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In Reply Refer to:
FWS-SDG-3970.3

July 31, 2006

Ms. Martha Blake, Associate Planner
City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego California 92101

Re: University City North/South Transportation Corridor Study

Dear Ms. Blake:

The U.S. Fish and Wildlife Service and the California Department of Fish and Game have reviewed the City's response to our comments (RTCs) on the draft Environmental Impact Report (EIR) for the University City North/South Transportation Corridor Study (Transportation Study). We understand that tomorrow the City Council will consider whether to certify the final EIR for the subject project and whether to select the Regents Road Bridge Alternative (RRBA) and initiate an amendment to remove the Genesee Avenue Widening Alternative (GAWA) from the University Community Plan. We find that the RTCs underscore our previous assessment that, because of its inadequacy, the EIR should not be certified. The RTCs also reinforce our previous recommendation that the City eliminate the RRBA (i.e., not the GAWA) from further consideration as a viable alternative to address traffic congestion in the UC North/South Transportation corridor (April 14, 2005, comment letter on the draft EIR, copy attached). Accordingly, the City should instead process an amendment to the University Community Plan to remove the bridge from the University Community Plan.

The July 26, 2006, staff Report to City Council on the RRBA seriously minimizes the biological implications of this alternative. One of the inadequate aspects of the biological impact analysis of the alternatives in the EIR is the consideration of their effects on the Multiple Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program Subarea Plan (MSCP SAP). In addition, the EIR and the RTCs fail to acknowledge that, while new roads are allowed in the MHPA, the MSCP SAP pre-supposes the selection of alternatives that satisfy the project purpose and meet the intent of the MSCP. The fundamental premise of the MSCP's General Planning Policies and Design Guidelines (Policies and Guidelines) is to avoid unnecessary substantial biological impacts within the MHPA. While they encourage the use of bridges instead of roads that traverse canyon floors, the Policies and Guidelines also require that if there is one or more biologically preferable alternative that would meet or surpass the needs of a project for which a bridge is considered, that alternative should be chosen to preserve the biological integrity of the MHPA. Such an alternative to the RRBA is the GAWA. Unfortunately, the DEIR is silent on this matter.

It is evident that the GAWA would have substantially fewer and less significant biological impacts than the RRBA, beyond those associated strictly with the MHPA. And, of these two

alternatives, the results (see table below) of the City's traffic analysis indicate that the GAWA is also the alternative that would singly best meet the project purpose, if the purpose is to relieve traffic congestion, in particular, within and between the southern and northern portions of the community of University City.^{1,2} If however, the project purpose is different from that presented in the EIR, the City should formally revise it. It is important to note that the City is not obligated to select any alternative (RTC #2.29). Any improvement in traffic gained from any of the alternatives would be so marginal that it begs the question whether any would sufficiently meet the project purpose to warrant the associated expenditure of funds for its implementation.

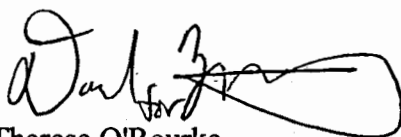
Projected Unacceptable Levels of Service for Year 2030		
	Road Segments	Intersections
No-Project	11	10
GAWA	7	9
RRBA	9	9
GAWA & RRBA	7	7

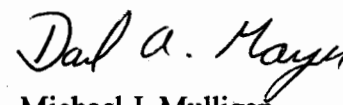
The July 26 staff Report to City Council states that the primary goal of the approach taken in the EIR "was to allow decision-makers to select an alternative based on a comparison of environmental consequences combined with social and economic factors associated with each alternative." However, the City's finding (Candidate Findings, page 41) that the GAWA is infeasible undermines the credibility of this approach and represents a contravention of CEQA which requires that alternatives be feasible (CEQA Guidelines Section 15126.6).

The City has prepared a statement of overriding considerations, though its propriety is questionable given the inadequacy of the EIR. However, there is no such relief mechanism available to the City for its obligations under the MSCP, and it is not apparent to us how the City will make the MSCP findings required to proceed with the RRBA.

In conclusion, if the City decides to implement any of the alternatives in the EIR, to be consistent with the City's MSCP SAP, it should be the GAWA. We appreciate the opportunity to comment on the subject project and the City Council's related pending considerations. Please contact Libby Lucas of the Department at (858) 467-4230 or Carolyn Lieberman of the Service at (760) 431-9440 if you have any questions or comments concerning this letter.

Sincerely,


Therese O'Rourke
Assistant Field Supervisor
U.S. Fish and Wildlife Service


FOR Michael J. Mulligan
Deputy Regional Manager
California Department of Fish and Game

¹ This statement of project purpose is based on the DEIR and the purpose as described to us when we met with the City on December 9, 2003.

² Our comment is not intended to be interpreted as confirmation that there is a need for traffic relief, and assumes that the methodology used to model the 2030 traffic conditions is valid. As we did not review the final EIR, we are not certain that these numbers have remained the same as in the draft EIR. However, the City's response to our comments did not indicate that this summary is incorrect. The main portion of the July 26, 2006, staff Report to City Council omits the results of the study, though the Candidate Findings briefly assess them (page 41).