
THIRD READING

Bill No: AB 697
Author: Wilson (D)
Amended: 5/6/25 in Assembly
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 6-0, 7/8/25
AYES: Limón, Seyarto, Allen, Grove, Hurtado, Laird
NO VOTE RECORDED: Stern

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 70-0, 6/3/25 - See last page for vote

SUBJECT: Protected species: authorized take: State Route 37 project

SOURCE: Sonoma County Transportation Authority

DIGEST: This bill allows the California Department of Fish and Wildlife (CDFW) to authorize the incidental take of four fully protected species – the salt-marsh harvest mouse, the California clapper rail, the California black rail, and the white-tailed kite – as a result of construction on State Route (SR) 37, as provided.

ANALYSIS:

Existing Law:

- 1) Designates certain species of fish, amphibians, reptiles, birds, and mammals as fully protected, meaning they cannot be taken or possessed at any time except in the case of scientific research toward the conservation or benefit of the listed species (Fish and Game Code (FGC) §§3511, 5050, 5515, and 4700).
- 2) Establishes California Endangered Species Act (CESA) which prohibits unauthorized take of endangered or threatened species listed on either CESA or the federal ESA unless permitted to do so by the state or federal government.

- 3) Authorizes the CDFW to permit the take of certain fully protected species in specific cases including, for example, the take of rough sculpin during the replacement of Spring Creek Bridge in the County of Shasta (FGC §2081.4).

This bill:

- 1) Allows CDFW to authorize the incidental take of the salt-marsh harvest mouse, the California Ridgway's rail, the California black rail, and the white-tailed kite resulting from impacts attributable to the Sears Point to Mare Island Improvement Project (Interim Project) on SR 37 through the counties of Sonoma, Napa, and Solano, if all of the following conditions are satisfied:
 - a) The take of any of the species is incidental to an otherwise lawful activity;
 - b) The impacts of the take of any of the species are minimized and fully mitigated, and that the applicant ensures adequate funding to ensure impacts are minimized, fully mitigated, and monitored;
 - c) The issuance of the permit be issued for any of the species will not jeopardize the continued existence of the species;
 - d) CDFW ensures that measures necessary to satisfy the conservation standard of the Natural Community Conservation Plan (NCCP) Act are met and the take of a species is avoided to the maximum extent possible. The conservation standard requires the use of methods and procedures that are necessary for the recovery of a threatened or endangered species, and to maintain any other species so that listing pursuant to the CESA is not needed.
 - e) The take permit provides for the development and implementation, of a monitoring program and an adaptive management plan that satisfy the conservation standard of the NCCP Act, as described above, for monitoring the effectiveness of the measures to minimize and fully mitigate the impacts of the authorized take; and
 - f) The applicant pays a permit application fee, as specified.
- 2) Requires the take permit issued to cover any incidental take of a species for which take is authorized that may occur in the course of implementing required mitigation or conservation actions.
- 3) Provides that permit conditions are subject to amendment when required by the monitoring program and adaptive management process.
- 4) States that this act shall not be construed to exempt the construction of the Interim Project from any other law.

5) Makes various additional conforming changes to law.

Background

SR 37 project. SR 37 is a heavily used, 21-mile long roadway from US 101 to I-80, along the shore of San Pablo Bay, which connects job markets and housing within Marin, Sonoma, Napa, and Solano counties. Portions of SR 37 are highly congested daily. Travelers experience particularly notable delays on the portion of highway between Sears Point and Mare Island, where the highway narrows from four lanes to two. This bottleneck adds as much as an hour and one half to round-trip commutes. According to the author, public bus lines will not run on SR 37 due to the congestion. Much of SR 37 will suffer from continued flooding and some portions will be completely inundated due to sea level rise by 2050.

Due to the notable traffic congestion, periodic flooding, and threat of sea level rise, the California Department of Transportation (Caltrans) is working with the Metropolitan Transportation Commission, Napa Valley Transportation Authority, Sonoma County Transportation Authority, and Solano Transportation Authority to develop a more resilient SR 37 corridor. The Interim Project is the preferred near-term project that will widen the existing two lane highway to four lanes, and include an eastbound high-occupancy vehicle lane, an open road tolling system, and an 8-foot shoulder in both directions. This Interim Project includes two additional elements that are intended to restore ecological functionality to the marshland to benefit wildlife and increase the natural resiliency.

There are four fully protected species impacted by the SR 37 Interim Project:

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 8/18/25)

Sonoma County Transportation Authority (Source)
Associated General Contractors, California Chapter
Bay Area Council
California Alliance for Jobs
California Builders Alliance
California Construction and Industrial Materials Association
California-Nevada Conference of Operating Engineers
California State Association of Electrical Workers
California State Council of Laborers
District Council of Iron Workers
International Union of Operating Engineers

Metropolitan Transportation Commission
Napa Valley Transportation Authority
North Bay Leadership Council
Rebuild SoCal Partnership
Sacramento Regional Builders Exchange
Solano Transportation Authority
Sonoma County Transportation Authority/Regional Climate Protection Authority
Southern California Contractors Association
Transportation California
United Contractors

OPPOSITION: (Verified 8/18/25)

350 Bay Area Action
350 Sacramento
Active San Gabriel Valley
Bike East Bay
CalBike
California Coalition for Clean Air
Climate Action California
ClimatePlan
Federated Indians of Graton Rancheria
Fresh Air Vallejo
KidSafe SF
Marin County Bicycle Coalition
Natural Resources Defense Council
NextGen California
Planning and Conservation League
Rails to Trails Conservancy
Rise South City
San Mateo County Citizens Climate Lobby
San Francisco League of Conservation Voters
Save The Bay
Stop the 101 & 280 Widenings
Streets For All
Transbay Coalition
TransForm

ARGUMENTS IN SUPPORT: According to the author, “AB 697’s aim is to advance the SR 37 project in the most cost-effective and environmentally beneficial manner, consistent with the longstanding local, regional, and state

support for SR 37 improvements that improve mobility and restore critical habitat while enhancing resilience. The concept for AB 697 was proposed and refined during transportation and regulatory agency meetings [...]. Additionally, the integrated Sears Port to Mare Island project was identified as an ideal candidate given the significant restoration benefits of the project.”

The Metropolitan Transportation Commission writes that “State, local, and regional partners are coordinating on an integrated approach to address SR 37’s complex challenges – implementing near term Sears Point to Mare Island mobility improvements that eliminate a 10-mile bottleneck and projects that improve 1,200 acres of San Pablo Baylands habitat, while advancing a long-term vision of an elevated causeway that is resilient to sea level rise. The transportation-restoration partnership is not the only innovative component of this project; the mobility improvements utilize carpool and transit incentives to help eliminate 2 million vehicle miles traveled annually while saving Solano County-to-Marin County commuters more than two full weeks per year.”

ARGUMENTS IN OPPOSITION: In a sign-on letter in opposition, Save the Bay writes, “our organizations have serious concerns about the fundamental purpose and need for the interim project and are concerned that the interim project may delay and undermine the long-term sustainable solution for travel across the North Bay. SR 37 presents a unique opportunity to showcase a truly multi-benefit model of infrastructure planning that would relieve traffic congestion, protect critical state infrastructure against the impacts of climate change, and improve the ecological function of restorable areas within the San Pablo Bay National Wildlife Refuge. The current project fails to meet those goals.”

“The interim SR 37 project’s goals could be accomplished more quickly, cost-effectively and in alignment with state and regional priorities by implementing tolling on the existing lands without widening. [...] However, most recent estimates indicate that the interim project will cost over \$500M and will be under water caused by sea level rise within fifteen years of completion. Continuing the interim project in its current form further delays, rather than advances, the long-term vision for the corridor.”

The Federated Indians of Graton Rancheria also oppose as “AB 697 would authorize the take of cultural species for a temporary project that lacks meaningful tribal consultation and fails to address climate change impacts.”

ASSEMBLY FLOOR: 70-0, 6/3/25

AYES: Addis, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Ellis, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hoover, Irwin, Jackson, Lackey, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Aguiar-Curry, Bryan, Elhawary, Flora, Hart, Kalra, Krell, Lee, Ward

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