

Township of East Brunswick) in New Jersey. The downstream river reaches encompass virtually all the flood-prone structures in the watershed and the areas of greatest ecological degradation (and greatest potential for ecosystem restoration).

The costs of project implementation for the HSDR features and ecosystem restoration features will be shared by the Federal government and the non-Federal project partner (NJDEP) on a 65 percent/35 percent basis. All operations and maintenance costs will be borne by the non-Federal project partner. For the HSDR features, the project implementation costs (\$61,066,800) will be shared as follows: \$39,693,400 Federal and \$21,373,400 non-Federal with annual O&M costs of \$221,500 (non-Federal). This includes mitigation costs associated with the implementation of these features (\$2,865,300 total with \$1,862,400 Federal and \$1,002,900 non-Federal). For the ecosystem restoration features, the project implementation costs (\$53,097,700) will be shared as follows: \$34,513,500 Federal and \$12,811,400 non-Federal with O&M costs of \$80,000 (non-Federal).

The construction and maintenance of both the HSDR features and the ecosystem restoration features will not adversely affect any Federally or state listed endangered or threatened species, areas of designated critical habitat, or essential fish habitat. By providing increased cover and opportunities for foraging and nesting, the selected plans will also improve habitat for the Federally listed threatened bald eagle thought to utilize habitats in the general vicinity, and for many of the State of New Jersey endangered and threatened species observed in the restoration area (e.g., black skimmer, northern harrier, peregrine falcon, yellow-crowned night heron, osprey, black-crowned night heron, and American bittern).

At this time, there are no known major areas of controversy regarding the study and selected plan among agencies or the public interest. One unresolved issue is an air conformity determination. The General Conformity provisions relating to the Clean Air Act require a conformity demonstration for each pollutant where the total direct and indirect emissions from the Federal action exceed the corresponding de minimis level.

Based on preliminary estimates, using emissions estimates generated from similar activities for other projects, total direct and indirect NO<sub>x</sub> emissions appear to exceed the de minimis threshold of 25 tons per year. The preliminary projected total direct and

indirect VOC and CO emissions from the proposed project are estimated to be below the de minimis threshold levels. In close consultation with the United States Environmental Protection Agency and the New Jersey Department of Environmental Protection, the Corps will conduct a detailed, comprehensive quantitative analysis in the next project phase (Preconstruction, Engineering and Design, in Fall 2002) to more precisely quantify all emissions from the South River Project and to determine conformity accordingly. Upon completion of the revised emission estimates, a Draft General Conformity Determination will be prepared and undergo formal agency and public review. Results and conclusions of this process will be part of the South River Project's Record of Decision, including, as necessary, detailed analyses of mitigation alternatives, such as emission offsets, emission credits, emission reduction technologies, and operational modifications to reduce emissions.

In sum, the recommended plan will efficiently reduce hurricane and storm damages along the South River and improve the structure and function of degraded ecosystems in the study area. The non-Federal project partner, NJDEP, has indicated its support for the recommended plan and is willing to enter into a Project Cooperation Agreement with the Federal Government for the implementation of the plan.

The public review period for the final IFS/EIS is from November 1, 2002 to December 2, 2002 or 30 days after the Notice of Availability is published in the **Federal Register**. Comments should be directed to Dr. Axt at the address above.

The Final IFS/EIS is available for review at the following locations:

- (1) Sayerville Free Public Library, 1050 Washington Road, Parlin, NJ 08859.
- (2) Old Bridge Township Library, 1 Old Bridge Plaza #1, Old Bridge, NJ 08857.
- (3) South River Library, 55 Appleby Avenue, South River, NJ 08882.
- (4) East Brunswick Library, 2 Civic Center Driver, East Brunswick, NJ 08816.

**Luz D. Ortiz,**

*Army Federal Register Liaison Officer.*

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## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Intent To Prepare a Draft Environmental Impact Statement for the PCS Phosphate Mine Continuation, Aurora, Beaufort County, NC

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

**ACTION:** Notice of intent.

**SUMMARY:** PCS Phosphate Company, Inc., has applied for a Department of the Army permit to adversely impact 2,394 acres of wetlands to continue its surface mining operation on Hickory Point, adjacent to South Creek and its tributaries, near Aurora, in Beaufort County, North Carolina. The Draft Environmental Impact Statement (DEIS) will evaluate several alternatives to the proposed action including the No Action alternative. A Public Notice describing the project was issued on October 4, 2001 and was sent to all interested state and Federal resource agencies as well as the general public.

**FOR FURTHER INFORMATION CONTACT:** Questions about the proposed action and DEIS can be answered by: Mr. David Lekson, Chief, Washington Regulatory Field Office, U.S. Army Engineer District, Wilmington; Post Office Box 1000; Washington, DC 27889-1000; at (252) 975-1616, extension 22.

**SUPPLEMENTARY INFORMATION:** On August 27, 1997, PCS Phosphate was issued a Department of the Army (DA) permit to discharge adversely impact 1,268 acres of waters and wetlands to continue its mining operation pursuant to Alternative "E", more fully described in the final Environmental Impact Statement for the project, dated August 1996.

On November 2, 2000, PCS Phosphate applied for DA authorization to continue its mining advance on the Hickory Point peninsula once reserves are depleted within Alternative "E". On January 9, 2001, a Public Notice describing this proposal was circulated. According to the application, 2,530 acres of wetlands and 49 acres of open waters including navigable waters would be adversely impacted by the proposed mining advance. In response to comments received from the January 9, 2001, Public Notice and from the initial scoping comments received from the general public, State, Federal, and local agencies, PCS Phosphate elected to revise their application to reduce impacts to open waters and navigable waters as shown in the following table:

Proposed impacts	Number of acres
1. Creeks/Open Water .....	4
2. Brackish Marsh Complex .....	35
3. Bottomland Hardwood Forest ....	120
4. Disturbed-Herbaceous Assemblage .....	207
5. Disturbed-Scrub-Scrub Assemblage .....	581
6. Pine Plantation .....	745
7. Hardwood Forest .....	209
8. Mixed Pine-Hardwood Forest ....	314
9. Pine Forest .....	100
10. Ponds .....	19
11. "47% wetland" area .....	60
<b>Total .....</b>	<b>2,394</b>

Additionally, 1,028 acres of upland habitat are included in the mine continuation area for a total of 4,422 acres of disturbance.

Preliminary alternatives are currently being identified and include the applicant's proposal, additional avoidance alternatives on Hickory Point and mine blocks located in the area south of Aurora.

The applicant's stated purpose and need for the proposed work is to continue mining its phosphate reserve in an economically viable fashion. More specifically, this is defined as a long term (approximately 20 year) systematic and cost effective mine advance within the project area for the on-going PCS Phosphate mine operation near Aurora, NC. This application is being considered pursuant to Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The Wilmington District will periodically issue additional Public Notices soliciting public and agency comment on the proposed action and alternatives to the proposed action as they are developed. It is also anticipated that a Public Hearing will be held to gather additional comment on the project. No date has been identified for the Public Hearing.

**Luz D. Ortiz,**

*Army Federal Register Liaison Officer.*

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## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Intent To Prepare a Draft Environmental Impact Statement for Evaluating the Placement of Dredged and Fill Material in the Jurisdictional Wetlands on the Protected Side of the West Bank Hurricane Protection Levee, Jefferson Parish, LA

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

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Army Corps of Engineers (Corps), New Orleans District, at the request of the Parish of Jefferson, State of Louisiana, is initiating this study under the authority of the Clean Water Act, 33 U.S.C. 1251, *et seq.*, and the National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et seq.* In May 2000, the Parish of Jefferson, State of Louisiana, applied for a 404 Permit for the development of those areas deemed jurisdictional under the Clean Water Act which lie on the protected side of the West Bank Hurricane Protection Levee. The public notice was issued on June 19, 2001. The public comment period closed on or about July 29, 2001. As a result of the comments received and after consultation between the Corps and Jefferson Parish, it has been determined that an Environmental Impact Statement (EIS) ought to be prepared.

#### FOR FURTHER INFORMATION CONTACT:

Questions concerning the EIS should be addressed to Mr. Michael Salyer at U.S. Army Corps of Engineers, PM-RS, P.O. Box 60267, New Orleans, LA 70160-0267, phone (504) 862-2037, fax number (504) 862-2572 or by E-mail at [michael.r.salyer@mvn02.usace.army.mil](mailto:michael.r.salyer@mvn02.usace.army.mil).

#### SUPPLEMENTARY INFORMATION:

1. *Proposed Action.* The proposed action would authorize the placement of dredged and fill material in the jurisdictional wetlands on the protected side of the West Bank Hurricane Protection Levee, in the area described in the Parish's 404 Permit Application as the Barataria Corridor. This would allow for the implementation of the Parish's Comprehensive Land Use Plan and reduce the need for individual 404 permits to be submitted for every action but expedite the process by covering the entire Barataria Corridor with one permit action.

2. *Alternatives.* The alternative presently being considered is the no action alternative, which would leave in

place the current parcel-by-parcel permitting activity.

3. *Scoping.* Scoping is the process for determining the scope of alternatives and significant resources and issues to be addressed in the EIS. For this analysis, a letter will be sent to all parties believed to have an interest in the analysis, requesting their input on alternatives and issues to be evaluated. The letter will also notify interested parties of public scoping meetings that will be held in the local area. Notices will also be sent to local news media. All interested parties are invited to comment at this time, and anyone interested in this study should request to be included in the study mailing list.

A public scoping meeting will be held in November of 2002. The meeting will be held in the vicinity of Marrero, LA. Additional meetings could be held, depending upon interest and if it is determined that further public coordination is warranted.

4. *Significant Resources.* The tentative list of resources and issues to be evaluated in the EIS includes tidal wetlands (marshes and swamps), aquatic resources, commercial and recreational fisheries, wildlife resources, essential fish habitat, water quality, air quality, threatened and endangered species, recreation resources, and cultural resources. Socioeconomic items to be evaluated in the EIS include navigation, flood protection, business and industrial activity, employment, land use, property values, public/community facilities and services, tax revenues, population, community and regional growth, transportation, housing, community cohesion, and noise.

5. *Environmental Consultation and Review.* The U.S. Fish and Wildlife Service (USFWS) will be assisting in the documentation of existing conditions and assessment of effects of project alternatives through Fish and Wildlife Coordination Act consultation procedures. Coordination will be accomplished with the USFWS and the National Marine Fisheries Service (NMFS) concerning threatened and endangered species and their critical habitat. The NMFS will be consulted on the effects of this proposed action on Essential Fish Habitat. The draft EIS (DEIS) or a notice of its availability will be distributed to all interested agencies, organizations, and individuals.

6. *Estimated Date of Availability.* Funding levels will dictate the date when the DEIS is available. The earliest that the DEIS is expected to be available in the spring of 2004.