

**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Notice of Final Federal Agency Actions on I-35 Northeast Expansion Project, Bexar, Comal and Guadalupe Counties, Texas**

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

**ACTION:** Notice of limitation on claims for judicial review of actions by TxDOT and Federal agencies.

**SUMMARY:** This notice announces actions taken by Texas Department of Transportation (TxDOT) and Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, I-35 Northeast Expansion Project in Bexar, Comal and Guadalupe Counties, Texas. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, TxDOT 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 December 28, 2015. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Mr. Carlos Swonke, P.G., Environmental Affairs Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701; telephone: (512) 416-2734; email: [carlos.swonke@txdot.gov](mailto:carlos.swonke@txdot.gov). TxDOT normal business hours are 8:00 a.m. to 5:00 p.m. (central time) Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that TxDOT and Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Texas: I-35 Northeast Expansion Project, Bexar, Comal and Guadalupe Counties, Texas. The project will include the construction of four elevated managed lanes (two in each direction) generally between the existing I-35 mainlanes and frontage roads along I-35 from I-410 South in San Antonio to FM 1103 in Schertz. Direct connectors at the I-35/I-410 South, I-35/I-410 West, and I-35/Loop 1604 interchanges and operational improvements at the FM 2252, Old Wiederstein Road, and FM 1103 intersections are also included. The actions by TxDOT and the Federal agencies, and the laws under which

such actions were taken, are described in the final Environmental Assessment (EA) for the project, for which a Finding of No Significant Impact (FONSI) was issued on July 2, 2015, and in other documents in the TxDOT administrative record. The EA, FONSI, and other documents in the administrative record file are available by contacting TxDOT at the address provided above.

This notice applies to all TxDOT decisions and 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-Aid Highway Act [23 U.S.C. 109].

2. Air: Clean Air Act [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 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703-712].

5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013].

6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].

7. Wetlands and Water Resources: Clean Water Act [33 U.S.C. 1251-1377]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601-4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)-300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401-406]; Wild and Scenic Rivers Act [16 U.S.C. 1271-1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA-21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001-4128].

8. Executive Orders: E.O. 11990, Protection of Wetlands; E.O. 11988, Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593, Protection and Enhancement of Cultural Resources; E.O. 13007, Indian Sacred Sites; E.O.

13287, Preserve America; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 11514, Protection and Enhancement of Environmental Quality; E.O. 13112, Invasive Species; E.O. 12372, Intergovernmental Review of Federal Programs.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

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

Issued on: July 21, 2105.

**Michael T. Leary,**

*Director, Planning and Program Development, Federal Highway Administration.*

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**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Rescinding the Notice of Intent for an Environmental Impact Statement (EIS): Blair Bypass, Washington County, Nebraska**

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

**ACTION:** Rescind Notice of Intent to prepare an EIS.

**SUMMARY:** The FHWA is issuing this notice to advise the public that the Notice of Intent (NOI) for the preparation of an Environmental Impact Statement to study a bypass route around the City of Blair, in Washington County, Nebraska, is being rescinded [project number S-89(17)]. The NOI was published in the **Federal Register** on June 2, 2004. A Draft Environmental Impact Statement was not released. This rescission is based on a lack of available funding for the full corridor proposal, which has led to the reduction in the scope of the study and a refinement of the methods to identify and assess alternatives.

**FOR FURTHER INFORMATION CONTACT:** Melissa Maiefski, Program Delivery Team Lead, FHWA, Nebraska Division, 100 Centennial Mall North, Room 220, Lincoln, Nebraska 68508, Telephone: (402) 742-8473.

**SUPPLEMENTARY INFORMATION:** The Federal Highway Administration (FHWA) in cooperation with the City of Blair, Nebraska and the Nebraska Department of Roads (NDOR) initiated