

Dated: July 9, 1998.

**Ann D. Terbush,**

*Chief, Permits and Documentation Division,  
Office of Protected Resources, National  
Marine Fisheries Service.*

[FR Doc. 98-19014 Filed 7-15-98; 8:45 am]

BILLING CODE 3510-22-F

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Inland Waterways Users Board

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice.

**SUMMARY:** Section 302 of Public Law (PL) 99-662 established the Inland Waterways Users Board. The Board is an independent Federal advisory committee. Its 11 members are appointed by the Secretary of the Army. This notice is to solicit nominations for six (6) appointments or reappointments to two-year terms that will begin January 1, 1999.

**ADDRESSES:** Office of the Assistant Secretary of the Army (Civil Works), Department of the Army, Washington, DC 20310-0103. Attention: Inland Waterways Users Board Nominations Committee.

**FOR FURTHER INFORMATION CONTACT:** Dr. Joseph W. Westphal, Assistant Secretary of the Army (Civil Works) (703) 697-8986.

**SUPPLEMENTARY INFORMATION:** The selection, service, and appointment of Board members are covered by provisions of Section 302 of PL 99-662. The substance of those provisions is as follows:

#### a. Selection

Members are to be selected from the spectrum of commercial carriers and shippers using the inland and intracoastal waterways, to represent geographical regions, and to be representative of waterborne commerce as determined by commodity ton-miles statistics.

#### b. Service

The Board is required to meet at least semi-annually to develop and make recommendations to the Secretary of the Army on waterways construction and rehabilitation priorities and spending levels for commercial navigation improvements, and report its recommendations annually to the Secretary and Congress.

#### c. Appointment

The operation of the Board and appointment of its members are subject

to the Federal Advisory Committee Act (PL 92-463, as amended) and departmental implementing regulations. Members serve without compensation but their expenses due to Board activities are reimbursable. The considerations specified in section 302 for the selection of the Board members, and certain terms used therein, have been interpreted, supplemented, or otherwise clarified as follows:

#### (1) Carriers and Shippers

The law uses the terms "primary users and shippers." Primary users has been interpreted to mean the providers of transportation services on inland waterways such as barge or towboat operators. Shippers has been interpreted to mean the purchasers of such services for the movement of commodities they own or control. Individuals are appointed to the Board, but they must be either a carrier or shipper, or represent a firm that is a carrier or shipper. For that purpose a trade or regional association is neither a shipper or primary user.

#### (2) Geographical Representation

The law specifies "various" regions. For the purpose of selecting Board members, the waterways subjected to fuel taxes and described in PL 95-502, as amended, have been aggregated into six regions. They are (1) the Upper Mississippi River and its tributaries above the mouth of the Ohio; (2) the Lower Mississippi River and its tributaries below the mouth of the Ohio and above Baton Rouge; (3) the Ohio River and its tributaries; (4) the Gulf Intracoastal Waterway in Louisiana and Texas; (5) the Gulf Intracoastal Waterway east of New Orleans and associated fuel-taxed waterways including the Tennessee-Tombigbee, plus the Atlantic Intracoastal Waterway below Norfolk; and (6) the Columbia-Snake River System and Upper Willamette. The intent is that each region shall be represented by at least one Board member, with that representation determined by the regional concentration of the individual's traffic on the waterways.

#### (3) Commodity Representation

Waterway commerce has been aggregated into six commodity categories based on "inland" ton-miles shown in Waterborne Commerce of the United States. In rank order they are (1) Farm and Food Products; (2) Coal and Coke; (3) Petroleum, Crude and Products; (4) Minerals, Ores, and Primary Metals and Mineral Products; (5) Chemicals and Allied Products; and (6) All other. A consideration in the

selection of Board members will be that the commodities carried or shipped by those individuals or their firms will be reasonably representative of the above commodity categories.

#### d. Nomination

Reflecting preceding selection criteria, the current representation by the six (6) Board members whose terms expire December 31, 1998, is one member representing each of the six regions previously described. Also, these Board members represent three shipper/carriers, one shipper and two carriers.

Three (3) of the six members whose terms expire December 31, 1998, are eligible for reappointment.

Nominations to replace Board members whose terms expire December 31, 1998, may be made by individuals, firms or associations. Nominations will:

- (1) State the region to be represented;
- (2) State whether the nominee is representing carriers, shippers or both.
- (3) Provide information on the nominee's personal qualifications;
- (4) Include the commercial operations of the carrier and/or shipper with whom the nominee is affiliated. This commercial operations information will show the actual or estimated ton-miles of each commodity carried or shipped on the inland waterways system in a recent year (or years) using the waterway regions and commodity categories previously listed.

Nominations received in response to last year's **Federal Register** notice, published on July 9, 1997, have been retained for consideration. Renomination is not required but may be desirable.

Nominations received in response to last year's **Federal Register** notice, published on July 9, 1997, have been retained for consideration. Renomination is not required but may be desirable.

#### e. Deadline for Nominations

All nominations must be received at the address shown above no later than August 31, 1998.

**Gregory D. Showalter,**

*Army Federal Register, Liaison Officer.*

[FR Doc. 98-19024 Filed 7-15-98; 8:45 am]

BILLING CODE 3710-08-M

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Intent To Prepare a Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/R) for the Napa River, California, Salt Marsh Restoration Feasibility Study

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

**ACTION:** Notice of intent.

**SUMMARY:** The San Francisco District, U.S. Army Corps of Engineers together with its local sponsor, the California State Coastal Conservancy, and the California Department of Fish and Game, are conducting a feasibility study for restoration of salt marshes in areas currently occupied by constructed salt ponds west of the Napa River, Napa and Solano Counties, California. A reconnaissance study has determined that there is a Federal interest in an alternative that would restore four of the seven ponds to tidal marsh while reducing salinity in the remaining three ponds. This alternative would provide substantial ecological benefits, and has the support of the local sponsor and the California Department of Fish and Game.

The Corps of Engineers is the lead agency for this project under the National Environmental Policy Act (NEPA), and the California State Coastal Conservancy is the lead agency under the California Environmental Quality Act (CEQA). The DEIS/R will enable the lead agencies to comply with the requirements of NEPA and CEQA.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bill DeJager at (415) 977-8670, or at the U.S. Army Corps of Engineers, San Francisco District, 333 Market Street, 7th Floor, San Francisco, CA 94105-2197.

**SUPPLEMENTARY INFORMATION:** The Napa River, Salt Marsh Restoration Feasibility Study is being conducted under authority of a resolution adopted by the Committee on Public Works and Transportation of the U.S. House of Representatives on September 28, 1994. A reconnaissance study of potential marsh restoration alternatives along the lower Napa River was completed in 1997. This study determined that there is a Federal interest in a marsh restoration project in the study area. A detailed (feasibility) study has subsequently been initiated with the California State Coastal Conservancy to support further Federal participation in the project. The California Department of Fish and Game, while not formally a sponsor, owns the salt ponds under study and is participating in the study.

One alternative was developed for the reconnaissance study, based upon information available at that time. This alternative would initially remove excess salts from all the ponds using controlled flushing through new water control structures. After salt concentrations in the four less-saline ponds reaches levels close to that of San Pablo Bay, the water control structures would be removed and establishment and growth of tidal marshes would be

allowed to occur naturally. The remaining three ponds would be retained as saline pond habitat, but with less-saline conditions than at present. Other alternatives could include pumping water through the pond complex to dilute salts, or using treated sewage effluent to dilute the salts.

Due to uncertainties regarding the feasibility and environmental impacts of these alternatives, the first phase of the feasibility study will focus on gathering baseline data, developing restoration objectives, and conducting modeling of existing conditions and potential alternatives. The second phase of the study will develop and analyze specific alternatives for meeting study objectives.

The Corps of Engineers is requesting public input during the preparation of the DEIS/R for this project. All interested Federal, State, and local agencies, Indian tribes, private organizations, and individuals are invited to participate in the environmental scoping process established by Federal regulations.

A scoping meeting will be held at the Napa County Board of Supervisors offices, 1195 Third Street, Room 305, Napa, California on July 21, 1998 at 7:30 P.M. The purpose of the meeting will be to determine the environmental issues of concern to the public that should be addressed by the DEIS/R. A public comment period for the proposal will open on July 17, 1998 and will close on August 17, 1998. The public will have an additional opportunity to comment on proposed alternatives after the DEIS/R is released to the public at a later date.

The DEIS/R will examine environmental issues of public concern arising from the scoping process, and project impacts already known to the Corps. These impacts will include, but are not limited to: wildlife, waterfowl, fisheries, threatened and endangered species, wetlands and mudflats, water quality, recreation, navigation and dredging, aesthetics, law enforcement, construction impacts, and concerns of nearby landowners.

The DEIS/R will disclose the project's compliance with all applicable statutes, rules, and regulations. Included will be coordination with the U.S. Fish and Wildlife Service (FWS) under the Fish and Wildlife Coordination Act and the Endangered Species Act (ESA), coordination with the FWS and the National Marine Fisheries Service under the ESA, and consultation with the State of California under the Coastal Zone Management Act, Clean Water Act, and Clean Air Act.

The California State Coastal Commission is issuing a separate notice

regarding compliance with the requirements of CEQA. The aforementioned DEIS scoping meeting will also serve as a scoping meeting for the purposes of CEQA.

**Peter T. Grass,**

*Lieutenant Colonel, Corps of Engineers,  
District Engineer.*

[FR Doc. 98-19022 Filed 7-15-98; 8:45 am]

BILLING CODE 3710-19-M

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### **Intent To Prepare a Draft Environmental Impact Statement (DEIS) To Evaluate a Permit Application by The Port Authority of New York and New Jersey To Construct and Operate a Confined Dredged Material Disposal Facility (Sub-Channel Disposal Cells) in Newark Bay, NJ**

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

**ACTION:** Notice of Intent.

**SUMMARY:** The Port Authority of New York and New Jersey has submitted an application for a Department of the Army (DA) permit to construct and operate a confined dredged material disposal facility by constructing disposal cells beneath the existing Federal Navigation Channel (Project No. 64) in Newark Bay. The creation of a facility for the disposal of dredged material by dredging and discharging of dredged material into waters of the United States requires a Department of the Army Permit pursuant to Section 10 of the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. 1344), and Section 103 of the Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1413). An Environmental Impact Statement (EIS) will assist the U.S. Army Corps of Engineers (USACE) in determining whether to issue a permit for the project under these authorities. This determination will take place in accordance with the USACE policies and procedures for implementing the National Environmental Policy Act (NEPA) (42 U.S.C. 4332), as set forth at Title 33 of the Code of Federal Regulations (CFR) Part 230, and for review of applications for DA permits, set forth at 33 CFR Part 325. This notice of intent is published as required by the President's Council on Environmental Quality regulations implementing NEPA, set forth at 40 CFR parts 1500-1508.