Bulford

San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD
2013 JUN 7 PM 12 45

I am a San Diego resident and ocean enthusiast. I urge the Regional Board to deny the Foothill/Eastern Transportation Corridor Agency's ("TCA") application for waste discharge requirements ("WDR") for the so-called Tesoro Extension, the first five-mile segment of the proposed Foothill-South Toll Road in southern Orange County.

In 2008, both the California Coastal Commission and the Bush Administration rejected the toll road due to its devastating impacts. Despite being rejected the TCA remains undeterred and now appears to be trying to build the road in segments. It is my understanding that this segmentation approach is illegal under both state and federal law. I assume your staff can verify this one way or the other.

It is also my understanding that the TCA's application does not meet the standards as required by the Southern Orange County Hydromodification Management Plan (HMP) and that TCA is overlooking impacts to wetlands, the San Juan creek, and the surrounding watershed that could subsequently impact coastal resources. Again, I assume your staff can verify this one way or the other.

The first section of the road is not only environmentally damaging, but this segment of the road would give the TCA momentum to try to complete the full road despite the public's overwhelming opposition and TCA's prior defeats. Their full road would devastate fragile watersheds, greatly impact San Onofre State Beach and the beloved recreation spot for more than 2.4 million visitors/surfers each year and add to the debacle of the "paving of paradise" our generation faces every day.

As if the impacts to the environment weren't bad enough, it is my understanding that this first 5-mile segment would be a literal "road to nowhere," ending at a dirt road. How does that make sense unless part of a bigger plan of TCA to divide and conquer its opposition?

For these reasons, I urge the Regional Board to DENY waste discharge requirements for the so-called Tesoro Extension project and nip this obvious scheme of TCA in the bud.

Sincerely,

J. G. Barry
2214 Faraday
Carlsbad, CA 92008

Doc Scanned On 6/7/13
R. O'Donovan Time: 1249

Dorsey, Kelly@Waterboards

From: Wendy Morris <beachwendy@gmail.com>
Sent: Thursday, June 06, 2013 11:13 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Comment-Revised Tentative Order No. R9-2013-0007, Place ID: 785677

Please deny the Tesoro Extension of the Foothill Tollroad.
It is just a first step in a plan to extend the Tollroad further. That plan has already been denied. The Tollroad should not be allowed to be built in segments. This new segment goes nowhere and is not needed.
Wendy Morris

Dorsey, Kelly@Waterboards

From: Martha Witter <mswitter@gmail.com>
Sent: Thursday, June 06, 2013 7:24 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Comment-Revised Tentative Order No. R9-2013-0007, Place ID: 785677

Dear Chair and Members of the Board:

As a 5th generation Californian and life-long resident, I have watched the steady environmental decline of this incredible state, especially in Orange County. We know what the problems are and that there are better solutions. I strongly urge that a permit for the Tesoro Extension be denied as yet another example of poor planning with irreversible impacts.

Please see that the water quality and erosion impacts be fully studied and addressed *prior* to construction beginning. Later, it may well be impossible to remedy problems that develop.

The California Environmental Quality Act and other legal considerations mandate that the entirety of the project – not just the initial segment – be analyzed at the outset. Plain common sense tells us that it is necessary to understand the project and its effects in its entirety.

Thank you,

Sincerely,

Marti Witter

Dorsey, Kelly@Waterboards

From: Jerre Stallcup <jastallcup@consbio.org>
Sent: Thursday, June 06, 2013 9:03 AM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Comment-Revised Tentative Order No. R9-2013-0007, Place ID: 785677

Dear Chair and Members of the Board:

Please deny the permit for the Tesoro Extension. I am outraged that this project has been piece-mealed, which is against the mandate of CEQA that require the entirety of the project be analyzed at the outset. The project will have significant water quality and erosion impacts. This project has already been denied at the highest levels. Please do not allow the permit.

Thank you,

Sincerely,

--

Jerre Ann Stallcup
Conservation Biology Institute
651 Cornish Drive
Encinitas, CA 92024

760-634-1590 (o)
760-846-2141 (c)
www.consbio.org

Dorsey, Kelly@Waterboards

From: Lael Montgomery <laelmontgomery@aol.com>
Sent: Thursday, June 06, 2013 5:54 AM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Comment-Revised Tentative Order No. R9-2013-0007, Place ID: 785677
Attachments: image003.jpg

SUBJECT: Comment-Revised Tentative Order No. R9-2013-0007, Place ID: 785677

Dear Chair and Members of the Board:

As a Californian who values a healthy environment, I urge that a permit for the Tesoro Extension be denied until the project is studied in its entirety. A piecemeal approach is both unwise, and contrary to the principles of environmental conservation.

First, the water quality and erosion impacts must be fully studied and addressed *prior* to construction beginning. Later, it may well be impossible to remedy problems that develop.

Second, the California Environmental Quality Act and other legal considerations mandate that the entirety of the project – not just the initial segment – be analyzed at the outset.

Thank you,

Sincerely,

13678 McNally Road, Valley Center, CA 92082

Dorsey, Kelly@Waterboards

From: Dan Jacobson <dlj@jacobsonlawyers.com>
Sent: Thursday, June 06, 2013 3:33 AM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Comment-Revised Tentative Order No. R9-2013-0007, Place ID: 785677

To the Honorable Members of the California Regional Water Quality Control Board, San Diego Region:

I write regarding the SR 241 extension, and issues that are before the Board at its 06/19/13, regard such I write as:

1. A Member of the Board of Directors of the Richard and Donna O'Neill Land Conservancy (Ret.)*;
2. A 54-year resident of Southern California;
3. A longtime friend and associate of Richard O'Neill, who passed away in 2009. Richard O'Neill was the patriarch of the family that owns Rancho Mission Viejo, on which sits the new home construction that would be serviced by the extension of the 241 Toll Road, and on which sits the nearly 1,200 acre Richard and Donna O'Neill Land Conservancy. Richard O'Neill was adamantly opposed to the extension of the 241.

The question raised by this communication is whether the proposed "TESORO EXTENSION (SR 241)" reference in revised Tentative Order No. R9-2013-0007 is the "project," under CEQA, that the Board is required to consider, or whether such is simply a segment, a portion of that project.

The Toll Road Agency claims that the Tesoro Extension is the project, and that the project ends at Cow Camp Road. But, that same agency shows on its website that the true 241 Extension project does not terminate at Cow Camp Road, and in fact continues far south of Cow Camp Road. The true 241 Extension project is at least three times the size of the little segment that is before the Board. (https://www.thetollroads.com/whatshappening/241completion.php.) The water issues related to the true project are untold – and, I mean untold, as there is no information regarding such before the Board.

Just as "[t]he term 'project' does not mean each separate governmental approval," (14 CCR 15378(c),) the term "project" cannot mean a just a segment of the real project. To use a characture, if an agency built one foot of a road, and that one foot of the road was brought before the Board, the Board may not have an objection. But, at foot 6,000, there may be horrible water concerns. The Board needs to see the "project" before it can make a sensible decision.

The 241 Extension project is not the Tesoro Extension; the Toll Road Agency has admitted such. The "project," for CEQA purposes is the whole thing. It has to be in order for the Board to *really* analyze the entirety of the water issues.

Sincerely,

Dan Jacobson
Jacobson & Associates
315 Centennial Way
Tustin, CA 92780
714-505-4872

*I served in this position as an appointee of the County of Orange, for many years. The Conservancy is no longer a corporate entity, so there is no longer a Board of Directors; but, the pristine land of the O'Neill Conservancy is still subject to a strict conservancy easement.

Jacobson & Associates

Contracts *** *Insurance* *** *Construction* ***

Employment *** *Business*

Dorsey, Kelly@Waterboards

From: Lynn Boshart <lynnboshart@gmail.com>
Sent: Wednesday, June 05, 2013 8:43 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Comment-Revised Tentative Order No. R9-2013-0007, Place ID: 785677

Do not allow the toll road to be extended into endangered species region. So little remains that supports the endangered species of gnat catcher, arroyo toad or pocket mouse. It is vital that what is still viable continues to thrive in the habitat it has alway occupied. Please look for alternatives that would save these species and others.
Man is to have dominion over wild things, not the power to totally destroy them. I urge you to think of other ways to
solve this dilemma.

Thank you,

Lynn M. Boshart

Dorsey, Kelly@Waterboards

From: Skinner Nancy <jskinnermd@aol.com>
Sent: Friday, June 07, 2013 4:49 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: TCA's Toll Road Proposal -- What's Fair to All?

San Diego Regional Water Quality Control Board

Attn: Darren Bradford and Members of the San Diego Regional Board

Dear Mr. Bradford and Board Members:

I am writing to oppose the TCA's current strategy of asking for just a portion of the toll road to be approved, rather than asking for approval of the whole project. It doesn't take a rocket scientist to see that their intention is to build a section of the road and then return again and again for segmental approvals until the whole road is built. It also is inherently obvious that they will argue that they have invested millions of dollars into the development of the pieces that have received approval and therefore ultimately need to have approval for the whole project.

The public has spoken loud and clear that they do not wish this project, and I would ask that you respect the fact that your role is to represent the public in assessing this project. This feels unfair, and when things are seen as unfair, it undermines the public's trust in our public agencies. I urge you to require the TCA to bring the whole proposal to you all at once.

Please deny this project until the TCA comes back to you with the entire toll road proposal.

Thank you.

Nancy Skinner
1724 Highland Drive
Newport Beach, CA 92660

Dorsey, Kelly@Waterboards

From: Mike Bullock <mike_bullock@earthlink.net>
Sent: Friday, June 07, 2013 2:07 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Please Do Not Permit the Tesoro Extension

SUBJECT: Comment-Revised Tentative Order No. R9-2013-0007, Place ID: 785677

Dear Chair and Members of the Board:

Please do not issue a permit for the Tesoro Extension.

Risking water quality degradation, to build more highway lanes makes no sense. You may have heard of SB 375. The law was passed because we must drive less, so that the sector of cars and light-duty trucks will conform to S-3-05 (please Google), thus supporting climate stabilization. You may have heard of AB 32. It includes a provision for a cap and trade process to be used to reduce CO2 emissions. In 2015, fuel for cars becomes a capped sector. Driving must be limited.

SB 375 was written because more efficient cars and cleaner fuels will not happen fast enough to allow driving (vehicle miles travelled, VMT) to continue to grow. In fact, we must drive LESS. This reduction is net driving, and so of course the per-capita reduction must be quite large.

There is no reason to add lanes, given these facts.

Finally, the California Environmental Quality Act and other legal considerations mandate that the entirety of the project – not just the initial segment – be analyzed at the outset. This analysis must include feasible mitigations, such as unbundling the cost of parking. It must also include the increase in total driving that is induced by adding new lanes. S-3-05 is recognized by our Attorney General, as well as in important court rulings, here in San Diego.

You will do us all a big favor if you stop this project, for many reasons.

Thank you for your leadership and protecting the future of our young people.

Sincerely,

Mike Bullock
1800 Bayberry Drive
Oceanside, CA 92054
760-754-8025
Retired Satellite Systems Engineer, 36 years
Co-author, "A Plan to Efficiently and Conveniently Unbundle Car Parking Cost"

Dorsey, Kelly@Waterboards

From: josan.dem@cox.net
Sent: Friday, June 07, 2013 2:00 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Tesoro Extension Toll Road project

SUBJECT: Comment-Revised Tentative Order No. R9-2013-0007, Place ID: 785677

Dear Chair and Members of the Board:

As a Registered Civil Engineer and a Californian who values a healthy environment, I urge that a permit for the Tesoro Extension be denied.

As a former Caltrans engineer, I know that the water quality and erosion impacts must be fully studied and addressed prior to construction beginning. Later, it may well be impossible to remedy problems that develop.

Additionally, I worked in the Caltrans Environmental Stewardship department to obtain permits for projects. California Environmental Quality Act and other legal considerations mandate that the entirety of the project – not just the initial segment – be analyzed at the outset. It is not allowable to break these projects up.

Thank you,

Sincerely,

Josan Feathers, Registered Civil Engineer

Dorsey, Kelly@Waterboards

From: Patricia Holloway <pat13holloway@gmail.com>
Sent: Friday, June 07, 2013 12:16 AM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Deny Permit for Tesoro Extension
Attachments: Ltr. to SD Water Board.docx

June 6, 2013

To the California Regional Water Quality Control Board, San Diego Region

Honorable Board Members:

You have been asked to review a project described by the Transportation Corridor Agency (TCA) as the "Tesoro Extension", in order to make a judgment regarding the impacts of this highway on water quality in south Orange County. This 5-mile extension is said to begin at Oso Parkway and proceed south through the Rancho Mission Viejo to its terminus at the proposed Cow Camp Road just shy of Ortega Highway (State Route 76).

Even politically disinterested OC residents are aware that the *real* project is the 16 mile "241 Completion". The route that extends from Oso to Ortega Highway before carving its way through the ridge lines of the Richard & Donna O'Neill Conservancy and the campgrounds of San Onofre State Beach until it meets with the I-5 (see map at https://www.thetollroads.com/assets/objects/other/TR_Map.pdf). One only has to browse through the TCA's own website and click on the "241 Completion" link to discover the true project description:

> "Plans to complete the 241 Toll Road from its current terminus at Oso Parkway in Mission Viejo to Interstate 5, just south of the San Diego and Orange County border, have been analyzed for more than 20 years. Completing the final 16 miles of the 241 would complete Orange County's 67-mile toll road system and would provide a desperately needed alternative to I-5 in southern Orange County."

The California Environmental Quality Act requires that government agencies make decisions based on an honest and ***complete project description*** so that project impacts, such as the cumulative impacts on San Juan

Creek and San Mateo Watersheds, can be fully understood. Everyone knows that the Tesoro Extension represents only a portion of the real toll road. This awareness can only lead the Water Board to one conclusion – to deny the TCA's permit request. To do otherwise would violate CEQA and the public's trust.

Sincerely,

Patricia Holloway, M.C.P.

23-year resident of San Clemente

Former board member, Richard & Donna O'Neill Conservancy

62 Via Santa Maria

San Clemente, CA 92672

(949) 378-7890 (c)

Dorsey, Kelly@Waterboards

From: Dionne Carlson <dionneleighcarlson@cox.net>
Sent: Thursday, June 06, 2013 7:36 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Please Deny TCA's Toll-Road-to-Nowhere (Tesoro Extension) Waste Discharge Permit

Dear Mr. Bradford

Re: Please DENY the Foothill/Eastern Transportation Corridor Agency's ("TCA") application for waste discharge requirements ("WDR") for their Toll-Road-To-Nowhere "Tesoro Extension" (the first five-mile segment of the proposed Foothill-South Toll Road in southern Orange County).

. The Environmental Impacts are far too severe to be effectively mitigated. See Coast Keeper's letters and input. TCA's application does not meet the standards as required by the Southern Orange County Hydromodification Management Plan (HMP). TCA is overlooking impacts to wetlands, the San Juan creek, and the surrounding watershed that could subsequently impact coastal resources.

. TCA is trying an ILLEGAL work-around of the California Coastal Commission 2008 DENIAL of this project by scheming to build their road in segments. This segmentation approach is illegal under both state and federal law. Don't reward the undesirable behavior. It sets a very bad precedent.

. Allowing the applicant to complete this segment to Nowhere will, of course, just be the Camel's Nose Under the Tent! .....Don't be fooled.....
The first section of the road is not only environmentally damaging, but this segment of the road would give the TCA momentum to complete the full road. Their full road would absolutely devastate fragile watersheds, greatly impact San Onofre State Beach and the beloved recreation spot for more than 2.4 million visitors/surfers each year.

. I'm really tired of auto-centric projects being prioritized by regional transportation agencies like SANDAG, in direct conflict with State and Federal mandates for trip reduction.

. While you keep making it easier and faster to drive in a single occupancy vehicle, you will never reach the desired and required ridership on public transit or the trip reduction we need.

. This project does NOT comply with State mandates to reduce automobile trips and increase transit in California Senate Bill 375)

There are plenty of very good reasons to DENY this project, and none to approve it. Please do the right thing for your Children and Grandchildren. DENY this project.

Sincerely,

Dionne Carlson
4970 Vista Place
San Diego, CA 92116

Dorsey, Kelly@Waterboards

From: joan herskowitz <jmherskowitz@yahoo.com>
Sent: Thursday, June 06, 2013 10:46 AM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Tesor Extension

Dear Sir/Madam,

I am opposed to the issuance of a water permit for the Tesoro Extension project because it is a prelude to the full road expansion which will impact significant biological and cultural resources. This project appears to be an end run around the environmental review that would be required for the complete road expansion to I-5. Please deny the permit for this project.

Sincerely,
Joan Herskowitz
jmherskowitz@yahoo.com
Encinitas, CA

Dorsey, Kelly@Waterboards

From: Mike Ullman <mikeullman@yahoo.com>
Sent: Thursday, June 06, 2013 8:30 AM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Comment on Revised Tentative Order No. R9-2013-0007, Place ID: 785677

Honorable Chair and Members of the Board:

I am a local resident who lives near the end of the current 241 Foothill Toll road, near Oso Parkway, and the 241. I am writing you to express that I do NOT support the extension of the Foothill Toll Road as proposed by the TCA. Please deny the TCA permit request for the "Tesoro extension."

There are several reasons for my objection.

1) **It is dishonest** - The Foothill Toll Road Extension was already rejected when the the project was presented in whole. The TCA strategy now is obviously to segment their approach, getting smaller extension portions approved bit by bit until they get what they want. This is dishonest to the public as the project needs to be looked at from end to end. I also understand this process is mandated by CEQA (California Environmental Quality Act). Shame on the TCA for this sophomoric tactic!

2) **Poor Economics** - The Foothill Toll Road is already not operating at a profit, with Toll Road segments losing money. Why should there be investment (which involve public funds) in a system that is losing money. The TCA keeps raising Toll Road rates, which makes the Toll Road system a roadway for the wealthy. Even Wall Street has chimed in and have reduced the San Joaquin Hills toll road's bonds to junk status and the notes for the Foothill-Eastern corridor to the lowest investment grade. There are countless articles in the press about the poor economics associated with this Toll Road system, and I believe Treasurer Bill Lockyer launched a formal inquiry into this in 2012.

3) **Environmental Impact** - The impact to the environment is significant. Given my home is near this toll road, it would be impacted by the noise, air quality, etc., associated with an extension of the Toll Road and I do not want my family suffering from these impacts. In addition, the impact on wildlife and vegetation (including protected species) cannot be ignored. The TCA's "segment extension" approach obviously works to attempt to thwart the proper processes that are in place that have already rejected this project.

I am one who lives very close to this Toll Road and would benefit from such an extension given my job (which involves driving to San Diego and Los Angeles). Even with that benefit, I do not feel this is proper way to run public policy and decisions and I simply to not support the extension of the 241 Foothill Toll Road.

Once again, please deny this and any future requests by the TCA for any extensions of the 241 Foothill Toll Road.

Thank you very kindly,

Michael Ullman

Trabuco Canyon, CA 92679
mikeullman@yahoo.com

Dorsey, Kelly@Waterboards

From: Maria Berlonghi <mberlonghi@gmail.com>
Sent: Wednesday, June 05, 2013 10:37 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: PLEASE Deny Tesoro Extension Waste Discharge Permit

Dear Mr. Bradford

I urge the Regional Board to deny the Foothill/Eastern Transportation Corridor Agency's ("TCA") application for waste discharge requirements ("WDR") for the so-called Tesoro Extension, the first five-mile segment of the proposed Foothill-South Toll Road in southern Orange County.

I understand that this plan was previously denied because of its devastating impact on the lands included in the plan, and in fact "segmentation" is unlawful!

PLEASE consider the negative impact to our precious wetlands and surrounding coastal lands and DENY this permit, the building of this 1st segment of the road, and subsequent extensions!

I urge the Regional Board to DENY waste discharge requirements for the so-called Tesoro Extension project. I also urge the Board to extend the public comment period to March 13th to allow my comments to be included in the official record of proceedings.

Sincerely,

Maria Berlonghi
2 Cardinal
Rancho Santa Margairta, CA 92688

Dorsey, Kelly@Waterboards

From: Janet Peterson <peterson07@roadrunner.com>
Sent: Wednesday, June 05, 2013 9:26 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Objection to Tesoro Extension

SUBJECT: Comment-Revised Tentative Order No. R9-2013-0007, Place ID: 785677

Dear Chair and Members of the Board:

As a Californian who values a healthy environment, I urge that a permit for the Tesoro Extension be denied.

First, the water quality and erosion impacts must be fully studied and addressed *prior* to construction beginning. Later, it may well be impossible to remedy problems that develop.

Second, the California Environmental Quality Act and other legal considerations mandate that the entirety of the project – not just the initial segment – be analyzed at the outset. As a member of the Audubon Society and other environmental organizations, I am very concerned about impacts to a number of endangered species who's habitats are within the boundaries of the project, such as the California gnatcatcher, the Cactus Wren, and arroyo toad. Their numbers have already been drastically reduced in Orange and San Diego counties due to habitat fragmentation. The Tesoro Extension would further this loss of habitat when other alternatives are available.

I urge your respectful consideration of these issues.

Thank you,

Sincerely,

Janet Peterson

Dorsey, Kelly@Waterboards

From: Carol Prime <prime@mail.sdsu.edu>
Sent: Wednesday, June 05, 2013 7:41 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: SUBJECT: Comment-Revised Tentative Order No. R9-2013-0007, Place ID: 785677

Dear Chair and Members of the San Diego Regional Water Quality Control Board:

As a native Californian for 56 years and family here for over 80, I have seen innumerable environmental changes in our state that are irreversible. Again and again, developers are given permission to affect the quality of our water, air, natural vegetation, habitats, and the like. I applaud the California Coastal Commission for turning down the Foothill toll road five years ago. But now the toll road agency is back trying to get approval for the Tesoro extension outside the Coastal Zone. Because of the unavoidable 0.40 acre of permanent impacts to wetland and non-wetland waters, I urge that a permit for the Tesoro Extension be denied.

As I understand it, the California Environmental Quality Act and other legal considerations mandate that the entirety of the project be studied, and not just this initial northern segment. Our waters are among our most precious resources. Please do not allow this project to begin before a water quality and erosion impact study of the entire project is completed. We are counting on you to protect quality of our water.

Thank you,

Sincerely,

Carol Prime
Director, Clear Credential Program
http://go.sdsu.edu/education/ste/clear_credential.aspx
Team Leader, Cherokee Point Teaching Residency
Center for Teaching Critical Thinking and Creativity
San Diego State University 92182-1153
prime@mail.sdsu.edu
(760) 822-1028

Dorsey, Kelly@Waterboards

From: James Spady <james.spady@gmail.com>
Sent: Wednesday, June 05, 2013 3:39 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Deny the Tesoro extension permit

Dear Mr. Bradford

I am a resident of Capistrano Beach a member of Surfrider. I have read their statements on the Foothill/Eastern Transportation Corridor Agency's application for waste discharge requirements ("WDR") for the so-called Tesoro Extension, the first five-mile segment of the proposed Foothill-South Toll Road in southern Orange County. I agree with Surfrider and ask that the Regional Board deny TCA's request.

Ultimately, the TCA's plans threaten sacred cultural resources of the Acjachemen (Juaneno) people--in addition to the environmental damage. Once lost, such resources will never be recovered. I am therefore unalterably opposed to the TCA's segmenting plan for the 241 tollroad extension.

Please extend the public comment period to March 13th so that my opposition may be included in the official record of proceedings.

Sincerely,

James Spady
34501 Via Espinoza
Capistrano Beach, CA 92624

Dorsey, Kelly@Waterboards

From: Deborah Fry <swetd2561@aol.com>
Sent: Wednesday, June 05, 2013 11:19 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Deny Tesoro Extension Waste Discharge Permit

Dear Mr. Bradford

I urge the Regional Board to deny the Foothill/Eastern Transportation Corridor Agency's ("TCA") application for waste discharge requirements ("WDR") for the so-called Tesoro Extension, the first five-mile segment of the proposed Foothill-South Toll Road in southern Orange County.

In 2008, both the California Coastal Commission and the Bush Administration rejected the toll road due to its devastating impacts. I traveled to Sacramento several times with the Sierra Club and as a family that has camped at San Mateo Campground for the last 20 years, to meet with legislature representatives.

I also traveled with A Sierra Club representative and a representative of Panhe to Washington DC to meet with California Congressmen and Senators. Our message was concise: Don't allow this toll road to be built. Preserve our coastline. Save a State Park. Save Trestles Beach. Save the sacred grounds of Panhe.

I traveled to Santa Rosa, California to urge the California Coastal Commission to preserve our Coastline and the last natural watershed in Southern California. Stop the built of the 241c southern extension.

I attended the California Coastal Commission hearing at the Del Mar Fair Ground where 3,000 plus people came to address the Coastal Commission.There where 168 people on the list to speak ahead of me, so i didn't get to speak to the Commission on that day. But I was there representing those that wanted to preserve our Coast from the effects of a toll road.

I was there when the Federal Secretary of Commerce, Carlos Gutierrez, sent his team to another hearing at Del Mar Fairgrounds, to hear the testimony of those for and against the building of the 24i toll road to the 5. I was able to speak for my two minutes. I was the only person from the Inland Empire to speak. I spoke on behalf of my family and other families that cherish the San Mateo Campground, Trestles Beach, and the San Mateo Lagoon.

I am concerned the TCA's application does not meet the standards as required by the Southern Orange County Hydromodification Management Plan (HMP). TCA is overlooking impacts to wetlands, the San Juan creek, and the surrounding watershed that could subsequently impact coastal resources. The first section of the road is not only environmentally damaging, but this segment of the road would give the TCA momentum to complete the full road. Their full road would absolutely devastate fragile watersheds, greatly impact San Onofre State Beach and the beloved recreation spot for more than 2.4 million visitors/surfers each year.

As if the impacts to the environment were not bad enough, this first 5-mile segment would be a literal "road to nowhere," ending at a dirt road and threatening to create traffic nightmares for thousands of Orange County residents.

For these reasons, I urge the Regional Board to DENY waste discharge requirements for the so-called Tesoro Extension project. I also urge the Board to extend the public comment period to March 13th to allow my comments to be included in the official record of proceedings.

Sincerely,
Deborah Fry

Deborah Fry
3317 N mayfield Ave
san bernardino, CA 92405

Dorsey, Kelly@Waterboards

From: Frances Walters <Fatt3@aol.com>
Sent: Wednesday, June 05, 2013 6:59 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Deny Tesoro Extension Waste Discharge Permit

Dear Mr. Bradford

I urge the Regional Board to deny the Foothill/Eastern Transportation Corridor Agency's ("TCA") application for waste discharge requirements ("WDR") for the so-called Tesoro Extension, the first five-mile segment of the proposed Foothill-South Toll Road in southern Orange County.

PLEASE UNDERSTAND that I lived in Orange County for 10 years and I have personally watched the environment being destroyed along the toll roads. High density housing follows the freeway. At first the road may ease traffic congestion but very shortly it will only worsen traffic conditions. Again, housing follows the freeway.

As if the impacts to the environment were not bad enough, this first 5-mile segment would be a literal "road to nowhere," ending at a dirt road and threatening to create traffic nightmares for thousands of Orange County residents.

For these reasons, I urge the Regional Board to DENY (actually I am BEGGING you to deny) waste discharge requirements for the so-called Tesoro Extension project. I also urge the Board to extend the public comment period to March 13th to allow my comments to be included in the official record of proceedings.

Sincerely,

Frances Walters
1863 Wilstone Ave.
Encinitas, CA 92024

Dorsey, Kelly@Waterboards

From: Parker, Tom <tparker@flatironcorp.com>
Sent: Friday, June 07, 2013 3:14 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: SUPPORT Tesoro Extension Permit
Attachments: image001.png

Dear Chair and Members of the Board:

Since 1981 TCA, Caltrans, and the County of Orange have prepared and certified three environmental impact reports and evaluated dozens of alternatives. How many EIRs does it take to build 5.5 miles of highway? The studies are sound. It is time to move on.
Thank you,

Tom Parker
Accounts Payable JV
Insurance Compliance
Western Region - San Marcos

FLATIRON
1770 La Costa Meadows Dr.
San Marcos, CA 92078
760-916-9034 Phone
760-916-9157 Fax
tparker@flatironcorp.com
www.flatironcorp.com

BUILD THE BEST. BE THE BEST.

Dorsey, Kelly@Waterboards

From: Walt Butcher <waltbutcher@cox.net>
Sent: Friday, June 07, 2013 2:17 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Revised Tentative Order No. R9-2013-0007, Place ID: 785677

Subject: Revised Tentative Order No. R9-2013-0007, Place ID: 785677

Dear Chair and Members of the Board,

I have been a California Resident for 73 years and have seen California grow. I remember the days when the North/South traffic was on the old

101 Highway. Those days are gone. Look at it now. Traffic relief is essential to the quality of life we enjoy in California.

Since 1981 TCA, Caltrans, and the County of Orange have prepared and certified three environmental impact reports and evaluated dozens of alternatives.

An EIR for the entire project was completed that evaluated 38 alternatives for extending the 241 Toll Road south of Oso Parkway.

Good Roads, and Highways are as essential to our communities as are our utilities and good schools. .

The public's need for the southerly extension of the 241 Toll Road is now. There is no need to wait any longer in adding this much needed traffic relief to serve

residents of all our Coastal Communities.

Please vote to approve the permit for the Tesoro Extension.

Thank you,

Walter F. Butcher Jr.

La Mesa, California

Dorsey, Kelly@Waterboards

From: Abdou Seydi <Boudou@live.com>
Sent: Friday, June 07, 2013 12:45 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: 241 Tesoro Extension

In your review for approving the subject project, please consider the following.

- All water quality, erosion and biological impacts were studied appropriately. The water quality and mitigation measures included for the project reduce all impacts.

- The addendum to the CEQA document approved by TCA was appropriate and legal for this project. The Tesoro Extension has independent utility and can be approved while without identifying the location of subsequent segments.

- An EIR for the entire project was completed that evaluated 38 alternatives for extending the 241 Toll Roads south of Oso Parkway, including alignments that stopped short of I-5. It is very common, and an accepted practice for transportation projects to be evaluated and constructed in an independent utility segment. The California High Speed Rail Project is an example of this.

- Since 1981 TCA, Caltrans, and the County of Orange have prepared and certified three environmental impact reports and evaluated dozens of alternatives. How many EIRs does it take to build 5.5 miles of highway? The studies are sound. It is time to move on.

Sincerely,

Abdou Seydi
A concerned Citizen.

Dorsey, Kelly@Waterboards

From: Howard Storey <hcstorey10@gmail.com>
Sent: Thursday, June 06, 2013 10:09 AM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Comment-Revised Tentative Order No. R9-2013-0007, Place ID: 785677

I am opposed to any extension of the existing toll road.

Howard Storey

Dorsey, Kelly@Waterboards

From: Rick Croy <rcroy@firstlegalsupport.com>
Sent: Thursday, June 06, 2013 9:15 AM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Comment-Revised Tentative Order No. R9-2013-0007, Place ID: 785677

We respectfully ask that this bad idea is rejected.

Rick Croy
Vice President
Rural Residents and Friends
"People for Balanced Growth"
rcroy@firstlegalsupport.com

951-779-1110, ext. 1451 (o)
951-779-0100 (f)
213-494-3969 (c)

www.FirstLegalNetwork.com
First Legal Investigations Licenses CA PI: 24171 AZ PI: 1551710 NV PI-PS: 1452

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Dorsey, Kelly@Waterboards

From: PARS11@aol.com
Sent: Thursday, June 06, 2013 3:26 AM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Comment-Revised Tentative Order No. R9-2013-0007, Place ID: 785677

just when you think this destructive idea is over it rears its ugly head again. People don't want this road built and habitat destroyed to build new homes and roads in this area. We said so loud and clear a couple of years ago. This area even suffers a lack of water to support new homes and industry. Leave it alone,

merle moshiri'
huntington beach, calif. 92648

Dorsey, Kelly@Waterboards

From: Pamala Hall <pssmith29@hotmail.com>
Sent: Wednesday, June 05, 2013 7:31 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Comment-Revised Tentative Order No. R9-2013-0007, Place ID: 785677

Dear Chair and Members of the Board:

As a Southern Californian who values a healthy environment, I urge that a permit for the Tesoro Extension be **denied**.

My concern is for the earth, environment & animals that will be impacted by this unnecessary action. Please let the Richard & Donna O' Neill Conservancy & San Onofre State Beach areas remain as natural as possible. The creatures that live there depend on it!

Sincerely,

Pamala

Pamala Hall
(909) 222-4736

"A different world cannot be built by indifferent people." ~ Dr. Peter Marshall

Dorsey, Kelly@Waterboards

From: Jon Appel <appel13@cox.net>
Sent: Thursday, June 06, 2013 9:28 AM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Deny Tesoro Extension Waste Discharge Permit

Dear Mr. Bradford

I urge the Regional Board to deny the Foothill/Eastern Transportation Corridor Agency's ("TCA") application for waste discharge requirements ("WDR") for the so-called Tesoro Extension, the first five-mile segment of the proposed Foothill-South Toll Road in southern Orange County.

Stop wrecking the last bits of nature. As a resident of OC for nearly 20 years I've seen beautiful hills stripped away for development. This area has not been developed because it is the most important! Let's keep it that way.

For these reasons, I urge the Regional Board to DENY waste discharge requirements for the so-called Tesoro Extension project. I also urge the Board to extend the public comment period to March 13th to allow my comments to be included in the official record of proceedings.

Sincerely,
Jon Appel

Jon Appel
1656 Freda Lane
Cardiff, CA 92007

Dorsey, Kelly@Waterboards

From: Gordon Merrick <gcmerrick@gmail.com>
Sent: Wednesday, June 05, 2013 1:26 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Deny Tesoro Extension Waste Discharge Permit

Dear Mr. Bradford

I urge the Regional Board to deny the Foothill/Eastern Transportation Corridor Agency's ("TCA") application for waste discharge requirements ("WDR") for the so-called Tesoro Extension, the first five-mile segment of the proposed Foothill-South Toll Road in southern Orange County.

You don't need me to list all the well-founded objections voiced by the Surfrider Foundation. The main issue I have is that the entire purpose of this project is to raise money while discounting the effects on the natural surroundings. There is no real need for a road which is being proposed. I drive in Orange, San Diego and LA Counties quite a bit averaging over 500 miles per week. I can honestly say that there are much greater needs throughout the three county area. The monies dog-earmarked for this project could be more wisely spent on repairs or on areas of high congestion.

Sincerely,

Gordon Merrick
5369 Via Morena
Yorba Linda, CA 92886

Dorsey, Kelly@Waterboards

From: Catherine Landis <catherinelandis@sbcglobal.net>
Sent: Wednesday, June 05, 2013 1:13 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Deny Tesoro Extension Waste Discharge Permit

Dear Mr. Bradford

I can't believe we are revisiting this issue again. The people do not want this toll road. Why don't you get this!!!!
I urge the Regional Board to deny the Foothill/Eastern Transportation Corridor Agency's ("TCA") application for waste discharge requirements ("WDR") for the so-called Tesoro Extension, the first five-mile segment of the proposed Foothill-South Toll Road in southern Orange County.

Onofre State Beach and the beloved recreation spot for more than 2.4 million visitors/surfers each year.

As if the impacts to the environment were not bad enough, this first 5-mile segment would be a literal "road to nowhere," ending at a dirt road and threatening to create traffic nightmares for thousands of Orange County residents.

For these reasons, I urge the Regional Board to DENY waste discharge requirements for the so-called Tesoro Extension project. I also urge the Board to extend the public comment period to March 13th to allow my comments to be included in the official record of proceedings.

Sincerely,
Catherine Landis
Hermosa Beach, CA

Catherine Landis
1235 7th Street
Street Address 2
Hermosa Beach, CA 90254

Dorsey, Kelly@Waterboards

From: Kimberly Tays <ktays@suddenlink.net>
Sent: Wednesday, June 05, 2013 12:48 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Deny Tesoro Extension Waste Discharge Permit

Dear Mr. Bradford

I am opposed to any projects that would lead to the construction of a toll road along this section of California's coastline (Trestles). In Europe, communities typically design their transportation around their unique and historic buildings (in other words, they don't destroy their centuries' old buildings to make room for freeways). California may not have the historic buildings of Europe, but we do have the unsurpassed beauty of our coastline--a coastal resource that must be protected from road projects such as the one being proposed here.

As a Californian, I am against any road projects along our coast that threaten the health, beauty and vitality of our coastline, ocean, marine life and wildlife. I stand united with Surfrider in its opposition to this destructive project and respectfully ask you to please deny TCA's application.

Sincerely,

Kimberly Tays
Trinidad, CA 95570

Kimberly Tays
487 View Avenue
Trinidad, CA 95570

Dorsey, Kelly@Waterboards

From: Jeffrey S Cannon <cannon.j@sbcglobal.net>
Sent: Wednesday, June 05, 2013 7:19 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Toll Road

Revised Tentative Order No. R9-2013-0007, Place ID: 785677

I am calling on you to block the toll road. Our problem in this county, state, country is that we rely far to heavily on cars. From someone whom hates gridlock more than most, I will attest that this frustrating issue is a good thing. As we pay more for gas and sit longer idling on our roadways we may be more compelled to seek out alternatives. Why destroy another beautiful piece of land to make way for more road way? This is not progress it is nonsense! Please, in the interest of the animals that call that land home and the future generations of people that will call this area home I ask that you consider denying this road.

Jeff Cannon
San Diego
619-337-5560

Stephen O'Neil
20321 Sun Valley Drive
Laguna Beach, California 92651

June 7, 2013

Darren Bradford
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Subject: **Comment-toll road extension project; Revised Tentative Order No. R9-2013-007, Place ID: 785677**

Dear Mr. Bradford,

Please deny the permit for the Foothill/Eastern Transportation Corridor Agency, Tesoro Extension (SR 241) Project, in south Orange County. In addition to impacts involving water resources such as erosion and ground water pollution, and severe impacts to natural resources, the proposed project will result in the destruction of five archaeological sites, including some dating to the earliest presence of Native American in the region. Archaeological sites dating to this time period are rare in Orange County and have become even more so given the destruction of hundreds of archaeological sites due to modern development, including toll roads.

The lack of preservation of Orange County's prehistoric heritage can be attributed to the idea that the only value of an archaeological site is scientific data and if a sample of the data is recovered, the destruction of the site is "mitigated." These sites are not merely sets of buried "data" waiting for excavation and then they are "known." This does not take Native American religious and cultural values into consideration. In recognition that data recovery excavations do not mitigate for the destruction of a significant archaeological site, federal regulation (36 CFR 800 Protection of Historic Properties) was revised to indicate that data recovery is not sufficient mitigation for the destruction of an archaeological site and can no longer be used for a "no adverse effect" determination. In summary, the adverse effects of the proposed toll road extension are not in the public interest. The place itself is of cultural significance to the local Acjachemen tribe as well as to all Californians. This is a common heritage that would be destroyed.

Sincerely,

Stephen O'Neil, M.A., RPA

Dorsey, Kelly@Waterboards

From: Mark McLaren <markm@1stlandmark.com>
Sent: Friday, June 07, 2013 4:10 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Revised Tentative Order No. R9-2013-0007, Place ID: 785677

Dear Chair and Members of the Board:

As a life-long resident of Southern California, I ask that you vote to approve the permit for the Tesoro Extension - an important extension to the 241 Toll Road in Orange County.

The Transportation Corridor Agencies (TCA) has been the gold standard for environmental mitigation and restoration for transportation infrastructure. The Tesoro Extension is being built on long-abandoned agricultural fields. It is mostly flat and arid. The TCA history for revitalization of the areas surrounding the existing toll roads is exceptional.

Their quality of their mitigation programs have been recognized nationally and by regional environmental groups.

Their water quality protection program is unparalleled with porous pavement, vegetative swales and Austin Sand Filters designed to mimic pre-development conditions both in water flow and water quality.

All water quality, erosion and biological impacts were studied appropriately. The water quality and mitigation measures included for the project reduce all impacts

The addendum to the CEQA document approved by TCA was appropriate and legal for this project. The Tesoro Extension has independent utility and can be approved while without identifying the location of subsequent segments.

An EIR for the entire project was completed that evaluated 38 alternatives for extending the 241 Toll Roads south of Oso Parkway, including alignments that stopped short of I-5. It is very common, and an accepted practice for transportation projects to be evaluated and constructed in an independent utility segment. The California High Speed Rail Project is an example of this.

Since 1981 TCA, Caltrans, and the County of Orange have prepared and certified three environmental impact reports and evaluated dozens of alternatives. How many EIRs does it take to build 5.5 miles of highway? The studies are sound. It is time to move on.

Thank you,

Mark McLaren
505 Lomas Santa Fe Drive, Suite 130
Solana Beach, California 92075
P (858) 350-4001
F (858) 350-4002
markm@1stlandmark.com

Dorsey, Kelly@Waterboards

From: Steve Brown <StephenRBrown@att.net>
Sent: Friday, June 07, 2013 1:29 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Revised Tentative Order No. R9-2013-0007, Place ID: 785677

Dear Chair and Members of the Board:

As a longtime resident of Southern California, I strongly encourage you to vote to approve the permit for the Tesoro Extension. This extension is proposed to be built on abandon fields. The projects has been well thought out and thoroughly reviewed. We cannot continue to be held hostage by certain groups who simply do not recognize, that as populations expand, so does the need for infrastructure.

Thank you for considering my opinion.

Thank you.

Stephen R. Brown
14918 Rancho Nuevo
Del Mar, CA 92014
Cell (858) 692-3310
www.SteveBrownRotary.com

Dorsey, Kelly@Waterboards

From: Lee.Vanderlinden@CH2M.com
Sent: Friday, June 07, 2013 2:48 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Revised Tentative Order No. R9-2013-0007, Place ID: 785677

Dear Chair and Members of the Board:

I am writing to urge your support for the Waste Discharge Requirement (WDR) permit submitted by the Foothill/Eastern Transportation Corridor Agency (TCA) for the 241 Tesoro Extension project in Orange County.

With Rancho Mission Viejo commencing construction of their large-scale residential and commercial construction the need for the 241 Tesoro Extension of the 241 Toll Road is now. Currently, I-5 is the only north-south non-arterial route available for residents and businesses in the Los Angeles/Orange basin. Without the alternative route of the 241 Tesoro Extension project traffic will continue to be gridlocked on weekends and congested at best during the work week.

This is no longer acceptable. Please help our counties and their people that rely on these vital corridors to go to work, see family/friends, and enjoy the coastal communities.

TCA's track record has consistently used high quality building standards for their facilities and will surely manage the 241 Tesoro Extension utilizing best management practices (BMP) as demanded by the resource agencies. All water quality, erosion and biological impacts were studied appropriately. The water quality and mitigation measures included for the project reduce all impacts.

I encourage you to approve TCA's WDR Permit.

Sincerely,

Lee Vanderlinden
Santa Ana, Ca

Dorsey, Kelly@Waterboards

From: Sims, Samuel <Samuel.Sims@jacobs.com>
Sent: Friday, June 07, 2013 4:10 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: RWQCB Permit for the Tesoro Extension

Dear Chair and Members of the Board:

It appears the issue holding up the TCA's Tesoro Extension RWQCB permit is the debate over the approval of the CEQA permit. I find it somewhat appalling that the hearing was extended and held in San Diego to discuss an issue that is clearly outside of the purview and jurisdiction of the water board. There are government organizations in place that specialize in and deal with CEQA, the water board is not one of them. The two permits are separate and should be treated as such.

I have to assume the real reason for the extension was to allow opponents who don't live in Orange County to make another show for the media and as an appeasement to opposition leaders. At the last hearing , the people of Orange County were heard in force and yet you apparently didn't listen. If you are not going to represent the people of Orange County then I would respectfully ask you to please transfer our area to the Santa Ana Board.

In closing, all I ask is that you follow the rules, laws and regulations regarding and governing the permit and not be swayed by those who are driven by self-interest, desire for media notoriety and the filling their organizations coffers with unregulated donations. Please do your just duty and follow the regulations. If you do this I believe, as your staff does, the permit should be granted.

Thank you,

Samuel Sims
Mission Viejo, CA

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Dorsey, Kelly@Waterboards

From: Gongora, Robert <rgongora@flatironcorp.com>
Sent: Friday, June 07, 2013 1:52 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards

I support the toll road. I drive interstate 5 everyday and the toll road is needed badly.

Robert Gongora
Structures General Superintendent
Western Region
760 644-1206 Cell
rgongora@flatironcorp.com

Dorsey, Kelly@Waterboards

From: Sheila Pfafflin <spfafflin@gmail.com>
Sent: Friday, June 07, 2013 4:18 PM
To: RB9_Tesoro, RB9_Tesoro@Waterboards
Subject: Comment-Revised Tentative Order No. R9-2013-0007, Place ID: 785677

To the Chair and Board Members:

I strongly urge you not to grant the permit for the Tesoro Extension. I was born and brought up in California, and I am very concerned about its environment. Determination of impacts such as water pollution and erosion needs to be done before any permit is granted. Furthermore, California environmental laws mandate that the impact of the entire project be studied, before work on any part of the project is begun. It is only common sense to consider these issues before any permit is granted.

Sincerely,

Sheila Pfafflin
Costa Mesa, California

RANCHO MISSION VIEJO

June 7, 2013

Darren Bradford
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Reference: Revised Tentative Order No. R9-2013-0007

Subject: Rancho Mission Viejo Comments

Dear Darren:

Thank you for providing Rancho Mission Viejo (RMV) with the opportunity to review and comment on the referenced tentative order. RMV has provided comments on the prior version of this particular order. In keeping with the SDRWQCBD's instructions regarding public comment on this tentative order, RMV is only providing comments pertaining to the revisions to the tentative order since March 13, 2013 as follows:

1. The revised tentative order includes a new section titled VIII. Receiving Water Monitoring which requires the Discharger (TCA) to develop and implement a monitoring program to "assess effects of the project on the physical, chemical, and biological integrity of receiving waters" (Page 21, Section VIII, Tentative Order). It is unclear from the tentative order which receiving waters are required to be monitored. Please specify which receiving waters are to be monitored.

2. If one reviews Table 2 of the tentative order one might interpret the condition as applying to Gobernadora Creek and Chiquita Creek both of which are located on property owned by RMV. It is unclear to RMV how the SDRWQCB can require the TCA to enter onto private property for the purposes of conducting monitoring absent permission from RMV. Please provide RMV with the authorities by which SDRWQCB proposes to enforce this condition.

We look forward to the SDRWQCB's responses to these comments.

Sincerely,

Laura Coley Eisenberg
Vice President, Open Space & Resource Management

DRUG USE IS LIFE ABUSE

28811 ORTEGA HIGHWAY • P.O. BOX 9 • SAN JUAN CAPISTRANO, CA 92693 • (949) 240-3363 • FAX (949) 248-1763

June 7, 2013

Mr. Tomas Morales, Chairman
California Regional Water Quality Control Board - San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
Attn: David Gibson dgibson@waterboards.ca.gov

SUBJECT: Notice of Continuance of Hearing, Availability of Revised Tentative Waste Discharge Requirements, and Order of Proceedings on Tentative Order No. R9-2013-0007 Foothill/Eastern Transportation Corridor Agency, Tesoro Extension (SR 241) Project, Orange County

Dear Chairman Morales:

The purpose of this letter is to urge you to approve the Foothill/Eastern Transportation Corridor Agencies (TCA) Waste Discharge Requirement (WDR) permit application for the Tesoro Extension.

The movement of goods and services, economic growth, and job creation are top priorities for the South Orange County Regional Chamber of Commerce and Economic Coalition. The intensity and duration of the economic downturn has further heightened our focus and commitment to these important priorities. The Tesoro Extension is crucial to the economic growth of our local business community. This five mile extension will foster mobility and encourage an entirely new customer and client base to discover south Orange County.

The State Route 241 extension from Oso Parkway to the area near Ortega Highway is a roadway construction project that will create more than 2,400 jobs and will provide economic growth for the region. Businesses throughout south Orange County and northern San Diego County are impacted daily by the lack of an alternative route to the Interstate 5 freeway (I-5). This project will support the movement of goods and services, and foster economic vitality.

Environmental impact studies show that the project has minimal impacts, and the stormwater runoff system that is being proposed is state-of-the-art and creates a runoff flow that mimics nature both in water quality and in the water flow rate.

The Foothill/Eastern Transportation Corridor Agency is going above and beyond to ensure that this roadway is built to the highest environmental standards, while providing the needed regional mobility and traffic relief that is required for residents and businesses throughout Southern California.

We urge you to support the TCA's Waste Discharge Requirement application and help to complete the Tesoro Extension.

Sincerely,

Donna Varner

Donna Varner
Chair, South Orange County Regional Chamber of Commerce

20532 El Toro Road • Suite 102-G • Mission Viejo, CA 92692 • 949.600.5470
www.economiccoalition.com

CCRPA **California Cultural Resource Preservation Alliance, Inc.**

P.O. Box 54132
Irvine, CA 92619-4132

An alliance of American Indian and scientific communities working for the preservation of archaeological sites and other cultural resources.

June 7, 2013

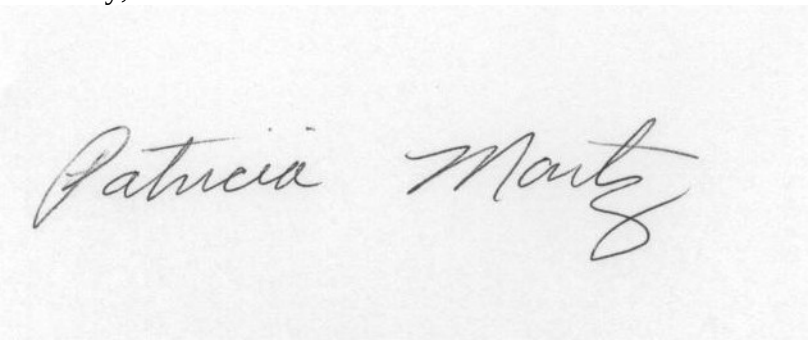
Darren Bradford
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Subject: Comment-Revised Tentative Order No. R9-2013-007, Place ID: 785677

Please deny the permit for the Foothill/Eastern Transportation Corridor Agency, Tesoro Extension (SR 241) Project, Orange County. In addition to impacts involving water resources such as erosion and ground water pollution, and severe impacts to natural resources, the proposed project will result in the destruction of five archaeological sites, including some dating to the early Holocene. Archaeological sites dating to this time period are rare in Orange County and have become even more so given the destruction of hundreds of archaeological sites due to modern development, including toll roads.

The lack of preservation of Orange County's prehistoric heritage can be attributed to the idea that the only value of an archaeological site is scientific data and if a sample of the data is recovered, the destruction of the site is "mitigated". This does not take Native American religious and cultural values into consideration. In recognition that data recovery excavations do not mitigate for the destruction of a significant archaeological site, federal regulation (36 CFR 800 Protection of Historic Properties) was revised to indicate that data recovery is not sufficient mitigation for the destruction of an archaeological site and can no longer be used for a "no adverse effect" determination. In summary, the adverse effects of the proposed toll road extension do not reflect the public interest.

Sincerely,



Patricia Martz, Ph.D.
President

ORANGE COUNTY COASTKEEPER®
3151 Airway Avenue, Suite F-110
Costa Mesa, CA 92626
Phone 714-850-1965
Fax 714-850-1592
www.coastkeeper.org

June 7, 2013

Darren Bradford
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340
lwalsh@waterboards.ca.gov

Re: R9-2013-0007 Foothill/Eastern Transportation Corridor Agency, Tesoro Extension (SR 241) Project, Orange County

Dear Mr. Bradford,

Founded in 1999, Orange County Coastkeeper (Coastkeeper) is a non-profit organization focused on water quality in Orange County. We have been monitoring and commenting on the SR 241tollroad project through its various incarnations, including the Tesoro segment. We have reviewed the revised tentative order and oppose its adoption as written. We submit the following comments for your consideration.

In our verbal comments at the March 13, 2003 meeting on the initial draft of this order, we made the point that it is standard procedure to obtain baseline water quality information for a project site before the initiation of a project. This is necessary so that the project designers can utilize the information for designing appropriate project BMP's, and before and after project comparisons can be made to determine if the project is degrading water quality. We also stated that we have informed the Transportation Corridor Agency (TCA) on numerous occasions that we are concerned about the lack of baseline water quality data for the project area and that this information needed to be developed before the project could proceed.

In the revised tentative permit, the board takes a step in the right direction by requiring the TCA to undertake a comprehensive water monitoring program for the project area that includes water chemistry and bioasessments. However, we object to allowing the initial stage of this monitoring program to happen concurrent with project construction. To accurately determine pre-project water quality conditions, at least two years of data needs to be collected in order to accumulate enough samples to represent existing seasonal water and biological conditions. Allowing the monitoring program to begin concurrent with construction will result in the collection of data that is not representative of the pre-project conditions. The tentative order specifically states in section VIII A that the discharger shall develop a monitoring program to assess effects of the project on the physical, chemical, and biological integrity of receiving waters. Without representative pre-project data, it will be impossible to assess effects of the project as the order requires.

Additionally, the order as written requires the TCA to submit a monitoring plan to the board for approval by January 1, 2014. This deadline is halfway through the rainy season, and by the time staff reviews and approves the monitoring program the 2013-2014 rainy season will be over, missing a key opportunity to collect unadulterated data. The permit should at least be revised to require the TCA to submit the monitoring plan to the board for approval by September 1, 2013. This will give the board time to review and comment on the plan before the rainy season begins on October 1, 2013. With the resources of the TCA, and the relative simplicity of developing a water monitoring plan, this is not an unreasonable deadline.

Considering that the TCA has had years of notice for the need to develop this data, along with the resources to do the monitoring, the only conclusion we can come to is that they have not done so in order to avoid documenting the substantial impacts the project will have on water quality in the project area and further downstream. It is our opinion that the order should be rewritten to require that a minimum of two years of baseline water chemistry and bioassessment data is developed by the TCA, or a monitoring coalition, before any construction on the project can begin. Once this data is developed, it can be determined if the proposed project BMP's are appropriate for the project and minimize the environmental impacts to the streams and habitat in the project area and downstream. Considering that the project has the potential to impact the recovery of endangered species, such as steelhead trout, along with water quality and habitat downstream to and including the 303d listed San Juan Creek, it is imperative that we take the time to determine existing conditions before undertaking a major alteration to the watershed.

Thank you,

Raymond Hiemstra
Associate Director
Orange County Coastkeeper

Darren Bradford
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Re: Proposed WDR for Tesoro Extension (Comment-Tentative Order No. R9-2013-0007 Place 10: 78677

Dear Mr. Bradford:

This letter is provided by the United Coalition to Protect Panhe to review and comment on Tentative Order No. R9-2013-0007 Waste Discharge Requirements (WDR), for the Tesoro Extension 241 Toll Road project.

The United Coalition to Protect Panhe ("UCPP") is a grassroots alliance of Acjachemen/Juaneno people dedicated to the protection of our 9,000 year old village and sacred place, Panhe. We request that the Regional Board deny the tentative order regarding waste discharge requirements for the Tesoro Extension-the first segment of the Foothill South Toll Road ("Toll Road")-until the Foothill/Eastern Transportation Corridor Agency ("TCA") has identified the route for the entire Toll Road project, analyzed its environmental impacts in an environmental impact report, as required by CEQA, and fulfilled its obligations to consult with, and obtain consent from, area Tribes under the CaNRA Tribal Consultation Policy issued in 2011, and as stipulated by the United Nations Declaration on the Rights of Indigenous Peoples', officially supported by the United States since December 2010, and formally endorsed by the Advisory Council on Historic Preservation in March of 2013.

The agency's permit application overlooks impacts to cultural and archaeological resources as well as environmental impacts to important wetlands that could potentially affect the coastal zone, and additional impacts to water resources such as ground water pollution, and erosion. In 2008, both the California Coastal Commission and the Bush administration rejected the toll road because of potentially devastating impacts to the coastline and to the Acjachemen people, whose sacred site Panhe would have been devastated by the project. Despite those decisions, TCA remains undeterred and now plans to build the road in segments. This segmentation approach is an obvious attempt to circumvent the decisions rejecting the road, and is illegal under both state and federal law.

The area where the proposed road is planned is located adjacent to and/or includes Indian Cultural sites of great significance both to Indian and scientific communities in the region. We are concerned that by continuing to seek permit approval to build the 241 in segments the TCA is avoiding the fact that the proposed road in its entirety will significantly impact areas of cultural, biological, hydrological, environmental and sociological significance.

We agree with and incorporate by reference the comments submitted by the San Onofre Coalition on February 6, February 22, and March 29, 2013.

Briefly, UCPP objects to the following:

- Potential impacts to known and undetermined Acjachemen cultural and archaeological resources, including sites listed on the California Sacred Lands Inventory;
- Insufficient notice of project proposal provided to Tribes with ancestral territories within the project boundaries, traditional cultural practitioners, and representatives from local tribal communities;
- Failure to adequately consult with Tribes, tribal community members and traditional cultural practitioners about potential impacts to sites of cultural and spiritual significance, particularly in light of new state laws and recent federal support for policies recognizing Indigenous peoples' rights; and
- Failure to analyze environmental impacts of project in its entirety and consider the environmental impacts of the project as a whole.
- The Toll Road Alignment Analyzed and Approved by TCA in 2006 Was Found to Be Illegal, and the TCA Has Not Yet Identified a New Alternative

I. The Regional Board Must Consider Impacts to Native American Cultural and Archaeological Resources for a Project before Approving Waste Discharge Requirements (WDR)

According to the California Cultural Resource Preservation Alliance,

> The proposed Tesoro Extension will result in the potential destruction of five archaeological sites, including some dating to the early Holocene. Archaeological sites dating to this time period are rare in Orange County and have become even more so given the destruction of hundreds of archaeological sites due to modern development, including toll roads. The lack of preservation of Orange County's prehistoric heritage can be attributed to the idea that the only value of an archaeological site is scientific data and if a sample of the data is recovered, the destruction of the site is "mitigated". This does not take Native American religious and cultural values into consideration. In recognition that data recovery excavations do not mitigate for the destruction of a significant archaeological site, federal regulation (36 CFR 800 Protection of Historic Properties) was revised to indicate that data

recovery is not sufficient mitigation for the destruction of an archaeological site and can no longer be used for a "no adverse effect" determination. In summary, the adverse effects of the proposed toll road extension do not reflect the public interest.

Additionally, the 2006 SEIR and Addendum are inadequate because they fail to consider recent changes in state and federal law with respect to Tribal consultation.

Executive Order B-10-11 was signed by Governor Brown in California almost two years later on September 19, 2011 to establish the position of Governor's Tribal Advisor and to establish that it is the policy of the Brown Administration that every state agency and department subject to executive control shall encourage communication and consultation with California Indian Tribes. Agencies and departments shall permit elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.

Gov. Brown
EXECUTIVE ORDER B-10-11

- ORDERED that the position of Governor's Tribal Advisor shall exist within the Office of the Governor;
- ORDERED that the Governor's Tribal Advisor shall oversee and implement effective government-to-government consultation between my Administration and Tribes on policies that affect California tribal communities.

The RWQCB must abide by the policies and procedures set forth by the California Natural Resources Agency (CaNRA) which has established its Tribal Consultation Policy ("Policy") in compliance with Executive Order B-10-11, that every state agency and department subject to executive control shall encourage communication and consultation with California Indian Tribes. CaNRA recognizes in its policy that:

> "California Native American Tribes and tribal communities have sovereign authority over their members and territory and a unique relationship with California's resources. All California Tribes and tribal communities, whether federally recognized or not, have distinct cultural, spiritual, environmental, economic and public health interests and unique traditional cultural knowledge about California resources." And;
>
> "It is only by engaging in open, inclusive and regular communication efforts that the interests of California Tribes and tribal communities will be recognized and understood in the context of complex decision-making."

Adequate engagement on this project by the Lead Agency with local Tribes and organizations has not occurred. UCPP co-director Rebecca Robles attempted to schedule a consultation meeting with the TCA via phone and email on multiple occasions. UCPP's phone calls and

emails have not been returned. Clearly, a good faith effort to consult has not been established by the TCA.

UNDRIP

In December 2010, the United States announced support for the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**. In announcing this support, President Obama stated: "The aspirations it affirms—including the respect for the institutions and rich cultures of Native peoples—are one we must always seek to fulfill…[W]hat matters far more than any resolution or declaration – are actions to match those words." The UNDRIP addresses indigenous peoples' rights to maintain culture and traditions (Article 11); and religious traditions, customs, and ceremonies (Article 12); to participate in decision making in matters which would affect their rights (Article 18); and to maintain spiritual connections to traditionally owned lands (Article 25).

According to the Summary of environmental impacts regarding cultural resources outlined on Pg 3-25: Table 5 of the Addendum, the SCOTIPP Final SEIR found that impacts would be less than significant with mitigation and that the proposed project does not involve new or substantially more severe impacts—however if the Tesoro Extension is a new, stand-alone project as the TCA claims, then these impacts must be analyzed in light of new developments in state and federal law regarding agency obligations to consult with Tribes.

II. The Regional Board Must Consider the Environmental Impacts of the Toll Road as a Whole, and Not the Tesoro Extension in Isolation.

Any environmental review for the Tesoro Extension must include review of the entire Toll Road project. Review of the Tesoro Extension in isolation would represent improper segmentation of environmental review under CEQA. As discussed in the letter to Federal Highway Administration submitted in December 2012 by the San Onofre Coalition;

> the Tesoro Extension has no independent utility apart from the Toll Road as a whole.t By itself, the extension is literally a "roadto nowhere," terminating at what is presently a dirt road…In short, the Tesoro Extension, considered alone, is an unnecessary and irrational project that would never be built except as part of the larger Toll Road project. Like NEPA, CEQA prohibits the segmentation of a project to avoid environmental review. Indeed, if anything, CEQA imposes even more stringent protections against piecemealing. CEQA requires agencies to analyze impacts of any future development that is "a reasonably foreseeable consequence" of a Project and "will likely change the scope or nature of the initial project or its environmental effects."(Laurel Heíghts Improvement Assn. v. Regents of Uníversity of California (1988) 47 Ca1.3d 376,396.)

There is no question that the Toll Road as a whole is a reasonably foreseeable consequence of the Tesoro Extension, the impacts of which must be considered before TCA's application for'WDRs can be approved. If Tesoro is constructed, the impacts of the remainder of the Toll Road will become virtually inevitable. Those impacts are far greater than those of the Tesoro segment.

Impacts of the Foothill South project on the sacred site Panhe and on the Acjachemen people are another glaring example of why the Tesoro Extension is by design insufficiently long to provide an adequate environmental analysis. The proposed toll road would impact Acjachemen access and their ability to practice our religion. The toll road will impair our freedom of religion, freedom of association, and beach access rights under federal and state statutory and constitutional protections including the First Amendment. The Foothill-South would run adjacent to and through Panhe and its construction would pass within feet of the burial site and interfere with spiritual, cultural, and ceremonial uses. See Native American Heritage Commission, Complaint for Injunctive Relief, No. 06-GIN051370 (S.D. Super. Ct. filed March 22, 2006). In addition, if the road is built, increased scavenging and damage by relic collectors are anticipated.

Thank you for considering our comments.

Sincerely,

Rebecca Robles, Co-director
United Coalition to Protect Panhe

Angela Mooney D'Arcy, Co-director
United Coalition to Protect Panhe

COMMITTEES
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EDUCATION
NATURAL RESOURCES
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June 7, 2013

Darren Bradford
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340
SENT VIA Electronic Mail to: rb9_tesoro@waterboards.ca.gov

Re: Tentative Order No. R9-2013-o007 Foothill/Eastern Transportation Corridor Agency, Tesoro Extension (SR 241) Project, Orange County

Dear Mr. Bradford:

As legislators who understand and have strongly advocated for water quality, coastal protection, and public access to our coast, we write to express our concern over a recent attempt to segment the long-proposed extension of existing State Route 241, known as the Foothill South Toll Road.

For many years, the Foothill/Eastern Transportation Corridor Agency (TCA) has attempted to obtain approval for a 16-mile toll road from the existing terminus of SR 241 at Oso Parkway in central Orange County to connect with the Interstate 5 in the San Diego County at San Onofre State Beach.

Despite rejection from the California Coastal Commission and U.S. Secretary of Commerce's in 2008 as being inconsistent with both the Coastal Act and the federal Coastal Zone Management Act (CZMA), the TCA now seeks to build the toll road in separate segments, starting with the northernmost 5 miles of the toll road.

Called the Tesoro Extension, this segment would start at Oso Parkway and end in what is now open space just north of Ortega Highway (SR-74) in the City of San Juan Capistrano. By itself, the extension serves no independent utility, which raises the question of whether this is simply an incremental strategy to revive a proposal that has already been denied on its merits. In fact, we understand that toll road proponents have publicly expressed that the purpose of the Tesoro extension is to "[continue the] strategy to build the 241 extension from the existing southerly terminus at Oso parkway to the vicinity of Ortega highway while continuing to pursue the balance of the alignment that connects to interstate 5. [1]

As members of the Legislature who greatly value our ocean resources, we are concerned that the segmentation of this road will inevitably bring irreparable damage to the watershed as well as impacts to coastal resources during the completion of the first section of the road, and in later phases if the entire road is constructed to San Onofre State Beach.

[1] http://missionviejodispatch.com/wp-content/uploads/2012/03/241-project.pdf

It was recently brought to our attention that the first section of the road would have unequivocal environmental impacts to the San Juan Creek Watershed. The watershed has shown significant degradation since 1970 and is essentially "sediment starved." We understand that in 2005 the Army Corps of Engineers analyzed the watershed and concluded that additional degradation of the watershed, particularly if accelerated by manmade actions, will cause failure of existing water and sewer lines and the eventual disappearance of the watershed altogether.

Impacts to the San Juan Creek could also interfere with beach recreation that is dependent upon sediment coming from the San Juan Creek. A disruption of sediment flow could incrementally lessen the amount of sand on the beaches,—leaving beach-goers with less sand to enjoy. San Juan Creek is the primary sediment source for beaches to the south in San Clemente, where erosion is already threatening infrastructure and the city is contemplating spending millions to import new sand back on the beach. An alternation of sediment flow in the Creek could also interfere with surf formation at Doheny State Beach—where the San Juan Creek meets the ocean— and where many people come to surf, body-board and play in the waves.

Given that the mission of the Regional Board is "developing and enforcing water quality objectives and implementing plans that will best protect the area's waters," we believe there is little question that the Board should reject adopting the tentative Waste Discharge Requirements for the proposed Tesoro Extension/SR 241) Project. We urge you to reject the WDR and thank you for your continued service in protecting California's waterways and watersheds.

Sincerely,

Assemblymember Das Williams, AD 37

Assemblymember Al Muratsuchi, AD 66

Assemblymember Ian Calderon, AD 57