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14. Mr. Edgar Vandiver, Director, Concepts and Analysis Agency.

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Record of Decision

**AGENCY:** Department of Defense, Department of the Navy.

**ACTION:** Record of Decision to implement the sewage effluent compliance project for the Santa Margarita River Basin of Marine Corps Base, Camp Pendleton, California.

**SUMMARY:** Pursuant to Section 102(c) of the National Environmental Policy Act (NEPA) of 1969, and the Council of Environmental Quality Regulations (40 CFR parts 1500-1508), the Department of the Navy announces its decision to upgrade the wastewater treatment and disposal systems in the Santa Margarita River Basin of Marine Corps Base (MCB), Camp Pendleton, California. Upgrades in the Santa Margarita River Basin include the construction of a series of wastewater discharge flow percolation/equalization ponds inland from the coastline, and a connecting pipeline, approximately 98,000 total lineal feet, to connect sewage treatment plants 1, 2, 3, 8 and 13 to the La Salina ocean outfall, which is owned and operated by the City of Oceanside.

**DATES:** This action is effective immediately.

**ADDRESSES:** Mr. Lupe E. Armas, Assistant Chief of Staff, Environmental Security, Marine Corps Base, Camp Pendleton, CA 92055-5008.

**FOR FURTHER INFORMATION CONTACT:** Mr. Armas at (619) 725-4512.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 102(c) of the National Environmental Policy Act (NEPA) of 1969, and the Council on Environmental Quality Regulations (40 CFR parts 1500-1508), the Department of the Navy announces its decision to upgrade the wastewater treatment and disposal systems in the Santa Margarita River Basin of Marine Corps Base (MCB), Camp Pendleton, California. Upgrades in the Santa Margarita River Basin include the construction of a series of wastewater discharge flow percolation/

equalization ponds inland from the coastline, and a connecting pipeline, approximately 98,000 total lineal feet, to connect percolation/equalization ponds serving sewage treatment plants 1, 2, 3, 8 and 13 to the La Salina ocean outfall, which is owned and operated by the City of Oceanside. The project will be constructed in two phases. Phase one includes construction of new infrastructure linking facilities on Camp Pendleton. Phase two includes pipeline construction from the percolation/equalization ponds on Camp Pendleton to the La Salina Oceanside ocean outfall, as well as authorize execution of the utility service agreement contract with the City of Oceanside for the use of the outfall.

Sewage treatment plants 3 and 8 were constructed in the 1940's and currently discharge secondary treated effluent to percolation basins adjacent to the sewage treatment plants within a beneficial use portion of the lower Santa Margarita River Basin. Sewage treatment plant 1 was constructed in the 1940's and currently discharges secondary treated effluent to oxidation ponds and then as a surface discharge to the Santa Margarita River Basin at locations distant from the plant. Sewage treatment plant 2 was constructed prior to 1960 and currently discharges secondary effluent that is primarily diverted for irrigation use at the Marine Memorial Golf Course with any excess effluent discharged to the Santa Margarita River via a series of oxidation ponds, open channel trenches and pipelines. Sewage treatment plant 13 was constructed prior to 1960 and was designed to discharge secondary effluent via force main pipeline to percolation ponds in the lower Santa Margarita River, approximately 3 miles distant (upriver). The force main pipeline was damaged by the January 1993 flood; consequently sewage treatment plant 13 discharges secondary effluent directly to the Santa Margarita River at a location adjacent to the estuary.

Groundwater extracted from this basin serves developments within the southern portion of MCB Camp Pendleton. The current quality of effluent discharged into the Santa Margarita River Basin, from all plants, does not meet the standards of the 1994 San Diego Water Quality Basin Plan, the State of California Porter Cologne Water Quality Act of 1969, and the National Pollution Discharge Elimination System requirements of the Federal Water Pollution Control Act of 1972. As a result of these discharges, the San Diego Regional Water Quality Control Board issued Cease and Desist Orders to MCB Camp Pendleton in January 1989. To

comply with these Cease and Desist Orders, new facilities are required to improve wastewater treatment and disposal practices and meet the Basin Plan objectives.

Alternatives considered for correcting the conditions cited in the Cease and Desist Orders included water disposal of effluent, land disposal of effluent and no action. Water disposal alternatives included construction of an ocean outfall, live-stream discharge of either secondary- or tertiary-treated effluent to the Santa Margarita River, discharge to an off-base publicly owned treatment works, and a basin plan amendment. Land disposal alternatives included percolation basins, biological ponds, leach fields, and injection wells.

The preferred alternative, as identified in the Draft Environmental Impact Statement (DEIS) consists of the construction of 98,000 feet of pipeline, and percolation/equalization ponds connecting all five Base sewage treatment plants and traversing through the City of Oceanside, to the City owned La Salina ocean outfall for ultimate disposal. Though all five sewage treatment plants will be connected to the ocean outfall, only sewage treatment plant 13 normally will discharge to this outfall. The other sewage treatment plants will discharge to the outfall during storm events. The Base sewage treatment plants would continue to treat sewage and discharge effluent at the current secondary level. This alternative is identified in the Final Environmental Impact Statement (FEIS) as the environmentally preferred alternative for the Santa Margarita River. Connection to the La Salina ocean outfall will require the approval of the City of Oceanside.

A systematic and multidisciplinary approach to identify alternatives was utilized which incorporated criteria based upon technical and functional suitability. Alternatives were evaluated for technical suitability consistent with the numerous constraints imposed by available land for treatment and disposal facilities and subsurface geological and hydrogeological conditions. Technically suitable alternatives were further evaluated for their ability to satisfy the following six functional requirements of the project: (1) Prevention of degradation of water quality to sustain beneficial uses identified in the San Diego Basin Plan, (2) compliance with water quality standards in accordance with State Groundwater Recharge Guidelines, (3) compliance with water quality standards in accordance with Federal and State safe drinking water standards, (4) compliance with the timelines

identified in the Cease and Desist Orders, (5) maintenance of sustained volume within each water basin, and (6) prevention of saltwater intrusion into each water basin. The analysis determined that the preferred alternative is the only alternative that meets all six functional requirement criteria, and is therefore the most environmentally preferable.

All practical means to avoid or minimize environmental harm have been adopted as identified below and are amplified in the FEIS.

Construction of the on Base percolation/equalization ponds and pipeline within the Santa Margarita River will require grading and excavation. A soil erosion control plan will be prepared for construction, and will include restricting grading and excavation during the rainy season, restricting heavy equipment to existing roads and rights-of-way, installing sediment control measures, and implementing post-construction revegetation. Construction of the facilities within the City of Oceanside will also require trenching operations. Implementation of the pipeline project segments within Oceanside will be performed consistent with grading operation specifications developed by the City of Oceanside.

To reduce potential significant impacts on paleontological resources to an acceptable level, the Marine Corps will develop an environmental education program, develop an information pamphlet and conduct an environmental education class for all construction project personnel. Additionally, environmental monitors shall be present when construction activities occur in designated sensitive areas. Environmental monitors shall ensure that paleontological resources are recovered according to approved procedures. If paleontological resources are identified aboard the Base or within the City of Oceanside, and salvage efforts are required, the Marine Corps will curate the materials. Those materials found in the City of Oceanside will be provided to the City as requested.

The Southwestern willow flycatcher (*Empidonax trailii*), the least Bell's vireo (*Vireo belli pusillus*) and the Arroyo southwest toad (*Bufo macroscephalus*), all federally listed endangered species, are known to occur in the riparian areas of the Santa Margarita River drainage. The vireo and the flycatcher are known to occur in the Pilgrim Creek reach of the San Luis Rey River drainage.

Construction activities will likely be completed outside of the vireo and flycatcher breeding season (March 15

through September 15). Clearing of the vegetation will be completed prior to the breeding season. This will avoid the possibility of vireos and flycatchers nesting within the area that may be directly affected by the construction activities. In addition, construction outside of the breeding season will avoid indirect noise impacts to the species.

For construction that cannot be accomplished between September 15 to March 15, additional mitigation measures will be implemented in accordance with the United States Fish and Wildlife Service Section 7 Endangered Species Act Biological Opinion for Programmatic Activities and Conservation Plans in Riparian and Estuarine/Beach Ecosystems on Marine Corps Base Camp Pendleton, BO 1-6-95-F-02 (Riparian Biological Opinion) and the United States Army Corps of Engineers Section 404 Permit will be implemented. These will include a pre-construction survey that will determine whether any active vireo or flycatcher nests are within 500 feet of the construction corridor prior to construction activity. All work within 500 feet of a nest will be completed within a continuous 8-week period.

To avoid the small possibility that arroyo southwestern toads, or that other wildlife, could be injured by falling into open trenches or by burrowing into trench walls or spoils piles, no trenches will be left unprotected at night. If the arroyo southwestern toad breeding season (February 1 to September 30) cannot be avoided and preconstruction surveys reveal that construction will take place in toad habitat, mitigation measures will be implemented as mandated by the Riparian Biological Opinion, including fencing the pipeline corridor with silt-screen or shade cloth material the night prior to trenching and removing all toads within the enclosure. Any necessary removal of toads or other animals from trenches will be performed by a biologist permitted by the U.S. Fish and Wildlife Service to handle Arroyo Southwestern toads.

The project will result in a temporary loss of 6.3 acres of riparian habitat in the Santa Margarita River drainage (including jurisdictional wetlands and waters of the United States), which provides habitat for the endangered willow flycatcher and vireo. Temporary impacts to riparian habitats, including mulefat scrub, southern arroyo riparian and southern willow scrub, will be mitigated through a combination of invasive exotic plant control and vegetation management to allow natural native species revegetation within five years. Restoration of temporary impacts

will consist of invasive exotic plant control, measures to alleviate soil compaction that may occur during construction activities, and monitoring for a period of five years. The Marine Corps will monitor the effects of discharge elimination from sewage treatment plant 3 in the Santa Margarita Riparian system for 10 years to establish baseline data for areas upstream, adjacent to and downstream of the existing percolation basins. Hydrologic and vegetation monitoring data will be collected in accordance with the provisions of the Riparian Biological Opinion and provisions of the Clean Water Act Section 404 and 401 permits. Should changes in water quality or water levels be detected, the Marine Corps will consult with the San Diego Regional Water Quality Control Board and the U.S. Fish and Wildlife Service to develop and implement appropriate mitigation measures. No permanent or temporary riparian or wetland impacts are expected with project implementation within the San Luis Rey River drainage.

Critical Habitat for the Southwestern Willow Flycatcher has recently been designated by the U.S. Fish and Wildlife Service, including the 100-year flood plain of the Santa Margarita River. However, no permanent riparian/wetland impacts are expected from project implementation within the critical habitat area. Accordingly, the project will not adversely modify this habitat.

The California gnatcatcher (*Poliioptilla californica*), a federally listed threatened species, is present in the coastal sage scrub habitat near the percolation/equalization ponds and pipeline alignments. The project will result in a direct temporary impact to 2.5 acres of the coastal sage scrub, of which only 0.80 acres are currently occupied gnatcatcher habitat. Mitigation and compensation for permanently removed occupied coastal sage scrub habitat (e.g., for the pipeline access road and the Lemon Grove ponds) will be achieved through habitat enhancement and management at a ratio of 2:1 in coastal sage scrub areas closest to the project impacts. The enhancement areas should stay free of any development or disturbance in the future. In accordance with the Biological Opinion 1-6-96-F-36 for the project (Upland Biological Opinion), coastal sage scrub habitat will be revegetated within two years of construction in all areas where permanent vegetation removal is not required (i.e., along pipeline alignments). Clearing of vegetation for the Lemon Grove ponds shall be done

outside of the gnatcatcher breeding season (February 1 through July 31).

To the maximum extent possible, construction activities will be completed outside the California gnatcatcher breeding season to avoid indirect noise impact to the species. For construction that cannot be accomplished between August 1 and January 31, additional mitigation measures will be implemented in accordance with the Upland Biological Opinion. These include clearing of the vegetation prior to the breeding season, even if subsequent construction activities occur within the breeding season. This avoids the possibility of gnatcatchers nesting within the area that may be directly affected by the project. A pre-construction survey will determine whether any active gnatcatcher nests are within 500 feet of the pipeline corridor prior to construction activity. For those nests within 500 feet, a topographical analysis will be completed to determine if disturbance is probable. If so, then all work within 500 feet of a nest will be completed within a continuous 96 hour period.

To mitigate temporary impacts to coastal sage scrub habitat affected areas will be recontoured and reseeded with native coastal sage scrub species and non-native vegetation will be controlled for three years. This work will be initiated no later than the first growing season after the area is disturbed from project construction activities. Per the Upland Biological Opinion, this revegetation will be considered acceptable if the total cover by native coastal sage scrub species is at least 70 percent and the vegetation is not being artificially sustained, or if the Marine Corps can demonstrate to the satisfaction of U.S. Fish and Wildlife Service that the habitat is insignificantly different from naturally occurring gnatcatcher habitats or fully functional coastal sage scrub on the Base.

A report summarizing habitat enhancement and restoration will be provided to the U.S. Fish and Wildlife Service within 60 days of the initial phase and after three years to document the success of the mitigation measures.

Thread-leaved brodiaea (*Brodiaea filifolia*), a proposed threatened plant species, has been identified along the construction corridor adjacent to the Headquarters alignment within the southern portion of the Base. Construction will result in the removal of a small population (five individuals plants) of thread-leaved brodiaea. The plant corms will be transplanted, prior to construction, to another suitable area

on the Base that is presently occupied by the species.

Vernal Pools with associated watersheds have been identified near sewage treatment plant 2 along the project pipeline alignment. The pools and associated watershed adjacent to sewage treatment plant 2 will be fenced and monitored by a biologist. An erosion control plan will also be implemented to minimize dust, sedimentation, or siltation into the pools. This plan will be implemented by the contractor and reviewed and approved by the Base to ensure that the methods implemented are deemed effective. All pipelines will follow existing roads to the maximum extent practical.

Construction will affect three archeological sites determined to be eligible for inclusion on the National Register of Historic Places. The Marine Corps will prepare a treatment and data recovery plan for these three sites; CA-SDI 12,628, CA-SDI-14,0005H, and CA-SDI-14,170. A construction monitoring plan to include a discovery plan will also be prepared. The construction monitoring plan will also include monitoring for buried cultural resources within areas of Quaternary alluvium within the project alignment and at cultural resource sites CA-SDI-8761, CA-SDI-14,060, CA-SDI-14,058 and CA-SDI-14,059. Flagging of the right-of-way boundaries and construction monitoring will occur in the vicinity of cultural resource sites CA-SDI-12,567 and CA-SDI-12,577 to ensure avoidance of the significant site areas. Should archeological resources be encountered during construction, all work will be halted in the immediate area to determine if the resources are significant and whether excavation or protection of resources is required. The California State Historic Preservation Officer concurs with this approach.

Analysis of air emissions that would occur during construction and operation of the percolation ponds determined that these emissions will be below *de minimis* levels and that the project conforms with the State Implementation Plan for air quality.

A Coastal Consistency Negative Determination was prepared and submitted for this project to the California Coastal Commission. The Negative determination concluded that the proposed action is being carried out in a manner consistent with the enforceable policies of the Coastal Zone Management Act. The California Coastal Commission and the City of Oceanside concur with this determination. A separate Coastal Use Development Permit was prepared and submitted to

the City of Oceanside in compliance with the City of Oceanside Local Coastal Plan and the California Coastal Management Program. The Oceanside City Planning Commission has approved the Coastal Use Development Permit.

The proposed action has been evaluated with respect to environmental and social impacts, as well as access to public information and an opportunity for public participation in the NEPA process as mandated by Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." The project is consistent with the goals and provisions of that Executive Order and no disproportionate impacts to minority or low-income populations will occur.

In the event that the Marine Corps and City of Oceanside are unable to come to an agreement for connecting to the La Salina ocean outfall, the Marine Corps will utilize the new force main pipeline to collect treated effluent from sewage treatment plants 1, 2, 3 and 8 and dispose of treated effluent at percolation/equalization basins that will be constructed at the Lemon Grove site, as discussed in the FEIS. Also, as discussed in the FEIS, effluent diversion from sewage treatment plants 1 and 2 will be continued and be used primarily to irrigate the Marine Memorial Golf Course during the dry season, and a separate pipeline would be constructed (included within the 98,000 foot estimate) from the golf course to the new force main pipeline (to the Lemon Grove percolation/equalization ponds) to dispose of surplus irrigation effluent during the winter months. In addition, as discussed in the FEIS, effluent from sewage treatment plants 3 and 8 would also flow to the Lemon Grove percolation/equalization ponds. Finally, treated effluent from sewage treatment plant 13 would continue to be discharged to the existing Twin Lakes equalization/percolation ponds; to the Santa Margarita River; and possibly to the Lemon Grove Ponds, capacity permitting. Any continued discharge to the Santa Margarita River would be in violation of the Cease and Desist Order. Accordingly, continued discharge from sewage treatment plant 13 into the Santa Margarita River would require an upgrade to sewage treatment plant 13 to meet current permit conditions or a modification of the National Pollutant Discharge Elimination System permit granted to MCB Camp Pendleton by the San Diego Regional Water Quality Control Board. Implementation of any proposal to obtain a revised National Pollutant Discharge Elimination System

permit or to add advanced treatment to sewage treatment plant 13 to comply with the existing permit conditions would require additional engineering and environmental analysis.

Accordingly, subsequent environmental documentation would be prepared, as appropriate, pursuant to NEPA if the need arises to further pursue or continue discharge of treated effluent from sewage treatment plant 13 into the Santa Margarita River.

Preparation of the Environmental Impact Statement began with a public scoping process to identify issues that should be addressed in the document. Involvement in scoping was offered through a combination of documented public announcements and meetings with State of California agencies. Public announcements were handled through scoping letters sent to Federal, State, and local governmental agencies, citizen groups and associations, and the general public. Also, a Notice of Intent to prepare an Environmental Impact Statement was published in local newspapers and the **Federal Register**. The notice of availability of the DEIS appeared in the **Federal Register** on December 20, 1996. The DEIS was distributed to Federal, State and local governmental agencies, officials, citizens groups and associations, public libraries and other interested parties. The public review period for the DEIS was from December 20, 1996 through February 2, 1997. Comments received on the DEIS focused on alternatives analysis, groundwater recharge, endangered species and wetlands issues. The FEIS addressed these comments and was distributed to officials of Federal, State and local governmental agencies, citizens groups and associations, public libraries and to other interested parties on June 27, 1997. The public review period for the FEIS ended on July 27, 1997. No comments were received on the FEIS.

The Department of the Navy believes that there are no remaining issues to be resolved with respect to this project. In the event that the La Salina ocean outfall is unavailable, all pertinent issues have been identified and addressed. Questions regarding the Environmental Impact Statement prepared for this action may be directed to Mr. Lupe E. Armas, Assistant Chief of Staff, Environmental Security, Marine Corps Base, Camp Pendleton, CA 92055-5008, telephone (619) 725-4512.

Dated August 26, 1997.

**Duncan Holaday,**

*Deputy Assistant Secretary of the Navy (Installations and Facilities).*

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### **Record of Decision for the Disposal and Reuse of the Fleet and Industrial Supply Center, Oakland, California**

**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 the Fleet and Industrial Supply Center (FISC) Oakland, California.

Navy intends to dispose of this property directly to the Port of Oakland (Port) as authorized by the Department of Defense Authorization Act for Fiscal year 1993, Public Law 102-484, Section 2834, as amended by the Department of Defense Authorization Act for Fiscal Year 1996, Public Law 104-106, Section 2867. Based upon the Port's Vision 2000 Program, it proposes to develop marine, rail, and truck cargo facilities on the property. The Port's Vision 2000 Program is consistent with the designation of the area for "priority port use" in the April 1996 San Francisco Bay Seaport Plan Update, issued jointly by the San Francisco Bay Conservation and Development Commission and the Metropolitan Transportation Commission. The Port's redevelopment will also provide public access to the waterfront and, in the Oakland Middle Harbor, a marine habitat enhancement area.

In deciding to dispose of FISC Oakland, Navy has determined that the Port's proposed use of the property as an intermodal cargo facility is consistent with Public law 102-484, as amended by Public Law 104-106. 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 Port of Oakland.

Navy and the Port analyzed the impacts of disposal and reuse under the Vision 2000 Program in a Joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR), as required by NEPA and the California Environmental Quality Act (CEQA),