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ROBERT D. THORNTON

REFER TO FILE #
060182060182-01010101

March 28 2008

Thomas Street, Attorney Advisor
Office of General Counsel for Ocean Services
National Oceanic and Atmospheric Administration
1305 East-West Highway
Silver Spring, MD 20910

Re: Foothill/Eastern Transportation Corridor Agency v. California Coastal Commission; Response to Respondents Public Hearing Request

Dear Mr. Street:

This provides the response of the Foothill/Eastern Transportation Corridor Agency and the Board of Directors of the Foothill/Eastern Transportation Corridor Agency ("Appellants") to the California Coastal Commission ("Commission") March 21, 2008 request that the Department of Commerce conduct a public hearing on the above-referenced Coastal Zone Management Act appeal.

The completion of the southern segment of State Route 241 ("Project") has been the subject of hundreds of public meetings and hearings during the three decade environmental review of the Project. Appellants' Appendix includes a description of the lengthy state and federal environmental process which led to the 2005 identification of the adopted alignment as the Least Environmentally Damaging Practicable Alternative by the federal regulatory agencies with jurisdiction over the Project. Throughout the decades of environmental review, all of the many local, state and federal agencies who have endorsed the Project have provided the public with extensive and unrestricted opportunities to comment on the Project and on Project alternatives. See, e.g. Final SEIR Volume V, App. 2-52, at pp. 11-1 - 11-68; Transcripts, TCA public meetings on SOCTIIP SEIR, (Jan 12, 2006), App. 19-46, (January 19, 2006), App. 18-42, (February 23, 2006), App. 18-39.

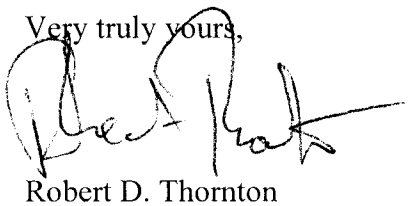
The same cannot be said of the Commission. The Commission conducted a single public hearing on the Appellants' coastal consistency certification. The hearing location was 50 miles from the Project – in a location calculated to maximize attendance by Project opponents.

The hearing can only be described as a circus atmosphere at which supporters of the Project were booed and jeered by Project opponents.[1] Over a hundred individuals and more than a dozen elected officials who support the Project were not given an opportunity to present their views. I have attached a list of the Project supporters who signed forms to testify at the Commission hearing, but who were not provided an opportunity to testify. The Chair of the Commission expressly refused a request by the mayor of the coastal city in the immediate vicinity of the Project (San Clemente) to express his support of the Project and regarding the devastating impacts on San Clemente of the Interstate-5 widening alternatives proposed by Project opponents and Commission staff. In contrast to the Commission's treatment of Project supporters, the Commission Chair invited Project opponents to conduct a demonstration during the hearing.

Recent public announcements by the Project opponents indicate that they are planning a similar public demonstration at any Commerce Department hearing on the Coastal Zone Management Act appeal. One such announcement states that "we were able to sway the Commission when thousands of people attended the hearing." Clearly, the objective of the opponents is to drown out any objective and dispassionate consideration of the serious national interest issues with intimidation and political rhetoric.

In light of this background, the Commission's expressed interest in another public hearing on the Project rings hollow. The Commission had an opportunity to conduct an objective and fair hearing on the Project. The Department's previously noticed comment period will provide an opportunity for all interested persons to express their views on the merits of the issues. Therefore, the Appellants respectfully recommend that the Commerce Department deny the Commission's request.

Very truly yours,



Robert D. Thornton
of NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP

RDT/lmb

cc: See Attached List

[1] A transcript of the Commission hearing is included in Appellants' Appendix. App. 3-7, 8.

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Public Officials Not Permitted to Testify at Coastal Consistency Certification Hearing

Title	First Name	Last Name	Organiztion	Address	City	State	Zip
Assemblyman	Jose	Solario	69th Assembly District	2400 E. Katella Ave., Suite 640	Anaheim	CA	92806
Assemblyman	Mike	Duvall	72nd Assemby District	210 W. Birch St., Suite 202	Brea	CA	92821
Councilmember	Carmen	Cave	City of Aliso Viejo	12 Journey, Suite 100	Aliso Viejo	CA	92656-5335
Councilmember	Jeff	Miller	City of Corona	400 S. Vincentia Ave.	Corona	CA	92882
Mayor	Lori Holt	Pfiler	City of Escondido	201 North Broadway	Escondido	CA	92025
Councilmember	Linda	Lindholm	City of Laguna Niguel	27801 La Paz	Laguna Niguel	CA	92677
Councilmember	Trish	Kelly	City of Mission Viejo	200 Civic Center	Mission Viejo	CA	92691
Councilmember	Jerry	Kern	City of Oceanside	300 North Coast Highway	Oceanside	CA	92054
Mayor	Jim	Dahl	City of San Clemente	100 Avenida Presidio	San Clemente	CA	92672
District Director	Jolyn	Murphy	Office of Congressman Calvert	3400 Central Ave, Suite 200	Riverside	CA	92506
District Director	Lou	Penrose	Office of Congressman Campbell	610 Newport Ctr Dr, Suite 330	Newport	CA	92660
District Director	Dave	Everett	Office of Assemblyman Tran	1503 So Coast Dr, Suite 205	Costa Mesa	CA	92626
District Director	Paul	Webster	Office of Senator Wyland	1910 Palomar Point Way, Suite 105	Carlsbad	CA	92008

Project Supporters Not Permitted to Testify at Coastal Consistency Certification Hearing

First Name	Last Name	City
Nat	Adam	
Matt	Adams	San Diego
Scott	Alevy	San Diego
Gerardo	Almeida	Los Angeles
Beth	Apodaca	San Clemente
Howard	Arnold	
Salama	Ayman	
Maria Elena	Banks	Dana Point
Brad	Barnum	San Diego
Arianna	Barrios	Orange
Russ	Barrios	Orange
Bruce	Beal	
Dave	Beavens	San Diego
Loren	Bloomberg	
Brad	Barandow	Carslbad
Steve	Brown	Coto de Caza
Sherri	Butterfield	Mission Viejo
Marion	Butterfield	Mission Viejo
George	Caravahlo	San Clemente
Donna	Carter	San Clemente
Caesar	Carvajal	San Gabriel
Duane	Cave	Aliso Viejo
Nichole	Chambers	Dana Point
Michelle	Clark	Laguna Beach
Herman	Collins	San Diego
Richard	Dean	San Clemente
David	DuRee	Dana Point
Joe	El Harake	Mission Viejo
Adrian	Esparaza	Riverside
Armando	Esparaza	Santa Ana
Crisna	Estarda	
Dave	Everett	Costa Mesa
David	Field	San Diego
Dan	Fink	San Fernando Valley
Ralph	Flores	Orange
Joanne	Frank	Mission Viejo
Jose	Garcia	
Mark	Gaughan	Anaheim
Chuck	Gibson	Ladera Ranch
Candy	Haggard	San Clemente
Jaime	Hernandez	Corona
Larry	Hernandez	Oceanside
Frances	Hicks	Laguna Niguel
Gayle	Higgins	San Clemente
Hal	Higgins	San Clemente
Cindy	Holmes	San Clemente
Greg	Houlgate	

First Name	Last Name	City
Bob	Hunt	San Clemente
Nancy	Hunt	San Clemente
Scott	Hunt	San Clemente
Don	Jeisy	San Clemente
Sally	Jeisy	San Clemente
Hugo	Jimenez	Santa Ana
Stephanie	Keen	San Bernadino
Dan	Kelly	San Juan Capistrano
Kelly	Kirkpatrick	Rancho Santa Margarita
Gary	Knight	San Diego
Barbara	Krogius	Dana Point
Tristan	Krogius	Dana Point
Art	Leahy	Orange
Richard	Licerio	
Rick	Luebbers	
Christina	Luhn	San Diego
Harley	Martin	
Ronna	Martin	
Bryan	Matthews	
Scott	Matschke	San Clemente
Ray	Mayorga	Monrovia
Victor	Mendez	Rancho Cucamonga
Steve	Mendoza	Pomona
Tiffany	Mirander	Los Angeles
Ray	Morales	San Diego
Ray	Moreno	Chula Vista
Jim	Murphy	
Kris	Murray	Anaheim
Mary	Mcoy	
Mike	McDowell	San Diego
Tanya	McElhaney	Las Flores
David	Nilson	Vista
Dale	Nuelle	
Ignacio	Ochoa	Santa Ana
Angel	Olvera	Palmdale
Ted	Owen	Carslbad
David	Parker	
Raychel	Perez	San Bernadino
Harry	Persand	Santa Ana
Bob	Phillips	Trabuco Canyon
Mike	Phillips	
Cas	Pinkowsk	Dana Point
Jim	Preciado	San Bernadino
Karen	Prescott	San Diego
Marnie	Primmer	Santa Ana
Don	Readinger	Dana Point
Dane	Rice	Mission Viejo
John	Riordan	San Clemente
Dr. Mike	Ritter	Mission Viejo
Anthony	Rivera	San Juan Capistrano

First Name	Last Name	City
Raul	Rodriguez	Long Beach
Danny	Rojas	Vista
Ann	Rommel	Coto de Caza
Tom	Rath	
Reed	Royalty	San Juan Capistrano
Susan	Ritschel	San Clemente
Carol	Rudat	Orange
Robert	Ruiz	Riverside
Michael	Schoenwald	San Clemente
Bob	Schraeder	
Tom	Schroeder	
Joseph	Serrato	San Pedro
Glen	Simmons	San Clemente
Fernando	Soto	Beaumont
Bryan	Speegle	Santa Ana
Ronnie	St. Clair	Riverside
Natalie	Stallone	Riverside
Curt	Stanley	Rancho Santa Margarita
Dave	Stefanides	Aliso Viejo
Melinda	Stone	San Clemente
Scott	Szymborski	
Carol	Taguyen	Tustin
Steve	Tedesco	
Kristine	Thalman	Laguna Beach
Issac	Thomas	Garden Grove
Luis	Thomas	San Diego
Jeff	Thompson	Orange
Steven	Thornton	Diamond Bar
Jose	Tirado	Santa Ana
Joe	Tovar	Anaheim
Ralph	Valenzuela	San Bernadino
Peggy	Vance	San Clemente
Lee	VanderLinden	
Donna	Varner	Mission Viejo
Bob	Varo	Coto de Caza
Bob	Varo	Riverside
Arturo	Vazequez	San Diego
Cherie	Veach	San Clemente
Robert	Veach	San Clemente
Raplh	Velador	Palmdale
Angelika	Villagrana	San Diego
Christine	Vo	Riverside
April	Wakeman	Irvine
Lily	Wakeman	San Clemente
Sue	Waltman	San Clemente
Jim	Werlein	Laguna Niguel
Derrick	Wilson	
Justin	Wilson	Riverside
Mike	Winter	
Susan	Withrow	Mission Viejo
Doug	Younkin	San Clemente
Art	Yoon	Rancho Santa Margarita