

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: September 15, 2004

Reference No.: 2.2c.(10)
Action Item

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Ref: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING, 11-SD-905, KP 8.4/R18.6 (PM 5.2/R11.6) RESOLUTION E-04-27**

ISSUE:

The attached resolution proposes to approve for future consideration of funding the following project for which a Final Environmental Impact Report has been completed:

- Route 905 in San Diego County – Construct six-lane freeway near San Diego.

This project is programmed in the 2004 State Transportation Improvement Program (STIP) for \$122 million, capital and support. This project is not fully funded. The estimated total cost of the project is \$310 million. Including the STIP, approximately 70% of the funds, or \$217 million, have already been programmed. Funding sources include: Transportation Efficiency Act for the 21st Century (TEA-21), including Coordinated Border Infrastructure Program (CBI); Traffic Congestion Relief Program (TCRP); and local funds. Project construction will be addressed in phases to take advantage of the funds already programmed and available. The first phase of construction will complete the section from the Otay Mesa Border to the Route 905/805 Interchange and is scheduled for FY 2005-06. Additional funds are anticipated from the following sources: future STIP cycles; future CBI cycles; future federal earmarked funds; additional regional and local funds; and a cost sharing agreement for SR 125/SR 905 interchange improvements between the Department and the California Transportation Venture (CTV).

The Final Environmental Impact Report (FEIR) has been transmitted to California Transportation Commission staff.

The Department of Transportation (Department) has approved the project for construction. This approval and the filing of the Notice of Determination with the Office of Planning and Research will satisfy the environmental requirements for this stage of the project planning process.

RECOMMENDATION:

The Department recommends that the California Transportation Commission, as a responsible agency, approve the attached Resolution E-04-27.

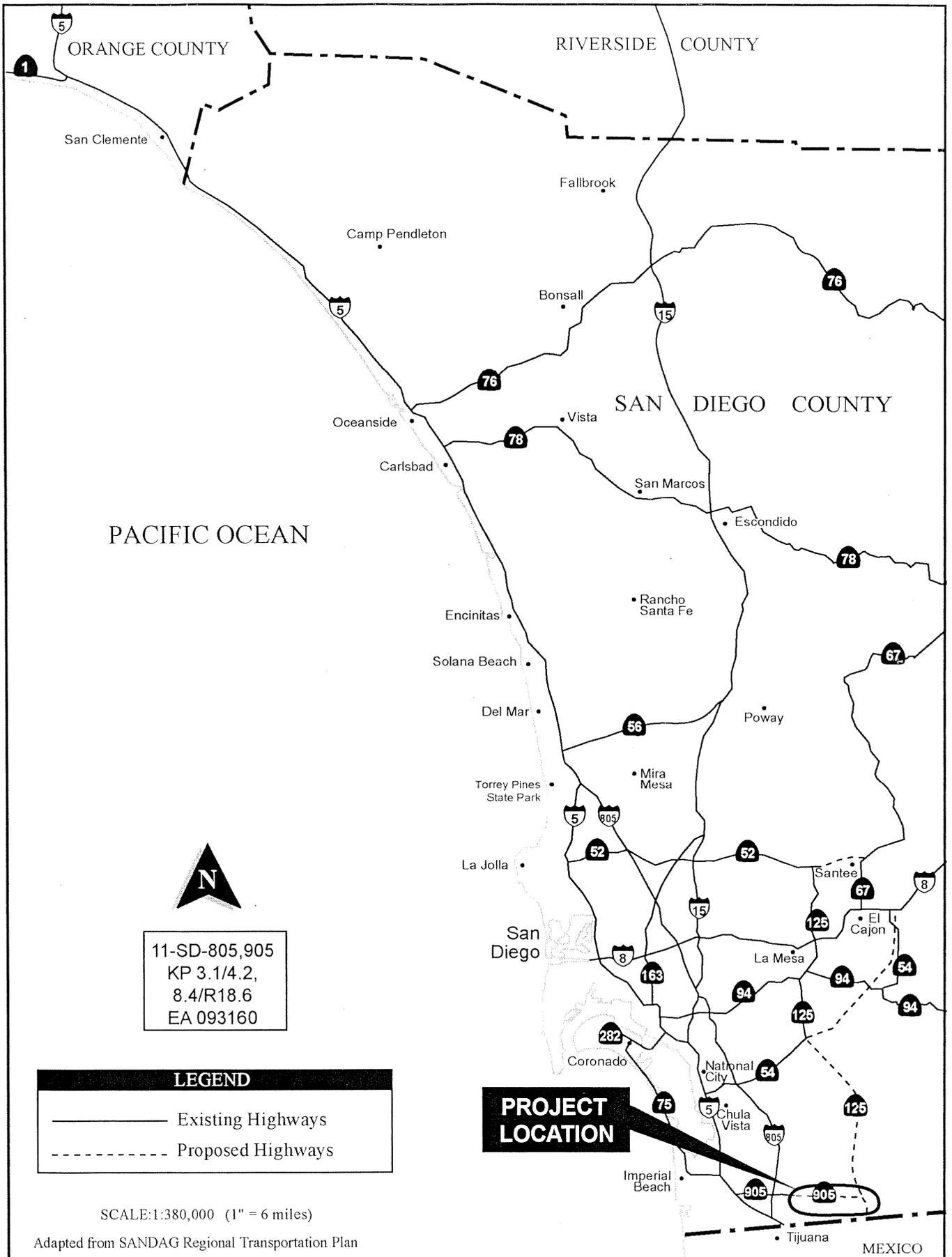
Attachments

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding 11-SD-905, KP 8.4/R18.6 (PM 5.2/R11.6)

Resolution E-04-27

- 1.1** **WHEREAS**, the California Department of Transportation (Department) has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
- Route 905 in San Diego County – Construct a six-lane freeway near San Diego.
- 1.2** **WHEREAS**, the Department has certified that the Final Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3** **WHEREAS**, the California Transportation Commission, as a responsible agency, has considered the information contained in the Final Environmental Impact Report; and
- 1.4** **WHEREAS**, written Findings indicate that specific economic, legal, social, technological, or other considerations make it infeasible to avoid or fully mitigate to a level less than significant the effect associated with biological impacts and indirect impacts of growth as a result of the project; and
- 1.5** **WHEREAS**, the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations.
- 2.1** **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby adopt those Findings and Statement of Overriding Considerations that support approval of this recommended project to allow for future consideration of funding.



Regional Project Location

Figure 1-1

FINDINGS

CALIFORNIA DEPARTMENT OF TRANSPORTATION FINDINGS FOR CONSTRUCTION OF STATE ROUTE 905 FROM INTERSTATE 805 TO THE OTAY MESA PORT OF ENTRY WITH MEXICO IN SAN DIEGO COUNTY, CALIFORNIA

The following information is presented to comply with Section 15091 of the State CEQA Guidelines and Section 1509.6 of the Department of Transportation and California Transportation Commission Environmental Regulations. Reference is made to the Final Environmental Impact Report (FEIR) for the project, which is the basic source for the information.

The following effects have been identified in the EIR as resulting from the project. Effects found not to be significant have not been included.

Hazardous Materials

Adverse Environmental Effect:

The Preferred Alternative will be subject to hazardous materials impacts given that it will impact the "Tripp Landfill," Cactus Recycling, and numerous undocumented refuse piles. It is anticipated that the impacts will be primarily limited to the Tripp Landfill. These impacts will be mitigated to below a level of significance.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

Department standard specifications and requirements will be followed regarding hazardous materials. Grading and construction activities will be monitored to identify such materials. If hazardous materials are discovered during construction, the resident engineer will halt work in the area of concern, flag the area, and notify the Department's District Hazardous Waste Coordinator. When appropriate, the Coordinator will initiate the District's hazardous materials program to notify a HAZMAT team in the region, arrange for waste sampling and identification, and follow established procedures for cleanup. Best Management Practices will be followed. This will include measures to avoid or minimize the potential influx of contaminants into local runoff and surface waters. Specifically, such measures will include the use of vegetation-lined retention and detention

basins to hold and filter runoff from the project site and minimize runoff discharge into sensitive habitats (including vernal pools).

During operation of the project, the Department will follow standard operations and maintenance procedures to maintain the road. As part of these standard procedures, the Department developed a standard Hazardous Waste and Spill Response Plan, which will be implemented to reduce risks of potential hazardous waste spills.

The Department will work closely with government regulators having oversight of the Tripp Landfill during design and construction of the proposed project to ensure that design and construction occur in a manner that is compatible with the remedial plan for the landfill. The project design team and contractors are prepared to address mitigation contingencies for this site, including implementation of an operations and maintenance program following completion of the project. Any disturbance to the Tripp Landfill will require 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*. The SHSP will address the need for site workers to be informed and trained under the OSHA Hazardous Waste Operations and Emergency Response standard, 19 CFR 1910. The CHSP will address potential exposure to adjacent properties and the general public, and prescribe control measures to protect the public from exposure to toxic substances during project activities.

Provided the mitigation measures and standard requirements discussed above are implemented, it is anticipated that no significant hazardous materials impacts will be associated with project implementation.

Paleontological Resources

Adverse Environmental Effect:

The Preferred Alternative will have impacts to paleontological resources (deposits) which contain high- and moderate-sensitivity paleontological resources known to include diverse and well-preserved fossil assemblages of marine vertebrates and invertebrates in the Pliocene-aged (2-3 million years old), well-preserved fossil assemblages of terrestrial vertebrates in the Oligocene-aged (30 million years old), and usually poorly preserved fossils of marine invertebrates and rare fossil remains of terrestrial mammals in the Pleistocene-aged (1-2 million years old). These impacts will be mitigated to below a level of significance.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

Potential impacts caused by grading will be mitigated by implementation of a comprehensive program of construction monitoring, fossil salvage, fossil preparation, fossil curation, fossil storage, and summary report preparation.

Details of the program are as follows:

- A qualified paleontologist will be at the pre-construction meeting to consult with the grading and excavation contractors concerning excavation schedules, paleontological field techniques, and safety issues.
- A paleontological monitor will be on-site at all times during the original cutting of previously undisturbed deposits of high sensitivity formations to inspect exposures for fossils. A paleontological monitor will be on site on a half-time basis to inspect cuts in moderate sensitivity formations. In the event that fossils are discovered in moderate sensitivity formations, it may be necessary to increase the amount of monitoring time. Conversely, if fossils are not being found in these rock units, the monitoring may be reduced. Mitigation and monitoring will not be necessary when grading occurs in areas of low or zero sensitivity.
- When fossils are discovered, the paleontologist (or paleontological monitor) will recover them. In most cases, this fossil salvage can be completed in a short period of time. However, some fossil specimens, such as a complete large mammal skeleton, may require an extended salvage period. In these instances, the paleontologist (or paleontological monitor) will be allowed, using the assistance of the project's Resident Engineer, to temporarily direct, divert, or halt grading to allow the recovery of these large fossil remains. Because of the potential for the recovering of small fossil remains, such as isolated mammal teeth, it may be necessary to set up a screen-washing operation on the site.
- Fossil remains collected during the monitoring and salvage portion of the mitigation program will be cleaned, repaired, sorted, and cataloged.
- Prepared and cataloged fossils, along with copies of all pertinent field notes, photos, and maps, will be deposited (as a donation) in a scientific institution with permanent paleontological collections, such as the San Diego Natural History Museum. Appropriate steps for curation will be taken.
- A final report will be completed by the qualified paleontologist summarizing the results of the mitigation program. This report should include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils. The report should also contain an inventory of all cataloged fossil remains.

Noise

Adverse Environmental Effect:

The Preferred Alternative will have impacts to three residences along Cactus Road given the severity of the noise impact. These will be mitigated to below a level of significance.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

Noise barriers, which will provide a 5dBA noise reduction, are proposed for two of the residences.

Visual

Adverse Environmental Effect:

The Preferred Alternative will impact the visual quality within the project corridor because the project will be highly visible and it will cause major changes in the existing views and landform. This impact will be mitigated to below a level of significance.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

Removal of mature eucalyptus trees from the grove at the project's west end will be mitigated by extensive planting. Five trees will be planted for each tree removed. This ratio is justified given the fact that the very large mature trees that will be lost could not be visually replaced with smaller container plant material. Sycamores, willows, oaks, or other indigenous trees are recommended as the most appropriate trees to plant. The disturbed slopes at the crest of the hill, and the abandoned Otay Mesa Road segment (within the project footprint) will be the most likely locations for this tree replacement mitigation. Care will be taken to avoid planting trees in areas where westbound drivers currently have a distant ocean view (generally at the crest of the hill prior to heading down to I-805).

Graded and disturbed slopes will be planted with appropriate vegetation in conjunction with erosion control plans. Native seed may be necessary to provide appropriate cover and protection from erosion during the establishment periods. Native habitat will be restored adjacent to Route 905 within the MHPA, and in the canyon at the west end. Non-native seed mixes and shrubs may be used along other portions of the alignment alternatives. The final seed mix design will be developed by the District Landscape Architect and District Biologist. Neither a non-irrigated hydroseed mix nor straw are considered adequate for the purposes of erosion control and visual mitigation. Supplemental water through an irrigation system will be required to assure establishment. This is also the case for all plantings. Revegetation of canyon slopes will emphasize the canyon bottom with riparian species of trees such as sycamore, willow and cottonwood. Upper slopes will mimic adjacent species and include shrub masses in a similar form and density as found on adjacent slopes. Trees and shrub masses will be used to help meander the appearance of slopes, screen bridges/ abutments and walls.

Above-standard landscape treatments will be used east of Caliente Avenue, with an emphasis on drought-tolerant native and non-native plants (trees, shrubs, and ground covers) that once established, can survive with little to no irrigation or maintenance. Trees will be massed in low points along the right-of-way to de-emphasize adjacent slopes. Though not considered as above standard landscape treatments, the median will contain a combination of native/naturalized grasses and flowers. Above-standard plantings will occur for all canyon fills and grading to help blend the disturbance back into the native slopes.

Mitigation for landform changes will include an effort at rounding slopes (toe, top, and ends), blending slopes back into the natural landform, and providing a variation in slope steepness and extent. Slight variations in final surface form, the avoidance of flat-topped fill slopes, and the elimination of a constant grade (with less than 10% variation in height and slope angle) cut slopes will mitigate this impact.

Any required brow ditches and other drainage structures will be screened by vegetation. Design of drainages will consider use of other materials rather than concrete (such as geo-fabric or vegetation); if concrete is required for hydraulic reasons, it will be stained to lower the reflectivity and decrease the contrast with the color, tone, and texture of the adjacent undisturbed areas.

The impacts associated with retaining or noise walls will be reduced with the addition of split-face block worked into interesting geometric patterns with the precision cut block. The planting of vines will also minimize graffiti and reduce the monotonous surface by adding color and texture. Anti-graffiti treatment will also be needed on these walls. For walls greater than two-meters (six-feet) in height, walls with surface variations should be used.

Biological Resources

Adverse Environmental Effect:

The Preferred Alternative will have direct impacts to vernal pools and their associated endemic plant species (San Diego button-celery). The Preferred Alternative will have significant impacts (due to cumulative effects) to vernal pools and their associated endemic plant species (San Diego button-celery) even with mitigation. These are considered significant impacts because of the sensitivity of these resources, the rarity of these resources in San Diego County, and their regional significance.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

For the Preferred Alternative's impacts to vernal pools mitigation will involve the enhancement, restoration/creation, and preservation of pool habitat located within or adjacent to the MHPA in Otay Mesa on the Wall-Hudson property at a ratio of 3:1 and 2:1. Additionally, a ratio of 10:1 will be applied to the acreage of pools, disturbed by construction, to generate the watershed values necessary to sufficiently support the pool complexes. A conceptual wetland mitigation plan was prepared and submitted to the appropriate regulatory agencies for review and consideration. A final plan will be prepared by the Department and approved by the USFWS and other regulatory agencies prior to the start of construction. All enhancement/restoration activities will commence the first summer/fall season prior to or concurrently with the start of construction. The following criteria will be included in the plan:

- A hydrologic evaluation and map of the enhanced and restored vernal pools and contributing watersheds will be prepared.
- The grading for the enhanced and restored pools will be conducted under the direction of a qualified biologist with a minimum three years of vernal pool restoration experience approved by the USFWS.
- Grading plans for the enhanced and restored pools will have 0.15 meter (0.5 foot) topographic contours. The grading plans will specify the areas of existing habitat which are to remain unaffected by enhancement/restoration activities. Grading will be done using a bobcat or small tracked dozer with ripping tines and slopeboards, rubber-tired

loaders and a sheeps-foot for mound construction. All grading within the upper margins of existing pools will be done with hand tools.

- Native plants and animals will be restored within the enhanced and restored pools and their watersheds. This will be accomplished by redistributing topsoil containing seeds, spores, bulbs, eggs, and other propagules from adjacent vernal pool and upland habitats; by the translocation of propagules of individual species from off-site habitats; and by the use of commercially available native plant species. Topsoil and plant materials from the native habitats to be impacted on-site will be applied to the watersheds of the enhanced and restored pools to the maximum extent practicable. Exotic weed control will be implemented within the restoration areas to protect and enhance habitat remaining on-site. The Plan will include success criteria for restoring native plants and animals.
- A 6-year maintenance and monitoring program for the enhanced and restored pools and their contributing watersheds will be implemented. The monitoring program will consist of quantitative hydrological, viable cyst, hatched fairy shrimp, and gravid female measurements, complete floral and fauna inventories, quantitative vegetation transects, and photographic documentation.
- If a performance criterion is not met for any of the enhanced and restored pools in any year, or if the final success criteria are not met, the Department will prepare an analysis of the cause(s) of failure and, if deemed necessary by the USFWS, propose remedial actions for approval. If any of the enhanced/restored pools have not met a performance criterion during the initial 6-year period, the Department's maintenance and monitoring obligations will continue until the USFWS deems the enhancement/restoration successful, or contingency measures must be implemented.
- Perimeter fencing on the west side of the mesa top at Wall-Hudson will be installed prior to construction.
- Annual reports will be submitted to the USFWS by August 1 of each year. These reports will assess both the attainment of yearly success criteria and progress toward the final success criteria. The reports will also summarize compliance with the measures discussed in the Biological Opinion.

All habitats to be restored, enhanced, and/or preserved will be managed and preserved in perpetuity.

All contour grading conducted near those vernal pools (within the Preferred Alternative's alignment and restoration areas) which support button celery will implement the following measures:

- Grading activities within the watershed of the button celery pools will be done when the soil is dry and outside the rainy season to minimize potential impacts to the avoided and enhanced/restored pools (unless erosion control measures approved by the USFWS and RWQCB are in place).
- For impacted watersheds which will continue to serve the remaining vernal pools after Route 905 is constructed, contour grading will occur to create an area of watershed equal to that lost through project construction. The final grading plans near vernal pools will be approved by the USFWS and other regulatory agencies and incorporated into the upland restoration plan.

The Department will staff a qualified biologist with a minimum three years of vernal pool experience who will be responsible for overseeing compliance with protective measures. The biologist will be approved by the USFWS and will have the authority to halt all associated project activities, which may be in violation of the terms and conditions of the Biological Opinion. This biologist will notify the USFWS within 24 hours of any observed violation.

Prior to any disturbance of the pool(s) which supports San Diego button-celery, all seed from button celery plants will be collected, placed in paper bags, and stored in a cool, dry location following USFWS recommended guidelines. The topsoil from the vernal pool will be salvaged, stockpiled, and redistributed into enhanced pools on Wall-Hudson. The collected seed will be sown/broadcast in the same locations as the reapplied soil or onto other appropriate habitat. All plants will be removed with hand tools by digging up the root system and surrounding soil. These individuals and their associated soil will be placed in temporary containers and stored out of direct sunlight. All individuals will be replanted within the post-grading, upper pool margins at Wall-Hudson. Button celery propagules will not be introduced into the restored pools until after the pools have been demonstrated to retain water for a minimum of 60 days. Salvaged plants will be planted to the same rooting depth as existed in the original pool.

Collected button celery seed will be introduced along the upper margins of all enhanced and restored pools once these restored/enhanced pools meet first year hydrology success criteria as per the approved restoration plan. Some seed will be stored off-site and according to horticultural practices. This seed will be used to inoculate the enhanced and restored pools in the event that initial inoculation fails. If the initial inoculation is successful, then the seed can be used for off-site restoration activities within the Dennery Canyon/Spring Canyon

watersheds as approved by the USFWS. The final details of the restoration effort will be outlined in the USFWS approved restoration plan for Wall-Hudson.

Adverse Environmental Effect:

The Preferred Alternative will have direct impacts to invertebrate species (San Diego fairy shrimp and Riverside fairy shrimp) associated with vernal pools. These impacts will be mitigated to a level below significance.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

For the Preferred Alternative's impacts to vernal pools and road pools with fairy shrimp, mitigation will involve the enhancement, restoration/creation, and preservation of pool habitat located within or adjacent to the MHPA in Otay Mesa on the Wall-Hudson property at a ratio of 3:1 and 2:1. Additionally, a ratio of 10:1 will be applied to the acreage of pools, disturbed by construction, to generate the watershed values necessary to sufficiently support the pool complexes. A conceptual wetland mitigation plan was prepared and submitted to the appropriate regulatory agencies for review and consideration. A final plan, outlining the details and implementation schedule of all enhancement/restoration of the vernal pools will be prepared by the Department and approved by the USFWS and other regulatory agencies prior to the start of construction. All enhancement/restoration activities will commence the first summer/fall season prior to or concurrently with the start of construction. The following criteria will be included in the plan for enhancement/restoration of fairy shrimp pools and their contributing watersheds:

- A hydrologic evaluation and map of the enhanced and restored vernal pools and contributing watersheds will be prepared. The evaluation must demonstrate that the watersheds of newly restored pools will provide the appropriate amount of water for fairy shrimp without impacting the watersheds of existing vernal pools currently supporting San Diego fairy shrimp.
- The grading for the enhanced and restored pools will be conducted under the direction of a qualified biologist with a minimum three years of vernal pool restoration experience approved by the USFWS.
- Grading plans for the enhanced and restored pools will have 0.15 meter (0.5 foot) topographic contours. The grading plans will specify the areas

of existing habitat which are to remain unaffected by enhancement/restoration activities. Grading will be done using a bobcat or small tracked dozer with ripping tines and slopeboards, rubber-tired loaders and a sheeps-foot for mound construction. All grading within the upper margins of existing pools will be done with hand tools.

- The number, location, and design of vernal pools to support Riverside fairy shrimp will be coordinated with the Service.
- Measures will be incorporated to prevent the introduction of versatile fairy shrimp into enhancement/restoration areas.
- Enhancement/restoration success will be determined by measuring the ponding of water; and density of viable cysts, hatched fairy shrimp, and gravid females within the enhanced/restored ponds. Water measurements will be taken in the enhanced/restored ponds to determine the depth, duration, and quality of ponding. Dry samples will be taken in the enhanced/restored pools to determine the density of viable cysts in the soils. Wet samples will also be taken in the enhanced and restored pools to determine the density of hatched fairy shrimp and gravid females. The enhanced and restored pools must pond for a period of time similar to that of reference vernal pools during an average rainfall year and at an appropriate depth and quality to support fairy shrimp. The enhanced and restored pond's average viable cyst, hatched fairy shrimp, and gravid female density must not differ significantly from reference pools for at least three wet seasons before a determination of success can be made.
- Native plants and animals will be restored within the enhanced and restored pools and their watersheds. This will be accomplished by redistributing topsoil containing seeds, spores, bulbs, eggs, and other propagules from adjacent vernal pool and upland habitats; by the translocation of propagules of individual species from off-site habitats; and by the use of commercially available native plant species. Topsoil and plant materials from the native habitats to be impacted on-site will be applied to the watersheds of the enhanced and restored pools to the maximum extent practicable. Exotic weed control will be implemented within the restoration areas to protect and enhance habitat remaining on-site. The Plan will include success criteria for restoring native plants and animals.
- A 6-year maintenance and monitoring program for the enhanced and restored pools and their contributing watersheds will be implemented. The monitoring program will consist of quantitative hydrological, viable cyst, hatched fairy shrimp, and gravid female measurements, complete floral and fauna inventories, quantitative vegetation transects, and photographic documentation.

- If a performance criterion is not met for any of the enhanced and restored pools in any year, or if the final success criteria are not met, the Department will prepare an analysis of the cause(s) of failure and, if deemed necessary by the USFWS, propose remedial actions for approval. If any of the enhanced/restored pools have not met a performance criterion during the initial 6-year period, the Department's maintenance and monitoring obligations will continue until the USFWS deems the enhancement/restoration successful, or contingency measures must be implemented.
- Perimeter fencing on the west side of the mesa top at Wall-Hudson will be installed prior to construction.
- Annual reports will be submitted to the USFWS by August 1 of each year. These reports will assess both the attainment of yearly success criteria and progress toward the final success criteria. The reports will also summarize compliance with the measures discussed in the Biological Opinion.

All habitats to be restored, enhanced, and/or preserved will be managed and preserved in perpetuity. Restrictive covenants and prohibited uses will be placed in the deed for Wall-Hudson, Bonita Meadows, and the La Media drainage, and these sites will be managed according to a USFWS approved Long-Term Management Plan. The draft deed and Long-Term Management Plan will be approved by the USFWS prior to the start of construction.

Because stored fairy shrimp cyst viability may decrease and the probability that cysts may otherwise be harmed in storage also increases over time, any temporal loss of vernal pools caused by delays in initiating restoration shall be compensated through additional fairy shrimp occupied vernal pool preservation and/or restoration at a 0.5:1 ratio for every 6 months of delay. The USFWS shall waive the requirement for additional vernal pool preservation and/or restoration only if a justification for any delay is provided in writing and the USFWS concur with the justification.

All contour grading conducted near those vernal pools (within the Preferred Alternative's alignment and restoration areas) which support federally listed species will implement the following measures:

- Grading activities within the watershed of the fairy shrimp and button celery pools will be done when the soil is dry and outside the rainy season to minimize potential impacts to the avoided and enhanced/restored pools (unless erosion control measures approved by the USFWS and RWQCB are in place).

- For impacted watersheds which will continue to serve the remaining vernal pools after Route 905 is constructed, contour grading will occur to create an area of watershed equal to that lost through project construction. The final grading plans near vernal pools will be approved by the USFWS and other regulatory agencies and incorporated into the upland restoration plan.

The Department will staff a qualified biologist with a minimum three years of vernal pool experience who will be responsible for overseeing compliance with protective measures for the fairy shrimp. The biologist will be approved by the USFWS and will have the authority to halt all associated project activities, which may be in violation of the terms and conditions of the Biological Opinion. This biologist will notify the USFWS within 24 hours of any observed violation.

Within the Preferred Alternative's footprint, the soil of all pools supporting San Diego or Riverside fairy shrimp will be salvaged and stored off-site. Vernal pool soil (inoculum) will be collected when dry to avoid damaging or destroying fairy shrimp cysts. A hand trowel or similar instrument will be used to collect the inoculum. Whenever possible, soil will be collected in chunks. The trowel will be used to pry up intact chunks of soil, rather than loosening the soil by raking and shoveling.

The soil from each pond will be stored individually in labeled boxes that are adequately ventilated and kept out of direct sunlight in order to prevent the occurrence of fungus or excessive heating of the soil, and stored off-site at an appropriate facility for vernal pool inoculum. Soil will not be collected from any on-site ponds until approved by the USFWS. Soil collected from pools only containing San Diego fairy shrimp will be stored off-site until an appropriate location on Otay Mesa near Spring Canyon is found to accept the inoculum, as coordinated and approved by the USFWS.

The salvaged soil from the pools containing both Riverside and San Diego fairy shrimp cysts will be used to inoculate restored pools at Wall-Hudson. Following the Wall-Hudson restoration plan, the restored pools to be inoculated with Riverside fairy shrimp will be recontoured deep enough to pond water long enough to support Riverside fairy shrimp. Inoculum will not be introduced into the restored pools until after the restored ponds have been demonstrated to retain water for a minimum of 60 days, and will be placed in a manner that preserves, to the maximum extent possible, the orientation of the fairy shrimp cysts within the surface layer of soil.

Adverse Environmental Effect:

The Preferred Alternative will have direct impacts to Diegan coastal sage scrub and the California gnatcatcher which inhabits this habitat. These are sensitive resources with regional significance. These impacts will be mitigated to a level below significance.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

The Preferred Alternative's impacts to Diegan coastal sage scrub will be mitigated at a ratio of 1:1. An estimated 5.0 hectares (12.3 acres) of Diegan coastal sage scrub will be preserved.

Sensitive plants occur within Diegan coastal sage scrub habitat and those that will be impacted by construction activities will be transplanted to the Wall-Hudson parcel. In general, transplantation allows for the movement of soil biota and the retention of local genetic structure from the project area to the mitigation site. A qualified biologist will oversee any seed collection or removal and transplantation of sensitive plants to assist with the revegetation effort.

Mitigation for the coastal California gnatcatcher will be accomplished through the mitigation measures for maritime succulent scrub and Diegan coastal sage scrub. Additionally, the following mitigation measures will be implemented to further reduce impacts to sensitive animal species. All vegetation within the Preferred Alternative's footprint will be cleared between September 1 and February 14 to avoid the gnatcatcher breeding season and minimize impacts to migratory birds and raptors. If clearing activities must occur during the gnatcatcher breeding season, then pre-construction surveys will be conducted to ensure that no breeding gnatcatchers or nesting birds are present within or immediately adjacent to the proposed clearing area. Should a breeding gnatcatcher or nest be located, the USFWS will be contacted and discussions will commence to determine how to proceed.

Immediately prior to delineating ESAs or clearing of maritime succulent scrub and Diegan coastal sage scrub, the biologist will survey the Preferred Alternative for gnatcatchers. If gnatcatchers are found within the footprint outside of the breeding season, the biologist will direct construction personnel to begin initial vegetation clearing/grubbing in an area away from the gnatcatchers. In addition, the biologist will walk ahead of the clearing/grubbing equipment to flush birds towards areas of maritime succulent scrub and Diegan coastal sage scrub to be

avoided. It will be the responsibility of the biologist to ensure that gnatcatchers will not be injured or killed by initial vegetation clearing/grubbing. The biologist will also record the number and map the location of gnatcatchers disturbed by initial vegetation clearing/grubbing or project construction and report these numbers and locations to the USFWS within 24 hours.

The following measures will be implemented at the Wall-Hudson and Bonita Meadows restoration sites to avoid and minimize effects to gnatcatchers during the five-year restoration period:

- When maintenance and monitoring activities are conducted during the gnatcatcher breeding season, a qualified biologist will conduct surveys for nesting gnatcatchers no more than one week prior to the start of proposed activities.
- If nesting gnatcatchers are observed on-site, no maintenance activities will be conducted within 30 meters (100 feet) of a gnatcatcher nest (exclusion zone), except repairs to broken irrigation lines. If an irrigation line is broken and workers need to encroach into the exclusion zone, then the Department and the USFWS will be notified immediately. Prior to maintenance workers accessing the exclusion zone, the Department and the USFWS will determine the most appropriate timing and method of repair without causing harm to the nest and/or the nesting pair.

Herbicide application will occur outside of the exclusion zone to avoid drift towards the nest. Only hand spraying downwind of the nest will be allowed. An education program will be implemented to ensure that all maintenance workers know the location of all gnatcatcher nests and are aware of the above described conservation measures.

Adverse Environmental Effect:

The Preferred Alternative will have direct impacts to maritime succulent scrub, a sensitive resource with regional significance. This impact will be mitigated to a level below significance.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

The Preferred Alternative's impacts to maritime succulent scrub will be mitigated at a ratio of 2:1. An estimated 2.6 hectares (6.4 acres) of maritime succulent scrub will be preserved.

Sensitive plants occur within maritime succulent scrub habitat and those that will be impacted by construction activities will be transplanted to the Wall-Hudson parcel. In general, transplantation allows for the movement of soil biota and the retention of local genetic structure from the project area to the mitigation site. A qualified biologist will oversee any seed collection or removal and transplantation of sensitive plants to assist with the revegetation effort.

Growth

Adverse Environmental Effect:

The Preferred Alternative will have a significant impact (due to secondary/indirect effects) on growth in Otay Mesa and East Otay Mesa. This is considered a significant impact because the environmental impacts from continued development/growth will result in loss of biological, cultural, and open space resources, loss of land suitable for agriculture, and increased noise/air pollution.

Findings:

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Statement of Facts:

Mitigation for cumulative growth impacts is governed by the local land use plans, which provide for orderly, timely, and environmentally-sensitive land use development. Additional infrastructure and public service needs resulting from future developments will be the responsibility of developers as directed by local agencies and utility districts. No measures are proposed for this project to mitigate growth impacts. The impacts of and necessary mitigations for the developments on Otay Mesa are discussed in the respective project environmental documents processed through the local jurisdictions.

STATEMENT OF OVERRIDING CONSIDERATIONS

CALIFORNIA DEPARTMENT OF TRANSPORTATION STATEMENT OF OVERRIDING CONSIDERATIONS FOR CONSTRUCTION OF STATE ROUTE 905 FROM INTERSTATE 805 TO THE OTAY MESA PORT OF ENTRY WITH MEXICO IN SAN DIEGO COUNTY, CALIFORNIA

The following information is presented to comply with Section 15093 of the State CEQA Guidelines, and Section 1509.6 of the Department of Transportation and California Transportation Commission Environmental Regulations. Reference is made to the Final Environmental Impact Report (FEIR) for the project, which is the basic source for the information.

The following impacts have been identified as significant and not fully mitigable:

Biological Resources Impacts

The impacts of the project on vernal pools and an associated endemic plant species (San Diego button-celery) are considered cumulatively significant even with mitigation.

Growth Impacts

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, will 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.

Mitigation for cumulative growth impacts is governed by the local land use plans, which provide for orderly, timely, and environmentally-sensitive land use development. Additional infrastructure and public service needs resulting from future developments will be the responsibility of developers as directed by local agencies and utility districts. No measures are proposed for this project to mitigate growth impacts. The impacts of and necessary mitigations for the developments on Otay Mesa are discussed in the respective project environmental document processed through the local jurisdictions.

Overriding considerations that support approval of this recommended project are as follows:

Project Benefits

The project purpose is to provide for effective transportation of people, goods, and services between Interstate 805 and the Otay Mesa Port-of-Entry. Project objectives include alleviating existing traffic congestion, improving safety on Otay Mesa Road, providing adequate transportation facilities for the associated growth from planned and approved developments, and completing a major transportation corridor between Interstate 5 and the Otay Mesa Port-of-Entry. Route 905 represents an important link in the inter-regional and international transportation system included in the adopted San Diego Association of Governments Regional Transportation Plan.

There are several existing transportation needs in the Otay Mesa area of San Diego County. These have led to inadequate transportation service which will continue to deteriorate if the proposed project is not constructed. Otay Mesa Road was widened from a four-lane city street to a six-lane conventional highway to increase traffic capacity, however, it will reach its capacity by 2005. Therefore, Route 905 is needed to:

- improve traffic capacity for growth beyond the year 2005,
- serve the Otay Mesa Port-of-Entry,
- 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 Otay Mesa Road and an alternative commercial traffic access route to the Otay Mesa Port-of-Entry.

The Preferred Alternative

The following discussion explains the rationale for choosing the Preferred Alternative. The Preferred Alternative as also identified as the Least Environmentally Damaging Practicable Alternative by the Environmental Protection Agency, the United States Army Corps of Engineers, and the United States Fish and Wildlife Service.

After full consideration of the comments received on the Draft EIS/EIR and in coordination with federal and State regulatory agencies, a Preferred Alternative for the Route 905 Project was identified on September 22, 2003

Without consideration of natural resources, the Route 905 alternatives would have had comparable environmental impacts. The socioeconomic and auditory impacts and the impacts to farmland and water quality would have been similar

while the impacts to hazardous waste, air quality, cultural resources, and visual resources within the project area would have been essentially identical. The Department turned to the impacts on the biological and wetland resources in order to identify the alternative that clearly would have had the least amount of impact on the environment.

Several agencies in their comments to the DEIS/DEIR expressed their desire for the Department to identify the Freeway-Central Alignment Alternative as the Preferred Alternative. The Environmental Protection Agency noted that they believed that the Central Alignment was environmentally preferable because it would have fewer impacts to both vernal pools and other endangered species habitats. The U.S. Department of the Interior, Office of Environmental Policy and Compliance, noted that they supported the adoption of the Central Alignment given that it would impact the smallest acreage of vernal pools. The City of San Diego's Multiple Species Conservation Program (MSCP) staff recommended the approval of this alignment because it would have the least impact to vernal pools and other sensitive habitats. However, it must be noted that these opinions were all based upon the Department spanning Spring Canyon with a bridge. A bridge is now proposed, and the following impact discussion includes the latest design with a bridge, along with other design changes made to minimize impacts.

All the alignments will result in the displacement of jurisdictional areas overseen by the U.S. Army Corps of Engineers (ACOE) and California Department of Fish and Game (CDFG). Current calculations indicate that the magnitude of impacts will be 3.43 ha (8.49 acres) (ACOE) and 4.85 ha (11.98 acres) (CDFG) for the North Alignment Alternative, 3.10 ha (7.68 acres) (ACOE), and 4.37 ha (10.82 acres) (CDFG) for the Central Alignment Alternative, and 3.09 ha (7.66 acres) (ACOE), and 4.65 ha (11.51 acres) (CDFG) for the South Alignment Alternative for those areas regulated by the two regulatory agencies.

Based on survey results from 2002 and 2003, it is anticipated that nine federally/state-listed species will be directly or indirectly affected by the extension of Route 905; including five plant, three invertebrate, and one avian species.

Disturbance to four listed plant species within the Otay Corporate Center South (OCCS) would result with implementation of the North Alignment Alternative. An unknown number of San Diego button celery, spreading navarretia, Otay Mesa mint, and California Orcutt grass would be directly and permanently removed. The Central Alignment Alternative will have fewer overall impacts, but will contribute to the displacement of approximately 15 button-celery located in a vernal pool south of the OCCS preserve. The South Alignment Alternative, although not affecting the San Diego button-celery, would indirectly impact 5,140 Otay tarplant, 40 spreading navarretia, and 7 Otay Mesa mint due to encroachment into a vernal pool watershed. Nine other plant species, designated as sensitive by the resource agencies or the California Native Plant Society, will be permanently disturbed by the proposed Route 905 project,

including: San Diego County needle grass, San Diego bur-sage, seaside calandrinia, western dichondra, variegated dudleya, cliff spurge, San Diego barrel cactus, and San Diego County sunflower. Although each alignment will impact all these species, the number of plants displaced will differ between the three designs. Moreover, the North and Central Alignment Alternatives would indirectly affect 286 and six individuals, respectively, of the little mousetail, which lie beyond the footprint of the South Alignment.

Both the Riverside fairy shrimp and the San Diego fairy shrimp will be affected, to varying degrees, by the three alignment alternatives. For the North Alignment Alternative, impacts would be largely occurring within the OCCS preserve and generate the greatest overall disturbance. As estimated, a total of seven complexes supporting the Riverside fairy shrimp and nine pools containing the San Diego fairy shrimp would be directly displaced by this roadway design. Project activities, associated with both the Central and South Alignment Alternatives, would be less in magnitude than the North alignment, but would still cause removal of one Riverside and four San Diego fairy shrimp populations. All three alignments will indirectly affect one vernal pool occupied by the San Diego fairy shrimp through partial removal of the pool's associated watershed. Additionally, the South alignment would indirectly disturb Riverside fairy shrimp within one vernal pool and populations of both species within another.

In 2001, a female Quino checkerspot butterfly was anecdotally observed within the OCCS preserve. During that year, appropriate host plants and nectar sources existed along the rims of Spring Canyon. Given the location of the sighting, the North Alignment Alternative would cause a direct impact upon the species. However, as all three alignments will disturb habitat capable of supporting the Quino checkerspot butterfly, each alignment alternative will have some effect upon the species.

Implementation of the North, Central, or South Alignment alternatives will result in indirect impacts to a pair of coastal California gnatcatchers found within the West Segment of the project footprints. Other gnatcatchers, documented in the sage scrub extending between Old OMR and Heritage Road, could be affected by loss of breeding/foraging habitat or proximity to the planned construction and future roadway. Overall, the Central Alignment Alternative could indirectly disturb another gnatcatcher pair, the South Alignment Alternative could affect up to four additional gnatcatchers (one pair directly, one pair indirectly), and the North Alignment Alternative would have no other impacts upon the species.

Critical habitat for the San Diego fairy shrimp, Riverside fairy shrimp, and Quino checkerspot butterfly exists in proximity to the project site, but none is located within the footprint of the three proposed alignments. Overall, no direct/indirect destruction or adverse modification of designated critical habitat will be anticipated with implementation of the proposed project.

In addition to the jurisdictional habitat types, four other sensitive vegetation communities occur within the boundaries of the proposed alignments. Generally, impacts to maritime succulent scrub would be greatest for the North Alignment Alternative (1.9 hectares [4.6 acres]), with the roadway also generating the most disturbance to vernal pools (0.15 hectares [0.37 acres]). The Central Alignment Alternative will displace the least amount of vernal pools (0.05 hectares [0.14 acres]) and maritime succulent scrub (1.3 hectares [3.2 acres]), but have the largest impact to nonnative grasslands (54.2 hectares [134.1 acres]). In comparison, construction of the South Alignment Alternative would result in impacts to coastal sage scrub (7.6 hectares [18.7 acres]), which exceed that of either the North or Central Alignment alternatives, and affect the vernal pool complex supporting the only natural occurrence of Otay Mesa mint along the western mesa. Besides the sensitive vegetation communities, a unique soil series supporting desert-dwelling plants exists within the proposed project area. As estimated, a total of 3.6 hectares [8.8 acres] will be displaced by each of the alternatives within the West Segment (which is common to all alignment alternatives) of the roadway footprint.

The MHPA delineates areas with biological resources and wildlife corridors that have been deemed critical for purposes of long-term conservation. Overall, each of the three alignment alternatives will cause permanent loss of MHPA lands, but the South Alignment Alternative would disturb the most acreage (13.3 hectares [32.9 acres]) and the North Alignment Alternative would have the least impact on the conservation area (6.2 hectares [15.2 acres]). With respect to the OCCS preserve, only the North Alignment Alternative would contribute to the disturbance of the site, which supports a number of vernal pool complexes and several listed species including, the San Diego fairy shrimp, Riverside fairy shrimp, San Diego button-celery, spreading navarretia, California Orcutt grass, and Otay Mesa mint.

Collectively, the data will indicate that all three alignment alternatives impact sensitive resources, to some extent. However, the North Alignment Alternative generates comparatively higher levels of disturbance to ACOE/CDFG jurisdictional areas, vernal/road pools, and the OCCS preserve (with its associated listed species) than either the Central or South Alignment alternatives. In contrast, the South Alignment Alternative would affect a unique vernal pool complex supporting the Otay tarplant, spreading navarretia, Otay Mesa mint, and little mousetail, result in the largest loss of coastal sage scrub and MHPA lands, and potentially affect the greatest number of gnatcatchers relative to the other alternatives. Lastly, the Central Alignment Alternative will contribute most to the displacement of nonnative grasslands, but will completely avoid the OCCS preserve and the above mentioned vernal pool complex; the two most sensitive landscape features within the project area.

Consequently, the results demonstrate that in a comparison between the three alignment alternatives, the Central Alignment Alternative will have the least

impacts on listed/sensitive biological resources and, as such, will be the biologically preferred alternative for the proposed project.

The Department's Route 905 Design Team supports the identification of the Freeway-Central Alignment Alternative as the Preferred Alternative because it meets the minimum design requirements and it fulfills the project's purpose and need.

The design of the project is essentially the same as in the Draft EIS/EIR, however, in consideration of comments from the public and regulatory agencies, and upon further detailed resource analysis, the previous culvert design in Spring Canyon was replaced by a bridge design. This design change did not result in new impacts which are significant.

The benefits provided by the Preferred Alternative, as discussed above, outweigh the unavoidable adverse environmental effects. Despite the occurrence of significant environmental effects identified in the Final EIS/EIR, the proposed project (Preferred Alternative Alignment) will be of great benefit to San Diego County.