

**FOR FURTHER INFORMATION CONTACT:**

Clarence W. Coleman, PE, Director of Preconstruction and Environment, Federal Highway Administration, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina 27601-1418, Telephone: (919) 747-7014, or Vincent J. Rhea, PE, Project Engineer, North Carolina Department of Transportation, 1548 Mail Service Center, Raleigh, North Carolina 27699-1548, Telephone: (919) 733-7844, ext. 261.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the North Carolina Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal for improving NC 109, through widening and/or constructing new roadway, between Old Greensboro Road and I-40/US 311. The project is included in the North Carolina Department of Transportation (NCDOT) 2009-2015 Transportation Improvement Program (TIP) as TIP No. R-2568C. Improvements to the section of NC 109 south of Old Greensboro Road, extending south to Business I-85 in the City of Thomasville, were completed in 2007. The current project includes one alternative mainly on existing location and four alternatives mainly on new location. The project would be constructed as a four-lane, median-divided roadway with partial control of access. Directional crossovers with offset left turns will be used at many of the major intersections. Improvements to NC 109 are considered necessary to improve traffic flow and service and to reduce conflicts between through traffic and local traffic. As required by Section 6002 of the Safe Accountable Flexible Efficient Transportation Equity Act: "A Legacy for Users", opportunities have been provided for involvement with the public in defining the project purpose and need and determining the range of alternatives to be considered for the project. Further opportunities for the public to comment on the environmental review process will be provided throughout the remainder of the project development process.

Prior to the initiation of environmental studies in preparation of an Environmental Impact Statement (EIS), a scoping letter soliciting comments on the proposed project was sent in December 2003 to the local, state, and federal agencies by NCDOT. The agency scoping meeting for the project was held in January 2004. No further scoping actions are planned.

Since the start of the project, NCDOT has hosted two rounds of Citizens Informational Workshops. The first round was held in April 2004 to

announce the start of the project and to obtain public input concerning the location of potential alternatives. The second round was held in November 2005 to present and obtain public comments on five alternative corridors identified for the project.

In 1997, the U.S. Army Corp of Engineers (USACE), FHWA, and NCDOT signed an Interagency Agreement integrating Section 404 and the National Environmental Policy Act (NEPA) of 1969, known as the Section 404/NEPA Merger Process. The agreement requires the establishment of a project team at the beginning of each transportation project and outlines the coordination process with a series of Concurrence Points in order to promote cooperation and coordination during the study process and to ensure compatibility with local, state and federal planning projects and policies. To date, project merger team meetings have been held in September 2004 and August 2006. Upon completion of the draft EIS, a public hearing will be held, with public notice of the time and place of the hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: March 12, 2009.

**Clarence W. Coleman,**  
*Director of Preconstruction & Environment,*  
*Raleigh, North Carolina.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in California

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, improvement of the Interstate 680 and State Route 4 interchange in the community of Pacheco, County of Contra Costa, State of California. The improvements will be between post mile 20.2 and 22.2 on Interstate 680, and between post mile R10.5 and R15.1 on State Route 4. Those actions grant approvals for the project.

**DATES:** By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before September 14, 2009. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For Caltrans: Melanie Brent, Chief, Office of Environmental Analysis, California Department of Transportation, District 4, 111 Grand Avenue, Oakland, 9 a.m. to 4 p.m., 510-286-5231, [melanie.brent@dot.ca.gov](mailto:melanie.brent@dot.ca.gov).

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing approvals for the following highway project in the State of California: Replacing the northbound I-680 to westbound SR 4 loop ramp with a two-lane direct connector, and the eastbound SR 4 to southbound I-680 diagonal ramp with another two-lane connector in the first two phases of the project to improve operational deficiencies. Subsequent phases add another lane in the median of both directions of SR 4 to provide additional weaving capacity, add an auxiliary lane on eastbound SR 4 from the interchange to the Solano Way off-ramp, and replace the southbound I-680 to eastbound SR 4 loop ramp, the northbound I-680 to eastbound SR 4 diagonal ramp, and the westbound SR 4 to northbound I-680 diagonal ramp with new connectors and ramps, and widen the westbound SR 4 to southbound I-680 loop ramp from one to two lanes. The project had a No Build Alternative in addition to the Build

alternative. The anticipated permits include:

- 401 Water Quality Certification (from the Regional Water Quality Control Board under Section 401 of the Clean Water Act).

- 404 Nationwide Permit (from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act).

A public hearing/open house was held in Pacheco on August 22, 2006. The Environmental Assessment, Finding of No Significant Impact, which were approved on 26 November 2008, and other documents are available for public and agency review at the Caltrans address provided above.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) for the project, approved on 26 November 2008, in the FHWA Finding of No Significant Impact (FONSI) issued on 26 November 2008, and in other documents in the FHWA project records. The EA, FONSI, and other project records are available by contacting Caltrans at the address provided above. The Caltrans EA and FONSI can be viewed and downloaded from the project Web site at <http://www.dot.ca.gov/dist4/envdocs.htm>, or viewed at public libraries in the project area.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General*: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal Highway Act [23 U.S.C. 109].

2. *Air*: Clean Air Act [42 U.S.C. 7401–7671(q)].

3. *Wildlife*: Endangered Species Act [16 U.S.C. 1531–1544 and section 1536], Migratory Bird Treaty Act [16 U.S.C. 703–712].

4. *Historic and Cultural Resources*: Section 106 of the National Historic Preservation Act, as amended [16 U.S.C. 470(aa)–11]; Archaeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act [25 U.S.C. 3001–3013].

5. *Social and Economic*: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; The Uniform Relocation Assistance Act and Real Property Acquisition Policies Act of 1970.

6. *Hazardous Materials*: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA);

Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

7. *Executive Orders*: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898 Federal Actions to Address Environmental Justice in Minority and Low Income Populations; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139(l)(1).

Issued on: March 11, 2009.

**Cindy Vigue,**

*Director, State Programs, Federal Highway Administration, Sacramento, California.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in Washington

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of limitation on claims for judicial review of actions by FHWA.

**SUMMARY:** This notice announces actions taken by FHWA that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, the SR 99 S. Holgate Street to S. King Street Viaduct Replacement Project, in the State of Washington. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before September 14, 2009. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Sharon Love, Environmental Program Manager, Federal Highway Administration, 711 S. Capitol Way, Suite 501, Olympia, Washington, 98501; telephone: (360) 753–9558; and e-mail: [sharon.love@dot.gov](mailto:sharon.love@dot.gov). The FHWA Washington Division's Environmental Manager's regular office hours are

between 8 a.m. and 4:30 p.m. (Pacific Time). You may also contact Angela Freudenstein, Environmental Manager, 999 Third Ave., Suite 2424, Seattle, WA 98104; telephone: 206–382–5230; and e-mail: [freuda@wsdot.wa.gov](mailto:freuda@wsdot.wa.gov). The SR 99 Project's regular office hours are between 8 a.m. and 5 p.m. (Pacific Time).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FHWA has taken final agency actions by issuing licenses, permits, and approvals for the following highway project: SR 99 S. Holgate Street to S. King Street Viaduct Replacement Project. The purpose of the project is to replace the seismically vulnerable SR 99 mainline with a seismically sound facility between approximately S. Holgate Street and S. King Street. The new SR 99 facility would maintain or improve access to, from, and across SR 99 for general purpose vehicles, transit, and freight. The project is located in the south downtown (SODO) area of Seattle, King County.

The actions by FHWA on this project, and the laws under which such actions were taken, are described in the June 2008 Environmental Assessment (EA), February 2009 Finding of No Significant Impact (FONSI), and in other documents in the FHWA administrative record for the project. The EA, FONSI and other documents in the FHWA administrative record are available by contacting FHWA or the Washington State Department of Transportation at the addresses provided above.

The EA and FONSI can be viewed and downloaded from the project Web site at [www.alaskanwayviaduct.org](http://www.alaskanwayviaduct.org) or viewed at the Seattle Public Library as well as local neighborhood service centers in the project area. This notice applies to all Federal agency decisions on the project as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General*: National Environmental Policy Act [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Air*: Clean Air Act, as amended [42 U.S.C. 7401–7671(q)].

3. *Land*: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife*: Endangered Species Act [16 U.S.C. 1531–1544]; Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(g)]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Magnuson-Stevenson Fishery Conservation and Management Act of