



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

Oct 10 2023

October 9, 2023

STATE CLEARINGHOUSE

Skylar Huyen Nguyen
California Department of Transportation, District 4
111 Grand Avenue
Oakland, California 94612
Skylar.Nguyen@dot.ca.gov

Subject: State Route 37 Flood Reduction Project, Draft Environmental Impact Report, SCH No. 2021110045, Marin County

Dear Skylar Nguyen:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (EIR) from the California Department of Transportation, District 4 (Caltrans) for the State Route 37 Flood Reduction Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation (NOP) of the draft EIR.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California 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.

CDFW ROLE

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.

¹ 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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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 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.

PROJECT DESCRIPTION SUMMARY

Proponent: Caltrans

Objective: The objective of the Project is to build resiliency to the effects of projected 2130 sea level rise (SLR) and stormwater overtopping onto State Route (SR) 37 from Post Mile (PM) R11.2 to PM 13.8. Primary Project activities include elevating 2.5 miles of SR 37 on a causeway. The Project would be phased with the most flood-prone project, the Novato Creek Bridge and connecting structures being built in Phase 1. Phase 2 would raise the rest of SR 37 within the Project area to reduce flooding and improve resiliency. The Project Build Alternative would raise the existing pavement elevation, which ranges between 3 feet and 9 feet (NAVD 88), to 35 feet (NAVD 88), and the elevated SR 37 would be constructed along the existing alignment.

Location: Unincorporated area of Novato, Marin County, Post Mile R11.2 to PM 13.8 along State Route 37.

Timeframe: Replacement of the Novato Creek Bridge (Phase 1) is anticipated to begin in May 2027 and end in June 2029 for a maximum duration of 26 months. Construction of Phase 2 would start in 2041 and end in 2045.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Caltrans in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

COMMENT 1: Project Design and Phasing

Issue: CDFW appreciates the changes made to the Project to include the Phase 2 design alternative that allows natural sediment deposition, natural flooding and SLR adaption mechanisms to occur within the Project boundary. CDFW believes the updated Project design will better avoid and minimize impacts to wetlands and intertidal habitats considered vital to wildlife and fisheries and will allow for improved wildlife passage and

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connectivity compared to the previous Project design. CDFW supports the updated Project design that includes building an elevated causeway. However, it is unclear if a staged EIR approach will be taken to provide additional analysis of potential natural resource impacts from Phase 2 at a later date. Currently, the draft EIR focuses on plans and impacts associated with Phase 1 but leaves out detailed analysis of estimated Project impacts from Phase 2. CDFW will need additional details to fully assess the potential impacts of Phase 2 such as those associated with the Phase 2 Project footprint, including any temporary access routes.

Recommendation 1: CDFW recommends the draft EIR clarify if a staged environmental analysis approach will be taken. Per CEQA guidelines section 15167, “the staged EIR shall evaluate the proposal in light of current and contemplated plans and produce an informed estimate of the environmental consequences of the entire project.”

Recommendation 2: Additional analysis of the Project as a whole is recommended to demonstrate the relationship between Phase 1 and Phase 2 potential impacts and potential benefits to fish and wildlife resources.

Recommendation 3: CDFW recommends Phase 2 of the Project be initiated as soon as possible. Although CDFW understands and recognizes that Phase 2 is based on funding, CDFW encourages Caltrans to seek state and federal funding opportunities including the evaluation of the causeway for habitat and species credits through the Senate Bill (SB) 790 and Mitigation Credit Agreement (MCA) programs which would cover any species and habitats listed in the North Baylands Resource Conservation Investment Strategy (RCIS). CDFW believes an elevated causeway and modifying 20 culverts to improve aquatic and terrestrial wildlife passage would be well suited for SB 790 credits, though the Project would need to go through the evaluation process in the Guidelines.

COMMENT 2: Project Design Analysis and Coordination

Issue: The draft EIR does not provide detailed design plans showing where Project abutments and piers may be located during Phase 1 and Phase 2 of construction. Abutment and pier placement within the stream channel can cause scour impacts, loss of habitat value and fish and/or wildlife passage obstructions. Site-specific locations will be needed to ensure abutments and pier locations are designed to be protective of biological resources.

Recommendation 1 – Design Coordination: Early coordination with CDFW’s Habitat Conservation Program and Conservation Engineering Branch is recommended to provide review and analysis of any proposed structures or Project elements with the potential to impact fish and wildlife resources. CDFW’s Conservation Engineering

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Branch should be provided engineered drawings and design specification planning sheets during the initial design process, prior to design selection and re-initiating design consultation at 30 percent design at minimum and through the permitting process for review and comment as identified in the Interagency Agreement (Agreement Number 43A0398).

Recommendation 2 – Bridge and Stream Crossing References: CDFW

recommends utilizing the design principles outlined in the California Salmonid Stream Habitat Restoration Manual, Part XII (CDFW, 2009) and NOAA Fisheries Service Guidelines for Salmonid Passage at Stream Crossings (National Marine Fisheries Service (NMFS), 2001) into stream crossing designs. CDFW strongly recommends the above manuals are included and referenced when designing the structure and creek work aspect of the Project. Such designs allow natural stream flow and sedimentation processes to continue for long term dynamic channel stability.

COMMENT 3: Fish Passage Assessment

Issue: The draft EIR identifies in Table 1-2, 20 culverts are proposed for improvements. The draft EIR does not provide sufficient information to determine if any of the streams where culverts will be replaced are fish bearing either currently or historically.

Recommendation 1: CDFW recommends all 20 culverts that are proposed for improvements to be assessed to determine if any culvert is a fish barrier and for that assessment to be disclosed in the draft EIR. If a culvert is determined to be a fish barrier, Caltrans shall fix the fish barrier as directed under SB 857.

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

Evidence: The Project contains stream crossings within areas mapped as historic or current watersheds where anadromous fish are, or historically were, found. The species include but are not limited to Steelhead – California Central Valley Distinct Population

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Segment (DPS) (BIOS; DS-810), Steelhead – Central Coast DPS (BIOS; DS-806), Chinook Salmon – Central Valley Fall Run/Late Fall Run Evolutionarily Significant Unit (ESU) (BIOS; DS-802), Chinook Salmon – Spring Run of the Sacramento River Drainage/Central Valley Spring Run (BIOS; DS-801), Chinook Salmon – Winter Run (BIOS; DS-800), Longfin Smelt (BIOS; DS-1324) and Delta Smelt (BIOS; DS-1249). The decline of naturally spawning salmon and steelhead trout is primarily a result of the loss of appropriate stream habitat and the inability of fish to get access to habitat, according to reports to the Fish and Game Commission and by CDFW (CDFW, 1996). Restoration of access to historical spawning and rearing areas should be incorporated into the Project design through barrier modification, fishway installation, or other means (CDFW, 1996).

Recommendations: If barriers or unassessed barriers within the Project limits obstruct fish passage (including seasonally), remediation of the problem should be designed into the Project by the implementing agency as a Project feature in consultation with CDFW and other natural resource agencies.

The fish passage section should discuss the current status of the crossing locations noted in the California Fish Passage Assessment Database, conduct first pass and or second pass fish assessments, as necessary, as well as provide images of the upstream and downstream ends of water conveyance structures (culverts). CDFW requests a fish passage discussion section is included to address potentially significant impacts and how Caltrans will avoid or minimize the potentially significant impacts.

COMMENT 4: Project Lighting

Issue: A significant portion of the proposed Project limits within the SR 37 corridor do not contain any overhead artificial light sources. It is unclear if the Project proposes the installation of new or replacement light sources. Artificial light spillage beyond the prism of the roadway into natural areas may result in a potentially significant impacts through substantial degradation of the quality of the environment.

Evidence: Artificial night lighting can disrupt the circadian rhythms of many wildlife species, and lead to a significant impact on resident and migratory species that utilize the Project area and surrounding lands and waters. Many species use photoperiod cues for communication (e.g., bird song; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). A number of species in the Project area travel only during the evening, including salt marsh harvest mice and bats. Impacts to nocturnal species movement with lighting can expose them to predators and force them to take less preferred routes, leading to mortality and/or indirect impacts to the population. Nighttime lighting also attracts insects, which in turn attracts insectivorous species. Attracting these species to lights at night can increase the likelihood of direct mortality from traffic

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and construction equipment. Artificial night lighting has also been found to impact juvenile salmonid overwintering success by delaying the emergence of salmonids from benthic refugia and reducing their ability to feed during the winter (Contor and Griffith 1995), while larval green sturgeon avoid light at night (Nguyen and Crocker 2006). For nocturnally migrating birds, direct mortality as a result of collisions with anthropogenic structures due to attraction to light (Gauthreux, 2006) is another direct effect of artificial light pollution. There are also more subtle effects, such as disrupted orientation (Poot et al. 2008) and changes in habitat selection (McLaren et al. 2018). There is also growing evidence that light pollution alters behavior at regional scales, with migrants occupying urban centers at higher-than-expected rates as a function of urban illumination (La Sorte et al. 2021). While artificial light pollution can act as an attractant at both regional (La Sorte et al. 2021) and local (Van Doren et al. 2017) scales, there is also evidence of migrating birds avoiding strongly lit areas when selecting critical resting sites needed to rebuild energy stores (McLaren et al. 2018).

Recommendation 1: CDFW strongly recommends limits to nighttime work and no new artificial lighting is installed as a result of Project completion in areas where no lighting currently exists to avoid a potentially significant impacts to biological resources.

Recommendation 2 – Light Output Analysis: The lead agency should submit as part of the draft EIR Isolux Diagrams that note current light levels present during pre-Project conditions and the predicted Project light levels that will be created upon completion of the Project and during construction. If an increase in light output from current levels to the projected future levels is evident additional avoidance, minimization or mitigation shall be developed in coordination with the natural resource agencies to offset indirect impacts to State listed species. Within 60 days of Project completion the lead agency shall conduct a ground survey that compares projected future light levels with actual light levels achieved upon completion of the Project through comparison of Isolux Diagrams. If an increase from the projected levels to the actual levels is discovered additional avoidance, minimization or mitigation measures may also be required in coordination with the natural resource agencies.

Recommendation 3 – Light Output Limits: All LED's or bulbs installed as a result of the Project shall be rated to emit or produce light at or under 2700 kelvin that results in the output of a warm white color spectrum.

Recommendation 4 – Vehicle Light Barriers: Solid barriers at a minimum height of 3.5 feet should be installed in areas where they have the potential to reduce illumination from overhead lights and from vehicle lights into areas outside of the roadway. Barriers should only be utilized as a light pollution minimization measure if they do not create a significant barrier to wildlife movement. Additional barrier types should be employed when feasible, such as privacy slats into the spacing of cyclone fencing to create light barriers for areas outside the roadway.

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Recommendation 5 – Reflective Signs and Road Striping: Retroreflectivity of signs and road striping should be implemented throughout the Project to reduce the need for electrical lighting.

Recommendation 6 – Light Pole Modifications and Shielding: All light poles or sources of illumination that shall be new or replacement installations of existing light sources should be installed with the appropriate shielding to avoid excessive light pollution into natural landscapes or aquatic habitat with the Project area in coordination with CDFW. In addition, the light pole arm length and mast heights should be modified to site-specific conditions to reduce excessive light spillage into natural landscapes or aquatic habitat within the Project corridor. In areas with sensitive natural landscapes or aquatic habitat, the lead agency should also analyze and determine if placing the light poles at non-standard intervals has the potential to further reduce the potential for excessive light pollution caused by decreasing the number of light output sources in sensitive areas.

COMMENT 5: Swainson’s Hawk Nesting

Issue: The draft EIR states that if a Swainson’s hawk nest is discovered during surveys or monitoring, then a minimum 250-foot buffer (or as otherwise determined in coordination with CDFW) would be kept free from Project-related activities as long as the nest is active.

Evidence: The Project is located within and adjacent to grassland habitat that may be suitable foraging, and suitable nesting habitat for Swainson’s hawk, a State threatened species, also protected under Fish and Game Code § 3503, 3503.5 and the federal Migratory Bird Treaty Act.

Recommendation 1: CDFW recommends avoiding all Project-related disturbance within a minimum of 0.5 miles of an active Swainson’s hawk nest during the nesting season. Please refer to the CDFW guidance document on Swainson’s hawk, which is available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83992&inline>, on take avoidance, minimization and mitigation measures. Early consultation with CDFW and other natural resource agencies on Swainson’s hawk take avoidance, minimization measures and mitigation measures are strongly recommended.

COMMENT 6: Habitat Connectivity and Wildlife Passage Through Project Features

Issue: Construction of Phase 2 is not expected to begin until 2041 and is contingent on funding. The completion of the Project through Phase 2 is anticipated to provide additional habitat connectivity for wildlife in and adjacent to the Project area. However, the draft EIR does not provide sufficient information to determine the impacts of Phase 1 on wildlife connectivity, or the existing conditions regarding connectivity through and under the Project’s structures.

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Limited information is provided in the draft EIR to adequately determine impacts and/or benefits for wildlife connectivity from the Project. While the elevated roadway planned for the Project provides for additional connectivity for aquatic species, many of the anticipated benefits may not be realized until Phase 2 of the Project is constructed. Terrestrial species often utilize roads when culverts and other passages flood during high tide and storm events, common in the Project area, and could be impacted if high tide and flood refugia are not included in Project designs. Species vary in their mobility and ability to pass over and under roads, and species-specific data are necessary to implement designs that will not impact those species.

Evidence the impact would be significant: Salt marsh harvest mouse require connected patches of habitat, and even small, connected patches are beneficial to the species (1984 Recovery Plan; Aylward et al., 2023), and are mostly active at night indicating that shading under the bridge span can support connectivity. Since salt marsh harvest mouse often reside in the intertidal zone, they may require refuge during high tides, benefiting from high tide escape vegetation (Aylward et.al, 2023), which would be supported by providing connectivity between marshes along Novato Creek. Flooding can force salt marsh harvest mouse to take temporary refuge either in emergent vegetation (Johnston 1957; Smith et al. 2014) or by movement to non-inundated habitat (Hadaway and Newman 1971), including habitat approaching urbanized areas and road (Marcot et al., 2020).

California wildlife is losing the ability to move and migrate as habitat conversion and built infrastructure disrupt species habitat and cut off migration corridors (SB 790). The ecological footprint of roads extends beyond their physical footprint due to road mortality, habitat fragmentation, and indirect impacts (Spencer et al., 2010). Combined impacts of sea-level rise combined with wetland-specific accretion rates could result in loss of significant habitat of marsh habitat, reducing connectivity in the Project area. SB 790 and Assembly Bill 2344 both address wildlife connectivity in California and assert authority and responsibility to CDFW and/or local and state transportation agencies to make wildlife connectivity actions by identifying where they are needed, coordinate and implement those actions, and establish compensatory mitigation credits for actions taken. The Project is immediately adjacent to protected lands that could support connectivity across the Project, including Petaluma Marsh Wildlife Area – Novato Creek Unit, Marin County’s Deer Island Open Space Preserve, land protected through the Marin County Flood Control District, and Marin Audubon’s Marin Audubon- Simmons Slough Wildlife Corridor.

Recommendation 1: The draft EIR should expand the Project impact buffer (BSA) to account for wildlife corridors and habitat connectivity through the structures; including the impacts of future flooding (Figure 3.3-4) on wildlife movement and connectivity under and around the proposed structures. The draft EIR should include the results of a Project wildlife movement study that evaluates the potential for the Project to

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significantly impact wildlife connectivity, and to develop measures to encourage connectivity. During this process, CDFW recommends that Caltrans identify if any of the Project facilities replacement or reconstruction projects are within state or regional linkage design areas, species core recovery areas or critical habitat, or in locations with high vehicle-animal collisions, and consider measures to incorporate movement of both aquatic and terrestrial species to allow for safe passage over or under and determination of broader impacts on connectivity. CDFW recommends the study occur over a period of at least 24 months prior to the development of designs so they may be incorporated into the Project and include an assessment of intra- and interannual changes in species movement and changes in hydrology and climate. The study should occur within the limits of the proposed Project to develop a baseline understanding of the areas where wildlife movement and crossings are most prevalent. The study should monitor and evaluate wildlife movement adjacent to and through structures, including the 20 culverts that will be replaced “in-kind”. The study should include an evaluation of culverts for passage of native and non-native terrestrial/aquatic species. The protocol for the baseline survey, post-construction surveys, site selection criteria and design criteria for the development of the wildlife connectivity structures should follow the protocols outlined in; *The California Department of Transportation (Caltrans), Wildlife Crossings Design Manual* (Caltrans, 2009) and the *Federal Highway Administration Wildlife Crossing Structure Handbook* (FHWA, 2011).

Recommendation 2: Habitat connectivity requires space for wildlife to move through a matrix of high- and low-quality habitat. The draft EIR should include an analysis of potential indirect impacts of the Project on biological resources, including resources in areas adjacent to the Project footprint, such as nearby public lands, open space, natural habitats, riparian ecosystems, and wildlife corridors especially as they relate to connectivity. The draft EIR should also include an evaluation of potential indirect impacts of the Project on any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Conservation or Recovery Plan, or other conserved lands). This discussion should include a review of lands identified in the draft North Baylands RCIS.

Recommendation 3 – Wildlife Connectivity and Advanced Mitigation: CDFW recommends incorporating facets in the EIR of existing CDFW programs that can be used to promote habitat connectivity, such as RCIS/MCAs and SB 790 wildlife connectivity actions. CDFW recommends the draft EIR utilize information from Recommendations 1 and 2 to guide Caltrans in developing mitigation for the Project and potentially for future projects through the development of advance mitigation projects. Caltrans’ Advance Mitigation Program has the potential to use the RCIS (Fish & G. Code § 1850 et. seq.) as an instrument to establish MCAs that may coincide with the goal of both pieces of legislation.

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This recommendation aligns with the draft North Baylands RCIS which includes the Project area. Caltrans should keep in mind that SB 790 is not only focused on establishing mitigation credits for improving aquatic or terrestrial habitat connectivity or wildlife migration, but also includes recolonization, and breeding opportunities inhibited by built infrastructure or habitat fragmentation. Wildlife connectivity actions may include, but are not limited to, road overpasses or underpasses solely for use by wildlife and actions to connect fragmented habitat. Therefore, CDFW recommends that Caltrans analyze and consider wildlife connectivity actions in the draft EIR that can improve conditions for a variety of species including bats, birds, fish species, amphibians, and other aquatic and terrestrial plant and wildlife species.

Recommendation 4: As part of a larger wildlife connectivity study, the draft EIR should include the results of a site-specific bridge shade study that evaluates the potential for salt marsh harvest mouse, California Ridgway's Rail, and California Black Rail to utilize habitat below shaded bridge spans in the Project area. CDFW recommends the study occur over a period of at least 24 months prior to the development of designs so they may be incorporated into the Project and include an assessment of intra- and interannual changes in species movement and changes in hydrology and climate, as the species are sensitive to seasonal changes in hydrology, salinity, and vegetation.

Recommendation 5: Results of information collected in the study described above should be used to develop additional avoidance, minimization and/or mitigation measures to ensure impacts to biological resources are less than significant and should be included in the draft EIR for Phase 1 and considered in the development of CEQA documents for Phase 2.

COMMENT 7: Wildlife Fencing

Issue: The draft EIR states that wildlife exclusion fencing would be installed where special-status species could enter the Project limits. Additionally, the replacement of culverts as part of the Project could result in the placement of additional fencing, yet this detail is not included in the draft EIR.

Evidence: Fencing can impact the ability of species to pass through barriers created by roads and associated infrastructure. Placement of fencing in the Project boundaries can impact wildlife passage, as can placement of fencing in front of culvert openings.

Recommendation 1: The draft EIR should evaluate the Project impacts of fencing on wildlife crossing and passage to reduce injury and mortality and so that terrestrial and aquatic wildlife are able to safely pass over or under the Project's structures.

Recommendation 2: Culvert fencing should not be placed where it could impede movement of wildlife (e.g., block culvert inlets or outlets). Fencing should also be

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designed to deter wildlife from crossing over the road and to reduce wildlife-vehicle collisions, during both dry and wet seasons.

COMMENT 8: Take of a Fully Protected Species

Issue: Both phases of the Project have the potential to result in take of fully protected species. The only current pathway for CDFW to authorize take of a fully protected species for this Project is through provisions created under SB 147. If construction of Phase 2 starts in 2041 as currently projected within the draft EIR, SB 147 will have expired and CDFW may not be able to issue an Incidental Take Permit for fully protected species.

Evidence: SB 147 has been approved by the Governor and allows CDFW to issue Incidental Take Permits that meet the requirements of 2081 (b) and (c) between the time it was enacted and December 31, 2033 for certain type of projects, including transportation projects, including any associated habitat connectivity and wildlife crossing project, undertaken by a state, regional, or local agency, that does not increase highway or street capacity for automobile or truck travel.

Recommendation 1: The draft EIR should assess all potential impacts of the Project on fully-protected species. If complete impact avoidance cannot be achieved, Caltrans shall obtain incidental take coverage before Project construction. Any Project impacts to fully protected species, including clapper rail, black rail and salt marsh harvest mouse shall be mitigated consistent with Fish and Game Code section 2081.15(a) to minimize and fully mitigate the impacts of the authorized take.

Recommendation 2: The draft EIR should clearly state if it meets the requirements of SB 147 to allow take of a fully protected species and if so, provide additional rationale why. If it does not, CDFW recommends the Project be revised to meet the requirements of SB 147 so Caltrans can pursue incidental take coverage through this permitting mechanism.

REGULATORY AUTHORITY

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, 13/8, 11/2, 17/8, 2, 21/4, 21/2, 23/4, 3, 31/2, 4, 41/8, 41/2, 43/4, 11, 12, 13, 23, and 25, any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and down stream.

Fish are defined as a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals (Fish & G. Code § 45).

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ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>

CONCLUSION

CDFW appreciates the opportunity to comment on the draft EIR to assist Caltrans in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Will Kanz, Environmental Scientist, at (707) 337-1187 or Will.Kanz@wildlife.ca.gov; or Wesley Stokes, Senior Environmental Scientist (Supervisory), at (707) 339-6066 or Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:

B77E9A6211EF486
Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2021110045)
Craig Weightman, CDFW Bay Delta Region - Craig.Weightman@wildlife.ca.gov
Brenda Blinn, CDFW Bay Delta Region – Brenda.Blinn@wildlife.ca.gov

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Marcus Griswold, CDFW Bay Delta Region – Marcus.Griswold@wildlife.ca.gov
Jonathon Mann, CDFW Engineering Branch – Jonathon.Mann@wildlife.ca.gov

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