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Mr. Dan Berkus
Paragon
4370 La Jolla Village Dr., Suite 640
San Diego, CA 92122

Subject: Biological Letter Report Update for the Otay Business Park Project

Dear Mr. Berkus,

This letter report presents an updated analysis of the biological effects associated with proposed changes to the approved Otay Business Park project (TM 5505). Impacts to biological resources were previously analyzed in the Biological Technical Report (Helix 2011) and Final Supplemental Environmental Impact Report (SEIR; SCH No. 2008061077; T&B 2011).

1.0 INTRODUCTION

Project Description

The Applicant is proposing project changes that would alter internal roadways (Alta Road and Siempre Viva Road) and proposed grading to address project conflicts with the future planned State Route 11 (SR-11) freeway and associated on- and off-ramps. In addition, the proposed project would eliminate the realigned channel on the eastern portion of the site as it would be within the limits of the SR-11 and East Otay Mesa Port of Entry (POE) projects. With these changes, the applicant would be able to eliminate SR-11 design conflicts, improve onsite design access to future lots, maximize the use of the remaining portions of the project site, and achieve an earthwork balance on the entire project site.

Project Location

The project site (Assessor's Parcel Number 648-070-21) and adjacent off-site improvements are located in southeastern Otay Mesa within San Diego County (Figure 1). The property lies immediately north of the U.S./Mexico border approximately 0.5 miles east of Enrico Fermi Drive. It occupies the southeastern quadrant of Section 31 within Township 18 South, Range 1 East of the U.S. Geological Survey 7.5-minute Otay Mesa quadrangle (Figure 2). The site is within the East Otay Mesa Specific Plan (EOMSP) area and is within areas designated in the County's Multiple Species Conservation Program (MSCP; County 1997) as Minor Amendment Areas and Minor Amendment Areas Subject to Special Consideration.

2.0 METHODS

In order to assess the current impacts to biological resources resulting from the proposed project changes the approved and proposed project footprints were overlain on the biological resources mapping for the site (Figure 3). A GIS analysis was then conducted to determine the changes to biological resources impacts resulting from the new proposed project footprint.

3.0 PROJECT IMPACTS

Vegetation Communities

The 2011 Biological Technical Report presented impact figures based on the approved project design. The following impact discussion is based on the current proposed project. Table 1 presents the previous and current proposed project impacts.

Table 1
Approved and Proposed Biological Resources Impacts

Vegetation Community	2011 Impacts			Current Impacts			Change
	On Site	Off Site	Total	On Site	Off Site	Total	
Vernal pool	0.14	0.00	**0.14**	0.14	0.00	**0.14**	**0.00**
Freshwater marsh	0.00	0.01	**0.01**	0.00	0.01	**0.01**	**0.00**
Saltgrass grassland	0.19	0.00	**0.19**	0.19	0.00	**0.19**	**0.00**
Non-native grassland	150.51	12.90	**163.41**	149.37	15.60	**164.97**	**+1.56**
Road pool	0.05	0.05	**0.10**	0.05	0.05	**0.10**	**0.00**
Disturbed habitat	7.27	2.92	**10.19**	7.19	2.65	**9.84**	**-0.35**
Developed	0.13	1.14	**1.27**	0.26	1.30	**1.56**	**+0.29**
TOTAL	**158.29**	**17.01**	**175.31**	**157.20**	**19.61**	**176.81**	**+1.50**

As shown in Table 1, the proposed project would increase the impact to sensitive non-native grassland by 1.56 acres over the previously approved amount. Impacts to non-sensitive disturbed habitat would decrease by 0.35 acre and impacts to developed area would increase by 0.29 acre. No other changes to impacts to vegetation communities would result from the proposed project changes.

Sensitive Plant Species

No changes to sensitive plant species impacts would occur as a result of the proposed project changes.

Sensitive Animal Species

No changes to sensitive animal species impacts would occur as a result of the proposed project changes.

Jurisdictional Areas

While the proposed project footprint would technically avoid a small portion of unvegetated streambed adjacent to the northern property boundary (Figure 3), the project and associated agency permits will continue to assess this area as being impacted. As such, no changes to jurisdictional impacts are proposed with the currently proposed project.

Indirect Impacts

The proposed changes are located within the footprints of the previously approved project and the adjacent Otay Crossings and SR-11/POE projects and would not have an effect on the indirect impacts previously assessed.

Cumulative Impacts

The additional impact to non-native grassland habitat (1.56 acres) occurs entirely within the footprints of the adjacent Otay Crossings and SR-11/POE project footprints. There would be no significant changes to cumulative impacts as impacts were addressed in the respective environmental documentation for these projects.

4.0 MITIGATION REQUIREMENTS

The mitigation identified in this section is only for impacts to resources that would change with the new proposed project footprint. Mitigation measures that remain unchanged are not addressed in this letter. Specifically, revised mitigation is being proposed for impacts to non-native grassland and jurisdictional features (wetland/riparian areas).

Non-native Grassland

Impacts to non-native grassland would be mitigated through a combination of restoration and preservation, as called for in mitigation measure M-BI-20 of the SEIR. Mitigation for impacts to non-native grassland would target an approximately 1:1 ratio (164.97 acres). The mitigation program approved by the County, USFWS, and CDFW allows for some of the non-native grassland to occur on Otay Mesa (on mesa) and allows the remainder to occur off of Otay Mesa (off mesa). As a result, the mitigation ratio would be split, with approximately 76.40 acres of the non-native grassland mitigation occurring on mesa and approximately 88.57 acres occurring off mesa.

On-mesa non-native grassland mitigation would consist of 67.20 acres of habitat preservation and restoration within the Lonestar Parcels. Up to an additional 9.2 acres of grassland mitigation would be acquired from the Otay Crossings portion of the Lonestar parcel in order to approach an approximately 0.5:1 on mesa mitigation ratio. In addition to the on mesa mitigation, approximately 88.57 acres of grassland mitigation would be achieved off mesa at a location to be approved by the County, USFWS, and CDFW.

Implementation of these measures would provide approximately 76.40 acres of non-native grassland mitigation on mesa and approximately 88.57 acres of non-native grassland mitigation off mesa. Thus, the overall mitigation ratio for non-native grassland impacts for the proposed project is approximately 1:1. The mitigation proposed assumes that the project would move forward as a stand-alone project.

If both the proposed project and adjacent Otay Crossings project go forward, the overlap of non-native grassland impacts and native grassland impacts would be shared between the two projects, and the resulting mitigation obligation would be split between the two parties. The overlap of native grassland would be 0.26 acres and the overlap of non-native grassland would be 14.68 acres. A total of 193.60 acres of on mesa non-

native grassland mitigation is available for the proposed project and the Otay Crossings project combined. This includes 67.20 acres for the proposed project (at Lonestar) and 126.4 acres for Otay Crossings (44.4 acres on site and 82 acres at Lonestar). The total combined non-native grassland impacts are 420.67 acres for these two projects. The combined projects would result in an overall combined on mesa mitigation ratio of 0.46:1 for the two projects. If the Otay Crossings project is constructed prior to the proposed project, mitigation shall not be required of the proposed project for those overlapping areas already impacted by Otay Crossings.

Jurisdictional Features

While the project is not proposing changes to the amount of impact to jurisdictional (wetland/riparian) features on site, it is proposing a change to the type of mitigation to be provided. Since issuance, it has become apparent that a component of the project's previously approved mitigation is no longer feasible and that a new mitigation approach is necessary. Specifically, mitigation measure M-BI-22a of the SEIR calls for creation of 0.20 acre of ephemeral, non-wetland Waters of the U.S. within the realigned drainage channel on-site. This realigned channel also is called for in the project's CDFW Streambed Alteration Agreement and the RWQCB 401 Water Quality Certification.

The project was designed to comply with this measure and included an above ground, soft bottomed channel along the eastern project boundary, outside of the proposed development footprint. It is now evident that the location of the realigned channel would be within the limits of the upcoming SR-11 and POE projects. Once these projects are constructed it will be impossible to build the re-aligned channel on site. Additionally, virtually all of the land to the north (upstream) of the site is proposed for development and the channel downstream is undergrounded and flows into Mexico. The lack of upstream and downstream connectivity to above ground channels reduces the potential value of the realigned channel on site, were it to be constructed, leaving it an isolated above ground segment in an otherwise undergrounded system.

Given the infeasibility of the on-site realigned channel as mitigation, the project applicant proposes to shift the on-site restoration mitigation component to either purchase of 0.20 acres of mitigation credits in an approved mitigation bank or creation of 0.20 acre of vernal pool habitat (in addition to the 0.48 acre of vernal pool creation identified above) on the Lonestar Parcels. The purchase of mitigation credits will be dependent upon credits being available prior to project implementation. If credits are unavailable then the additional vernal pool creation will be implemented. The credit purchase or the vernal pool creation will make up for the loss of the realigned channel and maintain the overall mitigation acreage. A map depicting the additional proposed pools is provided as Figure 4. If implemented, this would increase the vernal pool restoration acreage for mitigation from 0.48 to 0.68 acre. The new vernal pools would be situated in the same general area as the previously planned pools and would be incorporated into the project's mitigation and long-term management plans. With this change there would be no reduction in the amount of mitigation provided for jurisdictional (wetland/riparian) impacts.

Sensitive Plants

Mitigation measure M-BI-5 in the SEIR calls for salvage and translocation of the San Diego marsh-elder plants (11) within the Project's impact area. The salvaged plants were to be translocated to the realigned drainage channel on-site. Given that the realigned channel is infeasible, the project applicant proposes to incorporate the salvaged plants into the restoration effort located at the Lonestar Parcels in order to comply

with the mitigation measure. Figure 4 shows the proposed translocation location. The San Diego Marsh elder would be translocated to the bottom of one of the drainages on the Lonestar parcel (Figure 4) that leads to a larger canyon system and eventually the Otay River to the north. The number of plants to be translocated and additional container stock would remain the same as those previously approved for the project.

The goal of the San Diego marsh-elder translocation also will stay the same, that is to obtain 90 percent survivorship of the 33 planted San Diego marsh-elder within the translocation area at the end of the 5-year maintenance and monitoring program. At the end of each year, survivorship of San Diego marsh-elder will be tabulated. If there is a survivorship of less than 90 percent (30 plants), additional San Diego marsh-elder will be obtained from a native plant nursery and added to the translocation area, to replace lost individuals. Any additional San Diego march elder that becomes established anywhere within the restoration area (within other drainages and/or within vernal pool restoration area) will be counted toward the final 30 individual plant goal.

5.0 CONCLUSION

The proposed project changes would result in an approximately 1.56 acre increase in impacted non-native grassland. There would be no other increase to impacts to sensitive biological resources. The proposed mitigation for non-native grassland impacts would increase accordingly, as called for in the SEIR and USFWS BO for the project. The additional non-native grassland impact would occur within the footprints of the adjacent Otay Crossings and SR11/POE projects. As such, the increased impact has been addressed in the environmental documents for these projects and there would be no new or significantly increased impacts (direct, indirect, or cumulative) associated with the proposed project changes.

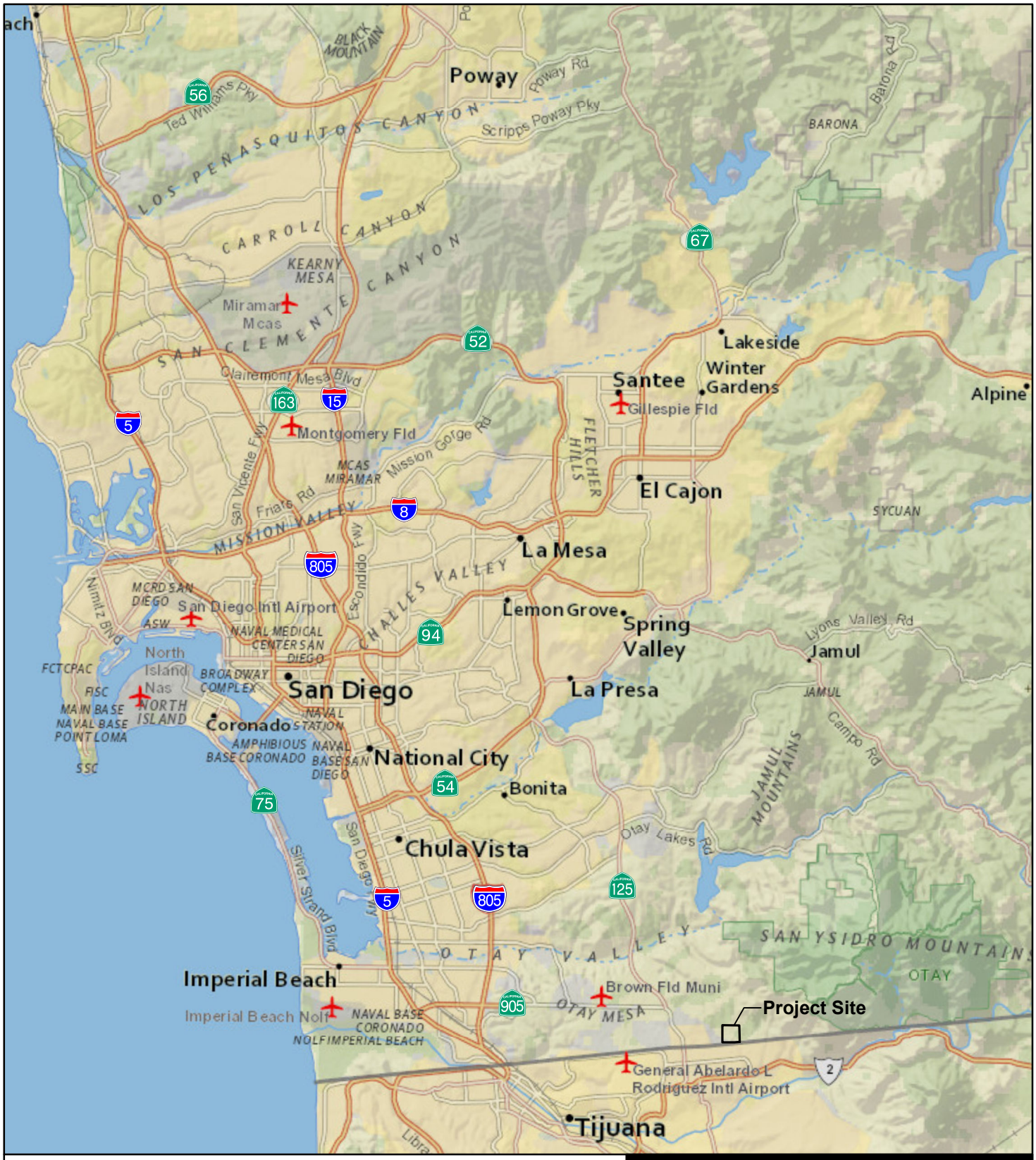
Mitigation for jurisdictional (wetland/riparian) features would change from the on-site realigned channel to purchase of mitigation credits or additional vernal pool restoration on the Lonestar parcels. While the type of mitigation provided would change, the total acreage of mitigation provided would not change. Additionally, the SEIR called for translocation of marsh elder into the realigned channel on site. Given that the on-site channel is infeasible, the marsh elder translocation would be conducted in conjunction with the restoration effort at the Lonestar parcels.

If you have any questions please call.

Sincerely,

Greg Mason
Principal/Senior Biologist

Enclosures: Figure 1 – Regional Location
Figure 2 – Project Location
Figure 3 – Biological Resources/Impacts
Figure 4 – Approved and Proposed Mitigation



Source: National Geographic, Esri, DeLorme, NAVTEQ, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, iPC

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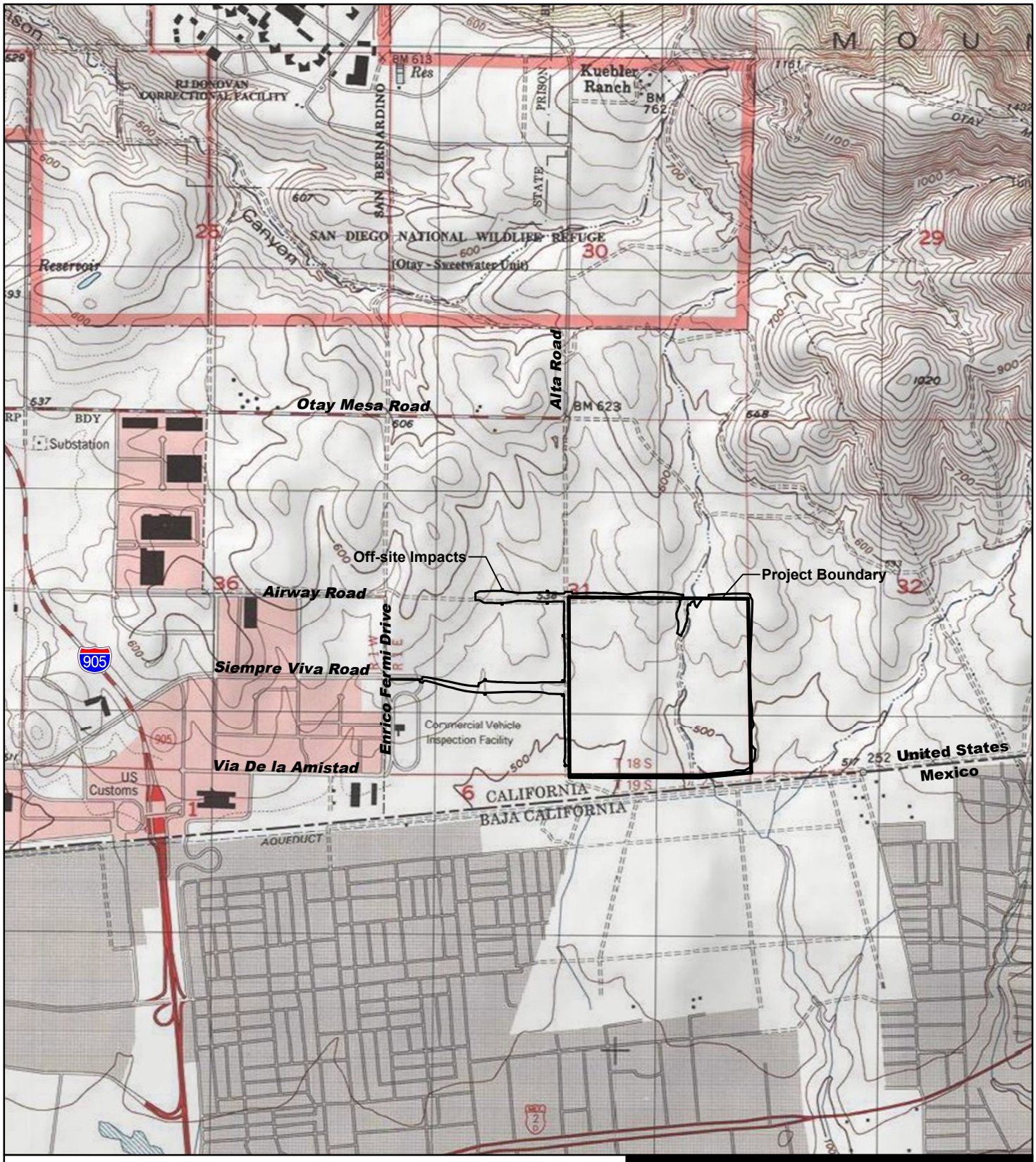
Figure 1

Regional Location

OTAY BUSINESS PARK



Source: USGS Quads (Otay Mesa); Copyright:© 2013 National Geographic Society, i-cubed

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Figure 2

Project Location

OTAY BUSINESS PARK

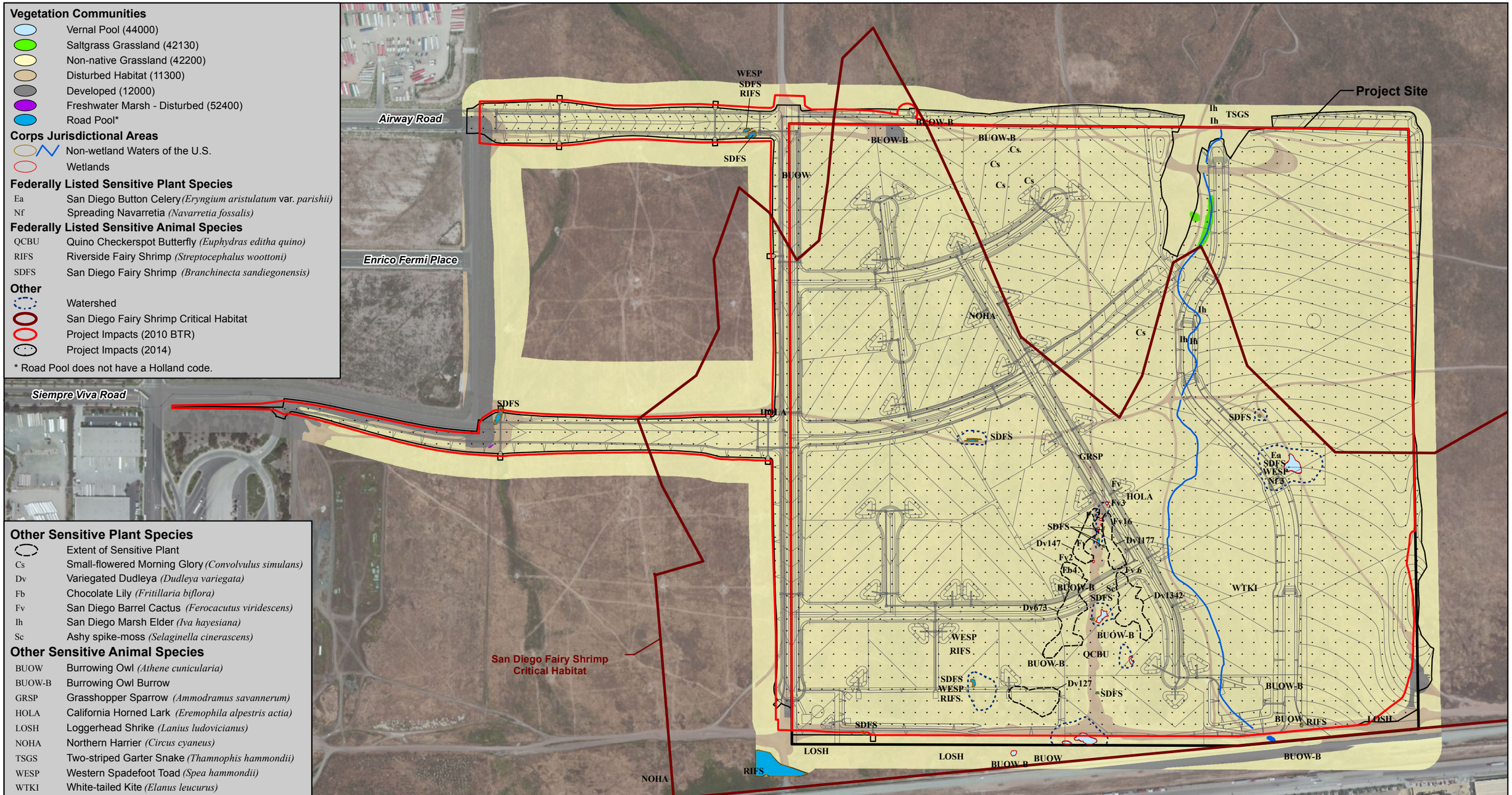
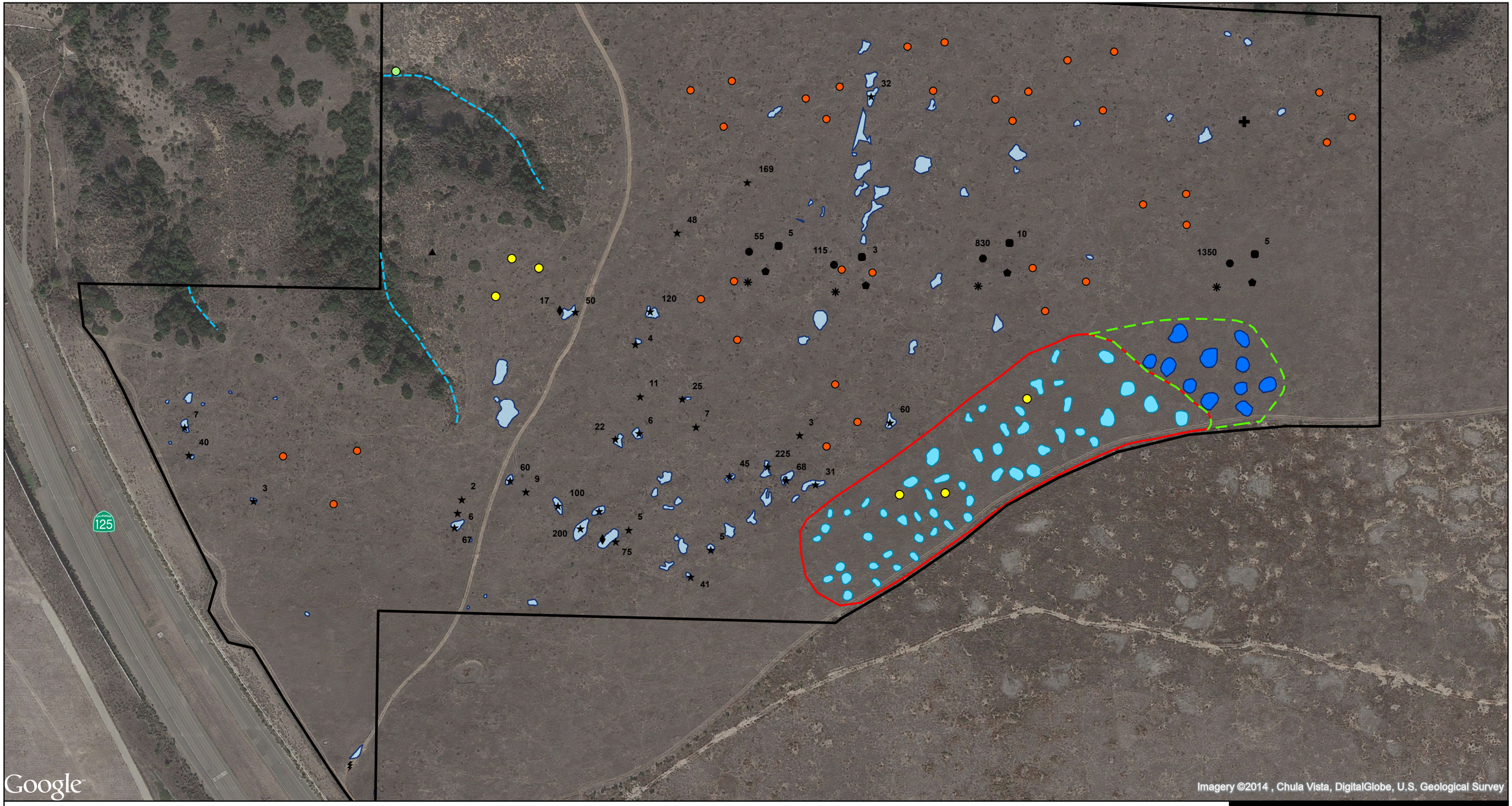


Figure 3

Biological Resources/Impacts

OTAY BUSINESS PARK



- Boundary
- Streambed/Waters of the U.S.
- Existing Vernal Pool
- Approved Vernal Pool Restoration Area
- Approved Restored Pools
- Additional Vernal Pool Restoration Area
- Additional Restored Pools (0.20 ac)

Existing Sensitive Resources

- Coastal California Gnatcatcher *(Polioptila californica californica)*
- San Diego Fairy Shrimp *(Branchinecta sandiegonensis)*
- Decumbent Goldenbush *(Isocoma menziesii* var. *decumbens)*
- Dwarf Plantain *(Plantago erecta)*
- Graceful Tarplant *(Holocarpha virgata* spp. *elongata)*
- Otay Mesa Mint *(Pogogyne nudiuscula)*
- San Diego Barrel Cactus *(Ferocactus viridescens)*
- San Diego Button-celery *(Eryngium aristulatum* var. *parishii)*
- Variegated Dudleya *(Dudleya variegata)*
- Iva Translocation Site
- Artificial Burrow (35)
- Focused QCB Habitat Seeding Area (6)

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Figure 4

Approved and Proposed Mitigation for the Otay Business Park Project

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