

**APPENDIX 5**  
**INTERAGENCY CONSULTATION REVIEW**

## Ivan Garcia

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**From:** Brian Lasagna  
**Sent:** Monday, August 8, 2022 9:36 AM  
**To:** Brian Lasagna; Chris Carroll; Chris Devine; Chris Houlemard; Fong, Alexander Y@DOT; Ivan Garcia; Jason Mandly; Jeffrey Buss; jerome.wiggins@fta.dot.gov; Johnson, Antonio (FHWA); Joseph.Vaughn@dot.gov; Karina Oconnor; Lee, Jason@DOT; Lo.Doris@epa.gov; Matt Cadrett; Matt Lakin (Lakin.Matthew@epa.gov); nesamani.kalandiyur@arb.ca.gov; Nima Kabirinassab; rodney.tavitas@dot.ca.gov; shaila.chowdhury@dot.ca.gov; Shannon Culbertson; Ungvarsky, John; YOUNT, KEVIN J@DOT  
**Subject:** BCAG ICR - Proposed Action for BCAG 2023 FTIP Conformity Determination  
**Attachments:** Attachment #1.pdf; Attachment #2.pdf; Attachment #3.pdf; 2023\_FTIP\_ICR\_memo.pdf

BCAG ICR Group,

As part of BCAG's transportation conformity consultation process, the ICR is being asked to review BCAG's proposal on the reliance of a previous regional emissions analysis for BCAG's 2023 Federal Transportation Improvement Program (FTIP).

Included, as an attachment, is a memorandum describing the proposed action as well as associated documents. Please review and respond with any comments or questions prior to August 26<sup>th</sup>, 2022. In addition, **BCAG staff requests that FHWA, EPA, and Caltrans concur with BCAG's proposal on the reliance of a previous regional emissions analysis, prior to August 26<sup>th</sup>, 2022.**

If we receive and significant comments, BCAG staff will schedule a conference call to discuss with the group, if needed.

Please feel free to contact me with any questions.

Thank you,

Brian Lasagna  
Regional Analyst  
Butte County Association of Governments  
326 Huss Dr, Suite 150  
Chico, CA 95928  
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326 Huss Drive, Suite 150  
Chico, California 95928  
(530) 809-4616 FAX (530) 879-2444

## MEMORANDUM

DATE: August 8, 2022

TO: Interagency Consultation Review Group

FROM: Brian Lasagna, Regional Analyst

### **SUBJECT: ICR Review of BCAG's Draft 2023 FTIP Air Quality Conformity Determination**

**DISCUSSION:** The purpose of this memo is to provide the ICR with the opportunity to comment on BCAG's Draft 2023 Federal Transportation Improvement Program (FTIP) Air Quality Conformity Determination, in accordance with the BCAG public participation plan and the federal consultation requirements of 40 CFR 93.105.

Butte County is designated marginal non-attainment under the 2008 federal 8-hour ozone National Ambient Air Quality Standards (NAAQS). Further, Butte County was designated marginal non-attainment under the federal 2015 8-hour ozone NAAQS. Because of these designations, the Butte County Association of Governments (BCAG) is required to perform an air quality conformity determination for the 2023 FTIP.

### **REQUESTED ACTION:**

The ICR is being asked to concur with BCAG's proposal regarding the reliance on a previous regional emissions analysis for the purpose of demonstrating conformity for the 2023 FTIP. The 2023 FTIP does not include any new non-exempt and regionally significant projects beyond those included in the 2020 RTP. However, the 2023 FTIP does include various updates to the following exempt grouped listing.

#### **Updates to Exempt Grouped Listings**

Butte County SHOPP Collison Reduction. Includes the addition of three (3) new projects along State Route 32 in the Chico area. See Appendix A – BCAG Exempt Project Listing - 2023 FTIP for project specifics.

Butte County SHOPP Minor. Includes the addition of one (1) new project in the Chico area at the southbound entrance of State Route 99 and Eaton Rd. See Appendix A – BCAG Exempt Project Listing - 2023 FTIP for project specifics.

Butte County SHOPP Bridge Preservation. Includes the addition of one (1) new project in the Chico area at State Route 99 and Cohasset Rd. See Appendix A – BCAG Exempt Project Listing - 2023 FTIP for project specifics.

Butte County SHOPP Emergency Response. Includes the addition of two (2) new projects along State 99 near Chico and State Route 70 near Paradise. See Appendix A – BCAG Exempt Project Listing - 2023 FTIP for project specifics.

### **Reliance on Previous Regional Emissions Analysis**

Since the 2023 FTIP does not include any new non-exempt and regionally significant projects beyond those included in the 2020 RTP, the conformity rule allows for the reliance on a previous regional emissions analysis for conformity determinations on FTIPs that are consistent with the RTP (40 CFR 93.122(g)). Therefore, **BCAG is proposing to use a previous regional emissions analysis, which was prepared for the 2020 RTP and 2019 FTIP, as the basis for the 2023 FTIP Conformity Determination.** The latest regional emissions analysis is included in the report “Air Quality Emissions Analysis and Conformity Determination for 2019 Federal Transportation Improvement Program and 2020 Regional Transportation Plan” (see Attachment #1), which was adopted by the BCAG Board on December 12<sup>th</sup>, 2020, and approved by FHWA/FTA on February 19<sup>th</sup>, 2021.

For the purpose of the proposed 2023 FTIP conformity determination, BCAG states for the record:

1. Latest Planning Assumptions, Emissions Model and Budget Comparison: No new regional emissions analysis is necessary for this conformity determination. This conformity determination relies on a previous emissions analysis completed for the 2020 RTP and 2019 FTIP. Details of the analysis are available in the report “Air Quality Emissions Analysis and Conformity Determination for 2019 Federal Transportation Improvement Program and 2020 Regional Transportation Plan” (see Attachment #1), which was adopted by the BCAG Board on December 12<sup>th</sup>, 2020, and approved by FHWA/FTA on February 19<sup>th</sup>, 2021.
2. TCM Implementation: There are no approved Ozone SIP’s applicable to Butte County. Therefore, there are no Transportation Control Measures. Since no SIPs or TCMs are in place, timely TCM implementation requirements do not apply.
3. Reliance on the Previous Regional Emissions Analysis: Since the conformity determination for the 2023 FTIP relies on a previous regional emissions analysis, BCAG is required to meet the following requirements of 40 CFR 93.122(g), which are as follows:

*(g) Reliance on previous regional emissions analysis.*

*(1) Conformity determinations for a new transportation plan and/or TIP may be demonstrated to satisfy the requirements of §§93.118 (“Motor vehicle emissions budget”) or 93.119 (“Interim emissions in areas without motor vehicle emissions budgets”) without new regional emissions analysis if the previous regional emissions analysis also applies to the new plan and/or TIP. This requires a demonstration that:*

*(i) The new plan and/or TIP contain all projects which must be started in the plan and TIP’s timeframes in order to achieve the highway and transit system envisioned by the transportation plan;*

*(ii) All plan and TIP projects which are regionally significant are included in the transportation plan with design concept and scope adequate to determine their contribution to the transportation plan’s and/or TIP’s regional emissions at the time of the previous conformity determination;*

*(iii) The design concept and scope of each regionally significant project in the new plan and/or TIP are not significantly different from that described in the previous transportation plan; and*

*(iv) The previous regional emissions analysis is consistent with the requirements of §§93.118 (including that conformity to all currently applicable budgets is demonstrated) and/or 93.119, as applicable.*

*(2) A project which is not from a conforming transportation plan and a conforming TIP may be demonstrated to satisfy the requirements of §93.118 or §93.119 without additional regional emissions analysis if allocating funds to the project will not delay the implementation of projects in the transportation plan or TIP which are necessary to achieve the highway and transit system envisioned by the transportation plan, the previous regional emissions analysis is still consistent with the requirements of §93.118 (including that conformity to all currently applicable budgets is demonstrated) and/or §93.119, as applicable, and if the project is either:*

*(i) Not regionally significant; or*

*(ii) Included in the conforming transportation plan (even if it is not specifically included in the latest conforming TIP) with design concept and scope adequate to determine its contribution to the transportation plan's regional emissions at the time of the transportation plan's conformity determination, and the design concept and scope of the project is not significantly different from that described in the transportation plan.*

The 2023 FTIP meets these requirements:

- The 2023 FTIP contains all projects, which must be started in the FTIP and RTP's timeframe to achieve the highway and transportation system envisioned by the transportation plan.
  - All 2023 FTIP projects which are regionally significant were included in the 2020 RTP, which was adopted by the BCAG Board on December 12<sup>th</sup>, 2020, and approved by FHWA/FTA on February 19<sup>th</sup>, 2021.
  - The design concept and scope of each regionally significant project in the 2023 FTIP is not significantly different from the described projects in the previous transportation plan.
  - The previous emissions analysis is consistent with the requirements of 40 CFR 93.118 and 93.119, as applicable.
  - Allocating funds to these projects will not delay the implementation of projects in the 2020 RTP which are necessary to achieve the highway and transportation system envisioned by the plan.
4. Financial Constraint: The 2023 FTIP has been financially constrained in accordance with the requirements of 40 CFR 93.108 and consistent with the U.S. DOT metropolitan planning regulations (23 CFR Part 450).
5. Interagency and Public Consultation: The prior regional emissions analysis leading to FHWA, and FTA approval underwent extensive agency and public consultation and documented in the conformity report. The following portion applies after all consultation is complete - *For the 2023 FTIP, BCAG initially consulted on this action with its Interagency Consultation Review (ICR) group on August 5, 2022. BCAG staff provided a 30-day public review and comment period in compliance with BCAG's adopted Public Participation Plan (PPP). Legal notices were posted in local newspapers, and the*

*conformity document was made available at local public libraries and on BCAG's website. The Air Quality Conformity Analysis and Determination were circulated among staff from Federal Highway Administration (FHWA), Environmental Protection Agency (EPA), Federal Transit Agency (FTA), and Caltrans. Appendices contain copies of public notices and responses to public comments.*

#### **ADDITIONAL INFORMATION:**

##### **Transportation Project Listing**

Included for the ICRs information is the listing of all federal and regionally significant projects expected to occur in the non-attainment areas of the BCAG region which have been included in the regional emissions analysis for the 2023 FTIP and 2020 RTP (Attachment #2). Attachment #3 contains a listing of all exempt projects included in the 2023 FTIP.

##### **Schedule**

Included below is the schedule of activities for completing the 2023 FTIP conformity determination and regional emissions analysis.

- August 4, 2022** Release Draft 2023 FTIP for 30-day public comment period and hold Public Workshop
- August 8, 2022** BCAG Interagency Consultation Review (15-day period)
- September 9, 2022** 30 day public review period concludes
- September 22, 2022** BCAG Board of Directors considers adoption.

**STAFF REQUEST:** BCAG staff requests the ICR review and provide comment regarding BCAG's proposed action. In addition, BCAG staff requests that FHWA, EPA, and Caltrans concur with the BCAG's proposed reliance on a previous regional emissions analysis. BCAG is asking that all questions and comments be submitted prior to **August 26<sup>th</sup>, 2022**.

## Ivan Garcia

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**From:** OConnor, Karina (she/her) <OConnor.Karina@epa.gov>  
**Sent:** Friday, August 12, 2022 9:30 AM  
**To:** Brian Lasagna; Chris Carroll; Chris Devine; Chris Houlemard; Fong, Alexander Y@DOT; Ivan Garcia; jmandly; Buss, Jeffrey (he/him); jerome.wiggins@fta.dot.gov; Johnson, Antonio (FHWA); Joseph.Vaughn@dot.gov; Lee, Jason@DOT; Lo, Doris; Matt Cadrett; Lakin, Matt (he/him); nesamani.kalandiyur@arb.ca.gov; Nima Kabirinassab; rodney.tavitas@dot.ca.gov; shaila.chowdhury@dot.ca.gov; Shannon Culbertson; Ungvarsky, John (he/him); YOUNT, KEVIN J@DOT  
**Subject:** RE: BCAG ICR - Proposed Action for BCAG 2023 FTIP Conformity Determination

EPA concurs on the BCAG's draft conformity analysis that relies on a previous regional emissions analysis.

Thanks, Karina

Karina Oconnor (she/her)  
Air Planning Office  
US EPA Region 9 (AIR-2)  
75 Hawthorne St.  
San Francisco, CA 94105  
(775) 434-8176  
oconnor.karina@epa.gov

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**From:** Brian Lasagna <BLasagna@bcag.org>  
**Sent:** Monday, August 8, 2022 9:36 AM  
**To:** Brian Lasagna <BLasagna@bcag.org>; Chris Carroll <chris\_carroll@dot.ca.gov>; Chris Devine <CDevine@bcag.org>; Chris Houlemard <chris.houlemard@dot.ca.gov>; Fong, Alexander Y@DOT <alexander.fong@dot.ca.gov>; Ivan Garcia <IGarcia@bcag.org>; jmandly <jmandly@bcaqmd.org>; Buss, Jeffrey (he/him) <Buss.Jeffrey@epa.gov>; jerome.wiggins@fta.dot.gov; Johnson, Antonio (FHWA) <antonio.johnson@dot.gov>; Joseph.Vaughn@dot.gov; OConnor, Karina (she/her) <OConnor.Karina@epa.gov>; Lee, Jason@DOT <jason.lee@dot.ca.gov>; Lo, Doris <Lo.Doris@epa.gov>; Matt Cadrett <"Matthew@Cadrett"@dot.ca.gov>; Lakin, Matt (he/him) <Lakin.Matthew@epa.gov>; nesamani.kalandiyur@arb.ca.gov; Nima Kabirinassab <nima.kabirinassab@dot.ca.gov>; rodney.tavitas@dot.ca.gov; shaila.chowdhury@dot.ca.gov; Shannon Culbertson <shannon\_culbertson@dot.ca.gov>; Ungvarsky, John (he/him) <Ungvarsky.John@epa.gov>; YOUNT, KEVIN J@DOT <KEVIN.YOUNT@dot.ca.gov>  
**Subject:** BCAG ICR - Proposed Action for BCAG 2023 FTIP Conformity Determination

BCAG ICR Group,

As part of BCAG's transportation conformity consultation process, the ICR is being asked to review BCAG's proposal on the reliance of a previous regional emissions analysis for BCAG's 2023 Federal Transportation Improvement Program (FTIP).

Included, as an attachment, is a memorandum describing the proposed action as well as associated documents. Please review and respond with any comments or questions prior to August 26<sup>th</sup>, 2022. In addition, **BCAG staff requests that FHWA, EPA, and Caltrans concur with BCAG's proposal on the reliance of a previous regional emissions analysis, prior to August 26<sup>th</sup>, 2022.**

If we receive and significant comments, BCAG staff will schedule a conference call to discuss with the group, if needed.

Please feel free to contact me with any questions.

Thank you,

Brian Lasagna  
Regional Analyst  
Butte County Association of Governments  
326 Huss Dr, Suite 150  
Chico, CA 95928  
Ph 530.809.4616  
Fax 530.879.2444  
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## Ivan Garcia

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**From:** Lee, Jason@DOT <jason.lee@dot.ca.gov>  
**Sent:** Tuesday, August 23, 2022 11:10 AM  
**To:** Vaughn, Joseph (FHWA); Brian Lasagna; OConnor, Karina (she/her); Carroll, Chris S@DOT; Chris Devine; Houlemard, Chris@DOT; Fong, Alexander Y@DOT; Ivan Garcia; jmandly; Buss, Jeffrey (he/him); jerome.wiggins@fta.dot.gov; Johnson, Antonio (FHWA); Lo, Doris; Lakin, Matt (he/him); Kalandiyur, Nesamani@ARB; Kabirinassab, Nima@DOT; Tavitas, Rodney A@DOT; Chowdhury, Shaila K@DOT; Culbertson, Shannon@DOT; Ungvarsky, John (he/him); YOUNT, KEVIN J@DOT; Cadrett, Matthew@DOT  
**Subject:** RE: BCAG ICR - Proposed Action for BCAG 2023 FTIP Conformity Determination

Hi All,

Caltrans concur that the BCAG's draft conformity analysis that relies on a previous regional emissions analysis.

Thanks a lot,

Jason Lee, PE  
AQ specialist  
CalTrans  
703 B St  
Marysville, CA 95901  
Cell:530-720-1707

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**From:** Vaughn, Joseph (FHWA) <Joseph.Vaughn@dot.gov>  
**Sent:** Tuesday, August 23, 2022 10:59 AM  
**To:** Brian Lasagna <BLasagna@bcag.org>; OConnor, Karina (she/her) <OConnor.Karina@epa.gov>; Carroll, Chris S@DOT <chris.carroll@dot.ca.gov>; Chris Devine <CDevine@bcag.org>; Houlemard, Chris@DOT <Chris.Houlemard@dot.ca.gov>; Fong, Alexander Y@DOT <alexander.fong@dot.ca.gov>; Ivan Garcia <IGarcia@bcag.org>; jmandly <jmandly@bcaqmd.org>; Buss, Jeffrey (he/him) <Buss.Jeffrey@epa.gov>; jerome.wiggins@fta.dot.gov; Johnson, Antonio (FHWA) <antonio.johnson@dot.gov>; Lee, Jason@DOT <jason.lee@dot.ca.gov>; Lo, Doris <Lo.Doris@epa.gov>; Lakin, Matt (he/him) <Lakin.Matthew@epa.gov>; Kalandiyur, Nesamani@ARB <nesamani.kalandiyur@arb.ca.gov>; Kabirinassab, Nima@DOT <Nima.Kabirinassab@dot.ca.gov>; Tavitas, Rodney A@DOT <rodney.tavitas@dot.ca.gov>; Chowdhury, Shaila K@DOT <shaila.chowdhury@dot.ca.gov>; Culbertson, Shannon@DOT <shannon.culbertson@dot.ca.gov>; Ungvarsky, John (he/him) <Ungvarsky.John@epa.gov>; YOUNT, KEVIN J@DOT <KEVIN.YOUNT@dot.ca.gov>; Cadrett, Matthew@DOT <Matthew.Cadrett@dot.ca.gov>  
**Subject:** RE: BCAG ICR - Proposed Action for BCAG 2023 FTIP Conformity Determination

**EXTERNAL EMAIL.** Links/attachments may not be safe.

FHWA has no issues or concerns with the proposed approach. Thank you.

Joseph Vaughn  
Environmental Specialist  
FHWA, CA Division  
(916) 498-5346

---

**From:** Brian Lasagna <BLasagna@bcag.org>  
**Sent:** Tuesday, August 23, 2022 9:18 AM

## Ivan Garcia

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**From:** Vaughn, Joseph (FHWA) <Joseph.Vaughn@dot.gov>  
**Sent:** Tuesday, August 23, 2022 10:59 AM  
**To:** Brian Lasagna; OConnor, Karina (she/her); Chris Carroll; Chris Devine; Chris Houlemard; Fong, Alexander Y@DOT; Ivan Garcia; jmandly; Buss, Jeffrey (he/him); jerome.wiggins@fta.dot.gov; Johnson, Antonio (FHWA); Lee, Jason@DOT; Lo, Doris; Lakin, Matt (he/him); nesamani.kalandiyur@arb.ca.gov; Nima Kabirinassab; rodney.tavitas@dot.ca.gov; shaila.chowdhury@dot.ca.gov; Shannon Culbertson; Ungvarsky, John (he/him); YOUNT, KEVIN J@DOT; Cadrett, Matthew@DOT  
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FHWA has no issues or concerns with the proposed approach. Thank you.

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**Subject:** RE: BCAG ICR - Proposed Action for BCAG 2023 FTIP Conformity Determination

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

All,

Just a reminder that BCAG is requesting concurrence from FHWA and Caltrans on the 2023 FTIP draft conformity analysis that relies on a previous regional emissions analysis, **prior to the COB on August 26<sup>th</sup>, 2022.**

Please feel free to contact me with any questions.

Thank you,

Brian Lasagna  
Regional Analyst  
Butte County Association of Governments  
326 Huss Dr, Suite 150  
Chico, CA 95928  
Ph 530.809.4616