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# MEETING NOTICE AND 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 County Transit District
- United States Department of Defense
- San Diego Unified Port District
- San Diego County Water Authority
- Southern California Tribal Chairmen's Association
- Mexico

## ENVIRONMENTAL MITIGATION PROGRAM WORKING GROUP

The Environmental Mitigation Program Working Group may take action on any item appearing on this agenda.

Tuesday, January 8, 2013

1 to 3 p.m.

SANDAG, 7th Floor Conference Room  
 401 B Street, Suite 800  
 San Diego, CA 92101-4231

Staff Contact: Keith Greer  
 (619) 699-7390  
 Keith.Greer@sandag.org

## AGENDA HIGHLIGHTS

- **DRAFT MANAGEMENT STRATEGIC PLAN**
- **NORTH SAN DIEGO COUNTY LAGOONS HISTORICAL ECOLOGY STUDY**

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# ENVIRONMENTAL MITIGATION PROGRAM WORKING GROUP

Tuesday, January 8, 2013

ITEM #		RECOMMENDATION
1.	WELCOME AND INTRODUCTIONS (Chair, Carrie Downey, Regional Planning Committee Appointee)	
+2.	SUMMARY OF NOVEMBER 13, 2013, MEETING	APPROVE
Review and approve the meeting summary of the November 13, 2013, meeting.		
3.	PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS	
Members of the public shall have the opportunity to address the Environmental Mitigation Program Working Group (EMPWG) on any issue within the jurisdiction of SANDAG that is not on this agenda. Anyone desiring to speak shall reserve time by completing a "Request to Speak" form and giving it to the EMPWG coordinator prior to speaking. Public speakers should notify the EMPWG coordinator if they have a handout for distribution to EMPWG members. Public speakers are limited to three minutes or less per person. EMPWG members also may provide information and announcements under this agenda item.		
<b>CONSENT (4)</b>		
4.	REGIONAL PLAN: DRAFT PUBLIC INVOLVEMENT PLAN (David Hicks, SANDAG)	INFORMATION
On January 7, 2013, the attached draft Public Involvement Plan (PIP) for the Regional Plan was released for a 30-day public review and comment period. The draft PIP outlines a sustained, multifaceted, and energetic program to engage elected officials, stakeholders, and the general public in the development of the Regional Plan. The draft PIP is being presented to the working groups and the SANDAG Board during January and February. Comments should be e-mailed to David.Hicks@sandag.org by February 7, 2013.		
<b>REPORTS (5 through 8)</b>		
+5.	TransNet ECONOMIC BENEFIT TIMELINE (Keith Greer, SANDAG)	INFORMATION
At its November meeting, the EMPWG made a recommendation on a series of policy points and process for release of Economic Benefit funding. SANDAG staff will present the proposed timeline for discussion and actions by the SANDAG committees and Board of Directors.		
6.	AD HOC GRANT EVALUATION COMMITTEE (Keith Greer, SANDAG)	RECOMMEND
On January 29, 2013, the Call for Project for the competitive Land Management Grant Program will be completed. SANDAG staff is requesting a recommendation for the creation of an ad hoc committee to review the grant applications in February for a recommendation to the full EMPWG in March.		

7. **DRAFT MANAGEMENT STRATEGIC PLAN (Ron Rempel, San Diego Management and Monitoring Program)** **INFORMATION**

Ron Rempel will present the draft Management Strategic Plan (MSP) for discussion. The MSP is intended to establish management objectives at various scales, from regional to preserve-level, and to identify key resources for management and a system for prioritization of future funding.

8. **NORTH SAN DIEGO COUNTY LAGOONS HISTORICAL ECOLOGY STUDY (Robin Grossinger and Erin Beller, San Francisco Estuary Institute)** **INFORMATION**

The North San Diego County Lagoons Historical Ecology Study will synthesize diverse historical data covering the coastal lagoon systems of northern San Diego County, analyze the lagoons' historical conditions, and produce an illustrated technical report describing the findings and implications for wetland restoration planning. The study area encompasses six major coastal wetland systems in north San Diego County, including Buena Vista, Agua Hedionda, Batiquitos, San Elijo, San Dieguito, and Los Peñasquitos lagoons. Members of the project team will present some preliminary findings from their studies.

9. **NEXT MEETING DATE AND ADJOURNMENT** **INFORMATION**

The next meeting of the EMPWG is scheduled for Tuesday, March 12, 2013, from 1 to 3 p.m. Tentative Topics: Regional Plan: Discussion of Regional Habitat Conservation Goals and Objectives.

+ next to an agenda item indicates an attachment

**San Diego Association of Governments**  
**ENVIRONMENTAL MITIGATION PROGRAM**  
**WORKING GROUP**

January 8, 2013

AGENDA ITEM NO.: **2**

**Action Requested: APPROVE**

NOVEMBER 13, 2012, MEETING NOTES

**Members in Attendance:**

Carrie Downey (Chair), City of Coronado  
Anne Harvey, San Diego Conservation Network  
Barbara Redlitz, City of Escondido, North County Inland  
Bill Tippets, The Nature Conservancy  
Carlton Rochester, U.S. Geological Survey  
David Mayer, California Department of Fish and Game  
Jeanne Krosch, City of San Diego  
Jim Whalen, Alliance for Habitat Conservation  
Karen Miner, Department of Fish and Game  
Kim Smith, Caltrans  
Michael Beck, Endangered Habitats League  
Michelle Mattson, Army Corps of Engineers  
Scott Grimes, Endangered Habitat League  
Susan Wynn, U.S. Fish and Wildlife Service  
Trish Boaz, County of San Diego

**Others in Attendance:**

Anne Ferge, San Diego Partners in Biodiversity  
Betsy Miller, City of San Diego  
Gabriel Buhr, California Conservation Corps  
Glen Laube, City of Chula Vista  
Jessie Byrd, ECORP  
Kim Roeland, City of San Diego  
Ron Rempel, San Diego Management and Monitoring Program  
Susan Carter, San Diego River Park  
Teri Fenner, AECOM  
Tom Oberbauer, AECOM

**SANDAG Staff in Attendance:**

Katie Levy, SANDAG  
Keith Greer, SANDAG  
Paula Zamudio, SANDAG  
Rob Rundle, SANDAG  
Sarah McCutcheon, SANDAG

## **ITEM #1: WELCOME AND INTRODUCTIONS**

Chair Carrie Downey, City of Coronado Councilmember, called the meeting to order at 1:04 p.m.

## **ITEM #2: SEPTEMBER 11, 2012, MEETING SUMMARY**

Bill Tippetts, The Nature Conservancy, motioned to approve the meeting summary from September 11, 2012, and James Whalen, Alliance for Habitat Conservation, seconded the motion. The motion carried without opposition.

## **ITEM #3: PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS**

Carlton Rochester, United States Geological Survey, informed the EMPWG that he attended a control burn in Rancho Jamul and was impressed to see that the fire crews went around known burrowing owl sites when they were made aware of the biological resource.

Katie Levy, SANDAG, announced the Call for Projects for the 2013 Land Management Grant Program. A pre-proposal workshop is scheduled for Thursday, December 6, 2012, at 1:30 p.m. in the SANDAG Board Room. Ms. Levy will go over the grant application and any questions from past cycles will be addressed at that time. Final proposals are due January 29, 2013, by 4 p.m.

Tom Oberbauer, AECOM, acknowledged Ms Downey's efforts as Chair for the EMPWG for the past seven years and presented her with a gift from the EMPWG. At the Regional Planning Group Committee level and at the Working Group level, changes are occurring and a new chair will be determined shortly.

## **ITEM #4: CALIFORNIA AMERICAN PLANNING ASSOCIATION AWARD (Chair, SANDAG Board Member, Carrie Downey, City of Coronado Council Member)**

The EMPWG received the 2012 Best Practices award for the TransNet Environmental Mitigation Program from the California Chapter of the American Planning Association. Chair Downey, Mike Grim, City of Carlsbad, and Keith Greer, SANDAG, accepted the award on behalf of the entire EMPWG.

## **ITEM #5: DRAFT PUBLIC PARTICIPATION PLAN UPDATE (Paula Zamudio, SANDAG)**

Paula Zamudio, SANDAG, presented an update on the SANDAG Public Participation Plan (PPP). The PPP is an agency wide umbrella document that guides individual public involvement plans. The document governs SANDAG interaction with the public and how they provide input to SANDAG. The draft PPP was accepted by the SANDAG Board of Directors at its October 26, 2012, meeting, and is now open for the forty-five day public review and comment period. Ms. Zamudio provided a handout to the EMPWG with information on the PPP and the Web site where the draft PPP can be reviewed. To date, 1,500 citizens have responded to the survey. The Public Participation group reached out with its survey to working groups, committees, and community event attendees. From the survey, it was determined that e-mail is the preferred method of receiving information from SANDAG; topics that relate to citizens directly make them more likely to attend that meeting; electronic communication is the best way to reach interested stakeholders and the general public; and meeting after 5 p.m. and in communities where the projects are taking place are best management practices. Ms. Zamudio asked the EMPWG to take a look at the PPP and give final

thoughts on the draft. The public comment period is open until December 10, 2012, and all comments will be included in a final draft at the Board meeting on December 23, 2012.

**ITEM #6: TransNet ECONOMIC BENEFIT (Keith Greer, SANDAG)**

Mr. Greer presented a PowerPoint on the Economic Benefit of TransNet. The milestones of the Economic Benefit provisions were presented by Mr. Greer. When approved in 2004, the TransNet Ordinance included the provision of Economic Benefit. If projects included in the Regional Transportation Plan (RTP) provided mitigation on a case-by-case basis, the estimated cost would total \$850 million. However, through SANDAG's success of advanced mitigation under the Environmental Mitigation Program, it is envisioned that an "Economic Benefit" would be generated. The concept of Economic Benefit was imbedded into the regional habitat conservation fund, and from that, two funds were created. Those funds are the transportation project mitigation fund and the regional habitat conservation fund.

For every dollar that TransNet brings in, \$0.044 is provided for the Environmental Mitigation Program. The TransNet Memorandum of Agreement (MOA) established a ten-year pilot to determine the success of the Economic Benefit. This corresponds with the ten-year comprehensive review of the entire TransNet Program.

In 2011, Senate Bill 468 (SB 468) (Kehoe) required SANDAG to commit to dedicating a portion of the revenue to the TransNet Regional Habitat Conservation Funds and to release those funds in phases. From a policy prospective, SANDAG is responsible for deciding how Economic Benefit should be implemented. The 2012 triennial audit of the TransNet Program recommended that the Economic Benefit of the project be clarified. As such, staff has worked with key stakeholders to develop a set of policy points and a process for the release of Economic Benefit.

The policy points are a proposal by SANDAG staff and will be imbedded in the revised MOA. Those policies are:

**POLICY POINTS**

1. Economic Benefit consist of those funds that are generated by the mitigation of regional transportation projects and local streets and roads that occur in advance of permit needs, which were estimated at \$200 million in 2002.
2. Economic Benefit would be generated upon a transportation project(s) obtaining all federal, state and local permits, or equivalent consistency reviews or approvals required to develop the transportation infrastructure.
3. Potential Economic Benefit will be reduced by the allocation already approved by the SANDAG Board of Directors (\$40 million). The remaining Economic Benefit will be \$160 million; \$120 million for regional transportation projects identified in the RTP and \$40 million for local streets and roads.
4. Economic Benefit for regional transportation projects is derived by the proportionate amount of required mitigation divided by the total mitigation, and then multiplied by \$120 million, as shown in Attachment 1.

5. Economic Benefit accrued for local streets and minor regional projects would be determined by the total cost of mitigation divided by the total available local street funds, then multiplied by \$40 million, as shown in Attachment 1.
6. Allocated Economic Benefit funds would be converted from 2002 dollars to the year of allocation by the SANDAG Board of Directors based upon a using growth in TransNet revenues (23 percent increase from 2002 to 2012).
7. Economic Benefit can be used for regional habitat acquisition, management, and/or monitoring necessary to implement the regional habitat conservation plans utilizing the established SANDAG processes.
8. The SANDAG Board of Directors would delegate authority to the Executive Director to negotiate and execute land acquisition agreements on behalf of SANDAG.
9. The SANDAG Executive Director will utilize the following criteria when identifying and acquiring property:
  - a. Promotes Natural Community Conservation Planning: The proposed acquisition will contribute to the success of the San Diego Regional Natural Community Conservation Planning (NCCP) by acquiring and restoring unique habitat areas and key populations of endangered species and lands adjacent to existing conserved habitat lands, and/or promoting wildlife linkages with the goal of establishing mitigation ratios in subsequent agreements pursuant to the adopted habitat conservation plans. A letter from the U.S. Fish and Wildlife Service and California Department of Fish and Game will be required supporting this conclusion.
  - b. Jurisdictional Land Use Plans: Use of the site as habitat mitigation/open space is consistent with the long-range land use and transportation policies of one or more local jurisdictions. If the use of the site as habitat mitigation/open space is not consistent, the jurisdiction(s) does not object to the site being purchased for mitigation.
  - c. Willing Seller: Owner of the property is a willing seller with clear title to the property and any hazardous material identified in a Phase I environmental site assessment has been evaluated and addressed to the satisfaction of SANDAG.
  - d. Appraisal: The property must be appraised by a qualified, licensed appraiser in accordance with established acquisition and appraisal standards and reviewed independently by an appraisal specialist working for SANDAG. The first written offer will reflect the fair market value of the property.
  - e. Owner/Manager: Perpetual ownership of the land has been identified as well as a qualified land manager. The identified owner is a public agency or nonprofit organization willing to provide a conservation easement or deed restriction to SANDAG or mutually agreed upon third party. SANDAG and the land manager have agreed upon the annual cost to manage the land and the method for funding the annual management costs.
10. A committee comprised of representatives from SANDAG, Caltrans, U.S. Fish and Wildlife Service, California Department of Fish and Game, and U.S. Geological Survey would evaluate all proposals resulting from a Call for Projects for land acquisitions and provide its

recommendation to the Executive Director using evaluation criteria adopted by the SANDAG Board of Directors.

11. The EMPWG would make a recommendation to the Regional Planning Committee on the proposed allocations of Economic Benefit funds set aside for management and monitoring. Economic Benefit funding for management and monitoring would be allocated by the SANDAG Board of Directors as part of the annual allocations of funding.
12. Economic Benefit would be calculated once per year as part of the Plan of Finance approval by the SANDAG Board of Directors. Any Economic Benefit previously allocated by the Board for regional management and monitoring activities would be reduced from the calculated amount. Economic benefit would be released in phases so as not to impact the infrastructure improvements previously approved by the Board of Directors for design and/or construction. Any bonding required to fund Economic Benefit would be consistent with the TransNet Implementation Guidelines adopted by the SANDAG Board of Directors on September 24, 2004, which indicates that borrowing would be limited to \$30 million, and to the degree needed, up to \$82 million in "intra-program fund transfers from transportation categories."
13. SANDAG will modify the existing Guidelines for the Implementation of the TransNet Environmental Mitigation Program Conservation and Mitigation Strategy (approved by the SANDAG Board of Directors on September 26, 2008) to reflect this process for Economic Benefit.
14. SANDAG, U.S. Fish and Wildlife Service, Caltrans, and the California Department of Fish and Game agree to modify the existing MOA to reflect the guidelines for determining Economic Benefit.

Mr. Greer gave the EMPWG a handout on the Economic Benefits calculation to explain how the calculation works. SANDAG is proposing to take the \$40 million previously allocated for regional management and monitoring under the TransNet Environmental Mitigation Program MOA and modify the estimated Economic Benefit generated on a pro rata share basis between transportation projects (\$30 million for regional projects and \$10 million for local projects). Once that \$40 million is taken out of the total \$200 million, \$160 million is left for Economic Benefit to be divided out accordingly, on a pro rata share based on the size of mitigation need from the regional project (exact same methodology as currently used in the TransNet Environmental Mitigation Program MOA). The funds will then be escalated by 23 percent to translate to current dollars.

EMPWG members shared several comments:

- Michael Beck, Endangered Habitats League, requested that on Policy 11 the phrase "and/or appropriate capital projects" be added as part of management and monitoring. He believes that this would clarify that a capital construction project necessary for management (e.g., construction of off-highway vehicle barriers) would be allowed.
- Trish Boaz, County of San Diego, asked for clarification on a sentence on Policy 9a, but a decision was made by the EMPWG to delete the sentence, "A letter from the U.S. Fish and Wildlife Service and California Department of Fish and Game will be required supporting this conclusion," since these agencies are already on the evaluation committee.
- Mr. Greer added that he expects many questions on the Economic Benefit at the Regional Planning Committee, Regional Transportation Committee, and Independent Taxpayer Oversight

Committee meetings and urges EMPWG members to attend those meetings to explain the importance of the release of Economic Benefits.

- It was decided by the EMPWG that the policy points need to clarify that SANDAG or the receiving land owner would ensure funding for perpetual management.

Mr. Greer asked that further comments on the policy points be sent directly to him for consideration.

Mr. Tippetts made a motion to accept the MOA policy points and Mr. Greer drafting the new MOA using the proposed template. Ms. Wynn seconded the motion. The motion carried without opposition.

**ITEM 7: ECONOMIC BENEFIT LAND ACQUISITION EVALUATION CRITERIA (Susan Wynn, U.S. Fish and Wildlife Service; Michael Beck; Bill Tippetts, The Nature Conservancy)**

A small group of EMPWG members proposed a method for evaluating land acquisition properties proposed for acquisition with Economic Benefit funding. A numeric ranking criteria system was proposed to determine relative importance of properties submitted for consideration. The criteria also provide a way to document the process of the decision. The criteria uses three major factors to rank the acquisition project: 1) benefits to listed and unlisted species, 2) benefits to the ecosystem (including management/restoration efforts and providing linkage, and 3) threats to the land (including conversion to development and climate change).

All factors are scored and the properties are ranked. Ms. Wynn acknowledged that there are still things at a given property that need to be evaluated for "special consideration." These factors may not be related to biology, but could be of equal importance, such as flood control reasons or maybe that the property is being partially donated. These reasons could raise the property up to a higher level. A final qualitative section was provided to document any special considerations.

EMPWG members provided several comments:

- Michelle Mattson, United States Army Corps of Engineers, was concerned about too much emphasis being placed on species under the criteria for ecosystem benefit and not enough emphasis on the ecosystem itself. It was agreed that word "species" should be removed at the end of the sentence describing ecosystem benefits, and the phrase "identified ecosystem function and services" should be added.
- Mr. Greer asked how special consideration, which is qualitative, is ranked compared to the quantitative numbers of other criteria.
- Ms. Wynn questioned if text was enough from a transparency standpoint or if special consideration needed a point value.
- David Mayer, California Department of Fish and Game, believed that special considerations should have the option of a maximum of five points being allotted.
- Ms. Boaz felt that matching funds should be considered a special consideration. She believed that it should be separate and not ranked.
- Chair Downey agreed that up to five points should be added for special consideration on top of the other criteria scores.

Mr. Beck motioned to add the five points and to make it an attachment to what Mr. Greer is working on for the MOA. Ms. Wynn seconded the motion. The motion carried without opposition.

**ITEM 8: DRAFT MANAGEMENT STRATEGIC PLAN (Ron Rempel, San Diego Management and Monitoring Program)**

Ron Rempel, San Diego Management and Monitoring Program, presented on the Management Strategic Plan (MSP), a plan that will be brought back to the January 8, 2013, EMPWG meeting for a more complete discussion. The goal is for a draft strategic plan to be posted on the San Diego Management and Monitoring Program Web site by January 8, 2013, after Mr. Rempel's presentation.

The MSP is intended to be an electronic, "living" document with annual reviews and updates. The MSP will consist of a set of goals and objectives with related species accounts and integrated monitoring activities. The purpose of the MSP is to inform the prioritization of management actions. The MSP area is based on three NCCP areas: 1) an approved Multiple Habitat Conservation Area (MHCP), 2) an approved Multiple Species Conservation Program (MSCP) area, and 3) an in-progress, North County MSCP area. The MSP will not address areas in Miramar, and at the request of the City of San Diego Water Utilities Department, some of the boundaries of the Water Utilities lands and reservoirs outside of the three NCCPs have been added. The MSP consists of identified management units that have similar habitat, species, and areas with larger blocks of habitat. They are identified by numbers one through eight and by old, Spanish land grant names to avoid confusion.

The MSP looks at the conservation of species across the planning area. The MSP addresses 110 species, which is an aggregation of covered species in the MSCP, MHCP, and those proposed by the North County MSCP. The goals and objectives are based on both species and habitats. The overall goals of the MSP are to improve conservation outcomes, improve understanding of how to manage the lands, and to shift towards less costly management. Thirty-four species will have species-specific objectives, sixty-five species will be grouped into a vegetation community with corresponding objectives, and eleven species have inadequate data to develop management objectives. However, this does not mean that they are not being conserved on the landscape. The MSP sets a direction for the management trend but does not set the exact course, which will change as we learn more. The MSP looks at species at the appropriate scale, so on a step-down process, things will be looked at on a strategic plan scale, a management unit scale, a preserved complex scale, and then at a preserve level. The species with the potential for the most trouble in the MSP area were listed. The MSP will defer developing objectives for the light footed clapper rail and the snowy plover to the other groups that are focused around those species. Mr. Rempel presented a list of species with important populations that are at risk for extirpation in the near future.

The presentation will be discussed more on January 8, 2013, at the next EMPWG meeting.

**ITEM 9: NEXT MEETING DATE AND ADJOURNMENT**

The next meeting is scheduled for January 8, 2013, from to 1 to 3 p.m.

The meeting was adjourned at 3:03 p.m. by Chair Downey.

**San Diego Association of Governments**  
**ENVIRONMENTAL MITIGATION PROGRAM**  
**WORKING GROUP**

January 8, 2013

AGENDA ITEM NO.: **5**

**Action Requested: INFORMATION**

**TransNet ECONOMIC BENEFIT TIMELINE**

File Number 3200100

**Introduction**

The TransNet Extension Ordinance contains the concept of economic benefit with a funding allocation for the “estimated economic benefits of incorporating specified regional and local transportation projects into applicable habitat conservation plans, thereby allowing mitigation requirements for covered species to be fixed, and allowing mitigation requirements to be met through purchase of land in advance of need in larger blocks at a lower cost<sup>1</sup>.”

The Second (2012) TransNet Triennial Performance Audit Report included the recommendation to, “Maintain focus on clarifying and defining how to apply the economic benefit concept, and identify tasks and timelines needed to address economic benefit issue. Develop corresponding methodologies to calculate the amount of economic benefit achieved as well as processes to release and allocate the resulting funding.”

At the November 13, 2013, meeting of the Environmental Mitigation Program Working Group (EMPWG), the EMPWG recommended a series of policy points and next steps to clarify the process and phasing of the release of economic benefit funding utilizing the existing process to the maximum extent possible.

**Discussion**

At the meeting, EMPWG members requested a proposed timeline to take a revised Memorandum of Agreement (MOA) to the SANDAG Policy Committees for a recommendation and to the Board of Directors for action. Staff has proposed the following schedule:

MONTH/DATE	MEETING	ACTION
January 1 - February 15, 2013	Staff and legal review by SANDAG, Caltrans, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife	Update TransNet Environmental Mitigation Program Memorandum of Agreement amended to included provisions of Economic Benefit
March 1, 2013	Regional Planning Committee	Recommendation to SANDAG Board of Directors
March 13, 2013	Independent Tax Oversight Committee	Recommendation to SANDAG Board of Directors
March 15, 2013	Transportation Committee	Recommendation to SANDAG Board of Directors
March 22, 2013	SANDAG Board of Directors	Action

<sup>1</sup> TransNet Extension Ordinance (2004) Environmental Mitigation Program Principal #4.

This information is being provided for members of the EMPWG to schedule their attendance accordingly. A copy of the draft amended MOA will be provided, along with the report to the Regional Planning Committee one week prior to the meeting.

SANDAG staff will provide a link to this report to the members of the EMPWG.

Key Staff Contact: Keith Greer, (619) 699-7390, [Keith.Greer@sandag.org](mailto:Keith.Greer@sandag.org)