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from the sources. Individuals should be resident in universities, State and local governments, research institutions, public interest organizations, or industry.

Any interested person or organization may submit the names of qualified persons. Suggestions for the list of candidates should be identified by name, occupation, position, address, and telephone number; a resume of the individual's background, experience, and qualifications should be included.

Persons selected for membership on the NAPCTAC will receive per diem compensation for travel and nominal daily compensation while attending meetings.

Suggestions for the list of candidates should be submitted no later than March 3, 1989. The Agency will not formally acknowledge or respond to suggestions.

Date: January 24, 1989.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 89-2271 Filed 1-31-89; 8:45 am]

BILLING CODE 6560-50-M

[FRL 3513-2]

Proposed Determination To Prohibit the Use of Big River, Mishnock River, Their Tributaries and Adjacent Wetlands as Disposal Sites; Kent County, RI

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of proposed section 404(c) determination.

SUMMARY: Section 404(c) of the Clean Water Act (Act) authorizes the Environmental Protection Agency (EPA) to prohibit or restrict the discharge of dredge or fill material at defined sites in the waters of the United States (including wetlands) whenever it determines, after notice and opportunity for hearing, that use of such sites for disposal would have an unacceptable adverse impact on various resources, including wildlife. EPA Region I proposes under section 404(c) of the Act to prohibit use of Big River, Mishnock River, their tributaries and adjacent wetlands in Kent County, Rhode Island, as disposal sites for dredged or fill material in connection with construction of Big River Reservior, a 3400 acre water supply project. The Big River proposal would directly eliminate approximately 550 acres of valuable wetlands and impact an additional 500 to 600 acres of wetland habitat. There have been proposals to construct the project either by the State alone or as a joint venture with the U.S. Army Corps of Engineers (Corps). EPA Region I believes that filling and inundating the wetlands and waters of the site may have an unacceptable adverse effect on wildlife habitat and fisheries.

Purpose of Public Notice: EPA seeks comments on this proposed determination to prohibit the disposal of dredged or fill material into Big River, Mishnock River, their tributaries and adjacent wetlands. See Solicition of Comments, at the end of this public notice, for further details.

Public Comment: Comments on or requests for additional copies of the proposed determination should be submitted to the EPA Region It's designated Record Clerk, Virginia Laszewski, U.S. EPA, JFK Federal Building, WWP-1900, Boston, MA 02203-2211.

EPA seeks comments concerning the issues enumerated under the Soliciation of Comments at the end of the document. Copies of all comments submitted in response to this notice, as well as the administrative record for the proposed determination, will be available for public inspection during normal working hours (9:00 a.m. to 5:00 p.m.) at the EPA Region I office.

In accordance with EPA regulations at 40 CFR 231.4, the Regional Administrator has decided that a hearing on this proposed 404(c) determination would be in the public interest. A separate public notice will be published in the **Federal Register** and local newspapers to announce the date, time and location of this hearing and describe the hearing procedures. Notice will be given at least 30 days in advance of the hearing. Written comments may be submitted prior to the hearing, and both oral and written comments may be presented at the hearing.

Because of the large scale of the proposed project, the complexity of issues, and the large volume of information which exists about this project, the Regional Administrator hereby determines that good cause exists to establish a comment deadline of July 31, 1989. This will also provide an opportunity for people to visit the site and make their own observations if they they wish to do so, and for the State and others to submit information about project need and alternatives. Neither the Corps nor the State plans to build this project within the next year; therefore, the extended comment period would not disadvantage the project proponents.

FOR FURTHER INFORMATION CONTACT: Mr. Mark J. Kern, EPA Water Quality Branch, JFK Federal Building, WWP-1900, Boston, MA 02203-2211. (617) 565-4421.

SUPPLEMENTARY INFORMATION:

Background

I. Section 404(c) Procedure

The Clean Water Act, 33 U.S.C. 1251 *et seq.*, prohibits the discharge of pollutants, including dredged or fill material, into the waters of the United States, including wetlands, except in compliance with, among other things, section 404. Section 404 establishes a federal permit program to regulate the discharge of dredged or fill material subject to environmental regulations developed by EPA in conjunction with the Department of the Army. The Corps may issue permits authorizing dredged and fill material discharges into waters and wetlands if they comply with, among other things, EPA's 404(b)(1) guidelines, except as provided in section 404(c). Section 404(c) authorizes EPA, after providing notice and opportunity for hearing, to prohibit or restrict filling waters of the United States where it determines that such use would have an unacceptable adverse effect on wildlife or other specified environmental interests. EPA can exercise 404(c) to "veto" a permit the Corps had decided to issue or, as here, to protect valuable aquatic areas in the absence of any specific permit decision.

Regulations published in 40 CFR Part 231 establish the procedures to be followed by EPA in exercising its section 404(c) authority. Whenever the Regional Administrator has reason to believe that use of a site may have an unacceptable adverse effect on one or more of the pertinent resources, he may begin the process by notifying the Corps of Engineers and the applicant that he intends to issue a proposed determination under section 404(c). Unless the applicant or the Corps persuades the Regional Administrator within 15 days that no unacceptable adverse effects will occur, the Regional Administrator publishes a notice in the **Federal Register** of his proposed determination, soliciting public comment and offering an opportunity for a public hearing. Today's notice represents this step in the process.

Following the public hearing and the close of the comment period, the Regional Administrator either withdraws the proposed determination or prepares a recommended determination. (A decision to withdraw may be reviewed at the discretion of the Assistant Administrator for Water at EPA Headquarters.) If the Regional Administrator prepares a recommended

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determination, he then forwards it and the complete administrative record compiled in the Region to the Assistant Administrator for Water at EPA Headquarters. The Assistant Administrator makes the final decision affirming, modifying, or rescinding the recommended determination.

II. Project Description and History

The Big River Reservoir has at different times been proposed as a State or federal project. The State of Rhode Island has proposed building a water supply reservoir; the Corps has proposed building a reservoir for water supply, flood control, and recreation purposes. The project dimensions, site racteristics, and impacts are ntially the same for both proposals. proposed 404(c) action applies to proposals.

he Big River Reservoir project, tly located south of exit 6 on I-95, ld involve the discharge of dredged fill material into Big River to struct a dam and reservoir to create 00 acre reservoir. The reservoir ld produce between 27 and 36 ion gallons a day (MGD) of potable er (State versus Corps estimates). dam would be 70' high while the rage water depth would be about 25' o. To contain the water within the n, a slurry wall would be built down edrock in the northeast portion of proposed reservoir to intercept roximately 8 MGD of groundwater now leaves the site and enters hnock Lake and Swamp. Mishnock e and Swamp, which are not part of Big River watershed, are located roximately ½ mile northeast of the posed reservoir.

treatment plant would be built acent to the proposed reservoir on 51 es of land a 96" diameter rock tunnel ld transport water approximately 6 es to an existing distribution system. litional site preparation would troy approximately 2,800 acres of estrial forest and relocate 10 dways, 300 structures, numerous veyards, and several dump sites. ccording to State estimates, the ect would cost at least $282 million, including costs for environmental lies and mitigation. The federal ernment would construct less than of the project and fund less than of the initial cost. Most of that enditure would be reimbursed by the te, resulting in a federal share of roximately 2%–5%.

the 1960's the State of Rhode Island uired over 8,000 acres of land at the River reservoir site in anticipation of ding a reservoir. In 1978, having ed several times to secure funding to complete engineering studies, Rhode Island asked the Corps to consider constructing the reservoir as part of a federal flood control project. The Corps completed an Environmental Impact Statement (EIS) on the reservoir project in 1981, which concluded that environmental impacts would be significant. As early as 1982, EPA alerted the Corps that because of the adverse wetland impacts, EPA believes the project could not comply with section 404(b)(1) Guidelines, the primary federal regulations that protect wetlands.

Congress authorized the project as part of the Omnibus Water Resources Development Act of 1986, but ordered additional wildlife mitigation studies to be completed no later than November 17, 1987. These additional studies have not been completed.

In 1986, the State informed the Corps that it again wished to pursue the reservoir as a state project and subsequently applied for a federal section 404 permit. The Corps in 1987 informed the State that a supplemental EIS would be required to address alternatives, mitigation, and a number of other unresolved issues surrounding the project. For example, the 1981 EIS indicated that 570 acres of wetland habitat would be lost if the dam were constructed. New information now suggests that the total acreage of wetlands at risk exceeds 1000 acres, including Mishnock Swamp and the riverine wetlands along the South Branch of the Pawtuxet River. Moreover, the EIS did not address downstream water quality impacts, an important factor since the Pawtuxet River currently violates Rhode Island's water quality standards for dissolved oxygen and toxic chemicals.

During 1987 and 1988, EPA voiced its concerns about the adverse environmental impacts of the reservoir proposal and alerted the State that the project could not comply with section 404 requirements. EPA also emphasized the need for the State to thoroughly analyze the need for and alternatives to the project. The most recent State needs analysis for this project is over 20 years old. In a June 6, 1988 letter EPA urged the Corps to deny the permit because the project would cause significant degradation of the aquatic environment which could not be adequately mitigated.

In a July 1, 1988 letter to Rhode Island's Governor DiPrete, the Corps stated that the project as proposed would cause significant impacts to the aquatic environment, would not comply with the section 404(b)(1) Guidelines, and probably could not receive a federal 404 permit. However, during a August 11, 1988 meeting, the Corps indicated to Governor DiPrete that the Big River reservoir might again become a federal project.

In an August 24, 1988 letter, EPA's Regional Administrator informed the Rhode Island Water Resources Board, the Governor, and the Corps of his intention to begin a 404(c) action, based on his belief that the project may have unacceptable adverse impacts to wildlife and fisheries. Pursuant to 40 CFR 231.3, a 15-day opportunity for consultation ensued, which ended on September 9, 1988. Neither the State nor the Corps chose to consult with EPA. Instead Governor DiPrete officially asked the Corps, on September 1, 1988, to build the dam. The Water Resources Board withdrew its section 404 permit application to the Corps in late September, 1988.

The Corps New England Office has asserted that if it builds the reservoir project, it would be exempt from section 404(c) of the Clean Water Act. Normally, Corps civil works projects, including those authorized by Congress, must comply with the Clean Water Act and other federal and state requirements. In the Big River reservoir case, however, the Corps claims the project is exempt under section 404(r) of the Act.

EPA has concluded that the project is not exempt because the Corps did not follow the substantive and procedural requirements of section 404(r). The Act plainly requires an agency seeking an exemption under section 404(r) to submit an EIS to Congress before either project authorization or appropriation of funds. The Corps failed to submit the Big River reservoir EIS to Congress before authorization. Even if the EIS had been submitted to Congress, the project does not qualify for an exemption for several other reasons. These reasons include the manner of project financing, deficiencies in the NEPA record and an improper analysis of compliance with the EPA 404(b)(1) guidelines. EPA explained its position relative to the exemption issue in a December 7, 1988 letter to the Corps New England Division.

III. Characteristics and Functions of the Site

Big River, located in central Rhode Island, is part of the 29.7 square mile Big River Watershed. On a larger scale, the water drains to Narragansett Bay as part of the Pawtuxet River Basin. The wetlands along Big River and the Mishnock Swamp form the largest wetland complex in the 228-square mile Pawtuxet River Basin. The diverse habitats associated with the Big River

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site support a large number of wildlife species. According to the 1981 EIS, 221 species of birds, 55 species of mammals, and 39 species of reptiles and amphibians can reasonably be expected to inhabit the site.

Along Big River and its tributaries the wetland habitats are unaltered by development or other human intrusions. As such, they provide high quality, diverse habitat for fish and wildlife, a travel corridor for upland and wetland wildlife, food web production for on-site and downstream biological communities, nutrient and pollutant uptake and assimilation, floodwater storage, and flow moderation. Additionally, they serve as an environment for fishing, hunting, and other recreational activities.

The wetlands which would be lost by constructing the dam and reservoir are part of an intact, functioning system specifically adapted to the hydrologic regime of Big River and its tributaries. Most of the large wetlands border finger-like stream channels scattered throughout the site. Thus, natural topographic changes in the landscape create a variety of interspersed wetland and upland habitats. This mixture of vegetation types allows the ecosystem to support a broad range of aquatic, semi-aquatic, and terrestrial wildlife communities. Vertical stratification of the forest canopy, sub-canopy, and ground cover also contributes to habitat diversity. Hence, fish and wildlife use the area as a resting, breeding, rearing, and feeding area as well as a travel corridor to nearby undeveloped habitat.

Leaf biomass produced by the trees and shrubs supports diverse fish and wildlife communities both at the project site and downstream. Numerous mammals at the site include white-tailed deer, red and gray fox, muskrat, cottontail rabbits and snowshoe hare, woodchuck, and raccoon. Extensive rodent populations and aquatic vertebrates at the site provides a significant food source for numerous predators. Thus, many valuable fur-bearing mammals such as long-tailed weasel, mink, otter and possibly bobcat inhabit the site. Of the 55 species of mammals cited in the EIS, the Rhode Island Heritage Program lists bobcat as a State threatened species (occurring at less than 5 locations in the State).

The large prey population also supports a variety of raptors, such as red-tailed hawk, red-shouldered hawk, sparrow hawk, and great-horned owl. Additional bird species known to inhabit the site include osprey, belted kingfisher, flycatchers, swallows, and woodpeckers. Populations of spring and fall migratory birds, especially various woodland warblers, flourish at the site. The EIS lists 221 species of birds potentially using the site, and the Rhode Island Heritage Program has identified 104 species of birds which nest in the Big River area. The State classifies two species, Cooper's hawk and upland sandpiper, as threatened species.

Extensive conifers at the site not only provide food and cover for deer and other mammals but also supply winter food for bird species, such as the crossbill, which feed extensively on seeds of softwoods. The marshes of the proposed Big River site harbor breeding waterfowl such as black duck, mallard, and wood duck, while migratory species include green winged teal, shovelers, and ringnecked ducks. Shore birds, rails, and coots also frequent the marshes along with wading birds such as great-blue heron and bittern. Other species of concern to the Rhode Island Natural Heritage Program at the Big River site include four-toed salamander, eastern ribbon snake, buck moth, and barrens bluet damselfly. Vernal pools, created during spring runoff, provide especially productive habitat for many species of amphibians and reptiles.

Wetlands along Big River help to maintain and/or improve water quality, as well as regulate water quantity. Pollutants entering the watershed are trapped, assimilated, or transformed within the diverse substrate provided by the wetlands. During the summer, the shading effects of the forest canopy cools water temperatures in the river and tributaries, providing favorable conditions for native brook trout. Wetland trees and shrubs retard floodwater, decreasing downstream flood stages. The basal flow contribution from Mishnock Swamp to the South Branch of the Pawtuxet River during summer stress conditions provides water at the most important time of year.

Big River and its tributaries support self-sustaining cold water fisheries. Over 20 miles of free flowing streams within the site support more than 15 species of fish including brook trout, white suckers, and redfin pickerel.

IV. Basis of the Proposed Determination

A. Section 404(c) Criteria

The CWA requires that exercise of the final section 404(c) authority be based on a determination of "unacceptable adverse effect" to municipal water supplies, shellfish beds, fisheries, wildlife or recreational areas. EPA's regulations define "unacceptable adverse effect" at 40 CFR 231.2(e) as:

> Impact on aquatic or wetland ecosystem which is likely to result in significant degradation of municipal water supples or significant loss of or damage to fisheries, shellfishing, or wildlife habitat or recreation areas. In evaluating the unacceptability of such impacts, consideration should be given to the relevant portions of the Section 404(b)(1) Guidelines (40 CFR Part 230).

One of the basic functions of section 404(c) is to police the application of the section 404(b)(1) guidelines. Those portions of the Guidelines relating to less environmentally damaging practicable alternatives, water quality impacts, and significant degradation of waters of the United States are particularly important in the evaluation of unacceptability of environmental impacts in this case. The guidelines forbid the discharge of dredged or fill material into waters of the United States if there is a less environmentally damaging practicable alternative, if it would cause or contribute to a violation of a State water quality standard or if it would cause or contribute to significant degradation of waters of the United States.

B. Adverse Impacts of the Proposed Project

Constructing the dam, and impounding Big River to create an artificial lake, would inundate 3,400 acres of wildlife habitat including 550 acres of productive wetlands. This loss represents approximately 50% of the total wetlands in the Big River watershed. Moreover, if Mishnock Swamp becomes dewatered because of the dam and slurry wall, over 500 additional acres of prime wetland would be adversely affected. Virtually all of the diverse forested habitat that now exists in the 3,400 acre site would be destroyed. The proposed dam would eliminate all of the forest-stream-pool habitat and adjacent floodplain community which has adapted to periodic flooding.

Based on the annual planned flow releases from the impoundment, Flat River Reservoir would receive 45% less water; the South Branch of the Pawtuxet, 34% less water; and the Pawtuxet River, 15% less water. As a result, the dam would also partially dewater extensive riverine wetlands along the South Branch of the Pawtuxet River, further adding to the wetland habitat loss. Further, reduced basal flow contributions from Mishnock River to the South Branch of the Pawtuxet, during summer months, could worsen the already poor water quality of the Pawtuxet, during summer months, could worsen the already poor water quality of the Pawtuxet River.

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The dam would transform a diverse ecosystem, harboring a wide variety of wildlife, into a shallow lake about 25 feet deep that benefits only a few species, primarily warm water fish and bottom dwelling organisms. The cold water fisheries, including native brook trout, will be destroyed. The Big River site potentially supports over 50 species of mammals, over 35 species of reptiles and amphibians, and over 200 species of birds, including over 100 which nest at the site. The State considers at least 13 species which inhabit the Big River site to be threatened or of special state interest. Another 10–20 species require large tracts of habitat for survival. Wildlife currently living on the site or grating through it will either die or be ced into adjacent upland habitat less ted to their needs. If they survive location, they will have to compete available food and habitat with the sting upland animal communities. ny species of wildlife at the site her require wetland habitat for vival, or depend upon wetlands for a jor portion of their life cycle. Thus, dam would drastically reduce both total numbers of individuals, and the versity of species in the Big River area. addition, the dam will permanently ck the Big River site for use as a vel corridor. This would disrupt vement patterns of animals forcing m to cross highways and other posed areas.

EPA does not believe that the wtuxet River, Flat River Reservoir, d Big River would achieve state water ality standards if the dam is built. The wtuxet River now violates the Class C ndard of 5 mg/1 of dissolved oxygen ring summer months. In addition, the ndards require that normal seasonal d diurnal variations of dissolved ygen above 5 mg/1 be maintained. pounding Big River would likely rsen dissolved oxygen levels during seasons by reducing flows in the wtuxet River by 15%. The Pawtuxet ver historically supported large runs anadromous fish including shad, ewives, and Atlantic Salmon. A ther reduction in flow and increased ncentration of pollutants may destroy y future plans for restoration.

The impoundment of the Big River and tributaries would convert cold water heries to a warm water lake, and uld violate antidegradation quirements in the Rhode Island water ality standards. Rhode Island has ry few remaining cold water fisheries, hile warm water fisheries are common roughout the State. The Pawtuxet ver Basin, for example, has 34 ponds eater than 10 acres in size primarily suited for warm water species, but virtually no other cold water fisheries.

Flat River Reservoir provides the best warm water fisheries in the Pawtuxet River Basin, but it is showing some signs of eutrophication. Water from Big River, which provides over half of the water budget to Flat River Reservoir, will be reduced from an annual average flow of 60 cubic feet per second (cfs) to 6 cfs. This loss of water would increase eutrophication and adversely impact the fisheries and recreation of Flat River Reservoir, and could violate anti-degradation provisions of the Rhode Island water quality standards, which require existing water uses to be maintained and protected.

C. Project Need and Alternatives

1. *Current Information.* EPA believes that environmentally acceptable alternatives to the Big River reservoir, to supply potable water, have not adequately addressed.[1] EPA does not believe the need for additional potable water is established, given the paucity of data about basic user information and the lack of water conservation practices in the State. In addition, there appears to be a variety of ways to meet whatever need actually exists without threatening over 1000 acres of wetlands and downstream water quality.

Despite the long history of the Big River proposal, there is a lack of basic information regarding the supply and demand for water in Rhode Island. There appears at present to be no method in the state for distinguishing between industrial, commercial and residential users. Therefore, there is no information, for example, on how much water different types of industry use. EPA does not believe that an accurate need forecast can be developed without first conducting a thorough water audit, lacking in the 1981 EIS and other studies.

The record developed to date serves to underscore EPA's doubts about the need for a new water supply reservior. The State has not completed a basic water use forecast for over 20 years. A new reservoir is needed, according to the State, primarily because the Scituate reservoir is approaching its "safe yield". However, estimates of what constitutes the Scituate's safe yield vary by up to 15 mgd—approximately half the water that Big River could supply. Moreover, the state Water Resources Board acknowledges that it has no comprehensive policy to conserve water through public education, pricing policies, leak repair, drought planning or other such measures. The Corps, in the 1981 EIS, did not examine the State's water supply practices to determine potential water savings, did not gather any user-specific information particular to Rhode Island water users, and used population projection which time has shown in inaccurate. Currently, the Corps agrees that a new analysis of water supply demands should be done.

If a need for additional water is established, EPA believes that there are alternatives (or combinations of alternatives) to the Big River proposal to supply potable drinking water. Management alternatives include education, leak detection and repair, plumbing changes for new construction, and drought planning. Conserving drinking water from power generation, irrigation, commercial and industrial use can also increase potable water supplies by matching the quality of water with its intended use. Not all industrial and commercial activities need potable water for their operations. Similarly, existing water supplies that drop below drinking water standards could be maintained to meet non-potable needs rather than abandoned. In addition, a thorough analysis of alternatives would also include investigation into groundwater supplies, less environmentally damaging surface water sources, improved protection of existing water sources, and desalinization. Preliminary investigations, for instance, indicate that 5–10 mgd of potable water is available from the aquifer at the Big River site at a fraction of the cost of a new reservoir.

2. *Additional studies.* In recent discussions with EPA, the State has indicated that it is undertaking an updated analysis of water supply needs in Rhode Island as well as an evaluation of all alternatives, including conservation, to meet the future demand for drinking water in the State. In order to seek an objective view of the issues involved, the State has said it will retain an independent consultant to conduct the studies. The State has proposed that the scoping and oversight of the studies will be overseen by an inter-agency committee established by the Governor and that interested parties and EPA will be given opportunity to comment on the progress of the work.

[1] Water supply is the sole purpose of the State proposal. The Corps characterizes its project as multi-purpose, i.e., water supply, flood control and recreation. According to the EIS, construction of the dam would not be economically justified for flood control or recreation alone. Therefore, EPA is focusing its attention on alternatives to satisfy the primary purpose of water supply. EPA believes insofar as the Big River project provides benefits of flood control and recreation, they could be achieved through less environmentally damaging measures.

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D. Mitigation

The State did not submit a mitigation plan with its permit application. The Corps, in its 1981 EIS, proposed several structural and nonstructural measures to mitigate adverse impacts including management of forests adjacent to the reservoir, reclaiming a mined area and putting up birdhouses. The Corps proposed to mitigate the loss of wetlands chiefly by constructing "subimpoundments" in the upper reaches of the reservoir in an attempt to enhance or create wetland habitat. If fully successful, these subimpoundments would contain about 90 acres of wetlands.

EPA does not believe the adverse environmental impacts of the reservoir proposal can be mitigated. To even attempt meaningful replacement of the full spectrum of existing wetland values would require a mitigation plan so complex as to be infeasible from both a scientific and practical standpoint. Even if a plan could be devised which theoretically replaced wetlands values, EPA doubts it could be relied upon to prevent the potentially unacceptable adverse environmental impacts of this project given the inherent risks associated with mitigation.

Recent studies in New England and elsewhere point to a number of scientific and practical difficulties associated with mitigation. The scientific base is too incomplete to support assertions that artificial wetlands will provide the functions of natural wetlands, let alone replace the diverse values of the 500–1000 acres of wetlands that would be lost at this site. Some wetland functions, such as flood storage, can normally be replicated successfully. Attempt to mitigate wildlife habitat losses have met with mixed success, and benefit only a few select species. There has been little demonstrated ability to recreate on a broad scale other wetland values such as groundwater discharge and recharge or the complex interactions of water, soil and plants involved in the uptake and transformation of nutrients and pollutants.

After considering the project's impacts, unprecedented in New England, and the poor track record of wetland creation and enhancement projects to compensate for projects involving much less severe impacts, EPA Region I has concluded that the adverse effects of the Big River project cannot be adequately mitigated. In any case, the mitigation scheme briefly described in the 1981 EIS would not compensate for the severe impacts to wildlife and other wetland values which the Big River project would cause. Even if 90 acres of subimpoundments could be successfully created and maintained, they would largely involve manipulation of existing wetland habitat. This would increase the value of these areas for select wildlife species at the expense of others. It would not begin to balance the impacts associated with the loss of 500 to 1000 acres of diverse, natural wetlands. Moreover, most of the wetlands destroyed by the project are forested. The subimpoundments would provide little or no value for the many species adapted to life in the forested systems.

V. Proposed Determination

The Regional Administrator proposes to recommend that the discharge of dredged or fill material into Big River, Mishnock River, and their tributaries and adjacent wetlands be prohibited for the purpose of constructing the proposed Big River reservoir and ancillary facilities. Based on current information, the Regional Administrator has reason to believe that the adverse impacts of the Big River reservoir would likely be unacceptable. Moreover, these impacts may be partly or entirely unnecessary or avoidable.

This proposed determination is based primarily on the adverse impacts to wildlife and fisheries. EPA has already concluded that the project would cause or contribute to significant degradation of waters of the United States and violate the § 404(b)(1) guidelines. It would directly destroy approximately 550 acres of wetlands and has the potential to degrade an additional 500–600 acres of wetlands through groundwater starvation and reduced downstream river flows. In addition to these impacts, EPA is concerned about the lack of basic information about future water supply needs and the absence of a rigorous analysis of water supply alternatives. In light of existing information, EPA believes that there are likely to be feasible and less environmentally damaging alternatives to building the Big River reservoir.

VI. Solicitation of Comments

EPA solicits comments on all issues discussed in this notice. In particular, we request information on the likely adverse impacts to wildlife and other functional values of the rivers, streams, and wetlands at the Big River site and at Mishnock Swamp. We also seek information pertaining to flora, fauna and hydrology of the Big River site, Mishnock Swamp, and adjacent lands. All studies, knowledge of studies, or informal observations is of importance for this notice. Information on species or communities of regional and or statewide importance would be especially useful.

While the significant loss of wildlife habitat serves as EPA's main basis for this proposed 404(c) determination, EPA Region I has additional concerns with the proposed project including water quality impacts, fisheries, alternatives, project need and mitigation. As discussed above in *Additional Studies*, the State plans to conduct additional evaluations of the need for drinking water and alternatives to meet that need. The State intends, during the comment period, to submit the information compiled in these studies for EPA's consideration during the 404(c) process. EPA also solicits comments on the following aspects of the project:

(1) The potential for violations of State water quality standards to occur, especially in the Pawtuxet River, the Flat River Reservoir and Narragansett Bay;

(2) Information about fisheries at the Big River site, and the impacts to fisheries if the reservoir is built. Also the likelihood of maintaining cold water fisheries at the site if the Big River reservoir were built;

(3) The potential for wetland losses, and their associated values and functions, along the South Branch of the Pawtuxet and in Mishnock Lake, Swamp and River if the dam were built and operated as proposed;

(4) Information about recreational use of the area;

(5) The need for additional drinking water and the current data base for making projections of need and alternatives, as well as what new information must be gathered to make reasonably accurate projections on how much water can be saved or produced by other alternatives;

(6) Information on the availability of less environmentally damaging practicable alternatives to satisfy the basic project purpose—drinking water supply—taking into account cost, technology, and logstics;

(7) In the absence of the need for additional water supply, information about environmentally acceptable alternatives for the secondary purposes of flood control and recreation.

(8) Information on the potential for mitigation to replace the functions and values of the 500–1100 acres at risk at the Big River site.

The record will remain open for comments until July 31, 1989. All comments will be fully considered in reaching a decision to either withdraw the proposed determination or forward to EPA Headquarters a recommended determination to prohibit or restrict the

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use of Big River, its tributaries, and adjacent wetlands as a disposal site for construction of Big River Reservoir.

For further information contact: Mr. Mark J. Kern, U.S. E.P.A., JFK Federal Building, WWP-1900, Boston, MA 02203-2211, (617) 565-4421.

Michael R. Deland,

Regional Administrator, Region I.

[FR Doc. 89-2272 Filed 1-31-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

[No. 89-67]

Finance Subsidiaries of Federal Associations

Date: January 26, 1989.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The public is advised that the Federal Home Loan Bank Board ("Board") has submitted for extension, without revision, an information collection request, "Finance Subsidiaries of Federal Associations," to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

This information is required from FSLIC insured institutions to receive approvals before establishing a Finance Subsidiary in order to determine that such a transaction is within applicable laws and regulations. We estimate it will take approximately .75 hours per respondent to complete the information collection.

DATES: Comments on the information collection request are welcome and should be received on or before February 16, 1989.

ADDRESS: Comments regarding the paperwork-burden aspects of the request should be directed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, Attention: Desk Officer for the Federal Home Loan Bank Board.

The Board would appreciate commenters sending copies of their comments to the Board.

Request for copies of the proposed information collection requests and supporting documentation are obtainable at the Board address given below: Director, Information Services Division, Office of Secretariat, Federal Home Loan Bank Board, 801 17th Street NW., Washington, DC 20552, Phone: 202-653-2751.

FOR FURTHER INFORMATION CONTACT: Leon R. Pleasants, Office of General Counsel, 202-377-6414, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552.

By The Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-2253 Filed 1-31-89; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL LABOR RELATIONS AUTHORITY

Senior Executive Service; Performance Review Board

AGENCY: Federal Labor Relations Authority.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the Performance Review Board.

DATE: February 1, 1989.

FOR FURTHER INFORMATION CONTACT: Orinda R. Nelson, Acting Director of Personnel, Federal Labor Relations Authority, 500 C Street SW., Washington, DC 20424, (202) 382-0751.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, U.S.C. requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations, to the appointing authority relative to the performance of the senior executive.

The following persons will serve on the FLRA's Performance Review Board:

Cynthia A. Metzler, Office of the Acting Chairman, FLRA,

Michael D. Nossaman, Office of General Counsel, FLRA,

Johnny J. Butler, Equal Employment Opportunity Commission,

Paul D. Mahoney, Merit System Protection Board,

Peter J. Basso, National Endowment for the Arts.

Orinda R. Nelson,

Acting Director of Personnel.

[FR Doc. 89-2277 Filed 1-31-89; 8:45 am]

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FEDERAL MARITIME COMMISSION

[Docket No. 89-02]

Matson Navigation Co., Inc., Transportation of Cargoes Between Ports and Points Outside Hawaii and Islands Within the State of Hawaii; Filing of Petition for Declaratory Order

Notice is given that a petition for declaratory order has been filed by Matson Navigation Company, Inc. ("Matson") requesting that the Federal Maritime Commission ("Commission") resolve an ongoing controversy between Matson and Young Brothers, Limited ("Young Bros.") involving interstate barge carriers operating in Hawaii. The controversy between Matson and Young Bros. concerns Commission jurisdiction over certain ocean cargo movements from ports and points outside the State of Hawaii to ports within the State of Hawaii, via Honolulu.

The instant petition is similar to a petition filed by Matson on September 24, 1987 (52 FR 36467, September 29, 1987). The Commission, by Order of June 7, 1988, in Docket No. 87-18, denied that petition without prejudice. The Commission made it quite clear that "Matson may file a new petition, properly focused and supported, at any time."

The petition now before the Commission was served on Young Bros. and its counsel, the Public Utilities Commission of the State of Hawaii, and the United States Department of Transportation. Those parties may file a reply to the petition with the Secretary, Federal Maritime Commission, Washington, DC 20573-0001 on or before March 1, 1989. An original and fifteen copies of such reply shall be submitted and a copy thereof served on Stephen T. Rudman, Esq., Senior Counsel, Law Department, Matson Navigation Company, Inc., Post Office Box 7452, San Francisco, California 94120; and C. Jonathan Benner, Esq., Haight, Gardner, Poor & Havens, 1401 New York Avenue NW., Washington, DC 20005. Replies shall contain the complete factual and legal presentation of the replying party as to the desired resolution of the petition.

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 11101. Participation by persons other than those named above will be permitted only upon grant of a petition to intervene by the Commission pursuant to Rule 72 (46 CFR 502.72). Petitions for leave to intervene shall be submitted on or before the reply date

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