

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. 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. 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 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

1976, as amended [16 U.S.C. 1801 *et seq.*].

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.*]; Archaeological Resources Protection Act of 1977 [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].

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 [7 U.S.C. 4201–4209]; the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended [42 U.S.C. 61].

7. *Wetlands and Water Resources:* Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319); Coastal Zone Management Act [16 U.S.C. 1451–1465]; Land and Water Conservation Fund [16 U.S.C. 4601–4604]; Safe Drinking Water Act [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; 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. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 [PL 99–499]; Resource Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].

9. *Executive Orders:* EO. 11990 Protection of Wetlands; EO. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; EO. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred sites; E.O. 13287 Preserve America; EO. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; EO. 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).

Sharon Love,

Environmental Program Manager, Olympia, Washington.

[FR Doc. E9–5806 Filed 3–17–09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2007–28055]

Demonstration Project on NAFTA Trucking Provisions

AGENCY: Federal Motor Carrier Safety Administration (FMCSA).

ACTION: Notice of termination of demonstration project.

SUMMARY: The FMCSA announces termination of the demonstration project that allowed up to 100 Mexico-domiciled motor carriers to operate beyond the U.S. border commercial zones, and the same number of U.S. carriers to operate in Mexico. Section 136 of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2009, of the Omnibus Appropriations Act, 2009, prohibits FMCSA from using appropriated funds to continue the demonstration project.

DATES: *Effective Date:* This notice is effective March 11, 2009.

FOR FURTHER INFORMATION CONTACT: Mr. Dom Spataro, Division Chief, Telephone (202) 366–2995; e-mail dominick.spataro@dot.gov, or Mr. Marcelo Perez, Transportation Specialist, Telephone 512–916–5440 extension 228, e-mail marcelo.perez@dot.gov of the North American Borders Division, FMCSA, 1200 New Jersey Avenue, SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Former Secretary of Transportation Mary E. Peters and Mexico's Secretary of Communications and Transportation Luis Téllez Kuenzler announced a demonstration project to implement certain trucking provisions of the North American Free Trade Agreement (NAFTA) in February 2007. The demonstration project was initiated on September 6, 2007, after the Department of Transportation (DOT) complied with a number of conditions imposed by section 6901 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Act, 2007, Public Law 110–28, 121 Stat. 112, 183, May 25, 2007. Further details regarding DOT's compliance with these

conditions may be found in **Federal Register** notices published on June 8 and August 17, 2007 (72 FR 31877 and 72 FR 46263, respectively). The demonstration project was initially expected to last one year (see 72 FR 23883, May 1, 2007). On August 6, 2008, FMCSA announced that the demonstration project was being extended from one year to the full three years allowed by statute (73 FR 45796).

On March 11, 2009, the President signed into law the Omnibus Appropriations Act, 2009, Public Law 111–8, division I, title I, 123 Stat. 524. Section 136 of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2009 (Division I, title I of the Omnibus Appropriations Act, 2009) provides: “[N]one of the funds appropriated or otherwise made available under this Act may be used, directly or indirectly, to establish, implement, continue, promote, or in any way permit a cross-border motor carrier demonstration program to allow Mexican-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico, including continuing, in whole or in part, any such program that was initiated prior to the date of the enactment of this Act.”

In accordance with section 136, FMCSA has terminated the cross-border demonstration project that began on September 6, 2007. The Agency has ceased processing applications by prospective project participants and has taken other necessary steps to comply with the provision. Further, as a condition of participating in this project, Mexico-domiciled motor carriers were required to submit to FMCSA Form OCE–46 (Request for Revocation of Registration). This form requests that any registration issued by FMCSA pursuant to the cross-border demonstration project be revoked upon termination of the project. The Agency has processed these forms and revoked all registrations issued in connection with the cross-border demonstration project.

Issued on: March 13, 2009.

Rose A. McMurray,

Acting Deputy Administrator.

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