



Item #9-4-8 Information

Land Use and Housing Committee

March 26, 2009

Federal Advocacy Update – Cap-to-Cap 2009 Natural Resources

Issue: Update on status of Sacramento Metropolitan Chamber of Commerce 2009 Cap-to-Cap Natural Resources Team advocacy agenda.

Recommendation: None, this is for information only.

Discussion: The Natural Resources (formerly Land Use and Natural Resources) Team for the Metropolitan Chamber's Cap-to-Cap trip has been meeting since January to develop their advocacy strategy for transportation, under the leadership of Chair Stacey McKinley and Co-Chairs Brian Plant and Ron Bertolina.

The Metro Chamber's Natural Resources Team proposes pursuing the following channels of advocacy:

- Smart Growth and Blueprint implementation and introduction of the RUCS project
- Continued funding of the Six County Aquatic Resources Inventory (SCARI)
- Forestry management including partnerships with other agencies, fuels reduction for greater forest health, and biomass conversion
- Support for Habitat Conservation Planning via policy and enhanced funding of Section 6 of ESA
- Support for Section 214 of WRDA, which authorizes the U.S. Army Corps of Engineers to partner with public entities to fund dedicated Corps personnel use

The Natural Resources Team will be developing "Actionable Leave –Behinds" which will serve to reinforce these broad policy objectives. Other Cap-to-Cap teams will be working on other SACOG advocacy principles (Climate Change/Air Quality, Flood Management, Transportation and Blueprint Implementation). Cap-to-Cap provides an additional opportunity to raise these issues on behalf of our region, and complements SACOG's ongoing federal advocacy.

Natural Resources Team issue papers are attached in draft form for your general information; final copy will be distributed at the Committee meeting. The Metro Chamber's Natural Resources Committee developed these with input from SACOG staff to be used during the annual trip, April 25-29, 2009.

Approved by:

Mike McKeever
Executive Director

MM:RS:pm

Attachments

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SIX COUNTY AQUATIC RESOURCES INVENTORY (SCARI)

Requested Actions:

- Support continued funding for SCARI via Stimulus, Corps Regulatory and General Investment funds.
- Advocate that the Corps funding of the Inventory include a categorization and qualification of all water features.
- Advocate for cost-share partnerships from the Corps' sister federal and state agencies.
- Advocate that a by-product of SCARI be a watershed-based mitigation and CWA permitting strategy which works in concert with the mitigation and conservation requirements of the various HCP and local government decision makers.

Background:

In 2006, Secretary John Paul Woodley, Jr., ASA, Civil Works, USACE was introduced to SACOG's Blueprint. While he recognized the innovative planning principles which had earned the Blueprint National merit, absent an overlay of our regions waters, he was unable to fashion a permitting strategy to tier off of Blueprint. In late 2008, Secretary Woodley encouraged SACOG to seek USACE funding for an Inventory of those water so that we might bring about a science and watershed based approach to mitigation and planning which would provide a functional lift both environmentally and strategically to permitting actions. In early 2009, SACOG learned that the Sacramento District of the USACE was awarded seed funding to begin the first of a three part assessment of our region.

The Inventory is projected to be complete within 18 months. The aggressive timeline is in accordance with the wishes of our local government partners to work in parallel to their HCP efforts and not in conflict or a step behind. The Inventory process will begin with assessing the library of data which exists currently in the region. Thankfully, due in large part to the innovate path cut by the local governments and SACOG, in creating the Blueprint, and the efforts behind HCP development, a robust amount of data currently exists. In addition to the region's data, SACOG has partnered with Congressional Research Services to utilize the Library of Congress' GIS department to procure needed information. Once gaps are assessed, investments will be made, as necessary to bring the region to parity. Steps two and three will categorize and qualify our resources.

The current funding will not carry us through steps two and three; seen by SACOG as the most critical components of the Inventory. SACOG and the Corps are working aggressively and successfully to identify

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cost-and policy share partners to aide in funding and crafting a process and a product which will not only inform planning and permitting efficiencies, but will ultimately be exportable to other regions in the State and Nationally.

A significant by-product of the proposed inventory will be an expansion of the lens through which we view mitigation and conservation. Ultimately, we will no longer be assessing projects within parcel boundaries but within the context of the region by using qualitative assessments and key resource locations on a landscape level. This approach recognizes the overall functionality of the ecosystem and takes us away from mitigation and conservation which is not economically or environmentally sustainable.



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BUILDING UPON ‘THE BLUEPRINT’ – SACOG’S NEXT CHAPTER RURAL URBAN CONNECTIONS STRATEGY (RUCS)

HOW DO WE MAKE IT ECONOMICALLY FEASIBLE TO BE ENVIRONMENTALLY SUPERIOR?

The Sacramento Region has been one of the Nation’s leaders in demonstrating how regional cooperation can lead to adoption of comprehensive growth plans and strategies, as established in the SACOG Blueprint, as well as being a model on how to address regional issues such as air quality, natural resources, affordable housing and critical infrastructure needs. The Blueprint, launched in 2002, addresses how to shrink the footprint of urban development while addressing the economic bottom line.

In January of 2008, SACOG launched the Rural Urban Connections Strategy (RUCS), and in doing so, addressed the needs of their rural partners. The core objective of the RUCS project is to help realize the vast importance of keeping our rural lands rural. The RUCS project seeks to go well beyond recognizing the aesthetics of the rural landscape but endeavors to understand and quantify how it can be economically feasible for rural lands to remain rural.

A cornerstone of making rural lands economically stable and viable as they are is to identify the value these lands currently provide through supporting habitat, flood protection, carbon sequestration and as a local food source, to name a few. Further, the studies which will be conducted via the RUCS project will hopefully inform how our rural partners can optimize their economic status through innovation and strategic partnerships with the federal resource agencies and others.

The Region is endeavoring to launch several efforts to aide in making it all the more feasible for urbandevelopment to be consistent with the Blueprint, and for regulatory practices to both incentivize smart growth and rural landscape stability.

SMART GROWTH AND LAND CONSERVATION – COMBINING THE GREEN WITH THE GREY

Requested Actions:

- Advocate Regions allotment of Stimulus dollars to affect all aspects of project delivery including mitigation strategies and O&M Functions
- Advocate federal agency collaboration in early planning and working to build the “carrot”, incentivizing innovation and partnership



Background:

The Sacramento region, thanks in large part to its reputation of being ahead of the curve on land use and air quality issues, but also due to timely project delivery at the local level, has historically competed very successfully for federal funding on a variety of projects and was recently awarded in excess of \$400(?)M in stimulus funding. The practices of prompt project delivery and innovation should be mirrored by our partners in the federal resource agencies, and now, more than ever, work collaboratively to ensure that the federal investment made in this region is not lost due to inefficiencies or an inability of the federal agencies to aggressively process project applications due to poor guidance or fear of litigation.

While the region is experiencing a downturn in the economy, all efforts should be focused on preparing a regulatory framework upon which both short and long term economic recovery will be quickly achieved while still meeting conservation goals. To that end we would advocate for the following:

- Interagency cooperation on helping local governments make HCP's, approved transportation delivery, and broad planning initiatives more economically feasible for the regulated community.
- Intra-agency peer review, utilizing entire chain of regulatory command to aide in policy based decision making.
- HQ level primer on CEQA and to develop a policy regarding the use of NEPA (EISs vs. EA/FONSI).
- Assess ability for private entities to indemnify federal agencies from litigation impacts.
- Foster interagency partnerships with local governments to determine how practices which positively impact the core missions of the agencies can be realized as an economic benefit to our rural partners.
- Expedite the de-listing decision for the Valley elderberry longhorn beetle



TRANSPORTATION

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SACRAMENTO INTERMODAL TRANSPORTATION FACILITY TRACK RELOCATION

Requested Actions:

\$14.6 million in FY 2010 Transportation & Treasury Appropriations Bill (Section 9002 – Federal Railroad Administration) for the Sacramento Intermodal Transportation Facility (SITF) Track Relocation project in Downtown Sacramento.

Background:

For the fourth year in a row, the Sacramento Area Council of Governments (SACOG) has identified the SITF as the region's highest priority transportation project for federal funding. The project involves revitalization of the City of Sacramento's historic rail depot building in Downtown Sacramento and creation of a premier regional transportation hub. The Intermodal station will serve the region's wide range of transportation modes with regional and statewide service benefits anticipated to serve 15 million patrons by 2025. The City has secured private reinvestment in the properties surrounding the Intermodal station to maximize the land use, transportation, and air quality benefits of this significant infrastructure investment. The SITF is part of the largest urban infill project in the nation known as *The Railyards*, a high density, 240-acre mixed-use development that will create more than 75,000 jobs and have a \$33 billion economic impact on the region.

Phase I of the SITF project is Track Relocation which will relocate and straighten the mainline Union Pacific freight and passenger rail tracks in the Sacramento Depot station area. The track relocation will include new passenger platforms and pedestrian connections to the Depot.

Benefits

The Phase I track relocation is critical to the overall improvements to the Intermodal facility and the larger 240-acre site development and will allow for:

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- increased capacity for both freight trains and passenger service on the shared Union Pacific line between Nevada and the Sacramento region,
- improved regional rail service on the Amtrak Capitol Corridor service through Placer, Sacramento, Yolo, and Solano counties en route to the San Francisco Bay Area,
- improved safety by reducing passenger-rail conflicts and improved security for the Robert T. Matsui United States Courthouse adjacent to the current rail line alignment.
- additional infrastructure (extension of City streets and public services/utilities) to be constructed, facilitating the Railyards development.
- ultimate creation of a destination civic facility serving cultural, retail, office, events, and other activities in addition to transportation functions.

The City anticipates completing track relocation construction by the end of 2010.

The total cost of the Phase I project is estimated at \$56.17 million. In FY 2008/2009, Congress appropriated \$1,342,000 in Section 9002 funds and the City of Sacramento subsequently submitted an application to the Federal Railroad Administration (FRA) for \$5 million of Section 9002 competitive funds. SACOG and the City are asking Congress to provide an additional \$14.6 million of Section 9002 funds in FY10. If all the requests are awarded, the project budget will include nearly \$20 million in FRA funds. The American Recovery and Reinvestment Act of 2009 also provided an additional \$20 million in federal stimulus funds for the project. The federal funds will be matched with State Proposition 1B Trade Corridor Improvement Funds, Sacramento County Transportation Sales Tax, and private development funds.

The greater Sacramento region, including the counties of Sacramento, Placer, El Dorado, Yuba, Sutter and Yolo, and the 22 cities within them, recognize the regional asset represented by completion of the Intermodal project. Currently, the Sacramento Valley Station, also known as the Depot, is the regional transportation link for Amtrak and the Capitol Corridor commuter rail service. With 16 daily roundtrip trains connecting Sacramento and the San Francisco Bay Area, this is the third busiest intercity passenger rail route in the United States. The planned Intermodal station will be a central connection point for intercity and local buses, light rail transit, passenger rail, and future regional and high speed rail service for the six-county metropolitan region.



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FORESTRY

Requested Actions:

- Advocate for federal partners to support fire suppression services via appropriate funding and policy oversight.
- Advocate continued study and funding of Innovation which converts forest fuels to biomass.
- Advocate for continued study of carbon sequestration on forested lands which are managed with that purpose in mind.
- Advocate for increased economic appreciation of the upland watershed as a component to regional mitigation.

Background:

[To Be Completed-Draft only](#)



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WRDA, SECTION 214 – USACE

Requested Actions:

- Permanently remove sunset provision (authority currently set to expire on 12.31.09), allowing for perpetual authority to be granted to the USACE to allow public funds to be expended for dedicated staff.
- Assure that USACE HQ Guidance on 214 authority in the Sacramento District is reflective of CA State Proposition 13.
- Ensure that USACE HQ will back-fill funding needs as practicable until authority is extended or sunset provision removed.

Background:

The Water Resources Development Act of 2000 (WRDA 2000, Public Law No. 106-541) as amended, allows the Corps to accept funds from non-federal public entities to provide priority review of their permit applications.

This authority was extended under Section 2002 of Water Resources Development Act of 2007 (PL 110-114) until December 31, 2009.

Non-federal public entities are comprised of state and local governmental agencies and Indian tribal governments. They include, but are not limited to, local transportation agencies, port authorities, flood and storm water management agencies, and governmental economic development agencies.

The Corps' Regulatory Program is funded as a congressionally appropriated line item in the annual Federal budget. Additional funds received by the Sacramento District from a non-Federal public entity are used to augment the Sacramento District Regulatory budget, in accordance with the provisions of WRDA 2000 and EWDA 2004. Funds are used primarily to hire additional staff to expedite the evaluation of permit applications designated by the non-Federal public entity.

To ensure funds received from a from a non-Federal public entity will not impact impartial decision-making, the following procedures have been established:



- a. All final permit decisions for cases where these funds are used must be reviewed at least by one level above the decision maker, unless the decision maker is the District Commander.
- b. All final permit decisions for cases where these funds are used will be made available on the Sacramento District web page.
- c. The Corps will not eliminate any procedures or decisions that would otherwise be required for that type of project and permit application under consideration.
- d. The Corps will comply with all applicable laws and regulations.
- e. Funds will only be expended to provide priority review of the participating non-federal entity's permit application

In 2007, the GAO undertook a study to assess the use of the 214 authority nationally. The findings of the GAO supported Sacramento District's management, but questioned the linkage of public and private projects. However, due to Proposition 13, the linkage is mandated, and recognition of this fact is requested of USACE HQ; this mandated linkage should be reflected by refining the implementation Guidance which was proffered 10.01.08 for use by the Sacramento District USACE. This committee therefore asks that USACE HQ amend the Guidance to detail the unique fiscal setting in California created by Prop. 13, and to thereby underscore the ability of WRDA-funded USACE employees to work on private/public projects. Further, we request that the Guidance be clarified to detail the working relationship between the WRDA sponsor and the WRDA-funded USACE employee.

Further, until such a time that section 214 is extended or the sunset provision be removed permanently, this committee requests the USACE HQ support Sacramento District in maintaining and continuing to build upon the 214 program by assuring funding to backfill any potential disturbances to the program.

With the Sacramento Region poised to receive more than \$40MM in stimulus dollars, it is ever-important that the WRDA 214 remain available for the following entities which currently sponsor a WRDA 214 person:

Sacramento County
City of Elk Grove
City of Rancho Cordova
City of Roseville
California State Department of Water Resources
CalTrans



Requested next steps:

Members of Congress:

- **Co-sign amendments to extend WRDA Section 214 authority or preferably remove the sunset provision permanently. Co-sign letter urging USACE HQ to refine guidance to reflect CA State Prop 13 and need for more detailed working relationship, and to address with assurances the need to backfill Sacramento District with funding should a temporary disturbance affect the 214 funding stream.**

USACE:

- **Amend the WRDA Guidance provided to the Sacramento District which is reflective of CA State Proposition 13 and assures that private/public projects are entitled to WRDA funding.**
- **Provide guidance to Sacramento District which establishes a more accountable working relationship between WRDA-sponsored employees and their sponsor.**
- **Provide assurances that the Sacramento District will have needed emergency funding should an unexpected interruption in the WRDA 214 authority occur.**



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U.S. Fish and Wildlife Services' Cooperative Endangered Species Conservation Funds (Section 6 of ESA).

Requested Actions:

- Support increases via the Appropriations Subcommittee on Interior to 125 MM in FY10 for the U.S. Fish and Wildlife Services' Cooperative Endangered Species Conservation Funds (Section 6 of ESA).
- Establish competitive grant funding opportunities for O&M Activities
- Expedite investment in data development/acquisition to support recovery planning; ensuring that decision making is based on best available science.

Background:

Since FY01, funding allocations for grants available for HCP's for land acquisition, HCP planning and preparation and Endangered Species Recovery Plan implementation have been decreasing. In FY01, funding for this program was \$104.7MM. By FY08, funding had dropped to 75MM.

Currently, there is a bi-partisan effort in the House, spearheaded by California representatives Ellen Tauscher and Mary Bono Mack to bring the funding level to relative parity. With the increasing interest in Habitat Conservation Plans (there are 5 in active planning in the Sacramento region alone) the CESCFC program is currently receiving requests at two to three times the amount available.

Additionally, in 2005 USFWS released their Voluntary Recovery Plan for Vernal Pool Species, which outlines laudable objectives, but is currently not supported by the data set which is called for in the Recovery Plan prior to implementation. In the Sacramento region the Recovery Plan is currently being utilized as an indicator for mitigation strategies without supporting data layers. Increases in the ESA Section 6 line could fund an effort to better understand the specific vulnerability of the species covered in the Recovery Plan and inform commensurate conservation efforts. In addition, there should be emphasis in supporting the funding of O&M activities at levels to ensure that the cost of these activities does not rest solely with local governments and the regulated community. This is especially true given the downturn in the housing market and in the economy more generally, should not by default result in a downturn in conservation efforts.

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Requested next steps:

Members of Congress:

- **Support the efforts of Reps Bono Mack and Tauscher via a programmatic request (letter attached).**
- **Co sign a letter to Secretary Salazar urging emphasis on O&M funding efforts and investment in data acquisition to support endangered species recovery planning**