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Department of Commerce Rules on Foothill/Eastern Transportation Corridor Agency Consistency Appeal

The Department of Commerce today upheld the California Coastal Commission's objection to a proposal to construct a 16-mile toll road connecting California state Route 241 to Interstate 5 in southern Orange and northern San Diego counties.

The commission objected to the proposed project under the federal Coastal Zone Management Act (CZMA) on the grounds that the toll road was not consistent with the state's coastal zone management program. Under the CZMA, federal agencies may not issue any permits required for a project if a state has objected, unless the Department of Commerce, on appeal, overrides the objection.

The Foothill/Eastern Transportation Corridor Agency (TCA) appealed the commission's objection to the Department of Commerce in February, triggering an administrative review process that involved written briefs and arguments by the parties, input from interested federal agencies, tens of thousands of written comments from the public, and a 10-hour public hearing in San Diego County.

Under the CZMA, the department may override an objection only if no reasonable alternative to the project exists and the proposal is consistent with the objectives of the CZMA, or if the project is necessary in the interest of national security. The department determined that there is at least one reasonable alternative to the project. The department also found that the project is not necessary in the interest of national security.

TCA may pursue another route for its proposed toll road that the commission determines is consistent with California's coastal zone management program, and TCA is not limited to the alternative proposal described in the department's decision.

Since the enactment of the CZMA in 1972, the department has acted on 43 appeals, upholding 29 objections by state agencies and overriding 14.

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