SPECIFIC CRITERIA FOR SITE SELECTION

(1) Geographical position, depth of water, bottom topography, and distance from coast.

(2) Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases.

(3) Location in relation to beaches or other amenity areas.

(4) Types and quantities of wastes proposed to be disposed of and proposed methods of release, including methods of packaging the waste, if any.

(5) Feasibility of surveillance and monitoring.

(6) Dispersal, horizontal transport, and vertical mixing characteristics of the area, including prevailing current velocity, if any.

(7) Existence and effects of current and previous discharges and dumping in the area (including cumulative effects).

(8) Interference with shipping, fishing, recreation, mineral extraction, desolination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean.

(9) Existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys.

(10) Potentiality for the development or recruitment of nuisance species in the disposal site.

(11) Existence of or in close proximity to the site of significant natural or cultural features of historical importance.

5.9 SAMPLE COORDINATION LETTERS

This section contains sample letters seeking Endangered Species Coordination and Coastal Zone Management Consistency and their replies. These include:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 5 1985

OFFICE OF WATER

Mr. William G. Gordon
Assistant Administrator for Fisheries
National Marine Fisheries Service
Washington, D. C. 20235

Dear Mr. Gordon:

In late 1982 and early 1983 respectively, the Environmental Protection Agency (EPA) prepared a draft and final Environmental Impact Statement (EIS) for the Mouth of Columbia River Dredged Material Disposal Site Designation. The Agency is now preparing a proposed rulemaking to designate these four sites for continuing use. Pursuant to Section 7 of the Endangered Species Act, EPA wishes to coordinate with your agency to insure that designation of the Mouth of Columbia River (MCR) sites will not jeopardize the continued existence of endangered and threatened species under the jurisdiction of the National Marine Fisheries Service (NMFS).

All of the interim designated sites are within six nautical miles of shore and in water depths ranging from 18 to 40 meters. Two of the sites are 0.08 square nautical miles in area; one is 0.25 and one is 0.27 square nautical miles in area. Designation would be for the disposal of dredged material. Because of the severity of weather conditions in the region, dredging can be conducted only from mid-April to mid-October. The designated sites could be used only after evaluation of each Federal project or permit application established that the disposal would be within site limitations and in compliance with the regulations and criteria of EPA (40 CFR Sections 220-229), the U. S. Army Corps of Engineers regulations (33 CFR 209.120 and 33 CFR 209.145), and any State requirements.

Information obtained for preparation of the EIS regarding endangered and threatened species under the jurisdiction of the NMFS occurring in the area adjacent to MCR indicates that several species of baleen whales and sperm whales migrate offshore of the Oregon-Washington coast. Only gray whales occur consistently within the vicinity of the MCR interim sites. However, gray whales migrate past MCR from November to December and from February to April, whereas dredging operations occur from mid-April to mid-October. Therefore, infrequent and localized ocean

disposal of dredged material will have no significant effect on the food source or migratory routes of these endangered species. We are enclosing a copy of the final EIS for your review of our evaluation.

Available information indicates that use of the sites would not be likely to adversely affect any of these species since the sites do not encompass any known unique mating, calfing, or passage areas and are small in relation to their total ranging areas.

Under Section 7 of the Endangered Species Act of 1973, we are requesting your evaluation of the conclusions that the proposed designation of these sites will have no effect on threatened or endangered species under the purview of the National Marine Fisheries Service. If there is need for further communication on this matter, please contact Ms. BarBara Ramsey at 202/755-9231.

Sincerely yours,

/S/

Paul Pan, Chief
Environmental Analysis Branch
(WH-556M)

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E.
BIN C15700
Seattle, Washington 98115

October 18, 1985 F/NWR5:AG

Mr. Paul Pan, Chief
Environmental Analysis Branch, WH556
U.S. Environmental Protection Agency
Washington, D.C. 20460

Dear Mr. Pan:

We have reviewed the Final Environmental Impact Statement IS) for the Mouth of Columbia River Dredged Material Disposal Site Designation. We concur with the Environmental Protection Agency determination that use of the sites is unlikely to adversely affect listed endangered, threatened, or candidate species under jurisdiction of the National Marine Fisheries Service (NMFS).

Unless new information should indicate otherwise, it is unnecessary to proceed further with NMFS with the formal consultation process prescribed in Section 7 of the Endangered Species Act.

Sincerely,

/s/ Thomas E. Kruse
for Rolland Schmitten
Regional Director

cc: F/M41 - P. Montanio

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 9 1986

OFFICE OF
WATER

Mr. Warren Parker, Field Supervisor
U.S. Fish and Wildlife Service
100 Otis Street, Room 224
Asheville, North Carolina 28801

Dear Mr. Parker:

In late 1982 and early 1983 respectively, the Environmental Protection Agency (EPA) prepared a draft and final Environmental Impact Statement (EIS) for the Savannah, GA, Charleston, SC, and Wilmington, NC, (SCW) Dredged Material Disposal Site Designations. The Agency is now preparing a proposed rulemaking to designate the existing disposal site off Savannah, GA, and alternative reduced area sites off Charleston, SC, and Wilmington, NC. The existing Charleston site will also be approved for use only for dredged materials from the Charleston Harbor deepening project. Pursuant to Section 7 of the Endangered Species Act, EPA wishes to coordinate with your agency to insure that designation of the SCW sites will not jeopardize the continued existence of endangered and threatened species under the jurisdiction of the U. S. Fish and Wildlife Service (FWS).

All of the interim designated sites range from three to five nautical miles (nmi) of shore and in water depths ranging from 11 to 13 meters. The existing Savannah and Charleston disposal sites are about 4.3 and 11.8 square nmi respectively, while the alternative Charleston and Wilmington sites are both three square nmi. Designation would be for the disposal of dredged material. Dredging occurs between June and January at Savannah and Charleston and between September and January at Wilmington. The designated sites could be used only after evaluation of each Federal project or permit application established that the disposal would be within site limitations and in compliance with the regulations and criteria of EPA (40 CFR Sections 220-229), the U. S. Army Corps of Engineers regulations 33 CFR 209.120 and 33 CFR 209.145), and any State requirements.

Information obtained for preparation of the EIS indicates that several endangered and threatened species under the jurisdiction of the FWS occur infrequently or seasonally in the area adjacent to the dredged material disposal sites. Manatees and short-nosed sturgeon occur infrequently in the vicinity of the existing and alternative sites; the habitat or food source of these species should not be affected by dredged material disposal at the three

sites. Endangered sea turtles and brown pelicans may occur infrequently as transients at the existing sites; however, loggerhead turtles and brown pelicans nest on coastal beaches directly north (within three nmi) of the alternative Wilmington site. The effects of ocean dumping at the alternative Wilmington site on turtle and pelican nesting areas are not expected to be detrimental because longshore transport will move sediments eastward and not onto adjacent beaches. In addition, the infrequent and localized disposal of dredged material is not expected to have a significant effect on the food source or passage of turtles or pelicans. Ocean dumping of dredged material will also have no significant impact on the food source or habitat of bald eagles or peregrine falcons because these species rarely occur offshore.

We are enclosing a copy of the final EIS for your review of our evaluation.

Available information indicates that use of the sites would not be likely to adversely affect any of these species since the sites do not encompass any known unique breeding, spawning, nursery or passage areas and are small in relation to their total ranging areas.

Under Section 7 of the Endangered Species Act of 1973, we are requesting your evaluation of the conclusion that the proposed designation of these sites will have no effect on threatened or endangered species under the purview of the U. S. Fish and Wildlife Service. If there is need for further communication on this matter, please contact Barry Burgan at 202/475-7134.

Sincerely yours,

Paul Pan

Paul Pan, Chief
Environmental Analysis Branch
(WH-556M)

Enclosure

United States Department of the Interior
FISH AND WILDLIFE SERVICE
ENDANGERED SPECIES FIELD STATION
100 OTIS STREET, ROOM 224
ASHEVILLE, NORTH CAROLINA 28801

June 4, 1986

Mr. Paul Pan, Chief
Environmental Analysis Branch
(WH-556M)
U.S. Environmental Protection Agency
Washington, DC 20460

Dear Mr. Pan:

The Final Environmental Impact Statement (EIS) for the proposed Savannah, Georgia; Charleston, South Carolina; and Wilmington, North Carolina; Dredged Material Disposal Site Designations was received May 12, 1986. We have reviewed the document as requested with regard to endangered and threatened species which fall under the purview of the U.S. Fish and Wildlife Service (FWS).

Based on the information presented in the EIS, we can concur with your determination of no effect to the bald eagle, peregrine falcon, and West Indian manatee. In addition, we concur with your determination that the proposed action should have no effect on sea turtle nesting beaches. In view of this, we believe that the requirements of the Endangered Species Act have been satisfied for species under FWS jurisdiction. However, obligations under Section 7 of the Act must be reconsidered if (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner which was not considered in this review, or (3) a new species is listed or critical habitat determined that may be affected by the identified action. We have assigned Log No. 4-2-86-440 to the Savannah, Georgia, site; Log No. 4-2-86-441 to the Charleston, South Carolina, site; and Log No. 4-2-86-442 to the Wilmington, North Carolina, site. Please refer to these in all future correspondence with this office concerning consultation on these sites.

The National Marine Fisheries Service has responsibility for marine species, including the short-nosed sturgeon and offshore sea turtles, and should be contacted regarding endangered and threatened marine species that may be affected by this proposed action.

If we can be of further assistance, please advise.

Sincerely,

Richard G. Biggins
Acting Field Supervisor

cc:
Ms. Deborah S. Paul, North Carolina Wildlife Resources Commission, Raleigh, NC 27611
Mr. Charles Roe, Director, North Carolina Natural Heritage Program, Raleigh, NC
Mr. John E. Cely, Coordinator, Nongame and Endangered Species, South Carolina Wildlife and Marine Resources Department, Columbia, SC 29202
Director, National Marine Fisheries Service, St. Petersburg, FL 40622
Field Supervisor, ES, FWS, Raleigh, NC
Field Supervisor, ES, FWS, Charleston, SC
Field Supervisor, SE, FWS, Jacksonville, FL

VICTOR ATIYEH
GOVERNOR

Department of Land Conservation and Development

1175 COURT STREET N.E., SALEM, OREGON 97310-0590 PHONE (503) 378-4926

October 25, 1985

Paul Pan, Chief
Environmental Analysis Branch
Environmental Protection Agency
40 M Street SW
Washington, DC 20460

Dear Mr. Pan:

Please find attached the Department's staff report and order for the Coos Bay Dredged Material Disposal Site Designation Final Environmental Impact Statement (FEIS). The Commission had no objections to the Department's findings and proposed order recommending concurrence with your consistency determination for the FEIS. The Director's order certifying consistency was therefore signed on October 15, 1985.

If you have any questions regarding our concurrence, please contact Patricia Snow of my staff.

Sincerely,

James F. Ross
Director

JFR:cmv
6213DPS/6B

cc: OCRM
Glen Hale

VICTOR ATIYEH
GOVERNOR

Department of Land Conservation and Developmer

1175 COURT STREET N.E., SALEM, OREGON 97310-0590 PHONE (503) 378-4926

M E M O R A N D U M

November 2, 1984

TO: Land Conservation and Development Commission

FROM: James F. Ross, Director

SUBJECT: FEDERAL CONSISTENCY REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT, COOS BAY, OREGON DREDGED MATERIAL DISPOSAL SITE DESIGNATION

DATE RECEIVED: September 10, 1984

REVIEWER: Patricia Snow

I. REQUEST

The Environmental Protection Agency has requested that the Commission concur that the Draft Environmental Impact Statement for the Coos Bay Dredged Material Disposal Site Designation is consistent to the maximum extent practicable with Oregon's Coastal Management Program (OCMP).

II. SUMMARY OF RECOMMENDATIONS

Staff recommends that the Commission concur with the Department analysis that the DEIS is consistent with the OCMP.

III. BACKGROUND INFORMATION

The Delegation of Authority Rule, OAR 660-02-010(9), provides that responses to consistency determinations for federal activities requiring the preparation of an Environmental Impact Statement be referred to the LCDC for possible review. This referral must be made at least seven days before the Director's action is to take effect. Should two or more members of the LCDC request review, the implementation of the Director's action will be suspended pending this review. The Department normally makes its consistency determination at the time of the FEIS. However, EPA has requested that the Department concur at the DEIS phase for this project. Due

to the extensive research that provided background for the DMD site designations, the Department has agreed to this request. A supplemental consistency determination will be needed if the FEIS is different than the DEIS.

The federal activity under review is the final designation of two interim designated ocean dredged material disposal sites (ODMDS) and the designation of a new ODMDS off Coos Bay, Oregon. The two finally designated existing ODMDSs would be used for the disposal of large grained sediments while the new site further offshore would be for the disposal of finer sediments with higher volatile solids content.

IV. FINDINGS

The major component of the Oregon Coastal Management Program (OCMP) which is applicable to the project is Goal 19; the Ocean Resources Goal. Goal 19 requires that renewable ocean resources and uses be given clear priority over nonrenewable resources. Inventories developed for specific projects must be sufficient to describe the long-term impacts of the proposed action on resources and uses of the continental shelf and nearshore area. For dredged material disposal sites, the agency with jurisdiction must determine the impact of the proposed project and provide for suitable sites and practices for the open sea discharge of dredged materials which do not substantially interfere with the use of the continental shelf for fishing, navigation, recreation, or from long-term protection of renewable resources.

The primary data bases for the EIS were disposal site evaluation and monitoring studies conducted by OSU under contract to the Corps of Engineers. The study consisted of five phases. The first was a 12-month baseline study of the physical, chemical and biological conditions of the nearshore area off Coos Bay. This information was used to select candidate sites for detailed evaluation during Phases II and III. The criteria used in selecting candidate sites were:

A. Physical and chemical similarity of dredged material and site sediment type;

B. Avoidance of impacts on unique or valued biological communities; and

C. Minimization of onshore tranport of fine sediments.

Sediments from above RM 12 on the Coos River were determined to be incompatible with sediments of the Phase I ocean study site. Detailed studies had to be conducted at sites located further offshore. Phases II and III provided information for areas further offshore in an area of approximately 5,000 x 3,500 meters at depths ranging from 40 to 120 meters. Phases IV and V investigated the

effects of a 1981 test disposal at site H (53-66 meter depths) during and following disposal. The site was re-investigated during 1982 and 1983 to document post disposal effects.

There are three basic types of sediment in Coos Bay. The types are:

1. Type 1 - Predominantly clean sand of marine origin typical of sediments from below Coos Bay river mile 12.

2. Type 2 - Finer grained sand and silt containing some volatile solids typical of sediments from between Coos Bay RM's 12 and 14.

3. Type 3 - Highly organic fine material (6 to 20 percent volatile solids) typical of sediments from above Coos Bay RM 14.

Several disposal alternatives were reviewed (see attached map). Sites E and F were EPA interim desigated sites chosen for their distance from Coos Bay, depth of water, biological conditions, historical use and estimated amount and type of dredged material. They are located approximately 1.5 miles offshore. Sites G and H were considered since they were areas with similar bottom sediments to the materials dredged from above RM 12 in Coos Bay. They are located approximately 5 and 3.5 miles offshore, respectively. Adjusted Site H was selected as an alternative to Site H to avoid impacts to shellfish beds. It is located approximately 2.5 miles offshore. A deepwater site was selected to meet EPA site selection criteria.

Four disposal options were considered for ocean dumping of dredged material. These options were: (1) disposal of all types of dredged material at interim Sites E and F; (2) disposal of Type 1 material at Sites E and F and disposal of Type 1 and 2 material at Site G; (3) disposal of Type 1 material at Sites E and F and disposal of Types 1 and 2 material at Site H; and (4) disposal of Type 1 material at sites E and F and Type 2 and 3 material at adjusted Site H.

The effects of previous disposal at sites E and F indicates that no significant biological impacts have been associated with the disposal (II-10). At site H, the benthic community was significantly depressed in the area of disposal immediately after disposal. A steady recovery to predisposal abundance and density levels was observed during the 19 months of the post-dump monitoring (II-11).

Alternative 4 is identified as the preferred alternative. This option was selected because the sediment types would be the most compatible with the disposal sites. Type I material is very similar to the natural sediments at sites E and F (p. II-14). Disposal of this material at any other site would result in long-term bottom habitat changes. For these reasons disposal at

sites other than E and F was not considered in the public's best interest. The disposal of either Type 2 or 3 material at sites E and F was considered questionable as the material is physically and chemically dissimilar to the sediments at these sites. Disposal of Type 2 and 3 sediments at Site G was not the chosen alternative due to the slow erosion rate at G. It was felt that the disposal of these sediments at Site G would result in long-term changes to the substrate habitat of the benthic community (II-15). Adjusted site H was chosen as a result of resource agency concerns with the scallop beds located between 40 and 52 fathoms. The adjusted Site H is located at the 25 fathom contour, which will establish a buffer area of approximately one nautical mile between the disposal site and the scallop bed. The Department will request that a monitoring program be established for the first year of use of adjusted Site H.

The DEIS addresses consistency of the proposed action with the OCMP and the Coos County plan (III-22; IV-A; Appendix A). The DEIS notes that Goal 19 requires that the location of the sites and disposal practices must not substantially impact fishing, navigation, or recreation activities, or the natural resources of the continental shelf. The DEIS states that the descriptions of impacts of dredged material disposal on the proposed sites indicate that no substantial impacts on these uses or resources are anticipated. No significant post disposal effects on the biological community at Sites E and F were found (IV-9). Disposal of Type I sediments at Sites E and F would likely have a short-term impact on the benthic communities. The DEIS states that due to the similarity of sediment types in the disposal material to that existing at Site H, it is doubtful that there would be measureable long-term effects (IV-12). Disposal of any materials from Coos Bay at Site G would result in the greatest biological impact of the three areas studied (IV-12). Disposal of any of the Coos Bay sediment at E and F would result in the least impact on benthos of the three sites. The main reasons for this are the unstable environment, the lower abundance and diversity of species and the adaptability of the existing benthic species to an unstable environment.

Objections: No formal objections to the DEIS have been received to date. The ODFW and USFWS support the proposed DMD sites (personal communication, November 2, 1984). The NMFS is concerned that test dumping did not occur on adjusted Site H. The Department concludes that adequate baseline data exists on adjusted Site H to designate it is a DMD site provided a monitoring program is established during the first year of use. The monitoring program will need to be developed in coordination with the state, USFWS, and NMFS. The new site was selected in response to resource agency concerns to avoid impacts on shellfish beds located between 40 and 52 fathoms.

Conclusion: The final designation of the two interim and the proposed dredged material offshore disposal sites is an action directly affecting the Oregon Coastal Management Zone. The Department concurs with the EPA determination that the DEIS and final designation of the three sites is consistent with the Oregon Coastal Management Program, including Goal 19. The DEIS establishes that the disposal of approved sediments at sites E, F and H will not have long-term impacts on the resources or uses of the area. The Department concurs that the alternative selected will have the least impact on the nearshore environment. Provided the FEIS does not vary from the DEIS, it will be consistent with the OCMP as well. If the designations in the FEIS are different than those in the DEIS, a supplemental consistency determination will be required.

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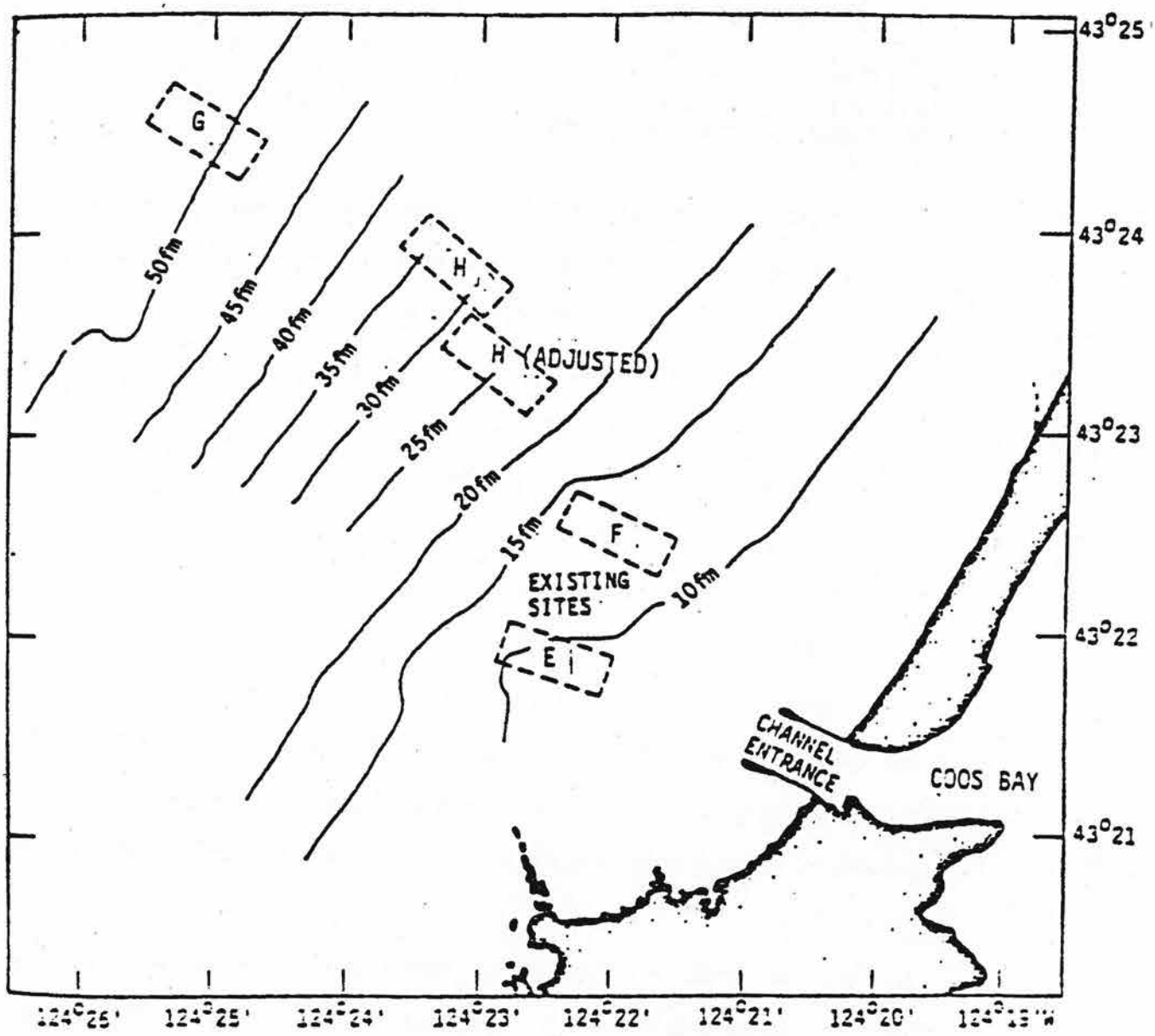

Alternative Disposal Sites Considered in Detail.

BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON

AN ORDER BY THE DEPARTMENT THAT THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE COOS BAY, OREGON, DREDGED MATERIAL DISPOSAL SITE DESIGNATION IS CONSISTENT WITH THE OREGON COASTAL MANAGEMENT PROGRAM.	)))))))	84-FC-339 FINDINGS OF FACT, ULTIMATE FINDINGS OF FACTS, CONCLUSION OF LAW, ORDER AND NOTICE FOR OPPORTNITY FOR ADMINISTRATIVE AND JUDICIAL REVIEW.

1. Pursuant to the National Environment Policy Act of 1969, the Corps of Engineers and the Environmental Protection Agency did prepare an Environment Impact Statement describing the impacts of dredged material disposal sites offshore of the mouth of the Coos River. The DEIS was received by the Department of Land Conservation and Development from the EPA on September 10, 1984. Pursuant to Title 15, Code of Federal Regulations, Section 930.41, the Department of Land Conservation and Development is responding to the consistency determination as a federal action which directly affects Oregon's coastal zone.

2. Pursuant to Title 15, Code of Federal Regulations, Section 930.34, the Environmental Protection Agency did give proper notice directly to the Department of Land Conservation and Development in which the EPA did provide a consistency determination pursuant to Section 930.39 of the same title.

3. The Environmental Protection Agency did properly conclude that Goal 19 (Ocean Resources) is the applicable portion of the Oregon Coastal Management Program and governs the federal action in question. The EPA did demonstrate through findings compliance with the Statewide Planning Goal.

4. The Final Environmental Impact Statement for designation of Coos Bay offshore disposal sites will be consistent if it does not vary from the DEIS. If the document is changed, a supplemental consistency determination will be required.

5. A monitoring plan for adjusted Site H will need to be developed in conjunction with state and federal agencies for the first year of use.

ULTIMATE FINDINGS OF FACT

The DEIS for the Coos Bay, Oregon, Dredged Material Disposal Site Designation is to the maximum extent practicable consistent with the Oregon Coastal Management Program. The FEIS will also be consistent if it does not vary from the DEIS.

CONCLUSIONS OF LAW

The Department of Land Conservation and Development concurs with the consistency determination of the EPA that the DEIS for the Coos Bay, Oregon, Dredged Material Disposal Site Designation is to the maximum extent practicable with the Oregon Coastal Management Program according to the provisions of Title 15, Code of Federal Regulations, Section 930.41 and Section 307 of the Federal Coastal Zone Management Act of 1982 as amended. A supplemental consistency determination will be required if the FEIS varies from the DEIS. A monitoring plan will need to be developed for adjusted Site H.

ORDER

The three dredged material disposal sites designated in the DEIS may be used for dredged material disposal projects which meet EPA's ocean dumping regulations, 40 CFR Part 227. Use of adjusted Site H will also require a monitoring plan for the first year of use.

James F. Ross, Director
Department of Land Conservation
and Development

November 22, 1984
Date

NOTICE: Any person or agency adversely affected by or aggrieved by this order is entitled to judicial review. Judicial review of this order may be obtained by filing a petition for review within 60 days following the service of this order. Judicial review is pursuant to the provisions of Oregon Revised Statutes, Chapter 183, Section 484.

PS:mg
1305D/9B

VICTOR ATIYEH
GOVERNOR

Department of Land Conservation and Developmen

1175 COURT STREET N.E., SALEM, OREGON 97310-0590 PHONE (503) 378-4926

M E M O R A N D U M

October 3, 1985

TO: Land Conservation and Development Commission

FROM: James F. Ross, Director

SUBJECT: REVISED CONSISTENCY DETERMINATION FOR COOS BAY OFFSHORE DISPOSAL SITES

REVIEWER: Patricia Snow

In its November 2, 1984 memo to the Commission (attachment A), the Department recommended that the Draft Environmental Impact Statement (DEIS) for designation of three dredged material disposal sites offshore of Coos Bay be found consistent with the Oregon Coastal Management Program. The Commission did not have any objections to the consistency statement, and the Director's order adopting it was signed. The order specified that a supplementary consistency statement would be required if the Final Environmental Impact Statement (FEIS) differed from the DEIS.

There has been a modification in the site selection. Two of the DEIS sites will remain the same in the FEIS. "Modified site H" in the DEIS will be replaced by the original site "H" due to resource agency concerns. EPA has submitted a revised consistency statement and has requested that the Department concur that the selected dredged material disposal sites are, to the maximum extent practicable, consistent with the Oregon Coastal Management Program (see attachment B). The Department concurs with their assessment.

Extensive background information collected by OSU as data for the EIS indicated that site "H" was in a transition zone and best suited for the sediment proposed. "Modified site H" had been proposed in the DEIS as an alternative to site "H" to address ODFW concerns about the effects of dredged material disposal on adjacent commercial shellfish beds. Other resource agencies were concerned that there was not adequate information available on the "revised site H".

State and federal resource agencies met in January 1985. New information presented at this time indicated that the scallop bed apparently had been fished out and that sediments from site "H" were highly unlikely to be transported into the scallop bed. In addition, baseline benthic conditions at site "H" indicate a benthic transitional zone which is more capable of tolerating sediment changes than "adjusted site H." EPA has indicated that no substantial trophic or direct impacts on fishery activities associated with disposal of dredged material at site "H" is anticipated.

Recommended Action

The Department recommends approval of the amended consistency statement. No action need be taken by the Commission at this time. The Department's proposed order concurring with the EPA consistency request is attached (see attachment C). Should two or more members of the LCDC request review, the implementation of the Director's action will be suspended pending this review.

JFR:cmv
3014DPS/3B/A091602

Enclosures:
Attachment A - November 2, 1984 memorandum to EPA
Attachment B - September 10, 1985 revised EPA consistency statement
Attachment C - Proposed Director's Order

ATTACHMENT B

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 10 1985

SEP 16 1985
OFFICE OF WATER

Mr. James F. Ross, Director
Department of Land Conservation
and Development
State of Oregon
1175 Court Street, N.E.
Salem, Oregon 97310

Dear Mr. Ross:

The United States Environmental Protection Agency (EPA) is taking actions necessary for the final designation of two interim designated ocean dredged material disposal sites (ODMDSs), sites E and F, off the mouth of Coos Bay, Oregon, along with the proposed designation of a new ODMDS, site H, located further offshore. The potential impact of these actionss is defined in the enclosed Final Environmental Impact Statement (FEIS). The two existing ODMDSs would be used for disposal of larger grained dredged material (type 1 material, as defined in the FEIS) while the new site would be used for disposal of finer grained sediments with higher volatile solids content (type 2 and 3 material, as defined in the FEIS). The evaluation of impacts has included consideration of the compatibility of the action with Oregon Coastal Management Program (OCMP) as specified in the Coastal Zone Management Act (CZMA), 16 U.S.C. §1456.

In analyzing the coastal zone impacts, particular attention was given to those portions of the OCMP most likely to be influenced by the proposed site designations. Coos Bay is identified in the overall Oregon estuary classification as a deep-draft development estuary. As such, and as stipulated in Goal Number 16, Estuarine Resources, the OCMP recognizes that deep-draft port developments, navigation channels, and associated dredging and dredged material disposal are allowed and will continue. In addition, under Goal Number 19, Ocean Resources, the OCMP recognizes the need to "provide for suitable sites and practices for the open sea discharge of dredged materials which do not substantially interfere with or detract from the use of the continental shelf for fishing, navigation, or recreation, or from the long-term protection of natural resources."

The Coos County Comprehensive Plan, which has been locally adopted and is presently being reviewed for approval by The Oregon Department of Land Conservation and Development (ODLCD), contains policy statements and estuary management plans for maintaining Coos Bay as a deep-draft development port. In keeping with these plans and policies, Coos County recognizes the need to utilize ocean sites for disposal of material dredged from the navigation channel system. At the same time, the OCMP stipulates that the location of the sites and disposal practices must not substantially impact fishing, navigation, or recreation activities,

or the natural resources of the continental shelf. The findings set forth in the FEIS indicate that no substantial impacts on these uses or resources are anticipated.

On November 2, 1984, your office concurred with EPA's consistency determination regarding the sites presented in the final EIS. A supplemental consistency determination has been prepared because site H is now being proposed for disposal of type 2 and 3 materials instead of adjusted site H. The original concern in selecting adjusted site H was avoiding adverse impacts on a scallop bed located to the north between 40 and 52 fathoms. Adjusted site H was in the vicinity of the 25 fathom contour thereby creating a buffer zone of approximately on nautical mile between it and the scallop bed.

During a meeting of January 9, 1985, among resource agencies including representatives from the Portland District Corps of Engineers, National Marine Fisheries Service, Oregon Department of Fish and Wildlife, and EPA Region X held in response to comments on the draft EIS, new information was presented indicating that the scallop bed has been apparently fished out and that sediments transported from site H are highly unlikely to move toward the scallop bed. In addition, baseline benthic conditions at site H indicate a benthic transitional zone which is more capable of tolerating sediment changes than adjusted site H. Therefore, no substantial trophic or direct impacts on fishery activities associated with disposal of dredged material of site H are anticipated.

An evaluation of consistency with the OCMP has been prepared. Enclosed for your review is a copy of the Coos Bay - OCMP Consistency Statement for ODMDSs E, F, and H. The Agency's conclusion, as summarized in the enclosure, is that the proposed final site designation will not have an adverse environmental effect and will be in accord with the OCMP and we are therefore requesting your concurrence of EPA's supplemental consistency determination. If there are further questions regarding this finding, please contact Barry Burgan of my staff at (202)755-9231.

Sincerely,

Paul Pan

Paul Pan, Chief
Environmental Analysis Branch (WH-556M)

Enclosures

cc: Dave Mathis
Eric Braun
Gary Voerman

ENCLOSURE

COOS BAY ODMDSs (E, F, and H)

OCMP CONSISTENCY STATEMENT

OREGON STATEWIDE GOALS	CONSISTENCY STATEMENT
1. CITIZEN INVOLVEMENT. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.	The Corps has included citizens in the planning of this proposed porject through distribution of the EIS "scoping" letter. Citizens will have the additional opportunity to review and comment through the Draft EIS and and Final EIS review processes.
2. LAND USE PLANNING. To establish a land use planning process and policy framework as a basis for all decisions and to assure an adequate factual base for such decisions and actions.	Land use planning is a state and local function. The Corps has coordinated the site designation alternatives with all agencies that have planning responsibility for the affected area. The proposed project is conistent with Oregon's Coastal Management Program and other applicable statewide goals. the Coos County comprehesive plan and with the Coos Bay Estuary Management plan.
3. AGRICULTURAL LANDS. To preserve and aintain agricultural lands.	This goal is not applicable.
4. FOREST LAND. To Conserve forest lands for forest uses.	This goal is not applicable.
5. OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES. To conserve open space and protect natural and scenic resources.	There are no known historic and cultural resources in the area (see Appendix C). The proposed site designation and resulting ocean disposal would not detract from the area's scenic quality or significantly impact natural resouces.
6. AIR, WATER AND LAND RESOURCES. To maintain and improve the quality of the air, water, and land resources of the tate.	Turbidity would increase slightly above background levels during disposal operations. Any increase in turbidity would be temporary. The proposed action will not affect air and land resources.
7. AREAS SUBJECT TO NATURAL DISASTERS & HAZARDS. To protect life and property from natural disasters and hazards.	Ocean disposal would indirectly reduce risks of ship grounding in the entrance bar.
8. RECREATION NEEDS. To satisfy the recreational needs of the citizens of the state and visitors.	Recreation boating and sport fishing are expected to continue in the area with or without the proposed site designation.

OREGON STATEWIDE GOALS	CONSISTENCY STATEMENT
9. ECONOMY OF THE STATE. To diversify and improve the economy of the state.	Maintenance of the Coos Bay Navigation System is considered vitally important to local regional and state economic vitality. Ocean disposal site designation is an integral part of the navigation system maintenance plan.
10. HOUSING. To provide for housing needs of citizens of the State.	The proposed site designation would not affect local planning or implementation of plans which provide for the housing need of citizens.
11. PUBLIC FACILTIES AND SERVICES. To plan and develop a timely, orderly and efficient arrangement of public facilitiea and services to serve as a developoment	Facilities and services associated with the Coos Bay Navigation channel are already in place. Ocean disposal site designation would help insure the continued use of these facilities and services.
12. TRANSPORTATION. To provide and encourage a safe, convenient and economic transportation system.	The continued use of a safe convenient and economical water transportation system in Coos Bay is at least partially dependent upon the use of ocaen disposal sites for channel maintenance.
13. ENGERGY CONSERVATION. To conserve engergy.	The use of close-in disposal sites would provide for more efficient channel maintenance, resulting in net energy savings.
14. URBANIZATION. To provide for an orderly and effieicent transition from rural to urban land use.	Ocean disposal site designation is not expected to have any effect on the or patterns of urbanization.
15. WILLAMETTE RIVER GREENWAY. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamete River Greenway.	Not applicable.

OREGON STATEWIDE GOALS	CONSISTENCY STATEMENT
16. ESTUARINE RESOURCES. To recognize and protect the unique environmental, economic and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop and where appropriate restore the long-term environmental, economic and social values, diversity and benefits of Oregon's estuaries.	Ocean disposal site designation would help alleviate the need for disposal in or adjacent to the estuary. The proposed use of the ocean disposal sites would have no significant impact on estuarine resources.
17. COASTAL SHORELANDS. To conserve protect, where appropriate develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing thier value of protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and esthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.	Ocean disposal site designation would help alleviate the need for disposal on coastal shorelands.
18. BEACHES AND DUNES. To conserve protect, where appropriate develop, and where appropriate restore the resources and beneifts of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man induced actions associated with these areas.	Dredged material disposed of at sites E and F may be carried ashore by wave-induced currents. The material deposited at these sites would be essentially clean and sand and would have a primarily positive effect of beach nourishment.

OREGON STATEWIDE GOALS	CONSISTENCY STATEMENT
19. OCEAN RESOURCES. To conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.	The general productivity of the area may be negatively affected due to continuous disposal of material from maintenance dredging. Benthic organisms at the sites would be impacted by smothering. No other natural resources are expected to be significantly affected by the disposal of dredged material.

ATTACHMENT C

BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON

AN ORDER BY THE DEPARTMENT THAT THE FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE COOS BAY, OREGON, DREDGED MATERIAL DISPOSAL SITE DESIGNATION IS CONSISTENT WITH THE OREGON COASTAL MANAGEMENT PROGRAM	)	85-FC-148 FINDINGS OF FACT, ULTIMATE FINDINGS OF FACTS, CONCLUSION OF LAW, ORDER AND NOTICE FOR OPPORTUNITY FOR ADMINISTRATIVE AND JUDICIAL REVIEW

FINDINGS OF FACT

1. Pursuant to the National Environmental Policy Act of 1969, the Corps of Engineers and the Environmental Protection Agency did prepare an Environmental Impact Statement describing the impacts of dredged material disposal sites offshore of the mouth of the Coos River. A revised consistency statement for the Final Environmental Impact Statement (FEIS) was received by the Department from the EPA on September 16, 1985. Pursuant to Title 15, Code of Federal Regulations, Section 930.41, the Department of Land Conservation and Development is responding to the consistency determination as a federal action which directly affects Oregon's coastal zone. This order supercedes the Department's order, 84-FC-339, dated November 22, 1984.

2. The Environmental Protection Agency did properly conclude that Goal 19 (Ocean Resources) is the applicable portion of the Oregon Coastal Management Program and governs the federal action in question. The EPA did demonstrate through findings compliance with Statewide Planning Goal 19.

3. Pursuant to Title 15, Code of Federal Regulations, Section 930.34, the Environmental Protection Agency did give proper notice directly to the Department of Land Conservation and Development in which the EPA did provide a consistency determination pursuant to Section 930.39 of the same title.

4. The Final Environmental Impact Statement for designation of Coos Bay Dredged Material Disposal Sites E, F, and H is consistent with the Oregon Coastal Management Program.

ULTIMATE FINDINGS OF FACT

The FEIS for the Coos Bay, Oregon, Dredged Material Disposal Site Designation is to the maximum extent practicable consistent with the Oregon Coastal Management Program.

CONCLUSIONS OF LAW

The Department of Land Conservation and Development concurs with the consistency determination of the EPA that the FEIS for the Coos Bay, Oregon, Dredged Material Disposal Site Designation is to the maximum extent practicable with the Oregon Coastal Management Program according to the provisions of Title 15, Code of Federal Regulations, Section 930.41 and Section 307 of the Federal Coastal Zone Management Act of 1972 as amended.

ORDER

IT IS HEREBY ORDERED THAT:

The three dredged material sites designated in the FEIS may be used for dredged material disposal projects which meet EPA's ocean dumping regulations, 40 CFR Part 227.

DATED THIS 15th DAY OF OCTOBER, 1985.

FOR THE DEPARTMENT

James F. Ross, Director
Department of Land Conservation
and Development

NOTICE: Any person or agency adversely affected by or aggrieved by this order is entitled to judicial review. Judicial review of this order may be obtained by filing a petition for review within 60 days following the service of this order. Judicial review is pursuant to the provisions of Oregon Revised Statutes, Chapter 183, Section 484.

JFR:sp
5835DPS/135C

5.10 SAMPLE PROPOSED AND FINAL RULES

This section contains sample Proposed and Final Rules. These include:

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[LOW- FRL-2904-3]

Ocean Dumping; Proposed Designation of Sites

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate four existing dredged material disposal sites located offshore of the mouth of the Columbia River, Oregon-Washington, as EPA approved ocean dumping sites for the dumping of dredged material removed from the entrance channel to the Columbia River and other small harbors bordering the lower river. This action is necessary to provide acceptable ocean dumping sites for the current and future disposal of this material.

DATE: Comments must be received on or before November 18, 1985.

ADDRESSES: Send comments to: Paul Pan, Chief, Environmental Analysis Branch (WH-556M), EPA, Washington, DC 20460.

The file supporting this proposed designation is available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street Southwest, Washington, DC

EPA Region X, 1200 Sixth Avenue, Seattle, Washington

U.S. Army Corps of Engineers Library, Portland District, 319 Southwest Pine Street, Portland, Oregon

FOR FURTHER INFORMATION CONTACT: Paul Pan, (202) 755-9231.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management, now the Assistant Administrator for Water. This proposed site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, Section 228.4) state that ocean dumping sites will be designated by promulgation in Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 et seq.) and was last extended on August 24, 1984 (49 FR 33647 et seq.). That list established these sites as interim sites.

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., ("NEPA") requires that Federal agencies prepare an EIS on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into the Agency decision-making process careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EIS's in connection with ocean dumping site designations such as this. (39 FR 16186, May 7, 1974, and 39 FR 37119, October 21, 1974).

EPA has prepared a draft and final EIS entitled "Environmental Impact Statement (EIS) for the Mouth of Columbia River Dredged Material Disposal Site Designation." On October 15, 1982, a notice of availability of the draft EIS for public review and comment was published in the Federal Register (47 FR 46135). The public comment period on this draft EIS closed November 29, 1982. Twelve reviewers submitted comments on the draft EIS, which the Agency assessed and responded to in the final EIS. Editorial or factual corrections required by the comments were incorporated in the text and noted in the Agency's response. Comments which could not be appropriately treated as text changes were addressed point by point in the final EIS, following the letters of comment.

On April 29, 1983, a notice of availability of the final EIS for public review and comment was published in the Federal Register (48 FR 19465). The public comment period on the final EIS closed May 30, 1983. One comment was received on the final EIS which requested a consistency determination under the Coastal Zone Management Act. The states of Washington and Oregon have concurred with EPA's consistency determination. Anyone desiring a copy of the EIS may obtain one from the address given above.

EPA has initiated Section 7 consultation under the Endangered Species Act with the Fish and Wildlife Service and National Marine Fisheries Service.

The EIS discusses the need for the action, examines ocean disposal site alternatives to the proposed action, and presents the information needed to evaluate the suitability of ocean disposal areas for final designation for continuing use. The EIS is based on one of a series of disposal site environmental studies conducted by EPA and the Corps of Engineers. The environmental studies and final designation process are being conducted in accordance with the requirements of the Act, the Ocean Dumping Regulations, and other applicable Federal environmental legislation.

C. Proposed Site Designation

All four sites are located between one and six nautical miles (nmi) from shore near the Columbia River at water depths ranging from 18 to 40 meters. Currently approximately six million cubic yards is dredged annually to maintain the 15-meter channel depths. These ocean sites receive the material dredged from the channel.

Because of the severity of weather conditions in the region, dredging can be conducted only from mid-April to mid-October. The four sites available for dredged material disposal would allow full advantage of the short dredging season and enable greater flexibility for site selection and use when considering the weather conditions, sediment accumulation, vessel traffic and number of hopper dredges operating at the mouth of the river.

The sites are named, A, B, E, and F for identification. Site A is located approximately three nautical miles from shore and occupies an area of about 0.27 square nautical miles. Corner coordinates are as follows:

46°13'03" N., 124°06'17" W.;
46°12'50" N., 124°05'55" W.;
46°12'15" N., 124°06'41" W.;
46°12'26" N., 124°07'05" W.

Site B is located approximately 5.8 nautical miles from shore and occupies an area of about 0.25 square nautical miles. Corner coordinates are as follows:

46°14'37" N., 124°10'34" W.;
46°13'53" N., 124°10'01" W.;
46°13'43" N., 124°10'28" W.;
46°14'28" N., 124°10'59" W.

Site E is located approximately one nautical mile from shore and occupies an area of about 0.08 square nautical miles. Corner coordinates are as follows:

46°15'43" N., 124°05'21" W.;
46°15'36" N., 124°05'11" W.;
46°15'11" N., 124°05'33" W.;
46°15'18" N., 124°06'03" W.

Site F is located approximately five nautical miles from shore and occupies

area of about 0.08 square nautical les. Corner coordinates are as llows:

46°12'12" N., 124°09'00" W.;
46°12'00" N., 124°08'42" W.;
46°11'48" N., 124°01'00" W.;
46°12'00" N., 124°09'18" W.

Regulatory Requirements.

Five general criteria are used in the lection and approval for continuing e of ocean disposal sites. Sites are lected so as to minimize interference ith other marine activities, to keep any mporary perturbations from the mping from causing impacts outside e disposal site, and to permit effective onitoring to detect any adverse mpacts at an early stage. Where asible, locations off the Continental elf are chosen. If at any time disposal erations at a site cause unacceptable lverse impacts, further use of the site ill be restricted or terminated. These neral criteria are given in § 228.5 of e EPA Ocean Dumping Regulations. d § 228.6 lists 11 specific factors used evaluating a proposed disposal site to sure that the general criteria are met. The existing sites, as discussed below der the 11 specific factors, are ceptable under these five general iteria except for the preference for es located off the Continental Shelf. PA has determined, based on the formation presented in the EIS, that no vironmental benefit would be btained by selecting sites off the ntinental Shelf instead of those roposed in this action. In addition, the creased transit distance and time quired for disposal farther offshore ould further reduce the effective redging season already restricted by eather conditions. Historical use of the xisting sites has not resulted in gnificant damage to living resources of e ocean or to other uses of the marine vironment.

The characteristics of the existing es are reviewed below in terms of the factors.

1. *Geographical position, depth of ater, bottom topography and distance om coast.* (40 CFR 228.6(a)(1))

eographical positions and distances om the coast for each existing site are ven above. Water depths of sites range om 18 to 40 meters. The bottom opography of the nearshore mouth of e Columbia River region is haracterized by a northward trending dal delta and a mound within site B omposed of previously disposed redged material.

2. *Location in relation to breeding, pawning, nursery, feeding, or passage reas of living resources in adult or venile phases.* (40 FR 228.6(a)(2))

Breeding, spawning, nursery, and/or passage activities of commercially important finfish and shellfish species all occur on a seasonal basis close to the MCR. The spawning season of the dungeness crab is from December to April. With a few crab larvae evident in the plankton after March, the probability that dredged material disposal at MCR will interfere with larval survival is small. Similarly, there is small likelihood of interference with the larval and juvenile crab populations on the ocean floor. Due to the mobility of finfish, it is unlikely that disposal operations will interfere with the migrations of commercially important anadromous species.

Twenty years of dumping at the sites has not caused significant or irreversible impacts on living resources. The effects of disposal on demersal fish are apparent temporary decreases in abundance, numbers of species, mean size, and a change in food preference; deposition at the sites in prior years revealed no apparent lasting effect on the diversity and number of finfish. The feeding, breeding, and migratory activities of marine mammals are not significantly affected by dredged material disposal in the area.

3. *Location in relation to beaches and other amenity areas.* (40 CFR 228.6(a)(3) All of the interim sites are close to shore, but only sediment dumped at site E is likely to reach adjacent beaches. Sediments with median diameters of 0.18 mm (e.g., dredged sediments from the entrance channel) may be transported as bedload during winter storms. However, net sediment transport from sites, A, B, and F is northward and generally parallel to the isobaths, at rates of 0.25 nmi/yr. Therefore, sediments dumped at sites, A, B, or F are not likely to be transported onto adjacent beaches. Dredged material released at site E is dispersed, and no sediment accumulation has been detected. Dredged sediments are transported in a northeastward direction onto Peacock Spit, parallel to the beach, while a portion may be transported eastward into the estuary. The material is predominantly clean sand which is suitable for beach nourishment; consequently, transport of dredged materials from site E should have beneficial effects on local beaches. Furthermore, Washington State Parks Department has requested preferential use of site E to retard erosion of the coastal beaches.

4. *Types and quantities of wastes proposed to the disposed of, and proposed methods of release, including methods of packing the waste, if any* (40 CFR 228.6(a)(4)) Dredged sediments from the main entrance and from entrance channels to other small harbors west of Astoria Bridge are the only materials presently dumped at the sites. Dredged materials are 95 to 98 percent sand and comply with the requirements of § 227.13(b) of the Ocean Dumping Regulations. Sediments are transported by a hopper dredge equipped with a subsurface release mechanism and are not packaged in any manner. Disposal volumes average six million cubic yards during each six-month dredging season. The interim sites are close to the dredging sites, and their use will minimize transport time and facilitate a coordinated controlled dumping schedule.

In 1979 approximately 95 percent of the dredged material disposed was released at site E. Other sites can be used to control shoaling caused by transport of sediment from site E into the estuary. The quality of dredged material to be disposed at each site will be determined based upon the physical characteristics of the material and its potential for impact.

Future dredged material volumes may exceed present volumes if the navigational safety of the entrance channel necessitates expanded dredging efforts or if other dredged material is disposed at the site. Any materials disposed at the sites must be within the capacity of the sites and must comply with EPA's dredged material criteria in § 227.13 of the Ocean Dumping Regulations.

5. *Feasibility of surveillance and monitoring.* (40 CFR Sec. 228.6(a)(5))

The U.S. Coast Guard is not currently carrying out surveillance at the interim sites. However, due to the proximity of the sites to shore, surveillance would not be difficult. Monitoring is not a problem because the sites are close to shore and in shallow water. Prior to and during annual dredging, the Corps of Engineers surveys the entrance channel and bottom topography within the site boundaries and identifies shoaling or mounding areas.

Monitoring by EPA, the Corps of Engineers, and permittees, as required, will continue for as long as the site is used. If evidence of significant adverse environmental effects is found, EPA will take appropriate steps to limit or terminate dumping at the site.

6. *Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any.* (40 CFR Sec. 228.6(a)(6)) Dredged material is primarily medium to fine-grained sand, thus rapid settling of the released sediments occurs with slight horizontal

mixing or vertical stratification. Rapid settling precludes persistent changes in the post disposal suspended sediment concentration. Large waves and tidal currents at site E may result in a significantly greater horizontal dispersion of released sediments relative to sites A, B, and F.

Previous studies have demonstrated the relative immobility of dredged sediments dumped at sites A, B, and F. Large percentages of the dredged sediments released at these sites will remain within the boundaries of the sites; smaller proportions of dredged material move slowly (0.25 nmi/yr.) northwards. Dredged materials dumped at site E during summer are eroded during the following winter. Previous studies have indicated a probable northeasterly transport of sediments onto Peacock Spit and adjacent beaches, although portions of the material dumped at site E may move eastward into the estuary.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects).* (40 CFR Sec. 228.6(a)(7)) Studies indicate that disposal of dredged material at the interim sites causes only minor impacts: temporary localized mounding, slight changes in sediment texture, and temporary disturbance of benthic infauna and demersal finfish assemblages. Clean sands dredged from the high-energy entrance channel have not produced any changes in water or sediment quality at the disposal sites.

Although there has been no significant mounding at any site, sediment has accumulated within site B at a shoaling rate of approximately 3 meters in 20 years. Present water depths range from 22 to 36 meters; therefore, shoaling does not currently present a problem to navigation. Mounds of accumulated dredged sediments at site B tend to spread laterally and flatten under the influence of bottom current and wave-induced turbulence.

Disturbances to infauna are caused by direct burial of sessile or slow-moving organisms. Substrate disturbances cause temporary (one to two months) changes in infaunal biomass and diversity. Other benthic species are motile or able to withstand temporary burial. Localized and temporary changes in finfish abundances may result from changes in fish food abundances. Effects on the biota are neither cumulative nor irreversible.

8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean.* (40 CFR 228.6(a)(8)) Extensive shipping, fishing, and recreational activities, in addition to scientific investigations, take place in the vicinity of the interim sites. Minor interferences with these activities may occur; however, dredging personnel can shift disposal operations to another site or temporarily suspend dredging during periods of conflict. Mineral extraction, desalination, and aquaculture activities do not presently occur in the vicinity of MCR. However, a black sand mining operation is planned for a nearshore area 4 nmi north of the North Jetty. Dredged material disposal at site E could increase the sand overburden at the mining site, thus increasing mining costs.

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys.* (40 CFR 228.6(a)(9)) Investigations suggest that the disposal of clean sands, dredged from the entrance channel, will have minimal adverse impacts on the water quality or ecology at the sites.

The mouth of the Columbia River is a dynamic, high-energy environment; and water quality parameters (concentrations of dissolved nutrients, trace metals, dissolved oxygen, pH, or turbidity) are influenced by river discharge volumes, tidal cycles, and biological activity.

The distribution of nearshore planktonic communities is both temporally and spatially variable. Phytoplankton communities consist of a diverse assemblage of diatoms and dinoflagellates, with seasonally variable productivities and standing crop. Zooplankton are dominated by calanoid copepods, gammarid amphipods, cumaceans, and mysids. Smelt, anchovy, right eye flounder, and codfish, which are part of the ichthyoplankton community at certain stages of their life cycle, are dominant.

Releases of dredged material do not produce a persistent turbidity plume, thus decreased light transmission with a concomitant decrease in phytoplankton primary productivity is not expected to occur. In addition, no detectable changes in dissolved nutrients or trace metal concentrations accompany disposal; therefore, no significant adverse impacts on phytoplankton productivity are expected.

Benthic assemblages at MCR are abundant, diverse and adapted by sediment type and depth. Polychaetes, crustaceans, and molluscs are the dominant benthic organisms. These benthic organisms could be affected by dredged material disposal, by temporary burial and slight changes in sediment texture. Disposal-related turbidity impacts are improbable because post-disposal, suspended particulate concentrations are not significantly different from pre-disposal concentrations. Subsequent to disposal activities, the sites are repopulated by benthic organisms which either burrow up through the substrate or migrate into the site from adjacent areas. Therefore, effects of dredged material disposal are temporary and do not extend beyond the boundaries of the disposal sites.

10. *Potentiality for the development or recruitment of nuisance species in the disposal site.* (40 CFR Sec. 228.6(a)(10)) Previous surveys at the interim sites did not detect the development or recruitment of nuisance species.

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.* (40 CFR Sec. 228.6(a)(11)) The Washington State Department of Archaeology is compiling an inventory of cultural and historic resources for the mouth of the Columbia River. Although density of known shipwrecks is high, information about the exact location, historical value, and assessability of individual wrecks must be compiled. Previous dredged material disposal has reduced the potential for locating or recovering cultural features of historical importance at the interim sites.

By letter of December 15, 1982, the State Office of Archaeology acknowledged that the EIS adequately considered any potential impact on cultural resources, and the precautions to be taken to avoid or mitigate anticipated impacts to identified or unidentified cultural resources are adequate.

E. Proposed Action

The EIS concludes that the existing sites may appropriately be designated for continuing use. The existing sites are compatible with the criteria used for site selection; designating sites other than the existing sites offers no clear economic advantage or environmental benefit; the existing sites have been historically used without apparent significant adverse environmental effects.

Based on the information reported in the EIS, EPA proposes to designate the four existing mouth of the Columbia River dredged material disposal sites as EPA approved ocean dumping sites for continuing use for the ocean disposal of dredged material where the applicant has demonstrated compliance with EPA's ocean dumping criteria. The EIS is available for inspection at the addresses given above.

The designation of the four existing mouth of the Columbia River dredged

aterial disposal sites as EPA pproved Ocean Dumping Sites is being ublished as proposed rulemaking. anagement authority of these sites will e delegated to the Regional dministrator of EPA Region X. terested persons may participate in his proposed rulemaking by submitting ritten comments within 45 days of the ate of this publication to the address iven above.

It should be emphasized that, if an cean dumping site is designated, such a ite designation does not constitute or mply EPA's approval of actual disposal f materials at sea. Before ocean umping of dredged material at the site ay commence, the Corps of Engineers ust evaluate a permit application ccording to EPA's ocean dumping riteria. If a Federal project is involved, he Corps must also evaluate the roposed dumping in accordance with hose criteria. In either case, EPA has he right to disapprove the actual umping, if it determines that nvironmental concerns under the Act ave not been met.

. Regulatory Assessments

Under the Regulatory Flexibility Act, PA is required to perform a Regulatory lexibility Analysis for all rules which ay have a significant impact on a ubstantial number of small entities. PA has determined that this proposed ction will not have a significant impact n small entities since the site esignation will only have the effect of roviding a disposal option for dredged aterial. Consequently, this proposal oes not necessitate preparation of a egulatory Flexibility Analysis.

Under Executive Order 12291, EPA ust judge whether a regulation is major" and therefore subject to the equirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this proposed rule does not necessitate preparation of a Regulatory Impact Analysis.

This proposed rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 228.

Water pollution control.

Dated: September 19, 1985.

Henry Longest II,

Acting Assistant Administrator for Water.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is proposed to be amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by removing paragraph (a)(1)(ii)(E) for the five Mouth of Columbia River, Oregon, Dredged Material Disposal Sites, and adding paragraphs (b) (27), (28), (29), and (30) as four ocean dumping sites for Region X, to read as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

* * * * *

(b) * * *

(27) Mouth of Columbia River Dredged Material.

Site A—Region X.

Location: 46°13'03" N., 124°06'17" W.; 46°12'50" N., 124°05'55" W.; 46°12'13" N., 124°06'43" W.; 46°12'26" N., 124°07'05" W.

Size: 0.27 square nautical miles.

Depth: Ranges from 18–40 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(28) Mouth of Columbia River Dredged Material.

Site B—Region X.

Location: 46°14'37" N., 124°10'34" W.; 46°13'53" N., 124°10'01" W.; 46°13'43" N., 124°10'26" W.; 46°14'28" N., 124°10'59" W.

Size: 0.25 square nautical miles.

Depth: Ranges from 18–40 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(29) Mouth of Columbia River Dredged Material.

Site E—Region X.

Location: 46°15'43" N., 124°05'21" W.; 46°15'36" N., 124°05'11" W.; 46°15'11" N., 124°05'53" W.; 46°15'18" N., 124°06'03" W.

Size: 0.08 square nautical miles.

Depth: Ranges from 18–40 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(30) Mouth of Columbia River Dredged Material.

Site F—Region X.

Location: 46°12'12" N., 124°09'00" W.; 46°12'00" N., 124°08'42" W.; 46°11'48" N., 124°09'00" W.; 46°12'00" N., 124°09'18" W.

Size: 0.08 square nautical miles.

Depth: Ranges from 18–40 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

[FR Doc. 85-23381 Filed 10-1-85; 8:45 am]

BILLING CODE 6560-50-M

Service Headquarters, 475 L'Enfant Plaza SW., Washington, DC 20260–5360. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8430, U.S. Postal Service Headquarters, 475 L'Enfant Plaza W., SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Cheryl Beller, (202) 268–5166.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 86–18889 Filed 8–20–86; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL-3065-8]

Approval and Promulgation of Implementation Plans; Nevada; Las Vegas Valley Post-82 Ozone Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA is approving the Nevada post 1982 State Implementation Plan (SIP) revision for the Las Vegas Valley ozone (O_3) nonattainment area. The revision has been evaluated against the Clean Air Act and EPA policy for areas with federally approved 1979 SIPs that did not attain the National Ambient Air Quality Standards (NAAQS) by December 1982 and thus were required to revise their SIPS. EPA has found that the SIP revision for the Las Vegas Valley successfully meet Clean Air Act and EPA requirements.

EFFECTIVE DATE: September 22, 1986.

ADDRESSES: A copy of today's revision to the Nevada SIP is located at:
Public Information Reference Unit, EPA Library, 401 M Street, Washington, DC
The Office of the Federal Register, 1100 "L" Street, NW., Room 8401, Washington DC

FOR FURTHER INFORMATION CONTACT: David P. Howekamp, Director, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105. Att: Wallace Woo (415) 974–7634.

SUPPLEMENTARY INFORMATION:

Background

The Clean Air Act (CAA) Amendments of 1977 required states to revise their SIPs by January 1979 for all areas that had not attained the NAAQS. These "1979 SIP revisions" were to provide for attainment of the NAAQS by December 31, 1982. However, EPA determined at a later date that the Las Vegas Valley would not attain the O_3 NAAQS by December 1982 and on February 3, 1983 (48 FR 49721), EPA proposed to find the SIP inadequate and proposed to impose sanctions. On February 24, 1984 EPA notified the Governor of Nevada that the SIP for Clark County did not adequately provide for attainment of the O_3 standard and called for a revised SIP. On January 11, 1985, the Governor of Nevada submitted the post 1982 Ozone Update of the Las Vegas Valley Air Quality Implementation Plan.

Plan Evaluation

EPA has evaluated this plan submittal and has determined that it satisfied the requirements for a demonstration of the standard by December 31, 1987, and the adoption of all necessary control measures. To address the reasonable further progress requirements, the state has demonstrated that sufficient reductions have occurred to provide for attainment of the O_3 standard. In addition the plan satisfied the following requirements: (1) Adequate evidence of public and governmental involvement; (2) A contingency provision which describes the process for correcting failures to meet reasonable further progress; (3) Procedures to ensure conformance with the SIP for transportation plans, programs, and projects which are approved by the metropolitan planning organization; (4) A commitment to developing, expanding or improving public transportation needs; (5) Enforcement of the existing SIP. EPA has received the projected emissions inventories beyond 1987 submitted by the Clark County Health District, and it has determined that it is consistent with the attainment strategy of the plan. A complete discussion of EPA's evaluation of the plan can be found in the September 9, 1985 FR notice (50 FR 36835).

Public Comment

There were no comments received.

EPA Action

EPA is fully approving the post 1982 Nevada SIP update for the Las Vegas portion of Clark County. The Plan update satisfactorily meets all section 110 and Part D requirements of the Clean Air Act and EPA policy.

Regulatory Process

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 20, 1986. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

Incorporation by reference of the State Implementation Plan for the State of Nevada was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Carbon Monoxide.

Dated: August 8, 1986.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 (40 CFR Part 52) is amended as follows:

Subpart DD—Nevada

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1470 is amended by adding paragraph (c)(33) as follows:

§ 52.1470 Identification of plan.

* * * * * *

(c) * * *

(33) On January 11, 1985, the following amendments to the plan were submitted by the State.

(i) Incorporation by reference.

(A) Las Vegas Valley Air Quality Implementation Plan, Post 1982 Update for Ozone adopted on October 16, 1984.

(ii) Additional Material.

(A) Emissions Inventory for 1995, transmitted by a letter dated March 14, 1986.

[FR Doc 86–18452 Filed 8–20–86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 228

[OW-10-FRL-3067-6]

Ocean Dumping; Final Designation of Sites

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates four existing dredged material disposal sites located offshore of the mouth of the Columbia River, Oregon-Washington, as EPA approved ocean dumping sites for the dumping of dredged material removed from the entrance channel to the Columbia River and other small harbors and channels bordering the lower river. These final site designations are for an indefinite period of time but are subject to continued monitoring in order to insure that adverse environmental impacts do not occur. This action is necessary to provide

acceptable ocean dumping sites for the current and future disposal of this material.

EFFECTIVE DATE: These site designations shall become effective on September 22, 1986.

ADDRESSES: The file supporting this final designation is available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street Southwest, Washington, DC

EPA Region X, 1200 Sixth Avenue, Seattle, Washington

U.S. Army Corps of Engineers Library, Portland District, 319 Southwest Pine Street, Portland, Oregon

FOR FURTHER INFORMATION CONTACT: Paul Pan, 202/475-7131.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 *et seq.* ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management, now the Assistant Administrator for Water. This site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, section 228.4) state that ocean dumping sites will be designated by promulgation in Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 *et seq.*) and was last extended on August 19, 1985 (50 FR 33338 *et seq.*). That list established these sites as interim sites.

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* ("NEPA") requires that Federal agencies prepare an Environmental Impact Statement (EIS) on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into agency decision-making processes careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs in connection with ocean dumping site designations such as this. 39 FR 16186 (May 7, 1974).

EPA has prepared a draft and final EIS entitled "Environmental Impact Statement (EIS) for the Mouth of Columbia River Dredged Material Disposal Site Designation." On October 15, 1982, a notice of availability of the draft EIS for public review and comment was published in the Federal Register (47 FR 46135). The public comment period on this draft EIS closed November 29, 1982. Twelve reviewers submitted comments on the draft EIS, which the Agency assessed and responded to in the final EIS. Editorial or factual corrections required by the comments were incorporated in the text and noted in the Agency's response. Comments which could not be appropriately treated as text changes were addressed point by point in the final EIS, following the letters of comment.

On April 29, 1983, a notice of availability of the final EIS for public review and comment was published in the Federal Register (48 FR 19465). The public comment period on the final EIS closed May 30, 1983. One comment was received on the final EIS which requested a consistency determination under the Coastal Zone Management Act. The states of Washington and Oregon have concurred with EPA's consistency determination. Anyone desiring a copy of the EIS may obtain one from the address given above.

The Fish and Wildlife Service and the National Marine Fisheries Service have concurred with EPA's conclusion that the designation of these disposal areas will not affect the endangered species under their jurisdictions.

This final rulemaking notice fills the same role as the Record of Decision required under regulations promulgated by the Council on Environmental Quality for agencies subject to NEPA.

C. Site Designation

On October 2, 1985, EPA proposed designation of these sites for the continuing disposal of dredged materials from the entrance channel to the Columbia River and other small harbors bordering the lower river (50 FR 40274). The public comment period expired on November 18, 1985.

Three letters of comment were received in response to the proposed rule. The Corps of Engineers made several comments correcting facts which have been incorporated into this final rulemaking. Two commentors expressed concern that the use of Site E might adversely affect potential black sand mining operations thus having the effect of curtailing future production of strategic metals. However, the Corps of Engineers in their comments stated that dredged material disposed of at the site would not be likely to cause a significant increase in the sand overburden at the potential mining site due to the distance between Site E and the potential mining operation. The final EIS indicates that the black sand mining operation is four nautical miles north of Site E. Dredged sediments are typically transported in a northeastward direction onto Peacock Spit, parallel to the beach, although a portion may be transported into the embayments north of the entrance channel but seaward of the main part of the estuary. Based on these findings, it is unlikely that the dredged material disposal would cause a significant increase in sand overburden at the mining site.

All four sites are located between one and six nautical miles from shore near the Columbia River at water depths ranging from 14 to 42 meters. Currently approximately six million cubic yards is dredged annually to maintain the 17-meter channel depths. These ocean sites receive the material dredged from the channel.

Because of the severity of weather conditions in the region, dredging can be conducted only from mid-April to mid-October. The four sites available for dredged material disposal would allow full advantage of the short dredging season and enable greater flexibility for site selection and use when considering the weather conditions, sediment accumulation, vessel traffic and number of hopper dredges operating at the mouth of the river.

The sites are named A, B, E, and F for identification. Site A is located approximately four nautical miles from shore and occupies an area of about 0.27 square nautical miles. Corner coordinates are as follows:

46d 13' 03" N., 124d 08' 17" W.;
46d 12' 50" N., 124d 05' 55" W.;
46d 12' 13" N., 124d 06' 43" W.;
46d 12' 28" N., 124d 07' 05" W.

Site B is located approximately four nautical miles from shore and occupies an area of about 0.25 square nautical miles. Corner coordinates are as follows:

46d 14' 37" N., 124d 10' 34" W.;
46d 13' 53" N., 124d 10' 01" W.;
46d 13' 43" N., 124d 10' 28" W.;
46d 14' 28" N., 124d 10' 59" W.

Site E is located approximately one nautical mile from shore and occupies an area of about 0.08 square nautical miles. Corner coordinates are as follows:

46d 15' 43" N., 124d 05' 21" W.;
46d 15' 36" N., 124d 05' 11" W.;
46d 15' 11" N., 124d 05' 53" W.;
46d 15' 18" N., 124d 03' 03" W.

Site F is located approximately five nautical miles from shore and occupies an area of about 0.08 square nautical miles. Corner coordinates are as follows:

46d 12' 12" N., 124d 09' 00" W.;
46d 12' 00" N., 124d 08' 42" W.;
46d 11' 48" N., 124d 09' 00" W.;
46d 12' 00" N., 124d 09' 18" W.

D. Regulatory Requirements

Five general criteria are used in the selection and approval for continuing use of ocean disposal sites. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If at any time disposal operations at a site cause unacceptable adverse impacts, further use of the site will be restricted or terminated. These general criteria are given in Section 228.5 of the EPA Ocean Dumping Regulations, and Section 228.6 lists eleven specific factors used in evaluating a proposed disposal site to assure that the general criteria are met.

The existing sites, as discussed below under the eleven specific factors, are acceptable under these five general criteria except for the preference for sites located off the Continental Shelf. EPA has determined, based on the information presented in the EIS, that no environmental benefit would be obtained by selecting sites off the Continental Shelf instead of those sites in this action. In addition, the increased transit distance and time required for disposal farther offshore would further reduce the effective dredging season already restricted by weather conditions. Historical use of the existing sites has not resulted in substantial adverse effects to living resources of the ocean or to other uses of the marine environment.

The characteristics of the existing sites are reviewed below in terms of the eleven factors.

1. *Geographical position, depth of water, bottom topography and distance from coast.* [40 CFR 228.6(a)(1)]

Geographical positions and distances from the coast for each existing site are given above. Water depths of sites range from 14 to 42 meters. The bottom topography of the nearshore mouth of the Columbia River region is characterized by a westward trending tidal delta and an elongation of the sand spit caused mainly by disposal at Site B, in the south half of Site B and just offshore from it.

2. *Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases* [40 CFR 228.6(a)(2)]

Breeding, spawning, nursery and/or passage activities of commercially important finfish and shellfish species all occur on a seasonal basis close to the mouth of the Columbia River. The spawning season of the dungeness crab is from December to April. With few crab larvae evident in the plankton after March, the probability that dredged material disposal at the mouth of the Columbia River will interfere with larval survival is small. Similarly, there is small likelihood of interference with the larval and juvenile crab populations on the ocean floor. Due to the mobility of finfish, it is unlikely that disposal operations will interfere with the migrations of commercially important anadromous species.

Twenty years of dumping at the sites has not caused significant or irreversible impacts on living resources. The effects of disposal on demersal fish are apparent temporary decreases in abundance, numbers of species, mean size, and a change in food preference; deposition at the sites in prior years revealed no apparent lasting effect on the diversity and number of finfish. The feeding, breeding, and migratory activities of marine mammals are not significantly affected by dredged material disposal in the area.

3. *Location in relation to beaches and other amenity areas.* [40 CFR 228.6(a)(3)]

All of the interim sites are close to shore, but only sediment dumped at Site E is likely to reach adjacent beaches. Sediments with median diameters of 0.18 millimeters (e.g., dredged sediments from the entrance channel) may be transported as bedload during winter storms. However, net sediment transport from Sites A, B, and F is northward and generally parallel to the isobaths, at rates of 0.25 nautical miles per year. Therefore, sediments dumped at Sites A, B, or F are not likely to be transported onto adjacent beaches. Dredged material released at Site E is dispersed, and no sediment accumulation has been detected. Previous studies have indicated a probable northeasterly transport of sediments onto Peacock Spit and adjacent beaches, although portions of the material dumped at Site E may move into the embayments north of the entrance channel but seaward of the main portion of the estuary. The material is predominantly clean sand which is suitable for beach nourishment; consequently, transport of dredged materials from Site E should have beneficial effects on local beaches. Furthermore, Washington State Parks Department has requested preferential use of Site E to retard erosion of the coastal beaches.

4. *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any.* [40 CFR 228.6(a)(4)]

Dredged sediments from the main entrance and from entrance channels to other small harbors west of Astoria Bridge are the only materials presently dumped at the sites. Dredged materials are 95 to 98 percent sand and comply with the requirements of § 227.13(b) of the Ocean Dumping Regulations. Sediments are transported by a hopper dredge equipped with a subsurface release mechanism and are not packaged in any manner. Disposal volumes average six million cubic yards during each six-month dredging season. The interim sites are close to the dredging sites, and their use will minimize transport time and facilitate a coordinated controlled dumping schedule.

In 1979 approximately 95 percent of the dredged material disposed was released at Site E. However, since deepening the channel to 17 meters in 1984, Site A has received 15–25 percent of the total material dredged; Site B has received 60–65 percent, and Site E has received 15–25 percent. Site F has not been used recently. Other sites can be used to control shoaling caused by eastward transport of sediment from Site E. The quantity of dredged material to be disposed at each site will be determined based upon the physical characteristics of the material and its potential for impact.

Future dredged material volumes may exceed present volumes if the navigational safety of the entrance channel necessitates expanded dredging efforts or if other dredged material is disposed at the site. Any dredged material disposed at the sites must comply with EPA's permit application evaluation criteria for dredged materials in § 227.13 of the Ocean Dumping Regulations (Ocean Dumping Criteria).

5. *Feasibility of surveillance and monitoring.* [40 CFR 228.6(a)(5)]

The U.S. Coast Guard is not currently carrying out surveillance at the interim sites. However, due to the proximity of the sites to shore, surveillance would not be difficult. Monitoring is not a problem because the sites are close to shore and in shallow water. Prior to and during annual dredging, the Corps of Engineers surveys the entrance channel and bottom topography within the site boundaries and identifies shoaling or mounding areas.

Monitoring by EPA, the Corps of Engineers, and permittees, as required, will continue for as long as the site is

used. Annual bathymetry surveys will be conducted with additional surveys scheduled as needed. If evidence of significant adverse environmental effects is found, EPA will take appropriate steps to limit or terminate dumping at the site. For example, if movement of material appears likely to impact a known resource, analysis of the benthic community or the specific resource will be undertaken.

8. *Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any.* [40 CFR 228.6(a)(8)]

Dredged material is primarily medium to fine grained sand, thus rapid settling of the released sediments occurs with slight horizontal mixing or vertical stratification. Rapid settling precludes persistent changes in the postdisposal suspended sediment concentration. Large waves and tidal currents at Site E may result in a significantly greater horizontal dispersion of released sediments relative to Sites A, B, and F.

Previous studies have demonstrated the relative immobility of dredged sediments dumped at Sites A, B, and F. Large percentages of the dredged sediments released at these sites will remain within the boundaries of the sites; smaller proportions of dredged material move slowly northwards (0.25 nautical miles per year). Dredged materials dumped at Site E during summer are completely eroded during the following winter. Previous studies have indicated a probable northeasterly transport of sediments onto Peacock Spit and adjacent beaches, although portions of the material dumped at Site E may move into the embayments north of the entrance channel but seaward of the main portion of the estuary.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects).* [40 CFR 228.6(a)(7)]

Studies indicate that disposal of dredged material at the interim sites causes only minor impacts: temporary localized mounding, slight changes in sediment texture, and temporary disturbance of benthic infauna and demersal finfish assemblages. Clean sands dredged from the high-energy entrance channel have not produced any changes in water or sediment quality at the disposal sites.

Although there has been no significant mounding at any site, sediment has accumulated within Site B at a shoaling rate of approximately 3 meters in 20 years. Present water depths range from 2 to 39 meters; therefore, shoaling does not currently present a problem to navigation. Mounds of accumulated dredged sediments at Site B tend to spread laterally and flatten under the influence of bottom current and wave-induced turbulence.

Disturbances to infauna are caused by direct burial of sessile or slow-moving organisms. Substrate disturbances cause temporary (one to two months) changes in infaunal biomass and diversity. Other benthic species are motile or able to withstand temporary burial. Localized and temporary changes in finfish abundances may result from changes in fish food abundances. Effects on the biota are neither cumulative nor irreversible.

8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean.* [40 CFR 228.6(a)(8)]

Extensive shipping, fishing, and recreational activities, in addition to scientific investigations, take place in the vicinity of the interim sites. Minor interferences with these activities may occur; however, dredging personnel can shift disposal operations to another site or temporarily suspend dredging during periods of conflict. Mineral extraction, desalination, and aquaculture activities do not presently occur in the vicinity of the mouth of the Columbia River. A black sand mining operation has been mentioned for a nearshore area four nautical miles north of the North Jetty. Because of the distance between the mining site and Site E, the fact that the dredged material previously released at Site E has not been shown to accumulate, it is unlikely that dredged material disposal would cause a significant increase in the sand overburden at the mining site.

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys.* 40 CFR 228.6(a)(9)]

Investigations suggest that the disposal of clean sands, dredged from the entrance channel, will have minimal adverse impacts on the water quality or ecology at the sites.

The mouth of the Columbia River is a dynamic, high-energy environment; and water quality parameters (concentrations of dissolved nutrients, trace metals, dissolved oxygen, pH, or turbidity) are influenced by river discharge volumes, tidal cycles, wave conditions, and biological activity.

The distribution of nearshore planktonic communities is both temporally and spatially variable. Phytoplankton communities consist of a diverse assemblage of diatoms and dinoflagellates, with seasonally variable productivities and standing crop. Zooplankton are dominated by calanoid copepods, gammarid amphipods, cumaceans, and mysids. Smelt, anchovy, right eye flounder, and codfish, which are part of the ichthyoplankton community at certain stages of their life cycle, are dominant.

Releases of dredged material do not produce a persistent turbidity plume, thus decreased light transmission with a concomitant decrease in phytoplankton primary productivity is not expected to occur. In addition, no detectable changes in dissolved nutrients or trace metal concentrations accompany disposal; therefore, no significant adverse impacts on phytoplankton productivity are expected.

Benthic assemblages at the mouth of the Columbia River are abundant, diverse and adapted by sediment type and depth. Polychaetes; crustaceans, and molluscs are the dominant benthic organisms. These benthic organisms could be affected by dredged material disposal, by temporary burial and slight changes in sediment texture. Disposal-related turbidity impacts are improbable because post-disposal, suspended particulate concentrations are not significantly different from pre-disposal concentrations. Subsequent to disposal activities, the sites are repopulated by benthic organisms which either burrow up through the substrate or migrate into the site from adjacent areas. Therefore, effects of dredged material disposal are temporary and do not extend beyond the boundaries of the disposal sites.

10. *Potentiality for the development or recruitment of nuisance species in the disposal site.* [40 CFR 228.6(a)(10)]

Previous surveys at the interim sites did not detect the development or recruitment of nuisance species.

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.* [40 CFR 228.6(a)(11)]

The Washington State Department of Archaeology is compiling an inventory of cultural and historic resources for the mouth of the Columbia River. Although density of known shipwrecks is high, information about the exact location, historical value, and accessibility of individual wrecks must be compiled. Previous dredged material disposal has reduced the potential for locating or recovering cultural features of historical importance at the interim sites.

By letter of December 15, 1982, the State Office of Archaeology acknowledged that the EIS adequately considered any potential impact on cultural resources, and the precautions to be taken to avoid or mitigate anticipated impacts to identified or

unidentified cultural resources are adequate.

E. Action.

The EIS concludes that the existing sites may appropriately be designated for continuing use. The existing sites are compatible with the criteria used for site selection; designating sites other than the existing sites offers no clear economic advantage or environmental benefit; the existing sites have been historically used without apparent significant adverse environmental effects.

Based on the information reported in the EIS, EPA is designating the four existing mouth of the Columbia River dredged material disposal sites as EPA approved ocean dumping sites for continuing use for the ocean disposal of dredged material where the applicant has demonstrated compliance with EPA's ocean dumping criteria. The EIS is available for inspection at the addresses given above.

The designation of the four existing mouth of the Columbia River dredged material disposal sites as EPA Approved Ocean Dumping Sites is being published as final rulemaking. Management authority of these sites will be delegated to the Regional Administrator of EPA Region X.

One previously interim-designated ocean site, Site G, is not included in this final site designation. Site G was an experimental site where material was dumped in 1974 as part of the Corps of Engineers Dredged Material Research Program study conducted at the mouth of the Columbia River. No material has been deposited there since, and there are no plans to use the site in the future.

It should be emphasized that, if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of materials at sea. Before ocean dumping of dredged material at the site may commence, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. If a Federal project is involved, the Corps must also evaluate the proposed dumping in accordance with EPA's ocean dumping criteria. In either case, EPA has the right to disapprove the actual dumping, if it determines that environmental concerns under the Act have not been met.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this action does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: August 7, 1986.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by removing paragraph (a)(1)(ii)(E), and adding paragraphs (b) (23), (24), (25), and (26) to read as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

* * * * *

(b) * * *

(23) Mouth of Columbia River Dredged Material Site A—Region X. Location: 46d 13' 03" N., 124d 08' 17" W.; 46d 12' 50" N., 124d 05' 55" W.; 46d 12' 13" N., 124d 08' 43" W.; 46d 12' 26" N. 124d 07' 05" W.

Size: 0.27 square nautical miles.

Depth: Ranges from 14–25 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(24) Mouth of Columbia River Dredged Material Site B—Region X. Location: 46d 14' 37" N., 124d 10' 34" W.; 46d 13' 53" N., 124d 10' 01" W.; 46d 13' 43" N., 124d 10' 28" W.; 46d 14' 28" N., 124d 10' 59" W.

Size: 0.25 square nautical miles.

Depth: Ranges from 24–39 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(25) Mouth of Columbia River Dredged Material Site E—Region X. Location: 46d 15' 43" N., 124d 05' 21" W.; 46d 15' 36" N., 124d 05' 11" W.; 46d 15' 11" N., 124d 05' 53" W.; 46d 15' 18" N., 124d 06' 03" W.

Size: 0.08 square nautical miles.

Depth: Ranges from 16–21 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(26) Mouth of Columbia River Dredged Material Site F—Region X. Location: 46d 12' 12" N., 124d 09' 00" W.; 46d 12' 00" N., 124d 08' 42" W.; 46d 11' 48" N., 124d 09' 00" W.; 46d 12' 00" N., 124d 09' 18" W.

Size: 0.08 square nautical miles.

Depth: Ranges from 38–42 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

[FR Doc 86-18753 Filed 8-19-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 228

[OW-10-FRL-3067-5]

Ocean Dumping; Final Designation of Sites

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates two existing dredged material disposal sites and one new dredged material disposal site located in the Pacific Ocean offshore of Coos Bay, Oregon, as EPA approved ocean dumping sites for the dumping of material dredged from the bay to maintain navigation channels. These final site designations are for an indefinite period of time but are subject to continued monitoring in order to insure that adverse environmental impact do not occur. The two existing sites (Sites E and F) will be used for disposal of larger grained dredged material, while the new site (Site H) farther offshore will be used for disposal of finer sediments more compatible with sediments of that area. This action is necessary to provide acceptable ocean dumping sites for the current and future disposal of this material.

EFFECTIVE DATE: These site designations shall become effective on September 22, 1986.

ADDRESSES: The file supporting this designation is available for public inspection at the following locations:

analyses of the feasibility of applying TCMs beyond those that the County has already determined are feasible.

Summary

Because the plan includes control measures that strengthen the SIP, EPA intends to incorporate those measures into the SIP as helpful to attainment of the CO standard. However, because of the significant deficiences in the modeling demonstration discussed above, EPA does not have an adequate basis for concluding that the plan, as a whole, provides for attainment as expeditiously as practicable.

Proposed Action

Based on the evaluation set forth above, EPA proposes (1) to deny the attainment date extension request for Pima County, (2) to find that the Pima County CO Part D plan as a whole does not meet the requirement in section 172 for a plan demonstrating attainment as expeditiously as practicable and (3) based on that finding, to impose the moratorium on the construction and modification of CO stationary sources in the Tucson Air Planning Area under section 110(a)(2)(I) of the Act. EPA proposes to condition the lifting of that construction moratorium on the State's submitting a further modeling analysis that adequately demonstrates attainment of the CO standard as expeditiously as practicable in the area. These actions would supplement the actions EPA is taking in separate notices to address deficiencies in the Pima County Part D plan for CO relating to new source review requirements. Interested parties are invited to comment on all aspects of these proposed actions.

Regulatory Process

Under the Regulatory Flexibility Act 5 U.S.C. 605(b), EPA must assess the impact of proposed or final rules on small entities. If EPA takes final action as proposed today, a moratorium on the construction and modification of major stationary sources will go into effect in the nonattainment areas of the State affected. EPA does not have sufficient information to determine the impacts such a moratorium may have on small entities, because it is difficult to obtain reliable information on future plans for business growth. Even if this action, when promulgated, were to have a significant impact, the Agency could not modify its action. Under the Clean Air Act, the imposition of a construction moratorium is automatic and mandatory whenever the Agency determines that an implementation plan for a nonattainment area fails to meet the requirements of Part D of the Clean Air Act.

Regulatory Process

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon Monoxide, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7642.

Dated: October 30, 1985.

Judith E. Ayres,

Regional Administrator.

[FR Doc. 86–1690 Filed 1–24–86; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 228

[OW–FRL–2955–9]

Ocean Dumping; Proposed Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate two existing dredged material disposal sites and one new dredged material disposal site located in the Pacific Ocean offshore of Coos Bay, Oregon, as EPA approved ocean dumping sites for the dumping of material dredged from the bay to maintain navigation channels. The two existing sites (sites E and F) would be used for disposal of larger grained dredged material, while the new site (site H) farther offshore would be used for disposal of finer sediments more compatible with sediments of that area. This action is necessary to provide acceptable ocean dumping sites for the current and future disposal of this material.

DATE: Comments must be received on or before March 13, 1986.

ADDRESSES: Send comments to: Paul Pan, Chief, Environmental Analysis Branch (WH–556M), EPA, Washington, DC 20460.

The file supporting this proposed designation is available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street Southwest, Washington, DC

EPA Region X, 1200 Sixth Avenue, Seattle, Washington

U.S. Army Corps of Engineers Library, Portland District, 319 Southwest Pine, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Paul Pan, 202/755–9231.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management, now the Assistant Administrator for Water. This proposed site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 228.4) state that ocean dumping sites will be designated by promulgation in Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 et seq.) and was extended on February 7, 1983 (48 FR 5557 et seq.). That list established two of the Cops Bay sites as interim sites and extended the sites' period of use until January 31, 1986. The interim designation of these two sites was further extended to December 31, 1986, on February 19, 1985 (50 FR 6942 et seq.) in order to provide sites necessary for the disposal of dredged material from Coos Bay until such time as rulemaking for ocean disposal sites for continuing use can be completed. The purpose of this notice is to provide the public with an opportunity to comment on the proposed final designation, as EPA approved ocean dumping sites, of three sites in the Pacific Ocean offshore of Coos Bay, Oregon, for the continuing disposal of dredged material.

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., ("NEPA") requires that Federal agencies prepare an EIS on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into the Agency decision-making process careful consideration of all environmental aspects of proposed actions.

The Corps of Engineers and EPA have prepared a draft EIS entitled "Coos Bay Dredged Material Ocean Disposal Site Designation Environmental Impact Statement." On September 7, 1984, a notice of availability of the draft EIS for public review and comment was published in the Federal Register (49 FR 35413). The draft EIS presented information needed to evaluate the

suitability of ocean disposal areas for final designation for continuing use and was based on a series of disposal site environmental studies. In the draft EIS EPA determined that the existing sites and the new site were compatible with the general criteria and specific factors and that the sites were the preferable locations for the disposal of dredged material. The public comment period on this draft EIS closed October 22, 1984. Anyone desiring a copy of the EIS may obtain one from the address given above.

The action discussed in the EIS is the designation for continuing use of ocean dredged material disposal sites offshore of Coos Bay, Oregon. The purpose of the designation is to provide an environmentally acceptable location for the ocean disposal of materials dredged from the Coos Bay Channel System when ocean disposal is found to be necessary for some dredged material. The need for ocean disposal is determined on a case-by-case basis as part of the process of issuing permits for ocean disposal.

The EIS discusses the need for the action and examines ocean disposal sites and alternatives to the proposed action. An evaluation of alternatives for land-based disposal has recently been updated in a memorandum to the Record (9/5/85) by Eric Braun and is available for inspection at the above addresses.

The memorandum states that the only upland disposal site currently in use, known as the Eastside Site, is between river mile 12 and 15. The current dikes are inadequate as shown by recent failures. Extensive dike rehabilitation would be required prior to any use at this site. Thus, it is expected to have limited capacity for future disposal. Two disposal islands have been created in the past, and these sites could possibly be used for some material by raising the dikes. However, raising the dikes on these disposal islands is not considered appropriate at this time due to concerns related to engineering considerations and potential impacts to the surrounding tidal area. Therefore, their remaining capacity is also very limited.

Two other potential sites have been considered near the navigation channel. The site consisting of a diked marsh was rejected because filling of wetlands was not considered environmentally preferable. The other site presently has no capacity with the existing dike configuration, and raising the dikes is not considered feasible from an engineering point of view. Most other sites within reasonable pumping distance from the channel have been considered in the past. Locating sites farther from the channel would require the use of booster pumps and increase costs.

The EIS presents the information needed to evaluate the suitability of ocean disposal areas for final designation for continuing use and is based on one of a series of disposal site environmental studies. The environmental studies and final designation process are being conducted in accordance with the requirements of the Act, the Ocean Dumping Regulations, and other applicable Federal environmental legislation.

C. Proposed Site Designation

The two existing interim designated sites, termed E and F, have been used since at least 1951 for the ocean disposal of about 975,000 cubic yards of dredged material annually. Dredging is intermittent, for several months in each year. The new site H was used for a test disposal of dredged material in August 1981.

Site E is located approximately 1.3 nautical miles offshore of the entrance to Coos Bay and occupies an area of about 0.13 square nautical miles. Water depths within the area average 17 meters. It is approximately rectangular with coordinates as follows:

43°21'59" N., 124°22'45" W.;
43°21'48" N., 124°21'59" W.;
43°21'35" N., 124°22'05" W.;
43°21'46" N., 124°22'51" W.

Site F is located approximately 1.3 nautical miles offshore of the entrance to Coos Bay and occupies an area of about 0.13 square nautical miles. Water depths within the area average 24 meters. It is approximately rectangular with coordinates as follows:

43°22'44" N., 124°22'16" W.;
43°22'29" N., 124°21'34" W.;
43°22'16" N., 124°21'43" W.;
43°22'31" N., 124°22'26" W.

Site H is located approximately 3.7 nautical miles offshore of the entrance to Coos Bay and occupies an area of about 0.13 square nautical miles. Water depths within the area average 55 meters (30 fathoms). It is approximately rectangular with coordinates as follows:

43°23'33" N., 124°22'46" W.;
43°23'42" N., 124°23'01" W.;
43°24'18" N., 124°23'28" W.;
43°24'08" N., 124°23'39" W.

D. Regulatory Requirements

Five general criteria are used in the selection and approval for continuing use of ocean disposal sites. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If at any time disposal operations at a site cause unacceptable adverse impacts, further use of the site will be restricted or terminated. All three of the proposed sites conform to the five general criteria except for the preference for sites located off the Continental Shelf. EPA has determined, based on the information presented in the EIS, that no economic benefit would be obtained by selecting sites off the Continental Shelf instead of those proposed in this action. In addition, no adverse environmental impacts are expected at the sites that are proposed for designation today.

The general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations; the specific 11 factors are given in § 228.6 and are used in evaluating a proposed disposal site to assure that the general criteria are met. EPA established these 11 specific factors to constitute an environmental assessment of the impact of the site for disposal. The criteria are used to make critical comparisons between the alternative sites and are the bases for final site selection. The characteristics of the two existing sites and one new site are reviewed below in terms of these 11 factors.

1. *Geographical position, depth of water, bottom topography and distance from coast.* [40 CFR 228.6(a)(1).] The two existing sites are termed E and F. The new site is termed H. Corner coordinates, size, depth of water, and distance from coast for the three sites are given above.

The bottom topography of sites E and F is generally flat with some gentle sand swells. The bottom topography of site H is generally flat with some gentle silty-sand swells (wave forms).

2. *Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases.* [40 CFR 228.6(a)(2).] Breeding, spawning, nursery and/or passage of commercially and recreationally important finfish and shellfish species occur throughout the ocean area offshore of Coos Bay. There may be some minor interference with the biological activities during the actual dredged material disposal operations. However, the disposal area would be quite limited at any one time and can be easily avoided by motile living organisms. Benthic habitat and community would be altered by disposal activity with possible temporary perturbations to the food chain. The disposal sites are extremely small in

comparison with the overall area available for breeding, spawning, nursery, and passage purposes.

The only resource that might be considered to be limited is an area between the 40- and 52-fathom contour where scallops were found in densities high enough to support a fishery. Sites E and F are located in the vicinity of the 10- to 12-fathom contour, well shoreward of the scallop bed, while site H is located in the vicinity of the 29- to 36-fathom contour, south of the scallop bed. However, since the sediments are transported from site H predominantly in the southerly direction and downslope during the dumping season, they are highly unlikely to move toward the scallop bed. In addition, recent information indicates that the scallop beds have been fished out; thus, adverse impacts are unlikely.

3. *Location in relation to beaches and other amenity areas.* [40 CFR 228.6(a)(3).] Sites E and F are each located within 1.8 nautical miles of a beach. The proximity of sites E and F to the beaches, coupled with the frequency of onshore transport and seasonal ocean currents parallel to the coast, contributes to a potential for onshore transport from those two sites. Any material transported toward the beaches would be a combination of the naturally occurring sands in the vicinity of sites E and F and the marine sands planned for disposal at these sites. These materials would have no significant effect on the beaches should onshore transport occur. Site H is located about 3.7 nautical miles from the nearest beach. Because of the depth and distance from shore of site H and the predominance of north-south alongshore currents, there is also little likelihood of dredged material disposed of at site H reaching any beach.

4. *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the wastes, if any.* [40 CFR 228.6(a)(4).] Approximately 1.3 million cubic yards of predominantly clean sand of marine origin (Type 1) will be disposed of at sites E and F during several months of each year. The grain size of this material is relatively constant at 0.2 to 0.3 mm, and volatile solids content ranges between 0.1 and 2.0 percent. Type 1 material is found between the channel entrance and river mile 12.

Approximately 400,000 cubic yards of fine-grained sand with high organic solids content (Type 2 and 3) will be disposed of at site H on a two- to four-year cycle. The median grain size of this material varies from 0.2 to 0.006 mm, and volatile solids content ranges from 2.0 to 28 percent. Type 2 material is found between river mile 12 and river mile 14, and Type 3 material is found above river mile 14. Type 3 material contains increased levels of total sulfides, ammonia-nitrogen, oil and grease, petroleum hydrocarbons, and trace metals compared to materials from below river mile 14.

The dredged material will be transported to the disposal sites by hopper dredges and ocean-going barges, and the material will be released at the sites through subsurface release mechanisms. None of the dredged material will be packaged in any way.

Dredged material may not be approved for ocean dumping unless it meets the criteria in 40 CFR Part 227.

5. *Feasibility of surveillance and monitoring.* [40 CFR 228.6(a)(5).] Surveillance and monitoring are both feasible; both dredging and disposal operations can be observed from shore or from vessels. The sites are near to shore and relatively shallow which facilitates routine monitoring.

Monitoring by EPA, the Corps of Engineers, and permittees, as required, will continue for as long as the sites are used. If evidence of significant adverse environmental effects is found, EPA will take appropriate steps to limit or terminate dumping at that site.

Monitoring at site H will begin with the first disposal action at the site in the fall of 1985. Monitoring will be conducted at site H to determine if post-disposal movement of dredged material will have any impacts on adjacent resources of importance. Pre- and post-disposal bathymetry surveys will be conducted with additional surveys scheduled as needed. Representative sediment samples will also be collected periodically in and around the disposal site and analyzed for parameters of interest. These samples will be compared with pre-disposal samples and samples from the dredging area to allow detection of movement and comparison with theoretical transport. If movement of material appears likely to impact a known resource, additional analyses of the benthic community or specific resource will be undertaken. Analysis of the dredged material will be used to identify chemical or other contaminants which would require monitoring. The monitoring program will be finalized as part of the permit development process.

6. *Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any.* [40 CFR 228.6(a)(6).] Average currents in the region generally flow parallel to bathymetric contours with downslope components predominating over upslope components near the bottom. Local current speed and direction, however, reflect the variability of local winds. Since ocean disposal operations are generally restricted to April through November, the predominant direction transport of the dredged material during dumping will be southward at 10 to 30 cm/s. Northerly transport may occur during the late fall.

Dredged material disposed at sites E and F will be rapidly reworked by strong tidal and surface wave generated currents. Winter reworking will be especially intense, and will result in the erasure of any mounding and the distribution of coarser size fractions of the dredged material over the tidal delta. Finer size fractions will be transported with the net or prevailing currents.

Coarse grain dredged material will remain generally stable at site H, gradually spreading over the bottom of the site. Finer grained material will be more mobile and tend to be spread in the direction of the prevailing currents. Both the coarser grained and finer grained sediments would probably be mobilized during winter storm events and spread in thin layers over and around the site. There may be slight mounding at site H over a number of years due to the increased depth and associated slower currents in the vicinity.

7. *Existence and effects of current or previous discharges and dumping in the area (including cumulative effects).* [40 CFR 228.6(a)(7).] Previous disposal at sites E and F has averaged 975,000 cubic yards annually of coarse grained marine sands. This disposal has produced a seaward extension of the tidal deltas as evidenced by noticeable seaward bowing in the bathymetric contours of the tidal deltas in the vicinity of the sites. No topographic mounding has occurred at either of the sites. Short-term increases in the turbidity of the water column have occurred, but the impact of these has been minor due to the coarse-grained nature of the material disposed at the sites. No significant biological impacts have been associated with the past disposal at sites E and F.

The test dump of Type 3 material (fine grained dredged material with higher volatile solids and inorganic material content) made at site H indicates that significant mounding occurred. A short term impact on turbidity occurred, however it was comparable to natural events. The benthic community was impacted in the area of disposal immediately after disposal; however, steady recovery to predisposal conditions was observed, suggesting

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that disposal impacts on the benthos were of short duration. In addition, the erasure or mixing of the disposal mound beyond recognition within 19 months suggests that long-term impacts on the biota are unlikely at site H.

8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean* [40 CFR 228.6(a)(8).] Except for marine navigation, commercial or recreational use of the sites is minimal if at all. Disposal of dredged material at the sites will have little if any effect on marine navigation.

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys.* [40 CFR 228.6(a)(9).] Water quality analyses for surface and bottom water indicate that the water at all the sites is typical of seawater of the Pacific Northwest. As discussed above, there is great variation in sediment movement during the seasonal current shifts along with major reworking during the winter storm period. Upwelling during the spring and summer brings subsurface water to the surface. Although the scale and duration of these events are extremely variable, upwelling keeps surface waters relatively cool through the summer. Turbidity within the water column maximizes near the bottom, the top of the transition zone between high density bottom water and low density surface water, and in surface waters. The Coos Bay water mass would also contribute turbid waters to surface layers during periods of high runoff.

The ecology of the area is typical of the Oregon coast. Distribution and abundance of pelagic fish are closely tied to the influence of the ocean currents; and the abundance, diversity, and species composition of the benthic community are tied to the character of bottom conditions. As water depth increases, sea flood currents and sediment grain size decrease while organic, chemical constituents, and biological abundance tend to increase. The benthic community in the nearshore region (sites E and F) has the lowest abundance and diversity. In addition, it is dominated by burrowing species and deposit or opportunistic feeders.

The region seaward of site H is characterized by the most abundant and diverse benthic community. The community is dominated by filter and surface feeders. The zone between the nearshore and the outer area (vicinity of site H) can be classified as a physical and biological transition zone. Species composition in the shallow portion is most similar to that of the nearshore region, species composition of the deeper portion is [illegible] outer region. Seasonal [illegible] is high.

10. *Potentiality for the development or recruitment of nuisance species in the disposal site.* [40 CFR 228.6(a)(10).] There are no known components in type 1 dredged material or its method of disposal that would attract or result in recruitment of nuisance species. Surveys at sites E and F (previously used) did not detect the development or recruitment of nuisance species. Although the increased organic content of types 2 and 3 material has some potential for recruitment of nuisance species, no major shifts in benthic community composition were observed at site H after the test dump. Therefore, the development or recruitment of nuisance species at any of the proposed disposal sites is not expected.

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.* [40 CFR 228.6(a)(11).] The Oregon State Historic Preservation Office indicated that the area of the project is not of historic significance and, since ground disturbance of previously undisturbed ground is minimal, there will be no likely impact to archeological resources.

E. Proposed Action

The existing sites and the new site are compatible with the general criteria and specific factors used for site evaluation. EPA considered whether it would be preferable to designate a deepwater site beyond the edge of the Continental Shelf. For the following reasons, EPA has determined that the existing sites and the new site are the preferable sites for the disposal of dredged material. These factors are discussed in greater detail in the EIS.

The existing sites and the new site are 1.3 nautical miles and 3.7 nautical miles offshore of the entrance to Coos Bay, respectively, whereas the deepwater site considered is more than 24 nautical miles offshore of the entrance to Coos Bay. Disposal costs and energy consumption involved in use of the deepwater site would be significantly greater than for the existing sites and for the new site due to greater transportation demands. In addition, disposal of the relatively clean (predominantly sand) sediments at sites closer to shore is expected to cause no adverse environmental impacts. Dredged material has been dumped at the existing sites (E and F), and the effects of disposal have been localized. Sites E and F will be restricted to the disposal of type 1 material, which is [illegible] coarser grained [illegible] with low volatile solids content. [illegible] impacts on the benthos [illegible] due to dredged material disposal [illegible] rapid benthic recovery and recolonization, suggesting limited long term biological impacts. The new site (H) will be designated for disposal of type 2 and 3 material, which is finer grained dredged material with higher volatile solids content. The high benthic species diversity and large seasonal variation in abundance, along with the test dump observations, suggest that benthic recovery subsequent to disposal of type 2 and 3 material at site H will be rapid. Therefore, long-term biological impacts are not expected.

The designation of the two existing Coos Bay and the one new Coos Bay dredged material disposal sites as EPA Approved Ocean Dumping Sites is being published as proposed rulemaking. Management authority of these sites will be delegated to the Regional Administrator of EPA Region X. Interested persons may participate in this proposed rulemaking by submitting written comments within 45 days of the date of this publication to the address given above.

It should be emphasized, that, if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of materials at sea. Before ocean dumping of dredged material at the site may commence, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. If a Federal project is involved, the Corps must also evaluate the proposed dumping in accordance with those criteria. In either case, EPA has the right to disapprove the actual dumping, if it determines that environmental concerns under the Act have not been met.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this proposed action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this proposal does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact

Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this proposed rule does not necessitate preparation of a Regulatory Impact Analysis.

This proposed rule does not contain any information collection requirement subject of Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: January 2, 1986.

Lawrence J. Jensen,

Assistant Administrator for Water.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is proposed to be amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. In Part 228, it is proposed to revise the section heading, remove paragraph (l), the Coos Bay Dredged Material Disposal Sites, from paragraph (a)(1)(i) of § 228.12 and add §§ 228.12(b) (24), (25), and (26) as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

* * * * *

(b) * * *

(24) Coos Bay Dredged Material Site E—Region X.

Location: 43°21'59" N., 124°22'45" W.; 43°21'48" N., 124°21'59" W.; 43°21'35" N., 124°22'05" W.; 43°21'46" N., 124°22'51" W.
Size: 0.13 square nautical mile.
Depth: Averages 17 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material in the Coos Bay area of type 1, as defined in the site designation final EIS.

(25) Coos Bay Dredged Material Site F—Region X.

Location: 43°22'44" N., 124°22'18" W.; 43°22'29" N., 124°21'34" W.; 43°22'18" N., 124°21'42" W.; 43°22'31" N., 124°22'26" W.
Size: 0.13 square nautical mile.
Depth: Averages 24 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material in the Coos Bay area of type 1, as defined in the site designation final EIS.

(26) Coos Bay Dredged Material Site H—Region X.

Location: 43°23'53" N., 124°22'48" W.; 43°23'42" N., 124°23'01" W.; 43°24'16" N., 124°23'28" W.; 43°24'05" N., 124°23'38" W.
Size: 0.13 square nautical mile.
Depth: Averages 55 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material in the Coos Bay area of types 2 and 3, as defined in the site designation final EIS.

[FR Doc. 86-1225 Filed 1-24-86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 52, 56, 58, 61, 62, 110, 111, and 113

[CGD 81-030]

Marine Engineering; Vital System Automation

AGENCY: Coast Guard, DOT.

ACTION: Extension of comment period for proposed rules.

SUMMARY: This notice extends the public comment period on proposed rules for vital system automation on new ships and mobile offshore drilling units. The extended comment period is provided to satisfy requests for additional time to review the proposed rules. On September 23, 1985 the Coast Guard published a Notice of Proposed Rulemaking (50 FR 38606) regarding vital system automation on new ships and mobile offshore drilling units. The comment period closed December 23, 1985. Shortly before the end of the comment period requests for additional time to prepare and submit comments were received from the American Bureau of Shipping and others. The requests cited the extensive and comprehensive nature of the proposed rule as the reason they needed additional time. Due to the significance of this rulemaking the Coast Guard believes it is important to allow parties with relevant comments additional time to evaluate the proposal.

DATE: The public comment period is extended to February 21, 1986.

ADDRESSES: Comments referencing CGD 81-030 should be submitted to Commandant (G-CMC/21), U.S. Coast Guard, Washington, DC 20593. Comments may be delivered to, and will be available for inspection and copying at the Marine Safety Council, U.S. Coast Guard Headquarters, Room 2110, 2100 Second Street, SW., Washington, DC between the hours of 8 a.m. and 4 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Peter L. Randall, Office of Merchant Marine Safety (202) 426-2206.

Dated: January 22, 1986.

J.S. Gracey,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 86-1743 Filed 1-24-86; 10:39 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 86-1]

Common Carrier Services; Access Charges; Closed-end of WATS Lines; Peak/Off-Peak Pricing

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: The Common Carrier Bureau, acting pursuant to delegated authority, grants in part motions for extension of time for filing pleadings in response to a Notice of Proposed Rulemaking, published on January 7, 1986, at 51 FR 633. This action is taken in order to provide interested parties with adequate time to address the important issues raised in this proceeding.

DATES: Comments and reply comments on issues dealing with special access treatment of closed and WATS access lines and WATS resale will be due on January 27, 1986 and February 10, 1986, respectively. Comments and reply comments regarding peak/off-peak pricing and carrier common line cost recovery will be due on February 3, 1986 and February 18, 1986, respectively.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Sandra Eskin, Common Carrier Bureau (202) 632-9342.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 69

Access charges, communications common carriers.

Order

In the matter of WATS-Related and Other Amendments of Part 69 of the Commission's Rules; CC Docket No. 86-1.

Adopted: January 15, 1986.
Released: January 17, 1986.

By the Chief, Common Carrier Bureau.

1. We have before us two Motions for Extension of Time in connection with the comment cycle established in the above-captioned proceeding. In a Notice

unidentified cultural resources are adequate.

E. Action.

The EIS concludes that the existing sites may appropriately be designated for continuing use. The existing sites are compatible with the criteria used for site selection; designating sites other than the existing sites offers no clear economic advantage or environmental benefit; the existing sites have been historically used without apparent significant adverse environmental effects.

Based on the information reported in the EIS, EPA is designating the four existing mouth of the Columbia River dredged material disposal sites as EPA approved ocean dumping sites for continuing use for the ocean disposal of dredged material where the applicant has demonstrated compliance with EPA's ocean dumping criteria. The EIS is available for inspection at the addresses given above.

The designation of the four existing mouth of the Columbia River dredged material disposal sites as EPA Approved Ocean Dumping Sites is being published as final rulemaking. Management authority of these sites will be delegated to the Regional Administrator of EPA Region X.

One previously interim-designated ocean site, Site G, is not included in this final site designation. Site G was an experimental site where material was dumped in 1974 as part of the Corps of Engineers Dredged Material Research Program study conducted at the mouth of the Columbia River. No material has been deposited there since, and there are no plans to use the site in the future.

It should be emphasized that, if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of materials at sea. Before ocean dumping of dredged material at the site may commence, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. If a Federal project is involved, the Corps must also evaluate the proposed dumping in accordance with EPA's ocean dumping criteria. In either case, EPA has the right to disapprove the actual dumping, if it determines that environmental concerns under the Act have not been met.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this action does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: August 7, 1986.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by removing paragraph (a)(1)(ii)(E), and adding paragraphs (b) (23), (24), (25), and (26) to read as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

* * * * *

(b) * * *

(23) Mouth of Columbia River Dredged Material Site A—Region X. Location: 46d 13' 03" N., 124d 08' 17" W.; 46d 12' 50" N., 124d 08' 55" W.; 46d 12' 13" N., 124d 08' 43" W.; 46d 12' 26" N. 124d 07' 05" W.

Size: 0.27 square nautical miles.

Depth: Ranges from 14–25 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(24) Mouth of Columbia River Dredged Material Site B—Region X. Location: 46d 14' 37" N., 124d 10' 34" W.; 46d 13' 53" N., 124d 10' 01" W.; 46d 13' 43" N., 124d 10' 28" W.; 46d 14' 28" N., 124d 10' 59" W.

Size: 0.25 square nautical miles.

Depth: Ranges from 24–39 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(25) Mouth of Columbia River Dredged Material Site E—Region X. Location: 46d 15' 43" N., 124d 05' 21" W.; 46d 15' 36" N., 124d 05' 11" W.; 46d 15' 11" N., 124d 05' 53" W.; 46d 15' 18" N., 124d 06' 03" W.

Size: 0.08 square nautical miles.

Depth: Ranges from 18–21 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(26) Mouth of Columbia River Dredged Material Site F—Region X. Location: 46d 12' 12" N., 124d 09' 00" W.; 46d 12' 00" N., 124d 08' 42" W.; 46d 11' 48" N., 124d 09' 00" W.; 46d 12' 00" N., 124d 09' 18" W.

Size: 0.08 square nautical miles.

Depth: Ranges from 38–42 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

[FR Doc 86-18753 Filed 8-19-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 228

[OW-10-FRL-3067-5]

Ocean Dumping; Final Designation of Sites

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates two existing dredged material disposal sites and one new dredged material disposal site located in the Pacific Ocean offshore of Coos Bay, Oregon, as EPA approved ocean dumping sites for the dumping of material dredged from the bay to maintain navigation channels. These final site designations are for an indefinite period of time but are subject to continued monitoring in order to insure that adverse environmental impact do not occur. The two existing sites (Sites E and F) will be used for disposal of larger grained dredged material, while the new site (Site H) farther offshore will be used for disposal of finer sediments more compatible with sediments of that area. This action is necessary to provide acceptable ocean dumping sites for the current and future disposal of this material.

EFFECTIVE DATE: These site designations shall become effective on September 22, 1986.

ADDRESSES: The file supporting this designation is available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street Southwest, Washington, DC
EPA Region X, 1200 Sixth Avenue, Seattle, Washington
U.S. Army Corps of Engineers Library, Portland District, 319 Southwest Pine, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Paul Pan, 202/475-7131.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 *et seq.* ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management, now the Assistant Administrator for Water. This site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 228.4) state that ocean dumping sites will be designated by promulgation in Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 *et seq.*) and was extended on February 7, 1983 (48 FR 5557 *et seq.*). That list established two of the Coos Bay sites as interim sites and extended the sites' period of use until January 31, 1985. The interim designation of these two sites was further extended to December 31, 1988, on February 19, 1985 (50 FR 6942 *et seq.*) in order to provide sites necessary for the disposal of dredged material from Coos Bay until such time as rulemaking for ocean disposal sites for continuing use is completed.

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, ("NEPA") requires that Federal agencies prepare an Environmental Impact Statement (EIS) on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into agency decision-making processes careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs in connection with ocean dumping site designation such as this. 39 FR 16186 (May 7, 1974).

The Corps of Engineers and EPA have prepared a draft and final EIS entitled "Coos Bay Dredged Material Ocean Disposal Site Designation Environmental Impact Statement." On September 7, 1984, a notice of availability of the draft EIS for public review and comment was published in the Federal Register (49 FR 35413). The draft EIS presented information needed to evaluate the suitability of ocean disposal areas for final designation for continuing use and was based on a series of disposal site environmental studies. In the draft EIS, EPA determined that the existing sites and the new site were compatible with the general criteria and specific factors and that the sites were the preferable locations for the disposal of dredged material. The public comment period on this draft EIS closed October 22, 1984. Eight reviewers submitted comments on the draft EIS, which the Agency assessed and responded to in the final EIS. Editorial or factual corrections required by the comments were incorporated in the text and noted in the Agency's response. Comments which could not be appropriately treated as text changes were addressed point by point in the final EIS, following the letters of comment.

On February 7, 1986, a notice of availability of the final EIS for public review and comment was published in the Federal Register (51 FR 4803). The public comment period on the final EIS closed March 10, 1986. Two comments were received on the final EIS. The Department of Health and Human Services, Public Health Service, stated that their comments on the draft EIS had been adequately addressed, and the Coos-Curry Council of Governments strongly supported the final designation of the three sites. The State of Oregon has concurred with EPA's consistency determination. Anyone desiring a copy of the final EIS may obtain one from the address given above.

The action discussed in the EIS is the designation for continuing use of two ocean dredged material disposal sites offshore of Coos Bay, Oregon and the designation of a third new site. The purpose of the designation is to provide an environmentally acceptable location for the ocean disposal of materials dredged from the Coos Bay Channel System when ocean disposal is found to be necessary for dredged material. The need for ocean disposal is determined on a case-by-case basis as part of the process of issuing permits for ocean disposal.

The EIS discusses the need for the action and examines ocean disposal sites and alternatives to the proposed action. An evaluation of alternatives for land-based disposal was updated in a memorandum to the Record (9/5/85) by Eric Braun and is available for inspection at the above addresses.

The memorandum states that the only upland disposal site currently in use, known as the Eastside Site, is between river mile 12 and 15. The current dikes are inadequate as shown by recent failures. Extensive dike rehabilitation would be required prior to any use at this site. Thus, it is expected to have limited capacity for future disposal. Two disposal islands have been created in the past, and these sites could possibly be used for some material by raising the dikes. However, raising the dikes on these disposal islands is not considered appropriate at this time due to concerns related to engineering considerations and potential impacts to the surrounding tidal area. Therefore, their remaining capacity is also very limited.

Two other potential sites have been considered near the navigation channel. The site consisting of a diked marsh was rejected because filling of wetlands was not considered environmentally preferable. The other site presently has no capacity with the existing dike configuration, and raising the dikes is not considered feasible from an engineering point of view. Most other sites within reasonable pumping distance from the channel have been considered in the past. Locating sites farther from the channel would require the use of booster pumps and increase costs.

This final rulemaking notice fills the same role as the Record of Deci[illegible] required under regulations pro[illegible]ed by the Council on Environmen[illegible] Quality for agencies subject to NEPA.

C. Site Designation

On January 27, 1986, EPA proposed designation of these sites for the continuing disposal of dredged materials from the Coos Bay area (51 FR 3348). The public comment period expired on March 13, 1986.

One letter of comment was received on the proposed rule. The Department of Commerce had no objection to the designations but reserved the right to comment on any permit applications received for these sites.

The two existing interim designated sites, termed E and F, have been used since at least 1951 for the ocean disposal of about 975,000 cubic yards of dredged material annually. Dredging is intermittent, for several months in each year. The new Site H was used for a test disposal of dredged material in August 1981.

Site E is located approximately 1.3 nautical miles offshore of the entrance

to Coos Bay and occupies an area of about 0.13 square nautical miles. Water depths within the area average 17 meters. It is approximately rectangular with coordinates as follows:

43d 21' 59" N., 124d 22' 45" W.; 43d 21' 48" N., 124d 21' 59" W.; 43d 21' 35" N., 124d 22' 05" W.; 43d 21' 46" N., 124d 22' 51" W.

Site F is located approximately 1.3 nautical miles offshore of the entrance to Coos Bay and occupies an area of about 0.13 square nautical miles. Water depths within the area average 24 meters. It is approximately rectangular with coordinates as follows:

43d 22' 44" N., 124d 22' 18" W.; 43d 22' 29" N., 124d 21' 34" W.; 43d 22' 16" N., 124d 21' 42" W.; 43d 22' 31" N., 124d 22' 28" W.

Site H is located approximately 3.7 nautical miles offshore of the entrance to Coos Bay and occupies an area of about 0.13 square nautical miles. Water depths within the area average 55 meters (30 fathoms). It is approximately rectangular with coordinates as follows:

43d 23' 53" N., 124d 22' 48" W.; 43d 23' 42" N., 124d 23' 01" W.; 43d 24' 16" N., 124d 23' 28" W.; 443d 24' 05" N., 124d 23' 38" W.

D. Regulatory Requirements

Five general criteria are used in the selection and approval for continuing use of ocean disposal sites. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping for causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If at any time disposal operations at a site cause unacceptable adverse impacts, further use of the site will be restricted or terminated. All three of the sites conform to the five general criteria except for the preference for sites located off the Continental Shelf. EPA has determined, based on the information presented in the EIS, that no environmental benefit would be obtained by selecting sites off the Continental Shelf instead of those sites in this action. Historical use of the existing sites, and a test dump at the new site, have not resulted in substantial adverse effects to living resources of the ocean or to other uses of the marine environment.

The general criteria are given in Section 228.5 of the EPA Ocean Dumping Regulations; the specific eleven factors are given in Section 228.6 and are used in evaluating a proposed disposal site to assure that the general criteria are met. EPA established these eleven specific factors to constitute an environmental assessment of the impact of the site for disposal. The criteria are used to make critical comparisons between the alternative sites and are the bases for final site selection. The characteristics of the two existing sites and one new site are reviewed below in terms of these eleven factors.

1. *Geographical position, depth of water, bottom topography and distance from coast.* [40 CFR 228.6(a)(1).]

The two existing sites are termed E and F. The new site is termed H. Corner coordinates, size, depth of water, and distance from coast for the three sites are given above.

The bottom topography of Sites E and F is generally flat with some gentle sand swells. The bottom topography of Site H is generally flat with some gentle silty-sand swells (wave forms).

2. *Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases.* [40 CFR 228.6(a)(2).]

Breeding, spawning, nursery and/or passage of commercially and recreationally important finfish and shellfish species occur throughout the ocean area offshore of Coos Bay. There may be some minor interference with the biological activities during the actual dredged material disposal operations. However, the disposal area would be quite limited at any one time and can be easily avoided by motile living organisms. Benthic habitat and community would be altered by disposal activity with possible temporary perturbations to the food chain. Long-term impacts on the benthic community is unlikely due to the high species diversity, large natural seasonal variation in abundance, rapid recolonization, and the fact that previous disposal has not caused significant or irreversible impacts. The disposal sites are extremely small in comparison with the overall area available for breeding, spawning, nursery, and passage purposes.

The only resource that might be considered to be limited is an area between the 40- and 52-fathom contour where scallops were found in densities high enough to support a fishery. Sites E and F are located in the vicinity of the 10- and 12-fathom contour, well shoreward of the scallop bed, while Site H is located in the vicinity of the 29- to 36-fathom contour, south of the scallop bed. Morever, since the sediments are transported from Site H predominantly in the southerly direction and downslope during the dumping season, they are highly unlikely to move toward the scallop bed. In addition, recent information indicates that the scallop beds have been fished out; thus, adverse impacts are unlikely.

3. *Location in relation to beaches and other amenity areas.* [40 CFR 228.6(a)(3).]

Sites E and F are each located within 1.6 nautical mile of a beach. The proximity of Sites E and F to the beaches, coupled with the frequency of onshore transport and seasonal ocean currents parallel to the coast, contributes to a potential for onshore transport from those two sites. Any material transported toward the beaches would be a combination of the naturally occurring sands in the vicinity of Sites E and F and the marine sands planned for disposal at these sites. These materials would have no significant effect on the beaches should onshore transport occur. Site H is located about 3.7 nautical miles from the nearest beach. Because of the depth and distance from shore of Site H and the predominance of north-south alongshore currents, there is also little likelihood of dredged material disposed of at Site H reaching any beach.

4. *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any.* [40 CFR 228.6(a)(4).]

Approximately 1.3 million cubic yards of predominantly clean sand of marine origin (Type 1) will be disposed of at Sites E and F during several months of each year. The grain size of this material is relatively constant at 0.2 to 0.3 mm, and volatile solids content ranges between 0.1 and 2.0 percent. Type 1 material is found between the channel entrance and river mile 12.

Approximately 400,000 cubic yards of fine-grained sand with high organic solids content (Type 2 and 3) will be disposed of at Site H on a two- to four-year cycle. The median grain size of this material varies from 0.2 to 0.006 mm, and volatile solids content ranges from 2.0 to 20 percent. Type 2 material is found between river mile 12 and river mile 14, and Type 3 material is found above river mile 14. Type 3 material contains increased levels of total sulfides, ammonia-nitrogen, oil and grease, petroleum hydrocarbons, and trace metals compared to materials from below river mile 14.

The dredged materials will be transported to the disposal sites by hopper dredges and ocean-going barges, and the material will be released at the sites through subsurface release mechanisms. None of the dredged material will be packaged in any way.

Any dredged material disposed at the sites must comply with EPA's permit application evaluation criteria for dredged materials in § 227.13 of the

Ocean Dumping Regulations (Ocean Dumping Criteria).

5. *Feasibility of surveillance and monitoring.* [40 CFR 228.6(a)(5).]

Surveillance and monitoring are both feasible; both dredging and disposal operations can be observed from shore or from vessels. The sites are near to shore and relatively shallow which facilitates routine monitoring.

Monitoring by EPA, the Corps of Engineers, and permittees, as required, will continue for as long as the sites are used. If evidence of significant adverse environmental effects is found, EPA will take appropriate steps to limit or terminate dumping at that site.

Monitoring will be conducted at Site H to determine if post-disposal movement of dredged material will have any impacts on adjacent resources of importance. Pre- and post-disposal bathymetry surveys will be conducted with additional surveys scheduled as needed. Representative sediment samples will also be collected periodically in and around the disposal site and analyzed for parameters of interest. These samples will be compared with pre-disposal samples and samples from the dredging area to allow detection of movement and comparison with theoretical transport. If movement of material appears likely to impact a known resource, additional analyses of the benthic community or specific resource will be undertaken. Analysis of the dredged material will be used to identify chemical or other contaminants which would require monitoring. The monitoring program will be finalized as part of the permit development process.

6. *Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any.* [40 CFR 228.6(a)(6).]

Average currents in the region generally flow parallel to bathymetric contours with downslope components predominating over upslope components near the bottom. Local current speed and direction, however, reflect the variability of local winds. Since ocean disposal operations are generally restricted to April through November, the predominant direction of transport of the dredged material during dumping will be southward at 10 to 30 cm/s. Northerly transport may occur during the late fall.

Dredged material disposed at Sites E and F will be rapidly reworked by strong tidal and surface wave generated currents. Winter reworking will be especially intense, and will result in the erasure of any mounding and the distribution of coarser size fractions of the dredged material over the tidal delta. Finer size fractions will be transported with the net or prevailing currents.

Coarse grain dredged material will remain generally stable at Site H, gradually spreading over the bottom of the site. Finer grained material will be more mobile and tend to be spread in the direction of the prevailing currents. Both the coarser grained and finer grained sediments would probably be mobilized during winter storm events and spread in thin layers over and around the site. There may be slight mounding in Site H over a number of years due to the increased depth and associated slower currents in the vicinity.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects).* [40 CFR 228.6(a)(7).]

Previous disposal at Sites E and F has averaged 975,000 cubic yards annually of coarse grained marine sands. This disposal has produced a seaward extension of the tidal delta as evidenced by noticeable seaward bulges in the bathymetric contours of the tidal delta in the vicinity of the sites. No topographic mounding has occurred at either of the sites. Short-term increases in the turbidity of the water column have occurred, but the impact of these has been minor due to the coarse-grained nature of the material disposed at the sites. No significant biological impacts have been associated with the past disposal at Sites E and F.

The test dump of type 3 material (finer grained dredged material with higher volatile solids and inorganic material content) made at Site H indicates that no significant mounding occurred. A short-term impact on turbidity occurred; however, it was comparable to natural events. The benthic community was impacted in the area of disposal immediately after disposal; however, a steady recovery to pre-disposal conditions was observed, suggesting that disposal impacts on the benthos were of short duration. Due to the erasure or mixing of the test disposal mound and the high benthic species diversity and large natural seasonal variation in abundance, it is unlikely that there would be long-term biological impacts at Site H.

8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean.* [40 CFR 228.6(a)(8).]

Except for marine navigation, commercial or recreational use of the sites is minimal if at all. Disposal of dredged material at the sites will have little if any effect on marine navigation.

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys.* [40 CFR 228.6(a)(9).]

Water quality analyses for surface and bottom water indicate that the water at all the sites is typical of seawater of the Pacific Northwest. As discussed above, there is great variation in sediment movement during the seasonal current shifts along with major reworking during the winter storm period. Upwelling during the spring and summer brings subsurface water to the surface. Although the scale and duration of these events are extremely variable, upwelling keeps surface waters relatively cool through the summer. Turbidity within the water column maximizes near the bottom, the top of the transition zone between high density bottom water and low density surface water, and in surface waters. The Coos Bay water mass would also contribute turbid waters to surface layers during periods of high runoff.

The ecology of the area is typical of the Oregon coast. Distribution and abundance of pelagic fish are closely tied to the influence of the ocean currents; and the abundance, diversity, and species composition of the benthic community are tied to the character of bottom conditions. As water depth increases, sea floor currents and sediment grain size decrease while organic, chemical constituents, and biological abundance tend to increase. The benthic community in the nearshore region (Sites E and F) has the lowest abundance and diversity. In addition, it is dominated by burrowing species and deposit or opportunistic feeders.

The region seaward of Site H is characterized by the most abundant and diverse benthic community. The community is dominated by filter and surface feeders. The zone between the nearshore and the outer area (vicinity of Site H) can be classified as a physical and biological transition zone. Species composition in the shallow portion is most similar to that of the nearshore region; species composition of the deeper portion is more similar to the outer region. Seasonal variation in abundance is high.

10. *Potentiality for the development or recruitment of nuisance species in the disposal site.* [40 CFR 228.6(a)(10).]

There are no known components in type 1 dredged material or its method of disposal that would attract or result in recruitment of nuisance species. Surveys at Sites E and F (previously used) did not detect the development or

recruitment of nuisance species. Although the increased organic content of types 2 and 3 material has some potential for recruitment of nuisance species, no major shifts in benthic community composition were observed at Site H after the test dump. Therefore, the development or recruitment of nuisance species at any of these disposal sites is not expected.

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.* [40 CFR 228.6(a)(11).]

The Oregon State Historic Preservation Office indicated that the area of the project is not of historic significance and, since ground disturbance of previously undisturbed ground is minimal, there will be no likely impact to archeological resources.

E. Action

The existing sites and the new site are compatible with the general criteria and specific factors used for site evaluation. EPA considered whether it would be preferable to designate e deep-water site beyond the edge of the Continental Shelf. For the following reasons, EPA has determined that the existing sites and the new site are the preferable sites for the disposal of dredged material. These factors are discussed in greater detail in the EIS.

The existing sites and the new site are 1.3 nautical miles and 3.7 nautical miles offshore of the entrance to Coos Bay, respectively, whereas the deep-water site considered is more than 24 nautical miles offshore of the entrance to Coos Bay. Disposal costs and energy consumption involved in use of the deep-water site would be significantly greater than for the existing sites and for the new site due to greater transportation demands. In addition, disposal of the relatively clean (predominantly sand) sediments at sites closer to shore is expected to cause no adverse environmental impacts. Dredged material has been dumped at the existing sites (E and F), and the effects of disposal have been localized. Sites E and F will be restricted to the disposal of type 1 material, which is predominantly coarser grained marine sands with low volatile solids content. Short-term impacts on the benthos have occurred due to dredged material disposal with rapid benthic recruitment and recolonization, suggesting limited long-term biological impacts. The new site (H) will be designated for disposal of type 2 and 3 material, which is finer grained dredged material with higher volatile solids content. The high benthic species diversity and large natural seasonal variation in abundance, along with the test dump observations, suggest that benthic recovery subsequent to disposal of type 2 and 3 material at Site H will be rapid. Therefore, long-term biological impacts are not expected.

The designation of the two existing Coos Bay and the one new Coos Bay dredged material disposal sites as EPA Approved Ocean Dumping Sites is being published as final rulemaking. Management authority of these sites will be delegated to the Regional Administrator of EPA Region X.

It should be emphasized that, if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of materials at sea. Before ocean dumping of dredged material at the site may commence, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. If a Federal project is involved, the Corps must also evaluate the proposed dumping in accordance with EPA's ocean dumping criteria. In either case, EPA has the right to disapprove the actual dumping, if it determines that environmental concerns under the Act have not been met.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this action does not necessitate preperation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228.

Water pollution control.

Dated: August 7, 1986.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by removing paragraph (a)(1)(i)(I), and adding paragraphs (b) (27), (28), and (29) to read as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

* * * * * * *

(b) * * *

(27) Coos Bay Dredged Material Site E—Region X.

Location: 43d 21' 59" N., 124d 22' 45" W.; 43d 21' 48" N., 124d 21' 59" W.; 43d 21' 35" N., 124d 22' 05" W.; 43d 21' 46" N, 124d 22' 51" W.

Size: 0.13 square nautical mile.

Depth: Averages 17 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material in the Coos Bay area of type 1, as defined in the site designation final EIS.

(28) Coos Bay Dredged Material Site F—Region X.

Location: 43d 22' 44" N., 124d 22' 18" W.; 43d 22' 29" N., 124d 21' 34" W.; 43d 22' 18" N., 124d 21' 42" W.; 43d 22' 31" N., 124d 22' 26" W.

Size: 0.13 square nautical mile.

Depth: Averages 24 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material in the Coos Bay area of type 1, as defined in the site designation final EIS.

(29) Coos Bay Dredged Material Site H—Region X.

Location: 43d 23' 53" N., 124d 22' 48" W.; 43d 23' 42" N., 124d 23' 01" W.; 43d 24' 18" N., 124d 23' 28" W.; 43d 24' 05" N., 124d 23' 38" W.

Size: 0.13 square nautical mile.

Depth: Averages 55 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material in the Coos Bay area of type 2 and 3, as defined in the site designation final EIS.

[FR Doc. 86-18754 Filed 8-20-86; 8:45 am]

BILLING CODE 6560-50-M