STATE ROUTE 11 AND THE OTAY MESA EAST PORT OF ENTRY

SAN DIEGO COUNTY, CALIFORNIA
DISTRICT 11–SD –ROUTE 11, 905, 125 (PM 0.0/2.8; PM R8.4/10.1; 0.5)
EA 056310/ PROJECT ID: 1100000023

FINAL

TIER II ENVIRONMENTAL IMPACT REPORT/ ENVIRONMENTAL IMPACT STATEMENT

VOLUME 2 OF 2

Prepared by
U.S. Department of Transportation Federal Highway Administration
and
State of California Department of Transportation

MARCH 2012

General Information about This Document

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It should be noted that at a future date the Federal Highway Administration, on behalf of the California Department of Transportation, may publish a notice in the Federal Register, pursuant to 23 USC Section 139(I), indicating that a final action has been taken on this project. If such notice is published, a lawsuit or other legal claim will be barred unless it is filed within 180 days after the date of publication of the notice (or within such shorter time period as is specified in the federal laws pursuant to which judicial review of the federal agency action is allowed). If no notice is published, then the lawsuit or claim can be filed as long as the periods of time provided by other federal laws that govern claims are met.

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Chapter 5

Comments and Coordination

CHAPTER 5.0 – COMMENTS AND COORDINATION

5.1 INTRODUCTION

Early and continuing coordination with the appropriate public agencies and the general public is an essential part of the environmental process to determine the scope of environmental documentation, the level of analysis, potential impacts and mitigation measures and related environmental requirements. Agency consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including Project Development Team (PDT) meetings; interagency coordination meetings; Native American coordination; community group, planning group and sponsor group presentations; the public scoping meetings, and public meetings on the Draft environmental documents. This chapter summarizes the results of Caltrans' efforts to fully identify, address and resolve project-related issues through early and continuing coordination. Evidence of coordination and public involvement can be seen in the letters and public announcements at the end of the chapter.

5.2 PHASE I PEIR/PEIS COMMENTS AND COORDINATION SUMMARY

The Phase I program EIR/EIS process involved coordination with public agencies and the general public that is similar to the Tier II project. Refer to Chapter 6.0, *Comments and Coordination*, of the Phase I PEIR/PEIS for a detailed discussion of this process and figures evidencing public involvement and coordination.

5.2.1 Phase I Notice of Intent/Notice of Preparation

Pursuant to NEPA and CEQA, a Notice of Intent (NOI) and NOP were prepared for the program. The NOI was published in the Federal Register on May 2, 2007. Comment letters were received from USFWS and the EPA. The NOP was issued by the State Clearinghouse on May 11, 2007, and the review was completed on June 11, 2007. Comments on the NOP were received from the NAHC, IBWC, CHP, CDFG, Otay Crossings Commerce Park, and the County Department of Planning and Land Use (DPLU).

5.2.2 Phase I Public Meetings

Two public meetings were held at the Ocean View Hills Elementary School in Otay Mesa to involve the community in the scoping and review processes. A Public Scoping Meeting was held on Wednesday, June 6, 2007 from 5:00 PM to 7:30 PM to give the community an opportunity to review and comment on the proposed SR-11/POE program. On Wednesday, February 20, 2008 from 5:00 PM to 7:30 PM, a Public Meeting was held to give the community an opportunity to review and comment on the Draft PEIR/PEIS. Both meetings were conducted in an "Open House" format, with representatives of Caltrans and SANDAG in attendance to answer questions and receive comments. Notices were mailed to the cooperating/participating agencies, state, federal and local agencies, Mexican agencies with an interest in the program, elected officials and members of the public. The Notice of Public Meeting for the scoping meeting was published in the San Diego Union Tribune in English and the Hispanos Unidos newspaper in Spanish and in the San Diego Union Tribune in English and Spanish for the public meeting for the Draft PEIR/PEIS. A Spanish interpreter was available to translate for Spanish-speaking attendees. Comments were encouraged at the meetings, and comment sheets were made available. The East Otay Mesa Property Owners Association (EOMPOA) commented after the scoping meeting. Public review of the draft PEIR/PEIS included 4 comments at the public meeting and 21 letters during the comment period.

5.2.3 Phase I Additional Program Outreach

Additional program outreach included ongoing Otay Mesa East Interagency Workgroup meetings; a presentation by the Caltrans Project Management Team to the Otay Mesa Chamber of Commerce; ongoing Border Liaison Mechanism meetings of the Technical Committee on Otay Mesa East – Mesa de Otay; program updates presented by Caltrans to the County, the Border Governors Conference and the U.S./Mexico Joint Working Committee; periodic program status updates to the East Otay Mesa Property Owners Association; and ongoing meetings of the Border Transportation Committee.

5.2.4 Phase I SAFETEA-LU 6002 Coordination Plan

On August 10, 2005, President Bush signed SAFETEA-LU into law. SAFETEA-LU promotes more efficient and effective federal surface transportation programs by focusing on transportation issues of national significance, while giving state and local transportation decision makers more flexibility for solving transportation problems in their communities. Section 6002 of SAFETEA-LU established a new environmental review process that included a Coordination Plan, which requires Caltrans to enhance opportunities for coordination with federal, state, Tribal, and local government agencies, as well as the public, during the environmental review process for the program. As part of the Coordination Plan, prepared in June 2007, Caltrans was tasked with managing the 6002 process, preparing the EIS, and providing opportunities for public and Participating and Cooperating Agency involvement. Compliance with the latter was accomplished in various ways, which are discussed below.

Initiation of Agency Participation

Pursuant to 23 USC 139 Section 6002 of SAFETEA-LU, letters inviting federal, state, Tribal and local government agencies that may have an interest in program development as a Coordinating or Participating Agency were mailed on July 9, 2007 by FHWA and June 27, 2007 by Caltrans. Letters were sent to the following federal, state, Tribal and local agencies:

- Cooperating Agencies: GSA, DOS, USACE, USFWS, DHS, CBP, CEQ, EPA, CDFG, CHP, and RWQCB

- Participating Agencies: USFWS; CBP; EPA; DHS; CHP; CDFG; RWQCB; SDAPCD; SANDAG; County; City; OWD; IBWC;NAHC; USDA, Animal and Plant Health Inspection Services; FDA; California Governor's D.C. Office, Port Security Unit; Sycuan Band of the Kumeyaay Nation; Kumeyaay Cultural Heritage Preservation; Jamul Indian Village; Kumeyaay Cultural Repatriation Committee; Diegueno/Kumeyaay Representative; San Pasqual Band of Mission Indians; Ewiiaapaayp Tribal Office; Santa Ysabel Band of Diegueno Indians; Mesa Grande Band of Mission Indians; Manzanita Band of the Kumeyaay Nation; Viejas Band of Mission Indians; Kwaaymii Laguna Band of Mission Indians; Inaja Band of Mission Indians; and Santa Ysabel Band of Diegueno Indians

In response to the request letters, GSA, DOS, USACE, USFWS, EPA, and CBP agreed to be both Cooperating and Participating Agencies. The SDAPCD, City of San Diego, SANDAG, IBWC and OWD agreed to be Participating Agencies.

Participating Agencies/Public Involvement

Participating agencies and the public were provided the opportunity for input into the purpose and need and the range of alternatives. Letters and electronic mail were sent to Participating Agencies for review and comments on the program Purpose and Need Statement in July/August 2007. Comments were

received from the following Participating Agencies: DHS, EPA, IBWC, USFWS, and SANDAG. FHWA also submitted comments. The public was provided the opportunity for input into the purpose and need for the proposed program via the NOI/NOP, the Public Scoping Meeting, the mass-mailed scoping meeting information flyer, the newspaper advertisements, and additional outreach meetings. Letters and electronic mail were sent to Participating Agencies for review and comments on the program alternatives in July/August 2007. Comments were received from the following Participating Agencies: DHS, EPA, IBWC, USFWS, and SANDAG. The EOMPOA was the only member of the public to comment on this issue. All comments were addressed in the Final PEIR/PEIS.

Project Development Team Meetings

A PDT is an interdisciplinary team composed of key members of the project team and external stakeholders who act as a steering committee in directing the course of studies required to evaluate the various project alternatives during the early phases of the project life cycle. The SR-11/Otay Mesa East POE PDT was assembled by Caltrans in 2006 to serve as the technical advisory committee and internal decision-making body for the program. The PDT consists of Caltrans' staff representatives from Program Management and the various technical divisions, including Environmental, Design, Maintenance, Hydraulics, and other divisions. The meetings are also attended by FHWA, SANDAG, GSA, DHS, CBP, and the City and County of San Diego. The PDT has generally met monthly during the course of program development, as issues have arisen requiring technical direction or resolution.

5.3 TIER II COMMENTS AND COORDINATION

5.3.1 Tier II Notice of Intent/Notice of Preparation

Pursuant to NEPA and CEQA, an NOI and NOP were prepared for the project. The NOI was published in the Federal Register on November 5, 2008**.** The NOP was received by the State Clearinghouse on November 7, 2008 and the review was completed on December 8, 2008. These notices are included at the end of this section. Comments were received on the NOI and NOP from USFWS, the City, the County, SD Commercial, LLC, and FEMA. These comment letters are also included at the end of this section.

5.3.2 Tier II Public Meetings

A Public Scoping Meeting was held on Thursday, December 4, 2008 from 5:00 PM to 7:30 PM at the Ocean View Hills Elementary School in Otay Mesa to give the community an opportunity to review and comment on the proposed project. On Wednesday, January 19, 2011 from 5:30 PM to 7:30 PM, a Public Meeting was held to give the community an opportunity to review and comment on the Tier II Draft EIR/EIS. Both the Scoping Meeting and the Draft EIR/EIS Public Meeting were conducted in an "Open House" format, with representatives of Caltrans and SANDAG in attendance to answer questions and receive comments, and a Spanish language interpreter available to translate for Spanish-speaking attendees. For both meetings, notices were mailed to the cooperating/participating agencies, state, federal and local agencies, Mexican agencies with an interest in the program, elected officials and members of the public. Notices for both meetings were published in the South County Edition of the Union Tribune in both English and Spanish editions. The notice for the Scoping Meeting was published on November 20, 2008 and the notice for the Draft EIR/EIS Public Meeting was published on December 3, 2010 and January 14, 2011 in English and on December 4, 2010 and January 15, 2011 in Spanish. The Public Scoping Meeting was attended by 22 people. Comments were encouraged at the meeting, and one oral comment was made by Ruben Barrales from the San Diego Regional Chamber of Commerce. In addition, comment sheets were made available; however, no written comments were received. None of the 27 people who attended the Draft EIR/EIS Public Meeting submitted oral or written comments at the

meeting, but 28 comment letters were received during the public comment period. These are included in Section 5.4 below, along with corresponding responses.

5.3.3 Tier II Additional Project Outreach

Additional outreach has included project updates presented by Caltrans and coordination with the organizations described in Table 5-1, below. Additional outreach and coordination has also been achieved through numerous group and individual meetings with property owners, contact with local government groups on both sides of the international border, and communication with elected officials.

In order to meet the overall project objectives, various committees and groups have been established to allow for successful communication regarding the project to occur on both the U.S. and the Mexico sides. Table 5-1 depicts major committees and/or groups on both sides of the border.

Table 5-1
PROJECT COORDINATION GROUPS AND ORGANIZATIONS

Hosting Agency	Meeting Group	Purpose	Frequency
SANDAG	SANDAG Borders Committee	Provides oversight for planning activities that impact the borders of the San Diego region (Orange, Riverside and Imperial Counties, and the Republic of Mexico) as well as government-to-government relations with Tribal nations in San Diego County. The preparation and implementation of SANDAG Binational, Interregional, and Tribal Liaison Planning programs are included under this purview. It advises the SANDAG Board of Directors on major interregional planning policy-level matters. Recommendations of the Committee are forwarded to the Board of Directors for action.	4th Friday of each month 12:30 p.m. to 2:30 p.m.
SANDAG	Committee on Binational Regional Opportunities	The Committee on Binational Regional Opportunities advises SANDAG's Borders Committee concerning both short- and long-term binational related activities, issues and actions; provides recommendations regarding Binational border-related planning and development; and identifies ways to assist and coordinate with existing efforts in the Binational area. The membership consists of elected officials and staff representatives of academia, business, community organizations, and the Mexican government.	Monthly
Caltrans District 11	Project Development Team	Provides technical services for the development of the project plans and specifications that ultimately lead to the construction of the project. Attendees include the County, City, GSA, FHWA, DHS and Caltrans.	Monthly
SANDAG	East Otay Mesa Interagency Work Group	Focuses only on the U.S. side of the border. Attendees include EPA, DOS, GSA, FHWA, DOT, DHS, CBP, USFWS, USACE, CEQ, SANDAG, the County, Caltrans, and financial institutions.	Bi-monthly
Caltrans District 11	POE Program Development Study Presentations	GSA presentations of the 50%, 75%, 90% and 100% versions of the PDS to Caltrans, SANDAG, CBP, CHP and other government agency POE stakeholders.	Four times during the development of the PDS
Caltrans District 11	Binational Otay Mesa East Policy Strategy Group	Binational committee to coordinate schedules, access points and technical data for each POE. Attendees include Caltrans, FHWA, SCT, the Mexican Secretariat of Foreign Relations (SRE) and SANDAG.	Bi-annually
Tijuana-San Diego	Border Liaison Mechanism Technical Commission	Binational committee to share project updates and discuss project issues. This is a formalized binational group that includes state departments from both U.S. and Mexico. Attendees are Caltrans, FHWA, SCT, SRE and SANDAG.	Bi-annually

Table 5-1 (cont.)
PROJECT COORDINATION GROUPS AND ORGANIZATIONS

Hosting Agency	Meeting Group	Purpose	Frequency
Different locations (Alternate U.S. and Mexico)	Joint Working Committee	Binational group whose primary focus is to cooperate on land transportation planning and the facilitation of efficient, safe and economical cross-border transportation movements. The group is comprised of transportation professionals from the Mexican SCT and the FHWA. The members of the Joint Working Committee are representatives of SCT, FHWA, Mexican Secretariat of Foreign Relations, DOS, the four U.S. State Departments of Transportation and the six Mexican border states. GSA, CBP, the Institute of Administration and Estimates of National Real Estate, the General Customs Administration, and the Secretariat of Environmental and natural Resources also participate.	Bi-annual
Mexican Secretariat of Foreign Relations	Bridges and Border Crossings Intersecretariat Group	Mexican group whose primary focus is to cooperate on border crossings. Head of representatives of the Mexican Secretariat of Foreign Relations. In addition to SRE, the members are: SCT, General Customs Administration, Secretariat of Economy, National Immigration Institute, Secretariat of Environment and Natural Resources, Secretariat of Social Development, IBWC, Institute of Administration and Estimates of National Real Estate. The representatives of the six Mexican border states also participate in the meetings.	NA
Different Locations (Alternate Mexico and U.S.)	Binational (U.S. and Mexico) Bridges and Border Crossings Group	Since 2008, the binational group established three meetings per year (two regional and one plenary) alternating U.S. and Mexico locations. The political will of both countries to invest on border infrastructure, international bridges and border crossings is the result of the excellent terms and negotiation skills of the members of this group. This is the institutional group that represents U.S. and Mexico and is responsible for bilateral agreements on border infrastructure. Headed by the SRE and the DOS. and attended by federal agencies with an interest in border crossings, the respective departments of transportation and border authorities of the border states and their corresponding agencies in Mexico.	Three times a year; two regional meetings and one plenary
NA	East Otay Mesa Property Owners' Association	Attendees include local property owners, Caltrans, and SANDAG.	NA
NA	Otay Mesa Chamber of Commerce, Transportation Subcommittee	Provides for updates on projects within the Otay Mesa area. Attendees include Caltrans and the Otay Mesa Chamber of Commerce	Monthly

Source: SANDAG/Caltrans (2009)

5.3.4 Tier II SAFETEA-LU 6002 Coordination Plan

As noted above, Section 6002 of SAFETEA-LU established a new environmental review process that included a Coordination Plan, which requires Caltrans to enhance opportunities for coordination with federal, state, Tribal, and local government agencies, as well as the public, during the environmental review process for the program. As part of the Coordination Plan, Caltrans was tasked with managing the 6002 process, preparing the EIS, and providing opportunities for public and Participating and Cooperating Agency involvement.

Coordination Plan

Pursuant to 23 USC 139 Section 6002 of SAFETEA-LU, Caltrans prepared a Coordination Plan (November 2008) including a list of agencies, roles and responsibilities for the project, agency contact information, coordination points, information requirements, and a project schedule. The Coordination Plan was updated regularly throughout the development of the project.

Initiation of Agency Participation

Pursuant to 23 USC 139 Section 6002 of SAFETEA-LU, letters inviting federal, state, Tribal and local government agencies that may have an interest in development of the project as a Coordinating or Participating Agency were mailed to the following federal, state, and local agencies in November 2008:

- Cooperating Agencies: GSA, DOS, USACE, DHS, CBP, EPA, IBWC
- Participating Agencies: GSA, DOS, USFWS; CBP; EPA; DHS; USACE; CDFG; RWQCB; SANDAG; County of San Diego; City of San Diego; DGS; IBWC; CPUC

In response to the request letters, GSA, DOS, DHS, CBP, and EPA agreed to be both Cooperating and Participating Agencies. The USACE noted they are a Cooperating Agency. The USFWS, CDFG, SANDAG, County, City, DGS, IBWC, and the CPUC agreed to be Participating Agencies.

As listed in Section 5.2.4, the Phase I coordination plan included Tribal representatives from the Sycuan Band of the Kumeyaay Nation; the Kumeyaay Cultural Heritage Preservation; the Jamul Indian Village; the Kumeyaay Cultural Repatriation Committee; the Diegueno/Kumeyaay Nation; the San Pasqual Band of Mission Indians; the Ewiiaapaayp Tribal Office; the Santa Ysabel Band of Diegueno Indians; the Mesa Grande Band of Mission Indians; the Manzanita Band of the Kumeyaay Nation; the Viejas Band of Mission Indians; the Kwaaymii Laguna Band of Mission Indians; the Inaja Band of Mission Indians; and the Santa Ysabel Band of Diegueno Indians. Tribal representatives did not respond to the Participating Agency Invitation for the Tier II environmental document process and were therefore not included in the Tier II Coordination Plan.

Opportunities for Involvement

Considerable coordination has occurred with the cooperating and participating agencies throughout the Tier II environmental review process. The agencies were formally or informally contacted and consulted during the preparation of the environmental analysis. Participating agencies and the public were provided the opportunity for input into the Tier II purpose and need and the range of alternatives. Letters and electronic mail were sent to Participating Agencies for review and comments on the project Purpose and Need Statement and Project Alternatives in September 2009. Comments were received from the following Participating Agencies: EPA, IBWC, GSA, CBP, USACE. USFWS, DGS, SANDAG, the County and the City; these are included at the end of this section. In addition, FHWA and Caltrans have worked closely with representatives of these agencies on analysis methodologies and other issues through ongoing meetings of the PDT, East Otay Mesa Interagency Work Group, and other groups listed in Table 5-1, which have continued to meet throughout the course of project development in Tier II, as issues have arisen requiring technical direction or resolution.

Caltrans has been in frequent contact with the USFWS, USACE and CDFG throughout the life of the project, to coordinate methodologies, analysis, conclusions and mitigation strategies. Caltrans attended field meetings with CDFG and the RWQCB on May 24, 2011 to verify state jurisdictional waters, and with USACE on June 2, 2011 to verify the jurisdictional delineation. Caltrans is currently coordinating with the

resource agencies and the County to assess the impacts of the SR-11/POE project and overlapping private development projects, and to identify mitigation for impacts to drainages within the project footprint. The USFWS has prepared and finalized a joint Biological Opinion (BO) for the SR-11 and two overlapping private development projects in order to coordinate mitigation for the three projects. Caltrans and the landowners involved have made every effort to cooperate in reducing jurisdictional impacts and sharing mitigation responsibilities appropriately.

As in Phase I, the public was provided the opportunity for input into the purpose and need for the proposed project via the NOI/NOP, the Public Scoping Meeting, the mass-mailed scoping meeting information flyer, newspaper advertisements, and additional outreach meetings. All comments have been addressed in this Final EIR/EIS.

Project Development Team Meetings

The SR-11/Otay Mesa East POE PDT, assembled by Caltrans in 2006 to serve as the technical advisory committee and internal decision-making body for the program, continued to meet during Tier II. In addition to the members noted for Phase I, which included Caltrans' staff representatives from Program Management and the various technical divisions, FHWA, SANDAG, GSA, DHS, CBP, and the City and County of San Diego, the PDT has included participants representing Sempra Energy/SDG&E, RWQCB, U.S. Border Patrol, CHP and financial institutions. The PDT has generally continued to meet monthly during Tier II, as issues have arisen requiring technical direction or resolution.

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file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro/shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–NYSEArca–2008–117 and should be submitted on or before November 26, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8–26345 Filed 11–4–08; 8:45 am]

BILLING CODE 8011–01–P

[7] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance; Kenosha Regional Airport, Kenosha, WI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to authorize the release of 1.38 acres of the airport property at the Kenosha Regional Airport, Kenosha, WI. The Wisconsin Department of Transportation (WisDOT) is seeking airport property to improve the intersection of Interstate 94 and State Trunk Highway 158. The WisDOT issued an environmental Finding of No Significant Impact on September 11, 1996.

The acreage being released is not needed for aeronautical use as currently identified on the Airport Layout Plan. The acreage comprising this parcel 24 and 24A were originally acquired under Grant Nos. AIP–01–1984 and AIP–02–1985. The City of Kenosha (Wisconsin), as airport owner, has concluded that the subject airport land is not needed for expansion of airport facilities. There are no impacts to the airport by allowing the airport to dispose of the property. The airport will receive the appraised fair market value of $89,700 for the land. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The disposition of proceeds from the disposal of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

DATES: Comments must be received on or before December 5, 2008.

ADDRESSES: Ms. Sandra E. DePottey, Program Manager, Federal Aviation Administration, Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450–2706. Telephone Number (612) 713–4350/FAX Number (612) 713–4364. Documents reflecting this FAA action may be reviewed at this same location or at the Wisconsin Department of Transportation, 4802 Sheboygan Ave., Room 701, Madison, WI 53707.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra E. DePottey, Program Manager, Federal Aviation Administration, Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450–2706. Telephone Number (612) 713–4350/FAX Number (612) 713–4364. Documents reflecting this FAA action may be reviewed at this same location or at the Wisconsin Department of Transportation, 4802 Sheboygan Ave., Room 701, Madison, WI 53707.

SUPPLEMENTARY INFORMATION: Following is a legal description of the subject airport property to be released at Kenosha Regional Airport in Kenosha, Wisconsin and described as follows:

A parcel of land located in Southwest ¼ of the Northwest ¼ of Section 31, T02N, R22E, Town of Somers, Kenosha County, WI.

Said parcel subject to all easements, restrictions, and reservations of record.

Issued in Minneapolis, MN, on August 5, 2008.

Robert A. Huber,

Manager, Minneapolis Airports District Office, FAA, Great Lakes Region.

[FR Doc. E8–26407 Filed 11–4–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Tier II Environmental Impact Statement: San Diego County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA, on behalf of the California Department of Transportation (Caltrans) and the General Services Administration (GSA) is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for Tier II of a proposed highway project, international port of entry (POE), and possible Commercial Vehicle Enforcement Facility (CVEF) in the East Otay Mesa area of San Diego County, California.

FOR FURTHER INFORMATION CONTACT: Cesar Perez, Senior Transportation Engineer, Federal Highway Administration, 650 Capitol Mall, Suite 4–100, Sacramento, CA 95814, *Telephone:* (916) 498–5065, or Susanne Glasgow, Deputy District Director, Environmental Division, California Department of Transportation, District 11, 4050 Taylor Street, MS–242, San Diego, CA 92110, Telephone: (619) 688–0100.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans), has previously completed a Phase I EIS (Record of Decision dated October 3, 2008) that resulted in the selection of a preferred corridor for State Route 11 (SR–11) and a preferred location for the Otay Mesa POE. Issuance by the U.S. Department of State (DOS) of a conditional Presidential Permit is also an anticipated outcome of this prior environmental process.

At this time, the FHWA, the GSA, and Caltrans will prepare a Tier II EIS that will evaluate design and operational alternatives for future SR–11, the POE, and a potential CVEF, in the previously selected locations in the Otay Mesa area of San Diego County in southern California. This will provide the required environmental documentation for a full Presidential Permit for the POE and allow FHWA/Caltrans and GSA to proceed with acquisition of right-of-way and construction of SR–11 and the Otay Mesa East POE, respectively.

Future SR–11 would begin at approximately the SR–905/SR–125 interchange and proceed easterly approximately 2.1 miles to a new, approximately 100-acre POE. The project will also either determine a route to the existing CVEF that serves the existing Otay Mesa POE to the west or will provide a second CVEF (approximately 20 acres) dedicated to the proposed Otay Mesa East POE. Within the limits of and adjacent to the study area, there are biological resources, planned land uses, paleontological resources, cross-border concerns, and potential traffic management, air quality, and growth issues.

Preliminary Alternatives/Design Variations under consideration include: (1) Taking no action; (2) the option to achieve the project's purpose and need through accommodation of pedestrians, cyclists, transit, and other transportation systems/demand management measures alone, without implementation of SR–11 and the new POE; (3) SR–11 toll implementation options; (4) the options of building two interchanges between SR–11 and local roadways, or one interchange only, with the exact locations of the interchanges to be determined after consideration of public input; and (5) the options of utilizing the existing CVEF at the existing Otay Mesa POE to also serve the proposed Otay Mesa East POE versus construction of a new CVEF adjacent to the new POE. For all alternatives/design variations, transportation systems/demand management measures and options to reduce vehicle idling time, and associated air pollutant emissions at the POE will be analyzed.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and Local agencies; Native American organizations; private organizations; and citizens who have previously expressed or are known to have interest in this proposal.

During future project development, prior to draft EIS circulation, a public scoping meeting will be held on December 4, 2008, from 5 p.m. to 7:30 p.m. at Ocean View Hills Elementary School, located at 4919 Del Sol Boulevard, San Diego, California. In addition, a public hearing will be held after publication of the draft EIS. Public notices will be given regarding the time and place of the meeting and hearing.

To ensure that the full range of issues relating to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the Draft EIS/EIR should be directed to FHWA and/or Caltrans at the addresses provided above.

Issued on: October 30, 2008.

Nancy Bobb,

Director, State Programs, Federal Highway Administration, Sacramento, California.

[FR Doc. E8–26365 Filed 11–4–08; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2008–0048]

Notice of Buy America Waiver Request by the Regional Transportation Commission of Southern Nevada for Bus Rapid Transit Rolling Stock

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Buy America waiver request and request for comments.

SUMMARY: The Regional Transportation Commission of Southern Nevada (RTC) has asked the Federal Transit Administration (FTA) to waive its Buy America requirements to permit it to purchase Bus Rapid Transit Vehicles from Wright Group (Wright) to be designed and manufactured in the United Kingdom. This request comes after the RTC awarded a contract to Wright but before the award of an FTA grant to the RTC. The RTC has asked for a waiver on the dual bases of public interest and non-availability. FTA seeks public comment on whether it should grant RTC's request on the basis of non-availability only. This Notice sets forth the RTC's arguments for a non-availability waiver and seeks comment.

DATES: Comments must be received by November 12, 2008. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Please submit your comments by one of the following means, identifying your submissions by docket number FTA–2008–0048. All electronic submissions must be made to the U.S. Government electronic site at *www.regulations.gov*. Commenters should follow the instructions below for mailed and hand-delivered comments.

(1) *Web site: www.regulations.gov.* Follow the instructions for submitting comments on the U.S. Government electronic docket site;

(2) *Fax:* (202) 493–2251;

(3) *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Docket Operations, M–30, Room W12–140, Washington, DC 20590–0001.

(4) *Hand Delivery:* Room W12–140 on the first floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must make reference to the ''Federal Transit Administration'' and include docket number FTA–2008–0048. Due to security procedures in effect since October 2001, mail received through the U.S. Postal Service may be subject to delays. Parties making submissions responsive to this notice should consider using an express mail firm to ensure the prompt filing of any submissions not filed electronically or by hand. Note that all submissions received, including any personal information therein, will be posted without change or alteration to *www.regulations.gov*. For more information, you may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or visit *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: For questions please contact Jayme L. Blakesley at (202) 366–0304 or *jayme.blakesley@dot.gov*.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to seek public comment on whether the Federal Transit Administration should waive its Buy America requirements in 49 CFR Part 661 for fifty (50) Bus Rapid Transit vehicles to be manufactured and assembled in the United Kingdom by Wright Group (Wright) for the Regional Transportation Commission of Southern Nevada (RTC). Because the RTC has already awarded a contract to Wright, it has asked for a post-award waiver.

In its request for a waiver, a copy of which has been placed in the Docket, Nevada RTC describes the benefits ''of introducing and operating visually attractive, advanced technology, high capacity vehicles.'' The RTC states that it ''has largely foregone more expensive light rail, heavy rail, or monorail alternatives.'' As an example, Nevada RTC stated that it ''converted its Downtown Connector Project into a [Bus Rapid Transit] Project, at a

NOP Recorded by the County Recorder

FILED IN THE OFFICE OF THE COUNTY CLERK
San Diego County on DEC 01 2008
Posted DEC 01 2008 Removed JAN 07 2009
Returned to agency on JAN 07 2009
Dep L. Kesian

FILED
Gregory J. Smith, Recorder/County Clerk
DEC 01 2008
L. Kesian DEPUTY

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NOTICE OF PREPARATION

To: All
Federal, State, and Local
Responsible and Cooperating Agencies

From: California Department of
Transportation (CALTRANS)
District 11
4050 Taylor Street, MS-242
San Diego, CA 92110

Subject: Notice of Preparation of a Draft Environmental Impact Report
[References: Division 13, Public Resources Code, Section 21080.4 (State); 40 C.F.R. 1501.7 and 1508.22 (Federal)]

This is to inform you that the California Department of Transportation (Caltrans), in cooperation with the Federal Highway Administration (FHWA) and the General Services Administration (GSA), will be the lead agency and will prepare a Draft Tier II Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the project described below. Your participation is requested in the preparation and review of this document.

We need to know the applicable permit and environmental review requirements of your agency and the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project proposes to evaluate design and operational alternatives for future State Route 11 (SR-11), the Otay Mesa East Port of Entry (POE), and a potential Commercial Vehicle Enforcement Facility (CVEF) in previously selected locations on Otay Mesa in San Diego County. FHWA, in cooperation with the California Department of Transportation (Caltrans), has previously completed a Program EIR/Phase I EIS (Notice of Determination dated October 3, 2008) that resulted in the selection of a preferred corridor for SR-11 and a preferred location for the POE. Issuance by the U.S. Department of State (DOS) of a conditional Presidential Permit is also an anticipated outcome of this prior environmental process. The current Tier II EIR/EIS will provide the required environmental documentation for a full Presidential Permit for the POE, and allow FHWA/Caltrans and GSA to proceed with acquisition of right-of-way and construction of SR-11 and the Otay Mesa East POE, respectively.

Future SR-11 would begin at approximately the SR-905/SR-125 interchange and proceed easterly approximately 2.1 miles to a new, approximately 100-acre POE. The project also will either determine a route to the existing CVEF that serves the existing Otay Mesa POE to the west, or will provide a second CVEF (approximately 20 acres) dedicated to the proposed Otay Mesa East POE.

Within the limits of and adjacent to the study area, there are biological resources, planned land uses, paleontological resources, cross-border concerns, and potential traffic management, air quality, and growth issues.

Preliminary Alternatives/Design Variations under consideration include: (1) taking no action; (2) the option to achieve the project's purpose and need through accommodation of pedestrians, cyclists, transit, and other transportation systems/demand management measures alone, without implementation of SR-11 and the new POE; (3) SR-11 toll implementation options; (4) the options of building two interchanges between SR-11 and local roadways, or one interchange only, with the exact locations of the interchanges to be determined after consideration of public input; and (5) the options of utilizing the existing Commercial Vehicle Enforcement Facility (CVEF) at the existing Otay Mesa POE to also serve the proposed Otay Mesa East POE, versus construction of a new CVEF adjacent to the new POE. For all alternatives/design variations, options to reduce vehicle idling time and associated air pollutant emissions at the POE, and transportation systems/demand management measures will be analyzed.

A public scoping meeting will be held on December 4, 2008, from 5:00 PM to 7:30 PM at Ocean View Hills Elementary School, located at 4919 Del Sol Boulevard, San Diego, California. There will be a formal public hearing at the conclusion of environmental studies. Public notice will be given as to the date, location, and time of the public meeting and the hearing.

To encourage an exchange of information and ideas, the meeting format will be an informal open forum. Interested persons will be able to drop in at any time during the meeting hours to ask questions, make suggestions, or express views for determining the range of alternatives and the scope of the issues to be addressed and analyzed in depth in the Draft EIR/EIS.

Subsequent to this initial scoping meeting, individual scoping meetings will be arranged with responsible/cooperating agencies and with special interest groups upon request.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than 45 days after receipt of this notice.

Please send your response and direct any comments or questions regarding this project to Susanne Glasgow, Deputy District Director, Environmental Division, Caltrans District 11, 4050 Taylor Street, MS-242, San Diego, CA 92110.

4 November 2008
Date

Susanne Glasgow
Susanne Glasgow
Deputy District Director
Environmental Division

USFWS NOI Comment Letter

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92011

DEC 08 2008

In Reply Refer To:
FWS-SDG-08B0316-09FA0005

Cesar Perez
Senior Transportation Engineer
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, California 95814

Subject: Notice of Intent to prepare a Tier II Environmental Impact Statement for State Route 11, Otay Mesa East Port of Entry, and a potential Commercial Vehicle Enforcement Facility in San Diego County, California (ER 08/1139)

Dear Mr. Perez:

We have reviewed the Notice of Intent (NOI) for State Route 11 (SR 11), a New Port of Entry (POE), and a potential Commercial Vehicle Enforcement Facility (CVEF) on east Otay Mesa in San Diego County and are providing the following comments. The project proposes to evaluate design and operational alternatives for future SR 11, the POE and a potential CVEF on Otay Mesa, California. We offer the following comments and recommendations regarding project-associated biological impacts based on our review of the NOI and our knowledge of declining habitat types and species within our office jurisdiction in San Diego County.

We have been participating in the stakeholders group that has been established for this project and will continue to do so. We commented previously on this project in a letter dated June 4, 2007, in response to the NOI for the Phase I Environmental Impact Statement (EIS) as well as in a letter dated March 4, 2008 on the draft EIS. As we stated in our previous letters, of primary concern is the potential impacts to the sensitive resources on both side of the border on Otay Mesa including potential impacts to Quino checkerspot butterflies (*Euphydras editha quino*), burrowing owls (*Speotyto cunicularia hypugaea*) and listed vernal pool species. We recommend that the POE be located as far to the west as possible in order to minimize impacts to these resources. In addition, we recommend that advanced mitigation opportunities be explored on Otay Mesa for this project given the rarity of the resources and to ensure that adequate mitigation can be secured. Otay Mesa is a critical component of the County of San Diego's Multiple Species Conservation Program, that supports species and habitats not found anywhere else.

To facilitate the evaluation of the proposed project from the standpoint of fish and wildlife protection, we request that the EIS contain the following specific information:

TAKE PRIDE IN AMERICA

1. A description of the environment in the vicinity of the project from a local and regional perspective. This description should include a vegetation/habitat map of the project area and surrounding areas.

2. A complete discussion of the purpose and need for the project and each of its alternatives. This discussion should also include how this project will be coordinated with the San Diego County update of their East Otay Mesa Specific Plan and its associated amendment to the Multiple Species Conservation Program.

3. A complete description of the proposed project, including the limits of the project area. This project description should include all practicable alternatives that have been considered to avoid and minimize project impacts, to the maximum extent practicable, to sensitive habitats (*e.g.*, coastal sage scrub, wetlands) and endangered, threatened, or sensitive species, and measures to mitigate unavoidable impacts.

4. Quantitative and qualitative assessments of the biological resources and habitat types that will be impacted by the proposed project and its alternatives. An assessment of direct, indirect, and cumulative project impacts to fish and wildlife associated habitats of the project (*e.g.*, increased population, increased development, and increased traffic). All facets of the project (*e.g.*, construction, implementation, operation, and maintenance) should be included in this assessment.

5. This assessment should include a list of Federal candidate, proposed, and/or listed species; State-listed species; and locally sensitive species that are on or near the project site, including a detailed discussion of these species and information pertaining to their local status and distribution. Therefore, we recommend comprehensive biological surveys be performed on the project site, including directed surveys for all potentially occurring Federal and State-listed species using standard survey protocols. Investigators conducting surveys for federally listed species must be qualified biologists. We are particularly interested in any and all information and data pertaining to potential impacts to populations of federally listed or proposed species and their designated or proposed critical habitats. The EIS should disclose all impacts to these sensitive resources including those incurred from indirect impacts.

6. Project-related impacts that may occur to federally listed species in Mexico should also be addressed.

7. Project-related impacts may occur outside of the area directly affected by the proposed project. We recommend that you make your cumulative impacts analysis broad enough to include the effects of future State, tribal, local, or private actions that are reasonably certain to occur in the area affected by the direct and indirect effects of your project.

USFWS NOI Comment Letter

8. Proposed measures to be taken to avoid, minimize, and mitigate significant impacts to biological resources should be discussed in detail.

9. Maps and tables summarizing specific acreages and locations of all habitat types and the number and distribution of all Federal candidates, proposed, and/or listed species; State listed species; and locally sensitive species on or near the project site that may be affected by the proposed project or project alternatives.

10. A detailed analysis of impacts of the proposed project on the movement of wildlife, and proposed measures to avoid and minimize impacts, and mitigate unavoidable impacts.

11. An assessment of potential impacts to wetlands and jurisdictional waters of the United States. The EIS should disclose all impacts to jurisdictional waters and wetlands, and proposed measures to be taken to avoid and minimize impacts, and mitigate unavoidable impacts.

12. Identification of methods to be employed to prevent the discharge and disposal of toxic and/or caustic substances, including oil and gasoline, on the project site during and after construction. Specifically, effects to water quality from runoff should be addressed.

13. A discussion assessing the effects of the proposed project on multi-species planning efforts within the Multiple Species Conservation Program.

We appreciate the opportunity to comment on this NOI with regard to potential impacts to sensitive and endangered species, wildlife, and wetlands. If you have any questions pertaining to these comments, please contact Ms. Susan Wynn of my staff at (760) 431-9440.

Sincerely,

For Karen A. Goebel
Assistant Field Supervisor

cc:
Susanne Glasgow, Caltrans District 11
Vijai Rai, DOI

City of San Diego NOI Comment Letter

THE CITY OF SAN DIEGO

December 17, 2008

Susanne Glasgow
Department of Transportation
District 11
4050 Taylor Street, MS-242
San Diego, CA 92110

Dear Ms. Glasgow:

Subject: **Notice of Preparation of Draft Environmental Impact Report - State Route 11/Otay Mesa East Port of Entry Project**

The City of San Diego ("City") has received and reviewed the Notice of Preparation of a Draft Tier II Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for future State Route 11 (SR-11), the Otay Mesa East Port of Entry (POE), and a potential Commercial Vehicle Enforcement Facility (CVEF) with the California Department of Transportation (Caltrans) acting as the lead agency in cooperation with the Federal Highway Administration (FHWA) and the General Services Administration (GSA). In response to the NOP, the City has identified additional environmental issues beyond those listed in the NOP, which may have an effect on the City of San Diego that require review and analysis. These include transportation/circulation, cultural resources, and aesthetics/visual quality. In addition, we have identified applicable permit and environmental review requirements for those areas of the proposed project outside of the Caltrans right-of-way, and within the City's jurisdiction. While this is not an exhaustive list of the required permits, there is a potential for the implementation of the project to necessitate a Site Development Permit, Planned Development Permit, Public Right-of-Way Permit, easement vacations, street vacations, and associated environmental review. The EIR prepared by your agency will be used when considering permit approval and environmental review for this project.

The City has agreed to be a participating agency in the development of the EIR/EIS for the project. We look forward to continued coordinated planning between the City, Caltrans and the other participating agencies in addressing impacts from the implementation of this important transportation project.

Please contact me if you have any questions regarding this response, please do not hesitate to contact me at (619)446-5008.

DIVERSITY BRINGS US ALL TOGETHER

Development Services
1222 First Avenue, MS 501 • San Diego, CA 92101-4155
Tel (619) 446-5460

Page 2 of 2
Susanne Glasgow
December 17, 2008

Please contact me if you have any questions regarding this response, please do not hesitate to contact me at (619)446-5008.

Sincerely,

Cecilia Gallardo, AICP
Assistant Deputy Director
Development Services Department

cc: Labib Qasem, Senior Traffic Engineer
Myra Herrmann, Senior Planner
City of San Diego Environmental Review & Comment Files

County of San Diego NOI Comment Letter

County of San Diego

DEPARTMENT OF PUBLIC WORKS

JOHN L. SNYDER
DIRECTOR

5555 OVERLAND AVE, SUITE 2188
SAN DIEGO, CALIFORNIA 92123-1295

(858) 694-2212 FAX: (858) 268-0461
Web Site: www.sdcounty.ca.gov/dpw/

December 18, 2008

Cesar Perez
Senior Transportation Engineer
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Dear Mr. Perez:

NOTICE OF INTENT FOR STATE ROUTE 11 / PORT OF ENTRY / COMMERCIAL VEHICLE ENFORCEMENT FACILITY - TIER II ENVIRONMENTAL IMPACT STATEMENT

The County of San Diego has reviewed the Notice of Intent (NOI) for the preparation of an Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) for the Tier II State Route 11 (SR-11) highway project, international Port of Entry (POE), and Commercial Vehicle Enforcement Facility (CVEF), issued on October 30, 2008.

County Department of Public Works (DPW) and Department of Planning and Land Use (DPLU) staff have completed their review of the NOI. The comments below are regarding traffic and transportation.

SR-11

1. The EIS/EIR should provide a detailed project description that clearly identifies all of the proposed design/operation features for each project alternative.

2. The EIS/EIR should analyze existing conditions, on opening day for the proposed project, and year 2035, with and without the project. Tier II analysis should consider post-year 2035 build-out/full development forecast projections in developing the ultimate freeway design. The County and City of San Diego should be consulted when determining the build-out potential of future development planned for the Otay Mesa region to determine ultimate right of way (ROW) and design requirements for SR-11.

3. We encourage continued agency coordination and sharing of data for the development of the traffic analysis.

4. The EIS/EIR should provide a discussion of the project's impacts to local County roads under each of the build-out interchange alternatives.

5. Interim/phased alternatives should also be considered that will maintain access to properties within East Otay Mesa. One such alternative would be provision of an expressway with direct access at Enrico Fermi Road and Siempre Viva Road.

6. The impact of out-of-direction travel to local roadways, in both the unincorporated area and the City of San Diego, should be accounted for in alternatives with limited or no direct access/interchanges to SR-11.

7. The Modified Two-Interchange alternative identified in the Value Analysis Study should be fully assessed and considered in the Tier II EIS/EIR.

8. The EIS/EIR analysis should consider existing interchange spacing and non-standard design issues that were approved for SR-905 and SR-125 when evaluating interchange alternatives for SR-11.

9. The EIS/EIR should verify that the proposed SR-11 project would not preclude the construction of any planned County Circulation Element and Specific Plan roads. The SR-11 design should accommodate all planned County Circulation Element and Specific Plan roads that are proposed to directly connect with and/or traverse SR-11.

10. The EIS/EIR should discuss whether the proposed SR-11 project may require improvements to connecting County roads and/or reconfiguration of County roads. The extent of improvements that may be required to connect and/or parallel County roads should also be discussed.

11. Property owners in the East Otay Mesa Specific Planning area have expressed needs and interest in additional access to the County mesa area in the vicinity of the SR-905/SR-11/SR-125 freeway-to-freeway interchange. Propery owners have proposed auxiliary ramps. The EIS/EIR should evaluate and consider additional access alternatives, where feasible, in final design of the freeway-to-freeway interchange. A potential option would be an off-ramp that splits off from the northbound to eastbound SR-905/SR-11 connector, then drops down to connect with the southern terminus of Harvest Road. SR-905 northbound access to Otay Mesa Road should also be considered due to benefit the SR-11/SR-905 connection and access to the East Otay Mesa area.

County of San Diego NOI Comment Letter

12. The County's Guidelines for the Determination of Significance for Transportation and Traffic, adopted September 26, 2006, and revised December 5, 2007, should be used as a guide in preparation of the traffic analysis for impacts to County roads.

13. The EIS/EIR should note encroachment and construction permits would be required for any work performed within the County's ROW.

14. The EIS/EIR should provide a project description that clearly identifies all of the proposed tolling alternatives for SR-11, such as the potential tolling at all of the SR-11 access points and/or tolling at the new POE only.

New Otay Mesa East POE

15. The new Otay Mesa East POE will require an estimated 100 acres for its facilities. The EIS/EIR should identify properties that potentially may be directly impacted by the 100-acre project site.

16. The EIS/EIR should outline the potential process that may be used to acquire the needed 100 acres.

17. The EIS/EIR should provide a detailed project description that clearly identifies all of the proposed POE operational alternatives, such as various passenger and commercial/cargo options, plus the new POE functioning as a toll facility.

18. The EIS/EIR should explain how proposed operations at the new POE would relate to operations at the existing Otay Mesa and San Ysidro POEs.

Commercial Vehicle Enforcement Facility (CVEF)

19. The EIS/EIR should provide map figures that show proposed routes from the new POE to the CVEF, and onto SR-11 or other public roads.

20. The EIS/EIR should identify/assess if truck traffic, especially international commercial trucks, would need to use any County roads to travel from the new POE to the CVEF, and onto SR-11.

PLANNING AND LAND USE

21. The proposed highway, POE and possible CVEF will be on land within the jurisdiction of the County of San Diego. The County is part of the Multiple

Species Conservation Program (MSCP) and has adopted a sub-area plan (South County Plan) that covers southern San Diego County, including EOM. Tier II EIS/EIR should evaluate a design that minimizes the impacts to the various species that are covered by the MSCP and that inhabit the non-native grasslands and coastal sage scrub within the chosen alignment for SR-11, the chosen location of the POE, and the possible CVEF. The covered species that occur within the proposed project area and its vicinity include:

- Northern harrier (breeding and foraging in non-native grasslands)
- Swainson's hawk (foraging during winter in non-native grasslands)
- Ferruginous hawk (foraging in non-native grasslands)
- Golden eagle (foraging in non-native grasslands) – a pair of golden eagles is known to nest in O'Neal Canyon to the east of the proposed project, and they forage over grasslands on EOM.
- Burrowing owl (burrows, breeding and foraging in non-native grasslands)
- Coastal cactus wren (breeding and foraging in cactus patches)
- California gnatcatcher (breeding and foraging in coastal sage scrub)
- California rufous-crowned sparrow (breeding and foraging in coastal sage scrub
- Mountain lion (foraging)

22. Burrowing owls are of particular concern on EOM. Burrowing owls have declined in San Diego County by about 90% during the past 30 years. At the end of the 1970s and in the early 1980s there were 250-300 breeding pairs, with very few on EOM. Now there are only 40-50 breeding pairs in all of San Diego County, with 25-30 of these pairs on EOM. The proposed SR-11, POE and possible CVEF will impact non-native grassland habitat and possibly burrows. The Tier II EIS should evaluate a design that minimizes impacts to the burrowing owl and its non-native grassland habitat.

23. The County of San Diego, U.S. Fish and Wildlife Service and California Department of Fish and Game have identified two burrowing owl nodes for preserving non-native grassland on EOM. The attached map shows the two burrowing owl nodes (pink circles): one just west of Donovan State Detention Facility along the north side of EOM and one at the very southeastern corner of the mesa. Much of the land in the northern node is already preserved by the County and Caltrans and includes the Caltrans restoration site for SR-125. Other portions are being purchased by other developers needing mitigation on East Otay Mesa. In the southeastern node, none of the land has been designated for preservation yet. The County encourages Caltrans and the Department of General Services to consider preservation of lands in these areas as mitigation for impacts to non-native grasslands and possibly coastal sage scrub by the proposed project.

County of San Diego NOI Comment Letter

Mr. Perez
Page 5 of 5
December 18, 2008

24. The County is concerned about access from SR-11 to commercial and industrial lands on East Otay Mesa. These land uses are important to traffic coming north from Mexico and include loading and unloading facilities, truck parking and container storage, and other necessities of international commerce. The County requests that Caltrans contact the Department of Planning and Land Use and the Department of Public Works to coordinate the location of interchanges on SR-11 that will provide access to East Otay Mesa.

The County of San Diego appreciates the opportunity to participate in the development and environmental review process for this project, and close coordination and partnership in the planning and development of the SR-11/POE/CVEF project. We look forward to receiving future meeting correspondence, environmental documents and/or providing additional assistance at your request related to this project. If you have any questions regarding these comments, please contact Richard Chin, Associate Transportation Specialist at (858) 874-4203.

Sincerely,

JOHN L. SNYDER, Director
Department of Public Works

JLS:DKT:le

cc: Susanne Glasgow, Deputy District Director, Environmental Division, Caltrans – California Department of Transportation, 4050 Taylor Street, San Diego, CA 92110
Kelly Finn, Caltrans – Caltrans, 4050 Taylor Street, San Diego, CA 92110
Richard Chin, Michael Robinson, Bob Goralka, Francisco "Nick" Ortiz – Department of Public Works
Bobbie Stephenson, Leann Carmichael, Tom Oberbauer, Bob Citrano – Department of Planning and Land Use

SD Commercial, LLC NOI Comment Letter

SD Commercial, LLC

December 31, 2008

Ms. Kelly Finn
Environmental Branch Chief, Environmental Division
Caltrans District 11
4050 Taylor Street, M.S. 242
San Diego, CA 92110

RE: Comments for SR-11 and Otay Mesa East POE

Dear Ms. Finn,

We are in receipt of your Notice of Preparation of a Draft Tier II Environmental Impact Report regarding the construction of SR-11 and the Otay Mesa East Port of Entry ("OMEPOE"). The following entities own approximately 2,200 acres of land near the proposed facilities, some of which is located in the proposed corridor. These entities are controlled by the De La Fuente family and are managed by SD Commercial, LLC.

American International Racing, Inc.
D&D Landholdings
International Industrial Park, Inc.
KYDDLF & RDLFG FT NO 1, LLC
Otay Mesa Property, L.P.
OMC Properties, LLC
Rancho Vista Del Mar
TPO LLC
Otay International LLC
R.K.R. DLFY L.P.
OWDP LLC
Otay Truck Parking L.P.
Otay Concrete Parking, LLC
Otay Acquisitions, L.P.

5440 Morehouse Drive, Suite 4000 • San Diego, CA 92121 • 858/623-9000 • 858/623-9009 fax

As such, this correspondence represents the comments of the aforementioned entities, which were requested to be submitted by December 31, 2008.

We are happy to hear that Caltrans has obtained the conditional Presidential Permit, as we are in favor of SR-11 and the commerce and circulation it has the potential to achieve. However, we do have multiple concerns outlined below that need to be addressed in order to realize the full benefits of these facilities, as they were originally intended.

Funding –

It is our understanding from attending multiple meetings with Caltrans officials that the total construction costs are projected to be around $700 million, comprised of approximately $350 million for SR-11 itself and $350 million for the actual OMEPOE. Additionally, since the passing of Senate Bill 1486, SANDAG is authorized to issue bonds, collect tolls and utilize other tools to repay approximately $350 million of these expenses. Unfortunately, we have been informed that Caltrans has "negotiated away" any assistance from the Federal government in order to expedite the issuance of the Presidential Permit. This funding would have assisted in closing the gap for the remaining money needed to complete the full construction, as planned.

This decision makes no logical sense. Why would we bargain with these desperately needed funds? In light of the current budget crisis in California, which has resulted in a cessation of work on State Route 905, the opportunity for Federal funds is an integral part of any expansion of the national highway grid. Not only will the additional OMEPOE alleviate the congestion at the existing POEs, therefore significantly lessoning the current efforts required, but it will also increase the security at the border and create hundreds of jobs in our currently downsized economy. We know that traditionally the Federal government will contribute funds for these types of endeavors, as they do at other POEs around the country. This opportunity should be opened up for renegotiation.

Interchanges –

Caltrans' recent notion to consider the elimination of one or both of the planned interchanges at Enrico Fermi Drive ("Enrico") and Siempre Viva Road ("Siempre") is simply unacceptable. As far back as 1994, the East Otay Mesa Specific Plan designated these two interchanges as a critical part of the local circulation element. When the County Board of Supervisors adopted the Amended Subarea 1 Plan on August 1, 2007, these two interchanges formed the backbone of the East Otay Mesa road network. We strongly urge Caltrans and SANDAG to respect the decision of the local planning authority in this regard. All development occurring since the adoption of this plan has been forced to comply accordingly. As such, a deviation of this magnitude would

SD Commercial, LLC NOI Comment Letter

essentially throw away years of planning and considerable dollars and undermine the whole reason for creating a community plan in the first place. We ask that Caltrans recognize that projects have been planned and approved around the layout of this element. Not having on/off ramps to the surrounding land would be like having a house with no doors.

Alternatives –

If after exploring all of the available funding mechanisms (including Federal government funding), Caltrans is unable to respect East Otay Mesa's Circulation Element by furnishing the planned two full freeway diamonds, there are a few potential untapped resources in the area that may be able to lend assistance. As Caltrans is aware, R.J. Donovan Prison ("Donovan") is preparing to expand its facilities to house 1,500 additional medical beds, along with approximately 1,600 permanent staff. These figures do not include visitors, inmate and patient transporters, suppliers, probation officers, attorneys, and the multitude of construction workers whose presence will be ongoing through project completion. It is easy to picture the magnitude of traffic that will be generated from this project alone.

As such, this expansion project could justify the costs of building the western half of the interchange at Enrico. This one-half diamond would benefit Donovan directly, as the traffic going to and from the prison could immediately access SR-11, instead of further congesting the surface streets. We have proposed this mitigation measure to Donovan, along with the northward extension of Enrico from Otay Mesa Road, at public hearings and in our comment letter. This extension would act as Donovan's primary access and would mitigate the safety hazard created by only one point of ingress/egress to a project of this volume. If Caltrans supported our efforts to compel Donovan to incorporate these two mitigation measures, this would achieve funding for one-half of the Enrico interchange. Once this is accomplished, Caltrans' funding needs are reduced to an interchange at the eastern half of Enrico and a full interchange at Siempre. If no other funding method is feasible, we would entertain the compromise of deferring the eastern half of the diamond at Enrico.

Another issue that has been alluded to at multiple meetings with Caltrans officials is the possible design flaw of the proximity of the proposed interchange at Siempre to the OMEPOE facility. Apparently, this issue has arisen due to the footprint expansion from the originally planned facility. If during the further investigation of these relative distances, the originally proposed alignments are deemed impracticable, we would consider a half diamond at Siempre and a half diamond at Alta Road.

CHP Truck Inspection Station –

During Caltrans' recent presentations, we have been informed that the CHP Truck Inspection Station ("CHP") is proposed to be located on approximately 20 acres immediately outside the northeast corner of the OMEPOE anticipated footprint. This revised location is detrimental for us because it will block access to our properties located to the east of the OMEPOE. As such, we would suggest situating the CHP immediately east of the footprint, as opposed to its current northeasterly position.

Biology –

We have reviewed the Biological Environment report presented in the August 2008 Final Program Environmental Impact Report/Phase I Environmental Impact Statement and we disagree with the biological findings. Specifically, we vehemently oppose the inclusion of the alleged findings relating to our properties (APN 648-080-16 and APN 648-080-17) which lie outside the Tier II Environmental Study Area. In addition, we contest the premature findings on APN 648-080-18, which has yet to even be studied. Our letter of authorization dated August 15, 2008 provided only limited access to approximately 11 acres of that parcel. Even though we strongly voice our disagreement, we do not intend to delay the project based on the biological reports, but would like to notify Caltrans of our total opposition for including these findings in a public document.

We look forward to working with Caltrans to reach mutually agreeable decisions on these issues, while respecting the region's transportation needs.

Sincerely,

David Wick
President
SD Commercial, LLC
(858) 623-9000, ext. 700
dwick@natent.com

cc: Mark Baza
Mario Orso
Sandra Lavender
Nicola Bernard

FEMA NOI Comment Letter

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052

FEMA

December 8, 2008

Kelly Finn
Environmental Branch Chief
Environmental Division
Caltrans District 11
4050 Taylor Street, MS 242
San Diego, California 92110

Dear Ms. Finn:

This is in response to your request for comments on the Notice of Preparation/Notice of Scoping for the Otay Mesa East Port of Entry (POE), and potential Commercial Vehicle Enforcement Facility (CVEF).

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of San Diego (Community Number 060284), Map revised September 29, 2006. Please note that the County of San Diego, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

www.fema.gov

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The County of San Diego floodplain manager can be reached by calling Cid Tesoro, Floodplain Administrator, at (858) 694-2666.

If you have any questions or concerns, please do not hesitate to call Marshall Marik of the Mitigation staff at (510) 627-7057.

Sincerely,

Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:
Cid Tesoro, Floodplain Administrator, San Diego County
Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources, Southern District
Marshall Marik, Floodplanner, CFM, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

EPA Comment Letter on Purpose and Need/Alternatives

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

OCT 30 2009

Susanne Glasgow
Caltrans District 11
4050 Taylor Street, M.S. 242
San Diego, CA 92110

Subject: Comments on Purpose and Need and Range of Alternatives for Tier II State Route 11 / Otay Mesa East Port of Entry Project

Dear Ms. Glasgow:

This letter responds to your September 30, 2009 request for comments on the Purpose and Need and Project Alternatives for the State Route (SR) 11 Otay Mesa East Port of Entry (POE) Project, San Diego County, California. Federal Highway Administration (FHWA), in cooperation with California Department of Transportation (Caltrans), will prepare a Tier II Draft Environmental Impact Statement (DEIS) for the project under National Environmental Policy Act (NEPA). A Program Phase 1 Environmental Impact Statement (PEIS) has already been completed. The request is in accordance with Section 6002 of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

EPA is a Participating (as defined in SAFETEA-LU) and Cooperating Agency (as defined in the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1508.5)) for this project and has participated in several interagency workgroup meetings. EPA previously provided comments on the project following our review of the Notice of Intent (NOI) for the project published in the Federal Register (November 2008). EPA appreciates the opportunity to review the project's Purpose and Need and Range of Alternatives.

Purpose and Need

Transit and Bicycle Access

The Draft Purpose and Need Statement includes an additional objective to allow bicycle and transit access to the proposed POE (p. 2). The proposal is to accommodate possible future transit service, such as Bus Rapid Transit (BRT), by including sufficient space within the overall POE footprint for a potential future transit center, without siting, designing, or constructing the facility at this time, which will be defined by San Diego Association of Governments and Metropolitan Transit Service at a later date (p. 1). While EPA is very supportive of bicycle and transit access as a strategy to reduce local and cross-border personal vehicle trips, the need statement should include information that describes the current condition related to bicycle and transit trips to and from POEs in the region and how the project would support current and/or proposed biking / transit initiatives in the border region.

1998 Letter of Intent Binational Corridor Preservation for State Route 11

Another additional objective is to support the 1998 Letter of Intent entitled "Binational Corridor Preservation for State Route 11 – Tijuana/Rosarito 2000 and Site Designation for the East Otay Mesa-Mesa de Otay II Port of Entry". However, the Draft Purpose and Need Statement does not include any information on the Letter of Intent. EPA recommends providing background information on the Letter of Intent in the Purpose and Need Statement to clarify how supporting binational corridor preservation and the goals and objective outlined in the Letter of Intent will be met. EPA also recommends adding "where feasible and in compliance with Federal and State regulations" to the end of this objective.

Connections to Local Roads from SR 11

The current focus of the Draft Purpose and Need Statement related to the SR 11 facility is linking the proposed POE to the existing and proposed highway system for binational regional mobility. The need to connect SR 11 to local traffic circulation (proposed and/or existing) is not discussed. Considering that the primary difference between the build alternatives is the number of proposed interchanges (Two Interchange Alternative, One Interchange Alternative, and No Interchange Alternative), the Purpose and Need Statement should define the relationship of the SR 11 intersections to local roads to better understand how the number of interchanges are related to the purpose and need for the proposed project. EPA recommends including trip origination and destination information as supporting information to inform the need for the project. In addition, the purpose and need statement should identify who would use these intersections. Specifically identify if these interchanges would service existing roads or proposed roads.

Volume and Capacity Needs of the Proposed SR 11 and POE Facilities

The Draft Purpose and Need Statement provides information that supports the need for a new border crossing and connecting highway, but supporting volume and capacity information is lacking. This information is critical in informing the alternatives related to size and operation for the new infrastructure. Based on information provided, it appears the existing border crossings are inadequate to accommodate the present and future cross-border traffic, even with proposed improvements at existing facilities. Therefore, the description of the need for the project should be revised to include estimated traffic volumes (including other modes of cross-border trips), estimated capacity requirements at the new border crossing, and projected additional highway infrastructure for both present and future conditions. This information will help justify and characterize the type, extent and magnitude of infrastructure needed to reduce existing border crossing congestion and accommodate the future travel demand.

The Draft Project Alternatives document only proposes a four-lane freeway and does not include smaller or larger facilities within the range of alternatives. The lack of inclusion of fewer or larger facilities (fewer or additional lanes) in the range of alternatives proposed for analysis is not explained in the Project Alternatives discussion, nor supported by any information in the Purpose and Need Statement. We recommend revising the discussion of the Project Alternatives to either include a broader range of alternatives, or identify why only a four-lane structure is proposed. In addition, data that is being considered to determine adequate sizing and operational requirements for this POE should be included in the needs statement to justify the scope of the POE facility in the Project Alternatives.

EPA Comment Letter on Purpose and Need/Alternatives

Increased U.S. Southbound Inspections and Northbound Mexico Inspections

EPA is aware of the anticipated increased and likely regular southbound vehicular inspections by the U.S. Customs and Border Protection (CBP) that would occur as part of the enhanced security operations at border facilities in the region. EPA is also aware that Mexico will begin the screening of inbound vehicles using the Sistema de Aforo Vehicular (SIAVE) system. Page 3 of the Draft Project Alternatives indicates that although sufficient space has been provided within the proposed POE site to accommodate future southbound inspections and conceptual facilities are identified, detailed design for such facilities cannot be developed until specific requirements become known. EPA recommends incorporating in the Purpose and Need Statement the most current and available information about CBP's proposal to increase southbound vehicular inspections and discussing how implementation of Mexico's screening of inbound vehicles will integrate with the anticipated southbound inspections by the U.S. government at the Tijuana border.

Project Alternatives

Relationship to Preferred Program Alternative Identified in the Phase I PEIS

The Draft Purpose and Need Statement indicates that both the Tier II POE shape and layout have been adjusted from those in the Phase I PEIS to reflect subsequent design changes for the proposed SR 11 corridor and the POE facility (p. 2). Consequently, the footprint for the alternatives is larger than the selected preferred program alternative (e.g., 109.3 acres versus 100 acres for the POE site) and the POE footprint has edged eastward. EPA recommends including additional rationale for the design changes and indicating whether the increase in size and shifting of the POE boundary eastward changes any analysis or conclusion related to environmental impacts assessed in the Phase I PEIS.

Additional Elements of the SR 11 Facility

The Draft Project Alternatives document includes information pertaining to project and right of way footprint, medians, interchanges, crossings for local roads, and number of lanes, but does not include any information for other road elements, such as stormwater-related infrastructure and possible crossings (e.g., culverts, bridges, etc.) for natural features (drainages, wildlife crossings, etc.). This is particularly important when considering whether the proposed freeway will avoid or minimize impacts to waters of the U.S. and other sensitive habitats. EPA recommends describing other roadway elements in the Project Alternatives that will be incorporated into the project design to avoid and minimize impacts to water quality and sensitive biological resources.

The drawings for all of the build alternatives appear to include an interchange at Siempre Viva Road, even though it is not labeled as such in the One Interchange Alternative (Figure 2) and No Interchange Alternative (Figure 3) drawings. The text for the One Interchange Alternative and the No Interchange Alternative describes an undercrossing at Siempre Viva Road (p.4). The text also further states that several design elements of the Siempre Viva Road undercrossing would be similar to the Siempre Viva Road Interchange proposed under the Two Interchange Alternative, with the principal difference that no direct access would be provided between SR 11 and Siempre Viva Road. This is confusing since the graphic appears to be exactly

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the same for all of the figures at Siempre Viva Road. Please further explain the similar design features and why the figure looks the same for an interchange versus an undercrossing at Siempre Viva Road and/or clarify if this is an error in Figures 2 and 3.

Lack of Details on the POE Facility

Considering that this is a project-level EIS, design information on the proposed POE facility is extremely limited in the Draft Project Alternatives description. The text in the Draft indicates the proposed footprint is based on design and operational assumptions (p. 3). Buildings and inspection areas are not labeled in the figures, nor described in the Alternatives. The number of booths and lanes is not provided, and operational requirements are not described. The Phase I PEIS included labeling for its conceptual design / layout (Figure 2-3 of the Phase 1 PEIS) that the Draft Project Alternatives does not include. The Final Phase I PEIS indicates that the conceptual design for the new POE was developed using a software simulation tool called Border Wizard Program and that further design details would be developed in Phase II (p.2-4 of Final PEIS), but these are not described in the Draft Project Alternatives document. EPA recommends including a further developed POE design and description in the Project Alternatives.

Screening Alternatives

EPA would like to receive more information on the Range of Alternatives in order to provide more meaningful feedback. EPA also recommends providing the methodology used for screening the alternatives to determine which Range of Alternatives will be included in the DEIS to Participating and Cooperating Agencies for comments. The methodology should include information about which criteria and measures were, or will be, used at each screening level and how they will be integrated in a comprehensive evaluation so that meaningful feedback can be provided on the screening process.

Least Environmentally Damaging and Practicable Alternative

There is a likely need for a Department of the Army permit for discharge of fill in waters of the U.S. for the Project. This will require documentation that a reasonable range of alternatives were analyzed to identify the Least Environmentally Damaging and Practicable Alternative (LEDPA) in order to comply with Clean Water Act (CWA) Section 404(b)(1) Guidelines. The 404(b)(1) Guidelines require non-water dependent projects that discharge dredged or fill material into special aquatic sites (e.g., wetlands) to rebut the presumptions that there are alternatives available to the applicant which do not involve impacts to special aquatic sites and that alternatives which do not involve special aquatic sites are less damaging to the aquatic ecosystem. To rebut these presumptions, the project proponent is usually required to examine both off-site and on-site alternatives, which are interrelated to the project purpose statement. EPA recommends including a discussion on the requirements of LEDPA selection and possible adoption of the EIS by the U.S. Army Corps of Engineers for their permit decision in the Project Alternatives and describing how the alternative analysis will comply with the 404(b)(1) Guidelines.

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EPA Comment Letter on Purpose and Need/Alternatives

Section 6002 Coordination for Future Projects

Section 6002 SAFETEA-LU requires that the lead agency provide an opportunity for involvement by Participating Agencies in defining the Purpose and Need and in determining the Range of Alternatives for a project as early as practicable during the environmental review process. For this project, EPA received a concurrent request to comment on Purpose and Need and Range of Alternatives. The intent of Section 6002 SAFETEA-LU is to involve Participating Agencies early during the development of Purpose and Need in order to inform the scope and development of Project Alternatives. For future projects, EPA recommends that Caltrans request Participating Agency feedback on the Purpose and Need before extensive effort is expended on developing a Range of Alternatives so that agency input can help shape alternative development. EPA also recommends requesting Participating Agency feedback on the project's coordination plan, particularly if a project schedule is developed that includes timelines for Participating Agency comments.

As a next step for this project and as described in Section 6002 SAFETEA-LU, EPA is available to assist in the determination of the methodologies to be used and the level of detail required in the analysis of each alternative for the project. We are also available to continue working with the interagency workgroup to further refine the Project Alternatives to avoid and minimize impacts to resources.

Thank you for requesting our comments on the Purpose and Need and Project Alternatives. We look forward to continued participation in this project as a Participating and Cooperating Agency through the interagency workgroup and the Section 6002 SAFETEA-LU process. Please contact Susan Sturges within the EPA's Environmental Review Office (415-947-4188 or sturges.susan@epa.gov) and Dave Fege within EPA's Border Office (619-235-4769 or fege.dave@epa.gov) for further coordination on this project.

Sincerely,

Ann McPherson
for

Connell Dunning, Transportation Team Supervisor
Environmental Review Office
Communities and Ecosystems Division

CC: Pedro Orso-Delgado, Caltrans
Steve Healow, Federal Highway Administration
Ramon Riesgo, General Services Administration
Michelle Mattson, U.S. Army Corps of Engineers
Susan Wynn, U.S. Fish and Wildlife Service
Andy Brinton, U.S. Customs and Border Protection
Ted Boling, Council of Environmental Quality
James Gavin, U.S. Environmental Protection Agency

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IBWC Comment Letter on Purpose and Need/Alternatives

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

October 15, 2009

Susanne Glasgow
Deputy District Director, Environmental
Department of Transportation
4050 Taylor Street, MS-242
San Diego, CA 92110

Re: Review and Comment on the Purpose and Need, and Range of Alternatives for the State Route 11/Otay Mesa East Port of Entry Project.

Dear Ms. Glasgow:

In reference to your letter dated September 30, 2009, The United States International Boundary and Water Commission (USIBWC) has reviewed the above referenced document. We do not currently have any comments for the purpose and need statements and look forward to reviewing future works in the project.

Of great importance to the USIBWC is for this project to address stormwater controls to prevent pollutants and higher than normal flows of stormwater runoff into the Tijuana River system. Also, one of the mandates of the USIBWC is delineation of the boundary between the United States and Mexico. We would like to have coordination with our survey team to insure proper marking of the border.

If you have any questions or comments, please feel free to contact me at (915) 832-4749 or Mr. Carlos Peña at (915) 832-4740.

Sincerely,

John Merino
Principal Engineer
USIBWC Engineering Department

The Commons, Building C, Suite 310 • 4171 N. Mesa Street • El Paso, Texas 79902
(915) 832-4100 • (FAX) (915) 832-4190 • http://www.ibwc.state.gov

GSA Comment Letter on Purpose and Need/Alternatives

GSA

GSA Public Building Service
Pacific Rim Region

October 29, 2009

Ms. Suanne Glasgow
Caltrans – District 11
4050 Taylor Street, MS-242
San Diego, CA 92110

RE: Comments on the Purpose and Need, and Range of Alternatives for the State Route 11/Otay Mesa East Port of Entry Project

Dear Ms. Glasgow,

GSA has reviewed the Purpose and Need, and Range of Alternatives for the State Route 11/Otay Mesa East Port of Entry Project, as part of the Draft Environmental Impact Report/Tier II Environmental Impact Statement (Draft EIS/EIR), San Diego County, California, pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508).

GSA is a "Participating Agency" (as defined in 23 USC Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)) and a "Cooperating Agency" (as defined in the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1508.5).

Based on our review, GSA has the following comments:

SAFETEA-LU 6002 Coordination Plan – State Route 11 and Otay Mesa East Land Port of Entry – Tier II

p. 2

Agency:	**U.S.** General Services Administration (GSA)
Role/Responsibility:	Cooperating Agency/Participating Agency related to LPOE and its connections to SR-11, CVEF, and TCS **Design Approval**
Project Component:	**Concurrence/Approval of all NEPA**
Invited?/Accepted Role?:	**California** Department of General Services (DGS), in order to differentiate between Federal and State,

p.3

U.S? CA? Regional Water Quality Control Board (RWQCB)

p.9

Issue NOD/ROD: Information "Out": GSA will review and concur with the ROD, but will not be approving

p.10

Circulation of Draft EIS/EIR: is the "Anticipated Date of Information "In"" Winter 2009/2010 – is this current?

Purpose and Need for the Project

p.1

U.S. General Services Administration
450 Golden Gate Avenue
San Francisco, CA 94102
www.gsa.gov

GSA

GSA Public Building Service
Pacific Rim Region

2nd Paragraph: Clarify that the "potential future transit center" is not included in the 100 acre site.

p.2

Purpose of the Project

- Appease Congressional, State, International, local business constituencies; and
- Further the process of US plans for improved security and processing legitimate commerce.

Need for the Project

Reference the Feasibility Study earlier in this section (*Expanded Feasibility Study: Otay Mesa and Otay Mesa East Ports of Entry, San Diego, CA. 100%* Report (GSA 2008))

p.5

"An adjoining, privately owned 13-acre parcel on the east could potentially be acquired to allow some expansion on the U.S. side of the existing Otay Mesa POE (Caltrans/GSA 20070". Replace with "A 10-acre parcel was purchased September 2009 to allow for the modernization of the Otay Mesa POE."

p.6

2nd Paragraph: Please update to show Mexico's expansion Plans at the Otay Mesa East LPOE.

3rd Paragraph: To our knowledge, no Diplomatic Notes have been exchanged between the Mexican and US governments, meanwhile letters in support of the project have been exchanged.

Project Alternatives

Please confirm if we have already agreed on the one (1) interchange alternative with no exchange at the LPOE.

We appreciate Caltrans' continued cooperation with GSA. If you have any questions, please contact Maureen Sheehan, NEPA Project Manager, (415) 522-3601, or Anthony Kleppe, Senior Asset Manager, (415) 522-3373.

Sincerely,

Maureen Sheehan

NEPA Project Manager

U.S. General Services Administration
450 Golden Gate Avenue
San Francisco, CA 94102
www.gsa.gov

USCBP Comment Letter on Purpose and Need/Alternatives

610 W Ash Street, Suite 1200
San Diego, CA 92101

U.S. Customs and Border Protection

October 22, 2009

Susanne Glasgow
Deputy District Director, Environmental
Department of Transportation
4050 Taylor Street, MS-242
San Diego, CA 92110

Ms. Glasgow,

Thank you for providing US Customs and Border Protection, San Diego Field Office with the opportunity to review and comment on the Draft Environmental Impact Report/ Tier II Environmental Impact Statement for proposed State Route 11.

After reviewing the documents and plans, the following comments are provided:

1. On the Projected Alternative document at the bottom of page 2 it states "The Tier II POE shape and layout have been adjusted". We are not aware of any adjustments and were not able to identify these adjustments on any of the documents that you sent.
2. The CBP San Diego Field Office contact should be changed from Brad Zerwas to Chris Sanchez. The contact information is as follows:

Chris Sanchez US Department of Homeland Security US Customs and Border Protection San Diego Field Office 610 W. Ash St., Suite 1200 San Diego CA 92101	619-652-9966 ext 193	christopher.g.sanchez@dhs.gov

If you have any questions please contact Chris Sanchez at 619-652-9966 ext 163.

Sincerely,

Walter A Brinton
Assistant Director Mission Support

USACE Comment Letter on Purpose and Need/Alternatives

DEPARTMENT OF THE ARMY
Los Angeles District, Corps of Engineers
San Diego Section, Carlsbad Field Office
6010 Hidden Valley Road, Suite 105
Carlsbad, California 92011

October 23, 2009

REPLY TO ATTENTION OF:
Office of the Chief
Regulatory Division

Susanne Glasgow
Deputy District Director, Environmental
Department of Transportation, District 11
4050 Taylor Street, MS-242
San Diego, California 92110

Dear Ms. Glasgow:

In response to your request on September 30, 2009, the U. S. Army Corps of Engineers (USACE) was asked to provide comments for the Purpose and Need Statement and Project Alternatives for the State Route 11/Otay Mesa East Port of Entry (Project). We, as a cooperating agency, pursuant to the National Environmental Policy Act (NEPA), Clean Water Act Section 404 Memorandum of Understanding (404 MOU) for Federal Aid Surface Transportation Projects in California, and Section 6002 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), are providing our comments in the following paragraphs.

Caltrans indicated during the Programmatic Environmental Impact Statement (PEIS) that NEPA for a 404(b)(1) permit would not be triggered because less than 5 acres of impacts would occur to waters of the U.S. and because the early coordination would occur through SAFETEA-LU. We note that under USACE permit requirements, impacts to vernal pools require an Standard Individual Permit (IP), which in addition to a 404(b)(1) analysis, necessitate development, publishing, and adopting either an Environmental Assessment (EA) or an EIS. Therefore, the USACE anticipates adoption of the EIS for this project as a cooperating agency as long as the document meets USACE criteria for an IP. At this time, it appears that a Project Purpose Statement has not been included in the *Draft Purpose and Need for the Project* memorandum dated September 9, 2009. Therefore, we are providing comments to Caltrans for the objectives stated under the heading *Purpose of the Project* on page 2 of the memorandum and anticipate that these objectives would be used in the future to prepare a narrative Project Purpose Statement.

The Project Purpose objectives are stated as follows:

- *Increase inspection processing capacities for commercial and personal vehicles and pedestrians in San Diego/Tijuana region;*
- *Reduce northbound vehicle and pedestrian queues and wait times to cross the border at other POEs in the region;*

-2-

- *Accommodate projected increases in international trade and personal cross-border travel in the region;*
- *Contribute to reductions in congestion at existing POEs and along regional transportation infrastructure; and*
- *Allow southbound vehicle and pedestrian trips.*

To meet USACE requirements under a NEPA analysis, a Project Purpose Statement needs to support avoidance or minimization analysis for impacts to vernal pools and other waters of the U.S. By providing an additional objective to the Project Purpose Statement, the Project Alternatives can be fully analyzed to meet the objective. We suggest the addition of an objective that includes minimizing impacts to the aquatic environment.

We note that the Project Alternatives appear incomplete and generally discuss the differences between the interchange structures (IC). Additional biological and project design information should be included in each Project Alternative. For example, we should include which alternatives avoid or minimize impacts to waters of the U.S., the design and number of stream crossings (e.g., soft-bottomed crossings, half culverts or box crossings with no cement bottom), and other pertinent water related concerns. Sometimes it is helpful to include a Conservation Alternative for the decision maker to be able to draw on to ensure avoidance and minimization of impacts to the environment.

In the past, we have found it helpful to develop a Project matrix summary document to be able to capture and describe the differences between Project Alternatives. Matrices are sometimes included in the first chapter of an EIS. We suggest that one be prepared and provided to the cooperating agencies for their consideration and review. The agencies could then ensure that all components and biological impacts of the Project are addressed in the selection and description of Alternatives. The project matrix would summarize impacts to biological attributes (e.g., wildlife and vernal pools) of the project.

Finally, we note that the Otay Mesa East Port of Entry Project footprint identified in the figures that were provided to USACE is larger than what was identified in the PEIS. If the Port of Entry footprint is larger, additional surveys, delineations, or other biological data may be required. Two indicators that typically suggest water presence were noted in the larger footprint, soil type and tamarisk scrub. Based on this notation, we need additional biological information regarding the larger Project footprint.

If you have any questions, please contact Michelle Lee Mattson of my staff at 760.602.4835 or via e-mail at Michelle.L.Mattson@usace.army.mil and refer file No. SPL-2006-00486-MLM.

Sincerely,

Therese O'Rourke
Chief, San Diego Section
Regulatory Division

USFWS Comment Letter on Purpose and Need/Alternatives

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011

In Reply Refer To:
FWS-SDG-08B0316-10CPA0001

NOV 17 2009

Ms. Susanne Glasgow
California Department of Transportation District 11
4050 Taylor Street, M.S.-242
San Diego, California 92110

Subject: State Route 11/Otay Mesa East Port of Entry – Request for Concurrence on Purpose and Need and Range of Alternatives

Dear Ms. Glasgow:

We are responding to your September 30, 2009, letter requesting concurrence on the Purpose and Need statement and range of alternatives for the proposed State Route 11/Otay Mesa East Port of Entry (SR11/POE) Project. Federal Highway Administration (FHWA), in cooperation with California Department of Transportation (Caltrans), will prepare a Tier II Draft Environmental Impact Statement (DEIS) for the project. A program Phase 1 Environmental Impact Statement has already been completed. The request is in accordance with Section 6002 of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

The Service has agreed to be a Participating Agency for this project and has been participating in interagency workgroup meetings for the project. We commented previously on this project in letters dated June 4, 2007, in response to the Notice of Intent (NOI) for the Phase I Environmental Impact Statement (EIS); March 4, 2008, on the DEIS for Phase 1; and December 8, 2008, on the NOI for the DEIS for this project.

We received a copy of the Environmental Protection Agency's (EPA) comment letter regarding this request and concur with the issues they raised regarding the Purpose and Need statement and the range of alternatives. Although we have been participating in the interagency workgroup meetings, these two issues have not been topics of discussion. We recommend that you organize a meeting with the resource agencies to discuss these topics. In addition, we would like to work with you on how to minimize and offset impacts to sensitive species and habitats.

We appreciate the opportunity to participate in the development of the SR 11/POE Purpose and Need statement. We look forward to continued participation in this project through the

TAKE PRIDE IN AMERICA

NEPA/404 MOU process. If you have any questions or comments pertaining to this letter, please contact Susan Wynn at (760) 431-9440, ext. 216.

Sincerely,

for Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service

cc:
Michelle Mattson, U.S. Army Corps of Engineers, San Diego Field Office
Susan Sturges, U.S. Environmental Protection Agency, Region 9
Pam Beare, California Department of Fish and Game, Region 5

California DGS Comment Letter on Purpose and Need/Alternatives

State of California • Arnold Schwarzenegger, Governor
State and Consumer Services Agency
DEPARTMENT OF GENERAL SERVICES
Real Estate Services Division • Asset Management Branch
707 Third Street, 6th Floor • West Sacramento, CA 95605
(916) 376-1829 • Fax (916) 376-1833 • www.dgs.ca.gov

October 29, 2009

Susanne Glasgow
Deputy District Director, Environmental
Department of Transportation
District 11
4050 Taylor Street, MS-242
San Diego, CA 92110

Dear Ms. Glasgow:

Thank you for your September 30, 2009 letter, and for the opportunity to review and comment on the State Route 11/Otay Mesa East Port of Entry Project. Based on the proposed need for the project and project alternatives, the Department of General Services (DGS) looks forward to reviewing the three project alternatives in the Draft EIR/EIS.

In light of the information provided thus far, traffic and trade volumes continue to increase annually and the existing Ports of Entry provide inadequate infrastructure for the volume of traffic. Since the DGS owns two buildings in downtown San Diego and reviews space and acquisition requests for various agencies throughout the San Diego region, it remains committed to the region and future plans concerning land uses.

We appreciate the opportunity to review and comment on the project. If you have any questions, please contact Marissa Betts of my staff at (916) 375-4681.

Sincerely,

Zachary Miller,
Assistant Chief

cc: Ronald L. Diedrich, Acting Director, Executive Office, Department of General Services
Teresa Bierer, Acting Deputy Director, Real Estate Services Division, Department of General Services
Joe Mugartegui, Chief, Asset Management Branch, Real Estate Services Division, Department of General Services

SANDAG Comment Letter on Purpose and Need/Alternatives

Comments on the State Route 11 and the Otay Mesa East Port of Entry

1. On page 1 and 2, Purpose and Need of Project; Page 3, Project Alternatives. We would like the 2 acre transit center site adjacent to the Western POE be included in the acquisition and cleared in the EIR, in addition to the 100 acre footprint already being acquired.
2. On page 2 of the Purpose and Need of Project section: 5th bullet should read: southbound commercial and personal vehicle and pedestrian trips.
3. On page 5 of the Purpose and Need of Project section: End of 2nd paragraph, Has GSA acquired the parcel adjacent to the Otay Mesa POE commercial inspection facility already? If so, please update this paragraph.

General comments:

4. Please evaluate the concept of south and north bound pedestrian crossings located on the same side of the POE?
5. Will there be competitive pricing for transit users to encourage transit ridership and less reliance on the vehicle?
6. On page 6 of the Purpose and Need of Project section, Please evaluate design characteristics of southbound facilities in light of recent developments i.e. SIAVE (Mexican Customs southbound inspection tool)
7. Consider future crossborder utility connections in the right of way.

8. **Need for sufficient C-TPAT lanes both in number and in length**: The Otay Mesa East crossing has always been envisioned to relieve border crossings for personal vehicles, buses, pedestrians and commercial vehicles. But commercial vehicles will be critical toll payers who will help insure the success of the project for all crossers at Otay Mesa East. Therefore, we'll want to make sure that sufficient traffic lanes are planned for commercial vehicles and in particular those commercial vehicles which are known shippers, or C-TPAT certified carriers. The biggest challenge trucking companies continue to face with the C-TPAT/FAST program is the lack of 'true' FAST lanes – in essence, lanes that extend far back from the port of entry, instead of FAST lanes that begin only a few yards prior to arrival at the primary inspection booth is a problem at many truck gateways. Inadequate lanes for C-TPAT carrier's results in low-risk C-TPAT carriers being stuck in the same traffic as non-C-TPAT certified carriers. Thus, C-TPAT certified motor carriers with drivers who have undergone FAST background checks are not getting the benefits that were promised for investing to comply with the program. Adequate C-TPAT lanes will ensure the success of this tolled border crossing.

9. **Ownership of the POE facility** Page 1 on Purpose and Need, second paragraph currently states that the POE would be owned or maintained by the General Services Administration. Note that the enabling legislation for the project SB 1486 is less specific and says that and port of entry facilities will be owned by a federal agency.

10. **No Toll Variation** Page 5 in the project alternatives document indicates Caltrans will study a "no toll variation". SB 1486, the "Otay Mesa Toll Facility Act" states that "*This bill would enact the Otay Mesa East Toll Facility Act, which would authorize SANDAG to, among other things, solicit and accept grants of funds and to enter into contracts and agreements for the purpose of establishing highway toll projects to facilitate the movement of goods and people along the State Route 11 corridor in the County of San Diego or at the Otay Mesa East Port of Entry.*" It is anticipated that tolls will be a primary component of project financing.

County of San Diego Comment Letter on Purpose and Need/Alternatives

ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

November 5, 2009

Kelly Finn, Chief of Environmental Analysis
Department of Transportation, District 11
4050 Taylor Street, MS-242
San Diego, California 92110
Fax 619-688-4277

REQUEST FOR REVIEW AND COMMENT OF THE PURPOSE AND NEED, AND RANGE OF ALTERNATIVES FOR THE SR-11/OTAY MESA EAST PORT OF ENTRY PROJECT

The County of San Diego has received and reviewed the Purpose and Need, and Range of Alternatives for the SR-11/Otay Mesa East Port of Entry project dated September 30, 2009 and appreciates this opportunity to comment as a Participating Agency. In response to the document, the County has comments that identify potentially significant environmental issues that may have an affect on the unincorporated lands of San Diego County. As the project moves forward, the County hopes to work with Caltrans to explore alternatives and mitigation measures that can be discussed in the environmental document.

County Department of Planning and Land Use (DPLU) and Department of Public Works (DPW) staff have completed its review and have the following comments regarding the content of the above documents:

GENERAL COMMENTS

1. The County of San Diego, Land Use and Environment Group has developed Guidelines for Determining Significance that are used as guidance for determining the significance of environmental impacts in the unincorporated portions of the County of San Diego. The Guidelines also provide mitigation options for addressing potentially significant impacts. Project impacts that could have potentially significant adverse effects to the unincorporated County or

County facilities, should evaluate and mitigate environmental impacts using the guidance described in the County of San Diego Guidelines for Determining Significance, available online at: http://www.sdcounty.ca.gov/dplu/procguid.html#guide

PLANNING COMMENTS

2. The proposed project is necessary for the development of the East Otay Mesa Specific Plan, an area that encompasses over 2,000 acres located east of the City of San Diego and north of the U.S. Mexico Border. The Specific Plan area is planned for a wide range of industrial and business park uses that will rely on the proposed project for access to Mexico, the City of San Diego and Chula Vista. Should the project not occur, or should the project omit adequate access to/from the Specific Plan Area, it would severely impact the development within the Specific Plan and reduce its future economic benefits to the San Diego region.

3. The County is currently processing 16 active permits within the East Otay Mesa Specific Plan, including several large-scale industrial subdivisions. Active permits cover approximately 80% of the geographic area planned for industrial development within the Specific Plan. These projects, however, are experiencing challenges in terms of establishing adequate infrastructure to handle traffic to/from Mexico and the region. SR-11 is a key component of the planned infrastructure system. Based on the current high-level of permitting activity, the time is ripe for industrial development within East Otay Mesa. The timing and design of SR-11 will therefore impact the region's ability to take advantage of this long-awaited economic opportunity.

4. The SR-11 project is key to achieving one of the goals in the Specific Plan, which is accommodating the distribution and warehousing of products manufactured in Mexico.

5. The purpose of the Tier II project (Pg.2) does not include facilitation of goods movement through and within East Otay Mesa. The purpose of the Tier II project should include a listed statement to ensure adequate access to East Otay Mesa for commercial goods movement, cross border travel and interregional traffic.

6. The purpose of the project objectives should include consistency with the recently adopted Complete Streets Act which will become affective in January 2011. Consistency with adopted General Plans and Specific Plans for the region should also be included, as referenced in the Complete Streets Act.

PROJECT ALTERNATIVES

7. The County Board of Supervisors approved the East Otay Mesa Specific Plan as a means to foster economic development opportunities along the U.S./Mexico

County of San Diego Comment Letter on Purpose and Need/Alternatives

border. The Specific Plan and the Circulation Element identify two full interchanges located at Enrico Fermi Drive and Siempre Viva Road. It should be noted that the Two Interchange Alternative is somewhat consistent with the Specfic Plan, by having interchanges at Enrico Fermi Road and Siempre Viva Road. The One Interchange and No Interchange Alternatives are inconsistent with the County's East Otay Mesa Specific Plan and General Plan Circulation Elements.

8. The Purpose and Need (Pg.2) states that the Two Interchange Alternative proposes the Siempre Viva Road interchange would be a half interchange. The Siempre Viva Road interchange is proposed as a full interchange in the Specific Plan. The Tier II Draft EIR/EIS should clearly demonstrate the basis for not proposing a full interchange at Siempre Viva Road. The Siempre Viva Road Full Interchange should be included in the *Variations on the Build Alternatives* (Pg.5).

9. County staff have significant concerns with any reduction in the number of interchanges as the current local road network has been developed based on two full interchanges.

10. The Tier II Draft EIR/EIS should discuss if the proposed SR-11/OME POE project may require improvements to connecting County roads and/or reconfiguration of County roads. The extent of improvements that may be required to connect and/or parallel County roads should also be discussed.

11. The proposed Siempre Viva Road Interchange (Figure 1) and other POE related facilities should align with proposed Circulation Element roads or provide discussion as described above.

12. Property owners in the East Otay Mesa Specific Plan area have expressed needs and interest in additional access to the County mesa area in the vicinity of the SR-905/SR-11/SR-125 freeway-to-freeway interchange. Proposals for auxiliary ramps have been requested by the proposed owners. The Tier II EIR/EIS should evaluate and consider additional access alternatives, where feasible, in the final design of the freeway-to-freeway interchange. A potential option would be an off-ramp that splits off from the westbound to eastbound SR-905/SR-11 connector and then drops down to connect with the southern terminus of Harvest Road. SR-905 westbound access to Otay Mesa Road should be considered due to the potential beneficial effects to the SR-11/SR-905 interchange and access to the East Otay Mesa area.

13. It should be noted that the County is currently processing proposed discretionary projects in the East Otay Mesa area that would be directly affected by the location of the SR-11/POE project. Three projects potentially affected are: 1) Otay Crossings Commerce Park, 2) Otay Business Park and 3) RTX Truck Park and Storage.

The County of San Diego appreciates the opportunity to continue to participate in the environmental review process for this project. We look forward to receiving and future environmental documents related to this project, the DEIR for review, or providing additional assistance at your request. If you have any questions regarding these comments, please contact LeAnn Carmichael at (858) 694-3739 or via email at leann.carmichael@sdcounty.ca.gov.

Sincerely,

ERIC GIBSON, Director
Department of Planning and Land Use

cc: Michael De La Rosa, Policy Advisor, Board of Supervisors, District 1 (via email)
Vince Nicoletti, Group Program Manager, DPLU, (via email)
Megan Jones, CAO Staff Officer, DCAO, (via email)
Bob Goralka, Department of Public Works, Transportation Division, (via email)
LeAnn Carmichael, Land Use/Environmental Planning Manager, Department of Planning and Land Use (via email)
Priscilla Jaszkowiak, Administrative Secretary, Department of Planning and Land Use, (via email)

City of San Diego Comment Letter on Purpose and Need/Alternatives

THE CITY OF SAN DIEGO

October 30, 2009

Department of Transportation
District 11
Attn: Kelly Finn, Chief of Environmental Analysis-Branch A
4050 Taylor Street, MS-242
San Diego, CA 92110

Dear Kelly Finn:

Subject: **CITY OF SAN DIEGO COMMENTS ON THE REQUEST FOR REVIEW AND COMMENT ON THE PURPOSE AND NEED, AND RANGE OF ALTERNATIVES FOR THE STATE ROUTE 11/OTAY MESA EAST PORTOF ENTRY PROJECT**

The City of San Diego ("City") has received and reviewed the above referenced project and appreciates this opportunity to provide comments to the Department of Transportation. We also appreciate the opportunity to be part of the early interagency coordination on the project. In response to the Request for Review and Comment, the City has identified potential environmental issues that may have a significant environmental impact.

Staff from the Environmental Services Department (ESD) has reviewed the Request for Review and Comment and have the following comments regarding the content of the DEIR. Additionally, LDR-Transportation has provided comments in the form of a City Memo which is attached to this document.

City of San Diego, Environmental Services Department (ESD): Alli Carmen (858) 627-3302

1. The management of solid waste is typically a local government function. The State Rout 11 Project will generate a magnitude of waste that will place a burden on public service in San Diego, as well as Chula Vista. In addition, the State's Integrated Waste Management Act passed by state legislature in 1989 requires local government to reduce the amount of waste generated within their borders by 50%. Thus, any waste generated from commercial, residential, industrial, government, or any other source within the City of San Diego's boundaries must be diverted and reduced to acceptable levels.

Development Services
1222 First Avenue, MS 501 • San Diego, CA 92101-4155
Tel (619) 446-5460

Page 2
Kelly Finn
October 30, 2009

2. Please provide estimates of the amount of construction and demolition waste that will be generated as a result of this project, as well as measures that will be taken to minimize or mitigate potential impact to local landfills. In addition, please specify how much of the waste will be diverted or re-used on-site. Construction and demolition waste is especially recyclable, and if segregated properly onsite, can yield a high percentage of material that may be taken to the proper recycling facility for monetary compensation. The Environmental Services Department can provide any needed information regarding local recycling centers and the proper segregation and disposal of materials.

City of San Diego, Engineering and Capital Projects Department (ECP): Jim Lundquist (619)533-3045

1. As part of the SR-11 Traffic Impact Statement (TIS), a comprehensive review of the truck routes to and from the commercial port should be conducted. These commercial trucks frequently travel City streets to off-site storage and parking locations to change drivers, tractors and trailers. Because commercial trucks have a higher Passenger Car Equivalent factor (PCE), careful analyze is required for this component of the port and freeway plans.

2. Also – Enrico Fermi Drive is a planned City street, and thoughtful discussion and review of impacts needs to be a part of the TIS for the project. It may be possible that additional lanes or special treatment at intersections near the proposed SR-11 will be required to handle the traffic, both automobile and truck.

Please contact the above-named individual if you have any questions on the submitted comments. The City respectfully requests that you please address the above comments in the EIR/EIS.

Sincerely,

Cecilia Gallardo, AICP
Assistant Deputy Director
Development Services Department

CG:ALM

Enclosure: LDR Transportation Memo, dated October 29, 2009

cc: Anna L. McPherson, AICP, Senior Planner, Development Services Department
Ann French Gonsalves, R.T.E., Senior Traffic Engineer, Development Services Department
Alli Carmen, Environmental Services
Jim Lundquist, Engineering and Capital Projects Department

City of San Diego Comment Letter on Purpose and Need/Alternatives

CITY OF SAN DIEGO
M E M O R A N D U M

DATE: October 29, 2009

TO: Anna McPherson, Environmental Analysis Section

FROM: Ann French Gonsalves, Transportation Development Section

SUBJECT: Request for Review and Comment on the Purpose and Need, and Range of Alternatives for the State Route 11/Otay Mesa East Port of Entry Project

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We have reviewed the information provided by Caltrans on the Purpose and Need, and Range of Alternatives for the State Route 11/Otay Mesa East Port of Entry Project dated September 30, 2009 and offer the following comments:

1. The Draft Environmental Impact Report /Tier II Environmental Impact Statement (Draft EIR/EIS) should identify any significant traffic impacts to City of San Diego transportation facilities due to development of the SR-11/Otay Mesa East Port of Entry project. Any identified traffic impacts should be minimized (through selection of alternative) and mitigated.

2. The significance thresholds listed on pages 70 -71 of the *City of San Diego's Significance Determination Thresholds (January 2007)* should be used to evaluate significant traffic impacts in the City of San Diego.

3. The EIR/EIS should take into account the City's Otay Mesa Community Plan Update currently underway. Transportation modeling efforts should use the City's preferred land use alternative.

4. The document should account for truck traffic in terms of passenger car equivalents per standard industry practice.

Should you have any questions or need additional information, please contact me at (619) 446-5294 or Ismail Elhamad at (619) 446-5494.

A. French Gonsalves

Ann French Gonsalves, R.T.E.
Senior Traffic Engineer

H:\Purpose and Need SR-11-2-.doc

5.4 LIST OF PERSONS, ORGANIZATIONS AND PUBLIC AGENCIES THAT COMMENTED ON THE DRAFT EIR/EIS

A draft version of the EIR/EIS for the proposed SR-11/Otay Mesa East POE project was circulated for public review from December 10, 2010 to February 1, 2011. During the public review period, a total of 28 letters of public comment were received. Agencies, organizations/special interest groups and individuals submitting comments on the project are listed below, organized by category.

LETTER DESIGNATION	COMMENTOR
Federal Agencies	
A	U.S. Environmental Protection Agency
B	U.S. General Services Administration
C	U.S. Department of Homeland Security, U.S. Customs and Border Protection
D	U.S. Department of the Interior/U.S. Fish and Wildlife Service
E	U.S. Army Corps of Engineers (Unofficial)
F	International Boundary and Water Commission
State Agencies	
G	California Department of Corrections and Rehabilitation, Richard J. Donovan Correctional Facility
H	California Department of Fish and Game
I	California Department of Toxic Substances Control
J	Native American Heritage Commission
K	Regional Water Quality Control Board
Local Agencies	
L	San Diego Rural Fire Protection District
M	City of San Diego - City Planning and Community Investment Department City of San Diego - Development Services Department
N	City of San Diego - Transportation and Storm Water Department
O	Otay Mesa Planning Group (City)
P	County of San Diego Department of Planning and Land Use
Elected Officials	
Q	Hon. Bob Filner, Member of Congress
R	California Assembly Member Ben Hueso
S	San Diego City Council Member David Alvarez
Interested Parties	
T	Darnell & Associates, Inc.
U	Cynthia L. Eldred on behalf of East Otay Mesa Property Owners Association
V	Otay Mesa Property Owners Association
W	Cynthia L. Eldred on behalf of National Enterprises, Inc.
X	South County Economic Development Council
Y	South Bay Expressway
Z	Otay Mesa Chamber of Commerce
AA	Hawano Business Park
BB	Otay Business Park, LLC

Each of these pieces of correspondence was assigned a letter designation, as noted above. Each comment is designated by both the letter assigned to that piece of correspondence, and the number assigned to the comment (e.g., A-1, A-2 and so on). Each letter is reprinted herein, along with a written response.

The following pages provide the comment letter on the left side, with each specific comment bracketed and numbered in the left-hand margin, and correspondingly numbered responses to each comment on the right-hand side. Where similar comments were received from multiple sources, or related comments were contained in the same letter, the reader may be referred to another applicable response. For comments that required modifications to correct or clarify information in the Draft EIR/EIS, that fact is so stated, and the changes are identified by a line in the margin of the revised pages in this Final EIR/EIS. In some cases, comments and responses provide additional information, which is now a part of the Final EIR/EIS.

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COMMENTS | RESPONSES

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

FEB 08 2011

Mr. Cesar Perez
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Subject: EPA Comments on the Tier II Draft Environmental Impact Statement for a New State Route and Port of Entry in the East Otay Mesa Area, San Diego County, California (CEQ # 20100458)

Dear Mr. Perez:

A-1 The U.S. Environmental Protection Agency (EPA) has reviewed the Tier II Draft Environmental Impact Statement (DEIS) for a New State Route and Port of Entry (POE) in the East Otay Mesa Area, San Diego County, California San Diego County, California, pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The DEIS is a joint effort of the California Department of Transportation (Caltrans) and Federal Highway Administration (FHWA). The FHWA, in cooperation with Caltrans, and U.S. General Services Administration (GSA), published a Phase 1 EIS (PEIS) that identified a preferred corridor for State Route (SR) 11 and location for the Otay Mesa East POE. The intent of the Tier II EIS is to evaluate design and operational alternatives for SR 11, the POE, and a potential Commercial Vehicle Enforcement Facility (CVEF).

EPA is a "Participating Agency" (as defined in 23 USC 139 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)) and a "Cooperating Agency" (as defined in the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1508.5)) for this project. EPA previously commented on the PEIS, participated in several working group meetings, and provided comments following our review of the Notice of Intent (NOI) for the Tier II project (December 2008), and the project's Purpose and Need and Range of Alternatives (October 2009). EPA commends FHWA, Caltrans, and GSA for your efforts that considered cross-border wildlife linkages and habitat during the Phase 1 EIS.

A-2 Based on our review, we have rated the DEIS as Environmental Concerns - Insufficient Information (EC-2). A *Summary of EPA Ratings* is enclosed. EPA's concerns, as described in the enclosed detailed comments, focus on: (1) air quality impacts; (2) impacts to waters of the United States; (3) indirect growth impacts; and (4) recommendations regarding sustainability and green building.

A-1 EPA's active participation in the project environmental process is acknowledged and appreciated.

A-2 EPA's concerns are acknowledged and addressed in detail below.

COMMENTS

A-3 Thank you for the opportunity to comment on the DEIS. When the FEIS is published for public review, please send two hard copies and, if available, two electronic copies to the address above (mail code: CED-2). If you have any questions, please contact Susan Sturges in EPA Region 9's Environmental Review Office (415-947-4188 or sturges.susan@epa.gov) and Dave Fege in Region 9's Border Office (619-235-4769 or fege.dave@epa.gov) for further coordination on this project.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

Attachments:
EPA's Detailed Comments

cc: Sandra Lavendar, Caltrans
Bruce April, Caltrans
Ramon Riesgo, General Services Administration
Michelle Mattson, U.S. Army Corps of Engineers, San Diego Field Office
Susan Wynn, U.S. Fish and Wildlife Service

2

RESPONSES

A-3 Comment noted; electronic and hard copies of the Final EIR/EIS will be sent.

COMMENTS

EPA DETAILED COMMENTS ON THE DEIS FOR STATE ROUTE 11 AND OTAY MESA EAST PORT OF ENTRY, SAN DIEGO COUNTY, CALIFORNIA, FEBRUARY 8, 2011

Air Quality

National Ambient Air Quality Standards (NAAQS)

A-4 The project area is currently classified as a nonattainment area for the federal 8-hour ozone National Ambient Air Quality Standard (NAAQS) and a maintenance area for the 1-hour ozone NAAQS. The area is currently in attainment for the NAAQS for particulate matter under ten microns (PM_{10}) and under 2.5 microns ($PM_{2.5}$) in diameter and is not in attainment for the state PM_{10} standard. Direct and indirect vehicular emissions are major components of $PM_{2.5}$. While San Diego is not designated as nonattainment for the $PM_{2.5}$ NAAQS, levels are near the 35 ug/m3 $PM_{2.5}$ NAAQS. Nationally, monitored air quality values for $PM_{2.5}$ have been trending upwards.

Recommendations:

- Table 3.16-2 indicates that the NAAQS for 24-hour $PM_{2.5}$ is 65 ug/m3, however the standard is 35 ug/m3. Reflect the correct standard in the table and update the results accordingly.
- Federal Highway Administration (FHWA) should include a Construction Emissions Mitigation Plan in the Final Environmental Impact Statement (FEIS) and adopt this plan in the Record of Decision (ROD). In addition to all applicable local, State, or federal requirements and the measures identified in Section 3.16.4 of the Draft Environmental Impact Statement (DEIS), EPA recommends that the following mitigation measures be included in the Construction Emissions Mitigation Plan in order to reduce impacts associated with emissions of particulate matter (PM) and other toxics from construction-related activities:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Minimize use, trips, and unnecessary idling of heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, where applicable, and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications. The California Air Resources Board has a number of mobile source anti-idling requirements which could

A-5 (cont.)

1

RESPONSES

A-4 The referenced table in the Final EIR/EIS has been updated.

A-5 Please refer to section 3.16.4, "Avoidance, Minimization, and/or Mitigation Measures" of the Air Quality section, where your comment is addressed.

In the area of major construction, no existing development or sensitive receptors are present. Nevertheless, a Traffic Management Plan has been developed and will be implemented during construction.

Caltrans does not typically provide a Construction Emissions Mitigation Plan, but the following typical Caltrans practices to be employed during project construction, which are quite similar to those recommended by EPA, would minimize the emission of fugitive dust, PM_{10}, and $PM_{2.5}$:

- Minimize land disturbance
- Use watering trucks to minimize dust; watering should be sufficient to confine dust plumes to the project work areas
- Suspend grading and earth moving when wind gusts exceed 25 mph unless the soil is wet enough to prevent dust plumes
- Stabilize the surface of inactive stockpiles
- Limit vehicular paths on unpaved surfaces and stabilize any temporary roads
- Minimize unnecessary vehicular and machinery activities
- Street sweeping should be conducted where sediment is tracked from the job site onto paved roads, and should be performed immediately after soil-disturbing activities occur or off-site tracking of material is observed
- Revegetate disturbed land, including vehicular paths created during construction, to avoid future off-road vehicular activities
- Locate construction equipment and truck staging and maintenance areas as far as feasible and nominally downwind of schools, active recreation areas, and other areas of high population density to minimize exposure to diesel particulates.

COMMENTS

A-5 (cont.)

be employed. See their website at: http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm

- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.
- If practicable, lease new, clean equipment meeting the most stringent of applicable Federal[1] or State Standards[2]. In general, commit to the best available emissions control technology. Tier 4 engines should be used for project construction equipment to the maximum extent feasible[3]. Lacking availability of non-road construction equipment that meets Tier 4 engine standards, FHWA and California Department of Transportation (Caltrans) should commit to using the best available emissions control technologies on all equipment.
- Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site.

Administrative controls:

- Identify all commitments to reduce construction emissions and update the air quality analysis to reflect additional air quality improvements that would result from adopting specific air quality measures.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.) Meet EPA diesel fuel requirements for off-road and on-highway, and, where appropriate, use alternative fuels such as natural gas and electric.
- Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.

A-6

Southbound Inspections

The proposed project provides space and conceptual facilities for southbound inspections and refers to these inspections as "future southbound inspections". Implementing regular southbound inspections would likely increase idling vehicle emissions as vehicles wait to cross the border. It is unclear if the air quality analysis in the DEIS takes into consideration queuing associated with U.S. and Mexico southbound inspections. The FEIS should provide the latest information available on southbound inspection requirements and clarify whether southbound vehicular inspections would occur regularly as part of the possible enhanced security operations at the Port of Entry (POE) facilities at the borders. Proposed southbound inspections to be

[1] EPA's website for nonroad mobile sources is http://www.epa.gov/nonroad/.
[2] For ARB emissions standards, see: http://www.arb.ca.gov/msprog/offroad/offroad.htm.
[3] Diesel engines < 25 hp rated power started phasing in Tier 4 Model Years in 2008. Larger Tier 4 diesel engines will be phased in depending on the rated power (e.g., 25 hp - <75 hp: 2013; 75 hp - < 175 hp: 2012-2013; 175 hp - < 750 hp: 2011 - 2013; and ≥ 750 hp 2011- 2015).

2

RESPONSES

A-6 The air quality analysis was based on the traffic study, which assumed the current level of southbound and northbound inspections, consistent with the SANDAG regional transportation model. This is based on what we know about southbound inspections at this time, without speculation about what might occur in the future. Regardless of future implementation of southbound inspections, as a tolled facility, the toll prices at the Otay Mesa East POE would be set to manage the queue to be approximately 30 minutes or less.

As required by the CO Protocol, CO Impacts were modeled under worst-case wind angle conditions at 1.5 meters (5 feet) from the roadway edge, where public sidewalks occur along all existing roadways in the project area and CO concentrations would be greatest due to limited dispersion areas.

COMMENTS

performed by the U.S. and Mexico and their impacts to local roadways, freeways, and air quality, should be analyzed in the FEIS as they relate to this project.

A-6 (cont.) The air quality analysis of the project's operational impacts in the DEIS appears to primarily focus on the SR 11 component of the project. In addition to analysis of operational impacts to air quality at intersections near the POE facility, the FEIS should assess the main vehicle emissions resulting from the project from vehicles queued for inspection at the POE, rather than just those at nearby intersections, so the FEIS sufficiently assesses the overall impact. Use an area source model, such as AERMOD, to assess vehicle emissions from cars waiting to cross the border (including implementation of any increased/regular southbound inspections). Vehicle idling emissions from traffic queuing at intersections and traffic queuing to cross the border might also be modeled together as an area source. EPA is available to discuss these recommendations.

Emissions from Idling Trucks

Emissions from heavy duty diesel trucks include direct emissions of particulate matter, as well as precursors to particulate matter, such as sulfur oxides, volatile organic compounds (VOCs), and nitrogen oxides (NOx). VOCs and NOx are also precursors to ozone. San Diego County has a history of not meeting federal ozone standards. While air quality trends for the San Diego Air Basin for ozone have shown improvement, the area is expected to continue to violate the federal standard for several years, and if that standard is lowered, for longer. With the expected increase in idling and vehicle miles traveled (VMT) truck emissions related to the POE and SR11, there will be increased human exposure to these direct emissions and the secondary particulate and ozone pollutants in an area of already degraded air quality.

A-7 The proposed project will likely result in idling of engines as heavy duty diesel trucks wait in queue for inspection by Mexican and U.S. Customs. At the existing Otay POE, trucks sometimes wait for hours before crossing the border. To minimize impacts to air quality, the FEIS should identify specific designs and strategies that could reduce wait time for trucks. Direct emissions from tailpipes, brake surfaces, and road wear, as well as indirect, secondary emissions from precursors forming particulate matter and ozone should be minimized. Truck stop electrification (TSE) provides an off-site location for trucks to stop, turn off their engines, and hook to the grid to provide for air conditioning and other electrical needs, thereby eliminating idling. As discussed during our interagency workgroup meetings, Caltrans and FHWA have considered the potential of TSE as a way to reduce air quality impacts associated with idling trucks waiting to cross the border. EPA notes that the DEIS explains that most congestion and long wait times at the existing San Ysidro and Otay Mesa POEs currently occur on the Mexican side of the border and affect northbound traffic and that Anti-idling (AI)/TSE strategies would most appropriately be implemented by the Mexican POE authorities at their discretion (p. 2-17). EPA reiterates our previous comment to also consider new southbound inspections and how they may result in queuing north of the border. However, EPA recognizes that the DEIS further indicates that Caltrans and other stakeholders will continue to evaluate the potential use of AI/TSE strategies for the proposed project. EPA is available to participate in further discussions on TSE and other AI strategies. Please contact Dave Fege of our San Diego Field Office at 619-235-4769.

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RESPONSES

A-6 (cont.) To meet statutory requirements, the March 10, 2006, final rule requires $PM_{2.5}$ and PM_{10} hot spot analysis to be performed for a "Project of Air Quality Concern" (POAQC). A POAQC is defined as a significant volume for a new highway or expressway with AADT of 125,000 or more and a significant number of truck traffic, which is defined as 8 percent or more. Based on the Traffic Technical Report (VRPA 9-2011), no alternative would result in an AADT volume of 125,000 or more. Therefore, the project is not a POAQC and is considered to meet statutory requirements without any further hot spot analyses.

A-7 Comment Noted. Interagency and international coordination efforts are ongoing and will continue, to fully assess the implications of southbound inspections and minimize the air quality impacts of vehicle/truck queuing. In the near term, it is expected that the new POE would help to alleviate congestion and queuing at the other existing POEs in the region. As a tolled facility, SR-11 is expected to process smaller volumes of vehicles and the toll prices would be set to manage the queue to be approximately 30 minutes or less.

In addition, USDOT has proactively funded an ITS pre-deployment study for SR-11 and the Otay Mesa East POE, recognizing that the cross border trucks need improved advanced traveler information. They also recognize that vehicle flow management strategies are a critical component to reducing emissions and idling, especially as heavy trucks queue at the POE. The ITS pre-deployment study is well underway and is exploring a variety of strategies to improve flow, while reducing wait times and emissions from idling trucks and maintaining a safe and secure border. The strategies include but are not limited to lane segmentation, advanced traveler information, truck stop electrification, and an appointment system. Once these options are fully vetted, a comprehensive concept of operations will be completed.

COMMENTS

A-8

Recommendations:

- Include truck stop electrification or other anti-idling strategies as a consideration for right-of-way footprint in the FEIS and as a mitigation option to reduce emissions from truck idling. EPA recommends that the Project Alternatives incorporate a discussion about truck stop electrification or other anti-idling strategies, such as the batching of vehicles, as this would influence the size of the site's development.

- Consider other infrastructure- and efficiency-based improvements to reduce idling and improve throughput at the port of entry, such as:
  - A more automated system to streamline truck processing;
  - Incentives to cross the border at different times to stagger the flow of trucks;
  - Removal of barriers to join the U.S. Customs and Border Protection's Fast and Secure Trade (FAST) program and the increased use of the FAST lanes by fleet owners. (FAST, a bilateral initiative between the U.S. and Mexico designed to ensure security and safety while enhancing the economic prosperity of both countries, improves the efficiency of screening and clearing commercial traffic);

A-9

Mobile Source Air Toxics (MSAT)

EPA disagrees with the claim in the DEIS on page 3.16-12 that "….information is incomplete or unavailable to credibly predict the project-specific health impacts due to change in MSAT emissions associated with a proposed set of highway alternatives." Tools and models are available that EPA (as well as other agencies) routinely use effectively. Both EPA and California Office of Environmental Health Hazard Assessment (OEHHA) have long-standing experience and published, peer-reviewed guidance for evaluating long-term health effects, including cancer risk. EPA has published an Air Toxics Risk Assessment Reference Library (http://www.epa.gov/ttn/fera/risk_atra_main.html) that addresses how to develop appropriate exposure scenarios in a risk assessment. Similarly, California OEHHA has hot spot risk assessment guidance published in support of California's Air Toxics "Hot Spots" Information and Assessment Act of 1987 (a.k.a. AB2588, http://www.oehha.ca.gov/air/hot_spots/pdf/HRAguidefinal.pdf).

EPA recommends eliminating incorrect statements regarding technical shortcomings and uncertain science. The March 2007 report entitled "Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process" conducted for the American Association of State Highway and Transportation Officials (AASHTO) Standing Committee on the Environment and funded by the Transportation Research Board (http://www.trb.org/NotesDocs/25-25(18)_FR.pdf) discusses available methodologies and tools. Procedures for toxicity-weighting, which EPA has found to be especially useful for the targeting of mitigation, are described in EPA's Air Toxics Risk Assessment Reference Library (Volume 3, Appendix B, beginning on page B-4, http://www.epa.gov/ttn/fera/risk_atra_main.html).

A-10 (cont.)

Addressing Climate Change Under NEPA

EPA notes that the document relegates analysis and discussion of climate change and greenhouse gas (GHG) emissions mitigation to a section entitled *Chapter 4 – CEQA Evaluation*. While we are aware that the EPA and FHWA have not issued specific climate change guidance

4

RESPONSES

A-8 These options are being evaluated as part of the Intelligent Transportation System Study currently underway.

A-9 Caltrans is directed to use FHWA's "Interim Guidance Update on Mobile Source Air Toxic Analysis in NEPA Documents," dated September 30, 2009, for its NEPA Documents. This is the guidance Caltrans uses when disclosing MSAT emissions resulting from highway projects. Caltrans Districts have also been instructed to not perform health risk assessments for projects until directed otherwise.

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A-10 The language in the NEPA air quality section has been strengthened by stating that the CEQA climate change analysis is used to inform the NEPA analysis and associated federal decisions.

COMMENTS

A-10 (cont.) or methodology to conduct project-level greenhouse gas (GHG) analysis, this does not preclude a lead agency's responsibility, under NEPA, to disclose potentially significant impacts related to greenhouse gas emissions nor to assess how climate change may affect the project itself or influence the project's impacts on other resources. While the DEIS indicates that the California Environmental Quality Act (CEQA) climate change section may be used to inform the NEPA decision, EPA recommends including the climate change analysis in the NEPA portion of the document or more definitively stating that the CEQA analysis for climate change is relevant for NEPA and informing the federal decisions.

Waters of the United States

A-11 The construction of the roadway and POE facility will impact approximately 4,400 to 4,500 linear feet of jurisdictional drainages identified as waters of the U.S. EPA recommends that Caltrans, FHWA, and General Services Administration (GSA) consider minimizing impacts to the drainages to ensure that the least environmentally damaging practicable alternative (LEDPA) under Section 404 of the Clean Water Act is selected.

A-12 *Recommendations:*

- Coordinate with adjacent property owners that are currently pursuing development projects (e.g., Otay Business Park, Otay Crossings) and the reviewing resource and regulatory agencies of those projects to ensure that impacts to waters of the U.S. and habitat are considered from a broader perspective. Drainages affected by the proposed SR11 and POE project also cross those adjoining properties. Decisions to avoid and minimize impacts to waters of the U.S. from those projects could help inform the best strategies to address impacts to waters of the U.S. for the SR11 and Otay Mesa East POE project.

- Consider additional opportunities to further reduce impacts to waters of the U.S., such as shifting alignments or footprints, or using spanned crossings or other less damaging designs, to minimize impacts.

Indirect Growth Impacts

A-13 Growth-related impacts may occur near interchanges where neighboring lands may be developed or redeveloped as a result of the project. The DEIS provides a combined assessment for all of the build alternatives indicating that no substantial impacts related to growth influence would be expected to result from implementation of the build alternatives (p. 3.3-7). However, the number of interchanges is one of the primary differences between the alternatives (No Interchange Alternative, One Interchange Alternative, and Two Interchange Alternative). Increased access to local roads and proximity to the proposed SR 11 is likely to influence development opportunities at or near these new intersections. EPA recommends the FEIS include a separate analysis for each Build Alternative that specifically addresses how the number and locations of these interchanges could influence development at or near the interchanges.

5

RESPONSES

A-11 Caltrans analyzed alternatives to avoid or minimize impacts to jurisdictional drainages, however, the location of many of the jurisdictional drainages are entirely within or traverse the proposed POE. Direct impacts are mainly to narrow streambed habitat with limited cover and limited functions and values. These impacts would be mitigated by restoring riparian habitat at Johnson Canyon at a ratio of approximately 1:1 linear feet. Indirect impacts would be avoided and minimized via the use of best management practices that include soil stabilization, sediment control, wind erosion control, tracking control, non-storm water management, and waste management and materials pollution control. Caltrans reduced the footprint of the POE on the eastern side, which resulted in a negligible reduction of impacts to USACE/CDFG jurisdictional areas. Caltrans has identified the Preferred Alternative, which would result in impacts of approximately 0.67 acre/4,912 linear feet of USACE/CDFG jurisdictional areas.

A-12 Caltrans has been in frequent contact with the USFWS, USACE and CDFG throughout the life of the project, to coordinate methodologies, analysis, conclusions, and mitigation strategies. Caltrans attended field meetings with CDFG and the RWQCB on May 24, 2011 to verify state jurisdictional waters, and with USACE on June 2, 2011 to verify the jurisdictional delineation. Caltrans is currently coordinating with the resource agencies and the County to assess the impacts of the SR-11/POE project and overlapping private development projects, as well as identifying mitigation for impacts to drainages within the project footprint. Options for shifting alignments or footprints are limited because of the need to align the project with the new Mexican Otay II POE. Under the identified Preferred Alternative, impacts to USACE/CDFG jurisdictional areas have been reduced (compared to the alternatives analyzed in the Draft EIR/EIS) by reducing the footprint of the POE on the eastern side, but the reduction is negligible (0.01 acre). The reduced footprint would, however, reduce impacts to other sensitive habitats and sensitive species more substantially.

COMMENTS	RESPONSES
	A-13 It is acknowledged that the Two Interchange Alternative would provide the greatest opportunity for commercial development, followed by the Preferred Alternative, One Interchange Alternative and then the No Interchange Alternative, and finally, the No Build Alternative. The differences among alternatives with respect to effectively facilitating circulation within Otay Mesa would be marginal, however, since the area is compact (SR-11 would only be 2.1 miles long), and in the long term, local roads would provide adequate access to all properties in the area, regardless of the number or location of SR- 11 interchanges. The distance between the proposed Enrico Fermi Interchange under the Two Interchange Alternative or Preferred Alternative, and the Alta Road Interchange under the One Interchange Alternative is only 0.4 mile. From Alta Road to the Siempre Viva Road Interchange under the Two Interchange Alternative or Preferred Alternative is only 0.45 mile. Hence, commercial development along the SR-11 corridor could be accessed from any of these interchanges. The presence of a particular interchange could be expected to make the properties surrounding it more attractive, especially for commercial establishments, but it is expected that the need to travel an extra couple of miles to access a particular industrial property would not significantly reduce the value of such property and would not be expected to influence growth in the area overall. Also, the degree to which internal traffic in Otay Mesa would make significant use of SR-11 or travelers to the border would get off and on to patronize commercial establishments would depend on the toll structure for the highway. This could serve to discourage through traffic from exiting the tollway to take advantage of commercial establishments. Finally, the EIR/EIS growth inducement discussion addresses land not already listed as a cumulative project. Most of the land around the proposed interchanges is already under development as industrial and technology business park subdivisions, and the combined impacts of such development are evaluated in the Cumulative Impacts section of the EIR/EIS (refer to Section 3.27, Table 3.27-1 and Figure 3.27-2). The proposed project could possibly prompt these projects to develop more quickly, but especially with so little distance between the alternative interchanges, and the existing Otay Mesa POE located within two miles or less of these cumulative development projects, such cumulative development is not expected to be dependent on the Otay Mesa East POE and development opportunities are expected

COMMENTS

Sustainability

Green Building

GSA utilizes the Leadership in Energy and Environmental Design (LEED) Green Building Rating System design criteria to help apply principles of sustainable design and development to facilities projects. Using LEED ensures that sustainable strategies are considered in the development of building projects. LEED also serves as a means of evaluating and measuring green building achievements. Beginning in fiscal year (FY) 2003, all new GSA building projects must be certified through the LEED Green Building Rating System, and a Silver LEED rating is encouraged. The general design philosophy of the Facilities Standards for the Public Buildings Service – GSA's design standards and criteria for new buildings and alterations – also states this commitment to sustainable design. It includes provisions for sustainable landscape design, energy efficiency, use of recycled-content products, LEED requirements, and other guidance to help make GSA's facilities more sustainable.

EPA recommends that the Caltrans, FHWA, and GSA strive to achieve a Gold rating for the new proposed facility, which may have significant impacts on the environment and human health. Due to the significant expected truck traffic associated with this proposal, particular emphasis on indoor air quality is critical.

A-14 (cont.)

Recommendations:

- Pursue the construction of a U.S. Green Building Council's LEED Rating System Gold building or better. Develop a green showcase project that complies with the Federal Leadership in High Performance and Sustainable Buildings Memorandum of Understanding (Available on-line at http://www.fedcenter.gov/_kd/Items/actions.cfm?action=Show&item_id=4713&destination=ShowItem).
- Encourage a partnership between the U.S. and Mexico construction teams with the U.S. and Mexican Green Building Councils to make the new stations on both sides of the border healthier and to take advantage of economies of scale.
- Encourage the facilities to provide environmental education on features associated with the green POE projects.

GSA has significant experience in green building and has done specific work related to the unique opportunities at border stations, such as the work performed for the Alexandria Bay POE. EPA recommends the agencies host a comprehensive stakeholder engagement charrette and develop implementation teams with participants from the U.S. and Mexico station teams and key participants from GSA's Alexandria Bay POE charrette. For additional information, please see the profile information (p. 17 – 21 of the Appendix) on the Alexandria Bay POE from the December 15, 2005 BuildingGreen, Inc. report entitled *Expanding Our Approach to Sustainable Design Report – An Invitation* available on-line at http://gyre.buildinggreen.com/report.html. EPA also recommends encouraging the team to require specific credits in the areas of indoor environmental quality, water efficiency, and energy and atmosphere. For questions on green building, please contact Timonie Hood with EPA Region 9's Solid Waste Office at 415-972-3282.

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RESPONSES

A-13 cont. to be similar among the build alternatives. All of the County land abutting the SR-11 alignment is designated by the County for industrial/technology business park uses, which allow industrial-serving commercial uses. The closest planned commercial area is at the intersection of Otay Mesa Road and Alta Road, although the EOMSP also assumes that interchanges would be located at Enrico Fermi Drive and Siempre Viva Road. Overall, differences in growth-related impacts among the build alternatives are expected to be minimal. The presence of two interchanges does present the greatest potential for such development, however, and the Preferred Alternative does incorporate two interchanges.

A-14 Thank you for your recommendations on Green Building. GSA is working toward LEED Gold level certification through the PDS/design process. The project team is working to incorporate sustainable energy elements into the POE design, and is developing a landscape concept plan for SR-11 that makes extensive use of sustainable landscape materials and practices to lower potable water use and reduce maintenance while preserving function and aesthetics. The project team also continues to coordinate with the Mexican authorities regarding the design of the Mexican POE.

After the Draft EIR/EIS was circulated, the PDS was finalized; this included much more detail on the POE design and "green" features than had previously been available. Much of this information has now been integrated into the Final EIR/EIS (e.g. see Figure 2-21 vs. 2-22, and pages 2-25, 3.18-3 and 3.18-4). The PDS was developed through a charrette-style process, convening groups of stakeholders (including agencies, utility providers, architects, etc.) to review and discuss the document at the 50%, 75%, 95% and 100% stages. As recommended by EPA, is anticipated that GSA will continue to have stakeholder participation as the POE design progresses, much as they did for the development of the San Ysidro POE Improvements project.

COMMENTS

A-14 (cont.)

EO 13514

The DEIS does not provide an "integrated strategy towards sustainability", as required by Executive Order (EO)13514[4], nor does it sufficiently address many of the EO requirements. EO 13514 states:

A-15

> *"In order to create a clean energy economy that will increase our Nation's prosperity, promote energy security, protect the interests of taxpayers, and safeguard the health of our environment, the Federal Government must lead by example. It is therefore the policy of the United States that Federal agencies shall increase energy efficiency; measure, report, and reduce their greenhouse gas emissions from direct and indirect activities; conserve and protect water resources through efficiency, reuse, and stormwater management; eliminate waste, recycle, and prevent pollution; leverage agency acquisitions to foster markets for sustainable technologies and environmentally preferable materials, products, and services; design, construct, maintain, and operate high performance sustainable buildings in sustainable locations; strengthen the vitality and livability of the communities in which Federal facilities are located; and inform Federal employees about and involve them in the achievement of these goals."*

EPA recommends that Caltrans, FHWA, and GSA commit to implementing the measures in Section 3.18.4 that "…could be implemented to minimize the effects of energy use" in the FEIS and ROD. EPA also recommends that Caltrans, FHWA, and GSA provide additional measures in the FEIS to satisfy other requirements of the EO policy.

HUD/DOT/EPA Partnership for Sustainable Communities

In June 2009, the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Transportation (DOT), and EPA entered into a partnership to better coordinate federal housing, transportation, and environmental protection investments. The partnership is based on the following principles:

A-16

- Provide more transportation choices
- Promote equitable, affordable housing
- Enhance economic competitiveness
- Support existing communities
- Coordinate and leverage federal policies and investment
- Value communities and neighborhoods

We encourage FHWA and Caltrans to integrate these principles into proposed improvements in the project area, and to coordinate with HUD, other modes at DOT, and EPA to ensure that potential improvements reflect the goals of the Partnership for Sustainable Communities. For additional information on the partnership, please visit EPA's website at http://www.epa.gov/smartgrowth/partnership/ .

[4] E.O. is available at: http://edocket.access.gpo.gov/2009/pdf/E9-24518.pdf

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RESPONSES

A-15 Text has been added to Sections 3.2.1 and 3.2.2 of the EIR/EIS indicating that the project is consistent with the principles of this Executive Order. The POE, which is currently being designed as part of the PDS process, is intended to be LEED certified, and storm water management measures will apply to SR-11, the POE and the CVEF. The Final EIR/EIS details specific mitigation measures to address the various requirements of the EO.

A-16 Text has been added to Sections 3.2.1 and 3.2.2 indicating that the project is consistent with the principles of this partnership, since it provides new transportation choices (a tolled border crossing option for commercial and passenger vehicles to save time; accommodations for future transit service; and free passage for pedestrians and bicycles crossing the border); enhances national, regional and local economic competitiveness by reducing the border bottleneck; and coordinates and leverages federal policies and investments (since the interagency work groups have been involved throughout the project planning process, and the toll structure involving private investment would leverage federal investment and create a self-sustaining project). No direct adverse effects on housing, communities and neighborhoods would occur from the project, but indirect benefits are anticipated. There are no residential communities immediately adjacent to the project that could be adversely affected by the project. The nearby communities of Otay Mesa, Nestor, San Ysidro and Chula Vista support some of the most affordable housing in the County and could indirectly benefit from the additional commerce, east Otay Mesa and cross-border access, and 400 jobs at the POE.

COMMENTS

A-17

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

Category "1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category "2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category "3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

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RESPONSES

A-17 Information noted.

COMMENTS

GSA

GSA Public Building Service
Pacific Rim Region

January 24, 2011

Ms. Sandra Lavender
Division of Environmental Analysis
California Department of Transportation
4050 Taylor Street
San Diego, CA 92110

RE: Comments on the Draft Tier II Environmental Impact Report/Environmental Impact Statement (EIR/EIS), for the proposed SR-11 and the Otay Mesa East LPOE, Otay Mesa, San Diego, California.

Dear Ms. Lavender,

The General Services Administration (GSA) has reviewed the Draft Tier II EIR/EIS. Based upon our review, we have the following comments for your consideration:

B-1 **General Comments**

The federally accepted acronym of land ports of entry is LPOE, consistency with this would benefit federal agencies working on this project.

B-2 **p. 3.2-1/8/12 Consistency with the Border Master Plan**

Because the project is using a non-traditional funding structure, and not federally funded, it is important to note that, while this project is the highest priority for the Border Master Plan, it is our understanding that the Otay Mesa East Project is not yet included on CBP's 5-year plan.

B-3 **Chapter 3.7**

Discuss how emergency vehicles will be able to access the LPOE via SR-11.

Thank you for the opportunity to comment on the DEIR/EIS. If you have any questions, please contact me at 253-931-7548 or maureen.sheehan@gsa.gov.

Sincerely,

Maureen Sheehan

Maureen Sheehan
NEPA Project Manager

RESPONSES

B-1 For consistency with the Phase I EIR/EIS, this document has proceeded with the use of POE.

B-2 Although it is true that the project is using a non-traditional funding structure, Federal funding is being utilized for the project. In any case, language regarding inclusion of the project in the CBP five-year plan has been included in the Final EIR/EIS. It is understood that discussions among Caltrans, GSA and CBP are ongoing with regard to having this project placed in their plan, and inclusion of this project in the CBP five-year plan is anticipated.

B-3 According to the San Diego Rural Fire Protection District (SDRFPD), East Otay Mesa is currently served through dispatch from the SDRFPD offices in Jamul. A temporary sheriff substation has been constructed and is operational at the southeast corner of Enrico Fermi Drive and Otay Mesa Road. Land has been acquired upon which to construct a permanent fire station and permanent sheriff substation at the northwest corner of Enrico Fermi Drive and Lone Star Road. Until the new permanent fire station is constructed, fire and rescue vehicles would be expected to access the new POE from Jamul via SR-125 and SR-11 under all project build alternatives. It is also anticipated that, in the short term, sheriff vehicles dispatched from the temporary sheriff substation at Enrico Fermi Drive would access the POE under the different project alternatives as follows:

COMMENTS	RESPONSES
	B-3 (cont.) The Preferred Alternative and the Two Interchange Alternative: access SR-11 at the Enrico Fermi Drive Interchange and proceed to the POE. One Interchange Alternative: take Otay Mesa Road east to Alta Road, access SR-11 at the Alta Road Interchange, and proceed to the POE. No Interchange Alternative: take Enrico Fermi Drive south to Siempre Viva Road, and then Siempre Viva Road eastward to enter the POE via the staff access road into the CVEF. A less convenient alternative would be to take Otay Mesa Road westward to La Media Road, access SR-905 eastward at the La Media Road Interchange, and connect to SR-11 and eventually the POE. Once the permanent fire station and permanent sheriff substation at the northwest corner of Enrico Fermi Drive and Lone Star Road have been constructed, emergency vehicles could access SR-11 via Enrico Fermi Drive and the Enrico Fermi Drive Interchange (under the Preferred Alternative and Two Interchange Alternative), via Lone Star Road, Alta Road and the Alta Road Interchange (under the One Interchange Alternative) or via Lone Star Road and the staff access road into the CVEF (under any of the build alternatives). Finally, as described in Section 2.2.1, it should be noted that the eastern portion of proposed SR-11 has been designed with a 62-foot median width, to make it adaptable for potential safety and security needs. This would allow access to the new POE by emergency responders even when there is a queue of southbound vehicles waiting to cross, facilitate evacuation of the POE if necessary, and allow southbound traffic to be turned around if the POE has to be closed for emergency security concerns. It should also be noted that this discussion is preliminary and the access options described would depend on the status of the EOMSP circulation system at the time, as well as the final POE design. The issue of emergency access is being considered in the development of the final POE design.

COMMENTS

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

January 21, 2011

Ms. Sandra Lavender
Division of Environmental Analysis
California Department of Transportation
4050 Taylor Street
San Diego, CA 92110

Dear Ms. Lavender:

C-1 U.S. Customs and Border Protection appreciates the opportunity to participate as a cooperating agency and provide comments on the *State Route 11 and the Otay Mesa East Port of Entry Draft Tier II Environmental Impact Report and Environmental Impact Statement*. We have no comments at this time and look forward to continuing to work with your agency on this and future projects.

If you have any questions or concerns, please feel free to contact Ruth Zolock at fofpmoenvironmental@dhs.gov.

Sincerely,

Trent Frazier
Director
Field Operations Facilities Program Management Office

cc: U.S. General Services Administration

RESPONSES

C-1 Comment noted; thank you.

COMMENTS | RESPONSES

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
1111 Jackson Street, Suite 520
Oakland, California 94607

IN REPLY REFER TO:
ER/S 10/1029

Electronically Filed

1 February 2011

Ms. Sandra Lavender
Division of Environmental Analysis - Branch A
California Department of Transportation, District 11
4050 Taylor Street, MS 242
San Diego, California 92110
Email: Sandra_Lavender@dot.ca.gov

Subject: Review of November 2010 Tier II Draft Environmental Impact Report/Draft Environmental Impact Statement for the State Route 11/Otay Mesa Port of Entry, San Diego County, California

Dear Ms. Lavender:

D-1 (cont.)

The Department of the Interior (Department) has reviewed subject document.

Our primary concern and mandate, through Fish and Wildlife Service (the Service), is protection of public fish and wildlife resources and their habitats. We have legal responsibility for welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. We are also responsible for administering the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*).

The Service has agreed to be a Participating Agency as defined in 23 USC 139 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and has been participating in interagency workgroup meetings for the project.

The Service has previously provided technical assistance to your agency in analyzing impacts of proposed project on fish and wildlife resources in letters dated June 4, 2007, in response to Notice of Intent (NOI) for the Phase I Environmental Impact Statement (EIS); March 4, 2008, on the DEIS for Phase 1; December 8, 2008, on the NOI for the DEIS for this project; and November 17, 2009, in response to a request for concurrence on Purpose and Need statement and range of alternatives.

D-1 Caltrans analyzed the previously provided comments and technical assistance provided by U.S. Fish and Wildlife Service and has incorporated the comments, when feasible, into the current project design, to avoid or minimize impacts to listed species (refer to Section 2.0, especially page 2-3)..

COMMENTS	RESPONSES
D-1 (cont.) We offer these comments to assist Caltrans in avoiding, minimizing, and providing adequate offsetting conservation for project-related impacts to fish and wildlife resources, and to ensure that project is consistent with ongoing regional conservation planning efforts. Proposed project will result in development of a new Port of Entry (POE) along the United States/Mexico border in San Diego/Tijuana region. Proposed project includes construction of State Route 11 (SR 11) that would connect new POE to existing and planned roadway system in the area, and a new Commercial Vehicle Enforcement Facility (CVEF) for California Highway Patrol's inspections of trucks entering California from Mexico.	
D-2 We concur with selection of western alternative as preferred alternative identified in program-level (Phase 1) EIS for the project, and that DEIR/DEIS analyzes a reasonable range of alternatives for SR 11. However, DEIR/DEIS does not include any analysis of alternatives for POE and CVEF. Instead, a preliminary facility design/layout is shown within a 100-acre graded pad depicted in Figure 2-15. Although Section 2.1.1 of DEIR/DEIS states that shape of the POE was determined, in part, to address a request by Mexican government to create a greater frontage or overlap with proposed Mexican Otay II POE site, there is no figure that shows how this is accomplished, nor is there any information regarding alternative footprints that were considered.	D-2 Alternatives for the POE and CVEF were analyzed in separate studies: the GSA Expanded Feasibility Study (GSA 2008), and the Draft Commercial Vehicle Enforcement Facility (CVEF) Alternatives Analysis Report. The CVEF alternatives that were considered but rejected are discussed in Section 2.3.5. Additional language regarding the POE alternatives that were considered but rejected has been added to the Final EIR/EIS, including alternative footprints. In response to comments received regarding the eastern extent of the proposed POE, the eastern POE boundary has been modified as part of the Preferred Alternative, to further reduce impacts to listed species. The Tier II EIR/EIS relies upon and incorporates by reference the 2008 Phase I EIR/EIS. For convenience, Figure 2-1 in the Tier II Draft EIR/EIS shows the Central and Western Alternatives that were addressed in Phase I; the Western Alternative was ultimately selected as the Phase I Preferred Alternative. The increased overlap/frontage between the U.S. and Mexican POEs afforded by the Tier II POE footprint can be seen in Figure 2-20, which compares the POE/CVEF footprint in the Phase I PEIR/PEIS, the Tier II Draft EIR/EIS, and this Tier II Final EIR/EIS. This comparison is referenced in Section 2.1.1 of the Final EIR/EIS, and the Preferred Alternative figures reflect the modified POE boundary. In addition, Figure 2-21 presents the most current conceptual layout for the Otay Mesa East POE based on the ongoing PDS by GSA, and Figure 2-19 presents the updated conceptual layout of the Mexican Otay II POE.
D-3 We recommend final EIS include a figure that depicts information from both Figures 2-14 and 2-15, and include explanation as to why overlap is important, beyond north and southbound lanes. We recommend that further alternatives to footprint of POE and CVEF be examined to avoid and/or minimize impacts to sensitive biological resources. For example, it is not clear why the pad needs to be graded east of northbound commercial vehicle traffic lane. This area is designated critical habitat for federally-listed endangered San Diego fairy shrimp (*Branchinecta sandiegonensis*) and quino checkerspot butterfly (*Euphydryas editha quino*), and supports several pairs of burrowing owls (*Athene cunicularia*) and populations of sensitive plant species. In addition, it has been identified as mitigation by underlying land owner in the draft environmental impact report (DEIR) for proposed Otay Crossings Commerce Park. We recommend avoiding this area and shifting POE to the west if additional acreage for project is needed.	D-3 As shown in Figure 2-20, Caltrans considered shifts in the footprints of the POE and CVEF during Phase I to eliminate direct impacts to vernal pools and watersheds containing San Diego fairy shrimp and coastal sage scrub, which may provide habitat for coastal California gnatcatcher. In response to the Tier II comment letters received from USFWS and others requesting a reduction in the Tier II POE footprint on the eastern side, Caltrans Design has analyzed the feasibility of reducing the footprint to further minimize impacts to listed species, and has incorporated a reduced POE footprint into the Preferred Alternative. Caltrans wishes to continue its avoidance of the vernal pool to the west because impacts to this vernal pool may not qualify the project for a waiver from a Section 404 Individual Permit from the U.S. Army Corps of Engineers.
D-4 (cont.) The Service is currently in formal Section 7 consultation pursuant to the Act with the Corps of Engineers (Corps) to address potential impacts resulting from Corps' issuance of 404 permits for the proposed Otay Business Park and Otay Crossings Commerce Park. Both projects overlap geographically with proposed project. Although each project is moving forward independently, avoidance and minimization measures need to be evaluated taking into account constraints of all three projects. As an example, POE footprint would avoid vernal pools to the west; however, these pools are proposed to be developed by Otay Business Park. We recommend that a biologically superior alternative be evaluated that would shift POE footprint to the west to minimize impacts to vernal pool resources on eastern side rather than	

COMMENTS

D-4 (cont.)

avoid pools proposed to be impacted by Otay Business Park project. In addition, there appears to be lack of coordination among all three projects on engineering designs for drainages and interchanges. Otay Business Park is designing an above-ground channel that will be under southbound lanes of traffic through the POE.

It is our understanding that Caltrans is convening a meeting with resource agencies, County of San Diego, and project proponents to discuss how three projects can be designed together to minimize impacts to biological resources. Service staff will participate in these discussions to resolve these issues.

D-5

Section 3.27 of DEIR/DEIS summarizes potential cumulative impacts resulting from proposed project. With regards to "Animal Species", DEIR/DEIS states that "impacts to raptor foraging habitat are also noted for some projects".

However, the DEIR for Otay Business Park and Otay Crossings conclude that their projects would result in significant direct and cumulative effects to burrowing owls, golden eagles (*Aquila chrysaetus*), and raptor foraging. We also anticipate that build-out of POE and SR 11 will facilitate development of east Otay Mesa area, further contributing to loss of foraging area for the golden eagles known from nearby O'Neal Canyon.

We recommend you contact Eric Kershner, PhD, in the Service's Division of Migratory Birds prior to finalizing DEIR/DEIS, to discuss this issue further. Dr. Kershner can be reached at (760) 431-9440, extension 214.

We appreciate the opportunity to comment on subject DEIR/DEIS, and to participate in transportation planning process. If you have any questions regarding this letter, please contact Susan Wynn of the Carlsbad Fish and Wildlife Office at (760) 431-9440, extension 216.

Sincerely,

Patricia Sanderson Port

Patricia Sanderson Port
Regional Environmental Officer

- 3 -

RESPONSES

D-4 Caltrans held multi-agency meetings that included U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, California Department of Fish and Game, and the County of San Diego on February 15, 2011 and March 8, 2011. Caltrans will continue to coordinate with these agencies to discuss how the three projects can be designed together to minimize impacts to biological resources. Caltrans will continue to have multi-agency meetings to further discuss impacts and mitigation measures and coordination with the agencies and the County. Caltrans Design has analyzed a reduction of the footprint on the eastern side to minimize impacts to listed species, and has modified the project footprint accordingly. As in response to Comment D-3 above, Caltrans wishes to avoid the vernal pool on the western side of the POE, because impacts to this vernal pool may not qualify the project for a waiver from a Section 404 Individual Permit from the U.S. Army Corps of Engineers.

D-5 Table 3.22-1 in the Tier II Draft EIR/EIS acknowledges the high potential for the occurrence of golden eagles in the project area and the importance of the large areas of non-native grassland in the project study area for raptor foraging (Section 3.19). The project provides for 1:1 mitigation of this habitat loss, which would serve as mitigation for impacts to the foraging area for both burrowing owls and golden eagles. The Final EIR/EIS (Section 3.22), the NES Addendum (Caltrans 2011b) and the Biological Assessment for the project include additional species information for the golden eagle, including the known occurrence of a nesting pair of this species within O'Neal Canyon, as well as further discussion of the potential impacts to this species and consideration of any additional appropriate mitigation measures, consistent with the measures identified in the Otay Business Park and Otay Crossings Draft EIRs.

COMMENTS

To <michelle trudell@dot.ca.gov> 03/17/2011 03:34 PM
cc "Mattson, Michelle L SPL" <Michelle.L.Mattson@usace.army.mil>

Subject: Comments on SR-11 EIS (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Hi Michelle,

I had a chance to look over the EIS and have the following comments:

E-1 1) Because all of their information on waters of the U.S. is based on Helix's JD report, please be explicit in the beginning of the "Wetlands and Other Waters" section (3.17) that the Corps has not verified the jurisdictional determination and will need to do so as a next step in the process. Michelle Mattson notified me that she ran out of time to complete the jurisdictional determination verification during her site visit to the project area, and I look forward to arranging time to go out there to continue the verification.

One specific issue worth noting is that the drainage features shown on Figure 3.17-1 show breaks along the drainages (starting and stopping). The Corps does not agree with how these streams are portrayed in this figure and will need to work this out with the verification of the PJD.

E-2 2) Because the project will likely qualify under NWP 14, the Corps will likely not need to adopt the EIS for this project (because our NWPs have their own NEPA documents associated with them). However, the Corps will coordinate and be involved in FHWA's Section 7 (ESA) and Section 106 (NHPA) consultations to fulfill our requirements under both Acts.

Please let me know if you have any questions.

Thanks!
Shanti

RESPONSES

E-1 Caltrans Biology coordinated a field review with USACE for the jurisdictional determination verification on June 2, 2011. From the field meeting with USACE it was determined that Caltrans, as the applicant, will complete a preliminary jurisdictional determination to be verified by USACE for the SR-11/ POE Project area during the Design phase of the project. USACE believes that since the dirt roads bisect Drainage B within the limits of the Preferred Alternative, they should be considered jurisdictional since they were once part of the stream bed and bank before the U.S. Border Patrol and/ or illegal off-road activity created the dirt roads. Figures 3.20-1 and 3.20-2 have been revise to show connectivity for Drainage B through the project area.

E-2 Caltrans Biology concurs. Coordination with USACE will continue through the Section 7 process.

COMMENTS

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

April 8, 2011

Sandra Lavender
Project Analysis, Branch A
California Department of Transportation, District 11
4050 Taylor Street, MS-242
San Diego, CA 92110

Re: Review of Draft Environmental Impact Statement (EIS) for the State Route 11/Otay Mesa East Port of Entry Project.

Dear Ms. Lavender:

In reference to your letter dated March 21, 2011, The United States International Boundary and Water Commission (USIBWC) has reviewed the above referenced document.

F-1 The submittals provided thoroughly cover any agency concerns, in particular how this project will address stormwater controls to prevent pollutants and higher than normal flows of stormwater runoff into the Tijuana River system. If after construction, additional flows, higher velocity flows, increased sediment transport, or water quality concerns arise from Mexico, there may be a need for re-evaluation and construction to address any adverse impacts.

F-2 Also, one of the mandates of the USIBWC is delineation of the boundary between the United States and Mexico. We would like to have coordination with our survey team during design and construction to insure that our boundary monuments maintain our treaty requirement of visibility between monuments.

If you have any questions or comments, please feel free to contact me at (915) 832-4749 or Mr. Wayne Belzer at (915) 832-4703.

Sincerely,

John L. Merino
Principal Engineer

The Commons, Building C, Suite 310 • 4171 N. Mesa Street • El Paso, Texas 79902
(915) 832-4100 • (FAX) (915) 832-4190 • http://www.ibwc.state.gov

RESPONSES

F-1 Comment noted.

F-2 Caltrans and GSA will coordinate with the IBWC survey team during design and construction.

COMMENTS

STATE OF CALIFORNIA —DEPARTMENT OF CORRECTIONS AND REHABILITATION

JERRY BROWN, GOVERNOR

DIVISION OF ADULT OPERATIONS
RICHARD J. DONOVAN CORRECTIONAL FACLITY
P.O. Box 799006
San Diego, Ca 92179-9006

January 28, 2011

Dear Ms. Lavender:

The Richard J Donovan Correctional Facility (RJDCF) appreciates the opportunity to provide the following comments to the State Route 11 and the Otay Mesa East Port of Entry Draft Tier II Environmental Impact Report/Environmental Impact Statement dated November 2010 (the "DEIR/EIS")

The DEIR/EIS analyzes three "build" alternatives: (1) a Two Interchange Alternative, within which are two options: (a) a full interchange at Enrico Fermi Drive with a full interchange at Siempre Viva Road; and (b) a full interchange at Enrico Fermi Drive with a half interchange at Siempre Viva Road; (2) a One Interchange Alternative, placing the interchange at Alta Road; and (3) a No Interchange Alternative.

G-1 It is our understanding that only the Two Interchange Alternative with full interchanges at Enrico Fermi Drive and Siempre Viva Road (the "Two, Full Interchanges Alternative") is consistent with the East Otay Mesa Specific Plan (the "Specific Plan"). The DEIR/EIS itself acknowledges that the Specific Plan would need to be further amended to accommodate any "build" alternative other than the Two, Full Interchanges Alternative.

G-2 From a public safety and security aspect the RJDCF feels that the above named alternative offers the greatest amount of public security as it applies to our business. Obviously, the less time a bus or any other transportation vehicle spends in traffic the fewer opportunities there are for an incident to occur. That also applies to the number of interchanges available to enter or exit a freeway.

We realize that there are many factors to be weighed prior to reaching a final decision. I appreciate the opportunity to voice our opinions and concerns. If there are any other issues related to this project I would appreciate the opportunity to review them.

George A. Neotti
Warden
Richard J Donovan Correctional Facility

RESPONSES

G-1 Although Caltrans strives to be consistent with local plans, freeway planning efforts are not bound by those plans. Caltrans' freeway planning must meet Federal Highway Administration (FHWA) requirements, including consistency with the Highway Design Manual. Although some exceptions to specific requirements may be granted where warranted, Caltrans' highest priorities are the operational efficiency and safety of its new freeway designs. Although the East Otay Mesa Specific Plan shows a full interchange at Siempre Viva Road separated from an approximately 20-acre Port of Entry by over 1,000 feet of SR-11, the project design is very different today, with an approximately 100-acre POE, an approximately 23-acre Commercial Vehicle Enforcement Facility, and insufficient space remaining to accommodate southbound access to SR-11 from Siempre Viva Road. A modified design to the Two Interchange Alternative has been identified as the Preferred Alternative; it would accommodate northbound commercial access to Siempre Viva Road, as well as full southbound access to Siempre Viva Road. It would be the County's responsibility to amend the EOMSP to accommodate the final design of SR-11 and the Otay Mesa East POE.

G-2 Your comment has been considered in the identification of the project Preferred Alternative. It has been determined that, due to the proximity of Siempre Viva Road to the POE and the need to separate commercial and passenger vehicles, the Two Interchange Alternative with the Siempre Viva Road Full Interchange Variation is not operationally feasible. A modified design of the Two Interchange Alternative has been identified as the Preferred Alternative. It would provide the maximum feasible access, while maintaining necessary safety and security.

COMMENTS | RESPONSES

State of California – The Natural Resources Agency
Edmund G. Brown, Jr., Governor
DEPARTMENT OF FISH AND GAME
John McCamman, Director
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201
www.dfg.ca.gov

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January 14, 2011

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STATE CLEARING HOUSE

Ms. Sandra Lavender
Environmental Analysis – Branch A
California Department of Transportation – District 11
Environmental Planning
4050 Taylor Street, MS 242
San Diego, CA 92110

Subject: Comments on the Draft Environmental Impact Report/ Environmental Impact Statement for the State Route (SR) 11 Otay Mesa East Port of Entry Tier II Project, San Diego, California (SCH No. 2008111038, EA 056310)

Dear Ms. Lavender:

The Department of Fish and Game (DFG) has reviewed the above referenced Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS), dated November 2010. The following statements and comments have been prepared pursuant to DFG's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines Section 15386) and pursuant to our authority as a Responsible Agency under the purview of the California Endangered Species Act (Fish and Game Code Section 2050 et seq.) and Fish and Game Code Section 1600 et seq. DFG also administers the Natural Community Conservation Planning Program (NCCP).

The proposed California Department of Transportation (Caltrans) project is located mid-way between Otay Mesa and Airway roads for most of its length, and would cross four local surface streets: Sanyo Avenue, Enrico Fermi Drive, Alta Road, and Siempre Viva Road. It would extend east from the vicinity of Harvest Road (at the future SR-125/SR-905 Interchange) for approximately 1.5 miles, before curving to the southeast near Alta Road and continuing for approximately 0.6 mile to connect with the proposed Port of Entry/Commercial Vehicle Enforcement Facility (POE/CVEF) site.

The proposed limits of grading and right-of-way (R/W) are expected to be up to 500 feet wide, with the exception of the interchange locations, which would require additional space. These limits are expected to include all required cut/fill slopes and project-related drainage facilities, lighting, fencing, utilities and landscaping to accommodate all required construction staging and storage for the proposed project.

Design alternatives are based on variations of the West Alignment Alternative selected by the Federal Highway Administration in 2008 as part of the Programmatic EIR/EIS, Phase I process. The West Alignment includes an undercrossing structure at Sanyo Avenue; an overcrossing structure at Alta Road; and interchanges with local roadways at Siempre Viva Road (half interchange) and Enrico Fermi Drive. To link SR-11 to SR-905, connectors would be provided and certain modifications to the approved SR-905 design would be required. The DEIR/EIS identified three alternative designs for the West Alignment Alternative, as well as the No Build Alternative.

Conserving California's Wildlife Since 1870

COMMENTS | RESPONSES

Ms. Sandra Lavender
January 14, 2011
Page 2 of 5

The three alternative designs include the Two Interchange Alternative which would directly impact 183.62 acres of natural communities of special concern, the majority of which (183.2 acres) includes impacts to grassland communities. The impact to non-native grassland would be 19.6 acres greater under the Siempre Viva Road Full Interchange Variation for this alternative. The One Interchange Alternative would directly impact 188.22 acres of natural communities of special concern, the majority of which (187.8 acres) includes impacts to grassland communities. Finally, the No Interchange Alternative would directly impact 177.52 acres of natural communities of special concern, the majority of which (177.1 acres) includes impacts to grassland communities. Each of the alternatives would permanently impact 0.42 acre of mule fat scrub-disturbed (another community of special concern).

Sensitive species with the potential to be affected by the project include: San Diego thornmint (*Acanthomintha ilicifolia*), Otay tarplant (*Deinandra conjugens*), San Diego button-celery (*Eryngium aristulatum* var. *parishii*), willowy monardella (*Monardella viminea*), spreading navarretia (*Navarretia fossalis*), California orcutt grass (*Orcuttia californica*), Otay mesa mint (*Pogogyne nudiuscula*), small-flowered morning glory (*Convolvulus simulans*), variegated dudleya (*Dudleya variegata*), San Diego barrel cactus (*Ferocactus viridescens*), decumbent goldenbush (*Isocoma menziesii var. decumbens*), San Diego marsh-elder (*Iva hayesiana*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), Quino checkerspot butterfly (*Euphydryas editha quino*), western spadefoot toad (*Spea hammondii*), orange-throated whiptail (*Cnemidophorus hyperythrus beldingi*), coastal western whiptail (*Cnemidophorus tigris multiscutatus*), red-diamond rattlesnake (*Crotalus exsul*), coast horned lizard (*Phrynosoma coronatum blainvillii*), two-striped garter snake (*Thamnophis hammondii*), coastal California gnatcatcher (*Polioptila californica*), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), grasshopper sparrow (*Ammodramus savannarum*), Bell's sage sparrow (*Amphispiza belli*), yellow warbler (*Dendroica petechia brewsteri*), California horned lark (*Eremophila alpestris actia*), loggerhead shrike (*Lanius ludovicianus*), burrowing owl (*Athene cunicularia*), sharp-shinned hawk (*Accipiter striatus*), white tailed kite (*Elanus leucurus*), ferruginous hawk, (*Buteo regalis*), golden eagle (*Aquila chrysaetos*), turkey vulture (*Cathartes aura*), northern harrier (*Circus cyaneus*), prairie falcon (*Falco mexicanus*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), and American badger (*Taxidea taxus*).

Mitigation for the loss of natural communities of special concern is proposed to occur on the Lonestar parcels acquired by Caltrans on Otay Mesa. The Lonestar parcels support non-native grassland, Diegan coastal sage scrub, eucalyptus woodland, a stock pond, vernal pools, and unvegetated basins. The majority of the acreage of the Lonestar parcels is within the City of San Diego Multi-Habitat Planning Area (MHPA); some of it is also designated as Multiple Species Conservation Program (MSCP) Biological Resource Core Area (BRCA).

Impacts to San Diego fairy shrimp critical habitat is proposed to be offset by the preservation, restoration, and enhancement of vernal pools on the Lonestar parcels, as well as through the preservation of San Diego fairy shrimp critical habitat on the parcels. The final mitigation for San Diego fairy shrimp critical habitat impacts would be negotiated during the Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS). Caltrans anticipates the completion of a Biological Assessment in March 2011 and issuance of a Biological Opinion by November 2011. The Lonestar parcels support San Diego fairy shrimp and Riverside fairy shrimp (*Streptocephalus wootoni*).

Proposed mitigation for the loss of Quino checkerspot butterfly habitat is through preservation and enhancement of historically occupied Quino habitat on the Lonestar parcels. Proposed

COMMENTS

Ms. Sandra Lavender
January 14, 2011
Page 3 of 5

mitigation for impacts to Quino checkerspot butterfly critical habitat would be through preservation of Quino checkerspot butterfly critical habitat on the Lonestar parcels. The final mitigation for Quino checkerspot butterfly critical habitat impacts would be negotiated during the Section 7 consultation with the USFWS. Caltrans anticipates the completion of a Biological Assessment in March 2011 and issuance of a Biological Opinion by November 2011.

Mitigation for impacts to other special status plant and animal species would be via preservation, creation, restoration, and enhancement of habitat and/or the translocation/planting of affected plant species. Proposed mitigation for impacts to the burrowing owl is through the preservation and management of non-native grassland on the Lonestar parcels (or equivalent mitigation parcels). To ensure suitable burrow opportunities are present, artificial burrows would be created at a 5:1 ratio for each burrow impacted. Impacts to burrowing owls during construction would be minimized by avoiding disturbance near burrows during the breeding season.

DFG has agreed to be a participating agency for this project and has previously provided comments in response to the Notice of Preparation (NOP) for the Phase I Environmental Impact Report (June 11, 2007); on the DEIR for Phase 1 (February 25, 2008); and on the NOP for the DEIR for this project (December 5, 2008).

We offer the following comments and recommendations concerning your project:

H-1 1. The conservation of a vernal pool to the west of the POE/CVEF should be reevaluated since the area currently is proposed for development by the Otay Business Park project, which proposes to impact this pool. In addition, the Otay Crossings Commerce Park project has identified the area proposed for the POE/CVEF as mitigation for its impacts. There are also discrepancies with the proposed drainage configurations between these two projects and the SR-11 designs. We recommend that Caltrans convene a meeting with the resource agencies (DFG, USFWS, U.S. Environmental Protection Agency), the County and the project proponents to discuss how the three projects can be designed together to minimize impacts to natural resources.

H-2 2. DFG has agreed in a joint letter with the USFWS, dated July 16, 2009, that the Lonestar parcels and Johnson Canyon are appropriate for mitigation as they are within areas proposed for conservation in the MSCP and adjacent to the impact area, although the USFWS must be consulted on species listed as endangered or threatened under the Endangered Species Act, and the golden eagle.

H-3 3. DFG recommends that mitigation for Quino checkerspot butterfly and burrowing owl on the Lone Star parcels also include invasive-exotic plant species control to improve the habitat for the butterfly, especially exotic species which inhibit the growth of host plants for the butterfly. Exotic species controls and monitoring to determine effectiveness should be included in the long term management plan for the site. DFG, as a participating agency, is willing to review the enhancement and management plans for the site prior to final approval by Caltrans. All parcels conserved as mitigation should include funding to monitor and manage the properties in perpetuity (calculated using the Property Analysis Record (or equivalent) process, including funding for staffing), and have conservation easements or other protective easements recorded with an appropriate easement recipient identified before the completion of the mitigation monitoring period.

RESPONSES

H-1 Caltrans held multi-agency meetings that included U.S. Fish and Wildlife Service (USFWS), the U.S. Army Corps of Engineers (USACE), DFG, and the County on February 15, 2011 and March 8, 2011. Caltrans will continue to coordinate with these agencies to discuss how the three projects can be designed together to minimize impacts to biological resources. Caltrans will continue to have multi-agency meetings to further discuss impacts and mitigation measures and coordination with the agencies and the County.

H-2 Caltrans concurs and will continue to consult with USFWS on federally listed species and the golden eagle.

H-3 Caltrans concurs with the measures for exotic plant species control at the Lonestar parcels and will control exotic species during the five-year monitoring and maintenance of the site starting in the summer of 2011. Caltrans submitted the conceptual mitigation plan for the Lonestar parcels to DFG on February 10, 2011 and will submit the final mitigation plan to DFG in the fall of 2011 for review. Caltrans will submit a long-term management plan to DFG, including a funding proposal for long-term management of the site, when a long-term manager has been identified.

COMMENTS

Ms. Sandra Lavender
January 14, 2011
Page 4 of 5

H-4 4. On page 3.9-3, please add the Otay Mountain Ecological Reserve as a Scenic Resource. This DFG-owned reserve provides recreational opportunities including hunting and hiking. It is adjacent to USFWS Wildlife Refuge and Bureau of Land Management's Otay Mountain Wilderness Area.

H-5 5. DFG recommends the following avoidance measures for wildlife species: removal of vegetation within the impact acres will only occur outside of the avian breeding season (February 1 to August 31) to avoid impacts to nesting birds, including ground nesting species; any vegetation clearing may be performed after the area has been surveyed by a qualified biologist to ensure no nesting birds are present; if nesting birds are identified within the impact areas, vegetation removal would be delayed until the young have fledged.

H-6 6. Relocation and/or eviction of any burrowing owls, including use of one-way doors, must be pre-approved and closely coordinated with DFG. These measures must generally be performed outside of this owl's breeding season (Feb 1 through August 31), and accompanied by appropriate levels of ongoing biological monitoring to ensure owls do not re-establish within construction areas.

H-7 7. DFG recommends the use of native plants to the greatest extent feasible in the landscape areas, especially adjacent and/or near mitigation/open space and wetland/riparian areas. Invasive-exotic plant species should not be introduced into the landscaped areas, and should be controlled where they exist within the project area, and in adjacent areas where access and permissions are obtainable, within reason. Exotic plant species which should not to be used include those species listed on Lists A & B of the California Exotic Pest Plant Council's list of "Exotic Pest Plants of Greatest Ecological Concern in California as of October 1999." This list includes such species as: pepper trees, pampas grass, fountain grass, ice plant, myoporum, tree of heaven, black locust, capeweed, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. A copy of the complete list can be obtained by contacting the California Exotic Pest Plant Council at 32912 Calle del Tesoro, San Juan Capistrano, CA 92675-4427, or by accessing their web site at http://www.caleppc.org .

H-8 8. DFG will require notification for a Lake or Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, for activities within five unnamed tributaries/drainages (listed as streambeds A, B, C, D and E). Notification will be required for the work within Johnson Canyon as well, if the exotic vegetation is to be removed within DFG jurisdiction. Based on this notification and their information, DFG will determine whether a LLSAA with the applicant is required prior to conducting responsible agency. DFG may consider the local jurisdiction's (lead agency) final EIR for the project. To minimize additional requirements by DFG pursuant to Section 1600 et seq. and/or under CEQA, the final EIR should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the agreement. The DEIR/EIS proposes mitigation for jurisdictional streambed areas. These proposed mitigation ratios will be finalized during the LSAA process.

RESPONSES

H-4 Caltrans Biology concurs. This information has been added to the page.

H-5 Consistent with this comment, Draft Tier II EIR/EIS Section 3.22.4 contains the following language: All brushing, grading, and clearing of vegetation would take place outside of the bird breeding season (February 1 through August 31) to avoid impacting nesting birds and violating the MBTA. If construction activities occur during the breeding season, a pre-construction survey would be conducted to ensure that no nesting birds are present within the proposed work area. Should a nest site be located, then appropriate measures may include (but are not limited to) monitoring during grading and construction to ensure no impacts to the nest site, designating the location as an environmentally sensitive area, and delaying or restricting project activities until nesting and fledging is complete. For burrowing owls, a pre-construction survey to identify active burrows within the right-of-way and 250 feet beyond the right-of-way (where potential burrows could be) would be conducted no more than 30 days prior to initiation of construction. To minimize impacts to nesting burrowing owls, no disturbance would occur within 250 feet of any active burrow (including to any that occur outside the R/W) during the burrowing owl breeding season (February 1 through August 31) or until a qualified biologist determines that a burrow is no longer active.

H-6 Consistent with this comment, Draft Tier II EIR/EIS Section 3.22.4 contains the following language: For each active burrow to be directly impacted outside the burrowing owl breeding season, a qualified biologist would implement passive relocation measures (installation of one-way doors) in accordance with DFG regulations (DFG 1995). Once all owls have vacated the burrows (after approximately 48 hours), a qualified biologist would oversee the excavation and filling of the burrows.

COMMENTS

Ms. Sandra Lavender
January 14, 2011
Page 5 of 5

If you have any questions regarding this letter, please contact M. Tim Dillingham at (858) 467-4250 or tdilling@dfg.ca.gov.

Sincerely,

Edmund Pert
Regional Manager
South Coast Region

cc: State Clearinghouse, Sacramento
Susan Wynn, USFWS, Carlsbad

RESPONSES

H-7 Consistent with this comment, Draft Tier II EIR/EIS Section 3.24.4 contains the following language: Avoidance and Minimization Efforts: In compliance with Executive Order 13112 on invasive species and subsequent guidance from the FHWA, the landscaping and erosion control included for the proposed project would not use species on the state's noxious weed list (USDA NRCS 2009) or species listed as invasive in the California Invasive Plant Inventory Database (California Invasive Plant Council 2006). Inspection of construction areas would be made by a biological monitor for invasive species according to a prescribed schedule during construction. A typical schedule would involve weekly inspections after the first rains, and throughout the rainy season of the construction period. Outside the rainy season, inspection for invasive species would occur monthly. Soils that may contain invasive plant species seeds would not be stockpiled where wind or water could transport the material/seeds to natural communities of concern. Soils that may contain invasive plant species seeds also would not be transported in such a manner that the seeds could spread natural communities of concern. Proposed Mitigation: If during the inspections invasive species that could spread into new areas are found, precautions would be required that could include the cleaning of construction equipment to help prevent the spread of invasive plant species material and eradication strategies recommended by the biological monitor. Upon completion of grading, all areas of temporary disturbance would be revegetated with native species or ornamental landscaping to limit colonization by invasive species. A qualified biologist would review the landscape concept plans to ensure that no invasive species (as listed on the state's noxious weed list or in the California Invasive Plant Inventory Database) are included.

H-8 Caltrans will submit a LSAA to DFG for the project after the EIR/EIS is finalized. Caltrans will also submit a LSAA for the mitigation work at the Johnson Canyon site in the summer of 2011.

COMMENTS

Department of Toxic Substances Control

Linda S. Adams
Acting Secretary for
Environmental Protection

Maziar Movassaghi
Acting Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

January 14, 2011

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RECEIVED
JAN 19 2011
STATE CLEARING HOUSE

Ms. Sandra Lavender
California Department of Transportation (Caltrans)
4050 Taylor Street, MS-242
San Diego, California 92110

NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR STATE ROUTE (SR-) 11 AND THE OTAY MESA PORT OF ENTRY (POE)-TIER II (SCH# 2008111038)

Dear Ms. Lavender:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Availability of the Environmental Impact Report for the above-mentioned project The following project description is stated in your document: "The proposed action represents Tier II of a two-phase process. Phase1 (EIR certified in 2009) previously evaluated alternative locations for the future implementation of State Route (SR)-11 and the Otay Mesa East Port of Entry (POE), and selected the Western Alternative: The subject Tier II EIR analysis the proposed design alternatives for the new SR-11 toll highway, the POE and an associated Commercial Vehicle Enforcement Facility, including SR-11 connectors to SR-905 and associated modifications to SR-905. Tier II primary objectives include increasing regional inspection capacities for commercial/ personal vehicles and pedestrians; reducing northbound vehicle/pedestrian queues and wait times; accommodating projected increases in international commercial trade and personal vehicle border traffic; contributing to reduced congestion at border crossings and along regional transportation infrastructure; and, accommodating commercial goods movement and cross border travel".

Based on the review of the submitted document DTSC has the following comments:

I-1 (cont.)

1) The EIR should evaluate whether conditions within the project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

RESPONSES

I-1 The identified databases were consulted during preparation of the Initial Environmental Assessment referenced in the EIR/EIS in Section 3.15-2, as appropriate. No known hazardous waste sites were identified within the proposed project area. Therefore threat to human health or the environment due to the known presence of hazardous waste materials was not identified.

COMMENTS

Ms. Sandra Lavender
January 14, 2011
Page 2 of 4

I-1 (cont.)

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
- Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

I-2

2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.

I-3

3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR.

RESPONSES

I-2 Since no known hazardous waste sites were identified within the proposed project area, neither a mechanism nor agency oversight to initiate investigation is discussed in the EIR/EIS. If unforeseen contamination is encountered, Caltrans would implement an Environmental On-Call Emergency Construction Contract. If encountered, the potential for a threat to human health or the environment by contamination would be evaluated.

I-3 An investigation for suspected contaminants such as herbicides/ pesticides, petroleum hydrocarbons and metals impacted soil was performed and is found in reports entitled "Initial Site Assessment for State Route 11 and the Otay Mesa East Port of Entry, San Diego County, California" dated September 2, 2010 and "Soil Sampling Report, Auto Salvage Yard for State Route 11 and the Otay Mesa Port of Entry, San Diego County, California" dated February 5, 2010, by Ninyo and Moore. Soil containing petroleum hydrocarbons and herbicides was found through soil sampling on site. The soil was found to be non-hazardous as indicated in the EIR/EIS in Section 3.15-2. However, the soil on site may not be suitable for off-site or residential use.

COMMENTS

Ms. Sandra Lavender
January 14, 2011
Page 3 of 4

I-4 4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

I-5 5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.

I-6 6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.

I-7 7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

I-8 8) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

RESPONSES

I-4 Structures to be demolished would be evaluated prior to demolition for the presence of hazardous waste materials (mercury, ACMs. LBP, etc.), which, if found, would be handled in accordance with federal, state, and local regulations, as reflected in the avoidance, minimization and mitigation measures in Section 3.15 of the EIR/EIS.

I-5 The project would include soil excavation and backfill. An investigation for potential soil contamination on site was performed and is found in reports entitled "Initial Site Assessment for State Route 11 and the Otay Mesa East Port of Entry, San Diego County, California" dated September 2, 2010 and "Soil Sampling Report, Auto Salvage Yard for State Route 11 and the Otay Mesa Port of Entry, San Diego County, California" dated February 5, 2010, by Ninyo and Moore. This soil would be either properly disposed at a landfill facility or placed on site following Land Disposal Restrictions. If soil is imported, the construction contract would require the imported soil to be free of contamination.

I-6 Sensitive receptors are addressed in the EIR/EIS in Section 3.16-1. Human health concerns would be protected during the duration of the project through preparation of a Health and Safety Plan and conformance with regional air quality guidelines.

I-7 As indicated in the EIR/EIS in Section 3.15-4, hazardous wastes generated by the proposed operations would be managed in accordance with federal, state, and local regulations. If hazardous wastes are generated, a temporary EPA ID number would be obtained. A line item would be in the project plans, specifications and estimates to cease construction activities and observe appropriate health and safety measures, in the event that unforeseen contamination were encountered.

I-8 Comment noted.

COMMENTS | RESPONSES

Ms. Sandra Lavender
January 14, 2011
Page 4 of 4

If you have any questions regarding this letter, please contact me at ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely,

Al Shami
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
ADelacr1@dtsc.ca.gov

CEQA # 3103

COMMENTS

STATE OF CALIFORNIA — Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

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RECEIVED DEC 16 2010 STATE CLEARING HOUSE

December 14, 2010

Ms. Sandra Lavender, Environmental Planner
California Department of Transportation – District 11
4050 Taylor Street, MS 242
San Diego, CA 92110

Re: SCH#2008111038; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the **State Route 11 and the Otay Mesa East Port of Entry (POE) – Tier II Project;** located in the Otay Mesa Area; southwester San Diego County, California

Dear Ms. Lavender:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson (1985) 170 Cal App. 3rd 604)*. The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9. The NAHC notes from a review of the Initial Study for the project that the State of California Native American Heritage Commission is not listed as a 'responsible' or trustee' agency with jurisdiction for this project. The State Historic Preservation Office is noted, but it has responsibility for applicable federal not state laws.

J-1 (cont.)

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources **were NOT identified** within one-half mile of several of the Area of Potential Effect (APE). But, it is important to understand that the absence of archaeological, Native American cultural resources in an area does not indicate that they are not present, or will be present once ground-breaking activity begins. The NAHC recommends early consultation with Native American tribes in your area as the best way to avoid unanticipated discoveries once a project is underway and to learn of any sensitive cultural areas. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional

RESPONSES

J-1 Thank you for providing information regarding cultural resources, protocol, and procedural practices. Native American consultation conducted for this project included a Sacred Lands File request to your office. Letters and phone calls were made to those individuals that you had identified, and to date there have been no questions or concerns. Native American consultation will continue throughout the development of this project. We also conducted the required record search at the South Coastal Information Center. The cultural resources identified within the project area consist of very sparse, highly disturbed surface scatters of prehistoric lithics. These archaeological sites were determined ineligible for the NRHP and SHPO concurred with this finding on April 24, 2008.

COMMENTS | RESPONSES

archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for information on recorded archaeological data. This information is available at the OHP Office in Sacramento (916) 445-7000.

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the attached NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f]*et seq.),* 36 CFR Part 800.3, .4 & .5, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes.* Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'. Discussion of these should be included in your environmental documents, as appropriate.

J-1 (cont.)

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance' may also be protected the under Section 304 of the NHPA or at the Secretary of the Interior' discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C, 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This

2

COMMENTS | RESPONSES

is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

J-1 (cont.)

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse

COMMENTS

California Regional Water Quality Control Board
San Diego Region
Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA

Linda S. Adams
Acting Secretary for Environmental Protection

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Edmund G. Brown Jr.
Governor

April 29, 2011

Kim Smith, Chief
California Department of Transportation
4050 Taylor Street
Mail Station 242
San Diego, CA 92110

Subject: Draft Tier II Environmental Impact Report/ Environmental Impact Statement for State Route 11 and the Otay Mesa East Port of Entry, SCH# 2008111038

Dear Ms. Smith:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), has reviewed the Draft Tier II Environmental Impact Report/ Environmental Impact Statement for State Route 11 and the Otay Mesa East Port of Entry, San Diego County, California (EIR), prepared by the U.S. Department of Transportation Federal Highway Administration and the State of California Department of Transportation, November 2010. Specifically, the San Diego Water Board reviewed sections 3.12 – *Water Quality and Storm Water Runoff* and 3.20 – *Wetlands and Other Waters.*

Comments –

A. Section 3.12 – *Water Quality and Storm Water Runoff*

K-1

As stated in the EIR, the proposed project will include a new Port of Entry, a new Commercial Vehicle Enforcement Facility, and a new highway (SR-11). These are new facilities with additional impervious areas. Accordingly, the storm water runoff from these impervious areas should be designed to receive at least 100% coverage by post-construction BMPs. Since the expected pollutant loading from this type of land use is very high, the BMPs should be designed in series to bring the pollutant removal efficiency to nearly 100%. In such, consideration should be given to Low Impact Development (LID) and hydromodification management as follows:

1. Use of onsite retention Low Impact Development (LID) BMPs sized and designed to ensure onsite retention without runoff, of the volume of runoff produced from a 24-hour 85th percentile storm event.

California Environmental Protection Agency

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RESPONSES

K-1 As described in Section 3.12 of the project EIR/EIS and the associated Water Quality Report, Caltrans is currently regulated by the NPDES Statewide Storm Water Permit and Waste Discharge Requirements (WDRs) for Caltrans properties, facilities and activities (Order No. 99-06–DWQ, NPDES Order No. CAS000003), hereafter referred to as the Caltrans NPDES Permit. The Caltrans NPDES Permit requires the implementation of a Storm Water Management Plan (SWMP), which is designed to protect and achieve water quality standards at all times. The Caltrans NPDES Permit and approved SWMP consolidated Caltrans' storm water compliance activities under one regulatory permit and provided a framework for consistent and effective implementation of storm water management practices on a statewide basis. The associated minimum standards to address pollutants in discharges from Caltrans facilities and activities include: (1) reduction to the maximum extent practicable (MEP) for operational storm water discharges; and (2) the use of Best Available Technology/Best Conventional Technology (BAT/BCT) performance standards for discharges from construction activities (per the Caltrans NPDES Permit and the NPDES Construction General Permit). The MEP analysis is the process of evaluating the selected BMPs based on legal and institutional constraints, technical feasibility, relative effectiveness, and cost/benefit ratio. The project is being designed to comply with the current Caltrans NPDES Permit/SWMP and Construction General Permit, or any subsequent reissuance of these permits.

Based on the above regulatory requirements, a number of avoidance and minimization measures are identified in Section 3.12 of the EIR/EIS and the associated Water Quality Report that would apply to all of the project build alternatives/variations. These measures include the use of long-term design pollution prevention, treatment, and maintenance BMPs that would be implemented in series wherever feasible, and would reduce post-construction pollutant generation/discharge and provide treatment control to the MEP. Treatment BMPs must be considered for this project, as required under the SWMP, to avoid or minimize the potential long-term impacts from any Caltrans facilities or activities. The proposed treatment BMPs were derived from site- and project-specific considerations, and conform with the list of BMPs approved for statewide consideration by Caltrans (refer to Table 6-4 in the project Water Quality Report). The approved treatment BMPs are considered to be technically and fiscally feasible, and Caltrans experience has found these BMPs to be constructible, maintainable, and effective at removing pollutants to the MEP.

COMMENTS	RESPONSES
	K-1 (cont.) The currently proposed treatment BMPs include biofiltration strips/swales, infiltration devices, and detention basins, which would treat runoff from between 95 percent (One Interchange) and 99 percent (Two Interchange) of the additional paved areas associated with the project alternatives. Together with the previously mentioned pollution prevention and maintenance BMPs, the EIR/EIS analysis and Water Quality Report conclude that implementation of the proposed measures would minimize potential short- and long-term water quality impacts, preserve beneficial uses, and ensure project conformance with applicable regulatory requirements. A number of the noted design pollution prevention and treatment BMPs would also qualify as LID measures, including: (1) preservation of existing vegetation; (2) routing flows from impervious surfaces into vegetated areas; (3) minimizing disturbance in environmentally sensitive areas (including drainage courses); (4) use of unlined drainage facilities (e.g., biofiltration strips/swales and infiltration devices); and (5) use of detention/water quality basins for the CVEF and POE. Water quality volumes were calculated using the Caltrans Storm Water Quality Handbook: Project Planning and Design Guide (PPDG) (May 2007). Calculations are provided in the Hydrology and Hydraulics Report Appendix. The basins were sized for retention of the 85th percentile runoff capture, or the retention of the difference between the pre- and post-project flow, whichever was larger. This calculation uses the maximized detention basin volume method using the 85th percentile runoff capture ratio. The Basin Sizer Program was used in the project Hydrology & Hydraulics Report, stating that the 85th Percentile 24-hr storm of 0.55 in/area is used.

COMMENTS

SR-11 and Port of Entry - 2 - April 29, 2011
EIR / EIS

K-2 2. If onsite retention LID BMPs are technically infeasible, other LID BMPs may treat any volume that is not retained onsite provided that the total volume of the other LID BMPs, including pore spaces and pre-filter detention volume, are sized to hold at least 0.75 times the portion of the design capture volume that is not retained onsite. The LID BMPs must be designed for an appropriate surface loading rate to prevent erosion, scour and channeling within the BMP.

K-3 3. The Project should be designed to conform with the requirements of the Final Hydromodification Management Plan for San Diego County (Dated December 29, 2009) adopted by the San Diego Water Board on July 14, 2010.

B. Section 3.20 – *Wetlands and Other Waters*

K-4 The EIR states that up to 0.89-acre and 4,521-linear feet of San Diego Water Board jurisdiction could be impacted by the "Two Interchange" alternative. The EIR states that proposed mitigation would be nearby in the Otay Watershed and in Johnson Canyon. Proposed mitigation to impact ratios would be 2:1 for Mule fat scrub and 1:1 for streambed habitat. Proposed mitigation would be the eradication of Tamarisk in a reach of Johnson Canyon and the subsequent replanting with native plants - mostly upland plants and with some hydrophytes.

1. The proposed impacts occur in the Tijuana Watershed and proposed mitigation is in the Otay Watershed. In order to ensure protection of Beneficial Uses within the watershed being impacted, mitigation should occur in the same watershed where the impacts occur. If in-watershed mitigation is deemed infeasible, the efforts and rationale should be described. In cases where mitigation is allowed outside of the watershed of impact, the San Diego Water Board generally requires higher ratios than what is currently proposed.

K-5 2. Executive Order No. 59-93 (Wilson) set forth a "no-net-loss and a net-gain" approach to wetlands of the State through restoration and creation (mitigation). The San Diego Water Board interprets the proposed mitigation as enhancement - weeding and replanting - not restoration or creation. By proposing a 1:1 ratio (of enhancement) for permanent impacts to streambeds, that goal of a "net-gain" is not realized. While Order No. 59-93 addresses wetlands, it could be argued that these streambeds are wetlands pursuant to the Corps' of Engineers Arid West Supplement. Again, in cases where it can be demonstrated that creation or restoration are infeasible, the mitigation ratios should be higher than what is currently proposed.

K-6 3. The proposed ratio of 1:1 for impacts to the streambeds does not provide mitigation for temporal loss of functions and values.

California Environmental Protection Agency

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RESPONSES

K-2 LID BMPs are technically feasible for the project. Biofiltration strips/ swales and infiltration devices would be constructed with highway improvements, and the use of detention/water quality basins would be implemented for the CVEF and POE (as noted above in Response to Comment No. RWQCB-1).

K-3 The Final Hydromodification Management Plan (HMP) for San Diego County specifically applies to the HMP copermittees, as indicated in the following text:

The need to address hydromodification and its influence on water quality is included in the San Diego Regional Water Board Order R9-2007-001, Provision D.1.g of California Regional Water Quality Control Board San Diego Region Order R9-2007-0001, which requires the San Diego Stormwater Copermittees to implement an HMP "…to manage increases in runoff discharge rates and durations from all Priority Development Projects, where such increased rates and durations are likely to cause increased erosion of channel beds and banks, sediment pollutant generation, or other impacts to beneficial uses and stream habitat due to increased erosive force."

While not a copermittee of the HMP, Caltrans receives guidance from other State Water Resources Control Board-approved regulations, such as the Caltrans NPDES Permit and NPDES Construction General Permit noted above in Response to Comment No. RWQCB-1. Caltrans concurs that hydromodification analysis is imperative to ensure that downstream flows do not cause erosion or impacts to the downstream receiving water bodies. Accordingly, hydromodification analysis would be performed in accordance with the reissued Caltrans NPDES Permit, once adopted, and any associated hydromodification measures will be consistent with the HMP. It should be noted, however, that the proximity of the project site to the International Border and related requirements of the IBWC and CWA mandate appropriate flow regulation. The proposed detention basins and related facilities are intended to address these requirements, and would provide flow regulation such that post-development project discharge would be equal to or less than existing discharge. Accordingly, the project would not increase post-development discharge flow rates or increase downstream sediment loading, and is therefore not anticipated to result in any significant impacts related to hydromodification. As a result, the project would be expected to comply with the state's general hydromodification guidance.

COMMENTS	RESPONSES
	K-4 After modification of the project footprint, it was determined that the preferred alternative of the SR-11 and Otay Mesa East POE Project would impact up to 0.67 acre (0.42 acre of disturbed mulefat scrub and 0.25 acre of streambed) and 4,912 linear feet of state jurisdictional features. The mitigation is proposed in the Otay Watershed, because the impacts to streambed habitat in the Tijuana Watershed occur just before the watershed crosses the U.S.-Mexico border. On-site mitigation is not proposed because the majority of the streambed in this area will be affected either by the project or adjacent projects proposed for the area (Otay Crossings and Otay Business Park). The Tijuana River runs approximately 9 miles in Mexico before it returns to the United States. The nearest Tijuana watershed location within the United States is at least 4.0 miles away, whereas the Johnson Canyon mitigation site is 1.9 miles away. Mitigation work at Johnson Canyon is anticipated to begin in the Fall of 2012. Construction of the SR-11 and Otay Mesa East POE Project is scheduled for the Winter of 2013. Caltrans met with Mike Porter from RWQCB for a field visit at both sites on May 24, 2011 to discuss impacts and proposed mitigation. Caltrans, after concurrence from Michelle Mattson at U.S. Army Corps of Engineers, proposes that Johnson Canyon presents the best mitigation opportunity for jurisdictional impacts resulting from the SR-11 and Otay Mesa East POE Project.
	K-5 Caltrans, after concurrence from Michelle Mattson at U.S. Army Corps of Engineers, proposes a ratio of 1:1 mitigation along stream length of Johnson Canyon for impacts to streambed habitat. The streambeds within the SR-11 and Otay Mesa East POE Project are ephemeral drainages with limited vegetation cover averaged one to eight feet wide. Johnson Canyon is composed of riparian habitat, albeit disturbed, and averages 8 to 40 feet wide. The Conceptual Johnson Canyon Mitigation Plan mentions that while the mitigation proposed is 1:1 for stream length, up to 3.31 acres of tamarisk scrub within Johnson Canyon would be eradicated and replaced with native plants. A jurisdictional delineation conducted by HELIX Environmental Planning, Inc. in 2009 using the Arid West Manual shows streambed habitat within the limits of the SR-11 and Otay Mesa East POE Project as not having hydric soils (no hydric indicators, soil uniform, no mottles), which nullifies one of the three parameters for a wetland determination.

COMMENTS	RESPONSES
	K-6 The 1:1 mitigation proposed is for stream length and not acreage. Caltrans proposes mitigation through enhancment of 4,912 linear feet of Johnson Canyon. Caltrans met with Mike Porter from RWQCB for a field visit at both sites on May 24, 2011 to discuss impacts and proposed mitigation.

COMMENTS

SR-11 and Port of Entry
EIR / EIS

- 3 -

April 29, 2011

K-7

4. The EIR proposes weeding exotic plants from the mitigation area for up to 5 years - yet the proposed impacts are in perpetuity. If enhancement-only mitigation is offered, the mitigation area should be maintained in perpetuity. If the mitigation is not maintained, Tamarisk and other exotic plant will re-colonize that area - like it did when Tamarisk was introduced to Southwest last century by the USDA-NRCS to control wind and water erosion in agricultural areas.

K-8

5. The San Diego Water Board recommends complete avoidance of the vernal pools and associated features in the south-east corner of the project area, adjacent to the international border. If impacts must occur, an in-watershed mitigation ratio of 5:1 is typical and will be required. If the mitigation were to occur outside of the watershed the ratio will be higher than 5:1.

For questions pertaining to the subject matter, please contact Mike Porter at (858) 467-2726 or mporter@waterboards.ca.gov.

Respectfully,

CHIARA CLEMENTE
Senior Environmental Scientist

E-copy: Michelle Truedell
Associate Environmental Planner
Caltrans, District 11
michelle_trudell@dot.ca.gov

California Environmental Protection Agency

Recycled Paper

RESPONSES

K-7 The Johnson Canyon mitigation parcel would be placed in a conservation easement. Interim management would be the responsibility of Caltrans, while long-term management of the parcels is expected to be conducted by the County of San Diego Department of Parks and Recreation. In the event that this agency is unable to provide long-term management of the parcels, Caltrans would manage the parcels until they are transferred to an appropriate agency to manage and preserve the habitat in perpetuity. This would be done through deeds with restrictive covenants to protect and maintain the present and future uses of the parcels. These restrictive covenants would include a list of prohibitive uses that are inconsistent with the conservation purposes of the parcels.

K-8 Caltrans has modified the design of the POE to avoid vernal pools and associated features during the Tier II Environmental Studies.

COMMENTS

SAN DIEGO RURAL FIRE PROTECTION DISTRICT

VIA ELECTRONIC MAIL ONLY

February 1, 2011

Ms. Sandra Lavender
Sandra_Lavender@dot.ca.gov

Re: State Route 11 Draft Tier II DEIR/EIS

Dear Ms. Lavender:

The San Diego Rural Fire Protection District (the "District") appreciates the opportunity to comment upon the DEIR/DEIS. The District provides fire-fighting and emergency response services to the entire East Otay Mesa Specific Plan area. The District's entire service area covers 720 square miles of property within the unincorporated area of the County of San Diego (the "County").

L-1

The District currently provides these services to East Otay Mesa through dispatch from the District's offices in Jamul. However, in 2009, by vote of the property owners in East Otay Mesa and by agreement with the County, the District formed a Community Facilities District for the purposes of acquiring land on which to build both a fire station and a sheriff substation, funding the construction of a temporary substation, a permanent fire station, and a permanent sheriff substation, and funding the operations of the fire station.

L-2

The temporary sheriff substation has been constructed and is operational at the southeast corner of Enrico Fermi Drive and Otay Mesa Road. Land has been acquired upon which to construct the permanent fire station and permanent sheriff substation at the northwest corner of Enrico Fermi Drive and Lone Star Road.

These locations were selected by the County and the District based on the planned build-out of East Otay Mesa and the roadway network elements planned for East Otay Mesa under the County's East Otay Mesa Specific Plan. This network includes SR-11 and its planned, two full interchanges at Enrico Fermi Drive and Siempre Viva Road. The District urges Caltrans to build the two, full interchanges to SR-11 at Enrico Fermi Drive and Siempre Viva Road, consistent with the East Otay Mesa Specific Plan.

Sincerely,

Chief David Nissen
THE SAN DIEGO RURAL FIRE PROTECTION DISTRICT

14024 Peaceful Valley Ranch Road • Jamul, California 91935 • (619) 669-1188 Fax (619) 669-1798

RESPONSES

L-1 This information has been added to Section 3.7 of the EIR/EIS.

L-2 Your comment was considered in the identification of the project Preferred Alternative. It has been determined that, due to the proximity of Siempre Viva Road to the Port of Entry and the need to separate commercial and passenger vehicles, the Two Interchange Alternative with the Siempre Viva Road Full Interchange Variation is not operationally feasible. The Preferred Alternative would provide the maximum feasible access, while maintaining necessary safety and security. Emergency vehicle access to the CVEF and POE would be accommodated via Siempre Viva Road under any of the build alternatives.

COMMENTS

THE CITY OF SAN DIEGO

February 1, 2011

Attn: Sandra Lavender
Division of Environmental Analysis
California Department of Transportation
4050 Taylor Street, MS 242
San Diego, CA 92110

Subject: **CITY OF SAN DIEGO COMMENTS ON THE STATE ROUTE 11 AND OTAY MESA EAST PORT OF ENTRY DRAFT TIER II ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT**

The City of San Diego ("City") has received and reviewed the above referenced project and appreciates this opportunity to provide comments to the California Department of Transportation. In response to the Request for Review and Comment, the City has identified potential environmental issues that may have a significant environmental impact.

Staff from the City Planning and Community Investment Department and Transportation Development and Environmental Analysis Sections of the Development Services Department have reviewed the aforementioned document and have identified impacts that have not been adequately analyzed and disclosed. The City respectfully requests that you please address the comments in the DEIR.

City Planning and Community Investment:

M-1 (cont.)

1. The 2035 buildout analysis in the EIR/EIS (Section 3.8) indentifies that the project would result in significant impacts to intersections and road segments within the City of San Diego and the unincorporated area. It is the City understanding that the mitigation measures identified in the EIR/EIS recommend that the City and the County reclassify the roadway network to add additional lanes and reconfigure the intersections.

    a. Due to existing development, the roadways and intersections may have physical and/or environmental constraints that could make the

RESPONSES

M-1 By constructing SR-11 and the POE, Caltrans and FHWA are contributing to the build-out of the Regional Transportation Plan, as well as the City and County circulation plans, even if the final design that is implemented differs from that reflected in the City and County plans. Furthermore, additional capacity at the border with this project would assist in resolving ongoing border traffic issues occurring on local arterials. No further analysis is required.

COMMENTS

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February 1, 2011

M-1 (cont.) reclassifications and/or reconfigurations infeasible and could result in secondary impacts not addressed in the EIR/EIS.

M-2 b. The EIR/EIS needs to analysis the feasibility of the proposed mitigation measures and identify and potential impacts related to the mitigation measures.

M-3 c. The EIR/EIS should provide a figure identifying the intersections and roadway sections related to the proposed mitigation measures.

M-4 d. Caltrans should identify the state's fair share contribution for any future reclassifications/reconfigurations for City roadways and intersections to mitigate the impacts from the proposed project identified in the EIR/EIS.

M-5 2. The EIR/EIS analysis of the full interchange at Siempre Viva should also included an analysis of the potential impacts associated with traffic diversion (both passenger cars and truck traffic) onto City streets resulting from traffic avoiding tolls and/or congestion on SR-11. This alternative is not favored from a mobility stand point since it places a burden on City streets for enforcement, capacity, and maintenance.

M-6 3. The EIR/EIS needs to identify and provided an analysis for the provision of transit facilities at the POE and identify and analyze potential transit plaza locations for all of the proposed project alternatives.

M-7 4. The EIR/EIS needs to identify and provided an analysis for the provision of pedestrian and bicycle traffic entering and/or exiting the POE and identify supporting facilities/amenities for all of the proposed project alternatives.

Development Services - Transportation Development:

General:

M-8 1. The City of San Diego does not concur with the conclusion of the Traffic and Transportation portion of the DEIR/DEIS that measures identified to restore transportation facilities' levels of service to that of the 2035 No Build Alternative "are beyond the control or responsibility of Caltrans and are thus not proposed as part of the project." The project should mitigate its impacts to City roadway facilities.

M-9 2. The DEIR/DEIS should not assume roadways within the City of San Diego are constructed to their ultimate classification by the project's expected opening day of 2015 since these improvements are not currently scheduled, programmed, and fully funded in the Otay Mesa Public Facilities Financing Program.

RESPONSES

M-2 Caltrans is not proposing to implement mitigation for operational impacts.

M-3 Please refer to the response to Comment M-2.

M-4 Please refer to the response to comment M-1.

M-5 It would be the intent of SANDAG, as the tolling agency, to assess tolls for vehicles exiting at Siempre Viva Road under the Full Interchange Variation, and so this would not be a way to avoid the toll. Please note that this variation has not been included in the Preferred Alternative.

M-6 This EIR/EIS is clearing the right-of-way for a future transit center, by allowing sufficient space within the POE, but the precise location, design and timing of the transit center will be at the discretion of SANDAG/MTS and has not yet been determined. Upon project approval, it will be the responsibility of SANDAG/MTS in the future to design, entitle and construct the transit center, which will include the environmental review of the project.

M-7 The issue of pedestrian and bicycle traffic is addressed in the PDS, and an updated conceptual POE design including designation of pedestrian and bicycle flows is provided in the Final EIR/EIS (refer to Figure 2-21).

M-8 Refer to the response to Comment M-1.

M-9 Both the land use assumptions and the assumed roadway network are based on the SANDAG regional transportation model, which is considered to provide the regional consensus regarding future conditions. It is acknowledged that acquisition of funding and the analysis of signal warrants would be needed to implement the improvements shown in the SANDAG model, but the intent of the Opening Year (2015) traffic analysis was to provide an analysis that was consistent with regional roadway improvement assumptions for the study area. The traffic baseline (2009) does not include unbuilt facilities, and the No Build analysis does not include hypothetical future facilities.

COMMENTS

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M-10 3. The DEIR/DEIS assumes the SR-125/Lone Star Road interchange would be constructed as a full interchange by Year 2035. Currently no funding source has been identified for the construction of this interchange. Therefore, an alternative analysis based on forecasts without this interchange should be provided which assumes this interchange is not constructed.

M-11 4. The DEIR/DEIS should take into account the City's Otay Mesa Community Plan Update currently underway. Transportation modeling should use the City's preferred land use alternative.

5. The City of Chula Vista is proposing a General Plan Amendment to eliminate La Media Road crossing the Otay River Valley; therefore, an alternative analysis should be provided using forecasts which do not include La Media Road between the Lone Star Road/SR-125 interchange and Otay Valley Road.

M-12 6. The DEIR/DEIS should provide tables comparing both Year (2015) and Year (2035) to a baseline, and these tables should indicate whether each alternative has significant traffic impacts.

M-13 a) As required by the *SANTEC/ ITE Guidelines for Traffic Impact Studies in the San Diego Region* and *City of San Diego Traffic Impact Study Manual*, a comparison between Near Term (Opening Day) without Project and Near Term (Opening Day) with Project should be made to determine the project's direct impacts on City of San Diego roadway facilities, using the thresholds indicated in the *City of San Diego Significance Determination Thresholds (January 2007)*. Mitigation for direct impacts is considered 100% the responsibility of the project.

b) As required by the *SANTEC/ ITE Guidelines for Traffic Impact Studies in the San Diego Region* and *City of San Diego Traffic Impact Study Manual*, a comparison between Horizon Year without Project and Horizon Year with Project should be made to determine the project's cumulative impacts on City of San Diego roadway facilities, using the thresholds indicated in the *City of San Diego Significance Determination Thresholds (January 2007)*. Fair share mitigation should be provided by the project.

M-14 7. The DEIR/DEIS indicates the No Interchange Alternative would require the widening of Lone Star Road from SR-125 to Enrico Fermi Drive, the widening of Siempre Viva Road from SR-905 NB Ramps to Enrico Fermi, and the widening of La Media Road at the SR-905 WB Off-ramp to improve operational performance once the proposed project is constructed. These reductions in level of service should be identified as significant impacts and needed roadway widening as mitigations. In addition, the feasibility of these improvements should be demonstrated.

RESPONSES

M-10 Both the land use assumptions and the assumed roadway network are based on the SANDAG regional transportation model, which is considered to provide the regional consensus regarding future conditions. It is agreed that the 2035 traffic forecasts are not considered to represent buildout conditions and Figure 8-1 of the Traffic Technical Report provides documentation of traffic forecasts provided by another study for buildout conditions.

M-11 Some information has been added to Section 3.2 regarding the project plan in the April 6, 2011, Public Draft of the Otay Mesa Community Plan. Because plan updates and amendments may change during the approval process, however, Caltrans only takes approved plans into consideration in the analysis process. Furthermore, as previously noted, both the land use assumptions and the assumed roadway network are based on the SANDAG regional transportation model, which is considered to provide the regional consensus regarding future conditions.

M-12 These tables are contained in Appendix H (Tables H-4, H-5, and H-6).

M-13 Caltrans does not utilize City of San Diego thresholds, but does analyze the project's direct and cumulative impacts to local roadways according to its own methodology. Refer to the response to Comment M-1.

M-14 In Section 4.4 of the Draft and Final EIR/EIS, it is stated that these and other operational traffic impacts are considered significant, unavoidable and unmitigable, because implementation of associated mitigation measures is beyond the control or responsibility of Caltrans. As noted in the response to comment M-1, Caltrans and FHWA, as state and federal entities, are not subject to requirements for fair share contributions or off-site mitigation to local roads. By constructing SR-11 and the POE, Caltrans and FHWA are contributing to the build-out of the Regional Transportation Plan, as well as the City and County circulation plans, even if the final design that is implemented differs from that reflected in the City and County plans.

COMMENTS

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M-15 **8.** The DEIR/DEIS indicates that in the case where discrepancies exist between the level of service reported for intersections along a roadway segment and the level of service reported for the roadway itself, the intersection levels of service were considered to supersede the roadway segment levels of service. This is inconsistent with City policy. For City of San Diego roadway segments shown to operate at unacceptable levels of service, a *Highway Capacity Manual* arterial analysis could be performed to provide further documentation of expected operating conditions.

M-16 **9.** As required by the *SANTEC/ ITE Guidelines for Traffic Impact Studies in the San Diego Region* and *City of San Diego Traffic Impact Study Manual*, ramp meter analysis should be provided for any metered on ramp location where the proposed project would be expected to send 20 or more peak-hour trips. This would include freeway on-ramps expected to be metered in the future.

M-17 **10.** The DEIR/DEIS should contain queuing analysis between closely spaced intersections such as Otay Mesa Road/La Media Road and the SR-905/La Media WB on/off ramp intersections where queues in excess of available storage capacities may degrade levels of service. Mitigation should be proposed to reduce excessive queues.

M-18 **11.** The design variation of the Two Interchange Alternative which assumes a full interchange at SR-11/Siempre Viva Road is not preferred by the City of San Diego due to the potential for diversion of southbound border traffic onto City of San Diego streets.

M-19 **12.** The No Interchange Alternative is not preferred by the City of San Diego as the DEIR/DEIS traffic analysis indicates this alternative would have the greatest impacts of all proposed alternatives on City roadway facilities.

Specific:

M-20 **1. Page 3.8-10, Table 3.8-4, Comparison of 2035 No Build to Build Alternative Freeway Segments:** The table should include a numeric value showing the change in volume/capacity compared to the No Build Alternative. The table should also indicate whether the change in volume/capacity is a significant impact.

M-21 The following specific comments are regarding the DEIR/DEIS' *Tier II Traffic Technical Report dated November 5, 2010*:

2. Page 29, Table 2-3, Signal Timing Parameters: Existing traffic signals along Otay Mesa Road are coordinated and should be evaluated as such.

M-22 (cont.) **3. Page, Table 2-3, Signal Timing Parameters:** Intersections within the City of San Diego in Opening Year (2015) should not be assumed to be signalized unless the location meets signal warrants and if the signal is scheduled, programmed, and

RESPONSES

M-15 The City's policies regarding reporting roadway and intersection levels of service are acknowledged. However, the traffic analysis in the Draft and Final EIR/EIS followed the policies of the state and federal agencies which were the project sponsors. The traffic analysis in the Draft and Final EIR/EIS does include both roadway segment and intersection levels of service. Therefore, the traffic analysis provided in the Draft and Final EIR/EIS provides the same level of information as would be required by City policy, but differs only in the interpretation of the results.

M-16 Caltrans and FHWA, as state and federal entities, are not subject to City traffic policy requirements; Caltrans has its own procedures, pursuant to FHWA guidance, regarding ramp meter analysis. No decision has been made yet regarding ramp meters; this will depend on the tolling technology identified via the ITS study.

M-17 The interchanges along SR-905 within City jurisdiction are currently under construction as part of the SR-905 project. As per usual practice, Caltrans will work with the City to address any queuing situations that interfere with intersection operations.

M-18 Comment noted. A full interchange is not included in the Preferred Alternative. Analysis of the Preferred Alternative is in the Final EIR/EIS.

M-19 Comment noted. The identified Preferred Alternative is a modified version of the Two Interchange Alternative. Analysis of the Preferred Alternative is in the Final EIR/EIS.

M-20 The requested table is contained in Appendix H (Table H-4).

M-21 The traffic analysis conducted for the Draft EIR/EIS assumes that the existing traffic signals along Otay Mesa Road are coordinated.

M-22 The Opening Year (2015) scenario was based on roadway improvements included in the SANDAG regional traffic forecasting model. The project site is located in a developing area; the traffic forecasting model is considered to provide a regional consensus of the roadways that are expected to be in place in 2015. In order to be consistent with the roadway improvements shown in the model, it was necessary to assume the construction of additional roadway lanes and additional traffic signals. It is acknowledged that acquisition of funding and the analysis of signal warrants would be needed to implement the improvements shown in the SANDAG model, but the intent of the Opening Year (2015) traffic analysis was to provide an analysis that was consistent with regional roadway improvements assumptions for the study area.

COMMENTS

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M-22 (cont.) fully funded in the Otay Mesa Community Plan Public Facilities Financing Plan. Additional lanes at intersections should also not be assumed in future year scenarios.

M-23 5. **Page 651, Summary of Results and Conclusions:** In cases where discrepancies exist between the level of service reported for intersections and the level of service for the roadway segment, using the intersection levels of service to report levels of service for the segment is inconsistent with City policy. For City of San Diego roadway segments shown to operate at unacceptable levels of service, a *Highway Capacity Analysis* arterial analysis could be performed to provide further documentation of expected operating conditions.

Development Services – Environmental Analysis:

M-24 1. **Burrowing Owl** - Please revise the mitigation regarding the measure to address the impacts to Burrowing Owls to require that the Burrowing Owl Mitigation Plan be prepared **and approved by the CDFG and other applicable agencies** prior to issuance of grading permits (or their equivalent).

M-25 2. **Significance Thresholds** - Section 4.2.1 Less Than Significant Effects with Mitigation identifies the issue areas that would result in no environmental impacts and Section 4.2.2 Less Than Significant Effects After Mitigation identifies the issue areas in which measures are available to be implemented that would avoid, mitigate or reduce potentially significant impacts to below a level of significance. It is unclear from the analysis included in each of the issue area sections which significance thresholds were utilized to conduct the impact analysis and to identify adequate mitigation measures. The City of San Diego has adopted **CEQA Significance Determination Thresholds**. Were those thresholds utilized for the portion of the project that is within the City's jurisdiction? Without this information, it is difficult to assess whether the impacts and mitigation are adequate to mitigate the impact to below a level of significance consistent with the City of San Diego's standards.

M-26 (cont.) 3. **Greenhouse Gas Emissions (GHG)** – SB 97 required that the CEQA Guidelines be amended to address the feasible mitigation of the greenhouse gas emissions or the effects of greenhouse gas emissions. The amendments went into effect on March 18, 2009. Per the amended guidelines, a determination of the significance of a project's GHG emissions should based upon whether the project emissions exceed a threshold of significance that the lead agency would have previously determined applies to the project.

Section 4.7 **Climate Change** includes an analysis with and without the project and all of its variations and concludes that Implementation of the Two and One Interchange Alternatives are estimated to reduce emissions up to 100 tons/day. A

RESPONSES

M-23 The City's policies regarding reporting roadway and intersection levels of service are acknowledged. However, the traffic analysis in the Draft and Final EIR/EIS followed the policies of the state and federal agencies which were the project sponsors. The traffic analysis in the Draft and Final EIR/EIS does include both roadway segment and intersection levels of service. Therefore, the traffic analysis provided in the Draft and Final EIR/EIS provides the same level of information as would be required by City policy, but differs only in the interpretation of the results.

M-24 Caltrans concurs. The following language has been included in the Tier II Final EIR/EIS Section 3.22.4: To ensure suitable burrow opportunities are present, artificial burrows and natural mounds that could provide burrow habitat would be created in the preserved grassland at a 5:1 ratio for each burrow impacted (for a total of up to 45 burrows). The artificial burrows would be constructed prior to the passive relocation. A Burrowing Owl Mitigation Plan that: (1) describes the off-site preservation of burrowing owl habitat; (2) identifies the methods for artificial burrow and natural mound creation; and (3) outlines burrow and habitat maintenance requirements, burrow monitoring requirements, and reporting requirements would be prepared and submitted to CDFG for approval prior to grading of the SR-11/OMPOE project site.

M-25 Caltrans uses its own methodology, contained in the Caltrans Standard Environmental Reference (SER; http://www.dot.ca.gov/ser) to analyze significance under CEQA. Though Caltrans strives to be consistent with local standards, the CEQA analysis in the EIR/EIS is based on Caltrans' own methodology, not on comparison with the thresholds established by local jurisdictions. Caltrans is the CEQA lead agency, and FHWA is the NEPA lead agency for the subject project. The City does not need to take a CEQA action regarding the project.

M-26 Caltrans uses its own methodology, contained in the Caltrans Standard Environmental Reference (SER; http://www.dot.ca.gov/ser), to analyze GHG impacts. GSA is working toward LEED certification for the POE through the PDS/design process. The project team has developed a landscape concept plan for SR-11 that makes extensive use of sustainable landscape materials and practices to lower potable water use, reduce energy consumption, and reduce maintenance while preserving function and aesthetics. A number of additional potential measures to be incorporated into the project design are identified in Sections 3.18 and 4.7 of the Final EIR/EIS.

COMMENTS

RESPONSES

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February 1, 2011

M-26 (cont.)

general statement regarding construction emissions is also included but it does not provide detail on amount of emissions due to construction.

The Conclusions Section states that while Caltrans has determined that, absent additional regulatory or scientific information related to GHG emissions and CEQA significance, it is too speculative to make a significance determination; Caltrans, however, is committed to implementing measures to reduce GHG emissions. This statement appears to be in conflict with the CEQA Guidelines.

M-27

Further, although no impact has been identified, the document proposes "Sample Mitigation Measures" that may or may not be implemented. CEQA requires that mitigation be feasible and enforceable to assure that an impact is reduced to below a level of significance. This section does not assure that the proposed mitigation measures will occur. Additionally, the analysis does not include the percentage reduction that each sample mitigation measure would achieve. Please revise this section to clarify if GHG emissions caused by the Project result in an impact and exactly how the impact can be reduced, by how much, and how implementation of the mitigation measures will be assured and enforced.

Sincerely,

Cecilia Gallardo, AICP
Assistant Deputy Director
Development Services Department

CG: ALM

cc: Anna L. McPherson, AICP, Senior Planner, Development Services Department
Ann Gonsalves, Senior Traffic Engineer, Development Services Department
Samir Harjiri, Senior Transportation Engineer, City Planning and Community Investment Department
Tait Galloway, Senior Planner, City Planning and Community Investment Department
Victoria Huffman, Associate Traffic Engineer, Development Services Department

M-27 Please refer to the response to Comment M-26.

COMMENTS

THE CITY OF SAN DIEGO

February 15, 2011

Jacqueline Appleton-Deane
Project Manager
TCIF Corridor Projects
Caltrans District 11
4050 Taylor Street
San Diego, CA 92110

Dear Jacqueline:

Subject: Review of DRAFT State Route-11 and Otay Mesa East Port of Entry Tier II EIR/EIS

The DRAFT Tier II Environmental Impact Report/ Environmental Impact Statement (EIR/EIS), dated November 2010, addresses environmental impacts in both the City of San Diego and the County of San Diego. The City of San Diego, Transportation Engineering Operations staff has reviewed the EIR/EIS for transportation impacts only within the City of San Diego, and has the following comments:

N-1

1. Several streets are on the boundary between the City of San Diego and the County of San Diego.
   Piper Ranch Road between Otay Mesa Road and Lone Star Road
   Otay Mesa Road between Piper Ranch Road and west of Vann Center Boulevard
   Airway Road between west of Paseo de las Americas and Enrico Fermi Drive
   Enrico Fermi Drive south of Airway Road

   These roadway segments have a mixture of City and County classifications reported. The resulting roadway capacities and level-of-service (LOS) for these sections of roads would be different depending if the City or the County capacity standards were used. A determination of which jurisdiction the above roadway segments are within should be made and the appropriate roadway capacity should be used.

N-2

2. The horizon year 2035 analyses in Section 3.8 indentify that the project would result in significant impacts to road segments and intersections within the City of San Diego. The mitigation measures recommended suggest that the City reclassify the roadway network to add additional lanes and reconfigure the intersections to achieve acceptable LOS. However, these recommendations are said to be beyond the control or responsibility of Caltrans and so are not proposed as part of the project.

DIVERSITY

Transportation and Storm Water Department
1010 Second Avenue, Suite 800 • San Diego, CA 92101
Tel (619) 533-3126 Fax (619) 533-3131

RESPONSES

N-1 The Traffic Technical Report includes roadway segment capacity tables (for example Table 4-2) that document whether City or County roadway classifications were assumed for each roadway segment. For roadways on the boundary between the City and County, the more conservative of the two classifications was used (i.e., the classification that would result in the worst level of service).

N-2 The impacts of the project on City roadway facilities are acknowledged and it should be noted that these impacts occur only with the No Interchange Alternative. The recommendation is that Caltrans and the local agencies involved in planning roadway facilities for the Otay Mesa continue to work together to plan for future improvements. In the case of the impacted City roadways, if the No Interchange Alternative is implemented, it is recommended that the City consider reclassification of these roadways based on the conclusions drawn from the traffic analysis conducted for the proposed project. Please note that a modified version of the Two Interchange has been identified as the Preferred Alternative. Analysis of the Preferred Alternative is in the Final EIR/EIS.

COMMENTS

Page 2
Jacqueline Appleton-Deane
February 15, 2011

N-3 a. The EIR/EIS should provide a figure identifying the road segments and intersections related to the recommended mitigation measures.

N-4 b. The EIR/EIS needs to analyze the feasibility of the recommended mitigation measures and identify the potential impacts related to the mitigation measures.

c. The EIR/EIS should identify the state's fair share contribution for any future reclassifications/reconfigurations for City roadways and intersections to mitigate the impacts from the proposed project.

If you have any questions regarding the comments, please contact Mark Rogers at 619) 533-3093 or mrogers@sandiego.gov.

Sincerely,

Mark B. Rogers

for Siavash Pazargadi, P.E.
Senior Traffic Engineer

SP:mbr:sg

cc: Mark B. Rogers, Associate Engineer – Traffic, Transportation & Storm Water Department
Anna McPherson, Senior Planner, Development Services

RESPONSES

N-3 Please refer to the response to Comment M-2.

N-4 Please refer to the response to Comment M-1.

COMMENTS | RESPONSES

OTAY MESA PLANNING GROUP

Established by the City of San Diego February 21, 1990 Resolution #90-018

February 1, 2011

Ms. Sandra Lavender
Caltrans, District 11
4050 Taylor Street
MS0242
San Diego, CA 92110
Sandra_Lavender@dot.ca.gov

RE: State Route 11 and the affects to the City.

Dear Ms. Lavender:

O-1 The Otay Planning Group has reviewed the Environmental Impact Report for State Route 11 and the Otay Mesa East Port of Entry. We are in support of this project and would like to see Otay II and SR-11 open in the near future.

O-2 We are concerned about the alternative with no intersections in the County. In the County Specific Plan it shows two full intersections in the County. In the City's new Community Plan Update, which we are currently finalizing; it also incorporates two on and off ramps for the SR-11 in the County. We believe that the no intersection alternative would have a very negative effect to the traffic in the City of San Diego, specifically at Otay Mesa Road and La Media.

O-3 We would like to see your project move forward with the two-intersection alternative.

Sincerely,
OTAY MESA PLANNING GROUP

Rob Hixson

Planning Group meetings are held on the 3rd Wednesday of every month at OTAY MESA-NESTOR BRANCH LIBRARY 3003 Coronado Ave. San Diego, CA 92154 (619) 424.0474

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O-1 Comment noted.

O-2 Comment noted. The Preferred Alternative incorporates features of the Two Interchange Alternative. Analysis of the Preferred Alternative is in the Final EIR/EIS.

O-3 Comment noted.

COMMENTS | RESPONSES

ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
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February 1, 2011

Sandra Lavender
Environmental Analysis – Branch A
California Department of Transportation – District 11
4050 Taylor Street, MS 242
San Diego, California 92110

Sent Via Email to: Sandra_lavender@dot.ca.gov

COMMENTS ON THE STATE ROUTE 11 / EAST OTAY MESA PORT OF ENTRY (POE) TIER II DRAFT EIR/EIS

Dear Ms. Lavender:

The County of San Diego has received and reviewed the Draft Environmental Impact Report (DEIR)/Environmental Impact Statement (EIS) for the East Otay Mesa (EOM) – SR-11 Otay Mesa Port of Entry (POE) dated November 2010 and appreciates this opportunity to comment. In response to the document the County, as a responsible agency under CEQA Section 15381, has comments that identify potentially significant environmental issues that may have an effect on the unincorporated lands of San Diego County. In addition, the comments may identify reasonable alternatives and mitigation measures that the County will need to have explored in the environmental document.

P-1 The County of San Diego (County) strongly supports the Two Interchange Alternative, with full interchanges located at Enrico Fermi Drive and Siempre Viva Road for the ultimate design of the facility. The design, location and timing of the SR-11 facility are very important to the County since the facility is located in an area slated for future growth and development. Coordination of plans and infrastructure is a key factor in bringing these plans to fruition. SR-11 will traverse a Specific Plan that contains approximately 3,000 acres of land. About 2,100 acres is planned as a modern industrial and business center while about 550 acres is set aside for conservation purposes. The County understands the complexity of developing a large infrastructure project that crosses multiple jurisdictions and we support Caltrans' efforts to complete this project.

P-1 Comment noted.

COMMENTS

SR-11/POE Draft EIR/EIS - 2 - February 1, 2011

P-2 The Two Interchange Alternative (with the two full interchanges) is the only alternative in the Draft EIR/EIS that is consistent with the County's regulatory documents. Other alternatives – including the Two Interchange (with one and one half interchanges) Alternative, the One Interchange Alternative and the No Interchange Alternative – are not consistent with the Circulation Element of the General Plan or the East Otay Mesa Business Park Specific Plan (EOMSP). Also, the No Interchange Alternative would negatively affect implementation of the land use vision for East Otay Mesa, which was originally defined in 1994 when the Board of Supervisors adopted the Specific Plan. This area is planned as a major employment area for southern San Diego County. Uses allowed within the Specific Plan – power plants, recycling facilities, large-scale warehousing, and heavy industrial uses – are necessary to the region but can be difficult to locate due to zoning and the inherent conflicts between such uses and residential or commercial areas. East Otay Mesa provides a possible area for these uses.

P-3

ALTERNATIVES

The Two Interchange Alternative, with two full interchanges located at Enrico Fermi Drive and Siempre Viva Road is:

- Consistent with the land use vision for East Otay Mesa;
- Consistent with the County's regulatory documents, which date back to the 1990's and include the General Plan and the East Otay Mesa Specific Plan (EOMSP);
- Consistent with the numerous active or approved development permits (subdivisions, use permits, site plans, etc.) on land that surrounds the SR-11 right-of-way;
- Necessary to providing efficient fire and emergency medical services in East Otay Mesa;
- Necessary to reducing traffic congestion in the City of San Diego, which would be generated by a future landfill and by industrial development in East Otay Mesa; and
- Necessary to the realization of economic benefits to the San Diego region from industrial development in East Otay Mesa.

P-4

The Two Interchange (one and one half), One Interchange and No Interchange Alternative are not consistent with the County's planning documents and would not achieve these benefits.

RESPONSES

P-2 Comment noted. Although Caltrans strives to be consistent with local plans, freeway planning efforts are not bound by those plans. Caltrans' freeway planning must meet Federal Highway Administration (FHWA) requirements, including consistency with the Highway Design Manual. Although some exceptions to specific requirements may be granted where warranted, Caltrans' highest priorities are the operational efficiency and safety of its new freeway designs. Although the EOMSP shows a full interchange at Siempre Viva Road separated from an approximately 20-acre POE by over 1,000 feet of SR-11, the project design is much different today, with an approximately 100-acre POE, an approximately 23-acre CVEF, and insufficient space remaining to accommodate southbound access to SR-11 from Siempre Viva Road. A modified design of the Two Interchange Alternative has been identified as the Preferred Alternative that would accommodate northbound commercial access to Siempre Viva Road, as well as full southbound access to Siempre Viva Road. It would be the County's responsibility to amend the EOMSP to accommodate the final design of SR-11 and the Otay Mesa East POE. Analysis of the Preferred Alternative is in the Final EIR/EIS.

P-3 Comment Noted. A modified version of the Two Interchange Alternative has been identified as the Preferred Alternative.

P-4 Thank you for your comment, which has been considered in the identification of the Preferred Alternative. Please refer to our response to comment P-2. It has been determined that, due to the proximity of Siempre Viva Road to the POE and the need to separate commercial and passenger vehicles, the Two Interchange Alternative with the Siempre Viva Road Full Interchange Variation is not operationally feasible. The Preferred Alternative would be operationally feasible while providing the maximum feasible access and maintaining necessary safety and security. Analysis of the Preferred Alternative is in the Final EIR/EIS.

COMMENTS

SR-11/POE Draft EIR/EIS - 3 - February 1, 2011

RELIANCE ON INFRASTRUCTURE DEVELOPMENT

P-5 Development within the East Otay Mesa Specific Plan (EOMSP) cannot occur without the construction of infrastructure that includes roadways, water/sewer systems, and law enforcement/fire and emergency service facilities. A well-connected local and regional road network must be developed to support the mobility needs of this large industrial area. SR-11 is a critical part of that network, which is why two planned interchanges were incorporated into the Circulation Element at Siempre Viva Road and Enrico Fermi Drive. Regulatory provisions within the EOMSP require landowners to accommodate the development footprint for SR-11 and the two planned interchanges. Only temporary uses, such as truck parking, are permitted within those areas. Moreover, the CEQA document prepared to support the EOMSP assumes development of SR-11 and two planned interchanges.

P-6 It is the County's expectation that Caltrans' ultimate plans for SR-11 will be consistent with the EOMSP. The Two Interchange Alternative with two full interchanges at Enrico Ferme and Siempre Viva is the only alternative that is consistent with the existing Specific Plan. That plan is consistent with the County's vision for East Otay Mesa and its implementation would help ensure the development of EOMSP as a job center for the San Diego region.

IMPACTS OF ONE INTERCHANGE AND NO INTERCHANGE ALTERNATIVES

P-7 (cont.) Should Caltrans select the Two Interchange (one and one half interchanges), One Interchange or No Interchange Alternative, traffic capacity would be reduced within the Specific Plan. The following negative results are anticipated:

- Reduced Development Capacity: With limited or no access to SR-11, the local road network could not absorb the level of traffic associated with planned development in the EOMSP. In order to produce a balanced plan (land use/circulation), the County could be forced to reduce development capacity in the EOMSP which in turn would decrease the area's job-creation potential.

- Increased Infrastructure Costs: Without access to SR-11, or with limited access to SR-11, development within the EOMSP would need to rely solely (or more heavily) upon a local road network. Adding more or wider local roads to the network would reduce the amount of land available for development while increasing costs associated with building local roads.

- Reduced Development Rate: Without access to SR-11, or with limited access to SR-11, the rate and/or level of development in East Otay Mesa would be reduced or delayed because development is dependent upon adequate road capacity. Reducing development capacity and/or increasing construction costs for local roads would affect the rate and level of development in East Otay Mesa. Although many subdivision permits are in process, little development has actually occurred.

RESPONSES

P-5 Commented Noted. A modified version of the Two Interchange Alternative has been identified as the Preferred Alternative. Analysis of the Preferred Alternative is in the Final EIR/EIS.

P-6 Please refer to the response to Comment P-4.

P-7 Please refer to the response to Comment P-4.

COMMENTS

SR-11/POE Draft EIR/EIS - 4 - February 1, 2011

P-7 (cont.)

- Permitting Delays and Increased Costs: As noted in the Draft EIR/EIS, a high portion of the developable land in East Otay Mesa is processing permits (subdivisions, use permits, site plans, etc.). Land use proposals for properties adjacent to SR-11 assume that SR-11 will be built with two full interchanges. Changing that assumption would require updates to buildout traffic analyses, new engineering documents and revised permits and would likely result in new traffic impacts and mitigation measures.

P-8

- Traffic Impacts to City of San Diego: If traffic in East Otay Mesa cannot access SR-11, truck traffic will more heavily utilize roads within the City of San Diego. That includes traffic associated with the new landfill approved by voters in June 2010. The landfill will primarily benefit the City of San Diego, but the traffic associated with the landfill could also impact City roads unless traffic to/from the landfill can access regional roads within East Otay Mesa. In addition, truck traffic from the State of California truck inspection facility, which is located just east of Enrico Fermi Drive at Siempre Viva Road, will more heavily impact roads in the City of San Diego without an interchange at Siempre Viva Road. Locating an interchange at Alta Road (the One Interchange Alternative) would not provide that benefit.

P-9

- Lost Efficiency for Fire and Emergency Medical Services: The planned location of a joint sheriff and emergency service facility within East Otay Mesa is located at the terminus of Enrico Fermi Drive (just north of Lonestar Road). In addition, the temporary sheriff station is currently located on Enrico Fermi Drive (at Otay Mesa Road). Maximizing the efficiency those facilities can only be achieved by locating an interchange at Enrico Fermi Drive.

P-10

The County disagrees with statements in the Draft EIR/EIS that downplay the economic benefits of the Two Interchange Alternative, when compared to the Single or No Interchange Alternative. The primary purpose of SR-11 may be to access the future POE, but the Draft EIR/EIS should also note that providing access to SR-11 from the EOMSP (i.e. two interchanges) would expand its function to support job growth within East Otay Mesa and the San Diego region.

P-11

County Department of Planning and Land Use (DPLU) and Department of Public Works (DPW) staff have completed their review and have the following comments regarding the content of the documents:

GENERAL COMMENTS

1. Throughout the document reference is made to Subarea 1 or 2 of the East Otay Mesa Specific Plan (EOMSP) area. There are no longer two subareas so the EIR/EIS should simply reference the EOMSP.

RESPONSES

P-8 Comment Noted. The Preferred Alternative is a modified version of the Two Interchange Alternative with interchanges at Enrico Fermi Drive and Siempre Viva Road. Analysis of the Preferred Alternative is in the Final EIR/EIS.

P-9 Comment Noted. The Preferred Alternative includes an interchange at Enrico Fermi Drive.

P-10 Thank you for your comment; it has been considered in the development of the Preferred Alternative, which includes two interchanges. Please refer to the response to Comment P-13 below for additional discussion.

P-11 This update has been made in the Final EIR/EIS.

COMMENTS

SR-11/POE Draft EIR/EIS - 5 - February 1, 2011

P-12 2. Reference is made in the document (Table 3.1-1) to "SPA 04-006" in relation to the Otay Crossings Commerce Park (OCCP) project. This should be removed throughout the document so that the only permit reference associated with this project is TM 5405.

DRAFT EIR/EIS SPECIFIC COMMENTS

P-13 3. **Page S-11 (Table S-1)** – Please recheck the numbers for property tax losses on the Two Interchange Alternative, particularly when compared to the No Interchange Alternative. Property taxes in EOM will increase with its development as an industrial center, and development would be facilitated by the Two Interchange Alternative and hampered with reduced access to the EOM area. A more reasonable conclusion is that property taxes would increase with the Two Interchange Alternative.

P-14 4. **Page 3.2-4** – The Draft EIR/EIS cites the County's Multiple Species Conservation Plan (MSCP) Subarea Plan as identifying Minor Amendment Areas as having habitat that can be partially or completely eliminated (with appropriate mitigation) without significantly affecting the overall goal of the County's Subarea Plan. While this still remains true for most species, the Minor Amendment Areas in EOM are important raptor foraging habitat, in particular, the Primary Foraging Habitat for a pair of golden eagles. Also, the Minor Amendment Areas, along with the preserved areas at the north end of EOM, constitute the last major stronghold in the County for the burrowing owl. The County's *Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County* (2010) and the *The Status of the Burrowing Owl (Athene cunicularia) in San Diego County, California* by Jeff Lincer and Pete Bloom (2007) describe the importance of EOM to the long term persistence of the species in the County.

P-15 5. **Figure 3.2-2a** – The figure includes an outdated Circulation Plan for the EOMSP. The updated plan can be found on page 45 of the Specific Plan, Figure 2-2.1 at: http://www.sdcounty.ca.gov/dplu/docs/East_Otay_Mesa_Business_Park_Specific_Plan.pdf

P-16 6. **Page 3.3-3 (Project Type)** – The County disagrees with this analysis, which downplays the benefits of the Two Interchange Alternative. For example, the next to last paragraph states that "the development planned or occurring around them (i.e. existing local roads) are already accessible via other local roads or would be accessible via future County Circulation Element roads". It also states that "the ability of the proposed project to increase access and thereby influence growth in the East Otay Mesa area beyond what is already planned or in progress is limited." It is agreed that the project would not increase development beyond what is already planned, primarily due to the high level of environmental constraints on surrounding land. However, the project is vital to the development of planned land use in East Otay Mesa and SR-11 should be developed in conjunction *with* local roads.

RESPONSES

P-12 This update has been made in the Final EIR/EIS.

P-13 The increased capacity and enhanced design features of all project build alternatives would marginally benefit property values within the Otay Mesa community, as a result of a more efficient local transportation system and increased accessibility. Corresponding local property tax revenues would also increase marginally over time, as discussed on pages 3.5-10 and 3.5-11 of the EIR/EIS. Similarly, on a regional scale, the regional economic benefits of the project build alternatives would result in commensurate increases in overall property values and property tax revenues throughout the San Diego region.

The marginal increase in Otay Mesa property values and property tax revenues, although beneficial, are not expected to be substantial. Indeed, this increase in property values within the local community would be largely offset by the need for right-of-way acquisition for the project build alternatives, and the resulting reduction by about five percent of the total area of privately-held taxable land holdings within the local community. Right-of-way acquisition for the One and Two Interchange Alternatives would be similar, as summarized in Table 3.5-4 of the EIR/EIS; the Two Interchange Alternative with the Full Interchange Siempre Viva variation would require the greatest land acquisition and would remove the most acreage from the tax rolls. The No Interchange Alternative would require the least land acquisition and would remove the least acreage from the tax rolls. The Preferred Alternative would require more land acquisition than the No Interchange Alternative, but less than either the Two Interchange or One Interchange alternatives.

COMMENTS	RESPONSES
	P-13 (cont.) The differences among alternatives with respect to effectively facilitating circulation within Otay Mesa would be marginal, since the area is compact (SR-11 would only be 2.1 miles long), and over the long term, local roads would provide adequate access to all properties in the area, regardless of the number or location of SR-11 interchanges. Most of the properties in the area are currently proposed for development, and can access the existing Otay Mesa POE for cross-border trade purposes. The presence of a particular interchange along SR-11 could be expected to make the properties surrounding it marginally more attractive and therefore more valuable, especially for commercial establishments, but it is expected that the need to travel a couple of miles to access a particular industrial property would not significantly reduce the value of such property. The adjacent properties along SR-11 are designated for industrial/technology business park development with only industrial-serving commercial uses permitted. The closest commercially designated land is located at Alta Road/Otay Mesa Road, and a commercial overlay at Otay Mesa Road and SR-125. Also, the degree to which internal traffic in Otay Mesa would make significant use of SR-11 or travelers to the border would get off and on to patronize commercial establishments would depend on the toll structure for the highway. Overall, implementation of any of the build alternatives would be expected to result in increased long-term property tax revenues, but differences in property tax impacts among the build alternatives are expected to be minimal.

COMMENTS	RESPONSES
	P-14 Section 3.22 of the Draft and Final EIR/EIS reports the presence of burrowing owls within the biological study area and identifies the high potential for occurrence of golden eagles, although this species was not observed during surveys for the project. Section 3.19 references the importance of the large areas of non-native grassland in the biological study area for raptor foraging. The project provides for 1:1 mitigation of this habitat loss as mitigation for impacts to the foraging area for both burrowing owls and golden eagles. The Final EIR/EIS (Section 3.22) and the Biological Assessment for the project include additional species information for the golden eagle. This includes the known occurrence of a nesting pair within O'Neal Canyon, as well as further discussion of the potential impacts to golden eagles and consideration of additional appropriate mitigation measures, consistent with the measures identified in the Otay Business Park and Otay Crossings. Caltrans will also continue to work with the County and resource agencies to develop and implement a comprehensive mitigation program that addresses impacts to burrowing owls within Otay Mesa.
	P-15 The Circulation Plan has been updated in the Final EIR/EIS.
	P-16 Comment noted. The County's expectation of economic benefit associated with the Two Interchange Alternative was considered in the identification of the Preferred Alternative. The Preferred Alternative is a modified version of the Two Interchange Alternative that is anticipated to provide the maximum feasible access and the greatest consistency with current development plans, while maintaining necessary safety and security.

COMMENTS | RESPONSES

SR-11/POE Draft EIR/EIS - 6 - February 1, 2011

P-17

7. **Page 3.3-5** – The Draft EIR/EIS states that "It is unlikely that the proposed project would influence the rate and timing of development within the EOMSP area by stimulating such development to occur sooner or more quickly." It goes on to state that "most of the developments have already filed their applications with the County and City, so are already in process." The County does not agree that construction of SR-11 would not influence the rate and timing of development within the EOMSP. As previously stated, either not constructing SR-11 or not providing needed access to SR-11 through interchanges would curtail development. In addition, the absence of the two interchanges would slow down the rate of growth in EOMSP. Although many permits are being processed at this time, most of those permits are subdivisions. Until a Site Plan is submitted for a particular property, development is not imminent and very little land in EOMSP has received a Site Plan permit.

P-18

8. **Chapter 3.5, Relocations and Real Property Acquisition** – This chapter addresses anticipated property acquisitions that will be needed by the project. These include a total of 130.79 acres on the OCCP site for the two-interchange project, to 146.81 acres for the two-interchange alternative that includes a full interchange at Siempre Viva Road, and 42.22 or 46.41 acres, respectively, on the Otay Business Park (OBP) site for these two project options.

The OCCP project tentative map anticipates only approximately 120 acres for SR 11 and POE right-of-way (see the comment concerning Chapter 3.19 below). The OBP project tentative map anticipates only approximately 14.5 acres for the SR 11 right-of-way (see the comment concerning Chapter 3.20 below).

Regardless of which build alternative for the SR 11/POE is ultimately approved, it is highly likely that both the OCCP and OBP projects will need to process revised maps if they proceed and get tentative map approval.

P-19

9. **Tables 3.5-1 and 3.5-3 –**

a. Parcel Owner South County Commerce Center LLC: This item should reference Map #4 in Table 3.27-2 (TM 5394).

b. Tables 3.5-1 and 3.5-3, Parcel Owner Kearny PCCP Otay 311 LLC: This item should reference Map #1 in Table 3.27-2 (TM 5405).

c. Table 3.5-1, Parcel Owner TPO LLC: This item should reference a Map item # to be added in Table 3.27-2 (MUP 98-024W1).

d. Table 3.5-1, Parcel Owner Kouladjian Family Revocable Trust: This item should reference Map #9 in Table 3.27-2 (MUP 88-020).

e. Tables 3.5-1 and 3.5-3, Parcel Owner Otay Business Park LLC: This item should reference Map #10 in Table 3.27-2 (TM 5505).

P-17 Based on the County's input, the Final EIR/EIS has been modified to indicate that development of East Otay Mesa may occur more quickly with the implementation of SR-11. The active development proposals in this area are assumed to occur as cumulative development, and the cumulative impacts are primarily addressed in Section 3.27 of the EIR/EIS. The primary focus of the growth analysis is on additional development that could occur beyond the cumulative development/impacts already addressed in Section 3.27. It should be noted that the Preferred Alternative includes two interchanges, which is consistent with the County's preference.

P-18 Caltrans recognizes that current development projects overlapping the project site would need to revise their plans to accommodate the proposed project. Once a Record of Decision has been signed and the right-of-way phase has been fully funded, Caltrans would negotiate potential acquisitions with the property owners.

P-19 This information has been updated in the Final EIR/EIS.

COMMENTS | RESPONSES

SR-11/POE Draft EIR/EIS - 7 - February 1, 2011

P-20 10. **Page 3.7-2, Utilities/Emergency Services (Sewer)** – Second paragraph, fifth sentence *revise to:* The 1.0 mgd purchased by EOMSMD is intended to initially accommodate a minimum of 400 acres of *Industrial, Technology Business Park, and Commercial* Land Use development within EOMSP.

TRAFFIC/TRANSPORTATION PLANNING

P-21 11. The Draft EIR/EIS should clarify whether selection of the No Interchange Alternative would preclude the future construction of interchanges at Enrico Fermi Drive and/or Siempre Viva Road and, if not, how the interchanges would be constructed in the future.

P-22 12. **Page 2-15** – The Draft EIR/EIS indicates that the SR-11 project could be phased such that at-grade intersections would be in place at each of the proposed local roadway interchange locations. It is assumed that a new parallel expressway would be provided in the interim phase. The Draft EIR/EIS should discuss how phasing with an interim expressway and at-grade intersections may affect potential funding options. For instance, is it feasible to construct a toll facility with at grade intersections?

P-23 13. It should be noted the East Otay Mesa Specific Plan includes an Enhanced Major Road cross-section for Enrico Fermi Road in the vicinity of the proposed SR-11 interchange. This cross section includes an increased right of way width of 110 feet to allow the provision of an additional right turn lane at the interchange access to future SR-11. The design capacity of the Enhanced Major Road is 45,000 ADT at LOS E. Per figure 3.8-8 with the forecasted volume of 44,300 ADT this segment of Enrico Fermi Road would operate at LOS D.

P-24 14. The Draft EIR/EIS should state that based on the information provided in Figures 3.8-8 and 3.8-9 that the section of Siempre Vive Road between SR 905 and Paseo de Americas is forecast to operate in 2035 at LOS D (54,400 ADT) with the Two Interchange Alternative, LOS F (60,500 ADT) with the One Interchange Alternative and LOS F (78,500 ADT) with the No Interchange Alternative.

P-25 15. Given the high traffic volumes and varying levels of service on Siempre Viva Road adjacent to the existing SR-905 freeway, the potential for queuing at the on and off ramps at the Siempre Viva Road/SR-905 interchange should also be assessed and compared among the various interchange alternatives.

P-26 16. It should also be noted that based on the information provided in Figures 3.8-8 and 3.8-9 that the section of Lonestar Road between SR-125 and Piper Ranch Road is forecast to operate in 2035 at LOS F in the No Interchange Alternative and LOS E in both the Two and One Interchange Alternatives (39,000 ADT and 39,900 ADT respectively).

P-20 This information has been updated in the Final EIR/EIS.

P-21 Selection of the No Interchange Alternative would mean that R/W would only be acquired for the No Interchange development at this time. Subsequent development adjacent to the SR-11 R/W could present an additional constraint to future implementation of interchanges if they were to be proposed in the future. A modified version of the Two Interchange Alternative has been identified as the Preferred Alternative.

P-22 These issues are being studied further in the Intelligent Transportation Systems and Traffic and Revenue studies. Information has been added to the Final EIR/EIS, to the extent that it is available by the time of publication.

P-23 The enhanced roadway cross-section and improved level of service are acknowledged and would be reflected in the final project design. The Final EIR/EIS notes that the County has made changes to the Enrico Fermi Drive cross section that will result in improved LOS. Revised analysis in the supplemental traffic study and Final EIR/EIS reflect the improved LOS.

P-24 This is noted in Table 3.8-5. For the Preferred Alternative, this location would operate at LOS D.

P-25 The potential for queuing is acknowledged wherever level of service E or F conditions are indicated and this situation is documented at the Siempre Viva Road/SR-905 interchange area. The level of service E or F result is noted as an undesirable result and is considered to be an adequate indication of the potential for queuing without the need for more detailed analysis.

P-26 This is noted in Table 3.8-5 and Table H-5. For the Preferred Alternative, this location would operate at LOS E.

COMMENTS

SR-11/POE Draft EIR/EIS - 8 - February 1, 2011

P-27 17. The Draft EIR/EIS should clarify if a full or half ramp interchange was assumed for the SR-125/Lonestar Road interchanges for the Year 2015 and 2035 scenarios and for all of the Interchange Alternatives. The traffic volumes on each side of SR-125 are substantially different which suggests the assumption of an interchange, but an interchange is not shown on Figures 3.8-3 to 3.8-10. A half diamond interchange, however, is shown in Figure 3.8-2.

P-28 18. Given the high traffic volumes and varying levels of service on Lonestar Road adjacent to the existing SR-125 toll way, the potential for queuing at the on and off ramps at the Siempre Viva Road/SR-905 interchange should also be assessed and compared among the various interchange alternatives.

P-29 19. The Draft EIR/EIS should discuss how trucks will access the freeway network from the existing Commercial Vehicle Enforcement Facility (CVEF) located on Enrico Fermi Drive south of Siempre Viva Road. It appears that without an interchange located at Enrico Fermi Drive (as the One Interchange Alternative proposes) that increased truck trips would be distributed onto Siempre Viva Road and Lonestar Road for the trucks to gain access to the regional freeway network. Per Figures 3.8-3 to 3.8-10 the estimated number of truck trips from the CVEF appears to be low. In the 2015 forecast the traffic volumes on Enrico Fermi Road south of Siempre Viva Road range from 500 ADT to 1,000 ADT in 2015 and range from 1,400 ADT to 2,300 ADT in 2035. These volumes appear to be low given the volume of trucks that are currently inspected by the CVEF. Per an FHWA report on cross border travel times at the Otay Mesa International Border dated September 2010, the average number of existing daily truck trips each month at the Otay Mesa POE between 1,900 and 2,400.

P-30 20. The Draft EIR/EIS should include LOS analysis (Table 3.8-6) for intersections on Alta Road at Otay Mesa Road and Airway Road. Compared to the Two Interchange Alternative, the One Interchange Alternative diverts a significant number of vehicles onto one interchange/roadway (Alta Road - 35,600 ADT) that would otherwise have been distributed between two interchanges / roadways.

P-31 21. **Page 3.8-20** – The Draft EIR/EIS states that it is forecast that 14,100 pedestrians per day will cross the proposed Otay Mesa East Port of Entry (POE). It is further noted (Pg. 3-8.21), that "pedestrians crossing the international border at the Otay Mesa East POE would travel to and from other destinations in the U.S. via pedestrian, transit, taxi or vehicular modes." The Draft EIR/EIS should discuss how the different interchange alternatives would affect pedestrian accessibility and local traffic circulation. It appears that the Two full Interchange Alternative, which includes an interchange at Siempre Viva Road, would provide the highest level of pedestrian accessibility. Although the Draft EIR/EIS states "the type and location of pedestrian facilities has not been determined" the Draft EIR/EIS also states that it is anticipated that pedestrian drop-off and loading and ADA compliant sidewalks would be provided along Siempre Viva Road. The Two full Interchange Alternative is the only alternative that provides an interchange with full access at Siempre Viva Road.

RESPONSES

P-27 No interchange was assumed for SR-125/Lonestar Road for the Opening Year (2015) scenario for all alternatives. A full diamond interchange was assumed for the Horizon Year (2035) scenario for all alternatives.

P-28 The potential for queuing is acknowledged wherever LOS E or F conditions are indicated and this situation is documented at the Lone Star Road/SR-125 interchange area. The LOS E or F result is noted as undesirable and is considered to be an adequate indication of the potential for queuing without the need for more detailed analysis.

P-29 In the case of the No Build Alternative and the Two Interchange Alternative, trucks entering the U.S. via the existing Otay Mesa POE and the existing CVEF would be expected to access the freeway system using Enrico Fermi Drive. Use of Siempre Viva Road and SR-905 would be an alternate route. In the case of the No Interchange Alternative and the One Interchange Alternative, the primary access route would be Siempre Viva Road and SR-905. The Draft EIR/EIS and Final EIR/EIS assume 2,350 northbound trucks crossing the border at the Otay Mesa LPOE for existing conditions, with increases expected in future years. This traffic is included in the various figures and the total forecasts are considered to be accurate.

P-30 The intersections mentioned in the comments were analyzed and the results are documented in the Traffic Technical Report. (For example, see Table 5-11 for the One Interchange Alternative for 2035 conditions). No cases of LOS E or F were indicated and therefore, these intersections are not mentioned in Table 3.8-6.

P-31 The higher level of accessibility for pedestrian drop-off activity under the Two Interchange Alternative with the Siempre Viva Road Full Interchange Variation is acknowledged. This was not mentioned in the Draft EIR/EIS because all of the alternatives and variations were considered to provide adequate access for pedestrian drop off activities. The new POE design presented in the PDS (GSA 2011) and Figure 2-21 includes more detail on pedestrian facilities and pick-up/drop-off facilities.

COMMENTS

SR-11/POE Draft EIR/EIS - 9 - February 1, 2011

P-32 22. **Page 3.8-23 –** The Draft EIR/EIS indicates that the Two Interchange Alternative would adversely affect some County roadway segments. This is incorrect. Please note that that the County's Specific Plan buildout forecast projected adequate Level-of-Service (LOS) operations on all County roadway facilities located with the EOM area with two full interchanges.

P-33 23. Interest has been expressed in additional access to the EOM area in the vicinity of the SR-905/SR-11/SR-125 interchange. The Draft EIR/EIS should discuss the feasibility of additional access alternatives (e.g. Off-ramp split from the northbound SR-905 to eastbound SR-11 connector onto Harvest Road, SR-905 access to Otay Mesa Road).

P-34 24. **Figure 2-15** – A conceptual pedestrian movement should be provided as was done for Figure 2-14.

P-35 25. The Draft EIR/EIS should consider how pedestrians and bicyclists would access the local road network in the no interchange alternative. The Draft EIR/EIS should consider dedicated pedestrian and bicyclist pathways that avoid interchanges and ramp intersections; in addition to providing local access with sidewalks and connections on said interchanges and ramps.

P-36 26. The Draft EIR/EIS should note that LOS for roadways located in the unincorporated area should be based on the LOS thresholds as outlined in Table 1 of the County's Public Road Standards.

P-37 27. **Chapter 3.8, Traffic and Transportation** – The project will have significant and unmitigable construction impacts related to road closures and detours.

The project is projected to have significant impacts in the year 2035 under various build alternatives to County facilities. Under the two interchange alternative Enrico Fermi would need to expand from four to six lanes between SR 11 and Otay Mesa Road. A build alternative that would alleviate this impact would be the construction of a full interchange at Siempre Viva Road. Under the one interchange alternative, Alta Road would need to expand from four to six lanes from Otay Mesa Road to Airway Road. Under the no interchange alternative, Lonestar Road from SR 125 to Enrico Fermi would need to expand from four to six lanes, and the intersection of Siempre Viva Road and Enrico Fermi Road would need to expand to eight lanes to provide additional through capacity. Because these improvements are outside the jurisdiction of Caltrans, the impacts are considered to remain significant, unavoidable, and unmitigable.

CULTURAL AND BIOLOGICAL RESOURCES

P-38 (cont.) 28. **Chapter 3.10, Cultural Resources –** Less than significant impacts are expected as the proposed impact footprint does not appear to infringe on any significant cultural resources sites identified for the OBP and OCCP projects. In addition,

RESPONSES

P-32 The final EIR acknowledges that with the change in roadway designation, the Two Interchange Alternative would not adversely impact any County roadway segments, based on the County's traffic studies for the update of the EOMSP. A supplemental traffic study has been prepared which shows revised traffic impacts, and these are reflected in the Final EIR/EIS. Specifically, the Final EIR/EIS reflects the conclusion that the Preferred Alternative and Two Interchange Alternative would not adversely affect roadway segments or intersections.

P-33 This modification is outside the scope of this project and therefore is not addressed in the Final EIR/EIS.

P-34 The issue of pedestrian and bicycle traffic is addressed in the PDS, and an updated POE design including designation of pedestrian and bicycle flows is provided in the Final EIR/EIS.

P-35 The issue of pedestrian and bicycle traffic flow within the POE is addressed in the PDS, and an updated POE design including designation of pedestrian and bicycle flows is provided in the Final EIR/EIS. Pedestrian/bicycle pathways in the vicinity of interchanges will be considered as part of final design for the interchanges and will be partially dependent on the timing of the County's construction of local streets.

P-36 The Draft EIR/EIS used the roadway segment capacity analysis table from the current County traffic impact study guidelines at the time the traffic analysis was initiated. While there are minor variations between the table used in the Draft EIR/EIS and Table 1 of the County's Public Road standards, the two tables are considered to be equivalent for the purposes of the Draft EIR/EIS traffic analysis.

P-37 A TMP has been developed for the project, which would avoid, minimize or mitigate construction traffic impacts to the extent feasible.

Regarding operational traffic impacts, the impacts analysis has been revised in the supplemental traffic study and Final EIR/EIS. The Preferred Alternative and Two Interchange Alternative would not adversely affect roadway segments or intersections, and no measures to address operations impacts would be required for these two build alternatives. For the One Interchange and No Interchange alternatives, the impacts in this comment are presented and acknowledged in the Draft and Final EIR/EIS.

COMMENTS

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P-38 (cont.) the EIR/EIS states that there is a highly unlikely possibility of discovering additional resources. This differs from the County's approach for the OBP and OCCP projects where it is considered more likely that subsurface resources could be uncovered during grading and construction activities. Consequently, the OBP and OCCP project conditions will require active grading monitoring by a County certified archaeologist. Cultural resources measures proposed in the EIR/EIS do not indicate that an archaeologist would actively monitor grading activities, only that if resources are discovered, earth-moving activity would be diverted until a qualified archaeologist could assess the discovery.

P-39

29. **Chapter 3.19, Natural Communities** – All three projects (SR 11/POE, OCCP and OBP) are proposing mitigation on the Lonestar parcels in the northern portion of East Otay Mesa. Proposed mitigation lands do not appear to overlap. The EIS/EIR states that it is possible that additional mitigation land (other than what is proposed on the Lonestar parcels may be necessary, however, the location of any necessary additional mitigation lands has not been identified. Please identify additional mitigation if necessary.

In addition, the SR 11/POE project footprint includes proposed Lot 57 of the OCCP project. This lot is 36.3 acres and is proposed as biological open space to partially mitigate for that project's impacts to biological resources. This may affect the mitigation requirements for biological resources needed by the SR 11/POE project.

P-40

30. **Chapter 3.19** – The SR 11/POE project footprint also includes proposed open space lot C of the OBP project. In addition to a realigned drainage channel, public review documents for OBP show lot C containing 2.98 acres of non-native grassland restoration in a biological open space easement, to partially mitigate for that project's impacts to biological resources. If on-site mitigation is implemented as proposed, this may increase the biological mitigation requirements for the SR 11/POE project.

P-41

31. **Page 3.19-5** – Non-native Grassland (including disturbed) paragraph on page 3.19-5 of the EIR/EIS should identify the golden eagle as one of the special status birds of prey that use the non-native grasslands in the BSA.

P-42

32. **Chapter 3.20, Wetlands and Other Waters** – The Draft EIS/EIR states up to 1.10 acres of wetland/waters mitigation will be required. This will be provided through restoration and preservation in the Johnson Canyon drainage (up to 4521 linear feet) in the northern portion of East Otay Mesa. However, a jurisdictional delineation has not yet been performed to determine the necessary extent of mitigation.

In addition, the OBP project realigns an on-site drainage and places it along the project's eastern boundary, adjacent with the OCCP project site. The SR 11/POE project footprint would include this realigned drainage which may affect the impact amount and mitigation needed for wetlands/waters for SR 11/POE.

RESPONSES

P-38 Thank you for your comments. The cultural resources identified within the project area consist of very sparse, highly disturbed surface scatters of prehistoric lithics. All prehistoric archaeological sites within the project footprint were determined ineligible for the NRHP, and SHPO concurred with this finding on April 24, 2008. A Management Plan for Otay Mesa Prehistoric Resources was developed in 1998 (Gallegos) which determined that these sites, with very few exceptions, were surface scatters, with little to no potential for buried prehistoric deposits. SHPO concurred with this plan in 1999. Based on these findings, monitoring will not be required.

P-39 It is not anticipated that the Preferred Alternative would require further mitigation acquisition. Further discussion with the agencies on the adequacy of the proposed mitigation available will determine if additional mitigation is required.

Caltrans is aware that Lot 57 occurs in the SR-11/POE project footprint and is proposed as mitigation under the OCCP project. Further coordination with the County will occur to ensure that mitigation requirements for the three projects are met.

P-40 Caltrans is aware that on-site mitigation proposed by OBP occurs in the SR-11/POE project footprint. Further coordination with the County will occur to ensure that mitigation requirements for the three projects are met.

P-41 Table 3.22-1 identifies the high potential for the occurrence of the golden eagle in the biological study area. The Final EIR/EIS (Section 3.22) and the Biological Assessment include additional species information for the golden eagle.

P-42 The necessary extent of mitigation will be determined once the final project decision is made in the ROD. A Jurisdictional Delineation Report has been prepared for the project and submitted to the resource agencies. Caltrans is aware that the on-site drainage realignment occurs within the proposed POE footprint. Caltrans will continue correspondence with the County of San Diego and the resource agencies to reduce impacts and coordinate mitigation efforts. Caltrans is aware that proposed OBP on-site mitigation occurs in the SR-11/POE project footprint. Further coordination with the County and resource agencies will occur to ensure that mitigation requirements for the three projects are met.

COMMENTS

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P-43

33. **Chapter 3.21, Plant Species** – The SR 11/POE project will impact small-flowered morning glory (20 patches) and San Diego marsh elder (43 individuals), both County sensitive species. The EIR/EIS document does not consider these impacts to be significant and no mitigation is proposed. However, small-flowered morning glory is present and would be preserved on the Lonestar parcels where the project will mitigate for impacts to non-native grassland.

This varies with the County's treatment of the OBP and OCCP projects pursuant to the BMO. The OCCP project is required to provide mitigation at a 2:1 ratio for impacts to 138 San Diego marsh elder individuals, by preserving at least 276 individuals in offsite grassland mitigation land. The OBP project is required to salvage and translocate 11 San Diego marsh elder individuals pursuant to a translocation plan.

In addition, the SR 11/POE project will impact in excess of 20% of the populations of Variegated Dudleya and San Diego Barrel Cactus, whereas, our BMO requires 80% avoidance. The project will impact all 756 Variegated Dudleya and 17 of 19 Barrel Cactus. As mitigation, the project proposes to salvage and translocate up to 80% of the Dudleya and Barrel Cactus individuals to the Lonestar parcels under an as yet undeveloped translocation plan. The EIR/EIS document states that Caltrans is not subject to MSCP (or BMO), but strives to be consistent with it.

P-44

34. **Page 3.21.14** – In the section Avoidance, Minimization and/or Mitigation Measures, several of the plant species are identified as County MSCP List A species, County MSCP List B species, etc. The County Subarea Plan covers 46 plant species and they are on the covered species list, which is Appendix 1 of the Subarea Plan. The County's List A, List B, List C and List D are sensitive plant species lists that conform loosely to the California Native Plant Society's old lists 1A&B, 2, 3 and 4 and are used for assessing impacts to all special status plant species, not just those that are covered by the MSCP and Subarea Plan.

P-45 (cont.)

35. **Page 3.22-2, Table 3.22-1** – The table states that the golden eagle has a high potential to forage in the biological study area. In fact, EOM constitutes the Primary Foraging Area of a pair of golden eagles that nest in the O'Neal Canyon area. The territory, Primary Foraging Area, and Nest Site Core Areas have been mapped by the Wildlife Research Institute (WRI) and impacts to the golden eagle by development projects on EOM have been considered significant. The Primary Foraging Area covers the entire mesa area, from approximately Cactus Road eastward to the western slopes of the foothills; the pair's foraging area may extend south of the border but is not shown on the map that has been provided to the County. The pair's territory is larger than the Primary Foraging Area. The golden eagle is covered by the MSCP and the County's MSCP Subarea Plan, is on the County's Group 1 list of sensitive animal species, and is protected by the Bald and Golden Eagle Act. The EIR/EIS should acknowledge that the SR 11 alignment is in golden eagle foraging habitat, a substantial portion of which would

RESPONSES

P-43 As part of the Lonestar conceptual mitigation plan, Caltrans proposes to collect seed from 80 percent of the impacted small-flowered morning glory individuals for bulking, storage, and installation at the Lonestar mitigation site. Caltrans would also obtain small-flowered morning glory seed from an approved nursery for installation at the Lonestar mitigation site. As part of the Johnson Canyon conceptual mitigation plan, Caltrans would obtain 829 individuals of San Diego marsh-elder from an approved nursery for installation. The translocation plan for San Diego barrel cactus would be part of the Lonestar Mitigation Plan, with an anticipated submittal date for agency review in the fall of 2011. This information has been updated in the Final EIR/EIS. Please note that Caltrans primarily mitigates impacts to those species that are regulated by USFWS and/or CDFG.

P-44 Caltrans conducted surveys of all plants in the Biological Study Area of the project considered listed, sensitive, and/or rare by federal, state, and county agencies. Section 3.21 in the Draft EIR/EIS covered all sensitive plant species that were detected or had the potential to occur in the project area. If a plant was not identified in the section, it was not observed or there was no suitable habitat for the plant within the project area. This information has been confirmed in the Final EIR/EIS. Please note that Caltrans primarily mitigates impacts to those species that are regulated by USFWS and/or CDFG.

P-45 Table 3.22-1 in the Tier II Draft EIR/EIS acknowledges the high potential for the occurrence of golden eagles in the project area and the importance of the large areas of non-native grassland in the project study area for raptor foraging (Section 3.19). The project provides for 1:1 mitigation of this habitat loss, which would serve as mitigation for impacts to the foraging area for both burrowing owls and golden eagles. The Final EIR/EIS (Section 3.22) and the Biological Assessment for the project include additional species information for the golden eagle, including the known occurrence of a nesting pair within O'Neal Canyon, as well as further discussion of the potential impacts to this species and consideration of additional appropriate mitigation measures, consistent with the measures identified in the Otay Business Park and Otay Crossings Draft EIRs.

COMMENTS | RESPONSES

SR-11/POE Draft EIR/EIS - 12 - February 1, 2011

P-45 (cont.) be impacted by the proposed project, and should consider the impact to golden eagle foraging habitat as significant. Appropriate mitigation should be provided.

CUMULATIVE IMPACTS

36. **Table 3.27-2, Cumulative Impacts –**

P-46 a. Consider including two additional Use Permits that were approved previously and two additional Industrial Subdivision projects that are currently being processed at the County. These projects are MUP 98-001W1, Salvage Yards; MUP 98-024W1, Travel Plaza; TM 5566, Hawano Subdivision; and TM 5568, Rabago Subdivision.

P-47 b. Table 3.27-1, Map #F – Proposed Improvements and Project Status should consider expanding the description of Lonestar Road to be from Enrico Fermi Drive to Alta Road.

P-48 c. Table 3.27-1, Map #F – Proposed Improvements and Project Status should revise the project description of Otay Mesa Road from Vann Centre Boulevard to Enrico Fermi Drive.

P-49 d. Table 3.27-2, Map #1 – Identifying Project Number should read only TM 5405 and delete "SPA 04-006" and MUP 00-024 since they are no longer part of the application.

P-50 e. Table 3.27-2, Map #12 – Identifying Project Number is TM 5527.

P-51 f. Table 3.27-2, Map #14 – Identifying Project Number is TM 5549.

P-52 g. Table 3.27-2, Map #21 – Identifying Project Number is MUP 06-074W1 and the project is within the County of San Diego's jurisdiction and not the City of San Diego as listed.

DPW WASTEWATER MANAGEMENT COMMENTS

P-53 37. Planned regional County sewer main alignments will cross SR-11 and Caltrans will need to accommodate the sewer alignments in the ultimate highway design.

P-54 38. The POE utilities design will need to be coordinated with EOM regional sewer plans to ensure that the East Otay Mesa Sewer Maintenance District (EOMSMD) will be able to provide service to the facility.

P-55 39. Please provide or have the General Services Administration provide to the County EOMSMD for review, a copy of the Program Development Study (PDS) and conceptual development plan for the POE.

P-46 This information has been updated in the Final EIR/EIS.

P-47 This information has been updated in the Final EIR/EIS.

P-48 This information has been updated in the Final EIR/EIS.

P-49 This information has been updated in the Final EIR/EIS.

P-50 This information has been updated in the Final EIR/EIS.

P-51 This information has been updated in the Final EIR/EIS.

P-52 This information has been updated in the Final EIR/EIS.

P-53 The SR-11 and POE project and utilities are being designed to be compatible with existing and planned sewer alignments. Caltrans looks forward to continued coordination with the County and the EOMSMD on this issue.

P-54 Caltrans looks forward to continued coordination with the County and the EOMSMD on this issue.

P-55 Caltrans or GSA will ensure that the EOMSMD receives a copy of the final PDS when it becomes available.

COMMENTS

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DPW WATERSHED AND WATER QUALITY COMMENTS

P-56

40. The site's footprint primarily is within the Caltrans right-of-way. However portions of the project that are within the County or impacting properties within the County are governed by the County's regulations including but not limited to Watershed Protection Ordinance and the Standard Urban Stormwater Mitigation Plan (SUSMP). Please see the Attachment to this letter with the links to the County's watershed resources.

P-57

In conclusion, the County of San Diego is very interested in coordinating the long standing land use plans anticipated in the EOMSP with the proposed SR-11 facility. The County is very supportive of this project moving forward and urges Caltrans to adopt the two interchange alternative that includes the two full interchange variation as the best ultimate design for the facility for the many reasons outlined in this letter. If needed, the County would be interested in discussing a phased approach to achieve the ultimate buildout of the two interchange design. Department contacts for future coordination or questions are as follows:

- Department of Planning and Land Use – Rosemary Rowan, 858-694-2976 rosemary.roway@sdounty.ca.gov
- Department of Public Works – Robert Goralka, 858-874-4202 robert.goralka@sdcounty.ca.gov

The County of San Diego appreciates the opportunity to continue to participate in the environmental review process for this project. We look forward to receiving future environmental documents or providing additional assistance at your request.

Sincerely,

RICHARD HAAS, Assistant Director
Department of Planning and Land Use

ATTACHMENT: Watershed and Water Quality Information

RESPONSES

P-56 Thank you for your comment:

Please refer to the following: Section 3.12 of the Final EIR/EIS "Water Quality and Storm Water Runoff," and the Water Quality Technical Report where your comment is addressed.

The State Water Resources Control Board adopted Order No. 2009-0009–DWQ, NPDES No. CAS000002 NPDES General Permit for storm water discharges associated with construction activities. This permit requires the dischargers to implement a Storm Water Pollution Prevention Plan (SWPPP) that contains BMPs that will prevent construction pollutants from entering a receiving water body. Caltrans' program complies with the substantive provisions of the Construction General Permit on projects; most requirements are met by implementing the SWPPPs prepared for each project during the construction phase of the project.

The State Water Resources Control Board adopted Order No. 99-06–DWQ, NPDES No. CAS000003 NPDES Permit Statewide Storm Water Permit and Waste Discharge Requirements (WDRs) for Caltrans properties, facilities and activities (herein referred to as Permit). The permit requires Caltrans to implement a Storm Water Management Plan (SWMP); the purpose of which is to protect and achieve water quality standards at all times. The minimum requirement is to ensure that pollutants in discharges from storm drain systems owned or operated by Caltrans are reduced to the maximum extent practicable (MEP) and that pollutants in discharges from construction activities covered by the General Construction Permit are reduced by employing Best Available Technology /Best Conventional Technology (BAT/BCT) performance standards.

The MEP analysis is the process of evaluating the selected BMPs based on legal and institutional constraints, technical feasibility, relative effectiveness, and cost/benefit ratio.

Caltrans continues to comply with CWA Section 402 by complying with the requirements of the statewide NPDES permit. The permit and the approved SWMP consolidated Caltrans' storm water compliance activities under one permit and provided a framework for consistent and effective implementation of storm water management practices on a statewide basis. The project is being designed to comply with the current Statewide NPDES Permit or any reissuance thereafter.

COMMENTS

SR-11/POE Draft EIR/EIS - 14 - February 1, 2011

Email cc:
Michael De La Rosa, Policy Advisor, Board of Supervisors, District 1
Megan Jones, CAO Staff Officer, DCAO
Lee Shick, Project Manager, DPW
Bob Goralka, DPW, Transportation Division
Julia Quinn, DPW, Environmental Services Unit
David Williams, DPW Wastewater Division
Nick Ortiz, DPW Transportation Planning
Miles Safa, DPW Watershed Protection
Bobbie Stephenson, DPLU MSCP Division
Rosemary Rowan, DPLU Current Planning Division
Daniella Rosenberg, DPLU Current Planning Division
LeAnn Carmichael, DPLU MSCP Division
Priscilla Jaszkowiak, DPLU Administration
Jody Mays, Sheriff
Brian Sampson, Sheriff

RESPONSES

P-57 We appreciate the County's support. As previously noted, it has been determined that the Two Interchange Alternative with a full interchange at Siempre Viva Road would not be operationally feasible, due to the proximity of Siempre Viva Road to the POE and the need to separate commercial and passenger vehicles. The Preferred Alternative is a modified version of the Two Interchange Alternative that would provide the maximum feasible access and the greatest consistency with current development plans, while maintaining necessary safety and security. We look forward to working with the County on the implementation of this project.

COMMENTS | RESPONSES

ATTACHMENT
February 1, 2011

WATERSHED AND WATER QUALITY INFORMATION:

County of San Diego SUSMP is located at:
http://www.sdcounty.ca.gov/dpw/watersheds/susmp/susmppdf/susmp_manual.pdf

Watershed Protection Ordinance:
http://www.sdcounty.ca.gov/dpw/watersheds/watershedpdf/watershed-ordinance-2010.pdf

Map of the Environmentally Sensitive Areas (ESA):
http://www.sdcounty.ca.gov/dpw/watersheds/susmp/susmppdf/susmp_appendix_a.pdf

Guide for Construction within ESA:
http://www.sdcounty.ca.gov/dpw/watersheds/susmp/susmppdf/esa_guide_handout_dec2009.pdf

Stormwater Intake Form for Development Projects:
http://www.sdcounty.ca.gov/dpw/watersheds/susmp/susmppdf/susmp_appendix_b.pdf

Major SWMP Form:
http://www.sdcounty.ca.gov/dpw/watersheds/susmp/susmppdf/susmp_appendix_c.pdf

Minor SWMP Form (starts from page 3):
http://www.sdcounty.ca.gov/dplu/docs/LUEG-SW.pdf

Hydromodification - See County's Project Clean Water website:
http://www.projectcleanwater.org/html/wg_susmp.html

Low Impact Development (LID):
http://www.sdcounty.ca.gov/dplu/procguid.html#hydro

For additional information related to the County's regulations regarding Stormwater and Watershed Protection, please contact Miles Safa, DPW Watershed Protection Program, at 858-495-5368 or via email at miles.safa@sdcounty.ca.gov.

COMMENTS

RESPONSES

Congress of the United States
Washington, DC 20515

January 28, 2011

Sandra Lavender
Caltrans, District 11
4050 Taylor St
MS-242
San Diego, CA 92110

Dear Sandra:

Q-1

I am writing in support the "two interchange alternative" as described in the draft State Route 11 and Otay Mesa East Port of Entry Environmental Impact Report.

During these hard economic times, we must do what we can to ensure that we will have the needed infrastructure to create the highest economic impact for the region. Allowing for two interchanges users in East Otay Mesa will gain access to the new toll road which will help San Diego's expanding cross border trade.

I appreciate the opportunity to provide my comments and please keep me informed throughout the process. If you have any questions, please feel free to contact me or Jessica Gomez of my staff at (619) 422-5963.

Sincerely,

BOB FILNER
Member of Congress

BF/jg
2564289

Q-1 Comment noted.

COMMENTS | RESPONSES

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0079
(916) 319-2079
FAX (916) 319-2179

Assembly
California Legislature

BEN HUESO
ASSEMBLYMEMBER, SEVENTY-NINTH DISTRICT

Ms. Sandra Lavendar
Caltrans, District 11
4050 Taylor Street
San Diego, California 92110

Re: State Route 11 and the Otay Mesa East Port of Entry Draft Tier II Environmental Impact Report/Environmental Impact Statement ("DEIR/EIS")

Dear Ms. Lavendar:

R-1

I would like to express my support for the State Route 11 and the Otay Mesa East Port of Entry Draft Tier II Environmental Impact Report/Environmental Impact Statement ("DEIR/EIS"). I specifically want to show my support for the "Two Interchange Alternative".

The DEIR/EIS analyzes three "build" alternatives: (1) a Two Interchange Alternative, within which are two options: (a) a full interchange at Enrico Fermi Drive with a full interchange at Siempre Viva Road; and (b) a full interchange at Enrico Fermi Drive with a half interchange at Siempre Viva Road; (2) a One Interchange Alternative, placing the interchange at Alta Road; and (3) a No Interchange Alternative.

The East Otay Mesa Specific Plan, adopted by the Board of Supervisors of the County of San Diego, was amended in 2009 and 2010 and states the importance of the two interchanges: "Important features include road alignment, two interchanges (Enrico Fermi Road, Siempre Viva Road), and elevated road segments to ensure connectivity within the local road network without the use of bridges". Although the length of SR 11 requires shorter distance between the ramps, I believe this alternative would offer additional options and encourage drivers to use the SR 11.

Please implement the "Two Interchange Alternative" as it ensures connectivity, accessibility and will overall accommodate users.

Sincerely,

BEN HUESO
Assemblymember
79th District
BH/ya

Cc: Laurie Berman, Caltrans, District 11 Director
Sergio Pallares, Caltrans, International Border Studies Project Manager

R-1 Comment noted.

COMMENTS

COUNCILMEMBER
DAVID ALVAREZ

CITY OF SAN DIEGO

January 31, 2011

Sandra Lavendar
California Department of Transportation, District 11
4050 Taylor Street
San Diego, CA 92110

Dear Ms. Lavendar:

Re: State Route 11/Otay Mesa East Port of Entry Draft Tier II Environmental Impact Report/Statement

As the City Councilmember for District Eight, which includes the community of Otay Mesa, I am concerned about how this proposed project, while outside our jurisdiction, will impact this area. I would like the following issues to be taken into consideration in the Environmental Impact Report/Statement:

S-1 1. The Two Interchange Alternative with full interchanges at Enrico Fermi Drive and Siempre Viva Road is the only alternative consistent with San Diego County's East Otay Mesa Specific Plan.

S-2 2. Any alternative other than the Two Interchange Alternative with full interchanges will negatively affect commercial truck circulation in the area, especially as it relates to traffic that has not originated within the East Otay Mesa Port of Entry, forcing local truck traffic west to SR-905 into an already congested grid.

S-3 Engaging the community in an open and transparent public process is of the utmost importance as this project is discussed. In order to ensure that the community's concerns are clearly known and addressed, I would like to stress the importance of community outreach with this project. Residents and businesses should be kept well aware of the impacts that this project could have on the community. In addition, it is my expectation that the community be given the opportunity to actively participate in determining how the planning might proceed at each stage of the project.

Sincerely,

David Alvarez
Councilmember, 8th District

DA/rl

EIGHTH DISTRICT
202 C STREET, MS 10A • SAN DIEGO, CALIFORNIA 92101
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RESPONSES

S-1 Thank you for your comment, which has been considered in the identification of the Preferred Alternative. Although Caltrans strives to be consistent with local plans, freeway planning efforts are not bound by those plans. Caltrans' freeway planning must meet Federal Highway Administration (FHWA) requirements, including consistency with the Highway Design Manual. Although some exceptions to specific requirements may be granted where warranted, Caltrans' highest priorities are the operational efficiency and safety of its new freeway designs. It has been determined that, due to the proximity of Siempre Viva Road to the Port of Entry and the need to separate commercial and passenger vehicles, the Two Interchange Alternative with the Siempre Viva Road Full Interchange Variation is not operationally feasible. The Preferred Alternative would be operationally feasible while providing the maximum feasible access and maintaining necessary safety and security.

S-2 The Traffic Technical Report prepared for the project analyzed both commercial and passenger vehicle traffic for the project alternatives and variations. This analysis is summarized in the Draft EIR/EIS on pages 3.8-11 through 3.8-18 (and on pages 3.8-11 through 3.8-20 of the Final EIR/EIS), and has been considered in the identification of the Preferred Alternative.

S-3 Caltrans agrees that early and continuing coordination with the appropriate public agencies, other stakeholders and the general public is an essential part of the environmental process. Public participation and agency coordination to date are described in Chapter 5.0 of the Final EIR/EIS, and such efforts will continue throughout the project implementation process.

COMMENTS

Darnell & ASSOCIATES, INC.
TRANSPORTATION PLANNING & TRAFFIC ENGINEERING

January 25, 2011

Ms. Sandra Lavendar
Caltrans, District 11
4050 Taylor Street
MS-242
San Diego, CA 92110

D&A Ref. No.: 101205

Subject: State Route 11 and the Otay Mesa East Port of Entry Draft Tier II Environmental Impact Report/Environmental Impact Statement dated November 2010 (the "DEIR/EIS")

Dear Ms. Lavendar:

Darnell & Associates, Inc. (D&A) has reviewed the November 2010 *Draft Tier II Environmental Impact Report/Environmental Impact Statement* for State Route 11 and the Otay Mesa East Port of Entry and the accompanying November 5, 2010 *Tier II Traffic Technical Report for the State Route 11/Otay Mesa East Land Port of Entry* prepared by VRPA Technologies that was utilized to prepare the traffic sections of the subject EIR. The following letter summarizes our comments.

COMMENTS RELATED TO VRPA'S TRAFFIC TECHNICAL REPORT

Existing Conditions

T-1 • The existing conditions roadway network does not accurately reflect existing conditions do not accurately reflect the existing roadway conditions in the East Otay Mesa area. Please see the attached markups of Figures 3-1, 3-2a, 3-2b, and 3-2c from the *SR-11 Tier II Traffic Technical Report* for an illustration of the roadway segments and intersections where the existing conditions described in the traffic study do not accurately reflect the existing conditions in the field. Some of the discrepancies include the following:

T-2 ○ The segment of Otay Mesa Road between La Media Road and Piper Ranch Road is not fully improved to the standards of a 6-lane Prime Arterial. This roadway segment only has 5 travel lanes; therefore, a reduced roadway capacity should be utilized.

T-3 ○ The segment of Otay Mesa Road between Harvest Road and Sanyo Avenue has been improved to a four-lane facility with a capacity equivalent to that of a Major Road. Although this improvement occurred around May 2009, shortly after the base condition since it is a major improvement it should be included as part of the existing roadway network.

T-4 ○ The segment of Sanyo Avenue between Otay Mesa Road and Airway Road has been improved to a 4-lane facility with a capacity equivalent to a 4-lane Collector. Although this improvement may have occurred after the base condition of January 2009, since it is a major improvement it should be included as part of the existing roadway network.

T-5 ○ The segment of Airway Road between Sanyo Avenue and Michael Faraday Drive was recently improved to the standards of a 4-lane Major Road.

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RESPONSES

T-1 The existing conditions network was based on configurations as they existed during the time that traffic counts and field studies were conducted. Traffic conditions (volumes and configurations) can change on a continual basis. The purpose of the existing conditions analysis is to provide documentation of traffic conditions at a particular point in time. Therefore, if construction occurred after traffic counts and field studies were conducted in early 2009, the changes would not be reflected in the Traffic Technical Report for existing conditions.

T-2 The reduction in roadway capacity to LOS E for existing conditions is acknowledged, and incorporated into the supplemental traffic study and Final EIR/EIS.

T-3 At the time traffic counts and field studies were conducted, this segment existed as a two-lane facility. The widening of this segment was accounted for in the Opening Year (2015) analysis, which analyzed this segment as a six-lane Prime. See Response to Comment T-1.

T-4 At the time traffic counts and field studies were conducted, this segment existed as a two-lane facility. The widening of this segment was accounted for in the Opening Year (2015) analysis, which analyzed this segment as a Collector. See Response to Comment T-1.

T-5 At the time traffic counts and field studies were conducted, this segment existed as a two-lane facility. The widening of this segment was accounted for in the Opening Year (2015) analysis, which analyzed this segment as a Major Road. See Response to Comment T-1.

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T-6 ○ The segment of Enrico Fermi Drive between Otay Mesa Road and Airway Road is not fully improved to a four-lane facility; in fact portions of it are only a two-lane roadway.

T-7 ○ Energy Center Lane should be shown on all graphics as Calzada De La Fuente. There should be two (2) southbound left turn lanes at the Otay Mesa Road/La Media Road intersection.

T-8 ○ At the end of August 2009, Caltrans restricted the eastbound right and westbound left turn movements at the Otay Mesa Road/SR-905 intersection. Further there should be two (2) eastbound through lanes at this intersection. Although the restriction of the turn movements occurred after the base condition of January 2009, since it is still within the base year 2009 consideration should be given to adjusting the existing traffic volumes to account for this restriction.

T-9 ○ The intersection of Otay Mesa Road/Sanyo Avenue was signalized by Caltrans in May 2009. In addition, the lane geometry at this intersection should be as follows: one (1) eastbound through, one (1) eastbound shared through-right, one (1) westbound left, one (1) westbound through, one (1) northbound left, and one (1) northbound shared left-right. Although this improvement occurred shortly after the base condition since it is a major improvement it should be included as part of the existing roadway network.

T-10 ○ The Otay Mesa Road/Enrico Fermi Drive intersection is signalized and has been for several years.

T-11 ○ The Otay Mesa Road/Alta Road intersection is all-way stop-controlled.

T-12 ○ The Airway Road/Sanyo Avenue intersection has three (3) westbound approach lanes; one (1) westbound left, one (1) westbound through, and one (1) westbound right lane.

T-13 ○ The Airway Road/Paseo De Las Americas intersection has recently been converted into a 4-legged intersection that is stop-controlled on the northbound and southbound approaches. The intersection has the following lane configurations: one (1) eastbound left, one (1) eastbound through, one (1) eastbound shared through-right, one (1) westbound left, one (1) westbound through, one (1) westbound shared through-right, one (1) northbound shared left-through, one (1) northbound right, and one (1) southbound shared left-through-right lane. Even if this change isn't reflected in the existing base condition, it should be reflected in the 2015 and 2035 conditions.

T-14 ○ The Airway Road/Enrico Fermi Drive intersection has three (3) westbound approach lanes; one (1) westbound left, one (1) westbound through, and one (1) westbound right lane.

T-15 ○ Due to the numerous discrepancies in the existing conditions, it is recommended that a field check be conducted to verify that all existing conditions are current.

T-16 • Based on 24-hour machine counts collected by Darnell & Associates, Inc. (D&A), the existing (2009) Average Daily Traffic Volumes presented/analyzed in the *SR-11 Tier II Traffic Technical Report* for La Media Road, Enrico Fermi Drive, and Airway Road significantly understate the existing traffic volumes. Please see the attached mark-up of Figure 3-3b from the *SR-11 Tier II Traffic Technical Report* for an illustration of the comparison of the existing (2009) Average Daily Traffic volumes presented in the SR-11 Traffic study versus the 24-hour machine counts collected by D&A.

RESPONSES

T-6 The reduction in roadway capacity for existing conditions is acknowledged and incorporated into the supplemental traffic study and Final EIR/EIS. This would not change the resulting level of service of LOS A based on roadway segment analysis.

T-7 Energy Center Lane is the roadway name that was used at the time of preparation of the traffic analysis. Calzada de la fuente also has now been added for further clarification. With regard to Otay Mesa Road/La Media Road, at the time traffic counts and field studies were conducted, only one southbound left-turn lane existed. The Opening Year (2015) analyses have accounted for the construction of this second left-turn lane. See Response to Comment T-1.

T-8 The existing conditions network was based on configurations as they existed during the time that traffic counts and field studies were conducted. See Response to Comment T-1.

T-9 At the time traffic counts and field studies were conducted, this intersection was not signalized and had not experienced the referenced improvements. The Opening Year (2015) analyses have accounted for the construction. See Response to Comment T-1.

T-10 The change is noted and incorporated into the supplemental traffic study and Final EIR/EIS. The revised intersection level of service in the AM and PM peak hours would be improved in the 2035 condition to LOS D or better for the build alternatives.

T-11 The existing conditions network was based on configurations as they existed during the time that traffic counts and field studies were conducted. See Response to Comment T-1.

T-12 At the time traffic counts and field studies were conducted, the westbound approach consisted of one shared left-turn/through/right-turn lane. If the new configuration is the result of recent construction, it has been accounted for in the Opening Year (2015) analyses. See Response to Comment T-1.

T-13 The existing conditions network was based on configurations as they existed during the time that traffic counts and field studies were conducted. See Response to Comment T-1.

T-14 The existing conditions network was based on configurations as they existed during the time that traffic counts and field studies were conducted. See Response to Comment T-1.

COMMENTS	RESPONSES
	T-15 A field check of the study intersections was conducted at the time traffic counts were collected. Improvements/construction that may have occurred after this time would not be reflected in the Traffic Technical Report's existing conditions section, since its purpose was to document conditions as they existed in early 2009. See Response to Comment T-1.
	T-16 The study area has experienced a substantial amount of roadway construction over the past several years, including the extension of SR-905 from Siempre Viva Road to Britannia Boulevard. During this time, there have been wide variations in traffic counts on specific roadways in response to the construction activity. The additional counts provided in the comment are acknowledged. No changes are considered to be necessary in the existing conditions analysis provided in the Traffic Technical Report since its purpose was to document conditions as they existed in early 2009.

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2015 Conditions

The 2015 Traffic analysis for the SR-11 is flawed for the following reasons:

T-17

- The 2015 roadway network assumes several roadway segments that currently do not exist are constructed and built out to their ultimate circulation element classification, in addition several existing roadway segments are assumed to be improved to their ultimate circulation classification. (See the attached markup of Figure 4-1b from the *SR-11 Tier II Traffic Technical Report* for an illustration of all of the roadway assumptions that were assumed to be completed by the Year 2015.) No funding sources have been identified for any of the proposed roadway improvements and no mention has been made as to how any of these roadway improvements are anticipated to be constructed, other than that they will be constructed by someone other than Caltrans. CEQA requires that opening day conditions are compared to "ground" conditions. Therefore the Opening Year (2015) conditions do not satisfy the CEQA requirements.

T-18

- A review of a north-south cordon just east of the SR-125 for the various alternatives finds that the 2015 forecasts have between 37,000 ADT to 43,000 ADT (not counting the 25,800 ADT coming from the Port-of Entry) entering/exiting the east Otay Mesa area. It is believed that this volume of traffic significantly underestimates the projected 2015 traffic demand for the following reasons:

  a) A review of a north-south cordon just east of the SR-125 for the existing (2009) traffic volumes finds that the existing traffic entering/existing the east Otay Mesa area is 52,300 ADT. This concludes that the *SR-11 Tier II Traffic Technical Report* predicts that there will be a decrease of between 9,300 ADT to 15,300 ADT entering/exiting the East Otay Mesa area between existing (2009) and Opening Year (2015) conditions. No explanation has been provided as to why there would be an anticipated decrease in traffic volume within the East Otay Mesa area.

T-19

  b) The 2015 roadway network assumes that several of the County roadway segments within East Otay Mesa would be built out to their ultimate circulation element classification. The only way these roadway segments would be constructed is if the approved/pending projects that front these roadways were developed. As shown in Table 1, if the approved/pending projects within the County was assumed to be fully built out they would add approximately 175,521 ADT to the East Otay Mesa area. (See the attached Figure 41 for a location of the approved/pending projects within the County of San Diego.) Since as stated above, the 2015 forecasts accounted for 37,000 ADT to 43,000 ADT (not counting the 25,800 ADT coming from the Port-of Entry) entering/exiting the east Otay Mesa area, it is apparent that the 2015 forecast do not include development of the approved/pending projects within the County of San Diego. Therefore, either the 2015 forecasts are significantly understated or the 2015 roadway network needs to be modified to eliminate the roadways that were assumed to be constructed by the projects that are not included in the 2015 forecasts.

RESPONSES

T-17 The Opening Year (2015) traffic analysis was based on expected traffic and roadway conditions in 2015. It would be unreasonable to expect that existing roadway conditions would continue to be unchanged four years into the future with SR-11 in place. In some cases, it would be impossible to assume that existing roadway conditions would continue to be in place. For example, in the case of the Two Interchange Alternative, SR-11 would connect to a segment of Siempre Viva Road that does not yet exist. The Opening Year (2015) traffic analysis relies on roadway improvements included in the 2015 San Diego Association of Governments (SANDAG) regional transportation model, which provides a regional consensus of the roadway improvements expected to be in place in 2015.

T-18 While cordon counts are a useful tool in transportation planning analyses, they can provide misleading results in cases such as the proposed project, where a major new roadway is introduced into the network. An additional complication is that the results vary among the various project alternatives and design variations. For comparison purposes, however, a check was made of a cordon count east of SR-125/SR-905 from Lone Star Road to the international border. The 2009 Average Daily Traffic from Figure 3-3b is 35,850. The 2015 Average Daily Traffic (excluding SR-11) is 49,900. The other alternatives appear to show similar results. Since 2015 traffic levels are higher than 2009 traffic, there does not appear to be a discrepancy.

T-19 Both the 2015 roadway network and the 2015 socioeconomic data (land use assumptions) were based on the San Diego Association of Governments (SANDAG) regional transportation model. It is acknowledged that this model is a forecast of future conditions and that actual conditions could develop differently from what is expected in the model. However, the model is considered to represent the best regional consensus of future conditions.

COMMENTS

RESPONSES

Table 1 - Summary of Approved/Pending Projects in County of San Diego

Map ID #	Project Name	County Project #	Project Location	# Acres	Land Use	Trip Generation: Total ADT	Trip Generation: % Cumulative Traffic applied to year 2020: %	Trip Generation: % Cumulative Traffic applied to year 2020: ADT
			Project's Processing Site Plans					
1	California Crossings	P06-102 TPM 21046	NW Corner of Otay Mesa Rd & Harvest Rd	29.6 Acres	325.502 ksf of Community Shopping Ctr	22,785	100%	22,785
2	CCA San Diego Correctional Facility	MPA 09-029 P 06-074	n/o Calzada De La Fuente, e/o Alta Rd	37.0 Acres	2,132 Bed Correctional Detention Facility	2,323	100%	2,323
3	COPART County Sales Yard Time Extension (a)	P 88-020W1	SW Corner of Otay Mesa Rd & Alta Rd	38.2 Acres	Auto Auction	846	100%	846
4	FEDEX Site Plan	S08-018	NE Corner of Airway Rd & Paseo De Las Americas	20.0 Acres	FEDEX Distribution Center	1,598	100%	1,598
5	Insurance Auto Auctions	P00-012TE	NW Corner of Otay Mesa Rd & Alta Rd	38.0 Acres	Auto Auction	354	100%	354
6	Salvage Yards/ National Enterprises Recycling	P 98-001	East & West Side of Alta Rd, n/o Otay Mesa Rd	161.0 Acres	Auto Recycling & Salvage Yards	2,408	100%	2,408
7	Sunroad Interim Uses -Sunroad Centre I Harvest Ranch Nursery	P 09-009 P 09-005	n/o Otay Mesa Rd btwn Harvest Rd & Vann Centre Blvd	138.0 Acres	Nursery	14	100%	14
8	Travel Plaza	P 98-024W1 TPM 20414	e/o Enrico Fermi Drive, btwn Otay Mesa Rd & Airway Rd	83.0 Acres	Truck Stop	5,116	100%	5,116
9	Vulcan	S 07-038	NE quadrant of Lone Star Rd (Paseo De La Fuente) & Otay Mesa Rd	12.7 Acres	Asphalt & Concrete Plant	1,078	100%	1,078
			Sub-Total:	**554.5 Acres**		**36,522**	**100%**	**36,522**
			Project's Processing Tentative Maps					
10	International Industrial Park	TM 5549	n/o Lone Star Rd btwn Vann Centre Blvd & e/o Enrico Fermi Dr	170.9 Acres	111.05 Net Acres Business/Tech. Park	10,057	13%	1,307
11	OMC Properties	TPM 21140	NE Corner of Otay Mesa Rd & Alta Rd	49.8 Acres	30.1 Acres Tech. Business Park & 8.4 acres Commercial Retail	6,972	13%	602
12	Otay Business Park	TM 5505	s/o Airway Rd, East of Alta Rd	148.5 Acres	2092.9 ksf of Ind./Business Park	33,486	13%	4,353
13	Otay Crossings Commerce Park	TM 5405 SPA 04-006	SE Quadrant of Otay Mesa Rd & Alta Rd	311.4 Acres	Mixed Industrial & Temporary Truck Parking	21,279	13%	2,766
14	Sunroad/Otay Tech Centre	SPA 07-003 TM 5538	n/o Otay Mesa Rd btwn Harvest Rd & Vann Centre Blvd	253.1 Acres	130 Acres Tech. Business Park & 27 Acres Commercial Retail	30,566	13%	3,974
15	Piper Otay Park	TM 5527	NE Corner of Otay Mesa Rd & Piper Ranch Rd	25.0 Acres	Light Industrial	1,612	13%	210
16	S. County Commerce Centre	TM 5394R	SW Corner of Otay Mesa Rd & Enrico Fermi Dr	80.0 Acres	Industrial	7,159	13%	931
17	Saxed Revised Map	TM 5304R	n/o Airway Rd btwn Paseo De Las Americas & Michael Faraday Dr	20.6 Acres	Industrial	2,602	13%	338
18	Hawano	10-0123176	e/o Airway Pl, w/o Alta Rd, s/o Airway Rd, & n/o Via De La Amistad	64.0 Acres	892.248 ksf of Ind./Business Park	14,276	11.46%	1,636
19	Rabago	10-0123562	NW Corner of Otay Mesa Rd & Enrico Fermi Dr	55.0 Acres	54.98 Acres Ind./Business Park	10,990	11.46%	1,259
			Sub-Total:	**1,178.3 Acres**		**138,999**	**11.46%**	**17,376**
			Grand-Total:	**1,732.8 Acres**		**175,521**	**-**	**53,898**

(a) Existing Interim Use processing a time Extension
NW = Northwest; NE = Northeast; SW = Southwest; SE = Southeast; n/o = north of; s/o = south of; e/o = East of; btwn = between

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T-20 c) Based on a review of the December 15, 2006 *Addendum to Real Estate Market Analysis*, which was prepared by Economics Research Associates (ERA), the County of San Diego determined that the impacts of cumulative development, caused by placing all cumulative trips on the network at one time, exceeded the rate of the real estate market to potentially absorb developed industrial land. Based on the reduced percentage of development, the approved/pending projects within the County of San Diego are anticipated to add 53,898 ADT to the East Otay Mesa area by the Year 2020 (see the attached Table 1.) If this number is reduced by 1% per year for five years to get it to Year 2015 conditions; that would mean approximately 51,200 ADT would be added to the East Otay Mesa are by the Year 2015. Thus traffic entering/exiting the East Otay Mesa area by the Year 2015 would significantly increase traffic over existing conditions rather than decrease as what is currently projected in the *SR-11 Tier II Traffic Technical Report.*

T-21
- The 2015 intersection lane configurations in several instances overstate what would be required based on the 2015 AM/PM peak hour traffic volumes. Both Caltrans and the County of San Diego recognize the need for dual left turn lanes once the left-turn demand is 300 vehicles per hour or more. (Copies of the relevant sections of the Caltrans *Highway Design Manual* and County of San Diego's *Public Road Standards* are attached for reference.) However, as illustrated in the attached mark-ups of 4-12d and 4-15d from the *SR-11 Tier II Traffic Technical Report* dual left turn lanes are proposed at the Otay Mesa Road/Enrico Fermi Drive intersection when the maximum left-turn demand is 76 vehicles per hour. Further, the number of through lanes proposed at some intersections (such as the Otay Mesa Road/Enrico Fermi Drive intersection under the One Interchange Alternative) reduces the vehicle demand per lane to as low as 26 vehicles per lane per hour (i.e. 77 PM peak hour vehicles traveling westbound with 3 westbound through travel lanes, yields 26 vehicles per lane per hour).

T-22
- The proposed intersection and roadway conditions for 2015 do not appear to take into consideration the physical and/or right-of way constraints that may limit the actual pavement widening that can be constructed. For example under the SR-125/Two Interchange Design Variation (see attached Figure 4-37a from the *SR-11 Tier II Traffic Technical Report)*, the recommended 2015 lane configurations for the Otay Mesa Road/La Media Road intersection show six (6) eastbound approach lanes, seven (7) westbound approach lanes, six (6) northbound approach lanes, and six (6) southbound approach lanes. Based on D&A's knowledge of this area, the existing constraints at this intersection would prohibit this lane geometry from being constructed.

T-23
- The 2015 roadway segment level of service analysis does not utilize roadway capacities that are consistent with those identified in Figures 4-1a and 4-1b for the segments of Britannia Boulevard, Otay Mesa Road between La Media Road and SR-125, and Enrico Fermi Drive between Lone Star Road and Otay Mesa Road. Figures 4-1a and 4-1b identifies Britannia Boulevard as a 6-lane Prime, however the roadway segment level of service analysis analyzes this roadway segment as a 4-lane Major. Figures 4-1a and 4-1b identifies Otay Mesa Road between La Media Road and SR-125 as a 6-Lane Prime, however, the roadway segment level of service analysis analyzes this roadway segment as an 8-lane Major. Figures 4-1a and 4-1b identifies Enrico Fermi Drive between Lone Star Road and Otay Mesa Road as a 4-lane Major, however, the roadway segment level of service analysis analyzes this roadway segment as a 6-lane Prime which is not consistent with the East Otay Mesa Specific Plan classification.

T-24
- Table 4, 2015 Roadway Segment Level of Service Analysis, the segment of Sunroad Boulevard between Zinser Road and Otay Mesa Road is located under the County of San Diego's jurisdiction, not the City's.

RESPONSES

T-20 It is agreed that traffic entering/exiting the Otay Mesa area can be expected to increase by 2015, and the traffic analysis conducted for the Draft and Final EIR/EIS supports this conclusion. See Response to Comment T-18.

T-21 The number of through lanes on study area roadways for 2015 conditions was based on the SANDAG regional traffic forecasting model. The determination of the number of turn lanes to be provided was based on engineering judgement, since the model does not specifiy the number of turn lanes to be provided at intersections. In some cases, the number of turn lanes that are assumed exceed the number needed to provide for adequate traffic operations. In all cases, the number of lanes assumed is considered to be feasible, given the roadway classifications included in the SANDAG model. The intent was to indicate the expected available capacity of the roadway system in 2015. This allowed for a fair comparison of the various alternatives, comparing different traffic levels with a roadway system assuming the same base lane geometry. In addition, the methodology used in the traffic analysis avoided calling out traffic impacts when the impact could be avoided by incorporating additional turn lanes into future intersection improvements.

T-22 It is acknowledged that the determination of lane geometry for 2015 is a forecast of future conditions. However, the lane geometry shown at Otay Mesa Road/La Media Road and other study area intersections is considered to be consistent with roadway classifications shown in the regional transportation model and in City and County Circulation Elements. In some cases, right-of-way needs to be acquired in order to improve local roadways to the classifications shown in local Circulation Elements.

T-23 The discrepancies are noted and revised analysis is presented in the supplemental traffic study and Final EIR/EIS.

T-24 The discrepancy is noted and revised analysis is presented in the supplemental traffic study and Final EIR/EIS.

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2035 Conditions

The 2035 Traffic analysis for the SR-11 is flawed for the following reasons:

T-25

- The Horizon Year (2035) Roadway Segment Classifications (Figures 5-1a and 5-1b) appear to be almost identical to the Opening Year (2015) Roadway Segment Classification (Figures 4-1a and 4-1b) with the exception that under 2035 conditions Zinser Road is extended to Lone Star Road, the 2035 conditions include the Lone Star Road interchange at the SR-125, and for some reason the segments of David Ridge Drive between Sunroad Boulevard and Alta Road and Piper Ranch Road between Otay Mesa Road and Airway Road are shown under 2015 conditions but not under 2035 conditions. Does it really make sense that all of the same roadway improvements that are assumed to be completed 25 years from today would also be completed in only five (5) years from today? It would seem to make more sense for the 2015 roadway conditions to have fewer roadway improvements than the 2035 conditions.

T-26

- A review of a north-south cordon just east of the SR-125 for the various alternatives finds that the 2035 forecasts have the following daily traffic entering/existing the east Otay Mesa area (not counting the 45,600 ADT coming from the Port-of Entry):
  - No Build Alternative: 167,000 ADT
  - Two (2) Interchange Alternative: 157,200 ADT
  - One (1) Interchange Alternative: 155,900 ADT
  - No Interchange Alternative: 176,000 ADT

  No explanation is provided as to why there is a range of 1,300 ADT (difference between the two (2) interchange alternative and the one (1) interchange alternative) and 19,500 ADT (difference between the two (2) interchange alternative and the no interchange alternative) in the difference of volumes entering/exiting the East Otay Mesa area. Regardless of the interchange alternative, the volume of traffic entering/exiting the East Otay Mesa area should be approximately the same.

T-27

- As discussed earlier, if the current approved/pending projects in the East Otay Mesa area were fully built out they would add approximately 175,521 ADT to the East Otay Mesa area. This does not include the 52,300 ADT that are entering/exiting the East Otay Mesa area under existing conditions. Therefore, it appears that the 2035 forecasts do not account for full build out of the approved/pending projects in the County of San Diego. However, the 2035 roadway network depicted in Figures 5-1a and 5-1b assume the build out of all County of San Diego circulation element roadways. There is no current funding for any of these roadway improvements, so an explanation needs to be provided as to how the roadway segments will be constructed.

T-28

- The 2035 roadway segment level of service analysis does not utilize roadway capacities that are consistent with those identified in Figures 5-1a and 5-1b for the segments of Otay Mesa Road between La Media Road and SR-125, and Enrico Fermi Drive between Lone Star Road and Otay Mesa Road. Figures 5-1a and 5-1b identifies Otay Mesa Road between La Media Road and SR-125 as a 6-Lane Prime, however, the roadway segment level of service analysis analyzes this roadway segment as an 8-lane Major. Figures 5-1a and 5-1b identifies Enrico Fermi Drive between Lone Star Road and Otay Mesa Road as a 4-lane Major, however, the roadway segment level of service analysis analyzes this roadway segment sometimes as a 4-lane Major and sometimes as a 6-lane Prime. It should also be noted that the 6-lane Prime classification for Enrico Fermi Drive is not consistent with the East Otay Mesa Specific Plan classification.

RESPONSES

T-25 Roadway improvement assumptions for both 2015 and 2035 are based on the SANDAG regional transportation model, which is considered to provide the regional consensus regarding future roadway improvements. If the study area develops very quickly, it would be reasonable for 2015 and 2035 roadway conditions to be similar.

T-26 Under the No Build Alternative and the various project build alternatives, assumed roadway improvements vary and it would be expected that travelers would choose different routes for trips depending on the layout of the roadway network. Many of these trips would cross the cordon line mentioned in the comment, sometimes more than once. Therefore, the total traffic crossing the cordon line would be expected to vary by alternative.

T-27 Both the assumed socioeconomic data (land use assumptions) and the assumed roadway network are based on the SANDAG regional transportation model, which is considered to provide the regional consensus regarding future conditions. It is agreed that the 2035 traffic forecasts are not considered to represent build-out conditions; Figure 8-1 of the Traffic Technical Report provides documentation of traffic forecasts provided by another study for build-out conditions.

T-28 The discrepancies are noted and revised analysis is presented in the supplemental traffic study and Final EIR/EIS.

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T-29
- If the ultimate classifications, per the East Otay Mesa Specific Plan, are the basis for the 2035 roadway classifications and capacities, then the roadway classification for the segment of Alta Road north of Lone Star Road should be changed to that of a 4-lane Specific Plan Road with a capacity of 34,200 ADT at LOS E. This would improve the 2035 level of service on this roadway segment to an acceptable LOS A. Similarly, per the East Otay Mesa Specific Plan the segment of Enrico Fermi Drive between Otay Mesa Road and the SR-11 is classified as4-lane Enhanced Major Road, which has a capacity of 47,000 ADT at LOS E. With the additional capacity, this segment would operate at an acceptable LOS C under the No Build alternative and an acceptable LOS D under the two (2) interchange alternative and would thus not require a change in the circulation element classification.

T-30
- Similar to the 2015 scenario, the 2035 base intersection conditions need to be reassessed to not only make sure that it is reasonable to assume that the improvements could be in place by the year 2035 (i.e. is there is funding for the proposed improvements) but also that there are no physical or right-of-way constraints that would prevent the improvements from being able to be implemented. For example, based on D&A's knowledge of the East Otay Mesa area it is not believed that it is physically feasible to construct the following proposed lanes at the Otay Mesa Road/La Media Road intersection:
  - two (2) eastbound left turn lanes,
  - four (4) eastbound through lanes,
  - one (1) eastbound right turn lane,
  - two (2) westbound left turn lanes,
  - four (4) westbound through lanes,
  - one (1) westbound right turn lane,
  - two (2) northbound left turn lanes,
  - three (3) northbound through lanes,
  - one (1) northbound right turn lane,
  - two (2) southbound left turn lanes,
  - three (3) southbound through lanes, and
  - one (1) southbound right turn lane.

T-31
- Table 5, 2035 Roadway Segment Level of Service Analysis, the segment of Sunroad Boulevard between Zinser Road and Otay Mesa Road is located under the County of San Diego's jurisdiction, not the City's.

T-32
- The segment of Enrico Fermi Drive between Lone Star Road and Otay Mesa Road was analyzed sometimes as a 6-lane Prime (note Figure 5-1a and 5-1b shows this segment as Major Road) and sometimes as a Major Road. The analysis should be consistent with how it treats this segment of Enrico Fermi Drive or explain why there is a difference. It should be noted that the 6-lane Prime classification is not consistent with the County of San Diego's East Otay Mesa Specific Plan. The County of San Diego's East Otay Mesa Specific Plan classifies the segment of Enrico Fermi Drive between Lone Star Road and Otay Mesa Road as a Major Road with bike lanes.

RESPONSES

T-29 The discrepancies are noted and revised analysis is presented in the supplemental traffic study and Final EIR/EIS.

T-30 It is acknowledged that the determination of lane geometry for 2035 is a forecast of future conditions. The lane geometry shown at Otay Mesa Road/La Media Road and other study area intersections, however, is considered to be consistent with roadway classifications shown in the regional transportation model and in City and County Circulation Elements. In some cases, right-of-way needs to be acquired in order to improve local roadways to the classifications shown in local Circulation Elements.

T-31 The discrepancy is noted and revised analysis is presented in the supplemental traffic study and Final EIR/EIS.

T-32 The discrepancies are noted and revised analysis is presented in the supplemental traffic study and Final EIR/EIS.

COMMENTS

Ms. Sandra Lavendar
Caltrans, District 11
January 25, 2011
Page 8

COMMENTS RELATED TO THE DRAFT EIR/EIS

T-33
- A review of Table 3.8-3 of the EIR finds that the No Interchange Alternative With the Toll Alternative is only projected to add 45,600 ADT to the Mainline SR-11 Toll Road. However, with the Two Interchange With Toll Plus SR-905/SR-125/SR-11 Full Interchange Variation there is projected to be 79,800 ADT added to the mainline segment of the SR-11 Toll Road (an increase of 34,200 ADT). Further review of Table 3.8-3 also reveals that between Enrico Fermi Drive and Siempre Viva Road there is a project demand of 72,600 ADT that will be utilizing the two interchanges.

T-34
- Table 2-2 of the EIR projects that the difference in costs between constructing the "no interchange" and "Two Interchange With Siempre Viva Road Full Interchange Variation" is 38,700,000 and the difference between constructing the "no interchange" and "Two Interchange With Siempre Viva Road Base Line Variation" is 18,000,000. With tolls projected to range between $32.00 to $47.30 for commercial vehicles and $1.60 to $7.00 for passenger vehicles (see page S-3 of the EIR) the difference in costs of constructing the two interchanges can easily be made up for by the significant increase in traffic that the two interchanges will draw to the SR-11.

CONCLUSIONS

Although the traffic analysis was based on flawed information, given that all scenarios were analyzed based on the same information the following conclusions can be made:

T-35
- The No Interchange alternative will create more impacts on the roadway network than either the Two (2) interchange or the One (1) interchange alternative. Eliminating the segments of Alta Road north of Otay Mesa Road and Enrico Fermi Drive between Otay Mesa Road and SR-11 (since they were analyzed with too low of capacities), the No interchange alternative will impact six (6) roadway segments and four (4) intersections where as the Two (2) interchange alternative will only impact two (2) roadway segments and two (2) intersections and the One (1) interchange alternative will only impact two (2) roadway segments and one intersection.

T-36
- The Two (2) interchange alternative is the only alternative that will not require roadway segments to be improved beyond their classification identified in the City of San Diego Circulation Plan or the County of San Diego East Otay Mesa Specific Plan.

T-37
  - The One (1) interchange alternative (1) and the No interchange alternative (along with the No Build alternative) will require that the segment of Siempre Viva Road between the SR-905 and Paseo De Las Americas be widened beyond the City's classification of a 6-lane Prime Arterial. Under the two (2) interchange alternative, this segment of Siempre Viva Road will operate at an acceptable LOS D with the 6-lane Prime arterial classification and no modification to the Circulation Plan will be required.

T-38
  - The No interchange alternative will require that the segment of Lone Star Road between Sunroad Boulevard and Enrico Fermi Drive be widened beyond the County's classification of a 6-lane Prime Arterial. Under all other alternatives, this segment of Lone Star Road will operate at an acceptable LOS D under the No Build alternative, and acceptable LOS under the two (2) lane interchange alternative and an acceptable LOS D under the One (1) interchange alternative with the 6-lane Prime arterial classification and no modification to the East Otay Mesa Specific Plan Circulation Element will be required.

RESPONSES

T-33 The values documented in Table 3.8.3 are considered to be correct. The traffic forecasts for SR-11 tend to increase as the number of access points to SR-11 increase. Therefore, the alternative with the lowest ADT is the No Interchange Alternative and the alternatives with the highest ADT are the alternatives with two interchanges along SR-11.

T-34 It is acknowledged that toll revenues would be expected to increase with the addition of access points along SR-11. However, it is also expected that toll rates would be different for vehicles crossing the border as compared to vehicles travelling to or from the study area without crossing the border. Therefore, it is not advisable to conclude that the Two Interchange Alternative would be more cost-effective based on the analysis provided in the comment.

T-35 It is acknowledged that the No Interchange Alternative would generally add more traffic to the local roadway system than the Two Interchange Alternative or the One Interchange Alternative.

T-36 The supplemental traffic study and Final EIR/EIS conclude that the Preferred Alternative and the Two Interchange Alternative would not adversely affect roadway segments or intersections, and no measures to address operations impacts would be required for these two build alternatives. This issue is, however, not considered to cause the other alternatives to be infeasible, since it is feasible for County and City roadway plans to be changed.

T-37 The adverse effect of the No Interchange Alternative on Siempre Viva Road was acknowledged in the Draft EIR/EIS. This road segment would not be adversely affected by the other build alternatives, including the Preferred Alternative, which is analyzed in the Final EIR/EIS.

T-38 The adverse effect of the No Interchange Alternative on Lone Star Road was acknowledged in the Draft EIR/EIS. This road segment would not be adversely affected by the other build alternatives, including the Preferred Alternative, which is analyzed in the Final EIR/EIS.

COMMENTS

Ms. Sandra Lavendar
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T-39 ○ Therefore, since the two (2) interchange alternative will not require roadway segments to be improved beyond their classification identified in the City of San Diego Circulation Plan or the County of San Diego East Otay Mesa Specific Plan, it is concluded that the two (2) interchange alternative is the superior alternative.

T-40 • The cost differential for constructing the two (2) interchanges can easily be made up by the additional tolls that will be generated by the significant increase in traffic that the two interchanges will draw to the SR-11.

Sincerely,

DARNELL & ASSOCIATES, INC.

Bill E. Darnell, P.E.
Firm Principal
RCE 22338

Date Signed: 1/25/2011

REGISTERED PROFESSIONAL ENGINEER
BILL E. DARNELL
No. 22338
CIVIL
STATE OF CALIFORNIA

BED/vsh
101205-Review of SR-11 Traffic Study-Caltrans ltr (01-25-11).doc/01-11

Attachments:

RESPONSES

T-39 See Response to Comment T-36.

T-40 See Response to Comment T-34.

COMMENTS | RESPONSES

EOMPOA

East Otay Mesa Property Owners Association

January 27, 2011

VIA ELECTRONIC MAIL ONLY

Ms. Sandra Lavender
Caltrans, District 11
4050 Taylor Street
MS-242
San Diego, California 92110
Sandra_Lavender@dot.ca.gov

Re: State Route 11 and the Otay Mesa East Port of Entry Draft Tier II Environmental Impact Report/Environmental Impact Statement dated November 2010 (the "DEIR/EIS")

Dear Ms Lavender:

Please see our attached comment letter.

U-1 **The East Otay Mesa Property Owners Association (EOMPOA) supports the Two Full Interchanges Alternative.**

Sincerely,

Ricardo Jinich, Chairman
East Otay Mesa Property Owners Association

Attachment: Comment Letter

1050 Rosecrans Street, Ste. B
San Diego, CA 92106

619.222.8155 • 619.222.8154
ricardo@paragoncompany.com

U-1 Comment noted.

COMMENTS

THE LAW OFFICE OF

Cynthia L. Eldred

2481 Congress Street
San Diego, California 92110
Telephone: 619.233.7366
Facsimile: 619.233.7390

VIA ELECTRONIC MAIL ONLY

January 27, 2011

Ms. Sandra Lavender
Caltrans, District 11
4050 Taylor Street
MS-242
San Diego, California 92110
Sandra_Lavender@dot.ca.gov

Re: State Route 11 and the Otay Mesa East Port of Entry Draft Tier II Environmental Impact Report/Environmental Impact Statement dated November 2010 (the "DEIR/EIS")

Dear Ms. Lavender:

We represent the East Otay Mesa Property Owners Association (the "EOMPOA") regarding its review of the DEIR/EIS. The EOMPOA appreciates the opportunity to provide the following comments to the DEIR/EIS.

The DEIR/EIS analyzes three "build" alternatives: (1) a Two Interchange Alternative, within which are two options: (a) a full interchange at Enrico Fermi Drive with a full interchange at Siempre Viva Road; and (b) a full interchange at Enrico Fermi Drive with a half interchange at Siempre Viva Road; (2) a One Interchange Alternative, placing the interchange at Alta Road; and (3) a No Interchange Alternative.

U-2 Contrary to statements made in the DEIR/EIS, only the Two Interchange Alternative with full interchanges at Enrico Fermi Drive and Siempre Viva Road (the "Two, Full Interchanges Alternative") is consistent with the East Otay Mesa Specific Plan (the "Specific Plan"). The DEIR/EIS itself acknowledges that the Specific Plan would need to be further amended to accommodate any "build" alternative other than the Two, Full Interchanges Alternative.

U-3 The Specific Plan was adopted by the Board of Supervisors of the County of San Diego (the "Board") on July 27, 1994, and has been amended seven times since. Beginning with the Second Amendment, approved by the Board on June 12, 2002, and continuing through every subsequent amendment, including the Seventh Amendment, approved by the Board on September 15, 2010, the Specific Plan's Land Use Plan and Circulation Element have included SR-11 with two, full interchanges.

RESPONSES

U-2 Although Caltrans strives to be consistent with local plans, freeway planning efforts are not bound by those plans. Caltrans' freeway planning must meet Federal Highway Administration (FHWA) requirements, including consistency with the Highway Design Manual. Although some exceptions to specific requirements may be granted where warranted, Caltrans' highest priorities are the operational efficiency and safety of its new freeway designs. Although the EOMSP shows a full interchange at Siempre Viva Road separated from an approximately 20-acre Port of Entry (POE) by over 1,000 feet of SR-11, the project design is much different today, with an approximately 100-acre POE, an approximately 23-acre Commercial Vehicle Enforcement Facility (CVEF), and insufficient space remaining to accommodate southbound access to SR-11 from Siempre Viva Road. A modified design of the Two Interchange Alternative has been identified as the Preferred Alternative that would accommodate northbound commercial access to Siempre Viva Road, as well as full southbound access to Siempre Viva Road. It would be the County's responsibility to amend the EOMSP to accommodate the final design of SR-11 and the Otay Mesa East POE. Analysis of the Preferred Alternative is in the Final EIR/EIS.

U-3 Please refer to our response to Comment U-2. In addition, the current Circulation Plan (dated September 15, 2010) acknowledges the following: "Alignment for SR-11 and interchange locations are being studied and may change."

COMMENTS

Ms. Sandra Lavender
January 27, 2011
Page 2

U-3 (cont.)

The DEIR/EIS points to language in the Specific Plan as amended in 2002 to conclude that all "build" alternatives are consistent with the Specific Plan because it recognizes, "the likely need for Circulation Plan adjustments to accommodate SR-11…." The Specific Plan has been amended five times since 2002. The language from the 2002 amendment referenced in the DEIR/EIS is not found in any subsequent amendment of the Specific Plan.

Even if it were, clearly, given the specificity of the goals, figures, and text of the Specific Plan beginning in 2002 through 2010, the Specific Plan does not contemplate that the elimination of two interchanges, the elimination of one interchange, or the elimination of an interchange and the reduction of the remaining interchange to a half interchange could be characterized as "accommodations" to SR-11 facilities.

U-4

The Specific Plan as amended in 2009 and 2010 expressly and repeatedly states the importance of the two interchanges. 2010 Specific Plan Policy C-13 states in part: "The County will assist property owners by working with SANDAG, Caltrans, and the federal government to ensure that SR-11 and the second Otay Mesa Port of Entry will be planned, designed and constructed in a manner consistent with this Specific Plan. Important features include road alignment, two interchanges (Enrico Fermi Road, Siempre Viva Road), and elevated road segments to ensure connectivity within the local road network without the use of bridges."

In discussing regional access, the 2009 amended Specific Plan states, "[p]lanned State Routes (SR-125 and SR-11)…are critical to accommodating the future development of the entire Otay Mesa area." The 2010 amended Specific Plan states that, "[f]uture regional thoroughfares [SR-125 and SR-11] play an important role in the development of East Otay Mesa." The November 2005, 2007, 2009, and 2010 amended Specific Plans all state in the same discussion on regional access that, "SR-11…would…provide two new interchanges at Enrico Fermi Drive and Siempre Viva Road." There is no caveat that suggests that either or both of the full interchanges are optional. Additionally, SR-11 cannot provide functional, regional access for East Otay Mesa unless SR-11 includes interchanges.

U-5

Table 3.8-3 of the DEIR/EIS projects that the number of average daily trips ("ADT") on SR-11 will increase substantially in both years 2015 and 2035 if the two full interchanges are included in the project. For example, the "Two Interchange With Toll Plus SR-905/SR-125/SR-11 Full Interchange Variation" is expected to serve 79,800 ADT in Year 2035, an increase of over 34,000 ADT if no interchanges are included. According to the table, approximately 91% of the traffic on SR-11 will utilize the interchanges in Year 2035. Both interchanges are expected to be utilized "well" in Year 2015 and "heavily" in Year 2035.

Given the projected usage of the interchanges, it appears highly unlikely that Caltrans could determine it financially infeasible to construct the two, full interchanges. In fact, it appears that the project would not be financially feasible without them. Table 2-2 of the DEIR/EIS projects that the difference in costs between constructing the "No Interchange" and "Two Interchanges With Siempre Viva Road Full Interchange Variation" is $38,700,000. With tolls projected to range between $32.00 to $47.30 for commercial vehicles and $1.60 to $7.00 for passenger vehicles (see page S-3 of the DEIR/EIS), the difference in costs of constructing the two, full interchanges can

RESPONSES

U-4 Comments noted. Please also refer to Response to Comment U-2.

U-5 Comments noted. Please refer to Response to Comment U-2 above.

COMMENTS

Ms. Sandra Lavender
January 27, 2011
Page 3

U-5 (cont.) easily be made up for by the projected significant increase in traffic that the two interchanges would draw to SR-11.

U-6 Further, in 2008 Caltrans certified the Program Environmental Impact Report/Phase I Environmental Impact Statement that analyzed SR-11 at a programmatic level. Since that time, if not earlier, Caltrans has consistently requested that the County of San Diego require applicants for proposed private development projects in East Otay Mesa to reserve the approved footprint of SR-11 for that use. The footprint, as reflected in the Specific Plan, includes the two, full interchanges. Following Caltrans' lead, Policy C-1 of the Specific Plan as amended in 2010 requires property owners to reserve right-of-way for SR-11, and "to reserve additional right-of-way on Enrico Fermi Drive and Siempre Viva Road for future ramps and auxiliary lanes to access the SR-11 freeway extension".

As stated in the attached letter from Darnell & Associates, Inc. ("Darnell") dated January 26, 2011, the Two, Full Interchanges Alternative is the superior alternative when analyzing the potential impacts of SR-11 on the local roadway network. The Two, Full Interchanges Alternative is the only alternative that would not require roadway segments to be improved beyond their classifications identified in either the Circulation Element of the City of San Diego's Otay Mesa Community Plan or the Circulation Element of the County's East Otay Mesa Specific Plan.

Very truly yours,

Cynthia L. Eldred, Esq.
THE LAW OFFICE OF CYNTHIA L. ELDRED
Attachment
cc: (via electronic mail only)
EOMPOA
Darnell & Associates

RESPONSES

U-6 Comment noted. The Phase I EIR/EIS indicated that the Phase I process was only addressing the SR-11 alignment and POE location and that the actual design of SR-11 would be studied in Tier II. After Phase I of the proposed project, the EOMSP Circulation Plan was apparently revised to reflect the Western Alternative with respect to SR-11, without also reflecting the selected Western POE. The Circulation Plan still shows a POE of about 20 acres, not the 100-acre POE approved in the 2008 PEIR/PEIS. Furthermore, the Circulation Plan still shows a very small full interchange at Siempre Viva Road; significantly smaller than the full interchange at Enrico Fermi Drive and the conceptual Siempre Viva Road interchange depicted in the Phase I Western Alternative. If the full, 100-acre site necessary for a new POE and the entire acreage required for the Siempre Viva Road Full Interchange Variation were reflected on the Circulation Plan, the proximity and consequent limited weaving space between the POE and the interchanges would become more apparent.

The advantages of the Two Interchange Alternative with the Siempre Viva Road Full Interchange Variation with respect to potential impacts to the local roadway network are acknowledged, but it has been determined that this variation is operationally infeasible, due to the proximity of Siempre Viva Road to the POE and the need to separate commercial and passenger vehicles. The issue of potential impacts to local roadways has been considered in the identification of the Preferred Alternative, which would provide the maximum feasible access and the greatest consistency with current development plans, while maintaining necessary safety and security. Analysis of the Preferred Alternative is presented in the supplemental traffic study and Final EIR/EIS. The Preferred Alternative and Two Interchange Alternative would not adversely affect roadway segments or intersections. Responses to comments from Darnell & Associates are provided below.

COMMENTS

Darnell & ASSOCIATES, INC.
TRANSPORTATION PLANNING & TRAFFIC ENGINEERING

January 26, 2011

Cynthia L. Eldred
The Law Office of Cynthia L. Eldred
2481 Congress Street
San Diego, CA 92110

D&A Ref. No.: 101205

Subject: Review of the Interchange Alternatives in the November 2010 *SR-11 Tier II Traffic Technical Report*

Dear Ms. Eldred:

The following summarizes Darnell & Associates, Inc. (D&A) review of the interchange alternatives in the November 2010 *SR-11 Tier II Traffic Technical Report*. Please feel free to contact the office if you have any questions regarding any of our comments.

U-7

- The November 2010 *SR-11 Tier II Traffic Technical Report* makes the conclusion that regardless of which interchange alternative is constructed there will be the need to improve several roadway segments beyond their classification identified in either the City of San Diego Circulation Plan or the County of San Diego East Otay Mesa Specific Plan. However, the analysis that was conducted within the November 2010 *SR-11 Tier II Traffic Technical Report* assumed that the segment of Enrico Fermi Drive between Otay Mesa Road and the SR-11 was classified as a 4-lane Major Road with a capacity of 37,000 ADT. If the ultimate classifications, per the East Otay Mesa Specific Plan, are the basis for the 2035 roadway classifications and capacities, then the roadway classification for this segment of Enrico Fermi Drive should have been assumed to be a 4-lane Enhanced Major Road, which has a capacity of 47,000 ADT at LOS E. With the additional capacity, this segment would operate at an acceptable LOS D or better under all conditions (i.e. it would operate at LOS C under the No Build 2035 alternative, and LOS D under the 2035 two interchange alternative) and would thus not require a change in the circulation element classification. Therefore, the *SR-11 Tier II Traffic Technical Report* should have concluded that the two (2) interchange alternative was the only alternative that would not require any roadway segments to be improved beyond their classification identified in either the City of San Diego Circulation Plan or the County of San Diego East Otay Mesa Specific Plan.

U-8

- D&A's review of the November 2010 *SR-11 Tier II Traffic Technical Report* found that The No Interchange alternative will create more impacts on the roadway network than either the Two (2) interchange or the One (1) interchange alternative. Eliminating the segments of Alta Road north of Otay Mesa Road and Enrico Fermi Drive between Otay Mesa Road and SR-11 (since they were analyzed with too low of capacities), the No interchange alternative will impact six (6) roadway segments and four (4) intersections where as the Two (2) interchange alternative will only impact two (2) roadway segments and two (2) intersections and the One (1) interchange alternative will only impact two (2) roadway segments and one (1) intersection. It should be noted that although the One Interchange alternative impacts one (1) less intersection than the Two Interchange scenario; the impact on the two roadway segments associated with the One Interchange alternative are more severe than the impacts associated with the Two Interchange alternative because the One Interchange alternative would require a change to the City of San Diego Circulation Plan.

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RESPONSES

U-7 The change in the designation of Enrico Fermi Drive and resulting change in LOS are acknowledged and revised analysis has been presented in the supplemental traffic study and Final EIR/EIS. The Preferred Alternative and Two Interchange Alternative would not adversely affect roadway segments or intersections, and no measures to address operations impacts would be required for these two build alternatives. This issue is not considered to cause the other alternatives to be infeasible; however, since it is feasible for County and City roadway plans to be changed. None of the project alternatives is considered to require a change in local roadway plans, since that is a decision that would be made by local officials based on a number of considerations in addition to traffic conditions resulting from the proposed project.

U-8 The impact of the various project alternatives on the local roadway system is documented in the EIR/EIS and this is one of many factors that were considered in the identification of a modified version of the Two Interchange Alternative as the Preferred Alternative, which is analyzed in the Final EIR/EIS.

COMMENTS

Cynthia L. Eldred
The Law Office of Cynthia L. Eldred
January 26, 2011
Page 2

U-9 • As discussed earlier, the Two (2) interchange alternative is the only alternative that will not require roadway segments to be improved beyond their classification identified in the City of San Diego Circulation Plan or the County of San Diego East Otay Mesa Specific Plan.

U-10 ○ The One (1) interchange alternative (1) and the No interchange alternative (along with the No Build alternative) will require that the segment of Siempre Viva Road between the SR-905 and Paseo De Las Americas be widened beyond the City's classification of a 6-lane Prime Arterial. Under the two (2) interchange alternative, this segment of Siempre Viva Road will operate at an acceptable LOS D with the 6-lane Prime arterial classification and no modification to the Circulation Plan will be required.

U-11 ○ The No interchange alternative will require that the segment of Lone Star Road between Sunroad Boulevard and Enrico Fermi Drive be widened beyond the County's classification of a 6-lane Prime Arterial. Under all other alternatives, this segment of Lone Star Road will operate at an acceptable LOS D under the No Build alternative, and acceptable LOS under the two (2) interchange alternative and an acceptable LOS D under the One (1) interchange alternative with the 6-lane Prime arterial classification and no modification to the East Otay Mesa Specific Plan Circulation Element will be required.

U-12 ○ Therefore, since the two (2) interchange alternative will not require roadway segments to be improved beyond their classification identified in the City of San Diego Circulation Plan or the County of San Diego East Otay Mesa Specific Plan, it is concluded that the two (2) interchange alternative is the superior alternative.

Sincerely,

DARNELL & ASSOCIATES, INC.

REGISTERED PROFESSIONAL ENGINEER
BILL E. DARNELL
No. 22338
CIVIL
STATE OF CALIFORNIA

Bill E. Darnell, P.E.
Firm Principal
RCE 22338

Date Signed: 1/26/2011

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RESPONSES

U-9 See Response to Comment T-36.

U-10 See Response to Comment T-37.

U-11 See Response to Comment T-38.

U-12 See Response to Comment T-36.

COMMENTS | RESPONSES

OMPOA

Otay Mesa Property Owners Association

VIA ELECTRONIC MAIL ONLY

January 31, 2011

Ms. Sandra Lavender
Caltrans, District 11
4050 Taylor Street
MS-242
San Diego, California 92110
Sandra_Lavender@dot.ca.gov

Re: State Route 11 and the Otay Mesa East Port of Entry Draft Tier II Environmental Impact Report/Environmental Impact Statement dated November 2010 (the "DEIR/EIS")

Dear Ms. Lavender:

The Otay Mesa Property Owners Association ("OMPOA") appreciates the opportunity to provide the following comments to the DEIR/EIS.

The DEIR/EIS analyzes three "build" alternatives: (1) a Two Interchange Alternative, within which are two options: (a) a full interchange at Enrico Fermi Drive with a full interchange at Siempre Viva Road; and (b) a full interchange at Enrico Fermi Drive with a half interchange at Siempre Viva Road; (2) a One Interchange Alternative, placing the interchange at Alta Road; and (3) a No Interchange Alternative.

V-1 Contrary to statements made in the DEIR/EIS, only the Two Interchange Alternative with full interchanges at Enrico Fermi Drive and Siempre Viva Road (the "Two, Full Interchanges Alternative") is consistent with the East Otay Mesa Specific Plan (the "Specific Plan"). The DEIR/EIS itself acknowledges that the Specific Plan would need to be further amended to accommodate any "build" alternative other than the Two, Full Interchanges Alternative.

The Specific Plan was adopted by the Board of Supervisors of the County of San Diego (the "Board") on July 27, 1994, and has been amended seven times since. Beginning with the Second Amendment, approved by the Board on June 12, 2002, and continuing through every subsequent amendment, including the Seventh Amendment, approved by the Board on September 15, 2010, the Specific Plan's Land Use Plan and Circulation Element have included SR-11 with two, full interchanges.

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San Diego, CA 92108

V-1 See Responses to Comments U-2 through U-6.

COMMENTS | RESPONSES

Ms. Sandra Lavender
January 31, 2011
Page 2

The DEIR/EIS points to language in the Specific Plan as amended in 2002 to conclude that all "build" alternatives are consistent with the Specific Plan because it recognizes, "the likely need for Circulation Plan adjustments to accommodate SR-11…." The Specific Plan has been amended five times since 2002. The language from the 2002 amendment referenced in the DEIR/EIS is not found in any subsequent amendment of the Specific Plan.

Even if it were, clearly, given the specificity of the goals, figures, and text of the Specific Plan beginning in 2002 through 2010, the Specific Plan does not contemplate that the elimination of two interchanges, the elimination of one interchange, or the elimination of an interchange and the reduction of the remaining interchange to a half interchange could be characterized as "accommodations" to SR-11 facilities.

The Specific Plan as amended in 2009 and 2010 expressly and repeatedly states the importance of the two interchanges. 2010 Specific Plan Policy C-13 states in part: "The County will assist property owners by working with SANDAG, Caltrans, and the federal government to ensure that SR-11 and the second Otay Mesa Port of Entry will be planned, designed and constructed in a manner consistent with this Specific Plan. Important features include road alignment, two interchanges (Enrico Fermi Road, Siempre Viva Road), and elevated road segments to ensure connectivity within the local road network without the use of bridges."

V-1 (cont.)

In discussing regional access, the 2009 amended Specific Plan states, "[p]lanned State Routes (SR-125 and SR-11)…are critical to accommodating the future development of the entire Otay Mesa area." The 2010 amended Specific Plan states that, "[f]uture regional thoroughfares [SR-125 and SR-11] play an important role in the development of East Otay Mesa." The November 2005, 2007, 2009, and 2010 amended Specific Plans all state in the same discussion on regional access that, "SR-11…would…provide two new interchanges at Enrico Fermi Drive and Siempre Viva Road." There is no caveat that suggests that either or both of the full interchanges are optional. Additionally, SR-11 cannot provide functional, regional access for East Otay Mesa unless SR-11 includes interchanges.

Table 3.8-3 of the DEIR/EIS projects that the number of average daily trips ("ADT") on SR-11 will increase substantially in both years 2015 and 2035 if the two full interchanges are included in the project. For example, the "Two Interchange With Toll Plus SR-905/SR-125/SR-11 Full Interchange Variation" is expected to serve 79,800 ADT in Year 2035, an increase of over 34,000 ADT if no interchanges are included. According to the table, approximately 91% of the traffic on SR-11 will utilize the interchanges in Year 2035. Both interchanges are expected to be utilized "well" in Year 2015 and "heavily" in Year 2035.

Given the projected usage of the interchanges, it appears highly unlikely that Caltrans could determine it financially infeasible to construct the two, full interchanges. Table 2-2 of the DEIR/EIS projects that the difference in costs between constructing the "No Interchange" and "Two Interchanges With Siempre Viva Road Full Interchange Variation" is $38,700,000. With tolls projected to range between $32.00 to $47.30 for commercial vehicles and $1.60 to $7.00 for passenger vehicles (see page S-3 of the DEIR/EIS), the difference in costs of constructing the two,

COMMENTS

Ms. Sandra Lavender
January 31, 2011
Page 3

V-1 (cont.)

full interchanges can easily be made up for by the projected significant increase in traffic that the two interchanges would draw to SR-11.

Further, in 2008 Caltrans certified the Program Environmental Impact Report/Phase I Environmental Impact Statement that analyzed SR-11 at a programmatic level. Since that time, if not earlier, Caltrans has consistently requested that the County of San Diego require applicants for proposed private development projects in East Otay Mesa to reserve the approved footprint of SR-11 for that use. The footprint, as reflected in the Specific Plan, includes the two, full interchanges. Following Caltrans' lead, Policy C-1 of the Specific Plan as amended in 2010 requires property owners to reserve right-of-way for SR-11, and "to reserve additional right-of-way on Enrico Fermi Drive and Siempre Viva Road for future ramps and auxiliary lanes to access the SR-11 freeway extension".

The Two, Full Interchanges Alternative is the only alternative that would not require roadway segments to be improved beyond their classifications identified in either the Circulation Element of the City of San Diego's Otay Mesa Community Plan or the Circulation Element of the County's East Otay Mesa Specific Plan.

V-2

In conclusion, the OMPOA feels that the Two, Full Interchanges Alternative is the superior alternative when analyzing the potential impacts of SR-11 on the local roadway network. If SR-11 is built without interchanges, all Otay Mesa traffic would need to exit on City streets, putting additional stress on the already congested road network and infrastructure. SR-11 and County traffic will negatively impact local circulation and property values in Otay Mesa, which is of grave concern to the City property owners.

Very truly yours,

Rob Hixson, Chairman
Otay Mesa Property Owners Association

RESPONSES

V-2 Comment noted. The issue of potential impacts to local roadways has been considered in the identification of the Preferred Alternative, which is anticipated to provide the maximum feasible access and the greatest consistency with current development plans, while maintaining necessary safety and security. Analysis of the Preferred Alternative is in the Final EIR/EIS.

COMMENTS

THE LAW OFFICE OF
Cynthia L. Eldred

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San Diego, California 92110
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VIA ELECTRONIC MAIL ONLY

February 1, 2011

Ms. Sandra Lavender
Caltrans, District 11
4050 Taylor Street
MS-242
San Diego, California 92110
Sandra_Lavender@dot.ca.gov

Re: State Route 11 and the Otay Mesa East Port of Entry Draft Tier II Environmental Impact Report/Environmental Impact Statement dated November 2010 (the "DEIR/EIS")

Dear Ms. Lavender:

This office represents East Otay Mesa Recycling and Landfill Facility, LLC, EOM Batch Plant, LP, International Industrial Park, D&D Landholdings, American International Racing, Inc., KYDDLF & RDLFG FT NO 1, LLC, Alta Parcels, L.P., DGEN L.P., Otay Mesa Property L.P., OMC Properties, LLC, Rancho Vista Del Mar, TPO LLC, Alta Cafe, L.P., and Otay International LLC, collectively owning 1,946 acres within East Otay Mesa and collectively referred to as National Enterprises, Inc. ("NEI") regarding NEI's comments to the DEIR/DEIS. NEI appreciates the opportunity to provide the following comments to the DEIR/EIS.

The DEIR/EIS analyzes three "build" alternatives: (1) a Two Interchange Alternative, within which are two options: (a) a full interchange at Enrico Fermi Drive with a full interchange at Siempre Viva Road; and (b) a full interchange at Enrico Fermi Drive with a half interchange at Siempre Viva Road; (2) a One Interchange Alternative, placing the interchange at Alta Road; and (3) a No Interchange Alternative.

East Otay Mesa Specific Plan Consistency

W-1 Contrary to statements made in the DEIR/EIS, only the Two Interchange Alternative with full interchanges at Enrico Fermi Drive and Siempre Viva Road (the "Two, Full Interchanges Alternative") is consistent with the East Otay Mesa Specific Plan (the "Specific Plan"). The DEIR/EIS itself acknowledges that the Specific Plan would need to be further amended to accommodate any "build" alternative other than the Two, Full Interchanges Alternative.

RESPONSES

W-1 Although Caltrans strives to be consistent with local plans, freeway planning efforts are not bound by those plans. Caltrans' freeway planning must meet Federal Highway Administration (FHWA) requirements, including consistency with the Highway Design Manual. Although some exceptions to specific requirements may be granted where warranted, Caltrans' highest priorities are the operational efficiency and safety of its new freeway designs. Although the East Otay Mesa Specific Plan (EOMSP) shows a full interchange at Siempre Viva Road separated from an approximately 20-acre Port of Entry (POE) by over 1,000 feet of SR-11, the project design is much different today, with an approximately 100-acre POE, an approximately 23-acre Commercial Vehicle Enforcement Facility (CVEF), and insufficient space remaining to accommodate southbound access to SR-11 from Siempre Viva Road. A modified design of the Two Interchange Alternative has been identified as the Preferred Alternative, which would accommodate northbound commercial access to Siempre Viva Road, as well as full southbound access to Siempre Viva Road. It would be the County's responsibility to amend the EOMSP to accommodate the final design of SR-11 and the Otay Mesa East POE.

Please note responses to Darnell and Associates' letter below.

COMMENTS | RESPONSES

Ms. Sandra Lavender
February 1, 2011
Page 2

The Specific Plan was adopted by the Board of Supervisors of the County of San Diego (the "Board") on July 27, 1994, and has been amended seven times since. Beginning with the Second Amendment, approved by the Board on June 12, 2002, and continuing through every subsequent amendment, including the Seventh Amendment, approved by the Board on September 15, 2010, the Specific Plan's Land Use Plan and Circulation Element have included SR-11 with two, full interchanges.

The DEIR/EIS points to language in the Specific Plan as amended in 2002 to conclude that all "build" alternatives are consistent with the Specific Plan because it recognizes, "the likely need for Circulation Plan adjustments to accommodate SR-11…." The Specific Plan has been amended five times since 2002. The language from the 2002 amendment referenced in the DEIR/EIS is not found in any subsequent amendment of the Specific Plan.

Even if it were, clearly, given the specificity of the goals, figures, and text of the Specific Plan beginning in 2002 through 2010, the Specific Plan does not contemplate that the elimination of two interchanges, the elimination of one interchange, or the elimination of an interchange and the reduction of the remaining interchange to a half interchange could be characterized as "accommodations" to SR-11 facilities.

W-1 (cont.)

The Specific Plan as amended in 2009 and 2010 expressly and repeatedly states the importance of the two interchanges. 2010 Specific Plan Policy C-13 states in part: "The County will assist property owners by working with SANDAG, Caltrans, and the federal government to ensure that SR-11 and the second Otay Mesa Port of Entry will be planned, designed and constructed in a manner consistent with this Specific Plan. Important features include road alignment, two interchanges (Enrico Fermi Road, Siempre Viva Road), and elevated road segments to ensure connectivity within the local road network without the use of bridges."

In discussing regional access, the 2009 amended Specific Plan states, "[p]lanned State Routes (SR-125 and SR-11)…are critical to accommodating the future development of the entire Otay Mesa area." The 2010 amended Specific Plan states that, "[f]uture regional thoroughfares [SR-125 and SR-11] play an important role in the development of East Otay Mesa." The November 2005, 2007, 2009, and 2010 amended Specific Plans all state in the same discussion on regional access that, "SR-11…would…provide two new interchanges at Enrico Fermi Drive and Siempre Viva Road." There is no caveat that suggests that either or both of the full interchanges are optional. Additionally, SR-11 cannot provide functional, regional access for East Otay Mesa unless SR-11 includes interchanges.

Table 3.8-3 of the DEIR/EIS projects that the number of average daily trips ("ADT") on SR-11 will increase substantially in both years 2015 and 2035 if the two full interchanges are included in the project. For example, the "Two Interchange With Toll Plus SR-905/SR-125/SR-11 Full Interchange Variation" is expected to serve 79,800 ADT in Year 2035, an increase of over 34,000 ADT if no interchanges are included. According to the table, approximately 91% of the traffic on SR-11 will utilize the interchanges in Year 2035. Both interchanges are expected to be utilized "well" in Year 2015 and "heavily" in Year 2035.

COMMENTS

Ms. Sandra Lavender
February 1, 2011
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W-1 (cont.)

Given the projected usage of the interchanges, it appears highly unlikely that Caltrans could determine it financially infeasible to construct the two, full interchanges. Table 2-2 of the DEIR/EIS projects that the difference in costs between constructing the "No Interchange" and "Two Interchanges With Siempre Viva Road Full Interchange Variation" is $38,700,000. With tolls projected to range between $32.00 to $47.30 for commercial vehicles and $1.60 to $7.00 for passenger vehicles (see page S-3 of the DEIR/EIS), the difference in costs of constructing the two, full interchanges can easily be made up for by the projected significant increase in traffic that the two interchanges would draw to SR-11.

Further, in 2008 Caltrans certified the Program Environmental Impact Report/Phase I Environmental Impact Statement that analyzed SR-11 at a programmatic level. Since that time, if not earlier, Caltrans has consistently requested that the County of San Diego (the "County") require applicants for proposed private development projects in East Otay Mesa to reserve the approved footprint of SR-11 for that use. The footprint, as reflected in the Specific Plan, includes the two, full interchanges. Following Caltrans' lead, Policy C-1 of the Specific Plan as amended in 2010 requires property owners to reserve right-of-way for SR-11, and "to reserve additional right-of-way on Enrico Fermi Drive and Siempre Viva Road for future ramps and auxiliary lanes to access the SR-11 freeway extension".

As stated in the attached letter from Darnell & Associates, Inc. ("Darnell") dated December 21, 2010, the Two, Full Interchanges Alternative is the superior alternative when analyzing the potential impacts of SR-11 on the local roadway network. The Two, Full Interchanges Alternative is the only alternative that would not require roadway segments to be improved beyond their classifications identified in either the Circulation Element of the City of San Diego's Otay Mesa Community Plan or the Circulation Element of the County's East Otay Mesa Specific Plan. Also attached are two sets of notes prepared by Darnell regarding the inaccuracy of data contained within the DEIR/EIS and Darnell's annotations to Figure 3.8.1 of the DEIR/EIS.

W-2

Omission of the East Otay Mesa Recycling Collection Center and Landfill from Cumulative Projects

On June 8, 2010, the voters of San Diego County approved Proposition A, a voter initiative that amended the County's General Plan, Zoning Ordinance and other ordinances and policies of the County to allow the construction and operation of a recycling collection center and class III solid waste landfill on approximately 450 acres of land within the East Otay Mesa, approximately 2 miles east of the Siempre Viva Road exit from Interstate 905, one-quarter mile from Loop Road, and east of planned SR-11. The DEIR/EIS fails to consider the approved Recycling Collection Center and Landfill in analyzing the potential, cumulative impacts of SR-11 on the environment, as required by the California Environmental Quality Act.

Very truly yours,

Cynthia L. Eldred, Esq.
Attachments

RESPONSES

W-2 The EIR/EIS considers active development applications within the local jurisdictions as cumulative projects. Although the voters approved Proposition A, Caltrans is not aware of any active development application to implement the planned landfill and recycling facility. The EIR/EIS has been updated to include the latest EOMSP land use plan which identifies the landfill as a future land use.

COMMENTS | RESPONSES

Darnell & ASSOCIATES, INC.
TRANSPORTATION PLANNING & TRAFFIC ENGINEERING

December 21, 2010

Cynthia L. Eldred
The Law Office of Cynthia L. Eldred
2481 Congress Street
San Diego, CA 92110

D&A Ref. No.: 101205

Subject: Review of the November 2010 *SR-11 Tier II Traffic Technical Report*

Dear Ms. Eldred:

The following summarizes Darnell & Associates, Inc. (D&A) comments on the November 2010 *SR-11 Tier II Traffic Technical Report*. Please feel free to contact the office if you have any questions regarding any of our comments.

Existing Conditions

W-3

- The existing conditions roadway network does not accurately reflect existing conditions along Otay Mesa Road, Airway Road, Sanyo Avenue, and Enrico Fermi Drive. Please see the attached markups of Figures 3-1, 3-2a, 3-2b, and 3-2c from the *SR-11 Tier II Traffic Technical Report* for an illustration of the roadway segments and intersections where the existing conditions described in the traffic study do not accurately reflect the existing conditions in the field.

W-4

- Based on 24-hour machine counts collected by Darnell & Associates, Inc. (D&A), the existing (2009) Average Daily Traffic Volumes on presented/analyzed in the *SR-11 Tier II Traffic Technical Report* for La Media Road, Enrico Fermi Drive, and Airway Road significantly understate the existing traffic volumes. Please see the attached mark-up of Figure 3-3b from the *SR-11 Tier II Traffic Technical Report* for an illustration of the comparison of the existing (2009) Average Daily Traffic volumes presented in the SR-11 Traffic study versus the 24-hour machine counts collected by D&A.

2015 Conditions

The 2015 Traffic analysis for the SR-11 is flawed for the following reasons:

W-5

- The 2015 roadway network assumes several roadway segments that currently do not exist are constructed and built out to their ultimate circulation element classification, in addition several existing roadway segments are assumed to be improved to their ultimate circulation classification. (See the attached markup of Figure 4-1b from the *SR-11 Tier II Traffic Technical Report* for an illustration of all of the roadway assumptions that were assumed to be completed by the Year 2015.) No funding sources have been identified for any of the proposed roadway improvements and no mention has been made as to how any of these roadway improvements are anticipated to be constructed, other than that they will be constructed by someone other than Caltrans. CEQA requires that opening day conditions are compared to "ground" conditions. Therefore the Opening Year (2015) conditions do not satisfy the CEQA requirements.

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W-3 See Response to Comment T-1.

W-4 See Response to Comment T-16.

W-5 See Response to Comment T-17.

COMMENTS | RESPONSES

Cynthia L. Eldred
The Law Office of Cynthia L. Eldred
December 21, 2010
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W-6 • A review of a north-south cordon just east of the SR-125 for the various alternatives finds that the 2015 forecasts have between 37,000 ADT to 43,000 ADT (not counting the 25,800 ADT coming from the Port-of Entry) entering/exiting the east Otay Mesa area. It is believed that this volume of traffic significantly underestimates the projected 2015 traffic demand for the following reasons:

W-7 **a)** A review of a north-south cordon just east of the SR-125 for the existing (2009) traffic volumes finds that the existing traffic entering/existing the east Otay Mesa area is 52,300 ADT. This concludes that the *SR-11 Tier II Traffic Technical Report* predicts that there will be a decrease of between 9,300 ADT to 15,300 ADT entering/exiting the East Otay Mesa area between existing (2009) and Opening Year (2015) conditions. No explanation has been provided as to why there would be an anticipated decrease in traffic volume within the East Otay Mesa area.

W-8 **b)** The 2015 roadway network assumes that several of the County roadway segments within East Otay Mesa would be built out to their ultimate circulation element classification. The only way these roadway segments would be constructed is if the approved/pending projects that front these roadways were developed. As shown in Table 1, if the approved/pending projects within the County was assumed to be fully built out they would add approximately 175,521 ADT to the East Otay Mesa area. (See the attached Figure 41 for a location of the approved/pending projects within the County of San Diego.) Since as stated above, the 2015 forecasts accounted for 37,000 ADT to 43,000 ADT (not counting the 25,800 ADT coming from the Port-of Entry) entering/exiting the east Otay Mesa area, it is apparent that the 2015 forecast do not include development of the approved/pending projects within the County of San Diego. Therefore, either the 2015 forecasts are significantly understated or the 2015 roadway network needs to be modified to eliminate the roadways that were assumed to be constructed by the projects that are not included in the 2015 forecasts.

W-9 **c)** Based on a review of the December 15, 2006 *Addendum to Real Estate Market Analysis*, which was prepared by Economics Research Associates (ERA), the County of San Diego determined that the impacts of cumulative development, caused by placing all cumulative trips on the network at one time, exceeded the rate of the real estate market to potentially absorb developed industrial land. Based on the reduced percentage of development, the approved/pending projects within the County of San Diego are anticipated to add 53,898 ADT to the East Otay Mesa area by the Year 2020 (see the attached Table 1.) If this number is reduced by 1% per year for five years to get it to Year 2015 conditions; that would mean approximately 51,200 ADT would be added to the East Otay Mesa are by the Year 2015. Thus traffic entering/exiting the East Otay Mesa area by the Year 2015 would significantly increase traffic over existing conditions rather than decrease as what is currently projected in the *SR-11 Tier II Traffic Technical Report*.

W-10 • The 2015 intersection lane configurations in several instances overstate what would be required based on the 2015 AM/PM peak hour traffic volumes. Both Caltrans and the County of San Diego recognize the need for dual left turn lanes once the left-turn demand is 300 vehicles per hour or more. (Copies of the relevant sections of the Caltrans *Highway Design Manual* and County of San Diego's *Public Road Standards* are attached for reference.) However, as illustrated in the attached mark-ups of 4-12d and 4-15d from the *SR-11 Tier II Traffic Technical Report* dual left turn lanes are proposed at the Otay Mesa Road/Enrico Fermi Drive intersection when the maximum left-turn demand is 76 vehicles per hour. Further, the number of through lanes proposed at some intersections (such as the Otay Mesa Road/Enrico Fermi Drive intersection under the One Interchange Alternative) reduces the vehicle demand per lane to as low as 26 vehicles per lane per hour (i.e. 77 PM peak hour vehicles traveling westbound with 3 westbound through travel lanes, yields 26 vehicles per lane per hour).

W-6 See Response to Comment T-18.

W-7 See Response to Comment T-18.

W-8 See Response to Comment T-19.

W-9 See Response to Comment T-20.

W-10 See Response to Comment T-21.

COMMENTS

RESPONSES

Table 1 - Summary of Approved/Pending Projects in County of San Diego

Map ID #	Project Name	County Project #	Project Location	# Acres	Land Use	Trip Generation: Total ADT	Trip Generation: % Cumulative Traffic applied to year 2020: %	Trip Generation: % Cumulative Traffic applied to year 2020: ADT
	Project's Processing Site Plans							
1	California Crossings	P06-102 TPM 21046	NW Corner of Otay Mesa Rd & Harvest Rd	29.6 Acres	325.502 ksf of Community Shopping Ctr	22,785	100%	22,785
2	CCA San Diego Correctional Facility	MPA 09-029 P 06-074	n/o Calzada De La Fuente, e/o Alta Rd	37.0 Acres	2,132 Bed Correctional Detention Facility	2,323	100%	2,323
3	COPART County Sales Yard Time Extension (a)	P 88-020W1	SW Corner of Otay Mesa Rd & Alta Rd	38.2 Acres	Auto Auction	846	100%	846
4	FEDEX Site Plan	S08-018	NE Corner of Airway Rd & Paseo De Las Americas	20.0 Acres	FEDEX Distribution Center	1,598	100%	1,598
5	Insurance Auto Auctions	P00-012TE	NW Corner of Otay Mesa Rd & Alta Rd	38.0 Acres	Auto Auction	354	100%	354
6	Salvage Yards/ National Enterprises Recycling	P 98-001	East & West Side of Alta Rd. n/o Otay Mesa Rd	161.0 Acres	Auto Recycling & Salvage Yards	2,408	100%	2,408
7	Sunroad Interim Uses -Sunroad Centre I Harvest Ranch Nursery	P 09-009 P 09-005	n/o Otay Mesa Rd btwn Harvest Rd & Vann Centre Blvd	138.0 Acres	Nursery	14	100%	14
8	Travel Plaza	P 98-024W1 TPM 20414	e/o Enrico Fermi Drive, btwn Otay Mesa Rd & Airway Rd	83.0 Acres	Truck Stop	5,116	100%	5,116
9	Vulcan	S 07-038	NE quadrant of Lone Star Rd (Paseo De La Fuente) & Otay Mesa Rd	12.7 Acres	Asphalt & Concrete Plant	1,078	100%	1,078
			Sub-Total:	**554.5 Acres**		**36,522**	**100%**	**36,522**
	Project's Processing Tentative Maps							
10	International Industrial Park	TM 5549	n/o Lone Star Rd btwn Vann Centre Blvd & e/o Enrico Fermi Dr	170.9 Acres	111.05 Net Acres Business/Tech. Park	10,057	13%	1,307
11	OMC Properties	TPM 21140	NE Corner of Otay Mesa Rd & Alta Rd	49.8 Acres	30.1 Acres Tech. Business Park & 8.4 Acres Commercial Retail	6,972	13%	602
12	Otay Business Park	TM 5505	s/o Airway Rd. East of Alta Rd	148.5 Acres	2692.9 ksf of Ind./Business Park	33,486	13%	4,353
13	Otay Crossings Commerce Park	TM 5405 SPA 04-006	SE Quadrant of Otay Mesa Rd & Alta Rd	311.4 Acres	Mixed Industrial & Temporary Truck Parking	21,279	13%	2,766
14	Sunroad/Otay Tech Centre	SPA 07-003 TM 5538	n/o Otay Mesa Rd btwn Harvest Rd & Vann Centre Blvd	253.1 Acres	130 Acres Tech. Business Park & 27 Acres Commercial Retail	30,566	13%	3,974
15	Piper Otay Park	TM 5527	NE Corner of Otay Mesa Rd & Piper Ranch Rd	25.0 Acres	Light Industrial	1,612	13%	210
16	S. County Commerce Centre	TM 5394R	SW Corner of Otay Mesa Rd & Enrico Fermi Dr	80.0 Acres	Industrial	7,159	13%	931
17	Saied Revised Map	TM 5304R	n/o Airway Rd btwn Paseo De Las Americas & Michael Faraday Dr	20.6 Acres	Industrial	2,602	13%	338
18	Huwano	10-0123176	e/o Airway Pl. w/o Alta Rd. s/o Airway Rd. & n/o Via De La Amistad	64.0 Acres	892.248 ksf of Ind./Business Park	14,276	11.46%	1,636
19	Rabago	10-0123562	NW Corner of Otay Mesa Rd & Enrico Fermi Dr	55.0 Acres	54.95 Acres Ind./Business Park	10,990	11.46%	1,259
			Sub-Total:	**1,178.3 Acres**		**138,999**	**11.46%**	**17,376**
			Grand-Total:	**1,732.8 Acres**		**175,521**	**-**	**53,898**

(a) Existing Interim Use processing a time Extension
NW = Northwest; NE = Northeast; SW = Southwest; SE = Southeast; n/o = north of; s/o = south of; e/o = East of; btwn = between

COMMENTS | RESPONSES

W-11

- The proposed intersection and roadway conditions for 2015 do not appear to take into consideration the physical and/or right-of way constraints that may limit the actual pavement widening that can be constructed. For example under the SR-125/Two Interchange Design Variation (see attached Figure 4-37a from the *SR-11 Tier II Traffic Technical Report)*, the recommended 2015 lane configurations for the Otay Mesa Road/La Media Road intersection show six (6) eastbound approach lanes, seven (7) westbound approach lanes, six (6) northbound approach lanes, and six (6) southbound approach lanes. Based on D&A's knowledge of this area, the existing constraints at this intersection would prohibit this lane geometry from being constructed.

W-11 See Response to Comment T-22.

W-12

- The 2015 roadway segment level of service analysis does not utilize roadway capacities that are consistent with those identified in Figures 4-1a and 4-1b for the segments of Britannia Boulevard, Otay Mesa Road between La Media Road and SR-125, and Enrico Fermi Drive between Lone Star Road and Otay Mesa Road. Figures 4-1a and 4-1b identifies Britannia Boulevard as a 6-lane Prime, however the roadway segment level of service analysis analyzes this roadway segment as a 4-lane Major. Figures 4-1a and 4-1b identifies Otay Mesa Road between La Media Road and SR-125 as a 6-Lane Prime, however, the roadway segment level of service analysis analyzes this roadway segment as an 8-lane Major. Figures 4-1a and 4-1b identifies Enrico Fermi Drive between Lone Star Road and Otay Mesa Road as a 4-lane Major, however, the roadway segment level of service analysis analyzes this roadway segment as a 6-lane Prime which is not consistent with the East Otay Mesa Specific Plan classification.

W-12 See Response to Comment T-23.

W-13

2035 Conditions

The 2035 Traffic analysis for the SR-11 is flawed for the following reasons:

- The Horizon Year (2035) Roadway Segment Classifications (Figures 5-1a and 5-1b) appear to be almost identical to the Opening Year (2015) Roadway Segment Classification (Figures 4-1a and 4-1b) with the exception that under 2035 conditions Zinser Road is extended to Lone Star Road, the 2035 conditions include the Lone Star Road interchange at the SR-125, and for some reason the segments of David Ridge Drive between Sunroad Boulevard and Alta Road and Piper Ranch Road between Otay Mesa Road and Airway Road are shown under 2015 conditions but not under 2035 conditions. Does it really make sense that all of the same roadway improvements that are assumed to be completed 25 years from today would also be completed in only five (5) years from today? It would seem to make more sense for the 2015 roadway conditions to have fewer roadway improvements than the 2035 conditions.

W-13 See Response to Comment T-25.

W-14

- A review of a north-south cordon just east of the SR-125 for the various alternatives finds that the 2035 forecasts have the following daily traffic entering/existing the east Otay Mesa area (not counting the 45,600 ADT coming from the Port-of Entry):

  - No Build Alternative: 167,000 ADT
  - Two (2) Interchange Alternative: 157,200 ADT
  - One (1) Interchange Alternative: 155,900 ADT
  - No Interchange Alternative: 176,000 ADT

  No explanation is provided as to why there is a range of 1,300 ADT (difference between the two (2) interchange alternative and the one (1) interchange alternative) and 19,500 ADT (difference between the two (2) interchange alternative and the no interchange alternative) in the difference of volumes entering/exiting the East Otay Mesa area. Regardless of the interchange alternative, the volume of traffic entering/exiting the East Otay Mesa area should be approximately the same.

W-14 See Response to Comment T-26.

COMMENTS | RESPONSES

Cynthia L. Eldred
The Law Office of Cynthia L. Eldred
December 21, 2010
Page 5

W-15

- As discussed earlier, if the current approved/pending projects in the East Otay Mesa area were fully built out they would add approximately 175,521 ADT to the East Otay Mesa area. This does not include the 52,300 ADT that are entering/exiting the East Otay Mesa area under existing conditions. Therefore, it appears that the 2035 forecasts do not account for full build out of the approved/pending projects in the County of San Diego. However, the 2035 roadway network depicted in Figures 5-1a and 5-1b assume the build out of all County of San Diego circulation element roadways. There is no current funding for any of these roadway improvements, so an explanation needs to be provided as to how the roadway segments will be constructed.

W-15 See Response to Comment T-27.

W-16

- The 2035 roadway segment level of service analysis does not utilize roadway capacities that are consistent with those identified in Figures 5-1a and 5-1b for the segments of Otay Mesa Road between La Media Road and SR-125, and Enrico Fermi Drive between Lone Star Road and Otay Mesa Road. Figures 5-1a and 5-1b identifies Otay Mesa Road between La Media Road and SR-125 as a 6-Lane Prime, however, the roadway segment level of service analysis analyzes this roadway segment as an 8-lane Major. Figures 5-1a and 5-1b identifies Enrico Fermi Drive between Lone Star Road and Otay Mesa Road as a 4-lane Major, however, the roadway segment level of service analysis analyzes this roadway segment sometimes as a 4-lane Major and sometimes as a 6-lane Prime. It should also be noted that the 6-lane Prime classification for Enrico Fermi Drive is not consistent with the East Otay Mesa Specific Plan classification.

W-16 See Response to Comment T-28.

W-17

- If the ultimate classifications, per the East Otay Mesa Specific Plan, are the basis for the 2035 roadway classifications and capacities, then the roadway classification for the segment of Alta Road north of Lone Star Road should be changed to that of a 4-lane Specific Plan Road with a capacity of 34,200 ADT at LOS E. This would improve the 2035 level of service on this roadway segment to an acceptable LOS A. Similarly, per the East Otay Mesa Specific Plan the segment of Enrico Fermi Drive between Otay Mesa Road and the SR-11 is classified as4-lane Enhanced Major Road, which has a capacity of 47,000 ADT at LOS E. With the additional capacity, this segment would operate at an acceptable LOS C under the No Build alternative and an acceptable LOS D under the two (2) interchange alternative and would thus not require a change in the circulation element classification.

W-17 See Response to Comment T-29.

W-18

Conclusions

Although the traffic analysis was based on flawed information, given that all scenarios were analyzed based on the same information the following conclusions can be made:

- The No Interchange alternative will create more impacts on the roadway network than either the Two (2) interchange or the One (1) interchange alternative. Eliminating the segments of Alta Road north of Otay Mesa Road and Enrico Fermi Drive between Otay Mesa Road and SR-11 (since they were analyzed with too low of capacities), the No interchange alternative will impact six (6) roadway segments and four (4) intersections where as the Two (2) interchange alternative will only impact two (2) roadway segments and two (2) intersections and the One (1) interchange alternative will only impact two (2) roadway segments and one intersection.

W-18 See Response to Comment T-35.

COMMENTS | RESPONSES

Cynthia L. Eldred
The Law Office of Cynthia L. Eldred
December 21, 2010
Page 6

W-19 • The Two (2) interchange alternative is the only alternative that will not require roadway segments to be improved beyond their classification identified in the City of San Diego Circulation Plan or the County of San Diego East Otay Mesa Specific Plan.

W-20 ○ The One (1) interchange alternative (1) and the No interchange alternative (along with the No Build alternative) will require that the segment of Siempre Viva Road between the SR-905 and Paseo De Las Americas be widened beyond the City's classification of a 6-lane Prime Arterial. Under the two (2) interchange alternative, this segment of Siempre Viva Road will operate at an acceptable LOS D with the 6-lane Prime arterial classification and no modification to the Circulation Plan will be required.

W-21 ○ The No interchange alternative will require that the segment of Lone Star Road between Sunroad Boulevard and Enrico Fermi Drive be widened beyond the County's classification of a 6-lane Prime Arterial. Under all other alternatives, this segment of Lone Star Road will operate at an acceptable LOS D under the No Build alternative, and acceptable LOS under the two (2) lane interchange alternative and an acceptable LOS D under the One (1) interchange alternative with the 6-lane Prime arterial classification and no modification to the East Otay Mesa Specific Plan Circulation Element will be required.

W-22 ○ Therefore, since the two (2) interchange alternative will not require roadway segments to be improved beyond their classification identified in the City of San Diego Circulation Plan or the County of San Diego East Otay Mesa Specific Plan, it is concluded that the two (2) interchange alternative is the superior alternative.

Sincerely,

DARNELL & ASSOCIATES, INC.

Bill E. Darnell, P.E.
Firm Principal
RCE 22338

Date Signed: 12/21/2010

REGISTERED PROFESSIONAL ENGINEER
BILL E. DARNELL
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STATE OF CALIFORNIA

BED/vsh
101205-Review of SR-11 Traffic Study-ltr.doc/12-10

Attachments:
Figure 3-1
Figure 3-2a
Figure 3-2b
Figure 3-2c
Figure 3-3b
Figure 4-1b
Figure 41
Figure 4-12d
Figure 4-15d
Figure 4-37a
Excerpts from County of San Diego Public Road Standards
Excerpt from Caltrans Highway Design Manual

W-19 See Response to Comment T-36.

W-20 See Response to Comment T-37.

W-21 See Response to Comment T-38.

W-22 See Response to Comment T-39.

COMMENTS	RESPONSES
ATTACHMENT 2 TO COMMENT LETTER	
Notes Prepared by Darnell & Associates	
W-23 1. The existing conditions roadway segment classifications (Figure 3-1) and Intersection Lane Geometry (Figure 3-2a) do not accurately reflect the existing roadway conditions in the East Otay Mesa area. Below is a list of some of the discrepancies:	W-23 See Response to Comment T-1.
W-24 ▪ The segment of Otay Mesa Road between La Media Road and Piper Ranch Road is not fully improved to the standards of a 6-lane Prime Arterial. This roadway segment really only have 5 travel lanes, therefore, a reduced roadway capacity should be utilized.	W-24 See Response to Comment T-2.
W-25 ▪ The segment of Otay Mesa Road between Harvest Road and Sanyo Avenue has been improved to a four-lane facility with a capacity equivalent to that of a Major Road. Although this improvement occurred around May 2009, shortly after the base condition since it is a major improvement it should be included as part of the existing roadway network.	W-25 See Response to Comment T-3.
W-26 ▪ The segment of Sanyo Avenue between Otay Mesa Road and Airway Road has been improved to a 4-lane facility with a capacity equivalent to a 4-lane Collector. Although this improvement may have occurred after the base condition of January 2009, since it is a major improvement it should be included as part of the existing roadway network.	W-26 See Response to Comment T-4.
W-27 ▪ The segment of Airway Road between Sanyo Avenue and Michael Faraday Drive was recently improved to the standards of a 4-lane Major Road.	W-27 See Response to Comment T-5.
W-28 ▪ The segment of Enrico Fermi Drive between Otay Mesa Road and Airway Road is not fully improved to a four-lane facility; in fact portions of it are only a two-lane roadway.	W-28 See Response to Comment T-6.
W-29 ▪ Energy Center Lane should be shown on all graphics as Calzada De La Fuente. ▪ There should be two (2) southbound left turn lanes at the Otay Mesa Road/La Media Road intersection.	W-29 See Response to Comment T-7.
W-30 ▪ At the end of August 2009, Caltrans restricted the eastbound right and westbound left turn movements at the Otay Mesa Road/SR-905 intersection. Further there should be two (2) eastbound through lanes at this intersection. Although the restriction of the turn movements occurred after the based condition of January 2009, since it is still within the base year 2009 considerations should be given to adjusting the existing traffic volumes to account for this restriction.	W-30 See Response to Comment T-8.
W-31 ▪ The intersection of Otay Mesa Road/Sanyo Avenue was signalized by Caltrans in May 2009. In addition, the lane geometry at this intersection should be as follows: one (1) eastbound through, one (1) eastbound shared through-right, one (1) westbound left, one (1) westbound through, one (1) northbound left, and one (1) northbound shared left-right. Although this improvement occurred shortly after the base condition since it is a major improvement it should be included as part of the existing roadway network.	W-31 See Response to Comment T-9.
W-32 ▪ The Otay Mesa Road/Enrico Fermi Drive intersection is signalized and has been for several years.	W-32 See Response to Comment T-10.
W-33 ▪ The Otay Mesa Road/Alta Road intersection is all-way stop-controlled.	W-33 See Response to Comment T-11.

COMMENTS	RESPONSES
W-34 • The Airway Road/Sanyo Avenue intersection has three (3) westbound approach lanes; one (1) westbound left, one (1) westbound through, and one (1) westbound right lane.	W-34 See Response to Comment T-12.
W-35 • The Airway Road/Paseo De Las Americas intersection has recently been converted into a 4-legged intersection that is stop-controlled on the northbound and southbound approaches. The intersection has the following lane configuration: one (1) eastbound left, one (1) eastbound through, one (1) eastbound shared through-right, one (1) westbound left, one (1) westbound through, one (1) westbound shared through-right, one (1) northbound shared left-through, one (1) northbound right, and one (1) southbound shared left-through-right lane. Even if this change isn't reflected in the existing base conditions, it should be reflected in the 2015 and 2035 conditions.	W-35 See Response to Comment T-13.
W-36 • The Airway Road/Enrico Fermi Drive intersection has three (3) westbound approach lanes; one (1) westbound left, one (1) westbound through, and one (1) westbound right lane.	W-36 See Response to Comment T-14.
W-37 Due to the numerous discrepancies in the existing conditions, it is recommended that a field check be conducted to verify that all existing conditions are current.	W-37 See Response to Comment T-15.
W-38 2. The existing (2009) average daily traffic volumes shown on Figure 3-3b for the segment of Enrico Fermi Drive between Otay Mesa Road and Airway Road seems low. Figure 3-3b shows a volume for this segment of Enrico Fermi Drive of only 1,500 ADT. Dunell & Associates, Inc. (D&A) had counts collected on this segment of Enrico Fermi Drive in 2008 and 2010 and had found the volume to be 2,681 ADT in 2008 and 2,949 ADT in 2010. 3. Similarly the existing (2009) average daily traffic volumes reported for the segment of Airway Road between SR-905 and Enrico Fermi Drive appears to be low. When D&A had counts collected on this roadway segment in 2008 before the segment of Airway Road under the SR-905 was closed, the traffic volume between Sanyo Avenue and Paseo De Las Americas was 5,649 ADT and the traffic volume between Paseo De Las Americas and Michael Faraday was 4,533 ADT. In 2010 after the closure of Airway Road, the traffic volume on the segment of Airway Road between Sanyo Avenue and Paseo De Las Americas decreased to 2,266 ADT, however this is still larger than the 1,600 ADT shown on Figure 3-3b. 4. The existing (2009) average daily traffic volumes for La Media Road north and south of Airway Road seem low. Figure 3-3h shows 8,900 ADT on La Media Road north of Airway Road and 6,900 ADT on La Media Road south of Airway Road. When D&A had counts collected on these segments of La Media Road in 2008, the traffic volume was found to be 15,225 ADT north of Airway Road and 13,968 ADT south of ADT. It is possible that the construction on La Media Road during 2009 significantly influenced the traffic volumes on this roadway.	W-38 See Response to Comment T-16.
W-39 5. The 2015 base roadway conditions (Figures 4.1a & 4-1b) & have assumed a significant number of roadway improvements on City and County roadway segments without mention of how the roadway and intersection improvements will be funded or who will construct them (i.e. where is the funding coming from to improve the entire stretch of La Media Road to a 6-lane Prime Arterial, Caltrans is currently only improving a portion of this roadway as part of the SR-905 project, who will be improving Siempre Viva Road between Paseo De Las Americas and Enrico Fermi Drive to a 6-Lane Prime Arterial). Just because the roadway improvements are included in the RTP, does not mean that it is reasonable to assume that the roadways will actually be on the ground and physically built/improved within five (5) years.	W-39 See Response to Comment T-17.
W-40 6. Although the 2015 future traffic volumes do not appear to include the traffic generated by several of the approved/pending projects in the County such as California Crossings, Otay Business Park, Otay Crossings Commerce Park, Otay Tech Centre the 2015 roadway network includes the roadway improvements that would be constructed by these approved/pending projects. Either the 2015 roadway network needs to be revised to eliminate the roadway improvements that are would be constructed by these pending projects (i.e. Lone Star Road, Sunroad Boulevard, Vann Centre	W-40 See Response to Comment T-19.

COMMENTS	RESPONSES
W-40 (cont.) Boulevard, the extension of Airway Road, the extension of Siempre Viva Road, and the extension of Alta Road) or the 2015 traffic volumes need to be increased to account for these approved/pending projects.	
W-41 7. Figures 4-1a and 4-1b need to be reviewed to make sure that they are consistent with the roadway classifications analyzed in Table 4. For example Figures 4-1a and 4-1b identify Britannia Boulevard as a 6-Lane Prime, however, the level of service analysis provided in Tables 4 identify Britannia Boulevard as a 4-Lane Major. Similarly Figures 4-1a and 4-1b identify the segment of Otay Mesa Road between La Media Road and SR-125 as a 6-Lane Prime; however, the level of service analysis provided in Tables 4 identify this segment of La Media Road as an 8-Lane Major.	W-41 See Response to Comment T-23.
W-42 8. The 2015 base intersection conditions need to be reassessed to not only make sure that not only is it reasonable to assume that improvements could be in place by the year 2015 (i.e. is there funding for the proposed improvements) but also that there are no physical or right-of-way constraints that would prevent the improvements from being able to be implemented. For example, based on D&A's knowledge of the East Otay Mesa area it is not believed that it is physically feasible to construct the following proposed lanes at the Otay Mesa Road/La Media Road intersection: • two (2) eastbound left turn lanes, • four (4) eastbound through lanes, • one (1) eastbound right turn lane, • two (2) westbound left turn lanes, • four (4) westbound through lanes, • one (1) westbound right turn lane, • two (2) northbound left turn lanes, • three (3) northbound through lanes, • one (1) northbound right turn lane, • two (2) southbound left turn lanes, • three (3) southbound through lanes, and • one (1) southbound right turn lane.	W-42 See Response to Comment T-22.
W-43 9. The 2015 intersection geometrics need to be re-evaluated to determine whether or not all of the lanes are actually required. For example-Under Opening Year (2015) with Two Interchanges-With the SR-125 Connector variation (Figure -4-37d) it shows that the following lanes are required at the Otay Mesa Road/Enrico Fermi Drive intersection: • two (2) eastbound left turn lanes, • three (3) eastbound through lanes, • one (1) eastbound right turn lane, • two (2) westbound left turn lanes, • three (3) westbound through lanes, • one (1) westbound right turn lane, • two (2) northbound left turn lanes, • two (2) northbound through lanes, • one (1) northbound right turn lane, • two (2) southbound left turn lanes, • two (2) southbound through lanes, and • one (1) southbound right turn lane. However, a review of the peak hour turn volumes at this intersection under Opening Year (2015) with Two Interchanges-With the SR-125 Connector (Figure 4-40d) finds that the maximum left turn demand is 84 vehicles (this occurs for the eastbound left during the PM peak hour) and a maximum of	W-43 See Response to Comment T-21.

COMMENTS	RESPONSES
W-43 (cont.) 229 vehicles for any through movement (this occurs for the southbound through movement during the PM peak hour). This volume of traffic does not seem to warrant the proposed lane configurations.	
W-44 10. 2015 Roadway Segment Level of Service Analysis (Table 4). The segment of Sunrad Boulevard between Zinser Road and Otay Mesa Road is located under the County of San Diego's jurisdiction, not the City's.	W-44 See Response to Comment T-24.
W-45 The segment of Enrico Fermi Drive between Lone Star Road and Otay Mesa Road was analyzed as a 6-lane Prime (note Figure 4-1a and 4-1b shows this segment as Major Road) which is not consistent with the County of San Diego's East Otay Mesa Specific Plan. The County of San Diego's East Otay Mesa Specific Plan classifies the segment of Enrico Fermi Drive between Lone Star Road and Otay Mesa Road as a Major Road with bike lanes.	W-45 See Response to Comment T-23.
W-46 11. The Horizon Year (2035) Roadway Segment Classifications (Figures 5-1a and 5-1b) appear to be almost identical to the Opening Year (2015) Roadway Segment Classifications (Figures 4-1a and 4-1b) with the exception that under 2035 conditions Zinser Road is extended to Lone Star Road, and for some reason David Ridge Drive is shown under 2015 conditions but not under 2035 conditions. Does it really make sense that all of the same roadway improvements that are assumed to be completed 25 years from today would also be completed in only five (5) years from today? It would seem to make more sense for the 2015 roadway conditions to have fewer roadway improvements than the 2035 conditions.	W-46 See Response to Comment T-25.
W-47 12. Figures 5-1a and 5-1b need to be reviewed to make sure that they are consistent with the roadway classifications analyzed in Table 5. For example Figures 5-1a and 5-1b identify the segment of Otay Mesa Road between La Media Road and SR-125 as a 6-Lane Prime, however, the level of service analysis provided in Tables 5 identify this segment of La Media Road as an 8-Lane Major.	W-47 See Response to Comment T-28.
W-48 13. Similar to the 2015 scenario, the 2035 base intersection conditions need to be reassessed to not only make sure that not only is it reasonable to assume that improvements could be in place by the year 2035 (i.e. is there funding for the proposed improvements) but also that there are no physical or right-of-way constraints that would prevent the improvements from being able to be implemented. For example, based on D&A's knowledge of the East Otay Mesa area it is not believed that it is physically feasible to construct the following proposed lanes at the Otay Mesa Road/La Media Road intersection: • two (2) eastbound left turn lanes, • four (4) eastbound through lanes, • one (1) eastbound right turn lane, • two (2) westbound left turn lanes, • four (4) westbound through lanes, • one (1) westbound right turn lane, • two (2) northbound left turn lanes, • three (3) northbound through lanes, • one (1) northbound right turn lane, • two (2) southbound left turn lanes, • three (3) southbound through lanes, and • one (1) southbound right turn lane.	W-48 See Response to Comment T-30.
W-49 14. 2035 Roadway Segment Level of Service Analysis (Table 5). The segment of Sunrad Boulevard between Zinser Road and Otay Mesa Road is located under the County of San Diego's jurisdiction, not the City's.	W-49 See Response to Comment T-24.
W-50 The segment of Enrico Fermi Drive between Lone Star Road and Otay Mesa Road was analyzed sometimes as a 6-lane Prime (note Figure 5-1a and 5-1b shows this segment as Major Road) and sometimes as a Major Road. The analysis should be consistent with how it treats this segment of Enrico Fermi Drive or explain why there is a difference. It should be noted that the 6-lane Prime classification is not consistent with the County of San Diego's East Otay Mesa Specific Plan.	W-50 See Response to Comment T-28.

COMMENTS	RESPONSES
W-50 (cont.) **The County of San Diego's East Otay Mesa Specific Plan classifies the segment of Enrico Fermi Drive between Lone Star Road and Otay Mesa Road as a Major Road with bike lanes.**	
W-51 **15. The 2035 roadway segment level of Service Analysis (Table 5) assumes the segment of Alta Road north of Lone Star Road is a Rural Collector and thus this segment is projected to operate at LOS E under several scenarios. Since this segment is classified as a 4-lane Specific Plan Road in the County of San Diego's East Otay Mesa Specific Plan with a capacity of 34,200 ADT at LOS E, it may be possible for a higher classification to be utilized on this roadway segment under 2035 conditions.**	W-51 See Response to Comment T-29.

COMMENTS

ATTACHMENT 3 TO COMMENT LETTER

Questions and Answers Prepared by Darnell & Associates

W-52

1. According to Page 3.8-2 of the DEIR, Caltrans relied upon early 2009 VRPA 24-hour or peak hour intersection turning movement counts in stating existing conditions as of 2009. Why are we entitled to rely upon your 2008 counts and ignore VRPA's 2009 counts? What makes your counts more reliable?

Response: The Caltrans 2009 counts appear to have been taken during construction of SR-905 1A where as our our 2008 counts were taken when construction was not taking place. Therefore, our 2008 counts would be more accurate because the construction activity (especially on La Media Road and Airway Road) would significantly affect traffic volumes. Also, in instances where they utilized the peak hour turning movements to estimate the daily traffic counts and we had actual 24-hour machine counts, our actual 24-hour machine counts from 2008 would be more accurate than their estimated 2009 volume.

2. Caltrans appears to have used the data from Figure 3-3b of the Traffic Study in creating Figure 3.8-1 of the DEIR. Figure 3.8-1 of the DEIR includes LOS. If we have justification for using your counts rather than VRPA's, what LOS would be shown for your counts? What material difference, if any, is created?

Response: Please see the marked up figure 3.8-1 for the differences in the LOS (please note that the LOS on the attached markup are based on VRPA's assumed roadway classifications for each segment). As shown in the attached markup of figure 3.8-1, based on our 2008 counts La Media Road operates at an unacceptable LOS E or F rather than the reported LOS B or C.

3. Your 2010 counts are lower than your 2008 counts in all instances shown by your handwritten annotations to Figure 3-3b of the Traffic Study. Your 2010 counts are higher than Caltrans counts on the two segments of Enrico Fermi. Of what significance, if any, is there to the 2010 higher counts? Are these counts of particular importance in obtaining the two interchanges? If so, how?

Response: The 2010 counts are lower on the segment of Airway roadway because when the counts were collected in 2008 Airway Road was completely open to traffic between Sanyo Avenue and La Media Road. However, when the counts were collected in 2010, the segment of Airway Road between Harvest Road and Sanyo Avenue was closed as Caltrans was working on the SR-905/Airway Road overpass structures. This closure of Airway Road also explains the decrease in traffic on the segment of Enrico Fermi Drive between Airway Road and Siempre Viva Road.

The difference in traffic volumes on Enrico Fermi Drive does not really have any impact on obtaining the two interchanges. Since the raw count data was not provided, we cannot determine which counts utilized by VRPA are actual field counts and which ones are estimated counts.

RESPONSES

W-52 The technical questions and answers in this attachment are noted, but are not considered to constitute specific comments on the adequacy of the environmental document. Points raised in this discussion have been addressed in previous responses to comments W-3 through W-51.

COMMENTS | RESPONSES

W-52 (cont.)

4. Caltrans maintains on Page 3.8-2 of the DEIR that "[r]oadway classifications were based on current characteristics, including number of lanes." That sentence infers that Caltrans is not attempting to identify the County's road classifications for the roadways, but is instead classifying roadways based on their 2009 improvement status. What does the sentence mean? How does this relate to Figure 3-1 of the Traffic Study?

Response: This sentence means that the existing roadway classifications were based on what supposedly existed out in the field as of 2009. Figure 3-1 of the Traffic Study, should theoretically illustrate the roadway classifications as they exist in the field as of 2009). However, as we have discussed with you earlier, not all of their field conditions were up to date even as of 2009 (for example the Otay Mesa Road/Enrico Fermi Drive intersection has been signalized for at least 4 years but Figure 3-2b of the Traffic Study shows this intersection as being stop-sign controlled).

5. Section 3.8.3 of the DEIR, on Page 3.8-4, lists assumptions regarding the roadway networks in each of 2015 and 2035. Are these reasonable? On the same page, Caltrans states that [f]uture County and City roadways were assumed to be built if they were included in the SANDAG RTP, Revenue Constrained scenario." Is this a reasonable assumption? Why or why not? If it is reasonable, did Caltrans at any place in the DEIR and/or Traffic Study analyze data and/or draw conclusions that are inconsistent with this assumption?

Response: No these assumptions are not reasonable. As we discussed in great detail, just the one bullet that says "Construction of a large number of local roadways in the Otay Mesa area" makes this an unreasonable roadway network, especially for 2015. This roadway network implies that several roadways will be constructed by 2015 without any identification of who will construct the roadway improvements or how the roadway improvements will be funded.

6. What are your specific concerns regarding the adequacy of the documents to analyze SR-11 as a toll road facility? Do you have any data or references to offer to substantiate your concerns?

Response: The East Otay Mesa Specific Plan is based on the assumption that the SR-11 would be constructed as a freeway. However, the *SR-11 Tier II Traffic Technical Report* has not provided an analysis of buildout of the East Otay Mesa Specific Plan based on the assumption that the SR-11 will only be constructed as a Toll Road facility. Therefore, a direct comparison of the true impacts that the SR-11 will have on the East Otay Mesa Specific Plan cannot be made.

7. DEIR Section 3.8.3, on Page 3.8-7, states that the 2030 SANDAG model represents the "current regional consensus" on land use forecasts for Otay Mesa, even though the model may be different from that used in the East Otay Mesa Specific Plan or the City's Otay Mesa Community Plan. The discussion goes on to acknowledge that some of the East Otay Mesa Specific Plan forecasts are higher than Caltrans' 2035 forecasts. Which are higher? What is the significance?

Response: The 2030 East Otay Mesa Specific Plan Forecast Volumes (as illustrated in Figure 8-1 of the DEIR) are higher than the Caltrans 2035 forecasts on the following segments:

COMMENTS	RESPONSES
W-52 (cont.) **No Build Alternative:** • Lone Star Road between Enrico Fermi Dr & Alta Rd • Lone Star Road between Alta Rd & Otay Mesa Rd • Lone Star Road between Otay Mesa Rd & Siempre Viva Rd • Otay Mesa Road between Britannia Blvd & La Media Rd • Otay Mesa Road between Sanyo Ave & Vann Centre Blvd • Otay Mesa Road between Vann Centre Blvd & Enrico Fermi Dr • SR-11 between SR-125/SR-905 & Enrico Fermi Dr • SR-11 between Enrico Fermi Dr & Siempre Viva Rd • SR-11 South of Siempre Viva Rd • Siempre Viva Road Between La Media Rd & SR-905 • Siempre Viva Road between Enrico Fermi Dr & Alta Rd • Seimpre Viva Road between Alta Rd & Airway Rd • SR-125 North of Lone Star Rd • Enrico Fermi Drive between Otay Mesa Rd & SR-11 • Enrico Fermi Drive between SR-11 and Airway Rd **Two Interchange Alternative:** • Lone Star Road between Enrico Fermi Dr & Alta Rd • Lone Star Road between Alta Rd & Otay Mesa Rd • Lone Star Road between Otay Mesa Rd & Siempre Viva Rd • Otay Mesa Road between Britannia Blvd & La Media Rd • Otay Mesa Road between Sanyo Ave & Vann Centre Blvd • Otay Mesa Road between Vann Centre Blvd & Enrico Fermi Dr • SR-11 between SR-125/SR-905 & Enrico Fermi Dr • Airway Road between Alta Rd & Siempre Viva Rd • Siempre Viva Road Between La Media Rd & SR-905 • Siempre Viva Road between Enrico Fermi Dr & Alta Rd • Seimpre Viva Road between Alta Rd & Airway Rd • SR-125 North of Lone Star Rd • Alta Road between Airway Rd & Siempre Viva Rd **One Interchange Alternative:** • Lone Star Road between Enrico Fermi Dr & Alta Rd • Lone Star Road between Alta Rd & Otay Mesa Rd • Lone Star Road between Otay Mesa Rd & Siempre Viva Rd • Otay Mesa Road between Britannia Blvd & La Media Rd • Otay Mesa Road between Sanyo Ave & Vann Centre Blvd • Otay Mesa Road between Vann Centre Blvd & Enrico Fermi Dr • SR-11 between SR-125/SR-905 & Enrico Fermi Dr • SR-11 between Enrico Fermi Dr & Siempre Viva Rd • Siempre Viva Road Between La Media Rd & SR-905 • Siempre Viva Road between Enrico Fermi Dr & Alta Rd • Seimpre Viva Road between Alta Rd & Airway Rd	

COMMENTS | RESPONSES

- SR-125 North of Lone Star Rd
- Enrico Fermi Drive between Lone Star Rd and Otay Mesa Rd
- Enrico Fermi Drive between Otay Mesa Rd & SR-11

No Interchange Alternative:

- Lone Star Road between Enrico Fermi Dr & Alta Rd
- Lone Star Road between Alta Rd & Otay Mesa Rd
- Lone Star Road between Otay Mesa Rd & Siempre Viva Rd
- Otay Mesa Road between Britannia Blvd & La Media Rd
- Otay Mesa Road between Sanyo Ave & Vann Centre Blvd
- Otay Mesa Road between Vann Centre Blvd & Enrico Fermi Dr
- SR-11 between SR-125/SR-905 & Enrico Fermi Dr
- SR-11 between Enrico Fermi Dr & Siempre Viva Rd
- Siempre Viva Road Between La Media Rd & SR-905
- Siempre Viva Road between Enrico Fermi Dr & Alta Rd
- Seimpre Viva Road between Alta Rd & Airway Rd
- SR-125 North of Lone Star Rd
- Enrico Fermi Drive between Lone Star Rd and Otay Mesa Rd
- Enrico Fermi Drive between Otay Mesa Rd & SR-11
- Alta Road between Otay Mesa Rd & SR-11
- Alta Road between Airway Rd & Siempre Viva Rd

W-52 (cont.)

The 2030 East Otay Mesa Specific Plan Forecast volumes represent buildout of the land uses within the Otay Mesa Specific Plan whereas the SR-11 2035 forecasts represent SANDAG's land use forecasts which have a significantly lower intensity of development and therefore understate the future transportation needs of the area.

8. DEIR Section 3.8.3, on Page 3.8-11, states that in 2015 all roadway segments would operate at LOS C or better for the No Build Alternative. The discussion goes on to state that Otay Mesa Road between SR-125 and Sanyo Avenue is operating at LOS E under existing conditions, but would operate at LOS A in 2015 under the No Build Alternative. Does this make sense? What other segments operate at LOS D or worse now? Does it make sense that they would all improve to LOS C or better with no project?

Response: The improvement in LOS is due to the fact that the analysis assumed the segment of Otay Mesa Road between SR-125 and Sanyo Avenue was a 2-lane roadway under existing conditions, but would be improved to a 6-lane Prime Arterial under the no-build scenario. If you agree that this roadway segment would be improved to its ultimate classification by 2015, than the improved LOS would make sense. However, this segment of Otay Mesa Road is actually currently classified as a 4-lane Major. Improvements from the California Crossings project may improve the segment between SR-125 and Harvest Road to a 6-lane Prime Arterial by 2015, but is not guarantee that the segment between Harvest Road and Sanyo Avenue will be improved to a 6-lane Prime by 2015.

COMMENTS | RESPONSES

Similarly the other roadway segments LOS are dependent on the 2015 roadway classifications that were assumed for each segment. Since it has already been determined that the 2015 roadway network is unreasonable, it is hard to determine what the appropriate LOS should be.

W-52 (cont.)

9. DEIR Section 3.8.4, on Page 3.8-23, states that implementation of the 2-interchange alternative would adversely affect Enrico Fermi between Otay Mesa Road and SR-11 and the intersection of Otay Mesa Road and Enrico Fermi in 2035. The discussion goes on to state that the impact could be avoided if Enrico Fermi were improved to a 6-lane facility instead of a 4-lane facility as currently reflected in the "local circulation element". You contend that the 2 interchange alternative is the only alternative that will not require roadway segments to be improved beyond their classification in the East Otay Mesa Specific Plan. Who is right? If you are, can you articulate Caltrans' error based on your review of the DEIR and/or Traffic Study?

Response: The *SR-11 Tier II Traffic Technical Report* utilized a capacity of only 37,000 ADT (the capacity of a Major Road) for the segment of Enrico Fermi Drive between Otay Mesa Road and SR-11 and found the segment to operate at an unacceptable LOS F with the two interchange alternative. However, if the ultimate classifications, per the East Otay Mesa Specific Plan, are the basis for the 2035 roadway classifications and capacities, then the roadway classification for the segment of Enrico Fermi Drive between Otay Mesa Road and the SR-11 is classified as4-lane Enhanced Major Road, which has a capacity of 47,000 ADT at LOS E. With the additional capacity, this segment would operate at an acceptable LOS C under the No Build alternative and an acceptable LOS D under the two (2) interchange alternative and would thus not require a change in the circulation element classification.

COMMENTS

Board of Directors

Allied Waste Services
AT&T
Brown Marketing Strategies
City of Chula Vista
City of Coronado
City of Imperial Beach
City of National City
City of San Diego
County of San Diego
Cox Communications
DEITAC
GEOCON
Giffarie
J. Simms Agency
McCune Chrysler/Jeep/Dodge
McMillin Companies
O.A.P. Packaging
Pacific Western Bank
Project Design Consultants
PSAR
SANDAG
San Diego National Bank
San Diego Regional Chamber
S.D. Unified Port District
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Scripps Mercy Hospital
Scott Alevy Communications
Security Business Bank
Sempra
Sharp Hospital
Solidus Property
Southbay Expressway
Southwestern College
Southwest Strategies, LLC
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San Diego's Voice for Binational Business

South County Economic Development Council

February 1, 2011

Sandra Lavender
Division of Environmental Analysis
California Department of Transportation
4050 Taylor St
San Diego, CA 92110

Dear Ms. Lavender;

RE: Draft Tier II EIR for State Route 11 and the Otay Mesa East Port of Entry

X-1 On behalf of the South County Economic Development Council (SCEDC) Board of Directors I want to convey our support of the Draft Tier II EIR for State Route 11 and the Otay Mesa East Port of Entry. Furthermore, we wish to support the "Two Interchange Alternative" as described in the EIR document under 2.2.

X-2 State Route 11 offers necessary transportation and much needed infrastructure in the East Otay Mesa portion of South San Diego County. Additionally, The Otay Mesa East Port of Entry offers additional ingress and egress to Mexico, alleviating our severely congested existing ports of entry and offering additional trade routes with California's number one trading partner, Mexico. It is for these economic opportunities that SCEDC strongly supports this project.

X-3 The "Two Interchange Alternative", while not your typical on/off-ramp delineation for a California freeway, should be considered with special circumstances existing due to the international border. Freeway on/off ramps usually have more distance between the ramps due to the rate of speed vehicles travel. On State Route 11 we believe that traffic will naturally slow down as vehicle approach the international border. This will allow for a shorter distance between the ramps. These additional ramps are needed to support future traffic that will be generated when East Otay Mesa is developed and is critical to its success.

X-4 It should be noted that SCEDC does not have the financing plan for this effort. We respectfully request that the toll cost be coordinated between Mexico and United States. There is a need to look at the tolls so they are set for a combination to optimize throughput and to meet the debt service.

Thank you for the opportunity to comment and we look forward to being engaged throughout the process and provided with progress updates as this worthy effort continues.

Sincerely,

Cindy Gompper Graves
Chief Executive Officer

RESPONSES

X-1 Comment noted. A modified version of the Two Interchange Alternative has been identified as the Preferred Alternative. Analysis of the Preferred Alternative is in the Final EIR/EIS.

X-2 Comment noted.

X-3 Comment noted. The issues of access, as well as safety, operations, environmental impacts and other concerns have been considered in the identification of the Preferred Alternative. Analysis of the Preferred Alternative is in the Final EIR/EIS.

X-4 The question of toll levels will be addressed in the Traffic and Revenue Study currently under way, and will be coordinated with the Mexican authorities.

COMMENTS | RESPONSES

South Bay Expressway
Put the fun back in driving!
1129 La Media Road, San Diego, CA 92154
p. 619.710.4000 • f. 619.710.4097
southbayexpressway.com

L-EXEC-09-0033

January 28, 2011

Ms. Sandra Lavender
Environmental Analysis – Branch A
Caltrans District 11
4050 Taylor Street, MS 242
San Diego, CA 92110

Re: State Route 11 and Otay Mesa East Port of Entry Draft Tier II Environmental Impact Report/Environmental Impact Statement

Dear Ms. Lavender:

Y-1 South Bay Expressway, L.P. (SBX) has reviewed the State Route 11 and Otay Mesa East Port of Entry Draft Tier II Environmental Impact Report/Environmental Impact Statement ("DEIR/EIS") dated November 2010. SBX supports the SR-11/Otay East POE project (the "Project"), as it will contribute significantly to the mobility and economic development goals of the region. Regarding the DEIR/EIS, we offer the following comments:

Y-2 Regarding access to planned east Otay Mesa development areas, we understand that the Final DEIR/EIS will include evaluation of No Interchange, One Interchange and Two Interchange alternatives. As it appears that the Two Interchange Alternative would provide optimal mobility and economic development benefits, we encourage strong consideration be given to the Two Interchange Alternative, including how it might be funded as early as possible.

Y-3 Relative to the connectors between SR-125 and the Project, at a minimum, the southbound SR-125 to eastbound SR-11 connection (the SR-125 Connector Variation) should be included as part of the baseline design and be operational concurrent with the opening of the Project. This assumes that a direct connection between westbound SR-11 and northbound SR-125 is also available concurrent with opening of the Project. In that regard, the DEIR/EIS states that "a local connector ramp from Enrico Fermi Drive to northbound SR-125 was approved under the SR-905 project; all of the proposed project build alternatives assume a similar direct connector from westbound SR-11 to northbound SR-125". This should be clarified in the Final EIR/EIS as to what exactly is included in the Project. For example, does this mean that there will be a direct connection from

Y-1 Comment noted.

Y-2 Comment noted.

Y-3 To the extent that information is available, additional information has been provided in the Final EIR/EIS regarding the characteristics of the Preferred Alternative and its relationship to the ongoing implementation of the SR-905 project and the anticipated phasing of project implementation. Because the proposed project is anticipated to be self-funded and self-sustaining, project phasing will be dependent on the amount and timing of funds for project construction.

COMMENTS

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January 28, 2011
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Y-3 (cont.) westbound SR-11 to northbound SR-125 and a local connector ramp from Enrico Fermi? How will the westbound SR-11 to northbound SR-125 interact with the westbound SR-905 to northbound SR-125 connector? The Final EIR/EIS should also provide details regarding the relationship of the Project with the SR-905/SR-125 interchange, including design and phasing alternatives, funding sources and responsibilities and construction timing, as this project is not referenced on Table 3.1.2.

Y-4 Section 3.8.3 references two SR-125 improvement assumptions for 2035. These are 1) addition of a SR-125/Lone Star Interchange and 2) widening of SR-125 to eight lanes between Telegraph Canyon Road and SR-54. There is neither funding nor certainty at this time that those improvements will be operational in that timeframe. Specifically, Lone Star Interchange is to be funded by parties other than SBX and no funding has yet been identified. As for widening of SR-125, SBX could choose to widen the toll road or alternatively, could optimize throughput through value pricing strategies. Accordingly, we suggest that Caltrans consider both these possibilities in the Final EIR/EIS.

Y-5 Table 3.8-4, and the associated discussion, indicate that in 2035, traffic levels on SR-125 north of Lone Star Road would operate under Level of Service (LOS) D or E. Our analysis, based on SANDAG projections and projected toll levels, doesn't indicate that SR-125 will operate at these degraded LOS. To the extent necessary to achieve LOS that provides value for customers, rather than have SR-125 toll road customers travel at LOS D or E, SBX may adjust the toll rates under a value pricing scenario in order to keep the lanes free flowing. The final EIR/EIS should consider this.

Y-6 The EIR/EIS assumes that there will be a Toll Administration Building for SR-11. We suggest that the final EIR/EIS consider the possibility of co-location of operations activities with the existing SR-125 Operations Center located on La Media Road. This would result in construction and operating savings.

Y-7 We understand that the toll levels for SR-11 will be modeled under a separate study. It would be helpful for the final EIR/EIS to reference the fact that there will need to be coordination of tolling levels between the SR-125 toll road and SR-11 in order to provide for maximum mobility and customer convenience.

RESPONSES

Y-4 It is acknowledged that there is uncertainty regarding the two roadway improvements mentioned in the comment and that funding has not been secured for these improvements. A traffic analysis was conducted for 2035 conditions in order to meet state and federal guidelines for the preparation of traffic analyses and to analyze the project's ability to accommodate future traffic conditions. The RTP prepared by SANDAG is considered to be the regional consensus for determining which roadway improvements will be in place in the future. Since these two roadway improvements were included in the RTP, they were assumed to be in place in the traffic analysis for 2035 conditions.

Y-5 The traffic analysis in the Draft and Final EIR/EIS reports the roadway condition that would be expected if the traffic forecasts from the SANDAG regional traffic forecasting model occur in 2035 with the expected level of roadway improvements. The ability of SBX to influence traffic levels through tolling strategies is acknowledged and it is agreed that a LOS C or D conditions could result if SBX decided to adjust toll rates.

Y-6 Comment noted.

Y-7 A Traffic and Revenue Study, which considers coordination of tolling, is currently underway.

COMMENTS | RESPONSES

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Ms. Sandra Lavender
January 28, 2011
Page 3 of 3

This letter is written without prejudice to the rights and claims of SBX and its affiliates under the SR-125 DFA and otherwise, all of which are expressly preserved. SBX does not waive and expressly reserves its rights to seek compensation and other damages under the SR-125 DFA and otherwise.

I am happy to discuss our comments with you in more detail at your request.

Sincerely,

Greg Hulsizer
Chief Executive Officer

COMMENTS

Otay mesa
Chamber of Commerce

Officers

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Linda Greenberg
Colliers International
Vice President
Karl Morgan
Sperian Hearing Protection
Past President
Wendy Gillespie
Frontier Trading, Inc.
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Solidus Property Systems Inc.
South Bay Expressway
South West Trade Services, LLC
Sperian Hearing Protection, LLC
UPS Supply Chain Solutions
XEWT Canal 12
Zahava Group, Inc.

February 1, 2011

Sandra Lavender
Division of Environmental Analysis
California Department of Transportation
4050 Taylor St
San Diego, CA 92110

Dear Ms. Lavender;

RE: Draft Tier II EIR for State Route 11 and the Otay Mesa East Port of Entry

Z-1 On behalf of the Otay Mesa Chamber of Commerce, I want to convey our support of the Draft Tier II EIR for State Route 11 and the Otay Mesa East Port of Entry. Furthermore, we wish to support a "Two Interchange Alternative."

Z-2 State Route 11 offers necessary transportation and much needed infrastructure in the East Otay Mesa portion of South San Diego County. Additionally, The Otay Mesa East Port of Entry offers additional ingress and egress to Mexico, alleviating our severely congested existing ports of entry and offering additional trade routes with California's number one trading partner. It is for these economic opportunities that the Otay Mesa Chamber of Commerce strongly supports this project.

Z-3 The "Two Interchange Alternative", while not your typical on/off-ramp delineation for a California freeway, should be considered with special circumstances due to the international border. Freeway on/off ramps usually have more distance between the ramps due to the rate of speed vehicles travel. On State Route 11 we believe that traffic will naturally slow down as vehicles approach the international border. This will allow for a shorter distance between the ramps. These additional ramps are needed to support future traffic that will be generated when East Otay Mesa is developed and are critical to its success.

Z-4 In addition, we would like you to consider innovative sources of income, such as the potential development and lease of a cross-border fiber connection. These opportunities would provide additional funding for the project that could support additional off-ramps or reduced tolls.

Thank you for the opportunity to comment and we look forward to being engaged throughout the process and provided with progress updates as this worthy effort continues.

Sincerely,

Alejandra Mier y Teran
Executive Director

9163 Siempre Viva Road, Ste I-2 • San Diego, CA 92154
(619) 661-6111 Fax (619) 661-6178
www.otaymesa.org

RESPONSES

Z-1 Comment noted. A modified version of the Two Interchange Alternative has been identified as the Preferred Alternative. Analysis of the Preferred Alternative is in the Final EIR/EIS.

Z-2 Comment noted.

Z-3 Comment noted. The issues of access, as well as safety, operations, environmental impacts and other concerns have been considered in the identification of the Preferred Alternative. Analysis of the Preferred Alternative is in the Final EIR/EIS.

Z-4 Comment noted. A variety of funding sources is being pursued; this issue is being evaluated in the Traffic and Revenue Study currently underway.

COMMENTS

Hawano

January 27, 2011

VIA ELECTRONIC MAIL ONLY

Ms. Sandra Lavender
Caltrans, District 11
4050 Taylor Street
MS-242
San Diego, California 92110
Sandra_Lavender@dot.ca.gov

Re: State Route 11 and the Otay Mesa East Port of Entry Draft Tier II Environmental Impact Report/Environmental Impact Statement dated November 2010 (the "DEIR/EIS")

Dear Ms Lavender:

AA-1 **Hawano Business Park supports the Two Full Interchanges Alternative.**

Sincerely,

Ricardo Jinich, Manager

4225 Executive Square, Suite 920
La Jolla, CA 92037
ricardo@paragoncompany.com

RESPONSES

AA-1 Thank you for your comment, which has been considered in the identification of the Preferred Alternative. It has been determined that, due to the proximity of Siempre Viva Road to the POE and the need to separate commercial and passenger vehicles, the Two Interchange Alternative with the Siempre Viva Road Full Interchange Variation is not operationally feasible. The Preferred Alternative would be operationally feasible while providing the maximum feasible access and maintaining necessary safety and security. Analysis of the Preferred Alternative is in the Final EIR/EIS.

COMMENTS

Otay Business Park, LLC

January 27, 2011

VIA ELECTRONIC MAIL ONLY

Ms. Sandra Lavender
Caltrans, District 11
4050 Taylor Street
MS-242
San Diego, California 92110
Sandra_Lavender@dot.ca.gov

Re: State Route 11 and the Otay Mesa East Port of Entry Draft Tier II Environmental Impact Report/Environmental Impact Statement dated November 2010 (the "DEIR/EIS")

Dear Ms Lavender:

BB-1 **Otay Business Park, LLC supports the Two Full Interchanges Alternative.**

Sincerely,

Ricardo Jinich, Manager

4225 Executive Square, Suite 920
La Jolla, CA 92037
ricardo@paragoncompany.com

RESPONSES

BB-1 Thank you for your comment, which has been considered in the identification of the Preferred Alternative. It has been determined that, due to the proximity of Siempre Viva Road to the POE and the need to separate commercial and passenger vehicles, the Two Interchange Alternative with the Siempre Viva Road Full Interchange Variation is not operationally feasible. The Preferred Alternative would be operationally feasible while providing the maximum feasible access and maintaining necessary safety and security. Analysis of the Preferred Alternative is in the Final EIR/EIS.

COMMENTS RESPONSES

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Chapter 6

List of Preparers

CHAPTER 6.0 – LIST OF PREPARERS

This EIR/EIS was prepared by HELIX Environmental Planning, Inc. under the direction of Tamara Ching, for Caltrans and FHWA. Caltrans oversight was also provided for NEPA compliance. The following persons participated in preparation of the Draft and Final EIR/EIS and their associated technical studies:

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San Diego Natural History Museum, Department of PaleoServices

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Chapter 7
Distribution List

CHAPTER 7.0 – DISTRIBUTION LIST

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U.S. Department of Agriculture,
Animal and Plant Health
Inspection Service
4700 River Road, Ste 6D02
Riverdale, MD 20737
Attn: David A. Bergsten,
Assistant Deputy Administrator
for International Issues, Unit 20

Natural Resources Conservation
Service
Area Conservationist
Area II
318 Cayuga Street, Suite 206
Salinas CA 93901

U.S. Army Corps of Engineers,
San Diego Section
6010 Hidden Valley Road, Suite
105
Carlsbad, CA 92012
Attn: Therese O'Rourke, Section
Chief

Office of the Secretary
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250

Director
Office of Environmental
Compliance
U.S. Department of Energy
1000 Independence Ave., SW,
Rm 4G-064
Washington, DC 20585

Director
Office of Environmental Affairs
Department of Health and
Human Services
200 Independence Ave., SW,
Rm. 537 F
Washington, DC 20201

General Counsel
Council on Environmental
Quality
722 Jackson Place, N.W.
Washington, DC 20503-0002
Attn: Ted Boling

U.S. Environmental Protection
Agency
Office of Federal Activities
EIS Filing Station
Ariel Rios Building (South Oval
Lobby)
Mail Code 2252-A Room 7241
1200 Pennsylvania Avenue, NW
Washington, DC 20044

U.S. Food and Drug
Administration
5600 Fishers Lane
Rockville, MD 20857
Attn: Ms. Amy Iselin

U.S. Environmental Protection
Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901
Attn: Susan Sturges

Environmental Protection
Agency
San Diego Border Liaison Office
610 West Ash Street, Suite 905
San Diego, Ca 92101
Attn: Dave Fege

U.S. General Services
Administration
Region 9
450 Golden Gate Avenue
San Francisco, CA 94102
Attn: Anthony Kleppe

U.S. General Services
Administration
1800 F Street, N.W.
Washington, D.C. 20405
Attn: Lee Salviski

U.S. Fish and Wildlife Service
6010 Hidden Valley Road
San Diego, CA 92011
Attn: Susan Wynn

U.S. General Services
Administration
Northwest/Arctic Region 10
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Auburn , WA 98001
Attn: Maureen Sheehan

Andy Brinton
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Customs and Border Protection
San Diego Field Operations
Office
610 Ash Street, Suite 1200

Environmental Program
Manager
DHS Customs & Border
Protection
1300 Pennsylvania Avenue NW
Suite 314D
Washington, DC 20229

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U.S. Department of Homeland Security
Customs and Border Protection
7684 Pogo Row
San Diego, CA 92154
Attn: Joseph Granata

U.S. Department of Homeland Security
Customs and Border Protection
San Diego Field Operations Office
610 W. Ash Street, Suite 1200
San Diego, CA 92101
Attn: Chris Sanchez

Department of the Interior
Office of Env. Policy and Compliance
Main Interior Bldg., MS 2342
1849 C Street, NW, MS-2340-MIB
Washington, DC 20240
Attn: Vijai Rai

Environmental Clearance Officer
Department of Housing and Urban Development
450 Golden Gate Avenue
P.O. Box 36003
San Francisco CA 94102

International Boundary and Water Commission
4171 N. Mesa Street, Ste C-100
El Paso, TX 79902
Attn: Mr. John Merino, Commissioner

U.S. Department of State
2201 C Street NW
Attn: WHA/MEX 4258 HST
Washington, DC 20520
Attn: Geoffrey Anisman

Office of the Secretary
U.S. Department of Transportation
Office of International Transportation and Trade (X-20)
400 7th Street, SW, Room 10300
Washington, DC 20590
Attn: Fred Eberhart, Office of the Secretary

U.S. Dept of Transportation - FHWA
1200 New Jersey Ave, SE
Washington, DC 20590
Attn: Carol Braegelmann

U.S. Dept of Transportation - FHWA
Region 9 - California Division
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814-4708
Attn: Cesar Perez

U.S. Department of Transportation – FHWA
401 B Avenue, Suite 800
San Diego, CA 92101
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References

CHAPTER 8.0 – REFERENCES

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CALIFORNIA 11 & OTAY MESA EAST POE

Appendices

APPENDIX A

PRESIDENTIAL PERMIT

PRESIDENTIAL PERMIT

Authorizing the General Services Administration
to Construct, Operate, and Maintain
a Vehicular and Pedestrian Border Crossing
Called "Otay Mesa East"
near San Diego, California,
at the International Boundary between the United States and Mexico

By virtue of the authority vested in me as Deputy Secretary of State under Executive Order 11423, 33 FR 11741 (1963), as amended by Executive Order 12847 of May 17, 1993, 58 FR 29511 (1993), Executive Order 13284 of January 23, 2003, 68 FR 4075 (2003), and Executive Order 13337 of April 30, 2004, 69 FR 25299 (2004) and Department of State Delegation of Authority 245 of April 23, 2001; having considered the environmental effects of the proposed action in accordance with the National Environmental Policy Act of 1969, as amended (83 Stat. 852, 42 U.S.C. 4321 *et seq.*) and other statutes relating to environmental concerns; having considered the proposed action in accordance with the National Historic Preservation Act of 1966, as amended (80 Stat. 917, 16 U.S.C. 470f *et seq.*); and having requested and received the views of various of the federal departments and other interested persons; I hereby grant permission, subject to the conditions herein set forth, to the United States General Services Administration (GSA) (hereinafter referred to as the "permittee"), to construct, operate, and maintain a new commercial vehicle, passenger vehicle, and pedestrian land border crossing (hereinafter referred to as "Otay Mesa East"), approximately two miles east of the existing Otay Mesa border crossing near San Diego, California.

* * * * *

The term "facilities" as used in this permit means the facilities proposed to be constructed at the Otay Mesa East border crossing near San Diego, California. These facilities are likely to consist of the following improvements and structures:

- Inspection and X-Ray Facilities

- Containment Areas and Docks
- Commercial Inspection Building with Import and Export Docks
- Export Inspection
- Main Administrative Building with Pedestrian Facilities
- Entry and Exit Control Booths and related improvements
- Roadways and related Infrastructure, Pathways, Parking Lots, and related Lots
- Landscaping
- Ancillary Support Facilities
- Commercial Cargo and Passenger Vehicle lanes
- Related Improvements and Infrastructure

The term "Tier 1 environmental document" as used in this permit refers to the programmatic or first tier environmental impact statement that establishes the preferred corridor of State Route 11 and the preferred site of the Otay Mesa East border crossing.

The term "Tier 2 environmental document" as used in this permit refers to the second tier environmental impact statement or environmental assessment to be prepared after the issuance of this permit and before any construction may begin that will identify more detailed project-specific effects and mitigation measures.

This permit is subject to the following conditions:

Article 1. The facilities herein described, and all aspects of their operation, shall be subject to all the conditions, provisions and requirements of this permit and any amendment thereof. This permit may be terminated upon a determination of the Executive Branch that the Otay Mesa East border crossing shall be closed. This permit may be amended by the Secretary of State or the Secretary's delegate in consultation with the permittee and, as appropriate, other Executive Branch agencies; the permittee's obligation to implement such an amendment is subject to the availability of funds. The permittee shall make no substantial change in the location of the facilities or in the operation authorized by this permit until such changes have been approved by the Secretary of State or the Secretary's delegate.

Article 2. The permittee shall comply with all applicable federal laws and regulations regarding the construction, operation, and maintenance of the facilities. Further, the permittee shall comply with nationally recognized codes to the extent required under 40 U.S.C. 3312(b). The permittee shall cooperate with state and local officials to the extent required under 40 U.S.C. 3312(d).

Article 3. In the event that the Otay Mesa East border crossing is permanently closed and is no longer used as an international crossing, this permit shall terminate and the permittee may manage, utilize, or dispose of the facilities in accordance with its statutory authorities.

Article 4. As authorized by applicable federal laws and regulations, the permittee is a federal agency that is responsible for managing and operating the existing Otay Mesa border crossing and, upon acceptance of the facilities by the United States of America, the Otay Mesa East border crossing. This permit shall continue in full force and effect for only so long as the permittee shall continue the operations hereby authorized.

Article 5. This Article applies to transfer of the facilities or any part thereof as an operating land border crossing. The permittee shall immediately notify the United States Department of State ("Department") of any decision to transfer custody and control of the facilities or any part thereof to any other agency or department of the United States Government. Said notice shall identify the transferee agency or department and seek the approval of the Department for the transfer of the permit. In the event of approval by the Department of such transfer of custody and control to another agency or department of the United States Government, the permit shall remain in force and effect, and the facilities shall be subject to all the conditions, permissions and requirements of this permit and any amendments thereof. The permittee may transfer ownership or control of the facilities to a non-federal entity or individual only upon the prior express approval of such transfer by the Department, which approval may include such conditions, permissions and requirements that the Department, in its discretion, determines are appropriate and necessary for inclusion in the permit, to be effective on the date of transfer.

Article 6. (1) The permittee or its agent shall acquire such right-of-way grants or easements and permits as may become necessary and appropriate.

(2) The permittee shall maintain the facilities and every part thereof.

Article 7. (1) The permittee shall take, or cause to be taken, all appropriate measures to prevent or mitigate adverse environmental impacts or disruption of significant archeological resources in connection with the construction, operation, and maintenance of the facilities, including those mitigation measures identified in both the Tier 1 and Tier 2 environmental documents, but only to the extent

incorporated into either a Record of Decision (ROD) or Finding of No Significant Impact (FONSI) to be issued by the permittee regarding the Otay Mesa East border crossing. In preparing its ROD or FONSI, the permittee shall consult with appropriate officials of the Federal Highway Administration (FHWA) and the permittee shall consider the mitigation measures recommended in the FHWA ROD.

(2) The permittee may make no irreversible change to the physical environment based upon this permit until it has received approval from the Department to proceed with construction, as provided in Article 9.

(3) Before issuing, or causing the issuance of, the notice to proceed for construction, the permittee shall obtain the concurrence of the United States Section of the International Boundary and Water Commission.

Article 8. The permittee shall file any applicable statements and reports that might be required by applicable federal law in connection with this project.

Article 9. The permittee shall not issue, nor cause to be issued, a notice to proceed for construction work until the Department has provided notification to the permittee that: (1) the Department has concluded, based on its review of the Tier 1 and Tier 2 environmental documents and the permittee's ROD or FONSI, that the continuation of this permit is in the U.S. national interest; and (2) the Department has completed its exchange of diplomatic notes with the Government of Mexico regarding authorization of construction. If the Department concludes that the continuation of this permit is not in the national interest of the United States following its review of the environmental documents, including the permittee's ROD or FONSI, the Department shall revoke this permit. The permittee shall provide written notice to the Department at such time as the construction authorized by this permit commences, and again at such time as construction is completed, interrupted for more than ninety days or discontinued.

Article 10. This permit is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, in their individual or official capacities, or any other person. The issuance of this permit does not create any obligation on the part of the permittee or the United States of America to construct, operate, maintain, or accept the donation of all or any portion of the Otay Mesa East border crossing;

provided, however, if the permittee does operate the facilities then it will do so in accordance with the terms and conditions of this permit.

Article 11. This permit shall expire ten years from the date of issuance in the event that the permittee neither has issued nor caused to be issued the notice to proceed for construction activities.

IN WITNESS WHEREOF, I, John D. Negroponte, Deputy Secretary of State, have hereunto set my hand this 20th day of November, 2008, in Washington, District of Columbia.

John Negroponte

John D. Negroponte
Deputy Secretary of State

APPENDIX B

DESIGN EXCEPTIONS

Appendix B
REQUIRED DESIGN EXCEPTIONS, BY ALTERNATIVE AND VARIATION
(All Design Exceptions for the Preferred Alternative Granted on September 7, 2011)

	Reduced distance between interchanges[1] (HDM 501.3)	Non standard Superelevation Rate (HDM 202.2)	22-foot median (HDM 305.1[a])	Branch connection detail (HDM 504.4[6]/Fig 504.3L/Fig 504.4)	Weave length (HDM 504.7 or 504.5)	Distance between successive exits (HDM 504.3[10])	No passing lane provided (HDM 504.4[5])	Use of isolated off ramp or partial interchange (HDM 502.2)	Access Control (HDM 504.8)	Side Slopes steeper than 4:1 (HDM 304.1)
Preferred Alternative										
No Variation	SR-125/SR-11 IC to La Media Road IC SR-125/SR-11 IC to Enrico Fermi Drive IC SR-125/SR-11 IC to Otay Mesa Road	La Media Road off-ramp from WB SR-11	Sanyo Avenue area	SR-905 ramps to SR-11 (EB and WB)	N/A	N/A	La Media Road off ramp from NB SR-905, La Media Road off ramp from WB SR-11	Siempre Viva Road partial IC Otay Mesa Road partial IC	Access Road to CVEF Driveway to Toll Facility	Various Locations
Two Interchange Alternative										
No Variation	SR-125/SR-11 IC to La Media Road IC SR-125/SR-11 IC to Enrico Fermi Drive IC	La Media Road off-ramp from WB SR-11	Sanyo Avenue area		N/A	N/A	La Media Road off ramp from NB SR-905, La Media Road off ramp from WB SR-11	Siempre Viva Road partial IC	Access Road to CVEF Driveway to Toll Facility	Various Locations
With SR-125 Connector Variation	SR-125/SR-11 IC to La Media Road IC SR-125/SR-11 IC to Enrico Fermi Drive IC SR-125/SR-11 IC to Otay Mesa Road	✓	✓	✓	N/A	N/A	✓	Siempre Viva Road partial IC Otay Mesa Road partial IC	✓	✓
With SR-905/SR-125/SR-11 Full Interchange Variation	✓	✓	✓	✓	N/A	NB SR-125 off ramp and La Media Road off ramp from NB SR-905	✓	Siempre Viva Road partial IC	✓	✓
With 46-foot Median	✓	✓	N/A	✓	N/A	N/A	✓	✓	✓	✓
With Siempre Viva Road Full Interchange Variation	✓	✓	✓	✓	Enrico Fermi Drive on-ramp to Siempre Viva off-ramp Enrico Fermi Drive on-ramp to Passenger and Commercial ramps to POE	Siempre Viva Road on-ramp to Passenger and Commercial ramps to POE Enrico Fermi Drive on-ramp to Passenger and Commercial ramps to POE Enrico Fermi Drive on-ramp to Siempre Viva Road ramps	✓	N/A	✓	✓
One Interchange Alternative										
No Variation	SR-125/SR-11 IC to La Media Road IC SR-125/SR-11 IC to Alta Road IC	La Media Road off-ramp from WB SR-11	Sanyo Avenue area	SR-905 ramps to SR-11 (EB and WB)	Alta Road IC to Passenger ramp to POE	N/A	La Media Road off ramp from NB SR-905, La Media Road off ramp from WB SR-11	N/A	N/A	Various Locations
With SR-125 Connector Variation	SR-125/SR-11 IC to La Media Road IC SR-125/SR-11 IC to Enrico Fermi Drive IC SR-125/SR-11 IC to Otay Mesa Road	✓	✓	✓	✓	N/A	✓	Otay Mesa Road partial IC	N/A	✓
With SR-905/SR-125/SR-11 Full Interchange Variation	✓	✓	✓	✓	✓	NB SR-125 off ramp and La Media Road off ramp from NB SR-905	✓	✓	N/A	✓
With 46-foot Median	✓	✓	N/A	✓	✓	N/A	N/A	N/A	N/A	✓

Appendix B (cont.)
REQUIRED DESIGN EXCEPTIONS, BY ALTERNATIVE AND VARIATION
(All Design Exceptions for the Preferred Alternative Granted on September 7, 2011)

	Reduced distance between interchanges[1] (HDM 501.3)	Non-standard Super-elevation rate (HDM 202.2)	22-foot median (HDM 305.1[a])	Branch connection detail (HDM 504.4[6]/504.3L)	Weave length (HDM 504.7 or 504.5)	Distance between successive exits (HDM 504.3[10])	No passing lane provided (HDM 504.4[5])	Use of isolated off-ramp or partial interchange (HDM 502.2)	Access Control (HDM 504.8)	Side slopes steeper than 4:1 (HDM 304.1)
No Interchange Alternative										
No Variation	SR-125/SR-11 IC to La Media Road IC	La Media Road off-ramp from WB SR-11	Sanyo Avenue area	SR-905 ramps to SR-11 (EB and WB)	N/A	N/A	La Media Road off ramp from NB SR-905, La Media Road off ramp from WB SR-11	N/A	N/A	Various Locations
With SR-125 Connector Variation	SR-125/SR-11 IC to La Media Road IC SR-125/SR-11 IC to Otay Mesa Road	✓	✓	✓	N/A	N/A	✓	Otay Mesa Road partial IC	N/A	✓
With SR-905/SR-125/SR-11 Full Interchange Variation	✓	✓	✓	✓	N/A	NB SR-125 off ramp and La Media Road off ramp from NB SR-905	✓	✓	N/A	✓
With 46-foot Median	✓	✓	N/A	✓	N/A	N/A	✓	N/A	N/A	✓

[1] Refers to the reduced standard distance between a freeway-to-freeway interchange (SR-905/SR-125/SR-11) and an interchange with a local road (Enrico Fermi Drive for the Preferred Alternative and the Two Interchange Alternative; Alta Road for the One Interchange Alternative; La Media Road for all alternatives; and Otay Mesa Road for the SR-125 Connector Variation and the Preferred Alternative).
HDM xxx = Highway Design Manual section number; IC = interchange; EB = eastbound; WB = westbound; NB = northbound; SB = southbound; ✓ = As described for the alternative with no variation; N/A = Not Applicable
Shaded area = Mandatory Design Exception; Unshaded area = Advisory Design Exception

APPENDIX C

LIST OF TECHNICAL STUDIES

LIST OF TECHNICAL STUDIES

The following technical studies were prepared to support this Tier II EIR/EIS. These technical studies (with the exception of those marked "confidential" below) are available for review at the Caltrans District 11 offices at 4050 Taylor Street, Building 1 – Main Lobby, San Diego, CA 92110, at the Otay Mesa Chamber of Commerce, and at the Imperial Beach, Bonita-Sunnyside and Otay Mesa-Nestor branches of the San Diego County Library.

Addendum to the Tier II Community Impact Assessment: Supplemental analysis of the economic and fiscal impacts of the Preferred Alternative for SR-11 and Otay Mesa East POE. August 2011

Community Impact Assessment for State Route 11 and the Otay Mesa East Port of Entry. November 2010

Traffic Technical Report for State Route 11 and the Otay Mesa East Port Of Entry. September 6, 2011

Traffic Supplemental Letter Regarding State Route 11/Otay Mesa East Port of Entry Preferred Alternative. May 13, 2011

Preliminary Transportation Management Plan (TMP) Constructing State Route 11 from State Route 905 to the Otay Mesa East Port Of Entry. February 2010 (Draft EIR/EIS Build Alternatives)

Preliminary Transportation Management Plan (TMP) Constructing State Route 11 from State Route 905 to the Otay Mesa East Port Of Entry. July 2011 (Preferred Alternative)

Visual Impact Assessment for State Route 11 and the Otay Mesa East Port of Entry. November 2010

First Supplemental Historic Property Survey Report for State Route 11 and East Otay Mesa Port of Entry. October 2009 (Confidential)

Second Supplemental Historic Property Survey Report for State Route 11 and East Otay Mesa Port of Entry. February 2010 (Confidential)

Third Supplemental Historic Property Survey Report for State Route 11 and East Otay Mesa Port of Entry: Lonestar Biological Mitigation Site. February 2011 (Confidential)

Fourth Supplemental Historic Property Survey Report for State Route 11 and East Otay Mesa Port of Entry: Johnson Canyon Biological Mitigation Site. June 2011 (Confidential)

Hydrology & Hydraulics Report, State Route 11 Corridor and Commercial Vehicle Enforcement Facility. April 14, 2010

Hydrology & Hydraulics Report, State Route 11 - Port of Entry (POE). February 23, 2010

Addendum to: Hydrology & Hydraulics Report, State Route 11 Corridor and Commercial Vehicle Enforcement Facility. August 9, 2010

State Route 11, Commercial Vehicle Enforcement Facility & Otay Mesa East Port of Entry Water Quality Report. November 2010

Proposed State Route 11 Extension: Hydrogeologic Site Assessment/Storm Water Data Report. September 9, 2009

Initial Site Assessment, State Route 11 and Otay Mesa East Port of Entry, San Diego, California. September 2, 2010

Soil Sampling Report, Auto Salvage Yard, Proposed SR-11 Alignment, APN 648-070-13, San Diego, California. February 5, 2010

Proposed State Route 11 Extension: Supplementary District Preliminary Geotechnical Report. October 7, 2009

Paleontological Resource Assessment; State Route 11/Otay Mesa East Port of Entry; San Diego County, California. June 24, 2009 (Confidential)

Paleontological Update for the State Route 11/Otay Mesa East Port of Entry Project. January 21, 2010 (Confidential)

Air Quality Analysis Supplemental Letter. January 12, 2012.

Air Quality Analysis for State Route 11 and the Otay Mesa East Port of Entry. November 2010

Air Quality Technical Report for Construction Emissions for State Route 11 and the Otay Mesa East Port of Entry. November 2010

Noise Study Report for State Route 11 and the Otay Mesa East Port of Entry. November 2010

Noise Abatement Decision Report. November 2010

Addendum to the Tier II Natural Environment Study for State Route 11 and the Otay Mesa East Port of Entry, December 2011

Natural Environment Study for State Route 11 and the Otay Mesa East Port of Entry. November 2010

Biological Opinion for the State Route 11 and the Otay Mesa East Port of Entry, Otay Crossings Commerce Park, and Otay Business Park Projects, San Diego County. November 23, 2011

The technical studies below were prepared in support of the Program EIR/Phase I EIS, which has been incorporated by reference.

Supplemental Historic Property Survey Report for State Route 11 and East Otay Mesa Port of Entry. 2008 (Confidential)

First Addendum Archaeological Survey Report for the Future State Route 11 and East Otay Mesa Port of Entry Project. October 2007

Cultural Resource Survey and Extended Phase 1 Testing Program or the Future State Route 11 and East Otay Mesa Port of Entry Project. March 2001

Biological Resources Existing Conditions Report for State Route 11 and the Otay Mesa East Port of Entry. December 2007

Community Assessment Existing Conditions Report for State Route 11 and the Otay Mesa East Port of Entry. January 2008

Hazardous Materials and Hazardous Waste Initial Site Assessment for State Route 11 and the Otay Mesa East Port of Entry. March 2007

Preliminary Existing Conditions Hydrology Calculations for State Route 11 Programmatic EIR/EIS. November 2007

Preliminary Geotechnical Study, Caltrans/SR-11, San Diego, California. November 21, 2007

State Route 11 Phase I Traffic Technical Report. December 20, 2007

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APPENDIX D

RESOURCES EVALUATED RELATIVE TO THE REQUIREMENTS OF SECTION 4(F)

Resources Evaluated Relative to the Requirements of Section 4(f) for the State Route 11/Otay Mesa East Port of Entry Project San Diego, California

INTRODUCTION

The following discusses existing and planned properties adjacent to the proposed State Route 11 (SR-11)/Otay Mesa East Port of Entry (POE) Project that may warrant protection under Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966. The discussion is prepared in support of the Final Environmental Impact Report/Environmental Impact Statement (Final EIR/EIS) being prepared for the proposed project. Figure 1 shows the location of the potential 4(f) resource evaluated in this document.

Section 4(f) of the USDOT Act of 1996, codified in federal law as 49 U.S.C. 303, declares that "[it] is the policy of the United Sates Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites."

Section 4(f) specifies that "the Secretary [of Transportation] may approve a transportation program or project…requiring the use of any publicly owned land from a public park, recreation area, wildlife and waterfowl refuge of national, State or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State or local officials having jurisdiction over the park, area, refuge, or site) only if:

(1) there is no prudent and feasible alternative to using that land; and
(2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from such use.

Section 4(f) also requires consultation with the Department of the Interior and, as appropriate, the involved offices of the Department of Agriculture and Housing and Development in developing transportation projects and programs that use lands protected by Section 4(f). Reviews by these Departments are not required for Programmatic 4(f) Evaluations or *de minimis* findings.

I. DISCUSSION OF PROPERTY

Field reconnaissance, reviews of applicable local plans, and Google Earth were used to identify resources in the vicinity of the proposed project that could potentially be subject to evaluation under Section 4(f). One potential Section 4(f) resource exists adjacent to SR-905, which is currently being constructed. This property is shown on Figure 1.

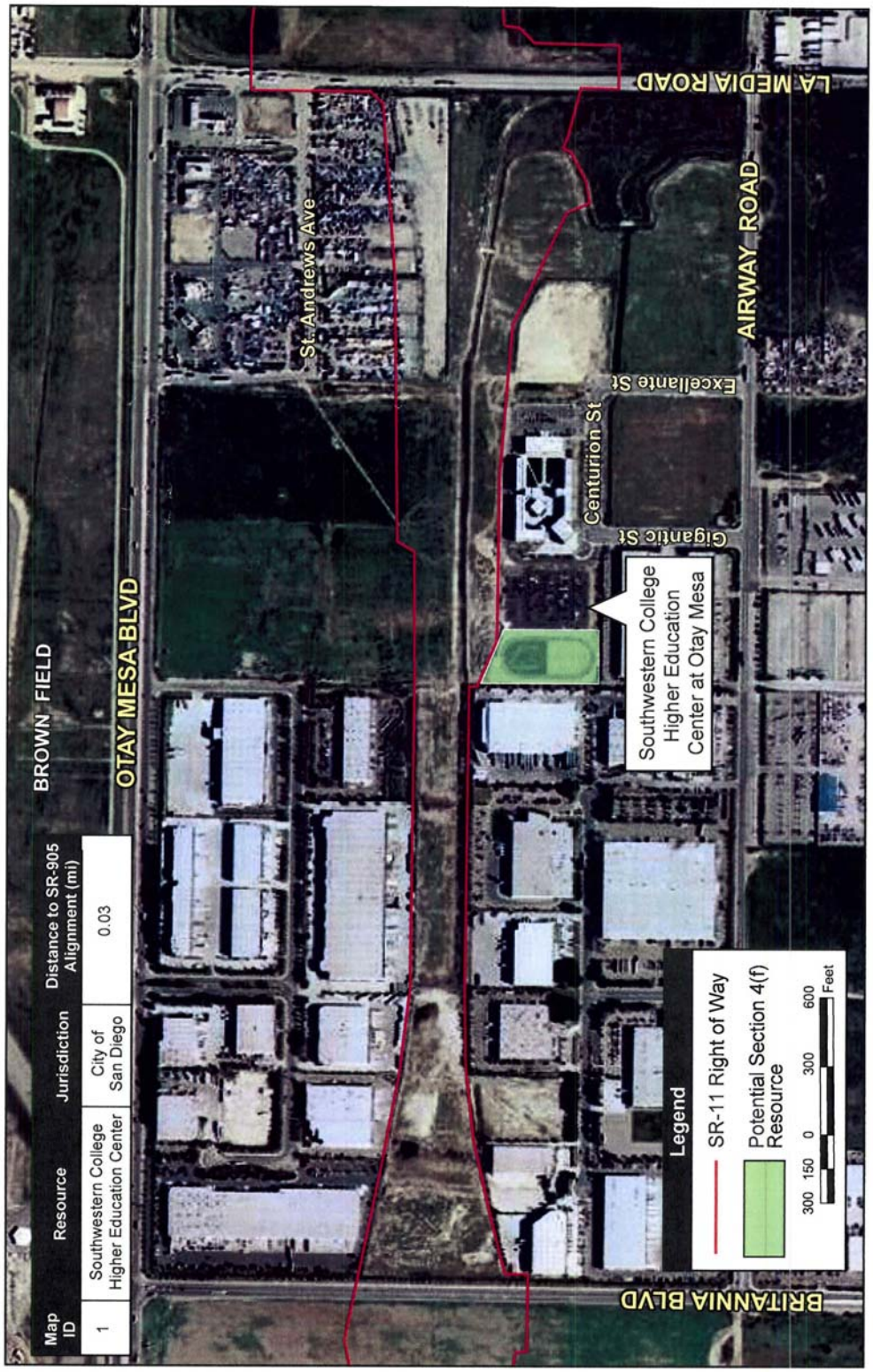
Table 1. Potential Section 4(f) Resources

Map ID	Resource	Jurisdiction	Distance to SR-905 Alignment (mi)
1	Southwestern College Higher Education Center	City of San Diego	0.03

II. RESOURCES NOT PROTECTED BY SECTION 4(F)

The Southwestern College Higher Education Center is located in Otay Mesa between the Interstate 805 and the proposed SR-905/SR-125/SR-11 interchange. More specifically, it is situated between Britannia Boulevard and La Media Road 0.03 mile south of the future SR-905 alignment that is presently under construction. The facility opened in August 2007, and has the capacity to serve up to 5000 students. It offers over 170 different courses, and students can pursue an associate degree, complete general education requirements for transfer or develop occupational skills for employment. A variety of student services are available, including Admissions and Records, Financial Aid, Counseling and Tutoring, Science and Computer Labs, a fitness center, library and a bookstore. The fitness center (track and field) is located adjacent to the SR-905 alignment. The facility is only available for student/team use, and is not open to the public. Therefore, it does not qualify for protection under Section 4(f). Even if the facility was open to the public, no "use" would occur, because the proposed project would not permanently incorporate land from a Section 4(f) resource into a transportation facility. Additionally, no "constructive use" would occur because the proximity impacts would not be so severe that the protected activities, features or attributes that qualify the resource for protection under Section 4(f) are "substantially impaired."

Figure 1. Potential Section 4(f) Property (Southwestern College)



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APPENDIX E

FARMLAND CONVERSION IMPACT RATING FORM

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service

NRCS-CPA-106
(Rev. 1-91)

FARMLAND CONVERSION IMPACT RATING FOR CORRIDOR TYPE PROJECTS

PART I *(To be completed by Federal Agency)*	3. Date of Land Evaluation Request 7/30/10 — 4. Sheet 1 of 1
1. Name of Project SR 11/Otay Mesa East Port of Entry (POE)	5. Federal Agency Involved Federal Highway Administration
2. Type of Project Highway Improvement Project and POE	6. County and State San Diego, CA
PART II *(To be completed by NRCS)*	1. Date Request Received by NRCS 7/30/10 — 2. Person Completing Form C. Calvert
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES ☑ NO ☐	4. Acres Irrigated 69,537 — Average Farm Size 80
5. Major Crop(s) Avocados, Flowers, Wine Grapes, Citrus	6. Farmable Land in Government Jurisdiction Acres: 112,974 % 4 — 7. Amount of Farmland As Defined in FPPA Acres: 91,812 % 3
8. Name Of Land Evaluation System Used CA - Storie System	9. Name of Local Site Assessment System None — 10. Date Land Evaluation Returned by NRCS 9/3/10

PART III *(To be completed by Federal Agency)*	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	345	319	298	
B. Total Acres To Be Converted Indirectly, Or To Receive Services	0	0	0	
C. Total Acres In Corridor	345	319	298	0
PART IV *(To be completed by NRCS) Land Evaluation Information*				
A. Total Acres Prime And Unique Farmland	40	40	39	
B. Total Acres Statewide And Local Important Farmland	295	270	247	
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.3	0.3	0.3	
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value		DATA NOT AVAILABLE		
PART V *(To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)*	42.2	42.4	42.6	

PART VI *(To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))*	Maximum Points				
1. Area in Nonurban Use	15	7	7	7	
2. Perimeter in Nonurban Use	10	10	10	10	
3. Percent Of Corridor Being Farmed	20	0	0	0	
4. Protection Provided By State And Local Government	20	0	0	0	
5. Size of Present Farm Unit Compared To Average	10	0	0	0	
6. Creation Of Nonfarmable Farmland	25	0	0	0	
7. Availablility Of Farm Support Services	5	5	5	5	
8. On-Farm Investments	20	0	0	0	
9. Effects Of Conversion On Farm Support Services	25	0	0	0	
10. Compatibility With Existing Agricultural Use	10	5	5	5	
TOTAL CORRIDOR ASSESSMENT POINTS	160	27	27	27	0
PART VII *(To be completed by Federal Agency)*					
Relative Value Of Farmland (From Part V)	100	42.2	42.4	42.6	
Total Corridor Assessment (From Part VI above or a local site assessment)	160	27	27	27	0
TOTAL POINTS *(Total of above 2 lines)*	260	69.2	69.4	69.6	0

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES ☐ NO ☑

5. Reason For Selection:

Signature of Person Completing this Part: | DATE

NOTE: Complete a form for each segment with more than one Alternate Corridor

CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor - type site or design alternative for protection as farmland along with the land evaluation information.

(1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?
More than 90 percent - 15 points
90 to 20 percent - 14 to 1 point(s)
Less than 20 percent - 0 points

(2) How much of the perimeter of the site borders on land in nonurban use?
More than 90 percent - 10 points
90 to 20 percent - 9 to 1 point(s)
Less than 20 percent - 0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?
More than 90 percent - 20 points
90 to 20 percent - 19 to 1 point(s)
Less than 20 percent - 0 points

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?
Site is protected - 20 points
Site is not protected - 0 points

(5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County ?
(Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with $1,000 or more in sales.)
As large or larger - 10 points
Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points

(6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?
Acreage equal to more than 25 percent of acres directly converted by the project - 25 points
Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)
Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points

(7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?
All required services are available - 5 points
Some required services are available - 4 to 1 point(s)
No required services are available - 0 points

(8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?
High amount of on-farm investment - 20 points
Moderate amount of on-farm investment - 19 to 1 point(s)
No on-farm investment - 0 points

(9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?
Substantial reduction in demand for support services if the site is converted - 25 points
Some reduction in demand for support services if the site is converted - 1 to 24 point(s)
No significant reduction in demand for support services if the site is converted - 0 points

(10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?
Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points
Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)
Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points

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Two Interchange Alternative Extent of Impacts

STATE ROUTE 11 AND OTAY MESA EAST PORT OF ENTRY

Figure 2

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One Interchange Alternative Extent of Impacts

STATE ROUTE 11 AND OTAY MESA EAST PORT OF ENTRY

Figure 3

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No Interchange Alternative Extent of Impacts

STATE ROUTE 11 AND OTAY MESA EAST PORT OF ENTRY

Figure 4

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service

NRCS-CPA-106
(Rev. 1-91)

FARMLAND CONVERSION IMPACT RATING FOR CORRIDOR TYPE PROJECTS

PART I *(To be completed by Federal Agency)*	3. Date of Land Evaluation Request 8/18/11 — 4. Sheet 1 of 1
1. Name of Project SR 11/Otay Mesa East Port of Entry (POE)	5. Federal Agency Involved Federal Highway Administration
2. Type of Project Highway Improvement Project and POE	6. County and State San Diego, CA

PART II *(To be completed by NRCS)*	1. Date Request Received by NRCS 8/18/10	2. Person Completing Form Melissa Amit Shuck
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES ☑ NO ☐		4. Acres Irrigated 69,537 / Average Farm Size 80
5. Major Crop(s) Nursery, Flower, Fruit/Nut	6. Farmable Land in Government Jurisdiction Acres: 112,974 % 4	7. Amount of Farmland As Defined in FPPA Acres: 91,812 % 3
8. Name Of Land Evaluation System Used CA - Storie System	9. Name of Local Site Assessment System None	10. Date Land Evaluation Returned by NRCS 9/6/11

PART III *(To be completed by Federal Agency)*	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	315			
B. Total Acres To Be Converted Indirectly, Or To Receive Services	0			
C. Total Acres In Corridor	315	0	0	0
PART IV *(To be completed by NRCS) Land Evaluation Information*				
A. Total Acres Prime And Unique Farmland	46			
B. Total Acres Statewide And Local Important Farmland	263			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.0			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value		DATA NOT AVAILABLE		
PART V *(To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)*	43.2			

PART VI *(To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))*	Maximum Points				
1. Area in Nonurban Use	15	7			
2. Perimeter in Nonurban Use	10	10			
3. Percent Of Corridor Being Farmed	20	0			
4. Protection Provided By State And Local Government	20	0			
5. Size of Present Farm Unit Compared To Average	10	0			
6. Creation Of Nonfarmable Farmland	25	0			
7. Availablility Of Farm Support Services	5	5			
8. On-Farm Investments	20	0			
9. Effects Of Conversion On Farm Support Services	25	0			
10. Compatibility With Existing Agricultural Use	10	5			
TOTAL CORRIDOR ASSESSMENT POINTS	160	27	0	0	0
PART VII *(To be completed by Federal Agency)*					
Relative Value Of Farmland (From Part V)	100	43.2			
Total Corridor Assessment (From Part VI above or a local site assessment)	160	27	0	0	0
TOTAL POINTS *(Total of above 2 lines)*	260	70.2	0.0	0.0	0

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES ☐ NO ☑

5. Reason For Selection:

Signature of Person Completing this Part: | DATE

NOTE: Complete a form for each segment with more than one Alternate Corridor

CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor - type site or design alternative for protection as farmland along with the land evaluation information.

(1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?
More than 90 percent - 15 points
90 to 20 percent - 14 to 1 point(s)
Less than 20 percent - 0 points

(2) How much of the perimeter of the site borders on land in nonurban use?
More than 90 percent - 10 points
90 to 20 percent - 9 to 1 point(s)
Less than 20 percent - 0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?
More than 90 percent - 20 points
90 to 20 percent - 19 to 1 point(s)
Less than 20 percent - 0 points

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?
Site is protected - 20 points
Site is not protected - 0 points

(5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County ?
(Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with $1,000 or more in sales.)
As large or larger - 10 points
Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points

(6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?
Acreage equal to more than 25 percent of acres directly converted by the project - 25 points
Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)
Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points

(7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?
All required services are available - 5 points
Some required services are available - 4 to 1 point(s)
No required services are available - 0 points

(8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?
High amount of on-farm investment - 20 points
Moderate amount of on-farm investment - 19 to 1 point(s)
No on-farm investment - 0 points

(9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?
Substantial reduction in demand for support services if the site is converted - 25 points
Some reduction in demand for support services if the site is converted - 1 to 24 point(s)
No significant reduction in demand for support services if the site is converted - 0 points

(10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?
Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points
Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)
Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points

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Preferred Alternative Extent of Impacts

STATE ROUTE 11 AND OTAY MESA EAST PORT OF ENTRY

APPENDIX F

CALTRANS RELOCATION ASSISTANCE PROGRAM

California Department of Transportation Relocation Assistance Program

RELOCATION ASSISTANCE ADVISORY SERVICES

This Appendix is general in nature and is not intended to be a complete statement of federal and state relocation laws and regulations. Any questions concerning relocation should be addressed to Caltrans Right of Way. This section provides some general descriptive information on Public Law (PL) 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. This is often referred to simply as the "Uniform Act." The information in this Appendix is provided only as background and is not intended as a complete statement of all the State or Federal laws and regulations; for specific details the environmental planner should contact the appropriate Caltrans District or Regional Right of Way Relocation Branch. After presenting an outline of the basic legal foundation for relocation policy, the Appendix looks at important relocation assistance information, including advisory services and the payment program. Refer to the Caltrans Right of Way Manual Chapter 10, for more detailed and specific information regarding relocation and housing programs.

DECLARATION OF POLICY

"The purpose of this title is to establish a ***uniform policy for fair and equitable treatment*** of persons displaced as a result of federal and federally assisted programs in order that such persons ***shall not suffer disproportionate injuries*** as a result of programs designed for the benefit of the public as a whole."

The Fifth Amendment to the U.S. Constitution states, "No Person shall…be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use without just compensation." The Uniform Act sets forth in statute the due process that must be followed in Real Property acquisitions involving federal funds. Supplementing the Uniform Act is the government-wide single rule for all agencies to follow, set forth in 49 Code of Federal Regulations, Part 24. Displaced individuals, families, businesses, farms, and nonprofit organizations may be eligible for relocation advisory services and payments, as discussed below.

FAIR HOUSING

The Fair Housing Law (Title VIII of the Civil Rights Act of 1968) sets forth the policy of the United States to provide, within constitutional limitations, for fair housing. This Act, and as amended, makes discriminatory practices in the purchase and rental of most residential units illegal. Whenever possible, minority persons shall be given reasonable opportunities to relocate to any available housing regardless of neighborhood, as long as the replacement dwellings are decent, safe, and sanitary and are within their financial means. This policy, however, does not require Caltrans to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

Any persons to be displaced will be assigned to a relocation advisor, who will work closely with each displacee in order to see that all payments and benefits are fully utilized, and that all regulations are observed, thereby avoiding the possibility of displacees jeopardizing or forfeiting any of their benefits or payments. At the time of the initiation of negotiations (usually the first written offer to purchase), owner-occupants are given a detailed explanation of the state's relocation services. Tenant occupants of properties to be acquired are contacted soon after the initiation of negotiations, and also are given a detailed explanation of the Caltrans Relocation Assistance Program. To avoid loss of possible benefits, no individual, family, business, farm, or nonprofit organization should commit to purchase or rent a replacement property without first contacting a Caltrans relocation advisor.

RELOCATION ASSISTANCE ADVISORY SERVICES

In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, Caltrans will provide relocation advisory assistance to any person, business, farm or nonprofit organization displaced as a result of the acquisition of real property for public use, so long as they are legally present in the United States. Caltrans will assist eligible displacees in obtaining comparable replacement housing by providing current and continuing information on the availability and prices of both houses for sale and rental units that are "decent, safe and sanitary." Nonresidential displacees will receive information on comparable properties for lease or purchase (for business, farm and nonprofit organization relocation services, see below).

Residential replacement dwellings will be in a location generally not less desirable than the displacement neighborhood at prices or rents within the financial ability of the individuals and families displaced, and reasonably accessible to their places of employment. Before any displacement occurs, comparable replacement dwellings will be offered to displacees that are open to all persons regardless of race, color, religion, sex, national origin, and consistent with the requirements of Title VIII of the Civil Rights Act of 1968. This assistance will also include the supplying of information concerning Federal and State assisted housing programs, and any other known services being offered by public and private agencies in the area.

Persons who are eligible for relocation payments and who are legally occupying the property required for the project will not be asked to move without first being given at least 90 days written notice. Residential occupants eligible for relocation payment(s) will not be required to move unless at least one comparable "decent, safe and sanitary" replacement dwelling, available on the market, is offered to them by Caltrans.

RESIDENTIAL RELOCATION PAYMENTS

The Relocation Assistance Program will help eligible residential occupants by paying certain costs and expenses. These costs are limited to those necessary for or incidental to the purchase or rental of a replacement dwelling and actual reasonable moving expenses to a new location within 50 miles of the displacement property. Any actual moving costs in excess of the 50 miles are the responsibility of the displacee. The Residential Relocation Assistance Program can be summarized as follows.

Moving Costs

Any displaced person, who lawfully occupied the acquired property, regardless of the length of occupancy in the property acquired, will be eligible for reimbursement of moving costs. Displacees will receive either the actual reasonable costs involved in moving themselves and personal property up to a maximum of 50 miles, or a fixed payment based on a fixed moving cost schedule. Lawful occupants who move into the displacement property after the initiation of negotiations must wait until Caltrans obtains control of the property in order to be eligible for relocation payments.

Purchase Differential

In addition to moving and related expense payments, fully eligible homeowners may be entitled to payments for increased costs of replacement housing.

Homeowners who have owned and occupied their property for 180 days or more prior to the date of the initiation of negotiations (usually the first written offer to purchase the property), may qualify to receive a price differential payment and may qualify to receive reimbursement for certain nonrecurring costs incidental to the purchase of the replacement property. An interest differential payment is also available

if the interest rate for the loan on the replacement dwelling is higher than the loan rate on the displacement dwelling, subject to certain limitations on reimbursement based upon the replacement property interest rate. The maximum combination of these three supplemental payments that the owner-occupant can receive is $22,500. If the total entitlement (without the moving payments) is in excess of $22,500, the Last Resort Housing Program will be used (see the explanation of the Last Resort Housing Program below).

Rent Differential

Tenants and certain owner-occupants (based on length of ownership) who have occupied the property to be acquired by Caltrans prior to the date of the initiation of negotiations may qualify to receive a rent differential payment. This payment is made when Caltrans determines that the cost to rent a comparable "decent, safe and sanitary" replacement dwelling will be more than the present rent of the displacement dwelling. As an alternative, the tenant may qualify for a down payment benefit designed to assist in the purchase of a replacement property and the payment of certain costs incidental to the purchase, subject to certain limitations noted under the *Down Payment* section below. The maximum amount payable to any eligible tenant and any owner-occupant of less than 180 days, in addition to moving expenses, is $5,250. If the total entitlement for rent supplement exceeds $5,250, the Last Resort Housing Program will be used.

In order to receive any relocation benefits, the displaced person must buy or rent and occupy a "decent, safe and sanitary" replacement dwelling within one year from the date Caltrans takes legal possession of the property, or from the date the displacee vacates the displacement property, whichever is later.

Down Payment

The down payment option has been designed to aid owner-occupants of less than 180 days and tenants in legal occupancy prior to Caltrans' initiation of negotiations. The down payment and incidental expenses cannot exceed the maximum payment of $5,250. The one-year eligibility period in which to purchase and occupy a "decent, safe and sanitary" replacement dwelling will apply.

Last Resort Housing

Federal regulations (49 CFR 24) contain the policy and procedure for implementing the Last Resort Housing Program on federal-aid projects. Last Resort Housing benefits are, except for the amounts of payments and the methods in making them, the same as those benefits for standard residential relocation as explained above. Last Resort Housing has been designed primarily to cover situations where a displacee cannot be relocated because of lack of available comparable replacement housing, or when the anticipated replacement housing payments exceed the $22,500 and $5,250 limits of the standard relocation procedure, because either the displacee lacks the financial ability or other valid circumstances.

After the initiation of negotiations, Caltrans, will within a reasonable length of time, personally contact the displacees to gather important information, including the following:

- Number of people to be displaced;
- Specific arrangements needed to accommodate any family member(s) with special needs;
- Financial ability to relocate into comparable replacement dwelling which will adequately house all members of the family;
- Preferences in area of relocation; and
- Location of employment or school.

NONRESIDENTIAL RELOCATION ASSISTANCE

The Nonresidential Relocation Assistance Program provides assistance to businesses, farms and nonprofit organizations in locating suitable replacement property, and reimbursement for certain costs involved in relocation. The Relocation Advisory Assistance Program will provide current lists of properties offered for sale or rent, suitable for a particular business's specific relocation needs. The types of payments available to eligible businesses, farms and nonprofit organizations are: searching and moving expenses, and possibly reestablishment expenses; or a fixed in lieu payment instead of any moving, searching and reestablishment expenses. The payment types can be summarized as follows:

Moving Expenses

Moving expenses may include the following actual, reasonable costs:

- The moving of inventory, machinery, equipment and similar business-related property, including: dismantling, disconnecting, crating, packing, loading, insuring, transporting, unloading, unpacking, and reconnecting of personal property. Items acquired in the Right of Way contract may not be moved under the Relocation Assistance Program. If the displacee buys an Item Pertaining to the Realty back at salvage value, the cost to move that item is borne by the displacee.
- Loss of tangible personal property provides payment for actual, direct loss of personal property that the owner is permitted not to move.
- Expenses related to searching for a new business site, up to $2,500, for reasonable expenses actually incurred.

Reestablishment Expenses

Reestablishment expenses related to the operation of the business at the new location, up to $10,000 for reasonable expenses actually incurred.

Fixed In Lieu Payment

A fixed payment in lieu of moving, searching, and reestablishment payments may be available to businesses that meet certain eligibility requirements. This payment is an amount equal to half the average annual net earnings for the last two taxable years prior to the relocation and may not be less than $1,000 nor more than $20,000.

ADDITIONAL INFORMATION

Reimbursement for moving costs and replacement housing payments are not considered income for the purpose of the Internal Revenue Code of 1954, or for the purpose of determining the extent of eligibility of a displacee for assistance under the Social Security Act, or any other law, *except* for any Federal law providing local "Section 8" Housing Programs.

Any person, business, farm or nonprofit organization which has been refused a relocation payment by the Caltrans relocation advisor or believes that the payment(s) offered by the agency are inadequate, may appeal for a special hearing of the complaint. No legal assistance is required. Information about the appeal procedure is available from the relocation advisor.

California law allows for the payment for lost goodwill that arises from the displacement for a pubic project. A list of ineligible expenses can be obtained from Caltrans Right of Way. California's law and the federal regulations covering relocation assistance provide that no payment shall be duplicated by other payments being made by the displacing agency.

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Your Rights and Benefits as a Displaced Business, Farm or Nonprofit Organization Under the Uniform Relocation Assistance Program

Introduction

In building a modern transportation system, the displacement of a small percentage of the population is often necessary. However, it is the policy of Caltrans that displaced persons shall not suffer unnecessarily as a result of programs designed to benefit the public as a whole.

Displaced businesses, farms, and nonprofit organizations may be eligible for relocation advisory services and payments.

This brochure provides information about available relocation services and payments. If you are required to move as the result of a Caltrans transportation project, a Relocation Agent will contact you. The Relocation Agent will be able to answer your specific questions and provide additional information.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 As Amended "The Uniform Act"

The purpose of this Act is to provide for uniform and equitable treatment of persons displaced from their business, farm or nonprofit organization, by federal and federally assisted programs and to establish uniform and equitable land acquisition policies for federal and federally assisted programs.

49 Code of Federal Regulations Part 24 implements the "Uniform Act" in accordance with the following relocation assistance objective:

> To ensure that persons displaced as a direct result of federal or federally-assisted projects are treated fairly, consistently and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole.

While every effort has been made to assure the accuracy of this booklet, it should be understood that it does not have the force and effect of law, rule, or regulation governing the payment of benefits. Should any difference or error occur, the law will take precedence.

Relocation Services

The California Department of Transportation has two programs to aid businesses, farms and nonprofit organizations which must relocate.

These are:

1. The Relocation Advisory Assistance Program, which is to aid you in locating a suitable replacement property, and

2. The Relocation Payments Program, which is to reimburse you for certain costs involved in relocating. These payments are classified as:

    - Moving and Related Expenses (costs to move personal property not acquired).

    - Reestablishment Expenses (expenses related to the replacement property).

    - In-Lieu Payment (a fixed payment in lieu of moving and related expenses, and reestablishment expenses).

NOTE: *Payment of loss of goodwill is considered an acquisition cost. California law and the federal regulations mandate that relocation payments cannot duplicate other payments such as goodwill. You will* **not** *be eligible to receive any relocation payments until the State has actually made the first written offer to purchase the property. You will also receive at least 90 days' written notice before you must move.*

Some Important Definitions...

Your relocation benefits can be better understood if you become familiar with the following terms:

Business: Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease and rental of personal or real property, or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property, or for the sale of services to the public, or solely for the purpose of this Act, and outdoor advertising display or displays, when the display(s) must be moved as a result of the project.

Displaced Person or Displacee: Any person who moves from real property or moves personal property from real property as a result of the acquisition of the real property, in whole or in part, or as the result of a written notice from the agency to vacate the real property needed for a transportation project. In the case of a partial acquisition, Caltrans shall determine if a person is displaced as a direct result of the acquisition.

Owners and tenants **not lawfully present** in the United States are not eligible to receive relocation payments and assistance.

Contributes Materially: A business or farm operation must have had average annual gross receipts of at least $5,000 **or** average annual net earnings of at least $1,000, or their income must have contributed at least 33 1/3 percent of the owner's or operator's average annual gross income form all sources, in order to qualify as a bona-fide operation.

Farm Operation: Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

Nonprofit Organization: A public or private entity that has established its nonprofit status under applicable law.

MOVING EXPENSES

If you qualify as a displaced business, farm or nonprofit organization, you are entitled to reimbursement of your moving costs and certain related expenses incurred in moving. To qualify you must legally occupy the property as the owner or lessee/tenant when Caltrans initiates negotiations for the acquisition of the property **OR** at the time Caltrans acquires title or takes possession of the property. However, to assure your eligibility and prompt payment of moving expenses, you should contact your Relocation Agent before you move.

You Can Choose Either:

Actual Reasonable Moving Costs – You may be paid for your actual reasonable moving costs and related expenses when a commercial mover performs the move. Reimbursement will be limited to a move of 50 miles or less. Related expenses, with limitations, ***may*** include:

- Transportation.
- Packing and unpacking of personal property.
- Disconnecting and reconnecting personal property related to the operation.
- Temporary storage of personal property.
- Insurance while property is in storage or transit, or the loss and damage of personal property if insurance is not reasonably available.
- Expenses in finding a replacement location.
- Professional services to plan and monitor the move of the personal property to the new location.
- Licenses, permits and fees required at the replacement location.

OR

Self-Move Agreement – You may be paid to move your own personal property based on the lower of two acceptable bids obtained by Caltrans.

Under this option, you will still be eligible for reimbursement of related expenses listed above that were not included in the bids.

OR

In-Lieu Payment – You can accept a fixed payment between $1,000 and $20,000, based on your annual earnings IN LIEU OF the moving cost, related expenses and reestablishment cost.

Actual Reasonable Moving Costs

You may be paid the actual reasonable and necessary costs of your move when a professional mover performs the move. All of your moving costs must be supported by paid receipts or other evidence of expenses incurred. In addition to the transportation costs of your personal property, certain other expenses may also be reimbursable, such as packing, crating, unpacking and uncrating, and the disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property.

Other expenses such as professional services necessary for planning and carrying out the move, temporary storage costs, and the cost of licenses, permits and certifications may also be reimbursable. This is not intended to be an all-inclusive list of moving related expenses. Your Relocation Agent can provide you with a complete explanation of reimbursable expenses.

Self-Move Agreement

If you agree to take full responsibility for all or part of the move of your business, farm, or nonprofit organization, the Department may approve a payment not to exceed the lower of two acceptable bids obtained by the Department from qualified moving firms or a qualified Department staff employee. A low-cost or uncomplicated move may be based on a single bid or estimate at the Department's discretion. The advantage of this moving option is the fact that it relieves the displaced business, farm or nonprofit organization operator from documenting all moving expenses. The Department may make the payment without additional documentation as long as the payment is limited to the amount of the lowest acceptable bid or estimate. Other expenses, such as professional services for planning, storage costs, and the cost of licenses, permits, and certifications may also be reimbursable if determined to be necessary. These latter expenses must be pre approved by the Relocation Agent.

Requirements:

Before you move, you must provide Caltrans with the:

- Certified inventory of all personal property to be moved.
- Date you intend to vacate the property.
- Address of the replacement property.
- Opportunity to monitor and inspect the move from the acquired property to the replacement property.

Related Expenses

1. **Searching Expenses for Replacement Property:** Displaced businesses, farms and nonprofit organizations are entitled to reimbursement for actual reasonable expenses incurred in searching for a replacement property, not to exceed $2,500. Expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search; fees paid to the real estate agents, brokers or consultants; and other expenses determined to be reasonable and necessary by the Department.

2. **Direct Loss of Tangible Personal Property:** Displaced businesses, farms, and nonprofit organizations may be eligible for a payment for the actual direct loss of tangible personal property which is incurred as a result of the move or discontinuance of the operation. This payment will be based upon the lesser of:

    a. The fair market value of the item for continued use at the displacement site minus the proceeds from its sale.

    OR

    b. The estimated cost of moving and reinstalling the replaced item, based on the lowest acceptable bid or estimate obtained by the Department for eligible moving and related expense4s, including dismantling and reassembly, but with no allowance for storage, cost of code requirement betterments or upgrades at the replacement site.

EXAMPLE:
You determine that the "document shredder" cannot be moved to the new location because of its condition, and you will not replace it at the new location.

Fair Market Value of the Document Shredder Based on its use at the current location		$ 1,500
Proceeds: Price received from selling the Document Shredder	-	$ 500
Net Value		$ 1,000

OR

Estimated cost to move	$ 1,050
Based on the "lesser of", the amount of the "Loss of Tangible Personal Property" =	**$ 1,000**

Note: You are also entitled to all reasonable costs incurred in attempting to sell the document shredder (e.g. advertisement).

3. Purchase of Substitute Personal Property: If an item of personal property, which is used as part of the business, farm, or nonprofit organization, is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displacee is entitled to payment of the lesser of:

   a. The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item;

   OR

   b. The estimated cost of moving and reinstalling the replaced item, based on the lowest acceptable bid or estimate obtained by the Department for eligible moving and related expenses, including dismantling and reassembly, but with no allowance for storage, cost of code requirement betterments or upgrades at the replacement site.

EXAMPLE A:

You determine that the copying machine cannot be moved to the new location because it is now obsolete and you will replace it.

Cost of a substitute copy machine Including installation costs at the replacement site		$ 3,000
Trade-in Allowance	-	$ 2,500
Net Value		$ 500

OR

Estimated cost to move	$ 550
Based on the "lesser of", the amount of the "Substitute Personal Property" =	**$ 500**

EXAMPLE B:

You determine that the chairs will not be used at the new location because they no longer match the décor and you will replace them.

Cost of substitute chairs		$ 1,000
Proceeds from selling the chairs	-	$ 100
Net Value		$ 900

OR

Estimated cost to move	$ 200
Based on the "lesser of", the amount of the "Substitute Personal Property" =	**$ 200**

Note: You are also entitled to all reasonable costs incurred in attempting to sell the copy machine and/or chairs.

4. **Disconnecting and Reinstallation:** You will be reimbursed for your actual and reasonable costs to disconnect, dismantle, remove, reassemble and reinstall any machinery, equipment or other personal property in relation to its move to the new location. This includes connection to utilities available nearby and any modifications to the

personalty that is necessary to adapt it to utilities at the replacement site.

5. **Physical changes at the new location:** You may be reimbursed for certain physical changes to the replacement property if the changes are necessary to permit the reinstallation of machinery or equipment necessary for the continue operation of the business. ***Note:*** *The changes cannot increase the value of the building for general purposes, nor can they increase the mechanical capability of the buildings beyond its normal requirements.*

6. The cost of installing utilities from the right of way line to the structure(s) or improvements on the replacement site.

7. Marketing studies, feasibility surveys and soil testing.

8. Professional real estate services needed for the purchase or lease of a replacement site.

9. One-time assessments or impact fees for anticipated heavy utility usage.

Reestablishment Expenses

A small business, farm or nonprofit organization may be eligible for a payment, not to exceed $10,000, for expenses actually incurred in relocating and reestablishing the enterprise at a replacement site.

Reestablishment expenses may include, but are not limited to, the following:

1. Repairs or improvements to the replacement real property required by Federal, State or local laws, codes or ordinances.

2. Modifications to the replacement real property to make the structure(s) suitable for the business operation.

3. Construction and installation of exterior signing to advertise the business.

4. Redecoration or replacement such as painting, wallpapering, paneling or carpeting when required by the condition of the replacement site or for aesthetic purposes.

5. Advertising the new business location.

6. The estimated increased costs of operation at the replacement site during the first two years, for items such as:

    a) Lease or rental charges
    b) Personal or real property taxes
    c) Insurance premiums, and
    d) Utility charges (excluding impact fees).

7. Other items that the Department considers essential for the reestablishment of the business or farm.

Note: *A nonprofit organization must substantiate that it cannot be relocated without a substantial loss of existing patronage (membership or clientele). The payment is based on the average of two years annual gross revenues less administrative expenses.*

In-Lieu Payment (Fixed)

Displaced businesses, farms and nonprofit organizations may be eligible for a fixed payment in lieu of (in place of) actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than $1,000 or more than $20,000.

For a business to be eligible for a fixed payment, the Department must determine the following:

1. The business owns or rents personal property that must be moved due to the displacement.

2. The business cannot be relocated without a substantial loss of existing patronage.

3. The business is not part of a commercial enterprise having more than three other businesses engaged in the same or similar activity, which are under the same ownership and are not being displaced by the department.

4. The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

Any business operation that is engaged solely in the rental of space to others is not eligible for a fixed payment. This includes the rental of space for residential or business purposes.

Eligibility requirements for farms and nonprofit organizations are slightly different than business requirements. If you are being displaced from a farm or your represent a nonprofit organization and are interested in a fixed payment, please consult your relocation counselor for additional information.

The Computation of Your In-Lieu Payment:

The fixed payment for a displaced business or farm is based upon the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which it is displaced. Caltrans can use a different two year period if it is determined that the last two taxable years do not accurately reflect the earnings of the operation.

EXAMPLE: Caltrans acquires your property and you move in 2005:

2003 Annual Net Earnings	$ 10,500
2004 Annual Net Earnings	$ 12,500
TOTAL	$ 23,000
Average over two years	**$ 11,500**

This would be the amount of your in-lieu payment. Remember – this is in-lieu of all other moving benefits, including reestablishment expenses. You must provide the Department with proof of net earnings to support your claim.

Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence of net earnings acceptable to the Department.

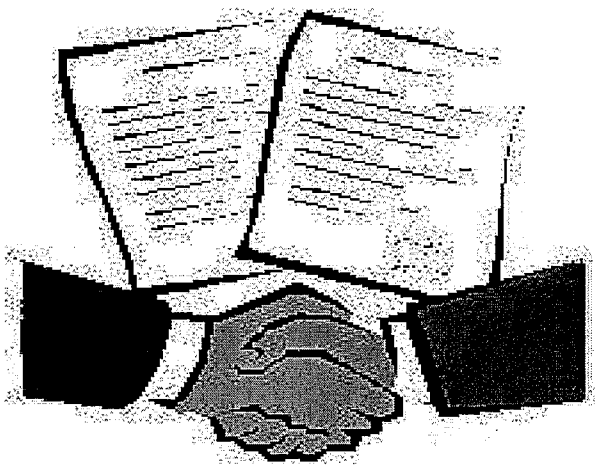
Note: The computation for nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two year period specified above.

Before You Move:

A. Request a determination of entitlement for in-lieu payment from your Relocation Agent.
B. Include a written statement of the reasons the business cannot be relocated without a substantial loss in net earnings.

C. Provide certified copies of tax returns for the two tax years immediately preceding the tax year in which you move. (If you move anytime in the year 2005, regardless of when negotiations began or the State took title to the property, the taxable years would be 2003 and 2004).
D. You will be notified of the amount you are entitled to after the application is received and approved.
E. You cannot receive the payment until after you vacate the property, AND submit a claim for the payment within 18 months of the date of your move.

Relocation Advisory Assistance



Any business, farm or nonprofit organization displaced by Caltrans shall be offered relocation advisory assistance for the purpose of locating a replacement property. Relocation services are provided by qualified personnel employed by Caltrans. It is their goal and desire to be of service to you and assist in any way possible to help you successfully relocate.

A Relocation Agent from Caltrans will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview with you, your needs and desires will be determined as well as your need for assistance.

You can expect to receive the following services, advice and assistance from your Relocation Agent who will:

- Determine your needs and preferences.
- Explain the relocation benefits and eligibility requirements.
- Provide information on replacement properties for your consideration.
- Provide information on counseling you can obtain to help minimize hardships in adjusting to your new location.
- Assist you in completing loan documents, rental applications or Relocation Claims Forms.

AND provide information on:

- Security deposits
- Interest rates and terms
- Typical down payments
- Permits, fees and local planning
- SBA loan requirements
- Real property taxes.
- Consumer education literature

If you desire, your Relocation Agent will give you current listings of other available replacement property. Transportation will be provided to inspect available property, especially if you are elderly or handicapped. Though you may use the services of a real estate broker, Caltrans cannot provide a referral.

Your Relocation Agent is familiar with the services provided by others in your community and will provide information on other federal, state, and local programs offering assistance to displaced persons. If you have special needs, your Relocation Agent will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you.

If the highway project will require a considerable number of people to be relocated, Caltrans will establish a temporary Relocation Field Office on or near the project. Project relocation offices will be open during convenient hours and evening hours if necessary.

In addition to these services, Caltrans is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

Remember - YOUR RELOCATION AGENT is there to offer advice and assistance. Do not hesitate to ask questions. And be sure you fully understand all of your rights and available benefits.

YOUR RIGHTS AS A DISPLACEE

It is important to remember that your relocation benefits will not have an adverse affect on your:

- Social Security Eligibility
- Welfare Eligibility
- Income Taxes

In addition, the Title VIII of the Civil Rights Act of 1968 and later acts and amendments make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin.

Caltrans' Non-Discrimination Policy ensures that all services and/or benefits will be administered to the general public without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act (42 USC 2000d. et seq.).

And you always have the Right to Appeal any decision by Caltrans regarding your relocation benefits and eligibility.

Your Right of Appeal is guaranteed in the "Uniform Act" which states that any person may file an appeal with the head of the responsible agency if that

person believes that the agency has failed to properly determine the person's eligibility or the amount of a payment authorized by the Act.

If you indicate your dissatisfaction, either verbally or in writing, Caltrans will assist you in filing an appeal and explain the procedures to be followed. You will be given a prompt and full opportunity to be heard. You have the right to be represented by legal counsel or other representative in connection with the appeal (but solely at your own expense).

Caltrans will consider all pertinent justifications and materials submitted by you and other available information needed to ensure a fair review. Caltrans will provide you with a written determination resulting from the appeal with an explanation of the basis for the decision. If you are still dissatisfied with the relief granted, Caltrans will advise you that you may seek judicial review.

APPENDIX G

CALTRANS TITLE VI POLICY STATEMENT

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
P.O. Box 942873, MS-49
SACRAMENTO, CA 94273-0001
PHONE (916) 654-5266
FAX (916) 654-6608
TTY 711

Flex your power!
Be energy efficient!

July 20, 2010

TITLE VI
POLICY STATEMENT

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the State of California shall, on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

For information or guidance on how to file a complaint based on the grounds of race, color, national origin, sex, disability, or age, please visit the following web page: http://www.dot.ca.gov/hq/bep/title_vi/t6_violated.htm.

Additionally, if you need this information in an alternate format, such as in Braille or in a language other than English, please contact Charles Wahnon, Manager, Title VI and Americans with Disabilities Act Program, California Department of Transportation, 1823 14th Street, MS-79, Sacramento, CA 95811. Phone: (916) 324-1353 or toll free 1-866-810-6346 (voice), TTY 711, fax (916) 324-1869, or via email: charles_wahnon@dot.ca.gov.

Cindy McKim
CINDY McKIM
Director

APPENDIX H

TRAFFIC DATA

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INTRODUCTION

The traffic data tables presented in this appendix were compiled from data in the *Tier II Traffic Technical Report* (VRPA Technologies 2009) with a *Memorandum for SR-11/Siempre Viva Road Design Variation* (VRPA Technologies 2010), and a revision that provides an analysis of the Preferred Alternative and corrections to errors that were noted during the public review period (VRPA Technologies 2011). These tables present the results of analysis summarized in Section 3.8, *Traffic and Transportation/Pedestrian and Bicycle Facilities* of the Final EIR/EIS.

Table H-1
EXISTING FREEWAY SEGMENT CAPACITY

Route	Limits	2009 Two-way ADT	Peak Hour Volume (VEH/HR)	Total No. of Lanes	Total Capacity (VEH/HR)	Truck Percentage (%)	2009 V/C	2009 LOS
SR-125	North of Otay Mesa Road	9,800	485	4	4,000	5	0.13	A
SR-905	I-5 to I-805	55,000	2,723	4	4,000	15	0.78	C
	I-805 to Otay Mesa Road	63,200	3,128	4	4,000	15	0.90	D
	Siempre Viva Road to International Border [1]	38,800	1,921	4	4,000	15	0.55	B
I-5	North of SR-905	117,000	5,792	8	8,000	10	0.80	D
	SR-905 to I-805	83,000	4,109	8	8,000	1	0.52	B
	Via de San Ysidro to International Border [1]	114,200	5,653	12	12,000	1	0.48	B
I-805	North of SR-905	127,000	6,287	8	8,000	10	0.86	D
	SR-905 to I-5	69,400	3,435	8	8,000	1	0.43	B

Source: VRPA Technologies 2011

Notes:

[1] The capacity analysis shown in this table represents the physical capacity of the roadway, but traffic operations near the international border are controlled by capacity constraints related to border crossing operations.

VEH/HR = Vehicles per Hour

V/C = Volume to Capacity Ratio (a measure of traffic demand expressed as volume compared to traffic-carrying capacity). Volume to capacity calculation assumes each truck is equivalent to two passenger cars.

LOS = Level of Service

Table H-2 EXISTING ROADWAY SEGMENT CAPACITY				
Route	**Limits**	**Classification/ Jurisdiction**	**2009 Two-way ADT**	**2009 V/C / LOS [1]**
Otay Mesa Road	Britannia Boulevard to La Media Road	6 Lane Prime/City	52,900	0.88 / D
	La Media Road to Piper Ranch Road	5 Lane Major/City[2]	43,600	**0.97 / E**
	Piper Ranch Road to SR-125	6 Lane Major/City	38,200	0.76 / C
	SR-125 to Sanyo Avenue	Rural Collector/County	11,600	**0.72 / E**
	Sanyo Avenue to Enrico Fermi Drive	Rural Collector/County	8,700	0.54 / D
	Enrico Fermi Drive to Alta Road	Rural Collector/County	7,000	0.43 / C
Airway Road	Britannia Boulevard to La Media Road	2 Lane Collector/City	6,800	0.45 / B
	La Media Road to SR-905	2 Lane Collector/City	7,300	0.49 / C
	SR-905 to Enrico Fermi Drive	Rural Collector/County	1,600	0.10 / A
Siempre Viva Road	Britannia Boulevard to La Media Road	2 Lane Collector/City	300	0.02 / A
	La Media Road to Otay Center Drive	6 Lane Major/City	11,700	0.20 / A
	Otay Center Drive to SR-905	6 Lane Prime/City	10,200	0.17 / A
	SR-905 to Paseo De Las Americas	4 Lane Major/City	21,600	0.54 / C
	Paseo De Las Americas to Enrico Fermi Drive	4 Lane Major/City	4,500	0.11 / A
Britannia Boulevard	Otay Mesa Road to Airway Road	Collector/City	6,800	0.20 / B
	Airway Road to Siempre Viva Road	Collector/City	2,900	0.08 / A
La Media Road	North of Otay Mesa Road	2 Lane Collector/City	5,900	0.39 / B
	Otay Mesa Road to Airway Road	2 Lane Collector/City	8,900	0.59 / C
	Airway Road to Siempre Viva Road	2 Lane Collector/City	6,900	0.46 / B
Piper Ranch Road	North of Otay Mesa Road	2 Lane Collector/City	5,400	0.36 / B
Sanyo Avenue	Otay Mesa Road to Airway Road	2 Lane Collector/City	3,200	0.21 / A
Enrico Fermi Drive	Otay Mesa Road to Airway Road	Rural Collector/County	1,500	0.09 / A
	Airway Road to Siempre Viva Road	Collector/County	3,100	0.09 / A
	South of Siempre Viva Road	Collector/County	3,000	0.09 / A

Source: VRPA Technologies 2011

Notes:

[1] Results shown in **BOLD** print exhibit undesirable levels of service (LOS) E or F.

[2] This roadway with five travelled lanes was assumed to have a capacity in between a 4-lane Major and a 6-lane Major roadway.

ADT = Average Daily Traffic

V/C = Volume to Capacity Ratio (a measure of traffic demand expressed as volume compared to traffic-carrying capacity). Volume to capacity calculation assumes each truck is equivalent to two passenger cars.

Table H-3 EXISTING INTERSECTION CAPACITY				
Intersection	**AM Peak Hour**		**PM Peak Hour**	
	LOS [1]	**Average Delay (sec)**	**LOS [1]**	**Average Delay (sec)[3]**
Otay Mesa Road and Britannia Boulevard	B	14.6	B	11.5
Otay Mesa Road and La Media Road	C	26.9	D	44.4
Otay Mesa Road and Piper Ranch Road	B	15.1	B	10.4
Otay Mesa Road and SR-125 SB Ramp	A	8.4	A	9.2
Otay Mesa Road and SR-125 NB Ramp	A	0.6	B	10.3
Otay Mesa Road and SR-905	B	11.6	C	32.5
Otay Mesa Road and Harvest Road[2]	B	12.0	C	24.3
Otay Mesa Road and Sanyo Avenue[2]	C	20.8	**E**	48.7
Otay Mesa Road and Enrico Fermi Drive[2]	C	15.2	C	15.0
Otay Mesa Road and Alta Road[2]	**E**	44.4	B	12.9
Airway Road and Britannia Boulevard	C	22.3	B	13.7
Airway Road and La Media Road	C	16.2	**E**	39.2
Airway Road and SR-905	B	14.0	C	34.4
Airway Road and Sanyo Avenue	A	8.6	A	8.4
Airway Road and Paseo De Las Americas[2]	A	9.1	A	10.0
Airway Road and Enrico Fermi Drive	A	6.3	A	6.3
Siempre Viva Road and Britannia Boulevard	A	8.3	B	12.8
Siempre Viva Road and La Media Road[2]	A	9.4	A	9.4
Siempre Viva Road and Otay Center Drive	C	27.1	C	21.8
Siempre Viva Road and SR-905 SB Ramps	A	2.3	A	6.6
Siempre Viva Road and SR-905 NB Ramps	B	10.6	B	13.2
Siempre Viva Road and Paseo De Las Americas	C	22.2	D	52.4
Siempre Viva Road and Enrico Fermi Drive	B	17.3	B	15.6

Source: VRPA Technologies 2011

Notes:

[1] Results shown in **BOLD** print exhibit undesirable levels of service (LOS) E or F.

[2] Unsignalized two-way stop controlled intersection. LOS and delay are shown for worst movement only.

[3] Delay is defined as the additional travel time experienced by a driver at an intersection as compared to a free-flowing condition, expressed in seconds and averaged for all vehicles that enter the intersection in the peak hour.

Table H-4
EXISTING AND FUTURE FREEWAY SEGMENT CAPACITY

Route	Limits / Total No. of Lanes	Year	No Build Alternative		Preferred Alternative		Two Interchange Alternative		One Interchange Alternative		No Interchange Alternative	
			ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]
SR-125	North of Lone Star Road / 4	Existing	9,800	0.13/A	9.800	0.13/A	9,800	0.13/A	9,800	0.13/A	9,800	0.13/A
		2015	31,000	0.40/A	33,800	0.44/B	32,800	0.43/B	32,800	0.43/B	34,000	0.44/B
		2035	70,600	0.92/D	73,000	**0.95/E**	71,000	**0.92/E**	71,000	**0.92/E**	74,900	**0.97/E**
	Lone Star Road to Otay Mesa Road / 4	Existing	9,800	0.13/A	9,800	0.13/A	9,800	0.13/A	9,800	0.13/A	9,800	0.13/A
		2015	31,000	0.40/A	33,800	0.44/B	32,800	0.43/B	32,800	0.43/B	34,000	0.44/B
		2035	52,600	0.68/C	55,400	0.72/C	52,400	0.68/C	52,400	0.68/C	61,100	0.79/D
SR-905	I-5 to I-805 / 6	Existing	55,000	0.78/C	55,000	0.78/C	55,000	0.78/C	55,000	0.78/C	55,000	0.78/C
		2015	66,900	0.63/C	69,100	0.66/C	69,500	0.66/C	69,600	0.66/C	70,100	0.67/C
		2035	107,600	**1.02/F**	108,800	**1.03/F**	110,000	**1.04/F**	109,100	**1.04/F**	109,400	**1.04/F**
	I-805 to Otay Mesa Road / 6	Existing	63,200	0.90/D	63,200	0.90/D	63,200	0.90/D	63,200	0.90/D	63,200	0.90/D
		2015	76,900	0.73/C	81,200	0.77/C	82,200	0.78/C	81,800	0.78/C	83,700	0.79/D
		2035	163,400	**1.55/F**	162,300	**1.54/F**	164,300	**1.56/F**	162,300	**1.54/F**	163,700	**1.55/F**
	Otay Mesa Road to Britannia Boulevard / 6	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	60,800	0.58/B	65,400	0.62/C	66,400	0.63/C	66,000	0.63/C	68,000	0.65/C
		2035	151,800	**1.44/F**	152,000	**1.44/F**	144,800	**1.37/F**	141,800	**1.35/F**	153,300	**1.45/F**
	Britannia Boulevard to La Media Road/ 6	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	86,600	0.82/D	62,400	0.59/B	66,400	0.63/C	63,000	0.60/B	65,200	0.62/B
		2035	124,600	**1.18/F**	127,600	**1.21/F**	129,600	**1.23/F**	125,800	**1.19/F**	130,300	**1.24/F**
	SR-125/SR-11 to Siempre Viva Road / 6	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	53,400	0.51/B	45,400	0.43/B	46,400	0.44/B	47,200	0.45/B	49,000	0.46/B
		2035	88,400	0.84/D	72,000	0.68/C	74,000	0.70/C	80,800	0.77/C	94,000	0.89/D
	Siempre Viva Road to International Border / 6	Existing*	38,800	0.55/B	38,800	0.55/B	38,800	0.55/B	38,800	0.55/B	38,800	0.55/B
		2015	49,400	0.47/B	42,200	0.40/A	42,200	0.40/A	42,200	0.40/A	42,200	0.40/A
		2035	85,400	0.81/D	74,400	0.71/C	74,400	0.71/C	74,400	0.71/C	74,400	0.71/C

Source: VRPA Technologies 2011
*This segment of SR-905 is 4 lanes for the existing condition.
Notes:
[1] Results shown in **BOLD** print would exhibit undesirable levels of service (LOS) E or F.
ADT = Average Daily Traffic
V/C = Volume to Capacity Ratio (a measure of traffic demand expressed as volume compared to traffic-carrying capacity). Volume to capacity calculation assumes each truck is equivalent to two passenger cars.

Table H-4 (cont.)
EXISTING AND FUTURE FREEWAY SEGMENT CAPACITY

Route	Limits / Total No. of Lanes	Year	No Build Alternative		Preferred Alternative		Two Interchange Alternative		One Interchange Alternative		No Interchange Alternative	
			ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]
I-5	North of SR-905 / 8	Existing	117,000	0.80/D	117,000	0.80/D	117,000	0.80/D	117,000	0.80/D	117,000	0.80/D
		2015	125,300	0.85/D	125,300	0.85/D	125,700	0.86/D	125,700	0.86/D	125,700	0.86/D
		2035	162,900	**1.11/F**	162,900	**1.11/F**	163,900	**1.12/F**	163,900	**1.12/F**	162,900	**1.11/F**
	SR-905 to I-805 / 8	Existing	83,000	0.52/B	83,000	0.52/B	83,000	0.52/B	83,000	0.52/B	83,000	0.52/B
		2015	76,000	0.47/B	81,000	0.51/B	81,000	0.51/B	70,700	0.44/B	70,700	0.44/B
		2035	83,100	0.52/B	83,600	0.52/B	83,600	0.52/B	83,600	0.52/B	83,600	0.52/B
	I-805 to International Border / 12	Existing	114,200	0.48/B	114,200	0.48/B	114,200	0.48/B	114,200	0.48/B	114,200	0.48/B
		2015	130,700	0.54/B	112,100	0.47/B	112,100	0.47/B	112,100	0.47/B	112,100	0.47/B
		2035	186,200	0.78/C	151,600	0.63/C	151,600	0.63/C	151,600	0.63/C	151,600	0.63/C
I-805	North of SR-905/ 8	Existing	127,000	0.86/D	127,000	0.86/D	127,000	0.86/D	127,000	0.86/D	127,000	0.86/D
		2015	161,700	**1.10/F**	155,100	**1.06/F**	155,700	**1.06/F**	154,700	**1.05/F**	156,300	**1.06/F**
		2035	230,200	**1.57/F**	216,900	**1.48/F**	217,900	**1.48/F**	216,900	**1.48/F**	216,600	**1.47/F**
	SR-905 to I-5 / 8	Existing	69,400	0.43/B	69,400	0.43/B	69,400	0.43/B	69,400	0.43/B	69,400	0.43/B
		2015	114,200	0.71/C	103,700	0.65/C	103,700	0.65/C	103,700	0.65/C	103,800	0.65/C
		2035	152,000	**0.95/E**	132,100	0.83/D	132,200	0.83/D	131,900	0.82/D	131,400	0.82/D

Source: VRPA Technologies 2011

Notes:

[1] Results shown in **BOLD** print exhibit undesirable levels of service (LOS) E or F.

ADT = Average Daily Traffic

V/C = Volume to Capacity Ratio (a measure of traffic demand expressed as volume compared to traffic-carrying capacity). Volume to capacity calculation assumes each truck is equivalent to two passenger cars.

Table H-5
EXISTING AND FUTURE ROADWAY SEGMENT CAPACITY

Route	Limits	Year	No Build Alternative		Preferred Alternative		Two Interchange Alternative		One Interchange Alternative		No Interchange Alternative	
			ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]
Lone Star Road	La Media to SR-125	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2035	N/A	N/A	21,600	0.54/C	21,600	0.54/C	21,900	0.55/C	N/A	N/A
	SR-125 to Sunroad Boulevard	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	2,400	0.06/A	1,700	0.04/A	2,000	0.05/A	2,000	0.05/A	2,000	0.05/A
		2035	40,400	**1.01/F**	38,000	**0.95/E**	39,000	**0.98/E**	39,900	**1.00/E**	44,800	**1.12/F**
	Sunroad Boulevard to Enrico Fermi Drive	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	2,200	0.06/A	2,500	0.07/A	3,000	0.08/A	2,000	0.05/A	2,000	0.05/A
		2035	30,500	0.82/D	29,800	0.81/D	29,100	0.79/C	32,700	0.88/D	38,200	**1.03/F**
	Enrico Fermi Drive to Alta Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	4,500	0.12/A	4,200	0.11/A	4,000	0.11/A	2,000	0.05/A	5,000	0.14/A
		2035	18,400	0.50/B	17,800	0.48/B	17,800	0.48/B	16,700	0.45/B	20,000	0.54/B
	Alta Road to Otay Mesa Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	1,200	0.03/A	1,200	0.03/A	1,000	0.03/A	1,000	0.03/A	1,000	0.03/A
		2035	7,500	0.20/A	6,700	0.18/A	6,700	0.18/A	5,900	0.16/A	6,500	0.18/A
	Otay Mesa Road to Siempre Viva Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	1,100	0.03/A	1,100	0.03/A	1,000	0.03/A	1,000	0.03/A	1,000	0.03/A
		2035	3,700	0.10/A	5,100	0.14/A	5,100	0.14/A	3,800	0.10/A	4,300	0.12/A
Zinser Road	Piper Ranch Road to Lone Star Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	3,000	0.09/A	3,600	0.11/A	4,000	0.12/A	3,000	0.09/A	3,000	0.09/A
		2035	21,100	0.62/B	19,000	0.56/B	19,000	0.56/B	20,700	0.61/B	24,800	0.73/C
Otay Mesa Road	Britannia Boulevard to La Media Road	Existing	52,900	0.88/D	52,900	0.88/D	52,900	0.88/D	52,900	0.88/D	52,900	0.88/D
		2015	12,400	0.21/A	12,000	0.20/A	12,000	0.20/A	12,000	0.20/A	13,000	0.22/A
		2035	38,500	0.64/C	36,900	0.62/C	36,900	0.62/C	37,900	0.63/C	39,700	0.66/C
	La Media Road to SR-125	Existing	43,600	**0.97/E**	43,600	**0.97/E**	43,600	**0.97/E**	43,600	**0.97/E**	43,600	**0.97/E**
		2015	7,700	0.13/A	7,400	0.12/A	8,000	0.13/A	7,000	0.12/A	8,000	0.13/A
		2035	45,300	0.76/C	41,300	0.69/C	41,300	0.69/C	35,600	0.59/C	20,500	0.34/A
	SR-125 to Van Center Boulevard (Sunroad)	Existing	11,600	**0.72/E**	11,600	**0.72/E**	11,600	**0.72/E**	11,600	**0.72/E**	11,600	**0.72/E**
		2015	5,100	0.09/A	4,700	0.08/A	5,700	0.10/A	6,000	0.10/A	7,000	0.12/A
		2035	17,600	0.29/A	16,900	0.42/A	17,900	0.45/A	20,600	0.52/A	20,500	0.34/A

Table H-5 (cont.)
EXISTING AND FUTURE ROADWAY SEGMENT CAPACITY

Route	Limits	Year	No Build Alternative		Preferred Alternative		Two Interchange Alternative		One Interchange Alternative		No Interchange Alternative	
			ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]
Otay Mesa Road (cont.)	Van Center Boulevard (Sunroad) to Enrico Fermi Drive	Existing	8,700	0.54/D	8,700	0.54/D	8,700	0.54/D	8,700	0.54/D	8,700	0.54/D
		2015	3,000	0.05/A	2,800	0.05/A	3,800	0.07/A	4,000	0.07/A	3,000	0.05/A
		2035	12,600	0.22/A	11,100	0.19/A	12,100	0.21/A	12,800	0.22/A	17,200	0.30/B
	Enrico Fermi Drive to Alta Road	Existing	7,000	0.43/C	7,000	0.43/C	7,000	0.43/C	7,000	0.43/C	7,000	0.43/C
		2015	1,800	0.05/A	2,000	0.05/A	2,000	0.05/A	4,000	0.11/A	1,000	0.03/A
		2035	12,200	0.33/A	9,900	0.27/A	9,900	0.27/A	10,200	0.28/A	7,800	0.21/A
	Alta Road to Lone Star Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	400	0.01/A	400	0.01/A	100	0.00/A	0	0.00/A	0	0.00/A
		2035	1,500	0.04/A	1,000	0.03/A	1,000	0.03/A	4,000	0.11/A	2,400	0.06/A
Airway Road	Britannia Boulevard to La Media Road	Existing	6,800	0.45/B	6,800	0.45/B	6,800	0.45/B	6,800	0.45/B	6,800	0.45/B
		2015	9,300	0.23/A	9,200	0.23/A	9,000	0.23/A	9,000	0.23/A	9,000	0.23/A
		2035	20,700	0.52/B	18,600	0.47/B	18,600	0.47/B	20,400	0.51/B	22,300	0.56/C
	La Media Road to Sanyo Road (Harvest)	Existing	7,300	0.49/C	7,300	0.49/C	7,300	0.49/C	7,300	0.49/C	7,300	0.49/C
		2015	6,400	0.16/A	6,800	0.17/A	7,000	0.18/A	7,000	0.18/A	8,000	0.20/A
		2035	19,400	0.49/B	17,000	0.43/B	17,000	0.43/B	18,100	0.45/B	25,400	0.64/C
	Sanyo Road (Harvest) to Paseo De Las Americas	Existing	1,600	0.10/A	1,600	0.10/A	1,600	0.10/A	1,600	0.10/A	1,600	0.10/A
		2015	900	0.02/A	700	0.02/A	1,000	0.03/A	1,000	0.03/A	1,000	0.03/A
		2035	4,900	0.12/A	9,900	0.25/A	9,900	0.25/A	11,200	0.28/A	8,600	0.22/A
	Paseo De Las Americas to Enrico Fermi Drive	Existing	1,600	0.10/A	1,600	0.10/A	1,600	0.10/A	1,600	0.10/A	1,600	0.10/A
		2015	700	0.02/A	1,400	0.04/A	1,000	0.03/A	2,000	0.05/A	2,000	0.05/A
		2035	9,200	0.25/A	8,600	0.23/A	8,600	0.23/A	9,700	0.26/A	18,800	0.51/B
	Enrico Fermi Drive to Alta Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	500	0.01/A	500	0.01/A	1,000	0.03/A	3,000	0.08/A	2,000	0.05/A
		2035	10,700	0.29/A	9,300	0.25/A	9,300	0.25/A	7,600	0.21/A	10,800	0.29/A
	Alta Road to Siempre Viva Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	1,200	0.03/A	1,200	0.03/A	1,000	0.03/A	1,000	0.03/A	1,000	0.03/A
		2035	8,200	0.22/A	5,700	0.15/A	5,700	0.15/A	16,600	0.45/B	5,400	0.15/A

Table H-5 (cont.)
EXISTING AND FUTURE ROADWAY SEGMENT CAPACITY

Route	Limits	Year	No Build Alternative		Preferred Alternative		Two Interchange Alternative		One Interchange Alternative		No Interchange Alternative	
			ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]
Siempre Viva Road	Britannia Boulevard to La Media Road	Existing	300	0.02/A	300	0.02/A	300	0.02/A	300	0.02/A	300	0.02/A
		2015	2,300	0.04/A	2,300	0.04/A	2,000	0.03/A	2,000	0.03/A	2,000	0.03/A
		2035	16,800	0.28/A	16,100	0.27/A	16,100	0.27/A	16,200	0.27/A	18,600	0.31/A
	La Media Road to Otay Center Drive (Harvest)	Existing	11,700	0.20/A	11,700	0.20/A	11,700	0.20/A	11,700	0.20/A	11,700	0.20/A
		2015	8,400	0.14/A	8,600	0.14/A	9,000	0.15/A	8,000	0.13/A	9,000	0.15/A
		2035	18,900	0.32/A	18,200	0.30/A	18,200	0.30/A	18,500	0.31/A	21,500	0.36/A
	Otay Center Drive (Harvest) to SR-905	Existing	10,200	0.17/A	10,200	0.17/A	10,200	0.17/A	10,200	0.17/A	10,200	0.17/A
		2015	12,100	0.20/A	10,900	0.18/A	11,000	0.18/A	10,000	0.17/A	20,000	0.33/A
		2035	18,100	0.30/A	17,800	0.30/A	17,800	0.30/A	17,800	0.30/A	18,800	0.31/A
	SR-905 to Paseo De Las Americas	Existing	21,600	0.54/C	21,600	0.54/C	21,600	0.54/C	21,600	0.54/C	21,600	0.54/C
		2015	27,000	0.45/A	26,200	0.44/B	27,200	0.45/B	29,000	0.48/B	30,000	0.50/B
		2035	62,900	**1.05/F**	52,400	0.87/D	54,400	0.91/D	60,500	**1.01/F**	78,500	**1.31/F**
	Paseo De Las Americas to Enrico Fermi Drive	Existing	4,500	0.11/A	4,500	0.11/A	4,500	0.11/A	4,500	0.11/A	4,500	0.11/A
		2015	5,300	0.09/A	6,000	0.10/A	7,000	0.12/A	9,000	0.15/A	8,000	0.13/A
		2035	25,800	0.43/B	19,300	0.32/A	21,300	0.36/A	23,600	0.39/A	38,000	0.63/C
	Enrico Fermi Drive to Alta Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	1,700	0.05/A	1,700	0.05/A	2,200	0.06/A	5,000	0.14/A	2,000	0.05/A
		2035	16,500	0.45/B	11,500	0.31/A	12,500	0.34/A	13,500	0.36/A	18,000	0.49/B
	Alta Road to Airway Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	1,200	0.03/A	1,000	0.03/A	1,500	0.04/A	1,000	0.03/A	1,000	0.03/A
		2035	400	0.01/A	10,700	0.29/A	11,700	0.32/A	13,500	0.36/A	9,000	0.24/A
	Airway Road to SR-11[2]	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	1,100	0.03/A	1,200	0.03/A	1,500	0.04/A	1,000	0.03/A	1,000	0.03/A
		2035	3,600	0.10/A	10,400	0.28/A	11,400	0.31/A	3,600	0.10/A	4,300	0.12/A
	SR-11[2] to Lone Star Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	1,000	0.03/A	1,200	0.03/A	500	0.01/A	1,000	0.03/A	1,000	0.03/A
		2035	3,600	0.10/A	5,800	0.16/A	4,800	0.13/A	3,600	0.10/A	4,300	0.12/A

Table H-5 (cont.)
EXISTING AND FUTURE ROADWAY SEGMENT CAPACITY

Route	Limits	Year	No Build Alternative		Preferred Alternative		Two Interchange Alternative		One Interchange Alternative		No Interchange Alternative	
			ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]
Britannia Boulevard	Otay Mesa Road to SR-905	Existing	6,800	0.20/B	6,800	0.20/B	6,800	0.20/B	6,800	0.20/B	6,800	0.20/B
		2015	11,600	0.19/A	11,900	0.20/A	12,000	0.20/A	12,000	0.20/A	12,000	0.20/A
		2035	17,900	0.30/A	18,200	0.30/A	18,200	0.30/A	18,200	0.31/A	19,400	0.32/A
	SR-905 to Airway Road	Existing	6,800	0.20/B	6,800	0.20/B	6,800	0.20/B	6,800	0.20/B	6,800	0.20/B
		2015	10,500	0.18/A	10,600	0.18/A	11,000	0.18/A	11,000	0.18/A	11,000	0.18/A
		2035	22,600	0.38/A	22,500	0.38/A	22,500	0.38/A	22,500	0.38/A	25,000	0.42/B
	Airway Road to Siempre Viva Road	Existing	2,900	0.08/A	2,900	0.08/A	2,900	0.08/A	2,900	0.08/A	2,900	0.08/A
		2015	7,300	0.12/A	7,300	0.12/A	7,000	0.12/A	7,000	0.12/A	7,000	0.12/A
		2035	16,000	0.27/A	15,900	0.27/A	15,900	0.27/A	15,900	0.27/A	17,700	0.30/A
La Media Road	Lone Star Road to Otay Mesa Road	Existing	5,900	0.39/B	5,900	0.39/B	5,900	0.39/B	5,900	0.39/B	5,900	0.39/B
		2015	13,600	0.23/A	13,000	0.22/A	13,000	0.22/A	14,000	0.23/A	14,000	0.23/A
		2035	41,100	0.69/C	41,000	0.68/C	41,000	0.68/C	40,700	0.68/C	42,600	0.71/C
	Otay Mesa Road to SR-905	Existing	8,900	0.59/C	8,900	0.59/C	8,900	0.59/C	8,900	0.59/C	8,900	0.59/C
		2015	12,900	0.22/A	12,400	0.21/A	12,000	0.20/A	13,000	0.22/A	15,000	0.25/A
		2035	37,200	0.62/C	35,900	0.60/C	35,900	0.60/C	38,300	0.64/C	45,000	0.75/C
	SR-905 to Airway Road	Existing	8,900	0.59/C	8,900	0.59/C	8,900	0.59/C	8,900	0.59/C	8,900	0.59/C
		2015	6,300	0.16/A	6,300	0.16/A	6,000	0.15/A	7,000	0.18/A	7,000	0.18/A
		2035	20,100	0.50/B	19,300	0.32/B	19,300	0.32/B	19,600	0.33/B	22,600	0.57/C
	Airway Road to Siempre Viva Road	Existing	6,900	0.46/B	6,900	0.46/B	6,900	0.46/B	6,900	0.46/B	6,900	0.46/B
		2015	13,600	0.34/A	13,400	0.34/A	13,000	0.33/A	14,000	0.35/A	14,000	0.35/A
		2035	21,000	0.53/C	20,600	0.52/B	20,600	0.52/B	20,700	0.52/B	21,400	0.54/C
Piper Ranch Road	Lone Star Road to Zinser Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	2,300	0.07/A	2,200	0.06/A	2,000	0.06/A	3,000	0.09/A	3,000	0.09/A
		2035	8,500	0.25/A	7,200	0.21/A	7,200	0.21/A	7,300	0.21/A	9,800	0.29/A
	Zinser Road to Otay Mesa Road	Existing	5,400	0.36/B	5,400	0.36/B	5,400	0.36/B	5,400	0.36/B	5,400	0.36/B
		2015	8,400	0.28/A	7,900	0.26/A	8,000	0.27/A	8,000	0.27/A	9,000	0.30/A
		2035	17,400	0.58/C	16,500	0.55/C	16,500	0.55/C	18,200	0.61/C	19,700	0.66/C
	Otay Mesa Road to Airway Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2035	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	14,000	0.47/C

Table H-5 (cont.)
EXISTING AND FUTURE ROADWAY SEGMENT CAPACITY

Route	Limits	Year	No Build Alternative		Preferred Alternative		Two Interchange Alternative		One Interchange Alternative		No Interchange Alternative	
			ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]
Sunroad Boulevard	Lone Star Road to Zinser Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	300	0.01/A	300	0.01/A	100	0.00/A	0	0.00/A	0	0.00/A
		2035	7,000	0.20/A	7,000	0.20/A	7,000	0.20/A	7,400	0.22/A	6,300	0.18/A
	Zinser Road to Otay Mesa Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	3,300	0.10/A	3,900	0.11/A	4,000	0.12/A	3,000	0.08/A	5,000	0.15/A
		2035	25,700	0.75/C	24,400	0.71/C	25,400	0.74/C	23,600	0.69/C	24,600	0.72/C
Sanyo Avenue	Otay Mesa Road to Airway Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	3,500	0.10/A	5,000	0.15/A	6,000	0.18/A	4,000	0.13/A	4,000	0.12/A
		2035	16,200	0.54/C	17,900	0.45/B	17,900	0.45/B	22,400	0.56/B	24,600	0.82/D
	Airway Road to Paseo De Las Americas	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	9,900	0.33/A	5,800	0.19/A	6,000	0.20/A	6,000	0.20/A	6,000	0.20/A
		2035	11,700	0.39/B	12,300	0.31/B	12,300	0.31/B	12,500	0.31/B	10,500	0.35/B
Enrico Fermi Drive	Lone Star Road to Otay Mesa Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	5,000	0.14/A	5,200	0.14/A	5,000	0.14/A	2,000	0.05/A	5,000	0.14/A
		2035	20,400	0.55/A	24,400	0.66/B	24,400	0.66/B	19,000	0.51/B	9,000	0.24/A
	Otay Mesa Road to SR-11[2]	Existing	1,500	0.09/A	1,500	0.09/A	1,500	0.09/A	1,500	0.09/A	1,500	0.09/A
		2015	5,600	0.11/A	7,700	0.15/A	8,700	0.17/A	1,000	0.02/A	5,000	0.10/A
		2035	33,600	0.67/C	42,300	0.85/D	44,300	0.89/D	12,700	0.25/A	14,100	0.28/A
	SR-11[2] to Siempre Viva Road	Existing	3,100	0.09/A	3,100	0.09/A	3,100	0.09/A	3,100	0.09/A	3,100	0.09/A
		2015	3,600	0.10/A	5,100	0.14/A	6,000	0.16/A	4,000	0.11/A	5,000	0.14/A
		2035	14,200	0.38/A	16,800	0.45/B	17,800	0.48/B	5,300	0.14/A	7,300	0.20/A
	South of Siempre Viva Road	Existing	3,000	0.09/A	3,000	0.09/A	3,000	0.09/A	3,000	0.09/A	3,000	0.09/A
		2015	500	0.01/A	700	0.02/A	1,000	0.03/A	1,000	0.03/A	0	0.00/A
		2035	1,400	0.04/A	1,900	0.05/A	1,900	0.05/A	2,100	0.06/A	2,300	0.06/A

Table H-5 (cont.)
EXISTING AND FUTURE ROADWAY SEGMENT CAPACITY

Route	Limits	Year	No Build Alternative		Preferred Alternative		Two Interchange Alternative		One Interchange Alternative		No Interchange Alternative	
			ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]	ADT	V/C / LOS[1]
Alta Road	North of Lone Star Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	4,100	0.12/A	4,100	0.12/A	4,000	0.12/A	4,000	0.12/A	4,000	0.12/A
		2035	11,800	0.35/A	11,800	0.35/A	11,800	0.34/A	11,900	0.35/A	11,800	0.35/A
	Lone Star Road to Otay Mesa Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	300	0.01/A	300	0.01/A	100	0.00/A	3,000	0.08/A	0	0.00/A
		2035	8,700	0.24/A	8,900	0.24/A	8,900	0.24/A	14,700	0.40/A	7,800	0.21/A
	Otay Mesa Road to Airway Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	600	0.02/A	600	0.02/A	1,000	0.03/A	6,000	0.16/A	0	0.00/A
		2035	8,600	0.23/A	7,000	0.19/A	7,000	0.19/A	35,600	**0.96/E**	8,300	0.22/A
	Airway Road to Siempre Viva Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		2015	400	0.01/A	400	0.01/A	100	0.00/A	3,000	0.08/A	0	0.00/A
		2035	500	0.01/A	1,300	0.04/A	1,300	0.04/A	12,300	0.33/A	1,900	0.05/A

Source: VRPA Technologies 2011

Notes:

[1] Results shown in **BOLD** print exhibit undesirable levels of service (LOS) E or F.

ADT = Average Daily Traffic

V/C = Volume to Capacity Ratio (a measure of traffic demand expressed as volume compared to traffic-carrying capacity). Volume to capacity calculation assumes each truck is equivalent to two passenger cars.

Table H-6
EXISTING AND FUTURE INTERSECTION CAPACITY

Intersection	Year	No Build Alternative		Preferred Alternative		Two Interchange Alternative		One Interchange Alternative		No Interchange Alternative	
		AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]	AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]	AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]	AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]	AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]
Lone Star Road and La Media Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2035	24.7/C	16.9/B	24.0/C	20.5/C	23.4/C	21.0/C	25.3/C	15.4/B	25.8/C	21.5/C
Lone Star Road and SR-125 SB Ramps	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2035	13.7/B	9.2/A	13.0/B	19.0/B	21.2/C	23.9/C	15.2/B	23.2/C	12.9/B	23.8/C
Lone Star Road and SR-125 NB Ramps	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2035	13.0/B	9.0/A	11.6/B	10.9/B	11.8/B	10.5/B	15.7/B	13.0/B	12.4/B	13.2/B
Lone Star Road and Piper Ranch Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	10.8/B	6.7/A	8,4/A	7.1/A	13.5/B	8.4/A	11.8/B	8.8/A	11.2/B	8.8/A
	2035	20.8/C	10.2/B	16.6/B	9.9/A	16.9/B	10.9/B	19.7/B	23.6/C	29.4/C	11.6/B
Lone Star Road and Sunroad Boulevard	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	7.7/A	6.1/A	3.3/A	6.1/A	6.4/A	4.9/A	4.3/A	5.5/A	3.7/A	5.2/A
	2035	7.1/A	16.6/B	7.8/A	19.0/B	9.1/A	19.0/B	8.7/A	15.5/B	22.2/C	26.2/C
Lone Star Road and Zinser Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	8.7/A	10.2/B	11.4/B	12.8/B	15.8/B	12.5/B	14.6/B	13.5/B	15.6/B	14.0/B
	2035	10.6/B	13.9/B	12.2/B	14.6/B	13.8/B	15.4/B	13.4/B	41.7/D	19.7/B	15.3/B
Lone Star Road and Van Center Boulevard	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	6.9/A	7.7/A	7.4/A	7.6/A	6.5/A	6.7/A	5.5/A	6.8/A	6.6/A	7.0/A
	2035	7.6/A	9.7/A	9.4/A	12.2/B	9.7/A	12.3/B	10.1/B	10.7/B	19.9/B	17.2/B
Lone Star Road and Enrico Fermi Drive	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	11.6/B	8.8/A	10.7/A	8.4/A	9.8/A	9.7/A	10.1/B	8.1/A	10.4/B	9.2/A
	2035	13.3/B	9.1/A	17.0/B	10.9/B	15.0/B	10.5/B	13.7/B	13.0/B	16.7/B	16.8/B
Lone Star Road and Alta Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	15.7/B	16.3/B	16.2/B	16.3/B	25.1/C	23.5/C	23.1/C	23.3/C	24.9/C	23.6/C
	2035	21.8/C	29.7/C	21.1/C	28.3/C	21.8/C	28.1/C	23.4/C	28.4/C	21.9/C	26.7/C
Lone Star Road and Otay Mesa Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	8.0/A	8.5/A	7.7/A	9.7/A	12.9/B	13.1/B	8.0/A	8.2/A	10.8/B	11.5/B
	2035	10.5/B	13.3/B	8.2/A	11.1/B	8.7/A	9.2/A	12.7/B	21.6/C	10.8/B	11.0/B
Lone Star Road and Siempre Viva Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	11.3/B	13.8/B	11.2/B	12.8/B	14.5/B	21.2/C	15.1/B	16.7/B	15.4/B	17.1/B
	2035	10.5/B	17.2/B	12.7/B	13.1/B	9.9/A	15.4/B	11.7/B	13.6/B	11.8/B	13.7/B
Zinser Road and Piper Ranch Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	10.5/B	10.4/B	10.2/B	10.4/B	14.1/B	12.8/B	12.0/B	12.4/B	12.1/B	12.6/B
	2035	14.1/B	15.4/B	12.9/B	14.5/B	12.8/B	13.6/B	14.9/B	13.5/B	14.4/B	12.6/B

Table H-6 (cont.)
EXISTING AND FUTURE INTERSECTION CAPACITY

Intersection	Year	No Build Alternative		Preferred Alternative		Two Interchange Alternative		One Interchange Alternative		No Interchange Alternative	
		AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]	AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]	AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]	AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]	AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]
Zinser Road and Sunroad Boulevard	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	16.3/B	19.0/B	15.6/B	17.5/B	22.5/C	24.7/C	23.4/C	25.3/C	21.1/C	25.1/C
	2035	26.5/C	32.7/C	23.7/C	26.5/C	23.5/C	28.1/C	25.0/C	33.4/C	25.7/C	31.0/C
Otay Mesa Road and Britannia Boulevard	Existing	14.6/B	11.5/B	14.6/B	11.5/B	14.6/B	11.5/B	14.6/B	11.5/B	14.6/B	11.5/B
	2015	12.1/B	13.1/B	12.0/B	13.3/B	15.4/B	15.3/B	16.5/B	16.6/B	17.8/B	17.5/B
	2035	16.6/B	19.6/B	20.5/C	20.1/C	17.6/B	22.0/C	18.1/B	15.8/B	19.5/B	21.9/C
Otay Mesa Road and La Media Road	Existing	26.9/C	44.4/D	26.9/C	44.4/D	26.9/C	44.4/D	26.9/C	44.4/D	26.9/C	44.4/D
	2015	21.9/C	18.8/B	23.2/C	18.9/B	22.7/C	21.6/C	24.0/C	21.3/C	25.0/C	21.0/C
	2035	**>80.0/F**	**>80.0/F**	**71.9/E**	**>80.0/F**	**74.1/E**	**>80.0/F**	**69.0/E**	**>80.0/F**	**>80.0/F**	**>80.0/F**
Otay Mesa Road and Piper Ranch Road	Existing	15.1/B	10.4/B	15.1/B	10.4/B	15.1/B	10.4/B	15.1/B	10.4/B	15.1/B	10.4/B
	2015	23.0/C	20.3/C	23.2/C	21.3/C	25.9/C	24.8/C	24.5/C	21.0/C	24.2/C	27.0/C
	2035	32.7/C	29.3/C	30.4/C	26.9/C	27.3/C	25.9/C	31.5/C	26.5/C	39.3/C	36.9/D
Otay Mesa Road and SR-125 SB Off-ramp	Existing	8.4/A	9.2/A	8.4/A	9.2/A	8.4/A	9.2/A	8.4/A	9.2/A	8.4/A	9.2/A
	2015	6.0/A	6.2/A	8.5/A	13.6/B	6.5/A	6.5/A	11.0/B	13.9/B	10.8/B	7.1/A
	2035	7.5/A	8.2/A	10.0/B	8.8/A	9.3/A	8.7/A	9.2/A	8.2/A	11.0/B	11.8/B
Otay Mesa Road and SR-125 NB On-ramp	Existing	0.6/A	10.3/B	0.6/A	10.3/B	0.6/A	10.3/B	0.6/A	10.3/B	0.6/A	10.3/B
	2015	2.3/A	2.8/A	2.1/A	2.5/A	2.5/A	3.1/A	2.1/A	3.0/A	2.2/A	2.6/A
	2035	2.7/A	5.0/A	2.1/A	3.3/A	2.5/A	3.9/A	2.3/A	4.9/A	12.3/B	2.4/A
Otay Mesa Road and Harvest Road	Existing	12.0/B	24.3/C	12.0/B	24.3/C	12.0/B	24.3/C	12.0/B	24.3/C	12.0/B	24.3/C
	2015	14.0/B	12.8/B	12.4/B	11.2/B	14.0/B	14.1/B	14.3/B	13.7/B	13.0/B	14.8/B
	2035	22.6/C	20.1/C	19.7/B	19.2/B	19.4/B	17.7/B	19.9/B	20.4/C	21.5/C	17.9/B
Otay Mesa Road and Sanyo Avenue	Existing	20.8/C	**48.7/E**	20.8/C	**48.7/E**	20.8/C	**48.7/E**	20.8/C	**48.7/E**	20.8/C	**48.7/E**
	2015	12.2/B	13.1/B	13.3/B	13.0/B	17.4/B	19.7/B	16.9/B	20.4/C	20.9/C	21.2/C
	2035	18.9/B	23.2/C	21.9/C	24.4/C	22.9/C	25.7/C	23.7/C	23.4/C	21.4/C	28.2/C
Otay Mesa Road and Van Center Boulevard	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	5.6/A	5.3/A	6.0/A	5.2/A	5.2/A	5.3/A	5.3/A	5.2/A	5.8/A	5.7/A
	2035	8.5/A	6.9/A	7.9/A	9.0/A	7.7/A	8.0/A	9.7/A	14.8/B	8.3/A	10.7/B
Otay Mesa Road and Enrico Fermi Drive	Existing	15.2/C	15.0/C	15.2/C	15.0/C	15.2/C	15.0/C	15.2/C	15.0/C	15.2/C	15.0/C
	2015	13.6/B	16.6/B	13.5/B	16.5/B	16.1/B	20.9/C	18.6/B	21.7/C	17.6/B	21.9/C
	2035	26.5/C	41.5/D	22.0/C	48.6/D	22.7/C	54.3/D	23.1/C	29.4/C	23.2/C	37.3/D
Otay Mesa Road and Alta Road	Existing	**44.4/E**	12.9/B	**44.4/E**	12.9/B	**44.4/E**	12.9/B	**44.4/E**	12.9/B	**44.4/E**	12.9/B
	2015	11.8/B	11.5/B	11.8/B	11.4/B	22.4/C	21.2/C	16.3/B	17.3/B	25.2/C	23.9/C
	2035	26.5/C	26.0/C	21.6/C	21.2/C	21.2/C	21.9/C	53.1/D	38.0/D	21.6/C	21.4/C
SR-905 WB Ramps and Britannia Boulevard	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	7.2/A	8.0/A	7.5/A	8.3/A	8.5/A	9.9/A	11.8/B	9.0/A	10.8/B	7.3/A
	2035	8.2/A	13.4/B	7.1/A	12.7/B	8.5/A	12.8/B	10.4/B	16.2/B	12.2/B	13.6/B
SR-905 EB Ramps and Britannia Boulevard	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	10.4/B	10.4/B	10.3/B	10.7/B	15.6/B	14.4/B	13.6/B	11.6/B	13.3/B	11.2/B
	2035	13.8/B	17.4/B	11.3/B	15.2/B	14.5/B	15.0/B	13.2/B	17.7/B	11.8/B	15.8/B

Table H-6 (cont.)
EXISTING AND FUTURE INTERSECTION CAPACITY

Intersection	Year	No Build Alternative		Preferred Alternative		Two Interchange Alternative		One Interchange Alternative		No Interchange Alternative	
		AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]	AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]	AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]	AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]	AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]
SR-905 WB Off-ramp and La Media Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	7.9/A	8.0/A	5.6/A	5.7/A	11.4/A	9.9/A	7.5/A	7.4/A	6.5/A	7.9/A
	2035	15.1/B	13.0/B	10.5/B	12.5/B	10.2/B	12.7/B	10.3/B	12.2/B	17.9/C	**65.9/E**
SR-905 EB Ramps and La Media Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	11.6/B	12.7/B	10.2/B	11.5/B	11.2/B	9.1/A	12.8/B	12.4/B	12.1/B	11.4/B
	2035	15.0/B	21.0/C	13.5/B	17.6/B	15.1/B	18.4/B	13.6/B	16.1/B	30.3/C	24.0/C
Enrico Fermi Drive and SR-11[3]	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	11.8/B	10.6/B	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2035	3.2/A	2.7/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SR-11 WB Ramps and Enrico Fermi Drive	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	N/A	N/A	12.3/B	13.1/B	15.6/B	15.9/B	N/A	N/A	N/A	N/A
	2035	N/A	N/A	21.1/C	27.1/C	19.8/B	26.6/C	N/A	N/A	N/A	N/A
SR-11 EB Ramps and Enrico Fermi Drive	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	N/A	N/A	11.8/B	12.7/B	11.1/B	12.7/B	N/A	N/A	N/A	N/A
	2035	N/A	N/A	25.4/C	23.1/C	21.8/C	23.1/C	N/A	N/A	N/A	N/A
SR-11 WB On-ramp and Siempre Viva Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	N/A	N/A	1.9/A	5.4/A	5.1/A	6.3/A	N/A	N/A	N/A	N/A
	2035	N/A	N/A	4.1/A	5.7/A	5.4/A	4.4/A	N/A	N/A	N/A	N/A
SR-11 EB Off-ramp and Siempre Viva Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	N/A	N/A	10.5/B	8.0/A	12.3/B	11.1/B	N/A	N/A	N/A	N/A
	2035	N/A	N/A	5.6/A	9.4/A	8.0/A	10.4/B	N/A	N/A	N/A	N/A
SR-11 WB Ramps and Alta Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A	N/A	N/A	15.4/B	14.9/B	N/A	N/A
	2035	N/A	N/A	N/A	N/A	N/A	N/A	18.3/B	24.7/C	N/A	N/A
SR-11 EB Ramps and Alta Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A	N/A	N/A	11.3/B	10.9/B	N/A	N/A
	2035	N/A	N/A	N/A	N/A	N/A	N/A	15.7/B	20.9/C	N/A	N/A
Airway Road and Britannia Boulevard	Existing	22.3/C	13.7/B	22.3/C	13.7/B	22.3/C	13.7/B	22.3/C	13.7/B	22.3/C	13.7/B
	2015	24.4/C	18.2/B	24.5/C	18.2/B	27.7/C	22.1/C	27.7/C	22.1/C	27.7/C	22.1/C
	2035	26.9/C	22.5/C	34.4/C	22.1/C	26.5/C	21.6/C	32.9/C	29.0/C	28.2/C	24.5/C
Airway Road and La Media Road	Existing	16.2/C	**39.2/E**	16.2/C	**39.2/E**	16.2/C	**39.2/E**	16.2/C	**39.2/E**	16.2/C	**39.2/E**
	2015	18.8/B	24.2/C	18.9/B	25.0/C	21.0/C	25.3/C	22.1/C	27.7/C	22.3/C	28.3/C
	2035	39.7/D	44.5/D	38.3/D	40.3/D	40.3/D	39.2/D	42.4/D	42.8/D	43.5/D	41.7/D
Airway Road and Sanyo Avenue	Existing	8.6/A	8.4/A	8.6/A	8.4/A	8.6/A	8.4/A	8.6/A	8.4/A	8.6/A	8.4/A
	2015	15.9/B	15.3/B	16.3/B	15.9/B	17.5/B	17.2/B	17.4/B	17.1/B	17.7/B	17.3/B
	2035	26.2/C	25.0/C	25.1/C	23.2/C	25.4/C	25.1/C	27.7/C	25.3/C	27.0/C	35.2/D
Airway Road and Paseo De Las Americas	Existing	9.1/A	10.0/A	9.1/A	10.0/A	9.1/A	10.0/A	9.1/A	10.0/A	9.1/A	10.0/A
	2015	6.8/A	8.0/A	6.9/A	8.1/A	21.4/C	21.1/C	14.1/B	14.8/B	14.3/B	14.8/B
	2035	16.2/B	15.9/B	15.2/B	15.5/B	15.0/B	14.4/B	18.1/B	16.7/B	16.4/B	19.4/B

Table H-6 (cont.)
EXISTING AND FUTURE INTERSECTION CAPACITY

Intersection	Year	No Build Alternative		Preferred Alternative		Two Interchange Alternative		One Interchange Alternative		No Interchange Alternative	
		AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]	AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]	AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]	AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]	AM Peak Hour Delay[1]/ LOS[2]	PM Peak Hour Delay[1]/ LOS[2]
Airway Road and Enrico Fermi Drive	Existing	6.3/A	6.3/A	6.3/A	6.3/A	6.3/A	6.3/A	6.3/A	6.3/A	6.3/A	6.3/A
	2015	14.4/B	15.1/B	15.7/B	16.0/B	22.5/C	21.2/C	21.0/C	21.7/C	20.7/C	21.4/C
	2035	27.0/C	24.9/C	24.0/C	31.0/C	23.4/C	34.1/C	25.6/C	30.8/C	29.2/C	35.4/D
Airway Road and Alta Road	Existing	NA	NA	NA	NA	N/A	N/A	N/A	N/A	N/A	N/A
	2015	13.9/B	14.1/B	13.8/B	14.0/B	32.9/C	28.3/C	22.1/C	20.5/C	28.1/C	26.4/C
	2035	21.5/C	24.3/C	23.0/C	19.3/B	19.8/B	21.6/C	29.6/C	30.3/C	20.8/C	18.5/B
Siempre Viva Road and Britannia Boulevard	Existing	8.3/A	12.8/B	8.3/A	12.8/B	8.3/A	12.8/B	8.3/A	12.8/B	8.3/A	12.8/B
	2015	16.0/B	15.0/B	16.0/B	15.0/B	19.9/B	18.3/B	19.9/B	18.3/B	19.9/B	18.3/B
	2035	28.0/C	25.5/C	24.9/C	23.1/C	22.8/C	24.5/C	22.8/C	23.5/C	26.5/C	31.9/C
Siempre Viva Road and La Media Road	Existing	9.4/A	9.4/A	9.4/A	9.4/A	9.4/A	9.4/A	9.4/A	9.4/A	9.4/A	9.4/A
	2015	14.9/B	15.3/B	15.2/B	15.0/B	22.2/C	21.3/C	21.9/C	21.4/C	21.9/C	21.6/C
	2035	24.2/C	29.4/C	22.3/C	25.4/C	21.1/C	24.1/C	21.5/C	23.1/C	23.3/C	24.6/C
Siempre Viva Road and Otay Center Drive	Existing	27.1/C	21.8/C	27.1/C	21.8/C	27.1/C	21.8/C	27.1/C	21.8/C	27.1/C	21.8/C
	2015	25.7/C	24.4/C	25.3/C	25.2/C	26.4/C	28.5/C	26.1/C	26.3/C	29.3/C	29.1/C
	2035	26.9/C	26.6/C	26.6/C	30.9/C	26.5/C	31.6/C	28.9/C	29.9/C	36.3/D	40.8/D
Siempre Viva Road and SR-905 SB Ramps	Existing	2.3/A	6.6/A	2.3/A	6.6/A	2.3/A	6.6/A	2.3/A	6.6/A	2.3/A	6.6/A
	2015	7.5/A	7.5/A	7.3/A	7.5/A	13.4/B	12.8/B	12.2/B	12.4/B	13.4/B	12.9/B
	2035	8.9/A	11.3/B	7.1/A	9.2/A	8.2/A	9.5/A	13.5/B	14.1/B	12.0/B	42.3/D
Siempre Viva Road and SR-905 NB Ramps	Existing	10.6/B	13.2/B	10.6/B	13.2/B	10.6/B	13.2/B	10.6/B	13.2/B	10.6/B	13.2/B
	2015	11.9/B	13.0/B	9.6/A	11.6/B	13.3/B	15.0/B	14.7/B	15.9/B	14.6/B	15.1/B
	2035	44.6/D	50.1/D	25.2/C	26.6/C	27.4/C	29.6/C	31.1/C	37.3/D	**62.1/E**	**72.3/E**
Siempre Viva Road and Paseo De Las Americas	Existing	**72.2/E**	**>80.0/F**	**72.2/E**	**>80.0/F**	**72.2/E**	**>80.0/F**	**72.2/E**	**>80.0/F**	**72.2/E**	**>80.0/F**
	2015	21.3/C	24.1/C	22.4/C	23.5/C	25.9/C	25.9/C	22.2/C	27.4/C	28.1/C	28.4/C
	2035	38.6/D	53.4/D	40.0/D	47.9/D	38.9/D	50.8/D	36.0/D	38.2/D	**68.1/E**	**>80.0/F**
Siempre Viva Road and Enrico Fermi Drive	Existing	17.3/B	15.6/B	17.3/B	15.6/B	17.3/B	15.6/B	17.3/B	15.6/B	17.3/B	15.6/B
	2015	17.8/B	16.7/B	19.4/B	19.0/B	31.4/C	24.2/C	29.9/C	28.4/C	24.9/C	22.9/C
	2035	34.8/C	34.5/C	26.2/C	26.7/C	29.3/C	28.3/C	29.4/C	23.3/C	43.3/D	**62.0/E**
Siempre Viva Road and Alta Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	14.6/B	14.1/B	14.6/B	14.2/B	22.3/C	20.9/C	25.7/C	23.3/C	24.8/C	24.0/C
	2035	27.4/C	18.1/B	28.3/C	18.3/C	30.2/C	19.3/B	31.6/C	36.9/D	16.2/B	23.9/C
Siempre Viva Road and Airway Road	Existing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2015	15.9/B	15.6/B	15.9/B	15.4/B	25.0/C	24.9/C	27.9/C	25.6/C	27.9/C	25.6/C
	2035	14.6/B	16.8/B	21.9/C	21.8/B	21.4/C	21.9/C	17.3/B	21.0/C	26.4/C	26.1/C

Notes:
[1] Delay is defined as the additional travel time experienced by a driver at an intersection as compared to a free flowing condition, expressed in seconds and averaged for all vehicles that enter the intersection in the peak hour
[2] Results shown in **BOLD** print exhibit undesirable levels of service (LOS) E or F.
[3] In the case of the No Build Alternative, this refers to the planned SR-905 off-ramp at Enrico Fermi Drive.

Appendix I

STATE HISTORIC PRESERVATION OFFICER (SHPO) LETTERS

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
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www.ohp.parks.ca.gov

April 24, 2008

Mr. Martin D. Rosen
Department of Transportation
4050 Taylor Street
San Diego, CA 92110

RE: 11-SD-11 PM 0.0/2.7 EA 056300 Determination of Eligibility and Affect for the State Route 11 Project, San Diego County, California

Dear Mr. Rosen:

Thank you for requesting my comments on the above cited finding. You are initiating this consultation following provisions of the January 2004 *Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer*. My staff has reviewed the documentation you provided and I would like to offer the following comments.

You have requested my concurrence regarding the National Register of Historic Places eligibility evaluation made pursuant to Stipulation VIII.C.5 of the Programmatic Agreement. No architectural properties are located within the undertakings area of potential affect. You have evaluated the following sites pursuant to guidelines and context statement for the Otay Mesa which my Office had previously concurred in their application. The following sites were so evaluated: CA-SDI-8080, -11794, -12701/H, -13225, -15041, -15871, -8076/8079, -8082, -8652, -8653, -10081, -11793, -11795, -11800, -12256, -12702, -12703, -12877, -12878, -12881, -14726, -14727, -15872, -15873, -15874, -15875, -1794, -8014, and -18400. All of these properties are lithic scatters (Otay Mesa Smears) which would not or have not yielded important information about our prehistory. I concur with your determinations that the above referenced archaeological sites are not eligible for the National Register of Historic Places. Since no other properties are within the undertakings area of potential effect, I also concur with your determination of no historic properties affected by implementation of the above cited undertaking.

If my staff can be of any further assistance, please contact Dwight Dutschke or Susan Stratton at 916-653-6624.

Sincerely,

Susan K Stratton for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

STATE OF CALIFORNIA – THE RESOURCES AGENCY

GRAY DAVIS, *Governor*

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
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November 22, 1999

Reply To: FHWA990930B

Mr. Jeffrey Lindley, Division Administrator
Federal Highway Administration
Region Nine, California Division
980 Ninth Street, Suite 400
Sacramento, CA 95814-2724

Subject: **Proposed State Route 905 (File #11-SD-905, PM 5.2/12.0), San Diego County, CA**

Dear Mr. Lindley:

Thank you for consulting me pursuant to 36 CFR 800, implementing regulations for Section 106 of the National Historic Preservation Act (NHPA). The Federal Highway Administration (FHWA) has requested my review of the Historic Property Survey Report (HPSR) for the proposed State Route 905. Route 905 will generally run east/west, parallel to the International Border, from Interstate 805 on the west to the Otay Mesa Port of Entry on the east where it will connect to proposed State Route 125 – South at a juncture several miles north of the International Border Crossing.

Your letter requested my comments on your determination of the eligibility of 21 architectural properties, 16 archaeological sites, and 2 mapped historic locations situated within the proposed project Area of Potential Effects (APE).

ARCHITECTURAL PROPERTIES

- Otay International Center/Otay Commercial Center
  - 2455 Otay Center Drive
  - 9475 Nicola Tesla
  - 2510 Otay Center Drive
  - 1520 Roll Drive
  - 2390 Roll Drive
  - 2490-2498 Roll Drive
  - 9850 Airway Road
  - 2155 Paseo de Las Americans
  - 9651 Airway Drive
  - 2001 Sanyo Drive
  - 1725 Dornach Drive

NOV 30 1999
FHWA-Sacramento

1840 Dornach Drive
1710 Dornach Drive
1855 Dornach Drive

- San Diego Gas and Electric Substation (no street address)
- Partially demolished concrete block buildings (no street address)
- Concrete Block Buildings (no street address)
- Brown Field Business Park
  - 2055 Dublin Road
  - 7625 Panasonic Way
  - 7825 Waterville Way
  - 7664 Panasonic Way
  - 7510 Airway Road
  - 7520 Airway Road
- 1950 Cactus Road
- 1940 Cactus Road
- 1916 Cactus Road
- 1812 Cactus Road
- 1724 Cactus Road
- 1708 Cactus Road
- 1704 Cactus Road
- 1690 Cactus Road
- 1670 Cactus Road
- 1703 Cactus Road
- Mesa Business Park
  - 6960 Camino Maquiladora
  - 6950 Camino Maquiladora
  - 6940 Camino Maquiladora
  - 6930 Camino Maquiladora
  - 6965 Camino Maquiladora
  - 6975 Camino Maquiladora
  - 6955 Camino Maquiladora
  - 6935 Camino Maquiladora
  - 2675 Pacific Rim
  - 1663 Pacific Rim
- 6450 Heritage Circle
- 1625 Heritage Road
- 6275 Otay Mesa Road
- Small series of sheds (no street address)

Staff review of the HPSR and its evaluation of these properties leads me to concur with your determination that the following properties are more than 50

years old and are not eligible for inclusion in the National Register of Historic Places (NRHP): 1940 Cactus Road, 1724 Cactus Road, 1704 Cactus Road, and a series of agricultural sheds/outbuildings (APN 645-090-05). The rest of the properties are less than 50 years old and are not exceptionally significant. I agree that none of these are eligible for the NRHP.

MAPPED HISTORICAL RESOURCES

The locations of two historical resources were identified during map research within the APE: P-37-015987 and P-37-015988. A building is shown at the location now designated P-37-015987 on the 1903 30' Cuyamaca USGS quadrangle map. Field reconnaissance of this mapped location revealed that the site has been physically altered by placement of fill soil and/or grading to the extent that little or no research potential is indicated. P-37-015988 is the location of what was once the site of St. John's Lutheran Church and an associated cemetery. The church was torn down in approximately 1940 and in 1970 the human remains were relocated from the abandoned cemetery to the Glen Abbey Memorial Park in Bonita, California.

Based on the information provided, I agree that neither location is eligible for inclusion in the NRHP. With regard to P-37-015988, although it is believed that all of the burials have been removed and reburied, I agree with the recommendation in the HPSR that monitoring be conducted during construction within the portion of the cemetery located within the APE in the event that burials present in unmarked graves are encountered.

ARCHAEOLOGICAL SITES

The HPSR indicates that the generalized sparse lithic scatter that covers Otay Mesa was identified as not eligible for inclusion in the NRHP and was not tested for this project, in accordance with guidance provided in 1996 by the State Historic Preservation Officer (SHPO). The rationale for this is discussed in the Otay Mesa Management Plan prepared for the Route 905 project, a document reviewed by the SHPO in 1996. The HPSR also indicates that CA-SDI-12337 was previously determined ineligible for the NRHP given the agricultural disturbance it has experienced and its lack of an intact subsurface deposit.

You are seeking my comments on your determination of the eligibility for the additional 15 archaeological sites within the APE of the undertaking. The archaeological properties include the following:

- Eligible
  CA-SDI-11424

- Ineligible

CA-SDI-6941, Locus G	CA-SDI-10187	CA-SDI-14087
CA-SDI-6941, Locus Y	CA-SDI-10245/10734	
CA-SDI-7208	CA-SDI-11423	
CA-SDI-7604	CA-SDI-12881	
CA-SDI-10185, Locus C	CA-SDI-12882	
CA-SDI-10186, Locus B	CA-SDI-14086/H	

I concur with your determination that CA-SDI-11424 is eligible for the NRHP under criterion D based on the presence of 1) an intact subsurface deposit with a large quantity and wide range of cultural material; 2) material for radiocarbon analysis; 3) intact prehistoric features; and 4) the potential for this site to answer significant research questions contained in the HPSR.

You have indicated that CA-SDI-7604 underwent testing and data recovery in conjunction with a prior project. Given the previous work, I agree that CA-SDI-7604 is not eligible for the NRHP.

I concur that the following sites and the prehistoric component of CA-SDI-14086/H are ineligible for inclusion in the NRHP because they were found not to contain subsurface deposits, diagnostic artifacts, intact features, Native American heritage concerns, or further research potential:

CA-SDI-6941, Locus G	CA-SDI-10187	CA-SDI-14087
CA-SDI-6941, Locus Y	CA-SDI-10245/10734	
CA-SDI-7208	CA-SDI-11423	
CA-SDI-10185, Locus C	CA-SDI-12881	
CA-SDI-10186, Locus B	CA-SDI-12882	

I also agree that the historic component of CA-SDI-14086/H is ineligible for the NRHP due to lack of a subsurface deposit and the inability to place the trash scatter into the Otay Mesa historical context.

In considering the NRHP eligibility of any property, all the criteria defined by 36 CFR Part 60.4 need to be considered. In general, the HPSR and the reports attached to it skipped to criterion D. In the future, please clearly address all of the criteria for eligibility.

FINDING OF EFFECT

You have determined that implementation of the undertaking will have No Adverse Effect on CA-SDI-11424. You have justified this finding by suggesting

that effects of the undertaking that would otherwise be adverse will not be adverse if the following measures are implemented:

- Redesign of the proposed roadway to avoid impacting the identified, intact, significant subsurface deposits within site CA-SDI-11424.
- Monitoring of construction activities within the vicinity of site CA-SDI-11424 by a qualified archaeologist.

I have considered the foregoing recommendations and find that they are sufficient to warrant my concurrence in your no adverse effect determination if you agree to impose them as conditions on the undertaking [36 CFR § 800.5(b)]. You may indicate your agreement by executing the signature block below. My receipt of a copy of this letter bearing your signature will constitute satisfactory evidence of Section 106 compliance by the FHWA for this undertaking.

Your consideration of historic properties in the project planning process is appreciated. Should you have any questions, please contact staff archaeologist Charles Whatford by telephone at (916) 653 – 2716 or via email cwhat@ohp.parks.ca.gov

Sincerely,

M. Greenberg for

Daniel Abeyta, Acting
State Historic Preservation Officer

AGREED: David A. Neal for Jeffrey Lindley DATE 12/27/99
Division Administrator
Federal Highway Administration

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April 07, 2011 In Reply Refer To: FHWA081124E

Kim Smith
Department of Transportation
District 11
4050 Taylor Street, MS 242
San Diego, CA 92110

Re: Third Supplemental HPSR for the State Route 11 Project: Biological Mitigation Site; Determination of Eligibility and No Adverse Effect Findings

Dear Ms. Smith:

Thank you for seeking my consultation regarding the above noted undertaking in accordance with the *Programmatic Agreement* (PA) *Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California.* Pursuant to Stipulation VIII of the PA, the California Department of Transportation (Caltrans) has determined the Area of Potential Effects (APE) and has completed identification and evaluation of historic properties within the APE.

The undertaking consists of constructing a 2.7 mile freeway to connect a proposed Port of Entry with a previously approved interchange. Caltrans is currently proposing to enhance habitat at the Lonestar Biological Mitigation Site situated in Otay Mesa. This biological mitigation includes the creation of vernal pools, mima mounts, and maintenance trails, encompassing a total of approximately 160 acres.

You are requesting my concurrence, pursuant to Stipulation VIII.C.5 of the PA, on your determination of eligibility, for the National Register of Historic Places (NRHP), of nine (n=9) historic properties identified within the APE in addition to one component of a site as a non-contributor. In addition to your letter of February 22, 2011, you have submitted the following documents in support of this undertaking:

● *Third Historic Property Survey Report: Lonestar Biological Mitigation Site* (Koji Tsunoda, Caltrans, February 2011)

●*Management Plan for Otay Mesa Prehistoric Resources* (Dennis Gellegos et al., Gallegos and Associates, September 1998)

As documented in the report noted above, Caltrans has identified 12 archaeological sites within the Area of Potential Effects, all of which are within the Area of Direct

Impacts. One of those sites, CA-SDI-14250H, a sparse trash scatter, has been determined exempt under Attachment 4 of the PA. Sites CA-SDI-11210, -11214, -11215/11216, -17100, -17101, and -17102 are sparse lithic scatters. Based on research, including testing of several large sparse lithic scatters on the Otay Mesa, the scatters have been determined extremely unlikely to have subsurface components and limited in their ability to answer research questions for the region. The Otay Mesa has been characterized as a “smear” of sparse lithic scatters across the entire surface, with differentiation coming from additional components in limited locations. Based on the context presented in the Management Plan and descriptions in the HPSR, Caltrans has determined all six sparse lithic scatters not eligible for the National Register of Historic Places. Caltrans has also determined that the prehistoric components of CA-SDI-11217/H, -11218/H, -11219/H, and -14210/H which all consist of lithic scatters as described above are not eligible.

The historic components of CA-SDI-11217/H, -11218/H, and 11219/H consist of surface refuse scatters associated with agriculture and homesteading in the vicinity. Backhoe trenches were dug for the purposes of identifying subsurface components of these sites, of which none were located. Caltrans has determined that the historic components of these three sites are not eligible. The historic component of site CA-SDI-14210/H and historic site CA-SDI-11221H will be protected through the establishment of an Environmentally Sensitive Area, and as such have not been fully evaluated and will be treated as eligible for the purposes of this undertaking. Native America consultation was initiated with letters sent January 12, 2011. No comments have been received to date.

Caltrans has determined that a finding of No Adverse Effects with Standard Conditions (ESA) is appropriate. Based on my review of your letter and supporting documentation, I have the following comments:

1) I concur that sites CA-SDI-11210, -11214, -11215/11216, -11217/H, -11218/H, -11219/H, -17100, -17101, and -17102 are not eligible for the NRHP.
2) I also concur that the prehistoric component of site CA-SDI-14210/H is a non-contributor to the sites potential eligibility.
3) I concur in Caltrans efforts to avoid impacts to the historic component of CA-SDI14210/H and all of site CA-SDI-11221H in an Environmentally Sensitive Area.
4) I therefore, concur in Caltrans finding of No Adverse Effects with Standard Conditions (ESA).

Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, Caltrans may have additional future responsibilities for this undertaking under 36 CFR Part 800. Thank you for seeking my comments and considering historic properties as part of your project planning. If you require further information, please contact Trevor Pratt of my staff, at phone 916-445-7017 or email tpratt@parks.ca.gov.

Sincerely,

Susan K Stratton for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

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September 14, 2011

In Reply Refer To: FHWA081124E

Kevin Hovey
Department of Transportation
District 11
4050 Taylor Street, MS 242
San Diego, CA 92110

Re: Fourth Supplemental HPSR for the State Route 11 Project: Biological Mitigation Site; Determination of Eligibility and No Adverse Effect Findings

Dear Mr. Hovey:

Thank you for seeking my consultation regarding the above noted undertaking in accordance with the *Programmatic Agreement* (PA) *Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California.* Pursuant to Stipulation VIII of the PA, the California Department of Transportation (Caltrans) has determined the Area of Potential Effects (APE) and has completed identification and evaluation of historic properties within the APE.

The undertaking consists of constructing a 2.7 mile freeway to connect a proposed Port of Entry with a previously approved interchange. Caltrans is currently proposing to enhance habitat at the Johnson Canyon Biological Mitigation Site situated in Otay Mesa. This biological mitigation includes the planting of native vegetation and installing barriers, encompassing a total of approximately 8.15 acres.

You are requesting my concurrence, pursuant to Stipulation VIII.C.5 of the PA, on your determination that a newly identified portion of site CA-SDI-12337 that Caltrans has access to is not a contributor to the site's potential eligibility. The site was previously determined not eligible with SHPO concurrence in 1995, however there is still an unevaluated portion of the site to which Caltrans could not gain access. In addition to your letter received July 5, 2011, you have submitted the following documents in support of this undertaking:

- Fourth Supplemental Historic Property Survey Report: Johnson Canyon Biological Mitigation Site (Koji Tsunoda, Caltrans, June 2011)

- *Third Historic Property Survey Report: Lonestar Biological Mitigation Site* (Koji Tsunoda, Caltrans, February 2011)

•*Management Plan for Otay Mesa Prehistoric Resources* (Dennis Gellegos et al., Gallegos and Associates, September 1998)

As documented in the report noted above, Caltrans has identified an extension to site CA-SDI-12337, a lithic scatter with a few ground stone tools on the Otay Mesa. The new portion of the site contains green metavolcanic flakes and cores; however, the concentration is below three flakes per 100 square meters, which has been the commonly applied threshold to distinguish between sites and background scatter on Otay Mesa. The newly identified portion of the site is reported as within a heavily disturbed context, as it has been repeatedly plowed and graded for farmland and roads. Because the newly recorded portion is actually considered to be consistent with background scatter of the Otay Mesa, Caltrans has determined that the newly-recorded portion, to which they now have access, is not a contributor, as it would normally not be recorded as part of a site, but background scatter.

Caltrans has determined that a finding of No Adverse Effects with Standard Conditions (ESA) is appropriate. Based on my review of your letter and supporting documentation, I have the following comments in addition to my previous concurrence and comments dated April 7, 2011:

1) Please be aware that the *Management Plan for Otay Mesa Prehistoric Resources* is not a program alternative, and only a guidance document akin to a specialized prehistoric context with evaluation criteria, however this should be used with caution as the Management Plan was written for CEQA, rather than Section 106 of the NHPA. The Management Plan serves as a highly focused prehistoric context.
2) I concur that the newly identified portion of the site is not a contributor to the site's potential eligibility, as the surface concentration meets the definition of the background scatter found throughout the Otay Mesa.
3) I do concur in the FHWA plan to avoid adverse effects to site CA-SDI-10155H through the implementation of an ESA.
4) Therefore, I concur with Caltrans' finding of No Adverse Effects with Standard Conditions-ESA.

Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, Caltrans may have additional future responsibilities for this undertaking under 36 CFR Part 800. Thank you for seeking my comments and considering historic properties as part of your project planning. If you require further information, please contact Trevor Pratt of my staff, at phone 916-445-7017 or email tpratt@parks.ca.gov.

Sincerely,

Susan K Stratton for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

APPENDIX J

COUNTY OF SAN DIEGO FLOODPLAIN LETTER

County of San Diego

DEPARTMENT OF PUBLIC WORKS

JOHN L. SNYDER
DIRECTOR

5555 OVERLAND AVE, SUITE 2188
SAN DIEGO, CALIFORNIA 92123-1295

(858) 694-2212 FAX: (858) 268-0461
Web Site: sdcdpw.org

July 3, 2007

Mr. Tim Brownson
District Hydraulic Engineer
California Department of Transportation – District 11
4050 Taylor Street
San Diego, CA 92110

FLOODPLAIN IMPACT ASSESSMENT OF PROPOSED OTAY MESA EAST POE AND SR-11

Dear Mr. Brownson:

We have reviewed your letter of May 14, 2007, requesting our endorsement of your conclusion that there is no need for a Floodplain Impact Assessment of the proposed Otay Mesa East POE and SR-11.

The subject proposed project as depicted on Exhibit 2A is partially located within the FIRM No. 06073C2183F, which determined the area as Zone X outside the 500-year floodplain. Therefore, we concurred with your conclusion that the subject proposed project does not require a Floodplain Impact Assessment.

However, with regard to flood management in East Otay Mesa all developments are subject to guidelines of the County's East Otay Mesa Specific Plan Comprehensive Flood Control Master Plan 1994. Essentially, developments within East Otay Mesa area are required to provide local or regional detention basins.

If you have any questions or need additional information, please contact me at (858) 694-3672 or by email Cid.Tesoro@sdcounty.gov.

Sincerely,

CID TESORO, Manager
Watershed Protection Program

CT/ez

cc: Hung Tran, Department of Public Works, MS 0384

APPENDIX K

WORKSHEET A: REASONABLE ALLOWANCE CALCULATION FOR NOISE ABATEMENT BASED ON CRITICAL DESIGN RECEIVER

Worksheet A
Reasonable Allowance Calculation for Noise Abatement based on Critical Design Receiver

Base Allowance				
Base Year	2008			$31,000
1) Absolute Noise Levels			Check One	
69 dBA or less:	Add:	$2,000		$0
70-74 dBA:	Add:	$4,000	√	$4,000
75-78 dBA:	Add:	$6,000		$0
More than 78 dBA:	Add:	$8,000		$0
2) Build vs. Existing Noise Levels[1]			Check One	
Less than 3 dBA:	Add:	$0	√	$0
3-7 dBA:	Add:	$2,000		$0
8-11 dBA:	Add:	$4,000		$0
12 dBA or more:	Add:	$6,000		$0
3) Achievable Noise Reduction			Check One	
Less than 6 dBA:	Add:	$0	√	$0
6-8 dBA:	Add:	$2,000		$0
9-11 dBA:	Add:	$4,000		$0
12 dBA or more:	Add:	$6,000		$0
4) New Construction Or Pre 1978 residences? (Choose Yes or No)				
YES on either one:	Add:	$10,000		$0
NO on both:	Add:	$0	√	$0
Reasonable Allowance Per Residence				$35,000
Unmodified Barrier Allowance				$105,000
Adjusted reasonable allowance for Benefitted Residence				$35,000
Adjusted Unmodified Barrier Allowance				$105,000

Adjusted reasonable allowance for Residence and Barrier must be rounded up to the nearest $1,000

[1] Build vs. Build-out SR-905 (under construction) Noise Levels
[2] Build-out SR-905 Noise Levels

County:	San Diego
Route:	SR-905
Post Mile:	570+28/576+18
Project Exp Auth:	EA 085780
Program Code:	

Barrier Name or ID	NB-1
Barrier Height (Feet)	10
Critical Design Receiver	R-10
Number of benefitted Residences (equivalent)	3
New Hwy Construction	No
Pre 1978 residences	No
Existing Noise Levels[2]	74 dBA
Future Noise Levels	74 dBA
Changes in Noise Level	0 dBA
Noise Level with Abatement	69 dBA
Barrier Insertion Loss	5 dBA

Continue to Worksheet B

Appendix L

USFWS CONSULTATION LETTER

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92011

In Reply Refer To:
FWS-SDG-1803.2

OCT 6 2006

Ms. Deborah Leonard
Helix Environmental Inc.
7578 El Cajon Boulevard, Suite 200
La Mesa, California 91941

Subject: Request for Candidate, Proposed, Threatened, or Endangered Species for the Proposed State Route 11 and East Otay Mesa Port-of-Entry Project, San Diego County, California

Dear Ms. Leonard:

The U.S. Fish and Wildlife Service has reviewed the information provided in your letter dated September 12, 2006, and received at our office on September 13, 2006, to assess the potential presence of federally listed threatened, endangered, or proposed species at the proposed project site. We do not have site specific information for your project area however, to assist you in evaluating whether or not the proposed project may affect listed species, we are providing the attached list of federally listed species that may occur in the general project area. Please note that only general biological information is available for the project area and this may not be a comprehensive list. You should contact the California Department of Fish and Game for State-listed and other sensitive species that may occur in the area of the proposed project. Please note that State-listed species are protected under the provisions of the California Endangered Species Act. We recommend that you seek assistance from a biologist familiar with the project site, and experienced in assessing the potential for direct, indirect, and cumulative effects to species and their habitats likely to result from the proposed activity.

If it is determined that the proposed project may affect a listed or proposed species, or designated or proposed critical habitat, consultation (or conference for proposed species) with the Service pursuant to section 7 of the Endangered Species Act (Act) of 1973, as amended, should be initiated. Informal consultation may be used to exchange information and resolve conflicts with respect to listed species prior to a written request for formal consultation.

TAKE PRIDE IN AMERICA

Should you have any questions regarding the species on the enclosed list or your responsibilities under the Act, please call Kurt Roblek of my staff at (760) 431-9440, extension 308.

Sincerely,

Therese O'Rourke
Assistant Field Supervisor

Cc: Susanne Glasgow, Caltrans District 11
Steve Healow, FHWA
Susan Wynn, USFWS

Federally Listed Species Which Occur or May Occur
Within the Project Site of the Proposed
State Route 11 and East Otay Port-of-Entry Project

Common Name	Scientific Name	Status
PLANTS		
San Diego thornmint	*Acanthomintha ilicifolia*	T
Otay tarplant	*Deinandra conjugens*	T, CH
San Diego button celery	*Eryngium aristulatum* var. *parishii*	E
willowy monardella	*Monardella linoides* ssp. *viminea*	E
Otay Mesa mint	*Pogogyne nudiuscula*	E
BIRDS		
southwestern willow flycatcher	*Empidonax traillii extimus*	E, CH
coastal California gnatcatcher	*Polioptila californica californica*	T, CH
least Bell's vireo	*Vireo bellii pusillus*	E, CH
INVERTEBRATES		
San Diego fairy shrimp	*Branchinecta sandiegonensis*	E, CH
Quino checkerspot butterfly	*Euphydryas editha quino*	E, CH
Riverside fairy shrimp	*Streptocephalus wootoni*	E, CH
AMPHIBIANS		
arroyo toad	*Bufo californicus*	E, CH

E: Endangered T: Threatened CH: Critical Habitat

Appendix M

TIER II NOTICE OF COMPLETION AND NOTICE OF AVAILABILITY

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2008111038

Project Title: State Route (SR-) 11 and the Otay Mesa East Port of Entry (POE) -Tier II

Lead Agency: California Department of Transportation (Caltrans) Contact Person: Sandra Lavender
Mailing Address: 4050 Taylor Street, MS-242 Phone: (619) 688-3135
City: San Diego Zip: 92110 County: San Diego

Project Location: County: San Diego City/Nearest Community: San Diego
Cross Streets: From Britannia Blvd. east to new POE at US/Mexico Border Zip Code: 92154
Longitude/Latitude (degrees, minutes and seconds): -116 ° 91 ′ 94 ″ N / 32 ° 56 ′ 74 ″ W Total Acres: 464 - 490
Assessor's Parcel No.: Various Section: 34 - 36 Twp.: 18s & 19s Range: 1W & 1E Base: OtayMesa
Within 2 Miles: State Hwy #: SR-125, SR-905 Waterways: Un-named blue-line streams
Airports: Brown Field Railways: None Schools: San Ysidro School Dist.

Document Type:

CEQA:
- ☐ NOP
- ☐ Early Cons
- ☐ Neg Dec
- ☐ Mit Neg Dec
- ☑ Draft EIR
- ☐ Supplement/Subsequent EIR (Prior SCH No.) ____
- Other: ____

NEPA:
- ☐ NOI
- ☐ EA
- ☑ Draft EIS
- ☐ FONSI

Other:
- ☑ Joint Document
- ☐ Final Document
- ☐ Other: ____

Local Action Type:

- ☐ General Plan Update
- ☐ General Plan Amendment
- ☐ General Plan Element
- ☐ Community Plan
- ☐ Specific Plan
- ☐ Master Plan
- ☐ Planned Unit Development
- ☐ Site Plan
- ☐ Rezone
- ☐ Prezone
- ☐ Use Permit
- ☐ Land Division (Subdivision, etc.)
- ☐ Annexation
- ☐ Redevelopment
- ☐ Coastal Permit
- ☐ Other: ____

Development Type:

- ☐ Residential: Units ____ Acres ____
- ☐ Office: Sq.ft. ____ Acres ____ Employees ____
- ☐ Commercial: Sq.ft. ____ Acres ____ Employees ____
- ☐ Industrial: Sq.ft. ____ Acres ____ Employees ____
- ☐ Educational: ____
- ☐ Recreational: ____
- ☐ Water Facilities: Type ____ MGD ____
- ☑ Transportation: Type New toll highway/POE/CVEF
- ☐ Mining: Mineral ____
- ☐ Power: Type ____ MW ____
- ☐ Waste Treatment: Type ____ MGD ____
- ☐ Hazardous Waste: Type ____
- ☐ Other: ____

Project Issues Discussed in Document:

- ☑ Aesthetic/Visual
- ☑ Agricultural Land
- ☑ Air Quality
- ☑ Archeological/Historical
- ☑ Biological Resources
- ☐ Coastal Zone
- ☑ Drainage/Absorption
- ☑ Economic/Jobs
- ☑ Fiscal
- ☑ Flood Plain/Flooding
- ☐ Forest Land/Fire Hazard
- ☑ Geologic/Seismic
- ☐ Minerals
- ☑ Noise
- ☐ Population/Housing Balance
- ☑ Public Services/Facilities
- ☑ Recreation/Parks
- ☑ Schools/Universities
- ☐ Septic Systems
- ☑ Sewer Capacity
- ☑ Soil Erosion/Compaction/Grading
- ☑ Solid Waste
- ☑ Toxic/Hazardous
- ☑ Traffic/Circulation
- ☑ Vegetation
- ☑ Water Quality
- ☑ Water Supply/Groundwater
- ☑ Wetland/Riparian
- ☑ Growth Inducement
- ☑ Land Use
- ☑ Cumulative Effects
- ☑ Other: Paleontology

Present Land Use/Zoning/General Plan Designation:

County: Mixed Industrial/Light Ind./Technology Business. City of SD: Industrial Parks/Light Ind./Specialized Commercial

Project Description: *(please use a separate page if necessary)*

See attached.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "**X**".
If you have already sent your document to the agency please denote that with an "**S**".

X Air Resources Board
___ Boating & Waterways, Department of
X California Highway Patrol
___ Caltrans District #___
___ Caltrans Division of Aeronautics
___ Caltrans Planning
___ Central Valley Flood Protection Board
___ Coachella Valley Mtns. Conservancy
___ Coastal Commission
___ Colorado River Board
___ Conservation, Department of
___ Corrections, Department of
___ Delta Protection Commission
___ Education, Department of
X Energy Commission
X Fish & Game Region #5
X Food & Agriculture, Department of
___ Forestry and Fire Protection, Department of
X General Services, Department of
X Health Services, Department of
___ Housing & Community Development
X Integrated Waste Management Board
X Native American Heritage Commission

X Office of Emergency Services
X Office of Historic Preservation
___ Office of Public School Construction
___ Parks & Recreation, Department of
___ Pesticide Regulation, Department of
X Public Utilities Commission
X Regional WQCB #9
___ Resources Agency
___ S.F. Bay Conservation & Development Comm.
___ San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
___ San Joaquin River Conservancy
___ Santa Monica Mtns. Conservancy
___ State Lands Commission
___ SWRCB: Clean Water Grants
X SWRCB: Water Quality
___ SWRCB: Water Rights
___ Tahoe Regional Planning Agency
X Toxic Substances Control, Department of
___ Water Resources, Department of

___ Other: ___
___ Other: ___

Local Public Review Period (to be filled in by lead agency)

Starting Date December 3, 2010 Ending Date February 1, 2011

Lead Agency (Complete if applicable):

Consulting Firm: ___
Address: ___
City/State/Zip: ___
Contact: ___
Phone: ___

Applicant: CA Department of Transportation
Address: 4050 Taylor Street, MS-242
City/State/Zip: San Diego, CA 92110
Phone: (619) 688-3135

Signature of Lead Agency Representative: ___ **Date:** ___

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Notice of Completion

State Route 11 and the Otay Mesa East Port of Entry

Project Description

The proposed action represents Tier II of a two-phase process. Phase I (EIR certified in 2009) previously evaluated alternative locations for the future implementation of State Route (SR-) 11 and the Otay Mesa East Port of Entry (POE), and selected the Western Alternative. The subject Tier II EIR analyzes the proposed design alternatives for the new SR-11 toll highway, the POE and an associated Commercial Vehicle Enforcement Facility (CVEF), including SR-11 connectors to SR-905 and associated modifications to SR-905.

Tier II primary objectives include increasing regional inspection capacities for commercial/ personal vehicles and pedestrians; reducing northbound vehicle/pedestrian queues and wait times; accommodating projected increases in international commercial trade and personal vehicle border traffic; contributing to reduced congestion at border crossings and along regional transportation infrastructure; and, accommodating commercial goods movement and cross-border travel.

Three build alternatives and five variations for the SR-11 corridor are evaluated in the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS), along with the No Build Alternative. The three SR-11 alternatives include the Two Interchange Alternative (interchanges at Enrico Fermi Drive and Siempre Viva Boulevard), One Interchange Alternative (interchange at Alta Road), and No Interchange Alternative, while the variations involve a no-toll option, a modified median design, two design options for the SR-905/SR-125/SR-11 Interchange, and a design option for the Siempre Viva Road Interchange. The POE and CVEF design and location would be the same under all the SR-11 alternatives and design variations.

DEPARTMENT OF TRANSPORTATION
DISTRICT 11
4050 TAYLOR STREET, MS-242
SAN DIEGO, CA 92110
PHONE (619) 688-0100
FAX (619) 688-4277
TTY 711

Flex your power!
Be energy efficient!

December 1, 2010

SCH# 2008111038
11-SD-11, PM 0.0/2.8
11-SD-905, PM R8.4/10.1
EA 056310 (1100000023)

County of San Diego
Clerks Office
County Administration Center
1600 Pacific Highway, Room 260
San Diego, CA 92101

Dear County Clerk,

Subject: Notice of Availability of the State Route 11/Otay Mesa East Port of Entry Tier II Draft Environmental Impact Report/Environmental Impact Statement

The California Department of Transportation (Caltrans), in cooperation with the Federal Highway Administration (FHWA), has prepared this Tier II Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS), which examines the potential environmental impacts of the alternatives and variations being considered for the proposed project located in East Otay Mesa in San Diego County, California. The DEIR/EIS describes why the project is being proposed, what alternatives are considered, how the existing environment could be affected by the project, the potential impacts of each of the alternatives and variations, and the proposed avoidance, minimization, and/or mitigation measures.

Caltrans has enclosed a copy of the Notice of Availability of the DEIR/PEIS for **filing** by the County Clerks Office.

If you have any questions, please contact Sandra Lavender at (619) 688-3135. Your interest in this important transportation improvement project is truly appreciated.

Sincerely,

Joel Haven
Deputy District Director
Environmental Division

FILED
David Butler, Recorder/County Clerk
DEC 07 2010
BY L. Kesian
DEPUTY

Enclosure

F I L E D
David Butler, Recorder/County Clerk
DEC 07 2010
BY L. Kesian DEPUTY
FILED IN THE OFFICE OF THE COUNTY CLERK
San Diego County on DEC 07 2010
Posted DEC 07 2010 Removed JAN 13 2011
Returned to agency on JAN 13 2011
Deputy L. Kesian

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Availability for the Tier II Draft Environmental Impact Report/Environmental Impact Statement for the State Route 11 and Otay Mesa East Port of Entry Project, San Diego County, California.

AGENCY: Department of Transportation - Federal Highway Administration

ACTION: Notice of Availability

SUMMARY: The Federal Highway Administration (FHWA) in cooperation with the California Department of Transportation (Caltrans) has prepared a Tier II Draft Environmental Impact Statement/ Environmental Impact Report (Draft EIS/EIR), which examines the potential environmental impacts of the alternatives and variations being considered for the proposed project located in East Otay Mesa, in San Diego County, California. The Draft EIS/EIR describes the reason the project is being proposed, the alternatives being considered, the potential impacts of each of the alternatives and variations on the existing environment, and the proposed avoidance, minimization, and/or mitigation measures.

The proposed facilities are being studied under a two-tier process. Under Phase I, a Program Environmental Impact Report/Phase I Environmental Impact Statement (PEIR/PEIS) was prepared and approved/certified in August 2008. The proposed project would constitute Tier II of planning and environmental clearance for the development of a new Port of Entry (POE) in the San Diego/Tijuana region; along with development of associated State Route 11 (SR-11), which would connect the new POE to the existing and planned roadway system in the area; and a new Commercial

Vehicle Enforcement Facility (CVEF) for the California Highway Patrol's inspection of trucks entering California from Mexico.

Three project build alternatives and five variations for the project are evaluated in the Draft EIR/EIS, along with the No Build Alternative. The three SR-11 alternatives are identified as the Two Interchange, One Interchange and No Interchange alternatives, while the variations involve a no-toll variation, a modified median design, two design variations for the SR-905/SR-125/SR-11 Interchange, and a design variation for the Siempre Viva Road Interchange. The POE and CVEF designs and locations would be the same under all the build alternatives and variations. Potential benefits from the Tier II project would include provision of additional border crossing capacity to meet current and projected demand for the movement of people and goods between the United States and Mexico, as well as the reduction of wait times and other inefficiencies associated with border crossings.

FOR FURTHER INFORMATION CONTACT: Questions or comments concerning the Draft EIR/EIS should be directed to: Sandra Lavender, Environmental Division, California Department of Transportation, District 11, 4050 Taylor Street, MS-242, San Diego, CA 92110, (619) 688-3135. Comments should be submitted no later than February 1, 2011.

The Draft EIR/EIS is available for public review and comment from Friday, December 3, 2010 to Tuesday, February 1, 2011. The Draft EIR/EIS, and all referenced technical reports, are available for review in hardcopy format at the following locations:

Caltrans District Office
4050 Taylor Street
San Diego CA 92100

San Diego County Library – Imperial Beach Branch
810 Imperial Beach Blvd.

Otay Mesa Chamber of Commerce
9163 Siempre Viva Road, Suite I-2
San Diego, CA 92154

San Diego County Library – Bonita-Sunnyside Branch
4375 Bonita Road

Imperial Beach, CA 91932 Bonita, CA, 91902

San Diego County Library – Otay Mesa-
Nestor Branch
3003 Coronado Avenue
San Diego, CA 92154

The Draft EIR/EIS is also available for review on the Internet at the following link:
http://www.dot.ca.gov/dist11/envir

A public meeting is scheduled for Wednesday, January 19, 2011 at the Ocean View Hills Elementary School located at 4919 Del Sol Boulevard, San Diego, CA 92154. The meeting will be held from 5:30 p.m. to 7:30 p.m. Caltrans staff will be on hand to provide information and to answer questions regarding the project. A certified court reporter will be available to take public comments for the record, or if preferred, comments may be submitted in writing. Caltrans will respond to substantive comments in the Final EIR/EIS.

If you cannot attend, please submit your written comments to the following address:

Sandra Lavender
Environmental Analysis, Branch A
California Department of Transportation, District 11
4050 Taylor Street, MS 242
San Diego, CA 92110

Individuals who require special accommodations (American Sign Language interpreter, accessible seating, documentation is alternate formats, etc.) are requested to contact the Public Information Office at 619-688-6670 at least 10 days prior to the scheduled hearing date. TDD users may contact the California Relay Service TDD line at 1-800-735-2929 or Voice Line at 1-800-735-2922.

Bill Forrester
Director, Structures

11.24.2010
Date

Appendix N

ENVIRONMENTAL COMMITMENTS RECORDS
STATE ROUTE 11/OTAY MESA EAST PORT OF ENTRY
PROJECT (TIER II)

ENVIRONMENTAL COMMITMENTS RECORD
STATE ROUTE 11/OTAY MESA EAST PORT OF ENTRY PROJECT (TIER II)

Environmental Generalist
Sandra Lavender
Phone: 619-688-3135
Date: March 2012
Project ID: 1100000023

File: 11-SD-11, 11-SD-905, SR-125
PM: 0.0/2.8, R8.4/10.1, 0.5
EA: 056310

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance	
DESIGN KICK OFF	Project Management (PM)	Beginning of Phase I					
ENVIRONMENTAL PS&E REVIEW MEETING	PM/ Environmental	Plans, Specifications and Estimates (PS&E) circulation					
PRE-CONSTRUCTION MEETING	PM/ Resident Engineer (RE)	Contract Award					
PRE-JOB MEETING	PM/ RE	Pre-construction					
MID-CONSTRUCTION MEETING	PM/ RE	Construction					
DESIGN FEATURES MEMORANDUM	PM/ RE	Post Construction					
ENVIRONMENTAL COMPLIANCE REVIEW	PM/ RE/ Construction Liaison/ Biology	Safety Review					
Section 7 Consultation – Threatened and Endangered Species	RE/Construction/Environmental	Pre-construction					
Section 404 Permit	RE/Construction/ Environmental	Pre-construction					
1602 Streambed Alteration Agreement	RE/Construction/ Environmental	Pre-construction					
Section 401 Water Quality Certification	RE/Construction/ Environmental	Pre-construction					
LAND USE AND RELOCATION/REAL PROPERTY ACQUISITION							
Cooperation/Coordination with the City of San Diego and the County of San Diego regarding land use compatibility conflicts.	Project Management Design	PA/ED					
COMMUNITY CHARACTER and COHESION (visual prominence of retaining walls at Sanyo Avenue)							

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance	
NOTE: See Visual/Aesthetics section for measures that would mitigate for both visual and community impacts.							
UTILITIES/EMERGENCY SERVICES							
Caltrans and GSA would coordinate with the responsible utilities companies regarding any necessary relocation of the existing fuel line that crosses the northeast corner of the POE/CVEF and the 30-inch diameter gas pipeline in the southern portion of the POE site	RE/Contractor/ Design	Project Approval/ Environmental Documentation (PA/ED)/Pre-construction					
Caltrans would coordinate with Calpeak (and other responsible utilities companies) regarding any necessary relocation of the existing 69kV power line and associated power poles located on the eastern edge of the SR-905/SR-125/SR-11 Interchange	RE/Construction/ Environmental	Design/Pre-construction/Construction					
Interior and exterior storage areas for recyclables and green waste and adequate recycling containers would be provided within public areas	RE Contractor Design	Construction					
Most construction and demolition waste (including but not limited to soil, vegetation, concrete, lumber, metal and cardboard) would be reused or recycled when feasible	RE/Contractor	Construction					
Disruption to emergency response service on local roads would be minimized through implementation of a construction traffic control plan to provide for passage of emergency vehicles. Details would be developed during final design	RE/ Contractor	Construction					
Disruption of the U.S. Border Patrol activities would be minimized by cooperation with the agency to facilitate its activities while still realizing the project purpose and need	RE/ Contractor/ Customs and Border Protection (CBP)	Pre-construction/Construction					
TRAFFIC – CONSTRUCTION IMPACTS							
A TMP has been developed to implement best management practices during project construction to minimize interruptions to traffic patterns, and to promote safety and security.	RE/ Contractor	Construction					
A Public Awareness Campaign to educate the public about potential construction plans and scheduling	RE/ Contractor/ Public Information Officer	Pre-construction					
Motorist Information Strategies, such as signs and radio announcements in English and Spanish and information on the Caltrans Highway Information Network (CHIN), a 24-hour information hotline and website, to divert traffic volume from the construction site	RE/ Contractor/ Public Information Officer	Pre-construction/ Construction					
Incident Management, including a Construction Zone Enhanced Enforcement Program (COZEEP) that would station CHP Officers and Traffic Management Team units at construction sites to facilitate safer construction and traffic conditions and respond quickly to incidents	RE/ Contractor	Construction					
Construction Strategies of selectively closing freeway main lanes, ramps and connectors without creating substantial delays to motorists and providing temporary lane shifts to facilitate construction of freeway-to-freeway connectors	RE/ Contractor	Pre-construction/ Construction					
Contingency Plans for instances in which the timely opening of lanes is deemed unachievable	RE/ Contractor	Pre-construction/ Construction					

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance	
TRAFFIC – CONSTRUCTION IMPACTS (cont.)							
Alternate Route Strategies that would temporarily divert traffic to allow construction activities while maintaining sufficient traffic flow along SR-905 (if open) and reasonable access to businesses	RE/ Contractor	Pre-construction/ Construction					
During heavy periods of hauling of dirt, construction materials, and debris, utilize designated truck routes with flagmen and/or temporary signalization/ signage as appropriate, and coordinate with the responsible local jurisdiction(s) regarding construction-related trucking arrangements	RE/ Contractor	Construction					
Consider scheduling heavy trucking periods during non-peak traffic hours, if necessary to avoid further impacting freeway/ roadway segments and intersections that tend to operate at undesirable levels of service during peak hours	RE/ Contractor	Pre-construction/ Construction					
All parking associated with project construction would be contained within the project limits of disturbance or another secured location that would not conflict with existing public parking	RE/ Contractor	Pre-construction					
At least one access would be maintained to all existing businesses during project construction, and keep adjacent businesses informed of periods of interruption of any usual access route/driveway	RE/ Contractor/ Public Information Officer	Pre-construction/ Construction					
VISUAL/AESTHETICS							
A landscape concept plan should be developed in consultation with the District 11 Landscape Architect, local community planning groups, City staff, County staff, and the Caltrans Project Development Team. The SR-11 Landscape Concept Plan would incorporate the measures listed below to reduce visual impacts. The Landscape Concept Plan would identify highway planting and non-living (mulches, rock blankets and other materials) landscape features that define the visual environment and articulate the landscape theme for SR-11.	Landscape Architecture/ Design/ Maintenance/ Biology/ Helix Environmental	PA/ED					
The project should receive drought tolerant, low maintenance landscaping that is compatible with the appearance of the adjacent vegetative community and sustainable horticultural practices. All planted areas should receive irrigation.	RE/ Contractor/ Landscape Architecture/ Biology	Construction					
In areas of the project characterized by ornamental landscaping, roadway Landscaping that includes trees, shrubs, and groundcover should be installed.	RE/ Contractor/ Landscape Architecture/ Biology	Construction					
In less developed areas within the limits of disturbance (eastern portion), landscaping with trees and shrubs would be planted and mulch should be spread in planting areas. Native areas should include temporary irrigation systems (for at least five growing seasons) to aid in plant establishment and supplement deficient natural precipitation.	RE/ Contractor/ Landscape Architecture/ Biology	Construction					

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
VISUAL/AESTHETICS (cont.)						
Architectural features, textures and colors should be used to mitigate the appearance of retaining wall surfaces and deter graffiti. Walls should incorporate architectural features such as pilasters and caps to provide shadow lines, provide relief from monolithic appearance, and reduce their apparent scale. The architectural surface treatment should follow a highway-wide theme as identified in the SR-11 Landscape Concept Plan (developed in consultation with Caltrans District 11 Landscape Architecture) and utilize/adapt architectural features of the adjacent SR-905 project for continuity.	RE/ Contractor/ Design/ Landscape Architecture	Construction				
In areas where retaining walls must be placed in close proximity to and above the traveled way, space should be reserved between the wall and the safety barrier to include a planting pocket up to six feet wide, with the concurrence of Caltrans District 11 Landscape Architecture and where feasible.	RE/ Contractor/ Design/ Landscape Architecture	Construction				
Where site conditions permit, retaining walls over 15 feet in height should be divided into two separate structures sufficiently offset from one another to create a flat landscape planting area between the two.	RE/ Contractor/ Design/ Landscape Architecture	Construction				
Retaining walls should be located at mid-slope wherever possible to provide adequate area for landscape screening between the wall and the highway.	RE/ Contractor/ Design/ Landscape Architecture	Construction				
Retaining walls that follow the contours of the topography and maintain a constant elevation at the top of wall should be used where appropriate. This type of wall should be visually compatible with surrounding terrain and provide room at the base for a landscape screening buffer.	RE/ Contractor/ Design/ Landscape Architecture	Construction				
Mechanically Stabilized Earth (MSE) walls that utilize a stacking tray design such as Evergreen walls should be used in place of Caltrans standard design crib walls wherever possible to provide a landscaped surface that would blend in with the surrounding landscape.	RE/ Contractor/ Design/ Landscape Architecture	Construction				
Structure design should be enhanced with architectural features and be consistent with design themes developed and identified in the SR-11 Landscape Concept Plan. Pedestrian lighting, widened sidewalks (five and one half feet to eight feet width), bicycle lanes, and other urban amenities on local street portions of structures should be provided to be consistent with local community values and goals, with the concurrence of Caltrans District 11 Landscape Architecture.	RE/ Contractor/ Design/ Landscape Architecture	Construction				
Slope paving at undercrossings and overcrossings should be enhanced with texture to deter graffiti. Paving texture and color should be consistent with materials used on SR-905.	RE/ Contractor/ Design/ Landscape Architecture	Pre-construction				
Any solid, screening fences used on structures should be carefully coordinated with bridge aesthetics and architectural elements, with the concurrence of Caltrans District 11 Landscape Architecture and where feasible.	RE/ Contractor/ Design/ Landscape Architecture	Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
VISUAL/AESTHETICS (cont.)						
Concrete median barriers, if used, should be sized appropriately to address safety concerns related to truck usage of inside lanes. Barriers should be colored and textured if so designated in the overall SR-11 Landscape Concept Plan.	RE/ Contractor/ Design/ Landscape Architecture	Construction				
Slopes should be graded 2:1 or flatter to support highway planting and/or non-living landscape materials such as rock mulches as appropriate. Grading should utilize techniques such as slope rounding, slope sculpting, and variable gradients to approximate the appearance of natural topography. Per Caltrans policy, embankment slopes steeper than 4:1 would require an approved design exception.	RE/ Contractor/ Design/ Landscape Architecture	Construction				
Lighting and mileage/directional signs should be designed and coordinated comprehensively and as a complete package, either as free-standing elements or in conjunction with over/under-crossing structures and architectural features to create a unified design theme and clear driver information.	RE/ Contractor/ Design/ Landscape Architecture	Pre-construction				
Existing highway lighting and signage design themes indentified for SR-905 should be continued.	RE/ Contractor/ Design/ Landscape Architecture	Construction				
Pedestrian lighting on all overcrossings should be uniform and conform to the SR-11 design theme.	RE/ Contractor/ Design/ Landscape Architecture	Construction				
Soffit lighting should be provided on all undercrossings with pedestrian facilities.	RE/ Contractor/ Design/ Landscape Architecture	Construction				
Electrical and signal equipment at ramp termini should be placed in visually unobtrusive locations.	RE/ Contractor/ Design/ Landscape Architecture	Construction				
Where possible, access control fencing should be placed in visually unobtrusive locations of interchanges and bridges (e.g., near the edge of the R/W). It should be coated with black vinyl where appropriate.	RE/ Contractor/ Design/ Landscape Architecture	Construction				
Retaining walls near R/W boundaries should be placed in such a way that they become access control, and an additional access control fence would not be needed. The “dead” spaces that occur between walls and fences should be avoided if at all possible by combining walls with fences.	RE/ Contractor/ Design/ Landscape Architecture	Construction				
Concrete interceptor ditches should not be placed at the toe of slopes adjacent to pedestrian use areas. Alternatives such as subterranean drainage placed below finish grade or a planted geo-reinforced drainage surface should also be used with the concurrence of Caltrans District 11 Landscape Architecture and where feasible.	RE/ Contractor/ Design/ Hydraulics/ Landscape Architecture	Design/ Construction				
Concrete drainage devices located in non-landscaped areas should be colored (integral color concrete or by staining) to match the surrounding soil color.	RE/ Contractor/ Design/ Hydraulics/ Landscape Architecture	Construction				
Soft surface alternatives to concrete ditches and rock slope protection should be utilized wherever possible.	RE/ Contractor/ Design/ Hydraulics/ Landscape Architecture	Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
VISUAL/AESTHETICS (cont.)						
Detention basins and bio-swales in landscaped areas should be planted with visually and functionally compatible native or ornamental ground cover as appropriate, and shaped to mimic natural ponds and/or vernal pools in the area where feasible. Final design of detention basins would be determined in consultation with Caltrans District 11 Landscape Architecture.	RE/ Contractor/ Design/ Hydraulics/ Landscape Architecture	Construction				
New power poles finishes would be treated to fit in with viewshed elements and reduce glare and reflection from the base steel finish with the concurrence of Caltrans District 11 Landscape Architecture.	RE/ Contractor/ Design/ Hydraulics/ Landscape Architecture	Construction				
CULTURAL RESOURCES						
Historical archaeological sites CA_SDI_10155H Locus A and portions of Locus B (as discussed in the 4th Supplemental HPSR), CA_SDI _11221H, and the historic component of CA_SDI_14210/H will be protected by the establishment of ESAs. ESAs will be depicted on all project plans and completely avoided by project activities. ESA fences will be installed prior to any construction activities.	RE/ Contractor/ Cultural Resources / Archaeological Monitor	Construction				
If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.	RE/ Contractor/ Cultural Resources / Archaeological Monitor	Construction				
If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner shall be contacted. Pursuant to PRC Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains will contact the District Environmental Branch so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.	RE/ Contractor / Cultural Resources / Archaeological Monitor	Construction				
HYDROLOGY AND FLOODPLAIN						
The appropriate drainage facilities such as inlets, pipes, channels/ditches, basins and cross drains would be utilized for the project.	Design/ Hydraulics	Design/Construction				
Final drainage facilities will be determined during the project design phase, as part of detailed hydrology/hydraulic reports to be prepared based on final project design. Specifically, such analyses encompass appropriate design, sizing, and location of proposed storm drain facilities, as well as continued consultation with applicable federal, state, and local agencies regarding issues including watershed development, storm drain design/capacity, and regulatory conformance.	Design/ Hydraulics	Design/Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
WATER QUALITY						
Caltrans District 11 will require the construction contractor to comply with the provisions of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, NPDES No. CAS000002), and any subsequent permit, as they relate to construction activities for the project. This will include submission of the Permit Registration Documents, including a Notice of Intent (NOI), risk assessment, site map, Storm Water Pollution Prevention Plan (SWPPP), annual fee, and signed certification statement to the State Water Resources Control Board (SWRCB) at least 14 days prior to the start of construction. The SWPPP will meet the requirements of the Construction General Permit and will identify potential pollutant sources associated with construction activities; identify non-storm water discharges; develop a water quality monitoring and sampling plan; and identify, implement, and maintain best management practices (BMPs) to reduce or eliminate pollutants associated with the construction site. The BMPs identified in the SWPPP will be implemented during project construction. A Notice of Termination (NOT) will be submitted to the SWRCB on the completion of construction and the stabilization of the site. SWRCB Resolution No. 2001-046 requiring sampling and analysis will also be implemented during project construction.	RE/ Contractor	Construction				
Caltrans District 11 will require the construction contractor to comply with the provisions of the General Waste Discharge Requirements for Discharges from Groundwater Extraction and Similar Discharges to Surface Waters within the San Diego Region Except for San Diego Bay, Order No. R9-2008-0002, NPDES No. CAG919002, as they relate to discharge of non-storm-water dewatering wastes for the project.	RE/ Contractor	Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance	
WATER QUALITY (cont.)							
Caltrans District 11 will require the construction contractor to follow the procedures outlined in the California Department of Transportation (Caltrans) Storm Water Quality Handbooks, Project Planning and Design Guide (July 2010 or subsequent issuance) for implementing Design Pollution Prevention and Treatment BMPs for the project. This will include coordination with the San Diego RWQCB with respect to the feasibility, maintenance, and monitoring of Treatment BMPs as set forth in Caltrans Statewide Storm Water Management Plan (SWMP, May 2003 or subsequent issuance). Caltrans District 11 will also require the construction contractor to comply with other provisions identified in the NPDES Permit, Statewide Storm Water Permit, and Waste Discharge Requirements for the State of California, Department of Transportation (Order No. 99-06-DWQ, NPDES No. CAS000003 or subsequent issuance).	RE/ Contractor	Construction					
GEOLOGY/SOILS/SEISMIC/ TOPOGRAPHY							
Potential impacts related to seismic ground acceleration could be addressed or avoided through efforts such as: (1) conformance with applicable seismic parameters from sources including Caltrans standards and the IBC/CBC (including seismic zone, subsurface profile types, seismic and near-source coefficients for acceleration and velocity, and the seismic source); (2) use of properly engineered fill; (3) appropriate foundation, footing, and pavement design; (4) use of properly rein-forced concrete and masonry; and (5) appropriate structure and utility design.	Design	Design/ Construction					
Potential liquefaction and seismic settlement effects could be addressed or avoided through efforts such as: (1) conformance with applicable seismic parameters from sources including Caltrans standards and the IBC/CBC; (2) removal and re-compaction and/or replacement of materials susceptible to liquefaction or seismic settlement with engineered fill; (3) in-place soil and/or structural modifications such as compaction grouting, soil mixing, dynamic compaction, or driving piles below liquefiable layers; and (4) use of sub-drains in appropriate areas to avoid saturation of surficial materials.	Design	Design/ Construction					

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
GEOLOGY/SOILS/SEISMIC/ TOPOGRAPHY (cont.)						
Potential impacts related to landslides and slope/excavation instability hazards could be addressed or avoided through efforts such as: (1) removal /replacement of landslide-prone materials (e.g., claystone or bentonite) in applicable areas; (2) use of stabilizing facilities such as buttresses or stability fills in applicable areas; (3) limitation of individual manufactured slope grades and/or heights per geotechnical recommendations; (4) use of native and/or drought-tolerant landscaping, erosion/sedimentation controls, irrigation management, and appropriate drainage facilities on manufactured slopes; and (5) conformance with applicable Caltrans, OSHA and Cal/OSHA standards for temporary (construction-related) excavations, such as limiting grades and incorporating appropriate shoring or other stabilizing features.	Design	Design/ Construction				
Potential impacts related to the instability of retaining walls and over or undercrossing structures (or other pertinent facilities) could be addressed/avoided through efforts such as: (1) use of appropriate footing and foundation design per geotechnical recommendations and Caltrans or other appropriate standards (e.g., IBC/CBC); (2) use of stabilizing techniques such as soil nail, tieback and/or MSE walls in applicable areas; (3) conformance with appropriate geotechnical recommendations and Caltrans or other regulatory/industry standards regarding wall design and loading (e.g., IBC/CBC); and (4) provision of appropriate drainage controls to prevent ponding, undermining and/or surficial saturation.	Design	Design/ Construction				
Expansive characteristics in surficial materials could be addressed or avoided through efforts such as: (1) removal and re-compaction and/or replacement of unsuitable soils with engineered fill; (2) selective placement and/or capping of expansive soils; (3) use of sub-drains and moisture conditioning in applicable areas of expansive soils to avoid saturation; and (4) soil mixing and use of specially designed foundations or slabs in areas of expansive deposits.	Design	Design/ Construction				
Potential impacts associated with corrosive soils could be addressed or avoided through efforts such as: (1) removal of unsuitable deposits and replacement with non-corrosive fill, (2) use of corrosion-resistant construction materials and (3) installation of cathodic protection devices.	Design	Design/ Construction				
Potential impacts related to oversize materials could be addressed or avoided through efforts such as: (1) removal and off-site disposal of oversize materials unsuitable for use in on-site fills; (2) selective burial of oversize materials in deeper fills; or (3) crushing of oversize materials to an appropriate size for use in on-site fill.	Design	Design/ Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
PALEONTOLOGY						
Once specific design layouts for proposed project elements and alternatives are available, details of the areas where mitigation is specifically required would be called out in a final PMP.	Design/ Cultural Resources	Design/ Pre-construction				
A qualified paleontologist would attend the project pre-construction meeting to consult with the grading and excavation contractors concerning excavation schedules, paleontological field techniques, and safety issues. A qualified paleontologist is defined as an individual with an M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques, who is knowledgeable in the geology and paleontology of San Diego County, California, and who has worked as a paleontological mitigation project supervisor in the region for at least one year.	RE/ Contractor/ Cultural Resources / Paleontological Monitor	Pre-construction/ Construction				
A paleontological monitor would be on site on a full-time basis during the original cutting of previously undisturbed deposits of high sensitivity paleontological resources (i.e., the Otay Formation) to inspect exposures for contained fossils. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials. The paleontological monitor would work under the direction of a qualified paleontologist. As grading progresses, the qualified paleontologist and paleontological monitor would have the authority to reduce the scope of the monitoring program to an appropriate level if it is determined that the potential for impacts to paleontological resources is lower than anticipated.	RE/ Contractor/ Cultural Resources/ Paleontological Monitor	Construction				
When fossils are discovered, the paleontologist (or paleontological monitor) would recover them appropriately. In most cases, fossil salvage can be completed in a relatively short period of time, although some fossil specimens (such as a complete large mammal skeleton) may require a more extended salvage period. In these instances, the paleontologist (or paleontological monitor) would be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. Because of the potential for the recovering of small fossil remains, such as isolated mammal teeth, it may also be necessary to set up a screen washing operation on the site.	Paleontologist	Construction				
During the monitoring and recovery phases of the PMP, the qualified paleontologist and/or paleontological monitor would also routinely collect stratigraphic data such as lithology, the vertical and lateral extent of strata, the nature of upper and lower contacts, and the taphonomic character of exposed strata (i.e., the study of decaying organisms over time and how they become fossilized). Collection of such data is critical for providing a stratigraphic context for any recovered fossils.	Paleontologist	Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
PALEONTOLOGY (cont.)						
Fossil remains collected during monitoring and salvage would be cleaned (removed of extraneous enclosing sedimentary rock material), repaired (consolidation of fragile fossils and gluing together broken pieces), sorted (separating fossils of the different species), and catalogued (scientific identification of species, assignment of inventory tracking numbers, and recordation of these numbers in a computerized collection database) as part of the mitigation process.	RE/ Contractor/ Cultural Resources/ Paleontological Monitor	Construction				
Prepared fossils, along with copies of all pertinent field notes, photos, and maps, would be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the SDNHM. Donation of the fossils would be accompanied by financial support for preparation, curation and initial specimen storage, if this work has not already been completed.	RE/ Contractor/ Cultural Resources/ Paleontological Monitor	Construction				
A final summary report would be completed that outlines the results of the mitigation program. This report would include discussions of the methods used, stratigraphic section(s) exposed and documented, fossils collected, and significance of recovered fossils.	Cultural Resources/ Paleontological Monitor	Construction				
HAZARDOUS WASTE						
At the vehicle auction yard in the east portion of the study area (Parcel No. 648-070-13), soil sampling documented the presence of soil impacted with concentrations of petroleum hydrocarbons that would represent non-hazardous waste. Soil generated within the upper 1.5 to 2 feet at this site from subsurface disturbance activities including grading, excavation or utility trenching may constitute a non-hazardous waste per associated regulatory guidelines, and would be managed, profiled, transported, and/or disposed of accordingly. This may include obtaining regulatory authority for on- or off-site reuse of impacted soil (e.g., as fill), or off-site disposal at an appropriate facility.	RE/ Contractor/ Env. Engineering	Construction				
Additional assessment would be conducted prior to property acquisition of industrial sites in the eastern study area that would be impacted by the proposed project and were not accessible during the project ISA investigations. These assessments would, at a minimum, include site reconnaissance to document evidence of potential hazardous waste/material generation, use and/or storage, as well as related hazardous and non-hazardous environmental concerns and associated remedial/regulatory requirements.	RE/ Contractor/ Env. Engineering	Pre-construction				
Field soil sampling and laboratory testing would be conducted to evaluate the potential occurrence of contaminants where soil staining or staining on distressed pavement was observed followed by proper handling and disposal.	RE/ Contractor/ Env. Engineering	Pre-construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
HAZARDOUS WASTE (cont.)						
For agriculturally-related contaminants, soil generated within the upper 0.5 foot in this area from subsurface disturbance activities including grading, excavation or utility trenching may constitute a waste per associated regulatory guidelines, and would be managed, profiled, transported, and/or disposed of accordingly. This would involve chemical classification prior to reuse or disposal based on the analytical testing results of associated samples, and may require (depending on test results) obtaining regulatory authority for on- or off-site reuse of impacted soil (e.g., as fill), or offsite disposal at an appropriate facility.	RE/ Contractor/ Env. Engineering	Pre-construction				
For areas of hazardous or non-hazardous waste environmental concern identified within the project construction footprint, a site Community Health and Safety Plan would be prepared prior to project initiation to document appropriate measures to manage potential health and safety hazards to project workers and the general public.	RE/ Contractor/ Env. Engineering	Pre-construction				
A Soil Management Plan (SMP) would be prepared to address the potential for encountering areas of potential environmental concern during associated grading, excavation, or other subsurface disturbance. The project SMP would identify specific measures to address efforts including monitoring, handling, stockpiling, characterization, on-site reuse, export, and disposal protocols for excavated soil.	RE/ Contractor/ Env. Engineering	Pre-construction				
Appropriate references regarding the potential to encounter contaminated soil and/or groundwater would be included in construction contract specifications so that the contractor(s) can incorporate related requirements into their scope of work.	RE/ Contractor/ Env. Engineering	Pre-construction				
Municipal (household) trash, construction debris deposits, soil stockpiles, and other pertinent materials would be removed from all proposed development areas and disposed of in accordance with applicable regulations.	RE/ Contractor/ Env. Engineering	Pre-construction				
If conditions suggestive of soil contamination (e.g., discoloration or odor generation) or other potential environmental issues are encountered during project construction, additional assessment would be conducted by a qualified environmental professional. If contamination or other applicable conditions are encountered, additional environmental investigation and/or mitigation may be required by applicable regulatory agencies.	RE/ Contractor/ Env. Engineering	Construction				
Surveys would be conducted prior to project-related disturbance in applicable areas to identify structures, infrastructure, or other facilities that may contain hazardous materials including LBP, ACMs, treated wood, PCBs, and/or other regulated substances. These surveys would be conducted by qualified/certified personnel.	RE/ Contractor/ Env. Engineering	Pre-construction				
Sampling of painted surfaces (e.g., guardrails, piping, pavement striping, and street infrastructure) for LBP would be conducted prior to any project-related disturbance.	RE/ Contractor/ Env. Engineering	Pre-construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
HAZARDOUS WASTE (cont.)						
Sampling of appropriate facilities (e.g., pipeline insulation) would be conducted for ACMs prior to project-related disturbance. If ACMs are determined to be present, a licensed abatement contractor would be retained to remove and properly dispose of pertinent materials prior to commencing associated construction operations.	RE/ Contractor/ Env. Engineering	Pre-construction				
Potentially hazardous wastes generated during project-related construction activities would be disposed of and/or recycled at appropriate facilities in conformance with associated regulatory requirements.	RE/ Contractor/ Env. Engineering	Construction				
AIR QUALITY						
The project would comply with Caltrans Standard Specifications (2006) Section 10: Dust Control or Caltrans Standard Specifications (2010) Section 14-9.03: Dust Control.	RE/ Contractor	Construction				
Minimize land disturbance	RE/ Contractor	Construction				
Use watering trucks to minimize dust; watering should be sufficient to confine dust plumes to the project work areas.	RE/ Contractor	Construction				
Suspend grading and earth moving when wind gusts exceed 25 mph unless the soil is wet enough to prevent dust plumes.	RE/ Contractor	Construction				
Stabilize the surface of inactive stockpiles.	RE/ Contractor	Construction				
Limit vehicular paths on unpaved surfaces and stabilize any temporary roads.	RE/ Contractor	Construction				
Minimize unnecessary vehicular and machinery activities.	RE/ Contractor	Construction				
Street sweeping should be conducted where sediment is tracked from the job site onto paved roads, and should be performed immediately after soil-disturbing activities occur or off-site tracking of material is observed.	RE/ Contractor	Construction				
Revegetate disturbed land, including vehicular paths created during construction, to avoid future off-road vehicular activities.	RE/ Contractor	Construction				
Locate construction equipment and truck staging and maintenance areas as far as feasible and nominally downwind of schools, active recreation areas, and other areas of high population density to minimize exposure to diesel particulates.	RE/ Contractor	Construction				
Use low-emission on-site mobile construction equipment where feasible.	RE/Construction	Construction				
Maintain equipment in tune per manufacturer's specifications.	RE/Construction	Construction				
Retard diesel engine injection timing by two to four degrees unless not recommended by manufacturer (due to lower emission output in-place).	RE/Construction	Construction				
Use reformulated, low-emission diesel fuel.	RE/Construction	Construction				
Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible.	RE/Construction	Construction				
Use catalytic converters on gasoline-powered equipment.	RE/Construction	Construction				
Do not leave inactive construction equipment idling for prolonged periods.	RE/Construction	Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NOISE						
All equipment should have sound-control devices that are no less effective than those provided on the original equipment. No equipment should have an unmuffled exhaust.	RE/ Contractor	Pre-construction/ Construction				
As directed by Caltrans, the contractor should implement appropriate additional noise minimizing measures, such as changing the location of stationary construction equipment, turning off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, and installing acoustic barriers around stationary construction noise sources.	RE/ Contractor	Pre-construction/ Construction				
ENERGY						
Implement feasible energy conservation measures, as listed below.	Design/RE/ Construction	Design/ Construction				
Otay Mesa East POE/CVEF	Design/RE/ Construction	Design/ Construction				
Orientation of buildings on an east-west axis and facing south, to reduce thermal heat load, if feasible	Design/RE/ Construction	Design/ Construction				
Layout of exterior lighting to be spaced appropriately so that lighting zones do not overlap	Design/RE/ Construction	Design/ Construction				
Incorporation of daylight sensors to automatically shut off night lighting	Design/RE/ Construction	Design/ Construction				
Incorporation of shading overhangs on the southern building façades	Design/RE/ Construction	Design/ Construction				
Use of high albedo pavements and roofing for greater heat reflection, to reduce surface temperatures and associated heat island effects during warm periods	Design/RE/ Construction	Design/ Construction				
Use of thermal mass in the building design to reduce night-time cooling (e.g., walls constructed of rammed earth, adobe, clay or mud brick, stone, logs, insulated concrete or specially cured concrete), if feasible	Design/RE/ Construction	Design/ Construction				
Use of solar panels on the roofs of on-site structures to generate solar energy to power the POE and potentially also contribute energy to the electricity grid, if feasible	Design/RE/ Construction	Design/ Construction				
Incorporation of energy-efficient exterior and interior lighting, including LED lighting	Design/RE/ Construction	Design/ Construction				
Use of energy-efficient appliances, computers, copiers and other equipment	Design/RE/ Construction	Design/ Construction				
Provision of light sensors in occupied spaces (with manual override), to automatically shut off lights when no motion/activity is detected or at certain times of the day	Design/RE/ Construction	Design/ Construction				
Incorporation of variable speed and frequency pumping systems with premium efficiency motors and drives	Design/RE/ Construction	Design/ Construction				
Use of high performance glazing on windows	Design/RE/ Construction	Design/ Construction				
Provision of building automation and building management system (BMS) controls for lighting, heating and cooling space	Design/RE/ Construction	Design/ Construction				
Incorporation of eco-feedback devices such as smart meters accessible via local intranet	Design/RE/ Construction	Design/ Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
ENERGY (cont.)						
Otay Mesa East POE/CVEF (cont.)	Design/RE/ Construction	Design/ Construction				
Design buildings to energy efficient	Design/RE/ Construction	Design/ Construction				
Install efficient lighting control systems. Partition or segment lighting for separate uses within the facility for energy efficiency.	Design/RE/ Construction	Design/ Construction				
Site and design buildings to take advantage of daylight	Design/RE/ Construction	Design/ Construction				
Use landscaping and sun screens on west and south exterior building walls to reduce energy use, where practical	Design/RE/ Construction	Design/ Construction				
Install light-colored “cool” roofs and cool pavements	Design/RE/ Construction	Design/ Construction				
Install solar panels on roofs of buildings and inspection bays where feasible	Design/RE/ Construction	Design/ Construction				
Use combined heat and power in appropriate applications for building HVAC systems	Design/RE/ Construction	Design/ Construction				
Reuse and recycle construction waste (including but not limited to soil, vegetation, lumber, metal, and cardboard) where feasible	Design/RE/ Construction	Design/ Construction				
Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas	Design/RE/ Construction	Design/ Construction				
Design the POE to be transit, pedestrian, bicycle friendly, by maximizing the safety and efficiency of the facilities and processes serving these border crossers	Design/RE/ Construction	Design/ Construction				
Incorporate low water use landscaping to save energy associated with water production and delivery	Design/RE/ Construction	Design/ Construction				
SR-11	Design/RE/ Construction	Design/ Construction				
Install solar-powered street lighting	Design/RE/ Construction	Design/ Construction				
Reuse and recycle construction and demolition waste (including but not limited to soil, vegetation, concrete, lumber, metal and cardboard) where feasible	Design/RE/ Construction	Design/ Construction				
Institute a low-carbon fuel vehicle incentive program, such as toll free access to the project facilities	Design/RE/ Construction	Design/ Construction				
Incorporate bicycle-friendly intersections at interchange ramps	Design/RE/ Construction	Design/ Construction				
Incorporate low water use landscaping	Design/RE/ Construction	Design/ Construction				
Develop a construction phasing plan to identify the sequence of construction and help minimize traffic delays	Design/RE/ Construction	Design/ Construction				
Control traffic delays to the extent feasible during periods of many simultaneous construction operations	Design/RE/ Construction	Design/ Construction				
Implement a comprehensive TMP to further minimize delays during construction. The TMP is designed to increase driver awareness, ease congestion, and minimize delay during construction.	Design/RE/ Construction	Design/ Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES						
General						
Sensitive habitat within and adjacent to the footprint of the construction site shall be designated an ESA and depicted as such on project maps. Sensitive vegetation types (e.g., vernal pools and their associated watersheds) or plant locations (e.g., San Diego button celery) will be marked and protected during weeding operations by temporary fencing (e.g., orange plastic snow fencing) or another appropriate method to prevent encroachment or unnecessary disturbance to the sites. Prior to and during construction, barriers will be established in key areas to deter public entry into the sites. Additionally, fencing will be provided to restrict access to sensitive habitat.	RE/Contractor/ Qualified Biologist	Pre-construction/Construction				
The project grading/construction limits (including construction staging areas and access routes) shall be clearly delineated with orange construction fencing and silt barriers to ensure that construction activity remains within the defined limits of work. Fencing will be installed in a manner that does not impact habitats to be avoided. The project proponents will submit to the USFWS and USACE for approval, at least 30 days prior to initiating project impacts, the final plans for initial clearing and grubbing of sensitive habitat and project construction. These final plans will include photographs that show the fenced limits of impact and all areas to be impacted or avoided.	RE/ Contractor/ Qualified Biologist	Pre- construction/ Construction				
A qualified biologist will be made available for both the pre-construction and construction phases of the proposed project work to review grading plans, address protection of sensitive biological resources, and monitor ongoing work. The biologist shall be familiar with the habitats, plants, and wildlife of Otay Mesa, and maintain communications with the RE, to ensure that issues relating to biological resources are appropriately and lawfully managed.	RE/Contractor/ Qualified Biologist	Pre-construction/Construction				
A monitoring biologist approved by the USFWS and USACE will be on the project site during clearing and grubbing of habitat that occurs within 200 feet of the grading limits. The monitoring biologist will conduct weekly site visits during rough grading to ensure that the grading limits have been respected. The biologist will be knowledgeable of local wildlife and vegetation resources including the Quino checkerspot butterfly and vernal pool species. The biologist's name, address, telephone number, and work schedule on the project shall be submitted to the USFWS and USACE at least 7 days prior to initiating project impacts.	RE/ Contractor/ Qualified Biologist	Pre-construction/ Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
General (cont.)						
Temporary stabilization will be undertaken in areas where grading has been completed, particularly cut and fill slopes. Techniques, such as hydroseeding, and the application of duff or bonded fiber matrix will be implemented to provide interim erosion control. For any erosion control seed mix, the seed vendor will furnish certification that the seed has been tested for purity by a certified seed laboratory.	RE/Contractor/ Qualified Biologist	Pre-construction/Construction				
Before entering or leaving the construction site, equipment will be inspected for evidence of invasive species or seeds. Should any plants or seeds be detected, the equipment will be washed to ensure no invasive species will be brought into or removed from the site.	RE/Contractor/ Qualified Biologist	Pre-construction/Construction				
Revegetation with native plant species shall occur as early as possible following grading (where applicable), and be accompanied with periodic monitoring and maintenance to ensure adequate coverage, and prevent erosion and siltation into adjacent biologically sensitive areas.	RE/Contractor/ Qualified Biologist	Pre-construction/Construction				
All plants used in the landscaping areas will comply with Federal, State, and County laws requiring inspection for infestations. The vendor will provide certification of inspection from the County of San Diego Agriculture. The plants will also be inspected by the Project Landscape Inspector before accepting delivery.	RE/Contractor/ Qualified Biologist/ Landscape Inspector	Pre-construction/Construction				
A minimum 6-foot high fence would follow the length of the alignment on both sides to preclude human access into the adjacent habitat and prevent wildlife from traversing the freeway or POE.	RE/Contractor/ Qualified Biologist	Pre-construction/Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
General (cont.)						
The Construction Manager will keep the monitoring biologist up-to-date with current plans for each phase. A pre-construction meeting will be conducted with the monitoring biologist, vernal pool restoration biologist, and construction supervisors prior to all earthwork. The USFWS and the USACE will be invited to the pre-construction meeting with 14 days advance notice. The contractors will be informed that the fenced areas are "no-entry" areas for the duration of construction. Each employee (including temporary, contractors, and subcontractors) will participate in a training/awareness program that will be presented by the vernal pool restoration and monitoring biologist(s), prior to working on the proposed project. At a minimum, the program will include the following topics: a) The purpose for resource protection; b) A description of Quino checkerspot butterfly, San Diego fairy shrimp, Riverside fairy shrimp, and their habitats; c) The conditions of the USACE permits and the conservation measures described in the USFWS Biological Opinion that should be implemented during project construction to conserve Quino checkerspot butterflies, San Diego fairy shrimp, and Riverside fairy shrimp including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); d) Project features designed to reduce impacts to these species and promote their persistence/survival within the project area; e) The protocol to resolve conflicts that may arise at any time during the construction process; f) The general provisions of the Act, the need to adhere to the provisions of the Act, and the penalties associated with violating the Act; and g) A fact sheet that includes color photographs of the listed species, which will be shown to the employees. Following the education program, the fact sheet will be posted in the contractor and Resident Engineer's office, where they will remain through the duration of the project. The project proponents and the biologist(s) will be responsible for ensuring that employees are aware of the listed species.	RE/Contractor/ Qualified Biologist	Pre-construction/Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
General (cont.)						
The changing of oil, refueling, dispensing of coolant, maintenance of equipment, staging, and other actions that could result in a release of a hazardous substance shall be restricted to designated areas that are a minimum of 100 feet from any Environmentally Sensitive Areas (ESAs) Such designated areas will be surrounded with berms, sandbags, or other barriers to further prevent the accidental spill of fuel, oil, or chemicals. Any accidental spills will be immediately contained, cleaned up, and properly disposed. **NOTE: this measure would also mitigate for a wetland impact.**	RE/Contractor/ Qualified Biologist	Pre-construction/Construction				
Storage and staging areas will be placed as far from sensitive habitat as possible and kept free from trash and other waste. Staging areas for construction work will be located within previously disturbed sites and not adjacent or within sensitive habitat.	RE/Contractor/ Qualified Biologist	Pre-construction/Construction				
Employees will strictly limit their activities, vehicles, equipment, and construction materials to within the fenced project footprint.	RE/ Contractor/ Qualified Biologist	Pre-construction/ Construction				
Construction dust impacts will be offset through implementation of the Caltrans Standard Specifications, including Section 7-1.01F Air Pollution Control, Section 10 Dust Control, Section 17 Watering, and Section 18 Dust Palliative. The project biologist will also periodically monitor the work area to ensure that construction-related activities do not generate excessive amounts of dust or cause other disturbances. Erosion control measures will be regularly checked by Caltrans inspectors, the biologist, and RE.	Caltrans Inspectors/ RE/Qualified Biologist	Construction				
The monitoring biologist will periodically monitor adjacent habitats for excessive amounts of dust and will recommend remedial measures to address dust control if necessary. The monitoring biologist will implement a contractor training program to ensure compliance with permit conditions. Any non-compliance issues will be reported to the USFWS and USACE within 24 hours.	RE/ Contractor/ Qualified Biologist	Pre-construction/ Construction				
During any nighttime construction, all project lighting (e.g., staging areas, equipment storage sites, roadway) will be directed onto the roadway or construction site and away from sensitive habitat. Light glare shields may also be used to reduce the extent of illumination into adjoining areas.	RE/Contractor/ Qualified Biologist	Pre-construction/Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
General (cont.)						
Runoff generated by the proposed project will be channeled to detention basins as a means of preventing contaminated discharge from potentially entering nearby, sensitive habitat. Best Management Practices (BMPs) to address erosion and excess sedimentation will be incorporated into the project plans. Measures that could be implemented include silt fencing, gravel bags, hay bales, fiber rolls, native plantings, retaining walls, or other slope stabilization techniques, and protection/velocity dissipation at drainage outlet points. Vegetation filters, such as swales or biostrips, may also be used to remove sediment and other contaminants from runoff prior to off-site flow.	RE/Contractor/ Qualified Biologist	Pre-construction/Construction				
BMPs employed during construction will follow the applicable Caltrans guidelines and will be detailed in the project's Storm Water Management Plan (SWMP), Storm Water Pollution Prevention Plan (SWPPP), and Water Pollution Control Program (WPCP). Specific plans will be reviewed by a biologist and modified, if necessary, prior to implementation. The biologist will have the ability to suggest changes to reduce the probability of erosion and siltation or spills of chemicals or fuels that could potentially affect sensitive habitat areas, including (but not limited to) vernal pool basins and watersheds, and rare plant populations.	RE/Contractor/ Qualified Biologist	Pre-construction/Construction				
Species identified on the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California will not be incorporated into the planting scheme for locations within or directly adjacent to the SR-11 and Otay Mesa East Port of Entry Project. A biologist shall review the seed and plant palette for the planting area, as well as other sites along the alignment, before application in the field.	RE/Contractor/ Qualified Biologist	Pre-construction/Construction				
Plants that require intensive irrigation, fertilizers, or pesticides should not be used in landscaping adjacent to preserve areas. Water runoff from landscaped areas should be directed away from the biological conservation easement areas and contained and/or treated within the development footprint.	RE/Contractor/ Qualified Biologist	Pre-construction/Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
General (cont.)						
Any planting stock to be brought onto the project site for landscape or habitat creation/restoration/enhancement will be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to, Argentine ants (*Iridomyrmex humil*), fire ants (*Solenopsis invicta*), and other insect pests. Any planting stock found to be infested with such pests will not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the USFWFS that these pests already occur in natural areas around the project site. The stock will be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats.	RE/Contractor/ Qualified Biologist	Pre-construction/Construction				
Caltrans will ensure that all temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used for landscape or habitat creation/restoration/ enhancement.	RE/Contractor/ Qualified Biologist	Pre-construction/Construction				
If work occurs beyond the fenced or demarcated limits of impact, all work will cease until the problem has been remedied to the satisfaction of the USFWS and USACE. Additional conservation shall be provided at a minimum 5:1 ratio for any habitat impacts that occur beyond the approved fence. Temporary construction fencing will be removed upon project completion.	RE/ Contractor/ Qualified Biologist	Construction				
The monitoring biologist shall submit a final report to the USFWS and USACE within 60 days of project completion that includes: as-built construction drawings with an overlay of pools that were impacted or preserved, photographs of the preserved pools, and other relevant information documenting that authorized impacts were not exceeded and that general compliance with the project as described in the Biological Opinion, including the conservation measures, was achieved.	RE/ Contractor/ Qualified Biologist	Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
General (cont.)						
FHWA and Caltrans will be responsible for recording a perpetual biological conservation easement or other conservation mechanism acceptable to the USFWS over the areas preserved, restored, and/or enhanced by the project within the Lonestar Ridge West conservation parcel and their two additional conservation parcels located within the greater Lonestar Ridge property. The conservation mechanism will specify that no easements or activities (e.g., fuel modification zones, public trails, drainage facilities, walls, maintenance access roads) that will result in soil disturbance and/or vegetation removal will be allowed within the biological conservation easement areas. Caltrans anticipates that they will not be able to place the conservation easements or other conservation mechanisms, or transfer management endowments for their Lonestar Ridge conservation parcels prior to initiating project impacts; however, annual reports will be provided on their status until the conservation mechanisms have been placed and the endowment funds have been transferred.	Biology/ Stewardship	PA/ ED Pre-construction/Construction				
Caltrans will implement a perpetual long-term management, maintenance and monitoring plan (e.g., Habitat Management Plan or County Resource Management Plan) for its biological conservation easement areas. The plan should include, but not be limited to, the following: method of protecting the resources in perpetuity (e.g., conservation easement); monitoring schedule; measures to prevent human and exotic species encroachment; funding mechanism; and contingency measures should problems occur. In addition the plan will include the proposed land manager's name, qualifications, business address, and contact information. Caltrans will also establish a non-wasting endowment in an amount approved by the USFWS and the USACE based on a Property Analysis Record (PAR; Center for Natural Lands Management ©1998) or similar cost estimation method to secure the ongoing funding for the perpetual long-term management, maintenance, and monitoring of the biological conservation easement area by an agency, non-profit organization, or other entity approved by the USFWS and the USACE. Caltrans will submit a draft plan including a description of perpetual management, maintenance, and monitoring actions and the PAR or other cost estimation results for the non-wasting endowment to the USFWS and the USACE for approval. Caltrans will then submit the final plan to the USFWS and the USACE and transfer the funds for the non-wasting endowment to a non-profit conservation entity within 60 days of receiving approval of the draft plan. It is anticipated that a plan will not be prepared prior to initiating project impacts; however, annual reports will be provided on their status until a final plan has been provided.	Biology/ Stewardship	PA/ ED Pre-construction/Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
General (cont.)						
Caltrans will install permanent protective fencing along any interface with developed areas, and/or use other measures approved by the USFWS and the USACE, to deter human and pet incursion into the biological conservation easement areas. Fencing will have no gates (accept to allow access for maintenance and monitoring of the biological conservation easement areas). Signage for the biological conservation easement areas will be posted and maintained at conspicuous locations. Plans for fencing and/or other preventative measures will be submitted to the USFWS and the USACE for approval at least 60 days prior to initiating project impacts. Fencing, as approved by the USFWS and the USACE, will be installed within 60 days of execution of the conservation easement.	Biology/ Stewardship	PA/ ED Pre-construction/Construction				
Native Grassland						
Proposed mitigation for the permanent impact to 0.2 acre of native grassland is through the enhancement with native grassland where non-native grassland presently occurs at a 2:1 ratio. Restoration of native grassland would occur through the dethatching of non-native grassland and subsequent planting of native grasses on the western Lonestar parcel. A mitigation plan for restoration of this community would be prepared that identifies the location for restoration, responsible parties, methods of implementation, maintenance and monitoring requirements, final success criteria, and contingency measures.	Biology/ Stewardship	PA/ ED Pre-construction				
Non-Native Grassland						
Proposed mitigation for permanent impacts of up to 199.4 acres of non-native grassland (i.e. if the Two Interchange Alternative with the Siempre Viva Road Full Interchange Variation is selected) is through preservation of non-native grassland at a 1:1 ratio. Since the grassland in the R/W is considered occupied by the burrowing owl, the mitigation land should also be burrowing owl habitat. Preservation of non-native grassland on the Lonestar parcels is proposed to satisfy this mitigation. It is acknowledged that the Lonestar parcels support approximately 170 acres of non-native grassland, and that additional grassland may be required if an alternative other than the Preferred Alternative is selected. In this event, Caltrans will consult with the resource agencies to devise an acceptable strategy to compensate for any shortage in the required mitigation.	Biology/ Stewardship	PA/ ED Pre-construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
Grassland Restoration						
Proposed mitigation for permanent impacts to 3.20 acres of grassland restoration is through enhancement of native grassland at a 1:1 ratio. A mitigation plan for restoration of this community would be prepared that identifies the location for restoration, responsible parties, methods of implementation, maintenance and monitoring requirements, final success criteria, and contingency measures.	Biology/ Stewardship	PA/ ED Pre-construction				
WETLANDS AND OTHER WATERS						
Sensitive habitat within and adjacent to the footprint of the construction site shall be designated an ESA and depicted as such on project maps. Sensitive vegetation types (e.g., vernal pools and their associated watersheds) or plant locations (e.g., San Diego button celery) will be marked and protected during weeding operations by temporary fencing (e.g., orange plastic snow fencing) or another appropriate method to prevent encroachment or unnecessary disturbance to the sites. Prior to and during construction, barriers will be established in key areas to deter public entry into the sites. Additionally, fencing will be provided to restrict access to sensitive habitat.	RE/Contractor/ Qualified Biologist	Pre-construction/Construction				
The proposed mitigation ratio for mule fat scrub-disturbed is 2:1 and the proposed mitigation ratio for impacts to USACE non-wetland WUS/CDFG streambed is 1:1. Therefore, the proposed compensatory mitigation for the Preferred Alternative is 1.10 acres, the proposed compensatory mitigation for the Two Interchange Alternative is 1.11 acres, the proposed compensatory mitigation for the One Interchange Alternative is 1.12 acres, and the proposed compensatory mitigation for the No Interchange Alternative is 1.10 acres. Proposed compensatory mitigation is via the restoration and preservation of USACE non-wetland WUS/CDFG streambed at Johnson Canyon, a drainage that extends onto one of the Lonestar parcels and supports jurisdictional features. A jurisdictional delineation would be necessary to determine the extent of USACE/CDFG jurisdiction on the Lonestar parcel. Proposed compensatory mitigation would consist of removal of non-native vegetation (primarily tamarisk) and implementation of native vegetation planting and seeding for up to approximately 4,999 linear feet of Johnson Canyon.	Biology/ Stewardship	PA/ ED Pre-construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
PLANT SPECIES						
Salvaging and transplantation of sensitive plant species, including small-flowered morning glory, variegated dudleya and San Diego barrel cactus, and planting of seed or container stock of decumbent goldenbush at the Lonestar Ridge West parcel would be conducted to the maximum extent practicable. A qualified biologist or restoration ecologist would oversee any seed collection, plant removal, or transplantation to ensure proper management of the salvaged materials.	Biology	Pre-construction				
ANIMAL SPECIES						
All brushing, grading, and clearing of vegetation would take place outside of the bird breeding season (February 1 through August 31) to avoid impacting nesting birds and violating the MBTA. If construction activities occur during the breeding season, a pre-construction survey would be conducted to ensure that no nesting birds are present within the proposed work area. Should a nest site be located, then appropriate measures may include (but are not limited to) monitoring during grading and construction to ensure no impacts to the nest site, designating the location as an environmentally sensitive area, and delaying or restricting project activities until nesting and fledging is complete.	RE/ Contractor/ Biology	Pre-construction/Construction				
For burrowing owls, a pre-construction survey to identify active burrows within the R/W and 250 feet beyond the R/W (where potential burrows could be) would be conducted no more than 30 days prior to initiation of construction.	RE/ Contractor/ Biology	Pre-construction				
To minimize impacts to nesting burrowing owls, no disturbance would occur within 250 feet of any active burrow (including to any that occur outside the R/W) during the burrowing owl breeding season (February 1 through August 31) or until a qualified biologist determines that a burrow is no longer active.	RE/ Contractor/ Biology	Pre-construction				
For each active burrow to be directly impacted outside the burrowing owl breeding season, a qualified biologist would implement passive relocation measures (installation of one-way doors) in accordance with CDFG regulations. Once all owls have vacated the burrows (after approximately 48 hours), a qualified biologist would oversee the excavation and filling of the burrows.	RE/ Contractor/ Biology	Pre-construction				
THREATENED AND ENDANGERED SPECIES						
During construction of the proposed project, construction BMPs, installation of construction fencing, and monitoring construction limits would be conducted to avoid and/or minimize direct impacts to threatened and endangered species outside the proposed project impacts and R/W.	RE/Qualified Biologist	Pre-construction/Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
THREATENED AND ENDANGERED SPECIES (cont.)						
Impacts to designated critical habitat for San Diego fairy shimp will be mitigated by the enhancement and preservation of primary constituent elements within 155 acres of designated critical habitat within the Lonestar Ridge West conservation parcel. A total of 14 vernal pool basins (0.6 acre) will be enhanced and 111 vernal pool basins (3.6 acres) will be created/restored. These basins will be surrounded by approximately 27.3 acres of watershed (an average ratio of approximately 6.5 acres of watershed for every acre of vernal pool). No less than 4.2 acres of vernal pool basins will be created/restored with at least 27.3 acres of associated vernal pool watershed and upland that will be restored to support the vernal pool basins.	Qualified Biologist	PA/ED Pre-construction/ Construction				
Impacts to Quino checkerspot butterfly will be mitigated by the enhancement and preservation of habitat suitable for this species, including the establishment of a minimum of 17 focused planting areas that are dominated by Quino checkerspot butterfly host and nectar resource plants, within 87 acres of critical habitat on the Lonestar Ridge West conservation parcel. The goal of this conservation measure is to preserve or salvage stands of the native flora important to Quino checkerspot butterfly (host plants and adult nectar sources), seed the site with native host plants and nectar plants, and control nonnative plant species growth and reproduction so that non-native species do not out-compete native flora.	Qualified Biologist	PA/ED Pre-construction/ Construction				
A final restoration plan for the conservation site shall be submitted to the USFWS and USACE for approval, at least 60 days prior to initiating project impacts. Impacts will not occur on the project site until the USFWS and the USACE have approved the final restoration plan for the associated project. The final restoration plan will be based on the Lonestar Ridge West Habitat Restoration Plan (Caltrans 2011). In addition to the measures proposed in the draft plan, the final plan will include the following information: a) Implementation of the final plan will be conducted under the direction of a biologist with at least 3 years of vernal pool restoration experience (i.e., a vernal pool restoration specialist); the biologist will be approved by the USFWS and the USACE; b) The restoration area contains extant vernal pools and the Lonestar Ridge East conservation parcels are immediately adjacent to the Caltrans SR-125 vernal pool restoration site. To avoid impacts to extant vernal pools, all measures required in the following row will be implemented at the restoration site and thus specified in the restoration plan;	Qualified Biologist	PA/ED Pre-construction/ Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
THREATENED AND ENDANGERED SPECIES (cont.)						
c) The project's restoration/enhancement activities will commence the first summer-fall season prior to, or concurrently with, the start of vegetation clearing of the project site; d) All final specifications and topographic-based grading, planting, and watering plans will have 0.5-foot contours and show typical cross-sections for the vernal pools, watersheds, and surrounding uplands (including adjacent mima mounds) at the restoration/enhancement sites. The basis for this fine-scale resolution is the shallow depth (i.e., several inches) of the vernal pools that will be restored/enhanced. The grading plans will also show overflow pathways that hydrologically connected the restored pools in a way that mimics natural vernal pool complex topography/hydrology; e) A fine-scale, detailed hydraulic analysis that shows each extant vernal pools to be enhanced; proposed restored vernal pool and its watershed, and hydrologic connection between the pools, as well as the watershed of the extant vernal pools to be enhanced. The watersheds of the restored pools will not extend into the watersheds of the extant vernal pools to be enhanced; f) Discussion and a table on the exact activities that will occur at each restored or enhanced vernal pool. The discussion and table will also include the initial conditions of the pools and the as- built conditions including basin size, average depth, ponding duration, existing native and nonnative cover, and presence of listed species; g) All enhancement activities in the pools occupied by listed vernal pool species that require soil manipulation (e.g., removal/recontouring of tire ruts or road fills, recontouring of pool slopes) will be done by hand and/or small machinery (e.g., Bobcat) to reduce impacts to the existing pool resources. Soil manipulation will be limited to areas adjacent to the existing pool and will be the minimum area necessary to accomplish pool enhancement. Topsoil will only be salvaged from the portions of the pools subject to soil movement. The areas of existing habitat, which are to remain unaffected by enhancement activities, will be specified and protected by temporary barriers prior to implementation;	Qualified Biologist	PA/ED Pre-construction/ Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
THREATENED AND ENDANGERED SPECIES (cont.)						
h) A map depicting the locations of the control pools1 within each reference site and a table detailing basin size, average depth, ponding duration, native cover, nonnative cover, and presence of listed species for each pool will be incorporated into the annual reports during the 5-year maintenance and monitoring period(s) for each project; i) As a last resort and after approval by the USFWS and the USACE, additional inoculum from off-site donor vernal pools in the Otay Mesa area may be used to supplement the inoculum collected at the project impact site. The final plan will identify any proposed donor pools and include documentation that they are free of versatile fairy shrimp (*Branchinecta lindahli*). A rough estimate of San Diego and/or Riverside fairy shrimp genetic similarity using mtDNA sequencing should be conducted before introducing inoculum collected off site into occupied pools. No more than 10 percent of the basin area of any additional, non-impacted donor pool will be used for collection of inoculum. Collection of inoculum from Agency-approved donor pools will be consistent with the conservation requirements in the following row; j) Inoculum and planting will not be installed until the USFWS and the USACE approve the habitat restoration site grading through evidence of ponding noted below. All planting will be installed in a way that mimics natural plant distribution and not in rows. Inoculum will not be introduced into the restored or enhanced pools until after they have been demonstrated to retain water for the appropriate amount of time to support San Diego (i.e., at least 12-30 days) or Riverside fairy shrimp (i.e., 30-60 days) and have been surveyed for versatile fairy shrimp to the satisfaction of the USFWS and the USACE. If versatile fairy shrimp and San Diego and/or Riverside fairy shrimp are detected in the restored or enhanced pools, no additional action will be required. If versatile fairy shrimp are present but no San Diego and/or	Qualified Biologist	PA/ED Pre-construction/ Construction				

[1] Caltrans will work together with the project proponents of the Otay Crossings and Otay Business Park projects addressed in the same Biological Opinion to identify a common set of control pools that will be used by all three restoration efforts in order to minimize any potential impacts from monitoring the control pools.

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
THREATENED AND ENDANGERED SPECIES (cont.)						
Riverside fairy shrimp are detected, off-site inoculum will not be introduced until measures approved by the USFWS and the USACE are implemented in attempt to remove the versatile fairy shrimp from the pools. Inoculum from the Lonestar Ridge Conservation Area may be allowed, subject to confirmation from the USFWS and the USACE. Inoculum will be placed in a manner that preserves, to the maximum extent possible, the orientation of the San Diego and Riverside fairy shrimp cysts within the surface layer of soil (e.g., collected inoculum will be shallowly distributed within the pond so that cysts have the potential to be brought into solution upon inundation). No inoculum collected off site will be placed in occupied pools unless it is determined through mtDNA sequencing that they are genetically similar; k) Plant palettes (species, size, and number/acre) and seed mix (species and pounds/acre) will be included in the restoration/enhancement plan. The plant palette will include native species specifically associated with the onsite habitat type(s). If native plant species (no cultivars) cannot be obtained within Otay Mesa, an alternate site will be used only upon approval by the USFWS and the USACE. The source and proof of local origin of all plant material and seed will be provided to the USFWS and the USACE; l) Native plants and animals will be established within the restored/enhanced pools, their watersheds and surrounding uplands. This establishment can be accomplished by redistributing topsoil containing seeds, spores, bulbs, eggs, and other propagules from affected pools and adjacent vernal pool and upland habitats; by the translocation of propagules of individual species from offsite habitats; and by the use of commercially available native plant species and/or any vernal pool inoculum or plant material from an offsite source approved by the USFWS and the USACE. Topsoil and plant materials from the native habitats to be affected on site will be applied to the watersheds of the enhanced and restored pools to the maximum extent practicable. Nonnative invasive weed control will be implemented within the restoration areas to protect and enhance habitat remaining on site;	Qualified Biologist	PA/ED Pre-construction/ Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
THREATENED AND ENDANGERED SPECIES (cont.)						
m) Any artificial watering of the restored/enhanced pool watersheds will be done in a manner that prevents water from entering into the pools. Any water to be used will be identified and documented to be free of contaminants that could affect the water quality of the pools and harm San Diego fairy shrimp. Upland plant species will need to demonstrate independence from artificial water sources for at least 2 years in order to meet the success criteria; n) All weeding within and immediately adjacent to the restored/enhanced pools will be performed by hand. No herbicide will be used within the restored/enhanced pools. Herbicide may be used in the uplands adjacent to pools only as approved by the USFWS and the USACE (e.g., using the "glove" method[2]). All workers conducting weed removal activities will be educated to distinguish between native and nonnative species so that local native plants are not inadvertently killed by weed removal activities; o) A final implementation schedule that indicates when all vernal pool impacts and vernal pool restoration/enhancement grading and planting will begin and end. Any temporal loss of vernal pools caused by delays in restoration will be offset by additional habitat preservation and/or restoration as determined in coordination with the USFWS and the USACE, unless the delays were caused by unforeseeable circumstances or were beyond the reasonable control of the project proponent; p) A minimum commitment to 5 years of monitoring of vernal pool and upland habitat restoration/enhancement areas post completed installation. The final success criteria methodology will include quantitative hydrological, vegetation transects, viable cyst, hatched San Diego fairy shrimp, and gravid female measurements; complete flora and fauna inventories; and photographic documentation. To minimize impacts to the soil surface of the vernal pool during restoration, enhancement, and monitoring activities, cobbles will be oriented within the restored vernal pools to serve as stepping stones;	Qualified Biologist	PA/ED Pre-construction/ Construction				

[2] The "glove" method refers to using absorbent-type gloves that are soaked in herbicide, which is then applied to weed species by hand. When carefully done, this method allows for very effective weed control along the margins of the pools, with a low risk of affecting the native flora and fauna because the gloves allow for very accurate placement of the herbicide.

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
THREATENED AND ENDANGERED SPECIES (cont.)						
q) Restoration success, as determined by the final success criteria, for San Diego fairy shrimp and Riverside fairy shrimp will be determined by measuring the ponding of water and density of viable cysts, presence of hatched San Diego and Riverside fairy shrimp, and gravid females within the restored pools. Water measurements will be taken in the restored pools to determine the depth, duration and quality (e.g., pH, temperature, total dissolved solids, salinity) of ponding. Dry samples will be taken from a subset of restored and control pools known to support fairy shrimp in the fall of each year to determine the density of viable cysts in the soils. The sampling will consist of three core samples (approximately 1.5 - 2 cubic inches in volume) taken in the deepest portion of each sampled pool. The samples will be analyzed by a – USFWS-approved biologist to determine the genus and density of cysts collected. Wet samples will also be taken in the restored pools to estimate the number of hatched San Diego and Riverside fairy shrimp and gravid females. Final success criteria will be set such that the pools must pond for a period of time similarly to reference vernal pools during an average rainfall year and at an appropriate depth and quality to support San Diego and Riverside fairy shrimp. The average viable cyst, hatched fairy shrimp, and gravid female data from the restored pools must show that the populations are stable or increasing, relative to the control pools. If both the restored and control pool shrimp populations decline in any given year, then it will be assumed that there are other outside, seasonal effects driving the change, as opposed to specific factors at the restoration site. Otherwise, the restored pool population numbers should either be stable or show an increasing trend from reference pools for at least 3 wet seasons before a determination of success can be made Vernal pools selected as reference or control pools for evaluating restoration success will be identified and described in the restoration plan as per Item (h) of this row. Alternate methods of determining success will only be used if approved by the USFWS and the USACE; • SR-11 and Port of Entry success criteria include the establishment of 1.30 acres and 0.22 acre of basin area that will support the San Diego fairy shrimp and Riverside fairy	Qualified Biologist	PA/ED Pre-construction/ Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
THREATENED AND ENDANGERED SPECIES (cont.)						
shrimp, respectively. In addition, 54 pools will support San Diego button-celery. r) Monitoring and success criteria for vernal pool and upland restoration/enhancement areas for the Quino checkerspot butterfly will include; species richness and cover criteria for all 5 years of monitoring, zero percent cover for weed species categorized as High or Moderate in the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (excluding common non-native grassland species present prior to restoration/enhancement), and relative cover of all other weed species is no more than 15 percent coverage for other nonnative invasive weed species for all 5 years of the 5-year monitoring period. Restored/created pools will have less than 1 percent absolute cover of exotic plant species. Container plant survival will be 70 percent of the initial plantings for the first 5 years. At the first and second anniversary of plant installation, all dead plants will be replaced unless their function has been replaced by natural recruitment. The method used for monitoring will be described and a map of proposed sampling locations will be included. Photo points will be used for qualitative monitoring and stratified-random sampling will be used for all quantitative surveys; s) A commitment by Caltrans agreeing that restoration/enhancement of the vernal pools and uplands will be deemed complete once the final success criteria are met and only after written sign-off by the USFWS and the USACE. Specifically, if a performance criterion is not met for any of the restored/enhanced vernal pools or upland habitat in any year, or if the final success criteria are not met, Caltrans will prepare an analysis of the cause(s) of failure and, if deemed necessary by the USFWS and the USACE, propose remedial actions for approval. If any of the restored/enhanced vernal pools or upland habitat have not met a performance criterion during the initial 5-year period, the maintenance and monitoring obligations will continue until the USFWS and the USACE deem the restoration/ enhancement successful, or contingency measures are implemented. Restoration/ enhancement will not be deemed successful until at least 1 year after any contingency measures related specifically to success	Qualified Biologist	PA/ED Pre-construction/ Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
THREATENED AND ENDANGERED SPECIES (cont.)						
criteria are implemented, as determined by the USFWS and the USACE; and t) Annual reports will be submitted to the USFWS and the USACE by January 31 of each year. Those reports will assess both the attainment of yearly success criteria and progress toward the final success criteria. The reports will also summarize the project's compliance with the conservation measures committed to as part of the project, terms and conditions included in the Biological Opinion.	Qualified Biologist	PA/ED Pre-construction/ Construction				
Restoration grading activities at the Lonestar Ridge East and West conservation parcels will be timed to avoid wet weather to minimize potential impacts (e.g., siltation) to the extant vernal pools unless the area to be graded is at an elevation below the pools. To achieve this goal, each project proponent will comply with the following measures, which also will be specified in the restoration plan: a) Grading will occur only when the soil is dry to the touch at the surface and 1 inch below. A visual check for color differences (i.e., darker soil indicating moisture) in the soil between the surface and 1 inch below indicates the soil is dry; b) After a rain of greater than 0.2 inch, grading will occur only after the soil surface has dried sufficiently as described above, and no sooner than 2 days (48 hours) after the rain event ends; c) Grading will commence only when no rain is forecast during the anticipated grading period; d) To prevent erosion and siltation from storm water runoff due to unexpected rains, Best Management Practices (i.e., silt fences) will be implemented as needed during grading; e) If rain occurs during grading, work will stop and resume only after soils are dry, as described above; and f) Grading will be done in a manner to prevent run-off from entering extant vernal pools.	Qualified Biologist	PA/ED Pre-construction/ Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
THREATENED AND ENDANGERED SPECIES (cont.)						
Caltrans will staff a restoration biologist with a minimum 3 years of previous experience with implementing successful upland and wetland restoration projects[3] with an emphasis on coastal sage scrub, native perennial grassland, and vernal pool restoration. The restoration biologist must also have 5 years of local field experience with vernal pool vegetation, hydrology, and soils, as well as Quino checkerspot habitat. The restoration biologist will be responsible for implementation of the vernal pool and Quino checkerspot butterfly restoration work as well as overseeing compliance with protective measures for listed species on the restoration site and will be approved by the USFWS and the USACE. The project proponents will submit the restoration biologist's name, address, telephone number, and work schedule on the project to the USFWS and the USACE at least 30 days prior to initiating project impacts. The restoration biologist will perform the following duties: a) Allow salvage of live plants and collection of inoculum for transplant to pools, watersheds, and surrounding uplands to be restored/enhanced as practicable and approved by the USFWS; b) Be on the restoration site during work and/or grading adjacent to vernal pools and unvegetated pools supporting listed vernal pool species to be preserved to ensure compliance with all conservation measures; c) Oversee installation of and inspect the fencing and erosion control measures within or up-slope of vernal pool restoration/enhancement and/or preservation areas a minimum of once per week and daily during all rain events to ensure that any breaks in the fence or erosion control measures are repaired immediately; d) Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust; e) Train all contractors and construction personnel on the biological resources associated with this project and ensure that training is implemented by construction personnel. At a minimum, training will include: 1) the purpose for resource protection; 2) a description of the listed vernal pool species, Quino checkerspot butterfly, and their habitat(s); 3 the conservation measures given in the	Qualified Biologist	PA/ED Pre-construction/ Construction				

[3] A successful restoration project is a restoration project that has achieved its success criteria and been accepted by the resource agencies after at least a 5-year monitoring period.

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
THREATENED AND ENDANGERED SPECIES (cont.)						
biological opinion that should be implemented during project construction to avoid and/or minimize impacts to listed species, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); 4) environmentally responsible construction practices; 5) the protocol to resolve conflicts that may arise at any time during the construction process; and f) Halt work, if necessary, for any project activities that are not in compliance with the conservation measures committed to as part of the project and specified in this biological opinion. The restoration biologist will report any non-compliance issues to the USFWS and the USACE within 24 hours of its occurrence and confer with the USFWS and the USACE to ensure the proper implementation of species and habitat protection measures	Qualified Biologist	PA/ED Pre-construction/ Construction				
INVASIVE PLANTS						
In compliance with EO 13112 on invasive species and subsequent guidance from the FHWA, the landscaping and erosion control included for the proposed project would not use species on the state's noxious weed list (USDA NRCS 2009) or species listed as invasive in the California Invasive Plant Inventory Database (California Invasive Plant Council 2006).	Biology	Pre-construction				
Inspection of construction areas would be made by a biological monitor for invasive species according to a prescribed schedule during construction. A typical schedule would involve weekly inspections after the first rains, and throughout the rainy season of the construction period. Outside the rainy season, inspection for invasive species would occur monthly.	Biology	Pre-Construction/Construction				
Precautions would be required to prevent the spread of invasive species into new areas, including the cleaning of construction equipment to help prevent the spread of invasive plant species material, and eradication strategies recommended by the biological monitor.	RE/ Contractor/ Biologist	Pre-construction/ Construction				

Task and Brief Description	Responsible Branch/Staff	Timing/ Phase	Action Taken to Comply with Task	Task Completed	Remarks	Environmental Compliance
NATURAL COMMUNITIES (cont.)						
INVASIVE PLANTS (cont.)						
Upon completion of grading, all areas of temporary disturbance would be revegetated with native species or ornamental landscaping to limit colonization by invasive species. A qualified biologist would review the landscape concept plans to ensure that no invasive species (as listed on the state's noxious weed list or in the California Invasive Plant Inventory Database) are included. This list includes such species as pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree-of-heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. A copy of the complete list can be obtained from Cal-IPC's web site at http://www.cal-ipc.org.	RE/ Contractor/ Biology	Construction				
Indirect Impacts During Construction						
The project grading/construction limits (including construction staging areas and access routes) shall be clearly delineated with orange construction fencing and silt barriers to ensure that construction activity remains within the defined limits of work. Fencing will be installed in a manner that does not impact habitats to be avoided.	RE/ Contractor/ Biology	Pre- construction/ Construction				
Pets shall be prohibited at the construction site.	RE/ Contractor	Construction				
A qualified biologist shall attend a pre-construction meeting and inspect the delineated areas prior to the initiation of vegetation clearing/grading and during regularly scheduled construction monitoring visits.	RE/ Contractor/ Biology	Pre-construction/ Construction				
The construction-related water quality measures listed in Section 3.12.4 would also serve to mitigate potential impacts related to discharge of silt and construction-related contaminants into adjacent natural communities.	RE/ Contractor	Pre-construction/ Construction				
Construction BMPs, installation of construction fencing, and monitoring construction limits would be conducted to avoid and/or minimize direct impacts to special status plant species outside the proposed project R/W.	RE/ Contractor/ Biology	Pre-construction/ Construction				

PROJECT PERSONNEL - CONTACT INFORMATION

PROJECT MANAGER: JACQUELINE APPLETON-DEANE 619-491-3080
DESIGN MANAGER: NICOLA BERNARD 619-688-6708
STEWARDSHIP & ECOLOGICAL RESOURCES: KIM T. SMITH 619-688-0220 or MICHAEL GALLOWAY 619-688-0189
ENVIRONMENTAL CONSTRUCTION LIAISON: LAUREN KEMP 619-688-0114
LANDSCAPE ARCHITECT: STEVE ALVAREZ 619-688-2542 or DAVID STRICKLAND 619-688-6426
CULTURAL RESOURCES/PALEONTOLOGY: KOJI TSUNODA 619-688-6107 or KAREN CRAFTS 619-688-6013

APPENDIX O

CEQA ENVIRONMENTAL CHECKLIST

CEQA Environmental Checklist

11-SD-11 and 11-SD-905	0.0/2.8 and R8.4/10.1	056310
Dist.-Co.-Rte.	P.M/P.M.	E.A.

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista	☒	☐	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☒	☐	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☒	☐
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐
IV. BIOLOGICAL RESOURCES: Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☒	☐	☐

V. CULTURAL RESOURCES: Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

VI. GEOLOGY AND SOILS: Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

VII. GREENHOUSE GAS EMISSIONS: Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

An assessment of the greenhouse gas emissions and climate change is included in the body of environmental document. While Caltrans has included this good faith effort in order to provide the public and decision-makers as much information as possible about the project, it is Caltrans determination that in the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is too speculative to make a significance determination regarding the project's direct and indirect impact with respect to climate change. Caltrans does remain firmly committed to implementing measures to help reduce the potential effects of the project. These measures are outlined in the body of the environmental document.

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

IX. HYDROLOGY AND WATER QUALITY: Would the project:

a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow	☐	☐	☐	☒
X. LAND USE AND PLANNING: Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b)Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒
XI. MINERAL RESOURCES: Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
XII. NOISE: Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐
) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

XIII. POPULATION AND HOUSING: Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

XIV. PUBLIC SERVICES:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☒	☐
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XV. RECREATION:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒
XVI. TRANSPORTATION/TRAFFIC: Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☒	☐	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒
XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☒	☐	☐	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

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APPENDIX P

WETLANDS ONLY PRACTICABLE ALTERNATIVE FINDINGS

STATE ROUTE 11 AND OTAY MESA EAST PORT OF ENTRY WETLANDS ONLY PRACTICABLE ALTERNATIVE FINDINGS

Introduction

The California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) propose the construction of the following facilities in San Diego County (County): a new toll highway, State Route (SR-) 11, with connectors to SR-905 and associated modifications to SR-905; the new Otay Mesa East Port of Entry (POE); and a Commercial Vehicle Enforcement Facility (CVEF). These facilities combined make up the proposed project.

The project has been under study for over a decade, beginning with the identification and evaluation of the environmental constraints (focused on biological and cultural resources, and hazardous materials) associated with the alternatives identified in the Project Study Report (PSR; Caltrans 2000). Since 2005 the project has undergone a two-tier environmental compliance process. Over the course of these studies, a number of alternative locations and designs were evaluated.

The environmental constraints evaluation of the PSR alternatives addressed three separate locations for the SR-11 corridor and POE site (Eastern, Central and Western), and an alternative to provide access to the East Otay Mesa Port-of-Entry (POE) through use/expansion of local roadways in lieu of constructing SR-11. Under the first tier of the environmental compliance process (referred to as Phase I) a Program Environmental Impact Report/Phase I Environmental Impact Statement (PEIR/PEIS; Caltrans 2008) was prepared and approved/certified in 2008; this document addressed SR-11 and the POE at a programmatic level and identified the preferred location of the facilities. The current Tier II EIR/EIS addresses several design and operational alternatives within the corridor location that was selected in Phase I and identifies a preferred alternative design. The Tier II project includes implementation of SR-11, the Otay Mesa East POE, and the CVEF, as well as associated improvements to SR-905.

Alternatives Eliminated in the PSR or Phase I PEIR/PEIS

Eastern Alternative

It was determined in the preliminary environmental analysis of the PSR alternatives that this alignment would result in more substantial impacts to sensitive Diegan coastal sage scrub, listed species and other sensitive species, higher quality wetlands and waters of the U.S., potential vernal pools, and cultural resources than the Western and Central alignments, and this alternative was eliminated early in the analysis. Based on the potential for "substantially greater impacts to sensitive biological resources" than the Western or Central alternatives, as well as greater right-of-way (R/W) and construction costs, the Eastern Alternative was eliminated from further consideration (and was not evaluated in the Phase I PEIR/PEIS). This alternative would result in greater impacts to wetlands than the preferred alternative (which is located within the Western Alternative alignment, as outlined below), and pursuant to Executive Order 11990, would not represent a practicable alternative to avoid wetland impacts.

Local Road Alternative

The PSR determined that the Local Road Alternative would have provided substantially less mobility than a freeway for interregional cross-border traffic, and may have been inadequate to accommodate the anticipated volume of truck traffic, particularly at intersections (with associated effects to local traffic circulation and business access). It was therefore determined that none of the identified variations of the Local Road Alternative would meet the basic long-term purpose and need of the SR-11 and Otay Mesa East POE program, and this alternative was eliminated from further consideration in the PSR. Accordingly, while this alternative could potentially result in fewer wetland impacts than the Preferred Alternative, it would not represent a "practicable alternative" to the proposed project, pursuant to Executive Order 11990.

Central Alternative

The Central Alternative would have committed nearly 25 more acres of currently undeveloped land to transportation-related uses, and would have impacted a greater area of sensitive wetlands than the Western Alternative (upon which the preferred alternative is based). The Central Alternative would also have required more earthwork and would have had a higher construction cost than the Western Alternative. Because of considerations including the anticipated additional impacts related to sensitive biological resources and grading requirements, the Central Alternative was eliminated from further consideration during the Phase I EIR/EIS analysis. Accordingly, the Central Alternative would not represent a practicable alternative to avoid wetland impacts, pursuant to Executive Order 11990.

Alternative Conclusions in the Phase I PEIR/PEIS

The Phase I PEIR/PEIS identified the Western Alternative as the preferred project corridor, based on the above alternative evaluations and a number of additional considerations including the following: (1) it fulfills the project purpose and need; (2) it has the least potential impact to sensitive biological resources (including wetlands and associated species such as the federally listed as endangered San Diego fairy shrimp) and would result in less overall damage to the biological environment than the other Phase I alternatives (i.e. it was identified as the biologically preferred alternative); (3) it was supported by several state and federal resource agencies during the PEIR/PEIS public comment process; and (4) it would commit approximately 25 fewer acres of currently undeveloped land to transportation-related uses than the Central Alternative. As a result, the Western Alternative was carried forward in the second tier of environmental analysis, for detailed evaluation of design/operational alternatives within the Western Alternative corridor. The alternative scenarios addressed in the Tier II EIR/EIS are discussed below.

<u>Alternatives Evaluated in the Tier II EIR/EIS</u>

Based on the PSR and Phase I EIR/EIS analyses, the Tier II EIR/EIS provides a detailed assessment of potential impacts related to the following project design/operational alternatives located within the Western Alternative alignment that was selected in Phase I: (1) the Preferred, Two Interchange, One Interchange, and No Interchange alternatives, which all included several design/operational variations; and (2) the No Build Alternative. In addition, the Tier II EIR/EIS evaluated several alternatives to the Commercial Vehicle Enforcement Facility (CVEF) and associated access roads; as well as a Transportation System Management/Transportation

Demand Management (TSM/TDM) Only Alternative. The CVEF and TSM/TDM Only alternatives were not carried forward for impact analysis in the Tier II EIR/EIS for the reasons described below. This discussion is followed by a summary of the alternatives evaluated in detail in the Tier II EIR/EIS (i.e., the Preferred, Two Interchange, One Interchange, No Interchange, and No Build alternatives), with respect to wetlands and related biological resource impacts.

CVEF Alternatives

Three alternative scenarios were identified for the proposed CVEF, based on criteria including California Highway Patrol requirements, project schedule, travel times, environmental factors and cost. These alternatives all involved the use of the existing CVEF at the Otay Mesa POE and the provision of access for commercial vehicles from the proposed Otay Mesa East POE via secured and/or public roadways. Two of the noted options also included limited inspection facilities at a proposed new Otay Mesa East CVEF site. The CVEF alternatives were evaluated through a Caltrans value analysis engineering study and were summarized by AECOM in 2009, with all three of these alternatives eliminated from further evaluation in the Tier II EIR/EIS. Specifically, the CVEF alternatives were eliminated for reasons including the fact that all three would involve biological impacts beyond those identified for the Preferred Alternative, including impacts to wetlands, vernal pools/basins, and/or associated sensitive species such as fairy shrimp. As a result, the CVEF alternatives would not represent practicable alternatives to avoid wetland impacts, pursuant to Executive Order 11990.

TSM/TDM Only Alternative

This alternative involved the use of TSM/TDM measures as a "stand alone" alternative to the proposed SR-11, POE and CVEF facilities. TSM strategies consist of actions that enhance the efficiency of existing roadways without requiring additional through lanes, via measures such as the use of ramp metering and auxiliary lanes. TDM focuses on regional strategies for reducing the number of vehicle trips and vehicle miles traveled, as well as increasing vehicle occupancy, through efforts such as providing car-pool/high occupancy vehicle lanes, or multi-modal/transit facilities. The Tier II EIR/EIS concluded that, while the implementation of TSM/TDM measures can provide some congestion relief by increasing transportation efficiency and reducing trips, they are not sufficient, in and of themselves, to effectively address existing or future transportation capacity issues in the San Diego-Tijuana border region. Based on these conditions, as well as the fact that many TSM/TDM measures are currently (or proposed to be) implemented at existing and proposed POE facilities (including the proposed project), the TSM/TDM Only Alternative was determined not to be a viable option to the proposed project and was not carried forward for impact analysis in the Tier II EIR/EIS. Accordingly, while this alternative could potentially result in fewer wetland impacts than the Preferred Alternative, it would not represent a "practicable alternative" to the proposed project, pursuant to Executive Order 11990.

Build Alternatives

As previously noted, four build alternatives (Preferred Alternative, Two Interchange, One Interchange and No Interchange) are evaluated in detail in the Tier II EIR/EIS, with all four encompassing a number of design/operational variations. Based on agency and public input received during the Draft EIR/EIS public review process, the Preferred Alternative was

identified as a refinement of the Two Interchange Alternative, with a number of associated variations and design modifications. Specifically, the Preferred Alternative includes modifications to the eastern POE boundary to reduce impacts to non-wetland sensitive habitats and species, changes to the POE layout to reflect the most current design concept information, modifications and additions to conceptual plans for utility relocations and drainage facilities, revisions to the SR-905/SR-125/SR-11 Interchange, and modifications to accommodate an additional connection to the Siempre Viva Road Interchange. The modifications and overall design of the Preferred Alternative would reduce the extent and/or level of impact for a number of issues, including overall disturbance area, sensitive plant and animal species, raptor foraging habitat, and critical habitat for listed species (including San Diego fairy shrimp). Identified impacts to wetlands, however, would be identical for all four of the build alternatives within the Western Alternative alignment. That is, the previous alternative analyses conducted in the PSR and Phase I PEIR/PEIS engineering/environmental phases, were specifically intended to identify the most practicable project location that would avoid or minimize project-related impacts to wetlands and other sensitive biological resources, which culminated in the identification of the Western Alternative as the Preferred Alternative alignment. The project design within the Western Alternative alignment was then refined to further minimize impacts to wetlands and Waters of the U.S. Accordingly, no additional avoidance or reduction of wetland impacts is feasible for the Western Alternative alignment. Given equal impacts to wetlands and Waters of the U.S. for any of the design/operational alternatives studied in the Tier II EIR/EIS, it has been determined that the most practicable alternative would be the Preferred Alternative presented in the Final EIR/EIS and that the Draft EIR/EIS Two Interchange, One Interchange, and No Interchange alternatives would not represent practicable alternatives to avoid wetland impacts, pursuant to Executive Order 11990.

No Build Alternative

As described in the Tier II EIR/EIS, the No Build Alternative would not entail construction of any of the project components described under the build alternatives, including SR-11 (and associated interchanges, under/overcrossings, connectors, SR-905 modifications, and toll-related facilities), the Otay Mesa East POE (including the potential future transit center site), and the CVEF site. Accordingly, while this alternative would avoid all wetland impacts identified for the Preferred Alternative, it would not represent a “practicable alternative” to the proposed project, pursuant to Executive Order 11990.

Summary

The environmental review process conducted for the proposed project involved a phased/tiered evaluation, wherein a series of analyses were conducted to avoid or minimize impacts to the maximum extent feasible for sensitive resources, including wetlands. The culmination of this process was the identification of the Preferred Alternative, which along with the other build alternatives located within the Western Alternative alignment, avoids or minimizes impacts to wetlands to the maximum extent feasible while still meeting the identified project objectives.

Based on the above considerations, it is determined that there is no practicable alternative to the proposed construction in wetlands and that the proposed action (Preferred Alternative) includes all practicable measures to minimize harm to wetlands which may result from such use.

Appendix Q

AIR QUALITY CONFORMITY ANALYSIS

U.S. Department of Transportation
Federal Highway Administration

California Division

650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
(916) 498-5001

May 24, 2011

In Reply Refer To:
HDA-CA
EA: 056310

Laurie Berman, District Director
California Department of Transportation
District 11
4050 Taylor Street, M.S. 242
San Diego, CA 92110

Attention: Ms. Olga Estrada
Environmental Analysis Branch Chief

Dear Ms. Estrada:

SUBJECT: FHWA Project Level Conformity Determination for the SR-11 and the Otay Mesa East Port of Entry Project

On April 22, 2011, the California Department of Transportation (Caltrans) submitted to the Federal Highway Administration (FHWA) a request for a project level conformity determination for the SR-11 and the Otay Mesa East Port of Entry Project in San Diego County. The project is in an area that is designated Nonattainment for Ozone and Maintenance for Carbon Monoxide (CO).

The project level conformity analysis submitted by Caltrans indicates that the transportation conformity requirements of 40 C.F.R. Part 93 have been met. The project is included in the San Diego Association of Governments (SANDAG) *2030 Regional Transportation Plan (RTP)* and the *2010 Regional Transportation Improvement Program (RTIP).* The latest conformity determinations for the RTP and RTIP were approved by FHWA and the Federal Transit Administration (FTA) on December 14, 2010. The design concept and scope of the preferred alternative have not changed significantly from those assumed in the regional emissions analysis.

As required by 40 C.F.R. 93.116 and 93.123, the localized CO analysis are included in the documentation. The CO hotspot analysis was conducted using the *Transportation Project-Level Carbon Monoxide Protocol.* The analysis demonstrates that the project will not create any new violation of the standards or increase the severity or number of existing violations.

Based on the information provided, FHWA finds that the Conformity Determination for the SR-11 and the Otay Mesa East Port of Entry Project in San Diego County conforms to the State Implementation Plan (SIP) in accordance with 40 C.F.R. Part 93.

If you have any questions pertaining to this conformity finding, please contact Stew Sonnenberg, FHWA Air Quality Specialist, at (916) 498-5889 or by email at Stew.Sonnenberg@dot.gov.

Sincerely,

For
Robert F. Tally Jr.
Acting Division Administrator

Air Quality Conformity Analysis

State Route 11 and the Otay Mesa East Port of Entry Project – Tier II

SAN DIEGO COUNTY, CALIFORNIA

DISTRICT 11–SD –ROUTE 11((PM 0.0/2.8)

DISTRICT 11–SD –ROUTE 905 (PM R8.4/10.1)

EA 056310 (PI# 1100000023)

May 2011

Prepared By:_____ Date: 5.19.2011

Sandra Lavender-Martin
Associate Environmental Planner
11-San Diego

Caltrans

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Section 1. Introduction and Project Description

This Air Quality Conformity Analysis contains the information that is required by the Federal Highway Administration (FHWA) to make an air quality conformity determination for the State Route 11 (SR-11) and the Otay Mesa East Port of Entry (POE) Project pursuant to Section 6005 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This analysis has been prepared to be consistent with FHWA's June 21, 2007 guidance on Project-Level Conformity Determinations and National Environment Policy Act (NEPA) Assumption and Conformity Analysis Documentation checklist.

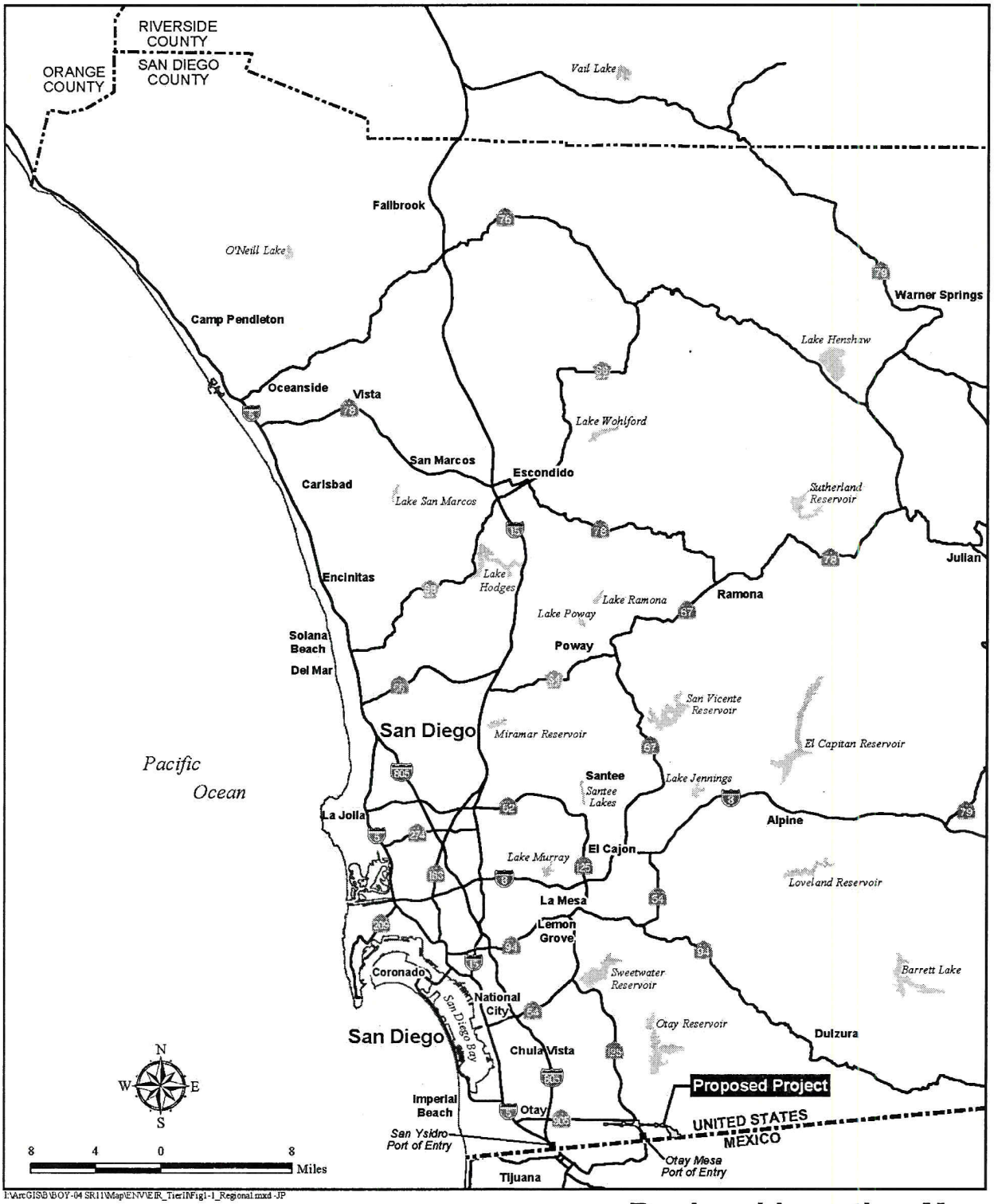
1.1. Project Description

The California Department of Transportation (Caltrans) and the FHWA, propose the construction of the following facilities in San Diego County (County): a new toll highway, SR-11, with connectors to State Route 905 (SR-905) and associated modifications to SR-905; the new Otay Mesa East POE; and a Commercial Vehicle Enforcement Facility (CVEF). The project analyzed in this document (referenced herein as the "proposed project" or "project") includes these three major elements in the general location shown on Figure 1, Regional Location Map.

SR-11 is included in the SANDAG 2030 Revenue Constrained Regional Transportation Plan (RTP; SANDAG 2007a); the 2010 Regional Transportation Improvement Program (RTIP; SANDAG 2010), which covers Fiscal Years 2010 through 2014; and the SAFETEA-LU* List of High Priority Projects in San Diego. It is shown conceptually on the circulation elements of the East Otay Mesa Specific Plan (EOMSP) and the County of San Diego (County) General Plan as well as the Otay Mesa Community Plan (OMCP) and the City of San Diego (City) General Plan. The Otay Mesa East POE is also shown on the County's land use plan for Subarea 1 of the EOMSP, and in the RTP. The February 2011 amendment to the 2010 RTIP reflects the proposed project's modifications to SR-905 between the SR-905/SR-125/SR-11 Interchange and Britannia Boulevard, as necessary to accommodate the connection of SR-905 with SR-11.

Proposed SR-11 would extend generally east and south for approximately 2.1 miles from the east side of the approved SR-905/SR-125 Interchange (near Harvest Road), terminating at the proposed Otay Mesa East POE/CVEF site at the United States (U.S.) - Mexico international border. Extending west from approximately Harvest Road, the project would include approximately 2.1 miles of connectors linking SR-11 to SR-905, and associated modifications to SR-905. The majority of SR-11 and the entire POE/CVEF site would be located within the County, in the EOMSP community planning area, while the westernmost portion of proposed SR-11, its connectors, and associated modifications to SR-905 would occur primarily within state right-of-way (R/W) and would be located within the City, in the OMCP area. The proposed facilities are being studied under a two-tier process. Under the first tier (referred to as Phase I) a Program Environmental Impact Report/Phase I Environmental Impact Statement (PEIR/PEIS)

Figure 1: Regional Location Map



Regional Location Map

was prepared and approved/certified in 2008; this document addressed SR-11 and the POE at a programmatic level and identified the preferred location of the facilities. As a result of the Phase I environmental process, a conditional Presidential Permit for the project was granted by the U.S. State Department in November 2008. The proposed project would constitute the second tier of planning and environmental clearance for the development of a new POE in the San Diego/Tijuana region, along with development of associated SR-11 that would connect the new POE to the existing and planned roadway system in the area, and a new CVEF for California Highway Patrol (CHP) inspection of trucks entering California from Mexico. This Tier II Environmental Impact Report/Environmental Impact Statement (EIR/EIS) addresses several design and operational alternatives for the POE, SR-11 and the CVEF. The purpose of the Tier II project is to:

- Increase inspection processing capacities for commercial and personal vehicles and pedestrians in the San Diego/Tijuana region
- Reduce northbound vehicle and pedestrian queues and wait times to cross the border at other POEs in the region
- Accommodate projected increases in international trade and personal cross-border travel in the region in a safe and secure manner
- Contribute to reductions in congestion at existing POEs
- Accommodate commercial goods movement and cross-border travel to and from the Otay Mesa East POE

The new POE is needed because the capacities of the existing POEs in the region are currently being exceeded, causing excessive border wait times for those engaged in commercial and personal vehicle trips. Trade and travel in this area are forecasted to continue to grow, and border delays are expected to increase correspondingly. Transportation and land use planning agencies on both sides of the border have identified the longer-term need for a third border crossing and associated transportation facilities in the San Diego/Tijuana area. While various proposed improvements to the existing POEs can enhance the flow of goods and people, growth is outstripping capacity at the existing facilities. On the Mexican side of the border, the two existing POEs are particularly constrained from expansion due to surrounding dense development. Even with maximum renovation at the regional POEs, congestion levels would continue to increase. Local, regional and bi-national land use studies (cited in Chapter 1.0) have identified the eastern side of Otay Mesa as the preferred general location for a new POE, and a corresponding POE site has been identified on the Mexico side of the border. With implementation of the POE, SR-11 becomes a critical facility to connect the POE with the regional highway system north of the border via SR-905 and SR-125, and to adequately handle the increased commercial and passenger vehicle traffic associated with a POE. Similarly, the proposed POE necessitates access to an existing or new CVEF for the CHP to conduct safety/weight inspections on incoming trucks.

The preferred alternative would include a full interchange at Enrico Fermi and a half interchange at Siempre Viva (Southbound off ramp from SR-11 to Siempre Viva and Northbound on ramp from Siempre Viva to SR-11), a 22 foot width median beginning at Sanyo Avenue, and widening to a 62-foot median width leading up to the POE, with the southbound SR-125 to eastbound SR-11 connector.

Under consideration, would be to provide Northbound trucks the option to take SR-11 or exit the system utilizing the Siempre Viva off-ramp once they exit the CHP truck inspection facility. The decision to move forward with this addition would be contingent on the approval of the different agencies involved in the decision making process for operations of the CVEF and the POE.

SR-11 would be constructed as a 2.1-mile, four-lane toll highway, with two lanes in each direction plus auxiliary lanes and connectors. It would extend east from the vicinity of Harvest Road (at the future SR-905/SR-125 Interchange) for approximately 1.5 miles, before curving to the southeast near Alta Road and continuing for approximately 0.6 mile to connect with the proposed POE/CVEF site. To link SR-11 to SR-905, it would also be necessary to modify the approved design of the eastern portion of SR-905 that is currently under construction. Proposed SR-11 would be located midway between Otay Mesa Road and Airway Road for most of its length, and would cross four existing or planned local surface streets: Sanyo Avenue, Enrico Fermi Drive, Alta Road, and Siempre Viva Road.

The proposed Otay Mesa East POE would accommodate northbound and southbound commercial and passenger traffic, as well as pedestrians and bicycles. The POE site would be accessed from the north by SR-11, via the previously described system of vehicle lanes and ramps. From the south, entry would be through the proposed Otay II POE on the Mexican side of the border. Southbound traffic leaving the proposed Otay II POE in Mexico would then enter the non-tolled segment of the Tijuana-Tecate Toll Road. This traffic would also have access to the Tijuana-Rosarito corridor prior to reaching the first toll booth, thus providing binational regional mobility through the new POE.

The proposed overall POE footprint would include space to accommodate a potential future transit center adjacent to the POE. The potential future transit facility is not part of the proposed project and would be designed and constructed by others. The intent of reserving space for a transit center is to ensure that opportunities to implement transit service to the POE, such as BRT, would not be precluded by future development in the project site vicinity. It is currently anticipated that a future transit center would encompass an approximately two-acre rectangular site in the vicinity of the western POE boundary; however sufficient space is available to accommodate up to a five acre transit center site if necessary.

A new CVEF would also be constructed adjacent to the proposed Otay Mesa East POE. The proposed site for the new CVEF would include approximately 23.3 acres and would be located east of SR-11 along the northern POE boundary. After receiving clearance to enter the U.S. at the POE site, northbound commercial vehicles would be routed into the CVEF facility for safety/weight inspections by the CHP prior to being released onto the regional roadway system. The CHP has not completed a preliminary design for the CVEF, but a conceptual design has been prepared assuming the new CVEF would be similar to the existing CVEF at the Otay Mesa POE.

Project construction is scheduled to begin in 2013. A two year construction period is proposed, with the project scheduled to be open to traffic in 2015.

1.2. Air Quality Regulatory Framework

Table 1 shows that the proposed project is located in an area that is Federal nonattainment for Ozone (O_3) – 8-Hour and maintenance for Ozone (O_3) – 1-Hour and Carbon Monoxide (CO). This analysis focuses on these criteria pollutant(s).

Table 1. Project Area Attainment Status

Criteria Pollutant	Federal Attainment Status
Ozone (O_3) – 1-Hour	Maintenance
Ozone (O_3) – 8-Hour	Nonattainment
Nitrogen Dioxide (NO_2)	Attainment
Carbon Monoxide (CO)	Maintenance
Particulate Matter (PM_{10})	Attainment
Particulate Matter ($PM_{2.5}$)	Attainment
Lead (Pb)	Attainment

The project is located in the San Diego Air Basin (SDAB), which encompasses San Diego County. As shown in Table 1, the SDAB is classified as "basic" nonattainment for Ozone (O_3); basic is the least severe of the six degrees of O_3 nonattainment. The SDAB also classified as a federal "maintenance" area for carbon monoxide (CO) following its 1998 redesignation as a CO attainment area.

The SDAB is currently classified as a state "serious" O_3 nonattainment area and a state nonattainment area for PM_{10} and $PM_{2.5}$.

Section 1.3 Public Review Comments Related to Air Quality Conformity

The Tier II Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) for this project was circulated for public review on December 3, 2010 for 60 days. No comments were received relating to air quality conformity.

Section 2. Regional Conformity

The SR- 11 and the Otay Mesa East POE was included in the regional emissions analysis conducted by the San Diego Association of Governments (SANDAG) for the conforming RTP, adopted on November 30, 2007 (SANDAG 2007a), as well as the 2010 RTIP, through Amendment 2 (SANDAG 2010). The project is listed on page 39 of the 2010 RTIP, and on page 2 of Amendment 2 to the 2010 RTIP. The project is identified as CAL66, SR-11 from Border of Mexico east of SR-905/Otay Mesa Border Crossing to Future SR-125/SR-905 junction (EA NO: 05631; PPNO: 0999).

The project's design concept and scope have not changed significantly from what was analyzed in the 2030 RTP, however, a slight difference does exists with regard to the description of the project limits that are presently being proposed. In order to accommodate the connection of SR-11 with SR-905 and avoid conflicts with the SR-905/La Media Road Interchange, lanes would be added between the SR-905/SR-125/SR-11 Interchange and Britannia Boulevard. This change is reflected in the February 2011 amendment to the 2010 RTIP, and as a result the project is consistent with the RTIP and the associated regional conformity analysis. This analysis found that the plan and, therefore, the individual projects contained in the plan, are conforming projects, and will have air quality impacts consistent with those identified in the state implementation plans (SIPs) for achieving the National Ambient Air Quality Standards (NAAQS). FHWA determined the RTP to conform to the SIP on November 17, 2008. Additional documentation related to the regional emissions analysis is contained in Appendix B.

The project's open to the public year is consistent with (within the same regional emission analysis period as) the construction completion date identified in the federal TIP and/or RTP. The federal TIP gives priority to eligible Transportation Control Measures (TCMs) identified in the SIP and provides sufficient funds to provide for their implementation. FHWA determined the TIP to conform to the SIP on November 17, 2008. Documentation related to the public and interagency consultation process conducted to develop the TIP is contained in Appendix B.

Section 3. Project-Level Conformity

3.1. Carbon Monoxide Hot-Spot Analysis

The California Project-Level Carbon Monoxide Protocol[1] (CO Protocol) was used to analyze CO impacts for the SR-11/Otay Mesa East POE. The hot-spot analysis covered the most congested intersections affected by the project. The ambient air quality effects of traffic emissions were evaluated quantitatively according to the CO Protocol.

The SDAB was redesignated as a CO attainment/maintenance area subsequent to the passage of the 1990 federal CAA amendments. Continued attainment has been verified with the Air Pollution Control District (APCD). In areas meeting those conditions, in accordance with the Protocol, only projects that are likely to worsen air quality necessitate further analysis. Projects that worsen air quality are defined as those that substantially increase the percentage of vehicles in cold start mode, defined as an increase in the number of vehicles operating in cold start mode of two percent or more; those that substantially increase traffic volumes, defined as an increase in volume in excess of five percent; and those that worsen traffic flow, defined for intersections as increasing average delay at signalized intersections operating at LOS E or F. The proposed project is not exempt from further analysis because the project would degrade some analyzed intersections to LOS E or F in the horizon year (2030). It is assumed that

[1] CAL3QHCR can also be used, with EMFAC emission factors, per EPA's modeling guidance in place of the CO Protocol.

the traffic conditions for the 2035 Horizon Year analyzed in the Tier II Traffic Technical Report (Traffic Report; VRPA 2010a) would be representative of 2030 conditions that are applied in the CO hot spot model; this would result in a "worst case" analysis because it likely assumes a higher traffic volume than would occur in 2030. The year 2030 was used to evaluate air quality impacts because the RTP addresses buildout for transportation in the SDAB for the year 2030. To be consistent with the RTP, it is appropriate to use the year 2030 to evaluate the potential for air quality impacts.

A summary of the forecast LOS for project-affected intersections (i.e., those intersections operating at LOS E or F for any project alternative) is provided in Section 3.8, Traffic and Transportation/Pedestrian and Bicycle Facilities of the Draft EIR/EIS. As required by the Protocol, a detailed CO concentration analysis was conducted using EMFAC2007 and CALINE4 models for the following intersections using 2030 conditions under the No Build Alternative and all build alternatives:

- Otay Mesa Road/La Media Road
- La Media Road/SR-905 WB off-ramp
- Siempre Viva Road/SR-905 NB ramps
- Siempre Viva Road/Paseo de las Americas
- Siempre Viva Road/Enrico Fermi Drive

Figure 2 shows the receptor locations. According to the Traffic Report, while other intersections in the area may also operate at LOS E or F, they would operate more efficiently with the proposed project than without (i.e., less delay time at intersections), which would represent a decrease in the potential for harmful build-up of CO at project intersections.

The eight-hour average maximum CO concentration was calculated by applying a persistence factor of 0.7 to the predicted one-hour average maximum CO concentrations obtained from each modeled run. The background concentrations were then added to the predicted concentrations to calculate the modeled maximum CO concentrations, which were then compared to the CAAQS and NAAQS in order to determine if the project would result in any exceedances.

The CO analysis indicated that the proposed project future traffic conditions would not result in an exceedance of the CO standards (Table 2).

Table 2 CO CONCENTRATIONS 2030 (1-Hour and 8-Hour Concentrations plus background, ppm)								
Intersection	**No Build Alternative**		**Two Interchange Alternative**		**One Interchange Alternative**		**No Interchange Alternative**	
	AM	**PM**	**AM**	**PM**	**AM**	**PM**	**AM**	**PM**
1-Hour CO Concentrations (background = 5.7 ppm)								
Otay Mesa Road and La Media Road	6.5	6.6	6.5	6.6	6.7	6.5	6.6	6.7
SR-905 La Media Road WB Off Ramp	6.4	6.5	6.4	6.5	6.4	6.5	6.5	6.6
Siempre Viva Road and SR-905 NB Ramps	6.8	6.9	6.7	6.8	6.8	6.9	6.9	7.0
Siempre Viva Road and Paseo de las Americas	6.6	6.7	6.5	6.5	6.5	6.6	6.8	6.9
Siempre Viva Road and Enrico Fermi Drive	6.3	6.3	6.2	6.3	6.2	6.3	6.5	6.5
Federal standard	35							
State standard	20							
8-Hour Concentrations[1] (background = 3.51 ppm)								
Otay Mesa Road and La Media Road	4.07	4.14	4.07	4.14	4.21	4.07	4.14	4.21
SR-905 La Media Road WB Off Ramp	4.00	4.07	4.00	4.07	4.00	4.07	4.07	4.14
Siempre Viva Road and SR-905 NB Ramps	4.28	4.35	4.21	4.28	4.28	4.35	4.35	4.42
Siempre Viva Road and Paseo de las Americas	4.14	4.21	4.07	4.07	4.07	4.14	4.28	4.35
Siempre Viva Road and Enrico Fermi Drive	3.93	3.93	3.86	3.93	3.86	3.93	4.07	4.07
Federal standard	9							
State standard	9.0							

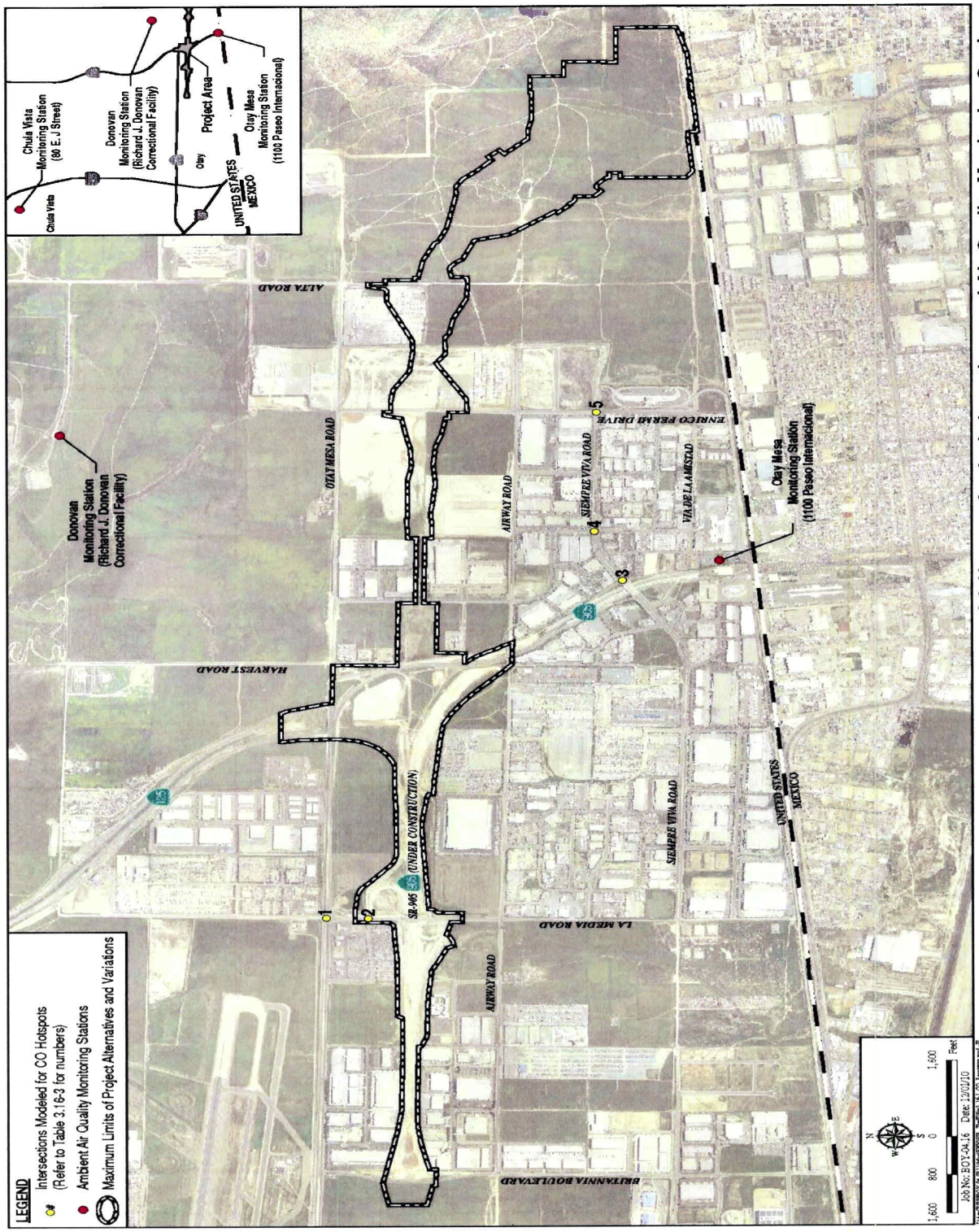
[1] 8-hour concentrations are extrapolated based on a 0.7 persistence factor.

The federal and state one-hour CO standards are 35 parts per million (ppm) and 20 ppm, respectively, and the federal and state eight-hour CO standards are 9 ppm and 9.0 ppm, respectively. As shown in Table 2, the proposed project's future traffic conditions would not lead to any exceedances of these standards during the AM or PM peak periods at any of the analyzed intersections under any of the project alternatives. All other intersections in the project area are predicted to experience less delay time and improved operating conditions with the project alternatives, compared with the No Build Alternative. Therefore, the proposed project would not result in or contribute to any significant local air quality impacts due to future operations. The ambient air quality effects of traffic emissions were evaluated using the modeling procedures described in Appendix B of the CO Protocol and Appendix C of this document. The assumptions used in the hot-spot analysis are consistent with those used in the regional emissions analysis. The modeling results shown in Appendix C indicate that total CO concentrations would not cause or contribute to any new localized violations of the federal 1-hour or 8-hour CO ambient standards.

The NEPA document for this project does not identify specific mitigation, minimization, or avoidance measures for CO. A written commitment to implement such control measures is therefore not required.

Impacts during construction are temporary and would not cause a significant long-term impact to the ambient air quality. Construction of the project will be completed well within a 5-year period. The project would not conflict with or obstruct implementation of the applicable air quality plans (the San Diego County RAQS and SIP). The project would be below the significance thresholds established for FHWA-approved projects by the Transportation Conformity Rule as set forth in 40 CFR Part 93.

Figure 2: CO Hotspot Analysis Locations and Air Quality Monitoring Stations



CO Hotspot Analysis Locations and Air Quality Monitoring Stations

3.2. Construction-Related Hot-Spot Emissions

Construction of the SR-11, the CVEF and the POE are expected to take place in one phase, over a two to three year time period, commencing in December 2013, therefore, construction-related emissions were not considered in the conformity analysis. Construction emissions need not be considered for conformity purposes where the construction period is less than 5 years.

Appendix A. Public Review Comments and Responses Related to Air Quality Conformity

The project's draft environmental NEPA document (State Route 11 and the Otay Mesa East Port of Entry Project, Draft Environmental Impact Report/Draft Environmental Impact Statement, November 2011) was circulated for a 60 day public review period on December 3, 2010. No comments related to conformity were received during the circulation period for the Draft Environmental Document.

Appendix B. Additional Documentation Related to Regional Conformity

Regional Emissions Analysis Conducted for Conforming RTP

The regional emissions analysis found that regional emissions will not exceed the SIP's emission budgets for mobile sources in the build year, a horizon year at least 20 years from when conformity analysis started, and additional years meeting conformity regulation requirements for periodic analysis. The regional emissions analysis was based on the latest population and employment projections for San Diego County that was adopted by the SANDAG at the time the conformity analysis was started on May 17, 2006. These assumptions are less than five years old. The modeling was conducted using current and future population, employment, traffic, and congestion estimates. The traffic data, including the fleet mix data, were based on the most recently available vehicle registration data included in the EMFAC2007 and the CALINE4 emission models. The EMFAC2007 and the CALINE4 emission models, developed by the California Air Resources Board, are the most recent emissions models approved for use in California by the USEPA.

Public and Interagency Consultation Process for TIP

The federal TIP was developed in accordance with SANDAG policies for community input and interagency consultation procedures. These procedures ensure that the public has adequate opportunity to be informed of the federal TIP development process and encourages public participation and comment.

On June 22, 2007, the SANDAG Board of Directors authorized the distribution of the Draft 2030 RTP and the draft conformity analysis for the public review and comments. A public hearing was held on September 14, 2007, and the public comment period closed on September 17, 2007. As a result of the comments received from the public and other organizations, SANDAG made revisions to the 2030 Revenue Constrained Plan, which is part of the Final 2030 RTP. The air quality conformity analysis was revised to reflect changes to the Revenue Constrained Plan and was released on October 9, 2007 for a 30-day public comment period. SANDAG did not receive any public comments on the revised air quality conformity analysis of the 2030 RTP Revenue Constrained Plan. The comment period ended on November 7, 2007. The public was provided the opportunity to submit comments at the San Diego Regional Conformity Working Group meetings, the Transportation Committee meetings, and to the SANDAG Board of Directors. The proposed project is consistent with the 2030 RTP: 2007, which was found to be conforming by FHWA and FTA on December 10, 2007.

On September 24, 2010, the SANDAG Board adopted the 2010 RTIP. On December 14, 2010, the USDOT made a finding of conformity for the 2010 RTIP and a conformity redetermination for the 2030: Pathways for the Future.

Appendix C. Carbon Monoxide Hot-Spot Analysis Modeling Procedures

The ambient air quality effects of project-related traffic emissions were evaluated using the EMFAC 2007 and CALINE4 dispersion models, and the modeling procedures described below.

Roadway and Traffic Conditions

Traffic volumes and operating conditions used in the modeling were obtained from the traffic analysis prepared for this project. Carbon monoxide modeling was conducted using a.m. and p.m. traffic volumes.

Carbon monoxide modeling was performed for the following scenarios:

- Existing (2009),
- Open to the public year (2015) without project;
- Open to the public year (2015) with project;
- 20-year horizon year (2035) without project, and
- 20-year horizon year (2035) with project.

Vehicle Emission Rates

Vehicle emission rates were determined using the EMFAC2007 and the CALINE4 emission rate programs.

The CO Protocol states that the determination of project-level CO impacts should be carried out in accordance with the Local CO Analysis flow charts shown as Figures 1 and 3 of the Protocol. Figure 1 of the Protocol applies to the evaluation of new projects.

The procedures of Figure 1 of the Protocol are provided for the proposed project to determine the level of analysis (if any):

3.1.1: Is the project exempt from all emissions analyses?

No. The proposed project is not exempt from all emission analyses as it does not meet the criteria for projects exempt from all emissions analyses listed in the Protocol. Go to Question 3.1.2.

3.1.2: Is project exempt from regional emissions analyses?

No. The project is not listed in Table 2 of the Protocol, and is therefore not exempt from regional emissions analyses. Go to Question 3.1.3.

3.1.3: Is project locally defined as regionally significant?

Yes. The project is defined as a regionally significant project. In accordance with the definitions contained in 40 CFR Part 93 (the federal conformity rule), a regionally significant project means a transportation project that is on a facility which serves regional transportation needs and would

normally be included in the modeling of a metropolitan area's transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel. Because SR-11 is included in the modeling of the area's transportation network, and will serve regional transportation needs in the Otay Mesa area, the project is regionally significant. Go to Question 3.1.4.

3.1.4: Is project in a federal attainment area?

Yes. The project is in a federal attainment area for ozone; however, as an attainment-maintenance area, conformity requirements would still apply as if it were a nonattainment area. Go to Question 3.1.5.

3.1.5: Is there a currently conforming RTP and TIP?

Yes. As discussed above, the applicable transportation plans for the proposed project are the 2030 RTP, adopted on November 30, 2007 (SANDAG 2007); and the 2010 RTIP. The 2010 RTIP was adopted by SANDAG on September 24, 2010 (SANDAG 2010). The USDOT made a finding of conformity for the 2010 RTIP and a conformity redetermination for the 2030 RTP on December 14, 2010 (USDOT 2010). Go to Question 3.1.6.

3.1.6: Is the project included in the regional emissions analysis supporting the currently conforming RTP and TIP?

Yes. The project is consistent with the assumptions in SANDAG's regional emissions analysis. Go to Question 3.1.7.

3.1.7: Has project design concept and/or scope changed significantly from that in regional analysis?

No. Project design concept and scope have not changed significantly from the assumptions in SANDAG's regional emissions analysis for the 2030 RTP and the 2010 RTIP.

The determination of project-level impacts should be carried out according to the Local Analysis flow chart – Figure 3 of the CO Protocol. The procedures of Section 4 in Figure 3 of the Protocol are provided for the proposed project to determine the level of effort.

Section 4, Local CO Analysis

The Protocol provides guidance for determining whether a project would have the potential to cause or contribute to a violation of an air quality standard on a localized basis. The Protocol provides for various levels for the local CO analysis to make the determination of the potential for adverse air quality impacts.

The Protocol contains a local CO analysis flow chart (Figure 3) similar to the regional analysis flow chart that is designed to assist in the evaluation of the requirements for demonstrating that the project will not cause an adverse air quality impact. The flow chart contained in the Protocol was followed to determine the analysis required for the I-5/Genesee Interchange Project. The steps in the analysis contained in the Protocol are as follows:

Level 1

Is the project in a CO nonattainment area?

No. The project is located in a CO attainment area.

Was the area redesignated as "attainment" after the 1990 Clean Air Act?

Yes. The area was redesignated as "attainment" after the 1990 Clean Air Act.

Has "continued attainment" been verified with the local Air District, if appropriate?

Yes. "Continued attainment" has been verified with the APCD.

Proceed to Level 7

Level 7

Does the project worsen air quality?

Yes. The project has the potential to worsen air quality because it increases traffic volumes on the SR-11 corridor. The project also changes the location of traffic relative to receptors in the project vicinity.

Is the project suspected of resulting in higher CO concentrations than those existing within the region at the time of attainment demonstration?

Yes. The attainment demonstration for CO attainment did not consider SR-11 in their analysis of CO concentrations. Attainment has been demonstrated through the use of ambient monitoring data; the receptors at the location under study are closer to affected intersections than the air quality monitoring stations, and the roadway geometry is new because the project proposes to construct a new highway. The percentage of heavy-duty trucks for the SR-11 is also higher than the average in the SDAB for which CO attainment has been demonstrated.

Does the project involve a signalized intersection at LOS E or F?

Yes. Affected intersections within the study area operate at LOS E or F, and project-related traffic would worsen LOS to E or F at study intersections.

Proceed to Level 4

Level 4

Perform a screening analysis considering project location, nearby receptors, traffic volumes, LOS and air quality conditions for current and future years. The screening analysis for localized CO impacts is presented below.

The potential for CO "hot spots" are evaluated for the intersections that the Traffic Impact Analysis indicated would degrade to LOS E or F conditions in the horizon year (2030), compared with the No Build Alternative. This CO hotspot analysis addresses the Two Interchange, One Interchange, No Interchange and No Build alternatives. Based on the Traffic Impact Analysis, the potential for CO "hot spots" would not be substantially altered by any of the design variations. It was also assumed that the traffic conditions for the 2035 Horizon Year analyzed in the Traffic Impact Analysis would be representative of 2030 conditions that are applied in the CO hot spot model; this results in a "worst case" analysis, because it likely assumes a higher traffic volume than would occur in 2030. The year 2030 was used to evaluate air quality impacts because the RTP addresses buildout for transportation in the SDAB for the year 2030, but the Traffic Impact Analysis used the year 2035 as the Horizon Year for traffic impacts. To

be consistent with the RTP, it is appropriate to use the year 2030 to evaluate the potential for air quality impacts.

A summary of the forecast LOS for project-affected intersections (i.e., those intersections operating at LOS E or F for any project alternative) is provided in Table 7. According to the Traffic Impact Analysis, while other intersections in the area may also operate at an LOS of E or F, they would operate more efficiently with the proposed project than without, i.e., less delay time at intersections, which would represent a decrease in the potential for harmful build-up of CO at project intersections.

Receptor Locations

CO concentrations were estimated at five receptor locations located near the most congested intersections affected by the project. Those intersections included the following:

- Otay Mesa Road and La Media Road
- La Media Road and SR-905 WB Off Ramp
- Siempre Viva Road and SR-905 NB Ramps
- Siempre Viva Road and Paseo de las Americas
- Siempre Viva Road and Enrico Fermi Drive

Receptors were chosen based on Caltrans' CO protocol. Figure 2 shows the modeling network and receptors used for the proposed interchange analysis.

Meteorological Conditions

Meteorological inputs to the EMFAC 2007 and CALINE4 model were determined using the methodology recommended in the CO protocol (Garza et al. 1997). The meteorological conditions used in the modeling represent a calm winter period. CO impacts were modeled under worst-case wind angle conditions at 1.5 meters (5 feet) from the roadway edge, where public sidewalks occur along all existing roadways in the project area and CO concentrations would be greatest due to limited dispersion area. Several other assumptions were developed to perform the CO screening analysis, which include:

- Receptors were located along the intersection corners
- CO emission factors were based on maximum emissions (low vehicle speeds) to provide a worst-case analysis of potential impacts
- Cruise speeds at surface roads are 35 mph.
- Red light time is 50 percent for each roadway at all intersections.

- The ambient 1-hour CO concentration is 5.7 ppm, which is the highest concentration at the Otay Mesa Monitoring station for the past three years.
- The ambient 8-hour CO concentration is 3.51 ppm, which is the highest concentration at the Otay Mesa Monitoring station for the past three years.
- The mean January low temperature is 43.7°F with a standard deviation of 3°F (WRCC 2009).
- The minimum mixing height for winter in the project area is 100 meters (328 feet).
- The project area is at an elevation of 490 feet above mean sea level (AMSL)
- Cruise speeds to and from intersections are 1 mph.
- Atmospheric stability class set at Class 7 (worst case conditions).
- Wind direction standard deviation (sigma theta) of 5 degrees (worst case conditions, indicating that the amount of dispersion is assumed to be low such that the downwind concentration is a worst case value).
- Mixing height of 100 meters.
- Wind speed of 0.5 meters per second

Background Concentrations and Eight-Hour Values

The 8-hour average maximum CO concentration was calculated by applying a persistence factor of 0.7 to the predicted 1-hour average maximum CO concentrations obtained from each modeled run. The background concentrations were then added to the predicted concentrations to calculate the modeled maximum CO concentrations, which were then compared to the CAAQS and NAAQS in order to determine if the project would result in any exceedences. Based on these assumptions and the traffic volumes provided by Caltrans, the CO analysis indicated that the proposed project future traffic conditions would not result in an exceedance of the CO standards. CO concentration levels due to the proposed project are presented in Table 8 and the CALINE4 modeling input and output files for all the intersections are provided in Appendix C.

The federal and state 1-hour CO standards are 35 ppm and 20 ppm, respectively and the federal and state 8-hour CO standards are 9 ppm and 9.0 ppm, respectively. As shown in Table 8, the proposed project's future traffic conditions would not lead to any exceedances of these thresholds during the AM or PM peak periods at any of the analyzed intersections, under any of the project alternatives. All other intersections in the project area are predicted to experience less delay time and improved operating conditions with the project alternatives, compared with the No Build Alternative. Therefore, the proposed project would not result in or contribute to any significant local air quality impacts due to future operations. The CO air quality modeling results are shown in Table 2.

Appendix D. PM Interagency Consultation

The project is within an attainment-unclassified area for PM_{10} and $PM_{2.5}$, so formal Interagency Consultation is not required at the project level.

Appendix E. PM Hot-Spot Analysis

Under the example of Project of Local Air Quality Concern (POAQC), a significant volume for a new highway or expressway is defined as facilities with an annual average daily traffic (AADT) volume of 125,000 or more, and a significant number of diesel vehicles (defined as 8 percent or more of the total AADT is diesel truck traffic). If the area were a nonattainment area for PM_{10} or $PM_{2.5}$, the project would not be considered a (POAQC) for the following reason:

Based on the Traffic Impact Analysis (VRPA 2009), no alternative would result in an AADT volume of 125,000 or more. The highest AADT for any segment of SR-11 is 62,600 on the segment from the interchange with SR-905 to the interchange with Enrico Fermi Drive for the two-interchange alternative. AADT volumes for all other segments and alternatives are lower than this value. The project would therefore be in conformance for Federal PM_{10} and $PM_{2.5}$ standards.

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May 19, 2011

11-SD-11, PM 0.0/2.8
11-SD-905, PM R8.4/10.1
EA 056310
PI# 1100000023

Ms. K. Sue Kaiser
Director, Planning and Air Quality
U.S. Department of Transportation
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Attention: Mr. Stew Sonnenberg

RE: Project-Level Conformity Determination for the State Route 11/Otay Mesa East Port of Entry Project (CTIPS ID#110-0000-0523)

Dear Mr. Sonnenberg:

The California Department of Transportation (Caltrans) requests that the Federal Highway Administration issue a project-level conformity determination for the State Route 11/Otay Mesa East Port of Entry Project. The proposed project is in the County of San Diego, San Diego Air Basin and is designated as nonattainment for Ozone 8-hour, attainment for Particulate Matter PM_{10} and $PM_{2.5}$, maintenance for Carbon Monoxide (CO), and attainment for Nitrogen Dioxide (NO_2), Sulfur Dioxide (SO_2) and Lead (Pb). The Two-Interchange Alternative has been identified as the Preferred Alternative for the proposed project.

As of June 15, 2005, San Diego County was designated as a Maintenance Area that is no longer subject to the 1-hour Ozone Standard. Even though the 1-hour standard has been revoked, it remains in effect through 2014. Therefore, it is appropriate to state the status classification as maintenance for National Ambient Air Quality Standards (NAAQS) for 1-hour Ozone for San Diego County.

The project area is subject to regional conformity analysis requirements. The attached conformity analysis demonstrates that the project is listed in the conforming Regional Transportation Plan and the Transportation Improvement Program, and therefore it meets regional conformity requirements for a project-level conformity determination.

The San Diego Air Basin is not a federally designated PM_{10} or $PM_{2.5}$ nonattainment or maintenance area, therefore, the project does not require a PM_{10} or $PM_{2.5}$ hot-spot analysis.

The project area is subject to project-level hot-spot analysis requirements for CO. The attached conformity analysis shows that hot-spot analysis requirements listed in 40 CFR 93.116 and 123 are met. A written commitment is made by this letter to implement hot-spot pollutant control measures identified in the applicable SIP and NEPA document, as required by 40 CFR 93.117 and 125.

Public involvement included advertising the availability of the conformity analysis by the San Diego Association of Governments (SANDAG) for 30 days beginning on June 22, 2007. On November 30, 2007, the SANDAG Board adopted the 2030 Revenue Constrained RTP: Pathways for the Future (Appendix E), The U.S. DOT issued its conformity finding on December 10, 2007.

On September 24, 2010, the SANDAG Board adopted the 2010 RTIP. On December 14, 2010, the USDOT made a finding of conformity for the 2010 RTIP and a conformity redetermination for the 2030: Pathways for the Future.

This project is being processed for NEPA environmental document purposes as a non-delegated project, with the proposed approval date for the final NEPA document expected on or about November 30, 2011. We would appreciate your assistance with providing a conformity determination prior to that date.

If you have any questions regarding this conformity analysis, please contact Olga Estrada at (619) 688-0229 or via e-mail at Olga_Estrada@dot.ca.gov.

Sincerely,

Olga Estrada
Environmental Analysis Branch A Chief

APPENDIX R

BIOLOGICAL OPINION

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92011

In Reply Refer To:
FWS-SD-08B0316-12F0037

NOV 23 2011

Mr. Vincent P. Mammano
Division Administrator
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, California 95814

Colonel R. Mark Toy
District Engineer
U.S. Army Corps of Engineers, Los Angeles District
P.O. Box 532711
Los Angeles, California 90053-2325

Subject: Biological Opinion for the State Route 11/Otay Mesa East Port of Entry, Otay Crossings Commerce Park, and Otay Business Park Projects, San Diego County, California

Dear Colonel Toy and Mr. Tally:

This document transmits the U.S. Fish and Wildlife Service's (Service) biological opinion on the proposed issuance of Clean Water Act (CWA) Section 404 permits by the U.S. Army Corps of Engineers (Corps) to facilitate construction of three projects located on east Otay Mesa in the County of San Diego, California, and the associated effects of these projects on federally listed endangered and threatened species and designated critical habitat. The three projects are the proposed State Route 11 and Otay Mesa East Port of Entry ("SR-11 and Port of Entry") project, the Otay Crossings Commerce Park ("Otay Crossings") project, and the Otay Business Park project. Funding is provided through the Federal Highway Administration's (FHWA) Federal-Aid Highway Program and is facilitated by the Coordinated Border Infrastructure Programs of the FHWA for the SR-11 and Port of Entry project; thus, FHWA funding for the SR-11 and Port of Entry project is also a part of the proposed action addressed by this biological opinion. The Corps is the designated lead Federal action agency for the Otay Business Park and Otay Crossings projects, and FHWA is the designated lead Federal action agency for the SR-11 and Port of Entry project.

Formal consultation was initiated by the Corps on November 25, 2009, and April 20, 2009, respectively, for the Otay Crossings and Otay Business Park projects and by the FHWA on June 7, 2011, for the SR-11 and Port of Entry project. This biological opinion addresses the

collective effects of the three projects on the federally listed endangered San Diego button-celery (*Eryngium aristulatum* var. *parishii*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and Quino checkerspot butterfly (*Euphydryas editha quino*); the threatened spreading navarretia (*Navarretia fossalis*); and designated critical habitat for Otay tarplant (*Deinandra conjugens*) and San Diego fairy shrimp, in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). We are addressing all three projects in this biological opinion due to overlap in their action areas. For the purpose of our analyses, we are assuming that the SR-11 and Port of Entry project will be constructed first, followed by the Otay Crossings project, and then the Otay Business Park project.

In our letter to FHWA dated July 29, 2011 (FWS-SDG-08B0316-11F0472), we concurred with FHWA's determination that the proposed restoration work on the Lonestar Ridge conservation property was not likely to adversely affect the federally endangered Otay tarplant, spreading navarretia, California Orcutt's grass (*Orcuttia californica*), and Otay Mesa mint (*Pogogyne nudiuscula*) or critical habitat for spreading navarretia and the Quino checkerspot butterfly. In that letter, we also concurred with FHWA's determination that the proposed SR-11 and Port of Entry project is not likely to adversely affect the Otay tarplant. Although Otay tarplant occurs within the designated open space on the Otay Crossings project site and on the Lonestar Ridge East conservation parcels, there are no impacts anticipated to Otay tarplant from the Otay Crossings project, the Otay Business Park project, or their associated restoration activities; therefore, this species is not addressed by the biological opinion.

The Otay Crossings project will impact 0.38 acre of unoccupied designated critical habitat for the coastal California gnatcatcher (*Polioptila californica californica*, "gnatcatcher"). The impact area is disturbed with only a few scattered shrubs and some grassland [primary constituent elements (PCEs)] occurring within the very edge of critical habitat Unit 1. Unit 1 encompasses 14,898 acres of the 197,303 total acres designated as gnatcatcher critical habitat. The loss of 0.38 acre of disturbed habitat supporting only a few scattered PCEs on the edge of the unit will have no measurable effect on the overall function of the designation to support gnatcatcher dispersal, foraging, or reproduction. Thus, we have determined that implementation of the Otay Crossings project is not likely to adversely affect designated critical habitat for the gnatcatcher, and it is not addressed in the biological opinion.

The Otay Crossings project will also impact 0.17 acre of designated critical habitat for the Quino checkerspot butterfly. As with designated critical habitat for the gnatcatcher, the impact area is disturbed with scattered nectar resources and larval host plants (PCEs) occurring within the western edge of critical habitat Unit 8. Unit 8 encompasses 7,289 acres of the 62,125 total acres designated as critical habitat for the Quino checkerspot butterfly. The loss of 0.17 acre of disturbed habitat supporting only a few scattered PCEs along the western edge of the unit will have no measurable effect on the overall function of the designation to support Quino checkerspot butterfly dispersal, foraging, or reproduction. Thus, we have determined that

implementation of the Otay Crossings project is not likely to adversely affect designated critical habitat for the Quino checkerspot butterfly, and it is not addressed in the biological opinion.

To offset impacts of their projects on federally listed species, all three project proponents have contributed to the acquisition of lands identified herein as the "Lonestar Ridge Conservation Area." Designated critical habitat for spreading navarretia and proposed critical habitat for Riverside fairy shrimp occur within the Lonestar Ridge Conservation Area. Restoration proposed as part of the projects will enhance PCEs for spreading navarretia and Riverside fairy shrimp and provide an overall benefit to the proposed and designated critical habitat. Thus, we have determined that the proposed restoration work is not likely to adversely affect designated critical habitat for spreading navarretia or proposed critical habitat for the Riverside fairy shrimp, and they are not addressed by the biological opinion.

Our biological opinion is based on information listed in Table 1, literature relevant to the species and effects of the activities addressed in the biological opinion, and site visits conducted during the consultation process. The complete project files addressing this consultation are maintained at the Carlsbad Fish and Wildlife Office (CFWO).

Table 1. Information used in review of the SR-11 and Port of Entry, Otay Crossings, and Otay Business Park projects.

Project	Document	Date
SR-11 and POE	State Route 11 and the Otay Mesa East Port of Entry Draft Tier II Environmental Impact Report/Environmental Impact Statement	November 2010
	Biological Assessment for State Route 11 and Otay Mesa East Port of Entry prepared by California Department of Transportation (Caltrans)	April 2011
	FHWA letter requesting initiation of formal consultation on State Route 11 and the Otay Mesa East Port of Entry	June 6, 2011
	Lonestar Ridge West Habitat Restoration Plan prepared by Caltrans	August 2011
Otay Crossings	U.S. Army Corps of Engineers' letter requesting initiation of formal consultation on Otay Crossings Commerce Park	November 25, 2010
	Draft Supplemental Environmental Impact Report for Otay Crossings Commerce Park and Technical Appendices	May 2010
Otay Business Park	U.S. Army Corps of Engineers' letter requesting initiation of formal consultation on Otay Business Park	April 20, 2009
	Draft Supplemental Impact Report for Otay Business Park and Technical Appendices	September 20, 2010
	Otay Business Park Vernal Pool Restoration Plan	October 17, 2011

CONSULTATION HISTORY

We began meeting on these projects in the fall of 2005. With regard to the Otay Crossings and Otay Business Park projects, much of the early discussion centered around the projects' consistency with the Multiple Species Conservation Program (MSCP), County of San Diego Subarea Plan (County of San Diego 1997). Both of these projects required a "Minor Amendment" to the County of San Diego's Subarea Plan for the MSCP in order for the County to process land development permits for the projects. Following resolution of the Minor Amendments, the project proponents began proccessing their environmental documents and applied for CWA permits. We received a request for consulation from the Corps for the Otay Business Park project on April 20, 2009, and for the Otay Crossings project on November 25, 2009. Initiation of formal consulation for the Otay Business Park and Otay Crossings projects was acknowledged in our response letters to the Corps dated June 2, 2009, and December 22, 2009, respectively.

Our early coordination on the SR-11 and Port of Entry project was focused on the environmental review pursuant to the National Environmental Policy Act. We regulary participated in the Regional Interagency Working Group meetings upon their initiation in January of 2006. The working group was established to provide a forum to discuss project-related issues including the work required to obtain a Presidential permit for the proposed Port of Entry as well as general interagency coordination required for the environmental review and permitting. We provided a letter identifying federally listed species in the general project area to Caltrans (acting on behalf of FHWA) dated October 6, 2006. We have provided written comments, as appropriate, throughout the environmental review process. We received a request for initation of formal consulation from FHWA on June 7, 2011. We acknowledged initiation of formal consultation for the SR-11 and Port of Entry project in a letter to FHWA dated July 29, 2011 (FWS-SDG-08B0316-11F0472).

Because the proposed project footprints overlap, we determined that a comprehensive evaluation of the impacts on federally listed species and designated critical habitat would be more efficiently provided through preparation of a single biological opinion rather than three separate ones. Thus, we recommended to the FHWA and Corps that their section 7 consultations be completed as joint Federal agencies. A meeting was held on August 16, 2011, to discuss and facilitate the joint consultation process. Subsequently, we met multiple times with the project proponents and their consultants both individually and together as a group to refine the project description for the combined consultation. Our discussions identified how the three projects relate to each other, potential impacts to endangered and threatened species and designated critical habitat from development of the three projects, and conservation actions aimed at avoiding and minimizing impacts.

A draft biological opinion was provided to the FHWA, Corps, and Caltrans for their review and comment on November 16, 2011.

BIOLOGICAL OPINION

DESCRIPTION OF THE PROPOSED ACTION

The proposed action is the issuance of three Department of the Army (DA) permits by the Corps pursuant to section 404 of the CWA to authorize impacts to 1.07 acres of waters of the U.S. and provision of funding by the FHWA for the SR-11 and Port of Entry project under their Federal-Aid Highway Program and Coordinated Border Infrastructure Programs. The proposed action represents three separate projects with overlapping project footprints within a 518-acre area of Otay Mesa in San Diego County, California including the: 1) FHWA and Caltrans proposed construction of SR-11 and the Port of Entry; 2) Otay Business Park, LLC proposed Otay Business Park; and 3) Otay Crossings Commerce Park, LLC proposed Otay Crossings project. The SR-11 and Port of Entry would be implemented first, followed by Otay Crossings project and then the Otay Business Park. The SR-11 and Port of Entry project would impact 0.22 acre of jurisdictional waters of the U.S. with subsequent impacts of 0.41 acre and 0.44 acre attributable to the Otay Crossings and Otay Business Park projects, respectively. The Corps, as the lead Federal action agency for the Otay Crossings and Otay Business Park projects, has determined their scope of action to include the Otay Crossings and Otay Business Park projects in their entirety but has restricted their scope of action for the SR-11 and Port of Entry project to Corps jurisdictional areas on the site. FHWA as the lead Federal action agency for the SR-11 and Port of Entry Project has included the entirety of the SR-11 and Port of Entry project in their scope of action.

The three projects are located in the extreme southeastern portion of Otay Mesa within unincorporated San Diego County, California, immediately north of the U.S./Mexico border, with SR-11 extending into the City of San Diego (Figures 1 and 2). The proposed projects are located predominately within the County of San Diego's (County) East Otay Mesa Specific Plan (EOMSP) area and are within areas designated in the County's Subarea Plan for the MSCP as "Minor Amendment Areas" and "Minor Amendment Areas Subject to Special Consideration." Parcels proposed to offset project-related impacts are located on: Otay Mesa within the City of San Diego (i.e., the Lonestar Ridge Conservation Area, including Lonestar Ridge East and West conservation parcels); in the County on Otay Mountain (O'Neal Canyon); and within the Otay Crossings project site. Each project is described in further detail below.

The three projects have each developed individual, but complimentary, conservation strategies to offset their respective project impacts on federally listed species and designated critical habitat. Each project proponent will only be responsible for implementing their respective avoidance, minimization, and conservation measures that include a combination of enhancement, restoration, and/or preservation of habitat on Otay Mesa and Otay Mountain. All three projects have contributed to the acquisition of the Lonestar Ridge Conservation Area that is comprised of seven parcels located in the Otay Mesa area of the City of San Diego, north of Otay Mesa Road, and northeast of the Brown Field Airport (Figure 2 and 3). A total of approximately 334 acres of habitat will be preserved at this site. The Lonestar Ridge Conservation Area is located within

designated critical habitat for the San Diego fairy shrimp, Quino checkerspot butterfly, and spreading navarretia and proposed critical habitat for the Riverside fairy shrimp. The specific details of the enhancement and restoration that will occur within the Lonestar Ridge Conservation Area are provided below under the description of each project. In addition, at the Otay Crossing project site, 24.3 acres in three locations will be included within open space easements on the eastern edge of the project site (Figure 4).

State Route 11 and Otay Mesa East Port of Entry Project

The SR-11 and Port of Entry project components include the construction of three new facilities: a highway (SR-11); the Port of Entry; and a Commercial Vehicle Enforcement Facility (CVEF) within a total 470.6-acre footprint. In addition, the project includes preservation, enhancement, and restoration of wetlands, grassland, and vernal pool habitat within the Lonestar Ridge Conservation Area.

SR-11

SR-11 will be constructed as a four-lane toll facility with two interchanges (Figure 5). The proposed design will include two standard-width main lanes (12 feet wide) and shoulders (10 feet wide) in each direction, as well as auxiliary lanes and connectors near the interchanges. SR-11 will be located midway between Otay Mesa and Airway roads for most of its length and will cross four local surface streets: Sanyo Avenue, Enrico Fermi Drive, Alta Road, and Siempre Viva Road. It will extend east from the vicinity of Harvest Road (at the future SR-125/SR-905 Interchange) for approximately 1.5 miles, before curving to the southeast near Alta Road and continuing for approximately 0.6 mile to connect with the proposed Port of Entry/CVEF site. The proposed project includes an undercrossing structure at Sanyo Avenue, an overcrossing structure at Alta Road, and interchanges with local roadways at Siempre Viva Road (partial interchange) and Enrico Fermi Drive.[1] To link SR-11 to SR-905, connectors will be provided and certain modifications to the approved SR-905 design will be required; however, they are entirely within the existing SR-905 right-of-way. A summary of the proposed SR-905 modifications is provided in the *Biological Assessment for SR11 and Otay Mesa East Port of Entry* (BA). Impacts from construction of SR-905 were addressed in a biological opinion dated July 12, 2004 (Service 2004a).

From west to east, the proposed SR-11 median in the vicinity of Sanyo Avenue will be 22 feet wide for a distance of approximately 1,600 feet to minimize impacts to nearby buildings before widening out over a distance of approximately 630 feet to a 62-foot median width for the remaining length of SR-11. Within the Sanyo Avenue area, the proposed project includes the 22-foot long median, two through lanes in each direction, an auxiliary lane in each direction

[1] The Caltrans Highway Design Manual defines an undercrossing as a structure designed to allow a local roadway to pass under a highway, while an overcrossing is defined as a structure designed to allow a local roadway to pass over a highway. An interchange is defined as a system of interconnecting roadways in conjunction with one or more grade separations providing for the interchange of traffic between two or more roadways on different levels.

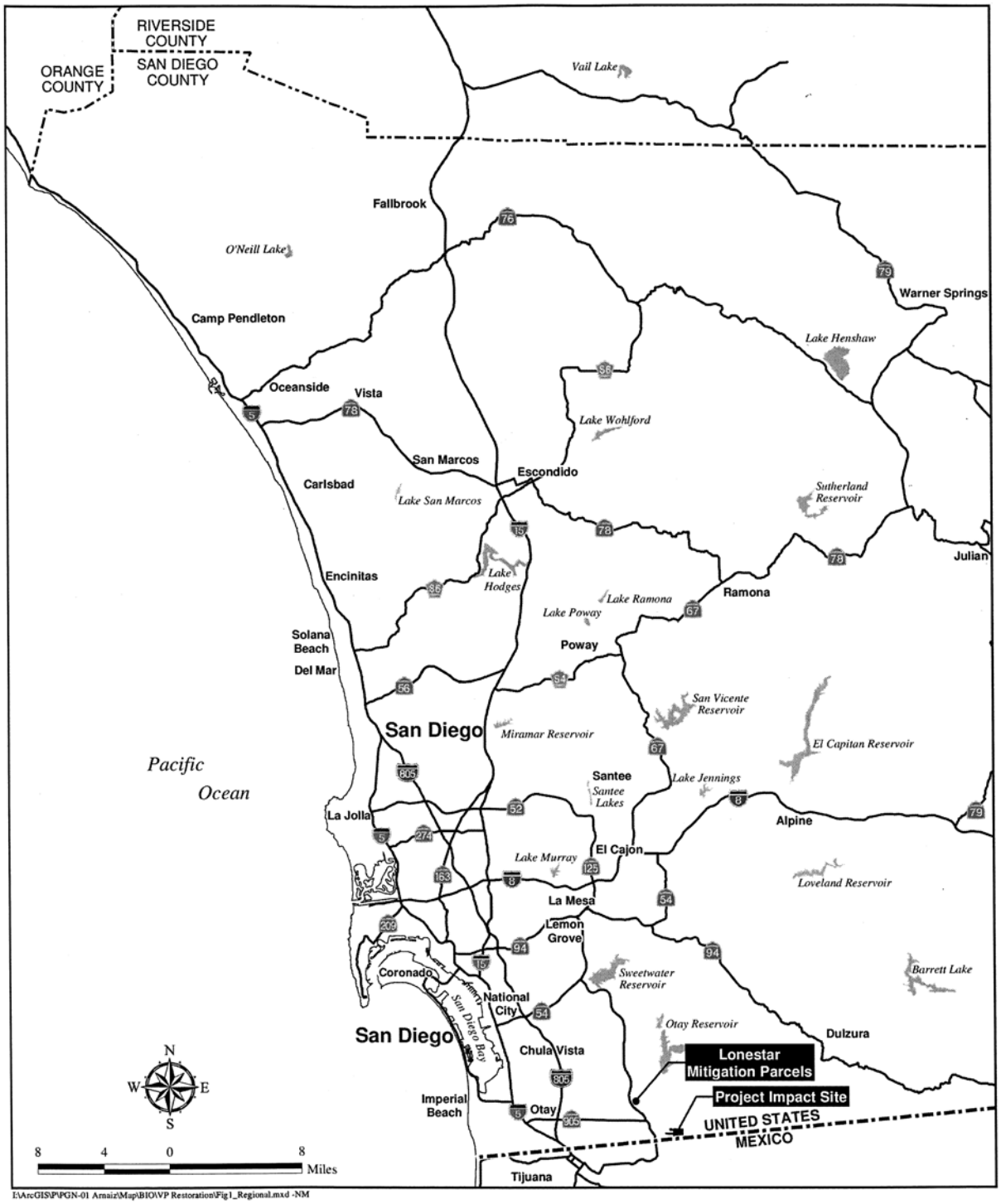

Figure 1. Regional location of Project Site and Lonestar Ridge Parcels.

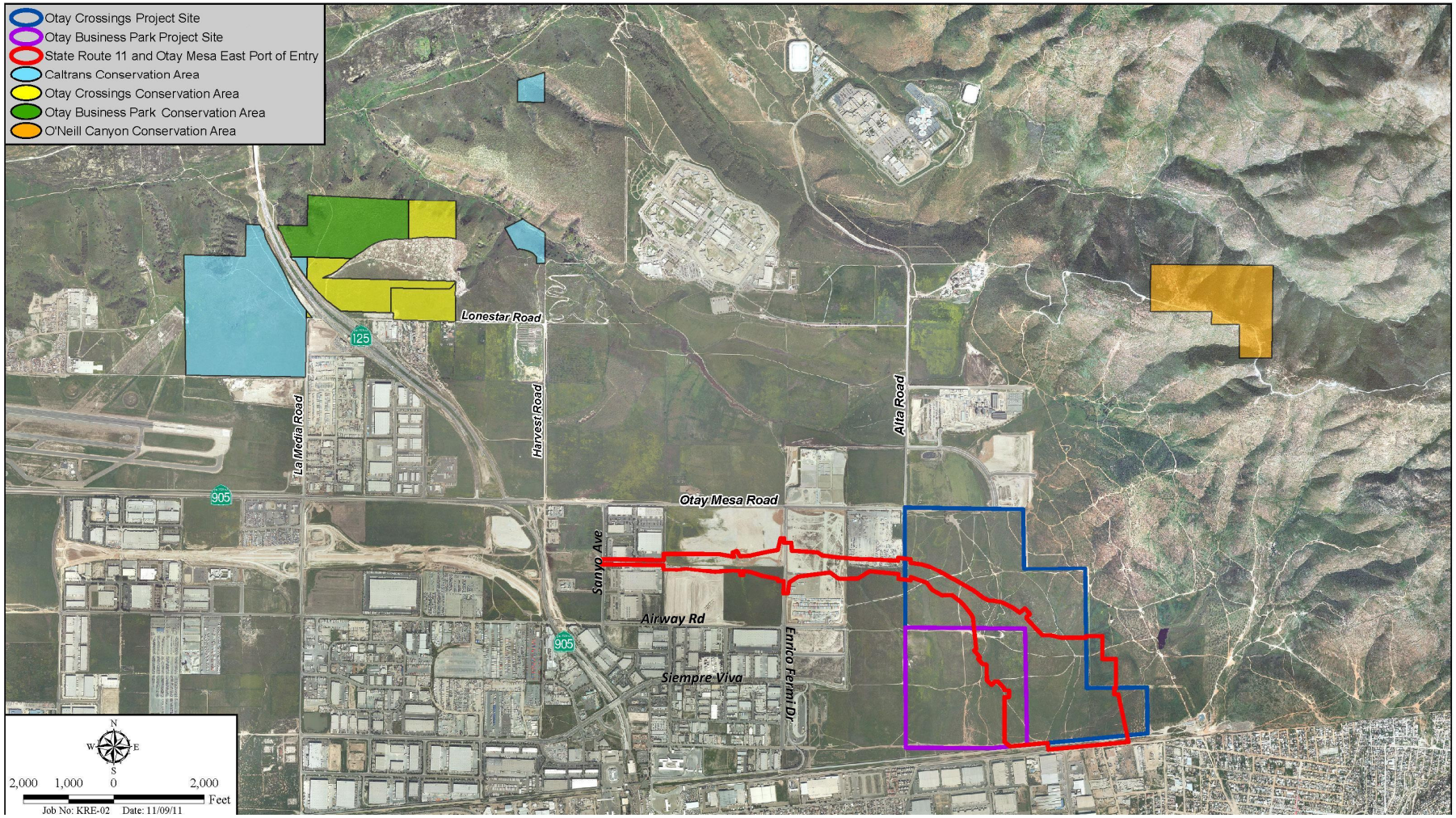

Figure 2. Action Area, including project site and conservation areas.

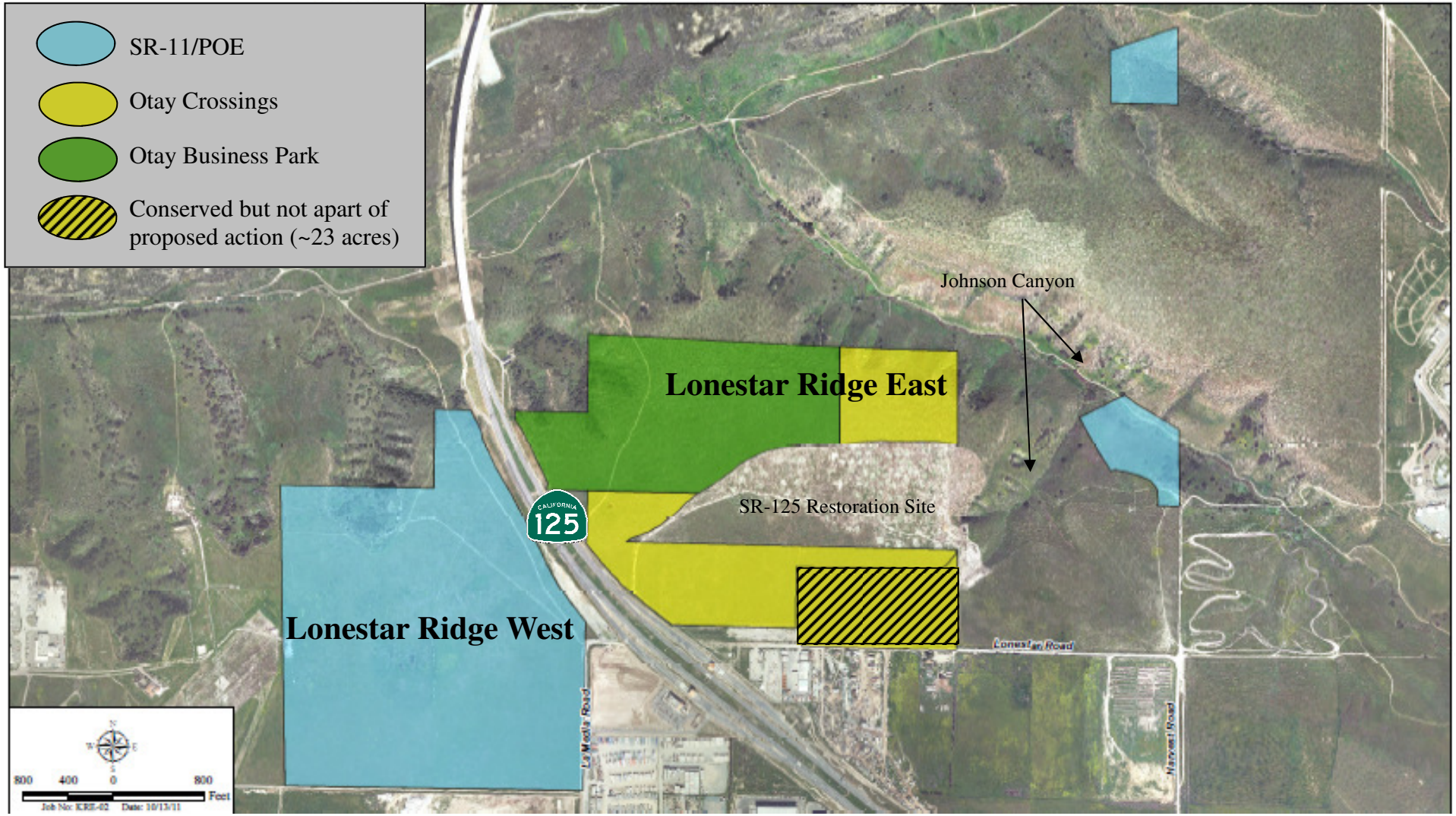

Figure 3. Lonestar Ridge Conservation Area.

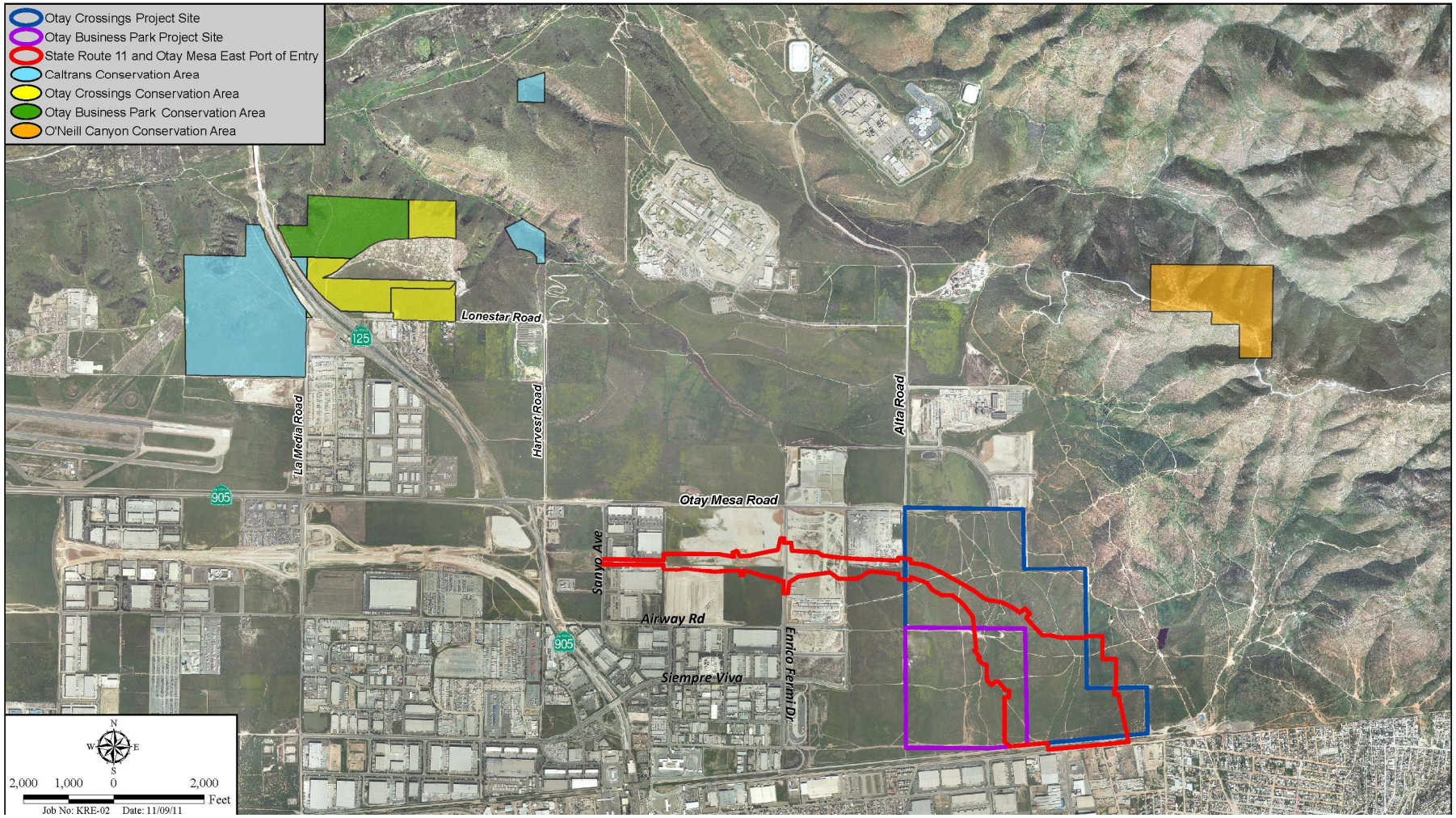

Figure 2. Action Area, including project site and conservation areas.

associated with the Enrico Fermi Drive interchange, shoulders, and related grading. Concrete barriers of approximately 3 feet in height will extend along each side of the roadway in this area, in addition to a 3-foot tall concrete barrier that will extend along the median.

Proposed limits of grading and right-of-way are expected to be up to 500 feet wide, with the exception of the interchange locations, which will require additional space. These limits include all required cut/fill slopes and project-related drainage facilities, lighting, fencing, utilities and landscaping and will be sufficient to accommodate all required construction, staging and storage for the proposed project. The proposed grading limits include several easements that are outside of the proposed SR-11 right-of-way. Permanent and temporary easements are associated with the relocation of a gas pipeline around the east side of the proposed Port of Entry. A 0.2-acre permanent easement is proposed west of the Siempre Viva Boulevard Interchange for proposed offsite drainage enhancements. In the Sanyo Avenue area, the project requires permanent easements across existing developed properties adjacent to SR-11.

SR-125 Modifications to Accommodate SR-11 Connections

A southbound SR-125 to eastbound SR-11 connector will be added to the SR-905/SR-125/SR-11 interchange. A local connector ramp from Enrico Fermi Drive to northbound SR-125 was approved under the SR-905 project; the proposed project build alternative assumes a direct connector from westbound SR-11 to northbound SR-125. The addition of the complementary southbound SR-125 to eastbound SR-11 connector will complete the direct link between the two highways.

Enrico Fermi Drive and Siempre Viva Road Interchanges

The proposed interchange at Enrico Fermi Drive will have on- and off-ramps to/from both eastbound and westbound SR-11 (and unmanned toll facilities along the westbound on-ramp and eastbound off-ramp). This interchange will be located approximately one mile east of the previously described SR-905/SR-125/SR-11 Interchange, and approximately one mile west of the proposed interchange at Siempre Viva Road. The proposed Siempre Viva Road Interchange will provide partial connectivity between SR-11, Siempre Viva Road, and the Port of Entry. Specific features associated with this interchange design are described in the BA for the SR11 and Port of Entry project.

Otay Mesa East Port of Entry

The proposed Port of Entry will accommodate northbound and southbound commercial and passenger traffic, as well as pedestrians and bicycles. The currently proposed Tier II Port of Entry site includes an irregularly-shaped polygon of approximately 101.1 acres north of the international border and across from the associated Otay II Port of Entry site in Mexico. A 150-foot wide strip of federal land patrolled by the U.S. Border Patrol is located between the two Port of Entries. Temporary and permanent easements are proposed outside of the proposed project

right-of-way to accommodate the relocation of a natural gas pipeline along the northeastern boundary of the proposed Port of Entry/CVEF, as well as for modifying and maintaining a portion of an existing drainage along the western boundary of the Siempre Viva interchange. The Port of Entry footprint also includes a two-acre site that could accommodate a potential future transit center. The analysis assumes that the overall footprint and impacts will remain the same, regardless of potential changes to the facilities and their locations within the project footprint.

Commercial Vehicle Enforcement Facility

The proposed site for the new CVEF encompasses approximately 17.9 acres located east of SR-11 along the northern Port of Entry boundary that will include an approximately 8,000-square foot main building. After receiving clearance to enter the U.S. at the Port of Entry, northbound commercial vehicles will be routed into the CVEF facility for a safety inspection then onto the regional roadway system. Table 2 summarizes the proposed measures that will be implemented to address impacts to upland and wetland habitats from the development of the SR-11 and Port of Entry project.

Table 2. Summary of proposed measures to offset permanent impacts to upland and wetland habitats associated with the SR-11 and Port of Entry project.

Habitat Type	Permanent Impacts (Acres)	Compensation Ratio	Total Compensation (Acres)[2]	Conservation Location
Native Grassland	0.20	2:1	0.40 enhancement of non-native grassland with native grassland	Lonestar Ridge West
Non-Native Grassland	171.90	1:1	171.90 enhancement and preservation of native upland habitat	Lonestar Ridge West[3]
Grassland Restoration[1]	3.20	1:1	3.20 enhancement of native grassland	Lonestar Ridge West
Mule Fat Scrub	0.42	2:1	0.84	Johnson Canyon
Linear Streambed (Other Waters of the U.S.)	0.22/ 4,492	1:1	0.22 / 4,492	Johnson Canyon

[1] Grassland restoration refers to an area that was temporarily impacted and has been recently revegetated as part of another project.
[2] Final approved compensatory mitigation for impacts to waters of the U.S. will be determined by the Corps during the DA permitting process.
[3] Lonestar Ridge West includes three parcels, one to the west of SR-125, and two parcels east of Johnson Canyon (see Figure 2).

Preservation, Enhancement, and Restoration

In order to address impacts associated with the SR-11and Port of Entry project, including the CVEF, approximately 176 acres of upland habitat will be enhanced and/or preserved by Caltrans within three parcels (Figure 3). One of these parcels identified herein as the "Lonestar Ridge

West conservation parcel" is located west of SR-125 within the greater Lonestar Ridge Conservation Area. The Lonestar Ridge West conservation parcel includes approximately 155 acres of non-native grassland, 0.6 acre of disturbed vernal pools and basins supporting San Diego fairy shrimp, a 0.2-acre stock pond supporting Riverside fairy shrimp, 0.5 acre of eucalyptus woodland, and 7.5 acres of Diegan coastal sage scrub, all of which is designated critical habitat for the San Diego fairy shrimp. All 155 acres will be enhanced as part of the restoration and enhancement efforts within the Lonestar Ridge West conservation parcel to offset direct impacts to 89.07 acres of designated critical habitat for San Diego fairy shrimp within the project footprint. An intensive weeding effort has been implemented by Caltrans to control the non-native vegetation and enhance native grass and forb species. Caltrans will also be responsible for re-contouring the site to improve the hydrology for the extant vernal pools and to restore additional basins across the site. In addition, larval host and nectar plant species for the Quino checkerspot butterfly will be incorporated into the seed palette to improve the habitat for this species.

The other two conservation parcels purchased by Caltrans are located within the greater Lonestar Ridge property but further east of SR-125 and the "Lonestar Ridge East conservation parcels" (Figure 3). These two parcels will be preserved and protected in place. One parcel is approximately 11.78 acres and consists primarily of 10.72 acres of valley and foothill grassland and 0.53 acre of coastal sage scrub. The second parcel is approximately 8.46 acres and consists of 4.06 acres of valley and foothill grassland and 4.40 acres of coastal sage scrub. Caltrans proposes to restore waters of the U.S. by removing non-native vegetation and restoring native vegetation along 4,999 linear feet of the drainage located within the portion of Johnson Canyon that is adjacent to the Lonestar Ridge Conservation Area. Compensatory mitigation for permanent and temporary impacts to waters of the U.S. will be addressed through the DA permitting process with the Corps.

Otay Crossings

The Otay Crossings project site consists of two parcels (Assessor's Parcel Numbers 648-070-03 and 648-080-27) totaling 311.5 acres located to the southeast of the intersection of Otay Mesa and Alta roads. It occupies portions of Sections 31 and 32 within Township 18 South, Range 1 East of the U.S. Geological Survey 7.5-minute Otay Mesa quadrangle (Figure 2).

The proposed project is a Tentative Map (TM) and Preliminary Grading Plan (Tract 5405) for land designated for mixed industrial, rural residential, and SR-11 use in Subarea 2 of the EOMSP. The proposed SR-11 traverses the site and the Port of Entry will be situated on the southern portion of the property. The TM subdivides the 311.5-acre property into 56 industrial lots and 3 open space lots ranging in size from a 0.9 net acre to 59.1 net acres. Approximately 285.5 acres will be placed in lots, while 26 acres will contain public streets, including General Plan Circulation Element roadways (Alta, Otay Mesa, and Airway roads). The proposed right-of-way for SR-11 and the Port of Entry has been tentatively mapped on all, or portions of, 17 lots (lots 33-38, 42-45, and 51-57) covering 123.1 acres of the site. A total of 24.3 acres in three

locations are proposed to be included within open space easements on the eastern edge of the project site (Figure 4).

In addition to the proposed onsite development, offsite road improvements (approximately 23 acres) are proposed for Alta, Airway, Siempre Viva, and Otay Mesa roads, and an offsite sewer line is proposed along Alta Road, Airway Road, and Enrico Fermi Drive.

To address impacts to upland and wetland habitats, the Otay Crossings project includes enhancement and preservation of native habitats both on and off the project site (Table 3). Otay Crossings will be responsible for offsetting the direct impacts to approximately 163 acres of upland habitat through the conservation of 24.3 acres on their project site and portions of four parcels off site. The offsite parcels include two parcels (20 acres and 62 acres) within the Lonestar Ridge East conservation parcels and two parcels in the vicinity of O'Neal Canyon (15 acres and 69 acres) (Figure 2). Otay Crossings has purchased approximately 23 acres of land within the Lonestar Ridge East conservation parcels that may not be needed to fulfill their County MSCP obligations (Figure 3). If the County determines that these acres are not needed to fulfill Otay Crossings MSCP obligations, they will be conserved and enhanced consistent with the remainder of the 62-acre parcel, and the credits will be banked for future projects.

Table 3. Summary of proposed measures to offset permanent impacts to upland and wetland habitats associated with the Otay Crossings project.

Habitat Type	Permanent Impacts	Compensation Ratio	Total Compensation[1]	Conservation Location
Native Grassland	0.10 acre	2:1	0.20 acre enhancement of non-native grassland with native grassland	Lonestar Ridge East
Non-Native Grassland	161.1 acres	1:1	161.1 acres of enhancement and preservation of native upland habitat	On site; Lonestar Ridge East; O'Neal Canyon
Diegan Coastal Sage Scrub	1.9 acres	1.5:1	2.9 acres of preservation	On site
Occupied fairy shrimp road pool	116 square feet	2:1	232 square feet of restoration	Lonestar Ridge East
Freshwater Marsh	0.003 acre	2:1	0.006 acre	Offsite wetland mitigation site to be determined
Tamarisk Scrub	0.97	1:1	0.73 acre	Offsite wetland mitigation site to be determined
Linear Streambed (Other Waters of the U.S.)	0.23	1:1	0.23 acre	Offsite wetland mitigation site to be determined

[1] Final approved compensatory mitigation for impacts to waters of the U.S. will be determined by the Corps during the DA permitting process.

Approximately 33 acres of designated critical habitat for San Diego fairy shrimp will be enhanced as part of the restoration and enhancement efforts within the Lonestar Ridge East conservation parcels to offset direct impacts to 12.97 acres of designated critical habitat for San Diego fairy shrimp within the project footprint. Also, 7.02 acres of designated critical habitat for the Otay tarplant will be conserved and managed within the onsite open space area.

As part of the overall enhancement activities within the entire Lonestar Ridge East conservation parcels, an intensive weeding effort will be implemented within a specific 5-acre site to control the non-native vegetation and enhance native grass and forb species. In addition to the extensive weeding, larval host and nectar plant species for the Quino checkerspot butterfly will be incorporated into the seed palette within the 5-acre site to improve the habitat for the species. Waters of the U.S. compensatory mitigation will occur off site at a location to be determined during the DA permitting process with the Corps.

Otay Business Park

The proposed Otay Business Park project is an industrial business park development located on 161.6 acres. The project site consists of one parcel (Assessor's Parcel Number 648-070-21) and adjacent offsite improvements. The property lies approximately 0.5 mile east of Enrico Fermi Drive. It occupies the southeastern quadrant of Section 31 within Township 18 South, Range 1 East of the U.S. Geological Survey 7.5-minute Otay Mesa quadrangle (Figure 2).

The proposed project will divide the approximately 116.4-acre site into 59 industrial lots. Proposed lot sizes range from 0.9 acre to 5.0 acres. The project will be built in phases, but all mass grading will occur during the first phase. Two existing drainage channels on site will be realigned or re-routed as part of the proposed project. The western drainage course will be re-routed underground via the project's internal storm drain system. Drainage from the western portions of the site will be directed towards "Detention Basin A" and detained prior to being discharged towards the south. The eastern drainage channel will be re-routed underground as part of the SR-11 and Port of Entry project.

Implementation of the proposed project requires improvements to roadways, both on and off site. Proposed offsite improvements include the extension of Siempre Viva Road approximately 1,330 feet westerly of the proposed project site to the existing improved segment of the roadway that will then be minimally widened for approximately 1,300 feet to Enrico Fermi Drive. Proposed offsite improvements to Airway Road include the extension of the roadway approximately 1,300 feet westerly of the proposed project site to the existing improved segment of the roadway.

Construction of Otay Business Park is currently proposed to occur after construction of both the SR-11 and Port of Entry project and Otay Crossings project. These two projects overlap with the Otay Business Park project such that the area affected by the Otay Business Park will be reduced. The SR-11 and Port of Entry project will affect all or a portion of lots 47-55 and 57-59. The total acreage overlap of the SR-11 and Port of Entry project on the Otay Business Park site is 43.1

acres (Figure 6). Following construction of the Otay Crossings and SR-11 projects, the Otay Business Park project will develop approximately 118 acres of industrial, commercial, and associated facilities (streets, sewer, etc.).

Otay Business Park will be responsible for the preservation, restoration, and/or enhancement of approximately 69 acres of upland habitat within the Lonestar Ridge East conservation parcels (Figure 3). These areas are located east of SR-125 and north of Lonestar Road and include 62 acres of designated critical habitat for the San Diego fairy shrimp. All 62 acres of designated critical habitat for San Diego fairy shrimp will be enhanced as part of the Otay Business Park's restoration and enhancement efforts on their portion of the Lonestar Ridge East conservation parcels to offset direct impacts to 98 acres of designated critical habitat within the project footprint. An intensive weeding effort will be implemented within the vernal pool restoration area to control the non-native vegetation and enhance native grass and forb species. In addition, larval host and nectar plant species for the Quino checkerspot butterfly will be incorporated into the seed palette to improve the habitat for this species.

Additional upland habitat will be preserved off site to offset impacts to non-native grassland; however, the location has not been identified. Mitigation for impacts to the onsite drainage will be met through a combination of habitat preservation and restoration and purchase of credits in the Rancho Jamul mitigation bank that is located in the County of San Diego. Table 4 summarizes the proposed measures that will be implemented to address impacts associated with the development of the Otay Business Park project.

Table 4. Summary of proposed measures to offset permanent impacts to upland and wetland habitats associated with the Otay Business Park project.

Habitat Type	Permanent Impacts	Compensation Ratio	Total Compensation (Acres)[2]	Conservation Location
Non-Native Grassland	110.7 acres	1:1	110.7 enhancement and preservation of native upland habitat	Lonestar Ridge East / Off site location to be determined
Vernal Pools	0.14 acre	2:1	0.28 restoration[1]; 0.66 acre of preservation	Lonestar Ridge East
Occupied fairy shrimp road pool	0.10 acre	2:1	0.20 restoration[1]	Lonestar Ridge East
Linear Streambed (Other Waters of the U.S.)	0.13 acre 1,992 lf	N/A	0.40 acre preservation and restoration and 0.40 acre mitigation credit	Lonestar Ridge East, Onsite realigned channel, And Rancho Jamul bank

[1] Restoration acreage refers to the area of ponded water. In addition to the area of ponded water, 4.7 acres of supporting watershed will be enhanced and conserved as well.
[2] Final approved compensatory mitigation for impacts to waters of the U.S. will be determined by the Corps during the DA permitting process.

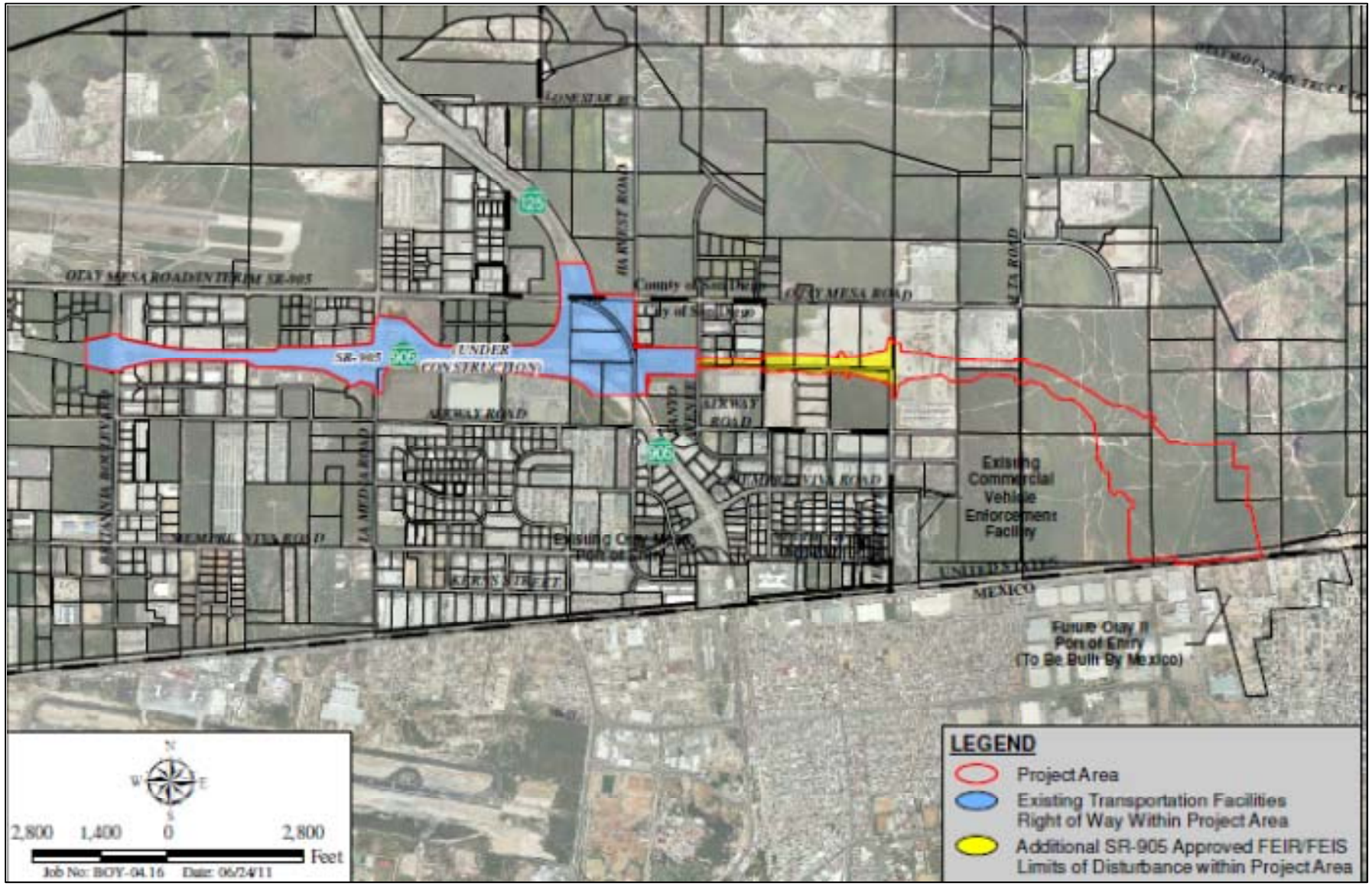

Figure 5. State Route 11 and the East Otay Mesa Port of Entry Project Area.

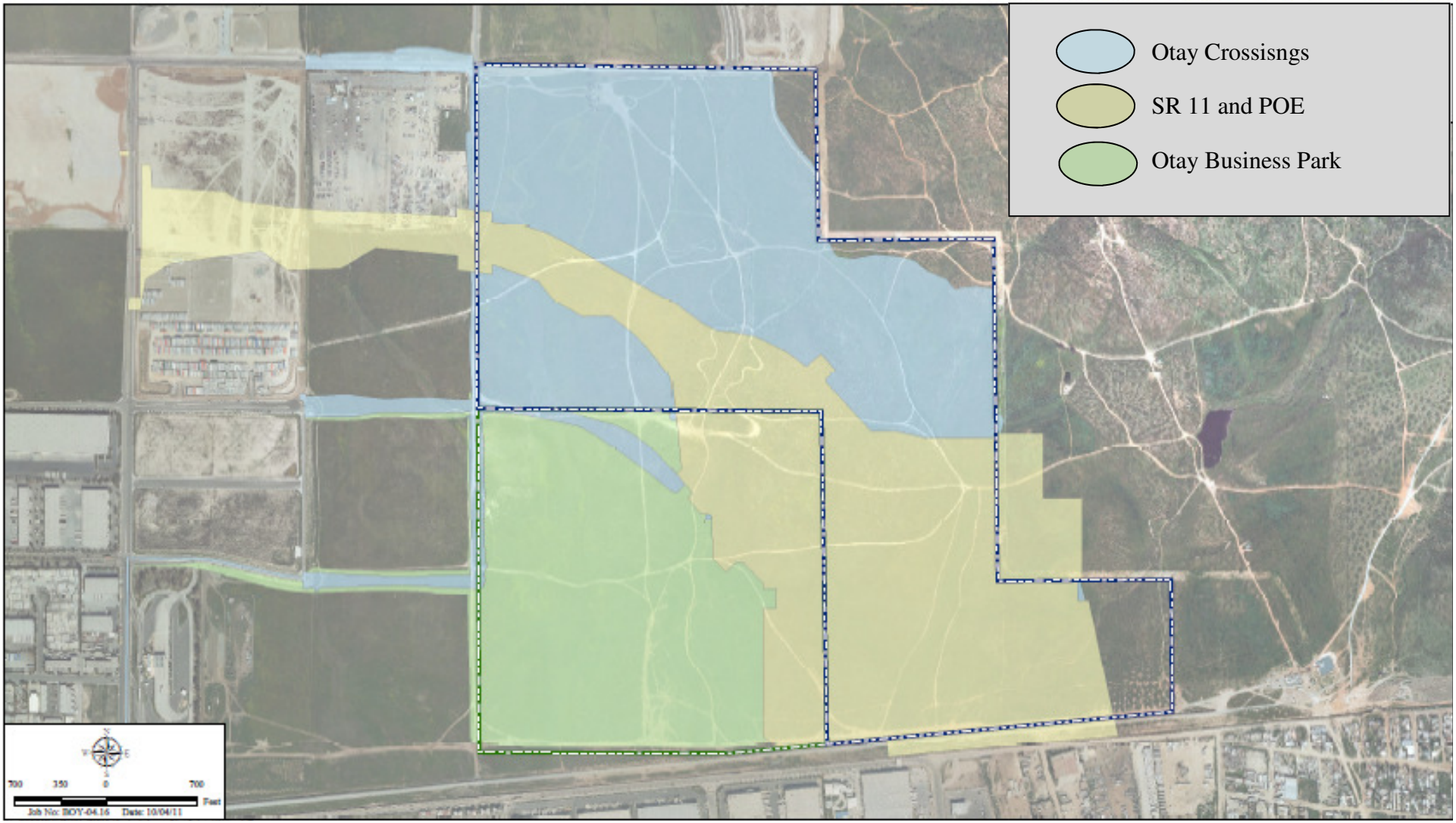

Figure 6. Proposed impact areas depicting SR-11 and POE overlap with the underlying Otay Crossings and Otay Business Park projects. (Note: un shaded area is onsite open space for Otay Crossings.)

Conservation Measures

The following conservation measures will be implemented as part of the project to avoid, minimize, and offset adverse effects to San Diego button celery, spreading navarretia, San Diego fairy shrimp, Riverside fairy shrimp, and Quino checkerspot butterfly and critical habitat for Otay tarplant and San Diego fairy shrimp.

Conservation/Restoration/Management

1. Impacts to vernal pool species and designated critical habitat for San Diego fairy shrimp will be offset through the preservation and restoration of vernal pool habitat within the Lonestar Ridge Conservation Area.

    a) Caltrans/FHWA will offset impacts to 89.07 acres of designated critical habitat by the enhancement and preservation of PCEs within 155 acres of designated critical habitat within the Lonestar Ridge West conservation parcel. A total of 14 vernal pool basins (0.6 acre) will be enhanced and 111 vernal pool basins (3.6 acres) will be created/restored. These basins will be surrounded by approximately 27.3 acres of watershed (an average ratio of approximately 6.5 acres of watershed for every acre of vernal pool). Caltrans proposes no less than 4.2 acres of vernal pool basins will be created/restored with at least 27.3 acres of associated vernal pool watershed and upland that will be restored to support the vernal pool basins;

    b) The project proponents for Otay Crossings will offset impacts to 1 road pool (116 square feet) and 13 acres of designated critical habitat by preservation of PCEs within 13.37 acres of designated critical habitat on site and the enhancement of PCEs within a minimum of 33 acres of designated critical habitat on the Lonestar Ridge East conservation parcels. Two basins will be created/restored totaling 232 square feet of vernal pools on the Lonestar Ridge East conservation parcels; and

    c) The project proponents for the Otay Business Park will offset impacts to 24 vernal/road pools (0.24 acre) and 98.01 acres of designated critical habitat for San Diego fairy shrimp by the enhancement and preservation of 0.66 acre of vernal pools and the restoration of approximately 0.48 acre vernal pools on the Lonestar Ridge East conservation parcels. A total of approximately 1.14 acres of basin area and 62 acres of PCEs will be restored and enhanced on the site. Impacts to three individuals of San Diego button celery and three individuals of spreading navarretia will be offset through the salvage and translocation of the onsite plants. Seed will be collected from the onsite populations of these species and incorporated into the vernal pool restoration on one of the Lonestar Ridge East conservation parcels, as described in the Otay Business Park Vernal Pool Preserve Restoration Plan dated October 17, 2011.

2. Impacts to the Quino checkerspot butterfly will be offset through preservation of the historically occupied habitat within the Lonestar Ridge Conservation Area, which is designated as Quino checkerspot butterfly critical habitat.

   a) Caltrans/FHWA will offset impacts to Quino checkerspot butterfly by the enhancement and preservation of habitat suitable for this species, including the establishment of a minimum of 17 focused planting areas that are dominated by Quino checkerspot butterfly host and nectar resource plants, within 87 acres of critical habitat on the Lonestar Ridge West conservation parcel. The goal of this conservation measure is to preserve or salvage stands of the native flora important to Quino checkerspot butterfly (host plants and adult nectar sources), seed the site with native host plants and nectar plants, and control nonnative plant species growth and reproduction so that non-native species do not out compete native flora;

   b) Otay Crossings will offset impacts to Quino checkerspot butterfly by the enhancement and preservation of habitat suitable for this species including the establishment of a minimum of 5 focused planting areas that support habitat dominated by Quino checkerspot butterfly host and nectar resource plants within 44 acres of critical habitat on the Lonestar Ridge East conservation parcels. The 5 focused planting areas will be placed within a 5-acre area that will be more intensively weeded. The goal of this conservation measure is to provide for improved habitat value on parcels historically occupied by the Quino checkerspot butterfly; and

   c) Otay Business Park will offset impacts to Quino checkerspot butterfly by the enhancement and preservation of habitat suitable for this species, including the establishment of a minimum of 6 focused planting areas that support habitat dominated by Quino checkerspot butterfly host and nectar resource plants within 62 acres of critical habitat on the Lonestar Ridge East conservation parcels. The goal of this conservation measure is to provide for improved habitat value on parcels historically occupied by the Quino checkerspot butterfly.

3. Each project proponent will submit to the Service and the Corps a final restoration plan for their respective conservation sites, for approval, at least 60 days prior to initiating impacts on their project site. Impacts will not occur on a given project site until the Service and the Corps have approved the final restoration plan for the associated project. The final restoration plans will be based on the *Lonestar Ridge West Habitat Restoration Plan* (Caltrans 2011), the *Onsite Revegetation Plan for Otay Crossings Commerce Park* (HELIX 2010d), the *Offsite Vernal Pool Revegetation Plan for Otay Crossings Commerce Park* (HELIX 2010 e), the *Quino Checkerspot Butterfly and Burrowing Owl Mitigation Plan for Otay Crossings Commerce Park* (HELIX 2010f), and the *Otay Business Park Lonestar Ridge Vernal Pool Restoration Plan* (HELIX 2011). In addition to the measures proposed in these draft plans, the final three plans will each include the following information:

a) Implementation of the final plan will be conducted under the direction of a biologist with at least 3 years of vernal pool restoration experience (i.e., a vernal pool restoration specialist); the biologist will be approved by the Service and the Corps;

b) The restoration area contains extant vernal pools and the Lonestar Ridge East conservation parcels are immediately adjacent to the Caltrans SR-125 vernal pool restoration site. To avoid impacts to extant vernal pools, all measures required in Conservation Measure 4 will be implemented at the restoration site and thus specified in the restoration plan;

c) Each project's associated restoration/enhancement activities will commence the first summer-fall season prior to, or concurrently with, the start of vegetation clearing of their project site;

d) All final specifications and topographic-based grading, planting, and watering plans will have 0.5-foot contours and show typical cross-sections for the vernal pools, watersheds, and surrounding uplands (including adjacent mima mounds) at the restoration/enhancement sites. The basis for this fine-scale resolution is the shallow depth (i.e., several inches) of the vernal pools that will be restored/enhanced. The grading plans will also show overflow pathways that hydrologically connect the restored pools in a way that mimics natural vernal pool complex topography/hydrology;

e) A fine-scale, detailed hydraulic analysis that shows each proposed restored vernal pool and its watershed, and hydrologic connection between the pools, as well as the watershed of the extant vernal pools to be enhanced. The watersheds of the restored pools will not extend into the watersheds of the extant vernal pools to be enhanced;

f) Discussion and a table on the exact activities that will occur at each restored or enhanced vernal pool. The discussion and table will also include the initial conditions of the pools and the as- built conditions including basin size, average depth, ponding duration, existing native and nonnative cover, and presence of listed species;

g) All enhancement activities in the pools occupied by listed vernal pool species that require soil manipulation (e.g., removal/recontouring of tire ruts or road fills, recontouring of pool slopes) will be done by hand and/or small machinery (e.g., Bobcat) to reduce impacts to the existing pool resources. Soil manipulation will be limited to areas adjacent to the existing pool and will be the minimum area necessary to accomplish pool enhancement. Topsoil will only be salvaged from the portions of the pools subject to soil movement. The areas of existing habitat, which are to remain unaffected by enhancement activities, will be specified and protected by temporary barriers prior to implementation;

h) A map depicting the locations of the control pools[2] within each reference site and a table detailing basin size, average depth, ponding duration, native cover, nonnative cover, and presence of listed species for each pool will be incorporated into the annual reports during the 5-year maintenance and monitoring period(s) for each project;

i) As a last resort and after approval by the Service and the Corps, additional inoculum from offsite donor vernal pools in the Otay Mesa area may be used to supplement the inoculum collected at the project impact site. The final plan will identify any proposed donor pools and include documentation that they are free of versatile fairy shrimp (*Branchinecta lindahli*). A rough estimate of San Diego and/or Riverside fairy shrimp genetic similarity using mtDNA sequencing should be conducted before introducing inoculum collected off site into occupied pools. No more than 10 percent of the basin area of any additional, non-impacted donor pool will be used for collection of inoculum. Collection of inoculum from Agency-approved donor pools will be consistent with Conservation Measure 4 below;

j) Inoculum and planting will not be installed until the Service and the Corps approve the habitat restoration site grading through evidence of ponding noted below. All planting will be installed in a way that mimics natural plant distribution and not in rows. Inoculum will not be introduced into the restored or enhanced pools until after they have been demonstrated to retain water for the appropriate amount of time to support San Diego (i.e., at least 12-30 days) or Riverside fairy shrimp (i.e., 30-60 days) and have been surveyed for versatile fairy shrimp to the satisfaction of the Service and the Corps. If versatile fairy shrimp and San Diego and/or Riverside fairy shrimp are detected in the restored or enhanced pools, no additional action will be required. If versatile fairy shrimp are present but no San Diego and/or Riverside fairy shrimp are detected, off site inoculum will not be introduced until measures approved by the Service and the Corps are implemented in attempt to remove the versatile fairy shrimp from the pools. Inoculum from the Lonestar Ridge Conservation Area may be allowed, subject to confirmation from the Service and the Corps. Inoculum will be placed in a manner that preserves, to the maximum extent possible, the orientation of the San Diego and Riverside fairy shrimp cysts within the surface layer of soil (e.g., collected inoculum will be shallowly distributed within the pond so that cysts have the potential to be brought into solution upon inundation). No inoculum collected off site will be placed in occupied pools unless it is determined through mtDNA sequencing that they are genetically similar;

k) Plant palettes (species, size, and number/acre) and seed mix (species and pounds/acre) will be included in the restoration/enhancement plan. The plant palette will include native species specifically associated with the onsite habitat type(s). If native plant

[2] All three project proponents will work together to identify a common set of control pools that will be used by all three restoration efforts in order to minimize any potential impacts from monitoring the control pools.

species (no cultivars) cannot be obtained within Otay Mesa, an alternate site will be used only upon approval by the Service and the Corps. The source and proof of local origin of all plant material and seed will be provided to the Service and the Corps;

l) Native plants and animals will be established within the restored/enhanced pools, their watersheds and surrounding uplands. This establishment can be accomplished by redistributing topsoil containing seeds, spores, bulbs, eggs, and other propagules from affected pools and adjacent vernal pool and upland habitats; by the translocation of propagules of individual species from offsite habitats; and by the use of commercially available native plant species and/or any vernal pool inoculum or plant material from an offsite source approved by the Service and the Corps. Topsoil and plant materials from the native habitats to be affected on site will be applied to the watersheds of the enhanced and restored pools to the maximum extent practicable. Nonnative invasive weed control will be implemented within the restoration areas to protect and enhance habitat remaining on site;

m) Any artificial watering of the restored/enhanced pool watersheds will be done in a manner that prevents water from entering into the pools. Any water to be used will be identified and documented to be free of contaminants that could affect the water quality of the pools and harm San Diego fairy shrimp. Upland plant species will need to demonstrate independence from artificial water sources for at least 2 years in order to meet the success criteria;

n) All weeding within and immediately adjacent to the restored/enhanced pools will be performed by hand. No herbicide will be used within the restored/enhanced pools. Herbicide may be used in the uplands adjacent to pools only as approved by the Service and the Corps (e.g., using the "glove" method[3]). All workers conducting weed removal activities will be educated to distinguish between native and nonnative species so that local native plants are not inadvertently killed by weed removal activities;

o) A final implementation schedule that indicates when all vernal pool impacts and vernal pool restoration/enhancement grading and planting will begin and end. Any temporal loss of vernal pools caused by delays in restoration will be offset by additional habitat preservation and/or restoration as determined in coordination with the Service and the Corps, unless the delays were caused by unforeseeable circumstances or were beyond the reasonable control of the project proponent;

p) A minimum commitment to 5 years of monitoring of vernal pool and upland habitat restoration/enhancement areas post completed installation. The final success criteria

[3] The "glove" method refers to using absorbent-type gloves that are soaked in herbicide, which is then applied to weed species by hand. When carefully done, this method allows for very effective weed control along the margins of the pools, with a low risk of affecting the native flora and fauna because the gloves allow for very accurate placement of the herbicide.

methodology will include quantitative hydrological, vegetation transects, viable cyst, hatched San Diego fairy shrimp, and gravid female measurements; complete flora and fauna inventories; and photographic documentation. To minimize impacts to the soil surface of the vernal pool during restoration, enhancement, and monitoring activities, cobbles will be oriented within the restored vernal pools to serve as stepping stones;

q) Restoration success, as determined by the final success criteria, for San Diego fairy shrimp and Riverside fairy shrimp will be determined by measuring the ponding of water and density of viable cysts, presence of hatched San Diego and Riverside fairy shrimp, and gravid females within the restored pools. Water measurements will be taken in the restored pools to determine the depth, duration and quality (e.g., pH, temperature, total dissolved solids, salinity) of ponding. Dry samples will be taken from a subset of restored and control pools known to support fairy shrimp in the fall of each year to determine the density of viable cysts in the soils. The sampling will consist of three core samples (approximately 1.5 - 2 cubic inches in volume) taken in the deepest portion of each sampled pool. The samples will be analyzed by a –Service-approved biologist to determine the genus and density of cysts collected. Wet samples will also be taken in the restored pools to estimate the number of hatched San Diego and Riverside fairy shrimp and gravid females. Final success criteria will be set such that the pools must pond for a period of time similarly to reference vernal pools during an average rainfall year and at an appropriate depth and quality to support San Diego and Riverside fairy shrimp. The average viable cyst, hatched fairy shrimp, and gravid female data from the restored pools must show that the populations are stable or increasing, relative to the control pools. If both the restored and control pool shrimp populations decline in any given year, then it will be assumed that there are other outside, seasonal effects driving the change, as opposed to specific factors at the restoration site. Otherwise, the restored pool population numbers should either be stable or show an increasing trend from reference pools for at least 3 wet seasons before a determination of success can be made. Vernal pools selected as reference or control pools for evaluating restoration success will be identified and described in the restoration plan as per Conservation Measure 3(h). Alternate methods of determining success will only be used if approved by the Service and the Corps;

i. SR-11 and Port of Entry success criteria include the establishment of 1.30 acres and 0.22 acre of basin area that will support the San Diego fairy shrimp and Riverside fairy shrimp, respectively. In addition, 54 pools will support San Diego button-celery.

ii. Otay Crossings success criteria include the establishment of 232 square feet of basin area that support San Diego and Riverside fairy shrimp.

iii. Otay Business Park success criteria include the establishment of 0.36 acre and 0.06 acre of the restored vernal pools that will support San Diego fairy shrimp

and Riverside fairy shrimp, respectively. In addition, two pools will support San Diego button celery and spreading navarretia.

r) Monitoring and success criteria for vernal pool and upland restoration/enhancement areas for the Quino checkerspot butterfly will include; species richness and cover criteria for all 5 years of monitoring, zero percent cover for weed species categorized as High or Moderate in the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (excluding common non-native grassland species present prior to restoration/enhancement), and relative cover of all other weed species is no more than 15 percent coverage for other nonnative invasive weed species for all 5 years of the 5-year monitoring period. Restored/created pools will have less than 1 percent absolute cover of exotic plant species. Container plant survival will be 70 percent of the initial plantings for the first 5 years. At the first and second anniversary of plant installation, all dead plants will be replaced unless their function has been replaced by natural recruitment. The method used for monitoring will be described and a map of proposed sampling locations will be included. Photo points will be used for qualitative monitoring and stratified-random sampling will be used for all quantitative surveys;

s) A commitment by the project proponents agreeing that restoration/enhancement of the vernal pools and uplands will be deemed complete once the final success criteria are met and only after written sign-off by the Service and the Corps. Specifically, if a performance criterion is not met for any of the restored/enhanced vernal pools or upland habitat in any year, or if the final success criteria are not met, the project proponent will prepare an analysis of the cause(s) of failure and, if deemed necessary by the Service and the Corps, propose remedial actions for approval. If any of the restored/enhanced vernal pools or upland habitat have not met a performance criterion during the initial 5-year period, the maintenance and monitoring obligations will continue until the Service and the Corps deem the restoration/ enhancement successful, or contingency measures are implemented. Restoration/ enhancement will not be deemed successful until at least 1 year after any contingency measures related specifically to success criteria are implemented, as determined by the Service and the Corps; and

t) Annual reports will be submitted to the Service and the Corps by January 31 of each year. Those reports will assess both the attainment of yearly success criteria and progress toward the final success criteria. The reports will also summarize the project's compliance with the conservation measures committed to as part of the project, terms and conditions included in the biological opinion.

4. Restoration grading activities at the Lonestar Ridge East and West conservation parcels will be timed to avoid wet weather to minimize potential impacts (e.g., siltation) to the extant vernal pools unless the area to be graded is at an elevation below the pools. To achieve this goal, each project proponent will comply with the following:

a) Grading will occur only when the soil is dry to the touch at the surface and 1 inch below. A visual check for color differences (i.e., darker soil indicating moisture) in the soil between the surface and 1 inch below indicates the soil is dry;

b) After a rain of greater than 0.2 inches, grading will occur only after the soil surface has dried sufficiently as described above, and no sooner than 2 days (48 hours) after the rain event ends;

c) Grading will commence only when no rain is forecast during the anticipated grading period;

d) To prevent erosion and siltation from storm water runoff due to unexpected rains, Best Management Practices (i.e., silt fences) will be implemented as needed during grading;

e) If rain occurs during grading, work will stop and resume only after soils are dry, as described above; and

f) Grading will be done in a manner to prevent run-off from entering extant vernal pools.

5. Each of the project proponents will staff a restoration biologist with a minimum 3 years of previous experience with implementing successful upland and wetland restoration projects[4] with an emphasis on coastal sage scrub, native perennial grassland, and vernal pool restoration. The restoration biologist must also have 5 years of local field experience with vernal pool vegetation, hydrology, and soils, as well as Quino checkerspot habitat. The restoration biologist will be responsible for implementation of the vernal pool and Quino checkerspot butterfly restoration work as well as overseeing compliance with protective measures for listed species on the restoration site and will be approved by the Service and the Corps. The project proponents will submit the restoration biologist's name, address, telephone number, and work schedule on the project to the Service and the Corps at least 30 days prior to initiating project impacts. The restoration biologist will perform the following duties:

a) Allow salvage of live plants and collection of inoculum for transplant to pools, watersheds, and surrounding uplands to be restored/enhanced as practicable and approved by the Service;

b) Be on the restoration site during work and/or grading adjacent to vernal pools and unvegetated pools supporting listed vernal pool species to be preserved to ensure compliance with all conservation measures;

[4] A successful restoration project is a restoration project that has achieved its success criteria and been accepted by the resource agencies after at least a 5-year monitoring period.

c) Oversee installation of and inspect the fencing and erosion control measures within or up-slope of vernal pool restoration/enhancement and/or preservation areas a minimum of once per week and daily during all rain events to ensure that any breaks in the fence or erosion control measures are repaired immediately;

d) Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust;

e) Train all contractors and construction personnel on the biological resources associated with this project and ensure that training is implemented by construction personnel. At a minimum, training will include: 1) the purpose for resource protection; 2) a description of the listed vernal pool species, Quino checkerspot butterfly, and their habitat(s); 3) the conservation measures given in the biological opinion that should be implemented during project construction to avoid and/or minimize impacts to listed species, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); 4) environmentally responsible construction practices as outlined in measure 8; 5) the protocol to resolve conflicts that may arise at any time during the construction process; and

f) Halt work, if necessary, for any project activities that are not in compliance with the conservation measures committed to as part of the project and specified in this biological opinion. The restoration biologist will report any non-compliance issues to the Service and the Corps within 24 hours of its occurrence and confer with the Service and the Corps to ensure the proper implementation of species and habitat protection measures.

6. Otay Crossings and Otay Business Park will post a performance bond or letter of credit with the Corps for grading, planting, and 5 years of maintenance and monitoring of the vernal pool and upland restoration/enhancement areas (including a 20 percent contingency to be added to the total cost). This financial assurance is to guarantee the successful implementation of the vernal pool/upland restoration/enhancement. The project proponents will submit a draft financial assurance instrument with an itemized cost list to the Service and the Corps for approval at least 60 days prior to initiating project impacts. The project proponents will submit the final bond or letter of credit for the amount approved by the Service and the Corps within 30 days of receiving Agency approval of the draft financial insurance instrument.

7. Each project proponent will execute and record perpetual biological conservation easements over their respective on- and offsite conservation lands.

a) FHWA and Caltrans will be responsible for recording a perpetual biological conservation easement or other conservation mechanism acceptable to the Service over the areas preserved, restored, and/or enhanced by the project within the Lonestar Ridge West conservation parcel and their two additional conservation parcels located within the greater Lonestar Ridge property (Figure 3). The conservation mechanism will specify that no easements or activities (e.g., fuel modification zones, public trails, drainage facilities, walls, maintenance access roads) that will result in soil disturbance and/or vegetation removal will be allowed within the biological conservation easement areas. Caltrans anticipates that they will not be able to place the conservation easements or other conservation mechanisms, or transfer management endowments for their Lonestar Ridge conservation parcels prior to initiating project impacts; however, annual reports will be provided on their status until the conservation mechanisms have been placed and the endowment funds have been transferred; and

b) The project proponents for Otay Crossings and Otay Business Park will be responsible for recording perpetual conservation easements over their respective conservation areas in favor of an entity approved by the Service and the Corps. The Service will be named as third party beneficiary in the conservation easement, and the terms of the easement will be approved by the Service and the Corps prior to its execution. This easement will state that no other easements or activities (e.g., fuel modification zones, public trails, drainage facilities, walls, maintenance access roads) that will result in soil disturbance and/or vegetation removal will be allowed within the biological conservation easement area. The project proponents will submit a draft conservation easement agreement to the Service and the Corps for review and approval at least 90 days prior to initiating project impacts and will not initiate project impacts until the easement is approved by the Service and the Corps. The project proponents will submit the final easement and evidence of its recordation to the Service and the Corps within 90 days of recordation of the final map.

8. Each project proponent will implement a perpetual long-term management, maintenance and monitoring plan (e.g., Habitat Management Plan or County Resource Management Plan) for their respective biological conservation easement areas. The plan should include, but not be limited to, the following: method of protecting the resources in perpetuity (e.g., conservation easement); monitoring schedule; measures to prevent human and exotic species encroachment; funding mechanism; and contingency measures should problems occur. In addition the plan will include the proposed land manager's name, qualifications, business address, and contact information. The project proponent will also establish a non-wasting endowment in an amount approved by the Service and the Corps based on a Property Analysis Record (PAR; Center for Natural Lands Management ©1998) or similar cost estimation method to secure the ongoing funding for the perpetual long-term management, maintenance, and monitoring of the biological conservation easement area by an agency, non-profit organization, or other entity approved by the Service and the Corps. The project proponent will submit a draft plan including a description of perpetual

management, maintenance, and monitoring actions and the PAR or other cost estimation results for the non-wasting endowment to the Service and the Corps for approval at least 90 days prior to initiating project impacts. The project proponent will submit the final plan to the Service and the Corps and transfer the funds for the non-wasting endowment to a non-profit conservation entity within 60 days of receiving approval of the draft plan. For Otay Crossings and Otay Business Park, the project proponent will not initiate project impacts until the plan is approved, a manager is identified, and a funding mechanism acceptable to the Service and the Corps is in place. For Caltrans/FHWA, it is anticipated that a plan will not be prepared prior to initiating project impacts; however, annual reports will be provided on their status until a final plan has been provided.

Best Management Practices, Fencing, Monitoring, Preventing the Spread of Invasive Species

The following measures will be implemented by each of the project proponents unless otherwise specified.

9. The project proponents will install permanent protective fencing along any interface with developed areas, and/or use other measures approved by the Service and the Corps, to deter human and pet incursion into the biological conservation easement areas. Fencing will have no gates (accept to allow access for maintenance and monitoring of the biological conservation easement areas). Signage for the biological conservation easement areas will be posted and maintained at conspicuous locations. Plans for fencing and/or other preventative measures will be submitted to the Service and the Corps for approval at least 60 days prior to initiating project impacts. Fencing, as approved by the Service and the Corps, will be installed within 60 days of execution of the conservation easement.

10. The project proponents for Otay Crossings and Caltrans/FHWA will ensure that development landscaping adjacent to the biological conservation easement area in the south east corner of the project site does not include exotic plant species that may be invasive to native habitats. Exotic plant species not to be used include any species listed on the California Invasive Plant Council's (Cal-IPC) “Invasive Plant Inventory” List. This list includes such species as pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree-of-heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. A copy of the complete list can be obtained from Cal-IPC’s web site at http://www.cal-ipc.org. Plants that require intensive irrigation, fertilizers, or pesticides should not be used in landscaping adjacent to preserve areas. Water runoff from landscaped areas should be directed away from the biological conservation easement areas and contained and/or treated within the development footprint.

11. Any planting stock to be brought onto the project site for landscape or habitat creation/restoration/enhancement will be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to, Argentine ants (*Iridomyrmex humil*), fire ants (*Solenopsis invicta*), and other insect pests.

Any planting stock found to be infested with such pests will not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the Service that these pests already occur in natural areas around the project site. The stock will be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. The project proponents will ensure that all temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used for landscape or habitat creation/restoration/enhancement.

12. Temporary fencing (with silt barriers) will be installed at the limits of project impacts (including construction staging areas and access routes) to prevent additional sensitive habitat impacts and to prevent the spread of silt from the construction zone into adjacent habitats to be avoided. Fencing will be installed in a manner that does not impact habitats to be avoided. The project proponents will submit to the Service and the Corps for approval, at least 30 days prior to initiating project impacts, the final plans for initial clearing and grubbing of sensitive habitat and project construction. These final plans will include photographs that show the fenced limits of impact and all areas to be impacted or avoided. If work occurs beyond the fenced or demarcated limits of impact, all work will cease until the problem has been remedied to the satisfaction of the Service and the Corps. The project proponents agree to provide additional conservation at a minimum 5:1 ratio for any habitat impacts that occur beyond the approved fence. Temporary construction fencing will be removed upon project completion.

13. A monitoring biologist approved by the Service and the Corps will be on the project site during clearing and grubbing of habitat that occurs within 200 feet of the grading limits. The monitoring biologist will conduct weekly site visits during rough grading to ensure that the grading limits have been respected. The biologist will be knowledgeable of local wildlife and vegetation resources including the Quino checkerspot butterfly and vernal pool species. The project proponents' will submit the biologist's name, address, telephone number, and work schedule on the project to the Service and the Corps at least 7 days prior to initiating project impacts.

14. The monitoring biologist will periodically monitor adjacent habitats for excessive amounts of dust and will recommend remedial measures to address dust control if necessary. The monitoring biologist will implement a contractor training program to insure compliance with permit conditions. Any non-compliance issues will be reported to the Service and the Corps within 24 hours.

15. The monitoring biologist will submit a final report to the Service and the Corps within 60 days of project completion that includes: as-built construction drawings with an overlay of pools that were impacted or preserved, photographs of the preserved pools, and other relevant information documenting that authorized impacts were not exceeded and that

general compliance with the project as described in this biological opinion, including the conservation measures, was achieved.

16. Employees will strictly limit their activities, vehicles, equipment, and construction materials to within the fenced project footprint.

17. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities will occur in designated areas.

18. The Construction Manager will keep the monitoring biologist up-to-date with current plans for each phase. A pre-construction meeting will be conducted with the monitoring biologist, vernal pool restoration biologist, and construction supervisors prior to all earthwork. The Service and the Corps will be invited to the pre-construction meeting with 14 days advance notice. The contractors will be informed that the fenced areas are "no-entry" areas for the duration of construction. Each employee (including temporary, contractors, and subcontractors) will participate in a training/awareness program that will be presented by the vernal pool restoration and monitoring biologist(s), prior to working on the proposed project. At a minimum, the program will include the following topics:

    a) The purpose for resource protection;

    b) A description of Quino checkerspot butterfly, San Diego fairy shrimp, Riverside fairy shrimp, and their habitats;

    c) The conditions of the Corps permits and the conservation measures described in the Service's biological opinion that should be implemented during project construction to conserve Quino checkerspot butterflies, San Diego fairy shrimp, and Riverside fairy shrimp including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing);

    d) Project features designed to reduce impacts to these species and promote their persistence/survival within the project area;

    e) The protocol to resolve conflicts that may arise at any time during the construction process;

    f) The general provisions of the Act, the need to adhere to the provisions of the Act, and the penalties associated with violating the Act; and

    g) A fact sheet that includes color photographs of the listed species, which will be shown to the employees. Following the education program, the fact sheet will be posted in the contractor and Resident Engineer's office, where they will remain through the duration

of the project. The project proponents and the biologist(s) will be responsible for ensuring that employees are aware of the listed species.

Action Area

According to 50 CFR Section 402.02 pursuant to Section 7 of the Act, the "action area" means all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (e.g., Corps jurisdictional areas proposed to be filled). Subsequent analyses of the environmental baseline, effects of the action, and levels of incidental take are based upon the action area as determined by the Service. For the purposes of this biological opinion, we have defined the action area to include the areas encompassed by the three projects (i.e., SR-11 and Port of Entry project, Otay Crossings project, and Otay Business Park project), including the on- and offsite improvement areas, vernal pool and Quino checkerspot butterfly habitat immediately adjacent to the east of the project sites, and the conservation lands (Figures 1, 2, and 4).

STATUS OF THE SPECIES

In order to facilitate our discussion on the status of listed species addressed by this biological opinion that are associated with vernal pools, we are providing the following generalized discussion. Further information regarding the status of the individual species is provided below including additional information on habitat affinities and threats/conservation needs where warranted.

Habitat Affinities and Threats/Conservation Needs of Vernal Pool Species

Vernal pools are ephemeral wetlands that occur from southern Oregon through California into northern Baja California, Mexico (Service 1998a). They require a unique combination of climatic, topographic, geologic, and evolutionary factors for their formation and persistence. They form in regions with Mediterranean climates where shallow depressions fill with water during fall and winter rains and then dry up when the water evaporates in the spring (Collie and Lathrop 1976; Holland 1976; Holland and Jain 1977, 1988; Thorne 1984).

Downward percolation of water within the pools is prevented by an impervious subsurface layer consisting of claypan, hardpan, or volcanic stratum (Holland 1976, 1988). Seasonal inundation makes vernal pools too wet for adjacent upland plant species adapted to drier soil conditions, while rapid drying during late spring makes pool basins unsuitable for typical marsh or aquatic species that require a more persistent source of water.

For convenience of reference, groups of vernal pools are sometimes referred to as vernal pool complexes that may include two to several hundred individual vernal pools (Keeler-Wolf *et al.* 1998). Vernal pool complexes are defined as a series of vernal pool groups that are hydrologically connected with similar soil types and species compositions. Within San Diego

County, they were first described and surveyed by Beauchamp and Cass (1979) and subsequently updated in 1986 (Bauder) and 2004 (City of San Diego). Local upland vegetation communities associated with vernal pools include needlegrass grassland, annual grassland, coastal sage scrub, maritime succulent scrub, and chaparral (Service 1998a).

Threats to vernal pools and associated species can be divided into three major categories: 1) direct destruction of vernal pools from construction, vehicle traffic, grazing, dumping, and deep plowing; 2) indirect threats that degrade or destroy vernal pools (e.g., altered hydrology, draining, competition by introduced species, habitat fragmentation); and 3) potential long-term, cumulative impacts such as the effects of isolation on genetic diversity and locally adapted genotypes, air and water pollution, drastic climatic variations, and changes in nutrient availability (Bauder 1986).

Global climate change is well-documented (IPCC 2007). Current climate change predictions for terrestrial areas in the Northern Hemisphere indicate warmer air temperatures, more intense precipitation events, and increased summer continental drying (Field et al. 1999, Cayan et al. 2005, IPCC 2007). Although predictions of climatic conditions for smaller sub-regions such as southern California remain uncertain, factors associated with climate change that could affect vernal pool species include: 1) drier conditions that may result in fewer suitable pool complexes, lower percent germination (plant species)/hatching (fairy shrimp species) rates, smaller population sizes, and fewer and less reliable recovery cycles of abundant individuals; 2) higher temperatures may inhibit germination/hatching, speed desiccation of pools, and affect pollinator services for plant species; 3) a shift in the timing of the annual rainfall may favor nonnative species; 4) the timing of pollinator life-cycles may become out-of-sync with the timing of flowering vernal pool plant species; and 5) drier conditions may result in increased fire frequency, making the ecosystems in which vernal pool species rely more vulnerable to the threats of subsequent erosion and nonnative/native plant invasion (Bauder et. al. 2002, Bauder 2005, Hathaway and Simovich 1996).

Conservation of vernal pool species is dependent on maintaining pool hydrology and the surrounding watershed, as well as protecting adjacent upland habitats including pollinators (for vernal pool plant species). Extant populations need to be preserved and managed to reduce stressors from on site and adjacent activities, and regular monitoring is essential to gauging population trends and stressor effects. For some vernal pool species, re-establishment of populations within extant unoccupied or restored pools may be warranted.

San Diego Button-Celery

Listing Status

The Service listed the San Diego button-celery as endangered on August 3, 1993 (58 FR 41384). The *Recovery Plan for Vernal Pools of Southern California* ("vernal pool recovery plan") (Service 1998a) addresses the San Diego button-celery. A 5-Year Review for San Diego button-

celery was completed September 1, 2010 (Service 2010). The 5-Year Review recommended no change in the status of the San Diego button-celery. No critical habitat has been designated for this species.

Species Description

San Diego button-celery is a biennial or longer lived perennial gray-green herb that has a storage tap-root. It has a spreading shape and reaches a height of 16 inches (Constance 1993). The stems and lanceolate leaves give the plant a prickly appearance.

Habitat Affinities

San Diego button-celery is a vernal pool obligate taxon. Zedler (1987) hypothesizes that the patchy distribution of button-celery may be attributed to the extreme desiccation which vernal pools undergo in summer; hence, the species favors pools with a deep clay subsoil that do not dry as rapidly or as completely as those with shallower or more coarsely textured soils.

Life History

San Diego button-celery blooms from April to June; the small white flowers vary in length from 0.067 to 0.11 inch (Munz 1974, Constance 1993). Species-specific studies have not been conducted for San Diego button-celery regarding pollination, dispersal, population ecology, and genetics. It survives the dry summer and autumn months through dormant seeds and perenniating vegetative structures. San Diego button-celery is presumably insect-pollinated (Zedler 1987), potentially by bee flies (*Bombyliids*) (Schiller et al. 2000) and solitary bees (*Apoidea*), as are many vernal pool species (Thorpe 2007). San Diego button-celery seems more tolerant of peripheral vernal pool habitat than most obligate vernal pool species. It is specifically adapted to surviving in vernally wet conditions due to the presence of aerenchyma tissue (air channels in the roots) that facilitates necessary gas exchange in submerged plants (Keeley 1998).

Status and Distribution

The historical distribution of San Diego button-celery included a coastal swath from Mesa de Colonet and San Quintín in Baja California, Mexico, north to Los Angeles County, California in the U.S. San Diego button-celery currently occurs in 14 geographic areas in Riverside and San Diego counties. There are four sites on the Santa Rosa Plateau (Western Riverside County MSHCP 2003) in Riverside County. Within San Diego County, San Diego button-celery occurs in 10 regional locations including Camp Pendleton, Carlsbad, San Marcos, Ramona, Del Mar Mesa, Carmel Mountain, Mira Mesa, Marine Corps Air Station (MCAS) Miramar, Otay Lakes, and Otay Mesa. Current status of the species in Mexico is unknown.

San Diego button-celery can be locally abundant in remnant vernal pools; however, the distribution of this variety has been dramatically reduced due to loss of most (95 to 97 percent) of

the vernal pool habitat in San Diego County (Oberbauer and Vanderwier 1991). Little data relative to population counts and trends are extant. In 2003, the City of San Diego conducted a survey of vernal pools within their jurisdiction. These surveys revealed that of the 69 sites surveyed, 28 contained San Diego button-celery. The taxon was found on 20 of 36 acres of basin habitat (City of San Diego 2004). Based on survey data at MCAS Miramar that incorporates survey efforts since 1993, San Diego button-celery was found in 20 of 45 vernal pool complexes located on the installation (Black 2004a, 2007).

Spreading Navarretia

Status of the Species

Listing Status

Spreading navarretia was listed as threatened on October 13, 1998 (63 FR 54975). The vernal pool recovery plan (Service 1998a) addresses spreading navarretia. A 5-Year Review for spreading navarretia was completed on August 10, 2009 (Service 2009a). Critical habitat was designated on October 7, 2010 (75 FR 62192).

Species Description

Spreading navarretia, a member of the Polemoniaceae (phlox family), is a low, mostly spreading or ascending annual plant, 4 to 6 inches tall. The leaves are 0.4 to 2 inches long and finely divided into slender spine-tipped lobes. The lower portions of stems are mostly hairless (glabrous). The flowers are arranged in flat-topped, compact, leafy heads. The white to lavender-white petals (corolla) are joined at their bases to form a tube, although the tips (lobes) are free. The fruit is an ovoid, two-chambered capsule. Each seed is covered by a layer that becomes sticky and viscous when the capsule is moistened.

Habitat Affinities

Spreading navarretia is considered an obligate wetland species (found almost always in wetland areas) but is more tolerant of the ephemeral inundation of vernal pool habitat than a true wetland plant. Within San Diego County, spreading navarretia is typically found in vernal pools and depressions and ditches in areas that once supported vernal pools (Tierra Madre Consultants 1992, Day 1993, Reiser 1996).

Life History

Spreading navarretia depends on the inundation and drying cycles of its habitat for survival. This regime allows for germination and other life history phases of the plant. This annual species germinates from seeds left in the seed bank. For many vernal pool plant species, temperature and moisture affect the timing of plant germination (Myers 1975). Although not proven, it is likely

that this species uses these same cues for germination. Most *Navarretia* species have indehiscent fruit or fruit with fibers that absorb water and expand to break open the fruit after a substantial rain (Spenser and Riesberg 1998). The timing of germination is important so that the plant germinates under favorable conditions in the spring rather than the summer, autumn, or winter.

The plant usually flowers in May and June as the vernal pool dries out. No studies have been conducted for this species regarding reproduction. Specific data regarding pollinators and seed viability are lacking. The species is capable of self-pollination, but it can also outcross to other plants. Outcrossing can be an important factor in regaining the genetic diversity lost with the disappearance of occurrences. Upon fruiting, this species fades rapidly and can be difficult to detect late in the dry season or in dry years. The number of individuals of spreading navarretia at a given population site varies annually in response to the timing and amount of rainfall and temperature.

Status and Distribution

Spreading navarretia is distributed from northwestern Los Angeles County and western Riverside County, south through coastal San Diego County, California to San Quintín in northwestern Baja California, Mexico, from near sea level to 4,200 feet (Day 1993, Munz 1974). Currently there are 48 extant occurrences of spreading navarretia in the U.S. Nearly 60 percent of the known populations are concentrated in three locations: Otay Mesa in southern San Diego County; along the San Jacinto River in western Riverside County; and near Hemet in Riverside County (Bauder 1986, Bramlet 1993, CNDDB 1999). Smaller populations are scattered in southern Riverside County, Los Angeles County, and coastal San Diego County. In Mexico, spreading navarretia is known from fewer than 10 populations clustered in three areas: along the international border; on the plateaus south of the Rio Guadalupe; and on the San Quintín coastal plain (Moran 1977).

Rangewide, comprehensive surveys for spreading navarretia have not occurred. The 5-year review includes a summary of the known occurrences and estimates of population numbers, where available. As an example, in 2003, the City of San Diego conducted a survey of vernal pools within their jurisdiction; revealing that of the 1,142 vernal pools surveyed, spreading navarretia was found in 99 with a mean percent cover per pool of 2.4 percent (City of San Diego 2004). Surveys are disjointed across space and time and lack uniform variables that quantify the extent and precise location of occurrences, thus making it difficult to comprehensively evaluate the status and trend of the species.

San Diego Fairy Shrimp

Listing Status

The Service listed the San Diego fairy shrimp as endangered on February 3, 1997, (62 FR 4925). The vernal pool recovery plan (Service 1998a) addresses the San Diego fairy shrimp. Critical habitat for the San Diego fairy shrimp was designated on December 12, 2007 (72 FR 70648). On

September 20, 2010, the District Court of the District of Columbia (D.C. Court) vacated 151 acres of designated critical habitat as mandated by the United States Court of Appeals for the District of Columbia Circuit on September 14, 2011, and its underlying Opinion and Judgment dated July 22, 2011 (*Otay Mesa Property L.P. et al.* v *U.S. Department of the Interior, et al.* 1:08-CY-00383).

In September 2008, the Service completed a 5-Year Review addressing the status of the San Diego fairy shrimp (Service 2008a). The 5-Year Review recommended no change in the status of the San Diego fairy shrimp.

Species Description and Critical Habitat Description

The San Diego fairy shrimp is a small, freshwater crustacean in the family Branchinectidae of the Order Anostraca. The species was originally described by Fugate (1993) from samples collected on Del Mar Mesa, San Diego County. Male San Diego fairy shrimp are distinguished from males of other *Branchinecta* species by differences found at the distal (located far from the point of attachment) tip of the second antennae. Females are distinguishable from females of other species of *Branchinecta* by the shape and length of the brood sac, the length of the ovary, and by the presence of paired dorsolateral (located on the sides, toward the back) spines on five of the abdominal segments (Fugate 1993). Adult male San Diego fairy shrimp range in size from 0.35 to 0.63 inch, and adult females are 0.31 to 0.55 inch long. A genetic study based on mtDNA sequencing of San Diego fairy shrimp across its range found two evolutionary significant units (genetic clades A and B) (Bohonak 2005).

Five critical habitat units (with 29 subunits) on 2,931 acres of land in Orange and San Diego counties are included in the designation of critical habitat for San Diego fairy shrimp. The individual units contain essential habitat for the San Diego fairy shrimp and help to identify special management considerations for the species. The project site is located within Subunit 5D (Otay Mesa, Southeast) and the Lonestar Ridge Conservation Area is located within Subunit 5B (Otay Mesa, North) of the final critical habitat designation (Figure 7). Unit 5 includes 1,634 acres and is the southernmost unit of critical habitat and is essential to the conservation of San Diego fairy shrimp because it helps to maintain the ecological distribution and genetic diversity of the species, as well as continuity in the range between the United States and Mexico. This unit contains vernal pools that support San Diego fairy shrimp populations in the "Group A" genetic clade (Bohonak 2005). Subunit 5B consists of 304 acres of habitat and Subunit 5D consists of 240 acres.

PCEs are the physical and biological features essential to the conservation of the species that may require special management considerations or protection. The PCEs for San Diego fairy shrimp are:

1. Vernal pools with shallow to moderate depths (2 to 12 inches) that hold water for sufficient lengths of time (7 to 60 days) necessary for incubation, maturation, and reproduction of the San Diego fairy shrimp, in all but the driest years;

2. Topographic features characterized by mounds and swales and depressions within a matrix of surrounding uplands that result in complexes of continuously, or intermittently, flowing surface water in the swales connecting the pools described in PCE 1, providing for dispersal and promoting hydroperiods of adequate length in the pools (i.e., the vernal pool watershed); and

3. Flat to gently sloping topography and any soil type with a clay component and/or an impermeable surface or subsurface layer known to support vernal pool habitat (including Carlsbad, Chesterton, Diablo, Huerhuero, Linne, Olivenhain, Placentia, Redding, and Stockpen soils).

Please refer to the final critical habitat rule (72 FR 70648) for detailed information on the units, including their sizes, locations, and special management considerations.

Habitat Affinities

San Diego fairy shrimp are restricted to vernal pools and vernal pool-like depressions (e.g., ruts in dirt roads). This species tends to inhabit shallow, small vernal pools and vernal pool-like depressions that range in temperature from 50 to 79 degrees Fahrenheit. They are ecologically dependent on seasonal fluctuations in their habitat, such as absence or presence of water during specific times of the year, duration of inundation, and other environmental factors that likely include specific salinity, conductivity, dissolved solids, and pH levels (Gonzalez et al. 1996, Hathaway and Simovich 1996, Holtz 2003).

San Diego fairy shrimp may also be found in disturbed vernal pool habitats where basins have been compacted or artificially deepened. Although basins supporting populations often appear to be artificially created or enhanced, such basins are located within soils that are capable of seasonal ponding and are often surrounded by naturally occurring vernal pool complexes. These "artificial basins" (sometimes referred to as road pools) function in the same manner as naturally occurring vernal pools by filling with late fall, winter and/or spring rains that gradually dry up during the spring and/or summer (Service 1998a).

Life History

San Diego fairy shrimp are non-selective particle feeding filter-feeders, or omnivores. Detritus, bacteria, algal cells, and other items between 0.3 to 100 microns may be filtered and ingested (Eriksen and Belk 1999). Adult fairy shrimp are usually observed from January to March; however, in years with early or late rainfall, the hatching period may be extended (Service 2008a). Like most vernal pool fairy shrimp, San Diego fairy shrimp have a two-stage life cycle

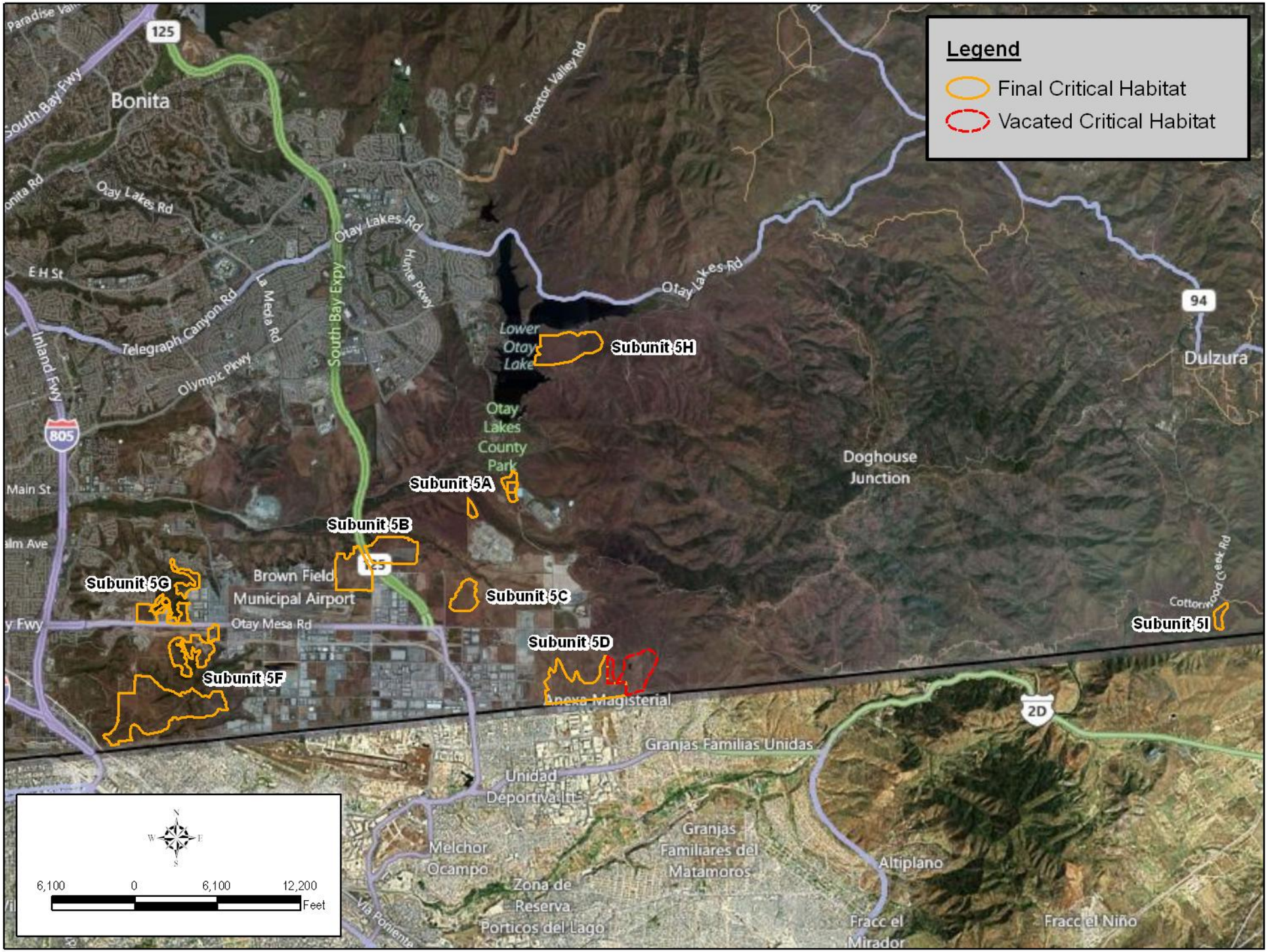

Figure 7. Unit 5 San Diego Fairy Shrimp Critical Habitat.

and spend the majority of their life cycle in the cyst stage (Templeton and Levin 1979, Schaal and Leverich 1981, Herzig 1985, Hairston and De Stasio 1988, Venable 1989). After hatching, San Diego fairy shrimp reach sexual maturity in about 7 to 17 days, depending on water temperature, and persist for about 4 to 6 weeks (Hathaway and Simovich 1996). Fairy shrimp mate upon reaching maturity, and female San Diego fairy shrimp produce between 164 and 479 cysts (eggs) over their lifetime (Simovich and Hathaway 1997). The cysts are either dropped by the females to settle into the mud at the bottom of the pool, or they remain in the brood sac until the female dies and sinks to the bottom (Eriksen and Belk 1999). Fairy shrimp cysts may persist in the soil for several years until conditions are favorable for successful reproduction (Simovich and Hathaway 1997). The cysts will hatch in 3 to 5 days when water temperatures are between 50 to 68 degrees Fahrenheit (Hathaway and Simovich 1996). Not all cysts are likely to hatch in a season, thus providing a mechanism for survival if water quality and ponding conditions are not favorable in a given year (Simovich and Hathaway 1997, Ripley et al. 2004).

Status and Distribution

The range of the San Diego fairy shrimp includes Orange and San Diego counties in southern California and northwestern Baja California, Mexico (Brown et al. 1993, Service 1998a). In Baja California, San Diego fairy shrimp have been recorded at two localities: Valle de Palmas, south of Tecate and Baja Mar, north of Ensenada. A single isolated female was previously reported from vernal pools in Isla Vista, Santa Barbara County, California; however, directed surveys have not located any additional individuals (62 FR 4934).

In Orange County, the San Diego fairy shrimp has been documented at Fairview Park, Newport Banning Ranch, Irvine Ranch Lands Reserve (within an area formerly known as the North Ranch Policy Plan Area), and within the San Juan Creek watershed at Chiquita Ridge and Radio Tower Road.

In San Diego County, the species occurs in vernal pools from Marine Corps Base Camp Pendleton (MCBCP) inland to Ramona and south through Del Mar Mesa, Proctor Valley, and Otay Mesa. A minimum of 246 pools on MCBCP are known to be occupied by San Diego fairy shrimp. Based on surveys of the 2,856 vernal pool basins currently mapped on MCAS Miramar, 1,303 are occupied by San Diego fairy shrimp (MCAS Miramar 2006). Of the 62 vernal pool complexes mapped by the City of San Diego, 29 were found to be occupied by San Diego fairy shrimp and occur at the following localities: Del Mar Mesa (1), Carmel Mountain (1), Mira Mesa (6), Nobel Drive (3), Kearny Mesa (3), Mission Trails Regional Park (1), and Otay Mesa (14) (City of San Diego 2004). The City of San Diego conducted non-protocol surveys for San Diego fairy shrimp. Therefore, this inventory may under-represent the true number of vernal pools with occurrences of San Diego fairy shrimp.

Additional vernal pool complexes with occurrences of San Diego fairy shrimp located in San Diego County but not included in the City of San Diego's Inventory include: Carlsbad, San

Marcos, Ramona, Poway, Santee, Rancho Santa Fe, Murphy Canyon, Otay Lakes, Imperial Beach, East Otay Mesa, Marron Valley, and Proctor Valley.

A summary of occupied vernal pool complexes is provided in Appendix 1 of the *San Diego Fairy Shrimp (Branchinecta sandiegonensis) 5-Year Review: Summary and Evaluation* (Service 2008a).

Threats and Conservation Needs

The loss and modification of vernal pool habitat continues to be a significant threat to the San Diego fairy shrimp, especially in areas where urbanization is expected to expand. Of the estimated 137 vernal pool complexes now occupied by San Diego fairy shrimp, Service files show that approximately 38 percent are on military land where they are managed for conservation under Integrated Natural Resource Management Plans or protected by other means, and approximately 25 percent are at least partially conserved on other lands. Approximately 20 percent of occupied complexes have lost some pools to development, 2 percent have been completely developed, and 18 percent are proposed for development. Acquisition of land and conservation easements have resulted in the preservation of vernal pool habitat for the species, but the trend of habitat loss, fragmentation, and degradation continues, particularly on private lands. Additionally, even preserved lands are often subject to impacts such as invasion by non-native plants, off-highway vehicle use, trespassing, and other conditions that contribute to lower-quality habitat for San Diego fairy shrimp (Service 2008a).

San Diego fairy shrimp habitat is also threatened to some degree by indirect impacts resulting from the proximity of San Diego fairy shrimp habitat to development, including human access and disturbance impacts, runoff, dumping of trash and litter, and water and air pollution. Off-highway vehicle use for recreation, law enforcement (including Border Patrol), and by the military threatens this species throughout much of its range. Non-native plants also threaten San Diego fairy shrimp habitat throughout its range. San Diego fairy shrimp habitat is naturally fragmented, but development projects continue to further fragment and isolate vernal pools within and between complexes, which may disrupt the population dynamics of the species. Conservation measures beyond habitat preservation, such as habitat and species management and monitoring, are necessary to ensure the long-term sustainability and persistence of this species throughout its range (Service 2008a).

Impacts to vernal pools from development have been offset through the restoration, enhancement, and management of habitat. In some cases, due to security of the site and the active management of the vernal pools, the species status has improved. In addition, grants have been awarded to restore habitat in several areas including Otay Mesa, the San Diego National Wildlife Refuge (NWR), and Sweetwater Authority lands. Sites that have been restored benefit from fencing and management, which further removes threats from the site that were occurring prior to the restoration efforts (Service 2008a).

Riverside Fairy Shrimp

Listing Status

The Service listed the Riverside fairy shrimp as endangered on August 3, 1993 (58 FR 41391). The vernal pool recovery plan (Service 1998a) addresses the Riverside fairy shrimp.

In September 2008, the Service completed a 5-Year Review addressing the status of the Riverside fairy shrimp (Service 2008b). The 5-Year Review recommended no change in the status of the Riverside fairy shrimp. Critical habitat was designated for the species on April 12, 2005 (70 FR 19154), and on June 1, 2011, we proposed to revise critical habitat for the Riverside fairy (76 FR 31686).

Species Description

The Riverside fairy shrimp is a small freshwater crustacean in the Family Streptocephalidae of the Order Anostraca. The species was first collected in 1979 by Clyde Eriksen and formally described as a new species in 1990 (Eng et al. 1990). The Riverside fairy shrimp is distinguished from similar species by its red-colored cercopods (anterior appendages), which occur on all of the ninth and 30 to 40 percent of the eighth abdominal segments (Eng et al. 1990). Adult Riverside fairy shrimp may grow to a length of 0.5 to 1.0 inches (Eng et al. 1990).

Habitat Affinities

Riverside fairy shrimp are restricted to vernal pools and vernal pool-like ephemeral basins (e.g., ruts in dirt roads and stockponds). In contrast to San Diego fairy shrimp, Riverside fairy shrimp prefer deep, greater than 9 inches in depth, vernal pools that range in temperature from 50 to 77 degrees Fahrenheit and remain filled for extended periods of time (Eng et al. 1990, Eriksen and Belk 1999). Water within pools supporting Riverside fairy shrimp may be clear, but more commonly it is moderately turbid (Eriksen and Belk 1999). Typically, pools supporting this species have low total dissolved solids and alkalinity (means of 77 and 65 parts per million, respectively), in association with pH at neutral or just below (7.1 to 6.4) (Eng et al. 1990, Gonzalez et al. 1996, Eriksen and Belk 1999).

Riverside fairy shrimp may also be found in disturbed vernal pool habitats where basins have been compacted or artificially deepened and therefore hold water for longer periods of time. Although basins supporting populations often appear to be artificially created or enhanced, such basins are located within soils that are capable of seasonal ponding and are often surrounded by naturally occurring vernal pool complexes. These “artificial basins” function in the same manner as naturally occurring vernal pools by filling with late fall, winter and/or spring rains that gradually dry up during the spring and/or summer (Service 1998a).

Life History

Riverside fairy shrimp are non-selective filter-feeders that filter suspended solids from the water column. Detritus, bacteria, algal cells, and other items between 0.3 to 100 microns may be filtered and ingested. Riverside fairy shrimp are preyed upon by a wide variety of wildlife, including beetles, dragonfly larvae, other arthropods, frogs, salamanders, toad tadpoles, shorebirds, ducks and other migratory birds, and even other fairy shrimp (Eriksen and Belk 1999).

Freshwater crustaceans, including Riverside fairy shrimp, have a two-stage life cycle and spend the majority of their life cycle in the cyst stage (Templeton and Levin 1979, Schaal and Leverich 1981). After hatching, Riverside fairy shrimp require 48 to 56 days to reach sexual maturity in contrast with other fairy shrimp that can reach maturity in less than 2 weeks (Hathaway and Simovich 1996). Fairy shrimp mate upon reaching maturity, and female Riverside fairy shrimp produce between 17 and 427 cysts (eggs) over their lifetime (Simovich and Hathaway 1997). The cysts are either dropped by the females to settle into the mud at the bottom of the pool, or they remain in the brood sac until the female dies and sinks to the bottom (Eriksen and Belk 1999). The cysts will hatch in 7 to 12 days when water temperatures are between 50 to 77 degrees Fahrenheit (Hathaway and Simovich 1996). A small percentage of cysts are likely to hatch in a season, thus providing a mechanism for survival if the inundation period is too short in a given year (Simovich and Hathaway 1997). Fairy shrimp cysts may persist in the soil for several years until conditions are favorable for successful reproduction (Simovich and Hathaway 1997).

Status and Distribution

The range of the Riverside fairy shrimp includes Ventura, Los Angeles, Orange, San Diego, and Riverside counties in southern California, and Bajamar in Baja California, Mexico (Brown *et al.* 1993, Service 1998a). With the exception of populations in Riverside and Ramona, all populations are within 10 miles of the coast over a north-south distance of approximately 125 miles.

In Ventura County, Riverside fairy shrimp were previously known from a single large pool in a grassland area within the Tierra Rejada Vernal Pool Preserve. However, wet season surveys conducted each season between 2002 and 2006 failed to locate any adults (Mountains Recreation and Conservation Authority 2006).

Riverside fairy shrimp habitat located on approximately 198 acres of open space in Los Angeles County was removed in conjunction with the Los Angeles International Airport Master Plan Project (Service 2004b) and Operations and Maintenance Activities Project (Service 2005) at Los Angeles International Airport (LAX). Cysts from LAX may be transferred to Madrona Marsh Preserve in the City of Torrance once pools have been restored for this species. A small number of Riverside fairy shrimp cysts, but no adults, have been found in Madrona Marsh (Angelos

2003). The species was previously reported from Cruzan Mesa; however, recent surveys found only vernal pool fairy shrimp (*Branchinecta lynchi*) at this location (Glenn Lukos Associates 2004).

In Orange County, extant pools create a chain of Riverside fairy shrimp habitat along the Orange County foothills. These pools are generally formed by depressions in slumping earth or impounded ephemeral streams (Riefner and Pryor 1996). From north to south, Riverside fairy shrimp occur on the former MCAS, El Toro (HELIX 2005a); Southern California Edison's Viejo Substation (PCR 1998); Live Oak Plaza (Glenn Lukos Associates 1997); Saddleback Meadows (Urban Vision 1997, HELIX 2000); adjacent to the northern boundary of O'Neill Regional Park, Tijeras Creek (Glenn Lukos Associates 2001); and within the San Juan Creek watershed at Chiquita Ridge and Radio Tower Road (Dudek and Associates 2001a).

In Riverside County, the species has been documented at the Skunk Hollow Pool in the Barry Jones Wetland Mitigation Bank (CNLM 2006); the Field Pool near the Skunk Hollow Pool (Eriksen 1988); the Australia Pool in Lake Elsinore back basin (RECON 1998); the Schleuniger Pool, north of La Estrella Road (Hayworth 1998); March Air Reserve Base (Patterson and Ayers 1998); Scott Pool, northeast of the intersection of Scott Road and Menifee Road (HELIX 2002); a stockpond and another basin at the Rancho California Road property (Black 2004b); Rainbow Canyon (Tom Dodson and Associates 2003a, 2003b); Pechanga Pool on the Pechanga Indian Reservation (Wegscheider 2006); two pools on Warm Springs Ranch (HELIX 2006a); and within created pools on Johnson Ranch (Neudecker 2003). In addition, Riverside fairy shrimp will be introduced to created pools on Clayton Ranch once habitat conditions are adequate to support the species (Service 2003a).

Occupied pools in Riverside County at Grizzle Ranch (Wegscheider 2004), the Garbani property (Michael Brandman Associates 2006), and Temecula Education Complex Project site (Western Riverside County Regional Conservation Authority 2006) will be filled in conjunction with approved development projects. The Garbani and Temecula Education Complex projects made a voluntary donation to the Western Riverside County Vernal Pool Conservation Fund. We are unaware of any measures taken to offset impacts at Grizzle Ranch.

In north coastal San Diego County, the Riverside fairy shrimp occurs in vernal pools on MCBCP (RECON 2001, Black 2004c, URS 2005) and at the Poinsettia Land Station in the City of Carlsbad (Dudek and Associates 1998). In central San Diego County, a single occupied pool occurs within MCAS Miramar (Branchiopod Research Group 1996). In southern San Diego County, the species occurs in pools on Otay Mesa near the U.S.-Mexico border (City of San Diego 2004). Of the 62 vernal pool complexes mapped by the City of San Diego's Vernal Pool Inventory (2002 to 2003), 10 were found to be occupied by Riverside fairy shrimp. The City of San Diego conducted non-protocol surveys for Riverside fairy shrimp. Therefore, this inventory may under-represent the true number of vernal pools with occurrences of Riverside fairy shrimp. In inland San Diego County, the Riverside fairy shrimp was observed once in the Ramona T

complex, in a vernal pool in Ramona partially on Ramona Airport property, and partially in preserved land adjacent to Ramona Airport (RECON 2007).

Many populations of Riverside fairy shrimp have been extirpated or have experienced drastic declines due to the substantial loss of habitat in southern California. The majority of the vernal pools within the range of the Riverside fairy shrimp were lost prior to 1990 (Service 1998a). Though extensive vernal pool habitat historically occurred on the coastal plain of Los Angeles and Orange counties (Mattoni and Longcore 1997), such habitat largely has been eliminated from these areas (Keeler-Wolf *et al.* 1998). Loss of habitat in San Diego County is estimated at 95 to 97 percent (Bauder 1986, Oberbauer 1990). Significant losses of vernal pools supporting this species have also occurred in Riverside County (66 FR 29385).

At the time of listing, Riverside fairy shrimp were known to inhabit nine vernal pool complexes within Riverside, Orange, and San Diego counties, and Baja Mexico, including four vernal pools in Riverside County, a population in Orange County, two areas in San Diego County, and two locations in Baja California, Mexico (58 FR 41385). However, we now believe the type locality (Murrieta Golf Course) for this species was likely already lost to development prior to listing (Eriksen and Belk 1999). In addition, the one population in Orange County referenced in the listing rule has never been confirmed. Thus, at listing, it is likely that there were only three extant occurrences of Riverside fairy shrimp known from Riverside County, two occurrences known from San Diego County, and two occurrences known from Mexico (i.e., five in the U.S. and two in Mexico) (Service 2008b).

Since listing, as many as 52 additional occupied complexes have been identified, some complexes have been extirpated, and we are unsure whether the species persists in three complexes. Hence, currently 45 known occupied vernal pool complexes (approximately 200 occupied pools) exist, which includes a man-made complex at Johnson Ranch in western Riverside County. More than half of all extant complexes known to contain Riverside fairy shrimp are in San Diego County, including eight complexes on MCBCP. These eight complexes are of particular interest as they support approximately 56 percent of all identified individual vernal pools known to be occupied by the Riverside fairy shrimp (RECON 2001, 2007; MCBCP 2007). Approximately 24 percent of extant known occupied complexes are in Riverside County, and approximately 17 percent are in Orange County. We have no information on the current status of the two occurrences known in Mexico at the time of listing.

A summary of occupied vernal pool complexes is provided in Appendix 1 of the *Riverside Fairy Shrimp (Streptocephalus woottoni) 5-Year Review: Summary and Evaluation* (Service 2008b).

Threats and Conservation Needs

The loss and modification of vernal pool habitat continues to be a significant threat to the Riverside fairy shrimp, especially in areas where urbanization is expected to expand. Of the estimated 45 vernal pool complexes known to be occupied, Service files show that approximately

27 percent are on military land where they are managed for conservation under Integrated Natural Resource Management Plans or protected by other means, and approximately 36 percent are at least partially conserved on other lands. At least nine complexes known to be occupied by the Riverside fairy shrimp at or since its listing have been developed and the status of many more is uncertain but likely extirpated. Of the estimated 45 occupied vernal pool complexes, 10 complexes have been partially lost to development (approximately 7 acres of habitat lost), and 8 additional complexes contain pools that have been impacted [damaged, but not totally impacted (Appendix 1 of Service 2008b)]. Acquisition of land and conservation easements have resulted in the preservation of vernal pool habitat for the species, but the trend of habitat loss and degradation continues, particularly on private lands. Additionally, even preserved lands are often subject to invasion by non-native plants and other impacts that lower the quality of habitat for Riverside fairy shrimp (Service 2008b).

Riverside fairy shrimp habitat is also threatened by indirect effects of development (including human access and disturbance impacts, runoff, dumping of trash and litter, and water and air pollution) resulting from the proximity of Riverside fairy shrimp habitat to development. Non-native plants also threaten Riverside fairy shrimp throughout the range of the species. Off-highway vehicle use for recreation, law enforcement (including Border Patrol), and the military threatens this species throughout much of its range. Riverside fairy shrimp habitat is naturally fragmented, but development projects continue to further fragment and isolate vernal pools within and between complexes, which may disrupt the population dynamics of the species. Conservation measures beyond habitat preservation, such as habitat and species management and monitoring, are necessary to ensure the long-term sustainability and persistence of this species throughout its range (Service 2008b).

Impacts to Riverside fairy shrimp habitat from development have been offset through the creation, restoration, enhancement, and management of habitat. In some cases, due to security of the site and the active management of the vernal pools, the species status has improved. In addition, grants have been awarded to restore habitat in several areas including Otay Mesa, the San Diego NWR, and Sweetwater Authority lands. Sites that have been created, restored, or enhanced benefit from fencing and management, which further removes threats from the site that were previously occurring at these sites (Service 2008b).

Quino Checkerspot Butterfly

Listing Status

The Quino checkerspot butterfly was listed as endangered on January 16, 1997 (62 FR 2313). The Service published a final revised critical habitat rule on June 17, 2009 (74 FR 28776). The *Quino Checkerspot Butterfly (Euphydryas editha quino) Recovery Plan* ("Quino recovery plan") was completed in 2003. On August 18, 2009, the Service completed a 5-Year Review and recommended no change in the status of the Quino checkerspot butterfly (Service 2009b).

Species Description

The Quino checkerspot butterfly is a recognized subspecies of Edith's checkerspot butterfly (*Euphydryas editha*) and is a member of the Nymphalidae family, the brush-footed butterflies. The Quino checkerspot butterfly differs from the other Edith's checkerspot subspecies in size, wing coloration, and larval and pupal phenotypes (Mattoni et al. 1997). Among the other subspecies of Edith's checkerspot, the Quino checkerspot butterfly is moderate in size with a wingspan of approximately 1.5 inches. The dorsal (top) side of its wings is covered with a red, black, and cream colored checkered pattern; the ventral (bottom) side is mottled with tan and gold. Its abdomen generally has bright red stripes across the top. Quino checkerspot butterfly larvae are black and have a row of nine, orange-colored tubercles (fleshy/hairy extensions) on their back. Pupae are extremely cryptic and are mottled black and blue-gray.

Habitat Affinities

The primary larval food sources or host plants for the Quino checkerspot butterfly are dot-seed plantain, wooly plantain, thread-leaved bird's beak, white snapdragon, and Chinese houses. Larval Quino checkerspot butterfly may also use other species of plantain and annual owl's clover as primary or secondary host plants and are thought to diapause in or near the base of native shrubs. While the use patterns of primary and secondary larval host plants are not fully understood, there is evidence that both may be necessary for the survival of Quino checkerspot butterfly larvae (Service 2003b). Quino checkerspot butterfly larvae, particularly in the early instars, have a very limited capacity for dispersion. Therefore, high local host plant density is necessary for high larval survival rates (Service 2003b). As adults, Quino checkerspot butterflies use a number of flowering plants as nectar sources (Service 2003b, Mattoni et al. 1997).

Habitat patch suitability is determined primarily by larval host plant density, topographic diversity, nectar resource availability, and climatic conditions (Service 2003b). Quino checkerspot butterflies are generally found in open areas and ecotone situations within a variety of plant communities, including grasslands, chaparral, and coastal sage scrub, and vernal pools. Open areas within a given vegetation community seem to be critical landscape features for Quino checkerspot butterfly populations. Optimal habitat appears to contain little or no invasive exotic vegetation and a well-developed crytogamic crust. Sustained drought conditions can lead to extirpation of local populations, and broad scale climate anomalies may lead to phenological incompatibility between Quino checkerspot butterfly and their host plants.

Life History

The life cycle of the Quino checkerspot butterfly typically entails one generation of adults per year, with a 4 to 6 week flight period occurring between January and May, depending on weather conditions (Service 2003b). During the flight period, adult butterflies move about and search for nectar sources, mates, and oviposition sites. Females lay multiple masses of 20 to 150 eggs with a single female capable of producing more than 1,000 eggs (Service 2003b).

After hatching from eggs, the small, cryptic, larvae normally consume the plant on which they hatch and then migrate in search of additional plants (Service 2003b). Food plants dry up as summer approaches. In their third or fourth instar, larvae enter into an obligatory diapause. Diapause is a low-metabolic resting state that may last for a year or more, depending on conditions. Diapause allows larvae to survive the regular seasonal climatic extremes and also to better survive times of extended adverse conditions, such as drought. After termination of diapause, larvae become active and feed. They then enter their pupal stage and within 2 to6 weeks, transform into the adults and emerge as butterflies. The butterflies feed, disperse, mate, reproduce, and then die. Adults live for approximately 10 to 14 days.

Adult Quino checkerspot butterflies are sedentary by nature and generally fly close to the ground. Evidence from the Bay checkerspot butterfly suggests that although some individuals are capable of dispersing over 3 miles, dispersal is essentially random if individuals are more than 164 feet from suitable habitat, and successful long-distance dispersal is rare (Harrison 1989). For the Quino checkerspot butterfly, many experts familiar with the species believe that populations separated by more than 2 miles may be demographically isolated. However, responses to abiotic factors, such as weather, may increase the distance butterflies would move (Ehrlich and Murphy 1987). Plant resources shift over time, and Quino checkerspot butterfly populations have evolved to respond to shifting habitat patch suitability in space and time (67 FR 18359). Additionally, adult Quino checkerspot butterfly are known to "hilltop." Hilltopping is a behavior where male, and to a lesser extent female, butterflies form territories on hilltops, ridgelines, and other prominent geographic features in order to locate mates. Therefore, hilltops and ridgelines may be crucial for population survival, even in the absence of nearby larval host plants.

Quino checkerspot butterfly population density appears to fluctuate drastically in response to annual climate variability (Murphy and White 1984). This population variability likely leads to extirpation and recolonization of local populations or metapopulation structure. Metapopulation dynamics have been studied extensively for the Bay checkerspot butterfly (Harrison et al. 1988), and at least some Quino checkerspot butterfly locations are thought to be governed by metapopulation dynamics (Murphy and White 1984). Because local populations of Quino checkerspot butterfly are likely susceptible to extirpation, it is important to maintain connectivity among local populations to allow for recolonization from nearby local populations (Service 2003b).

Status and Distribution

The Quino checkerspot butterfly was historically found from the coastal slopes of Los Angeles, Orange and San Diego counties as well as northern Baja California east to southwestern San Bernardino County and the western edge of the upper Anza-Borrego desert. The Quino checkerspot butterfly is now known only from western Riverside County, southern San Diego County, and northern Baja California, Mexico.

The Quino checkerspot butterfly may have once been one of the most abundant butterflies in coastal southern California, but by the 1970s most of the coastal bluff and mesa habitats in southern California had been urbanized or otherwise disturbed. The butterfly still occupied known habitat locations inland and at higher elevations including Dictionary Hill, Otay Lakes, and San Miguel Mountain in San Diego County and the Gavilan Hills in Riverside County. By the middle 1980s the species was thought to have disappeared from the known locations, and the petition to list the species in 1988 suggested that it might be extinct. Current information suggests that the butterfly has been extirpated from Los Angeles, Orange, and San Bernardino counties and the North County MSCP planning area in San Diego County. New populations were discovered in portions of Riverside and San Diego counties, and the species continues to survive in northern Baja California, Mexico. Overall, more than 75 percent of the Quino checkerspot butterfly's historical range has been lost (Brown 1991, Service database), and more than 90 percent of the subspecies' coastal mesa and bluff habitat, where most historical records are located, has been destroyed by habitat fragmentation, degradation, and development (Service database).

For a detailed discussion of the current distribution of the Quino checkerspot butterfly within these areas, please refer to the Quino recovery plan (Service 2003b). The Quino recovery plan identifies six recovery units throughout Riverside and San Diego counties and describes the known extant occurrence complexes (or metapopulations) throughout the range of the subspecies.

Significant areas of remaining Quino checkerspot butterfly habitat have recently been protected through inclusion in habitat conservation plan preserve areas, the San Diego NWR, and habitat acquisition initiatives as described below.

The MSCP did not list the Quino checkerspot butterfly as a covered species at the time it was developed. However, the City of Chula Vista did cover the Quino checkerspot butterfly in its MSCP Subarea Plan conserving 2,806 acres of Quino checkerspot butterfly habitat. Chula Vista also provides active Quino checkerspot butterfly management in their preserve areas. Lands placed into the Service's San Diego NWR also provide for the conservation of the Quino checkerspot butterfly. The Rancho San Diego and Las Montañas Occurrence Complexes are located on the Otay/Sweetwater Unit of this refuge with approximately 9,000 acres of Quino checkerspot butterfly habitat conserved. The California Department of Fish and Game (CDFG) manages over 10,000 acres of occupied Quino checkerspot butterfly habitat within the current San Diego regional MSCP preserve. In addition, the Service provided the State of California with funding for the additional acquisition of 824 acres of Quino checkerspot butterfly habitat in the Proctor Valley area of the Southwest San Diego Recovery Unit.

The Western Riverside County Multiple Species Habitat Conservation Plan supports approximately 209,551 acres of potential Quino checkerspot butterfly habitat. To offset impacts to Quino checkerspot butterfly, approximately 52,502 acres or 25 percent of this potential habitat within western Riverside County will be conserved and managed to benefit the Quino

checkerspot butterfly. The conservation anticipated by this plan includes acquiring habitat supporting known occurrences of the subspecies.

Threats and Conservation Needs

The Quino checkerspot butterfly is threatened primarily by urban and agricultural development, non-native plant species invasion, off-road vehicle use, grazing, and fire management practices (62 FR 2313). These threats destroy and degrade the quality of habitat and result in the extirpation of local Quino checkerspot butterfly populations. Also, enhanced nitrogen deposition, elevated atmospheric carbon dioxide concentrations, and climate change may have contributed to Quino checkerspot butterfly population declines (Service 2003b). Other threats to the species identified in the final listing rule (62 FR 2313) include illegal trash dumping and predation.

Non-native invasive plants may directly out-compete native plants, including butterfly host-plant species. This effect has been documented in a native plant community that supports the Bay checkerspot butterfly (*Euphydryas editha bayensis*) in the San Francisco Bay area (Weiss 1999). Not only does the increase in non-native plants degrade the quality of the native habitat, it may also increase the frequency or severity of wildfires, further adversely impacting the vegetation community and butterfly species.

Conservation needs include protecting habitat supporting known current populations (occurrence complexes) and landscape connectivity among them; conducting research to refine recovery criteria; and managing and enhancing Quino checkerspot butterfly habitat.

Otay Tarplant Critical Habitat

Listing Status

The Service published a final rule designating critical habitat for Otay tarplant on December 10, 2002 (67 FR 76030).

Critical Habitat Description

Three critical habitat units have been designated for Otay tarplant on 6,330 acres in San Diego County, California. Designated critical habitat includes sufficient habitat to maintain self-sustaining populations of Otay tarplant throughout its range. The individual units contain essential habitat for Otay tarplant and help to identify special management considerations for the species. The proposed Otay Crossings project includes portions of Unit 3 (Otay Valley/Big Murphy's Unit) of the final critical habitat designation. Unit 3 encompasses approximately 2,250 acres and contains populations in the southern and eastern extent of the species' historical distribution (Figure 8). Unit 3 was designated because it contains multiple large Otay tarplant populations that are capable of producing large numbers of individuals in good years, which is

important for this species to survive through a variety of natural and environmental changes, as well as stochastic (random) events (67 FR 76042).

PCEs are the physical and biological features essential to the conservation of the species that may require special management considerations or protection. The PCEs for Otay tarplant critical habitat are soils with a high clay content (generally greater than 25 percent) or clay intrusions or lenses that are associated with grasslands, open coastal sage scrub, or maritime succulent scrub communities between 80 and 1,000 feet elevation (67 FR 76040).

Please refer to the final critical habitat rule (67 FR 76030) for detailed information on the units, including their sizes, locations, and special management considerations.

Threats and Conservation Needs

When designating critical habitat, we assess whether the areas within the geographical area occupied at the time of listing contain the PCE that may require special management considerations or protection. Examples of special management actions that may be necessary to protect essential habitat features and thus prevent further declines and loss of populations of tarplant include: 1) actions to prevent the degradation and/or type conversion of grasslands, open coastal sage scrub, or maritime succulent scrub into other unsuitable habitats, and 2) actions to restore degraded habitat areas. The PCE contained within Unit 3 may require special management considerations or protection to minimize impacts associated with habitat type conversion and degradation occurring in conjunction with urban and agricultural development (67 FR 76042).

ENVIRONMENTAL BASELINE

Regulations implementing the Act (50 CFR § 402.02) define the environmental baseline as the past and present impacts of all Federal, State, or private actions and other human activities in the action area. Also included in the environmental baseline are the anticipated impacts of all proposed Federal projects in the action area that have undergone section 7 consultation and the impacts of State and private actions that are contemporaneous with the consultation in progress.

Project Site Characteristics and Surrounding Land Uses

The project site is generally bounded by Otay Mesa Road to the north, the U.S. – Mexico international border to the south, Otay Mountain foothills to the east, and the future SR-11/SR-905 Interchange and SR-905 to the west. The land in the vicinity of the project sites is mostly private property, with the exception of a narrow strip along the southern boundary that is owned by the federal government and includes the border fence and associated roads. The land to the east is currently undeveloped, while much of the land to the north and west is developed or in the process of being developed. Land use to the south in Tijuana, Mexico is developed.

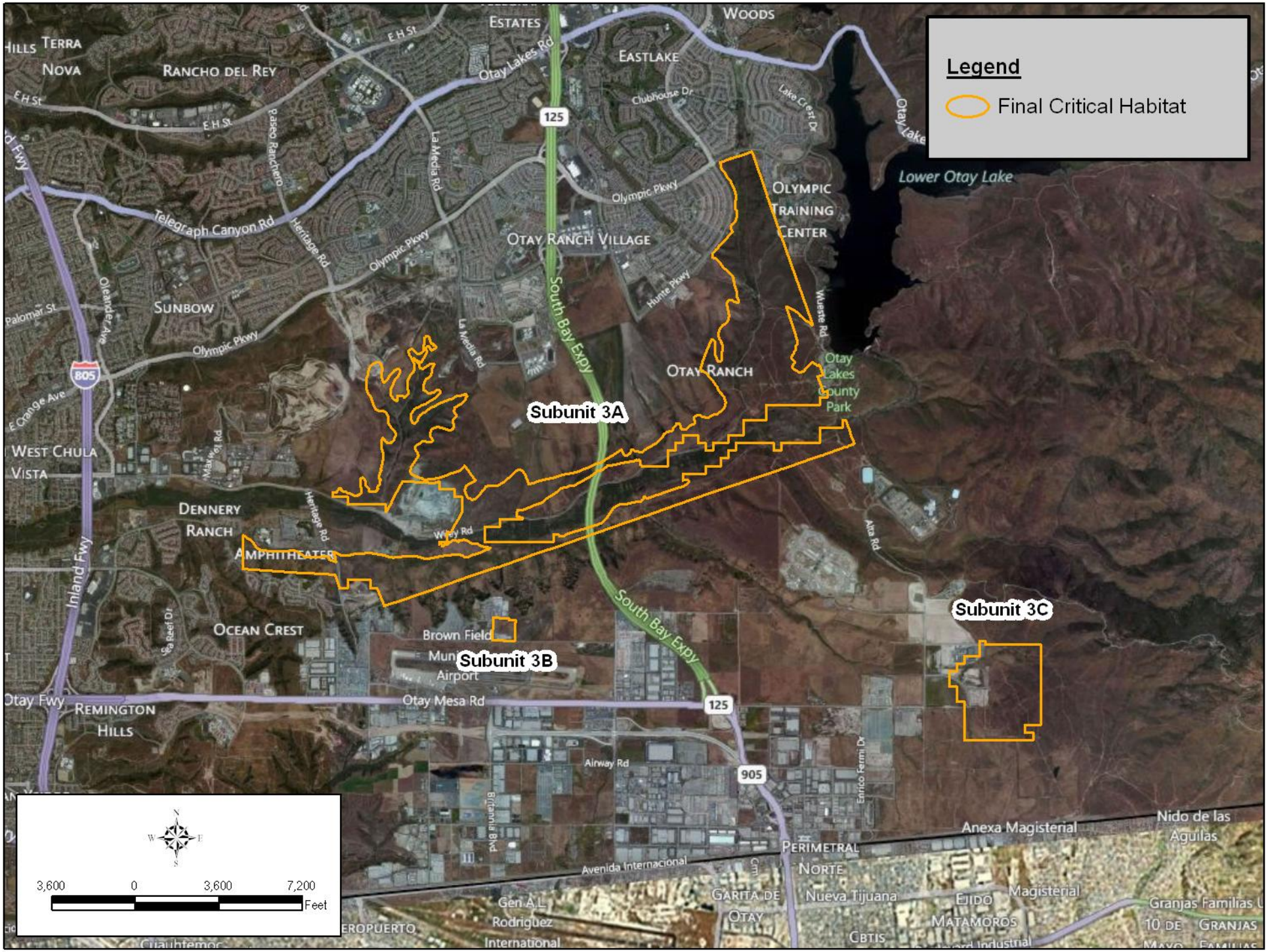

Figure 8. Unit 3 Otay Tarplant Critical Habitat.

Topography on the project site is generally flat, with areas to the east sloping up towards Otay Mountain. Several drainages cross the site that covey water south into Mexico. An area of mima mound topography occurs on a small hill that extends north from the border near the central part of the Otay Business Park portion of the site. Soils on the project site include Salinas clay, Diablo clay, and Huerhuero loams (Bowman 1973), which typically support vernal pools when they occur in flat areas such as Otay Mesa.

Historically, much of the project site was used for agriculture, and while no longer supporting agricultural uses, much of the site is disturbed due to frequent U.S. Border Patrol and military training activities and illegal off-road vehicle use. Sixteen vegetation communities occur on the project site, including vernal pools, freshwater marsh, mule fat scrub, tamarisk scrub, native grassland, Diegan coastal sage scrub, non-native grassland, and eucalyptus woodland; however, non-native grasslands predominate with a small area of coastal sage scrub on the eastern edge of the Otay Crossings project boundary. Wetland resources on the project site include a network of small drainages, road pools and vernal pools[5]. Most of the vernal pools are located on the small mesa with mima mound topography. Collectively the site supports 0.14 acre of vernal pools and 0.10 acre of road pools occupied by fairy shrimp; and 1.02 acre of unoccupied road (0.97) and vernal (0.05) pools.

Relationship to MSCP

The MSCP is a comprehensive habitat conservation plan that addresses multiple species' needs and the preservation of native vegetation communities within the southwestern subregion of San Diego County. The MSCP is assembling a landscape preserve system rather than using a project by project approach to biological mitigation. The proposed project site is located within the County's Subarea Plan for the MSCP and is designated as a Minor Amendment area defined as "properties that contain habitat that could be partially or completely eliminated (with appropriate mitigation) without significantly affecting the overall goals of the County's Subarea Plan." Caltrans is not a permittee under the MSCP; therefore, their project (SR-11 and Port of Entry) is not subject to the requirements of the MSCP. However, the MSCP requirements aply to the Otay Crossings and Otay Business Park projects.

The Service and CDFG concurred with Minor Amendment for these two projects in letters to the County dated March 31, 2011 (FWS-SDG-10B0091-11TA0341 and 09B0264-11TA0342). In our letters to the County, we concurred with the County's determination that the projects were consistent with the County's Biological Mitigation Ordinance and the overall goals of the County's Subarea Plan for the MSCP, provided that our recommended conditions were included into the County's conditions for approval of the projects.

[5] "Vernal pools" are distinguished from "road pools" in that they support vernal pool flora, whereas road pools are devoid of vegetation but may be occupied by San Diego and/or Riverside fairy shrimp.

The Lonestar Ridge property is located within the City of San Diego's Subarea Plan for the MSCP (City of San Diego 1997). The Lonestar Ridge Conservation Area, which is part of the greater area known as the Lonestar Ridge property, was originally a hardlined project that included both development and open space areas. The other offsite conservation site, the O'Neal Canyon property, was purchased by Otay Crossings and incorporated into the County's MSCP preserve.

Species and Critical Habitats within the Project Site

Multiple biological surveys have been conducted for the three proposed projects between 2000 and 2009 (Table 5). HELIX Environmental Planning, Inc. (HELIX) prepared Biological Technical Reports for Otay Crossings (HELIX 2010a) and Otay Business Park (HELIX 2010b) and the Tier II Natural Environmental Study for the SR-11 and the Port of Entry project (HELIX 2010c). These reports include a summary of the environmental work that was completed for each of the projects. Each project conducted vegetation mapping, rare plant surveys, fairy shrimp surveys, burrowing owl (*Athene cucicularia*) surveys, coastal California gnatcatcher surveys, Quino checkerspot butterfly surveys, and a jurisdictional delineation. Please refer to the biological technical reports for each of the projects for detailed information regarding these survey efforts.

Table 5. Biological surveys conducted for the SR-11 and Port of Entry, Otay Crossings, and Otay Business Park projects between 2000 and 2009.

Type of Survey	2000	2001	2004	2005	2006	2008	2009
General botanical/wildlife	X	X		X	X	X	X
Map vegetation	X		X	X		X	X
Update mapped vegetation					X	X	
Basin/vernal pool mapping		X		X	X	X	X
Watershed mapping				X	X		X
Special status plants	X			X	X		X
Wet season fairy shrimp		X	X	X	X	X	X
Dry season fairy shrimp	X	X		X	X	X	X
Quino checkerspot butterfly		X		X	X		X
Coastal California gnatcatcher		X		X	X		X
Burrowing owl	X	X	X	X	X		X

Vernal Pool Species

Surveys consistent with the Service's recommended protocol have been conducted on the three project sites between 2000 and 2009 (Table 5). During these surveys, San Diego fairy shrimp

were detected in 11 pools, Riverside fairy shrimp were detected in 2 pools, and both species were detected in 3 pools. In addition, 1.02 acres of un-occupied vernal/road pools were mapped on site. Spreading navarretia and San Diego button celery were observed in one pool on the Otay Business Park project site. Table 6 summarizes the vernal pool resources by project site (i.e., number of basins and acreage of basins and critical habitat).

The vernal pool species addressed in this biological opinion historically occurred in vernal pool complexes throughout the Otay Mesa ecosystem, which is part of the San Diego Southern Coastal Mesa Management Area identified in the vernal pool recovery plan (Service 1998a). Many of these vernal pool complexes, including the pool complexes within the three project sites, have been developed, converted to agriculture, and/or degraded by off-highway vehicle use. The vernal pool recovery plan (Service 1998a) identifies several vernal pool complexes on Otay Mesa, including the complexes within the Lonestar Ridge Conservation Area as important for the recovery of these species. The vernal pool recovery plan does not include any information about the vernal pools within the three project sites; thus, we assume they were not known at the time the recovery plan was issued.

Table 6. Summary of vernal pool resources on the project site.

Habitat	SR-11 and POE (Basins/acres)	Otay Crossings (Basins/acres)	Otay Business Park (Basins/acres)	Total Impacts (Basins/acres)
Road Pool	10 / 0.42	25 / 0.16	47 / 0.39	82 / 0.97
Road Pools w/ Riverside fairy shrimp	0/0	0/0	1 / 0.004	1 / 0.004
Road Pools w/ San Diego fairy shrimp	0/0	0/0	10 / 0.081	10 / 0.081
Road Pools w/ both species of shrimp	0/0	1 /0.0027	2 / 0.017	3 / 0.0173
Vernal Pools with no listed species	0/0	0/0	2 / 0.05	2 / 0.05
Vernal Pool w/ Riverside fairy shrimp	0/0	0/0	1 / 0.009	1 / 0.009
Vernal Pool w/ San Diego fairy shrimp, San Diego button celery, and spreading navarretia	0/0	0/0	1 / 0.083	1 / 0.083
San Diego fairy shrimp critical habitat	0 / 89.07	0 /12.97	0 / 98.01	0 / 200.05

The overlapping project sites are located within Subunit 5D of designated critical habitat for the San Diego fairy shrimp, which is one of 8 subunits included in Unit 5. As described above under the *Status of the Species* section of this biological opinion, PCEs for San Diego fairy shrimp designated critical habitat include shallow basins within a matrix of surrounding uplands that are on clay soils. PCEs are found throughout the overlapping project sites.

Quino Checkerspot Butterfly

Recent Quino checkerspot butterfly observations in southwestern San Diego County are concentrated in lower elevation areas surrounding east Otay Valley, Otay Mountain, the Jamul Mountains, and San Miguel Mountain. Historic population distributions extended across Otay Mesa, with high densities reported in the vicinity of Brown Field (Murphy and White 1984). The overlapping project sites are located along the western edge of the occupied areas surrounding Otay Mountain and the restoration sites (i.e., Lonestar Ridge East and West conservation parcels) are located within the historical habitat adjacent to Brown Field. The overlapping project sites, the offsite restoration sites within the Lonestar Ridge Conservation Area, and O'Neal Canyon are located within the Southwest San Diego recovery unit and the West Otay Mountain occurrence complex. Each recovery unit is composed of several named "occurrence complexes," which can be defined as presumed metapopulations for which not enough data are available to definitively classify population structure (Service 2003b).

There is no estimate of suitable habitat for Quino checkerspot butterfly on the three overlapping project sites. Numerous nectar sources [e.g., goldfields (*Lasthenia califonrica*), ground pink (*Linanthus dianthiflorus*), and popcorn flower(*Cryptantha/Plagiobothrys spp*) and larval host plants (dot-seed plantain and annual owl's clover) were found in disjunct areas across the three overlapping project sites in surveys conducted by Caltrans in 2009; however, these resources were not mapped. In the absence of a map identifying specific areas of nectar sources and host plants, we included the onsite areas of coastal sage scrub, native grassland, and non-native grassland to represent suitable Quino checkerspot butterfly habitat as these vegetation types typically support nectar sources and host plants.

Focused surveys to determine the presence/absence of Quino checkerspot butterfly were conducted four times between 2001and 2009 (Table 5). A total of four individual butterflies have been observed within the project sites including three on the Otay Business Park project site and one within the SR-11 and Port of Entry project site. Within the three overlapping project sites, the best remaining habitat for Quino checkerspot butterfly is located on the upper slopes of the hill in the south-central portion of the Otay Business Park project site where one of the butterflies was observed (HELIX 2010b).

There is high quality habitat occupied by Quino checkerspot butterfly to the east of the project sites along the lower slopes of Otay Mountain, and individuals may disperse from those areas and use resources on the project sites. The overlapping project sites may support small populations of Quino checkerspot butterfly from year to year; however, it is unlikely the project sites support a large population of Quino checkerspot butterfly based on the present habitat conditions. Overall, the project site contains marginal habitat for the Quino checkerspot butterfly. This conclusion is supported by the low number of butterflies that have been observed on site despite the numerous surveys that have been conducted.

Otay Tarplant Critical Habitat

The Otay Crossings project site includes 32 acres of designated critical habitat for the Otay tarplant within Subunit 3C (316 acres), which is one of 3 subunits included in Unit 3 (2,250 acres). Based on our review of aerial photographs, we estimate that approximately 55 acres of designated critical habitat has already been lost from this unit, just north of the project site. Seven acres of designated critical habitat, including all of the plants (97 plants) observed on site, will be conserved within the onsite open space areas in the northeasterly portion of the project site (Figure 9). As described above under the *Status of the Species* section, the PCEs for Otay tarplant critical habitat includes soils with a high clay content that are associated with grasslands, open coastal sage scrub, or maritime succulent scrub communities. PCEs for this species occur within all of the 32-acre area designated as critical habitat for the Otay tarplant within the Otay Crossings project site.

Proposed Offsite Conservation Areas

The proposed restoration sites support much higher quality habitat and are contiguous with the regional preserve system that is being established for the MSCP. The Lonestar Ridge Conservation Area is undeveloped with habitat consisting primarily of non-native grasslands over the mesa top and high-quality Diegan coastal sage scrub in the canyons. Vernal pools and mima mound topography are present throughout much of the Lonestar Ridge Conservation Area and include portions of the J 29, 30, and 31 vernal pool complexes (Bauder 1986; City of San Diego 2004). Quino checkerspot butterfly were historically found within the Lonestar Ridge Conservation Area.

The Lonestar Ridge Conservation Area includes approximately 254 acres of designated critical habitat for San Diego fairy shrimp (Subunit 5b); 196 acres for Quino checkerspot butterfly (Unit 8); and 152 acres for spreading navarretia (Subunit 5I). The Lonestar Ridge Conservation Area also includes approximately 296 acres of proposed critical habitat for the Riverside fairy shrimp.

In addition to their contribution to conservation of the Lonestar Ridge Conservation Area, the project proponent for the Otay Crossings project purchased property in O'Neal Canyon that is also designated critical habitat for the Quino checkerspot butterfly within Unit 8. The Otay Business Park project proponent has an additional offsite requirement of the MSCP to conserve non-native grasslands; however, they have not identified a site to fulfill this obligation. Table 7 provides the acreage of critical habitat designated on the Lonestar Ridge Conservation Area by species, habitat acreages, and a summary of number of species locations at the site. The proposed offsite conservation lands for each of the proposed projects are discussed in more detail below.

Table 7. Critical habitat designations (acres), habitats (acres), and species occurrences at the Lonestar RidgeConservation Area.

Habitat	SR-11/POE Lonestar Ridge West	Otay Crossings Lonestar Ridge East	Otay Business Park Lonestar Ridge East	Total Conservation
San Diego Fairy Shrimp CH	155.4	36.8	62.2	254.4
Proposed Riverside Fairy Shrimp CH	155.4	76.7	63.5	295.6
Quino Checkerspot CH	87.0	40.4	68.7	196.2
Spreading Navarretia CH	85.0	17.8	49.4	152.2
Non-native grassland	169.0	74.7	56.8	300.5
Coastal sage scrub	12.0	7.2	11.3	30.5
Otay Mesa Mint (# of pools)	0	0	2	2
SD Button-Celery (# of pools)	25[1]	11[3]	32	64
San Diego Fairy Shrimp (# of pools)	14[1]	4[4]	1	14
Riverside Fairy Shrimp (# of pools)	1[1]	0	0	1
Quino Checkerspot Locations	4[2]	0	0	4

[1] Surveys conducted in 2011 (Caltrans 2011)
[2] Surveys conducted in 2004 (HELIX 2004)
[3] Surveys conducted in 1992 (Dudek 1992)
[4] Surveys conducted in 2008 (HELIX 2008a)

Lonestar Ridge West Conservation Parcel (SR-11 and Port of Entry Project)

The Lonestar Ridge West conservation parcel [6] totals 184 acres and supports approximately 169 acres of non-native grassland, 12 acres of Diegan coastal sage scrub, 0.5 acre of eucalyptus woodland, a 0.25- acre stock pond, 0.85 acre of vernal pool basins, and 0.1 acre of unvegetated basins (HELIX 2009). San Diego button-celery has been observed in 25 pools, San Diego fairy shrimp in 14 pools, and Riverside fairy shrimp in 1 pool (Caltrans 2011; Table 7). The western parcel includes 155.4 acres of designated critical habitat (Subunit 5D) for the San Diego fairy shrimp and proposed critical habitat (Subunit 5D) for the Riverside fairy shrimp.

In 2004, the southwest portion of the Lonestar Ridge West conservation parcel was surveyed and four Quino checkerspot butterflies were observed (Helix 2004).. Subsequent surveys conducted by HELIX across the entire Lonestar Ridge West conservation parcel (2005, 2006, and 2007) did not detect any Quino checkerspot butterflies. In addition, no butterflies were detected during biological surveys conducted by Caltrans in 2010. Although it is likely that most areas of the Lonestar Ridge West conservation parcel is unsuitable for the Quino checkerspot butterfly due to the presence of non-native grasses, there are small areas of nectar sources and larval host plants scattered throughout the proposed restoration sites.

[6] The two small disjunct parcels located east of SR-125 are included in the summary of habitat types.

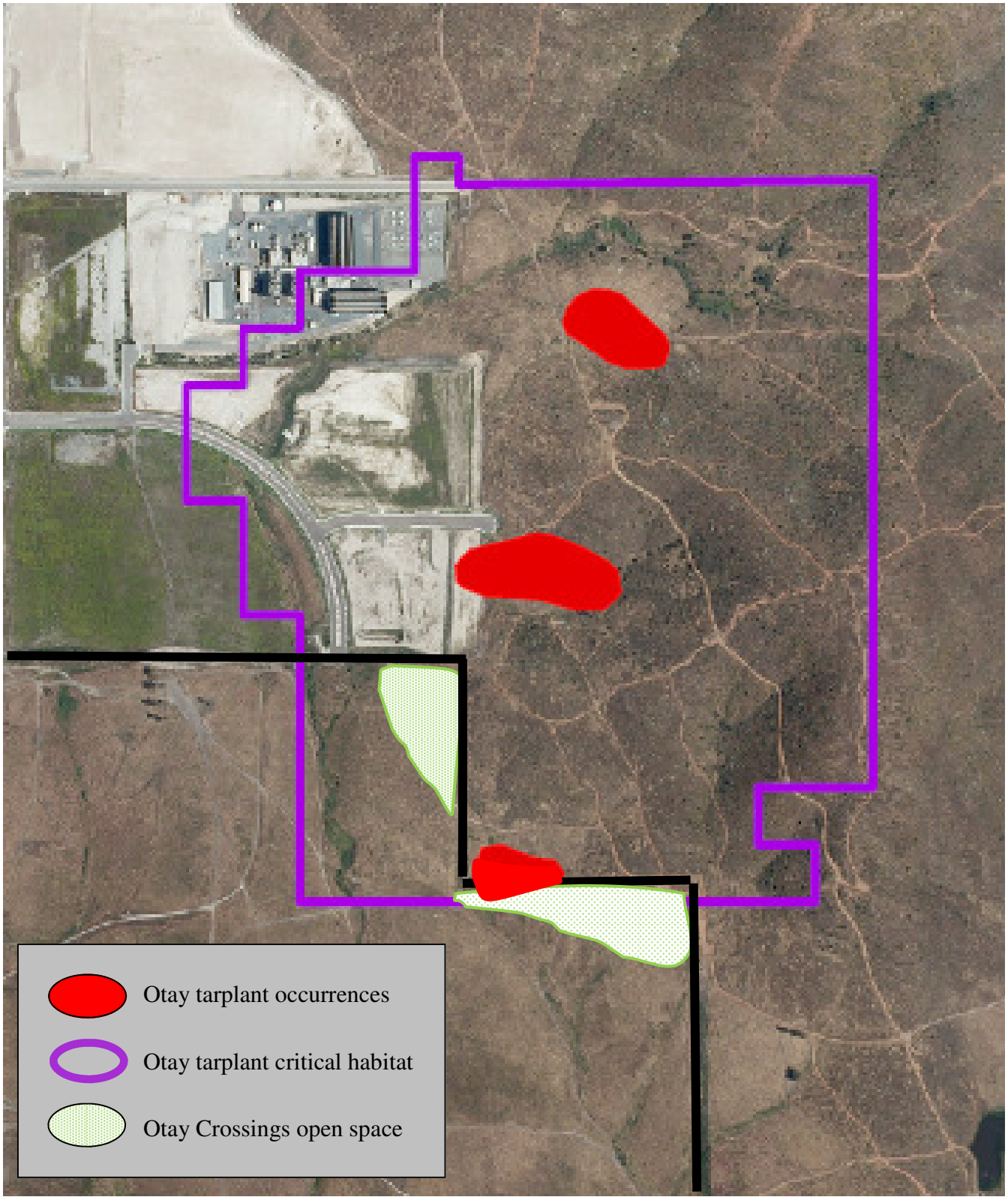

Figure 9. Otay tarplant critical habitat, Otay tarplant occurrences, and designated open space on the Otay Crossings project site.

Lonestar Ridge East Conservation Parcels (Otay Crossings Project)

Lonestar Ridge East conservation parcels totaling 82 acres were purchased by the project proponents for the Otay Crossings project and support approximately 75 acres of non-native grassland, 7 acres of Diegan coastal sage scrub, and 0.34 acre of vernal/road pool basins. Although San Diego button-celery had been previously observed in 11 pools (Dudek 1992), the species was not detected in the more recent surveys (HELIX 2009). The San Diego fairy shrimp has been observed in 4 pools (HELIX 2008a). An individual Quino checkerspot butterfly was observed during surveys conducted in 2001 (Dudek 2001b) within the SR-125 restoration site that is contiguous with the Lonestar Ridge East Conservation parcels. An individual was also observed in both 2003 and 2004 (HELIX 2003; 2004) within the 23acres of conservation lands that are not a part of the proposed project (Figure 3). However, as with Lonestar Ridge West, not all areas of Lonestar Ridge East were surveyed in 2003 and 2004. Subsequent surveys across the entire Lonestar Ridge East parcels did not detect any Quino checkerspot butterflies (HELIX 2005b; 2005c; 2006b; 2006c; 2007a; 2007b). Although it is likely that most areas within the Lonestar Ridge East conservation parcels (i.e., specific areas purchased for the Otay Crossings project) are unsuitable for the Quino checkerspot butterfly due to the presence of non-native grasses, there are small areas of nectar sources and larval host plants scattered throughout the proposed restoration sites.

The Lonestar Ridge East conservation parcels, including areas along Johnson Canyon and the portion of the site acquired by the Otay Crossings project, support habitat suitable for Otay Tarplant. Over 330,000 individuals of Otay tarplant were observed in the 23-acre area that Otay Crossings is reserving for future projects (HELIX 2009). .

Lonestar Ridge East Conservation Parcels (Otay Business Park)

Lonestar Ridge East conservation parcels totaling 69 acres were purchased by the project proponents for the Otay Business Park project and support approximately 57 acres of non-native grassland, 11 acres of Diegan coastal sage scrub, and 0.66 acre of vernal and/or road pool basin area (HELIX 2011). San Diego button-celery has been observed in 32 pools, Otay Mesa mint in one pool, and San Diego fairy shrimp in one pool. Although it is likely that most areas within the Lonestar Ridge East conservation parcels (i.e., specific areas purchased for the Otay Business Park project) are unsuitable for the Quino checkerspot butterfly due to the presence of non-native grasses, there are small areas of nectar sources and larval host plants scattered throughout the proposed restoration sites. There is no available Quino checkerspot butterfly survey data documenting presence at this site.

O'Neal Canyon

The project proponents for the Otay Crossings project also purchased two parcels (84 acres) in O'Neal Canyon (Figure 2) and transferred ownership to the Bureau of Land Management (BLM) who has assumed the long-term management responsibilities for the site. The parcels are located

east of Alta Road and north and south of the Otay Mountain Truck Trail. The parcels abut other lands owned by BLM on the north and east. Habitats on site include southern mixed chaparral, chamise chaparral, and Diegan coastal sage scrub. Host and nectaring plants in sufficient quantities to support the Quino checkerspot butterfly occur on both parcels. Surveys in 2008 detected at least five Quino checkerspot butterflies on site (HELIX 2008b).

EFFECTS OF THE ACTION

Effects of the action refer to the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated and interdependent with that action, which will be added to the environmental baseline. Interrelated actions are those that are part of a larger action and depend on the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration. Indirect effects are those that are caused by the proposed action and are later in time, but are still reasonably certain to occur.

Construction and operation of the proposed action will result in impacts to San Diego button-celery, spreading navarretia, Quino checkerspot butterfly, Riverside fairy shrimp, San Diego fairy shrimp and its designated critical habitat, and Otay tarplant designated critical habitat (Table 8). Direct effects to habitats located within the three overlapping project footprints are considered permanent.

Table 8. Summary of potential impacts to listed species and designated critical habitat from the SR-11 and Port of Entry, Otay Crossings, and Otay Business Park projects. (Note: Basins may support more than one listed species and therefore are not additive.)

	SR-11 and Port of Entry	**Otay Crossings**	**Otay Business Park**
San Diego button celery	25 basins[1]	0	1 basin (3 individuals)
Spreading navarretia	0	0	1 basin (3 individuals)
Quino checkerspot butterfly	3 butterflies/175 acres	163 acres	1 butterfly/111acres
Riverside fairy shrimp	1 basin[1]	1 basin	4 basins
San Diego fairy shrimp	14 basins[1]	5 basin[2]	14 basins[3]
San Diego fairy shrimp critical habitat	89.07 acres	12.97 acres	98.01 acres
Otay tarplant critical habitat	0	25.04 acres	0

[1] Impacts are limited to temporary impacts during restoration of the Lonestar Ridge West site.
[2] Includes impacts to four basins from potential restoration activities on Lonestar Ridge East.
[3] Includes impacts to one basin from potential restoration activities on Lonestar Ridge East.

A general description of the proposed impacts to habitat[7], federally listed species, and designated critical habitat for each project is provided followed by a cumulative impact analysis. The cumulative impact analysis addresses the effects of all three projects on each federally listed species and designated critical habitat.

[7] Habitat for listed species includes vernal pools/basins, native and non-native grassland, and Diegan coastal sage scrub.

SR-11 and Port of Entry

The SR-11 and Port of Entry project will impact approximately 176 acres of habitat at the project site, including the loss of habitat supporting the 3 Quino checkerspot butterfly locations. All of the PCEs within the 89 acres of San Diego fairy shrimp critical habitat at the site will also be destroyed to facilitate the development, as well as 0.42 acre of unoccupied road pools.

Otay Crossings

On- and offsite development and required traffic improvements for the Otay Crossings project will impact approximately 164 acres of habitat in addition to the impacts on site from the SR-11 and Port of Entry project. One of the two basins supporting Riverside and San Diego fairy shrimp totaling 116 square feet will be destroyed to facilitate the project, as well as 0.16 acre of unoccupied road pools. All of the PCEs within 12.97 acres of designated critical habitat for San Diego fairy shrimp and within 25.04 acres of designated critical habitat for Otay tarplant will be destroyed by the proposed development.

Otay Business Park

Proposed development of the Otay Business Park will impact approximately 111 acres of habitat, including 16 acres off site for road improvements. All of the PCEs within 98 acres of designated critical habitat for the San Diego fairy shrimp, including 10 vernal pools and 14 road pools with a combined surface area of 0.14 acre and 0.10 acre, respectively, will be destroyed with development of the site. Of the 24 pools that will be destroyed, San Diego button-celery and spreading navarretia were observed in one pool, San Diego fairy shrimp were observed in 13 pools (10 on site and 3 off site), and Riverside fairy shrimp were observed in 4 pools (2 on site and 2 off site). In addition, 47 unoccupied road pools (0.39 acre) and habitat supporting the one Quino checkerspot butterfly location on site will be destroyed. Table 9 provides a summary of impacts by habitat type for the three individual projects included in the proposed action.

Table 9. Summary of proposed impacts by habitat type for the SR-11 and Port of Entry, Otay Crossings, and Otay Business Park projects.

Habitat	SR-11/Port of Entry	Otay Crossings	Otay Business Park	Total Impacts
Vernal Pool	0.00	0.00	0.14	0.14
Basin with Fairy Shrimp	0.00	116 sq ft	0.10	0.10
Diegan Coastal Sage Scrub (including disturbed and restoration)	0.0	1.9	0.0	1.9
Native Grassland	0.2	0.1	0.0	0.3
Non-native Grassland	171.9	161.1	110.7	443.7
Grassland Restoration	3.2	0.0	0.0	3.2
Total	**175.3**	**163.1**	**110.9**	**449.3**

Vernal Pool Species

Direct Effects

Implementation of the three overlapping projects will grade and fill 1 pool occupied by San Diego button-celery, spreading navarretia, and San Diego fairy shrimp, 10 additional pools occupied by just the San Diego fairy shrimp, 2 pools (i.e., 1 road and 1 vernal pool) occupied by just Riverside fairy shrimp, and 3 pools occupied by both San Diego and Riverside fairy shrimp for a combined basin surface area of 0.19 acre. In addition, 1.02 acres (ponded water) of unoccupied, road pools and vernal pools will be impacted (Table 6).

Based on discussions with the Service, the project footprints for Otay Crossings and the Port of Entry were reduced from that originally proposed to avoid existing and restorable vernal pool habitat on the southeastern edge of the project site. Alternatives were also evaluated to avoid and minimize direct impacts to the pools on Otay Business Park site. However, alternatives that provided for reasonable development would have rendered the avoided pools surrounded by the development and subject to future indirect impacts that would have threatened their long-term viability. Thus, we determined that offsite conservation efforts (i.e., enhancement and restoration of vernal pool habitat) would provide a greater chance of achieving sustainable vernal pool habitat capable of supporting viable populations of San Diego fairy shrimp, Riverside fairy shrimp, San Diego button-celery, and spreading navarretia. At our recommendation, the three project proponents collaborated to purchase the Lonestar Ridge Conservation Area, which was identified in the vernal pool recovery plan as necessary to stabilize the listed vernal pool species. Direct and indirect impacts to vernal pools, federally listed species, and designated critical habitat for San Diego fairy shrimp will be offset through the conservation, restoration, and management of vernal pools and designated critical habitat for San Diego fairy shrimp as summarized above in Tables 2, 3, and 4 within the *Project Description* section of this biological opinion and Table 7 in the *Environmental Baseline* section.

To assist in the offsite enhancement and restoration efforts and to preserve some of the genetic variation found within each of the species impacted at the project sites, seeds of San Diego button-celery and spreading navarretia and cysts of San Diego fairy shrimp and Riverside fairy shrimp will be salvaged from the project site prior to impacts. Seeds will be collected directly from the San Diego button-celery and spreading navarretia (if plants can be located), and soil containing fairy shrimp cysts will be salvaged from the pools to be graded and filled for use as inoculum in the vernal pools to be restored and enhanced.

In accordance with the restoration plans identified in Conservation Measure 3, inoculum will be collected when dry to avoid damaging or destroying fairy shrimp cysts, and no more than 10 percent of the basin area of any offsite donor pool will be used for collection of inoculum. Hand tools (i.e., shovels and trowels) will be used to remove the first 2 inches of soil from the pools. Whenever possible, the trowel will be used to pry up intact chunks of soil, rather than loosening the soil by raking and shoveling, which can damage the cysts. The soil from each pool will be

placed in individually labeled boxes that are adequately ventilated and kept out of direct sunlight to prevent the occurrence of fungus or excessive heating of the soil and stored off site at an appropriate facility for vernal pool inoculum.

The restoration plans also include a requirement that inoculum will not be introduced into the restored/enhanced pools until after the pools have been demonstrated to retain water for the appropriate amount of time to support San Diego fairy shrimp [i.e., at least 30 days (Hathaway and Simovich 1996, Ripley et. al. 2004)] or Riverside fairy shrimp [i.e., at least 60 days (Hathaway and Simovich 1996)] and have been surveyed for versatile fairy shrimp to the satisfaction of the Agencies. If versatile fairy shrimp are detected in the restored pools, inoculum will not be introduced until measures approved by the Service and Corps are implemented to minimize potential threats (e.g., hybridization) to San Diego fairy shrimp from the presence of versatile fairy shrimp. Measures to be considered may include removal of the versatile fairy shrimp from the pools. In addition, no inoculum will be placed in pools occupied by either species of shrimp unless it is determined that the extant population and shrimp to be introduced are genetically similar. Inoculum will be placed in a manner that preserves, to the maximum extent possible, the orientation of the fairy shrimp cysts within the surface layer of soil (e.g., collected inoculum will be shallowly distributed within the pond so that cysts have the potential to be brought into solution upon inundation).

Despite all of the efforts described, we expect at least some seeds and cysts salvaged from the project sites will be destroyed during the collection, storage, translocation, and seeding process. In addition, any San Diego and Riverside fairy shrimp cysts not salvaged for use in the restoration effort and any remaining individual San Diego button-celery and spreading navarretia plants will be destroyed during project clearing, grading, and construction activities.

Impacts to the vernal and road pools with listed vernal pool species will be offset by preserving, enhancing, and restoring 5.68 acres of vernal pool basin area within the Lonestar Ridge Conservation Area. San Diego button-celery, San Diego fairy shrimp, and Riverside fairy shrimp are located within the offsite conservation lands where enhancement and restoration efforts will occur, and some individuals could be harmed or destroyed to achieve the long-term benefits of the enhancement and restoration efforts. Table 10 summarizes the vernal pool restoration efforts by project and a discussion of impacts anticipated to individual species from the enhancement and restoration efforts associated with each project follows.

Table 10. Vernal and/or road pool basin area to be preserved/enhanced and restored within the Lonestar Ridge Conservation Lands.

Conservation	SR-11 and POE	Otay Crossings	Otay Business Park
Preservation/Enhancement	14 pools (0.6 acre)	28 Pools (0.34 acre)	82 Pools (0.66 acre)
Creation/Restoration	111 pools (3.6 acres)	2 Pools (232 sq ft)	52 Pools (0.48 acre)

SR-11 and Port of Entry Project: Lonestar Ridge West Conservation Parcel

Caltrans observed San Diego fairy shrimp in 14 pools and Riverside fairy shrimp in 1 pool during surveys in 2010 at the Lonestar Ridge West conservation parcel. They also found San Diego button-celery at 25 locations containing a total of 955 individuals during the vegetation cover surveys conducted between March and June of 2011. As part of the restoration plan, Caltrans is proposing to enhance the extant pools. Enhancement activities include re-contouring, mowing, dethatching, and weeding. All of these activities may crush a minimal number of fairy shrimp cysts and seeds from San Diego button-celery. Caltrans has included specific measures in their restoration plan to minimize impacts to these three species.

In accordance with the restoration plan for this site, seed of San Diego button-celery within the Lonestar Ridge West conservation parcel will be collected before grading in the summer of 2012. The collected seed will be broadcast in enhanced and created vernal pools within the Lonestar Ridge West conservation parcel. The locations were delineated as environmentally sensitive areas with stakes and orange lathe flagging to minimize impacts to San Diego button-celery from weeding activities.

Prior to the start of grading activities associated with restoration within the Lonestar Ridge West conservation parcel, soil will be collected from all of the basins to be re-contoured to collect the shrimp cyst bank. This vernal pool soil (inoculum) will be collected when dry to avoid damaging or destroying fairy shrimp cysts. A hand trowel or similar instrument will be used to collect the inoculum. Whenever possible, the soil will be collected in chunks, rather than loosening the soil by raking and shoveling. The soil from each basin will be stored individually in labeled boxes that are adequately ventilated and kept out of direct sunlight to prevent the occurrence of fungus or excessive heating of the soil. The boxes will be stored off site at an appropriate facility for vernal pool inoculum. Soil will not be collected from any basins without approval by the Service.

Following grading activities (see below), shrimp cyst soil will be placed back into the basins from which it was removed. Twenty-five of the 100 shallower pools will be inoculated with onsite San Diego fairy shrimp cysts and 3 of the 11 deeper pools will be inoculated with Riverside fairy shrimp cysts from the cattle stockpond on site to establish additional populations. Soil will be placed in dry pools only, preferably before the first rains of the fall-winter season. Soil will not be placed into basins that are already ponding, as the shock of instant cyst inundation may reduce the success of the cyst hatch.

Although a few individuals of San Diego fairy shrimp, Riverside fairy shrimp, and San Diego button-celery may be killed or destroyed during restoration activities, we expect that the resulting restoration will provide a long-term net benefit to these species by expanding the available habitat (ponded area) and reducing threats to the species from lack of management.

Otay Crossings Project: Lonestar Ridge East Conservation Parcels

San Diego button-celery has not been observed onsite since 1992 (Dudek 1992). HELIX observed San Diego fairy shrimp in four pools during surveys conducted in 2008 (HELIX 2008a). These locations are located outside of the 5-acre area where the vernal pool restoration work will occur. As part of the specific measures in the restoration plan, vernal pool grading (i.e., re-contouring of existing basins and creation of new basins) will be carried out under the supervision of the restoration specialist who will mark all areas to be graded and flag sensitive habitats and plants to be avoided. Access routes will be identified and marked, and no access will occur through the adjacent Caltrans preserve. Grading will be implemented when the soil is dry using rubber-tired loaders with ripping tines and slope boards. Therefore, we do not anticipate any impacts to the extant resources from the restoration activities.

The vernal pool watershed enhancement for the 28 preserved pools will occur throughout the entirety of the non-native grasslands including the areas where the listed vernal pool species were observed. In the event enhancement of the vernal pool watersheds does not result in additional ponding in the 28 preserved pools, the project proponent may implement remedial measures within some of the basins, including re-contouring and weeding. In addition, these pools may be the source of inoculum for the restored pools. Therefore a small number of San Diego fairy shrimp cysts could be harmed as a result of these activities. Prior to the watershed enhancement, areas supporting native plants will be flagged for avoidance, which will ensure impacts to the extant population of San Diego button-celery is avoided.

Otay Business Park Project: Lonestar Ridge East Conservation Parcels

HELIX observed San Diego button-celery in 32 pools, the endangered Otay Mesa mint in 1 pool, and San Diego fairy shrimp in 1 pool during surveys in 2009 (HELIX 2009). These observations are all outside of the 4.7-acre area that will be re-contoured to support the 0.48 acre of restored vernal pool basin area. There is currently no ponding within the area to be restored; therefore, we do not anticipate any impacts to the extant resources from the restoration activities. Vernal pool grading will be carried out under the supervision of the restoration specialist who will mark all areas to be graded and flag sensitive habitats and plants to be avoided. A minimum of 52 new pools will be created in this area. Grading will be implemented when the soil is dry using rubber-tired loaders with ripping tines and slope boards.

The vernal pool watershed enhancement for the 82 preserved pools will occur throughout the entirety of the non-native grasslands including the areas where the listed vernal pool species were observed. In the event dethatching of the vernal pool watersheds does not result in additional ponding in the 82 preserved pools, the project proponent may implement remedial measures within some of the basins, including re-contouring and weeding. In addition, these pools may be the source of inoculum for the restored pools. Therefore a small number of San Diego fairy shrimp cysts could be harmed as a result of these activities. Otay Business Park has included specific measures in their restoration plan to minimize impacts to listed species. Prior to

dethatching, areas supporting native plants will be flagged for avoidance, which will ensure impacts to the extant population of Otay Mesa mint and San Diego button-celery are avoided. In addition, access routes will be identified and marked, and no access will occur through the adjacent Caltrans preserve.

Summary

Activities that alter hydrology, increase vernal pool habitat fragmentation, or decrease land types suitable for vernal pool formation have the potential to limit the survivability and recovery of San Diego button-celery, spreading navarretia, San Diego fairy shrimp, and Riverside fairy shrimp (Service 1998a). Vernal pool restoration can reestablish the physical and biotic characteristics of vernal pool habitat such that critical functions are restored. The restored habitat should resemble reference habitat in regard to the following attributes: soil properties, water quality, topography, hydrology, nutrient cycling, species diversity and species interactions. Based on positive data from ongoing monitoring programs it appears that restoration can provide self-sustaining vernal pool ecosystems with clear and significant benefits to San Diego fairy shrimp and Riverside fairy shrimp, especially when cyst translocation occurs from existing (conserved) occupied pools (RECON 2005; Black 2000a, 2000b; EDAW 2005 and 2010).

Benefits of restoration to the listed vernal pool species include increasing the amount of available vernal pool habitat and increasing the quality of existing vernal pool habitat. These benefits, when supplemented by long-term monitoring and management, can reduce threats to the listed vernal pool species and maintain and improve the habitat quality and regional distribution of them. Since 1997, several projects have documented success in the translocation of San Diego fairy shrimp and Riverside fairy shrimp and in the establishment of populations of listed plant species including spreading navarretia and San Diego button-celery. These include California Terraces on Otay Mesa (RECON 2005), San Diego Spectrum at Kearny Mesa (Glen Lukos Associates 2005), and other vernal pool restoration projects on Otay Mesa, MCAS Miramar, and MCBCP.

Besides the enhancement and restoration efforts described, project proponents will also implement several other conservation measures to minimize impacts to the listed vernal pool species during the construction and restoration activities to help ensure the success of vernal pool restoration, enhancement, and preservation and the upland habitat preservation efforts. Those efforts include: fencing the limits of impacts; staffing a qualified biologist on site to ensure compliance with all conservation measures and submitting reports that document such compliance; grading all surrounding areas to drain away from the preserves; posting a financial assurance (e.g. Otay Business Park and Otay Crossings) approved by the Agencies to ensure successful implementation of vernal pool restoration and enhancement, upland restoration and maintenance, and overall monitoring; conserving a 334-acre preserve that includes the vernal pools and their watersheds and surrounding upland habitat in biological conservation easements; and implementing and funding a perpetual management, maintenance and monitoring plan. Implementation of these and the other proposed conservation measures discussed above will

avoid, minimize, and offset the direct effects of the project on listed vernal pool species and their habitats and are expected to ensure the long-term viability of these species on Otay Mesa.

The vernal pools on the project site are highly degraded and subject to ongoing threats due to lack of management and their proximity to the international border. While some vernal pools will be permanently impacted, the identified restoration and enhancement is expected to achieve a "no net loss" of vernal pool habitat including viable populations of San Diego button-celery, spreading navarretia, San Diego fairy shrimp, and Riverside fairy shrimp. The proposed restoration site at the Lonestar Ridge Conservation Area is part of a large block of conserved habitat within the MSCP preserve, including the Otay River Valley, the SR-125 restoration site, and Johnson Canyon. Upon project completion, the enhanced and restored pools will be within a 334-acre conservation area that is connected to the MSCP preserve in a configuration that maintains habitat functions and species viability.

Importantly, two areas, previously approved for development, will be conserved. These two areas support the vernal pool species addressed by this biological opinion and suitable restoration habitat. The conservation of these two areas removes the threat of development, increases the MSCP preserve by approximately 100 acres, and increases the distance between what was originally contemplated for conservation under the MSCP and the adjacent development. Therefore, despite the loss of occupied vernal pool habitat at the overlapping project sites, no appreciable reduction in the numbers, reproduction, or distribution of San Diego button-celery, spreading navarretia, San Diego fairy shrimp, or Riverside fairy shrimp is expected.

Indirect Effects

The proposed project will introduce development adjacent to extant pools occupied by the San Diego and/or Riverside fairy shrimp to the west of Otay Business Park and to pools proposed by this project to be preserved (i.e., Otay Crossings onsite preserve). Indirect effects of particular concern to the four vernal pool species are changes to hydrology and water quality, erosion and sedimentation into the vernal pool basins, and the invasion of non-native vegetation within the basin and/or the adjacent watershed. Modifications to the hydrology of vernal pools can alter the distribution of other vernal pool flora and fauna that are influenced by the length and frequency of water inundation (Bauder 1987, 2000). For instance, non-native plant species can become more prevalent in disturbed vernal pools when the periods of water inundation are reduced, while freshwater marsh species can expand into disturbed vernal pools when the periods of inundation are increased.

Modification of a pool's hydrology can also affect germination, flowering, and seed production of San Diego button-celery and spreading navarretia and the reproductive cycle of San Diego and Riverside fairy shrimp. As an example, irrigation of artificial landscapes adjacent to vernal pools can saturate the soils and alter the timing and duration of inundation in vernal pools, causing hatching of cysts or germination of seeds at inappropriate times for their phenology. Artificial landscapes may also be laden with fertilizers and pesticides that can alter the specific water

chemistry (Gonzalez et al. 1996) and temperature (Hathaway and Simovich 1996) required by San Diego and Riverside fairy shrimp and negatively affect their ability to mature and reproduce (Gonzalez et al. 1996, Holtz 2003). San Diego fairy shrimp and Riverside fairy shrimp are "osmoregulators" that maintain constant internal chemical concentrations, but they cannot tolerate wide extremes in sodium or bicarbonate concentrations so they are vulnerable to contaminants in runoff waters and watershed quality that alter levels of salts and alkalinity (Service 1998a).

Implementation of the conservation measures summarized in the *Project Description* section of this biological opinion are anticipated to avoid, minimize, and offset the indirect impacts associated with development of the three projects. Conservation Measures 9 through 12 include actions that will be taken to avoid and minimize indirect effects. Permanent fencing and signs will be installed around the development footprint to reduce human encroachment into the onsite conservation areas. Best management practices will be implemented to address erosion, sedimentation, and contaminants during construction. Temporary fencing (with silt barriers) will be installed at the limits of project impacts (including construction staging areas and access routes) to prevent additional sensitive habitat impacts and to prevent the spread of silt from the construction zone into adjacent habitats to be avoided. No non-native plant species, that may be invasive to native habitats, will be used in the landscaping adjacent to any conserved areas. In addition, to ensure that these measures are implemented, biological monitors will be on site during construction.

Indirect impacts are also of concern at the Lonestar Ridge Conservation Area. Vernal pool restoration/enhancement will occur in and around extant pools within this conserved site. In addition to these extant pools, the SR-125 restoration site is located adjacent to the two areas proposed to be actively restored by the project proponents for the Otay Business Park and Otay Crossings projects. However, the restoration will not impact the watersheds of extant pools and is expected to result in an increase in the amount of vernal pool basin area occupied by San Diego button-celery, spreading navarretia, San Diego fairy shrimp, and Riverside fairy shrimp. In addition, Conservation Measure 4 requires the restoration grading activities at the Lonestar Ridge East and West conservation parcels to be timed to avoid wet weather in order to minimize potential impacts (e.g., siltation) to the extant vernal pools. Overall, the potential indirect impacts of the proposed development on listed vernal pool species and their habitat is expected to be addressed by the conservation measures committed to by the project proponents.

San Diego Fairy Shrimp Critical Habitat

The three overlapping projects when fully implemented will result in the permanent loss of 200 acres of designated critical habitat, including 1.2 acres of basin area (PCE 1) and approximately 199 acres of associated uplands (PCE 2), for the San Diego fairy shrimp within Subunit 5D (Figure 10). Subunit 5D is 240 acres and is one of 8 subunits that comprise Unit 5 (San Diego, Southern Coastal Mesa). Designated critical habitat for the San Diego fairy shrimp totals 2,931 acres of which 1,634 acres are within Unit 5. The loss of 200 acres represents an 83 percent

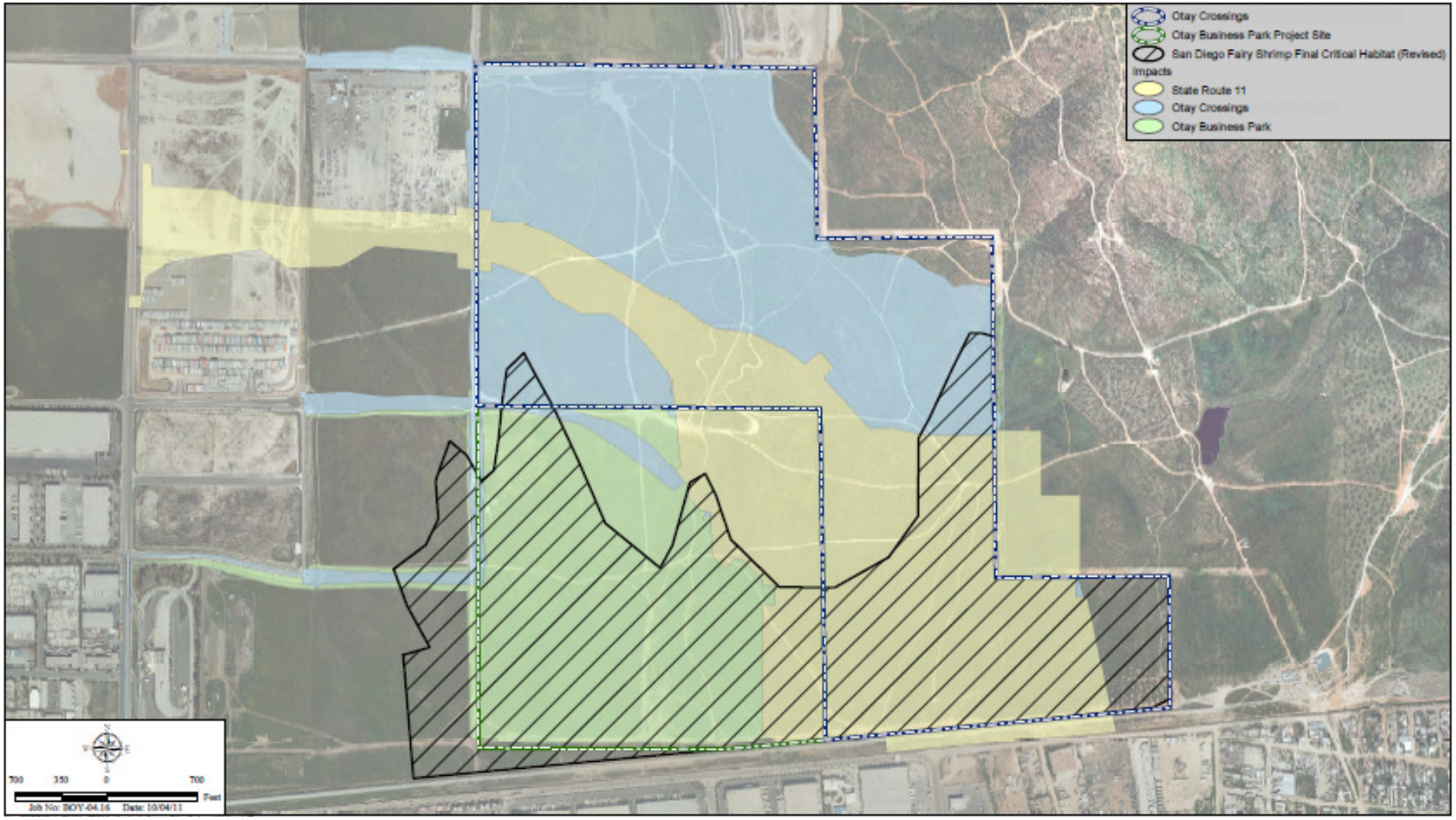

Figure 10. Project impacts to San Diego fairy shrimp critical habitat.

reduction in the extent of Subunit 5D and an approximately 12 percent reduction in Unit 5. The impact to the overall designation is less, but still represents a 7 percent reduction.

In addition to the direct loss of PCEs, the project will fragment the 40 acres of remaining critical habitat into 28 acres of critical habitat on the west of the overall project site and 13 acres to the east (within the Otay Crossings onsite open space). Fragmentation and isolation of vernal pools can threaten the important ecological and mutualistic processes that link vernal pools to each other and the surrounding uplands (Service 1998a). Such ecological and mutualistic processes involve insects that pollinate the vernal pools plants and mammals and birds that disperse flora and fauna between vernal pools, including fairy shrimp.

Vernal pool organisms are typically defined by the complex in which they occur, in part because gene flow between complexes appears to be extremely low (Fugate 1993, Davies 1996). Isolation of pools or modification of the natural watershed potentially compromises gene flow, resulting in a loss of genetic variability and an increased susceptibility to extinction and reduced fitness (Bohonak 2005, Soulé 1986). Further, because a large number of endemic species occur within vernal pool complex assemblages due to local adaptations to climate and environmental variables, a high degree of genetic differentiation exists among complex assemblages (Bohonak 2005).

The primary function of Unit 5 is to maintain the ecological distribution and genetic diversity of the species, as well as continuity in the range between the U.S. and Mexico. Impacts to 200 acres of designated critical habitat and the associated PCEs will be offset through the preservation and enhancement of PCEs within 254 acres of designated critical habitat in Subunit 5B (Lonestar Ridge) and 13 acres located in Subunit 5D (Otay Crossings onsite open space).

A minimum of 5.68 acres of vernal pool basin area (PCE 1) will be enhanced and restored within the Lonestar Ridge Conservation Area. In addition, approximately 250 acres of the surrounding upland areas (PCE 2) within the Lonestar Ridge Conservation Area will be enhanced by the removal of non-native grasses and the establishment of native shrubs, grasses, and forbs. Minimal enhancement is proposed for the open space area on Otay Crossings; however, the site will be preserved and managed, thereby preserving the opportunity to enhance the PCEs in the future. Genetic diversity will be maintained through the salvage and translocation of cysts from the project site. Therefore, we expect that the primary functions of Unit 5 will be maintained and enhanced through the proposed preservation, enhancement, and salvage efforts. Table 7 summarizes the extent of critical habitat being conserved by each project and Table 10 summarizes the acreage of basin area to be enhanced and restored by each project within the Lonestar Ridge Conservation Area.

Overall, following project implementation, we expect an increase in the area and function of occupied vernal pool habitat within Unit 5. In particular, the acreage of ponded water (PCE 1) will be more than doubled and the function (e.g., duration of ponding) will be improved through the restoration and enhancement of the vernal pool basins and supporting watersheds (PCE 2)

within critical habit Subunit 5B (Lonestar Ridge). Subunit 5B where the restoration will occur and Subunit 5D where project impacts will occur are both subunits within overall critical habitat Unit 5.

The increase in PCEs within Subunit 5B will offset the loss in Subunit 5D and ensure that the overall function of Unit 5 is maintained and improved. Furthermore, the Lonestar Ridge Conservation Area is adjacent to an existing Caltrans vernal pool restoration site, which is also within Subunit 5B of designated critical habitat for the San Diego fairy shrimp. Conservation of designated critical habitat at the Lonestar Ridge Conservation Area significantly increases the amount of designated critical habitat for San Diego fairy shrimp that will be assured long-term protection and management. Thus, we conclude that the proposed action, including construction of the SR-11 and the Port of Entry, Otay Crossings, and Otay Business Park projects, will not appreciably diminish the capability of designated critical habitat for the San Diego fairy shrimp to satisfy the requirements essential to the survival and recovery of this species**.**

Effect on Recovery

Habitat favorable for vernal pool formation consists of coastal terraces with an underlying iron-silica impervious soil layer or layers with undulating landscapes, where soil mounds are interspersed with basins, swales, and drainages (Service 1998a). The three overlapping project sites support at least 200 acres of habitat favorable for vernal pools. As stated above, approximately 95 to 97 percent of vernal pool habitat within San Diego County has been destroyed; therefore, the loss of remaining habitat that facilitates vernal pool formation will reduce the amount of suitable land available for restoration and re-introduction opportunities of vernal pools, potentially limiting the recovery of listed vernal pool species.

Although the vernal pools on the project sites are highly disturbed, they do support populations of San Diego button-celery, spreading navarretia, San Diego fairy shrimp, and Riverside fairy shrimp. The site also supports considerable areas of restorable habitat, including at least 1 acre of unoccupied basin area. Unoccupied pools represent restorable habitat for all four species. Thus, the onsite habitat has value to the recovery of vernal pool species because it supports the life cycle functions (e.g., soils, hydrology) of these species in some areas and also contains the appropriate soils needed to restore these critical functions in other areas.

The vernal pool recovery plan has not yet been updated to address and clarify the suite of vernal pool complexes now known to support these four species; therefore, we are evaluating potential impacts to vernal pool complexes occupied by listed vernal pool species on a project-specific basis to determine the impact of the project on the recovery of these species. For complexes that are not identified specifically in the vernal pool recovery plan, such as the complexes on the project site, the Service has supported a conservation strategy[8] that allows impacts to disturbed, unmanaged vernal pools in exchange for preservation, restoration, and management of vernal

[8] For other projects using this approach, please refer to the Robinhood Ridge biological opinion (Service 1998b) and California Terraces biological opinion (Service 1997).

pools in a biologically defensible configuration (e.g., substantial connection to biological open space minimizes edge effects) that helps ensure their long-term viability and supports recovery of the species. Because the onsite habitat at the project site is highly disturbed with no management actions in existence or planned, the Service determined that following this same conservation approach would not preclude recovery of the San Diego button-celery, spreading navarretia, San Diego, and Riverside fairy shrimp.

Specifically, to avoid, minimize, and offset the project impacts, including eliminating 200 acres of occupied and restorable habitat (i.e., Salinas clay, Diablo Clay, and Huerhuero soils on Otay Mesa), the project proponent for the Otay Crossings project reduced the project footprint such that some of the restorable vernal pool habitat will be maintained and managed within designated open space at the Otay Crossings project site (Figures 2 and 4). The eastern portion of the site was considered more suitable for restoration and enhancement actions because it is adjacent to undeveloped areas that abut Otay Mountain Wilderness Areas. In addition, significant vernal pool resources will be preserved, restored, and enhanced within the Lonestar Ridge Conservation Area, an area identified in the vernal pool recovery plan as necessary to stabilize San Diego button-celery, spreading navarretia, San Diego fairy shrimp, and Riverside fairy shrimp. Preservation of the Lonestar Ridge West and East conservation parcels increases the value of the existing conserved habitat in the area. In addition, by eliminating the two permitted development 'bubbles', the configuration of the MSCP preserve is greatly improved (Figure 11).

The proposed restoration and enhancement will be consistent with the vernal pool recovery plan Task 2 (i.e., to reestablish vernal pool habitat to historic structure and composition, and Task 3 (i.e., to rehabilitate and enhance secured vernal pool habitats and their constituent species). The vernal pool recovery plan also emphasizes the need to manage and monitor protected habitat (see Recovery Tasks 4 and 5). Consistent with these tasks, the restoration and enhancement areas will be preserved and managed in perpetuity by a natural lands manager after the initial installation and 5-year monitoring period. The project is expected to result in a net increase in the acreage and quality of vernal pool habitat occupied by San Diego button-celery, spreading navarretia, San Diego fairy shrimp, and Riverside fairy shrimp on Otay Mesa. Thus, the life cycle functions (e.g., soils, hydrology) of the existing onsite habitat to the four listed vernal pool species will be replaced and improved, and the overall project will be consistent with the habitat protection and management goals outlined in the vernal pool recovery plan for these species.

Quino Checkerspot Butterfly

Direct Effects

Implementation of the three overlapping projects will impact approximately 450 acres of suitable habitat for the Quino checkerspot butterfly (see Table 2). This is likely an overestimate of the occupied habitat on site since most of the impact area is low quality and only a small number of individual Quino checkerspot butterflies have been observed on the project sites.

Quantifying the number of Quino checkerspot butterflies within the project impact areas is difficult for a number of reasons. The exact distribution and population size is difficult to estimate due to the fluctuations in population numbers from year to year in response to weather patterns and other biotic and abiotic factors. Furthermore, the species is hard to detect due to its small body size and diapause life stage. Due to these constraints, the precise number of Quino checkerspot butterfly that may be supported within the project areas is not known. As discussed above in the *Environmental Baseline* section, multiple surveys for this species have been completed for the Quino checkerspot butterfly (Table 5); however, butterflies have only been observed in 2001 (three butterflies) and 2005 (one butterfly) within the project footprints. Nonetheless, butterflies may occasionally occupy the site given its proximity to high quality occupied habitat; therefore, we anticipate that some individual Quino checkerspot butterfly eggs, larvae, and pupae will be crushed as a result of vegetation clearing and grading activities to facilitate construction of the three projects. In addition, any adult Quino checkerspot butterflies supported by the sites (i.e., using available nectar sources and host plants for foraging and reproduction) will be harmed by the habitat loss/degradation caused by the development of the sites.

Impacts to Quino checkerspot butterfly habitat will be offset through the preservation and enhancement of 196 acres of suitable habitat within the Lonestar Ridge Conservation Area and an additional 10 acres of suitable habitat on site at the Otay Crossings project site for a total of 203 acres (Figures 3 and 4). Caltrans will preserve and enhance 87 acres of suitable habitat for the species within the Lonestar Ridge West conservation parcel, and the project proponents for the Otay Business Park will preserve and enhance 69 acres within the Lonestar Ridge East conservation parcels. Otay Crossings will preserve and manage 10 acres on site and enhance an additional 40 acres within the Lonestar Ridge East parcels.

In addition to the preservation and enhancement efforts, all three projects have committed to restore Quino checkerspot butterfly habitat within the Lonestar Ridge Conservation Area. The goal for these restoration efforts is to preserve existing stands of the native flora important to the butterfly (host plants and adult nectar sources), seed the sites with additional native host plants and nectar plants, and control nonnative plant species growth and reproduction so that non-native species do not out-compete native flora. The project proponents for the SR-11 and Port of Entry project will establish 17 focused planting areas[9] for the butterfly within their restoration site as well as control the non-native grasses on site. The project proponents for the Otay Crossings project will focus their efforts within a 5-acre area on one of their Lonestar Ridge East conservation parcels adjacent to an area where the Quino checkerspot butterfly has been observed in the past. The project proponents for the Otay Business Park will establish six focused planting areas within their Lonestar Ridge East conservation parcels.

[9] Focused planting areas are approximately 30 feet in diameter, will have compacted soils that retard the invasion of weeds and allow for Quino checkerspot butterfly basking areas, and are heavily seeded to have large amounts of host and nectar plants for the butterfly.

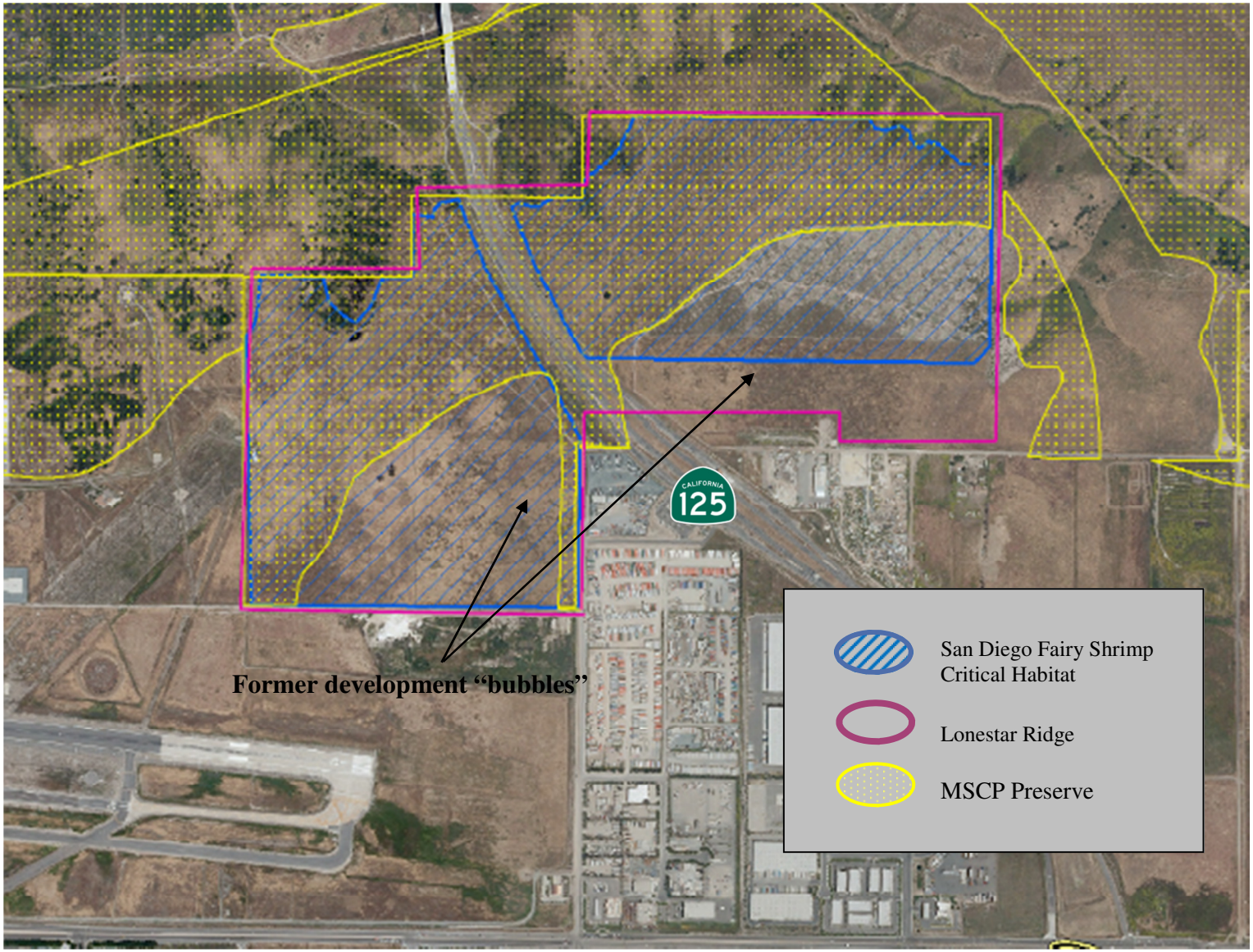

Figure 11. Lonestar Ridge, San Diego fairy shrimp critical habitat and the MSCP preserve.

Restoration of Quino checkerspot butterfly habitat is still experimental. We have only a few sites that have attempted to restore habitat for the butterfly, and no restoration sites that have been subsequently occupied by butterflies. Nonetheless, we believe that the revegetation program has a high potential to successfully restore or create habitat suitable for Quino checkerspot butterfly and thus, over the long term, will possibly increase the extent of suitable habitat for the species within the Lonestar Ridge Conservation Area and onsite at the Otay Crossing project site. The three restoration projects will benefit from the lessons learned by Caltrans on their adjacent SR-125 restoration site regarding techniques that were successful and those that were not successful. In addition, several ongoing research projects are being conducted in San Diego to test different methods of controlling weeds and enhancing habitat for the Quino checkerspot butterfly. Preliminary results from these studies should be available before the restoration work is complete.

Similar to the restoration efforts for the vernal pool species, restoration of Quino checkerspot butterfly habitat has the potential to affect individual butterflies occupying the proposed restoration sites. Quino checkerspot butterflies have not been observed within the Lonestar Ridge Conservation Area since 2004 (HELIX 2004), when butterflies were observed on the Caltrans-owned Lonestar Ridge West conservation parcel and on the Lonestar Ridge East conservation parcels purchased by the project proponents for the Otay Crossing project. During subsequent surveys, no individuals were observed (HELIX 2005b; 2005c; 2006b; 2006c; 2007a; 2007b; Caltrans 2011); however, the butterflies are difficult to detect when they occur in low numbers. Therefore, there is a small likelihood that Quino checkerspot butterflies may inhabit the proposed restoration areas.

To verify the absence of the Quino checkerspot butterfly from the restoration areas within the Lonestar Ridge West conservation parcel, Caltrans will conduct preconstruction surveys for this species prior to initiating any ground disturbing activities. In addition, beginning the first spring following restoration implementation and occurring each consecutive year thereafter during the 5 years of restoration monitoring, Caltrans will conduct protocol level surveys for adult Quino checkerspot butterflies at the Lonestar Ridge West restoration site.

In the event Quino checkerspot butterfly adults are observed at the restoration sites within the Lonestar Ridge West conservation parcel during the restoration monitoring period, Caltrans will initiate cluster webbing surveys for pre-diapause Quino checkerspot butterfly larvae at both the Quino checkerspot butterfly and vernal pool restoration areas 4 weeks after the first reported adult is observed (per the Service website for Quino protocol level surveying). These pre-diapause surveys will be conducted once a week for 4 weeks. To avoid potential impact to Quino checkerspot larvae, areas where webbing is detected will be flagged, and only hand weeding will occur within 30 feet of the flagging. In addition, the Lonestar Ridge West restoration site will be monitored for post-diapause Quino checkerspot butterfly caterpillars (i.e., larvae) by an experienced Service-approved biologist. The monitoring will occur at the initiation of weeding during the post-diapause season. If Quino checkerspot butterfly caterpillars are detected, the biologist will assist weed control crews with caterpillar detection. Crews will look

for caterpillars while weeding and will avoid trampling caterpillars or dot-seed plantain plants. Areas where Quino checkerspot butterfly caterpillars are detected will be flagged, and only hand weeding will occur within 100 feet of the flagging. In addition, all personnel conducting restoration activities will be trained by a Service-approved biologist to recognize Quino checkerspot butterfly caterpillars. The Service-approved biologist will be on site during all weeding operations to assist weed control crew with Quino checkerspot butterfly caterpillar identification. Because most of the restoration site is likely unsuitable habitat for the Quino checkerspot butterly and avoidance measures will be implemented in the event the species is detected, the restoration activities are not expected to result in the death or injury of individual Quino checkerspot butterfly.

Although nectar and host plants for the Quino checkerspot butterfly are present on the Lonestar Ridge East conservation parcels, these areas are dominated by non-native grasslands, and there are no available Quino checkerspot butterfly surveys that document the species presence within these areas. Thus, the restoration activities conducted by the project proponents for Otay Crossings and Otay Business Park within the Lonestar East conservation parcels are not expected to impact Quino checkerspot butterfly.

Indirect Effects

Indirect effects to Quino checkerspot butterfly from construction activities may include fugitive dust and the introduction of non-native plant species. The prevailing winds blow from the west, thus any indirect effects associated with increased dust and non-native plant introductions will most likely occur on the habitat to be conserved on the eastern edge of Otay Crossings and on the higher quality habitat located on the lower slopes of Otay Mountain.

Fugitive dust produced by construction could disperse onto native vegetation, including nectar resources and larval host plant for the Quino checkerspot butterfly, which may reduce the overall vigor of individual plants by reducing their photosynthetic capabilities and increasing their susceptibility to pests or disease. This in turn could affect individual Quino checkerspot butterflies dependent on these plants for food and reproduction. To minimize impacts from dust during construction, active construction areas and unpaved surfaces will be sprayed with water in accordance with Conservation Measure 14.

Disturbed areas that are invaded by non-native vegetation can promote the spread of non-native vegetation outside of direct impact areas. Non-native plants have been shown to displace Quino checkerspot butterfly host plants, which appear to be poor competitors against non-native grasses (Service 2003b). In addition to displacing larval host plants, nonnative annuals have been shown to replace nectar sources (Service 2003b). Because nearly all three overlapping project sites and most of the surrounding area is already characterized by non-native grassland, a detectable increase in the spread of non-native species, which can be linked to construction of the three projects, is not anticipated. In addition, the three project proponents have committed to prevent

any Cal-IPC Invasive Plant Inventory species (see Conservation Measure 10) from being used in their landscaping plant palettes.

Effect on Recovery

Plan implementation does not conflict with the goals and objectives of the Quino checkerspot butterfly recovery plan which are to: 1) protect and manage habitat supporting known occurrence complexes and connectivity between them, 2) maintain or create resilient populations, and 3) conduct research. The habitat to be impacted is marginal habitat for Quino checkerspot butterfly, only a few butterflies have been observed in any one survey, and no butterflies were observed during the most recent surveys. Higher quality habitat is being conserved and managed on Otay Mountain and within the Lonestar Ridge Conservation Area, which is consistent with the goals of the recovery plan. Moreover, development of the three projects will have a negligible effect on the distribution of habitat that supports Quino checkerspot butterfly occurrence complexes or the viability of local metapopulations.

Otay Tarplant Critical Habitat

The Otay Crossing project site includes 32 acres of designated critical habitat for the Otay tarplant within Subunit 3C, which is one of three subunits included in Unit 3 of the designation. None of the areas identified as critical habitat on the project site support individuals of the species, although PCEs including appropriate elevation, clay soils, and grassland and open sage scrub habitats are present within portions of the site. All PCEs within approximately 25 acres of the 316-acre subunit will be removed during construction of the Otay Crossings project, which is about 8 percent of Subunit 3C. The impact occurs along the southwest corner of this subunit, contiguous with adjacent development along this subunits western border. Thus, while the loss of 25 more acres of this subunit reduces the overall area remaining to about 236 acres, this impact will not further fragment the overall subunit. In addition, 7 acres of the subunit will be conserved within the onsite open space, which will provide at least some buffer between the Otay Crossing development and the remaining central and eastern portions of the subunit. Designated critical habitat for Otay tarplant includes 6,330 acres of which 2,250 acres is located within Unit 3. Therefore, the loss of 25 acres represents 0.4 percent of the original designation and about 1 percent of Unit 3.

Critical habitat was designated for Otay tarplant using a 100-meter UTM grid. The use of a grid and the mapping scale used to define critical habitat for Otay tarplant captures some areas not essential to the conservation of the species. Some of the acreage to be impacted by the Otay Crossings project fall into this category as they are located in the outermost corner of Unit 3 and include areas that do not contain PCEs (e.g., drainages). As stated above, under the *Status of the Species* section of this biological opinion, Unit 3 was designated because it contains multiple large Otay tarplant populations that are capable of producing large numbers of individuals in good years. Due to the small extent and location of the impact at the edge of the unit and because no known "large populations capable of producing large numbers of individuals" will be impacted by development of the Otay Crossings project, the loss of PCEs within up to 25 acres of Otay tarplant

designated critical habitat will not appreciably diminish the role or function of Unit 3, or the overall critical habitat designation, to support recovery of the Otay tarplant.

The Lonestar Ridge East conservation parcels, including areas along Johnson Canyon and the portion of the site acquired by the Otay Crossings project, support suitable habitat for Otay tarplant. While these areas are not designated critical habitat for Otay tarplant, they provide the essential habitat features necessary to support the species, as evidenced by the major occurrence of this plant within the 23-acre area of conserved lands (Figure 3) that are contiguous with Otay Crossings Lonestar Ridge East parcels. The conservation and long-term management of these areas will more than offset the small loss of designated critical habitat for the Otay tarplant within subunit 3C.

CUMULATIVE EFFECTS

Cumulative effects include the effects of future State, Tribal, local, or private actions that are reasonably certain to occur in the action area considered in this biological opinion. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act. We are unaware of any future non-Federal actions that are reasonably certain to occur within the action area and may affect the San Diego button-celery, spreading navarretia, Riverside fairy shrimp, San Diego and its designated critical habitat, Quino checkerspot butterfly, or designated critical habitat for Otay tarplant.

CONCLUSION

After reviewing the current status of the San Diego button-celery, spreading navarretia, Riverside fairy shrimp, San Diego fairy shrimp and its designated critical habitat, Quino checkerspot butterfly, and designated critical habitat for the Otay tarplant; the environmental baseline for the action area; effects of the proposed action; and the cumulative effects, it is our biological opinion that the proposed action is not likely to jeopardize the continued existence of the San Diego button-celery, spreading navarretia, San Diego fairy shrimp, Riverside fairy shrimp, or Quino checkerspot butterfly and is not likely to result in the destruction or adverse modification of designated critical habitat for the San Diego fairy shrimp or Otay tarplant. We reached these conclusions by considering the following:

All Species

- Adverse effects to all federally listed species will be reduced with implementation of the avoidance and minimization measures identified in the *Project Description* section of this biological opinion.

- With implementation of the proposed conservation measures, project-related impacts to federally listed species will be fully offset by conservation and restoration consistent with the recovery goals of the species.

- Conservation of approximately 100 acres of lands previously authorized for development will increase the size of the MSCP preserve thereby supporting recovery of the federally listed species addressed in this biological opinion.

Vernal Pool Species and San Diego Fairy Shrimp Critical Habitat

- All of the individual pools to be impacted are highly degraded and subject to ongoing threats due to lack of management.

- The loss of 0.19 acre of basin area, including 1 pool occupied by San Diego button-celery, spreading navarretia, and San Diego fairy shrimp, 10 pools occupied just by San Diego fairy shrimp, 2 pools occupied by Riverside fairy shrimp, and 3 pools occupied by both San Diego and Riverside fairy shrimp, will be offset through preservation, restoration, enhancement and perpetual management of 5.68 acres of vernal pool basin area within the 334-acre Lonestar Ridge Conservation Area. Approximately 1.66 acres and 0.28 acre of the restored and enhanced vernal pools will support San Diego fairy shrimp and Riverside fairy shrimp, respectively. In addition 56 basins will be seeded with San Diego button celery and 2 basins will be seeded with spreading navarretia. This action is expected to result in over seven times the amount of San Diego fairy shrimp and Riverside fairy shrimp vernal pool habitat being impacted.

- The restoration and enhancement actions proposed are expected to be successful because the restoration/enhancement will be implemented in an area that likely supported vernal pools historically (soil types necessary to sustain vernal pool habitat are present) and the methods proposed for this restoration/enhancement effort have been successful on an adjacent site.

- The conservation anticipated by the three projects support recovery of the San Diego button-celery, spreading navarretia, San Diego fairy shrimp, and Riverside fairy shrimp because it is consistent with the overall habitat protection and management goals outlined in the vernal pool recovery plan (Service 1998a); specifically, the project is expected to result in a net increase in the acreage and quality of the vernal pools occupied by these four species on Otay Mesa through the preservation, restoration, enhancement, and management of a total of 5.6 acres of vernal pools within the Lonestar Ridge Conservation Area in a configuration that maintains habitat function and species viability.

- Development of the three overlapping projects will result in the loss of PCEs within 200 acres or 83 percent of Subunit 5D of designated critical habitat for San Diego fairy shrimp; however, 254 acres of designated critical habitat for San Diego fairy shrimp

within Subunit 5B will be preserved in perpetuity at the Lonestar Ridge Conservation Area where PCEs will be enhanced and managed. In addition, 13 acres of designated critical for San Diego fairy shrimp within Subunit 5D will be preserved within the Otay Crossing's onsite open space.

- The Lonestar Ridge Conservation Area is adjacent to an existing Caltrans vernal pool restoration site, which is also within Subunit 5B of designated critical habitat for the San Diego fairy shrimp; thus, the conservation of designated critical habitat at the Lonestar Ridge Conservation Area significantly increases the amount of designated critical habitat for San Diego fairy shrimp that will be assured long-term protection and management.

- Because the loss of 200 acres of San Diego fairy shrimp designated critical habitat within critical habitat Unit 5 (1,634 acres) will be fully offset by conservation efforts with a high success of improving the overall status of the species, this loss is not expected to appreciably diminish the role or function of the overall critical habitat designation (2,931 acres) to support recovery of the San Diego fairy shrimp.

Quino Checkerspot Butterfly

- Relatively few Quino checkerspot butterflies have been observed on the three project sites, which constitute a very small portion of the rangewide distribution of the species.

- Nectar resources and larval host plants will be enhanced and managed within the Lonestar Ridge Conservation Area.

- The proposed conservation measures will minimize potential direct and indirect impacts to Quino checkerspot butterfly and help protect habitat within the Lonestar Ridge Conservation Area that may be important to regional metapopulation dynamics and recovery of the species.

Otay Tarplant Critical Habitat

- The loss of 25 acres of designated critical habitat for the Otay tarplant within Unit 3 (2,250 acres) will be offset by the conservation of areas supporting the essential habitat features necessary to support the species; thus, this small loss of designated critical habitat is not expected to appreciably diminish the role or function of the overall critical habitat to support recovery of the Otay tarplant.

INCIDENTAL TAKE STATEMENT

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage

in any such conduct. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering. Harass is defined as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of Section 7(b)(4) and 7(o)(2) of the Act, taking that is incidental to and not intended as part of the proposed action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this incidental take statement.

The measures described below are non-discretionary, and must be undertaken by the Corps, FHWA, and/or the Applicants (i.e., Caltrans; Otay Crossings Commerce Park, LLC; or Otay Business Park, LLC) in order for the exemption in section 7(o)(2) to apply. FHWA has the continuing duty to regulate the SR-11 and Port of Entry activity that is covered by this incidental take statement. The Corps has the continuing duty to regulate the Otay Crossings and Otay Business Park project activities that are covered by this incidental take statement. If the Corps or FHWA, as specified above for the individual projects, or the Applicant for each project (1) fails to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit or grant document, and/or (2) fail to retain oversight to ensure compliance with these terms and conditions, the protective coverage of section 7(o)(2) may lapse.

To monitor the impact of incidental take, the Corps or FHWA, as specified above for the individual projects, or the Applicant for each project must report the progress of the action and its impact on the species to the Service as specified in the incidental take statement [50 CFR §402.14(i)(3)].

AMOUNT OR EXTENT OF TAKE

San Diego and Riverside Fairy Shrimp

It is not possible to determine the precise number of San Diego or Riverside fairy shrimp that will be impacted by the proposed project. The exact population size of fairy shrimp species is difficult to estimate due to the dynamic conditions associated with their habitat. The reproductive success of fairy shrimp is dependent on seasonal fluctuations in their habitat, such as presence or absence of water during specific times of the year, duration of inundation, and other environmental factors that likely include specific salinity, conductivity, dissolved solids, and pH levels. Therefore, the population of fairy shrimp in any given pool varies dramatically.

We anticipate that San Diego fairy shrimp and Riverside fairy shrimp cysts in vernal pool habitat within the project footprint of Otay Crossings and Otay Business Park will be taken in the form of harm by grading, excavating, and filling the basins they occupy and their watersheds. We

anticipate that some of the translocated cysts will survive in the restored pools, but many will be destroyed during the process of collecting and transferring them to the restored pools. In addition, cysts will be salvaged from pools within the Lonestar Ridge Conservation Area, stored, and re-introduced into restored or enhanced pools. It is anticipated that some cysts will be killed during the salvage and restoration/monitoring effort. Because the precise number of individual San Diego fairy shrimp and Riverside fairy shrimp cysts harmed or killed cannot be determined, take exemptions are set as follows:

Project Sites

1. Eleven pools occupied by San Diego fairy shrimp, two pools occupied by Riverside fairy shrimp, and three pools occupied by both species within the Otay Crossings and Otay Business Park project sites will be impacted. The amount or extent of incidental take exempted at the project sites will be exceeded if more than 14 pools (0.337 acre) of occupied San Diego fairy shrimp or 5 pools of occupied Riverside fairy shrimp (0.186 acre) are impacted. These thresholds are further defined for each project as follows:

    a) The incidental take exemption for the Otay Crossings project will be exceeded if more than one pool [116 square feet (0.003 acre)] supporting both San Diego and Riverside fairy shrimp is impacted.

    b) The incidental take exemption for Otay Business Park project will be exceeded if more than 13 pools (0.334 acre) occupied by San Diego fairy shrimp or more than 4 pools (0.183 acre) occupied by Riverside fairy shrimp are impacted.

No incidental take of San Diego or Riverside fairy shrimp is anticipated at the project site for the SR-11 and Port of Entry project, and none is exempted;

Restoration Site

2. Restoration activities may result in mortality of a small number of cysts within 17 pools that are occupied by San Diego fairy shrimp and one pool that is occupied by Riverside fairy shrimp at Lonestar Ridge Conservation Area. The amount or extent of incidental take at the restoration site will be exceeded if more than 17 pools of occupied San Diego fairy shrimp or 1 pool occupied by Riverside fairy shrimp are recontoured. These take exemptions are further defined for each project as follows:

    a) The incidental take exemption for the SR-11 and Port of Entry project will be exceeded if more than 14 pools supporting San Diego fairy shrimp or 1 pool supporting Riverside fairy shrimp are impacted.

    b) The incidental take exemption for Otay Crossings project will be exceeded if more than 4 pools supporting San Diego fairy shrimp are impacted.

c) The incidental take exemption for the Otay Business Park project will be exceeded if more than 1 pool supporting San Diego fairy shrimp is impacted.

Quino Checkerspot Butterfly

Quantifying the precise number of individual Quino checkerspot butterflies that may be incidentally taken is not possible because the butterfly's small body size and diapause life stage make the observation or detection of mortality highly unlikely and actual numbers and losses of future population cohorts will fluctuate unpredictably in response to weather patterns and other biotic and abiotic factors across the life of the project. Because we cannot provide the precise number of individual Quino checkerspot butterflies that are likely to be taken with implementation of the proposed action, take exemptions are provided as follows:

3. Death or injury of Quino checkerspot butterfly eggs, larvae, and pupae from crushing, trampling, or burial during habitat clearing activities within up to 450 acres of Quino checkerspot butterfly habitat during construction of the SR-11 and Port of Entry, Otay Crossings, and Otay Business Park projects; and harm to adult Quino checkerspot butterflies supported within this same 450-acre impact area. The amount or extent of incidental take will be exceeded if more than 450 acres of Quino checkerspot butterfly habitat is impacted during construction of the proposed projects. These take exemptions are further defined for each project as follows:

   a) The incidental take exemption for SR-11 and the Port of Entry project will be exceeded if more than 175 acres of Quino checkerspot butterfly habitat is impacted.

   b) The incidental take exemption for the Otay Crossings project will be exceeded if more than 163 acres of Quino checkerspot butterfly habitat is impacted.

   c) The incidental take exemption for the Otay Business Park project will be exceeded if more than 111 acres of Quino checkerspot butterfly habitat is impacted.

No take of Quino checkerspot butterfly is anticipated in association with restoration activities at the Lonestar Ridge Conservation Area, and none is exempted.

EFFECT OF THE TAKE

In the accompanying biological opinion, the Service determined that this level of take is not likely to result in jeopardy to the San Diego fairy shrimp, Riverside fairy shrimp, or the Quino checkerspot butterfly.

REASONABLE AND PRUDENT MEASURES

The Corps, FHWA, and/or Applicants will implement numerous conservation measures as part of the proposed action to avoid, minimize, and offset the incidental take of San Diego fairy shrimp, Riverside fairy shrimp, and Quino checkerspot butterfly during construction and implementation of the proposed projects, including during enhancement and restoration activities. Our evaluation of the proposed action is based on the assumption that the actions as set forth in the "Conservation Measures" section of this biological opinion will be implemented. Any changes to the conservation measures proposed by the Corps, FHWA, and/or Applicants, or in the conditions under which project activities were evaluated, may constitute a modification of the proposed action. If this modification causes an effect to the San Diego fairy shrimp, Riverside fairy shrimp, or Quino checkerspot butterfly that was not considered in this biological opinion, reinitiation of formal consultation pursuant to the implementing regulations of section 7(a)(2) of the Act (50 CFR § 402.16) may be warranted. In addition to these conservation measures, the following reasonable and prudent measures are necessary and appropriate to monitor and report the incidental take of San Diego fairy shrimp, Riverside fairy shrimp and Quino checkerspot butterfly to provide a trigger for reinitiation of consultation, if necessary.

1. The Corps or FHWA, as specified above for the individual projects, or Applicant for each project will monitor and report on compliance with the established take exemptions for the San Diego fairy shrimp and Riverside fairy shrimp prior to and following construction impacting occupied pools at the project site.

2. The Corps or FHWA, as specified above for the individual projects or Applicant for each project will monitor and report on compliance with the established take exemptions for the Quino checkerspot butterfly on the Lonestar Ridge East conservation parcels.

TERMS AND CONDITIONS

To be exempt from the prohibitions of section 9 of the Act, the Corps, FHWA, and/or the Applicants (project proponents) must comply with the following terms and conditions, which implements the reasonable and prudent measures described above. These terms and conditions are non-discretionary.

1.1 If construction of the SR-11 and POE, Otay Crossings Park, or Otay Business Park is not initiated within 2 years of issuance of this biological opinion, the Corps, FHWA and/or Applicants will submit documentation to the Service prior to the initiation of project construction demonstrating that the distribution of San Diego fairy shrimp and Riverside fairy shrimp has not changed from the baseline condition described in this biological opinion (i.e., the number and distribution of pools occupied by San Diego fairy shrimp and Riverside fairy shrimp has not changed).

1.2 The Corps, FHWA, and/or Applicants will provide reports to the Service consistent with Conservation Measures 5g documenting the total number and acreage of pools occupied by the San Diego fairy shrimp and Riverside fairy shrimp within the project footprint at the SR-11and Port of Entry, Otay Crossings Park, and Otay Business Park project sites and demonstrating that authorized impacts to these species were not exceeded.

2.1 Prior to initiation of any restoration activities on the Lonestar Ridge East conservation parcels, the Corps and/or the Applicants for the Otay Business Park and Otay Crossings projects will demonstrate that the distribution of Quino checkerspot butterfly has not changed from the condition described in this biological opinion.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Act directs Federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information. We have not identified any conservation recommendations beyond the conservation measures already being implemented by the project proponents that would provide further benefit to the San Diego button-celery, spreading navarretia, San Diego fairy shrimp, Riverside fairy shrimp, or Quino checkerspot butterfly in the action area of the project.

REINITIATION NOTICE

This concludes formal consultation regarding the SR-11 and Port of Entry, Otay Crossings Park, and Otay Business Park projects as outlined in materials submitted to us. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded by any one of the three individual projects, the operations of the individual project causing such take must cease pending a determination and discussion between the Service and the responsible federal agency(s) (Corps and/or FHWA) regarding reinitiation.

If you have any questions regarding this biological opinion, please contact Fish and Wildife Biologist Susan Wynn of this office at 760-431-9440, extension 216.

Sincerely,

Karen A. Goebel

for Jim A. Bartel
Field Supervisor

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