

operated under a Department of Defense Pilot and is connected to the DSWA Green Local Area Network. This automated system includes forms generation, electronic document routing, electronic document approval, enforcement of agency defined limits, automated funds availability verification and electronic interface to mainframe accounting.

RETRIEVABILITY:

Files may be retrieved by name or Social Security Number of individual or by travel order number.

SAFEGUARDS:

Paper records are kept in filing cabinets and other storage places within these offices. Work areas are sight controlled during normal duty hours. Buildings are protected by security guards and an intrusion alarm system.

Access to computer records is controlled by a user identification and password system. Personnel having access are limited to those having a need-to-know who have been trained in handling Privacy Act information. Additionally physical access to video display terminals is under strict supervisory control, access to computer peripheral equipment is controlled, reports are issued that are used to monitor use of the system, output products and storage media is labeled to warn individuals that they contain personal information subject to the Privacy Act.

RETENTION AND DISPOSAL:

The automated record is retained 2 years following the final settlement of a travel claim. Records recorded on tapes or disks are disposed of by degaussing or erasing. A history hard copy file is maintained for 2 years and then retired to the Records Center. They are destroyed 7 years after retirement.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Logistics and Engineering, Defense Special Weapons Agency, 6801 Telegraph Road, Alexandria, VA 22310-3398.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of General Counsel, Defense Special Weapons Agency, 6801 Telegraph Road, Alexandria, VA 22310-3398.

The individual should make reference to the office where assigned or affiliated, dates of travel and provide Social Security Number for positive identification.

RECORD ACCESS PROCEDURES:

Individuals seeking to access information about themselves contained in this system should address written inquiries to the Office of General Counsel, Defense Special Weapons Agency, 6801 Telegraph Road, Alexandria, VA 22310-3398.

The individual should make reference to the office where assigned or affiliated, dates of travel and provide Social Security Number for positive identification.

CONTESTING RECORD PROCEDURES:

The DSWA rules for contesting records and appealing initial agency determinations are published in DSWA Instruction 5400.11B; 32 CFR part 318; or may be obtained from the General Counsel, Defense Special Weapons Agency, 6801 Telegraph Road, Alexandria, VA 22310-3398.

RECORD SOURCE CATEGORIES:

From the individual, the systems administrator, or the vendor of travel and related service. Supporting documentation is provided from the associated travel order, division, service providers and the Defense Finance and Accounting Agency.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 97-19560 Filed 7-24-97; 8:45 am]

BILLING CODE 5000-04-F

DEPARTMENT OF DEFENSE

Department of the Army Corps of Engineers

Notice of Availability of the "Annual Report to Congress on the Status of the Harbor Maintenance Trust Fund for Fiscal Years 1995 and 1996"

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice.

SUMMARY: This notice is to inform the general public of the availability of the "Annual Report to Congress for Fiscal Years 1995 and 1996." Single copies of the report may be obtained free of charge.

FOR FURTHER INFORMATION CONTACT: Mr. DuWayne A. Koch, Office of Policy, Office of the Chief of Engineers at (202) 761-4312 or fax (202) 761-4312.

SUPPLEMENTARY INFORMATION: The Harbor Maintenance Fee was authorized under Sections 1401 and 1402 of the Water Resources Development Act of 1986, Public Law 99-662. This law imposed a 0.04 percent fee on the value of commercial cargo loaded (exports and

domestic cargo) or unloaded (imports) at ports which have had Federal expenditures made on their behalf by the U.S. Army Corps of Engineers since 1977. Section 11214 of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-580, increased the Harbor Maintenance Fee to 0.125 percent, which went into effect on January 1, 1991. Harbor Maintenance Trust Fund monies are used to pay up to 100 percent of the Corps eligible Operation and Maintenance expenditures for the maintenance of commercial harbors and channels.

Section 330 of the Omnibus Budget Reconciliation Act of 1992, Public Law 102-580, requires that the President provide an Annual Report to Congress on the Status of the Trust Fund. The release of this report is in compliance with this legislation.

Robert W. Burkhardt,

Colonel, Corps of Engineers, Executive Director of Civil Works.

[FR Doc. 97-19596 Filed 7-24-97; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the Disposal and Reuse of Naval Construction Battalion Center Davisville, North Kingstown, Rhode Island

SUMMARY: The Department of the Navy (Navy) pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C), and the regulations of the Council on Environmental Quality that implement NEPA procedures, 40 CFR parts 1500-1508, hereby announces its decision to dispose of Naval Construction Battalion Center Davisville (CBC Davisville), North Kingstown, Rhode Island.

Navy intends to dispose of the property in a manner that is consistent with the Preferred Development Plan that was set forth in the Comprehensive Reuse Plan prepared by the Davisville Naval Construction Battalion Center Base Reuse Committee (BRC), a committee appointed by the Governor of Rhode Island to formulate a redevelopment plan for CBC Davisville. The Preferred Development Plan was adopted by the State of Rhode Island and Providence Plantations and the Town of North Kingstown.

The Preferred Development Plan, described in the Reuse Plan as Alternative Reuse Scenario 4, is identified in the Final Environmental Impact Statement (FEIS) as the Preferred Alternative. This Plan proposes a mixed

land use approach that would use about half of the Base for commercial and industrial activities and reserve the remaining property for recreational activities and open space.

In deciding to dispose of CBC Davisville in a manner that is consistent with the Preferred Development Plan, Navy has determined that a mixed land use will meet the goals of local economic redevelopment and creation of new jobs, while limiting adverse environmental impacts and ensuring land uses that are compatible with adjacent property. This Record Of Decision does not mandate a specific mix of land uses. Rather, it leaves selection of the particular means to achieve the proposed redevelopment to the acquiring entity and the local zoning authority.

Background

The 1991 Defense Base Closure and Realignment Commission recommended closure of Naval Construction Battalion Center Davisville. This recommendation was approved by President Bush and accepted by the One Hundred Second Congress in 1991. Operations at CBC Davisville ceased on April 1, 1994, and the property has been in caretaker status since that date.

The Base is located within the corporate limits of the Town of North Kingstown, about 18 miles south of the City of Providence. The 909-acre property consists of two parcels, the Main Site comprising about 839 acres and the West Davisville property comprising 70 acres (also referred to as the West Davisville Storage District) located about one mile from the Main Site.

The 839-acre Main Site is divided into six areas: the Administrative Triangle, the Warehouse Area, the Construction Equipment Department (CED) Area, the Davisville Pier Support Area, the Allen Harbor Landfill, and Calf Pasture Point. The 70-acre West Davisville property contains four warehouses.

When CBC Davisville was initially slated for closure, the Base had a third component known as Camp Fogarty that was located four miles west of the Main Site in the Town of East Greenwich. This 374-acre site contains classrooms, storage facilities, an armory, combat training areas, and rifle and pistol ranges. On January 26, 1993, Navy transferred this property to the Department of the Army for use by the Rhode Island National Guard. Thus, Navy did not consider the Camp Fogarty property in this NEPA process.

Navy published a notice of intent in the **Federal Register** on September 10, 1993, announcing that Navy would

prepare an Environmental Impact Statement (EIS) to analyze the impacts of disposal and reuse of the land, buildings and infrastructure at CBC Davisville. A thirty-day public scoping period was established, and Navy held a public scoping meeting on September 28, 1993, at North Kingstown High School.

On February 25, 1994, Navy distributed a Draft Environmental Impact Statement (DEIS) to Federal, State and local agencies, interested parties and the general public. Navy held a public hearing at North Kingstown High School on March 29, 1994. During the forty-five day review period after publication of the DEIS, Federal agencies, Rhode Island State agencies, local government agencies and the general public submitted written comments.

These comments and Navy's responses were incorporated in the FEIS, which was distributed to the public on March 3, 1995, for a thirty-day review period that concluded on April 2, 1995. Navy received comments on the FEIS from the United States Environmental Protection Agency, the Rhode Island Economic Development Corporation, the Rhode Island Department of Environmental Management, the Rhode Island Department of Transportation, and the Rhode Island Historical Preservation and Heritage Commission.

Alternatives

NEPA requires Navy to evaluate a reasonable range of alternatives for the disposal and reuse of this Federal property. In the NEPA process, Navy analyzed the environmental impacts of four "action" alternatives and a "No action" alternative. The "No action" alternative would leave the property in a caretaker status with Navy maintaining the physical condition of the property, providing a security force, and making repairs essential to safety.

As the basis for its analysis of the "action" alternatives, Navy relied upon the reuse and redevelopment alternatives developed by the BRC when planning future uses of the closed facilities. The BRC analyzed various redevelopment scenarios and land uses, prepared a Comprehensive Reuse Plan, and selected the Preferred Development Plan. The State of Rhode Island and Providence Plantations adopted the Preferred Development Plan and presented it to the Department of the Navy on January 11, 1994.

The Preferred Alternative, designated in the FEIS as Alternative Reuse Scenario 4, is the Preferred Development Plan that was set forth in

the Comprehensive Reuse Plan. This alternative proposes a mix of commercial and industrial facilities, institutional and office spaces, a dredge material disposal area, an expanded marina, a conference center, a park, and open space.

At the Main Site, the Administrative Triangle would be used for offices, educational facilities, and open space. The Warehouse Area would contain an industrial park and a medical facility. The CED Area is located in the designated safety zone for the runway of the adjacent Quonset Airport. This area would have light industrial and administrative facilities, and development would be limited as a result of the overlying safety zone. Part of this area would be used to dispose of dredge material generated by dredging operations at the adjacent Davisville piers. Another part of this area would be used to expand the existing marina at Allen Harbor.

The Davisville Pier Support Area would contain waterfront industrial activities, a conference center, and residential facilities. The Allen Harbor Landfill would be used as open space. Calf Pasture Point would be used as a park and public beach. The West Davisville area warehouses would be used for storage and light industrial activities.

In the NEPA process, Navy considered a second "action" alternative, described in the FEIS as Alternative Reuse Scenario 1, which also proposed a mixed use redevelopment. The Administrative Triangle would contain offices, educational facilities, and open space. The Warehouse Area would consist of an industrial park and a medical facility. As in the first "action" alternative, the CED Area, located in the designated safety zone for the Quonset Airport runway, would contain open storage and industrial facilities, a dredge material disposal area, and a marina. Development here would be similarly limited as a result of the overlying safety zone.

The Davisville Pier Support Area would be used as a staging and storage area for pier activities, for light industrial facilities, and for a conference center. The Allen Harbor Landfill and Calf Pasture Point would be used for passive recreational and conservation activities. The West Davisville property would be used as storage facilities and for future industrial development.

A third "action" alternative, described in the FEIS as Alternative Reuse Scenario 2, proposed another mixed use redevelopment. The Administrative Triangle would be used

for offices, educational facilities, and open space. The Warehouse Area would contain an industrial park and a medical facility. The CED Area would be used for recreational activity and a town public works facility. The Davisville Pier Support Area would be used as a staging and storage area for pier activities and as a support area for fishing and aquacultural businesses. The Allen Harbor Landfill and Calf Pasture Point would be used for passive recreational activity and military training exercises. The West Davisville property's warehouses would be used for storage and light industrial activities.

The final alternative, described in the FEIS as Alternative Reuse Scenario 3, proposed a mixed use similar to that set forth in the Preferred Development Plan. The Administrative Triangle would be used for offices, educational facilities, and open space. The Warehouse Area would consist of an industrial park and a medical facility. The CED Area would be developed as a recreational theme park. The Davisville Pier Support Area would be used as a staging and storage area for pier activities, light industrial facilities, and a residential neighborhood. The Allen Harbor Landfill and Calf Pasture Point would be used for active recreational activity related to the theme park. The West Davisville property would be used for storage and light industrial activities.

Environmental Impacts

Navy analyzed the potential impacts of the four "action" alternatives and the "No action" alternative for their effects on adjacent land use, aesthetics, terrestrial and aquatic habitats, wetlands and floodplains, water quality, topography and soils, air quality, noise, transportation, socioeconomic, infrastructure and utilities, community services, cultural resources, and planned environmental remediation. This Record of Decision focuses on the impacts that would likely result from implementing the Preferred Development Plan set forth in the Comprehensive Reuse Plan proposed by the State.

Implementation of the Preferred Development Plan would not result in significant impacts on adjacent land use, because this proposal is generally compatible with surrounding land uses. Minor potential land use impacts could result, however, along the northern edge of CBC Davisville where administrative and light industrial activities would be located near existing residences. Thus, the Preferred Development Plan provides for a 75-foot wide landscaped area along the northern boundary of the Administrative Triangle and the CED

Area to provide a buffer between these incompatible land uses.

The Preferred Development Plan would not result in significant adverse impacts on aesthetics. The acquiring entity would be responsible for site improvements, including new streets, lighting, and landscaping as described in the Plan. When implemented, these improvements will enhance the aesthetic quality of the CBC Davisville property.

Implementation of the Preferred Development Plan would not result in significant impacts on terrestrial and aquatic habitats. Indeed, it would cause negligible impacts on most property at the Base and only moderate impacts on those areas where intense uses of the land will occur. For example, the increased activity and noise associated with active recreational use of Calf Pasture Point will disturb the terrestrial habitat there. Similarly, in the CED Area, existing vegetation would be removed as a result of the dredge material disposal operation. Additionally, the aquatic habitat in the CED Area would be affected by expansion of the Allen Harbor marina.

There would be no significant impacts on species listed on the Federal Threatened or Endangered Species List, because none have been reported present at CBC Davisville. However, transient bald eagles and peregrine falcons could visit the property during their migration periods. The United States Fish and Wildlife Service has informed Navy that the proposed redevelopment would not cause any adverse effects on these species.

Two hundred eighty-seven acres of property at CBC Davisville are located in the 100-year floodplain. Forty-six of those acres have been proposed for redevelopment, and the rest will remain undeveloped. Any building constructed within that floodplain must comply with the structural design provisions of the National Flood Insurance Regulations, 23 CFR 650.115. Under the Preferred Development Plan, about seventy acres of wetlands on the Base will be protected from future development.

The Preferred Development Plan would not likely cause any significant impacts on water quality. Any redevelopment near streams, wetlands, and shorelines must, of course, comply with the development policies of Rhode Island's Coastal Resources Management Program. Coastal Resources Management Council Regulations 04 000 010, Part Three.

There would not likely be any significant increase in uncontrolled stormwater runoff into streams, because

the acquiring entity must implement the stormwater management practices that are prescribed by Rhode Island's Water Quality Regulations. RIDEM WQM 04 000 010 Section 300. Any activities that may affect water quality, *i.e.*, by sedimentation and erosion, must first be reviewed under the State's water quality certification program. Rhode Island Water Quality Regulations, RIDEM DWR 12 190 001 Rules 1–22. A Rhode Island Pollution Discharge Elimination System permit will be required for any development project that is five acres or larger. Regulations for Rhode Island Pollutant Discharge Elimination System, RIDEM DWR 12 190 003 Rules 1–60.

The proposed expansion of the Allen Harbor marina at the CED Area is incompatible with the existing water quality classification and would not likely be approved by the State. See Rhode Island Water Quality Classification Descriptions, RIDEM DWR 190 001 Appendix A, and Rhode Island Water Criteria for Classifications of Waters of the State, RIDEM DWR 14 180 001. Thus, to implement the Preferred Development Plan, the acquiring entity must obtain a change in the water quality classification from Rhode Island's Department of Environmental Management.

The Preferred Development Plan proposes to build a dredge material disposal facility in the CED Area adjacent to Allen Harbor. This facility would incorporate runoff interceptors, *e.g.*, engineered dikes and staked hay bales, to protect the adjacent wetlands and Allen Harbor from silt-laden runoff. The acquiring entity will be responsible for obtaining applicable environmental permits and approvals for this project as required by Rhode Island's Coastal Resources Management Program. Coastal Resources Management Council Regulations 04 000 100, Parts Two and Three.

Implementation of the Preferred Development Plan would not significantly affect the topography or soils at CBC Davisville, because 90 percent of the land is flat and already disturbed from previous development.

Redevelopment of the Base under the Preferred Development Plan would affect local ambient air quality. The extent to which the air quality would be affected will be determined by the nature and extent of stationary sources that are developed on the property and the amount of mobile source emissions. Industrial activities with air contaminant sources will be required to obtain the necessary approvals and permits from Rhode Island's Department of Environmental Management before they may operate on the property. Air

Pollution Control Regulations, RIDEM DAW 12 031 009, Regulation No. 9.

With respect to mobile sources, ambient air quality in the vicinity of CBC Davisville will be affected by motor vehicle traffic associated with businesses that locate on the property. However, due to the relatively small increase in the number of vehicles (about 4,700) associated with redevelopment over a 20-year period, the increase in regional ozone attributable to the redevelopment would be negligible.

As a result of implementing the Preferred Development Plan, traffic levels at the intersections of Route 1 and Roger Williams Way, Route 1 and Newcomb Road, Davisville Road and Roger Williams Way, and Devil's Foot Road and Namcook Road may produce emissions that exceed the one-hour National Ambient Air Quality Standard for carbon monoxide. 40 CFR 50.8. However, these potential impacts would be mitigated by the construction of a planned, new access route that would link Route 4 with the Quonset Point/Davisville area.

Implementation of the Preferred Development Plan would not result in significant long term impacts on the ambient noise environment. The construction of a 75-foot wide landscaped area along the northern boundary of the Administrative Triangle and CED Area will mitigate potential noise impacts on the nearby residential area arising out of industrial activity. While another residential area borders Calf Pasture Point, that property would not be redeveloped under the Preferred Development Plan.

There would not be any significant impacts on transportation arising out of implementation of the Preferred Development Plan. The plan would redevelop CBC Davisville to provide office and institutional space, warehouses, industrial facilities, and pier support facilities. These activities would increase automotive, truck, rail, and marine traffic over current levels at the Base. Although the existing rail system on the Base is sufficient to accommodate these reuse proposals, it will be necessary to improve the port facilities to accommodate the projected increase in marine traffic. The port improvements described in the Preferred Development Plan would be adequate to support those increases.

Access to and from the regional transportation routes, including Route 4, Route 1, and Interstate Highway 95, currently involves delays at the intersections of Davisville Road and Roger Williams Way and Devil's Foot Road and Namcook Road. In order to

mitigate existing and future transportation problems at these intersections, a new access route linking Route 4 with the Quonset Point/Davisville area will be built by the Rhode Island Department of Transportation.

Implementation of the Preferred Development Plan would not result in any significant adverse socioeconomic impacts on the local community. Indeed, the Preferred Development Plan would create about 4,700 new jobs. While the plan may cause a modest increase in local population, it is likely that many unemployed and underemployed residents will assume the new jobs. In any case, the redevelopment would occur gradually over a 20-year period that will minimize growth problems in both the town and the county.

The Preferred Development Plan would have various impacts on the community's infrastructure and utilities. The wastewater treatment plant has a capacity to treat 2.6 million gallons per day (mgd). The redevelopment of CBC Davisville, by itself, would not likely produce wastewater treatment requirements that exceed this capacity. In concert with other development in the area, however, redevelopment of the base would contribute to an eventual need to expand the treatment plant. Thus, the Rhode Island Economic Development Corporation will expand the plant as wastewater treatment demands warrant such improvements.

Similarly, the estimated future demand for potable water by the Quonset Point/Davisville Industrial Park (which will include the redeveloped CBC Davisville property) will increase by 2.1 mgd. In turn, this will increase daily withdrawal from the Hunt River aquifer to approximately 4.7 mgd. This is only 60 percent of the amount of water that can safely be withdrawn from the aquifer on a daily basis. However, when considered in light of the long range projections for future regional development, the redevelopment of CBC Davisville will contribute to a potentially unsafe trend in water consumption by users of the Hunt River aquifer. Thus, coordination among public water suppliers that draw on the Hunt River aquifer will be necessary to ensure that water withdrawals do not exceed the aquifer's safe daily yield.

Other utilities such as electricity and natural gas distribution systems must be expanded and upgraded to meet the energy demands that will likely be generated by the Preferred Development Plan. Thus, Narragansett Electric Company is renovating the electrical system at CBC Davisville. The acquiring

entity will be responsible for providing natural gas service.

Implementation of the Preferred Development Plan would not have any significant impacts on community services in the Town of North Kingstown. It is likely that an additional 335 children will enter the local schools over a 20-year period, but this impact will be offset by additional property tax revenues generated from reuse of the Base.

Because the estimated population growth resulting from implementation of the Preferred Development Plan would occur over a 20-year period, there would not be any significant impacts on local community services, including emergency and medical services. The North Kingstown Fire Department currently provides service to the Base. While redevelopment of the property may increase the number of incidents to which the Fire Department must respond, the Department has adequate firefighting capability based on national standards.

Implementation of the Preferred Development Plan will add about 290 acres of land for use as parkland, active and passive recreational activities, and open space.

Implementation of the Preferred Development Plan would not result in any significant adverse effects on historic or archeological sites at CBC Davisville. There are five sites on the Base that are either listed or eligible for listing on the National Register of Historic Places: Camp Endicott, the Allen-Madison House, five acres surrounding the Allen-Madison House, an archeological site on Calf Pasture Point, and an archeological site at the eastern end of the CED Area.

Navy and the Rhode Island Historical Preservation and Heritage Commission, as the designated Rhode Island State Historic Preservation Officer (SHPO), executed a Memorandum of Agreement (MOA) on June 2, 1997, concerning Camp Endicott. This MOA addressed the demolition of seventeen badly deteriorated Quonset Huts after recordation of the structures.

The Allen-Madison House, the five acres surrounding the house, and the archeological site on Calf Pasture Point, while not the subject of an MOA between Navy and the SHPO, are addressed in a preservation agreement between the SHPO and the Rhode Island Economic Development Corporation that was executed on March 18, 1997. The redevelopment of CBC Davisville as proposed in the Preferred Development Plan would be consistent with that preservation agreement and, thus, would not adversely affect these historic

and archeological sites. The SHPO, in a letter to Navy dated March 21, 1997, and the Advisory Council on Historic Preservation (ACHP), in a letter to Navy dated June 2, 1997, concurred with Navy's determination that the Plan would not have an adverse impact on these historic resources.

The fifth site eligible for listing on the National Register of Historic Places is an archeological site located in that part of the CED Area that was designated for waterfront commercial redevelopment. On April 14, 1997, the SHPO and the Town of North Kingstown executed a preservation agreement that covers this site. Based on this agreement, Navy determined that the Plan would not have an adverse impact on the archeological site. The ACHP concurred with this determination in a letter to Navy dated June 2, 1997.

Implementation of the Preferred Development Plan would not result in any significant impacts on existing environmental contamination at the Base. Pursuant to the Federal Facilities Interagency Agreement among Navy, the United States Environmental Protection Agency (EPA), and the Rhode Island Department of Environmental Management, Navy will ensure that environmental contamination associated with past activities at CBC Davisville is remediated as appropriate. While the cleanup of these contaminated areas may delay or complicate some redevelopment, e.g., in the Warehouse Area, these delays should not be significant in light of the 20-year implementation period for the Plan.

Mitigation

Implementation of Navy's decision to dispose of CBC Davisville does not require Navy to perform any mitigation measures beyond those already accomplished, i.e., the recordation of Camp Endicott. The FEIS identified and discussed those actions that would be necessary to mitigate the impacts associated with reuse and redevelopment of the Base. The acquiring entity, under the direction of Federal, State and local agencies with regulatory authority over protected resources, will be responsible for implementing mitigation measures. The implementation of mitigation measures concerning the historic and archeological property will be governed by the preservation agreements.

Comments Received on the FEIS

Navy received comments on the FEIS from the United States Environmental Protection Agency and four State agencies: The Rhode Island Economic Development Corporation (RIEDC), the

Rhode Island Department of Environmental Management, the Rhode Island Department of Transportation, and the Rhode Island Historical Preservation and Heritage Commission.

The EPA asked that Navy consider deed restrictions to protect wetlands and historic and archeological sites. While deed restrictions may be used for such sites, Navy has determined that such measures are not necessary here. After discussions with State agencies and RIEDC, Navy concluded that section 404 of the Clean Water Act, 33 U.S.C. 1344, and Rhode Island's Wetlands Protection Regulations, RIDEM DGF 12 000 001, provide stringent protection for wetlands that will adequately ensure protection and preservation of the wetlands at CBC Davisville.

Similarly, it is not necessary to incorporate restrictive covenants in the deed to ensure the protection of historic and archeological sites. The National Historic Preservation Act, 16 U.S.C. 470 *et seq.*, the Archeological Resources Protection Act, 16 U.S.C. 470aa *et seq.*, the Memorandum of Agreement executed by Navy, the Advisory Council on Historic Preservation, and the Rhode Island Historical Preservation and Heritage Commission (dated June 2, 1997), and the preservation agreements executed by the Rhode Island Historical Preservation and Heritage Commission with RIEDC (dated March 18, 1997) and with the Town of North Kingstown (dated April 14, 1997) will ensure that these resources are appropriately protected, preserved or recorded.

The EPA also commented that a more quantitative analysis of the air quality impacts associated with projected traffic at specific intersections was warranted. The FEIS analyzed traffic volumes associated with the redevelopment of CBC Davisville. The additional volume of traffic projected over the 20-year development period is very small. Consequently, increases in ozone associated with that traffic would likely be negligible. While the potential exists to have carbon monoxide hot spots at certain intersections, the traffic volume at any particular intersection will depend upon the nature, extent and timing of activities that occur as a result of redevelopment of the Base. Additional traffic studies would be speculative, because the planned roadway projects will change existing traffic patterns.

The EPA also expressed concern about the increased demands on the Hunt River aquifer. Navy agrees with EPA that the acquiring entity must work with Federal, State and local regulatory authorities to ensure that adequate water supplies are available to satisfy

the demands caused by the redevelopment of CBC Davisville and other regional development. The FEIS identified the need for development of best management and pollution prevention plans as well as the need to ensure participation of regional water suppliers in that planning process.

The Rhode Island Economic Development Corporation commented that Navy did not consider the economic impact on the State, region and town caused by redeveloping a Base where the majority of buildings and structures were old. Navy has demolished seventy structures on the Base. The remaining buildings are structurally sound.

The Rhode Island Department of Environmental Management expressed concern that the FEIS did not specifically identify any restrictions on the use of CBC Davisville property arising out of existing contamination and the level of remediation to be undertaken at specific sites. Site characterization and remediation are currently underway, and Navy will remediate the property to a level that is appropriate for the projected land use. When appropriate, deed restrictions will be used to ensure that subsequent land use is consistent with the level of remediation completed.

The Rhode Island Department of Environmental Management also requested a more detailed analysis of impacts associated with stormwater discharges at full build-out of the reuse plan. Navy analyzed stormwater discharges and the potential for contaminating bodies of water that receive them in general terms in the FEIS. A more detailed analysis of the amount and character of such discharges is not feasible at this time. Until specific site plans are developed, the amount of impervious surface and the rate of runoff cannot be determined.

When proposals for specific activities are developed, Rhode Island's Coastal Management Program regulations will require that the acquiring entity submit stormwater management plans in sufficient detail to allow an assessment of probable impact. These State regulations are intended to ensure that the manner in which future siting and construction occurs will not result in adverse impacts on water quality.

Rhode Island's Department of Environmental Management also requested a more detailed analysis of air emissions from mobile sources. As with impacts from stormwater, it is not feasible to further analyze air emissions from mobile sources until the nature and siting of particular activities are known. In neither case would further

analysis materially enhance that already set forth in the FEIS.

The Rhode Island Department of Transportation advised Navy that it would not include an analysis of traffic associated with the redevelopment of CBC Davisville in a regional traffic study that it was conducting. The Department believed that it would be speculative to project the traffic patterns associated with the redevelopment of CBC Davisville. For the same reason, Navy concluded that studying traffic patterns at this time, without knowing the nature and timing of future development, would not be feasible and would have little value.

The Rhode Island Historical Preservation and Heritage Commission agreed with the findings in the FEIS concerning cultural resources and asked Navy to incorporate restrictive covenants in deeds that convey historic property. Navy determined that the preservation agreements later entered into by the Rhode Island Historical Preservation and Heritage Commission with RIEDC and with the Town of North Kingstown would ensure adequate protection, preservation, or recordation of historic properties and that deed restrictions were unnecessary. In a letter to Navy dated March 21, 1997, the Rhode Island Historical Preservation and Heritage Commission concurred that use of the preservation agreements would not cause any adverse effect on historic properties.

Regulations Governing the Disposal Decision

Since the proposed action contemplates a disposal action under the Defense Base Closure and Realignment Act of 1990 (DBCRA), Public Law 101-510, 10 U.S.C. 2687 note, Navy's decision was based on the environmental analysis in the FEIS and application of the standards set forth in DBCRA, the Federal Property Management Regulations (FPMR), 41 CFR part 101-47, and the Department of Defense Rule on Revitalizing Base Closure Communities and Community Assistance (DoD Rule), 32 CFR parts 90 and 91.

Section 101-47.303-1 of the FPMR requires that the disposal of Federal property benefit the Federal government and constitute the "highest and best use" of the property. Section 101-47.4909 of the FPMR defines the "highest and best use" as that use to which a property can be put that produces the highest monetary return from the property, promotes its maximum value, or serves a public or institutional purpose. The "highest and best use" determination must be based

upon the property's economic potential, qualitative values inherent in the property, and utilization factors affecting land use such as zoning, physical characteristics, other private and public uses in the vicinity, neighboring improvements, utility services, access, roads, location, and environmental and historical considerations.

After Federal property has been conveyed to non-Federal entities, the property is subject to local land use regulations, including zoning and subdivision regulations, and building codes. Unless expressly authorized by statute, the disposing Federal agency cannot restrict the future use of surplus Government property. As a result, the local community exercises substantial control over future use of the property. For this reason, local land use plans and zoning affect determination of the highest and best use of surplus Government property.

The DBCRA directed the Administrator of the General Services Administration (GSA) to delegate to the Secretary of Defense authority to transfer and dispose of base closure property. Section 2905(b) of DBCRA directs the Secretary of Defense to exercise this authority in accordance with GSA's property disposal regulations, set forth at §§ 101-47.1 through 101-47.8 of the FPMR. By letter dated December 20, 1991, the Secretary of Defense delegated the authority to transfer and dispose of base closure property closed under DBCRA to the Secretaries of the Military Departments. Under this delegation of authority, the Secretary of the Navy must follow FPMR procedures for screening and disposing of real property when implementing base closures. Only where Congress has expressly provided additional authority for disposing of base closure property, *e.g.*, the economic development conveyance authority established in 1993 by section 2905(b)(4) of DBCRA, may Navy apply disposal procedures other than the FPMR's prescriptions.

In section 2901 of the National Defense Authorization Act for Fiscal Year 1994, Public Law 103-160, Congress recognized the economic hardship occasioned by base closures, the Federal interest in facilitating economic recovery of base closure communities, and the need to identify and implement reuse and redevelopment of property at closing installations. In section 2903(c) of Public Law 103-160, Congress directed the Military Departments to consider each base closure community's economic needs and priorities in the

property disposal process. Under section 2905(b)(2)(E) of DBCRA, Navy must consult with local communities before it disposes of base closure property and must consider local plans developed for reuse and redevelopment of the surplus Federal property.

The Department of Defense's goal, as set forth in § 90.4 of the DoD Rule, is to help base closure communities achieve rapid economic recovery through expeditious reuse and redevelopment of the assets at closing bases, taking into consideration local market conditions and locally developed reuse plans. Thus, the Department has adopted a consultative approach with each community to ensure that property disposal decisions consider the Local Redevelopment Authority's reuse plan and encourage job creation. As a part of this cooperative approach, the base closure community's interests, *e.g.*, reflected in its zoning for the area, play a significant role in determining the range of alternatives considered in the environmental analysis for property disposal. Furthermore, § 91.7(d)(3) of the DoD Rule provides that the Local Redevelopment Authority's plan generally will be used as the basis for the proposed disposal action.

The Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484, as implemented by the FPMR, identifies several mechanisms for disposing of surplus base closure property: By public benefit conveyance (FPMR § 101-47.303-2); by negotiated sale (FPMR § 101-47.304-8); and by competitive sale (FPMR 101-47.304-7). Additionally in section 2905(b)(4), the DBCRA established economic development conveyances as a means of disposing of surplus base closure property.

The selection of any particular method of conveyance merely implements the Federal agency's decision to dispose of the property. Decisions concerning whether to undertake a public benefit conveyance or an economic development conveyance, or to sell property by negotiation or by competitive bid are committed by law to agency discretion. Selecting a method of disposal implicates a broad range of factors and rests solely within the Secretary of the Navy's discretion.

Conclusion

The Preferred Development Plan adopted by the State of Rhode Island and Providence Plantations is consistent with the prescriptions of the FPMR and § 90.4 of the DoD rule. The State has determined that this property should have several uses including

administrative, educational, commercial, light industrial, general industrial, waterfront industrial, waterfront commercial, dredge material disposal, parks and open space, conservation, buffer and greenbelt areas, and highway access areas.

The Preferred Development Plan responds to local and regional economic conditions, promotes economic recovery from the impact of CBC Davisville's closure, and is consistent with President Clinton's Five-Part Plan for revitalizing base closure communities, which emphasizes local economic redevelopment of the closing military facility and creation of new jobs as the means to revitalize these communities. 32 CFR parts 90 and 91, 59 FR 16, 123 (1994). Any resultant environmental impacts can be mitigated by the acquiring entity under the direction of Federal, State, and local regulatory requirements.

Although the "No action" alternative has less potential for causing adverse environmental impacts, this alternative would not foster local economic redevelopment of the CBC Davisville property and would not create new jobs. Additionally, it would not take advantage of the property's location, physical characteristics, and infrastructure or the current uses of adjacent property. Finally, it is not compatible with the State's Comprehensive Reuse Plan.

Accordingly, Navy will dispose of Naval Construction Battalion Center Davisville in a manner that is consistent with the State of Rhode Island and Providence Plantations' Preferred Development Plan for the property.

Dated: July 16, 1997.

William J. Cassidy, Jr.,

*Deputy Assistant Secretary of the Navy
(Conversion and Redevelopment).*

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DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement and Overseas Environmental Impact Statement for Proposed Future Operations on the Point Mugu Sea Range, Naval Air Warfare Center Weapons Division, Point Mugu, California

AGENCY: Department of the Navy,
Defense.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environment Policy Act of 1969 (NEPA) as implemented by the regulations of the Council on Environmental Quality (CEQ), 40 CFR 1500-1508, and Executive Order 12114 (Environmental Effects Abroad of Major Federal Actions), the Department of the Navy (Navy) announces its intent to prepare a combined Environmental Impact Statement (EIS) and Overseas Environmental Impact Statement (OEIS) to evaluate the potential effects of proposed future Naval Air Warfare Center Weapons Division (NAWCWPNS) Point Mugu operations on the Point Mugu Sea Range.

The geographic scope of the EIS/OEIS includes the 36,000 square miles of Point Mugu Sea Range, an area in the Southern California Bight that covers the ocean area and controlled Special Use Airspace which parallels the California coastline from San Luis Obispo to Santa Catalina Island for 200 miles and extends seaward for more than 180 miles. The Point Mugu Sea Range has been operated by Navy for the past 50 years, and is used by the U.S. military and allied military services to test and evaluate sea, land, and air weapon systems and to provide realistic training opportunities for these forces.

In recent years, U.S. military strategy has evolved due to changing worldwide political relations, increased defense costs, and decreased budgets which have required Navy to reduce its infrastructure but retain and further develop capabilities to respond to multiple, varied threats. Consequently, the role of NAWCWPNS as a test and training center has become even more critical to the successful assessment, safe operation and improvement of current and future weapons systems.

Navy has identified three key objectives: (1) The need to increase testing by evaluating new technologies and threat scenarios; (2) the need to provide a realistic training environment to ensure that military units operate at their highest state of readiness; and (3) the need to enhance existing testing capabilities to better accommodate evolving technologies. In order to meet these objectives, Navy proposes to increase testing opportunities, increase training opportunities, and enhance the capabilities of the Point Mugu Sea Range to respond to changes in technology and military strategy. The proposed action consists of the following three elements: (1) Increased Testing Element—This element includes theater-wide and area-wide missile defense testing, a new type of activity at NAWCWPNS Point Mugu. It also includes multiple alternative air-

launched target presentations, airborne laser testing, and cruise missile defense with near-shore intercepts at San Nicolas Island. (2) Increased Training Element—This element includes an increase in the current level of Fleet training exercises from two to three per year and an increase in small-scale amphibious landings at San Nicolas Island. It also includes integration of testing with Fleet training. (3) Facility Modernization Element—This element includes specific modernizations to San Nicolas Island such as installation of a new missile launcher, construction of a pier or other landing area and a vertical launch missile facility, modernization of instrumentation, and installation of new instrumentation sites. The NAWCWPNS Point Mugu modernizations include refurbishment of beach launch pads and relocation of some existing instrumentation to San Nicolas Island.

In addition to the proposed action, alternatives consisting of combinations of the above elements will be considered in the EIS/OEIS. For example, an alternative may be to maintain current levels of testing, increase training, and implement specific modernizations to San Nicolas Island. The No-Action alternative would maintain testing and training activities at current levels, with no modernization.

Environmental issues that will be addressed in the EIS/OEIS include but are not limited to air quality, noise, vegetation, wildlife, marine mammals, cultural resources, land use, water quality, public health and safety, and socioeconomics including environmental justice.

Navy will initiate a public scoping process to identify relevant environmental issues to be analyzed in this EIS/OEIS. The public scoping meetings will be held at the following times and locations: (1) August 21, 1997 at 5:30pm, Orvene Carpenter Center, 550 Park Ave., Port Hueneme, CA; (2) August 22, 1997 at 5:30pm, The Orchid Building, Orchid Room, 816 Camarillo Springs Road, Camarillo, CA; (3) August 25, 1997 at 5:30pm, Holiday Inn, 450 East Harbor Blvd., Ventura, CA; (4) August 26, 1997 at 5:30pm, Santa Barbara Museum of Natural History, Fleischmann Auditorium, 2559 Puesto del Sol Road, Santa Barbara, CA; and (5) August 27, 1997 at 5:30pm, Grant Elementary School, 2368 Pearl St., Santa Monica, CA.

The schedule for the public scoping meetings will also be available by calling toll free (888) 217-9045 or by logging onto the Point Mugu Sea Range EIS/OEIS Home Page at the following