

CALIFORNIA STATE PARK and RECREATION COMMISSION

San Clemente Community Center Auditorium
100 North Calle Seville
San Clemente, California

Minutes of the Meeting - Thursday, November 3, 2005

COMMISSIONERS PRESENT

Joseph Cotchett
Caryl Hart
Gail Kautz
Sophia Scherman
Bobby Shriver, CHAIR
Phillip Tagami
Paul Junger Witt

COMMISSIONERS ABSENT

Clint Eastwood, VICE CHAIR
Acquanetta Warren

STATE PARKS STAFF PRESENT

Ruth Coleman, DIRECTOR
Louis Nastro, ASSISTANT TO THE STATE PARK AND RECREATION COMMISSION
Rick Rayburn, CHIEF, NATURAL RESOURCES DIVISION
Paul Romero, CHIEF DEPUTY DIRECTOR
Rich Rozzelle, ACTING DISTRICT SUPERINTENDENT, ORANGE COAST DISTRICT
Roy Stearns, DEPUTY DIRECTOR, COMMUNICATIONS
Noah Tilghman, ASSISTANT DEPUTY DIRECTOR, PARK OPERATIONS
Bradly Torgan, GENERAL COUNSEL

SPEAKERS REGISTERED/REPRESENTING*

Senator Dick Ackerman/Self
Paul Arms/Orange County League of Conservation Voters
Mark Babski/Self*
Randy Baker/Self
Stephanie Bargar/Earth Resource Foundation*
Christian Beamish/Self
Janet Bierney/Self
James Birkelund/Natural Resources Defense Council
Tom Bougher/Self
Ilse Byrnes/California Trails and Greenways Foundation*
Paul Carlton/Self
Susie Caskey/Self*
Kerry Chavez/Self*
Shelly Clifton/Girl Scout Brownie Troop 791 & Family
Prescott Cogswell/Self
Laura Curran/Self*

*Registered but did not speak

Laura Davick/Joan Irvine Smith
Serge Dedina/Wildcoast
Julia Dewees/Owen Bailey, Sierra Club
Nancy Donovan/Self
Stephanie Dorey/Self
Mike Downey/Kids for Clean Waves*
Jack Eidt/Wild Heritage Planners
Larry Eng/California Department of Fish and Game*
Berny Enriquez/Senator Joe Dunn*
Robin Everett/Self
Todd Evett/Self
Michael Fitts/Endangered Habitat League
Richard Gardner/Self
Amy Gebhard/Self*
Nathan Gebhard/Roadtrip Nation Against the Toll Road*
Paul Glaab/Laguna Niguel City Council*
Elizabeth Goldstein/California State Parks Foundation
Patricia Holloway/Self
Jeff Hansen/Self*
Deeba Hargis/Self
Lynn Harris Hicks/Coalition of Responsible and Ethical Environmental Decisions
Gail Herson/Self
Wayne Hines/Self
Patricia Holloway/Self*
Bill Holmes/Sierra Club*
Linda Homscheid/Self
Nancy Hunt/Board of Directors Orange County Association of Relators
Toni Iseman/Self
Amy Jackson/Surf Mamas*
Charlie Jackson/“all the kids my age who surf”
Valerie Johnson/Self
Lisa Kerr/Self
Nancy Knipe/Self
Don Kuaze/S.C.A.T. - San Clemente Against Toll Road
Liz Kuhns/Self*
Celia Kutcher/Orange County Chapter
California Native Plant Society
Elizabeth Lambe/Sierra Club
Deborah Lee/California Coastal Commission
Jodi Levine/Earth Roots Field School*
Karen Lloreda/Self
Bill Lochrie/Self
Pat Lochrie/Self
Marni Magda/Friends of the Foothills
Lisa Marks/South Laguna Civic Association
Mark Massara/Sierra Club’s California Coastal Program
Mark Maurer/Self
Brittany Mckee/Sierra Club-Friends of the Foothills
Mary McMenamin/Self
Don Mendoza/Self*

*Registered but did not speak

Gary Meredith/South Coast Audubon*
Robert Mignogna/Surf Industry Manufacturers Association
Gary V. Miller/Self
Wendy Morris/Self
Michael Navarro/Surfrider-Wildcoast
Steve Netherby/Self
Ken Nielsen/Self
Pat O'Connel/Surfrider Foundation
Valentin Pechan/Self
Zak Ponsen/Self
Larry Porter/Ocean Outfall Group
Norman Powell/Self*
Gail Prothero/Self
Mark Raucher/Surfrider Foundation
Tim Redwine/Self
Stephanie Remington/Self*
Joel Reynolds/Natural Resources Defense Council
Geoff Rizze/Self
Rebecca Robles/Self
Eddie Rose/Self
Greg Sayer/Self
Ed Schlegel/Self
Claire Schlotterbeck/Hills for Everyone
Mr. & Mrs. Schoenwald/Self
Dan Silver/Self
John Tengdin/Self
Steve Thorton/Self
Dick Troy/Self
Todd Van Etten/Self
Donna Varnor/Self
Traci Verardo/California State Parks Foundation*
Assemblywoman Mimi Walters/Self
Sue Waltman/Self
Karl Warkowski/Self
Meg Waters/Self
Jennifer Weinberger/Self*
Rick Wilson/Self
Susan Withrow/Self
Carolyn Wood/Laguna Canyon Conservancy*
Brian Woodward/San Diego Chapter, Surfrider Foundation*

CALL TO ORDER

Legal notice having been given, this special meeting of the California State Park and Recreation Commission was called to order at 7:20 p.m. by Commission Chair Bobby Shriver. Chair Shriver introduced the commissioners and State Parks staff who were present, and announced that an overflow room, providing live audio and video of this evening's meeting, had been set up adjacent to the main meeting room to accommodate the large number of citizens present. The Chair also explained that since he had at this time received requests to speak from over 80 individuals, and that in addition to these the Commission would be

*Registered but did not speak

hearing some short presentations from organizations involved with the toll road project, in the interest of time the Chair would be limiting members of the public who wished to address the Commission to two minutes each. The Chair requested speakers' cooperation in adhering to the time limit. The Chair then announced that before hearing public comments the Commission would first hear presentations by agencies with an interest in the toll road project, starting with the Transportation Corridor Agencies (TCA).

AGENDA ITEM 1:

PRESENTATIONS FROM RESPONSIBLE AGENCIES AND STATE PARKS ON THE PROPOSED EXTENSION OF THE "FOOTHILL-SOUTH" TOLL ROAD (HIGHWAY 241) IN SOUTHERN ORANGE COUNTY

Ken Ryan, Chairman of the Foothill-Eastern Transportation Corridor Agency, presented a slide show. Mr. Ryan described his personal and professional background as it related to his qualifications to present this subject. His presentation included an overview of the Transportation Corridor Agencies (TCA), the organization's history and structure, transportation needs in Orange County, the proposed Foothill-South toll road project and possible alternatives to the project.

During Mr. Ryan's presentation some heckling from the audience occurred. Chair Shriver explained that he would be allowing Mr. Ryan sufficient time to complete his presentation, and the Chair reminded everyone that each speaker must be treated with equal respect and that further heckling would not be tolerated.

Mr. Ryan concluded his presentation, adding that though he had to leave for another commitment this evening, many members of TCA staff, including Mr. James Brown, were present and would be available to answer questions.

Commissioner Caryl Hart addressed Mr. Ryan, noting that materials the Commission had received indicated that usage of the existing San Joaquin Hills toll road had been lower than original estimates and that the road management had been experiencing financial problems which included the downgrading of bonds to "junk" status. Commissioner Hart asked Mr. Ryan to explain this.

Mr. Ryan stated that he represented the Foothill-Eastern, and not the San Joaquin Hills toll road, but that the San Joaquin Hills toll road, which was constructed first, had in fact been performing very well. Mr. Ryan explained that ridership was up, and that Foothill-Eastern had been working very closely with San Joaquin Hills to ensure the long term stability of the San Joaquin Hills toll road.

Commissioner Hart asked Mr. Ryan to submit a statement to the commission describing the situation with the San Joaquin Hills toll road, its financial status, where the \$1 billion in loans involved had originated, and explaining why Mr. Ryan believed a difficult fiscal situation would not develop with the proposed Foothill-South toll road.

Mr. Ryan replied that he would be happy to provide the requested information. Mr. Ryan continued that the "short answer" to Commissioner Hart's question was that the Foothill-Eastern toll road had been performing so well that Foothill-Eastern would be able to finance the Foothill-South project, complete other improvements that needed to be done, and make a loan of funds to its sister agency of San Joaquin Hills.

Chair Shriver asked if there were any other questions for TCA from the Commission at this time. There being none, the Chair asked the TCA staff who were present to raise their hands so that they could be identified to members of the public who had questions. The Chair then introduced Rich Rozzelle, State Parks Acting District Superintendent for the Orange Coast District.

Acting District Superintendent Rozzelle presented a slide show that included a brief history of San Onofre State Beach, the resources that were available to the public at the park, and the potential impact on those resources from the proposed toll road project.

Chair Shriver asked if the Commission had any questions for Superintendent Rozzelle. There being none, the Chair introduced Deborah Lee, Deputy Director of the California Coastal Commission.

Deborah Lee stated that her purpose in attending tonight's meeting was to express the California Coastal Commission's serious concerns related to all of the proposed alternatives for the Foothill-South transportation corridor that would enter the San Mateo Creek watershed. Ms. Lee stated that each of the San Mateo Creek alignment alternatives would have significant and unmitigable adverse impacts on the watershed, and she cited specific sections of the California Coastal Act that she believed would not allow a road to be constructed there. Ms. Lee also noted that in addition to threatening natural resources, she believed the toll road proposal undervalued the public recreational aspects of San Onofre State Beach. She stated that the existing San Mateo Creek recreational improvements had been developed as mitigation for impacts resulting from the nearby San Onofre nuclear power plant, adding that it was unacceptable to now suggest that established park and recreational amenities developed as mitigation for prior impacts to San Onofre State Beach could be removed and replaced elsewhere. Ms. Lee also noted that the California Coastal Commission had an obligation to review the toll road proposal, and that the Coastal Commission was likely to deny a coastal development permit for the portions of the project within the coastal zone.

Chair Shriver announced that this concluded the agency presentations, adding that a representative from Cal Trans (the California Department of Transportation) was present but would not be speaking. The Chair asked the unidentified Cal Trans representative to raise his hand, noting that the representative would be available to answer questions after the meeting. Chair Shriver then announced that the public comment portion of the meeting would now begin, and that he would be calling speakers in the order that they had registered to speak. The Chair reminded speakers that each would be allowed two minutes to address the Commission.

AGENDA ITEM 2:

PUBLIC TESTIMONY ON THE PROPOSED EXTENSION OF THE "FOOTHILL-SOUTH" TOLL ROAD IN SOUTHERN ORANGE COUNTY

A total of 77 speakers addressed the Commission over a period of approximately two hours and 40 minutes (refer to pages 1-3 for a complete list of speakers). Some heckling from the audience continued to occur while speakers were addressing the Commission. Chair Shriver warned hecklers that he would be forced to adjourn the meeting if everyone could not be respectful of each other's views.

After calling 64 speakers, Chair Shriver yielded his position to Commissioner Sophia Scherman while he left the dais for a brief break. Commissioner Scherman called nine speakers, after which Chair Shriver returned to the dais. On his return Chair Shriver noted that it was important for concerned members of the public to understand that the State Park and Recreation Commission did not have the ability to deny permission to build the proposed toll road, but that the Commission hoped to represent the public's views to the Governor's office.

After 77 speakers had addressed the Commission, Chair Shriver announced that out of consideration for the lateness of the hour and with caution regarding the possibility of losing the quorum of commissioners necessary to take action, the speaker he had just called would be the last of the evening. The Chair apologized to those who had not had an opportunity to address the Commission and noted that the names of all speakers who had registered would be entered into the record of the meeting.

An unidentified woman addressed the Chair, calling attention to a petition she was bearing that included signatures of 140 individuals who opposed the construction of the toll road. Chair Shriver replied that the Commission would receive a copy of the woman's petition, and he added that in addition to the woman's petition the Commission had received approximately 3,300 letters and email messages in opposition of the toll road project. The Chair noted that copies of these messages were on hand and available for review.

Chair Shriver noted that several speakers had referred to their legislative representatives and the political process. The Chair stated that citizen's participation in this meeting, the letters and cards that had been written, and the process of voting for or against representatives who may or may not follow their wishes were a very important part of government. Chair Shriver reminded everyone that public participation,

whether through attending public meetings or writing letters, was essential to maintaining an ongoing discussion between citizens and their representatives.

Chair Shriver announced that he would now close the public hearing portion of the meeting and open discussion amongst the commissioners.

Commissioner Scherman stated that while she did not oppose toll roads, she did oppose building toll roads through state parks. Commissioner Scherman referenced comments made by several of the speakers, specifically those who noted that the toll road had been planned for many years. The Commissioner added that with time and growth plans often needed to be revisited. Commissioner Scherman emphasized the importance of the availability of affordable family camping like that offered at San Onofre State Beach and shared some of her personal experiences camping as a child at state parks. Commissioner Scherman reminded everyone that while the Commission could not take action this evening, they could carry a message to the capitol. She thanked all those in attendance at the meeting, especially the young adults.

Commissioner Tagami stated that it had been a privilege to witness the passion expressed by speakers on both sides of the toll road issue. The commissioner stated that it was apparent that a great deal of work had gone before, and that while the Commission could take no action this evening, he believed it would be appropriate to request that State Parks staff develop language consistent with the Commission's authority to formulate a resolution for consideration by the Commission at a future date. Commissioner Tagami then asked the Chair for permission to read aloud some statements that could be used to formulate such a resolution. Following Chair Shriver's acknowledgment, Commissioner Tagami read the following:

California state park lands are designated for their protection and preservation on behalf of future generations and should not be used in a manner inconsistent with state park purposes. California state parks provide significant economic benefit to the people of California, generating millions of visitors from around the world. Established in 1971, the state park at San Onofre beach is one of the top five most-visited parks and provides valuable upland habitat, coastal beaches, affordable camping and unique habitat for 11 protected species, as threatened and/or endangered under federal laws. The Foothill-Eastern Transportation Corridor Agency and Orange County has proposed construction of a multi-lane highway, with an alignment extending approximately four miles through the inland portion of the park at its northern edge to its southern boundary, taking over 320 acres of state park land for a right-of-way and fragmenting and adversely affecting the remaining acreage of the park. The taking of this leased parkland asset would cause this park to suffer diminution of its use and intended purpose.

Commissioner Tagami suggested that the Commission should request that the State of California and its agencies take actions within their power to protect the state park resource at San Onofre State Beach, and that the Commission respectfully request that the Governor, in concert with the Attorney General's office, evaluate, and if merited, defend this state resource.

Commissioner Cotchett stated that while many of the public speakers had thanked the commissioners for holding the meeting, it was really the members of the public who participated in the meeting who deserved thanks. Commissioner Cotchett quoted Tip O'Neill (Thomas Phillip "Tip" O'Neill, Jr., 1912-1994, influential U.S. Congressman) that "all politics are local," and added that he had been overwhelmed by the public participation at the meeting. The Commissioner thanked everyone again for attending the meeting and encouraged all to remember that the issue of the proposed toll road was a political one.

Commissioner Kautz noted that she agreed with the other commissioners that everyone who attended the meeting should be applauded for expressing their views. The commissioner noted that she had visited San Onofre State Beach earlier in the day and found the park to be quite beautiful. Commissioner Kautz added that she was aware that populations and traffic would continue to increase, and she encouraged those who could to explore alternatives that would bypass parks while still keeping traffic moving.

Commissioner Hart stated that she also wished to reiterate the thoughts expressed by the other commis-

sioners, adding that she was particularly grateful to State Parks staff and all who attended the meeting for taking the time to do so. Commissioner Hart added that it was her recommendation that the language Commissioner Tagami had read should be reviewed by staff and agendized for action at the Commission's next regular meeting on November 18th, 2005.

Chair Shriver clarified that Commissioner Tagami had not made a motion to adopt a resolution because that action had not been agendized for tonight's meeting. Chair Shriver asked State Parks counsel Bradley Torgan to confirm this was correct.

General Counsel Bradley Torgan stated that Commissioner Tagami's suggested language should be reviewed by staff and agendized for action at the Commission's next meeting. He added that the proposed language could not be considered or discussed at this evening's meeting.

Commissioner Tagami added that once the suggested language had been reviewed and refined, the proposed draft resolution should be made available to the TCA and interested members of the public prior to further discussion or action by the Commission. Chair Shriver responded that the draft resolution along with the Commission's staff report would be made available on the Internet.

Commissioner Witt noted that several of the speakers had made reference to economics as it related to the proposed toll road, in that the road was necessary to preserve and foster a healthy business climate. The Commissioner stated that California had always offered a variety of opportunities that included its natural beauty. He added that people traveled here from all over the world, energizing the state's economy, because of what California offers in natural beauty, not just because of industry or business opportunities. Commissioner Witt stated that it was this Commission's charge to protect this natural beauty and that they intended to do so. He joined the other commissioners in thanking everyone who attended the meeting.

Commissioner Hart asked the Chair for clarification that once a draft resolution was available for consideration at a duly-noticed meeting, the commissioners and staff would have an opportunity to further revise the proposed language if desired at that time. Chair Shriver confirmed that this was correct.

Chair Shriver stated that in closing he wished to reiterate that he very much appreciated everyone's attendance at the meeting. The Chair referred to Commissioner Cotchett's comment that such actions embodied the political process, and Chair Shriver added that it was very important for citizens to make sure their elected representatives were aware of their concerns. Chair Shriver stated that citizens should remain organized, on both sides of the issues, and let their representatives know how they feel. The Chair acknowledged the number of younger people who attended the meeting, and he encouraged them to work with their parents and stay involved with the issues they felt strongly about. In conclusion, Chair Shriver referenced a comment by one of the speakers related to the number of meetings that would be needed to make a difference. The Chair stated that there would be as many meetings as it takes to accomplish the task, and that citizens should not become discouraged but should instead continue to organize, attend meetings, write letters, and vote.

Chair Shriver then asked if State Parks staff believed that sufficient direction had been provided by the Commission for staff to prepare an item for the next meeting. The Chair asked for if there were any comments from staff. There being none, the Chair asked if any of the representatives of the TCA, Cal Trans, or other agencies would like to make additional comments.

The Chair recognized Robert Thornton on behalf of the TCA. Mr. Thornton stated that it had been a long evening, but that there were a number of things that TCA would in fact like to correct in the record of the meeting. Mr. Thornton stated that the Commission should be assured such items would be corrected.

ADJOURNMENT

Chair Shriver thanked Mr. Thornton and everyone who was present once again. Chair Shriver then adjourned the meeting at 10:48 p.m.

ATTEST: These minutes were approved by the California State Park and Recreation Commission on March 3, 2006, at its duly-noticed public meeting in Chico, California.

By: ORIGINAL SIGNED BY _____ Date: 3-3-06

Louis Nastro
Assistant to the Commission
For Ruth Coleman, Director
California Department of Parks and Recreation
Secretary to the Commission