



## SACOG Board of Directors

## Item #09-4-12 Report

April 8, 2009

### Executive Director's Report

*The following is a brief status report on some of the major issues and projects currently being advanced by SACOG.*

**Cap-to-Cap:** The annual program is set for April 25-29, 2009. Chair Thomson, Vice-Chair Clare, Past Chair Thomson and Director Budge who has been working closely with the Corps of Engineers will be attending on behalf of SACOG. Rebecca Sloan and Matt Carpenter, SACOG staff will also be attending.

**Rancho Cordova Sphere of Influence and Regional Housing Needs Allocation Update:** After the March 19 Board meeting resulting in three failed motions, staff continues to work with both the city of Rancho Cordova and Sacramento County regarding a compromise solution. In the event that both parties agree to an allocation of housing units that transfers with the annexation of the sphere of influence, then this issue would not need to come back to the SACOG Board.

**Update on RUCS/Sacramento County Ag Tour:** Due to a conflict with Bike to Work Day and SAFCA, the Sacramento County Ag tour scheduled for May 21<sup>st</sup> will be rescheduled. Staff is diligently working to determine a date that will allow as many board members as possible the opportunity to participate on the tour. The SACOG Board will still meet on May 21<sup>st</sup> at 9:00 a.m. for the SACOG Board meeting.

**Update on May is Bike Month:** May is Bike Month will kick off May 1 with a press conference held by the campaign's honorary co-chairs, Roseville Councilmember and SACOG Director Jim Gray and Davis Mayor Pro Tempore and SACOG Director Don Saylor at River Walk Park in West Sacramento. Following the press conference, Sacramento Area Bicycle Advocates (SABA) will lead a ride touring some of the area's new and upcoming bicycle facilities. The press conference will begin at 11:30 am and the ride will commence at noon. On May 21, the Sacramento region will celebrate Bike to Work Day with events across the region including morning rides and a bike festival at the west steps of the capitol. This year's bike festival will be complemented by the "Step Into Fitness Faire" taking place at the same time on the south steps of the capitol. The "Step Into Fitness Faire" encourages healthy eating and regular exercise. Bicycle safety and education classes, rides and local events throughout the month as well as additional information can be found at [www.mayisbikemonth.com](http://www.mayisbikemonth.com). Bicyclists can also register and log their miles on the website.

**KEY BOARD ITEMS:**

**Federal Authorization Project List:** On April 2, SACOG was asked by our Congressional Delegation to submit High Priority Projects (HPP) for the next surface transportation authorization bill this month to them by April 22. Staff has worked with jurisdictions, transit agencies, and air districts in the region to determine what projects are being submitted for HPP consideration. Staff will provide a list at the board meeting of projects recommended for SACOG to sponsor along with a list of other projects local agencies will likely sponsor for HPP consideration. See agenda item #8 for further information.

**RECEIVE AND FILE ITEMS:**

These items were information items sent through the Committee cycle. If you have any questions, please call me prior to the meeting. Backup material for each item is attached and any of these items can be discussed during Other Matters, if the Board so chooses.

1. Update on State Advocacy - Principles Aligned with Legislative Bills
2. Federal Advocacy Update - Cap-to-Cap Transportation
3. Federal Advocacy Update - Cap-to-Cap Natural Resources
4. Army Corps of Engineers - Woodley Dinner Update

**CALENDAR:**

|                     |   |       |
|---------------------|---|-------|
| May 7 @ 10:00 a.m.  | Transportation Committee                        | SACOG |
| May 7 @ 1:00 p.m.   | Climate & Air Quality Committee                 | SACOG |
| May 11 @ 10:00 a.m. | Land Use & Housing Committee                    | SACOG |
| May 11 @ 1:00 p.m.  | Government Relations & Public Affairs Committee | SACOG |
| May 21 @ 9:00 a.m.  | SACOG Board of Directors                        | SACOG |



Mike McKeever  
Executive Director

Attachments

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April 8, 2009

## **Update on State Advocacy – Principles Aligned with Legislative Bills**

SACOG staff and its state advocate, Jack Molodanof, have been reviewing legislation introduced this year. Legislation that relates to SACOG's State Advocacy Principles are grouped with the appropriate principle. A brief summary of each bill is attached. Staff will monitor these bills, add new bills which become relevant to the state advocacy plan, report back as bills progress, and bring forward recommendations for Board positions.

**Economic Recovery**—Caltrans is seeking to change distribution of federal stimulus funds through AB X3 20 (Bass).

**Project Delivery**—Part of the budget package passed in February included a limited expansion of design-build projects which also authorizes Caltrans and regional transportation agencies to enter into unlimited number of public-private partnerships agreements (SB X2 4-Cogdill). AB 729 (Evans) would extend design build for transit, and AB 878 (Caballero) would allow for additional public-private agreements.

**Project Financing**—ACA 9 (Huffman) would change the two-thirds voter approval requirement of local jurisdictions to 55 percent for local transportation measures, as currently exists for education. SB 205 (Hancock) would authorize countywide transportation agencies, with voter approval, to impose an annual \$10 fee on motor vehicles to be used for transportation purposes.

**Climate Change/AB 32 Implementation**—SB 721 (Steinberg) would create the Climate Action Team to coordinate the state's overall climate policy. AB 231 (Huffman) would establish a new state account to receive AB 32 fees and offset payments.

**SB 375 (Implementation)**—SB 575 (Steinberg) is the clean up bill for SB 375 of 2008. SB 406 (DeSaulnier) would authorize the MPO to impose a \$2.00 fee on motor vehicles and percentage to be used for regional Blueprint planning. AB 1414 (Hill) is a spot bill to deal with transportation planning. AB 1135 (Skinner) would require vehicle owners to report the odometer reading of their vehicle at the time of vehicle registration.

**Infrastructure Bonds**—AB 1072 (Eng) would appropriate funds from Proposition 1B.

**Goods Movement**—SB 632 (Lowenthal) would require the ports of Los Angeles, Long Beach and Oakland to assess their infrastructure and air quality improvement needs and identify funding options.

**Williamson Act**—SB 715 (Wolk) would reform and improve the Williamson Act.

Attachment

## 2009 SACOG State Legislative Tracking

### Economic Recovery

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#### **AB X3 20 (Bass)—Federal transportation economic stimulus funds**

The State Assembly and Senate have unanimously passed a new bill that revises state statute on how federal American Recovery & Reinvestment Act (ARRA) funds will be provided towards projects identified by the state and regions. The bill seeks to strike a balance among several goals: maximize federal funds through meeting all federal obligation deadlines; provide a significant spending boost to the State Highway and Operation Protection Program (SHOPP); provide a short-term cash flow loan to eligible Proposition 1B projects halted due to delayed bond sales; and geographic balance to ensure jobs and transportation improvements in all regions of the state.

### Project Delivery

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#### **SB X2 4 (Cogdill)—Public contract: design-build: public private partnerships**

Public-Private Partnerships for Transportation: Authorizes Caltrans and regional transportation agencies to enter into an unlimited number of comprehensive development lease agreements with public or private entities for transportation projects until January 2017. Establishes the Public Infrastructure Advisory Commission to advise Caltrans and regional transportation agencies in developing public-private partnerships. Vests responsibility with the CTC to oversee the process of approving projects for public-private partnerships and requires authorized projects to be designed primarily to improve mobility by reducing the number of hours of vehicle delay, improve the operation or safety of a corridor, provide air quality benefits, and address known forecast demands.

Design Build for Transportation: Authorizes local transportation entities to use design-build on up to five projects for local streets or road bridge, tunnel or public transit projects, and Caltrans to use design-build on up to 10 state highway, bridge, or tunnel projects until January 2014. Prescribes the procurement procedure to be used for soliciting and awarding design-build contracts. Requires the existence of a labor compliance program or a collective bargaining agreement for each design-build project. Requires a transportation entity, by June 30 of each year after a design-build contract is awarded, to submit a progress report to the CTC. The projects were not named in the bill.

#### **AB 729 (Evans)—Public contracts: transit design-build contracts**

This bill would extend existing authorization of design build for transit, currently sunsetting in 2011.

#### **AB 878 (Caballero)—Infrastructure financing**

This bill would authorize a local governmental agency to enter into an agreement with a private entity for financing for specified types of revenue-generating infrastructure projects. The bill would require an agreement entered into under these provisions to include adequate financial resources to perform the agreement, and would permit the agreements to lease, license, or provide other permitted uses by the governmental agency to extend for a term of up to 50 years, after which time the project would revert to the governmental agency.

### Project Financing

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#### **ACA 9 (Huffman)—Local government bonds: special taxes: voter approval**

This measure would create an additional exception to the 1 percent limit for a rate imposed by a city, county, or city and county to service bonded indebtedness, incurred to fund specified public improvements, facilities, and housing, and related costs that is approved by 55 percent of the voters of the city, county, or city and county, as applicable. This additional exception would apply only if the proposition approved by the voters results in bonded indebtedness that includes specified accountability requirements.

This measure would change the 2/3 voter-approval requirement for special taxes to, instead, authorize a city, county, or special district to impose a special tax with the approval of 55 percent of its voters voting on the tax. This measure would also make technical, nonsubstantive changes to these provisions.

This measure would lower to 55 percent the voter approval threshold for a city, county, or city and county to incur bonded indebtedness, exceeding in one year the income and revenue provided in that year, that is in the form of general obligation bonds to fund specified public improvements.

#### **SB 205 (Hancock)—Traffic congestion: motor vehicle registration fees**

The bill would authorize a countywide transportation planning agency, by a majority vote of the agency's board, to impose an annual fee of up to \$10 on motor vehicles registered within the county for programs and projects for certain purposes. The bill would require voter approval of the measure. The bill would require the DMV, if requested, to collect the additional fee and distribute the net revenues to the agency, after deduction of specified costs, and would limit the agency's administrative costs to not more than 5 percent of the distributed fees. The bill would require that the fees collected may only be used to pay for programs and projects bearing a relationship or benefit to the owners of motor vehicles paying the fee, and would require the agency's board to make a specified finding of fact in that regard. The bill would require the governing board of the countywide transportation planning agency to adopt a specified expenditure plan.

### **Climate Change/AB 32 Implementation**

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#### **SB 721 (Steinberg)— Energy: greenhouse gas emissions**

This bill would create the Climate Action Team (CAT), consisting of representatives from specified state agencies, that would be responsible for coordinating the state's overall climate policy. The CAT, on or before January 1, 2011, and annually thereafter, would be required to prepare, adopt, and present to the Legislature, a strategic research, development, demonstration, and deployment plan that establishes priorities and identifies key expenditure categories for research, development, demonstration, and deployment funds to be expended by the state agencies represented on the CAT for the following fiscal year. The bill would require a state agency that is represented on the CAT to expend research, development, demonstration, and deployment funds, which would be administered by the Department of Transportation and allocated for clean technology, environmental protection, and public interest energy research, consistent with this plan. The CAT, on or before January 1, 2011, and biennially thereafter, would also be required to prepare and adopt a climate change impact mitigation and adaptation plan that includes specified information.

This bill would, instead, require the specified state agencies to prepare and submit to the CAT, the information in a standardized format as determined by the Secretary for Environmental Protection. The CAT would compile and organize the information submitted. The bill would additionally require the specified state agencies to submit information on other technologically feasible and cost-effective measures related to operations and programs managed by the state agencies that require statutory or regulatory changes for their adoption, and an estimate of potential GHG emission reductions from those measures.

This bill would provide that demonstration for purposes of this program, includes, but is not limited to, grants and loans to entities to commercialize new, cost-effective technologies in the California marketplace.

#### **AB 231 (Huffman)—Global Warming Solutions Act of 2006: Climate Protection Trust Fund**

This bill would require the ARB to, no later than March 30, 2010, adopt a schedule of fees. The revenues collected would be deposited in the Climate Protection Trust Fund, which the bill would create. All other compliance revenues collected pursuant to the act, including fines and penalties, would be required to be deposited into the fund, and would be available, upon appropriation by the Legislature, for the purposes of carrying out the act.

#### **SB 31 (Pavley)—Global Warming Solutions Act of 2006: revenue allocations**

This bill would require that revenues collected pursuant to compliance mechanisms adopted by the state board also be deposited in the Air Pollution Control Fund. This bill would specify certain uses of the revenues collected pursuant to the fee discussed above and the compliance mechanisms.

### **SB 375 (Implementation)**

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#### **SB 575 (Steinberg)— Local planning: housing element**

This is the clean up bill for SB 375 of 2008. Currently, the bill would extend the period local governments within the San Diego Association of Governments region have to adopt their 5<sup>th</sup> revision of their housing elements. Other clean up provisions are expected to be amended into this bill.

#### **SB 406 (DeSaulnier)—Land use: environmental quality**

This bill would change the membership of the Planning Advisory and Assistance Council and would require that the council work with the Strategic Growth Council. The bill would also require the council to report to the Legislature on specified regional performance measures and on the manner in which state agencies are implementing the five-year infrastructure plan. The bill would authorize a municipal planning organization or council of governments to adopt a resolution to impose a \$2 motor vehicle registration surcharge on vehicles registered in the entity's jurisdiction that would be collected by the Department of Motor Vehicles and, after deducting its administrative costs, would be transmitted to the entity imposing the surcharge. The bill would require that the surcharge revenue be expended to develop and implement a regional blueprint plan and would specify that 5 percent of the surcharge revenue be transmitted to the council for performance of its functions. The bill would provide that the council is to perform specified new functions only when the council has received sufficient revenue from this source.

**AB 1414 (Hill)—Transportation planning**

This is a spot bill to deal with transportation planning.

**AB 1135 (Skinner)—Vehicles: registration renewal**

This bill would require the owner of a vehicle, upon application for renewal of a vehicle registration, to report the current odometer reading of the vehicle. The bill would require that information, except for the name of the vehicle owner, to be public information.

**Infrastructure Bonds**

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**AB 1072 (Eng)—Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA)**

This bill would apply provisions to PTMISEA funds from Proposition 1B of 2006. The bill would require eligible project sponsors to provide the Department of Transportation with project descriptions for projects they plan to fund with PTMISEA funds yet to be appropriated for the duration of the PTMISEA program. Existing law is set to make these provisions inoperative July 1, 2009 and repeal them January 1, 2010. The bill would delete these dates, thereby extending the operation of these provisions indefinitely.

**Goods Movement**

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**SB 632 (Lowenthal)—Ports: congestion relief: air pollution mitigation**

This bill would require the ports of Los Angeles, Long Beach and Oakland to assess their infrastructure and air quality improvement needs and identify funding options. SB 632 (Lowenthal) is the successor to SB 974 (Lowenthal) of the 2007-08 Session, which was vetoed by the Governor. SB 974 would have collected a \$30 fee for each cargo container entering the ports of Los Angeles, Long Beach and Oakland. The proceeds from these fees would have been used for congestion relief, air quality improvement and other measures at the ports as well as along the road and rail corridors between the port and the state border. SACOG was successful in seeking an amendment to SB 974 to include the Sacramento region in the area being considered for investment, and SACOG and PCTPA among the agencies consulted when determining where to spend the funds for congestion and air quality improvements.

As introduced, SB 632 does not specify a specific funding method. SB 632 would require the specified ports to assess its infrastructure and air quality improvement needs as well as all of the possible funding options for those projects and report their findings to the Legislature by July 2010. The assessments would include, but not be limited to, projects that improve the efficiency of the movement of cargo while reducing pollution associated with the movement of that cargo, and the replacement of the trucks, cargo handling equipment, locomotives, and ships that move that cargo.

**Williamson Act**

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**SB 715 (Wolk)—Agricultural land: Williamson Act.**

The California Land Conservation Act or “Williamson Act” of 1965 has been successful in maintaining large amounts of land in agriculture by offering property tax benefits to participants in exchange for long-term land preservation contracts. Recently, the Governor’s office and the Legislative Analyst have argued that the Act is not working efficiently due to abuses by landowners leading to recent attempts to eliminate Williamson Act subventions from the state budget. SB 715 (Wolk) would reform the Williamson Act to address enforcement concerns by reforming three key elements. First, it would increase enforcement authority by eliminating the non-renewal protest provision and accelerate property tax increases to market rate when non-compliance leads

to a jurisdiction's determination of non-renewal. Currently, a landowner subject to non-renewal can protect their tax benefits for four years by filing a protest. And when a non-renewal is activated, property taxes increase to market rate over the entire remaining period of the contract, which can be as much as 10 years. Second, the bill would require proof of agricultural income be submitted to the county assessor for lands under contract. Currently, lands taken out of production still benefit from the Williamson Act and enforcement efforts are cumbersome. Third, the bill would condition the subdivision of land for development if the land is under contract. Currently, some lands under contract are being subdivided for residential uses that are not compatible with the Williamson Act. The bill is sponsored by Yolo County and supported by the California Farm Bureau Federation.



**Receive & File #2**

April 8, 2009

## **Federal Advocacy Update – Cap-to-Cap Transportation**

The Transportation Team for the Metropolitan Chamber's Cap-to-Cap trip has been meeting since January to develop its advocacy strategy for transportation, under the leadership of co-chairs Brian Dowd and Maggie Townsley. Among the criteria for specific projects to be included, the team requires that transportation projects be included in the Metropolitan Transportation Plan for 2035 (MTP2035). This is consistent with the federal requirement that any transportation project using federal funds be included in the MTP.

The Metro Chamber's Transportation Team proposes pursuing the following channels of advocacy: Regional Priority – Sacramento Intermodal Terminal Facility Track Relocation, Port of West Sacramento Channel Deepening Project, Metropolitan Corridor Mobility, Economic Stimulus Project Delivery Status Report, Goods Movement, Transit (South Line Light Rail Extension, Buses and Bus Facilities), Transportation Authorization Policy Priorities, and Jurisdictional Priorities. These policies are consistent with the SACOG Board's federal advocacy principles for Economic Recovery Funding, Transportation Authorization and Discretionary Transit Funding. Other Cap-to-Cap teams will be working on other SACOG advocacy principles including: Climate Change/Air Quality, Flood Management, Natural Resources 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.

Several of the Transportation Team issue papers are attached for your general information. The Metro Chamber's Transportation Committee developed these with input from SACOG staff to be used during the annual trip. April 25-29, 2009.

Attachments



## TRANSPORTATION

**Team Co-Leaders:** Maggie Townsley, ICF Jones & Stokes, 916-737-3000  
Brian Dowd, Granite Construction Company, 916-855-4505  
Fran Halbakken, City of Sacramento, 916-808-7194  
Troy Holt, City of Rancho Cordova, 916-390-9538  
Matt Kelly, Sacramento Sierra Building Trades, 916-924-0424  
Mike McKeever, Sacramento Area Council of Governments, 916-321-9000  
Mike Wiley, Sacramento Regional Transit District, 916-321-2989  
Tom Zlotkowski, Capital SouthEast Connector JPA, 916-231-9094

**Issue Contact:** Fran Halbakken, City of Sacramento, 916-808-7194  
Rebecca Sloan, Sacramento Area Council of Governments, 916-321-6224

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## SACRAMENTO INTERMODAL TRANSPORTATION FACILITY TRACK RELOCATION

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### **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:

# Sacramento Metro Chamber **CAP TO CAP 2009**



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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, Congress appropriated \$392,000 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 federal funds will be matched with over \$36 million from 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.



## TRANSPORTATION

Team Co-Leaders: Maggie Townsley, ICF Jones & Stokes, 916-737-3000  
Brian Dowd, Granite Construction Company, 916-855-4505  
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Troy Holt, City of Rancho Cordova, 916-390-9538  
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Mike McKeever, Sacramento Area Council of Governments, 916-321-9000  
Mike Wiley, Sacramento Regional Transit District, 916-321-2989  
Tom Zlotkowski, Capital SouthEast Connector JPA, 916-231-9094

Issue Contact: Rebecca Sloan, Sacramento Area Council of Governments, 916-340-6224

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### FEDERAL SURFACE TRANSPORTATION AUTHORIZATION POLICY PRIORITIES

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**Requested Action:** Support surface transportation authorization prior to the expiration of SAFETEA-LU to ensure continuity in the flow of federal transportation funds.

**Background:**

Congress should consider the following policy priorities:

- Increase federal revenues and make funding more flexible and performance based
- Streamline environmental review to expedite project delivery
- Enhance mobility through congestion relief within and between metropolitan areas
- Support safety and security including rural road safety
- Require coordinated land use, transportation and environmental planning and make greenhouse gas reductions a factor in transportation funding
- Ensure transparency in the earmark and appropriations process

Increase federal revenues and make funding more flexible and performance based

As infrastructure deteriorates and congestion increases, new, stable, flexible and adjustable funding sources are needed to keep the system functioning. Performance-based funding would provide greater value than categorical programs. We recommend that Congress:

- Raise the current motor fuel tax by 25 cents per gallon over five years, with increases linked to a construction (or site-specific) cost index.
- Consolidate programs and develop a performance matrix for project funding that considers mobility, accessibility, safety, air quality, greenhouse gas emissions and land uses. Prioritize funds for capital expansion projects that reduce VMT and GHG emissions and areas in non-attainment for air quality.
- Enable more private funding to enable greater local options for construction funding as well as system operations
- Expand project eligibility within programs and increase flexibility among programs, including greater local control.

Streamline environmental review to expedite project delivery



Projects take many years from conception to completion, but environmental review and permitting process reforms would improve timely and efficient project delivery. We recommend that Congress:

- Make the time-saving pilot program of NEPA delegation to the state of California permanent, and consider extending this delegation to air quality determinations.
- Integrate transportation and environmental planning, and streamline permits for concurrent projects and mitigation that comes out of the Regional Transportation Plan
- Require regulatory and resource agencies to engage actively, collaboratively and substantively in planning and project development at early stages
- Simplify the NEPA process for projects with few significant impacts.

Enhance mobility options and congestion relief within and between metropolitan areas

California is home to the six of the 25 most congested metropolitan areas in the nation. Congestion relief would reduce exposure to air pollutants and allow efficient movement of goods through California, increasing the nation's ability to remain globally competitive and generate jobs. We recommend that Congress:

- Increase local flexibility to incentivize projects aligned with supportive land uses and aimed at reducing congestion and promoting mobility.
- Increase state flexibility to implement performance-based infrastructure projects and public-private partnerships, including interstate tolling and innovative financing.
- Create and fund a program to relieve congestion at ports and along highways and railways that are now acting as trade barriers and creating environmental hot spots.
- Prioritize funding for states that have self-funded goods movement projects.
- Include adequate funding to mitigate the environmental and community impacts associated with goods movement.

Support safety and security, particularly for rural roads and access

Our transportation system also needs to be safer for all users—motorists, pedestrians, bicyclists and transit riders. We recommend that Congress:

- Increase funding for safety projects and programs aimed at reducing fatalities, especially on the secondary highway system and county roads where fatality rates are the highest.
- Support the improvement of public transit services and mobility options for seniors and people with disabilities by efforts including safer vehicles for seniors, accommodation on local roads, accessible stops and facilities, and driver safety programs.
- Integrate new safety technologies, including improved data collection and monitoring.
- Fund a national program to provide enhanced user security from harassment on our nation's transportation systems, including public transit.

Require coordinated land use, transportation and environmental planning, and make greenhouse gas reductions a factor in transportation funding

California's Senate Bill 375 of 2008 is based on the the region's smart growth Blueprint. SB375 addresses climate change through linking transportation and land use planning with affordable housing and environmental review reform. SB 375 requires regions to use technical tools, public engagement and coordination across planning disciplines for transportation and land use planning. One way communities



benefit from this new approach is through streamlined environmental review for certain hard-to-build infill projects, such as transit-oriented developments. We recommend that Congress:

- Require regional land use plans to be coordinated with transportation planning.
- Allow environmental streamlining of projects, consistent with regional plans.
- Link transportation and land use plans to federal greenhouse gas reduction targets, if and when established.
- Streamline NEPA review for hard-to-build infill projects where the regional transportation-land use plan is being implemented directly.

#### Ensure transparency in the earmark and appropriations process

Transparency and accountability are critical to the future success and support of the federal surface transportation program. Our region has made every effort to ensure the public is involved in transportation planning. We recommend that Congress:

- Require projects funded through appropriations be reviewed and justified through the public process.
- Require that appropriations requests are consistent with local, regional, state or federal planning processes.



## TRANSPORTATION

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Mike Wiley, Sacramento Regional Transit District, 916-321-2989  
Tom Zlotkowski, Capital SouthEast Connector JPA, 916-231-9094

**Issue Contact:** Brian Dowd, Granite Construction Company, 916-855-4505

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## SACRAMENTO REGION METROPOLITAN MOBILITY

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### Requested Actions:

Fund priority regional federal highway projects as authorized under SAFETEA-LU and its successor.

### Background:

The Sacramento region's transportation system depends heavily on major interstate, highway, rail and regional transportation corridors. The highlighted priority projects on these corridors have multi-jurisdictional support and provide regional congestion relief, goods movement and economic development benefits. All of the projects address significant congestion problems and have identified state and local dollars available to leverage the requested federal funds. Each of these projects is included in the Sacramento Area Council of Governments (SACOG) Metropolitan Transportation Plan (MTP) for 2035, which supports the Sacramento region's innovative Blueprint land use plan.

Sacramento region metropolitan mobility projects fall into the following categories:

#### **New or Widening of an Existing Roadway/Highway**

- **Lincoln Bypass Phase 2, \$4 million, Placer County** – This second phase will add two more lanes to an on-going project that is constructing a bypass around the City of Lincoln on SR 65. The bypass is critical to mitigate congestion, promote traffic efficiency, and improve access to jobs on SR 65 as it travels through downtown Lincoln.
- **International Drive/Folsom South Canal Bridge, \$2 million, City of Rancho Cordova** – The project, located on the south side of Highway 50, is part of a phased plan to convert International Drive from a local street to a regional arterial, which will relieve congestion on two major regional corridors.
- **Hazel Avenue Widening, \$5 million, Sacramento County** – This project will widen a key north-south connection between US 50 and Placer County, which is one of the few crossings of the American River, from four to six lanes, and will also include the construction of new bicycle and pedestrian facilities.



- **Capital SouthEast Connector; Kammerer Road Extension, Railroad Overcrossing, and I-5/Hood-Franklin Interchange, \$5 million; and Grant Line Road project, City of Elk Grove, \$5 million** – These are two of a series of projects that will provide parallel relief to I-5, and Highways 50 and 99 and enhance mobility, aid economic vitality, and preserve open space.

#### **New or Renovation of an Existing Interchange**

- **Reconstruct Highway 50/Watt Avenue Interchange, \$5 million, Sacramento County** – The project will improve traffic flow, install the initial working segment of Bus Rapid Transit, construct dedicated bicycle and pedestrian pathways, and construct related intersection and transit access improvements.
- **Highway 50 Western Placerville Interchanges, \$5 million, El Dorado County** – The project will add capacity and operational efficiency to a congested interchange, and support regional economic vitality through improved transportation of goods, services and citizens along US Highway 50.
- **Interstate 5/State Route 113 Connector, \$2.1 million (\$20 million reauthorization request), City of Woodland** – The project will construct a freeway-to-freeway connector between I-5 and SR 113 in the City of Woodland, which will complete the only alternate east-west connection to Interstate 80 in the Sacramento region.

#### **New or Expansion of Alternative Transportation Modes**

- **Davis-Woodland Alternative Transportation Corridor, Yolo County, \$500,000** for construction of a bike path and electric-vehicle corridor between the Cities of Davis and Woodland. The cities and Yolo County are partnering to develop an off-road bike path between Davis and Woodland that can also allow neighborhood electric vehicles. The project will provide a critical connection for bicycles along the eastern side of the cities and the county.
- **Interstate 5 Bus/Carpool Lanes, Caltrans, \$5 million** for final design – This project will construct HOV lanes and other operational improvements on I-5 in Sacramento County from the planned Cosumnes River Boulevard interchange near the southern limits of the City of Sacramento to downtown Sacramento. This project will significantly reduce congestion and provide more reliable peak period travel times for commuters, transit agencies and businesses.
- **Interstate 80 Bus/Carpool Lanes, Caltrans, \$50 million** to begin construction – This project will construct 20 lane-miles of High Occupancy Vehicle (HOV) lanes and other operational improvements on I-80 in Sacramento County from the Sacramento River to Longview Drive, significantly reducing congestion in this corridor.
- **Capitol Corridor Rail Track Improvements, Placer County, \$3 million**, for construction of bypass tracks, station relocation, double tracking, and/or other capacity and operational improvements to permit a daily full 10-round trip schedule to Roseville and 4 round trips to Auburn. The Capitol Corridor rail service is among the most successful in the country, but has only 1 round trip currently serving Placer County. The project would provide the additional rail-track capacity and operational improvements on the Union Pacific right-of-way to facilitate full implementation of the Capitol Corridor passenger rail service to Placer County as well as

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maintain UP freight operations. With some of the highest ridership per train on the line, coupled with the route's location parallel to I-80, added service to Placer has the shared benefit of increasing transit use and removing traffic congestion from I-80.

- **Davis Amtrak Multi-Modal Station Improvements, City of Davis, \$397,069** for construction of improvements to the Amtrak Depot and parking lot in the City of Davis. The project will allow for increased capacity to ridership on the Capitol Corridor and other connections by increasing the number of parking spaces at the station, which is currently a limiting factor for ridership in the area.



## TRANSPORTATION

**Team Co-Leaders:**  
Maggie Townsley, ICF Jones & Stokes, 916-737-3000  
Brian Dowd, Granite Construction Company, 916-855-4505  
Fran Halbakken, City of Sacramento, 916-808-7194  
Troy Holt, City of Rancho Cordova, 916-390-9538  
Matt Kelly, Sacramento Sierra Building Trades Council, 916-924-0424  
Mike McKeever, Sacramento Area Council of Governments, 916-321-9000  
Mike Wiley, Sacramento Regional Transit District, 916-321-2989  
Tom Zlotkowski, Capital SouthEast Connector JPA, 916-231-9094

**Issue Contact:** Ed Scofield, Sacramento Regional Transit District, 916-869-9109

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## TRANSIT

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### Light Rail

**Requested Action:**

Appropriation of \$45 million in FY2010 THUD (5309 New Starts) for South Sacramento Corridor Phase 2 Light Rail Extension project.

**Background:**

The proposed South Sacramento Corridor Phase 2 Project is the highest priority light rail expansion project in the region and will extend RT's South Corridor light rail service 4.3 miles from its existing terminus at Meadowview Road to Cosumnes River College. The Extension will link the rapidly developing South Sacramento corridor with downtown Sacramento and will also connect two Los Rios Community Colleges with a combined enrollment of over 36,000 students. Once downtown, the South Line shares tracks with existing light rail service between Northeast Sacramento and the City of Folsom, providing a convenient and seamless regional transit connection and cost effective transit solution to the region's growing congestion. The project adds four new light rail stations with 2,700 park-and-ride spaces and a major transit center at the Cosumnes River College Station near Highway 99. The LRT project is located within one of the fastest growing areas of Sacramento County. Additional development anticipated to the south along Highway 99 and Interstate 5, and a high rate of employment growth forecasted for downtown Sacramento, have created the need for additional peak-period transportation capacity between the region's southern communities and its central business district (CBD). The CBD is the largest employment center in the region where over 1/5 of the trips are made by transit. By extending light rail south and providing new park-and-ride opportunities, the project is intended to provide an attractive alternative to private automobile trips destined for downtown and other areas served by the system. The project will also help the region meet its air quality goals, while construction of this project will boost the region's economy with 1,700 new jobs.

The South Sacramento Phase 2 light rail extension is expected to generate 2,210 new transit trips and 1,942 hours of user benefit on an average weekday. It will improve air quality in a region currently designated as a severe non-attainment area for ozone and moderate non-attainment for PM<sub>10</sub> under the federal Clean Air Act.



Significant project milestones have recently been reached. In February 2005, FTA approved the project moving forward into the current Preliminary Engineering phase. In February 2008, the FY 2009 New Start Report gave the project an overall favorable rating, i.e. “Medium-High”. In December 2008, RT received notice that FTA had issued the Record of Decision (ROD) on the South Sacramento Light Rail extension Environmental Impact Statement. There was \$7 million included in FY '09 funding for the project. RT has complied with the requirements of the National Environmental Policy Act; RT can now acquire real property needed for the project and is planning to break ground in less than a year.

**Bus Replacement and Bus Maintenance Facility**

**Requested Action:**

Requesting \$39.3 million (Bus Purchase = \$20.5 million / Bus Maintenance Facility = \$18.8 million) in FY2010 THUD (5309 Bus and Bus Facility).

**Background:**

The Sacramento region is requesting funding assistance for three bus maintenance facilities and the region’s bus replacements. RT has purchased a site for a second bus maintenance facility (BMF2) to add near-term capacity for 75-100 buses, a new backup compressed natural gas (CNG) fueling system, and bus wash. The City of Elk Grove transit is seeking funding for a new CNG facility to fuel its bus fleet. The ability to deliver reliable and timely transit service at a reasonable cost is hindered by the present fueling arrangement as the nearest fueling facilities are located outside the city. Yolo County needs improvements to the maintenance and administration facility for Yolobus located in Woodland. Yolobus serves Yolo, Sacramento and Solano Counties. Additionally, appropriations would support the Sacramento region’s replacement of 38 full size buses and 75 paratransit vehicles. The project serves 10 operators in a six-county region.

**Project Overview:**

Greater Sacramento Regional Bus and Paratransit Vehicle Replacement Request

The Region’s transit operators need to replace their buses in a timely manner to ensure continued delivery of high-quality transit services. Both types of buses have their own respective circumstances that make it imperative for the Sacramento region to move ahead with their replacements now. For the duration of SAFETEA-LU (through FY 2009), the Region’s transit providers need to address a large spike in demand for its buses. Accordingly, for both full-size buses and paratransit vehicles, RT is carrying forward a FY 2010 request to fund the replacement of the region’s vehicle needs. The following is a list of transit operators and their requests:

| <b>Jurisdiction</b>         | <b>Paratransit Vehicles</b> | <b>Full Size Buses</b> |
|-----------------------------|-----------------------------|------------------------|
| Davis Community Transit     | 1                           | 0                      |
| El Dorado Transit           | 2                           | 0                      |
| Elk Grove                   | 0                           | 10                     |
| Folsom                      | 4                           | 0                      |
| Paratransit, Inc.           | 20                          | 0                      |
| Sacramento Regional Transit | 45                          | 0                      |
| Sacramento State University | 0                           | 6                      |
| South County Transit        | 3                           | 0                      |

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|                  |           |           |
|------------------|-----------|-----------|
| Unitrans (Davis) | 0         | 15        |
| Yolo Transit     | 0         | 7         |
| <b>Total</b>     | <b>75</b> | <b>38</b> |

Bus Maintenance Facilities

The RT Bus Maintenance Facility (BMF2) is a two-phased project. The land for the facility was acquired in 2007 by RT for \$10.4 million and is on the former McClellan Air Force Base. The BMF2 is a high priority for RT and has broad regional backing. Benefits of the project are numerous in terms of operations, cost effectiveness and support.

RT is the designated evacuation services provider for many entities including Sacramento City and Sacramento County. RT’s 29<sup>th</sup> Street facility houses the region’s only transit-accessible fast-fueling CNG facility. If a major incident were to disrupt or otherwise damage the 29<sup>th</sup> Street Maintenance Facility, RT would be crippled. With a second maintenance facility, RT could still fuel its entire standard bus fleet and the region’s smaller bus and fleet operators that convert their vehicles to CNG.

Through reuse of an existing industrial complex at McClellan, the BMF2 project cost will be reduced from a planned \$70 million to \$23 million. Air quality projections show that BMF2 will provide emission reductions of 55,698 pounds per year. RT has secured grant funding of \$13.15 million.

The City of Elk Grove CNG Fueling Facility will support a cost-efficient, sustainable transit system by alleviating travel to facilities outside the city limits and extended wait times to fuel vehicles. Constructing a permanent fueling facility would mitigate these issues and allow the City of Elk Grove to have more control over the cost of fuel for years to come. A CNG Fueling Facility would also allow for partnership with Elk Grove Unified School District to fuel their CNG school buses as well as any future municipal vehicles the City may wish to acquire. The project includes design and construction of a CNG “fast fill” fueling facility to service the 68 vehicles in the transit fleet. The City intends to replace non-CNG vehicles with CNG vehicles as funding becomes available.

Yolo County’s request includes improvements to the maintenance and administration facility for Yolobus located in Woodland, including the CNG fueling station. Their request also includes replacing a failed heating system. Yolobus serves Yolo, Sacramento and Solano Counties including service to the Sacramento International Airport.



**Receive & File #3**

April 8, 2009

## **Federal Advocacy Update – Cap-to-Cap Natural Resources**

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.

Attachments



## NATURAL RESOURCES

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 Ron Bertolina, AKT Investments, Inc. 916.383.2500

**Issue Contact:** Stacey McKinley, The McKinley Group, 916.605.9652

### 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 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, endeavoring 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 is to identify the value these lands currently provide, which include supporting habitat, providing flood protection, sequestering carbon and providing a local food source, to name a few. Further, the studies that 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 urban development 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 effect 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

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## 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 \$120 million in stimulus funding for transportation. 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 advocate for the following:

- Interagency cooperation on helping local governments make HCPs, 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 aid in policy based decision making
- An HQ-level primer on CEQA and to develop a policy regarding the use of NEPA (EISs vs. EA/FONSI)s
- Assess ability for private entities to indemnify federal agencies from litigation impacts
- Foster interagency partnerships with local governments to determine how practices that 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

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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.

**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

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### HABITAT CONSERVATION PLANNING

#### Requested Actions:

- Support adequate funding of resource agencies to ensure that programmatic as well as core missions are supported to optimize efficiency, innovation and project delivery by
  - Increasing Section 6 of ESA funding
  - Advocating for stimulus dollars
- Provide guidance for projects which are located within the footprint of an active HCP but are permit-ready prior to full implementation of the HCP.
- Seek cross-agency (USACE, USFWS and USEPA) concurrence on
  - Viability and criteria for restorable lands
  - Contiguous mitigation vs. piece meal mitigation

#### Background:

Within the 6-County SACOG Region, there are 5 Habitat Conservation Plans at various stages of development. Viewed across the spectrum of interest groups as our best chance at an environmentally superior alternative to piece meal conservation, these plans have received significant tent-pole political leadership, community involvement, and sincere partnerships with staff at the local agency level, and throughout the environmental and regulated communities.

Across the board, local districts and office of the federal regulatory agencies are invested in the success of the region's various HCPs. While there is significant support for these programmatic planning initiatives, there is ongoing concern that the core mission of the Agencies might suffer while regional planning activates are running in parallel fashion. To that end, proper oversight of the current federal investment and time spent in both project permitting and compliance and programmatic planning initiatives must occur. In tandem the region must support proper staffing levels to address both capabilities

In accordance with local General Plans and Blueprint implementation some planned development – both private and public - continues to progress in advance of the implementation of the HCPs. In instances where regional HCPs are in process interim guidance should be developed to allow projects within the boundaries of a proposed HCP to adopt the conservation strategies being considered as part of the HCP process. This would provide incentive for project proponents to plan landscape based mitigation and conservation strategies while allowing a more flexible approach to Clean Water Act Section 404(b)(1) sequencing.

Additionally, there is a great need to have a combined Agency opinion on the viability of restorable lands and the importance of contiguous mitigation and a peer-reviewed categorization and qualification of all existing habitat (including potential “take” lands, other resource impact areas, and those area planned for conservation). Such categorization and quality assessment must be based on the best possible science.

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### WRDA, SECTION 214—USACE

**Requested Actions:**

- Permanently remove sunset provision (authority currently set to expire on December 31, 2009), 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 California's 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 October 1, 2008 for use by the Sacramento District USACE. We therefore ask that USACE HQ amend the Guidance to detail the unique fiscal setting in California created by Proposition 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, we request USACE HQ support the 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 \$120 million in transportation 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 a letter urging USACE HQ to refine guidance to reflect Proposition 13 and the need for a 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 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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### FORESTRY

#### Requested Actions:

- Advocate that USFWS monitor, track and report annually carbon emissions from the national forests caused by fire.
- Advocate that the USFWS continue study of carbon sequestration opportunities on forested lands and develop best practices.
- Advocate continued study and funding of innovation which converts forest fuels to an alternative and American energy source.
- Advocate for federal partners to support fire suppression via enhanced cooperation with local governments and consistent with their ordinances and resolutions. Special attention should be given to “Communities at Risk”.
- Advocate for increased economic appreciation of the upland watershed as a component to regional mitigation.
- Increase forest management, including timber harvesting, to reduce the threat of wildfires and enhance forest health. An infrastructure of mills and biomass-fueled electric generation plants are necessary to accomplish these goals.

#### Background:

On May 4, 2009, Sierra Pacific Industries will close their small log operation at Quincy, CA and by the end of the summer, the company has already announced the closure of their Camino and Sonora plants. In addition, a biomass-fueled electric power plant in Sonora supplying renewable energy will be closed. These closures will amount in total to a loss of not less than 460 jobs. There are other forest products companies in California facing the same tough decisions. With the permanent closures not only are individuals losing jobs but we are also losing valuable infrastructure. Without the infrastructure, California and the forest service will have no one to thin our forest and no place to take the logs. In addition this will cause us to rely on foreign imports, which by nature creates more greenhouse gases through expanded transportation and wildfires

Sierra Pacific constructed the small-log mill at Quincy when it appeared the Herger-Feinstein Quincy Library Group Forest Recovery Act (QLG) would pass in Congress. That law, approved in 1998, promoted tree thinning on national forest timberlands to reduce the threat of wildfires while providing raw material for local manufacturing. It was anticipated that the QLG Act would result in the harvest of enough small diameter trees to run the mill.

Unfortunately, environmental activists have brought a series of appeals and lawsuits against these projects, drastically reducing the amount of timber available for harvest. Overall, the Forest Service has been able to achieve less than 20% of its QLG saw log sales target due to appeals and litigation. Nearly two-thirds of the current year’s timber sale program is enjoined or withheld from sale pending the outcome of litigation. It has been estimated that litigation of national forest timber sales by environmental organizations has put over 400 million board feet of potential sales on hold – enough timber to run five average size sawmills for a year.



Additionally, where our forests meet the urban edge, federal agencies must work to facilitate cooperative agreements that address the needs of local government.

Overall, our federal partners should look for pathways to streamline the process and reduce the lengthy court delays of good projects and sound forest management such as the Quincy Library Group. Some of the economic stimulus money could be used to thin the forest and create jobs for rural communities and mill workers. This would reduce the risk of catastrophic wildfires while creating jobs.

Finally, our federal partners, to the extent practicable, should endeavor to facilitate conversations with the Ninth Circuit to inform more balanced decision making.

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## NATURAL RESOURCES

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### SOLAR-FARM PROJECTS – INNOVATIONS IN LAND USE

**Requested Actions:**

- Undertake the process of exploring how the National Environmental Policy Act (NEPA), the Clean Water Act, and the Endangered Species Act might be modified to streamline the permitting process for large solar-farm projects.
- Advocate federal agency collaboration in early planning in order to fast-track the permitting schedule, incentivize innovation, and provide a high-level of regulatory certainty to encourage private investment in renewable energy projects.

**Background:**

In 2008, Governor Arnold Schwarzenegger executed an Executive Order announcing a 33% renewable energy supply goal by 2020 for California. A 33% goal by 2020 is very aggressive and will require a major collaborative commitment between the State of California, the renewable energy industry, electricity consumers, environmental organizations, and local governments. This mandate will likely lead to investment in new green technologies, an explosion in the number of green-collar jobs, the reduction of green-house gas emissions, and the creation of a functioning carbon offset market in California. Nevertheless, this collaborative effort between California interest groups – and the associated economic and environmental benefits – will fail if federal agencies continue to view renewable energy projects through the same prism as large-scale suburban development.

Steep mitigation requirements, in combination with uncertain regulatory timetables, will hinder renewable energy investment. Preliminary indications show that Fish and Wildlife Service will require mitigation ratios in excess of seven (7) acres of preservation land for every one (1) acre of solar-farm development. Further, federal agencies have indicated an unwillingness to place these highly beneficial projects on fast-track status. The combination of increased land acquisition costs and the uncertainty associated with regulatory processing will hamper the ability of solar-farm proponents to raise private capital.

While the region is experiencing a downturn in the economy, all efforts should be focused on preparing a regulatory framework upon which recovery in the short and long term will be more fully and quickly realized. Investment in renewable energy projects will support both short and long term recovery. Investment in such projects will only occur if regulators are guided by a steam-lined, unbiased, and efficient regulatory framework. To that end we would advocate for the following:

- Modification of federal environmental laws (NEPA, CWA, and ESA) to make permit-processing for renewable energy projects a task of high-import with reasonable pre-set mitigation ratios and firm timetables for permit-processing.

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- Modification of federal environmental laws (NEPA, CWA, and ESA) to prevent lawsuits by environmental groups as long as project proponents have complied with pre-set mitigation requirements.
- Interagency cooperation on helping local governments to make renewable energy projects more economically feasible
- Intra-agency peer review, utilizing entire chain of regulatory command to aide in policy based decision making



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### **Army Corps of Engineers – Woodley Dinner Update**

At the recent urging of U.S. Army Corps of Engineers Secretary John Paul Woodley Jr., SACOG was successful in its solicitation of seed funding to be awarded to the Army Corps of Engineers for a Six-County Aquatic Resources Inventory in our region. The purpose of the Inventory is to overlay the Blueprint with a science-based assessment of our watershed to fully inform our planning decisions and the Corps' permitting actions. SACOG views the Inventory as a key component to Blueprint implementation and to the RUCS project. This funding to support research in our region was largely made possible due to the work of SACOG Consultant Stacey McKinley through the Rural-Urban Connections Strategy project. Secretary Woodley and his counterparts fully appreciate the region's desire to have a fully transparent policy and science-based project. The Army Corps is committed to working with our region for a science-based product and has given strong assurances that this Inventory will be conducted in concert with HCPs in the region and the wishes of local governments.

SACOG was offered the rare opportunity to meet privately with Secretary Woodley; Colonel Thomas Chapman, District Engineer, Sacramento District, U.S. Army Corps of Engineers; and Michael Jewell, Chief of Regulatory, Sacramento District, U.S. Army Corps of Engineers. The purpose of the dinner was for the SACOG region to thank Secretary Woodley for the leadership he has shown and to encourage continued support of the Inventory, flood control efforts and regulatory streamlining, overall. Members of the SACOG Strategic Planning Committee including Directors Cosgrove, Clare, Dickinson and Budge participated.