Congress of the United States
Washington, DC 20515

April 14, 2008

Secretary Carlos M. Gutierrez
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Secretary Gutierrez:

We write to express our opposition to the Orange County Foothill South Toll Road project as currently proposed and to ask that you uphold the decision by the California Coastal Commission (CCC) to deny the project a Federal Coastal Zone Management Act (CZMA) consistency certification. Further, we formally request that you grant a public hearing in California to assess public opinion and input on this appeal.

Pursuant to the authority delegated to it by the Coastal Zone Management Act, the CCC reviewed and rejected the Transportation Corridor Agency's (TCA) request for a CZMA consistency certification by a vote of 8 to 2. The Commission concurred with its staff's conclusion that the toll road is irreconcilably inconsistent with numerous provisions of the CZMA. In fact, the comprehensive 249-page CCC staff report states that "it would be difficult to imagine a more environmentally damaging alternative location for the proposed toll road."

The level of public opposition to the project is noteworthy. The February 6, 2008 CCC hearing drew an unprecedented 3,500 attendees, who were overwhelmingly opposed to the toll road project, and was unprecedented in its length, lasting 14 hours. The continued amount of interest in this issue strongly demonstrates the need for the Department of Commerce (Department) to hold a public hearing in California.

We also ask the Department to carefully consider the merits of TCA's appeal. CZMA lays out clear criteria for upholding an appeal: that there are no viable alternatives and that the project is both consistent with the California Coastal Act and necessary in the interests of national security. We do not believe that the TCA can satisfy any of the criteria on which you are required to base your decision.

Alternatives. As the Coastal Commission noted, TCA rejected out of hand reasonable alternatives and toll road routes that would avoid or minimize harm to coastal resources. TCA's own studies show that a combination of widening Interstate 5 and improving intersections and arterials would provide as much congestion relief to southern Orange County as building the toll road, without destroying San Onofre State Park.

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Consistency. According to the CCC staff report, "The project is fundamentally inconsistent with the spirit and letter of numerous resource protection policies of the Coastal Act."

National security. The toll road threatens to encroach upon Camp Pendleton, a vital military installation, and represents a permanent intrusion to one of the Marine Corps' most important installations in the United States. The TCA has already asked you to act to override the California Coastal Commission's decision on the basis of national security. However, the assertion that national security is improved by virtue of this toll road is inconsistent with what we know about military readiness. Indeed, this road raises serious concerns about national security.

On February 2, 2002, in a letter to the Federal Highway Administration, then Marine Corps Commandant James Jones stated, "Frankly, my preference is that the proposed toll road not be constructed on or near Pendleton…This construction is one more encroachment that will hinder our (Marine Corps) ability to prepare for war." While the Marine Corps is officially neutral on the impact of the toll road, the Department of Commerce should carefully consider the words of General Jones.

Mr. Secretary, we believe the decision of the California Coastal Commission must be accorded proper deference during the process of review. We are counting on you to ensure that this appeal is judged solely on the facts, consistent with applicable law, and with due regard for the legal duty of the states to protect their coastal resources.

Thank you for your assistance in protecting the integrity of Marine Corps Base Camp Pendleton, the state park at San Onofre State Beach, and the irreplaceable natural and recreational resources of the California coast.

Sincerely,

SUSAN A. DAVIS
Member of Congress

BARBARA BOXER
U.S. Senator

Rep. Mike Thompson

Rep. Howard Berman

Rep. Doris Matsui

Rep. Adam Schiff

Rep. Lynn Woolsey

Rep. Henry Waxman

Rep. George Miller

Rep. Xavier Becerra

Rep. Barbara Lee

Rep. Hilda Solis

Rep. Ellen Tauscher

Rep. Diane Watson

Rep. Michael Honda

Rep. Lucille Roybal-Allard

Rep. Zoe Lofgren

Rep. Maxine Waters

Rep. Sam Farr

Rep. Jane Harman

Rep. Dennis Cardoza

Rep. Laura Richardson

Rep. Lois Capps

Rep. Grace Napolitano

Rep. Brad Sherman

Rep. Linda Sanchez

Rep. Joe Baca