

particularly if the habitat requirements of the desired species or communities are broad. The term equivalence, when applied to individual species, generally refers to two different species which perform the same general ecological role in two different geographic areas. Ecologically equivalent communities, likewise, may have different species; those species, however, would be performing similar roles and the communities would have the same general community structure and dynamics, although those communities would be in two different locations. Given these assumptions, a community which is ecologically equivalent to the Russo site would be considered to be successfully established if it contains similar features and supports a similar number of species which perform the same general roles as those species which were likely to have been present on the site.

The March 28, 1995 notice described a possible combination of mitigation strategies which, if implemented, would support similar wildlife species to those which used the Russo tracts prior to Russo's activities. For example, the excavation of ponds and/or channels would provide open water habitat adjacent to a natural windbreak (i.e., *Phragmites*). This activity would provide resting and feeding habitat for waterfowl and wading birds, especially overwintering black duck, *Anas rubripes*, (a U.S. Fish & Wildlife Service species of special concern) and a species of concern in the final determination of the AA for Water. The resulting habitat would therefore be similar habitat, and would provide support for the same species that may have used the Russo tracts. Likewise, the establishment of either a wet meadow or a high salt marsh would provide hunting habitat for northern harrier, *Circus cyaneus*, and other raptors, as well as game birds such as woodcock and pheasant. Thus, these activities could establish equivalent wildlife values to those lost from the Russo tracts. Those losses have been sustained for nearly ten years, and we believe that implementation of an appropriate mitigation strategy could only benefit the Meadowlands. We therefore continue to believe that the proposal could provide good compensation for wildlife values which were lost from the Russo tracts.

It should be clarified that, under the terms of this 404(c) restriction, \$700,000 would be provided by Russo to fund any appropriate mitigation at the Ridgefield parcel and any other locations selected out of the mitigation bank to be operated by HMDC. As discussed by EPA in the notice of the proposed 404(c)

determination, effective mitigation could include enhancement activities at the Ridgefield site as well as other appropriate locations. The terms of the 404(c) restriction do not, however, specifically mandate how the money is to be allocated. If a mitigation plan is submitted demonstrating that greater environmental benefit would be obtained from enhancing sites other than the Ridgefield parcel, such a mitigation plan would be consistent with the 404(c) restriction. EPA will be involved in reviewing such a mitigation plan to ensure that it is appropriate taking into account the functions and values needed to compensate for the losses at the 13.5 and 44 acre sites. In addition, it is EPA's intent that, aside from incidental expenses associated with the development of an appropriate mitigation plan, the money provided by Russo to HMDC will be used for actual enhancement activities. Allocation of a portion of the funds for land acquisition, for example, would not be appropriate because it would make it difficult to achieve the degree of mitigation necessary to compensate for losses incurred at the Russo site.

#### Findings and Conclusions

EPA has carefully reviewed Russo's proposed compensatory mitigation offer and the comments submitted in response to the proposed amendment of the 1988 Final Determination for the CWA Section 404(c) action. Based on this review, EPA concludes that the proposed compensatory mitigation adequately addresses the adverse effects to wildlife described in the Final Determination.

As discussed above, given the extent and impact of Russo's activities on the 13.5-acre site, it is highly unlikely that suitable wetland conditions could be established on-site. Consequently, offsite mitigation is needed to compensate for the adverse effects to wildlife identified in the Final Determination.

The providing of funds to HMDC's proposed mitigation bank for enhancement activities in the Meadowlands will ensure that such mitigation is provided. As a result, a prohibition on the placement of fill material is no longer necessary to prevent unacceptable adverse effects to wildlife. EPA is instead issuing a restriction under Section 404(c) that allows specification of the Russo site as a disposal site for fill material conditional on performance of the mitigation steps specified in the modification below. EPA stated in the **Federal Register** notice proposing this amendment to its 404(c) action that this

amendment be conditional on a binding agreement by Russo to perform the specified mitigation. This condition would be met through the imposition of binding conditions in a permit issued under Section 404 by the Corps specifying that Russo must perform this specified mitigation in order for discharges of fill on this site to be authorized under Section 404.

For these reasons, EPA concludes that it is appropriate to modify the original March 21, 1988, Final Determination to allow Russo to seek authorization to discharge dredged or fill material into the 13.5-acre site, provided that Russo implements the mitigation specified below (such mitigation could include the steps outlined in the proposed 404(c) amendment or an equivalent mitigation plan). Any discharge activities to waters of the U.S. must be authorized pursuant to applicable permits issued by the Corps under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act.

#### Modification

The March 21, 1988, Clean Water Act Section 404(c) Final Determination for the Russo Development Corporation Site is hereby modified as follows:

The prohibition imposed in the March 21, 1988, Final Determination is removed and a restriction is imposed upon specification of the site for the disposal of dredged or fill material. Under this restriction, the Russo Development Corporation may seek authorization from the U.S. Army Corps of Engineers for discharges of dredged or fill material into waters of the United States within the area previously prohibited by EPA, provided the terms of the authorization require Russo to (1) deed over for preservation and any appropriate enhancements, an approximately 16.3 acre parcel of wetlands located in Ridgefield, New Jersey; and, (2) provide funding in the amount of \$700,000 for the purpose of enhancing wetlands in the Hackensack Meadowlands.

Dated: September 7, 1995.

#### Robert Perciasepe,

Assistant Administrator for Water.

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[FRL-5295-6]

#### Deadline Extension for Submitting Environmental Education Grant Proposals to EPA

The proposal submission deadline for the "Environmental Protection Agency,

Fiscal Year 1996 Environmental Education Grants Program, Solicitation Notice," is extended from October 13, 1995 to December 15, 1995. The original deadline was published in the **Federal Register**, August 4, 1995 at 60 FR 39994/Notices Section.

Due to possible funding delays at the Federal level for fiscal year 1996, EPA is extending the deadline. This will enable grant applicants to spend more time preparing proposals and will give EPA time to fully determine what the changes, if any, are to its fiscal year budget. This postponement may also delay the EPA awards process until the summer of 1996. Therefore, proposed projects should have an expected start date on or after October 1, 1996, and summer projects may be planned for the summer of 1997. EPA regrets any inconvenience these delays may create for grant applicants.

EPA has been very pleased with the quality of proposals received over the past four years and looks forward to receiving new proposals for 1996. If organizations have submitted a proposal in the past and wish to re-apply, they should observe the changes in the Solicitation Notice regarding EPA priorities for funding. For a copy of the Solicitation Notice, please mail requests to: U.S. Environmental Protection Agency, Environmental Education Grants Program (1707), 401 M Street SW., Washington, DC 20460.

Dated: August 30, 1995.

**Michael Baker,**

*Acting Director, Environmental Education Division.*

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[OPP-34082; FRL 4975-7]

### Notice of Receipt of Requests for Amendments to Delete Uses in Certain Pesticide Registrations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request for amendment by registrants to delete uses in certain pesticide registrations.

**DATES:** Unless a request is withdrawn, the Agency will approve these use deletions and the deletions will become effective on December 12, 1995.

**FOR FURTHER INFORMATION CONTACT:** By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location for commercial courier delivery and telephone number: Room 216, Crystal Mall #2, 1921 Jefferson

Davis Highway, Arlington, VA, (703) 305-5761; e-mail: hollins.James.epamail.epa.gov.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

##### II. Intent to Delete Uses

This notice announces receipt by the Agency of applications from registrants to delete uses in the 16 pesticide registrations listed in the following Table 1. These registrations are listed by registration number, product names and the specific uses deleted. Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant before December 12, 1995 to discuss withdrawal of the applications for amendment. This 90-day period will also permit interested members of the public to intercede with registrants prior to the Agency approval of the deletion.

TABLE 1.—REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

| EPA Reg No.  | Product Name                              | Delete From Label  |
|--------------|---|--|
| 000004-00099 | Malathion 50% EC (Malathion)              | Indoor use in homes, buildings, dairy barns, hog barns, poultry houses, calf pens, dogs, cats, kennels, pens, stored grain, field & garden seeds, transport containers for bagged flour & packaged cereals |
| 000352-00317 | Sinbar Herbicide (Terbacil)               | Pecans   |
| 000352-00341 | Manzate 200 Fungicide (Mancozeb)          | Non-agricultural turf & lawn grass uses  |
| 000352-00354 | Benlate Fungicide (Benomyl)               | Turf & lawn grass uses   |
| 000352-00377 | Benomyl Technical (Benomyl)               | Turf & lawn grass uses   |
| 000352-00385 | Benlate OD Fungicide (Benomyl)            | Turf & lawn grass uses   |
| 000352-00395 | Krenite Brush Control (Fosamine Ammonium) | Ditchbank uses   |
| 000352-00396 | Benlate DF Fungicide (Benomyl)            | Turf & lawn grass uses   |
| 000352-00398 | Manzate 200 Flowable Fungicide (Mancozeb) | Non-agricultural turf & lawn grass uses  |
| 000352-00447 | Benlate 50 DF Fungicide (Benomyl)         | Turf & lawn grass uses   |
| 000352-00449 | Manzate 200 DF Fungicide (Mancozeb)       | Non-agricultural turf & lawn grass uses  |
| 000352-00564 | Benlate SP Fungicide (Benomyl)            | Turf & lawn grass uses   |