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MEETING NOTICE AND AGENDA

SAN DIEGO CONFORMITY WORKING GROUP

The San Diego Conformity Working Group may take action on any item appearing on this agenda.

MEMBER AGENCIES

Cities of
 Carlsbad
 Chula Vista
 Coronado
 Del Mar
 El Cajon
 Encinitas
 Escondido
 Imperial Beach
 La Mesa
 Lemon Grove
 National City
 Oceanside
 Poway
 San Diego
 San Marcos
 Santee
 Solana Beach
 Vista
 and
 County of San Diego

ADVISORY MEMBERS

Imperial County
 California Department
 of Transportation
 Metropolitan
 Transit System
 North San Diego County
 Transit Development Board
 United States
 Department of Defense
 San Diego
 Unified Port District
 San Diego County
 Water Authority
 Mexico

Wednesday, June 4, 2008

10:30 a.m. to 12 noon

SANDAG, Conference Room 8C
 401 B Street, Suite 800
 San Diego, CA 92101-4231

Staff Contact: Rachel Kennedy
 (619) 699-1929
rke@sandag.org

AGENDA HIGHLIGHTS

- 2008 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP) DRAFT AIR QUALITY CONFORMITY ANALYSIS

Please contact Rachel Kennedy prior to the meeting if you wish to participate by conference call.

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SAN DIEGO CONFORMITY WORKING GROUP (CWG)

Wednesday, June 4, 2008

ITEM #		RECOMMENDATION
1.	INTRODUCTIONS	
+2.	SUMMARY OF MAY 7, 2008, MEETING	INFORMATION
3.	PUBLIC COMMENTS/COMMUNICATIONS	
4.	2008 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP) DRAFT AIR QUALITY CONFORMITY ANALYSIS	DISCUSSION
	<p>SANDAG requested submittal of new projects or revisions to projects for inclusion in the 2008 RTIP. Project submittals were due April 23, 2008. The Conformity Working Group (CWG) has discussed the conformity criteria and procedures to be followed to determine conformity of the 2008 RTIP. SANDAG staff will provide a presentation on the draft Air Quality Conformity Analysis (to be e-mailed to the CWG on June 2, 2008).</p>	
+5.	EIGHT-HOUR OZONE ATTAINMENT PLAN FOR SAN DIEGO COUNTY STATUS UPDATE	DISCUSSION
	<p>On January 31, 2008, the U.S. Environmental Protection Agency initiated a budget adequacy review for the <i>Eight-Hour Ozone Attainment Plan for San Diego County</i>. On May 23, 2008, the Notice of Adequacy for the Eight-Hour Ozone budgets were published in the Federal Register. These budgets are to be used for future transportation conformity determinations effective June 9, 2008.</p>	
6.	OTHER BUSINESS	INFORMATION
7.	ADJOURNMENT	INFORMATION
	<p>The next meeting of the San Diego Region Conformity Working Group is July 2, 2008, from 10:30 a.m. to 12 noon at SANDAG.</p>	

+ next to an item indicates an attachment

San Diego Association of Governments
CONFORMITY WORKING GROUP

June 4, 2008

AGENDA ITEM NO.: **2**

Action Requested: INFORMATION

SUMMARY OF MAY 7, 2008, MEETING

File Number 3000400

Item #1: Introductions

Self-introductions were made. See attached attendance list.

Item #2: Summary of April 2, 2008, Meeting

No comments were made.

Item #3: Public Comments/Communications

There were no comments.

Item #4: 2008 Regional Transportation Improvement Program (RTIP) Consultation on Conformity Criteria and Procedures

Rachel Kennedy, SANDAG, announced that SANDAG requested submittals of new projects or revisions to projects for inclusion in the 2008 RTIP. Project submittals were due April 23, 2008. Next steps in the preparation of the 2008 RTIP conformity determination were discussed.

- (a) Revenue Assumptions – Sookyung Kim, SANDAG, presented the Revenue Assumptions for the 2008 RTIP. Since the San Diego region is a non-attainment area, the SANDAG RTIP is required to be a revenue-constrained document with programmed projects based upon committed funding. Funding assumptions are generally based upon: (1) authorized or appropriated levels of federal and state funding from current legislation; (2) conservative projections of future federal and state funding assuming a continuation of current funding levels; (3) the most current revenue forecasts for *TransNet*, and (4) the planning and programming documents of the local transportation providers.

The projects to be programmed in the 2008 RTIP have been escalated based upon anticipated inflation. For the State Transportation Improvement Program (STIP) and State Highway Operations Protection Program (SHOPP), the revenues and program are based on the 2008 Fund Estimate. The Fund Estimate documents a 3 percent escalation rate for the Transportation Improvement Fund (TIF). For the *TransNet* projects, SANDAG used a 3.6 percent rate, which is a blended rate for both the right-of-way and construction based on historical trends and is consistent with the adopted 2030 RTP.

A detailed list of the revenue assumptions was distributed. The federal, state, local, and other RTIP revenue sources were discussed.

Federal Revenues: The federal revenues are based on the current federal authorizing legislation, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) which is scheduled to expire in 2009. The 2008 RTIP assumes that there will be a new federal authorization that will continue the existing formula programs.

State Revenues: The state highway projects programmed are based on the 2008 STIP adoption. The transit state-funded program is based on estimates provided by the State Controller's office.

Local Revenues: *TransNet* revenues are estimated based upon taxable retail sales forecasts derived from SANDAG's short-term forecasting model.

Other Funds: The other funds include contributions from various state funding sources, local agency contributions, private sector funding, advertising income, investment earnings, passenger fare revenue, and other miscellaneous income. Revenues from these sources are generally consistent with established historical trends or are based upon funding commitments from local agencies.

- (b) Exempt Projects (to be distributed via e-mail) – Sookyung Kim, SANDAG, explained that project submittals were received by SANDAG on April 23, 2008, for inclusion in the 2008 RTIP. Ms. Kim stated that she has reviewed 150 projects and has an additional 550 projects left to review. Exempt projects make up approximately 75 percent of the project submittals. She hopes to have everything ready to distribute to the Conformity Working Group (CWG) members by the end of the week.

Ms. Kennedy explained that she will e-mail the project list and the comment period deadline to Conformity Working Group members by Friday May 9, 2008. This deadline will allow enough time for the SANDAG modelers to code projects correctly before the final conformity runs.

Sandy Johnson, Caltrans, asked Mike Brady, Caltrans, to provide a review of the Safety Improvement Program Exemption. Mr. Brady explained that there is a conformity exemption for safety improvement projects that would otherwise require a hot spot analysis. In the past, a project qualified for the safety improvement program exemption if it had been funded through HSIP. Elisa Arias, SANDAG, asked if all projects that have HSIP funding would qualify for the exemption. Mr. Brady stated that only projects that are mostly funded through HSIP would qualify for the Safety Improvement Program Exemption. Ms. Kim, SANDAG, asked if projects that were not funded through HSIP would qualify for the Safety Improvement Program Exemption. Mr. Brady stated that this exemption category was established specifically for HSIP projects. Wade Hobbs, FHWA, confirmed and stated that only projects funded by the HSIP program were eligible. This does not include candidate projects or potentially eligible projects. The only other safety projects that qualify for this exemption are public safety programs that are not capital improvement projects.

- (c) Concurrent 2008 RTIP Conformity Determination and 2030 RTP Redetermination – Ms. Kennedy clarified that SANDAG is doing a concurrent conformity determination for the 2008 RTIP and redetermination for the 2030 RTP. There have been no changes to the 2030 RTP. However, when new budgets are adopted, a redetermination of the RTP and RTIP is

required. The new budgets are part of the *Eight-Hour Ozone Attainment Plan for San Diego County* and will be approved by the Environmental Protection Agency prior to the SANDAG Board's adoption of the 2008 RTIP.

Ms. Kennedy reminded members that on January 31, 2008, the U.S. EPA issued the budget adequacy review for the Eight-Hour Ozone Attainment Plan for San Diego County. The public comment period closed on March 1, 2008. No comments were received on the budget. The budget was published in the register and an official letter should be received in the next couple of weeks.

Rachel Kennedy, SANDAG, went over the remainder of the 2008 RTIP schedule:

June 2, 2008	Issue 2008 RTIP Draft Conformity Analysis to CWG for review and comment
June 20, 2008	Draft 2008 RTIP and its conformity determination released for public review
July 18, 2008	Public hearing on Draft RTIP and conformity determination
July 25, 2008	SANDAG Board of Directors will be asked to make a finding of conformity on the 2008 RTIP, redetermine conformity of the 2030 RTP, and approve the 2008 RTIP and its conformity determination

Item # 5: Eight-Hour Ozone Attainment Plan for San Diego County Status Update

This item was discussed as part of Agenda Item 4.

Item #6: Transportation Planning Requirements and Their Relationship to National Environmental Policy Act (NEPA) Approvals

Wade Hobbs and Joe Vaughn, FHWA, provided an overview of the recent guidance issued by FHWA to clarify transportation planning requirements and its conformity significance. The new guidance is intended to provide more flexibility regarding when a project must be fully funded in the Regional Transportation Plan. Mr. Vaughn explained that when NEPA approval is required on a project, all project phases have to be fully programmed in the Transportation Improvement Plan (TIP). Once the project is programmed, a conformity determination can be requested from FHWA.

Mike Brady, Caltrans, stated that this new process is very similar to the conformity determination process practiced prior to Senate Bill (SB) 45. Mr. Brady said that this process was problematic because the project was programmed prior to finishing the environmental document and costs changed after the environmental document was complete. After SB 45, agencies did not have to program the construction phase of the project until the environmental document was complete. Mr. Brady asked if this was still possible or if the entire project had to be programmed upfront.

Mr. Vaughn stated that this new guidance provided more flexibility to go forward with a study without programming the entire project. The project does not have to be fully programmed until after the environmental document is approved and the project is fully funded.

Elisa Arias, SANDAG, asked if large-scale construction projects that go beyond the period of the TIP have to be fully programmed.

Mr. Vaughn stated that once it becomes a project, it has to be programmed. The project could be phased with separate RODs, but approval would only be given to the phase of the project that is fully funded and programmed.

Wade Hobbs, FHWA, commented that in the San Diego region, FHWA allows agencies to start PE phase activities without having the project fully funded and programmed. He stated that there will only be minor changes to the current practice as a result of this guidance. The biggest change is that future phases outside of the TIP cycle may need to be programmed when the environmental document is signed.

Sookyung Kim, SANDAG, stated that SANDAG has not been including the total project in the program if the project lasts longer than the TIP period. However, SANDAG includes the total project cost, which may be more than what is in the program, to demonstrate that the project is fully funded. Wade Hobbs agreed that this process was appropriate as long as the project is fully funded.

Item #7: Other Business

Rachel Kennedy announced that the statewide Conformity Working Group meeting would be held on May 12, 2008, from 10:30 to 3:30 p.m. The meeting was originally scheduled at SANDAG; however, due to state budgetary issues, the meeting will not be in San Diego. SANDAG will host a call-in center and Rachel Kennedy will send out the SANDAG conference room information.

Ms. Kennedy closed the meeting after reminding members that the next Conformity Working Group Meeting will be held on June 4, 2008, from 10:30 to 12:00 noon at SANDAG.

San Diego Region Conformity Working Group

Meeting Attendance

May 7, 2008

Name	Agency
Carl Selnick	APCD
Dennis Wade (phone)	ARB
Mike Brady (phone)	Caltrans
Connery Cepeda	Caltrans
Cathy Gomez (phone)	Caltrans
Sandy Johnson	Caltrans
Karina O'Connor (phone)	EPA
Wade Hobbs (phone)	FHWA
Michael Morris	FHWA
Joe Vaughn (phone)	FHWA
Elisa Arias	SANDAG
Rachel Kennedy	SANDAG
SookYung Kim	SANDAG
Antoinette Meier	SANDAG
Carla Walecka (phone)	TCA

in the Standard Navy Distribution List that is available at <http://doni.daps.dla.mil/sndl.aspx>.

The request should contain the name, approximate date during which the case record was developed, the address of the individual concerned and be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about them contained in this system of records should address written inquiries to their servicing Human Resources Office. Official mailing addresses are published in the Standard Navy Distribution List that is available at <http://doni.daps.dla.mil/sndl.aspx>.

The request should contain the name, approximate date during which the case record was developed, the address of the individual concerned and be signed.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employee, supervisors, co-workers or other agency or contractor-employee personnel, and private individuals to include family members of employee and outside practitioners.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E8-11662 Filed 5-22-08; 8:45 am]

BILLING CODE 5001-06-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-R09-OAR-2008-0399; FRL-8570-6]

Adequacy Status of Motor Vehicle Budgets in Submitted Eight-Hour Ozone Attainment Plan for the San Diego County Nonattainment Area for Transportation Conformity Purposes; California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Adequacy.

SUMMARY: In this notice, EPA is notifying the public that the Agency has found that the motor vehicle emissions budgets in the submitted *Eight-Hour Ozone Attainment Plan for San Diego County (May 2007)* ("2007 San Diego Eight-Hour Ozone Plan") are adequate for transportation conformity purposes. The 2007 San Diego Eight-Hour Ozone

Plan was submitted to EPA on June 15, 2007 by the California Air Resources Board as a revision to the California state implementation plan. As a result of our finding, the San Diego Association of Governments (SANDAG) and the U.S. Department of Transportation must use the motor vehicle emissions budgets from the submitted eight-hour ozone attainment plan for future transportation conformity determinations.

DATES: This finding is effective June 9, 2008.

FOR FURTHER INFORMATION CONTACT: John J. Kelly, U.S. EPA, Region IX, Air Division AIR-2, 75 Hawthorne Street, San Francisco, CA 94105-3901; (415) 947-4151 or kelly.johnj@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, whenever "we," "us," or "our" is used, we mean EPA.

Today's notice is simply an announcement of a finding that we have already made. EPA Region IX sent a letter to the California Air Resources Board (ARB) on May 13, 2008 stating that the motor vehicle emissions budgets for volatile organic compounds (VOC) and oxides of nitrogen (NO_x) in the submitted 2007 San Diego Eight-Hour Ozone Plan for 2008 are adequate. The budgets correspond to the San Diego County 8-hour ozone nonattainment area, which encompasses the entirety of the county, except for several excluded tribal areas in the southeastern portion of the county, in southwest California. Receipt of the 2007 San Diego Eight-Hour Ozone Plan and related motor vehicle emissions budgets was announced on EPA's transportation conformity Web site, and no comments were submitted. The finding is available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>.

The adequate motor vehicle emissions budgets for the San Diego County 8-hour ozone nonattainment area are provided in the following table:

ADEQUATE MOTOR VEHICLE EMISSIONS BUDGETS
(Summer day, tons per day)

Budget year	VOC motor vehicle emissions budget	NO _x motor vehicle emissions budget
2008	53	98

Transportation conformity is required by Clean Air Act section 176(c). EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans (SIPs) and

establishes the criteria and procedures for determining whether or not they do conform. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). The process for determining the adequacy of such budgets is set forth at 40 CFR 93.118(f). Please note that an adequacy review is separate from EPA's completeness review, and should not be used to prejudge EPA's ultimate approval action for the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: May 13, 2008.

Wayne Nastri,

Regional Administrator, Region IX.

[FR Doc. E8-11604 Filed 5-22-08; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6699-2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 11, 2008 (73 FR 19833).

Draft EISs

EIS No. 20080044, ERP No. D-BIA-L69001-OR, Cascade Locks Resort and Casino Project, Application for the Fee-to-Trust Transfer of 25 Acres of Land within the City of Cascade Locks, Confederated Tribes of the Wampanoac Reservation of Oregon, Cascade Locks, Hood River County, OR.

Summary: EPA expressed environmental concerns about air quality impacts and construction impacts to fish populations, and recommended additional air quality analyses be performed. Rating EC2.