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APPENDIX D

Correspondence

Consistency Certification No. CC-018-07
Foothill/Eastern Transportation Corridor Agency TCA
Foothill Transportation Corridor-South (FTC-S)

Correspondence consisting of TCA Response to CCC Staff Recommendation, Executive Summary

TCA RESPONSE TO STAFF REPORT AND RECOMMENDATION ON CONSISTENCY CERTIFICATION EXECUTIVE SUMMARY

The Transportation Corridor Agencies (TCA) has carefully reviewed the Coastal Commission Staff Report and Recommendations on Consistency Certification No. CC-018-07 for construction of the portion of the extension of the 241Toll Road (SR-241) that crosses the California Coastal Zone.

Detailed responses to the Staff Report are included in the attached response document.

SUMMARY OF DETAILED RESPONSE TO STAFF REPORT

Our review of the Staff Report has discovered factual errors, misrepresentations, distortions, baseless conclusions, and egregiously misleading statements in such numbers and of such extraordinary proportions as to require our response to be stated with an unusual degree of candor. The staff's analysis is further undermined by reliance on zealous non-staff opponents for information. In addition, staff has cited faulty science and weak "engineering" studies that the preparers have acknowledged are flawed.

Faced with a wall of inconvenient truths, the Staff Report attempts to scale it with a hodgepodge of supposition, speculation, hypotheticals, urban legend and anecdotal observations. It is charitable to conclude that the Coastal Staff Report concerning the consistency certification for the completion of SR-241 (also called Foothill Transportation Corridor South, or "FTC-S") presents an inaccurate, one-sided analysis of the project and of the two decade-long federal/state environmental process that resulted in the adoption of the Green Alternative as the least environmentally damaging alternative.

The Staff Report, among other things:

- Mischaracterizes the project described in the consistency certification;
- Bases its analysis on impacts outside of the coastal zone (and thus beyond the Commission's jurisdiction under the federal Coastal Zone Management Act and Coastal Act);

- Grossly overstates habitat and species impacts by ignoring best available data, project features and other avoidance and minimization measures; and
- Ignores the considered professional judgment of the many state and federal transportation and environmental agencies that have studied and endorsed the Green Alternative.

Coastal Staff Admits That the Project is Needed But Staff Endorses I-5 Widening Alternatives That Would Have Devastating Natural and Human Environmental Impacts on Coastal Communities and on Affordable Coastal Access.

There is no dispute that the project is needed if the economy, environment and quality of life of the region are to be maintained. The regional transportation planning agency for Southern California, the Southern California Association of Governments, documents the challenges in stark language:

> *[T]he SCAG region is facing serious, unprecedented challenges. . . .The second-largest metropolitan area in the United States with over half of California's residents, the Southern California region is the most congested metropolitan area in the country. Over the past twenty years, traffic delays have nearly tripled in the region . . .*
>
> . . .
>
> *While California's population and total vehicle miles traveled have more than doubled since 1970, expenditures on this vital system have decreased significantly beginning in the early 1970s and have still not reached the level of investments made during the 1960s.* (SCAG, 2008 Regional Transportation Plan, p. 63)

Traffic forecasts for the year 2025 predict a 60 percent increase in traffic at the Orange/San Diego County line. A current commute of 25 minutes in South Orange County will take over an hour, adding 75,000 more vehicles, 500 percent as much congestion and nearly 600,000 pounds PER DAY (over 200 million pounds per year) of greenhouse gas emissions.

The 21 million people in the region who will benefit from the project are increasingly caught in a virtual prison of congestion – choking in a gridlock of delays. Inaction will result, fifteen years hence, in four additional hours of gridlock each way in the Orange County/San Diego corridor.

No one has made this point more eloquently than Governor Schwarzenegger: *"Our systems are at the breaking point now. We need more roads. [T]he people sit in gridlock…." (State of the State Address, January 5, 2006) [W]e all know that idling cars create a lot of greenhouse gas emissions."* (Press Release, Office of the Governor, October 16, 2007)

Even Coastal staff and the environmental groups who oppose the project acknowledge -- indeed, cannot escape – the fact that EXISTING and future congestion on Interstate-5 (I-5) requires the construction of a major new transportation facility in this corridor.

In what, by any measure, was a responsible and farsighted public policy response three decades ago, regional planners began planning for this inevitability. The TCA took over this responsibility and, 20 years ago, combined with other local, regional, state and federal transportation agencies and the federal environmental agencies to create a solution. ALL concluded that the Green Alternative discussed herein is the alternative that best accomplishes the regional transportation objectives of the project with the least amount of impact on the natural and human environment. In addition, Camp Pendleton continues to be an active participant in the Collaborative. The preferred alignment, traversing Camp Pendleton, would meet all the stipulations set forth by the U.S. Marine Corps, the most important of which is that the alignment does not impact Marine Corps tactical training or operational flexibility. The Marine Corps agrees that the current alignment meets their stipulations and conditions, however the Marine Corps has continued to stay "neutral" on the project, as they are required to do under federal law, until the EIS process is complete.

Coastal staff and other project opponents propose various alternatives that would require massive widening of I-5 and local streets which would forever alter the unique coastal community character of San Clemente and other coastal communities. Coastal staff and other project opponents summarily dismiss the enormous natural and human environmental impacts of the various I-5 widening alternatives documented in the state and federal environmental documents. Instead, they have chosen to rely upon cursory advocacy reports from a Vermont firm, Smart Mobility, which the opponents themselves

admit are flawed and that do not comply with established engineering standards, resulting in an unsafe alignment not meeting Caltrans design and safety standards. Caltrans conducted an extensive analysis of the opponents' proposed I-5 "alternative" and concluded:

> *The [alignment proposed by SMI] does not meet Department standards, and in our view does not meet applicable engineering standards of care. Therefore, the Department cannot support the proposed design refinements or conclusions.* (Letter from Caltrans to FHWA, January 2008)

TCA's Engineering Manager with over 20 years of experience noted accurately that the Smart Mobility authors *"are not licensed in California. They don't know the area. They lack local experience. Their work looks like someone just drew highway designs on a Google Earth map."* Our full response to the Staff Report, and the Caltrans analysis, will prove that observation in detail.

Worse, in a stunningly cold and dismissive observation made in its Executive Summary (at page 6), the staff airily noted that the massive disruptions and human trauma of an I-5 widening should not be an impediment: *"Southern California highways are regularly implemented using condemnation procedures."* It appears that the staff views "condemnation" as merely a precise and painless incision across earth, stucco and lumber.

But such stark language would be small comfort to the families in 838 homes and the owners of 382 businesses which would be bulldozed to "implement" the staff's clinical view of progress. Such condemnation procedures (read: "forced takeovers") actually would expel nearly 2,000 citizens from their homes and sweep away the workplaces for 4,150 employees.

In real life, the I-5 widening alternative that Coastal staff believes is environmentally preferable – a 16-mile scar slicing through our neighborhoods -- would expand I-5 through the coastal communities of Dana Point, San Juan Capistrano and San Clemente from its existing 8 to 12 lanes to the future 14 to 18 lanes – resulting in the mass dislocation described above.

The unique coastal character of these communities would be forever altered – bisected by a massive new expanse of freeway carving through a 75-year history of California

lore and community tradition. Yet, the Coastal Staff Report is devoid of any reasoned, objective analysis of the enormous destructive natural and human environmental costs of the I-5 widening alternatives.

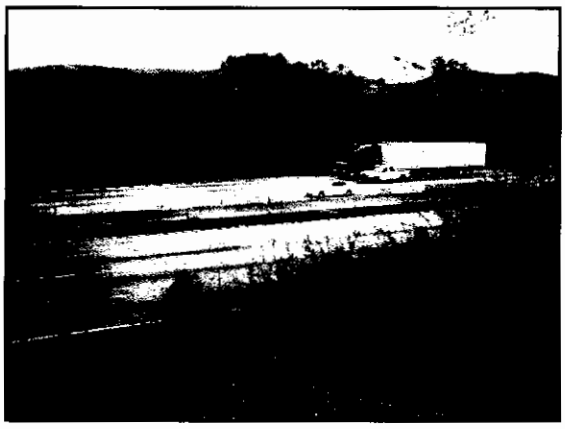
Coastal staff should not be permitted to ignore the environmental impacts of the I-5 widening alternatives by claiming that they do not impact coastal resources or implicate coastal policies. The primary purpose of the Coastal Act is to protect and enhance coastal access – "maximum access" -- affordable by all Californians. The I-5 widening alternative embraced by Coastal staff would **WIPE OUT 16 coastal hotels and motels (including over 500 rooms) that provide affordable coastal visitor-serving facilities for a diverse cross-section of Californians**. A few of these hotels are shown below:

Yet the Staff Report is silent – and in our view insensitive -- about the impact of the I-5 widening alternative on coastal visitor-serving facilities. Coastal staff also ignores the undisputed fact that the I-5 widening alternatives are financially infeasible. As the Governor recently acknowledged, California has a $500 BILLION infrastructure deficit. No state or federal transportation funds are programmed for the widening of I-5 and Caltrans concurs that there is no foreseeable funding source to build a two to three billion dollar project to widen I-5. Thus, the Coastal staff's preferred alternatives are entirely illusory – a chimera premised in an analytical vacuum.

In contrast, the money saved by the taxpayers in the funding of SR-241 dovetails perfectly with the Governor's call for private financing. Speaking at a Monterey Town Hall on June 7, 2007, he made clear: "[W]e will miss out if we don't take private money and build public projects."

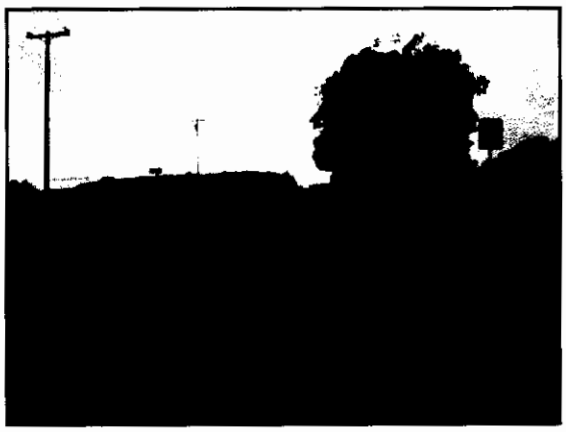
The Staff Report's Analysis of ESHAs Ignores Detailed Site Specific Data and Relies on Impacts Outside of the Coastal Zone.

The Staff Report reflects that its authors lack familiarity with the on-the-ground realities of the project site. Incredible as it may seem, the staff analysis of ESHA impacts defines the existing I-5, Old Highway 101, existing Cristianitos Road, and areas subject to several decades of intensive agriculture production as "environmentally sensitive habitat areas." A few are shown below:



Existing I-5: Included in Staff Report ESHA calculation

Existing Cristianitos Road: Included in Staff Report ESHA calculation



Existing Old Pacific Coast Highway, south of I-5: Included in Staff Report ESHA calculation

Existing I-5/Cristianitos Road Interchange: Included in Staff Report ESHA calculation

The Staff Report's treatment of claimed impacts to the Pacific pocket mouse (PPM) is illustrative of the Staff Report's inaccurate and misleading analysis and material misrepresentation of facts. The Staff Report claims that "the most significant adverse impacts [of the project] would be to the Pacific pocket mouse" and "would hasten the extinction of the entire species." Executive Summary pp. 2-3. In fact, a ten-year study of the pocket mouse (including 65,000 trap nights) DID NOT IDENTIFY A SINGLE POCKET MOUSE IN ANY PORTION OF THE PROJECT FOOTPRINT.

No pocket mice at all were found within the coastal zone. There is no mystery why pocket mice were not found in the coastal zone. There is only a very small amount of suitable habitat in the coastal zone. The Staff Report ignores detailed site-specific data to claim that the project will impact the 12 acres of "essential habitat" in the coastal zone, but ignores the best available data that indicates that only 0.6 (six tenths) of an acre of moderately suitable pocket mouse habitat exists in the coastal zone. And of course, the fact those ten years of study failed to identify a single pocket mouse in the coastal zone is itself dramatic evidence that the staff's claimed inconsistency with ESHA policies is incorrect. Indeed, the Commission made precisely this finding in its 1996 Coastal Commission Staff Report regarding the Marine Corps Officer Housing project at San Mateo Point (a 32-acre site immediately southwest of the I-5 off Cristianitos Road). The Commission found NO impacts to the PPM.

TCA has produced a solid analysis proving that the expert that staff relied upon, and therefore the Staff Report "deviate from the accepted norms of transparent scientific review." Given the stakes involved in the Commission's decision, TCA views the staff's inaccurate characterization of Pacific pocket mouse impacts as indefensible.

The Staff Report's treatment of arroyo toad ESHA issues is similarly flawed. The Staff Report claims that the project "would likely result in the loss of the only remaining coastal population of the arroyo toad." Executive Summary, p. 3. In fact, extensive surveys for the arroyo toad conducted over several years did not identify any arroyo toads within the coastal zone portion of the project. A member of the National Academy of Sciences rightly observes that the Staff Report "misinforms and misinterprets." The Staff Report incorrectly assumed that the connectors with I-5 would effectively be at grade (on the surface) when in fact the connectors are about 50 feet in the air at that location. Impacts to **potential** toad habitat in San Mateo Creek are limited to bridge columns that disturb 0.006 of an acre. This impact is less than the impact permitted (0.099 acre) by the Commission in its approval of Caltrans' repairs to similar bridge supports in the same location in San Mateo Creek (6-01-149). Still further, the Commission authorized impacts of this bridge repair project to be mitigated offsite and outside of the coastal zone.

Whether innocent or intentional, these egregious errors in the Staff Report are more than regrettable. The fact that misinformation and the failure of transparent scientific review can have the enormous consequence of destroying 20 years of planning is troubling. And these shortcomings raise additional doubts about the credibility of the staff's full analysis.

The Commission Has Consistently Rejected the Staff's Position Regarding Wetlands and the Use of the Balancing Provisions of the Coastal Act.

The Staff Report reflects the historic position of coastal staff that the Coastal Act does not allow impacts to wetlands for new transportation improvements – regardless of the small size of the impact and regardless of the magnitude of the mitigation measures to restore and enhance wetlands.

Thankfully, the Commission has rejected the staff's inflexible position on numerous occasions – using the Commission's authority under the "balancing" provisions of

sections 30007.5 and 30200 of the Coastal Act including, but not limited to, the following:

RECENT COASTAL COMMISSION BALANCING DECISIONS

Decision	Year	Project Description	Sections Balanced
LCPA No. 2-06B (Carlsbad)	2006	Zone change for residential development	30240 (ESHA) and 30250 (concentration of development)
CDP No. 1-06-033 (Tilch)	2006	Replace failing onsite sewage wastewater disposal system for residence	30233 (wetlands) and 30231 (water quality)
UCSB LRDP Amendment 1-06, NOISE 1-06, and LDP No. 4-06-097	2006	Campus housing	30233 (wetlands) and 30250 (concentration of development)
CC-004-05 (North County Transit District)	2005	Construction of second railroad tracks	30233 (wetlands), 30240 (ESHA) and 30231 (water quality), 30252 (public access), and 30253 (air quality and energy conservation)
LCP No. 1-03 (Dana Point)	2004	Residential, commercial, visitor-serving development, parks, trail, and open space	30240 (ESHA) and 30210-31214 (public access), 30231 (water quality), 30250 (concentration of development)
LCPA No. 1-03B, CC-007-003 (Carlsbad)	2003	Habitat Management Plan	30240 (ESHA) and 30250 (concentration of development)
LCP Maj. Admt No. 3-01 (San Luis Obispo)	2002	Sewage Treatment Plant	30240 (ESHA) and 30231 (water quality)
LCPA OXN-MAJ-1-00 (Oxnard Northshore)	2002	Site remediation, residential development, and resource protection area	30233 (wetlands) and 30231 (water quality)
CDPM 9-98-127 (City of San Diego)	2000	Construction of freeway segment of SR-56	30233 (wetlands) and 30231 (water quality)
Appeal No. AS-IRC-99-301 (Irvine Community Development Co.)	2000	Mass grading and backbone infrastructure for future residential and recreational development	30233 (wetlands) and 30231 (water quality)
CPDM 1-98-103 (O'Neil)	1999	Construction of barn for dairy cows near stream	30233 (wetlands) and 30231 (water quality)
CC-64-92/5-92-232 (TCA)	1993	Construction of San Joaquin Hills Transportation Corridor Toll Road (SR 73)	30233 (wetlands) and 30210-30213, 30252 and 30253 (public access)

Time and time again the Commission has rejected the Coastal staff's position and has approved transportation and other public service facilities despite impacts to coastal wetlands. Indeed, the Commission approved the State Route 73 extension (financed and built by TCA) and the State Route 56 project in San Diego despite impacts to wetlands from those projects that were greater than the minor wetland impacts (0.16 – sixteen hundredths – of an acre) attributable to the project. These projects were approved due to the public access, habitat, and water quality benefits associated with the projects.

The precedent established by the Commission's approval of State Route 56 (6-98-127) is directly applicable to the project. As is the case here, State Route 56 involved the construction of a new highway interchange connecting to I-5 in the coastal zone. The similarities to the project are remarkable. The Staff Report on the SR 56 project stated:

> *The construction of the freeway segment is not one of the eight allowed uses in wetlands pursuant to section 30233 of the Coastal Act. The proposed project represents a major east-west highway linkage between two existing segments of SR 56. . . . 0.427 acres of existing riparian habitat will .. . be permanently impacted by the construction of the new highway. This development is not consistent with section 30233 of the Coastal Act, which does not allow fill of wetlands for new roadways. However, . . . the Commission finds that there is a conflict between the provisions of section 30233 and other Coastal Act policies and that the proposed development, on balance, provides a greater benefit to coastal resources than is provided by existing conditions.*
> (SR 56 Staff Report, April 25, 2000)

The project Staff Report attempts to distinguish the Commission's approval of SR 56 (and the other highway projects approved by the Commission despite wetland and ESHA impacts) and ignores the essential undisputed fact – the Commission has routinely used the balancing provisions of the Coastal Act to approve new highways with wetland impacts where the new highway improves water quality or coastal access.

That is exactly the circumstance here. Like the SR 56 project, the completion of SR 241 will provide important water quality benefits by collecting and treating 5 million gallons

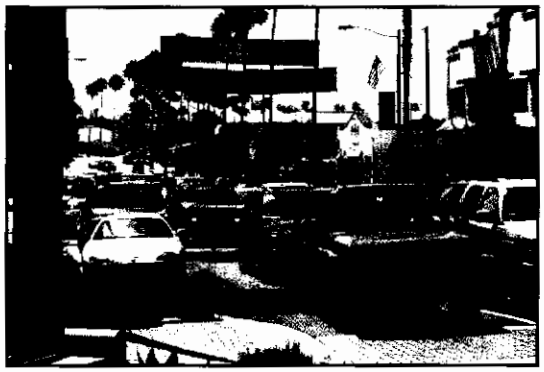
per year of untreated runoff from EXISTING I-5 and will also provide dramatic coastal public access improvements by alleviating traffic on I-5 and by providing an alternative route for access to the coast from inland communities, in addition to providing funding for low and moderate cost visitor-serving uses through the addition of TCA's $100 million State Parks restoration and enhancement package.

In CC-64-92, the Commission approved a combined CDP and Consistency Certification for construction of a segment of the 17.5-mile toll road (San Joaquin Hills Transportation Corridor – SR-73) within the coastal zone. The Commission found that the project would fill 0.33 acre of wetland. However, it once again overruled its staff and further found that denial of the project would conflict with the public access policies of the Coastal Act. Finding approval of the project, on balance, to be most protective of coastal resources, the Commission explained:

> *. . .[T]he No Project Alternative would result in either a significant overload of the transportation system capacity of Pacific Coast Highway or significant adverse impacts to coastal communities and public recreational areas necessitated by future widenings of PCH. The City of Laguna Beach has already stated its opposition to the latter and has articulated a "planned deficiency" approach to PCH through Laguna Beach (in findings of approval for the Irvine Coast Development Agreement EIR). Consequently, the failure to approve the SJHTC would result in impacts contrary to Sections 30001.5, 30210, 30212, 30212.5, 30213, 30223, 30240, 30253.5 and 30254 of the Coastal Act either as a result of failing to provide for adequate transportation system access to coastal and upland support recreational areas or as a consequence of impelling the widening of PCH in a manner resulting in significant impacts both to coastal communities and to public recreational areas.*

Anyone who travels on I-5 every weekend would scoff at the staff's claim that the project will not provide important coastal access benefits. The photos below show typical WEEKEND traffic on this portion of I-5. Much of this traffic involves Californians driving to and from coastal locations – including travelers from inland Southern California (Riverside communities) to beaches in southern Orange County and San

Diego County. Many drivers seek to avoid the consistently clogged weekend congestion on I-5 by diverting to local streets -- mimicking the choked and clogged chaos of the freeway itself and resulting in additional barriers to coastal access.



The net effect of the existing severe traffic congestion is to prevent and discourage Californians from obtaining access to the coast. As the Commission recently said in its approval of the Consistency Certification for the North County Transit District's railroad passing track extension (CD-008-07):

> *The Commission finds that traffic congestion interferes with access to the coastal recreational opportunities within northern San Diego County (including travelers from Los Angeles and Orange Counties). As traffic congestion increases with expected growth of the region, these access impacts will worsen, and when congestion increases, non-essential trips such as those for recreational purposes tend to be among the first to be curtailed. Thus, as the traffic increases, the ability for the public to get to the coast will become more difficult, which would result in a condition that would be inconsistent with the access policies of the Coastal Act.*

The Project Will Have Limited Impacts on San Onofre State Beach (SOSB). TCA's $100 Million Parks Improvement Package Will Protect and Enhance Affordable Coastal Recreational Uses.

Staff claims that the project will have significant adverse effects on the San Mateo campground (within subunit 1) and related recreational resources. These impacts are almost entirely outside of the Coastal Zone (e.g., aesthetic impacts to the San Mateo Campground) and thus are not relevant to the Commission's consistency decision. The project REMAINS INLAND OF OLD HIGHWAY 101. Moreover, the project is located at a greater distance from the campsites at San Mateo Campground than I-5's distance is from State Park campsites located along the coastal bluffs of San Onofre State Beach (SOSB). The trail from the San Mateo Campground to the beach will be maintained throughout construction of the project. Importantly, the Staff Report fails to mention that:

- State Parks entered into the lease with the Department of the Navy with the express written understanding that the Navy reserved the exclusive right to grant additional road rights of way within the lease area;
- The general alignment for the project was established **8 YEARS before** the State Parks Department established the San Mateo Campground; and
- The Park's 1984 General Plan acknowledged that the project was planned to cross Subunit 1 of the lease area – **5 years before** establishment of the San Mateo Campground; and
- The closest campsite to the project will be 383 feet away (buffered by a 16-foot high sound wall) – with the average campsite more than two football fields away.

TCA has included within the project description an unprecedented commitment to provide $100 million dollars for major improvements to San Onofre State Beach, San Clemente State Beach and Crystal Cove State Park. This commitment represents the largest single contribution to improvement of the State Park system in its history. It is 25% of the State Park's operating budget for FY 2008. This money could be used by the State Park system to potentially fund the following:

- A 50-year extension of the San Onofre State Beach lease;

- Full funding for completion of the restoration of the cottages at Crystal Cove State Park;
- Funding for construction of camping facilities at the closed El Moro area within Crystal Cove State Park;
- The addition of at least 160 new campsites at San Onofre State Beach and San Clemente State Beach; **and**
- Restoration of 150 additional acres of coastal sage scrub habitat from the existing non-native grasslands at Crystal Cove State Park.

TCA's $100 million dollar commitment is NOT limited to the above uses. For example, if the State should elect not to seek to extend the lease at this time, approximately $70 million would be available for other additional improvements to enhance coastal recreational access.

The California Resources Agency has noted that the backlog in upkeep in California's state parks is well over $900 million. Even as the State Parks Department knows of our $100 million offer, and in light of its desperate need for funding, it is inexplicable why the State Parks Department continues to vocally oppose the project while also allowing its officers to make misleading and false claims about the project's impacts.

The Project Will Have No Impact On Trestles.

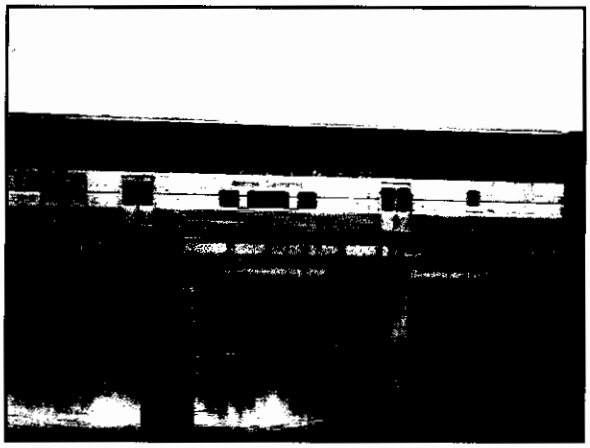
One of the most outrageous and objectionable claims in the Staff Report are the baseless assertions that the project would create detrimental impacts to the surfing at Trestles. The Staff Report says "[e]xperts disagree on whether alterations [to surfing resources] would occur." (Staff Report, p. 6).

We are pleased to commit this urban legend to its deserved demise. The undisputed facts are that:

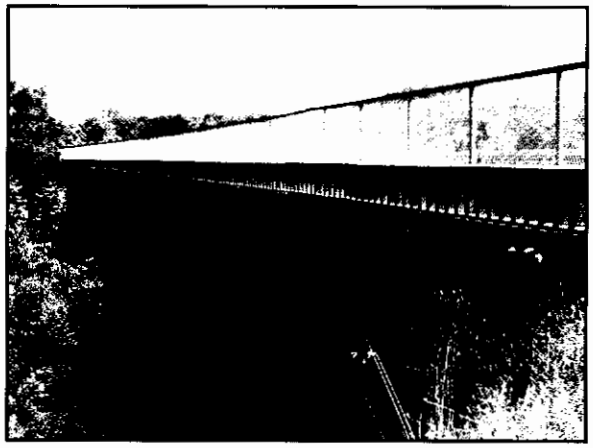
- The surf conditions at Trestles are created by the cobble stones that create the hard bottom conditions for a stable surf break;
- The project bridges San Mateo Creek and, thus, does not interfere with the movement of the cobbles to the shore from San Mateo Creek;
- The project does not come any closer to Trestles than Old Highway 101;

- The project has been designed so that there is no net effect on the delivery of sediment to San Mateo Creek; and
- History shows that the good surfing conditions at Trestles have never been negatively impacted by construction of an at grade railroad crossing on Trestles beach, nor by the construction of highway bridges across San Mateo Creek for Old Highway 101, and Interstate 5 (I-5), nor for the repair to I-5 bridges in the creek recently approved by the Commission.

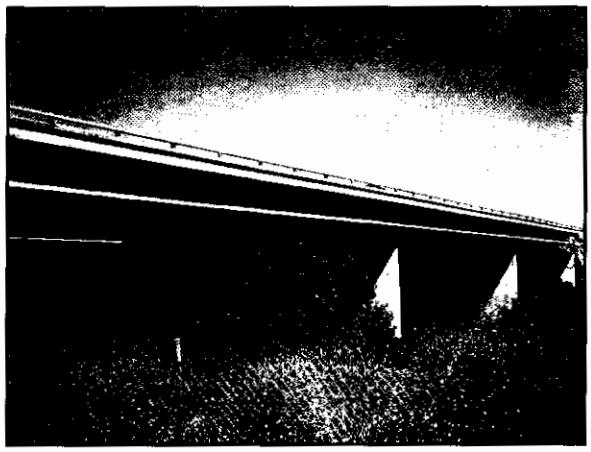
Put another way: Over the last 67 years there has been a combination of nearly five hundred supports, abutments, pier walls, footings, timber piles and upgraded foundations sunk into San Mateo Creek to support the railroad trestles, Old Highway 101, and eight lanes of Interstate 5. If hundreds of these supports are currently in San Mateo Creek and the surfing remains excellent, then how is it even conceivable that adding four supports for the toll road could "destroy" the world-class surf at Trestles? Indeed, it's not conceivable and renders repeated claims to the contrary ludicrous on their face.



Railroad and railway trestles are between the project area and Trestles beach



Old Highway 101 bridges are between the project area and Trestles beach



I-5 bridges over San Mateo and San Onofre Creeks already exist

The "Trestles Experience" – still in effect with several existing structures in the watershed and creek beds

Despite the fact that the project comes no closer to Trestles than the existing Old Highway 101, the Staff Report claims that the project would "adversely affect the aesthetic and the natural setting of the surfing experience." (Staff Report, p. 6). The staff's opinion is contradicted by the detailed aesthetic evaluation of the project, including the view simulations of the views from the beach, with and without the project, shown on the following pages.

LSA

FIGURE 1

Legend

Photo Location Points (with ID)

Foothill Transportation Corridor - South
Disturbance Limits

0 250 500
FEET

SOURCE: EagleAerial (5/07)

Foothill Transportation Corridor – South
Additional Photo View Points

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CONCLUSION

More than 20 years ago, public officials – citizens emerging from their neighborhoods and communities to serve the common good – embarked on a mission which exemplifies good public policy. They realized that the quality of life, the legacy of progress, and the solid and sustained economic hopes underpinning their towns and cities required that movement on their streets and highways be accommodated to the large population and visitor movements attracted to coastal California.

With a combination of funding shortages and other regional planning barriers, the toll roads became the best solution, complementing the state transportation system and someday becoming free public highways. Fifty-one miles of these roads have been completed, improving mobility throughout the region. And, now, 16 miles remain for completion.

The current alignment for which we seek the Coastal Commissioners vote is the result of over two decades of dedicated effort and labor. Yet, after two decades of rigorous study and re-study;

- The expenditure of more than $20 million;
- More than 50 meetings by a collaborative of six different state and federal agencies which reached consensus;
- Countless public hearings and meetings with fidelity to neighborhood concerns;
- The review of 38 different alternatives;
- Regard for the most profound environmental balancing; and
- The most sophisticated and professional scientific and technical studies followed by intensive peer review.

After all this, the Coastal Staff Report emerged as a disappointment of huge dimensions. Because of the sheer mass of staff error and misrepresentation and its reliance on the conjecture, wild charges, and claims of opponents who substitute volume for veracity, we believe they have transformed from neutral public servants to advocates who have suspended impartiality.

And while we regret the necessity for such direct observation, our full response -- centered in fact and solid analysis – will prove that the staff recommendations should be rejected, and we respectfully request that the Commission concur in the TCA's consistency certification.