

### 6.1 INTRODUCTION

The Recirculated Draft EIR/EA (Recirculated Draft EIR/EA) prepared for this project identified two outstanding issues that needed to be resolved before the could receive a Finding of No Significant Impact (FONSI) issued for the project by FHWA. The outstanding issues were Federal Air Quality Conformity for the project area, and the issuance of a Biological Opinion for the project from the U.S. Fish and Wildlife Service (USFWS). Following is a discussion of the issues and information on their resolution.

### 6.2 AIR QUALITY CONFORMITY

Under the 1990 Clean Air Act Amendments, the U.S. Department of Transportation cannot fund, authorize, or approve Federal actions to support programs or projects that are not first found to conform to the Clean Air Act requirements. Conformity with the Clean Air Act takes place on two levels—first, at the regional level and second, at the project level. The proposed project must conform at both levels to be approved.

Regional level conformity is concerned with how well the region is meeting the standards set for listed pollutants. At the regional level, Regional Transportation Plans (RTP) are developed that include all of the transportation projects planned for a region over a period of years, usually 20. Based on the projects included in the RTP, an air quality model is run to determine whether or not the implementation of those projects would result in a violation of the federal Clean Air Act. If no violations would occur, then the regional planning organization, such as SACOG for Sacramento area, and the appropriate federal agencies, such as the Federal Highway Administration, make the determination that the RTP is in conformity with the federal Clean Air Act. Otherwise, the projects in the RTP must be modified until conformity is attained. If the design and scope of the proposed transportation project are the same as described in the RTP, then the proposed project is deemed to be in conformity at the regional level.

Conformity at the project-level is also required. Again the pollutants of concern are: carbon monoxide (CO), nitrous dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>) and particulate matter that is 10 microns in diameter or smaller (PM<sub>10</sub>). If a region is meeting the standard for a given pollutant, then the region is said to be in “attainment” for that pollutant. If the region is not meeting the standard, then it is designated a “non-attainment” area for that pollutant. Areas that were previously designated as non-attainment areas but have recently met the standard are called “maintenance” areas. If a project is located in a non-attainment or maintenance area for a given pollutant, then additional air quality analysis and reduction measures in regard to that pollutant are required. This is most frequently done for CO and PM<sub>10</sub>.

#### Attainment Status

The Sheldon Road/SR 99 Interchange Improvement project is within the Sacramento Valley Air Basin (SVAB). Elk Grove is within the Sacramento Metropolitan Air Quality Management District (SMAQMD), which is part of the SVAB. Sacramento County is included in the Greater Sacramento Ozone Non-attainment Area as delineated by the EPA for ozone and PM<sub>10</sub>. The air districts within the non-attainment area have committed through the State Implementation Plan

## **6.0 ADDITIONAL FEDERALLY-REQUIRED INFORMATION**

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(SIP) to achieving attainment of the federal ozone standard by 2005. Because of the air basin's status as a non-attainment area, the air pollution control districts and air quality management districts within the air basin are required to prepare attainment plans as the basins' contribution to the SIP, pursuant to the federal Clean Air Act. The SIP includes plans for each of the state's non-attainment areas, along with rules and regulations and other control measures adopted by the air districts and the California Air Resources Board (CARB).

### **Conformity Statement**

After beginning a lapse in meeting federal air quality conformity in October 2004, the SVAB has been working to return to federal conformity under a new Metropolitan Transportation Plan (MTP) for 2025. The Sheldon Road/SR 99 Interchange Improvement Project is included in the new MTP currently under conformity review. It is anticipated that FHWA and FTA will adopt the air quality conformity finding in March of 2006 and the SVAB will return to federal air quality conformity at that time.

The design concept and scope of the Sheldon Road/SR 99 Interchange project is consistent with the project description on the proposed new MTP for 2025 and proposed new 2005/07 Metropolitan Transportation Improvement Program, and SACOG's regional emission analysis.

### **6.3 REQUIREMENTS OF THE BIOLOGICAL OPINION**

Section 7 of the Federal Endangered Species Act directs all Federal agencies to use their existing authorities to conserve threatened and endangered species and, in consultation with the U.S. Fish and Wildlife Service (USFWS), to ensure that their actions do not jeopardize listed species or destroy or adversely modify designated critical habitat. Section 7(a)(2) applies to any Federal action that may affect listed species or designated critical habitat. Federal actions include funding, licensing, permitting, authorizing, or carrying out activities under their jurisdictions. Since FHWA (a federal agency), is providing funding for the Sheldon Road/SR 99 Interchange Improvement Project, the project is subject to the requirements of Section 7 of the Federal Endangered Species Act, and consultation with USFWS was required.

Under Section 7 of the Federal Endangered Species Act, after consultation with the USFWS, the USFWS will issue a Biological Opinion (BO), which outlines certain practices and mitigation measures that must be followed during project implementation to minimize impacts to federally listed species or critical habitat(s). It is expected that a BO will be issued for the Sheldon Road/SR 99 Interchange Improvement Project in December 2005.