

which were injured, destroyed, or lost by the releases of hazardous substances. The MOA provides a framework for the development of a Trustee Council that cooperatively develops and implements a Restoration Plan.

The Final RP/EA is being released in accordance with Section 111(i) of CERCLA, 42 U.S.C. 9611(i) and the National Environmental Policy Act (NEPA). The Final RP/EA describes a number of natural resource restoration, acquisition, and protection alternatives identified by the Charles George natural Resources Trustee Council (Trustee Council), and evaluates each of the possible alternatives based on all relevant consideration. The Trustee Council's Preferred Alternative has three parts: (1) The settlement funds will be used to protect properties adjacent to or near the areas of impact; (2) the settlement funds will be used to contribute to the anadromous fish restoration effort in the Merrimack River Watershed through the funding of stocking and monitoring of herring in the Concord River in Massachusetts, and contributing to the funding of the construction of a fish ladder at a dam on the Concord River which is an impediment to upstream migration of migratory fish; and (3) pending engineering estimates that determine that the work is cost-effective, the Upper Flint Pond Dam will be repaired to prevent migration of contaminated sediments into the Merrimack River. Details regarding the proposed projects are contained in the Final RP/EA.

The Final Revised Procedures for the DOI in implementing the NEPA were published in the **Federal Register** on January 16, 1997. Under those procedures, the DOI has determined that the Preferred Alternative will not have significant environmental effects as described in the Draft RP/EA and the attached Finding of No Significant Impact statement. Accordingly, the Preferred Alternative described in the draft RP/EA will not require preparation of an Environmental Impact Statement.

Author: The primary author of this notice is Laura Eaton-Poole, U.S. Fish and Wildlife Service, New England Field Office, c/o Great Meadows National Wildlife Refuge, Weir Hill Road, Sudbury, Massachusetts 01776.

Authority: The authority for this action is the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 as amended, commonly known as Superfund, (42 U.S.C. 9601 *et seq.*).

Dated: October 18, 2002.

Mamie A. Parker,

Regional Director, Region 5, U.S. Fish and Wildlife Service.

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DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Notice of Availability for Public Comment of the Draft Decision on Implementation of Section 3406(b)(2) of the Central Valley Project Improvement Act (CVPIA) (Hereinafter Draft (b)(2) Decision), Central Valley Project (CVP), California

AGENCY: Bureau of Reclamation and Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of Availability for public comment.

SUMMARY: CVPIA Section 3406(b)(2) authorized and directed the Secretary to dedicate and manage annually eight hundred thousand (800,000) acre-feet of Central Valley Project yield for the primary purpose of implementing the fish, wildlife, and habitat restoration purposes and measures authorized by CVPIA; to assist the State of California in its efforts to protect the waters of the San Francisco Bay/Sacramento San Joaquin Delta Estuary; and to help to meet such obligations as may be legally imposed upon the Central Valley Project under State or Federal law following the date of enactment of CVPIA, including but not limited to additional obligations under the Federal Endangered Species Act.

The U.S. Department of the Interior through the U.S. Bureau of Reclamation (Reclamation) and the U.S. Fish and Wildlife Service has developed the Draft (b)(2) Decision to implement CVPIA

Section 3406(b)(2). Public comment on the Draft (b)(2) Decision is invited at this time.

DATES: Submit written comments on the Draft (b)(2) Decision on or before February 3, 2003.

ADDRESSES: Copies of the Draft (b)(2) Decision may be retrieved from the Web site at <http://www.mp.usbr.gov/cvpia/3406b2/index.html>. Copies may also be requested by contacting Lynnette Wirth at (916) 978-5102 or via her email address lwirth@mp.usbr.gov, or by writing her at the below address.

Written comments on the Draft (b)(2) Decision should be addressed to the Bureau of Reclamation, Attention: Lynnette Wirth, MP-140, 2800 Cottage Way, Sacramento, CA 95825.

FOR FURTHER INFORMATION CONTACT: For additional information, please contact Lynnette Wirth at (916) 978-5102, or e-mail lwirth@mp.usbr.gov.

SUPPLEMENTARY INFORMATION: We are inviting the public to comment on Interior's Draft (b)(2) Decision. Interior has been dedicating and managing water pursuant to Section 3406(b)(2) beginning in 1993, the first water year following passage of the CVPIA. Since enactment of the statute, Interior has pursued ways to utilize (b)(2) water in conjunction with reoperation and water acquisitions to meet the goals of the CVPIA. Through this decision, Interior seeks to exercise Secretarial discretion to implement Section 3406(b)(2) in accordance with the language of CVPIA, the intent of Congress, as well as to make this decision consistent with the rulings of the *District Court in San Luis & Delta Mendota Water Authority, et al v. United States*, (CIV F 97-6140 OWW DLB) ((b)(2) litigation). This decision incorporates parts of the October 5, 1999, Final Decision upheld by the District Court, modifies others and adds new components. The intent of these changes is to simplify and clarify the accounting process for (b)(2) uses and to integrate its dedication and management with CVP operations for other CVP purposes.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, and we will honor such requests to the extent allowed by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowed by law. If you wish Interior to withhold your name and/or address, you must state this prominently at the beginning of your comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

Dated: December 12, 2002.

Kirk C. Rodgers,

Regional Director, Mid-Pacific Region.

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