

SR 37 – Baylands Group

October 20, 2017

Robert Z. Guerrero
Senior Project Manager
Solano Transportation Authority
One Harbor Center, Suite 130
Suisun City, CA 94585

Dear Mr. Guerrero:

We are writing to provide comments from the State Route (SR) 37 – Baylands Group on the *Draft SR 37 Transportation and Sea Level Rise Corridor Improvement Plan*, dated September 18, 2017.

The SR 37 – Baylands Group is comprised of North Bay wetland land managers, ecological restoration practitioners, and other stakeholders with a long-term interest in the conservation and restoration of the San Pablo Baylands. Significant public investments have already been made along the length of the SR 37 corridor to protect and restore functional wetlands, ecosystem connectivity, climate resilience, and protect infrastructure, including SR 37. We recognize that the challenges of severe congestion and seasonal flooding that currently plague SR 37 and will be exacerbated by sea level rise and increasing population in the North Bay call for a SR 37 redesign solution. However, such a redesign must be guided by sustainable principles and protect the values and services that the natural and agricultural lands provide to the residents of the region. The investment in long-term sustainability made now will pay enormous dividends for future generations in avoided infrastructure costs. We look forward to working together, along with local stakeholders and regulatory agencies, to ensure that the SR 37 alternatives include design features that protect and restore habitat connectivity, wetlands, and agricultural lands.

The SR 37 – Baylands Group (Baylands Group) was convened in June 2017 by the Sonoma Land Trust in response to the formation of the State Route 37 Policy Committee and its stated purpose of advancing plans to redesign and rebuild SR 37. We are committed to ensuring that redesign of SR 37 is compatible with and advances the ecological restoration and conservation goals for the San Pablo Baylands (See attached SR 37 – Baylands Group *Vision Statement and Guiding Principles*). To support this effort, the State Coastal Conservancy is providing regional leadership to the Baylands Group through a partnership with Sonoma Land Trust under the Conservancy's Climate Ready Technical Assistance Grant Program, and San Francisco Bay Joint Venture (Joint Venture) is funding the San Francisco Estuary Institute to provide technical support. In addition, the Joint Venture's Management Board, composed of non-profits and state and federal agencies working on San Francisco Bay habitat conservation, passed a resolution giving its support to a redesign of SR 37 that is compatible with and advances the ecological restoration and conservation goals for the San Pablo Baylands.

The Baylands Group is developing a Preliminary Vision for the four-county SR 37 corridor (San Pablo Baylands), which will include a map depicting existing habitats, completed, current, and planned habitat restoration projects, and conceptual diagrams of ecological processes illustrating the importance of connectivity across SR 37. We anticipate working with the Policy Committee to incorporate the Preliminary Vision into the SR 37 corridor plan and design process via collaboration between the Baylands Group and MTC's Environmental Working Group.

Our comments follow.

Phase 1: Corridor Improvement Plan

1. Improvements to the SR 37 corridor should be integrated with implementation of existing habitat goals and the extensive ecological planning for this region that has already occurred to ensure ecosystem function and landscape resiliency into the future.
2. The corridor improvement project should be defined as an array of alternatives that meet goals to relieve traffic congestion of SR 37 while adapting to sea level rise rather than assuming the road will be reconstructed in its current location. Integration of the project's transportation and ecological goals could be achieved by elevating the highway on a bridge causeway, moving traffic inland, planning for alternative transportation options, or other alternatives.
3. A thorough examination of alternatives, including an inland highway and a North Bay bridge, is needed. Since the Corridor Improvement Plan is intended to feed into the California Environmental Quality Act (CEQA) process, it is important not to rule out alternatives that would avoid impacts to baylands habitats at this stage. Redesign of the highway in its current alignment should be selected as the preferred alternative only if it is determined, through CEQA analysis, to be the least environmentally damaging option.
4. In developing the alternative of reconstructing SR 37 along its current alignment, improved ecological connectivity should be a central objective. The primary means of achieving this objective is to "Elevate Highway 37 and modify or realign rail lines and other infrastructure to allow the full passage of water, sediment and wildlife." This recommendation is found in *The Baylands and Climate Change: What We Can Do*, the 2015 update to the 1999 *Baylands Ecosystem Habitat Goals* report. The 2015 Science Update represents the consensus of over 100 scientists representing a cross section of expertise and experience gained through studying and working in the San Francisco Bay.

Historical ecology should be the starting point for understanding the San Pablo Baylands and the need for improved connectivity. For example, east of Sonoma Creek, there was a naturally-occurring wave-built berm along part of the area that is now SR 37. In this area, wetlands received tidal flows through sloughs extending from rivers and creeks, rather than being directly connected to San Pablo Bay. The road was originally built on the natural berm along part of this route, but in other places the road cut through marshes and was built on a man-made berm. In those places, the road cut off the marshes from their natural tidal connection to San Pablo Bay. SR 37 is now located along the same alignment. If the road were to be rebuilt in its current location, different designs would be needed in different segments, based on the need for restoring historic hydrologic connectivity.

Given the extensive changes that have occurred over that past century and expected changes due to climate change, historical ecology is only one piece of the puzzle. To support conservation and restoration of the Baylands, SR 37 corridor improvement should include consideration of:

- a. Historical ecology;
- b. Changes that have occurred since the land was diked and drained for agriculture, including subsidence;
- c. Remaining historic habitats and other valuable existing habitats;
- d. Habitat conservation and restoration projects that have been completed or are ongoing or planned;
- e. The impacts of projected sea level rise on wetlands, including the need for marsh migration; and
- f. The needs of specific wildlife populations.

In other words, in some areas, elevation of SR 37 may be needed to restore a historic tidal connection, while in other areas it may be needed to improve habitat connectivity for endangered tidal marsh species, or to accommodate marsh migration due to sea level rise.

5. Direct impacts to habitats and wildlife, including endangered species, must be avoided or minimized. Any mitigation should be accomplished by supporting wetlands restoration in the San Pablo Baylands that is compatible with existing habitat goals for the area, not through offsite mitigation.
6. Near-term solutions should protect wetland resources and maintain restoration options to the maximum extent possible. They should be designed to avoid filling wetlands and the Bay and avoid placing infrastructure, such as sea walls, that would be barriers to tidal exchange. Near-term solutions that do not involve construction of new roadway elements (such as express bus service, park and ride lots and organized carpools and vanpools) are encouraged.
7. Near-term solutions should avoid foreclosing design options. Near-term solutions should not foster an acceptance of the status quo or a premature commitment to incremental improvements rather than open-minded consideration of a design that is significantly different from the current one. Pursuing structural near-term improvements provided on Page 26 could narrow the full range of design options and could result in foreclosure of options for tidal wetland restoration and negatively impact the connectivity discussed above.
8. Agencies leading the corridor improvement process should avoid piecemealing under CEQA. Given the limited utility of addressing current and future flood risk on one part of the highway without the others, pursuing road segment improvements as separate projects with their own environmental documents, rather than under a programmatic EIR for the whole corridor, could result in piecemealing under CEQA. CEQA does not allow piecemealing because it can result in underestimating significant impacts and can hinder development of a comprehensive solution.

Phase 2: Design Alternatives Assessment

9. Project alternatives developed in the Design Alternative Assessment (DAA) for the segment between SR 121 and Mare Island should be evaluated based on their ability to achieve the following goals.
 - a. As in the corridor-level analysis, connectivity that is restricted by the current form of the highway should be restored in areas where it is needed, based on consideration of the factors above (historical ecology, existing habitat, current and planned restoration projects, sea level rise projections and the need for marsh migration, needs of particular wildlife populations, etc.). Connectivity includes hydrologic connectivity needed to support wetland processes, such as sediment transport to enable marshes to keep up with sea level rise, as well as connectivity needed by fish, wildlife and plant communities.
 - b. As in the corridor-level analysis, direct impacts to habitats and wildlife, including endangered species, must be avoided or minimized. Again, any mitigation should be accomplished by supporting wetlands restoration in the San Pablo Baylands that is compatible with existing habitat goals for the area, not through offsite mitigation.

We look forward to further exploring these issues through the collaboration between the Baylands Group and MTC's Environmental Working Group.

Detailed Comments on the Corridor Improvement Plan

10. Pages 8 and 19. The study uses relatively old estimates of sea level rise projections. Newer models, based on more recent observations and modeling improvements, indicate higher rates of sea level rise are likely under more extreme greenhouse gas emission scenarios. Although the mean level of sea level rise in the study is consistent with the median projection of the most recent Ocean Protection Council (OPC) report (2017), the upper limits of projections are much higher (range of NRC 2012 at 2100 17-66 inches, range of OPC study 19.2- 120 inches). As the report acknowledges, the State's guidance to plan

for a worst scenario, planning for SR 37 should include the new 10-foot projections in their planning process. An adequate assessment of project risks and costs will need to include this larger rate of sea level rise with a 100-year storm. It is also worth noting that substantial portions of sections A2 and B1 are vulnerable to inundation with only 1.6 feet of sea level rise (see www.ourcoastourfuture.org and below).

11. Page 11. Add the following text to the end of the sentence in the green text box: "...using nature-based solutions."
12. Page 19. Add San Pablo Song Sparrow and Chinook salmon as protected species.
13. Page 20. There should be net zero wetland loss. Many of the Baylands along the B2 section of the corridor are high quality habitat that will prove difficult to mitigate given the length of time needed for tidal marsh restoration and future projections of sea level rise.
14. Pages 34. Wetland mitigation should be performed on site, not off site. Mitigation should be within the SR 37 corridor even if large-scale on site mitigation is not feasible. Smaller mitigation sites within the watershed have potential for connectivity and expanding habitat. These localized benefits would not be realized through restoration of a large, off site mitigation parcel.
15. Throughout the document, the spelling for Ridgway's rail should be corrected. There is no 'e' after the 'g'.

Conclusion

We view this planning process as an iterative one and look forward to our continued work with the SR Policy Committee and agency staff. The forthcoming SR 37 – Baylands Group Preliminary Vision will provide additional guidance to inform this process. Thank you for the opportunity to comment on the *Draft SR 37 Transportation and Sea Level Rise Corridor Improvement Plan*. Feel free to contact Jessica Davenport, Project Manager, State Coastal Conservancy, at Jessica.Davenport@scc.ca.gov or (510) 286-4164 with any questions you may have.

Sincerely,

SR 37 – Baylands Group

- Audubon California
- Ducks Unlimited Inc.
- Marin Audubon
- Point Blue Conservation Science
- San Francisco Bay National Estuarine Research Reserve
- San Francisco Estuary Institute
- San Pablo Bay National Wildlife Refuge, U.S. Fish and Wildlife Service
- Save the Bay
- Sonoma Ecology Center
- Sonoma Land Trust
- Sonoma Resource Conservation District
- State Coastal Conservancy
- Fraser Shilling (Road Ecology Center, UC Davis; for identification purposes)
- Peter Baye, Independent Consulting Wetland Ecologist

Attachment:

SR 37 – Baylands Group *Vision Statement and Guiding Principles*

State Route 37 — Baylands Group

Vision Statement and Guiding Principles

This Vision Statement and Guiding Principles were developed by the State Route (SR) 37 – Baylands Group, which is composed of North Bay wetland land managers, ecological restoration practitioners, and other stakeholders interested in the conservation and restoration of the San Pablo Baylands.

Vision:

Integrate infrastructure improvements for SR 37 with existing and future habitat planning, conservation and restoration to ensure healthy ecosystem function and resilience to landscape scale change of the San Pablo Bay.

Guiding Principles:

1. The San Pablo Baylands are one of the largest open spaces remaining on the San Francisco Bay and provide a unique opportunity for improving habitat conservation. Improvements to the SR 37 corridor should be integrated with implementation of the *Baylands Ecosystem Habitat Goals*^{1,2} to ensure ecosystem function and landscape resiliency into the future.
2. We recognize the extensive ecological planning that has come before and seek to integrate it with SR 37 plans and design.
3. Multiple issues, including increased traffic, sea-level rise and land use changes, make implementation of both SR 37 redesign and habitat goals urgent and time sensitive; planning should lead to implementation.
4. Disadvantaged communities are disproportionately affected by tolls. Therefore, we seek opportunities to minimize financial impacts to disadvantaged drivers and to ensure that the highway design relieves, rather than redirects transportation pressure.
5. While the SR 37 corridor extends from east to west, ecological enhancement and flood protection opportunities occur from north to south across SR 37 as rivers and creeks (i.e., Napa River, Sonoma Creek, Tolay Creek, Petaluma River, and Novato Creek) connect the bay's mudflats and marshes to their watersheds.
6. The SR 37 design will not negatively impact the significant investment in existing and future conservation and restoration projects and associated public access and recreational facilities in the San Pablo Baylands, and will seek to enhance them wherever possible.
7. The SR 37 and ecological design will plan for and accommodate sea level rise through 2100, thereby increasing resilience and reducing future costs.
8. The SR 37 design will include opportunities for multi-modal transportation including bike paths and passenger rail.
9. We recognize design constraints related to federal, state and local transportation regulations and engineering guidelines, and we seek opportunities for ecological innovation recognizing these constraints.

¹ Goals Project. 1999. Baylands Ecosystem Habitat Goals. A report of recommendations prepared by the San Francisco Bay Area Wetlands Ecosystem Goals Project. First Reprint. U.S. Environmental Protection Agency, San Francisco, Calif./S.F. Bay Regional Water Quality Control Board, Oakland, Calif.

² Goals Project. 2015. *The Baylands and Climate Change: What We Can Do. Baylands Ecosystem Habitat Goals Science Update 2015* prepared by the San Francisco Bay Area Wetlands Ecosystem Goals Project. California State Coastal Conservancy, Oakland, CA.

10. By understanding that ecological and physical processes differ along the transportation corridor, it will be possible to develop ecologically appropriate design criteria for each section.
11. We understand that the language we use should be clear and recommendations feasible and practicable for the SR 37 design.
12. We acknowledge the importance of developing a SR 37 design that protects the mosaic of existing land uses, such as farming and ranching, and the ongoing operation of stormwater pumps and other infrastructure on public and private lands in the San Pablo Baylands.

Who We Are:

The SR 37 Baylands Group was initially convened in June 2017 by the Sonoma Land Trust in response to the acceleration of plans to redesign and rebuild SR 37. The group's goal is to contribute to a cross-sector plan to redesign the SR 37 corridor for climate resilience, transportation efficiency and ecological restoration.

The SR 37 Baylands Group is open and informal. The State Coastal Conservancy is providing regional leadership to the group through a partnership with Sonoma Land Trust under the Conservancy's Climate Ready Technical Assistance Grant Program. The Conservancy is facilitating communication and engagement with other agencies, including the California Department of Transportation, the Metropolitan Transportation Commission, and environmental regulatory agencies. The Conservancy, the Sonoma Land Trust and the San Francisco Estuary Institute volunteered to convene an initial series of committee meetings, which are being facilitated by the Center for Collaborative Policy.

The first committee meeting in July 2017 focused on the development of the Vision Statement and Guiding Principles. The document was developed by group members who attended the meeting or contributed input or support via email. They include individuals affiliated with the following agencies and organizations: Audubon California, California Department of Fish and Wildlife, California Wildlife Conservation Board, Ducks Unlimited, ESA, Friends of the San Pablo Bay National Wildlife Refuge, Marin Audubon, National Heritage Institute, Point Blue, Sonoma Resource Conservation District, Sonoma County Agricultural Preservation and Open Space District, State Coastal Conservancy, San Francisco Bay Joint Venture, San Francisco Estuary Institute, Solano Land Trust, Sonoma County Water Agency, Sonoma Ecology Center, Sonoma Land Trust, The Bay Institute, UC Davis, United States Fish and Wildlife Service, and UC Berkeley.