

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: October 29-30, 2008

Reference No.: 2.2c.(3)
Action Item

From: CINDY McKIM
Chief Financial Officer

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Environmental
Analysis

Subject: **APPROVAL OF PROJECT FOR CONSIDERATION OF FUNDING**
11-SD-11, PM 0.0/2.7
RESOLUTION E-08-16

RECOMMENDATION:

The Department of Transportation (Department) recommends that the California Transportation Commission (Commission), as a responsible agency, approve the attached Resolution E-08-16.

ISSUE:

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

- Route 11 in San Diego County – Construct a new four-lane highway at the border of Mexico from east of Route 905/Otay Mesa to future Route 125/905 junction (PPNO 0999, PPNO 1000).

This project in San Diego County will construct a new four-lane highway at the border of Mexico from east of the Route 905/Otay Mesa border crossing to the future Route 125/905 junction. The project is programmed with Trade Corridors Improvement Funds (TCIF), Interregional Improvement Program (IIP) funds, local funds, and federal demonstration funds. The project was programmed in two tiers. Tier 1 (PPNO 1000) was programmed in the 2008 State Transportation Improvement Program for approximately \$6.0 million in the IIP for environmental (PA&ED). Tier 2 (PPNO 0999) is programmed for approximately \$709 million in TCIF, IIP, local, and federal demonstration funds. The estimated cost of the project is \$715 million and is estimated to begin construction in Fiscal Year 2012-13.

A copy of the FEIR has been provided to Commission staff. Issues with the construction permanently removing paleontological resources, sensitive upland vegetative communities, hazardous waste, growth inducement, and the public controversy regarding the project resulted in an Environmental Impact Report (EIR) being completed for this project. Upon completion of the EIR, impacts related to growth and cumulative biological resources such as impacts to native and non-native grasslands, disturbed mule fat scrub and non-wetland Waters of the United States (WUS) / streambed, sensitive plants, and sensitive animals including burrowing

owl and the Quino Checkerspot Butterfly are anticipated to be significant and unmitigable for Phase II (project level). As a result, a Statement of Overriding Consideration was adopted.

The Department has approved this 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.

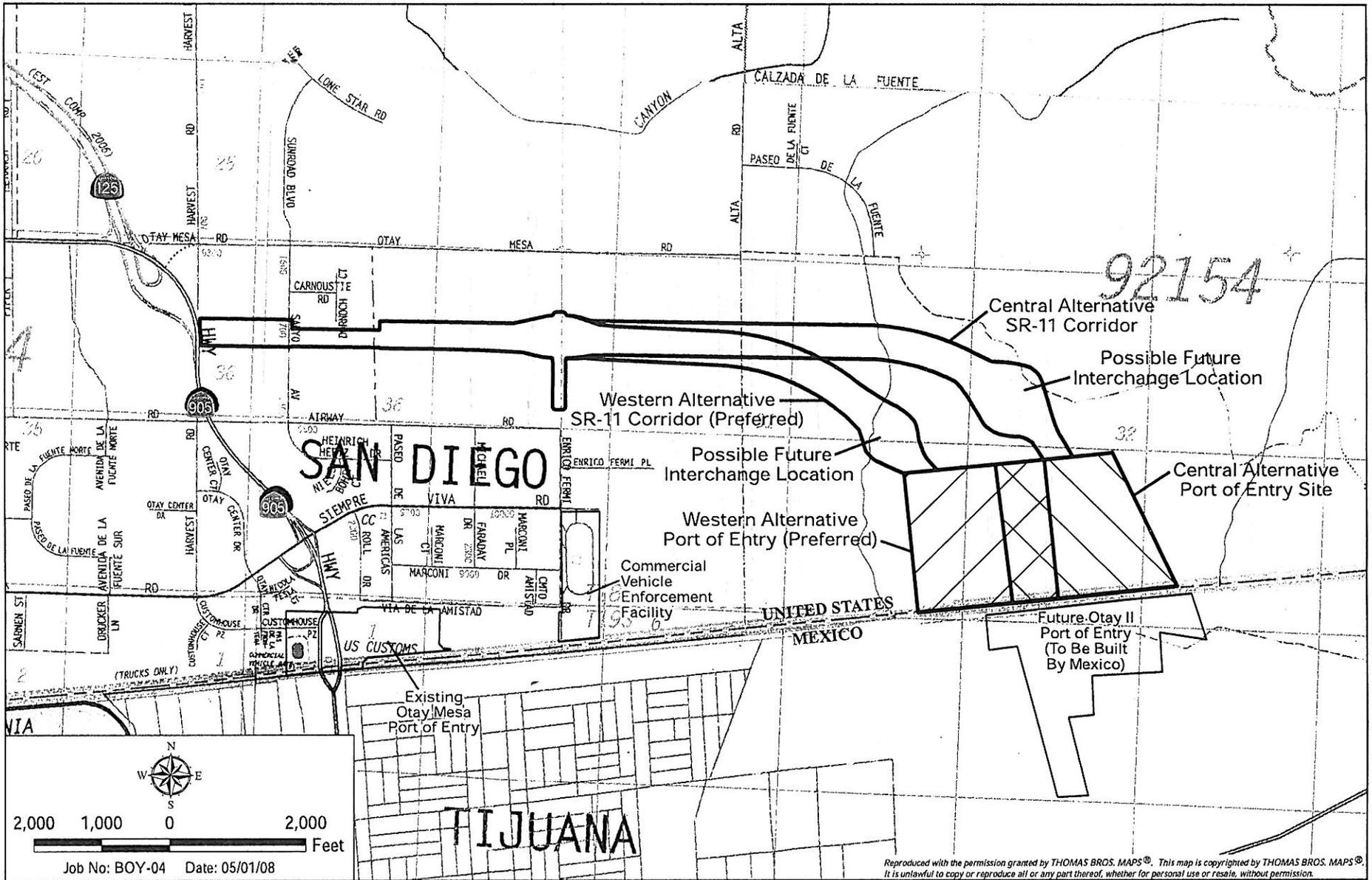
Attachments

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding 11-SD-11, PM 0.0/2.7 Resolution E-08-16

- 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 11 in San Diego County – Construct a four-lane highway at the border of Mexico from east of Route 905/Otay Mesa to future Route 125/905 junction.
- 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**, the Final Environmental Impact Report did identify significant effects after mitigation; and
- 1.5 **WHEREAS**, a Statement of Overriding Considerations was adopted and Findings were made pursuant to the State CEQA Guidelines.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby adopt the Findings and Statement of Overriding Considerations that support approval of the above referenced project to allow for future consideration of funding.

Attachments



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Vicinity Map

STATE ROUTE 11 AND OTAY MESA EAST PORT OF ENTRY PEIR/PEIS

Figure S-2

FINDINGS

CALIFORNIA DEPARTMENT OF TRANSPORTATION FINDINGS FOR STATE ROUTE 11 AND THE OTAY MESA EAST PORT OF ENTRY IN SAN DIEGO COUNTY, CALIFORNIA

The following information is presented to comply with Section 15901 of the State California Environmental Quality Act (CEQA) Guidelines and Section 1501 of the Department of Transportation and California Transportation Commission Environmental Regulations. Reference is made to the Final Program Environmental Impact Report/Phase I Environmental Impact Statement (Final PEIR/PEIS) for the project, which is the basic source for the information.

There are no significant impacts anticipated from the program-level project (Phase I).

A detailed analysis of impacts and mitigation for Phase II would be discussed in the future project-level Phase II environmental document(s). The potential future Phase II impacts that were considered to be potentially significant under CEQA, based on available data and anticipated design concepts, are discussed in Chapter 5 of the Final PEIR/PEIS, and are summarized below. Effects found not to be significant have not been included in these Findings.

Paleontological Resources

Adverse Environmental Effect:

Implementation of Phase II would have the potential to affect previously undisturbed areas of the high sensitivity Otay Formation, and previously undisturbed volcanoclastic units of the Santiago Peak Volcanics exhibiting moderate resource sensitivity. Impacts to such formations would be considered significant under CEQA. A detailed paleontological resources technical report would be prepared, which would include evaluation of any new potential impacts to paleontological resources within the footprint of the off-ramp to Enrico Fermi Drive that was previously approved as part of the SR-905 project. Potential impacts are anticipated to 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 PEIR/PEIS.

Statement of Facts:

If it is determined in Phase II that adverse impacts to paleontological resources could occur, a Paleontological Mitigation Plan would be prepared, in compliance with Caltrans and Federal Highway Administration (FHWA) requirements, as delineated within joint FHWA/Caltrans guidance. The Paleontological Mitigation Plan would likely include the following types of measures:

- The retention of a qualified principal paleontologist (M.S. or PhD in paleontology or geology familiar with paleontological procedures and techniques) to be present at pre-grading meetings and to consult with grading and excavation contractors;
- Retention of a qualified paleontological monitor, under the direction of the qualified principal paleontologist to inspect cuts for fossils at all times during original grading involving sensitive geologic formations (i.e., previously undisturbed areas of the Otay Formation and/or volcanoclastic members of the Santiago Peak Volcanics);
- Recovery of any encountered fossils by the paleontologist (or paleontological monitor) and halting or diverting construction work the area(s) of the fossil find(s) to allow recovery of fossil remains in a timely manner;
- Cleaning, repairing, sorting, and cataloging of fossil remains collected during the monitoring and salvage portion of the mitigation program;
- Depositing prepared fossils at a scientific institution with paleontological collections, along with copies of all pertinent field notes, photos, and maps;
- Completion of a final report that outlines the results of the mitigation program; and
- Where feasible, leaving selected road cuts or large finished slopes exposed in areas of critically interesting geology, to serve as important educational and scientific features, provided that no substantial adverse visual, hazard or other impact would result.

Hazardous Materials

Adverse Environmental Effect:

Implementation of Phase II would have the potential to cause impacts due to contamination from sources including previous agricultural operations, automobile salvage/storage, trash and debris deposits, sites listed on regulatory databases, and currently unknown sites. Such impacts would be considered significant under CEQA. A Preliminary Site Investigation (PSI) would be conducted to further characterize the presence or absence of suspected hazardous waste issues/materials. Potential impacts are anticipated to be mitigated to below a level of less than 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 PEIR/PEIS.

Statement of Facts:

Measures would be identified during Phase II to avoid, minimize or mitigate potential impacts that may occur related to hazardous waste issues/materials. A PSI would be conducted to further characterize the presence or absence of suspected hazardous waste issues/materials (petroleum hydrocarbons, pesticides, and herbicides) referenced in the Initial Site Assessment (ISA), including the auto salvage yard, agricultural staging area and previous agricultural use of the entire study area. During the PSI, handling and disposal of hazardous waste issues/materials would be conducted in accordance with applicable hazardous waste related Federal, State (including Department of Transportation) and local laws, regulations, practices, and standards. Other potential measures that could be identified during Phase II include:

- 1) preparation of a Hazardous Waste Management Plan that describes the required methods for testing, handling and disposal of any hazardous waste materials generated during construction, as well as contaminated soil or groundwater encountered during grading,
- 2) preparation of a site-specific Health and Safety Plan that includes measures to limit exposure of affected soil and/or groundwater to persons working on site and discusses use of proper Personal Protective Equipment and environmental monitoring (including air monitoring, as appropriate),
- 3) the requirement for persons working with hazardous materials to have training in accordance with Title 8 of the California Code of Regulations, and
- 4) the safe removal and disposal of any municipal trash and debris deposits that are encountered within proposed development areas, in accordance with applicable regulations.

Based on potential impacts related to the historical application of pesticides and herbicides, soil generated during construction activities (e.g., excavation and grading) may require characterization prior to export or reuse (i.e., to evaluate regulatory requirements related to such reuses if soil contamination is present). Additional assessment shall be performed if discolored soil suggestive of contamination or other potential issues is encountered, with the potential for such occurrences and associated regulatory requirements to be included in the construction specifications.

It is expected that required conformance with existing regulations, including the types of measures described above, would effectively avoid or address potentially significant hazardous waste/materials impacts in conjunction with future Phase II development. Detailed requirements would be determined during the Phase II process, when specific design and operational characteristics of the proposed facilities are known, and based on the existing conditions at the time that Phase II is initiated.

Natural Communities

Adverse Environmental Effect:

Implementation of Phase II would have the potential to cause impacts to native grassland and non-native grassland within the SR-11 Corridor and POE Sites. Such impacts would be considered significant under CEQA because grasslands offer foraging habitat for sensitive birds of prey such as the burrowing owl, northern harrier and white-tailed kite. Potential impacts are anticipated to 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 PEIR/PEIS.

Statement of Facts:

Avoidance, minimization and mitigation recommendations for implementation of the SR-11 Corridor and/or POE Site under Phase II would begin with the completion of a Natural Environment Study (NES) updating existing conditions information and evaluating in detail the potential impacts of the Phase II SR-11 and POE alternatives. This study would be completed in conformance with applicable Caltrans requirements, and would include specific measures to avoid, minimize or mitigate development impacts.

Typical measures to avoid or minimize adverse impacts and plan for potential future mitigation requirements during Phase II could include the following (precise measures would be determined during Phase II):

- Any impacts to sensitive habitat would require mitigation through revegetation, creation, enhancement and/or preservation. Sensitive upland vegetation communities within the program alternative boundaries for which impacts would require mitigation, and typical mitigation ratios required under the MSCP, are provided below. Specific mitigation ratios and measures would be determined in conjunction with the Phase II environmental document and through consultation with the appropriate permitting and resource agencies.

VEGETATION COMMUNITY	REQUIRED MITIGATION RATIO
Native grassland	2:1
Diegan coastal sage scrub (including disturbed) ¹	1.5:1
Non-native grassland	0.5:1
Non-native grassland (burrowing owl occupied)	1:1

¹ Mitigation ratios for coastal sage scrub habitat types are subject to NCCP Process Guidelines and are typically 1:1, 2:1 or 3:1 depending on habitat value for long-term conservation. Habitat value is defined in the NCCP Conservation Guidelines.

- Impacts to any patch of habitat that is subject to fragmentation should be avoided, if possible.
- As the dominant vegetation community impacted by either alternative (as well as many other projects in the Otay Mesa area), supporting the largest remaining population of burrowing owls in south County, the program's non-native grassland would present challenges for securing adequate mitigation. Opportunities for regional solutions would be explored as Phase II program details are developed, in cooperation with the permitting agencies and the County of San Diego, and in advance of completion of the Phase II environmental documents. Mitigation ratios for the acreage impacted by the identified alternative in Phase II would be developed in consultation with the permitting agencies. Impacts to non-native grassland may be mitigated through a combination of on-and off-site preservation, and/or participation in a fee-based program developed in consultation with the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), and County of San Diego that would address grassland conservation within the Otay Mesa and South County Segment of the Multiple Species Conservation Program (MSCP). Off-site mitigation could occur through direct purchase of land, by payment into a mitigation bank, or by participating in a fee-based program. Regional mitigation planning would focus on blocks of existing undeveloped land to the east that support diverse, high quality habitat harboring sensitive species.
- Specific mitigation measures that may be considered for burrowing owls that occupy the grassland areas are discussed below, under *Animal Species*.
- Impacts to native grassland and Diegan coastal sage scrub within the SR-11 Corridor or POE site should be minimized to the extent possible.
- For SR-11 Corridor and POE Site areas that overlap with an MSCP Minor Amendment Area Subject to Special Considerations, take authorization could occur through a Section 7 consultation and no MSCP-related impacts would occur. Furthermore, impacts to biological resources present within the MSCP designations during Phase II could be mitigated through negotiations with the USFWS under Section 7, and would reference the guidelines of the MSCP Subarea Plan.

Adverse Environmental Effect:

Implementation of Phase II would have the potential to cause indirect impacts or "edge effects" on sensitive vegetation communities occurring adjacent to the SR-11 Corridor and POE Site, including Diegan coastal sage scrub. Potential causes of indirect impacts include human and pet activity/intrusion in the area (e.g., parking on roadway shoulders and exiting vehicles, as well as littering), increased U.S. Border Patrol activity surrounding the new roadway and POE, landscape irrigation runoff, pesticide and/or fertilizer drift, roadway constituent runoff, and introduction of non-native species. Such impacts would be considered significant under CEQA. Potential impacts are anticipated to 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 PEIR/PEIS.

Statement of Facts:

Potential measures available to reduce edge effects during construction of SR-11 and the POE include use of construction fencing to clearly delineate the edge of allowable clearing and grading, requiring construction personnel to remain in fenced areas, prohibiting pets on construction sites, and construction monitoring to ensure compliance. Precise measures would be determined during Phase II.

Wetlands and Other Waters

Adverse Environmental Effect:

Implementation of Phase II would have the potential to cause impacts to disturbed mule fat scrub in the Western SR-11 Corridor and to non-wetland waters of the U.S. (WUS) and State in both the Western SR-11 Corridor and POE Site. Such impacts would be considered significant under CEQA. Potential impacts are anticipated to 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 PEIR/PEIS.

Statement of Facts:

Avoidance, minimization and mitigation recommendations for implementation of the SR-11 corridor and/or POE site under Phase II would begin with the completion of a NES updating existing conditions information and evaluating in detail the potential impacts of the Phase II SR-11 and POE alternatives. This study would be completed in conformance with applicable Caltrans requirements, and would include specific measures to avoid, minimize or mitigate development impacts. An updated jurisdictional delineation would be included within the Phase II NES reflecting conditions at the time of the Phase II delineation, and complying with the recently added significant nexus analysis and Arid West Supplement requirements. The delineation would be verified in the field with U.S. Army Corps of Engineers (ACOE) staff.

Typical measures that could be considered during Phase II to avoid, minimize or mitigate adverse impacts to wetlands and other waters include the following (precise measures would be determined during Phase II):

- Impacts to disturbed mule fat scrub and non-wetland WUS/streambed should be avoided and minimized to the maximum extent practicable through project design.

- Impacts to wetlands and non-wetland WUS/streambed would require mitigation. Current ratios per the MSCP are listed below; specific mitigation ratios and measures would be determined in conjunction with the Phase II environmental document and through consultation with the appropriate permitting and resource agencies.

WETLAND VEGETATION COMMUNITY	REQUIRED MITIGATION RATIO
Mule fat scrub (both alternatives)	3:1
Tamarisk scrub (Central Alternative)	1:1
Disturbed wetland (Central Alternative)	1:1
Non-vegetated channel/ Jurisdictional drainage (both alternatives)	1:1

- Compliance with Federal and State "no net loss" policies would require mitigation for direct impacts to disturbed mule fat scrub and/or non-wetland WUS/streambed to include a creation component at a minimum 1:1 ratio. The balance of required mitigation could be met through enhancement, restoration or a combination of the two. Opportunities for wetland mitigation would be explored as Phase II program details are developed, in cooperation with the permitting agencies and the County of San Diego, during preparation of the Phase II environmental documents.

Adverse Environmental Effect:

Implementation of Phase II would have the potential to cause indirect impacts or "edge effects" on jurisdictional habitats occurring adjacent to the SR-11 Corridor and POE Site. Such impacts would be considered significant under CEQA. Potential impacts are anticipated to 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 PEIR/PEIS.

Statement of Facts:

Potential measures available to reduce edge effects during construction of SR-11 and the POE include using Best Management Practices (BMPs) to avoid degradation of downstream water quality, using construction fencing to clearly delineate the edge of allowable clearing and grading, requiring construction personnel to remain in fenced areas, prohibiting pets on construction sites, and employing construction monitoring to ensure compliance.

Plant Species

Adverse Environmental Effect:

Implementation of Phase II would have the potential to cause impacts to two special-status plant species within the Western SR-11 Corridor: the small-flowered morning glory and the San Diego marsh-elder. Direct impacts also could occur to the 14 other special-status plant species not observed to date, but with the potential to occur within the program area. Such impacts would be considered significant under CEQA. Potential impacts are anticipated to 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 PEIR/PEIS.

Statement of Facts:

Avoidance, minimization and mitigation recommendations for implementation of the SR-11 corridor and/or POE site under Phase II would begin with the completion of a NES updating existing conditions information and evaluating in detail the potential impacts of the Phase II SR-11 and POE alternatives. This study would be completed in conformance with applicable Caltrans requirements, and would include rare plant surveys conducted to update existing data, as well as specific measures to avoid, minimize or mitigate development impacts.

If potential adverse direct impacts to sensitive plants are identified during Phase II, potential measures to avoid or minimize such impacts could include:

- Design of Phase II alternatives to avoid impacts to known populations of sensitive plants;
- Requiring pre-construction rare plant surveys prior to the initiation of construction activities, preferably during the blooming season for spring annuals (March through July), to determine the presence or absence of sensitive plant species on-site;
- Mitigation of impacts to sensitive plants through habitat restoration, creation and/or preservation, with mitigation ratios to be determined in consultation with the permitting agencies and mitigation plans prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques; and/or
- Translocation of plants from the impact area to an existing or planned preserve.

Restoration and revegetation plans would typically include: the location of the mitigation site; the plant species to be used, container sizes, and seeding rates; a schematic depicting the mitigation area; planting schedule; a description of the irrigation methodology; measures to control exotic vegetation on site; specific success criteria; a

detailed monitoring program; contingency measures should the success criteria not be met; and identification of responsible parties.

Adverse Environmental Effect:

Implementation of Phase II would have the potential to cause indirect impacts or "edge effects" on sensitive plant species occurring adjacent to the SR-11 Corridor and POE Site. Specifically, indirect impacts could occur to San Diego marsh-elder and San Diego barrel cactus observed at the northern edge of the Siempre Viva Interchange area of the Western SR-11 Corridor. Such impacts would be considered significant under CEQA. Potential impacts are anticipated to 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 PEIR/PEIS.

Statement of Facts:

Potential measures available to reduce edge effects during construction of SR-11 and the POE include using construction fencing to clearly delineate the edge of allowable clearing and grading, requiring construction personnel to remain in fenced areas, prohibiting pets on construction sites, and construction monitoring to ensure compliance. Precise measures would be determined during Phase II.

Animal Species

Adverse Environmental Effect:

Implementation of Phase II would have the potential to cause impacts to the red-diamond rattlesnake and two-striped garter snake within the Western SR-11 Corridor; to the coastal western whiptail, grasshopper sparrow, white-tailed kite, California horned lark, and San Diego black-tailed jackrabbit within the Western POE Site; and to the burrowing owl, northern harrier and loggerhead shrike, within the Western Corridor and POE Site. Such impacts would be considered significant under CEQA because each species is considered sensitive by the resource agencies. Furthermore, burrowing owl impacts within the Western Alternative would be considered significant under CEQA because the program area is one of the only remaining parts of the County where a breeding burrowing owl population occurs. Potential impacts are anticipated to 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 PEIR/PEIS.

Statement of Facts:

Avoidance, minimization and mitigation recommendations for implementation of the SR-11 corridor and/or POE site under Phase II would begin with the completion of a NES updating existing conditions information and evaluating in detail the potential impacts of the Phase II SR-11 and POE alternatives. This study would be completed in conformance with applicable Caltrans requirements, and would include specific measures to avoid, minimize or mitigate development impacts.

Development of mitigation for burrowing owls is of particular concern for permitting agencies, given that the project area supports the largest known population of burrowing owls within the county. As stated above, mitigation opportunities for regional solutions to address grassland impacts (including grassland occupied by burrowing owls) would be explored as Phase II program details are developed, in cooperation with the permitting agencies and the County of San Diego and in advance of completing the Phase II environmental documents.

From 2005 to date, Caltrans has worked with the County, City, USFWS and CDFG on measures to conserve burrowing owls on Otay Mesa. Caltrans has offered over 300 acres of its existing mitigation lands to be included in a comprehensive program. These lands were acquired for mitigation of species other than burrowing owls, but could be improved to accommodate burrowing owls. Recently, Caltrans worked with USFWS to install 21 artificial burrows on its Johnson Canyon Mitigation site. Caltrans will continue to work cooperatively to develop and implement a plan that would contribute to the conservation of burrowing owls on Otay Mesa.

If potential adverse direct impacts to sensitive animals are identified during Phase II, potential measures to avoid or minimize such impacts could include avoidance of impacts through redesign of program components or alignments, or temporary protection during construction. Specific measures for burrowing owl populations may include the following:

- Conducting a pre-construction survey for active burrows to avoid filling burrows or injuring the owls by burrow collapse, and setting up buffers around active burrows during the breeding season.
- Arranging passive or active relocation of owls that occur in areas where construction-related disturbance is unavoidable, which may consist of use of one-way doors, excavation of burrows to confirm they are empty, filling of the burrows to prevent occupation or reoccupation, and creation of new burrows within habitat preserve areas, as approved by CDFG.
- Cooperating in the exploration of regional solutions to secure adequate acreage for habitat-based mitigation for substantial impacts to sensitive species, including conservation of occupied burrowing owl habitat or conservation of lands appropriate for restoration, management, and enhancement of burrowing owl nesting and foraging requirements.

Adverse Environmental Effect:

Implementation of Phase II would have the potential to cause indirect impacts or "edge effects" on sensitive animal species adjacent to the SR-11 Corridor and POE Site. Potential causes of indirect impacts include human and pet activity/intrusion in the area (e.g., parking on shoulders and exiting vehicles; traffic incidents resulting in road kill incidents) and increased U.S. Border Patrol activity surrounding the new roadway and POE. Noise and vibration impacts, including blasting from the construction and operation of SR-11 and the POE could adversely impact sensitive animals, including nesting raptors and other bird species. Other indirect impacts to sensitive animal species could occur as a result of night lighting, habitat degradation and/or fragmentation, and introduction of non-native plant or animal species. Such impacts would be considered significant under CEQA. Potential impacts are anticipated to 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 PEIR/PEIS.

Statement of Facts:

Potential measures available to reduce edge effects during construction of SR-11 and the POE include conducting pre-construction surveys to identify nest sites, avoidance of construction adjacent to sensitive nesting birds during the breeding season or use of noise barriers to avoid substantial impacts to nesting birds; establishing acceptable buffers in coordination with the permitting agencies; use of construction fencing to clearly delineate the edge of allowable clearing and grading; requiring construction personnel to remain in fenced areas; prohibiting pets on construction sites; and construction monitoring to ensure compliance.

Threatened and Endangered Species

Adverse Environmental Effect:

Implementation of Phase II would have the potential to cause impacts to any of the seven threatened or endangered plant species not observed in the Western Alternative, but with the potential to occur in the program area. Such impacts would be considered significant under CEQA. Potential impacts are anticipated to 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 PEIR/PEIS.

Statement of Facts:

Avoidance, minimization and mitigation recommendations for implementation of the SR-11 corridor and/or POE site under Phase II would begin with the completion of a NES updating existing conditions information and evaluating in detail the potential impacts of the Phase II SR-11 and POE alternatives. This study would be completed in conformance with applicable Caltrans requirements, and would include updated focused sensitive species surveys for the Federal and State listed plant species with potential to occur within or adjacent to the proposed Phase II impact area, as well as specific measures to avoid, minimize or mitigate development impacts.

If potential adverse direct impacts to listed plants are identified during Phase II, potential measures to avoid or minimize such impacts could include design of Phase II alternatives to avoid impacts to known populations of listed plants species; mitigation of impacts to sensitive plants through habitat restoration, creation and/or preservation; and translocation of plants from the impact area to an existing or planned preserve. Specific measures to address impacts to listed plant species would be determined in conjunction with the Phase II environmental document and through consultation with the appropriate permitting and resource agencies.

Adverse Environmental Effect:

Implementation of Phase II would have the potential to cause impacts to the Quino checkerspot butterfly, observed within the Western POE Site during surveys prior to 2006. Furthermore, direct impacts would occur to designated critical habitat for the Quino that occurs within the Western SR-11 Corridor and POE Site. Direct impacts also could occur to designated critical habitat for the San Diego fairy shrimp that occurs within the Western POE site. Implementation of Phase II would have the potential to cause impacts to those threatened and endangered animal species observed within the area immediately surrounding the Western Alternative, as well as any of the seven other threatened or endangered animal species with the potential to occur in the program area. All of the above impacts would be considered significant under CEQA. Potential impacts are anticipated to 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 PEIR/PEIS.

Statement of Facts:

Avoidance, minimization and mitigation recommendations for implementation of the SR-11 corridor and/or POE site under Phase II would begin with the completion of a NES updating existing conditions information and evaluating in detail the potential impacts of the Phase II SR-11 and POE alternatives. This study would be completed in conformance with applicable Caltrans requirements, and would include updated focused sensitive species surveys for the Federal and State listed animal species with potential to occur within or adjacent to the proposed Phase II impact area, as well as specific measures to avoid, minimize or mitigate development impacts.

If potential adverse direct impacts to listed animal species are identified during Phase II, potential measures to avoid or minimize such impacts could include design of the proposed facilities to avoid impacts to known populations of listed animals, and habitat-based mitigation for substantial impacts to listed species, including off-site preservation of habitat occupied by impacted species, such as the Quino checkerspot. Caltrans is exploring the feasibility of cross border mitigation for potential impacts to Quino checkerspot. This mitigation would be one part of a comprehensive mitigation program. This option could be the best approach to ensuring the continued existence of this species. Populations of Quino exist in Mexico in close proximity to the border. These populations, also known as "meta populations", are closely tied to populations north of the border and are threatened by extensive new development. Caltrans is one of the forty agency members on the California Biodiversity Council and is on the subcommittee that focuses on implementing conservation along the border. The uncertainties regarding the legal aspects of conserving land in perpetuity in Mexico are being addressed and would need to be resolved prior to any commitment to cross border mitigation. Caltrans and FHWA will continue to explore mitigation opportunities within both the U.S. and Mexico, focusing on what is in the best interests of the continued existence of the species. Specific measures to address impacts to listed animal species would be determined in conjunction with the Phase II environmental document and through consultation with the appropriate permitting and resource agencies.

Adverse Environmental Effect:

Implementation of Phase II would have the potential to cause indirect impacts or "edge effects" on listed plant species found adjacent to the Western SR-11 Corridor and POE Site. Such impacts would be considered significant under CEQA. Potential impacts are anticipated to 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 PEIR/PEIS.

Statement of Facts:

Potential measures available to reduce edge effects to listed plant species during Phase II construction of SR-11 and the POE include use of construction fencing to clearly delineate the edge of allowable clearing and grading, requiring construction personnel to remain in fenced areas, prohibiting pets on construction sites, and construction monitoring to ensure compliance. If potential indirect impacts to listed plant species are anticipated from operation of the proposed facilities, measures to address such impacts include fencing to prevent people from entering habitat areas from the proposed facilities, translocation of listed plants, avoiding the use of invasive species within landscaped areas, and habitat-based mitigation for any impacts considered permanent.

Adverse Environmental Effect:

Implementation of Phase II would have the potential to cause indirect impacts or "edge effects" on listed animal species found adjacent to the Western SR-11 Corridor and POE Site. Such impacts would be considered significant under CEQA. Potential impacts are anticipated to 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 PEIR/PEIS.

Statement of Facts:

Potential measures available to reduce edge effects to listed animal species during Phase II construction of SR-11 and the POE include pre-construction surveys and avoidance of construction adjacent to listed, nesting birds during the breeding season or use of noise barriers to avoid substantial impacts to nesting birds; use of construction fencing to clearly delineate the edge of allowable clearing and grading; requiring construction personnel to remain in fenced areas; prohibiting pets on construction sites; directing night lighting away from habitat areas; and construction monitoring to ensure compliance. If potential indirect impacts to listed animal species are anticipated from facility lighting, noise and other activities, potential measures to address such impacts include installation of permanent noise barriers; directing permanent lighting onto the proposed facilities and away from adjacent habitat areas; installation of fences to prevent people from entering habitat areas from the proposed facilities; and habitat-based mitigation for any impacts considered permanent.

Invasive Species

Adverse Environmental Effect:

Implementation of Phase II would have the potential to cause impacts due to the further spread of invasive plant species within the program area. If program implementation caused invasive plants to colonize previously undisturbed areas of Diegan coastal sage scrub, this could adversely impact the Federal listed endangered Quino checkerspot butterfly by displacing larval food plants and adult nectar sources, and could also displace listed or sensitive plant species by shading and/or out-competing the native species. Such impacts would be considered significant under CEQA. Potential impacts are anticipated to 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 PEIR/PEIS.

Statement of Facts:

Avoidance, minimization and mitigation recommendations for implementation of the SR-11 Corridor and/or POE Site under Phase II would begin with the completion of a NES updating existing conditions information and evaluating in detail the potential impacts of the Phase SR-11 and POE alternatives. This study would be completed in conformance with applicable Caltrans requirements, and would include specific measures to avoid, minimize or mitigate development impacts.

Precise measures to address invasive plant impacts in Phase II would be determined during Phase II environmental review, and could include such measures as the following:

- Inspection of construction areas by a biological monitor for invasive species according to a prescribed schedule during construction. A typical schedule would involve weekly inspections after the first rains and throughout the rainy season of the construction period. Outside the rainy season, inspection for invasive species could occur monthly. In areas of particular sensitivity, extra precautions should be taken if invasive species are found in or adjacent to the construction areas. These would include the inspection and cleaning of construction equipment and eradication strategies to be implemented should an invasion occur. The biological monitor also could recommend a weed eradication effort, if necessary.
- Upon completion of grading, all areas of temporary disturbance would typically be revegetated with native species or ornamental landscaping to limit colonization by invasive species in the future.
- A qualified biologist should review the landscape concept plans for the SR-11 Corridor and POE Site to ensure that no invasive species (as listed in the California Invasive Plant Inventory) are included.
- In compliance with Executive Order 13112, and subsequent guidance from the FHWA (as applicable for the SR-11/POE project), the landscaping and erosion control included in the project should not use species listed as noxious weeds. In areas of particular sensitivity, extra precautions would be taken if invasive species were found in or adjacent to the construction areas. Such precautions could include the inspection and cleaning of construction equipment and eradication strategies to be implemented should an invasion occur.

Growth

Adverse Environmental Effect:

Construction of a new highway is one of the project types that has the most potential for growth implications. Similarly, the implementation of a new POE facility has the potential to attract trade, industrial and business activity to the East Otay Mesa area. The Otay Mesa area contains large tracts of undeveloped, relatively inexpensive industrial land, and benefits from its proximity to the U.S./Mexico border with its associated trade and twin-plant industrial opportunities. The project type, project location, accessibility, and growth pressure all indicate the potential for changes in growth patterns in the area, and related indirect, growth-induced impacts to the environmental resources of concern. Although the growth would be expected to

conform to the existing local and regional plans, it could affect the human environment, the physical environment and resources in the biological environment. There are currently no development proposals contingent on the development of SR-11 or the POE. The potential growth effects would be evaluated during the Phase II environmental process. A conclusion regarding the level of impact under CEQA cannot be made at this time.

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 PEIR/PEIS.

Statement of Facts:

Once design and operational features are determined in Phase II, further analysis would be required to determine any potential growth-related impacts, which could vary widely depending on the characteristics of the Phase II alternatives. Measures to avoid, minimize or mitigate impacts to environmental resources from induced growth would be identified in the Phase II environmental document. Such measures would be similar to those listed by issue area in the Final PEIR/PEIS (Chapter 3) as potential measures for consideration to address any future identified direct Phase II impacts.

Cumulative Impacts

Adverse Environmental Effect:

Based on the program-level cumulative analysis in the PEIR/PEIS, significant cumulative impacts would be anticipated for biological resources. The East Otay Mesa Specific Plan (EOMSP) EIR (County of San Diego, 1993) noted that cumulative biological resources impacts were determined to be significant in a regional context, "especially given the number of other proposed and/or approved projects in the area and the sensitivity of the habitats in the SPA." Specific plants and animals identified in the EOMSP EIR discussion as cumulatively impacted include San Diego barrel cactus, San Diego County viguiera, coastal sage scrub, grassland, disturbed wetland, jurisdictional habitat, Otay tarplant, and burrowing owl. The EIS/EIR prepared for the SR-905 project (Caltrans, 2004) noted that the cumulative biological resources impacts that had already occurred on Otay Mesa are substantial. A cumulative biological resources impact is present in the Resource Study Area.

Implementation of Phase II would contribute to the following impacts to cumulative biological resources:

- native and non-native grassland;
- disturbed mule fat scrub and non-wetland WUS/streambed;
- small-flowered morning glory and the San Diego marsh-elder;
- red-diamond rattlesnake, two-striped garter snake, coastal western whiptail, grasshopper sparrow, white-tailed kite, California horned lark, San Diego black-tailed jackrabbit, burrowing owl, northern harrier, and loggerhead shrike; and
- the Quino checkerspot butterfly.

The contribution of such impacts to the cumulatively impacted Resource Study Area would be considered significant under CEQA. Potential program-specific impacts are anticipated to be mitigated to below a level of significance. However, the conclusion regarding the level of significance of cumulative biological resources impacts cannot be made at this time.

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 PEIR/PEIS.

Statement of Facts:

Avoidance, minimization or mitigation measures that could be applied to reduce impacts to biological resources include revegetation, creation, and/or preservation of habitats; translocation of individual plant species; pre-construction surveys to verify the presence or absence of nesting birds; avoiding grading and vegetation clearing during the bird breeding season; use of noise control measures to reduce grading/construction noise impacts upon breeding birds; passive or active relocation of owls; use of BMPs to avoid degradation of downstream water quality; using construction fencing to clearly delineate the edge of allowable clearing and grading; requiring construction personnel to remain in fenced areas; prohibiting pets on construction sites; and construction monitoring to ensure compliance.

The cumulative land development projects would be subject to the requirements of the MSCP, local biological protection and resource protection ordinances, state and federal regulations including the Federal and California Endangered Species Acts, the Clean Water Act, and Porter-Cologne Act, with similar mitigation requirements to those listed above.

Mitigation measures for non-native grassland identified for the cumulative projects include designation of open space, off-site purchase, purchase of mitigation bank habitat, and contribution of funds to the San Diego Foundation for management of non-native grassland preserve areas on Otay Mesa. Opportunities for regional solutions to biological impacts issues (particularly non-native grassland, which supports burrowing owls and other raptors, as well as other sensitive habitats and the species they support) would be explored as Phase II program details are developed, in cooperation with the permitting agencies and the County of San Diego, and in advance of completion of the Phase II environmental documents.

Adverse Environmental Effect:

Based on the program-level cumulative analysis in the PEIR/PEIS, cumulative impacts for all environmental issues must be evaluated in greater detail based on project-specific design/operational characteristics of the proposed facilities, as well as updated cumulative projects and environmental baseline information, during the Phase II environmental review process to determine the level of impact and need for mitigation. Although potential program-specific impacts are anticipated to be mitigated to below a

level of significance, the conclusions regarding the level of significance of cumulative impacts due to the Phase II program cannot be made at this time. Furthermore, the impacts of and necessary mitigation measures for other cumulative projects would be the responsibility of those project proponents. Therefore, the conclusions regarding the level of significance of cumulative impacts for all environmental issues remain undetermined.

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:

For all environmental issues, the mitigation measures that may be necessary to reduce cumulative impacts due to the Phase II program must be determined during the Phase II environmental review process. If necessary, measures to avoid, minimize or mitigate impacts to environmental resources from cumulative impacts would be identified in the Phase II environmental document. Such measures would be similar to those listed by issue area in the Final PEIR/PEIS (Chapter 3) as potential measures for consideration to address any future identified Phase II impacts.

Mitigation for cumulative impacts due to other projects is governed by those project proponents and the local jurisdictions with authority over the projects. Measures to avoid or reduce potential impacts include local land use plans, which provide for orderly, timely, and environmentally-sensitive land use development. Where new or increased capacity infrastructure and public services may be needed due to future developments, those requirements would be the responsibility of developers as directed by local agencies and utility districts. No measures are proposed for this program to mitigate cumulative impacts arising from other projects. The direct and cumulative impacts of and necessary mitigation 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 FINDINGS FOR STATE ROUTE 11 AND THE OTAY MESA EAST PORT OF ENTRY IN SAN DIEGO COUNTY, CALIFORNIA

The following information is presented to comply with Section 15903 of the State California Environmental Quality Act (CEQA) Guidelines, and Section 1501 of the Department of Transportation and California Transportation Commission Environmental Regulations. Reference is made to the Final Program Environmental Impact Report/Phase I Environmental Impact Statement (PEIR/PEIS) for the project, which is the basic source for the information.

No unavoidable significant environmental effects would be expected at the Phase I Program level.

The specific Phase II impacts of the program would be evaluated during the Phase II environmental process, in conjunction with the analysis of specific design/operational alternatives. Any unavoidable significant environmental effects would be identified and analyzed at that time.

The following impacts have been identified in the Final PEIR/PEIS as potentially significant, with conclusions regarding the level of significance undetermined. Therefore, these impacts may be significant and not fully mitigable under CEQA. Overriding considerations that support approval of this recommended program are described for each potential impact.

Growth

Program Impacts

Construction of a new highway is one of the project types with the most potential for growth implications. Similarly, the implementation of a new Port of Entry (POE) facility has the potential to attract trade, industrial and business activity to the East Otay Mesa area. The project type, project location, accessibility, and growth pressure all indicate the potential for changes in growth patterns in the area, and related indirect, growth-induced impacts to environmental resources of concern. Although the growth would be expected to conform to existing local and regional plans, it could affect the human environment, the physical environment and resources in the biological environment. Once design and operational features are determined in Phase II, further analysis would be required to determine any potential growth-related impacts, which could vary depending on the characteristics of the Phase II alternatives. The level of significance of growth impacts under CEQA cannot be determined at this time. In addition, measures to avoid, minimize or mitigate impacts to environmental resources from induced growth would be identified in the Phase II environmental document, and are currently unknown.

Program Benefits

Although the proposed program has the potential to induce growth, it would also provide important benefits. Overriding considerations that support approval of this recommended program are as follows. The proposed program would constitute the first phase of the development of a new POE in the San Diego/Tijuana region, along with development of the associated roadway (SR-11) that would connect the new POE to the existing and planned roadway system in the area. Transportation and land use planning agencies on both sides of the border have identified the long-term need for a third border crossing and associated transportation facilities in the San Diego/Tijuana area, in addition to completing planned improvements to the existing POEs. The new POE is needed because the capacities of the existing POEs in the region are currently being exceeded, causing excessive border wait times for those engaged in commercial and personal vehicle trips. Border delays are expected to increase and the economic losses incurred by the regional and national economies are estimated to more than double in the next ten years, unless substantial improvements in border crossing and transportation infrastructure and management take place. The new Otay Mesa East POE is a critical component of these improvements.

SR-11 would be needed to provide access to and from the new POE, through a currently undeveloped area. Planned County Circulation Element Roads in the area would not be adequate to carry the personal and commercial vehicle traffic expected to flow through the new POE. Future SR-11 would provide a direct connection from the existing and planned highway system in the area to the new Otay Mesa East POE.

The County of San Diego (County) has recently updated its East Otay Mesa Specific Plan (EOMSP) and has several active development applications within and adjacent to the program study area. The County has indicated that none of these projects has been specifically conditioned on implementation of SR-11 or the POE, but they are prepared to accommodate them. If the proposed program is not approved, these projects could proceed to develop without SR-11 and the POE. Pressure is mounting from private developers and the County to identify the right of way (R/W) location for SR-11 and the Otay Mesa East POE site so that land use planning and development in the area can proceed accordingly. Without this planning process, private development may proceed in a manner that would result in greater disruption of sensitive resources and developed lands associated with implementation of SR-11 and the POE in the future. The identification of a preferred corridor for SR-11 and a site for the POE would allow for the complementary planning and development of the surrounding roadway infrastructure and land uses, including appropriate interchange locations.

Cumulative Biological Resources

Program Impacts

Based on the program-level cumulative analysis in the Final PEIR/PEIS, significant cumulative impacts would be anticipated for biological resources. Potential program-specific impacts to native and non-native grassland, disturbed mule fat scrub and non-wetland waters of the U.S. (WUS)/streambed, sensitive plants, and sensitive animals including burrowing owl and the Quino checkerspot butterfly are anticipated to be mitigated to below a level of significance. However, because detailed analysis of

impacts and development of measures to avoid, minimize or mitigate impacts to biological resources would occur in the Phase II environmental document, the level of significance of cumulative biological resources impacts cannot be determined at this time.

Program Benefits

Although the proposed program has the potential to result in impacts to biological resources, it would also provide important benefits. Overriding considerations that support approval of this recommended program are as follows. The proposed program would constitute the first phase of the development of a new POE in the San Diego/Tijuana region, along with development of the associated roadway (SR-11) that would connect the new POE to the existing and planned roadway system in the area. Transportation and land use planning agencies on both sides of the border have identified the long-term need for a third border crossing and associated transportation facilities in the San Diego/Tijuana area, in addition to completing planned improvements to the existing POEs. The new POE is needed because the capacities of the existing POEs in the region are currently being exceeded, causing excessive border wait times for those engaged in commercial and personal vehicle trips. Border delays are expected to increase and the economic losses incurred by the regional and national economies are estimated to more than double in the next ten years, unless substantial improvements in border crossing and transportation infrastructure and management take place. The new Otay Mesa East POE is a critical component of these improvements.

SR-11 would be needed to provide access to and from the new POE, through a currently undeveloped area. Planned County Circulation Element Roads in the area would not be adequate to carry the personal and commercial vehicle traffic expected to flow through the new POE. Future SR-11 would provide a direct connection from the existing and planned highway system in the area to the new Otay Mesa East POE.

The County has recently updated its EOMSP and has several active development applications within and adjacent to the program study area. The County has indicated that none of these projects has been specifically conditioned on implementation of SR-11 or the POE, but they are prepared to accommodate them. If the proposed program is not approved, these projects could proceed to develop without SR-11 and the POE. Pressure is mounting from private developers and the County to identify the R/W location for SR-11 and the Otay Mesa East POE site so that land use planning and development in the area can proceed accordingly. Without this planning process, private development may proceed in a manner that would result in greater disruption of sensitive resources and developed lands associated with implementation of SR-11 and the POE in the future. The identification of a preferred corridor for SR-11 and a site for the POE would allow for the complementary planning and development of the surrounding roadway infrastructure and land uses, including appropriate interchange locations.

Cumulative Environmental Issues

Program Impacts

Based on the program-level cumulative analysis in the Final PEIR/PEIS, cumulative impacts for all environmental issues must be evaluated in greater detail based on specific design/operational characteristics of the proposed facilities, as well as updated cumulative projects and environmental baseline information, during the Phase II environmental review process. Although potential program-specific impacts, with the exception of growth inducement, are anticipated to be mitigated to below a level of significance in Phase II, the level of significance of cumulative impacts due to contributions from the Phase II program, and potential mitigation measures that may be needed, cannot be determined at this time, and would be addressed in the Phase II environmental process.

Program Benefits

Although the proposed program has the potential to result in cumulative impacts for all environmental issues, it would also provide important benefits. Overriding considerations that support approval of this recommended program are as follows. The proposed program would constitute the first phase of the development of a new POE in the San Diego/Tijuana region, along with development of the associated roadway (SR-11) that would connect the new POE to the existing and planned roadway system in the area. Transportation and land use planning agencies on both sides of the border have identified the long-term need for a third border crossing and associated transportation facilities in the San Diego/Tijuana area, in addition to completing planned improvements to the existing POEs. The new POE is needed because the capacities of the existing POEs in the region are currently being exceeded, causing excessive border wait times for those engaged in commercial and personal vehicle trips. Border delays are expected to increase and the economic losses incurred by the regional and national economies are estimated to more than double in the next ten years, unless substantial improvements in border crossing and transportation infrastructure and management take place. The new Otay Mesa East POE is a critical component of these improvements.

SR-11 would be needed to provide access to and from the new POE, through a currently undeveloped area. Planned County Circulation Element Roads in the area would not be adequate to carry the personal and commercial vehicle traffic expected to flow through the new POE. Future SR-11 would provide a direct connection from the existing and planned highway system in the area to the new Otay Mesa East POE.

The County has recently updated its EOMSP and has several active development applications within and adjacent to the program study area. The County has indicated that none of these projects has been specifically conditioned on implementation of SR-11 or the POE, but they are prepared to accommodate them. If the proposed program is not approved, these projects could proceed to develop without SR-11 and the POE. Pressure is mounting from private developers and the County to identify the R/W location for SR-11 and the Otay Mesa East POE site so that land use planning and development in the area can proceed accordingly. Without this planning process, private development may proceed in a manner that would result in greater disruption of sensitive resources and developed lands associated with implementation of SR-11 and the POE in the future. The identification of a preferred corridor for SR-11 and a site for the POE would allow for the complementary planning and development of the

surrounding roadway infrastructure and land uses, including appropriate interchange locations.

The Preferred Alternative

The following discussion explains the rationale for choosing the Preferred Alternative. The U.S. Army Corps of Engineers (ACOE) has also stated on a preliminary basis in their letter of comment on the Draft PEIR/PEIS that the Preferred Alternative may constitute the Least Environmentally Damaging Practicable Alternative.

The Draft PEIR/PEIS analyzed two action alternatives, the Western Alternative and Central Alternative, as well as the No Action Alternative. After full consideration of the comments received on the Draft PEIR/PEIS and in coordination with federal and State regulatory agencies, the Western Alternative was identified as the Preferred Alternative for the SR-11 and the Otay Mesa East POE Phase I Program in the Final PEIR/PEIS.

For most environmental issues, the two action alternatives would have comparable environmental impacts. Either of the action alternatives would be expected to have similar potential Phase II impacts to air quality, water quality, hydrology, geology, traffic, community character and cohesion, relocation, environmental justice, farmlands, energy, utilities/emergency services, hazardous waste, paleontological resources, cultural resources, and noise levels.

In terms of aesthetics, the Western Alternative would initially be more visible than the Central Alternative, because the westernmost portions of SR-11 and the POE would be closer to existing development and roadways, and would potentially be more visible from the Otay Mountain Truck Trail to the east as well. Over time, however, as the East Otay Mesa area builds out with primarily industrial uses, the Central Alternative might become the more visible option, because it would likely not be obscured by development on the east side of SR-11 and the POE, where the existing Sempra Energy easement and environmentally sensitive lands would minimize development potential.

In terms of land use, the Western Alternative would commit slightly less land to conversion from existing uses to transportation-related uses. Identification of the Western SR-11 Corridor as the preferred alternative would commit approximately 25 fewer acres of currently undeveloped land to transportation-related uses than the Central Alternative. In addition, because the EOMSP, as amended, includes approximately the Western Alternative SR-11 corridor and POE site, identification of the Western Alternative as the preferred alternative would avoid the need for extensive modification of the site plans for approved local projects that have reflected an approximation of the Western Alternative within their development plans.

In terms of biological resources, direct and indirect impacts to sensitive biological resources would likely be less for the Western Alternative than the Central Alternative, as summarized below.

Potential impacts could occur under the Western Alternative to native grassland and non-native grassland due to direct disturbance. Potential impacts could occur under the Central Alternative to Diegan coastal sage scrub and non-native grassland due to direct

disturbance. Additional edge effects could occur to sensitive natural communities under both alternatives, including Diegan coastal sage scrub under the Central Alternative.

Two types of jurisdictional habitats occur within the Western Alternative: disturbed mule fat scrub and ACOE non-wetland waters of the U.S. (WUS)/California Department of Fish and Game (CDFG) streambed. Six jurisdictional habitat types occur within the Central Alternative: disturbed mule fat scrub, freshwater marsh, emergent wetland, disturbed wetland, vernal pools, and ACOE non-wetland WUS/CDFG streambed. Direct impacts to any of the ACOE and CDFG jurisdictional drainages located within the Western or Central SR-11 Corridor and POE Site could result from program implementation in Phase II.

The Western Alternative could result in direct impacts to two special-status plant species within the Western SR-11 Corridor: the small-flowered morning glory and the San Diego marsh-elder. No impacts would be expected to occur to special-status plant species within the Western POE Site. The Central Alternative could result in direct impacts to any of six special status plant species: small-flowered morning glory and San Diego marsh-elder in the Central SR-11 Corridor; California adolphia and variegated dudleya in the Central POE Site; and San Diego barrel cactus and San Diego County viguiera in both the Central SR-11 Corridor and POE Site. Variegated dudleya is the most sensitive of these species.

The Western Alternative could result in direct impacts to the following sensitive animal species: red-diamond rattlesnake and two-striped garter snake within the Western SR-11 Corridor; coastal western whiptail, grasshopper sparrow, white-tailed kite, California horned lark, and San Diego black-tailed jackrabbit within the Western POE Site; and the burrowing owl, northern harrier, and loggerhead shrike, within both the Western Corridor and POE Site. The Central Alternative could result in direct impacts to the western spadefoot toad, red-diamond rattlesnake, and grasshopper sparrow within the Central SR-11 Corridor; the coastal western whiptail, northern harrier, California horned lark, and San Diego black-tailed jackrabbit within the Central POE Site; and the burrowing owl, white-tailed kite, and loggerhead shrike, within the Central SR-11 Corridor and POE Site.

No threatened or endangered plant species were detected within the Western Alternative; however, direct impacts could occur to any of the seven threatened or endangered plant species not observed but with the potential to occur in the program area. Potential impacts could occur under the Western Alternative to Quino checkerspot butterfly. Designated critical habitat for this species also occurs over a large portion of the Western Alternative. No Federal listed endangered San Diego fairy shrimp (or vernal pools or basins) were observed within the Western Alternative; however, direct impacts could occur to designated critical habitat for the San Diego fairy shrimp that covers the vast majority of the Western POE site. Direct impacts also could affect those threatened and endangered animal species observed within the area immediately surrounding the Western Alternative, as well as any of the seven other threatened or endangered animal species with the potential to occur in the program area. Potential impacts could occur under the Central Alternative to Otay tarplant; designated critical habitat for this species occurs in the Central Alternative. Direct impacts also could occur to the six other threatened or endangered plant species not observed in the Central Alternative, but with the potential to occur in the program area.

Potential impacts could occur under the Central Alternative to San Diego and/or Riverside fairy shrimp, as basins with fairy shrimp were found within the Central Alternative. Critical habitat for the San Diego fairy shrimp occurs in the Central Alternative, the vast majority of which is in the Central POE site, nearly covering the POE; some of this critical habitat is also within the southern interchange area of the Central SR 11 Corridor. Additional critical habitat for the San Diego fairy shrimp occurs approximately 2,000 feet to the north of the western portion of the SR-11 Corridor. No critical habitat for the Riverside fairy shrimp occurs in the Central Alternative or in the vicinity of the program area. The Federal listed threatened coastal California gnatcatcher was observed adjacent to the Central Alternative. Direct impacts also could occur to the six other listed/proposed animal species not detected within the Central Alternative, but with the potential to occur within the program area, including the Quino checkerspot butterfly and its designated critical habitat. Potential indirect impacts could occur to listed plant and animal species under both alternatives.

In summary, both alternatives would result in adverse impacts to natural communities and jurisdictional habitats, sensitive plant and animal species, and threatened or endangered species. Overall, however, such effects would be substantially greater for the Central Alternative, making the Western Alternative the biologically preferred alternative. Some impacts might be avoided or minimized through design measures to be developed in Phase II; remaining impacts would be mitigated in accordance with resource agency requirements. The Western Alternative would also be the preferred alternative from a land use and visual resources standpoint.

Several agencies in their comments on the Draft PEIR/PEIS expressed advantages for Caltrans in identifying the Western Alternative as the Preferred Alternative. The U.S. Department of the Interior, Office of Environmental Policy and Compliance, noted that they recommend the POE be located as far west as possible in order to minimize impacts to sensitive biological resources. Of primary concern to this agency are potential impacts to resources including Quino checkerspot butterflies, burrowing owls, and listed vernal pool species, including San Diego fairy shrimp and Riverside fairy shrimp. The ACOE noted that although the overall impacts to WUS are similar for both the Western and Central alternatives, the Central Alternative does contain greater impacts to higher value WUS and special aquatic resources, namely freshwater marsh, wetlands, and vernal pools. The ACOE also noted that while the Central Alternative would likely require a Standard Individual Permit, the Western Alternative may be eligible for an expedited Nationwide Permit. The ACOE stated that as described, "it appears that the Western Alternative may be the Least Environmentally Damaging Practicable Alternative, and this preliminary determination is an important consideration in choosing a preferred alternative." The San Diego Regional Water Quality Control Board stated that the agency "supports the Western Alternative SR-11 corridor and associated POE site as the preferred alternative for the proposed project. Implementation of the Western SR-11 Corridor alignment will reduce the amount of impervious surface constructed by the project, and minimizes impacts to wetlands and intermittent drainages."

Caltrans' Project Development Team supports the identification of the SR-11 Western Alternative as the Preferred Alternative because it would fulfill the program's purpose

and need, and would have less potential for significant future environmental impacts than other build alternatives.

The benefits provided by the Preferred Alternative, as discussed above, outweigh the potential unavoidable adverse environmental effects. Despite the identification of potentially significant environmental effects in the Final PEIR/PEIS, the proposed Preferred Alternative (Western Alternative) will be of great benefit locally, regionally, nationally, and internationally.