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November 3, 2005

California State Parks and Recreation Commission
Box 942896
Sacramento, CA 94296-0001

Re: *Save San Onofre State Beach, Protect Public Access to the Beach, and Oppose 241 Toll Road Extension*

Dear Commissioners:

The Center for Law in the Public Interest (the Center) strongly urges the State Parks and Recreation Commission to save San Onofre State Beach and protect the people's right to reach the beach by opposing the proposed Foothill-South Highway 241 Toll Road Extension. San Onofre is an affordable coastal haven for middle- and low-income families throughout the region, and one of the five most visited parks in the state park system.

The "preferred alignment" for the proposed multi-lane highway would bisect San Onofre State Beach, eliminating precious open space on the California coast, impacting world-famous Trestles Beach, forcing the closure of San Mateo Campground, and destroying habitat for endangered or threatened species. The proposed project would obliterate a public trail from the campground to the beach, or dramatically reduce the recreational experience for trail users who would have to go under a concrete structure to reach the beach. The toll road extension would also impact the Juaneño village of *Panhe*, located within the San Mateo Archeological National Register District, and it could potentially impact additional sacred Native American sites.

The proposed toll road extension would raise serious legal and policy issues. The issues are parallel to the proposal to run high speed trains through state parks across the state, and to limit public access to the beach. We discuss each of these concerns in the enclosed materials: *Free the Beach! Public Access, Equal Justice, and the California Coast (2005)*, and our public comments concerning high speed trains through state parks (2004) (see especially pages 5-14). Running a toll road through the park raises serious questions under California Government Code Section 11135, Title VI of the Civil Rights Act of 1964, the public trust doctrine, and other state and federal civil rights and environmental laws, as cited in the attached materials, which are incorporated by reference here.

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The Center urges the State Parks and Recreation Commission to save San Onofre State Beach, to protect public beach access for all Californians and for generations to come, and to oppose the toll road extension.

Very truly yours,

Robert García
Executive Director and Counsel