



Appendix Q

Agencies' Concurrence
on the LEDPA



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92009



In Reply Refer To:
FWS-SDG-2296.3

JUN 01 2004

Mr. Gene K. Fong
Division Administrator
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, California 95814

Re: Concurrence on Request to Bypass the NEPA/404 Integration Process for State Route 905 in San Diego, San Diego County, California

Dear Mr. Hamby:

We are responding to your October 1, 2003, letter, received on October 3, 2003, requesting U.S. Fish and Wildlife Service (Service) concurrence that the proposed State Route 905 (SR 905) Project does not need further review pursuant to the National Environmental Policy Act and Clean Water Act Section 404 Integration Process (NEPA/404 Integration Process) for Surface Transportation Projects in Arizona, California, and Nevada (1993). The proposed SR 905 Project is a six-lane freeway connecting I-805 with SR 125 and the Otay Mesa Port-of-Entry.

The signatory agencies to the Memorandum of Understanding for the NEPA/404 Integration Process coordinated the development of the Purpose and Need Statement and Alternatives for SR 905 between 1995 and 2001. In 2001, Caltrans requested withdrawal from the NEPA/404 Integration Process since minimization measures would result in impacts to 0.49 acres of waters of the United States (U.S.), which is below the threshold for triggering the Integration Process. The signatory agencies concurred and project design moved forward through environmental review.

More recently, the U.S. Army Corps of Engineers Regulatory Branch (Corps) determined that impacts from the proposed SR 905 Project to waters of the U.S. have increased from 0.49 acres to 5.78 acres. However, there are no new design changes that resulted in this increase. Instead, the increase resulted from mis-identifying waters of the U.S. as non-jurisdiction waters. Originally, a trapezoidal ditch, located within the project corridor and adjacent to commercial

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buildings, was not considered a waters of the U.S. in a delineation of Corps' jurisdictional areas done by Caltrans. After a recent delineation field review, the Corps determined that the drainage ditch met the criteria of a jurisdictional waters of the U.S. In addition, the wetland on the Sanyo site was originally thought to be isolated. However, studies conducted by Caltrans' Hydraulics Department showed a hydrologic link between the isolated wetland and waters of the U.S.

To inform our review of Caltrans' request to withdraw from the NEPA/404 Integration Process, the Corps, Environmental Protection Agency (EPA), and the Service requested information on the SR 905 Project which we have since received. Based on our review of this information in coordination with the Corps and EPA, we have determined that the preferred alternative is the least environmentally damaging practicable alternative and the impacts to waters of the U.S. are the same for the three alternatives considered in the draft Environmental Impact Statement for the project. Therefore, the Service concurs that the proposed SR 905 Project does not need further review pursuant to the NEPA/404 Integration Process.

Should you have any questions regarding this letter, please call John DiGregoria of my staff at (760) 431-9440.

Sincerely,

A handwritten signature in black ink, appearing to read 'Therese O'Rourke', with a large, sweeping flourish extending to the right.

Therese O'Rourke
Assistant Field Supervisor

cc: U.S. Army Corps of Engineers (Terry Dean)
Elizabeth Goldman (EPA)
Bruce April (Caltrans)