

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

[(ES-960-9800-12) ES-48649, Group 88, Arkansas]

**Notice of Filing of Plat of Survey; Arkansas, Suspended**

On Thursday, March 13, 1997, there was published in the **Federal Register**, Volume 62, Number 49, on pages 11916 and 11917, a notice entitled, "Notice of Filing of Plat of Survey; Arkansas." Said notice referenced the filing of the plat of the dependent resurvey of the north, south and east boundaries, and the subdivisional lines of Township 2 South, Range 24 West, Fifth Principal Meridian, Arkansas, accepted March 5, 1997.

This plat officially filed on April 21, 1997, is hereby suspended pending the consideration of a protest against the survey.

Dated: April 28, 1997.

**Corwyn J. Rodine,**

*Acting Chief Cadastral Surveyor.*

[FR Doc. 97-11952 Filed 5-7-97; 8:45 am]

BILLING CODE 4310-GJ-P

**DEPARTMENT OF THE INTERIOR****Bureau of Reclamation****Proposed East Bay Municipal Utility District's Supplemental Water Supply Project, Lower American River, California**

**AGENCY:** Bureau of Reclamation, Department of the Interior.

**ACTION:** Notice of intent to prepare an Environmental Impact Statement/Environmental Impact Report.

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969 (as amended) and the California Environmental Quality Act (CEQA), the Bureau of Reclamation (Reclamation) and the East Bay Municipal Utility District (EBMUD) propose to prepare a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on EBMUD's Supplemental Water Supply Project (Project). The Project is intended to enable EBMUD to receive delivery of Central Valley Project (CVP) Water under its water service contract with Reclamation to improve EBMUD's water supply and reliability.

**DATES:** Written comments on the scope of alternatives and impacts to be considered should be sent to Reclamation by June 16, 1997. It is estimated that the draft EIS/EIR will be

available for public review in the summer of 1997.

**ADDRESSES:** Written comments on the project scope should be sent to Kurt Ladensack, EBMUD, MS 305, P.O. Box 24055, Oakland California, 94623-1055.

**FOR FURTHER INFORMATION CONTACT:** Kurt Ladensack, EBMUD, MS 305, P.O. Box 24055, Oakland California, 94623-1055; telephone (510) 287-1154; or Cecil Lesley, Reclamation, 7794 Folsom Dam Road, Folsom California, 95630; telephone (916) 989-7221; TDD (916) 989-7285.

**SUPPLEMENTARY INFORMATION:** In 1970, EBMUD entered into a water service contract with Reclamation to obtain up to 150,000 acre-feet of water annually from the CVP as a supplementary water supply for its customers. CVP water would be diverted by EBMUD from the Folsom South Canal (FSC). The FSC is a conveyance facility owned by the United States and operated by Reclamation in southeastern Sacramento County. The canal originates at Nimbus Diversion Works (Nimbus) on the American River at Lake Natoma and extends south approximately 26 miles. A turnout near Grant Line Road in Sacramento County, approximately 12 miles south of Nimbus, is the point of water delivery specified in the EBMUD-Reclamation water service contract. Currently, no facilities are in place to allow EBMUD to take water under this contract.

A lawsuit (*EDF v. EBMUD*, Alameda County Case No. 425,955) filed in 1972 by the Environmental Defense Fund (EDF), and intervened by Sacramento County, Save the American River Association, the California Department of Fish and Game, and the California State Lands Commission, sought to prevent EBMUD from taking delivery of American River water through the FSC as provided in the EBMUD-Reclamation water service contract. The plaintiffs' contention was that delivery of water to EBMUD from the FSC under EBMUD's federal contract would reduce downstream flows to the extent that fisheries and other instream resources of the lower American River would be harmed.

On January 2, 1990, the Alameda County Superior Court issued a decision that affirmed EBMUD's right to take delivery under its contract with Reclamation subject to minimum flows being met in accordance with the terms of a Physical Solution. The minimum instream flow levels required under the Physical Solution for the protection of fisheries and other instream resources are:

- 2,000 cubic feet per second (cfs) from October 15 through the end of February;
- 3,000 cfs from March 1 through June; and
- 1,750 cfs from July 1 through October 15.

In its decision, the court also required that use of the Reclamation contract water is to be limited to meeting water supply needs of EBMUD customers within its service area.

Reclamation and EBMUD are considering alternatives for diversion and conveyance of American River water by EBMUD. These alternatives include:

1. The no-action alternative.
2. A joint project between EBMUD, the City of Sacramento, and the Sacramento County Water Agency, which would involve the construction of a new intake-pumping facility and fish screens on the American River near its confluence with the Sacramento River, a pipeline from this diversion to the City's E.A. Fairbairn Water Treatment Plant, a pipeline henceforth to the FSC, and a connection from the FSC to EBMUD's Mokelumne Aqueducts. This alternative would require a change in the point of delivery of water to EBMUD and an amendment to the existing Reclamation contract.
3. A pipeline connection from the FSC at the current contract turnout location near Grant Line Road to the EBMUD Mokelumne Aqueducts. This alternative could be implemented without amending the existing Reclamation contract.
4. A pipeline connection from the terminus of the FSC to the EBMUD Mokelumne Aqueducts near Clements, California. This alternative would require a change in the point of delivery of water for EBMUD and an amendment to the existing Reclamation contract.
5. A pipeline connection from the terminus of the FSC to the EBMUD Mokelumne Aqueducts near Stockton, California. This alternative would require a change in the point of delivery of water for EBMUD and an amendment to the existing Reclamation contract.

Scoping is an early and open process designed to determine the significant issues and alternatives to be addressed in the EIS/EIR. The following significant issues have been identified by Reclamation to date: lower American River fishery effects; water quality; agricultural and municipal water supply quality; lower American River recreation opportunities; construction-related effects on the lower American River, urban areas, and natural habitats; and, wetland, upland, and aquatic habitats.

The draft EIS/EIR will focus on the impacts and benefits of implementing the various alternatives. It will contain an analysis of the physical, biological, social, and economic impacts arising from the alternatives. In addition, it will address the cumulative impacts of implementation of the alternatives in conjunction with other past, present, and reasonably foreseeable actions.

Reclamation and EBMUD have been seeking public input on alternatives, concerns, and issues to be addressed in the EIS/EIR through a series of scoping meetings held from April 28 through May 1, 1997 in Sacramento, Oakland, Lodi, and Galt, California. EBMUD conducted an extensive public notification program to assure that all interested parties were notified in advance about these meetings.

Dated: April 28, 1997.

**Kirk C. Rodgers,**

*Deputy Regional Director.*

[FR Doc. 97-11962 Filed 5-7-97; 8:45 am]

BILLING CODE 4310-94-P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 to 9675

Notice is hereby given that a proposed consent decree in *United States v. Amtel, Inc. et al.*, Civil Action No. 91-CV-10366-BC, was lodged on April 25, 1997 with the United States District Court for the Eastern District of Michigan, Northern Division. The proposed consent decree resolves the United States' claims against settling defendant Dasco Products Company, Inc. for unreimbursed past costs incurred in connection with the Hedblum Superfund Site located near Oscoda, Michigan in return for a total payment of \$110,000.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Amtel, Inc.*, DOJ Ref. #90-11-2-475.

The proposed consent decree may be examined at the office of the United States Attorney, 1000 Washington Street, 203 Federal Building, Bay City, Michigan 48707; the Region 5 Office of the Environmental Protection Agency,

77 West Jackson Boulevard, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$6.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Bruce S. Gelber,**

*Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 97-11946 Filed 5-7-97; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, and Section 122 of CERCLA, 42 U.S.C. 9622, notice is hereby given that on April 23, 1997, a proposed Consent Decree in *United States v. MCM Warehouse, Inc. and Theodore Lichko*, Civil Action No. 96-CV-0008, was lodged with the United States District Court for the Northern District of Ohio. This consent decree represents a settlement of claims of the United States against MCM Warehouse, Inc. and Theodore Lichko, for reimbursement of response costs and injunctive relief in connection with the Marcy Road Midnight Dump Site ("Site") pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*

Under this settlement between the United States, and MCM Warehouse, Inc. and Theodore Lichko, MCM Warehouse, Inc. and Theodore Lichko will pay the United States \$100,000 in reimbursement of costs incurred by the Environmental Protection Agency at the Site. MCM Warehouse, Inc. and Theodore Lichko will pay \$100,000 to the United States, plus accrued interest, in annual installment payments over a three year period, commencing on April 1, 1997.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice,

Washington, DC 20530, and should refer to *United States v. MCM Warehouse, Inc. and Theodore Lichko*, D.J. Ref. 90-11-2-1149.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Northern District of Ohio, Bank One Center, 600 Superior Avenue, Cleveland, at the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Street, Chicago, Illinois 60604-3590, and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of \$6.00 (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Joel Gross,**

*Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 97-11944 Filed 5-1-97; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Extension of Period for Public Comment on Consent Decree Lodged in United States, et al. v. Montrose Chemical Corp., No. CV 90-3122-AAH (C.D. Cal)

Notice is hereby given that the United States Department of Justice will continue to receive, until June 3, 1997, comments relating to the proposed consent decree in *United States, et al. v. Montrose Chemical Corporation of California, et al.*, No. CV 90-3122-AAH (C.D. Cal). The proposed consent decree was lodged on March 25, 1997, with the United States District Court for the Central District of California. The notice of lodging of the proposed consent decree was published at 62 Fed. Reg. 15919 (April 3, 1997).

The consent decree resolves claims under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607, as amended, brought against defendant County Sanitation Districts of Los Angeles County and 150 third-party defendants for natural resource damages associated with contamination of sediments on the Palos Verdes shelf in the vicinity of Los Angeles, California, and for response costs incurred and to be incurred by the United States Environmental Protection Agency in connection with responding to the