

PARTNERSHIP AGREEMENT AND COMMITMENTS TO DEVELOPMENT AND IMPLEMENTATION OF NEAR-TERM AND LONG-TERM RESILIENT STATE ROUTE 37 PROJECTS

1. INTRODUCTION

California State Route (SR) 37 is essential to the San Francisco Bay region and particularly the counties of Marin, Sonoma, Napa, and Solano. More than 40,000 vehicles travel it daily, adding to lengthy commutes, traffic congestion, and climate change impacts. Rising sea levels cause greater and more frequent flooding of this critical transportation corridor. SR 37 cuts through a mosaic of tidal and seasonal wetlands – some of the last, best natural habitat for plants and animals in the entire region. These wetlands themselves serve as nature-based climate buffers to sea level rise and extreme weather events while existing within a landscape of urban areas, agricultural land, and other infrastructure.

The future of SR 37 will be different than its past. Today, there is a once-in-a-generation opportunity to re-envision transportation infrastructure for the many challenges of the 21st Century. This opportunity creates the urgency for a partnership. This opportunity creates a moment that requires commitment to the development and implementation of both near-term and long-term projects for a truly Resilient SR 37. A Resilient SR 37 will better serve California's residents, workforces, economy, and environment. The partnership described below intends to set a national model through the redesign of SR 37 and the commitments herein.

2. PARTNERSHIP PURPOSES and GOALS

For several years activities and planning have been underway about the future of SR 37 among the California State Transportation Agency, California Natural Resources Agency, Metropolitan Transportation Commission, California Department of Transportation, a long list of state and federal wildlife and environmental agencies, communities, elected officials, and non-governmental organizations. That collective work has brought us to the beginning of 2023 with the path forward somewhat clearer but not fully embraced across all viewpoints.

Consequently, a purpose of this Partnership Agreement is to set expectations together transparently so that all with an interest in the future of SR 37 can see and understand how the signatories to this agreement are committed to the development and implementation of **both** near-term and long-term resilient SR 37 projects.

Therefore, this Partnership Agreement is entered by and among California State Transportation Agency, California Natural Resources Agency, and Metropolitan Transportation Commission,

and as respective implementation agencies the California Department of Transportation District 4 as lead for the California State Transportation Agency, and the California Department of Fish and Wildlife and the San Francisco Bay Conservation and Development Commission as leads for California Natural Resources Agency (herein after collectively referred to as the "Partners").

Another primary purpose of this Partnership Agreement is to articulate the objectives and goals for refining both near-term and long-term transportation improvements within the State Route (SR) 37 corridor, extending from U.S. 101 to Interstate 80. The Partners believe this Partnership Agreement establishes improved linkages between near-term improvements and long-term, resiliency projects so that the progression from where we are today to where we intend to get is logical and trackable.

An additional purpose of this Partnership Agreement is to establish a set of commitments – procedural and substantive – that will guide development and implementation of both the near-term and long-term SR 37 resiliency projects. These commitments are described in Section 3 of the Partnership Agreement.

A final purpose is to accomplish relevant statutory directives to achieve important projects faster and more efficiently. This effort is consistent with the California Assembly Bill 1282 [AB 1282] (2017-2018) Transportation Permitting Task Force’s directive “to improve the efficiency and effectiveness of permitting for transportation projects while protecting our state’s natural, historic, and cultural resources.”

A. Transportation Goals and Objectives

The objectives of the transportation improvements include preserving a critical regional transportation corridor, enhancing equitable transportation solutions, and integrating ecological restoration, public access, and climate resilience in the face of projected sea level rise and extreme events.

The Partners define their respective interests and responsibilities in connection with transportation improvements along SR 37 to increase transparency and confirm their commitments to developing and implementing both near-term and long-term projects. The Partners recognize that transportation improvements are needed on SR 37 to:

- **Improve** travel time reliability and prioritize high occupancy vehicles,
- **Introduce** bus transit along SR 37,
- **Reduce** inequities in transportation due to severe travel delays to and from more affordable housing in Solano and Napa counties to and from job opportunities across the four counties,
- **Become** resilient by reducing existing and future vulnerability to flooding due to storm events and sea level rise,
- **Increase** public non-motorized and bicycle access along the corridor, and
- **Preserve** a critical regional transportation corridor while *integrating* ecological resiliency which facilitates adaptation to sea level rise.

The Partners support these transportation goals and objectives.

B. Ecological Goals and Objectives

The objectives for near-term and long-term SR 37 projects include minimizing impacts to existing natural resources and preserving the potential for future conservation and ecological restoration, the prioritization of ecological connectivity in roadway design, and facilitating ecosystem adaptation to sea level rise and extreme weather events.

The Partners recognize these ecological objectives for the near-term and long-term projects to achieve SR 37 resiliency:

- *Conserve* California's biodiversity and ecosystems,
- *Provide* important ecosystem services such as improved water quality and flood risk reduction,
- *Enhance* wildlife and ecological connectivity,
- *Reduce* historic inequities by ensuring and increasing public recreational access for all,
- *Preserve* historical and cultural resources, and
- *Build* climate resiliency.

The Partners support these ecological goals and objectives.

C. Integrating Goals and Objectives

The Partners believe that optimal outcomes will be achieved by working together. The Partners agree that design solutions can synergistically integrate ecological restoration and resiliency into both near-term and long-term SR 37 transportation improvements and projects. The Partners embrace this synergy because transportation goals that act with ecological goals improve the overall outcome and vice versa. This mutuality is the great promise of a Partnership for SR 37 and illustrates the California way of accomplishing big things in the 21st Century.

We know this already because state, federal, and local agencies, the environmental community, and private sector have invested time and resources in the long-term restoration of marshlands for multiple beneficial purposes, including, but not limited to, enhancing habitat for protected species, returning ecosystems to their natural conditions, increasing the ability of the marshlands to absorb rising bay waters, preserving open space, and providing public recreational access. The Partners agree that these efforts are mutually beneficial to the environment and the surrounding San Pablo Bay developed areas as they adapt to anticipated impacts from a changing climate. It is a proud history that this Partnership Agreement will build upon.

Moreover, extensive stakeholder involvement, public outreach, and deliberation have occurred to reach a mutually agreeable long-term SR 37 project alignment via the Planning and Environmental Linkages (PEL) Study. The PEL Study (December 2022) can be found at

<https://dot.ca.gov/-/media/dot-media/district-4/documents/37-corridor-projects/pel-study/sr37-pel-study-dec2022-ada-a11y.pdf>.

This PEL Study is an important milestone because it details the full and complete vision beyond any one near-term project for SR 37. The PEL Study identified and supported a causeway (raised roadway over columns) unless topography and conditions dictate that at-grade or retained fill are more effective for achieving project goals. There is broad community and non-governmental organization support for the vision within the PEL Study.

Yet, the Partners also need to advance critical near-term improvements on the SR 37 to preserve the regional transportation corridor and reduce inequities between and among regional communities caused by the on-going traffic congestion. Thus, Partners intend to develop and implement a revised approach to the SR 37 Sears Point to Mare Island Improvement Project (SPMIIP) near-term project that better incorporates natural resources commitments while making additional commitments pulling forward earlier in time key parts of various long-term projects. The Partners do not make a choice between the near-term project and nothing else. Instead, this Partnership Agreement defines revised commitments to the near-term needs as well as introduces commitments that facilitate the long-term projects, to commence long-term resiliency more quickly.

The Partners will simultaneously continue efforts with all permitting agencies to avoid, minimize, and mitigate ecological impacts to existing resources, and expect in some cases these continuing efforts will result in improved natural conditions. The Partners will also continue coordination to define and reach agreement on the path forward to realize the long-term resilient SR 37.

3. COMMITMENTS FOR NEAR-TERM AND LONG-TERM

The Partners have reached mutually agreeable commitments outlined below that will be more fully refined during the final design phase of the near-term project. The Partners will coordinate SPMIIP commitments to inform and align with the final permit and design, by the target date of February 2025.

THEREFORE, in consideration of the above mutual understanding and intent, the Partners agree to the following to develop and implement near-term and long-term improvements and projects for a Resilient SR 37.¹

The Partners agree to these process commitments.

A. Process commitments

¹ This agreement does not obligate Partners to provide funding for involvement, nor does it require the signatory agencies to obligate or expend funds in excess of available appropriations. Neither does this agreement alter in any way any Partner's legal authority or jurisdiction.

- Assign responsible agents to represent their organization's respective role in following through with this agreement.
- Routinely meet under a mutually agreeable framework for project review discussions of the near-term and long-term resilient SR 37 design.
- Collaborate on the advancement of near-term project delivery while reviewing and developing environmental impact minimization measures and advancing progress toward long-term resiliency and public access that are feasible, practicable and within the limits of each organization's purview.
- Assign mitigation measures and credits consistent with the mutually developed terms and all applicable regulations and laws, as described further below.
- Solicit feedback on existing communication processes and revise these processes to ensure engagement with Tribes and stakeholders is consistent, open and transparent, and a joint effort done collaboratively by the Partners.

The Partners further agree to the following substantive commitments:

B. Design, mitigation, planning commitments

- Develop a formal Implementation Plan for the Resilient SR 37 Program that will include a commitment to hold and attend regular interagency meetings to collaborate on the development of the near-term and long-term projects as well as mitigation and permitting expectations for the near-term SR 37 Projects.
- Support completion of the SPMIIP Project Approval and Environmental Document.
- Collaborate to minimize and mitigate project impacts. This effort will include reducing the SPMIIP footprint to minimize project impacts to wetlands and the amount of fill needed, and to support efficient right-of-way acquisition and restoration planning. (For example: the partners will review how the project can minimize impacts to sensitive resources by reducing the shoulder width, to the extent that opportunities and safety in transportation design allows in accordance with the applicable California Highway Design Manual.
- Evaluate ecological connectivity and ecosystem resiliency in near-term and long-term project designs.
- Enhance interim, and possibly permanent, recreational access through new connections and improvements to the Bay Trail and improve interim bicycle access by providing transit to transport bicyclists through the corridor.
- Deliver time sensitive, priority ecological improvements within the timeline consistent with the SPMIIP delivery, which are preliminarily identified as:
 - Tolley Creek Bridge replacement to increase tidal prism and support baylands restoration, and
 - Strip Marsh East interim enhancements to stop the rapid degradation of the high marsh which provides important habitat for state and federally protected species and serves as nature-based resiliency to flooding and storm surge.

- Analyze the hydrological benefits of improved resiliency and connectivity in relationship to regional efforts to adapt to rising sea levels and extreme weather.
- Examine feasibility of designing long-term project elevations or facilitating the transition to long-term project elevations (considering sea level rise through 2130, per California Ocean Protection Council Guidelines, published in 2018) within the timeline consistent with the SPMIIP delivery (to be completed by 2026/2027).
- Expedite the first phase of the proposed Flood Reduction Project between the US 101 interchange and Atherton Avenue with first construction package replacing the Novato Creek Bridge that accommodates hydrologic conveyance consistent with the 2130 sea level rise projection.

In efforts to expedite needed transportation and ecological improvements, the resource agency partners agree to:

- Value Strip Marsh East enhancements and Tolay Creek bridge as minimization and mitigation for the near-term project impacts.
- Streamline the permitting process for the near-term and long-term improvements.
- Clarify milestone expectations associated with permit applications.
- Develop an approach for potential advance mitigation credits based on proposed environmental improvements and commitments.
- Jointly support discretionary funding for SR 37 and baylands restoration projects that are consistent with these shared values and goals.

Finally, Partners agree to work in good faith to collaborate with and include willing participatory agencies as additional signatories to this agreement.

SIGNED:

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Toks Omishakin, Secretary of the California State Transportation Agency

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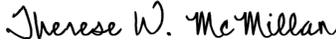
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Wade Crowfoot, Secretary of the California Natural Resources Agency

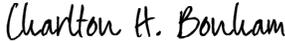
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