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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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MEGHAN HERTEL, Director

Bay Delta Region
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To:
Office of Land Use and Climate Innovation
CEQA Submit

From:
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Region 3 – Bay Delta Region
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NOTICE OF DETERMINATION

Subject: Filing of Notice of Determination pursuant to Section 21108 of the Public Resources Code

State Clearinghouse Number: 2021110045

Project Title: State Route (SR) 37 Flood Reduction Project (Novato Creek Bridge Replacement Project) (Project) (California Endangered Species Act Incidental Take Permit No. 2081(b)-2026-010-03 (ITP))

Project Location (Sonoma County): The Project is located on SR 37 from Post Mile (PM) R11.2 to PM 13.8. Project activities will span Novato Creek and Simmons Slough in Marin County. Novato Creek (Bridge # 27-0011 L/R) and Simmons Slough are tributaries to San Pablo Bay. The Project site is located within Section 8 & 17, Township 3N, Range 6W (GPS Coordinates 38.087287; -122.534746).

Project Description: The California Department of Fish and Wildlife (CDFW) has issued an ITP (No. 2081(b)-2026-010-03) to the California Department of Transportation (Caltrans).

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The Project plans to replace the existing two, two lane bridges, spanning 720 feet long, 34 feet wide (with a 40-foot space between the two bridges) with a single 1,300-foot-long, 99-foot-wide structure built higher at an elevation of 26-feet (NAVD 88) and free span Novato Creek.

The existing eastbound bridge and roadway will be widened approximately 10.5 feet to accommodate three lanes to shift traffic while the existing westbound bridge is being demolished and the new bridge is constructed. Once the westbound bridge is constructed, traffic will shift to the westbound bridge and the eastbound bridge will be demolished and the new structure will be completed.

Two existing maintenance access roads north of SR 37 that are owned by Marin County will be extended east and west to provide access to the properties adjacent to the Caltrans right-of-way from new access points. The maintenance access road on the western bank of Novato Creek will extend approximately 1,400 feet west toward the new access point on the Hanna Ranch Road off-ramp, north of SR 37. The existing maintenance access road east of Novato Creek will be extended east and north of SR 37, for approximately 1,350 feet from PM 12.1 to PM 12.35 and realign an existing drainage channel paralleling SR 37 north of its existing location.

The Project is expected to result in incidental take of the following species protected under the California Endangered Species Act (CESA): longfin smelt (*Spirinchus thaleichthys*, threatened), California Ridgway's rail (*Rallus obsoletus obsoletus*, endangered and fully protected), California black rail (*Laterallus jamaicensis coturniculus*, threatened and fully protected), and salt marsh harvest mouse (*Reithrodontomys raviventris*, endangered and fully-protected) (collectively the Covered Species). The Project is expected to cause impacts to 13.269 acres of habitat including temporary impacts to 12.393 acres; the Project will permanently remove 0.876 acres of open water and brackish marsh habitat.

The ITP referenced above as issued by CDFW, pursuant to pursuant to Section 2081(b) of the Fish and Game Code and pursuant to Fish and Game Code section 2081.15 with respect to salt-marsh harvest mouse, California Ridgway's rail, and California black rail. Fish and Game Code sections 3511 and 4700 prohibit the take of fully protected birds and mammals, respectively, except as provided by the Fish and Game Code. However, CDFW may authorize the incidental take of salt-march harvest mouse, California Ridgway's rail, and California Black Rail resulting from impacts attributable to, or otherwise related to, the Project, if the conditions set forth in Fish and Game Code sections 2081.15, subdivisions (a)-(d) and 2081, subdivisions (b) and (c) are met.

Caltrans will permanently conserve 11.586 acres of high quality occupied Covered Species habitat that will include a monitoring program and an adaptive management plan, approved by CDFW to fully mitigate the impacts of the authorized take of the species.

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This is to advise that CDFW, acting as a Responsible Agency, approved the project described above on June 30, 2026 and has made the following determinations regarding the above-described project:

1. The Project **will not** have a significant effect on the environment. This determination is limited to effects within CDFW's permitting jurisdiction as a Responsible Agency.
2. An environmental impact report **was** prepared by the lead agency for the original project.
3. Additional mitigation measures **were** made a condition of CDFW's approval of the project.
4. A Mitigation Reporting or Monitoring Plan **was** adopted by CDFW for this project.
5. A Statement of Overriding Considerations **was not** adopted by CDFW for this project.
6. Findings **were** made by CDFW pursuant to Public Resources Code § 21081(a).
7. Compliance with the environmental filing fee requirement at Fish and Game Code § 711.4: **A copy of a receipt showing prior payment was submitted to CDFW.**

The environmental impact report prepared by the lead agency for the Project is available to the general public at the office location listed above for the lead agency. CDFW's administrative record of proceedings related to the incidental take permit is available to the public for review at CDFW's regional office.

Signature: DocuSigned by: Erin Chappell B77E9A6211EF480... *Date:* 6/30/2026

Erin Chappell, Bay Delta Regional Manager