

San Joaquin Hills
Corridor Agency

Chairman:
Jim Dahl
San Clemente



TRANSPORTATION CORRIDOR AGENCIES

Foothill/Eastern
Corridor Agency

Chairman:
Lance MacLean
Mission Viejo

June 16, 2008

Lieutenant Governor John Garamendi
State Capitol, Room 114
Sacramento, CA 95814

Dear Lieutenant Governor Garamendi:

I write to you to express my deep disappointment in the recent letter from your office addressed to the Department of Commerce's National Oceanic and Atmospheric Administration regarding the public process being followed by the Foothill/Eastern Transportation Corridor Agency in its efforts to complete State Route 241 in southern California. Particularly disturbing were the accusations of secret manipulation of the federal decision making process by our local, public, transportation agency. In the interest of the accuracy and integrity of the public debate, I am compelled to respond to the politically charged and erroneous arguments contained within the letter you chose to place your signature upon.

The June 10 letter appears to have been staged by anti-toll road activists and "no growth" advocates to coincide with their efforts to block the completion of State Route 241. These advocates have become prolific in their misinformation and spin against a transparent and truthful discussion related to this important public project. The fact that you would lend your office's letterhead to these special interest organizations in their ongoing campaign is shocking. This is especially true in consideration of your historic efforts to negotiate complex issues balancing economic growth and environmental protection concerns; and your recognition that new and expanded transportation infrastructure is critically needed to address the growing threat posed by I-5 traffic congestion to California's economy, public safety, and air quality.

As you know from our private meeting with you earlier this year, the Foothill/Eastern Transportation Corridor Agency (F/ETCA) is a public, not-for-profit agency governed by a Board of Directors of elected officials from 15 cities and three Orange County Supervisors.

Thomas E. Margro, Chief Executive Officer

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The F/ETCA is a participant with a group of state and federal, environmental and transportation agencies that have worked together since the mid '90s to identify and evaluate how to best manage the growing traffic congestion on I-5 through South Orange County under the National Environmental Policy Act, the federal Clean Water Act and the federal Endangered Species Act. Participants involved in the planning process include the U.S. Fish & Wildlife Service, the Environmental Protection Agency, United States Marine Corps, United States Army Corps of Engineers, the federal Highway Administration, Caltrans and F/ETCA.

As you know from your extensive career as a state and a federal official, there is nothing unusual or sinister about meetings among relevant public agencies on complex infrastructure, environmental protection, health and welfare issues, and hundreds of other public agency matters. State and federal government agencies routinely deliberate on these matters before they bring their work product to the public for comment, input and decision making through hearings and public comment process.

I suspect that in your capacity as Lieutenant Governor and as a member of the State Lands Commission, you are involved in dozens of meetings among representatives of public agencies every month that are not open to the public. As was widely reported, during your tenure as a high ranking federal official in the Department of the Interior you were intimately involved in hundreds of private, behind-the-scenes negotiations with the state and federal agencies and with the Pacific Lumber Company that led to the state and federal acquisition of the Headwaters Forest and the approval of state and federal endangered species incidental take permits for the Company's forest management activities.

That was a controversial governmental action that led the Sierra Club director Carl Pope to issue a statement at the time saying the plan you negotiated was "sacrificing the fisheries for the trees" and warned that it would "undermine habitat protection in coastal watersheds along the entire Pacific Coast by setting a terrible precedent."

The public was not sitting at the table during your negotiations with Texas financier Charles Hurwitz when you agreed that in exchange for saving 12 of the 13 so-called lesser cathedrals of ancient redwoods near the Headwaters, Pacific Lumber company would be allowed to log one ancient redwood grove and to conduct timber harvesting throughout its property.

But as the government's representative you worked as hard as you could to reach the deal that balanced all interests and best served the public. As you know, the historic transaction was ultimately subject to public review and comment through the NEPA and CEQA processes – but only after you and the other state and federal agency representatives had negotiated a proposed arrangement with the Pacific Lumber Company.

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We share much in common Mr. Lt. Governor as our agency has worked for 20 years under intense scrutiny and incredible public participation, with thousands of supporters and multitudes of governmental agencies to build a transportation system that best serves the needs of Southern California citizens and that protects the environment. Our interests are not as you claim in your letter "potentially adverse to the public in contravention of law" but the interests of the people. Similar to the projects you have personally negotiated and worked upon during your career as a public servant, the completion of State Route 241 is also subject to the public decision making processes dictated by NEPA, CEQA, the federal Clean Water Act, the federal Endangered Species Act, the state Porter-Cologne Act, the federal Clean Air Act, the state Clean Air Act and other state and federal laws.

Your repeated acknowledgement of the extreme difficulty of building critical infrastructure to meet the needs of the growing population in the State of California should provide you some context for the frustration felt by this public agency. Campaigns to intentionally misinform and sensationalize the issues do nothing to improve the public debate over these important projects. As an elected official we were surprised you provided "Background" for your letter to the federal agency by posting a link on your official web page to an activist organization known for its repetition of inflammatory and misleading arguments, the Save San Onofre Coalition, but failed to provide any information or even an internet link to the information about the project from our public agency. We hope for the future of our state that the same propaganda campaigns are not also brought to bear by the same "anti-growth" activists upon those projects that are important to you like the High Speed Rail project in the central valley.

Our offer to show you in person the proposed project site, our environmental mitigation, award winning road designs, state of the art water treatment systems, habitat conservation, and the true proposed alignment of the 241 extension, not the often stated mis-statement that we are putting a road through the beach ---- still stands. Feel free to call me personally if you ever change your mind and decide to visit the project in person.

Sincerely,



Thomas E. Margro
Chief Executive Officer