



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

November 1, 2005

REPLY TO

ATTENTION OF:

Office of the Chief
Regulatory Branch

Mr. Gene Fong
Division Administrator
U.S. Department of Transportation
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, California 95814

Dear Mr. Fong:

We have reviewed your letter dated October 13, 2005 and received October 17, 2005 requesting our agreement on the South Orange County Transportation Infrastructure Improvement Project ("SOCTIIP"; "Project") alternative most likely to represent the least environmentally damaging practicable alternative ("LEDPA").

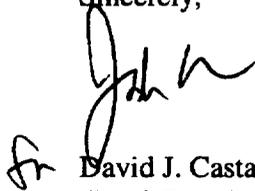
The Project's jointly prepared Environmental Impact Statement ("EIS") and Subsequent Environmental Impact Report ("SEIR") evaluated eight build alternatives and two no action alternatives. In our earlier review, the Corps found the Interstate 5 Widening and Arterial Improvement Only alternatives to be impracticable because neither is available to the applicant, (i.e., Transportation Corridor Agencies; "TCA"), for acquisition and implementation. Of the six remaining build alternatives, the A7C-FEC-M alternative appears to be the 'preliminary' LEDPA based on information contained in the draft EIS/SEIR and its appendices/technical studies; Table 1.1 of the draft EIS/SEIR entitled *Evaluation Matrix Summary of Adverse Impacts Before Mitigation*; public comments received on the draft EIS/SEIR (dated 2004) and the Corps' preliminary Public Notice (dated 2004); the Corps' final jurisdictional determination for the SOCTIIP (letter dated September 27, 2005); and the U.S. Fish and Wildlife Service's preliminary conclusions for the A7C-FEC-M alternative (letter dated September 30, 2005).

In accordance with the 1994 California National Environmental Policy Act ("NEPA")/Section 404 of the Clean Water Act ("404") Integrated Process Memorandum of Understanding ("MOU"), we offer our agreement that the A7C-FEC-M is the 'preliminary' LEDPA. Please be advised this determination does not constitute our final Department of Army permit decision. As part of our final regulatory decision-making process a final Corps Public Notice must be published to solicit agency and public comments on the TCA's proposed action as well as to consider all relevant public interest review factors outlined in 33 C.F.R. § 320.4(a)(2) to evaluate whether the A7C-FEC-M is contrary to the public interest.

I am forwarding a copy of this letter to Mr. Steven John, Environmental Protection Agency, 600 Wilshire Blvd., Suite 600, Los Angeles California 900017; Ms. Jill Terp, U.S. Fish and Wildlife Service, 6010 Hidden Valley Road, Carlsbad, California 92011; California Department of Transportation, Ms. Smita Deshpande, 3337 Michelson Drive, Suite 380, Irvine, California 92612; and Ms. Macie Cleary-Milan, Transportation Corridor Agency, 125 Pacifica, Irvine, California 92618.

If you have any questions, please contact Ms. Susan A. Meyer of my staff at (213) 452-3412. Please refer to this letter and 200000392-SAM in your reply.

Sincerely,

A handwritten signature in black ink, appearing to read "John" or "Castanon", written over a faint, illegible background.

David J. Castanon
Chief, Regulatory Branch