6.0 COORDINATION AND CONSULTATION

The FHWA and the Department are serving as lead agencies to prepare this combined FEIS/FEIR. The Department coordinated the Route 905 project with the appropriate Federal, State, and local agencies, as well as interested citizens. A public hearing was held on September 20, 2001. This coordination effort is described below.

On February 28, 1995, a Notice of Preparation (NOP) was distributed to appropriate State and local agencies and organizations. On March 30, 1995, a Notice of Intent (NOI) was published in the Federal Register in accordance with NEPA. Copies of the NOP and NOI are included as Figures 6-1 and 6-2 (respectively).

Comments on the NOP were received from the following:

- CDFG (requested a complete, comprehensive study of biological resources),
- California Native Plant Society (expressed concern for impacts to botanical resources),
- San Ysidro School District and Sweetwater Union High School District (informed the Department of planned schools in the project area),
- San Diego Archaeological Society (requested a copy of the Cultural Resources Technical Study and the DEIS/DEIR), and
- Otay Water District (requested that impacts to water systems and pipelines be addressed).

Comments on the NOI were received from the following:

- National Park Service (requested that impacts to Otay Valley Regional Park be addressed and that an air quality study address possible increases in pollution),
- USFWS (expressed concern that impacts to sensitive species, vernal pools, and the MSCP be addressed), and
- EPA (requested that the DEIS/DEIR adequately address the project purpose and need; project alternatives; impacts to the environment (direct, indirect, and cumulative); noise; air and water quality impacts; and the issue of environmental justice).

6.1 PROJECT DEVELOPMENT TEAM

A Route 905 Project Development Team (PDT) was assembled by the Department in 1995 to serve as the technical advisory committee and decision making body for the project. The PDT consists of Department staff representatives from its program management and technical divisions (such as environmental planning, traffic, geometric design, and right-of-way) and representatives from other interested agencies. The PDT met (and will continue to meet) at key times during the course of project development as issues arise requiring technical direction or resolution. The members are:

Department:
Randy Sanchez (Project Manager)
Chuck Davis/Ninh Dao (Design)
Thomas Bouquin/Ed Hajj (Design)
Waldo Lopez/Ted Olson (Design)

Martin Villanueva/Tom Guerrini (Design)
Dave Walcott/Marvin Canton (Design)
John Chisholm/Kevin Hovey (Environmental Division)
Tim Craggs (Office of Project Planning and Design)
Tom Ham/David Strickland (Landscape Architecture)
Bill Figge (Planning)
Erwin Gojuangco (Traffic Operations)
Janet Schaffer/Rene Gomez/Pat Kipling (Right-of-Way)
Karen Jewel/Laura Espinoza (Hydraulics/NPDES)
Steve Saville/Olga Estrada (Public Affairs)
FHWA: Cesar Perez/Jeff Lewis
USFWS: Susan Wynn/Jacalyn Fleming/John DiGregoria
MTDB: Bob Robenhymer
SANDAG: Dean Hiatt/Jose Nuncio
California Highway Patrol: Captain Norton
U. S. Border Patrol: Ray Ortega
City of San Diego: Larry Van Wey/Gretchen Softley/ Kerry Santoro

Other agencies invited to participate as members of the PDT were the EPA, CDFG, ACOE, and County of San Diego. These agencies are informed of any PDT matters.

The Department, the City of San Diego, and the County of San Diego worked closely as partners in the development of the consultant studies.

6.2 COORDINATION WITH RESOURCE AND REGULATORY AGENCIES

Coordination has occurred with the resource and regulatory agencies throughout the environmental study process. The Department has worked closely with representatives of these agencies. Dated correspondence indicates written responses received from agencies.

- February 27, 1995, City of San Diego
- April 3, 1995, United States Department of the Interior, National Park Service
- April 7, 1995, United States Department of the Interior, Fish and Wildlife Service
- April 11, 1995, San Diego Association of Governments
- April 12, 1995, United States Department of the Interior, Fish and Wildlife Service
- April 28, 1995, California Department of Fish and Game
- May 9, 1995 - PDT meeting, biology issues
- July 10, 1995, City of San Diego
- July 27, 1995, United States Environmental Protection Agency
- July 23, 1996, Office of Historic Preservation, Department of Parks and Recreation
- March 25, 1997, City of San Diego
- April 14, 1997, County of San Diego
- May 14, 1997, United States Department of the Interior, Fish and Wildlife Service
- January 30, 1998, City of San Diego
- July 15, 1998, United States Department of the Interior, Fish and Wildlife Service
- July 22, 1998, Department of the Army

- August 27, 1998, United States Environmental Protection Agency
- August 31, 1998, United States Environmental Protection Agency
- May 18, 1999, United States Department of the Interior, Fish and Wildlife Service
- September 9, 1999, United States Department of the Interior, Fish and Wildlife Service
- February 5, 2001, City of San Diego
- November 14, 2002, City of San Diego
- June 19, 2003, Department of the Army
- April 6, 2004, United States Environmental Protection Agency

6.3 MAJOR INVESTMENT STUDY

A Major Investment Study (MIS) was completed for this project (May, 2000). Statewide and Metropolitan Planning regulations under ISTEA became effective November 29, 1993. An important provision of the regulations addresses Major Metropolitan Transportation Investments (MMTI) in 23 CFR 450.318. All projects funded or approved by the FHWA and/or the Federal Transit Administration (FTA) were subject to the requirements of MMTI. This is no longer a requirement.

Guidance on implementing MMTI, known as Major Investment Strategies, provides direction specifically on how projects administered by the FHWA that have not completed the NEPA process should address the requirements. Although TEA-21 changes the requirements of ISTEA, MMTI still applies. It was therefore decided that the MIS for Route 905 would be completed. For the Route 905 NEPA document, FHWA requested that the Department consult with transit operators, SANDAG, and FTA to identify and consider the full range of reasonable system design alternatives for the project. This consultation has occurred and the final meeting with the agencies was held on February 3, 2000. Attendees unanimously concurred that sufficient evaluation had been provided in the Route 905 MIS to document Major Investment Strategies compliance. A concurrence letter from SANDAG and MTDB, dated February 28, 2000, is included in Appendix G.

6.4 CHRONOLOGY OF CONSULTATION AND COORDINATION

The following is a chronology of key consultation and coordination events that lead to this document:

- February 14, 1995 - PDT meeting, discussed Route 905 project scope, constraints, MIS meeting, and NOI/NOP.
- March 3, 1995 - project team meeting, Route 905 project kick-off.
- April 11, 1995 - project team meeting, discussed project scope, logistics, and schedule.
- May 11, 1995 – Resource Agency meeting with USFWS, ACOE, and CDFG regarding alternatives for study.
- June 15, 1995 – Pre-application meeting for 404 permit, with representatives of the ACOE, EPA, USFWS, CDFG, and County of San Diego. Agency representatives agreed that the three alternative alignments proposed were sufficient for study and the EIS/R.
- July 11, 1995 - project team meeting, project status
- August 3, 1995 - project team meeting, project status
- August 8, 1995 - project team meeting, project status

- September 12, 1995 - project team meeting, preparation for MSCP meeting, discussed NOI response letters.
- September 19, 1995 – MSCP Corridor meeting, discussion with ACOE, USFWS, and CDFG regarding the MSCP corridor and biological impacts for each alternative. No new alternatives were suggested
- October 10, 1995 - project team meeting, general project issues
- November 14, 1995 - project team meeting, general project issues
- December 12, 1995 - project team meeting, general project issues
- January 25, 1996 - project team meeting, general project issues
- February 20, 1996 - project team meeting, discussed environmental issues
- March 12, 1996 - project team meeting, discussed environmental issues
- April 9, 1996 - project team meeting, project status update
- June 11, 1996 - project team meeting, project status update
- July 9, 1996 - project team meeting, project status update
- August 13, 1996 - project team meeting, project status update
- September 10, 1996 - project team meeting, discussed expressway alternative
- September 24, 1996 - project team meeting, cultural resources issues
- September 27, 1996 - MIS discussion
- October 1, 1996 - Route 905 Expressway Planning Workshop
- October 8, 1996 - project team meeting, discussed environmental and design issues
- October 28, 1996 - project team meeting, specialized traffic meeting
- November 12, 1996 - project team meeting, discussed environmental issues
- December 10, 1996 - project team meeting, discussed environmental issues
- January 14, 1997 - project team meeting, discussed environmental and design issues
- February 11, 1997 - project team meeting, discussed environmental issues
- March 11, 1997 - project team meeting, discussed environmental issues
- March 19, 1997 – Resource Agency meeting discussion of biological impacts for the alternatives with a focus on the North Alternative and biological mitigation by others in its proposed footprint. Representatives of USFWS, ACOE, CDFG, EPA and FHWA attended. No changes in the alternatives under study were suggested.
- April 8, 1997 - project team meeting, discussed environmental issues and alignments.
- June 10, 1997 - project team meeting, discussed environmental issues and alignments.
- July 8, 1997 - project team meeting, discussed environmental issues
- August 12, 1997 - project team meeting, discussed environmental issues
- September 9, 1997 - project team meeting, discussed environmental issues.
- November, 18, 1997 - discussed status of technical studies.
- January 13, 1998 - project team meeting, discussed technical and design issues.
- February 10, 1998, field review for draft wetland delineation with Helix and ACOE.
- March 10, 1998, project team meeting, discussed status of technical studies.
- May 12, 1998, project team meeting, discussed status of technical studies.
- July 14, 1998, project team meeting, updated status of technical studies and environmental document.
- September 15, 1998, project team meeting, updated status of technical studies and environmental document.

- November 10, 1998, project team meeting, reviewed environmental document, discussed various changes and updates that were needed.
- January 12, 1999, project team meeting, discussed FHWA review processes, discussed DEIS/DEIR in relation to the review processes.
- February 25, 1999 – discussion with EPA, confirming EPA's concurrence with the range of alternatives and the purpose and need.
- March 9, 1999, project team meeting, review progress of studies and Project Report.
- March 16, 1999, project team meeting, specialized environmental meeting.
- May 11, 1999, project team meeting, discussed processing of DEIS/DEIR and status of DEIS/DEIR.
- July 13, 1999, project team meeting, discussed status of Project Report and DEIS/DEIR
- September 14, 1999, project team meeting, status update.
- September 16, 1999, field review for draft wetland delineation with ACOE, NRCS, and Helix.
- November 9, 1999, project team meeting, status update.
- January 11. 2000, project team meeting, status of DEIS/DEIR and Project Report.
- February 3, 2000, project team meeting, MIS concurrence discussion.
- November 16, 2000, PDT meeting with USFWS, ACOE, CDFG, FHWA, and Department. NEPA/404 MOU process status update and discuss public circulation of the DEIS/DEIR.
- March 25, 2002, project team meeting meeting, design, right-of-way, and environmental issues were addressed.
- May 16, 2002, project team meeting meeting, discussion of environmental issues.
- June 21, 2002, project team meeting, design, right-of-way, and environmental issues were addressed.
- August 1, 2002, project team meeting, design, right-of-way, and environmental issues were addressed.
- September 19, 2002, project team meeting, design, right-of-way, and environmental issues were addressed.
- April 2, 2003, wetland delineation field verification with ACOE, CDFG, and the Department. wetland areas were reviewed and discussed in terms of jurisdiction.
- September 8, 2003, meeting with ACOE to discuss wetland impacts and project streamlining.
- November 14, 2003, NEPA/404 MOU meeting to discuss alignments alternatives.
- December 5, 2003, field review with ACOE, Helix, and Department to review wetland findings.

6.5 NEPA - SECTION 404 CONCURRENCE PROCESS

On December 27, 1993, the Department signed an interagency Memorandum of Understanding (MOU) committing to integrating NEPA and Section 404 of the Clean Water Act in transportation planning, programming, and implementation stages for projects requiring an individual permit under Section 404. In letters dated July 15, 1998; August 27, 1998; and July 22, 1998; the USFWS, EPA, and ACOE, respectively, concurred with the project's purpose and need and alignment alternatives under study. These letters are included in Chapter Six, Comments and Coordination, (Figures 6-3, 6-4, and 6-5). Final concurrence from ACOE on the alignment alternatives and the wetland delineation (at the DEIS/DEIR stage) was received on March 23, 2000.

Concurrence Process Update

In 1995, the Department began coordinating with the federal resource agencies, including the USFWS, ACOE, EPA to implement the NEPA-404 Integration Process for the Route 905 project. The project's alternatives were developed during meetings with these resource agencies, along with the California Department of Fish and Game, in order to minimize biological resource impacts. Further minimization of impacts to natural resources also occurred during the preliminary design phase.

The October 30, 2000 revised interim thresholds for the NEPA-404 Integration Process, issued by the United States Department of Transportation, prompted the Department to request the Route 905 Project's withdrawal from the NEPA-404 Integration Process. These interim thresholds stated that projects with impacts of five acres or less to special aquatic sites, or impacts of five acres or less to other Waters of the U.S., would no longer be required to follow the NEPA-404 Integration Process. At the time of the circulation of the DEIS/DEIR, the proposed project impacts were well below the new interim thresholds. Based on the coordination, the USFWS, EPA, ACOE, and FHWA concurred with the Department's request to withdraw the Route 905 Project from the NEPA-404 Integration Process.

After the public circulation of the DEIS/DEIR, the Department received an October 16, 2001 comment letter from the ACOE (attached below, with responses, in this chapter) which stated that the Department needed to update the draft wetland delineation. The 1999 wetlands delineation for the DEIS/DEIR was prepared based on language in the Preamble to Part 328 of the Corps' 1986 regulations, which states that the ACOE typically does not consider as waters of the United States, drainage ditches excavated out of dry land. This was applied to a trapezoidal channel (Drainage 7) which is impacted by the project. Based on a Corps site review and a review of historical aerial photography, the Corps took regulatory jurisdiction of the area in June, 2003. There are 1.42 hectares (3.5 acres) of impacts to Drainage 7. Another area previously considered non-jurisdictional, is the Sanyo site (Drainage 8). The ACOE requested additional information on this site. They determined that the area was not isolated and took regulatory jurisdiction. This represents 1.66 hectares (4.11 acres) of impact. The ACOE confirmed this delineation of waters within the project area. After consultation with the ACOE, the impacts to jurisdictional waters changed; they are now over the threshold for a Nationwide permit and the interim threshold of 5 acres. These additional impacts to jurisdictional waters are common to all alignments. Current calculations indicate that the magnitude of impacts would be 3.48 hectares (8.49 acres) for the North Alignment Alternative, 3.10 hectares (7.68 acres) for the Central Alignment Alternative, and 3.09 hectares (7.66 acres) for the South Alignment Alternative for those areas regulated by the two resource agencies. None of the additional jurisdictional impacts are a result of project design changes.

Because of the close coordination between the Department, FHWA, ACOE, USFWS, and EPA, these agencies collectively concurred that the steps outlined in Appendix A of the NEPA/404 MOU were not needed to successfully complete the environmental review of the Route 905 project. The Freeway-Central Alignment Alternative (with a bridge) is the Preferred Alternative, and also the LEDPA as required under Section 404. Moreover, the agencies collectively provided input to the Department as it developed and refined the required conceptual wetland mitigation plan. Therefore, as agreed by these agencies, the formal NEPA/404 MOU will not be applied to this project.

The Department will continue to work closely with all of the resource agencies to maintain communication and coordination throughout the proposed project's development.

6.6 PERMITS AND APPROVALS

The following permits and/ or approvals will be required from the respective responsible agencies prior to construction:

- A streambed alteration agreement (Section 1602) will be needed from CDFG.
- ACOE Section 404 Permit (Individual).
- A Section 401 certification (or waiver thereof) will be required from the Regional Water Quality Control Board (RWQCB); water quality issues are addressed prior to issuance of the Section 404 Permit.
- To satisfy Section 402 of the Clean Water Act, a Notice of New Construction (Form) will be provided to the San Diego RWQCB, per the Waste Discharge Requirements and NPDES Permit 99-06-DWQ CAS000003 issued July 15, 1999.
- Consistency determination from USFWS and CDFG regarding the MSCP.
- CTC approval of the project, and Route Adoption.
- Freeway Agreements (City of San Diego, County of San Diego).

6.7 CITIZEN PARTICIPATION

In December 1993, US. Congressman Bob Filner convened the Otay Mesa Transportation Summit, a meeting of elected officials representing the Otay Mesa area. Briefings from Federal, State, and local officials, as well as from the public, were received. More than 125 people attended, an indication of the high level of local interest and concern.

Since 1993, on-going meetings have taken place with several community groups such as the Citizens for Route 905/Citizens for Border Transportation, the South County Economic Development Corporation Transportation Infrastructure Advisory Committee, and the Otay Mesa Chamber of Commerce. Councilman Juan Vargas, City of San Diego, and his staff, as well as business community members, have been involved in project update meetings also.

A public scoping meeting was held on April 10, 1995, to gather information from the public regarding concerns and issues in the study area, and help set the scope of the environmental studies. Written comments from the attendees supported the project. Members of the California Transportation Commission (CTC) have been involved in supporting the proposed project. On September 19, 1997, a CTC tour of Route 905 and Otay Mesa took place.

On September 25,1997, a public information meeting was held to give the community an opportunity to review and comment about the proposed project. No opposition to the project was recorded. However, some landowners adjacent to the proposed alignment voiced concerns about potential adverse economic impacts to their properties. Generally, there is support for the project from citizens, agencies and organizations. A letter of support from the Endangered Habitats League is included as Figure 6-6.

Route 905 DEIS/DEIR Public Circulation Period

The DEIS/DEIR entered public circulation on August 13, 2001 and the comment period extended until October 16, 2001.

Public Hearing

The Department held an open forum public hearing on September 20, 2001 at 9375 Customhouse Plaza, Suite A2, San Diego. The open forum enabled visitors to arrive at different times during the public hearing and receive project information on a continual basis. Doors were open from 3:00 p.m. to 7:00 p.m. Engineering and environmental features of the project were described and exhibits which showed proposed improvements were displayed. Everyone present had the opportunity to comment either orally or in written form.

Thirty-six individuals attended the hearing, two provided written comment, one urging the Department to construct Route 905 as soon as possible, the other voicing preference for the South Alignment Alternative.

6.8 COMMENTS ON THE DEIS/DEIR

During the time the Route 905 DEIS/DEIR was circulated for public review, 31 letters commenting upon the DEIS/DEIR were received from the public, resource agencies, private industry, and various other public and governmental bodies. Twenty-eight of these letters are duplicated and responded to below; the three that were not duplicated are summarized below.

The California Transportation Commission commented that the Department should strive to keep the project's cost down as much as possible and suggested that the Department choose the eventual routing based upon favorable transportation conditions, costs, terrain, land use planning, and environmental effects.

SANDAG urged the Department to accelerate the environmental review process and stressed the importance of Route 905 to the region.

Mr. Todd Ingalls commented via email that he preferred the South Alignment Alternative.

The following is a list of comment letters received during the public comment period, which extended between August 13, 2001 and October 16, 2001.

Agency/Organization/Individual	
U.S. Environmental Protection Agency	Included below
U.S. Fish and Wildlife Service	Included below
U.S. Army Corps of Engineers	Included below
Dept of Health & Human Services	Included below
International Boundary and Water Commission, United States and Mexico	Included below
California Department of Fish & Game	Included below
California Department of Conservation	Included below
California Department of Toxic Substances Control	Included below
California Transportation Commission	Not included
San Diego Association of Governments	Not included
Metropolitan Transit Development Board	Included below
County of San Diego, Department of Public Works	Included below
City of San Diego	Included below
Otay Mesa Chamber of Commerce	Included below
South Bay Union School District	Included below
Sweetwater Union High School District, Planning and Facilities	Included below
California Native Plant Society	Included below
Automobile Club of Southern California	Included below
San Diego Audubon Society	Included below
Anderprises Inc.	Included below
California Transportation Ventures Inc	Included below
CIF Holdings, L.P.	Included below
International Real Estate	Included below
SANYO North America Corporation	Included below
Sempra Energy	Included below
Louis Sparks	Included below
Mark Dodero/Bruce Hansen	Included below
Parsons Brinckerhoff	Included below
Robert C. Hawkins	Included below
Roxanne Abel	Included below
Todd Ingalls	Not included

project file

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

November 2, 2001

Jeff Kolb
Program Delivery South Team Leader
Federal Highway Administration
980 9th Street, Suite 400
Sacramento, CA 95814

Dear Mr. Kolb:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for **Route Location, Adoption, and Construction of State Route 905 between the Otay Mesa Port of Entry and Interstate 805 in San Diego County, California**, (CEQ #010310, FHW-K40246-CA). Our review is 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 Federal Highway Administration (FHWA) and Caltrans propose to construct State Route (SR) 905 as a six-lane mixed flow freeway or tollway with controlled access to connect the Otay Mesa Port of Entry at the Mexican Border with Interstate 805 (I-805) in the City of San Diego. The width of the median will be sufficient to accommodate two high-occupancy vehicle lanes at a future time, when needed. The proposed approximately 6.2-mile stretch of new roadway would include interchanges at Siempre Viva Road, SR 125, La Media Road, Britannia Boulevard, Heritage Road, Caliente Boulevard, and improvements to the existing interchange at I-805. The project also includes a four-lane local access road extending approximately 1.2 miles east from the SR 905/125 interchange to the intersection of Enrico Fermi Drive and Siempre Viva Road, widening existing Otay Mesa Road from two to six lanes between its connection to Interim SR 905 and Sanyo Avenue, and widening Sanyo Avenue from two to four lanes south of Otay Mesa Road.

Three alternative alignments through the environmentally sensitive area of Spring Canyon were evaluated, as a freeway and as a tollway, as well as the No Project alternative. Additionally, an Expressway Staging Option alternative was included, but for informational purposes only. The North alignment is designed to minimize impacts to sensitive Diegan coastal sage scrub habitat and the Multiple Habitat Planning Area (MHPA). The Central alignment is routed to minimize impacts to vernal pools. The South alignment avoids a recently created wildlife and vernal pool habitat preserve west of Heritage Road (incorporated into the MHPA), and closely follows the "adopted route" that was identified for the SR 905 corridor in regional and local planning documents.

1 In 1998, EPA concurred on purpose and need and range of alternatives along with the U.S. Army Corps of Engineers (Corps), and the U.S. Fish and Wildlife Service (USFWS), pursuant to the NEPA/Section 404 of the Clean Water Act Integration Memorandum of Understanding (NEPA/404 MOU) signed in 1994. In April 2001, Caltrans requested to withdraw from the process based on their efforts to minimize potential impacts to waters of the United States (waters) to the extent that the estimated areas of impacts for all three alternative alignments were substantially less than the five-acre interim threshold. While EPA concurred with this request and supports these efforts to minimize impacts to waters, we believe that the environmental impacts within Spring Canyon (which is within the MHPA) may be reduced substantially further by including a bridge rather than a culvert in the Central alignment alternative.

2 The analysis in the DEIS focuses on potential direct environmental impacts that would result from the construction of the project, within the project right-of-way. However, we find the analysis of indirect and cumulative impacts (see 40 CFR Parts 1508.8 and 1508.7) insufficient. The DEIS does not address the impacts associated with new roadways that will connect to the proposed interchanges or related development. We are particularly concerned about indirect and cumulative impacts to vernal pool complexes, impacts to waters, wildlife corridors, threatened and endangered plant and animal species, and paleontological resources. EPA expressed similar concerns in our review of NEPA documents prepared for FHWA's SR 125 project. We strongly recommend that FHWA consider the concerns that EPA has expressed in writing on SR 125 regarding indirect and cumulative impacts, since we have many of the same concerns for SR 905.

3 Primarily due to the lack of information on indirect and cumulative impacts as well certain aspects of the air quality analyses, we have rated all the alternatives **EC-2**, *Environmental Concerns - Inadequate Information* (see attached "Summary of the EPA Rating System"). Since the FHWA has not identified a preferred alternative, this rating applies to all three build alternatives that are proposed. Of the three, EPA believes that the Central alignment would be environmentally preferable because it has fewer impacts to both vernal pools and other endangered species habitats. However, we recommend that FHWA evaluate replacing the culvert with a bridge for this alternative to substantially reduce impacts to resources of concern.

Our detailed comments on the DEIS are attached. We appreciate the opportunity to review the document. Please send two (2) copies of the final environmental impact statement (FEIS) to this office at the same time it is officially filed with our headquarters Office of Federal Activities. If you have any questions, please call Paul Michel of our Water Division at (415) 972-3417 or Liz Varnhagen of my staff, at 415-972-3845, or send an email message to varnhagen.liz@epa.gov.

Sincerely,

Lisa B. Hanf, Manager
Federal Activities Office

1 The Department concurs with your assessment with respect to a bridge spanning Spring Canyon. In response to further resource analysis and impact assessment and public comment received on the DEIS/DEIR, this feature has been added to the project design; the previously proposed culvert option is no longer a viable design feature since it would have greater biological impacts.

2 Further indirect and cumulative impact analysis was conducted. An Addendum to the Socioeconomic Technical Report was completed and Section 4.22 of the FEIS/FEIR were updated based upon these findings. Please also see the Department's response to comment #4 below.

With respect to your concern about new roadways (that will connect to the proposed interchanges or related development) and their potential to have indirect and cumulative impacts, the proposed project includes all improvements necessary to connect the existing roadways to the 905 facility for the purposes of maintaining adequate traffic flow. Interchanges are proposed with major arterials as identified in the City of San Diego's local community plan and circulation element. All proposed interchanges connect with existing roadways. The only new roads the Department will be constructing as part of the project are Gateway Park Drive and Otay Mesa Road. The former will be extended easterly to intersect with Cactus Road along the south side of Route 905 while the latter will have new sections built to connect its existing west and east segments near the intersection of Old Otay Mesa Road and Interim Route 905. The impacts (direct, indirect, and cumulative) associated with these new roads were studied and addressed in the DEIS/DEIR and they again appear in the FEIS/FEIR. In sum, neither of the two new roadways are in areas of vernal pool complexes and neither impacts threatened and endangered plant and animal species, waters, or wildlife corridors and they do not modify the biological resource impact issues associated with the potential future expansion of these existing roadways to implement adopted local circulation plans. The proposed Gateway Park Drive extension was designed to avoid any possible conflict with paleontological resources.

3 Thank you for your comment, the Project Development Team (PDT) found it useful when identifying the Freeway-Central Alignment Alternative as the Preferred Alternative. As noted above, the previously proposed culvert option is no longer a viable design feature and a bridge will now span Spring Canyon.

Enclosures: Summary of EPA rating system
Detailed comments

cc: Michelle McCartt, Caltrans District 11
Terry Dean, Corps of Engineers, San Diego
Susan Wynn, USFWS, Carlsbad

EPA Detailed Comments on the Draft Environmental Impact Statement (DEIS) for Route 905, San Diego County, California

Cumulative Impacts

4 While most of the anticipated direct environmental impacts within the SR 905 study area from the project are addressed in the DEIS, the cumulative impacts from past, present, and reasonably foreseeable future actions (40 CFR Part 1508.7) on the sensitive resources of the Otay Mesa are inadequately addressed. Much of this portion of the Otay Mesa is expected to be transformed by the pending and approved 29 private, and 15 public development projects within the timeframe of the project (the design year is 2020). Therefore, the cumulative impacts to sensitive resources such as waters of the United States (waters), Diegan coastal sage scrub, rare plants, and isolated waters such as vernal pool complexes, may be significant, and should be fully disclosed.

5 Vernal pools represent a highly valued, fragile, and rare resource. As of 1986, over 92 percent of vernal pools in San Diego County have been lost. In evaluating these losses, it is relevant to present the historic distribution of vernal pools and characterize important differences among pool types, such as high floral and faunal endemism. The loss of pools with these rare soils result in the loss of unique plant assemblages and possibly other species such as aquatic invertebrates.

6 The study area for the project follows the proposed right-of-way, and provides little contextual information about the geographic scope of important natural resources on Otay Mesa. The Multi-Species Conservation Plan (MSCP) and the Multi-Habitat Planning Area (MHPA) that was established by the U.S. Fish and Wildlife Service (USFWS) in 1997 to preserve the species covered in the MSCP are both referenced in the DEIS, but the project's consistency with the goals of the MSCP, particularly in terms of cumulative impacts is not addressed.

7 *Recommendation:* The FEIS should more completely describe the MSCP and MHPA in relation to this project. FHWA should address the uniqueness of the Otay Mesa vernal pools, why they occur, where they occur, their historic range and existing remnants, and additional impacts to vernal pools that are reasonably foreseeable on the Otay Mesa.

8 With an understanding of the cumulative impacts to these resources, the FEIS should identify places where compensatory mitigation might be performed to help offset the impacts from this project. The FEIS should present similar analyses for the other resources of concern that are vulnerable to cumulative impacts.

9 *Recommendation:* In addressing cumulative impacts, EPA recommends the following documents to FHWA as useful references materials: Council on Environmental Quality (CEQ), "Considering Cumulative Effects Under the National Environmental Policy Act" (January 1997) and EPA, "Consideration of Cumulative Impacts in EPA Review of NEPA Documents" (May 1999).

Potential impacts to paleontological resources that occur within the western portion of the project right-of-way are identified in the DEIS, and mitigation measures have been proposed in

4 Sections 4.8.3 and 4.8.4 of the DEIS/DEIR acknowledged that the construction of Route 905, and related transportation projects, would contribute cumulatively to secondary, or indirect, impacts on growth in Otay Mesa and East Otay Mesa while Section 4.22 fully disclosed and analyzed these impacts, of which biological resources (coastal sage scrub, rare plants, isolated waters, and vernal pool complexes) were part. In addition, Section 7.0 of the biological resources technical report (which was available for the public to review during the public circulation period of the DEIS/DEIR) also disclosed and discussed these impacts. This information, which has been updated (in an Addendum to the Biological Resources Technical Report), again appears in the FEIS/FEIR.

With respect to the level of impact to these resources, the mitigation measures adopted for the project (please see Section 4.10.2 of the FEIS/FEIR) comply with and support specific MSCP management measures implemented to prevent local extirpation and ultimate extinction of species and mitigate cumulative biology impacts. Consideration of these measures, along with the regional approach embodied in the MSCP, result in nonsubstantial cumulative impacts to biological resources, with one exception; cumulative impacts to vernal pools and their associated endangered/threatened species are substantial, despite the proposed mitigation measures for the project and despite the regional measures embodied in the MSCP. Mitigation measures for vernal pools and their associated species include preservation and/or creation as part of the compensatory mitigation plan. These are detailed in Section 4.10.2 of this FEIS/FEIR.

These impacts are again fully disclosed in the FEIS/FEIR.

5 With respect to presenting information relevant to the historic distribution of vernal pools in San Diego County, the biological resources technical report that was circulated with the DEIS/DEIR did provide this context. It read, "vernal pool habitat in San Diego County historically encompassed 11,572 hectares (28,595 acres), and historic acreage has been reduced by 93 percent. Between the summer of 1978 and the spring of 1986, 27% of the San Diego County vernal pools were lost to construction projects. Development, agriculture and vehicle damage are the greatest threats to the vernal pools that remain."

6 The DEIS/DEIR did provide contextual information about the geographical scope of important natural resources on Otay Mesa and it did discuss the project's consistency with the goals of the MSCP. This information was presented in general detail in Sections 4.10 and 4.22 and in detail in Chapters 4 and 5 of the biological resources technical report (which was incorporated by reference in the DEIS/DEIR) on pages 4-29 through 4-30. Updated discussions of direct, indirect, and cumulative project impacts, and MSCP consistency, are provided in the FEIS/FEIR, and the supporting updated biological resources technical study.

7 Please see the response to comment #5 above.

coordination with the San Diego Museum of Natural History. However, the DEIS does not address the cumulative impacts to paleontological resources within the context of the larger area known to contain these resources, and that may be adversely affected by reasonably foreseeable development activities.

10 *Recommendation*: To ensure that cumulative impacts to paleontological resources are appropriately addressed, we recommend that FHWA share information from technical documents prepared for this NEPA analysis as well as information obtained during project construction, with the local planning agencies, to ensure that they are informed about these valued resources. The FEIS should address the potential for cumulative impacts to paleontological resources, identify the specific local agencies and organizations that would be responsible for investigating or protecting these resources, and identify reasonable mitigation measures for impacts to these resources.

The Cultural Resources section of the DEIS appropriately describes the cultural resources at stake and measures that are in place to ensure compliance with Section 106 of the National Historic Preservation Act. However, the size and extent of the Area of Potential Effect (APE) identified for evaluation and coordination with the State Historic Preservation Office, is neither described nor illustrated in the DEIS.

11 *Recommendation*: If the APE is substantially larger than the study area used in the DEIS, a map of the APE should be included in the FEIS, and addressed within the context of cumulative impacts to cultural resources.

Indirect Impacts

According to the CEQ regulations, *indirect* effects

"... are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems." (40 CFR Part 1508.8).

12 In this context, indirect impacts include the effects of the non-federally funded roads that will connect to SR 905, as well as potential development that is reasonably foreseeable given the enhanced roadway infrastructure. As noted above, the 6.2-mile stretch of SR 905 includes six new interchanges. New roads that will connect to these interchanges are not addressed in the DEIS. In particular, a diamond interchange is proposed for SR 905 at Heritage Road. The maps in the DEIS show that this road is located just east of the boundary of the MHPA especially south of the SR 905 right-of-way, and if it were extended straight southward from its proposed interchange with SR 905, would encroach into the MHPA. EPA believes it is important for the public to be aware of these potential future resource conflicts even though they may not result from the direct impacts of the FHWA's project.

8 Sections 4.10.5 and 4.10.7 of this FEIS/FEIR discuss, in detail, mitigation measures for all of the biological resources of concern, including those that are vulnerable to cumulative impacts. The recommended mitigation ratios for habitat disturbance, associated with the proposed project, follow the general recommendations of the MSCP and MHPA, as outlined in the City of San Diego's Biology Guidelines. For purposes of analysis, mitigation would occur either within or near the MHPA, such that the value of the planning area would be enhanced. For impacts to vernal pools, mitigation would involve the restoration, creation, and preservation of pool habitat on the Wall-Hudson property located within or adjacent to the MHPA in Otay Mesa. Permanent disturbance to upland habitats would be offset through a combination of enhancement/restoration that would be implemented on the Wall-Hudson property, the Bonita Meadows Mitigation Site, and the on-site La Media Road drainage.

9 Thank you for your suggestion.

10 The Department believes that the scope and level of the cumulative impact analysis is appropriate and fully disclosed.

11 The APE for the Route 905 project was included within the Historic Property Survey Report, which was a technical study to the DEIS/DEIR that was available to those individuals who are authorized to review confidential cultural resources information: It is not appropriate to include an APE within a document that is circulated to the public. The APE is not substantially larger than the study area used for preparing the DEIS/DEIR.

12 With respect to EPA's concern about new roadways and the potential development that is reasonably foreseeable given the enhanced roadway infrastructure, please see response #2 above.

The MSCP Subarea Plan indicates that roadway crossings of Spring Canyon south of Route 905 should be minimized and, where necessary, should incorporate bridges or culverts to provide for wildlife movement through the area. The Route 905 project will utilize a bridge over Spring Canyon.

Recommendation: The FEIS should include as much information as is available regarding the roads connecting to the proposed interchanges, and whether they have the potential to impact more vernal pools, waters, sensitive plant and animal species, and other resources of concern. The FEIS should pay particular attention to proposed roads such as Heritage Road or the westerly alignment of Old Otay Mesa Road, that may encroach into Spring Canyon or other areas intended to be preserved. If avoidance of these potential impacts has already been planned, then the FEIS should describe the mechanisms that are in place, and if not, suggest measures that could be taken.

13 The DEIS does not clearly explain the purpose, or associated impacts of the 1.2-mile access road from the SR 905/125 interchange eastward to Enrico Fermi Drive and south to Siempre Viva Road. This component of the project has the potential to provide improved access to a largely undeveloped area, East Otay Mesa. Page I-15 of the DEIS, mentions that the need for a third border crossing approximately two miles east of the Otay Mesa Port of Entry has been identified and that future State Route 11, which is currently unprogrammed and unfunded, would be extended from the interchange to the prospective third Port of Entry.

Recommendation: The FEIS should identify the specific need for the 1.2-mile access road and summarize the results of the environmental review provided in a separate document. In particular, the FEIS should address growth inducing impacts to the undeveloped land east of Enrico Fermi Drive, and sensitive resources that may be affected by this growth.

14 The DEIS includes a reasonable analysis of how the proposed project will encroach upon, but not adversely affect, the 100-year floodplain of the Otay Mesa east of La Media Road and within the right-of-way of the SR 905/125 interchange. However, the DEIS defers addressing impacts of induced growth in terms of the Otay Mesa Drainage Master Plan (OMDMP), which is being finalized by the City of San Diego.

Recommendation: If the 100-year floodplain is substantially larger than the study area used in the DEIS, a map of the floodplain should be included in the FEIS. FHWA should broaden its scope of analysis to consider the indirect impacts to the 100-year floodplain and make this information available to the City of San Diego as they complete the OMDMP to promote sound environmental decision making and resource protection.

15 The DEIS does not include much information about the Otay Mesa Port of Entry, which is under the jurisdiction of the General Service Administration (GSA). The proposed project includes the construction of three southbound lanes to the northern property line of the Port of Entry. Currently, there are only two southbound traffic lanes through this facility. As described on page 2-6, GSA may increase the number of southbound lanes within their control to three. If this does not occur, then SR 905 would be tapered to two lanes as it approaches the Port of Entry. There is no other information on the relationship between SR 905 and the Port of Entry, including the existing or forecasted traffic capacity.

Recommendation: The FEIS should explain the relationship between the operation of the Port of Entry and the proposed project, and the FHWA's coordination with GSA.

The Otay Mesa Community Plan shows Heritage Road extending south of its current terminus through an east-west branch of Spring Canyon that is within the MHPA. As the community plan shows, the subject MHPA open space area extends at least 610 meters (2,000 feet) east of the future extension of Heritage Road, perpendicular to the canyon. This area currently supports sensitive wetland and upland habitats, including tamarisk scrub, coastal scrub, Diegan coastal sage scrub, and maritime succulent scrub and is known to support coastal California gnatcatchers, as well as sensitive plant species, such as San Diego barrel cactus and San Diego sunflower. The canyon bottom supports both ACOE and CDFG jurisdictional habitat. The extension of Heritage Road through this MHPA area would not be required to support the proposed Route 905 project; it would only be required to implement the Otay Mesa Community Plan and support future development south of Gateway Park Drive, if approved by the City.

Some improvements to roadways adjacent to the proposed interchanges are included as part of the Route 905 project. Impacts associated with such development are included in the overall project impacts and would be mitigated. Following construction of Route 905, the completed interchanges and adjacent roadway segments would be fully functional with no significant traffic concerns. Future improvements to these roadways would occur not as a result of the Route 905 project, but as a result of implementation of the adopted local community plan. As development occurs per the community plan, roadway improvements according to that plan would also occur.

13 Since the public circulation of the DEIS/DEIR, the County of San Diego, per their circulation element, extended Enrico Fermi Drive northward to connect with Otay Mesa Road. This construction removed the need for the Department to construct Enrico Fermi. The Route 905 project will provide a direct connection (a local access ramp) to Enrico Fermi Drive to allow good access to the freeway for trucks after processing in the California Vehicle Enforcement Facility at the intersection of Enrico Fermi and Via De Amistad. This easy access will remove much of the intra/inter-regional truck traffic from the local City and County roads, reducing pollution and reducing local traffic congestion. This updated information appears in Section 2.8.2 of the FEIS/FEIR. The Department disagrees with your assertion that this local access ramp has the potential to induce growth impacts and remain confident that Section 4.22 of the FEIS/FEIR fully disclose the cumulative impacts the Route 905 project will have.

14 The 100-year floodplain depicted in the DEIS/DEIR and appearing in the FEIS/FEIR as Figure 4-18, is the existing 100-year condition, and it includes the entire drainage basin. The Route 905 project does not have any indirect impacts to the 100-year floodplain given that all its associated runoff will be contained. Please see Section 4.13 of the FEIS/FEIR.

Analysis of Alternatives

The DEIS describes three alternative alignments within the middle segment of the proposed 6.2-mile stretch of new freeway. It is evident that the North and South alignment alternatives directly affect a greater area of vernal pools, but the South alignment affects more watershed area of vernal pools, and thus may indirectly affect more pools. The Central alignment avoids vernal pool impacts to the greatest extent. The South alignment appears to impact over twice as many acres of coastal sage scrub habitat than the North alignment. The Central alignment may directly impact overall, the fewest acres of sensitive resources, but it involves the greatest quantity of fill into Spring Canyon and may therefore be most disruptive to wildlife movement through the MHPA corridor in Spring Canyon.

The DEIS's analysis of the impacts to waters for each of the alternative alignments should be clarified, especially with the separate treatment of the Otay Commerce Center South (OCCS) preserve impacts. It is unclear whether direct project impacts to vernal pool 'watersheds' are included as vernal pool impacts. While there is a reasonably thorough presentation of all the components of what might be considered impacts to vernal pools, the synthesis of this information is unclear.

The DEIS does not identify which Nationwide Permit might authorize this project. The Corps Nationwide Permit authorizations are intended for projects with minimal impacts to waters, both individually and cumulatively. Following the recent Supreme Court Decision regarding the Corps' jurisdiction over isolated waters, it appears that the vernal pools, as isolated waters, may no longer be regulated under the Clean Water Act (CWA). As such, the FEIS, in clarifying the breakdown of impacts to waters, should reflect the new non-regulated status of vernal pools. However, because they contain habitat for endangered species, vernal pools should continue to be addressed in the FEIS and FHWA should continue to avoid, minimize or offer compensatory mitigation to offset any unavoidable impacts to vernal pools and their micro-watersheds.

16 *Recommendation:* The FEIS should more clearly present comparative tables and discussion of the impacts to various categories of waters, possibly segregating out impacts to isolated waters such as vernal pool complexes from the impacts to waters that will require authorization under the CWA. Impacts to waters within the OCCS preserve area should not be treated separately just because the required mitigation ratio might be higher than otherwise required. If it is anticipated that the project will qualify for Nationwide Permit authorization, then the specific Nationwide Permit(s) that apply should be identified with a brief explanation about why these are likely to be appropriate.

While the DEIS includes a section that describes other project alternatives that were considered but rejected, it is unclear whether a bridge option was ever considered for the Central or North alignment alternatives. Both alignments include an arched culvert crossing the waterway in the bottom of Spring Canyon. The proposed design (12 feet wide by 13 feet high), does not meet the requirements of the MSCP to allow the wildlife corridor to serve the needs of large, as well as mid-sized and small mammals. The DEIS indicates that the arched culvert

15 With respect to the relationship between the POE and Route 905: the POE processes vehicular traffic prior to entering the United States and serves as an exit point from the United States into Mexico; the Route proposed 905 facility will deliver traffic to, and take traffic from, the POE.

To ensure that the relationship will function smoothly, the Department coordinated its proposed work in the POE with GSA. According to GSA, their original plans for the POE provided for 3 southbound lanes (without shoulders). When the GSA striped the lanes in the POE, however, they provided only two lanes. As part of the Siempre Viva Interchange Project, the Department will cold plane and overlay the SB lanes in the POE and also re-stripe the lanes to the GSA's original three-lane configuration. In addition, the Department will accommodate license plate reader facilities desired by the GSA/INS. These improvements are the subject of an encroachment permit the Department obtained from GSA to do the work within their property.

The 2003 existing traffic at the POE is 30,000 ADT in both directions with approximately 1,500 vph SB in the peak hour. The capacity of the POE is not predicated on the number of lanes available, but upon the rapidity of processing by the Mexican Authorities. Since the DEIS, all southbound truck traffic was removed from the main POE lanes; they now come only through the U.S Customs facility from the west, along the special border truck route. The 2025 traffic forecast for the freeway alternative (preferred) is 52,400 ADT or about 2,600 vph SB in the peak hour. The capacity of three freeway lanes of traffic is about 6,600 vph, well in excess of the expected traffic to the POE

16 Clear tables and text which present the Route 905's impacts to waters are presented in Section 4.10.2 of the FEIS/FEIR. Appropriate mitigation ratios are also presented.

This project will not qualify for Nationwide Permit authorization; please refer to the Department's response to ACOE's comments for a discussion regarding the permitting of this project.

17 Enlarging the existing culvert underneath Otay Mesa Road is out of FHWA's jurisdiction.

Thank you for your input on wildlife corridors, the Department concurs with your assessments. In the FEIS/FEIR, a bridge spanning Spring Canyon is identified in all three alignments, North, South and Central.

With respect to the EPA favoring the Central alignment, the Project Development Team (PDT) found it to be important when identifying the Preferred Alternative.

18 The most recent and useful PM 2.5 data that is closest to the project vicinity is from the Chula Vista Monitoring Station (AIRS Site 060730001). The high 24-hour federal concentration for 2001 and 2002 (41 $\mu g/m^3$) is well below the 65.0 threshold, the

should be satisfactory given the border fence to the south that blocks wildlife movement from Mexico, and since much smaller 6-foot by 6-foot culverts exist under Otay Mesa Road to the north.

17 *Recommendation*: Given the reasonably foreseeable development expected across much of the Otay Mesa, and the implementation of the MSCP, the wildlife corridors included in the MHPA are very important to sustain the viability of remaining wildlife populations. We strongly recommend that FHWA enlarge the existing culverts underneath Otay Mesa Road that apparently constrain the movement of large wildlife species, and evaluate replacing the proposed culvert under SR 905 with a bridge for the Central alternative, and possibly the North alternative as well, if it were selected as the preferred alternative. The consideration of this design variation should be included in the FEIS. With the inclusion of a bridge, EPA would recommend the Central alignment as the preferred and least environmentally damaging alternative.

Air Quality Analyses

The DEIS indicates that State standards for particulate matter less than 10 microns in diameter (PM10) have not been met in the San Diego Air Basin, and the possible addition of a PM2.5 (particulate matter less than 2.5 microns) standard may change the Air Basins' federal status from attainment to non-attainment as it relates to inhalable particulates. The DEIS does not include any available information about existing PM2.5 levels for this air basin and defers their analysis until the time when conformity standards are established.

18 *Recommendation*: Because it has been shown that PM2.5 may have direct impacts to human health and some information is currently available on monitored levels of PM2.5, we recommend that the FEIS at least characterize the existing level of PM2.5 in this Air Basin, estimate what increases might be expected as a result of the project (accounting for increased vehicle miles traveled (VMT), including induced travel demand), and what those increases might mean in terms of potential health impacts. If appropriate, potential mitigation measures should be identified.

The DEIS does not fully describe modeling assumptions that were used to determine transportation conformity. For example, the air quality modeling discussion makes no mention of induced travel demand and whether that was included in the forecast models. Because induced travel demand is an established effect of new and improved roads, by not factoring it into the travel forecast models, both the predicted emissions as well travel demand may be underestimated and therefore inadequately addressed.

A component of the purpose and need for this project is to improve the mobility of local, regional, interregional, and international traffic. The DEIS explains that all commercial truck traffic has been routed to the Otay Mesa Port of Entry and that currently trucks account for about 16 percent of the total traffic volume on Otay Mesa Road (see page 4-72). Assuming that the traffic volume is expected to increase substantially by the design year 2020 (percent increase figures were not readily accessible in the document) due to the development of the Otay Mesa

anomaly in 2003 (239.2 $\mu g/m^3$)was due to the wild fires that plagued San Diego County in 2003. The California Environmental Protection Agency Air Resources Board recommended that the United States Environmental Protection Agency designate San Diego County as a nonattainment are for PM 2.5 standards. The Department believes that vehicle emissions would only contribute a very minor percentage to the total PM 2.5 generated in San Diego County and of this percentage, the proposed project would contribute a negligible portion out of all the roads in the County. The project will have a negligible impact on PM 2.5 volumes, and on human health.

19 The Department, and one of its modeling partners, SANDAG, are responsible for the transportation modeling in San Diego County. The transportation modeling has, since 1966, used a system of unique generators to supply trip information from such locations as amusement parks, shopping centers, and sports complexes or other areas that showed deficiencies in traffic generation. This trip information was eventually built into the generation rates to provide accurate forecasts. Induced demand is already accounted for in the Department's and SANDAG's modeling processes, including modeling for air quality. Construction of new roadways, or improvements to existing roadways, may induce travel by increasing average trip distances, shifting travel from public transit to automobiles, and diverting traffic from adjacent roadways to the improved facilities. These impacts are reflected by the trip distribution, mode choice, and highway assignment steps in the travel models, and are included as a part of standard model output. In addition, the SANDAG regional modeling process includes iterative land use modeling, which is used to take into account highway and transit travel times, and new highway capacity when determining the approximate location of parcels where new development will occur. Because of this iterative land use modeling approach, changes in travel patterns due to the construction of additional transportation infrastructure do influence the forecast of both residential and employment activities, and trip making. It has been argued that induced travel may also result from changes in trip generation rates. The potential for new trip making based on congestion levels is limited to relatively few trip types. For example, one would probably not work more, go to school more, or visit the dentist more if traffic congestion were reduced. An incidental shop trip might be an example of a trip that would be added or foregone depending on traffic congestion. However, SANDAG recently examined its Travel Behavior Survey data and was unable to find a relationship between accessibility (accessibility provides a method of quantifying travel time improvements on trip generation) and increased trip making, even for incidental trip categories.

Comparing historical changes in regional vehicle miles of travel (VMT) with changes in congestion provides another check on induced travel. SANDAG data shows that there was a 5% increase in per capita VMT between 1990 and 2000. During this same period, congestion levels increased. If there were a strong relationship between congestion levels and the amount of travel, then the higher congestion levels in 2000 would be expected to produce a drop in per capita travel, not an increase. The SANDAG regional transportation models are routinely used to evaluate traffic volume differences between build and no-build alternatives. While outcomes vary from one

corridor and increased border crossings from the North American Free Trade Agreement (NAFTA)- induced international trade, truck traffic is expected to increase substantially as well. This increase in truck traffic in the Otay Mesa corridor may contribute to an increase in PM10 and PM2.5 emissions, especially if some of the trucks originating in Mexico may not contain the same emission controls as are required by U.S. standards.

19 *Recommendation:* The FEIS should clearly describe the key assumptions and inputs that are included within the travel demand and emissions models so that a reader can better understand the results provided in the document. If induced travel demand has not been considered in the travel demand models that were applied for air quality conformity, then steps should be taken to incorporate this in the model run. The revised results should be included in the FEIS,

Additionally, hazardous air pollutants (air toxics) were not specifically addressed in the DEIS. For mobile sources, particularly trucks and buses, air toxics can include particulate matter and pollutants such as benzene and benzene derivatives. Also, construction equipment is a source of both criteria air pollutants and hazardous air pollutants, especially equipment that is diesel-powered. In terms of facilitating disclosure about this project's potential impacts to air quality and human health under NEPA, a discussion of impacts associated with air toxics would be informative, especially because diesel truck traffic will be a major component average daily traffic (ADT) on SR 905.

20 *Recommendation*: The section on air quality in the FEIS should address diesel emissions from anticipated truck traffic through this corridor, and due to construction activities. This analysis should address hazardous air pollutants (air toxics) that are associated with diesel emissions, and potential impacts to human health.

Environmental Effects Abroad of Major Federal Actions

The DEIS does not address reasonably foreseeable environmental effects on water quality, air quality, or land use in Mexico associated with the improved surface access to the Otay Mesa Port of Entry.

21 *Recommendation*: The FEIS should address potential environmental effects on the Mexican side of the border. These impacts should be addressed in terms of Executive Order 12114, Environmental Effects Abroad of Major Federal Actions (January 4, 1979).

Other Recommendations

22 We recommend that the FEIS include maps and drawings that clearly illustrate the following:

- The entire MHPA as it relates to the Otay Mesa and to this project.
- The location and boundaries of the OCCS preserve within the MHPA.

study to the next, traffic volumes for improvement alternatives are almost always higher than no-build traffic volumes, which demonstrates that the models properly reflect induced travel. A study was recently completed that evaluated how well SANDAG model runs made in the 1980s and 1990s described the traffic forecasted for the year 2000. In many cases, forecasts of regional VMT were within 3% of the actual measured VMT. Based on professional experience with the iterative processes currently used in the regional travel models, and the findings contained in the study, the Department believes the transportation models are accurately predicting future travel trip behaviors and correctly accounting for induced travel.

20 The vehicle-type distribution is a required input parameter to emission factor models used in the air quality analysis projects. The average daily percentage of truck (Light, Medium, Duty Gas Trucks & Heavy Duty Diesel Truck) and non-truck (Light Duty Auto & Motorcycle) traffic were used to calculate emission factors. Therefore, the project's potential impacts to air quality and human health were disclosed in the DEIS/DEIR, based on the Air Quality analyses.

Air quality impacts due to construction related activities were discussed to the appropriate detail in Section 4.18 of the DEIS/DEIR.

21 Please see Department's responses to comment letter from the International Boundary and Water Commission, United States and Mexico, which addresses the concerns of potential environmental effects dues to water flow into Mexico.

The project will not have significant impacts to Mexico's air quality and it will not impact (in the direct, indirect, or cumulative sense) any environmental resources in Mexico.

22 Maps and drawings were added to the FEIS/FEIR if appropriate.

- A cross-section, for each alternative, where it will span or traverse Spring Canyon. For the North and Central alignment alternatives, include the fill material as well as the arched culvert. For the South alignment alternative, include the bridge span, abutments, and any required bank slope protection.
- The 100-year floodplain as addressed in the Otay Mesa Drainage Master Plan.
- The Area of Potential Effect relevant to compliance with Section 106 of the National Historic Preservation Act.

United States Department of the Interior
OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
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October 12, 2001

ER 01/790

Mr. Randy Sanchez
State Route 905 Project Manager
CALTRANS - DISTRICT 11
P.O. Box 85406 MS-27
San Diego, CA 92186-5406

Re: Review of Draft Environmental Impact Statement/ Draft Environmental Impact Report for State Route 905 (SR-905) between Interstate 805 (I-805) and Airway Road, San Diego County, California (ER 01/0790)

Dear Mr. Sanchez:

The Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR) for State Route 905 (SR-905), and has the following comments to offer.

The project is located between Interstate 805 (I-805) and the Otay Mesa Border Port of Entry (POE), a distance of approximately 10 kilometers (6.2 miles). The proposed action involves construction of a new six-lane road including up to five local interchanges between I-805 and Airway Road. Ultimately, the road will be expanded to include eight lanes. The project completes a major transportation corridor between Interstate 5 (I-5) and the POE, as well as alleviates existing traffic congestion, improves safety on Otay Mesa Road, and provides adequate transportation facilities for growth associated with planned and approved developments.

PROJECT DESCRIPTION and CONCERNS

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

The proposed project, which covers approximately 314 acres, impacts sensitive biological resources. The project could potentially impact 20.6 acres of coastal sage scrub (CSS), 0.13 acre of vernal pools, 3.36 acres of riparian scrub, 0.78 acre of freshwater marsh, 0.4 acre of eucalyptus

woodland, 80 acres of annual grassland, 0.36 acre of wetlands, and 0.82 acre of open water. Additionally, the project could impact 21.5 acres of the Multiple Habitat Planning Area (MHPA) and 5.1 acres of the Otay Corporate Center South Preserve.

Federally listed species potentially impacted by the project include the endangered San Diego fairy shrimp (*Branchinecta sandiogonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), Quino checkerspot butterfly (*Euphydryas editha quino*), San Diego button celery (*Eryngium aristulatum* var. *parishii*), and Otay Mesa mint (*Pogogyne nudiuscula*); and the threatened coastal California gnatcatcher (*Polioptila californica californica*), Otay tarplant (*Deinandra conjugens*), and spreading navarretia (*Navarretia fossalis*).

The project area is located within the City of San Diego's Subarea Plan for the Multiple Species Conservation Program (MSCP). The Service issued the permit for the MSCP and we are committed in the Implementing Agreement to ensure that projects and their associated section 7 consultation are consistent with the MSCP. Therefore, our comments are based, in part, on the MSCP and the City's Subarea Plan.

Our major concerns are regarding this project's consistency with the MSCP. This includes impacts to vernal pools, the wildlife corridor, and the Multiple Habitat Planning Area (MHPA) within the Middle Segment of the proposed SR-905.

In addition to these issues, we are also concerned about potential impacts to the Quino checkerspot butterfly which is not a covered species under MSCP. Three alignment alternatives for the Middle Segment of SR-905 have been designed to minimize impacts to different biological resources.

The North Alignment impacts the Multiple Habitat Planning Area (MHPA) the least (16.5 acres), but impacts the greatest acreage of vernal pools (0.13 acre). The Central alternative impacts the least acreage of vernal pools (0.02 acre), but impacts 21.5 acres of the MHPA. The South Alignment impacts the MHPA the most (34.3 acres) as well as impacts vernal pools (0.08 acre).

Additional alternatives also include Tollways that correspond to the North, Central, and South Alignments. Tollways impact slightly more area than their freeway counterparts because they require a greater right-of-way (ROW) to accommodate tollbooths, utility structures, and administrative facilities.

The South Alignment Alternative provides the fewest constraints to wildlife movement because it bridges Spring Canyon. The North and Central Alignments provide a concrete arch culvert canyon crossing for wildlife movements between Spring Canyon and Dennery Canyon, MHPA core areas, and require fill to be put into Spring Canyon. In contrast, the South Alignment provides a bridge over Spring Canyon to facilitate wildlife movements and does not require fill to be put into Spring Canyon.

We request several significant issues be addressed in the final EIS/EIR, including impacts to vernal pools, the MHPA, the wildlife corridor between Spring Canyon and Dennery Canyon, and other biological resources which should be minimized:

1 (1) The final EIR/EIS should be supplemented/revised to adequately address a bridge spanning Spring Canyon and included as an alternative in the North and Central Alignments to minimize impacts to corridor functionality and biological resources;

2 (2) Removal of the Heritage Road Interchange should be considered to minimize impacts to biological resources in Spring Canyon; and,

3 (3) To assure that minimal impacts to sensitive resources result from SR-905, mitigation measures should be negotiated before the final plan is approved. Based on our review of the draft EIS/EIR, we offer the following general and specific comments:

GENERAL COMMENTS

The Department is concerned about the loss of vernal pools, corridor functionality within the MHPA, and sensitive biological resources. These subject areas are addressed below.

Vernal Pools

4 We concur with CALTRANS on the adoption of the Central Alignment as the proposed action. The Central Alignment impacts the smallest acreage of vernal pools (0.02 acre). Vernal pools have been reduced by 97% in San Diego County (Oberhauer, 1990) and existing vernal pools and their associated watersheds should be secured from further loss and degradation. Vernal pools provide habitat to federally listed San Diego button celery, San Diego mesa mint, Otay mesa mint, California Orcutt grass (*Orcuttia californical*), spreading navarretia, San Diego fairy shrimp, and Riverside fairy shrimp.

5 Urban development, including construction of major roadways, remains the primary threat to listed vernal pool species (Bauder, 1987). The MSCP anticipated that impacts to vernal pools would be avoided and minimized to the maximum extent practicable. We request in the final EIS/EIR that unavoidable impacts be offset at a 2:1 to 4:1 replacement ratio, depending on the quality of the vernal pool that is impacted.

Corridor Functionality

To minimize impacts to biological resources in the final EIS/EIR, we recommend a bridge spanning the habitat corridor between Spring Canyon and Dennery Canyon be included as an

1 The Department concurs with your assessment with respect to a bridge spanning Spring Canyon. In response to further resource analysis and impact assessment and public comment received on the DEIS/DEIR, this feature has been added to the project design; the previously proposed culvert option is no longer a viable design feature since it would have greater biological impacts.

2 The Heritage Road interchange is an integral and necessary component of the Route 905 project. Analysis demonstrated that if the interchange were removed, the adjacent interchanges would become overloaded and the project would no longer fulfill its purpose and need. Please note, however, that the Department revised the interchange design to minimize its resource impacts. Given that Heritage Road is the MSCP's eastern boundary in this vicinity, the interchange's on and off ramps were moved to the east side of Heritage Road (please see the revised Figure I, sheet 5 of 25) In addition to this minimization effort, the vertical and horizontal alignments of the Route 905 facility were adjusted to minimize the amount of fill that will be needed on the west side of Heritage Road. Further details regarding the Heritage Road interchange are provided below in response to comment #8 below.

3 Please refer to the Biological Opinion (BO) in Appendix M where this issue is discussed. Please note that all the mitigation is consistent with the MSCP.

4 While the DEIS/DEIR did not identify a Preferred Alternative, the PDT considered your comment and found it useful when it did identify the Freeway-Central Alignment Alternative as the Preferred Alternative.

Please note that the Department updated it's resource impacts; the Preferred Alternative will impact 0.05ha (0.14 ac) of vernal pool habitat: 0.04 ha (0.11 ac) of vernal pool and 0.01 ha (0.03 ac) of road pool with sensitive species.

5 The Route 905's unavoidable impacts to vernal pools will be mitigated at a 3:1 ratio while its impacts to road pools with sensitive species will be mitigated at a 2:1 ratio, which is consistent with the MSCP.

alternative in the North and Central Alignments. Use of a bridge would be consistent with the MSCP, which states that SR-905 shall include a bridge-type structure over the wildlife corridor (City of San Diego, 1997). This will alleviate the need for fill to be placed into Spring Canyon if a bridge were used instead of a culvert.

6 We are concerned that the utilization of a culvert under SR-905, in lieu of a bridge, could reduce movement capability of wildlife between Spring Canyon and Dennery Canyon. Successful ecosystem conservation should emphasize protection of large interconnected landscapes where core areas are linked by natural connections (Noss et al., 1995). We believe the corridor from Spring Canyon to Dennery Canyon is the only link from south to north MHPA areas in Otay Mesa (City of San Diego, 1997), and therefore, is a significant component of the MHPA.

In our estimates, one connectivity choke-point (a tenuous habitat linkage in danger of losing connectivity function) already exists within the habitat corridor under Otay Mesa Road. Adding another connectivity choke-point under SR-905 could further jeopardize the movement functionality of the habitat corridor.

We request the final EIS/EIR provide a corridor to facilitate movement of coyotes and bobcats into Spring Canyon. This corridor will promote the persistence of the federally listed coastal California gnatcatcher (*Polioptila californica californica*) because coyotes control populations of smaller predators (i.e., mesopredators), such as foxes and domestic cats, which prey on nesting birds (Crooks and Soulé, 1999).

7 Impacts to the Otay population of coastal California gnatcatchers should be minimized because loss or fragmentation could not be replaced or mitigated elsewhere (OGDEN, 1998).

Multiple Habitat Planning Area (MHPA)

8 All the alignments will have impacts to the MHPA. In the final EIS/EIR, we recommend for every acre that is removed from the preserve, that an acre with the same or higher biological values be added to the preserve. We believe this will ensure that the conservation goals of the MSCP are met.

Quino Checkerspot Butterfly

9 The Quino checkerspot butterfly was only recently observed this year within the study/project area (North and Central Alignments) for SR-905. This butterfly is an extremely rare species and any impacts to this species need to be carefully analyzed. Please contact the Carlsbad U.S. Fish and Wildlife Service field office to proceed on consultation about this species before the final EIS/EIR is issued.

6 Please see response to comment #1 above.

7 As discussed in Section 4.10.7 of this FEIS/FEIR, modifications were made to the project in an effort to mitigate effects due to the temporary disturbance to potential gnatcatcher habitat within Spring Canyon. In addition to replacing the prior culvert design with a bridge, the native vegetation of the area will be mitigated (revegetated) at a 1:1 ratio upon completion of the two bridges. All seeding/planting would occur on-site and involve replacement with in-kind/similar, native species, to the maximum extent practicable. Any graded habitat adjacent to the wildlife corridor or within/near the MHPA would be revegetated with an appropriate, native plant mix. The proposed seed palette would be reviewed and approved by a qualified biologist prior to application in the field. The best methods of revegetation would be determined during design and could include duff, hydroseeding, planting, and/or possibly irrigation. Other measures to avoid/reduce project effects upon the gnatcatcher, would involve restricting pile driving and vegetation clearing from occurring during the breeding season (September 1st through February 14th).

8 A portion of the Preferred Alternative's anticipated impacts would result in vegetation removal within the MHPA. The recommended mitigation ratios follow the general recommendations of the MSCP and MHPA, as outlined in the City of San Diego's Biology Guidelines. These MHPA Guidelines identified/recognized the proposed Route-905 alignment as a future impact within the Otay Mesa and Otay River Valley areas of the MHPA. The specific mitigation ratios are detailed in Section 4.10.5 of this FEIS/FEIR.

9 Focused surveys conducted for the Quino checkerspot butterfly between 1997 and 2003 did not find evidence of the species within the project boundaries, even though suitable habitat exists, and appropriate plant species were recorded, in the study area. An anecdotal sighting of the butterfly, however, was documented within the OCCS preserve in 2001 just north of the project alignment. During that year, host plants and nectar sources were present along the canyon rims within Spring Canyon.

Disturbance to upland habitats would be offset through a combination of enhancement/restoration that would be implemented on the Wall-Hudson property, the Bonita Meadows Mitigation Site, and the on-site La Media Road drainage. A total of 4.6 hectares (11.2 acres) of maritime succulent scrub, 7.6 hectares (18.8 acres) of Diegan coastal sage scrub, and 27.1 hectares (67.1 acres) of nonnative grassland would be preserved. Additionally, existing habitat on the Wall-Hudson property (approximately 0.24 hectares [0.5 acres] of vernal pool habitat and 2.98 hectares [7.15 acres] of watershed)

Sensitive Biological Resources

10 We request the final EIS/EIR include justification for the purpose and need of each proposed interchange, with emphasis on the Heritage Road Interchange. If a substantial need for the Heritage Road interchange is not provided, we request it be removed from the project in the final EIS/EIR because it impacts biological resources within Spring Canyon and the MHPA.

A memorandum from the Department of Transportation to the State Route 905-Project Development Team dated January 2, 2001, states the justification for including the Heritage Road Interchange is its inclusion in local and regional plans. However, these plans were developed before MHPA land was designated adjacent to SR-905 and Heritage Road. The presence of the MHPA should result in relatively less development along Heritage Road, thus reducing the need for the interchange.

11 We request mitigation measures for impacts to biological resources be negotiated before approval of the final EIS/EIR. We suggest the mitigation section of the final EIS/EIR be expanded to include a complete conceptual mitigation plan. In our estimate, the plan should not only identify potential mitigation sites, but also discuss the biological resources on those sites, whether restoration, enhancement, or creation of habitat is going to occur, and at what ratio the impacts to biological resources would be mitigated. Please refer to the MSCP as guidance for appropriate mitigation measures. We request the final EIS/EIR include methods and a time line for monitoring and management of biological resource mitigation efforts.

SPECIFIC COMMENTS

12 3.0 Affected Environment, 3.8 Biological Resources, p3-14: Potential impacts to several Federal/State-sensitive species have not been identified in the affected environment. Sensitive species surveys were conducted between 1994 and 1998 and are outdated. The most recent reported survey for presence of coastal California gnatcatchers was 1994, of sensitive plants was 1997, of Quino checkerspot butterfly (*Euphydryas editha quino*) was 1998, and of fairy shrimp (*Branchinecta sandiegonensis* and *Streptocephalus wootoni*) was 1998.

The Department, through the U.S. Fish and Wildlife Service, concurs that additional surveys for coastal California gnatcatchers and the Quino checkerspot butterfly should be conducted prior to impacts. In addition, further surveys should be conducted for fairy shrimp and sensitive plants.

We suggest that environmental conditions may be suitable for San Diego thorn-mint and California Orcutt grass in the project area, and ask that you contact the Carlsbad U.S. Fish and Wildlife Field Office to justify not surveying for these species

would be available for creation and expansion of Quino checkerspot butterfly habitat. Appropriate larval host plant species would be incorporated into the seed palette that would be utilized on the parcel. A restoration plan, outlining the details of the entire upland revegetation effort (e.g., plant/soil salvaging, site preparation, success criteria, monitoring requirements), is being prepared and will be submitted to your agency for review; with implementation following the finalization of the document.

Additionally, temporary disturbance to potential Quino checkerspot butterfly habitat, within Spring Canyon, would be offset through native revegetation of the area (1:1 ratio) upon completion of the two bridges. All seeding/planting would occur on-site and involve replacement within in-kind/similar, native species, to the maximum extent practicable. Any graded habitat (e.g., slopes, ROW) adjacent to the wildlife corridor or within/near the MHPA would be revegetated with an appropriate, native plant mix. The proposed seed palette would be reviewed and approved by a qualified biologist prior to application in the field. The best methods of revegetation would be determined during design and could include duff, hydroseeding, planting and irrigation.

10 All of the Route 905 interchanges are justified vis-à-vis the forecast traffic volumes. Traffic forecasts, and impacts, were detailed in the Route 905 Transportation Analysis (a technical study that was available for review and was summarized in the DEIS/DEIR), which was the basis for the design depicted in the DEIS/DEIR. Because there is a substantial need for all of the interchanges, none of them will be removed from the project.

The Heritage Road Interchange need is based on the circulation element of the City of San Diego General Plan which shows a street network on the southern portion of the mesa. Should the local streets not receive all the necessary future approvals, the interchange may not be needed or constructed

In reaction to the development of the MHPA, the future Heritage Road interchange would incorporate loop ramps for the EB exit ramp and for the WB entrance ramp. All access would be from the east side of Heritage Road so as to minimize impacts to Spring Canyon.

11 Please refer to the BO in Appendix M. Please note that all the mitigation is consistent with the MSCP.

13 4.0 Environmental Consequences and Mitigation Measures, 4.6.1 Consistency with Plans/ Planned Land Use, Additional Developments, p4-21: We respectfully do not agree with the justification to use a wildlife corridor not meeting MSCP requirements. The draft EIS/EIR justifies the use of a smaller culvert than required because wildlife migration is already constrained by a two-meter (six-foot) pipe under Otay Mesa Road to the north and border fencing to the south. We believe the cumulative impacts of the undercrossing at Otay Mesa Road and the proposed culvert under SR-905 would be a greater impact than the sum of each individual impact (See General Comments).

Based on the analysis of these cumulative impacts, we request the final EIS/EIR include a North and Central Alignment Alternative that incorporates a bridge over the MHPA. Also, we request the two-meter (six-foot) pipe at Otay Mesa Road be replaced by a culvert (City of San Diego, 1997) in the final EIS/EIR. This culvert could be constructed once SR-905 has been completed and the burden of traffic on Otay Mesa Road has been alleviated. Again, we refer you to the specifications required by the MSCP for culverts recommended in Alignment Alternatives.

The MSCP requires culvert dimensions at least 30 feet wide by 15 feet high, and have a maximum 2:1 length to width ratio. The floor of the culvert must be natural/soft bottom, and the ceiling constructed using skylights to provide adequate visibility for wildlife. Also, disturbed areas within the wildlife crossing should be enhanced and restored by planting coastal sage scrub (CSS) species. The crossing must be kept free of debris and illegal encampments. Fencing should be used to direct animals into the undercrossing and night lighting restricted.

14 4.0 Environmental Consequences and Mitigation Measures, 4.6 Land Use / Local Plans, 4.6.1 Consistency with Plans/ Planned Land Use, Mitigation Measures, p 4-23: We suggest mitigation measures are negotiated and approved before the completion of the final EIS/EIR.

15 4.0 Environmental Consequences and Mitigation Measures, 4.9 Visual Quality, 4.9.3 Mitigation Measures, Revegetation Measures, p4-37: We are concerned about the impact of invasive non-native species on biological resources, and concur that indigenous trees should be used for landscaping. We recommend the use of native plants to the greatest extent feasible in landscape areas, especially in areas adjacent to native vegetative communities and the MHPA.

16 4.0 Environmental Consequences and Mitigation Measures, 4.10 Biological Resources, 4.10.2 Mitigation Measures for Direct Impacts, Impacts and Issues Common to All Six Build Alignment Alternatives, p4-39: We request the final EIR/EIS identify the method and site for transplantation of the impacted population of variegated dudleya (*Dudleya variegata*), a narrow endemic species.

17 4.0 Environmental Consequences and Mitigation Measures, 4.10 Biological Resources, 4.10.2 Mitigation Measures for Direct Impacts, Vernal Pools, p4-51: We recommend the final EIR/EIS identify the Best Management Practices (BMPs), and their location for minimizing potential

12 Between 1994 and 2003, biological surveys were conducted along the footprint of Route 905. As a result of field efforts, nine federally-listed species were found either within or near the alignment: the threatened coastal California gnatcatcher (*Polioptila californica californica*), endangered San Diego fairy shrimp (*Branchinecta sandiegonensis*), endangered Riverside fairy shrimp (*Streptocephalus woottoni*), endangered Quino checkerspot butterfly (*Euphydryas editha quino*), endangered San Diego button-celery (*Eryngium aristulatum* var. *parishii*), threatened Otay tarplant (*Deinandra conjugens*), threatened spreading navarretia (*Navarretia fossalis*), endangered California Orcutt grass (*Orcuttia californica*), and endangered Otay Mesa mint (*Pogogyne nudiuscula*).

San Diego thorn-mint was not identified during any of the surveys.

13 Please see the response to comment #1 above.

14 Please refer to the (BO in Appendix M). Please note that all the mitigation is consistent with the MSCP.

15 The Department shares your concerns over invasive species and the Route 905 landscape plan does employ native plants and trees wherever feasible.

16 Please see Section 4.10.5 for specifics on the variegated dudleya. In general, impacts to MSCP-covered species will be mitigated through the mitigation provided for the listed species or jurisdictional wetlands/waters. Salvaging and transplantation of this sensitive plant species will be conducted. A qualified biologist will oversee any seed collection, plant removal, or transplantation to ensure proper management of the salvaged materials.

17 As Section 4.10.7 states, BMPs employed during construction will follow the applicable Department guidelines and be detailed in the project's Storm Water Management Plan, Storm Water Pollution Prevention Plan, and Water Pollution Control Program.

impacts to vernal pools and their associated watersheds. The BMPs would minimize impacts to hydrology and quality of water to avoid degradation of existing vernal pools. Special attention should be given to reducing the probability of fuel and chemical spills into vernal pools.

18 Generally, vernal pool preservation and restoration sites are approved by the U.S. Fish and Wildlife Service prior to impacts. We request the MSCP be used as guidance for appropriate mitigation measures. The MSCP requires that mitigation for vernal pools include collecting and reseeding vernal pools species into other preserved Otay Mesa pools prior to any development.

19 4.0 Environmental Consequences and Mitigation Measures, 4.10 Biological Resources, 4.10.2 Mitigation Measures for Direct Impacts, Coastal Sage Scrub, p. 4-52: We concur that section 7 consultation is required to address impacts to the coastal California gnatcatcher and any other federally listed species that may be affected.

20 4.0 Environmental Consequences and Mitigation Measures, 4.10 Biological Resources, 4.10.2 Mitigation Measures for Direct Impacts, Freshwater Marsh, p4-53: We request the final EIR/EIS identify the BMPs to be utilized and their location for mitigating impacts to the freshwater marsh.

21 4.0 Environmental Consequences and Mitigation Measures, 4.10 Biological Resources, 4.10.2 Mitigation Measures for Direct Impacts, Additional Mitigation Measures, p4-53: The draft EIR/EIS states the mitigation ratio as 1:1 for impacts to open water and disturbed wetlands. We, however, recommend a 2:1 ratio to mitigate for impacts to open water and disturbed wetlands, which is consistent with the MSCP mitigation requirements. We suggest this ratio because wetlands provide many functions to their associated community and have substantially declined in California. At least 91 % of all wetlands in California have been lost (Dahl, 1990).

22 4.0 Environmental Consequences and Mitigation Measures, 4.10 Biological Resources, 4.10.2 Mitigation Measures for Direct Impacts, Bat Roosting, p4-53: We request the location and design of the concrete panels used to mitigate loss of roosting sites be described in greater detail.

Specifically describe the texture of the concrete panels, the width of the roosting space, and the height of panels above the ground. Bats require rough textures for climbing. The greater western mastiff bat (*Eumops perotis*) prefers a minimum 2-inch wide space for roosting and an unobstructed vertical drop of at least a 10 feet for taking flight (Barbour and Davis, 1969).

We believe bats may not utilize the mitigated bat roosting sites placed on the proposed culvert. Bats can be found on abandoned bridges but might not inhabit a culvert that is actively used and likely disturbed by vandals and transients (Monica De Angelis, San Diego Bat Conservation, *pers. com.*).

4.0 Environmental Consequences and Mitigation Measures, 4.10 Biological Resources, 4.10.3

18 Permanent disturbance to upland habitats and vernal pools will be offset through the a combination of enhancement/restoration that will be implemented on the Wall-Hudson property (located north of the current Route 905 and largely within Dennery Canyon), the Bonita Meadows Open Space Preserve (situated to the southwest of Proctor Valley Road and east of the community of Bonita), and the on-site La Media Road drainage. Approximately 0.14 hectares (0.40 acres) of vernal pool habitat and 0.5 hectares (1.4 acres) of watershed would be restored on the Wall-Hudson property. A restoration plan, outlining the details of the revegetation effort (e.g., plant/soil salvaging, cyst collection, site preparation, exotics control, success criteria, monitoring requirements), will be prepared and submitted to the USFWS and Regional Water Quality Control Board RWQCB for review; with implementation following the finalization of the document.

19 Please refer to the Biological Opinion (BO) in Appendix M. Please note that all the mitigation is consistent with the MSCP.

20 Please see response to comment #17 above.

21 The Route 905 does not have open water impacts. Disturbed wetlands will be mitigated at a 1:1 ratio.

22 The Spring Canyon Bridge will maintain design features (e.g., expansion joints) that will provide bats with potential sites for day/night roosting. Following project completion, it is anticipated that locally occurring bat species may utilize the structure, to some extent.

23 Indirect Impacts, Mitigation Measures, p4-55: Please include this information in the final EIS/EIR:

> Clearing of, and construction near, CSS should avoid the coastal California gnatcatcher breeding season, between March 1 and August 15. If construction is proposed during the breeding season, a qualified biologist should conduct a pre-construction survey of the project site and surrounding habitat to determine whether there are active nests within the area. If an active nest is observed, a 500-foot buffer should be established between construction activities and the nest so that nesting activities are not interrupted. The buffer should be in effect as long as construction is occurring and until the nest is no longer active.

We request replanting of CSS on graded slopes be monitored and maintained for a minimum of five years as described in the final EIS/EIR.

24 4.0 Environmental Consequences and Mitigation Measures, 4.12 Hazardous Materials, p4-57: We request CALTRANS obtain written concurrence from both the Regional Water Quality Control Board and the Department of Toxic Substance Control for 1) proposed actions as appropriate for minimizing impacts to biological resources from the 57 known hazardous materials sites as well as the proposed project, and 2) no further actions are required.

25 4.0 Environmental Consequences and Mitigation Measures, 4.17 Invasive Species, p4-76: We concur that CALTRANS should avoid use of non-native plant species within the project corridor. Non-native plant species 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, 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 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. If the proposed project results in invasion of noxious weeds, we request weeds be removed and the area revegetated with native vegetation.

26 5.0 CEQA Mandatory Findings of Significance, Significant Adverse Impacts Under CEQA, Biological Resources Impacts, p5-3: Non-native grasslands and ruderal areas in San Diego County provide important foraging habitat for raptors. Primarily due to development, raptor foraging areas are rapidly disappearing in coastal San Diego County.

The proposed project impacts 80 acres of non-native grassland. Cumulatively, raptor foraging habitat loss may be significant, and impacts to this resource warrant mitigation. Therefore, we recommend impacts to grasslands are mitigated at a 0.5:1 to 1.5:1 ratio, depending on the impact

23 Permanent disturbance to CCS will be mitigated on the Wall-Hudson property. Approximately 7.6 hectares (18.8 acres) of Diegan coastal sage scrub will be preserved following successful completion of the restoration effort.

24 As discussed in Section 4.12 of this FEIS/FEIR, there is only one hazardous materials site within the Preferred Alternative, the Tripp Landfill. At the time the DEIS/DEIR was in public review, the Tripp Landfill site was under the local oversight of the County of San Diego, Department of Environmental Health, Local Enforcement Agency. While under this jurisdiction, the site was capped, monitored under the County's Remedial Action Work plan (RAW), and closed. Since that time, jurisdiction of the site was transferred to the City of San Diego, Solid Waste Local Enforcement Agency. Therefore, the City of San Diego will provide regulatory oversight of the site.

With respect to the portion of the landfill that will be impacted by the Route 905 project, the City of San Diego indicated that the new road section will be a land use change and that the change shall be designed and maintained to protect public health and safety and the environment. In order to comply with this request, prior to building any structural section on this area, the Department will recompact the topmost 1.75 meters (5.7 feet) of contaminated soil and then cap this with a 1.5 meter (4.9 feet) thick surcharge fill. This treatment will ensure that the land use change will not pose a threat to public health and safety and the environment. In addition, the Department will provide the City with a Community Health and Safety Plan for approval.

25 Thank you for this information.

26 Route 905's permanent disturbance to 54.2 ha (134.1 ac) of nonnative grassland will be offset at a 0.5:1 mitigation ratio.

and preservation locations, which also is consistent with the MSCP.

The Department appreciates the opportunity to comment on this document. If you have any questions regarding these comments, please contact Carolyn Lieberman or Nancy Gilbert at (760) 431-9440 at the U.S. Fish Wildlife Service Carlsbad Field Office.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer
Pacific Southwest Region

Enclosure

cc: OEPC, Washington, DC
FWS, Portland, OR
CNO, Sacramento, CA
Bill Tippets, California Department of Fish and Game

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
SAN DIEGO FIELD OFFICE
16885 WEST BERNARDO DRIVE, SUITE 300A
SAN DIEGO, CALIFORNIA 92127

REPLY TO

October 16, 2001

Office of the Chief
Regulatory Branch

California Department of Transportation
Attention: Mr. Greg Gastelum
Route 905 Project Manager
District 11
P.O. Box 85406 MS-27
San Diego, California 92186-5406

Dear Mr. Gastelum:

I am replying to a letter dated August 10, 2001, from Mr. John Chisholm, Caltrans Senion Environmental Planner. The letter requested comments on the Draft Environmental Impact Statement/Report for State Route 905 from Interstate 805 (I-805) to Airway Road in San Diego County, California.

Although we have previously participated in the NEPA/404 Integration Process Memorandum of Agreement (MOU) for this project, Caltrans requested to withdraw from the process because, according to Caltrans' calculations, impacts to waters of the United States, including jurisdictional wetlands, are expected to be 1.24 acres or less. In a letter dated May 8, 2001, we concurred that, based on your calculations, these acreages fall below the interim threshold of five acres of impacts to special aquatic sites or to other waters of the U.S., in accordance with the October 30, 2000 guidance established by the Federal Highways Administration (FHWA). We did, however, encourage Caltrans to continue participation in the formal MOU process in order to avoid potentially more stringent thresholds requiring a return to the formal NEPA/404 integration process.

Mr. Terry Dean of my staff participated in various site visits in the area of the proposed project over the past several years. One site which may be impacted by the project is of specific concern based on the delineation used for the DEIS/DEIR. This property, located on Sanyo Avenue south of Otay Mesa Road, was verified to contain fairly extensive jurisdictional wetlands for a proposed development project. Your mapping indicates that only a narrow band of wetlands exist on the site. Although our jurisdiction determinations are valid for only two years, the DEIS/DEIR appears to be based on wetland surveys dated as long ago as 1995.

-2-

1 Therefore, it will be necessary for you to obtain current wetland delineation(s) for the proposed project in order to submit a complete Department of the Army permit application. In addition, avoidance and minimization of jurisdictional impacts must be pursued when determining the preferred alignment. If unavoidable impacts are determined to exceed five acres, NEPA/404 Integration procedures will again be necessary in accordance with the FHWA guidance.

2 We will coordinate with Caltrans to determine the most efficient method of reviewing and making any appropriate determinations on this project. However, it is encumbent upon Caltrans and FHWA toutilize current, accurate data in the NEPA analysis. Based upon these factors, we consider the DEIS/DEIR inadequate for purposes of Section 404 of the Clean Water Act.

If you have any questions, please call Mr. Terry Dean of my staff at (858) 674-5386. Please refer to this letter and 952015100-TCD in your reply.

Sincerely,

Mark Durham
Chief, South Coast Section
Regulatory Branch

Enclosure(s)

1 After the public circulation of the DEIS/DEIR, the Department received an October 16, 2001 comment letter from the ACOE (attached below, with responses, in this chapter) which stated that the Department needed to update the draft wetland delineation. The 1999 wetlands delineation for the DEIS/DEIR was prepared based on language in the Preamble to Part 328 of the Corps' 1986 regulations, which states that the ACOE typically does not consider as waters of the United States, drainage ditches excavated out of dry land. This was applied to a trapezoidal channel (Drainage 7) which is impacted by the project. Based on a Corps site review and a review of historical aerial photography, the Corps took regulatory jurisdiction of the area in June, 2003. There are 1.42 hectares (3.5 acres) of impacts to Drainage 7. Another area previously considered non-jurisdictional, is the Sanyo site (Drainage 8). The ACOE requested additional information on this site. They determined that the area was not isolated and took regulatory jurisdiction. This represents 1.66 hectares (4.11 acres) of impact. The ACOE confirmed this delineation of waters within the project area. After consultation with the ACOE, the impacts to jurisdictional waters changed; they are now over the threshold for a Nationwide permit and the interim threshold of 5 acres. These additional impacts to jurisdictional waters are common to all alignments. Current calculations indicate that the magnitude of impacts would be 3.48 hectares (8.49 acres) for the North Alignment Alternative, 3.10 hectares (7.68 acres) for the Central Alignment Alternative, and 3.09 hectares (7.66 acres) for the South Alignment Alternative for those areas regulated by the two resource agencies. None of the additional jurisdictional impacts are a result of project design changes.

Because of the close coordination between the Department, FHWA, ACOE, USFWS, and EPA, these agencies collectively concurred that the steps outlined in Appendix A of the NEPA/404 MOU were not needed to successfully complete the environmental review of the Route 905 project. The Freeway-Central Alignment Alternative (with a bridge) is the Preferred Alternative, and also the LEDPA as required under Section 404. Moreover, the agencies collectively provided input to the Department as it developed and refined the required conceptual wetland mitigation plan. Therefore, as agreed by these agencies, the formal NEPA/404 MOU will not be applied to this project.

2 Thank you for these comments, the FEIS/FEIR was updated and now reflects current conditions as of April 2004. Wetland conditions in the eastern portion of the study area have changed and an updated wetland delineation report was prepared. The updated wetland delineation report will be used for Section 404 compliance. Because the FEIS/FEIR is based upon accurate data, the Department is confident that your agency will find the document adequate for the purposes of Section 404 of the Clean Water Act.

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30341-3724

October 15, 2001

John Chisholm
Manager, Environmental Branch B
Caltrans District 11
2829 Juan Street - Old Town
P.O. Box 85406
San Diego, CA 92186-5406

Dear Mr.Chisholm:

We have completed our review of the Draft Environmental Impact Statement (DEIS) for State Route 905 in the County of San Diego, California. We are responding on behalf of the U.S. Public Health Service, Department of Health and Human Services.

1 The proposed action is to construct State Route 905 as a six-lane (mixed-flow) freeway or toll way with controlled access, to connect the Otay Mesa Point of Entry and Interstate 805 in San Diego County, California. The proposed project represents an important link in the inter-regional and international transportation system included in the adopted San Diego Association of Governments (SANDAG) Regional Transportation Plan. We also note that the proposal is consistent with the City of San Diego Otay Mesa Community Plan. Generally, we believe this DEIS has been well written and has addressed issues/concerns of interest. We note, however, that selection of a Preferred Alternative has been delayed until all comments are received on the DEIS.

2 With regard to hazardous materials, it is noted that any disturbance to the Tripp Landfill, in conjunction with the proposed project, will require development and implementation of a Site Health and Safety Plan (SHSP) and a Community Health and Safety Plan (CHSP), in accordance with the current DEH Site Assessment and Mitigation Manual. This SHSP would address the appropriate need for site workers to be informed and trained on hazardous waste operations and emergency response. The CHSP would address potential exposure to adjacent properties and the general public, and present measures to protect the public from exposure. The FEIS should clarify the status of these plans along with identifying a preferred alternative.

3 We also noted that a decision on the construction of the noise abatement/mitigation will be made upon completion of the project design and public input. It is further stated that noise barriers may be reasonable on private property only if a permanent easement is granted, and this will be determined once a preferred alignment alternative has been selected. Clarification of these issues should be made available in the FEIS for reviewers to assess.

1 The FEIS/FEIR identifies the Freeway-Central Alignment Alternative as the Preferred Alternative.

2 Please refer to the Department of Toxic Substance Control Letter and the Department's responses to their comments, specifically response #3 as it relates to the Tripp Landfill.

3 A final Noise Abatement Decision Report was prepared for this FEIS/FEIR and the issues to which you refer are discussed and appear in Section 4.15.

Thank you for the opportunity to review and comment on this DEIS. Please send us a copy of the Final DEIS, and any future environmental impact statements which may indicate potential public health impact and are developed under the National Environmental Policy Act (NEPA).

Sincerely,

Kenneth W. Holt

Kenneth W. Holt, MSEH
National Center for Environmental Health (F16)
Centers for Disease Control & Prevention
4770 Buford Hwy., NE
Atlanta, GA 30041

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

OCT 16 2001

Mr. John Chisolm
Manager, Environmental Branch B
Caltrans District 11
P.O. Box 85406
San Diego, CA 92186-5406

Re: Draft Environmental Impact Statement/Report Route 905 Otay Mesa Port of Entry to Interstate 805 dated August 2001

Dear Mr. Chisolm:

The United States Section, International Boundary and Water Commission (USIBWC) appreciates the opportunity to review and comment on the Draft Environmental Impact Statement (EIS)/Report for the State Route 905 construction project.

1 The USIBWC understands that the proposed projects are for the construction and operation of the highway from Route 905 Otay Mesa Port of Entry to Interstate 805. Work on the interstate near the Port of Entry has been addressed through a Categorical Exclusion and no work is anticipated at the Port of Entry related to this project. No construction will occur within 60 feet of the international boundary.

The USIBWC has a duty to access, maintain, and utilize the international boundary monuments along the United States/Mexico international land boundary. The USIBWC is charged with these duties through treaties and international agreements between the United States and Mexico.

2 Since there will be no work near the international boundary, USIBWC concerns are limited to the drainage concerns noted in the EIS. The USIBWC requests that proposed construction activities be accomplished in a manner that does not change historic surface runoff characteristics at the international boundary. This requirement is intended to ensure that developments in one country will not cause damage to lands or resources in the other country. Accordingly, the USIBWC will require that engineering drawings and any necessary supporting calculations be submitted for review and approval prior to beginning work, which show that the proposed activities and construction will not change historic surface runoff characteristics.

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

1 With respect to the work near the Port of Entry, the Department would like to clarify the following; the Siempre Viva Interchange project, with limits from Airway Road to the Otay Mesa Port-of-Entry (POE), was processed as a separate project. The Siempre Viva interchange, previously identified as an integral element of the Route 905 project, was considered and evaluated as a stand-alone project with independent utility and was pursued under a separate environmental process; a Categorical Exclusion (NEPA) was approved on May 10, 2002. This project creates a grade-separated highway interchange to address localized congestion at the intersection of Siempre Viva Road and (existing) Route 905. The Route 905 project would nevertheless require work in and around the Siempre Viva interchange and south to the POE to address continuity for international traffic and incorporation of the Siempre Viva interchange into the new Route 905 facility. Work would include revised pavement delineation on the Route 905 main lanes and ramps, new area signs from Airway Road to the POE, and ramp meter installation on the northbound entrance ramp from Siempre Viva Road to Route 905.

Although the Department has not yet finalized the signing and striping that will be needed in the vicinity of the Siempre Viva interchange, it is not anticipated that construction would be needed closer than 90 feet of the international boundary. Should the Department find it necessary to work within the POE, the Department would obtain an encroachment permit from the appropriate federal agency.

2 The Route 905 project will not change the historic surface runoff at the international boundary. Section 4.3 of the FEIS/FEIR includes considerations for the final project design which will ensure that there will be no change and no damage to lands across the border.

The Department contacted Steve Smullen of USIBWC to discuss this comment. He indicated that the Department should pursue the following procedure:

A. The USIBWC requested that the Department provide assurance that the Route 905 project meet the appropriate jurisdiction's requirements in the United States to guard the downstream properties from flows greater than those in pre-development conditions. The Department will satisfy this request by forwarding the conclusion, from either the City or the County of San Diego (depending on where the portion of the project under review is located), that the project satisfies their drainage design criteria and is consistent with their drainage master plans.

Thank you for the opportunity to provide comments on the proposed route 905 project. Please keep us informed of the presidential permit process, and submit related information, public meeting notices, to my attention, and provide copies to our San Ysidro Project Manager, Mr. Dion McMicheaux, at 2225 Diary Mart Road, San Ysidro, California 92173. If you have any questions regarding this information, please call me at (915) 832-4740.

Sincerely,

for Sylvia A. Waggoner
Division Engineer
Environmental Management Division

CC:

Mr. David E. Randolph
Coordinator for U.S.-Mexico Border Affairs
WHA/MEX, Room 4258 MS
U.S. Department of State
2201 C Street NW
Washington, DC 20520

B. The USIBWC will forward the conclusion, along with a copy of the project plans to their counterparts in Mexico for their review and comment.

C. The USIBWC will forward Mexico's comments to the Department, and the appropriate jurisdiction in the United States.

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, *Governor*

DEPARTMENT OF FISH AND GAME
South Coast Region
4949 Viewridge Avenue
San Diego, California 92123
(858) 467-4201
(858) 467-4235 FAX

October 16, 2001

Mr. Greg Gastelum
Route 905 Project Manager
CALTRANS - DISTRICT 11
P.O. Box 85406 MS-27
San Diego, CA 92186-5406

Comments on the Draft Environmental Impact Statement/Report for the construction of State Route 905, San Diego County (SCH#2001081064)

Dear Mr. Gastelum:

The Department of Fish and Game (Department) has reviewed the above-referenced Draft Environmental Impact Statement/Report (DEIR) that was received on August 13, 2001. The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381 respectively. The Department is responsible for the conservation, protection, and management of the state's biological resources, pursuant to Fish and Game Code (DFG Code) 1802, and rare, threatened, and endangered plant and animal species pursuant to the California Endangered Species Act (CESA). The Department also administers the Natural Community Conservation Program.

The proposed project is located on Otay Mesa in southern San Diego County, and consists of the construction of State Route (SR) 905 from Interstate (I) 805 to Airway Road. The project would include a six-lane controlled access highway with five local interchanges and a freeway-to-freeway interchange at SR-125. The project includes a 69-foot wide median that would allow for the potential of an additional two lanes. The stated purpose of the project is to alleviate existing congestion on Otay Mesa Road, provide adequate transportation for planned growth on Otay Mesa, and complete the transportation corridor between I-5 and the Otay Mesa Port-of-Entry (POE). Existing land uses on Otay Mesa consist of open space, agriculture, light industry and businesses. The project corridor is within the City of San Diego Subarea of the Multiple Species Conservation Program (MSCP) and the project traverses part of the Multi-Habitat Planning Area (MHPA). The MHPA represents those lands that are targeted for conservation with the objective of creating a connected system of biologically viable habitat lands in a manner that maximizes the protection of sensitive species.

There are three alternative freeway alignments that vary only in the middle section of the six-mile long project. All three alignment alternatives are also discussed as a tollway. No preferred alternative was identified in the DEIR. The total project footprint ranges from 551 to

569 acres. Impacts to sensitive resources include: vernal pools (.02-.13 acre), wetlands, drainages and open waters (5.15-6.14 acres), coastal sage scrub (9.2-16.4 acres) and grasslands (80.2-81.4 acres). Depending on the alternative, impacts to listed species potentially include Otay Mesa mint (*Pogogyne nudiuscula*), San Diego button-celery (*Eryngium aristulatum* var. *parishii*), Otay tarplant (*Hemizonia conjugens*) and spreading navarretia (*Navarretia fossalis*). Only limited information has been provided regarding mitigation measures.

The Department offers the following comments and recommendations to assist the Department of Transportation (Caltrans) in avoiding or minimizing potential impacts to sensitive native plants, wildlife, and vegetation communities:

Wildlife Corridor

1 There are statements throughout the document that the MHPA corridor between Spring and Dennery Canyons is intended for small and medium-sized mammals only. However, there is nothing in the MSCP indicating this. On the contrary, the City of San Diego Subarea Plan indicates that the "optimum future condition envisioned for the Otay Mesa area is a network of open and relatively undisturbed canyons containing a full ensemble of native species and providing functional wildlife habitat and movement capability." The MHPA on Otay Mesa includes areas both north and south of the proposed alignment of SR-905. The Subarea Plan acknowledged the potential for this project to isolate the habitats to the south by developing specific guidelines for Otay Mesa that included the following: "The State Route 905 design should include a bridge-type structure over the wildlife corridor south of Otay Mesa Road."

The loss of biological diversity in isolated patches of habitats is well known. Since this is the only connection within the MHPA, this corridor is critical to the long-term viability of the preserve area south of SR-905. Only the south alignment alternative includes a bridge for this corridor; both the central and north alternatives include only a culvert. The justifications used in the DEIR for a culvert under SR-905 is that there are no large mammals in the area, and that the size of the culvert under Otay Mesa Road already limits the size of animals that can use this corridor. The Department disagrees with this conclusion for the following reasons:
1.) Larger animals, particularly predators, tend to be fairly scarce, even when present, and are therefore not easily detected by observation or sign. The current level of development in the vicinity does not limit wildlife to this corridor only, making observation more difficult. Therefore, large species may have been missed during surveys.
2.) The high level of disturbance on the mesa may be preventing its current use by larger animals. Even though eventual development will decrease the area of open space on the mesa, the level of disturbance from off-road vehicles and grazing should decline dramatically. This along with implementation of plans to restore habitat in the Otay River Valley could result in re-colonization of the mesa by larger animals, if they are currently absent.
3.) At the present time Otay Mesa Road experiences a large volume of traffic because it is the

1 The Department concurs with your assessment with respect to a bridge spanning Spring Canyon. In response to further resource analysis and impact assessement and public comment recieved on the DEIS/DEIR, this feature has been added to the project design; the previously proposed culvert option is no longer a viable design feature since it would have greater biological impacts.

only connection to the Otay Mesa POE. After SR-905 is built, both it and SR-125, which is scheduled for completion in late 2005, will accommodate through traffic, and Otay Mesa Road will terminate in a cul-de-sac near Old Otay Mesa Road. This should greatly reduce traffic on Otay Mesa Road in the vicinity of the wildlife crossing. Although not the ideal situation, larger animals will have a better chance of successfully crossing Otay Mesa Road after SR-905 is built than they currently do.

4.) There is nothing preventing the eventual improvement of the Otay Mesa Road wildlife culvert.

For these reasons the Department believes that this is a viable corridor for all species and that a bridge is critical to maintaining the long-term viability of the MHPA habitats south of SR-905. To preclude the use of this corridor for large species is contrary to current regional efforts at long-term planning for habitat preservation. The project's Biological Technical Report (April 1999) even acknowledges that: "...if this project prevents key linkages from being preserved or fragments a large core area, it would be a significant CEQA impact." The proposed culvert design would result in a significant impact. If it is retained in the alternative selected for construction, the EIR must address impacts to the MHPA and an appropriate level of mitigation must be provided.

Multiple Species Conservation Program (MSCP)

2 The DEIR does not accurately disclose the relationship of this project to the MSCP. This needs to be clarified. The MSCP is intended to provide for the conservation of interconnected habitats that will support the covered species in the long-term. The provisions of the MSCP were designed to work synergistically toward realization of this goal and must be implemented as designed to achieve this. Although there is some flexibility in the plan, actions clearly contrary to it, may severely limit success. Because of this, the cooperation of agencies such as Caltrans, who's actions are not covered by the MSCP, would be beneficial. However, the selective utilization of only some aspects of the MSCP is a flagrant misuse of the plan. Caltrans has used several aspects of the MSCP in its favor (growth inducement is mitigated by the plan, low mitigation ratios) and found justification for not implementing others (a bridge for the wildlife corridor, mitigation for grasslands).

If Caltrans chooses to utilize the beneficial aspects of the MSCP, then all provisions of the plan should be implemented, including a bridge over the wildlife corridor and mitigation for grasslands. If not, then using the mitigation ratios developed for the MSCP is not appropriate, and ratios typically used in areas, and by agencies, not covered by the MSCP should be applied to this project. Based on an evaluation of the significance of the habitats, the Department recommends the following mitigation ratios: maritime succulent scrub 4:1, coastal sage scrub 3:1, streambeds, lakes and wetlands 2:1 - 4:1 depending on type, and grasslands 1.5:1.

2 Recommended mitigation, with respect to vernal pools and other sensitive vegetation types (including those within the OCCS preserve), is based on the MSCP (as outlined by the City of San Diego Biology Guidelines and County of San Diego Biological Mitigation Ordinance) and on habitat quality. All mitigation is assumed to occur within or near the MHPA, such that the value of the MHPA will be enhanced. Please refer to the Biological Opinion (BO) in Appendix M. Please note that all the mitigation is consistent with the MSCP.

California Endangered Species Act (CESA)

3 The DEIR indicates that a "Section 2080.1 certification for threatened and endangered species" will be needed from the Department. A 2080.1 consistency determination may be possible for authorization of incidental take when the impacted species are listed under both the federal and state endangered species acts. However, in order for the federal authorization to be found consistent with CESA, it must meet all state requirements. Caltrans should review the standards for issuance of an incidental take permit, in the Regulations for Implementation of CESA, to ensure that the Biological Assessment for the project provides all of the necessary information. In particular, the state act differs from the federal act by requiring that project impacts to state listed species must be minimized and fully mitigated, and that adequate funding must be ensured for implementation and monitoring of the mitigation measures. If the federal authorization is not consistent with CESA, then the incidental take of state listed species can only be authorized pursuant to Section 2081 of DFG Code.

4 The following corrections should be made regarding state listed species:

1.) 3.8.2.1: should be entitled Federally and State Listed Plant Species
2.) 3.8.2.3: should be entitled Sensitive Species - No Federal or State Listing
3.) Table 3-2: some of the species are also state listed - this should be indicated
4.) Pg. 4-39, Para. 3: add state listed after federally listed
5.) Pg. 4-51, Para. 4: "The ratio may be higher...Fish and Wildlife Service." Add the Department in this sentence, since state listed species may also be impacted.
6.) Fig. 4-22, 4-23, 4-24: the species that are state listed should be indicated as such

Streambed Alteration Agreement

5 As acknowledged in the DEIR, the proposed project would need a Streambed Alteration Agreement (SAA), pursuant to Section 1600 *et seq.* of the Fish and Game Code. The Department's issuance of an SAA for a project that is subject to CEQA, requires CEQA compliance actions by the Department as a responsible agency. As such, the Department may consider the EIR prepared by Caltrans for the project. To minimize additional requirements by the Department pursuant to Section 1600 *et seq.* and/or CEQA, the FEIR should fully identify the potential impacts on all stream and lake beds, and associated riparian resources, and provide adequate avoidance, mitigation, monitoring and reporting commitments.

6 While the DEIR clearly addresses areas under the jurisdiction of the Army Corps of Engineers, it fails to provide a comparable level of detail for areas requiring an SAA. The following deficiencies regarding areas subject to Section 1600 *et seq.* need to be corrected:

1.) The EIR must identify and describe all areas subject to the SAA and evaluate the project impacts to these areas and the species that depend on them. The impact assessment must not only quantify all direct impacts by habitat type, but also must address the project's impacts on

3 Thank you for this guidance, we will review the standards to which you referred.

4 Thank you for your comments and guidance. The Department has updated the appropriate sections of the FEIS/FEIR to reflect the concerns presented by CDFG.

5 Thank you for your comments and guidance. The Department updated the studies to address the Streambed Alteration Agreement concerns.

6 Please refer to Section 4.10.2 of this FEIS/FEIR where areas subject to the SAA are described and tabulated.

remaining habitats including: water quantity or flow characteristics, water quality, hydrology above and below the project, water sources for wildlife and access to those sources, and changes in flow that may impact adjacent upland, wetland and aquatic habitats.

7 2.) Both the unlined channel and the linear drainages may be subject to Department jurisdiction. Both areas need to be completely described; for the unlined channel this includes its functions and for the linear drainages includes a discussion of the width of these features so an area can be defined. For both areas, the assessment of impact needs to include all issues identified above in number 1.

8 3.) Mitigation for impacts must consider the function of these areas as well as their physical characteristics and must include enough detail to determine adequacy.

9 4.) What procedures have been developed by Caltrans to ensure that the following commitment, made in Chapter 7 of the DEIR, will be implemented as stated? "Highway maintenance personnel will check that all drainage facilities, erosion control devices, irrigation systems, and other installations related to environmental commitments, are functioning as intended."

10 5.) The location of diversions to natural drainages, or created features, which include wetlands or open water should not encourage wildlife to use areas where they will come in conflict with traffic.

11 6.) Design of the project BMP's for water quality need to include measures to avoid adverse impacts on wildlife; they must be designed so they do not trap, injure or kill wildlife.

12 7.) In Table 4-9, there is only a total for "DFG jurisdiction"; this needs to be quantified by habitat type.

Vegetation Communities and Sensitive Plants

13 The only upland scrub vegetation community identified in the DEIR is Diegan Coastal Sage Scrub (CSS). However, the list of plant species that occur within the project corridor includes golden-spined cereus (*Bergerocactus emoryi*), cliff spurge (*Euphorbia misera*), San Diego barrel cactus (*Ferocactus viridescens*), California encelia (*Encelia californica*), and San Diego sunflower (*Viguiera laciniata*), all of which are more typically associated with Maritime Succulent Scrub (MSS). The MSS plant community is more restricted geographically and less abundant than CSS. Because of this, failure to identify impacts and mitigate appropriately is significant. Since it is unlikely that MSS does not occur in the project corridor, additional surveys are needed to identify and delineate impacts to this rare vegetation community so appropriate mitigation can be developed.

The Otay Mesa area is also known to support a unique assemblage of plant species that are generally found in the desert, including fagonia (*Fagonia laevis*) and desert filaree (*Erodium texanum*). This assemblage is associated with Linne clay soils, which are only found in the southern part of the county. The DEIR reports this soil type within the project corridor. However, neither the Biological Resources Technical Report nor the DEIR acknowledge the potential for this association or any effort to ensure that it would have been identified, if present.

7 Thank you for this guidance, the Department is confident that the analysis that appears in Section 4.10.2 of this FEIS/FEIR adresses these concerns.

8 Thank you for this guidance, the proposed mitigation ratios did consider these functions and the physical characteristics of the channels.

9 The Department is comitted to ensuring that all of the proposed mitigation measures are adhered to and followed. With respect to the maintenance procedures to which you refer, these are established Department policies and they will be followed.

10 Thank you for your suggestion.

11 Thank you for this guidance.

12 Please refer to Section 4.10.2 of this FEIS/FEIR where impacts to habitat types are quantified.

13 Thank you for noting these omissions. Section 3.8.1 of this FEIS/FEIR now reflects the fact that seven native vegetation communities occur within the study corridor: vernal pools, maritime succulent scrub, Diegan coastal sage scrub, coastal scrub, freshwater marsh, southern willow scrub, and mule fat scrub.

An analysis of the Linne Soil Series within the study corridor was completed as part of the 2002 rare plant survey. Approximately 1,682 hectares (4,156 acres) of the Linne Soil Series occurs in Otay Mesa, of which approximately 188 hectares (465 acres) exists in the southern Otay Mesa region, including the area east of I-805, south of the Otay River, and north of the United States and Mexico border. Overall, an estimated 12.4 hectares (30.8 acres) of the Linne Soil Series was identified within the Route 905 study corridor.

The supplemental surveys that are necessary for MSS should also be directed toward locating and describing any unique plant assemblages.

Other Impacts

The following impacts were not addressed adequately in the DEIR. Sufficient analysis of these impacts needs to be included in the FEIR.

14 Potential adverse impacts to vernal pools (both natural and restored) from drainage units, runoff, irrigation and diversion of natural drainages needs to be addressed during final design of the project to ensure that no pools or pool watersheds are affected. Project drainage and irrigation plans should be reviewed by a qualified biologist.

15 All alignment alternatives will increase the isolation of vernal pools in the project vicinity. This is particularly true of the restored pools in the Otay Corporate Center South (OCCS) preserve which, post project, will be located between two major roads. The DEIR needs to address the potential effects of this isolation on the long-term success of these pools and develop appropriate mitigation measures to ensure that connectivity is adequately maintained. Mitigation should be coordinated with the resource agencies and the restoration biologists for the preserve.

16 Impacts to grasslands are identified in the DEIR but the only proposed mitigation is that "...native grass seeds will be included as part of the seed mix used for revegetation of portions of the right-of-way adjacent to areas of existing native habitat and grassland." The grasslands on the project site provide foraging habitat for a variety of observed raptor species including white-tailed kite (*Elanus leucurus*), Cooper's hawk (*Accipiter cooperii*), golden eagle (*Aquila chrysaetos*), red-tailed hawk (*Buteo jamaicensis*), northern harrier (*Circus cyaneus*), burrowing owl (*Athene cunicularia*), great horned owl (*Bubo virginianus*), barn owl (*Tyto alba*), and prairie falcon (*Falco mexicanus*). The loss of raptor foraging and nesting habitat is of significant concern to the Department. This important habitat is rapidly being lost to development. Impacts to raptor species and their foraging habitat should be avoided to the maximum extent possible. For unavoidable impacts, the Department recommends that grasslands be mitigated at a ratio of from 0.5:1 to 1.5:1, depending on location of the mitigation site.

17 The DEIR indicates that "To avoid nesting birds, no vegetation clearing shall occur between February 15 and September 1. Construction may occur during the breeding season if a pre-construction survey of the entire selected alignment alternative is conducted, including any nesting in Spring Canyon or in the eucalyptus plantation south of Route 905 and west of Old Otay Mesa Road." Due to the terrain within the project corridor, and some of the species known to occur in the area, it may not be possible to ensure that no active nests are present. The

14 All drainage systems (runoff, irrigation, and natural drainages) will be designed to maintain existing conditions. Outflow from the project limits will emulate current existing conditions as much as is feasible to ensure that pools and pool watersheds are not affected. Project drainage and irrigation plans will be reviewed by a qualified biologist.

15 The Preferred Alternative will not impact, either directly or indirectly, the restored pools in the OCCS preserve.

16 Non-native grasslands will be mitigated at a 0.5:1 ratio.

17 A biologist will be on-site during all clearing activities to ensure the safety of nesting birds. Construction and clearing activities may be redirected if they jeopardize a listed or endangered species during the February to August nesting season

needless destruction of the nest or eggs of any bird is a violation of DFG Code 3503. Therefore, the Department recommends that clearing only occur between February 15 and September 1.

Miscellaneous

The following items need clarification or correction:

18

S-10 & 11 Mitigation Measures: California adolphia, snake cholla, Palmer's grapplinghook, San Diego marsh elder, and Munz's sage are listed in the Biological Technical Report as "not observed". These species should be replaced in this statement with sensitive species that were observed in the project corridor.

S-10 & 11 Mitigation Measures: It is not clear how "...preservation of existing populations..." could occur in areas with direct impacts.

S-10 & 11 Mitigation Measures: All of the mitigation measures should be fully described in Chapter 4. There are some measures listed in the summary that are not discussed.

Table S-1: Some of the numbers in this table are not consistent with those shown in other sections of the DEIR.

Table S-1: Please clarify what "Wetlands (disturbed)" consists of

Pg. 2-11, Para. 1: The discussion regarding: "The meeting participants also agreed that neither the blue nor green ..." does not appear to be consistent with "The blue alternative was retained for further study..."

Pg. 3-17, last para.: "Open water is considered a sensitive habitat, as discussed above under disturbed wetlands." There is no discussion.

3.8.2: The discussion of Sensitive Species should include protected and fully protected species.

3.8.2.3: To avoid confusion, the scientific name for each species should be included in this listing.

3.8.2.3: The California Native Plant Society designation should be added for variegated dudleya and cliff spurge.

Table 4-6: The use of "stands" or "populations" with no indication of the size of the stand or population does not provide any meaningful information, since either could consist of anywhere from 1 to millions of individuals.

Pg. 4-48, South Alignment Alternative: The first sentence of the first paragraph indicates that seven vernal pools are impacted, while the second sentence of the fourth paragraph says eight.

MMRR: All biological mitigation measures need to have a qualified biologist listed under Responsible Branch/Staff.

19

There are several unresolved issues associated with this project, as discussed above. Because of this, the Department cannot support any of the alternative alignments as currently designed. We look forward to working with you to refine the project features to be as compatible as possible with the preservation of the fish and wildlife resources of the state.

18 Those substantive clarifications and corrections brought to our attention have been revised accordingly.

19 The Department is confident that given the refinements made in response to its updated surveys, that the CDFG will now support the Freeway-Central Alignment Alternative as the Preferred Alternative.

Thank you for this opportunity to comment. Questions regarding this letter and further coordination on these issues should be directed to Pam Beare at (858) 467-4229.

Sincerely,

For

William E. Tippets
Environmental Program Manager

State of California **The Resources Agency**

MEMORANDUM

To: Project Coordinator
Resources Agency

Date: September 25, 2001

Mr. Jason Reynolds
Caltrans – District 11
2829 Juan Street
San Diego, CA 92186

From: **Department of Conservation**
Office of Governmental and Environmental Relations

Subject: Draft Environmental Impact Statement/Report (DEIR/S) for State Route 905 Between the Otay Mesa Port of Entry and Interstate 805 - **SCH #2001081064**

The Department of Conservation's Division of Land Resource Protection (Division) has reviewed the DEIR/S for the referenced highway project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments for your consideration.

1 The proposed project is the construction of a 6-lane, 6.2-mile freeway in southern San Diego County. The DEIR/S notes that the project site includes prime farmland, farmland of statewide importance and farmland of local importance. The DEIR relies on the definition of prime farmland used by the Final Rule of the 1989 Farmland Protection Policy Act (FPPA), a definition that excludes land "committed to urban development" according to a definition of "committed" that is more liberal than the State's own Important Farmland Series definition. In addition, the Division's Important Farmland Series maps classify lands according to their existing use regardless of policy or legal commitments (e.g., subdivision maps, development agreements, etc.) to future developed non-agricultural uses.

2 The California Environmental Quality Act's (CEQA) treatment of prime farmland impacts does not differentiate between agricultural land based on commitments to future urban development. CEQA does, however, provide for reference to prior environmental documents, e.g., Otay Mesa Community Plan or East Otay Mesa Specific Plan, which may have addressed the environmental impacts at an earlier stage and possibly proposed mitigation measures to offset agricultural land impacts. (Approval of these projects may also have been based on a Statement of Overriding Consideration.) The DEIR/S should provide information on whether conversion of the project area was considered a significant impact in previous environmental documents, and if any mitigation measures were proposed to address the conversion impacts.

1 Thank you for these statements; we agree with your assertions. Please note, however, that the San Diego County Important Farmland Map, as prepared by the California Department of Conservation in the Farmland Mapping and Monitoring Program, was employed in the federal Land Evaluation and Site Assessment (LESA) procedure for evaluation of farmland impacts resulting from the Route 905 project. Evaluation of soil types within the project area reflects the same accounting as that of the California Department of Conservation.

2 The Department did review other environmental documents in the Route 905 project vicinity, including the East Otay Mesa Specific Plan and the Otay Mesa Community Plan. Significant impacts related to these projects' (including Route 905) conversion of Prime Farmland were not identified. Similarly, mitigations for farmland impacts were not identified.

3 If the project's agricultural land impacts were not addressed adequately in a previous environmental analysis, we recommend that this document be supplemented to incorporate the results of an impact analysis using the Division's California version of the FPPA's Land Evaluation and Site Assessment (LESA) farmland impact rating system. This version of the model uses the Important Farmland Series definitions of agricultural land. While the "committed" category is important information to include when discussing impacts, the significance (as indicated by the LESA score) of the conversion of agricultural land, both directly and indirectly, should be assessed based on existing resource condition.

4 The DEIR/S notes that mitigation of impacts on agricultural land include stockpiling and replacement of soil after completion of grading. No other mitigation is proposed based on the low scores of the FPPA analysis. Also, the DEIR/S asserts that, because most past, current and foreseeable farmland conversion in the area is not due to Caltrans projects, Caltrans cannot assume responsibility for mitigation of cumulative impacts.

5 CEQA does not require lead agencies to mitigate impacts from projects not within a lead agency's jurisdiction. CEQA does, however, require lead agencies to consider mitigation measures for their own project's impacts. In the past, environmental documents for various Caltrans projects have proposed use of conservation easements for agricultural land impacts. Therefore, if, based on the California LESA analysis, direct or cumulative impacts from this project are determined to be significant, we recommend that consideration be given to mitigation using conservation easements or project design alternatives.

Thank you for the opportunity to comment on the DEIR/S. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 13-71, Sacramento, California (95814); or, phone (916) 324-0850. You may also call me at (916) 445-8733.

Kenneth E. Trott
Environmental Coordinator

cc: Erik Vink, Assistant Director
Division of Land Resource Protection

Resource Conservation District of Greater San Diego
332 S. Juniper, Suite 110
Escondido, CA 92025

3 To address the Department of Conservation's concerns, a California LESA was performed for this project. The build alternatives were analyzed for farmland impacts; all encompass similar footprints and all impact similar amounts of farmland acreages. Results indicate that large amounts of historically farmed, high quality soils suitable for agriculture exist in the area. However, these prior agriculture practices were mostly dryland farming. Based on the LESA score, impact to farmland is not significant.

Although some active agriculture exists within the project area, most of the land zoned for agriculture has been fallow for many years, due to economic and physical restrictions, or it is committed to development for other uses. In addition, low rainfall, rising water costs, limited availability of groundwater, and limited functional water infrastructure create severe restrictions for continued agriculture in this region.

4 These statements are correct.

5 According to the guidance criteria set forth in the California LESA, this project does not exceed the threshold for significance under CEQA. Since existing conditions described in comment # 3 (above) prevail throughout San Diego County, cumulative farmland impacts resulting from the Route 905 project are not significant. Mitigation measures using conservation easements or project design alternatives are therefore considered not necessary, and will not be employed.

Department of Toxic Substances Control

Edwin F. Lowry, Director
5796 Corporate Avenue
Cypress, California 90630

Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Gray Davis
Governor

September 19, 2001

Mr. Jason Reynolds
Caltrans - District 11
2829 Juan Street
San Diego, California 92186

NOTICE OF COMPLETION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE ROUTE 905 (SCH #2001081064)

Dear Mr. Reynolds:

The Department of Toxic Substances Control (DTSC) has received your Notice of Completion (NOC) of a draft Environmental Impact Report (EIR) for the above-mentioned Project.

Based on the review of the document, DTSC's comments are as follows:

1) The draft EIR needs to identify and determine whether current or historic uses at the Project site have resulted in any release of hazardous wastes/substances at the Project area.

2) The draft EIR needs to identify any known or potentially contaminated site within the proposed Project area. For all identified sites, the draft EIR needs to evaluate whether conditions at the site pose a threat to human health or the environment.

3) The draft EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may require remediation, and the government agency to provide appropriate regulatory oversight.

4) The draft EIR mentions of 57 sites that identified with potential for hazardous material in the Study Corridor. The draft EIR provides information only for Tripp Landfill and Cactus Recycling. Detailed studies have not been conducted for 55 out of these 57 potential sites. Unless you have detailed environmental studies, any soil disturbances at these sites are not acceptable.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov.

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1 FEIS/FEIR Sections 3.12 and 4.12, which have not been changed from the DEIS/DEIR, do discuss current and historic hazardous waste uses/sites within the project area.

2 FEIS/FEIR Sections 3.12 and 4.12, which have not been changed from the DEIS/DEIR, do identify all potentially hazardous waste sites within the project area.

3 At the time the DEIS/DEIR was in public review, the Tripp Landfill site was under the local oversight of the County of San Diego, Department of Environmental Health, Local Enforcement Agency. While under this jurisdiction, the site was capped, monitored under the County's Remedial Action Work plan (RAW), and closed. Since that time, jurisdiction of the site was transferred to the City of San Diego, Solid Waste Local Enforcement Agency. Therefore, the City of San Diego will provide regulatory oversight of the site.

With respect to the portion of the landfill that will be impacted by the Route 905 project, the City of San Diego indicated that the new road section will be a land use change and that the change shall be designed and maintained to protect public health and safety and the environment. In order to comply with this request, prior to building any structural section on this area, the Department will recompact the topmost 1.75 meters (5.7 feet) of contaminated soil and then cap this with a 1.5 meter (4.9 feet) thick surcharge fill. This treatment will ensure that the land use change will not pose a threat to public health and safety and the environment. In addition, the Department will provide the City with a Community Health and Safety Plan for approval.

4 Record searches and site visits by Department hazardous waste specialists to all of the 57 potential hazardous waste sites demonstrated that further, detailed site investigations were necessary only at Cactus Recycling and the Tripp Landfill; hazardous material and contaminated soil were not encountered at the remaining 55 sites. Moreover, a majority of the remaining 55 sites, while within the project study corridor, are not within the actual footprint of any of the build alternatives.

5) Hazardous waste removal/remediation from the Tripp Landfill should be carried out appropriately prior to initiate any construction activities at the site. The removal/remediation works should be overseen by an appropriate regulatory agency that has jurisdiction on hazardous waste cleanups.

6) The draft EIR indicates that the contaminated soil at Cactus Recycling can remain onsite if the proposed project does not disturb the soils. Indicate whether this option is approved by a regulatory agency as a remedial alternative. Otherwise, appropriate environmental studies should be conducted and the approval should be obtained from a regulatory agency to implement this alternative. If capping is the preferred remedial alternative, appropriate institutional controls such as a "deed restriction" should be placed on the property so that any future soil disturbance could be eliminated.

7) An environmental assessment should be conducted in the project area to evaluate whether the project area is contaminated with hazardous substances from the potential past and current uses including storage, transport, generation, and disposal of toxic and hazardous waste/materials. Potential hazards to the public or the environment through routine transportation, use, disposal or release of hazardous materials should be discussed in the draft EIR.

8) Any hazardous wastes/materials encountered during construction should be remediated in accordance with local, state, and federal regulations. Prior to initiating any construction activities, an environmental assessment should be conducted to determine if a release of hazardous wastes/substances exists at the site. If so, further studies should be carried out to delineate the nature and extent of the contamination. Also, it is necessary to estimate the potential threat to public health and/or the environment posed by the site. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment.

9) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project is planning to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.

10) All environmental investigation and/or remediation should be conducted under a Workplan which is approved by a regulatory agency that has jurisdiction to

5 Please see the response to comment #3 above.

6 Section 4.12 of the FEIS/FEIR, which has not been changed from the DEIS/DEIR, states that mitigation measures are not required for the Cactus Recycling facility since detailed scientific investigations, and the subsequent data analyses, determined that hazardous substances are not present at the site.

7 Section 4.12 of the FEIS/FEIR, which has not changed from the DEIS/DEIR, disclosed the fact that a hazardous waste "environmental assessment" was conducted.

Although remote, any potential hazard to the public or the environment through routine use of the 905 facility will be handled with the Department's Hazardous Materials Program (HAZMAT); if future hazardous waste spills should occur, the Department would follow its established procedures. These facts have been added to Section 4.12 of the FEIS/FEIR.

8 Although not expected, any hazardous wastes/materials encountered during construction will be remediated in accordance with all applicable regulations. With respect to the need to conduct an environmental assessment in order to determine if a release of hazardous wastes/substances exists in the project area, please see the response to comment #2 above.

9 All of the excavated soil will remain within the project area. The project will not dispose of any of the excavated soil. The need to import soil for this project is not expected.

10 Please see the response to comment #3 above.

oversee hazardous waste cleanups. Complete characterization of the soil is needed prior to any excavation or removal action.

11) A groundwater investigation may also be necessary based on the nature of on-site contaminants and the depth to the groundwater.

12) Investigate the presence of lead paints and asbestos containing materials (ACMs) in the currently existing building structures that plans to be demolished. If the presence of lead or ACMs are suspected, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with the California environmental regulations.

13) The draft EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may require remediation, and which government agency will provide appropriate regulatory oversight. The draft EIR indicates that there are numerous negative impacts to the site, including trash dumps. Illegal and unauthorized waste dumping may cause release of hazardous waste to the environment.

14) If vegetation or agricultural use occurred on the project site, onsite soils could contain pesticide residues. If so, the site may have contributed to soil, and groundwater contamination. Proper investigation and remedial actions should be conducted at the site prior to the new development.

15) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate Health and Safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the draft EIR should identify how any required investigation and/or remediation will be conducted, and the government agency to provide appropriate regulatory oversight.

DTSC provides guidance for the Preliminary Endangerment Assessment (PEA) preparation and cleanup oversight through the Voluntary Cleanup Program (VCP). Also, DTSC is administering the $85 million Cleanup Loans and Environmental Assistance to Neighborhoods (CLEAN) program, which provides low-interest loans to investigate and cleanup hazardous materials at properties where redevelopment is likely to have a beneficial impact to a community. The CLEAN program consists of two main components: low interest loans of up to $100,000 to conduct PEAs of underutilized properties; and loans of up to 2.5 million for the cleanup or removal of hazardous materials also at underutilized urban properties. These loans are available to developers, businesses, schools, and local governments.

11 Section 4.12 of the FEIS/FEIR, which has not been changed from the DEIS/DEIR, indicates that a RAW was developed for the Tripp Landfill, with the selected remedial alternative being an asphalt cap. The asphalt cap has been constructed and three groundwater-monitoring wells were installed.

12 Section 4.12 of the FEIS/FEIR, which has not been changed from the DEIS/DEIR, states that all currently existing structures, which need to be demolished, will be investigated for the presence of lead paints and asbestos containing materials. All applicable California environmental regulations will be followed and proper precautions will be taken during demolition activities.

13 With respect to the need to identify the mechanism to initiate any required investigation and/or remediation, please see the response to comment #3 above.

14 Please see the response to comment #8 above.

15 Section 4.12 of the FEIS/FEIR, which has not been changed from the DEIS/DEIR, outlines the mitigation measures and standard requirements that are in place to avoid or minimize potential impacts to human health, including potential impacts to construction workers and the general public, water quality, and sensitive biological habitats.

For additional information on the VCP or CLEAN program, please visit DTSC's web site at www.dtsc.ca.gov. If you would like to meet/discuss this matter further, please contact Mr. Johnson P. Abraham, Project Manager at (714) 484-5476.

Sincerely,

Haissam Y. Salloum, P.E.
Unit Chief
Southern California Cleanup Operations Branch
Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

MTDB
Metropolitan Transit Development Board

1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
(619) 231-1466
FAX (619) 234-3407

October 5, 2001

SRTP 820.13 (PC 20223)

Mr. Greg Gastelum
Caltrans, District 11 (MS 27)
P.O. Box 85406
San Diego, CA 92186-5406

Dear Mr. Gastelum:

Subject: DRAFT ENVIRONMENTAL IMPACT STATEMENT/REPORT FOR ROUTE 905

1 Thank you for the opportunity to comment on the Draft Environmental Impact Statement/Report (DEIS/R) for the proposed State Route 905 that would adopt an alignment alternative and construct a six-lane highway from Interstate 805 to Airway Road in San Diego County. MTDB appreciates the effort made to address the needs of the potential future transit alignment within the project area. However, please consider the following changes and additions:

- On page 2-12 it is stated that there are three potential undercrossings that would require adequate clearance to accommodate the proposed light rail transit (LRT) line in this corridor: Sanyo Avenue, Otay Mesa Road, and SR 125/Otay Mesa Road.

  The clearance for each of the stated undercrossings is different. The desired LRT clearance is 19 feet from the top of rail to the contact wires and an additional 3 feet 4 inches from the contact wires to the messenger wires, as highlighted in yellow on the attached drawing, LRT Street Right-of-Way, from the *Designing for Transit* manual.

- In addition, the horizontal widths of the underpasses (that range from 41.7 feet to 161.4 feet) may or may not satisfy the LRT's minimum right-of-way requirement of 25 feet (see the attached drawing, Reserved LRT Right-of-Way: Side of Street), depending on existing or proposed street conditions. The DEIS/R needs to provide clarification on available horizontal width for the LRT outside the required traffic lanes. This will ensure that sufficient space is available for the implementation of the future LRT line or dedicated transit lane in the corridor.

The project design needs to provide for appropriate LRT clearances and right-of-way and the DEIS/R should accurately describe how this future planned LRT project is accommodated.

If you have any questions or concerns regarding the above comments, please contact me by telephone at 619.557.4541 or by e-mail at mdaney@mtdb.sdmts.com.

Sincerely,

Michael B. Daney
Assistant Transportation Planner

KYarno – L-SR905.MDANEY

Attachments: Drawings (4)

Member Agencies:
City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, County of San Diego, State of California

Metropolitan Transit Development Board is Coordinator of the Metropolitan Transit System and the Taxicab Administration
Subsidiary Corporations: San Diego Transit Corporation, San Diego Trolley, Inc., and San Diego & Arizona Eastern Railway Company

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25 years
MTDB

1 The Department will provide for appropriate LRT clearances and right-of-way and the FEIS/FEIR was updated to accurately describe how the future LRT project will be accommodated.

County of San Diego

JOHN L. SNYDER
DIRECTOR
(858) 694-2233
FAX: (858) 268-0461

DEPARTMENT OF PUBLIC WORKS

5558 OVERLAND AVE, SAN DIEGO, CALIFORNIA 92123-1295

COUNTY ENGINEER
COUNTY AIRPORTS
COUNTY ROAD COMMISSIONER
TRANSIT SERVICES
COUNTY SURVEYOR
FLOOD CONTROL
WASTEWATER MANAGEMENT

October 11, 2001

Greg Gastelum
Route 905 Project Manager
CALTRANS – DISTRICT 11
P.O. Box 85406 MS-27
San Diego, CA 92186-5406

Dear Mr. Gastelum:

ROUTE 905 – DRAFT ENVIRONMENTAL IMPACT STATEMENT/REPORT

County staff has reviewed the Draft Environmental Impact Statement/Report (DEIS/R) dated August 2001 for the proposed Route 905 facility. The following are our comments:

1. The County's Department of Planning and Land Use is in the process of revising the East Otay Mesa Specific Plan. Caltrans should coordinate all their Otay Mesa area projects with the County's Planning Department. The East Otay Mesa Specific Plan Project Manager is Stella Caldwell (858-495-5375).

2. The DEIS/R states (Pg. 1-11) that 2020 traffic forecast volumes were based on the SANDAG Series 8 methodology and land use information. The Series 8 forecast was based on the 2015 horizon year, while the current Series 9 forecast is based on 2020 horizon year. The DEIR should explain the correlation between the Series 8 forecast and the study's 2020 traffic projections.

3. The DEIS/R should describe in detail what land use and roadway network assumptions were used for the East Otay Mesa area in the year 2020 scenario.

4. The DEIS/R should include a traffic analysis for "opening day" of the completed SR-905 facility.

5. According to Figures 1-6 to 1-9, State Route 11 east of Enrico Fermi Road was not included in the year 2020 forecast. It should be noted that State Route 11 from

1 Thank you for this information.

2 The development of the Route 905 forecast traffic was a joint project between the City of San Diego and the Department. Initial meetings were conducted in 1994. The City of San Diego hired Urban Systems Associates, a local Traffic Engineering company, to develop the initial study.

Input for the Route 905 Transportation Study was received from the City of Chula Vista, the County of San Diego, Metropolitan Transportation Development Board, and the City of San Diego.

The land use forecast that was in place in 1995 was SANDAG's Series 8, which had a horizon year of 2015. In 1995, the expected opening day for the Route 905 facility was 2000, therefore, it was determined that the forecast year should be 2020. The procedure that was agreed to by the partners was to develop General Plan build-out traffic volumes for the focus area, plus a surrounding buffer. Based on the growth rate at that time, it was mutually agreed that the build-out year would be approximately 2040. To develop year 2020 traffic volumes, it was decided that half way between the Series 8 year 2000 volumes and the year 2040 build-out volumes would be the traffic volumes for 2020.

All transportation modeling was performed using a focused model procedure with the fringe area using Series 8 data.

An analysis of traffic volume growth rate (on Route 905) from 1991 to the present has been performed. The traffic volume growth rate on Route 905 decreased during that time period. Traffic volumes previously forecasted for 2000 will be more realistically reached in 2005. In addition, modeling from SANDAG's 2020 Cities/County forecast, and preliminary indications from modeling efforts for the SANDAG 2030 forecast, confirm a reduction in the rate of traffic volume growth over the next twenty years. Ergo, results from the most current planning assumptions project that the forecasted traffic volumes shown in the Route 905 FEIS/FEIR will not actually occur until 2025-2030.

3 The land use and roadway network assumptions used in this document are based on the County of San Diego East Otay Mesa Specific Plan, General Plan Land Use Element and Otay Subregional Plan.

4 The traffic forecasts are appropriate and illustrate how the 6-lane Route 905 facility will operate, both in the near term and 20 years hence. The current forecast traffic captures a time frame that includes opening day, therefore, the Department will not model opening day traffic.

Enrico Fermi Road to the proposed third Port-of-Entry is part of the County's adopted General Plan Circulation Element.

6. Page 4-19 in the DEIS/R discusses the Brown Field Airport Master Plan. The status of the Brown Field project should be updated to reflect the San Diego City Council's recent rejection of the proposed expansion of the airport.

7. The Construction Phasing section (Pg. 2-14) should also discuss traffic detour plans that may be implemented during the construction phases of the project. The discussion of the traffic detour plans should address the routing of traffic onto local streets during the construction of the Airway Road interchange.

If you have questions concerning our comments, please call me at (858) 694-3728.

Very truly yours,

Bob Goralka

BOB GORALKA, Project Manager
Department of Public Works

BG:jb

cc: Stella Caldwell (DPLU); Barry Beech (DPW)

M\LTR\RT905DEIR

5 The County of San Diego General Plan Circulation Element does depict State Route (SR-11) from Enrico Fermi Road to the proposed third Port-of-Entry. However, the Department has yet to complete studies, which would facilitate setting an alignment, for this route. The Department notes that one of the proposed alternatives included in the current study is the "No Build" alternative. Until SR-11 is adopted and an environmental document is completed, definitive impacts to Route 905 cannot be assessed. The design of SR-11 will take into account the approved alignment of Route 905.

6 Section 4.6.1 of the FEIS/FEIR has been updated to reflect the fact that the Brown Field Airport administration decided not to move forward with completing the Master Plan for Brown Field because it was not cost effective or beneficial to the airport. Instead, an Airport Layout Plan is being developed, which includes upgrading existing equipment such as fencing, drainage, and the taxiway. At this time, it was communicated to the Department that Brown Field Airport has no plans for expansion or increasing capacity of its facility.

7 Section 2.8.2 of the FEIS/FEIR now contains updated traffic detour plans for the construction phase of the project. Temporary detours at the west end of the project, to effect the connection of the Route 905 extension to existing Route 905, will be necessary but are not anticipated to cause any major delay or affect traffic volumes.

Minor detours will be constructed to handle local traffic on La Media Road, Britannia Boulevard, Caliente Boulevard, and Heritage Road during bridge construction. The Department does not anticipated that these detours will affect traffic volumes on these streets or cause any major delay. Airway Road will be lowered approximately 2.6 meters (8.5 feet) to pass beneath the new Route 905 facility. As a consequence, Airway Road will be closed during the construction of the Airway Road undercrossing (UC).

To provide an alternate traffic route during the UC construction, prior to the Airway Road closure, Sanyo Road will be improved from Airway Road to Otay Mesa Road in order to accommodate forecasted traffic. Signalized intersections will be installed at Airway Road/Sanyo Road, Otay Mesa Road/Interim Route 905, and at Otay Mesa Road/Sanyo Road intersection. The Interim Route 905 intersection with Otay Mesa Road will be upgraded to provide better traffic circulation until the UC can be completed. Otay Mesa Road will be upgraded between Sanyo Road and Interim Route 905 in order to provide adequate capacity between intersections. Current traffic forecasts indicate that the intersections will operate at LOS E or better until 2010. It is anticipated that the Route 905 facility will be completed well before 2010, whereupon Interim Route 905 will be removed

THE CITY OF SAN DIEGO

October 16, 2001

VIA FACSIMILE TO (619) 688-3192

Mr. John Chisholm
Manager, Environmental Branch B
Caltrans District 11
2829 Juan Street - Old Town
P.O. Box 85406
San Diego, CA 92186-5406

Dear Mr. Chisholm:

Subject: Draft Environmental Impact Statement/Report, State Route 905

Thank you for the opportunity to respond to the Draft Environmental Impact Statement/Report (DEIS/DEIR) for State Route 905 (SR 905). The review of this DEIS/DEIR by the City of San Diego has been coordinated by the Environmental Analysis Section of the Development Services Department. The City of San Diego offers the following comments for your consideration:

Transportation Planning

The Transportation Planning Section of the Planning Department has reviewed the DEIS/DEIR and has the following comments.

1 There are differences in between the City's subarea traffic model for Otay Mesa and the traffic model used by Caltrans for the SR 905 traffic analysis. It should be noted, however, that the City's review of Caltrans' transportation network for SR 905 was done more than a year prior to the selection of a preferred MSCP network alternative in Otay Mesa.

Transportation Planning staff pointed out the deletion of several links in Otay Mesa to Caltrans staff in December 2000, as part of our work to evaluate their proposed changes in the ramp systems for SR 125 and SR 905.

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

1 Please see the November 14, 2002, City of San Diego letter to the Department's Travel Forecasting/Modeling & GIS Branch (Chapter 6, Figure 6-7), which dismisses the differences between the traffic models. The Department notes the following:) the City's ADT calculations, which were sent to the Department in response to the Route 905 DEIS/DEIR, were over inflated and 2) the City re-ran their traffic models and recognized that their projected volumes were now lower than what was assumed in the DEIS/DEIR.

Page 2
Mr. John Chisholm
October 16, 2001

The following are the Transportation Planning Section's specific comments:

	Page	Location	Comment
2	S-7	Paragraph 3	The statement that "The proposed project is consistent with the City of San Diego Otay Mesa Community Plan" is not entirely correct. The Circulation Element of the community plan was amended on November 23, 1999, to reflect the Multiple Species Conservation Program (MSCP) that resulted in the deletion of several roadways. Caltrans' network includes the deleted roadways. The Circulation Element of the Otay Mesa Community Plan, however, does include SR 905 as a freeway.
3	1-12	Table 1-5	The projected daily traffic volumes for the Freeway Alignment Alternative varies from the City's Otay Mesa forecast, as compared on the following page. As indicated above, there are network differences between the Caltrans model and the City's model which contribute to differences in projected daily traffic.

Freeway Segment	Caltrans ADT	City ADT
I-805- Caliente	133,300	152,300
Caliente - Heritage	133,300	145,400
Heritage - Britannia	123,500	139,300
Britannia - La Media	112,800	116,900
La Media - SR 125	81,300	77,800
SR 125 - Airway	80,000	105,800
Airway - POE	80,000	97,500

3	1-13	Table 1-6	The projected daily traffic volumes for street segments for the Freeway Alignment Alternative varies from the City's Otay Mesa forecast, as compared below. As indicated above, there are network differences between the Caltrans model and the City's model which contribute to projected daily traffic differences. There is more than one location per segment where the City has a projected number. The minimum and maximum projected daily volumes for the City forecast are as follows.

2 With respect to the deleted roadways, the traffic technical study included modeling of all local intersections to show the effects of the proposed Route 905 improvements; this included the Department network not shown as being deleted on the Plan.

While the Department recognizes that the Circulation Element of the Otay Mesa Community plan was changed (and no longer shows segments of Siempre Viva and North Vista), this FEIS/FEIR does reflect the Plan that was extant when the Route 905 Transportation Analysis was being completed. This analysis was used as the basis for the Route 905 design that appeared in the DEIS/DEIR.

3 Please see the November 14, 2002, City of San Diego letter to the Department's Travel Forecasting/Modeling & GIS Branch (Chapter 6, Figure 6-7), which dismisses the differences between the traffic models. The Department notes the following: 1) the City's ADT calculations, which were sent to the Department in response to the Route 905 DEIS/DEIR, were over inflated and 2) the City re-ran their traffic models and recognized that their projected volumes were now lower than what was assumed in the DEIS/DEIR.

Page 3
Mr. John Chisholm
October 16, 2001

Page	Location	Comment			
		Street	Segment	Caltrans ADT (K)	City ADT Range (K)
		Otay Mesa Road	Old OMR - Caliente	6.1	18.4
			Caliente - Heritage	19.3	44.5-60.8
			Heritage - Britannia	25.7	28.8-32.4
			Britannia - La Media	23.4	28.1-41.9
			La Media - SR 125	33.7	30.8-61.8
			SR 125 - Enrico Fermi	29.6	14.9-38.6
		Airway Road	Heritage - Britannia	9.0	14.6-17.8
			Britannia - La Media	18.2	32.0-40.0
			La Media - SR 125	16.8	35.5-41.7
			SR 125 - Enrico Fermi	16.3	6.2-35.5
		Siempre Viva Road	I-805 - Caliente	25.8	23.1-34.1
			Caliente - Heritage	30.2	No connection
			Heritage - Britannia	28.8	22.3-26.4
			Britannia - La Media	26.2	27.9-31.1
			La Media - SR 905	26.0	20.6-28.7
			SR 905 - Enrico Fermi	64.0	30.5-46.9

4

1-13	Table 1-6 (cont.)	In most of the aforementioned locations, the City has a higher traffic projection than Caltrans. There is a need for Caltrans to modify their traffic model and do their analysis based on the model that reflects deleted roadway segments due to MSCP and the inclusion of Harvest Road (see below).
1-14	Last Paragraph	There is a reference to the deletion of Harvest Road, between Otay Mesa Road and Airway Road. Harvest Road is classified as a 4-Lane Major Street from Otay Mesa Road to Siempre Viva Road, in the Circulation Element of the Otay Mesa Community Plan, approved by City Council Resolution #292480 on November 23, 1999. Project T-24 in the Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment also includes this roadway as a 4-Lane Major street from Otay Mesa Road to Siempre Viva Road. This roadway is scheduled for design in F.Y. 2013 and construction in F.Y. 1015. The Otay Mesa Community Plan and the Facilities Financing Plan both indicate that Harvest Road is a through facility. Any modification to this roadway would require a study to determine the impact of the proposed change. A community plan amendment would also be necessary to reflect any change in the Otay Mesa Circulation Element.

4 The SR-905 Transportation Analysis deleted Harvest Road as a through road. That study was sponsored, reviewed, and approved by the City. It demonstrated that the design year traffic is adequately provided for without the connection of Harvest Road from Airway Road to Otay Mesa Road. Initial traffic model runs included a freeway terminus at Harvest Road. Further analysis and planning demonstrated, however, that the traffic volumes and required merging and connecting lane lengths would not support Harvest Road as the logical terminus for Route 905. Please recall the July, 18, 1996 Traffic Specialized Team meeting where it was agreed to include several items in the Route 905 project: 1)"Harvest Road south of Route 905 will terminate in a T intersection with Airway Road" and 2) "north of Route 905 and south of Otay Mesa Road, Harvest Road will terminate in a cul-de-sac." Because the City approved of Harvest Road as it appears in the FEIS/FEIR, the Department will not pursue a community plan amendment.

To sum, Harvest Road will intersect Otay Mesa Road and Airway Road in "T" intersections. Harvest Road south of Otay Mesa Road is an access road to a SDG&E gas and power transfer station, which the Department would not improve or provide a cul-de-sac. This design does not result in a significant impact to circulation.

Otay Mesa Road, just west of the intersection with Old Otay Mesa Road, will end in a cul-de-sac. Old Otay Mesa Road will be connected/turned into Airway Road west of Caliente Ave. An Overcrossing connecting Otay Mesa Road to the intersection of Old Otay Mesa Road and Airway Road could be built in the future, if needed, at City expense.

Cactus Road on the north side of Route 905 will end in a cul-de-sac. Cactus Road on the southern side of Route 905 will be connected to Gateway Park Drive and then to Heritage Road.

Page	Location	Comment
		The proposed Street Vacation to create two cul-de-sacs is not consistent with the Otay Mesa Community Plan and the Public Facilities Financing Plan.
1-22	Figure 1-6	This figure for Caltrans' No Build Alternative includes segments of Siempre Viva Road and North Vista Road that have been deleted from the Circulation Element of the Otay Mesa Community Plan.
1-23	Figure 1-7	This figure for Caltrans' Freeway Alignment Alternative includes segments of Siempre Viva Road and North Vista Road that have been deleted from the Circulation Element of the Otay Mesa Community Plan.
1-24	Figure 1-8	This figure for Caltrans' Expressway Staging Option includes segments of Siempre Viva Road and North Vista Road that have been deleted from the Circulation Element of the Otay Mesa Community Plan.
1-25	Figure 1-9	This figure for Caltrans' Tollway Alignment includes segments of Siempre Viva Road and North Vista Road that have been deleted from the Circulation Element of the Otay Mesa Community Plan.

If you have any questions regarding the above comments, please contact Shahriar Ammi, Associate Traffic Engineer, at (619) 236-6576.

Multiple Species Conservation Program

The Multiple Species Conservation Program (MSCP) Section of the Planning Department has reviewed the DEIS/DEIR and has the following comments.

MSCP staff recommends approval of the central alignment alternative because it is the least impactive to vernal pools and other sensitive habitats. This alignment should incorporate the use of a bridge over Spring Canyon in order to be consistent with the MSCP. Pursuant to Section 1.2.1(A6) of the City of San Diego MSCP Subarea Plan, "The State Route 905 design shall include a bridge-type structure over the wildlife corridor south of Otay Mesa Road. This crossing shall be enhanced with grading and revegetation." The proposed culvert for the central alignment would not be adequate for wildlife movement. If a culvert design is ultimately approved, Caltrans should coordinate with the Wildlife agencies (U.S. Fish & Wildlife Service and California Department of Fish and Game) to determine an adequate culvert design.

5 Thank you for your comment. The PDT found it to be important when identifying the Preferred Alternative. As noted in the Department's response to the Environmental Protection Agency's comment #1 above, the previously proposed culvert is no longer a viable Route 905 project feature, a bridge will now span Spring Canyon.

6 The following list of species are considered narrow endemics under the City's MSCP Subarea Plan: Otay Mesa Mint, Otay Tarplant, San Diego Button Celery, Spreading Navarretia, Variegated Dudleya, and Burrowing Owl (treated as a narrow endemic). Each of the these species may require specific mitigation due to their limited geographic range. Mitigation may include transplantation and soil salvage for plants and passive relocation of burrowing owls per California Department of Fish and Game protocol. Please provide mitigation for these species in accordance with the MSCP.

7 Where the 905 is adjacent to the Multi-Habitat Planning Area (MHPA) it should be consistent with the MHPA Land Use Adjacency Guidelines. In particular, lighting, drainage, landscaping, and grading must not adversely affect the MHPA.

- Lighting should be directed away from the MHPA, and shielded if necessary.
- Drainage should be directed away from the MHPA, or if not possible, must not drain directly into the MHPA. Instead runoff should flow into sedimentation basins, grassy swales or mechanical trapping devices prior to draining into the MHPA.
- No invasive non-native plant species (e.g. *Carpobrotus* sp.) shall be planted in or adjacent to the MHPA.
- All manufactured slopes must be included within the development footprint and outside the MHPA.

8 Evaluate alignments that impact the OCCS Preserve to determine if impacts can be further minimized.

9 Non-native (annual) grasslands are considered to be a sensitive habitat under the MSCP and require mitigation in accordance with the City of San Diego's Land Development Code Biology Guidelines. Mitigation ratios range from 0.5:1 to 1.5:1 depending on the location (inside or outside of the MHPA) of the impact and mitigation areas. The project proposes to mitigate annual grasslands impacts through revegetation of right-of-way areas adjacent to existing native habitat. Please quantify the area that will be used for mitigation, provide supporting biological information that areas outside of the MHPA will have long-term viability, and include an appropriate monitoring program to ensure the success of the revegetation effort. Alternative mitigation options include off-site habitat preservation, purchase of mitigation bank credits, and/or payment of a mitigation fee.

10 The document references "regional measures embodied in the MSCP related to vernal pools." Please delete this reference as it is not accurate.

6 The mitigation proposed is in accordance with the MSCP.

7 Route 905 is consistent with the MHPA Land Use Adjacency Guidelines.

8 The North alignment alternatives would impact the privately owned OCCS Preserve. These alignments were reviewed and it was determined that impacts could not be minimized further.

9 Route 905's impacts to nonnative grassland will be mitigated at a 0.5:1 mitigation ratio. Please refer to Section 4.10.5 of this FEIS/FEIR for specific details.

10 This was corrected.

This concludes our comments on the DEIS/DEIR. We greatly appreciate the opportunity to provide our input. If you should have any questions regarding the above comments, please contact Paul Hellman at (619) 446-5346.

Sincerely,

Paul A. Hellman

for Lawrence C. Monserrate
Environmental Review Manager

cc: Paul Hellman, Senior Planner, Development Services Department
Siavash Pazargadi, Senior Traffic Engineer, Planning Department
Shahriar Ammi, Associate Traffic Engineer, Planning Department
Jeanne Krosch, Senior Planner, Planning Department-MSCP
Maxx Stalheim, Senior Planner, Planning Department
Kerry Santoro, Senior Planner, Engineering and Capital Projects Department
Larry Van Wey, Senior Caltrans Coordinator, Transportation Department
City of San Diego Environmental Review and Comment Files

Otay mesa
Chamber of Commerce

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The Home Depot
United Parcel Service

October 11, 2001

Randy Sanchez
Project Manager, State Route 905
CALTRANS, District 11
PO BOX 85406 MS-27
San Diego, CA 92186-5406

SUBJECT: Comment Letter– Draft Environmental Impact Report (SR-905)

Dear Randy:

The Otay Mesa Chamber of Commerce appreciates the opportunity to provide comments to the Draft Environmental Impact Statement/Report on SR-905. We would like to express our full support for the SR-905 project. In addition, we would like to provide the following comments on the draft environmental impact report:

1 Phasing: We understand that the Siempre Viva Interchange and the mainline of SR-905 between the U.S.-Mexico border and South of Airway will be constructed as Phase I of the project. We request that Phase II, currently planned as the next segment of SR-905 from Siempre Viva to La Media, also include the freeway-to-freeway connectors between SR-905 and SR-125 (with the exception of the connectors to and from the East which can be differed to Phase IV). This would provide a full freeway access to Otay Mesa and the border via SR-125 to and from the North, some two years in advance of the full completion of the SR-905 project, thus facilitating traffic in the border area.

The connector from SR-125 Southbound to SR-905 Eastbound appears to have been either deleted from the project or postponed to an undetermined future phase. We request that this connector be included in the project so that it could be constructed either in Phase IV if funds are available, or at the latest when SR-905 is extended to the East to connect to the Third Border Crossing in East Otay Mesa.

2 The Chamber is concerned about the landscaping plans immediately adjacent to the Otay Mesa Border crossing including the Siempre Viva Interchange as the first interchange upon entering the U.S. Since this area is a special gateway corridor, to and from Mexico, we feel that enhanced landscaping standards should be adopted for this segment. In particular, at minimum, existing "garden-like" landscaping should be adopted and existing mature palm-trees should be preserved in place or relocated within the project right-of-way. We also understand a similar request has been submitted by Mike Vogt, President of International Real Estate (IRE). We fully support IRE's position stated on a letter to Interim District Director Jack Boda dated August 28, 2001. In addition, we would like to recommend that enhanced landscaping standards be adopted for all interchanges.

We appreciate the opportunity to comment and we look forward to your response.

Sincerely

Alejandra Mier y Terán
Executive Director

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(619) 661-6111 Fax (619) 661-6178
www.otaymesa.org

1 Thank you for supporting the project. Please refer to Section 2.8.2 of the FEIS/FEIR, the construction phasing of this project has been updated since circulation of the DEIS/DEIR. Note also that the Siempre Viva Interchange was a stand alone project with independent utility from the Route 905 project, it was not "Phase 1" of the Route 905 project as stated in the DEIS/DEIR.

Due to current funding constraints, the proposed freeway-to-freeway interchange between Route 905 and SR-125 is not included in Phase 1. It has been proposed to be constructed as Phase 3, which currently has no funding committed to it. The Department is willing to consider the potential for a cost-sharing arrangement in order to advance the construction to better coincide with the SR-125 South Tollway construction. In addition, we are working closely with the SR-125 South Tollway development team to coordinate the right of way acquisition for the interchange. However, without additional funds being identified, the proposal will remain as is, with the interchange construction following after the freeway construction when funds become available.

The FEIS/FEIR shows the SB SR-125 connection to the EB Route 905 just north of the Airway Road overcrossing. A SB SR-125 connector to the local connector road crossing Sanyo Road, connecting to Enrico Fermi Road, that connection is not included in the Route 905 project. Depending on which design alternate is ultimately constructed as part of the SR-11 project, and the traffic volumes expected for that route, a connector may be planned in the future as part of the SR-11 project. The Route 905 design does not preclude the future construction of the SB-125 connector to EB SR-11 (or connection to Enrico Fermi Drive), but it is not a part of the Route 905 project.

2 As noted in the response to International Real Estate comment letter below, the Department understands the importance of the landscaping near the Otay Mesa Border Crossing and will preserve its unique characteristics. To this end, and as part of the Siempre Viva Project, east of Caliente Boulevard, the landscape treatment will be "above standard landscaping." For the POE area, the Department is committed to coordinate with the community and agencies regarding design; our goal is to increase the aesthetic appearance of the area. The overall scheme includes landscaping and a bridge to create a "gateway" feel to the United States and Mexico.

SOUTH BAY UNION
SCHOOL DISTRICT
601 Elm Avenue • Imperial Beach, California 91932-2098 • (619) 575-5900 • FAX: (619) 424-9607

"Molding The Future"

RICHARD THOME
District Superintendent

August 15, 2001

Mr. Greg Gastelum
Route 905 Project Manager
CALTRANS – DISTRICT 11
P. O. Box 85406 MS-27
San Diego, CA 92186-5406

RE: Route 905 Draft Environmental Impact Report

Dear Mr. Gastelum:

1 Thank you for sending us a copy of subject DEIR. Having reviewed the Report, it appears that there are no significant negative impacts on the schools in the South Bay Union School District, except those that might be addressed through required mitigations of any general noise and air quality considerations. The distance between our schools and the project will, likely, make any impacts inconsequential, if the project is completed as presented in the DEIR.

Please feel free to include this response in your report.

Sincerely,

Walter Freeman
Assistant Superintendent, Business and Administrative Services

Board of Trustees
Elvia Aguilar • John Canillas • Brenda Latham • Dee McLean • Kathleen Schultz

1 Thank you for comments and support, the Department concurs.

SWEETWATER UNION HIGH SCHOOL DISTRICT

Planning & Facilities

Katy Wright
Director of
Planning & Construction

October 16, 2001

John Chisholm
Manager of Environmental Branch B
CalTrans District 11
2829 Juan Street-Old Town
P.O. Box 85406
San Diego, CA 92186-5406

RE: Route 905 EIR, Letter of Comment

Dear Mr. Chisholm,

1 We have reviewed the Route 905 Draft Environmental Impact Statement Report, dated August 2001 as requested. In general, we find that the EIR limits the acknowledgment of proximity effects (noise, visual traffic and construction) only to those uses that are currently on the ground. The Otay Mesa High School site has been part of the adopted Specific Plan for Santee Estates, and is even mentioned in the EIR (pg 4-20). Acknowledgment of future impacts and mitigation measures to address future impacts to the Otay Mesa High School should be included in this EIR. This comment is applicable to the following pages:

S-4, S-5, S-15, S-16, S-18, 4-13, 4-65, 5-4

We therefore, request that the EIR identify noise abatement measures as stated on page 4-65, Planned/Future Developments, such as sound walls and noise attenuation into the construction of the educational facilities. The Otay Mesa High School is currently under construction and will be open for attendance in the Fall of 2002. This school, located in the vicinity of Airway Road, Caliente and Otay Mesa Road, will be impacted by the noise from the Route 905 alignment, which has not been considered in the report.

If you should have any questions, please contact me at (619)691-5553.

Very Truly Yours,

Rafael L. Munoz

for Katy Wright

1130 FIFTH AVENUE CHULA VISTA CALIFORNIA 91911
PHONE (619) 691-5553 FAX (619) 420-0339

1 The site that was proposed for the Otay Mesa High School at the time the DEIS/DEIR was prepared was identified in Figures 3-5 and 3-10 of the DEIS/DEIR and was noted in the Socioeconomic Technical Report. The existing land use sections of the Socioeconomic Technical Report and FEIS/FEIR were updated to show the Otay Mesa High School site.

The Santee Investments/Otay Mesa development adjacent to the proposed project have completed the necessary environmental clearances. The City of San Diego has conditioned the approval of these projects based upon the provision of adequate noise abatement measures in anticipation of Route 905. Their environmental documents identify the need for and include appropriate noise abatement measures in the form of soundwalls.

The Department's environmental engineering staff verified that the recommended noise barriers listed in environmental documents for the above developments would meet the Federal and the Department's Standards under NEPA and CEQA.

According to Santee Investments/Otay Mesa's EIR, and addendum to Santee Investments/Otay Mesa Precise Plan's EIR, traffic noise from future Route 905 would have no impact on the proposed high school site.

Using the data provided in Route 905 Technical Noise Report (June 1999), it was determined that basketball and tennis courts (closer to Route 905) at the high school site (previously was planned as a public park), are approximately 250-550 ft from the edge of the slop and will not be impacted by the traffic noise from Route 905.

The Department will not identify noise abatement measures for the Otay Mesa High School.

California Native Plant Society

San Diego Chapter P.O. Box 121390 San Diego, CA 92112

Greg Gastelum
Route 905 Project Manager
CALTRANS – District 11
P.O. Box 85406 MS-27
San Diego, CA 92186-5406

October 16, 2001

Re: Draft Environmental Impact Statement/Report for Route 905

Dear Mr Gastelum:

The San Diego Chapter of the California Native Plant Society has reviewed the draft Environmental Impact Statement/Report for Route 905. We have concerns about some components of the document and some suggestions for minimizing impacts of the project.

1 Biological Resources are described for the project in Section 3.8. Page 3-14 lists the habitats found within the Study Corridor but omits maritime succulent scrub, a rare habitat. The description on page 3-15 and vegetation maps suggests maritime succulent scrub has been lumped with coastal sage scrub, a more common component of the San Diego landscape. South facing slopes along the rim of Spring Canyon are maritime succulent scrub being dominated by *Euphorbia misera, Dudleya edulis, Ferocactus viridescens*, and *Ambrosia chenopodia*. Please correct this error and mitigate any impacts to the rare habitat in kind. A 1:1 ratio as mentioned on page 4-52 for coastal sage scrub mitigation is insufficient given the rarity of the habitat and the loss of this habitat permitted with the regional planning efforts. We would request that any impact to this habitat be included in the cumulative impact analysis of the document.

2 Our chapter is concerned about the restoration of graded areas adjacent to open space especially after viewing photo simulations (Fig 4-15 and 4-16). Simple hydroseeding of cut slope and fill areas is insufficient to restore habitat and appears to create a weed corridor based on our experiences with SR52 and I15. Topsoil salvage and salvage of native plant material in the impact area should be a requirement of the project. Page 4-37 states that naturalized seed may be necessary to provide appropriate cover and protection from erosion during the establishment periods. We would suggest that use of naturalized species is not appropriate and specifically prohibited in areas adjacent to MHPA.

3 What regular program for weed removal will be established for the parts of the route that are adjacent to open space? Members of Marian Bear Recreational Park had to regularly call and request Pampas grass removal along SR52 as there was no program to monitor and remove plants. Calls if they resulted in any action, resulted in a specific area receiving treatment while another area with the same problem in the same right of way would be ignored if it wasn't specifically mentioned in the request. Since freeways create conditions for regular invasions, what mechanism will be developed to eliminate or mitigate the impact?

4 It was not clear from the description of survey times when mapping for sensitive plant species and vernal pool basins was performed. Page 3-14 states surveys were "conducted from 1994 to 1998" and refers the reader to an Appendix A that was not included for our review. When specifically were surveys for *Dudleya variegata* and vernal pool basins performed? Were vernal pool basins only mapped in dry year surveys?

Dedicated to the preservation of California native flora

1 Exhibits were revised to indicate the areas of maritime succulent scrub within the Study Coridoor. Coastal sage scrub will be mitigated at a 1:1 ratio.

2 Any graded habitat adjacent to the Spring Canyon corridor or within/near the MHPA will be revegetated with an appropriate, native plant mix. The proposed seed palette will be reviewed and approved by a qualified biologist prior to application in the field. The best methods of revegetation will be determined during design and could include duff, hydroseeding, planting, and/or possibly irrigation.

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 off 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.

3 On February 3, 1999, President Clinton signed Executive Order 13112 requiring Federal agency action to combat the introduction or spread of invasive species in the United States. Federal Highway Administration guidance issued August 10, 1999 directs the use of the state's noxious weed list to define the invasive plants that must be considered as part of the NEPA analysis for a proposed project. None of the species on the California list of noxious weeds is currently used by the Department in San Diego for erosion control or landscaping. The landscaping and erosion control for Route 905 will not use species listed as noxious weeds. In areas of particular sensitivity, extra precautions may be taken if invasive species are found in or adjacent to the construction areas. These may include the inspection and cleaning of construction equipment and eradication strategies to be deployed should an invasion occur. Adverse impacts to sensitive habitat areas are not anticipated as a result of the project.

4 Surveys were conducted on 4/15/02, 4/18/02, 5/09/02, 5/10/02, 5/16/02, 6/09/03, 6/10/03, 6/11/03, 6/17/03, 6/19/03, and 6/20/03. Vernal Pools were not mapped only in dry years.

5 All alternatives will impact vernal pools either through direct impact or through indirect fragmentation of habitat. The document correctly identifies the cumulative impact of the project as being significant to vernal pool habitat. We were therefore concerned that a 2:1 mitigation ratio would even be considered for mitigation of impacts to vernal pools as mentioned on page 4-51. Given the historic loss of vernal pools (approximately 98% in the County), mitigation should start at a 4:1 ratio.

6 In viewing Figure 4-29, we noted the South Alignment is placed far too close to the J14 vernal pool while drastically impacting the watershed for 22 and 24 and taking a jog to avoid direct impacts to Burrowing owls (Figure 4-25). In reality the burrowing owls and 22 and 24 vernal pools will be lost with the proposed South Alignment do to adjacency issues and we would request the route dip further south to avoid the watershed for the J14 pool. The J14 pool is the best naturally occurring population of *Pogogyne nudiuscula*, a highly endangered species on the brink of extirpation. No alignment should be proposed that will in any way impact the watershed of this highly critical population of *Pogogyne* as it would jeopardize the species.

7 Migratory waterfowl use wetland areas in the proposed project area and noise and visual screening of pools and wetlands are needed along the route. Drainage into pools alters hydrology and sometimes conversion of vernal pools to other types of wetland as demonstrated by the pool at the intersection of SR52 and I15. How will drainage into pools be avoided? What type of barrier will be used to keep water from draining into pools and will it be something that will keep reptiles from entering the roadway? Highways are swathes of death for many insect and reptile species and since this roadway will be cutting through open space areas, barriers and minimization of lighting are needed to minimize impacts of the project.

8 The discussion of wildlife movements are of concern given that this project will drastically impact an area already highly constrained. The Otay Mesa Road wildlife crossing is not working. Page 4-46 states that the configuration of the corridor "makes the difference between the bridge and culvert design less important." Since MSCP is suppose to be an adaptive management plan, the deficiency of the wildlife corridor will need to be addressed by land managers and should not be used to justify additional impacts to a constrained area. Perhaps Caltrans can work with the City of San Diego to create a wildlife crossing at Dennery Canyon with a better grade approach since the current pipe is not working.

Should you have any questions about issues we have raised, please feel free to contact our Conservation Chair at (858) 404-9366.

Sincerely,

Cindy Burrascano

Cindy Burrascano
SD Conservation Chair

5 Vernal pools will be mitigated at a 3:1 ratio. This ratio is based upon the MSCP (as outlined by the City of San Diego Biology Guidelines and County of San Diego Biological Mitigation Ordinance). All mitigation is assumed to occur within or near the MHPA, such that the value of the MHPA would be enhanced.

6 With respect to the Route 905 alignment alternatives, please refer to Section 2.4.2 of the FEIS/FEIR which documents the extensive coordination efforts that were carried out during the alignment alternative selection process. The resource agencies with whom the Department coordinated collectively concurred that the three (North, Central, and South) alignment alternatives proposed were sufficient for the EIS/EIR and could be carried forward for further detailed study.

Although a redesign of the South Alignment alternatives was not pursued, please note that the Freeway-Central Alignment Alternative was identified as the Preferred Alternative.

7 Runoff generated by the proposed alignment 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.

The freeway is designed to be lower than the OCCS preserve, so that construction water will not be able to flow from the project to the preserve. A Department Biologist will be consulted in the areas where the vernal pools and their associated watersheds are disturbed regarding the BMP for vernal pool preservation.

This barrier will not prevent reptiles from entering the roadway.

8 The Department shares your concern with respect to wildlife movement. In response to further resource analysis and impact assessment and public comment received on the DEIS/DEIR, a bridge was added to the project design; the previously proposed culvert option is no longer a viable design feature since it would have greater biological impacts.

AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA

October 12, 2001

Greg Gastelum
Project Manager, Route 905
California Department of Transportation
District 11
Post Office Box 85406, Mail Stop-27
San Diego, CA 92186-5406

Dear Mr. Gastelum:

Thank you for this opportunity to provide comments on the draft Route 905 Environmental Impact Statement/ Environmental Impact Report (EIS/EIR), dated August 2001. This EIS/EIR is a comprehensive document that reflects a considerable amount of high quality staff work.

1 The Club supports the full 6-lane freeway option. This report states that recent allocations from State and local sources have "resulted in the programming of 93 percent of the needed funds for the 6-lane freeway project". Therefore, the tollway option should be dropped and the freeway alternative should replace it as the baseline project.

We concur with the general purpose of the project to reduce traffic congestion and improve the movement of people and goods. The completion of this project will help improve inter-regional and international travel and goods movement and also the overall mobility needs of the San Diego region.

Changes to the Environmental Report

2 The draft EIS/EIR analyzes Route 905 as both a freeway and tollway, stating that the tollway design variation is being considered as an alternative because of a potential funding shortfall. The final EIS/EIR should analyze the service impacts associated with a private infrastructure – tollway facility.

3 The draft document notes that negative impacts to vernal pools (cumulative and direct) and the secondary impacts of growth would remain substantial, even after the implementation of planned mitigation measures. The final EIS/EIR should provide more detail regarding the nature of these direct/cumulative and secondary impacts.

4 The EIS/EIR also notes that High Occupancy Vehicle (HOV) lanes and rights-of-way are being reserved for future traffic growth. Due to the current and projected high number of trucks along this roadway, adding additional mixed flow lanes may also be required.

Headquarters: LOS ANGELES • Administrative Offices: COSTA MESA
Mailing Address: P.O. BOX 25001, SANTA ANA, CA 92799-5001

1 Although it is not possible to delete the Tollway alternatives from further consideration, the PDT did identify the Freeway-Central Alignment Alternative as the Preferred Alternative. Please refer to Section 2.2.5 of the FEIS/FEIR for a discussion of the rationale that were employed when making this decision.

2 The DEIS/DEIR analyzed the impacts associated with the Tollway alternatives in sufficient scope and detail. The impacts of the toll facilities were included in the impact assessment.

3 Direct, indirect, and cumulative impacts to vernal pools were addressed in sufficient detail the DEIS/DEIR. With respect to indirect and cumulative impacts, these discussions documented both the past disturbance of at least 79% of the project study corridor by agriculture, development, and other disturbances, as well as the anticipated additional disturbance anticipated due to approved, proposed, and planned development in the area. The FEIS/FEIR discusses the direct and cumulative, respectively, impacts to vernal pools.

4 As discussed in the FEIS/FEIR, the proposed Route 905 will be constructed as a mixed-flow, six-lane facility with sufficient ROW for a wide median that may accommodate two additional (future) HOV lanes. These HOV lanes would be built as traffic demand grows and would accommodate transit modes. Since the Route 905 six-lane freeway would accommodate the 2025 forecast traffic, adding additional mixed flow lanes in not envisioned.

5

In addition to the use of ramp meters at most freeway entrance locations, the full freeway project should include Intelligent Transportation Systems (ITS) and ITS infrastructure to support auto and commercial vehicle operations.

Again, thank you for the opportunity to provide Club input on this important transportation project. The Auto Club has included State Route 905 in its Priority Highway Projects list and we urge the State to advance this needed project. If you have any questions please give me a call at (714) 885-2308.

Sincerely,

John R. Zeigler
Senior Transportation Engineer

5) Intelligent Highway Systems infrastructure will be installed as part of the project.

SAN DIEGO AUDUBON SOCIETY
2321 Morena Boulevard, Suite D • San Diego CA 92110 • 619/275-0557

October 16, 2001

Greg Gastelum
Route 905 Project Manager
CALTRANS - DISTRICT 11
P.O. Box 85406 MS-27
San Diego, CA 92186-5406

RE: COMMENTS ON THE DRAFT EIR/EIS FOR ROUTE 905

Dear Mr. Gastelum:

On behalf of San Diego Audubon Society, please accept the following comments on the Draft EIR/EIS for Route 905. Due to limited time, we have only reviewed the document with respect to vernal pool impacts. The following comments are focused on this issue alone.

1 The proposed 905 alignment alternatives are likely to have serious impacts on both natural vernal pools and vernal pools in the Cal Terraces mitigation/restoration site. Additionally, one of the proposed vernal pool mitigation sites for this project is connected to canyons (such as Spring and Goat Canyons) to the south, however, alternatives being considered would sever the pools from the canyons. The canyons should be bridged in order to prevent this impact. The natural connection is critical to the long-term viability of the vernal pools proposed to be protected.

2 Although much has been farmed for many years, the proposed alignment will bisect land that is critical to the recovery of imperiled vernal pool species. Historical vernal pool habitat (habitat once pristine, but disturbed by agriculture) can be as important for the survival and recovery of vernal pools species as the protection of intact habitat. The Vernal Pool Recovery Plan issued by the U.S. Fish and Wildlife Service provides significant data to support this. Direct and indirect impacts to historic vernal pool habitat must be fully analyzed and mitigated.

3 The proposed alignments will directly impact several intact vernal pools and each one must be analyzed with respect to its significance (in terms of the future survival and recovery of vernal pool species as a whole). If individual pools are determined to be critical (genetically, for example) to the survival and recovery of listed species, they must be avoided on a case by case basis.

Undoubtedly, however, the most important vernal pool proposed to be impacted is known as J-14. In the case of all of the alignments, this pool is either directly impacted, or too close to the path of the road to be able to sustain itself over time. Given the likelihood that the pool would not

100% Recycled

1 The Department concurs with your assessment with respect to connectivity and a bridge will now span Spring Canyon. In response to further resource analysis and impact assessment and public comment received on the DEIS/DEIR, this feature has been added to the project design; the previously proposed culvert option is no longer a viable design feature since it would have greater biological impacts.

2 Section 4.10 of this FEIS/FEIR provides an appropriate discussion and analysis of Route 905's direct and indirect impacts to vernal pools.

Impacts to vernal pool impacts will be mitigated at a 3:1 ratio; however, due to the substantial cumulative loss of vernal pools, the lack of a regional mitigation program for vernal pools, and the resource agencies' positions that any loss of vernal pools is substantial, the direct and cumulative project impacts to vernal pools would remain substantial following mitigation.

3 Vernal pool impact analysis is found in Section 4.10 of this FEIS/FEIR.

Only the South Alignment alternatives will directly impact the J-14 complex. Neither of the South Alignment alternative were identified as preferred alternatives; J-14 will not be directly impacted by the project.

The North and Central Alignment alternatives were designed to avoid the pool and its associated watershed. The main pool containing the federally listed Otay Mesa Mint (*Pogogyne nudiuscula*), spreading navarretia (*Navarretia fossalis*), and Otay tarplant (*Deinandra conjugens*) is located approximately 90 m (300 ft) to the south of these alignment alternatives. Runoff generated by the proposed alignment 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. BMPs employed during construction will follow the applicable Department guidelines. J-14 will not be indirectly impacted by the project.

be viable unless it was more than 100 feet away from the 905 alignment, it should be identified as a direct impact for the purposes of your analysis. Pools currently located near other similar road projects are all either suffering indirect or direct impacts.

The J-14 pool contains more individuals of Otay Mesa mint than any of the other natural vernal pools in the area. In fact, it has more Otay Mesa mint than all of the rest combined. The survival of Otay Mesa mint in its natural habitat is directly tied to the survival of this pool. The loss of this pool, whether from direct or indirect impacts, is unacceptable.

Thank you very much for considering these comments.
I can be reached directly at 619-275-0397.

Sincerely,

Allison Rolfe

Allison Rolfe
Executive Director

Anderprises, Inc.
3167 Carnegie Place
San Diego, CA 92122
Voice & Fax: (858) 453-0059

October 16, 2001

John Chisholm
Manager, Environmental Branch B
Caltrans District 11
2829 Juan Street, Old Town
P.O.Box 85406
San Diego, Ca. 92186-5406

Re: Draft Environmental Impact Statement/Report for State Route 905, August 2001.

Dear Mr. Chisholm,

Anderprises, Inc., is a family corporation that owns 57 acres in Otay Mesa (APN #645-080-11 and 645-090-6, 24, 35). We have owned this land since 1976. Our land is located in the middle segment of Figure 4-11 and is crossed by all proposed alignments (north, central and south alignment alternatives for both freeway and tollway concepts). We have always had hopes to develop our land, but have been thwarted in the past by a multi-year building moratorium in the early 1990s to study an International Airport. Although these obstacles are now removed, we still do not have a clear picture of our development potential due to the fact that our land will be crossed by one of six possible alignments of State Route 905.

Although we have very limited experience in analyzing these types of documents, we have questions and concerns on the following items:

1 1. Regardless of the six proposed alignments that cross our property, this project will sever access to approximately 50 of our 57 acres. How will this be mitigated?

2 2. There have been several biological surveys done on our property over the last few years without our knowledge or permission. According to paragraph 3.8, the studies used for this DEIR were conducted from 1994 to 1998. It is our observation, as applied to our land as of October 4, 2001, that some changes have taken place. For example:

- Figure 4-30 shows vernal pools 9-18 which are located on our property. Figure 4-22 lists Otay Mesa Mint (a Federally Endangered Species), and further discussed on page 3-20, paragraph 3, Spreading Navarretia and Otay Tarplant (both Federally Threatened Species) as being present in these vernal pools. A recent (date unknown) grass and brush fire burned through this vernal pool as well as

1 For those impacted, assistance will be provided in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act).

2 It is Department procedure to obtain signed Permits to Enter from each property owner prior to conducting environmental surveys.

We appreciate your concerns with respect to the biological values present on your land. The Department has updated the Route 905 biological surveys and they reflect conditions as of spring 2003.

When identifying a Preferred Alternative, the PDT (a multi-disciplinary and multi-agency project development team charged with making key project decisions based upon scientific data and public input) most assuredly considers the impacts each alternative has on biological resources.

other land to the west. The vernal pools and related biological resources are of low quality, having been disturbed and degraded.

- Also, Figure 4-25 places several Burrowing Owls (a sensitive species) on our property. According to page 3-23, paragraph 3, these birds were observed in July and August 1994. They are not here now and I have not seen them in a long time.

These are only two recent changes of which we are aware. There might be more. Will these changes to the biological landscape affect the alignment choice?

3 3. The proposed SR905 will sever, or chop up our remaining property, lowering its utility and usability.

4 4. SR905 will result in noise, dust and fumes which will damage our remaining property.

5 5. Further, the proposed alignments result in the taking of our property for a project that is not planned or located in a manner that will be most compatible with the greatest public good and least private injury. Our property is not necessary for the SR905 project.

6 6. In addition, we object to the Multiple Species Conservation Plan (MSCP) as being facially invalid and unconstitutional as applied to our property. Finally, the MSCP is inconsistent with SANDAG's figure for projected growth in San Diego County.

Very truly yours,

Scott Anderson
President

SDA/pa
Cc: Directors

3 The Department will be required to pay fair market value for property that is taken or rendered unusable by the State Route 905 project.

4 Please refer to sections 4.5.4 and 4.15 of the FEIS/FEIR, these sections of the environmental document disclose and discuss the impacts related to noise and dust and fumes, respectively.

5 The Route 905 project is indeed "planned." The San Diego Association of Governments (SANDAG), designated as the Regional Transportation Planning Agency, prepares and periodically updates regional transportation planning documents. The first is the Regional Transportation Plan (2030 RTP). It was adopted on March 28, 2003 by SANDAG and it describes SR-905 as a proposed six-lane freeway from Interstate 805 to the Otay Mesa Border Crossing under the Revenue-Constrained Plan (RCP). The RCP includes those projects that could be implemented based on funding reasonably expected to be available during the 30-year plan period without requiring any future legislative actions or voter approvals to raise the gas and sales taxes, or to provide any additional revenues. The second is the Regional Transportation Improvement Program (2002 RTIP). It was adopted on June 28, 2002 by SANDAG, and it is a four year program of regional transportation improvements for major state highway, local street and road, transit, and non-motorized projects.

With respect to the proposed location of the Route 905 facility, please refer to Section 2.4.2 of the FEIS/FEIR which documents the extensive coordination efforts that were carried out during alignment alternative selection. The resource agencies with whom the Department coordinated collectively concurred that the three (North, Central, and South) alignment alternatives proposed were sufficient for the EIS/EIR and could be carried forward for further detailed study.

6 Thank you for your comment, your objection is noted. The Department is not responsible for local land-use planning.

CTV
California Transportation Ventures Inc.

707 Broadway
Suite 1600
San Diego, California
92101
619-338-6385
FAX 619-338-8123

October 17, 2001

Mr. John Chisholm
California Department of Transportation
2829 Juan Street, Mail Station 46
San Diego, CA 92186

Dear Mr. Chisholm:

California Transportation Ventures, Inc., as developer of the SR 125 South Toll Road is pleased to submit the comments below in response to your request for comments on the Draft Environmental Impact Report/Statement for the SR 905 Project.

The SR 905 Project is currently shown as being built in four phases. Phase I, consisting of the Siempre Viva interchange and the segment of SR 905 from the US – Mexican border to Airway has its own independent utility. It is currently being designed and built under a "categorical exemption". We request that the connection between SR 905 and SR 125 currently shown in Phase IV be advanced to Phase II in order to:

1. Improve early access to Otay Mesa and the border crossing through the Siempre Viva interchange and SR 125 to the north.
2. Minimize traffic disruption during construction in the area of the SR125/SR905 interchange.
3. Allow the coordination of acquisition of right-of-way for the two projects (SR 125 South and SR 905), thus reducing impacts to property owners in the area of the interchange.

We also request that the Final Environmental Impact Report/Statement show the loop ramp from Otay Mesa Road eastbound to SR 125 northbound which is part of the SR 125 project. This is a potential future improvement to make it easier to get on to SR 125 from Otay Mesa Road without a traffic light.

Thank you for considering our comments.

Sincerely,

Kent A. Olsen
President

cc: Laurie Berman

1 Please refer to Section 2.8.2 of the FEIS/FEIR, the construction phasing of this project has been updated since circulation of the DEIS/DEIR. With respect to your comment letter, Phase IV is Route 905 Phase 3. Note also that the Siempre Viva interchange was a stand alone project with independent utility from the Route 905 project, it was not "Phase 1" of the Route 905 project as stated in the DEIS/DEIR.

Due to current funding constraints, the proposed freeway-to-freeway interchange between Route 905 and SR-125 is not included in Phase 1. It has been proposed to be constructed as Phase 3, which currently has no funding committed to it. The Department is willing to consider the potential for a cost-sharing arrangement in order to advance the construction to better coincide with the SR 125 South Tollway construction. In addition, we are working closely with your organization to coordinate the right-of-way acquisition for the interchange. However, without additional funds being identified, the proposal will remain as is, with the interchange construction following after the freeway construction when funds become available.

2 The loop ramp referred to in your letter is not included in the final design concept for the Route 905 project. The design of the interchange connections in this area was the subject of numerous coordination efforts with several stakeholders over many years of development and it was determined that this design change should not be incorporated.

CIF HOLDINGS, L.P.

October 16, 2001

Greg Gastelum
Route 905 Project Manager
CALTRANS – DISTRICT 11
P.O. Box 85406 MS-27
San Diego, CA 92186-5406

Re: **SR-905 Draft EIS/EIR Comments**

Dear Greg,

CIF Holdings, L. P. owns property within the proposed SR-905 Study Corridor (see Figure 1, APN 646-130-46, -49, -12) as described in the above referenced Draft EIS/EIR (the "Draft"). We believe SR-905 is an important and timely addition to the Otay Mesa area, with the single exception of the proposed Local Access Road to Enrico Fermi (the "LAR").

1 We propose an alternative to the LAR which we believe will provide satisfactory access to the East Otay Mesa area at a cost savings of approximately $40 to $50 million dollars. In addition to the cost savings, our proposal provides substantial augmentation of the public utility infrastructure to East Otay Mesa, including a technologically advanced system for recycling waste water and heat products generated by surrounding development (see Figure 2). We also believe there is a satisfactory alternate alignment to SR-11 (see Figure 3).

These features can be made possible through the enhancement of one (or more) of three new gas-fired turbines installed earlier this year on the CIF Holdings property by InterGen (Shell/Bechtel JV) and CalPeak (United Technologies). The proposed enhancement would generate in excess of 50 Megawatts of full time electric power and recycle area waste water and turbine waste heat products into steam, chilled water and ultrapure water.

The products would be sold and distributed to East Otay Mesa industrial and commercial operations, including the County's proposed Regional Technology Park occupants. In fact, the sale of excess utility products and services may yield tax increment revenues to the City.

CIF Holdings has maintained its objective to attract a large manufacturer in the biotechnology, telecommunication or semi-conductor sector utilizing this strategy. The proposal would rely heavily upon incentives provided by the California State Enterprise Zone and the City of San Diego's Redevelopment Agency.

6363 El Cajon Blvd., Suite 206, San Diego California 92115
(619) 583-4040 (619) 583-0093 Fax

1 Thank you for your suggestion; the Department reviewed your proposed plan. After many years of studies, and for a number of reasons, the Department must employ the alignment that was presented in the DEIS/DEIR. The Local Access Ramp (LAR) was added to the Route 905 project because the local agencies wanted to remove the impact of the heavy truck traffic from the local streets. Airway Road is already overloaded with truck traffic and, with the expected growth, those traffic impacts will only grow. Airway Road cannot take the additional demand for regional and statewide travel associated with the planned development of the east Otay Mesa area. Because of this fact, the Department concluded that your proposed plan should not be utilized.

After extensive coordination and culling of numerous other proposed alternatives, the Department remains confident that the route selected for the LAR is the most direct and least disruptive to existing services and development.

The LAR is justified by its functionality, and not by the future SR-11 alternatives. Alternative alignments to SR-11 will be studied and are beyond the scope of the Route 905 environmental studies.

2 The Department disagrees with your assertion that the LAR component of the Route 905 project does not comply with CEQA. The LAR component is included within the proposed project's study limits and the Department conducted both CEQA and NEPA studies of all its features and components. The proposed LAR alignment was: 1) designed in coordination with local agencies and groups, 2) subject to an alternatives analysis, and 3) designed to avoid and minimize impacts to the environment.

3 Thank you for this information. Please refer to the Department's response to ACOE comment # 1 above.

Mr. Greg Gastelum
October 16, 2001
Page 2

However, the LAR requires condemnation of CIF's proposed water treatment site, located between the existing peakers.

2 We believe the LAR component of the Draft fails to comply with the California Environmental Quality Act due to errors in or omissions of critically important environmental impact information. However, if the LAR is modified to our proposed Airway Road alignment, the redesign could be accomplished relatively economically and quickly. Our concerns include:

3
- The Draft erroneously relies on an expired Tentative Map for the CIF Holdings property which fails to indicate a recent two acre wetland delineation approved by USACOE, USF&W and CDF&G. The wetland is located directly in the proposed LAR Right of Way. This wetland is not addressed in the Biological Resources Technical Report of the Draft *and is avoided by our proposed alternative*.

4
- The Draft omits the Cumulative Impacts attributable to the LAR's proximity to the new power plants located on the CIF Holdings property (i.e., Harvest Road access and site circulation impacts, storm water detention, air quality, noise levels, visual impacts, construction impacts, utility transmission facility relocations, etc.).

5
- The Draft fails to consider any alternate alignments for the LAR which avoid the very adverse environmental and economic impacts to property owners and tenants located in the proposed Right of Way, including CIF Holdings, Hitachi/Cabot Industrial, Sanyo and Casio. Displacing these large industrial developments will only be accomplished at great cost and economic disruption.

We have additional information supporting our comments which we will make available to you upon request. We look forward to hearing from your staff regarding how to protect our mutual investments in the Enterprise Zone in Otay Mesa.

Sincerely,

CIF Holdings, L.P.

Brad T. Thornburgh

enclosures

copy: I. Feurzeig, CIF Holdings, L.P.
Murray Galinson, Price Enterprises
Kevin M. Bagley, Esq.

6565 El Cajon Blvd., Suite 206, San Diego California 92115
(619) 583-4040 (619) 583-0095 Fax

4 Please see the Department's response to comment #2 of the Environmental Protection Agency comment letter and the updated Section 4.22 of the FEIS/FEIR.

5 The LAR design that appeared in the DEIS is a design that avoids the very impacts to which you refer. The LAR will not necessitate any business displacements. Moreover, the economic impacts the LAR will have are beneficial in that it will allow easier and quicker (improved) access to the businesses east of Sanyo Road. The Department studied the environmental impacts the LAR would have on the adjacent businesses and it was determined that none of the faculties in its vicinity will be substantially impacted.

International Real Estate
A Division of I.R.E. Enterprises, Inc.
❑ Industrial / Commercial Properties - Sales & Leasing / Property Management ❑

August 28, 2001

Jack Boda
Interim District Manager
CalTrans District 11
2829 Juan Street
San Diego, CA 92110

Dear Mr. Boda:

1 I am writing this letter to express my deep concern regarding the landscaping plans for Hwy-905 immediately adjacent to the Otay Mesa Border Crossing in the Otay International Center (OIC). As the managing partner of eight industrial/commercial developments in OIC, four of which front the future I-905, you can imagine our group's vested interest in the treatment of this area.

Presently, this corridor (future I-905) is a landscaped oasis, which has created an attractive and unique character to the Otay Mesa Border Crossing (see enclosed pictures). The developers of OIC spend over $1 million in landscaping, at the direction of the City of San Diego, who also desired to establish this special Gateway corridor. To remove this corridor and replace it with a six-lane freeway and "standard" freeway landscaping would significantly downgrade and impact this special setting.

I am not of the opinion that I-905 is unnecessary nor would I like to see the project further delayed. As the founding President of the Otay Mesa Chamber of Commerce and past Chairman of the Otay Mesa Planning Group, I am intimately aware of the enormous efforts CalTrans and our community has made to see I-905 and SR-125 become a reality. The economic vitality of the entire region is greatly dependent upon the efficient transportation to and from the Otay Mesa Border Crossing. I simply want to preserve the unique characteristics and aesthetics of the area.

After having reviewed the proposed landscape and hardscape plans for the OIC portion of the I-905 corridor, I believe this goal is easily obtained by incorporating a few suggestions into the current conceptual plan. My landscape architect, Steven Hare ALSA, has developed a list of specific suggestions that we would like to share with you and your staff.

California / Mexico Border Region Specialists
Otay Mesa: 2297 Neils Bohr Ct., #210, San Diego, CA 92154, (619) 661-6681, FAX (619) 661-6685
Calexico: 413 Rood Road, Suite 1A, Calexico, CA 92231, (760) 768-8670, FAX (760) 768-8580
Letters\Re-905 landscape plan; MAV; 082701.doc

1 The Department understands the importance of the landscaping near the Otay Mesa Border Crossing and will preserve its unique characteristics. To this end, and as part of the separately processed and approved Siempre Viva Interchange Project (please see Chapter 2 of this FEIS/FEIR for a discussion of this project), east of Caliente Boulevard, the landscape treatment will be "above standard landscaping." For the POE area, and as part of the Siempre Viva Interchange Project, the Department is committed to coordinate with the community and agencies regarding design. Coordination with responsible agencies and community groups regarding design treatments is occurring.

Existing mature trees (especially palms) at the border crossing will be relocated wherever possible. Where transplanting cannot take place, a 5 to 1 replacement ratio of large specimen trees will be used. These trees should be a minimum 61-centimeter (24-inch) box size and would require irrigation. Landscape treatments in the adjacent right-of-way will be of a much higher quality than standard highway planting. The slopes leading up to the abutment of Siempre Viva Road bridge require a higher level of landscape treatment, including planting of specimen trees such as cottonwood, poplar, tipu, sycamore, alder, or oak. Well-coordinated and visually unique light pole standards with the potential of flags or banners will be included. Special architectural treatments of the Siempre Viva Road bridge will be included. This bridge represents an important gateway to the United States, and due to its position and visibility, it should needs to make a positive design statement. Such treatments could include a recessed inlay to add aesthetic value. The inlay, the bridge abutments and fencing (colored, vinyl-coated) should all relate geometrically, in form and in color. A special "Welcome to the United States" or "Welcome to California" sign and gateway structure should be placed immediately inside the border of the United States. Either an entry sign or overhead structure should be constructed.

As part of the Siempre Viva project, an overall concept plan, and design details, is being developed by the District Landscape Architect. These treatments should increase the aesthetic appearance of this area and create a gateway design statement for the POE. The maximum allowable use of plant material should be used in the median. If large trees are not allowed, then palms or a comparable alternative palms should be used. Though standard medians may not be plantable based on current standards, exceptions will be made for this unique POE opportunity.

As the Gateway to San Diego, California and the United States, the Otay Mesa Border Crossing should have a special appeal that says, "Welcome"!

I look forward to hearing from you.

Sincerely,
INTERNATIONAL REAL ESTATE

Michael A. Vogt

Enclosures

cc: Ralph Inzunza, City Councilman
John Jollifee, Otay Mesa Planning Group
Steven Zisser, Otay Mesa Chamber of Commerce

SANYO

SANYO North America Corporation
2055 Sanyo Avenue
San Diego, California 92154
Phone: (619) 661-1134 FAX: (619) 661-6795

October 12, 2001

Greg Gastelum
Route 905 Project Manager
CALTRANS – DISTRICT 11
P.O. Box 85406 MS-27
San Diego, CA 92186-5406

Re: Opposition to Proposed Off ramp {east end of 905}

Dear Mr. Gastelum:

The purpose of this letter is to advise you that the SANYO North America Group companies located in Otay Mesa are opposed to the proposed off ramp location to the proposed Rt 11 at the North end of Route 905.

It is our understanding that this expansion will impose upon us, as landowners, severe negative consequences. We understand and believe that the proposed expansion (1) will increase traffic in the vicinity of our facilities, (2) will effectively encroach upon our property, (3) will create a noise, sight, vibration and pollution nuisance directly affecting our property, (4) will cause interruption to the free use of our property throughout construction, (5) will increase personal danger for employees and visitors to our property, and (6) dramatically decrease the value of our real property.

We would look forward to meeting to see if some compromise is possible.

Sincerely,

Alan Foster
VicePresident
Sanyo North America

1 You are correct, The Local Access Ramp (LAR) will not increase in the vicinity of your facility.

2 The project's encroachment on Sanyo land will be minimal, and preliminary review does not indicate any major impact to the site. The north end of the driveway at Sanyo Road will be moved slightly to the south and the current design does not propose closing the driveway during construction. The southern boundary of the local access ramp is designed so as not to encroach beyond the northern curb line of the paved area of the existing Sanyo facility.

3 Studies ere performed and results indicate that your facility will not be substantially impacted.

4 Construction impacts will be minimized using a Traffic Management Plan and traffic handling. The Department expects that the Sanyo driveway entrance will be open and unobstructed during construction; Sanyo Road will not be closed. One of the first orders of work for the Phase 1 work will be the completion of Sanyo Road (intended to four lanes with a median) and the widening of Otay Mesa Road, improving access to/from the Sanyo facility. We will work with the local property owner we develop the TMP to ensure access issues are addressed.

5 During the construction of Route 905, safety for employees and visitors will be secured through traffic handling and separation of Sanyo operations and contractor operations. During operation of the facility the LAR will have barriers when it is above or at grade of the business parking lot (to prevent any errant vehicle from entering the Sanyo lot).

6 Based upon similar situations, we would assert that due to the improved access that your facility will benefit from due to the LAR, the value of your property may increase.

Sempra Energy

101 Ash Street
San Diego, CA 92101-3017

October 10, 2001

Greg Gastelum
Rout 905-Project Manager
CALTRANS- DISTRICT 11
P.O. Box 85406 MS-27
San Diego, CA 92186-5406

Subject" Route 905EIR/EIS Comments

Dear r. Gastelum:

San Diego Gas and Electric Company (SDG&E), by its duly authorized agent and parent company, Sempra Energy, is responding to your request for comments on the Draft EIR/EIS for the above referenced project.

1 • All of the SDG&E easements as well as overhead and underground lines must be shown in the exhibits. Please revise maps and EIR/EIS accordingly.

2 • Please indicate whether or not Border Substation at 1701 Harvest Road and San Ysidro Substation located at 4401 Otay Mesa Road will be impacted by any of the three potential alignments.

3 • Please include specific environmental impact analyses related to any proposed utility relocation including any new facilities, including poles, needed to accommodate the relocations.

4 • Please note that access to transmission and distribution facilities must be provided during and after construction.

5 • Proposed grading must comply with SDG&E Guidelines for any encroachment to, and in the transmission right-of-way. Furthermore, any grading to be performed within SDG&E right-of-way would require a "permission to grade letter" from SDG&E.

6 • Any changes in grade shall not direct drainage in a manner that increases the potential for erosion around SDG&E facilities.

7 • Project grades shall be coordinated to assure clearances as required by California Public Utilities Commission General Order 95.

1 Please refer to the plan sheets in Appendix I of this FEIS/FEIR. They depict the utilities to which you refer.

2 It may be necessary to make some minor changes at the Border Substation as a result of the need to relocate the overhead power lines from the substation to south of Airway Road. The extent to which these changes will involve the substation will not be known until Sempra Energy reviews the more detailed design plans and starts relocation plans. The project will not impact the San Ysidro substation.

3 Please note that all of the proposed utility relocations listed in Section 2.2.4 of this FEIS/FEIR are within the proposed footprint of the Route 905 project. They are considered to be part of the project building process and therefore where considered when the impact analyses were conducted. The environmental impacts related to the utility relocations that will be necessary in order to construct Route 905 were addressed in the DEIS/DEIR and they again appear in the FEIS/FEIR.

4 Access will be maintained during and after construction.

5 Thank you for your guidance.

6 Any changes in grade will not direct drainage that will increase erosion potential around SDG&E facilities.

7 Thank you for your this valuable information; the Department understands that the Public Utilities Commission will have to approve this FEIS/FEIR prior to utility relocation.

8

- Any temporary or permanent relocation of facilities or placement of facilities underground nd/or associated temporary outages shall be completed at the cost of the project developer.

9

- All project plans that affect or could affect SDG&E facilities and/or right-of0way should be coordinated with Keith Richards, Sempra Energy Land Management Representative of Sempra Land Management at 858-637-7964.

We appreciate the opportunity to comment on this document. If you have any questions feel free to contact me at 619-696-2415.

Sincerely,

Beverly E. Blessent

Beverly E. Blessent, AICP
Land Planner

Cc: Keith Richards, Land Management Representative

S:\LAND\data\BLESSENT\GeneralCorrespondence\route905eir.doc

8 The Department accepts this responsibility.

9 The Department will coordinate with your office.

SEPT.20,2001

DEAR SIR/MADAM

1 THE WRITER OF THIS LETTER IS A 44 YEARS RESIDENT OF 1708 CACTUS RD. ON OTAY MESA.AFTER LOOKING AT YOUR INFORMATION I AM MORE SURE THAT D.O.T. DOES NOT NEED 40 FEET FROM THE SOUTH SIDE OF MY PROPRTY.YOUR PUBLICATION THAT 1812 CACTUS RD WOULD BE USABLE IF ASPHALT WERE USED TO COVER THE DIRT BY PURCHASING 1812 CACTUS RD IT COULD BE USED AS A FRONTAGE ROAD AND MY PROPERTY WOULD NEED TO BE TAKEN.ONLY ONE BLOCK FENCE WOULD NEED TO BE BUILT IF D.O.T. USED THE SOUTHERN ROUTE AND MR LEYVA AND MS DANTZLER'S PROPERTIES.

IF MY PROPERTY (40 FEET) WERE TAKING IT WOULD CAUSE UNDUE HARDSHIP BY (1) MAKING IT IMPOSSIBLE TO GET TO THE TELECOMMUNICATION TOWERS AT THE REAR OF MY PROPERTY;(2) DRASTICALLY CHANGE MY LIFESTYLE:(3)CREATE (BY BUILDING A TALL FENCE) A DAMP SITUATION ALONG THE ENTIRE SOUTH SIDE OF

2 THE REMAINING PROPERTY;(4)MAKE IT IMPOSSIBLE TO GET TO A RENTAL TRAILOR IN THE REAR OF THE PROPERTY;(5)LOSS OF INCOME COULD EXCEED $4000.00 PER MONTH.(6)REDUCE CHURCH AND WEDDING USE AND INCOME FROM THE LATTER:(7)WITH LOSS OF INCOME IT WOULD BE VERY DIFFICULT TO CONTINUE OUR HELP TO AN ORPHANAGE IN TIJUANA,VARIOUS POOR FAMILIES IN THE SOTH BAY AS WILL AS OTHER CHARIES THAT WE HAVE HELPED IN THE PAST.

AS YOU CAN SEE THIS IS NOT JUST DISPLACING A FEW CHICKENS,AS YOUR MEMO SUGGESTS BUT WOULD CREATE HAVOC WITH OUR LIVES.

SINCERELY
Louis T Sparks
LOUIS T SPARKS

1 The Preferred Alternative will not require the relocation of 1708 Cactus Road. It will incorporate a retaining wall which will allow a partial acquisition. The Department estimated that approximately 0.22 hectare (0.54 acre) of your 0.60 hectare (1.49 acres) property will needed to construct Route 905, install the retaining wall, and allow continued occupancy .

Based upon our assessment of the Route 905 design, the telecommunication towers at the rear of your property will be accessable as there will be sufficient space to do so the north of your current residence.

The Department will install a drainage swale between the proposed retaining wall and your house, within a temporary constrcution easement. This feature should offset any damp conditions that arise.

Based upon our assessment of the Route 905 design, the rental trailers at the rear of your property will be accessable as there will be sufficient space to do so the north of your current residence.

Based upon our assessment of the Route 905 design, the chapel will be able to continue with its services.

Because you will be able to continue to access the rear of your property and continue to conduct services in your church, the Department does not concur with your assessment that the partial acquisition of your property will cause the loss of income to which you refer.

2 1812 Cactus Road will not be impacted.

John Chisholm
Manager, Environmental Branch B
2829 Juan Street-Old Town
P.O. Box 85406
San Diego, CA 92186-5406

October 15, 2001

RE: Comments on the 905 Draft EIS/EIR

Dear Mr. Chisolm:

Thank you for the opportunity to comment. As biologists familiar with the biological resources in the project area we are providing comments regarding the potential biological impacts of the proposed alternatives. We understand that Highway 905 is needed to meet future transportation needs along the Border and do not oppose its construction., but hope our comments provide additional information that can be used to further minimize the proposed project impacts. Our comments are arranged by page number.

Summary Page S-1

1 Figure S-1, called out on this page, is an aerial photograph of the proposed alignment. The aerial photograph used for this and other figures is outdated and does not show current conditions of the study area. The photograph was taken at least prior to 1998. Please update and use the most recent aerial photograph of the alignment that shows both new developments and vernal pool restoration activities that have taken place within the study corridor within the last few years. This will give reviewers a more accurate perspective on current conditions.

Page S-4 Water Quality Impacts-Mitigation Measures

2 One of the outlined mitigation measures calls for the use of native plants where appropriate. Native plants should be used along the entire alignment to restore and enhance habitats adjacent to the MHPA, wildlife corridor and Otay Corporate Center South (OCCS) vernal pool preserve. Native planting should be designed to match the existing adjacent vegetation including coastal sage scrub and maritime succulent scrub communities. Generic "native" hydroseed mixes often contain species not actually native to the local area. Native seed should be collected within 10-15 miles (and in a similar coastal climate zone) of the project site to maintain the locally adapted genetic makeup of the native plant communities adjacent to the highway in the MHPA. Cultivars of native species should not be used in this area.

Page S-9 Biological Resources

3 **The OCCS is a vernal pool preserve.**
There are over sixty restored vernal pools within the OCCS preserve and nearly all of the pools support listed and sensitive species. The maps in this EIS/EIR document depicting the distribution of vernal pools and listed species within the OCCS do not reflect the existing conditions and need to be updated for public review.

QCB IMPACTS

4 Although we found no maps in the document showing the location of potential or occupied QCB habitat including food plants, suitable QCB habitat is likely to be found in all three proposed highway alignments in the middle segment. In the next version of the document please include habitat/food plants location maps generated during CALTRANS QCB surveys. Also please include a discussion of potential impacts on QCB, nearby QCB proposed critical habitat and proposed mitigation strategies that would be used to offset the inevitable impacts to this listed species.

Page S-10 Mitigation Measures

5 **MHPA, OCCS and Wildlife Movement**
One listed mitigation measure states that all of the mitigation for impacts to biological resources would occur within the boundaries of the MHPA. Since CALTRANS is proposing to impact portions of the MHPA it seems appropriate for CALTRANS to also purchase mitigation lands (not currently within the

1 Updated aerial photos are provided in the FEIS/FEIR.

2 Section 4.10 of the FEIS/FEIR discusses the areas within the project footprint that will receive native plantings. The need to provide seeds collected within 10 to 15 miles from the site and provide container stock material was considered as part of the landscape plans, which were developed and finalized in coordination with a Department biologist.

The entire alignment will not receive native plants; in the POE vicinity, the Department is both required and committed to coordinate with the community and agencies regarding landscape design. In that area, and as part of the Siempre Viva Interchange project, the Department's goal is to increase the aesthetic appearance of the area. The overall scheme includes landscape and a bridge that creates a "gateway" feel to the United States and Mexico.

3 The privately owned OCCS Preserve was created as part of the Otay Corporate Center development. Updated maps are included in the FEIS/FEIR. They depict current OCCS Preserve conditions.

4 Section 4.10 of this FEIS/FEIR discusses project related impacts to QCB and it discloses the proposed mitigation ratios.

5 Request for us to purchase mitigation lands adjacent to MHPA to increase its size. As mitigation, wants us to work with City to remove choke further up spring canyon.

MHPA but directly adjacent to it or overlapping with it) that would add to the MHPA to make up for losses of habitat. In my opinion one of the most valuable mitigation measures CALTRANS could implement would be to coordinate with the City of San Diego to actually improve the ability of wildlife to move between Spring and Dennery Canyons. The current crossing under Otay Mesa Road is inadequate and needs to be improved or redesigned to become functional as intended. In the last year coyotes have seen dead on Otay Mesa Road because they do not use the tunnel under Otay Mesa Road.

Increasing the area of native habitat surrounding the constrained wildlife crossing, including the possible purchase of lands west of the current crossing or moving the crossing to a better (and more natural location) at the head of Dennery Canyon should be pursued by CALTRANS in coordination with the City. If bobcats and coyotes in Spring and Dennery Canyon are precluded from moving back and forth through the MHPA lands then it seems likely that the populations of coyotes and bobcats, in particular, are going to decline and be eliminated over time. This will result in a population release of smaller mammals such as skunks, raccoons and feral domestic cats that in turn feed excessively on birds including the coastal California gnatcatcher (as show by Dr. Micheal Soule and others). Also rodent populations, particularly in the OCCS vernal pool preserve (if isolated by the North or Central alignment alternatives) will increase beyond their natural levels. As has been seen in small preserves elsewhere higher rodent and rabbit populations will lead to increased herbivory on listed and other vernal pool plants species in the preserve because they will be unchecked by predators.

6 Currently coyotes and bobcats can move between Spring Canyon and the OCCS preserve through the spur canyon that leads to the preserve (they go under the preserve fence at a low spot where storm water drains into Spring Canyon). Both the North and Central alternatives would cut off movement of larger wildlife into OCCS because no wildlife crossing is proposed. Figure I-8 (for the Central Alignment) depicts a 24" culvert to carry storm water runoff under the Highway. If this alignment is adopted, a wildlife crossing should be installed at least as large (42" but preferable larger) as the crossing proposed for the main canyon. Otherwise large mammals will not be able to use the OCCS preserve and a decline in habitat function will result from this highway project. Please describe in detail how CALTRANS will maintain the ability of larger mammals and other wildlife to move between the OCCS vernal pool preserve and Spring Canyon.

Native Revegetation (and Undocumented MSS impacts)

7 In addition to planting of CSS vegetation, Maritime succulent scrub (MSS) habitat will also be impacted by the proposed project regardless of the alignment chosen. The vegetation mapped as CSS along the south-facing slopes on and below the rim of Spring Canyon in the Middle segment is mapped incorrectly as CSS. Cliff spurge (*Euphorbia misera*) and San Diego bur-sage (*Ambrosia chenopodifolia*) are indicators of MSS habitat. In addition to these MSS species, the plant communities in this area include succulents such as lady fingers (*Dudleya edulis*), coast barrel cactus (*Ferocactus viridescens*) and other desert elements on the slopes such as Anderson's boxthorn (*Lycium andersoni*) and four-winged saltbush (*Atriplex canescens*). There are numerous cliff spurge south and southeast of the fenced portion of the OCCS that appear not to have been mapped. The MSS in the OCCS (proposed to be impacted by Central Alignment) is the highest quality and most intact upland vegetation in the OCCS preserve. The vegetation on these slopes has been previously identified and mapped as MSS. A quick check of Table C-3 indicates that a number of projects in the immediate vicinity of the proposed highway also have MSS impacts identified. The predominant vegetation type on the south facing slopes of Spring Canyon is MSS. Please have your biologists reevaluate and remap the vegetation to include MSS as appropriate around Spring Canyon. MSS habitat is clearly going to be impacted by the proposed alignments, yet this habitat type is not mentioned at all in the biological resources discussion, impacts analysis or mitigation program. This is a major oversight that needs to be corrected in the next version of this document in order to meet the disclosure requirements of CEQA.

8 Cactus and other MSS species should be salvaged and propagated in large numbers and planted as appropriate in the ROW next to existing MSS in the MHPA. In addition to the revegetation program, CALTRANS should also be responsible for implementing an aggressive weeding program over a five-year period (and over the long-term) to coincide with other mitigation programs. This weeding program should focus on removing non-native species including annual grasses and herbs within the ROW revegetation

6 Thank you for bringing this to our attention. Based upon further studies and impact analysis, The Department redesigned the project to ensure this wildlife corridor will continue to function as such. Please note that the OCCS Preserve was not in existence at the time the biological technical report and its addendums were finalized. The preserve was also planned and developed in coordination with the City of San Diego, with full knowledge of the Route 905 alternative alignments. The Department has updated and revised the prior studies and this impact is now identified and discussed both in the report and the FEIS/FEIR. In an effort to minimize the impact to wildlife movement in this area, instead of the 24" culvert that was depicted on Figure I-8 in the DEIS/DEIR, the Department will install a 60" (5') drainage culvert to facilitate the movement of both large and small mammals through Spring Canyon and into the OCCS.

7 Thank you for bringing this to our attention. The study corridor has been remapped to reflect the presence of maritime succulent scrub.

8 Please refer to Department's response to California Native Plant Society comment # 5 above.

areas, so that weed growth associated with construction of the Highway does not further degrade adjacent MHPA lands. Based on my observations of other highway projects in the county, CALTRANS as yet does not have a good track record for controlling weeds generated by their construction activities adjacent to natural open space. Improvement in this area would be welcomed.

Vernal Pools

9 The document says that vernal pools impacts will be mitigated in a ratio from 2:1 to 4:1 depending on the sensitivity of the resources impacts. All vernal pools on Otay Mesa should be considered to be highly sensitive due to past losses and the continued degradation of vernal pools from development, grazing, off-highway vehicle use and the resulting weed invasion. Whether pools contain sensitive species or not, pool impacts should be mitigated 4:1 at a minimum. The restored and created pools (on historic habitat only) should be designed to provide habitat for all listed vernal pool flora and fauna as well as locally rare vernal pool species on Otay Mesa. If this higher mitigation is used for all pool impacts and the restoration is successful, it would reduce the cumulative impacts to vernal pools that the document states are currently unmitigable.

Bats

10 We are pleased to see the bridge and culverts designs that include elements to provide bats roosting sites. We have observed bats (of undetermined species) flying in the area and are happy to see a focused effort to consider their specialized needs. Thank you.

Best Management Practices

11 Please explain how discharge of construction water, storm water and sediment into the vernal pools of OCCS and elsewhere will be prevented during construction (when water trucks are spraying water to control dust) and after construction is completed. Previous highway construction in San Diego County has inadvertently caused blockage of natural hydrologic patterns in vernal pool areas on Kearny Mesa causing preserved pools to pond deeper and longer than natural. How will fills and cuts adjacent to vernal pools be designed to prevent excessive ponding from backing up drainages or cause leakage from pools along road cuts that slice into the existing claypan adjacent to preserved pools.

Page S-11 Conclusion CEQA

12 If the proposed mitigation program would not completely mitigate direct impacts to vernal pools then the mitigation program should be redesigned so that it does mitigation fully for impacts. An increased ratio of mitigation and a focused effort by CALTRANS to create and restore pools that can and will support all appropriate sensitive and listed vernal pool species has the potential to offset the cumulative impacts if done properly. There are examples of restoration efforts on Otay Mesa that incorporate comprehensive ecosystem based restoration. CALTRANS should make a significant effort to employ the current best restoration strategies for vernal pools. Historic and remnant vernal pool habitat, on undeveloped land, still exists around the project area, in and adjacent to the MHPA. This historic vernal pool habitat has high potential for restoration. The preservation and restoration of this historic habitat is our best option for the recovery and sustainability of vernal pools on Otay Mesa. All existing natural pools on Otay Mesa are in need of some level of restoration and due to the proposed impacts of this project, CALTRANS should act as one of the leaders in vernal pool enhancement and restoration to compensate for proposed impacts to the extremely sensitive resource.

Page S-17 Cumulative Impacts

13 See discussion of vernal pool impacts above. Also please note as mentioned above that MSS habitat will be impacted by the proposed alignments, but this habitat type is not included in the biological or impacts analysis or in the proposed mitigation program. This needs to be corrected in the next version of this document.

Page S-19 Build Alternatives

Here are our overall assessments of the proposed alignment alternatives and biological impacts:

14 **The Northern Alignment** would impact vernal pools and associated listed and sensitive species including listed shrimp species, listed vernal pool plants and burrowing owl. As mentioned above, the map of the

9 Vernal pool impacts will be mitigated at a 3:1 ratio however, due to the substantial cumulative loss of vernal pools, the lack of a regional mitigation program for vernal pools, and the resource agencies' positions that any loss of vernal pools is significant, the FEIS/FEIR concluded that direct and cumulative project impacts to vernal pools would remain significant following mitigation.

10 Please see the Department's response to comment #22 of the above USFWS letter.

11 Runoff 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. BMPs employed during construction will follow the applicable Department guidelines and 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/siltation or spills of chemicals/fuels that could potentially affect sensitive habitat areas, including (but not limited to) vernal pool basins and watersheds, and rare plant populations.

12 Thank you for your suggestions. Vernal pool mitigation is summarized in response #9 above and in detail in Section 4.10 of this FEIS/FEIR.

13 Vernal pool mitigation is summarized in response #9 above and in detail in Section 4.10 of this FEIS/FEIR. MSS is also discussed in Section 4.10 of this FEIS/FEIR, as are the proposed mitigation for Route 905's impacts to this sensitive habitat.

14 The Route 905 FEIS/FEIR was updated using current information.

Thank you for voicing your opinion regarding the Northern Alignment.

OCCS vernal pool preserve in this document does not accurately depict the exiting conditions of the preserve (including MSS habitat). Therefore the potential impacts of this alignment need to be reanalyzed using up-to-date information. In any case we do not support adoption of this alignment due to the high level of vernal pool impacts that would occur.

15 Although **The Central Alignment,** as proposed, avoids more vernal pools than the other two alternatives, it will cause significant impact to MSS habitat that are not addressed in this document. This alignment also further constrains the potential for wildlife to move between Spring and Dennery Canyon. The dysfunction of the existing wildlife crossing under Otay Mesa Road should not be used by CALTRANS as an excuse for using a crossing design that further constrains or precludes effective retrofitting of this critical wildlife corridor. In addition, the Central Alignment completely isolates the OCCS from Spring Canyon and will stop the movement of wildlife, including coyotes and bobcats, between the preserve and Spring Canyon. This potential impact also has not been analyzed or adequately addressed in this document. If the Central Alignment is adopted, a wildlife crossing of adequate dimensions should be constructed to allow wildlife movement to continue.

16 Although the **Southern Alignment** as proposed would have higher levels of vernal pool impacts than the Central Alignment, the Southern alignment would cause the least constraint to the wildlife movement between Spring and Dennery Canyon because of the bridge crossing design. Also this alignment would still allow wildlife to move relatively freely between Spring Canyon and the OCCS vernal pool preserve where over sixty pools support vigorous populations of listed species. The more direct crossing of Spring Canyon by the bridge proposed for the Southern Alignment may also reduce the impacts to MSS habitat, although this will have to be analyzed after your biologists reassess the upland habitat types in the project study area.

The potential impact of greatest concern for the southern alignment is vernal pools and in particular the J-14 complex (your pools 14, 15, and 16 on Figure 4-29) and the Otay Mesa Mint populations they support. Because of the presence of the Otay Mesa mint populations, these are pools have the highest conservation value of any of the potentially impacted pools in the proposed project area. Otay Mesa mint is critically endangered. Globally Otay Mesa mint populations exist in very few natural (unrestored) pools, probably less than 20. This is the only natural pool that supports Otay Mesa mint on the western portion of the Mesa (west of Brown Field) and therefore the preservation, persistence and eventual restoration of these three pools is critically important to this species.

The area around the J-14 pool complex has suffered heavy damage from vehicles over the past few years. Recently illegal off-highway vehicle activity in particular has caused decline in the functions of the all of the natural vernal pools in the area. The proposed Southern Alignment appears not to completely eliminate these pools but does impact their watersheds. One suggestion we have is to make relatively small adjustment to the proposed Southern Alignment that would move the highway slightly south in the J-14 area until the edge of the impact line is just south the watershed of pools 17-18 This change would probably then cause direct impacts to pools 22-24, but the watersheds of these pools was already proposed to be impacted so the eventual effects are not that different. These pools (22-24) are already disturbed by off-road vehicle activity. By slight alignment redesign, the J-14 complex and its watershed could be avoided. The bridge design would be the best alternative for preserving the habitat functions and values of the OCCS vernal pool preserve and the MHPA existing wildlife crossing as well as it may reduce MSS impacts compared to the proposed Central Alignment. We would tentatively support the adoption of the Southern Alignment if:

1).Changes in the project design described above, intended to avoid impacts to the J-14 complex and its watershed are incorporated into the project and

2)CALTRANS implements of a vernal pool restoration program that strives to reduce the proposed cumulative impacts to vernal pools by using a higher mitigation ratio for all vernal pool impacts and to include the J-14 complex in its vernal pool restoration program.

15 MSS is discussed in Section 4.10 of this FEIS/FEIR.

As indicated above, the Department will span Spring Canyon with a bridge; install a 60" drainage culvert under the facility and south of the future Spring Canyon bridges to provide a larger corridor for mammals which currently move between Spring Canyon and the OCCS preserve; and, to facilitate the movement of those mammals which exit Spring Canyon immediately north of the future Spring Canyon bridges, a fenced/protected wildlife corridor (consisting of a detention basin and native vegetation) would be maintained between the OCCS preserve and Spring Canyon, that would be approximately 50-meters (164-feet) wide and 300-meters (984-feet) long.

16 Thank you for your views regarding the J-14 complex.

With respect to the Southern Alignment alternatives, please refer to Section 2.4.2 of the FEIS/FEIR which documents the extensive coordination efforts that were carried out during the alignment alternative selection process. The resource agencies with whom the Department coordinated collectively concurred that the three (North, Central, and South) alignment alternatives proposed were sufficient for the EIS/EIR and could be carried forward for further detailed study. Although a redesign of the South Alignment alternatives was not pursued, please note that the Freeway-Central Alignment Alternative was identified as the Preferred Alternative.

Thank you for reviewing our comments. We look forward to reviewing the revised version of this document in the future.

Sincerely,

Mark Dodero

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and

Bruce Hanson

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October 8, 2001

Ms. Laurie Berman
Caltrans
2829 Juan St.
San Diego, CA 92110

Subject: Comments on Route 905 Draft Environmental Impact Statement/Report August 2001

Dear Laurie,

Thank you for the opportunity to review the Route 905 EIS/R. I have the following comments:

1 • General comment: Consider a different method of binding the report. Many of the pages in my report are falling out.

2 • First Page (Signature Page): Change the second sentence of the Abstract to "Sufficient right of way allowing a wide median would be purchased for the potential addition of two lanes (one in each direction)."

3 • Page S-1, third paragraph: Change the second sentence to "A 21.0-meter (69-foot) median (See Figure 2-4) would allow for the potential addition of two lanes (one in each direction), which is not anticipated during the 20-year design period of the project."

4 • Page 2-5, Section 2.2.1.3, fourth bullet: Why isn't a direct connector from SB SR 125 to the EB local access road being constructed as part of this project?

5 • Page 2-5, Section 2.2.1.3, fourth bullet, first sentence: Should the referenced Figure "2.3" be "2-3"? Also missing *close parenthesis*.

6 • Figure 2-5: Verify the number of lanes and shoulder widths for direct connectors, particularly for "EN" and "WN".

7 • Page 4-19, third paragraph: The second sentence says that the Air Commerce Center FEIR is scheduled for Planning Commission/City Council hearings in Spring/Summer 2000. State the results of the hearings.

8 • On Figure I-15 (Sheet 12 of 39): Change the callout to "To Proposed Future Lonestar Road Interchange 2.5 Kilometers From I-905/SR-125 Interchange."

Over a Century of Engineering Excellence

1 Thank you for your suggestion.

2 Although the entire environmental document was re-edited for clarity, the Department did not see the value in making this change.

3 Although the entire environmental document was re-edited for clarity, the Department did not see the value in making this change.

4 The connections shown for the SR-125/Route 905 interchange are the result of traffic analyses and the June 1996 *Final Value Analysis Study for the Proposed SR 905/SR125 Interchange*. This study determined the connections to be included in the current project scope. The SB SR-125 move to the local connector ramp was determined to be for minimal traffic based on the extant land use plans. SB traffic wanting to travel to the east could exit the toll road at Otay Mesa Road or at Siempre Viva Road. The traffic models for the project show most of the traffic that would use this connector will be on Otay Mesa Road.

5 The entire environmental document was re-edited for clarity and errors such as these were corrected.

6 The number of lanes and shoulder widths shown on Figure 2-5 are shown for "single lane" direct connectors. However, because the connectors are longer than 300 meters (984 feet), they will be widened to two lanes per the Highway Design Manual (HDM). In addition, shoulder widths were revised to meet the requirements of the HDM.

7 The FEIS/FEIR was updated based upon conversations between the Department and Bill Dalby, the Brown Field Airport Director. The Brown Field Airport administration decided not to move forward with completing the Master Plan for Brown Field because it was not cost effective or beneficial to the airport. Instead, an Airport Layout Plan is being developed, which includes upgrading existing equipment such as fencing, drainage, and the taxiway. At this time, it was communicated to the Department that Brown Field Airport has no plans for expansion or increasing capacity of its facility.

8 This sheet has been corrected.

If you have any questions, please do not hesitate to call me at (909) 888-1106.

Sincerely,

PARSONS BRINCKERHOFF QUADE & DOUGLAS, INC.

George Harvilla

George Harvilla, P.E.
Project Engineer

cc: Kent Olsen
Cory Binns

LAW OFFICES OF ROBERT C. HAWKINS

October 16, 2001

Via Facsimile (619) 688-3192

John Chisholm
Jason Reynolds
Caltrans, District 11
Environmental Planning Branch B
P.O. Box 85406
San Diego, California 92186

Re: **State Route 905 Draft Environmental Impact Report/Statement**
FHWA-EIS-CA-01-03-D; State Clearinghouse No. 95031031

Dear Messrs. Chisholm and Reynolds:

Thank you for the opportunity to provide these comments on the Draft Environmental Impact Statement/Revised Environmental Impact Report ("DEIS/DEIR" or the "Document") for the State Route 905 (the "Project") prepared by the State of California, Department of Transportation ("Caltrans") and the United States Department of Transportation, Federal Highway Administration ("FHA") (collectively, the "Agencies"). This firm represents several landowners and interested parties in and around the captioned Project.

We offer the following comments on the Document. In addition, we incorporate by this reference all comments which are not inconsistent with our comments below.

1 **1. Introduction: EIR/EIS and Legal Standards.**

An EIR really is the heart of CEQA: An EIR is the primary environmental document which:

> ". . serves as a public disclosure document explaining the effects of the proposed project on the environment, alternatives to the project, and ways to minimize adverse effects and to increase beneficial effects."

CEQA Guidelines section 15149(b). See California Public Resources Code section 21003(b) (requiring that the document must disclose impacts and mitigation so that the document will be meaningful and useful to the public and decisionmakers.)

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1 The Department concurs with these statements regarding environmental law.

Further, CEQA Guidelines section 15151 sets forth the adequacy standards for an EIR:

> "An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which takes account of the environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith attempt at full disclosure."

Further, "the EIR must contain **facts and analysis**, not just the agency's bare conclusions or opinions." Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association. (1986) 42 Cal. 3d 929.

In addition, an EIR must specifically address the environmental effects and mitigation of the Project. But "[t]he degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR." CEQA Guidelines section 15146. Some projects such as general plan adoption deal with general issues; but CEQA also applies to small projects which require merely a conditional use permit. The analysis in an EIR must be specific enough to further informed decision making and public participation. The EIR must produce sufficient information and analysis to understand the environmental impacts of the proposed project and to permit a reasonable choice of alternatives so far as environmental aspects are concerned. See Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal. 3d 376.

Finally, in connection areas near airports, a recent amendment to the CEQA Guidelines requires:

> "When a lead agency prepares an EIR for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted for a project within two nautical miles of a public airport or public use airport, the agency shall utilize the Airport Land Use Planning Handbook published by Caltrans' Division of Aeronautics to assist in the preparation of the EIR relative to potential airport-related safety hazards and noise problems."

CEQA Guidelines section 15154(a).

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The federal standards established for evaluating an EIS may be more relaxed than the California standards for evaluating an EIR. Nonetheless, an EIS should be a self-contained document which informs the decision-makers and the public "without the need for undue cross-reference." Baltimore Gas and Electric Co. v. Natural Resources Defense Council (1983) 462 U.S. 87, 99-101, n. 12 and 13.

2. Section 1: Purpose and Need.

2 At the outset, we note that the Project has two distinct aspects: (1) the environmental problems created by construction, operation and maintenance of a freeway over lands which are not developed and are sparsely populated; and (2) the possibility of creating a tollway as opposed to a freeway. Section 1 fails to highlight and discuss in a clear fashion the second of these problems.

3 Second, although this section recognizes the presence and importance of Brown Field, the Document's discussion of Brown Field's capacity and demand in the wake of the project is unclear. The Document must discuss how the Project will affect this airfield and what steps, if any, the Agencies have taken to ensure that the Document follows the regulatory requirements listed above.

3. Section 2: Project Description.

4 The Project Description attempts to discuss the various alternatives under consideration. As to the Tollway Alternatives, the Document is unclear as to the ability of the Agencies, Caltrans or the Tollway operator to expand the system in the future. As the Agencies are aware, various tollway agreements have restricted development and improvements in the past. The Document should clearly state any possible restrictions on future expansions caused by the Tollway Alternatives.

5 Further, the Section 2.1 refers to an earlier project approved at the federal level by a categorical exemption. However, the Document does not refer to this federal action. The Document also does not explain how this federal action satisfies state requirements. The Document should address these issues.

6 In addition, Section 2.2.1.2 discusses the possibility of terminating Otay Mesa Road at a cul de sac and then creating an overcrossing at Old Otay Mesa Road. Later, in Section 2, the Document discusses light rail options and a light rail under crossing in this vicinity. The Document must explain how all of this is to be accomplished and how it will be compatible with the Project.

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2 With respect to the project's purpose and need, Chapter 1 of the DEIS/DEIR did discuss the purpose of the project (reduce congestion, provide for the effective transportation of people, goods and services, and improve the mobility of local, regional, interregional, and international traffic). The DEIS/DEIR did discuss the need for the project (improve traffic capacity for growth beyond the year 2005, serve the POE, serve the extensive development on the Mesa [both existing, and approved planned development], complete the regional highway system to cope with the increasing regional and international trips, and provide traffic congestion relief for OMR and an alternative commercial traffic access route to the POE). The Freeway and Tollway alignment alternatives satisfy the Project's purpose and need (please see Tables 1-5 and 1-6).

3 The data you were seeking were found in Chapters 1 and 4 of the Route 905 DEIS/DEIR; as noted in Sections 1.5 and 4.6.1, the proposed project will improve the accessibility of this general aviation airport. This is the only effect the project will have on the airport, and it is beneficial.

4 The Tollway Alternatives include no restrictions on future expansions of Route 905, or any other transportation facility. The Franchise Agreement for the privately-developed Route 125 South Tollway project does include restrictions on future expansions to various highways, including Route 905, in order to allow for reasonable protection of the substantial private investment in that project. For Route 905, the maximum number of lanes allowed during the 35-year franchise period is 3 mixed-flow lanes, plus 1 HOV lane in each direction. Any increase in the number of through lanes beyond this would require the compensation of the Route 125 South Franchisee for the incremental revenue loss associated with the increased capacity on Route 905. The Route 905 project design is consistent with these restrictions.

5 The Siempre Viva Interchange project was processed with a Categorical Exemption (State) on the same date as the Categorical Exclusion (Federal).

6 The Department has agreed to provide enough horizontal and vertical clearance under the proposed OMR and Sanyo Avenue bridge structures to ensure compatibility for light rail transit. For additional discussion refer to Metropolitan Transit Development Board comment letter and Department responses.

7 Finally, this Section discusses the relation between the Project and the Proposed I-125. However, the timing of both projects is unknown. The Document must discuss in detail the sequencing and phasing of both projects and what impacts would be created by delays in either or both of these projects.

4. Section 3: Affected Environment.

8 Section 3.4 discusses hydrology/drainage issues. This section discusses the problem of soil infiltration and the presence of clay layers in the soil. This section also identifies the potential for "high runoff." However, the following section — Section 3.5 Water Quality and Groundwater— acknowledges the presence of groundwater and production facilities (wells) in the Project area. These sections raise an inconsistency in the Document: either the area has infiltration problems and no groundwater is present, or groundwater is present and infiltration is not a problem. Either way, Section 3.4 must recognize the presence of groundwater and must provide some explanation or discussion as to **the depth to groundwater.**

9 Section 3.5 recognizes the water quality problems of the region in the vicinity of the Project. However, Section 3.5 fails to discuss the additional contaminants which the Project will generate which may exacerbate this problem. The presence of brake dust, heavy metals, rubber dust and so on has a significant and adverse impact of water quality. To the extent that the Project plans to drain runoff in and around the poor water quality areas, the Document must explain and discuss this impact.

10 Section 3.6 attempts to discuss land use and related uses. However, the section fails to contain a concise discussion of existing land use. This rural area has very little development and much entitled development. As discussed below, the growth inducing impacts of the Project must be addressed, discussed and mitigated.

11 In addition, Section 3.6.2 discusses habitat plans including natural community conservation plans ("NCCP") and multiple species conservation plans. However, the Document fails to identify any NCCP's in the Project vicinity.

12 Further, Section 3.6.8 recognizes the presence of the Brown Field Airport Master Plan. However, this section fails to discuss the Master Plan and fails to reference the noise and related issues noted above. Further, Section 3.10 which purports to discuss the noise in the affected environment likewise fails to fulfill the requirements of CEQA Guidelines section 15154(a) discussed above.

5. Section 4: Environmental Consequences and Mitigation Measures.

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7 Construction staging is discussed in Section 2.8.8 of the FEIS/FEIR. SR-125 is being constructed as a privately operated toll road and as a "Design/Build" project. The southern portion of the toll road will not be connected to OMR until the latter stages of its construction. Even then, unless Route 905 is constructed to the south, the toll road most likely will not extend past OMR since freeway direct connections will not exist until the Route 905 project is completed in this area. The current schedule for Route 905 has construction beginning in 2006. However, Phase 3 is not fully funded at this time, so the connection to SR-125 may not be done at the same time as the remainder of the Route 905 extension. Therefore, it is likely that SR-125 will connect to OMR with "at-grade" intersections, before the connections to Route 905 are complete, with direct connection to/from Route 905 to be scheduled as soon as funds are identified.

The impacts created by any delay in funding would be economic, loss of use by the public of needed transportation facilities, and increased construction costs.

8 Low infiltration does not equal no infiltration at all. The generation of groundwater can occur over extended periods of time with groundwater hydrology involving complex subsurface aquifer relationships and sources. The study area exhibits soils with low infiltration rates due to high clay content, this situation precludes neither the long-term infiltration of surface water nor the presence of groundwater. Groundwater data within the study area are scarce, with most information based on studies that are approximately 20 years (or more) old. No known current groundwater production is occurring in the study area or vicinity, with documented historical groundwater depths varying from approximately 5 to 400 feet below the surface in the study area region.

9 Section 4.4 discusses in more detail the mitigation measures that will be taken during, and after, construction.

10 The Department disagrees with your assessments, Section 3.6 of the DEIS/DEIR did discuss land use. In addition to the prose provided, Table 3-1, in a clear and concise manner, listed all of the existing land uses within the project study corridor. This section and this table were updated for the FEIS/FEIR. With respect to the need to address the growth inducing impacts of the project, the DEIS/DEIR did and the FEIS/FEIR does address this issue. Please refer also to the Department's response to EPA comment #4 above.

11 The text is Section 3.6.2 of the DEIS/DEIR explained that, "[t]he MSCP is a subarea of the NCCP." The DEIS/DEIR did identify the NCCP which is located within the project's limits.

13 Section 4.3 discusses Project impacts and mitigation on hydrology and drainage. As indicated above, the Document fails to consider groundwater resources under this heading and discusses only surface water resources. This failing undercuts the analysis.

14 As to surface water impacts, the Document appears to recognize the increase in impervious surface area and its attendant increased runoff. The Document discusses but not apply various mitigation measures to the Project impacts. The Document should be revised so that the mitigation measures may be applied to the Project impacts.

15 Moreover, the discussion of retention basins is inconsistent with the rest of Section 4.3. This discussion speculates that one of the ways that retention basins will lose water is through percolation. However, the concern over the lack of percolation creates the need for retention storage as mitigation. The Document must explain this inconsistency.

16 Further, the Document must identify and locate the various retention and detention basins and explain why such facilities are necessary at specific locations.

17 Section 4.4. purports to discuss water quality impacts and mitigation. However, the Document ignores most impacts and recites standard but unsuccessful mitigation measures. As indicated above, the Project proposes to drain the freeway or tollway in local retention or detention basins or other local facilities. Such runoff is contaminated. The Document must explain what filters or other devises the Project will employ to mitigate water quality degradation. Indeed, the Agencies should refer to the San Joaquin Hills Corridor tollway which has various filters which attempt to mitigate water quality impacts.

18 Section 4.5 attempts to address socioeconomic impacts and mitigation. However, the Project will likely have extensive impacts on local landowners and business which impacts remain without mitigation.

19 Moreover, this section at Section 4.5.5 attempts to address environmental justice impacts and mitigation. The discussion of the tollway alternative and such impacts is interesting but unpersuasive. The additional capacity which the Project creates may create additional capacity on existing surface streets. However, the level of service for such streets now is "E" or "F." Given the additional growth enabled by the Project as well as the latent demand for the Project, we believe that the impact on low income residents will be enhanced by the tollway alternative. The Document must discuss this impact and with respect to the tollway alternative propose adequate mitigation.

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12 Section 3.6.8 of the DEIS/DEIR listed the major development proposals for Otay Mesa. Details regarding the Brown Field Master Plan are in Sections 1.5 and 4.6.1. The noise and related issues to which you make reference were addressed and disclosed in the DEIS/DEIR and its technical report. The noise analysis was performed in accordance with the Department's Traffic Noise Analysis Protocol and based upon FHWA Procedures for Abatement of Highway Traffic Noise and Construction Noise (23 CFR 772). The noise modeling did take into account guidance in the Airport Land Use Planning Handbook.

13 Please see Department's response to comment #8.

14 Please see Department's response to comments #8 and #9 above and to Section 4.3 of this FEIS/FEIR which discusses the use of detention basins to reduce the increase in runoff rate. All proposed permanent BMPs (detention basins, bioswales, and biostrips) will be included in this project to treat the increased potential impacts to surface water quality due to the additional impervious areas added.

15 Geotechnical investigations will be done at the detention basins sites. If feasible, detention/retention basins will be designed. Otherwise, the proposed basins will be designed for detention only.

16 A Department hydraulics engineer sited the basins based upon the following considerations: capacity, natural drainage patterns, geometrics and natural ground (in order get the onsite flow to the basins), right-of-way constraints, environmental constraints, and convenient outflow (near a canyon or other drainage system). There are two reasons for using detention basins on this project: to reduce the peak runoff rate to existing levels and for water quality purposes. Where feasible, these two functions will be combined in one detention basin. If this is not possible, water quality treatment will be achieved through other permanent BMP applications.

17 Water quality impacts and mitigation are fully discussed in Section 4.4 of the FEIS/FEIR. All the BMPs discussed in that section are successful mitigation measures that have been tested prior to approved use by the Department. Since infiltration rate is very low, most pollutants will settle in the detention basins or be treated with biofiltration swales of strips. There will be no need for any additional filtration devices.

18 As noted in Chapter 5 of the DEIS/DEIR, relocations caused by the project would not be significant because adequate replacement housing/business sites are available. The magnitude of disruption to displaced residents and businesses will be diminished by the Department's Relocation Assistance Program. For those displaced, relocation assistance payments, moving costs, and counseling will be provided in accordance with the Uniform Relocation Assistance and Real Property Acquisition

20 Section 4.6 discusses the Project's impacts on land use plans and mitigation for any such impacts. Again, the Document at section 4.6.1 discusses the Brown Field Master Plan but fails to address the issues required by CEQA Guidelines section 15154(a).

21 Section 4.8 recognizes the Project's impacts on growth. **However, the Document proposes no mitigation for such impacts. As to long term or secondary growth impacts, the Document incredibly refers to regional planning agencies and documents for guidance. Indeed, the Document at Section 5 proposes that such significant growth impacts cannot be mitigated.**

22 Section 4.13 discusses floodplain assessment. Sections 4.3 and 4.4 fail to refer to this section though both of these earlier sections address surface water issues. Further, although section 4.13 discusses a floodplain study, neither of the earlier sections refer to the document.

23 Further, the Document's mitigation discussion is especially curious. First, it proposes to mitigate Project impacts by partnering with the City of San Diego on the Otay Mesa Master Drainage Plan. However, this plan is not approved. The Agencies' promise and deferral on the mitigation of these significant impacts fails to satisfy CEQA's requirements.

"By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process." Sundstrom v. County of Mendocino (1988) 202 Cal. App. 3d 296, 308. See Bozung v. Local Agency Formation Com.(1975) 13 Cal.3d 263, 282 (holding that "the principle that the environmental impact should be assessed as early as possible in government planning."); Mount Sutro Defense Committee v. Regents of University of California (1978) 77 Cal. App. 3d 20, 34 (noting that environmental problems should be considered at a point in the planning process "where genuine flexibility remains"). CEQA requires more than a promise of mitigation of significant impacts: mitigation measures must really minimize the impact. The only way to accomplish this and satisfy the disclosure and analytic requirements of the Document is to discuss in specifics the mitigation of floodplain impacts.

More surprising, the Document addresses the possibility that the Master Plan is not adopted. In that event, the Agencies propose to "spread excess runoff south of the Project." The Document does not explain this "spreading" reference. We understand that spreading is a term of art for groundwater conservation activities. However, the Document repeatedly states that soil permeability is a problem. The Agencies "spreading of excess water" is likely to flood adjacent property owners. This is not mitigation.

The Document must not defer mitigation and must not exacerbate Project impacts. The Document must clearly state how floodplain impacts are to be mitigated.

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Policies Act of 1970, as amended (Uniform Act). This information appears in Section 4.5.1 of the FEIS/FEIR

19 It would have been inappropriate if the discussion relating to Environmental Justice (or any other issue) had been persuasive; the environmental document is not the venue for this type of argument, rather, the environmental document discloses and discusses project related impacts in a fair, unbiased, and balanced manner; this is what this section of the DEIS/DEIR did and the FEIS/FEIR does. Contrary to your supposition regarding the 905 facility overloading local streets once the project is built, professional Traffic Engineers conducted the traffic analyses upon which this project is based. Their models demonstrate that LOS on the local streets improve with all of the Freeway and Tollway build alternatives. These data were clearly presented in Table 1-6 of the DEIS/DEIR, and have been updated for the FEIS/FEIR.

20 Please see the Department's response to comments #10 and #12 above.

21 Chapter 5 of the DEIS/DEIR noted that 1) the project's direct growth impacts are not significant and therefore do not require mitigation and 2) the cumulative impacts due to growth are significant and unmitigable.

22 Sections 4.3 and 4.4 now refer the reader to Section 4.13, as well as the floodplain study.

23 Please refer to the responses (above) to the comment letter received from IBWC. If the OMDMP is not implemented, detention basins (as described in Section 4.3) would be used to reduce the peak outflow to predevelopment levels and if feasible retain the increase in runoff volume. The outflow from the project limits will emulate current existing conditions as much as is feasible. Department hydraulics engineers indicate that there will be no significant floodplain impacts.

Section 4.13.4 explicitly states that "the project's drainage system would be designed to maintain existing drainage conditions." If the Drainage Master Plan were implemented, the project's drainage system would be coordinated. The implementation is now unlikely, so the project will provide drainage facilities, on site, to detain any excess runoff. Historical flow patterns will not be impacted except within the project boundaries. The phrase "Spread excess runoff south of the project" was meant to denote returning the regimen of flow to "sheet flow" conditions, if those were the existing conditions. Except within the project limits, flow will remain within the flood plain limits as shown in the flood plain study. Flood plain encroachment mitigation is not being deferred in any case. All excess on-site storm waters will be detained and floodplain limits, both upstream and downstream of the project boundaries, will remain unaffected. Please refer to

6. Section 5: Mandatory Findings of Significance

24 This Section recognizes two significant impacts which cannot be mitigated: biological impacts regarding vernal pools and secondary growth impacts. However, the section fails to recognize the significant impacts on water resources, both groundwater and surface water resources; the Project does not mitigate such impacts. Either the Agencies must propose mitigation or recognize that these impacts are significant and unmitigated.

25 As to the secondary growth impacts, these are significant impacts. The Document recognizes that the region has undergone substantial growth already. Yet, the Document proposes to enhance that growth without any attempt to mitigate it. Either the Agencies should propose some mitigation or explain the nature and extent of the impact so that the public and the decision-makers can understand what lies ahead.

7. Section 6: Mitigation Monitoring Program

26 As we have indicated above, the Project's impacts on water resources are significant. Standard mitigation and monitoring will prove unsuccessful. The Agencies should revise the Document to address the significant water resource impacts and provide a workable mitigation program. For instance, the Document must protect water quality by installing, for instance, filters to purify surface water runoff. Or again, the Document must discuss floodplain mitigation by, for instance, directing flows to an area which such "excess water" may be used rather than simply flooding adjacent landowners.

Thank you for the opportunity to comment on the Document. Should you have any questions, please do not hesitate to contact me.

Sincerely,

LAW OFFICES OF ROBERT C. HAWKINS

By: Robert C. Hawkins

RCH/kw

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(949) 650-5550
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Department's response to comment numbers #8, #9, #15, #16, #17, and #23 above. impacts will be minimized, and mitigation measures will not be deferred.

24 Impacts to water resources are not significant.

25 As stated in Chapter 5 of this FEIS/FEIR, the direct growth impacts from any of the build alignment alternatives are minor, and do not result in significant negative impacts to the environment. There is no phasing plan for development, which is linked to construction of Route 905, or phased constraint to control the growth. No measures are proposed for this project to mitigate growth impacts.

Nevertheless, Route 905 would provide access to the regional transportation system for an area which is presently inadequately serviced; the infrastructure to support economic activity must be in place for planned growth to be realized. The development potential of this subregion is substantial. The market attractiveness of Otay Mesa and East Otay Mesa would be limited without the provision of adequate and safe access. Therefore, the construction of Route 905 and related transportation projects would contribute to secondary, or indirect, impacts on growth in Otay Mesa and East Otay Mesa. Cumulatively, the adverse environmental impacts from continued development/growth are significant.

26 These water quality and mitigation issues are fully discussed in responses #8, #9, #17, #24, and #25 above.

October 16, 2001

John Chisholm
Manager, Environmental Branch B
Caltrans District 11
2829 Juan Street, Old Town
P.O. Box 85406
San Diego, CA 92186-5406

Re: Comments to Draft Environmental Impact Statement/Report for State Route 905, August 2001

Dear Mr. Chisholm:

1 My associates and I own two separate parcels which have been selected as candidates for the right-of-way of the segment of SR-905 west of Heritage Road. We have owned and paid taxes and other significant charges on these properties for more than two decades. Unfortunately, our land has been subjected to multiple arbitrary governmental restrictions, one after another over the years which has delayed the productive use of the properties for purposes for which it is well suited and for which there is demand.

2 Thus, while we welcome the improved circulation that new State Route 905 will someday provide and therefore, support the project in general, as long-suffering property owners, we must request (a) that the uncertainty and long delay and blight be brought to an end as soon as humanly possible, and (b) that the alignment selection, while taking into account the critters and the flora, give even more weight to the endangered human owners in avoiding undue severance of parcels, and assuring comparable access to any remainder parcels (and avoiding allotting a disproportionate share of the environment burdens to the private owners).

In particular, we comment upon and seek mitigation of the following:

3 1. Plans, environmental and otherwise, must avoid to the degree humanly possible, chopping up our remaining property into parcels that are difficult to use or access, lowering their utility and usability. New access should counter balance the effects of severance.

4 2. Steps must be incorporated to mitigate fully the noise, dust and fumes which will inevitably result from the construction and use of new SR-905.

5 3. All involved governmental agencies, including the City of San Diego, should join together to cause the oversight of failing to include an appropriate land use

1 Route 905 is a complex project, and it takes time to fully address all of its impacts and issues.

Since the Route 905 project is not an arbitrary governmental restriction, and given the fact that the Department has no authority with respect to land use issues, the Department is not in a position to comment on methods to reduce uncertainty, delay, and blight that may be caused by these types of restrictions.

2 The identification of the Preferred Alternative was an informed decision based upon public input, agency coordination, and the consideration of each alternative's level of impact to the human and natural environment.

3 The Department attempts to design projects, to the extent possible, to minimize property takes, and the impacts to remainders. Such issues are dealt with during the right-of-way acquisition phase.

4 Construction related impacts are fully discussed in Section 4.18 of the FEIS/FEIR. Noise and air quality impacts resulting from the use of the Route 905 facility are discussed in section 4.15.

5 Your suggestion was noted but the Department does not have a definitive role in the City of San Diego's General Plan update process.

designation for our westerly property in the City's General Plan to be remedied immediately.

6 4. Environment analysis for endangered species and habitat mitigation should not be an arbitrary one-size-fits-all approach as predominates in the Draft, but a property by property specific analysis which will recognize as to our properties that, to the extent that endangered species and habitat are present at all, they are of very low quality, having been disturbed and degraded by human activities, including off-road activities, dumping, trespassing, and wildfires.

7 5. To the extent the so-called Multiple Species Conservation Plan ("MSCP") is considered it should not have any controlling influence in as much as we contend such plan is facially invalid and unconstitutional as applied to our property. Further, from a policy stand point, the MSCP is inconsistent with SANDAG's projections for growth in San Diego County to 2020 and it must be re-visited.

8 6. It is not fair or legal for SR-905 planners to advance alignments on the sole basis that they avoid environmentally sensitive areas in the right-of-way when such areas are subject to mitigation. This just dumps the additional burden of environmentally sensitive areas on the adjoining property owners such as us, whose property is already being splintered.

9 7. Our remaining property will be seriously damaged, especially if the southern alignment is not adopted. The land is being mapped and subdivided for specialized commercial use.

10 8. In sum, the project, as to our property, is not planned or located in a manner that will be most compatible with the greatest public good and the least private injury. Our property is not necessary to a well-designed SR-905

Thank you for this opportunity to comment.

Very truly yours,

Roxanne Abel

for Gerald Handler

6 All endangered species analyses were conducted in accordance with USFWS protocol and final mitigation details were determined during the Section 7 consultation process.

7 Your objection to the use of the MSCP was noted. Resource agency coordination necessitated that the Department adopt mitigation measures that complied with and supported specific MSCP management measures implemented to prevent local extirpation and ultimate extinction of species and mitigate cumulative biology impacts.

8 As noted above, the identification of the Preferred Alternative was an informed decision based upon public input, agency coordination, and the consideration of each alternative's level of impact to the human and natural environment.

9 The Department will pay fair market value for property that is taken or rendered unusable by the Route 905 project.

10 The Route 905 project is indeed "planned." The San Diego Association of Governments (SANDAG), designated as the Regional Transportation Planning Agency, prepares and periodically updates regional transportation planning documents. The first is the Regional Transportation Plan (2030 RTP). It was adopted on March 28, 2003 by SANDAG and it describes SR-905 as a proposed six-lane freeway from Interstate 805 to the Otay Mesa Border Crossing under the Revenue-Constrained Plan (RCP). The RCP includes those projects that could be implemented based on funding reasonably expected to be available during the 30-year plan period without requiring any future legislative actions or voter approvals to raise the gas and sales taxes, or to provide any additional revenues. The second is the Regional Transportation Improvement Program (2002 RTIP). It was adopted on June 28, 2002 by SANDAG, and it is a four year program of regional transportation improvements for major state highway, local street and road, transit, and non-motorized projects.

With respect to the proposed location of the Route 905 facility, please refer to Section 2.4.2 of the FEIS/FEIR which documents the extensive coordination efforts that were carried out during alignment alternative selection. The resource agencies with whom the Department coordinated collectively concurred that the three (North, Central, and South) alignment alternatives proposed were sufficient for the EIS/EIR and could be carried forward for further detailed study.

City of San Diego
Environmental Analysis Section
DEVELOPMENT AND ENVIRONMENTAL PLANNING DIVISION
1222 First Avenue, Fifth Floor
San Diego, CA 92101
(619) 236-6460

Date: February 28, 1995

NOTICE OF PREPARATION/NOTICE OF INTENT TO
PREPARE A JOINT ENVIRONMENTAL IMPACT
REPORT/ENVIRONMENTAL IMPACT STATEMENT

THE CITY OF SAN DIEGO will prepare a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) in compliance with the California Environmental Quality Act (CEQA), Section 102 (2)(c) of the National Environmental Policy Act (NEPA) of 1969, and Council of Environmental Quality Guidelines (40 CFR, Part 1500) for the following project:

State Route 905 Extension. CITY COUNCIL APPROVAL of PLANS FOR THE CONSTRUCTION of the extension of Interstate 905 easterly about six miles, connecting Interstate 805 and the Otay Mesa International Port-of-Entry. Currently, Interstate 905 has an easterly terminus at Interstate 805. Initial freeway construction would be a four- or six-lane road (depending on the results of traffic modeling studies currently in progress) with possible future addition to the Interstate system. The purpose of the project is to improve safety and traffic flow in the Otay Mesa area. The EIR/EIS will address an ultimate ten-lane interstate freeway. The project includes interchanges at six locations including a major junction with (proposed) SR 125.
Applicant: City of San Diego Engineering Department in partnership with California Department of Transportation.

DEP No. 95-0100

Based on an Initial Study, it appears that the project may result in significant environmental impacts in the following areas:

- Geology/Soils/Geotechnical Hazards
- Air Quality
- Hydrology/Water Quality
- Biological Resources
- Land Use
- Noise
- Landform Alteration/Visual Quality
- Cultural Resources
- Socioeconomic Effects
- Public Services
- Traffic and Circulation
- Agricultural Resources
- Paleontological Resources

For more information, or to provide comments on the scope and content of the draft joint EIR/EIS, contact the following person at the address above: Janet Myers (City of San Diego) at (619) 236-7714 or Rick Hopkins (CALTRANS) at (619) 688-6664.

Written comments on the scope and content of the draft EIR/EIS must be received at the above address no later than 30 days after receipt of this notice.

Since your agency may have particular concerns regarding potential impacts, we would appreciate any comments that you may have to assist us in making the proper environmental evaluation of the proposed action.

A public scoping meeting has been scheduled for April 10, 1995 from 6:00 p.m. to 8:00 p.m, at the following location:

Sanyo Building
2055 Sanyo Avenue
Otay Mesa, CA 92173

RESPONSIBLE AGENCIES ARE REQUESTED TO INDICATE THEIR STATUTORY RESPONSIBILITIES IN CONNECTION WITH THIS PROJECT WHEN RESPONDING.

Attachments: Scoping Letter
Project Location Map

Figure 6-1

Environmental Impact Statement: San Diego County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in San Diego County, California.

FOR FURTHER INFORMATION CONTACT: Dennis A. Scovill, Chief, District Operations-C, Federal Highway Administration, 980 Ninth Street, Suite 400, Sacramento, CA 95814–2724, Telephone: 916/498–5034.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (CALTRANS), will prepare an Environmental Impact Statement (EIS) on a proposal to extend State Route (SR) 905 easterly approximately six miles, connection Interstate 805 and the Otay Mesa International Boarder Crossing, in Diego County. Sensitive resources already identified within the project area include archaeological sites, vernal pools and other wetlands.

The purpose of the project is to accommodate existing and future east-west traffic generated by development on Otay Mesa and growing use of the Otay Mesa International Port-Of-Entry. Initial freeway construction will be for a four-or-six-lane roadway (depending on the results of traffic modeling studies currently in progress) which would improve safety and traffic flow in the Otay Mesa area. The EIS will address an ultimate ten-lane freeway (including two high occupancy vehicle lanes). The project also includes evaluation of siting locations for six proposed interchanges: including Caliente Boulevard, Heritage Road, Dritannia Boulevard, La Media Road, and Siempre Viva Road, as well as a major junction with (proposed) SR 125.

Several Alternatives are being considered for this project. These include a "no build" alternative, expansion of Otay Mesa Road, several different alignments of a new SR 905 route from I–805 to the Otay Mesa International Border Crossing, and system alternatives (e.g., public transport via electric trolley or bus).

The appropriate federal, state and local agencies, private organizations and citizens who have previously expressed or are known to have interest in this proposal will placed on a mailing list to receive project-related materials.

A public information/scoping meeting is planned for Monday, April 10, 1995 from 6:00 to 8:00 p.m. at the Sanyo Building, 2055 Sanyo Avenue, Otay Mesa. Scoping meetings will also be arranged with responsible/cooperating agencies and special interest groups upon request. A public hearing will be held after the EIS is available for review. Public notice will given as to the time and place of the hearing.

To ensure that the full range of issues related to this proposal action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided above.

Issued on March 24, 1995.

Dennis Scovill,

Chief, District Operations-C, Sacramento, California.

[FR Doc. 95–7786 Filed 3–29–95; 8:45 am]

BILLING CODE 4910–22–M

Route 905

Notice of Intent

Figure 6-2

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Field Office
2730 Loker Avenue West
Carlsbad, California 92008

May 14, 1997

Gretchen Softley
City of San Diego - Engineering/Design Division
1010 Second Avenue, Suite 1200
San Diego, California 92101-4905

Re: State Route 905, Otay Mesa, California

Dear Ms. Softley :

The Fish and Wildlife Service (Service) has reviewed the figures and data provided by Helix Environmental dated March 25, 1997 with regards to the north, central, and south alignments of the Route 905 freeway alternative. The Service requested this information from Caltrans in a meeting on March 24, 1997.

The Service concurs that these three alignments should be carried forward as alternatives into the draft Environmental Impact Report/Statement (EIR/EIS). The impacts to the vegetation communities within the project site vary only slightly between each of the three alignments. The northern alignment impacts approximately 11 acres of coastal sage scrub whereas the central and southern alignments impact approximately 16 acres. With regards to wetlands, including vernal pools, the central alignment impacts the smallest acreage. Given the rarity of vernal pools and the intent of the 404 b(1) guidelines, the central alignment should be the preferred alignment.

The Service will work with the City and Caltrans to develop measures that would minimize the impacts to the upland habitat types, and in particular coastal sage scrub. Also of concern in the western portion of the alignment is the maintenance of a viable wildlife corridor within Spring Canyon and the impacts to the MSCP preserve. Any area of the preserve lands that are impacted or fragmented by the freeway would have to be offset elsewhere in areas currently slated for development.

If you have any question with regards to this letter, please contact Ms. Nancy Gilbert or Ms. Susan Wynn at (760) 431-9440.

Sincerely,

for Gail C. Kobetich
Field Supervisor

cc: Corps of Engineers (attn: D. Zoutendyk)
CalTrans (attn: C. White)

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Field Office
2730 Loker Avenue West
Carlsbad, California 92008

JUL 15 1998

John P. Rieger, Chief
Environmental Stewardship Branch
Caltrans - District 11
P.O. Box 85406
San Diego, CA 92186-5406

Re: NEPA/404 Permit Concurrent Process for State Route 905

Dear Mr. Rieger:

The Fish and Wildlife Service has reviewed the materials provided to us in a letter dated April 27, 1998 regarding the proposed extension of State Route 905 (SR-905) from Interstate 805 eastward to the Otay Mesa Port-of-Entry. Your letter requested agreement from the resource agencies on the following issues:

1. NEPA Purpose and Need/404 basic and overall project purpose
2. Criteria for alternative selection
3. Project alternatives to be evaluated in the Draft EIS
4. Level of agency involvement and cooperation agency role.

The Service concurs with the basic and overall project purpose and the proposed criteria for alternative selection. With regards to issue 3, the Service has already provided you with a letter, dated May 14, 1997, regarding our position on the alternatives as it relates to the three alignment variations, however we did not address the proposed alternative project designs. It appears that three alternative project designs are being considered in the short term, however ultimately all three alternatives become an eight-lane freeway and therefore will have the same impacts. There was not enough information provided in your letter to evaluate whether these three project designs are acceptable. In addition, it is not clear to us how the Major Investment Study relates to this project and whether those alternatives should be included in this project.

With regards to participating as a cooperating agency, the Service is available for review of any documents and can provide technical expertise as it relates to natural resources. If you have any questions with regards to this letter, please contact Ms. Susan Wynn at (760) 431-9440.

Sincerely,

for Sheryl L. Barrett
Assistant Field Supervisor

Figure 6-3

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

August 27, 1998 AUG 31 1998

John Rieger, Chief
Environmental Stewardship Branch
California Department of Transportation
District 11
P.O. Box 85406
San Diego, CA 92186

Dear Mr. Rieger:

The Environmental Protection Agency has reviewed the information concerning the proposed State Route 905 extension from Interstate 805 to the Otay Mesa Point of Entry. Based upon the statement of potential impacts on wetlands in your letter, our involvement in the concurrent process is appropriate in accordance with the NEPA/404 Memorandum of Understanding (MOU). Therefore, as you requested in your letter and per the MOU, we will be offering comments on basic project purpose and need, criteria for alternative selection and the range of alternatives to be evaluated in the DEIS.

We are pleased to offer our initial concurrence on the basic project purpose and need and the criteria for alternative selection. We concur that the purpose and need for the project is adequately defined to satisfy the NEPA and Section 404 project purpose standards. However, we have a few suggestions to clarify the Need statement. We recommend that Caltrans and FHWA try to link and simplify the issues laid out in this Purpose and Need statement, separating the need issues, such as safety and congestion from the purpose of the project, and presenting them in a manner that is easier for a reader to understand. Also, can you clarify why the accident rate is so significantly higher on this portion of the road, and identify the conditions under which the road operates that cause those accidents?

Based upon the information we have been given at this stage, we can concur that the alternatives presented should be carried forward into the DEIS, however, we have questions about the ultimate size of the project and believe there may be other alternatives that could be examined and included in the range of alternatives. According to the documentation the widened Otay Mesa Road will carry 50,000 Average Daily Traffic (ADT) and there is an expected 110,000 ADT on 905. How do the two roads and their associated ADT interact and does the 110,000 ADT on 905 include the 50,000 ADT on Otay Mesa road or some portion of those trips? We are unclear how these numbers indicated to FHWA and Caltrans that with the associated 6 lane urban arterial, ultimately an 8-lane freeway would be needed in the future. Our understanding is that as a standard, one lane of a freeway/expressway facility can serve 25,000 vehicles per day. If that is the case, then that would indicate to us that 4 freeway lanes and

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possibly 6, can serve the expected amount of traffic. We would also like to examine an alternative that switches the alignments of the two facilities, placing the 905 alignment as a freeway on the Otay Mesa road alignment, and putting Otay Mesa road on the proposed 905 alignment as a 6 lane urban arterial. We look forward to discussing these issues with you further as you move through the environmental analysis process.

Regarding our level of involvement and cooperating agency status, we will continue working with you through the NEPA-404 MOU process, and are available for additional consultation, however, not as an official cooperating agency due to our limited resources. If you have any questions, please call David Carlson of my staff at (415) 744-1577.

Sincerely,

David Farrel, Chief
Federal Activities Office

cc: S.Barrett, USFWS
D. Zoutnedyk, ACOE
J.Lewis, FHWA

Figure 6-4

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
SAN DIEGO FIELD OFFICE
10845 RANCHO BERNARDO RD, SUITE 210
SAN DIEGO, CALIFORNIA 92127

July 22, 1998

REPLY TO ATTENTION OF:

Office of the Chief
Regulatory Branch

John Rieger
California Department of Transportation, District 11
P.o. Box 85406
San Diego, CA 92186-5406

Dear Mr. Rieger:

The Corps has reviewed the materials submitted in your April 27, 1998 letter in accordance with the NEPA/404 Integration Process MOU (MOU). As stipulated by the MOU, your letter seeks Corps agreement on the project's NEPA purpose and need/404 basic and overall project purpose, criteria for alternative selection, project alternatives to be evaluated in the draft EIS, the Corps involvement, and Corps verification of the jurisdictional determination, for the preparation of a draft EIS.

Based on our review the materials provided, the Corps concurs with the NEPA purpose and need/404 basic and overall project purpose, and criteria for alternative selection. Regarding project alternatives to be evaluated in the draft EIS, the Corps concurs with the three alternative alignments, which have been discussed in previous meetings. However, the Corps is uncertain of the need and/or sufficiency of the three alternative project designs, all of which appear to ultimately impact the same footprint. Also, we do not understand how the Major Investment Study (MIS) relates to the draft EIS, and if alternatives reviewed in the MIS will be included in the EIS. Also, the Corps can participate in the preparation of the EIS as time and staffing allow.

The Wetland Delineation provided is insufficient for the Corps to make a final jurisdictional determination. Specifically, the delineation should include: 1) tables that itemize the dimensions and acreage of each jurisdictional area; 2) larger topographic based maps that show each jurisdictional area with a scale that allows clear definition of the jurisdictional limits; 3) details on what changes were made to the delineation based on Corps comments from the February 10, 1998 site visit; and 4) all delineation data sheets.

If you have any questions, please contact David A. Zoutendyk of my staff at (619) 674-5384. Please refer to this letter and 95-20151-DZ in your reply.

Sincerely,

Mark Durham
Chief, South Coast Section
Regulatory Branch

Enclosure(s)

Figure 6-5

ENDANGERED HABITATS LEAGUE
Dedicated to the Protection of Coastal Sage Scrub and Other Threatened Ecosystems

Dan Silver • Coordinator
8424A Santa Monica Blvd. #592
Los Angeles, CA 90069-4210
TEL/FAX 213•654•1456

February 10, 1998

TRANSMITTED VIA FAX & U.S. MAIL

Robert A. Wolf, Chairman
California Transportation Commission
P.O. Box 942873
Sacramento, CA 94273-0001

ATTN: Robert I. Remen, Executive Director

RE: 1998 State Transportation Improvement Program:
SUPPORT for SR 905, San Diego County

Dear Chairman Wolf and Commission Members:

The Endangered Habitats League (EHL) is an organization of Southern California conservation groups and individuals dedicated to ecosystem protection, improved land use planning, and collaborative conflict resolution. We strongly endorse the use of discretionary funds under the 1998 State Transportation Improvement Program (STIP) to complete SR 905 in San Diego County as quickly as possible.

SR 905 is a cornerstone for accommodating current and future movement of goods between Mexico and the United States. This project can connect the best Port of Entry facilities, that is, at Otay Mesa, with major highways in both countries. Because this project builds upon existing infrastructure, it is a cost-effective investment. The construction of SR 905 will also permit border transportation needs to be met with the least environmental, community, and fiscal impacts, as it will facilitate the flow of heavy commercial traffic away from inappropriate and unsafe country roads which would otherwise require costly widening.

EHL urges the Commission to prioritize SR 905 as an environmentally sound investment in the economic future of our State.

Thank you for considering our views.

Sincerely,

Dan Silver

Dan Silver,
Coordinator

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Figure
6-6

THE CITY OF SAN DIEGO

November 14, 2002

Maurice Eaton, Chief
Travel Forecasting/Modeling & GIS Branch
CALTRANS District 11 – Planning Division
1450 Frazee Road, Suite 403
San Diego, CA 92108

Dear Maurice:

In our comment letter to the State Route 905 Environmental Impact Report (EIR) dated October 16, 2001 we had indicated that Sandag's travel forecasting model resulted in volumes along SR905 that were in some cases significantly higher than those indicated in the EIR. Last month we ran Sandag's latest adopted Series 9 travel forecasting model for year 2020 and found that the model resulted in the following volumes:

SR-905 Freeway Segments	ADT
I-805 – Caliente	106,200
Caliente – Heritage	91,900
Heritage – Britannia	83,100
Britannia – LaMedia	71,900
LaMedia – SR-125	44,600
SR-125 – Airway	54,500
Siempre Viva – POE	51,600

DIVERSITY

Planning Department
202 C Street, MS 5A • San Diego, CA 92101-3865
Tel (619) 236-6479 Fax (619) 236-6478

Figure 6-7

Street	Segment	ADT Range in Thousands
Otay Mesa Road	Old OMR – Caliente	11 – 18.6
	Caliente – Heritage	16.6 – 25.3
	Heritage – Britannia	13.3 – 17.2
	Britannia – La Media	13.4 – 16.8
	La Media – SR-125	11.3 – 24.9
	SR-125 – Enrico Fermi	2.5 – 13.3
Airway Road	Heritage – Britannia	3.8 – 7.5
	Britannia – La Media	7.5 – 13.2
	La Media – SR-125	13.2 – 16.8
	SR-125 – Enrico Fermi	1.5 – 7.9
Siempre Viva Road	I-805 – Caliente	15.3 – 24.3
	Caliente – Heritage	No connection
	Heritage Britannia	1.8 – 2.5
	Britannia – La Media	3.9 – 4.9
	La Media – SR-905	4.8 – 11.6
	Sr-905 – Enrico Fermi	4.5 – 34.3

We recognize that these projected volumes are now lower than what was assumed in the State Route 905 EIR, therefore, we felt it was necessary to inform you of this. If you have any questions, please contact me at (619) 236-6496.

Sincerely,

Linda J. Marabian

Linda J. Marabian
Senior Traffic Engineer

cc: Fernando Lasaga, Associate Engineer- Traffic, Planning Department
Paul Hellman, Senior Planner, Development Services Department
Jeanne Krosch, Senior Planner, Planning Department- MSCP
Maxx Stalheim, Senior Planner, Planning Department
Larry Van Wey, Senior Caltrans Coordinator, Transportation Department
Ann Gonsalves, Senior Traffic Engineer, Development ServicesDepartment
Ali Sabouri, Associate Traffic Engineer, Development Services Department

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
SAN DIEGO FIELD OFFICE
16885 WEST BERNARDO DRIVE, SUITE 300A
SAN DIEGO, CALIFORNIA 92127

REPLY TO
ATTENTION OF:

June 19, 2003

Office of the Chief
Regulatory Branch

Mr. Bruce April
California Department of Transportation
District 11
Environmental Stewardship Branch
P.O. Box 85406
San Diego, California 92186-5406

Dear Mr. April:

I am writing in reply to your letter dated March 19, 2003, regarding the *Draft Jurisdictional Delineation for State Route 905* prepared by HELIX Environmental Planning, Inc., dated January 16, 2003, for Corps File No. 952015100-TCD. Based on our examination of the project site and aerial photographs, we offer the following comments to the draft delineation.

Jurisdiction over the Trapezoidal Channel

Caltrans' delineation finds the trapezoidal channel, as shown on Figure 4D, to be non-jurisdictional. The determination is based in part on a previous study whereby the Corps declined to assert regulatory jurisdiction over this specific channel. A copy of the study being relied upon by HELIX has not been provided to the Corps to review, despite the Corps' request for a copy of such study. However, the principle basis of HELIX's determination rests with language in the Preamble to Part 328 of the Corps' 1986 regulations, which states the Corps typically does not consider as waters of the United States drainage ditches excavated out of dry land. Therefore, it has been argued the trapezoidal channel is not a water of the United States because it was excavated through an agricultural field, comprised of only dry land. Based on our site inspection on April 2, 2003 and review of aerial photographs, we have determined regulatory jurisdiction exists over the trapezoidal channel in question.

Surface water from developed areas drains into the trapezoidal channel at its western end. Water from this channel, labeled "Drainage 7" in the draft delineation report, takes a winding path into natural and created wetlands. The wetlands flow into an unnamed natural watercourse of an unnamed canyon, Spring Canyon, and then the Tijuana River, before entering the Pacific Ocean, a navigable water. The bottom in the trapezoidal channel is comprised of heavy clay material overlain with sand and silt, causing water to pond within the channel for long periods of time rather than percolating into the substrate. Wetlands have developed within the channel, with denser stands near the western portion of the channel.

Figure 6-8

Upon further examination of aerial photographs, it appears the trapezoidal channel might not have been excavated out of dry land. It appears that it could have channelized and improved remnants of a natural watercourse running through the property, although the draft report, and your consultant on-site, indicated that the natural watercourse might have been filled many years ago. The channel is geographically situated in the alignment of a previously existing jurisdictional watercourse as evidenced by the presence of jurisdictional waters located upstream and immediately downstream of the channel, and willow woodlands immediately upstream of the western end of the channel. However, even if the channel was excavated out of dry land, it is still jurisdictional for the following reasons:

The Corps' jurisdictional regulations define waters of the United States to include, among others, (i) tributaries of covered waters, including traditional navigable waters, 33 C.F.R. 328.3(a)(5), and (ii) wetlands adjacent to covered waters, including tributaries, 33 C.F.R. 328.3(a)(7). We assert jurisdiction over the trapezoidal channel because the channel is a tributary of the Pacific Ocean, a traditional navigable water. As a second basis of jurisdiction, we assert jurisdiction over the wetlands in the trapezoidal channel because they are adjacent to the natural watercourse, which is a tributary of the Pacific Ocean, a traditional navigable water. Because there is a hydrologic connection between the trapezoidal channel and navigable waters, the case *Solid Waste Agency of Northern Cook County v. United States of America*, 531 U.S. 159 (2001), does not bar Clean Water Act jurisdiction.

The Corps' longstanding interpretation of the term "tributaries" in the regulation means the entire tributary system; that is, any branch of a tributary system that eventually flows into navigable waters. According to the Ninth Circuit in *Headwaters, Inc. v Talent Irrigation Dist.*, 243 F.3d 526, (9th Cir. 2001), a tributary is a channel that contributes flow downstream. In this case, the trapezoidal channel is tributary within the meaning of 33 C.F.R. 328.3(a)(5). The Fourth Circuit in *United States v. Deaton*, -- F.3d--, 2003 WL 213573 (4th Cir. 2003), recently held a roadside ditch that drains into a tributary system to navigable waters is itself a tributary, and is therefore regulated by the Corps. As discussed above, surface water in the trapezoidal channel drains into a natural watercourse immediately downstream, a tributary of the Pacific Ocean, which is navigable. The Clean Water Act thus reaches the trapezoidal channel.

The wetlands within the trapezoidal channel are adjacent to the unnamed natural watercourse, a tributary to navigable waters. The Clean Water Act thus reaches wetlands in the trapezoidal channel.

The delineation prepared by HELIX shall be amended to reflect our determination above. In addition, the delineation must identify the geographic limits of the Corps' jurisdiction defined at 33 C.F.R. 328.4.

Specific Comments on the Draft Jurisdictional Delineation.

1. Drainage 2 depicted on Figure 4A appears to have hydrological connectivity to vernal pools located west of the drainage allowing the pools to receive water from, and to discharge water to, the drainage. In accordance with Corps regulations and guidance, berms or other

obstructions (roads, etc.) created by human activities do not necessarily cause an interruption in the continuity of hydrology for purposes of determining Corps jurisdiction and adjacency.

2. The Sanyo site, as indicated on Figure 4E, remains problematic. The document states the area is isolated, and therefore non-jurisdictional. However, the aerial photo in Figure 4E indicates the possibility of alternate drainage to or from the site, which could create a continuum in the hydrology to the northwest after flowing through the existing culvert under SR-125, and ultimately into otherwise regulated waters. Thus, the area might be non-isolated after all, and therefore jurisdictional. Additionally, a fairly large ponded area was observed near Harvest Road during the April 2003 site visit that is not discussed in the document. Although the area might not be in the proposed alignment of SR-905, grading and filling activities near the ponded area could isolate the feature hydrologically, thereby causing indirect impacts. If the drainage and wetland area(s) near Sanyo Road are, in fact, jurisdictional, indirect impacts to the ponded area, potentially a vernal pool, must be addressed. The proximity of the ponded area to the drainage/wetlands would indicate the feature is adjacent and therefore not isolated. Please provide hydrological reports and/or other evidence to confirm or refute whether the area is in fact isolated.

3. The vernal pool located near the school, at the corner of Otay Mesa road and Airway Road, Figure 4A of the document, is isolated both topographically due to its elevation above the jurisdictional Drainage 2, and distally. Therefore, the pool, in which fairy shrimp were observed, is not within Corps regulatory jurisdiction under Section 404 of the Clean Water Act.

Should you have any questions concerning the information presented in this letter, please call Mr. Dean at (858) 674-5386.

Sincerely,

Mark Durham
Chief, South Coast Section
Regulatory Branch

CF: HELIX Environmental Planning, Inc.
Attn: Larry Sward
8100 La Mesa Boulevard, Suite 150
La Mesa, CA 91941-6476

CDFG, San Diego – Pam Beare