

# The Jerome N. Frank Legal Services Organization

YALE LAW SCHOOL

June 9, 2025

*By Email and Certified Mail*

Robert Phipps  
Executive Director  
Fresno Council of Governments  
2035 Tulare Street  
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Matthew Shimizu  
Associate Regional Planner  
San Joaquin Valley Project-Level Conformity Working Group  
Fresno Council of Governments  
2035 Tulare Street  
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Fresno, CA 93721  
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RECEIVED

JUN 12 2025

By: FRESNO COG

**Re: Demand to Cure and Correct Brown Act Violation – March 12, 2025  
Interagency Consultation Meeting on South Fresno State Route 99 Corridor  
Project**

Dear Executive Director Phipps and San Joaquin Valley Project-Level Conformity Working Group:

In accordance with California Government Code sections 54960.1(b) and (c)(1), Friends of Calwa, Inc., Fresno Building Healthy Communities, and Leadership Counsel for Justice and Accountability provide this letter as a formal written demand to cure and correct violations of the Ralph M. Brown Act arising from a meeting of the San Joaquin Valley Project-Level Conformity Working Group (“SJV Working Group”) of the Fresno Council of Governments (“FCOG”) on March 12, 2025. The meeting concerned interagency consultation on the transportation conformity determination for the South Fresno State Route 99 Corridor Project (“Project”). This written demand is timely made within 90 days of the violation. Gov’t Code § 59460.1(c)(1).

FCOG and the SJV Working Group violated the Brown Act by: (1) failing to make the March 12, 2025 meeting of the SJV Working Group open to the public, (2) refusing to allow public attendance at this regular meeting, and (3) failing to provide members of the public

with an opportunity to address the legislative body on items of interest on the March 12, 2025 meeting agenda.

Beyond the violation of the formal requirements of the Brown Act, the decision to close the March 12, 2025 interagency consultation meeting to the public represents a severe breach of public trust and of FCOG's own commitments to public participation in its processes. This meeting concerned a major highway expansion project known to be of profound concern to South Fresno residents—communities of color that have long borne the brunt of pollution, highway buildout, industrial encroachment, and systemic exclusion from decision-making. FCOG's decision to revoke public access to the SJV Working Group meeting, after a public Zoom link had already been distributed, sent a clear message: that the voices of those most affected by the South Fresno State Route 99 Corridor Project ("Project") were neither welcome nor valued in the room where decisionmakers were discussing issues that directly affect their futures.

At a time when public-serving representatives and institutions should be working to restore confidence in democratic processes and build bridges with historically marginalized communities, FCOG's actions undermined transparency, accountability, and faith in governance. FCOG recognizes as a guiding principle of its public involvement procedures that "[a]n open and transparent public participation process empowers low-income communities and communities of color to participate in decision-making that affects them."<sup>1</sup> FCOG's decision to bar public access to interagency consultation on the Project violated this commitment. The affected communities deserve a seat at the table—not after the decision has already been made behind closed doors, and not through token gestures, but through genuine, inclusive participation in shaping infrastructure decisions that will define their neighborhoods for generations to come. What happened on March 12 went beyond procedural error—it was a betrayal of public responsibility and a stark example of how environmental injustice is perpetuated through bureaucratic disregard.

As a result of the Brown Act violations described below, any action taken at or pursuant to the March 12, 2025 meeting of the SJV Working Group is null and void. FCOG must cure and correct these violations by re-agendizing interagency consultation on the South Fresno State Route 99 Corridor Project at an open, public meeting with opportunity for public comment.

## **I. Background**

The South Fresno State Route 99 Corridor Project, a joint undertaking of the California Department of Transportation ("Caltrans") and the Federal Highway Administration ("FHWA"), purports to improve traffic flow and freight transport efficiency by expanding the North Avenue and American Avenue interchanges along State Route 99 in South Fresno, converting one-way ingress and egress ramps into bidirectional access points

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<sup>1</sup> Fresno Council of Gov'ts, Public Participation Plan at 4 (March 3, 2020), <https://www.fresnocog.org/wp-content/uploads/2020/03/2020-Fresno-COG-Public-Participation-Plan-Draft.pdf>

and widening the interchanges to accommodate increased heavy-duty truck traffic. Because the San Joaquin Valley, where the Project is to be located, is in “serious” nonattainment for PM<sub>2.5</sub> pollution and “extreme” nonattainment for 8-hour ozone, as well as under a Maintenance Plan to prevent backsliding on PM<sub>10</sub> pollution, federal law requires FHWA to find the Project conforms with plans to achieve attainment of national ambient air quality standards for these air pollutants before the Project may go forward. 42 U.S.C. § 7506(c)(1). For projects that present air quality concerns—for instance, by significantly increasing diesel vehicle trips or worsening congestion—FHWA must conduct a quantitative “hot-spot analysis” to evaluate the project’s potential to cause new localized particulate matter violations. 40 C.F.R. §§ 93.116(a), 92.123(b). Federal regulations require that FHWA consult with federal, state, regional, and local agencies with responsibilities over State Implementation and Maintenance Plans to inform project-level conformity determinations. 40 C.F.R. § 93.105(c).

In July 2020, Caltrans circulated a memorandum to interagency consultation partners requesting concurrence that the Project does not present air quality concerns and that, as such, no hot-spot analysis would be required to inform the Project’s transportation conformity determination. On September 2, 2022, Caltrans submitted to FHWA a request for a project-level conformity determination for the Project, supported by an Air Quality Conformity Analysis dated August 2022. By letter dated October 3, 2022, FHWA documented its final determination that, on the basis of the August 2022 Air Quality Conformity Analysis and the July 2020 interagency consultation memorandum, the Project conforms with applicable State Implementation Plans. FHWA’s final conformity determination did not address the Project’s conformity with the Maintenance Plan for PM<sub>10</sub> pollution. Caltrans then certified the Final Environmental Impact Report/Environmental Assessment for the Project in January 2023.

On March 8, 2023, Friends of Calwa and Fresno Building Healthy Communities filed suit against Caltrans and FHWA in the U.S. District Court for the Eastern District of California, challenging their reviews and approvals of the Project. On June 6, 2022, Plaintiffs amended the complaint to add claims against FHWA for violations of the Clean Air Act’s transportation conformity provisions.<sup>2</sup> In December 2023, FHWA requested and obtained a voluntary remand of its Clean Air Act transportation conformity determination “to hold a public comment period for technical analyses that underpinned the conformity determination and engage in additional interagency consultation,” to address procedural defects alleged in Plaintiffs’ complaint and reconsider the Project’s conformity determination.<sup>3</sup>

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<sup>2</sup> Plaintiffs subsequently refiled in state court their claims against Caltrans under the California Environmental Quality Act and State civil rights laws; these claims remain pending in Fresno County Superior Court. *Friends of Calwa, Inc. et al. v. Cal. Dept. of Transportation et al.*, Case No. 23CECG04109 (Fresno County Superior Court).

<sup>3</sup> Federal Defendants’ Notice of Motion and Motion for Voluntary Remand and Memorandum in Support, Dkt. No. 49 at 2, *Friends of Calwa, Inc. et al. v. Cal. Dept. of Transportation et al.*, Case No. 1:23-cv-00353-JLT-EPG (E.D. Cal. Dec. 4, 2023)

During the subsequent remand process, FHWA committed to improved community engagement. On May 31, 2024, FHWA issued a Public Notice for a 44-day public comment period on the conformity determination. It also held a public meeting on June 20, 2024, attended by over 50 concerned residents and community stakeholders. Members of the public documented the significant community interest in this Project in written and oral comments. They also raised numerous concerns with Caltrans' and FHWA's analyses, including the agencies' decision to exclude from the conformity analyses a planned 3,000-acre industrial development, the Fresno County Business and Industrial Campus, directly adjacent to the Project Area ("Industrial Campus"). As laid out in public comments, the Industrial Campus would rely on the expanded interchanges—indeed would be enabled by the Project—but projections about its dramatic increase in diesel truck traffic adjacent to and through South Fresno were not included in the Project air quality conformity analysis.

In January 2025, FCOG staff inquired with Caltrans about the status of the Project and the need for further interagency consultation. Ex. A (Jan. 16, 2025 email exchange). FCOG determined that it would facilitate the interagency consultation meeting on the Project and noticed the consultation for February 20, 2025; the meeting was subsequently postponed while FCOG sought "clarity from our federal [interagency consultation (IAC)] partners on their ability to participate." Ex. B (Feb. 14, 2025 email exchange). On February 20, 2025, FCOG sent an email to interagency consultation partners notifying them that "Fresno Council of Governments (FCOG), on behalf of Caltrans, is inviting you to a project-level interagency consultation working group call to discuss IAC comments on the project-level conformity determination for the South Fresno project." Ex. C (Mar. 12, 2025 email thread). FCOG then posted an agenda for a March 12, 2025 virtual meeting of the SJV Working group, including a link for public viewing and participation via Zoom. Ex. D (March 12, 2025 meeting agenda). The stated purpose of the meeting was to "[r]eview and discuss additional comments from IAC partners on South Fresno 99 project conformity." *Id.*

On March 11, 2025, FCOG informed interagency consultation partners that the SJV Working Group meeting would be "for IAC partners only." Ex. C at 6. On March 12, FCOG staff informed IAC partners that it had "created a waiting room on Zoom" and would provide "a co-host to help filter in the right people to attend today's call." *Id.* at 4. FCOG then appointed a consultant as meeting co-host "to filter and remove unwanted guests." *Id.* at 2. Consistent with these internal communications, when the undersigned attempted to join the SJV Working Group meeting via the publicly provided viewing link to observe the meeting, they were placed into a waiting room and then removed from the Zoom channel without explanation. There was also no opportunity for the undersigned to join the meeting in person at the FCOG office. FCOG neither revised the agenda nor provided notice to the public that the meeting would take place in a closed session, without opportunity for public participation.

## **II. Applicability of the Brown Act to the March 12 SJV Working Group Meeting**

The March 12, 2025 meeting falls within the jurisdiction of the Brown Act. Under California Government Code sections 54951 and 54952, the Brown Act applies to all "local

agencies,” including regional planning entities such as the Fresno Council of Governments.<sup>4</sup> California Government Code section 54952(b) defines a legislative body to include any “commission, committee, board, or other body of a local agency, whether permanent or temporary, decision making or advisory,” that is created by formal action of a legislative body. A committee set up by a legislative body is itself a “legislative body” irrespective of the committee’s composition if the committee has “continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body.”<sup>5</sup> Committees subject to the Brown Act are to be given “a broad construction to prevent evasion.” *Frazer v. Dixon Unified Sch. Dist.*, 18 Cal.App.4th 781, 792 (1993).

The SJV Working Group fits squarely within the definition of a “standing committee” under the Brown Act. The SJV Working Group maintains a regular meeting schedule, exercises ongoing jurisdiction over significant attributes of project-level air quality conformity under the Clean Air Act, and exercises FCOG’s functions as the Metropolitan Planning Organization charged with coordinating public and interagency consultation regarding air quality conformity.<sup>6</sup> The SJV Working Group serves a central role in the regional air quality planning process, regularly convening interagency consultations that inform local, state, and federal decision-makers whether major transportation projects comply with the Clean Air Act and federal standards. For instance, the group has convened a regular series of meetings since at least 2024 to consider Clean Air Act conformity for major regional infrastructure and transportation projects in the San Joaquin Valley, including Highway 59 Widening, the Atwater-Merced Expressway, and the SR 152 Volta Intersection Control Improvement Project. These are not ad hoc convenings: The SJV Working Group’s subject matter jurisdiction and consistent scheduling of inter-agency meetings reflects both the group’s permanence and its substantive role in regional environmental decision-making.<sup>7</sup> Under Government Code section 54952(b), such a body is unambiguously a legislative body.

The court’s decision in *Joiner v. City of Sebastopol*, 125 Cal.App.3d 799 (1981), is instructive. In *Joiner*, the court addressed whether a committee composed of less than a quorum of two different legislative bodies qualified as a “legislative body” under Government Code section 54952. Despite the committee’s informal structure, hybrid composition, and lack of a formal resolution creating it, the court held that it did. *Id.* at 805. That the committee comprised less than a quorum of any one legislative body did not exempt it from Brown Act jurisdiction: Rather, the committee’s creation by formal action

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<sup>4</sup> Cal. Dep’t of Justice, The Brown Act: Open Meetings for Local Legislative Bodies (2023), <https://oag.ca.gov/system/files/media/the-brown-act.pdf>.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 3, 16.

<sup>7</sup> These features distinguish SJV Working Group from the sort of ad hoc, limited-term committees convened for a discrete task that may fall outside the Brown Act’s requirements. See *Taxpayers for Livable Cmnty. v. City of Malibu*, 126 Cal.App.4th 1123, 1129 (2005).

and its advisory function were sufficient to subject it to the Act's opening meeting requirements.<sup>8</sup> *Id.* So too here.

The Brown Act's requirements for open, public governance are not discretionary. For bodies that functionally qualify as a standing committee, all meetings must comply with the Act's sunshine provisions, including: advance notice to the public (Gov't Code § 54954.2), open access to observe and participate (§ 54953), and a guaranteed opportunity for members of the public to be heard (§ 54954.3). Moreover, FCOG has adopted policies that extend these and other public participation provisions to its full range of regional planning functions.<sup>9</sup> FCOG's 2020 Public Participation Plan affirms FCOG's commitment to Brown Act compliance for standing committees such as the SJV Working Group. The Plan acknowledges that the FCOG Board and its standing committees are subject to the Brown Act's requirements regarding public notice, public access, and opportunities for public comment.<sup>10</sup>

FCOG's decision to bar public attendance and participation at the meeting, after acknowledging the right of the public to participate by providing a public Zoom link, constitutes a direct violation of these legal mandates. This action deprived the public of its right to observe and participate in a matter of substantial regional and environmental importance and undermined the transparency and legitimacy of the conformity review process. The Brown Act was enacted precisely to prevent this type of secretive, closed-door deliberation on matters of public importance. FCOG must cure and correct these violations to comply with California's open government laws and restore public trust in the regional planning process.

### **III. Nature of the Violation**

FCOG's failure to allow for public attendance and participation at the March 12, 2025 meeting constituted multiple violations of the Brown Act.

First, the SJV Working Group's failure to provide public access to the March 12, 2025 meeting violated Government Code section 54953(a). This provision of the Brown Act requires that all meetings of the legislative body of a local agency must be "open and public," and may not be "conducted in secret" unless expressly authorized by statute. Although FCOG had distributed a public Zoom link in advance of the March 12 meeting, its staff barred public attendance without notice, justification, or compliance with any of the Brown Act's closed session procedures. The decision to close the meeting to public access was not supported by a valid exemption and therefore violated the Act's mandatory open meeting requirements.

Second, even if FCOG had a valid justification for barring public participation at the March 12 meeting—which it did not—it still violated the Act's transparency mandates for

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<sup>8</sup> See also *Frazer*, 18 Cal.App.4th at 793 (allegations that review and hearing committee were "were sufficient to bring those advisory bodies within the coverage of the Brown Act, and allegations that members of the public (appellant) were excluded from meetings of these bodies were sufficient to state a cause of action for violation of section 54953:).

<sup>9</sup> See generally, Fresno Council of Gov'ts, Public Participation Plan.

<sup>10</sup> Fresno Council of Gov'ts, Public Participation Plan at 8.

closed session convenings. Even where a closed session is authorized, the Brown Act imposes strict procedural prerequisites including a written agenda describing the closed session items (Gov't Code § 54954.2), an oral announcement prior to the session (§ 54957.7), and a post-session report of any final actions taken (§ 54957.1). FCOG did not satisfy these requirements. As a result, the closed session was both substantively and procedurally illegal.

Third, by failing to permit public comment at the March 12 meeting, the SJV Working Group violated Government Code section 54954.3(a), which guarantees members of the public an opportunity to directly address the legislative body on any item within its subject matter jurisdiction before or during consideration of that item. Given that the March 12 consultation involved a Clean Air Act conformity determination for a significant regional infrastructure project of great interest to the South Fresno community, the lack of any opportunity for public input denied the community its right to participate in a critical aspect of the regional decision-making process and further rendered the meeting procedurally invalid under the Brown Act.

### **III. Requested Cure**

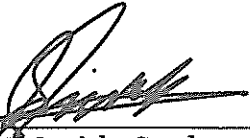
Because the March 12 meeting was closed to the public in violation of the Brown Act, any deliberation, discussion, or decision that occurred during the consultation is null and void. Gov't Code § 54960.1(a). Accordingly, we respectfully request that FCOG and the SJV Working Group take immediate corrective action by (1) rescinding any action or determination made at the March 12 meeting, (2) re-noticing and reconvening interagency consultation on the Project at a regular open, public meeting of the SJV Working Group in full compliance with the Brown Act, and (3) ensuring that all future meetings of the SJV Working Group are conducted with proper public access, notice, and transparency.

### **IV. Deadline and Reservation of Rights**

Pursuant to Government Code section 54960.1, you have 30 days after receipt of this notice to take corrective action. If no such action is taken, we reserve all legal rights, including filing a petition for writ of mandate in superior court to enforce compliance with the Brown Act.

Please contact Stephanie Safdi ([stephanie.safdi@ylsclinics.org](mailto:stephanie.safdi@ylsclinics.org)) and Michael Claiborne ([mclaiborne@leadershipcounsel.org](mailto:mclaiborne@leadershipcounsel.org)) should you wish to discuss this matter or confirm your agency's response.

Sincerely,



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Sarah M. Smith, Student Attorney  
Stephanie L. Safdi, Supervising Attorney  
Environmental Justice Law and Advocacy Clinic  
Jerome N. Frank Legal Services Organization  
Yale Law School<sup>i</sup>  
127 Wall Street  
New Haven, CT 06511  
Stephanie.safdi@ylsclinics.org  
(203) 432-4800  
*Counsel for Friends of Calwa, Inc. and Fresno Building Healthy Communities*

Michael Claiborne  
Directing Attorney  
Leadership Counsel for Justice & Accountability  
mclaiborne@leadershipcounsel.org

Sandra Celedon-Castro  
Chief Executive Officer  
Fresno Building Healthy Communities

Laura Moreno  
Executive Director  
Friends of Calwa, Inc.

cc:  
Counsel, Federal Highway Administration – California Division  
Counsel, California Department of Transportation

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<sup>i</sup> This letter does not purport to reflect the opinions of Yale Law School, if any.



# **EXHIBIT A**

**From:** Alex Marcucci  
**Sent:** Thu, 16 Jan 2025 10:32:28 +0000  
**To:** Matthew Shimizu  
**Cc:** Ofelia Abundez; Suriya Vallamsundar; Robert Phipps  
**Subject:** RE: south fresno

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am working with Caltrans on scheduling an internal meeting for next week. Note that FCOG is just a facilitator of the conformity determination for this project and will need to post materials that will be developed by Caltrans with FHWA/Caltrans leading the IAC/public meeting. I will keep you posted.


**From:** Matthew Shimizu <mshimizu@fresnocog.org>  
**Sent:** Thursday, January 16, 2025 11:50 AM  
**To:** Alex Marcucci <AMarcucci@trinityconsultants.com>  
**Cc:** Ofelia Abundez <OAbundez@fresnocog.org>; Suriya Vallamsundar <Suriya.Vallamsundar@trinityconsultants.com>; Robert Phipps <rphipps@fresnocog.org>  
**Subject:** Re: south fresno

I just spoke with Robert, and he just sent a message out to Caltrans to find out more information. We will keep you posted.

Thanks,



Matthew Shimizu  
Associate Regional Planner  
Fresno Council of Governments

 [mshimizu@fresnocog.org](mailto:mshimizu@fresnocog.org)  
 559.233.4148 Ext. 240  
 [2035 Tulare St Suite 201](#)  
[Fresno, CA 93721](#)  
 [fresnocog.org](http://fresnocog.org)

**From:** Matthew Shimizu <mshimizu@fresnocog.org>  
**Sent:** Thursday, January 16, 2025 11:41 AM  
**To:** Alex Marcucci <AMarcucci@trinityconsultants.com>  
**Cc:** Ofelia Abundez <OAbundez@fresnocog.org>; Suriya Vallamsundar <Suriya.Vallamsundar@trinityconsultants.com>; Robert Phipps <rphipps@fresnocog.org>  
**Subject:** Re: south fresno


Hi Alex,

I haven't heard anything regarding that project, but I will keep you posted once I do. Please let us know when you would like us to attend that meeting.

Thanks,



Matthew Shimizu  
Associate Regional Planner  
Fresno Council of Governments

 [mshimizu@fresnocog.org](mailto:mshimizu@fresnocog.org)  
 559.233.4148 Ext. 240  
 2035 Tulare St Suite 201  
Fresno, CA 93721  
 [fresnocog.org](http://fresnocog.org)

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**From:** Alex Marcucci <[AMarcucci@trinityconsultants.com](mailto:AMarcucci@trinityconsultants.com)>  
**Sent:** Thursday, January 16, 2025 11:35 AM  
**To:** Matthew Shimizu <[mshimizu@fresnocog.org](mailto:mshimizu@fresnocog.org)>  
**Cc:** Ofelia Abundez <[OAbundez@fresnocog.org](mailto:OAbundez@fresnocog.org)>; Suriya Vallamsundar <[Suriya.Vallamsundar@trinityconsultants.com](mailto:Suriya.Vallamsundar@trinityconsultants.com)>  
**Subject:** south fresno

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Matthew,

Has anyone at Caltrans reached out to you regarding South Fresno Interchange project? We are hearing that it will need to go back to IAC and I am trying to schedule an internal meeting with District 6 and would like to have FCOG at the table as well.

Thanks,

Alex Marcucci  
SJV Air Quality Coordinator

M 650.759.1224  
Email: [amarcucci@trinityconsultants.com](mailto:amarcucci@trinityconsultants.com)



# **EXHIBIT B**

**From:** Alex Marcucci  
**Sent:** Fri, 14 Feb 2025 07:27:52 +0000  
**To:** Matthew Shimizu  
**Cc:** Suriya Vallamsundar  
**Subject:** south fresno next steps

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Matthew, please do the following to remove S. Fresno project meeting and to schedule a placeholder meeting for March:

1. Website – please keep the post but include “CANCELLED” next to the item.
2. Outlook invite – cancel the meeting/remove from calendar with the following note:
  - a. “This meeting is being postponed until we get clarity from our federal IAC partners on their ability to participate.”
3. Email – Reply to all with the same message as above.
4. New tentative invite – schedule a zoom call for 3/12 at 2pm. Include zoom details on the invite but remove call in info from the agenda, then pdf. Change subject to “PLACEHOLDER....”

Alex Marcucci

Principal Consultant  
M 650.759.1224  
Email: [amarcucci@trinityconsultants.com](mailto:amarcucci@trinityconsultants.com)



# **EXHIBIT C**

**From:** Matthew Shimizu  
**Sent:** Wed, 12 Mar 2025 10:44:55 +0000  
**To:** Alex Marcucci  
**Subject:** Re: SJV Project Level Conformity Working Group Meeting – South Fresno 99 Project IAC Discussion

Okay and it ended sooner than expected but hopefully it was productive. Let me know if you need anything else.

Thanks,



Matthew Shimizu  
Associate Regional Planner  
Fresno Council of Governments

✉ mshimizu@fresnocog.org  
☎ 559.233.4148 Ext. 240  
📍 2035 Tulare St Suite 201  
Fresno, CA 93721  
🌐 fresnocog.org

**From:** Alex Marcucci <AMarcucci@trinityconsultants.com>  
**Sent:** Wednesday, March 12, 2025 1:41 PM  
**To:** Matthew Shimizu <mshimizu@fresnocog.org>  
**Subject:** Re: SJV Project Level Conformity Working Group Meeting – South Fresno 99 Project IAC Discussion

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Its okay...it was my fault. I wasn't going to take any chances. Caltrans did fine on their presentation so it worked out!

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

**From:** Matthew Shimizu <mshimizu@fresnocog.org>  
**Sent:** Wednesday, March 12, 2025 1:36:28 PM  
**To:** Alex Marcucci <AMarcucci@trinityconsultants.com>  
**Subject:** Re: SJV Project Level Conformity Working Group Meeting – South Fresno 99 Project IAC Discussion

Hi Alex,

I am sorry we weren't able to re-add those who were removed. I tired sending them all the link, but I guess they were blocked once removed. I am also new to that feature and the only



solution as I mentioned was to end the meeting and have everyone rejoin through the same link...

If only people had their company next to them...



**Matthew Shimizu**  
Associate Regional Planner  
Fresno Council of Governments

✉ [mshimizu@fresnocog.org](mailto:mshimizu@fresnocog.org)  
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🌐 [fresnocog.org](http://fresnocog.org)

**From:** Alex Marcucci <[AMarcucci@trinityconsultants.com](mailto:AMarcucci@trinityconsultants.com)>

**Sent:** Wednesday, March 12, 2025 12:47 PM

**To:** Matthew Shimizu <[mshimizu@fresnocog.org](mailto:mshimizu@fresnocog.org)>

**Subject:** RE: SJV Project Level Conformity Working Group Meeting – South Fresno 99 Project IAC Discussion

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am trying to log in...let me know if I need host log in information

**From:** Matthew Shimizu <[mshimizu@fresnocog.org](mailto:mshimizu@fresnocog.org)>

**Sent:** Wednesday, March 12, 2025 11:28 AM

**To:** Alex Marcucci <[AMarcucci@trinityconsultants.com](mailto:AMarcucci@trinityconsultants.com)>

**Subject:** Re: SJV Project Level Conformity Working Group Meeting – South Fresno 99 Project IAC Discussion

I will be starting the meeting early at 12:50 pm. When you join, I will make you co-host and we should be able to filter and remove unwanted guests.



Matthew Shimizu  
Associate Regional Planner  
Fresno Council of Governments

✉ [mshimizu@fresnocog.org](mailto:mshimizu@fresnocog.org)  
☎ 559.233.4148 Ext. 240  
📍 2035 Tulare St Suite 201  
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🌐 [fresnocog.org](http://fresnocog.org)

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**From:** Matthew Shimizu <[mshimizu@fresnocog.org](mailto:mshimizu@fresnocog.org)>  
**Sent:** Wednesday, March 12, 2025 11:15 AM  
**To:** Alex Marcucci <[AMarcucci@trinityconsultants.com](mailto:AMarcucci@trinityconsultants.com)>  
**Subject:** Re: SJV Project Level Conformity Working Group Meeting – South Fresno 99 Project IAC Discussion

Yeah, it will be the same link and hopefully everything runs smoothly. She seemed okay with everything.



Matthew Shimizu  
Associate Regional Planner  
Fresno Council of Governments

✉ [mshimizu@fresnocog.org](mailto:mshimizu@fresnocog.org)  
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🌐 [fresnocog.org](http://fresnocog.org)

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**From:** Alex Marcucci <[AMarcucci@trinityconsultants.com](mailto:AMarcucci@trinityconsultants.com)>  
**Sent:** Wednesday, March 12, 2025 11:12 AM  
**To:** Matthew Shimizu <[mshimizu@fresnocog.org](mailto:mshimizu@fresnocog.org)>  
**Subject:** RE: SJV Project Level Conformity Working Group Meeting – South Fresno 99 Project IAC Discussion

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good, so we are not changing the call in information right? I told her its too late lol

**From:** Matthew Shimizu <[mshimizu@fresnocog.org](mailto:mshimizu@fresnocog.org)>  
**Sent:** Wednesday, March 12, 2025 11:10 AM  
**To:** Alex Marcucci <[AMarcucci@trinityconsultants.com](mailto:AMarcucci@trinityconsultants.com)>  
**Subject:** Re: SJV Project Level Conformity Working Group Meeting – South Fresno 99 Project IAC Discussion

Hi Alex,

I just talked with Linsay and cleared things up. I informed her that we created a waiting room on Zoom and there would also be a co-host to help filter in the right people to attend today's call. She thought it was a good idea, and the updated link would be fine.



Matthew Shimizu  
Associate Regional Planner  
Fresno Council of Governments

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**From:** Alex Marcucci <[AMarcucci@trinityconsultants.com](mailto:AMarcucci@trinityconsultants.com)>  
**Sent:** Wednesday, March 12, 2025 11:02 AM  
**To:** Matthew Shimizu <[mshimizu@fresnocog.org](mailto:mshimizu@fresnocog.org)>  
**Subject:** FW: SJV Project Level Conformity Working Group Meeting – South Fresno 99 Project IAC Discussion

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See below – ill call you around noon to get this set up

**From:** Wickersham, Lindsay <[wickersham.lindsay@epa.gov](mailto:wickersham.lindsay@epa.gov)>  
**Sent:** Wednesday, March 12, 2025 11:00 AM  
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**Cc:** Oconnor, Karina <[OConnor.Karina@epa.gov](mailto:OConnor.Karina@epa.gov)>; Dresser, Christopher (FHWA) <[christopher.dresser@dot.gov](mailto:christopher.dresser@dot.gov)>; Johnson, Antonio (FHWA) <[antonio.johnson@dot.gov](mailto:antonio.johnson@dot.gov)>; Ademuyewo,

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**Subject:** RE: SJV Project Level Conformity Working Group Meeting – South Fresno 99 Project IAC Discussion

Hey Alex,

I'm wondering if it would make sense to send out a **new** zoom link to just the IAC partners for this project meeting, to make sure that it's just the IAC partners participating. I tried to call you and Matt Shimizu but was sent to voicemail (my cell number can look like spam). Give me a call if you want to chat more about this! 415-947-4192

Thanks,  
Lindsay

Lindsay Wickersham | 415-947-4192  
Physical Scientist | Planning Section | Air and Radiation Division | US EPA - Region 9

**From:** Alex Marcucci <[AMarcucci@trinityconsultants.com](mailto:AMarcucci@trinityconsultants.com)>

**Sent:** Tuesday, March 11, 2025 11:38 AM

**To:** Matthew Shimizu <[mshimizu@fresnocog.org](mailto:mshimizu@fresnocog.org)>; Acebo, Mervin (FTA) <[mervin.acebo@dot.gov](mailto:mervin.acebo@dot.gov)>; Adekemi Ademuyewo <[adekemi.ademuyewo@dot.gov](mailto:adekemi.ademuyewo@dot.gov)>; Ahron Hakimi (<[ahakimi@kerncog.org](mailto:ahakimi@kerncog.org)> <[ahakimi@kerncog.org](mailto:ahakimi@kerncog.org)>); alicia.adams@arb.ca.gov; Lee, Anita <[Lee.Anita@epa.gov](mailto:Lee.Anita@epa.gov)>; Antonio Johnson <[antonio.johnson@dot.gov](mailto:antonio.johnson@dot.gov)>; Becky Napier <[BNapier@kerncog.org](mailto:BNapier@kerncog.org)>; Ben Raymond <[BRaymond@kerncog.org](mailto:BRaymond@kerncog.org)>; Blake Dunford <[bdunford@stancog.org](mailto:bdunford@stancog.org)>; Carey Knecht <[Carey.Knecht@arb.ca.gov](mailto:Carey.Knecht@arb.ca.gov)>; C.McDonell-Encina <[C.McDonell-Encina@dot.gov](mailto:C.McDonell-Encina@dot.gov)>; cvalle@kerncog.org; Christopher.winkels@mcagov.org; Christopher Xiong <[Christopher.Xiong@dot.ca.gov](mailto:Christopher.Xiong@dot.ca.gov)>; Clarissa Hernlund <[Chernlund@stancog.org](mailto:Chernlund@stancog.org)>; Dave Padilla <[dave.padilla@dot.ca.gov](mailto:dave.padilla@dot.ca.gov)>; David Cortez <[david.m.cortez@dot.ca.gov](mailto:david.m.cortez@dot.ca.gov)>; David Deel <[david.deel@dot.ca.gov](mailto:david.deel@dot.ca.gov)>; Derek Winning <[dwinning@tularecog.org](mailto:dwinning@tularecog.org)>; Diane Nguyen (<[nguyen@sjcog.org](mailto:nguyen@sjcog.org)> <[nguyen@sjcog.org](mailto:nguyen@sjcog.org)>); Dylan Stone (<[dylan@maderactc.org](mailto:dylan@maderactc.org)> <[dylan@maderactc.org](mailto:dylan@maderactc.org)>); Ed Flickinger <[EFlickinger@kerncog.org](mailto:EFlickinger@kerncog.org)>; Edith Robles <[erobles@stancog.org](mailto:erobles@stancog.org)>; Elisabeth Hahn <[EHAHN@Stancog.org](mailto:EHAHN@Stancog.org)>; Elizabeth Forte <[Elizabeth.forte@mcagov.org](mailto:Elizabeth.forte@mcagov.org)>; emily.kneeland@valleyair.org; Emma Maggioncalda <[Emma.Maggioncalda@dot.ca.gov](mailto:Emma.Maggioncalda@dot.ca.gov)>; Eric Chin <[eric.chin@dot.ca.gov](mailto:eric.chin@dot.ca.gov)>; Erika Espinosa Araiza <[Erika.Espinosa.Araiza@dot.ca.gov](mailto:Erika.Espinosa.Araiza@dot.ca.gov)>; Erika Vaca <[Erika.Vaca@dot.ca.gov](mailto:Erika.Vaca@dot.ca.gov)>; Erin Thompson <[Erin.Thompson@dot.ca.gov](mailto:Erin.Thompson@dot.ca.gov)>; Evelyn Espinosa <[evelyn@maderactc.org](mailto:evelyn@maderactc.org)>; Forest Becket <[Forest.Becket@dot.ca.gov](mailto:Forest.Becket@dot.ca.gov)>; Gabriel Gutierrez (<[ggutierrez@tularecog.org](mailto:ggutierrez@tularecog.org)> <[ggutierrez@tularecog.org](mailto:ggutierrez@tularecog.org)>); Gilbert Contreras <[Gilberto.Contreras@dot.gov](mailto:Gilberto.Contreras@dot.gov)>; hannah.walter@dot.ca.gov; Hilda Sousa <[hilda.sousa@dot.ca.gov](mailto:hilda.sousa@dot.ca.gov)>; James Anderson <[james.anderson@dot.ca.gov](mailto:james.anderson@dot.ca.gov)>; James Perrault (<[james.perrault@dot.ca.gov](mailto:james.perrault@dot.ca.gov)> <[James.Perrault@dot.ca.gov](mailto:James.Perrault@dot.ca.gov)>); Jasmine Amanin <[jasmine.amanin@dot.gov](mailto:jasmine.amanin@dot.gov)>; javier.almaguer@dot.ca.gov; Jean Foletta <[Jfoletta@stancog.org](mailto:Jfoletta@stancog.org)>; Jeff Findley <[jeff@maderactc.org](mailto:jeff@maderactc.org)>; jennifer.lugo@dot.ca.gov; John Washam, <[jwasham@tularecog.ca.gov](mailto:jwasham@tularecog.ca.gov)>; Jose Luis Caceres <[jcaceres@stancog.org](mailto:jcaceres@stancog.org)>; Joshua Swearingen <[joshua.swearingen@dot.ca.gov](mailto:joshua.swearingen@dot.ca.gov)>; Kai Han <[khan@fresnocog.org](mailto:khan@fresnocog.org)>; Oconnor, Karina <[OConnor.Karina@epa.gov](mailto:OConnor.Karina@epa.gov)>; Karishma Becha <[Karishma.Becha@dot.ca.gov](mailto:Karishma.Becha@dot.ca.gov)>; Kayley Clay <[Kayley.Clay@co.kings.ca.us](mailto:Kayley.Clay@co.kings.ca.us)>; Ken Romero (<[ken.j.romero@dot.ca.gov](mailto:ken.j.romero@dot.ca.gov)> <[ken.j.romero@dot.ca.gov](mailto:ken.j.romero@dot.ca.gov)>); Kevin Wing <[kevin.wing@valleyair.org](mailto:kevin.wing@valleyair.org)>; Kien Le <[kien.le@dot.ca.gov](mailto:kien.le@dot.ca.gov)>; Laura Carr <[Laura.Carr@arb.ca.gov](mailto:Laura.Carr@arb.ca.gov)>; Lawrence, Laura

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**Subject:** RE: SJV Project Level Conformity Working Group Meeting – South Fresno 99 Project IAC Discussion

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Hello IAC Partners,

Just a friendly reminder that tomorrow's project-level meeting is for IAC partners only.

Looking forward to a productive discussion on this important project in Fresno County.

Thank you,

Alex Marcucci  
SJV Air Quality Coordinator

M 650.759.1224  
Email: [amarcucci@trinityconsultants.com](mailto:amarcucci@trinityconsultants.com)



**From:** Matthew Shimizu <[mshimizu@fresnocog.org](mailto:mshimizu@fresnocog.org)>  
**Sent:** Thursday, February 20, 2025 11:13 AM  
**To:** Acebo, Mervin (FTA) <[mervin.acebo@dot.gov](mailto:mervin.acebo@dot.gov)>; Adekemi Ademuyewo <[adekemi.ademuyewo@dot.gov](mailto:adekemi.ademuyewo@dot.gov)>; Ahron Hakimi ([ahakimi@kerncog.org](mailto:ahakimi@kerncog.org)) <[ahakimi@kerncog.org](mailto:ahakimi@kerncog.org)>; Alex Marcucci <[AMarcucci@trinityconsultants.com](mailto:AMarcucci@trinityconsultants.com)>; Alicia Adams <[alicia.adams@arb.ca.gov](mailto:alicia.adams@arb.ca.gov)>; Anita Lee <[Lee.Anita@epa.gov](mailto:Lee.Anita@epa.gov)>; Antonio Johnson <[antonio.johnson@dot.gov](mailto:antonio.johnson@dot.gov)>; Becky Napier <[BNapier@kerncog.org](mailto:BNapier@kerncog.org)>; Ben Raymond <[BRaymond@kerncog.org](mailto:BRaymond@kerncog.org)>; Blake Dunford <[bdunford@stancog.org](mailto:bdunford@stancog.org)>; Carey Knecht <[Carey.Knecht@arb.ca.gov](mailto:Carey.Knecht@arb.ca.gov)>; C.McDonell-Encina <[C.McDonell-Encina@dot.gov](mailto:C.McDonell-Encina@dot.gov)>; cvalle@kerncog.org; Christopher.winkels@mcagov.org; Christopher Xiong <[Christopher.Xiong@dot.ca.gov](mailto:Christopher.Xiong@dot.ca.gov)>; 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**Subject:** Re: SJV Project Level Conformity Working Group Meeting – South Fresno 99 Project IAC Discussion

Interagency Consultation Partners,

Fresno Council of Governments (FCOG), on behalf of Caltrans, is inviting you to a project-level interagency consultation working group call to discuss IAC comments on the project-level conformity determination for the South Fresno 99 project.

Additional information and project history is available at: [South Fresno State Route 99 Corridor project | Caltrans](#)

All related materials are available for review on FCOG website: [Project-Level Conformity - Fresno Council of Governments](#).

An interagency conference call has been scheduled for **March 12, 2025, from 1:00 PM to 2:00 PM (PT)**. The agenda and meeting details are attached.

Please contact me if you have questions regarding this email.



Matthew Shimizu  
Associate Regional Planner  
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**Sent:** Friday, February 14, 2025 12:08 PM

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**Subject:** Re: SJV Project Level Conformity Working Group Meeting – South Fresno 99 Project IAC Discussion

This meeting is being postponed until we get clarity from our federal IAC partners on their ability to participate.



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Interagency Consultation Partners,

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Additional information and project history is available at: [South Fresno State Route 99 Corridor project | Caltrans](#)

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**Subject:** SJV Project Level Conformity Working Group Meeting – South Fresno 99 Project IAC Discussion

Interagency Consultation Partners,

Fresno Council of Governments (FCOG), on behalf of Caltrans, is inviting you to a project-level interagency consultation working group call to discuss IAC comments on the project-level conformity determination for the South Fresno 99 project.

Additional information and project history is available at: [South Fresno State Route 99 Corridor project | Caltrans](#)

All related materials are available for review on FCOG website: [Project-Level Conformity - Fresno Council of Governments](#).

An interagency conference call has been scheduled for **February 20, 2025, from 4:00 to 5:00 pm (PT)**. The agenda and meeting details are attached.

Please contact me if you have questions regarding this email.



Matthew Shimizu  
Associate Regional Planner  
Fresno Council of Governments

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# **EXHIBIT D**

## San Joaquin Valley Project-Level Conformity Working Group

Virtual Meeting  
Wednesday, March 12, 2025  
1:00 PM – 2:00 PM (PT)

To Attend and Participate on Your Computer:

<https://us06web.zoom.us/j/86399295424?pwd=bqaaTG5yzbe0rpgC2SCjZXV8G67qwW.1>

Meeting ID: 863 9929 5424  
Passcode: 093985

### Meeting Agenda

1. Meeting Purpose

Review and discuss additional comments from IAC partners on South Fresno 99 project conformity.  
*SJV AQ Coordinator*

2. Introductions

*SJV AQ Coordinator*

- Project Sponsor/Representatives (Caltrans)
- Fresno Council of Governments (FCOG)
- Interagency Consultation (IAC) Partners
- Other Attendees

3. South Fresno 99 Project Background

Following consultation with Federal and State agencies in 2020, on September 2, 2022, the California Department of Transportation (Caltrans) submitted to FHWA a request for a project-level air quality conformity determination for the South Fresno 99 Project. This Project is in an area designated Nonattainment or Maintenance for Ozone and Particulate Matter (PM 2.5/PM 10). The 2022 conformity analysis submitted by Caltrans indicates that the project-level transportation conformity requirements of 40 CFR Part 93 have been met. As amended, the Project is included in the Fresno Council of Governments current Regional Transportation Plan and Transportation Improvement Program. The design concept and scope of the preferred alternative have not changed substantially from those assumed in the regional emissions analysis submitted to FHWA on July 21, 2021, and the FHWA Regional Conformity Determination issued to the San Joaquin Valley Regional Planning Agencies, including the Fresno Council of Governments, on August 13, 2021. A public comment period was held in June of 2024.

4. Project Status Update

*FHWA*

5. IAC Partner Comments/Discussion

*All*

6. Closing Remarks and Adjournment

*SJV AQ Coordinator*