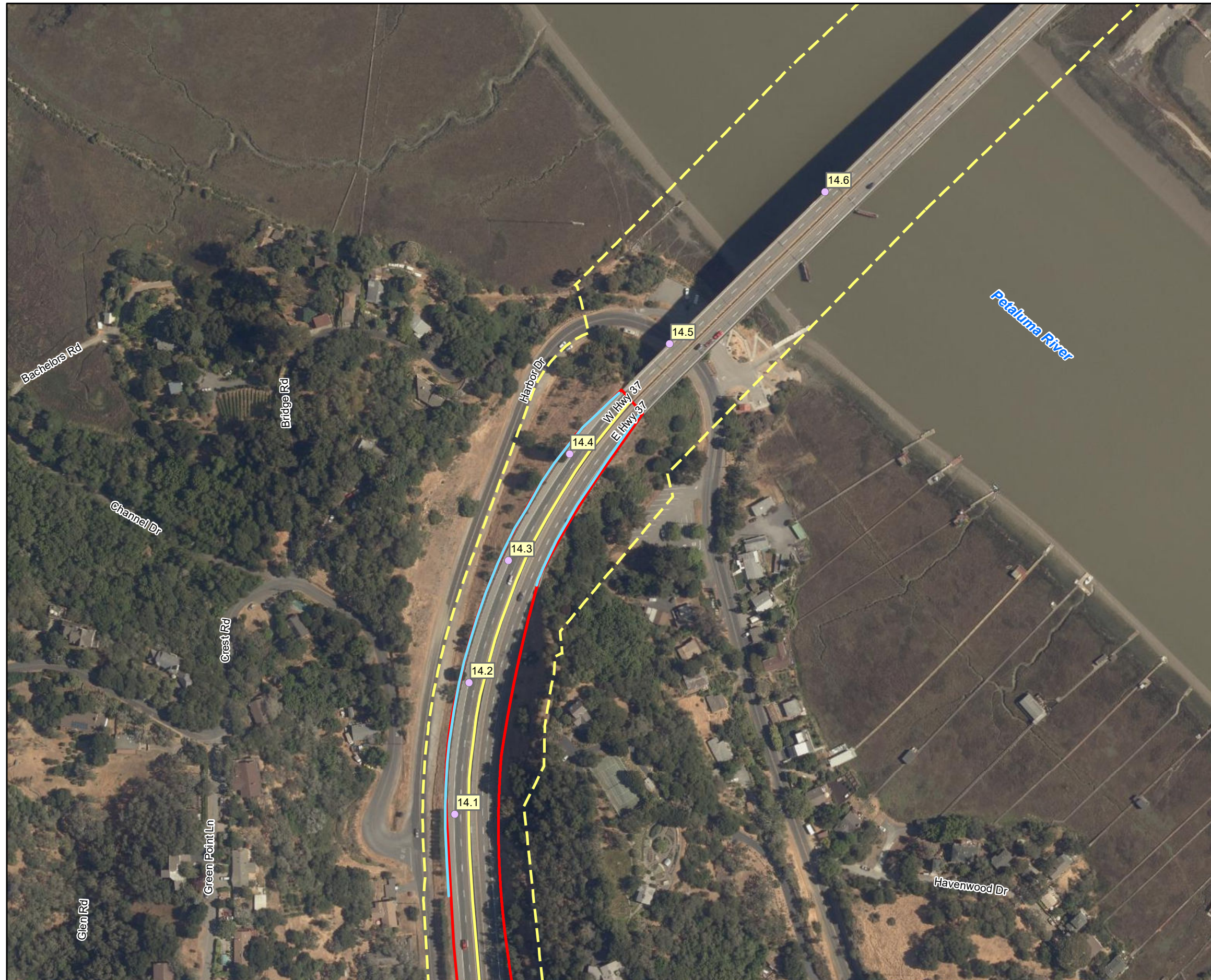
- LEGEND**
- Post Mile
  - Upgraded Guardrails with Vegetation Control
  - Median Barrier Replacement
  - Caltrans Right of Way
  - Work Area (53 acres)
  - Staging Area (2.38 acres)



**FIGURE 1-3**  
**Map 7 of 8**  
**Project Limits**  
 SR 37 CAPM Pavement Preservation  
 EA 04-2K740, MRN-37 PM-R11.2/14.6  
 Marin County, California

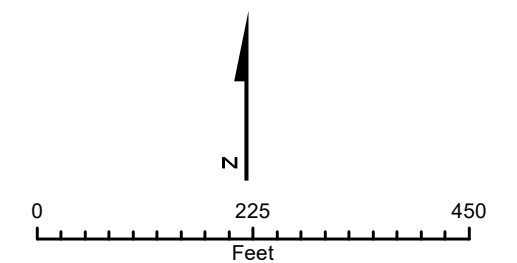






#### LEGEND

- Post Mile
- Upgraded Guardrails with Vegetation Control
- Median Barrier Replacement
- - - Caltrans Right of Way
- Work Area (53 acres)



**FIGURE 1-3**  
**Map 8 of 8**  
**Project Limits**  
 SR 37 CAPM Pavement Preservation  
 EA 04-2K740, MRN-37 PM-R11.2/14.6  
 Marin County, California



# Chapter 2 Project Description

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## 2.1 Introduction

The Project includes resurfacing and repairing the existing AC pavement; injecting polyurethane foam below the highway to address settlement correction; replacing traffic loop detectors, and AC dikes; upgrading a concrete barrier, guardrails, and curb ramps; installing enhanced wet/night visibility striping; cleaning drain inlets; and providing vegetation control under guardrails.

The Project does not include shoulder widening. No work would take place on bridges, except for connecting new guardrails to existing bridge rail. No bridge approach slabs would be replaced at any of the waterways or overcrossings. Tree removal is not expected.

## 2.2 Project Components

This section discusses Project components that would be constructed as part of the Project. Figure 1-3 contains the locations of Project components.

### 2.2.1 Pavement Resurfacing and Repair

Pavement resurfacing and repair would occur on the mainline (highway), shoulders, and on-off ramps within the Project limits. Pavement surfacing and repair would not occur over the Novato Creek Bridge. Prior to mainline overlay of the existing AC pavement, a field review would be conducted to locate specific areas of severe distress where there is rutting greater than 0.25 inch deep and/or loose and settling pavement. Areas of severe, localized, distressed AC pavement (minimum of 6 feet wide) would be dug out and repaired with hot-mix asphalt. Hot-mix asphalt Type A (HMA-A) would be used to the bottom of the existing AC layer or up to a maximum 6 inches in depth (whichever is less). Pavement resurfacing and repair work is also proposed to occur at the following locations within the Project limits:

- Hannah Ranch Road to the westbound SR 37 on-ramp
- Eastbound SR 37 to Marsh Drive off-ramp
- Westbound SR 37 to the Hanna Ranch Road off-ramp
- Eastbound SR 37 to the Harbor Drive off-ramp
- Harbor Drive to the eastbound SR 37 on-ramp
- Harbor Drive to the westbound SR 37 on-ramp
- Westbound SR 37 to the Harbor Drive off-ramp

- Marsh Drive to eastbound SR 37 on-ramp
- Westbound SR 37 to the Atherton Avenue off-ramp
- Atherton Avenue to the westbound 37 on-ramp

Pavement resurfacing and repair of the mainline, shoulders, and ramps would include cold-planing of 0.25 foot of existing pavement from edge-of-pavement to edge-of-pavement, then paving with 0.15 foot of rubberized hot-mix asphalt gap, graded, and overlaying with 0.1 foot of open-graded friction course, rubberized, hot-mix asphalt from edge-of-pavement to edge-of-pavement. The paving profile would not be raised as a result of this paving operation. The existing cross slopes and highway crown of the highway would be maintained.

### **2.2.2 Settlement Correction**

Settlement on the approach embankment at PM 13.04 has caused an uneven ride on and off the culvert in the eastbound direction of SR 37 at Simonds Slough (Bridge No. 27-0012). The highway settlement is limited to the two eastbound lanes, including the median and the shoulder of SR 37. This settlement is along a 400-foot-long section of the highway.

The Project proposes to correct this settlement at the approach embankment by injecting polyurethane foam below the highway section to improve the sub-grade conditions and level the uneven driving surface of the two eastbound lanes of SR 37. The polyurethane foam injection area would begin on the east side of the box culvert and extend 400 feet to the east. The area would contain about 900 injection locations and would be approximately 400 feet long by 38 feet wide, totaling approximately 15,200 square feet. Each foam injection location would have two injection tubes at depths of 4 and 8 feet. The number of injection points and spacing may vary depending on the actual settlement of the highway.

The depth of the foam injection would be based on penetrometer testing performed by the contractor prior to injecting the foam. A cone penetrometer test was conducted approximately 100 feet east of the Simonds Slough in 2020, indicating that there are approximately 15 feet of fill over a 65-foot-thick layer of bay mud. The highway may require grinding and overlay after the polyurethane foam injection is completed.

### **2.2.3 Guard Rails and Thrie-Beam Barriers**

The Project would include replacing metal beam guardrail (MBGR) with Midwest Guardrail Systems (MGS) within the Project limits. Because MGS is slightly larger

than the existing MBGR, it would be placed approximately 4 inches further from the highway. New excavation pits for the MGS wood posts would be 3.5 feet deep.

Guardrail and thrie-beam barrier connections to structures and all end treatments would be upgraded. Transition railing Type WB-31 would be installed for bridge structure barriers, and anchor assembly Type SFT would be installed for guardrail trailing ends. “L-1” markers at guardrail approach ends would be installed where applicable.

Two sections of guardrail (135 feet and 142 feet long) that connect the bridge structure at the U.S. 101 south connector would be replaced with new, single, thrie-beam barriers. To connect new MGS and the new thrie-beam barrier sections to bridges, concrete barrier transitions would also be constructed at the bridge ends.

The Project would incorporate vegetation control under new and existing guardrails by adding weed control mat with proposed maximum dimensions of up to 6 feet wide along the full length of the guardrails. The weed control mat would provide vegetation control on each side of 8-inch-wide posts. The total vegetation control area created by the weed control mats would be approximately 0.33 acre for the Project.

#### **2.2.4 Curb Ramps**

Two curb ramps near PM 13.8 at the eastbound SR 37 Atherton Avenue off-ramp would be upgraded to current Americans with Disabilities Act (ADA) standards. The existing curb ramps would be replaced with new ones that have a lesser ramp slope and possibly a larger landing area, in compliance with ADA requirements. They would not exceed the dimensions of the existing sidewalks.

#### **2.2.5 Additional Items**

The following additional Project activities would occur during construction:

- Apply tack coat to all vertical surfaces of existing AC pavement before back filling with hot-mix asphalt.
- Remove existing concrete barrier in the median between PM 13.78 and 14.47 and replace them with Type 60M concrete barrier.
- Replace all AC dikes within the Project limits.
- Clean all clogged drainage inlets (DIs) and boxes impacted by grinding and repaving work.

- Replace existing traffic loop detectors.
- Install enhanced wet/night visibility striping.
- Maintain existing cross slopes and highway crown.

## **2.3 Construction Methodology**

This section discusses how construction of the Project would occur.

### **2.3.1 Construction Staging**

Staging for this Project would occur adjacent to SR 37 in paved and unpaved areas within the Project limits (Figure 1-3, Maps 1 through 8). Staging areas would be used for equipment storage and stockpiling of materials.

### **2.3.2 Traffic Management**

During settlement correction, loop installation, and paving operations, single-lane closures would be implemented along the highway. On-ramps and off-ramps would require either full or partial closures during paving operations. Except for Hanna Ranch Road and Marsh Drive, all on-off ramps would require partial closure. Hanna Ranch Road and Marsh Drive would require full closures for approximately 3 hours during paving operations. Closure of highway shoulders would be required during most construction activities, such as dike replacement, MGS installation, and DI work.

No detours or signalized traffic control are anticipated. Flaggers would be used at the curb ramp location work (at eastbound SR 37 Atherton off-ramp near PM 13.8). It is anticipated that changeable message signs would be used for the remainder of construction to control traffic.

Night work is anticipated for paving, striping, and settlement correction work. Weekend work could potentially occur.

### **2.3.3 Utilities**

Utility conflicts are not anticipated. Utility verification and identification would be conducted during later Project phases. The only anticipated digging would be at the curb ramp replacements where potential utility conflicts may arise. If needed, Caltrans would coordinate with the appropriate utility provider during later Project phases.

### **2.3.4 Construction Equipment**

Equipment used for the Project would include, but not be limited to, backhoes, pavement saws, drills, injector machines, flatbed trucks, compressor, water trucks, concrete mixer trucks, dump trucks, compaction equipment, demolition hammers, pavement grinder, tack coat truck (sprayer), AC paver, rollers, striping equipment, dike paver, concrete slipform paving equipment, and guardrail pile driver.

### **2.3.5 Construction Schedule**

Construction is anticipated to begin in 2024 and would last approximately 5 months (130 working days). Approximately 90 work nights are anticipated for construction. Caltrans will more accurately determine the number of days and nights required for construction during later Project phases. Some components of the work, such as settlement correction, concrete barrier work, and curb ramps, can be done simultaneously. The remainder of the work would typically occur in the following sequence: dig-outs, cold plane, overlay, AC dikes, MGS and thrie-beam barrier, vegetation control, striping and loop detectors, and DI cleaning. Striping and loop detector installation would be conducted following paving.

### **2.3.6 Right of Way Requirements**

A temporary construction easement (TCE) of approximately 2,500 square feet (0.057 acre) would be required at one location at the eastbound Atherton Avenue off-ramp for construction of a curb ramp. All other Project work is anticipated to be within the existing right of way, not requiring TCEs.

All relocation services and benefits are administered without regard to race, color, national origin, persons with disabilities, religion, age, or sex. Appendix A includes Caltrans Title VI Policy Statement.

## **2.4 Project Features**

Project features, which can include both design elements of the Project and standardized measures (such as best management practices [BMPs]) that are applied to all or most Caltrans projects, and measures included in the standard plans and specifications, or as standard special provisions, are integral to the Project. Such Project features have been considered prior to any significance determinations. These Project features are detailed in Chapter 3 and included in Appendix B.

## 2.5 Permits and Approvals Needed

Table 2-1 lists the permits, licenses, agreements, and certifications that are anticipated to be required for Project construction.

**Table 2-1. Required Permits**

Agency	Permit	Description
U.S. Fish and Wildlife Service	Letter of Concurrence	Pending
National Marine Fisheries Service	Letter of Concurrence	Pending



## Chapter 3 California Environmental Quality Act Evaluation

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The following discussions evaluate potential environmental impacts related to the CEQA checklist to comply with State CEQA Guidelines (Title 14 California Code of Regulations, Division 6, Chapter 3, Section 15091). The environmental analysis considers potential impacts of the Project, as detailed in Chapter 2.

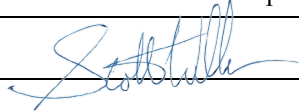
### 3.1 Environmental Factors Potentially Affected

As part of the scoping and environmental analysis carried out for the Project, the following environmental issues were considered, but no impacts were identified: agricultural and forestry, cultural resources, land use and planning, mineral resources, population and housing, public services, recreation, and tribal cultural resources. The environmental factors marked with an “X” would be potentially affected by this Project. Further analysis of these environmental factors is included in the following chapter.

X	Aesthetics		Agriculture and Forest Resources	X	Air Quality
X	Biological Resources		Cultural Resources	X	Energy
X	Geology/Soils	X	Greenhouse Gas Emissions	X	Hazards and Hazardous Materials
X	Hydrology/Water Quality		Land Use/Planning		Mineral Resources
X	Noise		Population/Housing		Public Services
	Recreation	X	Transportation/Traffic		Tribal Cultural Resources
X	Utilities/Service Systems	X	Wildfire	X	Mandatory Findings of Significance

## 3.2 Determination

On the basis of this initial evaluation:

X	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	
Signature: 		Date: 8/23/2022
Printed Name: Scott M. Williams		For:

### 3.3 CEQA Environmental Checklist

This checklist identifies physical, biological, social, and economic factors that might be affected by the Project. In many cases, background studies performed in connection with projects will indicate that there are no impacts to a particular resource. A “NO IMPACT” answer in the last column reflects this determination. The words “significant” and “significance” used throughout the following checklist are related to CEQA, not National Environmental Policy Act, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

Project features, which can include both design elements of the project and standardized measures that are applied to all or most Caltrans projects, such as BMPs and measures included in the standard plans and specifications or as standard special provisions, are considered to be an integral part of the Project and have been considered prior to any significance determinations documented below; refer to Chapters 1 and 2 for a detailed discussion of these features. The annotations to this checklist are summaries of information contained in Chapter 2 in order to provide the reader with the rationale for significance determinations; for a more detailed discussion of the nature and extent of impacts, please refer to Chapter 2. This checklist incorporates by reference the information contained in Chapters 1 and 2.

Sections 3.3.1 through 3.3.21 of this section presents the CEQA Determinations under Appendix G of the CEQA Guidelines. The CEQA determination depend on the level of potential environmental impact that would result from the Project. The level of significance determinations are defined as follows:

- No Impact: Indicates no physical environmental change from existing conditions.
- Less than Significant Impact: Indicates the potential for an environmental impact that is not significant with or without the implementation of avoidance and minimization measures.
- Less than Significant Impact with Mitigation Incorporated: Indicates the potential for a significant impact that would be mitigated with the implementation of a mitigation measure to a level of less than significance.
- Potentially Significant Impact: Indicates the potential for significant and unavoidable environmental impact.

### 3.3.1 Aesthetics

Except as provided in Public Resources Code Section 21099, would the Project:

Question	CEQA Determination
a) Have a substantial adverse effect on a scenic vista?	No Impact
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No Impact
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Less than Significant Impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less than Significant Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR AESTHETICS

A visual impact assessment (VIA) was completed for the Project (Caltrans 2021a). The VIA was prepared in accordance with the guidelines in the Federal Highway Administration's *Visual Impact Assessments for Highway Projects* (FHWA 1981). SR 37 is eligible for State Scenic Highway designation throughout the Project limits.

SR 37 within the Project limits is a conventional highway, with two lanes of travel in each direction. The visual environment within and adjacent to the Project limits in its southwestern section, from U.S. 101 to approximately PM 13.5, is agricultural or undeveloped, with the highway divided by a roughly 20-foot-wide, unpaved, center median and MBGR. Fields and farm-related facilities dominate, with the nearest residences at Bel Marin Keys roughly 0.25 mile to the southeast. Deer Island Preserve is within view and a short distance to the north. High-voltage transmission lines and towers parallel the highway and wooden utility poles, with overhead wires running immediately adjacent to the unpaved shoulder. Paved shoulders are of less than standard widths. From PM 13.5 to the Petaluma River Bridge, the landscape changes. The highway passes a golf course, with commercial development near the highway in some places and residences in the nearby hills beyond. In this area, the center median widens, with considerable vertical separation. As the highway nears the Petaluma River, most development is beyond view and the surrounding landscape becomes highly scenic, with wooded upslope hills on each side. Toward the Project limits at PM 14.4, the visual landscape opens, revealing expansive views from the highway and the elevated Petaluma River Bridge.

**a, b) No Impact**

The Project would not have a substantial, adverse effect on scenic vistas, or damage scenic resources. The Project would be compatible with the existing visual character and quality of the corridor. The Project would not impact or degrade the existing visual character or quality of the Project limits or its surroundings.

The Project would not adversely affect any scenic resource identified as requiring special consideration such as a rock outcropping, important tree grouping, historic properties, etc., as defined by CEQA status or guidelines, or Caltrans policy. Existing vistas would be unaltered. The Project elements should not affect the appearance of the highway corridor and would be visually consistent with the character of the corridor and surrounding area.

**c) Less than Significant Impact**

The Project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Temporary visual impacts from construction of the Project would not be considered substantial. Specific impacts to scenic characteristics along the Project corridor would be reduced with implementation of avoidance and minimization measures (AMMs) that would minimize visual changes that could occur as part of the Project. Upon completion of work, the appearance of the highway corridor within the Project limits would be largely unchanged.

**d) Less than Significant Impact**

The Project would not create a new source of substantial light or glare. Day and nighttime construction activities could temporarily add new sources of light and glare along the Project corridor. These visual impacts would be minimized through implementation of AMM AES-5, thereby reducing the impact to less than significant.

***Avoidance and Minimization Measures***

Caltrans would incorporate the following AMMs into the Project to offset or avoid potential impacts to aesthetics.

**AMM AES-1: Minimize Construction Appearance.** Visual impacts during construction will be reduced by measures such as storing unsightly material and equipment in staging areas beyond direct view of the motoring public to the extent practicable.

**AMM AES-2: Avoid Impacts to Vegetation.** Staging areas will not be allowed in any area where the removal of trees or native vegetation will be required. Avoid impacts to existing vegetation to the greatest extent practicable.

**AMM AES-3: Revegetation of Disturbed Areas.** Disturbed soils will be revegetated by applying erosion control seeding to all areas of disturbed soil.

**AMM AES-4: Avoid Impacts to Existing Trees and Shrubs.** Impacts to existing trees and shrubs, including associated tree roots, will be avoided where feasible. The Caltrans Office of Landscape Architecture and Office of Biological Sciences and Permits will identify specific locations and BMPs during later Project phases, and include appropriate information in the plans and specifications.

**AMM AES-5: Directional Lighting.** Use of directional lighting and/or shielding for any night work will be implemented to reduce light trespass affecting motorists.

### 3.3.2 Agriculture and Forest Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

Question	CEQA Determination
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest use?	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR AGRICULTURE AND FOREST RESOURCES

##### a) No Impact

Within the Project limits, land adjacent to SR 37 is designated developed/utility/built-up land, grazing land, farmland of local importance, and other land by the Farmland Mapping and Monitoring Program (California Department of Conservation 2022). Temporary impacts to farmland of local importance could occur during construction in areas adjacent to the highway and within staging areas.

The Project would not convert prime farmland, unique farmland, or farmland of statewide importance because no such farmlands are within the Project limits. Therefore, no impact would occur.

##### b-e) No Impact

There are no Williamson Act lands within the Project limits. The Project would not conflict with existing zoning for agriculture use or convert Williamson Act lands to non-agricultural uses; therefore, there would be no impact.

No timber or forest lands are in the Project limits or Project vicinity; so, the Project would not convert forest land or conflict with existing timberland zoning. Therefore, there would be no impact to forests or timberlands.

According to maps prepared pursuant to the Farmland Mapping and Monitoring Program, temporary impacts to land designated as farmland of local importance could occur during construction. However, the Project would not convert farmlands to non-agricultural use; therefore, no impact would occur.



### 3.3.3 Air Quality

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

Question	CEQA Determination
a) Conflict with or obstruct implementation of the applicable air quality plan?	No Impact
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard?	Less than Significant Impact
c) Expose sensitive receptors to substantial pollutant concentrations?	No Impact
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR AIR QUALITY

##### **a, c, d) No Impact**

The Project falls under “pavement resurfacing and/or rehabilitation” activities and is, therefore, exempt from air quality conformity determination under 40 *Code of Federal Regulations* 93.126. An air quality study is not required (Caltrans 2019). Construction activities would not be in conflict with an air quality plan or generate emissions resulting in substantial pollutant concentrations or excessive odors. There would be no impact.

##### **b) Less than Significant Impact**

The Project would be required to comply with Caltrans Standard Specification 14-9, Air Quality, which requires compliance with air-pollution control rules, regulations, ordinances, and statutes that apply in the Project area. Construction air pollutants are expected to be minimal to negligible and short term. Potential impacts to air quality, including violation of air quality standards, criteria pollutants, exposure of sensitive receptors to pollutants, and creation of odors, are not anticipated based on the scope of the proposed Project. Project Feature AQ-1 would help minimize impacts from fugitive dust.

##### ***Project Feature***

Caltrans would incorporate a standard measure into the Project to offset or avoid potential impacts to air quality. This feature is described in the following paragraph.

**Project Feature AQ-1: Control Measures for Construction Emissions of Fugitive Dust.** Dust control measures would be implemented to minimize airborne dust and soil particles generated from construction. For disturbed soil areas, the use of tackifier to control dust emissions would be included in the construction contract. Any material stockpiles would be watered, sprayed with tackifier, or covered to minimize dust production and wind erosion.

### 3.3.4 Biological Resources

Would the project:

Question	CEQA Determination
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, or NOAA Fisheries?	Less than Significant Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Less than Significant Impact
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Less than Significant Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR BIOLOGICAL RESOURCES

A natural environment study (NES) was prepared for the Project to evaluate the effects of this Project on biological resources, including sensitive plant and wildlife species (Caltrans 2022a). This section summarizes the findings of the study.

The biological study area (BSA) includes the Project limits along SR 37, with the exception of an additional buffer area around sensitive resources. A 200-foot-wide buffer (both upstream and downstream) was included in the Simonds Slough area; a 700-foot-wide buffer was included (upstream and downstream) of Novato Creek; and a 700-foot-wide buffer was included at the eastern terminus of the Project to specifically incorporate tidal wetland habitat along the Petaluma River. The BSA encompasses approximately 88 acres.

The BSA is predominantly made up of a paved highway and surrounding road shoulder, dominated by annual grasslands and nonnative Himalayan blackberry (*Rubus armeniacus*). Most of the landcover that is not hardscaped is highly disturbed and annually mowed, except for Novato Creek, Simonds Slough, and their respective

surrounding wetlands. SR 37 spans Novato Creek at PM 11.96 and Simonds Slough at PM 13.04. Novato Creek is a perennial water that is hydrologically influenced by, and drains into, San Pablo Bay. Simonds Slough is a freshwater system that drains stormwater downstream over a levee and into Novato Creek. A tide gate originally controlled the flow of Simonds Slough, but the tide gate became ineffective, and a pump was subsequently installed to pump stormwater out of Simonds Slough, over the levee and into Novato Creek, and downstream into San Pablo Bay. Simonds Slough does not receive tidal waters from Novato Creek or San Pablo Bay. The pump and tide gate are located outside of the BSA approximately 0.5 mile downstream and south of SR 37.

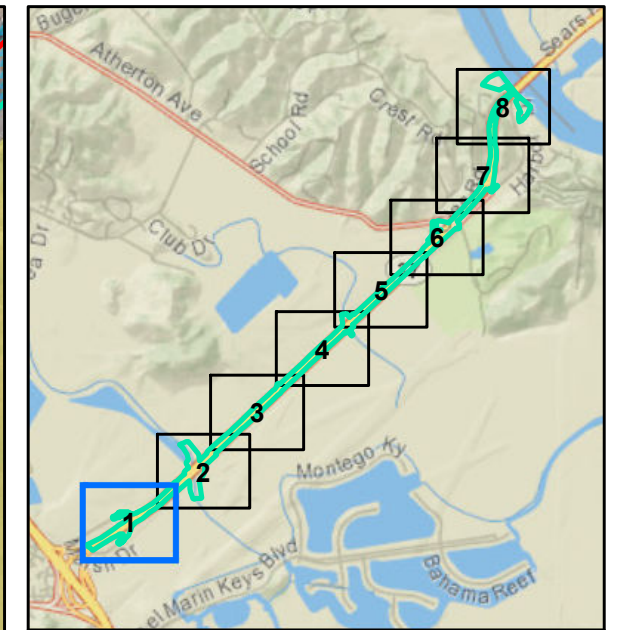
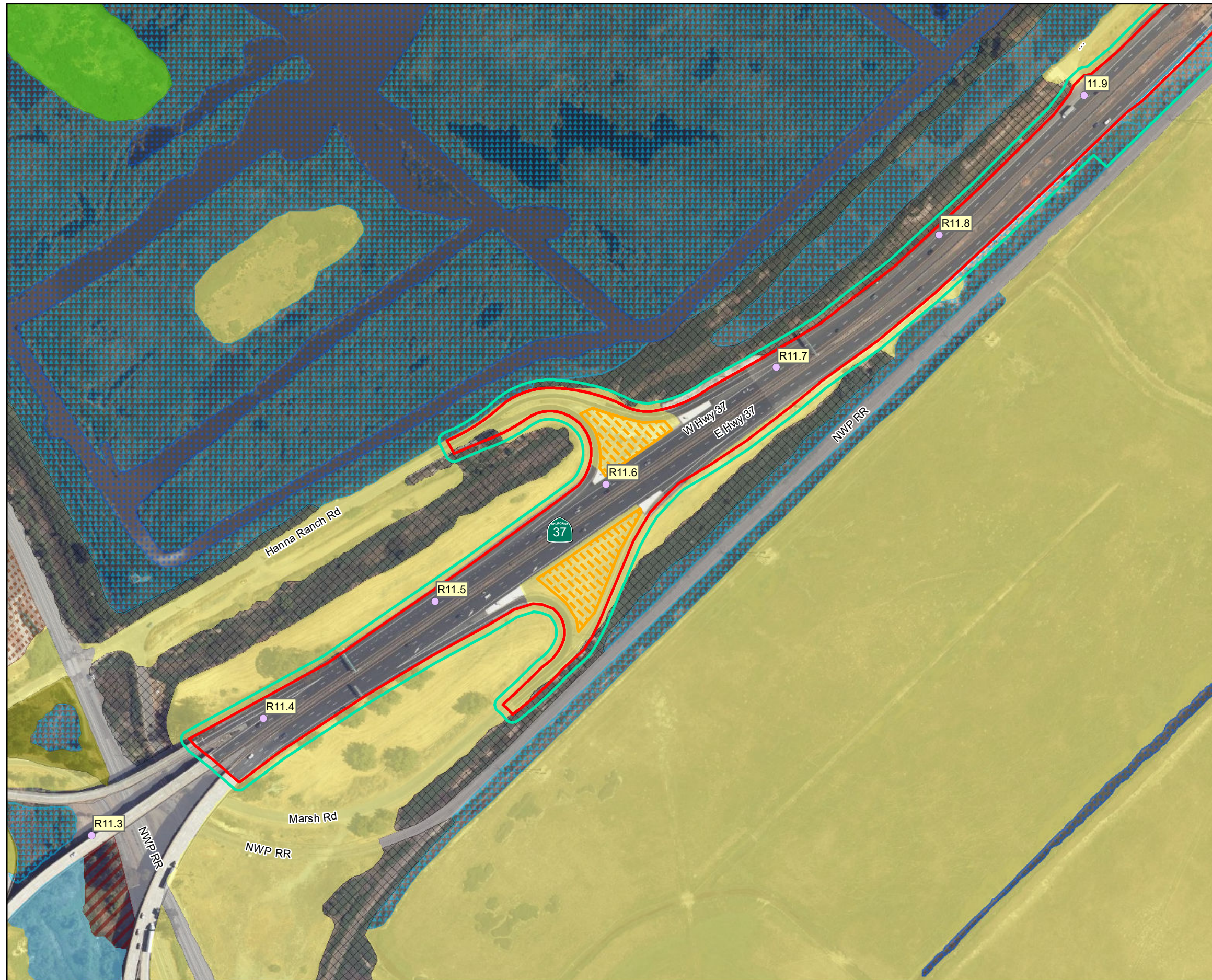
The Project limits consists of several landcover types. The most dominant of these is the road surface and surrounding grasslands, making up 97 percent of the Project limits (GGNPC 2021). Other vegetation and landcover types within the larger BSA include tidal wetland, open water, herbaceous, freshwater wetland, developed, native shrub, native forest, shrub fragment, nonnative shrub, tidal channels, and mudflats.

### ***Biological Studies***

As part of the NES, databases were used to evaluate potential impacts that could occur to sensitive biological resources as a result of the Project. Database searches included the California Natural Diversity Database (CNDDB) (California Department of Fish and Wildlife [CDFW] 2021); species list and critical habitat from the U.S. Fish and Wildlife Service (USFWS) (USFWS 2021a), a species list from the National Oceanographic and Atmospheric Administration Fisheries Service (NOAA Fisheries 2021); and the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California (CNPS 2021). A complete list of species from the database searches is provided in Appendix C1. In addition to database queries, reconnaissance field visits were conducted, with a focus on fish, bats, and California red-legged frog habitat.

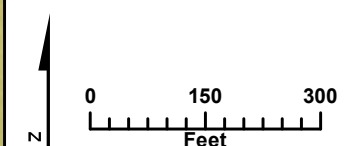
Data layers of wetlands and waters mapped from the Marin Fine Scale Vegetation Map (GGNPC 2021) were used to estimate areas of potentially jurisdictional aquatic resources. Figure 3-1 provides the locations of mapped data layers of wetlands and waters within the Project area. The USFWS National Wetlands Inventory database was reviewed for wetlands analysis and potential habitat for special-status aquatic species analysis (USFWS 2021b). Climatic information was obtained from the Western Regional Climate Center (2021) for wetlands analysis.





- Post Mile
- Action Area
- Work Area (53 acres)
- ▨ Staging Area (2.38 acres)
- Vegetation/Wetland Classifications**
- ▨ Barren
- ▨ Developed
- ▨ Evergreen Hardwood
- ▨ Forest Fragment
- ▨ Freshwater Wetland
- ▨ Annual & Perennial Grassland
- ▨ Native Shrub
- ▨ Non-native Shrub
- ▨ Riparian Shrub
- ▨ Water

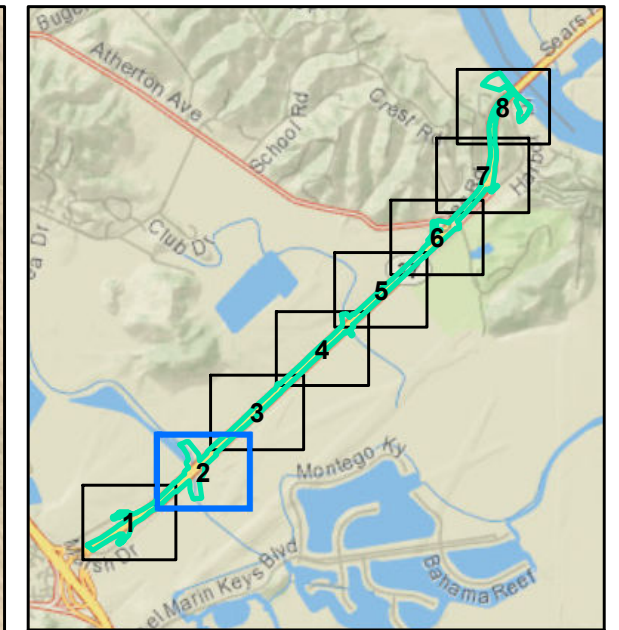
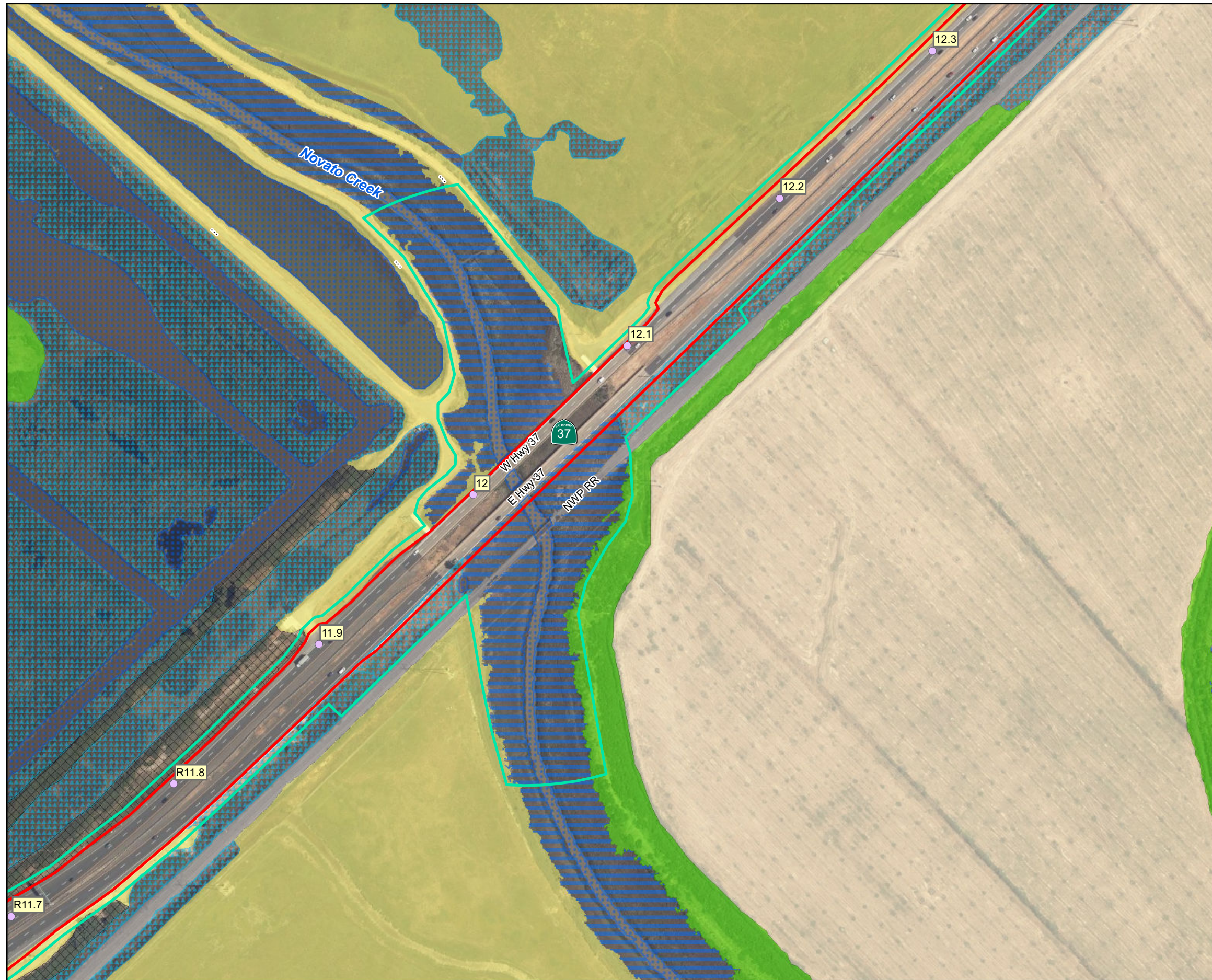
Source: Marin County Fine Scale Vegetation Map (2018) :  
<https://parksconservancy.maps.arcgis.com/home/index.html>



**FIGURE 3-1**  
**Map 1 of 8**  
**Vegetation and Wetland**  
**Classifications**

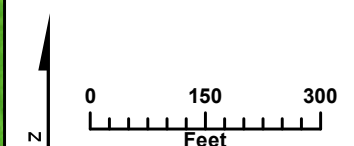
SR 37 CAPM Pavement Preservation  
 EA 04-2K740, MRN-37 PM-R11.2/14.6  
 Marin County, California





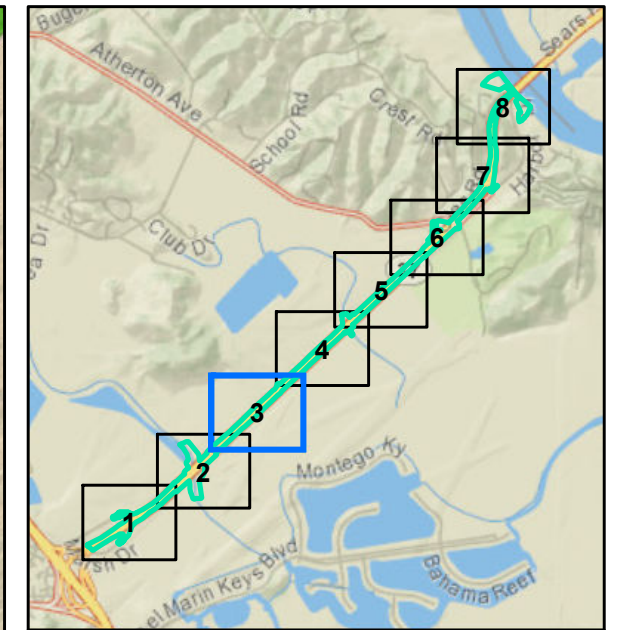
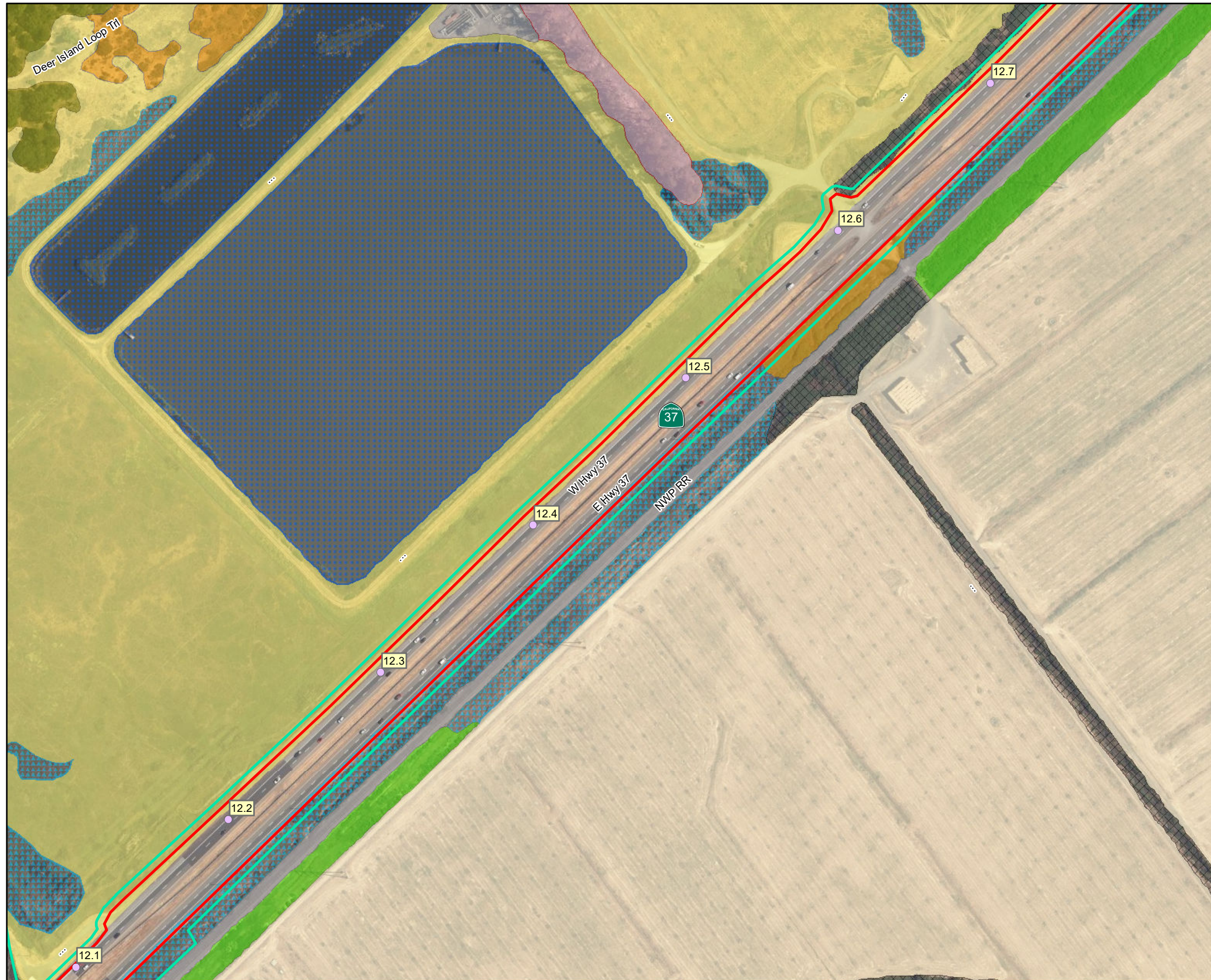
- Post Mile
- Action Area
- Work Area (53 acres)
- Vegetation/Wetland Classifications**
- Developed
- Freshwater Wetland
- Annual & Perennial Grassland
- Hayfield
- Native Shrub
- Non-native Shrub
- Tidal Wetland
- Water

Source: Marin County Fine Scale Vegetation Map (2018) :  
<https://parksconservancy.maps.arcgis.com/home/index.html>



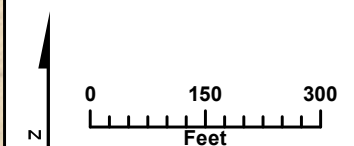
**FIGURE 3-1**  
**Map 2 of 8**  
**Vegetation and Wetland**  
**Classifications**  
 SR 37 CAPM Pavement Preservation  
 EA 04-2K740, MRN-37 PM-R11.2/14.6  
 Marin County, California





- Post Mile
- Action Area
- Work Area (53 acres)
- Vegetation/Wetland Classifications**
- Developed
- Evergreen Hardwood
- Freshwater Wetland
- Annual & Perennial Grassland
- Hayfield
- Native Shrub
- Non-native Forest
- Non-native Shrub
- Shrub Fragment
- Tidal Wetland
- Water

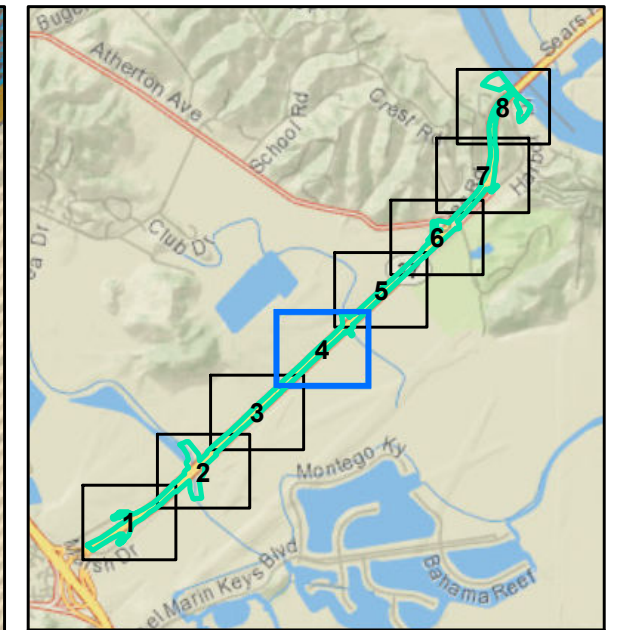
Source: Marin County Fine Scale Vegetation Map (2018) :  
<https://parksconservancy.maps.arcgis.com/home/index.html>



**FIGURE 3-1**  
**Map 3 of 8**  
**Vegetation and Wetland**  
**Classifications**

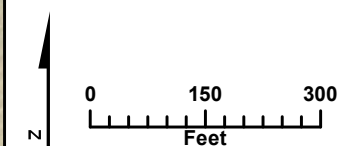
SR 37 CAPM Pavement Preservation  
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 Marin County, California





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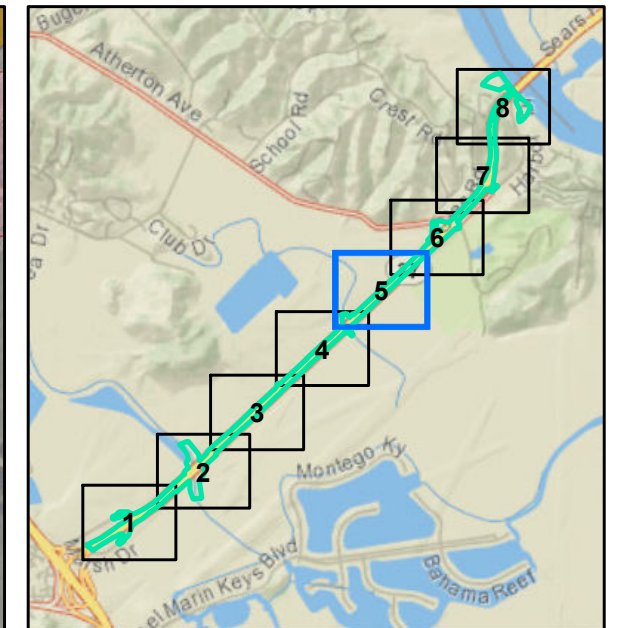
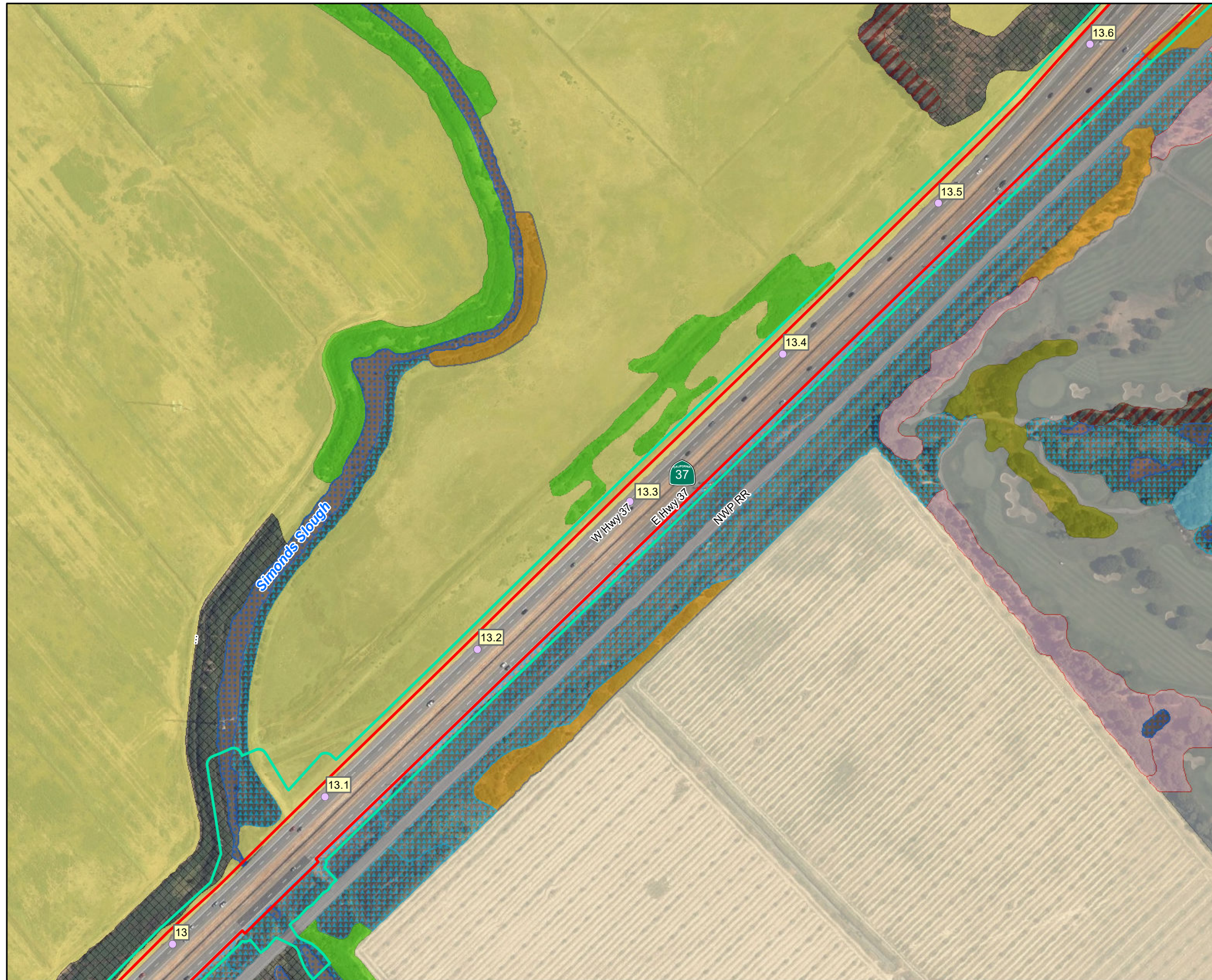
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**FIGURE 3-1**  
**Map 4 of 8**  
**Vegetation and Wetland**  
**Classifications**

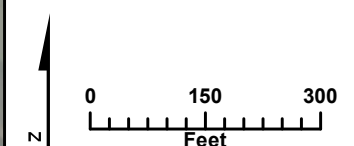
SR 37 CAPM Pavement Preservation  
 EA 04-2K740, MRN-37 PM-R11.2/14.6  
 Marin County, California





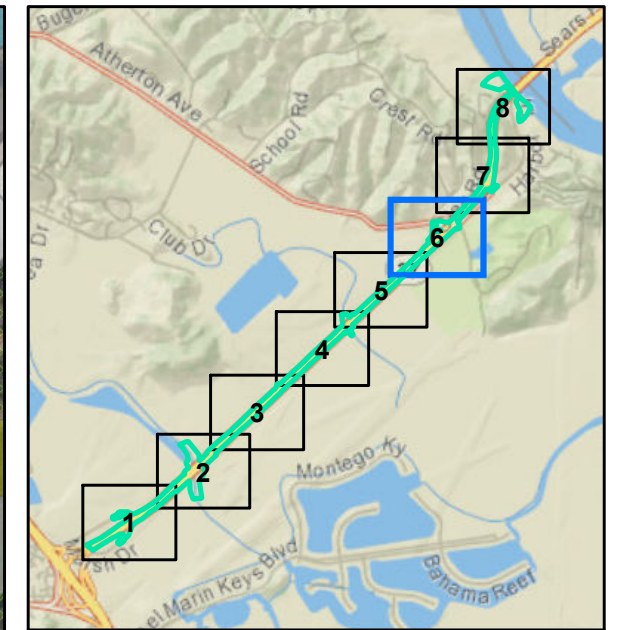
- Post Mile
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- Developed
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- Forest Fragment
- Freshwater Wetland
- Annual & Perennial Grassland
- Hayfield
- Native Shrub
- Non-native Forest
- Non-native Shrub
- Riparian Shrub
- Shrub Fragment
- Water

Source: Marin County Fine Scale Vegetation Map (2018) :  
<https://parksconservancy.maps.arcgis.com/home/index.html>



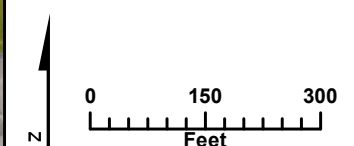
**FIGURE 3-1**  
**Map 5 of 8**  
**Vegetation and Wetland**  
**Classifications**  
 SR 37 CAPM Pavement Preservation  
 EA 04-2K740, MRN-37 PM-R11.2/14.6  
 Marin County, California





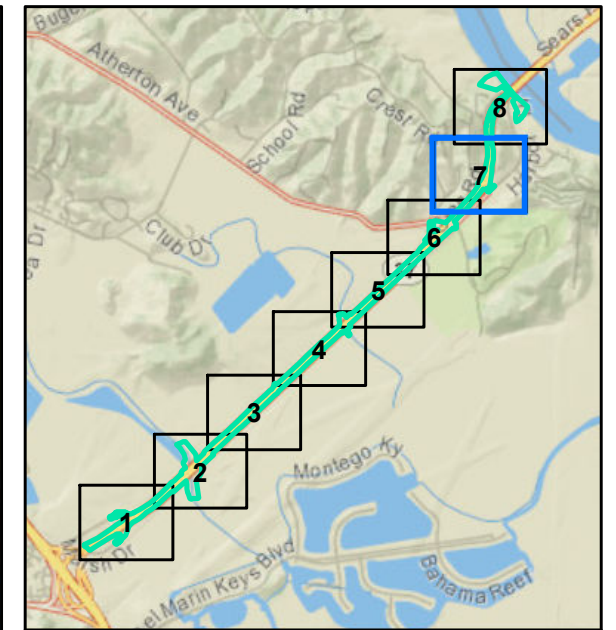
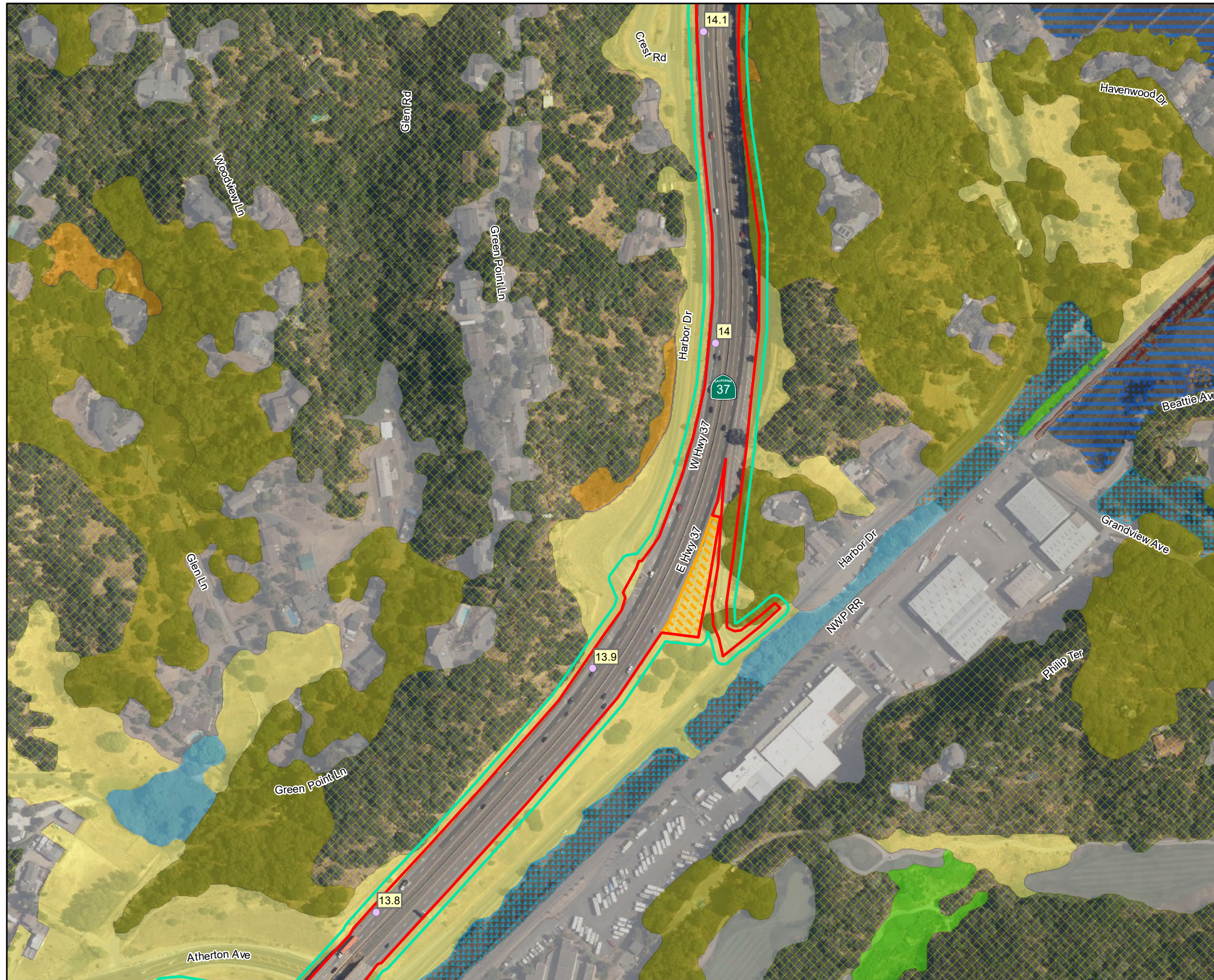
- Post Mile
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- Staging Area (2.38 acres)
- Vegetation/Wetland Classifications**
- Deciduous Hardwood
- Developed
- Evergreen Hardwood
- Forest Fragment
- Freshwater Wetland
- Annual & Perennial Grassland
- Native Shrub
- Non-native Forest
- Non-native Shrub
- Riparian Shrub
- Shrub Fragment
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Source: Marin County Fine Scale Vegetation Map (2018) :  
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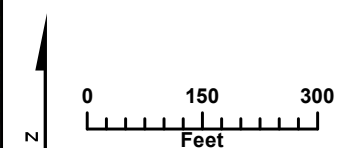
**FIGURE 3-1**  
**Map 6 of 8**  
**Vegetation and Wetland**  
**Classifications**  
 SR 37 CAPM Pavement Preservation  
 EA 04-2K740, MRN-37 PM-R11.2/14.6  
 Marin County, California





- Post Mile
  - Action Area
  - Work Area (53 acres)
  - Staging Area (2.38 acres)
- Vegetation/Wetland Classifications**
- Deciduous Hardwood
  - Developed
  - Evergreen Hardwood
  - Forest Fragment
  - Freshwater Wetland
  - Annual & Perennial Grassland
  - Native Shrub
  - Riparian Shrub
  - Shrub Fragment
  - Tidal Wetland
  - Water

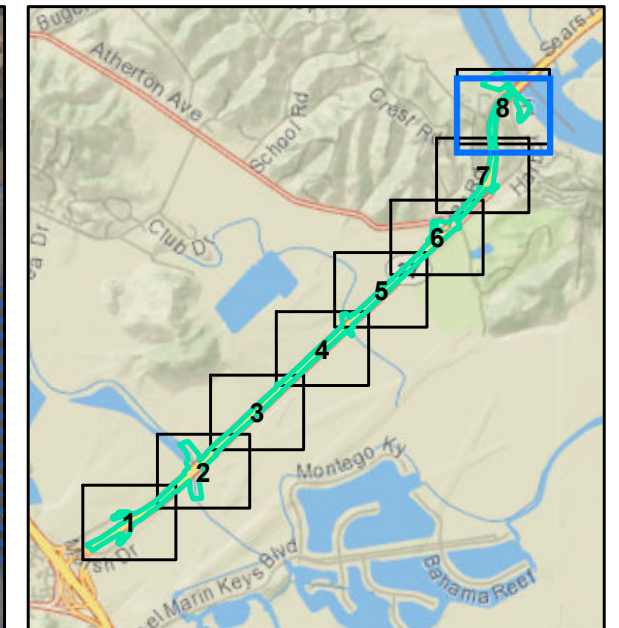
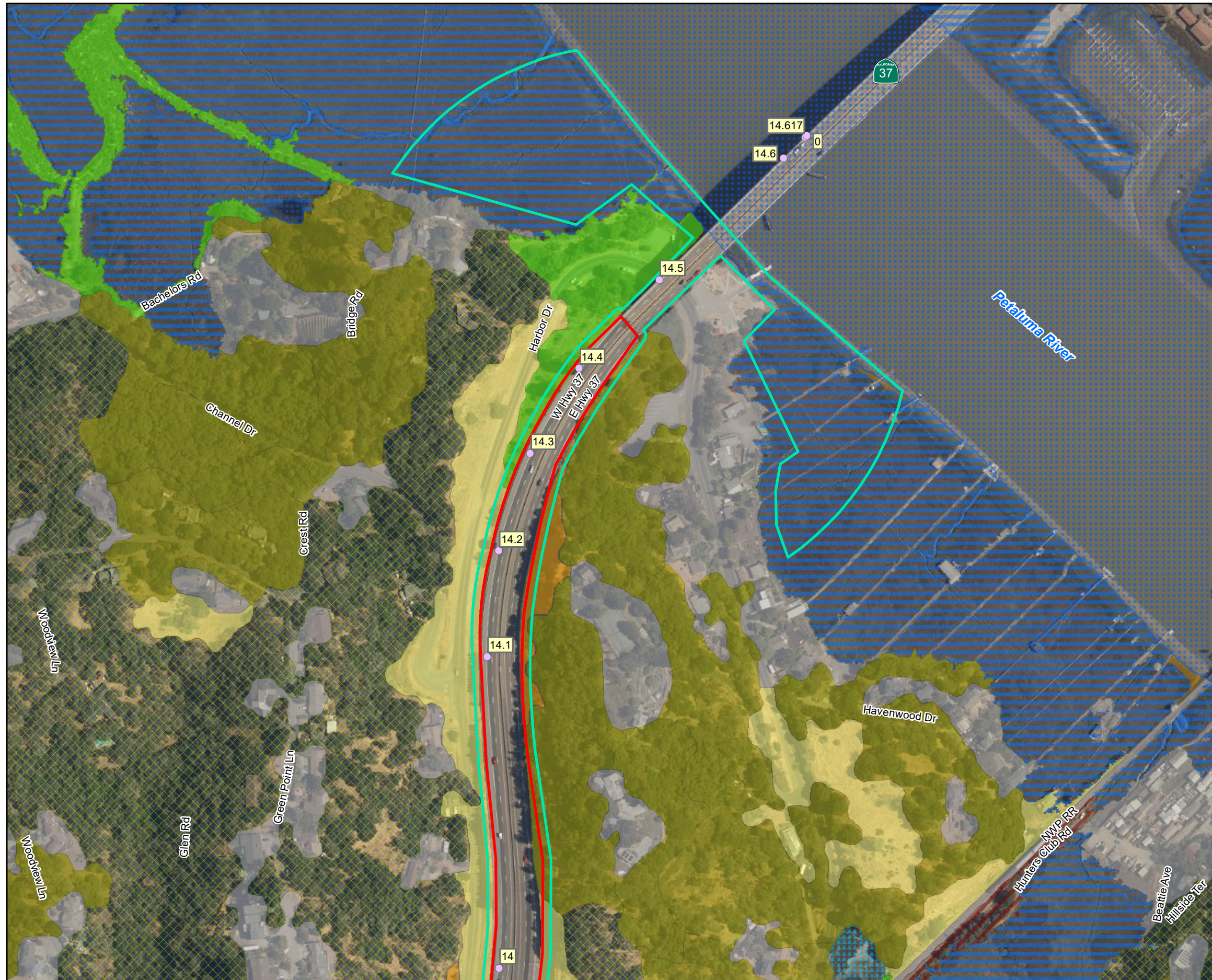
Source: Marin County Fine Scale Vegetation Map (2018) :  
<https://parksconservancy.maps.arcgis.com/home/index.html>



**FIGURE 3-1**  
**Map 7 of 8**  
**Vegetation and Wetland**  
**Classifications**

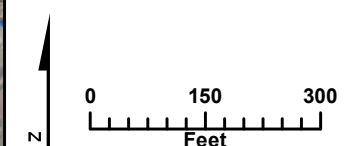
SR 37 CAPM Pavement Preservation  
 EA 04-2K740, MRN-37 PM-R11.2/14.6  
 Marin County, California





- Post Mile
- Action Area
- Work Area (53 acres)
- Vegetation/Wetland Classifications**
- Channel
- Deciduous Hardwood
- Developed
- Evergreen Hardwood
- Forest Fragment
- Freshwater Wetland
- Annual & Perennial Grassland
- Mudflat
- Native Shrub
- Shrub Fragment
- Tidal Wetland
- Water

Source: Marin County Fine Scale Vegetation Map (2018) :  
<https://parksconservancy.maps.arcgis.com/home/index.html>



**FIGURE 3-1**  
**Map 8 of 8**  
**Vegetation and Wetland**  
**Classifications**

SR 37 CAPM Pavement Preservation  
 EA 04-2K740, MRN-37 PM-R11.2/14.6  
 Marin County, California



### **a) Less than Significant Impact**

With implementation of Project features and AMMs discussed in this section, the Project would have a less than significant adverse effect, either directly or through habitat modifications, on any identified candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW, USFWS, or NOAA Fisheries. General Project features that would reduce impacts to special-status species include BIO-3, Worker Environmental Awareness Training, and BIO-4, Mark Environmentally Sensitive Areas. Additional species-specific Project features are discussed in the subsections that follow.

Special-status species' habitat is present within Novato Creek, Simonds Slough, and the Petaluma River, as well as the adjacent salt marsh and wetland habitats in the vicinity of the Project work areas. Construction activities could result in increases in noise, which could adversely impact nesting bird species, particularly the California Ridgway's rail (CRR) and the California black rail (CBR). However, these impacts will be avoided by implementing AMMs that establish work buffers and restrict work during the breeding season.

Special-status species potentially present within or adjacent to the BSA are discussed in the following sections and included in tabular format in Appendix C.

### ***Plants***

**Soft salty bird's-beak:** The Project would have no impact on soft salty bird's beak (*Chloropyron molle* ssp. *molle* [*Cordylanthus mollis* ssp. *mollis*]). Soft salty bird's-beak is a federally endangered, state rare, and California rare plant, ranked as 1B.2 (a plant that is rare, threatened, or endangered in California and elsewhere, and moderately threatened in California). The closest reported CNDDDB occurrences of soft salty bird's-beak are located along the Petaluma River, approximately 5 miles northeast of the BSA (CDFW 2021). The proposed Project would have no direct impacts on tidal wetland/salt marsh habitat. Therefore, there would be no direct impacts on the soft salty bird's-beak or its habitat.

Implementation of the following Project features and AMM would avoid impacts to salt marsh habitat: BIO-4: Mark Environmentally Sensitive Areas; BIO-8: Construction Site Management Practices; BIO-10: Restore Disturbed Area; BIO-14: Agency-Approved Biologist; and AMM WQ-1: Water Quality Best Management Practices (Section 3.3.10).

**Point Reyes salty bird's-beak:** The Project would have a less than significant impact on Point Reyes salty bird's beak (*Chloropyron maritimum* ssp. *palustre*). Point Reyes salty bird's beak has a California rare plant rank of 1B.2 (a plant that is rare, threatened, or endangered in California and elsewhere, and moderately threatened in California). The closest reported CNDDDB occurrence is more than 5 miles south of the BSA in brackish coastal marsh habitat near Gallinas Creek (CDFW 2021). However, because of the presence of tidal wetland habitat surrounding Novato Creek and the Petaluma River, there is potential for the BSA to support Point Reyes salty bird's-beak habitat.

The proposed Project would have no direct impacts to tidal wetland (salt marsh or brackish marsh) habitat. Therefore, there would be no direct impacts to the Point Reyes salty bird's-beak or its habitat.

Implementation of the following Project features would result in avoiding indirect impacts to Point Reyes salty bird's-beak. Implementation of the following Project features and AMM would specifically avoid impacts to salt marsh habitat: BIO-4: Mark Environmentally Sensitive Areas; BIO-8: Construction Site Management Practices; BIO-10: Restore Disturbed Area; BIO-14: Agency-Approved Biologist; and AMM WQ-1: Water Quality Best Management Practices.

### ***Fish***

**Central California Coast (CCC) steelhead:** The Project would have a less than significant impact on CCC steelhead (*Oncorhynchus mykiss*). The CCC Distinct Population Segment (DPS) of steelhead is listed as federally threatened. Two reported CNDDDB occurrences of CCC steelhead are within a 10-mile radius of the BSA (CDFW 2021); and CCC steelhead are known to occur in Novato Creek, although in limited numbers. Novato Creek does not provide spawning habitat and only provides migratory habitat. According to the *Coastal Multispecies Recovery Plan Volume IV, Central California Coast Steelhead* (NOAA Fisheries 2016), Novato Creek was rated "poor" in the following key attributes: estuary, habitat complexity, hydrology, landscape patterns, passage/migration, riparian, sediment, sediment transport, velocity refuge, viability, and water quality. The number of fish that presently reside in the creek are unknown. It is assumed that the population of CCC steelhead in Novato Creek within the BSA is small, given the number of fish captured during previous relocation efforts during construction projects and the quality of habitat in Novato Creek within the BSA (NOAA Fisheries 2016).

CCC steelhead could occur within Novato Creek and Petaluma River within the BSA; however, there are no anticipated direct impacts to Novato Creek or the Petaluma River as a result of the Project. Due to the lack of an unimpeded hydrological connection to Novato Creek and San Pablo Bay, as well as inadequate habitat, CCC steelhead are presumed absent from Simonds Slough.

Implementation of the following Project features and AMM would result in avoiding impacts to CCC steelhead: BIO-4: Mark Environmentally Sensitive Areas; BIO-8: Construction Site Management Practices; BIO-10: Restore Disturbed Area; and AMM WQ-1: Water Quality Best Management Practices.

**North American green sturgeon, southern (DPS):** The Project would have no significant impact on green sturgeon (*Acipenser medirostris*). The North American green sturgeon southern DPS is listed as federally threatened. There are no reported CNDDDB occurrences of green sturgeon within 10 miles of the BSA (CDFW 2021). There is a very low likelihood that green sturgeon would be present in the BSA during construction activities. However, Novato Creek and Petaluma River are designated critical habitat for the species; therefore, there is some likelihood green sturgeon could occur in the BSA. Because of the lack of an unimpeded hydrological connection to Novato Creek and San Pablo Bay, as well as inadequate habitat, green sturgeon is presumed absent from Simonds Slough. The proposed Project would not directly impact Petaluma River, Novato Creek, or the bridge deck spanning Novato Creek. Therefore, there would be no direct effects to green sturgeon habitat.

Implementation of the following Project features and AMM would result in avoiding impacts to green sturgeon habitat: BIO-4: Mark Environmentally Sensitive Areas; BIO-8: Construction Site Management Practices; BIO-10: Restore Disturbed Areas; and AMM WQ-1: Water Quality Best Management Practices.

**Longfin smelt:** The Project would have no impact on longfin smelt (*Spirinchus thaleichthys*). The longfin smelt is listed as state threatened and is a federal candidate for listing. There are three reported CNDDDB occurrences of longfin smelt within 10 miles of the BSA (CDFW 2021). There are no reported CNDDDB occurrences of longfin smelt in Novato Creek or Petaluma River within the BSA; however, San Pablo Bay supports habitat for the species. Because of the relative location of Novato Creek and Petaluma River to San Pablo Bay, there is a possibility for fish to incidentally forage in these waterways, but there is no spawning habitat present. Although there is low potential to occur, longfin smelt could occur within the BSA.

Because of the lack of an unimpeded hydrological connection to Novato Creek and San Pablo Bay, longfin smelt are presumed absent from Simonds Slough. The proposed Project would not directly impact the Petaluma River, Novato Creek, or the bridge deck spanning over Novato Creek. Therefore, there would be no direct effects to longfin smelt habitat.

With the incorporation of Project features, including a stormwater pollution prevention plan (SWPPP), there are no anticipated direct or indirect impacts to longfin smelt habitat. Implementation of the following Project features and AMM would result in avoiding impacts to longfin smelt: BIO-4: Mark Environmentally Sensitive Areas; BIO-8: Construction Site Management Practices; BIO-10: Restore Disturbed Areas; and AMM WQ-1: Water Quality Best Management Practices.

### ***Amphibians***

**California Red-Legged Frog:** The Project would have a less than significant impact on the California red-legged frog (*Rana draytonii*). The California red-legged frog is federally listed as threatened and is also a state species of special concern (SSC). There is one reported CNDDB occurrence of California red-legged frog within 1 mile of the BSA (CDFW 2021). However, this occurrence does not have a publicly identifiable location and is only recorded as within the entire Sears Point 7.5-quadrangle (CDFW 2021). The closest recorded occurrence with a specified location occurs more than 2 miles east of the eastern terminus of the BSA and across the Petaluma River within Sonoma County (CDFW 2021). This occurrence is 3.5 miles east of Simonds Slough, the only freshwater habitat within the BSA and the only area that could support California red-legged frog habitat. A California red-legged frog habitat assessment, focusing on Simonds Slough, was conducted in October 2021. The species has not specifically been observed within Simonds's Slough; however, due to the proximity of suitable dispersal and breeding habitat, there is a reasonable potential for it to occur within and immediately adjacent to the slough. Simonds Slough, within the Project limits, is suitable breeding habitat for the California red-legged frog, and the surrounding uplands (within both the Project limits and the BSA) is suitable upland refugia habitat.

The Project has potential to temporarily impact California red-legged frog upland refugia habitat. Parking of heavy equipment in the staging area south of Atherton Avenue near PM 13.6 could cause a temporary loss of upland dispersal habitat. However, the staging area includes highly disturbed herbaceous roadside vegetation that is annually mowed and maintained; therefore, it is unlikely that the species would



use this area for upland refugia. In addition to the Project features that protect aquatic resources and provide biological oversight and wildlife protection, the following AMMs would be implemented to avoid and/or minimize potential impacts to California red-legged frog; BIO-1: California Red-Legged Frog Habitat Work Window; BIO-2: California Red-Legged Frog Pre-Construction Surveys; and BIO-3: California Red-Legged Frog Monitoring Protocols.

### **Reptiles**

**Western Pond Turtle:** The Project would have a less than significant impact on western pond turtle (*Emys marmorata*). The western pond turtle is a California SSC. There is one generically mapped reported CNDDDB occurrence of western pond turtle within a 5-mile radius of the BSA; however, the location is delineated to the entire Petaluma River quadrangle (CDFW 2021). Simonds Slough is similar in characteristics to nearby occurrences and is therefore presumed to support habitat for the western pond turtle. However, there are no apparent basking sites or haul-out areas within the BSA, so the likelihood of the western pond turtle to be within the BSA is low but, presumed present.

There would be no direct or indirect impacts to western pond turtle aquatic habitat. Implementation of the following Project features and AMM would specifically avoid impacts to aquatic resources, as well as the species: BIO-4: Mark Environmentally Sensitive Areas; BIO-5: Wildlife Exclusion Fencing; BIO-8: Construction Site Management Practices; BIO-10: Restore Disturbed Areas; BIO-16: Stop-Work Authority; BIO-18: Wildlife Species Relocation; and AMM WQ-1: Water Quality Best Management Practices.

### **Birds**

**California Black Rail:** The Project would have a less than significant impact on California black rail (*Laterallus jamaicensis coturniculus*). CBR is a state threatened and state fully protected species. CBR are known to occur within the BSA. Tidal wetland habitat at Novato Creek and abutting the Petaluma River provide suitable habitat for CBR. Due to the presence of suitable habitat and previous sightings of CBR, the BSA at Novato Creek and the Petaluma River is presumed to support CBR.

Pavement grinding and installation of new posts along the highway would not be anticipated to cause a noise disturbance to CBR, particularly because any birds within the BSA are likely habituated to constant traffic noise. Noise resulting from construction would be transient, temporary, and not relatively louder than peak traffic

ambient noise. There would be no direct impacts to the CBR habitat along the Petaluma River as a result of this Project.

In addition to Project features that protect aquatic resources and provide biological oversight and wildlife protection, the following AMMs would be implemented, as deemed necessary by the Project biologist, to avoid and/or minimize potential impacts to CBR: BIO-4: California Ridgway's Rail and California Black Rail Pre-Construction Survey; BIO-5: California Ridgway's Rail and California Black Rail Avoidance; BIO-6: California Ridgway's Rail and California Black Rail Avoidance Buffers; BIO-7: California Ridgway's Rail and California Black Rail High Tide Restriction; and BIO-8: California Ridgway's Rail and California Black Rail Monitoring.

**California Ridgway's Rail:** The Project would have a less than significant impact on California Ridgway's rail (*Rallus obsoletus* [*R. longirostris obsoletus*]). CRR is listed as federally endangered, state endangered, and is a state fully protected species. This species occurs primarily in tidal salt and brackish marshes that have consistent tidal flows, access to tidal channel networks, nesting and cover habitat, and prey supply of invertebrates. The species has been observed within Novato Creek near SR 37 (CDFW 2021). The last updated sighting at this location was in 1993, where one rail in mid-June (north of SR 37) and one rail in late June (south of SR 37) were observed (CDFW 2021). The BSA includes salt marsh habitat bordering the tidally influenced Novato Creek. However, near the bridge, Novato Creek provides only a minimal number of channel offshoots and the habitat is bordered by uplands that allows easy access by predators; therefore, the BSA does not support ideal habitat for the CRR. Although there are likely very few CRR in or adjacent to the BSA, given the proximity of known populations, and the occurrence of saltmarsh habitat bordering the tidally influenced Novato Creek, presence of CRR in the BSA is presumed.

The proposed Project has potential, although low, to temporarily impact CRR via noise disturbance if they are within the BSA. Pavement grinding and installation of new posts along the highway would not be anticipated to cause a noise disturbance to CRR, particularly because any birds within the BSA are likely habituated to constant traffic noise. Noise resulting from construction would be transient, temporary, and not relatively louder than peak traffic ambient noise. There would be no direct impacts to the CRR habitat as a result of this Project. In addition to the Project features that protect aquatic resources and provide biological oversight and wildlife protection, the following AMMs would be implemented, as deemed necessary by the Project

biologist, to avoid and/or minimize potential impacts to CRR: BIO-4: California Ridgway's Rail and California Black Rail Pre-Construction Survey; BIO-5: California Ridgway's Rail and California Black Rail Avoidance; BIO-6: California Ridgway's Rail and California Black Rail Avoidance Buffers; BIO-7: California Ridgway's Rail and California Black Rail High Tide Restriction; and BIO-8: California Ridgway's Rail and California Black Rail Monitoring.

**Saltmarsh Common Yellowthroat:** The Project would have a less than significant impact on saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*). Saltmarsh common yellowthroat is a state SSC. There are six reported CNDDDB occurrences of Saltmarsh common yellowthroat in the tidal wetlands bordering the Petaluma River (CDFW 2021). No CNDDDB occurrences have been reported at Novato Creek or Simonds Slough within the BSA. Based on the presence of both saltmarsh/brackish marsh habitat and freshwater habitat, both of which are bordered by shrubs and relatively tall herbaceous vegetation, the BSA is presumed to support habitat for the saltmarsh common yellowthroat at Novato Creek, Simonds Slough, and the Petaluma River.

Installing new posts along the highway and attaching the guard rails to the bridge rails would not be anticipated to cause a noise disturbance to saltmarsh common yellowthroat, particularly because any birds within the BSA are likely habituated to constant traffic noise. There would be no impacts to the saltmarsh common yellowthroat habitat as a result of this Project.

Implementation of the following Project features would result in minimizing impacts to the species: BIO-6: Nesting Bird Surveys; BIO-7: Active Nest Buffers; and BIO-14: Agency-Approved Biologist.

**San Pablo Song Sparrow:** The Project would have a less than significant impact on San Pablo song sparrow (*Melospiza melodia samuelis*). The San Pablo song sparrow is a state SSC. There are 12 reported CNDDDB occurrences of San Pablo song sparrow within 5 miles of the BSA (CDFW 2021). The vegetation that makes up the tidal wetland habitat within the BSA can support San Pablo song sparrow habitat. Because of the presence of tidal wetland habitat, as well as species observations surrounding the BSA, San Pablo song sparrow nesting and foraging habitat is presumed present along Novato Creek and along the Petaluma River within the BSA.

Installing new posts and attaching guard rails to the bridge rails would not be anticipated to cause a substantial noise disturbance to San Pablo song sparrow,

particularly because any birds within the BSA are likely habituated to constant traffic noise.. There would be no impacts to the San Pablo song sparrow habitat along the Petaluma River as a result of this Project.

Implementation of the following Project features would result in minimizing impacts to the species: BIO-6: Nesting Bird Surveys; BIO-7: Active Nest Buffers; and BIO-14: Agency-Approved Biologist.

**Tricolored Blackbird:** The Project would have a less than significant impact on tricolored blackbird (*Agelaius tricolor*). The tricolored blackbird is a state threatened species and a California SSC. There are two reported CNDDDB occurrences of tricolored blackbird a little less than 5 miles east of the Simonds Slough within the BSA (CDFW 2021). Because of the presence of the freshwater emergent wetland within and adjacent to Simonds Slough, the tricolored blackbird wintering habitat within this part of the BSA is presumed. However, the proposed Project would not result in direct impacts on tricolored blackbird wintering habitat because there would be no direct impacts to Simonds Slough or adjacent wetland habitat.

Implementation of the following Project features would result in avoiding impacts to the species: BIO-6: Nesting Bird Surveys; BIO-7: Active Nest Buffers; and BIO-14: Agency-Approved Biologist.

**Western Burrowing Owl:** The Project would have a less than significant impact on western burrowing owl (*Athene cunicularia*). Western burrowing owl is a California SSC. There are seven reported CNDDDB occurrences of this species within a 5-mile radius of the BSA (CDFW 2021). There are no occurrences located along SR 37 within the BSA; however, there is suitable nesting, foraging, and overwintering habitat, grasslands with mammal burrows, adjacent to the BSA. Based on the presence of suitable habitat, burrowing owl foraging habitat is assumed to be present within the BSA. However, because of the continued disturbance from traffic and the location of more suitable habitat adjacent to the BSA, the likelihood of burrowing owl presence within the BSA is low.

The proposed Project includes minimal ground-disturbing activities that have potential to impact burrowing owl habitat. Staging in grassland habitat along the road shoulder could compact burrows and temporarily reduce foraging and nesting habitat. Construction noise would not be anticipated to impact burrowing owls because they are likely habituated to the ambient road noise. The proposed Project has potential,

although low, to temporarily impact nesting burrowing owl and foraging habitat via loss of available refugia and foraging habitat, if they are within the BSA.

Implementation of Project features, in particular BIO-14: Agency-Approved Biologist, would result in minimizing impacts to the species. In addition, the following two AMMs will be implemented to avoid and/or minimize potential impacts to burrowing owls: BIO-29: Western Burrowing Owl Pre-Construction Surveys and BIO-10: Western Burrowing Owl Nest Avoidance.

**White-tailed Kite:** The Project would have a less than significant impact on white-tailed kite (*Elanus leucurus*). The white-tailed kite is a state fully protected species. There are reported CNDDB occurrences of white-tailed kite within 2.5 miles of the BSA (CDFW 2021). Based on known occurrences and the presence of foraging habitat, the white-tailed kite is presumed to occur in the BSA. However, there is no nesting habitat present in the BSA for the species.

The proposed Project would include minimal ground-disturbing activities that have potential to impact foraging habitat of the white-tailed kite. No trees would be removed as part of the Project; therefore, nesting habitat would not be impacted. Because the area surrounding the BSA is only foraging habitat, birds can easily fly away to another location during any construction disturbances. Therefore, the proposed Project would not be anticipated to impact white-tailed kites if they are within the BSA during construction.

Implementation of the following Project features would result in minimizing impacts to the species: BIO-6: Nesting Bird Surveys; BIO-7: Active Nest Buffers; and BIO-14: Agency-Approved Biologist.

### **Mammals**

**Pallid Bat:** The Project would have a less than significant impact on pallid bat (*Antrozous pallidus*). The pallid bat is a California SSC. There are five reported CNDDB occurrences of pallid bat within 5 miles of the BSA (CDFW 2021). A reconnaissance survey was conducted along the SR 37 corridor. Preliminary observations conclude that there is marginal habitat for crevice-roosting species, although many of the crevices are too small for pallid bats. Two areas that could support pallid bat roosting include weep holes, which are present at the SR 37/U.S. 101 connector ramps (outside of the BSA) and the SR 37/Atherton Bridge overpass (inside the BSA). Because there is potential for roosting habitat within the BSA, it is presumed that pallid bats may occur within the work area.



Implementation of the proposed Project would not include work on the underside of SR 37. However, there would be a minor amount of curb work at the corner of Harbor Drive and Atherton Avenue, which is adjacent to the SR 37 overpass over Atherton Avenue. If pallid bats are roosting in weep holes at this location, then construction activities could disturb them. The proposed Project has potential, although low, to temporarily impact pallid bats if they are within the BSA during construction.

Implementation of following Project features would avoid and/or minimize impacts to bat species: BIO-11: Bat Protection; BIO-13: Night Lighting; and BIO-14: Agency-Approved Biologist. In addition, the following AMM would be implemented to avoid and/or minimize potential impacts to pallid bats: BIO-11: Bat Monitoring Protocols.

**Townsend's big-eared bat:** The Project would have a less than significant impact on Townsend's big-eared bat (*Corynorhinus townsendii*). The Townsend's big-eared bat is a California SSC. There is one reported current (2001) CNDDDB reported occurrence of Townsend's big-eared bat within 5 miles of the BSA, located a little less than 5 miles north of the BSA within Olompali State Park (CDFW 2021). A reconnaissance survey was conducted along the SR 37 corridor. Preliminary observations conclude that there is marginal habitat for crevice-roosting species; because there is potential for roosting habitat within the BSA, it is presumed that Townsend's big-eared bats may occur within the work area.

Implementation of the proposed Project would not include work on the underside of SR 37. However, there would be a minor amount of curb work at the corner of Harbor Drive and Atherton Avenue, which is adjacent to the SR 37 overpass over Atherton Avenue. If bats are roosting in weep holes at this location, construction activities could disturb them. The proposed Project has potential, although low, to temporarily impact Townsend's big-eared bats if they are within the BSA during construction.

Implementation of following Project features would avoid and/or minimize impacts to bat species: BIO-11: Bat Protection; BIO-13: Night Lighting; and BIO-14: Agency-Approved Biologist. In addition, the following AMM would be implemented to avoid and/or minimize potential impacts to Townsend's big-eared bats: BIO-11: Bat Monitoring Protocols.

**Salt Marsh Harvest Mouse:** The Project would have a less than significant impact on salt marsh harvest mouse (*Reithrodontomys raviventris*). The salt marsh harvest mouse is federally endangered, state endangered, and a state fully protected species. Because of the presence of salt marsh habitat within the BSA, the potential for salt

marsh harvest mouse to occur in the BSA is presumed. Implementation of the proposed Project would not include ground-disturbing work to salt marsh harvest mouse habitat, Novato Creek, or the bridge portion of SR 37 spanning Novato Creek. Additionally, there would be no impacts to the salt marsh harvest mouse habitat along the Petaluma River as a result of this Project.

Implementation of the following Project features and AMM would result in avoiding indirect impacts to salt marsh harvest mouse: BIO-4: Mark Environmentally Sensitive Areas; BIO-8: Construction Site Management Practices; BIO-10: Restore Disturbed Areas; BIO-14: Agency-Approved Biologist; and AMM WQ-1: Water Quality Best Management Practices.

### ***Other Species***

Other species listed as endangered or threatened under the federal Endangered Species Act or California Endangered Species Act, defined by CDFW as a SSC, or plant species in CNPS Online Inventory of Rare and Endangered Plants were eliminated from further consideration based on the BSA being outside of the species' range, and no suitable habitat was identified in the BSA.

### ***Designated Critical Habitat***

There is federally designated critical habitat for the CCC steelhead DPS and the Southern DPS of green sturgeon within the BSA and Project limits.

Designated critical habitat for the CCC steelhead DPS near the BSA includes the San Pablo Bay and its tributaries. Within the BSA, Novato Creek, Simonds Slough, and Petaluma River are designated critical habitat for CCC steelhead. However, CCC steelhead are currently unable to access Simonds Slough. Critical habitat for CCC steelhead includes freshwater spawning areas, freshwater rearing and migration areas, and estuarine rearing and migration areas. All freshwater and tidally influenced waters that overlap the BSA are included as designated critical habitat for this species.

Designated critical habitat Southern DPS of green sturgeon includes all waterways of the delta up to the mean higher high water elevation, except for certain excluded areas, and all tidally influenced areas of San Francisco Bay, San Pablo Bay, and Suisun Bay, up to the mean higher high water elevation. The primary constituent elements of green sturgeon critical habitat are defined by NOAA Fisheries; these elements include physical or biological features essential to the conservation of a species on which its critical habitat is based. Within the BSA, Novato Creek and

Petaluma River, and their associated salt marshes, are designated critical habitat for green sturgeon.

The Project is not expected to adversely modify or destroy the critical habitat physical and biological features that comprise federally designated critical habitat for the CCC steelhead or the Southern DPS of green sturgeon.

Because of Project features and AMMs that would be implemented by the Project to protect aquatic resources and wetland habitats, no indirect effects to critical habitat are anticipated. The Project is not anticipated to appreciably diminish the capability of the critical habitat to satisfy essential requirements of the designated species.

**b) Less than Significant Impact**

The Project would not have a substantial adverse effect on riparian habitat or environmentally sensitive natural communities.

**Sensitive Natural Communities**

There are no mapped CDFW-designated sensitive natural communities recorded within the BSA (CDFW 2021). However, there are tidal wetlands (which are typically considered a sensitive natural community), freshwater wetlands, and open water communities with the BSA and Project limits. Indirect impacts to these resources would be avoided with the implementation of the following Project features and AMM: BIO-4: Mark Environmentally Sensitive Areas; BIO-8: Construction Site Management Practices; and AMM WQ-1: Water Quality Best Management Practices.

**Essential Fish Habitat**

The Project is located in the Novato U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle, which has designated essential fish habitat (EFH) for Chinook and coho salmon and groundfish (NOAA Fisheries 2021). The BSA contains Novato Creek, Simonds Slough, and the Petaluma River. However, neither Novato Creek EFH, Petaluma River EFH, nor Simonds Slough EFH would be affected because there would be no direct impacts to these aquatic features, and no increases in shading. Therefore, there would be no impacts to EFH.

### **c) Less than Significant Impact**

The Project is anticipated to have a less than significant impact on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, and coastal areas) through direct removal, filling, hydrological interruption, or other means.

An aquatic resources delineation was not conducted for federally protected wetlands and other waters as defined by Section 404 of the Clean Water Act. A preliminary determination of aquatic resources within the Project limits is based on aerial interpretation, USGS hydrography, National Wetlands Inventory data (USFWS 2021b), and the Marin County Fine Scale Vegetation Map data. For aquatic features that would require a field observation (such as, roadside wetlands), it is assumed that the mapped data are conservative representations of on the ground conditions and the number of aquatic resources would likely be reduced as a result of a final U.S. Army Corps of Engineers (USACE) delineation. Aquatic features mapped within the Project limits are shown on Figure 3-1.

Two perennial waters of the United States are within the Project limits: Novato Creek and Simonds Slough. Novato Creek is an estuarine-influenced creek that drains into San Pablo Bay. Simonds Slough is a freshwater drainage that drains into Novato Creek via a tide gate and pump system. There is tidal wetland/salt marsh habitat associated with Novato Creek and freshwater emergent wetland habitat associated with Simonds Slough. As currently mapped, there is 0.11 acre of open water habitat (that is, Novato Creek and Simonds Slough combined) within the Project limits.

Neither Novato Creek, Simonds Slough, nor their adjoining wetlands would be directly impacted by the proposed Project because no work would occur directly within these waters. No work would take place on bridges, except for connecting new guardrail to existing bridge rail. No bridge approach slabs would be replaced at any of the waterways or overcrossings. Temporary impacts to 0.78 acre of potential waters of the United States (roadside freshwater wetlands) could occur during construction. Federally protected wetlands and waters that may be temporarily impacted would be restored onsite to pre-construction conditions, upon completion of Project construction.

Settlement correction would occur adjacent to the slough, under the existing pavement, involving polyurethane foam injections into the road surface on the eastbound lane of SR 37 (Figure 1-3, Maps 4 and 5); however, no impacts are

anticipated to occur within the Simonds's Slough as a result of this work. Construction may include staging and vehicle access along the road shoulder, which could potentially impact the fragmented freshwater wetlands mapped along the road shoulder within the Project limits (Figure 3-1). There would be no anticipated permanent impacts to waters of the United States.

Indirect impacts to adjacent aquatic features would be avoided with the implementation of the following Project features and AMM: BIO-4: Mark Environmentally Sensitive Areas; BIO-8: Construction Site Management Practices; BIO-10: Restore Disturbed Areas; and AMM WQ-1: Water Quality Best Management Practices.

**d) No Impact**

The Project would not construct any new permanent barriers to wildlife movement, or otherwise interfere with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. There would be no impact.

**e) No Impact**

This Project would not conflict with any local policies or ordinances protecting biological resources; therefore, there would be no impact.

**f) No Impact**

This Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, there would be no impact.

***Project Features***

Caltrans would incorporate its standard measures into the Project to offset or avoid potential impacts to biological resources. These Project features include those described in the following paragraphs.

**Project Feature BIO-1: Documentation at Project Site.** A permit compliance binder would be maintained at the construction site at all times and presented to resource agency (USACE, NOAA Fisheries, USFWS, Regional Water Quality Control Board [RWQCB], San Francisco Bay Conservation and Development Commission (BCDC), and/or CDFW) personnel upon request. The permit

compliance binder would include a copy of all original permits and agreements, and any extensions and amendments to the permits and agreements.

**Project Feature BIO-2: Work According to Documents.** Except as they are contradicted by measures within the permits and agreements, all work would be conducted in conformance with the Project description in the permits and agreements and the AMMs provided in the permits and agreements.

**Project Feature BIO-3: Worker Environmental Awareness Training.** Prior to the start of construction, a biologist would provide a training session for all work personnel to identify any sensitive species that may be in the area, their basic habits, how they may be encountered in their work area, and procedures to follow when they are encountered. Any personnel joining the work crew later would receive the same training before beginning work. Upon completion of the education program, employees would sign a form stating they attended the program and understand all protection measures. A pamphlet that contains images of sensitive species that may occur within the Project, environmentally sensitive areas (ESAs) within the Project site, and notes key avoidance measures, as well as employee guidance would be given to each person who completes the training program. These forms would be made available to the resource agencies upon request.

**Project Feature BIO-4: Mark Environmentally Sensitive Areas.** Before construction begins, ESAs would be clearly delineated using high-visibility orange fencing, flagging, or similar marking to delineate sensitive habitats. The ESA marking would remain in place throughout construction. It may be removed during the wet season (and subsequently re-installed), if needed to prevent materials from being washed away. The final Project plans would depict all locations where ESA markings would be installed and how the markings would be installed. The bid solicitation package special provisions would clearly describe acceptable marking material and prohibited construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within ESAs. ESA markings would be maintained in good repair throughout the Project as needed.

**Project Feature BIO-5: Wildlife Exclusion Fencing.** Before starting construction, wildlife exclusion fencing (WEF) would be installed at Simonds Slough, where wildlife could enter the Project site. Locations of the WEF would be determined in coordination with the onsite biologist. WEF installation locations would be identified during the plans, specifications, and estimate phase of the Project; the final plans



would depict the locations where WEF would be installed and how WEF would be assembled/constructed. The special provisions in the bid solicitation package would clearly describe acceptable WEF material and proper WEF installation and maintenance. The WEF would remain in place throughout the Project duration, while construction activities are ongoing; the WEF would be regularly inspected for stranded animals and fully maintained. The WEF would be removed following completion of construction activities or when construction is completed at that location at the discretion of the Project biologist.

**Project Feature BIO-6: Nesting Bird Surveys.** If Project activities occur between February 1 and September 30, then a pre-construction survey(s) would be conducted for nesting birds no more than 3 days before construction. If active nests are found, then an appropriate buffer would be established, and the nest would be monitored for compliance with the Migratory Bird Treaty Act and California Fish and Game Code (FGC) 3503.

**Project Feature BIO-7: Active Nest Buffers.** If an active bird nest is found during construction activities, then the following ESA buffers would be established: if an active raptor nest is observed, a 300-foot-wide ESA buffer would be implemented to avoid impacting the young until they have fledged; if an active nest of non-raptor migratory birds is observed, a 50-foot-wide ESA buffer would be implemented to protect the young until they have fledged, or as otherwise determined through consultation with USFWS and CDFW regarding appropriate action to comply with the Migratory Bird Treaty Act and California FGC 3503.

**Project Feature BIO-8: Construction Site Management Practices.** The following site restrictions would be implemented to avoid or minimize potential impacts on sensitive biological resources:

- Enforce a speed limit of 15 miles per hour for Project vehicles in unpaved portions of the site to reduce dust and excessive soil disturbance.
- Locate construction access, staging, storage, and parking areas within the Caltrans right of way and outside of any designated ESA to the extent practicable. Access routes, staging and storage areas, and contractor parking will be limited to the minimum necessary to construct the proposed Project. Clearly mark routes and boundaries of roadwork before initiating construction.

- Certify, to the maximum extent practicable, borrow material is non-toxic and weed free.
- Enclose food and food-related trash items in sealed trash containers and remove them from the site at the end of each day.
- Prohibit pets from entering the Project area during construction.
- Prohibit firearms within the Project site, except for those carried by authorized security personnel or local, state, or federal law enforcement officials.

**Project Feature BIO-9: Invasive Weed Control.** To reduce the spread of invasive, nonnative plant species and minimize the potential decrease of palatable vegetation for wildlife species, Caltrans would comply with Executive Order 13112. This order is provided to prevent the introduction of invasive species and provide for their control to minimize the economic, ecological, and human health effects. If noxious weeds are disturbed or removed during construction-related activities, the contractor would be required to contain the plant material associated with these noxious weeds and dispose of the material in a manner that would not promote the spread of the species. The contractor would be responsible for obtaining all permits, licenses, and environmental clearances for properly disposing of materials. Areas subject to noxious weed removal or disturbance would be replanted with fast-growing native grasses or a native erosion control seed mixture. Where seeding is not practical, the target areas within the Project area would be covered to the extent practicable with heavy black plastic solarization material until the end of the Project.

If work occurs in sensitive habitats, vehicles and equipment would be thoroughly cleaned before arriving on the site to prevent the spread of noxious weeds from other locations.

**Project Feature BIO-10: Restore Disturbed Areas.** Temporarily disturbed areas would be restored to the maximum extent practicable. Exposed slopes and bare ground would be reseeded with native grasses to stabilize and prevent erosion. Where disturbance includes the removal of trees and woody shrubs, native species would be replanted, based on the local species composition.

**Project Feature BIO-11: Bat Protection.** A habitat assessment would be conducted for potentially suitable bat roosting habitat prior to construction activities. If the habitat assessment reveals any structures are suitable roosting habitat for bats, then

the appropriate exclusionary measures would be implemented prior to construction during the period between March 1 and April 15, or August 31 and October 15. Potential avoidance may include exclusionary blocking or filling potential cavities with foam, visual monitoring, and/or staging Project work to avoid bats. If bats are known to use the structures, then exclusion netting would not be used.

Bats would not be disturbed without specific notice to, and consultation with, CDFW.

**Project Feature BIO-12: Prevent Inadvertent Entrapment.** To prevent inadvertent entrapment of animals during construction, all excavated, steep-walled holes or trenches more than 1-foot deep would be covered at the close of each working day, by plywood or similar materials, or provided with one or more escape ramps constructed of earthen fill or wooden planks at an angle no greater than 30 degrees. Before such holes or trenches are filled, they would be thoroughly inspected for trapped animals. Pipes, culverts, or similar structures stored in the Project area overnight would be inspected before they are subsequently moved, capped, or buried.

**Project Feature BIO-13: Night Lighting.** Some nighttime work is anticipated for this Project. For unavoidable nighttime work, all lighting would be shielded and directed downwards towards the active construction area to avoid exposing nocturnal wildlife to excessive glare.

**Project Feature BIO-14: Agency-approved Biologist.** A biologist approved by USFWS and CDFW would conduct pre-construction surveys for federally and state-listed species, and the biologist would be present during construction activities, including vegetation clearing and grubbing, as required by the resource agencies. If, at any point, any listed species is discovered within the Project limits, the agency-approved biologist, through the Resident Engineer or his/her designee, would halt all work within 50 feet of the animal and contact the corresponding agency (USFWS or CDFW) to determine how to proceed.

**Project Feature BIO-15: Construction Noise.** Construction noise limitations, as they relate to listed species, would be determined through consultation with state and federal agencies.

**Project Feature BIO-16: Stop-work Authority.** Through the Resident Engineer or their designee, the Project biologist(s) would have the authority to stop Project activities to minimize take of listed species or if he/she determines that any permit requirements are not fully implemented. Caltrans would provide appropriate

notifications based on language in the permits and agreements to agency(s) with jurisdiction.

**Project Feature BIO-17: Discovery of Dead Special-status Species.** Immediately upon discovery of any dead, injured, or entrapped special-status species regulated by USFWS, NOAA Fisheries, or CDFW, Caltrans would provide appropriate notifications based on language in the permits and agreements to agency(s) with jurisdiction.

**Project Feature BIO-18: Wildlife Species Relocation.** When listed wildlife species (that do not have state fully protected status) are present and it is determined that they could be injured or killed by construction activities, the Project biologist, in coordination with the appropriate state and federal wildlife agencies, and as outlined within the applicable permits, would identify appropriate methods for capture, handling, exclusion, and relocation of individuals that could be affected.

***Avoidance and Minimization Measures***

Caltrans would incorporate the following AMMs into the Project to offset or avoid potential impacts to biological resources.

**AMM BIO-1: California Red-legged Frog Habitat Work Window.** These work windows are applicable only to those portions of the Project area where suitable California red-legged frog habitat occurs (such as the staging area adjacent to Atherton Avenue). Areas that are not considered habitat (including paved surfaces and other hardscape) are accessible for construction work year-round (unless there are other seasonal restrictions outlined in a federal or state permit).

Initial ground disturbance (that is, ground disturbance in areas that have not been previously disturbed in such a way that removes or destroys access to burrows and migratory habitat, or in areas that have not previously been enclosed with WEF) in California red-legged frog upland dispersal habitat, as identified by a USFWS-approved Project biologist, will be timed to occur between April 15 and October 31.

**AMM BIO-2: California Red-Legged Frog Pre-Construction Surveys.** Pre-construction surveys for the California red-legged frog will be conducted by the USFWS-approved Project biologist within 14 calendar days of the initiation of Project activities in suitable upland and aquatic habitat prior to ground-disturbing activities, vegetation removal, and WEF installation. Surveys will be conducted as outlined in the *Revised Guidance on Site Assessments and Field Surveys for the California Red-*

*legged Frog* (USFWS 2005). Access to habitat during surveys may be limited by appropriate safety measures and protocols as described in this revised guidance. Pre-construction surveys will include:

- Foot surveys will be conducted of potential frog habitat within the Project limits and accessible adjacent areas (within at least 50 feet of Project limits).
- Potential cover sites (burrows, rocks, soil cracks, vegetation, and other potential refuge habitat) and any areas of disturbed soil for signs of California red-legged frog will be investigated.

Native vertebrates found in cover sites within the Project limits will be documented and, if handling is allowed, relocated to an adequate cover site in the vicinity. Species that cannot be relocated because of special protection status will be addressed in coordination with the appropriate agency(s) with jurisdiction.

**AMM BIO-3: California Red-Legged Frog Monitoring Protocols.** During construction in and near potential California red-legged habitat, the following protocols will be observed by the Project biologist during construction monitoring:

- Within 24 hours prior to initial ground-disturbing activities, portions of the Project limits where potential California red-legged frog habitat has been identified will be surveyed by a Project biologist(s) to clear the site of frogs moving above ground or taking refuge in burrow openings or under materials that could provide cover.
- A qualified Project biologist(s) will be present during all initial ground-disturbing activities and vegetation removal in suitable refugia habitats for the California red-legged frogs to monitor the removal of the top 12 inches of topsoil.
- If potential aestivation burrows are discovered, the burrows will be flagged for avoidance.
- After a rain event, and prior to construction activities resuming, a qualified biologist will inspect the work area and all equipment/materials for the presence of California red-legged frog.
- Upon discovery of a California red-legged frog individual(s) in an active construction area, all work will cease within a 50-foot radius of the frog. The frog will be allowed to leave the site on its own; or if the frog(s) does not leave on its

own, it will be relocated as close to the Project site as feasible and with permission from the property owner, and placed in a natural burrow by a Project biologist with the appropriate USFWS 10(a)1(A) handling permit.

The USFWS will be notified by phone and email within one working day of any California red-legged frog discovery in the Project area.

**AMM BIO-4: California Ridgway's Rail and California Black Rail Pre-Construction Survey.** Protocol-level surveys will be conducted beginning between January 15 and February 1. A minimum of four surveys are required, each survey should be 2 to 3 weeks apart, and the final survey should be completed by March or mid-April (depending on when each survey begins) to ensure that no CRR/CBR are present during construction. Surveys will be completed prior to the initiation of construction, with 3 weeks remaining after completion of surveys and before Project initiation to submit results to CDFW/USFWS for review. Protocol survey requirements will be followed as recommended in the most up-to-date USFWS and/or CDFW survey protocols.

**AMM BIO-5: California Ridgway's Rail and California Black Rail Avoidance.** If CRR/CBR are detected during protocol surveys, no work activity will occur from February 1 to August 31 (during the CRR/CBR nesting season), within suitable CRR/CBR habitat. Suitable CRR/CBR habitat includes, but is not limited to, marshes, wetlands, streams, and waterways, as well as associated upland habitat capable of providing upland refugia habitat as determined by a qualified biologist experienced with CRR/CBR.

**AMM BIO-6: California Ridgway's Rail and California Black Rail Avoidance Buffers.** If breeding CRR/CBR are determined to be present, activities will not occur within 700 feet of an identified call center. If the intervening distance across a major slough channel or across a substantial barrier between the CRR/CBR calling center and any activity area is greater than 200 feet, work may proceed at that location within the breeding season in consultation with USFWS and/or CDFW.

**AMM BIO-7: California Ridgway's Rail and California Black Rail High Tide Restriction.** To avoid the loss of individual CRR or CBR, activities within or adjacent to CRR/CBR suitable habitat will not occur within 2 hours before or after extreme high tides (6.5 feet or above, as measured at the Golden Gate Bridge). This is when the marsh plain is inundated and protective cover for CRR/CBR is limited. Project activities could prevent CRR/CBR from reaching available cover.



**AMM BIO-8: California Ridgway's Rail and California Black Rail Monitoring.**

The following monitoring protocols for California Ridgway's rail and California black rail will be implemented, where appropriate:

- A USFWS- and CDFW-approved biological monitor will be present onsite to monitor for CRR and CBR during the operation of large equipment within 300 feet of salt marsh areas.
- During construction the Project biologist will be onsite at Novato Creek to periodically inspect the site to verify that habitat protection measures remain effective.

**AMM BIO-9: Western Burrowing Owl Pre-Construction Surveys.** Pre-construction surveys will be conducted where western burrowing owl nesting habitat has potential to occur within 500 feet of work areas. Survey protocol will be as follows:

- Conduct 4 survey visits.
- Conduct an initial visit occur between February 15 and April 15.
- Conduct a minimum of three subsequent surveys with at least 3 weeks between visits, with at least one visit to occur after June 15.
- Conduct an additional take avoidance survey no less than 14 days prior to initiating ground-disturbing activities where work will occur.

**AMM BIO-10: Western Burrowing Owl Nest Avoidance.** If the active nest of a western burrowing owl is discovered during pre-construction surveys or biological monitoring, the following initial buffers will be implemented:

- From April 1 through October 15, establish a 660-foot (200-meter), no-work buffer from the active nest site.
- From October 16 through March 31, establish a 164-foot(50-meter), no-work buffer from the active nest site.
- Buffers and minimization measures (including, blinds, and screens) may be adjusted or implemented after coordination with CDFW.

**AMM BIO-11: Bat Monitoring Protocols.** If a bat or bat colony is observed nesting or roosting in active construction areas at the Project site, then construction activities that would imminently harm bats will stop within 150 feet of the roosting location until a qualified biologist develops a site-specific bat avoidance plan to implement at the roosting site. Once the plan is implemented, Project activities may resume with Project biologist oversight at that location.

### 3.3.5 Cultural Resources

Would the project:

Question	CEQA Determination
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	No Impact
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR CULTURAL RESOURCES

Cultural resource evaluations prepared for this Project include: A Section 106 Screening Memo *for the CAPM Pavement Preservation Project* (Caltrans 2021b).

This section summarizes the findings of this memo. No cultural resources were identified within the Project area. No further archaeology or architectural history studies are required.

A review of Project information, along with the Caltrans Cultural Resource Database, as-built plans, aerial photographs, and maps was conducted in accordance with the January 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (programmatic agreement [PA]) (FHWA et al., 2014).

In addition, Caltrans contacted the Native American Heritage Commission on March 17, 2021, requesting that they conduct a search of their Sacred Land Files to determine if there were known tribal resources within or near the Project area. The Native American Heritage Commission responded on March 26, 2021, with a list of two Native American individuals and organizations for further consultation, and negative results from the Sacred Land File search. On March 29, 2021, and September 14, 2021, emails requesting input, along with a Project area map, were emailed to Ms. Buffy McQuillen, Tribal Historic Preservation Officer Federated Indians of Graton Rancheria, and to Chairperson Donald Duncan at Guidiville Indian Rancheria. In September 2021, follow-up phone calls were attempted to both organizations; no responses were received (Caltrans 2021b).

**a, b, c) No Impact**

The Project is exempt from further review pursuant to the PA, Stipulation VII, “Screened Undertakings.” The undertaking has been screened and is exempt under Class 1 (Pavement reconstruction, resurfacing, shoulder backing, or placement of seal coats), and Class 13 (Addition or replacement of devices, such as glare screens, median barriers, fencing, guardrails, safety barriers, energy attenuators, guideposts, markers, safety cables, ladders, lighting, hoists, or signs) of Attachment 2, “Screened Undertakings,” in the PA. The Project would have no impact on historic resources or archaeological resources; therefore, there would be no impact.

Based on literature review, database searches, and outreach to local Native American organizations, the proposed Project has no potential to affect cultural resources. No cultural resources were identified within the Project area. Implementation of Project features CULT-1 and CULT-2 would reduce potential impacts to undiscovered cultural resources.

***Project Feature***

Caltrans would incorporate its standard measures into the Project to offset or avoid potential impacts to cultural resources. These Project features include those described in the following paragraphs.

**Project Feature CULT-1: Discovery of Cultural Resources.** If previously unidentified cultural resources are unearthed during construction, work would be halted in that area until a qualified archaeologist can assess the significance of the discovery.

**Project Feature CULT-2: Discovery of Human Remains.** If remains are discovered during dredging activities, all work within 60 feet of the discovery would halt and Caltrans Cultural Resource Studies Office would be called. Caltrans Cultural Resources Studies Office Staff would assess the remains and, if they are determined to be human, would contact the County Coroner, per Public Resources Code, Sections 5097.98, 5097.99, and 7050.5 of the California Health and Safety Code. If the coroner determines the remains to be Native American, then the coroner would contact the Native American Heritage Commission, which would assign a Most Likely Descendant. Caltrans would consult with the Most Likely Descendant on treatment and reburial of the remains. Further provisions of Public Resources Code, Section 5097.98 would be followed as applicable.



### 3.3.6 Energy

Would the project:

Question	CEQA Determination
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Less than Significant Impact
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR ENERGY

An *Energy Analysis Report* (Caltrans 2021c) was completed for the Project. This section summarizes the findings of this report.

#### a) Less than Significant Impact

Activities that consume energy also generate byproducts. Greenhouse gases (GHGs) are the most closely studied byproducts of energy consumption because they are linked to climate change (also refer to Section 3.3.8, Greenhouse Gas Emissions). The Caltrans Construction Emission Tool (CAL-CET 2020), version 1.0, was used to estimate diesel and gasoline fuel consumption that generates from construction equipment and vehicles. A summary of energy usage in terms of fuel consumption is shown in Table 3-1.

**Table 3-1. Construction Equipment and Vehicle Fuel Consumption**

Diesel (gallons)	Gasoline* (gallons)
35,992	32,294

\*Gasoline fuel consumption was adjusted to account for the Safer Affordable Fuel-Efficient (SAFE) Rule Part One and Final SAFE Rule.

The Project is not a congestion relief project. Construction activities would be short term and would not increase highway capacity or otherwise alter long-term vehicular circulation that could affect energy use. During construction, BMPs, as described under Project Feature Energy-1, would be implemented for energy efficiency of construction equipment. During Project operation, energy consumption would be limited to routine maintenance. The impact would be less than significant.

**b) No Impact**

The Project would result in improved ride quality, which would improve vehicle operations, reduce emissions, and reduce energy consumption. Traffic volumes and types of vehicles using the highway would not change as result of the Project. Therefore, the proposed Project would not conflict with the regional/statewide goals on climate change, air quality, and petroleum reduction.

The Project would not conflict with a state or local plan for renewable energy or energy efficiency. There would be no impact.

***Project Feature***

Caltrans would incorporate a standard measure into the Project to offset or avoid potential impacts to energy. This feature is described in the following paragraph.

**Project Feature Energy-1: Minimize Energy Consumption from Construction Activities.** The use of construction BMPs would minimize energy consumption from construction activities, including, but not limited to: (1) limit idling of vehicles and equipment; (2) use solar power as a power source, if feasible; (3) ensure regular maintenance of construction vehicles and equipment; and (4) if feasible, recycle nonhazardous waste and excess materials to reduce disposal offsite.

### 3.3.7 Geology and Soils

Would the project:

Question	CEQA Determination
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: (i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	No Impact
(ii) Strong seismic ground shaking?	No Impact
(iii) Seismic-related ground failure, including liquefaction?	No Impact
(iv) Landslides?	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	Less than Significant Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR GEOLOGY AND SOILS

A *Geologic and Palaeontologic Analysis for Capital Preventive Maintenance Project* technical memorandum (Caltrans 2022b) was prepared for the Project. This section includes the findings of this study.

The Project is in the central portion of the Coast Ranges Geomorphic Province of California. The dominant feature of the province is the San Andreas Fault, an 800-mile-long fault zone that generally forms the dividing line between major tectonic plates, with the Pacific Plate situated west of the fault and the North American Plate situated east of the fault. The western end of the Project is located approximately 14 miles east of the San Andreas Fault. The Burdell Mountain Fault is an undifferentiated Quaternary Inferred fault located north of the Project site (USGS 2022).

SR 37 through the Project limits lies on engineered (artificial) fill overlying marsh deposits and minor bedrock of the Great Valley Sequence. Soft soils (clay or silty clay soils) are found at the site.

The Project limits includes the following soils series, in order of most prevalent to least: Reyes clay, 0 to 2 percent slopes; Xerorthents, fill; Xerorthents-Urban land complex, 0 to 9 percent slopes; and water. General information on these soils was obtained from the National Resources Conservation Service (NRCS) web soils survey and official soil series descriptions (NRCS 2021).

**a(i) – (iv) No Impact**

The Project would be subjected to strong ground shaking from nearby faults; however, the potential for fault rupture does not exist at the Project site. The Project does not directly or indirectly increase the potential for surface rupture, or strong ground shaking, or expose the public to increased risk of loss, injury, or death.

Soils may be subject to liquefaction during a strong seismic event; however, Project elements would not further add to the hazard. The Project would not expose the public to hazards from landslides or erodible soils. Soft soils (clay or silty clay soils) are found at the site. Soils are not expansive or collapsible, and the Project does not propose septic systems.

The Project is not located on a geologic unit or soil that is unstable. Therefore, the Project would not increase the potential risk of loss, injury, or death resulting from seismically related liquefaction. There would be no impact.

The Project would not affect geologic or native soil conditions and would not disturb the native subsurface because the Project would be located on previously disturbed ground. There would be no additional impacts to the public from earthquakes, landslides, liquefaction, or other geologic hazards.

**b) Less than Significant Impact**

The Project would require soil disturbance, which could result in erosion. With Caltrans construction BMPs, outlined in AMMs Water Quality WQ-1 through WQ-4, discussed under Hydrology and Water Quality, the Project would not result in substantial erosion or loss of topsoil and the impact would be less than significant.



**c, d, f) No Impact**

There are no sensitive geologic, paleontological, or mineral resources in the Project limits. No additional impacts to the public from earthquakes, landslides, liquefaction, or other geologic hazards would result from the Project. Project excavation would be in engineered fill over marsh deposits. These units are not fossil bearing and would not require monitoring during excavation. Therefore, no impact would occur.

**e) No Impact**

No septic tanks or alternative wastewater delivery systems would be constructed or affected by the Project; therefore, no impact would occur.

### 3.3.8 Greenhouse Gas Emissions

Would the project:

Question	CEQA Determination
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than Significant Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR GREENHOUSE GAS EMISSIONS

A *Construction Greenhouse Gas Emissions Analysis* memorandum (Caltrans 2021d) was completed for the Project. This section summarizes the findings of this review.

##### a) Less than Significant Impact

The GHG emissions resulting from construction activities would be short term and, therefore, would not result in a long-term impact on the environment. Construction-generated GHG includes emissions resulting from material processing, onsite construction equipment, workers commuting to and from the Project site, and traffic delays from construction. The GHG emissions would be produced at different levels throughout the Project, depending on the activities involved at various phases of construction.

Based on available Project information, the construction-related GHG emissions were calculated using the Caltrans Construction Emissions Tool (CAL-CET 2020), version 1.0, provided by the Caltrans Headquarter at Sacramento. The analysis was focused on vehicle-emitted GHG. Carbon dioxide (CO<sub>2</sub>) emissions is the single most important GHG pollutant because of its abundance when compared with other vehicle-emitted GHG, including methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbon, and black carbon.

For a construction duration of 5 months, the total amount of CO<sub>2</sub> produced as a result of construction was estimated to be 444 tons. Table 3-2 summarizes the construction-related emissions, including the total carbon dioxide equivalent (CO<sub>2</sub>e) emission. Frequency and occurrence of GHG emissions would be reduced through Project Feature GHG-1.

**Table 3-2. Construction-related GHG Emissions**

CO <sub>2</sub> Parameters (tons)	CH <sub>4</sub> Parameters (tons)	N <sub>2</sub> O Parameters (tons)	CO <sub>2</sub> e Total (metric tons)*
444	0.01	0.03	453.19

\*Gases are converted to CO<sub>2</sub>e by multiplying by their global-warming potential. Specifically, global-warming potential is a measure of how much energy the emissions of 1 ton of a gas will absorb over a given period of time, relative to the emissions of 1 ton of CO<sub>2</sub>.

### **b) No Impact**

The Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. The Project would not contribute to a long-term increase in GHG emissions. Therefore, it is not in conflict with reducing long-term emissions. There would be no impact.

### ***Project Feature***

Caltrans would incorporate a standard measure into the Project to offset or avoid potential impacts to greenhouse gases. This feature is described in the following paragraph.

### **Project Feature GHG-1: Control Measures for Greenhouse Gases.**

Implementation of Caltrans Standard Specifications, such as complying with air-pollution-control rules, regulations, ordinances, and statutes that apply to work performed under the contract and the use of construction BMPs, would result in reducing GHG emissions from construction activities. These BMPs would include, but not be limited to: (1) ensure regular maintenance of construction vehicle and equipment; (2) limit idling of vehicles and equipment onsite; and (3) recycle nonhazardous waste and excess material if practicable.



### 3.3.9 Hazards and Hazardous Materials

Would the project:

Question	CEQA Determination
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	No Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less than Significant Impact
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR HAZARDS AND HAZARDOUS MATERIALS

There is the potential for encountering hazardous materials during the construction stage of the Project (Caltrans 2021e). Limited testing may need to be conducted during later Project phases, including a site investigation to handle potential soil contamination levels primarily from aerially deposited lead, pesticides, and herbicides in the Project limits to inform appropriate conditions to minimize impacts during construction.

#### a, b) Less than Significant Impact

The Project would not create a significant hazard to the public related to the routine transport, use, or disposal of hazardous materials. Also, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions, involving the release of hazardous materials into the environment.

Caltrans standard specifications BMPs would be implemented to prevent spills or leaks from construction equipment, as well as from storage of materials, such as fuels,

lubricants, and solvents. All aspects of the Project associated with removal, storage, transportation, and disposal would be in strict accordance with the appropriate regulations of the California Health and Safety Code. Handling of hazardous materials would comply with Caltrans Standard Specification 14-11, Hazardous Waste and Contamination, which outlines handling, storing, and disposing of hazardous waste. The impact would be less than significant.

**c) No Impact**

The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school because there are no existing or proposed schools within 0.25 mile of the Project; therefore, there would be no impact.

**d) No Impact**

The Project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As a result, the Project would not create a significant hazard to the public or the environment. Based on a review of the State Water Resources Control Board (SWRCB) GeoTracker database (SWRCB 2022), four leaking underground storage tank cleanup sites were found south of the Project, near Harbor Boulevard. The leaking underground storage tank sites each have a completed case closed status, are not located within the Project limits, and would not be affected by the Project. Compliance with Caltrans Standard Specifications 14-11, Hazardous Waste and Contamination is required. There would be no impact.

**e) No Impact**

The Project is not located within an airport land use plan or within 2 miles of a public airport or public use airport. There would be no impact.

**f) Less than Significant Impact**

The Project would minimally interfere with any emergency response or evacuation plan. Potential traffic delays would result from construction activities. One-way traffic control and one lane closure would be required during construction. Prior to construction, a traffic management plan (TMP) (AMM TRANS-1 in the Transportation and Traffic section) would be developed to control traffic, minimize traffic delays, and provide alternative routes. Emergency response times are not



anticipated to change during construction because the TMP would provide priority to emergency vehicles during one-way traffic control. The TMP would provide instructions for emergency response or evacuation in an emergency. In addition, the Project would not conflict with any other emergency response or evacuation plan. The impact would be less than significant.

**g) No Impact**

The Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Caltrans proposes to upgrade existing facilities on SR 37, and would not have occupants or require installing associated infrastructure that would exacerbate fire risk or expose people or structures to risks. There would be no impact.

### 3.3.10 Hydrology and Water Quality

Would the project:

Question	CEQA Determination
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	Less than Significant Impact
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the project may impede sustainable groundwater management of the basin?	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	No Impact
(i) result in substantial erosion or siltation on- or off-site;	
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	No Impact
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	No Impact
(iv) impede or redirect flood flows?	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	No Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR HYDROLOGY AND WATER QUALITY

Caltrans completed the following hydrology and water quality technical studies for the Project, the *Location Hydraulic Study/Floodplain Analysis* (Caltrans 2021f), *Water Quality Study* (Caltrans 2022c). This section summarizes the findings of that review.

The Project location may be subject to tidal influence from current and/or future sea-level rise as provided in the State of California Sea-Level Rise Guidance, 2018 Update (California Ocean Protection Council 2018). However, a discussion of climate change including potential sea-level rise is not covered in this document because of the interim nature of the Project, the purposes of which are to preserve and extend the life of the existing pavement and ride quality on SR 37. Climate change and future sea-level rise will be considered through future projects scoped to address these issues on SR 37 in the Project limits including Caltrans SR 37 Corridor Planning and Environmental Linkages (PEL) Study (U.S. 101 to Interstate-80), and the SR 37 Flood Reduction Project.



This Project is located within the San Francisco Regional Water Quality Control Board (Region 2). This segment is in the Hydrologic Sub-Area 206.20 and the San Pablo Bay Watershed.

**a) Less than Significant Impact**

The proposed Project would not violate water quality standards or waste discharge requirements, or otherwise substantially degrade surface or ground water quality.

Water bodies located within and around the Project vicinity include Novato Creek the Petaluma River. Novato Creek is on the 2014-2016 Section 303(d) List of impaired water bodies. The Petaluma River is not on the Section 303(d) List, but it is a sediment-sensitive waterbody. The receiving water bodies are Novato Creek and San Pablo Bay.

The SWRCB issued a statewide Construction General Permit (CGP) for construction activities (2009-0009-DWQ, CAS000002, as amended by 2010-0014-DWQ and 2012-0006-DWQ). The CGP applies to stormwater discharges from land where clearing, grading, and excavation result in a disturbed soil area (DSA) of 1 acre or greater. Projects subject to the CGP require a SWPPP per Caltrans Standard Specification 13, “Water Pollution Control.” Staging activities would result in approximately 2.38 acres of DSA; therefore, this Project’s construction activities are subject to the CGP. A SWPPP would be provided to control all the potential temporary construction impacts resulting from the Project. AMMs WQ-1: Water Quality Best Management Practices, WQ-2: Design Pollution Prevention Temporary Construction BMPs, and WQ-3: Design Pollution Prevention BMPs Post Construction would reduce impacts to less than significance.

According to the initial design information, the existing impervious area is 36.5 acres, and the replaced impervious surface would be approximately 0.58 acre. The net new impervious area would be approximately 0.006 acre (261 square feet). Because the replaced impervious surface and net new impervious area would be less than 1 acre, hydromodification and permanent treatment will not be required.

Section 401 of the Clean Water Act requires a water quality certification from either the SWRCB or RWQCB when a project would require a federal permit. A Section 404 permit, issued by USACE may not be pursued, because no bridge approach slabs would be replaced at any of the waterways or overcrossings and no work would occur

within Simmonds Slough. If a 404 permit is not pursued, and there is no in-water work, a 401 water quality certification may not be required.

Potential temporary impacts to existing water quality would result from active construction areas, which could lead to the release of fluids, concrete material, construction debris, sediment, and litter beyond the perimeter of the Project site. Implementation of AMMs WQ-1 and WQ-2 would be used for sediment control and material management. The anticipated sources for potential, temporary impacts to the water quality during construction may include, but are not limited, to the following:

- Concrete work
- Paving operation debris getting into the drainage inlets and storm drains
- Oil and grease from vehicles and construction equipment
- Sanitary waste
- Chemicals used for equipment and operations
- Trash

According to the Caltrans District 4 Regional Board 2 Trash Generation Map, there are moderate trash-generation ratings at the SR 37/U.S. 101 separation and at PM 13.69 (Black Point), which trigger the requirement of a full trash control system, as described in AMM WQ-4: Full Trash Capture Devices. Full trash capture devices at these two locations would be designed during later Project phases. Trash capture devices that could be used include trash nets, or a gross solid removal device, described as follows:

- A trash net is a full trash capture device, with a net or screen system on a pipe (trash net pipe), designed to remove solid waste (trash or litter) from stormwater runoff from Caltrans facilities flowing in a drainage system (pipe or ditch). It is installed at a stormwater pipe system.
- A gross solid removal device is a full trash capture device or treatment that uses screening technology to capture the trash, or gross solids (such as paper, plastics, or glass), and naturally occurring debris that may be conveyed by stormwater runoff from Caltrans facilities.

Potential, long-term impacts water quality are the depositing and transport of sediment and vehicular-related pollutants, such as oil, wearing of brake pads, and litter from motorists. The removal of vegetation as a result of earthwork and from locations, such as contractor staging and stockpile areas, create DSAs. If not



stabilized prior to completion of the construction phase, sediment could be discharged post-construction. Implementation of AMM WQ-3, Design Pollution BMPs Post Construction, would reduce the potential for impacts to water quality following construction.

With implementation of AMMs WQ-1 through WQ-4, the Project would not substantially degrade surface water quality and the impact would be less than significant.

**b) No Impact**

The Project would have no effect to groundwater supplies or groundwater recharge areas in the Project vicinity. There would be no impact.

**c(i), (ii), (iii), (iv)) No Impact**

The Project would not substantially alter the existing drainage pattern of the Project site and would not result in substantial erosion or siltation. The Project would not result in an increase of surface runoff, create runoff that would exceed existing storm drain systems, or create substantial additional sources of polluted runoff. The Project would not impede or redirect flood flows. There would be no impact.

**d) No Impact**

No floodplain impacts from the Project are expected. While SR 1 pavement is within the Federal Emergency Management Agency 100-year floodplain in several locations, as defined by the agency's Flood Insurance Rates Maps (numbers 06041C0283E, 06041C0284E, and 06041C0282E), the Project would not alter existing terrain or existing drainage patterns; therefore, the Project would not increase the risk of flooding or damage to residences, buildings, or crops. The Project would not impact natural and beneficial floodplain values or support incompatible floodplain development. The Project would not impact the floodplain; therefore, no measures to minimize floodplain impacts are required.

The proposed Project is not in seiche or tsunami zones. There would be no impact.

**e) No Impact**

The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. There would be no impact.

### **Avoidance and Minimization Measure**

Caltrans would incorporate the following AMMs into the Project to offset or avoid potential impacts to hydrology and water quality.

**AMM WQ-1: Water Quality Best Management Practices.** In accordance with the CGP, a SWPPP will be required, which will provide guidance on erosion control BMPs to be implemented to minimize wind- or water-related erosion. These BMPs will also be implemented via language in the *Construction Site Best Management Practices (BMPs) Manual* (Caltrans 2017), which provides guidance for including provisions in all construction contracts to protect sensitive areas, and prevent and minimize stormwater and non-stormwater discharges. BMPs will include wind erosion controls (such as temporary covers, hydraulic mulch, hydroseeding and wood mulching), and drainage inlet protection.

**AMM WQ-2: Design Pollution Prevention Temporary Construction BMPs.** The BMPs recommended for potential temporary construction impacts resulting from the Project are: (1) job site management (2) sediment control (3) waste management and materials pollution control, (4) non-storm water management, (5) stockpile management, (6) tracking controls, (7) wind erosion controls, and (7) drainage inlet protection.

**AMM WQ-3: Design Pollution Prevention BMPs Post Construction:** Design pollution prevention BMPs will be applied for post-construction erosion control since the Project involves DSA within Project limits. The BMPs will control post-construction impacts resulting from the Project.

**AMM WQ-4: Full Trash Capture Devices.** In accordance with Caltrans District 4 Regional Board 2 Trash Generation Map, there are moderate trash-generation ratings at the SR 37/U.S. 101 separation and at PM 13.69 (Black Point), which require a full trash control system and full trash capture devices. Therefore, full trash control system and full trash capture devices will be required at these moderate trash-generating areas.



### 3.3.11 Land Use and Planning

Would the project:

Question	CEQA Determination
a) Physically divide an established community?	No Impact
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR LAND USE AND PLANNING

SR 37 runs 21 miles along the northern shore of San Pablo Bay, from U.S. 101 in Novato through northeastern Marin County, crossing over the Petaluma River and through southern Sonoma and Solano counties, to Interstate 80 in Vallejo. The Project on SR 37 is approximately 3 miles long and located at the western end of SR 37 in the city of Novato within Marin County. Within the Project limits, SR 37 is a conventional highway with two lanes of travel in each direction. SR 37 at the Project area is currently listed as being eligible for State Scenic Highway designation.

Within the Project limits, the surrounding area primarily consists of open space, agricultural or undeveloped or conservation land, some light office/industrial, and low-density rural residential land uses. Open space dominates, with the nearest residences at Bel Marin Keys roughly 0.25 mile to the southeast, outside of Novato's city limits. Deer Island Preserve is within view and a short distance to the north (Figure 3-2).

The Project limits are within the East District of the Novato General Plan, one of eight distinct neighborhoods. The East area is bounded by the Petaluma River and the Novato city limit to the north and east, open space and grazing land to the south, and U.S. 101 to the west. The area is largely rural and isolated from the rest of Novato by the hills of the Rush Creek Open Space Preserve and U.S. 101. Major activity centers in the area include Deer Island, Olive Elementary School, Atherton Avenue Fire Station, and the Black Point Boat Launch Park. Neighborhoods include Bahia and residential areas near the Olive School, Poplar Terrace, Davidson Street, and Atherton Avenue. The unincorporated Black Point community is south of the Project limits. The new Vintage Oaks regional shopping center is southeast of the U.S. 101/Rowland Boulevard interchange. There are some scattered industrial uses in the Bay plain, including a sewage treatment plant. Much of the area consists of bay plains, which have been diked and filled for agriculture. Under General Plan policies, agricultural, open space, and conservation lands would be encouraged to remain in these uses.

General Plan policies would require careful review of development in floodplains. Other environmental resources that would be protected under General Plan policies are Atherton Ridge, Olive Ridge, Reservoir Hill at Hamilton Field, and Deer Island. Streamside protection policies apply to Novato Creek.

Although the Project area does not fall within jurisdiction of the Bay Conservation Development Commission 100-foot shoreline, Section 66602 of the McAteer-Petris Act states that “maximum feasible public access, consistent with a proposed project, should be provided.” Relevant areas of BCDC jurisdiction related to existing and future public access for the Project scope may include any work that would impact public recreation, including the proposed San Francisco Bay Trail (Bay Trail) alignment along SR 37 (Figure 3-2). The Bay Trail is a joint project of the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) (MTC 2022). No changes in land use would occur from the Project in the Project vicinity.

**a) No Impact**

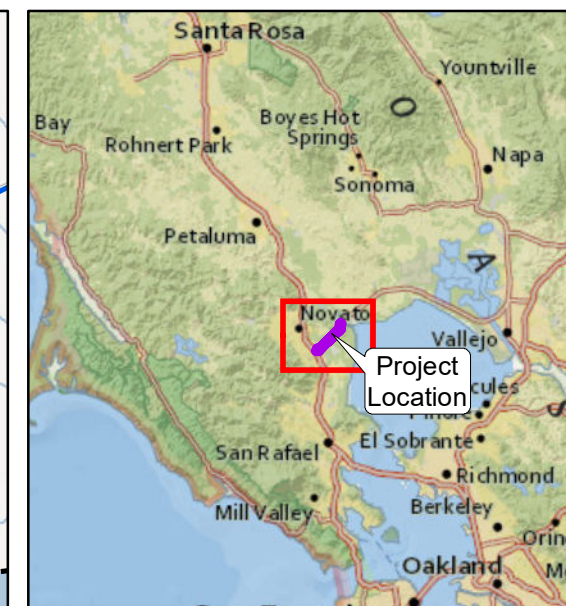
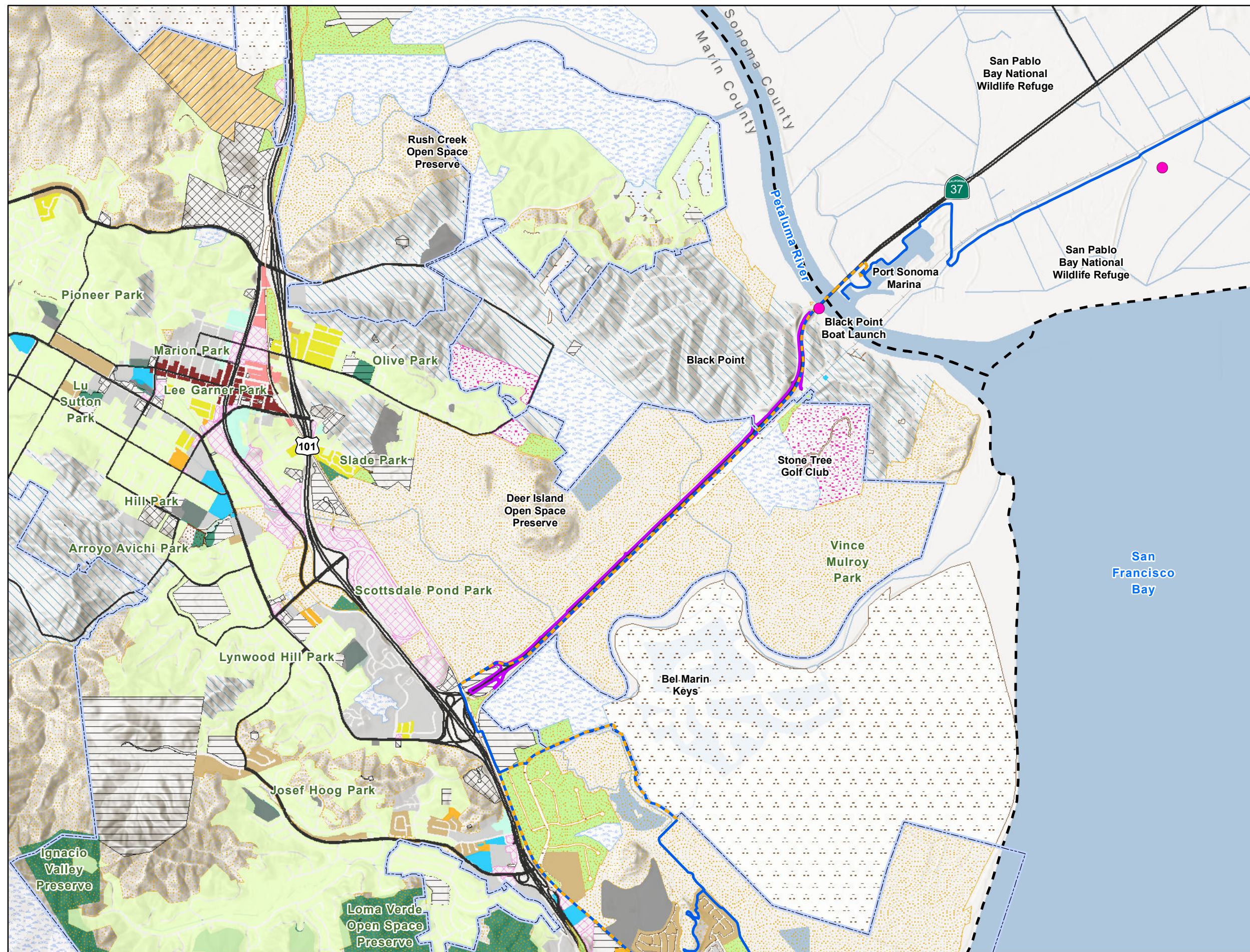
The Project would not physically divide an established community. There would be no impact.

**b) No Impact**

***Consistency with State, Regional, and Local Plans and Programs***

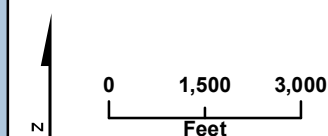
Land use plans, policies, and regulations that are applicable to the Project include the Regional Transportation Plan and Sustainable Communities Strategy for the San Francisco Bay Area, known as Plan Bay Area 2050 (ABAG and MTC 2021); Marin Countywide General Plan (Marin County 2007), and the City of Novato General Plan 2035 (Novato 2020). The Project’s consistency with the Plan Bay Area 2050 is discussed under Section 3.3.17, Transportation. The Project would be consistent with both the Marin County and Novato General Plans.





#### LEGEND

- Work Area
- Novato City Limits
- County Boundary
- Park
- San Francisco Water Trail Sites
- San Francisco Bay Trail**
  - Existing Segment
  - Proposed Segment
- Novato General Plan**
  - Agricultural (AG)
  - Business and Professional Office (BPO)
  - Commercial/Industrial (CI)
  - Community Facilities (CF)
  - Conservation (CON)
  - Downtown Core Retail (CD)
  - General Commercial (CG)
  - High Density Multi-Family Residential (R20)
  - Light Industrial/Office (LIO)
  - Low Density Residential (R1)
  - Medium Density Detached Residential (R4)
  - Medium Density Multi-Family Residential (R10)
  - Medium Density Residential (R5)
  - Mixed Use (MU)
  - Neighborhood Commercial (CN)
  - Open Space (OS)
  - Parkland (P)
  - Research/Education-Institutional (REI)
  - Rural Residential (RR)
  - Undesignated
  - Very Low Density Residential (RVL)



#### FIGURE 3-2 Land Use

SR 37 CAPM Pavement Preservation  
EA 04-2K740, MRN-37 PM-R11.2/14.6  
Marin County, California







A portion of the proposed Bay Trail is located within the Project limits (Figure 3-2). Construction of a Class I Bay Trail is not included in the scope of work for this Project because the Project's purpose is to preserve and extend the life of the existing pavement and improve ride quality on a portion of SR 37. However, the Project would not preclude future implementation of the Bay Trail, nor would it preclude the use of the existing shoulders for the purposes of multi-modal access. The evaluation of non-motorized transportation access, to include a portion of the proposed Bay Trail within the Project limits, will be considered through future projects that are scoped to address these issues on SR 37 in the Project limits, including Caltrans SR 37 Corridor PEL Study.

The Bay Trail is a joint project of the MTC and ABAG (MTC 2022). Future plans for the Bay Trail would be coordinated with MTC, ABAG, and BCDC.

In summary, the Project would not conflict with any adopted land use plan, policy, or regulation. The Project would be consistent with the Marin County General Plan, the City of Novato General Plan 2035, and other local, regional and state policies. There would be no impacts.

### 3.3.12 Mineral Resources

Would the project:

Question	CEQA Determination
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	No Impact
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR MINERAL RESOURCES

##### a-b) No Impact

The Project would not result in the loss of availability of a known mineral resource or result in the loss of availability of a locally important mineral resource recovery site because there are no documented mineral resources within the Project limits (Marin County 2022). Therefore, no impacts on mineral resources would result from the Project.



### 3.3.13 Noise

Would the project result in:

Question	CEQA Determination
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less than Significant Impact
b) Generation of excessive groundborne vibration or groundborne noise levels?	Less than Significant Impact
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR NOISE

The surrounding land uses, adjacent to the Project on either side of SR 37, primarily consist of agricultural or undeveloped land, with the nearest residences at Bel Marin Keys roughly 0.25 mile to the southeast. During construction, noise from construction activities may intermittently dominate the environment in the immediate area of construction, affecting nearby sensitive receptors (residences). Impacts to sensitive receptors and increases in noise levels would be temporary.

To determine whether a noise analysis is needed, a project falls into one of two categories. A Type I project is defined in 23 *Code of Federal Regulations* (CFR) 772 as a proposed federal or federal-aid highway project, for the construction of a highway at a new location or the physical alteration of an existing highway that significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes. A Type II project is defined in 23 CFR 772 as a federal or federal-aid highway project for noise abatement on an existing highway. The proposed Project does not qualify as Type I or Type II, as defined under the 23 CFR 772 and the Caltrans Traffic Noise Analysis Protocol. Therefore, a traffic noise study is not required (Caltrans 2021g).

Construction noise can disturb migratory bird nesting and foraging activities, as discussed in Section 3.3.4, Biological Resources.

#### a) Less than Significant Impact

Noise and vibration associated with construction is controlled by Caltrans Standard Specification 14-8, Noise and Vibration. AMM Noise-1, Specifications for

Controlling Noise and Vibration, states noise would be controlled and monitored for work activities, and noise should not exceed 86 decibels (maximum) at 50 feet from the job site between the hours of 9:00 p.m. and 6:00 a.m.

In the event that the construction noise exceeds or is expected to exceed the applicable contract specifications and criteria, then the measures listed in AMM Noise-2, Noise During Construction, would be implemented to reduce the potential for noise impacts, thereby reducing construction impacts to less than significant levels.

The Project would not cause a permanent, substantial increase in ambient noise level above existing conditions. Construction noise would be temporary; therefore, there would be no permanent noise impact.

**b) Less than Significant Impact**

The Project would not create excessive groundborne vibration or groundborne noise levels. Increases in noise levels from construction activities would be temporary. Following construction, noise levels would not change from existing levels. Therefore, impacts would be less than significant.

**c) No Impact**

The Project is not within the vicinity of a private airstrip or an airport land use plan. There would be no impact.

***Avoidance and Minimization Measures***

Caltrans would incorporate the following AMMs into the Project to offset or avoid potential impacts from noise.

**AMM Noise-1: Specifications for Controlling Noise and Vibration.** Noise from construction activities is not to exceed 86 A-weighted decibel L<sub>max</sub><sup>1</sup> at 50 feet from the Project site from 9:00 p.m. to 6:00 a.m. per 2018 Caltrans Standard Specifications, Section 14-8.02.

**AMM Noise-2: Noise Levels During Construction.** The following measures would be implemented during construction to reduce noise:

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<sup>1</sup> L<sub>max</sub> noise descriptor is the highest instantaneous noise level during a specified period; in the noise analysis, that is 1 hour.



- Restrict the times of overly loud construction activities to between 6:00 a.m. and 9:00 p.m. (except on holidays).
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate all stationary, noise-generating, construction equipment, such as air compressors, portable power generators, or self-powered lighting systems, as far as practical from noise-sensitive receptors.
- Use quiet air compressors and other quiet equipment where such technology exists.
- As practicable, have construction equipment conform to Section 14-8.02, Noise Control, of the latest Caltrans Specifications.

### 3.3.14 Population and Housing

Would the project:

Question	CEQA Determination
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	No Impact
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR POPULATION AND HOUSING

##### a, b) **No Impact**

The Project would not induce substantial, unplanned, population growth either directly or indirectly because it does not increase the capacity of SR 37, remove barriers to future growth, or increase population or housing growth (or demand for new housing, utilities, or public services). The Project would not displace existing people or housing or necessitate the construction of replacement housing elsewhere. There would be no impact to population and housing.



### 3.3.15 Public Services

Question	CEQA Determination
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	
Fire protection?	No Impact
Police protection?	No Impact
Schools?	No Impact
Parks?	No Impact
Other public facilities?	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR PUBLIC SERVICES

##### a) **No Impact**

The proposed Project would not result in the substantial alteration of government facilities, such as fire and police protection, schools, parks, or other public facilities, in the Project area. Additionally, the proposed Project would not trigger the need for new government facilities or alter the demand for public services. There would be no impact.

The majority of the Project is in Novato, with the far eastern end of the Project within Marin County (Figure 1-2). The Project falls under the jurisdiction of the Novato Police Department, located at 909 Machin Avenue in Novato. The Novato Fire Department provides fire protection services in the Project area. The closest fire station to the Project area is the Novato Fire District Station 62, at 450 Atherton Road in Novato.

Traffic delays could occur as a result of one lane closures during construction. A TMP would be prepared that would provide accommodation for police, fire, emergency, and medical services in the local area during construction (AMM TRANS-1 in the Transportation and Traffic section).

### 3.3.16 Recreation

Question	CEQA Determination
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR RECREATION

There are no recreational facilities within the Project limits. The nearest public park is the Black Point Boat Launch, located east of the Project at the Petaluma River. Stone Tree Golf Club is located adjacent to SR 37 south of the Project limit. Deer Island Preserve and Open Space is a public park, located approximately 0.25 mile north of the Project limits. Vince Mulroy County Park is located 0.4 mile south of the Project limits. The San Pablo Bay National Wildlife Refuge is located adjacent to SR 37, 0.5 mile east of the Project limits. Recreational facilities in the Project area are shown on Figure 3-2.

#### a) No Impact

The proposed Project would not increase the use of any existing recreational facilities. There would be no impact.

#### b) No Impact

The proposed Project does not include recreational facilities or require the construction or expansion of recreational facilities. There would be no impact.

### 3.3.17 Transportation

Would the project:

Question	CEQA Determination
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	No Impact
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	No Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	No Impact
d) Result in inadequate emergency access?	Less than Significant Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR TRANSPORTATION

SR 37 runs 21 miles along the northern shore of San Pablo Bay, from U.S. 101 in Novato through northeastern Marin County, and through southern Sonoma and Solano counties, to Interstate 80 in Vallejo. The Project on SR 37 is approximately 3 miles long and located at the western end of SR 37 within Marin County. Within the Project limits, SR 37 is a conventional highway with two lanes of travel in each direction. SR 37 at the Project area is currently listed as being eligible for State Scenic Highway designation.

There are no bicycle, pedestrian, or bus stop facilities along SR 37 within the Project limits. The Black Point Park & Ride parking lot is located south of Atherton Avenue, adjacent to the Project limits north of SR 37. The Project includes upgrade of two curb ramps located near PM 13.8 at the eastbound SR 37 Atherton Avenue off-ramp.

The MTC, which functions as both the state-designated Regional Transportation Planning Agency and federally designated Metropolitan Planning Organization, is responsible for regional transportation planning. The Plan Bay Area 2050 serves as the San Francisco Bay Area's Regional Transportation Plan and Sustainable Communities Strategy (ABAG and MTC 2021).

Local transportation planning includes the Transportation Authority of Marin (TAM), which is designated as both the Congestion Management Agency and the Transportation Sales Tax Authority for Marin County. TAM is responsible for managing various transportation projects and programs in Marin County, receiving federal, state, regional, and local funds, while working closely with all 11 cities and towns and the County.



The proposed Project would not conflict with any plans, ordinances, or policies related to circulation systems, including the TAM Congestion Management Program (TAM 2019).

**a) No Impact**

The Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The Project would maintain and improve existing SR 37, but not increase the capacity of the highway.

The Project would maintain all existing highway features and would not permanently alter the circulation system. Curb ramps that would be upgraded at the Atherton Avenue off-ramp would be temporarily unavailable for public use during construction.

As discussed in AMM TRANS-1, a TMP would be developed to minimize potential effects from construction to motorists. The TMP would include elements such as detour and haul routes, one-way traffic control, flaggers, and phasing, to reduce impacts to local residents and emergency and medical service providers. The TMP would also ensure access to businesses in the local area is maintained. Therefore, there would be no permanent impact to components of the transportation system.

**b) No Impact**

The Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). The Project would have no permanent impact on vehicle miles traveled. Under Section 15064.3, subdivision b, transportation projects that have no impact on vehicle miles traveled should be presumed to cause no impact on transportation.

**c) No Impact**

The Project would not increase hazards because of a geometric design feature. The Project does not include any design features or construction elements (such as sharp curves or dangerous intersections) that would substantially increase hazards. There would be no impact.

**d) Less than Significant Impact**

The Project would not result in inadequate emergency access. The Project could cause short-term, localized, traffic congestion and delays, resulting from temporary closures of one lane of SR 37 throughout the Project corridor. One-way traffic control would be required during construction. Detours would not be required during construction.

Under the TMP (AMM TRANS-1), medical and emergency vehicles would be able to continue to use routes along the Project corridor to serve fire, medical, and law enforcement purposes. Flaggers would give priority to emergency vehicles. The impact would be less than significant.

***Avoidance and Minimization Measure***

**AMM TRANS-1: Traffic Management Plan:** To minimize potential effects from construction activities to motorists, bicyclists, or pedestrians using local streets, a TMP will be developed by Caltrans and implemented throughout construction. The TMP will include public information, motorist information, incident management, construction, and alternate routes. The TMP will also include elements, such as detour and haul routes, one-way traffic control, flaggers, and phasing, to reduce impacts to local residents as much as feasible and to maintain access to businesses in the local area. The TMP will also provide access for police and emergency service providers. Lane closures will be planned in coordination with Caltrans, Marin County, and Novato, and will include notices to emergency service providers, and the public in advance.

### 3.3.18 Tribal Cultural Resources

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

Question	CEQA Determination
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	No Impact
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR TRIBAL CULTURAL RESOURCES

Caltrans contacted the Native American Heritage Commission on March 17, 2021, requesting that they conduct a search of their Sacred Land Files to determine if there were known tribal resources within or near the Project area. The Native American Heritage Commission responded on March 26, 2021, with a list of two Native American individuals and organizations for further consultation, and negative results from the Sacred Land File search. On March 29, 2021, and September 14, 2021, emails requesting input, along with a Project area map, were emailed to Ms. Buffy McQuillen, Tribal Historic Preservation Officer Federated Indians of Graton Rancheria, and to Chairperson Donald Duncan at Guidiville Indian Rancheria. In September 2021, follow-up phone calls were attempted to both organizations; no responses were received (Caltrans 2021b).

#### **a-b) No Impact**

The Project would not cause a substantial adverse change in the significance of a tribal cultural resource. No tribal cultural resources were reported in record searches; no response was received from Native American groups or individuals regarding the presence of tribal cultural resources. Based on this report, there would be no impact.

Project Features CULT-1 and CULT-2, discussed under Cultural Resources, would be implemented if cultural resources or human remains are discovered during Project construction.



### 3.3.19 Utilities and Service Systems

Would the project:

Question	CEQA Determination
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Less than Significant Impact
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	No Impact
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	No Impact
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	No Impact
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR UTILITIES AND SERVICE SYSTEMS

High-voltage transmission lines and towers parallel SR 37, and wooden utility poles with overhead lines run adjacent to the unpaved shoulder near the Project limits.

##### **a) Less than Significant Impact**

The proposed Project would not result in the construction of new or expanded utilities. Utility conflicts are not anticipated, and utility verification would be conducted during later Project phases. The only anticipated digging would be at the settlement correction work and at curb ramp replacements, where potential utility conflicts may arise. If needed, Caltrans would coordinate with the appropriate utility provider; therefore, the impact would be less than significant.

##### **b, c, d, e) No Impact**

The proposed Project would not generate a demand for potable water supplies or the services of a wastewater treatment provider. Therefore, there would be no impact.

The proposed Project would not result in any substantial demands for solid waste disposal and would comply with federal, state, and local statutes regarding the disposal of solid waste. Implementation of Project Features UTI-1 and UTI-2 would require the proper disposal of construction trash. There would be no impact.

### **Project Features**

Caltrans would incorporate its standard measures into the Project to offset or avoid potential impacts to utilities and service systems. These features include those described in the following paragraphs.

**Project Feature UTI-1: Trash Management.** All food-related trash items, such as wrappers, cans, bottles, and food scraps, would be disposed of in closed containers and removed by the contractor at least once daily from the Project limits. A trash reduction system would also be developed by the contractor, approved by Caltrans, and implemented per Caltrans Statewide National Pollution Discharge Elimination System Permit and San Francisco RWQCB Cease and Desist Order.

**Project Feature UTI-2: Treated Wood Waste.** Wood removed from metal beam guardrails would be considered treated wood waste and be disposed of by the contractor pursuant to Caltrans standard specifications.

### 3.3.20 Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

Question	CEQA Determination
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	Less than Significant Impact
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	No Impact
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	No Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	No Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR WILDFIRE

The Project is located within both State Responsibility Areas and Local Responsibility Areas for wildfire prevention and suppression. Areas of the Project within the State Responsibility Areas are located at the eastern end of the Project corridor on SR 37, and are within a high fire hazard severity zone (CalFire 2008). Areas within Local Responsibility Areas are primarily located within the western portions of the SR 37 Project corridor, west of Atherton Avenue, and within a moderate fire hazard severity zone (CalFire 2007).

#### a) Less than Significant Impact

The Project would not substantially impair an adopted emergency response plan or emergency evacuation plan. A TMP (AMM TRANS-1 in the Transportation and Traffic section) would be developed during later Project phases that would identify traffic diversion, staging, and alternative routes. Emergency response times are not anticipated to change during construction because the TMP would provide measures to ensure priority for emergency vehicles during one-way traffic control. The TMP would provide instructions for response and evacuation in an emergency. In addition, the Project would not conflict with any other emergency response or evacuation plan. The impact would be less than significant.



**b, c, d) No Impact**

The Project would not exacerbate wildfire risks, require the installation or maintenance of infrastructure that may exacerbate wildfire risk, or expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes. Caltrans proposes to rehabilitate existing facilities on SR 37; therefore, it does not involve occupation or habitable structures, and does not include the installation of associated infrastructure that would exacerbate wildfire risk. There would be no impact.

### 3.3.21 Mandatory Findings of Significance

Question	CEQA Determination
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	Less than Significant Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	Less than Significant Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	Less than Significant Impact

#### CEQA SIGNIFICANCE DETERMINATIONS FOR MANDATORY FINDINGS OF SIGNIFICANCE

##### a) Less than Significant Impact

The Project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number of or restrict the range of a rare or endangered plant or animal.

The Project would result in temporary, minor, and construction-related impacts; however, with the implementation of the Project Features and AMMs (Chapter 3 and Appendix B), these potentially significant impacts would be reduced to less than significant levels.

##### b) Less than Significant Impact

The Project involves the replacement of existing infrastructure on SR 37 throughout the Project corridor. Current or future SHOPP projects, located on SR 37 in the Project vicinity, are listed in Table 3-3.

**Table 3-3. SHOPP Program Projects along SR 37 in the Project Vicinity**

Project Name	Location	Characteristics	Status
SR 37 Flood Reduction Project and SR 37 Resilience Project	SR 37 from PMs 11.2 to 14.6 and 11.2 to 14.6	Raise SR 37 on embankment, replace Novato Creek Bridge, and modify Simonds Slough, and Atherton Undercrossing.	Under Environmental Review Phase
SR 37 Petaluma River Bridge Preservation	SR 37 from PMs 14.5	Rehabilitate bridge deck; replace bridge fender system, bridge scour protection, railing upgrade.	Under Environmental Review Phase
Reconstruct Intersection of SR 37 and SR 121	SR 37 from PMs 3.8 to 4.0	Reconstruct intersection reconstruction.	Under Environmental Review Phase
SR 37 Lane Extension and Railroad Crossing at Tolay Creek	SR 37 from PMs 3.9 to 4.1	Widen SR 37, widen Tolay Creek Bridge, and extend the existing median barrier.	Under Environmental Review Phase
SR 37 Traffic Congestion Relief Project	SR 37 from PMs 3.9 to 4.1	Widen SR 37 and upgrade highway.	Under Environmental Review Phase
SR 37 Pedestrian Enhancements at Wilson Avenue and Fairgrounds Drive	Various	Complete pedestrian enhancement project.	Under Plans, Specifications, and Estimate Phase
Fairgrounds Drive Interchange Improvements	SR 37 from PMs 10.6 to 11.2	Improve highway along portion of Fairgrounds Drive.	Under Plans, Specifications, and Estimate Phase
SR 37 Corridor Sea Level Rise and Complete Streets (U.S. 101 to SR 29)	SR 37 from PMs 11.2 to 14.6, 0.0 to 6.2 and 0.0 to Ramp 9.6	Address sea-level rise and recurring flooding, while including complete streets features to address multi-modal bicycle and pedestrian use.	Under Environmental Review Phase

In analyzing the Project's potential cumulative environmental effects, the analysis determines which resources would be significantly impacted by the Project and whether there could be a detrimental condition or deterioration in health of a resource within the context of impacts from past, present, and other reasonably foreseeable future actions. The analysis determines whether, collectively, the Project and the foreseeable condition combine to result in a cumulative impact.

The Project involves the rehabilitation of existing infrastructure along a transportation corridor. The Project would occur primarily within the Caltrans right of way with the additional use of a TCE during construction for replacement of a curb ramp. The Project would not convert lands to new or different uses, increase highway capacity,



induce growth, or otherwise change land use patterns. The Project would not result in long-term, adverse environmental effects, and so would not contribute to cumulative environmental impacts. The analysis presented in this Initial Study with Negative Declaration (IS/ND) identifies temporary construction-related impacts on aesthetics, air quality, biological resources, energy, geology/soils, GHG emissions, hazards/hazardous materials, hydrology/water quality, noise, transportation/traffic, utilities/service systems, and wildfire. These impacts are anticipated to be minor and incremental in nature and not cumulatively considerable when considering the entire SR 37 corridor and region.

Other planned highway improvement projects along SR 37 (Table 3-3) are anticipated to occur within a similar timeframe. These projects could interact and contribute to a need to develop a comprehensive traffic management plan. Caltrans routinely coordinates with regional transportation managers and local agencies to minimize impacts in the region resulting from construction of multiple planned projects. The short duration and limited scope of this Project would not contribute to substantial cumulative environmental impacts; and Project-related impacts to resources would be reduced with the proper implementation of Project features and AMMs. Therefore, the impact would be less than significant.

**c) Less than Significant Impact**

This Project would not adversely affect human beings either directly or indirectly. Project impacts are anticipated to be minor and result mostly from construction-related delays and traffic management. Intermittent night work could occur. Daytime work would occur throughout the proposed Project corridor with the potential to impact residences and businesses in proximity to the Project area; however, implementation of Project features and AMMs would address dust-, noise-, and traffic-related impacts. Temporary construction-related activities would result in less than significant environmental impacts to human beings.



## **Chapter 4** Comments and Coordination

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To date, public and agency coordination consists of the following:

### **4.1 Public Involvement Process for the Draft Initial Study with Negative Declaration**

The general public was involved in the Project process through solicitation for feedback on the draft Initial Study with Negative Declaration and during the 30-day comment period, which began on March 31, 2022, and ended on April 30, 2022. Notifications were sent out to all adjacent landowners, and nearby residents and businesses on March 30, 2022. A Notice of Availability was published in the *Marin Independent Journal*, *Novato Advance*, *Press Democrat*, and *Daily Republic* newspapers on March 30, 2022. Notification letters were mailed directly to local, state, and federal agencies, and elected officials between March 31 and April 20, 2022.

Copies of the *Marin County SR 37 Capital Preventive Maintenance Pavement Project Draft IS/ND* were made available to the public at the Novato Library and South Novato Library, and electronically at the following website:  
[www.sr37corridorprojects.com](http://www.sr37corridorprojects.com).

A Notice of Completion was published by the State Clearinghouse on April 1, 2022. The Project was assigned State Clearinghouse #2022040025. The State Clearinghouse distributed copies of the Draft IS/ND to agencies for comments.

The Draft IS/ND was circulated to the public for 30 days, during which time Caltrans received eight comment submittals from agencies, local groups, and individuals. Caltrans responses to those comments are included in Appendix F. The comments in the letters have been addressed by members of the Project Development Team whose specialty covers the subject matter of each comment.

### **4.2 Consultation and Coordination with Public Agencies**

Consultation with agencies occurred during the environmental evaluation process. A list of coordination activities and contacts is provided in Table 4-1.



**Table 4-1. Agency Coordination Meetings and Contacts**

Organization(s)	Date	Topic
Native American Heritage Commission	March 17, 2021	Requested a search of Sacred Lands File
	March 26, 2021	The Native American Heritage Commission responded with list of Native American parties
Native American Consultation	March 29, 2021, and September 14, 2021	Sent emails to Federated Indians of Graton Rancheria and the Guidiville Indian Rancheria requesting input
	September 2021	Followed up with phone calls to the Federated Indians of Graton Rancheria and the Guidiville Indian Rancheria
Sonoma County Transportation Authority	January 6, 2022, October 7, 2021, and June 6, 2021.	SR 37 Policy Committee meetings including discussion of Highway 37 Caltrans SHOPP Projects

## Chapter 5 List of Preparers

The primary people responsible for contributing to, preparing, and reviewing this report are listed in Table 5-1.

**Table 5-1. List of Preparers and Reviewers**

Organization	Name	Role
Caltrans	Melanie Brent	Deputy District Director, Environmental Planning and Engineering
Caltrans	Lindsay Vivian	Chief, Office of Environmental Analysis
Caltrans	Scott Williams	Acting Chief, Office of Environmental Analysis
Caltrans	Lidia Gaitan	Project Management
Caltrans	Helen Blackmore	Branch Chief, Architectural History
Caltrans	Robert Blizzard	Branch Chief, Office of Biological Sciences and Permits
Caltrans	Michael Dubrovsky	Project Engineer, Design
Caltrans	Chris Else	Landscape Associate
Caltrans	Joaquin Pedrin	Branch Chief, Office of Landscape Architecture
Caltrans	Arnica MacCarthy	Branch Chief, Office of Environmental Analysis
Caltrans	Wilfung Martono	Branch Chief, Senior Transportation Engineer, Stormwater Design D
Caltrans	Mark Morancy	District Branch Chief, Office of Hydraulic Engineering
Caltrans	Chris Riden	Branch Chief, Geology Services Branch B
Caltrans	Kathryn Rose	Branch Chief, Archaeology
Caltrans	Shilpa Mareddy	Branch Chief, Air Quality and Noise
Caltrans	Marisol Marin	Hazardous Waste Associate
Caltrans	Mojgan Oosoli	Branch Chief, Stormwater Design
Caltrans	Charles Palmer	Associate Environmental Planner, Architectural History
Caltrans	Chris Riden	Branch Chief, Office of Geotechnical Design
Caltrans	Kathryn Rose	Senior Environmental Planner, Office of Cultural Resources
Caltrans	Himabindu Samudrala	Project Engineer, Design
Caltrans	Britt Schlosshardt	Environmental Planner, Office of Cultural Resources
Caltrans	Jessica Thaggard	Biologist, Biological Sciences and Permits
Caltrans	Ganga Tripathi	Water Quality Analyst
Caltrans	Kenny Tsan	Air Quality and Noise Analyst
Caltrans	Nandini Vishwanath	Branch Chief, Hazardous Waste
Jacobs	Lynne Hosley	Program Manager

Organization	Name	Role
Jacobs	David Carlson	Senior Environmental Reviewer
Jacobs	Loretta Meyer	Environmental Planner
Jacobs	Julie Petersen	Environmental Planner
Jacobs	Misha Seguin	Biologist
Jacobs	Karen Dolan	Geographic Information System
Jacobs	Ed Moon	Geographic Information System
Jacobs	Clarice Ericsson	Publications Technician
Jacobs	Austen Sandifer	Editor



## **Chapter 6**   Distribution List

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The Initial Study with Negative Declaration was circulated to the following agencies and government officials.

### **Agencies**

U.S. Fish and Wildlife Service

U.S. Army Corps of Engineers

State Water Resources Control Board

San Francisco Bay Regional Water Quality Control Board

California Department of Fish and Wildlife

California Department of Parks and Recreation

San Francisco Bay Conservation and Development Commission

Bay Area Air Quality Management District

Governor's Office of Planning and Research

Transportation Authority of Marin

Sonoma County Transportation Authority

Solano County Transportation Authority

Office of Planning and Research

Marin County

City of Novato Planning Division

### **Elected Officials**

Senator Dianne Feinstein

Senator Alex Padilla

Senator Mike McGuire

Congressman Jared Huffman

Assembly Member Marc Levine

Supervisor Judy Arnold, Marin County District 5

Sheriff Robert T. Doyle

Mayor Eric Lucan, City of Novato

## **Appendix A** Title VI Policy Statement

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**DEPARTMENT OF TRANSPORTATION**

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Making Conservation  
a California Way of Life.

September 2021

**NON-DISCRIMINATION POLICY STATEMENT**

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964, ensures *"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."*

Caltrans will make every effort to ensure nondiscrimination in all of its services, programs and activities, whether they are federally funded or not, and that services and benefits are fairly distributed to all people, regardless of race, color, or national origin. In addition, Caltrans will facilitate meaningful participation in the transportation planning process in a nondiscriminatory manner.

Related federal statutes, remedies, and state law further those protections to include sex, disability, religion, sexual orientation, and age.

For information or guidance on how to file a complaint, or obtain more information regarding Title VI, please contact the Title VI Branch Manager at (916) 324-8379 or visit the following web page:  
<https://dot.ca.gov/programs/civil-rights/title-vi>.

To obtain this information in an alternate format such as Braille or in a language other than English, please contact the California Department of Transportation, Office of Civil Rights, at 1823 14<sup>th</sup> Street, MS-79, Sacramento, CA 95811; PO Box 942874, MS-79, Sacramento, CA 94274-0001; (916) 324-8379 (TTY 711); or at [Title.VI@dot.ca.gov](mailto:Title.VI@dot.ca.gov).

A blue ink signature of Toks Omishakin, consisting of a stylized 'T' followed by a series of loops and a final flourish.

Toks Omishakin  
Director





# **Appendix B**    Summary of Project Features and Avoidance and Minimization Measures

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## **Project Features**

**Project Feature AQ-1: Control Measures for Construction Emissions of Fugitive Dust.** Dust control measures would be implemented to minimize airborne dust and soil particles generated from construction. For disturbed soil areas, the use of tackifier to control dust emissions would be included in the construction contract. Any material stockpiles would be watered, sprayed with tackifier, or covered to minimize dust production and wind erosion.

**Project Feature BIO-1: Documentation at Project Site.** A permit compliance binder would be maintained at the construction site at all times and presented to resource agency (U.S. Army Corps of Engineers [USACE], NOAA Fisheries, U.S. Fish and Wildlife Service [USFWS], Regional Water Quality Control Board [RWQCB], San Francisco Bay Conservation and Development Commission, and/or CDFW) personnel upon request. The permit compliance binder would include a copy of all original permits and agreements, and any extensions and amendments to the permits and agreements.

**Project Feature BIO-2: Work According to Documents.** Except as they are contradicted by measures within the permits and agreements, all work would be conducted in conformance with the Project description in the permits and agreements and the AMMs provided in the permits and agreements.

**Project Feature BIO-3: Worker Environmental Awareness Training.** Prior to the start of construction, a biologist would provide a training session for all work personnel to identify any sensitive species that may be in the area, their basic habits, how they may be encountered in their work area, and procedures to follow when they are encountered. Any personnel joining the work crew later would receive the same training before beginning work. Upon completion of the education program, employees would sign a form stating they attended the program and understand all protection measures. A pamphlet that contains images of sensitive species that may occur within the Project, environmentally sensitive areas (ESAs) within the Project site, and notes key avoidance measures, as well as employee guidance would be given

to each person who completes the training program. These forms would be made available to the resource agencies upon request.

**Project Feature BIO-4: Mark Environmentally Sensitive Areas.** Before construction begins, ESAs would be clearly delineated using high-visibility orange fencing, flagging, or similar markings to delineate sensitive habitats. The ESA marking would remain in place throughout construction. It may be removed during the wet season (and subsequently re-installed), if needed to prevent materials from being washed away. The final Project plans would depict all locations where ESA markings would be installed and how the markings would be installed. The bid solicitation package special provisions would clearly describe acceptable marking material and prohibited construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within ESAs. ESA markings would be maintained in good repair throughout the Project as needed.

**Project Feature BIO-5: Wildlife Exclusion Fencing.** Before starting construction, wildlife exclusion fencing (WEF) would be installed at Simonds Slough, where wildlife could enter the Project site. Locations of the WEF would be determined in coordination with the onsite biologist. WEF installation locations would be identified during the plans, specifications, and estimate phase of the Project; the final plans would depict the locations where WEF would be installed and how WEF would be assembled/constructed. The special provisions in the bid solicitation package would clearly describe acceptable WEF material and proper WEF installation and maintenance. The WEF remain in place throughout the Project, while construction activities are ongoing; the WEF would be regularly inspected for stranded animals and fully maintained. The WEF be removed following completion of construction activities or when construction is completed at that location at the discretion of the Project biologist.

**Project Feature BIO-6: Nesting Bird Surveys.** If Project activities occur between February 1 and September 30, then a pre-construction survey(s) would be conducted for nesting birds no more than 3 days before construction. If active nests are found, then an appropriate buffer would be established, and the nest would be monitored for compliance with the Migratory Bird Treaty Act and California Fish and Game Code (FGC) 3503.

**Project Feature BIO-7: Active Nest Buffers.** If an active bird nest is found during construction activities, then the following ESA buffers would be established: if an

active raptor nest is observed, a 300-foot-wide ESA buffer would be implemented to avoid impacting the young until they have fledged; if an active nest of non-raptor migratory birds is observed, a 50-foot-wide ESA buffer would be implemented to protect the young until they have fledged, or as otherwise determined through consultation with USFWS and CDFW regarding appropriate action to comply with the Migratory Bird Treaty Act and California FGC 3503.

**Project Feature BIO-8: Construction Site Management Practices.** The following site restrictions would be implemented to avoid or minimize potential impacts on sensitive biological resources:

- Enforce a speed limit of 15 miles per hour for Project vehicles in unpaved portions of the site to reduce dust and excessive soil disturbance.
- Locate construction access, staging, storage, and parking areas within the Caltrans right of way and outside of any designated ESA to the extent practicable. Access routes, staging and storage areas, and contractor parking will be limited to the minimum necessary to construct the proposed Project. Clearly mark routes and boundaries of roadwork before initiating construction.
- Certify, to the maximum extent practicable, borrow material is non-toxic and weed free.
- Enclose food and food-related trash items in sealed trash containers and remove them from the site at the end of each day.
- Prohibit pets from entering the Project area during construction.
- Prohibit firearms within the Project site, except for those carried by authorized security personnel or local, state, or federal law enforcement officials.

**Project Feature BIO-9: Invasive Weed Control.** To reduce the spread of invasive, nonnative plant species and minimize the potential decrease of palatable vegetation for wildlife species, Caltrans would comply with Executive Order 13112. This order is provided to prevent the introduction of invasive species and provide for their control to minimize the economic, ecological, and human health effects. If noxious weeds are disturbed or removed during construction-related activities, the contractor would be required to contain the plant material associated with these noxious weeds and dispose of the material in a manner that would not promote the spread of the species. The contractor would be responsible for obtaining all permits, licenses, and



environmental clearances for properly disposing of materials. Areas subject to noxious weed removal or disturbance would be replanted with fast-growing native grasses or a native erosion control seed mixture. Where seeding is not practical, the target areas within the Project area would be covered to the extent practicable with heavy black plastic solarization material until the end of the Project.

If work occurs in sensitive habitats, vehicles and equipment would be thoroughly cleaned before arriving on the site to prevent the spread of noxious weeds from other locations.

**Project Feature BIO-10: Restore Disturbed Areas.** Temporarily disturbed areas would be restored to the maximum extent practicable. Exposed slopes and bare ground would be reseeded with native grasses to stabilize and prevent erosion. Where disturbance includes the removal of trees and woody shrubs, native species would be replanted, based on the local species composition.

**Project Feature BIO-11: Bat Protection.** A habitat assessment would be conducted for potentially suitable bat roosting habitat prior to construction activities. If the habitat assessment reveals any structures are suitable roosting habitat for bats, then the appropriate exclusionary measures would be implemented prior to construction during the period between March 1 and April 15, or August 31 and October 15. Potential avoidance may include exclusionary blocking or filling potential cavities with foam, visual monitoring, and/or staging Project work to avoid bats. If bats are known to use the structures, then exclusion netting would not be used.

Bats would not be disturbed without specific notice to, and consultation with, CDFW.

**Project Feature BIO-12: Prevent Inadvertent Entrapment.** To prevent inadvertent entrapment of animals during construction, all excavated, steep-walled holes or trenches more than 1-foot deep would be covered at the close of each working day, by plywood or similar materials, or provided with one or more escape ramps constructed of earthen fill or wooden planks at an angle no greater than 30 degrees. Before such holes or trenches are filled, they would be thoroughly inspected for trapped animals. Pipes, culverts, or similar structures stored in the Project area overnight would be inspected before they are subsequently moved, capped, or buried.

**Project Feature BIO-13: Night Lighting.** Some nighttime work is anticipated for this Project. For unavoidable nighttime work, all lighting would be shielded and

directed downwards towards the active construction area to avoid exposing nocturnal wildlife to excessive glare.

**Project Feature BIO-14: Agency-approved Biologist.** A biologist approved by USFWS and CDFW would conduct pre-construction surveys for federally and state-listed species, and the biologist would be present during construction activities, including vegetation clearing and grubbing, as required by the resource agencies. If, at any point, any listed species is discovered within the Project limits, the agency-approved biologist, through the Resident Engineer or his/her designee, would halt all work within 50 feet of the animal and contact the corresponding agency (USFWS or CDFW) to determine how to proceed.

**Project Feature BIO-15: Construction Noise.** Construction noise limitations, as they relate to listed species, would be determined through consultation with state and federal agencies.

**Project Feature BIO-16: Stop-work Authority.** Through the Resident Engineer or their designee, the Project biologist(s) would have the authority to stop Project activities to minimize take of listed species or if he/she determines that any permit requirements are not fully implemented. Caltrans would provide appropriate notifications based on language in the permits and agreements to agency(s) with jurisdiction.

**Project Feature BIO-17: Discovery of Dead Special-status Species.** Immediately upon discovery of any dead, injured, or entrapped special-status species regulated by USFWS, NOAA Fisheries, or CDFW, Caltrans would provide appropriate notifications based on language in the permits and agreements to agency(s) with jurisdiction.

**Project Feature BIO-18: Wildlife Species Relocation.** When listed wildlife species (that do not have state fully protected status) are present and it is determined that they could be injured or killed by construction activities, the Project biologist, in coordination with the appropriate state and federal wildlife agencies, and as outlined within the applicable permits, would identify appropriate methods for capture, handling, exclusion, and relocation of individuals that could be affected.

**Project Feature CULT-1: Discovery of Cultural Resources.** If previously unidentified cultural resources are unearthed during construction, work would be

halted in that area until a qualified archaeologist can assess the significance of the discovery.

**Project Feature CULT-2: Discovery of Human Remains.** If remains are discovered during dredging activities, all work within 60 feet of the discovery would halt and Caltrans Cultural Resource Studies Office would be called. Caltrans Cultural Resources Studies Office Staff would assess the remains and, if they are determined to be human, would contact the County Coroner, per Public Resources Code, Sections 5097.98, 5097.99, and 7050.5 of the California Health and Safety Code. If the coroner determines the remains to be Native American, then the coroner would contact the Native American Heritage Commission, which would assign a Most Likely Descendant. Caltrans would consult with the Most Likely Descendant on treatment and reburial of the remains. Further provisions of Public Resources Code, Section 5097.98 would be followed as applicable.

**Project Feature Energy-1: Minimize Energy Consumption from Construction Activities.** The use of construction BMPs would minimize energy consumption from construction activities, including, but not limited to: (1) limit idling of vehicles and equipment; (2) use solar power as a power source, if feasible; (3) ensure regular maintenance of construction vehicles and equipment; and (4) if feasible, recycle nonhazardous waste and excess materials to reduce disposal offsite.

**Project Feature GHG-1: Control Measures for Greenhouse Gases.** Implementation of Caltrans Standard Specifications, such as complying with air-pollution-control rules, regulations, ordinances, and statutes that apply to work performed under the contract and the use of construction BMPs, would result in reducing GHG emissions from construction activities. These BMPs would include, but not be limited to: (1) ensure regular maintenance of construction vehicle and equipment; (2) limit idling of vehicles and equipment onsite; and (3) recycle nonhazardous waste and excess material if practicable.

**Project Feature UTI-1: Trash Management.** All food-related trash items, such as wrappers, cans, bottles, and food scraps, would be disposed of in closed containers and removed by the contractor at least once daily from the Project limits. A trash reduction system would also be developed by the contractor, approved by Caltrans, and implemented per the Caltrans Statewide National Pollution Discharge Elimination System Permit and San Francisco RWQCB Cease and Desist Order.



**Project Feature UTI-2: Treated Wood Waste.** Wood removed from metal beam guardrails would be considered treated wood waste and be disposed of by the contractor pursuant to Caltrans standard specifications.

## **Avoidance and Minimization Measures**

**AMM AES-1: Minimize Construction Appearance.** Visual impacts during construction will be reduced by measures such as storing unsightly material and equipment in staging areas beyond direct view of the motoring public to the extent practicable.

**AMM AES-2: Avoid Impacts to Vegetation.** Staging areas will not be allowed in any area where the removal of trees or native vegetation will be required. Avoid impacts to existing vegetation to the greatest extent practicable.

**AMM AES-3: Revegetation of Disturbed Areas.** Disturbed soils will be revegetated by applying erosion control seeding to all areas of disturbed soil.

**AMM AES-4:** Impacts to existing trees and shrubs, including associated tree roots, will be avoided where feasible. The Caltrans Office Landscape Architecture and Office of Biological Sciences and Permits will identify specific locations and BMPs during later Project phases, and include appropriate information in the plans and specifications.

**AMM AES-5: Directional Lighting.** Use of directional lighting and/or shielding for any night work will be implemented to reduce light trespass affecting motorists.

**AMM BIO-1: California Red-legged Frog Habitat Work Window.** These work windows are applicable only to those portions of the Project area where suitable California red-legged frog habitat occurs (such as, the staging area adjacent to Atherton Avenue). Areas that are not considered habitat (including paved surfaces and other hardscape) are accessible for construction work year-round (unless there are other seasonal restrictions outlined in a federal or state permit).

Initial ground disturbance (that is, ground disturbance in areas that have not been previously disturbed in such a way that removes or destroys access to burrows and migratory habitat, or areas that have not previously been enclosed with WEF) in California red-legged frog upland dispersal habitat, as identified by a USFWS-approved Project biologist, will be timed to occur between April 15 and October 31.

**AMM BIO-2: California Red-Legged Frog Pre-Construction Surveys.** Pre-construction surveys for the California red-legged frog will be conducted by the USFWS-approved Project biologist within 14 calendar days of the initiation of Project activities in suitable upland and aquatic habitat prior to ground-disturbing activities, vegetation removal, and WEF installation. Surveys will be conducted as outlined in the *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog* (USFWS 2005). Access to habitat during surveys may be limited by appropriate safety measures and protocols as described in this revised guidance. Pre-construction surveys will include:

- Foot surveys will be conducted of potential frog habitat within the Project limits and accessible adjacent areas (within at least 50 feet of the Project limits).
- Potential cover sites (burrows, rocks, soil cracks, vegetation, and other potential refuge habitat) and any areas of disturbed soil for signs of the California red-legged frog will be investigated.

Native vertebrates found in cover sites within the Project limits will be documented and, if handling is allowed, relocated to an adequate cover site in the vicinity. Species that cannot be relocated because of special protection status will be addressed in coordination with the appropriate agency(s) with jurisdiction.

**AMM BIO-3: California Red-Legged Frog Monitoring Protocols.** During construction in and near potential California red-legged habitat, the following protocols will be observed by the Project biologist during construction monitoring:

- Within 24 hours prior to initial ground-disturbing activities, portions of the Project limits where potential California red-legged frog habitat has been identified will be surveyed by a Project biologist(s) to clear the site of frogs moving above ground or taking refuge in burrow openings or under materials that could provide cover.
- A qualified Project biologist(s) will be present during all initial ground-disturbing activities and vegetation removal in suitable refugia habitats for the California red-legged frogs to monitor the removal of the top 12 inches of topsoil.
- If potential aestivation burrows are discovered, the burrows will be flagged for avoidance.

- After a rain event, and prior to construction activities resuming, a qualified biologist will inspect the work area and all equipment/materials for the presence of California red-legged frog.
- Upon discovery of a California red-legged frog individual(s) in an active construction area, all work will cease within a 50-foot radius of the frog. The frog will be allowed to leave the site on its own; or if the frog(s) does not leave on its own, it will be relocated as close to the Project site as feasible and with permission from the property owner, and placed in a natural burrow by a Project biologist with the appropriate USFWS 10(a)1(A) handling permit.

The USFWS will be notified by phone and email within one working day of any California red-legged frog discovery in the Project area.

**AMM BIO-4: California Ridgway's Rail and California Black Rail Pre-Construction Survey.** Protocol-level surveys will be conducted beginning between January 15 and February 1. A minimum of four surveys are required, each survey should be 2 to 3 weeks apart, and the final survey should be completed by March or mid-April (depending on when each survey begins) to ensure that no CRR/CBR are present during construction. Surveys will be completed prior to the initiation of construction with 3 weeks remaining after completion of surveys and before Project initiation to submit results to CDFW/USFWS for review. Protocol survey requirements will be followed as recommended in the most up-to-date USFWS and/or CDFW survey protocols.

**AMM BIO-5: California Ridgway's Rail and California Black Rail Avoidance.** If CRR/CBR are detected during protocol surveys, no work activity will occur from February 1 to August 31 (during the CRR/CBR nesting season), within suitable CRR/CBR habitat. Suitable CRR/CBR habitat includes but is not limited to marshes, wetlands, streams, and waterways, as well as associated upland habitat capable of providing upland refugia habitat as determined by a qualified biologist experienced with CRR/CBR.

**AMM BIO-6: California Ridgway's Rail and California Black Rail Avoidance Buffers.** If breeding CRR/CBR are determined to be present, activities will not occur within 700 feet of an identified call center. If the intervening distance across a major slough channel or across a substantial barrier between the CRR/CBR calling center and any activity area is greater than 200 feet, work may proceed at that location within the breeding season in consultation with USFWS and/or CDFW.



**AMM BIO-7: California Ridgway's Rail and California Black Rail High Tide Restriction.** To avoid the loss of individual CRR or CBR, activities within or adjacent to CRR/CBR suitable habitat will not occur within 2 hours before or after extreme high tides (6.5 feet or above, as measured at the Golden Gate Bridge). This is when the marsh plain is inundated and protective cover for CRR/CBR is limited. Project activities could prevent CRR/CBR from reaching available cover.

**AMM BIO-8: California Ridgway's Rail and California Black Rail Monitoring.** The following monitoring protocols for CRR and CBR will be implemented, where appropriate:

- A USFWS- and CDFW-approved biological monitor will be present onsite to monitor for CRR and CBR during the operation of large equipment within 300 feet of salt marsh areas.
- During construction the Project biologist will be onsite at Novato Creek to periodically inspect the site to verify that habitat protection measures remain effective.

**AMM BIO-9: Western Burrowing Owl Pre-Construction Surveys.** Pre-construction surveys will be conducted where western burrowing owl nesting habitat has potential to occur within 500 feet of work areas. Survey protocol will be as follows:

- Conduct 4 survey visits.
- Conduct an initial visit between February 15 and April 15.
- Conduct a minimum of three subsequent surveys with at least 3 weeks between visits, with at least one visit to occur after June 15.
- Conduct an additional take avoidance survey no less than 14 days prior to initiating ground-disturbing activities where work will occur.

**AMM BIO-10: Western Burrowing Owl Nest Avoidance.** If the active nest of a western burrowing owl is discovered during pre-construction surveys or biological monitoring, the following initial buffers will be implemented:

- From April 1 through October 15, establish a 660-foot (200-meter), no-work buffer from the active nest site.

- From October 16 through March 31, establish a 164-foot(50-meter), no-work buffer from the active nest site.
- Buffers and minimization measures (including, blinds, and screens) may be adjusted or implemented after coordination with CDFW.

**AMM BIO-11: Bat Monitoring Protocols.** If a bat or bat colony is observed nesting or roosting in active construction areas at the Project site, then construction activities that would imminently harm bats will stop within 150 feet of the roosting location until a qualified biologist develops a site-specific bat avoidance plan to implement at the roosting site. Once the plan is implemented, Project activities may resume with Project biologist oversight at that location.

**AMM WQ-1: Water Quality Best Management Practices.** In accordance with the CGP, a SWPPP will be required, which will provide guidance on erosion control BMPs to be implemented to minimize wind- or water-related erosion. These BMPs will also be implemented via language in the *Construction Site Best Management Practices (BMPs) Manual* (Caltrans 2017), which provides guidance for including provisions in all construction contracts to protect sensitive areas, and prevent and minimize stormwater and non-stormwater discharges. BMPs will include wind erosion controls (such as temporary covers, hydraulic mulch, hydroseeding and wood mulching), and drainage inlet protection.

**AMM WQ-2: Design Pollution Prevention Temporary Construction BMPs.** The BMPs recommended for potential temporary construction impacts resulting from the Project are: (1) job site management (2) sediment control (3) waste management and materials pollution control, (4) non-storm water management, (5) stockpile management, (6) tracking controls, (7) wind erosion controls, and (7) drainage inlet protection.

**AMM WQ-3: Design Pollution Prevention BMPs Post Construction:** Design pollution prevention BMPs will be applied for post-construction erosion control since the Project involves DSA within Project limits. The BMPs will control post-construction impacts resulting from the Project.

**AMM WQ-4: Full Trash Capture Devices.** In accordance with Caltrans District 4 Regional Board 2 Trash Generation Map, there are moderate trash-generation ratings at the SR 37/U.S. 101 separation and at PM 13.69 (Black Point), which require a full trash control system and full trash capture devices. Therefore, full trash control

system and full trash capture devices will be required at these moderate trash-generating areas.

**AMM Noise-1: Specifications for Controlling Noise and Vibration.** Noise from construction activities is not to exceed 86 A-weighted decibel L<sub>max</sub><sup>2</sup> at 50 feet from the Project site from 9:00 p.m. to 6:00 a.m. per 2018 Caltrans Standard Specifications, Section 14-8.02.

**AMM Noise-2: Noise Levels During Construction.** The following measures would be implemented during construction to reduce noise:

- Restrict the times of overly loud construction activities to between 6:00 a.m. and 9:00 p.m. (except on holidays).
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate all stationary, noise-generating, construction equipment, such as air compressors, portable power generators, or self-powered lighting systems, as far as practical from noise-sensitive receptors.
- Use quiet air compressors and other quiet equipment where such technology exists.

As practicable, have construction equipment conform to Section 14-8.02, Noise Control, of the latest Caltrans Specifications.

**AMM TRANS-1: Traffic Management Plan:** To minimize potential effects from construction activities to motorists, bicyclists, or pedestrians using local streets, a TMP will be developed by Caltrans and implemented throughout construction. The TMP will include public information, motorist information, incident management, construction, and alternate routes. The TMP will also include elements, such as detour and haul routes, one-way traffic, flaggers, and phasing, to reduce impacts to local residents as much as feasible and to maintain access to businesses in the local area. The TMP will also provide access police and emergency service providers. Lane closures will be planned in coordination with Caltrans, Marin County, and Novato, and will include notices to emergency service providers, and the public in advance.

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<sup>2</sup> L<sub>max</sub> noise descriptor is the highest instantaneous noise level during a specified period; in the noise analysis, that is 1 hour.



## **Appendix C** Species Lists and Species Tables

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## C1: Species Lists

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## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Sacramento Fish And Wildlife Office

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

Phone: (916) 414-6600 Fax: (916) 414-6713



In Reply Refer To:

May 18, 2022

Project Code: 2022-0011858

Project Name: SR 37 CAPM Project EA 2K740

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

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Attachment(s):

- Official Species List



## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

### **Sacramento Fish And Wildlife Office**

Federal Building  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825-1846  
(916) 414-6600

## Project Summary

Project Code: 2022-0011858

Event Code: None

Project Name: SR 37 CAPM Project EA 2K740

Project Type: Road/Hwy - Maintenance/Modification

Project Description: The California Department of Transportation (Caltrans) is the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) lead agency and sponsor for the Marin County State Route (SR) 37 Pavement Capital Preventive Maintenance (CAPM) Project (Project).

The Project is located in Marin County, California. Caltrans proposes to preserve and extend the life of the existing pavement on approximately 14 lane miles (3.4 linear miles) of SR 37 from the Ignacio Overhead (U.S. Highway 101 junction) to the Petaluma River Bridge at the Marin/Sonoma County line (Post Mile [PM] R11.2 to PM 14.6) (Figures 1 and 2).

The proposed work includes resurfacing and repairing the existing asphalt-concrete (AC) pavement; injecting polyurethane foam below roadway to address settlement correction; replacing traffic loop detectors, and AC dikes; upgrading concrete barriers, guard rails and curb ramps; installing enhanced wet/night visibility striping; adjusting and cleaning drain inlets; and providing vegetation control under guardrails and thrie-beam barriers.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.09784875,-122.52101170123495,14z>



Counties: Marin County, California

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## Endangered Species Act Species

There is a total of 12 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

NAME	STATUS
Salt Marsh Harvest Mouse <i>Reithrodontomys raviventris</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/613">https://ecos.fws.gov/ecp/species/613</a>	Endangered

## Birds

NAME	STATUS
California Clapper Rail <i>Rallus longirostris obsoletus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4240">https://ecos.fws.gov/ecp/species/4240</a>	Endangered
California Least Tern <i>Sterna antillarum browni</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8104">https://ecos.fws.gov/ecp/species/8104</a>	Endangered
Northern Spotted Owl <i>Strix occidentalis caurina</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/1123">https://ecos.fws.gov/ecp/species/1123</a>	Threatened
Western Snowy Plover <i>Charadrius nivosus nivosus</i> Population: Pacific Coast population DPS-U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast) There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/8035">https://ecos.fws.gov/ecp/species/8035</a>	Threatened

## Reptiles

NAME	STATUS
Green Sea Turtle <i>Chelonia mydas</i> Population: East Pacific DPS No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a>	Threatened

## Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/2891">https://ecos.fws.gov/ecp/species/2891</a>	Threatened

## Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/321">https://ecos.fws.gov/ecp/species/321</a>	Threatened
Tidewater Goby <i>Eucyclogobius newberryi</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/57">https://ecos.fws.gov/ecp/species/57</a>	Endangered

## Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## Crustaceans

NAME	STATUS
California Freshwater Shrimp <i>Syncaris pacifica</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7903">https://ecos.fws.gov/ecp/species/7903</a>	Endangered

## Flowering Plants

NAME	STATUS
Marin Dwarf-flax <i>Hesperolinon congestum</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5363">https://ecos.fws.gov/ecp/species/5363</a>	Threatened



## **Critical habitats**

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

**IPaC User Contact Information**

Agency: California Department of Transportation  
Name: Misha Seguin`  
Address: 155 Grand Ave  
Address Line 2: Suite 800  
City: Oakland  
State: CA  
Zip: 94612  
Email: misha.seguin@jacobs.com  
Phone: 5105209787

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# Selected Elements by Scientific Name

## California Department of Fish and Wildlife

### California Natural Diversity Database



**Query Criteria:** Quad</span> IS </span>(Petaluma Point (3812214)</span> OR </span>Novato (3812215)</span> OR </span>Sears Point (3812224)</span> OR </span>Petaluma River (3812225))

EA 04-2K740 SR 37 Marin CAPM Project

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b><i>Acipenser medirostris</i> pop. 1</b> green sturgeon - southern DPS	AFCAA01031	Threatened	None	G2T1	S1	
<b><i>Adela oplerella</i></b> Opler's longhorn moth	IILEE0G040	None	None	G2	S2	
<b><i>Agelaius tricolor</i></b> tricolored blackbird	ABPBXB0020	None	Threatened	G1G2	S1S2	SSC
<b><i>Allium peninsulare</i> var. <i>franciscanum</i></b> Franciscan onion	PMLIL021R1	None	None	G5T2	S2	1B.2
<b><i>Ambystoma californiense</i> pop. 3</b> California tiger salamander - Sonoma County DPS	AAAAA01183	Endangered	Threatened	G2G3T2	S2	WL
<b><i>Amorpha californica</i> var. <i>napensis</i></b> Napa false indigo	PDFAB08012	None	None	G4T2	S2	1B.2
<b><i>Amsinckia lunaris</i></b> bent-flowered fiddleneck	PDBOR01070	None	None	G3	S3	1B.2
<b><i>Andrena blennospermatis</i></b> Blennosperma vernal pool andrenid bee	IIHYM35030	None	None	G2	S2	
<b><i>Antrozous pallidus</i></b> pallid bat	AMACC10010	None	None	G4	S3	SSC
<b><i>Arctostaphylos montana</i> ssp. <i>montana</i></b> Mt. Tamalpais manzanita	PDERI040J5	None	None	G3T3	S3	1B.3
<b><i>Ardea alba</i></b> great egret	ABNGA04040	None	None	G5	S4	
<b><i>Ardea herodias</i></b> great blue heron	ABNGA04010	None	None	G5	S4	
<b><i>Astragalus tener</i> var. <i>tener</i></b> alkali milk-vetch	PDFAB0F8R1	None	None	G2T1	S1	1B.2
<b><i>Athene cunicularia</i></b> burrowing owl	ABNSB10010	None	None	G4	S3	SSC
<b><i>Blennosperma bakeri</i></b> Sonoma sunshine	PDAST1A010	Endangered	Endangered	G1	S1	1B.1
<b><i>Bombus caliginosus</i></b> obscure bumble bee	IIHYM24380	None	None	G2G3	S1S2	
<b><i>Bombus occidentalis</i></b> western bumble bee	IIHYM24250	None	None	G2G3	S1	
<b><i>Buteo swainsoni</i></b> Swainson's hawk	ABNKC19070	None	Threatened	G5	S3	
<b><i>Calicina diminua</i></b> Marin blind harvestman	ILARAU8040	None	None	G1	S1	



# Selected Elements by Scientific Name

## California Department of Fish and Wildlife

### California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b><i>Centromadia parryi ssp. parryi</i></b> pappose tarplant	PDAST4R0P2	None	None	G3T2	S2	1B.2
<b><i>Charadrius nivosus nivosus</i></b> western snowy plover	ABNNB03031	Threatened	None	G3T3	S2	SSC
<b><i>Chloropyron maritimum ssp. palustre</i></b> Point Reyes salty bird's-beak	PDSCR0J0C3	None	None	G4?T2	S2	1B.2
<b><i>Chloropyron molle ssp. molle</i></b> soft salty bird's-beak	PDSCR0J0D2	Endangered	Rare	G2T1	S1	1B.2
<b><i>Chorizanthe valida</i></b> Sonoma spineflower	PDPGN040V0	Endangered	Endangered	G1	S1	1B.1
<b><i>Coastal Brackish Marsh</i></b> Coastal Brackish Marsh	CTT52200CA	None	None	G2	S2.1	
<b><i>Corynorhinus townsendii</i></b> Townsend's big-eared bat	AMACC08010	None	None	G4	S2	SSC
<b><i>Danaus plexippus pop. 1</i></b> monarch - California overwintering population	IILEPP2012	Candidate	None	G4T2T3	S2S3	
<b><i>Dicamptodon ensatus</i></b> California giant salamander	AAAAH01020	None	None	G2G3	S2S3	SSC
<b><i>Downingia pusilla</i></b> dwarf downingia	PDCAM060C0	None	None	GU	S2	2B.2
<b><i>Egretta thula</i></b> snowy egret	ABNGA06030	None	None	G5	S4	
<b><i>Elanus leucurus</i></b> white-tailed kite	ABNKC06010	None	None	G5	S3S4	FP
<b><i>Emys marmorata</i></b> western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
<b><i>Eriogonum luteolum var. caninum</i></b> Tiburon buckwheat	PDPGN083S1	None	None	G5T2	S2	1B.2
<b><i>Eucyclogobius newberryi</i></b> tidewater goby	AFCQN04010	Endangered	None	G3	S3	
<b><i>Fritillaria liliacea</i></b> fragrant fritillary	PMLIL0V0C0	None	None	G2	S2	1B.2
<b><i>Geothlypis trichas sinuosa</i></b> saltmarsh common yellowthroat	ABPBX1201A	None	None	G5T3	S3	SSC
<b><i>Hemizonia congesta ssp. congesta</i></b> congested-headed hayfield tarplant	PDAST4R065	None	None	G5T2	S2	1B.2
<b><i>Hesperolinon congestum</i></b> Marin western flax	PDLIN01060	Threatened	Threatened	G1	S1	1B.1
<b><i>Lasthenia conjugens</i></b> Contra Costa goldfields	PDAST5L040	Endangered	None	G1	S1	1B.1
<b><i>Laterallus jamaicensis coturniculus</i></b> California black rail	ABNME03041	None	Threatened	G3T1	S1	FP





Selected Elements by Scientific Name  
California Department of Fish and Wildlife  
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b><i>Lessingia micradenia</i> var. <i>micradenia</i></b> Tamalpais lessingia	PDAST5S063	None	None	G2T2	S2	1B.2
<b><i>Lilium pardalinum</i> ssp. <i>pitkinense</i></b> Pitkin Marsh lily	PMLIL1A0H3	Endangered	Endangered	G5T1	S1	1B.1
<b><i>Melospiza melodia</i> <i>samuelis</i></b> San Pablo song sparrow	ABPBXA301W	None	None	G5T2	S2	SSC
<b><i>Navarretia leucocephala</i> ssp. <i>bakeri</i></b> Baker's navarretia	PDPLM0C0E1	None	None	G4T2	S2	1B.1
<b>Northern Coastal Salt Marsh</b> Northern Coastal Salt Marsh	CTT52110CA	None	None	G3	S3.2	
<b>Northern Vernal Pool</b> Northern Vernal Pool	CTT44100CA	None	None	G2	S2.1	
<b><i>Oncorhynchus mykiss irideus</i> pop. 8</b> steelhead - central California coast DPS	AFCHA0209G	Threatened	None	G5T2T3Q	S2S3	
<b><i>Plagiobothrys mollis</i> var. <i>vestitus</i></b> Petaluma popcornflower	PDBOR0V0Q2	None	None	G4?TX	SX	1A
<b><i>Pogonichthys macrolepidotus</i></b> Sacramento splittail	AFCJB34020	None	None	G3	S3	SSC
<b><i>Polygonum marinense</i></b> Marin knotweed	PDPGN0L1C0	None	None	G2Q	S2	3.1
<b><i>Rallus obsoletus obsoletus</i></b> California Ridgway's rail	ABNME05011	Endangered	Endangered	G3T1	S1	FP
<b><i>Rana boylei</i></b> foothill yellow-legged frog	AAABH01050	None	Endangered	G3	S3	SSC
<b><i>Rana draytonii</i></b> California red-legged frog	AAABH01022	Threatened	None	G2G3	S2S3	SSC
<b><i>Reithrodontomys raviventris</i></b> salt-marsh harvest mouse	AMAFF02040	Endangered	Endangered	G1G2	S1S2	FP
<b><i>Riparia riparia</i></b> bank swallow	ABPAU08010	None	Threatened	G5	S2	
<b><i>Sidalcea calycosa</i> ssp. <i>rhizomata</i></b> Point Reyes checkerbloom	PDMAL11012	None	None	G5T2	S2	1B.2
<b><i>Sorex ornatus sinuosus</i></b> Suisun shrew	AMABA01103	None	None	G5T1T2Q	S1S2	SSC
<b><i>Speyeria zerene sonomensis</i></b> Sonoma zerene fritillary	IILEPJ6083	None	None	G5T1	S1	
<b><i>Spirinchus thaleichthys</i></b> longfin smelt	AFCHB03010	Candidate	Threatened	G5	S1	
<b><i>Streptanthus anomalus</i></b> Mount Burdell jewelflower	PDBRA2G520	None	None	G1	S1	1B.1
<b><i>Streptanthus glandulosus</i> ssp. <i>pulchellus</i></b> Mt. Tamalpais bristly jewelflower	PDBRA2G0J2	None	None	G4T2	S2	1B.2



Selected Elements by Scientific Name  
California Department of Fish and Wildlife  
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b><i>Talanites ubicki</i></b> Ubick's gnaphosid spider	ILARA98030	None	None	G1	S1	
<b><i>Taricha rivularis</i></b> red-bellied newt	AAAAF02020	None	None	G2	S2	SSC
<b><i>Taxidea taxus</i></b> American badger	AMAJF04010	None	None	G5	S3	SSC
<b><i>Trifolium hydrophilum</i></b> saline clover	PDFAB400R5	None	None	G2	S2	1B.2
<b><i>Trifolium polyodon</i></b> Pacific Grove clover	PDFAB402H0	None	Rare	G1	S1	1B.1
<b><i>Tryonia imitator</i></b> mimic tryonia (=California brackishwater snail)	IMGASJ7040	None	None	G2	S2	
<b><i>Vespericola marinensis</i></b> Marin hesperian	IMGASA4140	None	None	G2	S2	

Record Count: 68

## Search Results

39 matches found. Click on scientific name for details

Search Criteria: Quad is one of [3812225:3812224:3812215:3812214]

▲ SCIENTIFIC NAME	COMMON NAME	FAMILY	LIFEFORM	BLOOMING PERIOD	FED LIST	STATE LIST	GLOBAL RANK	STATE RANK	CA RARE PLANT RANK
<a href="#"><i>Allium peninsulare</i> var. <i>franciscanum</i></a>	Franciscan onion	Alliaceae	perennial bulbiferous herb	(Apr)May-Jun	None	None	G5T2	S2	1B.2
<a href="#"><i>Amorpha californica</i> var. <i>napensis</i></a>	Napa false indigo	Fabaceae	perennial deciduous shrub	Apr-Jul	None	None	G4T2	S2	1B.2
<a href="#"><i>Amsinckia lunaris</i></a>	bent-flowered fiddleneck	Boraginaceae	annual herb	Mar-Jun	None	None	G3	S3	1B.2
<a href="#"><i>Arabis blepharophylla</i></a>	coast rockcress	Brassicaceae	perennial herb	Feb-May	None	None	G4	S4	4.3
<a href="#"><i>Arctostaphylos montana</i> ssp. <i>montana</i></a>	Mt. Tamalpais manzanita	Ericaceae	perennial evergreen shrub	Feb-Apr	None	None	G3T3	S3	1B.3
<a href="#"><i>Astragalus tener</i> var. <i>tener</i></a>	alkali milk-vetch	Fabaceae	annual herb	Mar-Jun	None	None	G2T1	S1	1B.2
<a href="#"><i>Blennosperma bakeri</i></a>	Sonoma sunshine	Asteraceae	annual herb	Mar-May	FE	CE	G1	S1	1B.1
<a href="#"><i>Calochortus umbellatus</i></a>	Oakland star-tulip	Liliaceae	perennial bulbiferous herb	Mar-May	None	None	G3?	S3?	4.2
<a href="#"><i>Castilleja ambigua</i> var. <i>ambigua</i></a>	johnny-nip	Orobanchaceae	annual herb (hemiparasitic)	Mar-Aug	None	None	G4T4	S3S4	4.2
<a href="#"><i>Centromadia parryi</i> ssp. <i>parryi</i></a>	pappose tarplant	Asteraceae	annual herb	May-Nov	None	None	G3T2	S2	1B.2
<a href="#"><i>Chloropyron maritimum</i> ssp. <i>palustre</i></a>	Point Reyes salty bird's-beak	Orobanchaceae	annual herb (hemiparasitic)	Jun-Oct	None	None	G4?T2	S2	1B.2
<a href="#"><i>Chloropyron molle</i> ssp. <i>molle</i></a>	soft salty bird's-beak	Orobanchaceae	annual herb (hemiparasitic)	Jun-Nov	FE	CR	G2T1	S1	1B.2
<a href="#"><i>Chorizanthe valida</i></a>	Sonoma spineflower	Polygonaceae	annual herb	Jun-Aug	FE	CE	G1	S1	1B.1
<a href="#"><i>Downingia pusilla</i></a>	dwarf downingia	Campanulaceae	annual herb	Mar-May	None	None	GU	S2	2B.2
<a href="#"><i>Eleocharis parvula</i></a>	small spikerush	Cyperaceae	perennial herb	(Apr)Jun-Aug(Sep)	None	None	G5	S3	4.3
<a href="#"><i>Elymus californicus</i></a>	California bottle-brush grass	Poaceae	perennial herb	May-Aug(Nov)	None	None	G4	S4	4.3
<a href="#"><i>Erigeron biolettii</i></a>	streamside daisy	Asteraceae	perennial herb	Jun-Oct	None	None	G3?	S3?	3
<a href="#"><i>Eriogonum luteolum</i> var. <i>caninum</i></a>	Tiburon buckwheat	Polygonaceae	annual herb	May-Sep	None	None	G5T2	S2	1B.2
<a href="#"><i>Fritillaria liliacea</i></a>	fragrant fritillary	Liliaceae	perennial bulbiferous herb	Feb-Apr	None	None	G2	S2	1B.2
<a href="#"><i>Hemizonia congesta</i> ssp. <i>congesta</i></a>	congested-headed hayfield tarplant	Asteraceae	annual herb	Apr-Nov	None	None	G5T2	S2	1B.2

<i>ssp. congesta</i>	hayfield tarplant									
<i>Hesperolinon congestum</i>	Marin western flax	Linaceae	annual herb	Apr-Jul	FT	CT	G1	S1	1B.1	
<i>Iris longipetala</i>	coast iris	Iridaceae	perennial rhizomatous herb	Mar-May(Jun)	None	None	G3	S3	4.2	
<i>Lasthenia conjugens</i>	Contra Costa goldfields	Asteraceae	annual herb	Mar-Jun	FE	None	G1	S1	1B.1	
<i>Leptosiphon acicularis</i>	bristly leptosiphon	Polemoniaceae	annual herb	Apr-Jul	None	None	G4?	S4?	4.2	
<i>Lessingia hololeuca</i>	woolly-headed lessingia	Asteraceae	annual herb	Jun-Oct	None	None	G2G3	S2S3	3	
<i>Lessingia micradenia</i> var. <i>micradenia</i>	Tamalpais lessingia	Asteraceae	annual herb	(Jun)Jul-Oct	None	None	G2T2	S2	1B.2	
<i>Lilium pardalinum</i> ssp. <i>pitkinense</i>	Pitkin Marsh lily	Liliaceae	perennial bulbiferous herb	Jun-Jul	FE	CE	G5T1	S1	1B.1	
<i>Micropus amphibolus</i>	Mt. Diablo cottonweed	Asteraceae	annual herb	Mar-May	None	None	G3G4	S3S4	3.2	
<i>Navarretia cotulifolia</i>	cotula navarretia	Polemoniaceae	annual herb	May-Jun	None	None	G4	S4	4.2	
<i>Navarretia leucocephala</i> ssp. <i>bakeri</i>	Baker's navarretia	Polemoniaceae	annual herb	Apr-Jul	None	None	G4T2	S2	1B.1	
<i>Plagiobothrys mollis</i> var. <i>vestitus</i>	Petaluma popcornflower	Boraginaceae	perennial herb	Jun-Jul	None	None	G4?TX	SX	1A	
<i>Polygonum marinense</i>	Marin knotweed	Polygonaceae	annual herb	(Apr)May-Aug(Oct)	None	None	G2Q	S2	3.1	
<i>Ranunculus lobbii</i>	Lobb's aquatic buttercup	Ranunculaceae	annual herb (aquatic)	Feb-May	None	None	G4	S3	4.2	
<i>Sidalcea calycosa</i> ssp. <i>rhizomata</i>	Point Reyes checkerbloom	Malvaceae	perennial rhizomatous herb	Apr-Sep	None	None	G5T2	S2	1B.2	
<i>Streptanthus anomalus</i>	Mount Burdell jewelflower	Brassicaceae	annual herb	May-Jun	None	None	G1	S1	1B.1	
<i>Streptanthus glandulosus</i> ssp. <i>pulchellus</i>	Mt. Tamalpais bristly jewelflower	Brassicaceae	annual herb	May-Jul(Aug)	None	None	G4T2	S2	1B.2	
<i>Trifolium hydrophilum</i>	saline clover	Fabaceae	annual herb	Apr-Jun	None	None	G2	S2	1B.2	
<i>Trifolium polyodon</i>	Pacific Grove clover	Fabaceae	annual herb	Apr-Jun(Jul)	None	CR	G1	S1	1B.1	
<i>Viburnum ellipticum</i>	oval-leaved viburnum	Adoxaceae	perennial deciduous shrub	May-Jun	None	None	G4G5	S3?	2B.3	

Showing 1 to 39 of 39 entries

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## C2: Species Tables

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**Table C-1. Special-status Plants With Potential to Occur in BSA**

Common Name (Scientific name)	Federal/State/ CDFW/CNPS	Habitat	Suitable Habitat Present in the BSA	Potential to Occur within the BSA	Effect Finding for Federally Listed Species
Napa false indigo ( <i>Amorpha californica</i> var. <i>napensis</i> )	-/-1B.2	Broad leaved upland forest, chaparral, cismontane woodland. Openings in forest or woodland or in chaparral. 30 to 735 meters.	Absent	None.	N/A
bent-flowered fiddleneck ( <i>Amsinckia lunaris</i> )	-/-1B.2	Cismontane woodland, valley and foothill grassland, coastal bluff scrub. 3 to 795 meters.	Absent	None. Grassland habitat within the BSA is highly disturbed and the only reported occurrence within 5 miles is historic (1938).	N/A
Point Reyes salty bird's- beak ( <i>Chloropyron</i> <i>maritimum</i> ssp. <i>palustre</i> )	-/-1B.2	Coastal salt marsh. Usually in coastal salt marsh with <i>Salicornia</i> , <i>Distichlis</i> , <i>Jaumea</i> , <i>Spartina</i> , and similar. 0 to 115 meters.	Present	Low. Suitable habitat is present within the BSA along Novato Creek and the Petaluma River.	N/A
soft salty bird's-beak ( <i>Chloropyron molle</i> ssp. <i>molle</i> [ <i>Cordylanthus mollis</i> ssp. <i>mollis</i> ])	FE/R/1B.2	Coastal salt marsh. In coastal salt marsh with <i>Distichlis</i> , <i>Salicornia</i> , <i>Frankenia</i> , and similar. 0 to 5 meters.	Present	Moderate. Suitable habitat is present within the BSA along Novato Creek and the Petaluma River.	No effect
Tiburon buckwheat ( <i>Eriogonum luteolum</i> var. <i>caninum</i> )	-/-1B.2	Chaparral, valley and foothill grassland, cismontane woodland, coastal prairie. Serpentine soils; sandy to gravelly sites. 60 to 640 meters.	Absent	None.	N/A
fragrant fritillary ( <i>Fritillaria</i> <i>liliacea</i> )	-/-1B.2	Coastal scrub, valley and foothill grassland, coastal prairie, cismontane woodland. Often on serpentine; various soils reported though usually on clay, in grassland. 3 to 385 meters.	Absent	None.	N/A
congested-headed hayfield tarplant ( <i>Hemizonia congesta</i> ssp. <i>congesta</i> )	-/-1B.2	Valley and foothill grassland. Grassy valleys and hills, often in fallow fields; sometimes along roadsides. 5 to 520 meters.	Absent	None. Grassland habitat within the BSA is highly disturbed and annually mowed. Closest recorded occurrence is historic (1946).	N/A
Marin western flax ( <i>Hesperolinon</i> <i>congestum</i> )	FT/ST/1B.1	Chaparral, valley and foothill grassland. In serpentine barrens and in serpentine grassland and chaparral. 60 to 400 meters.	Absent	None.	No effect



Common Name (Scientific name)	Federal/State/ CDFW/CNPS	Habitat	Suitable Habitat Present in the BSA	Potential to Occur within the BSA	Effect Finding for Federally Listed Species
Pitkin Marsh lily ( <i>Lilium pardalinum</i> ssp. <i>pitkinense</i> )	FE/SE/1B.1	Cismontane woodland, meadows and seeps, marshes and swamps. Saturated, sandy soils with grasses and shrubs. 45 to 65 meters.	Absent	None. There is only one reported occurrence of this species within 5 miles, and it is historic and presumed extirpated.	No effect
Baker's navarretia ( <i>Navarretia leucocephala</i> ssp. <i>bakeri</i> )	-/-/1B.1	Cismontane woodland, meadows and seeps, vernal pools, valley and foothill grassland, lower montane coniferous forest. Vernal pools and swales; adobe or alkaline soils. 3 to 1,680 meters.	Absent	None.	N/A
Mount Burdell jewelflower ( <i>Streptanthus anomalus</i> )	-/-/1B.1	Cismontane woodland. Grassy openings, serpentinite. 50 to 150 meters.	Absent	None.	N/A
Mt. Tamalpais bristly jewelflower ( <i>Streptanthus glandulosus</i> ssp. <i>pulchellus</i> )	-/-/1B.2	Chaparral, valley and foothill grassland. Serpentine slopes. 125 to 670 meters.	Absent	None.	N/A
saline clover ( <i>Trifolium hydrophilum</i> )	-/-/1B.2	Marshes and swamps, valley and foothill grassland, vernal pools. Mesic, alkaline sites. 1 to 335 meters.	Absent	None.	N/A

N/A = not applicable

FE = Endangered: any species in danger of extinction throughout all or a significant portion of its range.

FT = Threatened: any species likely to become endangered within the foreseeable future.

SE = Endangered: any species in danger of extinction throughout all or a significant portion of its range.

R = Rare - not presently threatened with extinction, but may become endangered if conditions worsen (designation for plants only)

ST = Threatened: any species likely to become endangered within the foreseeable future

1B = Plants rare, threatened, or endangered in California or elsewhere

0.1 = Seriously threatened in California (over 80% occurrences threatened/ high degree and immediacy of threat)

0.2 = Moderately threatened in California (20-80% occurrences threatened/moderate degree and immediacy of threat)

**Table C-2. Special-status Animal Species with Potential to Occur in the BSA**

Animal Type	Common Name (Scientific name)	Federal/State/ CDFW/CNPS	General and Microhabitat combined	Habitat Presence	Potential to Occur within the BSA	Effect Finding for Federally Listed Species
<b>Invertebrates</b>	monarch - California overwintering population ( <i>Danaus plexippus</i> pop. 1)	FC/-/-	Winter roost sites extend along the coast from northern Mendocino to Baja California, Mexico. Roosts located in wind-protected tree groves (eucalyptus, Monterey pine, cypress), with nectar and water sources nearby.	Absent	None	No effect
<b>Fish</b>	tidewater goby ( <i>Eucyclogobius newberryi</i> )	FE/-/-	Brackish water habitats along the California coast from Agua Hedionda Lagoon, San Diego County to the mouth of the Smith River. Found in shallow lagoons and lower stream reaches, they need fairly still but not stagnant water and high oxygen levels.	Present	None. There is one CNDDDB occurrence of this species within Novato Creek from 1945, considered extirpated. The species was not discovered during targeted surveys of Novato Creek by R.O. Swenson during 1994 surveys (USFWS 2005). The USFWS declares this population to be extirpated from San Francisco Bay tributaries (USFWS 2005).	No effect
<b>Fish</b>	CCC steelhead ( <i>Oncorhynchus mykiss</i> ) DPS and Critical Habitat	FT/-/-	DPS includes all naturally spawned populations of steelhead (and their progeny) in streams from the Russian River to Aptos Creek, Santa Cruz County, California (inclusive). Also includes the drainages of San Francisco and San Pablo Bays.	Present	Moderate. There is suitable habitat present within the BSA. The species has been reported in Novato Creek.	May affect, not likely to adversely affect. No impact to critical habitat.
<b>Fish</b>	CCC coho salmon ( <i>Oncorhynchus kisutch</i> ) Evolutionarily Significant Unit (ESU) and Critical Habitat	FE/SE/-	Federal listing is for populations between Punta Gorda and the San Lorenzo River. State listing is for populations south of Punta Gorda. Species requires beds of loose, silt-free, coarse gravel for spawning. Also need cover, cool water and enough dissolved oxygen.	Present	None. While suitable habitat is present, the species is extirpated from the San Francisco and San Pablo Bay and their tributaries.	No effect

Animal Type	Common Name (Scientific name)	Federal/State/ CDFW/CNPS	General and Microhabitat combined	Habitat Presence	Potential to Occur within the BSA	Effect Finding for Federally Listed Species
<b>Fish</b>	Sacramento River winter-run Chinook salmon ( <i>Oncorhynchus tshawytscha</i> ) ESU	FE/SE/-	Sacramento River below Keswick Dam. Spawns in the Sacramento River, but not in tributary streams. Requires clean, cold water over gravel beds with water temperatures between 6 and 14 degrees Celsius for spawning.	Absent	None. The Project is located outside of the ESU boundaries. There is no critical habitat designated within the BSA.	No effect
<b>Fish</b>	Sacramento splittail ( <i>Pogonichthys macrolepidotus</i> )	-/-/SSC	Endemic to the lakes and rivers of the Central Valley, but now confined to the Delta, Suisun Bay and associated marshes. Slow moving river sections, dead end sloughs. Requires flooded vegetation for spawning and foraging for young.	Absent	None. The BSA is outside the current range of this species.	N/A
<b>Fish</b>	longfin smelt ( <i>Spirinchus thaleichthys</i> )	FC/ST/-	Euryhaline, nektonic, and anadromous. Found in open waters of estuaries, mostly in middle or bottom of water column. Prefer salinities of 15 to 30 parts per thousand but can be found in completely freshwater to almost pure seawater.	Present	Low. San Pablo Bay supports habitat for the species and fish may forage in Novato Creek, however there are no records within Novato Creek.	No effect
<b>Fish</b>	North American green sturgeon ( <i>Acipenser medirostris</i> ) Southern DPS & Critical Habitat	FT/-/SSC	Spawns in the Sacramento, Klamath, and Trinity Rivers. Spawns at temperatures between 8 to 14 degrees Celsius. Preferred spawning substrate is large cobble but can range from clean sand to bedrock.	Present	Low. There is no spawning habitat present in the BSA and the species does not spawn in the Petaluma River, however the species may be present due to the BSA's proximity to the greater San Pablo Bay where the fish may be migrating to spawn in the Sacramento River. Novato Creek is designated critical habitat for the species.	May affect, not likely to adversely affect. No impact to critical habitat.

Animal Type	Common Name (Scientific name)	Federal/State/ CDFW/CNPS	General and Microhabitat combined	Habitat Presence	Potential to Occur within the BSA	Effect Finding for Federally Listed Species
<b>Amphibians</b>	California giant salamander ( <i>Dicamptodon ensatus</i> )	-/-/SSC	Known from wet coastal forests near streams and seeps from Mendocino County south to Monterey County, and east to Napa County. Aquatic larvae found in cold, clear streams, occasionally in lakes and ponds. Adults known from wet forests under rocks and logs near streams and lakes.	Absent	None.	N/A
<b>Amphibians</b>	foothill yellow-legged frog ( <i>Rana boylei</i> )	-/SE/SSC	Partly shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. Needs at least some cobble-sized substrate for egg-laying. Needs at least 15 weeks to attain metamorphosis.	Absent	None.	No effect
<b>Amphibians</b>	California red-legged frog ( <i>Rana draytonii</i> )	FT/-/SSC	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	Present	Moderate. There is suitable habitat present in the freshwater wetlands (Simonds Slough) in the BSA.	May affect, not likely to adversely affect.
<b>Reptiles</b>	Green Sea Turtle ( <i>Chelonia mydas</i> )	FT/-/-	Marine. Completely herbivorous; needs adequate supply of seagrasses and algae.	Absent	None	No effect
<b>Reptiles</b>	Western pond turtle ( <i>Emys marmorata</i> )	-/-/SSC	An aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6000 ft elevation. Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.	Present	Low. Marginal suitable habitat is present in Simonds Slough within the BSA.	N/A



Animal Type	Common Name (Scientific name)	Federal/State/ CDFW/CNPS	General and Microhabitat combined	Habitat Presence	Potential to Occur within the BSA	Effect Finding for Federally Listed Species
<b>Birds</b>	tricolored blackbird ( <i>Agelaius tricolor</i> )	-/ST/SSC	Highly colonial species, most numerous in Central Valley and vicinity. Largely endemic to California. Requires open water, protected nesting substrate, and foraging area with insect prey within a few km of the colony.	Present	Low. There is suitable habitat present in the freshwater wetlands (Simonds Slough) in the BSA.	N/A
<b>Birds</b>	Western burrowing owl ( <i>Athene cunicularia</i> )	-/-/SSC	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Present	Low. There is suitable foraging habitat within the BSA.	N/A
<b>Birds</b>	Western snowy plover ( <i>Charadrius nivosus nivosus</i> )	FT-/SSC	Sandy beaches, salt pond levees and shores of large alkali lakes. Needs sandy, gravelly or friable soils for nesting.	Absent	None	No effect
<b>Birds</b>	white-tailed kite ( <i>Elanus leucurus</i> )	-/-/FP	Rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	Present	Low. The BSA includes potential foraging habitat.	N/A
<b>Birds</b>	saltmarsh common yellowthroat ( <i>Geothlypis trichas sinuosa</i> )	-/-/SSC	Resident of the San Francisco Bay region, in fresh and salt-water marshes. Requires thick, continuous cover down to water surface for foraging; tall grasses, tule patches, willows for nesting.	Present	Moderate. There is suitable habitat in the BSA. The species is known to occur along the Petaluma River and San Pablo Bay National Wildlife Refuge approximately 3 miles east of Novato Creek.	N/A

Animal Type	Common Name (Scientific name)	Federal/State/ CDFW/CNPS	General and Microhabitat combined	Habitat Presence	Potential to Occur within the BSA	Effect Finding for Federally Listed Species
<b>Birds</b>	California black rail ( <i>Laterallus jamaicensis coturniculus</i> )	-/ST/FP	Inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays. Needs water depths of about 1 inch that do not fluctuate during the year and dense vegetation for nesting habitat.	Present	High. The species has been recorded in the salt marsh habitat surrounding Novato Creek and the Petaluma River.	N/A
<b>Birds</b>	San Pablo song sparrow ( <i>Melospiza melodia samuelis</i> )	-/-/SSC	Resident of salt marshes along the north side of San Francisco and San Pablo bays. Inhabits tidal sloughs in the Salicornia marshes; nests in Grindelia bordering slough channels.	Present	Moderate. There is suitable habitat within the BSA. The species has been recorded in the San Pablo Bay National Wildlife Refuge, however both occurrences within the BSA are historic.	N/A
<b>Birds</b>	California Ridgway's rail ( <i>Rallus obsoletus obsoletus</i> [ <i>R. longirostris obsoletus</i> ])	FE/SE/FP	Salt water and brackish marshes traversed by tidal sloughs in the vicinity of San Francisco Bay. Associated with abundant growths of pickleweed but feeds away from cover on invertebrates from mud-bottomed sloughs.	Present	High. The species has been recorded in the salt marsh habitat surrounding Novato Creek and the Petaluma River.	May affect, not likely to adversely affect.
<b>Birds</b>	California least tern ( <i>Sterna</i> [ <i>Sternula</i> ] <i>antillarum browni</i> )	FE/SE/FP	Nests along the coast from San Francisco Bay south to northern Baja California. Colonial breeder on bare or sparsely vegetated, flat substrates: sand beaches, alkali flats, landfills, or paved areas.	Absent	None	No effect
<b>Birds</b>	Northern spotted owl ( <i>Strix occidentalis caurina</i> )	FT/ST/-	Old-growth forests or mixed stands of old-growth and mature trees. Occasionally in younger forests with patches of big trees. High, multistory canopy dominated by big trees, many trees with cavities or broken tops, woody debris, and space under canopy.	Absent	None	No effect

Animal Type	Common Name (Scientific name)	Federal/State/ CDFW/CNPS	General and Microhabitat combined	Habitat Presence	Potential to Occur within the BSA	Effect Finding for Federally Listed Species
<b>Birds</b>	vernal pool fairy shrimp ( <i>Branchinecta lynchi</i> )	FT/-/-	Endemic to the grasslands of the Central Valley, Central Coast mountains, and South Coast mountains, in astatic rain-filled pools. Inhabit small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools.	Absent	None	No effect
<b>Birds</b>	California freshwater shrimp ( <i>Syncaris pacifica</i> )	FE/SE/-	Endemic to Marin, Napa, and Sonoma counties. Found in low elevation, low gradient streams where riparian cover is moderate to heavy. Shallow pools away from main streamflow. Winter: undercut banks with exposed roots. Summer: leafy branches touching water.	Absent	None.	No effect
<b>Mammals</b>	pallid bat ( <i>Antrozous pallidus</i> )	-/-/SSC	Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	Present	Low. Marginal suitable habitat for crevice-roosting species within weep holes under SR 37 at the intersection of Atherton Road and Harbor Drive and at the Hwy 101 on ramps.	N/A
<b>Mammals</b>	Townsend's big-eared bat ( <i>Corynorhinus townsendii</i> )	-/-/SSC	Throughout California in a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	Present	Low. Marginal suitable habitat for crevice-roosting species within weep holes under SR 37 at the intersection of Atherton Road and Harbor Drive and at the Hwy 101 on ramps.	N/A

Animal Type	Common Name (Scientific name)	Federal/State/ CDFW/CNPS	General and Microhabitat combined	Habitat Presence	Potential to Occur within the BSA	Effect Finding for Federally Listed Species
<b>Mammals</b>	salt-marsh harvest mouse ( <i>Reithrodontomys raviventris</i> )	FE/SE/FP	Only in the saline emergent wetlands of San Francisco Bay and its tributaries. Pickleweed is primary habitat but may occur in other marsh vegetation types and in adjacent upland areas. Does not burrow; builds loosely organized nests. Requires higher areas for flood escape.	Present	Low. Suitable salt marsh habitat is present in the BSA along Novato Creek and the Petaluma River.	May affect, not likely to adversely affect.
<b>Mammals</b>	Suisun shrew ( <i>Sorex ornatus sinuosus</i> )	-/-/SSC	Tidal marshes of the northern shores of San Pablo and Suisun bays. Require dense low-lying cover and driftweed and other litter above the mean high tide line for nesting and foraging.	Absent	None. The species is not known to occur in Marin County. It had not been reported west of Sonoma Creek until 2002 when it was trapped at the mouth of Tolay Creek in San Pablo Bay (CDFW 2021). Shrews found along the Petaluma River and westward are presumed to be <i>Sorex ornatus</i> ssp. <i>californicus</i> . (Bolster, B.C. 1998)	N/A

FC = Candidate: there is sufficient information for the species to be listed as endangered or threatened, but development of a proposed listing regulation is precluded by other higher priority listing activities; FE = Endangered: any species in danger of extinction throughout all or a significant portion of its range; FT = Threatened: any species likely to become endangered within the foreseeable future; SE = Endangered: any species in danger of extinction throughout all or a significant portion of its range; ST = Threatened: any species likely to become endangered within the foreseeable future; SSC = Species of Special Concern; FP = Fully Protected

Sources: Bolster, B.C. 1998; CDFW. 2021 California Natural Diversity Database (CNDDDB) Rarefind 5: Habitat Conservation Division. Sacramento, California.

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## **Appendix D** List of Abbreviations

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<b>Abbreviation</b>	<b>Definition</b>
AC	asphalt-concrete
ADA	Americans with Disabilities Act
AMM	avoidance and minimization measure
BMP	best management practice
BSA	biological study area
Caltrans	California Department of Transportation
CAPM	Capital Preventive Maintenance
CBR	California black rail
CCA	California Coastal Act of 1976
CCC	California Coastal Commission
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CGP	Construction General Permit
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CO <sub>2</sub>	carbon dioxide
CO <sub>2e</sub>	carbon dioxide equivalent
CRR	California Ridgway's rail

<b>Abbreviation</b>	<b>Definition</b>
DI	drainage inlet
DPS	distinct population segment
DSA	disturbed soil area
EFH	essential fish habitat
ESA	environmentally sensitive area
FHWA	Federal Highway Administration
GHG	greenhouse gas
HPSR	Historic Property Survey Report
IS/ND	Initial Study with Negative Declaration
MBGR	metal beam guardrail
MGS	Midwest Guardrail System
MTC	Metropolitan Transportation Commission
NES	Natural Environment Study
NOAA Fisheries	National Oceanographic and Atmospheric Administration Fisheries Service
PA	programmatic agreement
PEL	Planning and Environmental Linkages
PM	post mile
Project	Marin County State Route 37 Capital Preventive Maintenance Pavement Project
RWQCB	Regional Water Quality Control Board

Abbreviation	Definition
SHOPP	State Route Operation and Protection Program
SR	State Route
SSC	species of special concern
SWPPP	stormwater pollution prevention plan
SWRCB	State Water Resources Control Board
TAM	Transportation Authority of Marin
TCE	temporary construction easement
TMP	Traffic Management Plan
TTY	text telephone
U.S. 101	U.S. Highway 101
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
USGS	United States Geological Survey
VIA	visual impact assessment
WEF	wildlife exclusion fencing





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## **Appendix F** Responses to Comments

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## Responses to Comments: Agencies

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## Federal Agencies

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No comments were received from federal agencies.





## State Agencies

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## California Department of Fish and Wildlife, page 1 of 11

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State of California  
Department of Fish and Wildlife



### Memorandum

Date: April 29, 2022

To: Ms. Arnica MacCarthy  
California Department of Transportation  
District 4; Environmental Planning  
111 Grand Avenue  
Oakland, CA 94612  
[Arnica.MacCarthy@dot.ca.gov](mailto:Arnica.MacCarthy@dot.ca.gov)

DocuSigned by:

*Erin Chappell*

From: Ms. Erin Chappell, Regional Manager  
California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: Marin County State Route – 37 Capital Preventative Maintenance (CAPM) Pavement Project, Notice of Preparation for Negative Declaration, SCH No. 2022040025

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) for the draft Negative Declaration (ND) for the Marin County State Route – 37 Capital Preventative Maintenance (CAPM) Pavement Project (Project), pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup> CDFW is submitting comments on the draft ND as a means to inform the California Department of Transportation (Caltrans) as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW is a Trustee Agency with responsibility under CEQA §15386 for commenting on projects that could impact fish, plant and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. CDFW has the following concerns, comments, and recommendations regarding the Project.

### PROJECT LOCATION AND DESCRIPTION

Caltrans, as the lead agency proposes to preserve and extend the life of the existing pavement, 3.4 linear miles of State Route (SR) 37 from the Ignacio overhead crossing (U.S. Highway 101 junction) to the Petaluma River Bridge at the Marin/Sonoma County line from Post Mile (PM) 11.2 to PM 14.6. The Project includes resurfacing and repairing the existing asphalt-concrete (AC) pavement; injecting polyurethane foam below the roadway to address settlement correction; replacing traffic loop detectors, and AC dikes;

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.



## California Department of Fish and Wildlife, page 2 of 11

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Ms. Arnica MacCarthy  
California Department of Transportation

2

April 29, 2022

upgrading concrete barriers, guard rails, and curb ramps; installing enhanced wet/night visibility striping; adjusting and cleaning drain inlets; and providing vegetation control under guardrails. Vegetation control under guardrails consists of installing concrete slabs underneath structures that will result in impacts to 2.6 acres of varied habitat types and land types but does not include tree removal.

### **Lake and Streambed Alteration Agreement**

The Project has the potential to impact stream resources including mainstems, tributaries, drainages and floodplains associated with varied aquatic resource types within the Biological Study Area (BSA) including but not limited to Simmons Slough, Novato Creek and the Petaluma River. If work is proposed that will impact the bed, bank, channel or riparian habitat, including the trimming or removal of trees and riparian vegetation, please be advised that the proposed Project may be subject to LSA notification. CDFW requires an LSA notification, pursuant to Fish and Game Code § 1600 et. seq., for or any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, bank or channel or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are generally subject to notification requirements.

### **Fish and Game Code § 5901**

Except as otherwise provided in this code, it is unlawful to construct or maintain in any stream in Districts 1, 1<sup>3</sup>/<sub>8</sub>, 1<sup>1</sup>/<sub>2</sub>, 1<sup>7</sup>/<sub>8</sub>, 2, 2<sup>1</sup>/<sub>4</sub>, 2<sup>1</sup>/<sub>2</sub>, 2<sup>3</sup>/<sub>4</sub>, 3, 3<sup>1</sup>/<sub>2</sub>, 4, 4<sup>1</sup>/<sub>8</sub>, 4<sup>1</sup>/<sub>2</sub>, 4<sup>3</sup>/<sub>4</sub>, 11, 12, 13, 23, and 25, any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and down stream. Fish are defined as a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals (Fish and Game Code § 45).

### **California Endangered Species Act**

Please be advised that a CESA Permit must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (CEQA Guidelines §§ 21001 subd. (c), 21083, 15380, 15064 and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code, § 2080. More information

## California Department of Fish and Wildlife, page 3 of 11

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Ms. Arnica MacCarthy  
California Department of Transportation

3

April 29, 2022

on the CESA permitting process can be found on the CDFW website at  
<https://www.wildlife.ca.gov/Conservation/CESA>.

**Fully Protected Species**

Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take, except for collecting these species for necessary scientific research and relocation of a fully protected bird species for the protection of livestock. Take of any fully protected species is prohibited, and CDFW cannot authorize their take in association with a general project except under the provisions of a Natural Communities Conservation Plan (NCCP), 2081.7 or a Memorandum of Understanding for scientific research purposes. "Scientific Research" does not include an action taken as part of specified mitigation for a project, as defined in Section 21065 of the Public Resources Code.

**ENVIRONMENTAL SETTING**

Sufficient information regarding the environmental setting is necessary to understand the Project, and its alternative's, significant impacts on the environment (CEQA Guidelines, §§ 15125 and 15360). CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, or endangered species (CEQA Guidelines, § 15380). Threatened, endangered, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

Common Name	Scientific Name	Status
California red-legged frog	<i>Rana draytonii</i>	SSC, FT
Northern harrier	<i>Circus hudsonius</i>	SSC
White-tailed kite	<i>Elanus leucurus</i>	FP
California black rail	<i>Laterallus jamaicensis coturniculus</i>	ST, FP
California Ridgway's rail	<i>Rallus obsoletus obsoletus</i>	SE, FP, FE
Great Blue Heron	<i>Ardea herodias</i>	
Snowy Egret	<i>Egretta thula</i>	
Double crested cormorant	<i>Phalacrocorax auritus</i>	WL

## California Department of Fish and Wildlife, page 4 of 11

DocuSign Envelope ID: 2378E95A-859F-4C96-85C1-04135AC3333B

Ms. Arnica MacCarthy  
California Department of Transportation

4

April 29, 2022

California horned lark	<i>Eremophila alpestris actia</i>	WL
Steelhead - Central California Coast DPS	<i>Oncorhynchus mykiss irideus</i>	FT
Chinook Salmon - California Coastal ESU	<i>Oncorhynchus tshawytscha</i>	ST
Longfin smelt	<i>Sprinchus thaleichthys</i>	ST, FC
Delta smelt	<i>Hypomesus transpacificus</i>	SE, FT
Big brown bat	<i>Eptesiscus fucus</i>	
Western red bat	<i>Lasiurus blossevillei</i>	SSC
Pallid bat	<i>Antrozous pallidus</i>	SSC
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	SSC
Brazilian free-tailed bat	<i>Tadarida brasiliensis</i>	
Hoary bat	<i>Lasiurus cinereus</i>	
Yuma myotis	<i>Myotis yumanensis</i>	
American badger	<i>Taxidea taxus</i>	SSC
Saltmarsh harvest mouse	<i>Reithrodontomys raviventris</i>	SE, FP, FE
Notes:		
FE = Federally Endangered; FT = Federally Threatened; SE = State Endangered; ST = State Threatened; SC = Special Concern (Federal) SSC = State Species of Special Concern (State); DPS = Distinct Population Segment; ESU = Ecologically Significant Unit; FC = Federal Candidacy; WL = CDFW Watch List; SR = State Listed Rare Plant; 1B = California rare plant rank		

Habitat descriptions and species profiles should include information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB) and Biogeographic Information and Observation System (BIOS). Based on the data and information from the habitat assessment, the CEQA document can then adequately assess which special-status species are likely to occur in the Project vicinity. CDFW recommends that prior to Project implementation surveys be conducted for special-status species noted in this comment letter with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>.



## California Department of Fish and Wildlife, page 5 of 11

DocuSign Envelope ID: 2378E95A-859F-4C96-85C1-04135AC3333B

Ms. Arnica MacCarthy  
California Department of Transportation

5

April 29, 2022

**COMMENTS AND RECOMMENDATIONS**

CDFW acting as a Responsible Agency, has discretionary approval under CESA through issuance of a CESA ITP and LSA Agreement, as well as other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife resources. CDFW would like to thank you for preparing the NOP for the ND. CDFW recommends the following updates, avoidance and minimization measures be imposed as conditions of Project approval by the lead agency, Caltrans, to ensure all Project-related impacts are reduced below a level of significance under CEQA:

**COMMENT 1: Project Description and Nightwork Details**

1

**Issue:** the ND does not sufficiently describe key elements of the Project that are necessary to assess potentially significant impacts to fish and wildlife resources including information on nightwork. Page 2-4 that indicates nightwork is necessary but does not indicate the specific number of nights necessary to complete the Project.

**Recommendation:** Please include the number of nights work will be necessary in the updated Project Description. This information is important to adequately assess potentially significant impacts to fish and wildlife resources from night work.

**COMMENT 2: Simmons Slough, Wetlands and Freshwater Emergent Habitat Analysis**

2

**Issue:** Simmons Slough and the surrounding area consist of vital floodplains, wetlands and freshwater emergent habitat. Many of the proposed staging areas including Figure 1-3, Map 6 of 8 and Figure 3-1 and Map 5 of 8 Staging are extremely close to wetlands, swales and freshwater emergent habitat. In addition, the Project proposes to incorporate vegetation control under new Midwest style guardrail systems, and new and barriers, by adding a concrete slab with proposed dimensions of 80 inches wide and 2 inches thick along the full length of the guardrails and barriers. The total vegetation control area impacted by the concrete slabs is 2.16 acres that will result in new and impervious services with the potential to deposit deleterious material into habitat that supports fish and wildlife resources.

**Recommendation Measure 1:** Selection of staging areas shall occur on previously impacted areas with existing highway infrastructure and shall avoid, minimize and/or mitigate temporary or permanent impacts to areas that contain fish and wildlife resources including bed, bank, channel, riparian habitat, floodplains, wetlands, swales and freshwater emergent habitat.

**COMMENT 3: Wildlife Connectivity**

3

**Issue:** California wildlife is losing the ability to move and migrate as habitat conversion and built infrastructure disrupt species habitat and cut off migration



## California Department of Fish and Wildlife, page 6 of 11

DocuSign Envelope ID: 2378E95A-859F-4C96-85C1-04135AC3333B

Ms. Arnica MacCarthy  
California Department of Transportation

6

April 29, 2022

3

corridors (Senate Bill 790; SB-790). Section 15355 of the CEQA guidelines states that cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects. This Project represents a single Project that will be preceded and proceeded by multiple transportation construction projects on SR-37 by the lead agency that have the potential to further disrupt migration corridors and species movement.

**Evidence the impact would be significant:** This Project has the potential to significantly modify wildlife movement over the 3.4-mile linear stretch of highway within the SR-37 corridor proposed for the Project. The upgrade, modification and installation of concrete barriers especially may further disrupt migration corridors and species movements when analyzed in conjunction with the State Route – 37 (SR-37) Sears Point to Mare Island Improvement Project from Post Mile (PM) 2.3 in Sonoma County to PM 8.4 and the State Route – 37 (SR-37) Flood Reduction Project (Project) from postmile (PM) 19.1 on U.S.-101, at the Hanna Ranch Road interchange in Marin County moving east along SR-37 to PM 4.0 to the interchange with SR-121 at Sears Point in Sonoma County.

**Recommendation:** Terrestrial connectivity elements such as wildlife friendly culverts, directional fencing, and strategically placed median barriers should be programmed into the Project as design features or conditions of approval in coordination with the natural resource agencies.

**Recommendation Mitigation Measure 1: Wildlife Connectivity:** The draft ND should include the results of a Project wildlife movement study. CDFW recommends the study occur over a period of at least 12 months prior to the development of designs so they may be incorporated into the Project development. The study should occur within the limits of the proposed Project to develop a baseline understanding of the areas where wildlife movement, crossings and mortalities are most prevalent. The study should also be utilized to develop Project design to identify areas where wildlife crossing structure(s) installation(s) would result in the largest benefit to rare, threatened and endangered species as well as special status species and non-special status species for wildlife connectivity. Analysis during the 12-month study should be utilized to determine the type, size and number of structures that would be most beneficial to facilitate wildlife connectivity (new wildlife crossing culverts, modification of existing culverts, elevated causeways, etc.). Upon completion of the Project, wildlife connectivity structures and movement corridors should be studied for an additional 6 to 12 month period, at minimum, to determine the effectiveness of the designs. The protocol for the baseline survey, post-construction surveys, site selection criteria and design criteria for the development of the wildlife connectivity structures should follow the protocols outlined in *The California Department of Transportation (Caltrans), Wildlife Crossings Design Manual* (Caltrans, 2009) and the *Federal Highway Administration Wildlife Crossing Structure Handbook – Design*

## California Department of Fish and Wildlife, page 7 of 11

DocuSign Envelope ID: 2378E95A-859F-4C96-85C1-04135AC3333B

Ms. Arnica MacCarthy  
California Department of Transportation

7

April 29, 2022

and Evaluation in North America, Publication No. FHWA-CFL/TD-11-003 (FHWA, 2011).

**COMMENT 4: Fish Passage Assessment**

4

**Issue:** Multiple potential fish passage barriers and unassessed locations exist within the identified Project limits, as described in the recommendations section below. Senate Bill 857 (SB-857), which amended Fish and Game Code § 5901 and added § 156 to the Streets and Highways Code states in § 156.3, "For any project using state or federal transportation funds programmed after January 1, 2006, [Caltrans] shall ensure that, if the project affects a stream crossing on a stream where anadromous fish are, or historically were found, an assessment of potential barriers to fish passage is done prior to commencing project design. [Caltrans] shall submit the assessment to the [CDFW] and add it to the CALFISH database. If any structural barrier to passage exists, remediation of the problem shall be designed into the project by the implementing agency. New projects shall be constructed so that they do not present a barrier to fish passage. When barriers to fish passage are being addressed, plans and projects shall be developed in consultation with the [CDFW]."

**Evidence the impact would be significant:** The Project contains stream crossings within areas mapped as historic or current watersheds where anadromous fish are, or historically were found. The species include but are not limited to steelhead – Central Coast DPS (BIOS; DS-806), longfin smelt (BIOS; DS-1324) and Delta smelt (BIOS; DS-1249). The decline of naturally spawning salmon and steelhead trout is primarily a result of the loss of appropriate stream habitat and the inability of fish to get access to habitat, according to reports to the Fish and Game Commission and by the CDFW (CDFW, 1996). Restoration of access to historical spawning and rearing areas should be incorporated into the Project design through barrier modification, fishway installation, or other means (CDFW, 1996).

**Recommendations:** If barriers or unassessed barriers noted within the Project limits identified below are found to be a barrier to fish passage, remediation of the problem should be designed into the Project by the implementing agency as a Project feature in consultation with CDFW and other natural resource agencies. CDFW recommends discussing the following locations as they pertain to fish passage:

Location 1, Novato Creek, PM 11.69; SR-37, (Latitude: 38.0872; Longitude: -122.5345; Marin County), Fish Passage Assessment Database ID# 732744, fish barrier status: unknown, requires a detailed survey per results of reconnaissance survey (First Pass).

Location 2, Simmons Slough, PM 13.04, SR-37, (Latitude: 38.0976; Longitude: -122.5211; Marin County), Fish Passage Assessment Database ID# 732746, fish barrier status: unknown, requires a detail survey per results of reconnaissance survey (First Pass).



## California Department of Fish and Wildlife, page 8 of 11

DocuSign Envelope ID: 2378E95A-859F-4C96-85C1-04135AC3333B

Ms. Arnica MacCarthy  
California Department of Transportation

8

April 29, 2022

4

Location 3, Petaluma River, PM 0; SR-37, (Latitude: 38.1156; Longitude: -122.5056; Sonoma County), Fish Passage Assessment Database ID# 761443, fish barrier status: unassessed.

Location 4, Unnamed tributary to the Petaluma River, PM 0.2; SR-37, (Latitude: 38.1175; Longitude: -122.5031; Sonoma County), Fish Passage Assessment Database ID# 761444, fish barrier status: unassessed.

The fish passage section should discuss the current status of the crossing location noted in the California Fish Passage Assessment Database, conduct first pass and or second pass fish assessments, as necessary, as well as provide images of the upstream and downstream ends of water conveyance structure. CDFW requests a fish passage discussion section is included to address this potentially significant impact through the following avoidance and minimization measures, which should be made conditions of approval by the lead agency.

### **Recommended Mitigation Measure 1: Fish Passage Assessment**

To evaluate potential impacts to native fish species and fisheries resources, Caltrans should submit the assessment to the CDFW and add it to the CALFISH database. If any structural barrier to passage exists, remediation of the problem shall be designed into the project by the implementing agency. New projects shall be constructed so that they do not present a barrier to fish passage. When barriers to fish passage are being addressed, plans and projects shall be developed in consultation with the CDFW. CDFW shall be engaged prior to design in early coordination and at 30% design at minimum and through the permitting process for review and comment as identified in the Interagency Agreement (Agreement Number 43A0398).

### **COMMENT 5: California Clapper Rail/California Black Rail**

5

**Issue:** Page 3-35, AMM-BIO-23 does not follow the appropriate protocols and avoidance measures for California clapper rail (CCR) also known as Ridgway's Rail, a State endangered, federally endangered, and fully protected species and California black rail (CBR) a State threatened and fully protected species. As lead agency, Caltrans must adopt the appropriate avoidance and minimization measures as conditions of approval to avoid take of a fully protected species.

**Recommendation:** CDFW recommends the following measures are incorporated as conditions of approval to replace AMM-BIO-23 of the draft ND:

### **Recommended Mitigation Measure 1: CCR/CBR Protocol Level Surveys**

Protocol level surveys shall be conducted beginning between January 15 and February 1. A minimum of four surveys are required, each survey should be 2 to 3 weeks apart and the final survey should be completed by March or mid-April to

## California Department of Fish and Wildlife, page 9 of 11

DocuSign Envelope ID: 2378E95A-859F-4C96-85C1-04135AC3333B

Ms. Arnica MacCarthy  
California Department of Transportation

9

April 29, 2022

5

ensure that no CCR/CBR are present during construction. Surveys shall be completed prior to the initiation of construction with three weeks remaining after completion of surveys and before Project initiation to submit results to CDFW for review. Protocol survey requirements shall be followed as recommended in the *USFWS Clapper Rail Survey Protocol* (USFWS, 2015), *Secretive Marsh Bird Survey Protocol Comparison in San Francisco Bay* (Wood, 2014) and *USFWS Site-Specific Protocol for Monitoring Marsh Birds* (Wood et al., 2017).

#### **Recommended Mitigation Measure 2: CCR/CBR Avoidance and Minimization**

If CCR/CBR is detected during protocol surveys, no work activity shall occur from February 1 to August 31 during the CCR/CBR nesting season, within suitable CCR/CBR habitat. Suitable CCR/CBR habitat includes but is not limited to marshes, wetlands, streams and waterways, as well as associated upland habitat capable of providing upland refugia habitat as determined by a qualified biologist experienced with CCR/CBR.

#### **Recommended Mitigation Measure 3: CCR/CBR Avoidance Buffers**

If breeding CCR/CBR are determined to be present, activities will not occur within 700 feet of an identified calling center. If the intervening distance across a major slough channel or across a substantial barrier between the CCR/CBR calling center and any activity area is greater than 200 feet, work may proceed at that location within the breeding season in consultation with CDFW.

#### **Recommended Mitigation Measure 4: CCR/CBR High Tide Restriction**

To avoid the loss of individual CCR/CBR's, activities within or adjacent to CCR/CBR suitable habitat will not occur within 2 hours before or after extreme high tides (6.5 feet or above, as measured at the Golden Gate Bridge). This is when the marsh plain is inundated and protective cover for CCR/CBR is limited. Project activities could prevent CCR/CBR from reaching available cover.

#### **COMMENT 6: Salt Marsh Harvest Mouse**

6

**Issue:** The Project has the potential to result in potentially significant impacts to fish and wildlife resources that support salt marsh harvest mouse (SMHM) a State fully protected species and State and federal endangered species. AMM-BIO-4 does not adequately reduce the potentially significant impacts to SMHM.

**Evidence the impact would be significant:** The Project proposes to conduct work within suitable habitat and within the predicted range of SMHM (BIOS; DS-943, DS-2568). An occurrence of the species is also present within the Project limits in the CNDDB (BIOS; DS-45) that is considered extant. If permanent impacts are proposed within SMHM habitat it may not be feasible to incorporate conditions of approval that can reduce the impacts below a level of significance.



## California Department of Fish and Wildlife, page 10 of 11

DocuSign Envelope ID: 2378E95A-859F-4C96-85C1-04135AC3333B

Ms. Arnica MacCarthy  
California Department of Transportation

10

April 29, 2022

6

**Recommendation:** CDFW recommends incorporation of the following measures into the draft ND to avoid take of a fully protected species:

**Recommended Mitigation Measure 1: SMHM Suitable Habitat Analysis and Survey**

A qualified biologist, experienced with SMHM shall conduct a suitable habitat analysis and focused surveys a minimum of one season prior to the initiation of construction. Focused surveys shall occur in areas proposed for work within three-hundred feet of tidal marsh habitat. Maps of suitable habitat and any detections of SMHM should be included in the draft ND.

**Recommended Mitigation Measure 2: Construction Monitoring and Survey**

A qualified biologist, experienced with SMHM shall conduct focused surveys a minimum of seven days prior to the initiation of construction including the creation of staging and access roads within three-hundred feet of tidal marsh habitat. Any vegetation within suitable habitat shall be cleared with hand-tools under supervision of a qualified biologist. Heavy equipment such as tractors or excavators working in SMHM habitat may proceed after the initial hand clearing has occurred and the biologist has given approval to proceed. A biologist shall be present on-site at all times when work is occurring in SMHM habitat. If a mouse of any species is observed within the project area, work within the vicinity should be halted immediately by the qualified biologist and the mouse should be allowed to leave the work area. SMHM may not be handled or captured at any time during site preparation or project activities. If an injured or dead SMHM is discovered at the project sites, consultation with CDFW is required immediately.

**Recommended Mitigation Measure 3: SMHM High Tide Restriction**

See **Recommended Mitigation Measure 4: CCR/CBR High Tide Restriction** and apply the same measure for SMHM.

**CONCLUSION**

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California's fish and wildlife resources. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

Questions regarding this letter or further coordination should be directed to Mr. Robert Stanley, Senior Environmental Scientist (Specialist), at (707) 339-6534 or [Robert.Stanley@wildlife.ca.gov](mailto:Robert.Stanley@wildlife.ca.gov); or Mr. Wesley Stokes, Senior Environmental Scientist (Supervisory), at (707) 339-6066 or [Wesley.Stokes@wildlife.ca.gov](mailto:Wesley.Stokes@wildlife.ca.gov).

**California Department of Fish and Wildlife, page 11 of 11**

DocuSign Envelope ID: 2378E95A-859F-4C96-85C1-04135AC3333B

Ms. Arnica MacCarthy  
California Department of Transportation

11

April 29, 2022

cc: State Clearinghouse #2021110045

**REFERENCES**

California Department of Fish and Wildlife. July 2009. California Salmonid Stream Habitat Restoration Manual, Part XII.

California Department of Fish and Wildlife. February 1996. Steelhead Restoration and Management Plan for California.

The California Department of Transportation (Caltrans). March 2009. Wildlife Crossings Design Manual, Meese et.al., University of California Davis.

California Natural Diversity Database. 2021. <https://apps.wildlife.ca.gov/bios/>.

Federal Highway Administration (FHWA). March 2011. Wildlife Crossing Structure Handbook; Design and Evaluation in North America.

National Marine Fisheries Service – Southwest Region. September 2001. Guidelines for Salmonid Passage at Stream Crossings.

Wood, Julian. 2014. Secretive Marsh Bird Survey Protocol Comparison in San Francisco Bay. [12369 JulianWood2014.pdf \(prbo.org\)](#)

Wood, Julian; et. al. 2017. USFWS Site-Specific Protocol for Monitoring Marsh Birds. <https://ecos.fws.gov/ServCat/DownloadFile/110223>

## **Responses to California Department of Fish and Wildlife**

### **Response to CDFW Comment 1:**

Caltrans notes CDFW's comment to describe key elements of the Project including more details regarding night work. Caltrans estimates that the Project would require approximately 90 work nights during construction, but this number is subject to change. During later Project phases, Caltrans will be able to more accurately determine the number of work nights required for Project construction. As described in Section 3.3.4, Biological Resources, of the IS/ND, Project Feature BIO-13: Night Lighting, requires that during unavoidable nighttime work, all lighting would be shielded and directed downwards towards the active construction area to avoid exposing nocturnal wildlife to excessive glare. In Section 2.3.5, Construction Schedule, the text has been updated with the approximate number of work nights and days that may be required for construction.

### **Response to CDFW Comment 2:**

Caltrans acknowledges CDFW's comment regarding proposed staging areas and vegetation control. Since publication of the Draft IS/ND, Caltrans has removed the proposed staging area adjacent to Simonds Slough. The proposed staging area near Atherton Avenue, north of SR 37, is being retained; however, it will likely be replaced with a newly proposed staging area adjacent to the Park and Ride lot immediately south of Atherton Avenue. This area is a previously disturbed fenced storage area at the westbound Atherton Avenue offramp and westbound onramp to SR 37 (Figure 1-3, Map 6). Caltrans will follow all best management practices (BMPs) outlined in the current Standard Specifications Manual regarding stormwater pollution prevention plans to ensure adjacent wetland resources are protected during construction.

Since publication of the Draft IS/ND, Caltrans has reduced the proposed vegetation control areas throughout the Project corridor and will install weed control mats for vegetation control instead of concrete slabs. New vegetation control areas proposed to be constructed within the median of SR 37 have been removed from the Project. Additional refinements will likely occur in the Project design phase which may further reduce the areas proposed for vegetation control. Figure 1-3 has been updated to show the areas proposed for vegetation control with weed control mats.

These Project modifications will greatly reduce the amount of proposed impervious surface; therefore, there will be no impacts to the bed, bank, or channel of a stream within the Project work area. Additionally, there will be no impacts to riparian habitat, floodplains, wetlands, swales, or freshwater emergent habitat. There will be no impacts to fish resources and very minimal, and likely no impacts, to other wildlife resources. Temporary impacts to wildlife habitat (upland habitat only) will be mitigated by reestablishing temporarily disturbed areas to pre-existing conditions.

**Response to CDFW Comment 3:**

Caltrans acknowledges CDFW's comment regarding terrestrial connectivity elements and migration corridors. The Project will be replacing concrete barriers in-kind; therefore, post-construction conditions will be the same as current conditions. No new barriers or obstructions will be placed within the Project work area. The Project will not contribute to increasing barriers to wildlife movement. There will be no work conducted on bridges, and there will be no impact to wildlife movement over current conditions; therefore, the impacts are not considered to be cumulatively considerable, and a wildlife connectivity study is not warranted for this Project.

**Response to CDFW Comment 4:**

Caltrans notes CDFW's comment regarding fish passage barriers and unassessed locations within the Project limits. The Project will not be conducting work on any fish-bearing, or historically fish-bearing, streams. No work would occur on the Novato Creek bridge. No work would occur within Simonds Slough, the Petaluma River, or the unnamed tributary to the Petaluma River. Because there will be no impacts to any fish-bearing streams or historic fish-bearing streams, there would be no impact on fish or fish passage, restoration of rearing areas is not needed, and a fish passage assessment is not warranted for the Project.

**Response to CDFW Comment 5:**

Caltrans acknowledges CDFW's comment to include appropriate avoidance measures for the California clapper rail. The language recommended by CDFW has been included in Section 3.3.4, Biological Resources, of the IS/ND.

**Response to CDFW Comment 6:**

Caltrans notes CDFW's comment regarding potential impacts to resources supporting salt marsh harvest mouse. The proposed Project will have no direct impacts to salt marsh harvest mouse habitat and therefore avoidance and minimization measures are not warranted for this Project.



## San Francisco Bay Conservation and Development Commission, page 1 of 4

DocuSign Envelope ID: AC66EA7B-C823-43B8-806B-F5AF2D1A45F1

### San Francisco Bay Conservation and Development Commission

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#### ***Via Email Only***

April 30, 2022

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**SUBJECT: Initial Study With Proposed Negative Declaration of State Route (SR) 37 Capital Preventive Maintenance (CAPM) Pavement Project, Marin County (SCH 2022040025); BCDC Inquiry File No. MC.MC. 7415.026**

Ms. MacCarthy:

Thank you for the opportunity to comment on the Initial Study with Proposed Negative Declaration (IS/ND) for the State Route 37 Capital Preventive Maintenance Project from Ignacio overhead crossing (U.S. Highway 101 junction) to the southwest approach of the Petaluma River Bridge totaling approximately 3.4 linear miles of highway. The IS/ND was received by our office on April 1, 2022. The project includes resurfacing and repairing the existing asphalt-concrete pavement; injecting polyurethane foam below the roadway to address settlement correction; replacing traffic loop detectors, and asphalt-concrete dikes; upgrading concrete barriers, guard rails, and curb ramps; installing enhanced wet/night visibility striping; adjusting and cleaning drain inlets; and providing vegetation control under guardrails and three-beam barriers. The project would not involve an increase in the number of highway lanes, and Caltrans will preserve the existing alignment.

The San Francisco Bay Conservation and Development Commission (BCDC) is a responsible agency for this project under CEQA when considering approvals related to the project components within BCDC jurisdiction. While the description of the project in the IS/ND is not specific enough for BCDC staff to comment on every potential issue that could be raised with respect to BCDC's laws and policies, staff has prepared the following comments outlining issues under BCDC's jurisdiction that should be addressed as part of the IS/ND. The Commission itself has not reviewed the IS/ND; the following comments are based on BCDC staff review of the IS/ND and the McAteer-Petris Act, and the *San Francisco Bay Plan* (Bay Plan).

#### **Jurisdiction**

Per the McAteer-Petris Act, BCDC is responsible for granting or denying permits for any proposed fill; extraction of materials; or substantial changes in use of any water, land, or structure within the Commission's jurisdiction (California Government Code [CGC] Section



## San Francisco Bay Conservation and Development Commission, page 2 of 4

DocuSign Envelope ID: AC66EA7B-C823-43B8-806B-F5AF2D1A45F1

Arnica MacCarthy  
CALTRANS District 4  
BCDC Inquiry File No. MC.MC.7415.026

Page 2  
April 30, 2022

66632). As defined in CGC Section 66632, "fill" means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks. For the purposes of this section "materials" means items exceeding twenty dollars (\$20) in value. Fill also includes structures cantilevered over the Bay. Based on the IS/ND project description, relevant areas of BCDC jurisdiction for the project may include the following:

- A shoreline band consisting of all territory located between the shoreline of the Bay and 100 feet landward of and parallel with the shoreline (CGC Section 66610[b]).

1 The proposed project does not include any Bay fill in areas in and over the Bay or Certain Waterways, but it may include work within the 100-foot shoreline band. Section 66602 of the McAteer-Petris Act states, in part, "that maximum feasible public access, consistent with a proposed project, should be provided." At the project site, there is a proposed Bay Trail alignment along SR 37, a Water Trail site at Black Point and other required recreational facilities (Black Point Boat Launch).

2 BCDC has issued a programmatic maintenance permit, Permit No. M1987.042.06, that authorizes the maintenance of the existing state highways including resurfacing, repair, and replacement of pavement surfaces on existing roads so long as the areas of the paved surfaces are not increased. The IS/ND should include discussion of potential impacts on existing and future public access, including potential impacts to non-motorized users of the State Route, such as bicycles and pedestrian, as well as to users of the Water Trail and other recreational facilities at Black Point. If there is work planned within these public access areas, it may be necessary for the Commission to authorize this work through a permit action.

### Commission Law and Bay Plan Policies Relevant to the Project

3 **San Francisco Bay Plan.** Although the IS/ND notes that Caltrans anticipates work only within the existing alignment of SR 37, the IS/ND should incorporate an evaluation of impacts identified in the Bay Plan policies, and whether any conflicts would result in potentially significant environmental and public access impacts. The Bay Plan establishes policies for development and resource conservation within BCDC's jurisdiction. Policies cover the protection of Bay resources, including fish, other aquatic organisms, and wildlife; water quality; and others, as well as issues related to development, such as recreation; appearance, design, and scenic views; public access; and mitigation.

4 **Fish, Other Aquatic Organisms and Wildlife.** The policies in this Bay Plan section address the benefits of fish, other aquatic organisms and wildlife, and the importance of protecting the Bay's habitats, native, threatened or endangered species, and species that are candidates for listing as endangered or threatened. Policy No. 1 requires that the Bay's tidal marshes, tidal flats and subtidal habitat are to be conserved, restored and increased "to the greatest extent feasible."





San Francisco Bay Conservation and Development Commission,  
page 3 of 4

DocuSign Envelope ID: AC66EA7B-C823-43B8-806B-F5AF2D1A45F1

Arnica MacCarthy  
CALTRANS District 4  
BCDC Inquiry File No. MC.MC.7415.026

Page 3  
April 30, 2022

4 Therefore, the IS/ND should incorporate best management practices for working next to the Petaluma River Bridge at its southwest approach and address how the construction methods and practices would avoid and minimize impacts to Bay resources through measures such as debris and runoff containment within the road's alignment next to the bridge and staging areas.

5 **Transportation.** The project site is located on a segment of planned, future Bay Trail, which runs along the shoulder of SR 37. Additionally, the project site includes Harbor Drive, which is the direct access to a Water Trail site at the Black Point Boat Launch. The segment can be viewed at <https://baytrail.org/baytrailmap.html>. The IS/ND should discuss the potential for increase in vehicle traffic, construction vehicles and operational truck traffic due to the improved reliability of the roadway to impact users of the Bay Trail segment and Water Trail site. In addition, the IS/ND states that the traffic management plan (TMP) would be developed to minimize potential effects from construction to motorist; however, it does not state whether the same measures would be applied to non-motorist users such as bicycles and pedestrians and whether the TMP would address the continuous circulation system to public access sites of the Water Trail and boat launch site. If temporary closures are scheduled during the roadway construction operations, the IS/ND should discuss the minimization of closures to public access sites, such as consideration of construction operations during non-daylight hours on sections of the road with direct access to the Water Trail, use of flaggers, or other methods. The TMP should also consider whether any increase in congestion during construction would pose a safety hazard for non-motorized users of the SR 37 shoulder or otherwise affect the usability of the Water Trail or parking areas for the Water Trail.

6 **Public Access and Recreation.** Section 66602 of the McAteer-Petris Act states, in part, "that maximum feasible public access, consistent with a proposed project, should be provided." As stated above, the construction of an improved highway along SR 37 could impact existing public access pathways, circulation, and spaces, impact the potential for future public access adjacent to and on the highway. The IS/ND should address the relation of the roadway improvements and the future Bay Trail and whether the project may preclude even in the short-term the accessibility by non-motorists along SR 37. In addition, to mitigate adverse impacts to existing public access areas and use at the site, maximum feasible public access consistent with the project is to be provided.

7 **Environmental Justice and Equity.** Bay Plan Policies on Environmental Justice and Social Equity are intended to address environmental justice and social equity issues at appropriate points in the BCDC permitting process. Details regarding this Bay Plan amendment (BPA) may be viewed at <https://www.bcdc.ca.gov/ejwg/BPAEJSE.html>. Outreach and engagement should be conducted by Caltrans to "meaningfully involve potentially impacted communities for major projects and appropriate minor projects in underrepresented and/or identified vulnerable and/or disadvantaged communities and such outreach and engagement should continue throughout the Commission review and permitting process." BCDC urges the preparers of the IS/ND to review materials on these two BPAs for any information that may be relevant to the environmental review of the proposed project.



**San Francisco Bay Conservation and Development Commission,  
page 4 of 4**

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Arnica MacCarthy  
CALTRANS District 4  
BCDC Inquiry File No. MC.MC.7415.026

Page 4  
April 30, 2022

We appreciate your attention to the topics discussed above and for the opportunity to make the above comments on the scope of the IS/ND. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (415)352-3670 or by email at [rafael.montes@bcdc.ca.gov](mailto:rafael.montes@bcdc.ca.gov).

Sincerely,

*Rafael Montes*

RAFAEL MONTES  
Senior Engineer  
San Francisco Bay Conservation and Development Commission  
375 Beale Street, Suite 510  
San Francisco, California 94105  
Tel: 415-352-3670  
Fax: 888 348 5190  
Email: [rafael.montes@bcdc.ca.gov](mailto:rafael.montes@bcdc.ca.gov)  
Website: [www.bcdc.ca.gov](http://www.bcdc.ca.gov)

cc: State Clearinghouse

RM/mm





## **Responses to San Francisco Bay Conservation and Development Commission**

### **Response to BCDC Comment 1:**

Caltrans acknowledges BCDC's comment regarding work within the 100-foot shoreline band, and compliance with Section 66602 of the McAteer-Petris Act. The eastern end of the Project limit is located on SR 37, approximately 300 feet from the western shoreline of the Petaluma River. The Project area is not within BCDC jurisdiction (that is, the 100-foot shoreline band); therefore, a permit will not be required.

The Water Trail at Black Point and the Black Point Boat Launch recreational facilities are not within the Project limits; however, the nearest roadway access from the Project site to these facilities is the off-ramp from westbound SR 37 at Harbor Drive and the off-ramp from eastbound SR 37 at Atherton Avenue. Although single-lane closures would be implemented along the SR 37 roadway during construction and on-ramps and off-ramps within the Project limits would require either full or partial closures during paving operations, no detours or signalized traffic control are anticipated. The roadway would remain open and nearby recreational facilities would remain accessible. As discussed in the IS/ND, lane closures will be planned in coordination with Caltrans, Marin County, and the City of Novato, and will include notices to the public in advance of construction.

There are no non-motorist (bicycle, pedestrian) facilities along SR 37 within the Project limits. Public access along SR 37 may be considered through the environmental evaluation process of the Caltrans SR 37 Corridor Planning and Environmental Linkages (PEL) Study (U.S. 101 to Interstate 80) Project.

Future consideration of the proposed Bay Trail would be coordinated with the Metropolitan Transportation Commission (MTC), and Caltrans will coordinate with BCDC regarding any foreseeable work on SR 37 that would include public access. Text has been included in Section 3.3.11, Land Use, of the IS/ND regarding the proposed alignment of the Bay Trail along SR 37.

### **Response to BCDC Comment 2:**

Caltrans appreciates the information regarding BCDC's programmatic maintenance permit and authorization for maintenance of existing state highways. The Project area is not within BCDC jurisdiction (that is, the 100-foot shoreline band); therefore, a permit will not be required.

Caltrans notes BCDC's request for discussion to be included in the IS/ND regarding existing and future public access. This Project does not include work within the public access areas at Black Point Boat Launch or users of the Water Trail. There are no facilities for non-motorist users (bicyclists or pedestrians) along SR 37 within the Project

limits, and no new facilities would be constructed under the Project scope. Foreseeable work to include future public access along the SR 37 corridor, to include the Bay Trail, would be conducted in coordination with MTC and would include coordination with BCDC for any foreseeable work on SR 37 that would include public access. Text has been included in Section 3.3.11, Land Use, regarding the proposed alignment of the Bay Trail along SR 37.

**Response to BCDC Comment 3:**

Caltrans notes BCDC's request for an evaluation of impacts to public access along SR 37 that could be affected by the proposed Project. There are no facilities for non-motorist users (bicycle or pedestrian) along SR 37 within the Project limits and no new facilities would be constructed under the Project scope. Public access along SR 37 may be considered through the Caltrans SR 37 Corridor PEL Study (U.S. 101 to Interstate 80) Project. A discussion of the potential future portion of the Bay Trail located within the Project limits has been included in Section 3.3.11, Land Use and Planning.

**Response to BCDC Comment 4:**

Caltrans acknowledges BCDC's concerns regarding work conducted next to the Petaluma River Bridge. Construction methods and practices in the vicinity of the southeast approach to the Petaluma River Bridge include work on SR 37, re-paving the SR 37 off- and on-ramps at Atherton Avenue, and pavement and guardrail replacement.

The Project includes construction methods and practices as well as pre- and post-construction BMPs that would avoid and minimize impacts from debris and runoff on the water quality of nearby waterways. These measures are discussed in Section 3.3.10, Hydrology and Water Quality, and include AMMs WQ-1: Water Quality Best Management Practices, WQ-2: Design Pollution Prevention Temporary Construction BMPs, WQ-3: Design Pollution Prevention BMPs Post Construction, and WQ-4: Full Trash Capture Devices.

**Response to BCDC Comment 5:**

Caltrans acknowledges BCDC's request for a discussion of the potential for an increase in vehicle traffic that could impact users of the Bay Trail segment and Water Trail site.

This Project does not include work within the public access areas at Black Point Boat Launch or users of the Water Trail. There are no facilities for non-motorist users (bicyclists or pedestrians) along SR 37 within the Project limits and no new facilities would be constructed under the Project scope.

There is no anticipated increase in vehicle traffic due to the improved highway surface. The traffic on this section of SR 37 is predicted to be the same following Project

completion; therefore, the Project would not impact non-motorized transport access or use of the Bay Trail and Water Trail elements.

Although single-lane closures would be implemented along SR 37 during construction, and on-ramps and off-ramps within the Project limits would require either full or partial closures during paving operations, no detours or signalized traffic control are anticipated. The highway would remain open and nearby recreational facilities would remain accessible. As discussed in the IS/ND, lane closures will be planned in coordination with Caltrans, Marin County, and the City of Novato, and will include notices to the public in advance of construction.

**Response to BCDC Comment 6:**

Caltrans acknowledges BCDC's comment regarding the potential for the Project to impact public access pathways, circulation, spaces, and the potential for future access along SR 37. The Project will not preclude future use of non-motorized access on this section of SR 37. In addition, please refer to the response to Comment BCDC-1.

**Response to BCDC Comment 7:**

Caltrans notes BCDC's comment regarding outreach and engagement in identified vulnerable and/or disadvantaged communities. The Project area is not included in the top 25 percent of environmentally impacted communities in California identified by Senate Bill 535, which directed the California Environmental Protection Agency to identify disadvantaged communities. CalEnviroScreen is the tool developed to map those communities; the Project area is not a community identified by this tool.

Section 4.1 of the IS/ND includes a discussion of the public involvement process for the Project. Caltrans continues to engage the public, which would include any disadvantaged communities that may be located within the Project vicinity, through outreach efforts for projects scoped to occur along the SR 37 corridor, to include the proposed CAPM Project. Caltrans continues to present information on existing and future projects and encourages public input regarding projects along the SR 37 corridor online at [the SR 37 Corridor Project's website](#).

## Local Jurisdictions and Community Groups

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## Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | [MARINAUDUBON.ORG](http://MARINAUDUBON.ORG)

April; 24, 2022

Caltrans District 4  
ATT: Arnica McCarthy  
{P.O. Box 23668, MS-88  
Oakland, CA 94623  
[Pavement37@dot.ca.gov](mailto:Pavement37@dot.ca.gov)

RE: Marin County SR 37 Capital Preventive Maintenance Pavement Project

Dear Sirs/Madames:

The Marin Audubon Society appreciates the opportunity to comment on the SR37 Capital Preventive Maintenance Project Initial Study/Mitigated Declaration. Caltrans efforts to correct safety and functionality issues in Marin County length appears to be designed in a way that minimizes or avoids impacts to natural resources. This project is limited locations which also limits the potential for adverse impacts. Our one concern is described below.

1 The uneven surfacing at Simmons Slough is proposed to be corrected with polyurethane foam. We are not aware of the use of this oil-based substance for roadway improvements. Please provide information on past use of polyurethane foam for correcting roadway defects including the success of its use. In particular:

What problems have there been with its use?

What is the potential for adverse impacts of the use of this material? Specifically, what is the potential for the material to pollute the soils and/or water as it breaks down? Does it break into pieces that can be transported by air or water to cause problems elsewhere?

Have there been any other issues with its uses?

What is the expected life span of the material ?

Thank you for addressing our concern

Sincerely,

  
Barbara Salzman, Chair  
Conservation Committee

*A Chapter of the National Audubon Society*

## **Response to Marin Audubon Society**

### **Response to Marin Audubon Society Comment 1:**

Caltrans acknowledges Marin Audubon Society's questions and concerns with the proposed use of polyurethane foam for settlement correction. Polyurethane foam is not oil based. Caltrans has used polyurethane foam in subsurface injections since 1989; there are no known adverse impacts.

Polyurethane foam will be injected into the soil with a minimum depth of 4 feet and a maximum depth of 8 feet (above the groundwater table). Polyurethane injection will be contained within the soil layer; therefore, it will not be transported by air or water. The life span of polyurethane foam is unknown; however, is estimated at approximately 30 years. Caltrans has used polyurethane foam in prior projects including work on State Route 92 in San Mateo County to correct a dip in the highway due to settlement over a culvert. For additional information regarding the use of polyurethane foam for infrastructure rehabilitation projects, please refer to the website for [EagleLIFT](#), a vendor that provides such services.

## Responses to Comments: Individuals

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**Comment IND-1, page 1 of 1**

April 5 2022

Arnica McCarthy

Senior Environmental Planner

Caltrans District 4 Office of Environmental Analysis

**Re: SR 37 Pavement Project public response**

I have lived in the Green Point area of Marin County for 48 years and use **Atherton Ave.** as my only entrance and exit from my home to everywhere.

During past Flooding on SR 37 Atherton Ave was used as the alternate route directing **all south bound traffic off SR 37.**

The consequences led to an immediate rush of 24-hour continuous traffic into and through residential communities of North Marin County and Novato impacting both Atherton Ave of diverted traffic to HWY 101.

Many of these diverted Atherton Ave vehicles turned off Atherton on to Olive Ave. and thru School Crossings to Olive Elementary School.

There was Absolutely NO immediate response for intersection controls, signs, lights or surveillance by County Sherriff or Novato Police to provide emergency response to the sudden number of rushing vehicles diverted from SR 37 that I could see.

A day of two later a lighted sign warned drivers of a school crossing for Olive Elementary School after I complained to our Marin County Supervisor.

Penny Hansen

[REDACTED]

## **Response to Comment IND-1**

### **Response to IND-1 Comment 1:**

Caltrans notes the commenter's concerns regarding traffic congestion on Atherton Avenue during a past flooding event. Caltrans will implement a Traffic Management Plan, as discussed in Section 3.3.17, Traffic and Transportation, during construction of the SR 37 CAPM Project. Under the TMP, medical and emergency vehicles would be able to continue to use routes along the Project corridor to serve fire, medical, and law enforcement purposes. Flaggers would give priority to emergency vehicles. Caltrans will coordinate with Marin County and the City of Novato to include notices to emergency service providers, as well as the public, in advance of construction.

Comment IND-2, page 1 of 1

**From:** [Naple, Elizabeth@DOT](#) on behalf of [pavemarin37@DOT](#)  
**To:** [Petersen, Julie/BDD](#); [MacCarthy, Amica@DOT](#)  
**Subject:** [EXTERNAL] FW:  
**Date:** Wednesday, April 13, 2022 1:28:06 PM

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**From:** [REDACTED]  
**Sent:** Saturday, April 9, 2022 2:49 PM  
**To:** pavemarin37@DOT <pavemarin37@dot.ca.gov>  
**Subject:**

EXTERNAL EMAIL. Links/attachments may not be safe.

If you are going to do all the work on 37 in Marin why can't the state pave the Petaluma bridge ? It has too many potholes. Bridge needs paving.

Thanks,  
Robert Hodgkinson  
[REDACTED]

1



## **Response to Comment IND-2**

### **Response to IND-2 Comment 1:**

Caltrans acknowledges the commenter's concerns regarding the highway condition on the Petaluma River Bridge. Rehabilitation of the Petaluma River Bridge, including repair to the pavement, is currently being evaluated under the Caltrans SR 37 Petaluma River Bridge Project, currently under environmental review. Information regarding the Petaluma River bridge Project is available online at [the SR 37 Corridor Project's website](#).

Comment IND-3, page 1 of 1

**From:** [Naple, Elizabeth@DOT](#) on behalf of [pavemarin37@DOT](#)  
**To:** [MacCarthy, Arnica@DOT](#); [Petersen, Julie/RDD](#)  
**Subject:** [EXTERNAL] FW: Hwy 37 restructuring  
**Date:** Wednesday, April 13, 2022 1:28:12 PM

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**From:** [REDACTED]  
**Sent:** Wednesday, April 13, 2022 12:16 PM  
**To:** pavemarin37@DOT <pavemarin37@dot.ca.gov>  
**Subject:** Hwy 37 restructuring

EXTERNAL EMAIL. Links/attachments may not be safe.

To Arnica MacCarthy and others planning for restructuring of Hwy 37,

We are residents of Black Point, Novato...Hwy 37 is critical to our connection to the world. It's clear from the information shown at [www.sr37corridorprojects.com](http://www.sr37corridorprojects.com) that the 5/6 route will be most effective and least problematic in the long run, of all the options shown. Both for current residents and for commuters moving through. Lifting of the road bed, and widening, absolutely necessary.

Thank you,  
Anne and Robert Carrington  
[REDACTED]

## **Response to Comment IND-3**

### **Response to IND-3 Comment 1:**

Caltrans notes the commenter's preference for the 5/6 route presented on the Caltrans website for the upcoming Caltrans SR 37 PEL Study (U.S. 101 to Interstate-80). Caltrans, the MTC, and the transportation authorities for Marin, Napa, Solano, and Sonoma counties are working together on the PEL Study to identify and narrow the range of alternatives to be advanced for environmental review and construction. Caltrans encourages the public to continue to review information regarding the future of SR 37 and to provide thoughts and suggestions by visiting [Caltrans PEL website](#).

## Comment IND-4, page 1 of 1

**From:** [Naple, Elizabeth@DOT](#) on behalf of [pavemarin37@DOT](#)  
**To:** [Peterson, Julie@DOT](#); [MacCarthy, Arica@DOT](#)  
**Subject:** [EXTERNAL] FW: SR 37 CAPM Pavement Project - Draft Environmental Document Review Comments  
**Date:** Wednesday, April 20, 2022 12:15:58 PM

**From:** [REDACTED]  
**Sent:** Tuesday, April 19, 2022 3:36 PM  
**To:** pavemarin37@DOT <pavemarin37@dot.ca.gov>  
**Subject:** SR 37 CAPM Pavement Project - Draft Environmental Document Review Comments

EXTERNAL EMAIL. Links/attachments may not be safe.

Dear Sir/Madam,

Upon reviewing the SR 37 CAPM Pavement Project - Draft Environmental Document, I am somewhat concerned that the draft EIR was incomplete for the following reasons:

1. Partial SR37 was well known for flooding issues. However, the EIR claimed that the widening of roads and/or changing the pavement design of SR37 would not alter drainage patterns. There was no persuasive analysis to support how and where did the conclusions of no significant impact come from. Nor did the EIR address how the pavement will interact with drainage and flood control design to accommodate and mitigate sea level rise that caused significant traffic interruptions during large flooding events. Pavement improvements should not be a stand alone assessment.
2. There was no timeline in terms of when, how and where sea level rise and flooding and/or floodplain issues will be addressed. All these design elements need to be evaluated with pavement projects as all the roadway details should be considered so the impacts analysis are actually reflecting who, when, how and what will be affected.

Looking forward to Draft EIR revision and Final EIR.

Thank you and have a great day.  
Respectfully,  
Erin



## **Response to Comment IND-4**

### **Response to IND-4 Comment 1:**

Caltrans notes the commenter's concerns regarding known flooding issues along the SR 37 corridor at the location of the Project. Caltrans acknowledges that the Project location may be subject to tidal influence from current and/or future sea-level rise. Potential sea-level rise is not covered in this document because of the interim nature of the Project, the purposes of which are to preserve and extend the life of the existing pavement and ride quality on a portion of existing SR 37. Climate change and future sea-level rise are being considered through future projects scoped to address these issues on SR 37 in the Project limits including Caltrans SR 37 Corridor PEL Study (U.S. 101 to Interstate 80), and the SR 37 Flood Reduction Project.

Comment IND-5, page 1 of 1

**From:** [Naple, Elizabeth@DOT](#) on behalf of [pavemarin37@DOT](#)  
**To:** [MacCarthy, Annica@DOT](#); [Petersen, Julie/RDD](#)  
**Subject:** [EXTERNAL] FW: SR 37 Cap Maintenance  
**Date:** Wednesday, April 27, 2022 9:45:22 AM

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**From:** [REDACTED]  
**Sent:** Tuesday, April 26, 2022 4:34 PM  
**To:** pavemarin37@DOT <pavemarin37@dot.ca.gov>  
**Subject:** SR 37 Cap Maintenance

EXTERNAL EMAIL. Links/attachments may not be safe.

To Whom It May Concern:

This project glaringly misses the 37 bridge that goes over the Petaluma River, which is in much worse condition than the highway leading up to it on the Marin side. The bridge is filled with cracks and potholes and some of the sides are clearly damaged with rebar sticking out. I would prefer my taxpayer dollars go to fixing the bridge over the other parts of the highway.

I have previously provided a similar comment and would appreciate a response to know what will be done to fix the bridge.

Sincerely,

Victoria Pebbles  
[REDACTED]

1

## **Response to Comment IND-5**

### **Response to IND-5 Comment 1:**

Caltrans acknowledges the commenter's concerns regarding the highway condition on the Petaluma River Bridge. Rehabilitation of the Petaluma River Bridge, including repairing the pavement, is currently being evaluated under the Caltrans SR 37 Petaluma River Bridge Project, currently under environmental review. Information regarding the Petaluma River bridge Project is available online at [the SR 37 Corridor Project's website](#).