

contact Susan Lender, DFO, (the Contact Person listed below) in writing (mail or e-mail) by July 28, 2011, so that the information can be made available to COMSTAC members for their review and consideration before the August 4, 2011, teleconference. Written statements should be supplied in the following formats: One hard copy with original signature or one electronic copy via e-mail.

An agenda will be posted on the FAA Web site at <http://www.faa.gov/go/ast>.

Individuals who plan to participate and need special assistance should inform the Contact Person listed below in advance of the meeting.

**FOR FURTHER INFORMATION CONTACT:** Susan Lender (AST-5), Office of Commercial Space Transportation (AST), 800 Independence Avenue, SW., Room 331, Washington, DC 20591, telephone (202) 267-8029; E-mail [susan.lender@faa.gov](mailto:susan.lender@faa.gov). Complete information regarding COMSTAC is available on the FAA Web site at: [http://www.faa.gov/about/office\\_org/headquarters\\_offices/ast/advisory\\_committee/](http://www.faa.gov/about/office_org/headquarters_offices/ast/advisory_committee/).

Issued in Washington, DC, July 7, 2011.

**James Van Laak,**

*Deputy Associate Administrator for Commercial Space Transportation.*

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**BILLING CODE 4910-13-P**

## 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, and USACE that are final within the meaning of 23 U.S.C. 139(I)(1). The actions relate to a proposed highway project at the Genesee Avenue Interchange on Interstate 5 (I-5) in the City and County of San Diego, State of California. Those actions grant licenses, permits, and 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(I)(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 January 14, 2012. 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:**

Bruce L. April, Deputy District Director—Environmental, Caltrans District 11, 4050 Taylor Street, MS 242, San Diego, CA 92110. Regular Office Hours: 8 am to 5 pm. Telephone: (619) 688-0100 Email: [Bruce\\_April@dot.ca.gov](mailto:Bruce_April@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 Caltrans has taken final agency actions subject to 23 U.S.C. 139(I)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The I-5/Genesee Avenue Interchange (IC) Reconstruction Project. This project would include replacement of the Genesee Avenue Overcrossing (OC) with a new OC that would be wider to accommodate additional lanes to relieve a “bottleneck” on Genesee and to improve pedestrian and bicycle access, and would be longer and higher to accommodate possible future widening of I-5; widening of IC ramps; widening of ramps at Sorrento Valley Road (the next IC to north); construction of auxiliary lanes; replacement of Voigt Drive OC (the next OC to south); realignment of a portion of nearby Gilman Drive; installation of new ramp meters; and, construction of a bicycle path along I-5. The project is located in the City and County of San Diego and project length along I-5 is a total of approximately three (3) kilometers [two (2) miles]. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) with Finding of No Significant Impact (FONSI) for the project, approved on June 29, 2011, 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/dist11/envir.htm>.

Pending Federal actions include:

1. Section 401 Water Quality Certification from the San Diego Regional Water Quality Control Board (RWQCB), under Section 401 of the Clean Water Act.

2. Section 404 Permit pursuant to the Memorandum of Understanding among FHWA; Caltrans; U.S. Army, Corps of Engineers (USACE); U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service for the National Environmental Policy Act (NEPA) and the Clean Water Act, Section 404 Integration Process for Federal Aid Surface Transportation Projects in California (NEPA/404 MOU).

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. Council on Environmental Quality Regulations
2. National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*
3. Federal-Aid Highway Act of 1970, 23 U.S.C 109
4. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59
5. Clean Air Act Amendments of 1990 (CAAA)
6. Clean Water Act of 1977 and 1987
7. Federal Water Pollution Control Act of 1972 (see Clean Water Act of 1977 & 1987)
8. Federal Land Policy and Management Act of 1976 (Paleontological Resources)
9. Noise Control Act of 1972
10. Safe Drinking Water Act of 1944, as amended
11. Endangered Species Act of 1973
12. Executive Order 11990, Protection of Wetlands
13. Executive Order 13112, Invasive Species
14. Executive Order 13186, Migratory Birds
15. Fish and Wildlife Coordination Act of 1934, as amended
16. Migratory Bird Treaty Act
17. Water Bank Act Wetlands Mitigation Banks, ISTEA 1991, Sections 1006-1007
18. Wildflowers, Surface Transportation and Uniform Relocation Act of 1987 Section 130
19. Coastal Zone Management Act of 1972
20. Coastal Zone Management Act Reauthorization Amendments of 1990
21. Executive Order 11988, Floodplain Management
22. Department of Transportation (DOT) Executive Order 5650.2—Floodplain Management and Protection (April 23, 1979)
23. Rivers and Harbors Appropriation Act of 1899, Sections 9 and 10
24. Title VI of the Civil Rights Act of 1964, as amended

25. Act for the Preservation of American Antiquities (1906)
26. Archaeological and Historical Preservation Act of 1974
27. Archeological Resources Protection Act of 1979
28. National Historic Preservation Act of 1966, as amended (Section 106)
29. Native American Graves Protection and Repatriation Act of 1990
30. 23 CFR 771: Environmental Impact and Related Procedures
31. NEPA/404 Integration MOU (2006)
32. Director's Title VI Statement (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: July 12, 2011.

**Manuel E. Sánchez,**

*Senior Transportation Engineer/Border Engineer, Federal Highway Administration, San Diego, California.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Final Federal Agency Actions on Proposed Highway in North Carolina

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

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by Army Corps of Engineers (USACE).

**SUMMARY:** This notice announces actions taken by the USACE that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, the Monroe Connector/Bypass, from US 74 near I-485 in Mecklenburg County, North Carolina, to US 74 between the towns of Wingate and Marshville in Union County, North Carolina. The Monroe Connector/Bypass is also known as State Transportation Improvement Program Project R-3329/R-2559. 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 that are covered by this notice will be barred unless the claim is filed on or before January 17, 2012. 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 FHWA: Mr. George Hoops, P.E., Major Projects Engineer, Federal Highway Administration, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina 27601-1418, *Telephone:* (919) 747-7022; *e-mail:* [george.hoops@dot.gov](mailto:george.hoops@dot.gov). FHWA North Carolina Division Office's normal business hours are 8 a.m. to 5 p.m. (Eastern Time). For the North Carolina Turnpike Authority (NCTA): Ms. Jennifer Harris, P.E., Director of Planning and Environmental Studies, North Carolina Turnpike Authority (NCTA), 1578 Mail Service Center, Raleigh, North Carolina 27699, *Telephone:* (919) 707-2700; *e-mail:* [jhharris1@ncdot.gov](mailto:jhharris1@ncdot.gov). NCTA's normal business hours are 8 a.m. to 5 p.m. (Eastern Time). For USACE: Ms. Liz Hair, Project Manager, US Army Corps of Engineers, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801, *Telephone:* (828) 271-7980; *e-mail:* [sarah.e.hair@usace.army.mil](mailto:sarah.e.hair@usace.army.mil). USACE's normal business hours are 8 a.m. to 5 p.m. (Eastern Time)

**SUPPLEMENTARY INFORMATION:** On September 27, 2010, the FHWA published a "Notice of Final Federal Agency Actions on Proposed Highway in North Carolina" in the **Federal Register** in Volume 75, Number 186 for the following highway project: The Monroe Connector/Bypass, a 20 mile long, multi-lane, fully access-controlled, new location toll road located in Mecklenburg and Union Counties, North Carolina. The purpose of the project is to improve mobility and capacity within the project study area by providing a facility for the US 74 corridor from near I-485 in Mecklenburg County to between the towns of Wingate and Marshville in Union County that allows for high-speed regional travel consistent with the designations of the North Carolina Strategic Highway Corridor program and the North Carolina Intrastate System, while maintaining access to properties along existing US 74. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on May 25, 2010, and the FHWA Record of Decision (ROD) issued on August 27, 2010 approving the Monroe Connector/Bypass project, and in other documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record file are available by contacting the FHWA or NCTA at the

addresses provided above. Notice is hereby given that, subsequent to the earlier FHWA notice, the USACE has taken final agency actions within the meaning of 23 U.S.C. 139(l)(1) by issuing permits and approvals for the highway project. Specifically, the USACE issued an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) on April 5, 2011, and on April 15, 2011, issued a permit for the Monroe Connector/Bypass project. Both of these documents can be viewed at the following link: <http://www.saw.usace.army.mil/Wetlands/Projects/MonroeBypass/index.html>. The actions by the USACE, and the laws under which such actions were taken, are described in the USACE decisions and its project records, referenced as Department of the Army Permit Number 2009-00876. That information is available by contacting the USACE at the address or Web site provided above. This notice does not apply to any Federal agency actions and decisions addressed in the "Notice of Final Federal Agency Actions on Proposed Highway in North Carolina" previously published in the **Federal Register** on September 27, 2010.

Information about the project also is available from the FHWA and the NCTA at the addresses provided above. The FEIS and ROD can be viewed and downloaded from the "Project Library" link on the project Web site at <http://www.ncturnpike.org/projects/monroe> or viewed at the offices of the North Carolina Turnpike Authority. The USACE decision can be viewed and downloaded from the project Web site at <http://www.ncturnpike.org/projects/monroe/documents.asp>.

This notice applies to all USACE final actions taken after the issuance date of the FHWA **Federal Register** notice described above. The laws under which actions were taken include, but are not limited to:

1. *Wetlands and Water Resources:* Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251-1377].

(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: July 12, 2011.

**George W. Hoops,**

*Major Projects Engineer, Federal Highway Administration, Raleigh, North Carolina.*

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