

LAW OFFICES
NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP

18101 VON KARMAN AVENUE, SUITE 1800
IRVINE, CALIFORNIA 92612-0177
(949) 833-7800 TEL (949) 833-7878 FAX
www.nossaman.com

AUDREY M. HUANG
(949) 477-7661 Direct
ahuang@nossaman.com

REFER TO FILE #
060182-0101

March 5, 2008

VIA E-MAIL & OVERNIGHT MAIL

Thomas Street, Attorney Advisor
Stephanie Campbell, Attorney Advisor
The Office of General Counsel for Ocean Services
National Oceanic and Atmospheric Administration
1305 East-West Highway
Suite 6111, Room 6140
Silver Spring, MD 20910

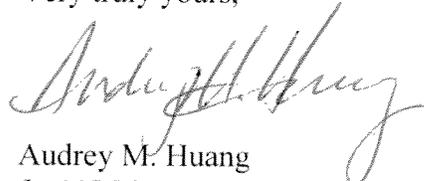
Re: Consistency Appeal by Foothill/Eastern Transportation Corridor Agency

Dear Mr. Street and Ms. Campbell:

I enclose for filing on behalf of the Foothill/Eastern Transportation Corridor Agency and the Board of Directors of the Foothill/Eastern Transportation Corridor Agency, in the above-referenced consistency appeal, a motion for extension of length of their principal brief.

Thank you for your attention to this matter.

Very truly yours,



Audrey M. Huang
for NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP

AMH/lhh

Enclosure

cc: Mark Delaplaine w/encl. (by federal express and electronic mail)
Peter Douglas w/encl. (by federal express and electronic mail)

**UNITED STATES OF AMERICA
BEFORE THE DEPARTMENT OF COMMERCE**

Foothill/Eastern Transportation Corridor Agency;
Board of Directors of the Foothill/Eastern Transportation Corridor Agency,
Appellants

vs.

California Coastal Commission,
Respondent

MOTION FOR EXTENSION OF LENGTH OF PRINCIPAL BRIEF

1. On February 15, 2008, Foothill/Eastern Transportation Corridor Agency and the Board of Directors of the Foothill/Eastern Transportation Corridor Agency (collectively “TCA”) filed its notice of appeal with the Secretary of Commerce pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act (“CZMA”). TCA appeals an objection by the California Coastal Commission (“Coastal Commission”) to TCA’s consistency certification for the extension of State Route 241 (“FTC-S”).

2. On February 28, 2008, NOAA’s Office of the General Counsel issued a briefing order in which it ordered TCA to address in its principal brief, along with all arguments in support of its appeal, the issue of “whether a dispute between two components of the same state properly forms the basis of an appeal to the Secretary under the CZMA, and what, if any state-level mechanisms exist to mediate and resolve disputes that arise between California public agencies regarding compliance with California’s coastal management program.”

3. The Secretary of Commerce may extend the length of briefs for good cause. 15 C.F.R. § 930.127(g). TCA hereby moves to extend the length of its principal brief to 50 pages.

4. Good cause exists to extend the length of TCA's principal brief because (1) the Secretary has requested additional briefing, and (2) an adequate treatment of the lengthy history of the project and the number of issues to address in the appeal require a modest increase in the length of the TCA's principal brief.

5. Planning for FTC-S has been underway for almost 30 years. The federal environmental process alone on the project has extended for over a decade. The project alternative approved by TCA and described in TCA's consistency certification reflects the considered judgment of the Federal Highway Administration, the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the U.S. Marine Corps and the California Department of Transportation, reached after eight years of extensive analysis of dozens of alternatives and the preparation of a twenty million dollar state/federal environmental impact statement. The appeal presents important national security issues because the alternative selected by TCA and recommended by the federal agencies protects important national security interests of the U.S. Marine Corps Base Camp Pendleton. The appeal also presents important questions of the extent of the Coastal Commission's consistency jurisdiction and the interplay of the California Coastal Act and the Coastal Zone Management Act. A full discussion of the issues raised in the appeal requires a modest increase in the length of the TCA's principal brief.

6. Therefore, in order to adequately brief each of the bases for appeal, as well as address the issue raised by NOAA's Office of General Counsel, TCA respectfully requests a to extend the length of its principal brief to 50 pages.

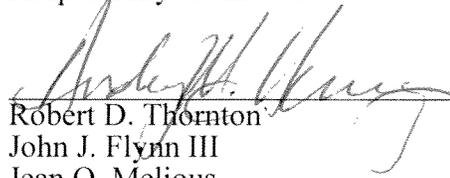
///

///

7. TCA hereby offers to stipulate that the Coastal Commission be granted the same extension in length for its principal brief.

Dated: March 5, 2008

Respectfully submitted:



Robert D. Thornton
John J. Flynn III
Jean O. Melious
Audrey M. Huang
NOSSAMAN, GÜTHNER, KNOX & ELLIOTT, LLP
18101 Von Karman Avneue, Suite 1800
Irvine, CA 92612
Telephone: (949) 833-7800
Facsimile: (949) 833-7878
E-mail: rthornton@nossaman.com

Steven H. Kaufmann
RICHARDS/WATSON/GERSHON
355 S. Grand Avenue, 40th Floor
Los Angeles, CA 90071-3101
Telephone: (213) 626-8484
Facsimile: (213) 626-0078
E-mail: skaufmann@rwglaw.com

Attorneys for Appellants
Foothill/Eastern Transportation Corridor Agency
The Board of Directors of the Foothill/Eastern
Transportation Corridor Agency

PROOF OF SERVICE

The undersigned declares:

I am employed in the County of Orange, State of California. I am over the age of 18 and am not a party to the within action; my business address is c/o Nossaman, Guthner, Knox & Elliott, LLP, 18101 Von Karman Avenue, Suite 1800, Irvine, California 92612-0177.

On March 5, 2008, I served the foregoing TCA's Motion for Extension of Length of Principal Brief upon:

1 Copy via FedEx and E-Mail

**Mark Delaplaine
Peter Douglas
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Tel: (415) 904-5200
Email: mdelaplaine@coastal.ca.gov
pdouglas@coastal.ca.gov**

as follows:

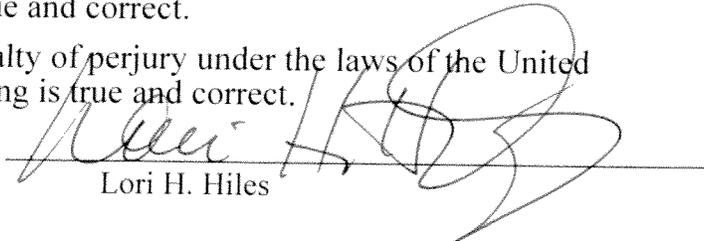
- (By Overnight Service) I served a true and correct copy by overnight delivery service for delivery on the next business day. Each copy was enclosed in an envelope or package designated by the express service carrier; deposited in a facility regularly maintained by the express service carrier or delivered to a courier or driver authorized to receive documents on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying service list.
- (By Electronic Service) By emailing true and correct copies to the persons at the electronic notification address(es) shown on the accompanying service list. The document(s) was/were served electronically and the transmission was reported as complete and without error.

I further declare that this same day the original has been submitted for filing via Federal Express for next business day delivery and via electronic service to:

**Thomas Street
Stephanie Campbell
The Office of General Counsel for Ocean Services
1305 East-West Highway
Suite 6111, Room 6140
Silver Spring, MD 20910
Tel: (301) 713-7390
Email: thomas.street@noaa.gov
Stephanie.campbell@noaa.gov**

Executed on March 5, 2008.

- (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- (FEDERAL) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


Lori H. Hiles