

CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

April 17, 2008

Secretary Carlos M. Gutierrez
U.S. Department of Commerce
1401 Constitutional Avenue, NW
Washington, D.C. 20230

Dear Secretary Gutierrez:

On behalf of the millions of Californians who support strong protections of California's coast and natural resources, we are writing to express our opposition to the Foothill-South Toll Road project and urge you to hold a public hearing in California regarding the Transportation Corridor Agency's appeal of a recent Coastal Zone Management Act (CZMA) decision regarding the project.

As you are aware, the California Coastal Commission recently voted overwhelmingly to deny CZMA consistency certification for the Foothill-South Toll Road. The Commission took action on February 6, 2008 to deny the certification, per their delegated authority under the Coastal Zone Management Act. The public turnout and opposition to the toll road project was unprecedented – over 3,500 Californians took the time to attend almost all of the 14-hour hearing to express their views, largely in opposition to the road. After testimony from both opponents and supporters of the road, including lengthy testimony from the Transportation Corridor Agency representatives, their consultants and allies, the Commission voted 8-2 to oppose consistency certification.

They did so in light of a 249-page staff report that delineated the toll road project's multiple violations of virtually every section of the Coastal Act required to be analyzed for certification, including Permanent Elimination of Environmentally Sensitive Habitat Areas (Coastal Act § 30240), Destruction of Parks, Recreation, and Public Access (Coastal Act § 30210, 30213, 30220, 30221, 30223, 30240(b)), Fill of Wetlands (Coastal Act § 30233), Degradation of Water Quality (Coastal Act § 30230, 30231), Damage to Cultural Resources (Coastal Act § 30244), and Blight to Visual and Scenic Resources (Coastal Act § 30251). The voluminous staff report was unambiguous in its assessment that "The project is fundamentally inconsistent with the spirit and letter of numerous resource protection policies of the Coastal Act" (page 3 "Revised Staff Report and Recommendation on Consistency Certification" California Coastal Commission).

For the thousands of Californians who attended the February 6, 2008 Commission hearing, the issue was a simple one – protect a popular, irreplaceable state park from one of the most damaging projects ever proposed for a state park. San Onofre State Beach is one of California's

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top state park destinations for Californians and visitors alike – annually, it is among the top five and six most-visited state parks. It is home to one of the last remaining pristine watersheds in southern California, the San Mateo Creek watershed, and contains important cultural resources for the Juaneño/Acjachemen people, including the historic Village of Panhé. Building a toll road in such an important and sensitive environment would set a negative precedent for other significant encroachments on park lands throughout California.

Fundamentally, protection of California's coastal resources lies with the California Coastal Commission, both as a matter of state law and as a matter of their delegated authority under federal law. In their decision on the Foothill-South Toll Road's CZMA application, the Commission faithfully discharged their duties and responsibilities under the law, appropriately using the state's Coastal Act as the reference for consistency review. The Commission also noted that other transportation alternatives exist that would achieve traffic reduction goals without impacting San Onofre State Beach or precious coastal resources.

The Commission's decision was clear regarding the incompatibility and inconsistency of the Foothill-South Toll Road project with coastal protection laws. As such, its decision should receive appropriate deference during the appeal process. We urge you to uphold the Commission's decision and deny the appeal – respect the public process that has already ruled on this project and respect our state's right to protect our citizens, our coast and our natural resources.

Sincerely,

Christine Kehoe

Lori Goldana

Doreen Jones

Shirley Kuehl

Richard

Wilmer Amina Carter

Lloyd Lewis

Alan Lewenthal

Elaine August

Tom Toddson

Willy

Joe Sini

Patricia Wiggins

Wesley

Gene Corbett

Dean Jany

Don Queta

Paul Aditt

Paul Kerkorian

Louise Hancock

Patty Kornette

Norah Ann

Sally Juh

Alma

Clonia Romero

Silbert Anthony Fedillo

Jerry Lopez

Paul

Erica

Opal

Wanda J. Fuent

Andy Portatta

Patty Berg

Joe Kuehni

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1. Senator Christine Kehoe
3. Assemblymember Lori Saldaña
5. Assemblymember Dave Jones
7. Senator Shelia Kuehl
9. Senator Carole Migden
2. Assemblymember Wilmer Amina Carter
4. Assemblymember Lloyd Levine
6. Senator Alan Lowenthal
8. Senator Elaine Alquist
10. Senator Tom Torlakson

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11. Senator Leland Yee
13. Senator Joe Simitian
15. Senator Patricia Wiggins
17. Senator Alex Padilla
19. Senator Ellen Corbett
21. Senator Dean Florez
23. Senator Don Perata
25. Senator Jack Scott
27. Assemblymember Paul Krekorian
29. Assemblymember Lori Hancock
31. Assemblymember Betty Karnette
33. Assemblymember Noreen Evans
35. Assemblymember Sally Lieber
12. Senator Mark Ridley-Thomas
14. Senator Gloria Romero
16. Senator Gil Cedillo
18. Senator Jenny Oropeza
20. Senator Darrell Steinberg
22. Assemblymember Julia Brownley
24. Assemblymember Lois Wolk
26. Assemblymember Warren Furutani
28. Assemblymember Anthony Portantino
30. Assemblymember Patty Berg
32. Assemblymember Ira Ruskin
34. Assemblymember Fiona Ma