

availability of the following U.S. patent for non-exclusive, partially exclusive or exclusive licensing. The listed patent has been assigned to the United States of America as represented by the Secretary of the Army, Washington, DC.

This patent covers a wide variety of technical arts including: A Method To Extract TNT From High Explosives.

Under the authority of Section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Public Law 99-502) and Section 207 of Title 35, United States Code, the Department of the Army as represented by the U.S. Army Research Laboratory wish to license the U.S. patent listed below in a non-exclusive, exclusive or partially party interested in manufacturing, using, and/or selling devices or exclusive manner to any processes covered by this patent.

*Title:* Method For Recovery And Separation of Trinitrotoluene By Supercritical Fluid Extraction.

*Inventor:* Jeffrey B. Morris.

*Patent Number:* 5,953,679.

*Issued Date:* September 14, 1999.

**FOR FURTHER INFORMATION CONTACT:**

Michael Rausa, Technology Transfer Office, AMSRL-CS-TT, U.S. Army Research Laboratory, Aberdeen Proving Ground, MD 21005-5055, tel: (410) 278-5028; fax: (410) 278-5820.

**SUPPLEMENTARY INFORMATION:** None.

**Gregory D. Showalter,**

*Army Federal Register Liaison Officer.*

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## DEPARTMENT OF DEFENSE

### Department of the Army

#### Availability of U.S. Patents for Non-Exclusive, Exclusive, or Partially-Exclusive Licensing

**AGENCY:** U.S. Army, DOD.

**ACTION:** Notice.

**SUMMARY:** In accordance with 37 CFR 404.6, announcement is made of the availability of the following U.S. patent for non-exclusive, partially exclusive or exclusive licensing. The listed patent has been assigned to the United States of America as represented by the Secretary of the Army, Washington, DC.

This patent covers a wide variety of technical arts including: A Vertical Cavity Surface Emitting Laser.

Under the authority of Section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Public Law 99-502) and Section 207 of Title 35, United States Code, the Department of the Army as represented by the U.S. Army Research Laboratory wish to license the

U.S. patent listed below in a non-exclusive, exclusive or partially exclusive manner to any party interested in manufacturing, using, and/or selling devices or processes covered by this patent.

*Title:* Strain Induce Control Of Polarizations States In Vertical Cavity Surface Emitting Lasers And Method Of Making Same.

*Inventors:* Jagadeesh Pamulapati and Paul H. Shen.

*Patent Number:* 5,953,362.

*Issued Date:* September 14, 1999.

**FOR FURTHER INFORMATION CONTACT:**

Norma Cammaratta, Technology Transfer Office, AMSRL-CS-TT, U.S. Army Research Laboratory, Adelphia, MD 20783-1197 tel:(301) 394-2952; fax: (301) 394-5818.

**SUPPLEMENTARY INFORMATION:** None.

**Gregory D. Showalter,**

*Army Federal Register Liaison Officer.*

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## DEPARTMENT OF DEFENSE

### Department of the Army; Army Corps of Engineers

#### Notice of Intent (NOI) To Prepare a Draft Environmental Impact Report and Supplemental Environmental Impact Statement (EIR/SEIS) for Proposed Modifications to the Guadalupe River Project, Downtown San Jose, CA

**AGENCY:** U.S. Army Corps of Engineers (Corps), Sacramento District, DOD.

**ACTION:** Notice of intent.

**SUMMARY:** The multiple purpose Guadalupe River Project (Project) is under phased construction in downtown San Jose, California. The Project was authorized by Section 401(b) of WRDA 1986 and amended by the Energy and Water Development Appropriations Act for Fiscal Year 1990 to provide flood protection, environmental protection, and recreation features. Portions of the Project have been completed or are ongoing under existing implementation authorities and environmental approvals. Project modifications are now required to protect species recently listed under the Endangered Species Act and to meet conditions for water quality certification under the Clean Water Act. Project modifications will likely include an underground bypass to convey flood waters around important riparian habitat, and changes to the existing mitigation and monitoring plan. The intent of the Draft EIR/SEIS is to describe and evaluate potential effects

of these proposed modifications on environmental resources in the Project area. The integrated Draft EIR/SEIS will include sufficient information for compliance with both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), as well as opportunities for public participation in the planning and decision making process. The lead agencies are the Corps and the Santa Clara Valley Water District (Water District).

**DATES:** A public scoping period will begin on October 22, 1999 and end on November 24, 1999. Public comment is invited on the proposal to modify the Project, the proposal to prepare the Draft EIR/SEIS, and on the scope of issues to be included in the Draft EIR/SEIS.

Please submit any concerns by November 24, 1999 to the person identified below. Scoping meetings are tentatively scheduled for November 9 and 17, 1999 in San Jose. Concerned persons and organizations are invited to call or write to be included on the mailing list for these public meetings or to receive other correspondence concerning the proposed action.

- The scoping meeting on November 9 will be 7:00 to 9:30 p.m. at the Crown Plaza Hotel, 282 Almaden Boulevard, San Jose, California.

- The scoping meeting on November 17 will be 7:00 to 9:30 p.m. at the Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose, California 95118.

**FOR FURTHER INFORMATION CONTACT:**

Nina Bicknese, Environmental Specialist, U.S. Army Corps of Engineers, 1325 J Street, Sacramento, California, 95814-2922, phone : (916) 557-7948, or fax: (916) 557-5138, nbicknese@spk.usace.army.mil.

**SUPPLEMENTARY INFORMATION:**

#### 1. Background

The Guadalupe River Flood Control Project is being implemented in phases along the Guadalupe river in downtown San Jose, Santa Clara County, California. The project was authorized by Section 401(b) of WRDA 1986 and amended by the Energy and Water Development Appropriations Act for Fiscal Year 1990 to provide flood protection, environmental protection, and recreation features. Project construction began in 1992. Construction of flood protection elements was stopped in 1996 for several reasons. Concerns developed regarding compliance with the conditions of the State Water Quality Certification under Section 401 of the Clean Water Act (CWA), the listing of the red-legged frog and

steelhead salmon under Section 7 of the Endangered Species Act (ESA), and receipt of a notice issued by three environmental groups stating their intent to sue under the citizen suit provision of the CWA. Implementation of mitigation elements have continued under existing approvals and in cooperation with concerned agencies.

In June 1997, concerned resource agency staff from the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), National Marine Fisheries Service (NMFS), and the California State Water Resources Control Board (SWRCB) met with the Corps and the Water District to express their concerns about the then proposed mitigation measures for the project. Resultantly, the following priorities were identified by the resource agencies:

- Redesign the Project to avoid impacts and maximize on-site mitigation
- Maximize on-site revegetation to replace impacted Shaded Riverine Aquatic (SRA) cover
- Provide off-site mitigation to replace impacted SRA cover
- Provide fisheries mitigation
- Provide thermal mitigation

Twenty-one mitigation issues were identified and options were evaluated. In December 1997, the Corps and the Water District joined with the City of San Jose (City) and the San Jose Redevelopment Agency (SJRA) to initiate a collaborative and facilitated program to resolve mitigation disputes among the resource agencies, project sponsors, and litigants in the threatened 1996 lawsuit.

In July 1998, this collaborative ratified a Dispute Resolution Memorandum (DRM) which required the Corps and The Water District to reevaluate a portion of the project, referred to as Contracts 3A and 3B reaches, to avoid impacting remaining riparian and aquatic habitat in the those reaches. Concurrently, the Corps determined the environmental impacts associated with the Project's remaining phases could not be adequately mitigated to maintain Project compliance with the ESA and CWA. The Corps concluded that a General Reevaluation Report (GRR) should be developed.

Since October 1998, the Corps and The Water District (lead agencies) have been further refining objectives and alternatives in coordination with concerned environmental regulatory agencies and the collaborative to develop proposed project modifications to satisfy the CWA and (ESA) concerns.

### *Study Area Location*

The Guadalupe River, located primarily in the City of San Jose, south of San Francisco Bay, drains an area of about 160 square miles into the Bay. The primary project area is located along 2.6 miles of the Guadalupe River in downtown San Jose, between Grant Street, just upstream from Interstate-280, and Interstate-880. In addition, two off-site mitigation areas are proposed, one along Reach A downstream of the Project area and the other along lower Guadalupe Creek above its confluence with Alamitos Creek (Figure 1-1).

### **2. Document Scope**

This pending Draft EIR/SEIS was preceded by a series of documents concerning the authorized Project that were prepared and processed in compliance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). To address the proposed Project modifications, the Corps will produce one document which integrates the combined NEPA and CEQA environmental document with the General Reevaluation Report required by the Corps. The purpose of the integrated GRR-EIR/SEIS is to develop and assess a modified recommended plan and to develop and assess alternatives for the remaining project which avoid and mitigate for adverse effects on environmental resources. This document will address new information, alternative plans, potential effects, and benefits and costs related to compliance with conditions for water quality certification and ESA.

The GRR-EIR/SEIS will describe and evaluate the potential effects of proposed modifications to the Guadalupe River Project (Project) in downtown San Jose. It will support decision making by the Corps and Santa Clara Valley Water District to implement the proposed Project modifications and ensure compliance with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA). Potential direct and indirect environmental, social, and economic effects of the alternatives will be evaluated, a plan recommended for implementation, and details presented on the Federal and non-Federal participation needed to implement the recommended plan.

### **3. Development and Evaluation of Alternative Plans for Project Modifications**

The following primary objectives were developed by the study team and

collaborative members through an iterative process, and were used to develop alternative plans for project modifications.

- Reduce flood damage from the Guadalupe River in downtown San Jose by conveying flood flows up to the estimated 100-year flood event through the project area.

- Avoid and mitigate for potential adverse impacts to fish and wildlife habitat using the opportunities associated with construction of the flood control components, with special emphasis on potential restoration of the remnant chinook salmon and steelhead trout fisheries.

- Be consistent with redevelopment plans adjacent to the Guadalupe River in downtown San Jose through integration with the Guadalupe River Park and Gardens Master Plan and downtown redevelopment plans with preservation of historic and cultural resources.

- Provide recreation elements compatible with local recreation plans and the General Design Memorandum.

- Provide for a minimum, undiverted flow of 1,500 cfs throughout the bypass reach to accommodate fish and wildlife concerns.

- Provide invert stabilization in the bypass reaches where the natural river remains to preserve the existing vegetation and proposed mitigation and to provide fish passage.

- Design the Project so that it will not cause elevated water temperature or other Project impacts which harm anadromous fish species or other beneficial uses during Project construction and over the entire Project life, including the transition period before replacement vegetation matures.

- Design the Project for successful migration of anadromous fish through the Project area, including armored channel invert sections of the Project.

- Replace the same quantity and quality of anadromous fish habitat, including spawning and rearing habitat, as was present prior to Project construction.

### **4. Evaluation Criteria and Range of Alternatives**

Development of alternatives plans was initiated with the goal to consider all feasible measures to achieve the planning objectives plus criteria of effectiveness, efficiency, completeness, acceptability. Equal consideration was given to the objectives of alleviating the flooding problem; avoiding and/or mitigating for potential adverse impacts to fish and wildlife habitats; and providing recreation opportunities and public access consistent with local

redevelopment and recreation master plans in and adjacent to the Guadalupe River in downtown San Jose. These measures were analyzed to determine their applicability and overall feasibility in the study area. Subsequently, the management measures that were considered to be appropriate to address the flooding, environmental, and recreation issues, were assembled into an array of alternative plans for project modifications. These alternatives were progressively screened and refined throughout the planning process until a set of final candidate plans was set as a basis for selection of a recommended plan. The results indicated that only the triple bypass alternatives were able to meet both the hydraulic and environmental mitigation criteria.

### 5. Alternatives Considered

As part of the planning process, many alternatives were considered prior to the preparation of the General Design Memorandum. Development of alternatives plans for project modification was initiated with the goal to consider all feasible measures to achieve the planning objectives plus criteria of effectiveness, efficiency, completeness, acceptability. Equal consideration was given to the objectives of alleviating the flooding problem; avoiding and/or mitigating for potential adverse impacts to fish and wildlife habitats; and providing recreation opportunity and public access consistent with local redevelopment and recreation master plans in and adjacent to the Guadalupe River in downtown San Jose. These measures were analyzed to determine their applicability and overall feasibility in the study area. Subsequently, the management measures that were considered to be appropriate to address the flooding, environmental, and recreation issues, were assembled into an array of alternative plans for project modifications.

While the Draft EIR/SEIS will address an array of alternatives considered, only two feasible alternatives remain for detailed analysis in the document after completion of a rigorous and iterative screening process. Except for the no action alternative, all alternatives were developed to provide the authorized 100-year flood protection. The no action alternative would be to complete mitigation plantings for Contracts 1, 2, and 3C reaches under existing approvals, but do no further construction on the Contract 3A and 3B reaches of the authorized project. The "cured" alternative would be to add additional mitigation to the authorized project to meet all concerns, but it is not

implementable because there is insufficient area for all required mitigation. Channel widening and upstream detention alternatives were found to be engineeringly and/or economically infeasible. A number of bypass systems were evaluated in order to leave as much of the natural stream channel as possible, minimize impacts on riparian resources, and provide adequate environmental mitigation. The final two alternatives to be included in detail in the Draft EIS/SEIS are the no action and the underground bypass system alternative with three conduits, plus inlet and outlet structures, low flow channel, and mitigation measures.

### 6. Proposed Action

The Bypass System Alternative has been proposed to avoid or minimize impacts on riparian resources and protected fish and wildlife species that occur within the Contracts 3A and 3B reach of the Guadalupe River. Specially, this alternative would reduce the amount of riparian vegetation and SRA cover that would be affected while meeting the purpose of providing 100-year flood protection to downtown San Jose and vicinity. Project modifications include a bypass system, bank and invert armoring, and gradient control structures.

To reduce flooding, the bypass system would route flood flows from the natural river channel into the underground structures and discharges further downstream where there is greater channel capacity to pass flood flows. The underground bypass system will have three independent conduits with different inlet and outlet locations. Inlets for two of the structures will be located on the Guadalupe River upstream of the West Santa Clara Street bridge, and the inlet for the third structure will be located on the Guadalupe River downstream of the confluence with Los Gatos Creek. The outlets for two of the structures will be located on the Guadalupe River upstream of the Coleman Avenue Bridge. The third outlet will be constructed on the Guadalupe River downstream of the Coleman Avenue bridge.

Although the underground bypass minimizes effect on vegetation by eliminating most of the bank armoring originally proposed for this section of the river under the Project, some armoring is still required in association with the construction of inlets and outlets. Under the existing Project, most of the river bank and invert in Contracts 3A and 3B was proposed to be armored. The proposed bypass system will

minimize river bank and invert armoring.

### *Bank and Invert Armoring*

Although the underground bypass minimizes effects on vegetation by eliminating most of the armoring originally proposed under the existing Project for this reach of the river, some armoring is still required, including armoring associated with the inlets described above. The east and west banks and the river invert will be armored for approximately 609 feet at the downstream end of Contract 3A (under and upstream of the Coleman Avenue bridge), and for approximately 1,891 feet in Contract 3B (under the Park Avenue bridge to downstream of the West Santa Clara Street bridge). The channel invert in Contract 3B will also be armored for approximately 300 feet downstream of the Los Gatos Creek confluence, where an inlet is proposed. Wherever the natural channel invert is armored, a low-flow channel will be constructed in the armored section to provide fish passage through the area. Additionally, the east bank will be armored from the West Santa Clara Street bridge to approximately 50 feet downstream of the New Julian Street bridge. The extent of channel invert and bank armoring may be less, depending on the final design of the triple bypass system.

### *Stream Channel Invert Gradient Control Structures*

Gradient control structures may be placed in the invert of the stream channel throughout the bypassed section of the river. The purpose of the gradient control structures is to stabilize ongoing bank erosion and channel incision, increase instream cover, and provide improved fish habitat.

### *Location and Description of Project Compensatory Mitigation Components*

Compensatory mitigation components of the Project will be located at onsite and offsite areas. Onsite areas are located in Contracts 1, 2, 3A, and 3B reaches at the Woz Way-Park Avenue Bypass Reach. Compensatory mitigation plantings in onsite areas were maximized prior to using offsite areas. Offsite compensatory mitigation areas include Research A (located along the Guadalupe River between Airport Parkway and I-880) and lower Guadalupe Creek (a tributary to the Guadalupe River). Other compensatory measures include protecting or improving riparian vegetation, SRA cover, and anadromous fish habitat (*i.e.*, water temperature, spawning gravel, passage, and fish habitat diversity).

## 7. Possible Environmental Effects

Based on the available information collected and analyzed to date, significant effects will be avoided or will be minimized by implementing the environmental commitments specified in the proposed action. The resources for which potential adverse effects were identified include river geomorphology, biological resources, air quality, transportation and traffic, hazardous materials, and cultural resources.

- **River Geomorphology.** Operation of the Project could result in changes in river geomorphology in the reaches of the Guadalupe River included in the Project. Post-project monitoring would focus on channel incision. If monitoring indicates a substantial increase in incision, measures would be implemented to address this issue, such as constructing additional invert stabilization structures.

- **Biological Resources.** Construction of the Project would require removal of SRA cover and disturbance of the river channel. These activities could result in adverse effects on fish habitat during and after construction. Anadromous fish evaluated are steelhead, which is listed as threatened under the Endangered Species Act, and chinook salmon. Effects on fish and fish habitat during construction will be minimized by restricting in-water construction to summer low-flow periods, by ensuring that activities that divert flow would not restrict fish passage, and by implementing measures to control spills and erosion. Effects on SRA cover and associated increases in water temperature, loss of spawning gravel, and fish passage would be addressed by onsite and offsite mitigation planting, replacing and maintaining spawning gravels, replacing rearing habitat, and providing for fish passage through armored sections of the Project.

- **Air Quality.** Earthmoving associated with constructing the Bypass Alternative could result in increased PM<sub>10</sub> emissions. This effect would be addressed by implementing the Bay Area Air Quality Management District's feasible control measures for soil removal activities.

- **Transportation and Traffic.** Project construction could result in a temporary short-term loss in available parking in the Project area. This temporary loss would be offset by providing offsite parking during construction and running a shuttle service to and from the offsite parking lots and an office park being constructed in the Project area.

- **Cultural Resources.** Unknown cultural resources could be discovered

during Project construction. This potential effect will be addressed by monitoring during ground-disturbing activities and evaluating the significance of any cultural resources found during construction.

- **Other Resources.** Studies to date have concluded that the proposed action (modified project with mitigation commitments) would either not affect certain resource areas or that the effect on these resource areas attributable to the Project would not be considered significant. These resources are land use, recreation, public access, visual resources, agriculture, minerals, population and housing, and public services and utilities. The Draft GRR-EIR/SEIS will describe and evaluate potential effects and will be available for public review and comment.

## 8. Proposed Scoping Process

a. This Notice of Intent initiates the scoping process whereby the Corps and the Water District will refine the scope of issues to be addressed in the Draft GRR-EIR/SEIS and identify potential significant environmental issues related to the proposed action.

b. Public comment is invited on the proposal to prepare the Draft GRR-EIR/SEIS and on the scope of issues to be included therein.

c. The Corps and Water District will consult, local, State and Federal agencies with regulatory or implementation responsibility for, or expertise with, the resources in the area of investigation. These include, but are not limited to, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and U.S. Environmental Protection Agency, the State Historic Preservation Officer, California Department of Fish and Game, California Environmental Protection Agency, State and Regional Water Quality Control Boards, California Department of Transportation; and the City of San Jose and San Jose Redevelopment Agency.

d. Meetings with interested persons will be held during the scoping period and after release of the Draft GRR-EIR/SEIS. Coordination with Federal and State agencies, Tribal governments, and local governments will occur throughout the entire process as necessary.

e. In November 1999, scoping workshops will be held in the community to explain the Notice of Intent and the Notice of Preparation, and to solicit suggestions, recommendations, and comments to help refine the issues, measures, and alternatives to be addressed in the Draft GRR-EIR/SEIS. Specific locations,

dates, and times of the meeting(s) will be published in local newspaper(s) or other media, and be provided to those persons receiving this Notice and those that may call or write after seeing a published version.

f. A 45-day public review period will be provided for public review and comment on the Draft GRR-EIR/SEIS. All interested persons should respond to this notice and provide a current address if they wish to be notified of the Draft GRR-EIR/SEIS. A 30-day public review period will be provided for review and comment on the Final GRR-EIR/SEIS.

## 9. Availability

- The Draft GRR-EIR/SEIS is expected to be available for a 45-day public review and comment period in early 2000.

- The Final GRR-EIR/SEIS is expected to be available for a 30-day review period in late 2000.

## 10. Commenting

A Draft GRR-EIR/SEIS is expected to be available for public review and comment in early 2000 and a final GRR-EIR/SEIS in late 2000. The comment period on the Draft GRR-EIR/SEIS will be 45 days from the date of availability published in the **Federal Register** by the Environmental Protection Agency. Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered. Please provide any comments to the person identified on the first page of this notice. Pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Corps will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without the name and address.

## 11. Coordination With Concerned Agencies

The Corps and The Water District as the lead Federal and State agencies with responsibility to prepare this GRR-EIR/

SEIS, will cooperate and consult with concerned agencies, the Collaborative, and those on the Executive Committee for this project. The Environmental Protection Agency and Fish and Wildlife Service have regulatory responsibilities that could not efficiently be considered without direct involvement; guidance regarding formal consultation responsibilities under the Endangered Species Act will be provided by a Fish and Wildlife Service specialist who will participate as a member of the interdisciplinary team. Other agencies, local and county governments will also be invited to participate, as appropriate.

### 12. List of Public and Private Persons/Agencies Notified

A list of persons and agencies notified is available upon request to the person identified on the first page of this notice.

### 13. Decisions To Be Made and Responsible Officials

The Commander, Sacramento District is the official responsible for compliance with NEPA for actions within the District's boundaries. The Santa Clara Valley Water District Board of Directors is responsible for CEQA compliance for the proposed action. After completion of review, the Chief of Engineers will sign his final report and transmit the report and accompanying documents to the Assistant Secretary of the Army for Civil Works (ASA(CW)). After review, ASA(CW) will transmit the report to the Office of Management and Budget (OMB) requesting its views in relation to the programs of the President. After OMB provides its views, ASA(CW) will sign the record of decision (ROD) and transmit the report to Congress. The responsible officials for respective NEPA and CEQA compliance are: COL Michael Walsh, District Engineer, Sacramento District, U.S. Army Corps of Engineers, 1325 J Street, Sacramento, CA 95814-2922; Mr. Stanley Williams, Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose, CA 95118.

**Gregory D. Showalter,**

*Army Federal Register Liaison Officer.*

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## DEPARTMENT OF DEFENSE

### Department of the Army; Army Corps of Engineers

#### Intent To Prepare a Draft Programmatic Environmental Impact Statement (PEIS) for Proposed Hurricane and Wetland Protection in Terrebonne and Lafourche Parishes, LA, a Component of the Morganza, LA, to the Gulf of Mexico Feasibility Study

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

**ACTION:** Notice of intent.

**SUMMARY:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, the U.S. Army Corps of Engineers (COE) will prepare a draft Programmatic Environmental Impact Statement (PEIS) to analyze the direct, indirect, and cumulative beneficial and adverse impacts of implementing a hurricane protection project in Terrebonne Parish, Louisiana. The purposes of the proposed action are to provide protection to existing development from tropical storm and hurricane-induced tidal flooding such as that which occurred during Hurricane Andrew and to protect coastal wetlands from hurricane surges in a portion of Terrebonne Parish, Louisiana. The proposed action would consist of: (1) Upgrading many existing forced drainage system levees; (2) using permitted and/or installed flood-control features (e.g., floodgates); (3) constructing some new levees and water-control structures; and, (4) closing the water-control structures and flood gates in a coordinated manner in the event of tropical storm or hurricane-induced tidal surges.

#### FOR FURTHER INFORMATION CONTACT:

Questions regarding the PEIS may be directed to Mr. Robert Martinson, CEMVN-PM-RS, U.S. Army Corps of Engineers, P.O. Box 60267, New Orleans, Louisiana 70160-0267, telephone: (504) 862-2582.

Questions regarding the proposed action may be directed to Mr. Rodney Greenup, CEMVN-PM-W, U.S. Army Corps of Engineers, P.O. Box 60267, New Orleans, Louisiana 70160-0267, telephone: (504) 862-2613.

**SUPPLEMENTARY INFORMATION:** A hurricane protection plan was proposed by the South Terrebonne Tidewater Management and Conservation District (STTMCD). A Notice of Intent to prepare an EIS for the STTMCD plan, under the COE Regulatory Program, was issued on April 7, 1993 (Volume 58, Number 65, pp. 18084-18085). Subsequent to this,

the COE was authorized to begin a study of a similar plan. Because the underlying purposes of the plans were the same and in the interest of cost effectiveness, the COE decided to prepare one EIS to address both initiatives, rather than two separate EISs. A Notice of Intent, announcing this decision, was issued in the **Federal Register** on September 8, 1995.

The COE and its cost-share partner, the Louisiana Department of Transportation and Development, have determined that a full accounting of all the details on the proposed hurricane protection system, in the feasibility phase of project planning, will be extremely difficult. The COE came to this conclusion because of the study area's large size, its remote location, and the hydraulic complexity of developing a hurricane protection system with numerous openings for navigation and the natural environment. Therefore, the COE has decided, in conjunction with its cost-share partner, to address a hurricane protection system, programmatically, and to determine if the construction of the entire system is feasible. If such a system is deemed feasible, then as the details for each component (e.g., Houma Navigation Canal lock, levee alignment/placement) of the system become definitive during the detailed design phase, additional NEPA compliance would be achieved for each component. Each of the component NEPA documents would be presented in the context of the PEIS, which will provide an evaluation of the overall environmental impacts of such a system and present a mitigation plan for unavoidable impacts of the entire system.

#### Proposed Action

The proposed action would consist of: (1) Upgrading many existing forced-drainage system levees from near Larose at the eastern end of Theriot on the western end; (2) using permitted and/or installed flood-control features (e.g., floodgates) in the area; (3) constructing new levees and environmental water-control structures; and, (4) closing the water-control structures and flood gates, in a coordinated manner, in the event of tropical storm or hurricane-induced tidal surges. The flood gates and water-control structures would normally be left open for navigational and tidal ingress and egress. Several communities, including the City of Houma, Dulac, Cauvin, and Montegut, would receive protection from the proposed action.