



February 28, 2008

VIA ELECTRONIC MAIL & CERTIFIED MAIL – RETURN RECEIPT REQUESTED

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Re: Federal Consistency Appeal
Foothill/Eastern Transportation Corridor Agency

Dear Sirs:

On February 15, 2008, Foothill/Eastern Transportation Corridor Agency and the Board of Directors of the Foothill/Eastern Transportation Corridor Agency (collectively, TCA) filed with the Secretary of Commerce (Secretary) a notice of appeal pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act (CZMA), 16 U.S.C. § 1456(c)(3)(A). The appeal concerns the proposed extension of California State Route 241 in Orange County and San Diego County. TCA appeals an objection by the California Coastal Commission (Commission) to TCA's consistency certification for the project.

The Secretary is responsible for deciding appeals filed under the CZMA. NOAA's Office of the General Counsel assists the Secretary in carrying out this responsibility and has been delegated certain responsibilities associated with processing consistency appeals, including establishing briefing schedules. As such, the following briefing schedule will govern this appeal:

On or before March 17, 2008, TCA shall file its principal brief and appendix. In addition to all arguments in support of its appeal, TCA shall address whether a dispute between two



components of the same state properly forms the basis of an appeal to the Secretary under the CMZA, 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.

On or before April 15, 2008, the Commission shall file its principal brief, accompanied by any supplemental appendix, if necessary. In addition to all arguments in support of its position, the Commission shall address whether a dispute between two components of the same state properly forms the basis of an appeal to the Secretary under the CMZA, 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.

Not later than 20 days after TCA's receipt of the Commission's brief, TCA may file a reply brief, accompanied by any supplemental appendix, if necessary.

The deadlines listed above will not be continued absent compelling reasons. At the conclusion of this schedule, we will, to the extent necessary, identify any additional information necessary to rule on this appeal.

The parties are directed to the briefing and filing requirements contained in regulations published at 15 C.F.R. § 930.127. The parties are also reminded that all submissions must be served on the opposing party as required by 15 C.F.R. § 930.127.

Questions should be directed in writing to both Thomas Street and Stephanie Campbell, staff attorneys, NOAA Office of the Assistant General Counsel for Ocean Services, at thomas.street@noaa.gov and stephanie.campbell@noaa.gov, respectively, with a copy to the opposing party.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joel La Bissonniere", with a long horizontal flourish extending to the right.

Joel La Bissonniere
Assistant General Counsel
NOAA Office of the Assistant General
Counsel for Ocean Services