

SUPPLEMENTARY INFORMATION: Public Law 108–184, the National Museum of African American History and Culture Act enacted by the Congress of the United States on December 16, 2003, (the Act) established a museum within the Smithsonian Institution to be known as the National Museum of African American History and Culture. It recognizes that such a museum “would be dedicated to the collection, preservation, research, and exhibition of African American historical and cultural materials reflecting the breadth and depth of the experience of individuals of African descent living in the United States.”

Section 8 of the Act, “Building for the National Museum of African American History and Culture,” directs the Smithsonian Board of Regents to select one site among four in Washington, DC for the construction of the museum. After undertaking a site evaluation study and consultation with parties specified in the legislation, the Board of Regents of the Smithsonian Institution voted to select the area bounded by Constitution Avenue, Madison Drive, 14th, and 15th Streets, NW., now commonly known as the Monument site. The decision was announced on January 30, 2006.

After site selection, SI and NCPC, after consultation with the Council of Environmental Quality, decided to tier the EIS process (40 CFR parts 1502.20 and 1508.28). The Tier I EIS was completed with a Final EIS (FEIS) issued on June 27, 2008 and a SI Record of Decision issued on August 8, 2008.

The identity and description of the action to be addressed in both EIS tiers derive primarily from the language of Public Law 180–184, its legislative history, and the studies by the “National Museum of African American History and Culture Plan for Action Presidential Commission” that led to its enactment, and the Phase II Site Evaluation Study of November 15, 2005.

The Tier I FEIS analyzed a “no build” alternative along with six diagrammatic massing alternatives on the site. Alternatives addressed themes that included context, siting and mass, orientation, form, exterior spaces, and profiles. The Tier I FEIS concluded that the Build Alternatives all had comparable effects on the majority of resources analyzed. This highlighted the need to develop more concrete design concepts in order to assess fully the impacts of the NMAAHC on cultural and visual/aesthetic resources. Therefore, the SI chose to express the Tier I Preferred Alternative as a set of physical parameters related to heights, setbacks, and configuration. The

physical parameters resulted in a Smithsonian Preferred Alternative of about 350,000 GSF that was bounded between 60 and 105 feet in height, a minimum 50 foot setback from the inside face of the sidewalk of the surrounding streets; and a subsurface volume not lower than 45 feet. The massing parameters ranged from orthogonal and contextual to free-form and non-contextual. While NCPC and Smithsonian are working cooperatively on this EIS, Smithsonian does not submit a design to NCPC for review until later in the process.

In addition to the physical parameters, the SI developed a set of design principles to help future design architects to minimize adverse effects on historic resources. The principles speak to the importance of relating to and respecting the character, views, and spatial arrangements of the National Mall; the character, scale, and historic context of the Washington Monument grounds; and the relationship of the NMAAHC to adjacent architectural and urban contexts.

The potential range of alternatives that will be evaluated in the Tier II EIS includes the no action or no build alternative and no fewer than three build alternatives that will address, among other things, the design principles, the analysis and findings of the Tier I EIS and SI ROD and the issues surfaced in the concurrent NHPA, section 106 process. The Tier II EIS will include a full range of alternatives evaluating varying heights and forms, including one with a roof height that does not exceed the roof heights of adjacent museums, and with building faces that do not protrude beyond the building faces of adjacent museum buildings along the Mall.

Public Scoping Meeting and Comments: The Smithsonian Institution and the National Capital Planning Commission will solicit public comments for consideration and possible incorporation in the Draft Tier II EIS through public scoping, including a scoping meeting, on the proposed museum building at the Monument site. The scoping meeting will be held on December 10, 2009, from 5:30 p.m. to 8:30 p.m. in the “Commons” of the Smithsonian Castle Building, located at 1000 Jefferson Drive, SW., Washington, DC. Consultants representing the SI and NCPC will be available to answer questions and receive comments about the scope of the Tier II EIS. Announcements about the meeting are provided on the NCPC Web site at <http://www.ncpc.gov>. Notice of the public meeting will be publicized in local newspapers and through other

sources. Additional information about the museum is located at <http://www.nmaahc.si.edu> and about the Tier I EIS at <http://www.louisberger-nmaahceis.com>. To ensure that all issues related to this action are addressed and all significant issues are identified early in the process, comments are invited in writing and orally from all interested and/or potentially affected parties. These comments may be provided at the public meeting or provided in writing to EDAW/AECOM, Attn: NMAAHC EIS Comments, 601 Prince Street, Alexandria, VA 22314 or by e-mail to NMAAHC.EIS.Comments@aecom.com. All public comments must be postmarked or received by e-mail by December 24, 2009.

FOR FURTHER INFORMATION CONTACT: Jane Passman, Senior Facilities Planner, Smithsonian Institution, Office of Facilities Engineering and Operations. For U.S. Postal Service delivery the address is P.O. Box 37012, MRC 511, Washington, DC 20013–7012. For all other deliveries the address is 600 Maryland Ave., SW., Suite 5001, Washington, DC 20024. Phone 202–633–6549; Fax: 202–633–6233.

Dated: November 4, 2009.

Judith Leonard,

General Counsel, Smithsonian Institution.

Dated: November 4, 2009.

Lois J. Schiffer,

General Counsel, National Capital Planning Commission.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California; Notice of Statute of Limitations on Claims

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 and Other Federal Agencies.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, and other Federal Agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, Interstate 5 (I–5) High Occupancy Vehicle (HOV)/Truck Lanes from the I–5/State Route 14

(SR-14) interchange south of the City of Santa Clarita, and ending at Parker Road in the community of Castaic, in the County of Los Angeles, 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(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 May 10, 2010. 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: Carlos Montez, Branch Chief, California Department of Transportation District 7, Division of Environmental Planning, 100 South Main Street, Los Angeles, California 90012, during normal business hours from 9 a.m. to 5 p.m., telephone (213) 897-9116, e-mail carlos_montez@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, and certain other Federal Agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California:

The addition of one HOV lane in each direction on I-5 from the SR-14 interchange at the southern portion of the project limit, and north to Parker Road (a distance of approximately 13.6 miles) and the addition of truck lanes from SR-14 interchange to Calgrove Boulevard (northbound) and from Pico Canyon Road/Lyons Avenue to the SR-14 interchange (southbound). The purpose of the project is to reduce delays to vehicles caused by slower-moving trucks and to improve operational and safety design features to facilitate the movement of people, freight and goods on the project segment. The purpose of the project also is to reduce existing and forecast traffic congestion on the project segment to accommodate planned growth within the study area. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment/Finding of No Significant Impact (EA/FONSI) for the project, approved on September 1, 2009, and in

other documents in the Caltrans project records. The EA/FONSI and other project records are available by contacting Caltrans at the address provided above. The Caltrans EA/FONSI can be viewed and downloaded from the project Web site at <http://www.dot.ca.gov/dist07/resources/envdocs/docs/>, 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].
2. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).
3. Clean Air Act [42 U.S.C. 7401-7671(q)].
4. 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.*].
6. Clean Water Act (section 401) [33 U.S.C. 1251-1377].
7. Federal Endangered Species Act of 1973 [16 U.S.C. 1531-1543].
8. Executive Order 11990, Protection of Wetlands.
9. Executive Order 11988, Floodplain Management.
10. Executive Order 12898—Environmental Justice.
11. Department of Transportation Act of 1966, Section 4(f) [49 U.S.C. 303].
12. 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: November 3, 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 California; Notice of Statute of Limitations on Claims

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 and Other Federal Agencies.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, and other Federal Agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, Los Angeles Avenue Widening from Moorpark Avenue to Spring Road in the City of Moorpark, County of Ventura, 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(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 May 10, 2010. 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.

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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, and certain other Federal Agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California:

Widen Los Angeles Avenue (State Route 118) from a four lane to a six lane conventional highway from Moorpark Avenue to approximately 426 feet east of Spring Road in Moorpark, California. The total length of the project is 0.5 mile. In addition, the project would require installation of a traffic signal at Millard Street and traffic signal modifications at Moorpark Avenue and Spring Road. The purpose of the project is relieve existing and forecasted traffic congestion on Los Angeles Avenue (SR-118) and Spring Road in the City of Moorpark. The actions by the Federal