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## CALIFORNIA COASTAL COMMISSION

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February 11, 1991

Steve Letterly  
San Joaquin Hills Transportation  
Corridor Agency  
345 Clinton Street  
Costa Mesa, California 92626

RE: Coastal Commission review of proposed San Joaquin Hills  
Transportation Corridor

Dear Mr. Letterly:

You have received a letter containing our comments on the Draft EIR/EIS for the above project. This is a follow-up letter regarding some of the procedural elements of the Coastal Commission's formal review of the San Joaquin Hills Transportation Corridor (SJHTC) proposed project.

Procedurally, the project potentially triggers review under both coastal development permit authority and federal consistency authority. The locations where the project is within the coastal zone are in local governments' jurisdictions, some of which have certified Local Coastal Programs (LCPs), while others do not. For the local jurisdictions with certified LCPs, the coastal development permit authority has been delegated to these local governments. Such permits would only be brought before the Coastal Commission if decisions of local governments were to be appealed to the Commission. For those local jurisdictions without certified LCPs, coastal development permits will need to be reviewed and approved by the Commission. However, due to the fact that only small portions of the project are located within the coastal zone, the scope and significance of such review will, for the most part, be limited to local impacts. For all practical purposes, any meaningful review of the entire project by the Commission would occur through the federal consistency process, which is triggered based on impact rather than strict location. Therefore, this letter will primarily focus on the Coastal Commission's consistency authority. Permit authority should be complied with by you in coordination with the applicable local governments (for local jurisdictions with certified LCPs), or the Long Beach district office of the Coastal Commission (for local jurisdictions without certified LCPs), although we would be happy to advise you further on that process. For specific information regarding the jurisdictional aspects or other details of the permit process, please contact Teresa Henry at the Long Beach District office of the Coastal Commission at: (213) 590-5071.

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With respect to federal consistency, review will be conducted from our office here in San Francisco. Due to the more comprehensive role in the review of the proposed corridor this office will play, you should consider us as the primary contact/coordination office pertaining to overall Coastal Commission review of this project. Therefore, all inquiries and communications regarding the Commission's review of the project as a whole should be directed to this office.

Under the Federal Consistency regulations (15 CFR 930 et seq.) the California Coastal Commission reviews federal projects and support for activities which are located within and outside the coastal zone for consistency with the California Coastal Management Program (CCMP). This review occurs when such activities affect the resources of the coastal zone directly or through spillover impacts. As identified in our comment letter on the project's DEIR/DEIS (11/26/90), the proposed SJHTC project has the potential to create significant spillover impacts to the coastal zone. Federal Consistency review for the entire project is triggered by three aspects of federal involvement:

- (1) The project is eligible for federal funding as a pilot project included in the 1987 Federal Surface Transportation legislation. While no federal funds have been provided to date, all federal procedures and requirements which would allow such funding for the project are being complied with. Additionally, the Federal Highway Administration is proceeding with their environmental clearance assuming federal funding will occur (letter from FHWA's James Bednar to Gerry Chalmers of the Coastal Commission 11/21/90). Due to these facts, the Coastal Commission staff considers the San Juaquin Hills Transportation Corridor to be a federally funded project for purposes of federal consistency review.
- (2) The project will require several Army Corps of Engineers' Section 404 Permits for stream crossings, alterations and encroachments. You must submit a consistency certification and receive Commission concurrence before the Corps will issue any such permits.
- (3) The Federal Highway Administration will need to approve the connection of the SJHTC with Interstate 5. This will occur through the preparation and approval of a new connection report. This authorization constitutes a federal license for an activity affecting the coastal zone, and as such triggers consistency review. For this particular "trigger" of consistency review, the Commission will need to request permission to review the activity from the Offices of Ocean and Coastal Resources Management (OCRM) at the time the connection application is filed with the FHWA.

While there are different timing considerations for the various approaches to federal consistency jurisdiction, federal consistency regulations encourage multiple federal consistency review, where appropriate, at significant decision-making points for federal agencies (Section 930.37(c)). The Coastal

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Commission staff believes the finalization of the federal NEPA process would be such a significant federal agency decision-making point common to the various distinct federal actions of funding, permits and licenses. Therefore, while it is not at this time clear which of the above federal "triggers" would occur first, the Coastal Commission staff believes federal consistency review for the SJHTC should ideally be coordinated concurrent with the FHWA's certification of the Final EIS for the project. It would appear appropriate for us to conduct our consistency review of this project before the notice of Record of Decision is published by the FHWA (the Record of Decision being the final step in FHWA's NEPA review of this project). However, it should be noted that through the federal consistency submittal, it is the applicant's submittal that formally activates the timing of consistency review. Please note that the Coastal Commission's consistency review is conducted under the federal Coastal Zone Management Act (CZMA), and as such is formally distinct from the NEPA process and timing requirements. Therefore, the NEPA-related timing elements discussed above represent what appears to the Commission staff to be the most expeditious and convenient period to commence consistency review, although we remain open to any alternative suggestions you may have regarding processing.

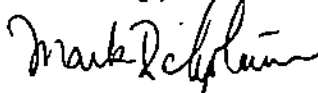
At the time of your application submittal, we would request that the following information be submitted with your application (or a letter indicating that the information is contained within a document previously submitted, such as the DEIS or FEIS):

- (a) A complete packet of the comments to the DEIS as submitted by other agencies and interested parties, and any responses to such comments as have been completed as of the date of application submittal.
- (b) Any additional technical information, studies, reports or substantive revisions which are supplemental to the information presented in the DEIS (and accompanying technical reports) available at the time of application submittal, which would eventually be incorporated into the FEIS, and/or which would be useful for review of coastal zone impacts.
- (c) The consistency certification application must include a statement as to whether the activity will be conducted in a manner consistent with the CCMP, and must also include: (1) a detailed description of the activity and its associated facilities which is adequate to permit an assessment of their probable coastal zone effects, including maps, diagrams, and technical data; (2) a brief assessment relating the probable coastal zone effects of the project and its associated facilities to the relevant policies of the CCMP (in this case the policies of Chapter 3 of the Coastal Act); and (3) findings sufficient to support the applicant's assertion that the project is consistent with the applicable policies.

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We appreciate your cooperation in this matter. If you have any further questions regarding the federal consistency process as it pertains to this project, please contact me at (415) 904-5289 or Gerry Chalmers of my staff at (415) 904-5272.

Sincerely,



MARK DELAPLAINE  
Federal Consistency Supervisor

cc: Teresa Henry, CCC - South Coast District  
James Bednar, FHWA  
Judith Heyer, Caltrans  
Timothy Keeney, OCRM  
Charles Holt, Army Corps of Engineers - L.A. District

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