Attachment 29

9. Caltrans Bridge Design Aids, Bridge Design Details Manuals, and Memo to Designers with all interims.
10. AASHTO LRFD Bridge Design Specifications (for design of the bridge, excluding foundations).
11. Caltrans Bridge Design Specifications April 2000 LFD Version (for design of the bridge foundations).
12. City of San Diego Park and Recreation Department Guide to Park Design and the City of San Diego Landscape Technical Manual.
13. City of San Diego Streetscape Manual.
14. City of San Diego Street Design Manual.
15. Regional Water Quality Control Board regulations.
16. Railroad requirements.
17. Recommendations set forth in the Foundation Report for the project.
18. Requirements of all project permits.
19. All technical reports and construction drawings shall be in English units in accordance with standards adopted by Caltrans.

- Bridge engineering costs are based on a haunched 5-span prestressed concrete box girder with maximum spans of about 210 feet similar to the concept identified in the original EIR.
- Changes to the project approach; site layout and design requirements are not anticipated once final design has begun.
- Floodplain analyses are not included as part.
- Includes 17 potential ROW acquisitions.
- Artifact curation assumes 10 boxes.
- Excludes new travel forecast and LOS analysis.

Task 4. Project Management. (PDC)
Subtask 4.1. Coordinate subconsultants.
Subtask 4.2. Perform QA/QC.
Subtask 4.3. Oversee financial administration.

Deliverables (Task 4)
- Monthly invoices and regular progress reports.

Assumptions (Task 4)
- Project management is based on a 20 month timeframe.

Task 5. Meetings and Hearings. (ALL)
Subtask 5.1. Meetings and hearings. (PDC)
Subtask 5.2. Meetings and hearings. (GALLEGOS)
Subtask 5.3. Meetings and hearings. (GEOCON)
Subtask 5.4. Meetings and hearings. (KATZ)

Attachment 30

DRAFT

DEC - 6

EXHIBIT B
REGENTS ROAD BRIDGE/LIMITED ROADWAY CHANGES
GRAND TOTAL

REGENTS ROAD BRIDGE DESIGN COSTS	
Consultant	**Cost**
Project Design Consultants	$1,183,191.00
USA	$67,362.75
GEOCON	$51,387.00
Gallegos and Associates	$926.10
Merkel and Associates	$10,629.15
Katz and Associates	$170,556.75
TYLIN	$1,270,872.75
SRA	$332,597.74
Parsons Brinckerhoff	$62,023.50
Syska Hennessy	$48,840.75
DESIGN COSTS TOTAL	**$3,198,387.49**

LIMITED ROADWAY CONSTRUCTION DESIGN COSTS	
Consultant	**Cost**
Project Design Consultants	$738,520.00
USA	$169,758.75
GEOCON	$61,080.60
Merkel and Associates	$2,005.50
TYLIN	$302,683.50
SRA	$44,992.50
Parsons Brinckerhoff	$81,696.30
Syska Hennessy	$23,919.00
DESIGN COSTS TOTAL	**$1,424,656.15**

LIMITED ROADWAY CHANGES AND REGENTS ROAD BRIDGE CEQA AND PERMIT PROCESSING COSTS	
Consultant	**Cost**
Project Design Consultants	$455,851.00
USA	$60,375.00
Gallegos and Associates	$396,969.30
Merkel and Associates	$143,620.05
TYLIN	$100,348.50
CEQA AND PERMIT PROCESSING COSTS TOTAL	**$1,157,163.85**

GRAND TOTAL	**$5,780,207.49**

Attachment 31

From: Nitsuh Aberra
To: Kris Shackelford
Date: Tue, Nov 15, 2005 10:06 AM
Subject: UC North/South EIR expenditure

Hi Kris,
Attached is a breaking down of the EIR expenditure. Thanks

Regents Road Bridge – CIP no. 530-44.0

Expenditures previously (Ending 6/30/02)	$198,510.42
Expenditure to date @EIR phase (Included encumbrance)	$1,473,505.93***
Set aside for design	$3,120,000.00
	$4,792,016.35
Appropriation to date	$5,212,799.00
Balance	**$ 420,782.65**

Genesee Avenue Nobel Drive to Route 52

Appropriation to date	$1,448,600
Expenditure to date, @EIR phase (Included encumbrance)	$1,374,776.17***
Balance	$73,823.83

Total expenditure for UC North/South EIR development

$2,848,282***

Of this amt. $1,751,086 is Consultant contract
the remaining $1,097,196 staff and other dept. charges

Attachment 32

Labor Expenditures

For the period 7/4/2003 to 12/31/2004

119708 Genesee Avenue - Nobel Drive to SR 52

1/16/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	DALY, TIMOTHY	1317	3.0	0.0	$401.46
				Sub Total:	$401.46
	Total Expenditures for the Period Ending 1/16/2004				$401.46

1/30/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA @ 103/hr.	1316	13.0	0.0	$1,337.67
				Sub Total:	$1,337.67
	DALY, TIMOTHY	1317	3.0	0.0	$380.44
				Sub Total:	$380.44
	JOYCE, DANIEL	65	1.5	0.0	$135.89
	RODRIGUEZ, RANDY	65	2.0	0.0	$159.01
				Sub Total:	$294.90
	Total Expenditures for the Period Ending 1/30/2004				$2,013.01

2/13/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	12.5	0.0	$1,324.31
	JAUREGUI, RODOLFO	1316	1.5	0.0	$165.91
				Sub Total:	$1,490.22
	DALY, TIMOTHY	1317	3.0	0.0	$401.62
				Sub Total:	$401.62
	RODRIGUEZ, RANDY	65	7.0	0.0	$553.96
				Sub Total:	$553.96
	Total Expenditures for the Period Ending 2/13/2004				$2,445.80

2/27/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	12.5	0.0	$1,324.67
	BLAKE, MARTHA	1316	3.5	0.0	$370.67
				Sub Total:	$1,695.34
	HOWSER, YOSHIE	1317	0.5	0.0	$30.60
				Sub Total:	$30.60
	Total Expenditures for the Period Ending 2/27/2004				$1,725.94

119708 Genesee Avenue - Nobel Drive to SR 52

3/12/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	12.0	0.0	$1,271.34
	GONSALVES, ANN	1316	0.5	0.0	$77.11
	JAUREGUI, RODOLFO	1316	2.0	0.0	$221.31
				Sub Total:	$1,569.76
	DALY, TIMOTHY	1317	4.0	0.0	$535.61
	HOWSER, YOSHIE	1317	4.2	0.0	$256.81
				Sub Total:	$792.42
	Total Expenditures for the Period Ending 3/12/2004				$2,362.18

3/26/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	11.5	0.0	$1,218.47
				Sub Total:	$1,218.47
	Total Expenditures for the Period Ending 3/26/2004				$1,218.47

4/9/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	12.5	0.0	$1,328.69
				Sub Total:	$1,328.69
	Total Expenditures for the Period Ending 4/9/2004				$1,328.69

4/23/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	4.5	0.0	$478.17
				Sub Total:	$478.17
	Total Expenditures for the Period Ending 4/23/2004				$478.17

5/7/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	9.5	0.0	$1,009.72
				Sub Total:	$1,009.72
	Total Expenditures for the Period Ending 5/7/2004				$1,009.72

5/21/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	10.0	0.0	$1,062.89
				Sub Total:	$1,062.89
	Total Expenditures for the Period Ending 5/21/2004				$1,062.89

119708 Genesee Avenue - Nobel Drive to SR 52

6/4/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	22.5	0.0	$2,391.96
	NEGRETE, ROBERT	1316	0.2	0.0	$21.95
	THOMAS, PATRICK	1316	2.0	0.0	$225.27
				Sub Total:	$2,639.18
	GONZALEZ, DOLORES	1317	1.0	0.0	$67.36
				Sub Total:	$67.36
	Total Expenditures for the Period Ending 6/4/2004				$2,706.54

6/18/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	7.5	0.0	$797.18
	ROGERS, ROBERT	1316	1.0	0.0	$122.71
	ROTHMAN, CHRISTINE	1316	14.0	0.0	$1,491.98
	THOMAS, PATRICK	1316	4.0	0.0	$448.59
	VARSHOCK, GEORGE	1316	0.5	0.0	$66.72
	YAZDANI, HUSHMAND	1316	3.0	0.0	$393.26
				Sub Total:	$3,320.44
	SHACKELFORD, KRIS	547	9.0	0.0	$1,258.32
				Sub Total:	$1,258.32
	JOYCE, DANIEL	65	3.5	0.0	$318.44
	KROSCH, JEANNE	65	0.5	0.0	$46.53
	RODRIGUEZ, RANDY	65	5.0	0.0	$397.13
				Sub Total:	$762.10
	Total Expenditures for the Period Ending 6/18/2004				$5,340.86

7/2/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	21.5	0.0	$2,433.37
	ROTHMAN, CHRISTINE	1316	1.5	0.0	$170.29
	VAUGHAN, ALICE	1316	1.0	0.0	$99.08
				Sub Total:	$2,702.74
	DALY, TIMOTHY	1317	7.0	0.0	$1,000.38
				Sub Total:	$1,000.38
	SHACKELFORD, KRIS	547	9.0	0.0	$1,286.29
	SHACKELFORD, KRIS	547	4.0	0.0	$571.67
				Sub Total:	$1,857.96
	DELCAMP, TERI	65	0.5	0.0	$45.91
	JOYCE, DANIEL	65	4.0	0.0	$376.04
	RODRIGUEZ, RANDY	65	1.5	0.0	$121.76
				Sub Total:	$543.71
	Total Expenditures for the Period Ending 7/2/2004				$6,104.79

119708 Genesee Avenue - Nobel Drive to SR 52

7/16/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	AGUILAR, ADOLFO	1316	4.0	0.0	$489.87
	BLAKE, MARTHA	1316	2.0	0.0	$224.05
				Sub Total:	$713.92
	DALY, TIMOTHY	1317	2.0	0.0	$298.90
				Sub Total:	$298.90
	SHACKELFORD, KRIS	547	10.0	0.0	$1,461.84
				Sub Total:	$1,461.84
	Total Expenditures for the Period Ending 7/16/2004				$2,474.66

7/30/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	AGUILAR, ADOLFO	1316	2.0	0.0	$229.38
	BLAKE, MARTHA	1316	8.5	0.0	$922.12
	JAUREGUI, RODOLFO	1316	3.5	0.0	$397.14
				Sub Total:	$1,548.64
	SHACKELFORD, KRIS	547	14.0	0.0	$1,966.31
				Sub Total:	$1,966.31
	Total Expenditures for the Period Ending 7/30/2004				$3,514.95

8/13/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	16.0	0.0	$1,791.47
				Sub Total:	$1,791.47
	SHACKELFORD, KRIS	547	11.0	0.0	$1,608.44
				Sub Total:	$1,608.44
	Total Expenditures for the Period Ending 8/13/2004				$3,399.91

8/27/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	14.5	0.0	$1,623.60
				Sub Total:	$1,623.60
	SHACKELFORD, KRIS	547	12.0	0.0	$1,754.62
				Sub Total:	$1,754.62
	Total Expenditures for the Period Ending 8/27/2004				$3,378.22

9/10/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	15.5	0.0	$1,735.67
				Sub Total:	$1,735.67
	SHACKELFORD, KRIS	547	16.0	0.0	$2,339.53
				Sub Total:	$2,339.53
	Total Expenditures for the Period Ending 9/10/2004				$4,075.20

119708 Genesee Avenue - Nobel Drive to SR 52

9/24/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	26.5	0.0	$2,967.13
	LOWRY, ANNE	1316	1.5	0.0	$191.53
	OCEN, JULIUS	1316	3.0	0.0	$399.48
				Sub Total:	$3,558.14
	DALY, TIMOTHY	1317	5.0	0.0	$746.85
				Sub Total:	$746.85
	SHACKELFORD, KRIS	547	16.0	0.0	$2,339.46
				Sub Total:	$2,339.46
	Total Expenditures for the Period Ending 9/24/2004				$6,644.45

10/8/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	37.5	0.0	$4,198.41
	HARTUNG, ELIZABETH	1316	0.3	0.0	$10.24
	LOWRY, ANNE	1316	3.5	0.0	$446.93
	THOMAS, PATRICK	1316	2.0	0.0	$236.00
	THOMAS, PATRICK	1316	2.0	0.0	$236.00
	VARSHOCK, GEORGE	1316	0.5	0.0	$70.57
				Sub Total:	$5,198.15
	DALY, TIMOTHY	1317	3.0	0.0	$448.08
	SIERRA, PATRICIA	1317	1.0	0.0	$57.21
	TRASK, DONNA	1317	0.5	0.0	$33.19
				Sub Total:	$538.48
	SHACKELFORD, KRIS	547	18.0	0.0	$2,631.99
				Sub Total:	$2,631.99
	JOYCE, DANIEL	65	8.5	0.0	$828.46
	KROSCH, JEANNE	65	0.5	0.0	$48.72
	RODRIGUEZ, RANDY	65	4.0	0.0	$339.52
				Sub Total:	$1,216.70
	Total Expenditures for the Period Ending 10/8/2004				$9,585.32

10/22/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	31.5	6.5	$4,270.95
	ROTHMAN, CHRISTINE	1316	2.8	2.0	$542.21
				Sub Total:	$4,813.16
	DALY, TIMOTHY	1317	5.0	0.0	$746.72
				Sub Total:	$746.72
	SHACKELFORD, KRIS	547	26.0	0.0	$3,801.65
				Sub Total:	$3,801.65
	GUY, KEVIN	65	1.0	0.0	$80.35
	RODRIGUEZ, RANDY	65	1.0	0.0	$84.87
				Sub Total:	$165.22
	Total Expenditures for the Period Ending 10/22/2004				$9,526.75

119708 Genesee Avenue - Nobel Drive to SR 52

11/5/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	14.0	0.0	$1,567.60
				Sub Total:	$1,567.60
	GHAVAMI, RON	547	2.0	0.0	$232.17
	SHACKELFORD, KRIS	547	22.0	0.0	$3,216.80
				Sub Total:	$3,448.97
	Total Expenditures for the Period Ending 11/5/2004				$5,016.57

11/19/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	18.0	0.0	$2,015.40
	LOWRY, ANNE	1316	0.9	0.0	$115.43
				Sub Total:	$2,130.83
	SHACKELFORD, KRIS	547	11.0	0.0	$1,608.42
				Sub Total:	$1,608.42
	DELCAMP, TERI	65	1.0	0.0	$97.10
				Sub Total:	$97.10
	Total Expenditures for the Period Ending 11/19/2004				$3,836.35

12/3/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	34.0	0.0	$3,806.66
				Sub Total:	$3,806.66
	HOWSER, YOSHIE	1317	1.5	0.0	$99.42
	TRASK, DONNA	1317	0.5	0.0	$33.54
	TRASK, DONNA	1317	3.5	0.0	$234.65
				Sub Total:	$367.61
	SHACKELFORD, KRIS	547	23.0	0.0	$3,363.08
				Sub Total:	$3,363.08
	DELCAMP, TERI	65	1.0	0.0	$95.78
	JOYCE, DANIEL	65	2.0	0.0	$194.90
				Sub Total:	$290.68
	Total Expenditures for the Period Ending 12/3/2004				$7,828.03

12/17/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	21.5	0.0	$2,407.29
	LOWRY, ANNE	1316	0.5	0.0	$63.88
				Sub Total:	$2,471.17
	SHACKELFORD, KRIS	547	16.0	4.5	$3,026.76
				Sub Total:	$3,026.76
	JOYCE, DANIEL	65	2.0	0.0	$194.96
				Sub Total:	$194.96
	Total Expenditures for the Period Ending 12/17/2004				$5,692.89

119708 Genesee Avenue - Nobel Drive to SR 52

12/31/2004		Dept	Reg Hrs	OT Hrs	Expenditures
	BLAKE, MARTHA	1316	6.5	0.0	$742.33
				Sub Total:	$742.33
	SHACKELFORD, KRIS	547	2.0	0.0	$289.24
				Sub Total:	$289.24
			Total Expenditures for the Period Ending 12/31/2004		$1,031.57

Total Expenditures for the period 7/4/2003 to 12/31/2004	$94,203.39

Department Summary

Employee	Hrs.	Expenditures
KROSCH, JEANNE	0.5	$95.25
DELCAMP, TERI	1.5	$238.79
GUY, KEVIN	1	$80.35
JOYCE, DANIEL	19.5	$2,048.69
RODRIGUEZ, RANDY	20.5	$1,656.25
Total:	43	$4,119.33

Dev Services

Employee	Hrs.	Expenditures
AGUILAR, ADOLFO	6	$719.25
BLAKE, MARTHA	359	$44,621.79
DALY, TIMOTHY	21	$4,960.06
VAUGHAN, ALICE	1	$99.08
GONSALVES, ANN	0.5	$77.11
GONZALEZ, DOLORES	1	$67.36
VARSHOCK, GEORGE	0.5	$137.29
HARTUNG, ELIZABETH	0.3	$10.24
LOWRY, ANNE	6.4	$817.77
JAUREGUI, RODOLFO	7	$784.36
SIERRA, PATRICIA	1	$57.21
TRASK, DONNA	4	$301.38
YAZDANI, HUSHMAND	3	$393.26
NEGRETE, ROBERT	0.2	$21.95
OCEN, JULIUS	3	$399.48
THOMAS, PATRICK	6	$1,145.86
ROGERS, ROBERT	1	$122.71
ROTHMAN, CHRISTINE	20.3	$2,204.48
HOWSER, YOSHIE	6.2	$386.83
Total:	447.4	$57,327.47

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Employee	Hrs.	Expenditures
GHAVAMI, RON	2	$232.17
SHACKELFORD, KRIS	187.5	$32,524.42
Total:	189.5	$32,756.59

Attachment 33

HABITAT CONSERVATION FUND PROGRAM APPLICATION

THIS FORM AND REQUIRED ATTACHMENTS MUST BE SUBMITTED FOR EACH PROJECT SITE

PROGRAM TYPE (check one below)

- ☐ Deer Lion
- ☐ RTEP
- ☐ Wetlands
- ☒ Riparian
- ☐ Anadromous and Trout
- ☐ Trails and Programs

PROJECT NAME	AMOUNT OF GRANT REQUESTED (*minimum grant - $20,000 except trails*) $ 21,115
ROSE CANYON OPEN SPACE PARK RIPARIAN ENHANCEMENT/RESTORATION	ESTIMATED TOTAL PROJECT COST (*State grant and other funds*) $ 68,235

GRANT APPLICANT (*agency and address, include zip code*)	COUNTY	NEAREST CITY
CITY OF SAN DIEGO PARK AND RECREATION DEPARTMENT 202 "C" STREET, MS 37C SAN DIEGO, CA 92101	SAN DIEGO	SAN DIEGO
	PROJECT ADDRESS: ROSE CANYON OPEN SPACE PARK	
	NEAREST CROSS STREET	
	SENATE DISTRICT NO. 39	ASSEMBLY DISTRICT NO. 78, 76

GRANT APPLICANT'S REPRESENTATIVE AUTHORIZED IN RESOLUTION (*name typed*)	TITLE	PHONE
MARCIA C. McLATCHY	PARK & REC DIRECTOR	236-6643
PERSON WITH DAY-TO-DAY RESPONSIBILITY FOR PROJECT IF DIFFERENT FROM AUTHORIZED REPRESENTATIVE (*name typed*) STACEY LoMEDICO	TITLE GRANTS ADMINISTRATOR	PHONE 525-8217

BRIEF DESCRIPTION OF PROJECT

Remove large stands of invasive non-native vegetation from Rose Creek where it runs through Rose Canyon Open Space Park. Replace the non-native plants with native plant material. Approximately 15 - 20% of the vegetation at the creek is non-native.

For Development projects, Land Tenure-Project is _____ acres.	For Acquisition projects, Project land will be _____ acres.
_____ Acres owned in fee simple by Grant Applicant.	_____ Acquired in fee simple by Grant Applicant.
_____ Acres available under a _____ year lease.	_____ Acquired in other than fee simple (*explain*) _____
_____ Acres other interest (*explain*) _____	_____

I certify that the information contained in this project application form, including required attachments, is accurate and that I have read and understand the important information and assurances on the reverse of this form.

SIGNED Marcia C. McLatchy
Grant Applicant's Authorized Representative as shown in Resolution

Date 9/25/97

OPR 879 (New 8/91) (Front)

Attachment 34

of the State hereunder if in the judgment of the State such failure was due to no fault of the Applicant. In such case, any amount required to settle at minimum cost any irrevocable obligations properly incurred shall be eligible for reimbursement under this agreement.

4. Because the benefit to be derived by the State, from the full compliance by the Applicant with the terms of this agreement, is the preservation, protection and net increase in the quantity and quality of parks, public recreation facilities and/or historical resources available to the people of the State of California and because such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the State by way of grant moneys under the provisions of this agreement, the Applicant agrees that payment by the Applicant to the State of an amount equal to the amount of the grant moneys disbursed under this agreement by the State would be inadequate compensation to the State for any breach by the Applicant of this agreement. The applicant further agrees therefore, that the appropriate remedy in the event of a breach by the Applicant of this agreement shall be the specific performance of this agreement, unless otherwise agreed to by the State.

5. Applicant and State agree that if the Project includes development final payment may not be made until the Project conforms substantially with this agreement and is a usable facility.

F. Hold Harmless

1. Applicant agrees to waive all claims and recourse against the State including the right to contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to this agreement except claims arising from the concurrent or sole negligence of State, its officer, agents, and employees.

2. Applicant agrees to indemnify, hold harmless and defend State, its officers, agents and employees against any and all claims demands, damages, costs, expenses or liability costs arising out of the acquisition, development, construction, operation or maintenance of the property described as the Project which claims, demands or causes of action arise under Government Code Section 895.2 or otherwise except for liability arising out of the concurrent or sole negligence of State, its officers, agents, or employees.

3. Applicant agrees that in the event State is named as codefendant under the provisions of Government Code Section 895 et seq., the Applicant shall notify State of such fact and shall represent State in the legal action unless State undertakes to represent itself as codefendant in such legal action in which event State shall bear its own litigation costs, expenses, and attorney's fees.

4. Applicant and state agrees that in the event of judgment entered against the State and Applicant because of the concurrent negligence of the State and Applicant, their officers, agents, or employees, an apportionment of liability to pay such judgment shall be made by a court of competent jurisdiction. Neither party shall request a jury apportionment.

5. Applicant agrees to indemnify, hold harmless and defend the State, its officers, agents and employees against any and all claims, demands, costs, expenses or liability costs arising out of legal actions pursuant to items to which the Applicant has certified. Applicant acknowledges that it is solely responsible for compliance with items to which it has certified.

G. Financial Records

1. Applicant agrees to maintain satisfactory financial accounts, documents and records for the Project and to make them available to the State for auditing at reasonable times. Applicant also agrees to retain such financial accounts, documents and records for three years following project termination or completion.

Applicant and State agree that during regular office hours each of the parties hereto and their duly authorized representatives shall have the right to inspect and make copies of any books, records or reports of the other party pertaining to this agreement or matters related thereto. Applicant agrees to maintain and make available for inspection by the State accurate records of all of its costs, disbursements and receipts with respect to its activities under this agreement.

2. Applicant agrees to use any generally accepted accounting system.

H. Use of Project Area

1. Applicant agrees that the property acquired or developed with grant moneys under this agreement shall be used by the Applicant only for the purposes of the California Wildlife Protection Act of 1990 and no other use, sale, or other disposition of the area shall be permitted except by specific act of the Legislature.

2. The Applicant agrees to maintain and operate in perpetuity the property acquired, developed, restored or enhanced with these funds.

I. Nondiscrimination

1. The Applicant shall not discriminate against any person on the basis of sex, race, color, national origin, age, religion, ancestry, or physical handicap in the use of any property or facility acquired or developed pursuant to this agreement.

2. The Applicant shall not discriminate against any person on the basis of residence except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence and pursuant to law.

Attachment 35

THE CITY OF SAN DIEGO

December 17, 2002

Mr. Steve Shiflett
Project Officer
State of California
Department of Parks and Recreation
1416 9th Street, Room 918
P.O. Box 942896
Sacramento, CA 94296-0001

Re: Final Payment Request

Dear Steve:

Attached please find a final invoice for the following Habitat Conservation Fund project:

Rose Canyon Open Space Park Riparian Enhancement, HR-37-005.

If you have any questions, please call me at (619) 525-8218.

Cordially,

Heidi Lang
Assistant Grants Administrator

Attachments
C:\My Documents\MyFiles\park board aps\steve payment requests.wpd

Park Planning Division
Park and Recreation • Balboa Park • San Diego, CA 92101
Tel (619) 525-8213 Fax (619) 525-8220
Mailing Address: 202 C Street, MS 37C • San Diego, CA 92101-3860

PROJECT CERTIFICATION FORM

AGENCY: City of San Diego PROJECT NUMBER: HR-37-005

AGENCY CONTACT FOR AUDIT PURPOSES: NAME: Heidi Lang

ADDRESS: 202 "C" Street, MS 37C, San Diego, CA 92101

PHONE: (619) 525-8218

PROJECT DESCRIPTION - *List facilities developed and/or property acquired:*

Remove non-native vegetation and replant with native material.

LIST OTHER FUNDS USED ON PROJECT (SOURCES AND AMOUNTS):

	Title	Amount
	City Staff Time - Grant Match (Dept. 446, Job Order 380711)	$13,419.12
	Volunteer Labor - Grant Match	$40,738.01
	Total	$54,157.13

INTEREST EARNED ON ADVANCED GRANT FUNDS $ 0.00

HAS A NOTICE OF COMPLETION BEEN FILED? YES ____ NO X

IF NO, PLEASE EXPLAIN:

Not applicable as this is not a construction project.

CERTIFICATION

I hereby certify that all grant funds were expended on the above named project(s) and that the project(s) is complete and we have made final payment for all work done.

Heidi Lang

Heidi Lang Assistant Grants Administrator

12-17-02

Date

Attachment 35A

From: Kris Shackelford
To: Mike Mezey; Nitsuh Aberra; Patti Boekamp
Date: Mon, Nov 17, 2003 8:30 AM
Subject: Re: FW: scoping comments

I asked Park & Rec. to send me a copy of the grant agreement. It is true that the agreement stated that the City shall maintain the restored area in perpetuity. However, this is a standard language that is placed in all of the State grant funds. It is meant to imply that the grant recipient has the responsibility to maintain the "project" and not the State. It does not mean that the area is untouchable. I already mentioned this to Bruce and will be more than happy to produce other State/Local Agency agreements with similar language.

Kris

>>> Patti Boekamp 11/14/2003 6:09 PM >>>
Looked almost like she was writing an EIR... :-)

>>> "Bruce McIntyre" <BruceM@ProjectDesign.com> 11/14/03 12:42 >>>
FYI.

-----Original Message-----
From: Debby Knight [mailto:dknight3@san.rr.com]
Sent: Friday, November 14, 2003 11:15 AM
To: Bruce McIntyre
Cc: Gordon Lutes
Subject: scoping comments

Bruce,
Attached are the scoping comments I submitted. They begin with a summary of facts about Rose Canyon that you might find useful. We also submitted our alternative report, and as that focused more on traffic, I focus these comments primarily on environmental/recreational issues related to Rose Canyon.

Debby

CC: "BruceM@ProjectDesign.com".SMTP Gateway.LANLAB; Gordon Lutes

Attachment 35B

U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92009
(760) 431-9440
FAX (760) 431-5902 + 9618

CA Dept. of Fish & Game
South Coast Regional Office
4949 Viewridge Avenue
San Diego, California 92123
(858) 467-4201
FAX (858) 467-4299

In Reply Refer To:
FWS-SDG-3970.1

Martha Blake, Associate Planner
City of San Diego
Development Services Center
Land Development Review Division
1222 First Avenue, MS 501
San Diego, CA 92101

APR 15 2004

Re: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the University City North/South Transportation Corridor Study (SCH# 2004031011)

Dear Ms. Blake:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), collectively the "Wildlife Agencies," have received (on March 30, 2004, and March 3, 2004, respectively) and reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (DEIR) for the University City North/South Transportation Corridor Study, and the February 27, 2004, memorandum from the City of San Diego's (City) Development Service's Department to the City's Engineering and Capital Improvements Department regarding the Study (City's memo). We also attended the City's December 9, 2003, pre-application meeting on the proposed project. Because the Service did not receive the NOP until March 30, 2004, the City granted us an extension of the public comment period, until April 16, 2004 (pers. comm., electronic mail from Martha Blake, March 30, 2004). We appreciate the extension, and assume that the City will fully consider our comments in the preparation of the DEIR.

The NOP indicates that the DEIR will describe and analyze six alternatives. These are: (1) Regents Road Bridge; (2) Genesee Avenue Widening; (3) Genesee Avenue/Governor Drive Grade Separation; (4) a combination of both the Regents Road Bridge and the Genesee Avenue widening without grade separation; (5) a combination of both the Regents Road Bridge and the Genesee Avenue widening with the grade separation; and (6) No Project which assumes the implementation of only the transit improvements planned as part of the Revenue-Constrained Scenario of SANDAG's Regional Transportation Plan. The Regents Road Bridge would extend across Rose Canyon to connect the existing termini of that street at the north and south rims of the canyon. The Genesee Avenue widening alternative would expand this roadway to six lanes between State Route (SR) 52 and Nobel Drive. The Genesee Avenue/Governor Drive Grade Separation would reconstruct the present intersection of these two streets to create an underpass beneath Governor Drive to accommodate through traffic on Genesee Avenue. The first three

alternatives would include the construction of a second left-hand turn lane along south bound Genesee Avenue to east bound SR 52. Alternatives 4 and 5 would include modifications at Genesee Avenue/SR 52. The DEIR would not recommend one alternative over another, but would provide a full analysis of each, and would identify the least environmentally damaging project alternative (LEDPA). The City Council would select an alternative for implementation (either one of the 'project' alternatives or the 'no project' alternative) when they consider the EIR for certification.

Portions of the study area are within the Multiple Habitat Preservation Area (MHPA) of the City's Multiple Species Conservation Program (MSCP) Subarea Plan. Specifically, these are (1) Rose Canyon (Rose Canyon Open Space Park) which would be affected by the Regents Road Bridge and the widening of Genesee Avenue, and (2) San Clemente Canyon (Marian Bear Memorial Natural Park), which would be affected by the widening of Genesee Avenue, and the modifications along south bound Genesee Avenue at east bound SR 52.

In summary, the DEIR should adequately demonstrate the purpose and need of the proposed project, if and how each project alternative will fulfill the project's purpose and need, and adequately describe how each alternative will impact biological resources and mitigate for those impacts. We offer the following comments to assist the City in avoiding, minimizing and mitigating project impacts to biological resources.

Project Purpose, Alternatives, and the LEDPA

1. The Wildlife Agencies are concerned about the potential impacts of the alternatives on the MHPA. We are interested in knowing which alternative would most avoid or minimize the biological impacts within and adjacent to the MHPA and meet the needs of the project. In order for us and other reviewers to make this assessment, it is important that the DEIR provide the following.

    a. The DEIR should include "a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project [on the MHPA], and evaluate the comparative merits of the alternatives," as required by Section 15126.6 (a) of the CEQA Guidelines. The alternatives should be limited to ones that would avoid or substantially lessen any of the significant effects of the project [CEQA Guidelines, section 15126.6(f)]. For each alternative, the DEIR should provide a discussion on how each alternative would avoid or minimize significant impacts on biological resources.

    b. DEIR should provide a very clear and detailed description of the purpose, goals, and objectives for the project, as this will be critical in determining the most appropriate alternative to address the specific traffic needs and reduce biological impacts to a level less than significant. We recommend that the transportation/circulation analysis include a

table summarizing the positive and negative effects on traffic within the alternatives' respective areas of potential effect.[1]

2. Based on the December 9, 2003, meeting, we understand that the Regents Road Bridge alternative would affect an area of habitat (e.g., CSS, wetland) restoration in Rose Canyon between the mainstem of Rose Creek and the southern terminus of Regents Road. This area is within the MHPA. Furthermore, the City committed to preserving the restoration area in perpetuity by accepting funding from the California Department of Parks and Recreation (DPR) Habitat Conservation Fund Program (HCFP) to conduct the restoration. The DPR's procedural guide for the HCFP (May 1997), states, "applicant will maintain and operate the property acquired, developed, rehabilitated, or restored with the funds in perpetuity..... [and] make no other use, sale, or other disposition of the property except as authorized by specific act of the Legislature." The City's October, 1997, application to the DPR HCFP for funding this restoration, states, "all projects are within the protected boundaries of Rose Canyon Open Space Park," in response to a query about whether adjacent land use is permanent and compatible or adequate buffer zones would be established. The DEIR should briefly discuss the purpose of the restoration, and identify the City's commitments to the agency(ies) that awarded the City funding for it. If the City committed to preserving the restoration in perpetuity, and the Regents Road Bridge alternative could not be designed to avoid (including shading and indirect impacts) the restoration area, the DEIR should explain why the Regents Road Bridge is among the alternatives being studied.

3. We understand that the City's proposed LEDPA is unrelated to the LEDPA under section 404 of the Clean Water Act (pers. comm., Martha Blake, 4/12/04). To enable reviewers to fully understand how the LEDPA is determined, we recommend that the DEIR:

   a. identify and thoroughly describe the criteria used to determine the LEDPA (LEDPA criteria); there should be separate criteria for each issue area (e.g., Landform Alteration/Visual Quality," "Traffic/Circulation," "Biological Resources");

   b. explain the reasoning for each alternative's ranking in each LEDPA criterion;

   c. describe why the LEDPA, irrespective of other alternatives to the project, is consistent with and appropriate in the context of the MSCP Subarea Plan; and

   d. contain a matrix that summarizes each of the alternative's rankings in each of the LEDPA criteria.

4. The LEDPA criteria should encompass the issues identified by section 15126.6(f)(1) of the CEQA Guidelines which states, "Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional

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1 The DEIR should identify and provide the purpose and a brief description of each of the transit improvements planned as part of the Revenue-Constrained Scenario of SANDAG's Regional Transportation Plan, within the study areas for each of the alternatives.

boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent)." As to economic viability, the DEIR should identify the cost of each alternative, including the estimated cost of all mitigation that would be required (see comment #15).

Impact Analysis

5. The DEIR should address how the MSCP Subarea Plan and associated Implementing Agreement (IA) influences the following issue areas: "Land Use," "Landform Alteration/Visual Quality," "Traffic/Circulation," "Biological Resources," "Drainage/Urban Runoff/Water Quality," "Noise," "Growth Inducement" and "Cumulative Effects."

6. The DEIR must ensure and verify that the implementation of any of the alternatives would meet all the requirements and conditions of the City's MSCP Subarea Plan and IA. The DEIR should also address biological issues that are not addressed in the MSCP Subarea Plan and IA, such as specific impacts to and mitigation for wetlands or sensitive species and habitats that are not covered by the Subarea Plan and IA. For example, the DEIR should address whether any potential take of MSCP-covered species [e.g., coastal California gnatcatcher (*Polioptila californica californica*, gnatcatcher) and the least Bell's vireo (*Vireo bellii pusillus*, vireo)] would be in conformance with the MSCP.

7. The City's memo states, "at the time that the project is proposed for construction, development, and/or a community plan amendment, further project review would occur and any required permits would be sought. This would include further public involvement, review, and would be subject to further public hearings." We assume that "further project review" does not refer to additional CEQA documentation, and that the DEIR will provide an impact analyses for each of the alternatives that is sufficiently thorough for reviewers to provide informed comments and for the City Council to make a fully informed decision. Please clarify whether additional CEQA documentation would be prepared.

8. For each alternative's area of potential effect (APE), the DEIR should identify the listed species, California Species of Special Concern, and all other sensitive species for which the habitat within the APE is suitable. In addition, the DEIR should identify species observed during current (i.e., within a year of circulation of the DEIR) focused surveys (protocol-level surveys for species for which there is a protocol) conducted within the APEs.

9. The DEIR should analyze potential habitat fragmentation within the MHPA that would result from the implementation of each alternative, and the impacts of the fragmentation on the MSCP covered and non-covered species.

10. The DEIR should thoroughly analyze the potential impacts from the implementation of each alternative on wildlife corridors/linkages and wildlife movement within each alternative's APE. For example, the fill and bridge proposed in Rose Canyon for the Regents Road Bridge alternative may be detrimental to local wildlife movement.

a. The MSCP Subarea Plan states, "If roads cross the MHPA, they should provide fully-functional wildlife movement capability." The DEIR should address this requirement for each alternative, and should describe how the current level of wildlife movement in Rose Canyon and San Clemente Canyon and under Genesee Avenue would be retained or improved. Specifically, (a) for the widening of Genesee Avenue at Rose Canyon, the DEIR should describe how the box culverts under Genesee Avenue, which are already quite long, would be improved for wildlife movement,[2] and (b) the design for the Regents Road Bridge alternative should span the mainstem of Rose Canyon and the finger canyon between the mainstem and the southern terminus of Regents Road. The discussion of measures to improve the box culverts should include measures to attenuate noise from traffic.

b. The cumulative impacts analysis in the DEIR should comprehensively discuss the issue of wildlife movement, and the potential impacts from the implementation of any of the project alternatives in conjunction with past, present, and future projects within the APE.

c. The discussion of impacts on wildlife movement should encompass the direct impacts from loss of habitat and the installation of structures and from indirect impacts such as operational noise and lighting. We recommend that the design for the Regents Road Bridge, and the portions of the Genesee Avenue widening alternative that cross over Rose Canyon and San Clemente Canyon: (i) include minimal street lighting; (ii) include measures to prevent spill-over or glare from vehicle lights into the canyons or the night sky; and (iii) include measures to attenuate the noise from traffic.

d. If necessary to ascertain the potential impacts on wildlife movement and to assist in determining appropriate measures to avoid or minimize these impacts, the City should conduct a wildlife movement study. The Wildlife Agencies would appreciate the opportunity to review the scope of work developed for any study the City plans to conduct. If no such study is done, the DEIR should demonstrate that the information used for the impact analysis is adequate.

11. The DEIR should identify and discuss potential impacts to mitigation areas for previous projects.

12. In addition to the loss of sensitive habitat and the wildlife impacts associated with each alternative, the DEIR should also identify and provide a thorough analysis of the following for each alternative: (a) the sensitive habitat that would receive more or less shading than now; (b) the potential direct and indirect hydrological impacts, particularly the long-term impacts on riparian resources from structures placed within the floodplain; and (c) the

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2 A site visit on March 31, 2004, revealed that, though the box culverts are at least 6 feet high, at this time they have water in them except where sediment has collected. In some areas of sediment accretion, the sediment is so high that it would dissuade wildlife (even small to medium-sized mammals) from passing through. Wildlife probably use the railroad tracks and/or the narrow areas adjacent to and north and south of the tracks, but these do not constitute a viable wildlife linkage between the west and east side of Genesee Avenue.

impacts from maintenance (at any frequency) to maintain the hydraulic capacity of the modified 100-year floodplain.

13. The biological section of the DEIR should include a matrix that summarizes and compares the potential biological impacts from the implementation of each alternative, and other pertinent information.[3]

14. In addition to the information about the biological impacts of each alternative in the narrative, the biological section in the DEIR should include, at a minimum, the following graphics.

    a. A separate current aerial photo (scale should be such that it fills a 11 x 17 page) of each of the project areas for (i) alternatives 1 through 3, (ii) the second left turn lane on south bound Genesee Avenue, and (iii) the "improvements at Genesee Avenue/SR 52" if they are different from the second left turn lane. Each photo should have an outline of the project footprint (i.e., not a solid color representing the footprint and obstructing the view of the existing habitat/development within the footprint), including areas that would be only graded (i.e., no structures proposed).

    b. A separate current aerial photo (scale should be such that it fills a 11 x 17 page) that depicts the locations of the impacts identified in the matrix (requested in the previous comment) for each of alternatives 1 through 3, the second left turn lane on south bound Genesee Avenue, and the "improvements at Genesee Avenue/SR 52" if they are different from the second left turn lane.

Mitigation

15. The DEIR should thoroughly describe measures that would be taken to avoid or minimize the biological impacts identified in the preceding comments in this letter. These measures should be beyond and above the design elements and construction processes incorporated into the project alternatives to avoid or minimize impacts on biological resources. For example, the DEIR should describe measures that would be taken to avoid/minimize indirect hydrological impacts on the morphology, habitat, and natural functions of the riparian systems. The section in the DEIR on mitigation should address, at a minimum, the impacts identified in comments #10 and #13, and management of mitigation areas in perpetuity (e.g., endowment etc.).

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3 The matrix should include: acreage of losses of (a) each type of sensitive habitat, (b) sensitive habitat within the MHPA (please distinguish between the MHPA acreage that is already preserved and the acreage that is not, if any), (c) land serving as mitigation for previous project(s), and (d) habitat within restoration project(s); acreage of areas of sensitive habitat that would experience more or less shading than now; sensitive species that may be affected (please identify the species); fragmentation of habitat suitable for sensitive species; relative impacts on wildlife movement, wildlife linkages/corridors; discretionary actions needed [e.g., 404 permit from the U.S. Corps of Engineers, inclusive of section 7 consultation for take of vireo; duration of construction (i.e., # of years); seasonal timing of construction (e.g., during the avian breeding season?); daily timing of construction (e.g., after dark?); operational noise and lighting; direct and indirect hydrological impacts; and impacts from maintenance to maintain the hydraulic capacity.

16. While the City cannot predict the mitigation requirements that the permitting agencies (e.g., U.S. Army Corps of Engineers and Regional Water Quality Control Board) would impose for impacts to jurisdictional habitats, the DEIR should propose mitigation for those impacts that is consistent with the City's biology guidelines, and should thoroughly describe where and how the mitigation would occur, acknowledging that the permitting agencies' requirements may exceed these mitigation requirements. The DEIR should also address whether the proposed wetland mitigation may itself affect wetland habitat. If the proposed mitigation would cause significant biological impacts, the DEIR should analyze these impacts and propose mitigation for them [California Environmental Quality Act (CEQA) Guidelines, section 15126.4(a)(D)].

17. In addition to mitigation already addressed, the DEIR should require the following mitigation measures, at a minimum, for the alternative chosen for implementation, if any.

    a. Aspects of the project construction that might affect avian breeding behavior should avoid the avian breeding season. If avoiding construction during the breeding season is infeasible, pursuant to Sections 3503, 3503.5 and 3513 of the California Fish and Game Code, (a) all proposed vegetation clearing should occur outside of the avian breeding season (i.e., should occur between September 1 and February 14, January 14 for raptors) in areas that would support avian nests, and (b) where there is suitable nesting habitat for any nongame birds within 300 feet of the project work area (within 500 feet for raptors), measures should be implemented to avoid disturbing avian breeding behavior from indirect effects (e.g., noise, line-of-sight disturbances, night-lighting). The DEIR should describe the measures that would be taken.

    b. Only non-invasive, preferably native species, should be used for all proposed landscaping (e.g., in medians or shoulders) within, adjacent to, or upstream of either Rose or San Clemente canyons. For native species, local seed (or plantings from local seed) should be used to the extent possible.

Discretionary Actions

18. The City's incidental take[4] permit for the MSCP Subarea Plan does not authorize incidental take of federally listed species within U.S. Army Corps of Engineers' jurisdictional wetlands. Therefore, federal take authorization through section 7, provided there is a federal nexus, or section 10 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seg*) may be necessary for this project.

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4 "Take" is defined by the ESA as "harass, harm, pursue, hunt, shoot, wound, trap, capture, or collect or attempt to engage in any such conduct." [ESA §3(18)] "Harass" is further defined by the Service as "actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering." "Harm" is defined by the Service to include "significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering." [50 CFR §17.3]

19. The alternative the City Council chooses for implementation, if any, may require a Streambed Alteration Agreement (SAA) from the Department. The Department's issuance of a SAA for a project that is subject to the California Environmental Equality Act (CEQA) requires CEQA compliance actions by the Department as a Responsible Agency. As a Responsible Agency under CEQA, the Department may consider the City's CEQA documentation. To minimize additional requirements by the Department pursuant to Section 1600 *et seq.* and/or under CEQA, the documentation should fully identify the potential impacts to the jurisdictional habitats, and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the SAA.

The Wildlife Agencies appreciate the opportunity to comment on this NOP. The Department finds that the project would not be de minimis in its effects on fish and wildlife per section 711.4 of the California Fish and Game Code. We are available to work with the City and their consultants to obtain any necessary permits for the proposed project. Please contact Libby Lucas 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 William E. Tippets
Deputy Regional Manager
California Dept. of Fish and Game

cc: Department of Fish and Game (Kelly Fisher)
State Clearinghouse

Attachment 35C

U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92009
(760) 431-9440
FAX (760) 431-5902 + 9618

CA. Department of Fish and Game
South Coast Regional Office
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201
FAX (858) 467-4299

In Reply Refer to: FWS-SDG-3970.2

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

Re: Draft Environmental Impact Report for the University City North/South Transportation Corridor Study (SCH# 2004031011)

Dear Ms. Blake:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), collectively the "Wildlife Agencies," have reviewed the above-referenced draft Environmental Impact Report (DEIR) for the University City North/South Transportation Corridor Study (Transportation Study), which we received on November 29, 2004, and the Errata to the DEIR which we received on February 24, 2005. The Errata included a notice of extension of review of the DEIR, establishing the end of the public review period as April 14, 2005. We also attended the City of San Diego's (City) December 9, 2003, pre-application meeting on the proposed project, and commented on the Notice of Preparation (NOP) of the DEIR in a letter dated April 15, 2004. We appreciate the opportunity to comment on the DEIR. Based on the information provided herein, the Wildlife Agencies strongly recommend that the City eliminate the Regents Road Bridge from further consideration as a viable alternative to address the traffic congestion in the UC North/South Transportation corridor. Accordingly, the City should process an amendment to the University Community Plan to remove this bridge from the Plan's Transportation Element.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act, Sections 15386 and 15381, respectively. The Department is responsible for the conservation, protection, and management of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning program. The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

PROJECT OVERVIEW

Project Description

The Transportation Study evaluates several transportation alternatives intended to relieve traffic congestion, in particular, within and between the southern and northern portions of the community of University City in the City. The purpose of the DEIR is to provide an analysis of seven of the alternatives and any impacts that may result from their implementation to allow the decision-maker (i.e., the City Council) to select an alternative for implementation. The DEIR does not recommend one alternative over another, and indicates that, due to the general nature of the DEIR, additional environmental review may be required, and additional mitigation measures with a higher degree of specificity could be required in conjunction with discretionary permits (e.g., Streambed Alteration Agreement from the Department).

Alternatives

The seven alternatives described and analyzed in the DEIR are the following:

1. Genesee Avenue Widening (GAWA), which would expand this roadway from four to six lanes between State Route (SR) 52 and Nobel Drive, and would take roughly two years to complete;

2. Regents Road Bridge (RRBA), which would extend across Rose Canyon to connect the existing termini of that street at the north and south rims of the canyon, and would take one year to complete;[1]

3. Genesee Avenue/Governor Drive Grade Separation, which would reconstruct the present intersection of these two streets to create an underpass beneath Governor Drive to accommodate through-traffic on Genesee Avenue;

4. Combination of the Regents Road Bridge and the Genesee Avenue Widening (no Grade Separation);

5. Combination of the Regents Road Bridge and the Genesee Avenue/Governor Drive Grade Separation (no Genesee Avenue Widening);

6. Limited Roadway Changes (LRCA), which would construct an additional eastbound left-turn lane along the south-bound Genesee Avenue and Regents Road at their respective interchanges with SR52; and

[1] The RRBA would be over 1500 feet long, with the portion of the road on fill being 700 feet long and the span being 870 feet long. The maximum height of the bridge above the canyon floor would be 60 feet and the total width of the decks, including the 10-foot wide span between them, would be approximately 94 feet. The fill would be in a tributary canyon to Rose Creek and the coastal sage scrub on one of the slopes of this canyon supports one of the pairs of the California gnatcatchers that would be affected.

7. No Project, which would include none of the previous alternatives, but assumes the implementation of the: (a) roadway changes in the University City Facilities Benefit Assessment plan; (b) San Diego Association of Government's revenue constrained 2030 Regional Transportation Plan improvements; (c) improvements to the La Jolla Village Drive / Interstate 805 interchange; (d) widening of Genesee Avenue from Regents Road to Interstate -5; and, (e) improvements to the Genesee Avenue / Interstate 5 interchange.

Alternatives 1 through 5 would include the project elements associated with the LRCA (i.e., alternative 6), and alternatives 1 through 6 are the action alternatives, as opposed to the No Project (i.e., no action) alternative.

Biological Impacts

Based on the DEIR and its associated biological resources report (Merkel & Associates, Inc. September 29, 2004, #02-099-01, Appendix C to the DEIR), biological impacts would occur with the implementation of the GAWA, the RRBA, and the combined GAWA/RRBA, all three of which include the roadway changes in the LRCA.

Portions of the study area are within the Multiple Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program (MSCP) Subarea Plan. Specifically, these are Rose Canyon (Rose Canyon Open Space Park) and San Clemente Canyon (Marian Bear Memorial Natural Park), both of which would be affected by the RRBA and the GAWA.

The following table provides total proposed losses of habitats associated with the GAWA, RRBA, with the sensitive upland habitats broken out (i.e., in parentheses). The sensitive upland habitats that would be affected include Diegan coastal sage scrub, coast live oak woodland, native grassland, and non-native grassland. The wetland habitats that would be affected include southern cottonwood willow riparian forest, southern willow scrub, unvegetated waters of the U.S./streambed, coastal and valley freshwater marsh, and wet meadow.

Summary of Proposed Losses of Habitats in Acres[1]

	Wetlands[2,4]		Uplands Within MHPA[2,3]		Uplands Outside MHPA[2]	
	P	T	P	T	P	T
Genesee Avenue Widening	0.49	1.76	0.01 (0.003)	0.04 (0.04)	27.52 (1.39)	4.63 (3.58)
Regents Road Bridge	0.49[5]	1.40	1.89 (1.47)	6.4 (5.77)	4.82 (0.74)	2.29 (0.59)

1 Please see comment 2 on page 7 regarding impacts.
2 P = permanent impacts; T= temporary impacts
3 Numbers outside parentheses represent all habitats including sensitive habitats; numbers in parentheses represent only sensitive habitats.
4 1.15 acres of the wetland impacts are associated with the LRCA, specifically the SR52/Genesee Avenue interchange.
5 0.09 acre of this is southern willow scrub within a site of restoration conducted by the City with a 1997 Habitat Conservation Fund grant from the California Department of Parks and Recreation.

The DEIR identifies the sensitive species that would be directly (i.e., loss of habitat) and indirectly negatively affected by the action alternatives. The following table lists those species for the GAWA and the RRBA.

Subset of Species Observed Within the GAWA and RRBA Area of Potential Effect	
Genesee Avenue Widening Alternative	**Regents Road Bridge Alternative**
would be directly affected ➢ yellow warbler ➢ clay field goldenbush, CNPS List 1B may be indirectly affected same species as listed under direct effects	would be directly affected ➢ California gnatcatcher, possibly two pairs ➢ yellow-breasted chat ➢ California thrasher ➢ white-tailed kite ➢ clay field goldenbush, CNPS List 1B may be indirectly affected same species as listed under direct effects, plus ➢ bobcat ➢ coyote ➢ mule deer ➢ mountain lion ➢ Cooper's hawk ➢ red-shouldered hawk ➢ red-tailed hawk ➢ great horned owl ➢ barn owl ➢ yellow warbler, etc

Biological Mitigation

Among the City's proposed mitigation measures for impacts on biological resources are the following.

1. Mitigation for loss of habitat would occur at ratios consistent with the City's Biology Guidelines. Specific quantities of habitat creation, restoration, and preservation would depend on final engineering design.

2. The City would prepare a Wetland Mitigation Plan which would identify the exact amount and location of the impacted wetland habitat and identify the appropriate location for the wetland mitigation.

3. Engineering design would include measures to implement the City's MSCP Land Use Adjacency Guidelines.

4. Measures to avoid impacts during the avian breeding season, such as avoidance of removal of occupied habitat and controlling construction noise levels, would be implemented.

5. Measures to avoid impacts on nesting raptors would be implemented.

6. A survey for willowy monardella would be conducted prior to construction.

Traffic

The traffic study conducted for the DEIR modeled existing and future (year 2030) traffic conditions to determine the levels of service (LOS) of the Transportation Study's target road segments and intersections. Currently, two road segments within the study area operate at unacceptable LOS (i.e., LOS E or F). Both are on Miramar Road east of I-805, and are outside the study corridors (i.e., Regents Road and Genesee Avenue corridors). Currently, eight intersections within the study area operate at unacceptable levels. Five of these are outside of the study corridors. The following table provides the LOS of the no-project alternative, the LRCA alone, the GAWA alone, the RRBA alone, and a combination of the GAWA and RRBA, based on the modeling of the projected traffic in the year 2030.

Projected Unacceptable LOS for Year 2030		
	Road Segments	Intersections
No-Project	11	10
LRCA	11	10
GAWA	7	9
RRBA	9	9
GAWA & RRBA	7	7

As the table reflects, in 2030 the (a) no project alternative would result in having eleven road segments and ten intersections operating at unacceptable LOS, (b) LRCA along would result in having eleven road segments and ten intersections operating at unacceptable LOS, (c) GAWA alone would result in having seven road segments and nine intersections operating at unacceptable LOS, (d) RRBA alone would result in having nine road segments (seven of them the same as for the GAWA) and nine intersections (eight of them the same as the GAWA) operating at unacceptable LOS, and (e) combination of the GAWA and the RRBA would result in having seven road segments (same as for the GAWA) and seven intersections operating at unacceptable LOS.

WILDLIFE AGENCIES' COMMENTS

The comments provided herein are based on the information provided in the DEIR, the Wildlife Agencies' knowledge of sensitive and declining vegetation communities and species in the City, and our participation in regional conservation planning efforts. As the alternatives whose implementation would result in biological impacts are limited to the GAWA and the RRBA, both of which include the roadway changes in the LRCA, we restrict our comments to these alternatives.[2]

It is evident from the information provided in the project overview that, of the two action alternatives described, the GAWA would have substantially fewer and less significant biological impacts than the RRBA. The biological resources report states, the RRBA "would result in the

[2] We do not directly address the alternative that combines the GAWA and the RRBA. It is understood that the biological impacts associated with both alternatives would occur if the combination is implemented.

highest impacts to biological resources, and ultimately would result in the bulk of the mitigation requirements." Of these two alternatives, the GAWA is also the alternative that would most effectively meet the project purpose.

If the City selects the RRBA or the GAWA for further consideration, additional environmental documentation should be prepared, and particularly for the RRBA, the Wildlife Agencies request that City coordinate with us regarding measures to avoid and minimize the biological impacts on the MHPA, the federally listed threatened California gnatcatcher (*Polioptila californica californica*) and other MSCP covered species, wetlands, and other sensitive habitats and species. At that time, we will discuss avoidance and minimization measures and measures necessary to adequately mitigate for the direct and indirect impacts of the RRBA or the GAWA. Therefore, we provide only limited recommendations in the letter about avoidance, minimization, or mitigation measures additional to those described in the DEIR. Our primary intent now is to discuss biological impacts which the DEIR either inappropriately dismissed as not significant or disregarded.

While the ensuing comments address the biological impacts associated primarily with the RRBA, we request that this not be construed as supportive of the implementation of the GAWA or any other alternative. The GAWA alternative would result in significant losses of wetlands, largely attributable to the construction associated with the LRCA (also common to the RRBA), and would also affect wildlife movement.

Direct Impacts

1. We recognize that the MSCP Subarea Plan allows for the placement of roads within the MHPA if they are identified in a community plan, as is the case for the Regents Road Bridge in the University Community Plan. Such roads must conform to the General Planning Policies and Design Guidelines in the Subarea Plan. Two of these Policies are that: (a) construction and maintenance activities in wildlife corridors must avoid significant disruption of corridor usage; and, (b) development in canyon bottoms should be avoided when feasible, and bridges are the preferred method for providing for wildlife movement.

   The fundamental premise of the General Planning Policies and Design 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, clearly, 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 would be the appropriate one to pursue relative to preserving the biological integrity of the MHPA. Such an alternative to the RRBA is the GAWA. Nevertheless, the DEIR is silent on the second Policy identified above despite the substantial potential direct and indirect negative biological impacts associated with the RRBA (see subsequent additional comments).

   We disagree with the conclusion in the DEIR that the RRBA would be consistent with the first Policy. The RRBA would negatively affect a wildlife corridor and an extensive riparian woodland system, particularly during construction. Medium-to-large sized mammals

including coyote, bobcat, mule deer, and possibly mountain lion, currently utilize Rose Canyon. The magnitude and the duration of the staging, access, and construction activities would result in significant disruption of corridor usage by wildlife. For example, the entire wildlife corridor through Rose Canyon would be obstructed during the construction of the bridge (at least one year). The resulting disruption of wildlife movement would be a significant and unmitigable impact (biological resources report, page 77). However, this would be avoided if the RRBA were not built. The 8.29 acres of upland impacts on the MHPA would also be avoided. By comparison, the GAWA would affect an estimated 0.05 acre of upland habitat within the MHPA and not result in unmitigable significant impacts to a wildlife corridor.

2. We are concerned that the City Council will not have the correct information regarding the habitat losses associated with each action alternative. There are many discrepancies among the acreages of impacts in the tables in the DEIR and the biological resources report. We realize that the quantities of habitat losses could change with further engineering design. However, for the City Council to make an informed decision about which action alternative, if any, to consider further, they need to know the impacts determined to date.

   Our understanding is that the GAWA and RRBA would include all the components of the LRCA (i.e., not that the GAWA would include only the LRCs at the SR52/Genesee Avenue interchange, and not that the RWBA would include only the LRCs at the SR52/Regents Road interchange) (page 3-36 of the DEIR). It appears that many of the acreage discrepancies derive from inconsistencies in how the impacts from the LRCA were accounted for in the GAWA and RRBA. It seems that in most, if not all, of the tables of habitat losses for the GAWA and RRBA, only some or none of the losses from the LRCA have been accounted for. For example, our interpretation of the approach used in the biological resources report to tally the impacts (page 3 of the report, under alternative 7) is that the impact acreages for the GAWA include the impacts from only the SR52/Genesee Avenue components of the LRCA, and the impact acreages for the RRBA include no impacts from the LRCA.

   Just one example of the confusion about the proposed losses of habitat follows. Table 4.3-5 indicates that the combined temporary and permanent wetland impacts from the LRCA would be 1.23 acres. Therefore, since all the action alternatives would include all the components of the LRCA, the proposed wetland impacts for the GAWA and the RRBA should be at least 1.23 acres. While Table 4.3-7 indicates that the wetland impacts for the GAWA would be 2.27 (Department impacts), Table 4.3-9 indicates that the wetland impacts for the RRBA would be 1.33. Given that the wetland impacts from the construction of only the Regents Road Bridge would be 0.74 acre (Table 13 in the biological resources report), the impact of the RRBA would be at least the sum of 0.74 acre and 1.23 acres for a minimum total of 1.97 acres. Thus the value of 1.33 in Table 4.3-9 for impacts to wetlands from RRBA is incorrect.

   The values in the table of habitat losses on page 3 of this letter are based on our efforts to reconcile the discrepancies in the DEIR and the biological resources report. Please note that 1.15 acres of the wetlands losses are attributable solely to the SR52/Genesee Avenue interchange component of the LRCA which is common to both the GAWA and the RRBA

(Table 4.3-5). We request that this matter of the acreages of habitat losses be resolved and the revised data be provided to the City Council before they consider the alternatives, so that they can have the information needed to make an informed decision. The final EIR should reconcile the discrepancies, and adjust the mitigation requirements as necessary, acknowledging that the mitigation for wetlands would ultimately be determined by the resource agencies in whose jurisdiction the wetland impacts occur.

3. The DEIR mentions the hydraulic constraint posed by the Genesee Avenue bridge over Rose Creek. Downstream of Genesee Avenue, the 100 year floodplain is approximately 70 feet wide, compared to 300 feet wide several hundred feet upstream. Under Genesee Avenue, Rose Creek is confined to box culverts subject to sediment accretion.[3] The biological resources report indicates that wildlife passage in this area of Rose Canyon is also restricted under the bridge to an approximately 30-foot wide area north of and adjacent to the railroad tracks for a length of 94 feet (i.e., width of the bridge). The biological resources report and DEIR indicate that the GAWA would widen Genesee Avenue from 92 to 102 feet over the railroad tracks in Rose Canyon, and conclude that impacts resulting from the widening would be only incremental and would not add any new permanent significant impact. Given the already constrained space for wildlife movement in this area and the importance of maintaining adequate connections within open space areas and preserves to preserve biological diversity and population viability, we disagree with the conclusion that the incremental impacts would not be significant.

   The current condition at the Genesee Avenue bridge over Rose Creek provides, a tenuous, at best, wildlife movement linkage between the west and east side of Genesee Avenue. It is a critical pinch point in the wildlife movement corridor extending through Rose Canyon between Interstate-5 and Genesee Avenue and on to the open space areas on the Marine Corps Air Station (MCAS) to the east. In turn, these areas on the MCAS provide wildlife movement corridors through to Mission Trails Regional Park, Sycamore Canyon County Park, Marian Bear Regional Park, and Los Penasquitos Canyon Preserve.

   If the City selects the GAWA for further consideration, we recommend that the alternative be designed to replace the existing culverts with a design that is more conducive to wildlife passage and to reducing the hydraulic constraint. The MSCP Subarea Plan states, "If roads cross the MHPA, they should provide fully-functional wildlife movement capability." Implementation of the GAWA would be an ideal opportunity to greatly improve the wildlife movement linkage at this pinch point. In our NOP letter, we asked that the EIR describe how the box culverts under Genesee Avenue (now at least 94 feet long and proposed to be at least 104 feet long), would be improved for wildlife movement, and that the discussion of measures to improve the undercrossing include measures to attenuate noise from traffic. The DEIR addresses neither. Regardless of whether the City selects the GAWA to consider

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[3] A site visit on March 31, 2004, revealed that, though the box culverts are at least 6 feet high, at that time they had water in them except where sediment had collected. In some areas of sediment accretion, the sediment was so high as to dissuade or prevent wildlife (even small to medium-sized mammals) from passing through.

further, the culverts should be cleaned out on a regular basis so that they can provide optimal biological and hydraulic functions.

4. The DEIR indicates that project construction is expected to occur outside of the avian breeding season, thereby avoiding impacts on breeding behavior. The DEIR also indicates that the GAWA and the RRBA would take two years and one year, respectively, to construct. The final EIR should elaborate on the project duration. For example, please explain whether the one-year project construction period would actually be approximately 18 to 20 months to accommodate avoidance of avian breeding season (e.g., for raptors, February 1 through August 30). If the durations of project construction would be extended, consideration must be given to the increased duration of construction-related biological impacts such as impairment of wildlife movement through Rose Canyon in the area of the Regents Road bridge.

5. The RRBA would affect 0.09 acre of southern willow scrub within a site of restoration conducted by the City with funding from the California Department of Parks and Recreation (DPR) Habitat Conservation Fund Program (HCFP). This area is also within the MHPA. The DPR's procedural guide for the HCFP (May 1997), states, "applicant will maintain and operate the property acquired, developed, rehabilitated, or restored with the funds in perpetuity..... [and] make no other use, sale, or other disposition of the property except as authorized by specific act of the Legislature." In our NOP letter, we stated, "if the City committed to preserving the restoration in perpetuity, and the Regents Road Bridge alternative could not be designed to avoid (including shading and indirect impacts) the restoration area, the DEIR should explain why the [RRBA] is among the alternatives being studied." The DEIR does not respond to this query, and though it briefly describes the purpose of the restoration, it provides no justification for or evidence of being relieved from meeting DPR's requirements. We request that the City now respond to our query.

6. Considering that neither the types nor locations of the construction and post-construction best management practices (BMPs) have been determined, the losses of habitat are not entirely accounted for in the DEIR. We appreciate the general nature of this DEIR. However, it is unclear how the City Council will be fully informed to make a decision-about which alternative, if any, to consider further without knowing the habitat loss impacts. BMPs can occupy, and result in loss or degradation of habitat in, considerably large areas. Such potential losses are unaccounted for in the DEIR, as are also the potential impacts from the on-going long-term BMP maintenance which can be a source of disturbance (i.e., indirect effects) to sensitive wildlife species.

Edge Effects / Indirect Impacts

Generally, the DEIR does not adequately analyze the potential biological impacts from edge effects resulting from the RRBA. This alternative would introduce or exacerbate several potential indirect / edge effects into Rose Canyon where they either don't now exist or exist to a lesser degree than they would with the bridge. Edge effects are defined as undesirable anthropogenic disturbances beyond urban boundaries into potential reserve habitat (Kelly and

Rotenberry 1993). Edge effects, such as disturbance by humans, noise, and lighting, and decreases in avian productivity (Andren and Angelstam 1988), line-of sight disturbances, air- and water-borne contaminants associated with vehicles (air pollution can degrade vegetation), and fugitive dust during both construction and operation, are all documented effects that have negative impacts on sensitive biological resources in southern California. Edge effects can penetrate up to 200 meters from the actual reserve boundary (CBI 2000).

In part because the DEIR does not provide sufficient specific information about the RRBA, we are unable to demonstrate unequivocally that the edge effects we discuss below would, singly or in conjunction with each other, have significant impacts on sensitive wildlife species and the MHPA. However, considering the information in the following comments, we believe that there is ample reason for concern regarding the bridge's long-term biological impacts, and consider it likely that the edge effects of the RRBA would significantly compromise the biological integrity of Rose Canyon and the MHPA within it, and would significantly negatively affect the sensitive wildlife species that reside in or migrate through it. We must consider these impacts because we are responsible for the biological welfare of all species listed under the Migratory Bird Treaty Act, and other species of concern, including the MSCP-covered species, and partially responsible to protect the biological integrity of the MHPA. We recommend that the final EIR thoroughly address the ensuing issues we raise.

Noise

The DEIR states the following regarding the potential biological impacts from noise and lights.

> *Permanent, indirect impacts in the long-term, taking the form of noise and light (headlights at night), from the widened Genesee Avenue bridge would be additive to the current roadway use impacts, they would be incremental and would not be considered significant for the widening project* (page 4.3-44).
>
> *Permanent, indirect impacts in the long-term, taking the form of noise and light (headlights at night) on the new bridge from the widened Regents Road Bridge would not be significant* (page 4.3-52).

We agree with the conclusion regarding the significance of the incremental impacts from noise and light that would result from the GAWA. However, we disagree with the statement about the significance of the potential biological impacts of lighting (see next comment) and noise resulting from the RRBA, and believe that the following statement in the biological resources report more accurately reflects the potential impacts.

> *...lighting and noise could potentially have an indirect but significant impact on the wildlife in residence and moving through the canyon in the vicinity of the bridge* (page 63).

The DEIR indicates that the area where the Regents Road bridge would be built would experience an increase of approximately 12 decibels A-weighted [dB(A)],[4] from a predicted future No Project level of 59.6 dB(A) to future noise level with the bridge of 71.8 dB(A), and that the 65 dB(A) CNEL[5] contour may extend as far as 240 feet from the centerline of the bridge in the residential areas north and south of Rose Canyon. In a condition where the roadway and receiver are at grade and the ground is vegetated, the 65 dB(A) CNEL contour distance would be 140 feet from the centerline when there is no intervening obstruction.[6] The current peak hourly noise level on the canyon floor in this area, south of the tracks, is 55-56 dB(A) Leq. Preliminary research suggests that noise levels in excess of 60dB(A) L_{eq}[7] hourly can adversely affect avian species such as the coastal California gnatcatcher (Awbrey 1993) and least Bell's vireo [(*Vireo bellii pusillus*: vireo) (Regional Environmental Consultants and San Diego Association of Governments 1990).[8] Notwithstanding that the dB(A) and CNEL units of measure, or the thresholds typically used for human sensitivity, may not be appropriate for application to all sensitive wildlife receptors, we are concerned about the potential long-term biological impacts primarily on avian species in the canyon from the traffic-generated noise emanating from the bridge. The noise levels in the canyon would be higher than the levels provided above for the residential areas. Birds that now use the forest canopy and other lower vegetation (as the bridge descends towards its northern and southern termini) within 240 feet (or greater, depending on the noise levels in the canyon) of the bridge may abandon these habitats as a result of the increase in noise levels, either alone or in conjunction with other bridge-related impacts (e.g., lights, line-of-sight disturbances), or minimally no longer use the habitat during the breeding season.

Avian hearing is critical for mate selection, territorial defense, and predator selection. Sound distortion may make it hard for prospective mates to determine the quality of others' songs. This may make females tend to choose mates from less noisy areas, affecting nesting patterns. Noise in excess of 60 dB(A) L_{eq} can mask the song of a male birds, thereby inhibiting his chance of attracting a mate. Reduced communication distance may make it harder to locate mates or make prospective mates perceive the calls of suitors as weaker than those of suitors in less noisy areas. It also reduces the area a bird can effectively defend, making the bird less attractive as a resource

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4 A-weighting refers to an electronic filter applied to sound pressure level measurements. It discriminates against low frequencies so that the sound measurements correspond more closely to the response of human hearing to many types of noise.

5 Community noise equivalent level: Twenty-four-hour average A-weighted sound level for a given day, after addition of five decibels to sound levels between 1900 and 2200 hours, and ten decibels to sound levels between 0000 and 0700 hours and between 2200 and2400 hours.

6 Elsewhere, the DEIR indicates that traffic noise levels on the canyon floor would not exceed 60 dB(A) Leq (page 5.3-52). However, no explanation as to how this is derived is provided.

7 Leq = equivalent noise level. The Leq is a hypothetical steady state noise level that in a stated period of time contains the same average A-weighted noise energy as a measured varying sound at the stated level.

8 We acknowledge that vireo were not detected during surveys conducted in the Rose Canyon study area. We include them here only for purposes of illustration.

provider. Noise can also mask the vocalizations of vireos signaling the presence of a predator (Regional Environmental Consultants and San Diego Association of Governments 1990). Furthermore, energetic costs from behaviors associated with noise may lead to a reduction in weight gain (Ward and Stehn 1989), which may decrease reproductive fitness. Noise may also result in immediate and long-term behavioral responses (e.g., flushing vs. permanent abandonment of an area), acute and/or chronic physiological responses (e.g., heart rate increase vs. increases in the release of adrenocorticotropic hormone; fluctuating asymmetry, Palmer 1996), or demographic parameters (e.g., survival or reproduction).

The lowest sections of the bridge would be near the California gnatcatcher habitat which would be subject to considerable increases in operational (i.e., traffic) noise during the breeding season. We are concerned that, if the species persists in these territories throughout the construction period, the noise generated by traffic during the breeding season may cause gnatcatchers to abandon their territories, or may diminish breeding success. As these territories are within the MHPA, we would consider such loss unnecessary because other alternatives exist that avoid take of this species. Individuals of all the species listed in the table on page 3 might be similarly affected, including the Cooper's hawk, an MSCP-covered species, and the other raptorial species.

Lighting

The DEIR states the following regarding the potential biological impacts from lights.

> *Mitigation for alternatives that include the Regents Road Bridge require lights on the bridge to be shielded such that light would be directed away from the MHPA* (page 4.3-53).

With the MHPA and sensitive habitats surrounding the Regents Road Bridge, it would be difficult, if not impossible, to orient the lights on the bridge in a manner that obstructs all light from reaching the wildlife that resides there. And, while the proposed barriers on both sides of the Regents Road Bridge would shield headlights from the canyon floor, as suggested in the DEIR, the glow cast from the headlights and the lights on the bridge would spill into the sensitive habitats. In an area that now experiences minimal urban lighting (sky glow) and no direct lighting, this would likely constitute a significant biological impact, as discussed below.

Illumination of riparian corridors by night lighting has the potential to adversely affect birds. Physiological, developmental, and behavioral effects of light intensity, wavelength, and photoperiod on bird species are well-documented. In the wild, urban lighting is associated with early daily initiation of avian song activity (Bergen and Abs 1997). Avian species are known to place their nests significantly farther from motorway lights than from unlighted controls (de Molenar et al, 2000). Placement of nests away from lighted areas implies that artificial light renders part of the home range less suitable for nesting. If potential nest sites are limited within the bird's home range, reduction in available sites associated with artificial night lighting may cause the bird to use a suboptimal nest site that is more vulnerable to predation, cowbird

parasitism,[9] or extremes of weather. Artificial lighting generally threatens wildlife by disrupting biological rhythms and otherwise interfering with the behavior of nocturnal animals (contributions from Artificial Night Lighting Conference, 2002). Nocturnal and migrating birds, migrating bats, insects, fish, and amphibians are particularly affected by artificial night lighting (Evans Ogden 1996 and citations therein). Billions of moths and other insects are killed from lights each year. Nocturnal birds use the stars and moon for navigation during migrations. When these birds fly through a brightly lit area, they can become disoriented, which can lead to injury and/or death. In addition, artificial lighting can affect aquatic invertebrates that are prey for other animals. Other references that may provide useful insight into the analysis of indirect impacts include Longcore and Rich (2001) and the National Cooperative Highway Research Program (2002).

Other Indirect Impacts

Other potentially significant indirect biological impacts associated with RRBA about which we are concerned include avian collisions with vehicles on the bridge and hydrological modifications of Rose Creek and its floodplain during and after construction. We recommend that the final EIR fully evaluate and disclose these impacts.

Mitigation

Again, if the City selects the RRBA or GAWA for further consideration, the Wildlife Agencies request that City coordinate with us regarding measures to avoid and minimize the biological impacts on the MHPA, California gnatcatcher and other MSCP covered species, wetlands, and other sensitive habitats and species. At that time, we will discuss measures necessary to adequately mitigate for the direct and indirect impacts of the RRBA or GAWA. Our preliminary comments on the proposed mitigation follow.

1. We are concerned about the difficulty of finding adequate mitigation sites for the amount of wetland mitigation that would be needed for the GAWA and/or the RRBA. The DEIR provides no details about where the mitigation might occur. We agree with, and incorporate by reference, the Regional Water Quality Control Board's comments (February 28, 2005, letter on the DEIR) regarding the inappropriate deferral of identifying specific mitigation measures, as the comments apply to the omission of adequate specific information on mitigation sites for habitat losses.

2. If the proposed mitigation could cause biological impacts (e.g., removal of sensitive upland habitats for the creation of wetlands), additional CEQA analysis and review would be warranted [CEQA Guidelines, section 15126.4(a)(D)], and additional mitigation may be necessary. Again, it is unclear how the City Council will be fully informed to make a decision-about which alternative, if any, to select without this information.

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9 Brown-headed cowbirds were observed in the proximity of the Regents Road Bridge.

3. The DEIR indicates that the mitigation for the temporary loss of wetlands would be at a ratio of 1:1. It is likely that the Department will require at least a 2:1 ratio for the temporary losses of wetlands, particularly considering the duration and nature of the temporary losses. For example, the construction access and staging areas for the RRBA would disrupt the functions and values of the mainstem of Rose Creek and its associated riparian habitat during the construction of the RRBA, which would last at least one year.

4. Depending on the duration of the temporary loss of coastal sage scrub and other sensitive upland habitats, particularly within the MHPA, it may be appropriate to mitigate at a ratio greater than 1:1 and to fulfill any off-site mitigation requirement prior to or during project-construction.

5. The final EIR should require and fully describe methods to attenuate project-related construction and operational noise levels in excess of ambient levels at the edge of sensitive habitats to avoid or minimize further degradation of habitat for wildlife, particularly avian species.

6. The proposed mitigation measure to protect raptors during the breeding season may be insufficient. In southern California, Cooper's hawks are known to lay their eggs as early as the end of January (Unitt 2004), which indicates that they start building their nests earlier. Therefore, since this species likely nests on site (page 22 of the biological resources report), the construction avoidance period should be adjusted to begin at the latest by January 1. In addition, the MSCP Subarea Plan requires that area specific management directives for the Cooper's hawk must include a 300-foot impact avoidance areas around active nests and minimization of disturbance in oak woodlands and oak riparian forests.[10] These requirements apply to both construction and post-construction (i.e., once the bridge is being used) impacts.

Conclusion

Based on the preceding discussion, we strongly recommend that the City eliminate the RRBA from further consideration as a viable alternative to address the traffic congestion in the University City North / South Transportation corridor. Accordingly, the City should process an amendment to the University Community Plan to remove this bridge from the Plan's Transportation Element.

It remains for the City to determine whether the improvement in traffic congestion provided by any of action alternatives studied to date warrants the associated loss of sensitive biological resources and the fiscal expense, inclusive of the cost of biological mitigation. Assuming that the methodology used to model the 2030 traffic conditions is valid, it is evident from the modeling results provided in the DEIR that the GAWA would be the most effective action alternative to address traffic congestion in the study corridor. While the combination of the GAWA and the RRBA would provide two more intersections that operate at acceptable LOS

[10] It is not clear from the DEIR where Cooper's hawks occur in Rose Canyon relative to the RRBA alignment.

than would the GAWA alone, the economic and biological impacts associated with the combination may render its implementation prohibitive.

We appreciate the opportunity to comment on the DEIR. The Department finds that the implementation of any of the action alternatives would not be de minimis in its effects on fish and wildlife per section 711.4 of the California Fish and Game Code. Please contact Carolyn Lieberman of the Service at (760) 431-9440, or Libby Lucas of the Department at (858) 467-4230, if you have any questions or comments concerning this letter.

Sincerely,

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

Donald Chadwick
Habitat Conservation Planning Supervisor
South Coast Region
California Department of Fish and Game

cc: Department of Fish and Game (Kelly Fisher)
Regional Water Quality Control Board (Stacey Baczkowski)
State Clearinghouse
U.S. Army Corps of Engineers (Terrence Dean)

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Attachment 35D

California Regional Water Quality Control Board

San Diego Region

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February 28, 2005

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

Dear Ms. Blake:

SUBJECT: UNIVERSITY CITY NORTH/SOUTH TRANSPORTATION CORRIDOR STUDY EIR

The Regional Water Quality Control Board, San Diego Region (Regional Board) has reviewed the draft Environmental Impact Report (draft EIR) and errata for the University City North/South Transportation Corridor Study (Project); prepared by the City of San Diego (City). The draft EIR analyzes three basic transportation projects, and various combinations of transportation projects, within the University City area of the City of San Diego. Two main corridors have been identified: Regents Road Corridor and Genesse Avenue Corridor. Both of these corridors traverse Rose and San Clemente Canyons.

Overall, the draft EIR fails to provide sufficient information to support the conclusion that the project will not have a significant effect on water quality and beneficial uses. Furthermore, the draft EIR fails to identify project-specific measures that will mitigate significant impacts. The Regional Board requests that the Final EIR address the following specific concerns.

PROJECT DESCRIPTION

The project description in the draft EIR is vague, incomplete, and confusing; this makes it difficult to determine the full nature and extent of possible impacts to water quality and beneficial uses. The detailed engineering sections show typical sections, but do not provide information on the entire project. Furthermore, project features described in the text, are not shown on figures depicting project impacts (e.g., proposed parking lot to replace lost parking lot).

WATER QUALITY

Page 2-8 of the draft EIR incorrectly identifies designated surface water beneficial uses for Rose Canyon and San Clemente Canyon. Both canyons include Contact and Non-contact Recreation,

(REC-1 and REC-2), Warm Freshwater Habitat (WARM), Cold Freshwater Habitat (COLD), and Wildlife Habitat (WILD) beneficial uses. San Clemente Canyon also has the Rare, Threatened, or Endangered Species (RARE) beneficial use. The potential beneficial use of Industrial Service Supply (IND) has also been designated for both canyons. The EIR needs to accurately identify and discuss potential impacts to water quality and beneficial uses.

The draft EIR provides a brief explanation of the municipal storm water permit requirements, including site design, source control, and treatment control best management practices (BMPs). Page 4.3-53, *Drainage*, states that "Since the projects in question are roadways, engineering design must include methods to control runoff of rainfall containing petroleum products." However, the draft EIR provides no detail on how this will be accomplished. The document fails to identify specific construction and post-construction BMPs that will be implemented for each project alternative, the expected pollutants(s) and BMP effectiveness, and BMP maintenance requirements and responsibilities. Stating that BMPs are required does not support the conclusion that significant impacts to water quality will not occur.

The draft EIR states several times that dewatering may be required during construction; however, it fails to identify potential volumes, water quality, discharge rates and duration, discharge locations, and specific BMPs. In the absence of this information, the conclusion that impacts are not significant is premature.

Table 4.10-1 is misleading. The table uses inappropriate thresholds and makes the erroneous conclusion that significant impacts will not be significant because the City will comply with water quality standards and obtain permits; the draft EIR does not provide any information to demonstrate that the project can or will comply with water quality standards. The EIR needs to look at revising thresholds and adding additional thresholds. For example, the threshold that construction impacts on water quality would only be considered significant if over 1 acre of land was disturbed is inappropriate and does not relate to statements in the text. Furthermore, grading of less than 1 acre can result in significant impacts depending on the location, BMPs, and other factors (e.g., uncontained hydraulic line break on heavy equipment). Additional thresholds are provided in Section 4.10.2.1 that are not included in Table 4.10-1.

Proposed mitigation measures identified in Section 4.10.2.2 (vegetated detention basin) and Section 4.10.3.3 (detention facilities, planted areas, and energy dissipaters) are not identified in the project description. At a minimum, the location of the proposed facilities need to be delineated on figures; sizing criteria and maintenance requirements need to be described; and impacts resulting from their construction and operation need to be identified and assessed. It is critical that the EIR identify the locations and operations of the basins to allow the public and reviewing agencies to determine if the City is proposing to alter a riverine system to that of a ponded system. Detention facilities should be placed in upland areas, immediately adjacent to storm drain outlets. Regional Board staff would recommend denial of a Section 401 Water

Quality Certification application if detention facilities are proposed for construction within jurisdictional waters.

IMPACTS TO JURISDICTIONAL WATERS OF THE U.S. AND STATE

The Draft EIR does not clearly, consistently, and accurately identify existing conditions and impacts to waters of the U.S. and State. Specific examples include the following:

1. Figures 4.3-2 and 4.3-3A appear to identify different plant communities for the same polygon. Southern Cotton-Willow Riparian Forest (SCWRF) south of the train tracks on Figure 4.3-3A is labeled as Non-native Grassland (NNG) on Figure 4.3-2. Coastal Sage Scrub (CSS) and NNG on Figure 4.3-2 are labeled as SCWRF on Figure 4.3-3A.
2. For all figures that show temporary impacts, the lack of closed impact polygons makes it difficult to know whether an area will be temporarily impacted or not.
3. Figure 4.3-3A does not show temporary impacts to southern willow scrub north of the train tracks; this is shown as an existing community on Figure 4.3-2.
4. Existing unvegetated streambed is not shown on Figure 4.3-2.
5. Table 4.3-2 does not provide impacts to unvegetated streambed and SCWRF for Rose Canyon. Additionally, the table does not quantify impacts to Southern Willow Scrub (SWS) that is shown on Figure 4.3-3B in San Clemente Canyon and the figure does not show Mule Fat Scrub (MFS) that is in the table.
6. Figure 4.3-5A shows wet meadow when Figure 4.3-4 shows the same polygon as NNG. It is also not clear if the Native Grassland (NG) in Table 4.3-3 is the same as the wet meadow and/or NNG, and why NG would be CDFG and City jurisdiction in the table, but only City jurisdiction on Figure 4.3-5A.
7. Figure 4.3-4 does not show existing unvegetated streambed.
8. Fresh Water Marsh (FWM) on Figure 4.3-5B is not shown on Figure 4.3-4.
9. Table 4.3-2 breaks out impacts by canyon, but Table 4.3-3 does not do this. Breaking out the impacts by canyon between alternatives will facilitate a more accurate comparison of the alternatives.
10. Impacts from the Limited Roadway Changes (LRC) alternative should be shown on figures to allow the reader to clearly understand the areas of jurisdictional waters that will be impacted by this alternative.
11. Impacts from the LRC alternative in Table 4.3-7 are different than those in Table 4.3-5. It appears that the acreage of impacts to FWM have been transposed between temporary and permanent impacts. Other tables (e.g., Table 4.3-9) also have this discrepancy.

The draft EIR does not discuss direct and indirect impacts that may result from dewatering activities. For example, will dewatering activities dry-up the wet meadow in Rose Canyon? The document needs to clearly identify the level of dependence on surface and ground water, by plant community, and direct and indirect impacts from dewatering activities. The document should look at dry, wet, and average rain years to assess potential impacts.

The draft EIR also provides no discussion of how stream flows in Rose and Sycamore Canyons will be rerouted during construction activities; impacts within, upstream, and downstream of the project area; and proposed and alternative construction methods to reduce impacts from stream rerouting. Without this information, the full nature and extent of impacts resulting from project alternatives cannot be ascertained.

The EIR should also look at alternative access routes and construction activities to minimize overall impacts to jurisdictional waters. The document should also provide one summary table that allows the reader to easily compare impacts to jurisdictional waters from each of the alternatives.

The EIR needs an expanded discussion regarding the SWS that was restored as a result of a grant. The City of San Diego applied for, and received, a grant from the California Department of Parks and Recreation Habitat Conservation Fund Program for Riparian Enhancement/Restoration at Rose Canyon Open Space Park. The grant was to remove nonnative vegetation and replant the areas with appropriate native vegetation. It appears that portions of Rose Creek that was restored through this grant will be impacted by the Regents Road Bridge alternative, and possibly other alternatives. The EIR needs to clearly delineate the restoration areas on a figure and show and discuss direct and indirect impacts that would occur with each project alternative. Furthermore, the EIR needs to clearly discuss how the City of San Diego will rectify these impacts with the assurances required as part of the grant. The California State Parks procedural guidance requires assurances that the "Applicant will maintain and operate the property acquired, rehabilitated, or restored with the funds in perpetuity." Furthermore, the guidance requires assurances that the "Applicant will use the property only for the purposes of the California Wildlife Protection Act of 1990 and to make no other use, sale, or other disposition of the property except as authorized by specific act of the Legislature."

The City of San Diego also implemented mitigation within Rose Canyon for impacts associated with the 1996 trunk sewer project. The Regents Road Bridge alternative, and possibly others, could result in impacts to the mitigation area. The EIR needs to clearly delineate the mitigation area(s) on a figure and show and discuss direct and indirect impacts that would occur with each project alternative. Furthermore, the EIR needs to state if the mitigation area was to be preserved in perpetuity as part of the ACOE, CDFG, and/or Regional Board permits. If the mitigation area and/or grant restoration area are required to be preserved in perpetuity, it does not seem likely that alternatives that would impact the areas would be viable.

MITIGATION MEASURES

The draft EIR defers the identification of specific mitigation measures to the permitting process. This is in direct contravention of the CEQA guidelines (CEQA Guidelines § 15126.4 and 15126(e))and defeats the purposes of CEQA. Accordingly, each significant impact should have

clearly defined, detailed description of mitigation measures proposed to minimize significant effects to water quality and beneficial uses (CEQA § 21100(b)(3). CEQA Guidelines § 15126.4(a) state:

> *(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.*
>
> *(A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.*
>
> *(B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.*

Moreover, the lack of specific mitigation measures only serves to heighten the significance of the impacts because the City has not identified any measures that will mitigate significant impacts. The EIR needs to clearly identify mitigation site(s); mitigation site conditions and relationship to the impacted area(s); proposed mitigation activities (e.g., grading for creation, removal of exotic species for enhancement); success criteria; implementation schedule; remedial measures; and a qualitative and quantitative discussion of functions at the impact and mitigation areas. Identification of mitigation sites is particularly important for the City given their recent difficulties in identifying appropriate mitigation sites for impacts resulting from other City projects.

The wetland habitat mitigation table (Table 4.3-13) in the draft EIR is inadequate. The table needs to identify permanent and temporary impacts by plant community for each alternative; specific mitigation ratios; and whether mitigation is creation, restoration, or enhancement. The table also needs to separate-out impacts to the areas restored as mitigation for the trunk sewer project and grant project as, if impacts are legal, mitigation ratios will be significantly higher than those proposed for other areas. Out-of-kind mitigation is also likely to result in higher mitigation ratios.

The Regional Board recommends that the City correct all deficiencies in the draft EIR to provide the public and reviewing agencies with an accurate and complete description of the project, its

impacts, and specific mitigation measures. We also recommend that the City select an alternative that avoids impacts to waters of the U.S. and State, as the draft EIR has not demonstrated that impacts would not be significant; would be mitigated; and would be legal in areas restored as part of the grant and previous mitigation activities.

If you have any questions regarding this letter, please contact Ms. Stacey Baczkowski at 858-637-5594 or sbaczkowski@waterboards.ca.gov.

Respectfully,

John H. Robertus
Executive Officer

cc: California Department of Fish and Game; Ms. Elizabeth Lucas
U.S. Fish and Wildlife Service; Ms. Carolyn Lieberman

Attachment 36

2.18 Cont.

further, the culverts should be cleaned out on a regular basis so that they can provide optimal biological and hydraulic functions.

2.19

4. The DEIR indicates that project construction is expected to occur outside of the avian breeding season, thereby avoiding impacts on breeding behavior. The DEIR also indicates that the GAWA and the RRBA would take two years and one year, respectively, to construct. The final EIR should elaborate on the project duration. For example, please explain whether the one-year project construction period would actually be approximately 18 to 20 months to accommodate avoidance of avian breeding season (e.g., for raptors, February 1 through August 30). If the durations of project construction would be extended, consideration must be given to the increased duration of construction-related biological impacts such as impairment of wildlife movement through Rose Canyon in the area of the Regents Road bridge.

2.20

5. The RRBA would affect 0.09 acre of southern willow scrub within a site of restoration conducted by the City with funding from the California Department of Parks and Recreation (DPR) Habitat Conservation Fund Program (HCFP). This area is also within the MHPA. The DPR's procedural guide for the HCFP (May 1997), states, "applicant will maintain and operate the property acquired, developed, rehabilitated, or restored with the funds in perpetuity..... [and] make no other use, sale, or other disposition of the property except as authorized by specific act of the Legislature." In our NOP letter, we stated, "if the City committed to preserving the restoration in perpetuity, and the Regents Road Bridge alternative could not be designed to avoid (including shading and indirect impacts) the restoration area, the DEIR should explain why the [RRBA] is among the alternatives being studied." The DEIR does not respond to this query, and though it briefly describes the purpose of the restoration, it provides no justification for or evidence of being relieved from meeting DPR's requirements. We request that the City now respond to our query.

2.21

6. Considering that neither the types nor locations of the construction and post-construction best management practices (BMPs) have been determined, the losses of habitat are not entirely accounted for in the DEIR. We appreciate the general nature of this DEIR. However, it is unclear how the City Council will be fully informed to make a decision about which alternative, if any, to consider further without knowing the habitat loss impacts. BMPs can occupy, and result in loss or degradation of habitat in, considerably large areas. Such potential losses are unaccounted for in the DEIR, as are also the potential impacts from the on-going long-term BMP maintenance which can be a source of disturbance (i.e., indirect effects) to sensitive wildlife species.

2.22

Edge Effects - Indirect Impacts

Generally, the DEIR does not adequately analyze the potential biological impacts from edge effects resulting from the RRBA. This alternative would introduce or exacerbate several potential indirect edge effects into Rose Canyon where they either don't now exist or exist to a lesser degree than they would with the bridge. Edge effects are defined as undesirable anthropogenic disturbances beyond urban boundaries into potential reserve habitat (Kelly and

2.19 Predicting the actual time of construction for the bridge and road widening project is difficult because of the uncertainty associated with when construction would start with respect to the breeding season limitations and the amount of work which can proceed without significantly impacting sensitive birds during this time. Should work not be timed to minimize the impact of breeding restrictions, the work could last longer than anticipated. However, additional months of construction period would not substantially change the overall impact on wildlife within Rose Canyon.

2.20 Based on a field visit with Senior Park Ranger Carla Frogner following public review, the various enhancement activities were determined and plotted on Attachment 3. Two primary enhancement activities occurred pursuant to the State grant. Six large patches of arrundo were removed and new container stock installed to restore wetland species including willows and several oak trees; these areas are illustrated on Attachment 3. Plantings were watered by hand. In addition, arrundo and other weeds were removed in the upper portion of the drainage, upstream of the most southerly replanted area. Unlike the other areas, however, no planting was carried out in this area.

As illustrated in Attachment 3, the fill associated with the southerly approach of the bridge would encroach into the uppermost restored area and the upstream enhancement area. Approximately half of the most southerly restoration would be eliminated by fill associated with the trail extending down from the proposed recreational parking lot. In addition, the fill for the roadway would eliminate the upper portion of the drainage which was enhanced by weed removal. This exhibit also illustrates the limits of disturbance associated with the construction of the Regents Road bridge.

According to the terms of the State grant, the enhanced areas are to remain in permanent open space. Encroachment from the bridge would not be allowed under the terms of the grant without restitution to the State. In

accordance with the grant, the restitution must be approved by the State Parks and Recreation Department. As restitution, the City is proposing to compensate for the loss of wetlands located within where restoration and enhancement occurred. In accordance with Mitigation Measure 4.3-1 of the EIR, the compensation would be at a ratio of 3:1 for vegetated wetlands and 1:1 for unvegetated channel area subject to jurisdiction of the U.S. Army Corps of Engineers. As indicated in the mitigation measure, wetland would be carried out in the drainage sheds of Rose Canyon or San Clemente Canyon. However, in order to provide more immediate compensation for the loss of wetlands resulting from the State grant, the City would commit to undertaking wetland compensation in the same tributary as the grant enhancement occurred. A review of the tributary indicates several areas where the willow woodland could be expanded. Although the wetland habitat is considered a significant resource under CEQA, the tributary, itself, does not possess significant wildlife value. As indicated on page 4.3-54, the upper end of this tributary terminates in a developed area. Thus, it provides no substantial connectivity for wildlife movement from one natural area to another. While the non-native grassland within the drainage provides foraging for raptors, Rose Canyon would continue to provide ample foraging habitat to offset the minor loss associated with the bridge. Thus, the impact of the bridge would be on wetland habitat rather than wildlife.

Any additional compensation which may be required due to encroachment into areas which were to be preserved in perpetuity would be over and above mitigation required under CEQA. Any additional compensation would be based on legal grounds.

2.21 As indicated in response to comment 8.3, the EIR is based on preliminary plans. Consequently, no specific BMPs are proposed. However, page 3-14 of the EIR identifies the type of BMPs which would likely be implemented for widening Genesee Avenue; similar BMPs would be implemented as part of the bridge. The potential for these BMPs to have a substantial additional impact on sensitive biological resources is not considered high. Adequate areas of non-native vegetation exist within the canyon floor to treat surface runoff before discharge into Rose Creek which would allow the impact on sensitive resources to be minimized.

From: Kris Shackelford
To: Bruce McIntyre
Date: Thu, Oct 6, 2005 3:46 PM
Subject: Re: Community Wetland Restoration Project

Hi Bruce,

I may hold off getting in touch with the City Attorney for now since this may required some inter-departmental coordination between Engineering and Park & Rec.. This is a classic case of the right hand not knowing what the left hand is doing. The bridge has been identified in the community plan and the right of way was part of that plan that was adopted by the City Council. Also I'm not quite clear on the continued effort for future restoration that the bridge would encroached upon. Hopefully I'll have the answer for you soon.

Kris

>>> "Bruce McIntyre" <BruceM@ProjectDesign.com> 10/06/2005 2:51 PM >>>
Kris,

We had a good meeting with the Park and Rec people this morning including Carla Frogner, Paul Kliberg and Carla's boss. Martha Blake, Keith Merkel, Nitsuh and Virginia were also there.

In discussing the restoration work, we learned that the work was comprised of two primary activities. The first activity involved clearing five arundo patches and planting container stock of willow, sycamore and oak trees. The container stock was watered by hand. The second activity consisted of removal of arundo and other exotics along the tributary without planting new trees.

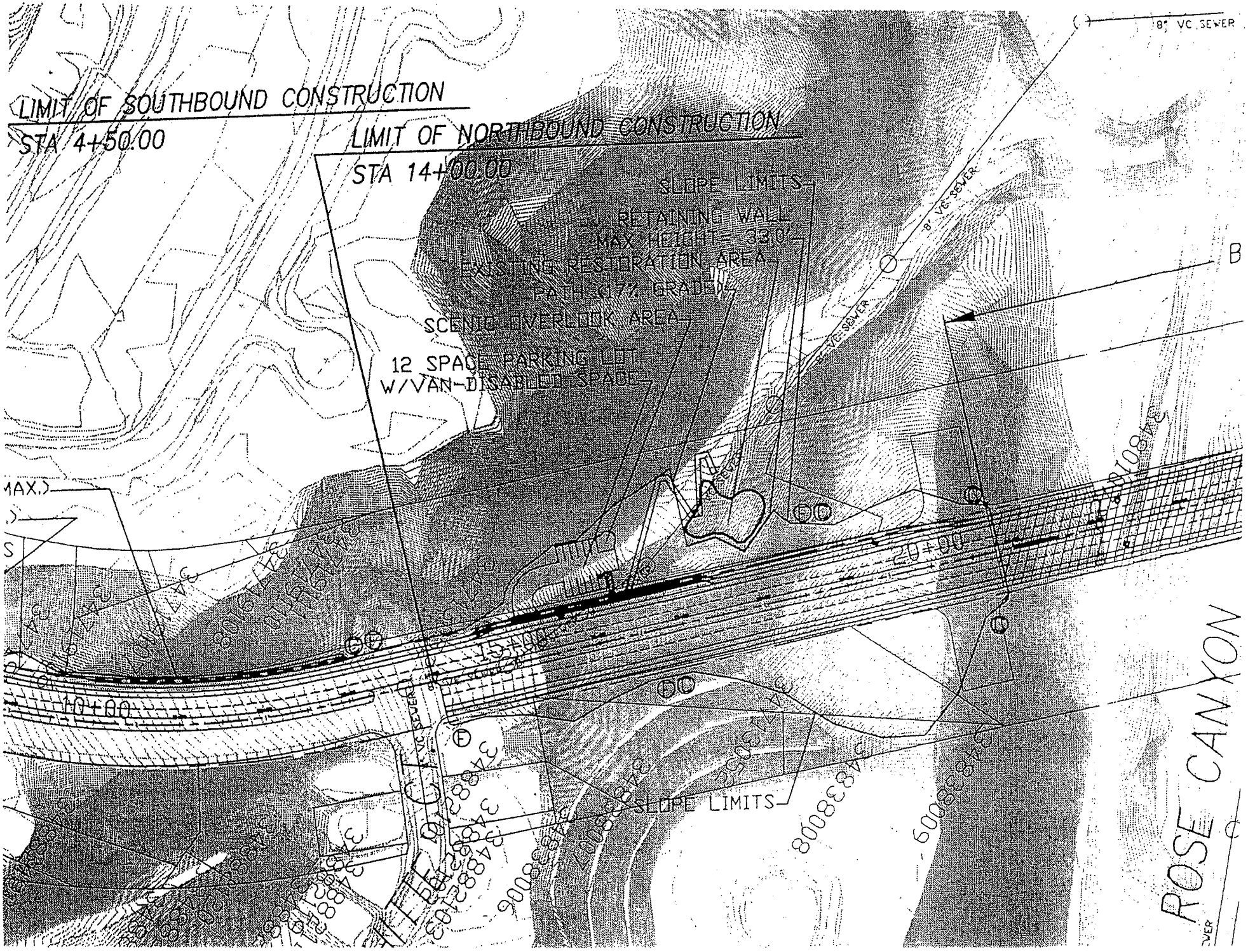
Carla confirmed that there was no actual map accompanying the grant but she did have a large air photo of Rose Canyon where she estimated the locations of the arundo stands that were restored. As luck would have it, Virginia had brought along a black and white photo from 1999 which was taken before the restoration. From this photo, Carla identified the specific stands of arundo which were cleared and planted. We will transfer these polygons to our GIS so we can plot them out in relationship to the bridge footprint.

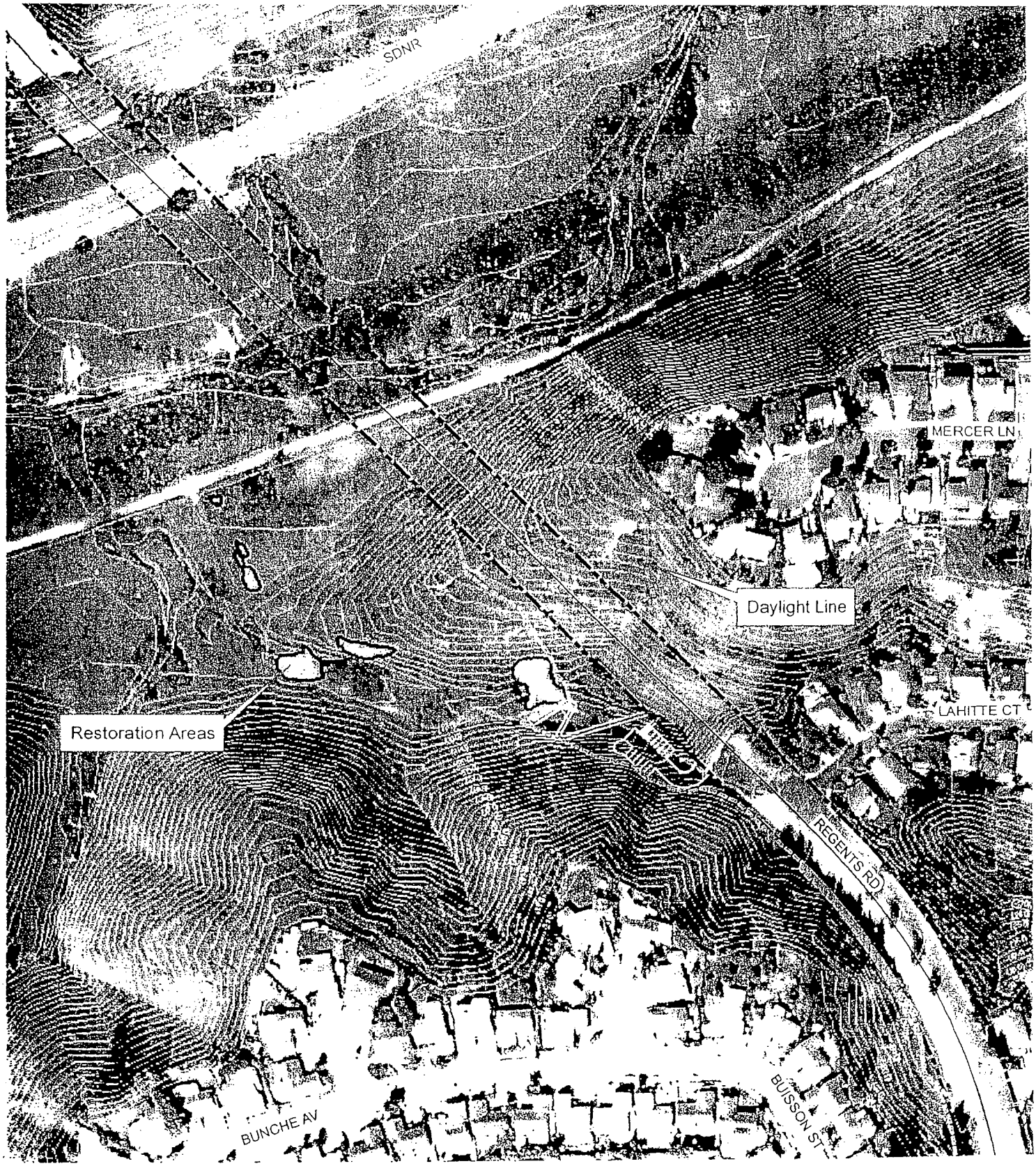
Based on our field check, it appears that the most southerly arundo area restoration would not be impacted by the footprint of the bridge. However, the restoration area would be impacted. I have attached a photo illustrating the restored and enhanced areas in the vicinity of the bridge footprint; of course, this is a rough estimate.

Carla brought along a copy of the terms of the state grant which indicated a commitment that the restored and enhanced areas should not be used for other purposes. I have asked Nitsuh to consult with the City Attorney's office on the legal implications of the language. If the bridge footprint does extend partially into the restored area, it may be possible to use a retaining wall to avoid it. However, if the weeding upstream constitutes enhancement under the terms of the grant, I'm not sure it would be feasible to avoid this area without doing something like the two-bridge alternative.

Please give me a call if you would like to discuss this further.

Bruce


LIMIT OF SOUTHBOUND CONSTRUCTION
STA 4+50.00
LIMIT OF NORTHBOUND CONSTRUCTION
STA 14+00.00
SLOPE LIMITS
RETAINING WALL
MAX. HEIGHT = 33.0'
EXISTING RESTORATION AREA
PATH (17% GRADE)
SCENIC OVERLOOK AREA
12 SPACE PARKING LOT
W/VAN-DISABLED SPACE
8" VC SEWER
8" VC SEWER
8" VC SEWER
B
20+00
15+00
10+00
SLOPE LIMITS
ROSE CANYON



Restoration Areas Relative to Regents Road Alternative

City of San Diego

File Name:n:\2399\mxd\regents-aerial2005-topo-reveg-base2.mxd
Date:3/21/06
Source: Aerial -AirPhotoUSA2005

0 100 200 Feet

NORTH

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GIS exhibits may be composed from various sources with different levels of accuracy. For details on accuracy of this exhibit, please refer to Meta Data provided.

Attachment 37

From: Kris Michell
To: Abby Jarl
Date: 7/27/2006 2:03:54 PM
Subject: Fwd: Re: Regents Road Bridge

>>> Erik Bruvold 7/24/2006 6:05 PM >>>
FYI. My understanding is that Beaucamp's team has designed around the area so no impacts. One of the things we will be proposing on Wednesday is a proposed policy about clearing through our group correspondence/communication with state agencies on key issues.

E

>>> Richard Haas 7/24/2006 5:40 PM >>>
FYI. Rich

>>> Carol Wood 07/24/06 4:58 PM >>>
Rich - As you know, the Park and Recreation Department completed a grant funded habitat restoration project in the Rose Canyon Open Space Park. The State grant was awarded in September 1998 to remove non-native vegetation and plant native plant material. The project was completed in Spring, 2003.

Since the area of the restoration project will be impacted by the Regents Road bridge, the City Park and Recreation Department sought the opinion of State Parks (charged with oversight of the grant) about whether the City could mitigate any impact through restoration of another area, or what will be required by the State for the bridge to be constructed in the area in question.

FYI - we heard verbally from the State today that they will require State legislative action to allow any change to the grant-improved site. We anticipate receiving an official letter from the State on the subject, but I wanted to be sure you heard the info ASAP since the issue will be before City Council soon. As soon as we get the letter, we will forward it to you...Carol

Carol Wood, Grants Administrator
City of San Diego
Park and Recreation Department, Park Planning and Development Division
(619) 525-8217
"We enrich lives through quality parks and programs"