STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200

February 13, 2008

Thomas E. Margro
Chief Executive Officer
Transportation Corridor Agencies
125 Pacifica, Suite 100
Irvine, CA 92618-3304

Re: **CC-018-07** Consistency Certification, Transportation Corridor Agencies (TCA), Foothill Transportation Corridor – South (FTC-S), northern San Diego and southern Orange County

Dear Mr. Margro:

On February 6, 2008, the California Coastal Commission objected to the above-referenced consistency certification, by a vote of two to concur in the certification, and eight to object thereto. The grounds for the Commission's objection under the enforceable policies of the California Coastal Management Program (CCMP) are set forth in detail in the attached Adopted Staff Report and Recommendation. Generally, the Commission's objection was based on the failure of the project to conform to enforceable policies of the CCMP in the policy areas of environmentally sensitive habitat, wetlands, public access and recreation, surfing, archeological resources, and energy consumption and vehicle miles traveled.

The Commission also determined that the consistency certification did not supply sufficient information to determine the project's consistency with the enforceable water quality, wetlands, and archaeology policies of the CCMP. This information was requested in letters to TCA dated June 25, 2007 (archaeology), July 9, 2007 (wetlands), and September 25, 2007 (wetlands, water quality, and archaeology).

The Commission's findings also discuss the alternative measures which, if adopted by the applicant, would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the CCMP (see Attachment, pages 4-5, 11, 24-25, and 110-130).

The Commission's action was timely. The Transportation Corridor Agencies (TCA) submitted the consistency certification on March 26, 2007. The review period commenced on that date. On June 15, 2007, the Commission sent TCA the letter required by Section 930.62(b) of the CZMA regulations. TCA and the Commission twice mutually agreed to extend (stay) the six-month review period. In the second of

these written agreements (TCA letter to me dated October 8, 2007), TCA agreed to extend (stay) the review period until February 26, 2008.[1]

Pursuant to 15 CFR Part 930, Subpart H, and within 30 days from receipt of this letter, you may request that the Secretary of Commerce override this objection. In order to grant an override request, the Secretary must find that the activity is consistent with the objectives or purposes of the Coastal Zone Management Act, or is necessary in the interest of national security. A copy of the request and supporting information must be sent to the California Coastal Commission and the U.S. Army Corps of Engineers. The Secretary may collect fees from you for administering and processing your request.

Appeals should be filed at:
U.S. Secretary of Commerce
Herbert C. Hoover Building
14th Street and Constitution Avenue, N.W.
Washington, D.C. 20230

A copy of the appeal should be sent to the California Coastal Commission at the above address, and to:

Assistant General Counsel for Ocean Services (GCOS)
1305 East West Highway, Room 6111 SSMC 4
Silver Spring, Maryland 20910

If you have any questions about this letter, feel free to contact me at (415) 904-5289.

Sincerely,

Mark Delaplaine

MARK DELAPLAINE
Manager, Energy, Ocean Resources,
and Federal Consistency Division

Attachment (Adopted Staff Recommendation)

cc: OCRM (David Kennedy, David Kaiser)
NOAA's Office of General Counsel for Ocean Services
U.S. Army Corps of Engineers, Los Angeles District (Susan Meyer)
Federal Highway Administration
CCC, San Diego District (Deborah Lee)
CCC, Long Beach District (Teresa Henry)
Nancy Lucast

[1] TCA's first agreement to extend the six-month review period, dated May 31, 2007, was based on our mutual agreement, and extended (stayed) the review period from September 26, 2007, until October 26, 2007.