Project Name: SR 37 Flood Reduction Project
DIST-CO-RTE-PM: 04-MRN-37-PM R11.2 to 13.8
EA: 4Q320
EFIS ID: 0419000376

CALIFORNIA DEPARTMENT OF TRANSPORTATION
FINDINGS

FOR

BUILD RESILIENCY TO THE EFFECTS OF 2130 SEA LEVEL RISE AND STORMWATER OVERTOPPING ONTO SR 37 FROM POST MILE R11.2 TO 13.8 IN MARIN COUNTY, CALIFORNIA.

The following information is presented to comply with State CEQA Guidelines (Title 14 California Code of Regulations, Division 6, Chapter 3, Section 15091) and the Department of Transportation and California Transportation Commission Environmental Regulations (Title 21, California Code of Regulations, Division 2, Chapter 11, Section 1501 et seq.). Reference is made to the Final Environmental Impact Report (FEIR) for the Project, which is the basic source for the information.

The following effects have been identified in the Final EIR as resulting from implementation of the Project. Effects found not to be significant have not been included.

Aesthetics

Adverse Environmental Effects:

There are no designated scenic vistas in the Project area; however, scenic vistas of the rural setting and surrounding hillsides are available from certain key views as described in the Visual Impact Assessment (Caltrans 2023a) and Section 2.1.8 of the Final EIR. The impact of the Build Alternative on scenic vistas would be potentially significant.

The primary visual changes under Phase 1 would include the Novato Creek Bridge and transition structures that would increase dominance of the roadway from key views in the surrounding project area. Phase 2, with the extension of the causeway structure, would further these impacts with the additional spans, support bents and columns. The Project would have a significant impact on the scenic vista of the rural setting and hillsides from Montego Park (KV-3).

Phase 1 completion would create a high level of visual impact from Montego Park (KV-3) (Figure 2.1.8-10 in the Final EIR), and Phase 2 completion would have a moderate-high level of visual impact from KV-3 (Figure 2.1.8-11 in the Final EIR).

The Project would detract from the scenic vista of the surrounding environment. The impact of the Build Alternative would be potentially significant.

Findings:

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Statement of Facts:

Caltrans would implement AMM-AES-5, Bridge Design Enhancement, to minimize the visual contrast of the new structure with its surroundings. However, implementation of this avoidance measure would not reduce the significant visual impact to a less than significant level. Elevation of SR 37 roadway would dominate the views from Bel Marin Keys, specifically Montego Park, looking north. SR 37 is a major corridor that supports the regional economy by providing access to destinations such as the Golden Gate National Recreation Area in Marin County, the Sonoma Raceway, the counties of Sonoma and Napa, and their wine producing regions. Other alternatives considered in the Final EIR would not reduce flooding impacts to SR 37 and would not build resiliency to the economic impacts from existing flooding and flooding that is projected due to sea-level rise through the year 2130. The proposed roadway elevation of the Build Alternative was determined by 100-year flood mapping, projected sea-level rise, and required highway design guidelines (e.g., free board). Therefore, economic considerations make it infeasible to fully mitigate this significant impact or adopt a different project alternative identified in the Final EIR.

Adverse Environmental Effects:

The Project would substantially degrade the existing visual character or quality of the public views of the site and its surroundings.

At Project completion, as summarized in Section 2.1.8 of the Final EIR, the views from Montego Park in Bel Marin Keys looking northwest toward the Project area would substantially change. With the Project, SR 37 would become the dominant visual feature from the park. The elevated roadway would obstruct views of the rolling hills and mountains to the north. The visual character would exhibit a strong change with the extension of the prominent concrete structure into the visual middle ground. The causeway would also intrude into, though not completely obstruct, existing views to the north.

Findings:

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Statement of Facts:

Elevation of SR 37 roadway would dominate the views from Bel Marin Keys, specifically Montego Park (KV-3), looking north. SR 37 is a major corridor that supports the regional economy by providing access to destinations such as the Golden Gate National Recreation Area in Marin County, the Sonoma Raceway, the counties of Sonoma and Napa, and their wine producing regions. Other alternatives considered in the Final EIR would not reduce flooding impacts to SR 37 and would not build resiliency to the economic impacts from existing flooding and flooding that is projected due to sea-level rise through the year 2130. The proposed roadway elevation of the Build Alternative was determined by 100-year flood mapping, projected sea-level rise, and required highway design guidelines (e.g., free board). Therefore, economic considerations make it infeasible to fully mitigate this significant impact or adopt a different project alternative identified in the Final EIR. Avoidance and minimization measures (AMM AES-1 through AES-5, refer Section 2.1.8 in the Final EIR) would be implemented to incorporate design enhancement measures such as column, bent, and parapet into the final Project design to reduce the severity of the impact, the impact would still be significant.

Biological Resources

Adverse Environmental Effects:

Phase 1 construction activities would result in permanent impacts to 0.24 acre of freshwater marsh from fill, including impacts as a result of fill for relocation of two local access roads, and 0.46 acre of tidal salt marsh and 0.03 acre of open water from shading. Phase 1 construction would result in temporary impacts to 5.64 acres of wetlands and other waters of the U.S. and waters of the state, in the form of diked brackish marsh, freshwater marsh, tidal salt marsh, and open water habitats. These impacts would result from construction access into areas occupied by riparian areas, replacement of existing culverts, and dewatering for construction.

Phase 2 construction activities would permanently impact 0.08 acre of tidal salt marsh and open water from shading, based on current conditions. Phase 2 construction would result in temporary impacts to 5.78 acres of wetlands and other waters of the U.S. and waters of the state, in the form of diked brackish marsh, freshwater marsh, tidal salt marsh, and open water habitats. These impacts would result from the need for construction access into areas occupied by wetlands and other waters and riparian areas.

The impacts to riparian and sensitive habitats would be less than significant with mitigation incorporated.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect to a less than significant level as identified in the Final EIR.

Statement of Facts:

Prior to construction, Caltrans would obtain a Section 404 permit from the United States Army Corps of Engineers, a Section 401 Water Quality Certification from the Regional Water Quality Control Board, and a Section 1602 Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife. In addition to compliance with the conditions of the regulatory permits, implementation of Project features such as PF-BIO-3, Worker Environmental Awareness Training, PF-BIO-4, Mark Environmentally Sensitive Areas, PF-BIO-7, Construction Site Management Practices, PF-BIO-9, Restore Disturbed Areas, PF-BIO-11, Landscaping and Revegetation Plan, PF-BIO-19, In-channel Work Period, PF-BIO-20, Work Period in Dry Weather Only, PF-BIO-21, Wetland Protection, PF-BIO-22, Invasive Weed Control; and PF-BIO-24, Invasive Aquatic Species Control; would minimize impacts on sensitive communities through worker environmental awareness training, marking ESAs, implementing construction site management practices to minimize impacts to sensitive habitats, restoring disturbed areas, revegetating temporary impact areas, implementing a work window for in-channel work, working only during dry conditions, avoiding work in wetlands during very high tides, and controlling invasive weeds.

With implementation of MM-BIO-1, Compensatory Mitigation for Wetlands and Other Waters, Caltrans will compensate for the unavoidable and permanent loss and degradation of wetlands and other waters within the Project area at a restoration/enhancement to impact ratio. This ratio will be determined during the permitting process with the regulatory agencies. Every effort will be made to contribute to onsite habitat enhancements and restoration as part of the Project's design. Caltrans will offset temporary impacts to wetlands and other waters by restoring disturbed areas to pre-Project conditions, estimated to be at a 1:1 ratio.

Compensatory mitigation for unavoidable impacts will be obtained through a Project-specific plan that will include purchase of credits at an agency-approved wetland mitigation bank (if any such banks are available, with a service area that includes the Project area, at the time) and/or providing in-lieu funding to a nearby restoration program or restoration project that will enhance, create, or restore wetlands or other waters adversely impacted by the Project. Appropriate compensation will be determined in coordination with state and federal environmental regulatory agencies with jurisdiction.

With implementation of this mitigation measure, AMMs and Project features, impacts of the Project on riparian habitat and sensitive natural community would be less than significant with mitigation incorporated.

Adverse Environmental Effects:

Phase 1 construction activities would result in permanent impacts to 0.24 acre of freshwater marsh from fill, including impacts as a result of fill for relocation of two local access roads, and 0.46 acre of tidal salt marsh and 0.03 acre of open water from shading. Phase 1 construction would result in temporary impacts to 5.64 acres of wetlands and other waters of the U.S. and waters of the state, in the form of diked brackish marsh, freshwater marsh, tidal salt marsh, and open water habitats. These impacts would result from the need for construction access into areas occupied by wetlands and other waters, replacement of existing culverts, and dewatering for construction.

Phase 2 construction activities would permanently impact 0.08 acre of tidal salt marsh and open water from shading, based on current conditions. Phase 2 construction would result in temporary impacts to 5.78 acres of wetlands and other waters of the U.S. and waters of the state, in the form of diked brackish marsh, freshwater marsh, tidal salt marsh, and open water habitats. These impacts would result from the need for construction access into areas occupied by wetlands and other waters.

The impacts on state and federally protected wetlands would be less than significant with mitigation incorporated.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect to a less than significant level as identified in the Final EIR.

Statement of Facts:

Prior to construction, Caltrans would obtain a Section 404 permit from the United States Army Corps of Engineers, a Section 401 Water Quality Certification from the Regional Water Quality Control Board, and a Section 1602 Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife. In addition to compliance with the conditions of the regulatory permits, implementation of Project features such as PF-BIO-3, Worker Environmental Awareness Training, PF-BIO-4, Mark Environmentally Sensitive Areas, PF-BIO-7, Construction Site Management Practices, PF-BIO-9, Restore Disturbed Areas, PF-BIO-11, Landscaping and Revegetation Plan, PF-BIO-19, In-channel Work Period, PF-BIO-20, Work Period in Dry Weather Only, PF-BIO-21, Wetland Protection, PF-BIO-22, Invasive Weed Control, and PF-

BIO-24, Invasive Aquatic Species Control, would minimize impacts on sensitive communities through worker environmental awareness training, marking ESAs, implementing construction site management practices to minimize impacts to sensitive habitats, restoring disturbed areas, revegetating temporary impact areas, implementing a work window for in-channel work, working only during dry conditions, avoiding work in wetlands during very high tides, and controlling invasive weeds.

With implementation of MM-BIO-1, Compensatory Mitigation for Wetlands and Other Waters, Caltrans will compensate for the unavoidable and permanent loss and degradation of wetlands and other waters within the Project area at a restoration/enhancement to impact ratio. This ratio will be determined during the permitting process with the regulatory agencies. Every effort will be made to contribute to onsite habitat enhancements and restoration as part of the Project's design. Caltrans will offset temporary impacts to wetlands and other waters by restoring disturbed areas to pre-Project conditions, estimated to be at a 1:1 ratio.

Compensatory mitigation for unavoidable impacts will be obtained through a Project-specific plan that will include purchase of credits at an agency-approved wetland mitigation bank (if any such banks are available, with a service area that includes the Project area, at the time) and/or providing in-lieu funding to a nearby restoration program or restoration project that will enhance, create, or restore wetlands or other waters adversely impacted by the Project. Appropriate compensation will be determined in coordination with state and federal environmental regulatory agencies with jurisdiction.

With implementation of this mitigation measure, AMMs and Project features, impacts of the Project on wetlands and other waters would be less than significant

Adverse Environmental Effects:

Construction activities could result in the direct loss and indirect disturbance of California red-legged frogs and their habitat, including freshwater marsh and upland habitat, from trampling of habitat by construction personnel or equipment, mortality from dewatering of aquatic habitats where egg masses or larvae may be present, roadkill caused by construction equipment and vehicular use in and around the Project, and degradation of water quality. Individuals that are found during pre-activity surveys and relocated to suitable habitat outside of the BSA may be subjected to physiological stress and greater risk of predation or may undergo increased competition with frogs already present in the area to which they are relocated.

Construction activities and its impacts on species' habitat would have the potential to adversely affect the California red-legged frog, the salt marsh harvest mouse, the California Ridgeway's rail and wetlands and open waters. The Project would result in permanent impacts to 0.50 acre of tidal salt marsh, 0.04 acre open water, and 0.24 acre of freshwater marsh, and permanent

impacts to 0.24 acre of freshwater marsh as a result of fill for relocation of two local access roads.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect to a less than significant level as identified in the Final EIR.

Statement of Facts:

Implementation of MM-BIO-1, Compensatory Mitigation for Wetlands and Other Waters, as described above, and MM-BIO-2, California Red-legged Frog Compensatory Mitigation, will compensate for the permanent impacts to California Red-legged Frog habitat through the purchase of credits from an approved conservation bank in the Project's service area. At least one such bank currently has available credits for the California red-legged frog, with a service area that includes the Project site. Credits will be purchased according to ratios determined through consultation with USFWS.

Caltrans will offset temporary impacts during construction to California red-legged frog habitat by restoring disturbed areas to pre-Project conditions at a 1:1 ratio. Implementation of these two mitigation measures will reduce the significant environmental effect on the species to less than significant with mitigation incorporated.

Transportation

Adverse Environmental Effects:

Phase 1 would maintain traffic on SR 37 throughout most of the construction period. Construction of Phase 1 would cause traffic delays of up to 15 minutes with current traffic volumes. Periodic disruption to traffic would occur when lane closures are necessary. Nighttime construction work would also be required.

During construction of Phase 1, two weekend closures would be required for constructing the median and allowing time for the concrete deck pours to cure. For westbound SR 37 traffic, the detour route is 6.5 miles and would add 9 minutes of travel time utilizing Harbor Drive to Atherton Avenue to U.S. 101. For eastbound SR 37 traffic from U.S. 101, the connectors will be closed. Traffic would be directed to use the Atherton Avenue interchange to connect to Harbor Drive. The detour route is 6.1 miles and would add 8 minutes of travel time (Caltrans 2023h). Aside from the potential temporary detours, lanes would be rerouted within SR 37 causing minor traffic delays. Access for emergency responders would be maintained or rerouted during the two

weekend closures throughout the length of construction and Caltrans would coordinate closely with emergency responders and California Highway Patrol.

Construction of Phase 2 would cause traffic delays of up to 15 minutes under current traffic volumes on SR 37, not counting the additional travel time necessitated by the detour routes during the ramp closures. Temporary lane closures and rerouting of traffic lanes within the Project area would be necessary to accommodate construction activities.

During Phase 2 construction, the on- and off-ramps would be temporarily closed requiring detours for residences, local businesses and oversized trucks. Ramp closures would increase travel time for emergency service providers requiring use of the ramps, which would result in a potential significant impact.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect to a less than significant level as identified in the Final EIR.

Statement of Facts:

Mitigation Measure TRANS-1, Prepare Traffic Analysis, will require Caltrans to prepare a traffic analysis, such as a Traffic Operation Analysis Report, during the Phase 2 design phase. The traffic analysis will evaluate construction impacts on access and circulation. The mitigation measure will identify detour routes that minimize impacts on access and require Caltrans to coordinate with local agencies and emergency service providers on traffic detours. Caltrans will also develop a TMP under PF-TRANS-1, Transportation Management Plan, for Phase 2 to minimize traffic delays and will communicate changes in access and circulation to local residences and businesses, and regional travelers. Implementation of this mitigation measure would reduce the significant environmental impact on transportation to less than significant.

David Ambuehl FOR Dina El-Tawansy	*David Ambuehl*	01/30/2024
District Director (or designee)	Signature	Date