

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Projects in Florida; Statue of Limitations on Claims

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for Judicial Review of actions by FHWA and other Federal Agencies.

SUMMARY: The FHWA, on behalf of the Florida Department of Transportation (FDOT), is advising the public of final Federal actions taken by FHWA and other Federal Agencies, that are final within the meaning of Federal law. These actions relate to the proposed highway and bridge improvement project on the State Road (S.R.) 684 corridor from S.R. 789 (Gulf Drive) in Bradenton Beach to 123rd Street West in unincorporated Manatee County, Federal-Aid Project Number 8886-227-A, in Manatee County, State of Florida. These actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of FDOT, 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 and bridge project will be barred unless the claim is filed on or before **[Insert date 150 days after publication in the Federal Register]**. 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: For FDOT: Jason Watts, Director, Office of Environmental Management, FDOT, 605 Suwannee Street, MS 37, Tallahassee,

Florida 32399; telephone (850) 414-4316; e-mail: Jason.Watts@dot.state.fl.us. The FDOT's normal business hours are 8:00 a.m. to 5:00 p.m. (Eastern Standard Time), Monday through Friday, except State holidays.

SUPPLEMENTARY INFORMATION: Effective December 14, 2016, the FHWA assigned, and the FDOT assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Actions taken by FDOT on FHWA's behalf pursuant to 23 U.S.C. 327 constitute Federal agency actions for purposes of Federal law. Notice is hereby given that FHWA, and 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 proposed improvement highway and bridge project. The project consists of one segment (FDOT Project Identification (FPID) Number 430204-1). FDOT proposes to replace the existing two-lane undivided 17.5-foot high low-level drawbridge with a two-lane 65-foot high-level fixed bridge, with the addition of 10-foot wide shoulders and 10-foot sidewalks in each direction. The new bridge will be constructed approximately 20 feet north of the existing bridge, which will remain in place during construction to accommodate all traffic. The existing bridge will be removed after traffic is shifted to the new bridge. The actions by FHWA and other Federal Agencies, and the laws under which such actions were taken, are described in the documented Type 2 Categorical Exclusion approved on **TBD**, 2019, the National Historic Preservation Act (NHPA) Section 106 review, and in other documents in the FDOT project records. The Type 2 Categorical Exclusion, and other project records, are available by contacting FDOT at the address provided above, or

some can be viewed and downloaded from the project web site at

<http://cortezbridge.com/>.

This notice applies to the Type 2 Categorical Exclusion, the Section 4(f) determination, the NHPA Section 106 review, and all other 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 (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128].
2. *Air*: Clean Air Act (CAA), 42 U.S.C. 7401-7671(q).
3. *Land*: Section 4(f) of the Department of Transportation Act of 1966 (4f) [49 U.S.C. 303 and 23 U.S.C. 138].
4. *Wildlife*: Endangered Species Act (ESA) [16 U.S.C. 1531-1544 and 1536]; Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d); Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703-712]; 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 (106) [16 U.S.C. 470(f) et seq.]; Archaeological Resources Protection Act of 1977 (ARPA) [16 U.S.C. 470(aa)-470(II)]; Archaeological and Historic Preservation Act (AHPA) [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 (Civil Rights) [42 U.S.C. 20009(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 (Section 404, Section 401, Section 319) [33 U.S.C. 1251-1377]; Coastal Barriers Resources Act (CBRA) [16 U.S.C. 3501 et seq.]; Coastal Zone Management Act (CZMA) [16 U.S.C. 1451-1465]; 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]; Wetlands Mitigation, [23 U.S.C. 103(b)(6)(M) and 103(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. 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.

The project subject to this notice is:

Project Location: Manatee County, Florida--on the S.R. 684 corridor from S.R. 789 (Gulf Drive) in Bradenton Beach to 123rd Street West in unincorporated Manatee County, State of Florida, Federal-Aid Project Number 8886-227-A

(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: [DATE]

Karen M. Brunelle
Director, Office of Project Development
Federal highway Administration
Tallahassee, Florida

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