

# **State Route 37 Sears Point to Mare Island Improvement Project**

State Route 37 from State Route 121 to Mare Island  
Napa, Sonoma, and Solano Counties, California  
04-SON-SR 37 (PM 2.4/6.2); 04-SOL-SR 37 (PM 0.0/8.5);  
04-SON-121 (PM 0.0/0.2)  
EA – 04-1Q761; EFIS – 0419000255

## **Final Supplemental Environmental Impact Report to the 2023 Final Environmental Impact Report/ Environmental Assessment with Finding of No Significant Impact**

### **Appendix F - Responses to Comments on the Draft Supplemental Environmental Impact Report**

Prepared by the  
State of California, Department of Transportation



**July 2025**

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## List of Acronyms and Abbreviations

AMM	avoidance and minimizations measure
BCDC	San Francisco Bay Conservation and Development Commission
Caltrans	California Department of Transportation
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CHP	California Highway Patrol
EA	environmental assessment
ECR	Environmental Commitments Record
EIR	environmental impact report
HOV	high-occupancy vehicle
I-80	Interstate 80
MTC	Metropolitan Transportation Commission
MVP	maintenance vehicle pullout
NVTA	Napa Valley Transportation Authority
PEL	Planning and Environmental Linkages
Refuge	San Pablo Bay National Wildlife Refuge
RWQCB	Regional Water Quality Control Board
SCTA	Sonoma County Transportation Authority
SEIR	supplemental environmental impact report
SLC	State Lands Commission
SMART	Sonoma-Marin Area Rail Transit
SME	Strip Marsh East
SPMIIP	Sears Point to Mare Island Improvement Project
SR	State Route
STA	Solano Transportation Authority
TMP	Traffic Management Plan
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
VMT	vehicle miles traveled

## Comments Received on the Draft Supplemental Environmental Impact Report/Environmental Assessment

This section includes responses to all substantive comments regarding environmental issues received on the draft supplemental environmental impact report (SEIR) during the public comment period from December 20, 2024, through February 3, 2025. The comments addressed include written comments submitted by letter or email. This chapter provides a list of the agencies, elected officials, organizations, and individuals who submitted comments on the draft SEIR.

Comments in each letter are bracketed by similar topic. However, several comments received had two common topics: Tolling and Equity and Ultimate Project/Opposition of the Proposed Project. These two topics have been discussed under the chapter “Master Responses.”

The comments are bracketed and coded in the following ways:

- “A”: Comments from agencies are designated “A,” followed by a number representing the letter, followed by the comment bracket number within the letter. Six letters were received from various agencies; they are numbered A-1 through A-6.
- “EO”: Comments from elected officials are designated “EO,” followed by a number representing the letter, followed by the comment bracket number within the letter. Only one letter was received from an Elected Official; it is numbered EO-1.
- “O”: Comments from non-governmental organizations are designated “O,” followed by a number representing the letter, followed by the comment bracket number within the letter. Nine letters were received from various organizations; they are numbered O-1 through O-9.
- “I”: Comments from individuals are designated “I,” followed by a number representing the letter, followed by the comment bracket number within the letter. Eight letters were received from various individuals; they are numbered I-1 through I-8.

For example, a letter received from an agency that has two bracketed comments will be represented as A-1-1 and A-1-2.

There is no specific order to how the letters are numbered in each category. The original letters/emails have been incorporated into this document and bracketed. Letters/emails are followed by responses to each bracketed comment.

# 1. Master Responses

## Tolling and Equity

Several comments expressed concerns about tolling and equity. Commenters were concerned that approximately 40 percent of tolls would be collected from low-income Solano County residents, based on where the tolling collection location is proposed. Individuals and agencies were concerned that a resident of Vallejo would be charged to go to Sears Point but those who live in Marin or Sonoma would not. This concern was related to lower income averages for Solano County residents, who live in Solano County due to housing costs. An example was given of a worker based in Solano County who commutes to Marin or Sonoma; this worker would be a single-occupant driver of a utility type vehicle and who might not be able to carpool.

### Master Response M-1

The California Department of Transportation (Caltrans) Project team has proposed the Project in response to the public's request to alleviate traffic congestion along the State Route (SR) 37 corridor. The community has expressed over many years that time is money, and being delayed in traffic costs community residents and workers valuable time. Approximately 40 percent of trips taken on SR 37 are by drivers and passengers who live in low-income areas east of SR 37. Traffic congestion along the SR 37 corridor has been identified as a major issue, adding substantial travel times to the commute and reducing the quality of life associated with congestion delays. The maximum travel time between SR 29 and U.S. 101 is observed to be approximately 50 minutes during the 6 to 7 AM hour. The maximum travel time between U.S. 101 and SR 29 is observed to be approximately 68 minutes during the 4 to 5 PM hour (see 2023 Final Environmental Impact Report [EIR]/Environmental Assessment [EA], pages 1-8 through 1-9). The proposed Project would alleviate this congestion, providing a more efficient and safer commute for daily commuters. The travel time reduction under the Project would benefit the communities served in both directions of travel, with the most benefit realized in the eastbound direction. The Project would also make it possible for new bus services between Vallejo to Novato and San Rafael, which would provide an alternative travel option for commuters.

The Project has a substantial cost of approximately \$500 million. Without the implementation of tolling, it would be challenging to deliver the Project, because there is inadequate funding from local sales tax or other available funds dedicated for these improvements. However, Project sponsors (such as the Metropolitan Transportation Commission [MTC]) can use financial funding capacity as matching funds to compete for other grants. Tolls would help fund the Project so that it be completed in a timely manner, and would help fund the upfront costs of implementing the Project.

Additionally, tolling would manage traffic on the corridor to encourage people to carpool and/or take transit, as high-occupancy vehicles (HOVs). Tolling would ultimately be determined by the tolling authority for the corridor, and would apply to the new, added lane in each direction. A means-based (income-based) toll discount is also proposed. Tolling would encourage carpooling, vanpooling, and the use of mass transit systems, such as bus services. The Project would make new bus services feasible and effective because the buses could use the HOV lanes to bypass the current points of congestion. Tolls would only be collected from those using general-purpose lanes. Also, it should be noted that toll collections would not start until the Project has been constructed.

Commenters have raised concerns about the proposed location of the tolling gantry. Several locations were considered by the Caltrans' Project team. An initial decision was made to locate the tolling gantry just east of the Tubbs Island Trailhead, as discussed in the SEIR. This location was proposed to line up the toll gantry with the portion of the corridor that would receive the most congestion-relief benefit from the Project (i.e., the segment of the highway that is being widened from one lane in each direction to two lanes in each direction). West of Tolay Creek (from Tolay Creek to U.S. 101 in Marin County), SR 37 is already two lanes in each direction, and no new through lanes are being added. It is important to note that all commuters crossing the tolling gantry in the general-purpose lanes would be tolled from both the west and east directions. Tolling on the corridor west of Sears Point is being considered as part of future Resilient SR 37 program actions. The potential for diversion of traffic onto other routes was evaluated as part of the traffic studies completed for the 2023 EIR/EA, and will continue to be studied or monitored with the Project in place.

Concerns have been raised regarding tolling creating equity issues to low-income populations. Caltrans and partner agencies are coordinating on how to reduce impacts on low-income members of the population, including service workers who would be paying the toll. It is recognized that tolls paid on a frequent basis could represent a greater economic burden to low-income travelers than to middle- and high-income travelers. Although none of the census tracts adjacent to the Project contain more than 25 percent low-income populations, there still are low-income individuals represented in these census tracts or the greater regional area who could be potentially affected.

The impact of tolling was discussed in the 2023 EIR/EA. Section 1.4.1.3 noted that a means-based toll discount would be implemented. Page 2-39, in Section 2.2.9.2 of the 2023 Final EIR/EA, described the installation and operation of tolling for the SR 37 general purpose lane only. The HOV lane would not be tolled in either direction. The mean-based toll is also mentioned in Sections 1.4.2.5, 2.2.9, and 3.3.17 of the Final EIR/EA. The details of the discount tolling program are to be defined by the tolling authority who will manage the corridor; these details will be further refined during the Project development process.



A means-based discount is being evaluated as a program that would prequalify eligible motorists. The program would be developed as part of the tolling plan for the corridor. A toll discount program is being considered as a way to reduce potential impacts on low-income populations, and further outreach would be conducted to understand the community's highest priorities for discounts and potential benefits. A stipend for qualified commuters is also being considered, which could be offered in Solano County and the City of Vallejo area. This would be developed considering existing pilot programs that are in use; a baseline that is already modeled elsewhere as part of the Bay Area system. Every user of the highway in a multiple-occupant vehicle would gain a time savings and toll-free advantage in the HOV lane, and this advantage is available to all multi-occupant drivers and passengers.

Furthermore, the Project would also promote and encourage ridesharing, which helps alleviate congestion and maximize the people-carrying capacity of a highway. Tolling would be used to incentivize the use of carpooling and vanpooling because HOVs would not be tolled. The implementation of tolling is essential for managing vehicle miles traveled (VMT) and the state's requirements. Under current state regulations, when a lane is added, there is a requirement to make sure this does not add to greenhouse gases or VMT. Tolling is integral for managing VMT. Transit is included to provide an offset to VMT and to encourage multi-vehicle travel options that are not currently available in the corridor.

## **Ultimate Project/Opposition of the Proposed Project**

Several comments express support of the “ultimate” or long-term Project, which would place SR 37 on an elevated causeway, in lieu of the proposed interim Project.

Commenters note that they believe the long-term Project is a more environmentally friendly and cost-effective option over the long term. Commenters also expressed concerns about the cost and impacts of the Project.

## **Master Response M-2**

Several comments express support for the ultimate or long-term Project in lieu of the interim Project, which would place SR 37 on an elevated causeway, or other long-term conceptual solutions such as a floating roadway. Commenters note that they believe the long-term Project is a more environmentally friendly and cost-effective option over the long run.

A Planning and Environmental Linkages (PEL) study was completed in December 2022, outlining the long-term vision for SR 37. The preferred alternative identified in the PEL study would be a four-lane, multimodal structure with separated bicycle/pedestrian paths. This would be constructed mostly on a causeway, although portions would be constructed at grade or on an embankment. This long-term Project would also build resiliency to projected year 2100 sea-level rise level and deliver ecological benefits. However, this long-term Project is estimated to cost between \$2.9 and \$5.2 billion (in 2022 dollars) that are not yet available. The team is actively working with partners to identify potential funding pathways for this effort and some of the early-stage Project development.

In the meantime, this Project is needed to address reoccurring congestion along SR 37, areas of severe subsidence, and much-needed, time-sensitive restoration efforts.

As noted in Master Response M-1 above, traffic congestion along the SR 37 corridor has been identified as a major existing issue, adding substantial travel times to the commute and reducing the quality of life associated with congestion delays. The purpose of the proposed Project is to address reoccurring traffic congestion where SR 37 narrows to one lane in each direction, and increase vehicle occupancy (see Sections 1.2.1 and 1.2.2 of the SEIR). The bottleneck from Sears Point to Mare Island adds substantial time to everyday commutes, in both directions. The maximum travel time between SR 29 and U.S. 101 is observed to be approximately 50 minutes during the 6 to 7 AM hour. The maximum travel time between U.S. 101 and SR 29 is observed to be approximately 68 minutes during the 4 to 5 PM hour (see 2023 Final EIR/EA, pages 1-8 to 1-9). The proposed Project would be a near-term solution that would alleviate this congestion, providing a more efficient and safer commute for daily commuters. The Project would also make it possible for new bus services between

Vallejo and Novato/San Rafael, which would further provide an alternative travel option for commuters.

To address the Project's impacts on wetlands, waters, and habitat, the Project is incorporating the replacement of Tolay Creek Bridge and enhancements at Strip Marsh East (SME). Enhancements at SME are time-sensitive; if no action is taken, the conditions of the marsh would continue to worsen due to poor drainage, increasingly hypersaline soils, and vegetation dieback, increasing the cost and complexity to restore. These components of the Project will improve hydraulic flows into and out of the Tolay Creek channel and restore degraded marsh habitat at SME. The benefits associated with the Tolay Creek Bridge Replacement and SME enhancements are discussed in the SEIR Sections 2.3.9, 2.4.2, and 3.4.2. SME enhancements would reduce erosional forces at the marsh through stabilization of the bayfront edge, making it more resilient to shoreline erosion related to extreme tides and storms that will increase in risk with sea-level rise. Additionally, several avoidance, minimization and/or compensatory mitigation would be implemented to lessen the impacts of the Project on biological resources (refer to the Environmental Commitments Record [ECR], Appendix C).

## 2. Comment Letters from Agencies

### Comment Letter A-1: California Highway Patrol, Solano; Commander N. Hawkins

State of California-Transportation Agency

GAVIN NEWSOM, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
3050 Travis Boulevard  
Fairfield, CA 94533  
707-639-5600  
(800) 735-2929 (TT/TDD)



January 17, 2025

File No.: 365.19746

California Department of Transportation, District 4  
P.O. Box 23600, MS 8-B  
Oakland, CA 94623

Attention: Skylar Huyen Nguyen, Senior Environmental Scientist

The California Highway Patrol, Solano Area, received the Draft Supplemental Environmental Impact Report for the proposed State Route (SR-) 37 Sears Point to Mare Improvement Project for State Clearinghouse (SCH) number 2020070226.

A-1-1

The purpose of this construction project is to address reoccurring congestion on SR-37 in Sonoma, Napa, and Solano counties where the highway narrows to one lane in each direction between SR-121 and Mare Island. Proposed changes include, but are not limited to, the addition of a high occupancy vehicle lane which could have a negative impact on our operations due to the increased traffic volume. The proposed highway improvement could necessitate additional traffic control measures to mitigate the potential increase in traffic hazards and crashes, disabled motorists, or other requested/required law enforcement services within our jurisdiction.

If you have any questions regarding these concerns, please contact me at (707) 639-5600

Sincerely,

N. HAWKINS, Captain  
Commander  
Solano Area

*Safety, Service, and Security*



*An Internationally Accredited Agency*

## **Response to Comment Letter A-1: California Highway Patrol**

### **A-1-1.**

The commenter expresses concerns about the proposed HOV potentially increasing traffic volume and proposed highway improvements potentially increasing traffic hazards. With respect to traffic volumes, the Project is proposing to add an additional lane in each direction. Once the Project is completed and open to traffic, one lane on each side of the highway would be used for HOV vehicles; the other lane on each side would be used as a general-purpose lane and tolled. As discussed in Sections 2.2.11 and 3.3.17 of the 2023 Final EIR/EA, the Project is expected to improve traffic conditions along SR 37 by adding HOV lanes, which would improve the person-carrying capacity of the corridor. Traffic flow and peak travel times are also expected to improve as the current bottlenecks where the lane drops occur are removed. HOV lanes would not be tolled, which would incentivize the use of HOVs. Furthermore, the implementation of bus service, increased park-and-ride availability, or other viable options would be implemented over time because travel demand and demand for these ridesharing services may increase. As a result, the overall VMT is expected to decrease as a result of this Project because, after its completion, all lanes would be managed by either tolling or HOV occupancy. In general, this Project is expected to improve the total person-throughout capacity and minimize the increase of single-occupancy vehicles along SR 37.

Regarding the comment's concern for potentially increased traffic hazards, it should be noted that the Project includes a number of safety-enhancing features. These include providing adequate shoulders to allow space for disabled vehicles, standard pavement markings and signings to inform drivers of the HOV restriction and other new features of the project, and pull out areas for the California Highway Patrol (CHP) to park and conduct any necessary law enforcement business. Also, because the Project is expected to reduce congestion and queuing, potential for congestion-related collisions (e.g., rear-end) is expected to decrease. The 2023 Final EIR/EA found that although the Project would involve widening SR 37, the alignment of SR 37 would not change, and the Project would not increase hazards due to design features (Section 3.3.17.1, Impact c). Caltrans will continue to coordinate with CHP regarding the Project design and safety concerns.

## Comment Letter A-2: State Lands Commission; Alexandra Borack, Assistant Chief

**Subject:** State Lands Commission Jurisdiction: SR 37 Sears Point to Mare Island Project  
**Sent:** 1/19/2025, 10:00:03 AM  
**From:** Borack, Alexandra@SLC<Alexandra.Borack@slc.ca.gov>  
**To:** Nguyen, Skylar@DOT  
**Cc:** Holt, Joanne@SLC

**EXTERNAL EMAIL:** Links/attachments may not be safe.

Hello Skylar,

State Lands Commission (SLC) staff have received the CEQA notice for the State Route 37 Sears Point to Mare Island Improvement Project Supplemental EIR.

As part of the Project documents, Caltrans has noted that coordination may be required with SLC. Staff requests that Caltrans connect with our Land Management Division (cc'ed) to determine SLC action on this overall project.

In particular, staff note the following:

1. Project Elements 1 & 5 certainly could need SLC approval. Please submit a new Inquiry with detailed maps of the project area and the staging area. An SLC lease may be required for temporary construction easement areas, etc.
2. While some of the project area is within lands granted to the City of Vallejo, the State reserved its minerals and mineral rights. Therefore, Caltrans would need permission from SLC for dredging on the granted lands. Please see [Dredging on Granted Lands | CA State Lands Commission](#) for the procedure.

Regards,  
Alexandra



**Alexandra Borack**, Assistant Chief  
Division of Environmental Science, Planning, and Management  
100 Howe Avenue, Ste. 100-South | Sacramento CA 95825 | 916.574.2399

*\*\* If you receive an email from me during your off-hours or vacation/leave, please protect your time and wait to respond. \*\**

### PRIVILEGE AND CONFIDENTIALITY NOTICE

This message and its contents, together with any attachments, are intended only for the use of the individual to whom or entity to which it is addressed and may contain information that is legally privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient of this message, you are hereby notified that any dissemination, distribution, or copying of this communication and any attachments or other use of a transmission received in error is strictly prohibited. If you have received this transmission in error, please notify me immediately at the above telephone number or return email and delete this message, along with any attachments, from your computer. Thank you.

A-2-1

## **Response to Comment Letter A-2: State Lands Commission**

### **A-2-1.**

Thank you for taking time to review and respond to the SEIR for the Project. Your comment relates to properties in the public trust managed by the State Lands Commission (SLC) and proposed Project work elements within them. The Project team is in coordination with SLC to identify any lands that would require a lease or an amendment to an existing lease.

Additionally, thank you for pointing to the SLC's requirements for dredging on granted lands. Caltrans is proposing dredging at the Pond 1/1A channel as a critical component of the SME enhancement. Caltrans would provide appropriate notification and obtain necessary permissions and authorizations from agencies with authority prior to commencing dredging work, including required notification and agreement with the SLC. If required, the Project will submit notification to SLC no less than 120 days before dredging commences where reserved mineral and mineral rights are in place.

## Comment Letter A-3: San Francisco Regional Water Quality Control Board; Keith Lichten, Division Manager



*Sent via email – no hard copy to follow*

January 28, 2025

California Department of Transportation, District 4  
Attn: Skylar Nguyen  
P.O. Box 23660, MS-8B  
Oakland, CA 94623-0660  
[stateroute37@dot.ca.gov](mailto:stateroute37@dot.ca.gov)

**Subject: Comments on Draft Supplemental Environmental Impact Report for the proposed State Route 37 Sears Point to Mare Island Improvement Project**

Dear Ms. Nguyen:

A-3-1

San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciate the opportunity to comment on the Draft Supplemental Environmental Impact Report (Draft SEIR) for the proposed State Route 37 (SR 37) Sears Point to Mare Island Improvement Project (Project). We are encouraged that the California Department of Transportation (Caltrans), Metropolitan Transportation Commission (MTC), Sonoma County Transportation Authority (SCTA), Solano Transportation Authority (STA), and Napa Valley Transportation Authority (NVTA) (collectively referred to herein as the Project Team) are seeking input on the potential environmental impacts associated with proposed improvements to SR 37 from west of the State Route 121 intersection to Mare Island, where traffic congestion exists due in part to the highway narrowing to one lane in each direction. The Project is focused on relieving traffic congestion by improving traffic flow during peak travel times and increasing vehicle occupancy within the travel corridor. An Environmental Impact Report (EIR)/Environmental Assessment (EA) with Finding of No Significant Impact was previously approved for the Project in 2023. This Draft SEIR supplements the 2023 EIR by providing information to address Project changes. The main proposed Project change includes integrating the enhancement of degraded marsh habitat at Strip Marsh East (SME) into the Project, as a nature-based solution to both minimize SR 37's vulnerability to flooding and minimize impacts on wetlands, waters, and special-status species habitats.

As directed by 14 CCR §15096, the Water Board is a Responsible Agency under the California Environmental Quality Act that must determine the adequacy of environmental review. We commented on the Notice of Preparation and the Draft EIR for the Project on August 24, 2020, and February 28, 2022. These comments are attached and incorporated by reference. Based on the information provided in the Draft SEIR, we offer the following comments.

ALEXIS STRAUSS HACKER, CHAIR | EILEEN M. WHITE, EXECUTIVE OFFICER

1515 Clay St., Suite 1400, Oakland, CA 94612 | [www.waterboards.ca.gov/sanfranciscobay](http://www.waterboards.ca.gov/sanfranciscobay)



### Change of Mitigation Measures

The 2023 final EIR identified Alternative 3B as the preferred alternative among four Build Alternatives and one No Build Alternative. The revised Project proposes to integrate the enhancement of degraded marsh habitat at SME into Alternative 3B as a nature-based flood protection measure and minimization measure that reduces overall Project impacts by improving habitat for special-status species and other native species. We appreciate integration of this nature-based measure to minimize the significant direct and indirect impacts to San Pablo Bay and surrounding wetlands from the placement of fill needed to widen SR 37. The Draft SEIR focuses on the potential environmental impacts resulting from the proposed changes to Alternative 3B.

The 2023 final EIR proposed several avoidance, minimization, and/or mitigation measures (AMMs) (BIO-07, BIO-26, BIO-30, and BIO-35) to offset permanent impacts on waters and wetlands and loss of species habitat in the Project area, through the in-lieu-fee restoration program offsite at a ratio of 2:1 or 3:1 (compensatory mitigation:impacts). However, these mitigation measures will be removed or superseded by inclusion of the new minimization measure BIO-41 SME Enhancement and Tolay Creek Bridge Replacement in the revised Project, as shown in the Draft SEIR; e.g., Section 2.3.9 on Page 27 states *"The Project includes a substantial new minimization measure, titled AMM-BIO-41 (see Section 3.4.2), to fully address permanent impacts and loss of protected habitat associated with the Project's identified Preferred Alternative... This measure replaces most of the compensatory mitigation measures proposed in the EIR for potential loss of special-status species habitat and permanent fill impacts in jurisdictional waters of the U.S. and state that would be realized by the Project"*; Section 2.4.2 on Page 41 states *"Caltrans proposes SME enhancement and Tolay Creek Bridge replacement as a Project minimization measure to fully address permanent impacts on special-status species, special-status species habitat, and jurisdictional waters"*; and Section 3.4.2 on Page 49 states *"The substantial enhancement, ecosystem uplift, and creation of new tidal wetland and surface waters habitats is anticipated to completely minimize permanent impacts to all biological resources that occur in tidal and brackish marsh habitats in the Project area, and no additional mitigation or compensation is proposed for those resources."*

As we communicated to the Project Team, we appreciate integration of the SME enhancement into the Project and design revisions to the Tolay Creek Bridge replacement element that will minimize impacts to waters of the State. The Project, however, may still need to provide compensatory mitigation to fully offset permanent and cumulative impacts to waters of the State. Given that the Project's impacts to waters of the State are not yet finalized, it is premature to conclude that the SME enhancement and Tolay Bridge Replacement elements will sufficiently reduce impacts, such that compensatory mitigation is not needed for the Project. We encourage the team to continue identifying appropriate mitigation strategies by coordinating with restoration project planners and regulatory agencies, such as USFWS, CDFW, and the Water Board, to determine whether compensatory mitigation is needed, and if so, identify an off-site mitigation project or Project specific in-lieu-fee program to fully mitigate impacts potentially remaining after minimization measures have been taken into consideration.

### Closing

We look forward to continuing our collaborative efforts with the Project Team to re-envision SR 37 as a whole, and view the Project as an interim step that will move us towards our shared goals of an SR 37 that is resilient to sea-level rise; protects critical marsh and tidal habitats;

A-3-1  
Cont.

A-3-1  
Cont.

reduces commute times and transportation inequities; and incorporates bicycle, transit, and carpool options for travelers. We encourage the Project Team to continue outreach efforts and provide regular updates as project planning and design progresses. If you have any questions or comments, please contact Qi Yan of my staff at (510) 622-2499 or via email to [qi.yan@waterboards.ca.gov](mailto:qi.yan@waterboards.ca.gov).

Sincerely,

   
Digitally signed by Keith  
H. Lichten, Division  
Manager  
Date: 2025.01.28  
16:41:30 -08'00'

Keith H. Lichten, P.E.  
Division Manager  
Watershed Management Division

Attachments: May 18, 2018, Letter: Water Board Design Alternatives Guidance and Permitting Requirements for Highway 37 Between U.S. 101 and Interstate 80

August 24, 2020, Letter: Water Board Comments on Notice of Preparation of an EIR/EA for the Highway 37 Traffic Congestion Relief Project

February 28, 2022, Letter: Water Board Comments on Draft EIR/EA for the State Route 37 Sears Point to Mare Island Improvement Project

cc: Corps, Katerina Galacatos, [Katerina.Galacatos@usace.army.mil](mailto:Katerina.Galacatos@usace.army.mil)  
CDFW, Karen Taylor, [karen.taylor@wildlife.ca.gov](mailto:karen.taylor@wildlife.ca.gov)  
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## **Response to Comment Letter A-3: San Francisco Regional Water Quality Board**

### **A-3-1.**

The Project team appreciates the feedback and coordination with the Regional Water Quality Board (RWQCB) on this multi-benefit Project. SME enhancement has been incorporated into the Project and is anticipated to convert existing uplands to wetlands and waters, while establishing at least 230 acres of high-value tidal marsh habitat that is anticipated to fully address and minimize the Project's overall permanent and temporary impacts. SME enhancement would be one of the largest wetland habitat enhancement efforts in north San Francisco Bay, and the Project team has been coordinating with RWQCB and other environmental agencies over the last few years to facilitate the incorporation and acceptance of its enhancement into the Project. The Project team looks forward to demonstrating that this large-scale, multi-purpose, and substantial enhancement effort is acceptable to our environmental regulatory partners. The Project will enhance 600 acres of degraded salt marsh habitat at SME, and the establishment of new emergent salt marsh habitat may exceed 230 acres.

The Project team is in close coordination with state and federal regulatory partners—including RWQCB, the United States Fish and Wildlife Service (USFWS), the California Department of Fish and Wildlife (CDFW), the United States Army Corps of Engineers (USACE), the United States Environmental Protection Agency, and the San Francisco Bay Conservation and Development Commission (BCDC)—through monthly interagency meetings and focus meetings. Caltrans acknowledges RWQCB's comment that the Project may still need to provide additional compensatory mitigation for waters of the state and will continue to coordinate with RWQCB on required mitigation during the permitting phase of the Project.

## Comment Letter A-4: United States Environmental Protection Agency; Wetlands Section, Jennifer Siu

**From:** [Siu, Jennifer](#)  
**To:** [skiyar.nguen@dot.ca.gov](mailto:skiyar.nguen@dot.ca.gov); [State.Route.37@DOT](mailto:State.Route.37@DOT)  
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**Subject:** Caltrans State Route 37 Sears Point to Mare Island Improvement Project Draft Supplemental Environmental Report (SEIR): EPA comments  
Monday, February 3, 2025 2:03:45 PM

EXTERNAL EMAIL. Links/attachments may not be safe.

Thank you for the opportunity to review the Draft Supplemental EIR (SEIR) for the Sears Point to Mare Island Improvement Project. We understand the purpose of the overall Project is to address reoccurring congestion on SR 37 in Sonoma, Napa, and Solano counties where the highway narrows to one lane in each direction between SR 121 and Mare Island. EPA previously provided comments on an EIR/EA/with Finding of No Significant Impact (FONSI) in 2023. The SEIR provides information to address proposed Project changes since the 2023 EIR/EA/FONSI. These changes include additional highway improvements and significant enhancement of degraded marsh habitat at Strip Marsh East to minimize Project impacts on wetlands, waters, and special-status species habitat.

A-4-1 We understand from information provided during the January 17, 2025, Interagency Meeting, that Caltrans is currently preparing the Clean Water Act (CWA) Section 404(b)(1) Guidelines analysis per 40 CFR 230. During that meeting, Caltrans identified that the proposed Project will likely impact 9 acres of waters of the United States. For future CWA 404 and 401 permitting, it will be critical to demonstrate how the proposed action was developed with consideration of avoiding and minimizing impacts to waters as much as possible prior to identifying compensatory mitigation. The Corps of Engineers (Corps) will need a clear description of the Project constraints that will limit avoidance and minimization measures to reduce impacts below 9 acres.

The EPA appreciates coordination efforts thus far and encourages Caltrans to continue to coordinate with EPA and

A-4-1  
Cont.

the Corps of Engineers as the CWA permitting process continues.

Best,  
Jennifer Siu

Jennifer D. Siu (she/her)  
Wetlands Section, WTR 2-2  
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If you will stay close to the simplicity of nature, to the small things hardly noticeable, those things can become great and immeasurable - Rilke

## **Response to Comment Letter A-4: United States Environmental Protection Agency, Wetlands Section**

### **A-4-1.**

This comment relates to permitting for Section 401 and 404 of the Clean Water Act, noting that it will be necessary to demonstrate how the proposed action was developed with consideration to avoiding and minimizing impacts to jurisdictional wetlands and waters prior to identifying compensatory mitigation. We understand that USACE needs a clear description of the constraints to reducing impacts below 9 acres (9 acres is the area identified in the 2023 EIR/EA as the impacts to wetlands and waters).

The Project will develop an alternatives analysis following the Clean Water Act Section 404(B)(1) guidelines; this analysis will be presented with an application of a Section 401 Water Quality Certification and a Section 404 Individual Permit. This analysis will clearly demonstrate the design constraints and efforts made to avoid, then minimize, impacts to waters of the U.S. and/or the state according to Clean Water Act guidelines.

## Comment Letter A-5: San Francisco Bay Conservation and Development Commission; Larry Goldzband, Executive Director

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### San Francisco Bay Conservation and Development Commission

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February 3, 2025

California Department of Transportation, District 4  
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**SUBJECT: BCDC Comments on the State Route 37 Sears Point to Mare Island Improvement Project Draft Supplemental Environmental Impact Report to the 2023 Final Environmental Impact Report/Environmental Assessment with Finding of No Significant Impact**

Dear Ms. Nguyen:

Thank you for the opportunity to comment on the State Route 37 Sears Point to Mare Island Improvement Project Draft Supplemental Environmental Impact Report to the 2023 Final Environmental Impact Report/Environmental Assessment with Finding of No Significant Impact (SEIR), received by our office via email on December 18, 2024. The SEIR analyzes impacts changes to the SR37 Sears Point to Mare Island Improvement Project (the Project) including the relocation of tolling facilities, addition of changeable message signs and maintenance vehicle pullouts, and minimization to habitat impacts through the Strip Marsh East enhancement project (SME).

The San Francisco Bay Conservation and Development Commission (BCDC) staff is providing the following comments on the Project as a CEQA responsible agency for which a discretionary approval is necessary from BCDC, as described below. BCDC will rely on the Final SEIR, among other reports, when considering a permit application for the project. The following comments are based on BCDC staff review of the SEIR and policy considerations reflected in the provisions of the McAteer-Petris Act (Title 7.2 of the California Government Code), and the San Francisco Bay Plan (Bay Plan).

BCDC is a state planning and regulatory agency with permitting authority over San Francisco Bay, the Bay shoreline, and Suisun Marsh, as established in the McAteer-Petris Act and the Suisun Marsh Preservation Act, respectively. 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 (Government Code Section 66632). Additionally, BCDC establishes land use policies for the Bay as a resource and for development of the Bay and shoreline in the Bay Plan, which provides the basis for the Commission's review and actions on permit applications for proposed projects.



A-5-1



A-5-1  
Cont.

Based on the SEIR, the Project would be located within all types of areas of BCDC's permitting jurisdictions under its McAteer-Petris Act authority; however, the Strip Marsh East Enhancement will occur primarily in BCDC's Bay jurisdiction:

- In the San Francisco Bay, being all areas subject to tidal action, including the marshlands lying between mean high tide and five feet above mean sea level; tidelands (land lying between mean high tide and mean low tide); and submerged lands (Government Code Section 66610(a));
- In the Shoreline Band, consisting of all territory located between the shoreline of the Bay, as defined above, and 100 feet landward of and parallel with the shoreline (Government Code Section 66610(b));
- In Salt Ponds consisting of all areas which have been diked off from the Bay that were used during the three years immediately preceding November 11, 1969 for the solar evaporation of Bay water for salt production (Government Code Section 66610(c));
- In Managed Wetlands consisting of all areas diked off from the Bay that were used during the three years immediately preceding November 11, 1969 for duck hunting, game refuge, or agriculture (Government Code Section 66610(d)); and
- In the Certain Waterways, consisting of all areas that are subject to tidal action, including submerged lands, tidelands, and marshlands up to five feet above mean sea level, on, or tributary to, the listed portions of the following waterways: Tolay Creek in Sonoma County, to the northerly line of Sears Point Road, Napa River, to the northernmost point of Bull Island, and Sonoma Creek, to its confluence with Second Napa Slough (Government Code Section 66610(e)).

On behalf of the Commission, I want to thank Caltrans for participating in the Natural Resources Agency-State Transportation Agency Highway 37 Partnership. Our collaborative work leading to the possibility of larger-scale restoration and our future work on issues revolving around equity are of statewide importance, as are future discussions surrounding public access. Most important, I urge you to continue to work with BCDC staff early and often so that we can work collaboratively as the project moves forward.

#### Policy Issues

#### Bay Fill and Environmental Impacts

Section 66605 of the McAteer-Petris Act sets forth the criteria necessary to authorize placement of new fill in the Bay and certain waterways. It states:

- (a) That further filling of San Francisco Bay and certain waterways specified in subdivision (e) of Section 66610 should be authorized only when public benefits from fill





A-5-1  
Cont.

clearly exceed public detriment from the loss of the water areas and should be limited to water-oriented uses (such as ports, water-related industry, airports, bridges, wildlife refuges, water-oriented recreation, and public assembly, water intake and discharge lines for desalinization plants and power generating plants requiring large amounts of water for cooling purposes) or minor fill for improving shoreline appearance or public access to the bay;

(b) That fill in the bay and certain waterways specified in subdivision (e) of Section 66610 for any purpose should be authorized only when no alternative upland location is available for such purpose;

(c) That the water area authorized to be filled should be the minimum necessary to achieve the purpose of the fill;

(d) That the nature, location, and extent of any fill should be such that it will minimize harmful effects to the bay area, such as, the reduction or impairment of the volume surface area or circulation of water, water quality, fertility of marshes or fish or wildlife resources, or other conditions impacting the environment, as defined in Section 21060.5 of the Public Resources Code;

(e) That public health, safety, and welfare require that fill be constructed in accordance with sound safety standards which will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions or of flood or storm waters;

(f) That fill should be authorized when the filling would, to the maximum extent feasible, establish a permanent shoreline; and

(g) That fill should be authorized when the applicant has such valid title to the properties in question that he or she may fill them in the manner and for the uses to be approved.

Preliminarily, BCDC staff notes that the proposed project poses particular difficulties in the Commission's ability to find consistency with BCDC's laws and policies. As stated in Bay Plan Transportation Finding e: "[R]oads are not water-oriented uses because roads do not need to be located in the water to function properly and do not take advantage of some unique feature of water." Furthermore, Bay Plan Transportation Policy No. 1 states that authorities "...should avoid planning or funding roads that would require fill in the Bay and certain waterways."

Given these difficulties in finding project consistency with BCDC's laws and policies, the only other possible justification for the Commission to approve a permit for the project is if it finds, pursuant to Government Code section 66632(f)(1), that the project is "necessary to the health, safety or welfare of the public in the entire bay area." While BCDC staff understands that the project purpose is generally intended to relieve traffic congestion that will benefit the welfare of communities with high social vulnerability and to improve travel safety by reducing the flood risk poses by sea level rise, given the high threshold for Commission approval of a permit on this basis, Caltrans should carefully and thoroughly consider what pieces of information and evidence it can provide to supports its permit application that would facilitate the Commission's



A-5-1  
Cont.

ability to make the necessary findings in order to approve a permit on this basis – including through the lens of how project approval may facilitate consistency with BCDC’s other policy priorities.

**Environmental Justice and Community Engagement**

As a requirement of the BCDC permitting process, equitable and culturally-relevant community outreach and engagement should be conducted for nearby communities.

- Policy No. 2 of the Bay Plan Environmental Justice and Social Equity chapter states “...the Commission should support, encourage, and request local governments to include environmental justice and social equity in their general plans, zoning ordinances, and in their discretionary approval processes.”
- Policy No. 3 says “[e]quitable, culturally-relevant community outreach and engagement should be conducted by local governments and project applicants to meaningfully involve potentially impacted communities for major projects and appropriate minor projects in underrepresented and/or identified vulnerable and/or disadvantaged communities... Evidence of how community concerns were addressed should be provided.”
- Policy No. 4 states “[i]f a project is proposed within an underrepresented and/or identified vulnerable and/or disadvantaged community, potential disproportionate impacts should be identified in collaboration with the potentially impacted communities. Local governments and the Commission should take measures through environmental review and permitting processes, within the scope of their respective authorities, to require mitigation for disproportionate adverse project impacts on the identified vulnerable or disadvantaged communities in which the project is proposed.”
- Public Access Policy No. 5 states “[p]ublic access that substantially changes the use or character of the site should be sited, designed, and managed based on meaningful community involvement to create public access that is inclusive and welcoming to all and embraces local multicultural and indigenous history and presence...” The policies go further to state that public access improvements should not only be consistent with the project, but also incorporate the culture(s) of the local community, and provide “...barrier free access for persons with disabilities, for people of all income levels, and for people of all cultures.”

A-5-2

The environmental review process should incorporate culturally-relevant community outreach and engagement efforts, identify whether the Project is in a vulnerable community, and if so, should identify potential disproportionate impacts and determine mitigation efforts for those impacts. According to BCDC’s Community Vulnerability Mapping Tool (2023), we know that SR37 connects Vallejo, which has a “High Social Vulnerability” ranking, to Marin County, which



## A-5-2 Cont.

has a “Low Social Vulnerability” ranking. If necessary, the environmental review process should incorporate community involvement to determine how public access provided as part of the Project will be sited, designed, and managed, and how it will ensure that the access is inclusive and welcoming to all.

### Public Access

We continue to support maximizing infrastructure that supports bicycle and pedestrian use and circulation along and throughout the SR37 corridor. While the additional lighting will support these user groups, we remain concerned with the few safety measures for bicyclists included in the design of the Alternative 3B road profile. The BCDP Shoreline Spaces Public Access Design Guidelines identify “designing public access spaces that are safe” as a means of ensuring public access is usable to the intended users.

## A-5-3

We note that there are public access areas and improvements along the SR37 corridor including Cullinan Ranch, the Tubbs Island Trailhead, and the Sonoma Creek trailheads. Bay Plan Policies regarding public access required by BCDP permits generally support free public access available to users of all income levels. Bay Plan Public Access policy 8 states “The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should provide barrier free access for persons with disabilities, for people of all income levels, and for people of all cultures to the maximum feasible extent.” This is further supported by the Bay Plan Public Access Finding c that states “In general, public access to the Bay is free and available to all users.” A toll gantry along SR37 charges a fee to the public to access these public access improvements. Please describe why the toll gantry must extend across the entire roadway and confirm whether tolls will be collected in one or both directions. We are concerned toll collection, either in a single or both directions, will have a negative impact on the usership of these public access locations.

### Appearance, Design, and Scenic Views

We are concerned about the impacts of cabinets and other vertical elements along the road may have on views of the Bay. The Bay Plan speaks to preserving and enhancing shoreline views from the roadway in multiple policies:

## A-5-4

- Transportation Policy 4 states in part “[t]ransportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline,
- Public Access Policy 11 furthers this objective by stating “[t]he roadway and right-of-way design should maintain and enhance visual access for the traveler,” and
- Appearance, Design, and Scenic Views policy 4 states “[s]tructures and facilities that do not take advantage of or visually complement the Bay should be located and designed so as not to impact visually on the Bay and shoreline”.



A-5-4  
Cont.

Please co-locate cabinets to the maximum extent feasible to reduce intrusions into the visual resources of the scenic roadway. This comment is particular to Figure A-1A but also applies generally to vertical elements along the roadway.

A-5-5

#### Shoreline Protection

We have a question about how 'Element 5: Stabilize Bayfront Edge' shown on Figure 2-2 will be implemented. Page 2-21 states that a nature-based solution or solutions will be utilized here to address erosion of this shoreline and has a description of what this could consist of, which includes "placing gravel or rock along the bayfront shoreline to form a semi-mobile lag or stable beach deposit to buffer wave erosion of the shoreline scarp". Bay Plan Shoreline Protection Policy 5 supports the use of nature-based solutions for shoreline protection; it says "[a]ll shoreline protection projects should evaluate the use of natural and nature-based features such as marsh vegetation, levees with transitional ecotone habitat, mudflats, beaches, and oyster reefs, and should incorporate these features to the greatest extent practicable." Additionally, the Bay Plan fill for habitat policy (Fish, other Aquatic Organisms and Wildlife Policy 6) allows Bay fill if that "fill minimizes near term adverse impacts and loss of existing Bay habitat and native species." Considering the Bayfront edge will protect the newly formed species habitat, we strongly encourage the use of a nature-based solutions to stabilize the Bayfront edge of Strip Marsh East. Please provide more information about how the solution for stabilizing the Bayfront edge will be determined.

A-5-6

#### Strip Marsh East Marsh Enhancement Design

Thank you for providing details about the SME Marsh Enhancement design. We have several questions, concerns, and requests about the design provided below.

There are specific acreages provided for how many acres of tidal marsh will be created (230 acres) and enhanced (600 acres) but there is no map provided to visualize the projected outcome of the enhancement effort. It would be helpful to know how those acreages were calculated and to see a map of projected enhancement outcome in regard to the creation and enhancement of wetlands, habitat types, and habitat features (e.g. high tide refugia).

A-5-7

Primary Objective 2, on page 2-16, states: "Increase elevations in the enhanced interior marsh over time through sedimentation and biomass accumulation, allowing marsh to keep pace with sea-level rise as much as possible; and support marsh vegetation, to the extent nature can provide." While we agree with this important objective, we are unclear what SLR analysis was conducted and how the design is resilient to the impacts of rising tides. We recommend using OPC 2024 high-risk for SLR estimates along SR37. Can you provide evidence of how the design mitigates risk of SLR?

A-5-8

The description of the 1996 Mitigation Project seems to describe a similar design to that proposed here for the Strip Marsh East Enhancement. It is unclear how the proposed design is a significant improvement over the previously implemented mitigation effort that was not successful, especially the 'optional' ditch depicted in proposed project designs. Can this comparison or a more detailed description of differences be included that also demonstrates how and why this project is expected to have a different outcome?





A-5-9

SME is described as “a seasonally inundated marsh with a mosaic of habitat types driven by elevation, inundation, plant communities, soil characteristics, and vegetation cover.” This description does not seem to align with the degraded description used to justify this site as an area for minimization activities (enhancement). Can the site description be updated to clarify whether the site is truly a mosaic of habitat types or a degraded, barren lagoon? Additionally, can the habitat type conversion be discussed in a more quantitative manner given lost and gained function, habitat, and value?

A-5-10

Primary Objective 3, “Create high-water refuge habitat in the marsh interior for native small mammals...” – this objective seems to conflict with the design, especially the “optional” channel proposed on the east side of the site. Though SMHM are able to swim, and Dr. Stewart clarified that SMHM can swim the width of the proposed channels, it remains unclear if the Suisun Ornate Shrew is similarly capable of swimming between what will become disconnected refugia. Is it essential to lose the habitat connectivity currently available on the site?

A-5-11

Regarding Primary Objective 6, “Lowering elevations of existing upland areas...”, can this objective be more clearly articulated and justified in how it supports climate adaptation?

A-5-12

Concerning the stated Primary Objective to “Convert extensive interior seasonal lagoon flats [(Widgeon grass dominating the Interior Lagoon Flats (Basin) a “Habitat of Concern”)] into relatively continuous emergent salt marsh vegetation and habitat structure suitable for SMHM and other marsh-dependent special-status fish and wildlife species” where there is “a mosaic of habitat types driven by elevation, inundation, plant communities, soil characteristics, and veg cover” as stated on 2-14, is there a reason the full mosaic must be cleared to create a single channel with low sinuosity (appears to be less than 1.3)? Additional context on pg 2-21 that indicate “severe persistent adverse substrate and groundwater conditions occur at the far eastern end of SME (e.g. hypersalinity, sulfide accumulation, and acid sulfate soils).” The design and complete habitat conversion may be understandable if there were only invasive species persistent throughout the site or if there were no habitat, but the document does not clarify the need for the full extent of this habitat conversion. The lagoon that is isolated in this eastern area does seem to match the ‘mosaic of habitat’ description, yet both the moderate and maximum build scenarios both cut through the narrow N-S boundary that appears to be made up of established salt marsh atop a slight raise in elevation in order to connect the small, heterogeneous lagoon with the larger center lagoon feature. If the objective is habitat, especially healthy habitat that is resilient, it is unclear in the documentation how the existing heterogeneity within this specific area would not be beneficial. Additionally, the slim boundary would also serve as a point of increased roughness, supporting sediment deposition in years and inundation events to come? Similarly, the “optional” channel seems as though it would not support a persistent and healthy mosaic. Perhaps, a more appropriate ‘moderate’ build would be one where the eastern lagoon remains intact and sediment is, instead, side cast over the site to raise the elevation rather than using overland equipment directly and cutting a channel into the area? Perhaps it would be worth evaluating whether the narrow boundary creating the eastern-most lagoon section would provide more roughness and encourage more deposition in the area compared to the bare, excavated channel being proposed through the area?



Skylar Nguyen, Caltrans District 4  
SR37 SPMI Draft SEIR

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February 3, 2025

A-5-12  
Cont.

There is also the area in the north central area where the pickleweed/marsh is not present directly adjacent to SR37. Is the targeted placement of sediment there potentially worth considering in order to facilitate marsh aligning with the marsh currently established toward the western region along SR37? If voluntary, natural recruitment will be relied upon for plant establishment, these areas may be worth prioritizing.

A-5-13

For clarification, on pg 2-18, preliminary channel sizing is almost double what the channel was originally excavated to 75 years ago. Can the justification for this be more clearly articulated?

Thank you for the opportunity to comment on the State Route 37 Sears Point to Mare Island Improvement Project Draft Supplemental Environmental Impact Report to the 2023 Final Environmental Impact Report/Environmental Assessment with Finding of No Significant Impact. We look forward to working with you as the project is developed and through the permitting process. If you have any questions regarding this letter or the Commission's policies and permitting process, please do not hesitate to contact Julie Garren at [julie.garren@bcdc.ca.gov](mailto:julie.garren@bcdc.ca.gov).

Sincerely,

DocuSigned by:  
*Larry Goldzband*  
FD196E908010417...

LARRY GOLDZBAND  
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## **Response to Comment Letter A-5: San Francisco Bay Conservation and Development Commission**

### **A-5-1.**

Thank you for this summary of BCDC's laws and policies that help guide its mandate to protect San Francisco Bay. Your comment points to specific sections of the McAteer Petris Act and the San Francisco Bay Plan that address fill in the bay. The Project team is looking carefully at BCDC jurisdictions and Project design to avoid and minimize filling in the bay to the extent feasible. The Project team appreciates BCDC's valuable input on the Project and its shared interest in protecting the bay and its natural resources, while encouraging thoughtful and beneficial development. The Project team is looking closely at BCDC's laws, regulations, and policies as it works to develop a design within the context of the surrounding environmentally sensitive areas.

This comment identifies several policies that BCDC must address to allow proposed new fill in the bay and certain waterways. These are addressed in the following paragraphs, and additional information will be developed in continued consultation with BCDC staff and during the preparation of permit application materials.

The Project will enhance the health, safety, and welfare of the traveling public. Relieving the existing one-lane bottlenecks on SR 37 will result in substantial traffic congestion relief along this route. It will achieve this by providing an additional full-time lane in each direction. This highway is heavily used, and the current single lane in each direction requires highway closure in the event of an accident or other emergency. There are limited alternative routes in the North Bay counties, such as SR 12, SR 121, and SR 116, all of which are also one lane in each direction and relatively rural routes. A traffic accident on the one-lane portion of SR 37 results in a halt in traffic; emergency responders must use the shoulders to access the incident location or close the opposing direction of travel and climb over the median barrier, resulting in closures of both lanes. An additional lane in each direction provides significant additional room to maintain one of the lanes open and allow traffic to continue to flow, as well as providing additional safety for emergency responders. The additional lane is also essential for evacuation of North Bay counties in the event of a significant emergency because SR 37 provides important access to the U.S. 101 and Interstate 80 (I-80) regional freeways. Evacuation examples include the major "Nuns" and "Glass" fires in 2017 in Sonoma and Napa counties, which involved destruction of thousands of structures and evacuation of North Bay communities. Flood events have also required diversions of traffic and evacuations. These fire and flood events are anticipated to worsen over time, associated with climate change.

## **A-5-2.**

Pursuant to Section 15163 of the California Environmental Quality Act (CEQA) Guidelines, a SEIR need contain only the information necessary to make the previous EIR adequate for the Project as revised. Accordingly, the scope and focus of this SEIR was limited to update Project changes to include the enhancement of degraded marsh habitat at SME, which will be performed to minimize impacts on wetlands, waters, and special-status species habitats. Nevertheless, the conclusions in the previously certified 2023 Final EIR/EA with Finding of No Significant Impact as it relates to environmental justice remain unchanged.

A Community Impact Assessment was prepared for the Project as part of the EIR/EA process. The 2023 Final EIR/EA analyzed Project impacts of eight census block groups that border the Project area, and found that four of the census tracts adjacent to the Project area meet the criteria of an environmental justice community because each has a minority population that exceeds a meaningfully greater proportion than the minority population percentage in Solano County. It is recognized that tolls paid on a frequent basis could represent a greater economic burden to low-income travelers than to middle- and high-income travelers, and a means-based toll discount would be implemented. The means-based discount would be available based on income, through a program that would prequalify the motorists who would be eligible for the discount. The Project would also promote and encourage ridesharing, which helps alleviate congestion and maximize the people-carrying capacity of a highway. The 2023 Final EIR/EA concluded that the Project would not cause disproportionately high and adverse effects on any minority or low-income populations, in accordance with the provisions of Executive Order 12898. Furthermore, although local residents and businesses could experience temporary access impacts from the construction closures, property access would be maintained throughout Project construction, and no long-term full closures of SR 37 or SR 121 are anticipated. In addition, no permanent change to any land use would result. However, as of January 21, 2025, Executive Order 12898 has been rescinded.

An extensive outreach and community engagement process has occurred. During the public scoping period, which began on July 9, 2020, and ended on August 24, 2020, the public was invited to submit written comments on the scope and content of the environmental document. A public online scoping meeting was also held on July 22, 2020. The purpose of the meeting was to present preliminary information on the Project and receive early input on the proposed environmental studies and Project alternatives.

During the EIR/EA process, public input on the Project was solicited for the Draft EIR/EA during the 45-day review period between January 13 and February 28, 2022. A



public online meeting was held on February 2, 2022, to allow the public to learn about the Draft EIR/EA and ask questions.

During this SEIR process, public input was solicited for the Draft SEIR during the 45-day review period between December 20, 2024, and February 23, 2025. A hybrid (in-person and virtual) meeting was held on January 14, 2025, to provide the opportunity for the public to learn about the Draft SEIR, share verbal questions and comments, and provide written comments.

No revisions to the Draft SEIR are necessary pursuant to this comment.

#### **A-5-3.**

As described in the 2023 Final EIR/EA, because this Project is adding one lane in each direction, tolling is the primary component to ensure there is no increase in VMT. The tolls would be used to fund the improvements on this segment of SR 37, from which all users would benefit. Please note that tolling would only be in the new general-purpose lanes and would start only when the Project has been delivered in its entirety, delivering congestion relief and time savings to the public.

Regarding affordability, the current lanes would be converted into HOV lanes, which are not tolled. The Project would maintain access for bicyclists and pedestrians on the shoulders, which would be expanded from 4 feet to 8 feet in each direction. There is currently no designated bicycle/pedestrian path in the design because the area is highly environmentally sensitive; any more widening would further impact environmental resources, including those regulated by BCDC. Furthermore, a means-based toll discount for eligible participants is being evaluated in the toll plan, which is under development and subject to approval by the Federal Highway Administration.

For more information, please refer to Master Response M1 for Tolling and Equity. Caltrans will continue to work with BCDC to provide the maximum feasible public access consistent with the Project in accordance with BCDC guidelines.

#### **A-5-4.**

This comment expresses concerns about visual impacts of roadway elements (especially vertical elements) on scenic views of the bay and shoreline. The commenter requests that Caltrans co-locate cabinets to the maximum extent feasible to reduce intrusions into the visual resources of the bay and shoreline.

Caltrans recognizes BCDC policies and recommendations on designing the Project to maintain views of the Bay. Caltrans has made an effort to minimize impacts from the placement of supporting infrastructure as much as feasible, including cabinets and maintenance vehicle pullouts (MVPs). The cabinets and MVPs must be co-located

together to provide a pullout area for maintenance workers that is off the travel way and off the shoulder. The cabinets were located to provide power and communications for signs and monitoring equipment, and by necessity are placed at intervals along the highway rather than all in one location. During preliminary design, the cabinets and MVPs were also specifically reviewed and relocated where necessary to minimize impacts to wetlands and habitat.

Caltrans is in continued discussions with BCDC and will revisit the location of roadway improvements to lessen, as much as possible, potential impacts to views of the Bay.

#### **A-5-5.**

The Project design team is currently assessing appropriate means, methods, and materials that could be implemented to stabilize the bayfront edge. Critical factors in consideration include efficacy in the near term and longer term, construction impact minimization, fill minimization, construction feasibility, and site-specific hydrologic and geomorphic processes that affect efficacy. The design team is coordinating with technical experts to help identify and assess possible approaches. A specific design proposal has not been determined at this time and is currently being explored.

#### **A-5-6.**

The extent of emergent marsh loss at SME is approximately 600 acres from its late 1990s condition of a mostly vegetated tidal marsh. The emergent marsh restoration acreage estimate of 230 acres was calculated based on an analysis of emergent marsh establishment in barren areas at nearby restoration reference sites over a 10-year period after restoration (see page 2-21 in the Draft SEIR). This conservative estimate is based on the low end of observed revegetation rates at these reference sites. The specific locations of re-establishing emergent marsh are not precisely predictable. To prevent documenting an assumed habitat distribution that may not develop precisely as mapped, no map of future habitats is provided at this planning stage. These visuals may be produced in the design and permitting phase of the Project.

#### **A-5-7.**

The Project design has considered the California Ocean Protection Council 2024 sea-level rise estimates, which assume low, intermediate-low, intermediate, intermediate-high, and high scenarios, ranging from less than 1 foot to more than 6 feet of sea-level rise by the end of the century. No marsh restoration design in the region can avoid risks of sea-level rise on those efforts at the time of construction; the best we can do is to promote natural processes of sediment and biomass accumulation to the greatest extent practicable, and/or to consider future adaptive management actions for importing additional sediment (which is not proposed for this Project and is a regional issue

without obvious sediment sources and complex regulatory approval pathways). The core SME design element that addresses sea-level rise is reconnection to full tidal exchange, which promotes three critical and inter-related processes. First, it maximizes import of suspended sediment. Second, it allows for extensive re-establishment of emergent vegetation that facilitates deposition of suspended sediment. Third, it allows for biomass accretion from the re-established vegetation. The design also involves beneficially reusing material excavated/dredged from the construction of interior channels and intake channel dredging and placed in the interior marsh to reverse subsidence, thus providing elevation capital that would make the marsh more resilient to sea-level rise.

#### **A-5-8.**

The 1996 channels were extremely small and severely undersized for the marsh tidal prism and drainage area; they were designed based on available construction equipment capabilities rather than marsh hydrology and geomorphology. The proposed Project uses empirical tidal marsh channel design models specific to the San Francisco Estuary (Collins 1991<sup>1</sup>; Williams et al. 2002<sup>2</sup>) for channel sizing, and the channels have been designed to accommodate the full tidal prism of the marsh interior. For comparison, the 1996 channels were 1 to 5 feet deep and 3 to 10 feet wide; the current design calls for channels 7 to 10 feet deep and 60 to 180 feet wide.

These same channel design models were used in the design of the nearby Sonoma Creek Marsh Enhancement Project, which is a primary reference site being used to inform the design approach of the SME project. Long-term monitoring of the Sonoma Creek Marsh project (10 years post-construction) indicates that the marsh channels have reached a state of quasi-equilibrium with marsh tidal prism and are not filling in further.

The proposed optional far eastern end channel is not meant to be sustainable in the long term but is intended to provide short-term sediment pulses (over an approximate 10-year maximum period) to promote increase in elevations and reduce ponding extent. This design element may be eliminated from Project final design for many reasons (see further discussion below in response to Comment A-5-12).

#### **A-5-9.**

The habitat discussion in Section 2.3.9 of the final SEIR has been revised to convey that, although different habitat types are still present on SME, the habitat quality has

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<sup>1</sup> Collins, J. 1991. Guidelines for Tidal Reduction of Mosquito Sources, Contra Costa Mosquito Abatement District. Produced in Cooperation with the Contra Costa Mosquito Abatement District.

<sup>2</sup> Williams, P., M. Orr, and N. Garrity. 2002. Hydraulic Geometry – A Geomorphic Design Tool for Tidal Marsh Channel Evolution in Wetland Restoration Projects. *Restoration Ecology*, 10. 577-590.

degraded significantly in large swaths of the unit—particularly in the interior lagoon flats, due to poor drainage and excessive inundation. The current habitat mosaic fails to provide high ecological function and is on a trajectory of decreased function that will be substantially more challenging to recover from if it is allowed to persist—ongoing loss of emergent marsh and ongoing land subsidence. From the time of its natural development since the early 20th century until the late 1990s, SME was a periodically inundated emergent salt marsh. These wide “high marsh platforms” are one primary focus of the region’s (and nation’s) “nature-based strategies” for infrastructure protection because they attenuate wind-wave energy and storm flows by providing broad high marsh platforms that dampen waves through frictional resistance and absorb flood flows through holding water on the marsh plain, all while providing a broad suite of ecological functions.

Conversion of emergent marsh to seasonal lagoons at SME has resulted in the loss of about 600 acres of emergent marsh and land subsidence (including soil loss in wind storms that causes traffic hazards on SR 37) greater than 1 foot at locations. A portion of this lost emergent marsh has seen natural colonization by widgeongrass (*Ruppia* sp.); extents have not been mapped but were observed during 2023 and 2024 site visits to be discontinuous across the site.

The Project would enhance a total of 600 acres of degraded salt marsh habitat. A nearby reference site analysis (see page 2-21 in the final SEIR) has conservatively estimated that emergent marsh will re-establish on at least 230 of these acres within 10 years of construction completion. The remaining acreage (370 acres) is expected to become a combination of tidal ponds and mudflats with enhanced hydrology (reduced duration of inundation); or, if vegetation re-establishment proceeds more rapidly than estimated, additional emergent marsh. Table 2-1 in Section 2.3.9 of the final SEIR provides a basic accounting of habitat areas. Because the Project presented at this stage is conceptual in its design and further modeling is still to be conducted, a more specific quantification of habitat conversion by type will be addressed during final design.

If conditions are not remedied to restore water and sediment exchange in the marsh interior to promote emergent marsh establishment and subsidence reversal, the site will continue to degrade until the bayfront marsh berm is eventually breached and overtopped and the unvegetated marsh interior is subjected to direct wave attack and erosion, losing the shoreline protection and ecological functions of the Strip Marsh system.

#### **A-5-10.**

There is no conflict with the design. Reusing excavated material to create high-water refugia will provide a benefit to marsh mammals regardless of the Project design. The

question of habitat fragmentation is being weighed by Project partners and land managers for final design.

Additionally, the current state of the marsh interior provides a baseline condition that presents a substantially greater barrier for connectivity to small terrestrial mammals that thrive in emergent marsh vegetation (e.g., flooded across 600 acres during the wet season, and a desolate desiccated mat expanse that provides no meaningful habitat benefits during the dry season).

#### **A-5-11.**

Lowering the elevation of the upland areas is not an objective of the design and does not directly relate to the restoration of marsh function. A design preference is to eliminate the drainage barrier of the berms, which can be accomplished with the channel breaches. Full berm lowering is thus related to minimizing wetlands and water loss impacts of the proposed highway Project. Lowering berms does not support climate adaptation, but the reuse of the material from berm lowering to create marsh mounds (high water refugia) in the marsh interior is expected to help with climate adaptation for marsh wildlife.

#### **A-5-12.**

This comment is noted and these items are currently under consideration. The SEIR includes the most expansive version of the Project design for impact assessment. There have been discussions among Project partners and land managers about reducing the extent of the channel network to preserve existing panne/lagoon habitat in the far eastern basin, as suggested in this comment. The USFWS Refuge provided its input on design options in a March 2024 letter to Project representatives.

Similarly, the far eastern channel is an “optional” design element that may be removed from the final design for the issues discussed in this comment.

The amount of natural sediment supply to the far eastern basin of SME will depend on which hydrologic improvement design approach is constructed, with the larger channel network expected to provide the most sediment supply. Less tidal connectivity to the far eastern basin will reduce its sediment supply and thus slow its accretion, making it less resilient to sea-level rise. Less tidal connectivity will also slow the pace of remedying the adverse soil conditions of the far eastern basin.

The comment suggests that the action will convert the entire SME complex into other habitat types. However, SME encompasses an area of 1,400 acres, and only 600 acres of degraded habitat will be converted to enhanced habitat. Existing emergent marsh vegetation is expected to remain intact.

### **A-5-13.**

The proposed intake channel geometry was developed using empirical channel design models for San Francisco Bay tidal marshes (Collins 1991;<sup>3</sup> Williams et al. 2002<sup>4</sup>), which are based on marsh tidal prism and tidal datums. The original intake channel was dredged in the 1950s for the purpose of providing water to salt ponds on the northern side of Highway 37; it was not designed to convey the tidal prism of SME. Hydraulic modeling in subsequent design stages will be used to refine the preliminary channel design geometry. As currently proposed, the intake channel has an approximate 220-foot top width. Based on the current distance between the two berms of about 150 feet, the proposed channel would be about 50 percent wider than the original intake channel, not almost double.

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<sup>3</sup> Collins, J. 1991. Guidelines for Tidal Reduction of Mosquito Sources, Contra Costa Mosquito Abatement District. Produced in Cooperation with the Contra Costa Mosquito Abatement District.

<sup>4</sup> Williams, P., M. Orr, and N. Garrity. 2002. Hydraulic Geometry – A Geomorphic Design Tool for Tidal Marsh Channel Evolution in Wetland Restoration Projects. *Restoration Ecology*, 10. 577-590.

## Comment Letter A-6: California Department of Fish and Wildlife; Erin Chappell, Regional Manager

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February 5, 2025

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Subject: State Route 37 Sears Point to Mare Island Improvement Project,  
Supplemental Environmental Impact Report, SCH No. 2020070226,  
City of Vallejo, Counties of Napa Solano and Sonoma

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Supplemental Environmental Impact Report (SEIR) from the California Department of Transportation (Caltrans) for the State Route 37 Sears Point to Mare Island Improvement Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines<sup>1</sup>, which supplements the previously certified 2023 Final Environmental Impact Report/Environmental Assessment (2023 Final EIR/EA) with Finding of No Significant Impact (three volumes) (State Clearinghouse Number 2020070226). The previous EIR/EA is referred to throughout this document as 2023 Final EIR/EA. CDFW is sharing comments on the draft SEIR to ensure Caltrans is aware of our concerns about potential impacts to sensitive resources related to the proposed project.

### CDFW ROLE

A-6-1 CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed

<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.

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Alteration (LSA) regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

#### **SUPPLEMENTAL PROJECT LOCATION AND DESCRIPTION SUMMARY**

Caltrans, as the Lead Agency proposes to incorporate additional highway improvements and the enhancement of degraded marsh habitat at Strip Marsh East (SME) into Alternative 3B. No changes are proposed for any other previously considered Alternatives; therefore, their evaluation in the 2023 Final EIR/EA remains valid, and they are not evaluated any further in this draft SEIR.

Project phasing is anticipated to be constructed in three overall phases along the corridor, depending on funding. The first phase will include the State Route (SR) 37/SR 121 intersection area, the Tolay Creek Bridge replacement, and the addition of the eastbound through lane and the eastbound transition lane from west of the SR 37/SR 121 intersection to east of the Tolay Creek Bridge replacement. The second phase will include the eastbound lane addition from east of the Tolay Creek Bridge replacement to the eastern Project limits in the vicinity of the Walnut Avenue overhead and construction of the SME enhancements. This second phase will also include installation of a tolling facility and maintenance area just east of the Tubbs Island trailhead and parking area. The third phase will involve widening and installing the additional lane in the westbound direction.

Maintenance Vehicle Pullouts (MVPs) have been added to the Project to provide areas outside of the highway shoulders where Caltrans maintenance vehicles and personnel can safely park vehicles near the roadside cabinets that will house communication, power supply, and monitoring equipment. California Highway Patrol (CHP) enforcement areas were generally described in the 2023 Final EIR/EA. Under the current design, these enforcement areas will also be incorporated into the median of the highway just east of the Tubbs Island Trailhead. The CHP median enforcement area will be at the tolling gantry. It will consist of a slightly widened area of the median to accommodate CHP vehicles between concrete barriers, allowing officers to observe and enforce traffic, tolling, and High-Occupancy Vehicle (HOV) lane violations.

To maintain overall traffic safety and operational efficiency along SR 37, active transportation and demand management (ATDM) and transportation system management and operations (TSMO) would be implemented as part of the Project to dynamically manage recurrent and nonrecurrent congestion, improve safety, and facilitate mode shift. ATDM and TSMO equipment includes closed-circuit television cameras and radar detection devices mounted on poles.

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Four Changeable Message Signs (CMSs) would be added to the Project within the Project limits to provide real-time traffic safety and guidance information about planned and unplanned events that impact traffic conditions on SR 37. These overhead electronic CMS signs would be mounted in the median or roadside on steel poles that cantilever the signs over the road; the poles would be supported by concrete foundations placed outside the road shoulder. Vegetation around the CMS locations would be cleared during construction and mowed to maintain access throughout the life of the Project operations. Four CMS locations have been strategically chosen to help manage traffic movement and congestion along this corridor: two in the westbound direction and two in the eastbound direction, near both ends of the corridor Project work limit.

Toll gantries were identified in the 2023 Final EIR/EA at two locations near the SR 121 interchange and near the Walnut Avenue overhead. The new lanes will still be tolled as described in the 2023 Final EIR/EA, but now the tolling gantries will be co-located about 400 feet east of the Tubbs Island Trailhead Road intersection. The gantries will be used for mounting the open-road tolling equipment and traffic monitoring equipment (tolls will be electronically collected, similar to the electronic tolling locations on other Bay Area toll bridges, as described in the 2023 Final EIR/EA). At the same location as the relocated toll gantries east of the Tubbs Island Trailhead Road intersection, an equipment building will be constructed to house the tolling equipment. A paved vehicle pullout area accessible from the eastbound shoulder will be installed at this building location to provide protected off-highway parking for workers and maintenance vehicles that need periodic access to the tolling equipment.

The 2023 Final EIR/EA indicated that lighting would be added along the corridor in advance of the tolling gantries, along highway curves, at CHP enforcement areas, and at local intersections to improve safety. The Project design has been updated to also include locations of overhead roadway lighting, with support posts in the median, designed to illuminate four lanes of traffic at the curves and approaches east and west of the Sonoma Creek Bridge, at the Noble Road intersection, east and west of the Tolay Creek Bridge replacement.

Electronic and power service equipment will be housed in roadside service cabinets, protected by guard rails. Fiber-optic lines will be installed in or adjacent to the highway shoulders to provide communication service in the corridor. Existing wood pole power lines, which generally parallel the highway on the northern side, will be relocated where necessary to accommodate the widened highway. Trash capture measures would be included where there are identified areas of trash generation or accumulation. Construction of the Project will require grading of slopes and placement of fill. Where material is excavated a balanced project design is preferred, where excavated material is reused within the corridor as fill. The reuse of excavated material will depend on testing for geotechnical competency as use for fill and may also depend on the results

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of testing for any potential contamination. Excavated material that is unsuitable for reuse will be removed off-site and properly used or disposed in a landfill.

The 2023 Final EIR/EA indicated that the proposed Project (Alternative 3B) would result in partial property sliver acquisitions and temporary construction easements (TCEs) along the corridor. To help minimize right-of-way and widening, one lane in each direction has been reduced from 12 feet wide to 11 feet wide. As a result, all lanes will be 11 feet wide, except at Tolay Creek Bridge. For the highway corridor, final right-of-way needs will be determined during final design. Minor additional changes in highway corridor right-of-way needs, construction staging and construction access requirements, and utility relocations and connections will be refined during final design. The SME element of the Project is outside of the existing Caltrans right-of-way and will require temporary use or access to the refuge lands at SME for grading, import or export of fill, hydrological and drainage changes, and other temporary construction activities and use. These temporary and relatively short-term activities are necessary to achieve the beneficial restoration goals at SME. Once the marsh restoration activities are completed at SME, the affected area will provide enhanced ecological benefits.

The Project includes a substantial new minimization measure, titled AMM-BIO-41, to fully address permanent impacts and loss of protected habitat associated with the Project's identified Preferred Alternative. AMM-BIO-41 would enhance approximately 600 acres of degraded habitat and create approximately 230 acres of new emergent salt marsh habitat, 80 acres of tidal channel habitat, and 290 acres of tidal flats from existing seasonal lagoons that would benefit protected species and resources at SME unit of the U.S. Fish and Wildlife Service (USFWS) managed San Pablo Bay National Wildlife Refuge (Refuge). This measure replaces most of the compensatory mitigation measures proposed in the Environmental Impact Report (EIR) for potential loss of special-status species habitat and permanent fill impacts in jurisdictional waters of the U.S. and state that would be realized by the Project. However, compensation for California red-legged frog habitat effects would be retained. A detailed overview of SME is presented here because SME enhancement is primarily or entirely outside of the highway right-of-way and substantially expands the Project Area, presents new impacts (both beneficial and temporary adverse), and replaces existing measures in the EIR.

#### **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 additional Biological Study Area (BSA). 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 any activity that may substantially divert or obstruct the natural flow;

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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 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 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 (MOU) 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.

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## COMMENTS AND RECOMMENDATIONS

CDFW would like to thank Caltrans for preparing the draft SEIR. 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: Potential Impacts to CDFW's Napa-Sonoma Marshes Wildlife Area and USFWS's Cullinan Ranch Restoration Efforts

**A-6-2** **Issue:** The SME advanced mitigation enhancement plans to change the current function of the Pond 1/1A intake by dredging the channel, excavate the channel fringe marsh, and lower channel berms to divert intake water into the SME footprint. In Section 2.3.9.12, Elements 1 identifies "*the Pond 1/1A intake channel is the primary tidal connection to the interior of SME*" and Element 2 describes lowering the channel berms, however the SEIR does not identify the current function of the Pond 1/1A intake, nor does it evaluate the potential impacts the diversion will have as a result.

The Pond 1 intake channel is tidally driven, conveying water under SR 37 directly into CDFW's Napa River Salt Marsh Restoration (Ponds 1, 1A and 2 within the Napa-Sonoma Marshes Wildlife Area) as well as indirectly into USFWS's connected Cullinan Ranch Restoration. Both restorations are 10 or more years post-construction with specific success criteria goals that are dependent on the intake of water from San Pablo Bay. Altering the Pond 1/1A intake may result in decreased or increased flows that can negatively impact CDFW's and/or USFWS's infrastructure or increase state/federal operation and management funds and resources. The SME enhancement goal #5 (Section 2.3.9.7) should include meeting adjacent landowner/land manager requirements to ensure the success of these competed restoration projects. In addition, sufficient modeling should be conducted, dispersed, and discussed with interested parties prior to finalizing design.

### COMMENT 2: Vertical Vegetated Structure for Refugia

**A-6-3** **Issue:** The SEIR states the SME advanced mitigation enhancement activities anticipate providing upland transition zones and uplands areas post construction. However, vegetated upland refugia needs to be established in key areas prior to and during construction for marsh-dependent special-status fish and wildlife species known to be present. Establishing usable, vertical structure to key areas in the enhancement area prior to construction is critical to the survival of source populations its goal is to support. In particular, the SME supports salt marsh harvest mouse (*Reithrodontomys raviventris*, SMHM) (*Reithrodontomys raviventris*), a State Fully Protected species and State and Federal Endangered species. As Lead Agency, Caltrans must adopt the appropriate avoidance and minimization measures as conditions of approval to avoid take of a fully

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protected species in the draft EIR. Coordination and consultation with special-status species working groups (e.g. SMHM Working Group and Secretive Marsh Bird Working Group) are recommended to collaborate with species specialists to ensure special-status species are protected through the entire enhancement process.

Depending on the appropriate elevation, revegetation could be expedited by utilizing excavated plant material, such as the perennial pickleweed (*Salicornia bigelovii*) "mats" from the channel fringe marsh reused in refugia areas. This allows the enhancement to utilize the native seed bank on-site, decrease colonization of invasive plant species, and accelerate establishment and use of sufficient cover for refugia.

A-6-4

**COMMENT 3: Vertical Infrastructure Impacts**

**Issue:** Additional infrastructure planned in the SEIR (e.g. utility buildings, cabinets, lighting, signing, toll gantries, etc.) alter the natural elevation of the marsh topography and incidentally offer artificial avian predators hunting perches throughout the landscape. As a result, many sensitive species in the marsh will be more vulnerable and at a disadvantage to evade the perched predator. Considering the sensitive habitat the SEIR transects and the species on which it depends, all infrastructure should consider installing environmentally friendly deterrents to prevent predators from utilizing equipment as perching posts for hunting.

A-6-5

**COMMENT 4: White-Tailed Kite Protective Measures**

**Issue:** While there are limited nesting opportunities for white-tailed kite (*Elanus leucurus*) in the SEIR BSA, there is high potential for white-tailed kite winter communal roosts in the wetlands surrounding the BSA. Winter communal roosts are used as night roosts as well as providing the opportunity for pairs to bond. Winter roost of 50 and 100 birds have been observed in Napa-Sonoma Marshes Wildlife Area (NSMWA) with one discovered within a 2-mile radius of the BSA as recently as January 2025 (pers. Taylor).

Before settling for the night, white-tailed kite circle the roost before settling in, usually well after sunset. Any disturbance at this time could result in the entire group of birds moving to another site which will increase their risk of survival. Therefore, it is critical that any disturbance beyond the BSA's ambient visual (such as temporary and permanent lighting) and sound should have additional avoidance and minimization measures from sunset into twilight to protect potential white-tailed kite wintering roosts.

A-6-6

**COMMENT 5: Longfin smelt and white sturgeon protective measures.**

**Issue:** The Project has the potential to result in potentially significant impacts to fish and wildlife resources that support longfin smelt (*Spirinchus thaleichthys*), a State Threatened species, and white sturgeon (*Acipenser transmontanus*), a State Candidate-Threatened species.

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Cont.

In January 2025, USFWS formally proposed the designation of critical habitat for the San Francisco Bay-Delta longfin smelt, which consists of portions of San Pablo Bay and adjacent waterways to the east in Sonoma, Napa, Solano, Contra Costa, and Sacramento Counties. Much of the Project's BSA is directly connected to this proposed critical habitat.

The San Francisco Estuary (SFE) which includes (but not limited to) San Pablo Bay, Petaluma River, Sonoma Creek, Napa River and Carquinez Strait are known to support white sturgeon and frequent the sloughs of CDFW's NSMWA. The SFE population of white sturgeon is the only reproducing population in California and are most white sturgeon juveniles and adults are believed to remain in the SFE year-round (CDFW 2024).

While the SME enhancement may benefit both CESA-protected species, the construction activities creating the habitat may result in the "take" one or both species. CDFW recommends obtaining an Incidental Take Permit (ITP) to cover Project activities that may incidentally take either species.

#### **COMMENT 6: Impacting the Hunting and Fishing Community**

A-6-7

**Issue:** CDFW's NSMWA and USFWS's San Pablo Bay National Wildlife Refuge both provide hunting opportunities on public lands. Access points are throughout the SR 37 corridor, which will be impacted during construction as well as the SME temporarily impacting marginal hunting opportunities. Peak use during waterfowl season is approximately end of September to mid-February (includes early, regular, and late seasons for Balance of the State Zone). Fishing opportunities are year-round with popular fishing spots along SR 37. Additional provisions should be considered for key use areas to decrease temporary impacts to hunting and fishing access.


#### **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 Karen Taylor, Senior Environmental Scientist (Specialist), at (707) 287-2144 or [Karen.Taylor@wildlife.ca.gov](mailto:Karen.Taylor@wildlife.ca.gov); or Jason Faridi, Senior Environmental Scientist (Supervisory), at (707) 810-0764 or [Jason.Faridi@wildlife.ca.gov](mailto:Jason.Faridi@wildlife.ca.gov).

Skylar Huyen Nguyen  
California Department of Transportation  
February 5, 2025  
Page 9

Sincerely,

DocuSigned by:  


377E9A2311EF356  
Erin Chappell  
Regional Manager  
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2020070226)

#### REFERENCES

CDFW. Napa River Salt Marsh Restoration Project Final EIR. June 2004.

CDFW. Petition to List White Sturgeon (*Acipenser transmontanus*) as Threatened under the California Endangered Species Act. June 2024.

CNDDDB. 2024. RareFind 5. California Department of Fish and Wildlife Government Version 5.3.0 dated September 29, 2024.

Taylor, Karen, CDFW Senior Environmental Scientist (Specialist), personal communication, January 20, 2025.

USFWS. Cullinan Ranch Restoration Project Final EIR. April 2010

Wood, J.K., Nur, N., Salas, L. and O.M.W. Richmond. 2016. Site-specific Protocol for Monitoring Marsh Birds: Don Edwards San Francisco Bay and San Pablo Bay National Wildlife Refuges. Prepared for the U.S. Fish and Wildlife Service, Pacific Southwest Region Refuge Inventory and Monitoring Initiative. Point Blue Conservation Science. Petaluma, CA.

## **Response to Comment Letter A-6: California Department of Fish and Wildlife**

### **A-6-1.**

This comment is noted. Caltrans' Project team recognizes that the notifications and permits identified by CDFW would be required before commencing any work on the Project.

### **A-6-2.**

Caltrans has been discussing the need to maintain the functionality of the Pond 1/1A intake channel with CDFW. Hydrodynamic modeling completed in February 2025 included examining the tidal height and tidal signature at the intake structure as it is currently and as it would be with each of the three SME interior hydrologic modification designs, to understand whether the Project could have an impact on tidal hydraulic conditions across SR 37 into CDFW lands. Early modelling results indicate that there would be no discernible change in high-tide elevations or frequency post-restoration, with low tides being about a half of a foot lower than current conditions under any of the design approaches. Though not yet examined mechanistically, the lowered low tides likely relate to deepening of the intake channel where there is current shoaling of the intake channel in the northerly direction toward the intake structure. Future Project design phases will include additional modeling as needed to address tides and hydraulic conditions at the Pond 1/1A intake structure.

### **A-6-3.**

This comment is noted. Construction at SME will elevate habitat refugia throughout the site as part of the design (see discussion of marsh mounds on page 2-20 of the Draft SEIR). Design specifications for these refuge elements will be worked out with CDFW and USFWS during the permitting process. The SME design described in the SEIR does not include upland transition zones (e.g., along SR 37 embankments).

As provided in the ECR in Appendix C, several AMMs are incorporated to ensure that special-status species are protected through the entire enhancement process. These include:

- AMM-BIO-24: California Ridgway's Rail Pre-Construction Survey
- AMM-BIO-25: Ridgway's Rail Protocol-Level Surveys and AMM
- AMM-BIO-27: Salt Marsh Harvest Mouse Pre-Construction Surveys
- AMM-BIO-28: Salt Marsh Harvest Mouse Impact Avoidance and Minimization
- AMM-BIO-29: Salt Marsh Harvest Mouse Monitoring Protocols
- AMM-BIO-42 SME Pond 1/1A Intake Channel Dredging Work Windows



The Project is being conducted in USFWS and CDFW wildlife refuge habitat and will be designed with input from managers from both entities.

**A-6-4.**

The Project will consider implementing deterrents for use of these elements as predator perches where feasible and appropriate. This could best be developed in coordination with CDFW staff during permit review.

**A-6-5.**

Kites that could be circling to roost in the area would have likely acclimated to the consistent presence of the roadway. The Project team is familiar with the work presented by Waian on white tailed kites in the Santa Barbara area (Waian 1973) and the More Mesa Preservation Coalition where this text was sourced (MMPC 2003). A review of these sources does not provide direct evidence that disturbance from the Project would significantly impact white-tailed kite survival, as suggested by CDFW. The text sourced for this comment (MMPC 2003) also notes that once settled in another site, they are not easily disturbed. Additionally, AMM-BIO-19: Construction Noise ensures that operation of heavy equipment that generates vibration and noise impacts will be limited to daylight hours when a Project biologist is present, so the major disturbances will not impact white-tailed kite during the sensitive time window between sunset and twilight (see Appendix C, ECR). There is no anticipated adverse effect to this species from the activities proposed in the SEIR.

**A-6-6.**

The Project is currently assessing potential take of these species during the construction of SME enhancement, specifically during dredging activities that would be required to widen the Pond 1/1A channel and would obtain an Incidental Take Permit if take (as defined under the California Endangered Species Act) is determined to be unavoidable.

**A-6-7.**

SR 37 would mostly remain open to traffic during peak commute periods. Temporary lane closures and nighttime closures may be necessary and would be more defined when construction is scheduled. Caltrans would maintain access to properties that rely on the highway for access, although there may be temporary delays at times due to construction activities. A Traffic Management Plan (TMP) would be developed to define construction staging, lane closures, and detours. Public outreach before and during construction will involve various means—such as via mailers, website updates, or social media—to inform land owners, land managers, and travelers about construction related delays.

### 3. Comment Letters from Elected Officials

#### Comment Letter EO-1: House of Representatives; Rep. Jared Huffman, Member of Congress

JARED HUFFMAN  
2ND DISTRICT, CALIFORNIA  
  
WASHINGTON OFFICE  
2445 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
PHONE: (202) 225-5161  
WEBSITE: huffman.house.gov

Congress of the United States  
House of Representatives  
Washington, DC 20515-0502

COMMITTEE ON  
NATURAL RESOURCES  
WATER, WILDLIFE, AND FISHERIES – RANKING MEMBER  
ENERGY AND MINERAL RESOURCES  
  
COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE  
HIGHWAYS AND TRANSIT  
WATER RESOURCES AND ENVIRONMENT  
RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS  
ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS,  
AND EMERGENCY MANAGEMENT

February 3, 2025

Dina El-Tawansy, Director  
District 4 Bay Area/Oakland  
PO Box 23660  
Oakland, CA 94632-0660

Dear Director El-Tawansy:

EO-1-1

This letter is to provide comment on the State Route (SR) 37 Sears Point to Mare Island Improvement Project Supplemental Environmental Impact Report. My disappointment with the design and development of the interim project in this segment of the corridor is well documented. Nevertheless, I want to provide comments once again to remind you why I, and many others, view this so-called interim project (Preferred Alternate 3B) as a colossally wasteful and wrongheaded project and a tragic missed opportunity.

Caltrans' Planning and Environmental Linkages (PEL) Study from 2022 revealed overwhelming stakeholder support for one preferred alternative: a multi-modal, multi-benefit elevated causeway. Instead of following that consensus, planners at CalTrans and MTC summarily ruled it out as too big, expensive and complicated. But they did find an important use for it: by dubbing it the "ultimate" project and assuring everyone it would still be built *someday*, they were able to frame their preferred project – an at-grade, wetland-filling freeway widening project straight from the 1980's – as "interim," to help obscure some of its glaring problems. Including the huge price tag and the fact that it is built for obsolescence: \$625 million for ten miles of widened freeway that will be underwater in a little over a decade (parts of it were already underwater during winter storms on December 14, 2024).<sup>1</sup> Not to mention the fact that it won't resolve traffic congestion and relies heavily on a dubious tolling scheme for financing.

The SR 37 corridor could and should showcase a multi-benefit project that incorporates nature-based solutions. It is possible to address traffic congestion, flooding, and protect critical infrastructure from sea level rise while restoring ecological function as well as wetland restoration along and around the San Pablo Bay National Wildlife Refuge. The "ultimate" elevated causeway would also achieve multi-modal transportation and safety benefits by creating grade separation for Sonoma-Marin Area Rail Transit's (SMART) east-west rail line.

Instead of the largest wetland restoration project on the West Coast which the "ultimate" project would enable, CalTrans/MTC have stubbornly insisted on a project that calls for massive amounts of fill and asphalt to be dumped into San Pablo Bay, destroying wetlands, blocking important tidal flows that offer real flood control benefits and dramatically foreclosing habitat restoration opportunities.

EO-1-2

The plan's controversial tolling proposal belies the agencies' stated concerns for "equity" used to justify the so-called interim project. If approved, this will be the first time any California community has been forced to pay a new toll simply for the privilege of driving the same road they currently drive with an extra lane and some filled-in wetlands. As they suffer dramatically *worse* traffic during the years of construction on this project, it will be cold comfort to know that the

<sup>1</sup> CalTrans/MTC's answer to the problem of the project being underwater in just a few years is to credulously claim they will remove it and then build the "ultimate" project which was too big, expensive and complicated for them to consider now. No serious person believes that they will simply walk away from this \$625 million project and start over on a new one. Nor have they explained how they would pay for that, in addition to the "ultimate" project. In the real world, everyone knows that the "interim" project is the permanent one, which taxpayers will be fortifying and retrofitting for many decades at untold costs, as sea level rises and extreme weather worsens. Perhaps the greatest cost will be the foregone opportunity to do it right, and to do it once.

EO-1-2  
Cont.

traffic bottleneck at the SR 37 and SR 121 interchange will not be resolved; that the so-called interim project will soon be February underwater; and that the slick signage CalTrans is proposing during the construction period will gaslight them with renderings of an “ultimate” project everyone knows will never be built. No wonder so many members of the community – especially those who commute from Solano County and will bear the brunt of the tolling – are expressing opposition and outrage.

EO-1-3

Those who have examined the environmental impacts of this project, including the Federated Indians of Graton Rancheria, have also raised serious concerns. Rather than engage in meaningful tribal consultation and improve the project – indeed, rather than even complying with existing environmental laws -- CalTrans/MTC have spent the past year trying repeatedly to pass a controversial legislative change to give the project a special take allowance for several fully-protected species under the California Endangered Species Act.

There is still time for common sense, environmental responsibility, and actual equity to prevail. This project should be built once and built right – even if it must be done in phases over many years. It obviously should be elevated, should incorporate SMART, grade separation for the rail line, and integration with a true fix for the terrible traffic bottleneck at the intersection of SR 37 and SR 121. If there is going to be tolling, it should be for a project that is smart, durable, achieves multiple benefits, and does not unfairly burden working class and low-income commuters.

I urge you to reject the wrongheaded and misnamed “interim” project, and return to the point of consensus that was reached in the PEL – a project that would be universally supported by elected officials, environmental organizations, tribes, transportation justice groups, and more; a national model for resilient, multi-modal, multi-benefit transportation planning, which would surely qualify for substantial public funding.

Sincerely,

  
**JARED HUFFMAN**  
Member of Congress

CC: Skylar Nguyen

## **Response to Comment Letter EO-1: Rep. Huffman**

### **EO-1-1.**

This comment is in opposition to the Project and supports implementing the ultimate project. Please see Master Response M-2: Ultimate Project/Opposition of the Proposed Project.

The PEL's long-term project is not ruled out by the proposed Project. The PEL Project has not advanced at this time, primarily due to cost and available funding. The proposed Project is estimated at \$500 million, including SME ecological enhancements. In comparison, the PEL study identified Section 7 of the elevated corridor, between SR 121 and Mare Island, at an estimated cost of \$2.9 to \$5.2 billion (in 2022 dollars), as discussed in Caltrans' 2022 PEL Study. This is a difference in magnitude of 6 to 11 times greater in cost. Funding of the ultimate Project would require a substantial priority and obligation of available and future transportation funds focused on the SR 37 corridor, which was not seen as feasible at this time. The proposed Project was, therefore, advanced while funding could be identified for a future ultimate Project.

Regarding the adverse impacts of the Project noted by the comment, please see Table 3-3 in the SEIR. That table summarizes the biological impacts of the proposed Project fill impacts, and the enhancements gained or offset by the Tolay Creek Bridge replacement and the SME enhancement. The net effects of the Project, Tolay Creek Bridge, and SME result in positive wetland, waters, and habitat improvements in acreage and quality—with the exception of California red-legged frog habitat, which will be offset with the purchase of habitat credits.

### **EO-1-2.**

This comment is related to tolling and equity. Please See Master Response M-1: Tolling and Equity.

In the Project footprint, there is severe congestion that can double to triple travel times for the traveling public during peak periods. By removing existing bottlenecks where two lanes merge into one in each direction, this Project would improve traffic flow and peak travel time at the SR 37 and SR 121 intersection and the rest of the Project limit, allowing for more efficient flow of goods and traffic, and addressing the community's top concern—which is traffic congestion, as indicated in a 2017/2018 survey.

During construction, SR 37 will mostly remain open to through traffic during peak travel periods. However, brief periods of full closures may be needed at night to expediate construction and ensure crew safety. There would be periodic delays during construction, which would be planned during nonpeak periods to avoid or minimize delays during peak period travel conditions. Traffic speeds would be reduced in construction zones. Public outreach and notifications would provide updates on planned

construction activities. A TMP would address Project construction such as bridge work and widening, which would be available for public review and noticing prior to construction.

**EO-1-3.**

To the extent that the comment is in opposition of the Project and in support of the ultimate Project and/or elevated causeway, please see Master Response M-2: Ultimate Project/Opposition of the Proposed Project.

Regarding tribal consultation, in the development of this SEIR, staff from Caltrans' Office of Cultural Resources Studies have consistently and meaningfully engaged with representatives from both the Federated Indians of Graton Rancheria and Yocha Dehe Wintun Nation through regular meetings and field surveys. With input from the tribes, the Project team has incorporated six AMMs for Tribal Cultural Resources into the Project. Please refer to Section 3.17 of this SEIR for more information on tribal consultation.

The Project would deliver not only crucial transportation benefits—including improving the traffic flow, peak travel times, and vehicle occupancy, and facilitating the implementation of public transit—but also large-scale, time-sensitive, and multi-purpose ecological benefits. The Tolay Creek Bridge replacement would improve tidal capacity and special-status species habitat, and support long-term watershed restoration; the SME enhancement would restore this invaluable but degrading habitat for special-status species, create substantial new wetlands and waters, and provide nature-based shoreline protection for SR 37. The Project strives to create the greatest benefits within possible means and would not preclude future development for the long-term project.

## 4. Comment Letters from Organizations

### Comment Letter O-1: Sierra Club Solano Group; Paul G. Theiss

Public Comment to CalTrans Draft Supplemental Impact Report on Highway 37  
January 14, 2025

Paul G. Theiss    Sierra Club Solano Group

#### Summary

- O-1-1    The Draft's "Areas of Known Controversy" (p.4) includes "Concerns related to impacts of tolling on low-income individuals." However, the Draft does not address the unequal and discriminatory levying of tolls across counties, in spite of this concern being raised repeatedly in written comments and in person at several public meetings. The draft claims "No Impact" on Population and Housing (p. 8) or on Public Resources (p.9). We disagree. CalTrans plans to levy tolls only on the section from Vallejo to Sears Point, while those using the Marin and Sonoma side will enjoy their road improvements at no extra cost. In addition, the toll revenue on the Solano side appears to be dedicated to road improvements, leaving public transportation as an unfunded mandate. We believe that this unjust burden of tolling would be alleviated by folding the two segments together and charging graduated tolls the whole way between Mare Island and Novato. In addition, tolling should include low income discounts and discounts for workers who carry tools or travel as individuals to distributed worksites, and who thus cannot use public transportation or car pools.
- O-1-2

O-1-1

Cont.

#### Background

We appreciate that the newer drafts of the plan have increased the acreage of protected wetland and lessened the effects of dumping fill to raise the roadway. However, tolling inequity still remains as a major issue with this Draft and other planning documents.

Low wage workers in large numbers travel Highway 37 from Solano and Napa Counties to Marin and Sonoma Counties. They have been prevented from living closer to job sites by decades of exclusionary zoning in the western counties, which include documented patterns of racial discrimination.

O-1-3

CalTrans shows the Highway 37 improvement program as one unified project on its "Resilient 37" website and other documents. But the agency and its partners segmented the planning and funding sources for the project, allowing for unequal distribution of funds and discriminatory tolling. Plentiful Federal funds were made available early on for work west of Sears Point, while the segment between Mare Island and Sears Point must rely in part on self generated funds through tolling.

O-1-1

Cont.

The burden on low income workers in Solano and Napa Counties is exacerbated by an extreme housing shortage and by rising tolls on Bay Area bridges. For example, Solano County figures show that 18% of Vallejo households are spending 50% or more of their income on shelter. Families are having to choose between paying the rent and buying food or filling prescriptions. Meanwhile, CalTrans' no-toll policy on the western segment would allow a wealthy person to drive from a mansion in Marin to a vineyard in Sonoma over an elevated roadway at no extra cost. This is a clear example of the old saying, "Them what has, gets."

The Solano Transit Agency has been asked to provide public transportation across Highway 37 where none currently exists. The first phase is to involve van pools, and later phases an expansion of bus service. Where will the money come from to provide this needed new service? At present, CalTrans

O-1-1  
Cont.

envision toll revenue from the eastern segment to be used for road improvements, not public transportation. Extending tolls across to Novato would provide revenue for public transit.

We appreciate CalTrans' plan to allow car pools to travel for free on diamond lanes along Highway 37. However, many workers are not able to car pool and should receive low income discounts and discounts for some classes of workers. For example, construction workers and gardeners need to bring their tools with them to distributed job sites. Home health care and domestic workers often need to travel from place to place during the workday.

Thank you for considering our views.

## **Response to Comment Letter O-1: Sierra Club, Solano Group**

### **O-1-1.**

This comment is related to tolling and equity. The first recommendation in this comment is that the highway should have graduated tolls between Marin County and Mare Island, rather than the proposed tolling between SR 121 and Mare Island, with low-income discounts and discounts for work-related trips that require transport of tools or travel to distributed work sites.

Caltrans and partner agencies are coordinating on how to reduce impacts on low-income members of the population, including service workers who would be paying the toll. It is recognized that tolls paid on a frequent basis could represent a greater economic burden to low-income travelers than to middle- and high-income travelers. A discount would be available based on income, through a program that would prequalify eligible motorists. The program would be developed as part of the tolling plan for the corridor. For more details on this issue, please see Master Response M-1: Tolling and Equity.

Regarding discounts for work trips involving transport of tools or distributed work sites, there are no provisions for this type of discount or the ability to differentiate vehicles carrying this category of workers. The tolling will allow for discounts for multi-occupant vehicles and other vehicles that meet the state law for discounts (such as qualified low-emission vehicles).

The letter also asks how Project-related transit along SR 37 would be funded. As part of this Project, funding has been set aside to provide the initial capital improvement for transit (i.e., micro-transit such as vanpools and possibly bus transit) and operation costs for 3 years. Caltrans, MTC, and our transportation partners of the Napa Valley Transportation Authority (NVTA), Solano Transportation Authority (STA), and Sonoma County Transportation Authority (SCTA) are committed to identifying funding sources that will contribute to longer-term transit operation costs.

### **O-1-2.**

As it relates to the commenter disagreeing with the “no impact” conclusion for Housing and Population on page 8, CEQA focuses on whether a Project would induce unplanned population growth, or displace substantial numbers of existing people or housing, necessitating the construction of housing. As discussed in Sections 2.2.6 and 3.3.14 of the 2023 Final EIR/EA, the Project would provide additional capacity in Caltrans’ right-of-way to help alleviate congestion and improve travel time reliability along SR 37. However, the Project would not provide new access to previously undeveloped land. The Project would accommodate planned growth but would not result in reasonably foreseeable changes to planned land uses both adjacent to and in



the vicinity of the Project study area. Furthermore, the Project would not require residential or business relocation and would not displace substantial numbers of existing people or housing. Therefore, Caltrans came to a “no impact” conclusion. Section 3.14 of the SEIR , states that the Project changes (enhancements at SME and roadway improvements) would be consistent with the conclusions made in the 2023 Final EIR/EA, and the conclusion would remain “no impact.”

**O-1-3.**

The commenter is concerned about segmenting the planning and funding sources within the corridor, leading to unequal distribution of funding and need for tolling. Caltrans wishes to clarify that this Project is meant to address reoccurring traffic congestion along SR 37, where the lanes narrow down to one lane in each direction, as discussed in Section 2.2 of the SEIR. The PEL process is a separate process, which outlines long-term corridor-wide improvements. The cost to implement PEL improvements all at once is prohibitive, so implementation of the PEL vision would require it to be done in phases. This segment of SR 37 is being tolled to help fund the Sears Point to Mare Island Project so that it may be completed in a timely manner and help fund the upfront costs. Tolling would also incentivize carpooling and vanpooling to reduce VMT. See Master Response M-1: Tolling and Equity for more details on why the Project is incorporating tolling.

## Comment Letter O-2: Sonoma County Regional Parks; Kenneth Tam, Park Planner II

Emailed: [StateRoute37@dot.ca.gov](mailto:StateRoute37@dot.ca.gov)

January 31, 2025



Skylar Nguyen, Environmental Scientist  
Caltrans District 4  
Office of Environmental Analysis  
P.O. Box 23660, MS-8B  
Oakland, Ca 94623-0660

Re: State Route 37 Sears Point to Mare Island Improvement Project ("Project")  
Draft Supplemental Environmental Impact Report  
SCH: 2020070226

Dear Ms. Nguyen:

Thank you for the opportunity to review and comment on the State Route 37 Sears Point to Mare Island Improvement Project - Draft Supplemental Environmental Impact Report (DSEIR). I also had the opportunity to participate virtually in the January 14, 2025 hybrid meeting in Vallejo.

O-2-1

Sonoma County Regional Parks Department is interested in how the Project will impact existing and planned public access to close gaps in recreational facilities such as the San Francisco Bay Trail (SF Bay Trail) segment located within Sonoma County limits. Although the SF Bay Trail is recognized as a recreation facility, the trail can also serve as a transportation route for pedestrians and bicyclists traveling along the State Route 37 corridor. In 2018, Regional Parks Department completed the "Bay Trail Sears Point Connector Feasibility Study" which identified a trail gap between the existing Elliot Trail and the Tubbs Island Trailhead. A copy of the feasibility study can be viewed and downloaded from the following web link <https://parks.sonomacounty.ca.gov/learn/planning-projects/project-directory/all-active-projects/bay-trail-sears-point-connector>

O-2-2

At the public meeting Caltrans staff stated that pedestrians and bicyclists will be allowed to use the 8-foot shoulders proposed within the Project limits. This is wonderful news because this will improve pedestrian and bicycle access to existing recreational facilities along the State Route 37 such as the Tubbs Island Trailhead. However, the road profile shown in the report and displayed during the public meeting did not include a safety barrier to separate the vehicle traffic from the 8-foot shoulder where pedestrian/bicycle traffic would be allowed. We recognize that openings will need to be provided in the safety barrier to maintain vehicle access to existing driveways and roads on the south side of State Route 37. In the final design stage, please include the appropriate safety barrier to protect bicyclists and pedestrians. The safety barrier will improve trail users experience and encourage more bicycle travel, thus, helping reduce vehicle congestion and emissions along State Route 37. Please keep in mind that electric bicycles are more affordable now and have longer travel distance on a single charge.

O-2-3

The Project also includes replacing the Tolay Creek Bridge with four lanes and 8-foot shoulders. The Tolay Creek Bridge is located within the vicinity of SF Bay Trail gap identified in the "Bay Trail Sears Point Connector Feasibility Study". It was not clear in the report if temporary vehicle bridges would be provided during the replacement of the Tolay Creek Bridge. If a temporary vehicle bridge is provided

400 Aviation Blvd, Suite 100, Santa Rosa, CA 95403 • (707) 565-2041

[SonomaCountyParks.org](https://www.sonomacounty.org)

O-2-3  
Cont.

on the south side, the temporary bridge could be repurposed for the SF Bay Trail after the bridge replacement work is completed.

Please feel free to have your engineering team contact me directly regarding the SF Bay Trail. If you have any questions, please contact me at 707-565-3348 or [ken.tam@sonoma-county.org](mailto:ken.tam@sonoma-county.org)

Sincerely,



Kenneth Tam  
Park Planner II

c: Sonoma County Public Infrastructure: Stevan Hunter  
Steven Schmitz, Sonoma County Transit, SCBPAC, CBPAC  
Sonoma County Regional Parks: Bert Whitaker, Steve Ehret  
Sonoma County Transportation Authority: David Ripperda

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[SonomaCountyParks.org](http://SonomaCountyParks.org)

## **Response to Comment Letter O-2: Sonoma County Regional Parks**

### **O-2-1.**

Caltrans has identified public access opportunities that align with the scope and timeline of this Project and which maximize community access and benefits. The proposed improvements are San Francisco Bay Trail gap closures and trail enhancements in the city of Vallejo, the closest community to the footprint. The public access proposal would be finalized during the permitting phase of this Project in coordination with BCDC.

Thank you for the information on Sears Point Connector feasibility study. We look forward to evaluating this and other gap closures for future Projects on SR 37, along with Sonoma County Regional Parks, San Francisco Bay Trail, and BCDC.

### **O-2-2.**

Caltrans acknowledges the commenter's note on the lack of a safety barrier to separate vehicle traffic from pedestrian/bicycle traffic in the shoulder. The existing 8-foot shoulder, which will be included in the final design, is needed for vehicles to pull off the highway to ensure safety for enforcement actions by the CHP. Maintaining vehicular access to the shoulder prevents a barrier being placed between the shoulder and the right-side travel lane. Therefore, a separated pathway for pedestrians (and bicycles not using the highway shoulder) would require additional pavement and the safety barrier. This was considered by the Project team but was not advanced because of the additional impacts that would result to habitat, wetlands, and bay fill. Access along the shoulder will be allowed and maintained, and additional safe public access in the corridor that does not involve fill additional bay fill is being pursued.

### **O-2-3.**

Regarding a temporary bridge at Tolay Creek during construction, the method for staging construction at the creek is currently in design and has not been completed. A temporary bridge is one option that may be used to maintain traffic during construction, and this will be decided during final design. If a temporary bridge is constructed parallel to the existing highway to facilitate traffic during construction, it would not be maintained permanently unless it meets all necessary design requirements for a permanent structure. In general, temporary bridges used during construction are designed for temporary use only and would not be suitable for permanent use after construction is completed.

The Tolay Creek Bridge is only one portion of the Bay Trail Gap noted in this comment. There would still be a gap between SR 37 and the remainder of the trail segments that is outside of the State right-of-way, and would have to be completed. For example, east of Tolay Creek, the Bay Trail would have to be alongside or adjacent to the SR 37

highway shoulder between the Tolay Creek Bridge Replacement and the Tubbs Island trail head to the east. This would require pedestrians to traverse alongside the highway or on a parallel separated path to connect between Tolay Creek and the Tubbs Island trailhead, and such an option would require additional widening within sensitive biological habitat. Various options for improved public access have been evaluated by the project team with involvement of BCDC and local agencies, and that consultation is continuing during the permitting phase of this project.

## Comment Letter O-3: Sierra Club, Redwood Chapter; Dan Mayhew, Chair

P.O. Box 466  
Santa Rosa CA 95402

[www.sierraclub.org/redwood](http://www.sierraclub.org/redwood)



January 31, 2025

Caltrans, District 4  
ATTN: Skylar Nguyen  
Department of Transportation, Environmental Analysis  
P.O. Box 23660, MS 8B  
Oakland, CA 94623-0660

Re: State Route 37 - Segment B interim Project – Comment on Draft Supplemental EIR

Greetings Mr. Nguyen—

O-3-1

Caltrans is to be commended for its development of plans to lengthen the Tolay Creek interim bridge and improve the strip-marsh to improve the habitat for the wetland complex east of State Route 121. Although the proposed bridge fails to raise the roadway, it will enable the wetlands north of the highway to thrive in advance of the inundations that will require elevation of the entire roadway from Vallejo to its junction with Highway 101. For nearly a decade, the Sierra Club has participated in efforts to cope with the impending effects of rising sea levels in the North Bay, and the effects on transportation.

Although we are pleased that the short-term project represents a step toward the long-term goal of a causeway to elevate the entire 21-mile route from Mare Island to Highway 101, there are several matters that should be corrected:

O-3-2

- 1) The east-bound tolling gantry (p. 2-8) is proposed to be located where it cannot collect any payments from eastbound vehicles that turn north at the SR-121 intersection. During the afternoon rush hours, occupants of vehicles bound for the Sonoma Valley will see reductions of congestion without contributing to any of its construction costs.
- 2) The new westbound lane between Mare Island and the Hwy-121 intersection at Sears Point will allow the current morning bottleneck to move from the vicinity of Mare Island to the vicinity of the Petaluma River at Black-Point. Thus far, Caltrans has resisted any extension of the new diamond lanes for carpools westward to the Hwy 101 interchange. The expectation that buses can replace car-pools by operating on the shoulder of the highway needs to be carefully examined. Car-pools on State Route 37 are likely to be preferable to buses far into the future.

O-3-3

- 3) The Bay Area Toll Authority is considering several proposals that would make tolls more equitable for low-income households and for employees that depend on driving.

O-3-3  
Cont.

The SR-37 project should incorporate any such changes that are applied to Bay Area bridges.

We appreciate the effort that has been expended on this project. If there are questions regarding our comments, please direct them to Dan Mayhew at [dmayhew356@gmail.com](mailto:dmayhew356@gmail.com)

Best regards,

A handwritten signature in blue ink, appearing to read "Dan Mayhew", with a stylized flourish at the end.

Dan Mayhew  
Chair, Redwood Chapter  
Sierra Club California

## **Response to Comment Letter O-3: Sierra Club, Redwood Chapter**

### **O-3-1.**

The commenter's expressed support of the Tolay Creek Bridge Replacement and enhancements at SME is noted.

The commenter discusses the proposed location of the tolling gantry and expresses concern that eastbound vehicles that turn north at the SR 121 intersection would not contribute to the toll fees but would benefit from the Project. It is important to note that all commuters crossing the tolling gantry in the general-purpose lanes would be tolled in either or both directions between Sears Point and Mare Island. This is the portion of the highway where the additional lane is being added, and the intent is to add the tolling where this benefit is realized in this segment of the highway that is currently one lane in each direction. Tolling on the corridor west of Sears Point is being considered as part of future Resilient SR 37 program action.

### **O-3-2.**

By removing existing bottlenecks where two lanes merge into one in each direction on SR 37, this Project is expected to improve traffic flow and peak travel times. The suggestion for a new diamond lane (also called an HOV lane) westward to the U.S. 101 interchange is outside of the Project limits. However, the Project would not preclude Caltrans from making additional corridor or operational improvements on a future project.

### **O-3-3.**

This comment requests that the same discount to other Bay Area bridges be applied to SR 37. To clarify, Caltrans does not have the authority to establish or change tolls; that is decided by the Bay Area Toll Authority for all Bay Area bridges. However, Caltrans, MTC, and other partner agencies are coordinating on how to reduce impacts on low-income members of the population, including service workers who would be paying the toll. It is recognized that tolls paid on a frequent basis could represent a greater economic burden to low-income travelers than to middle- and high-income travelers. A discount would be available based on income, through a program that would prequalify eligible motorists. Please See Master Response M-1: Tolling and Equity.



**Comment Letter O-4: Sonoma County Transportation and Land-Use Coalition;  
Stephen Birdlebough, Chair**

**SCTLC**

SONOMA COUNTY TRANSPORTATION & LAND-USE COALITION

January 31, 2025

Skylar Nguyen, Caltrans, District 4  
Dept. of Transportation, Environmental Analysis  
P.O. Box 23660, MS 8B  
Oakland, CA 94623-0660

Via E-Mail to: [StateRoute37@dot.ca.gov](mailto:StateRoute37@dot.ca.gov)

Re: Draft Supplemental EIR for State Route 37, Segment B and Impacts on Segment A

Dear Mr. Nguyen—

O-4-1

The need to adapt State Route 37 to rising sea levels and atmospheric rivers has been a concern of our organization since creation of the four-county SR-37 Policy Committee in 2015. We commend the attention that Caltrans is giving to preservation of the wetlands that surround the highway. We also understand the reasons for Caltrans to divide the 21-mile causeway project into two segments. However, it is important for the planning process and the environmental studies to recognize the many ways that each segment affects the other. Our concerns about the status of the project, reflected in the draft supplemental EIR, are:

O-4-2

1 - The proposed relocation of the eastbound toll gantry (Par. 2.3.5 on pg. 2-8) would forfeit the collection of tolls from vehicles that benefit from reduced traffic backups before turning north at the SR-121 intersection. We must ask whether it is fair for people driving to the Sonoma Valley to get a backup-free ride that is paid for by people driving to Vallejo. The equitable nature of this proposal must be reconsidered.

O-4-3

2 - We found no discussion about the westbound morning traffic backup that is likely to emerge near the Petaluma River's Black-Point, once construction of a new westbound traffic lane on Segment B of SR-37 is complete. Hopefully Caltrans will take responsibility

SCTLC - 684 Benicia Drive, #63, Santa Rosa, CA 95409 – 707-576-6632  
[scbaffirm@gmail.com](mailto:scbaffirm@gmail.com)

O-4-3  
Cont.

for the effects that road-widening on Segment B will have on Segment A, and support extension of the diamond lanes westward to the Hwy 101 interchange so that carpools and vans can get past the relocated traffic backup.

O-4-4

3 - The strong reliance on car-pools traversing SR-37 is likely to continue far into the future. It is likely that many years will pass before bus or rail services can moderate the number of cars that rely on SR-37. It appears that vanpools could be the next step toward creation of transit on the SR-37 corridor. Although bus service and SMART rail service are important long-range goals, we should not expect buses operating on the shoulder of the highway to steadily replace carpools.

O-4-2  
Cont.

4 - Various proposals to make tolls more equitable are being considered by the Bay Area Toll Authority. Any such changes for Bay Area bridges should be considered for application to the SR-37 project.

We appreciate the effort that has been devoted to this project. If there are questions regarding our comments, please call me at 707-576-6632.

Cordially,

Stephen Birdlebough, Chair,  
Sonoma County Transportation & Land-Use Coalition

## **Response to Comment Letter O-4: Sonoma County Transportation and Land-Use Coalition**

### **O-4-1.**

The acknowledgement of the Project's minimization of impacts to wetlands is noted. This is an introductory comment which expresses concerns related to sea-level rise and how each segment of the Project affects the other, as noted in the following comments. The comment states that the causeway would be divided into two segments; this is incorrect. Please refer to Chapter 8, Implementation Plan in the PEL study on proposed pathways to transition from the PEL effort to further design, environmental review, construction, and operation of the proposed solution for the SR 37 facility (chrome-extension://efaidnbmnnnibpcajpcgiclfndmkaj/<https://dot.ca.gov/-/media/dot-media/district-4/documents/37-corridor-projects/pel-study/sr37-pel-study-dec2022-ada-a11y.pdf>).

### **O-4-2.**

This comment is related to tolling and equity. The commenter is concerned about the proposed location of the tolling gantry and that eastbound vehicles that turn north at the SR 121 intersection will not contribute to the toll fees. This location was proposed to line up the toll gantry with the portion of the corridor that is receiving the most benefit from the Project. It is important to note that all commuters crossing the tolling gantry in the general-purpose lanes would be tolled from both the west and east. Tolling on the corridor west of Sears Point is being considered as part of future Resilient SR 37 program action.

Caltrans and partner agencies are coordinating on how to reduce impacts on low-income members of the population, including service workers who would be paying the toll. It is recognized that tolls paid frequently could represent a greater economic burden to low- and high-income travelers than to middle- and high-income travelers. A discount would be available based on income, through a program that would prequalify eligible motorists. Please See Master Response M-1: Tolling and Equity for more details.

### **O-4-3.**

Extending the HOV (diamond) lanes to the west is also addressed in the response to Sierra Club, Redwood Chapter in comment O-3-2. With the Project between Sears Point and Mare Island complete, there will be two through lanes in each direction between Mare Island and U.S. 101. Thus, there would be no lane reductions contributing to a backup. Tolling and an HOV lane between Sears Point and Mare Island will have some limitations in that single-occupant drivers would have to pay a toll, and others would have to qualify by driving in a multi-occupant vehicle. Therefore, vehicles traveling along the widened portion of SR 37 between Sears Point and Mare

Island in the westbound direction are subject to passenger requirements and tolling, compared to the existing highway west of SR 121, which is comparably unrestricted.

Caltrans and the Project sponsors will consider the future application of HOV lanes west of SR 121 as a potential future Project, but that is not an element of the currently proposed Project, which is addressing the bottlenecks caused by the lane drops at Sears Point and Mare Island.

#### **O-4-4.**

To clarify, buses or other multi-occupant vehicles would not be operating in the highway shoulders; the shoulders will be maintained for emergency vehicle pullout, maintenance vehicles, and enforcement. Buses and multi-occupant vehicles will use the existing lane proposed for conversion to an HOV lane, and the new lane being added will be tolled.

Tolling is a mechanism that the Project would use to incentivize car and vanpooling. These factors include the higher cost of driving due to tolling (because vehicles in HOV lanes do not need to pay tolls), the time savings gained by being an HOV, and the savings in mileage and cost by not driving. The Project would promote and encourage ridesharing, which helps alleviate congestion and maximize the people-carrying capacity of a highway. As part of this Project, funding has been set aside to provide the initial capital improvement for transit (i.e., micro-transit such as vanpools and possibly bus transit) and operation costs for about 3 years. Caltrans, MTC and our transportation partners of NVTa, STA, and SCTA are committed to identifying funding sources to assist the longer-term operation costs. See Master Response M-1: Tolling and Equity for more details.

## Comment Letter O-5: Marin Audubon Society; Barbara Salzman, Conservation Committee



Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

February 3, 2025

Caltrans, District 4  
ATTN: Skylar Nguyen  
Department of Transportation, Environmental Analysis  
P.O. Box 23660, MS 8B  
Oakland, CA 94623-0660

**RE: Supplemental Environmental Impact Report (SEIR) to the 2023 Final EIR for the State Route 37 Sears Point to Mare Island Improvement Project**

Dear Sirs/Madams:

O-5-1

The Marin Audubon Society appreciated the opportunity to comment on the State Route 37 (SR 37) Sears Point to Mare Island Improvement Project Draft Supplemental Environmental Impact Report (SEIR) to the 2023 Final Environmental Impact Report/Environmental Assessment. The SEIR was produced for the purpose of addressing changes in the Project design that enhance the wetland habitat of the stretch along the top of the Bay, between Sears Point Raceway and Mare Island. Specifically, the SEIR addresses enhancement of the degraded Strip Marsh East (SME), the tolling gantry, lighting and pull-offs.

The SEIR describes the SME project design and assesses potential environmental impacts of the habitat enhancement. However, the enhancements and other components are built upon the short-sighted, costly, and environmentally damaging interim project, expansion of SR 37 on an earthen levee. We oppose the project built on a fill levee and support the elevated causeway as recommended by the PEL as the environmentally responsible and cost effective in the long-term. The components of this project would further entrench the interim project. All but the SME would need to ultimately be removed with future construction of a causeway. Enhancement of the strip marsh would be more cost effective if planned and implemented together with restoration of the diked baylands north of SR 37 as would be possible with a causeway.

We have the following questions and comments about the SEIR;

O-5-2

1. Minor components of the SEIR should be explained in more detail and adverse impacts identified and addressed:
  - Would the planned pull-offs require any filling of wetlands? If so, how would the wetland loss or other impacts be mitigated? Would another design or location reduce or eliminate the need for fill?
  - Lights can adversely impact wildlife. Provide a better description of how the lighting will avoid or mitigate impacts.
  - Describe why the tolling gantry can't be located on high ground that could avoid environmental damage and also provide for equitable collection of tolls. The high ground at the Black Point hills is a location that should be looked at.

*A Chapter of the National Audubon Society*

O-5-3

2. The SEIR reports that SME project will enhance 600 acres of habitat. At the public meeting, it was reported that 230 acres would be enhanced. Please explain the difference in the two acreages reported acres.

O-5-4


3. The SME enhancement would be compensatory mitigation for wetland fill and any other adverse impacts to wetlands along SR 37 that are not clarified. While we support this enhancement as mitigation for adverse impacts, its adequacy cannot be evaluated until the amount of wetland fill and other impacts of the interim project are identified. The acreage of new wetlands created with the SME project should also be clarified and they should be sufficient to compensate for the loss. A project resulting in wetland loss is in conflict with the state's Wetland Policy which calls for "no net loss of wetlands".

O-5-5

4. A monitoring plan should be required that would ensure the SME has been constructed according to plan and meeting success criteria. Evaluation criteria should be included in the DEIR.

Thank you for considering our comments.

Sincerely,



Barbara Salzman  
Conservation Committee

## **Response to Comment Letter O-5: Marin Audubon Society**

### **O-5-1.**

To the extent that the commenter opposes the Project (related to the need for fill) and supports the implementation of the ultimate or long-term Project, please see Master Response M-2: Ultimate Project/Opposition of the Proposed Project.

The comment states that all proposed interim Project elements would need to be removed with construction in the future of an ultimate Project these details have not been determined at this time.

### **O-5-2.**

The proposed pullouts were designed to minimize or avoid wetland fill. Preliminary layouts were reviewed by the multi-disciplinary team, and pullouts were shifted out of areas that had been mapped as containing sensitive habitat or wetlands. The changes in wetland impacts with the current design were minor with respect to the originally defined wetland and habitat impacts, which are addressed and identified in this SEIR.

A lighting analysis has been conducted to assess impacts of proposed lighting to wildlife. AMM-BIO-44: Minimize Light Effects on Wildlife has been added to the Project to minimize lighting impacts on wildlife (see Section 2.4.2 in Final SEIR). The measure would design permanent lighting fixtures to minimize indirect effects on wildlife where feasible. Lighting will be shielded, and the proposed lighting locations and intensity have been minimized to the lowest levels necessary to meet safety requirements. The Project team is coordinating with CDFW to address these issues.

The tolling gantry must be located along the existing alignment to avoid shifting of the highway that might further increase environmental impacts. Within the Project limits, the elevation of the highway is relatively low, with little or no relief in elevation. Elevating the toll gantry would require placement of fill and slopes, or retaining walls, either of which could or would increase fill in wetlands or habitat. Placing a toll gantry at Black Point where it is on high ground would avoid the low lying wetland areas between Sears Point and Mare Island. However, locating the toll gantry outside of the Project limits of highway widening (approximately Sears Point to Mare Island) is not feasible within the scope of this Project, because the tolling must be located within the limits of where the new lanes would be added in each direction. Black Point is well west of the Project limits. Extending the Project limits east to Black Point solely for the purpose of the tolling gantry would not resolve the state's VMT requirement that the proposed tolling has to be installed in a portion of the highway where the lanes are being added. No new lanes are proposed or being added at Black Point.

**O-5-3.**

The Project will enhance a total of 600 acres of degraded salt marsh habitat. A nearby reference site analysis (see page 2-21 in the SEIR) has conservatively estimated that emergent marsh will re-establish on 230 of these acres within 10 years of construction completion. The remaining acreage (370 acres) is expected to become a combination of tidal ponds and mudflats with enhanced hydrology (reduced duration of inundation) or, if vegetation re-establishment proceeds more rapidly than estimated, additional emergent marsh.

**O-5-4.**

Table 3-3 in the Draft SEIR indicates the Project will have a loss of 9.02 acres of wetlands and waters and a gain of 11.1 acres of wetlands and waters, for a net gain of 3.14 acres—in addition to enhancement of a minimum of 230 acres of emergent marsh and 70.13 new fish forage habitat.

**O-5-5.**

A monitoring and adaptive management plan is under development and will be submitted for agency review during the Project permitting process.



## Comment Letter O-6: Marin Conservation League; Nona Dennis, President; Kate Powers, Co-Chair-Land Use, Transportation

February 3<sup>rd</sup>, 2025



Caltrans, District 4  
Attn: Skylar Nguyen  
P.O. Box 23660, MS-8B  
Oakland, CA 94623-0660  
Via email: [stateroute37@dot.ca.gov](mailto:stateroute37@dot.ca.gov)

RE: Comments relating to the Draft Supplemental EIR (Draft SEIR) for the proposed SR37  
Sears Point to Mare Island Improvement Project

Dear Ms. Nguyen:

Marin Conservation League (MCL) is a 90-year environmental organization and is a member of the SR 37 Baylands Group. For the past several years, MCL has tracked, provided stakeholder comment, and advocated for the integration of environmental protections and Baylands restoration during Caltrans' SR 37 project planning.

MCL appreciates the opportunity to comment on the Draft SEIR of the proposed Interim Improvement Project for the segment of State Route 37 from Sears Point to Mare Island, however we continue to strongly support accelerating Caltrans' Planning and Environmental Linkages (PEL) Study's preferred alternative of the mostly elevated causeway within or adjacent to SR 37's current right-of-way from US 101 to I-80, and are opposed to implementing the Interim Improvement Project.

O-6-1

We have very much appreciated participating in Caltrans' PEL process for a "Resilient State Route 37", a Federal Highway Administration integrated and comprehensive transportation planning approach, and the first in Caltrans' history. The PEL Study's 2024 Addendum states, "A comprehensive solution was urgently needed" and its findings are intended to inform project design and environmental analysis to accelerate project delivery; especially as sea level rise, heavy storms, high winds, and storm surge that can damage transportation infrastructure and disrupt travel are becoming more severe as climate changes.

The SR 37 PEL Addendum developed criteria and prioritized eight SR37 segments for delivery, as preparation for implementation of the whole. The Addendum determined that after Phase 2 of Segment 2, (elevating the Novato Creek Bridge segment from Highway 101 to Atherton Avenue to reduce flooding), the next two prioritized segments of the causeway to be built, (as determined by consensus of representatives from Caltrans, the SR 37 project leadership group, permitting agencies, federal and state agencies, representatives of towns and cities, and others), are improvements at the interchange with SR121 at Sears Point, as well as elevating the segment of SR37 from the SR121 interchange to Mare Island on a causeway.

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[mcl@marinconservationleague.org](mailto:mcl@marinconservationleague.org)

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Page 1

As a member organization of the SR 37 Baylands Group, we continue to support Caltrans “Ultimate Project”, as a self-mitigating design, and request that any “Interim” projects be low-cost, low impact “fixes” or serve as logical, substantial steps toward implementation of the causeway.

In its Project Development Procedures Manual, Caltrans defines an Interim project as “any project on or improvement to an existing State highway that is planned to be superseded by construction of a new freeway facility during the period of time between adoption of a freeway alignment [in this case 2022] and completion of the freeway construction (and subsequent relinquishment of the existing highway.)”

O-6-1  
Cont.

Unfortunately, the Interim Improvement Project from Sears Point to Mare Island’s preferred Alternative 3B is not low cost (almost \$500 million), nor low impact, nor is it in any way a logical substantial step toward the comprehensive solution recommended by Caltrans’ own PEL study. According to the FEIR for the project, it has the maximum environmental footprint and widening of the roadway of the considered Alternatives, adding acres of in-water and upland fill (the source of fill, volume of fill (hundreds of thousands of cubic yards?), and number of truck round trips (thousands?) and associated greenhouse gas emissions are not quantified or described in the EIR) plus almost 50 acres of new and replaced impervious surface, which together are expected to have permanent impacts to water quality and to a minimum of 9 acres of wetlands. The project has an expected life span of as little as 15 to 25 years. Until recently there has appeared to be no planning yet underway for the Ultimate project for this segment of the corridor.

MCL supports both the replacement and lengthening of Tolay Creek bridge to its Ultimate project height to accelerate wetlands restoration as it is critically needed in the very near term. We support reassessing the hydrologic function and restoration design of East Strip Marsh to be a logical substantial step to when Segment 7 of the highway is lifted onto a causeway as is prioritized in the PEL. We would argue that the future of SR 37 calls for a sustainable as well as a resilient design approach, one that avoids unnecessary consumption of resources, construction materials (including of the Bay Area’s beneficial sediment) and energy, especially fossil fuels, but also time, money and human labor; one that avoids waste from construction and demolition, does more to protect water and air quality, and minimizes negative impacts on communities, the environment, and the economy including for those of future generations.

O-6-2

At the State Route 37 Policy Committee meeting on November 7, 2024, Caltrans District 4 Director, Dina El-Tawansy presented slides of scenarios she had presented at September and October workshops and public official briefings on alternatives for advancing the Tolay Creek Bridge replacement, some of which included advancing the long-term SR121 Interchange project. MCL enthusiastically would support either Scenario 5+ or better yet Scenario 3 (images clipped online during the presentation are attached below). We encourage Caltrans to study how those two scenarios may accomplish in part the Interim Improvement

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O-6-2  
Cont.

Project's Need to address recurring congestion where the highway narrows to one lane in each direction between SR 37/SR 121 and to address the traffic queueing due to existing capacity and merging constraints at the intersection, and to support the Purpose of improving traffic flow and peak travel times through that area.

We continue to urge that it is right and it is time to redirect political will, funding, state and regional agency and regulatory coordination and partnership, and legislative solutions toward building phases of the "Ultimate" SR 37 elevated causeway.

Respectfully,



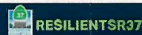
Nona Dennis  
President



Kate Powers  
Co-Chair-Land Use, Transportation,  
and Water Committee

### Scenario 5 + (Near-term plus): Advance Long-term SR 121 Interchange (from Scenario 3)

- **New proposal: Start funding of environmental analysis & engineering**
  - Timing- Start CEQA/NEPA in 2026
  - Benefits- Speeds delivery



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### Scenario #3 (Long-Term) Capital Cost Assumptions - \$625M to \$1.2B

- Escalation Rate- Per FHWA recommendation, Caltrans assumes 3.8%
- Construction Start (depending on funding procurement):
  - Assuming funding is available now, the earliest construction start 2030, with escalation, capital cost is \$625M
  - Assuming construction starts by 2045, escalation would increase capital cost to \$1.1B
- Fully Protect Species Legislation (FPS)- Without FPS legislation and incidental take permit, number of construction seasons would be doubled, and cost would increase by \$75M to \$100M



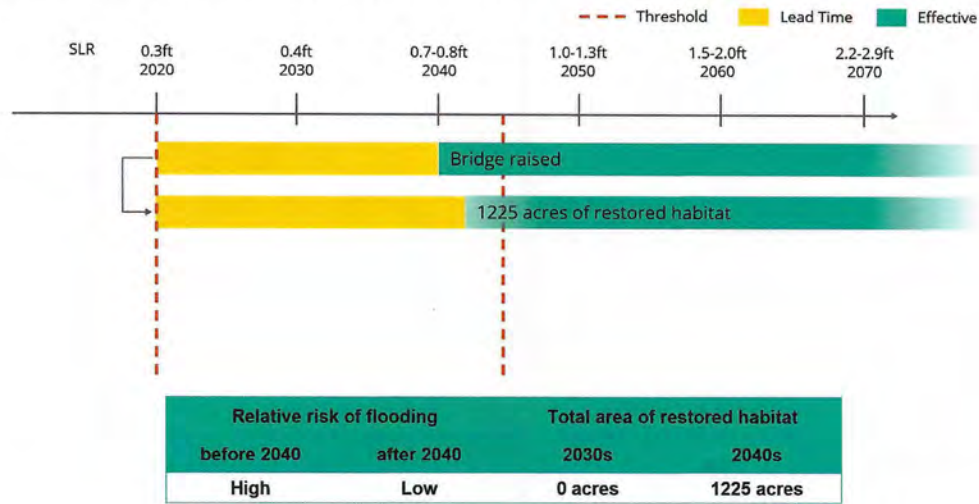
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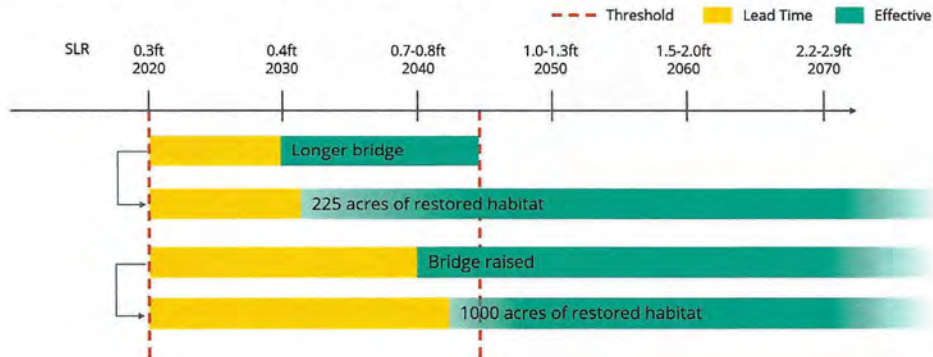


### Scenario 3. Bridge at Ultimate Height with Rebuilt Interchange



Sea-Level Rise Projections from OPC (2024) State Guidance

### Scenario 5+: Near-Term Lengthen Bridge (375ft) followed by Bridge at Ultimate Height



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## **Response to Comment Letter O-6: Marin Conservation League**

### **O-6-1.**

To the extent that this comment is in support of implementing the ultimate or long-term Project, please see Master Response M-2: Ultimate Project/Opposition of the Proposed Project. The commenter has concerns about the Project's impacts. Caltrans' Project team acknowledges that the Project would have impacts to adjacent wetlands and habitat due to added fill. The Project team has made efforts to minimize impacts by incorporating the replacement of Tolay Creek Bridge and enhancements at SME. These components of the Project will improve hydraulic flows into and out of the Tolay Creek channel and restore degraded marsh habitat at SME. The benefits associated with the Tolay Creek Bridge Replacement and SME enhancements are discussed in the SEIR, Sections 2.3.9, 2.4.2, and 3.4.2. Furthermore, SME enhancements would be nature-based solutions to address sea-level rise by reducing erosional forces of the marsh and making it more resilient to shoreline erosion related to extreme tides and storms that will increase in risk with sea-level rise. Additionally, several avoidance, minimization and/or compensatory mitigation measures would be implemented to lessen the impacts of the Project on biological resources (see ECR, Appendix C).

### **O-6-2.**

Marin Conservation League's comment focuses on the portion of SR 37 from west of the SR 121 intersection to east of the proposed Tolay Creek Bridge Project. The scenarios presented at the November 2024 Policy Committee meeting were preliminary concepts that included the referenced scenarios where the SR 37 highway is raised almost entirely on elevated structure. The commenter's opinion is noted with respect to this preference. Construction of this elevated structure would add considerable cost in comparison to the proposed interim Project. This concept would provide greater clearance of Tolay Creek and the wetlands and resources in this segment. It would require construction of a substantial elevated structure, which would have to descend to grade east of Tolay Creek to tie in with the existing highway. Thus, building an elevated causeway in phases introduces its own challenges of transitioning to the existing highway in each segment.

## Comment Letter O-7: Napa-Solano Working Families Coalition; Various



**February 3, 2025**

**To:** [stateroute37@dot.ca.gov](mailto:stateroute37@dot.ca.gov)

**Attn. Skyler Nyugen, Department of Transportation, Environmental Analysis**

**Re: Comments on State Route 37 Flood Reduction Project**

**O-7-1**

The Napa and Solano Working Families Coalitions are a broad-based group of stakeholders working together to promote an equitable, sustainable, and thriving economy in Napa and Solano Counties. This letter is intended to build on the suggestions we made in our October 2023 letter. We would like to express our thanks for improvements to the project design, but also to point out issues that still need attention.

We would like to applaud the redesign that widens the Tolay Creek bridge. This allows the short-term project to incorporate an incremental but strategically important contribution towards the long-term vision of a causeway for the full route. It will significantly improve the hydrology of the adjoining wetland complex.

Tolling equity is another key issue. While we appreciate that the proposal includes an equity program that seeks to shield low income users from the full impact of the toll, we would like to note that the proposed program design does not follow the recommendation of MTC's Next Gen Fwy study, which has recommended that discounts for low income users also be extended to certain vulnerable freeway dependent blue collar workers such as construction and home health care workers. These are workers for whom, contrary to the case for most of the population, transportation is typically a larger share of their household budgets than housing. It is also a cohort for which transit is not a viable alternative. They represent a small share of users but are especially vulnerable to high transportation costs and need protection.

O-7-1  
Cont.

The last issue we would like to comment on is tolling equity for users from Napa or Solano County as compared to those from Marin or Sonoma County. Under the current proposal, all of the tolls would be borne by travelers entering or leaving the route from Solano County, which is the Bay Area's most diverse county, while users who travel between Sonoma Valley and Marin County would not pay a dime in tolls despite traversing a segment substantially upgraded at public expense. Our stakeholders see this as both an equity issue and a missed opportunity. Adding a second gantry to collect tolls from comparatively more privileged Marin users would provide more fairness to the tolling regime and could provide a source of funding that is needed to support transit service (which would be key to maintaining bicycle connectivity as well) across the Route.

The revisions we are recommending in combination would provide greater fairness for users from Napa and Solano Counties, reduced congestion and reduced greenhouse gas emissions. These outcomes align well with the articulated goals of the project. We hope you will consider them.

Sincerely,

Glenn Loveall, Executive Director, Napa-Solano Central Labor Council, AFL-CIO  
Danny Bernardini, Business Manager, Napa-Solano Building and Construction Trades Council  
Chris Benz, Napa Climate Now! Steering Committee  
Tim Frank, Center for Sustainable Neighborhoods  
Chris Rico, President and CEO, Solano Economic Development Corporation  
Alicia Mijares, Business Representative, Sheetmetal Workers Union Local 104  
Cassandra James, Solano County Supervisor, District 1  
Carol Whichard, Progressive Women of Napa Valley  
Gordan Mar, National Union of Health Care Workers  
Kara Vernor, Executive Director, Napa County Bicycle Coalition



## **Response to Comment Letter O-7: Napa-Solano Working Families Coalition**

### **O-7-1.**

This comment is related to tolling and equity. Caltrans and partner agencies are coordinating to reduce impacts on low-income members of the population, including service workers who would be paying the toll. It is recognized that tolls paid on a frequent basis could represent a greater economic burden to low-income travelers than to middle- and high-income travelers. A discount would be available based on income, through a program that would prequalify eligible motorists. The program would be developed as part of the tolling plan for the corridor. For more details on this issue, please see Master Response M-1: Tolling and Equity.

This comment includes reference to the Tolay Creek Bridge replacement, included as part of the updated Project design. Please note that the proposed design is a lengthening of the Tolay Creek Bridge, with some minor elevation gain included. However, because the replacement bridge has to tie into the existing at grade highway on either side of the widened Tolay Creek channel, the replacement bridge would not be built at a height that matches a future elevated causeway (that has not been designed).

## Comment Letter O-8: Resource Renewal Institute; Chance Cutrano, Director of Programs



23 2025

Caltrans, District 4  
ATTN: Skylar Nguyen  
Department of Transportation, Environmental Analysis  
P.O. Box 23660, MS 8B  
Oakland, CA 94623-0660

**RE: Comments on Draft Supplemental Environmental Impact Report for the SR 37 Sears Point to Mare Island Improvement Project**

Dear Ms. Nguyen:

O-8-1

The Resource Renewal Institute (RRI) appreciates the opportunity to comment on the Draft Supplemental Environmental Impact Report (SEIR) for the State Route 37 ("SR 37") Sears Point to Mare Island Improvement Project.

As a 40-year old Bay Area-based environmental organization focused on large landscape conservation and pursuing solutions to increasingly complex environmental problems, RRI believes California Department of Transportation's ("Caltrans") has identified historic multi-nodal, multi-benefit opportunity with the Resilient SR 37 Program. RRI supports the "ultimate project," the elevated causeway, found in the *State Route 37 Corridor Planning and Environmental Linkages Study* ("PEL"). We believe it provides a comprehensive solution to chronic congestion, seasonal flooding, and the long-term viability of this transportation corridor all while achieving the largest wetland restoration project in the Western United States.

We believe there is a solution for SR 37 that not only minimizes adverse environmental impacts and incorporates environmental enhancements to sensitive marsh habitat, but also addresses sea level rise, avoids adverse impacts to equity priority communities (EPCs), and preserves connectivity through the corridor over the long term. Unfortunately, RRI finds the allocation of more resources and analysis to the interim project (Preferred Alternate 3B) fails to deliver this solution.

RRI's concerns fall under four categories: the SEIR's treatment of cumulative impacts, the need for expanded analysis to reduce environmental impact, the need for monitoring protocols and measurable metrics for success, and the need to strengthen the climate change adaptation analysis.

O-8-2

### **Cumulative Impacts**

In the SEIR, Caltrans states the Project's impacts to biological resources would be less than significant with mitigation. Caltrans states the proposed Strip Marsh East (SME) enhancement would minimize permanent impacts of the Project ("beneficial effect") by improving drainage,

O-8-2  
Cont.

restoring full tidal function, creating new wetlands and other waters from uplands, creating new emergent salt marsh habitat, and establishing tidal channel and tidal flat habitat to sustain and promote the recovery of special-status species with potential to occur in the Project area.

RRI is fully supportive of SME enhancement activities identified in section 2.3.9.11. Enhanced drainage, regular tidal exchange, improved ecological function, and support for threatened and endangered species and their habitats in the SME are of high value.

In pursuing both an interim highway widening project and, eventually, an elevated causeway for the corridor, Caltrans will likely repeatedly disturb wetlands and other waters, resulting in cumulative impacts that may affect the Ridgeway's Rail, Sal Marsh Harvest Mouse, California Black Rail, Chinook Salmon, Steelhead, Green Sturgeon, Longfin Smelt, and Delta Smelt.

In addition to any contemplated short-term Project minimization measures to fully address permanent impacts to species-status species, special status species habitat, and jurisdictional waters, the SEIR should analyze whether SME improvements could be damaged or compromised during causeway construction, potentially resulting in temporary or permanent loss of proposed enhanced habitat values or push habitat beyond thresholds of ecological vulnerability.

The analysis should also consider how project elements could be phased to better align with ultimate causeway construction, potentially reducing redundant impacts. This analysis is essential for determining whether the proposed enhancement truly provides lasting mitigation for project impacts.

O-8-3

#### **Environmental Mitigation Opportunities**

RRI appreciates the additional details regarding changeable message signs (CMSs), maintenance vehicle pullouts (MVPs), relocation and redesign of the tolling facility and maintenance area. While the SEIR evaluates different alignments and configurations, it does not adequately explore design modifications that could reduce environmental impacts while still meeting project objectives. As stated in Section 2.3.9.12., construction of the various elements described in the preceding sections of the SEIR could generate in excess of 1 million cubic yards of soil. The SEIR should evaluate alternative locations for maintenance facilities and toll gantries that could minimize wetland fill.

O-8-4

#### **Monitoring Protocols and Performance Standards**

RIR is also concerned about the lack of specific performance standards and monitoring protocols for the SME enhancement. While the SEIR describes general enhancement goals, it does not establish clear, measurable criteria for determining success. In fact, the SEIR qualifies its enhancement goals and objects by stating, "It may not be possible to meet all the goals and objectives presented here." (SEIR Section 2.3.9.6). While we support the implementation of a 10-year monitoring and adaptive management plan, it will be difficult to assess whether the enhancement truly offsets project impacts or trigger adaptive management if goals are not being met without some performance standards. The document should define specific success criteria for vegetation establishment, hydrology, and wildlife use, along with monitoring methods and timeframes.

O-8-5

### **Climate Change Adaptation**

The SEIR's treatment of climate change and sea level rise also warrants expansion. While sea level rise (SLR) projections are mentioned, the analysis does not adequately address how rising waters could affect both the interim improvements and SME enhancement over time. The SEIR identified SLR and its effect on the high- and low-tide events, cumulative times marshes are submerged, and landward erosion as processes that may impact the viability of proposed mitigation. The document should evaluate whether proposed mitigations will maintain their ecological function as conditions change and identify specific adaptation strategies. This analysis is particularly important given the project's location in a dynamic coastal environment.

We request that Caltrans address these deficiencies by:

1. Providing a more robust cumulative impacts analysis that considers both near-term and long-term effects
2. Expanding the alternatives analysis to include additional options for reducing environmental impacts
3. Developing detailed monitoring protocols with clear performance standards and contingency measures
4. Strengthening the climate change adaptation analysis and mitigation strategies

We believe these revisions are necessary to ensure informed decision-making about this significant infrastructure project.

Furthermore, RRI believes there is still time to pursue mitigation and adaptation measures that will invest in and integrate with the ultimate project, an elevated causeway, and forgo expensive and short-lived interim steps with cumulative environmental impact on sensitive species and habitats that could otherwise be avoided. Measure twice. Cut once.

We appreciate your consideration of these comments and look forward to supporting a safe, efficient, equitable and environmentally resilient project at SR 37.



Chance Cutrano  
Director of Programs  
Resource Renewal Institute (RRI)

## **Response to Comment Letter O-8: Resource Renewal Institute**

### **O-8-1.**

This comment is in opposition to the Project and supports implementing the ultimate or long-term Project. The PEL's consensus Project is not ruled out by the Proposed Project that is addressed in the 2023 EIR/EA and this SEIR. The PEL Project involving an elevated causeway has not advanced at this time, primarily due to cost and available funding. The Project (widening of the at-grade highway) is proposed to address reoccurring congestion along SR 37 and certain restoration efforts, while funding sources are identified for the long-term Project. Please see Master Response M-2: Ultimate Project/Opposition of the Proposed Project for more details.

### **O-8-2.**

The SME marsh restoration is south of the SR 37 highway. The impacts to existing wetlands and habitat that exist alongside SR 37 have been evaluated in the 2023 EIR/EA and this 2025 SEIR. It is not anticipated that the SME would be impacted by a future causeway Project, but that ultimate Project has not undergone preliminary design to an extent that those impacts are known or could even be speculated at this time. The SME is and would continue to be a wetland and/or waters that are anticipated to provide enhanced habitat for a wide range of species, including species protected by state and federal designations. Therefore, when the causeway is designed, the alignment and its construction would have to include every feasible effort to avoid or minimize impacts to the SME.

### **O-8-3.**

Project development of the proposed design has included substantial efforts to minimize impacts to protected resources. This has included narrowing of the lane widths; relocation of maintenance pullout areas outside of most environmentally sensitive areas; and maintaining the highway along its existing corridor to make use of the existing paved and disturbed areas along SR 37, while minimizing the shifting of the highway alignment into undisturbed areas.

The Project team already redesigned the tolling areas by eliminating the originally proposed two tolling areas (one at each end of the Project) and combining those into a single tolling facility servicing both directions of travel. The proposed location of the tolling facility along the existing highway alignment has minimal impact to wetlands or waters, and includes the use of retaining walls to minimize the footprint area needed for the tolling and maintenance facility.

**O-8-4.**

A comprehensive monitoring and adaptive management plan for the SME Project is under development to satisfy permit requirement and will be reviewed and approved by the appropriate regulatory and resource agencies.

**O-8-5.**

This comment includes concerns related to how sea-level rise will affect the enhancement of SME over time. Please see the response to Comment A-5-7. As discussed in this comment response, enhancements at SME will make the marsh more resilient to sea-level rise. However, no enhancements can fully address the projected sea-level rise.

One of the primary objectives of the enhancements is to increase resilience to extreme tides and storms associated with sea-level rise. In Section 2.3.9.9 of the Draft SEIR, on page 2-16, Object 2 states: “Increase elevations in the enhanced interior marsh over time through sedimentation and biomass accumulation, allowing marsh to keep pace with sea-level rise as much as possible”; and Objective 3 states: “Create high-water refuge habitat in the marsh interior for native small mammals, to increase resilience to extreme tides and storms associated with sea-level rise, if feasible.”

A detailed cumulative impacts analysis was included in Section 3.20 of the Draft SEIR. It included evaluation of a wide range of projects with various known or anticipated timeframes, and included evaluation of the impacts of the proposed Project together with those known cumulative projects.

Alternatives to the proposed Project were evaluated in the 2023 EIR/EA, including three different build designs (Alternatives 1, 2, and 3A) in addition to the proposed or preferred Alternative 3B, as modified to address the design changes described in this SEIR.

Regarding a monitoring plan, the 2023 EIR/EA included an ECR that details requirements for construction and post-construction monitoring of Project design requirements, and mitigation that avoids or minimizes impacts. The ECR was updated and included in this SEIR (refer to Appendix C of the SEIR).

## Comment Letter O-9: Save the Bay; David Lewis, Executive Director

January 31, 2025

Caltrans, District 4  
ATTN: Skylar Nguyen  
Department of Transportation, Environmental Analysis  
P.O. Box 23660, MS 8B  
Oakland, CA 94623-0660

RE: Comment on SR 37 Sears Point to Mare Island Improvement Project Supplemental Environmental Impact Report

Ms. Nguyen:

O-9-1

As the largest regional organization dedicated to the protection and restoration of the San Francisco Bay for people and wildlife, Save The Bay appreciates the opportunity to comment on the supplemental environmental impact report for the State Route 37 Sears Point to Mare Island Improvement Project. SR37 presents a unique opportunity to showcase a truly multi-benefit model of resilience infrastructure planning that would relieve traffic congestion, protect critical state infrastructure against the impacts of climate change, and improve the ecological function of restorable areas within the San Pablo Bay National Wildlife Refuge.

The SR37 Baylands Group's proposal for an elevated causeway as the preferred project between Sears Point and Mare Island is a self-mitigating design that meets these needs and should remain a priority goal for local, state, and federal agencies. Caltrans' Preliminary Environmental Linkages study validated this by demonstrating the superior environmental and resilience benefits a causeway would provide. Regrettably, this SEIR continues to evaluate project elements that fail to meet these goals, while ignoring opportunities to address critical traffic relief opportunities in the short term.

O-9-2

While we appreciate the project's intention in lengthening the Tolay Creek bridge to provide an expanded tidal prism upstream, the project envisions a bridge that will not be at the elevation necessary to be incorporated into the ultimate project's elevated causeway. Furthermore, the redesign of the Tolay Creek bridge fails to address the actual cause of the major traffic delays: the intersection of SR37 and CA121. Failing to eliminate this engineered choke point will result in minimal traffic relief and will interfere with developing an effective causeway to achieve a resilient and efficient highway corridor.

O-9-3

We are also concerned that the wetland improvements to Strip Marsh East, while beneficial to Bay shoreline habitat in the short term, fail to account for the long-term impacts of climate change in an area with constrained upland migration space. This SEIR also does not address any potential future impacts of construction from the ultimate causeway project. There is a significant risk that habitat gains as described in the SEIR are fleeting and should not be considered sufficient impact minimization or

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560 14th Street #400, Oakland, CA 94612 • 510-463-6850 • [saveSFbay.org](http://saveSFbay.org)

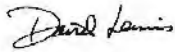
O-9-3  
Cont.

mitigation for the interim project, as they would likely be impacted by construction of the ultimate causeway project the agency is committed to pursue.

Transportation planners should work with state and federal representatives to advance the ultimate project as soon as possible – including moving forward now with environmental analysis. A single, climate-resilient vision for the SR37 corridor will allow all stakeholders to unite in pursuing funding and aligning early actions to achieve the type of long-lasting improvements that North Bay residents deserve. Successful implementation of this project will demonstrate what is possible when forward-thinking design is emphasized to meet current and future infrastructure needs.

Thank you for the opportunity to provide comments on this project. We share the goal of reducing current traffic and flood impacts while providing responsible investment of tax dollars in a project that will be resilient to future sea level rise.

Sincerely,



David Lewis  
Executive Director



## **Response to Comment Letter O-9: Save the Bay**

### **O-9-1.**

This comment expresses support of an elevated causeway or the long-term Project. Please see Master Response M-2: Ultimate Project/Opposition of the Proposed Project. The commenter says that the elevated causeway would provide environmental and resilience benefits and that the near-term Project fails to provide these benefits.

As discussed in the Master Response M-2, the development of the ultimate Project is in its early stages, and the team is actively working with partners to identify potential funding pathways. The ultimate Project would be designed to be resilient to longer projections of sea-level rise. The proposed Project would meet the purpose and need for providing traffic congestion relief, as documented in the 2023 EIR/EA. The proposed Project has been modified to include environmental enhancements through the replacement of the Tolay Creek Bridge, with a longer span that creates beneficial habitat and waters. The enhancements at the SME will provide wetlands, waters, and wildlife habitat improvements, as documented in this SEIR.

### **O-9-2.**

The proposed replacement of the Tolay Creek Bridge with a substantially longer structure will achieve several beneficial objectives, including adding a new traffic lane in each direction, and excavating and widening of the creek channel to enhance connectivity to the bay. The lengthening of the structure also creates new wetland, waters, and habitat areas beneath and adjacent to the new structure. At the SR 37/ SR 121 intersection, there will be a new through lane as well as a new dedicated right-turn lane. The right-turn lane will allow traffic headed north to exit and separate from the SR 37 through lanes. In the eastbound direction, an additional through lane is being added as well as a transition lane (two new additional lanes in the eastbound direction at the intersection). These changes will substantially improve the traffic conditions at the SR 37/SR 121 intersection. The improved traffic conditions for the proposed Project's Alternative 3B are documented in the 2023 EIR/EA.

The Tolay Creek Bridge replacement will be constructed at approximately the same elevation as the existing structure, because it has to tie into the existing roadway. Although the proposed new structure will have a slight rise in height, it cannot be built at an elevation in anticipation of the elevated causeway, which has not been designed because it is not a funded project at this time.

### **O-9-3.**

Regarding sea-level rise resiliency in the current footprint of SME, see the response to Comment A-5-7. Note that, in addition to minimizing impacts from the Sears Point to

Mare Island Improvement Project (SPMIIP) and improving ecological functions of the degraded SME, the Project maintains and improves the SME's "nature-based" or "natural" shoreline protection functions, thereby eliminating the need for hard engineered shoreline protection measures for SPMIIP between now and the future ultimate causeway Project approximately 20 years out. Not constructing the SME enhancements in the near term contributes to the risk of losing this ecosystem and its shoreline protection functions.

With the SPMIIP, there is no physical space for upland migration of tidal marsh with sea-level rise. How SME enhancement relates to a future ultimate causeway is dependent on the design approaches to be considered at a later time for that project.

The comment appears to suggest that the SME project should not be implemented because of uncertainties related to sea-level rise and potential construction-related impact of a highway project more than 20 years in the future. Doing nothing to remedy the issues at SME will only accelerate habitat loss and make critical roadway infrastructure more vulnerable to sea-level rise in the short term, running the risk of having to install costly and impactful grey shoreline protection infrastructure.

The Project proponents are proposing the current design because it has the best potential to be funded, constructed, and achieve the Project's purpose and need of traffic congestion relief. The Project includes implementation of tolling, to assist in funding future improvements to SR 37, including an ultimate Project that also addresses sea-level rise. The ultimate Project will be more expensive than the proposed Project by orders of magnitude and was not envisioned as achievable in the near term. The proposed Project was advanced because it presents the best opportunity to be funded and constructed to achieve traffic congestion relief, while providing offsetting environmental enhancements at the Tolay Creek Bridge replacement and SME marsh enhancement.

## 5. Comment Letters from Individuals

### Comment Letter I-1: Matt Stone

**From:** [Nouwen, Skylar@DOT](mailto:Nouwen.Skylar@DOT)  
**To:** [Leynebacker, Dillon](#); [Zimmerman, Jeff](#); [Osby, Stephanie](#)  
**Subject:** FW: Alternative solution to 37?  
**Date:** Monday, January 6, 2025 9:44:22 AM

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-----Original Message-----

**From:** Matt Stone <m.d.stone@me.com>  
**Sent:** Thursday, December 26, 2024 8:23 AM  
**To:** State Route 37@DOT <stateroute37@dot.ca.gov>  
**Subject:** Alternative solution to 37?

EXTERNAL EMAIL: Links/attachments may not be safe.

With widely varying estimates of potential sea level rise I wonder if 37 could be replaced or supplemented by a floating roadway.

I-1-1

Investing billions on a 'best guess' sea level storm surge scenario seems too risky compared to a solution that is sealevel rise indifferent.  
There are numerous floating roadways around the world and I wonder if this alternative could be considered?

Matt Stone  
415 9021819  
M.D.Stone@me.com

## **Response to Comment Letter I-1: Matt Stone**

### **I-1-1.**

Thank you for your comment. This comment is related to implementing a roadway that addresses future sea-level rise and asks whether a floating roadway has been considered. Floating bridge was one of the alternatives considered by the long-range PEL study in 2022; for engineering and other reasons, it was not carried forward. For more details, please refer to the PEL study at: <https://dot.ca.gov/-/media/dot-media/district-4/documents/37-corridor-projects/pel-study/sr37-pel-study-dec2022-ada-a11y.pdf>. A floating roadway was not identified as one of the alternatives for this Project. Additionally, please refer to Master Response M-2: Ultimate Project/Opposition of the Proposed Project.

## Comment Letter I-2: Patrick Karinen

**From:** [Nguyen\\_Skylan@DOT](mailto:Nguyen_Skylan@DOT)  
**To:** [Zimmerman, Jeff](#); [Lentzbacker, Dillon](#); [Osby, Stephanie](#)  
**Subject:** FW: Draft EIR Hwy 37  
**Date:** Monday, January 6, 2025 9:43:54 AM

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**From:** Patrick Karinen <[pkarinen@hotmail.com](mailto:pkarinen@hotmail.com)>  
**Sent:** Thursday, December 26, 2024 10:36 AM  
**To:** State Route 37@DOT <[stateroute37@dot.ca.gov](mailto:stateroute37@dot.ca.gov)>  
**Subject:** Draft EIR Hwy 37

I-2-1

Dear Cal Trans, There is a old saying that goes "You might as well go ahead and do what you are going to end up doing " in other words build the elevated cause way and build it now instead of kicking the can down the road for another 30 years.

Pat Karinen  
1320 Cambridge ST  
Novato Ca 94947

## **Response to Comment Letter I-2: Patrick Karinen**

### **I-2-1.**

This comment is related to implementing the ultimate Project. Please see Master Response M-2: Ultimate Project/Opposition of the Proposed Project.

## Comment Letter I-3: Eric McGovern

**Subject:** State Route 37 Comment  
**Sent:** 1/14/2025, 7:54:11 PM  
**From:** Eric McGovern<e.m.mcGovern@icloud.com>  
**To:** State Route 37@DOT

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EXTERNAL EMAIL. Links/attachments may not be safe.

I-3-1

This is a question that was not answered due to the MTC/Caltrans SR 37 Meeting on Tuesday, January 14th running long and the meeting was concluded without responding to any text Q&A questions, so I hope to receive a response to this question via e-mail:

With the MTC's proposed regional measure coming up rapidly, are stakeholders in Marin, Sonoma, Napa, and Solano counties planning to include the SMART rail as well as bus transit components discussed in the video overview at the start of the meeting as projects for this regional measure?

I-3-2

Separately, I appreciated all the comments discussing equity regarding this project and ways to improve equity and look forward to updates in future outreach meetings that will address all the comments from this meeting.

-Eric McGovern

## **Response to Comment Letter I-3: Eric McGovern**

### **I-3-1.**

Caltrans and its sponsors are committed to implementing new bus services. As stated in Section 3.3.17 of the 2023 EIR/EA, on page 3-44, providing new bus service on SR 37 would require action and funding by local transportation authorities and transit providers. The proposed SR 37 SPMIIP is sponsored by MTC, NCTA, STA, and SCSA. These agencies are committed to identifying and assisting in funding regional and local transit providers to expand bus service onto the SR 37 corridor. The proposed Project's HOV lanes in each direction are specifically proposed to attract multi-occupant vehicles by providing time savings, including for any van or bus services.

There is an opportunity for bus transit service on SR 37 to connect to the existing Sonoma-Marine Area Rail Transit (SMART) rail service at San Marin and Novato Hamilton stations, allowing riders to take advantage of longer trips that parallel the communities along the U.S. 101 corridor. The existing SMART rail service serves the Sonoma County Airport, Santa Rosa, Rohnert Park, Cotati, Petaluma, Novato, San Rafael, and Larkspur, connecting to the Larkspur ferry service. Bus service connecting to SMART would provide an option for use of bus and rail service rather than driving in the North Bay Counties, which would reduce VMT. Similarly, transit service on SR 37 can connect with other transit service providers, such as Golden Gate Transit, to provide alternatives for longer trips.

### **I-3-2.**

This comment is related to tolling and equity. Please See Master Response M-1: Tolling and Equity.



## Comment Letter I-4: J. DuCharme

**Subject:** MARIN / SONOMA IMPROVEMENTS  
**Sent:** 1/14/2025, 7:43:44 PM  
**From:** J DuCharme<jducharme@pacbell.net>  
**To:** State Route 37@DOT

---

EXTERNAL EMAIL. Links/attachments may not be safe.

Cal Trans says that tolling is necessary because it lacks funding, Who paid for Marin / Sonoma improvements.

I-4-1

The tolling proposal by Cal Trans does not take into account the decades of Cal Trans ignoring Solano's needs; all the while taking care of S. Mateo, Marin, S. Francisco -- i.e. the wealthier counties with political pull. Cal Trans is asking Solano / Napa to pay for Cal Trans lack of attention to RTE 37. Cal Trans should have been working on a 37 solution more than 15 - 20 yrs ago. Lack of foresight and deliberate lack of spending in Solano.

J DuCharme  
[jducharme@pacbell.net](mailto:jducharme@pacbell.net)  
707-556-3099

Sent from my Tablet

Subject: RTE 37 LIGHTING  
Sent: 1/14/2025, 7:25:12 PM  
From: J DuCharme<jducharme@pacbell.net>  
To: State Route 37@DOT

---

EXTERNAL EMAIL. Links/attachments may not be safe.

I-4-2

Given the fly away zone, any lighting on 37 should be dark sky compliant

J DuCharme  
[jducharme@pacbell.net](mailto:jducharme@pacbell.net)  
707-556-3099

Sent from my Tablet

## **Response to Comment Letter I-4: J. DuCharme**

### **I-4-1.**

This comment is related to tolling and equity. Please See Master Response M-1: Tolling and Equity.

The background of SR 37 improvements does include past completion of substantial investment in the corridor or wetland enhancement in Solano County. Prior to 2000, SR 37 was on segments of local roadways with signalized intersections in Solano County. The White Slough Protection Act of 1990 funded substantial wetland enhancement and restoration, and created the opportunity for construction of the now-existing freeway section between I-80 and the Napa River Bridge, entirely within Solano County. That major project was completed and opened to traffic in approximately 2005. The current proposed Project continues the improvements to SR 37 between Mare Island to east of Sears Point, in Solano, Sonoma, Napa counties.

### **I-4-2.**

The proposed new signage along the corridor would include overhead and roadside signs (described in more detail in this SEIR Project description, Section 2.3) and would provide motorist warning information about upcoming intersections and signals (e.g., “Prepare to Stop”). These signs would be off or dark when the information is not needed. As discussed in Section 2.2.12.4 of the 2023 Final EIR/EA, new lighting would be designed to have minimal impact to the surrounding environment, as specified in measure VIS-01: Limit Light Pollution and AMM-BIO-44: Minimize Light Effects on Wildlife (see Section 2.4.2 in Final SEIR), which has been added to the Project to minimize indirect impacts on wildlife. This includes the design and output of the lighting, and use of shielding to restrict new lighting to the roadway surface. Lighting will be shielded, and the proposed lighting locations and intensity have been minimized to the lowest levels necessary to meet safety requirements. Lighting during construction would also be minimized and used only where necessary.

## Comment Letter I-5: Mike Ghilotti

**Subject:** Draft Supplemental Environmental Impact Report (SEIR) Meeting Notes  
**Sent:** 1/15/2025, 1:54:51 PM  
**From:** Mike Ghilotti<mikeg@gbi1914.com>  
**To:** State Route 37@DOT

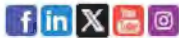
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EXTERNAL EMAIL. Links/attachments may not be safe.

Hello,

I-5-1

I wanted to see if I could get the notes from the Draft Supplemental Environmental Impact Report (SEIR) Meeting that happened on January 14, 2025.



**Ghilotti Bros., Inc.**  
525 Jacoby Street  
San Rafael, CA 94901  
[www.gbi1914.com](http://www.gbi1914.com)

**Mike Ghilotti**  
CEO & President

**Email:** [mikeg@gbi1914.com](mailto:mikeg@gbi1914.com)  
**Main:** 415-454-7011



## **Response to Comment Letter I-5: Mike Ghilotti**

### **I-5-1.**

A recording of the hybrid public meeting held on January 14, 2025, is available here:

<https://dot.ca.gov/caltrans-near-me/district-4/d4-popular-links/d4-environmental-docs>.

## Comment Letter I-6: Sushanna Stern

**Subject:** citizen concern regarding the highway 37 project  
**Sent:** 1/16/2025, 5:17:16 PM  
**From:** S Stern<pangaeahighway@gmail.com>  
**To:** State Route 37@DOT

---

**EXTERNAL EMAIL.** Links/attachments may not be safe.

I read with interest the Draft Supplemental Environmental Packet. Clearly, the documents are the product of intentional study and planning to meet the demands of a changing climate and the measurable consequences to the environment.

I-6-1

I am a resident on Mare Island located in the poorest of the nine Bay Area counties. While I expect to pay something to use highway 37 (which I do at least twice a work week), I am disappointed that travelers starting from the wealthier county of Marin will not be required to pay to use a long stretch of 37. However, as a Solano County resident I will pay as soon as I leave my neighborhood.

Is the positioning of the toll structures up for discussion? There are compelling reasons to make toll collection equitable for both counties, and to the advantage of funding the project over time.

Respectfully submitted,

Sushanna Stern, resident

## **Response to Comment Letter I-6: Sushanna Stern**

### **I-6-1.**

This comment is related to tolling and equity. Please See Master Response M-1: Tolling and Equity. That response explains the reasons for the location of the toll collection facility just to just west of the Tubbs Island Trailhead, and the reasons tolling is proposed where the additional lane is being added to SR 37 between Mare Island and SR 121. Future tolling west of the current Project limits, such as in Marin County, is not currently proposed and if advanced would be a separate Project, subject to detailed evaluation.

## Comment Letter I-7: Tatyana Teodorovich

**Subject:** State Route improvement - public comment  
**Sent:** 1/25/2025, 8:26:05 PM  
**From:** Tatyana Teodorovich<tanyateo@gmail.com>  
**To:** State Route 37@DOT

---

EXTERNAL EMAIL. Links/attachments may not be safe.

Hello,

My name is Tatyana Teodorovich, I became a resident of Vallejo recently. I will really appreciate the improvement of state route 37. It will be great to have wide and convenient road which connect the City of Vallejo to HW 101.

It definitely helps to shorten the trip time to San Francisco and other west destination.

Also it will be great if the divider between lanes becomes a bit higher and oncoming light do not blind drivers in dark time.

Thank you for the work on this project!

Tatyana

I-7-1

I-7-2



## **Response to Comment Letter I-7: Tatyana Teodorovich**

### **I-7-1.**

Your support of the Project is noted.

### **I-7-2.**

A 42-inch-high median barrier was initially considered to replace the existing 36-inch-high barrier at the time of the 2022 Draft EIR/EA. However, after additional design review and input from BCDC about visual impacts to the bay and shoreline, the median barrier proposed was changed to a Type 60 MS barrier design. Essentially, this proposed barrier height would be similar to the existing barrier height. However, all of the public comments are considered before the final design would be finalized.

## Comment Letter I-8: Heidi Reid

**Subject:** HWY 37 - safety  
**Sent:** 1/26/2025, 8:42:13 PM  
**From:** Reid, Heidi L<Heidi.Reid@providence.org>  
**To:** State Route 37@DOT

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**EXTERNAL EMAIL** Links/attachments may not be safe.

After just traveling Hwy 37 both in daylight and after dark on the same day, I wish to express disappointment in the poor planning for the median height. This lack of attention, has for every driver, become a safety hazard.

I greatly appreciate the improved paving, which effectively widened the shoulder to accommodate a second vehicle should there be an accident requiring emergency services care.

But the middle median between Sears Point and Mare Island is poorly executed. In my opinion, this concrete median should have been built taller to obstruct oncoming vehicle lights and allowing both directions to use high lamps for better visibility.

I-8-1

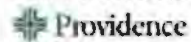
Traveling back in the dark in a standard height sedan, every pair of headlights glared in my eyes obstructing my view of the roadway. There were no weather restrictions, it was a clear night, good visibility otherwise. But the oncoming headlights made front visibility only about 50-75 feet forward, AND only if I focused on the roads painted lines. I have driven this stretch many times, but don't travel it daily, so I don't "know" the curves and turns of the road well.

It was my misfortune to have an impatient person behind me tailing so close I could not see their headlights, while they flashed their brights at me. Were I not a confident driver, this could have had different results.

I would like to strongly encourage DOT to increase the height of this median barrier between Mare Island and Sears Point turn off, for driver safety.

Regards,

Heidi Reid  
Santa Rosa Memorial Hospital - Petaluma Valley Hospital - Healdsburg Hospital  
Cell: 707.849.3342



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## **Response to Comment Letter I-8: Heidi Reid**

### **I-8-1.**

This comment requests a higher median barrier to obstruct oncoming lights from vehicles. Please see the response to Comment I-7-2.