

CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

July 22, 2008

Secretary Carlos M. Gutierrez
U.S. Department of Commerce
Herbert C. Hoover Building
1401 Constitution Avenue, NW
Washington, D.C. 20230

NOAA Office of General Counsel for Ocean Services
1305 East-West Highway, Room 6111
Silver Spring, MD 20910

Re: Foothill/Eastern Transportation Corridor Agency Appeal for Secretary of Commerce
Override of California Coastal Commission Objection to Consistency Certification for
Foothill-South Toll Road

Dear Secretary Gutierrez:

We are writing to express support for the California Coastal Commission's decision regarding the Foothill-South Toll Road. We were disappointed the July 25 public hearing on the issue was cancelled abruptly and urge you to hold a hearing locally to enable impacted residents and concerned citizens to provide input on the proposed road.

On behalf of the millions of Californians who have consistently voted and voiced their support of strong protections of California's coast and natural resources, we write to express our continuing opposition to the Foothill-South Toll Road project. Consistent with that position, we respectfully urge you to reject the TCA's appeal of the Coastal Commission's decision that the proposed toll road is inconsistent with the CZMA.

When the California Coastal Commission held its Coastal Zone Management Act (CZMA) consistency certification hearing in February 2008 at the Del Mar Fairgrounds, over 3,500 Californians took time off during a work day to express their concerns, largely in opposition to the road. The 8-2 decision by the Coastal Commission to deny the certification, per its delegated authority under the Coastal Zone Management Act, followed over 14 hours of testimony by both supporters and opponents of the project, including extensive testimony by TCA representatives and their consultants.

By now you have had an opportunity to read the 249-page staff report which analyzes in detail, how the proposed toll road would affect virtually every relevant section of the Coastal Act. Those impacts include the permanent elimination of environmentally sensitive habitat areas, the

Secretary Carlos M. Gutierrez
July 22, 2008
Page Two

destruction of parklands, restrictions on public access, the filling in of wetlands, the degradation of water quality, damage to cultural resources, and visual and scenic blight.

The public has had a long-standing commitment to the preservation of California's coastal resources. The California Coastal Commission was established by voter initiative in 1972 and was subsequently made permanent by the Legislature through adoption of the California Coastal Act of 1976. As part of the federal Coastal Zone Management Act of 1972, Congress established a federal and state partnership for management of coastal resources, and in 1978 the federal government certified the California Coastal Management Program (CCMP). The enforceable policies of the CCMP are found in Chapter 3 of the California Coastal Act of 1976, and all consistency applications are reviewed by the Coastal Commission for conformity with these policies.

Overriding the Coastal Commission's decision would create a dangerous precedent and would undermine California's ability to protect its fragile coastal resources, preserve and operate its state parks, and protect its cultural resources -- just for the sake of fulfilling a transportation agency's desire to construct a local road through one of the state's most popular parks. San Onofre State Beach is consistently one of the top five or six most visited state parks.

The consistency determination is clear. At issue is whether the Department of Commerce can make a finding, supported by the facts, that the Foothill-South Toll Road is required for national security. The Coastal Commission noted that there are viable alternatives to constructing a toll road through San Onofre State Beach to address Orange County's traffic problems, including improvements to Interstate 5. In fact, a strong argument can be made that creating this new route across Camp Pendleton's leasehold may threaten national security by creating new vulnerabilities to the base.

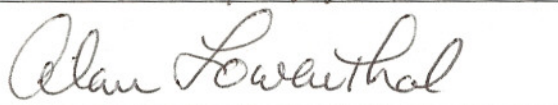
This is not just a toll road through a state park. It is a toll road instead of a state park, and is part of a serious trend as we see major infrastructure projects opting for crossing public lands as a preferred alternative.

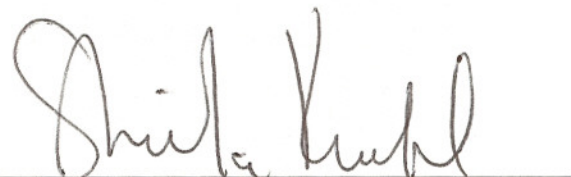
We urge you to uphold the decision by the California Coastal Commission and deny the appeal, to respect the public process, to heed the public's call to protect our coastline, and make the clear determination that this proposed toll road is not critical to the nation's security.

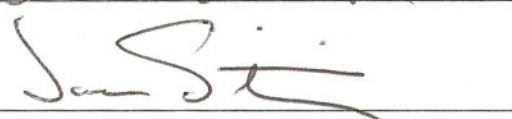
Thank you for your thoughtful consideration of this matter so important to our state and its people.

Sincerely,









Glenn M. Corbett

Clara August

Tom Tolaksan

Pat Wiggins

Ally Hill

Jack Scott

Gene L

Zoi Saldana

Nureen Ems

Sally J. Lieber

Dave Jones

Patty Berg

Chris Brown

Wesley Lewis

Paul Krikorian

Ward Meyer

Daniel S. S

M. Hill

Colonia Romero

Mark Kelley - Thomas

Giuseppe Ceilto

Dezeta

Loni Hancock

Mark S. S

D. R. C.

Warren F. Funtzi

Gene L

J

J

Betty & Garnette

Secretary Carlos M. Gutierrez
July 22, 2008
Page Four

John Laird

Joel M. [unclear]

Alvin [unclear] M. [unclear]

Two columns of horizontal lines for writing, with the first few lines containing the handwritten signatures and names.

Signatures Page 2

1. Senator Christine Kehoe
2. Senator Shelia Kuehl
3. Senator Alan Lowenthal
4. Senator Joe Simitian

Signatures Page 3

5. Senator Ellen Corbett
6. Senator Leland Yee
7. Senator Elaine Alquist
8. Senator Darrell Steinberg
9. Senator Tom Torlakson
10. Senator Carole Migden
11. Senator Patricia Wiggins
12. Senator Gloria Romero
13. Senator Alex Padilla
14. Senator Mark Ridley-Thomas
15. Senator Jack Scott
16. Senator Gil Cedillo
17. Senator Lou Correa
18. Senator Don Perata
19. Assemblymember Lori Saldaña
20. Assemblymember Loni Hancock
21. Assemblymember Noreen Evans
22. Assemblymember Mark Desaulnier
23. Assemblymember Sally Lieber
24. Assemblymember Ira Ruskin
25. Assemblymember Dave Jones
26. Assemblymember Warren Furutani
27. Assemblymember Patty Berg
28. Assemblymember Lois Wolk
29. Assemblymember Julia Brownley
30. Assemblymember Mike Feuer
31. Assemblymember Pedro Nava
32. Assemblymember Lloyd Levine
33. Assemblymember Fiona Ma
34. Assemblymember Paul Krekorian
35. Assemblymember Betty Kamette

Signatures Page 4

36. Assemblymember John Laird
37. Assemblymember Jared Huffman
38. Senator Gloria Negrete McLeod