

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****Notice of Final Federal Agency Actions on Proposed Highways in Alaska**

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 the FHWA that are final within the meaning of 23 U.S.C. 139(l)(1). The action relates to a proposed highway project on the Parks Highway from Lucus Road to Big Lake Road, in the Matanuska-Susitna Borough, State of Alaska. Those actions grant approval 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 listed highway project will be barred unless the claim is filed on or before May 16, 2011. 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: Mr. Alex Viteri, Central Region Area Engineer, FHWA Alaska Division, P.O. Box 21648, Juneau, Alaska 99802-1648; office hours 8 a.m. to 4:30 p.m. (AST), phone (907) 586-7544; e-mail Alex.Viteri@dot.gov. You may also contact Brian Elliott, DOT&PF Central Region, Regional Environmental Manager, Alaska Department of Transportation and Public Facilities, 4111 Aviation Drive, P.O. Box 196900, Anchorage, Alaska 99519-6900; office hours 7:30 a.m. to 4 p.m. (AST), phone (907) 269-0539, e-mail brian.elliott@alaska.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA 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 Alaska: Project No. IM-0A4-1(23)/57178; Project Location: Project begins within the City of Wasilla, extends through Meadow Lakes and ends within the City of Houston, Matanuska-Susitna Borough, Alaska. Project type: Road improvements between Lucus Road and Big Lake Road, a distance of approximately eight miles. The five-lane section east of the project would be extended one mile west from Lucus Road to Church Road and the existing two-lane section west of Church Road would be upgraded to a four-lane

divided highway with a depressed grass median from Church Road west to Big Lake Road. Existing frontage roads would be improved, and the existing 10-foot wide pedestrian pathway would be reconstructed and/or relocated as necessary. The project also includes construction of two bridges, drainage improvements, and continuous illumination.

The actions by the Federal agency on the project, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) issued for the project, approved on September 12, 2010 and in other documents in the FHWA project files or the State of Alaska Department of Transportation & Public Facilities. The EA, FONSI, and other documents from the FHWA project records files are available by contacting the FHWA or the State of Alaska Department of Transportation & Public Facilities at the addresses provided above. The EA and FONSI documents can be viewed and downloaded from the project Web site at <http://www.parkshighway44-52.info/> or viewed at 4111 Aviation Avenue, Anchorage, Alaska 99519.

This notice applies to all FHWA decisions and approvals on the project as of the issuance date of this notice and all laws and Executive Orders 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 and 23 U.S.C. 128].
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 of 1973 [16 U.S.C. 1531-1544 and Section 1536]; Anadromous Fish Conservation Act [16 U.S.C. 757(a)-757(g)]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703-712]; Magnuson-Stevenson Fishery Conservation and Management Act 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.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-470(II)]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)].
6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-

2000(d)(1)]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].

7. *Wetlands and Water Resources:* Clean Water Act (Section 404, Section 401, Section 319 [33 U.S.C. 1251-1377]; Coastal Zone Management Act [16 U.S.C. 1451-1465]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601-4604]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation [23 U.S.C. 103(b)(6)(M) and 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. 13186 Migratory Birds; 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: November 2, 2010.

David C. Miller,

Division Administrator, Juneau, Alaska.

[FR Doc. 2010-28942 Filed 11-16-10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Surface Transportation Board**

[Docket No. FD 35441]

Blackwell Northern Gateway Railroad Company—Lease Renewal Exemption—Oklahoma Department of Transportation and Blackwell Industrial Authority

Blackwell Northern Gateway Railroad Company (BNGR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to renew and supplement its lease of approximately 37.26 miles of rail line, owned by the Oklahoma Department of Transportation (ODOT) and Blackwell Industrial Authority (BIA), referred to as the Blackwell Line. The Blackwell Line extends from approximately milepost 0.09 at Wellington, Kan., to approximately milepost 35.35 at Blackwell, Okla., and from approximately milepost 127.0 to approximately milepost 125.0, in Blackwell, a total distance of

approximately 37.26 miles.¹ ODOT owns the portions of the Blackwell Line extending from milepost 18.32, near Hunnewell, Kan., on the Oklahoma/Kansas border, to milepost 35.35 at Blackwell, and from milepost 127.0 to milepost 126.45 in Blackwell. BIA owns the portions of the Blackwell Line extending from milepost 0.09 at Wellington, to milepost 18.32 at the Kansas/Oklahoma border, and from milepost 126.45 to milepost 125.0 in Blackwell.

BNGR currently operates the Blackwell Lines pursuant to a lease agreement with ODOT and BIA. BNGR, ODOT, and BIA have agreed to execute a First Renewal Track Lease and Operating Agreement that will extend the terms of the lease for 5 years, through November 30, 2015, and will also include other changes beyond the extension of the lease term.

BNGR certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I carrier and will not exceed \$5 million.

The transaction is scheduled to be consummated on December 1, 2010, the effective date of the exemption (30 days after the exemption was filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to Docket No. FD 35441, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on, Thomas J. Litwiler, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2832.

Board decisions and notices are available on our Web site at "<http://www.stb.dot.gov>."

Decided: November 10, 2010.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2010-28975 Filed 11-16-10; 8:45 am]

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¹ BNGR states that the mileposts are slightly corrected from the earlier proceedings involving this line. See *Blackwell N. Gateway R.R.—Change in Operators Exemption—Okla. Dep't of Transp. and Blackwell Indus. Auth.*, FD 34777 (STB served Nov. 30, 2005) and *State of Okla. by and through the Okla. Dep't of Transp. and Blackwell Indus. Auth.—Acquis. Exemption—Cent. Kan. Ry.*, FD 33492 (STB served Oct. 31, 1997).

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[USCG-2010-0993]

Liberty Natural Gas LLC, Liberty Liquefied Natural Gas (LNG) Deepwater Port License Application

AGENCY: Maritime Administration, DOT.

ACTION: Notice of Application.

SUMMARY: The Maritime Administration and the U.S. Coast Guard announce they have received an application for the licensing of a natural gas deepwater port and the application contains the required information. This notice summarizes the applicant's plans and procedures that will be followed in considering the application.

DATES: The Deepwater Port Act of 1974, as amended, requires a public hearing on this application within 240 days of the publication of this notice, and a decision on the application not later than 90 days after the final public hearing.

ADDRESSES: The public docket for USCG-2010-0993 is maintained by the: Department of Transportation, Docket Management Facility, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

The Federal Docket Management Facility accepts hand-delivered submissions, and makes docket contents available for public inspection and copying at this address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Facility telephone number is 202-366-9329, the fax number is 202-493-2251, and the Web site for electronic submissions or for electronic access to docket contents is <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Mr. Ray Martin, U.S. Coast Guard, telephone: 202-372-1449, e-mail: Raymond.W.Martin@uscg.mil or Ms. Yvette Fields, Maritime Administration, telephone: 202-366-0926, e-mail: Yvette.Fields@dot.gov. If you have questions on viewing the Docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone: 202-493-0402.

SUPPLEMENTARY INFORMATION:

Receipt of Application

On September 28, 2010, the Maritime Administration and U.S. Coast Guard received an application from Liberty Natural Gas LLC for all Federal authorizations required for a license to own, construct, and operate a deepwater port authorized under the Deepwater

Port Act of 1974, as amended, 33 U.S.C. 1501 *et seq.* (the Act). On November 1, 2010, we determined the application contained all information required by the Act to initiate processing.

Background

According to the Act, a deepwater port is a fixed or floating manmade structure other than a vessel, or a group of structures, located beyond state seaward boundaries and used or intended for use as a port or terminal for the transportation, storage, and further handling of oil or natural gas for transportation to any state.

The Maritime Administrator possesses the authority to license a deepwater port (by delegation from the Secretary of Transportation, published on June 18, 2003 (68 FR 36496)). Statutory and regulatory requirements for licensing appear in 33 U.S.C. 1501 *et seq.* and in 33 CFR Part 148. Under delegations from, and agreements between, the Secretary of Transportation and the Secretary of Homeland Security, applications are jointly processed by the Maritime Administration and U.S. Coast Guard. Each application is considered on its own merits.

The Act imposes a strict timeline for processing an application. Once we determine that an application contains the required information, we must hold public hearings on the application within 240 days, and the Maritime Administrator must render a decision on the application within 330 days. We will publish additional **Federal Register** notices to inform you of these public hearings and other procedural milestones, including the environmental review. The Maritime Administrator's decision, and other key documents, will be filed in the public docket.

At least one public hearing must take place in each adjacent coastal state. Pursuant to the criteria provided in the Act, New Jersey and New York are adjacent coastal states for this application. Other states may apply for adjacent coastal state status in accordance with 33 U.S.C. 1508(a)(2).

Summary of the Application

Liberty Natural Gas, LLC, proposes to own, construct, and operate a natural gas deepwater port, known as Liberty Deepwater Port. It would be located approximately 16 miles off the coast of New Jersey to the east of Asbury Park in a water depth of approximately 100 to 120 feet. It will connect via offshore pipeline to a 9.2 mile onshore pipeline that will traverse through Perth Amboy, Woodbridge and Carteret in Middlesex County, New Jersey and terminate in Linden, Union County, New Jersey.